

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
December 9, 2015



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF November 11, 2015

PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

WORK SESSION – *Discussion items only, no action taken*

Alice Claim aka Alice Lode Subdivision and Plat Amendment, Gully Site Plan Discussion	PL-08-00371	45
	Senior Planner	
	Astorga	
8910 Empire Club Drive – One Empire Pass Conditional Use Permit for 27 residential units, one affordable unit and one ADA unit on Lot 15, The Village at Empire Pass MPD	PL-15-02983	57
	Senior Planner	
	Whetstone	

CONTINUATIONS

152 Sandridge Road, Plat Amendment —Subdivision to create a legal lot of record from a metes and bounds parcel.	PL-15-02952	127
<i>Public hearing and continuation to January 13, 2016</i>	Planner	
	Grahn	
2900 Deer Valley Drive, The Lodges at Deer Valley Phase 1, First Amended, Record of Survey Amendment – Proposal to change the 62 parking spaces from convertible space to common ownership.	PL-15-02943	128
<i>Public hearing and continuation January 13, 2016</i>	Planner	
	Hawley	

CONSENT AGENDA – *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 and acted on at the same meeting.*

950 Empire Avenue, Steep Slope CUP — Construction of a new single-family dwelling on a vacant lot on a slope greater than 30%.	PL-15-02842	129
<i>Public hearing and possible action</i>	Planner	
	Turpen	
347 Ontario Avenue, Steep Slope CUP — Addition to non-historic house on a slope greater than 30%.	PL-15-02940	159
<i>Public hearing and possible action</i>	Planner	
	Grahn	

REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

823 Norfolk Avenue, Plat Amendment — Combining Lot 6 and parts of Lots 5 and 7, Snyder’s Addition to the Park City Survey. PL-15-02996 183
Planner
Grahn
Public Hearing and Possible Recommendation to City Council on January 7, 2016

Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HCB), and associated definitions in Chapter 15-15, Defined Terms. PL-15-02810 201
Senior Planner
Whetstone
Public Hearing and Possible Recommendation to City Council on January 7, 2016

Land Management Code Amendments in Chapter 15-2.6-3(D) — Main Street Balcony Enclosures to allow Main Street restaurant owners to construct winter enclosures on balconies of non-historic buildings from November 15th-April 15th which will allow winter dining on those enclosed decks. PL-15-03021 369
Planner
Grahn
Public Hearing and Possible Recommendation to City Council on January 7, 2016

WORK SESSION – Discussion items only, no action taken
Annual Legal Training on Public Meeting Act

Assistant City
Attorney
McLean

ADJOURN

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
NOVEMBER 11, 2015

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Doug Thimm, Nann Worel

EX OFFICIO:

Planning Director, Bruce Erickson; Kirsten Whetstone, Planner; Francisco Astorga Planner; Hannah Turpen, Planner; Anya Grahn, Planner; Makena Hawley, Planning Technician; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

PUBLIC INPUT

ADOPTION OF MINUTES

October 28, 2015

Commissioner Joyce referred to pages 21 and 22 of the Staff report, pages 19 and 20 of the Minutes and changed Director Eddington to correctly read Director **Erickson**.

Commissioner Joyce referred to Item 5 on page 21 of the Staff report, page 19 of the Minutes and changed gas stove installed to correctly read **gas fireplace installed**.

Commissioner Joyce referred to page 27 of the Staff report, page 25 of the Minutes, Finding of Fact #24 for the CUP, which “states that no signs and lighting are associated with this proposal”. He noted that signs and lighting were addressed and it was reflected in the Conditions of Approval for the CUP. He believed the Finding and Condition were conflicted. Chair Strachan recommended striking Finding #24 and renumbering the findings.

Commissioner Worel referred to page 4 of the Staff report, page 2 of the Minutes and noted that Alfred Knotts was the Transportation Director for the City and not a Consultant as stated in the Minutes.

Commissioner Phillips referred to page 18 of the Staff report, page 16 of the Minutes, first paragraph, second to the last sentence, "Mr. Phillips wanted to know where the occupants would park if the five proposed parking stall were not approved." He corrected the minutes to reflect that it was actually Commissioner Worel who had asked the question.

Chair Strachan referred to the gas fireplace and thought the Commissioners had required a gas fireplace for all units, not just the one unit. He understood that one chimney violated the height but he recalled a discussion about phasing out wood fireplaces due to health effects. Chair Strachan stated that his intention was to make all of the fireplaces gas and asked if the other Commissioners shared his recollection. Commissioner Joyce did not believe the Planning Commission actually came to that conclusion. He thought the discussion was focused on a condition of approval to address the chimney violation. Commissioner Joyce stated that he would support gas fireplaces as an LMC change but it was not a requirement for this particular application. Commissioner Band stated that she did not disagree with Chair Strachan's intention but it was not what the Planning Commission had discussed.

Planner Whetstone referred to page 52 of the Staff report, page 50 of the Minutes, the Motion to continue 900 Round Valley Drive, and corrected a typo in the date to correctly read, November 11, 2015.

MOTION: Commissioner Joyce moved to APPROVE the Minutes of October 28, 2015 as amended. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director, Bruce Erickson, noted that it was Veterans Day. Being a Veteran himself he offered congratulations to Commissioner Worel for her veteran service, as well as all other Veterans.

Director Erickson announced that a joint meeting with the Snyderville Basin Planning Commission was scheduled for January 13, 2016. The meeting would be held in Park City and include presentations from both the County's Transportation Manager and Alfred Knotts, the City's Transportation Manager.

Director Erickson stated that if the discussion on the pending ordinance regarding historic preservation was productive this evening, the special meeting tentatively scheduled for November 17th would not be necessary. The Staff had no other items for the November 17th agenda. Unless there are unresolved issues with the pending ordinance that need further discussion the November 17th meeting would be cancelled.

Director Erickson reported that due to the holidays only one Planning Commission meeting was scheduled in December. December 9th would be the last meeting for 2015. He commented on the difficulty of parking during Sundance and unless they could avoid the parking issue the Planning Commission would only have one meeting in January.

Director Erickson commented on the pending ordinance and noted that the Historic Preservation Board had already reviewed the information that would be presented to the Planning Commission this evening. Also on the agenda were changes to the Sign Code that if approved would help during Sundance.

Commissioner Phillips congratulated Nann Worel on being elected to the City Council.

Commissioner Joyce asked if the regular meeting on January 27th could be held at a facility away from Sundance and scheduled as a working meeting. Instead of canceling the second meeting in January he thought it would be more productive to use that time to address some of the planning issues they talk about but never have time to discuss. Assistant City Attorney McLean stated that from a legal standpoint, every meeting must be noticed, it has to be recorded and there must be Minutes. However, the Commissioners could schedule a work session if they meet those requirements. Ms. McLean remarked that under State law they could hold a meeting at a different location as long as the entire meeting is conducted in that one location. The only exception is site visits. She commented on various locations where public meetings have been held outside of the Marsac Building.

Director Erickson stated that he would update the Planning Commission on December 9th on whether or not a meeting could be arranged for January 27th.

Commissioner Worel disclosed that her office is located on the IHC Medical Campus but that would not affect her decision regarding the IHC item on the agenda.

Commissioner Worel understood that the historic inventory that was being done by Vail was completed; however, she had concerns about the structures that were strapped to a tree making it through another winter. Director Erickson reported that the California Comstock building has been temporarily remediated to get it through the winter. The other structures had not moved and were still in the same condition. Mr. Erickson stated that the

Planning Department was comfortable with the structures at this point. He noted that the EPA is in Park City remediating soil and the City did not want to waste money starting remediation on mine structures in the event that it would have to be started over again. Mr. Erickson stated that the City has the money in escrow and they only pay for the work that is accomplished.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HCB), and associated definitions in Chapter 15-15, Defined Terms. (Application PL-15-02810)

Planner Whetstone requested that the Planning Commission continue this item to December 9, 2015 and not November 17th as shown on the agenda.

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Worel moved to CONTINUE the LMC Amendments regarding vertical zoning regulations in storefronts in the HRC and HCB zoning districts to December 9, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **1114 Park Avenue – 1114 Park Avenue Plat Amendment – proposal to remove interior lot lines to combine three (3) existing parcels into one (1) legal lot of record.** (Application PL-15-02950)

Planner Turpen reviewed the application for a plat amendment at 1114 Park Avenue. The applicant intends to combine one parcel with two remnant parcels to create one legal lot of record. As proposed, Lot 1 would contain 3,615 square feet. A historic single-family home and a historic garage are located on the property and listed as Significant on the Historic Sites Inventory.

The Staff found good cause for this plat amendment as it would allow eliminate existing interior lot lines and create one legal lot of record. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive

recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the 1114 Park Avenue plat amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact -1114 Park Avenue

1. The property is located at 1114 Park Avenue.
2. The property is in the Historic Residential Medium-Density (HR-M) District.
3. The subject property consists of three (3) parcels which include: parcel #1, the northerly half of Lot 3 and all of Lot 4, Block 56, Snyder's Addition; remnant parcels #2 and #3 including the parcels that abut the easterly line of Block 56 extending approximately twenty feet (20') east towards the western flank of Park City Municipal Corporation property (Parcel No. SA-360-A-X).
4. Parcel #1 (the northerly half of Lot 3 and all of Lot 4) contains a historic house, built in 1901. The existing historic house straddles the lot line between the northerly half of Lot 3 and Lot 4, Block 56, Snyder's Addition.
5. The building footprint of the historic house is approximately 1,318 square feet.
6. The historic house is listed as "Significant" on the Historic Sites Inventory (HSI).
7. A historic single-car garage accessory structure is located on Parcel #2. The historic single-car garage accessory structure encroaches into Park City Municipal Sullivan Corporation property.
8. The building footprint of the historic single-car garage accessory structure is

approximately 312 square feet.

9. The single-car garage accessory structure is associated with the “Significant” site and is also considered historic (“Significant”) as it contributes to the historic context of the house and site as a whole.

10. The proposed plat amendment creates one (1) lot of record from the existing three (3) parcels equaling 3,615.23 square feet.

11. A single-family dwelling is an allowed use in the Historic Residential Medium-Density (HR-M) District.

12. The minimum lot area for a single-family dwelling is 1,875 square feet; the lot at 1114 Park Avenue will be 3,615.23 square feet. The proposed lot meets the minimum lot area for a single-family dwelling.

13. The combined lot does not meet the requirements for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-M zone.

14. The minimum lot width allowed in the HR-M District is thirty-seven and one-half feet (37.5'). The proposed lot is thirty-seven and one-half feet (37.5') wide.

15. The historic single-car garage accessory structure cannot be removed; therefore, the property owner must enter into an encroachment agreement with the City as approved by City Council for the encroachment into Park City Municipal Corporation property.

16. The vertical wood slat fence located on the east side of the property can either be removed, or the applicant must enter into an encroachment agreement with the City, as approved by City Council, and the property owner of 1108 Park Avenue.

17. The applicant can either remove the vertical wood slat fence located on the south side of the property or enter into an encroachment agreement with the property owner of 1108 Park Avenue.

18. The existing historic house does not meet the required side yard setback on the north. The side yard setback on the north side is 0 ft. 7.2 in. to 1 ft. 2.4 in. (from east to west). The existing historic house meets all requirements for front and rear setbacks and the south side yard setback. The front yard setback is 17 ft. to 16 ft. 7.2 in. (from north to south). The rear yard setback is 22 ft. 9.6 in. to 23 ft.

(from north to south).

19. The existing historic single-car garage accessory structure does not meet the required side yard setback on the south or the rear yard setback. The side yard setback on the south side is 0 ft. The rear yard setback is 0 ft. (the historic single-car garage accessory structure encroaches into Park City Municipal Corporation property). The existing historic single-car garage accessory structure meets all requirements for front and north side yard setbacks. The front yard setback is 79 ft. to 78 ft (from north to south). The north side yard setback is 24 ft. 4.8 in. to 24 ft. (from east to west).

20. In accordance with the Land Management Code (LMC) 15-2.2-4, Historic Structures that do not comply with Building Setbacks are valid Complying Structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

21. The property is located in a FEMA Flood Zone A which requires the lowest occupied floor to be equal to or above the base flood elevation. An elevation certificate will be required.

22. The property is located within the Park City Soils Ordinance. A Certificate of Compliance will be required.

23. The proposed plat amendment will not cause undo harm to adjacent property owners.

24. The proposed lot area of 3,615.23 square feet is a compatible lot combination as the entire Historic Residential Medium-Density (HR-M) District has abundant sites with similar dimensions.

25. On July 2, 2015, the Planning Department received a Historic District Design Review (HDDR) Application. The application was deemed complete on August 21, 2015. The application was approved on October 30, 2015.

26. On October 1, 2015, the applicant applied for a Plat Amendment application for 1114 Park Avenue; the application was deemed complete on October 13, 2015.

27. On October 21, 2015 the Historic Preservation Board reviewed and approved the removal of existing material from the historic house and existing material from the historic single-car garage accessory structure as a part of the HDDR application.

28. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 1114 Park Avenue

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 1114 Park Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Park Avenue frontage of the property and shall be shown on the plat prior to recordation.
4. The historic single-car garage accessory structure cannot be removed; therefore, the property owner must enter into an encroachment agreement with the City, as approved by City Council, for the encroachment into Park City Municipal Corporation Property prior to recordation of the plat.
5. The vertical wood slat fence located on the east side of the property can either be removed, or the applicant must enter into an encroachment agreement with the City and the property owner of 1108 Park Avenue prior to recordation of the plat.
6. The applicant can either remove the vertical wood slat fence located on the south side of the property or enter into an encroachment agreement with the property owner of 1108 Park Avenue prior to recordation of the plat.

7. 13-D sprinklers are required for any new construction or significant renovation of existing and this shall be noted on the final plat.

2. 217-221 Park Avenue – 217-221 Park Avenue Plat Amendment – proposal to adjust existing interior lot line. Two (2) legal lots of record will remain (Application PL-15-02949)

Planner Turpen reviewed the application for 217 and 221 Park Avenue. The applicant intends to adjust the lot line common to Lot 5 and Lot 6 in Block 2 of the amended plat of Park City by moving it .17 feet to the south. The purpose of moving the common lot line is because Lot 6 is a substandard lot and moving the lot line will bring it into compliance with the minimum lot area for the HR-1 zone. As proposed, Lot 5R would contain 2,044 square feet and Lot 6R would contain 1,875 square feet.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance.

Chair Worel asked if both lots were owned by the same owner. Planner Turpen answered yes, and noted that both lots were vacant.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Joyce thought it was absurd that an owner is required to come before the Planning Commission and then to the City Council to obtain approval to adjust a lot line by two inches. It was a waste of time and money for the applicant and he found the process distasteful. Commissioner Joyce was dismayed that there was not an administrative process for this type of application.

Assistant City Attorney McLean was unsure of the specifics regarding this application, but she noted that there is an administrative process for lot line adjustments that is outlined in both the LMC and State Code. However, sometimes it is easier to go through this process because the administrative lot line process requires the consent of all the neighbors.

Commissioner Worel recalled in past applications the term “diminimus”. She asked what would constitute diminimus if it was not something as minor as this. Director Erickson

stated that the Staff was currently looking at three applications that were down to a hundredth of an inch of a fence encroaching on neighbors. He noted that the applicant had requested this process to avoid having to get neighbor approval.

Planner Turpen stated that because typically it is second home ownership the applicants find that it is faster to go through this process instead of having to find all of the owners and get their signatures.

Commissioner Joyce acknowledged that he has not looked at the details of the administrative process. However, if an owner wants to shift a lot line within his own lot by two inches with no one else involved, and he chooses to go before the Planning Commission and the City Council because it is easier than the administrative process, that is a clear indication that something is wrong with the process. Commissioner Joyce offered to look into the process to see if there was a way to make it easier. Director Erickson offered to help him.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 217 & 221 Park Avenue plat amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 217 & 212 Park Avenue

1. The property is located at 217 & 221 Park Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of Lot 5 and Lot 6, Block 2, Amended Plat of the Park City Survey.
4. The lot line adjustment will modify the area of the existing two (2) lots (Lot 5R and Lot 6R as proposed). The lot line common to Lot 5 and Lot 6 will be adjusted 0.17 feet (0.17') south of the existing common lot line location.
5. Existing Lot 6 is a substandard lot; therefore, by adjusting the common lot line, both lots will maintain at least the minimum lot size required for the HR-1 District.
6. Lot 5 and Lot 6 are owned by the applicant and are vacant lots.

7. The proposed plat amendment creates two (2) legal lots of record containing the minimum lot area required in the HR-1 zone.
8. As proposed, Lot 5R contains 2,044.8 SF. As proposed, Lot 6R contains 1,875 SF.
9. A single-family dwelling is an allowed use in the Historic Residential 1 (HR-1) District.
10. The minimum lot area for a single-family dwelling is 1,875 square feet.
11. The lots alone do not meet the requirements for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-1 zone.
12. The minimum lot width allowed in the HR-1 District is twenty-five feet (25'). As proposed Lot 5R is 27.47 feet (27.47') wide and Lot 6R is 25.17 feet (25.17') wide. The proposed lots meet the minimum lot width requirement.
13. The minimum side yard setbacks for a twenty-five foot (25') wide lot are three feet (3'), six feet (6') total.
14. The eave of the non-historic house located at 213 Park Avenue which encroaches over the south property line of Lot 5 can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, as dictated by Condition of Approval #4.
15. The rock retaining wall associated with the non-historic house located at 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, as dictated by Condition of Approval #5.
16. The concrete stairs located on the north property line of Lot 6 near the northwest corner of the Lot can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, as dictated by Condition of Approval #6.
17. The concrete retaining wall located on Lot 6 that parallels Park Avenue and extends over the north property line onto the property of the Park Palace Condominiums located at 225-235 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, as dictated by Condition of Approval #7.

18. The wood retaining wall located on the west property line of Lot 5 that encroaches onto the properties of 220 Woodside Avenue, 214 Woodside Avenue, and 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the respective property owners, as dictated by Condition of Approval #8.

19. The proposed plat amendment will not cause undo harm to adjacent property owners.

20. The proposed lot areas of 2,044.8 square feet (Lot 5R) and 1,875 square feet (Lot 6R) are compatible lot dimensions as the entire Historic Residential-1 District has abundant sites with the similar dimensions.

21. Lot 5R will have a maximum building footprint of 911.4 square feet. Lot 6R will have a maximum footprint of 844 square feet.

22. Prior to redeveloping the lots, a Historic District Design Review (HDDR) application for each lot shall be reviewed and approved by the Planning Staff.

23. On September 28, 2015, the applicant applied for a Plat Amendment application for 217 & 221 Park Avenue; the application was deemed complete on October 13, 2015.

24. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 217 & 221 Park Avenue

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.

2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 217 & 2212 Park Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code,

and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Park Avenue frontage of the property and shall be shown on the plat prior to recordation.
4. The eave of the non-historic house located at 213 Park Avenue which encroaches over the south property line of Lot 5 can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, prior to plat recordation.
5. The rock retaining wall associated with the non-historic house located at 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, prior to plat recordation.
6. The concrete stairs located on the north property line of Lot 6 near the northwest corner of the Lot can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 225-235 Park Avenue, prior to plat recordation.
7. The concrete retaining wall located on Lot 6 that parallels Park Avenue and extends over the north property line onto the property of the Park Palace Condominiums located at 225-235 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, prior to plat recordation.
8. The wood retaining wall located on the west property line of Lot 5 that encroaches onto the properties of 220 Woodside Avenue, 214 Woodside Avenue, and 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the respective property owners, prior to plat recordation.
9. 13-D sprinklers are required for any new construction or significant renovation of existing. This shall be noted on the plat prior to recordation.

**3. 422 Ontario Avenue – Ratification of a Development Agreement for the Central Park City Condominiums Master Planned Development
(Application PL-15-02920)**

Planner Francisco Astorga reviewed the application for a plat amendment at 422 Ontario, known as the Sorensen Plat Amendment. He referred to the survey on page 102 of the Staff report. Planner Astorga reported that the site consists of one full lot of record and five remnant substandard lots with three separate tax ID numbers. A historic site on the structure was built over the two property lines. There is common ownership of the three remnant parcels along the back.

The Staff requested that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for the requested plat amendment at 422 Ontario Avenue.

Chair Strachan noted that Finding of Fact #11 talks about a duplex. Planner Astorga stated that the lot would qualify for a duplex and require a conditional use permit; however, he did not believe that was the owner's intent. Planner Astorga understood that the owner intends to build an addition towards the back of the existing structure. The owner was present and confirmed that they were not planning to build a duplex. Chair Strachan recommended striking Finding #11 since it was irrelevant.

Chair Strachan asked if the applicants would have to apply for a Steep Slope CUP for the addition. Planner Astorga stated that based on a very detailed slope analysis the applicants would have to come back for a Steep Slope CUP.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Phillips referred to the aerial view on page 105 of the Staff report. He thought the four houses shown all have a 10' feet setback that created a nice line. He noted that the setbacks for this project would set it further back from the neighboring homes. Planner Astorga noted that the current standard for a standard lot of record in Old Town is 10 feet front and back. If the lot is deeper than 75' the setback changes to 12' minimum on the front and rear with a 15' total setback. Planner Astorga stated that the existing house is historic and it currently does not meet the setbacks. Per the LMC it is considered a legal complying structure. Therefore, the setback on the rear property line

would be increased from 10' to 13'. Planner Astorga agreed that the setback would change the neighborhood pattern; but it would still be restricted by the maximum building footprint which does not allow maximizing the entire building pad. The owner would also have to meet the Design Guidelines for the addition. Planner Astorga was unclear whether a setback on the rear property line that did not follow the predominant pattern of the road would create a detrimental impact. He thought the Planning Commission could have that discussion when the applicant comes back for a Steep Slope CUP.

Chair Strachan stated that the large tree in front of the lot would definitely qualify as significant vegetation because its diameter is more than six inches at the trunk. If the setbacks would not allow preserving the tree the setbacks would have to be adjusted. The owner pointed out that the tree is in the City right-of-way and not on their property.

MOTION: Commissioner Worel moved to forward a POSITIVE recommendation to the for the Sorensen Plat Amendment located at 422 Ontario Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance and as amended to remove Finding of Fact #11. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 422 Ontario Avenue

1. The property is located at 422 Ontario Avenue.
2. The property is in the Historic Residential District.
3. The subject property consists of the north one-half of Lot 5, all of Lot 6, the south one-half (approx.) of Lot 7, and a portion of Lots 26, 27, and 28, Block 58 of the Park City Survey.
4. This site is listed on Park City's Historic Sites Inventory and is recognized as historically Significant.
5. The proposed Plat Amendment creates one (1) lot of record from the existing three (3) tax parcels.
6. The Plat Amendment removes two (2) lot lines going through the historic structure as well as one lot line towards the back of the property.
7. The proposed Plat Amendment combines the property into one (1) lot measuring 4,464 square feet.

8. A single-family dwelling is an allowed use in the District.
9. The minimum lot area for a single-family dwelling is 1,875 square feet.
10. The proposed lots meet the minimum lot area for single-family dwellings.
11. The proposed lot width is fifty feet (50').
12. The minimum lot width required is twenty-five feet (25').
13. The proposed lot meets the minimum lot width requirement.
14. The maximum building footprint allowed based on proposed lot size is 1,736 square feet.
15. The minimum front/rear yard setbacks are twelve feet (12').
16. The minimum total front/rear yard setbacks are twenty-five feet (25').
17. The minimum side yard setbacks are five feet (5').
18. The existing historic structure does not meet front yard setbacks as the structure was built 8.7 feet from that property line.
19. The existing historic structure does not meet the south side yard setback as the structure was built 2.9 feet from that property line.
20. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
21. The submitted survey reveals that the site contains a shed on the rear setback area which does not meet the minimum rear setback requirement of one foot (1'), per LMC § 15-2.2-3(G)(6), as the shed goes over that rear property line.
22. Staff recommends that the property owner shall resolve the rear property line shed encroachment by either removing relocating the shed or working out an easement agreement with the rear property owner prior to Plat recordation.
23. The proposed Plat Amendment consolidates five (5) remnant parcels into the requested lot of record and public snow storage and utility easements are provided

on the lot.

24. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 422 Ontario Avenue

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 422 Ontario Avenue

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Planning Commission Packet November 11, 2015 Page 97 of 239 Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Ontario Avenue frontage of the property.
4. The property owner shall resolve the shed encroachment over the rear property line by either removing/relocating the shed or working out an easement agreement with the rear property owner prior to Plat recordation.
5. The site has a planter, retaining walls, and stairs located in the City Right-of-Way (ROW) along Ontario Avenue. The applicant shall either remove the planter, retaining walls, and stairs located on the City ROW along Ontario Avenue or work with the City Engineer to assure that these improvements are authorized in the form of an ROW encroachment agreement.
6. This Plat Amendment does not grant or dedicate this area for parking for exclusive

use of the subject site but rather for public general use.

7. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

4. 1893 Prospector Avenue – Ratification of a Development Agreement for the Central Park City Condominiums Master Planned Development
(Application PL-15-02698)

Planner Kirsten Whetstone requested that the Planning Commission review the Central Park City Condominiums Master Planned Development Agreement and consider ratifying this agreement to memorialize the MPD that was approved on July 8, 2015. The MPD was for 11 residential dwelling units within the 110,000 square foot building. The project is located at 1893 Prospector Avenue. Two affordable units are included in the total to meet the applicant's obligation under the Housing Resolution.

The Staff recommended that the Planning Commission approve the Development Agreement. The final form of the Development Agreement would be approved by the City Attorney.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to Ratify the Development Agreement to memorialize the MPD approval granted by the Planning Commission on July 8, 2015 for 1893 Prospector Avenue. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

5. 900 Round Valley Drive-Pre-Master Planned Development review for proposed amendments to the IHC Master Planned Development
(Application PL-15-02695)

Planner Whetstone stated that at the last meeting the Planning Commission made a motion to continue the discussion regarding the density issue of the pre-MPD. In a separate motion the Planning Commission found that the pre-MPD complied with the General Plan. However, the Findings of Fact, Conclusions of Law and Conditions of

Approval that the Staff had drafted for the last meeting also included the density. Planner Whetstone had revised the Findings, Conclusions and Conditions specific to the motion that the subdivision of Lot 8 was consistent with the General Plan.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report to memorialize the finding made at the October 28th meeting that the subdivision of Lot 8 was initially consistent with the General Plan and the CT Zone requirements as conditioned.

Director Erickson noted that the Staff was also requesting that the Planning Commission continue the discussion on the additional density to December 9th.

Morgan Bush, representing the applicant, stated that based on a request by the Planning Commission IHC had submitted the MPD application for the Peace House. He reported that IHC Management has approved delaying the MPD application for density until they work through the pre-MPD process.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Thimm recalled a lengthy discussion regarding the 2.64 units per acre that were granted with the overall project. However, the Staff report was now talking about 3.0 units per acre. He asked if there was a reason why it was not consistent.

Director Erickson stated that it was one reason for requesting a continuance. He explained that basically the underlying zone density with public benefits would allow up to three units per acre. The current applied MPD approval was for 2.64 units; however, the applicant has the right to try to provide additional public benefits to allow 3.0 units per acre. Mr. Erickson remarked that since the Staff was still reviewing that information the density issue was bifurcated from the Peace House, which does not require unit equivalents by resolution of the Housing Authority.

MOTION: Commissioner Joyce moved to Ratify the Findings of Fact, Conclusions of Law and Conditions of Approval that memorialize the motion made on October 28th, 2015 that the request to subdivide Lot 8 is in initial compliance with the General Plan and CT Zone requirements. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Worel moved to CONTINUE to December 9, 2105 the Pre-Master Planned Development discussion and public hearing regarding a request to add 15 UEs of support medical office use to the Intermountain Healthcare Master Planned Development. Commissioner Phillips seconded the motion.

Commissioner Joyce recalled in the previous discussion talking about City uses of the potential UEs and IHC uses. He noted that their discussion did not include the Ski and Snowboard Association, the Summit County Health Building or other property owners who potentially may want to expand. Director Erickson stated that those facilities were included in the Staff discussions in terms of deciding whether or not unit equivalents are the correct currency of measure for that MPD; and if they are correct, whether to adjust the zoning to allow more unit equivalents in the CT zone or make some other adjustment to the LMC. Mr. Erickson pointed out that it was a complex process and it was one of three alternatives they were considering.

Findings of Fact - Subdivision of Lot 8

1. On September 21, 2015, the City received a revised application for a Pre-Master Planned Development application for amendments to the IHC Master Planned Development to subdivide Lot 8 into two lots, Lot 8 would become 3.6 acres to provide a separate lot for the Peace House and Lot 12, created from the remaining 6.33 acres, would be dedicated as an open space lot, preserving wetlands and open space within the MPD.
2. The property is zoned Community Transition- Master Planned Development (CTMPD).
3. There is no minimum lot size in the CT zone.
4. Access to the property and to Lot 8 is from Round Valley Drive, a public street.
5. The property is subject to the IHC/USSA/Burbidge Annexation plat and Annexation Agreement recorded at Summit County on January 23, 2007.
6. On May 23, 2007, the Planning Commission approved a Master Planned Development for the IHC aka Park City Medical Center as well as a Conditional Use Permit for Phase One construction.
7. On November 25, 2008, a final subdivision plat known as the Subdivision Plat (Amended) for the Intermountain Healthcare Park City Medical

Campus/USSA Headquarters and Training Facility was approved and recorded at Summit County.

8. On October 8, 2014, the Planning Commission approved MPD amendments for Phase 2 construction. These MPD Amendments transferred 50,000 sf of support medical office uses to Lot 1 from Lots 6 and 8 (25,000 sf each).

9. An amendment to the IHC Master Planned Development (MPD) requires a Pre-MPD application and review for initial compliance with the Park City General Plan and the purpose and uses of the CT Zoning District as described in Land Management Code (LMC 15-6-4(B)).

10. The CT zoning district, per LMC Section 15-2.23-2, allows for a variety of uses including conservation and agriculture activities; different types of housing and alternative living situations and quarters; trails and trailhead improvements; recreation and outdoor related uses; public, quasi-public, civic, municipal and institutional uses; hospital and other health related services; athlete training, testing, and related programs; group care facilities, ancillary support commercial uses; transit facilities and park and ride lots; small wind energy systems; etc.

11. The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application.

12. IHC is located in the Quinn's Junction neighborhood, as described in the Park City General Plan.

13. The Joint Planning Principles for the Quinn's Junction area recommend development patterns of clustered development balanced with preservation of open space. Public preserved open space and recreation is the predominant existing land use. Clustered development should be designed to enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas. New development should be set back in compliance with the Entry Corridor Protection Overlay. Sensitive Lands should be considered in design and protected. Sensitive wetland areas should be protected and taken into consideration in design of driveways, parking lots, and buildings, as well as protected from impacts of proposed

uses.

14. Uses contemplated in the Joint Planning Principles for this neighborhood include institutional development limited to hospital, educational facilities, recreation, sports training, arts, cultural heritage, etc.

15. The proposed MPD amendments are consistent with the intent of the Joint Planning Principles for the Quinn's Junction area and are a compatible use in this neighborhood as the development will be located on existing lots, setback from the Entry Corridor to preserve the open view from SR 248, and the impacts of parking and traffic can be mitigated per requirements of the CT zone, pedestrian connections can be maintained and enhanced by providing additional trails and open space, and the architectural character can be maintained with authentic materials and building design required to be compatible with the existing buildings.

16. Small Town Goals of the General Plan include protection of undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Alternative modes of transportation are encouraged.

17. Quinn's Junction is identified as a Development Node. The proposed MPD amendments include uses to ensure that the Medical Campus can continue to serve the needs of the community into the future.

18. There is existing City bus service to the area on an as needed basis and additional uses will help to validate additional services as a benefit for all of the uses in the area. Studies of transit and transportation in the Quinn's area will be important in evaluating the merits of the MPD amendments and considerations for permanent bus routes in the area.

19. The Medical Campus is located on the City's trail system and adjacent to Round Valley open space.

20. Natural Setting Goals of the General Plan include conserving a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.

21. Green building requirements are part of the existing Annexation Agreement.

22. On August 26, 2015, the Planning Commission conducted a public hearing and discussed the pre-MPD application and took action on the request to locate the Peace House on the eastern portion of Lot 8 as partial fulfillment of the affordable housing obligation for the Medical Campus.

23. On August 26, 2015, The Commission continued discussion on the proposed amendments regarding the subdivision of Lot 8 and the request for additional density.

24. On September 21, 2015, the applicant submitted a revised application regarding the subdivision of Lot 8, stating that Lot 12 would be an open space lot, and requested the 50 UE of density be restricted to Support Medical Uses to be located only on Lots 1 and 6.

25. On October 10, 2015, a legal notice of the public hearing was published in the Park Record and placed on the Utah public meeting website.

26. On October 14, 2015, the property was re-posted and letters were mailed to neighboring property owners per requirements of the Land Management Code.

27. On October 28, 2015, the Planning Commission found the proposal to subdivide Lot 8 per the revised application, to be in preliminary compliance with the General Plan. The Commission continued the density issue to November 11, 2015.

Conclusions of Law - Subdivision of Lot 8

1. The proposed MPD Amendments to the Intermountain Healthcare Hospital MPD initially comply with the intent of the Park City General Plan and general purposes of the Community Transition (CT) zone.
2. These findings are made prior to the Applicant filing a formal MPD Application.
3. The proposed MPD amendments are consistent with the intent of the Joint Planning Principles for the Quinn's Junction area and are a compatible use in this neighborhood.
4. Finding a Pre-MPD application consistent with the General Plan and general purposes of the zone, does not indicate approval of the full MPD or subsequent

Conditional Use Permits.

Conditions of Approval - Subdivision of Lot 8

1. The full MPD and Conditional Use Permit applications are required to be submitted for review and approval by the Planning Commission prior to issuance of any building permits for construction related to the Peace House on Lot 8.
2. The MPD will be reviewed for compliance with the MPD requirements as outlined in LMC Chapter 6, the Annexation Agreement, the CT zone requirements, as well as any additional items requested by the Planning Commission at the pre-MPD meeting.
3. The plat amendment to subdivide Lot 8 will include Lot 12 as a platted open space lot.
6. **Sign Code changes to increase clarity, bring the Code into compliance with recent US Supreme Court decisions and provide for developed recreation area freestanding signs.**

Planning Technician, Makena Hawley, reported that in July 2015 the Planning Department began research to make changes and clarifications to Title 12, the Park City Sign Code. Since then the US Supreme Court Decision with Reed v Gilbert presented the need for cities to amend their sign codes in order to bring them into compliance to support neutral content based regulations.

Ms. Hawley stated that the Planning Commission was tasked with three separate recommendations this evening. The first is a recommendation to amend Title 12 to bring it into compliance with the Supreme Court decision. The second is a recommendation for amendments Chapters 2 and 9 creating greater allowances for free-standing signs in developed recreation areas. The third is a recommendation for amendments through Title 12 making minor changes for clarity and style.

Ms. Hawley introduced Assistant City Attorney Tricia Lake and Law Clerk Aaron Benson who would be giving a presentation this evening. The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council.

Aaron Benson stated that in general one of the purposes of sign codes is to place limits to avoid a proliferation of signs. In the past there has been uncertainty and gray area within the Supreme Court as to what kind of categories cities could draw in allowing some signs

but not others. Mr. Benson remarked that the Supreme Court took the case *Reed v Gilbert* to provide clarity on the rule with regards to regulating signs in cities by reference to their content. The general rule that the Court stated as the government regulation of speech is content based if it applies to particular speech because of the topic discussed or the idea or the message expressed.

Mr. Benson noted that the sign code in Gilbert, Arizona prompted the court case. The actual reason for the court case was outlined in the Staff report. Mr. Benson stated that the result from the court decision is that regulations that treat a sign differently than other signs based on the message conveyed or the content of the sign would not be allowed going forward, but with one caveat. The Supreme Court has historically treated commercial speech differently than non-commercial speech. The most familiar form of commercial speech is advertising and proposes some type of commercial transaction between parties. Mr. Benson remarked that the Court has been more lenient with regulations that restrict commercial speech. The decision in *Reed v Gilbert* did not address commercial speech at all. The Court only focused on categories related to non-commercial speech. Mr. Benson provided examples of non-commercial speech, including campaign signs. Currently, the Park City sign code treats campaign signs separately. The other two categories the Supreme Court looked at in the Gilbert case was 1) ideological signs, which is a catch-all non-commercial category, and 2) temporary directional signs, which direct people and provide information about events.

Mr. Benson stated that examples of commercial speech included a business name on a building and real estate signs. He noted that cities treat real estate signs differently because it proposes a commercial transaction. Mr. Benson stated that because the Supreme Court skirted the question of whether commercial speech could be addressed by reference to its content, it has been allowed to some extent in the past. Park City has taken the position that for the most part they could leave in the content based distinctions as they exist in the Code with regard to commercial speech.

Mr. Benson noted that the recommended changes this evening related to non-commercial speech. Tricia Lake remarked that the approach they have taken assumes that the City is willing to tolerate some level of legal risk in order to preserve the aesthetic character of the community and to further the safety interest of community members. If the City is unwilling to accept the risks associated with this more rigorous regulation of signs, it would be advisable to take a different approach that is less aesthetically effective.

Commissioner Band asked for an example of the safety interests of the community. Mr. Benson replied that a primary example is specific signage for traffic safety. There has been concern about other signage that obscures important safety signage or signage that

causes confusion because it may look similar to safety signs. A secondary safety concern is the sign structure and whether or not it creates a safety hazard.

Commissioner Band referred to the redlines in the Staff report and asked for clarification on which signs would or would not be allowed. Mr. Benson stated that over the years the sign code has been revised piece by piece which resulted in some inconsistencies, and there were definitions in Chapter 2 but also in other areas throughout the Code. The intent is to pull all the definitions together and place them in Chapter 2.

Director Erickson stated that the Staff worked hard to make sure that the Code would not reduce regulations on the signs that could be regulated. The goal was to make the sign code easier to read, easier to understand, and consistent. He personally thought they had accomplished that goal.

Chair Strachan agreed that it was better, but he believed sign Codes were inherently difficult to draft.

Director Erickson stated that after the Sign Code is finalized and approved by the City Council the Staff will review the Code to make sure nothing slipped through the cracks and nothing is left to interpretation.

Ms. Lake noted that other departments were consulted in revising the Code because they are the ones who will be interpreting the Sign Code for the public. Mr. Erickson stated that if some of the clarifications can be put in place prior to Sundance it would be easier to apply the Sign Code for that event and give the Planning Department a better Code to work with.

Commissioner Worel stated that driving to this meeting she saw on a major thoroughfare a large pole with a banner tied to it with the word Hardware written on it. She assumed that since banners were included under prohibited signs that they were talking about the banners tied to City light poles. Mr. Erickson replied that they were making a distinction between banners and flags. He noted that the banner Commissioner Worel had seen on the road was prohibited under both the old Code and the newly proposed Code. Commissioner Worel was trying to understand the difference between a banner and a flag. Mr. Erickson stated that whether it was intended to be a flag or a banner what she saw was too big and too high.

Director Erickson remarked that the broader issue is having the ability to do correct Code Enforcement. The Planning Department writes the rules and the Building Department is responsible for Code enforcement. He believed this rewrite would make it easier to read

the Sign Code and understand what they were telling people. Mr. Erickson clarified that anything that is not defined in the Code is prohibited.

Commissioner Joyce referred to page 161 of the Staff report, Item 9, Sign, Construction and noted that it was broken down into categories of construction signs: 1) marketing signs; 2) signs identifying the contractor or builder; 3) combined construction signs. Commissioner Joyce found nothing in his reading that necessitated a drill down between those three categories. Mr. Benson replied that those categories already exist in the Code and he had renamed them for clarity. He noted that there are specific restrictions for the three different types as it relates to a construction project. Commissioner Joyce clarified that there was a differentiation between the three. Mr. Benson replied that he was correct.

Chair Strachan referred to Chapter 7-Prohibited Signs, 12-7-1, and noted that some signs were not defined, such as a home occupation sign. Ms. Lake referred to an example on 12-7-1(A)(1) Animated Signs. She explained that they had moved the definitions to the definition section so everything is contained in one section and not disbursed throughout the entire sign code. Chair Strachan asked where he would find the definition of a home occupation sign. Mr. Benson replied that all of the definitions were under Chapter 2. A home occupation sign could be found under subparagraph 18 and defined as a sign that identifies home occupation as defined in the Land Management Code. Chair Strachan noted that 12-7-1(6) still contained language related to home occupation signs. He asked if that language should be stricken. Ms. Lake replied that the language was necessary because they were still prohibiting home occupation signs. The only change was to move the definition of a home occupation sign to Chapter 2. Chair Strachan thought the words home occupation should be capitalized. Mr. Benson stated that the Sign Code does not maintain the same style as the LMC. In the LMC all defined terms are capitalized, but that is not the case in the Sign Code. Chair Strachan recommended that they keep it as consistent as possible. Capitalizing the word alerts someone to check the Definition Section.

Commissioner Joyce asked if there was a reason for not being consistent with the rest of the LMC. Director Erickson believed the Planning Commission could make a recommendation moving forward that defined terms should be capitalized consistent with the LMC. He pointed out that a sign code has its own set of rules but if they make that recommendation the Staff could vet it when preparing the final ordinance. Chair Strachan stated that in most statutes defined terms are usually capitalized. He was willing to leave that decision to the City Council.

Chair Strachan had a question regarding the definitions in Chapter 2. He noted that some were stricken entirely such as “community or civic event” and “balcony”. Mr. Benson stated that the Staff reviewed it closely for purposes of the court case. A handful of defined terms

were not used anywhere within the Sign Code. Balconies were one of those terms. Some of the definitions were stricken to eliminate redundancy. Others, such as “civic and community event”, were stricken because of the reference to the non-commercial speech.

Planning Tech Hawley commented on freestanding signs. She reported that in July the Deer Valley Ski Resort approached the Staff regarding the possibility of installing a large freestanding sign. However, the proposed sign was larger in size than what was currently allowed. The Staff recommended creating a definition for development recreation area, which would include major resort, and allow one larger free-standing sign for way-finding purposes for such areas. The Staff was proposing a 50 square foot sign addition similar in size to the Canyons Resort and what the County allows. Deer Valley had proposed a 70 square foot sign. Ms. Hawley stated that the Staff finds that the allowances would facilitate better resort signage.

Director Erickson stated that Deer Valley has agreed that a 50 square foot sign is appropriate and they would withdraw their application for the 70 square foot sign. The original sign that was discussed in July was 150 square feet. Mr. Erickson noted that 50 square feet is consistent with what is regulated in other jurisdictions they had researched. Mr. Erickson remarked that it was a long difficult negotiation with Deer Valley and that both developed recreation areas need to be regulated the same. PCMR has a number of different signs that he believed would be re-regulated under this new ordinance. Mr. Erickson stated that the key phrase is that a developed recreation area must be larger than 2,500 acres to allow a 50 square foot sign. Signs for the smaller master planned development areas would still be regulated at 20 square feet or 36 square feet.

Commissioner Joyce found the proposed change distasteful because it was clearly specific to Deer Valley and PCMR regardless of how it was worded. For a number of reasons he is opposed to large signs. He likes being able to drive around Park City without seeing “welcome” signs all over. Comparing this to Summit County and the Canyons was an interesting concept, but he pointed to the Kimball Junction area, which the County also allowed. Commissioner Joyce hoped they would not use what the County allows as the standard for what is good for Park City. He understood that Deer Valley was a large part of the town, but so are others such as the St. Regis, the Montage, the school district and other places that hire people and have a lot of traffic. Commissioner Joyce thought it was absurd to say that the Deer Valley sign is important for wayfinding because a sign at the roundabout points people to Deer Valley. The only wayfinding from that point is to keep people from driving into the condos. Otherwise, continuing on the road takes everyone to the base of Deer Valley.

Commissioner Joyce reiterated that in his opinion signs that large should never be allowed in Park City, and they should never zone around specific clients. He could find no reason to approve this.

Chair Strachan summarized that the Planning Commission was being asked to forward a recommendation on three items. He asked if it could be done in one motion or whether the Staff preferred three separate motions. Assistant City Attorney McLean replied that it was all part of one ordinance and three motions were not necessary. However, if a recommendation was different on one specific part the Commissioners could separate it from the rest.

Chair Strachan opened the public hearing on the amendments to the Sign Code Title 12 to make minor changes for clarity and style and for compliance with the Supreme Court decision; and the amendments to freestanding signs.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan preferred to address the items in separate motions.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the Amendments throughout Title 12 in order to bring it into compliance with a recent U.S. Supreme Court decision, Reed v. Gilbert. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the Amendments throughout Title 12 in order to make minor changes for clarity and style. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Joyce moved to forward a NEGATIVE recommendation to the City Council for Amendments to Chapters 2 and 9 creating special regulations for freestanding signs in developed recreation areas. Commissioner Phillips seconded the motion.

Commissioner Band stated that she had agreed with Commissioner Joyce when this previously came before the Planning Commission. She recalled significant discussion

about the size of the two major resorts and the number of people they employ. She understood that they were limiting other large employers by the 2,500 acre number; but she questioned how secure they were with the restricted definition. Director Erickson explained that the phrase “developed recreation” comes from the Forest Service Regulations on how they regulate ski areas. Therefore, it is a defined term across all federal lands. The staff crafted the definition knowing that Park City would want to have something similar to what Deer Valley was requesting even though Deer Valley predicated the original concept. Mr. Erickson stated that in addition to the 2,500 acres, the requirement also includes substantial outdoor recreation, and that is balanced against other Codes that talk about ski areas and having to have lifts, ski runs and summer outdoor recreation within the 2,500 acres.

Director Erickson acknowledged that someone could fight the City on it, but there is a large distinction between an individual housing unit like the St. Regis or Montage that are inside an MPD. All of those things are encompassed by the overall developing recreation area; and they are not distinct in that term. Mr. Erickson commented on the zoning and noted that RD is the base zoning of Deer Valley which why it was included in the language. The base zone at PCMC is Resort Commercial.

Assistant City Attorney McLean addressed the question of how secure or safe is the definition. She pointed out that it was a defined term that could be changed by amending the sign code in the future. Commissioner Band was concerned with how they could stop anyone else from making the same request if they make exceptions for these two Resorts. Chair Strachan stated that there was nothing to stop others from making the same request, but it would have to comply with Code and the Planning Commission would have the ability to grant or deny the request.

Commissioner Band was curious to know the zoning for the other ski towns that the Staff had researched and whether they allowed larger signs. Mr. Erickson stated that all the other towns have some variant on “developed recreation area” and assign a larger sign to those who meet the definition.

Commissioner Joyce clarified that one of his issues is that Deer Valley is zoned residential and they were talking about putting up a 50 foot sign in a residential area. He noted that Deer Valley was proposing to place the sign in front of condos. Director Erickson explained that Deer Valley was zoned RD not to promote residential densities; but because when Deer Valley was approved in the early 1980s they did not want to assign the maximum volume of density that goes in at PCMR. They also wanted the ability to regulate height more stringently. Commissioner Joyce reiterated that he was bothered by the proposed location for the sign. The sign Deer Valley was requesting did not fit and there was nothing like it anywhere close by.

Commissioner Phillips agreed with Commissioner Joyce regarding the location. In talking about signage in other resorts, the ones he thought of had signage at the base. Commissioner Campbell remarked that placing the sign at the base would not be any guidance for those trying to find the resort. Commissioner Phillips thought it would be appropriate for Deer Valley to locate the sign a mile down the road. Commissioner Campbell thought they needed to think about people who were not local and familiar with the area because Deer Valley is difficult to find. He felt the City had an obligation to help guide people on a clear path. Oftentimes people think they are going the wrong way and turn around. Commissioner Campbell was unsure whether 50 square feet was the right size but he was not opposed to the intended location.

Commissioner Joyce agreed that people do get lost. He pointed out that Deer Valley could put up a 20 square foot wayfinding sign today without this Code amendment. It is a two lane road and he believed a 20 square foot sign would be sufficient. Commissioner Campbell understood that Commissioner Joyce was not opposed to placing the sign in the proposed location, but he was opposed to the 50 square foot size. Commissioner Joyce answered yes. It would be like having a billboard right in the middle of residential property.

Commissioner Worel agreed that wayfinding signs are needed to help people find Deer Valley, but she had a problem adjusting the size of the sign according to the perceived importance of the business or resort. That was her opinion when this was previously discussed and it had not changed.

Chair Strachan called for a vote on the motion to forward a negative recommendation to the City Council for Amendments to Chapters 2 and 9 creating special regulations for freestanding signs in developed recreation areas.

VOTE: The motion passed unanimously.

Commissioner Campbell thought it would be beneficial if someday signs in Park City could be a consistent size, color and shape that people would identify immediately as a municipal wayfinding sign.

7. **Consideration of an ordinance amending the Land Management Code Section 15, Chapter 11 and all Historic Zones to expand the Historic Sites Inventory and require review by the Historic Preservation Board of any demolition permit in a Historic District and associated definitions in Chapter 15-15. (Application PL-15-02895)**

Planner Grahm noted that the Staff report contained the redlines of the pending ordinance, which was broken into six categories: 1) Adding demolition review to the Historic Preservation Board's purposes; 2) Modifying the language for Significance Determination to expand the inventory to incorporate more historic structures; 3) Adding the Contributory designation; 4) Defining any conditions for relocations; 5) Requiring the HPB rather than the Planning Director and the Chief Building Official to make the determination on relocations, reorientations, panelizations and reconstructions; 6) Definitions.

Planner Grahm asked if there was any objection to adding demolition review to the purpose of the Historic Preservation Board. Director Erickson stated that this item was most in alignment with the current pending ordinance. Planner Grahm noted that the Item was outlined on page 207 of the Staff report and it was also stated under 15-11-5, Purposes.

Assistant City Attorney McLean stated that the pending ordinance that was attached to the Staff report as Exhibit A was the ordinance that was published initially when it was proposed by the Planning Department. It has continued to be part of the recommendation to the City Council; however, the Staff was looking for Planning Commission input on specific issues to provide a more detailed recommendation. Ms. McLean clarified that the items were not being codified as part of the pending ordinance at this point.

The Commissioners supported Item 1 regarding demolition review as a purpose of the HPB.

Planner Grahm asked for input on the second item regarding additional criteria for the determination of Significant. She noted that the primary change was removal of the criteria that it must retain its essential historical form. It was replaced with language that it demonstrates a historical form as outlined by the criteria on page 210 of the Staff report. Planner Grahm explained that the change was an effort to expand the HSI to include properties such as 569 Park Avenue which has a very historic looking form and contributes to the streetscape and the character and integrity of the District as a whole.

Commissioner Thimm asked if they were talking about all of the redlines on pages 210 and 211. Planner Grahm suggested that they first discuss Significant Sites and then move to Contributory. Commissioner Thimm stated that after reading through the Staff report and doing background research in terms of State and National Preservation he thought this was well-done.

Commissioner Joyce referred to page 210 of the Staff Report, 2(b) ii, which states, "It was previously listed on the Historic Sites Inventory". The only reason he could see that a site was previously listed but no longer listed was because someone had made a conscious effort to re-evaluate the site and determine that it did not belong.

Planner Grahn explained that when the Reconnaissance Level Survey was completed in 2009 they did not find new information on some of the properties. For example, a roof form might have changed, which means it did not meet the criteria originally set in the LMC in terms of retaining the essential historical form. Under the 2009 criteria a gable house had to remain a gable house. Planner Grahn remarked that the proposed change would allow the Staff to relook at structures where the gable may have turned into a hip roof, which is still a historical form even if it is not the original form, but the structure still contributes to the streetscape and the integrity of the District.

Assistant City Attorney McLean stated that another distinction is that the sub (i's) are ways that the historical form may be demonstrated, but they are not enough by themselves. The sub (i's) are only intended to help make the determination.

Commissioner Joyce still had issues with placing a site back on the HSI when it was removed for good reason. Assistant City Attorney McLean stated that some historic houses have been on and off the Inventory and then put back on again because the criteria had changed and how they look at the structures had changed. She remarked that this was a mechanism to use the prior information as evidence to make a determination of whether or not the structure is Significant. Chair Strachan provided a scenario of when this would apply and why it would protect a historic structure.

Commissioner Joyce was comfortable with the explanation. He referred to Section 2c (ii), which states that it is visually compatible to the Mining Era Residences National Register District. He thought they were being very specific about comparing things in terms of historic = mining. However, at the same time they have the floating 40 year time-frame which would not be part of the mining era. He understood the distinction between the 50 year historic and the new 40 year floating time-frame; but it appeared that the primary focus was still on the mining era. He was unsure how the A-frame structures fit in.

Director Erickson stated that the strategy the Staff was putting forward was to cast a broad net for sites to look at and to make sure there was rigorous criteria for looking at those sites. There is a distinction between a broad net of which sites to look at and the specific review criteria to evaluate those sites. Director Erickson noted that there was different criteria for the Contributory buildings.

Assistant City Attorney McLean remarked that the Planning Department was suggesting that a site be visually compatible to the Mining Era Residence National Register District because it is the only National Register District. Commissioner Thimm clarified that it was identifying that District. Planner Grahn pointed out that Main Street was another District associated with the mining era but it was commercial buildings.

The Planning Commission was comfortable with Item 2 to modify the language for Significance Determination to expand the inventory to incorporate more historic structures.

Planner Grahn moved to the third item regarding Contributory structures as outlined on page 209 of the Staff report. The criteria for reviewing a Contributory site is 1) Assist in managing inventories of structures that contribute to neighborhood character; 2) Potentially allow structures 40 years to be eligible for the Historic District Grant program. Planner Grahn noted that the Staff was not proposing to automatically list the structures on the HSI. If an owner is awarded a Grant, a preservation easement that runs in perpetuity with the land would be required. The third criteria provides data and background for other historical eras in the City for future reference.

Planner Grahn stated that a Contributory structure is not required to go to the HPB for any type of demolition review. It would only require a Historic District Design Review. In talking internally, the Staff decided to treat it the same as they have prior to this pending ordinance. For example, if someone owning an A-frame came in, they would be asked to pull a Building Department demolition permit. As part of the Planning Department review the owner would only be asked to document the building and the Planning Department would sign off on the demolition permit. Planner Grahn clarified that a Contributory structure would only be placed on the HSI if it was a grant recipient. Commissioner Band agreed with the intent but she could not find where it was stated in the language. Planner Grahn replied that it is not specified in the language just like they do not specifically say Significant or Landmark. They just strongly discourage demolition. Director Erickson clarified that they did not want to be affirmative in the LMC. The intent is to know what is there and to conduct the same review under the current process. The only requirement is to document the building so in the future it can be identified as having been there. The City was not proposing to regulate a Contributory building. Planner Grahn noted that Item 4 on page 211 of the Staff report specifies that HPB only reviews a demolition permit if it is listed as Landmark or Significant on the HSI. If a structure is 50 years and it is not on the HSI, it would not be reviewed. Director Erickson stated that the only way for a structure to be placed on the HSI is to go through the Significant or Landmark process.

Commissioner Joyce asked how someone would know if their house was Contributory. Planner Grahm stated that a structure could be demolished after that determination is made through the HDDR review. The exception would be if the owner applies for Grant money to remodel the property. Ms. McLean clarified that all structures within the Historic District must go through a Historic District Design Review.

Commissioner Phillips pointed out that his house was currently in the middle of an HDDR process and his house was built in 1976. It was just part of the normal process.

Commissioner Worel understood that in order to be listed as a Contributory site a Grant has to be involved. Planner Grahm replied that she was correct. Commissioner Worel wanted to know why that was not stated in the language. Planner Grahm agreed that it was omitted and she would draft language to specify that fact.

Chair Strachan stated his preference for having the Code specifically reflect the rules.

Commissioner Thimm stated that when this was presented to the Planning Commission at a previous meeting he was in a quandary as to why it is logical to start identifying structures at 40 years. He still had that same question. Planner Grahm replied that it was a way for the Staff to start inventorying so if there are future historic eras that information is available even if parts or some of the inventory has been demolished. Commissioner Thimm thought they had gone to a great extent to say that nothing different was happening from 40 to 49 years. He could not understand the point of the 40 year designation.

Director Erickson stated that it was tiered to the upcoming neighborhood compatibility and neighborhood characterization portions of the design review. What they heard from the City Council after reviewing the house on Park Avenue was that these houses are not only good because they are historic in some form, but they also contribute to neighborhood character and designate what that neighborhood character is. Mr. Erickson explained that the intent is to preserve the integrity of the list of Significant and Landmarks sites, but they also want to know what is there when they review for neighborhood compatibility. This change allows for more regulatory precision. Mr. Erickson remarked that the 40 year number was chosen because it provided a ten year window in the time when neighborhoods were being developed between the historic mining eras and evolving into the ski era.

The Planning Commission had no further comments on Contributory structures.

Planner Grahm moved to the next item regarding relocating and reorienting historic buildings, as outlined on page 212 of the Staff report. She stated that the Planning

Department has been making that determination; however, under the new ordinance the HPB would make that determination. In working with the Legal Department they also noted that in the past the Chief Building Official and the Planning Director needed to determine unique conditions, but unique was never clearly defined. This ordinance provided the opportunity to give specific examples of a unique condition.

Commissioner Campbell wanted to know the process if a determination is made and the applicant did not like the decision. Assistant City Attorney McLean stated that once the HPB starts making the determination on panelizations an appeal would likely go to the Board of Adjustment, the same as the appeal of an HDDR. Ms. McLean clarified that an applicant is only allowed one appeal. If they were dissatisfied with the decision of the Board of Adjustment the applicant would have to take it to District Court. She thought Commissioner Campbell had raised a good point and she would double-check the process with the Code. Ms. McLean thought the appeal process should be specifically stated in the Ordinance. That language would be drafted once they confirm that an appeal would go to the Board of Adjustment.

The Planning Commission had no further comments regarding the process for relocation and reorientation.

Planner Grahn moved on to the next items regarding panelization as outlined on pages 212-213 of the Staff report. She noted that the process under the ordinance would remove the Planning Director and the Chief Building Official from making the determination to panelize, and instead ask that they make a recommendation to the Historic Preservation Board.

Planner Grahn stated that the only other change would be to require that a licensed structural engineer study the structure to make sure it can be moved intact. Under the current process the City requests that a licensed structural engineer possibly conduct that study.

Director Erickson stated that the City Council had difficulty understanding the prioritization of how to preserve a historic home. He asked Planner Grahn to give the Commissioners a brief update so they would have the same information that was given to the City Council.

Planner Grahn stated that the National Park Service and the Secretary of the Interior Standards are the “go to” for preservation and how to treat historic buildings. Panelization is seen as a form of reconstruction and not the most optimal solution. Planner Grahn explained that ideally the building should be lifted in place instead of taking it apart. When a building is taken apart historic materials are lost, the building

can be damaged, and in some cases it falls over. The intent is to keep the building intact unless a structural engineer determines that lifting the building would cause it to fall apart.

The Planning Commission had no further comments regarding panelization.

Planner Grahm noted that the last item was reconstruction, which means that the building is in such poor condition that only a handful of historic material could be salvaged and reapplied to new construction. She remarked that reconstruction is the bottom tier of preservation. Planner Grahm pointed out that the only change was taking it from a Planning Department determination to a Historic Preservation Board determination.

Planner Grahm reviewed the definitions on pages 214 and 215 of the Staff report. She noted that the Contributing Building definition references LMC 15-11, which was consistent with the definitions for Landmark and Significant. The Staff plans to modify all of the definitions so they refer to LMC 15-11-10, which is the specific portion of the Code that talks about Determination of Significance.

Commissioner Joyce understood that something as simple as cutting in a dryer vent in a historic house would be a modification. However, he wanted to know if tearing down a wall of a building would be deemed reconstruction or demolition. Planner Grahm replied that there were four tiers to demolition; restoration, reconstruction, rehabilitation, and renovation. Depending on whether you were looking at one wall or the whole building would determine which tier would be applied. She believed that removing one wall would become a partial reconstruction. Restoring a missing bracket on a porch would be considered restoration.

Planner Grahm commented on the noticing requirements. The Staff was proposing that any type of HPB review for demolition would require a 14 day noticing period and to property owners within 100 feet. The Commissioners supported the noticing requirement.

Planner Grahm noted that the Planning Commission previously talked about a demolition review checklist. The HPB had also requested checklist so they would have something to review against. The checklist was included on page 217 of the Staff report. Commissioner Thimm referred to Item 8 (f) and suggested changing "not Contribute" to "non-Contributory".

Chair Strachan opened the public hearing.

Justin Keyes, an attorney with Jones and Waldo, stated that he was representing a number of the homeowners on Park Avenue who have been involved in the process since the beginning with the City Council. Mr. Keyes thanked everyone involved for a great job in putting this ordinance together. He referred to a typo on page 212, Section A, subpoint 3, and changed “determine” to “determines”. Mr. Keyes liked the idea of a Contributory site. He understood that it could be confusing without being involved in the earlier discussions with the City Council in terms of its purpose. It addresses the concern to preserve homes that may not be eligible for Significant or Landmark designation, but still provide a richness to the District in general. Mr. Keyes remarked that the City Council wanted to get back to more of a window view of what looks historic when you are looking out the window at the street. He thought the Contributory designation achieves that goal without providing all the protections in place for a Significant or Landmark site. Mr. Keyes stated that the whole area needs to be historic. If they start tearing down historic homes because they do not meet specific criteria they would lose the sense and feel of the Historic District.

Mr. Keyes stated that the notice matrix was of primary interest to a lot of citizens. The noticing proposed was not the change he hoped to see to alleviate the fears he has heard from residents and second homeowners on Main Street who invested significant amounts of money into some of these properties. He recommended that they include de-listing in the subsection which covers noticing of a design review of a specific home. He also suggested mailing an actual notice in addition to posted and published notice, particular if a home is going to be de-listed and potentially demolished. He thought a mailed notice would alleviate some of the concern for second homeowners who are not here to read the Park Record or walk the streets. Mr. Keyes favored the new noticing requirements for demolitions because it would be very helpful.

Like Chair Strachan, Mr. Keyes also likes the rules and policies to be reflected in the actual Code language. He recalled a rule in the Staff report that says in the future the City would allow anyone to nominate a home for a Significant or Landmark designation. In the past only the City or the homeowner could make that nomination. He was pleased with that moving forward and asked if it was possible to include it in the Code itself.

Director Erickson noted that the discussion was in the Staff report but not the codification because the Staff was still trying to draft the language. Assistant City Attorney McLean recalled that the Staff was not recommending a change to the Code. Currently, the Staff or the homeowner can ask the HPB to review a designation, and anyone, including the Historical Society, can request a home to be listed or de-listed and the Staff will make that evaluation and determination.

Mr. Keyes understood that going forward any suggested nomination would have to go through the Staff and they would do the initial evaluation and determine whether it was

worth taking to the HPB for a determination of significance. Ms. McLean replied that this was correct. It was similar to the current process and, therefore, the Staff was not recommending a Code change.

Gary Bush was struggling with the idea of changing the list or adding another list. He recalled problems with having a list where a page was missing or the address was misplaced and the building was lost. Mr. Bush thought they should eliminate the list and make everything in the Historic District go through the same process. They could still maintain Significant, Landmark and Contributory designations. Mr. Bush stated that if they were trying to sustain the Historic District there was nothing that addresses the compatibility of new structures with the Landmark and Significant structures. Mr. Bush pointed out that everyone enjoys the Historic District but they place the burden of maintaining the historic structures on the owners of those buildings. He believed this pending ordinance came about because someone felt Park City was losing its historic fabric. In his opinion, this appeared to be a knee-jerk reaction. They were casting a broader net and adding additional layers of review, and he did not believe that was sustainable. If the appeal body is the Board of Adjustment and then the District Court, they would not be able to sustain this level of control. Mr. Bush reiterated his request to treat everything in the Historic District equally; both historic homeowners and non-historic homeowners. His concern was that if the Code changes are not sustainable it might do the opposite and make the historic fabric go away more quickly. Mr. Bush asked the Staff to be reasonable in imposing the extra levels of review on the historic homeowners.

Commissioner Campbell favored anything that would turn 10 pages of regulation into four pages. Director Erickson stated that he was also concerned about the levels of regulation. They were getting direction from the elected officials to make sure they were protecting the Districts with the least amount of redlines possible.

Chair Strachan closed the public hearing.

Commissioner Joyce referred to a comment from Mr. Keyes about de-listing. Planner Grahn stated that currently when doing a determination of significance, whether it is being determined to be historic or non-historic, the property is posted for seven days. She was willing to look at doing a courtesy mailing notice as well. Commissioner Joyce favored the idea of a courtesy notice. Assistant City Attorney McLean suggested removing the language "designation of sites" on the noticing matrix and replacing it with "determination of significance on the Historic Sites Inventory." Commissioner Joyce explained why he did not believe that language change addressed Mr. Keyes' concern. He understood that Mr. Keyes was suggesting that they include de-listing in the third row of the matrix and not the first row.

Assistant City Attorney McLean recommended that all determinations should be noticed the same. They have the same criteria review for structures being put on or taken off the list. She understood that Commissioner Joyce was suggesting that structures that would probably come off the list should have a longer noticing period. Commissioner Joyce thought it made sense, particularly for second homeowners, that de-listing should require a courtesy mailing.

Director Erickson was willing to make the recommendation as suggested by Commissioner Joyce. Ms. McLean asked for a head nod from the Planning Commission to see if there was consensus. All the Commissioners agreed with a courtesy mailing for anything that could be de-listed. Ms. McLean asked if the Commissioners wanted a courtesy mailing for items that would be listed. Chair Strachan answered yes. Ms. McLean asked if they wanted a greater notice for de-listing to match the HDDR noticing, which is longer than seven days. Commissioner Campbell answered yes. Chair Strachan suggested that they make the noticing consistent. It should be a courtesy mailing the same as for an HDDR review.

Assistant City Attorney McLean summarized that 1) it was a determination of significance and not just putting a structure on the HSI; 2) that the property will be posted 14 days prior; 3) a courtesy mailing to owners within a 100 feet; 4) the appeal is noticed for 7 days.

Commissioner Worel wanted to know how far in advance they do the courtesy mailing. Ms. McLean replied that it was 14 days.

Commissioner Campbell asked how the changes recommended by the Planning Commission would be presented to the City Council. Assistant City Attorney McLean stated that the text would be the initial pending ordinance with the redlined amendments.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council on the pending ordinance as shown in Exhibit A in the Staff report for the Land Management Code changes for the Historic Sites Inventory and demolition permits, and ask that the City Council consider the changes that were proposed by the Planning Commission during the discussion this evening. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 8:00 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Subject: Alice Claim aka Alice Lode
Subdivision & Plat Amendment
Project #: PL-08-00371
Author: Francisco Astorga, AICP, Senior Planner
Bruce Erickson, AICP, Planning Director
Date: December 9, 2015
Type of Item: Work Session – Subdivision & Plat Amendment

Summary Recommendations

Staff recommends that the Planning Commission hold a work session discussion for the Alice Claim aka Alice Lode Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue and provide input and discussion to Staff and the applicant on the proposed amended "Gully Site Plan".

Topic

Applicant: King Development Group, LLC ("Applicant" or "King Development")
Location: Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue
Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)
Adjacent Land Uses: Open Space and Residential (developed and undeveloped)
Reason for Review: Planning Commission review and recommendation to City Council. There is also a separate pending appeal of a Conditional Use Permit or a wall- "the CUP Appeal".

Proposal

The proposed project is a revised subdivision/plat amendment of nine (9) lots on 8.65 acres known as the "Gully Site Plan", See Exhibit B – Proposed "Gully Site Plan". The site is located south of the intersection of King Road, Ridge Avenue, Woodside Gulch, and Sampson Avenue (approximately), within the Historic residential (HR-1), Estate (E) and Sensitive Lands Overlay (SLO) zone districts. The property is a "metes and bounds" parcel with contiguous portions of platted lots. A City water tank and land owned by the City is adjacent to the subject property to the south. City water lines lie in a parcel of City owned property that bisects the subject property.

Background

Please refer to the Planning Commission Packet from August 12, 2015 by clicking the following [link](#) (packet page 117), which includes the Planning Commission Staff Report and Exhibits, for a detailed background of the project. In summary, the Planning Commission did not find that the proposal met the General Plan for the area, there was

no good cause for the subdivision as required by the Land Management Code, the site design did not meet the Land Management Code requirements for compact design and to minimize impacts to steep slopes. The Planning Commission also found that the roadways and intersections were substandard in the area. To read the August 12, 2015 Planning Commission meeting minutes click the following [link](#) (packet page 21).

After reviewing the project in various forms, the Planning Commission voted unanimously to forward a negative recommendation on the Subdivision and Plat Amendment on August 12, 2015. In addition, Planning Commission reviewed the Conditional Use Permit (CUP) for retaining walls greater than six feet (6') which would be needed for the entrance of to the subdivision on the plat and voted unanimously to deny the CUP. The Applicants have appealed the denial of the CUP, and the City and the Applicant have stipulated that the appeal of that decision will be brought back to the City Council after City Council has made a determination of this Plat Amendment/Subdivision application.

When the application was before City Council, the Applicant requested that City Council consider an amended "Gully Site Plan" which is different from what the Planning Commission based their recommendation on August 12, 2015, but similar to a plan previously reviewed by Planning Commission in 2009.

The City Council conducted a site visit on October 8, 2015, and held a work session discussion. They also took public input. To read the October 8, 2015 Planning Commission meeting minutes click the following [link](#) (packet page 2). On October 29, 2015, the City Council took action and remanded the new "Gully Site Plan" back to the Planning Commission. See Exhibit F – October 29, 2015 City Council Draft Minutes.

Discussion

Planning Staff recommends that the Planning Commission review the information attached and conduct a work session discussion with Staff and the applicant. If the Planning Commission chooses, public comment may be taken at the work session. A courtesy letter was sent to property owners within 300 feet, the site was posted, and e-mail was sent to concerned residents who shared public comment on October 8, 2015 City Council meeting, all of which are not required for work session.

Based on Planning Department review, the "Gully Site Plan" concept is still nine (9) lots but has smaller, more compact lots; private road (i.e. driveways) has been moved off steep slopes and one (1) driveway has been removed, the lots are moved lower in elevation with the project site. No changes have been made to the intersection with King Road. This Gully Site Plan is laid out similarly to "Plan B" from the 2009 discussions. During those discussions, as well as more recently in 2015, several members of the Planning Commission expressed a preference for this "Gully Site Plan" concept. The proposed "Gully Site Plan" is much in line with Planning Commission comments.

The proposal consists of eight (8) lots within the HR-1 District consisting of 4,510 square feet (0.10 acres) each. The maximum building footprint of each lot would be 1,750 square feet based on the building footprint formula. The proposal also includes 1 (one) lot in the Estate District of 131,123 square feet (3.01 acres) with a maximum building footprint of 2,500 square feet. The Estate District does not contain building footprint limitations, and this restriction is self-imposed by the property owner. As written on the site plan the evergreen trees are to be preserved, however, the same site plan shows the removal of three (3) evergreens, one (1) located on the proposed footprint of Lot 1, and two (2) trees within the proposed road.

HR-1 Lots

A single-family dwelling is an allowed use in the HR-1 District. The minimum lot area for a single-family dwelling is 1,875 square feet. The minimum lot area for a duplex dwelling is 3,750 square feet subject to Conditional Use Permit (CUP) approval by the Planning Commission. The proposed lot area for all of the HR-1 Lots is 4,510 square feet, each. The proposed HR-1 lots meet the minimum lot area for single-family dwellings and duplex dwellings. The proposed lot widths range between forty two and sixty two feet (42-62'). The minimum lot width required in the HR-1 District is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement. Due to the zoning designation, any construction would require Historic District Design Review (HDDR) approval for compliance of the Design Guidelines for Historic Districts. Any construction over thirty percent (30%) would be subject to Planning Commission review and approval of the steep slope CUP criteria. Staff estimates at this time that four (4) of the eight (8) HR-1 lots would require steep slope CUP review.

Estate Lot

Single-family and duplex dwellings are allowed uses in the Estate District. The minimum lot area for all uses in the Estate District is three (3) acres (130,680 square feet). The proposed Estate District lot meets the minimum lot area as it is 3.01 acres (131,123 square feet). The proposed lot width is over three hundred feet (300'). The minimum lot width required in the Estate District is one hundred feet (100'). The proposed Estate District lot meets the minimum lot width requirement. Unlike the HR-1 district lots, the Estate District lot would not require the HDDR or steep slope CUP.

The following table shows applicable Land Management Code (LMC) development parameters in the HR-1 District and Estate District:

LMC Requirements	HR-1 District	Estate District
Building Footprint (based on lot size)	1,750 square feet, max.	2,500 square feet, max. Self-imposed restriction.
Front/Rear Yard Setbacks	Twelve feet (12'), min. Twenty-five feet (25'), total	Thirty feet (30), min.*
Side Yard Setbacks	Five feet (5'), min.	
Building (Zone) Height	No Structure shall be erected to a height greater	No Structure shall be erected to a height greater

	than twenty-seven feet (27') from Existing Grade.	than twenty-eight feet (28') from Existing Grade. Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].	Not applicable.
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].	
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required [...].	
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	

* The Planning Commission may vary required yards in Subdivisions. In no case shall the Planning Commission reduce Side Yards to allow less than ten feet (10') between Structures.

Site Plan Alterations

Staff recommends spending time with the Planning Commission reviewing the updated version of the proposed "Gully Site Plan", Exhibit B – Proposed "Gully Site Plan". Staff finds the following alterations/similarities in the current "Gully Site Plan" from the 2009 gully plan, see Exhibit C:

- The layout of the current proposal follows a more uniform pattern of the eight (8) HR-1 District lots as there are four (4) lots on each side of the proposed private road. This is due to the layout change making all the lots smaller than the 2009 concept plan, specifically all the lots on the east side.
- The Estate District lot is not on the east side instead of the west side.
- The private road has been amended to include a turn-around and a softer curve following the less steep grades.
- The main access from the King Road/Sampson/ Ridge Avenue intersection is still the same.

Restrictions due to the Character of the Land

LMC § 15-7.3-1(D) indicates the following regarding conformance to applicable rules and regulations:

RESTRICTIONS DUE TO CHARACTER OF THE LAND. *Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.*

Recommendation

Staff recommends that the Planning Commission hold a work session discussion for the Alice Claim aka Alice Lode Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue and provide input and discussion to Staff and the applicant on the proposed amended "Gully Site Plan".

Exhibits

- Exhibit A – Applicant's correspondence dated November 6, 2015
- Exhibit B – Proposed "Gully Site Plan"
- Exhibit C – 2009 Gully Plan
- Exhibit D – Certified Topographical Boundary Survey
- Exhibit E – Slope Analysis
- Exhibit F – October 29, 2015 City Council Draft Minutes



LANDSCAPE ARCHITECTURE | LAND PLANNING | ECOLOGICAL PLANNING | URBAN DESIGN

6 November 2015

Via email: bruce.erickson@parkcity.org

Mr. Bruce Erickson
Planning Director
Park City Planning Department
445 Marsac Ave
Park City, UT 84060

Re: *Alice Claim Applications for Subdivision, Plat Amendment, and Conditional Use Permit*

Dear Mr. Erickson:

I write on behalf of the applicant, King Development Group, LLC, to provide the attached "Gully Plan" as an amendment to our current subdivision and plat amendment applications for the Alice Claim development. City Staff and a majority of City Council members expressed support for this plan, and on October 29, 2015, the City Council remanded the applications back to the Planning Commission for its review.

In preparation for a Planning Commission hearing on December 9, 2015, we have further refined the Gully Plan for City Staff and Planning Commission consideration. This new plan moves the HR-1 lots that were previously shown further up the hillside to all front onto Alice Court in the bottom of the gully. Also, the lot sizes within the HR-1 Zone District (lots 2-9) have been reduced in size to 4,510 SF (0.10 ac.) which reduces the maximum home to a 1,750 SF building footprint per the formula in the LMC. We believe that this plan presents the more historic land use pattern suggested by the Planning Commission and City Staff in previous meetings, while also further reducing site disturbance and off-site visibility and increasing compatibility with the HR-1 Zone District.

The attached plans include a site plan illustrating proposed layout and preliminary grading for 9 single family home sites, 8 within the HR-1 Zone District and 1 within the Estate Zone District. The accompanying plan underlays the site plan with a slope analysis plan as the City Staff requested. Revised engineering plans and plat drawings will be submitted for review at a later date for a future Planning Commission hearing if City Staff and the Planning Commission believe that the "Gully Plan" is a development plan that meets their criteria for approval. Please consider that our engineers showed that water pressure met the City requirements on the previously proposed plan, and the new Gully Plan moves the higher home sites to an even lower elevation, further resolving water concerns. Sanitary sewer and storm water drainage will be handled in much the same way on this new plan as was proposed on the previous plan.

The new Gully Plan limits the proposed roadway to the location of the existing roadway except for an emergency vehicle turnaround shown between lots 1 and 2, and at the intersection with Sampson Avenue where the proposed roadway aligns with the Platted King Road R.O.W.

Also, associated with the realigned entry from Sampson Ave are retaining walls greater than 6' in height as was shown in the previous plans. The Applicant appealed to City Council the Planning Commission's denial of the conditional use permit for these entry walls. The Applicant requests that the City Council postpone holding its hearing on this appeal. If possible, the Applicant respectfully requests that the Planning Commission reconsider its denial of the CUP for these walls as this is the only legal and practicable access to the property at this time. No additional walls over 6' height are anticipated with the development.

The new Gully Plan also proposes an additional Plat Amendment Application to include the currently platted lot 123, which is owned by the applicant. That lot is reconfigured for additional frontage onto Alice Court and provides additional land for proposed lots 8 and 9. This also allows for a more rectilinear development pattern seen frequently in the historic districts throughout the city and further clusters the lots at the bottom of the gully.

Lastly, Lot 1 in the Estate Zone District has been reconfigured to eliminate the need for a setback variance, although a disturbance envelope is still provided to define the location of a home within that 3.01 acre lot.

Please be advised that in amending its applications with the Gully Plan and presenting it to City Staff and the Planning Commission, King is not waiving or otherwise relinquishing any of its rights, claims, causes of action, defenses, or privileges relating to its "Current Plan" that on August 12, 2015 received a negative recommendation from the Planning Commission. In this respect, King acknowledges receipt of the email dated October 20, 2015 from Polly Samuels McLean of the City Legal Department stating that the "City agrees that you may amend your application back to the [Current] Plan so long as the application is pending."

Thank you for your consideration.

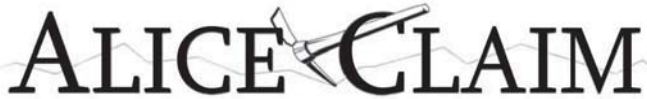
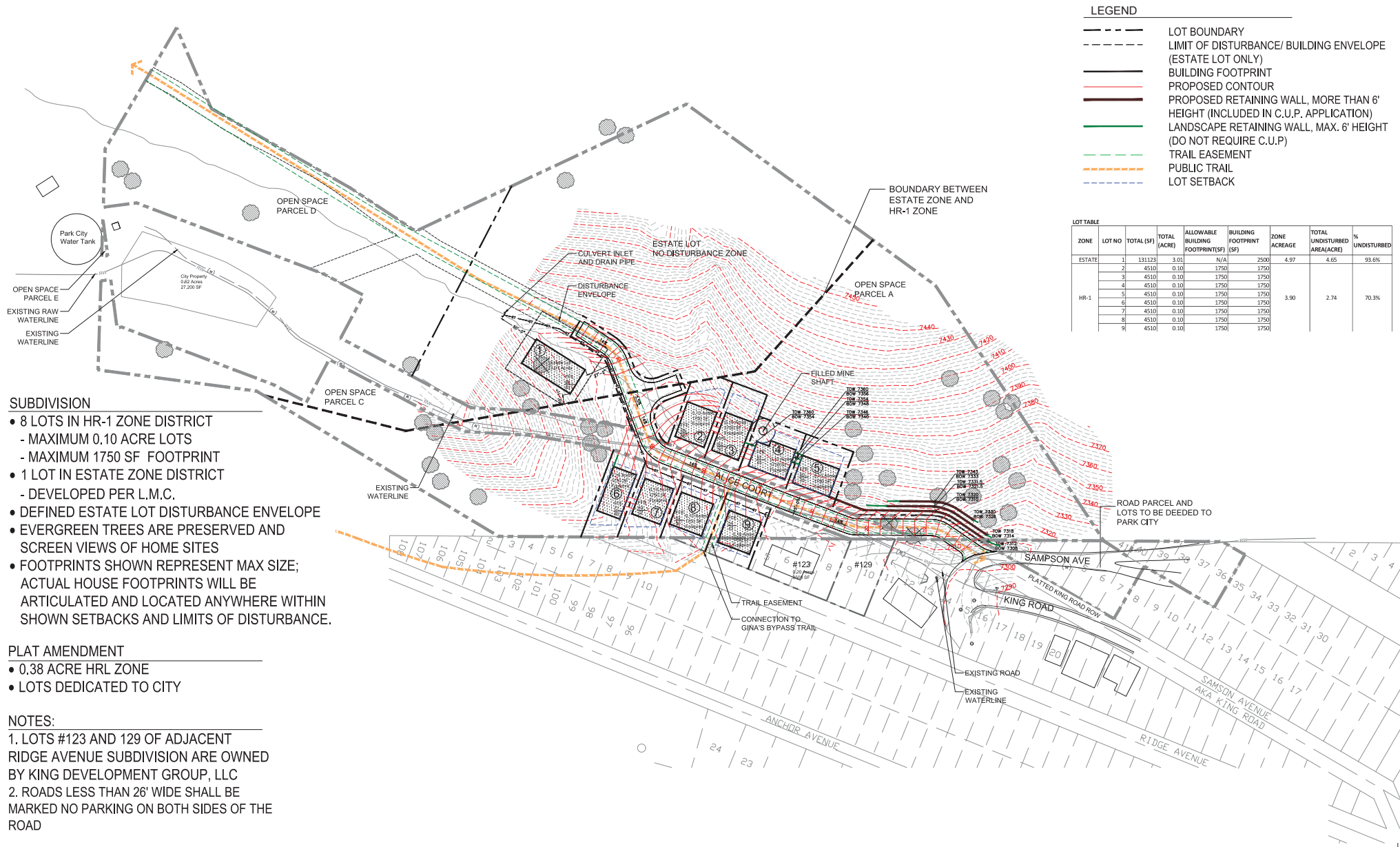
Sincerely,



DHM Design Corporation
Marc Diemer, Associate Principal

cc: King Development Group, LLC
Bradley R. Cahoon, Esq.

Exhibit B – Proposed “Gully Site Plan”



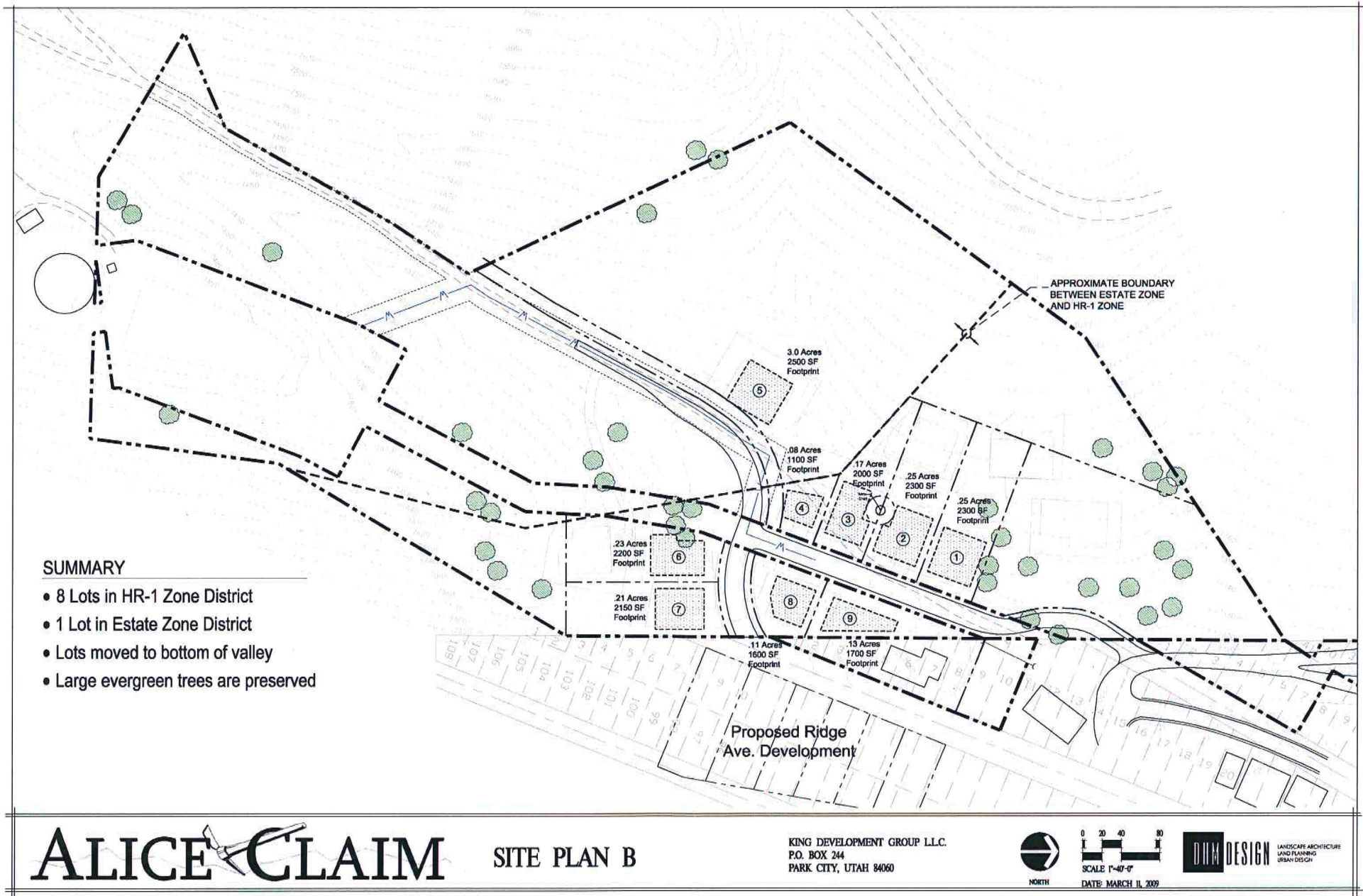
GULLY SITE PLAN

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060



0 10 50
5 30 100
SCALE: 1"=50'-0"
DATE: NOVEMBER 06 2015





NORTHEAST CORNER SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
(FOUND 2-3/8" DIAMETER
IRON PIPE W/ WELDED TOP
THIS MONUMENT APPEARS TO
HAVE BEEN EXISTANT AT THIS
LOCATION SINCE AT LEAST 1907
(SEE MS-5665 & 5763)



VICINITY MAP

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

point on Line 1-2 of the Park View Lode USL-655; thence, along said Line 1-2, Park View Lode

Containing 310,925 square feet or 7.138 acres.

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Right of Way line of the Park City Water Company Access Road; thence, along said Eastern

Boundary Line of the Subdivision No. 1 of Miller Reservation (dated 06/23/2007); thence;

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

The Point of Beginning:
Containing 173 square feet or 0.004 acres.

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East Salt Lake Base and Meridian, said parcel being more particularly described as follows:

[illegible]

00 0 0 0 0 000 00 0 0 000 00 00 0 000 000 00 0 0 0 0 000 00 00 0 000



The Contractor shall verify and be responsible for all dimensions. DO NOT scale the drawing - any errors or omissions shall be reported to Stantec without delay.
The Copyrights to all designs and drawings are the property of Stantec. Reproduction or use for any purpose other than that authorized by Stantec is forbidden.

KING DEVELOPMENT GROUP L.L.C
P.O. BOX 244
PARK CITY, UTAH 84060

 CONTOUR MAJOR
 CONTOUR MINOR
 BOUNDARY LINE
 SECTION LINE
 BOUNDARY BY LINE
 ROAD C&T
 ROAD ASPHALT
 EXISTING OVERHEAD POWER
 EXISTING WATER LINE
 EXISTING STORM DRAIN LINE
 EXISTING SEWER LINE
 EXISTING GAS LINE
 EXISTING FENCE LINE
 EXISTING CURB
 EXISTING POWER POLE
 EXISTING WATER MANHOLE
 EXISTING WATER VALVE
 EXISTING SEWER MANHOLE
 EXISTING FIRE HYD.
 EXISTING VEGETATION
 EXISTING TREE
 SECTION CORNER

SURVEYOR'S CERTIFICATE

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO MAP THE EXISTING TOPOGRAPHY OF THE BOUNDARY OF ALICE CLAIM. THIS SURVEY WAS PREPARED USING EXISTING TOPOGRAPHIC INFORMATION DATA FROM A 2005 SURVEY COMPLETED BY OLYMPUS AERIAL SURVEYS AND UPDATED IN OCTOBER 2014 BY STANTEC CONSULTING INC.. THE ACCURACY OF THE 2-FOOT CONTOURS SHOWN IS EQUAL TO ONE-HALF (OR BETTER THAN) THE CONTOUR INTERVAL. THIS IS NOT A BOUNDARY SURVEY PLAT.

Revision	By	Appd.	YY.MM.DD

1	PARK CITY SUBMITAL	SRV	SRV	15.01.22
Issued		By	Appd.	YY.MM.DD

File Name: 03057x_cerf_topo.dwg	SDJ	JRJ	SDJ	15.01.19
	Dwn	Chkd	Dgn	TY.NM.DD

Permit-Seal



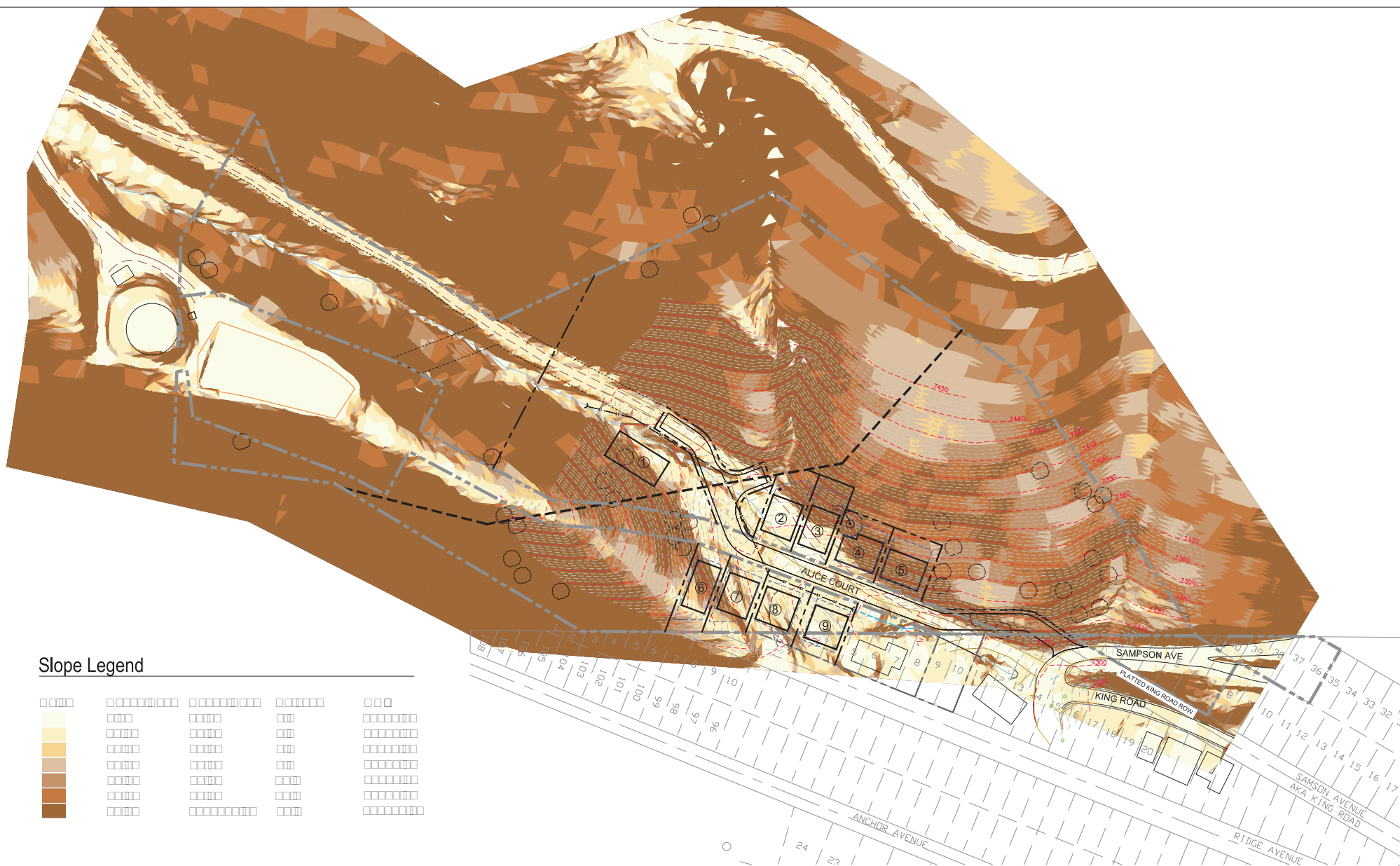
Client/Project

ALICE CLAIM
CERTIFIED TOPOGRAPHICAL BOUNDARY SURVEY
PARK CITY, UTAH

Title _____

Project No. _____ Scale _____
 205303057 1" = 60'

Drawing No. _____ Sheet _____ Revision _____



Alice Claim

SLOPE ANALYSIS

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060



0 10 50
5 30 100
SCALE: 1"=50'-0"
DATE: NOVEMBER 06, 2015



**PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH,
October 29, 2015**

Page | 10

Council Member Simpson moved to approve the above listed minutes with said changes. Council Member Henney seconded the motion.

**Voting Aye: Council Members Simpson, Matsumoto, Beerman, and Henney.
Council Member Peek recused himself. Minutes were approved as amended.**

V. CONSENT AGENDA

1. Consideration of a Request to Establish a Blue Ribbon Citizen's Advisory Committee on Remote Parking Jointly with Summit County:

2. Consideration of a Resolution Authorizing the City Manager to Enter into a two-year Cooperative Agreement, in a Form Approved by the City Attorney, with Summit County, Utah, in an Amount Not to Exceed a Total of \$301,615 to Create an Alternative Transportation Trip Marketing Program; the City Would be Responsible for 50% of the \$301,615, or not more than \$150,807.50:

3. Consideration of a Request to Remand the Alice Claim Subdivision and Plat Amendment back to the Planning Commission:

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

Voting Aye: Council Members Simpson, Matsumoto, Beerman, Peek and Henney.

VI. NEW BUSINESS

1. Authorize the City Manager to Execute a Professional Services Agreement, in a Form Approved by the City Attorney, with CH2M Hill Engineers, Inc., for Quinn's Junction Water Treatment Plant Process, Capacity, and Energy Management Upgrades Engineering Services in an Amount of \$499,500:

Roger McClain, Michelle DeHaan, Kyle MacArthur and Chad Busch, Water Department, along with Bina Skordis, and Brock Emersons with CH2 spoke to the Quinns Junction WTP to improve reliability and energy efficiency.

McClain reports Quinn's Junction recognizes 30% of the city's drinking water. They've been looking at impacts on their treatment reliability at that plant since it handles such a high volume of water.

DeHaan spoke to the challenges they had this year at Quinn's. She says they're very proud of this facility. She discussed Weber River water quality and how it impacts the Quinn's plant. They need to improve the reliability of this facility to be able to run on a 24/7 basis and provide water during high demand periods. DeHaan says there was untreatable river water from the spring runoff this past year that contained manganese

Planning Commission Staff Report



Application #s: PL-15-02983
Subject: One Empire Pass
Author: Kirsten Whetstone, AICP, Senior Planner
Date: December 9, 2015
Type of Item: Conditional Use Permit- Work Session

Summary Recommendations

This is an introduction and work session discussion on the One Empire Pass Conditional Use Permit application. No action is requested. Staff recommends that the Planning Commission provide input and direction to Staff and the applicant.

Description

Applicant: Guardsman Lodge, LLC, represented by Bill Fiveash, managing partner
Location: 8910 Empire Club Drive- Pod A, Lot 15 Village at Empire Pass West Side Subdivision (Building 5)
Zoning: Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses: Deer Valley Resort, other potential development parcels of the Village at Empire Pass Pod A

Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel. The Flagstaff Development Agreement was amended on March 2, 2007 (Exhibit H).

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A, known as the Village Master Planned Development (VMPD) (Exhibit F). As part of the 2004 Commission review of the VMPD, volumetrics for the buildings within the VMPD were approved. A height exception was granted for Building 5 per these volumetrics (Exhibit F). Five buildings have been built, namely Arrowleaf A and Arrowleaf B, Snowberry Lodge, Silver Strike Lodge, Shooting Star, and the tower portion of Talisker Club. Additionally, Larkspur East and Larkspur West (attached homes) have been constructed as well as Paintbrush PUD style homes. Four of the large lodge style buildings remain, including the proposed One Empire Pass building. There are also approximately 24 attached homes remaining to be approved

and constructed as part of the Village MPD (Exhibit I).

The Village Master Plan Development (VMPD) was the first step in the development process for Pod A. The purpose of the VMPD was to establish unit mix and density for the Mountain Village, as well as addressing overall project infrastructure throughout the Annexation Area. The VMPD established building volumes, density, and location. The VMPD allows up to 65,537 sf of residential floor area on this Lot. The total residential floor area, excluding the affordable and ADA units, is 63,612 sf (31.8 UE).

The subsequent CUPs required by the VMPD and subdivision plat, for each multi-family parcel and/or building are intended to provide final architectural review by the Park City Planning Department Staff and Planning Commission and to demonstrate compliance with the Village MPD and Large Scale MPD (LSMPD) documented in Flagstaff Annexation and Development Agreement (Exhibit H).

The Village at Empire Pass West Side Subdivision plat was approved by Council in 2005 and recorded at Summit County on August 12, 2005. This subdivision platted Lots 12-18 of the VMPD. The One Empire Pass CUP is proposed to be located on Lot 15 of the Village at Empire Pass West Side Subdivision. Lot 15 consists of 50,999 square feet of lot area. The subdivision notes require compliance with RD zone setbacks, approval of a Conditional Use Permit for each building prior to issuance of a building permit, a declaration of condominium and a record of survey prior to individual sale of units, requires membership of the owner in the Empire Pass Master HOA, identifies Empire Club Drive as a private street, plats a 20' snow storage easement along the street frontages, requires water efficient landscape, and includes other utility and maintenance provisions.

On October 26, 2015, the Planning Department received an application for a Conditional Use Permit for a twenty seven unit residential building to be located on Lot 15 of the Village at Empire Pass West Side Subdivision (Exhibits A-E). The building is identified as Building 5 on the Village at Empire Pass MPD. The application was deemed complete on October 30, 2015.

The applicant will present the proposed project plans and review the approved building volumetrics, heights, and architectural character. The Commission can provide input regarding the proposed plans and express comments that they have regarding the proposed project. Approved volumetrics are attached as Exhibit F. A public hearing is scheduled for January 13, 2016.

Analysis

Conditional Use Permit applications are reviewed based on the following criteria (Staff's preliminary analysis is in *italics*):

(1) size and location of the Site;

One Empire Pass consists of a single multi-story building with 27 residential units ranging in size from 1,140 sf to 3,164 sf, one 900 sf affordable housing unit, and one

944 sf ADA unit. It is located north of the Silver Strike Lodge on Lot 15 of the Village at Empire Pass West Side Subdivision. The lot consists of approximately 1.17 acres (50,999 square feet). Excluding the affordable and ADA units, the total residential floor area is 63,612 sf, utilizing 31.8 unit equivalents (UE). The MPD allows up to 65,537 sf of residential floor area on this Lot. The site slopes up from the street and the design proposes a single level underground parking structure with six stories of residential units above. The garage entrance is at grade with the street and built into the slope of the lot so that the back of the garage is underground. The building pad is relatively level as it was graded and used during construction of surrounding buildings.

(2) traffic considerations including capacity of the existing Streets in the Area;
The site will be served by Empire Club Drive, a private road that connects to the public Marsac Avenue. A traffic management plan has been approved as part of the Technical Reports to reduce overall traffic generated from the development. A Construction Mitigation Plan is required at the time of Building Permit issuance in compliance with the Flagstaff Development Agreement that will reiterate that downhill truck traffic will use Royal Street. The Construction Mitigation Plan shall also address where excavated materials will be hauled if they are not used on this site. The Development Agreement requires excavated materials to remain within the Annexation Area.

(3) utility capacity;
A storm water plan is being reviewed by the City Engineer (Exhibit G). A final approved storm water plan, as well as a utility and grading plan, is required prior to issuance of a building permit. Adequate sewer, electric, gas, and phone service is available.

(4) emergency vehicle Access;
Primary emergency access is from Marsac Avenue and Empire Club Drive that winds through the Village area with two access points onto Marsac Avenue.

(5) location and amount of off-Street parking;
The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Fifty-five spaces would be required for the 27 units and one ADA unit. The 25% reduction is rounded to 42 spaces. The underground parking structure will have 38 spaces and 6 surface spaces will be provided near the front drop-off area.

(6) internal vehicular and pedestrian circulation system;
Access to One Empire is from Empire Club Drive, a private street. A drop-off area is located in the front of the building and a bus stop is located nearby on Marsac Avenue. A pedestrian path system is proposed consistent with the Village Master Plan of Trails.

(7) fencing, Screening, and landscaping to separate the Use from adjoining Uses;
A landscape plan that provides a buffer between buildings to the greatest extent possible is required as a condition precedent to Building Permit. Landscaping and irrigation will be water efficient, utilizing drought tolerant plantings, limited turf area, and drip irrigation.

(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;

This building is one of nine buildings clustered within Pod A. One Empire Pass has six floors of residential units with a single level parking structure under the building. Twenty-seven (27) units are proposed with a total of 63,612 square feet, not including the 900 square foot deed restricted affordable housing unit and the ADA unit. All zone required setbacks will be maintained. To the south there are five existing buildings of a similar size, height, and volumetric, with four still to be constructed, for a total of nine similar lodge style buildings within the VMPD.

(9) usable Open Space;

Both passive and active Open Space is provided in excess of 88% within the annexation boundary. The individual lots were not required to provide open space.

(10) signs and lighting;

Signs and lighting must be in conformance with the Park City codes and the Flagstaff Mountain Resort Design Guidelines. Signs require a separate sign permit. Street lights must be approved by the City Engineer and will be privately maintained.

(11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

In the immediate area there are four existing similarly sized multi-story residential condominium buildings (Silver Strike, Flagstaff (aka Snowberry), Shooting Star, and Talisker Tower Club), as well as the two story Larkspur town homes and Paintbrush PUD style homes (single family detached homes). The master developer is coordinating design elements for all phases of the project and all developments require approval by the Flagstaff Architectural Design Review Board. Staff has reviewed the proposed building for compliance with the Volumetrics and will provide a detailed analysis at the next meeting.

(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site; *All uses are inside the residential building and there are no expected impacts on people or Property Off-Site. Staff will recommend conditions of approval related to screening of mechanical equipment.*

(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;

Service and delivery will be minimal as there is no commercial or support commercial component in the building. It is anticipated that laundry/maid service will be needed on a weekly basis throughout the Village. Trash pickup will be in the parking garage.

(14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and

The project will be platted as a condominium. Nightly rental is a permitted use within the RD zoning district. These units will primarily be second homes and it is unlikely that many will be full-time residences, although this possibility is not precluded.

(15) within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site. *There are no Environmentally Sensitive Lands within or adjoining the site. The building, as with most of the Village, is located on the flatter slopes within the pod. The site is currently vacant with little significant vegetation as it was used during construction of the surrounding buildings, ski lift, and ski run.*

Department Review

This project has gone through an interdepartmental review. Staff is working with the applicant to address storm water issues. No further issues were brought up at that time.

Notice

The work session was noticed on the agenda published prior to the meeting. The property will be posted and notices mailed to property owners within 300 feet by December 30, 2015 for the public hearing on January 13, 2016. A legal notice will be published at that time.

Future Process

The Conditional Use Permit will be heard as a public hearing at the regular meeting of January 13, 2016. Approval of a Conditional Use application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. A condominium record of survey plat is required to plat units for individual sale.

Summary Recommendations

This is an introduction and work session discussion on the One Empire Pass Conditional Use Permit application. No action is requested.

Exhibits

- Exhibit A – Project Description
- Exhibit B – Existing Conditions
- Exhibit C – Subdivision plat
- Exhibit D – Site and Landscape Plans and Floor Plans
- Exhibit E – Architectural Elevations and Materials
- Exhibit F – Village at Empire Pass MPD approval and Volumetrics
- Exhibit G – Utility Plans
- Exhibit H – Flagstaff Annexation Agreement (related sections)
- Exhibit I – Village Map

EXHIBIT A

EXHIBIT A

BUILDING 5 EMPIRE PASS east west partners

Guardsman Lodge - Park City, Utah

Architect:
IBI Group
10 Exchange Place, Suite 112
Salt Lake City, UT 84111
T: 801.532.4233
F: 801.532.4231
Contact: Joe Geroux, AIA



IBI Project # 38654

CONDITIONAL USE PERMIT

OCTOBER 26, 2015

OWNER:

Owner:
east west partners
126 Riverfront Lane,
5th Floor
Avon, CO 81620
T - 970.845.9200

CONSULTANTS:

Landscape Architect:
IBI Group
10 Exchange Place, Suite 112
Salt Lake City, Utah 84111
T - 801.532.4233
F - 801.532.4231

Civil Engineer:
Alliance Engineering Inc
323 Main Street
Park City, Utah 84060-2664
T - 435.649.9467
F - 435.649.9475

Structural Engineer:
Dunn Associates Inc
380 W 800 S, Suite 100
Salt Lake City, Utah 84101
T - 801.575.8877
F - 801.575.8875

Mechanical Engineer:
CCI Mechanical
2345 CCI Way
Salt Lake City, Utah 84119
T - 801.973.9000
F - 801.975.7204

Electrical Engineer:
Envision Engineering
240 E Morris Ave, Suite 200
Salt Lake City, Utah 84115
T - 801.534.1130

SHEET INDEX:

GENERAL	
COVER SHEET / SHEET INDEX	
CIVIL	
1 OF 1	EXISTING CONDITION & TOPOGRAPHIC MAP
1 OF 1	ALTA / ASBM LAND TITLE SURVEY
C100	GRADING & UTILITIES PLAN
C101	DETAILS
LANDSCAPE	
L100	MASTER SITE PLAN
L101	ENLARGED SITE PLAN AUTOCOUNT
L102	ENLARGED SITE PLAN AMBIENT DECK
L200	PLANTING PLAN
L301	ENLARGED SITE PLANTING PLAN
L302	ENLARGED SITE PLANTING PLAN
ARCHITECTURAL	
A200	PARKING LEVEL PLAN
A201	LEVEL 1 PLAN
A202	LEVEL 2 PLAN
A203	LEVEL 3 PLAN
A204	LEVEL 4 PLAN
A205	LEVEL 5 PLAN
A206	LEVEL 6 PLAN
A207	ROOF PLAN
A301	BUILDING ELEVATIONS
A302	BUILDING ELEVATIONS
A401	BUILDING SECTIONS
N60	COLOR EXTERIOR ELEVATIONS
S01	CONCEPT RENDERINGS
N60	CONCEPT RENDERINGS

VICINITY MAP:



EMPIRE PASS



CONCEPTUAL RENDERING

RECEIVED
OCT 26 2015
PARK CITY
PLANNING DEPT.



Guardsman Lodge, LLC

PO Box 682023
Park City, Utah 84060
Phone: 435.714.0267
E-Mail: bfiveash@ewpartners.com

To: Park City Planning
From: Bill Fiveash OBO Guardsman Lodge, LLC
Date: October 21, 2015
Re: VEPWS - 15 - CUP Written Statement

Memo

Guardsman Lodge LLC is seeking a Conditional Use Permit for the development and construction of a residential building on VEPWS-15 at Empire Pass. The site is part of the land subject to the Amended and Restated Development Agreement for Flagstaff Mountain recorded in March 2007 which granted the Developer/Owner of the property a Large Scale Master Planned Development. This application seeks to move forward the approvals as required in the development agreement to the level considered a Small Scale Master Plan, for which, we believe a CUP is required.

Guardsman Lodge LLC is proposing to build a 109,479 SF structure consisting of 27 residential for sale properties (Not exceeding 65,537 SF), 1 Accessible Unit as required by town code (1 ADA Unit), 1 Employee Housing Unit (1 EHU Unit), 42 total parking spaces, and various Residential Accessory Uses as defined in the Development Agreement.

Below are answers to specific questions required in the CUP Application:

How will the proposed use "fit-in" with surrounding uses?

The development of a resort style condominium property was specifically contemplated for this site within the previously granted MPD. The proposed building fits the approved massing and square footage allowances per previous approvals.

What type of service will it provide to Park City?

The property is part of the resort residential development of Empire Pass Village.

Is the proposed use consistent with the current zoning district and with the General Plan?

The proposed development is consistent with the Development Agreement recorded in March 2007 for Flagstaff Mountain.

Is the proposed use similar or compatible with the other uses in the same area?

Yes, the proposed property has received preliminary approval from the Empire Pass HOA Design Review Board as being compliant with the expected design and use of the property.

Is the proposed use suitable for the proposed site?

Yes, the proposed property fits within the prescribed massing and maximum SF.

Will the proposed use emit noise, glare, dust, pollutants, and odor?

The proposed use is similar in design to the other condominium buildings in Empire Pass Village. There are no extraordinary uses or mechanical systems that one would expect to produce any emissions dissimilar to the other existing properties.



What will be the hour of operation, and how many people will be employed?

As a residential property, it is expected to be occupied during all hours of the day. The developer is proposing to have Deer Valley Lodging operate the HOA and thus will employ at least one FTE employee as a lodge keeper, plus other support employees from existing staff of DV Lodging.

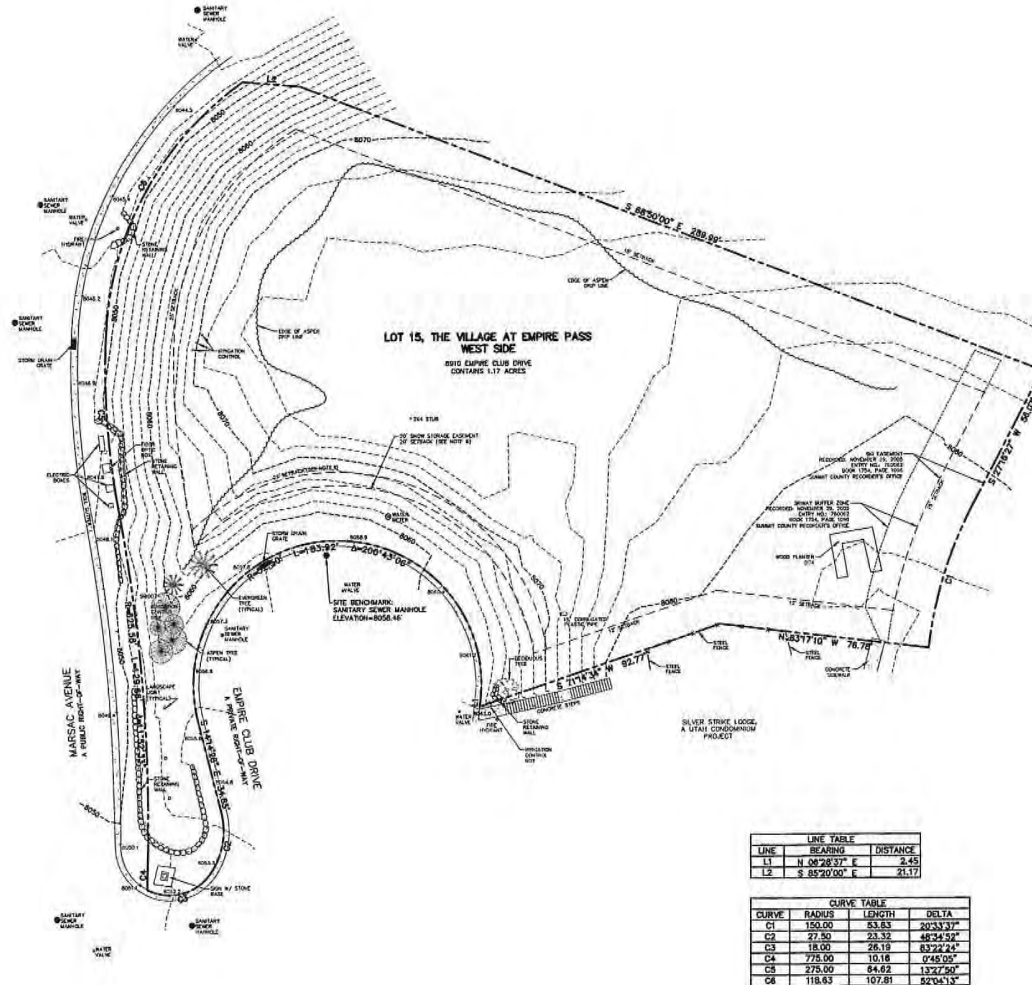
Are other special issues that need to be mitigated?

No.



EXHIBIT B

EXHIBIT B

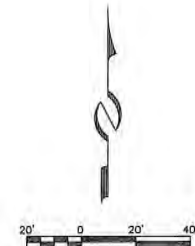


SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

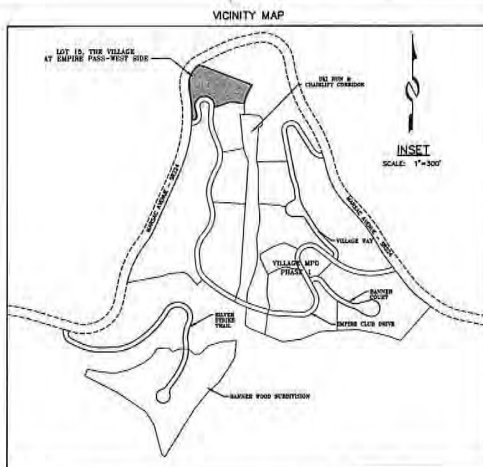
1. Site Benchmark Sanitary Sewer Manhole Elevation=8058.46'
2. See record of survey plot for easements and restrictions.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
4. This topographic map is based on a field survey performed on June 19, 2015.
5. Property corners were set or found during a previous survey.
6. The required 25' setback for master planned developments is measured from the Flagstaff annexation boundary. The internal setback lines shown herein are standard RD zone setbacks. RD zone setbacks are as follows: 25' front yard (front facing garages), 20' front yard (residence), 12' side yard, & 15' rear yard.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 08°28'37" E	2.45
L2	S 85°20'00" E	21.17

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	150.00	53.83	20°33'37"
C2	27.50	23.32	48°34'52"
C3	18.00	26.18	53°22'24"
C4	775.00	10.16	0°45'05"
C5	275.00	84.62	13°27'50"
C6	118.63	107.81	82°04'13"

(435) 644-9987 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 222 Main Street, P.O. Box 2014, Park City, Utah 84060-2014	STAFF: MARSHALL KING MARTY MORRISON HARRISON HOLLEY	EXISTING CONDITIONS & TOPOGRAPHIC MAP LOT 15, THE VILLAGE AT EMPIRE PASS WEST SIDE, 8910 EMPIRE CLUB DRIVE FOR: EAST WEST PARTNERS JOB NO.: 7-2-15 DATE: 6/26/15 FILE: X:\Empire\dwg\topo2015\070215.dwg	SHEET 1 OF 1
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NARRATIVE

- The underground utilities shown on this survey are from construction drawings.
- This survey is performed in conjunction with a Commitment for Title Insurance issued by Park City Title Company dated February 10, 2015, as File No. 20594.
- The following exceptions in Schedule B, Section II of the Title commitment dated February 10, 2015, as File No. 20594 are not addressed by this survey: 1, 2, 5-8, 11-14, 15.
- A relocation survey of Sections 28, 29, 31, 32 and 33 was performed by RBB Land Surveyors. The section corners shown on this survey are based on the RBB survey. See recorded survey no. 5-3819, Summit County, Utah, and recorded survey no. 09C-024-028-5-1020, Wasatch County, Utah. The aluminum pipe w/cap set at the north 1/4 corner of Section 28 during the RBB survey no longer exists.
- The subject property is located in Flood Insurance Rate Map Panel 49043C1125C and is in Zone X, which is determined to be outside the 0.2% annual chance floodplain.
- The subject property is zoned RD and is part of a Master Planned Development (MPD) and may have building requirements specific to the approval of this MPD. See Park City Municipal Corporation for information regarding requirements and restrictions.
- The property was vacant at the time of the survey.
- There is no observed evidence of current earth moving work or building construction.
- There are no known proposed changes to street right-of-way lines nor is there any evidence of recent street or sidewalk construction or repairs.
- There is no observed evidence of the site being used as a solid waste dump, pump or sanitary landfill.
- There are no wetland areas on the property.

SETBACK NOTE

(as approved by Park City Municipal Corporation Empire Pass Village Master Plan, July 21, 2004.)

- The required 25' setback for master planned developments is measured from the Rugged/annexation boundary. The internal setback lines shown hereon are standard RD zone setbacks. RD zone setbacks are as follows: 25' front yard (front facing garages), 20' front yard (residence), 12' side yard, & 15' rear yard.

MINING CLAIM LOCATION

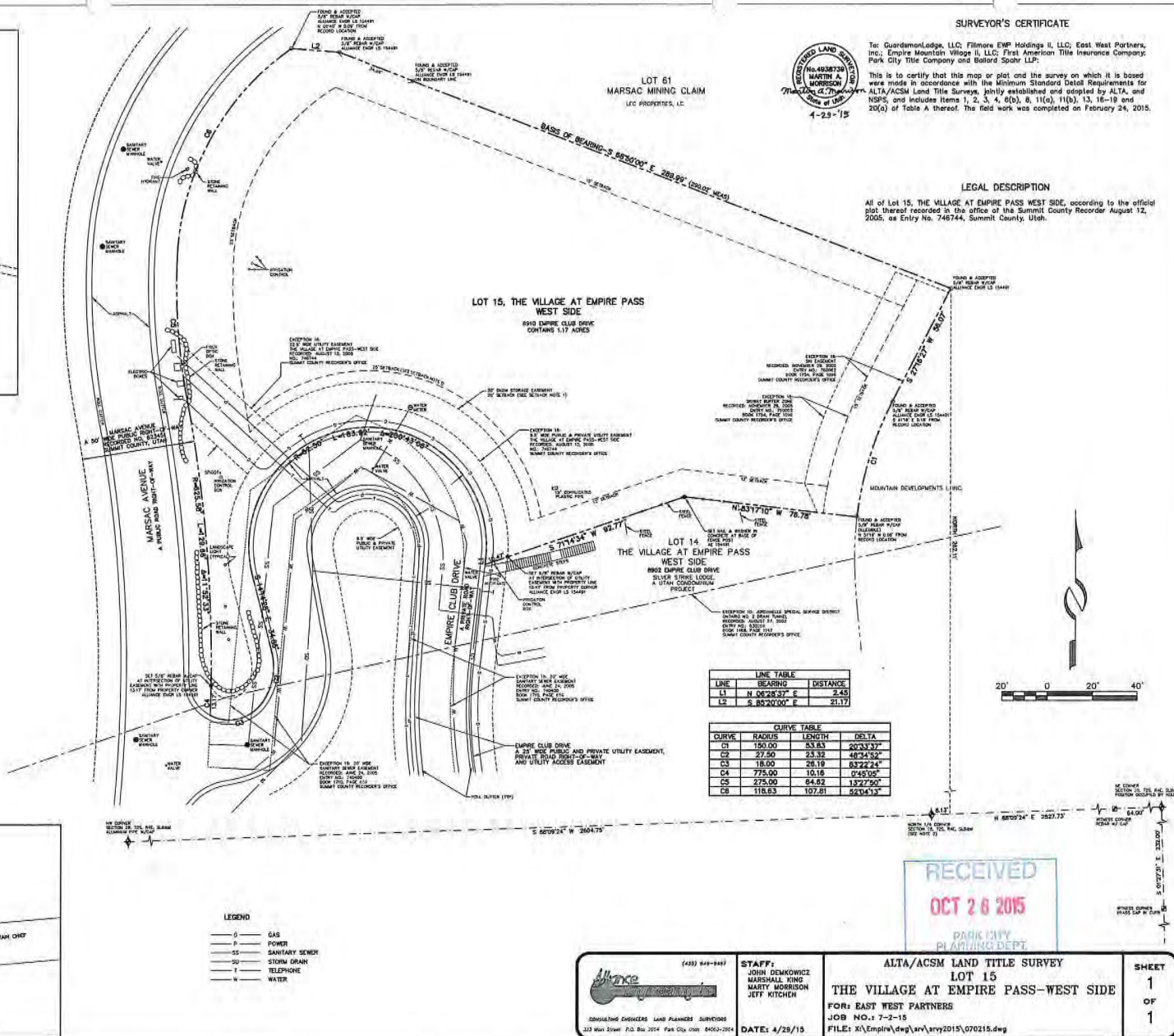
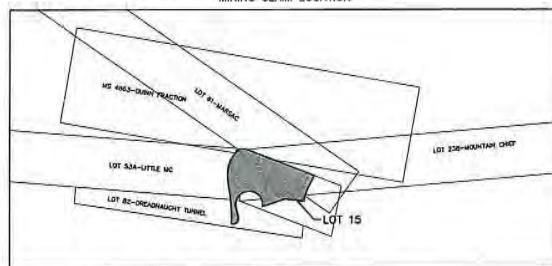


EXHIBIT C

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed under the laws of the State of Utah. I further certify that by the authority of the owners I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots, private right-of-way, and easements to be hereinafter known as THE VILLAGE AT EMPIRE PASS, WEST SIDE and that the same has been or will be correctly located on the ground as shown on this plat. I further certify that this plat accurately represents the surveyed property.

John Demkowicz
Date

12/15/05
Date

BOUNDARY DESCRIPTION

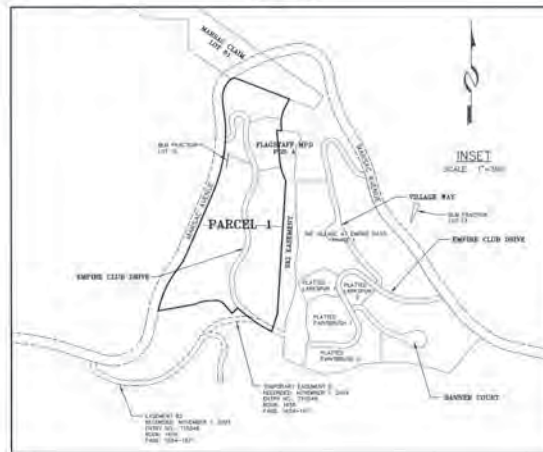
PARCEL 1

A parcel of land located in the south half of Section 21 and the northwest quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 88°09'24" East 81.3 feet along section line and North 262.11 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 27°16'27" West 56.07 feet to a point on a curve to the left having a radius of 150.00 feet, of which the radius point bears South 62°43'33" East; thence along the arc of said curve 75.63 feet through a central angle of 28°57'57" to a point of compound curve to the left having a radius of 300.00 feet, of which the radius point bears North 88°18'30" East; thence southerly along the arc of said curve 20.22 feet through a central angle of 0°51'42", thence South 05°33'11" East 17.15 feet; thence North 88°16'45" West 25.32 feet; thence South 02°31'11" East 167.74 feet to a point on a curve to the left having a radius of 250.00 feet, of which the radius point bears North 84°26'49" East; thence along the arc of said curve 62.28 feet through a central angle of 2°19'04" to a point of reverse curve to the right having a radius of 79.77 feet, of which the radius point bears South 63°17'44" West; thence southeasterly along the arc of said curve 11.44 feet through a central angle of 0°51'30"; thence South 03°42'15" West 67.55 feet to a point on a non-tangent curve to the left having a radius of 1025.00 feet, of which the radius point bears South 70°22'23" East; thence southerly along the arc of said curve 38.87 feet through a central angle of 0°21'02"; thence South 17°27'15" West 31.90 feet to a point on the northerly right-of-way of Empire Club Drive as shown and dedicated on The Village at Empire Pass, Phase 1, recorded November 24, 2004, as 8718034, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence South 17°27'15" West 25.38 feet to a point on the southerly right-of-way of Empire Club Drive, said point also being on a non-tangent curve to the right having a radius of 812.50 feet, of which the radius point bears North 27°15'33" East; thence southeasterly along the arc of said curve 199.71 feet through a central angle of 14°55'00" to a point of compound curve to the right having a radius of 137.50 feet, of which the radius point bears North 41°20'53" East; thence southeasterly along the arc of said curve 12.52 feet through a central angle of 0°51'30"; thence South 46°33'59" West 40.09 feet; thence North 41°37'40" West 63.38 feet to a point on a curve to the left having a radius of 150.00 feet, of which the radius point bears South 48°22'20" West; thence along the arc of said curve 44.97 feet through a central angle of 51°32'04"; thence South 86°50'15" West 44.82 feet to a point on a curve to the left having a radius of 137.50 feet, of which the radius point bears South 03°09'44" East; thence along the arc of said curve 60.72 feet through a central angle of 2°16'01"; thence South 79°50'45" West 195.15 feet to a point on a non-tangent curve to the right having a radius of 509.74 feet, of which the radius point bears South 79°19'48" East; said point also being on the westerly boundary of Mayfield Avenue Right-of-Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded 8623426; thence along the easterly boundary of Mayfield Avenue Right-of-Way the following seven (7) courses: 1) northeasterly along the arc of said curve 234.19 feet through a central angle of 26°19'27" to a point of reverse curve to the left having a radius of 375.00 feet, of which the radius point bears North 51°58'21" West; thence 2) northeasterly along the arc of said curve 93.78 feet through a central angle of 14°19'44"; thence 3) North 23°43'50" East 337.26 feet to a point on a curve to the left having a radius of 775.00 feet, of which the radius point bears North 68°16'55" West; thence 4) along the arc of said curve 304.94 feet through a central angle of 22°32'40" to a point of compound curve to the left having a radius of 825.58 feet, of which the radius point bears North 58°45'45" West; thence 5) northeasterly along the arc of said curve 129.65 feet through a central angle of 11°52'35" to a point of reverse curve to the right having a radius of 275.00 feet, of which the radius point bears North 79°18'42" East; thence 6) northeasterly along the arc of said curve 84.82 feet through a central angle of 15°27'30" to a point of compound curve to the right having a radius of 118.53 feet, of which the radius point bears South 87°13'28" East; thence 7) northeasterly along the arc of said curve 167.81 feet through a central angle of 52°04'13" to a point on the easterly boundary of the Little Mc mining claim, Lot 536 in the Utah Mining District; thence along the northerly side of the Little Mc mining claim the following two (2) courses: 1) South 45°20'00" East 31.19 feet; thence 2) South 68°50'00" East 289.99 feet to the point of beginning.

Description contains 10.55 acres, more or less

VONITY MAP



NOTES:

1. All building setbacks from property lines are to be the minimum setback shown (R) according to the zoning ordinance for the site.
2. Conditional use permit approval will be required prior to construction on lots in the development site shown herein.
3. A description of subdivision and a report of survey of same shall be required by the purpose of the law to be filed with the county clerk within the development site shown herein.
4. All utility and final easements (except for a driveway across the lots, as shown herein, and all public use for transportation) shall be shown to the public use that shall show easements, whether the easements are shown or not.
5. The Empire Pass Master Deed Association, Inc. (the "Master Association") together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass (the "Master Declaration") reserves the membership of each lot owner. Members are subject to the terms of its articles of incorporation, its bylaws, and the rules and regulations that may be established from time to time by the master association, including assessments and transfer fees to be paid to the association.
6. The operation and maintenance responsibilities for the public utility, including but not limited to, water, sewer, gas, and electric lines, shall be shown to the public use that shall show easements, whether the easements are shown or not.
7. Public utility easements and public utility easements are hereby dedicated for all public and private use, including water, sewer, gas, and electric lines.
8. A 20' snow storage easement is hereby dedicated along the frontage of all lots.
9. A 20' snow storage easement is hereby dedicated along the frontage of all lots.
10. A 20' snow storage easement is hereby dedicated along the frontage of all lots.
11. Empire Club Drive is a private road to be owned, operated, maintained and improved by the Master Association for the use and benefit of the owners of property in Empire Pass at West Side in accordance with the Master Declaration. Empire Club Drive is not a public road or right-of-way. The Board of Survey Map shall not be subject to grant any rights to the public to use Empire Club Drive or to create any easements on the east of Park City Municipal Corporation to maintain or repair Empire Club Drive. All such use and maintenance shall be governed by the rules and provisions of the Master Declaration and the Maintenance Agreement dated March 15, 2004 and as amended from time to time between Park City Municipal Corporation, Empire Club Drive, Inc., and the Master Association.
12. In the event of any easement of Empire Club Drive, the Master Association shall be responsible to adjust watermain easements to the south boundary of the Empire Club Drive. The Master Association shall be responsible to adjust watermain easements to the south boundary of the Empire Club Drive.
13. The Master Association shall be responsible for the maintenance and improvement of all utility easements located within Empire Club Drive or the (EMPD) easement shown herein. The Master Association shall have the right to access the cost of such easements and repair to parcel(s) owner(s) or conditional easements served by such easements, in accordance with the Master Declaration.
14. The easement is for the use of the domestic water system (EMPD) to be a water main (shown approximately 300 feet from the center of the property).
15. All property owners to be shown Empire Club Drive will be subject to the jurisdiction of the U.S. state public and private utility easement and the lot and lot or other easement.
16. Any easement shall show within its location or within other appropriate, but not limited, easements.
17. The jurisdiction of the water system is the entire responsibility of the Empire Pass Master Deed Association.
18. The title of the Village at Empire Pass West Side is owned by a Common Future Living Master Deed. The Village Pass easement easement shall be responsible for the operation, operation and maintenance of all Common Future Living Master Deed.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT EMPIRE MOUNTAIN VILLAGE, LLC, a Delaware limited liability company, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, done hereby subject to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 25 foot wide portion of property situated on either side of Empire Club Drive as shown herein.

It is hereby shown that the undersigned has executed this certificate and declaration this 15th day of December, 2005.

EMPIRE MOUNTAIN VILLAGE, LLC
A Delaware limited liability company
By: *[Signature]*
Its Manager

ACKNOWLEDGMENT

State of *Utah*
County of *Summit*

This instrument was acknowledged before me this 15th day of December, 2005 by the undersigned, who is the Manager of EMPIRE MOUNTAIN VILLAGE, LLC, a Delaware limited liability company.

My commission expires on *12/15/06*

Notary Public, State of Utah

Witnessed by *[Signature]*

My commission expires on *12/15/06*

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT EMPIRE PASS CITY VILLAGE COMPANY, a Delaware corporation, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, done hereby subject to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 25 foot wide portion of property situated on either side of Empire Club Drive as shown herein.

It is hereby shown that the undersigned has executed this certificate and declaration this 15th day of December, 2005.

EMPIRE PASS CITY VILLAGE COMPANY
A Delaware corporation
By: *[Signature]*
Its Manager

ACKNOWLEDGMENT

State of *Utah*
County of *Summit*

This instrument was acknowledged before me this 15th day of December, 2005 by the undersigned, who is the Manager of EMPIRE PASS CITY VILLAGE COMPANY, a Delaware corporation.

My commission expires on *12/15/06*

Notary Public, State of Utah

Witnessed by *[Signature]*

My commission expires on *12/15/06*

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT MOUNTAIN DEVELOPMENTS, INC., a Delaware corporation, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, done hereby subject to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 25 foot wide portion of property situated on either side of Empire Club Drive as shown herein.

It is hereby shown that the undersigned has executed this certificate and declaration this 15th day of December, 2005.

MOUNTAIN DEVELOPMENTS, INC.
A Delaware corporation
By: *[Signature]*
Its Manager

ACKNOWLEDGMENT

State of *Utah*
County of *Summit*

This instrument was acknowledged before me this 15th day of December, 2005 by the undersigned, who is the Manager of MOUNTAIN DEVELOPMENTS, INC., a Delaware corporation.

My commission expires on *12/15/06*

Notary Public, State of Utah

Witnessed by *[Signature]*

My commission expires on *12/15/06*

SUBDIVISION PLAT THE VILLAGE AT EMPIRE PASS WEST SIDE

LOCATED IN SECTIONS 21 AND 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 2

DATE: 12/15/05	SYNDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM THIS PLAT	CERTIFICATE OF SURVEY	COUNCIL APPROVAL AND ACCEPTANCE	JOB NO.: 1-1-01 FILE: 1-1-01-01
REVIEWED FOR CONFORMANCE TO SYNDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 22nd DAY OF August, 2005 A.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 19th DAY OF August, 2005 A.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 22nd DAY OF August, 2005 A.D.	APPROVED AS TO FORM THIS PLAT BY <i>[Signature]</i> 2005 A.D.	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 20th DAY OF August, 2005 A.D.	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 20th DAY OF August, 2005 A.D.	7467944 RECORDED	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Park City Title DATE 8-18-05 TIME 16:02 PM
DATE: 12/15/05	DATE: 12/15/05	DATE: 12/15/05	DATE: 12/15/05	DATE: 12/15/05	DATE: 12/15/05	DATE: 12/15/05	DATE: 12/15/05
DATE: 12/15/05	DATE: 12/15/05	DATE: 12/15/05	DATE: 12/15/05	DATE: 12/15/05	DATE: 12/15/05	DATE: 12/15/05	DATE: 12/15/05

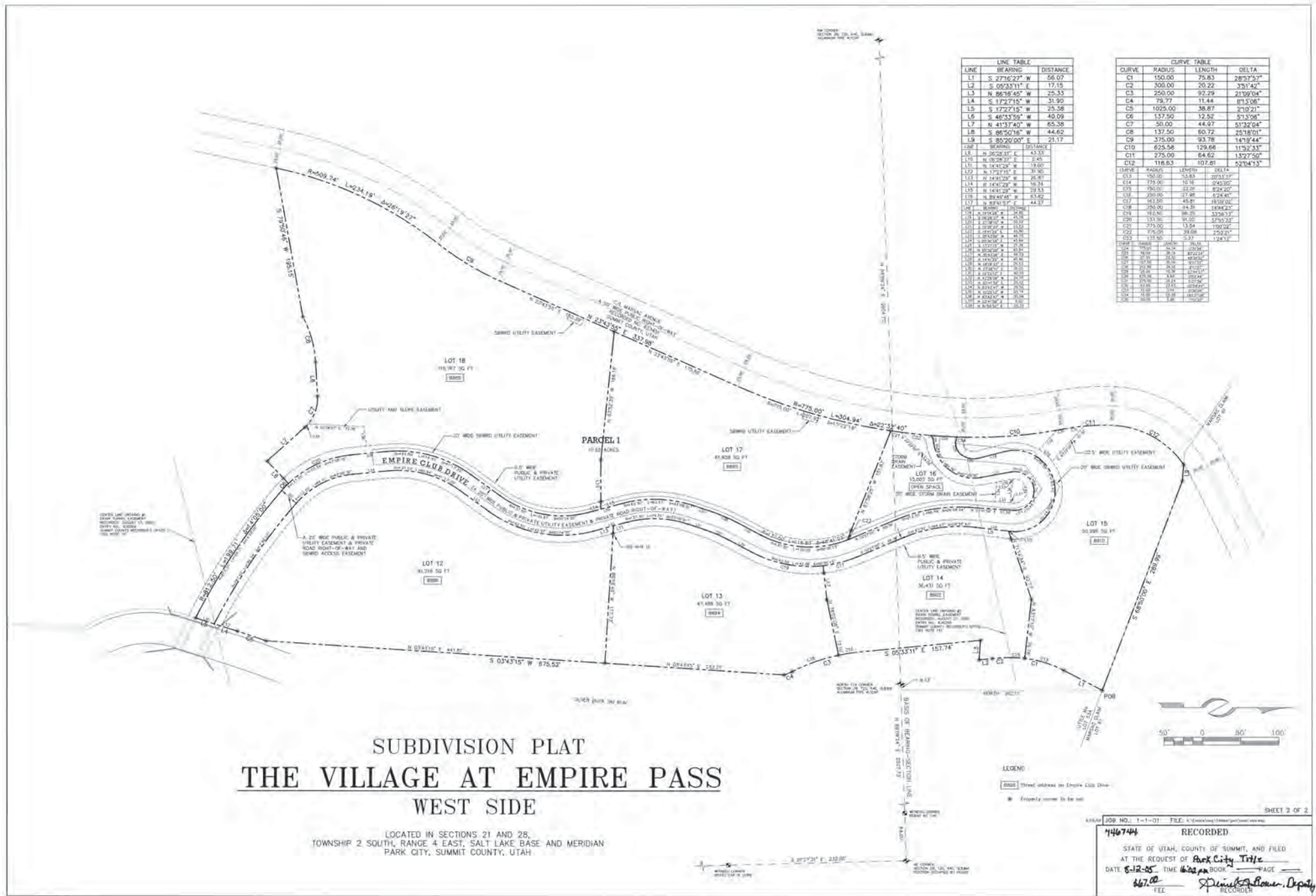
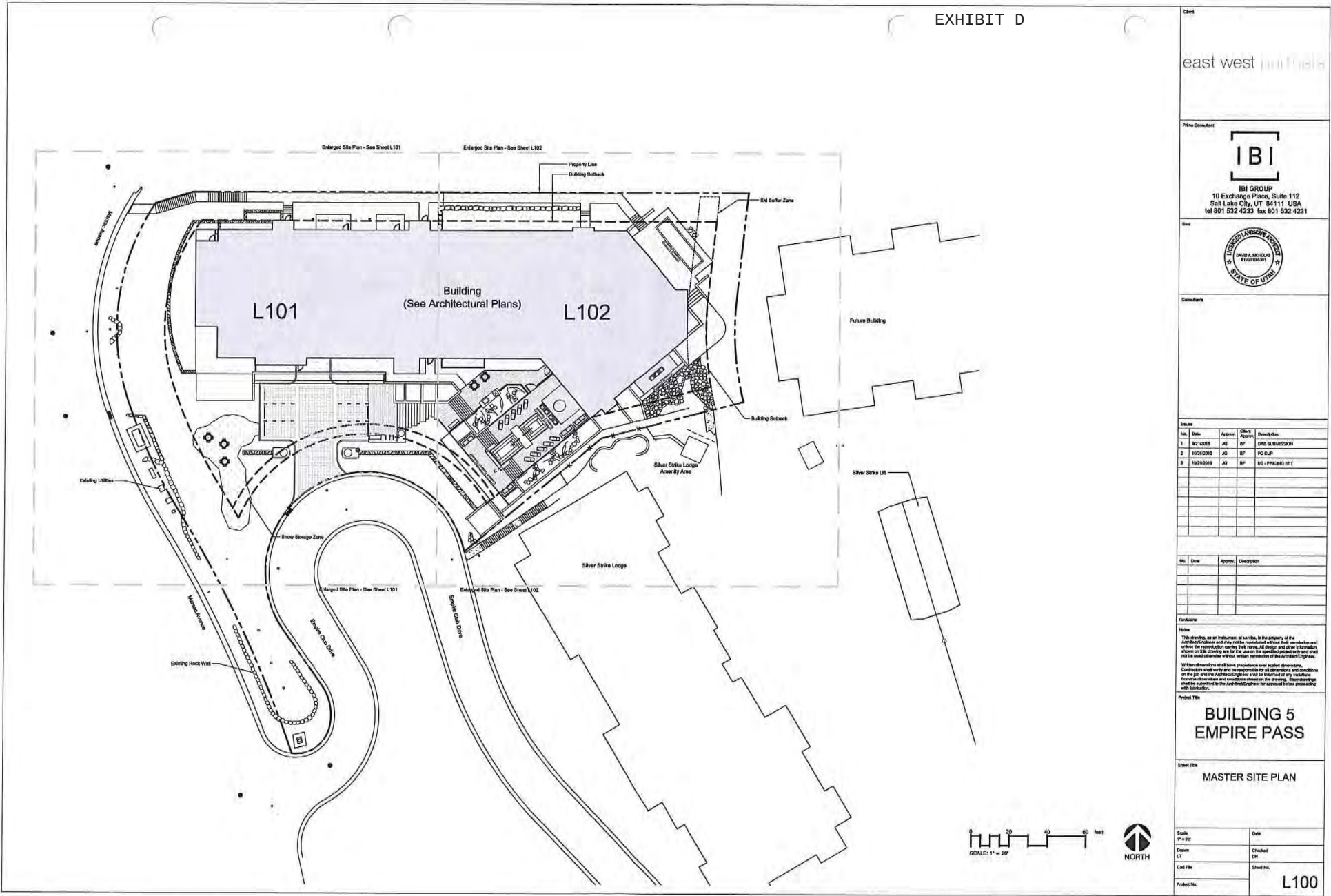
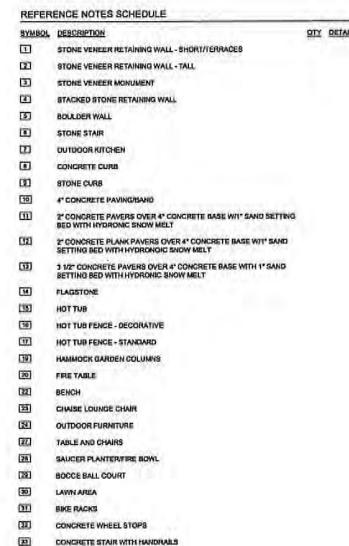
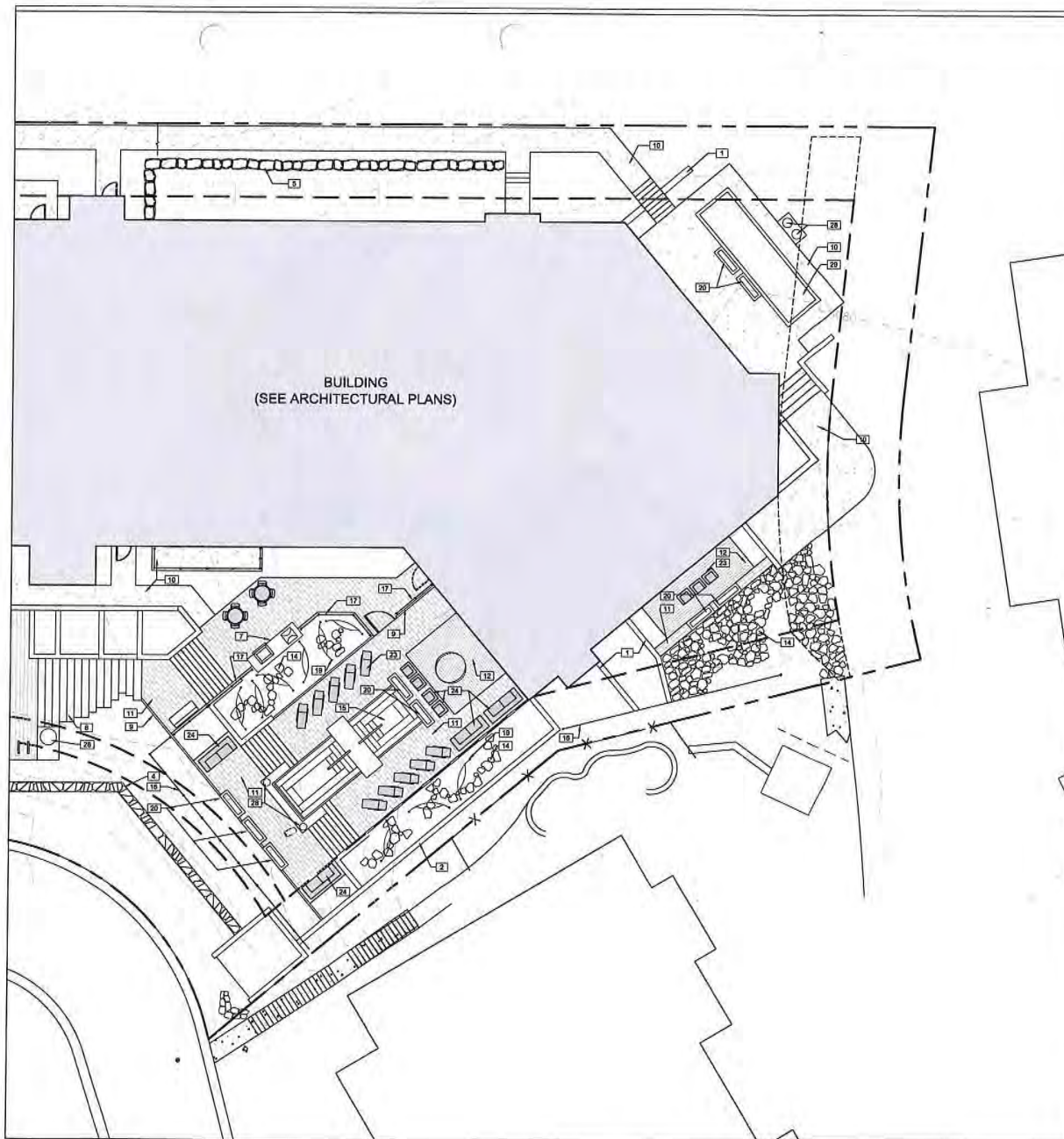


EXHIBIT D



[illegible]



REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	QTY	DETAIL
[1]	STONE VENEER RETAINING WALL - SHORT/STAIRWAYS		
[2]	STONE VENEER RETAINING WALL - TALL		
[3]	STONE VENEER MOUNTAIN		
[4]	STACKED STONE RETAINING WALL		
[5]	BOULDER WALL		
[6]	STONE STAIR		
[7]	OUTDOOR KITCHEN		
[8]	CONCRETE CURB		
[9]	STONE CURB		
[10]	4" CONCRETE PAVING/SAND		
[11]	2" CONCRETE PAVERS OVER 4" CONCRETE BASE W/1" SAND SETTING BED WITH HYDROBLOC SHOW MELT		
[12]	2" CONCRETE PLANK PAVERS OVER 4" CONCRETE BASE W/1" SAND SETTING BED WITH HYDROBLOC SHOW MELT		
[13]	3 1/2" CONCRETE PAVERS OVER 4" CONCRETE BASE WITH 1" SAND SETTING BED WITH HYDROBLOC SHOW MELT		
[14]	FLAGSTONE		
[15]	HOT TUB		
[16]	HOT TUB FENCE - DECORATIVE		
[17]	HOT TUB FENCE - STANDARD		
[18]	HAMMOCK GARDEN COLUMNS		
[19]	FIRE TABLE		
[20]	BENCH		
[21]	CHAISE LOUNGE CHAIR		
[22]	OUTDOOR FURNITURE		
[23]	TABLE AND CHAIRS		
[24]	SAUCER PLANTER/FIRE BOWL		
[25]	BOCCIA BALL COURT		
[26]	LAWN AREA		
[27]	BIKE RACKS		
[28]	CONCRETE WHEEL STOPS		
[29]	CONCRETE STAIR WITH HANDRAILS		

Client

east west

Prime Consultant

IBI

IBI GROUP
10 Exchange Place, Suite 112
Salt Lake City, UT 84111 USA
Tel 801 532 4233 Fax 801 532 4231

Lead

DAVID A. NICHOLS
REGISTERED LANDSCAPE ARCHITECT
STATE OF UTAH

Consultants

Notes

No.	Date	Author	Check	Description
1	02/02/2015	JD	SP	2015 SUBMISSION
2	10/05/2015	JD	SP	PG CUP
3	10/05/2015	JD	SP	DO - PRELIM SET

Revisions

No.	Date	Author	Description
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Notes

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Without disclaimer and have reviewed that neither the Architect/Engineer nor the Architect/Engineer shall be responsible for all dimensions and conditions on the site and the Architect/Engineer shall be informed of any conditions from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to the Architect/Engineer for approval before proceeding with construction.

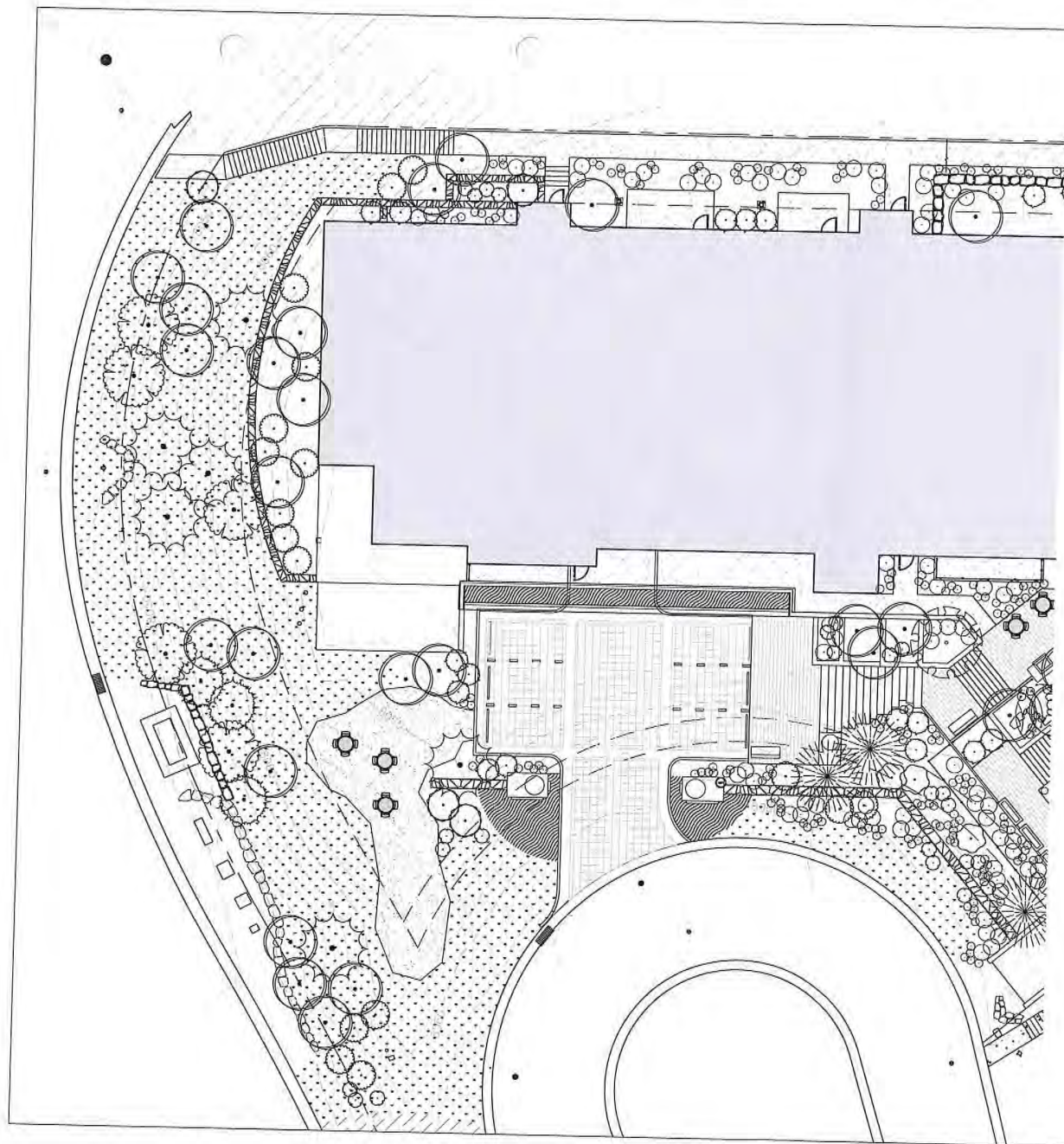
Project Title

**BUILDING 5
EMPIRE PASS**

Sheet Title

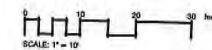
**ENLARGED SITE PLAN -
AMENITY DECK**

Scale 1" = 10'	Date
Drawn LT	Checked DK
Cal File	Sheet No.
Project No.	L102



PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME / COMMON NAME	CONT	QTY
	ABR CON	ABIES CONCOLOR / WHITE FIR	6'-8" HT.	3
	ACE CON	ACER GINNALA 'FLAME' / FLAME AMUR MAPLE	6'-8" HT.	2
	ACE GRA	ACER GRANDIDENTATUM / BIGTOOTH MAPLE	6'-8" HT.	5
	PHN BR	PHILUS ARISTATA / BRISTLE CONE PINE	6'-8" HT.	3
	POP TRE	POPULUS TREMULOIDES / QUAKING ASPEN	1.5" CAL.	38
	PSE DOU	PSEUDOTSUGA MENDESII / DOUGLAS FIR	6'-8" HT.	6
SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	CONT	QTY
	COR RES	CORNUS SERICEA / RED TWIG DOGWOOD	5 GAL	24
	RHS GRD	RHUS ARNICA 'ORIO-LOW' / ORIO-LOW FRAGRANT SUNAG	5 GAL	3
	RIB ALZ	RIBES ALPINA 'ALPINE' / DWARF GOLDEN ALPINE CURRANT	5 GAL	28
	SAL PUR	SALIX PURPUREA 'NANA' / DWARF ARCTIC WILLOW	5 GAL	28
	SAM GAE	SAMBUCUS CAERULEA / BLUE ELDERBERRY	5 GAL	8
	MIX	SHRUB / PERENNIAL MIX - TBD		
PERENNIAL/ANNUALS	CODE	BOTANICAL NAME / COMMON NAME	CONT	QTY
	PER ANN	PERENNIALS/ANNUALS	1 GAL	528 SF
SOILSEED	CODE	BOTANICAL NAME / COMMON NAME	CONT	QTY
	NAT GRA	NATIVE GRASSES / WILDFLOWERS	SEED	10,424 SF
	TUR GRA	TURF GRASS	SOB	1,077 SF



east west

IBI GROUP
10 Exchange Place, Suite 112
Salt Lake City, UT 84111 USA
Tel 801 532 4233 fax 801 532 4231



No.	Date	Appr.	Chg.	Description
1	06/01/18	JD	AF	CHG SUBMISSION
2	06/01/18	JD	GF	PG CLIP
3	10/05/19	JD	GF	PG - PROGRESS SET

Notes
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Written dimensions shall have precedence over scaled dimensions. Corrections and notes shall be responsible for all dimensions and conditions shown on this drawing and shall be indicated on the drawing. All dimensions shall be taken from the dimensions and conditions shown on the drawing. All dimensions shall be taken from the dimensions and conditions shown on the drawing. All dimensions shall be taken from the dimensions and conditions shown on the drawing.

Project Title
**BUILDING 5
EMPIRE PASS**

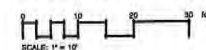
Sheet Title
**ENLARGED
PLANTING PLAN**

Scale 1" = 10'	Date
Drawn LJ	Checked JD
Client File	Sheet No.
Project No.	L301



PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME / COMMON NAME	CONT	QTY
	ABI CON	ABIES CONCOLOR WHITE FIR	6'-4" HT.	3
	ACE GR	ACER GINNALA 'FLAME' / FLAME AMAR MAPLE	6'-4" HT.	2
	ACE GRA	ACER GRABIGIDENTATUM / BICOOTH MAPLE	6'-4" HT.	6
	PH RR	PIRUS ARISTATA / BRISTLECOCK PINE	6'-4" HT.	3
	POP TRE	POPULUS TREMULOIDES / QUAKING ASPEN	1.5" CAL.	39
	PSE DOU	PSEUDOTSUGA MENZIESII / DOUGLAS FIR	6'-4" HT.	6
SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	CONT	QTY
	COR RES	CORNUS SERICEA / RED TWIG DOGWOOD	5 GAL	24
	RHU GRD	RHUS AROMATICA 'GRO LOW' / GRO-LOW FRAGRANT SUMAC	5 GAL	3
	RIB AU2	RIBES ALPINUM 'AUREUM' / DWARF GOLDEN ALPINE CURRANT	5 GAL	28
	SAL PUR	SALIX PURPUREA 'NANA' / DWARF ARCTIC WILLOW	5 GAL	28
	SAM GAE	SAMBUCUS CAERULEA / BLUE ELDERBERRY	5 GAL	6
	MIX	SHRUB / PERENNIAL MIX - TBD		
PERENNIAL ANNUALS	CODE	BOTANICAL NAME / COMMON NAME	CONT	QTY
	PER ANN	PERENNIAL ANNUALS	1 GAL	525 SF
SEEDS	CODE	BOTANICAL NAME / COMMON NAME	CONT	QTY
	NAT GRA	NATIVE GRASSES / WILDFLOWERS	SEED	10,424 SF
	TUR GR	TURF GRASS	SOD	1,077 SF



east west | w | l

Prime Consultant



IBI GROUP
10 Exchange Place, Suite 112
Salt Lake City, UT 84111 USA
tel 801 532 4235 fax 801 532 4231

Seal



Consultants

Revisions

No.	Date	Appr.	Client Appr.	Description
1	09/10/2018	JD	WF	ISSUE SUBMISSION
2	10/26/2018	JD	WF	PC CLIP
3	10/22/2018	JD	WF	DO - PARKING DET

No.

No.	Date	Appr.	Description

Revisions

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Revisions shall be made and shall be responsible for all dimensions and conditions as to the use and the Architect/Engineer shall be informed of any revision from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to the Architect/Engineer for approval before proceeding with construction.

Project Title

**BUILDING 5
EMPIRE PASS**

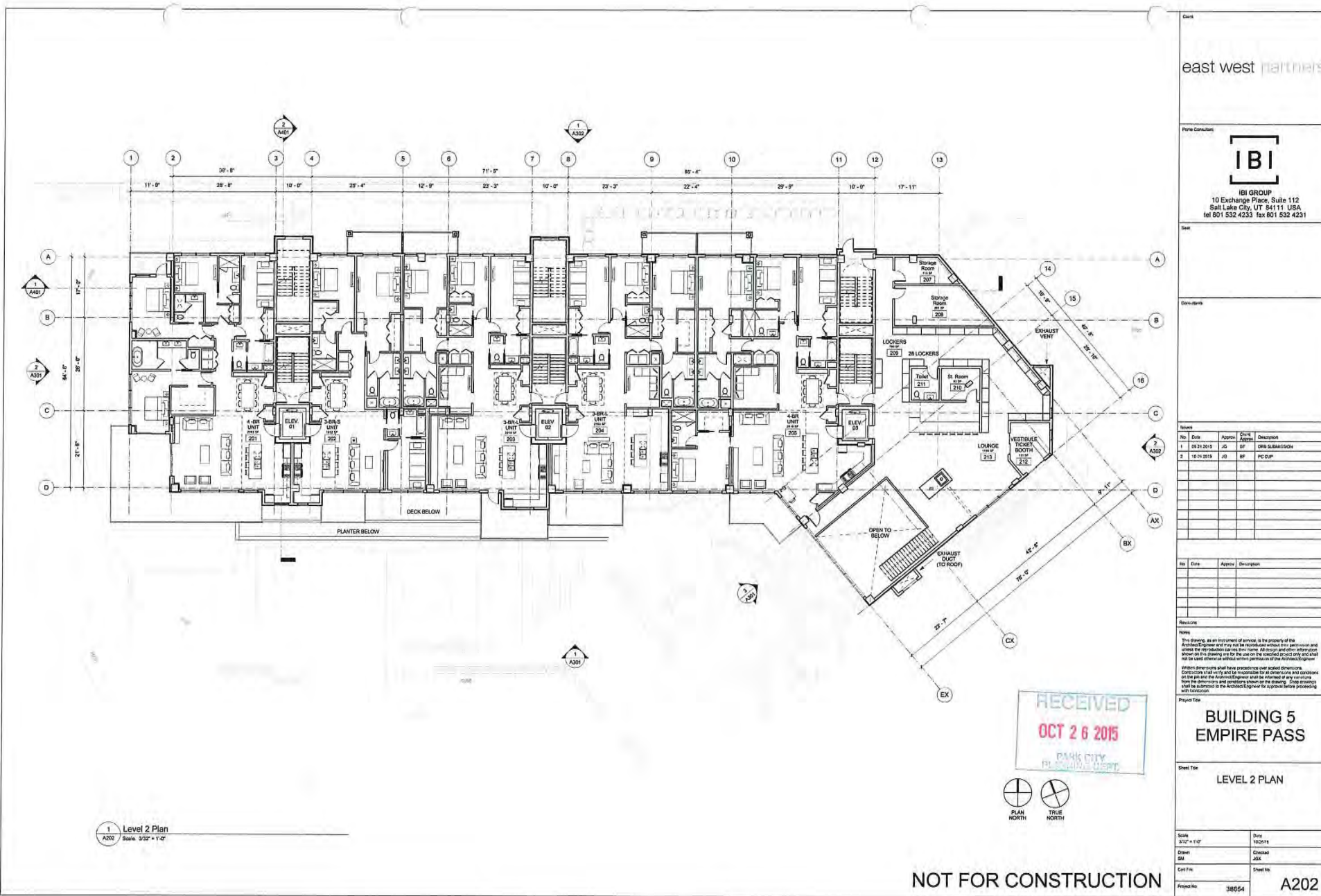
Client Title

**ENLARGED
PLANTING PLAN**

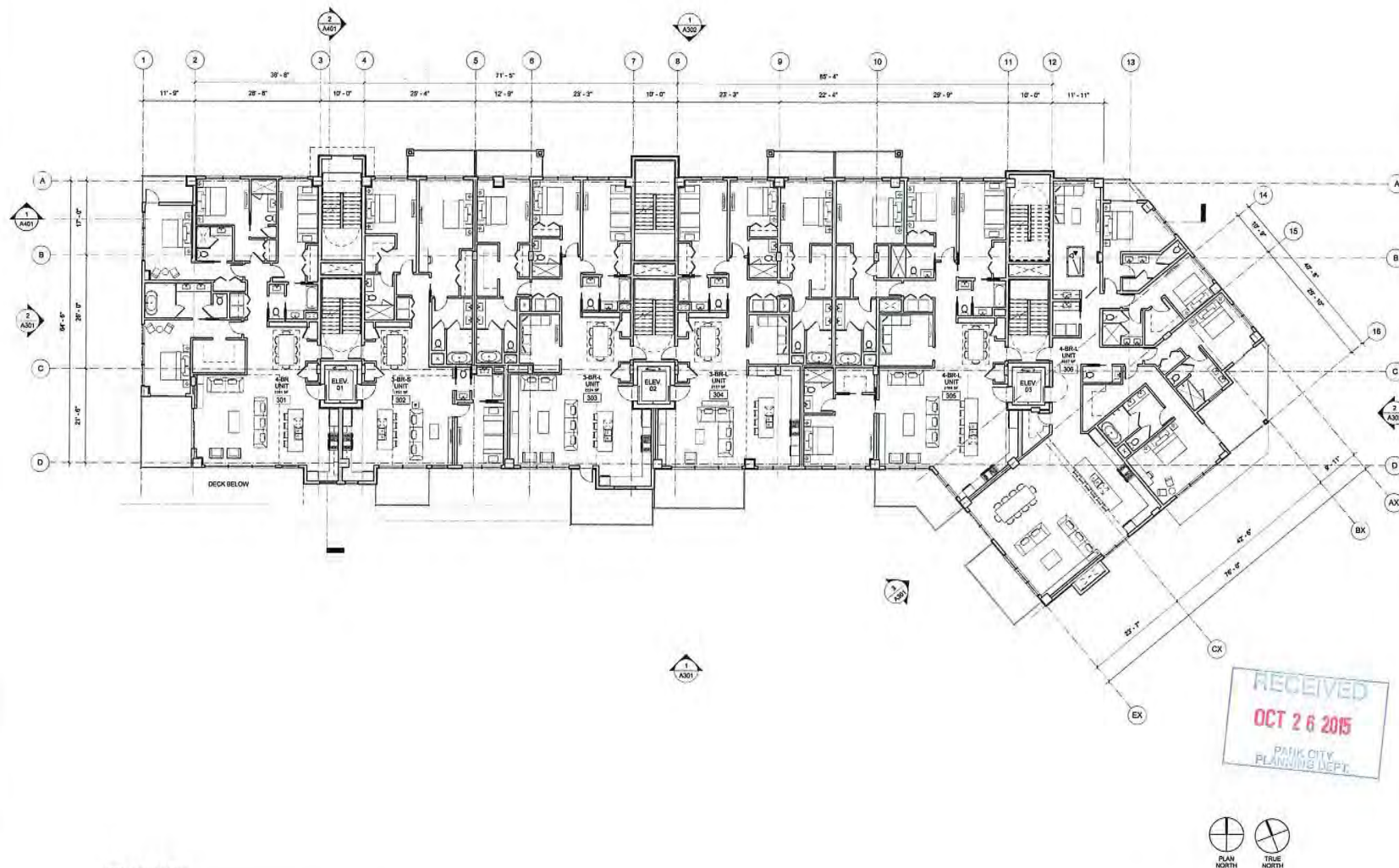
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Card File:	Sheet No.:
Project No.:	

L302

10/20/2015 3:01:27 PM



10/29/2015 3:01:41 PM

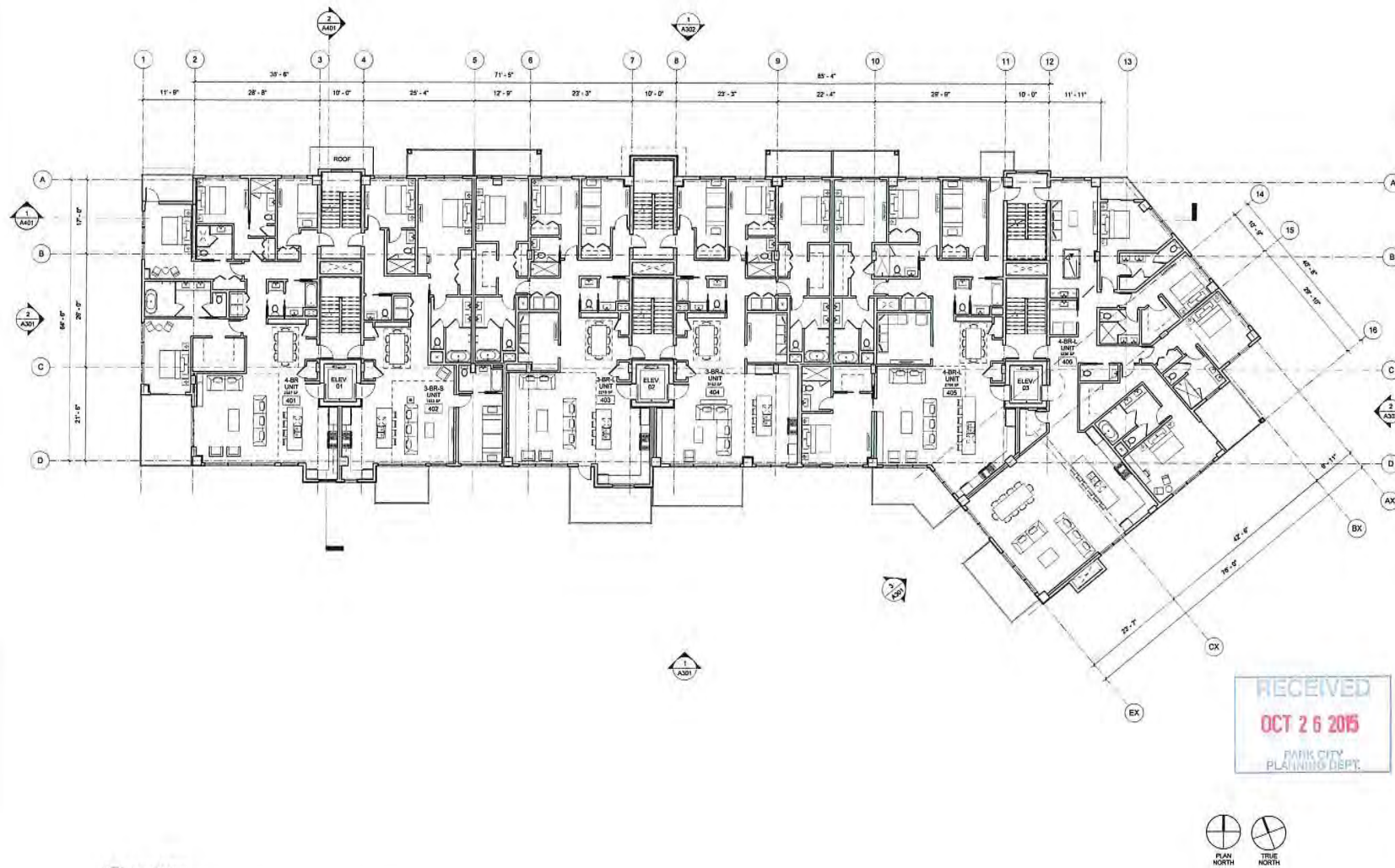


1 Level 3 Plan
A203 Scale: 3/32" = 1'-0"

NOT FOR CONSTRUCTION

east west architects			
IBI GROUP 10 Exchange Place, Suite 112 Salt Lake City, UT 84111 USA tel 801 532 4233 fax 801 532 4231			
IBI			
Project Name			
Client			
Architect			
Notes			
No.	Date	Appr.	Descr.
1	09/21/2015	JG	DRG SUBMITTAL
2	10/29/2015	JG	PC DCP
Revision			
No.	Date	Appr.	Descr.
Notes			
This drawing, as an instrument of service, is the property of the Architect/Engineer and shall not be reproduced, stored in a retrieval system, or used for any purpose other than that for which it was prepared without the written permission of the Architect/Engineer.			
Vertical dimensions shall have precedence over horizontal dimensions. Corrections shall be made and responsibility for all dimensions and annotations on the job and the Architect/Engineer shall be informed of any corrections from the dimensions and annotations shown on the drawing. Copy drawings shall be accounted to the Architect/Engineer for approval before proceeding with construction.			
Project Title			
BUILDING 5 EMPIRE PASS			
Sheet Title			
LEVEL 3 PLAN			
Scale 3/32" = 1'-0"		Date 10/29/15	
Drawn JG		Checked JG	
Plot File		Sheet No.	
Project No. 38554		A203	

10/26/2015 3:01:53 PM

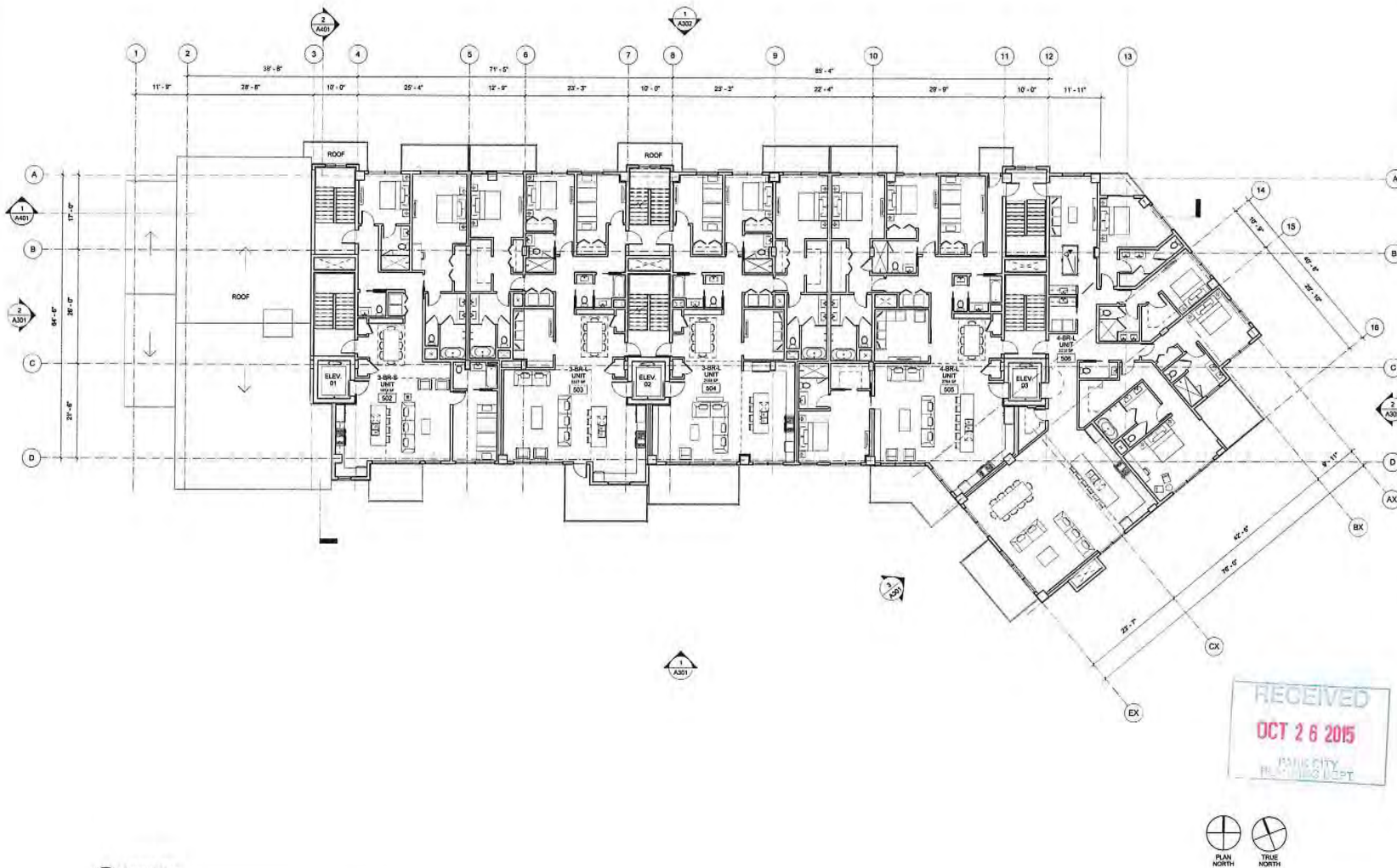


1 Level 4 Plan
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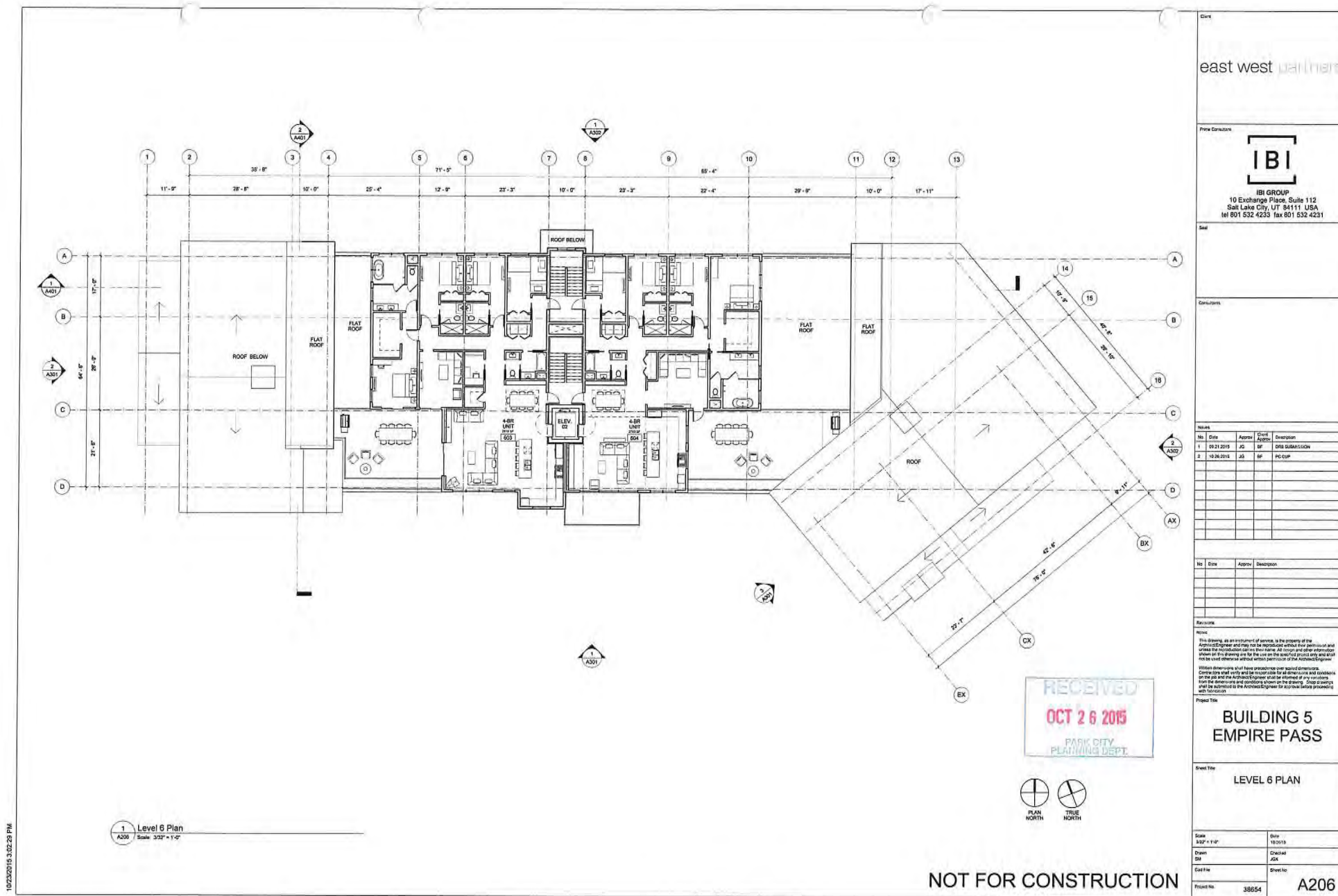


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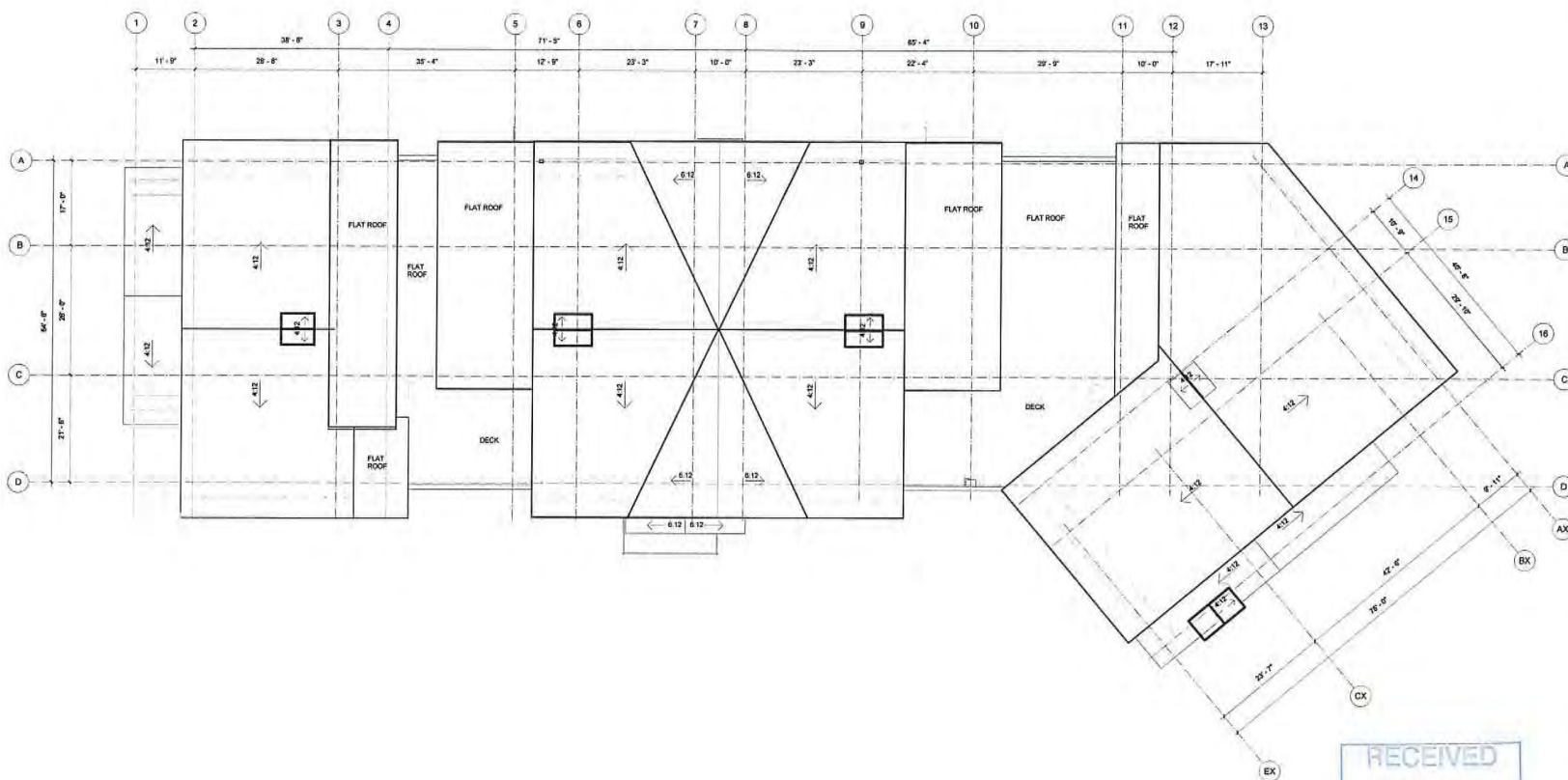


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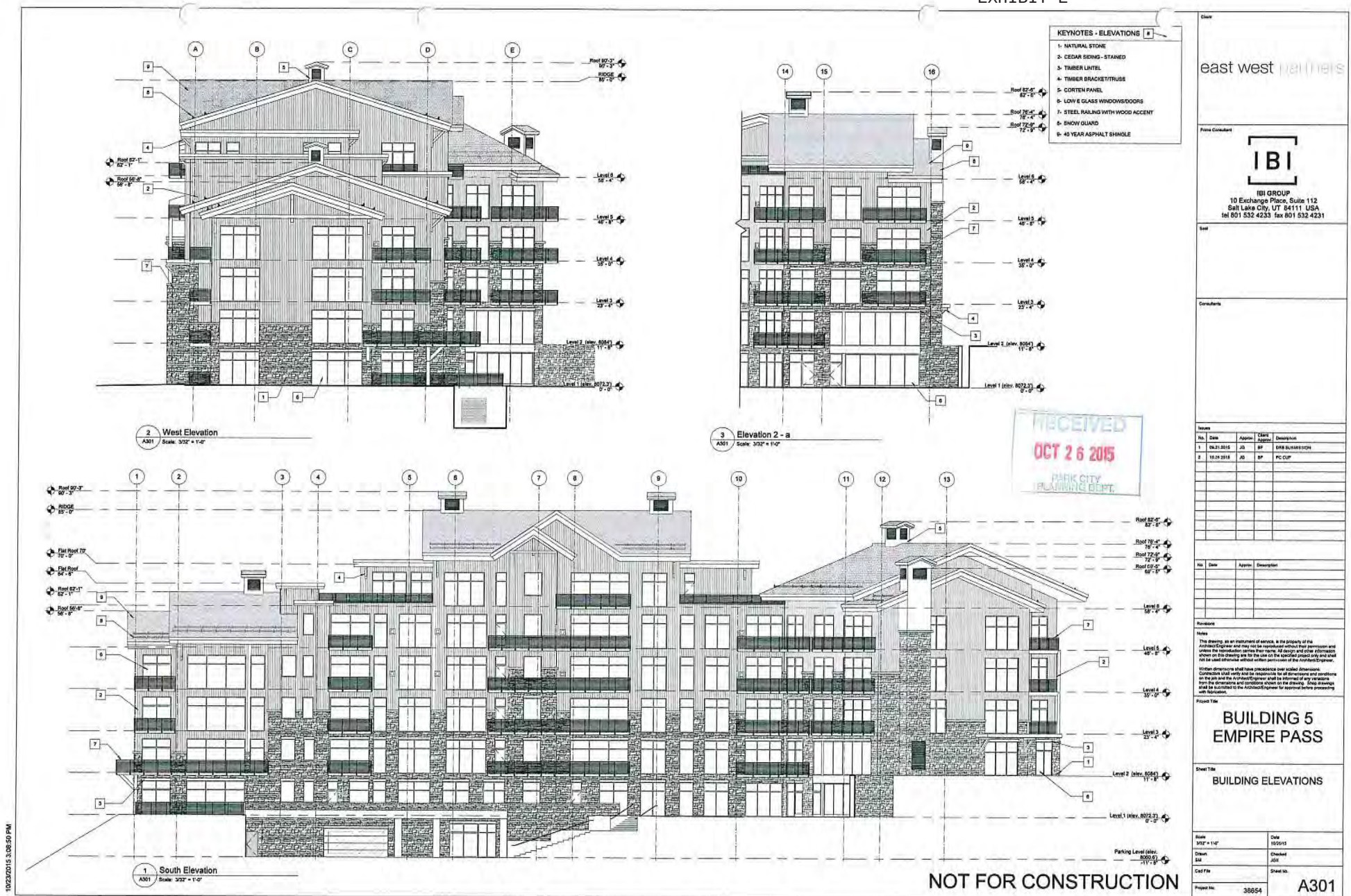


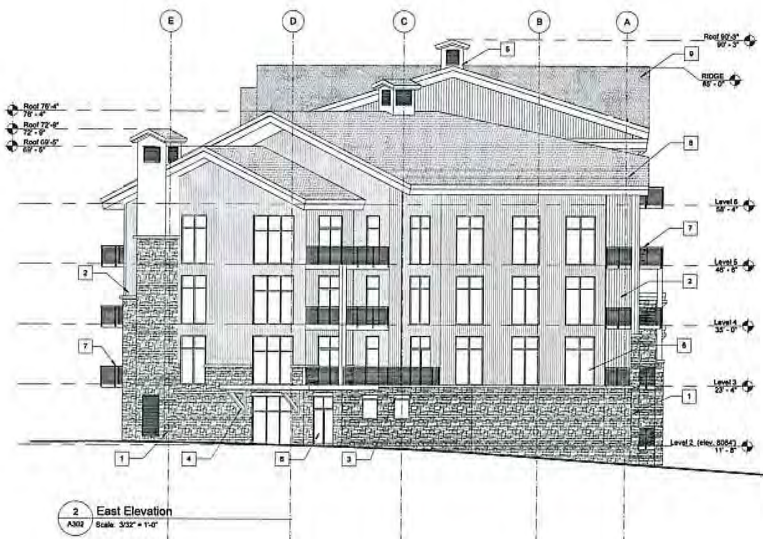
1 Roof Plan
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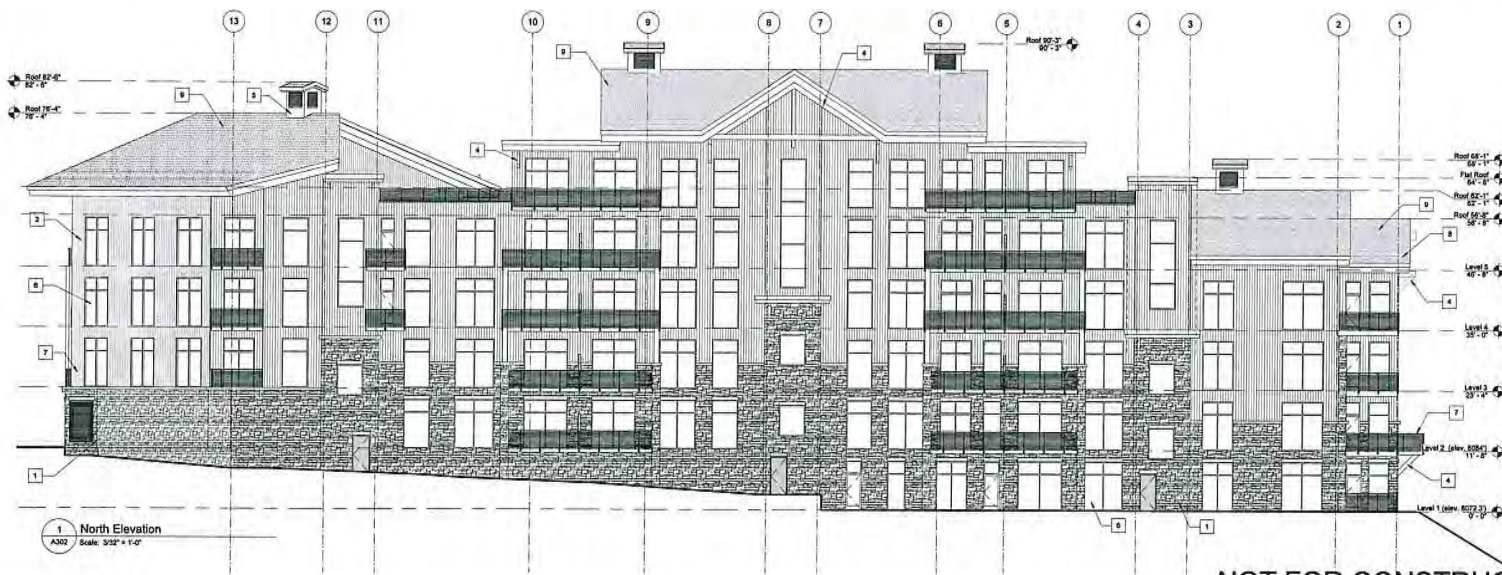
EXHIBIT E

EXHIBIT E





- KEYNOTES - ELEVATIONS**
1. NATURAL STONE
 2. CEDAR SIDING - STAINED
 3. TIMBER UNITS
 4. TIMBER BRACKET/TRUSS
 5. CORTEN PANEL
 6. LOW E GLASS WINDOWS/DOORS
 7. STEEL RAILING WITH WOOD ACCENT
 8. SNOW GUARD
 9. 40 YEAR ASPHALT SHINGLE



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Client
east west architects

Project Consultant
IBI
IBI GROUP
10 Exchange Place, Suite 112
Salt Lake City, UT 84111 USA
Tel: 801.532.4233 Fax: 801.532.4231

Notes

No.	Date	Appr.	Check	Description
1	09.23.2015	JOS	BP	DRG SUBMISSION
2	10.26.2015	JOS	BP	PC CLIP

Revisions

No.	Date	Appr.	Description

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Project Title
**BUILDING 5
EMPIRE PASS**

Sheet Title
BUILDING ELEVATIONS

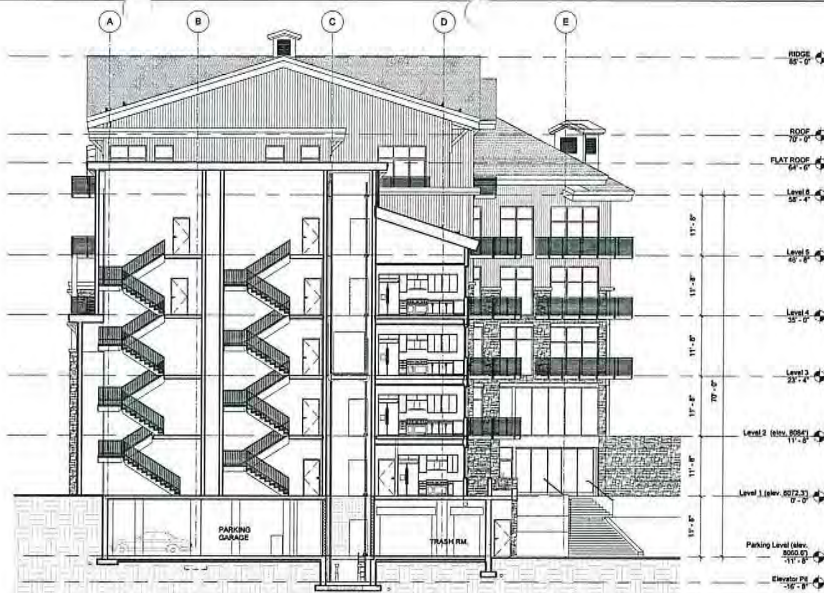
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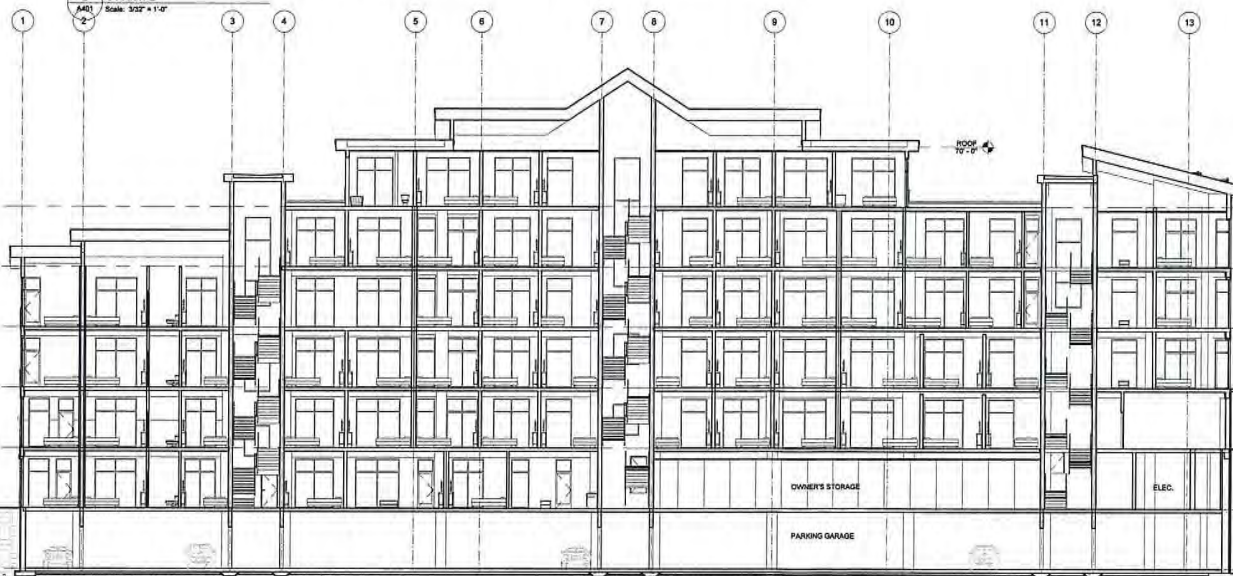
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Section 2
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Section 1
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Client: east west partners

Project Consultant: IBI GROUP
10 Exchange Place, Suite 112
Salt Lake City, UT 84111 USA
tel 801 532 4233 fax 801 532 4231

Notes:

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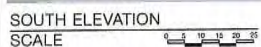
CONCEPT RENDERING STREET VIEW



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Date 10/26/15	
Project Name BUILDING 5 EMPIRE PASS	
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Project No. 38554	

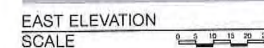


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Project No 38654	502



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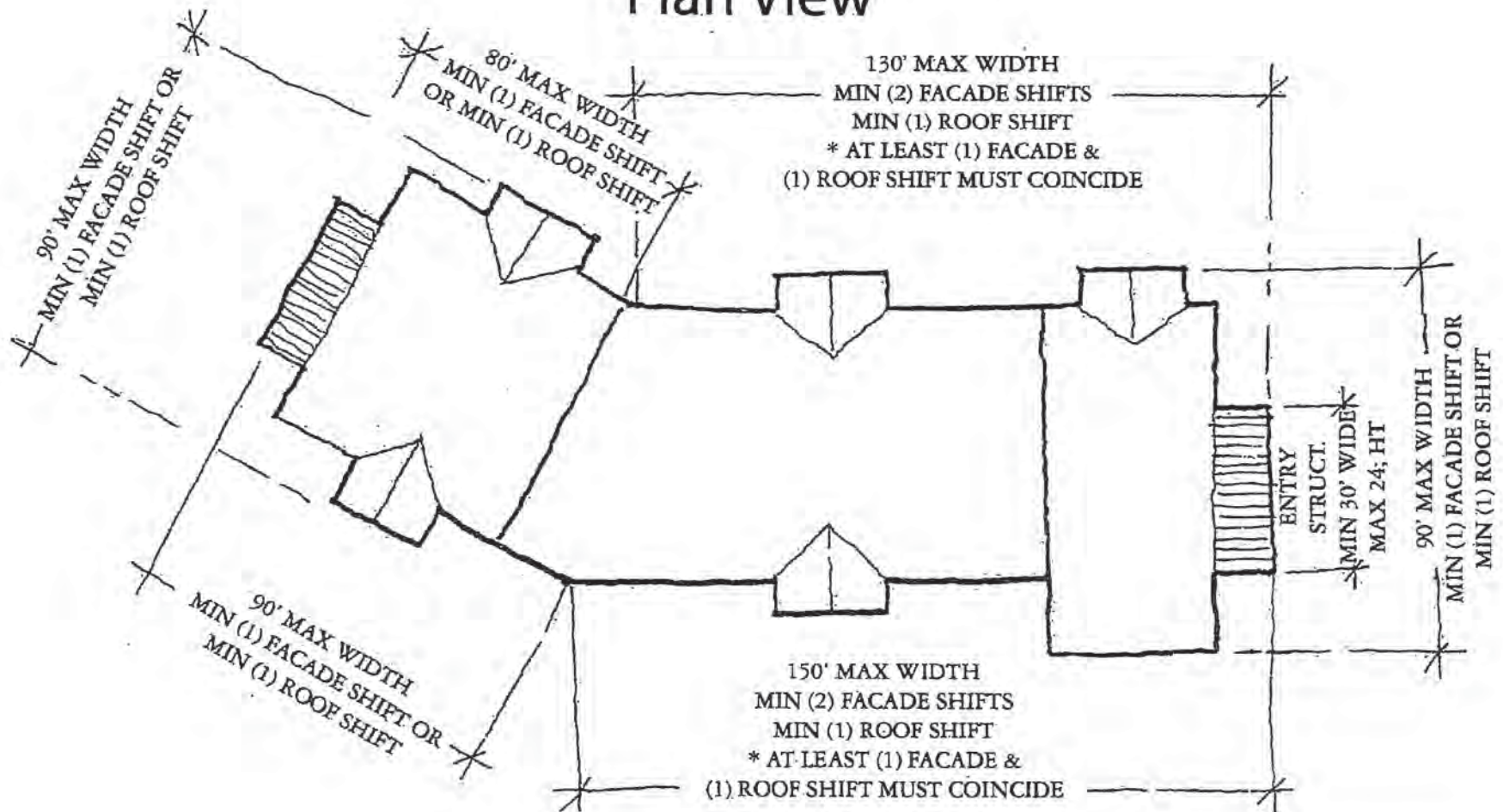
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EXHIBIT F

Building 5 Volumetric Plan View

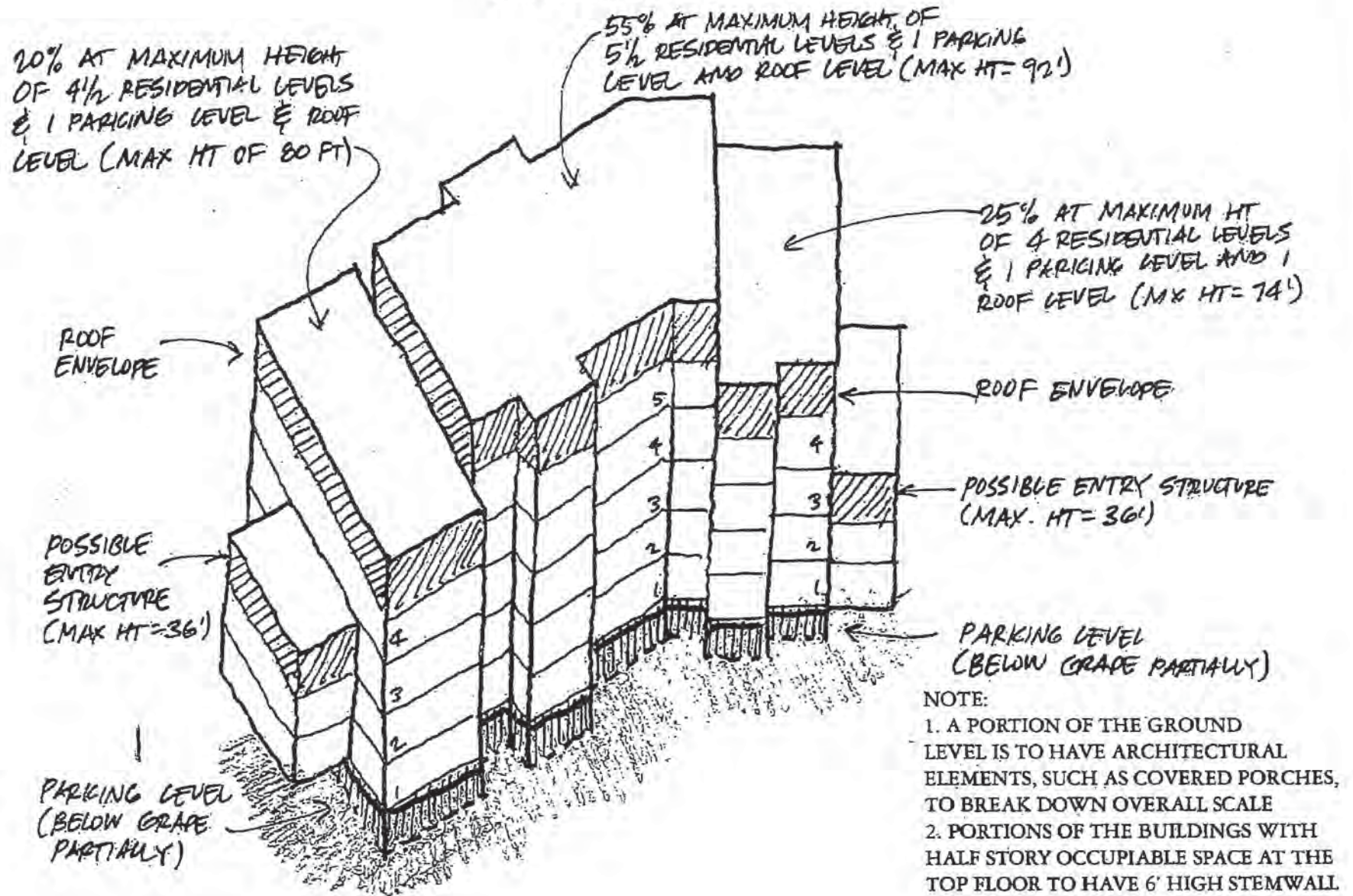


NOTES:

1. WHERE (1) FACADE SHIFT IS REQUIRED IT MUST BE >10'
2. WHERE (2) FACADE SHIFTS ARE REQUIRED THE SUM TOTAL MUST BE >16'
3. WHEN BUILDING LENGTH EXCEEDS 120' AT LEAST (1) FACADE AND (1) ROOF SHIFT MUST COINCIDE

JUNE 17, 2004

Building 5 Volumetrics Isometric View



JUNE 17, 2004

EXHIBIT F

Planning Commission Staff Report



Author: Brooks T. Robinson
Subject: Village at Empire Pass,
Master Planned Development
Date: July 28, 2004
Type of Item: Administrative

**PLANNING
DEPARTMENT**

Summary Recommendations:

The Planning Department recommends the Planning Commission re-open the public hearing and take public comment. Staff has prepared Findings of Fact, Conclusions of Law and Conditions of Approval.

Topic

Applicant	United Park City Mines / Talisker Corp.
Location	Village at Empire Pass (formerly known as Flagstaff Mountain Resort)
Zoning	Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses	Deer Valley Resort ski terrain, State Route 224

Background

On June 24, 1999, Council adopted Ordinance 99-30 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Ordinance 99-30 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

The Development Agreement specifies that only 147 acres of the 1,655 acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space.

Prior to construction, the applicant must receive site-specific MPD and final plat approval from the City. The Planning Commission takes action on MPD applications and forwards a recommendation to Council on subdivision plats.

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the Development Agreement (99-30) form the standards under which the subject MPD and preliminary/final plat will be reviewed.

During the Olympic break a subcommittee consisting of the applicant's design team, staff, and Commissioners Chris Larson, Bruce Erickson, and Michael O'Hara focused on a review of the preliminary road layout for the mountain village (Pods A, B-1, and B-2) and a building height analysis for the project build-out using the base RD-zone 33 foot height limit. These items were reviewed at a work session and a public hearing on March 27, 2002. No public comment was received. The Commission concluded that:

1. The base RD-zone height analysis demonstrates that the maximum project densities set forth in Ord. 99-30 could potentially be constructed within the approved development pods without the necessity of a height increase above the 33-foot RD zone height limit; and
2. Building height increases for specific multi-family/resort-related buildings may be considered based on site-specific reviews and compliance with the standards set forth in the Master Planned Development section of the Land Management Code (LMC).

Proposal

The applicant seeks Master Planned Development (MPD) approval for the Mountain Village (Pods A, B-1, and B-2), now called the Village at Empire Pass. Pod B-1 was previously approved in May 2002. B-2 is not far enough along in the planning process to have a clear idea of that part of the development. However, residual units and unit equivalents remain for a future B-2 MPD.

The Development Agreement constrains the mixed-use development in the Mountain Village area (Pods A, B-1, and B-2) to:

- The Mountain Village is to be contained within 84 acres.
- No more than 705 Unit Equivalents (2,000 square feet each) in no more that 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.
- 65% of the residential units (306) must be within Pod A.
- No more than 75,000 square feet of resort support commercial.
- A maximum 35,000 square foot day skier lodge in Pod B-2 with no public road access, no day skier parking, and limited parking to meet service and administrative requirements.

On May 22, 2002, the Planning Commission approved an MPD and final plats for portions of the Mountain Village including:

Lot	Unit Equivalents	Actual Units	Acres
Ten single family homes	Does not count towards 705 total		6.40 acres in Pod B-1

A: Empire Day Lodge	None currently. Commercial activities outside of Day Skier use may require use of Commercial UEs.		1.33 acres in Pod B-2
B: PUD-style homes	27 UEs	18	16.99 acres in Pod B-1
C: Ironwood Townhomes	37.5 UEs	25	3.63 acres in Pod B-1
D: Building H	33 UEs plus 1UE Support Commercial	22	1.34 acres in Pod A
Larkspur Townhomes (currently approved is a tri-plex and a duplex)	7.1 UEs or 14,052 sf	5	Pod A
Paintbrush PUD-style SFD	18.1 UEs or 36,139 sf	7	Pod A
TOTAL: 77 units (10 SFD homes do not count towards total)	123.7	77	28.35 acres outside of Pod A

Proposed Pod A Village (excludes Building H which is in Pod A; includes already approved Paintbrush and Larkspur units)

Lot	Unit Equivalents	Actual Units	Units as PUDs	Single Family
Buildings 1-9	225.6 UEs	217 Units		
PUD-style	85.4	30	30	
Townhomes	64	51	8	
Banner SFD				6
Total	375	298	38	6

Analysis

Master Planned Development Review

Staff has performed a final review of the proposed Master Planned Development per the Land Management Code Section 15-6-5: Master Planned Developments–MPD Requirements.

Length of Approval

Construction of the approved MPD will be required to commence within two (2) years of the approval date. After construction commences, the MPD remains valid as long as it is consistent with the approved MPD and any phasing plan.

MPD Modifications

Substantive changes to the MPD require a subsequent Planning Commission review and approval of the MPD and Development Agreement.

Site Specific Approvals

Conditional use permit approval including a specific density (square foot) allocation will be required prior to the construction of the PUD-style single-family units and the multi-family units. No conditional use permit is required for the proposed 6 single-family lots. Approval and recordation of the subdivision plat, as well as City Engineer approval of all public improvements is necessary prior to construction of the proposed subdivision.

Density

With the current approvals noted above, Pod A and the development parcel of Pod B-2 outside of the Empire Day Lodge is limited to 55.65 acres, 393 residential units and 563.3 Unit Equivalents. Pod A has 34 units (9 PUDs, 3 townhomes, and 22 condo-lodge units in Building H) already approved of the 306 residential units that are required to be in Pod A. Proposed for Pod A is 321.5 Units, which includes the 34 units, leaving up to 105.5 units unallotted. In addition, the remaining 6 single-family lots of the 16 allowed in the Village are proposed in Pod A.

Marsac Claim/Mayflower

Please refer to the July 14, 2004 report for discussion on the Marsac Claim and Mayflower holdings. The Court issued a ruling in the partition case between Mayflower and Unite Park. Staff will update the Commission as necessary, but it does not impact this application or approval.

Pod B-1

The density table allocates 90,000 square feet or 45 Unit Equivalents to Lot C. The previous MPD approval for these 18 PUD-style homes allocated 27 UEs to this lot, with each unit being up to 5,000 square feet. The footprints and sections that were reviewed by the Planning Commission were concepts of 5,000 square foot units. An amendment to the MPD will be required to adjust this number, however the density table recognizes that up to 90,000 square feet may be assigned to Lot C.

Pod B-2

The developer is unsure what this last development piece may look like. Several alternatives were presented in the Planning Commission binder. An MPD will be required when a UPK has a better idea of how this pod will develop. This MPD approval only applies to Pod A.

Setbacks

The LMC requires a minimum 25-foot setback around the exterior boundary of a master planned development. The proposed Village MPD complies with this standard. Within the Village, the Planning Commission may reduce the RD zone setbacks. Exhibit 10 (Setback Exhibit) shows potential areas for setback reductions based on the conceptual site plans. Specific setbacks will be considered during the Conditional Use Permit process.

Open Space

The Development Agreement limits the overall development to 147 acres out of the 1,655-acre project area. The 88% open space provision exceeds the normal 60% open space requirement set forth in the LMC. Within each of the pods, Conservation Easements will be placed on several lots to restrict development on platted lots. Staff finds that this restriction is consistent with the development acreage restriction and will not count the Conservation Easement areas as part of the development acreage.

Off-Street Parking

The Parking and Transit Management Plans (adopted by the Planning Commission on October 24, 2001) establish specific parking requirements for the project area that include a 25% parking reduction from the normal LMC requirements for multi-family and commercial units. Parking for all single-family and PUD-style single-family units will meet or exceed the two-space/unit requirement. Specific parking requirements for the multi-family units and any commercial area will be subject to more specific analysis during the subsequent conditional use permit review process.

Building Height

The single-family (both PUD and non-PUD) and townhouse units will be constructed pursuant to the 33' RD-zone height limitation. Height exceptions are being requested for the nine stacked-flat condo-lodges including the Empire (Alpine) Club. The applicant's request and discussion of the four required findings for additional height are discussed in the Volumetrics Analysis section of the application binder. The Planning Commission gave a final review of the Visual Analysis and building heights at the July 14, 2004 hearing and preliminarily determined the proposed heights comply with these criteria.

The LMC grants the Planning Commission the authority to allow additional building height based upon site-specific analysis provided the Commission can make the following four findings. The findings are listed below with Staff comments.

1. The increase in building height does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.

Complies. In January 2002, a Planning Commission subcommittee and staff met with the applicant over the course of several meetings to review a base zone height analysis of the Flagstaff Mountain Resort (now Empire Pass) project. The

analysis was conducted to determine whether or not the density authorized in Development Agreement and Large-Scale MPD could be designed to meet the RD District 33-foot building height limits. Based on this analysis, it was determined that the Mountain Village area (Pods A, B-1, and B-2) could be designed utilizing 2-3 story, relatively-flat roof structures (4:12 roofs) and meet all necessary LMC height, setback, and facade shift requirements without the necessity of height exceptions. The result of such a design approach to the Mountain Village would be significantly greater site disturbance and loss of significant areas of vegetation. At the March 27, 2002 meeting, the Planning Commission reviewed the analysis and concluded that additional building height could be considered for multi-unit dwellings provided that proposal was consistent with the LMC.

Consistent with the base zone height analysis previously reviewed by Staff and the Planning Commission, the proposed buildings 1-9 volumetrics result in a unit count and overall square footage consistent with the density assigned to the Mountain Village area pursuant to the Development Agreement and Large-Scale MPD approval. Therefore, there is no increase in density or square footage as a result of the height increase. The additional height is also offset by increased setbacks that offer opportunities for greater landscape buffers to be established. The proposed roof design, including pitched roofs that step with grade, are consistent with LMC Architectural Design Guidelines, suggestive of pitched/sloping roofs found on historic mine structures originally located in the area, provide increased vertical breaks in the building mass, and increased architectural interest beyond that provided by a relatively flat roof building.

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 of air circulation, have been mitigated to the extent possible as defined by the Planning Commission.

Complies. No structures currently exist on the neighboring properties. Townhouses and Single Family/PUD-style units are proposed to the south, east and west of the nine building core. The conceptual site plan is designed to orient the multi-family units to the central ski run and to mountain views to the west and east.

3. There is adequate landscaping and buffering from adjacent properties and uses. Increased setbacks and separations from adjacent projects are being proposed.

Complies. The proposed building exceeds the RD District setback requirements. The setback requirements of the RD District are 20 feet for front yards, 15 feet for rear yards, and 12 feet for side yards. The proposed setbacks are 25-55 feet for the front yard setback, 15-25 feet for the rear setback, and 15-30 feet for the side yard setback. Staff finds that sufficient building separation between each

structure is provided. A specific landscaping/buffer plan will be required as part of the conditional use permit review for each of the nine buildings.

4. The additional building height has resulted in more than minimum open space required and has resulted in the open space being more usable.

Complies. The Mountain Village design clusters the majority of the Empire Pass density into Pods A, B-1, and B-2 in exchange for larger areas of project open space. The LMC requirement for MPD open space is 60%. Approximately 88% open space is provided pursuant to the Development Agreement. The bulk of the project open space is utilized for passive recreation areas, trails, ski terrain and improvements, wildlife areas, and sensitive terrain preservation.

In addition to the criteria outlined above, the Planning Commission subcommittee identified several vantage points during the Olympic break that are to be used during MPD and subsequent PUD reviews. The vantage points include views from King Road, two points from Stein Eriksen Lodge, the Marsac Building, Guardsman Road/Guardsman Road Connection intersection, the Daly West head frame, and American Flag Subdivision. A visual analysis of the Village from these vantage points has been included with this report as an attachment. As demonstrated by the visual analysis, the nine buildings are partially visible from the subcommittee's vantage points, but are mitigated by the current and potential tree canopy and the backdrop of the mountains behind. The buildings do not break any significant ridgelines.

Site Planning

The nine site planning criteria outlined in the LMC are intended to promote overall design that incorporates the development into the site's natural characteristics. Generally, the location of the proposed development parcels is consistent with the development pods approved as part of Development Agreement and Large-Scale MPD which clustered the development onto less-steep terrain and in the least visually sensitive areas. The open space areas designated in the Development Agreement are respected with this plan.

Roads

The roadway system has been reviewed by staff and is much preferable to the previous configurations. Three roads plus a frontage road on the north end townhouses serve Pod A. The previous configuration had dead-end cul de sacs serving the interior larger buildings. The present configuration allows for greater tree buffer along Marsac Avenue and reduced grading. However, a cul de sac in excess of 650 feet is created in the southwest quadrant. This is in conflict with the general policy and subdivision code of the City to limit the length of dead-end roads. The Chief Fire Marshall finds the plan to comply with the necessary standards for fire access and safety. The end of the cul de sac continues as an emergency access point as part of the Emergency Response Plan. The Commission reviewed this issue at the work session of April 14, 2004 and was

accepting of the Fire Marshall's recommendation. Approval of the proposed cul de sac will require a specific finding of the Planning Commission.

Trails

Existing and new trails are accommodated with the proposed plan. All "back-country" work is to be coordinated with the Mountain Trails Foundation. The proposed trail work is consistent with the Trails Master Plan adopted by the Planning Commission on October 24, 2001.

Overall pedestrian circulation is outlined in the applicant's packet. The internal pedestrian paths are intended to keep users off the roads as much as possible and to link the Empire Club with the outlying areas. There may be instances, particularly at the north and south ends, where sidewalks along the streets would be required in order to meet the subdivision regulations. The Planning Commission discussed this issue on April 14, 2004 and agreed to waive this requirement. Snow storage, landscaping, recycling, delivery access, and ADA access for multi-family units will also be analyzed during the subsequent conditional use permit process.

Landscape and Streetscape

Landscaping, streetscape, and lighting will be reviewed for the multi-family and PUD-style single-family lots during the subsequent conditional use permit process. The applicant will need to clarify the amount and type of street lighting proposed along the residential streets. The lighting must comply with the City Engineer's specifications, the Municipal Lighting Code, and the Design Guidelines adopted by the Planning Commission on October 24, 2001. All streetlights will be privately maintained. Staff has added a Condition of Approval that each CUP application include a preliminary landscape plan with water-efficient irrigation systems.

Sensitive Lands Compliance

The Sensitive Lands (overlay) Zone did not specifically apply to the Empire Pass Large-Scale MPD and annexation; however, the locations of the development pods are based on Sensitive Lands principles.

Employee/Affordable Housing

Pursuant to the Flagstaff Mountain Resort Employee/Affordable Housing Plan, 15 employee/affordable housing units are required to be constructed or in-lieu fees paid with the Certificate of Occupancy of 150 Unit Equivalents. Review of the employee housing units and specific conditions of approval will take place during the conditional use permit review process.

Recommendation: The Planning Department recommends the Planning Commission re-open the public hearing and take public comment. Staff has prepared Findings of Fact, Conclusions of Law and Conditions of Approval for the Village at Empire Pass as follows:

Findings of Fact

1. The Village at Empire Pass (Mountain Village) Master Planned Development is located in the RD-MPD and ROS-MPD Districts.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
4. The Development Agreement limits development in Pods A, B-1, B-2 to:
 - No more than 705 Unit Equivalents in no more than 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.
 - no more than 75,000 square feet of resort support commercial; and
 - a maximum 35,000 square foot day skier lodge in Pod B-2.
5. The Development Agreement required City review and approval of fourteen (14) technical reports/studies. The reports include details on the following information:
 - Mine/Soil Hazard Mitigation
 - Architectural Design Guidelines
 - Transit
 - Parking
 - Open Space Management
 - Historic Preservation
 - Emergency Response
 - Trails
 - Private Road Access Limitations
 - Construction Phasing
 - Infrastructure and Public Improvement Design
 - Utilities
 - Wildlife Management
 - Affordable Housing
6. The Planning Commission completed the review and approval process for the technical reports/studies on December 12, 2001.

7. This Master Plan for Pod A consists of a total of 321.5 units and 435.6 Unit Equivalents, including the previously approved Paintbrush, Larkspur, and Building H; the Transit Hub, ski lift and ski trails, and the location of the Alpine Club.
8. Over 65% of the residential units (minimum 306) are within Pod A and within walking distance of the Transit Hub as required by the Development Agreement.
9. The 14 technical reports/studies, along with the Land Management Code and the Development Agreement (99-30) form the standards which the subject Master Planned Development and Phase 1 preliminary/final plat are reviewed.
10. The applicant has provided supplemental materials including Master Plan Development Project Description (dated July 2004, Exhibit A), Supplemental Project Description and Conditions (dated July 5, 2004, Exhibit B) Volumetric Analysis (dated July 5, 2004, Exhibit D and E), Visual Analysis dated July 4, 2004 (Exhibit F), Architectural Character dated March 19, 2004 (Exhibit G), and Supplemental Plans including Building Height Diagram, Vegetative Buffer, Trails, and Construction Sequencing (Exhibit H). Together with the Site Plans dated July 21, 2004 (Exhibit C), these Exhibits and this report comprise the Village at Empire Pass MPD.
11. The Village at Empire Pass MPD illustrates conceptual access and street layouts that have not been specifically approved by the City Engineer and City Fire Marshall. Final road layout will be subject to individual Subdivisions and Conditional Use Permits.
12. Conditional Use Permit approval is required prior to any development within the Village at Empire Pass MPD area.
13. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Thirty (30) detached single-family PUD-style units utilizing 85.4 Unit Equivalents.
14. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Fifty-One (51) Townhouse units utilizing 64 Unit Equivalents. Eight of these Townhouse units are in a duplex configuration and count towards the PUD limit of 60.
15. The proposed Village at Empire Pass Master Planned Development includes a conceptual site design for Six (6) single-family homes.
16. Conservation Easements are proposed within platted lots. These Conservation Easement areas will not count towards the development acreage.
17. The PUD-style cluster homes and the Townhomes are to be platted as condominiums and not as individual lots.

18. Utility lines and ski trails will be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
19. The Emergency Response Plan has been reviewed by the Chief Fire Marshall and the Planning Commission in order to allow fire access and safety at the end of the over length cul de sac.
20. The Planning Commission may decrease setbacks within an MPD. Setback variance is shown on Sheet 10 of 10 of Exhibit A, dated June June 15, 2004.
21. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof).
22. The Land Management Code, Section 15-6-5(E) allows the Planning Commission to consider increased building height based upon a site specific analysis and determination.
23. The applicant has requested additional building height for the structures proposed as Buildings 1-9, inclusive. The proposed building volumetrics are detailed on Exhibit D dated June 14, 2004.
24. The proposed increase in building height for Buildings 1-9 does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.
25. Proposed Buildings 1-9 has been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as defined by the Planning Commission.
26. The site plan for proposed Buildings 1-9 on includes adequate landscaping and buffering from adjacent properties and uses.
27. The additional building height for proposed Buildings 1-9 has resulted in more minimum open space than required and has resulted in the open space being more usable.
28. An MPD for pod B-2 will be reviewed under a separate MPD application.

Conclusions of Law

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code;

2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code;
3. The MPD, as conditioned, is consistent with the Park City General Plan;
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission;
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
7. The MPD, as conditioned, is Compatible in use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility;
8. The MPD provides amenities to the community so that there is no net loss of community amenities;
9. 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.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands provisions 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:
11. The MPD, as conditioned promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and,
12. The MPD has been noticed and public hearings held in accordance with this Code.
13. The requirements necessary for the Planning Commission to grant additional building height within the MPD pursuant to the Land Management Code Section 15-6-5 have been met.

Conditions of Approval

1. A Conditional Use Permit is required prior to any development within the Village at Empire Pass MPD area. As per the Phasing Plan, only the nine large multi-family buildings require a CUP review by the Planning Commission. All other units are to be reviewed at a Staff level.

2. City Engineer approval of a utility and infrastructure plan is a condition precedent to the issuance of any building permits within the Village Master Planned Development area.
3. Utility lines and ski trails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
4. If and when the realigned Guardsman road is dedicated to the City, the Developer will execute an encroachment agreement, in a form acceptable to the City Attorney and City Engineer for the private improvements (ski bridges and/or tunnels) within the rights-of-way.
5. All essential municipal public utility buildings associated with the utility plan for the subdivision require a conditional use permit.
6. The proposed over-length cul de sac that ends in the six single family lots will have a secondary emergency access from the end of the road to Marsac Avenue. The emergency access will continue as a minimum 20-foot wide all-weather surface road.
7. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Conditional Use Permit.
8. A preliminary landscape plan, including provisions for water-efficient irrigation systems, shall be submitted with each CUP application.
9. All subsequent applications and approvals are subject to the Technical Reports as approved or amended,

Exhibits

- A – Master Plan Development Project Description (8 pages)
- B – Supplemental Project Description and Conditions (3 pages)
- C - Conceptual Plans (10 pages)
- D – Volumetric Analysis (3 pages)
- E – Volumetrics, Buildings 1-9 (19 pages)
- F – Visual Analysis (5 pages)
- G – Architectural Character (6 pages)
- H – Supplemental Plans

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EXHIBIT F

Planning Commission Meeting
Minutes of July 28, 2004
Page 10

Findings of Fact - Marsac Avenue & Chambers Street Right-of-Way

1. The property is located between platted Marsac Avenue at the Sandridge parking lots and the Guardsman Connection to Silver Lake.
2. The zoning along the road is HR-1 and ROS.
3. The City Council adopted Ordinance 99-20 on June 24, 1999, approving the annexation and development agreement for the 1,655-acre Flagstaff Mountain area.
4. The Flagstaff Annexation Development Agreement Section 2.10.2 stipulates certain road and intersection improvements, including widening the road, drainage improvements, a passing lane, and runaway truck ramp.

Conclusions of Law

1. There is good cause for this subdivision plat.
2. The subdivision plat is consistent with the Master Plan Development Agreement, Park City Land Management Code, the General Plan, and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed subdivision plat.
4. Approval of the subdivision plat, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

6. Empire Pass Master Planned Development

Planner Brooks Robinson commented on Pod A at Empire Pass and noted that the Planning Commission has discussed many details of his master planned development over several months. The public hearing was re-opened on July 14 and continued to this evening. The Staff has prepared findings of fact, conclusions of law, and conditions of approval for the master plan for Pod A. Pod B1 was previously approved. The Staff finds that this application complies with the Land Management Code and the Development Agreement, which are the controlling documents. There will be additional units and density left over from this approval, and Pod B2 will come in at a later date with its own master plan once the applicants are further along in planning development for that area. The applicant had prepared a number of exhibits and updates for the Commissioners' binders which will comprise this approval. These includes the project description and minor grammatical

error and language revisions. Planner Robinson outlined other updates distributed this evening. The Staff recommended that the Planning Commission re-open the public hearing, consider public input, and provide direction to the Staff and applicant.

Chair Barth referred to Pages 115-123 of the staff report, Summary of Compliance with the Technical Reports, and noted that he did not see in the draft findings any reference to incorporate those pages into a motion. Planner Robinson recalled that on July 14 Commissioner Erickson requested compliance with technical reports, and the decision was made to provide them as a separate document. He offered to add them as a finding.

Doug Clyde, representing the applicant, distributed to the Commissioners a visual simulation from King Road that was inadvertently left out of their package. He was uncertain which phasing plan is included in their packets and wanted to be sure the one they have shows the right units. He noted that town home units 16 and 17 and cluster home units 11 and 12 are in Phase I. He referred to page 6 of the recent handouts and corrected the number of Townhomes and PUD's from 28 to 23 units in the first phase.

Chair Barth re-opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

Commissioner Erickson read the conditions of approval relative to traffic circulation based on the development agreement and asked if they are part of the transportation mitigation plan and part of the 14 technical reports. Mr. Clyde replied that they are reflected in the existing construction mitigation plans currently on file with the City. Planner Robinson explained that every CUP that comes forward will need its own construction mitigation plan which will be reviewed by the Planning Commission.

The Planning Commission and Mr. Clyde discussed enforcement procedures for downhill traffic.

Planner Robinson revised Finding of Fact 10 by inserting a comma after A(Exhibit H)@ and adding Aand a compliance matrix with the technical reports (Exhibit I).@

Mr. Clyde referred to the density indicated on page 104 of the staff report and noted that 563 takes into account the additional 18 PUD units. This is not reflected in the table above, and he suggested adding the language Accounting the additional 18 PUD units noted below.@

MOTION: Commissioner Erickson moved to APPROVE the MPD in accordance with the findings of fact, conclusions of law, and conditions of approval with the following revisions:

- 1) The incorporation of the revised July 28, 2004, project description as presented by Staff.
2. The revision to Finding of Fact 10 incorporating the compliance report with the 14 technical reports, Exhibit I.
3. The revision to the phasing plan incorporating the town home Units 16 & 17 and the cluster home Units 11 & 12.
4. Correction to the staff report, page 104, with regard to the density incorporating the phrase that the 563.3 units includes the 18 unit equivalents referenced in Pod B1 below.
5. Incorporation of Condition of Approval 10 that they incorporate the technical report updates and clarifications as presented in the staff report

Mr. Clyde stated that the PUD's were originally intended to be 5,000 square feet each, but they had a problem with the Unit Equivalent calculation. He will return with a revised UE calculation which raises the number by 18 additional UE's. It will not change the plan, but it will make it correspond with the way they interpret UE's.

Planner Robinson referred to the density in the Pod B1 section on page 104 and noted that the last sentence should recognize that 90,000 square feet should be assigned to Lot B and not Lot C.

Commissioner Erickson incorporated the change to Page 104 as described by Planning Robinson into his motion. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously. Commissioner Thomas abstained from the vote, and Commissioner Zimney was not present for the vote.

Commissioner Volkman referred to the status of the technical reports regarding the mine soils hazard plan and the language which states, AA draft work plan for the clean up of Empire Canyon was approved by the EPA and reviewed by the Park City Municipal Corporation. Work will begin this summer.@ Mr. Clyde explained that the Empire Canyon work referred to is the clean up of the creek below the Deer Valley Day Lodge and the top of Daly Avenue. It has no relation to moving the mine dump.

Findings of Fact - Empire Pass

1. The Village at Empire Pass (Mountain Village) Master Planned Development is located in the RD-MPD and ROS-MPD Districts.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The

- Development agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-use development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2 and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
 4. The Development Agreement limits development in Pods A, B-1, B-2 to:
 - No more than 705 Unit Equivalents in no more than 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites;
 - no more than 85,000 square feet of resort support commercial; and
 - a maximum 35,000 square foot day skier lodge in Pod B-2.
 5. The Development Agreement required City review and approval of fourteen (14) technical reports/studies. The reports include details on the following information:
 - Mine/Soil Hazard Mitigation
 - Architectural Design Guidelines
 - Transit
 - Parking
 - Open Space Management
 - Historic Preservation
 - Emergency Response
 - Trails
 - Private Road Access Limitations
 - Construction Phasing
 - Infrastructure and Public Improvement Design
 - Utilities
 - Wildlife Management
 - Affordable Housing
 6. The Planning Commission completed the review and approval process for the technical reports/studies on December 12, 2001.
 7. This Master Plan for Pod A consists of a total of 321.5 units and 435.6 unit equivalents, including the previously approved Paintbrush, Larkspur, and Building H; the Transit Hub, ski lift and ski trails, and the location of the Alpine Club.
 8. Over 65% of the residential units (minimum 306) are within Pod A and within walking distance of the Transit Hub as required by the Development Agreement.
 9. The 14 technical reports/studies along with the Land Management Code and the Development Agreement (99-30) for the standard which the subject Master Planned Development and Phase 1 preliminary/final plat are reviewed.
 10. The applicant has provided supplemental materials including Master Plan Development Project Description (dated July 2004, Exhibit A), Supplemental Project Description and Conditions (dated July 5, 2004, Exhibit B), Volumetric Analysis (dated July 5, 2004, Exhibits D and E), Visual Analysis dated July 4, 2004 (Exhibit F), Architectural Character dated March 19, 2004 (Exhibit G), Supplemental Plans

- including Building Height Diagram, Vegetative Buffer, Trails, and construction Sequencing (Exhibit H), and a Compliance Matrix with the Technical Reports (Exhibit I). Together with the Site Plans dated July 21, 2004, (Exhibit C), these Exhibits and this report comprise the Village at Empire Pass MPD.
11. The Village at Empire Pass MPD illustrates conceptual access and street layouts that have not been specifically approved by the City Engineer and the City Fire Marshall. Final road layout will be subject to individual Subdivisions and Conditional Use Permits.
 12. Conditional Use Permit approval is required prior to any development within the Village at Empire Pass MPD area.
 13. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Thirty (30) detached single-family PUD-style units utilizing 85.4 Unit Equivalents.
 14. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Fifty-One (51) Townhouse units utilizing 64 Unit Equivalents. Eight of these Townhouse units are in a duplex configuration and count toward the PUD limits of 60.
 15. The proposed Village at Empire Pass Master Planned Development includes a conceptual site design for six (6) single-family homes.
 16. Conservation Easements are proposed within platted lots. These Conservation Easement areas will not count toward the development acreage.
 17. The PUD-style cluster homes and the Townhomes are to be platted as condominiums and not as individual lots.
 18. Utility lines and ski trails will be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
 19. The Emergency Response Plan has been reviewed by the Chief Fire Marshall and the Planning Commission in order to allow fire access and safety at the end of the over-length cul-de-sac.
 20. The Planning Commission may decrease setbacks within an MPD. Setback variance is shown on Sheet 10 of 10 of Exhibit A, dated June 15, 2004.
 21. The Maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof).
 22. The Land Management Code, Section 15-6-5(E) allows the Planning Commission to consider increased building height based upon a site specific analysis and determination.
 23. The applicant has requested additional building height for the structures proposed as Buildings 109, inclusive. The proposed building volumetrics are detailed on Exhibit D dated June 14, 2004.
 24. The proposed increase in building height for Buildings 1-9 does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.

25. Proposed Buildings 1-9 have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation have been mitigated to the extent possible as defined by the Planning Commission.
26. The site plan for proposed Buildings 1-9 includes adequate landscaping and buffering from adjacent properties and uses.
27. The additional building height for proposed Buildings 1-9 has resulted in more minimum open space than required and has resulted in the open space being more usable.
28. An MPD for pod B-2 will be reviewed under a separate MPD application.

Conclusions of Law - Empire Pass

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is compatible in use, scale, and mass with adjacent properties and promotes neighborhood compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. 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.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands provisions 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.
11. The MPD, as conditioned, promotes the use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD has been noticed and public hearings held in accordance with this Code.
13. The requirements necessary for the Planning Commission to grant additional building height within the MPD pursuant to the Land Management Code Section 15-6-5 have been met.

Conditions of Approval - Empire Pass

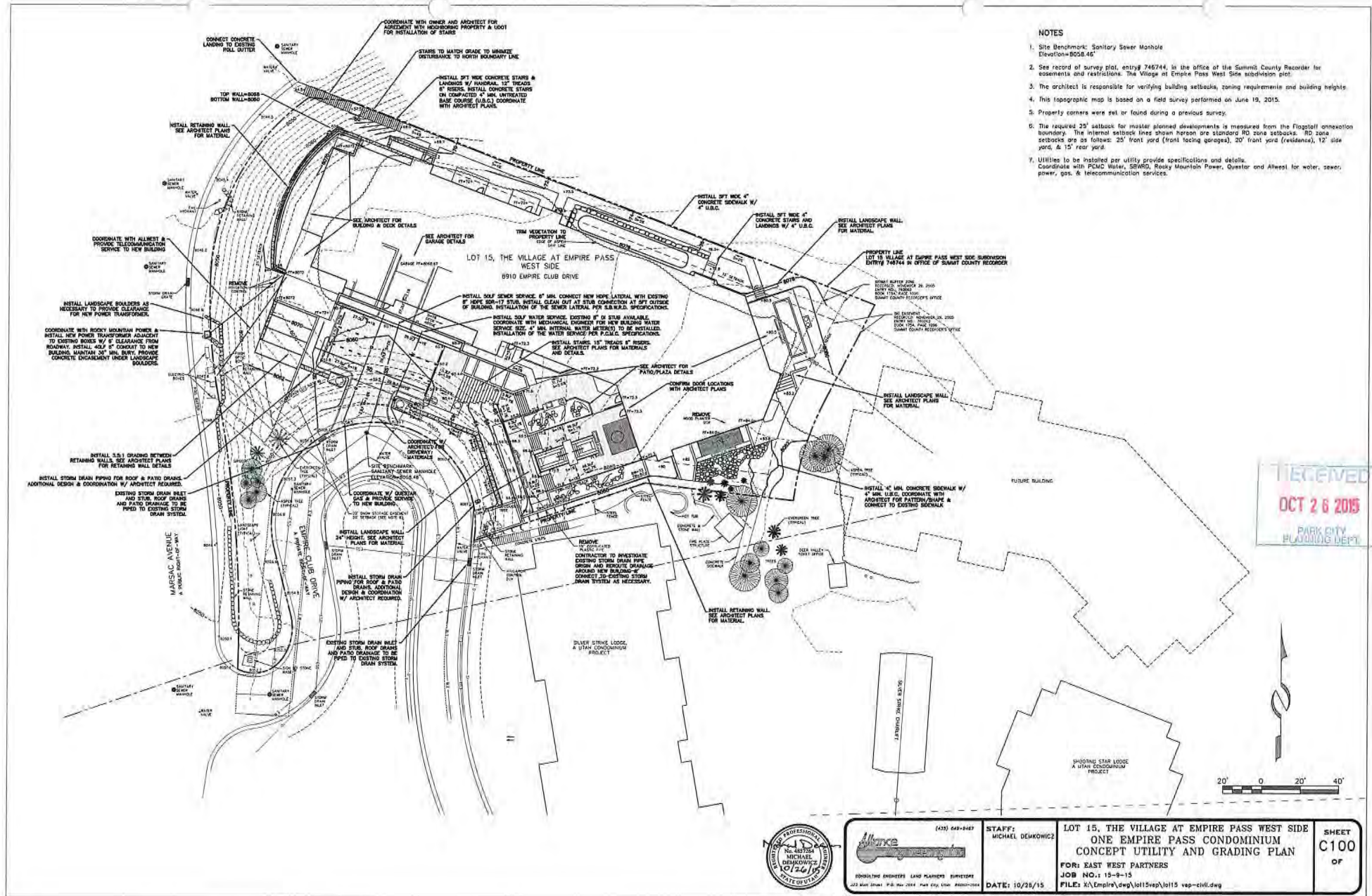
1. A Conditional Use Permit is required prior to any development within the Village at Empire Pass MPD area. As per the Phasing Plan, only the nine large multi-family

- buildings require a CUP review by the Planning Commission. All other units are to be reviewed at a Staff level.
2. City Engineer approval of a utility and infrastructure plan is a condition precedent to the issuance of any building permits within the Village Master Planned Development area.
 3. Utility lines and ski trails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
 4. If and when the realigned Guardsman Road is dedicated to the City, the Developer will execute an encroachment agreement in a form acceptable to the City Attorney and City Engineer for the private improvements (ski bridges and/or tunnels) within the rights-of-way.
 5. All essential municipal public utility buildings associated with the utility plan for the subdivision require a conditional use permit.
 6. The proposed over-length cul de sac that ends in the six single-family lots will have a secondary emergency access from the end of the road to Marsac Avenue. The emergency access will continue as a minimum 20-foot-wide all-weather surface road.
 7. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Conditional Use Permit.
 8. A preliminary landscape plan, including provisions for water-efficient irrigation systems, shall be submitted with each CUP application.
 9. All subsequent applications and approvals are subject to the Technical Reports as approved or amended.
 10. The technical report updates and clarifications as presented in the staff report shall be incorporated in this approval.
7. Red Cloud Subdivision

Planner Robinson noted that Red Cloud, commonly called Pod D, is the third and final Empire Pass application. Thirty single-family lots are proposed on the land owned and controlled by Talisker and the United Park City Mine Company. At the July 14 work session, the Planning Commission discussed the Enchanted Forest and how to apply the statement in the development agreement that no development should occur in the Enchanted Forest. Planner Robinson understood there to be general consensus from the Commission that having a ski easement/conservation easement across an area to be determined would constitute adequate protection. The language will prohibit snowmobiles but will allow skiing in the winter for people coming off the Red Cloud lift. The other issue discussed on July 14 was whether to amend the development agreement and Exhibit A of the development agreement which shows the pod boundaries to move the boundaries further south and west. This would not change the density or average lot size. The Staff analyzed that proposal for separation from ski runs and a visual analysis, and it is the Staff's opinion that the development agreement would have to be amended to allow that to

EXHIBIT G

EXHIBIT G



EMPIRE PASS STORM WATER MANAGEMENT LOT 15 VILLAGE AT EMPIRE PASS

THIS EXHIBIT ILLUSTRATES THE STORM WATER MANAGEMENT SYSTEM FOR EMPIRE PASS (FORMERLY KNOWN AS FLAGSTAFF MOUNTAIN). THE EXISTING DETENTION POND IN EMPIRE CANYON, SOUTH OF DALY AVENUE, WAS DESIGNED TO ACCOMMODATE INCREASE IN STORM WATER FOR THE ENTIRE DEVELOPMENT. THE DETENTION POND WAS CONSTRUCTED IN THE MID 2000'S. THE POND RECEIVES STORM WATER RUNOFF FROM THE ROCK-LINED STREAM CHANNEL SOUTH OF THE DETENTION POND AS WELL AS A PIPING SYSTEM ALONG THE EXISTING DIRT ROAD FROM EMPIRE CANYON TO THE ONTARIO MINE.

THE PROPOSED STORM WATER PLAN FOR ONE EMPIRE PASS CONDOMINIUMS IS TO COLLECT ALL BUILDING ROOF AREA, HEATED DRIVEWAY AND PLAZA AREAS AND DRAIN TO THE EXISTING INLET LOCATED AT THE PROPOSED DRIVEWAY CONNECTION TO EMPIRE CLUB DRIVE. SOME PLAZA AND SIDEWALK AREAS ON THE NORTH & EAST SIDE OF THE BUILDING WILL RUNOFF TO LANDSCAPE AREAS FOR STORM WATER RETENTION.

EMPIRE CANYON
ROCK-LINED EPHEMERAL
STREAM CHANNEL

STORM DRAIN
INLET/MANHOLE
(TYPICAL)

STORM DRAIN PIPE
(TYPICAL)

SOUTH & WEST OF THE
DELINEATION LINE SHOWN, THE
STORM WATER MANAGEMENT IS A
COMBINATION OF SITE SPECIFIC
STORM WATER DETENTION
FEATURES, NATURAL DRAINAGE,
& STORM DRAIN PIPING THAT
DRAINS TO EMPIRE CANYON
ROCK-LINED EPHEMERAL STREAM

EMPIRE CANYON
DETENTION POND

TO DALY AVENUE
DETENTION POND

EXISTING EPHEMERAL
STREAM CHANNELS

TO MARSAC AVENUE
DETENTION PONDS

EXISTING EPHEMERAL
STREAM CHANNELS

STORM DRAIN PIPE
(TYPICAL)

PROPOSED ONE EMPIRE
CONDOMINIUMS AT LOT 15
VILLAGE AT EMPIRE PASS.

STORM DRAIN
INLET/MANHOLE
(TYPICAL)

EMPIRE PASS &
DEER VALLEY
SKI RESORT

DELINEATION LINE

NORTH & EAST OF THE
DELINEATION LINE, THE
STORM WATER MANAGEMENT
IS A COMBINATION OF
NATURAL DRAINAGE &
STORM DRAIN PIPING
THAT DRAINS TO THE
EMPIRE CANYON
DETENTION POND

SUMMIT COUNTY
WASATCH COUNTY

Planning Commission Packet December 9, 2015

1000'

(435) 649-9467-PHONE
(435) 649-9475-FAX

**Alliance
Engineering Inc.**

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

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EXHIBIT H



Recorded at the request of and return
to: Park City Municipal Corp.
Attn: City Recorder
P.O. Box 1480, Park City, UT 84060

Recorded this ____ day of
____, 2007
at Book # ____ Page # ____

ENTRY NO. 00806100

03/02/2007 02:42:51 PM B: 1850 P: 1897

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ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE \$ 0.00 BY PARK CITY MUNICIPAL CORP



**AMENDED AND RESTATED DEVELOPMENT AGREEMENT
FOR FLAGSTAFF MOUNTAIN,
BONANZA FLATS, RICHARDSON FLATS,
THE 20-Acre QUINN'S JUNCTION PARCEL
AND IRON MOUNTAIN**

THIS AMENDED AND RESTATED DEVELOPMENT AGREEMENT ("Agreement") is entered into as of the 2nd day of March, 2007, by and between UNITED PARK CITY MINES COMPANY, ("UPCM" or "DEVELOPER"), DEER VALLEY RESORT COMPANY, ("DEER VALLEY"), and PARK CITY MUNICIPAL CORPORATION, a third class city of the State of Utah ("City") (collectively, the "Parties").

RECITALS

- A. WHEREAS, DEVELOPER and DEER VALLEY own approximately: 1,600 of 1,750 acres of patented mining claims located in the unincorporated Flagstaff Mountain area of Summit County, more particularly described and depicted in Exhibit A attached hereto (hereafter, "Flagstaff Mountain"); approximately 106 acres of patented mining claims located on Iron Mountain within an unincorporated area of Summit County more particularly described and depicted in Exhibit B attached hereto (hereafter, "the Iron Mountain Parcels"); approximately 1,500 acres of patented mining claims, constituting all of UPCM's land located in the unincorporated Bonanza Flats area of Wasatch County more particularly described and depicted in Exhibit C attached hereto (hereafter, "Bonanza Flats"); all of UPCM's land east of U.S. 40 and south of S.R. 248 constituting approximately 650 acres of real property owned in fee simple located immediately east of U.S. 40 and south of S.R. 248 within an unincorporated area

of Summit County more particularly described and depicted in Exhibit D attached hereto (hereafter, "Richardson Flats"); and approximately 20-Acres of real property owned in fee simple located west of U.S. 40 and south of S.R. 248 within an unincorporated area of Summit County more particularly described and depicted in Exhibit E attached hereto (hereafter, "the 20-Acre Quinn's Junction Parcel");

- B. WHEREAS, on May 17, 1994 DEVELOPER filed an application for annexation to Park City of Flagstaff Mountain, consisting of DEVELOPER's, DEER VALLEY's and Northside Neighborhood Property Owners' land, together totaling an area of approximately 1,750 acres;
- C. WHEREAS, on May 10, 1997 the Park City Council unanimously resolved by Resolution 10-97 to annex Flagstaff Mountain under certain Development Parameters;
- D. WHEREAS, on July 8, 1998 DEVELOPER requested reconsideration by the City of Resolution 10-97 and offered certain incentives for limiting development of the Bonanza Flats, Richardson Flats and the Iron Mountain Parcels;
- E. WHEREAS, on September 10, 1998 the Park City Council unanimously adopted a resolution to rescind Resolution No. 10-97 and to adopt new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats and the Iron Mountain Parcels, as set forth in this Agreement;
- F. WHEREAS, in the intervening months since the City Council adopted the September 10, 1998 development parameters, the DEVELOPER further refined its proposal by offering to move 16 single family homes from the sensitive Prospect Ridge area to the Mountain Village and to constrain development in the Northside Neighborhood to reduce site disturbance and to facilitate sale to a conservation buyer for a time certain;
- G. WHEREAS, the Parties intended to enter into the original Agreement to establish new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-Acre Quinn's Junction Parcel, and the Iron Mountain Parcels and to establish a time certain for annexation of Flagstaff Mountain (now referred to generally as Empire Pass) into the City;

- H. WHEREAS, the Parties in fact entered into the original Agreement on or about June 24, 1999; and
- I. WHEREAS, the Parties desire to amend and restate the original Agreement in connection with the development of a project known as the Montage Resort & Spa which is presently planned to include 192 hotel rooms and suites, with spa, restaurant and conference facilities, and a residential component that consists of resort condominiums.

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants hereafter set forth, the sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

SECTION I. DEFINITIONS

Unless the context requires a different meaning, any term or phrase used in this Agreement that has its first letter capitalized shall have that meaning given to it by the Park City Land Management Code (LMC) in effect on the date of a complete application or, if different, by this Agreement. Certain such terms and phrases are referenced below; others are defined where they appear in the text of this Agreement.

- 1.1 **"Annexation Property"** means that approximately 1,750 acres of property known as Flagstaff Mountain, described and depicted on Exhibit A.
- 1.2 **"Bonanza Flats"** means that approximately 1,500 acres of UPCM property commonly referred to as Bonanza Flats, constituting all of UPCM's holdings in Bonanza Flats and described and depicted on Exhibit C.
- 1.3 **"DEER VALLEY"** means the Deer Valley Resort Company, a Utah limited Partnership and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEER VALLEY shall cause its employees and agents to act in accordance with the terms of this Agreement.
- 1.4 **"DEVELOPER"** means United Park City Mines Company, a publicly traded Delaware corporation, and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEVELOPER shall cause its employees and agents to act in accordance

with the terms of this Agreement.

- 1.5 **"Inaction"** provisionally¹ means (a) DEVELOPER's failure to pursue a sequential permit (i.e. Small Scale MPD permit, conditional use permit, subdivision application, or building permit) by failing to submit a complete application for such a permit or by failing to respond to the City's written requests for information which the City deems is necessary to process the application; or (b) DEVELOPER's failure to sustain permitted construction such that the permit under which construction is allowed, expires or is otherwise suspended or revoked.
- 1.6 **"Meeting Accessory Uses"** provisionally² means uses normally associated and necessary to serve meeting and banquet space. Meeting Accessory Uses do not require the use of Unit Equivalents and include:
- 1.6.1 Administrative and Banquet Offices
 - 1.6.2 Banquet Storage Areas
 - 1.6.3 Banquet Prep Areas Storage Areas
 - 1.6.4 Common A/V Storage Areas
 - 1.6.5 Coat Check Areas
 - 1.6.6 Public Restrooms
 - 1.6.7 Public Telephone Areas
 - 1.6.8 Public Hallways
 - 1.6.9 Public Circulation Areas.
- 1.7 **"Mountain Village"** means that mixed-use portion of Flagstaff Mountain described and depicted as the Mountain Village in Exhibit A attached hereto and limited to a total of 87 acres, within three development Pods (A, B₁, and B₂) and maximum densities, unit equivalencies and configuration more fully described herein.

¹ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

² This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

- 1.8 **“Northside Neighborhood”** means that 63-acre portion of Flagstaff Mountain described and depicted as the Northside Neighborhood in Exhibit A attached hereto and limited to the maximum density, unit equivalency, and configuration more fully described herein.
- 1.9 **“Northside Neighborhood Property Owners”** means, in addition to UPCM and DEER VALLEY, Park City Star Mining Company, Inc., a Utah corporation, Bransford Land Company, representing the interests of Anne Bransford Newhall, Mary Bransford Leader and Carolyn Bransford MacDonald, and Stichting Beheer Mayflower Project, a legal entity representing the interests of Stichting Mayflower Recreational Fonds and of Stichting Mayflower Mountain Fonds.
- 1.10 **“Pedestrian Village”** means an area configured within Pod A of the Mountain Village for the mixed use of residential, Residential Accessory, Resort Support Commercial, Resort Accessory, meeting and Meeting Accessory Uses within which at least fifty percent (50%) of the residential properties are clustered within walking distance (5 minutes) of a Transportation Hub for such residential properties, which can be directly accessed by pathways or sidewalks.
- 1.11 **“Planned Unit Development”** or **“PUD”** means a master planned development consisting of clustered, detached, single family or duplex units with common open space and coordinated architecture.
- 1.12 **“Pod Z”** means that area, depicted on Exhibit F that is limited for ski-related uses as further defined herein.
- 1.13 **“Project”** means the residential, recreational and commercial real estate development to be constructed within Flagstaff Mountain.
- 1.14 **“Residential Accessory Uses”** provisionally³ means uses that are for the benefit of the residents of a commercial residential use, such as a hotel or nightly rental condominium project. Residential Accessory Uses do not require the use of Unit Equivalents. Residential Accessory Uses include:

³ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superceded by an LMC definition of the term.

- 1.14.1 Common Ski Lockers
- 1.14.2 Common Lobbies
- 1.14.3 Registration
- 1.14.4 Concierge
- 1.14.5 Bell Stand/Luggage Storage
- 1.14.6 Common Maintenance Areas
- 1.14.7 Mechanical Rooms
- 1.14.8 Common Laundry Facilities and Common Storage Areas
- 1.14.9 Employee Facilities
- 1.14.10 Common Pools, Saunas and Hot Tubs
- 1.14.11 Public Telephone Areas
- 1.14.12 Public Restrooms
- 1.14.13 Administrative Offices
- 1.14.14 Public Hallways and Circulation Areas

1.15 **“Resort Accessory Uses”** provisionally⁴ means uses that are clearly incidental to and customarily found in connection with the principal resort building or use and are operated for the convenience of the owners, occupants, employees, customers or visitors to the principal resort use. Resort Accessory Uses do not require the use of Unit Equivalents. They include such uses as:

- 1.15.1 Information
- 1.15.2 Lost and Found
- 1.15.3 Mountain Patrol
- 1.15.4 Mountain Administration
- 1.15.5 Mountain Maintenance and Storage Facilities
- 1.15.6 Mountain Patrol and Emergency Medical Facilities
- 1.15.7 Public Lockers
- 1.15.8 Public Restrooms
- 1.15.9 Employee Lockers
- 1.15.10 Ski School/Day Care

⁴ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

1.15.11 Ticket Sales Areas

1.15.12 Ski Check Areas

1.15.13 Public Circulation Areas and Hallways

1.16 **“Richardson Flats”** means all of UPCM’s property at the southeast corner of U.S. 40 and S.R. 248, more fully described and depicted on Exhibit D.

1.17 **“Transportation Hub”** means the terminus of a public and/or private transportation system that is located at a convenient location within the Mountain Village.

1.18 **“Unit Equivalent,”** with respect to commercial structures and multifamily and PUD structures, has the meaning set forth in the LMC.⁵ Each single family residential structure (excluding PUDs) approved by the City pursuant to this Agreement for construction within the Project shall have a Unit Equivalent of 1.00, regardless of the size or the location of the single family residential structure. Each commercial structure or portion thereof (as such may be determined in applicable MPD approvals) shall consume 1 Unit Equivalent for each 1000 square feet. Each multifamily and PUD residential structure shall consume 1 Unit Equivalent for each 2000 square feet.

SECTION II. LARGE SCALE MPD—FLAGSTAFF MOUNTAIN

2.1. DEVELOPER is hereby granted the equivalent of a Large Scale Master Planned Development (Large Scale MPD) for Flagstaff Mountain. This Large Scale MPD sets forth maximum densities, location of densities and DEVELOPER-offered amenities and is subject to all normally-applicable City processes, and in addition thereto, such processes defined below, including DEVELOPER’s responsibility, prior to or concurrent with the Small Scale MPD process, to submit and ultimately to obtain (upon modification, if necessary) City approval, of satisfactory plans detailed below:

⁵ Hotel rooms of 500 square feet or less constitute ¼ Unit Equivalent.

- 2.1.1. Mine/Soil Hazard Mitigation Plan--which plan shall include an inventory of all mine sites, potential sources of release of hazardous materials into the environment, and a plan and schedule for their remediation;
- 2.1.2. Detailed Design Guidelines, with strong architectural themes, for the entire Flagstaff Mountain Project;
- 2.1.3. Specific Transit Plan;
- 2.1.4. Parking Management Plan;
- 2.1.5. Detailed Open Space Management Plan;
- 2.1.6. Historic Preservation Plan;
- 2.1.7. Emergency Response Plan, including DEVELOPER's commitments to provide infrastructure necessary to serve the Project and Bonanza Flats and phasing therefor;
- 2.1.8. Trails Master Plan setting forth trail locations, specifications, phasing and timing of public easements;
- 2.1.9. Private Road Access Limitation Procedures;
- 2.1.10. Construction Phasing Plan—including construction milestones for project amenities, including Richardson Flats development;
- 2.1.11. General Infrastructure and Public Improvements Design and Phasing Plan, which calls for the efficient extension of services, concentrating initial infrastructure development in the Mountain Village, and secondarily in the Northside Neighborhood. Such plan shall allow for the construction of a variety of housing types in each phase;
- 2.1.12. Utilities Master Plan—including the timing, alignment and service strategy for water and sewer service, as well as storm water management throughout the Project and Bonanza Flats;
- 2.1.13. Wildlife Management Plan; and
- 2.1.14. Affordable Housing Plan, including phasing.
- 2.2. **Maximum Development Parameters--Flagstaff Mountain.** Flagstaff Mountain is composed of the Mountain Village, the Northside

Neighborhood; various ski related improvements, and the Silver Mine Adventure. Upon annexation, Flagstaff Mountain will be zoned as shown on the zoning map attached hereto as Exhibit P. The following maximum development parameters apply to Flagstaff Mountain:

2.2.1 Mountain Village: The Mountain Village is constrained as follows:

- 2.2.1.1 Small Scale MPD.** Site specific volumetrics and configuration will be established in the Small Scale MPD process.
- 2.2.1.2. Maximum Development Area.** In the Small Scale MPD process, the entire Mountain Village development shall be constrained within a total of 87 acres.
- 2.2.1.3. Maximum Density.** The maximum density within the Mountain Village is 785 Unit Equivalents configured in no more than 550 dwelling units.⁶ Such density shall be configured as multi-family, hotel, or PUD units, provided the PUD units do not exceed 60. PUD units consume Unit Equivalents in the same respect as multifamily units. Additionally, the Mountain Village may contain up to 16 detached single family home sites.
- 2.2.1.4. Pedestrian Village.** At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A), and must be located within a five-minute walk of the Transportation Hub. All three development pods (Pods A, B₁, and B₂) within the Mountain Village must be linked by transit.
- 2.2.1.5. Commercial.** The Mountain Village may additionally include up to 75,000-sq. ft. of Resort Support Commercial uses, which shall include Neighborhood

⁶ Hotel rooms of 500 square feet or less constitute ¼ Unit Equivalent. In the case of the Montage, the 192 Montage hotel rooms shall count as Unit Equivalents at the rate of 1 Unit Equivalent per 2,000 square feet of hotel rooms, but such hotel rooms shall not have kitchens and shall not count as dwelling units.

Convenience Commercial uses for residents and visitors such as groceries and sundries.

2.2.1.6. **Mine Site Reclamation.** To the greatest extent possible, DEVELOPER shall locate density in disturbed areas. This provision applies primarily to potential density at the Daly West site. Additionally, DEVELOPER shall reclaim⁷ all mining and mining overburden sites within Flagstaff Mountain, in accordance with state and federal regulatory agency review.

2.2.1.7. **Public Trails.** DEVELOPER shall construct and dedicate public trails designated on an accepted Trails Master Plan. Many trails will be constructed on land ultimately owned by DEER VALLEY. In those areas, DEER VALLEY shall be responsible for trail maintenance and for enforcing reasonable rules and regulations for public trail use. Such rules may not exclude free public access to the public trail systems identified on the Trails Master Plan.

2.2.1.8. **Deed Restricted Open Space.** Within 30 days of issuance of a Small Scale MPD, DEVELOPER and/or DEER VALLEY shall execute for the benefit of the City perpetual covenants and restrictions with respect to all designated open space associated with the Small Scale MPD and which, at a minimum, shall prevent the construction thereon of residential, commercial and retail structures but shall provide for ski-related uses consistent with paragraph 2.5 herein.

2.2.1.9. **Parking.** Each Small Scale MPD submittal shall include a parking management plan with respect to the portion of the property covered by such Small Scale MPD submittal.

⁷ Reclamation shall include, at a minimum, revegetation of exposed areas.

The goal of the plan is to design the Mountain Village in such a way as to reduce parking demand by 25%. DEVELOPER shall plan and encourage within the Mountain Village portion of the Project programs such as parking management, paid parking for commercial uses, shuttles and other programs designed to reduce the demand for private vehicles and parking. DEVELOPER shall provide for shared parking in all commercial, short-term residential and mixed-use buildings. Assigned or reserved spaces within commercial, short-term residential and mixed-use buildings are prohibited except that in the case of the Montage, one parking space may be assigned for each dwelling unit (excluding the 192 hotel rooms). The majority of the required parking areas will be fully enclosed and/or constructed underground.

2.3 **Prospect Ridge.** DEVELOPER considers the Prospect Ridge area depicted in Exhibit K to be a critical viewshed area for Old Town.

2.3.1 **Public Trails.** Consistent with the Trails Master Plan, DEVELOPER shall construct and dedicate to the City public trails designated within the Prospect Ridge area.

2.3.2 **Deed Restricted Open Space.** Within 30 days of issuance of the first Small Scale MPD, DEVELOPER shall cause to be recorded a document, approved by the City, which shall impose perpetual covenants and use restrictions for that portion of Prospect Ridge depicted as "Recreation Open Space Dedication" on Exhibit K which shall prevent the construction thereon of residential, commercial and/or retail structures, ski lifts, and developed alpine ski runs.

2.4. **Northside Neighborhood.** The Northside Neighborhood is composed of property owned by five separate Northside Neighborhood Property Owners and, upon their written acceptance of the terms of this Agreement,



TO RED CLOUD/QUINCY LIFTS

BANNER SKI RUN

SILVER STRIKE EXPRESS

PAINTBRUSH

LARKSPUR

TALISKER CLUB

SHOOTING STAR

ARROWLEAF B

ARROWLEAF A

LARKSPUR WESTSIDE

SNOWBERRY LODGE

SILVER STRIKE LODGE

FUTURE SKIER BRIDGE

BANNERWOOD

MARSIC AVENUE

TO PARK CITY

TO EMPIRE CANYON LODGE

EMPIRE CLUB DRIVE

CUSTOM HOME

SOLD

SKI ACCESS

N

LEGEND:

- PAINTBRUSH** at EMPIRE PASS
- LARKSPUR** at EMPIRE PASS
- Shooting Star** at EMPIRE PASS
- ARROWLEAF** at EMPIRE PASS
- SNOWBERRY** at EMPIRE PASS
- TALISKER CLUB** at EMPIRE PASS

This illustration is an artist's rendering based on East West Partners' current proposed development concepts, which continue to evolve and are subject to change without notice. No guarantee is made that the facilities and features depicted will be constructed or that the construction will be on the same site. The illustration is depicted for informational purposes only. Access to and use of certain areas may be restricted and subject to the payment of additional fees and restrictions. The common areas may be subject to ongoing maintenance and may undergo continuing growth and development, and conditions within sight may change. This illustration does not show the legal boundaries of the community; please refer to the recorded plans. Because East West Partners does not own or control the land outside the boundary of the community, East West Partners does not guarantee the accuracy of any matters or conditions shown on this illustration outside the boundary of the community and/or the current or future uses of those properties.



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: 152 Sandridge Road Subdivision
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-15-02952
Date: December 9, 2015
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to January 13, 2016, to allow additional time for internal review. Staff has requested that the surveyor provide additional analysis and clarification on conflicts regarding the property boundaries.

Description

Applicant: Joseph and Linda Armstrong
Location: 152 Sandridge Road
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Single-family residences
Reason for Review: Plat amendments require Planning Commission review and City Council action



Planning Commission Staff Report

PLANNING DEPARTMENT

Subject: The Lodges at Deer Valley – Phase One – First Amended

Author: Makena Hawley, Planner 1

Date: December 9, 2015

Type of Item: Administrative – Record of Survey Amendment

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the The Lodges at Deer Valley, Phase One, First Amended Record of Survey to January 13, 2016, to allow Staff the additional time to work through the applications.

Description

Applicant: The Lodges at Deer Valley represented by Marshall King

Location: 2900 Deer Valley Drive

Zoning: Residential Development (RD)

Adjacent Land Uses: Recreation Open Space (ROS)

Reason for Review: The Lodges at Deer Valley are proposing to change the 62 parking spaces from convertible space to common ownership which requires a Record of Survey. Record of Surveys require Planning Commission review and recommendation with final action by the City Council.

Planning Commission Staff Report



Subject: 950 Empire Avenue
Project #: PL-15-02842
Author: Hannah Turpen, Planner
Date: December 9, 2015
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 950 Empire Avenue, conduct a public hearing, and approve the Steep Slope CUP for 950 Empire Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Owner/ Applicant: Norfolk TKA, LLC (represented by James Carroll)
Location: 950 Empire Ave
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Construction of structures with a Building Footprint greater than 200 square feet on a steep slope (30% or greater) requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit (CUP) for a new single-family home with a proposed square footage of approximately 3,586 square feet (including the 472 square foot two-car garage) on a vacant 2,812.5 square foot lot located at 950 Empire Avenue. The total Building Footprint exceeds 200 square feet and the construction is proposed on a slope of 30% or greater.

Background

On July 1, 2015 the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 950 Empire Avenue. The application was deemed complete on August 28, 2015. The property is located in the Historic Residential (HR-1) District. The lot contains 2,812.5 square feet.

This application is a request for a Conditional Use Permit for construction of new single family dwelling. Because the total proposed Building Footprint is greater than 200 square feet, and would be constructed on a slope greater than thirty percent (30%), the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to Land Management Code (LMC) § 15-2.1-6.

A Historic District Design Review (HDDR) application is currently under review by Planning staff (Exhibit A).

On August 20, 2015 the City Council approved a plat amendment for 950 Empire Avenue. The plat amendment has not been recorded at Summit County. On September 11, 2015 a Demolition Permit was issued for the existing non-historic single-family dwelling. The non-historic single-family dwelling has been demolished and the lot is now vacant.

Purpose

The purpose of the Historic Residential (HR-1) District is to:

- (A) preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) encourage the preservation of Historic Structures,
- (C) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) define Development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Analysis

The proposed house contains a total of 3,586 square feet, including the 472 square foot two-car garage proposed on the upper level. The proposed footprint is 1,201 square feet. The house complies with all setbacks, building footprint, and building height requirements of the HR-1 zone. Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	Minimum of 1,875 square feet	2,812.5 square feet, <u>complies.</u>
Building Footprint	1,201 square feet <u>maximum</u>	1,201 square feet, <u>complies.</u>
Front Yard	10 feet minimum	23' (front) porch, <u>complies</u> ; 10' and 12' to each single-car garage, <u>complies.</u>
Rear Yard	10 feet minimum	Increases from 24'6" to 17'6" (north to south), <u>complies.</u>
Side Yard	3 feet minimum, total 6 feet.	3 feet on each side, <u>complies.</u> Total of 6 feet, <u>complies.</u>
Height	27 feet above existing grade, <u>maximum.</u>	23'0.17", ridge of gable on the south elevation, <u>complies.</u>

Height (continued)	A Structure shall have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.	33', <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	Maximum difference is 4 feet on the north, south, east and west elevations, <u>complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback may encroach into the minimum 10 ft. setback but shall be limited to no more than 25% of the width of the building encroaching no more than 4 ft. into the setback.	The downhill façade is in the rear. The rear roof line measures 22'11 2/5" in height, <u>complies.</u>
Roof Pitch	Between 7:12 and 12:12.	The main roofs have 7:12 pitches, <u>complies.</u>
Parking	Two (2) off-street parking spaces required.	Two (2) separate single-car garage doors lead to a two (2) car garage compliant with the required dimensions, <u>complies.</u>

LMC § 15-2.1-6 requires a Conditional Use Permit for development on steep sloping lots (30% or greater) if the Building Footprint exceeds 200 square feet and stipulates that the Conditional Use Permit can be granted provided the proposed application and design comply with the following criteria and impacts of the construction on the steep slope can be mitigated:

Criteria 1: Location of Development.

Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposed single family dwelling is located on the lot in a manner that reduces the visual and environmental impacts. The foundation is stepped with the existing topography to minimize the amount of excavation necessary. The existing minor landscaping and existing trees will be removed from the site. The proposed landscape plan will incorporate significant vegetation. The proposed footprint complies with that allowed for the lot area. The front and rear setbacks meet all requirements, and are increased for portions of the structure. The hillside within the side yard will be terraced with retaining walls no greater than six feet (6') in height from existing grade. The westerly portion of the garage is the only portion of the building footprint which sits on a slope greater than 30% which allows floor levels to relate closely to existing topography.

Criteria 2: Visual Analysis.

The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a photographic visual analysis, including street views, to show the proposed streetscape and how the proposed house fits within the context of the slope, neighboring structures, and existing vegetation.

The visual analysis and streetscape demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass than surrounding structures, and visual impacts are mitigated. There is minimized excavation because the majority of the house is located on the grade that is less than 30%. Vegetation will be added as necessary and retaining walls will be limited to terracing in the side yards.

Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. The garage sits below the street level reducing the fill needed to access the garage and the front door. Common driveways and Parking Areas, and side Access to garages are strongly encouraged; however a side access garage is not possible on this site. **No unmitigated impacts.**

The proposed design incorporates a driveway which will sit flush with final grade. The slope of the driveway will be 7.6% when measured from the curb and gutter to the single-car garages. The driveway is designed with a maximum width of twelve feet (12') before expanding to accommodate the two (2) single-car garages. The driveway is approximately twenty-four feet (24') in length from the garage(s) to the existing edge of Empire Avenue. The single-car garage doors comply with the maximum height and width per the Design Guidelines.

Criteria 4: Terracing.

The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

Minor retaining is necessary to regain natural grade around the proposed structure to provide for egress on the north, south and east elevations. The proposed retaining walls will meet the LMC development standards of retaining walls in setback areas.

Criteria 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 provide variation of the Front Yard. **No unmitigated impacts.**

The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. Terraced stone retaining walls, not exceeding six feet in height from Existing Grade, will be constructed to retain the hillside in the side yards and around the driveway. The Final Grade will be changed no more than four feet (4') from the Existing Grade. The site design and building footprint provide an increased front setback area in front of the garages and porch. Side setbacks and building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood.

Criteria 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 Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

The main ridge of the roof orients with the contours. The size of the lot allows the design to not offend the natural character of the site as seen on the submitted plans. The house steps with the grade and is broken into a series of smaller components that are compatible with the District. The stepping creates rear and side elevations that respect the adjacent properties.

Staff finds that the proposed design is consistent with the Design Guidelines for Historic Districts and Historic Sites. The structure reflects the historic character of Park City's Historic Sites such as simple building forms, unadorned materials, and restrained ornamentation. The style of architecture selected and all elevations of the building are designed in a manner consistent with a contemporary interpretation of the chosen style. The Historic District Design Review (HDDR) application for this project has not yet been granted final approval.

Exterior elements of the new development—roofs, entrances, eaves, chimneys, porches, windows, doors, steps, retaining walls, garages, etc.—are of human scale and are compatible with the neighborhood and even traditional architecture. The scale and height of the new structure follows the predominant pattern of the neighborhood. Further, this style of this house is consistent with the Design Guidelines. It does not

detract from nearby historic properties, but rather lends itself to the overall character of the neighborhood.

Criteria 7: Setbacks.

The 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. **No unmitigated impacts.**

The proposed structure meets the standard LMC setbacks for a lot this size consisting of a minimum of ten feet (10') front/rear yard setbacks. The minimum side yard setbacks are three feet (3') minimum and six feet (6') total.

Front setbacks are increased as the single-car garage doors are setback ten feet (10') and twelve feet (12') from the property line and twenty-four feet (24') from the edge of the street. No wall effect is created with the proposed design. Side setbacks are consistent with the pattern of development and separation in the neighborhood. The articulation in the front and rear facades reduce the overall mass of the structure and does not create a wall effect along the street front or rear lot line.

Criteria 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 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. **No unmitigated impacts.**

The proposed structure is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. The heights of the main ridges range from twenty-two feet eleven and one-half inches (22'11½") to twenty-three feet two inches (23'2") above the existing grade. Portions of the house are less than twenty seven feet (27') in height. The tallest ridge is twenty-three feet two inches (23'2") above the existing grade. The rear roof line measures twenty-two feet eleven and one-half inches (22'11½") in height.

The applicant also meets the criteria outlined in LMC 15-2.2-5(A) stating that the structure shall have a maximum height of thirty-five feet (35') measured from the lowest finished floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. The height from the lowest finished floor plane to the highest wall plate is thirty-three feet (33').

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. The applicant has submitted a Historic District Design Review (HDDR) application; however, this has not yet been approved.

Department Review

This project has gone through an interdepartmental review. No issues were brought up other than standards items that have been addressed by revisions and/or conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet on November 25, 2015. Legal notice was also published in the Park Record in accordance with requirements of the LMC on November 21, 2015.

Public Input

No input has been received regarding the Steep Slope CUP.

Alternatives

- The Planning Commission may approve the Conditional Use Permit for 950 Empire Avenue as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit for 950 Empire Avenue and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is an existing platted residential lot that is currently vacant.

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur and the applicant would have to revise the plans.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 950 Empire Avenue and conduct a public hearing. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The property is located at 950 Empire Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. On July 1, 2015 the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 950 Empire Avenue. The application was deemed complete on August 28, 2015.
4. The property was posted and notice was mailed to property owners within 300 feet on November 25, 2015. Legal notice was also published in the Park Record in accordance with requirements of the LMC on November 21, 2015.
5. A single family dwelling is an allowed use in the HR-1 District.
6. The property is described as Lots 21 and the northerly one-half (½) remnant lot of Lot 22 of Block 15 of the Snyder's Addition to the Park City Survey.
7. The lot contains 2,812.5 square feet.
8. The total Building Footprint exceeds 200 square feet and the construction is proposed on a slope of 30% or greater.
9. The lot is currently vacant.
10. A Historic District Design Review (HDDR) application is currently being reviewed by the Planning Department and has not yet been approved.
11. There is minimal existing vegetation on this lot. This is a downhill lot.
12. Access to the property is from Empire Avenue, a public street.
13. Two (2) parking spaces are proposed on site. Two (2) separate single-car garage doors lead to a two (2) car garage compliant with the required dimensions.
14. The neighborhood is characterized by a mix of historic and non-historic residential structures, single-family homes and duplexes.
15. The proposal consists of a single-family dwelling of 3,586 square feet, including the basement area and garage.
16. The driveway is designed with a maximum width of twelve feet (12') before expanding to accommodate the two (2) single-car garages. The driveway is approximately twenty-four feet (24') in length from the garage(s) to the existing edge of Empire Avenue. The single-car garage doors comply with the maximum height and width. The proposed driveway has an overall slope of 7.6% as measured from the front of the garage to the edge of the paved street.
17. An overall building footprint of 1,201 square feet is proposed. The maximum allowed footprint for this lot is 1,201 square feet.
18. The proposed structure complies with all setbacks. The minimum front and rear yard setbacks are ten feet (10'). The minimum side yard setbacks are three feet (3').
19. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty-seven feet (27') in height.
20. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Empire Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.
21. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.

22. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the area with a slope greater than 30%.
23. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet (27') in height.
24. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.
25. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.
26. This property is required to have independent utility services for water, sewer, power, etc.
27. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.
28. The findings in the Analysis section of this report are incorporated herein.
29. The applicant stipulates to the conditions of approval.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting the historic house to the west from damage.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.

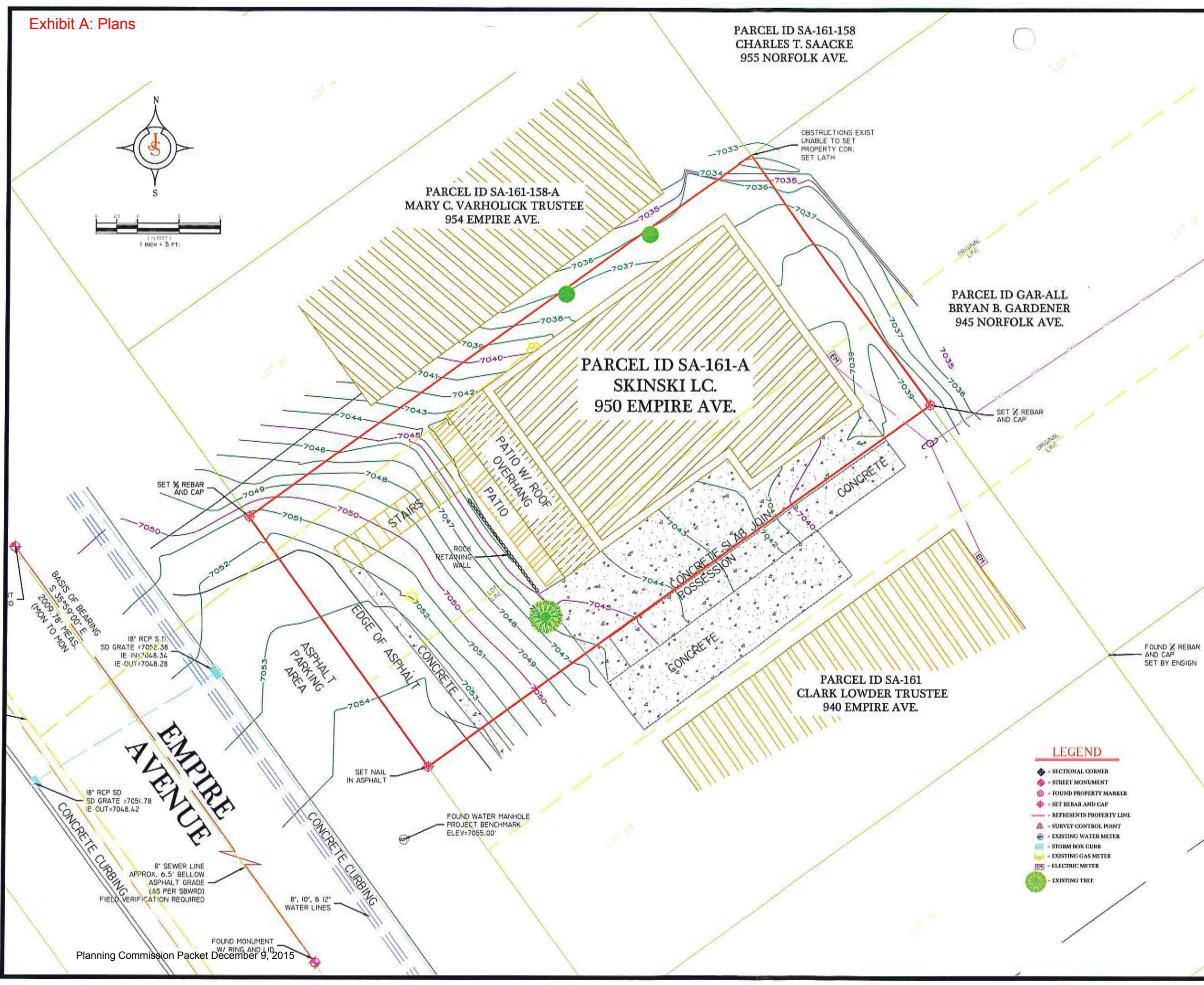
6. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the west and the non-historic structure to the north.
7. This approval will expire on December 9, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
8. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on December 9, 2015, and the Final HDDR Design.
9. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
10. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
11. The driveway width must be a minimum of ten feet (10') and will not exceed twelve feet (12') in width.
12. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
13. Construction waste should be diverted from the landfill and recycled when possible.
14. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.
15. All excavation work shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, he determines that it is necessary based upon specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

Exhibits

Exhibit A - Plans (existing conditions, site plan, elevations, floor plans)

Exhibit B - Visual Analysis/Streetscape

Exhibit C - Visual Analysis - Existing Photographs



DRAWING TITLE
**RECORD OF SURVEY
TOPOGRAPHIC**

CLIENT CONTACT
MR. JACK LOPEZ
17326 FOUNTAIN VIEW
SAN ANTONIO, TEXAS 78248

950 EMPIRE AVENUE
LOCATED WITHIN, SUMMIT COUNTY,
UTAH. LYING WITHIN BLOCK 15 OF
THE SNYDER'S ADDITION TO PARK
CITY SURVEY, A PART OF THE N.W. 1/4
SEC. 16, T. 2 S. R. 4. E. S.L.B.&M.

PROPERTY DESCRIPTION
Lot 21 and half lot 22, Block 15 Snyder's Addition to Park City survey on file
within the official records of Summit County, Utah.
Containing 0.6 +/- Acres

SURVEYOR'S NARRATIVE
This survey was performed at the request of Jack Lopez, for the purpose to
locate property lines in relation to existing fencing, and other improvements, also for
the purpose of future building, landscaping, or property sales.
The basis of bearing was derived from the found street monuments along
Empire Avenue of the recorded Park City block 15 Snyder's addition, as well as found
local property corners and utilized on this survey as N 33°50'00" W as shown herein.
Shown are Two foot Contours Highlighted at Ten foot Intervals as labeled.
The elevation base is determined by the field G.P.S. Projection based on USGS Utah
North NAD 1983 Projection then rounded off to the nearest 10 foot mark for a more
efficient Bench Mark Base. The Project Bench Mark is 7055.00' - Found water
manhole lid, located along Empire Avenue as shown herein

- NOTE:
1. Surveyor has made no investigation or independent search for easements of record
encumbrances restrictive covenants ownership title evidence, or any other facts,
conflicts, or discrepancies which may be disclosed by the details of a current title
insurance policy.
 2. See city and county planning, and zoning maps for information regarding setback,
side yard, and rear yard instances as well as other building, use restrictions, and
requirements.
 3. Utility pipes, wires etc. may not be shown on this map, contractors builders and
excavators shall verify the location of all existing utilities prior to construction,
and/or excavation. Utility's shown are as per utility drawings. Contact blue stakes and
refer to utility maps for additional information.
 4. Subdivision plat notes, pertaining to this lot and other restrictions obligations,
covenants etc. that may affect the design and use of this lot, see subdivision.

SURVEYOR'S CERTIFICATE
I, R. Shane Johanson, do hereby certify that I am a Professional Land Surveyor,
holding certificate No. 7075114, as prescribed under the laws of the State of Utah,
and that I have made a survey of the described tract of land as shown on this plat and
that this survey retraces lot lines and may have adjusted said lot lines to coincide
with found evidence and other interpolations based from ground measurements and
found records. Furthermore I recognize that other unwritten rights of ownership or
lines of possession may exist, I do not imply to certify any of those rights, unless
agreed upon by the appropriate parties.

REVISIONS:

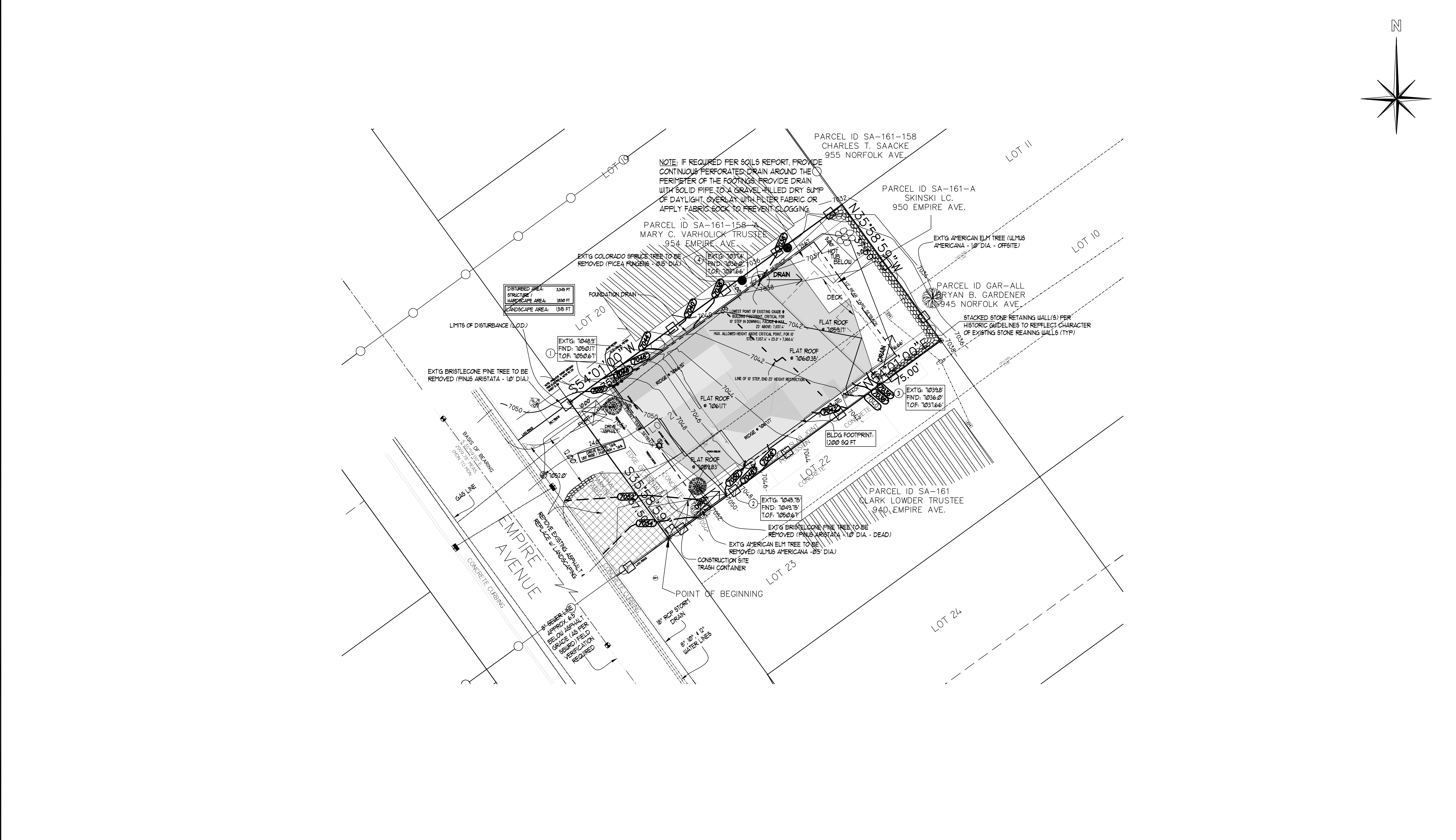
REV #	DESCRIPTION	DATE


JOHANSON ENGINEERING
CIVIL • PLANNING • SURVEYING
909 EAST 4500 SOUTH SUITE 101
SALT LAKE CITY, UTAH 84117
PHONE (801) 815-2561

COPYRIGHT
This drawing is and at all times remains the exclusive property of Johanson
Engineering shall not be used without complete authorization and written support.

STATE OF UTAH
RECEIVED
MAY 22 2015
PLANNING DEPT.

	PROPOSED CONSTRUCTION: MEETS & BOUNDS 950 EMPIRE AVE PARK CITY, UT 84060	PREPARED FOR: MR. JACK LOPEZ 17326 FOUNTAIN VIEW SAN ANTONIO, TX 78248 (210) 393-8099	PREPARED BY: JAMES L. CARROLL & ASSOCIATES 230 WEST 400 SOUTH #203 SALT LAKE CITY, UTAH 84101 (801) 359-8517	FLOOR ELEVATIONS DRIVE @ STREET: 7052.0' GARAGE: 7050.17' ENTRY: 7050.67' MAIN FLOOR: 7048.67' LOWER FLOOR: 7038.67' BASEMENT FLOOR: 7029.17'	LEGEND EXISTING GRADE (USGS ELEVATIONS) 7034 PROPOSED GRADE 7034
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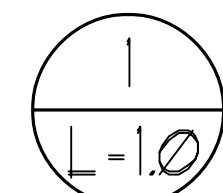
NOTE: ALL EXCAVATIONS, FILLS, CUTS, AND GRADING MUST COMPLY WITH IRC CHAPTER 4. PAY SPECIAL ATTENTION TO 'TALL' CUTS CLOSE TO PROPERTY LINES. CUT SLOPES AND GRADE FILLS STEEPER THAN 2:1 REQUIRE SOILS REPORTS ADDRESSING STABILITY TO BE APPROVED BY P.C. BLDG DEPT.

NOTE: ANY TOWER CRANES REQUIRE CITY APPROVAL PRIOR TO INSTALLATION. SUBMIT SITE PLAN AND AIR SPACE EASEMENT WITH ANY ADJACENT PROPERTY OWNERS IMPACTED.

NOTE: EXCAVATIONS SHALL NOT EXCEED 4'-0" WITHOUT APPROVED SOILS REPORT.

NOTE: ON FOUNDATION WALLS OVER 8'-0" TALL, FORMS ARE NOT TO BE INSTALLED ON ONE SIDE UNTIL AFTER REBAR HAS BEEN INSPECTED AND APPROVED.

SETBACKS	
FRONT YARD:	10'-0"
REAR YARD:	10'-0"
SIDE YARD:	3'-0"



SITE PLAN
SCALE: 1" = 10'

NOTE: MINIMUM OF 5% SLOPE AWAY FROM ALL BUILDINGS MINIMUM 10'-0": 2% SLOPE THEREAFTER
NOTE: ALL GRADING TO BE IN COMPLIANCE w/ SECTION IRC R403.1.1.3
NOTE: BOULDER LANDSCAPING NOT TO EXCEED 50% AS PER IBC 3304.1.1 REQUIREMENT.

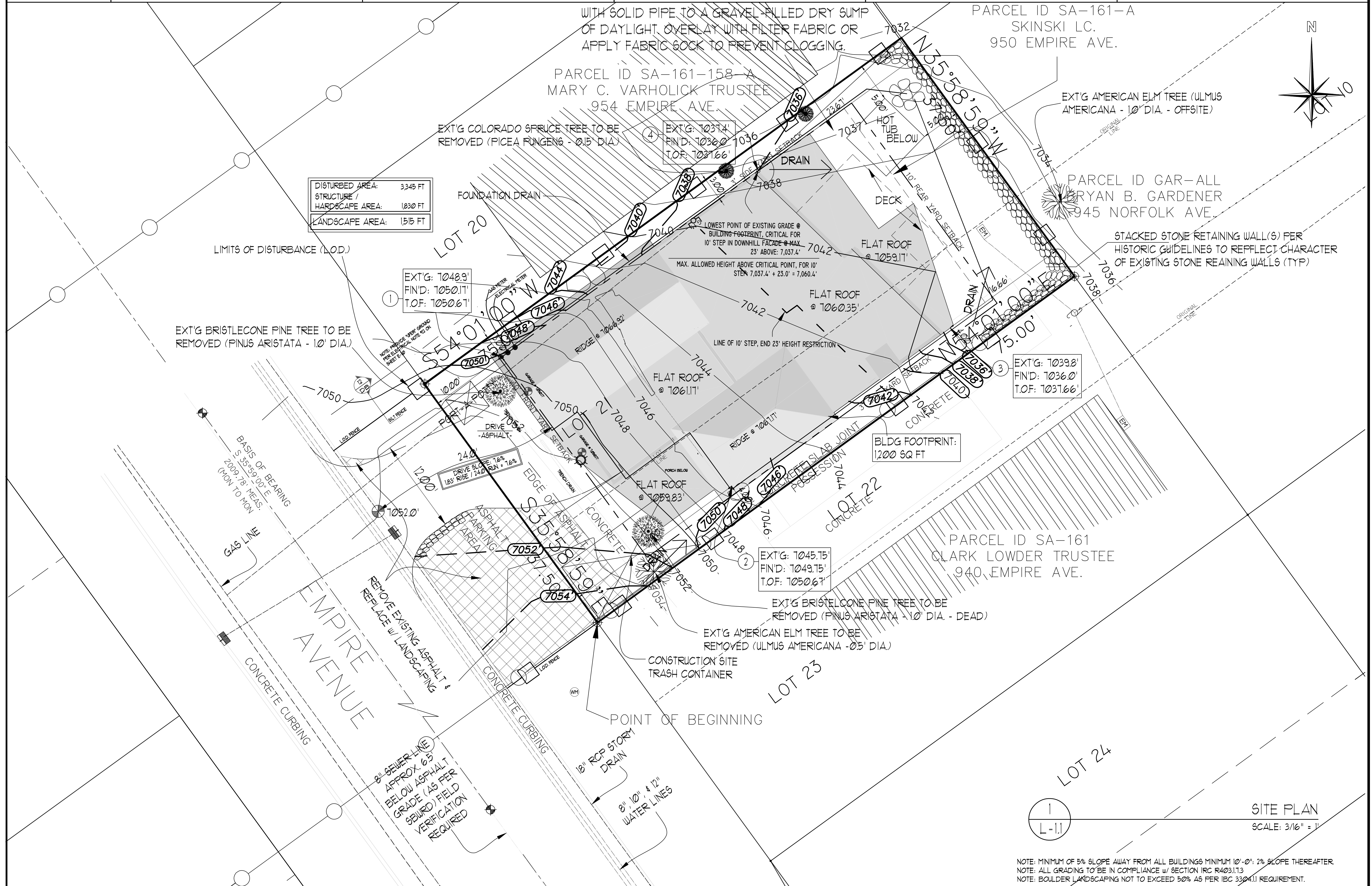
James L. Carroll & Associates
"INNOVATORS OF AWARD WINNING DESIGN"
230 WEST 400 SOUTH SUITE #203
SALT LAKE CITY, UTAH 84101 (801) 359-8517
www.jamescarrollassociates.com

950 EMPIRE AVE
MEETS & BOUNDS
950 EMPIRE AVE
PARK CITY, UT, 84060

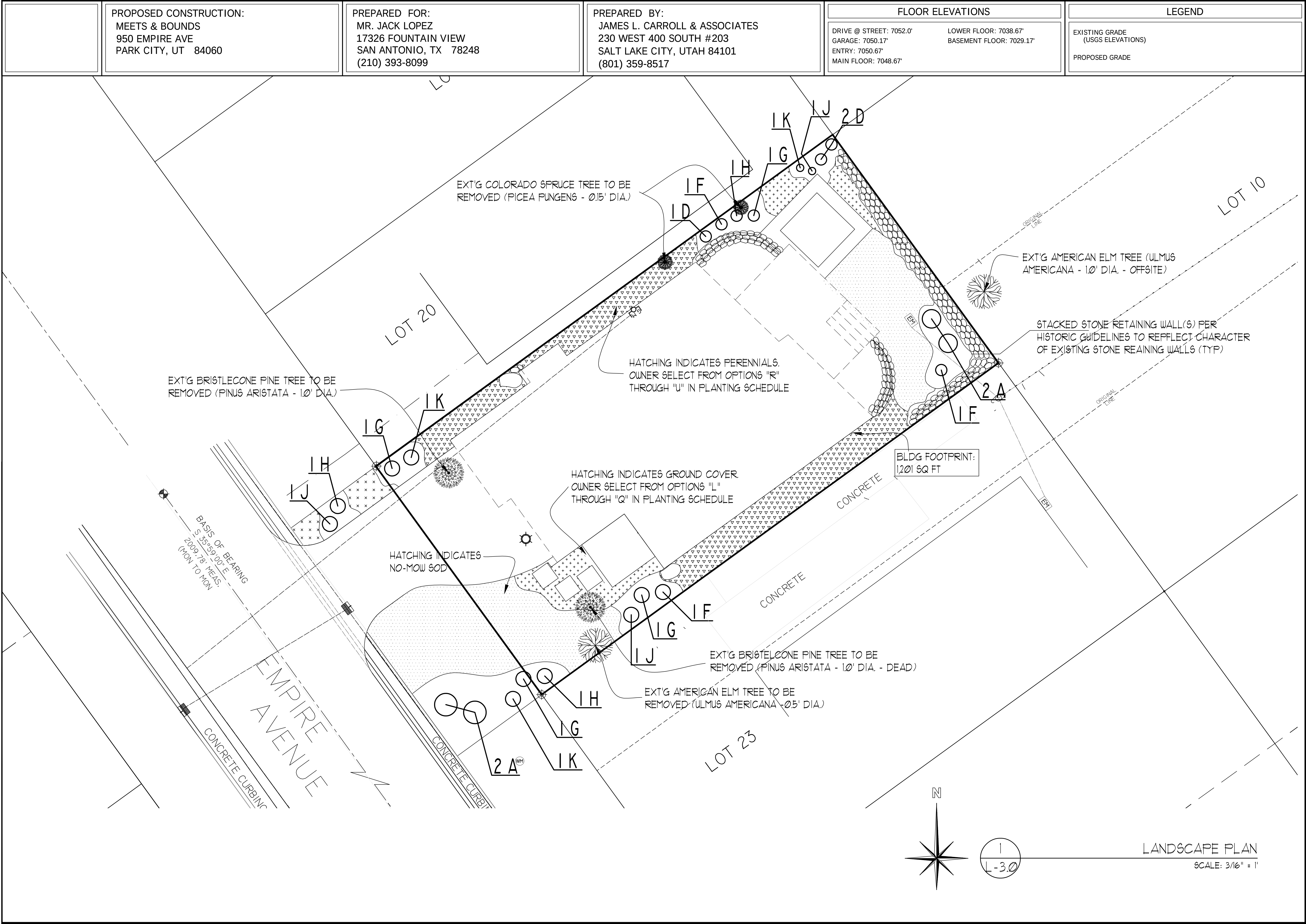
PROJECT: PRIVATE RESIDENCE
PLAN DATE: 09-16-2015
DRAWN BY: DANIEL BURROUGHS
REVISED BY: DANIEL / DAVID / KYLE
REVISED DATE: 10-29-2015
PLOT DATE: ---
DESCRIPTION: SITE PLAN

SHEET #
L-1.0

LEGEND	
EXISTING GRADE (USGS ELEVATIONS)	————— 7034 —————
PROPOSED GRADE	- - - - - 7034 - - - - -



L-1.1



James L. Carroll & Associates

"INNOVATORS OF AWARD WINNING DESIGN"

230 WEST 400 SOUTH SUITE #203
SALT LAKE CITY, UTAH 84101 (801) 359-8517
www.jamescarrollassociates.com

950 EMPIRE AVE

MEETS & BOUNDS
950 EMPIRE AVE
PARK CITY, UT, 84060

PROJECT: PRIVATE RESIDENCE

PLAN DATE: 09-16-2015

DRAWN BY: DANIEL BURROUGHS

REVISED BY: DANIEL / DAVID / KYLE

REVISED DATE: 10-29-2015

PLOT DATE: ---

DESCRIPTION: LANDSCAPE PLAN

L-3.0

SHEET #

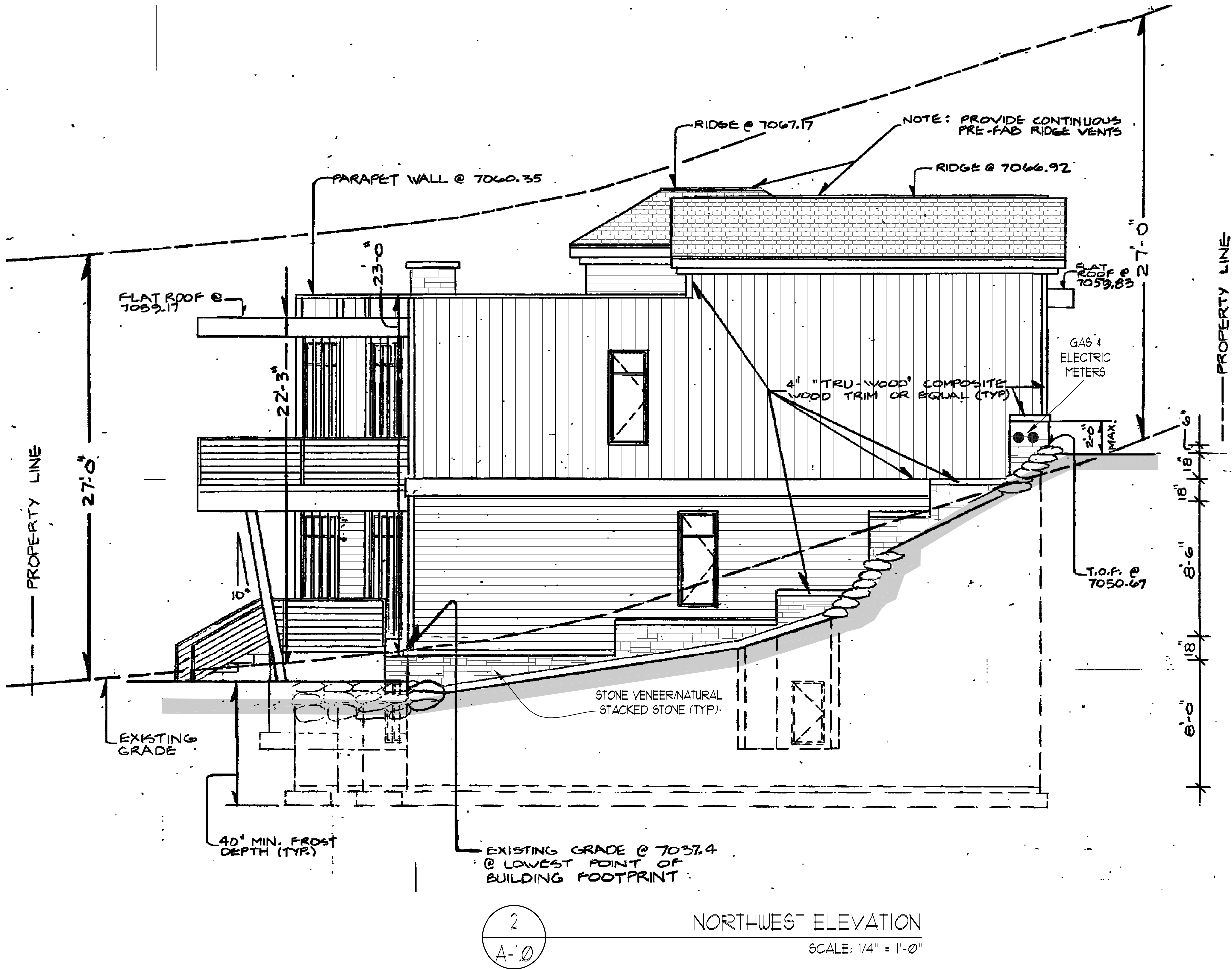
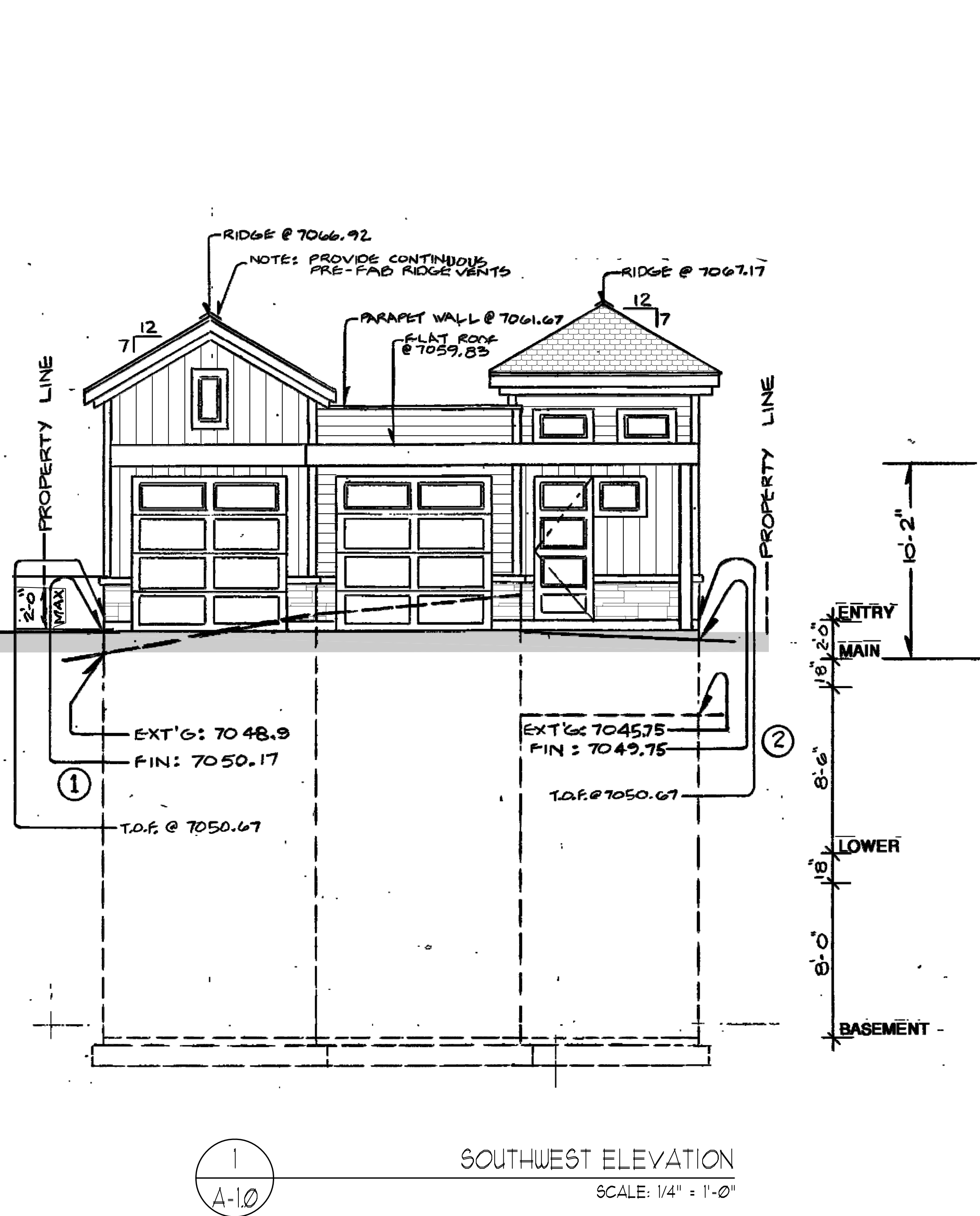
NOTE: PROVIDE AUTOMATED FIRE SPRINKLING SYSTEM IN ACCORDANCE WITH NFPA 13D

NOTE: UNVENTED CONDITIONED ATTIC ASSEMBLIES SHALL COMPLY WITH IRC R-806.4

NOTE: PROVIDE EXTERIOR GRADE PLYWOOD OR OTHER APPROVED EXTERIOR MATERIALS FOR SOFFITS. IRC R-903.1, IBC 2303.1.4

NOTE: SILLS OF EXTERIOR WINDOWS WHICH ARE LOCATED MORE THAN 6" ABOVE GRADE, AND LESS THAN 24" ABOVE THE INTERIOR FLOOR SURFACE MUST MEET NEW REQUIREMENTS. THE AREA OF THE WINDOW LESS THAN 24" AFF. MUST BE FIXED OR HAVE AN OPENING OR A GUARD WHICH DOES NOT ALLOW THE PASSAGE OF A 4" DIAMETER SPHERE. IRC R-612.2

NOTE: PROVIDE NATURALLY DURABLE WOOD OR WOOD THAT IS PRESERVATIVE-TREATED FOR THE STRUCTURAL MEMBERS OF THE EXTERIOR DECKS. IRC R-311.13



PROPOSED EXTERIOR MATERIALS	
SIDING 8" VERT. & 6" HORI.	HARDIE, MONTERREY TAUPE JH40-20
FASCIA / SOFFIT / TRIM BOARD	HARDIE, ARCTIC WHITE JH10-20
CONCRETE WALLS / STONE VENEER	NATURAL GREY / NATURAL STACKED STONE
GARAGE / WINDOW / DOOR TRIM	DARK BRONZE / GLASS
EXT. METAL RAILINGS	DARK BRONZE
ROOF	CERTAINTED, PRESIDENTIAL SHINGLE - SHADOW GRAY or CHARCOAL BLACK

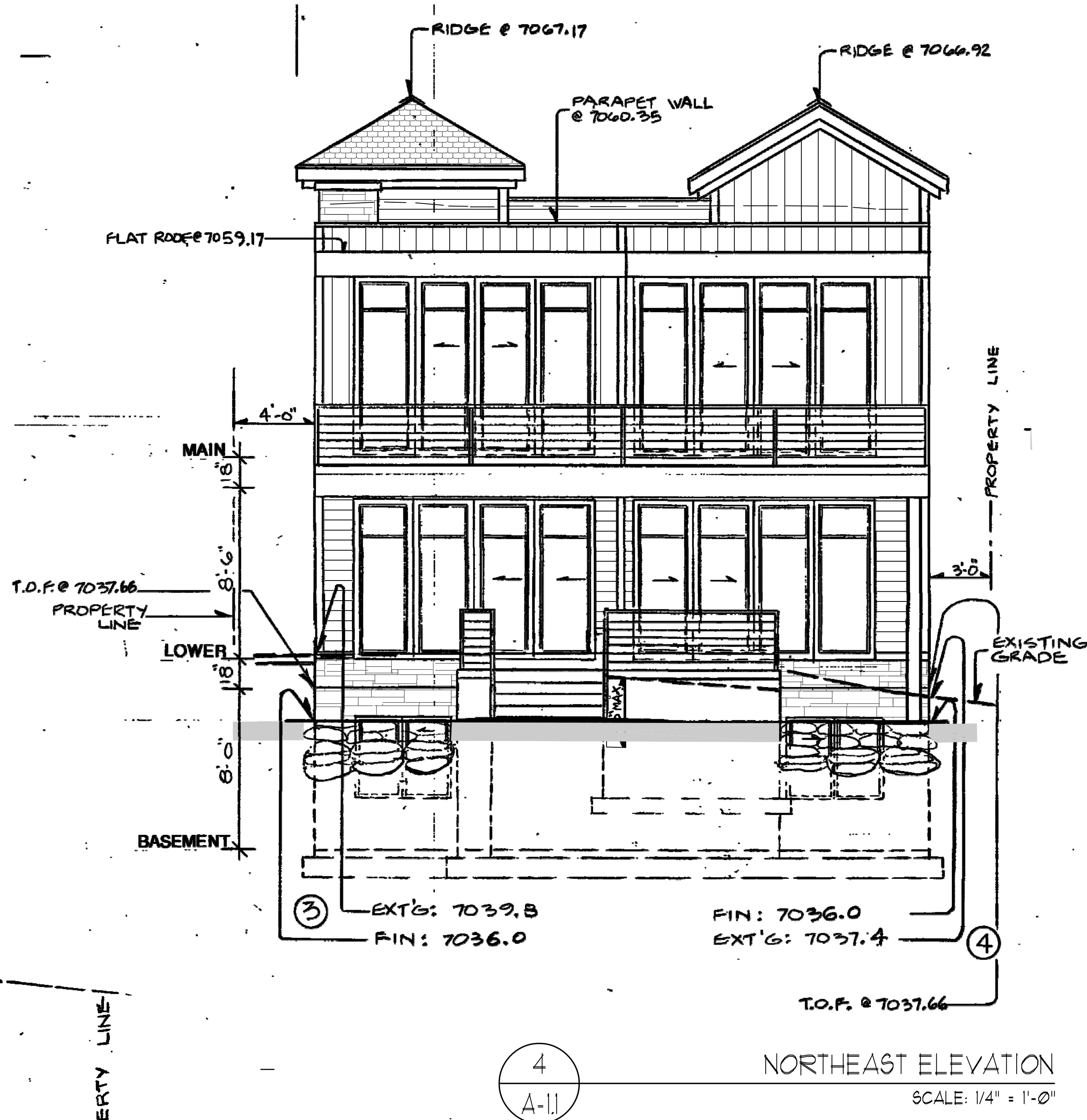
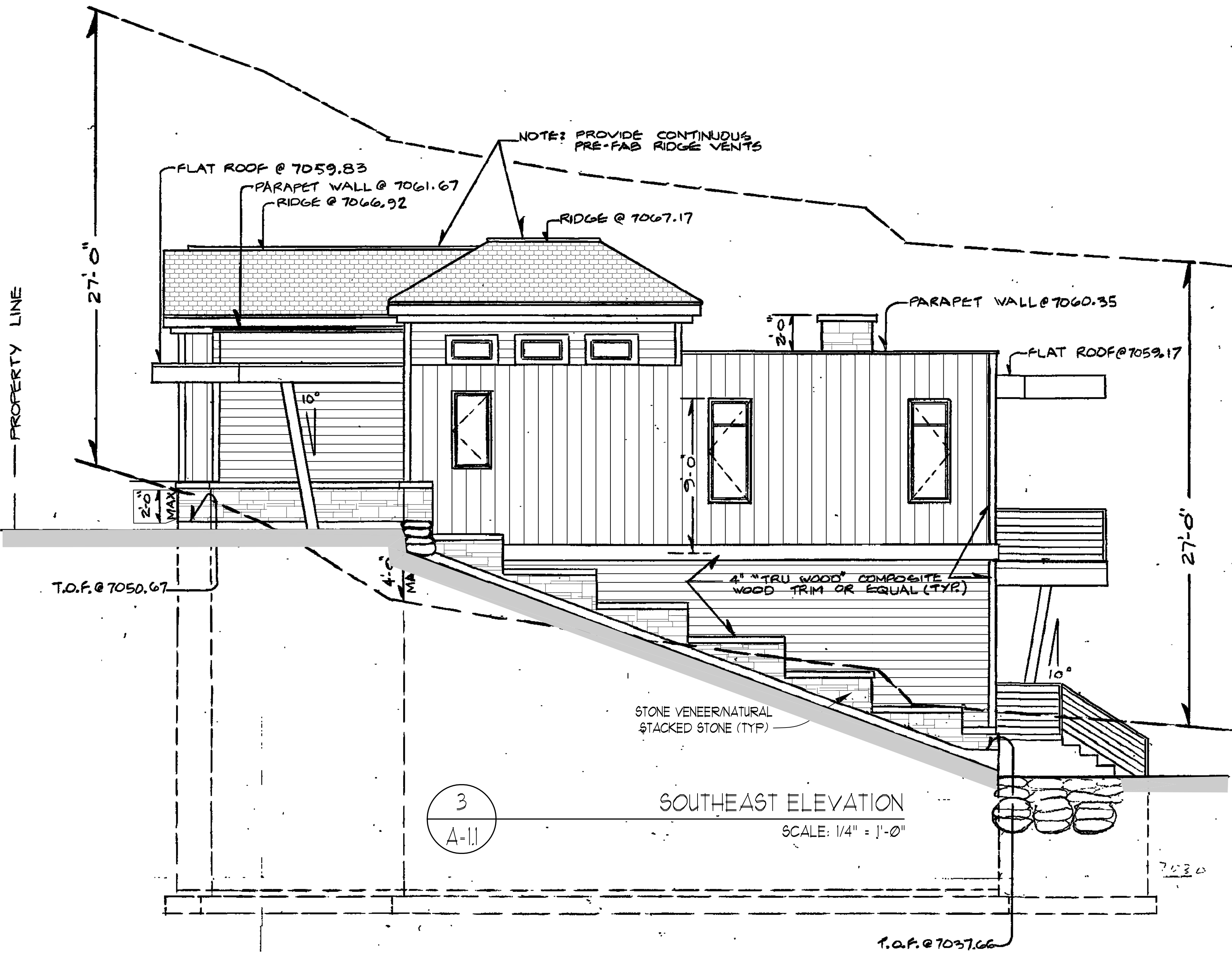
ELEVATION NOTES:	
1. ROOFING MATERIALS SHALL COMPLY WITH IRC R902.1.	
2. ASPHALT SHINGLES SHALL NOT BE INSTALLED ON ROOFS HAVING A SLOPE LESS THAN 4 TO 12 UNLESS A DOUBLE UNDERLAYMENT IS INSTALLED IN ACCORDANCE WITH IRC R905.2.2.	
3. PROVIDE ICE BARRIER FROM EAVE'S EDGE TO A POINT AT LEAST 24" INSIDE THE EXTERIOR WALL LINE. IRC R905.2.1.1	
4. ENCLOSED ATTIC AND RAFTER SHALL HAVE CROSS VENTILATION FOR EACH SEPARATE SPACE BY VENTILATING OPENINGS PROTECTED AGAINST THE ENTRANCE OF RAIN AND SNOW. TOTAL NET FREE VENTILATING AREAS SHALL NOT BE LESS THAN 1 TO 150 OF THE AREA OF THE SPACE VENTILATED. TOTAL VENTILATING AREA RATIO MAY BE REDUCED TO NOT LESS THAN 1 TO 300 IF (1) OPENINGS ARE PROVIDED IN THE UPPER AND LOWER PORTIONS OF THE VENTILATED SPACE, OR (2) A 1/2" FIBER GLASS VAPOR BARRIER IS INSTALLED IN THE WARM SIDE OF THE CEILING. IRC R909	
5. MIN. 4 MIL POLYETHYLENE VAPOR RETARDER OVER INSULATION ON EXTERIOR WALLS AND ROOF CEILINGS. IRC R601.3	
6. PROVIDE 2 LAYERS OF WEATHER BARRIER UNDER STUCCO SYSTEMS & "COLTERED" STONE.	
7. CHIMNEYS SHALL EXTEND 24" ABOVE NEAREST BUILDING PORTION WITHIN A 30'-0" RADIUS, BUT NOT LESS THAN 36" ABOVE THE POINT WHERE THE CHIMNEY PASSES THROUGH THE ROOF. IRC R503.9	
8. CONTRACTOR SHALL PROVIDE AN ICBO EVALUATION REPORT FOR ANY STUCCO OR EIFS SYSTEM USED. INSPECTIONS ARE REQUIRED FOR ALL STUCCO AND EIFS SYSTEMS. IRC R109.1.5 SPECIAL INSPECTIONS REQUIRED FOR EIFS SYSTEM.	
9. EXTERIOR GUARDRAILS SHALL COMPLY WITH IRC R312.	
10. FINAL GRADE AT STRUCTURE SHALL BE 6" BELOW TOP OF FOUNDATION. IRC R404.1.6	
11. FLASHING SHALL BE INSTALLED IN SUCH A MANNER SO AS TO PREVENT MOISTURE FROM ENTERING THE WALL OR TO REDIRECT IT TO THE EXTERIOR AS PER IRC 1405.3	
12. EXTERIOR WALLS SHALL PROVIDE THE BUILDING WITH A WEATHER RESISTIVE EXTERIOR WALL ENVELOPE. PROVIDE WEATHER-RESISTIVE BARRIER FLASHING DETAIL FOR WINDOW, DOORS, AND OTHER OPENINGS IN THE BUILDING ENVELOPE. INCLUDE MANUFACTURER'S INSTALLATION INSTRUCTIONS.	
13. CALL FOR INSPECTION OF ALL FLASHING AS REQUIRED BY UTAH STATE AMENDMENT TO IRC. SEC R109.1.5	
14. PROVIDE CONTINUOUS PRE-FAB RIDGE VENTS AT ROOF.	
15. AT THE INTERSECTION OF FOUNDATION TO STUCCO, MASONRY, SIDING, STONE OR BRICK VENEER AN APPROVED CORROSION RESISTANT FLASHING WITH A 1/2" DRIP LEG EXTENDING PAST THE EXTERIOR SIDE OF THE FOUNDATION IS REQUIRED.	
16. PROVIDE MINIMUM R-38 INSULATION AT ALL ROOF LOCATIONS.	
17. PROVIDE MINIMUM R-20 INSULATION AT ALL EXTERIOR WALLS.	
18. INSPECTIONS ARE REQUIRED FOR ALL STUCCO AND "EIFS" SYSTEMS. PROVIDE PRODUCT SPECIFICATIONS AND "ICBO" EVALUATION REPORT (OR EQUAL) FOR ANY STUCCO OR "EIFS" SYSTEMS USED. IRC R109.1.5	
MAXIMUM ALLOWABLE HEIGHT _____	
PROPOSED FINISHED GRADE _____	
EXISTING GRADE _____	

SHEET #	PROJECT: PRIVATE RESIDENCE	PLAN DATE: 09-16-2015	DRAWN BY: DANIEL BURROUGHS REVISED BY: DANIEL / DAVID / KYLE REVISED DATE: 10-29-2015 PLOT DATE: ---- DESCRIPTION: ELEVATIONS
	ALL WORK PERFORMED ON THIS DESIGN SHALL BE BY A LICENSED ARCHITECT OR ARCHITECTURAL FIRM AND VERBAL COMMENTS AND SPECIFICATIONS AND ASSUME THESE TO BE THE INTENT OF THE DESIGNER AND DO NOT CONSTITUTE A CONTRACT DOCUMENT.		
	THOSE PLANS, DRAWINGS, AND SPECIFICATIONS ARE THE PROPERTY OF JAMES L. CARROLL & ASSOCIATES. ALL RIGHTS ARE RESERVED. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION SYSTEMS WITHOUT THE WRITTEN PERMISSION OF JAMES L. CARROLL & ASSOCIATES. UNDER PENALTY OF PERSECUTION FOR VIOLATION OF COPYRIGHT LAWS.		
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MEETS & BOUNDS
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PARK CITY, UT, 84060

James L. Carroll & Associates
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230 WEST 400 SOUTH SUITE #203
SALT LAKE CITY, UTAH 84101 (801) 359-8517
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PROPOSED EXTERIOR MATERIALS	
SIDING 8" VERT. & 6" HORI.	HARDIE, MONTERREY TAUPE JH40-20
FASCIA / SOFFIT / TRIM BOARD	HARDIE, ARCTIC WHITE JH10-20
CONCRETE WALLS / STONE VENEER	NATURAL GREY / NATURAL STACKED STONE
GARAGE / WINDOW / DOOR TRIM	DARK BRONZE / GLASS
EXT. METAL RAILINGS	DARK BRONZE
ROOF	CERTAINTED, PRESIDENTIAL SHINGLE - SHADOW GRAY or CHARCOAL BLACK



NOTE: PROVIDE AUTOMATED FIRE SPRINKLING SYSTEM IN ACCORDANCE WITH NFPA 13D

NOTE: UNVENTED CONDITIONED ATTIC ASSEMBLIES SHALL COMPLY WITH IRC R-806.4

NOTE: PROVIDE EXTERIOR GRADE PLYWOOD OR OTHER APPROVED EXTERIOR MATERIALS FOR SOFFITS. IRC R-303.1, IBC 2303.1.4

NOTE: SILLS OF EXTERIOR WINDOWS WHICH ARE LOCATED MORE THAN 6' ABOVE GRADE, AND LESS THAN 24" ABOVE THE INTERIOR FLOOR SURFACE MUST MEET NEW REQUIREMENTS. THE AREA OF THE WINDOW LESS THAN 24" AFF. MUST BE FIXED OR HAVE AN OPENING OR A GUARD WHICH DOES NOT ALLOW THE PASSAGE OF A 4" DIAMETER SPHERE. IRC R-612.2

NOTE: PROVIDE NATURALLY DURABLE WOOD OR WOOD THAT IS PRESERVATIVE-TREATED FOR THE STRUCTURAL MEMBERS OF THE EXTERIOR DECKS. IRC R-311.13

ELEVATION NOTES:	
1. ROOFING MATERIALS SHALL COMPLY WITH IRC R902.1.	2. ASPHALT SHINGLES SHALL NOT BE INSTALLED ON ROOFS HAVING A SLOPE LESS THAN 4 TO 12 UNLESS A DOUBLE UNDERLAYMENT IS INSTALLED IN ACCORDANCE WITH IRC R905.2.2.
3. PROVIDE ICE BARRIER FROM EAVE'S EDGE TO A POINT AT LEAST 24" INSIDE THE EXTERIOR WALL LINE. IRC R905.2.1.2	4. ENCLOSED ATTIC AND DRAFTER SHALL HAVE CROSS VENTILATION FOR EACH SEPARATE SPACE BY VENTILATING OPENINGS PROTECTED AGAINST THE ENTRANCE OF RAIN AND SNOW. TOTAL NET FREE VENTILATING AREA SHALL NOT BE LESS THAN 1 TO 150 OF THE AREA OF THE SPACE VENTILATED. TOTAL VENTILATING AREA RATIO MAY BE REDUCED TO NOT LESS THAN 1 TO 300 IF (1) OPENINGS ARE PROVIDED IN THE UPPER AND LOWER PORTIONS OF THE VENTILATED SPACE, OR (2) A 3 PERS VAPOR BARRIER IS INSTALLED IN THE WARM SIDE OF THE CEILING. IRC R906
5. MIN. 4 MIL POLYETHYLENE VAPOR RETARDER OVER INSULATION ON EXTERIOR WALLS AND ROOF CEILING. IRC R903.3	6. PROVIDE 2 LAYERS OF WEATHER BARRIER UNDER STUCCO SYSTEMS & "COLTERED" STONE.
7. CHIMNEYS SHALL EXTEND 24" ABOVE NEAREST BUILDING PORTION WITHIN A 32'-0" RADIUS, BUT NOT LESS THAN 36" ABOVE THE POINT WHERE THE CHIMNEY PASSES THROUGH THE ROOF. IRC R903.9	8. CONTRACTOR SHALL PROVIDE AN ICBO EVALUATION REPORT FOR ANY STUCCO OR EIFS SYSTEM USED. INSPECTIONS ARE REQUIRED FOR ALL STUCCO AND EIFS SYSTEMS. IRC R109.1.5 SPECIAL INSPECTIONS REQUIRED FOR EIFS SYSTEM.
9. EXTERIOR GUARDRAILS SHALL COMPLY WITH IRC R312.	10. FINAL GRADE AT STRUCTURE SHALL BE 6" BELOW TOP OF FOUNDATION. IRC R404.1.6
11. FLASHING SHALL BE INSTALLED IN SUCH A MANNER SO AS TO PREVENT MOISTURE FROM ENTERING THE WALL OR TO REDIRECT IT TO THE EXTERIOR AS PER IRC 1405.3	12. EXTERIOR WALLS SHALL PROVIDE THE BUILDING WITH A WEATHER RESISTIVE EXTERIOR WALL ENVELOPE. PROVIDE WEATHER RESISTIVE BARRIER FLASHING DETAIL FOR WINDOW, DOORS, AND OTHER OPENINGS IN THE BUILDING ENVELOPE. INCLUDE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
13. CALL FOR INSPECTION OF ALL FLASHING AS REQUIRED BY UTAH STATE AMENDMENT TO IRC. SEC R109.1.5	14. PROVIDE CONTINUOUS PRE-FAB RIDGE VENTS AT ROOF.
15. AT THE INTERSECTION OF FOUNDATION TO STUCCO, MASONRY, SIDING, STONE OR BRICK VENEER AN APPROVED CORROSION RESISTANT FLASHING WITH A 1/2" DRIP LEDG extending past THE EXTERIOR SIDE OF THE FOUNDATION IS REQUIRED.	16. PROVIDE MINIMUM R-38 INSULATION AT ALL ROOF LOCATIONS.
17. PROVIDE MINIMUM R-20 INSULATION AT ALL EXTERIOR WALLS.	18. INSPECTIONS ARE REQUIRED FOR ALL STUCCO AND "EIFS" SYSTEMS. PROVIDE PRODUCT SPECIFICATIONS AND "ICBO" EVALUATION REPORT (OR EQUAL) FOR ANY STUCCO OR "EIFS" SYSTEMS USED. IRC R109.1.5
MAXIMUM ALLOWABLE HEIGHT _____	
PROPOSED FINISHED GRADE _____	
EXISTING GRADE _____	

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MEETS & BOUNDS
950 EMPIRE AVE
PARK CITY, UT, 84060

PROJECT: PRIVATE RESIDENCE

PLAN DATE: 09-16-2015

DRAWN BY: DANIEL BURROUGHS

REVISID BY: DANIEL / DAVID / KYLE

REVISID DATE: 10-29-2015

PLOT DATE: ----

DESCRIPTION: ELEVATIONS

SHEET #

A-1.1

BUILDING FOOTPRINT:
1200 SQ FT

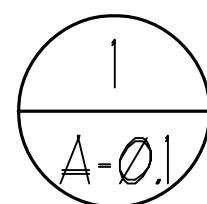
MAIN FLOOR: 1200 SQ FT

LOWER FLOOR: 1200 SQ FT

BASEMENT FLOOR: 1,186 SQ FT

DECK: 305
SQ FT

DECK: 135
SQ FT



FOOTPRINT VERIFICATION

SCALE: 1/4" = 1'-0"

PROJECT:	PRIVATE RESIDENCE
PLAN DATE:	09-16-2015
DRAWN BY:	DANIEL BURROUGHS
REVISED BY:	DANIEL / DAVID / KYLE
REVISED DATE:	10-29-2015
PLOT DATE:	----
DESCRIPTION:	FOOTPRINT VERIFICATION
SHEET #	

A-0.1

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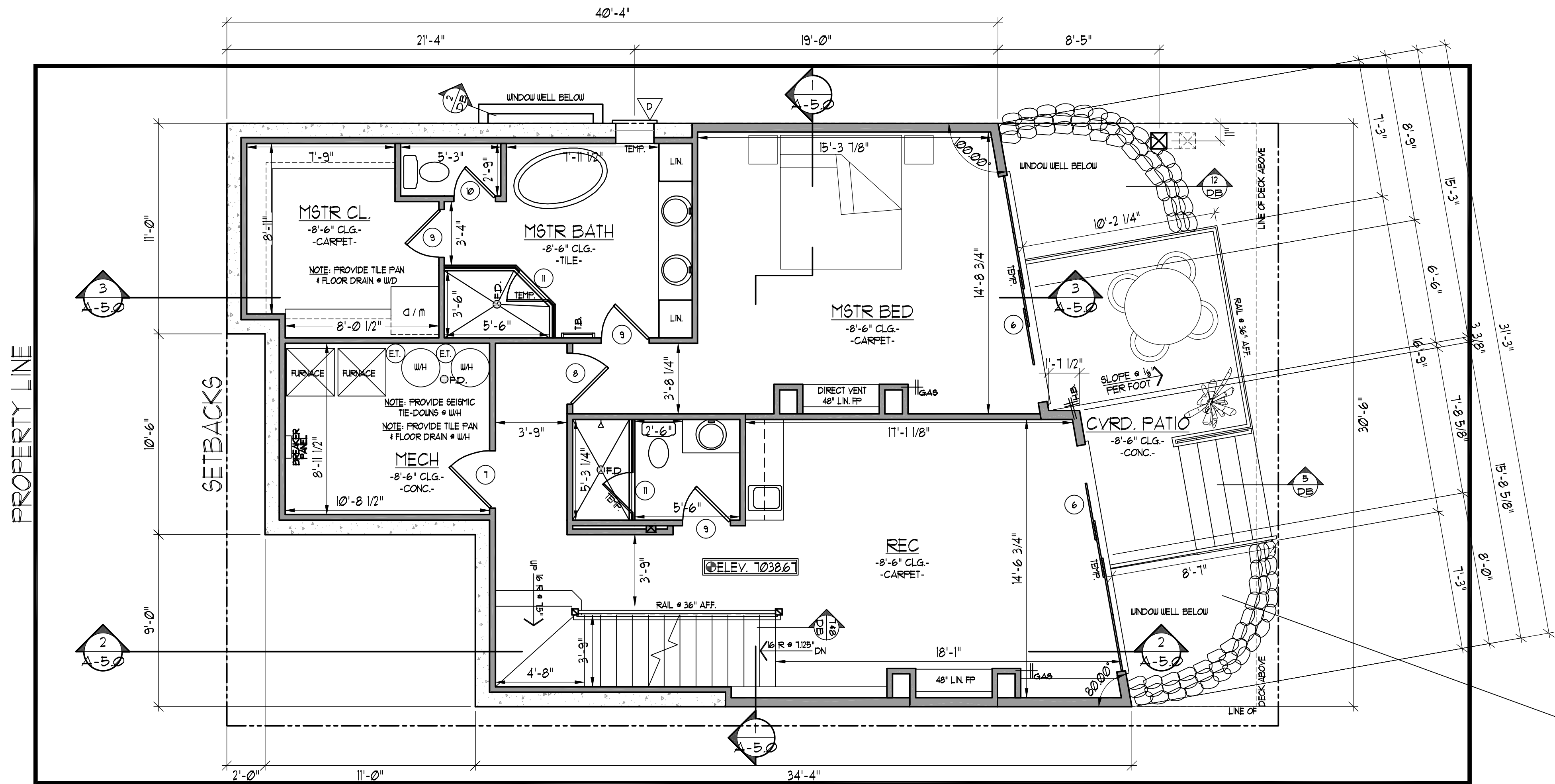
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STACKED STONE RETAINING WALL(S) PER
HISTORIC GUIDELINES TO REFLECT CHARACTER
OF EXISTING STONE REAINING WALLS (TYP)

SETBACKS

FRONT YARD: 10'-0"
REAR YARD: 10'-0"
SIDE YARD: 3'-0"

PLUMBING NOTES:

1. ALL PLUMBING SHALL COMPLY WITH IRC 2012.
2. GAS & ELECTRICAL METERS SHALL BE LOCATED IN AN AREA THAT IS PROTECTED FROM SNOW & ICE DAMAGE.
3. ALL WATER CLOSETS TO HAVE A MAXIMUM FLOW RATE OF 1.6 GALLONS PER FLUSH. IRC P2903.2, TABLE P2903.2
4. MAXIMUM FLOW RATE OF SHOWER HEADS TO BE 2.5 GPM. IRC P2903.2, TABLE P2903.2
5. PROVIDE NON-FREEZE TYPE BACKFLOW PREVENTER HOSE BIBBS. IRC P2902.3.3, P2903.2
6. ALL PLUMBING VENTS THROUGH ROOF TO BE MINIMUM 3" PIPE. IRC P3103.2
7. 12" EXPANSION TANK TO BE PROVIDED FOR CULINARY WATER SYSTEMS. IRC M2003
8. IN SEISMIC DESIGN CATEGORIES C, D, D, AND D, WATER HEATER SHALL BE ANCHORED OR STRAPPED IN THE UPPER 1/3 AND LOWER 1/3 OF THE APPLIANCE TO RESIST A HORIZONTAL FORCE EQUAL TO 1.3 OF THE OPERATOR WEIGHT. IRC P2902.7
9. PROVIDE ACCESS TO JETTED TUB MOTOR COMPONENTS. ACCESS TO PUMP IS REQUIRED TO BE AN UNSTRUCTURED 12"x12" ACCESS PANEL. IF PUMP IS MORE THAN 2 FEET AWAY FROM ACCESS POINT THEN ACCESS PANEL SHALL BE A 18"x18". IN ALL CASES, THE ACCESS OPENING SHALL BE UNSTRUCTURED AND OF THE SIZE NECESSARY TO PERMIT THE REMOVAL AND REPLACEMENT OF THE CIRCULATION PUMP. E4109.3
10. WATER CLOSETS SHALL HAVE A MINIMUM FRONT CLEARANCE OF 21" AND WIDTH OF 30". IRC R302.1
11. SHOWERS TO BE FINISHED, WITH A NON-ABSORBANT MATERIAL, TO A HEIGHT NOT LESS THAN 72" ABOVE FINISHED FLOOR. IRC R302.2
12. FLOOR DRAIN TO BE PROVIDED AT ALL WATER HEATERS. IRC P2801
13. PROVIDE A METAL PAN UNDER WATER HEATERS OR STEAM SHOWER EQUIPMENT IF LOCATED WHERE DAMAGE MAY OCCUR. IRC P2801
14. FIXTURES THAT HAVE FLOOD LEVEL RIMS LOCATED BELOW THE ELEVATION OF THE NEXT UPSTREAM MANHOLE COVER OF THE PUBLIC SEWER SERVING SUCH FIXTURES SHALL BE PROTECTED FROM BACK FLOW OF SEWAGE BY INSTALLING AN APPROVED BACKWATER VALVE. FIXTURES HAVING FLOOD LEVEL RIMS ABOVE THE ELEVATION OF THE NEXT UPSTREAM MANHOLE SHALL NOT DISCHARGE THROUGH THE BACKWATER VALVE. BACKWATER VALVES SHALL BE PROVIDED WITH ACCESS. IRC P3008.1
15. BACKWATER VALVES SHALL HAVE NON-CORROSIVE BEARINGS, SEATS AND SELF-ALIGNING DISCS, AND SHALL BE CONSTRUCTED TO ENSURE A POSITIVE MECHANICAL SEAL. VALVE ACCESS COVERS SHALL BE WATER TIGHT. IRC P3008.2, P3008.3
16. BACKWATER VALVES WILL NOW BE REQUIRED IN ALL NEW RESIDENCES UNLESS IT CAN BE ESTABLISHED THAT A FIXTURE IN THE BASEMENT OR LOWEST LEVEL OF THE HOME IS NOT BELOW THE ELEVATION OF THE UPSTREAM MANHOLE COVER. THIS WILL REQUIRE THE BASEMENT FLOOR TO BE PLUMBED INDEPENDENT FROM THE UPPER FLOOR. BACKWATER VALVES MUST BE ACCESSIBLE.
17. THE FLOW VELOCITY OF THE WATER DISTRIBUTION SYSTEM SHALL BE CONTROLLED TO REDUCE THE POSSIBILITY OF WATER HAMMER. A WATER-HAMMER ARRESTOR SHALL BE INSTALLED WHERE THE QUICK CLOSING VALVES ARE USED. WATER-HAMMER ARRESTORS SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS' SPECIFICATIONS. WATER-HAMMER ARRESTORS SHALL CONFORM TO ASSE 1010. IRC P2903.5
18. ALL FLOOR DRAINS SUBJECTED TO LOSS OF SEAL BY EVAPORATION REQUIRE TRAP PRIMER OR DEEP SEAL. (4" TRAPS) IRC P2903.2
19. PROVIDE ANTI-SOILD PROTECTION (ASSE 1070) ON ALL SHOWER, TUB/SHOWER COMBINATIONS LIMITING WATER TEMPERATURES TO 120 DEGREES. IRC P2723.3

THIS STRUCTURE TO BE CONSTRUCTED IN ACCORDANCE WITH ALL CITY & STATE BUILDING CODES AND ORDINANCES AS VERIFIED BY BUILDER.

FLOOR PLAN NOTES:

1. SEE GENERAL NOTE SHEET FOR SECURITY, AND PLUMBING NOTES.
2. SEE GENERAL NOTE SHEET AND ELECTRICAL PLANS FOR ELECTRICAL NOTES.
3. SEE SITE PLAN AND ELEVATION NOTES FOR GRADING SPECIFICATIONS.
4. ALL WALLS ARE DIMENSIONED AS SHOWN AND TO BE VERIFIED BY BUILDER.
5. HABITABLE ROOMS, HALLWAYS, CORRIDORS, BATHROOMS, LAUNDRY ROOMS AND BASEMENTS SHALL HAVE A MIN. CEILING HEIGHT OF 7'-0". NOT MORE THAN 50% OF THE FLOOR AREA SHALL HAVE A SLOPED CEILING LESS THAN 7'-0" AND NO PORTION SHALL BE LESS THAN 5'-0". IRC R303.1
6. HABITABLE ROOMS SHALL HAVE A MINIMUM WINDOW AREA OF 8% OF THE FLOOR AREA, UNLESS PROPER MECHANICAL VENTILATION AND ARTIFICIAL LIGHT IS PROVIDED AS PER. IRC R303.1
7. NATURAL VENTILATION EQUALING 1% OF FLOOR AREA SHALL BE PROVIDED THROUGH APPROVED OPENINGS TO THE OUTDOORS, UNLESS AN APPROVED MECHANICAL VENTILATION SYSTEM IS PROVIDED AS PER. IRC R303.1
8. BASEMENTS WITH HABITABLE SPACE AND EVERY SLEEPING ROOM SHALL HAVE AN EXTERIOR DOOR OR AN EGRESS/RESCUE WINDOW MEETING THE FOLLOWING REQUIREMENTS: a) FINISHED SILL HEIGHT WITHIN 44" OF FINISHED FLOOR b) MIN. CLEAR OPENING OF 20"x24" c) MIN. OPENABLE AREA OF 5.7 SQ. FT. IRC R330
9. BATHROOMS, WATER CLOSET COMPARTMENTS AND OTHER SIMILAR ROOMS SHALL HAVE A MIN. WINDOW AREA OF 5.7 SQ. FT., ONE-HALF OF WHICH MUST BE OPENABLE. UNLESS AN ADEQUATE MECHANICAL VENTILATION SYSTEM IS PROVIDED AS PER IRC R303.3
10. FRAMELESS GLASS DOORS, GLAZING IN DOORS, GLASS WITHIN A 24" ARC OF DOORS, GLAZING LESS THAN 6" ABOVE A WALKING SURFACE WITHIN 5'-0" OF STAIRS, GLAZING WITHIN 5'-0" OF SPAS OR POOLS, CERTAIN FIXED GLASS PANELS, GLAZING CONTAINED IN OR USED AS RAILINGS, AND SIMILAR GLAZED OPENINGS SUBJECT TO HUMAN IMPACT SHALL COMPLY WITH IRC R308.
11. GLAZING USED IN DOORS AND PANELS OF SHOWERS AND BATHTUB ENCLOSURES AND WALLS EXCLUDING THESE COMPARTMENTS SHALL BE TEMPERED. IRC TABLE R308.3
12. DOORS FROM DWELLINGS TO GARAGE SHALL BE SELF-CLOSING, 1-3/8" SOLID CORE OR 20-MINUTE RATED. SEE SCHEDULE A/FOR FLOOR PLANS FOR LOCATION. IRC R309.1
13. ATTIC ACCESS TO BE 22"x30" MIN. w/ 30" MIN. HEADROOM AND IN A READILY ACCESSIBLE LOCATION. 20-MINUTE FIRE-RATED CONSTRUCTION REQUIRED IN GARAGES. IRC R807.1 FOR ACCESS TO MECHANICAL EQUIPMENT SEE IRC M303.1.3
14. AN ACCESS OPENING OF 18"x24" SHALL BE PROVIDED TO ALL UNDER-FLOOR AREAS. IRC R408.4 FOR ACCESS TO MECHANICAL EQUIPMENT IN THESE AREAS SEE IRC M303.1.4
15. WINDOW WELLS SHALL PROVIDE A MIN. CLEAR OPENING OF 9 SQ. FT. w/ A MIN. DIMENSION OF 36". PROVIDE A PERMANENT LADDER IF WINDOW WELL IS MORE THAN 44" DEEP. IRC R302.2, E302.2.1
16. ENCLOSED ACCESSIBLE SPACE UNDER STAIRS SHALL HAVE WALLS UNDER STAIR SURFACE AND ANY SOFFITS PROTECTED ON THE ENCLOSED SIDE w/ 1/2" GYPSUM BOARD. IRC R302.7
17. LANDINGS SHALL HAVE A MINIMUM DIMENSION MEASURED IN DIRECTION OF TRAVEL OF 36" IRC R311.3
18. PROVIDE FIREBLOCKING IN WALL & PARTITIONS ALONG LINE OF STAIR BETWEEN STRINGERS AT LANDING IF UNDERLIE OF STAIRS IS UNFINISHED. IRC R302.11
19. FIREBLOCK SPACES AT SOFFITS, FLOOR & CEILING JOIST LINES, AT 10'-0" O.C. VERTICALLY & HORIZONTALLY AND AT OPENING BETWEEN ATTIC SPACES AND CHIMNEY CHASES FOR FACTORY BUILT CHIMNEYS, AND AT ANY OTHER LOCATIONS NOT SPECIFICALLY MENTIONED ABOVE WHICH COULD AFFORD PASSAGE FOR FRAME. IRC R302.11
20. PROVIDE DAMPROOFING AT ALL FOUNDATION WALLS. PER IRC R406
21. PROVIDE DRAFT STOP IN ALL OPEN WEB TRUSS LOCATIONS EVERY 1000 SQ. FT. IRC R502.122.12
22. SHOWERS AND TUBS WITH TILE WALLS REQUIRE CEMENT, FIBER-CEMENT OR GLASS MAT GYPSUM BACKERS. GREEN BOARD IS NO LONGER ALLOWED IN ANY APPLICATION. NOTE: THE BACKER BOARD CANNOT BE INSTALLED OVER GREEN BOARD. ALSO NOTE: UNLESS THE BACKER BOARD HAS BEEN EVALUATED AS A WATER PROOF MEMBRANE, A MOISTURE BARRIER IS REQUIRED IN ROOMS OR AREAS WHERE HIGH HUMIDITY OR MOISTURE IS PRESENT, SUCH AS BATHROOMS AND SHOWERS. THE MOISTURE BARRIER MUST BE INSTALLED OVER FRAMING AND MUST BE FREE FROM HOLES AND BREAKS.
23. CONCRETE FLOOR SLABS, EXCEPT THOSE IN UNHEATED ACCESSORY STRUCTURES, SHALL HAVE A VAPOR RETARDER CONSISTING OF A 4 MIL (0.004 INCH) POLYETHYLENE OR APPROVED VAPOR RETARDER WITH JOINTS LAPPED NOT LESS THAN 6 INCHES PLACED BETWEEN THE CONCRETE FLOOR SLAB AND THE BASE COURSE OR THE PREPARED SUB-GRADE WHERE NO BASE COURSE EXISTS. R506.2.2
24. SLAB ON GRADE FLOORS THAT MEET EXTERIOR FOUNDATION WALLS ABOVE THE FINISHED EXTERIOR GRADE ARE REQUIRED TO BE INSULATED.

THIS STRUCTURE TO BE CONSTRUCTED IN ACCORDANCE WITH ALL CITY & STATE BUILDING CODES AND ORDINANCES AS VERIFIED BY BUILDER.

MECHANICAL NOTES:

1. MECHANICAL SYSTEMS TO COMPLY WITH IRC 2012 & IFGC
2. PROVIDE A COMFORT HEATING SYSTEM CAPABLE OF MAINTAINING 68°F AT A POINT 36" ABOVE THE FLOOR & 24" FROM EXTERIOR WALLS. IRC R302.5 & G306
3. PROVIDE COMBUSTION AIR FOR ALL FUEL BURNING APPLIANCES AT A MIN. RATE OF 1 SQ. HOUR PER 3000 BTU/HOUR w/ MIN. 6" CLEARANCE IN FRONT AND 1" CLEARANCE AT SIDES & REAR OF APPLIANCE. ONE OPENING MUST BE IN THE TOP 12" OF THE ROOM. IRC M1201
4. GAS LOGS AND EACH GAS APPLIANCE SHALL BE EQUIPPED WITH A SHUTOFF VALVE WITHIN 6'-0" OF THE APPLIANCE. IRC G302.5.1
5. FUEL BURNING APPLIANCES, INCLUDING FIREPLACES, SHALL NOT BE INSTALLED IN BEDROOMS, BATHROOMS, OR TOILET ROOMS UNLESS THE APPLIANCES ARE DIRECT VENT. IRC G306
6. FUEL FIRED WATER HEATERS SHALL NOT BE INSTALLED IN A ROOM USED AS A STORAGE CLOSET. WATER HEATERS LOCATED IN BEDROOMS OR BATHROOMS SHALL BE INSTALLED IN ACCORDANCE WITH IRC M206.2
7. FUEL FIRED APPLIANCES IN GARAGES SHALL BE ELEVATED WITH IGNITION SOURCE MIN. 18" ABOVE GARAGE FLOORS. IRC M307.3
8. APPLIANCES LOCATED IN GARAGES OR CARPORTS SHALL BE PROTECTED FROM AUTOMOBILE IMPACT. IRC M307.3.1
9. INSULATE HEATING TRUNK & BRANCH SUPPLY DUCTS IN UNFINISHED AREAS, CRAWL SPACES, ATTICS, UNHEATED GARAGES, ETC. IRC N12103
10. VENT DRYER TO EXTERIOR. MAX. DUCT LENGTH w/ TWO (2) 90° ELBOWS IS 15'-0". IRC M1502.2
11. IN THEATER ROOMS OR OTHER ROOMS WITHOUT NATURAL VENTILATION, PROVIDE MECHANICAL VENTILATION CAPABLE OF PROVIDING 0.35 AIR CHANGE PER HOUR, OR IS CUBIC FEET PER MINUTE. IRC R303.1
12. HEATING AND COOLING EQUIPMENT SHALL BE SIZED IN ACCORDANCE WITH ACCA (AIR CONDITIONING CONTRACTORS OF AMERICA) MANUAL-7" OR OTHER APPROVED CALCULATIONS DUCT SYSTEMS SERVING HEATING COOLING OR EXHAUST SYSTEM SHALL BE DESIGNED IN ACCORDANCE WITH ACCA MANUAL-7" OR OTHER APPROVED CALCULATIONS AND DOCUMENTS IS REQUIRED. IRC M1401.3 & M1501.1

THIS STRUCTURE TO BE CONSTRUCTED IN ACCORDANCE WITH ALL CITY & STATE BUILDING CODES AND ORDINANCES AS VERIFIED BY BUILDER.

LOWER FLOOR PLAN

SCALE: 1/4" = 1'-0"

FOOTPRINTS BY LEVEL:

MAIN FLOOR:	1,200 SQ FT
DECKS / PATIOS:	305 SQ FT
LOWER FLOOR:	1,200 SQ FT
DECKS / PATIOS:	135 SQ FT
BASEMENT FLOOR:	1,186 SQ FT
TOTAL DECKS / PATIOS:	440 SQ FT
BLDG FOOTPRINT:	1,200 SQ FT

SQUARE FOOTAGES:

MAIN FLOOR:	728 SQ FT
LOWER FLOOR:	1,069 SQ FT
SUBTOTAL	1,808 SQ FT
BSMNT FLOOR:	1,186 SQ FT
STORAGE / MECHANICAL:	130 SQ FT
GARAGE:	472 SQ FT

TOTAL: 3,585 SQ FT

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PROJECT: PRIVATE RESIDENCE

PLAN DATE: 09-16-2015

DRAWN BY: DANIEL BURROUGHS

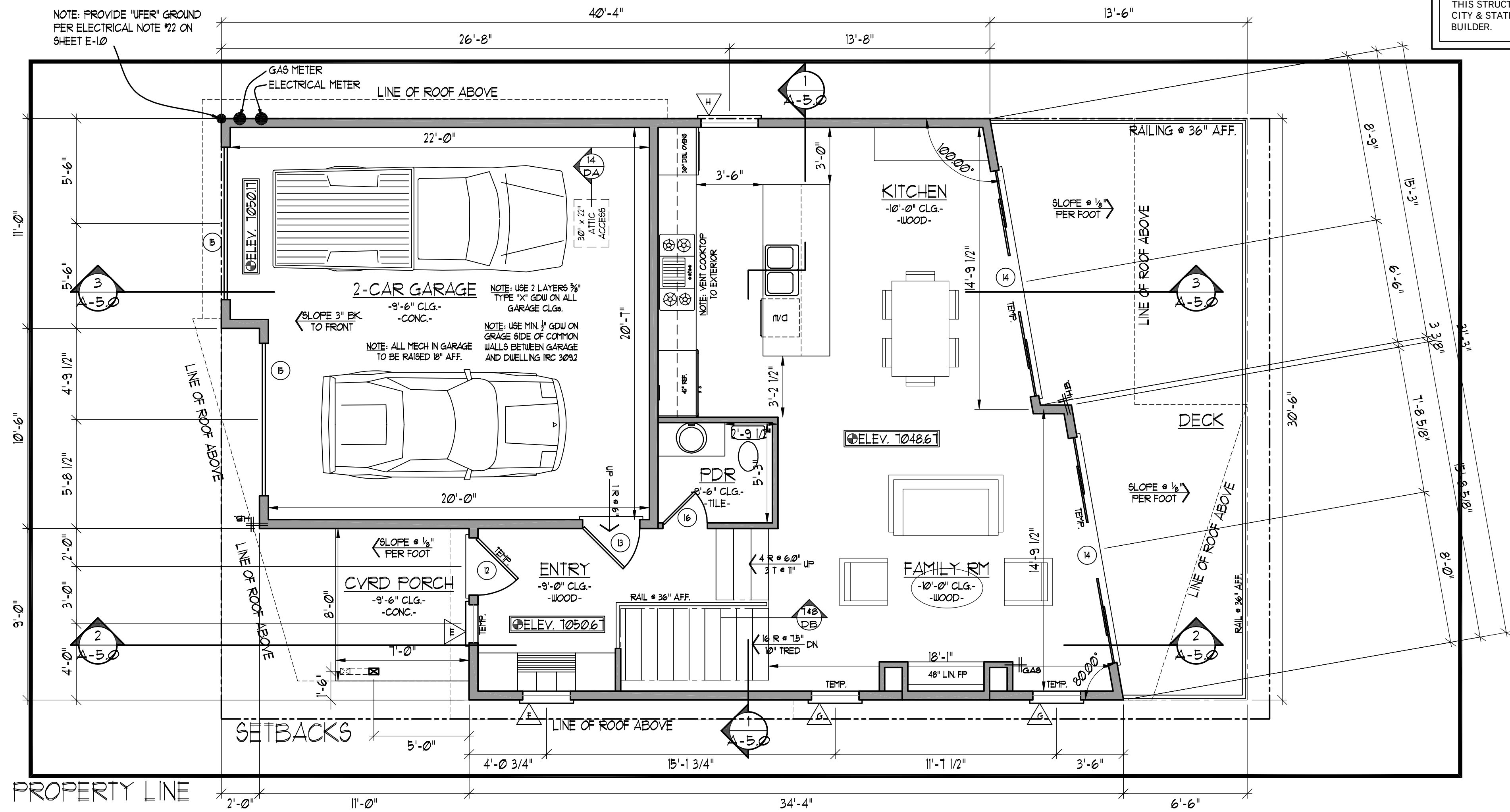
REVISED BY: DANIEL / DAVID / KYLE

REVISED DATE: 10-29-2015

PLOT DATE: ----

DESCRIPTION: LOWER FLOOR PLAN

A-3.0



1
A-4.0

MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

PLUMBING NOTES:

IRC 2012

1. ALL PLUMBING SHALL COMPLY WITH IRC 2012.
2. GAS & ELECTRICAL METERS SHALL BE LOCATED IN AN AREA THAT IS PROTECTED FROM SNOW & ICE DAMAGE.
3. ALL WATER CLOSETS TO HAVE A MAXIMUM FLOW RATE OF 1.6 GALLONS PER FLUSH. IRC P2903.2, TABLE P2903.2
4. MAXIMUM FLOW RATE OF SHOWER HEADS TO BE 2.5 GPM. IRC P2903.2, TABLE P2903.2
5. PROVIDE NON-FREEZE TYPE BACKFLOW PREVENTER HOSE BIBBS. IRC P2903.3.3, P2903.2
6. ALL PLUMBING VENTS THROUGH ROOF TO BE MINIMUM 3" PIPE. IRC P3103.2
7. 12" EXPANSION TANK TO BE PROVIDED FOR CULINARY WATER SYSTEMS. IRC M2003
8. IN SEISMIC DESIGN CATEGORIES C, D, D, AND D, WATER HEATER SHALL BE ANCHORED OR STRAPPED IN THE UPPER 1/3 AND LOWER 2/3 OF THE APPLIANCE TO RESIST A HORIZONTAL FORCE EQUAL TO 2.0 OF THE OPERATOR WEIGHT. IRC P2903.7
9. PROVIDE ACCESS TO JETTED TUB MOTOR COMPONENTS. ACCESS TO PUMP IS REQUIRED TO BE AN UNOBSTRUCTED 12"x12" ACCESS PANEL. IF PUMP IS MORE THAN 2 FEET AWAY FROM ACCESS POINT THEN ACCESS PANEL SHALL BE A 18"x18" IN ALL CASES. THE ACCESS OPENING SHALL BE UNOBSTRUCTED AND OF THE SIZE NECESSARY TO PERMIT THE REMOVAL AND REPLACEMENT OF THE CIRCULATION PUMP. E4100.3
10. WATER CLOSETS SHALL HAVE A MINIMUM FRONT CLEARANCE OF 21" AND WIDTH OF 30". IRC R302.1
11. SHOWERS TO BE FINISHED WITH A NON-ABSORBANT MATERIAL TO A HEIGHT NOT LESS THAN 72" ABOVE FINISHED FLOOR. IRC R302.2
12. FLOOR DRAIN TO BE PROVIDED AT ALL WATER HEATERS. IRC P2901
13. PROVIDE A METAL PAN UNDER WATER HEATERS OR STEAM SHOWER EQUIPMENT IF LOCATED WHERE DAMAGE MAY OCCUR. IRC P2901
14. FIXTURES THAT HAVE FLOOD LEVEL RIMS LOCATED BELOW THE ELEVATION OF THE NEXT UPSTREAM MANHOLE COVER OF THE PUBLIC SEWER SERVING SUCH FIXTURES SHALL BE PROTECTED FROM BACK FLOW OF SEWAGE BY INSTALLING AN APPROVED BACKWATER VALVE. FIXTURES HAVING FLOOD LEVEL RIMS ABOVE THE ELEVATION OF THE NEXT UPSTREAM MANHOLE SHALL NOT DISCHARGE THROUGH THE BACKWATER VALVE. BACKWATER VALVES SHALL BE PROVIDED WITH ACCESS. IRC P3008.1
15. BACKWATER VALVES SHALL HAVE NON-CORROSIVE BEARINGS, SEATS AND SELF-ALIGNING DISCS, AND SHALL BE CONSTRUCTED TO ENSURE A POSITIVE MECHANICAL SEAL. VALVE ACCESS COVERS SHALL BE WATER TIGHT. IRC P3008.2, P3008.3
16. BACKWATER VALVES WILL NOW BE REQUIRED IN ALL NEW RESIDENCES UNLESS IT CAN BE ESTABLISHED THAT A FIXTURE IN THE BASEMENT OR LOWEST LEVEL OF THE HOME IS NOT BELOW THE ELEVATION OF THE UPSTREAM MANHOLE COVER. THIS WILL REQUIRE THE BASEMENT FLOOR TO BE PLUMBED INDEPENDENT FROM THE UPPER FLOOR. BACKWATER VALVES MUST BE ACCESSIBLE.
17. THE FLOW VELOCITY OF THE WATER DISTRIBUTION SYSTEM SHALL BE CONTROLLED TO REDUCE THE POSSIBILITY OF WATER HAMMER. A WATER-HAMMER ARRESTOR SHALL BE INSTALLED WHERE THE QUICK CLOSING VALVES ARE USED. WATER-HAMMER ARRESTORS SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS' SPECIFICATIONS. WATER-HAMMER ARRESTORS SHALL CONFORM TO ASSE 1010. IRC P2903.5
18. ALL FLOOR DRAINING SUBJECTED TO LOSS OF SEAL BY EVAPORATION REQUIRE TRAP PRIMER OR DEEP SEAL. (AT TRAPS) IRC P2903.2
19. PROVIDE ANTI-SCOLD PROTECTION (ASSE 1070) ON ALL SHOWER, TUB/SHOWER COMBINATIONS LIMITING WATER TEMPERATURES TO 120 DEGREES. IRC P2723.3

THIS STRUCTURE TO BE CONSTRUCTED IN ACCORDANCE WITH ALL CITY & STATE BUILDING CODES AND ORDINANCES AS VERIFIED BY BUILDER.

FLOOR PLAN NOTES:

IRC 2012

1. SEE GENERAL NOTE SHEET FOR SECURITY, AND PLUMBING NOTES.
2. SEE GENERAL NOTE SHEET AND ELECTRICAL PLANS FOR ELECTRICAL NOTES.
3. SEE SITE PLAN AND ELEVATION NOTES FOR GRADING SPECIFICATIONS.
4. ALL WALLS ARE DIMENSIONED AS SHOWN AND TO BE VERIFIED BY BUILDER.
5. HABITABLE ROOMS, HALLWAYS, CORRIDORS, BATHROOMS, LAUNDRY ROOMS AND BASEMENTS SHALL HAVE A MIN. CEILING HEIGHT OF 7'-0". NOT MORE THAN 50% OF THE FLOOR AREA SHALL HAVE A SLOPED CEILING LESS THAN 7'-0" AND NO PORTION SHALL BE LESS THAN 5'-0". IRC R305.1
6. HABITABLE ROOMS SHALL HAVE A MINIMUM WINDOW AREA OF 8% OF THE FLOOR AREA, UNLESS PROPER MECHANICAL VENTILATION AND ARTIFICIAL LIGHT IS PROVIDED AS PER. IRC R305.1
7. NATURAL VENTILATION EQUALING 4% OF THE FLOOR AREA SHALL BE PROVIDED THROUGH APPROVED OPENINGS TO THE OUTDOORS, UNLESS AN APPROVED MECHANICAL VENTILATION SYSTEM IS PROVIDED AS PER. IRC R305.1
8. BASEMENTS WITH HABITABLE SPACE AND EVERY SLEEPING ROOM SHALL HAVE AN EXTERIOR DOOR OR AN EGRESS/RESCUE WINDOW MEETING THE FOLLOWING REQUIREMENTS: a) FINISHED SILL HEIGHT WITHIN 44" OF FINISHED FLOOR b) MIN. CLEAR OPENING OF 20"x20" c) MIN. OPENABLE AREA OF 5.7 SQ. FT. IRC R303
9. BATHROOMS, WATER CLOSET COMPARTMENTS AND OTHER SIMILAR ROOMS SHALL HAVE A MIN. WINDOW AREA OF 5.7 SQ. FT., ONE-HALF OF WHICH MUST BE OPENABLE. UNLESS AN ADEQUATE MECHANICAL VENTILATION SYSTEM IS PROVIDED AS PER. IRC R303.3
10. FRAMELESS GLASS DOORS, GLAZING IN DOORS, GLASS WITHIN A 24" ARC OF DOORS, GLAZING LESS THAN 60" ABOVE A WALKING SURFACE WITHIN 5'-0" OF STAIRS, GLAZING WITHIN 5'-0" OF SPAS OR POOLS, CERTAIN FIXED GLASS PANELS, GLAZING CONTAINED IN OR USED AS RAILINGS, AND SIMILAR GLAZED OPENINGS SUBJECT TO HUMAN IMPACT SHALL COMPLY WITH IRC R308.
11. GLAZING USED IN DOORS AND PANELS OF SHOWERS AND BATHTUB ENCLOSURES AND WALLS EXCLUDING THESE COMPARTMENTS SHALL BE TEMPERED. IRC TABLE R308.3
12. DOORS FROM DWELLINGS TO GARAGE SHALL BE SELF-CLOSING, 1-3/8" SOLID CORE OR 20-MINUTE RATED. SEE SCHEDULE A/FOR FLOOR PLANS FOR LOCATION. IRC R308.1
13. ATTIC ACCESS TO BE 22"x30" MIN. w/ 30" MIN. HEADROOM AND IN A READILY ACCESSIBLE LOCATION. 20-MINUTE FIRE-RATED CONSTRUCTION REQUIRED IN GARAGES. IRC R807.1 FOR ACCESS TO MECHANICAL EQUIPMENT SEE. IRC M305.1.3
14. AN ACCESS OPENING OF 18"x24" SHALL BE PROVIDED TO ALL UNDER-FLOOR AREAS. IRC R408.4 FOR ACCESS TO MECHANICAL EQUIPMENT IN THESE AREAS SEE. IRC M305.1.4
15. WINDOW WELLS SHALL PROVIDE A MIN. CLEAR OPENING OF 9 SQ. FT. w/ A MIN. DIMENSION OF 36". PROVIDE A PERMANENT LADDER IF WINDOW WELL IS MORE THAN 44" DEEP. IRC R302.2, R302.2.1
16. ENCLOSED ACCESSIBLE SPACE UNDER STAIRS SHALL HAVE WALLS UNDER STAIR SURFACE AND ANY SOFFITS PROTECTED ON THE ENCLOSED SIDE w/ 1/2" GYPSUM BOARD. IRC R302.7
17. LANDINGS SHALL HAVE A MINIMUM DIMENSION MEASURED IN DIRECTION OF TRAVEL OF 36" IRC R311.3
18. PROVIDE FIREBLOCKING IN WALL & PARTITIONS ALONG LINE OF STAIR BETWEEN STRINGERS AT LANDING IF UNDESIRABLE OF STAIRS IS UNFINISHED. IRC R302.11
19. FIREBLOCK SPACES AT SOFFITS, FLOOR & CEILING JOINT LINES, AT 10'-0" O.C. VERTICALLY & HORIZONTALLY AND AT OPENING BETWEEN ATTIC SPACES AND CHIMNEY CHASES FOR FACTORY BUILT CHIMNEYS, AND AT ANY OTHER LOCATIONS NOT SPECIFICALLY MENTIONED ABOVE WHICH COULD AFFORD PASSAGE FOR FRAME. IRC R302.11
20. PROVIDE DAMPPROOFING AT ALL FOUNDATION WALLS. PER IRC R406
21. PROVIDE DRAFT STOP IN ALL OPEN WEB TRUSS LOCATIONS EVERY 1000 SQ. FT. IRC R502.122.12
22. SHOWERS AND TUBS WITH TILE WALLS REQUIRE CEMENT, FIBER-CEMENT OR GLASS MAT GYPSUM BACKERS. GREEN BOARD IS NO LONGER ALLOWED IN ANY APPLICATION. NOTE: THE BACKER BOARD CANNOT BE INSTALLED OVER GREEN BOARD. ALSO NOTE: UNLESS THE BACKER BOARD HAS BEEN EVALUATED AS A WATER PROOF MEMBRANE, A MOISTURE BARRIER IS REQUIRED IN ROOMS OR AREAS WHERE HIGH HUMIDITY OR MOISTURE IS PRESENT, SUCH AS BATHROOMS AND SHOWERS. THE MOISTURE BARRIER MUST BE INSTALLED OVER FRAMING AND MUST BE FREE FROM HOLES AND BREAKS.
23. CONCRETE FLOOR SLABS, EXCEPT THOSE IN UNHEATED ACCESSORY STRUCTURES, SHALL HAVE A VAPOR RETARDER CONSISTING OF A 6 MIL (608 INCH) POLYETHYLENE OR APPROVED VAPOR RETARDER WITH JOINTS LAPPED NOT LESS THAN 8 INCHES PLACED BETWEEN THE CONCRETE FLOOR SLAB AND THE BASE COURSE OR THE PREPARED SUB-GRADE WHERE NO BASE COURSE EXISTS. R502.2.1
24. SLAB ON GRADE FLOORS THAT MEET EXTERIOR FOUNDATION WALLS ABOVE THE FINISHED EXTERIOR GRADE ARE REQUIRED TO BE INSULATED.

THIS STRUCTURE TO BE CONSTRUCTED IN ACCORDANCE WITH ALL CITY & STATE BUILDING CODES AND ORDINANCES AS VERIFIED BY BUILDER.

MECHANICAL NOTES:

IRC 2012

1. MECHANICAL SYSTEMS TO COMPLY WITH IRC 2012 & IFCC
2. PROVIDE A COMFORT HEATING SYSTEM CAPABLE OF MAINTAINING 68°F AT A POINT 36" ABOVE THE FLOOR & 24" FROM EXTERIOR WALLS. IRC S302.1 & S302.1.1
3. PROVIDE COMBUSTION AIR FOR ALL FUEL BURNING APPLIANCES AT A MIN. RATE OF 1 SQ. INCH PER 3000 BTU/HOUR w/ MIN. 6" CLEARANCE IN FRONT AND 1" CLEARANCE AT SIDES & REAR OF APPLIANCE. ONE OPENING MUST BE IN THE TOP 12" OF THE ROOM. IRC M101
4. GAS LOGS AND EACH GAS APPLIANCE SHALL BE EQUIPPED WITH A SHUTOFF VALVE WITHIN 6'-0" OF THE APPLIANCE. IRC G302.1.1
5. FUEL BURNING APPLIANCES, INCLUDING FIREPLACES, SHALL NOT BE INSTALLED IN BEDROOMS, BATHROOMS, OR TOILET ROOMS UNLESS THE APPLIANCES ARE DIRECT VENT. IRC G303
6. FUEL FIRED WATER HEATERS SHALL NOT BE INSTALLED IN A ROOM USED AS A STORAGE CLOSET. WATER HEATERS LOCATED IN BEDROOMS OR BATHROOMS SHALL BE INSTALLED IN ACCORDANCE WITH IRC M305.2
7. FUEL FIRED APPLIANCES IN GARAGES SHALL BE ELEVATED WITH IGNITION SOURCE MIN. 18" ABOVE GARAGE FLOORS. IRC M307.3
8. APPLIANCES LOCATED IN GARAGES OR CARPORTS SHALL BE PROTECTED FROM AUTOMOBILE IMPACT. IRC M307.3.1
9. INSULATE HEATING TRUNK & BRANCH SUPPLY DUCTS IN UNFINISHED AREAS, CRAWL SPACES, ATTICS, UNHEATED GARAGES, ETC. IRC M1103
10. VENT DRYER TO EXTERIOR. MAX. DUCT LENGTH w/ TWO (2) 90° ELBOWS IS 15'-0". IRC M1502.2
11. IN THEATER ROOMS OR OTHER ROOMS WITHOUT NATURAL VENTILATION, PROVIDE MECHANICAL VENTILATION CAPABLE OF PROVIDING 0.35 AIR CHANGE PER HOUR, OR 15 CUBIC FEET PER MINUTE. IRC R305.1
12. HEATING AND COOLING EQUIPMENT SHALL BE SIZED IN ACCORDANCE WITH ACCA (AIR CONDITIONING CONTRACTORS OF AMERICA) MANUAL-7 OR OTHER APPROVED CALCULATIONS DUCT SYSTEMS SERVING HEATING COOLING OR EXHAUST SYSTEM SHALL BE DESIGNED IN ACCORDANCE WITH ACCA MANUAL-7 OR OTHER APPROVED CALCULATIONS AND DOCUMENTS IS REQUIRED. IRC M1401.3 & M1601.1

THIS STRUCTURE TO BE CONSTRUCTED IN ACCORDANCE WITH ALL CITY & STATE BUILDING CODES AND ORDINANCES AS VERIFIED BY BUILDER.

FOOTPRINTS BY LEVEL:

MAIN FLOOR:	1,200 SQ FT
DECKS / PATIOS:	305 SQ FT
LOWER FLOOR:	1,200 SQ FT
DECKS / PATIOS:	135 SQ FT
BASEMENT FLOOR:	1,186 SQ FT
TOTAL DECKS / PATIOS:	440 SQ FT
BLDG FOOTPRINT:	1,200 SQ FT

SQUARE FOOTAGES:

MAIN FLOOR:	728 SQ FT
LOWER FLOOR:	1,069 SQ FT
SUBTOTAL	1,808 SQ FT
BSMNT FLOOR:	1,186 SQ FT
STORAGE / MECHANICAL:	130 SQ FT
GARAGE:	472 SQ FT

TOTAL: 3,585 SQ FT

SETBACKS

FRONT YARD:	10'-0"
REAR YARD:	10'-0"
SIDE YARD:	3'-0"

James L. Carroll & Associates

"INNOVATORS OF AWARD WINNING DESIGN"

230 WEST 400 SOUTH SUITE #203
SALT LAKE CITY, UTAH 84101 (801) 359-8517
www.jamescarrollassociates.com

950 EMPIRE AVE

MEETS & BOUNDS
950 EMPIRE AVE
PARK CITY, UT, 84060

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PROJECT:	PRIVATE RESIDENCE
PLAN DATE:	09-16-2015
DRAWN BY:	DANIEL BURROUGHS
REVIEWED BY:	DANIEL / DAVID / KYLE
REVISED DATE:	10-29-2015
PLOT DATE:	----
DESCRIPTION:	MAIN FLOOR PLAN
SHEET #	

A-4.0

NOTE: ALL WINDOWS TO MEET OR EXCEED U.35

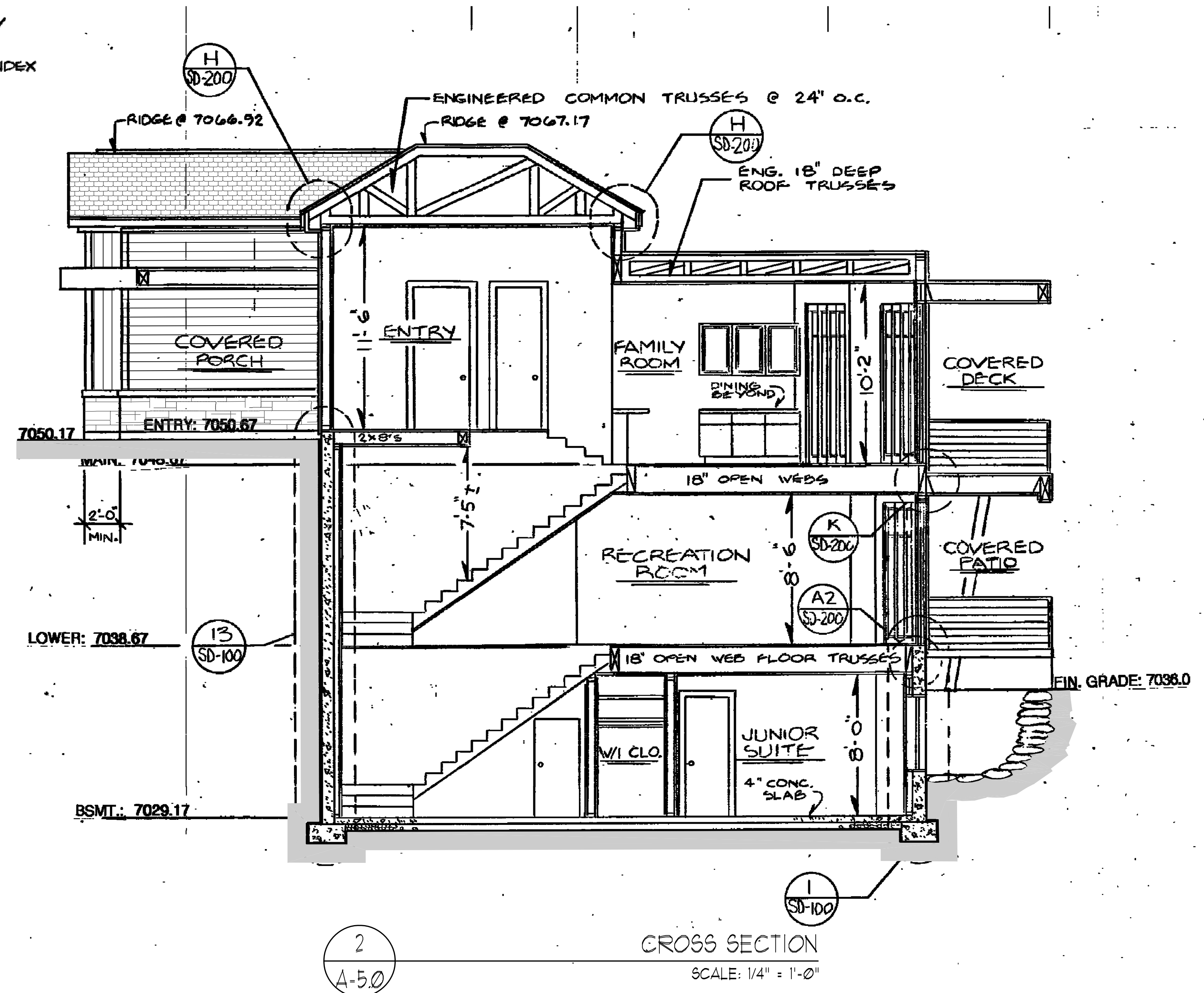
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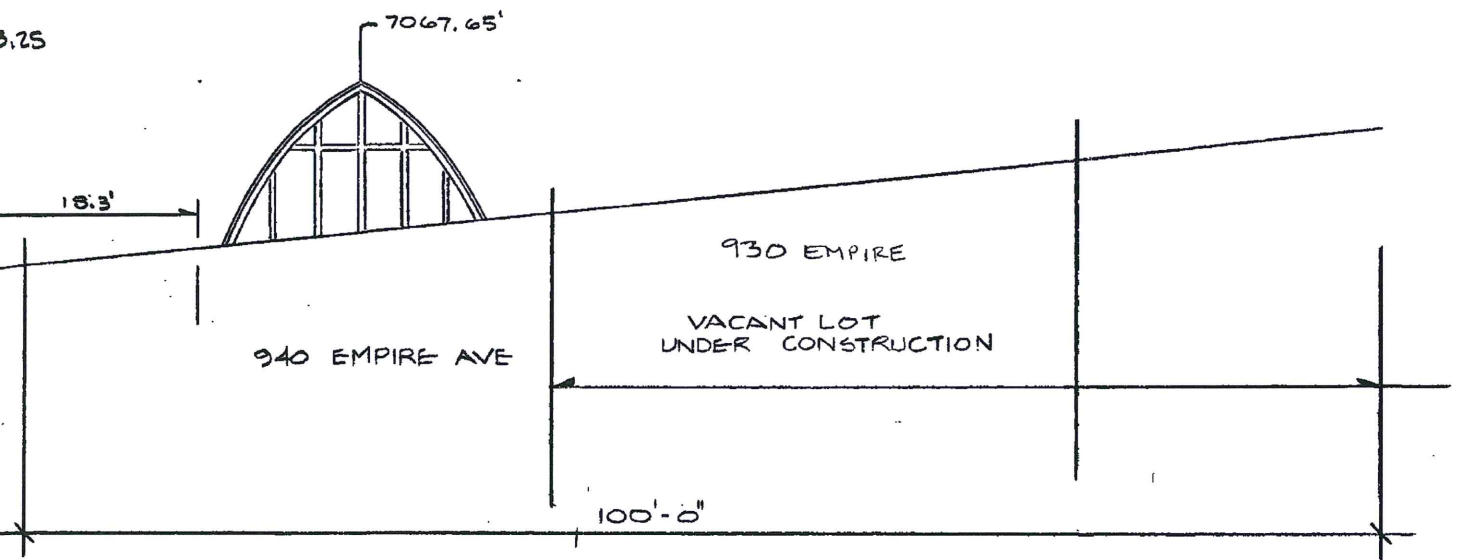
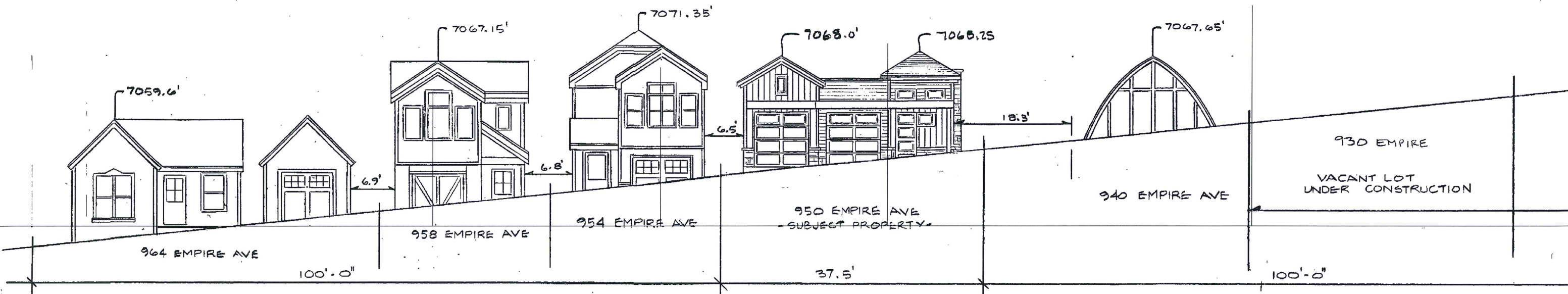
**MEETS & BOUNDS
950 EMPIRE AVE
PARK CITY, UT, 84060**

CROSS SECTIONS

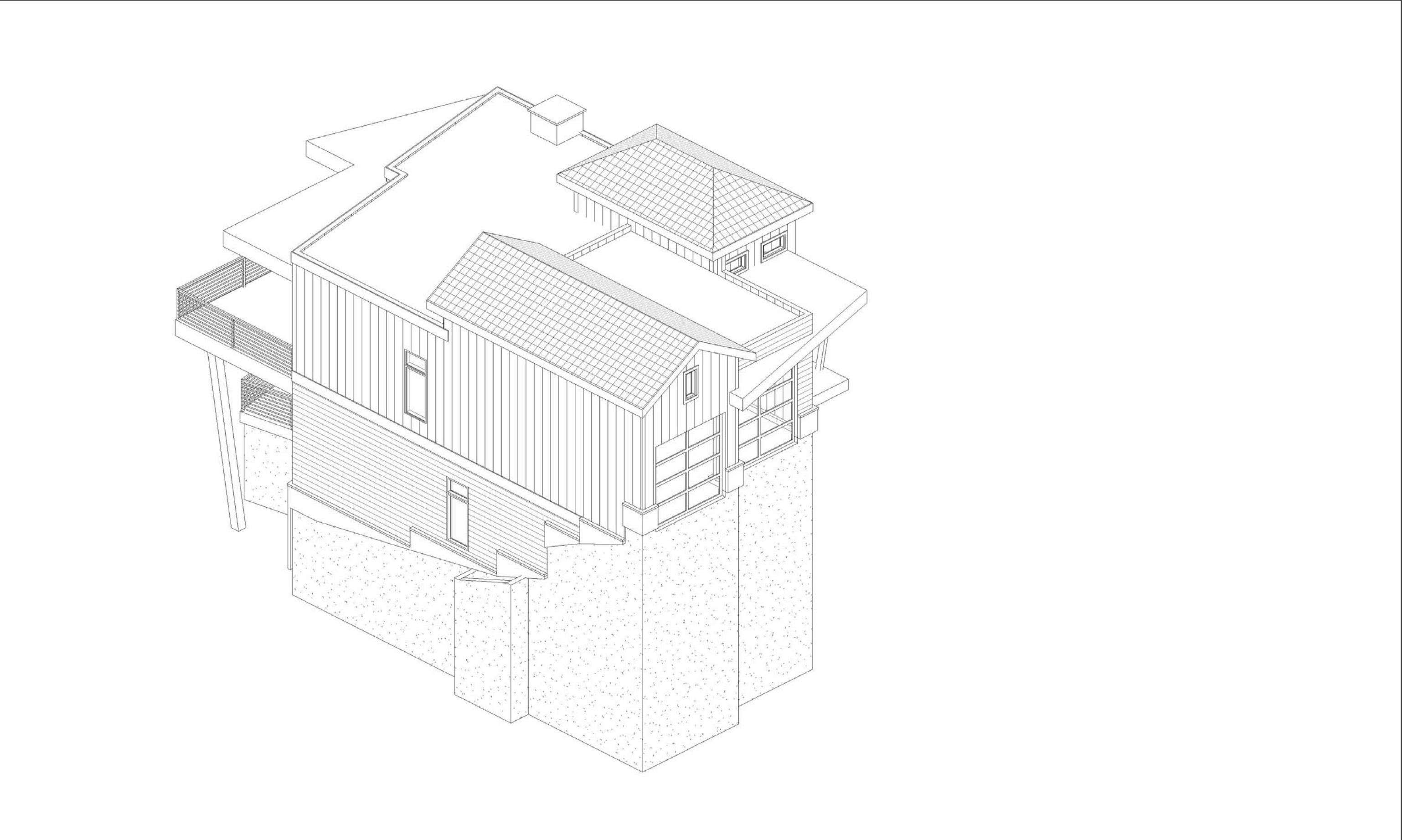
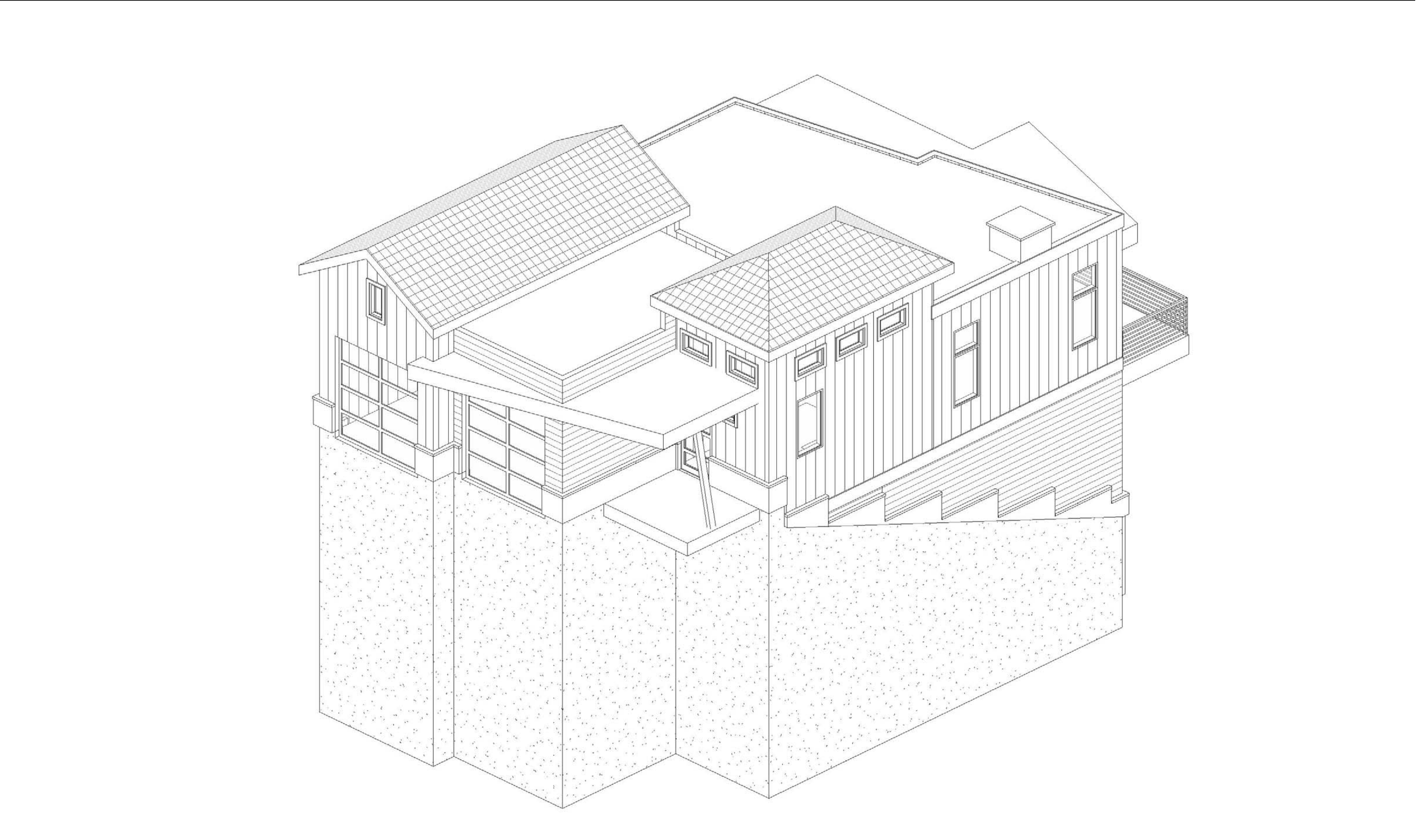
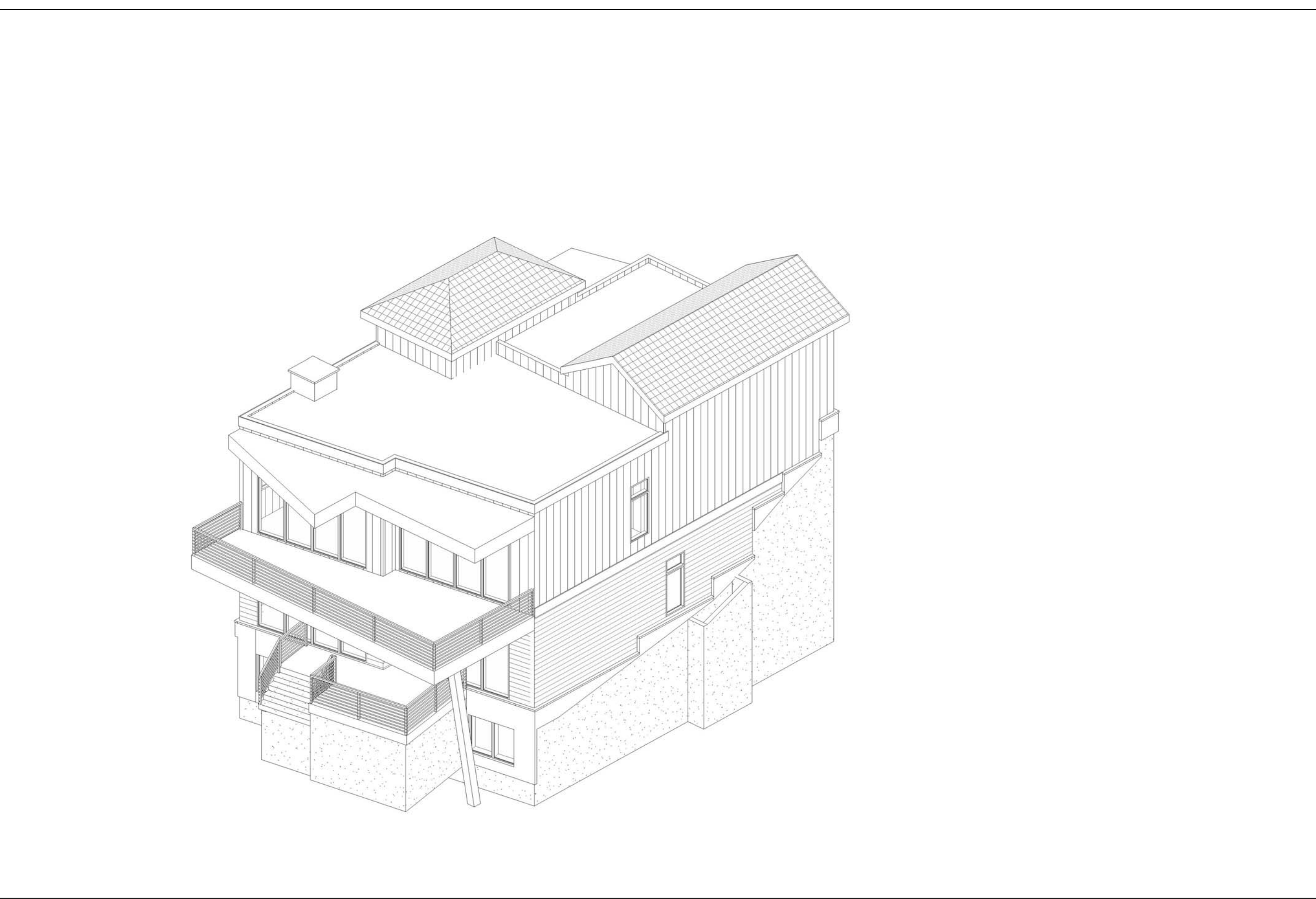
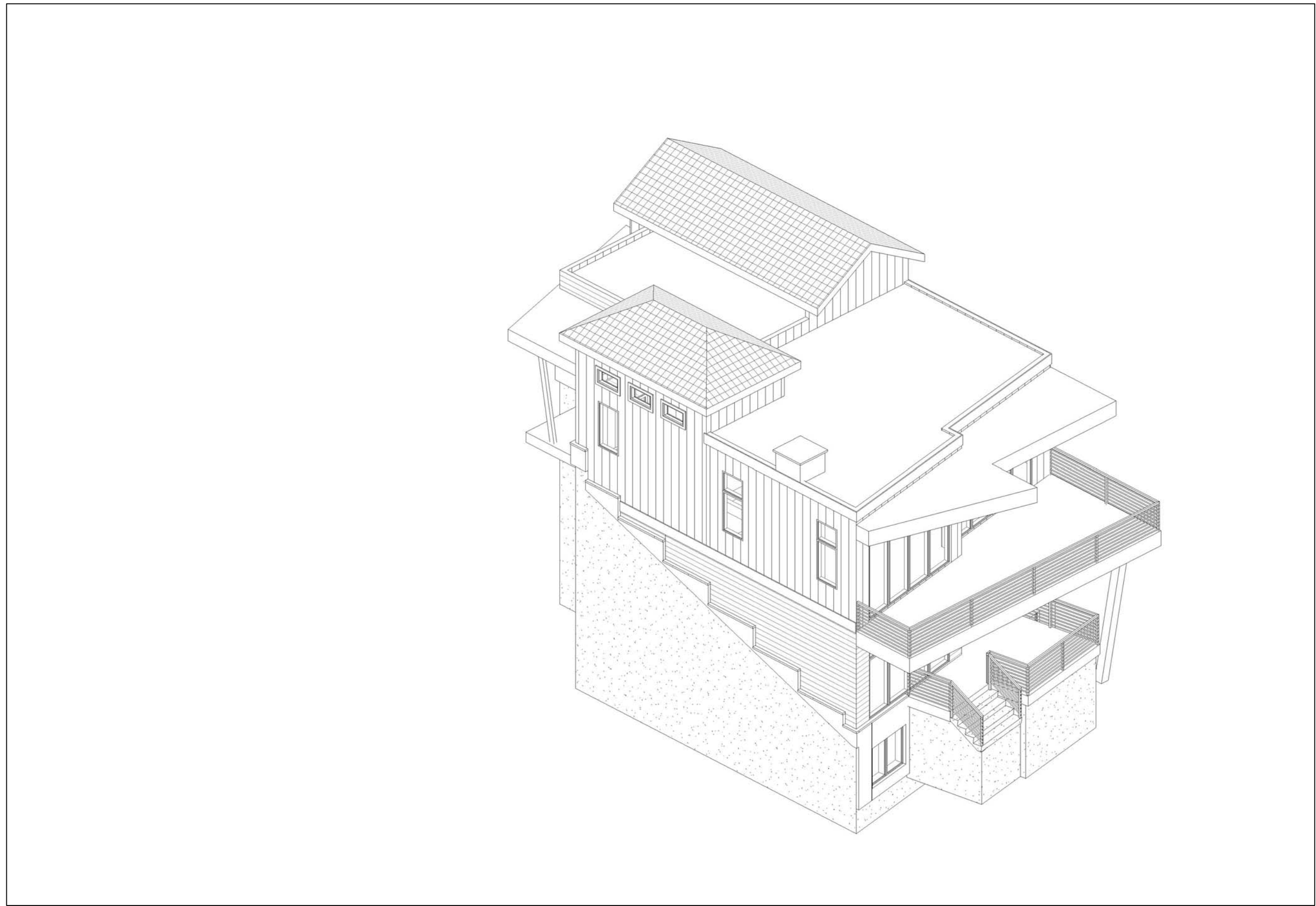
CROSS SECTIONS



NOTE: SLAB ON GRADE FLOORS AT
EXTERIOR PERIMETER FOUNDATION WALLS
THAT ARE ABOVE GRADE ARE REQUIRED
TO BE INSULATED



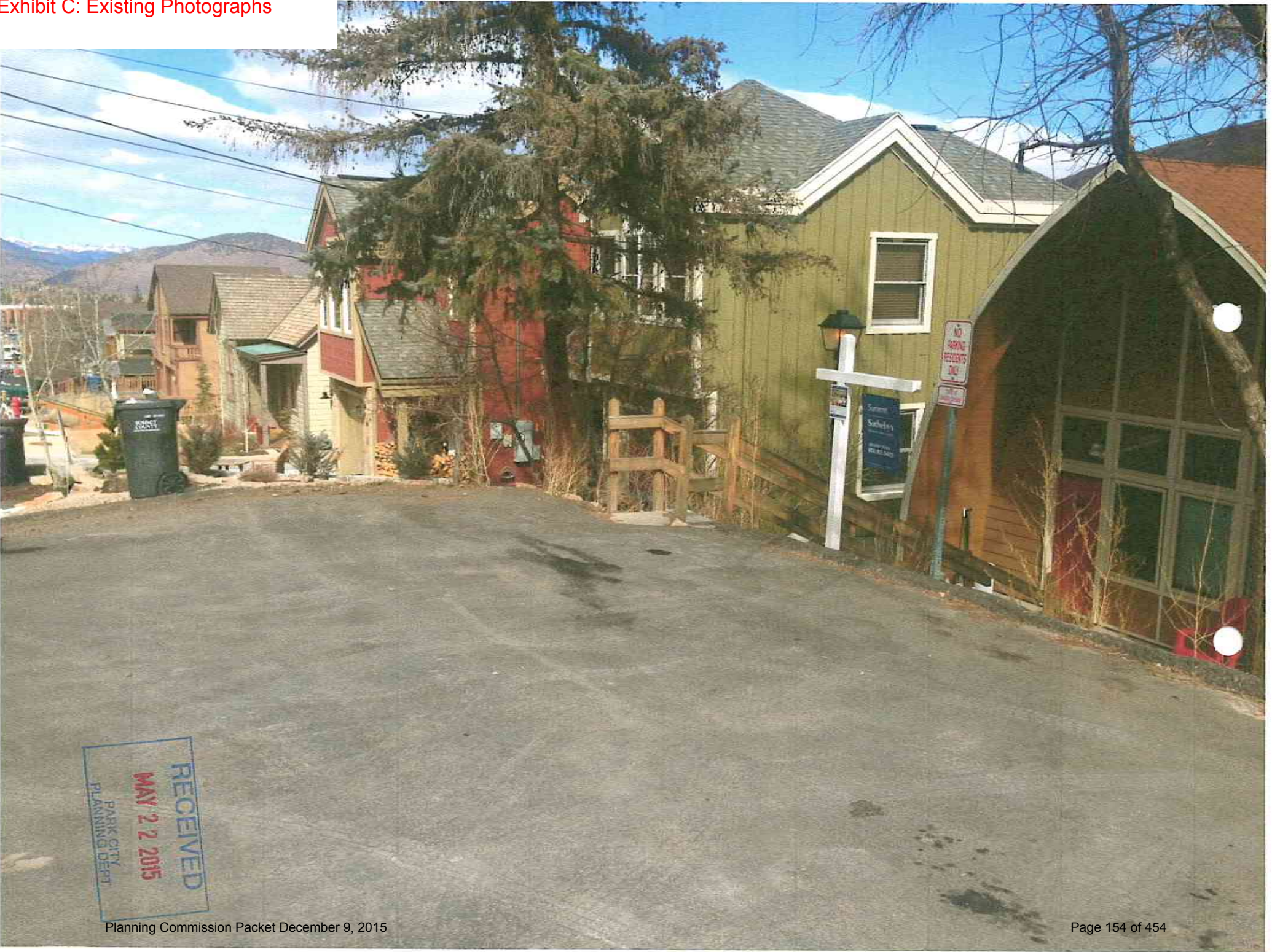
VIEW FROM EMPIRE AVE @ 1/8TH SCALE

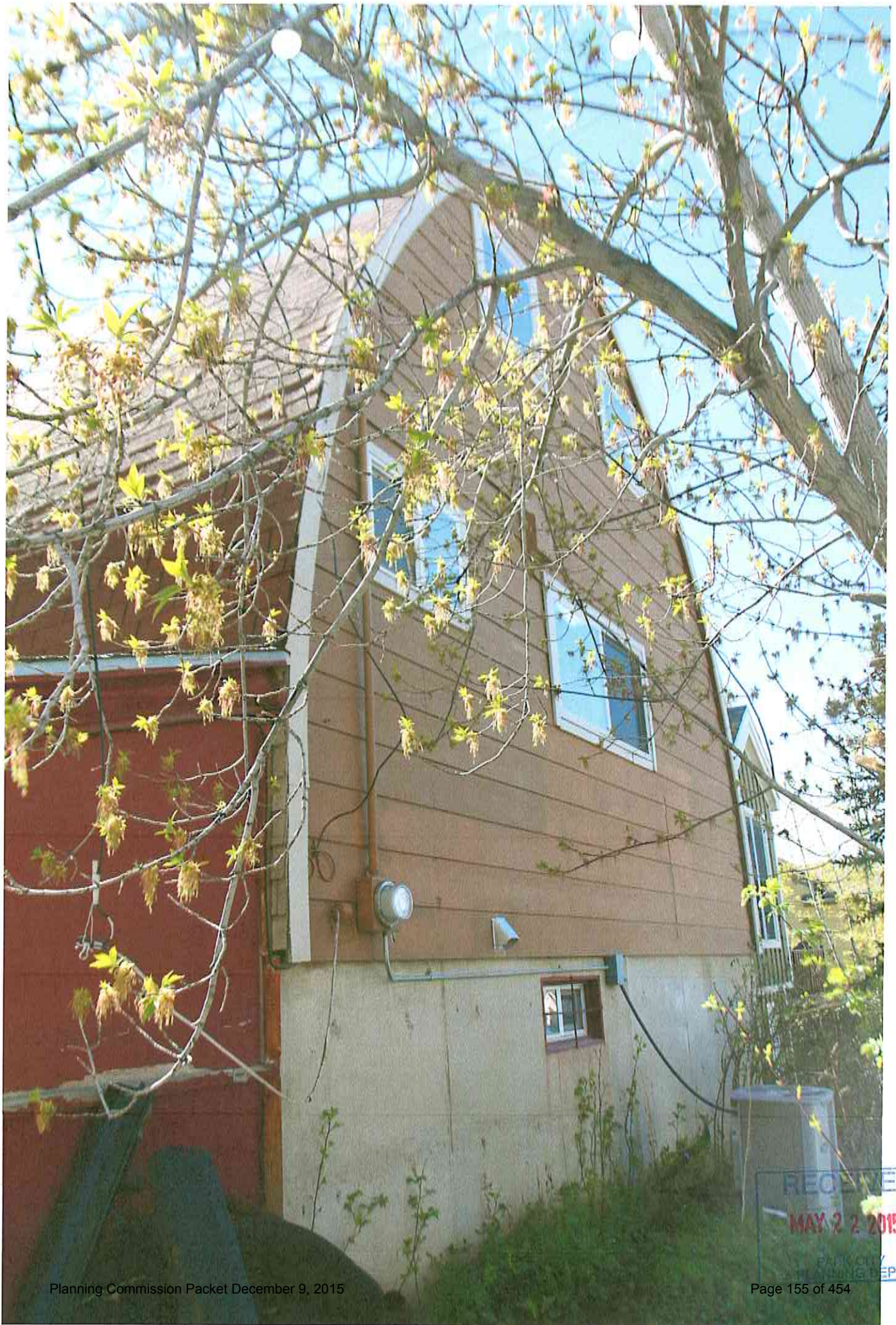


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Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 347 Ontario Avenue
Project #: PL-15-02940
Author: Anya Grahn, Historic Preservation Planner
Date: December 9, 2015
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 347 Ontario Avenue, conduct a public hearing, and approve the Steep Slope CUP for 347 Ontario Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Owner/ Applicant: Michael Stewart, represented by architect David White
Location: 347 Ontario Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Construction of any addition to an existing Structure when the footprint of the addition is in excess of 200 square feet if the Building Footprint is located upon an existing Slope of 30% or greater.

Proposal

This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of an addition to an existing Structure, when the Building Footprint of the addition is in excess of 200 square feet if the Building Footprint of the addition is located upon an existing Slope of 30% or greater. There is an existing single-family home on this site; the applicant is proposing to construct approximately 568 square feet of new space, not including the elevator. The proposed footprint of this addition is 212.75 square feet and the construction is proposed on a slope of approximately 56%.

Background

On September 18, 2015, the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 347 Ontario Avenue; the application was deemed complete on October 8, 2015. The property is located in the Historic Residential (HR-1) District. The lot contains 2,273 square feet.

This application is a request for a Conditional Use Permit (CUP) for construction of a new addition to the existing non-historic house. Because the proposed footprint of this addition is in excess of 200 square feet and the proposed footprint is located upon an existing slope of greater than 30%, the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to Land Management Code (LMC) § 15-2.2-6.

The property is located at 347 Ontario Avenue on a developed lot. The existing house was constructed in 2000. In 2015, the applicant purchased a portion of the property owned by 355 Ontario. The owners of 355 and 347 Ontario Avenue reconfigured their parcels into two (2) legal lots of record. This reconfiguration was approved by City Council on March 5, 2015 in Ordinance 15-07, and the Ontario Three Subdivision Plat Amendment was recorded with Summit County on July 17, 2015.

A Historic District Design Review (HDDR) application was submitted on September 18, 2015, and deemed complete on October 8, 2015. The application is being reviewed concurrently with this Steep Slope CUP.

Purpose

The purpose of the Historic Residential (HR-1) District is to:

- (A) preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) encourage the preservation of Historic Structures,
- (C) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) define Development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Analysis

The proposed house currently contains a total of 2,203 square feet, including basement area. The proposed footprint following construction of the addition will be 937.75 square feet; the lot size currently allows a footprint of 1,000.3 square feet. The new addition complies with all setbacks and building footprint, as outlined in the following table.

The new addition meets the allowed height; the applicant is not requesting a height exception for Elevator Access, as outlined in LMC 15-2.2-5(D)(3). The proposed design is the only feasible option for the elevator on the site. In fact, the applicant intentionally re-platted the lot to accommodate the addition in this location.

Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	Minimum of 1,875 square feet	2,273 square feet <u>complies.</u>
Building Footprint	1,000.3 square feet <u>maximum</u>	937.75 <u>complies.</u>
Front Yard	10 feet minimum	10 feet, <u>complies.</u>
Rear Yard	10 feet minimum	18 feet, <u>complies.</u>

Side Yard	3 feet minimum, total 6 feet.	3 feet on each side, <u>complies.</u> Total of 6 feet, <u>complies.</u>
Height	27 feet above existing grade, <u>maximum.</u>	27 feet, <u>complies.</u>
Height (continued)	A Structure shall have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.	Existing house is 38 feet, <u>legal non-complying as the house was constructed prior to the LMC</u> <u>Amendments limiting the overall maximum height.</u> <u>The new addition will not increase the level of non-conformity.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	Maximum difference is 4 feet on the north, south, east and west elevations, <u>complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback may encroach into the minimum 10 ft. setback but shall be limited to no more than 25% of the width of the building encroaching no more than 4 ft. into the setback.	The rear roof line measures 26 feet in height, <u>complying as the house was constructed prior to the LMC</u> <u>Amendments limiting the overall maximum height.</u> <u>The new addition will not increase the level of non-conformity.</u>
Roof Pitch	Between 7:12 and 12:12.	The main roofs have 7:12 pitches, <u>complies.</u>
Parking	Two (2) off-street parking spaces required.	One (1) space within a single car garage and one uncovered space on the driveway, within the lot area, compliant with required dimensions, <u>complies.</u>

LMC § 15-2.1-6(A)(2) requires a Steep Slope Conditional Use Permit (CUP) for construction of any addition to an existing Structure, when the Building Footprint of the

addition is in excess of 200 square feet, if the building of the footprint is located upon an existing slope of 30% or greater. As previously noted, the new addition will have a footprint of 208 square feet and the construction is proposed on a slope of approximately 56%.

Criteria 1: Location of Development.

Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposed single family dwelling is located on the lot in a manner that reduces the visual and environmental impacts. The existing house steps with the topography to minimize the amount of excavation necessary, and the new addition will be located to the north of the existing house on the hillside. The proposed landscape plan incorporates significant vegetation. Following construction of the addition, the total footprint of the structure will be 937.75; the total allowed footprint for a lot of this size is 1,000.3. The front and rear setbacks meet all requirements and are increased for portions of the structure.

Criteria 2: Visual Analysis.

The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a photographic visual analysis, including street views, to show the proposed streetscape and cross canyon views. As demonstrated by the visual analysis, the proposed addition fits within the context of the slope, neighboring structures, and existing vegetation.

The visual analysis, streetscape, and cross canyon view demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. The side yard will be re-vegetated following construction. The only new retaining wall proposed will be located on the northeast corner of the site, beneath the entry porch, minimizing visual impacts of this wall.

Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. The garage sits below the street level reducing the fill needed to access the garage and the front door. Common driveways and Parking Areas, and side Access to garages are strongly encouraged; however a side access garage is not possible on this site. **No unmitigated impacts.**

There is an existing one-car garage on the site. The applicant proposes incorporating the existing entry way into the new two-car side-by-side garage. The applicant will then construct a new entry on the north side of the house. The new addition will contain an ADA elevator and circulation space. The applicant will bottleneck the driveway so as to prevent the front yard from being substantially paved and minimizing visual impacts of

the driveway. From the street, the existing driveway will be largely unchanged. New trees will be planted in the front yard to shield the view of the parking area.

Staff finds that the side-by-side garage configuration meets the Design Guidelines. The applicant has stepped the wall plane of the garage 6 inches to create two distinct garage spaces. More importantly, Ontario Avenue is characterized by one and two-car garages with smaller entryways along the street front. Staff finds this configuration is compatible with prominent design elements found in this neighborhood.

Criteria 4: Terracing.

The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

Minor retaining is necessary to regain natural grade around the proposed structure to provide for egress on the north elevation. Finished grade will be within 4 feet of existing grade following completion of the project. A new retaining wall will be constructed beneath the new front entry porch to retain soils on the lower level and serve as a planting bed for the new trees.

Criteria 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 provide variation of the Front Yard. **No unmitigated impacts.**

The new addition's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. As previously noted, the house is located on a very steep slope. The placement of the new addition and its design steps with existing grade and is compatible with the existing structure.

Final Grade will be changed no more than four feet (4') from the Existing Grade. The site design and building footprint provide an increased rear yard setback area. Further, the front property line is at a minimum 14 feet back from the west edge of Ontario Avenue. The increased setback due to the width of the right-of-way further mitigates the impact of development. Side setbacks and building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood.

Criteria 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 Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

The main ridge of the roof orients with the contours. The size of the lot allows the design not to offend the natural character of the site as seen on the submitted plans. The existing house steps with the grade and is broken into a series of smaller components that are compatible with the District. The new addition is small in size with a footprint of only 212.75 square feet, and is compatible with the architectural design of the existing house. The stepping creates rear and side elevations that respect the adjacent properties.

Staff finds that the proposed design is consistent with the Design Guidelines for Historic Districts and Historic Sites. The structure reflects the historic character of Park City's Historic Sites such as simple building forms, unadorned materials, and restrained ornamentation. The style of architecture selected and all elevations of the building are designed in a manner consistent with a contemporary interpretation of the chosen style. The Historic District Design Review (HDDR) application is currently in review. Further, the applicant has bottlenecked the driveway and broken up the wall plane of the two-car side-by-side parking by 6 inches in order to create greater shadowing and reduce the visual impact of the garage element, consistent with the Design Guidelines. The new front entry porch on the north side of the house contributes to the pedestrian experience.

Exterior elements of the new development—roofs, entrances, eaves, porches, windows, doors, steps, retaining walls, garages, etc.—are of human scale and are compatible with the neighborhood and the style of architecture selected. The scale and height of the new structure follows the predominant pattern of the neighborhood. Further, this style of this house is consistent with the Design Guidelines. It does not detract from nearby historic properties, but rather lends itself to the overall character of the neighborhood.

Criteria 7: Setbacks.

The 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. **No unmitigated impacts.**

The proposed structure meets the standard LMC setbacks for a lot this size consisting of a minimum of ten feet (10') front/rear yard setbacks. The minimum side yard setbacks are three feet (3') minimum and six feet (6') total.

Front setbacks are currently ten feet (10'), though the front property line is setback a minimum of fourteen feet (14') from the western edge of Ontario Avenue. The visual impacts of the new side-by-side garage and new entry way have been mitigated by changes in wall plane to prevent a wall effect. Side setbacks are consistent with the pattern of development and separation in the neighborhood. The articulation in the front and rear facades reduce the overall mass of the new structure and does not create a wall effect along the street front or rear lot line.

Criteria 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 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. **No unmitigated impacts.**

The proposed addition is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed addition meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. The height of the new center gable is approximately eighteen feet (18') above grade before it begins to slope west towards the rear of the lot. The new clipped gable of the new addition is about ten feet (10') above the grade of the driveway before it also slopes down towards the west (rear) property line. The roof has been designed to allow for a gable along the street front, consistent with adjacent structures, and a sloping hip roof towards the rear matching the downward slope of the lot.

The addition meets the criteria outlined in LMC 15-2.2-5(A) stating that the structure shall have a maximum height of thirty-five feet (35') measured from the lowest finished floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. The height from the lowest finished floor plane to the highest wall plate is thirty-eight feet (38') as the house was constructed prior to the adoption of LMC 15-2.2-5(A), and the overall height of the existing structure is legal non-complying. Further, the height of the new addition from the lowest finished floor plane to the point of the highest wall top plate is thirty-five feet (35').

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. The applicant has submitted a Historic District Design Review (HDDR) application; however, this has not yet been approved.

Department Review

This project has gone through an interdepartmental review. Issues raised have been addressed by the conditions of approval. No additional comments were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet on November 25, 2015. Legal notice was also published in the Park Record in accordance with requirements of the LMC on November 21, 2015.

Public Input

No input has been received regarding the Steep Slope CUP.

Alternatives

- The Planning Commission may approve the Conditional Use Permit for 347 Ontario Avenue as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is an existing platted, developed residential lot that contains native grasses and shrubs. Due to the site's proximity to the mining sites, the site will be required to submit a soil mitigation plan at the time of their building permit.

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur and the applicant would have to revise the plans.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 347 Ontario Avenue and conduct a public hearing. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The property is located on 347 Ontario Avenue. The legal description is Lot B of the Ontario Three Subdivision, recorded with Summit County on July 17, 2015.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. There is an existing single-family home on this site; the applicant is proposing to construct approximately 568 square feet of new space, not including the elevator. The proposed footprint of this addition is 212.75 square feet.
4. A single family dwelling is an allowed use in the HR-1 District.
5. The lot contains 2,273 square feet. This is a downhill lot with a slope of approximately 56%.

6. The lot currently contains an existing house, constructed in 2000. The applicant is proposing to construct an addition to the existing house.
7. A Historic District Design Review (HDDR) application is currently under review.
8. Access to the property is from Ontario Avenue, a public street.
9. Two (2) parking spaces are proposed on site. The applicant will renovate an existing entrance into garage space to create a two-car side-by-side parking configuration. A new entrance will be constructed as part of the addition.
10. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes, and duplexes. The streetscape on the west, downhill side of the road, is dominated by garages and pedestrian entryways.
11. The proposal will create a single family dwelling of approximately 2,771 square feet, including the basement area and two-car garage.
12. The mouth of the existing driveway is 16.5 feet. The applicant does not propose to modify the existing driveway within the public right-of-way. The driveway within the property line will be extended to accommodate the two-car garage. A portion of the driveway bridge extends into the public right-of-way.
13. An overall building footprint of 937.75 square feet is proposed following construction of the addition. The maximum allowed footprint for this lot is 1,000.3 square feet.
14. The proposed addition complies with all setbacks. The minimum front and rear yard setbacks are ten feet (10'). The minimum side yard setbacks are three feet (3').
15. The proposed addition complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty seven feet (27') in height.
16. The applicant submitted a visual analysis, cross valley views, and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Norfolk Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.
17. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is no existing significant vegetation on the lot. The applicant will plant two (2) new trees in the front yard and re-vegetate the side yard following construction.
18. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the area that exceeds 30% slope.
19. The design includes setback variations as well as lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet (27') in height. The rear roofline slopes west with the downhill slope.
20. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.
21. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and two-car garages.

22. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.
23. The findings in the Analysis section of this report are incorporated herein.
24. On September 18, 2015, the Planning Department received an application for a Steep Slope Conditional Use Permit (CUP); the application was deemed complete on October 8, 2015.
25. The property was posted and notice was mailed to property owners within 300 feet on November 25, 2015. Legal notice was also published in the Park Record in accordance with requirements of the LMC on November 21, 2015.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures, including the historic house to the west from damage.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. This approval will expire on December 9, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
5. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on December 9, 2015, and the Final HDDR Design.
6. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
7. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
8. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
9. Construction waste should be diverted from the landfill and recycled when possible.

10. All excavation work shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, he determines that it is necessary based upon specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
11. The applicant shall enter into an encroachment agreement with the City Engineer's Office for the existing bridge in the right-of-way.

Exhibits

- Exhibit A- Plans (existing conditions, site plan, elevations, floor plans)
- Exhibit B- Existing Conditions Survey
- Exhibit C- Visual Analysis/Streetscape
- Exhibit D- Existing Photographs

NEW ADDITION for ELEVATOR & STAIRWAY 347 ONTARIO AVE. PARK CITY, UTAH 84060

DRAWING LIST

EC5-1 EXISTING CONDITIONS SURVEY AND TOPO
PA5-2 ONTARIO THEE SUBDIVISION PLAT AMENDMENT
A-1 NEW SITE PLAN - LANDSCAPE PLAN
A-2 GARAGE / NEW ENTRY LEVEL FLOOR PLAN
A-3 MAIN LEVEL PLAN
A-3 MASTER LEVEL PLAN
A-4 LOWER LEVEL FLOOR PLAN
A-4 NORTH & EAST ELEVATIONS
A-5 SOUTH & WEST ELEVATIONS

OCCUPANCY GROUP R-3

HR-1 ZONING

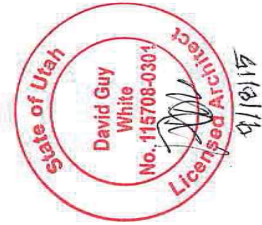
HISTORIC DESIGNATION- NONE

ALLOWABLE FOOTPRINT= 1000.2 SQ. FT.
FOOTPRINT EXISTING HOUSE= 725 SQ. FT.
FOOTPRINT ADDITION STRUCT.= 212.75 SQ. FT.
NEW FOOTPRINT TOTAL STRUCT= 937.5 SQ. FT.

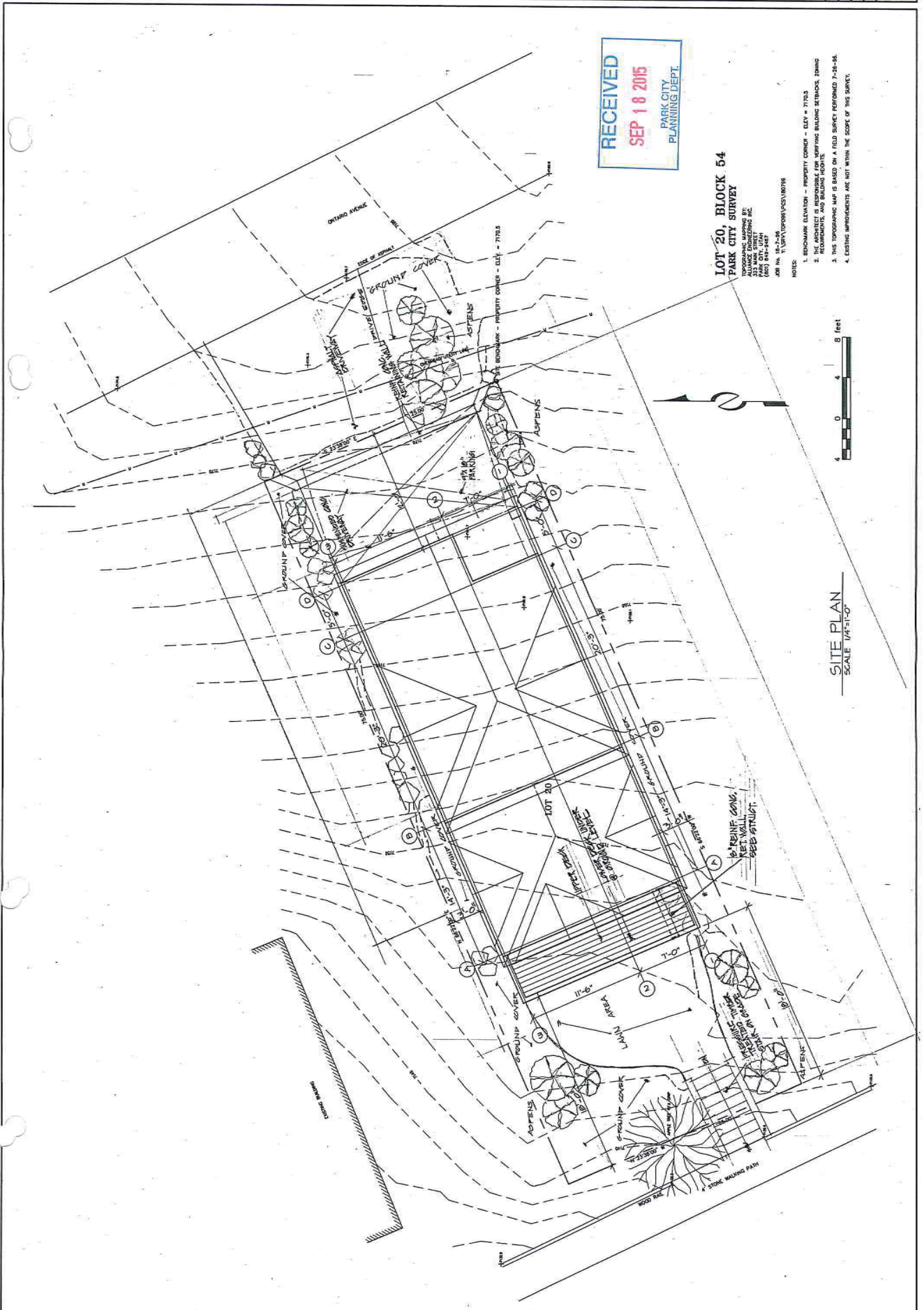
DEFERRED SUBMITTALS

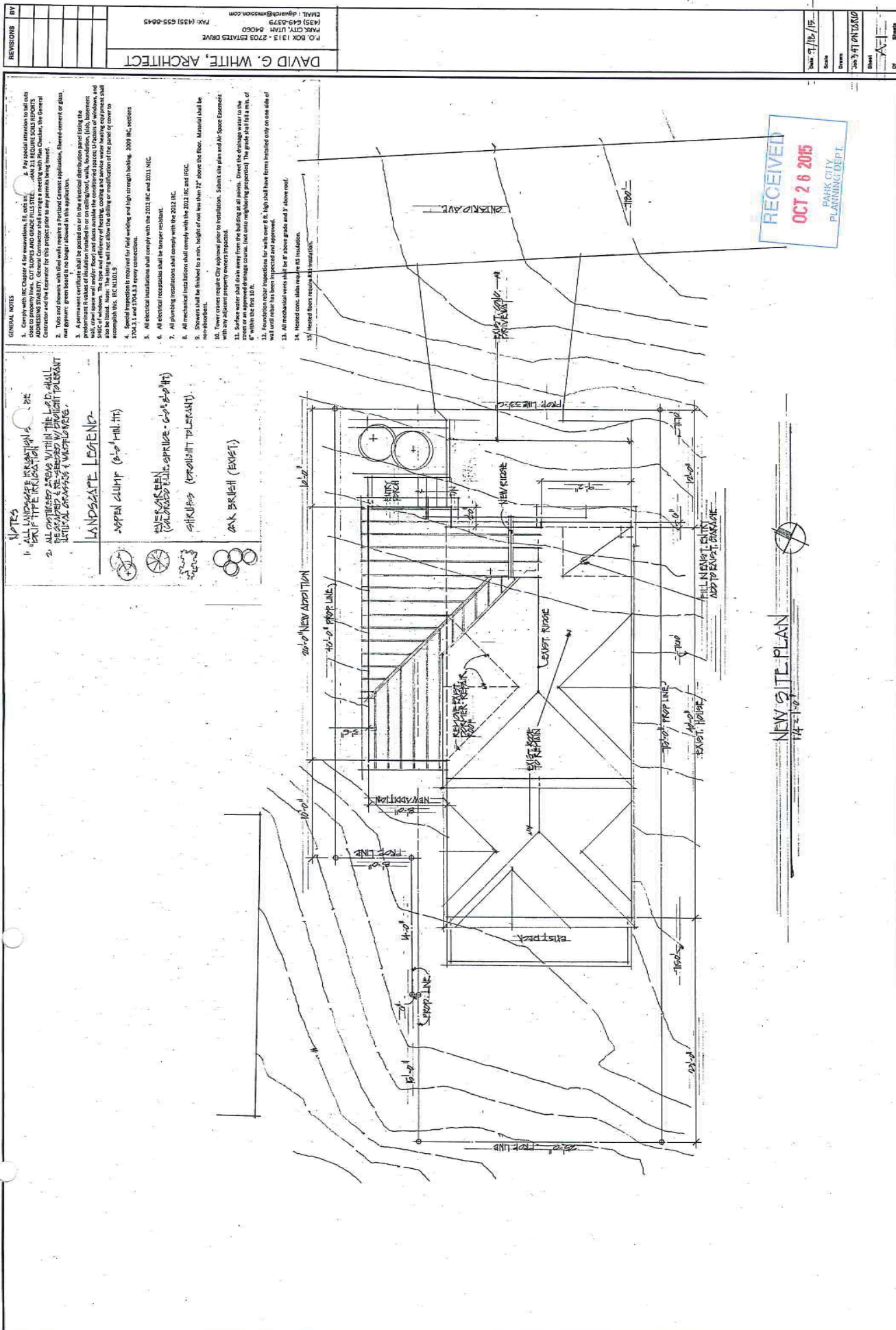
1. RADIANT HEAT TUBE LAYOUT, BOILER SPECS.,
HEAT LOSS CALCS.
2. GAS PIPING SCHEMATIC
3. FIRE SPRINKLING SYSTEM LAYOUT AND SPECS. TO
BE APPROVED BY THE PARK CITY BUILDING DEPT.
ANTIFREEZE SYSTEMS NO LONGER ALLOWED.
4. CONTRACTOR SHALL PROVIDE PROPER NUMBER OF
BACKFLOW PREVENTORS TO BE INSTALLED IN THIS
STRUCTURE. INCLUDE THE LAWN SPRINKLING SYSTEM,
FIRE SPRINKLING SYSTEM AND NUMBER OF BOILERS
ETC.

GOVERNING BUILDING CODE- IRC 2012



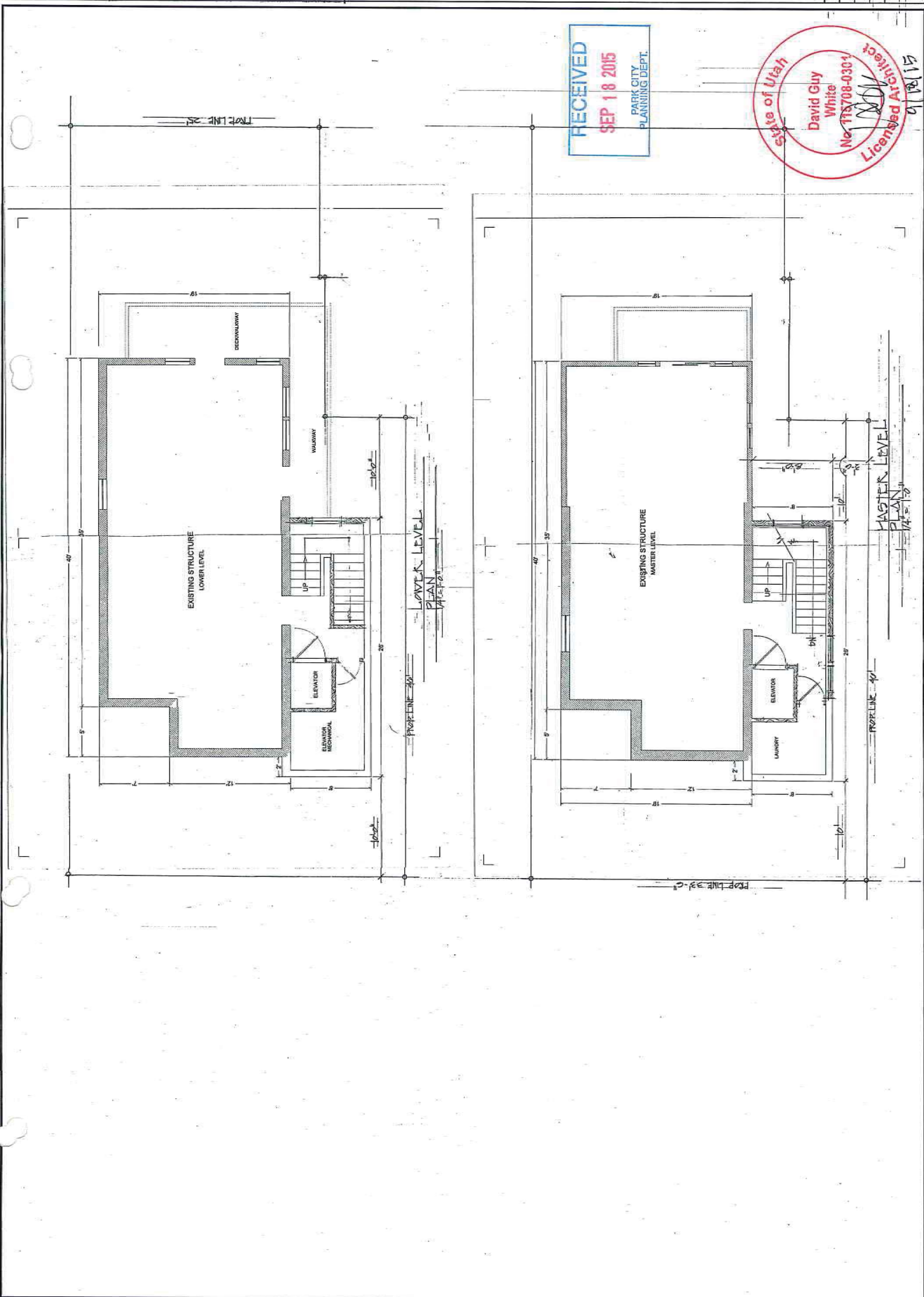
COVER SHEET		NEW ELEVATOR & STAIRWAY ADDITION PARK CITY, UTAH 84060	
DATE: 9/18/15		SCALE: N/A	
DRAWN BY: SAM		JOB: 347 ONTARIO	
SHEET:		A-0	
OF SHEETS			
DAVID G. WHITE ARCHITECT P.O. BOX 1313 - 2703 ESTATES DRIVE PARK CITY, UTAH 84060 (801) 649-8379			
REVISIONS:	BY		

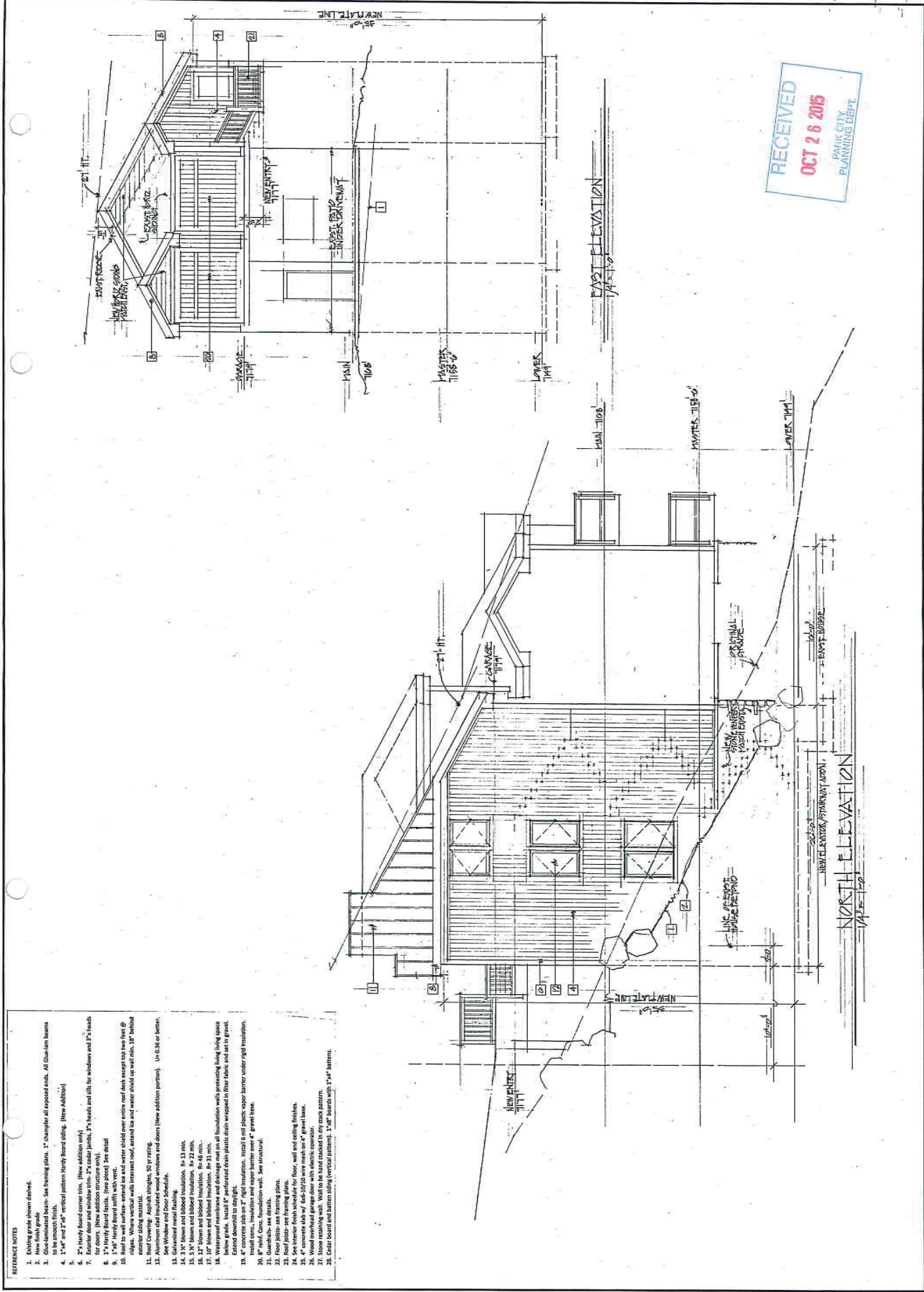




RECEIVED
 SEP 18 2015
 PARK CITY
 PLANNING DEPT.

State of Utah
 David Guy White
 No. 178708-0301
 Licensed Architect





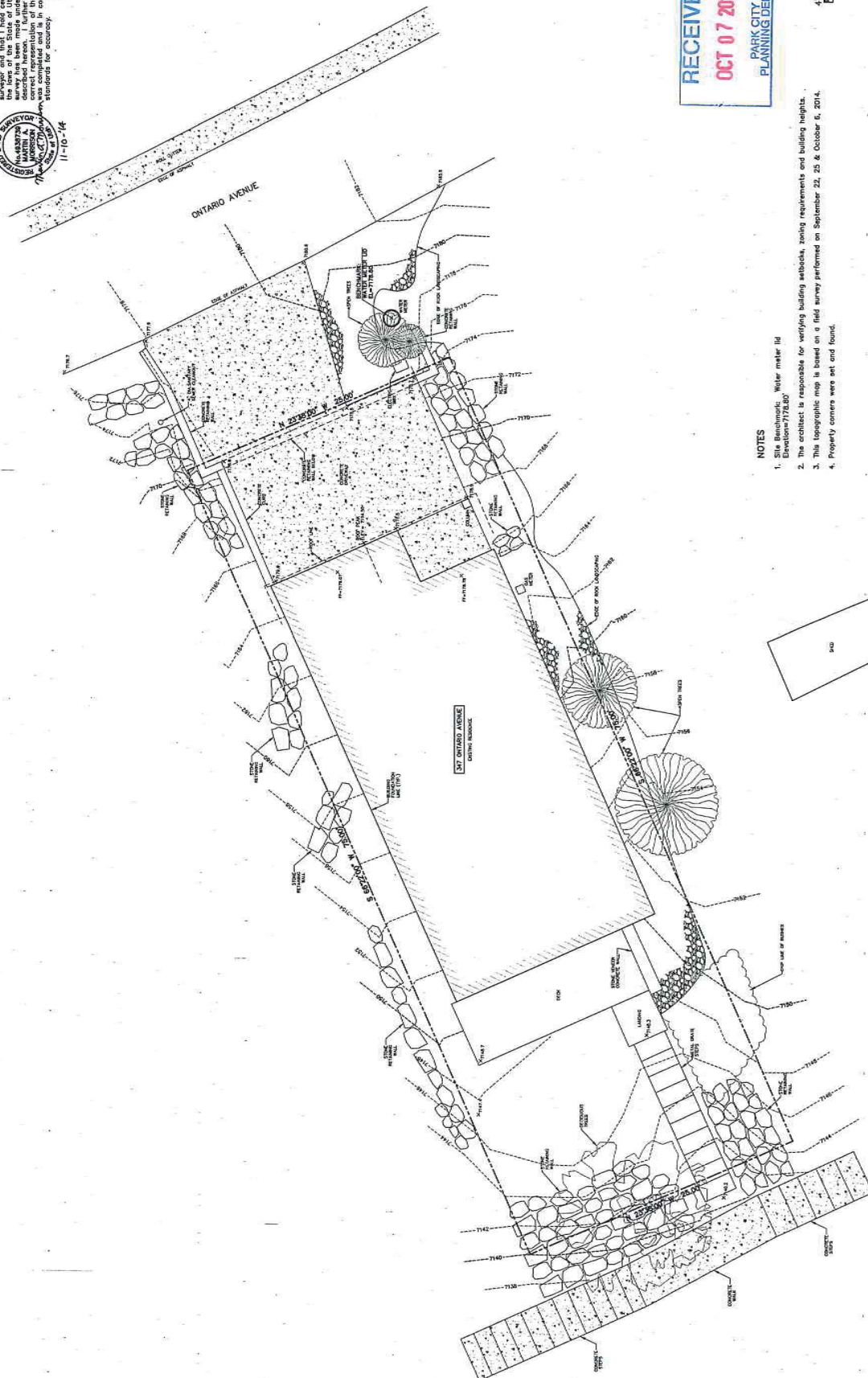




RECEIVED
SEP 18 2015
PARK CITY
PLANNING DEPT.

SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 45357/20 as prescribed under the Survey Act, R.S.O. 1990, Chapter S.5, and that the survey shown on this map has been made under my direction or supervision and that the map is a correct representation of the land and the survey thereon. This map was completed and is in compliance with generally accepted industry standards for accuracy.



NOTES

1. Site Benchmark: Water meter lid
Elevation=7178.80'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on September 22, 25 & October 6, 2014.
4. Property corners were set and found.



STAFF:
L. KING
M. MORRISON
J. MITCHELL

DATE: 11/10/14

EXISTING CONDITIONS & TOPOGRAPHIC MAP
347 ONTARIO AVENUE
BLOCK 54, LOT 20, PARK CITY SURVEY
FOR: MIKE STEWART

JOB NO.: 5-8-14
FILE: X:\ParkCitySurvey\Map\topo01A\050914.dwg

SHEET
1
OF
1

SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 493873, as prescribed by the laws of the State of Utah, and that by this certificate I am authorized to perform the duties of a Surveyor. I have surveyed the above described tract of land and have found that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.



BOUNDARY DESCRIPTION

Parcel 1:
Lots 18 and 19, Block 54, Park City Survey, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

Parcel 2:
All of Lot 20, Block 54, Park City Survey, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Ontario, LLC, as to PARCEL 1, the undersigned owner of the herein described tract of land to be known hereafter as ONTARIO THREE PLAT, hereby dedicates and consents to record this Plat Amendment to be prepared and does hereby consent to the recordation of this Plat.

WILLIAM E. McKEOWN, Manager
Ontario, LLC

ACKNOWLEDGMENT

State of Utah
County of Summit

On this 26th day of June, 2015, William E. McKeown personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, he testified that he is the owner of the above described tract of land, and that he signed the above Owner's Dedication and Consent to Record and that he executed this Plat Amendment to be prepared and does hereby consent to the recordation of this Plat.

William E. McKeown
Signature

A Notary Public commissioned in Summit County
Printed Name: Teri Elstrom

Residing in: Summit County

My commission expires: March 19, 2016



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Michael R. Stewart, as to PARCEL 2, the owner of the herein described tract of land, to be known hereafter as ONTARIO THREE PLAT, hereby dedicates and consents to record this Plat Amendment to be prepared and does hereby consent to the recordation of this Plat.

Michael R. Stewart
Signature

ACKNOWLEDGMENT

State of Utah
County of Summit

On this 26th day of June, 2015, Michael R. Stewart personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, he testified that he is the owner of the above described tract of land, and that he signed the above Owner's Dedication and Consent to Record and that he executed this Plat Amendment to be prepared and does hereby consent to the recordation of this Plat.

Michael R. Stewart
Signature

A Notary Public commissioned in Summit County
Printed Name: Teri Elstrom

Residing in: Summit County

My commission expires: March 19, 2016



NOTES

1. See recorded survey S-4575 for survey details.
2. This subdivision is subject to the Conditions of Approval in Ordinance No. 15-07.
3. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit application.

LINE	BEARING	DISTANCE	AREA
1	S 23°36'00" E	75.00	0.00
2	N 23°36'00" W	75.00	0.00
3	S 23°36'00" E	75.00	0.00
4	N 23°36'00" W	75.00	0.00



ONTARIO THREE PLAT AMENDMENT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

CONSIDER THE LAND PLANNERS' REPORT DATE: <u>July 1, 2015</u> BY: <u>[Signature]</u> BY: <u>S.B.W.R.D.</u>	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>1st</u> DAY OF <u>July</u>, 2015 BY: <u>[Signature]</u> BY: <u>[Signature]</u>	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS <u>11th</u> DAY OF <u>February</u>, 2015 BY: <u>[Signature]</u> BY: <u>[Signature]</u>	ENGINEER'S CERTIFICATE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE, THIS <u>20th</u> DAY OF <u>July</u>, 2015 BY: <u>[Signature]</u> BY: <u>[Signature]</u>	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>11th</u> DAY OF <u>July</u>, 2015 BY: <u>[Signature]</u> BY: <u>[Signature]</u>	CERTIFICATE OF ATTEST I, CLERK OF THE RECORD OF SURVEY, have examined the foregoing plat and find it to conform to the laws of the State of Utah, and I hereby certify that the same is a true and correct copy of the original as filed in my office, this <u>16th</u> day of <u>July</u>, 2015. BY: <u>[Signature]</u> BY: <u>[Signature]</u>	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 5TH DAY OF MARCH, 2015 BY: <u>[Signature]</u> BY: <u>[Signature]</u>	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>HIGHLAND TITLE</u> DATE: <u>7/1/15</u> TIME: <u>10:14 AM</u> ENTRY NO. <u>1023707</u> 32# FILE NO. <u>CR-1023707-32#</u>
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347 & 355 Ontario Avenue looking west



347 Ontario Avenue looking west



347 & 355 Ontario Avenue looking north



355 Ontario Avenue looking east



Planning Commission Staff Report

PLANNING DEPARTMENT

Subject: 823 Norfolk Avenue Plat Amendment
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-15-02996
Date: December 9, 2015
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 823 Norfolk Plat Amendment located at the same address and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: Jeremy Sheppe
Location: 823 Norfolk Avenue
Zoning: Historic Residential-1 (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

The site known as 823 Norfolk Avenue consists of all of Lots 5 and 6 and a portion of Lot 7, Block 14, Snyder's Addition to the Park City. The property owner requests to combine his property into one (1) lot of record. A historic structure sits over Lots 5, 6, and 7. The entire site contains a total area of 3,925.25 square feet.

Background

On November 4, 2015, the City received a completed Plat Amendment application for the 823 Norfolk Plat Amendment. The property is located at the same address. The property is in the Historic Residential (HR-1) District. The subject property consists of all of Lots 5 and 6 and a portion of Lot 7 of Block 14, Snyder's Addition to Park City. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as a Landmark Site. The property was built circa 1901 during the Mature Mining Historic Era (1894-1930). The historic structure was built over two (2) property lines.

The Historic Site Inventory (HSI) form identifies both the historic house along Norfolk Avenue and a historic shed along Crescent Tram. The HSI form acknowledges that the shed structure was likely constructed in 1911. It is unclear when this shed was connected to the historic house, but the craftsmanship of the addition predates the 1980s. There is also a free-standing shed in the southwest corner of the property along Crescent Tram. This is a modern addition to the site as the shed is constructed of new

building materials; it is believed that the shed was likely used for the bicycle repair shop that operated on the site from approximately 2005-2008.

Per City records, the last building permit for this site was issued in 1997 for a re-roof of the house.

The current owners submitted a Historic District Design Review (HDDR) Pre-Application in August 2015 to discuss renovation options for this historic property. The applicant has not yet submitted a HDDR application for the improvements, but has chosen to move forward with the plat amendment in order to make future site improvements.

Purpose

The purpose of the HR-1 District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Analysis

The proposed Plat Amendment creates one (1) lot of record from the existing three (3) lots. The Plat Amendment removes two (2) interior lot lines going through the historic structure. The proposed Plat Amendment combines the property into one (1) lot measuring 3,925 square feet. The site contains two (2) Old Town lots, identified as lots 5 and 6 of Block 14, and one (1) remnant parcel, approximately a 3 foot by 77.91 foot segment of Lot 7.

A single-family dwelling is an allowed use in the HR-1 District. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lot meets the minimum lot area for single-family dwellings. The proposed lot width is 50.01 feet. The minimum lot width required in the HR-1 District is twenty-five feet (25'); the proposed lot meets the minimum lot width requirement. The following table shows applicable Land Management Code (LMC) development parameters in the HR-1 District:

Required	Existing	Permitted
Lot size	3,925.25 SF	1,875 square feet minimum <i>Complies</i>
Allowed Footprint	1,830 square feet (Including house and 2 sheds)	1,574.15 square feet, maximum. <i>Existing non- complying condition.</i>

Front/rear yard setbacks	15 feet front yard (Norfolk), 0 feet rear yard (Crescent Tram)	12 feet, for total of 25 feet Complies¹
Side yard setbacks	2 feet (north), 9 feet (south)	5 feet, minimum for total of 14 feet. Complies¹

¹LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.

The maximum building footprint of structures located on a lot is regulated by the footprint formula found in the LMC. The formula is determined by the size of the lot. The current building footprint is approximately 1,830 square feet. The proposed lot area (3,925.25 square feet) yields a maximum footprint of 1,574.15 square feet. The existing historic house is over footprint. In reviewing the development of the house, it appears that the majority of this footprint was developed during the historic period with the construction of numerous additions to the house as well as attaching the historic shed to the house. Only the non-historic shed has created additional footprint of 140 square feet of footprint on this property.

Given the existing setbacks of the historic house, the historical significance of its additions, and that the house is over footprint, it will be challenging for the applicant to build a large addition to the existing historic dwelling. Rather, staff is working with the applicant to eliminate the non-historic shed to decrease the degree of nonconformity that exists due to the footprint.

The submitted survey reveals that the historic c. 1911 shed along Crescent Tram encroaches over the rear property line and into the City right-of-way. Staff recommends that the property owner enter into an encroachment agreement with the City for this encroachment, per Condition of Approval #4. Staff has made the applicant aware of this encroachment and aware of applicable applications that would have to be resolved prior to any physical work involving the historic shed and house, i.e., a Historic District Design Review (HDDR) application.

In addition to the historic shed, other encroachments also exist on the site. There are two (2) stone retaining walls that encroach over the north and south property lines. There is also a concrete retaining wall that encroaches over the front property line into the City's right-of-way. On the southwest corner of the site, there are stone stairs and a concrete wall that appear to be constructed on the property line. Conditions of Approval #4 and #5 have been added to require that encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment agreements shall be provided.

The City Engineer will also require the applicant to grant two (2) – ten foot (10') snow storage easements along the front (Norfolk Avenue) and rear (Crescent Tram) property lines to address street frontages, per Condition of Approval #7.

Finally, the property backs up to Crescent Tram, a substandard street. The City Engineer will not permit drive access to 823 Norfolk via Crescent Tram, per Condition of Approval #8.

Good Cause

Staff finds good cause for this Plat Amendment as the two (2) interior lot lines running through the historic structure will be removed. Public snow storage and utility easements are provided on the lots.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 15-1-18.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

On November 25, 2015, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on November 21, 2015, according to requirements of the Land Management Code.

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the 823 Norfolk Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 823 Norfolk Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 823 Norfolk Plat Amendment.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking recommended action

Consequences of not taking the Planning Department's recommendation are that the Site would remain as is and the historic structure would sit over two (2) lot lines. The site would continue to maintain two lots and a partial lot.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the 823 Norfolk Plat Amendment located at the same address and consider forwarding a positive

recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)

Exhibit B – Survey

Exhibit C – County Tax Map

Exhibit D – Aerial Photographs with 500' Radius

Exhibit E– Site Photographs

Exhibit A – Draft Ordinance

Ordinance No. 15-XX

AN ORDINANCE APPROVING THE 823 NORFOLK AVENUE PLAT AMENDMENT LOCATED AT 823 NORFOLK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 823 Norfolk Avenue have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on November 25, 2015, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on November 21, 2015, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on December 9, 2015, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on December 9, 2015, forwarded a recommendation to the City Council; and,

WHEREAS, on January 7, 2016, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 823 Norfolk Avenue Plat Amendment.

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

SECTION 1. APPROVAL. The 823 Norfolk Avenue Plat Amendment, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 823 Norfolk Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lots 5 and 6 and a portion of Lot 7, Block 14, Snyder's Addition to Park City. The proposed plat amendment creates one (1) lot of record.
4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Landmark.
5. The Plat Amendment removes two (2) lot lines going through the historic structure.

6. The proposed Plat Amendment combines the property into one (1) lot measuring 3,925.25 square feet.
7. A single-family dwelling is an allowed use in the District.
8. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings.
9. The proposed lot width is 50.01 feet along Norfolk Avenue and 50.00 along Crescent Tram; this property has two frontages.
10. The minimum lot width required is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement.
11. The maximum building footprint allowed based on proposed lot size is 1,574.15 square feet. The house, historic shed, and non-historic shed equate to a footprint of approximately 1,830. The historic structures are valid non-complying.
12. The minimum front/rear yard setbacks are twelve feet (12'). The minimum total front/rear yard setbacks are twenty-five feet (25').
13. The minimum side yard setbacks are five feet (5').
14. The existing historic structure does not meet the north side yard setback or the west rear yard setback along Crescent Tram. Per LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid non-complying structures.
15. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Norfolk Avenue and Crescent Tram frontages of the property.
4. The property owner shall resolve the historic shed encroachment over the rear property line and concrete stairs, concrete retaining wall, and stone retaining wall over the front property line into the City Right-of-Way (ROW) by entering into an encroachment agreement with the City Engineer.
5. The remaining stone retaining walls and stone steps encroaching over the north and south property lines into private property shall either be removed or the applicant

shall enter into an encroachment agreement with their neighbors for these improvements.

6. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
7. Ten foot (10') public snow storage easements shall be granted along the front and rear property lines on Norfolk Avenue and Crescent Tram.
8. No vehicular driveway access is permitted off of Crescent Tram.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 7th day of January, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

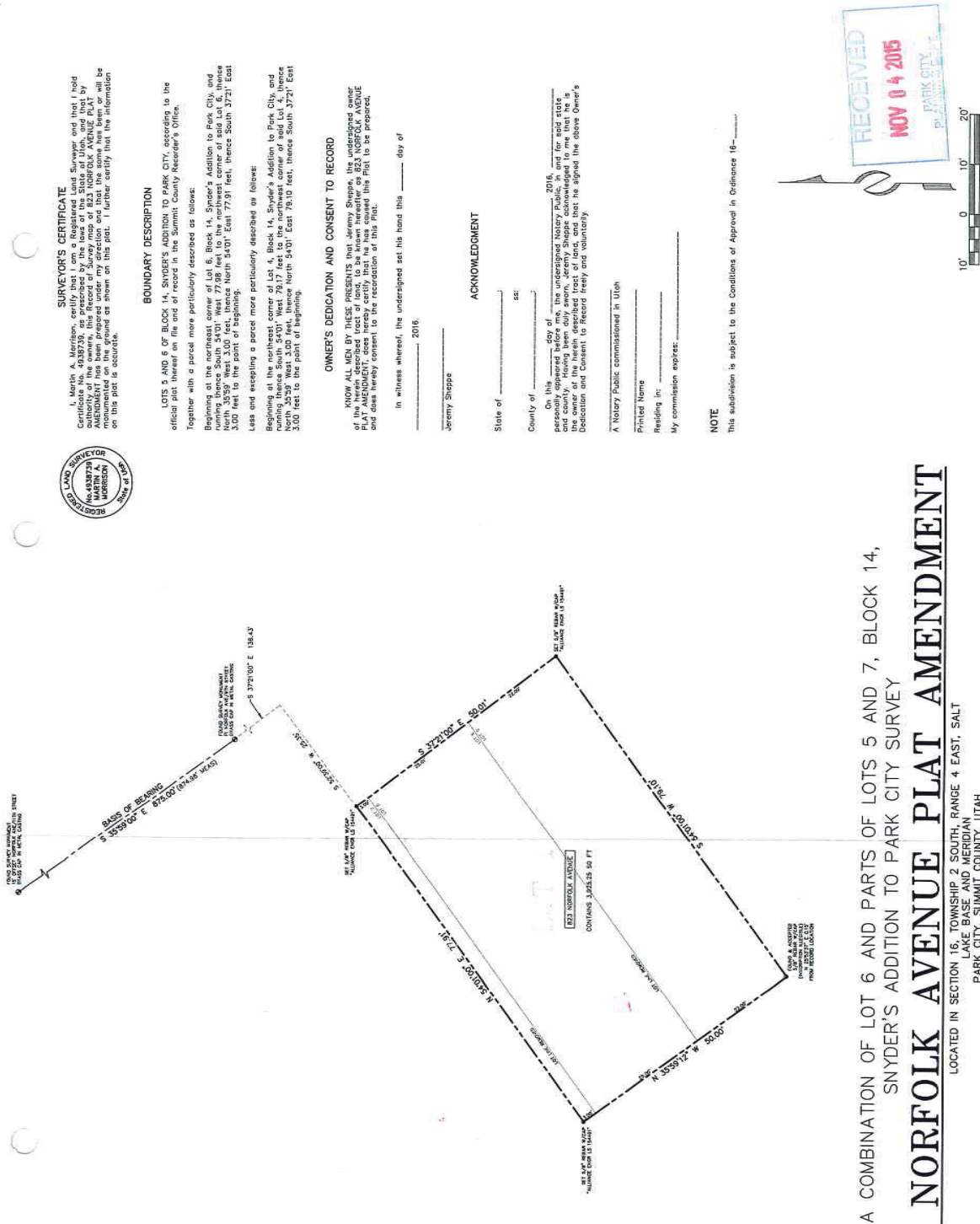
ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold authority of the owners, this record of survey map of 823 NORFOLK AVENUE PLAT, by the Park City Planning Commission, has been prepared under my direction and that the same has been or will be monumented or otherwise shown on the plat. I further certify that the information on this plat is accurate.



BOUNDARY DESCRIPTION

LOTS 5 AND 6 OF BLOCK 14, SNYDER'S ADDITION TO PARK CITY, according to the official plat, recorded in the office of the Summit County Recorder's Office. Together with a parcel more particularly described as follows: Beginning at the northeast corner of Lot 6, Block 14, Snyder's Addition to Park City, and running North 35°59'00" West 3.00 feet, thence North 54°01' East 77.71 feet, thence South 37°21' East 3.00 feet to the point of beginning. Less and excepting a parcel more particularly described as follows: Beginning at the northeast corner of Lot 4, Block 14, Snyder's Addition to Park City, and running thence South 54°01' West 78.17 feet to the northwest corner of said Lot 4, thence North 35°59' West 3.00 feet, thence North 54°01' East 78.10 feet, thence South 37°21' East 3.00 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Jeremy Sheppe, the undersigned owner of the herein described tract of land, to be known hereafter as 823 NORFOLK AVENUE, do hereby consent to the recording of this Plat.

In witness whereof, the undersigned set his hand this ____ day of _____, 2016.

Jeremy Sheppe

ACKNOWLEDGMENT

State of _____

County of _____

On this ____ day of _____, 2016, personally appeared before me, the undersigned Notary Public, in and for said state the owner of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name _____

Residing in _____

My commission expires _____

NOTE

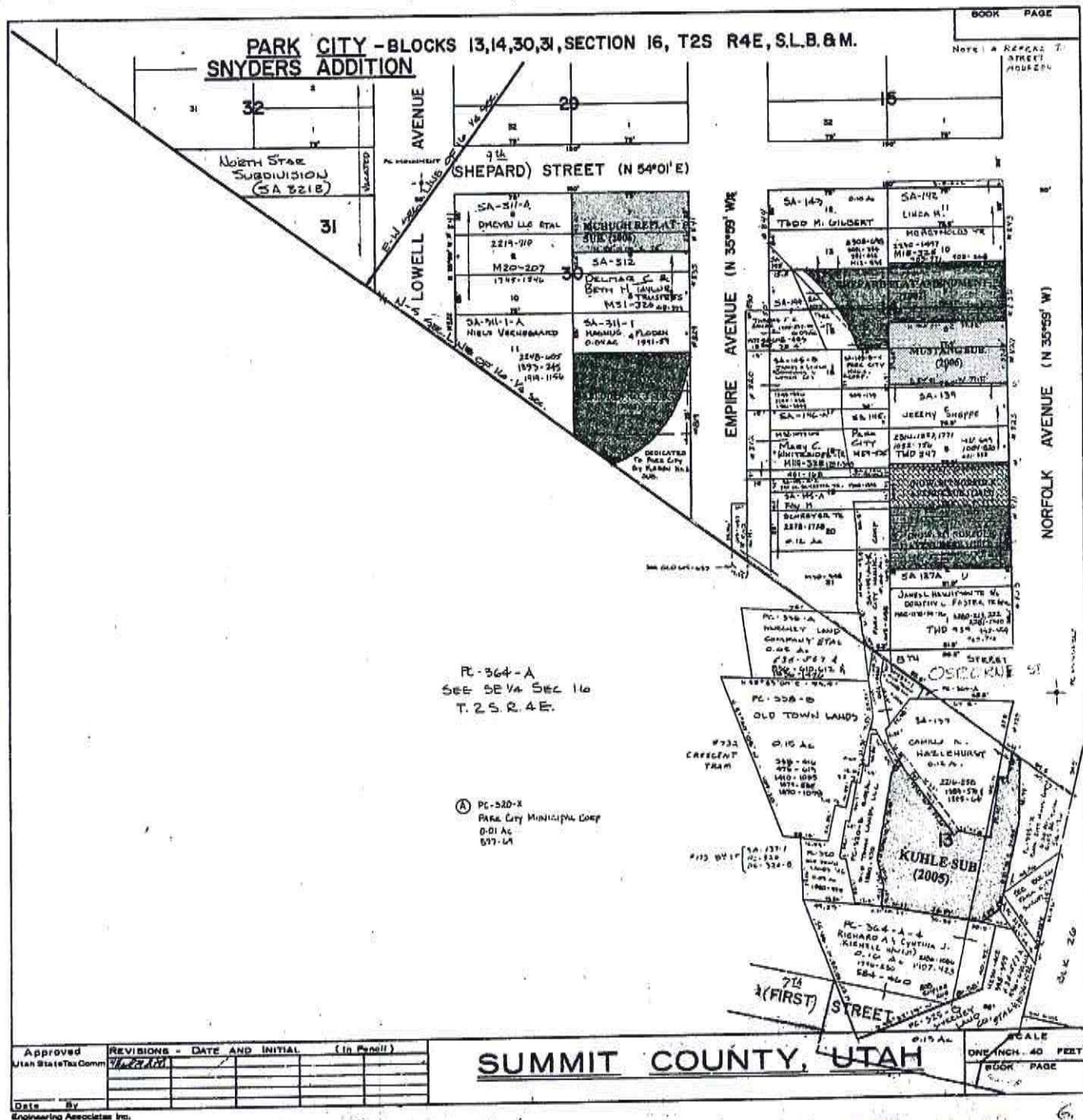
This submission is subject to the Conditions of Approval in Ordinance 16-_____.

A COMBINATION OF LOT 6 AND PARTS OF LOTS 5 AND 7, BLOCK 14, SNYDER'S ADDITION TO PARK CITY SURVEY

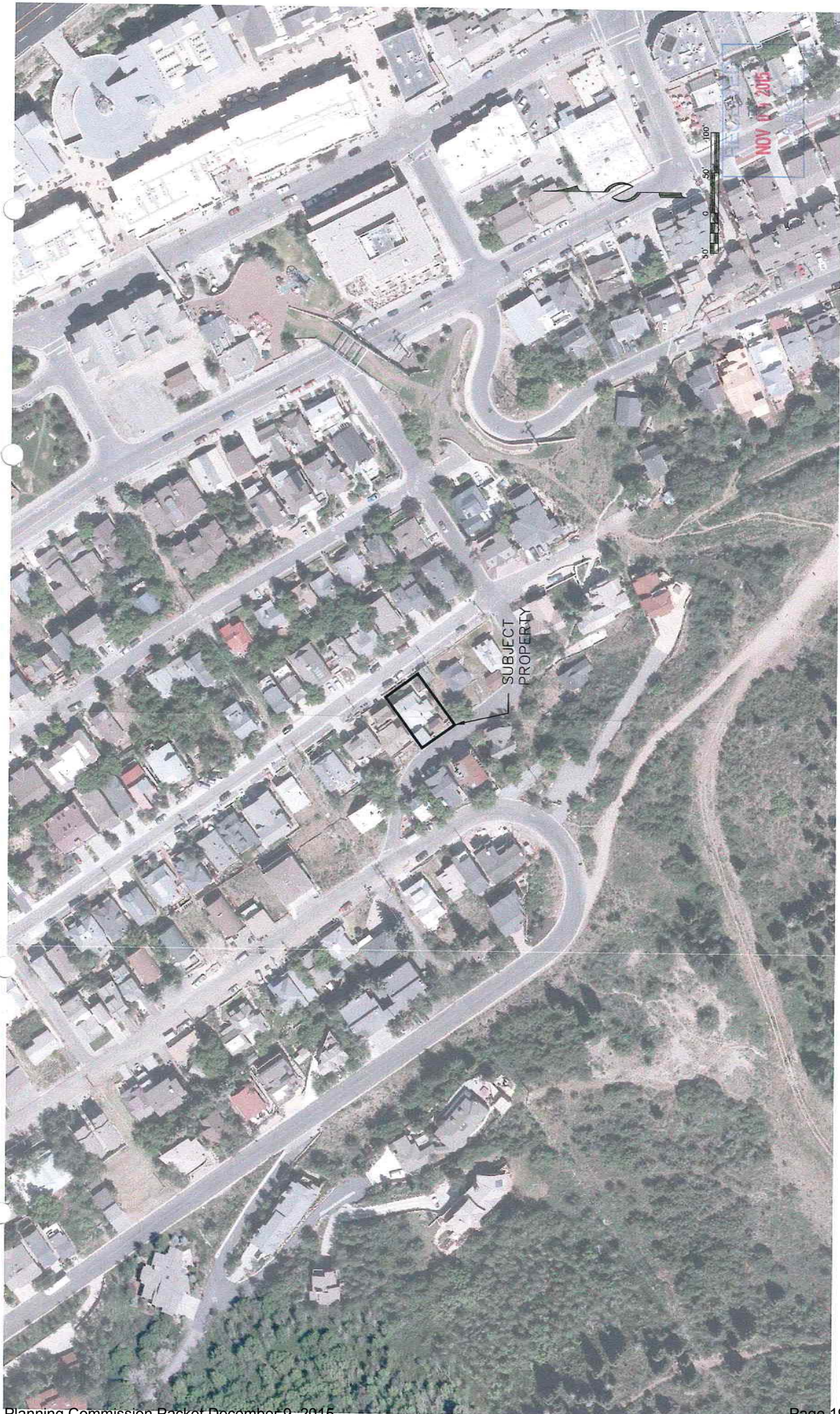
823 NORFOLK AVENUE PLAT AMENDMENT

LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

FILE: X:\Survey\44\011\A\Map\14\00015\000713.dwg JOB NO.: 8-2-15 SHEET 1 OF 1	
RECEIVED NOV 04 2015 PARK CITY, UTAH PLANNING COMMISSION	10' 0' 10' 20'
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016	REVIEWED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016
FILED IN MY OFFICE THIS _____ DAY OF _____, 2016	FILED IN MY OFFICE THIS _____ DAY OF _____, 2016
APPROVED AS TO FORM THIS _____ DAY OF _____, 2016	APPROVED AS TO FORM THIS _____ DAY OF _____, 2016
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016	COUNCIL APPROVAL AND ACCEPTANCE
CERTIFICATE OF ATTEST I, _____, CLERK OF THE CITY OF PARK CITY, DO HEREBY CERTIFY THAT THIS RECORD OF SURVEY WAS FILED BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016.	CERTIFICATE OF ATTEST I, _____, CLERK OF THE CITY OF PARK CITY, DO HEREBY CERTIFY THAT THIS RECORD OF SURVEY WAS FILED BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016.



RECEIVED
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PARK CITY
PLANNING DEPT.



	STAFF: MARSHALL KING JERRY SHEPPE JESSE MORENO	SHEET 1 OF 1
	AERIAL PHOTOGRAPH 823 NORFOLK AVENUE BLOCK 14, SNYDER'S ADDITION	
	FOR: JERRY SHEPPE JOB NO. 15-0000000000	
	FILE: K:\SnyderAddition\Aerial\ExhibitD\823 aerial graphic-ortho.dwg DATE: 10/21/15	



823 Norfolk Avenue looking southeasterly





823 Norfolk Avenue looking westerly





823 Norfolk Avenue looking westerly





823 Norfolk Avenue looking easterly



Planning Commission Staff Report



PLANNING DEPARTMENT

Application: PL-15-02810
Subject: Land Management Code Amendments- vertical zoning
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Date: December 9, 2015
Type of Item: Legislative

Summary Recommendation

Staff recommends the Planning Commission conduct a public hearing, consider public input, and consider forwarding a positive recommendation to City Council on Land Management Code Amendments (LMC) to Zoning Chapters 2.5 (Historic Recreation Commercial (HRC)) and 2.6 (Historic Commercial Business (HCB)), as well as Chapter 15 (Definitions), according to the findings of fact and conclusions of law outlined in the draft Ordinance.

Executive Summary

Proposed amendments include:

- 1) Amend the table of Uses in both Chapters 2.5 (HRC) and 2.6 (HCB) for Allowed and Conditional Uses to indicate additional uses that are not allowed within Storefront Property in these Zoning Districts.
- 2) Include language that is proactive for new construction to provide Storefront Property adjacent to Main Street, Heber Avenue, and Park Avenue in areas where the vertical zoning regulations apply, exclusive of Swede Alley where staff finds that additional study is needed before making such a recommendation.
- 3) Revise the definition of Storefront Property to make it clearer where the vertical zoning regulations apply.

Vertical zoning is a planning tool or technique that regulates the location of uses vertically within a building or site. It is desirable in downtown business districts to reserve the street level for the highest activity and revenue generating uses, such as retail shops, restaurants, bars, galleries, and similar uses. Office and residential uses are allowed on the upper floors and in basement areas.

The purpose of these LMC amendments is to clarify existing language and definitions in the Code and to provide additional regulations regarding the types of uses subject to the restrictions. These amendments expand the list of prohibited uses within Storefront Properties, clarify the definition of Storefront Property, and identify property that is subject to these regulations, as redlined and attached in Exhibits A-C.

Description

Project Name: LMC Amendments related to vertical zoning for Chapter 2.5 Historic Recreation Commercial (HRC), Chapter 2.6 Historic Commercial Business (HCB), and Chapter 15 Defined Terms

Approximate Location: Historic Main Street and Lower Main Street business district, Swede Alley, Heber Avenue, and Park Avenue (HRC Zoned properties located on the east side of Park Avenue south of Ninth Street)

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

Background

On August 30, 2007, the City Council adopted an Ordinance (07-55) amending the Land Management Code (LMC) to prohibit office, residential, private event space, and other non-retail/non-restaurant uses in Storefront Property within the HRC and HCB Zoning Districts. Storefront Property was a defined term added to LMC Chapter 15; Defined Terms (see Exhibit G for background Ordinance and meeting minutes as previously provided).

Prior to adoption of the 2007 Ordinance the Planning Commission and City Council met in Joint Sessions on April 5th and May 9th 2007 to discuss the concept of vertical zoning regulations. There was lengthy discussion at the Planning Commission meetings on June 13th and June 27th 2007. The Commission ultimately forwarded a positive recommendation to City Council in favor of the amendments memorialized in Ordinance 07-55. The Council reviewed the Ordinance and conducted public hearings on August 2nd and August 9th, and adopted the vertical zoning regulations on August 30th, 2007. See attached Exhibits D and F for previous Planning Commission and City Council meeting minutes.

When the 2007 Ordinance was originally adopted the focus was to encourage retail and restaurant uses to be the predominant uses in Storefront properties along Main Street. The focus was to guide those uses that are more consistent with the resort nature of Park City to street level storefronts and to direct other complementary uses (primarily offices and non-retail uses) to locate on second or third stories or to other areas within Park City.

From review of minutes of previous meetings on this issue it appears that the excluded areas on lower Main Street, generally the addresses of the Summit Watch project, are properties that were not directly and physically adjacent to Main Street or had other physical constraints in terms of access, window location, and/or orientation. The minutes seem to indicate that these properties were thought to be of secondary concern at that time, eight (8) years ago (see attached Exhibit E for a map of the HRC and HCB Zoning Districts and excluded addresses), which is why they were excluded.

On June 24, 2015, Staff presented for public hearing and Planning Commission discussion, amendments to the existing LMC language to expand the reach of the Vertical Zoning Ordinance to lower Main Street and to include Storefront Property adjacent to Private Plazas (defined term in the LMC- See Exhibit C) as a way to strengthen the Ordinance and to increase the vibrancy of these areas.

Based on further study of the area and input from local businesses, property owners, representatives from the Historic Park City Alliance (HPCA), as well as discussion by the Planning Commission, Staff does not recommend imposing additional restrictions on uses that can occur within Storefronts facing the Private Plazas north of Heber Avenue. Staff does not propose removing the current excluded addresses at this time and recommends further study of this issue in three to five years, or earlier if warranted.

Planning Commission meeting of October 14, 2015

On October 14, 2015, Staff presented revisions to the initial proposal, to exclude Storefront property that fronts onto Public Plazas, as well as Storefront property on the entire west side of Park Avenue (within the HRC Zoning District) as well as on the east side of Park Avenue north of 8th Street. Planning Commission conducted a public hearing and continued the item to November 11, 2015 (see Exhibit F for minutes).

The Commission provided the following input at the October 14th meeting (*Staff comments in italics*):

- The Commission discussed the private plaza issue and was generally in agreement regarding Staff's recommendation to not amend the regulations to include Properties that front on Private Plazas and to maintain the current exclusion for Properties within the Summit Watch project. The Commission generally agreed to re-visit this issue in 3 to 5 years, or earlier as warranted by additional activity and demonstrated viability of commercial uses in these areas. *The proposed LMC Amendments maintain the existing exclusion for certain addresses within the Summit Watch project that front on the interior private plaza, or are located above the Main Street level.*
- There was discussion about excluding the west side of Park Avenue north of Heber Avenue and general agreement that for now, this area, which is primarily historic residential properties, should be excluded from the vertical zoning regulations. *The proposed LMC Amendments continue to exclude the west side of Park Avenue. Staff finds that this area is a transitional area between HR-1 and HRC and excluding this area helps soften this transition.*
- The Commission discussed the proposal to exclude the east side of Park Avenue, north of 8th Street (generally at the ski bridge). Staff's previous recommendation would exclude two properties, 1) 820 Park Avenue CUP currently under construction on the "Rio Grande" lot and 2) the location of the current Happy Sumo restaurant that is within the Sweeney Properties Master Planned Development (MPD). *Staff reviewed the 820 Park Avenue CUP and determined that a real estate office use was approved adjacent to Park Avenue.*

Staff reviewed the Sweeney Properties MPD and did not discover an agreement that specifically required or allowed non-commercial uses along Park Avenue. To avoid a conflict of agreements Staff now recommends that the 820 Park Avenue address be excluded from these regulations, but that the Sweeney Town Lift Storefront Properties, including the Happy Sumo space on Park Avenue and the at street grade Storefronts on Main Street be included within the regulated area. Staff also recommends that the 875 Main Street building be excluded, primarily because the only commercial spaces are situated above Main Street.

- *The Commission discussed the issue of dark storefronts and whether the non-conforming use clause of “abandonment for a period of one year” could be shortened to 6 months or less. Legal advised that the one year timeframe is dictated by the State Code regarding non-conforming uses and recommended maintaining the one year abandonment clause.*
- *The Commission discussed private event space and requested Staff provide definitions to clarify the proposed regulation of private event space as it relates to the vertical zoning regulations. Staff has now included definitions for Private Event as well as for Private Event Facility to differentiate between activity within a Storefront Property that is primarily used for Private Events versus a Restaurant or Retail Storefront Property where a Private Event might occur for a limited duration, such as a private party within a restaurant, gallery, or retail space. Private Event Facility is added to the Use list and footnoted to be excluded from Storefront Property. Unless a Private Event is a Special Event or is part of a Master Festival License, a conditional use is not required. Therefore a restaurant or gallery that closes for a private party would not be required to obtain a conditional use permit, and would still have to meet all applicable Building and Fire Codes.*
- *The Commission was generally in agreement that the proposed LMC amendments were consistent with the goals and objectives of the General Plan.*

Public input received at the October 14, 2015 meeting included concerns about restricting Storefronts adjacent to private plazas as well as a reiteration of concerns about Main Street storefronts used primarily for private events during Sundance or other Special Events. There was also a concern raised about the vertical zoning applying to Storefronts that are within 50' of the street edge and a concern that a building would be constructed with a greater than 50' setback to avoid the vertical zoning regulations.

Staff reviewed the lot dimensions of properties subject to vertical zoning and for the most part, incorporating a 50' setback (to avoid the vertical zoning regulations) would 1) not be consistent with the Historic District Design Guidelines which require construction to match the historic rhythm and scale of buildings with Storefronts at the street/sidewalk edge and 2) leave approximately 25' of lot depth to construct a building, which is an unlikely scenario within this business district. The 50' language was included in the original Ordinance to ensure that all Storefront Property within 50' of the Street was included in the regulations, e.g. this would include Storefronts from 0' to 50' from the Street.

On November 11th, Staff requested the Commission continue the public hearing to November 17th to allow Staff time to finalize the language. The November 17th meeting was cancelled. The item was re-noticed for the December 9th meeting according to requirements of the LMC.

General Plan

The LMC implements goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for residents and visitors and to preserve the community's unique character and values. These proposed LMC amendments were reviewed for consistency with the recently adopted Park City General Plan.

Specifically, the General Plan includes Goal 16 that states, "Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors." Objective 16B states, "Limit uses within the first story of buildings along Main Street to retail and restaurant establishments that are inviting to the passing pedestrian. Uses that should be discouraged include office space, real estate show rooms, parking, etc." Implementation Strategy 16.10 states, "Re-examine the City's existing Vertical Zoning Ordinance that requires commercial retail shops along Main Street; consider strengthening the Ordinance."

Additionally, the City's Economic Development Strategic Plan includes goals related to maintaining and improving a balance of Sustainable Community goals by going beyond economic initiatives to include social and environmental strategies and by protecting and preserving the historic Main Street downtown area as the heart of the region. The long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the historic Main Street area. Uses that are not inviting to the general public, both residents and tourists, have a negative effect upon the overall economy and vitality of the historic downtown area in terms of satisfaction of visitor experience, diversity of visitors, activity on the street, and sales tax revenue generation.

These proposed LMC Amendments clarify and strengthen existing regulations to specifically address the City's adopted goals and strategies. These amendments proactively direct uses that have a more positive impact upon the economic and social vitality and activity level of the street, to street level Storefronts. Upper level spaces within the district can accommodate office and residential uses to create a more diverse, synergetic mix of uses in the historic Main Street business district.

In re-evaluating the existing exemptions from the vertical zoning regulations in the lower Main Street and Park Avenue areas, Staff concurs that general office uses and other non-retail uses in these buildings can also provide activity and vitality for the downtown area, and as suggested by the General Plan, to the plaza areas that continue to be more challenging for retail uses. The lower plaza between the two northern most Summit Watch Buildings is one such example (see Exhibit E).

Analysis of Proposed LMC Amendments

1) Amend the table of Uses in Chapters 2.5 and 2.6 for both Allowed Uses and Conditional Uses to indicate additional Uses that are prohibited from being located within Storefront Property in these Zoning Districts. This restricts residential uses, parking, and private event facilities from locating within Storefront Property. Special events, conducted within a Storefront would still be subject to an MFL or Special Event permit for the duration of the event.

2) Include language in the HRC and HCB Zoning Districts to require Storefront Property adjacent to Main Street, Heber Avenue, and Park Avenue when new construction adds floor area. This regulation would not apply to Swede Alley at this time, as Staff believes that a separate study of properties and buildings that front on Swede Alley needs to be conducted first.

3) Revise the definition of Storefront Property to make it clearer where these vertical zoning regulations apply.

Existing uses that conflict with the adoption of these amendments would be considered legal non-conforming uses that could remain provided the use remains active and is not abandoned for a period of greater than one year. Non-conforming uses are regulated by the LMC according to Chapter 9. Staff finds that a six (6) month abandonment period for a non-conforming use conflicts with State Code and recommends for consistency that the one-year abandonment period remain as currently written in the LMC.

1. Chapter 2.5 Historic Recreation Commercial (HRC) (See Exhibit A for all redlined changes to Chapter 2.5. See Exhibit E for a map of the HRC Zoning District)

Staff proposes that all parking and residential uses (single family, duplex, triplex, multi-unit dwelling, guest house, secondary living quarters, group care facility, lock out units, accessory apartments, bed and breakfast inns, minor hotels, and boarding houses) be identified with a footnote to indicate that these uses are not allowed in Storefront Property, where the regulations apply. Hotels should be allowed with qualifying language that the Hotel rooms shall not be located in Storefront Property but limited area for lobbies and circulation area should be permitted.

Staff recommends that Private Event Facilities be subject to the vertical zoning regulations and prohibited in Storefront Property where the regulations apply. Staff recommends adding a definition of Private Event Facility, as well as Private Event, to Chapter 15 to clarify that these are facilities where the primary use is for Private Events that are closed to the general public or that may require an invitation and/or fee for entry. This definition would not include restaurants, bars, galleries, and other retail space that occasionally hold private events but where the primary use of the Storefront Property is for a use other than as a Private Event Facility.

In the foot-note language the following changes are proposed:

Prohibited in HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue, and Park Avenue, excluding those HRC Zoned Properties on the west side of Park Avenue and also excluding those HRC Zoned Properties ~~storefronts adjacent to the Main Street, Swede Alley, Heber Avenue or Park Avenue Rights-of-Way, excluding those HRC zoned Areas north of 8th Street; excluding without limitation, with the following~~ addresses: ~~contained within the following Buildings:~~ 820 Park Avenue, 702 Main Street, 710 Main Street, 738 Main (for the plaza side storefronts), 780 Main Street, 804 Main Street, 875 Main Street, 890 Main Street, and 900 Main Street. Hotel rooms shall not be located within Storefront Property however; access, circulation, and limited lobby areas are permitted within Storefront Property.

Staff requests discussion regarding the revised language from the previous proposal to exclude HRC Zoned Properties on the East Side of Park Avenue north of 8th Street to the current proposed language to exclude only 820 Park Avenue. This is due to an approved Conditional Use Permit at 820 Park Avenue that allowed an office use within Storefront Property adjacent to Park Avenue. The Sweeney MPD Coalition East parcel (Sweeney Town Lift property) is currently proposed to be within the regulated area, including the Happy Sumo space on Park Avenue and the street level storefronts on Main Street. Also excluded are the currently excluded Summit Watch addresses plus the 875 Main Street building due to physical separation from the street. **Does the Commission agree that 820 Park Avenue should be excluded or should it be included and then the approved office space would be a non-conforming use? Should “limited lobby area” be further defined?**

Staff requests discussion regarding the following proposed language that proactively requires Storefront Property to be provided adjacent to Main Street, Heber Avenue, and the east side of Park Avenue for new construction that adds floor area. **Staff requests discussion as to whether this should be any floor area amount or an increase of 5% or 10% or more? Should this requirement apply only to the area being added onto or the entire Property or Project?** Staff proposes to add this language to 15-2.5-3 Lot and Site Requirements:

(J) **Vertical Zoning.** For those Properties where vertical zoning regulations apply, Construction adding Floor Area to a Building or Lot shall include Storefront Property for a minimum of seventy-five percent (75%) of the width of the Building facade.

2. Chapter 2.6 Historic Commercial Business (HCB) (See Exhibit B for all redlined changes to Chapter 2.6. See Exhibit E for a map of the HCB Zoning District.)

Similar to Chapter 2.5, Staff proposes that all parking and residential uses (single family, duplex, triplex, multi-unit dwelling, guest house, secondary living quarters, group care facility, lock out units, accessory apartments, bed and breakfast inns, minor hotels, and boarding houses) should be identified with a footnote to be prohibited in Storefront Property where the regulations apply. Hotels should be allowed with qualifying language that the Hotel rooms shall not be located in Storefront Property but limited areas for lobbies and circulation area should be permitted.

Staff recommends that Private Event Facilities be subject to the vertical zoning regulations and prohibited in Storefront Property where the regulations apply. Staff recommends adding a definition of Private Event Facility, as well as Private Event, to Chapter 15 to clarify that these are facilities where the primary use is for Private Events that are closed to the general public or that may require an invitation and/or fee for entry. This definition would not include restaurants, bars, galleries, and other retail space that occasionally hold private events but where the primary use of the Storefront Property is for a use other than as a Private Event Facility.

In the foot-note language the following changes are proposed:

Prohibited in HCB Zoned storefronts-Storefront Property adjacent to the Main Street, Heber Avenue, Grant Avenue~~or~~ and Swede Alley ~~Rights-of-Way.~~ Hotel rooms shall not be located within Storefront Property however; access, circulation, and limited lobby areas are permitted within Storefront Property.

Staff requests discussion regarding the following proposed language that proactively requires Storefront Property to be provided adjacent to Main Street and Heber Avenue for new construction that adds floor area. Staff believes that additional study of Swede Alley properties is required and therefore recommends excluding Swede Alley properties from this added regulation at this time. Existing Swede Alley Storefront Property would continue to be subject to the Vertical Zoning use restrictions. Staff proposes to add this language to 15-2.6-3 Lot and Site Requirements:

(G) **Vertical Zoning.** For those Properties where vertical zoning regulations apply, construction adding Floor Area to a Building or Lot shall include Storefront Property for a minimum of seventy-five percent (75%) of the width of the building facade. **Exception.** This regulation does not apply to Buildings and Lots on Swede Alley.

3. Chapter 15 Defined Terms

The LMC currently includes two definitions for Storefront Property and Staff recommends deleting Storefront Property and amending Property, Storefront. Note that the Private Plaza definition is recommended because other sections of the code refer to Private Plazas but it is not currently a defined term and this seemed as good a time as any to add it.

STOREFRONT PROPERTY. See Property, Storefront.

~~A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term “fronts on a Public Street” shall mean a separately enclosed space, or unit with:~~

~~(1) — A window and/or entrance within fifty lateral/horizontal feet (50') of the back, inside building edge, of the public sidewalk; and~~

~~(2) — A window and/or entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street. In the case of split-level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street as set forth above shall be designated to be a “Storefront Property.” The Planning Director or their designee shall have the final determination of applicability.~~

PRIVATE EVENT. An event, gathering, party, or activity that is closed to the general public or that requires an invitation and/or fee to attend.

PRIVATE EVENT FACILITY. A facility where the primary Use is for staging, conducting, and holding Private Events.

PROPERTY. Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

(A) **Property, Storefront.** A separately enclosed space, Floor Area, tenant space, or unit that has a storefront window or storefront entrance that fronts on a Public Street. Storefront Property includes the entire Floor Area associated with the storefront window or storefront entrance that fronts on the Public Street. For purposes of this provision, the term “fronts on a Public Street” shall mean a separately enclosed space, Floor Area, tenant space or unit with:

(1) A storefront window and/or storefront entrance at the adjacent Public Street, or within fifty lateral/horizontal feet (50') of the adjacent Public Street measured from the edge of pavement to the storefront

window or storefront entrance back, inside building edge, of the public sidewalk; and

(2) A storefront window and/or storefront entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street and where such entrance is not a service or emergency entrance to the Building.

In the case of split-level, multi-level or multi-tenant Buildings with only one primary storefront entrance, only those fully enclosed spaces, Floor Areas, tenant spaces, or units that directly front on the Public Street, as set forth above, shall be designated as to be a "Storefront Property." The Planning Director or ~~their~~ designee shall have the final determination of applicability.

PRIVATE PLAZA. Private Property in excess of seven hundred and fifty (750) square feet that serves as common area to adjoining Commercial Development and is free of Structures and is hard surfaced and/or landscaped. Private Plazas generally provide an Area for pedestrian circulation, common amenities, and act as a gathering space for private or public purposes.

Notice

Legal notice of this public hearing was posted in the required public spaces and public notice websites on November 21, 2015 and published in the Park Record on the same date per requirements of the Land Management Code.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. Staff previously received public input from local business owners and the HPCA (see G) based on the previous proposed amendments.

Alternatives

- The Planning Commission may forward a positive recommendation to City Council on the proposed Land Management Code as presented or as amended at the meeting; or
- The Planning Commission may forward a negative recommendation to City Council to deny the proposed amendments; or
- The Planning Commission may continue the discussion to a date certain and provide direction to Staff regarding additional information, revisions, or analysis needed in order to take final action.

Significant Impacts

There are perceived positive financial impacts to the City that result from these proposed LMC amendments in that the intent of the vertical zoning ordinance is to

activate Park City's core Historic Commercial Area with vibrant retail and commercial activities.

Summary Recommendation

Staff recommends the Planning Commission conduct a public hearing, consider public input, and consider forwarding a positive recommendation to City Council on Land Management Code Amendments to Zoning Chapters 2.5 (HRC) and 2.6 (HCB), as well as Chapter 15 (Definitions), according to the findings of fact and conclusions of law outlined in the draft Ordinance.

Exhibits

Ordinance

Exhibit A – Chapter 2.5- Historic Recreation Commercial (HRC)

Exhibit B – Chapter 2.6- Historic Commercial Business (HCB)

Exhibit C – Chapter 15- Defined Terms

Exhibit D – Minutes of previous Planning Commission meetings (except 10.14.15)

Exhibit E – Maps identifying the HRC and HCB Districts

Exhibit F – Minutes of the 10.14.15 PC meeting

Exhibit G – Public Input

Exhibit H – Previous Ordinance and meeting minutes (07-55)

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 15-2.5 HISTORIC RECREATION COMMERCIAL (HRC) ZONING DISTRICT, CHAPTER 15-2.6 HISTORIC COMMERCIAL BUSINESS (HCB) ZONING DISTRICT, AND CHAPTER 15 DEFINED TERMS RELATING TO VERTICAL ZONING REGULATIONS PROHIBITING OFFICE, RESIDENTIAL, PARKING, PRIVATE EVENT FACILITIES, AND SIMILAR OR ASSOCIATED USES WITHIN STOREFRONT PROPERTY IN THE HISTORIC MAIN STREET DOWNTOWN AREA

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

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

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up; to address specific LMC issues raised by Staff, Planning Commission, and City Council; and to align the Code with the Council's goals; and

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Zoning Districts and finds this vibrancy to be essential to the City's long term economic and financial well-being; and

WHEREAS, these proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan.

WHEREAS, the Park City General Plan includes Goal 16 that states, "Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors." Objective 16B states, "Limit uses within the first story of buildings along Main Street to retail and restaurant establishments that are inviting to the passing pedestrian. Uses that should be discouraged include office space, real estate show rooms, parking, etc." Implementation Strategy 16.10 states, "Re-examine the City's existing Vertical Zoning Ordinance that requires commercial retail shops along Main Street; consider strengthening the Ordinance."

WHEREAS, Park City's Economic Development Plan encourages facilitation and establishment of more attractions and areas of interest for both visitors and residents, maintaining and improving the balance of Sustainable Community goals by going beyond economic initiatives to include social and environmental strategies; and

protection and preservation of the historic Main Street downtown area as the heart of the region; and

WHEREAS, in the HRC and HCB Zoning Districts, Uses located on the main level adjacent to the street, that are not inviting to the general public, may diminish the vibrancy, diversity, and activity of the historic Main Street area; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is critical to the attractiveness, vitality, and success of the historic Main Street downtown area; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the historic Main Street area; and

WHEREAS, in the HRC and HCB Districts, Uses that are not inviting to the general public may have a negative effect upon the overall economy and vitality of the historic downtown area in terms of satisfaction of visitor experience, diversity of visitors, activity on the street, and sales tax revenue generation; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on June 24th, July 22nd, August 26th, October 14th, November 11th, and December 9, 2015 and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on January 7, 2016; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area; to ensure compatible development; to preserve historic resources; and to preserve the community's unique character.

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

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.5 Historic Recreation Commercial (HRC) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.5 of the Land Management Code of Park City is hereby amended as redlined in Exhibit A.

SECTION 2. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.6 Historic Commercial Business (HCB) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.6 of the Land Management Code of Park City is hereby amended as redlined in Exhibit B.

SECTION 3. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15 Defined Terms. The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined in Exhibit C.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibits

Exhibit A – LMC Chapter 2.5 HRC Zoning District

Exhibit B – LMC Chapter 2.6 HCB Zoning District

Exhibit C – LMC Chapter 15- Defined Terms

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

The purpose of the Historic Recreation Commercial (HRC) District is to:

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate Density bed base at the Town Lift,

(G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,

(H) encourage preservation and rehabilitation of Historic Buildings and resources.

(I) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

(Amended by Ord. No. 07-55)

15-2.5-2. USES.

Uses in the HRC are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling⁵
- (2) Duplex Dwelling⁵
- (3) Secondary Living Quarters⁵

- (4) Lockout Unit^{1,5}
- (5) Accessory Apartment^{2,5}
- (6) Nightly Rental⁵
- (7) Home Occupation⁵
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family³
- (10) Child Care, Family Group³
- (11) Child Care Center³
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn^{4,5}
- (16) Boarding House, Hostel⁵
- (17) Hotel, Minor, fewer than 16 rooms⁵
- (18) Office, General⁵

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

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

⁴Requires an Administrative or Administrative Conditional Use permit, see Section 15-4.

⁵ Prohibited in HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue and Park Avenue, excluding those HRC Zoned Properties on the west side of Park Avenue and also excluding those HRC Zoned Properties with the

- (19) Parking Area or Structure, with four (4) or fewer spaces⁵

(B) **CONDITIONAL USES**⁹.

- (1) Triplex Dwelling⁵
- (2) Multi-Unit Dwelling⁵

following addresses:
~~Storefronts adjacent to the Main Street, Swede Alley, Heber Avenue, or Park Avenue Rights-of-Way, excluding those HRC-zoned Areas north of 8th Street; excluding without limitation, addresses contained within the following Buildings:~~
820 Park Avenue, 702 Main Street, 710 Main Street, 738 Main Street (for the plaza side storefronts), 780 Main Street, 804 Main Street, 875 Main Street, 890 Main Street, and 900 Main Street.
Hotel rooms shall not be located within Storefront Property however; access, circulation, and limited lobby areas are permitted within Storefront Property.

- (3) Guest House, on Lots one acre⁵
- (4) Group Care Facility⁵
- (5) Public and Quasi-Public Institution, Church, School
- (6) Essential Municipal Public Utility Use, Facility, Service and Structure
- (7) Telecommunication Antenna⁶
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁷
- (9) Plant and Nursery stock products and sales
- (10) Hotel, Major⁵
- (11) Timeshare Projects and Conversions⁵
- (12) Private Residence Club Project and Conversion^{4,5}
- (13) Office, Intensive⁵
- (14) Office and Clinic, Medical⁵
- (15) Financial Institution, without drive-up window⁸

⁶See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

⁸If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

⁹No community locations are defined by Utah Code 32-B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

- (16) Commercial Retail and Service, Minor⁸
- (17) Commercial Retail and Service, personal improvement⁸
- (18) Neighborhood Convenience Commercial, without gasoline sales
- (19) Café or Deli⁸
- (20) Restaurant, General⁸
- (21) Restaurant and café, Outdoor Dining⁴
- (22) Outdoor Events and Uses⁴
- (23) Bar
- (24) Parking Area or Structure, with five (5) or more spaces⁵
- (25) Temporary Improvement⁴
- (26) Passenger Tramway Station and Ski Base Facility
- (27) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (28) Recreation Facility, Commercial, Public, and Private
- (29) Entertainment Facility, Indoor
- (30) Fences greater than six feet (6') in height from Final Grade⁴
- (31) Private Residence Club, Off-Site⁵
- (32) [Private Event Facility](#)⁵
- (32) Special Events⁴

(C) **PROHIBITED USES.** Unless otherwise allowed herein, any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-39; 06-69; 07-55; 09-10; 12-37)

15-2.5-3. LOT AND SITE REQUIREMENTS.

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

All Development activity must comply with the following minimum Lot and Site requirements:

(A) **FRONT YARD.** The minimum Front Yard is ten feet (10').

(B) **FRONT YARD EXCEPTIONS.**
The Front Yard must be open and free of any Structure except:

(1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty five feet (25') of the intersection at back of curb.

(2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4')

Front Yard

← →

in height from Final Grade, not including any required handrail, and do not cause danger or hazard to traffic by obstructing the view of the Street or intersection.

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

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

(5) Sidewalks, patios, and pathways.

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

(C) **REAR YARD.** The minimum Rear Yard is ten feet (10').

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

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

Yard.

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

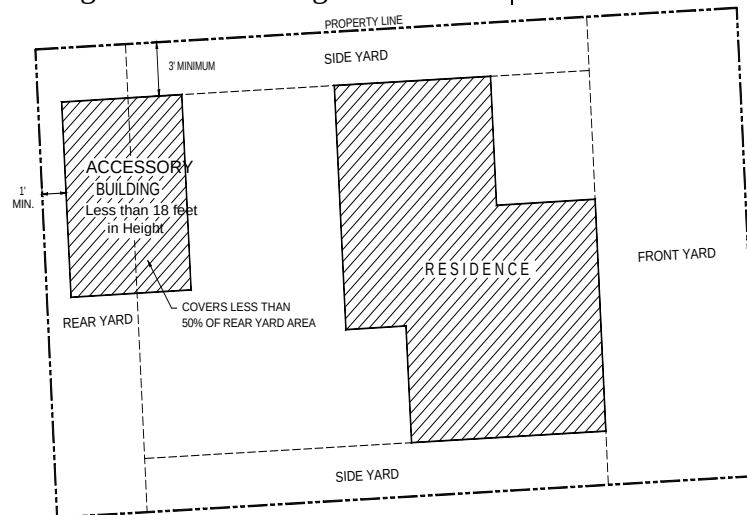
(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

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

(5) Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(6) A detached Accessory Building not more than eighteen feet

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



(7) Hard-Surfaced Parking Areas subject to the same location

requirements as a detached Accessory Building.

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

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

(10) Patios, decks, steps, pathways, and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(E) **SIDE YARD.**

(1) The minimum Side Yard is five feet (5').

(2) On Corner Lots, the Side Yard that faces a Street is ten feet (10') for both main and accessory Structures.

(3) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a Building joined at the Side Lot Line may not exceed one hundred feet (100').

(F) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any

Structure except:

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

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

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

(4) Window sills, belt courses, cornices, trim, exterior siding, and other ornamental features, projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(5) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.

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

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

(9) Pathways and steps

connecting to a City stairway or pathway.

(10) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) A covered arcade between projects provided that the highest point of the arcade is not more than fifteen feet (15') above the elevation of the walk.

(G) **FLOOR AREA RATIO.** In all projects within the HRC Zone:

(1) **STRUCTURES BUILT AFTER OCTOBER 1, 1985.**

Except in the Heber Avenue Sub-Zone Area, non-residential Uses are subject to a Floor Area Ratio to restrict the scope of non-residential Use within the District. For Properties located east of Park Avenue, the Floor Area Ratio for non-residential Uses is 1. For Properties located on the west side of Park Avenue, the Floor Area Ratio for non-residential Uses is 0.7.

(2) **STRUCTURES BUILT PRIOR TO OCTOBER 1, 1985.**

Structures existing as of October 1, 1985 are not subject to the Floor Area Ratio, and may be used in their entirety for non-residential Uses as provided in this ordinance.

(H) **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(I) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(J) **VERTICAL ZONING.** For those Properties where vertical zoning regulations apply, Construction adding Floor Area to a Building or Lot shall include Storefront Property for a minimum of seventy-five percent (75%) of the width of the Building facade.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.5-4. ACCESS.

(A) **VEHICULAR ACCESS.** A Project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless an additional Access is approved by the Planning Commission.

(B) **PEDESTRIAN ACCESS.** An Applicant must build, and if necessary, dedicate a Sidewalk on all Street Frontages.

15-2.5-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-two feet (32') from Existing Grade. This is the Zone Height.

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

(1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the height requirement and complies with height exception criteria in Section 15-2.2-6(B)(10).

(Amended by Ord. Nos. 06-69; 07-25; 09-10)

15-2.5-6. EXISTING HISTORIC STRUCTURES.

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

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Director may grant an exception to the Building Setbacks and driveway location standards for additions to Historic Buildings:

(1) Upon approval of a Conditional Use Permit,

(2) When the scale of the addition or driveway is Compatible

with the Historic Structure,

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

(4) When the addition complies with the International Building and Fire Codes.

(Amended by Ord. No. 06-69)

15-2.5-7. ARCHITECTURAL REVIEW.

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

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

(Amended by Ord. Nos. 06-69; 09-23)

15-2.5-8. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HRC District.

All mechanical equipment must be shown on the plans prepared for architectural review by the Planning, Building, and Engineering Departments. The staff will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

(Amended by Ord. No. 06-69)

15-2.5-9. SERVICE ACCESS.

All Development must provide an on-Site refuse collection and loading Area. Refuse and service Areas must be properly Screened and ventilated. Refuse collection Areas may not be located in the required Yards.

15-2.5-10. HEBER AVENUE SUB-ZONE.

Properties fronting on the north side of Heber Avenue, and east of Park Avenue, are included in the Heber Avenue Sub-Zone for a depth of 150 feet (150') from the Street Right-of-Way. Within the Heber Avenue Sub-Zone, all of the Site Development standards and land Use limitations of the HRC District apply, except:

(A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District.

(B) The Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.

(C) The Floor Area Ratio

limitation of the HRC District does not apply.

15-2.5-11. PARKING REGULATIONS.

- (A) Tandem Parking is allowed in the Historic District.
- (B) Common driveways are allowed along shared Side Yard Property Lines to provide Access to parking in the rear of the Main Building, or below Grade, if both Properties are deed restricted to allow for the perpetual use of the shared drive.
- (C) Common Parking Structures are allowed where such a grouping facilitates:
 - (1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and
 - (2) the reduction, mitigation, or elimination of garage doors at the Street edge.
- (D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use Review, Section 15-1-10.
- (E) Driveways between Structures are allowed to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved

garage or Parking Area.

- (F) Turning radii are subject to review by the City Engineer as to function and design.
- (G) See Section 15-3 Off Street Parking for additional parking requirements.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.5-12. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Conditional Use permit. No Administrative Conditional Use permit may be issued unless the following criteria are met:

- (A) The Use is in a Historic Structure or addition thereto, or a historically Compatible Structure.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
- (D) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- (E) The rooms are available for Nightly Rental only.

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

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

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

(I) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

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

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

(Amended by Ord. No. 06-69)

15-2.5-13. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit,

all goods, including food, beverage and cigarette vending machines, must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.5-13(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/ EXCEPTIONS.** The following outdoor uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit or an Administrative Permit as described herein. The Applicant must submit the required Application, pay all applicable fees, and provide all required materials and plans. Appeals of Departmental Actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.** Outdoor dining requires an Administrative Conditional Use Permit and is subject to the following criteria:

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

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

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

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

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

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

(g) Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations require an Administrative Conditional Use permit and are subject to the following criteria:

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

(b) The Use is only for the sale of food or beverages in a form suited for

immediate consumption.

(c) The Use is Compatible with the neighborhood.

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

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

(f) Design of the service station is Compatible with the adjacent Building and Streetscape.

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

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

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

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes, requires an Administrative Permit subject to the following criteria:

(a) The Area of the proposed bicycle, kayak, motorized scooters, or canoe storage or display is on

private Property and not in Areas of required parking or landscaped planting beds.

(b) Bicycles, kayaks, and canoes may be hung on a Historic Structure if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during Business hours.

(e) Additional outdoor storage Areas may be considered for rental bicycles or motorized scooters, provided there are no or only minimal impacts on landscaped Areas, Parking Spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND MUSIC. Outdoor events and music require an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

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

(c) Impact on adjacent residential Uses.

(d) Proposed plans for music, lighting, Structures, electrical, sign, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) DISPLAY OF MERCHANDISE. Display of outdoor merchandise is subject to an Administrative Permit subject to the following criteria:

(a) The display is immediately available for purchase at the Business displaying the item.

(b) The merchandise is displayed on private property directly in front of or appurtenant to the Business which displays it, so long as

the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

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

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

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

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

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

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

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

of the Building.

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

(Amended by Ord. Nos. 05-49; 06-69; 09-10)

15-2.5-14. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½') above the ground, groves of small trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line. Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance

and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

(Amended by Ord. No. 06-69)

15-2.5-15. SIGNS.

Signs are allowed in the HRC District as provided in the Park City Sign Code, Title 12.

15-2.5-16. RELATED PROVISIONS.

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

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.6-1. PURPOSE.

The purpose of the Historic Commercial Business (HCB) District is to:

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,

(G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,

(H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and

(I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.

(J) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

(Amended by Ord. No. 07-55)

15-2.6-2. USES.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

- (A) **ALLOWED USES.**

- (1) Single Family Dwelling¹
- (2) Multi-Unit Dwelling¹
- (3) Secondary Living Quarters¹
- (4) Lockout Unit^{1,2}
- (5) Accessory Apartment^{1,3}
- (6) Nightly Rental⁴
- (7) Home Occupation¹
- (8) Child Care, In-Home Babysitting¹
- (9) Child Care, Family^{1,5}
- (10) Child Care, Family Group^{1,5}
- (11) Child Care Center^{1,5}
- (12) Accessory Building and Use¹
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn^{1,6}
- (16) Boarding House, Hostel¹
- (17) Hotel, Minor, fewer than 16 rooms¹

¹ Prohibited in HCZ Zoned Storefront Property storefronts adjacent to ~~the~~ Main Street, Heber Avenue, Grant Avenue or and Swede Alley. ~~Rights-of-Way Hotel rooms shall not be located within Storefront Property however; access, circulation and limited lobby areas are permitted within Storefront Property.~~

²Nightly Rental of Lock Units requires a Conditional Use permit

³See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

⁴Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

⁵ See LMC Chapter 15-4-9 for Child Care Regulations

⁶Requires an Administrative or Administrative Conditional Use permit

- (18) Office, General¹
- (19) Office, Moderate Intensive¹
- (20) Office and Clinic, Medical¹
- (21) Financial Institution, without drive-up window
- (22) Commercial Retail and Service, Minor
- (23) Commercial Retail and Service, personal improvement
- (24) Commercial Neighborhood Convenience, without gasoline sales
- (25) Restaurant, Cafe or Deli
- (26) Restaurant, General
- (27) Bar
- (28) Parking Lot, Public or Private with four (4) or fewer spaces¹
- (29) Entertainment Facility, Indoor
- (30) Salt Lake City 2002 Winter Olympic Games Legacy Displays⁷

(B) CONDITIONAL USES¹⁰.

- (1) Group Care Facility¹
- (2) Public and Quasi-Public Institution, Church, School
- (3) Essential Municipal Public Utility Use, Facility, Service, and Structure

⁷Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License. Requires an Administrative Permit.

- (4) Telecommunication Antenna⁸
- (5) Satellite Dish, greater than thirty-nine inches (39") in diameter⁹
- (6) Plant and Nursery stock products and sales
- (7) Hotel, Major¹
- (8) Timeshare Projects and Conversions¹
- (9) Timeshare Sales Office, Off-Site within an enclosed Building¹
- (10) Private Residence Club Project and Conversion^{1,6}
- (11) Commercial Retail and Service, Major
- (12) Office, Intensive¹
- (13) Restaurant, Outdoor Dining⁶
- (14) Outdoor Events and Uses⁶
- (15) Hospital, Limited Care Facility¹
- (16) Parking Area or Structure for five (5) or more cars¹
- (17) Temporary Improvement⁶
- (18) Passenger Tramway Station and Ski Base Facility
- (19) Ski Tow, Ski Lift, Ski Run, and Ski Bridge

⁸See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁹See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

¹⁰No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

- (20) Recreation Facility, Public or Private
- (21) Recreation Facility, Commercial
- (22) Fences greater than six feet (6') in height from Final Grade⁶
- (23) Private Residence Club, Off-Site¹
- (24) Special Events⁶
- ~~(25) Private Event Facility¹~~

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 02-38; 04-39; 06-69; 07-55; 09-10; 12-37)

15-2.6-3. LOT AND SITE REQUIREMENTS.

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

(A) **LOT SIZE.** The minimum Lot Area is 1250 square feet. The minimum Lot Width is twenty-five feet (25') and Minimum Lot Depth is fifty feet (50').

(B) **FRONT, REAR AND SIDE YARDS.** There are no minimum required

Front, Rear, or Side Yard dimensions in the HCB District.

(C) **SIDEWALK PROVISION.**

Buildings must be located so as to provide an unobstructed sidewalk at least nine feet (9') wide on both Main Street and Swede Alley. The sidewalk width is measured from the front face of curb to the front of the Building. The alignment of new Building fronts with adjacent Historic fronts is encouraged. A narrower sidewalk may result from the alignment of Building fronts. The Planning and Engineering Departments may grant an exception to the minimum sidewalk width to facilitate such alignment.

(D) **BALCONIES.** No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed. With reasonable notice, the City may require a Balcony be removed from City Property without compensating the Building Owner.

(E) **INSURANCE REQUIRED.** No Balcony projecting over City Property may be erected, re-erected, located or relocated, or enlarged or structurally modified without first receiving approval of the City Council and submitting a certificate of insurance or a continuous bond protecting the Owner and the City against all claims for personal injuries and/or Property damage in the

standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.

(F) **CLEAR VIEW OF INTERSECTION.**

No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(G) VERTICAL ZONING. For those Properties where vertical zoning regulations apply, construction adding Floor Area to a Building or Lot shall include Storefront Property for a minimum of seventy-five percent (75%) of the width of the building facade. Exception. This regulation does not apply to Buildings and Lots on Swede Alley.

(Amended by Ord. No. 06-69)

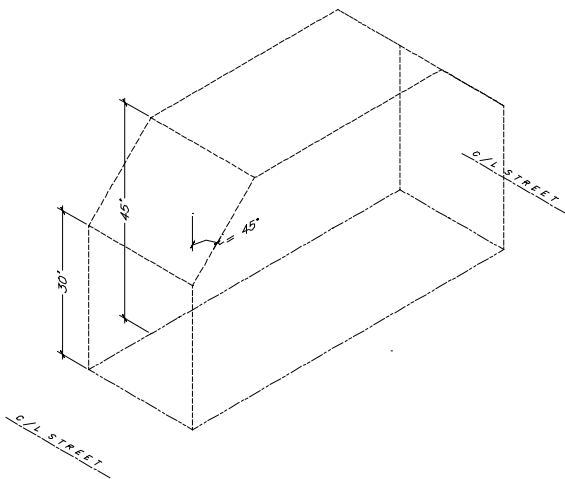
15-2.6-4. FLOOR AREA RATIO.

To encourage variety in Building Height, a floor Area to ground Area ratio must be used to calculate maximum buildable Area. The maximum Floor Area Ratio (FAR) is 4.0 measured as: total floor Area divided by Lot Area equals 4.0. Note that this is the potential maximum floor Area, and is not always achievable. Buildings of lesser floor

Area are encouraged. See Section 15-2.6-9: Off-Street Parking, for parking implications for Buildings that exceed 1.5 FAR.

15-2.6-5. MAXIMUM BUILDING VOLUME AND HEIGHT.

(A) The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane.



(B) The rear portion of the bulk plane for each Lot that does not abut Swede Alley is defined by the plane that rises vertically at the Rear Yard Property Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-

five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade of the Building Site. No part of a Building shall be erected to a height greater than forty-five feet (45'), measured from Natural Grade at the Building Site. This provision must not be construed to encourage solid roofing to following the forty-five degree (45°) back plane.

(C) For Lots abutting Swede Alley, the rear portion of the bulk plane is defined by a plane that rises vertically at the Rear Yard Property Line to a height of twenty-four feet (24') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade. This provision must not be construed to encourage solid roofing to follow the forty-five degree (45°) back plane.



(D) Wherever the HCB District abuts a residential Zoning District, the abutting portion of the bulk plane is defined by a

plane that rises vertically at the abutting Lot Line to a height matching the maximum height of the abutting Zone, measured from Existing Grade, and then proceeds at a forty-five degree (45°) angle toward the opposite Lot Line until it intersects with a point forty-five feet (45') above Existing Grade.



(E) The Zone Height for the HCB District shall correspond to the maximum height of the Building plane as described in Section 15-2.6-5(A) through (D).

(F) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to

comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.

(6) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

(Amended by Ord. No. 03-38; 06-69)

15-2.6-6. ARCHITECTURAL REVIEW.

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

Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

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

(Amended by Ord. Nos. 06-69; 09-23)

15-2.6-7. SWEDE ALLEY DEVELOPMENT CRITERIA.

In addition to the standards set forth in this Chapter, all Development abutting Swede Alley must comply with the following criteria:

(A) Structures must step down toward Swede Alley at an angle of forty-five degrees (45°) to a maximum height of twenty-four feet (24') at the edge of the Swede Alley Right-of-Way. A variety of one and two-Story facades are encouraged. Designs that create a strong indoor/outdoor connection at the ground level are strongly encouraged.

(B) Entrances must be pedestrian-scaled and defined with porches, awnings and other similar elements as described in the Park City Historic District Design Guidelines. Entrances must make provisions for shared public and service Access whenever possible. When Main Street additions extend to Swede Alley, the materials and colors of the new construction must be designed to coordinate with the existing Structure.

(C) Structures must continue the existing stair-step facade rhythm along Swede Alley. No more than sixty feet (60') of a Swede Alley facade may have the same height or Setback. On facades greater than sixty feet (60') wide, Structures must provide a variety of Building Setbacks, height, and Building form. Setbacks in the facades and stepping upper stories, decks, and Balconies are strongly encouraged. Uniform height and Setbacks are discouraged.

(D) Provisions for public Open Space, open courtyards, and landscaping are strongly encouraged.

(E) Pedestrian connections from Swede Alley to Main Street are encouraged whenever possible. Open and landscaped pedestrian connections are favored.

(F) Swede Alley facades must be simple, utilitarian, and subordinate in character to Main Street facades. While facades should be capped, details should be simple. Ornate details typically found on Main Street facades are prohibited. The Applicant must incorporate a mix of materials, accent trim and door treatments to provide architectural interest. Materials must be similar in character, color, texture and scale to those found on Main Street. Exposed concrete, large Areas of stucco and unfinished materials are prohibited.

(G) Window display Areas are allowed. However, the Swede Alley window Area must be subordinate in design to the Main Street window Area.

(H) Service Areas and service equipment must be Screened. Utility boxes must be painted to blend with the adjacent Structures. Group trash containers must be Screened.

15-2.6-8. CANOPY AND AWNING.

(A) **APPROVAL.** No awning or Canopy may be erected, enlarged, or altered over the Main Street sidewalk without the written advance approval by the City Engineer. An awning or Canopy attached to a Building may extend over the public pedestrian Right-of-Way and project a maximum of thirty-six inches (36") from the face of a Building. An awning or Canopy must provide vertical clearance of no less than eight feet (8') from the sidewalk. With reasonable notice, the City may require that an awning or Canopy be removed from over City Right-of Way without compensating the Building Owner.

(B) **INSURANCE REQUIRED.** No awning or Canopy projecting over City Property may be erected, re-erected, located or relocated, or enlarged or modified structurally, without a certificate of insurance or a continuous bond protecting the Owner and City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.

15-2.6-9. PARKING REGULATIONS.

New construction must provide Off-Street parking. The parking must be on-Site or paid by fee in lieu of on-Site parking set by Resolution equal to the parking obligation multiplied by the per space parking fee/in-lieu fee. The parking obligation is as follows:

(A) **RESIDENTIAL USE.** See Parking Requirements shown in Chapter 3.

(B) **NON-RESIDENTIAL USE.** Non-Residential Uses must provide parking at the rate of six (6) spaces per 1,000 square feet of Building Area, not including bathrooms, and mechanical and storage spaces¹⁰. Churches, Auditoriums, Assembly Halls and Indoor Entertainment Businesses generate a parking obligation shown in Chapter 15-3. Fully enclosed Parking Spaces and associated maneuvering spaces are not included in the Floor Area.

(C) **GENERAL PARKING REGULATIONS.** Property Owners may not install a driveway across the Main Street sidewalk to meet on-Site parking

¹⁰Mechanical and storage spaces must be in accordance with IBC requirements in order to be subtracted from the Building Area; it is the intent of this Code that closets and shelves in occupied spaces are included in the Area measured for the parking requirement. For Condominium Units, the Building Area is the total Area of the Unit.

requirements without a variance and an obligation to reconstruct adjacent portions of the Main Street sidewalk to render the driveway crossing ADA accessible and convenient to pedestrians as possible. The sidewalk reconstruction must include lighting and landscaping.

An Applicant may appeal the staff's measurement of Floor Area to determine the parking requirement to the Board of Appeals in accordance with the International Building Code.

The Planning Commission may recommend to the City Council that new additions to Historic Structures be exempt from a portion of or all parking requirements where the preservation of the Historic Structure has been guaranteed to the satisfaction of the City.

(D) **PRE 1984 PARKING EXCEPTION.** Lots, which were current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, are exempt from the parking obligation for a Floor Area Ratio (FAR) of 1.5. Buildings that are larger than 1.5 FAR are Non-Conforming Buildings for Off-Street parking purposes.

To claim the parking exemption for the 1.5 FAR, the Owner must establish payment in full to the Main Street Parking Special Improvement District prior to January 1, 1984.

Additions or remodels to Non-Conforming Churches, Auditoriums, Assembly Halls and Indoor Entertainment Businesses, that

reduce the net parking demand must not prompt an additional Off-Street parking obligation.

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

(Amended by Ord. Nos. 06-69; 09-10)

15-2.6-10. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HCB District.

All mechanical equipment must be shown on the plans prepared for architectural review by the Planning, Engineering, and Building Departments. The Planning Department will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

(Amended by Ord. No. 06-69)

15-2.6-11. ACCESS, SERVICE AND DELIVERY.

All Access for commercial Businesses and facilities shall be located within the HCB District. Emergency Access to the HR-1 and HR-2 Districts may be allowed by the Planning Director, with review by the Chief Building Official, but such emergency exits shall be designed in such a manner as to prohibit non-emergency Use. The primary Access to parking facilities for commercial

Uses shall not be from residential districts, such as HR-1 and HR-2.

All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible only from Main Street, for Structures on the west side of Main Street, or from either Main Street or Swede Alley, for Structures on the east side of Main Street. Non-Main Street Properties within the zone must provide service Access from the rear of the Structure. Refuse storage must be fully enclosed and properly ventilated.

Refuse shall be stored in containers made of durable metallic or plastic materials with a close-fitting lid. Refuse containers shall not be set out for collection earlier than 10:00 PM on the day prior to collection, and must be removed no later than 10:00 AM on the day of collection. Refuse containers set out for collection shall be placed on or directly in front of the Owner's Property, and shall not be placed in the street, sidewalk, or other public Right-of-Way in any manner that will interfere with vehicular or pedestrian traffic.

Except when set out for collection pursuant to this Section, refuse containers shall be placed in a location fully Screened from view from the public Rights-of-Way via Fencing and/or walls. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

All service and delivery for businesses on the west side of Main Street must be made within the HCB Zone, and shall not be made from the upper Park Avenue residential

districts (HR-1 and HR-2)

(Amended by Ord. No. 01-28; 06-69)

15-2.6-12. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration, which exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.6-12(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit or an Administrative Permit as described herein. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.** Outdoor dining requires an Administrative Conditional Use permit and is subject to the following criteria:

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

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

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

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

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

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

(g) Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations require an Administrative Permit and are subject to the following criteria:

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

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

(c) The Use is Compatible with the neighborhood.

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

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

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

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

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

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

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes requires an Administrative Permit and is subject to the following criteria:

- (a) The Area of the proposed bicycle, kayak, motorized scooters, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.
- (b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.
- (c) No more than a total of fifteen (15) pieces of equipment may be displayed.
- (d) Outdoor display is only allowed during Business hours.
- (e) Additional outdoor bicycle storage Areas may be considered for rental bicycles provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND

MUSIC. Outdoor events and music require an Administrative Permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

- (a) Notification of adjacent Property Owners.
- (b) No violation of the City Noise Ordinance, Title 6.
- (c) Impacts on adjacent Residential Uses.
- (d) Proposed plans for music, lighting, structures, electrical signs, etc.
- (e) Parking demand and impacts on neighboring Properties.
- (f) Duration and hours of operation.
- (g) Impacts on emergency Access and circulation.

(5) DISPLAY OF MERCHANDISE. Display of outdoor merchandise requires an Administrative Permit and is subject to the following criteria:

- (a) The display is immediately available for purchase at the Business

displaying the item.

(b) The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

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

(d) The display does not diminish parking or

landscaping.

(e) The Use does not violate the Summit County health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

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

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

(h) No inflatable devices

other than decorative balloons smaller than eighteen inches (18”) in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

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

(Amended by Ord. Nos. 05-49; 06-69; 09-10)

15-2.6-13. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Conditional Use Permit. No permit may be issued unless the following criteria are met:

(A) The Use is in a Historic Structure or addition thereto, or a Historically Compatible Structure.

(B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

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

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

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

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

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

(I) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

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

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

(Amended by Ord. No. 06-69)

15-2.6-14. VEGETATION PROTECTION.

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

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3(D) and Title 14.

(Amended by Ord. No. 06-69)

15-2.6-15. SIGNS.

Signs are allowed in the HCB District as provided in the Park City Sign Code, Title 12.

15-2.6-16. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.
- Passenger Tramways and Ski Base Facilities. LMC Chapter 15-4-18.

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 15 - DEFINED TERMS

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 15 - DEFINITIONS

Chapter adopted by Ordinance No. 00-25

CHAPTER 15 - DEFINED TERMS.

15-15-1. DEFINITIONS.

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

1.1 **ACCESS.** The provision of vehicular and/or pedestrian ingress and egress to Structures, facilities or Property.

1.2 **ACCESSORY APARTMENT.** A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to a Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling.

1.3 **ACCESSORY BUILDING.** A Building on the same Lot as the principal Building and that is:

- (A) clearly incidental to, and customarily found in connection with such principal Building, such as detached garages, barns, and other similar Structures that require a Building Permit;
- (B) operated and maintained for the benefit of the principal Use;
- (C) not a Dwelling Unit; and
- (D) also includes Structures that do not require a Building Permit, such as sheds, outbuildings, or similar Ancillary Structures. See Ancillary Structure.

1.4 **ACCESSORY USE.** A land Use that is customarily incidental and subordinate to the to the primary Use located on the same Lot.

1.5 **ACTIVE BUILDING PERMIT.** Any Building Permit that has not expired.

1.6 **ADMINISTRATIVE PERMIT.** A permit issued by the Planning, Building, and Engineering Departments for specified Use upon proof of compliance with certain criteria.

1.7 **AFFORDABLE HOUSING.** Dwelling Units for rent or for sale in a price range affordable to families in the low to moderate income range.

1.8 **AGENT.** The Person with written authorization to represent an Owner.

1.9 **AGRICULTURE.** Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as meat, fruit, or other food packing and/or processing plants, fur farms, livestock feeding operations, animal hospitals, or similar Uses.

1.10 **ALLOWED USE.** A Use that is permitted in a Zoning District without a Conditional Use permit, not including Non-Conforming Use.

1.11 **ALTERATION, BUILDING.** Any act or process that changes the Architectural Detail of a Building, including

but not limited to, the erection, construction, reconstruction, or removal of any Building.

1.12 **ANCILLARY STRUCTURE.** One-Story, attached or detached Structure, 250 square feet in Area or smaller, that is subordinate to and located on the same Lot as the principal Use, does not include Dwelling Area, and is not intended for sleeping or cooking. Includes Structures such as sheds, green houses, play equipment, utility Buildings, and similar Structures that may or may not require a Building Permit.

1.13 **ANEMOMETERS AND ANEMOMETER TOWERS.** A temporary tower and housing or supporting wind measuring equipment for the purpose of establishing the viability of the wind generated energy by measuring and monitoring wind velocity, direction, shear, duration, intensity, and regularity.

1.14 **ANTENNA.** A transmitting or receiving device used in Telecommunications that radiates or captures radio, television, or similar communication signals.

(A) **Antenna, Drive Test.** A temporary Antenna which is used for field testing of Telecommunications signals and for possible locations for a permanent Antenna, but does not provide Telecommunications to customers.

(B) **Antenna, Enclosed.** An Antenna or series of individual Antennas entirely enclosed inside a Structure, including but not limited to a cupola or wall of a Building or chimney.

(C) **Antenna, Freestanding.** An Antenna mounted on or within a stand alone support Structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole, or other vertical support.

(D) **Antenna, Roof Mounted.** An Antenna or series of individual Antennas mounted on a roof of a Building.

(E) **Antenna, Temporary.** An Antenna used for a time period of less than thirty (30) days.

(F) **Antenna, Wall Mounted.** An Antenna or series of individual Antennas mounted fully against the exterior face of a Building including on the face of a chimney or penthouse. A wall or face of a Building is defined as the entire Area of all exposed vertical surfaces of a Building that are above ground and facing approximately the same direction.

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

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

1.17 **APPLICATION.** A written request, completed in a manner prescribed in this Code, for review, approval, or issuance of a Development permit, including but not limited to Conditional Use permits, Building Permits, variances, annexation and re-zoning requests, Subdivision and record of survey

plats, plat amendments, Code amendments, design review, and Administrative Permits.

(A) **Application, Complete.** A submission that includes all information requested on the appropriate form, and payment of all applicable fees.

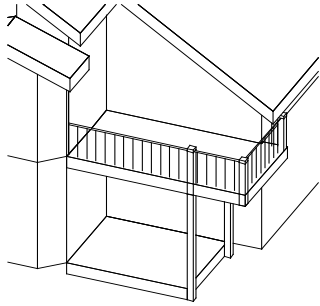
1.18 **ARCHITECTURAL DETAIL.** Physical Properties, features or components of a Building or Structure which embody distinctive characteristics of a type, period, or method of construction and refers to the way in which the Property was conceived, designed, or fabricated by a people or culture. Within a Historic District, these physical features or traits commonly recur in individual Buildings. The characteristics can be expressed in terms of form, proportion, Structure, plan, architectural style, or materials such as siding, doors, windows, or trim.

1.19 **AREA OR SITE.** A specific geographic division of Park City where the location maintains Historical, cultural or archeological value regardless of the value of any existing Structure.

1.20 **ATTIC.** The space between the ceiling joists and roof rafters.

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

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



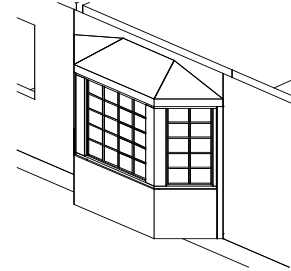
1.23 **BAR.** A Business that primarily sells alcoholic beverages for consumption on the premises; includes Private Clubs.

1.24 **BASE ZONING.** Existing zoning without the addition of the Transfer of Development Rights overlay zone.

1.25 **BASEMENT.** Any floor level below the First Story in a Building. Those floor levels in Buildings having only one floor level shall be classified as a Basement, unless that floor level qualifies as a First Story as defined herein. See First Story.



1.26 **BAY WINDOW.** A window or series of windows forming a recess or bay from a room and projecting outward from the wall. A Bay Window does not include a window directly supported by a foundation.



1.27 **BED AND BREAKFAST INN.** A Business, located in an Owner or on-Site manager occupied dwelling, in which up to ten (10) Bedrooms are rented nightly or weekly, and where one (1) or more meals are provided to the guests only, the price of which is usually included in the room rate. Bed and Breakfast Inns are considered a lodging Use where typical lodging services are provided, such as daily maid service.

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

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

1.30 **BLANK WALL.** A wall of a Building faced with a single material of uniform texture and color on a single plan with less than thirty percent (30%) of the surface of the wall as openings or windows.

1.31 **BLOCK.** A tract of land bounded by Streets, or by a combination of Streets and public parks, cemeteries, railroad Rights-of-Way, shore lines of water ways, or City boundary lines, as shown on an official plat.

1.32 **BOARDING HOUSE.** A Business, within a dwelling with two (2) or more

Bedrooms where, for direct or indirect compensation, on a monthly basis, the Owner provides lodging and/or common Kitchen facilities or meals for boarders not related to the head of the household. Boarding Houses do not include the Use of Nightly Rental.

1.33 **BUILDING**. Any Structure, or any part thereof, built or used for the support, shelter, or enclosure of any Use or occupancy by Persons, animals, or chattel.

(A) **Building, Attached.** A Building connected on one (1) or more sides to an adjacent Building by a common Party Wall with a separate exterior entrance for each Building.

(B) **Building, Detached.** Any Building separated from another Building on the same Lot or Parcel.

(C) **Building, Main.** The principal Building, or one of the principal Buildings on a Lot, that is used primarily for the principal Use.

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

1.34 **BUILDING ENVELOPE**. The Building Pad, Building Footprint, and Height restrictions that defines the maximum Building Envelope in which all Development must occur.

1.35 **BUILDING FOOTPRINT**. The

total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building.

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



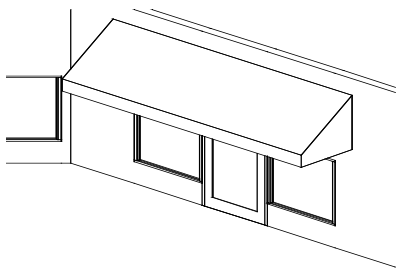
1.37 **BUILDING PERMIT**. A permit issued by the Chief Building Official authorizing Construction Activity on a Property or Lot.

1.38 **BUSINESS**. Any activity within Park City carried on for the purpose of gain or economic profit. The acts of employees rendering service to employers are not included in the term Business unless otherwise specifically prescribed. Business includes but is not limited to, the sale or rental of tangible personal or real Property, the manufacturing of goods or Property and

the rendering of personal services for others for consideration by Persons engaged in any profession trade, craft, occupation, or other calling.

1.39 **CAFE**. A Business that primarily sells beverages for on-Site consumption. May serve food prepared off-premises but does not have International Building Code (IBC) Commercial Kitchen facilities and generally does not employ hostesses, wait staff, bus staff, chefs, or other employees typically associated with a restaurant.

1.40 **CANOPY**. A roof or awning constructed of fabric or other material and extending outward from a Building to provide a protective shield for doors, windows, or other openings with supports extended to the ground directly under the Canopy or cantilevered from the Building.



1.41 **CAPITAL IMPROVEMENTS PROGRAM**. A proposed schedule and description of all proposed public works, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

1.42 **CERTIFICATE OF APPROPRIATENESS**. A certificate issued by the Building Department in cases of immediate public hazard, the Planning

Department in cases of architectural insignificance, or the Historic Preservation Board in all other cases, indicating approval of plans for Alteration, construction, removal, or Demolition of a Landmark or Building having architectural Significance.

1.43 **CERTIFICATE OF ECONOMIC HARDSHIP**. A certificate issued by the Historic Preservation Board authorizing an Alteration, construction, removal, or Demolition of a Historic Landmark, or Building having architectural Significance, even though a Certificate of Appropriateness has previously been denied.

1.44 **CERTIFICATE OF OCCUPANCY**. A certificate issued by the Chief Building Official authorizing occupancy of a dwelling, Business, or any other Structure requiring a Building Permit.

1.45 **CHILD CARE**. The provision, day or night, of supplemental parental care, instruction and supervision for a non-related child or children, on a regular basis, and for less than 24 hours a day.

The term does not include babysitting services on a casual, non-recurring nature or in the child's own home nor cooperative, reciprocate Child Care by a group of parents in their respective domiciles.

(A) **Child Care, In-Home Babysitting**. The provision of Child Care for four (4) or fewer children within a dwelling and within commercial Buildings outside of residential Zoning Districts.

(B) **Child Care, Family**. The provision

of Child Care for up to eight (8) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

(C) **Child Care, Family Group.** The provision of Child Care for nine (9) to sixteen (16) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

1.46 **CHILD CARE CENTER.** A Structure or Building, including outside play Areas, used for the provision of Child Care for more than four (4) children for less than twenty four (24) hours per day, meeting all State requirements for Child Care that is not also the primary residence of the care provider.

1.47 **CITY DEVELOPMENT.** Any Conditional Use permit or Master Planned Development in which Park City Municipal Corporation or corporations controlled by Park City Municipal Corporation is the Applicant.

1.48 **CLEARVIEW OF INTERSECTING STREETS.** On any Corner Lot, an Area is kept clear of Structures, Fences, or tall vegetation, to allow vehicle drivers an unobstructed view of traffic approaching on the intersecting Street. This Area is the Site Distance Triangle. See Site Distance Triangle.

1.49 **CLUB.**

(A) **Club, Amenities.** Any organization formed and operated for the primary purpose

of providing its members with social and recreational opportunities involving the access, use and enjoyment of physical amenities and services provided at or through an existing approved Hotel, including restaurants, bars, spas, spa services, pools, lounges, exercise facilities, lockers, ski facilities and services, pools, and other facilities and services.

(B) **Club, Private.** Any non-profit corporation, or organization, operating as a social club, recreational, fraternal, athletic or kindred association organized primarily for the benefit of its stockholders or members and serving alcoholic beverages and/or food.

(C) **Club, Private Residence.** Residential Use real estate within a single Condominium project, in which ownership or Use of a Condominium Dwelling Unit or group of Condominium Dwelling Units and associated common area is shared by not less than four (4) or more than twelve (12) Owners or members per Condominium Dwelling Unit and whose Use is established by a reservation system and is managed with 24 hour reservation and Property management, seven (7) days a week, providing reservation, registration, and management capabilities. Membership in a Private Residence Club may be evidenced by:

(1) a deeded interest in real Property;

(2) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation, or other Business entity;

(3) a non-entity membership in a non-profit corporation, non-incorporated association, or other entity;

(4) beneficial interest in a trust;

(5) other arrangement providing for such Use and occupancy rights.

(D) **Club, Private Residence Conversion.** The conversion of Condominium Units and associated Common Areas within an existing Condominium project to the exclusive Use as Private Residence Club.

(E) **Club, Private Residence Off-Site.** Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes, but is not limited to, any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

(F) **Club, Private Residence Project.** Any Condominium Property that is subject to a Private Residence Club deed, interest, trust, or other arrangement for providing for Use and Ownership as a Private Residence Club, and contains at least four (4) units.

1.50 **CLUSTER DEVELOPMENT.** A design that concentrates Buildings in specific Areas on a Site to allow the remaining land to be used for recreation,

Open Space, and preservation of environmentally sensitive Areas.

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

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

1.53 **CO-LOCATION.** The location of Telecommunications Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

1.54 **COMMERCIAL USE.** Retail Business, service establishments, professional offices, and other enterprises that include commerce and/or trade and the buying and selling of goods and services.

(A) **Commercial Use, Support.** A Commercial Use oriented toward the internal circulation of a Development, for the purpose of serving the needs of the residents or users of that Development, and not Persons drawn from Off-Site.

(B) **Commercial Use, Resort Support.** A Commercial Use that is clearly incidental to, and customarily found in connection with, the principal resort Use, and which is operated and maintained for the benefit or convenience of the Owner, occupants, employees, customers of, or visitors to, the principal Use.

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

1.56 **COMMON OWNERSHIP.** Ownership of the same Property by different Persons.

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

1.58 **CONDITIONAL USE.** A land Use that, because of its unique characteristics or potential impact, is allowed only if certain measures are taken to mitigate or eliminate the potential impacts.

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

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

1.61 **CONSERVATION EASEMENT.** An easement, covenant, restriction, or

condition in a deed, will, or other instrument signed by or on behalf of the record owner of the underlying real property for the purpose of preserving and maintaining land or water areas predominantly in a natural state, scenic, or open condition, or for recreational, agricultural, cultural, wildlife habitat, or other use or condition consistent with the protection of open land.

Conservation easement(s) granted from the Transfer of Development Rights Ordinance shall be subject to The Land Conservation Easement Act, Section 57-18-1 (et seq.), Utah Code Annotated, 1953 as amended.

1.62 **CONSTITUTIONAL TAKING.** Final Actions(s) by the City to physically take or exact private real Property that requires compensation to the Owner because of the mandates of the Fifth or Fourteenth Amendment to the Constitution of the United States, or of Article I, Section 22, of the Utah Constitution.

1.63 **CONSTRUCTION ACTIVITY.** All Grading, excavation, construction, Grubbing, mining, or other Development Activity which disturbs or changes the natural vegetation, Grade, or any existing Structure, or the act of adding an addition to an existing Structure, or the erection of a new principal or Accessory Structure on a Lot or Property.

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

1.65 **CONSTRUCTION PLAN.** The map and drawings showing the specific

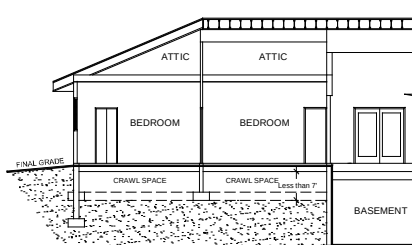
location and design of the Development.

1.66 **CONTRIBUTING BUILDING, STRUCTURE, SITE/AREA OR OBJECT.** A Building, Structure, Site, Area, of Object that reflects the Historical or architectural character of the district as designated by the Historic Preservation Board.

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

1.68 **COVER, SITE.** The Area covered by an Impervious Surface such as a Structure, deck, pool, patio, walk, or driveway.

1.69 **CRAWL SPACE.** An uninhabitable Area with no exterior windows or doors and less than seven vertical feet (7') measured from the base of the footings to the floor framing above.



1.70 **CREST OF HILL.** The highest point on a hill or Slope as measured continuously throughout the Property. Any given Property may have more than one (1) Crest of Hill.

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

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

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

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

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

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

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

Density.

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

1.79 **DEVELOPMENT**. The act, process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or Demolishing any Structure or improvement to Property including Grading, clearing, Grubbing, mining, excavating, or filling of such Property. Includes Construction Activity.

1.80 **DEVELOPMENT AGREEMENT**. A contract or agreement between an Applicant or Property Owner and the City pursuant to the provisions in this Code and used as an implementation document for Master Planned Developments.

1.81 **DEVELOPMENT APPROVAL APPLICATION**. Includes any Application for any Development approval including, but not limited to Grubbing, Grading, an alteration or revision to an approved MPD, Conditional Use permit (CUP), zoning or rezoning, Subdivision, or annexation. The term "Development Approval Application" shall not include any Building Permits associated with construction within an approved Subdivision or on an existing platted Lot unless otherwise specified.

1.82 **DEVELOPMENT CREDIT**. A credit measured in Unit Equivalents that denotes the amount of density on a Sending Site which may be Transferred.

1.83 **DEVELOPMENT CREDIT CERTIFICATE**. The certificate issued by

the Planning Director of Park City that represents the total number of development credits recognized for and derived from the sending site that may be Transferred.

1.84 **DEVELOPMENT RIGHT**. The right held by a fee simple property owner to build on a legally established parcel of real property. This right is limited by applicable zoning ordinances.

1.85 **DISABLED CARE**. A long-term care residential facility for disabled Persons, Persons suffering from a physical or mental impairment that substantially limits one (1) or more of a Person's major life activities, including a Person having a record of such an impairment or being regarded as having such an impairment.

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

1.87 **DWELLING**.

(A) **Dwelling, Duplex**. A Building containing two (2) Dwelling Units.

(B) **Dwelling, Triplex**. A Building containing three (3) Dwelling Units.

(C) **Dwelling, Multi-Unit**. A Building containing four (4) or more Dwelling Units.

(D) **Dwelling, Single Family**. A Building containing not more than one (1) Dwelling Unit.

1.88 **DWELLING UNIT**. A Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.

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

1.90 **ELDER CARE**. A long-term care residential facility for elderly Persons, adults sixty (60) years of age or older, who because of physical, economic, social, or emotional problems cannot function normally on an independent basis. The term does not include a health care facility.

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

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

1.93 **ESCROW**. A deposit of cash or approved alternate in lieu of cash with a third party held to ensure a performance, maintenance, or other Guarantee.

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

1.95 **EXTERIOR ARCHITECTURAL APPEARANCE**. The architectural

character and general composition of the exterior of a Building or Structure, including but not limited to the kind, color, and texture of the Building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant features.

1.96 **FACADE**.

(A) **Facade, Building**. The exterior of a Building located above ground and generally visible from public points of view.

(B) **Façade, Front**. That portion of a Building that generally faces the street and/or Front Lot Line.

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

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

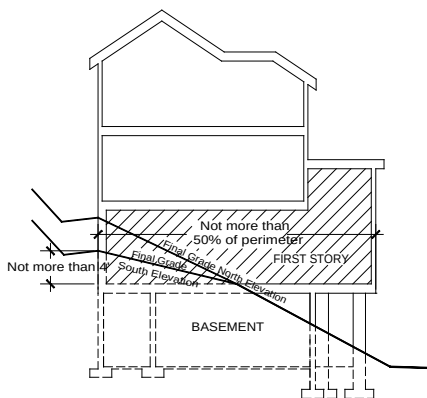
1.99 **FENCE**. A Structure to separate or divide outdoor Areas. The term Fence includes, but is not limited to, net Screening for golf balls, and masonry walls. A Fence need not be sight obscuring or light tight.

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

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

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

1.103 **FIRST STORY.** The lowest Story in a Building provided the floor level is not more than four feet (4') below Final Grade for more than fifty percent (50%) of the perimeter. Can include habitable or uninhabitable Floor Area. See the following illustration:



1.104 **FLOOD PLAIN AREA.** An Area adjoining a river, Stream, or water course, or body of standing water in which a potential flood hazard exists when the Area experiences a one hundred year storm, including, any Area designated as a Flood Plain by the Department of Housing and Urban Development or Federal Emergency Management Agency of the United States Government.

1.105 **FLOOR AREA.**

(A) **Floor Area, Gross Residential.** The Area of a Building, including all enclosed Areas, Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Residential Floor

Area. Garages, up to a maximum Area of 600 square feet¹, are not considered Floor Area. Basement and Crawl Space Areas below Final Grade are not considered Floor Area. Floor Area is measured from the finished surface of the interior of the exterior boundary walls.

(B) **Floor Area, Gross Commercial.** The Area of a Building including all enclosed Areas excluding parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.

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

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

1.107 **FOOT CANDLE.** A unit for measuring the amount of illumination on a surface. The measurement is a candle power divided by distance.

(A) **Foot Candle, Average (afc).** The level of light measured at an average point of illumination between the brightest and darkest Areas, at the ground surface or four to five feet (4' to 5') above the ground

¹400 sq. ft. in Historic Districts

surface.

(B) **Foot Candle, Horizontal (hfc).** A unit of illumination produced on a horizontal surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

(C) **Foot Candle, Vertical (vfc).** A unit of illumination produced on a vertical surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

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

1.109 **FULLY SHIELDED.** Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

1.110 **GARAGE.**

(A) **Garage, Commercial.** A Building, or portion thereof, used for the storage or parking of motor vehicles for consideration.

(B) **Garage, Front Facing.** Garages that face or are generally parallel to the Street frontage.

(C) **Garage, Private.** An Accessory Building, or a portion of the Main Building, used for the storage of motor vehicles for the tenants or occupants of the Main Building and not by the general public.

(D) **Garage, Public.** A Building or a

portion thereof, used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles, that is open to the general public.

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

1.112 **GOOD CAUSE.** Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

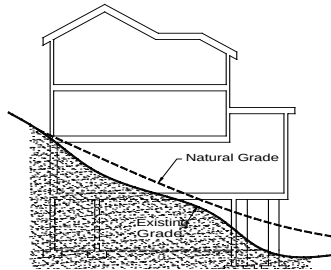
1.113 **GOVERNING BODY.** The City Council of Park City.

1.114 **GRADE.** The ground surface elevation of a Site or Parcel of land.

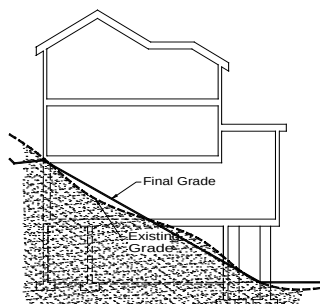
(A) **Grade, Existing.** The Grade of a Property prior to any proposed Development or Construction Activity.

(B) **Grade, Natural.** The Grade of the surface of the land prior to any Development Activity or any other man-made disturbance

or Grading. The Planning Department shall estimate the Natural Grade, if not readily apparent, by reference elevations at points where the disturbed Area appears to meet the undisturbed portions of the Property. The estimated Natural Grade shall tie into the elevation and Slopes of adjoining Properties without creating a need for a new retaining wall, abrupt differences in the visual Slope and elevation of the land, or redirecting the flow of run-off water.



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



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

1.116 **GREEN ROOF.** A roof of a Building that is covered with vegetation and soil, or a growing medium, planted over a

waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. This does not refer to roofs which are colored green, as with green roof shingles.

1.117 **GROUP CARE FACILITY.** A Building or Structure where care, protection, supervision, and limited medical care are provided on a regular schedule for up to ten (10) children or adults, including caretakers. May include multiple overnight stays.

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

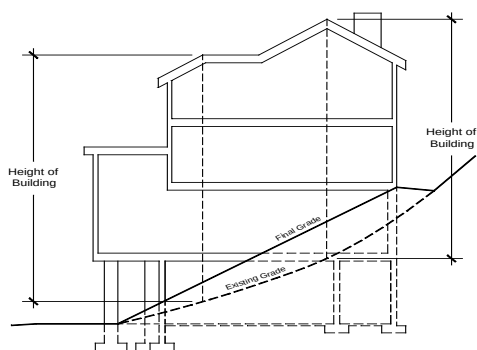
1.119 **GUARANTEE.** Any form of security including a cash deposit with the City, a letter of credit, or an Escrow agreement in an amount and form satisfactory to the City or some combination of the above as approved by the city or an approved equal, including but not limited to a lien on the Property.

1.120 **GUEST HOUSE.** An Accessory Building and dwelling intended for non-rent paying guests of the primary Dwelling Unit's residents. Guest Houses are not a lodging Use where typical lodging services are provided. Payment is not allowed.

1.121 **HABITABLE SPACE (ROOM).** Space in a Structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage, or utility space, and similar Areas are not considered Habitable Space.

1.122 **HARD-SURFACED.** Covered with concrete, brick, asphalt, or other Impervious Surface.

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



1.124 **HELIPAD.** A facility without the logistical support provided by a Heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.

1.125 **HELIPORT.** Any landing Area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

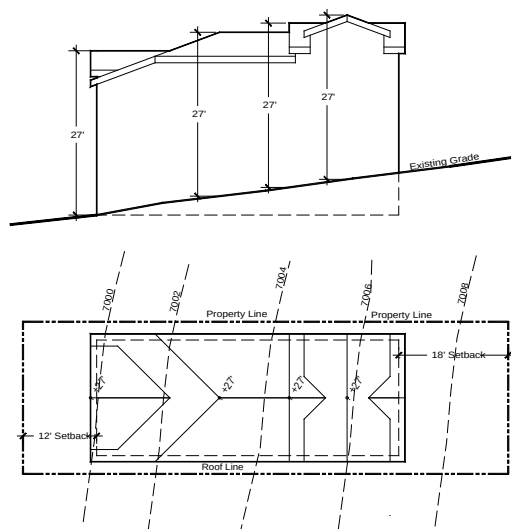
1.126 **HELISTOP.** Any landing Area used for the taking off or landing of private helicopters for the purpose of picking up and discharging passengers or cargo. This facility is not open to use by any helicopter without prior permission having been

obtained.

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

1.128 **HISTORIC BUILDING, STRUCTURE, SITE OR OBJECT.** Any Building, Structure, Site and/or object, as designated by the Historic Preservation Board to demonstrate Historic Significance as set forth in LMC Chapter 15-11.

1.129 **HISTORIC DISTRICT.** A geographically definable Area possessing a significant concentration, linkage, or continuity of Buildings, Structures, Sites or objects united by past events, plan or physical Development. A Historic District may comprise an individual Site or individual elements separated geographically but linked by association, plan, design, or history.



Historic District Building Height

1.130 **HISTORIC INTEGRITY.** The ability of a Site to retain its identity and, therefore, convey its Significance in the history of Park City. Within the concept of Historic Integrity, Park City Municipal Corporation recognizes seven (7) aspects or qualities as defined by the National Park Service, that in various combinations define integrity. They are as follows:

(A) **Location.** The place where the Historic Site was constructed or the Historical event took place.

(B) **Design.** The combination of physical elements that create the form, plan, space, Structure, and style of a Site. Design includes such considerations as the structural system, massing, arrangement of spaces, pattern of fenestration, textures and colors of surface materials, type, amount and style of ornamental detailing, and arrangement and type of plantings in the designed landscape.

(C) **Setting.** The physical environment, either natural or manmade, of a Historic Site, including vegetation, topographic features, manmade features (paths, fences, walls) and the relationship between Structures and other features or open space.

(D) **Materials.** The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration to form a Historic Site.

(E) **Workmanship.** The physical evidence of the crafts of a particular culture or people during any given period of history,

including methods of construction, plain or decorative finishes, painting, carving, joinery, tooling, and turning.

(F) **Feeling.** A Site's expression of the aesthetic of Historic sense of a particular period of time. Feeling results from the presence of physical features that, taken together, convey the Property's Historic character.

(G) **Association.** The direct link between an important Historic era or Person and a Historic Site. A Site retains association if it is in the place where the activity occurred and is sufficiently intact to convey that relationship to an observer.

1.131 **HISTORIC SITES INVENTORY.** A list of Historic Sites, as determined by the Historic Preservation Board, that meets specified criteria set form in Land Management Code Chapter 15-11.

1.132 **HOME OCCUPATION.** A Business carried on entirely within a dwelling by Persons residing within the dwelling, which Business is clearly incidental and secondary to the Use of the dwelling for residential purposes.

1.133 **HOSPITAL.** An institution specializing in clinical, temporary or emergency medical services to humans and/or licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practice. Does not include Uses defined as "Office, Medical".

(A) **Hospital, Limited Care.** An institution licensed by the state to provide

out-patient medical or surgical care and related services without overnight stay.

1.134 **HOTEL/MOTEL**. A Building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis that includes accessory facilities such as restaurants, bars, spas, meeting rooms, on-site check-in lobbies, recreation facilities, group dining facilities, and/or other facilities and activities customarily associated with Hotels, such as concierge services, shuttle services, room service, and daily maid service. Hotel/Motel does not include Nightly Rental Condominium projects without restaurants, bars, spas, and on-site check-in lobbies. Lockout Units or Bed and Breakfast Inns and Boarding Houses are not Hotels. Hotels are considered a lodging Use and ownership of units may be by a condominium or timeshare instrument Hotel rooms may include a Lockout as part of the Unit.

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

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

1.135 **HOTEL ROOM**. A Unit consisting of one (1) room, without a Kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.

1.136 **HOTEL SUITE**. Two (2) or more interconnected Hotel Rooms with a single corridor or exterior Access. May include a Kitchenette. See Bed and Breakfast Inn, Lockout Unit, and Boarding House.

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

1.138 **IMPERVIOUS SURFACE**. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, patios, and paved recreation areas.

1.139 **INACTION**. An Application is Inactive and subject to denial on the basis of Inactivity if, through the act or omission of the Applicant and not the City:

(A) more than six (6) months has passed since a request for additional information was made by the Department staff without response from the Applicant;

(B) upon notice the Applicant is more than sixty (60) days in default of the payment of any fee assessed by ordinance, or has not paid the fee under protest;

(C) the Applicant has stated an intent to abandon the project;

(D) the Application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning change, without actual intent to construct the project applied for.

1.140 **INCIDENTAL RETAIL SALES**. The sale of common items associated with a Home Occupation and not produced on the premises that might be sold along with a

product that is, such as a picture frame for a photo, or a swatch of material or extra buttons for an item of clothing, etc.

1.141 **INDOOR ENTERTAINMENT FACILITY**. An establishment or enterprise for the purpose of amusing or entertaining Persons for profit or non-profit and generally contained within a Structure. Such Uses include, but are not limited to, theater, playhouse, cinema, performing arts, planetarium, discovery center, museum, or bowling alley.

1.142 **KITCHEN**. An enclosed Area for the preparation of food and containing a sink, refrigerator, and stove.

(A) **Kitchen, IBC Commercial**. A Kitchen that is required by the International Building Code (IBC), because of the nature of the cooking or food preparation activities, to have commercial food heat-processing equipment, such as compensating hoods, grease filters, kitchen hoods, and similar types of equipment.

1.143 **KITCHENETTE**. An Area used or designed for the preparation of food and containing a sink, refrigerator and an electrical outlet which may be used for a microwave oven. No 220V outlet for a range or oven is provided. A Kitchenette is not intended to be used in such a manner as to result in the establishment of an additional Dwelling Unit.

1.144 **LANDMARK**. A Property, Building, or Structure designated as a "Landmark" by the Historic Preservation Board (HPB) pursuant to the procedures

prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its Historic and/or architectural Significance to Park City.

1.145 **LANDMARK SITE**. Any Site, including Building (main, attached, detached, or public), Accessory Building, and/or Structure that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

1.146 **LANDSCAPING**.

(A) **Landscaping, Interior**. Planting islands located within the Parking Area.

(B) **Landscaping, Parking Area**. Includes all spaces, aisles, and drives as defined by the top-back of curb or edge of pavement.

(C) **Landscaping, Perimeter**. Planting Areas between the Property Line and Parking Area.

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

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

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

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

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

1.150 **LIMITS OF DISTURBANCE.**

The designated Area in which all Construction Activity must be contained.

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

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

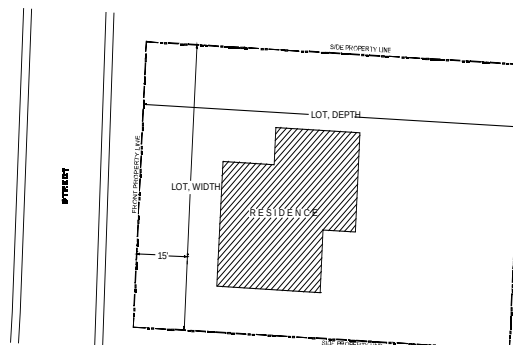
(A) **Lot, Corner.** A Lot situated at the intersection of two (2) Streets, the interior angle of such intersection not exceeding 135 degrees (135°).

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

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

1.155 **LOT LINE ADJUSTMENT.** The relocation of the Property Line between two (2) adjoining Lots.

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



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

1.158 **LUMINAIRE.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

(A) **Luminaire, Cutoff-Type.** A Luminaire with shields, reflectors, refractors, or other such elements that direct and cut-off emitted light at an angle less than ninety degrees (90°).

(B) **Luminaire, Fully Shielded.** Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

(C) **Luminaire, Partially Shielded.** Luminaires that are constructed so that no more than ten percent (10%) of the light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

1.159 **MASTER FESTIVAL.** Any event

held on public or private Property in which the general public is invited with or without charge and which creates significant public impacts through any of the following:

- (A) The attraction of large crowds;
- (B) Necessity for Street closures on Main Street or any arterial Street necessary for the safe and efficient flow of traffic in Park City;
- (C) Use of public Property;
- (D) Use of City transportation services;
- (E) Use of off-Site parking facility, or;
- (F) Use of amplified music in or adjacent to a residential neighborhood.

1.160 **MASTER PLANNED DEVELOPMENT (MPD)**. A form of Development characterized by a comprehensive and unified Site plan and design reviewed under the Master Planned Development review processes described in LMC Chapter 15-6. The MPD generally includes a number of housing units; a mix of Building types and land Uses; clustering Buildings and providing Open Space; flexibility in Setback, Height, and Density allocations; and providing additional valued community amenities.

1.161 **MAXIMUM EXTENT FEASIBLE**. The maximum mitigation where no prudent, practical and feasible alternative exists to completely mitigate the adverse impact. Economic considerations may be taken into account but shall not be

the overriding factor in determining “Maximum Extent Feasible”.

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

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

1.164 **NEIGHBORHOOD CONVENIENCE, COMMERCIAL**. Any retail establishment offering for sale prepackaged or fresh food products, beverages, household items, or other goods commonly associated with the same, not including automobile fuel sales, and having a maximum Gross Floor Area of 3,500 square feet.

1.165 **NIGHTLY RENTAL**. The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.

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

- (A) legally existed before its current zoning designation; and
- (B) because of subsequent zoning changes, does not conform to the zoning regulation’s Setback, Height restrictions, or other regulations that govern the Structure.

1.167 **NON-CONFORMING USE**. A Use of land that:

(A) legally existed before its current zoning designation;

(B) has been maintained continuously since the time the zoning regulation governing the land changed; and

(C) because of subsequent zoning changes, does not conform to the zoning regulations that now govern the land.

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

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

1.170 **NURSING HOME**. A Business described also as a “rest home”, or “convalescent home”, other than a Hospital in which Persons are generally lodged long-term and furnished with care rather than diagnoses or treatment. Also see Group Care Facility.

1.171 **OFF-SITE**. Any premises not located within the Property to be Developed or Subdivided, whether or not in the same ownership of the Applicant for Development or Subdivision approval.

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

1.173 **OFFICE**.

(A) **Office, General**. A Building offering executive, administrative, professional, or clerical services, or portion of a Building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees and/or clients.

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

(C) **Office, Medical**. A Business wherein services are performed for the diagnosis and treatment of human and animal patients, with a moderate to high level of client interaction and traffic generated by employees and/or clients. A Medical Office includes Veterinarian clinics. A Medical Office does not include an overnight care facility for humans, but would allow overnight care for small animals associated with a Veterinarian clinic, but does not include pet boarding Uses for non-medical related reasons.

(D) **Office, Moderately Intensive**. A Business offering executive, administration, professional, or clerical services which are performed with a moderate level of client interaction and traffic generated by employee and/or clients.

1.174 **OFFICIAL STREETS MASTER PLAN.** As adopted by the City Council, the designation of each existing and planned Street and Right-of-Way, and those located on approved and filed plats, for the purpose of providing for the Development of the Streets, highways, roads, and Rights-of-Way and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks. The classification of each Street and Right-of-Way is based upon its location in the respective Zoning District of the City, its present and estimated future traffic volume and its relative importance and function.

1.175 **OFFICIAL ZONING MAP.** The map adopted by the City Council pursuant to law showing the Streets, Zoning Districts, and City boundaries; and any amendments or additions thereto resulting from the approval of Subdivision or Annexation Plats and the subsequent filing of such approved plats.

1.176 **ONE BEDROOM APARTMENT.** A Dwelling Unit consisting of a living room, a Kitchen, which may be a part of the living room, a separate room designed and intended as a Bedroom, and a bathroom for the exclusive Use of that unit.

1.177 **OPEN SPACE.**

(A) **Open Space, Landscaped.** Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and

hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.

(B) **Open Space, Natural.** A natural, undisturbed Area with little or no improvements. Open space may include, but is not limited to, such Areas as Ridge Line Area, Slopes over thirty percent (30%), wetlands, Stream Corridors, trail linkages, Subdivision or Condominium Common Area, or view corridors.

(C) **Open Space, Transferred Development Right (TDR).** That portion of a Master Planned Development, PUD, Cluster Plan or other Development plan from which Density is permanently Transferred. This Area may be either Natural or Landscaped Open Space.

1.178 **ORDINARY HIGH WATER MARK.** The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation, or other appropriate means which consider the characteristics of the surrounding Areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

1.179 **ORDINARY REPAIRS AND MAINTENANCE.** Work done on a Building in order to correct any deterioration, decay, or damage to a Building or any part thereof in order to restore same as or nearly as practical to its

condition prior to such deterioration, decay, or damage.

1.180 OUTDOOR USE OR EVENT.

Any land Use, Business or activity that is not conducted entirely within an enclosed Building or Structure, not including outdoor recreation activities and those Uses customarily associated with indoor Uses, such as parking, drive-up windows, ATM's, gas pumps, playgrounds, and such. Outdoor Uses include outdoor dining; outdoor food and beverage service stations and carts; outdoor storage and display of bicycles, kayaks, and canoes; and outdoor events and music.

1.181 OWNER. Any Person, or group of Persons, having record title to a Property, and the Owner's Agent.

1.182 PARCEL. An unplatted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number.

1.183 PARKING.

(A) **Parking, Public.** A Parking Area or parking facility to be used by the public for fee or otherwise.

(B) **Parking, Residential.** A Parking Area or Structure used exclusively for residential, non-commercial Uses.

(C) **Parking, Shared.** The Development and Use of Parking Areas on two (2) or more separate Properties for joint Use by the businesses or residents on those Properties.

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

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

1.186 PARKING SPACE. An Area maintained for parking or storing an automobile or other vehicle, which is Graded for proper drainage and is Hard-Surfaced or Porous Paved.

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

1.188 PASSENGER TRAMWAY. A mechanical device to transport passengers and cargo by means of chairs or enclosed compartments attached to a cable or to rails, including each of the devices described in Section 72-11-102 of the Utah Code Annotated, as amended. Includes ski tows and ski lifts.

1.189 PERIOD OF HISTORIC SIGNIFICANCE. A specific period of time that provides a context for Historic Sites based on a shared theme.

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

1.191 PET SERVICES

(A) **Household Pets-**Household pets include dogs, cats, rabbits, birds,

other small companion animals such as gerbils and ferrets, and other similar animals owned for non-commercial use.

(B) **Household Pet Boarding**-A commercial establishment for overnight boarding and care of four (4) or fewer dogs as well as other Household Pets, not under the care of a veterinarian, in purposely-designed establishment.

(C) **Household Pet Daycare**-A commercial establishment that has a primary purpose of providing same day, short-term daycare of Household Pets in a purposely-designed establishment.

(D) **Household Pet Grooming**-A commercial establishment where Household Pets are bathed, clipped, combed, or similarly cared for, for the purpose of enhancing their aesthetic value and/or health, and for which a fee is charged. Pet grooming also includes any self-service pet washing business where the customer washes his/her own pet or where other self-service grooming tasks are provided.

(E) **Veterinary Clinic**- A facility maintained by or for the use of a licensed veterinarian in the care and treatment of animals wherein overnight care is prohibited except when necessary for medical purposes.

(Amended by Ord. No 14-57)

1.192 PLANNED UNIT DEVELOPMENT (PUD). Multiple,

Single-Family or Duplex Dwelling Units, averaging no greater than 3,900 square feet per Dwelling Unit, clustered as much as possible with TDR Open Space and in which the overall design, size, mass, scale, Setback, materials, colors and visual character are integrated one with another.

1.193 PHYSICAL MINE HAZARDS. Any shaft, adit, tunnel, portal, building, improvement or other opening or structure related to mining activity.

1.194 POROUS PAVING. A substantial surfacing material designed and intended to support light vehicular movement. Porous Paving includes paving systems such as modular pavers which provide at least fifty percent (50%) surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not Porous Paving. Porous paving includes pervious paving.

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

1.196 PRESERVATION. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a Historic Property. Work, including preliminary measures to protect and stabilize the Property, generally focuses upon ongoing maintenance and repair of Historic materials and features rather than extensive replacement and new construction.

1.197 PRESERVATION EASEMENT.

An easement that includes, as minimum stipulations, a conveyance of design approval for exterior changes, and a program whereby the Owner commits to restore and maintain a Structure following the Secretary of Interior's Standards for rehabilitation, in a form approved by the City. A time frame for completion of the restoration program may be specified in the easement agreement.

1.198 **PRIVATE EVENT.** An event, gathering, party or activity that is closed to the general public or that requires and invitation and/or fee to attend.

1.199 **PRIVATE EVENT FACILITY.** A facility where the primary Use is for staging, conducting, and holding Private Events.

1.200 **PRIVATE PLAZA.** Private Property in excess of seven hundred and fifty (750) square feet that serves as common area to adjoining Commercial Development and is free of Structures and is hard surfaced and/or landscaped. Private Plazas generally provide an Area for pedestrian circulation, common amenities, and act as a gathering space for private or public purposes.

(Note- will need to change all numbering)

1.198 **PROPERTY.** Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

(A) **Property, Storefront.** A separately enclosed space, Floor Area, tenant space or unit that has a storefront window or

storefront entrance that fronts on a Public Street. Storefront Property includes the entire Floor Area associated with the storefront window or storefront entrance that fronts on the Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space, Floor Area, tenant space or unit with:

(1) A storefront window and/or storefront entrance at the adjacent Public Street, or within fifty lateral/horizontal feet (50') of the adjacent Public Street measured from the edge of pavement to the storefront window or storefront entrance, back, inside building edge, of the public sidewalk; and

(2) A storefront window and/or storefront entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street and where such entrance is not a service or emergency entrance to the Building.

In the case of split-level, multi-level or multi-tenant Buildings with only one primary storefront entrance, only those fully enclosed spaces, Floor Areas, tenant spaces, or units that directly front on the Public Street, as set forth above, shall be designated ~~as to be a~~ "Storefront Property." The Planning Director or ~~their~~ designee shall have the final determination of applicability.

1.199 **PROPERTY LINE.** The boundary line of a Parcel or Lot.

(A) **Property Line, Front.** That part of

a Parcel or Lot which abuts a Street.

1.200 **PROPERTY OWNER.** Any Person, or group of Persons, having record title to a Property, and the Owner's Agent.

1.201 **PUBLIC ART.** Any visual work of art displayed for two weeks or more in an open city-owned area, on the exterior of any city-owned facility, inside any city-owned facility in areas designated as public areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.

1.202 **PUBLIC IMPROVEMENT.** Any Building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, Off-Street Parking Lot, space or Structure, Lot improvement, or other facility for which the City may ultimately assume responsibility, or which may effect a City improvement.

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

1.204 **QUALIFIED PROFESSIONAL.** A professionally trained Person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the matter being studied or analyzed.

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

1.206 **RECEIVING SITE.** A Parcel of real property denoted as a receiving site in the Transfer of Development Rights Overlay Zone, as shown on the Park City zoning map. A receiving site is the site to which Development Credits may be Transferred.

1.207 **RECONSTRUCTION.** The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving Site, landscape, Building, Structure or object for the purpose of replicating its appearance at a specific period of time and in its Historic location.

1.208 **RECREATION EQUIPMENT, OUTDOOR.** Playground equipment and accessory park related amenities, such as swing sets, slides, jungle gyms, sand boxes, picnic tables, volleyball nets, baseball backstops, basketball standards, frisbee golf holes, soccer goals, and similar amenities.

1.209 **RECREATION FACILITIES.**

(A) **Recreation Facilities, Commercial.** Recreation Facilities operated as a Business on private or public Property and open to the public for a fee.

(B) **Recreation Facilities, Private.** Recreation facilities operated on private Property and not open to the general public. Including Recreation Facilities typically associated with a homeowner or Condominium association, such as pools, tennis courts, playgrounds, spas, picnic Areas, similar facilities for the Use by Owners and guests.

(C) **Recreation Facilities, Public.**

Recreation facilities operated by a public agency and open to the general public with or without a fee.

1.210 **RECYCLING FACILITY.** A building, structure or land area used for the collection, processing or transfer of recyclable materials such as glass, paper, plastic, cans, or other household scrap materials.

(A) **Recycling Facility, Class I.**

Recycling containers totaling up to 60 cubic yards of capacity per residential lot or business used for the collection and temporary storage of recyclable materials such as glass, plastic, aluminum, mixed metals, fiber, and cardboard. These facilities are generally, but not limited to the use by a specific residential neighborhood, civic facility, or commercial business park, and can be for the use of the entire community.

1.211 **REFRACTIVE LIGHT SOURCE.**

A light source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

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

1.213 **REHABILITATION.** The act or process of making possible a compatible Use for a Property through repair, alterations, and additions while preserving those portions or features which convey its Historical, cultural, or architectural values.

1.214 **RESIDENTIAL USE.** Uses and project that consist primarily of activities

that are residential in nature that may include other support Uses, such as support commercial, but where the primary Use is for human habitation and associated activities. Residential Use includes occupancy of a dwelling as living quarters and all associated Uses, but not including temporary Structures such as tents, railroad cars, trailers, or similar units.

1.215 **RESORT SUPPORT**

COMMERCIAL. Use that is clearly incidental to, and customarily found in connection with, the principal Building or Use, and that is operated and maintained for the benefit and convenience of the Owners, occupants, employees, customers, or visitors to the principal Use or Building.

1.216 **RESTAURANT.** A Business in which food is prepared and sold for consumption.

(A) **Restaurant, Drive-Through.** A Restaurant, Deli, Café, fast food Restaurant, or other similar Business that includes a window or similar feature which allows food to be ordered and taken from the premises for consumption elsewhere, without leaving a vehicle.

1.217 **RESTORATION.** The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of removal of features from other periods in its history and Reconstruction of missing features from the restoration period.

1.218 **RESUBDIVISION.** A change in a map of an approved or recorded Subdivision

Plat if such change affects any Right-of-Way, or Lot Line; or any change in a map or plan legally recorded prior to the adoption of regulations controlling Subdivisions.

1.219 **RETAIL AND SERVICE.**

(A) **Retail and Service, Commercial-Auto Related.** An establishment primarily engaged in the sale or rental of goods, merchandise, and services related to the automobile, such a auto repair, auto body work, painting, detailing, auto and auto related equipment sales, with moderate to high volume of customer turnover and moderate to high parking demand. These Uses do not include auto dismantling, salvage, junk yards, and similar Uses. Self-service car washes are included.

(B) **Retail and Service, Commercial-Major.** A large scale Business engaged primarily in the sale or rental of goods, merchandise, or services with a high customer turnover and high parking demand. These establishments may have large interior showrooms or semi-truck loading docks. Examples of these Uses include large department, grocery, variety, drug, super stores. Fully-enclosed car washes are included.

(C) **Retail and Service, Commercial-Minor.** A Business primarily engaged in the sale or rental of goods, merchandise, or services with a low volume of customer turnover, low parking demand, and no outdoor storage of goods. These Uses do not include automobile or large equipment rental or sales. Such Uses include antique stores, art galleries, art supply stores, bakeries, book stores, clothing stores, candy

stores, florists, gift shops, liquor stores, pharmacies, sporting goods stores, auto parts stores, interior design stores, and home furnishing stores.

(D) **Retail and Service, Commercial-Personal Improvement.** A Business engaged in or offering courses and services for the enhancement of personal recreational interests, Business skills, vocational training, dance training, art and drama classes, public speaking, and similar Uses where the class or session meets as a group.

1.220 **RIDGE LINE AREA.** The top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.

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

1.222 **RIGHT-OF-WAY.** A strip of land, dedicated to public Use that is occupied or intended to be occupied by a Street, crosswalk, trail, stairway, ski lift, railroad, road, utilities, or for another special Use.

1.223 **ROAD.**

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

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

1.225 **ROAD RIGHT-OF-WAY**

WIDTH. The distance between Property Lines measured at right angles to the center line of the Street.

1.226 **SALT LAKE CITY 2002 WINTER OLYMPIC GAMES OLYMPIC LEGACY DISPLAYS.**

Official exhibits from the Salt Lake City 2002 Winter Olympic Games created and/or provided by the Salt Lake Organizing Committee (SLOC) as part of the SLOC/Park City Municipal Corporation Olympic Services agreement and/or Olympic Master Festival License and approved by the City Council for installation on City Property, public Rights-of-Way and/or within the Areas that were Olympic venue Sites during the 2002 Winter Olympic Games at Park City Mountain Resort and Deer Valley Resort, or replacement exhibits that expressly commemorate the Salt Lake City 2002 Olympic Winter Games. Olympic Legacy Displays may include the following additional information:

(A) Park City Municipal Corporation or Venue name and/or logo provided said information does not exceed twenty percent (20%) of the display area; and/or

(B) Master Festival Event identification provided said information does not exceed twenty percent (20%) of the display area, and is not displayed for more than two (2) weeks unless otherwise approved as part of the Master Festival License.

1.227 **SATELLITE RECEIVING STATION.** Any apparatus or device designed for the purpose of transmitting

and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrially and/or orbitally based Uses. This definition includes but is limited to what are commonly referred to as satellite earth stations, satellite microwave Antennas, TVRO's or dish Antennas. This definition does not include conventional television Antennae.

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

1.229 **SCREEN OR SCREENED.** The act, process, or result of visually and/or audibly shielding or obscuring a Structure or Use from adjacent Property by Fencing, walls, berms, densely planted vegetation or other landscaping features.

1.230 **SECONDARY LIVING QUARTERS.** An Area within a main dwelling which is used by the Property Owner or primary tenant as a dwelling for the private Use of the Property Owner's relatives, domestic help, caretakers, nursing staff, house guest, or similar user.

1.231 **SENDING SITE.** A Parcel of real property denoted as a sending site in the Transfer of Development Rights Overlay Zone, as shown on the Park City zoning map. A Sending Site is the Site from which Development Credits may be Transferred.

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

1.233 **SENSITIVE LANDS ANALYSIS.**

A comprehensive analysis performed by a qualified professional(s) that examines, identifies, and delineates on a map and in a written report all Areas of a Property deemed to be environmentally and aesthetically important to the community as expressed in the Park City General Plan, including, but not limited to, Steep Slopes, Very Steep Slopes, Significant Ridge Line Areas, wetlands, streams and lakes, wildlife habitat Areas, entry corridors, Vantage Points, Significant Vegetation, and Wildfire/ Wildland Interface Zones.

1.234 **SENSITIVE OR SPECIALLY VALUED SPECIES.** Federally Threatened and Endangered Species; State of Utah Threatened and Endangered Species; State of Utah Species of Concern as identified in the document; animals and plants of special concern to the Park City Community as identified in the General Plan and in need of special protection.

1.235 **SETBACK.** The required minimum distance between a Building Pad and the closest of the following:

- (A) Property Line;
- (B) platted Street; or
- (C) existing curb or edge of a Street.

1.236 **SEXUALLY ORIENTED BUSINESSES.** Businesses defined as such according to Municipal Code Section 4-9-4.

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

1.238 **SIGNIFICANT RIDGE LINE**

AREA. Ridge lines in Areas deemed to be significant or sensitive as determined during the Sensitive Lands Analysis, the significance of these ridge lines is to be determined during the sensitive lands visual analysis process.

1.239 **SIGNIFICANT SITE.** Any Site, including a Building (main, attached, detached or public), Accessory Building, and/or Structure that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

1.240 **SIGNIFICANT VEGETATION.** Includes all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

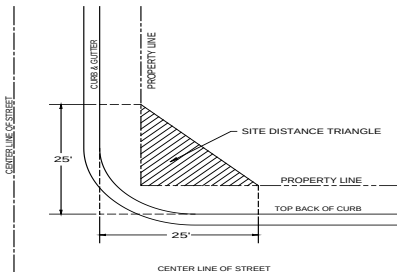
1.241 **SINGLE FAMILY SUBDIVISION.** A Development consisting of primarily, although not exclusively, of Single Family Dwellings.

1.242 **SITE.** An Area, Lot, or piece of land where a Building (main, attached, detached or public), Accessory Building, and/or Structure was, is, or will be located.

1.243 **SITE DEVELOPMENT STANDARDS.** Regulations unique to each zone concerning standards for Development including, but not limited to Lot Areas, Setbacks, Building Height, Lot coverage, open space.

1.244 **SITE DISTANCE TRIANGLE.** A

triangular Area at the intersection of two Streets formed by the Streets at Property Line and a line connecting them at points twenty-five feet (25') from the intersection of the Street lines.

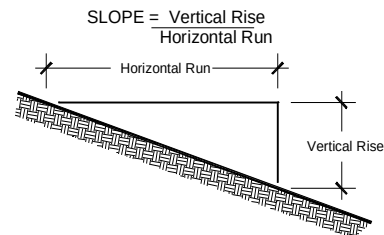


1.245 **SITE SUITABILITY ANALYSIS.**

A comprehensive analysis of a Property or Site used in making a determination of appropriate Density considering such factors as Sensitive Lands, existing and proposed utilities and transportation systems, and other community objectives as stated in the General Plan.

1.246 **SKETCH PLAT.** A Sketch preparatory to the Preliminary Plat, or Subdivision Plat in the case of Minor Subdivisions, to enable the Owner to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat.

1.247 **SLOPE.** The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance of the land into the vertical rise or distance of the same land and converting the resulting figure in a percentage value.



(A) **Slope, Steep.** Slope greater than fifteen percent (15%).

(B) **Slope, Very Steep.** Slope greater than forty percent (40%).

1.248 **SPACING.** Distance between the closer edges of adjoining driveways or driveways and Right-of-Way lines of intersecting Streets.

1.249 **SPECIAL EVENT.** Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal Business and/or liquor regulations, as defined by this Code, or creates public impacts through any of the following:

- (A) The use of City personnel;
- (B) Impacts via disturbance to adjacent residents;
- (C) Traffic/parking;
- (D) Disruption of the normal routine of the community or affected neighborhood; or
- (E) Necessitates Special Event temporary beer or liquor licensing in conjunction with the public impacts, neighborhood block parties or other events

requiring Street closure of any residential Street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a Special Event.

1.250 STEALTH. A Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

1.251 STOREFRONT PROPERTY. See Property, Storefront.

~~A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space or unit with:~~

~~(1) — A window and/or entrance within fifty lateral/horizontal feet (50') of the back, inside building edge, of the public sidewalk; and~~

~~(2) — A window and/or entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street.~~

~~In the case of split level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street as set forth above, shall be designated to be a "Storefront Property." The Planning Director or their designee shall have the final determination of applicability.~~

1.251.252 STORY. The vertical measurement between floors taken from finish floor to finish floor. For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall plate for the roof Structure.

~~1.252~~**1.253 STREAM.** A naturally-fed water course, that flows year round or intermittently during years of normal rainfall. This definition excludes ditches and canals constructed for irrigation and drainage purposes.

~~1.253~~**1.254 STREAM CORRIDOR.** The Corridor defined by the Stream's Ordinary High Water Mark.

~~1.254~~**1.255 STREET.** Any highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, easement, or other way.

(A) **Street, Public.** A Street that has been dedicated to and accepted by the City Council; that the City has acquired and accepted by prescriptive right; or that the City owns in fee.

~~1.255~~**1.256 STREETSCAPE.** The distinguishing characteristics of a particular Street including paving materials, adjacent space on both sides of the Street, landscaping, retaining walls, sidewalks, Building Facades, lighting, medians, Street furniture, and signs.

(A) **Streetscape, Architectural.** The Architectural Streetscape required as part of the Historic District Design Review process and Steep Slope CUP process.

~~1.256~~**1.257 STRUCTURE.** Anything constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes

an impervious material on or above the ground; definition includes “Building”.

~~1.257~~1.258 **STUDIO APARTMENT.** A Dwelling Unit consisting of a single room equipped for cooking, living, and sleeping, having a separate bathroom or Kitchen for the exclusive Use of the dwelling, and a Floor Area of not more than one thousand square feet (1,000 sq. ft.).

~~1.258~~1.259 **SUBDIVISION.** Any land, vacant or improved, which is divided or proposed to be divided or combined into one (1) or more Lots, Parcels, Site, Units, plots, or interests for the purpose of offer, sale, lease, or Development, either on the installment plan or upon any all other plans, terms, and conditions, including Resubdivision. Subdivision includes the division or Development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes the creation of a single lot of record from a Lot, Parcel, Site, Unit, plot, or other division of land.

(A) **Subdivision, Major.** All Subdivisions of four (4) or more Lots, or any size Subdivision requiring any new Street or extension of municipal facilities, or the creation of any Public Improvements.

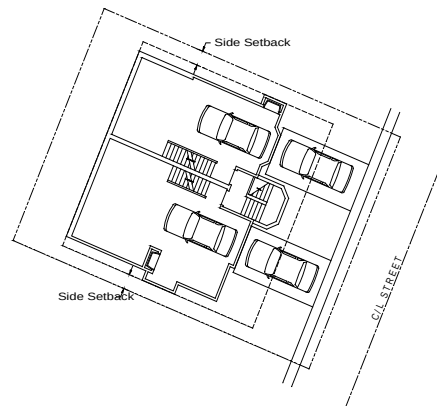
(B) **Subdivision, Minor.** Any Subdivision containing not more than three (3) Lots fronting on an existing Street, not involving any new Street, or the extension of municipal facilities, or the creation of any Public Improvements, and not adversely

affecting the remainder of the Parcel or adjoining Property, and not in conflict with any provision or portion of the General Plan, Official Zoning Map, Streets Master Plan, or these regulations.

~~1.259~~1.260 **SUBDIVISION PLAT.** The final map or drawing, on which the Applicant’s plan of Subdivision is presented to the City Council for approval and which, if approved, may be submitted to the Summit County Recorder for filing.

~~1.260~~1.261 **SUITABILITY DETERMINATION.** A determination by the Planning Director whether Development at increased Densities due to a Density Transfer from a Sensitive Area is Compatible with Development on surrounding or adjacent Property.

~~1.261~~1.262 **TANDEM PARKING.** A parking design which allows parking one (1) vehicle behind another. Such parking may not include more than two (2) cars in depth, and may not require occupants of separate Dwelling Units to park behind one another.



~~1.262~~1.263 **TELECOMMUNICATION**

S. The transmission between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received.

~~1.263~~1.264 **TELECOMMUNICATION
S FACILITY.**

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

(A) **Telecommunications Facility, Co-Location.** The location of Telecommunications Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

(B) **Telecommunications Facility, Equipment Shelter.** A cabinet or Building used to house equipment for Telecommunications Facilities.

(C) **Telecommunications Facility, Stealth.** A Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

(D) **Telecommunications Facility, Technical Necessity.** A particular design, placement, construction, or location of a Telecommunications Facility that is technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

~~1.264~~1.265 **TEMPORARY**

IMPROVEMENT. A Structure built, or installed, and maintained during construction of a Development, or during a Special Event or activity and then removed prior to release of the performance Guarantee. Does not include temporary storage units, such as PODS or other similar structures used for temporary storage that are not related to a Building Permit for construction of a Development and are not part of an approved Special Event or activity.

~~1.265~~1.266 **TIMESHARE**

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

~~1.266~~1.267 **TIMESHARE ESTATE.** A Timeshare Estate shall be defined in accordance with Utah Code Section 57-19-2, as amended, excluding Private Residence Club ownership.

~~1.267~~1.268 **TIMESHARE**

INSTRUMENT. Any instrument whereby the Use, occupancy, or possession of real Property has been made subject to either a Timeshare Estate or Timeshare Use, and whereby such Use, occupancy, or possession circulates among three (3) or more purchasers of the Timeshare Intervals according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three (3) years in duration.

~~1.268~~1.269 **TIMESHARE INTERVAL.**

A Timeshare Estate or a Timeshare Use.

~~1.269~~1.270 **TIMESHARE OFF-
PREMISES CONTACTING ACTIVITY.**

Activity occurring outside of a Timeshare Project that is engaged in by off-premises timeshare contacting personnel in an effort to induce Persons to attend a Timeshare Sales Presentation. Off-Premises Timeshare Contacting Activity must be confined to a fully enclosed Building.

~~1.270~~1.271 **TIMESHARE OFF-
PREMISES SALES ACTIVITY.** Original timeshare sales and resale activity occurring outside of a Timeshare Project. Off-Premises Timeshare Sales shall be confined to a fully enclosed Building and is subject to business license regulation.

~~1.271~~1.272 **TIMESHARE OFF-
PREMISES SALES OFFICE.** An office outside of a Timeshare Project, wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales or resales.

~~1.272~~1.273 **TIMESHARE ON-SITE
SALES ACTIVITY.** Timeshare sales activity occurring within a Timeshare Project.

~~1.273~~1.274 **TIMESHARE ON-SITE
SALES OFFICE.** An office located within a Timeshare Project wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales.

~~1.274~~1.275 **TIMESHARE PROJECT.**

Any Property that is subject to a Timeshare Instrument, including a Timeshare Conversion.

~~1.275~~1.276 **TIMESHARE SALES
PRESENTATION.**

(A) An offer to sell or reserve a Timeshare Interval;

(B) An offer to sell an option to purchase a Timeshare Interval;

(C) The sale of a Timeshare Interval, or an option to purchase a Timeshare Interval; or

(D) The reservation of a Timeshare Interval, whether the Timeshare Interval is located within or without the State of Utah.

~~1.276~~1.277 **TIMESHARE UNIT.** That unit of Property and time where possession and Use are allowed under a contract from seller to purchaser, excluding Private Residence Club units.

~~1.277~~1.278 **TIMESHARE USE.** Any contractual right of exclusive occupancy created by a Timeshare Instrument which does not fall within the definition of "Timeshare Estate", including, without limitation, a vacation license, general partnership interest, limited partnership interest, vacation bond, or beneficial interest in a trust, and the documents by which the right of exclusive occupancy is transferred, excluding Private Residence Club Use.

~~1.278~~1.279 **TRANSFER.** Any action which results in the sale, exchange, or joint

venturing of development credits from one property to another property.

~~1.279~~1.280 **TRANSFERRED DEVELOPMENT RIGHT (TDR) OPEN SPACE.** That portion of a Master Planned Development, PUD, Cluster Plan or other Development plan from which Density is permanently Transferred. This Area may be either Natural or Landscaped Open Space.

~~1.280~~1.281 **TRANSPORTATION SERVICES.** A Business involving transit operations, taxis, shuttle services, rental cars, or similar transit-related services.

~~1.281~~1.282 **UDOT.** Utah State Department of Transportation, an agency that maintains and regulates State Highways.

~~1.282~~1.283 **UNIFORMITY RATIO.** The ratio between the average and minimum light distribution or luminance across a given Area.

~~1.283~~1.284 **UNIT EQUIVALENT.** The Density factor applied to different sizes and configurations of Dwelling Units and commercial spaces.

~~1.284~~1.285 **USE.** The purpose or purposes for which land or Structures are occupied, maintained, arranged, designed, or intended.

(A) **Use, Intensity of.** The maximum number of residential units, or commercial, or industrial space within a specified land Area designated for that purpose.

~~1.285~~1.286 **VANTAGE POINTS.** A

height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes:

- (A) Osguthorpe Barn;
- (B) Treasure Mountain Middle School;
- (C) Intersection of Main Street and Heber Avenue;
- (D) Park City Ski Area Base;
- (E) Snow Park Lodge;
- (F) Park City Golf Course Clubhouse;
- (G) Park Meadows Golf Course Clubhouse;
- (H) State Road 248 at the turn-out one quarter mile west from U.S. Highway 40;
- (I) State Road 224, one-half mile south of the intersection with Kilby Road;
- (J) Intersection of Thaynes Canyon Drive and State Road 224; and
- (K) Across valley view.

~~1.286~~1.287 **VEHICLE CONTROL GATE.** Any gate, barrier, or other mechanism to limit vehicular Access on or across a Street.

~~1.287~~1.288 **WETLAND, SIGNIFICANT.** All wetlands that occupy a surface Area greater than one-tenth (1/10) acre or are associated with permanent surface water or that are adjacent to, or contiguous with, a Stream Corridor.

~~1.288~~1.289 **WILDFIRE/WILDLAND INTERFACE ZONE.** All Areas within the Sensitive Areas Overlay Zone are within the Wildfire/Wildlife Interface Zone unless the City Fire Marshal determines otherwise

based upon the amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steepness.

1.2891.290 WIND ENERGY SYSTEM,

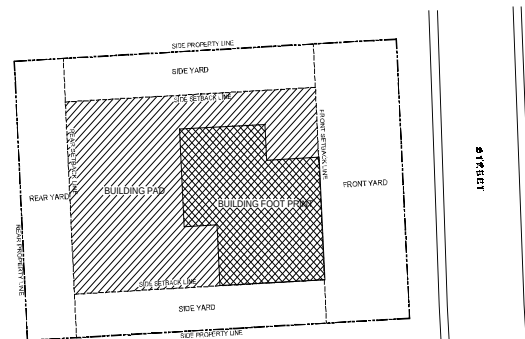
SMALL. All equipment, machinery, and Structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and Access roads, and one (1) or more wind turbines, which has a rated nameplate capacity of 100kW or less.

1.2901.291 YARD.

(A) **Yard, Front.** The Area between the front of the closest Building and the Front Lot Line or closer Right-of-Way, extending the full width of the Lot. The “depth” of the Front Yard is the minimum distance between the Front Lot Line and the front line of the closest Structure.

(B) **Yard, Rear.** The Area between the rear line of the closest Building and the Rear Lot Line, or closer Right-of-Way, and extending the full width of the Lot. The “depth” of the Rear Yard is the minimum distance between the Rear Lot Line and the rear line of the closest Structure.

(C) **Yard, Side.** The Area between the side line of the Building and the Side Lot Line and extending from the Front Yard to the Rear Yard. The “width” of the Side Yard shall be the minimum distance between the Side Lot Line and the side line of the closest Structure. See the following illustration:



1.2921.293 ZONING DISTRICT. An Area identified on the Official Zoning Map to which a uniform set of regulations applies as set forth herein, which districts are co-terminus with, and which are designed to implement the Park City General Plan.

1.2931.294 ZONING MAP,

OFFICIAL. The map adopted by the City Council depicting the geographic scope of the City’s land Use designations.

1.2941.295 XERISCAPE. A landscaping method developed especially for arid and semiarid climates utilizing water – conserving techniques (such as the use of drought-tolerant plants, mulch, and efficient irrigation).

(Amended by Ord. Nos. 02-07; Ord. No. 02-38; 04-39; 05-01; 06-86; 07-25; 07-55; 08-07; 09-05; 09-09; 09-10; 09-14; 09-23; 09-40; 11-05; 11-12; 12-37)

15-15-2. LIST OF DEFINED TERMS.

-A-

Access
 Accessory Apartment
 Accessory Building
 Accessory Use
 Active Building Permit
 Administrative Permit
 Affordable Housing
 Agent
 Agriculture
 Allowed Use
 Alteration, Building
 Ancillary Structure
 Anemometers and Anemometer Towers
 Antenna
 Antenna, Test Drive
 Antenna, Enclosed
 Antenna, Freestanding
 Antenna, Roof Mounted
 Antenna, Temporary
 Antenna, Wall Mounted
 Apartment
 Applicant
 Application
 Application, Complete
 Architectural Detail
 Area or Site
 Attic

-B-

Bakery
 Balcony
 Bar
 Base Zoning
 Basement
 Bay Window
 Bed and Breakfast Inn
 Bedroom
 Billboard
 Blank Wall
 Block
 Boarding House

Building
 Building, Attached
 Building, Detached
 Building, Main
 Building, Public
 Building Alteration (see Alteration, Building)
 Building Envelope
 Building Footprint
 Building Pad
 Building Permit
 Business

-C-

Café
 Canopy
 Capital Improvements Program
 Certificate of Appropriateness
 Certificate of Economic Hardship
 Certificate of Occupancy
 Child Care
 Child Care, In-Home Babysitting
 Child Care, Family
 Child Care, Family Group
 Child Care Center
 City Development
 Clearview of Intersecting Streets
 Club
 Club, Private
 Club, Private Residence
 Club, Private Residence Conversion
 Club, Private Residence Off-Site
 Club, Private Residence Project
 Cluster Development
 Code
 Collector Road
 Co-Location (see Telecommunications Facility, Co-Location)
 Commercial Use
 Commercial Use, Support
 Commercial Use, Resort Support

Common Area
Common Ownership
Compatible or Compatibility
Conditional Use
Condominium
Conservation Activity
Conservation Easement
Constitutional Taking
Construction Activity
Construction Mitigation Plan
Construction Plan
Contributing Building, Structure, Site/Area
or Object
Council
Cover, Site
Crawl Space
Crest of Hill
Cul-de-sac

-D-

Deli or Delicatessen
Demolish or Demolition
Density
Design Guideline
Detached
Developable Land
Developer
Development
Development Agreement
Development Approval Application
Development Credit
Development Credit Certificate
Development Right
Disabled Care
Dissimilar Location
Dwelling, Duplex
Dwelling, Triplex
Dwelling, Multi-Unit
Dwelling, Single Family
Dwelling Unit

-E-

Economic Hardship, Substantial
Elder Care
Elevator Penthouse
Equipment Shelter (see Telecommunications
Facility, Equipment Shelter
Escrow
Essential Historical Form
Exterior Architectural Appearance

-F-

Facade, Building
Façade, Front
Facade Easement
Facade Shift
Fence
Filtered Light Fixture
Final Action
Final Plat
First Story
Flood Plain Area
Floor Area, Gross Commercial
Floor Area, Gross Residential
Floor Area, Net Leasable
Floor Area Ratio (FAR)
Foot Candle
Foot Candle, Average (afc)
Foot Candle, Horizontal (hfc)
Foot Candle, Vertical (vfc)
Frontage
Fully Shielded

-G-

Garage, Commercial
Garage, Front Facing
Garage, Private
Garage, Public
Geologic Hazard
Good Cause
Governing Body
Grade

Grade, Existing
Grade, Natural
Grade, Final
Grading
Green Roof
Group Care Facility
Grubbing
Guarantee
Guest House

-H-

Habitable Space (Room)
Hard-Surfaced
Height, Building
Helipad
Heliprot
Helistop
Historic
Historic Building, Structure, Site or Object
Historic District
Historic Integrity
Historic Significance, Period of
Historic Sites Inventory
Historical Form, Essential (see Essential
Historical Form)
Home Occupation
Hospital
Hospital, Limited Care
Hotel/Motel
Hotel/Motel, Major
Hotel/Motel, Minor
Hotel Room
Hotel Suite

-I-

Impact Analysis
Impervious Surface
Inaction
Incidental Retail Sales
Indoor Entertainment Facility

-K-

Kitchen
Kitchen, IBC Commercial
Kitchenette

-L-

Landmark
Landmark Site
Landscaping, Interior
Landscaping, Parking Area
Landscaping, Perimeter
Liftway
Liftway Setback
Light Source
Light Source, Refractive
Limits of Disturbance
Lockout Unit
Lot
Lot, Corner
Lot Depth
Lot Line
Lot Line Adjustment
Lot Width
Lumen
Luminaire
Luminaire, Cutoff Type
Luminaire, Fully Shielded
Luminaire, Partially Shielded

-M-

Master Festival
Master Planned Development (MPD)
Maximum Extent Feasible
Maximum House Size
Model Home

-N-

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

Noteworthy
Nursery, Greenhouse
Nursing Home

-O-

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

-P-

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

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

-Q-

Qualified Professional
Quasi-Public Use

-R-

Receiving Site
Reconstruction
Recreation Equipment, Outdoor
Recreation Facilities, Commercial
Recreation Facilities, Private
Recreation Facilities, Public
Recycling Facility
Recycling Facility, Class I
Refractive Light Source
Regulated Use
Rehabilitation
Residential Use
Resort Support Commercial
Restaurant
Restaurant, Drive-Through
Restoration
Resubdivision
Retail and Service, Commercial-Auto

Related
 Retail and Service, Commercial-Major
 Retail and Service, Commercial-Minor
 Retail and Service, Commercial-
 Personal Improvement
 Ridge Line Area
 Riding Stable, Commercial
 Right-of-Way
 Road, Collector
 Road Classification
 Road Right-of-Way Width

-S-
 Salt Lake City 2002 Winter Olympic Games
 Olympic Legacy Displays
 Satellite Receiving Station
 SBWRD
 Screen or Screened
 Secondary Living Quarters
 Sending Site
 Sensitive Land
 Sensitive Land Analysis
 Sensitive or Specially Valued Species
 Setback
 Sexually Oriented Businesses
 Significance
 Significance, Period of Historic
 Significant Ridge Line Area
 Significant Site
 Significant Vegetation
 Single Family Subdivision
 Site
 Site Development Standards
 Site Distance Triangle
 Site Suitability Analysis
 Sketch Plat
 Slope
 Slope, Steep
 Slope, Very Steep
 Spacing
 Special Event

Storefront Property (see Property,
 Storefront)
 Story
 Stream
 Stream Corridor
 Street
 Street, Public
 Streetscape
 Streetscape, Architectural
 Structure
 Studio Apartment
 Subdivision
 Subdivision, Major
 Subdivision, Minor
 Subdivision Plat
 Substantial Economic Hardship (see
 Economic Hardship, Substantial)
 Suitability Determination

-T-
 Tandem Parking
 Telecommunications
 Telecommunications Facility
 Telecommunications Facility, Co-Location
 Telecommunications Facility, Equipment
 Shelter
 Telecommunications Facility, Stealth
 Telecommunications Facility, Technical
 Necessity
 Temporary Improvement
 Timeshare Conversion
 Timeshare Estate
 Timeshare Instrument
 Timeshare Interval
 Timeshare Off-Premises Contacting Activity
 Timeshare Off-Premises Sales Activity
 Timeshare Off-Premises Sales Office
 Timeshare On-Site Sales Activity
 Timeshare On-Site Sales Office
 Timeshare Project
 Timeshare Sales Presentation

Timeshare Unit
Timeshare Use
Transfer
Transferred Development Right (TDR)
 Open Space
Transportation Services

-U-
UDOT
Uniformity Ratio
Unit Equivalent
Use
Use, Intensity of

-V-
Vantage Points
Vehicle Control Gate

-W-
Wetland, Significant
Wildfire/Wildland Interface Zone
Wind Energy System, Small

-X-
Xeriscape

-Y-
Yard, Front
Yard, Rear
Yard, Side

-Z-
Zone Height
Zoning District
Zoning Map, Official

Commissioner Thimm concurred with Chair Strachan. He believed the LMC and the Planning Staff would enforce the mitigation of impacts. Commissioner Thimm liked the adage of the tie going to the runner. He appreciated Mr. Fiat's persistent effort.

Commissioner Band asked if they needed to add language to the construction mitigation plan to address the comment by Planning Manager Sintz that a specific system was in place to notify the neighbors if changes to the Plan occur. Planner Astorga pointed out that the condition should be removed entirely because those items would become conditions of approval and the Chief Building Official would not have the ability to amend the construction mitigation plan.

Chair Strachan suggested that the Planning Commission take a break and move to the next item on the agenda to give Planner Astorga the opportunity to draft the revised findings of fact and conditions of approval and bring it back to the Planning Commission for action this evening. The Commissioners concurred.

Chair Strachan noted that since the majority of the public were present for the LMC amendment regarding Vertical Zoning storefronts, the Planning Commission would move that to the next agenda item.

Commissioner Phillips returned to the meeting.

3. Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HCB), and associated Definitions in Chapter 15-15 Defined Terms (Application PL-15-02810)

Planner Whetstone reviewed the proposed amendments to Chapter 2.5 and 2.6, as well as changes to the definitions in Chapter 15. The Staff recommended that the Planning Commission conduct a public hearing and continue the item to July 22nd to allow time for the Staff to consider input from both the Planning Commission and the public. Planner Whetstone stated that the Staff intends to provide noticing to the business owners prior to the July 22nd, meeting. She noted that every property owner within the area of the vertical zoning ordinance was noticed for this meeting; and it would be beneficial to hear from the businesses.

Planner Whetstone stated that Goal 16 in the General Plan stated, "To maintain Historic Main Street District as the heart of the City for residents and encourage tourism in the District." Objectives talk about limiting uses within the first story of buildings along Main Street to retail and restaurant establishments that are inviting to passing pedestrians. Uses that should be discouraged included office space, real estate, show rooms, parking, etc.

An implementation strategy is to re-examine the City's vertical zoning ordinance that requires commercial retail shops along Main Street and to consider strengthening that ordinance.

Planner Whetstone stated that additionally the City has an economic development strategic plan that includes goals related to maintain and improving a balance of sustainable community goals by going beyond economic initiatives and include social and environmental strategies to preserve Main Street.

Planner Whetstone stated that the proposed amendments pro-actively direct uses that have a more positive impact or effect on the economic and social vitality and activity level of the street to look at street level storefronts. Upper level spaces in the districts in this area can continue to accommodate offices, residential, real estate offices and those types of uses. Planner Whetstone remarked that the proposed amendment expands the reach to Lower Main Street and suggests taking out any areas that were exempt from the existing ordinance. Planner Whetstone summarized that the proposed amendment would amend the table to add additional uses that would not be allowed in storefront properties; to expand the location of the ordinance; and to relook at the definition where a property fronts on a street or a public or private plaza. She noted that a private plaza has its own definition and this amendment would not include a small, personal or private plaza. However, if it is on Main Street it would probably fall under this amendment because it would be within 50 feet of the street.

Planner Whetstone had reviewed the ordinance and read through the minutes of how it was created and why some areas were exempt. She recognized that some areas may still need to be exempt and she anticipated a lot of conversation regarding this issue.

Planner Whetstone requested that the Planning Commission consider adding a requirement that new construction or redevelopment reconstruction shall not be manipulated so as to not create a storefront property.

Planner Whetstone stated that the storefronts are regulated by a footnote to the uses. They added the footnote "any residential use". She pointed out that nightly rental was not mentioned in the list because it was already part of the residential use. A bed and breakfast and a hostel were added, as well as minor hotel rooms. They also added under conditional uses triplex, multi-units, guest houses, and group care facilities. Also added were parking areas or structures, as well as recreation facilities; commercial, public and private. Planner Whetstone clarified that the footnote are uses are prohibited in the HRC zone, storefronts on Main Street, Swede Alley, Heber Avenue and Park Avenue, excluding the HRC zoned areas on the west side of Park Avenue. She noted that three HRC properties across from the Kimball Arts Center are residential buildings. Other historic

buildings on the west side of Park Avenue with different uses back to residential and it seemed appropriate that adaptive reuse of those buildings may be an office. Planner Whetstone remarked that an item for discussion would be to allow a hotel on a Main Street storefront but not the hotel rooms. Hotel lobbies would also be prohibited unless they were open to the public.

Planner Whetstone reviewed the items for discussion outlined on page 480 of the Staff report: 1) Are there Uses that the Commission finds should be excluded or included from the provisions of this Ordinance; 2) How should access to upper and lower level spaces be regulated? Should access and/or lobby areas for hotels, residential condominium properties, offices, private clubs, etc. be limited to a certain percentage of the overall Storefront area? Should these regulations apply to lobbies that are essentially public because they provide access through to public restaurants, bars, and shops; 3) Does the Commission find that expansion of the Ordinance to the lower MainStreet area by a) including Public and Private Plaza areas in the definition of Storefront, and b) by removing the current language that excludes certain properties, further addresses the City's adopted Goals and Objectives and strengthens the existing Ordinance; 4) Are there certain properties or spaces that should be excluded from the provisions of this Ordinance due to existing physical constraints, such as the location or orientation of windows, entry ways or other reasons? Should the properties that front onto the northern interior plaza at Summit Watch continue to be excluded from the Vertical Ordinance, thus allowing non-retail uses to located in that area; 5) Staff has exempted the HRC zoned properties located on the west side of Park Avenue because these properties transition to adjacent residential properties on Woodside. Residential and office uses within Storefront Areas are compatible uses in this transition area. Should this area be included in the Vertical Zoning regulations; 6) Should new development be required to have Storefront Areas if located on Main, Heber, Swede, or east side of Park and within the HRC and HCB Zoning Districts?

Chair Strachan opened the public hearing.

Doug Clyde thought the discussion items were well framed and he intended to stay and listen to their discussion. Mr. Clyde had read the ordinance and believed that it generally accomplishes what they want. However, he had concerns about the plaza issue. He thought it was unclear what the relationship of a plaza is to the specific streets on which the storefronts are regulated. It is unclear when a plaza becomes part of one of those regulated streets. For example, in reading the ordinance one could construe that the 1st Street stairs are a public plaza connected to Park Avenue and perhaps should have storefront all the way up the stairs. He thought the intent of what they were trying to accomplish was good but he cautioned them to consider the unintended consequences.

Mike Sweeney stated that he is one of the owners of a plaza and had a difficult time understanding the thinking with respect to the plazas. Plazas were not involved on Main Street. Mr. Sweeney remarked that he, his brothers and others provide Park City with lower Main Street because until they developed it there was not a lower Main Street. It was a Mill plat and it terminated at Heber Avenue. Mr. Sweeney stated that from his understanding as the President of the HPCA at the time this was going on, they were talking about storefront on the Main Street level. It did not involve his plaza or the Main Street Summit Watch Plaza, which are the only two plazas on Main Street that are 1,000 square feet. Mr. Sweeney stated that the businesses on the interior of the Marriott Summit Watch need all the help they can get because very few businesses have been successful in the 20 years since the plaza was created. Mr. Sweeney noted that he help craft the original language and the fact that it has been expanded to include private plazas does not make any sense. He supported the idea of having commercial retail in storefronts, which includes bars and event centers. Mr. Sweeney stated that the purpose of the ordinance is to make sure that the commercial activity on Main Street is existing. He does not believe in having parking come in on Main Street. He remarked that this came to the attention of the City Council because of how 205 Main Street was designed. The reason for this amendment is to make sure that something like 205 Main Street never happens again. Mr. Sweeney stated that when he was involved with the HPCA they looked at what they thought was right for Main Street to create the commercial activity and the vibrancy they were looking for. He believed that was what they were trying to protect to make sure that 205 did not happen again on Main Street. Mr. Sweeney noted that the real estate firms were asked to leave Main Street and they will not be coming back. Mr. Sweeney wanted to meet with Planner Whetstone to go through in detail what he understands about this particular situation they were in right now.

Eric Nelson agreed that this conversation was triggered by what happened on 205 Main Street, which in his view is a disaster for the City and for Main Street. He believed the City had an opportunity to vitalize that section of Main Street, and so far they have lost that opportunity. Mr. Nelson had read the Staff report and he had no comments on it. However, he did want to comment on process. When a project like 205 Main Street is not reviewed by the Planning Commission and the City Council, and neither body even knew it had been approved, the process is flawed. When the buck stops with the City Council and they knew nothing about it that is a problem. Mr. Nelson stated that someone needed to address the process because 205 Main Street was not the only instance where a project was approved without the Planning Commission or the City Council seeing it; and that is a mistake. Mr. Nelson requested that the Staff and the Planning Commission address that issue.

Chair Strachan closed the public hearing.

Commissioner Campbell agreed that plazas were a separate issue. He was unsure how to address plazas, but he thought they were crafting a shotgun approach to stop 205 Main from happening again. Commissioner Campbell stated that it is only two plazas and both need whatever help they could give them. He did not believe they should be treated the same way as Main Street.

Commissioner Thimm concurred with Commissioner Campbell with regard to looking at plazas differently. He has walked them many times and he sees the struggles. In terms of access, Commissioner Thimm thought having lobbies for offices and hospitality as part of the storefront face for Main Street makes sense. However, it was important to look at it holistically if they intend to make changes to the LMC as opposed to a knee jerk reaction to one project.

Commissioner Band thought the downtown plaza areas have started to change and a lot of the businesses have been there for a while. The more they can encourage good shops to be there the more people will go there. Commissioner Band stated that if the concern was about the vibrancy of that area, taking plazas out of the ordinance will hurt more than it will help. If the intent is to address the lack of vibrancy on lower Main and on this plaza, they should not do it by putting in offices and real estate business. They need to help the area by making it more vibrant and keep the retail and commercial spaces that will bring people in.

Commissioner Joyce asked Planning Manager Sintz not to put the Planning Commission in the same position they were put in for Bonanza Park where owners are caught off guard and blindsided. He wanted to make sure that the people who are the most affected are clearly informed about this amendment. Commissioner Joyce thought a reaction to 205 Main Street was part of the timing, but at the last meeting they discussed a private club at 875 Main that was zoned as an exception, even though it was not a desirable storefront use. Commissioner Joyce noted that what they were really trying to do was make downtown a vibrant place to come. Places that draw people are where the people go because it is interesting. His problem with the plaza are the uses that do not draw people in. He agreed with Commissioner Band that they were not trying to fix Main Street. They were trying to make the whole area a vibrant place to go. He would like to include plaza and make them as vibrant as Main Street. The focus should not be to make sure 205 Main does not happen again, but rather to make sure that Old Town is a vibrant place for people to go.

Commissioner Joyce did not believe the west side of Park Avenue should be an exception. He understood the transition, but trying to explain that transition to a tourist is vague. Commissioner Joyce commented on the idea of allowing a hotel entrance but not the rooms. He thought they needed to be clear about parking lots and entrances. It somehow

needed to be addressed but he was unsure how to do it. He reiterated that he rarely favors exceptions because if they have a rule it should apply to all.

Commissioner Phillips was on the fence for both the exemption for the west side of Park Avenue and the plazas. He was leaning towards the street level plazas but after listening to the different arguments he was still forming his opinion.

Planner Whetstone noted that on the far north end of the plaza there was really nothing happening in that area. However, the Staff looked at the end where Main Street curves and discussed whether or not to exempt that portion. They determined that if the goal is to encourage commercial it should be the whole plaza.

City Attorney Harrington stated that property ownership down there gives alternatives and they may be able to work collaboratively with the owners to get a more specific amendment to the MPD. The previous minutes reflect that the goal was balance. Former Commissioner Wintzer had said, "We do not want to dictate the results down there but we want to turn the tide." Mr. Harrington noted that there was a lot of discussion regarding plazas and thought they needed a good map to know which areas they were talking about. He cautioned them about ruling out doing something specific with the other area because they may want more flexibility in that area.

Commissioner Phillips thought it would be helpful if Planner Whetstone could identify all the plazas for the next meeting. Commissioner Phillips did not want to make it difficult for the property owners to lease their spaces. Commissioner Campbell agreed. If the businesses are having problems leasing space now, they should not cut out half of their potential tenants without collaborating with first collaborating with the owners. Planner Whetstone stated that the Staff would do some outreach with the business owners. It was tentatively scheduled to come back to the Planning Commission on July 22nd, but that could be postponed if the outreach takes longer.

Chair Strachan thought the Planning Commission would agree that a private residence club on those plazas was not acceptable.

Commissioner Worel agreed with her fellow Commissioners. She applauded Commissioner Band for encouraging vibrancy. Commissioner Worel questioned why the City had not reach out to the business owners. She agreed with Commissioner Joyce about the process and not being blindsided like they were with Bonanza Park to find that the owners and tenants were the last to know what was going on and the last to provide input. Commissioner Worel believed the business owners on Main Street would provide valuable input.

Commissioner Worel recognized that it was not a discussion for this evening, but she thought Eric Nelson made an excellent point about the approval process. She thought the Planning Commission should address the process of how projects are approved by Staff to avoid the surprise they had with 205 Main Street. Chair Strachan suggested that it be a work session item.

City Attorney Harrington recalled that the process had more to do with the stakeholder meetings. He noted that past minutes reflect working groups. Mr. Harrington stated that the pendulum swung at one time and the City Council looked at streamlining the process. He noted that process is a policy decision to be made by the Planning Commission and the City Council. The Staff could write the Code to have everything come to the Planning Commission or the HPB and make an appellate body. It was an efficiency that the policymakers could decide.

Chair Strachan personally thought the Planning Commission should review the projects. It was one reason why they were appointed and one reason why the City Council was elected. He did not like leaving the decision to Staff. There are times when Staff approval is appropriate, but a CUP or any project over a small amount of square footage should be reviewed by the Boards and Commissions that the community agreed should have the control. Chair Strachan favored having a work session on the process and which projects could just go to the Staff.

Commissioner Joyce agreed that they do not want to hurt the businesses, but at the same time this is an opportunity to plan and to proactively try to shape what downtown becomes. He recognized that there needs to be a balance, but if they plan to shape the outcome it will require rules and guidance that may not be popular to everyone.

Planner Whetstone reiterated that the outreaches would take place before this comes back to the Planning Commission. However, it was important to get an ordinance published so they would have a broad pending ordinance for the public hearing.

Commissioner Band thought they could all agree that the highest and best use is a vibrant area. She stated that no one will be happy about getting a use taken away and the property owners would want as many broad options as possible. If they want this to be vibrant the City might have to partner with the businesses to bring vibrancy to Main Street. She encourage the Staff to phrase it in that way when they do the outreach so the business owners will be willing to listen.

MOTION: Commissioner Worel moved to CONTINUE the LMC Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2, Uses in Historic Recreation Commercial and Chapter 15-2.6-2, uses in HCB and associated Definitions in

Chapter 15-15 Defined Terms, to July 22, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

4. Continued discussion on 259, 261, 263 Norfolk Avenue - Amending Conditions of Approval on Ordinance No. 06-55.

Commissioner Phillips recused himself and left the room.

Planner Astorga stated that the findings and conditions could be revised for the Planning Commission to make a recommendation, but he did not feel the Staff could support it when it goes to City Council based on the fact that Lot 1 on the north has not been disturbed. Therefore, it met the Steep Slope CUP criteria then and the Staff finds that it would still meet the Steep Slope CUP criteria. Planner Astorga pointed out that the Planning Commission addressed a number of items regarding construction mitigation, but the Steep Slope CUP addresses volume, massing, and other items not related to construction mitigation. Planner Astorga stated that if the Planning Commission moves forward this evening, but he wanted the applicant to understand that the Staff would have an alternate recommendation for the City Council. He reiterated that as written in the Code, any development on a slope 30% or greater requires the applicant to submit a Steep Slope CUP application.

Chair Strachan suggested that the Planning Commission stay with their earlier plan to send it to the City Council and let the City Council make the final decision. City Attorney Harrington stated that an alternative would be to clarify that by removing Finding of Fact #13 the Planning Commission was not saying a CUP is or is not required. They were only removing it as a statement of fact and the actual determination would be made during the application when the property is surveyed. Mr. Harrington was unclear as to why so many iterations of determinations were made outside of the normal process.

Commissioner Joyce stated that part of the problem is that when the Planning Commission reviews a plat amendment and they have questions about what it will look like once it is built, often times that discussion is deferred because they know it will go through a CUP process and they will see it again with more detail. He thought it was evident from the minutes that the previous Planning Commission made the same decision thinking that it would be coming back for a Steep Slope CUP. Commissioner Joyce thought the question was whether it is less than 30% because it was disturbed or is it more than 30% because it was disturbed.

Commissioner Worel thanked Mr. Root for his update because it was helpful for everyone to understand the rules. Mr. Root encouraged the Commissioners to call him if they had further questions.

Capital Improvement Projects – Yearly report given to the Planning Commission regarding the Capital Improvement Projects approved by City Council.

City Engineer Matt Cassel, noted that the list of CIP projects was provided to the Planning Commission at a previous meeting. He apologized for not being at that meeting. He understood that the Commissioners had some questions regarding the CIP list and he was prepared to answer them this evening.

Commissioner Worel wanted to know if the items on the list were prioritized and how the projects make it to the list. Mr. Cassel explained that the list was in numerical order, and they are prioritized from top to bottom through the evaluation process. He stated that the Budget Department determines the amount of available funding. There is a cut-off line and the items above the line are funded for this year and the ones below the line are not.

Vice-Chair Joyce asked Mr. Cassel to explain the different line items for affordable housing. Mr. Cassel stated that there was a huge request this year based on the City Council direction and goals for affordable housing. He recalled that most of the affordable housing requests were at the top of the priority list.

Commissioner Phillips referred to 1450-1460 Park Avenue and noted that a digit was missing in the development cost Item CP366. Mr. Cassel offered to look into it and insert the correct number.

Vice-Chair Joyce referred to CP318, which was the \$1.5 million for the power station. Since Form Based Code was currently off the table, he asked how that played out. Mr. Cassel stated that Nate Rockwood had kept that money aside. As they moved forward in the BOPA area there was a possibility of the City helping to support some of the construction of infrastructure, and Nate was hoping to earmark those funds for that purpose. With the new direction for BOPA, Mr. Cassel was unsure what Nate intended to do with the money. He assumed the City Council would decide how to spend the money.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC).

Chapter 15-3.6-2 Uses in Historic Commercial Business (HCB), and associated Definitions in Chapter 15-15 Defined Terms (Application PL-15-02810)

Planner Whetstone noted that the Staff was working on some of the language related to vertical zoning and she requested that this item be continued to August 26th.

Vice-Chair Joyce opened the public hearing.

Allison Butz with the Historic Park City Alliance Board, stated that Planner Whetstone had attended their Board meeting on Tuesday and provided a full overview of the zoning changes and amendments. Ms. Butz stated that the HPCA was pleased that both the Staff and the Planning Commission were looking at adding vibrancy and activity to Main Street, and encouraging tourism. With regards to the Staff report, the Board was comfortable with the revision of uses prohibited within the storefront properties in both the HCB and the HRC. They were also comfortable with the modifications to the definitions. She pointed out that there is a new definition for private plaza and because it is only a definition and does not have regulations within it, they were also comfortable with that definition. However, their concern is with the addition of public or private plazas within the definition of both property storefront and storefront property. They are two different definitions. Ms. Butz noted that it begins to add the Town Lift and the interior of Summit Watch into the understanding that only retail and restaurant type uses are allowed. Office and other accessory uses would then be prohibited. Ms. Butz understood that those areas are lacking activity and that it is difficult to draw people in, but they feel that the success that is seen by allowing those spaces within the interior spaces to remain office allows for use of those spaces. Ms. Butz remarked that restricting the spaces to restaurant and retail use within those plazas will not add activity. She believed additional things such as public amenities need to be included, which will take time to draw that in. She suggested that they come back in five years and look at restricting the type of uses. However, at this time the HPCA does not support the proposed restriction of uses.

Ms. Butz stated that in regards to vertical zoning the Board continues to support the location of sales tax generating businesses and storefronts along the public streets. They would like to explore with the City the opportunities to support the location of offices on second floors because they believe it could add additional vibrancy to the area, particularly during the daytime. Ms. Butz stated that the Board would also like to look at how to promote nightly rentals in the District because bed base and hot beds can draw more people to the area.

Ms. Butz remarked that the Board supports discussion regarding Special Event space on the street. She noted that a number of buildings are only occupied during the Sundance

Film Festival and they would like to see if those spaces could be activated during additional times of the year.

Mike Sweeney stated that he was speaking on behalf of the landowners on Lower Main Street, which included the Caldonian, the Sweeney Property, the owner of the Summit Watch commercial space, and the owner of the Sky Lodge. Mr. Sweeney pointed out that it included everything on Lower Main Street except for the Lift Lodge, which has two commercial spaces; a snowboard/ski shop and the Victory Ranch Clubhouse. Mr. Sweeney echoed the HPCA. He had concerns about the definition of public and about his private plaza, particularly given the easements that have been granted to the City for public use of his property, and how that may impact his ability to have a certain type of tenant. Mr. Sweeney stated that in 17 years the plaza has been available to the Town Lift and he worries about the kinds of business that could go into that particular location. He has already seen five or six businesses struggle to make it work. Mr. Sweeney stated that when they went through this process in 2006, the City Council agreed to exclude any kind of limitation on types of tenants. He did not want that to suddenly change because it was part of the conditional use permits and MPDs for all of these locations on lower Main Street. Mr. Sweeney believed the City was trying to cure the problem that occurred at 205 Main; however, the people on lower Main Street are the ones who will be affected.

Eric Nelson believed that this discussion over the LMC was absolutely triggered by what happened at 205 Main Street. Mr. Nelson commended Planner Whetstone for her work on the ordinance. However, in his view, the ordinance is not the problem. The process is the problem. When a project like 205 Main Street is not reviewed by the Planning Commission and the City Council, and there is no opportunity for public input, it is a real problem. Mr. Nelson stated that he was assured by a few Council members that the issue would be addressed; and he sincerely hoped that was true, because it is a real problem when one person on a planning staff can make that decision. Mr. Nelson was certain that 205 Main Street would have been dead on arrival if it had gone through the public review process.

Regarding the ordinance, Mr. Nelson remarked that currently there are owners on Main Street who make more money renting their property during Sundance than they do renting to a tenant all year. He believed that was a serious problem that needed to be addressed in the new ordinance. Mr. Nelson stated that it was becoming a trend and they would see more of it if they did nothing about it. Mr. Nelson commented on the Silver King, which is an iconic location, and noted that nothing has been done on the building for six months. He thought the public had a right to know what was going on and what the City was doing to move it forward.

Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Phillips moved to CONTINUE the LMC Amendments for vertical zoning and uses in the HRC and HCB to August 26, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

2. 281 & 283 Deer Valley Drive – Bee Plat Amendment to combine Lot 4 and Lot 26 and combine Lot 2 and Lot 27 to create two (2) lots of record in Block 66, of the Amended Plat of Park City Survey (Application PL-15-02808)

Vice-Chair Joyce opened the public hearing. There were no comments. Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Band moved to CONTINUE 281 and 283 Deer Valley Drive Bee Plat Amendment to a date uncertain. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

3. Land Management Code Amendment regarding Nightly Rentals use in the HR-L Chapter 2.1 and green roof definition and application in HR-L Chapter 2.1, HR-1, Chapter 2.2, HR-2 Chapter 2.3, RC Chapter 2.16, and Definitions of Chapter 15. (Application PL-15-02817)

Vice-Chair Joyce opened the public hearing. There were no comments. Chair Joyce closed the public hearing.

MOTION: Commissioner Phillips moved to CONTINUE the LMC Code Amendments regarding Nightly Rentals in the HRL and the green roof definition and the definitions in Chapter 15 to September 23rd. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

4. 162 Ridge Avenue – Steep Slope Conditional Use Permit for a new single-family home on a vacant lot. (Application PL-15-02761)

Vice Chair Joyce opened the public hearing. There were no comments. Chair Joyce closed the public hearing.

**Council member Simpson moved to approve consideration of
naming of city property in honor of Bob Wells
Council member Beerman seconded
Approved unanimously**

3. Land Management Code Amendments - Vertical Zoning

Public Hearing – Continued to a date uncertain

**Council member Simpson moved to continue the public hearing on
land management code amendments pertaining to
vertical zoning to a date uncertain
Council member Henney seconded
Approved Unanimously**

VI. ADJOURNMENT

**Council member Henney moved to adjourn
Council member Beerman seconded
Approved Unanimously**

CLOSED SESSION MEMORANDUM

The City Council met in a closed session at approximately 2:00 p.m. Members in attendance were Mayor Jack Thomas, Council members Andy Beerman, Dick Peek, Tim Henney, Liza Simpson and Cindy Matsumoto. Staff members present were: Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager; Lori Collet, Finance Manager; Tom Daley, Deputy City Attorney; Clint McAfee, Water Manager; Heinrich Dieters, Sustainability; Jason Glidden, Special Events Director and Bruce Ericksen, Interim Planning Manager. **Council member Beerman moved to close the meeting to discuss Property, Litigation and Personnel. Council member Henney seconded. Motion 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 Katie Madsen.

Chair Strachan opened the public hearing.

Pat Fortune, a resident at 2102 Webster Drive, spoke on behalf of his neighborhood. Mr. Fortune emphasized that there is a parking problem and the applicant's admission of their parking situation is a failure. He stated that 119 cars were parked in their neighborhood last week. They cannot get their mail delivered and a week ago the garbage truck only picked up half the garbage because the vehicles cannot access their neighborhood. Mr. Fortune stated that cars are parked on both sides of the road and the police have had to tow cars that blocked private driveways. Mr. Fortune stated that the golf course shares partial blame but they are not entirely to blame because parking is also an issue in the winter during cross country events. However, for cross country events the cars park diagonally on driving range which alleviates some of the problem. Mr. Fortune stated that his neighborhood is not a commercial parking lot for a commercial venture. They are currently working with the City to make their neighborhood permit parking only like Old Town. He noted that a project was approved in 1987 that created a burdensome situation, but they have no recourse until the Code is changed allowing the police to write tickets or remove cars. Mr. Fortune pointed out that in addition to being in the hotel and restaurant business, Hotel Park City is also in the swim club business, the health club business and the conference business, and there is not enough parking. He remarked that adding 109 spaces as a solution to the problem is ridiculous. Mr. Fortune noted that the hotel and the golf course have been very successful and the neighbors do not want to hinder that success, but the parking problem is becoming a health and safety issue and it needs to be addressed.

Chair Strachan closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE 2001 Park Avenue – Pre-Master Planned Development review for an amendment to the Hotel Park City MPD to September 9, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HCB), and associated Definitions in Chapter 15-15 Defined Terms. (Application PL-15-02800)

Chair Strachan opened the public hearing.

Mike Sweeney stated that he was representing all of the property owners below Heber Avenue, and also the Sky Lodge regarding this issue. The property owners took exception to increasing and changing the current vertical zoning, which they obtained under their MPDs and CUPs. Mr. Sweeney believed the HPCA shared their concern. Mr. Sweeney stated that if any of the Commissioners were interested in seeing and learning how they actually conduct business on Lower Main Street, he would be happy to walk them through it. He has had 20 years of experience on Lower Main and he welcomed the opportunity to speak with any of the Commissioners.

Chair Strachan closed the public hearing.

MOTION: Commissioner Worel moved to CONTINUE Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HCB), and associated Definitions in Chapter 15-15 Defined Terms to October 15, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

1. 281 & 283 Deer Valley Drive – Plat Amendment to combine four lots into two single lots of record. (Application PL-15-02808)
2. 415 Main Street Plat Amendment to combine all of Lots 3 and 4, and a portion of Lot 5 into one (1) lot of record located in Block 10 of the Amended Plat of the Park City Survey (Application PL-15-02851)

Chair Strachan opened the public hearing on the Consent Agenda items.

There were no comments or requests to remove an item from the Consent Agenda.

There was some confusion as to whether or not a public hearing was necessary for Consent Agenda items, as well as the process for removing items from the Consent Agenda. Chair Strachan and Mr. Erickson stated that they would research the proper procedure and report back to the Planning Commission. Planner Whetstone stated that the Staff should also research proper noticing procedures for Consent Agenda items

Planning Department was comfortable with the structures at this point. He noted that the EPA is in Park City remediating soil and the City did not want to waste money starting remediation on mine structures in the event that it would have to be started over again. Mr. Erickson stated that the City has the money in escrow and they only pay for the work that is accomplished.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HCB), and associated definitions in Chapter 15-15, Defined Terms. (Application PL-15-02810)

Planner Whetstone requested that the Planning Commission continue this item to December 9, 2015 and not November 17th as shown on the agenda.

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Worel moved to CONTINUE the LMC Amendments regarding vertical zoning regulations in storefronts in the HRC and HCB zoning districts to December 9, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **1114 Park Avenue – 1114 Park Avenue Plat Amendment – proposal to remove interior lot lines to combine three (3) existing parcels into one (1) legal lot of record.** (Application PL-15-02950)

Planner Turpen reviewed the application for a plat amendment at 1114 Park Avenue. The applicant intends to combine one parcel with two remnant parcels to create one legal lot of record. As proposed, Lot 1 would contain 3,615 square feet. A historic single-family home and a historic garage are located on the property and listed as Significant on the Historic Sites Inventory.

The Staff found good cause for this plat amendment as it would allow eliminate existing interior lot lines and create one legal lot of record. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive

Exhibit E
HCB & HRC District

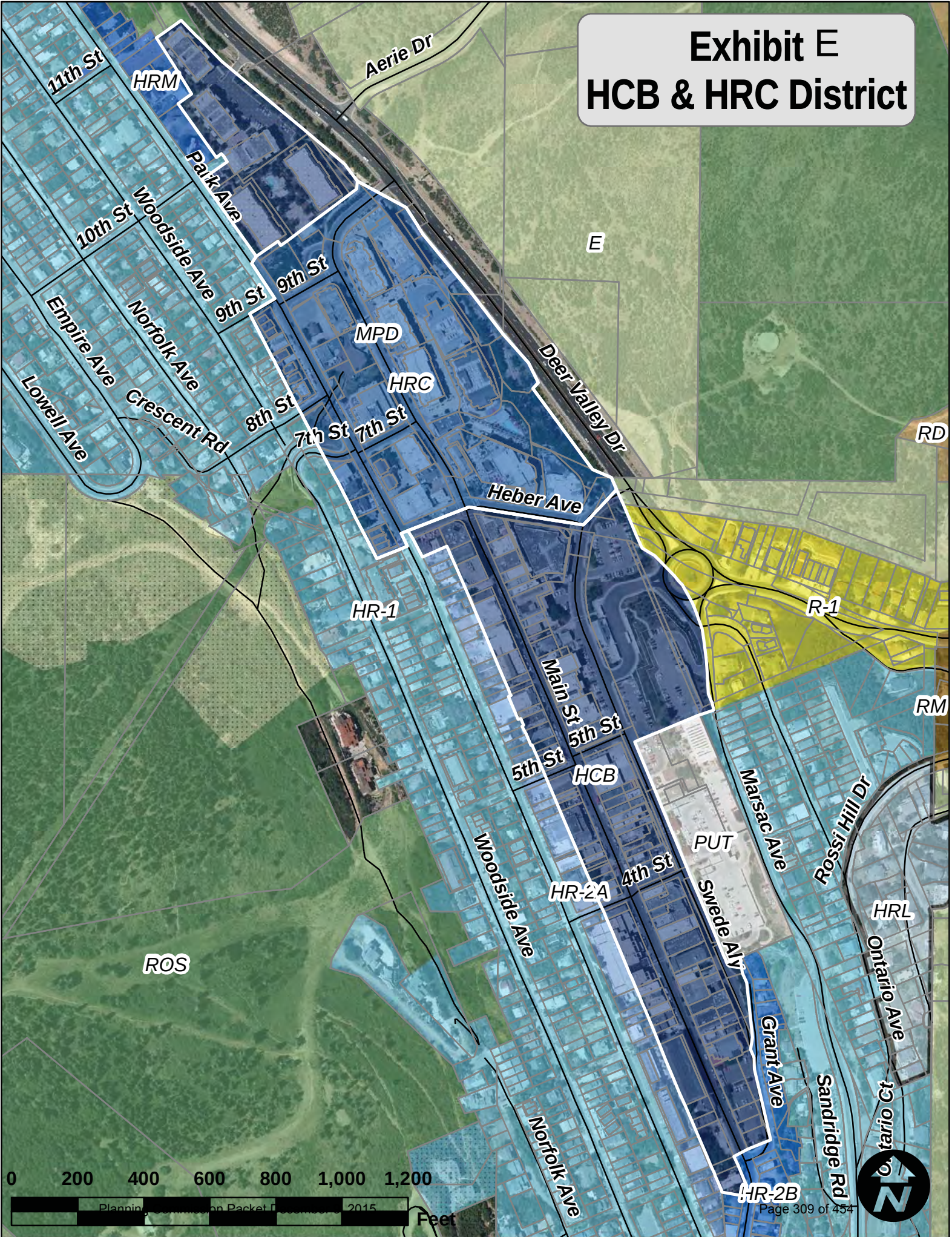
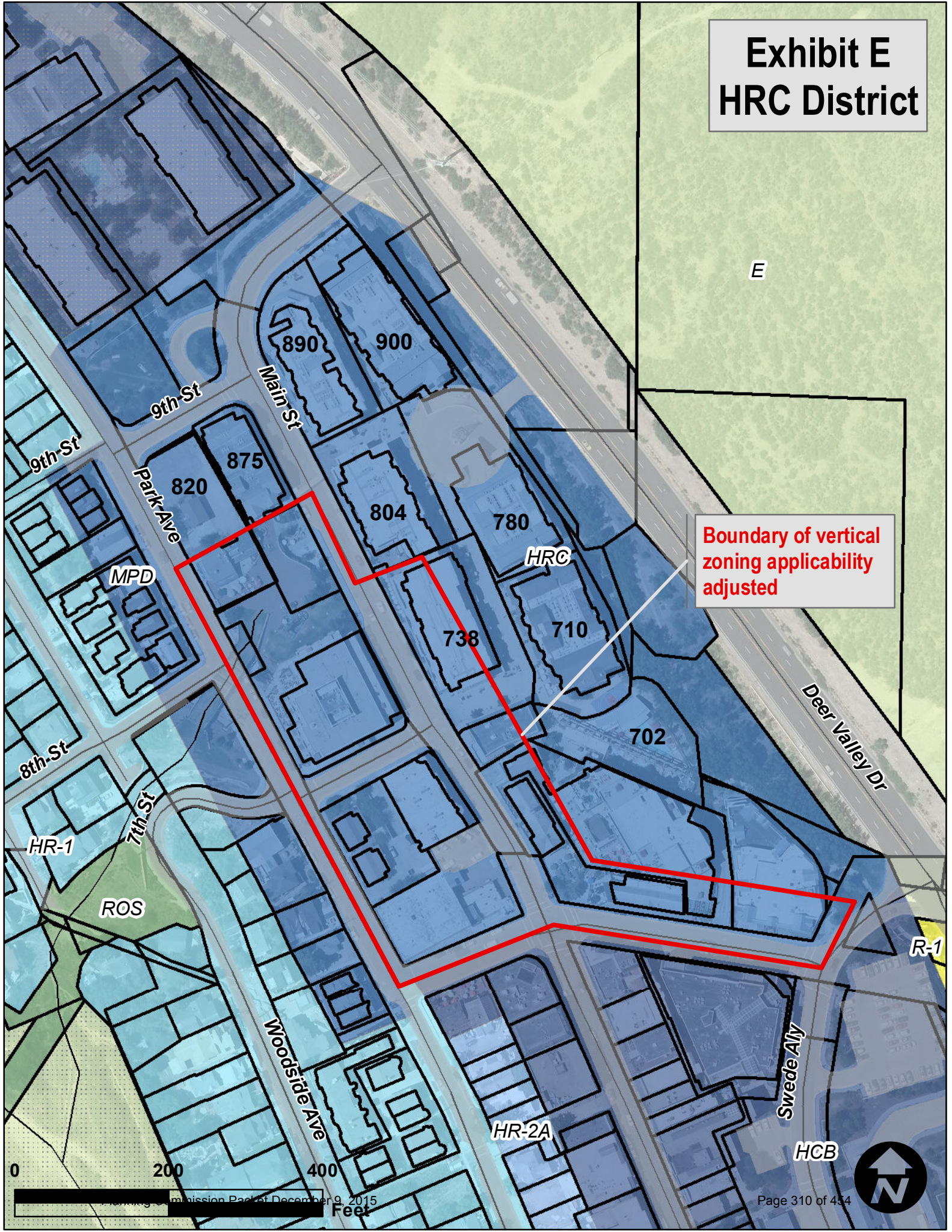


Exhibit E HRC District



E

Boundary of vertical
zoning applicability
adjusted

Deer Valley Dr

R-1

Swede Aly

HCB

HR-2A

ROS

HR-1

MPD

HRC



EXHIBIT F

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Director Erickson stated that substandard streets needed to be read in combination with the other criteria in the LMC, such as neighborhood character, which they determine through public input, and preservation of a mix of housing types in the district, etc. He noted that the Findings were crafted to include all of the requirements from the LMC and the General Plan for neighborhood protection in that area. Commissioner Joyce was satisfied with that explanation.

Commissioner Phillips favored the amendment and he specifically agreed with the comments made by Commissioners Thimm and Band. He would like the Staff to research whether other areas were suitable for this type of neighborhood because it is a good way to preserve Park City. It is a main mission for the community as it evolves and continues to evolve. Commissioner Phillips felt this was preserving a neighborhood just as they like to preserve historic homes.

Commissioner Worel stated that as she read the Staff report she was reminded of the Sampson Avenue request for nightly rentals that the Planning Commission denied. She was on the Planning Commission at that time and the main concern were the impacts that additional traffic and parking would create for snow removal and emergency vehicles. She has been on McHenry and she sees the same situation. Commissioner Worel stated that asking people to park at China Bridge in the middle of winter and walk is not an option because people will not do it. She did not believe it was fair to put the burden of enforcement on the neighbors, which was another issue that was raised when they looked at the nightly rental on Sampson Avenue. It is unpleasant for anyone to have to call the police or a tow truck and the neighbors should not have to bear that burden. Commissioner Worel was in favor of enforcing no nightly rentals in the McHenry Avenue neighborhood.

MOTION: Commissioner Band moved to CONTINUE the Land Management Code amendment regarding night rentals use in the HRL East neighborhood, Chapter 2.1 and Definitions Chapter 15 to October 28, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

6. **Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HDB), and associated definitions in Chapter 15-15, Defined Terms (Application PL-15-02810)**

Planner Whetstone requested that the Planning Commission review amendments to Chapter 2.5 which is the Historic Recreation Commercial (HRC) zone, the lower Main

Street area, as well as Chapter 2.6, the Historic Commercial Business (HCB) zone, which is basically Main Street and includes Heber and Swede Alley.

The Staff recommended that the Planning Commission conduct a public hearing, provide direction and continue this item to November 11th.

Planner Whetstone noted that this item came before the Planning Commission in June at which time they discussed changing the language to include storefronts on private plazas. After hearing public input, attending HCPA meetings and visiting the sites, the Staff removed the language regarding plazas from the amendment.

Planner Whetstone stated that vertical zoning is a planning tool that regulates the location of uses vertically within a building or site. It is desirable in downtown business districts to reserve the street level for high level activity and revenue generating uses that promote the vitality of the street. Those uses include retail shops, restaurants, bars, galleries and similar uses. Office and residential uses would be on the floors above the storefront.

Planner Whetstone stated that the purpose of the proposed amendments is to amend and clarify language in the zoning sections to have a footnote that excludes specific uses from storefront property, as well as clarifying the definition of storefront property. Planner Whetstone reiterated that the Staff originally proposed to include private plazas but that language has since been removed.

Planner Whetstone referred to Goal 16, Objective 16B and Strategy 16.1-10 of the General Plan, which talks about historic Main Street being the heart of the City for residents and to encourage tourism in the District. The Objective says to limit uses within the first story of building along Main Street to retail and restaurant establishments that are inviting to the passing pedestrian, and to discourage office uses, real estate show rooms, parking, etc. Planner Whetstone noted that the Implementation Strategy states that the City should re-examine the existing vertical zoning ordinance from 2007 that requires commercial retail shops along Main Street, and consider strengthening the ordinance. Planner Whetstone noted that the City's Economic Development Strategic Plan had similar language and suggests that uses that are not inviting to the general public and have a negative impact on the economy and the vitality should be removed from storefront properties.

Planner Whetstone stated that the objective of these amendments is to clarify and strengthen the existing regulations to specifically address the adopted Goals and Strategies of the General Plan.

Planner Whetstone referred to the language changes outlined on page 97 of the Staff report. She noted that one change that was different from the existing language was to

exclude the west side of Park Avenue from the HRC zoned storefront properties. She pointed out that the uses on the west side back up to the HR-1 zone, which is a residential zone, where offices and other compatible uses and have worked well. Planner Whetstone stated that language excluding the HRC zoned areas north of 8th Street currently exists. The remaining language was consistent and the Staff no longer suggested removing the buildings of the Summit Watch Plaza at 702, 710, 780, 804, 890 and 900 Main Street. Those storefronts face the private plaza and based on input from the HPCA, property owners, business owners and others, the Staff determined that this was not the time to consider this type of a regulation. However, the Staff recommended revisiting the issue in 3-5 years.

Planner Whetstone stated that one change in the HCB zone is to clarify in the tables that hotels are not allowed in storefront areas. Lobbies and access for uses on the second floor would be allowed in a small storefront with a door. Planner Whetstone commented on a change that was not presented at the Planning Commission meeting in June, which is to relook at private event space and consider adding it to the list of conditional uses in these two zones as an administrative conditional use. They should also consider including vertical zoning for that use. Planner Whetstone noted that typically event spaces are active a few times during the year and sit empty the rest of the time. The Staff would like the Planning Commission to consider allowing a private event space to be located within storefront property with an approved MFL or Special Event permit for the duration of the event as part of the footnote. Otherwise it would require an Administrative CUP and be subject to vertical zoning.

Planner Whetstone stated that when a definition appears in two places in the Code and the definition is amended, there is a risk of not wording it exactly the same in both places. She recommended removing the definition of Storefront Property under "S" and leave it under Property Storefront with an amended definition to read, "A separately enclosed space area or unit that fronts on a public street. The term "fronts on a public street" shall mean a separate enclosed space area or unit with 1) a window or entrance within 50 feet of the adjacent public street measured from the edge of pavement to the window or entrance; and 2) a window or entrance that is not more than eight feet above or below grade of the adjacent public street."

Planner Whetstone noted that there are split level and multi-level properties on Main Street. The Staff was not proposing to regulate areas that are right at the street but within the basement.

Planner Whetstone clarified that the definition of Private Plaza on page 99 of the Staff report was added because the term Private Plaza is used in some of the regulations but it

is not defined by definition. She emphasized that Private Plaza would not be added to the Vertical Zoning Ordinance.

Planner Whetstone requested input from the Commissioners on discussion items listed on page 99 of the Staff report. She presented a revised HRC map. Director Erickson noted that there was some imprecision in the mapping, particularly relating to the Building at 738, Marriott Plaza. He indicated the section that would be regulated on Main Street. The private plaza on the backside would not be regulated. Director Erickson stated that once the plaza goes above six feet it is not regulated with the storefront. He also commented on 692 Main Street and clarified that the intent is to regulate the street side of that building but not the private plaza side.

Commissioner Joyce asked for the logic of why so many specific buildings were excluded, particularly since they already agreed not include plazas and the rules that are in place give exclusions. Planner Whetstone stated that it was primarily due to previous agreements within Master Planned Developments. The previous language specifically excluded HRC zoned properties north of 8th Street. Director Erickson explained that the intent was to achieve a balance between storefront activities and other activities that would bring people to Main Street on a more regular basis. In the past they over-regulated storefronts and conceptualized drop-off and restaurant business because there were less people on the lower streets. They heard from the business community that allowing additional office spaces in that area would bring more people to Main Street on a regular basis.

Commissioner Joyce asked why that would not apply to all of Main Street. Director Erickson replied that it varies in tourist attractiveness. Commissioner Joyce stated in his time on the Planning Commission he has learned that anytime something is done a third of the people are unhappy. In this case, Lower Main Street did not want vertical zoning because they would be negatively affected. At the same time those on Upper Main Street complain that there is no activity at the top of the street. Commissioner Joyce noted that there will always be pushback whenever a change is proposed.

Director Erickson understood the point Commissioner Joyce was making. He explained that this was an economic test to drive the broadest possible sector of people to the businesses in HRC and HCB. When it was originally instituted it was over-regulated and that regulation was not accomplishing what it was intended to do, which was to encourage business use on lower Main Street in the HCB District. Director Erickson stated that conceptually the west side of Park is a transition zone designed to be a mix of uses in that location. On the east side of Park Avenue they wanted to preserve the storefront facades because that was the Main Street business district. Director Erickson pointed out that this was the type of discussion they wanted from the Planning Commission and he appreciated the question regarding Staff strategy. He explained that the Staff's strategy was 1)

deregulate the places where the current regulation was not working; and 2) have a defined business district with storefronts in the District and the option to do storefronts on the margins; with the idea of driving four or five of the market sectors to the streets on upper or lower Main.

Planner Whetstone requested input from the Commissioners regarding the west side of Park Avenue. She pointed out that the properties north of 8th Street on the west side were all residential properties in the HRC.

Commissioner Band stated that she was the one who initially said that if they wanted to create vitality they should not allow offices in storefronts. They talked about plazas and that the highest and best use for those areas was retail, commercial, etc. However, after walking the area with Alison Butz she recognized that there were serious problems that were not conducive to uses. Commissioner Band strongly believed they should go towards the highest and best use, but at the same time she thought they needed to look at the reality and understand that some of these are not great spots. If they could entice a business that has employees who would use the rest of Main Street she would be comfortable with that solution. Commissioner Band liked the idea of revisiting the issue in three to five years because things change and they do not know what will happen over time. She reiterated her previous position of not allowing private clubs on the street level.

Chair Strachan opened the public hearing.

Alison Butz representing the Historic Park City Alliance stated that HPCA was 100% in favor of the regulations outlined in the Staff report. They appreciate the Staff walking the area and understanding some of the concerns about the plazas. Ms. Butz was happy to relook at this in three years. She believed that if the market continues they would see business move down there anyway. However, to require someone to open a retail store in some of those challenging spaces would result in businesses failing. Ms. Butz favored giving opportunities for success with an office use within the next few years. Regarding event space in storefront property, she noted the HPCA was supportive of that only being allowed during a Master Festival License or a Special Event Permit. What they currently see is a decrease in vibrancy around those larger spaces that are only occupied during January. She hoped that by restricting events during the other times of years it would spur on some year-around uses in those areas. It was part of a larger discussion by the HPCA regarding tenant mix of how to maintain authenticity, local businesses, the mom and pop shops, and maintain historic Park City and Main Street as a shopping and entertainment District. It is harder to sell that idea when buildings are vacant. Ms. Butz appreciated the work the Staff had done.

Mike Sweeney stated he carefully read the Staff report and he generally agreed with Ms. Butz except for special events. He noted that there are places where special events should occur, but the issue that the HPCA was raising situations like the Claimjumper, where the building owner does not need the money and only uses the space for special events or private event. Mr. Sweeney noted that there were no definitions for a public event and a private event. He thought they needed to think about these things because currently every restaurant can hold a private event without obtaining an Administrative CUP because they sell out their restaurant for one night. In reality, they are doing what the HPCA wants to do, which is bring more people to Main Street. Mr. Sweeney suggested that some of the language in the document needed to be clarified. In general, he was very pleased with what Director Erickson and Planner Whetstone had drafted but they needed to work on specific definitions. Mr. Sweeney stated that he holds private and public events on his deck. He pulled an Administrative CUP that he pulled in 2006 which allows him to do certain things on the deck, subject to the rest of the Code and making sure it is a safe event. Mr. Sweeney requested the opportunity to spend more time with the Staff and walk through this process. He also had issue with the 50' horizontal off of public streets. He did not want to encourage people to have a 50' setback on Main Street or any other commercial area streets. Mr. Sweeney thought the language should be clarified. He liked what was currently in place. He did not think it was acceptable to encourage people who have vacant spaces to go back 50 feet on Main Street. A 50' setback did not make sense. Mr. Sweeney stated that if there is a hole on Main Street, for example the Kimball Art Center, it stops the transition of people moving across the street, which is not good. They need to keep the continuity of the shops all the way along the street.

Mr. Sweeney commented on the question regarding Park Avenue on the west side. He stated that there is an approved project by the bridge which has commercial space, but it was questionable whether someone would spend the money to do the project. Mr. Sweeney commented on projects on the east side of Park Avenue below the Sumo Restaurant and noted that they now have commercial space all the way down to 9th Street. He would like to see that evolve into something special.

Chair Strachan closed the public hearing.

Commissioner Band thought the Staff had done a great job. In terms of the discussion points on page 99 she was satisfied with Items 1 and 2. Item 3, she liked that they defined Public Plaza even though she agreed that they should not force that issue at this time. Commissioner Band was in agreement with Items 4, 5 and 6.

Commissioner Thimm believed that excluding the plaza areas was the right thing to do. He has been on those plazas and even during the busy season it was always very quiet. He thought allowing office uses on the plazas was appropriate. Commissioner Thimm

reviewed the list of discussion points. He agreed with Item 1. Item 2, talks about lobbies and access points being appropriate at street level for prohibited uses, and he thought they should also include exits. Commissioner Thimm was not opposed to limiting to a certain percentage, but he suggesting adding the caveat that there could be a minimum allowable size depending on the size of the building. For example, a three-foot wide lobby would not be appropriate if the intent is to have an access point where people can connect to that space and out to the sidewalk.

Planner Whetstone noted that the Staff had that same thought, and the question was how to clarify the size of a lobby to avoid having an entire storefront lobby. The Staff still needed to work out the details.

Commissioner Thimm thought the suggestion in Item 3 to revisit the lower Main Street area in three to five years was a good idea. Regarding Item 4, Commissioner Thimm asked why exclusions were being looked at. Planner Whetstone clarified that it was primarily the plaza space. Item 5 addressed transitional edges. Commissioner Thimm agreed with providing a transition at the edge of the zone. He believed that softening the edge of a zone when there is a drastic change to the next zone was appropriate. With regard to Item 6, whether new construction and remodels should create storefronts, Commissioner Thimm agreed with the language providing that there was enough latitude to allow for replacement in kind to improve the aesthetics, even if there was not a change in use. Planner Whetstone reported that the Staff was still working with the Legal Department on where that regulation would fit in the Code.

Assistant City Attorney McLean stated that the Legal Department was thinking about requiring storefront property in the zone where this applies, and anything pre-existing would fall under the non-conforming status, and the non-complying structure would match the State Code. If more than 50% of the building was renovated or changed, it would lose that non-conforming status and they would have to put in a storefront.

Commissioner Campbell thought they needed to support whatever occurs in the Plazas regardless of whether or not they like the design in the lower Main Street area. Anything they could do to make it more viable was worth doing. Commissioner Campbell understood from the discussion that an office could go into plaza space now, but when this is reviewed in three years it might not be allowed. Assistant City Attorney McLean replied that if it is changed in three years, the existing offices would be grandfathered. Ms. McLean noted that currently there are real estate offices on Main Street because they were in existence prior to the 2009 LMC amendments. As long as they continue that use and do not abandon it for more than one year, they are allowed to continue that use.

Commissioner Joyce was comfortable with everything except what was excluded. He thought the west side of Park Avenue could become an issue. Currently there is a lot of residential, which is fine, because it would all be grandfathered until the use is abandoned. However, he was concerned about the possibility of tearing down residential houses to build commercial that is allowed in the zone. Commissioner Joyce understood the cut off at 9th Street because it is the end of Main Street, but he did not understand 8th Street on Main Street or Park Avenue because it seemed unusually artificial.

Director Erickson suggested that they reconsider the HRC designation on the west side because vertical zoning would not have the controls Commissioner Joyce was looking for. Director Erickson thought that was a discussion worth having at a different time if the Commissioners agreed that additional study needed to be done on whether vertical zoning was appropriate for the west side of Park Avenue. He is an advocate of the free market, but he questioned whether the free market would work well on the west side or if some regulation was needed.

Commissioner Joyce asked if they make the changes and include down to 9th Street whether that would be included anyway because they were MPDs. Director Erickson believed they would be grandfathered in because they were previous MPDs. Planner Whetstone thought it would depend on what was specified in the Development Agreement. She pointed out that since there is less activity going further away from Main Street north towards 9th, the Staff did not feel that this was the appropriate time to look at it.

Director Erickson stated that the Staff could come back with more strategy clarification. The Staff was pushing towards free market north of 8th, but if regulatory affairs are needed the Commissioners could make that decision. Commissioner Joyce appreciated the offer to come back with additional strategies because unless they do something different they could risk losing it. He was primarily interested in looking at the east side of Park Avenue and Main Street.

Chair Strachan wanted to know if an MPD would be subject to vertical zoning. Assistant City Attorney McLean agreed with Planner Whetstone that it would depend on the development agreement. If the developer agreement is silent and just says commercial then it would be subject to the regulations of the zone. She would look at the wording in the development agreement.

Commissioner Phillips favored the idea of getting more information. He thought the Staff had done a good job. Commissioner Phillips liked the removal of the plaza and the idea of revisiting the issue. However, instead of a three to five year time frame he suggested relooking at it when the buildings fill up to a certain point.

Director Erickson stated that this District is under constant review by the Historic Main Street Business Alliance and the two organizations managed by the City Council. It is an ongoing, constant review. Director Erickson noted that the three to five year period would allow enough time to gather evidence without being too long. Commissioner Phillips agreed with the comments made by his fellow Commissioners. He believed the amendment was in line with the intention of the General Plan.

Commissioner Worel echoed the comments of her fellow Commissioners. She thought it would be helpful to get more strategic information on why this all came to be the way it is. Commissioner Worel appreciated the comment by Mike Sweeney in regards to needing more definitions. She noted that page 96 of the Staff report talks about abandonment of buildings. She asked if someone has a business license and only open three months a year, whether the remainder of the year would be considered abandonment. Assistant City Attorney McLean stated that it would depend on the use. However, if the owner has an active business license for three weeks of the year it would not be considered abandonment. Commissioner Worel noted that it would not protect from all the dark spaces on the street. Ms. McLean stated that dark spaces would be a separate conversation. Commissioner Worel was still not clear on what would constitute abandonment. Chair Strachan believed that abandonment would be the intent to abandon the use. Ms. McLean remarked that abandonment has to do with being grandfathered in. An existing non-conforming use is allowed to continue until it is abandoned for 12 months. She pointed out that there is no way to equate that an empty building was not a use. Ms. McLean stated that the question has been raised in the past and there is a large concern by the Main Street Merchants regarding those dark spaces. She was unsure how a City could tell someone that they must have an active business inside of their building. Commissioner Worel thought there could be a way but this was not the time to discuss it.

MOTION: Commissioner Band moved to CONTINUE the Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2, Chapter 15-2.6-2 and the associated definitions in Chapter 15-15 to November 11, 2015. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

7. **Consideration of an ordinance amending the Land Management Code Section 15, Chapter 11 and all historic zones to expand the Historic Sites Inventory and require review by the Historic Preservation Board of any demolition permit in a historic district and associated definitions in Chapter 1515.**
(Application PL-15-02895)

Kirsten Whetstone

From: James Dumas <james@highwest.com>
Sent: Tuesday, October 20, 2015 10:57 AM
To: Kirsten Whetstone
Subject: Re: Land Management Code changes

Hi Kirsten:

thanks for your prompt reply and explanation. Big sigh of relief to know that you are looking at the restaurant private event business. A CUP would be hard to weave into the multiple small events we have.

thx

james

> On Oct 20, 2015, at 10:27 AM, Kirsten Whetstone <kirsten@parkcity.org> wrote:

>

> Good morning James

>

> We are proposing some changes to the HRC zone regarding the Vertical Zoning.

> We've proposed excluding the west side of Park Avenue from the Vertical Zoning.

>

> We are exploring ways to ensure that private event space in the Main Street area does not leave the street with dark spaces for much of the year. One way was to not allow private event space within storefronts (defined in the code as the first 50 feet of store front area, floor area, as measured from the street... working on this definition as well).

>

> We had proposed an admin cup for private events so we would be able to regulate the duration... but it is something we are rethinking because we do not intend for restaurants who will close for a private event on occasion, to have to have an admin CUP... nor do we really intend to require an admin CUP for such activities that are a normal part of a restaurant business.

>

> Stay tuned because we did hear these comments at the last Planning Commission meeting and we are currently working on better language. The next scheduled meeting with the Commission is November 11th.

>

> Kirsten

Kirsten Whetstone

From: eric nelson <enelson1213@gmail.com>
Sent: Wednesday, July 01, 2015 11:53 AM
To: Kirsten Whetstone
Subject: Vertical Zoning

Kirsten: Thought I would way in on your revised vertical zoning ordinance. There is a phenomena happening on Main Street that should concern the City. Retail/store front space is not being leased to long term tenants but are being used as event centers for Sundance. Building owners can make more money leasing to a Sundance tenant than they can leasing to a retail tenant for one year. Two properties on Main Street fall into that category. The Silver Queen Hotel and the Claimjumper. Two iconic properties. There are more property owners looking at this. These Sundance uses do nothing for Main Street and create no sales tax revenue for the City. This issue should be looked at. There are a number of ideas to prevent this.

Memo



To: HPCA Board
From: Alison Butz
Date: July 21, 2015
Subject: Vertical Zoning Talking Points

This memo is being provided as a reference to talking points that will be communicated to the Planning Department during their discussions on Vertical Zoning.

Revision of Uses Prohibited within Storefront Properties

HRC: Prohibited Uses in Storefront Property on Main Street, Swede Alley, Heber Avenue and Park Avenue.

Allowed Use	Conditional Uses
Single Family Dwelling	Triplex Dwelling
Duplex Dwelling	Multi-Unit Dwelling
Secondary Living Quarters	Guest House, on Lots one acre
Lockout Unit	Group Care Facility
Accessory Apartment	Recreational Facility, Commercial, Public, and Private

All uses listed above are prohibited in HRC Zoned Storefront Property on Main Street, Swede Alley, Heber Avenue, and Park Avenue, excluding those HRC zoned Areas on the west side of Park Avenue north of Heber Avenue. Hotel rooms shall not be located within Storefront Property. Access and Lobbies for prohibited Uses are permitted within Storefront Property provided they take up no more than 25% of the total Storefront Area. Buildings shall not be designed, redesigned, or constructed to eliminate Storefront Property on Main Street, Swede Alley, Heber Avenue and Park Avenue.

HPCA Comments: The HPCA supports the amendment to prohibit these uses within Storefronts.

HCB: Prohibited Uses in Storefront Property on Main Street, Swede Alley, Heber Avenue and Park Avenue.

Allowed Uses	Conditional Uses
Single Family Dwelling	Group Care Facility
Multi-Unit Dwelling	Timeshare Projects and Conversions
Secondary Living Quarters	Timeshare Sales Office, Off-Site within an enclosed Building
Lockout Unit	Private Residence Club Project and Conversion
Accessory Apartment	Office, Intensive
Home Occupation	Hospital, Limited Care Facility
Child Care, In-Home Babysitting	Parking Area or Structure for five (5) or more cars
Child Care, Family	
Child Care, Family Group	
Child Care Center	
Accessory Building and Use	
Bed and Breakfast Inn	
Boarding House, Hostel	
Hotel, Minor, fewer than 16 rooms	
Office, Moderate Intensive	
Office and Clinic, Medical	
Parking Lot, Public or Private with four (4) or fewer spaces	

All uses listed above are prohibited in HCB Zoned Storefront Property on Main Street, Heber Avenue and Swede Alley. Hotel rooms shall not be located within Storefront Property. Access and Lobbies for prohibited Uses are permitted within Storefront property provided they take up no more than 25% of the total Storefront Area. Buildings shall not be designed, redesigned, or constructed to eliminate Storefront Property on Main Street, Swede Alley, Heber Avenue and Park Avenue.

HPCA Comments: The HPCA supports the amendment to prohibit these uses within Storefronts.

Definitions

Private Plaza. Private Property in excess of 1,000 square feet that generally serves as common area to adjoining Commercial Development and is free of Structures, is hard surfaced and/or landscaped. Private Plazas generally provide an area for pedestrian circulation, common amenities, and act as a gathering space for private or public purposes.

HPCA Comments: This is a new definition within the Land Management Code. It is strictly a definition so the HPCA supports the addition.

Property, Storefront

A separately enclosed space or unit that has a window or entrance that fronts on a Public Street or on a Public or Private Plaza. For purposes of this provision, the term "fronts on a Public Street or on a Public or Private Plaza" shall mean a separately enclosed space or unit with:

- (1) A window and/or entrance within fifty lateral/horizontal feet (50') of the adjacent Public Street or Public or Private Plaza; and
- (2) A window and/or entrance that is not more than eight (8') above or below the grade of the adjacent Public Street or Public or Private Plaza.

In the case of split-level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street or Public or Private Plaza as set forth above, shall be designated to be a "Storefront Property". The Planning Director or designee shall have the final determination of applicability.

HPCA Comments: The HPCA opposes the addition of language that includes "Private Plaza". Areas such as the Marriott Summit Watch do not draw pedestrian traffic. Even with the addition of amenities that would appeal to pedestrians, it is unlikely that a retail establishment can thrive in the area. Offices uses have been what historically have been located there. These types of destination businesses can succeed in this environment.

Storefront Property. A separately enclosed space or unit that has a window or entrance that fronts on a Public Street or on a Public or Private Plaza. For purposes of this provision, the term "fronts on a Public Street or on a Public or Private Plaza" shall mean a separately enclosed space or unit with:

- (1) A window and/or entrance within fifty lateral/horizontal feet (50') of the adjacent Public Street or Public or Private Plaza; and
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HPCA Comments: The HPCA opposes the addition of language that includes "Private Plaza". Areas such as the Marriott Summit Watch do not draw pedestrian traffic. Even with the addition of amenities that would appeal to pedestrians, it is unlikely that a retail establishment can thrive in the area. Offices uses have been what historically have been located there. These types of destination businesses can succeed in this environment.

Additional Comments

The HPCA is interested in participating in the vertical zoning discussion further. We continue to support the location of sales tax generating businesses in storefronts along public streets to ensure continued vibrancy of the area.

The HPCA would like to explore with the City opportunities to support the location of offices on second floors in the district and the ability to promote nightly rentals in the district.

Furthermore, the HPCA supports further discussion regarding special event space on the street. There are a number of buildings that are only occupied during the Sundance Film Festival. The HPCA wants to see these spaces activated at additional times during the year.

Kirsten Whetstone

From: Craig Elliott <celliott@elliottworkgroup.com>
Sent: Tuesday, July 21, 2015 4:11 PM
To: Kirsten Whetstone; thenneypc@gmail.com
Subject: Storefront Property Definition

Kirsten and Tim:

Thanks for joining HPCA today for the discussion. The discussion seemed to go a bit out of the overall intended direction, but that's how it goes with such a large invested and diverse group. I am available and willing to discuss these issues, so feel free to ask anytime the opinion of a frequent code user.

I didn't want to bring up the issues with the code changes in the HPCA meeting as it is a bit too code geek for that particular venue. Here are my comments about the language below.

The problem lies with the definition of "Storefront Property" and the subtext below the Allowed Uses.

1. Subtext: "*Buildings shall not be designed, redesigned or constructed to **eliminate** Storefront Property...*". If there is no existing storefront, then designing a building without storefront would be OK because it does not **eliminate** Storefront Property. Change the language to require what is desired instead of eliminating what is not desired.
2. Definition: Storefront Property. If the space fronting onto a Public Street or Public Way does not have a window or door, it will not be classified as Storefront and thus not required to meet the desired outcome. Change the language to require a certain percentage of the street area to be window and/or door. This way what is desired will be required and actually qualify as Storefront.

By the way and for what it is worth, these changes are very form based code like. A code that describes the desired outcome.

Craig Elliott, AIA
ELLIOTT WORKGROUP
364 Main Street
P.O. Box 3419
Park City, Utah 84060
801.415.1839 ext 301
elliottworkgroup.com

Kirsten Whetstone

From: Michael Sweeney <mikesweeneygold@me.com>
Sent: Monday, October 12, 2015 1:50 PM
To: Kirsten Whetstone
Cc: Alison Butz (alison@prospectorsquare.com)
Subject: Re: Verrtical Zoning LMC Amendments going to Planning Commission on Wednesday

Kirsten,

Thanks for the heads up.

I took a quick read and have only one question pertaining to the definition of "Property, Storefront (A) (1) A window and/or entrance within fifty (50) of the adjacent Public Street measured from the edge of pavement to the window or entrance." This definition is confusing. If I recall correctly, there are no buildings with an entrance or window that is 50 feet from the pavement, i.e., there is no fifty foot setback from the pavement in the HCB or HCR zones on Main Street, Swede Alley, Heber and Park Avenue. Most of the buildings are built to the side walk or road curb if there are no side walks.

Regards,

Michael Sweeney
mikesweeneygold@me.com
PO Box 2045 Park City, UT 84060
1 (801) 244-9696

On Oct 12, 2015, at 10:22 AM, Kirsten Whetstone <kirsten@parkcity.org> wrote:

Hi Mike and Alison

I wanted to give you a heads up regarding the amended Vertical Zoning Ordinance.
The Planning Commission is scheduled to hear the revised, proposed LMC Amendments for Vertical Zoning.
The item is noticed for a public hearing, discussion, and continuation to November 11th for possible recommendation to City Council.
The City Council meeting would likely be December 3, 2015.

I've attached the staff report and exhibits. They are also available on line.
Please forward or share with anyone else you think has an interest.
Let me know if you have any comments that you would like to pass along to the Commission.

The item is near the end of the regular meeting, but difficult to say what time it will actually come up (most likely after 6 or even 6:30pm but the meeting officially starts at 5:30 pm).

Kirsten

Kirsten A. Whetstone, MS, AICP

Senior Planner

Park City Planning Department
PO Box 1480
Park City, UT 84060

<image003.jpg>

<PL-15-02810 LMC Amendments Vertical Zoning RPT and EX for PC 10 14 15 Final.pdf>

Ordinance No. 07-55

AN ORDINANCE APPROVING AMENDMENTS TO THE PARK CITY LAND MANAGEMENT CODE TO CHAPTERS 15-2.6: HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT AND 15-2.5 HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT, RELATING TO PROHIBITING OFFICE, RESIDENTIAL, NON-SALES TAX GENERATING USES AND OTHER SIMILAR OR ASSOCIATED USES IN THE HCB DISTRICT AND HRC DISTRICT STOREFRONTS; ALSO RELATED AMENDMENT TO LAND MANAGEMENT CODE CHAPTER 15-15-1: DEFINITIONS.

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

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Districts and finds it is essential to the City's long term economic and financial well-being; and

WHEREAS, The Community Economy Element of the Park City General Plan states that "Temporary or transient real estate project offices should be encouraged to locate in other areas of the City in order for Main Street to retain its primary functions"; and goes on to say Park City should "Maintain and improve the resort ambiance, which includes adequate opportunities for recreation, shopping, dining and culture"; and

WHEREAS, the 2003 Hyett Palma Park City Downtown Economic Study recommends pursuing a broad variety of uses and attractions to draw locals and visitors; and

WHEREAS, The City's Budget Department and The Main Street Business Alliance have submitted Affidavits that support these amendments; and

WHEREAS, Park City's Economic Development Plan identifies the following as Top Priorities: Facilitation and establishment of more "attractions/areas of interest" for both visitors and residents; Maintain and improve the balance of Sustainable Community goals by going beyond just economic initiatives to include social and environmental strategies; and Protect, preserve, and promote the historic Main Street downtown area as the heart of the region; and

WHEREAS, Park City's Economic Development Strategic Plan identifies the following as High Priorities: Further develop and market the uniqueness of Park City and why it is set apart from other mountain resort communities; Proactively target

business sectors that will fill voids left by departing companies or for smart redevelopment reasons; and

WHEREAS, in the HCB and HRC Districts, Office uses that are not inviting to the general public to access them will diminish the diverse and eclectic mix of uses and attractions necessary to sustain Park City's unique vibrant Main Street core for the general public, visitors, quests, and locals; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is an element of Main Street's attractiveness and a destination center for visitors and locals; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of commercial and mixed-use buildings and districts in and near the downtown core; and

WHEREAS, a preliminary discussion was held at the joint Planning Commission/City Council work session on April 5, 2007 regarding legislative remedies available to ensure the continuation of a successful business mix on historic Main Street; and

WHEREAS, in the HCB and HRC Districts, Office uses that are not inviting to the general public to access them will have a negative effect upon the overall economy and vitality of the downtown core as visitors find fewer businesses in which to shop or restaurants in which to eat. A reduction in visitor traffic will have a net negative impact to sales tax overall. A reduction in visitor numbers will also signal a change in the culture of Main Street into an elite area that is less inviting to the majority of Park City's visitors, guests, and locals; and

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

WHEREAS, the Council determines after evaluating issues of fairness and the overall intent of the regulation that the application of pending ordinance doctrine shall be revoked up to the date of adoption;

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

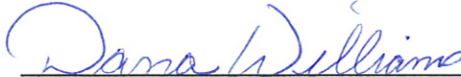
SECTION 1. APPROVAL OF AMENDMENT. CHAPTERS 15-2.5
Historic Recreation Commercial (HRC) District, 15-2.6 Historic Commercial Business

(HCB) District, and 15-15-1 Definitions, of the Land Management Code are hereby amended to read as attached hereto on Exhibits "A", "B" and "C".

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon publication and the pending ordinance rule shall become effective as of the date of adoption.

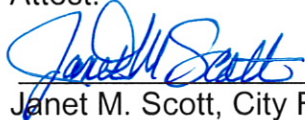
PASSED AND ADOPTED this 30th day of August, 2007.

PARK CITY MUNICIPAL CORPORATION



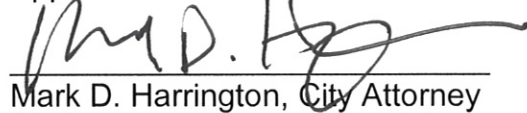
Dana Williams, Mayor

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



EXHIBIT A - HRC

TITLE 15 - LAND MANAGEMENT CODE (LMC)

CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

The purpose of the Historic Recreation Commercial (HRC) District is to:

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate Density bed base at the Town Lift,
- (G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,
- (H) encourage preservation and rehabilitation of Historic Buildings and resources.

(I) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

15-2.5-2. USES.

Uses in the HRC are limited to the following:

(A) ALLOWED USES.

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters

- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family³
- (10) Child Care, Family Group³
- (11) Child Care Center³
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn⁴
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General⁵
- (19) Parking Area or Structure, with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Guest House, on Lots one acre
- (4) Group Care Facility
- (5) Public and Quasi-Public Institution, Church, School
- (6) Essential Municipal Public Utility Use, Facility, Service and Structure
- (7) Telecommunication Antenna⁶
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁷
- (9) Plant and Nursery stock products and sales
- (10) Hotel, Major
- (11) Timeshare Projects and Conversions

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

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

⁴Requires an Administrative Conditional Use permit

⁵**Prohibited in Storefronts adjacent to the Main Street, Swede Alley, Heber Avenue, or Park Avenue (excluding those HRC zoned areas north of the 8th Street) rights-of-way; excluding without limitation, addresses contained within the following Buildings: 702 Main Street, 710 Main Street, 780 Main Street, 804 Main Street, 890 Main Street, and 900 Main Street.**

⁶See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

- (12) Private Residence Club Project and Conversion⁴
- (13) Office, Intensive
- (14) Office and Clinic, Medical
- (15) Financial Institution, without drive-up window⁸
- (16) Commercial Retail and Service, Minor⁷
- (17) Commercial Retail and Service, personal improvement⁷
- (18) Neighborhood Convenience Commercial, without gasoline sales
- (19) Café or Deli⁷
- (20) Restaurant, General⁷
- (21) Restaurant and café, Outdoor Dining⁴
- (22) Outdoor Events⁴
- (23) Bar
- (24) Parking Area or Structure, with five (5) or more spaces
- (25) Temporary Improvement
- (26) Passenger Tramway Station and Ski Base Facility
- (27) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (28) Recreation Facility, Commercial, Public, and Private
- (29) Entertainment Facility, Indoor
- (30) Fences greater than six feet (6') in height from Final Grade⁴
- (31) Private Residence Club, Off-Site⁵**

(C) **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-39; 06-69)

⁸If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

EXHIBIT B

TITLE 15 - LAND MANAGEMENT CODE (LMC)

CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.6-1. PURPOSE.

The purpose of the Historic Commercial Business (HCB) District is to:

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,
- (G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,
- (H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
- (I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.
- (J) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.**

15-2.6-2. USES.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling⁹
- (2) Multi-Unit Dwelling¹
- (3) Secondary Living Quarters¹
- (4) Lockout Unit^{1,10}
- (5) Accessory Apartment^{1,11}
- (6) Nightly Rental¹²
- (7) Home Occupation¹
- (8) Child Care, In-Home Babysitting¹
- (9) Child Care, Family^{1,13}
- (10) Child Care, Family Group^{1,5}
- (11) Child Care Center^{1,5}
- (12) Accessory Building and Use¹
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn¹⁴
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General¹
- (19) Office, Moderate Intensive¹
- (20) Office and Clinic, Medical¹
- (21) Financial Institution, without drive-up window
- (22) Commercial Retail and Service, Minor
- (23) Commercial Retail and Service, personal improvement
- (24) Commercial Neighborhood Convenience, without gasoline sales
- (25) Restaurant, Cafe or Deli
- (26) Restaurant, General
- (27) Bar
- (28) Parking Lot, Public or Private with four (4) or fewer spaces
- (29) Entertainment Facility, Indoor
- (30) Salt Lake City 2002 Winter Olympic Games Legacy Display¹⁵

⁹**Prohibited in Storefronts adjacent to the Main Street, Heber Avenue, or Swede Alley Rights-of-Way.**

¹⁰Nightly Rental of Lock Units requires a Conditional Use permit

¹¹See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

¹²Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

¹³ See LMC Chapter 15-4-9 for Child Care Regulations

¹⁴Requires an Administrative Conditional Use permit

¹⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License.

(B) **CONDITIONAL USES.**

- (1) Group Care Facility¹
- (2) Public and Quasi-Public Institution, Church, School
- (3) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (4) Telecommunication Antenna⁷
- (5) Satellite Dish, greater than thirty-nine inches (39") in diameter⁸
- (6) Plant and Nursery stock products and sales
- (7) Hotel, Major
- (8) Timeshare Projects and Conversions¹
- (9) Timeshare Sales Office, Off-Site within an enclosed Building¹
- (10) Private Residence Club Project and Conversion⁵
- (11) Commercial Retail and Service, Major
- (12) Office, Intensive
- (13) Restaurant, Outdoor Dining⁵
- (14) Outdoor Events
- (15) Hospital, Limited Care Facility
- (16) Parking Area or Structure for five (5) or more cars
- (17) Temporary Improvement
- (18) Passenger Tramway Station and Ski Base Facility
- (19) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (20) Recreation Facility, Public or Private
- (21) Recreation Facility, Commercial
- (22) Fences greater than six feet (6') in height from Final Grade⁵
- (23) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁹
- (24) Private Residence Club, Off-Site¹

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38; 04-39; 06-69)

⁷See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁸See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁹Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

Exhibit C

TITLE 15 - LAND MANAGEMENT CODE (LMC) CHAPTER 15 - DEFINITIONS

Chapter adopted by Ordinance No. 00-25

CHAPTER 15 - DEFINED TERMS.

15-15-1.44. Club.

(E) Club, Private Residence, Off-Site. Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes but is not limited to any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

Storefront Property

A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space or unit with:

1. A window and/or entrance within 50 lateral/horizontal feet of the back (inside building edge) of the public sidewalk; and
2. A window and/or entrance that is not more than 8 feet above or below the grade of the adjacent Public Street.

In the case of split-level, multi-level buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the street as set forth above shall be designated to be a "Storefront Property." The Planning Director or their designee shall have the final determination of applicability.

**PARK CITY PLANNING COMMISSION
JOINT WORK SESSION WITH CITY COUNCIL
MAY 9, 2007**

PRESENT: Jim Barth, Michael O'Hara, Evan Russack, Mark Sletten, Jack Thomas, Charlie Wintzer

CITY COUNCIL: Mayor Dana Williams, Marianne Cone, Roger Harlan, Jim Hier

STAFF: Patrick Putt, Alison Butz, Brooks Robinson, Ray Milliner, Katie Cattan, Mark Harrington, Tom Bakaly

WORK SESSION ITEMS

Discussion on Historic District and Main Street Land Management Code Issues, including but not limited to, Vertical Zoning, Steep-Slope CUP, and Plat Amendments

Vice-Chair Thomas assumed the chair and opened the work session. Chair O'Hara arrived later in the meeting.

Planning Director Patrick Putt reported that a month ago the Planning Commission and City Council met in a joint meeting. At that meeting they asked him to research the Historic District and come back with a presentation on what is built out in the Historic District, how that evolved over time, and how the Land Management Code played a role in shaping what was built over several decades.

Director Putt reviewed exhibits showing pictures of various homes and architecture from different eras in Old Town. He explained his attempt to address the size of buildings through floor area ratio by comparing the size of the building with the size of the overall property. Director Putt stated that .9 was the floor area that existed in the Historic District for over a decade. On an Old Town lot of 18' x 75' you would be able to build a 1,687 square foot house.

Director Putt explained that he used hard files and information from the County Assessor to determine the building sizes shown on the exhibits.

Director Putt presented the first era, which was the historic era. He believes the community has the strongest emotional attachment to this era. During the historic period structures were built according to resources and needs. There was employee housing and manager housing. People built what they could afford and if they had the resources, they built something more permanent and more significant with a stronger architectural statement. Director Putt stated that historically in Old Town you did not see just small houses. He showed photos of larger structures built during that time ranging in size from 1800 square feet to 2400 square feet. There was a variety of building and building sizes and all were built when there was no Land Management Code or zoning regulations.

The second era was the 1970's to mid-1980's. During that time Park City went through a boom period and a lot of temporary housing was constructed for mine workers. Some could afford to build well; but those who could not, built what they needed to get by. Over the course of the 1940's to the early 1960's, as mining began to subside as an economic driver, Park City went through a ghost town period. Looking at photographs from the 1890's to the turn of the century, a lot of the wooden tents began to disappear leaving a landscape that appeared to be much less dense to those who moved to Park City in the 1960's and 1970's. In the 1970's and 1980's, when more

people came into town, Park City was a new resort and ski area. At that time it was important to build housing for resort guests and for the influx of employees. Director Putt remarked that during that period there was not a strong consciousness of Park City's historic character. The focus of the community was on the ski industry. He noted that the largest residential structures and the buildings that have no relation to what was built historically were built in the 1970's and 1980's. He presented photographs from that time period and indicated the variety of FAR's that resulted in substantially larger structures than what was built 10 years earlier. Director Putt pointed out that the square footage achievable at that point in time brought the structures down to the street and went up to the vertical maximum of 33 feet. He cautioned them to be careful about assigning value or importance to just height or just square footage. Director Putt stated that the structures built during the 1970's and 1980's were not what the City was hoping to achieve from a historic architectural standpoint.

Director Putt stated that by the mid-1980's the resort had been running approximately 20 years and people began to recognize the economic importance of the Historic District. They saw the creation of the National Historic District on Main Street and 1983 saw the creation and adoption of the Historic District guidelines. The community began to realize there was real value in the historic fabric and architecture in Old Town and that it was important to protect it. They started to move back to the historic form of architecture. Director Putt stated that besides being the right thing to do, it sold Park City as a different community from other ski resorts because they also had history. At that time, the community decided to solve the problem through height and bulk regulations and through zoning.

In the mid 1980's and the 1990's, Park City went through a series of changes that affected the building height. As they moved into the 1990's they dropped the 33 foot height to 27 feet. Director Putt presented a series of photographs that typify that ten year period. He stated that in trying to be black and white in an area as complex as Old Town, you begin to recognize that hard and fast numbers for building heights and square footage do not necessarily create the desired architecture. Director Putt noted that in order to achieve smaller buildings, the building size was regulated by a floor area ratio of .9. If you had more than one lot, you got the .9 for the first lot and .66 for each additional lot. That acted as a disincentive for people to combine lots to create the space for better architecture. This resulted in a series of buildings that were 19 feet wide and 33 feet high. The City made a conscious decision that smaller or shorter was not better architecture.

Recognizing that this problem needed to be resolved, the City decided to take an aggressive approach and in the late 1990's the Floor Area Ratio was eliminated to create the incentive to combine lots for better architecture and more flexibility. Director Putt stated that many of the problems had to do with the topography of the lot and at that time the Code was amended and the Steep Slope process was developed. He noted that the steep slope process was intended to have a set of specific criteria and building elements to help the Staff and Planning Commission set the intent of what they wanted to achieve in terms of appropriate infill in Old Town. He noted that the height was 27 feet; however a height exception could be considered to achieve some trade off. The trade off may be things such as additional architectural features or additional setback. In exchange, people could have particular roof forms that exceed the 27 foot height limit. The intent was for buildings to move back to the historic era.

Director Putt stated that contrary to what people are saying, Park City is not allowing 6,000 square foot houses to be built in Old Town. A few houses around the perimeter such as the Sweeney MPD are completely different subject matters and are really separate from Old Town. He believes the larger homes in Old Town are in the 3,000 square foot range.

Director Putt presented photos of houses that are six feet lower than anything built 10 to 20 years ago. Proportionately, those houses matched the old floor area ratios that were in existence 10 years ago.

Director Putt stated that the architectural forms of today attempt to solve the problems from the 1980's and are more in keeping with the Historic District Guidelines. He concluded that they are definitely heading in the right direction and they may be closer to what they want than they think.

Director Putt reviewed 10 Fundamental Concepts for getting Old Town back on track.

He believed that if they follow these 10 concepts, along with 6 recommendations he planned to present later in the presentation, it would significantly help to resolve the problem. He presented photos to demonstrate these concepts.

1. Look at a 1890 to 1900 era photograph of Park City and ponder its compact urban form, mixed uses, pedestrian staircases and walkways to establish its context. That is the model that needs to be reestablished.
2. History that can be seen, touched, and experienced has value. Don't tear down historic buildings.
3. Be authentic but be respectful. Seek new infill construction that responds to comparative historic surroundings, while expressing the values of the present community.
4. Read the definition of "addition" in the dictionary and apply those concepts when adding on to historic buildings.
5. People seek attachment to what is interesting and unique. Maintain, enhance and connect private and public open spaces.
6. Automobiles are acquired vices and are not historic. Do everything to reduce the visual impact of the vehicles. Emphasize everything that makes transit and walking practical and desirable.
7. Old Town is not for everyone. Cease the grieving, move on and accept it.
8. Eliminate or reduce visual blight along street and other public ways.
9. Mixed use is good and sustainable. Disproportional impacts are bad. Businesses on Main Street and Swede Alley must keep commercial services, deliveries, employee and patron parking out of residential neighborhoods.

10. If the Historic District is not livable it will not be viable.

Director Putt reviewed six recommendations that he thinks will address some of the ongoing problems in Old Town.

1. Establish limits or caps on the maximum building footprint achievable for any lot or lot combination.
2. Establish standards for attachments to historic buildings preserving the primary and secondary facade, as well as the roof.
3. Establish standards and criteria relating to how and when it may be appropriate to move, lift, or turn an historic building.
4. Establish greater clarity in the Historic District Design Guidelines for design elements including garages, exterior materials, building scale, form, and proportion.
5. Carefully review and apply steep slope conditional use criteria as written.
6. Establish a policy relating to the dismantling and panelization of historic buildings. Dismantling and panelization should be the last option in preservation.

Director Putt recommended moving forward with the above recommendations. He stated that it is not about square footage or height. It is about everything combined relating to proportion, scale, color, texture, detail, etc. The buildings are getting smaller and lower and they just need to consciously execute the plan more carefully.

Director Putt stated that he had asked everyone to identify buildings they would like to see analyzed.

One that came in several times was 633 Park Avenue. He noted that the overall lot size is 5600 square feet and the overall building size for all of the units is approximately 10,500 square feet with a FAR of 1.86. Director Putt remarked that this structure is in the HRC zone and is not subject to the maximum building footprint. It also has a building height of 37 feet.

Commissioner Wintzer stated that the only difference he could see is that the lots are getting steeper. He wondered if they have the necessary tools to address those lots as they move closer to vertical. Director Putt stated that an immediate tool would be lower height or a smaller entitlement.

He did not believe they have seen anything that extreme yet. Director Putt felt they should be careful before drawing the conclusion that the building should be smaller or lower. He suggested that they first ask if it is a question of proportion or massing.

Commissioner Sletten referred to the exhibits and noticed that the variation in detail and finishes was more like Deer Valley. As they see more of that Deer Valley look proposed for Old Town, he felt the Planning Commission should start requiring better renderings in order to make a judgment on whether or not it is consistent with Old Town. Director Putt noted that the recommendations

include moving forward with updating the Historic District Guidelines.

Commissioner O'Hara wanted to see the six recommendations come back to the Planning Commission. Commissioner O'Hara referred to Recommendation #5 and understood that the steep slope criteria applies to a small miners shack of 1,000 square feet or less. Director Putt replied that this was correct. Commissioner O'Hara referred to Recommendation #6, and stated that typically when someone wants to dismantle or panelize a historic building, it is because they have requested a conditional use permit to enlarge the house. In addition, typically when an application comes before the City to restore the building it is a benefit to the City and it is usually granted. Commissioner O'Hara commented on the number of times the applicant comes back requesting panelization because they could not afford to restore the home as originally proposed. The Planning Commission has the ability to require the applicant to demonstrate that the historic preservation can be done before an application is approved. However, that policy is not in writing.

City Council Member, Marianne Cone, asked if there were specifics on how deep someone could excavate into the hillside. Director Putt stated that the excavation is dictated by the building setbacks and the geo-technical aspects associated with retaining the cut during construction.

Commissioner Wintzer remarked that most of the streetscapes that come before the Planning Commission are sketches and there is no way to determine the scale and detail of the building. He wondered if it would be better to ask the applicants to do a photograph of the street and insert their drawings into that photo. Director Putt felt it would be appropriate to set aside a small amount of time during a work session for the Planning Commission to dialogue with the design community and get their input on better ways to display the streetscape. Director Putt remarked that nothing is better than visiting the site prior to the meeting.

City Council Member, Jim Hier, remarked that the more they establish site specific criteria, the less they can codify what they have done and precedents get set. Director Putt stated that the finding of fact is the bullet for precedent. Every time a decision is made to do something different, the reason for that decision can be explained in the finding of fact. How they write the findings will help support better design.

Commissioner Barth commented on an issue raised by the Planning Commission about doing plat amendments in concert with a CUP. Director Putt noted that they were running short on time this evening and stated that plat amendments will be discussed at the May 23rd meeting.

City Council Member, Hier, suggested that they move towards maximum size criteria rather than limit the lot size. He was comfortable with lot combinations as long as it does not increase the size of the house that could be built on that lot.

Council Member Cone remarked that some architects are more thorough than others about doing a streetscape. She asked if it was possible to require that one be done. In her opinion, even if you walk the site, it is helpful to have a streetscape in front of you when considering the project. Director Putt clarified that he was only suggesting that there may be other more useful ways of conveying that information rather than just through a conventional streetscape.

City Manager, Tom Bakaly, pointed out that a month ago they met in joint session and that brought them to this point. He wanted to know where they go from here and whether they should go through a longer stakeholder process or make more immediate changes.

Commissioner Russack commented on the additional challenge of plat amendments. He felt the presentation this evening helps them get to the point of identifying the low hanging fruit; however much of it has to do with design and materials in relation to the context of the area.

Commissioner O'Hara reiterated his preference to follow the 6 recommendations from Director Putt. He intended to hold a courtesy public hearing during the regular meeting this evening for anyone wishing to make public comment on the presentation and work session discussion. Commissioner O'Hara felt it was important to hear those comments because it could change their direction.

Council Member Hier asked if Director Putt intended to prioritize the issues based on ease of completion and what could be accomplished in a short amount of time. Director Putt stated that he would do that and report back to the Planning Commission and the City Council.

Commissioner Barth liked the language proposed by Planner Robinson; however his issue is still the fact that the sidewalk has already been approved and Little Kate and Lucky John will be expanded five feet. He reiterated his comment that this plan has failed and he believes the City can do better. Mr. Weidenhamer commented on his need to balance fiscal responsibility with narrowing a street and he favored the language proposed by Planner Robinson that suggests looking at alternatives without making a specific commitment.

Commissioner Sletten remarked that the walkability/bikeability issue is a critical element for making Park City better. He shared the same concerns as Commissioner Barth and Commissioner Russack. He felt they needed more definitive language because approving this document this evening would essentially approve widening the road. With regards to aesthetics, Commissioner Sletten commented on the need for pedestrian access over major thoroughfares such as Bonanza, Park Avenue, and Highway 224. He wanted to make sure that in an effort to promote pedestrian safety they are not authorizing pedestrian bridges and other things that would have significant aesthetic impacts on the entry corridor. Commissioner Sletten preferred to have more time to discuss some of the issues before making a recommendation.

Commissioner Wintzer agreed with all the comments from his fellow Commissioners. He suggested that they continue this item and ask the Staff to come back with more specific details.

Commissioner Weidenhamer summarized that the Staff should look at fine tuning some of the language in Goal 1, specifically related to widening or narrowing streets, and more specificity in what they are looking for to accomplish that goal. Secondly, to get more into the aesthetic issue; specifically related to major infrastructure projects, realizing that the existing plan addresses some streetscape look and feel elements at a more pedestrian level.

Commissioner Wintzer understood from the comments that one of the goals should be to reduce traffic speed and potential vehicle/pedestrian conflicts. Commissioner Barth disclosed that he lives in Park Meadows and he knows from personal experience the amount of traffic and the potential dangers for children on Little Kate and Lucky John.

Mr. Weidenhamer thought it would take a couple of months to compile all the information and details requested by the Planning Commission.

MOTION: Commissioner Barth moved to CONTINUE this item to a date uncertain. Commissioner Russack seconded the motion.

VOTE: The motion passed unanimously.

7. LMC Amendments related to HCB - Vertical Zoning

Chair O'Hara stated that these amendments to the Park City Land Management Code would prohibit office, residential, off-site private residence clubs and other non-sales tax generating uses in the HCB and HRC Districts in storefronts; as well as related definitional changes.

Jonathan Weidenhamer requested that the Planning Commission forward a recommendation to the City Council to approve the legislation as stated by Chair O'Hara. He noted that the Planning Commission and City Council have reviewed these amendments a number of times in joint meetings and looked at quantitative data in the past. In an effort to shorten the length of the Staff report for the June 13th meeting, some of the quantitative data was omitted and the Planning Commission had requested that it be included for this meeting.

Mr. Weidenhamer reported that the Staff tried to find the easiest and most simple method to accomplish the direction they heard from the City Council and Planning Commission. That direction was to limit storefronts in downtown to sales tax generating businesses and prohibit offices, residential, and residence club uses in storefronts. On June 13, the Planning Commission requested additional background information and the City's vision for Swede Alley.

Mr. Weidenhamer stated that the LMC language in the HCB zone, as well as the City's commitment to capital funding, suggests redevelopment of Swede Alley as a goal and sees it as an important transition zone between Main Street and the transit center versus the residential going up the hill on Marsac. At the same time, it recognizes that redevelopment must still facilitate a service and delivery access and the intent is to find a balance between commercial and residential. The Staff had included Swede Alley and recommends that it continue to be included in their considered legislation. Mr. Weidenhamer clarified that on June 13th the Planning Commission was generally comfortable with the language contained in the ordinance and how the land use tables were footnoted to indicate that specific types of uses are not allowed in Main Street storefronts. He stated that if there is any concern or disagreement on what a storefront is, the Planning Director would have the final call on the matter. Mr. Weidenhamer clarified that the Staff had exempted residential uses from being prohibited in the HRC District due to the number of existing residential uses in that zone. The Staff also defined an off-site private residence club as an "off-site residential subdivision that would have a membership club in a Main Street storefront." He reiterated that this use would be prohibited in a Main Street storefront.

Mr. Weidenhamer commented on questions he had fielded from the Historic Main Street Business Alliance prior to this meeting. The first question addressed a store front at Summit Watch, now called The Village at Main. He stated that as he walked along the street, his opinion was that he could still see the front door of a shop across from the bottom of the town lift.

He was unsure if there would be any more clarity in the ordinance and pointed out that the ultimate decision would be made by the Planning Director. The second issue addressed liquor licensing. On May 24th the City Council amended the Municipal Code to require an establishment to show that they would have a temporary membership available for \$50 or less, prior to receiving local consent on a liquor license. Mr. Weidenhamer noted that this issue would be addressed at the City Council level. The third question addressed convention and sales licenses that are issued during Sundance and other special events and allows temporary uses of existing businesses. Mr. Weidenhamer stated that this amendment is not intended to preclude or prohibit the ability to continue that temporary use and suggested that this may need to be clarified at the City Council level. He was unprepared to respond to that question this evening.

Chair O'Hara opened the public hearing.

Hollie Stray-Gundersen, representing Triple Net Properties, the new owner of the Village on Main, formerly known as the Marriott Summit Watch. Ms. Stray-Gundersen named several of the businesses at the Village on Main. She clarified that Triple Net Properties is not against the private residence clubs and they appreciate what the City is trying to do in maintaining the Main Street charm. If the City moves forward with the ordinance to ban the private clubs in storefronts, Ms. Stray-Gundersen asked that they relook at the Village on Main area because it is very unique property, it is off Main Street, and it is difficult to get foot traffic to the plaza area. Ms. Stray-Gundersen requested that the City give the Village on Main an exemption to the ordinance because of their location. She pointed out that private residence clubs would help maintain the value of the area because they already have office space and retail is difficult to attract.

Robert Weiner stated that he has owned property in Park City since 1986 and he currently lives at Promontory, which is his primary residence. For the last three years he has had a season pass at Deer Valley primarily because of the Alpine Room at Silver Lake. Mr. Weiner stated that while skiing he has met many people who own property at Promontory but stay in town and treat it like a resort. Mr. Weiner remarked that in Vail, Aspen, or European areas, you can ski to the parking lot when you are ready to go home. He believes that the inability to do this is a major design fault of Park City. Mr. Weiner stated that one advantage of the Town Lift is that you can ski into town and the advantage of Promontory having something at the base of Main Street would draw people to start and finish their skiing in that area. Mr. Weiner understands that getting foot traffic to the bottom of Main Street is a huge problem and to eat at Mustang is really out of the way. It is a destination restaurant and not some place you would patronize on impulse. He believes that the traffic the restaurants and art gallery attract during the day are from people who are members of Promontory. Mr. Wiener believes that exempting The Village on Main would be a win/win situation for everyone. He pointed out that If they allow Promontory to use this facility, the lease is not chiseled in stone and changes could be made. He believes it is better to have a residence club in a storefront than to have nothing all.

Mike Sweeney, stated that he was speaking on behalf of himself and as a representative of the HMBA. Mr. Sweeney remarked that the HMBA signed an affidavit and the Board of Directors voted to support this concept. He read from paragraph 11, "The HMBA supports programs and events that display Main Street as visitor friendly. We encourage the City to legislate in a manner that insures that businesses in storefronts on Main Street remain open to all visitors." Mr. Sweeney stated that Jonathan Weidenhamer had done a nice job in writing the ordinance and he read the main purpose, "Maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring the business mix that encourages a high level of vitality, public access, vibrant activity, and public/resort related attractions." Mr. Sweeney believed this purpose statement was right on target. Mr. Sweeney clarified that there was not unity among the HMBA organization. Some were very concerned that the City might be over reacting in trying to program the street too much. He remarked that the Business Alliance cares about the Main Street level store frontage but they do not care what happens on the second level or above.

On a personal level, Mr. Sweeney stated that he and his brothers helped build lower Main Street and they spent a tremendous amount of money designing what they thought was the right project. Early on they developed the Town Lift Plaza and the Marriott Plaza. Originally there were no storefronts on the plaza and at some point that was changed by the Marriott Corporation. Mr. Sweeney stated that from his perspective, if the Code is specific, that area is not Main Street storefront property. Mr. Sweeney remarked that he has had dealings with Promontory and they are a great group of people. However, when they asked to take space on his side of the street for a restaurant and club, he and his brothers said no because they did not think it complimented what they wanted, which was something that accommodated visitors and residents. They told Promontory that the restaurant would have to be open to the public and they never got past that point of view. Mr. Sweeney believes the location Promontory is looking at now is a good location for their clubhouse because it is off of Main Street and it would bring people into town.

Commissioner Russack asked if the HMBA included Lower Main Street. Mr. Sweeney replied that the HMBA includes 9th Street going south all the way to the top of Main Street, it includes all of Park Avenue from 9th Street up to Woodside and back down, and Swede Alley. It comes back and connects to 9th Street again down Deer Valley Drive. The Village on Main is part of the HMBA and Triple Net has paid for every tenant in that space.

Mr. Sweeney stated that the requirement Mr. Weidenhamer mentioned regarding the liquor license is in conflict with the concept of allowing activities on the second level on Main Street in the Historic District. He encouraged the Staff to address this with the City Council to make sure the LMC is in compliance.

Commissioner Sletten asked Mr. Sweeney if limiting a potential use would diminish the value of a building for the owner. He wanted to know how this would impact the building owners on Main Street in terms of the economic health of Main Street. As the owner of a building on Main Street, Mr. Sweeney did not believe it would have a negative impact. In 50 years he would like to see Main Street as charming as it is today and part of that charm is the fact that there is an eclectic group of business owners who make Main Street fun.

Chair O'Hara closed the public hearing.

Mr. Weidenhamer commented on non-complying uses. Any storefront business that has a current business license and does not let it expire for longer than 365 days would be allowed to continue that use, even if this ordinance were adopted.

Mr. Weidenhamer stated that he had been talking to the Planning Director and the Assistant City Attorney about clarifying how this ordinance would apply to The Village on Main. He noted that interior spaces are not considered storefronts on Main Street if they front interior plazas or the roundabout on Deer Valley Drive. Some of the stores have dual frontages. Mr. Weidenhamer stated that his personal opinion is if the business is north of the Prime Steak House, which is across from the Town Lift, that is the point where you begin to differentiate from a store front at street level versus an elevated level that does not participate in the pedestrian experience.

Chair O'Hara stated that after re-reading the footnote and the definition in the LMC, he believes the definition is more than adequate to address a storefront.

Commissioner Wintzer asked Assistant City Attorney, Polly Samuels McLean, if she felt the definition was clear enough to address the Village at Main. Ms. McLean believed it was clear because the pedestrian level does not adjoin a right-of-way.

Scott Thompson was granted permission by the Chair to ask a question. He wanted to know what would happen in a Main Street Mall situation where it is located on Main Street but you need to go inside the Mall to access any of the space. Mr. Weidenhamer replied that the few stores who front Main Street would be bound by this ordinance but all other interior spaces and upper level spaces would not be considered. Mr. Thompson asked about the Poison Creek Building on Heber Avenue. Mr. Weidenhamer replied that the same explanation would apply to the Poison Creek Building. As Mike Sweeney had pointed out, the HRC language needs to include Swede Alley. Mr. Thompson clarified that he was speaking on behalf of a friend who owns a condo in the Poison Creek building and he is currently looking at purchasing the lower spaces to create a work/live situation. Chair O'Hara suggested that Mr. Thompson discuss this issue with the Staff outside of this meeting.

Commissioner Barth stated that the problem with complete prohibition is the issue of balance. Commissioner Sletten remarked that in his view, this was a legislative approach to devaluing Main Street over time. He believes a quick knee jerk reaction right now could have long term impacts. Commissioner Sletten stated that he does not own property on Main Street but feels that prohibiting access to a specific type of use in a general commercial environment is a disadvantage to those owners and he would most likely vote against this ordinance.

Commissioner Wintzer agreed that the jewel of Main Street is its diversity and if they lose that diversity they will lose Main Street. As a property owner who owns property where he can dictate what uses go in, he finds that sometimes it is necessary to be a "little Hitler" and decide what does and does not fit. Without having some type of regulation for properties that are individually owned, the result is that the tenant with the best rent gets the space. Commissioner Wintzer was unsure if this was the best thing for Main Street and for that reason he supports this ordinance. If it proves to be wrong, they can always look at it again in the future. In his opinion, they should do whatever they can to keep Main Street as diverse as possible.

Commissioner Russack agreed with Commissioner Wintzer. He also believes the storefront definition is very clear. Commissioner Russack was concerned that not including Park Avenue and the HCB zone would only push everything down there. Mr. Weidenhamer clarified that the HCB zone and Park Avenue were included in the amendments specifically to address that concern. He explained that the language indicating that the HCB and Park Avenue were not included only applied to residential use. Commissioner Russack was very comfortable with the amendments as proposed.

Chair O'Hara favored these amendments and noted that he has gone on record for promoting these changes for a number of years. He pointed out that the amendments only prohibit uses in storefronts and not on Main Street in general. He felt it was important to make that distinction.

Chair O'Hara preferred to return at a later date and admit they made a mistake, rather than to do nothing and risk the privatization of Main Street.

Mr. Weidenhamer stated that he had inadvertently omitted Swede Alley from the HRC zone and asked the Planning Commission to include Swede Alley in their motion.

MOTION: Commissioner Russack moved to forward a POSITIVE recommendation to the City Council on the proposed amendments to the Land Management Code prohibiting office, residential, off-site private residence clubs and other non-sales tax generating uses in the HCB and HRC Districts, including Swede Alley, in storefronts; as well as related definitional changes. Commissioner Wintzer seconded the motion.

VOTE: The motion passed 3-1. Commissioner Sletten voted against the motion.

8. Amendment to the Land Management Code regarding Accessory Apartments
9. 621 Woodside Avenue - Plat Amendment
10. General Plan Amendments - Park Bonanza Planning District and Transportation Element

Chair O'Hara opened the public hearing on the above items.

There was no comment.

Chair O'Hara closed the public hearing.

Assistant City Attorney, McLean requested that the amendments to the LMC be continued to July 25, 2007. This item would be re-noticed since the discussion will be broader than what was originally intended.

MOTION: Commissioner Russack moved to CONTINUE the Amendments to the LMC regarding Accessory Apartments to July 25, 2007; and to CONTINUE 621 Woodside Avenue and the General Plan Amendments for the Park Bonanza Planning District and Transportation Element to July 11, 2007. Commissioner Barth seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 8:05 p.m.

Approved by Planning Commission_____

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
AUGUST 30, 2007**

Present: Mayor Dana Williams and Council members Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier and Joe Kernan.

Tom Bakaly, City Manager and Mark Harrington, City Attorney ; Patrick Putt; Planning Director; Brooks Robinson; Principal Planner; Jerry Gibbs, Public Works Director; Kathy Lundborg, Water Manager; Max Paap, Special Events; Matt Twombly, Project Manager; Jonathan Weidenhamer, Economic Development and Special Projects Manager; Gary Hill, Budget Manager

1. Council questions/comments. Marianne Cone participated in Leadership's Ride the Bus Day and suggested holding events at the Transit Center more often. She also participated in the AARP events.

Roger Harlan reported the City/County Joint Transit Task Force was moving ahead on projects. Due to unprecedented ridership, the County is motivated to continue cooperative efforts with the City. He noted the contractor was making great strides on the Kearns sidewalk. He stressed that Summit and Wasatch Counties had been fortunate in not having major fire problems and stressed the importance of water conservation to maintain adequate fire flows.

Candace Erickson announced Wind Power Week and highlighted various planned activities. The Friends of the Library are holding their annual book sale on Labor Day weekend.

Jim Hier attended the HMBA Executive Board meeting where they discussed the BID fees and the Chamber Board meeting where they reviewed a plan to disseminate information on the availability of seasonal housing.

Mayor Williams congratulated Leadership Class XIII for "ride the bus day". He and Councilman Harlan, along with Manager Bakaly met with the new Hill Air Force Base General. The Governor's Blue Ribbon Advisory Panel on Climate concluded and the final report will be presented to the Governor in September. He will be attending a Mayor's Conference on Climate Change at Sundance, and his trip to China will occur in October.

2. Review of regular meeting. Council and Staff reviewed contracts and leases that would be acted on during Regular Meeting.

Boys and Girls Club – Max Paap, Special Events and Facilities, explained the request for renewal of the lease for the City Park Recreation Building for two nine-month terms. Issues to be resolved include non-exclusive use of space, the lease rate, and insurance

requirements. Staff recognizes operational difficulties for the Club to store their supplies on a nightly basis and has built in a five day written notice period for use of the facility after 6 PM. Staff anticipates that space would be used for a dog obedience program and other occasional uses. In consideration of the non-exclusive facility use, Council members agreed to reduce the lease to \$18,344.81. Regarding the request for compensation related to increased insurance requirements, Staff recommended the Club offset that from their savings from the lease.

There was no discussion on the Wintzer-Wolfe Properties Lease, **Harris and Associates Contract**, and **Nelson Brothers Contract**.

Joe Kernan requested discussion regarding the **agreement with Jordanelle Special Services District**. Public Works Director Jerry Gibbs explained it was a design contract for a connection along Hwy. 40 to connect with JSSD's tank at the Summit/Wasatch County Line. It would tie into the line at Quinn's Junction and provide redundancy required for the IHC Hospital. In addition to the existing emergency connection near Snow Park Lodge, this provides the City the ability to take more water and to enter into future discussions for buying water. Emergency connections do not supply water to the system beyond the 1,000 gallons under contract with JSSD; they allow the City to open connections for temporary relief, not long term use. Although the estimated pipeline cost is \$2.4 million, and the Hospital is contributing a portion, it provides vital additional connection to other areas of the City's water system. The contract amount is \$301,000.

Park Bonanza Planning Area – Patrick Putt, Planning Director, recapped the August 2, 2007 Work Session on General Plan amendments relating to the Park Bonanza District which is comprised of portion of community bounded by Park Avenue, Kearns Boulevard, Bonanza Drive and Deer Valley Drive. At Council's suggestion, Staff made revisions to: strengthen language discouraging big box retail; strengthen language to discourage small and medium sized tenant spaces from being combined and redeveloped into big box spaces; and included language that projects built within the area be sustainable in their design and building practices. These amendments serve as a supplement to the General Plan and would be incorporated upon Council's approval of the resolution for adoption.

Business Improvement District (BID) for downtown core in Park City – Joe Kernan expressed concern about all businesses in the district paying an equal charge. He suggested developing a formula to calculate charges based on business types and sizes. Upon direction from Council, Staff would return to seek adoption of the tax on September 13, 2007. Candace Erickson understood Mr. Kernan's concept but was uncertain how they would divide the overall cost among businesses, since the success of businesses varied depending on the types of events they promote. Jim Hier explained the majority of the cost was for administrative services, not specific event

concepts. If it grew in the future to a significant fee, it may be appropriate to do something like that, but based on the current scope, the flat fee seemed to be a cost effective way to implement the program. Gary Hill, Budget Manager, explained the HMBA proposed the flat amount of \$156 per business.

3. Joint work session with Planning Commission to discuss the proposed vacation of platted McHenry Avenue in conjunction with a plat amendment - Echo Spur on Rossi Hill

Planning Commission members Jack Thomas, Evan Russak, Julia Pettit, Jim Barth, Michael O'Hara, joined City Council members.

Principal Planner Brooks Robinson explained the proposal for a plat amendment involving 16 lots on Rossi Hill and requesting the vacation of platted, unbuilt McHenry Avenue from Rossi Hill Drive to platted Third Street. The Planning Commission held a work session and took public input in July, 007, and requested a joint meeting to seek Council direction on the merits of the proposed street vacation.

Mr. Robinson stated Resolution 8-98, "resolution adopting a policy statement regarding the vacation of public rights-of-way within Park City, Utah" contained three sections; each with reviewable criteria necessary for a finding of compliance.

Section 1 Good Cause, allows the City to find "good cause" when a proposal evaluated as a whole demonstrates a "net tangible benefit" to the immediate neighborhood and to the City as a whole. *Criteria 1* requires no increase in density; *criteria 2* requires neighborhood compatibility; and, *criteria 3* requires consideration. Section 2 Material Injury, demands that no person nor the public is "materially injured" by the proposal. Section 3. Joint Meetings. He reviewed analysis found in the Staff Report and requested discussion on several points: density/ compatibility with neighborhood development pattern; is the consideration provided by the applicant sufficient to justify the vacation; and, is there a net tangible benefit to the neighborhood and to the City as a whole?

Mr. Robinson stated the applicant was asking for about 8,000 square feet of Old Town property without any financial consideration given to the City. The vacation request only affects one side of the right-of-way.

Applicants Chad and Connie Bilbrey questioned the definition of property vacation which contained no provision for money to change hands. They further believed there had been a fundamental misunderstanding in what they were requesting and believed they were giving up more than they were getting.

Roger Harlan noted the City had received compensate for past street vacations. Mr. Bilbrey stated the compensatory route was different than a vacation. City Attorney Mark Harrington explained it was appropriate for the City to consider consideration and exchange for foregoing future uses of right-of-way.

Planning Commission members stressed they were interested in a discussion of what constituted cause, consideration and density. Residents from the neighborhood requested that Council and Planning Commission consider the comments from neighbors that had been submitted. Council encouraged subsequent meetings between the neighborhood and the developer and suggested creation of a sub-committee comprised of Planning Commission members and the City Council liaison.

Note: Council and Planning Commission conducted a lengthy discussion and received input from Rossi Hill and Silver Pointe residents. Due to a broken tape, it was necessary for the recording clerk to summarize based on notes taken during the meeting.

Mayor Williams recapped that the neighborhood and developer appeared to be willing to spend more time talking about the proposal. There were enough questions about vacation of the right-of-way to justify spending additional time reviewing the issues. Planning Commission Chair Michael O'Hara stressed that the Commission sought direction on the net tangible benefits to the neighborhood and to the City as a whole, and what constitutes consideration. Joe Kernan stressed the neighbors must ultimately be happy with what was built there. He requested examples showing how the City applied consideration in the past.

At this point, Mayor Williams left the meeting. Mayor Pro-Tem Marianne Cone recommended that the applicants meet with the neighbors, and requested that the Planning Commission report back to Council after they have been able to work out additional details.

City Attorney Mark Harrington suggested that Planning Commission should continue their review, assisted by a sub-committee who can review any site plan recommendations that may result from changes following neighborhood meetings. Consideration is a factor that will greatly vary depending on the proposal and will be based on values as defined by its consistency with the General Plan and neighborhood compatibility. He noted the neighborhood had done an excellent job presenting comments in the context of the Land Management Code and the General Plan.

Helen Alvarez questioned whether discussion about consideration meant they had already agreed to vacation. Mr. Hier explained it was a means to establishing some

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City Council Work Session
August 30, 2007

basis for whether a vacation would be appropriate. Ms. Alvarez implored Council to preserve the open space with natural vegetation on Rossi Hill.

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 30, 2007**

I ROLL CALL

Mayor ProTem Marianne Cone called the regular meeting of the City Council to order at 6:15 p.m. at the Marsac Municipal Building on Thursday, August 30, 2007. Members in attendance were Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier and Joe Kernan. Mayor Dana Williams was excused. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney ; Patrick Putt; Planning Director; Brooks Robinson; Principal Planner; Jerry Gibbs, Public Works Director; Kathy Lundborg, Water Manager; Max Paap, Special Events; Matt Twombly, Project Manager; Jonathan Weidenhamer, Economic Development and Special Projects Manager; Gary Hill, Budget Manager

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed he owned a recycling business. Candace Erickson disclosed she is married to the consultant for the General Plan Park/Bonanza amendments.

Patrick Putt announced a community open house to receive public input on Historic District Design Guidelines on September 24, 2007 at 5:00 p.m.

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

Michael Kaplan stated he lives on the "real" McHenry Avenue and expressed concern about a similar street name in the Echo Spur Subdivision when it is approved.

Leslie Miller urged Council to insulate Ella Sorenson from the construction disturbance next to her home.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 9, 2007

Roger Harlan, "I move approval of the Work Session Notes and Minutes of August 9, 2007". Candace Erickson seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARINGS (items listed will be open for public hearing prior to consideration for adoption or rejection; hearings may also be continued by vote of the Council)

Jim Hier, "I move to continue Items 1 and 2 to dates as noted". Joe Kernan seconded. Motion unanimously carried.

1. Consideration of an Ordinance approving a plat amendment at 1617/1621 Lakeside Circle, Park City, Utah (motion to continue to October 4, 2007)

2. Consideration of a recommendation to deny a plat amendment for 255 Ridge Avenue, King Ridge Estates (motion to continue to September 20, 2007)

3. Consideration of a Master Festival License to be held on September 2, 2007 including a temporary street closure of Doc Holiday Drive on September 2, 2007 from 1 p.m. to 8 p.m. and to allow amplified music for a block party from 2 p.m. to 8 p.m. - Max Paap explained this was a first time community event that was being reviewed as a Master Festival License due to requests for amplified music, variance from the noise ordinance, and a temporary street closure. The applicant explained invitations had been sent to the entire neighborhood. Mayor ProTem Cone opened the public hearing. Receiving no input, the hearing was closed.

4. Consideration of an Ordinance approving a one year extension of the amended Lots 1-3, Block 30 of Snyder's Addition to the Park City Survey plat amendment located at 819 Empire Avenue, Park City, Utah - Ray Milliner explained the request for a one year extension of a plat amendment. Staff recommended approval and noted the applicant has demonstrated good cause for extension. Mayor ProTem Cone opened the public hearing. Receiving no input, the hearing was closed.

VI 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")

City Attorney Mark Harrington, disclosed that the landlords for Item 3, and both City Officials serving on the Planning Commission and the Board of Adjustment.

Joe Kernan, "I move to approve Consent Agenda Items 1, 2, and 3". Roger Harlan seconded. Motion unanimously carried.

1. Master Festival License to be held on September 2, 2007 including a temporary street closure of Doc Holiday Drive on September 2, 2007 from 1 p.m. to 8 p.m. and to allow amplified music for a block party from 2 p.m. to 8 p.m.

2. Ordinance approving a one year extension of the amended Lots 1-3, Block 30 of Snyder's Addition to the Park City Survey plat amendment located at 819 Empire Avenue, Park City, Utah

3. Lease with Wintzer-Wolfe Properties, in a form approved by the City Attorney, for space located at 1255 Ironhorse Drive

VII NEW BUSINESS (new items with presentations and/or anticipated detailed discussions)

1. Lease with the Boys and Girls Club, in a form approved by the City Attorney, for space located in the City Park Recreation Building – See Work Session Notes and Staff

Report for a discussion of the issues. Max Paap confirmed that Staff recommends a two-year lease renewal of the City Park Recreation Building to the Boys and Girls Club of Greater Salt Lake. The lease amount for the two nine-month leases is \$18,344.81.

Jim Hier, "I move to approve the Lease with the Boys and Firls Club in a form approved by the City Attorney for space located in the City Park Recreation Building in the amount of \$18,344.81 as modified". Candace Erickson seconded. Motion unanimously carried.

2. Consideration to authorize the City Manager to execute a construction contract, in a form approved by the City Attorney, to Nelson Brothers Construction Company, in the amount of \$71,697 – Project Manager Matt Twombly explained the contract was for the Prospector Drain Vault Construction which will be used in the remediation efforts in the Silver Creek Tailings Site. Water will be diverted into an anaerobic treatment unit where it currently runs into the Silver Creek Watershed.

Roger Harlan, "I move to authorize the City Manager to excute a construction contract, in a form approved by the City Attorney, to Nelson Brothers Construction Company, in the amount of \$71,697". Joe Kernan seconded. Motion unanimously carried.

3. Consideration to authorize the City Manager to approve Addendum No. 1 to the Professional Services Agreement with Harris and Associates for a total contract amount of \$301,425 – Public Works Director Jerry Gibbs explained this addendum constituted an increase of \$183,375 for total contract amount of \$301,425 for professional engineering services.

Candace Erickson, "I move to authorize the City Manager to approve Addendum No. 1 to the Professional Services Agreement with Harris and Associated for a total contract amount of \$301,425". Roger Harlan seconded. Motion unanimously carried.

4. Consideration to authorize the City Manager to enter into an agreement with Jordanelle Special Service District in the amount of \$240,000 to design an emergency water supply connection to Quinn's Junction – See Work Session Discussion and Staff Report for additional details. Jerry Gibbs restated this was for engineering services to design an emergency connection that will provide adequate capacity to meet redundancy issues with the IHC Hospital, a future connection for water purchases; and an emergency connection.

Jim Hier, "I move to authorize the City Manager to enter into an agreement with Jordanelle Special Service District in the amount of \$240,000 to design an emergency water supply connection to Quinn's Junction". Joe Kernan seconded. Motion unanimously carried.

5. Consideration of a Resolution amending the Park City General Plan creating the Park Bonanza Neighborhood Planning Area and amending related policies in General Plan Elements relating Park City direction, community character, open space, land use, growth management, transportation, environment, and housing – See Work Session Discussion and Staff Report. Planning Director Patrick Putt and Consultant Bruce Erickson, explained that Park City has three fundamental mixed use development areas: the Resorts, Main Street area, and Park Bonanza District. The current General Plan lacks clear direction for the Park/Bonanza area. This plan is intended to provide direction to accommodate change in the area, redevelopment of existing properties, and infill properties. The Plan creates a strong emphasis on pedestrian improvements, and the housing component is intended for primary residents.

The planning process began in June, 2006 with a public open house, followed by public hearings, joint work sessions between Planning Commission and City Council and discussion during the Council visioning retreat. Planning Commission forwarded a unanimous recommendation to adopt the changes in July, 2007. At Council's suggestion, following the August 2, 2007 work session, Staff made revisions to: strengthen language discouraging big box retail; strengthen language to discourage small and medium sized tenant spaces from being combined and redeveloped into big box spaces; and included language that projects built within the area be sustainable in their design and building practices. These amendments serve as a supplement to the General Plan and would be incorporated upon Council's approval of the resolution for adoption. Staff recommended that Council adopt the recommendations in the General Plan following the public hearing.

Mayor ProTem Cone opened the public hearing. Cindy Matsumoto, business owner, requested clarification of business sizes. Consultant Bruce Erickson explained big box was defined as over 50,000–60,000 square feet; mid box was larger than 12,000–15,000 square feet, and base sizes were approximately 2,000 square feet. She clarified that her three combined business spaces were acceptable.

Mark Fisher thanked the Consultant, Planning Commission, City Council and Staff for their efforts and stated they were going to strive to cooperate with the City to create a world class solution.

With no further input, the hearing was closed.

Jim Hier, "I move to approve the Resolution approving amendments and revisions to the Park City General Plan and creation of a Park Bonanza Neighborhood Planning Area as added to the packet and incorporated in modifications provided by Stantec Engineering dated August 16, 2007". Roger Harlan seconded. Motion unanimously carried.

VIII OLD BUSINESS (items continued from a previous meeting)

1. Consideration of a Resolution forming a Business Improvement District for the downtown core in Park City, Utah – Budget Manager Gary Hill noted that Council began the public hearing on August 16, 2007 and discussed a proposal to create a Business Improvement District for Main Street. This will act as a mechanism for establishing a single service provider for trash services, and will provide for business promotion services with the district. The cost of those administrative services is \$156 per business, as requested by the HMBA. Trash service fees will be billed directly by the provider.

Staff requests that Council continue hearing and consider adoption of a resolution that would create the Business Improvement District based upon the boundaries that are provided in the resolution. Adoption of the resolution begins a 15 day protest period, signals Council's intention to impose a per business tax of \$156, and signals the City's intent to hold a public hearing before any change in the tax or change in business activities. If Council approves the Resolution, Staff will return on September 16, 2007 with an Ordinance to impose the tax and an amendment to the Business Licensing Ordinance.

Mayor ProTem Cone opened the public hearing. Receiving no input, the hearing was closed.

Joe Kernan, "I move to approve the Resolution forming a Business Improvement District for the downtown core in Park City, Utah". Jim Hier seconded. Motion unanimously carried.

2. Consideration of awarding of three year contract to Allied Waste, in a form approved by the City Attorney, for hauling services within the Main Street area and City facilities and to implement a \$150 tax per license – Jerry Gibbs noted the request was continued from previous meeting until formation of BID was approved by Council. Staff requested approval of Option 2 of the BID rate structure, and Addendum 1 which related to City Facilities. Candace Erickson asked whether all businesses were aware of the fees that would be charged for hauling services, and whether the City should enter into the agreement prior to the end of the protest period.

Mr. Gibbs explained the contract would not go into effect until the effective date of the Business Improvement District (BID). Individual notices were not distributed but public notice had been given and the HMBA had reviewed contract language and was comfortable with the rate structure. He stressed that all businesses would have to pay this fee, but they were not restricted from contracting separately for supplemental trash services. At the time business licenses are renewed, businesses must provide proof

that they are current on their trash collection payments before new licenses will be issued.

Jim Hier, "I move to approve the City Manager to enter into a contract in a form approved by the City Attorney, setting the rate structure for commercial trash services for Main Street with the effective date of the Business Improvement District (BID), and City facilities rate structures, to Allied Waste for a three year term renewable at the City's election for an additional three years as outlined in the Staff Report." Roger Harlan seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving amendments to the Park City Land Management Code to Chapter 15-2.6 – Historic Commercial Business District and 15-2.5 – Historic Recreation Commercial District relating to prohibiting office, residential, or other non-sales tax generating uses and other similar or associated uses in the HCB and HRC Districts in storefronts as well as related definitional changes to the LMC Chapter 15-15-1 – Definitions. Jonathan Weidenhamer stated Council provided direction on August 9, 2007, to exclude portions of Park Avenue north of 8th Street from the area affected by the proposed ordinance, and directed Staff to define and clarify "storefront" as it pertained to the ordinance. Staff has defined Storefront as the area 50' back from the back of sidewalk and 8' above or below the street grade. When applied to typical Old Town 25'x75' lots, the intent was to promote the intent of the ordinance for areas directly adjacent to or visible from downtown street and address split-level storefronts. Separate businesses occupying the rear portion of any ground floor would have to be 50' back from the sidewalk and in separately enclosed areas.

Mr. Weidenhamer highlighted Staff's analysis of pending applications and identified two business license applications which were received after the May 26, 2007 notice of the proposed ordinance, as well as a third application submitted on August 30, 2007. Staff believes the intent and direction from Planning Commission and City Council had been clear. He noted Council has legislative authority to consider the request so long as its decision is reasonable and not arbitrary. Staff does not find that allowing the specific spaces to convert to office uses will significantly affect the overall percentage of non-tax generating uses in downtown storefronts.

Previous Public Input has suggested that the previous change to the Municipal Code that prohibited local consent for Liquor Licenses that do not allow general public to apply for membership should be amended to only affect storefronts. Staff will return in the future for direction.

Ted Barnes, colleague of Bob Dillon who had previously spoken to Council, addressed two pending applications and introduced Jeff Edwards, principal of CS Financial, one of applicants. He encouraged Council to date the effectiveness of the ordinance as of

August 30, 2007. His client contracted to purchase office space one year ago and pursued SBA loans to maintain and operate a mortgage office and would suffer significant hardship if not allowed to continue his business. These plans were begun prior to the date the pending ordinance was noticed. He stated they support the policy, but request that it be tempered with regard to these instances. He reiterated their assertion that business licenses are not land use applications.

Joe Kernan asked Mr. Edwards to explain where he would be located and how the ordinance impacted his situation. Jeff Edwards explained his intent to occupy a front space in the Poison Creek Mercantile location, and to live upstairs. His SBA loans have large prepayment penalties and he would face serious financial issues if he were forced to rent the space for retail or to sell.

Bill Shoaf, Sky Lodge, relayed his attempts to relocate to a smaller space on Main Street from which to market the Sky Lodge because they intended to re-open the restaurant. He explained several communications with Staff that ended in him being denied a business license because he applied after the May 26th deadline. His Sky Lodge project represented a significant contribution to the community and he asked Council to consider his request for exemption from the "pending ordinance" deadline.

Jana Potter supported Mr. Shoaf's request. She addressed her convertible space in the Silver Queen on Main Street and requested similar consideration so she could move forward with development plans within her space.

Marcy Davis, property and business owner, and realtor, supported Bill Shoaf's request. He will only be selling the Sky Lodge project, a project that is solely about Old Town.

Philo Smith former owner of Zoom and Easy Street, and partner in Sky Lodge, urged Council to consider the hardship that a punitive effective date for the ordinance will have for these three individuals.

Ken Davis, Historic Main Street Business Alliance, commented the zoning changes will be beneficial for the street, however extenuating circumstance deserve consideration.

Jim Whitney, Sky Lodge owner, asked Council to consider the request from Bill Shoaf. The ability to sell that property is critical to Park City and to his investment.

Mike Sweeney, encouraged Council to accommodate Mr. Shoaf's request, noting that it would be a short term exercise. He reiterated prior requests regarding the private club ordinance to make it more consistent with vertical zoning in relation to storefronts.

With no further input, the public hearing was closed.

Candace Erickson believed all three parties had valid complaints. Typically, they draw the line at the date notification is published, but they had revised the ordinance a number of times since that date. She supported amending the effective date to August 30, 2007, and after that date no new applications can be accepted.

Jim Hier noted uses run with the property not the applicant and asked if there were a way to allow temporary uses, for a particular scenario, that would expire with the business license. Attorney Harrington stated it would be inconsistent. If Council moves the pending ordinance date to the adoption date, these uses technically become non-conforming uses governed by a separate ordinance section of the Land Management Code. Under State Code, Council does have the ability to phase out non-conforming uses and if acceptable to these applicants they could condition the Ordinance effective date with phasing out requirements for the three non-conforming uses. He stressed the request must be valued on the broad sense of fairness and general applicability of the doctrine, not on individual cases of hardship. Mr. Hier supported Ms. Erickson's suggestion that they make the ordinance effective upon date of adoption.

City Attorney Harrington suggested additional Ordinance language: "Whereas, the Council determines after evaluating issues of fairness and the overall intent of the regulation, that the application of pending ordinance doctrine shall be revoked and the effective date of the Ordinance shall be the date of adoption."

Candace Erickson, "I move to approve the amendments to the Park City Land Management Code Chapters 15-2.6 - Historic Commercial Business District and 15-2.5 prohibiting office, residential, or other non-sales tax generating uses and other similar or associated uses in the HCB and HRC Districts in storefronts as well as related definitional changes to the LMC Chapter 15-5-1 - Definitions, with the addition of the whereas noted by the City Attorney therefore making the adoption date August 30, 2007". Joe Kernan seconded. Motion unanimously carried.

4. Consideration of an addendum to the lease with Park City Historical Society for property located at 528 Main Street (continued from Municipal Building Authority meeting) - Jonathan Weidenhamer explained Staff was seeking Council direction regarding an addendum to the Park City Historical Society lease. In 2003, the City and the Society entered into a 99 year lease for the use of Old City Hall. This addendum identifies a blueprint for tenant improvements necessary to allow the Society to move forward with the expansion of the building and turnover of operations and building maintenance to the Society. The City has expressed a serious commitment to their goals for economic development and expansion. Research of past discussions and

agreements does not indicate that the City intended to re-open the lease and assume additional operational costs in order to accommodate the museum expansion.

Mr. Weidenhamer reported that Planning Staff has issued administrative design approval in August for the proposed addition. As building owner, Council's approval of the lease cements that design approval. He noted Council had the ability to provide input on the design, indicating that any substantive changes would require reconsideration by the Planning Staff to ensure it met the guidelines. Laura Blake of Mark Cavagnero Architects has a presentation focusing on the rear elevation and design details, pedestrian experience, finish materials and landscaping for Council's review.

Mr. Weidenhamer stated the Historical Society had proposed the City pay for and be responsible for insurance, operations and maintenance. Additional discussion has centered on the design and access of the restrooms. The lease will address increased square footage post-construction. Rent will be reduced to \$1.00 per year annually. Tenant improvements will be installed by the Society at its expense. The lease addresses the City's both the public art and green policy initiatives of the City.

Mr. Weidenhamer reviewed areas of the lease where the City and Society did not agree.

Insurance. In the past, the City has provided general liability insurance for the building as well as insurance for exhibits. Staff recommends the Society be responsible for paying the premium to add coverage for exhibits to the City's policy and that they be responsible for obtaining insurance for any other sub-leases and administrative duties as necessary.

Operations and maintenance. The City does not currently clean inside the building, but provides maintenance for restrooms and long-term maintenance of the structure. The building is included in the City's asset management program, which covers structural upgrades. Staff supports maintenance and cleaning of the restrooms if they are publicly accessible; however, that would require installation of a lift for ADA accessibility, which may affect the design. Staff also recommends that the Society assume responsibility for annual maintenance of operating systems and utility bills. All told, costs to the Society would increase an additional \$16,000 in addition to their current costs. The prior lease was \$18,000 and it has been reduced to \$1.00 annually.

Mr. Weidenhamer addressed additional issues, including the need for a lay-down yard in Swede Alley, which results in a loss of 34 parking spaces for fifteen months. Parking Services typically charges \$9 per space for reserved use and Staff requests discussion regarding waivers of those fees.

Staff has learned that the Society may request conduit financing and asked Council to consider the possibility subject to criteria recently established to assist USSA, which was subject to a letter of credit assuming liability in case of default. It is a City building, which raises the question of whether it is a City project subject to bidding requirements. Mr. Weidenhamer explained this would be a policy question to be determined by Council in the future.

Mayor ProTem requested input from the Historical Society representatives prior to reviewing the architect's presentation and further discussion.

Richard Pick, President of the Board; Harry Reed, member; and Sandra Morrison, Executive Director, indicated their pleasure to meet with Council. They are grateful for the City's support and for Staff's assistance through the process. The project is a partnership that has come a long way since its formation in 2003. Mr. Pick distributed a handout that compared the City's contribution of \$2,601,000 to the PCHS contribution of \$4,303,000 (\$4.2 million of which is for the building expansion) and emphasized that the expansion will provide economic benefits by providing a destination Main Street attraction.

Mr. Pick indicated their insurance agent had been working with City staff. Mark Harrington reported they were close to resolving the general liability issue, although Staff recommends the Society administer their exhibit insurance.

Laura Blake, Mark Cavagnero Associates, reiterated Mr. Pick's thanks for Council's support, which has enabled them to raise an additional \$1 million. She recapped the March presentation and reviewed the design that had been reviewed and approved by Planning Staff and the Historic Preservation Board.

Ms. Blake reviewed Secretary of Interior Standards Guidelines for Treatment of Historic Building, as they pertain to new additions, which they used to develop their design. The Main Street elevations will be preserved and the Swede Alley elevation will be preserved on the interior and visible through the addition. The new addition provides a plane break behind Old City Hall and uses stone that relates to Old City Hall and the old library building.

Marianne Cone expressed concern about the rear of the building and questioned the difficulty of snow removal. Mike Lennon, Building Maintenance, explained the new area would probably be more helpful since they use a small plow that fits in the area.

Ms Cone also questioned the raised walkway at the rear and asked whether additional landscaping could be installed. Ms. Blake explained the terrace was added to provide

views of the exhibits as one walks along the rear of the building. The design incorporates core ten steel that provides a softer texture, finish and color. She explained they could add additional landscaping on Dolly's Plaza. Ms. Cone felt the raised walkway created a sense of isolation from the rest of the street and encouraged additional landscaping.

Planning Director Patrick Putt explained Staff, Historical Society representatives and their architecture team had spent considerable time on this issue. They concurred that eliminating the walkway created a disconnect between the pedestrian level and the glass area would make the building look taller and would diminish the pedestrian experience. In addition, they did not believe the narrow planting area that would have been created would provide an optimum area for plants to thrive. Ms. Cone questioned the need for a nine-foot wide sidewalk since it did not connect to anything.

Candace Erickson was thrilled with the design and believed the glass area would draw people in and suggested planters on the Dolly's sidewalk. Council members expressed support of the design as approved by the Planning Department.

Jonathan Weidenhamer requested direction regarding insurance for exhibits and third party leases. Mr. Pick stated the Society maintain liability insurance and will continue to do so. Their concerns center on exhibit insurance. Mark Harrington stated they were close on the general liability issue and Staff is working with the Society's insurance agent. Staff's concern is coverage for visiting exhibits and administration of the policy to ensure that nothing was overlooked. Jim Hier encouraged Staff and the Historical Society to work out the requirements in the lease.

Mr. Weidenhamer stated Staff's recommended that the City continue to be responsible for asset management, long-term structural upgrades, and exterior maintenance, snow removal, etc. Staff recommends that the Society assume responsibility for cleaning, as well as operations and maintenance for mechanical systems, and the restrooms because they are best managed by the occupants. He explained the expansion will remove the existing public restrooms at the rear of the building and the City requests that the museum provide unobstructed public access to the new restrooms during operating hours, providing ADA access through the building during operating hours. The museum does not want to provide maintenance because they feel they lack the ability to monitor and control them because of the public access. They feel it would be cheaper for the City to continue to provide maintenance of the restrooms.

Jim Hier expressed concern about underground restrooms being open 24/7. Jon explained they had agreed to have them open during museum hours, but had not been able to agree on maintenance responsibility. He clarified that a lift for ADA accessibility was not necessary if the restrooms were only open during operating hours.

Mr. Hier supported the City covering O&M for the restrooms. Mark Harrington suggested having someone from the ADA community review the functionality of the access.

Sandra Morrison stressed it was a liability issue for them because they are not protected by the Utah Governmental Immunity Act.

Jon Weidenhamer summarized Council's support for the City to provide maintenance of the restrooms; no lift will be installed because there is ADA accessibility from inside the Museum; and they are subject to review to ensure they are acceptable under ADA accessibility guidelines.

Mr. Weidenhamer continued discussion on the Society's request for the City to assume responsibility for the operations and mechanical systems. Staff has estimated these costs to be \$12,700 annually.

Mr. Pick suggested the City should assume responsibility for proper maintenance of those items in order to extend the life of such expensive equipment. Sandra Morrison explained the Museum would have to pursue fund raising to meet these additional expenses.

Jim Hier stated the City was assuming responsibility for the restrooms and the Museum should pick up the costs for operations and maintenance. Candace Erickson understood the reason for the Society's request; however, Council must balance it against costs to taxpayers. As a tenant, one expects the landlord to assume responsibilities for maintenance; however, this tenant will only be paying \$1 per year. They do provide educational program and generate some sales tax dollars. Roger Harlan suggested a compromise where the Museum would pay the City a flat fee, based on a calculation of operations and maintenance costs, to manage the maintenance. Council members concurred and directed Staff to analyze the costs and develop a flat rate for Council's consideration.

Mr. Weidenhamer stated they would need a construction staging yard and they have identified a need for 34 spaces in Swede Alley, ten immediately behind the museum and 24 in the historic wall lot. Roger Harlan commented on building practices in New York City where construction staging occupied much smaller space. Jon requested direction from Council as to the City's parking policy. Staff recommends that the ten adjacent spots be provided, but spaces in the historic wall lot be assessed at 50% of the normal \$9 per day fee. Councilors encouraged minimization of the staging area but did not want to impose charges for use of the spaces. Mr. Weidenhamer stated Staff would return with a plan, not to exceed 34 spaces.

Council and staff held a brief discussion regarding options for assist the society with financing. They concurred it was appropriate to table the issue until later.

Jon Weidenhamer stated the Historical Society had requested that they be allowed to display *artifacts* of their choice, without going through the Public Art Advisory Board process, in lieu of the requirement to pay 1% for public art. Council members directed Staff to include 1% for artifacts in the lease.

Mayor ProTem Cone opened the public hearing.

Alex Butwinski outlined various methods to charge tenants for daily operating expenses. He believed 34 spaces was excessive and requested reconsideration of the contractor's request.

Mike Sweeney, business owner, requested that restrooms be inside the museum. He also suggested using a material other than sandstone that was more impervious to the elements.

Kacy Quinley, Sunday Museum volunteer, urged that restrooms remain outside, since she often is the only one working inside the Museum.

Bill Coleman encouraged the Council to build flexibility into the lease to offset annual costs. The museum has limited revenue capacity and they appreciate everything the City can do support them.

Krista Perry, Park City Mountain Resort, expressed the importance of providing an educational experience for visitors. She stated the museum was a big part of the town's authenticity.

The public hearing was closed.

IX ADDITIONAL DISCUSSION – AGENDA ITEMS
There was no additional discussion.

X ADJOURNMENT
With no further business, the City Council meeting adjourned at 9:45 p.m.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at 2:00 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and

Joe Kernan. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney; Tom Daley, Assistant City Attorney; Jerry Gibbs, Public Works Director; Kathy Lundborg, Water Manager; Myles Rademan, Public Affairs Specialist; Kent Cashel, Deputy Public Works Director; Phyllis Robinson, Community and Public Affairs Manager; and Alison Butz, Environmental Affairs and Project Manager.

Marianne Cone, "I move to close the meeting to discuss personnel, property and litigation." Candace Erickson seconded. Motion carried unanimously.

The meeting opened at 3:50 p.m. Marianne Cone, "I move to open the meeting." Jim Hier seconded. Motion carried unanimously.

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 Sharon Bauman

Sharon C. Bauman, Analyst II

Planning Commission Staff Report

Subject: Main Street Balcony Enclosure Amendments
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-15-03021
Date: December 9, 2015
Type of Item: Legislative – LMC Changes

Summary Recommendations

Staff is requesting that the Planning Commission open a public hearing, review the possible Land Management Code amendments regarding balcony enclosures on Main Street, and consider forwarding a positive recommendation to City Council.

Description

Project Name: LMC Amendment to permit temporary enclosure of balconies, not to exceed 180 days (November 15th- April 30th)
Applicant: Planning Department
Proposal: Revisions to the Land Management Code

Proposal

City Council wishes to develop a pilot program to allow Main Street restaurateurs to construct temporary, seasonal enclosures on their balconies that would provide additional restaurant seating space during the winter months (November 15th through April 30th). The pilot program would be available only to those balconies directly attached to restaurant space on non-historic structures. Staff has collaborated with the Building, Planning, Engineering, Finance, Sustainability, and Legal Departments to develop a pilot program proposal for the 2015-2016 winter season. Balcony enclosures may be constructed starting on November 15th and must be removed no later than April 30th; the duration of the balcony enclosures shall not exceed 180 days.

In order to move forward with the pilot program, the Land Management Code (LMC) needs to be amended to permit the temporary enclosure of balconies. Staff requests that the Planning Commission review staff's proposed modifications to the LMC and forward a positive recommendation to City Council. Any design guideline amendments for the balcony enclosures will be adopted through a City Council resolution amending the Design Guidelines for Historic Districts and Historic Sites (June 19, 2009).

Purpose

The purpose of the Historic Commercial Business (HCB) District:

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,

- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,
- (G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,
- (H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
- (I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.
- (J) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

Background

On September 18, 2014, Seth Adams of the Riverhorse presented to City Council his concept for a winter balcony enclosure program. Riverhorse hopes to imitate the success of their tent's use during special events by constructing a temporary (not to exceed 180-days) enclosure on the balcony from November 15th through April 30th that would promote winter-time use. The temporary enclosure would add approximately 350 square feet of restaurant space on their balcony and seat approximately twenty (20) patrons, or about five (5) tables of four (4).

Staff met with City Council on November 13, 2014, to discuss creating a Winter Balcony Enclosure program, similar to that of the Street Dining on Main's summer dining decks. City Council directed staff to meet with the Historic Preservation Board (HPB) for feedback on this program. Staff met with the HPB on January 7 and March 4, 2015, to discuss necessary changes to the Land Management Code (LMC) and Design Guidelines in order to accommodate the winter balcony enclosure program. The input provided by the HPB is reflected in the attached staff reports and exhibits.

Staff strongly recommended that the balcony enclosures not be permitted as staff found the enclosures would detract from the look and feel of Historic Main Street; however, the majority of City Council and the HPB found the enclosures to be an aesthetic improvement to the white tents currently used during the winter months. Further, City Council and the HPB found that the balcony enclosures would maintain the high quality of customer service and support for increased seasonal occupant loads of Main Street restaurants.

Staff has moved forward with developing a pilot program for the 2015-2016 Winter Season which would permit balcony enclosures only on those balconies facing Main Street that are on non-historic structures and directly attached to restaurant space. Thus far, staff has found that only Riverhorse on Main is interested in constructing a balcony enclosure. This year's pilot program will occur from January through April

following changes to the LMC. Following the removal of the balcony enclosures on April 30th, staff will assess the merits and challenges of the program and review these with City Council in May.

Analysis

Balconies are defined by the Land Management Code (LMC) as a platform that projects from the wall of a building and is enclosed by a railing, parapet, or balustrade. There are approximately twenty-one (21) balconies on Main Street that extend over the City ROW. This program would only allow enclosures to be constructed on those balconies directly attached to restaurant space on non-historic structures that are not designated on the Historic Sites Inventory (HSI). Currently, only three (3) restaurant balconies would be eligible for the pilot program.

Outdoor dining is a conditional use in the Historic Commercial Business (HCB) District for restaurants. Any outdoor dining must be approved through an Administrative Conditional Use Permit (Admin-CUP). Riverhorse and Wahso both have Admin-CUPs for their outdoor dining for summertime balcony dining. No other restaurants currently have approvals. For more information, please review the Analysis section of Exhibit 3--6.25.15 City Council Report.

Current Balcony Requirements

The Land Management Code (LMC) 15-2.6-3 requires that no balcony projecting over City ROW may be erected, re-erected, located or relocated, enlarged, or structurally modified without first receiving approval from City Council. LMC 15-2.6-3(D) specifically states that "Balconies . . . may not be enclosed." Because City Council has directed staff to move forward with the pilot Winter Balcony Enclosure program, the LMC will need to be amended to allow for these temporary, seasonal balcony enclosures. Property owners are required to provide insurance for their balconies.

Current Temporary Structure Requirements

The LMC defines a temporary improvement as a structure built or installed, and maintained during the construction of a development, or during a special event or activity and then removed prior to release of the performance guarantee. Staff finds that the proposed balcony enclosures meet the definition of a temporary improvement, BUT extend beyond the duration of construction activity or a special event or activity as currently allowed by code. The winter season is not a special event.

LMC 15-4-16(A)(4) limits temporary structures, such as tents, to a duration no longer than 14 days and for more than five (5) times per year on the same property or site, unless a longer duration or greater frequency is approved by the Planning Commission consistent with the Conditional Use Criteria or as approved by City Council as part of a Master Festival. The intent of this provision in the code was to allow events to run together if necessary, but each 14 day period would count toward the total allowed amount of five (5) times per year, or 70 days total. This limits temporary structures, such as tents, from standing indefinitely by allowing them to stand for only 70 days per

year. The Planning Commission, however, may currently approve a longer duration or greater frequency through a Conditional Use Permit (CUP).

The Land Management Code (LMC) was revised to address the duration of temporary structures in 2009. At that time, there were several temporary structures located on hotel properties in town that had been approved as temporary structures, but were left standing in virtual perpetuity. To ensure this trend would not continue, new duration parameters were adopted in 2009.

There have been instances where a temporary structure has been approved to stay up for greater than 14 days, such as the 2013 Planning Commission approval of a CUP at the Montage allowing construction of temporary structures for up to 15 times per year of which 4 structures were allowed for a maximum of 60 days due to the high frequency of weddings and outdoor parties.

Required Changes to the Land Management Code (LMC)

During the November 2014 and June 2015 City Council work session and the January and March 2015 HPB work sessions, staff expressed concern that the proposal was in direct opposition to the current LMC, and the LMC does not make exception for temporary, seasonal structures. The LMC needs to be amended in order to accommodate an exception for temporary, seasonal structures. Staff proposes that LMC 15-2.6-3(D) Balconies be amended to state:

(D) BALCONIES AND TEMPORARY WINTER BALCONY ENCLOSURES.

(1) No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed permanently. With reasonable notice, the City may require a Balcony be removed from City property without compensating the Building Owner.

(2) Temporary Winter Balcony Enclosures may only be permitted on existing balconies on structures which are not on the Historic Sites Inventory. Temporary Winter Balcony Enclosures are only permitted from November 15th through April 30th on balconies facing Main Street.

Note: Language was added to the existing LMC section. No language was eliminated.

Application Process for Pilot Program

Those restaurants intending to construct a temporary, seasonal balcony enclosure will be required to complete an Administrative Conditional Use Permit (Admin-CUP). This is a one-time application that runs with the land. Much like the summer Dining Deck program, applicants will only be required to re-apply for the Admin-CUP if substantial changes are made to their balcony enclosure. Temporary structures, per the

International Building Code (IBC), are limited to a 180-day duration, and, so, staff has limited the balcony enclosures to November 15th through April 30th to ensure that the enclosures are not considered permanent under the IBC.

The applicant will also be required to obtain a building permit for the balcony enclosure. This will allow the Building Department to ensure that the enclosure meets the International Building Code (IBC) and addresses such issues as:

- Lighting and ventilation
- Engineering for live loads, wind, roof capacity
- Fire safety
- Drainage and snow shedding on public right-of-way (Main Street)
- Energy efficiency
- Recalculations for increased occupancy loads will impact sanitation facility requirements, upgrading the design of existing occupancy loads,
- Adequate heating and ventilation

Staff has also discussed additional concerns with our internal Development Review Committee. Staff finds that the balcony enclosures should not further aggravate parking demands as the balconies are already in use during the summer for outdoor dining. The Building Department will also address increased water usage and requirements for the increased occupancy loads at the building permit stage. Further, no new signage may be installed on the balcony enclosure.

The balcony enclosure would have to be constructed as a semi-permanent structure in order to meet the International Building Code. Further, the Building Department will require annual building permits for installation and removal of the enclosures. Each property has its unique challenges and the enclosures will need to be reviewed on a case-by-case basis.

Any modifications to existing buildings or balconies to accommodate the balcony enclosure will be reviewed through a Historic District Design Review application subject to the Design Guidelines and Land Management Code.

Unlike the summer dining decks, City Council will not require a lease agreement with the property owner for the construction of the Temporary Winter Balcony Enclosure. The only fees associated with the Winter Balcony Enclosure will be the one-time Admin-CUP and annual Building Permits for installation and removal of the enclosures. Staff will work with the applicants at the time of the application to ensure that any existing balconies have a recorded encroachment agreement with the City Engineer's Office, if one does not already exist.

Good Cause

Planning Staff finds there is good cause for these LMC amendments as City Council has expressed interest in pursuing a pilot Winter Balcony Enclosure program. The pilot program will run from January through April 2016. Following removal of any balcony enclosures on April 30th, staff will evaluate the success of the program and return to City Council in May with a summary of the program, evaluating its merit and challenges at

that time. City Council may then decide whether or not to continue the program as a pilot program or make it full-time.

Department Review

This report has been reviewed by the Planning, Building, Engineering, and Legal Departments.

Notice

Legal notice of a public hearing was posted in the required public spaces and public notice websites on November 25, 2015, and published in the Park Record on November 21, 2015 per requirements of the Land Management Code.

Public Input

Public input is outlined in the attached staff reports and minutes of previous Historic Preservation Board and City Council meetings. No new public input was submitted for the Planning Commission at the time of writing this report.

Process

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

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Recommendation

Staff is requesting that the Planning Commission open a public hearing, review the possible Land Management Code amendments, and consider forwarding a positive recommendation to City Council.

Exhibits

Exhibit 1—Ordinance (will include Exhibits redlining each LMC Section that is being amended)

Exhibit 2 – Winter Balcony Enclosure Informational Sheet

Exhibit 3 – 6.25.15 City Council Report

Exhibit 4 – 6.25.15 City Council Minutes

Exhibit 5- Riverhorse Proposed Balcony Enclosure Plans

Exhibit 1

Draft Ordinance 16-XX

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING SECTION 15-2.6-3(D) BALCONIES IN THE HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT.

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

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

WHEREAS, the City reviews the Land Management Code and identifies necessary amendments to address planning and zoning issues that have come up in the past, and to address specific Land Management Code issues raised by the public, Staff, and the Commission, and to align the Code with the Council's goals; implementing the General Plan; and

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 and commercial districts; and

WHEREAS, Chapters 2.6, Historic Commercial Business (HCB) provides a description of requirements, provisions and procedures specific to this zoning district that the City desires to revise; and

WHEREAS, by permitting Temporary Winter Balcony Enclosures, it will meet the City's goal of maintaining the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors and encourage local oriented businesses to remain in the Historic Main Street District; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on December 9, 2015; 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 January 7, 2015; 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 residential neighborhoods, 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 2.6 Section 3. The recitals above are incorporated herein as findings of fact. Section 15-2.6-3 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 1).

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2016

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Acting City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachment 1

15-2.6-3 (D). Balconies.

(D) BALCONIES AND TEMPORARY WINTER BALCONY ENCLOSURES.

(1) No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed permanently. With reasonable notice, the City may require a Balcony be removed from City property without compensating the Building Owner.

(2) Temporary Winter Balcony Enclosures may only be permitted on existing balconies which are on structures which are not on the Historic Sites Inventory. Temporary Winter Balcony Enclosures are only permitted from November 15th through April 30th on balconies facing Main Street.

Temporary Winter Balcony Enclosures on Main Street for Your Restaurant

In an effort to aid Main Street businesses to continue providing exception customer service to Main Street visitors, City Council has created an opportunity for restaurant owners to temporarily enclose their balconies for the winter months. In 2015, the City Council authorized the Planning Department to begin working with interested Applicants and assist them with the approval process. In short, Temporary Winter Balcony Enclosures may be permitted for your existing restaurant upon the issuance of an Administrative Conditional Use Permit (CUP), to be completed through the Planning Department. Temporary Winter Balcony Enclosures are only permitted on non-historic buildings. Applicants must submit an application, pay an application fee, and provide all required materials and plans as noted prior to October 15, 2016 at 5pm.

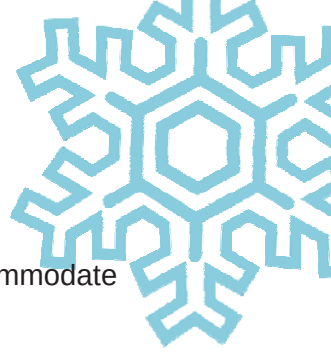
WHAT YOU NEED IN ORDER TO SUBMIT:

- Administrative Conditional Use Permit Application
- Certified topographical boundary survey of the existing site prepared by a licensed surveyor at an approved scale which includes the following—current conditions, utility locations, building footprint(s) of all existing structures and improvements on site, drainage facilities, on- and off-site circulation and parking, existing physical encroachments on and off-site, and all structures within 20' of the subject property
- Floor plans drawn at quarter-inch scale, including property lines and footprint square footage.
- Building Elevations illustrating the proposed work at quarter-inch scale with elevations referenced to USGS datum points; elevation drawings may be limited to sides and façade elevations.
- Dining Site Plan— this plan shall be to scale and indicate accurate locations of proposed chairs, tables, planters, and any other improvements.

Design Guidelines and Criteria for Temporary Winter Balcony Enclosures

1. There may be times when it is not appropriate to construct a Temporary Winter Balcony Enclosure on a non-historic building due to unique conditions, including but not limited to health and safety concerns, as found by the Planning Director or Chief Building Official.
2. The Temporary Winter Balcony Enclosures and the balcony should respect the architectural style of the building.
3. The Temporary Winter Balcony Enclosures should retain existing balcony railings in order to achieve a design consistent with open balconies and maintain the character of the original building.

Design Guidelines and Criteria for Temporary Winter Balcony
Enclosures (continued)



4. The existing exterior wall of the building may not be removed seasonally in order to accommodate the balcony enclosure.
5. The Temporary Winter Balcony Enclosures must not block existing door and window openings on neighboring buildings.
6. Temporary Winter Balcony Enclosures should consist of clear glazing set in window frames that generally match the mass, scale, and materials of those used for the glazing frames of the building.
7. Sunscreens are permitted and should only be used in times of extreme sun, but should not be obtrusive.
8. The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk.
9. The Temporary Winter Balcony Enclosures must have direct access to the restaurant's dining area.
10. Temporary Winter Balcony Enclosures designs must address snow shedding.
11. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require approval of the City Council.
12. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.
13. No signage is allowed on any Temporary Winter Balcony Enclosures.
14. Any new Temporary Winter Balcony Enclosures will require a building permit.
15. Temporary Winter Balcony Enclosures will only be permitted November 15th through April 15th.





DATE: June 25, 2015

TO HONORABLE MAYOR AND COUNCIL

Riverhorse on Main wishes to construct a temporary, seasonal enclosure on their balcony that would provide additional restaurant space during the winter months (November 1st through April 30th). They believe other restaurants on Main Street would also benefit by having the ability to enclose their balconies, and the Riverhorse proposed that City Council develop a seasonal program similar to Street Dining on Main-the dining deck program. Staff has collaborated with the Building, Planning, Engineering, Finance, Sustainability, and Legal Departments to develop a pilot program proposal for the 2015-2016 winter season. Staff is requesting City Council review staff's proposed Winter Balcony Enclosure Program and provide input and direction for staff to move forward.

Respectfully:

Anya Grahn, Planner II



City Council Staff Report

Subject: Winter Balcony Enclosures on Main
Author: Anya Grahn, Historic Preservation Planner
Department: Planning Department
Date: June 25, 2015
Type of Item: Work Session

Summary Recommendations:

Staff recommends City Council review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April). If, consistent with Council direction in November 2014, City Council wishes to pursue a Winter Balcony Enclosure program, similar to the summer Street Dining on Main program, then City Council should provide input to staff regarding the proposed program.

List of Acronyms:

Administrative Conditional Use Permit	Admin-CUP
Common Area Maintenance fees	CAM
Conditional Use Permit	CUP
Historic Commercial Business District	HCB
Historic Preservation Board	HPB
Land Management Code	LMC
Right-of-Way	ROW
Square Foot	SF

Executive Summary:

Riverhorse on Main wishes to construct a temporary, seasonal enclosure on their balcony that would provide additional restaurant space during the winter months (November 1st through April 30th). They believe other restaurants on Main Street would also benefit by having the ability to enclose their balconies, and the Riverhorse proposed that City Council develop a seasonal program similar to Street Dining on Main—the dining deck program. Staff has collaborated with the Building, Planning, Engineering, Finance, Sustainability, and Legal Departments to develop a pilot program proposal for the 2015-2016 winter season. Staff is requesting City Council review staff's proposed Winter Balcony Enclosure Program and provide input and direction for staff to move forward.

Background:

On September 18, 2014, Seth Adams of the Riverhorse presented to City Council his concept for a winter balcony enclosure program. Riverhorse hopes to imitate the success of their tent's use during special events by constructing a temporary 120-day enclosure on the balcony from approximately November 15th through April 15th that would promote winter-time use. The temporary enclosure would add approximately 350

square feet of restaurant space on the balcony and seat approximately twenty (20) patrons, or about five (5) tables of four (4).

Staff met with City Council on November 13, 2014, to discuss creating a Winter Balcony Enclosure program, similar to that of the Street Dining on Main's summer dining decks. A majority of City Council was supportive of the idea of the enclosure program. City Council directed staff to meet with the Historic Preservation Board (HPB) for feedback on this program. Staff met with the HPB on January 7 and March 4, 2015, to discuss necessary changes to the Land Management Code (LMC) and Design Guidelines in order to accommodate the winter balcony enclosure program. The input provided by the HPB is reflected in the analysis section of this report.

At the November 13, 2014 meeting with City Council, staff strongly recommended that the balcony enclosures not be permitted as they would detract from the look and feel of Historic Main Street; however, the majority of City Council and the HPB found the enclosures to be an aesthetic improvement to the white tents currently used during the winter months. However, City Council and the HPB found that the balcony enclosures could be done in a manner with minimal aesthetic impacts, would maintain the high quality of customer service, and support increased seasonal occupant loads of Main Street restaurants.

Analysis:

Balconies are defined by the Land Management Code (LMC) as a platform that projects from the wall of a building and is enclosed by a railing, parapet, or balustrade. There are approximately twenty-one (21) balconies on Main Street that extend over the City ROW.

Outdoor dining is a conditional use in the Historic Commercial Business (HCB) District for restaurants. Any outdoor dining must be approved through an Administrative Conditional Use Permit (Admin-CUP). Riverhorse and Wahso both have Admin-CUPs for their outdoor dining for summertime balcony dining. No other restaurants currently have approvals.

The following chart outlines the location, historic designation, and existence of Admin-CUPs for the existing balconies:

Business Name:	Address:	Use:	Historic Designation:	Admin CUP for Outdoor Dining
TMI	255 Main St	Multiple	Not Historic	No
Red Banjo Pizza	322 Main St	Restaurant	Landmark	No
Berkshire Hathaway Home Services	354 Main St	Real Estate	Significant	No
Burns Cowboy Shop	361 Main St	Retail	Landmark	No
Woodbury Jewelers	421 Main St	Retail	Not Historic	No
Flannagans	438 Main St	Restaurant	Landmark	No
Robert Kelly Home	449 Main St	Retail	Significant	No
501 on Main	501 Main St	Restaurant	Not Historic	<i>Under review</i>

The Expanding Heart	505 Main St	Retail	Not Historic	No
The Cunningham Building	537 Main St	Office	Not Historic	No
River Horse	530-540 Main St	Restaurant	Landmark (Balcony is on the addition)	Yes
Quicksilver	570 Main St	Retail	Not Historic	Yes
Wahso	577 Main St	Restaurant	Not Historic	Yes
Gaucha/Above Condo	591 Main St	Retail/Residential	Significant	No
Destiny	608 Main St	Retail	Not Historic	No
Montgomery Life Fine Art	608 Main St	Retail	Not Historic	No
Condos	613 Main St	Residential (2 nd level)	Not Historic	No
Condos	614 Main St	Residential (2 nd level)	Not Historic	No
Summit Sotherby's International Realty	625 Main St	Residential/Realty	Not Historic	No
Bahnhof Sport	639 Main St.	Retain	Not Historic	No
Town Lift Condominiums	693 Main St	Commercial/Residential	Not Historic	No
Caledonian Hotel	751 Main St	Commercial	Not Historic	No

There are approximately twenty-one (21) balconies on Upper and Lower Main Street. Of these:

- Seven (7) are constructed on historic buildings, but only one (1) balcony is historic (361 Main Street).
- Only five (5) balconies are associated with restaurant use.

Does City Council wish to pursue the proposed Winter Balcony Enclosure program, consistent with Council direction in November 2014?

LAND MANAGEMENT CODE:

Current Balcony Requirements

The Land Management Code (LMC) 15-2.6-3 requires that no balcony projecting over City ROW may be erected, re-erected, located or relocated, enlarged, or structurally modified without first receiving approval from City Council. LMC 15-2.6-3(D) specifically states that "Balconies . . . may not be enclosed." Should City Council decide to pursue a Winter Balcony Enclosure program, the LMC will need to be amended to allow for temporary balcony enclosures. Property owners are required to provide insurance for their balconies.

The Land Management Code (LMC) was revised to address the duration of temporary structures in 2009. At that time, there were several temporary structures located on hotel properties in town that had been approved as temporary structures, but were left standing in virtual perpetuity. To ensure this trend would not continue, new duration parameters were adopted in 2009.

Current Temporary Structure Requirements

The LMC defines a temporary improvement as a structure built or installed, and maintained during the construction of a development, or during a special event or

activity and then removed prior to release of the performance guarantee. Staff finds that the proposed balcony enclosures meet the definition of a temporary improvement, BUT extend beyond the duration of construction activity or a special event or activity as currently allowed by code. The winter season is not a special event.

The LMC limits temporary structures, such as tents, to a duration no longer than 14 days and for more than five (5) times per year on the same property or site, unless a longer duration or greater frequency is approved by the Planning Commission consistent with the Conditional Use Criteria or as approved by City Council as part of a Master Festival. The intent of this provision in the code was to allow events to run together if necessary, but each 14 day period would count toward the total allowed amount of five (5) times per year, or 70 days total. This limits temporary structures, such as tents, from standing indefinitely by allowing them to stand for only 70 days per year. The Planning Commission, however, may approve a longer duration or greater frequency through a Conditional Use Permit (CUP).

There have been instances where a temporary structure has been approved to stay up for greater than 14 days, such as the 2013 Planning Commission approval of a CUP at the Montage allowing construction of temporary structures for up to 15 times per year of which 4 structures were allowed for a maximum of 60 days due to the high frequency of weddings and outdoor parties.

Required Changes to The Land Management Code (LMC)

During the November 2014 City Council work session and the January and March 2015 HPB work sessions, staff expressed concern that the proposal was in direct opposition to the current LMC, and the LMC does not make exception for temporary, seasonal structures. The LMC needs to be amended in order to accommodate an exception for temporary, seasonal structures. Staff proposes that LMC 15-2.6-3(D) Balconies be amended to state:

(D) BALCONIES. No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed permanently. Temporary Winter Balcony Enclosures may be appropriate on some Main Street Buildings. With reasonable notice, the City may require a Balcony be removed from City property without compensating the Building Owner.

A building is defined by the Land Management Code as any Structure, or any part thereof, built or used for the support, shelter, or enclosure of any Use or occupancy by Persons, animals, or chattel.

Does City Council agree with these changes to the LMC? Does City Council wish to see any changes to these proposed amendments?

DESIGN GUIDELINE CHANGES:

Planning Staff's professional opinion is that the enclosure of the balconies detracts from the historic "western" appearance of our Mining Era Main Street. The appearance of balconies over the sidewalks adds appeal and interest to the rhythm and patterning of the Main Street historic district. These enclosures would change the massing of the structure and create the perception of the second floor extending beyond the plane of the façade and over the City right-of-way. By extending beyond the front plane of the façade, these Winter Balcony Enclosures would also be blocking the views of neighboring historic buildings when looking up or down Main Street. Park City's Main Street is characterized by in-line facades with limited breaks in their massing. Staff finds that building over the balconies would break the well-articulated street wall along the sidewalk and will greatly disrupt the continuity of the street wall.

The Historic Preservation Board (HPB) found that the balcony enclosures allowed the buildings within the historic district to provide for contemporary needs. They thought this was an ingenious solution that will allow Park City restaurateurs to continue providing exceptional customer service to Main Street visitors, as many patrons are turned away from restaurants during peak load times in the winter. Additionally, the HPB favored the balcony enclosures replacing the unattractive white vinyl tents that are currently used on Main Street balconies in the winter to expand dining space.

The HPB determined that winter balcony enclosures should be limited to non-historic buildings only. The HPB was concerned that the continuous construction and removal of the enclosure would have a detrimental impact on historic building materials. Further, the temporary additions would obscure the view of the historic structure. Should City Council support the Winter Balcony Enclosure program and limit the enclosures to only non-historic buildings or additions of buildings with restaurant use, there would currently only be three (3) balcony enclosures permitted at:

- 501 on Main (501 Main)
- Riverhorse (530-540 Main)
- Wahso (577 Main)

Does City Council agree that the balcony enclosures should be limited to only non-historic buildings? Or, does City Council wish to see the program available to all Main Street restaurants no matter their historic designation?

The HPB understood the need to devise guidelines that would help control the appearance of the balcony enclosures, prevent damage to adjacent historic buildings, and not negatively impact the look and feel of our historic Main Street.

If City Council supports temporary balcony enclosures, then staff recommends revising the following guidelines recommended by the HPB to limit the impacts of the seasonal structures:

MSHS1. The proposed project must not cause the building or district to be removed from the National Register of Historic Places. Temporary structures are not subject to review of the National Register of Historic Places.

MSHS8. Temporary winter balcony enclosures are reviewed by the program's criteria and are not addressed by these Specific Design Guidelines.

Other guidelines should be included that manage the design of the balcony enclosures. These include:

1. The City reserves the right to reject an application for a balcony enclosure if any of the following are met:
 - The proposed deck creates too much private use of the public right-of-way that may be deemed detrimental to the health, safety, welfare of the area;
 - The Building, Planning, and Engineering Departments find that the location, proximity, and spacing of each balcony enclosure pose traffic and public safety concerns.
2. The enclosure and balcony are compatible with the architectural style of the building.
3. The enclosure retains existing railings in order to achieve a design consistent with open balconies and maintain the character of the original building.
4. The existing exterior façade wall may not be removed seasonally in order to accommodate the balcony enclosure.
5. The enclosure must not block existing door and window openings on neighboring buildings.
6. Enclosures should consist of clear glazing set in window frames that generally match the mass, scale, and material as those used for the glazing frames of the building.
7. Sunscreens are permitted and should only be used in times of extreme sun, but should not be obstructive.
8. The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk.
9. The enclosure must have direct access to the restaurant's dining area.
10. The design must address snow shedding to the satisfaction of the Chief Building Official.
11. Changes to the exterior façade are discouraged. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by staff as part of the Historic District Design

Review. New balconies extending over the City right-of-way will require the approval of City Council.

12. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit (Admin-CUP) for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.
13. No signage shall be allowed on temporary enclosure/balcony enclosure.
14. Any new balcony enclosures will require a building permit.
15. Balcony enclosures will only be permitted from November 15th to April 15th.

Does City Council agree to these proposed Design Guidelines for managing the appearance of the balcony enclosures? Are there any modifications City Council would like to make or additional guidelines they would like to add?

LEASING THE RIGHT-OF-WAY (ROW)

It will be necessary for restaurant owners to enter into a lease agreement with the City for any balcony space located within the City ROW. The lease to restaurant owners to use the City ROW on Main Street for on-street dining includes provisions which regulate the time and duration of the use, provide for consistency in look and materials of the Winter Balcony Enclosures which are placed in the ROW, mitigate for conflicting uses in the public ROW, ensure for clean sidewalks, and provide an ongoing monitoring mechanism and revocation provision for failure to comply with regulations. In addition to the lease, the Lessee is required to receive an Administrative CUP which regulates the operation of the on-street dining.

Staff has prepared a draft lease template that would be executed with each applicant prior to approving any Winter Balcony Enclosure (Exhibit A). Staff has also prepared updated operational restrictions (Attachment 1). If City Council chooses to move forward with the program, Staff recommends that the three (3) restaurants with balconies on Main Street be permitted to participate in a pilot program for the 2015-2016 winter season.

Does City Council wish to pursue a pilot Winter Balcony Enclosure program for the winter of 2015-2016 with the three (3) eligible restaurant balconies?

RENTAL RATES & BUSINESS LICENSING

Currently, the dining deck program charges \$550 per parking space of 20 feet. This was calculated based upon the loss amount of funds generated by the parking space during the summer season. Staff finds that it would be appropriate to request a rental rate similar to that of commercial square footage as the seasonal enclosure would expand the gross floor area of the commercial space. This is roughly \$42-\$60 per square foot annually, before Common Area Maintenance (CAM) fees. (This equates to approximately \$3.50 to \$5 per square foot monthly, before CAM fees.) Using the Riverhorse as an example, the rental income generated for the City would be

approximately \$1,225 to \$1,750 per month for a balcony enclosure that is roughly 350 square feet in area over the City ROW. Staff recommends setting the rental fee at \$4.25 per square foot (SF), the median of \$3.50 to \$5.00. Staff finds that the rent should be prorated by the number of days the balcony enclosure exists, but would roughly equate to:

$$\$4.25 \times \text{___ SF} \times \text{___ months (construction through demolition)} = \text{___ (Rental Income)}^*$$

**Fractions of a month would be rounded to the nearest hundredth. For example, four (4) days out of 30 would equate to .13 months.*

The applicant's business license should reflect the additional square footage of the balcony. Working with the Finance Department, staff finds that it is best to address the Winter Balcony Enclosures as part of an Outdoor Dining Admin-CUP. Currently, those restaurants with outdoor dining CUPs purchase a business license that is good for one (1) year. If the restaurant already has an Admin-CUP for outdoor dining, then there would be no additional business licensing fees required. Any new Outdoor Dining Admin-CUPs would require new business licensing.

ADMINISTRATIVE CUP

The Administrative CUPs do not have an expiration date, and run with the land, or until City Council provides direction to not allow use of City-streets for outdoor dining. Currently, the Main Street Summer Dining Program only requires that applicants enter into an Admin-CUP for outdoor dining and then a lease agreement with the City for the dining deck's use of the ROW. Similarly, staff recommends that applicants submit an Admin-CUP for the Winter Balcony Enclosure and then enter into a lease agreement with the City for use of the ROW. Because the Admin-CUP runs with the land, the applicant would not be required to submit the Admin-CUP annually. They would only be required to submit a new Admin-CUP if they were making modifications to the original approval. After the initial pilot program, City Council would be required to hold a public hearing and approve the lease agreements annually in the same manner that the Summer Dining Deck leases are approved.

INTERNATIONAL BUILDING CODE

The International Building Code (IBC) defines temporary as less than 180 days. In reviewing the Riverhorse's proposal, the Building Department found the following requirements will impact temporary winter balcony enclosures:

- Additional life safety notification devices, including but not limited to fire sprinklers
- Exits within fifty feet (50')
- Lighting and ventilation
- Engineering for live loads, wind, roof capacity
- Fire separation on windows and roofing (the enclosure cannot be entirely constructed of glass in order to meet 1-hour fire rated wall requirements of the IBC)
- Drainage and snow shedding on public right-of-way (Main Street)

- Energy efficiency
- Recalculations for increased occupancy loads will impact sanitation facility requirements, upgrading the design of existing occupancy loads,
- Must meet the structural requirements for permanent structures
- Common wall agreements with neighboring properties
- Traffic mitigation for installation and removal of temporary enclosure
- Adequate heating and ventilation
- Energy efficiency
- Additional water impact and utility fees
- Fire resistive rated-wall construction at exit stairs

Any temporary structure greater than 200 square feet in area would require a building permit. The balcony enclosure would have to be constructed as a permanent structure in order to meet the International Building Code, making it difficult and costly to construct and take down seasonally. Further, the Building Department will require annual building permits for installation and removal of the enclosures. Each property has its unique challenges and the enclosures will need to be reviewed on a case-by-case basis.

Other Concerns

In meeting with our Development Review Committee—comprised of the Building, Engineering, Public Works, Water, Legal, Snyderville Water Reclamation District (SBWRD), Fire District, and Sustainability Departments—the group identified other potential issues such as:

- Increased use of sewer and water;
- Parking demands generated by additional tables within enclosures;
- Increased strain on city resources for reviewing and monitoring enclosures;
- Encroachment agreements for construction over city right-of-way;
- Insurance and liability; and
- Glare and reflection caused by balcony enclosure windows

Department Review

The Building, Planning, Engineering, Finance, Special Events, Legal, and Executive Departments have reviewed this staff report.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life + Varied and extensive event offerings + Unique and diverse businesses + Accessibility during peak seasonal times	(+/-)	+ Preserved and celebrated history; protected National Historic District + Shared use of Main Street by locals and visitors	+ Fiscally and legally sound + Well-maintained assets and infrastructure (+/-)
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Neutral 	Very Positive 	Positive 
Comments: This program is very unique in that it utilizes the shoulder season to bring more people to Main Street. After researching other Historic Districts around the nation we have found that Park City is the only one that utilizes the street for constructions of these dining decks. We have received several inquiries by other cities as to how we manage this program.				

Funding Source:

Not applicable.

Consequences of not taking the recommended action:

The City Council may provide direction to end the Winter Balcony Enclosure program which would not allow any owners to enclose their balconies from November 15th through April 15th. The City Council may continue this item to another date for more information and/or discussion.

Recommendation:

Staff recommends City Council review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April). If, consistent with Council direction in November 2014, City Council wishes to pursue a winter balcony enclosure program similar to the summer Street Dining on Main program, then City Council should provide input to staff regarding the proposed program.

Exhibits:

Exhibit A – Updated Lease Agreements & Attachment 1 - Operational Restrictions

Exhibit B – Historic Preservation Board Report + Exhibits 3.4.15

Exhibit C – Historic Preservation Board (HPB) minutes, 1.7.15 and 3.4.15

Exhibit A

WINTER BALCONY ENCLOSURE ON MAIN PUBLIC RIGHT-OF-WAY LEASE

This LEASE AGREEMENT is made and executed this ____ day of _____, 2015, by and between Park City Municipal Corporation, a municipal corporation and political subdivision of the state of Utah ("Park City") and _____, located at _____, Park City, Utah ("Tenant").

RECITALS

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

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

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

WHEREAS, the City recognizes the desire of many restaurant owners to accommodate the increased occupation loads during the winter months along historic Main Street; and

WHEREAS, the goal of the City's General Plan is to maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors; and

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

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

TERMS & CONDITIONS OF LEASE

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

1. **PROPERTY.** The property affected by this lease is generally described as the balcony area directly fronting Tenant's building located at _____ Main Street, and more specifically described in site plan Exhibit A, attached hereto and incorporated herein by this reference (hereinafter referred to as the "Premises").
2. **RENT.** Annual rent is for the use of the street for the balcony enclosure is four dollars and twenty-five cents per square foot (\$4.25) per month. This rent may be prorated based upon initial installation and final removal dates; however the rent reduction shall not exceed one (1) month. Payment is due prior to installation and any prorated amount due upon removal shall be refunded by the City. If a balcony enclosure covers a fraction of one square foot the rent will be calculated by the percentage of the square foot on the right-of-way space. Tenant shall be solely responsible for payment of any and all costs

associated with Tenant's performance under this lease, including but not limited to City rent, additional business licensing fees, insurance, sales taxes, and other expenses.

3. TERM. The term of this Agreement shall commence on November 15, 2015 and shall terminate on April 15, 2016 unless terminated earlier as provided herein. The Property may only be utilized for a five (5) month period commencing on November 15, 2015, and terminating on April 15, 2016. Additional term restrictions are attached hereto and incorporated herein by this reference in Attachment 1 (Winter Balcony Enclosure Operation Restrictions). This Agreement may be terminated by Park City upon a finding of non-compliance of this lease or the attached operational restrictions.

The Property must be vacated (i.e. removal of enclosure) no later than end of the business day (5pm) on April 15th.

4. USE OF PREMISES. Tenant may use the Premises only for dining services in a manner consistent with Section 15-2.6-12(B)(1) of the Park City Land Management Code and the terms of this Agreement. From installation until removed, the Additional operational restrictions which must be complied with as part of the conditions of this lease are attached hereto and incorporated herein in Attachment 1. Park City makes no representations regarding the premises and Tenant accepts the premises "as is."
5. IMPROVEMENTS TO THE PREMISES. Tenant shall not make any improvements to the Premises without first obtaining Park City's written consent. Any improvements approved by Park City shall be completed at Tenant's sole expense and removed at Tenant's sole expense upon expiration of this Agreement. No permanent alterations to the City's property are permitted.
6. SIGNS. No signs shall be permitted on the Premises except as specifically approved by the Park City Municipal Corporation Planning Department pursuant to the Park City Sign Code and/or Tenant's Master Sign Plan.
7. INSURANCE. Tenant shall, at Tenant's sole expense, carry a policy of general liability insurance in an amount of at least Two Million Dollars (\$2,000,000) per combined single limit per occurrence and Three Million Dollars (\$3,000,000) per aggregate for personal injury, bodily injury, and property damage. Park City shall be named as an additional insured by endorsement on each policy. Tenant's insurance is to be primary to Park City's and Park City's insurance shall be noncontributory. A certificate of insurance with a thirty (30) day cancellation notice provision shall be provided to Park City on or before the lease commencement date, and maintained continuously during the term of the lease. Tenant may carry whatever other insurance Tenant deems appropriate. The parties agree that Tenant's sole remedy in the event of business interruptions, fire, windstorm, or other loss from hazard shall be its own insurance and Tenant will have no action against Park City. Park City is protected by the Utah Governmental Immunity Act, and nothing herein is intended to waive or limit the protection of the Act in behalf of either entity, but to the extent it is consistent with this intent, it is the purpose of this provision to protect Park City for liability or allegations arising out of the Tenant's use of the Premises.
8. HOLD HARMLESS. Tenant covenants and agrees to defend, indemnify, hold Park City harmless from all claims, loss damage, injury or liability (hereafter "Liability") resulting from Tenant's use and occupancy of the Premises to the full extent permitted by law

and/or the Utah Governmental Immunity Act, including reasonable attorney's fees, but excluding any Liability resulting from acts or omissions of Park City, its officers, employees or agents. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. Sections 63-30-1, et seq.), as amended. The obligations hereunder shall be determined under principles of tort law including, but not limited to, the Governmental Immunity Act. In case of an emergency including but not limited to a flood, storm drain, utility, the structure may be removed or damaged by response teams at the cost of the owner.

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

9. ASSIGNABILITY. Tenant shall not assign or transfer any interest in this Agreement without the prior written consent of Park City. Any assignment or transfer without written approval is void.
10. PROFESSIONAL PERFORMANCE. Tenant agrees to perform services under this contract at the highest professional standards, and to the satisfaction of Park City.
11. APPLICABLE LAW. This Agreement shall be governed by the laws of the state of Utah.
12. ENTIRE AGREEMENT. This Agreement constitutes the entire and only agreement between parties and it cannot be altered or amended except by written instrument, signed by both parties.

Executed the day and year first above written.

Tenant:

By:

Its:

Date:

ACKNOWLEDGMENT

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this _____ day of _____, 20____, personally appeared before me
_____, who being duly sworn, did say that he is the Owner of
_____, and acknowledged to me that the preceding Agreement
was signed on behalf of _____, and he acknowledged that
the company did execute the same for its stated purpose.

Notary Public

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Marci Heil, City Recorder

Approved as to form:

City Attorney's Office

Attachment 1

Winter Balcony Enclosure Operation Restrictions

Winter Balcony Enclosures may be allowed by the Planning Department upon issuance of an Administrative Conditional Use Permit. Winter Balcony Enclosures are permitted from November 15th, and shall terminate on April 15th of each year. A total of three (3) Winter Balcony Enclosures will be accommodated on Main Street based on the layout of the existing balconies. The Applicant must submit an application, pay an application fee, and provide all required materials and plans. Ongoing monitoring will be provided to ensure compliance with these parameters. The Administrative Conditional Use Permit or the Lease may be revoked for failure to comply with these restrictions.

Required Submittals:

- Dining Site Plan – This plan shall be to scale and indicate: applicant's existing restaurant space and location of new balcony enclosure; accurate locations for ingress/egress, restrooms, etc.; accurate locations for proposed chairs, tables, planters, etc.
- Details/specifications sheets – Shall be submitted for each piece of equipment proposed with the street dining is application. This will include all tables, chairs, umbrellas, etc.

Design Standards:

16. Size. The Winter Balcony Enclosure shall be limited to the linear frontage a building has on Main Street and shall not exceed the depth of the restaurant's balcony. Any encroachment into the City right-of-way will require that the applicant enter into encroachment agreement with the City Engineer.
17. Location/Proximity/Spacing. The City reserves the right to reject an application for an Winter Balcony Enclosure:
 - If the proposed enclosure is too close to a previously existing neighboring balcony enclosure and would eliminate needed parallel parking along Main Street thus creating a concentrated parking issue.
 - If the proposed Winter Balcony Enclosure is for a restaurant balcony that does not have direct access to the restaurant's dining area.
 - If the proposed balcony enclosure creates too much private use of the public right-of-way that may be deemed detrimental to the health, safety, welfare of the area.
 - The Building, Planning, and Engineering Departments will review the location, proximity, and spacing of each balcony enclosure as well as impacts of traffic and public safety concerns. A recommendation will be given to the City Council for final review and approval.
18. Hours of Operation. The winter balcony enclosures shall be utilized for dining only and must be adjacent to existing restaurant space.
19. Material. The Winter Balcony Enclosure shall be constructed of materials complementary of the existing structure. The design shall complement the style of the building. The railing shall be painted solid to complement the building. While the Winter

Balcony Enclosure is not subject to a complete Historic District Design Review (HDDR), the guidelines are applicable to the project.

20. Height. The maximum height of the Winter Balcony Enclosure shall not exceed one story in height, and shall be subordinate in mass, scale, and height to the existing structure. The height of the Winter Balcony Enclosure shall not exceed the height of the building's second story or cornice, whichever is shorter in height
21. Advertising. Additional signing or advertising beyond what is allowed by the Park City Sign Code is prohibited. Any new signage will require a sign permit.
22. Lighting. No additional exterior electric lighting is permitted on the outside of the balcony enclosure.
23. Use. The terms and scheduling of the use of the Winter Balcony Enclosure are limited to November 15th through April 15th. If the Winter Balcony Enclosure is not removed as required by end of the business day (5pm) on April 15th, Park City will remove the structure at cost to compensate for the employees and equipment needed to complete the task.
24. Licensing. The additional square footage of the dining area must be added to the existing licensed area for the restaurant. The Applicant shall also adhere to other applicable City and State licensing ordinances, including the Department of Alcoholic Beverage Control. It is the responsibility of the Applicant to ensure that all licenses are properly obtained and adhered to.
25. Duration. Winter Balcony Enclosures are permitted from November 15th, and shall terminate on April 15th, each year.
26. Health & Safety. The Use shall not violate the Summit County Health Code, the Fire Code, or International Building Code.
27. Music. The use of outdoor speakers and music is prohibited.
28. Maintenance. The Winter Balcony Enclosure shall be maintained in a neat and orderly fashion.
29. Storage. All equipment and other associated materials must be removed and stored on private property during prohibited times (off season). No material associated with the Winter Balcony Enclosure may be stored outdoors on-site during the off-season.
30. Removal. Winter Balcony Enclosures must be completely removed from the Right-of-Way prior to the end of business day April 15th. If the Winter Balcony Enclosure is not removed as required, the City will remove the structure at cost to compensate for the employees and equipment needed to complete the task.
31. Drainage. Design of the Winter Balcony Enclosure and its skirting shall not interfere with the existing street drainage. Winter Balcony Enclosure plans shall be reviewed by the

City for drainage and may be modified so as not to interfere with the existing drainage patterns of the street.

32. Utilities. Access to utilities shall not be hindered by the structures. No Winter Balcony Enclosures will be approved if located in an area that blocks access to fire hydrants, etc. No new utility lines shall be installed as a result of the proposed Winter Balcony Enclosure.
33. Insurance Requirement. The tenant shall carry a policy of liability insurance in an amount of at least \$2 million per combined single limit per occurrence and \$3 million per aggregate for personal injury, bodily injury, and property damage. Park City Municipal Corporation shall be named as additional insured by endorsement of each policy.
34. Main Street Improvements. Due to possible conflicts due to the Main Street Improvements the balcony business owner will be notified by the City when the enclosure may be placed and/or removed. The City will give each affected balcony business owner two (2) weeks to let them know of possible mitigation that needs to take place to ensure the safety of the construction of the various Main Street improvements. The business owner shall be responsible of removing their balcony enclosure in a reasonable timeframe so that the improvements are not delayed.



Historic Preservation Board Staff Report

Subject: Temporary Winter Balcony Enclosures
Author: Anya Grahn, Historic Preservation Planner
Department: Planning Department
Date: March 4, 2015
Type of Item: Work Session

Summary Recommendations:

Staff recommends the Historic Preservation Board (HPB) review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April) as well as proposed Design Guidelines, and the HPB make recommendations to City Council.

Topic/Description:

The Riverhorse on Main wishes to construct a temporary, seasonal enclosure on their balcony that would provide additional restaurant space during the winter months (November 1st through April 30th). They believe other restaurants on Main Street would also benefit by having the ability to enclose their balconies, and the Riverhorse has proposed that City Council develop a seasonal program similar to Street Dining on Main—the dining deck program.

Background:

On September 18, 2014, Seth Adams of the Riverhorse presented to City Council his concept for a winter balcony enclosure program. The applicant requested that property owners be permitted to enter into a lease agreement with the City for the enclosure of balcony space above the City right-of-way (ROW). This program would be similar to Street Dining on Main's summer dining decks. Staff met with City Council on November 13, 2014, to discuss this program and expressed their concern for these balcony enclosures; City Council directed staff to meet with the HPB for feedback on this program.

The HPB briefly discussed their interest in seasonal balcony enclosures during the January 7, 2015 meeting, and expressed interest in discussing the topic further during their next meeting.

There are approximately twenty-one (21) balconies on Main Street that extend over the City ROW. Of these, seven (7) are constructed on historic buildings, but only one (1) balcony is historic (361 Main Street). Land Management Code (LMC) 15-2.6-3 requires that no balcony projecting over City ROW may be erected, re-erected, located or relocated, enlarged, or structurally modified without first receiving approval from City Council. LMC 15-2.6-3(D) specifically states that "Balconies . . . may not be enclosed." Should City Council decide to pursue a seasonal balcony enclosure program, the LMC will need to be amended to allow for temporary balcony enclosures. Property owners are required to provide insurance for their balconies.

Outdoor dining is a conditional use in the Historic Commercial Business (HCB) District for restaurants. Any outdoor dining must be approved through an Administrative Conditional Use Permit (Admin-CUP). Riverhorse and Wahso both have Admin-CUPs for their outdoor dining for summertime balcony dining. No other restaurants currently have approvals.

The following chart outlines the location, historic designation, and existence of Admin-CUPs for the existing balconies:

Business Name:	Address:	Use:	Historic Designation:	Admin CUP for Outdoor Dining
TMI	255 Main St	Multiple	Not Historic	No
Red Banjo Pizza	322 Main St	Restaurant	Landmark	No
Berkshire Hathaway Home Services	354 Main St	Real Estate	Significant	No
Burns Cowboy Shop	361 Main St	Retail	Landmark	No
Woodbury Jewelers	421 Main St	Retail	Not Historic	No
Flannagans	438 Main St	Restaurant	Landmark	No
Robert Kelly Home	449 Main St	Retail	Significant	No
501 on Main	501 Main St	Restaurant	Not Historic	<i>Under review</i>
The Expanding Heart	505 Main St	Retail	Not Historic	No
The Cunningham Building	537 Main St	Office	Not Historic	No
River Horse	530-540 Main St	Restaurant	Landmark (Balcony is on the addition)	Yes
Quicksilver	570 Main St	Retail	Not Historic	Yes
Wahso	577 Main St	Restaurant	Not Historic	Yes
Gaucha/Above Condo	591 Main St	Retail/Residential	Significant	No
Destiny	608 Main St	Retail	Not Historic	No
Montgomery Life Fine Art	608 Main St	Retail	Not Historic	No
Condos	613 Main St	Residential (2 nd level)	Not Historic	No
Condos	614 Main St	Residential (2 nd level)	Not Historic	No
Summit Sotherby's International Realty	625 Main St	Residential/Realty	Not Historic	No
Bahnof Sport	639 Main St.	Retain	Not Historic	No
Town Lift Condominiums	693 Main St	Commercial/Residential	Not Historic	No
Caledonian Hotel	751 Main St	Commercial	Not Historic	No

Analysis:

A balcony is a platform that projects from the wall of a Building and is enclosed by a railing, parapet, or balustrade. It typically does not have a roof. Usually, balconies are incorporated into the design of a building for functional and aesthetic reasons. In some cases, the balcony offsets the massing of the commercial building while embellishing the façade of the structure with additional architectural detailing. The balcony is one of the most visible elements of the building and significantly contributes to the style, appearance, and relationship of the structure to the streetscape.

Balconies traditionally serve as open-air spaces. They are an extension of the interior yet provide a clear transitional space between the private interior spaces and public exterior spaces of the building. Balconies are an outside room during warm weather and provide a covered entrance to the lower level during adverse weather conditions.

Staff's professional opinion is that the enclosure of this space—even temporarily during the winter months—changes the historic character of the Main Street district as a whole. The enclosure of balcony spaces substantially alters the architectural design of the building, light and shade of the building design, and the rhythm and pattern of the streetscape. The visual character of the original building (historic or non-historic) will be substantially altered due to changes in its overall shape, roof design, projections, recesses, and solid-to-void ratio. On historic structures, the balcony enclosure would obscure and detract from historic details of the balcony and the corresponding historic building. In other cases, balconies that were not originally designed to meet the requirements of interior spaces and enclosures may require substantial structural changes and reconstruction.

Design Guidelines for Historic Districts and Historic Sites

Staff does not believe that the seasonal enclosures of balconies over Main Street complies with the current *Design Guidelines for Historic Sites and Structures*.

The Design Guidelines specify that new additions on historic buildings be visually subordinate to the historic building from the primary public right-of-way, including incorporating rooftop additions that are not visible from the street. The guidelines also recommend that the new addition does not obscure or significantly contribute to the loss of historic materials. Staff finds that these balcony enclosures are a very visible addition to the existing structure, conceal historic building facades, and threaten historic materials.

Staff is concerned that the annual construction and removal of the balcony enclosures will be detrimental to historic building materials. Nails, screws, sealants, and other materials used at connections will leave behind holes, scratches, stains, and other signs of damage on the historic materials that will need to be patched and repaired annually when the enclosure is removed. Staff finds that this will intensify normal wear and tear on historic materials and cause the materials to deteriorate faster.

Staff also finds that the proposed balcony enclosures will visually modify or alter the original building design. The majority of historic buildings with existing balconies already have second-level doors accessing the balcony; however, these doors are not original to the building. Most buildings would not be permitted to add a new door to access their non-historic balcony. As new doors and balconies would not be permitted to be constructed without a Historic District Design Review (HDDR) approval and permission from City Council to construct over the public right-of-way, staff finds that only a limited number of balcony enclosures would be permitted for those decks already existing.

Staff has met with the Legal, Building, Finance, and Engineering Department to identify other issues that will need to be addressed in order to establish this program. These include:

- The applicant must submit a full architectural and engineering plan to the Building Department that addresses energy efficiency, structural loads on the cantilevered deck, emergency egress plans, seating plan, weather proofing, electrical plans, etc. Additional electrical upgrades must be permanent and electrical outlets will need to be concealed from the view of the public right-of-way.
- The applicant will also need to provide a snow shed plan. Snow will need to be retained on the roof and the applicant shall show how the melted snow will be diverted to the public way without draining across the sidewalk.
- Building permits will be required for the assembly and disassembly of the seasonal balcony enclosures.
- Increased water and sewer impact fees will require Snyderville Basin Water Reclamation District sign-off.
- There will be increased fees for business licensing due to the additional square footage.
- Additional fire safety requirements will require approval by Park City Fire District.
- The applicant will assume all liability for the seasonal enclosures and need to provide insurance for the balcony and enclosure.

Does the HPB wish to see balcony enclosures on both historic and non-historic buildings? Or, would the HPB prefer that the new enclosures be limited to non-historic structures only so as not to increase annual wear and tear on historic materials?

Developing a program similar to summer dining decks

In order to accommodate such a program, the Design Guidelines and the Land Management Code (LMC) will need to be amended in order to allow for the temporary, seasonal enclosure of the balconies. LMC 15-2.6-3(D) Balconies should be amended to state:

(D) BALCONIES. No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed permanently. Temporary seasonal balcony enclosures may be appropriate on some structures. With reasonable notice, the City may require a Balcony be removed from City property without compensating the Building Owner.

If City Council supports temporary balcony enclosures, than Staff recommends altering the following guidelines to specify that these guidelines are not impacted by temporary structures:

Design Guidelines for Historic Sites in Park City:

MSHS1. The proposed project must not cause the building or district to be removed from the National Register of Historic Places. Temporary structures are not subject to review of the National Register of Historic Places.

MSHS8. Temporary winter balcony enclosures are reviewed by the program's criteria and are not addressed by these Specific Design Guidelines.

Design Guidelines for New Construction in Park City's Historic Districts

MSNC1. New construction in the Main Street National Register Historic should be approved only after it has been determined by the Planning Department that the proposed project will not jeopardize the integrity of the surrounding Historic Sites. Temporary structures are not subject to review of the National Register of Historic Places.

MSNC9. Temporary winter balcony enclosures are reviewed by the program's criteria and are not addressed by these Specific Design Guidelines.

Should the HPB believe such enclosures are appropriate along Historic Main Street, staff finds that there need to be some basic guidelines in order to protect the historic integrity of the Main Street Historic District. Staff is recommending that the HPB review and provide feedback on the following proposed guidelines for balcony enclosures:

General Requirements for Balcony Enclosures

1. The enclosure must be constructed on a balcony on Main Street.
2. There may be times when it is not appropriate to enclose a balcony due to the unique historic character and architectural detailing of the historic building.
3. The applicant must demonstrate that the temporary enclosure will not damage the existing façade and/or side walls with repeated attachment and detachment.
4. The enclosure and balcony should respect the architectural style of the building.
5. The enclosure should retain existing railings in order to achieve a design consistent with open balconies and maintain the character of the original building.
6. The existing exterior wall may not be removed seasonally in order to accommodate the balcony enclosure.
7. The enclosure must not block existing door and window openings on neighboring buildings.
8. Enclosures should consist of clear glazing set in window frames that generally match the mass, scale, and material as those used for the glazing frames of the building.
9. Draperies, blinds, and/or screens must be located in a traditional manner above doors and windows. Draperies, blinds, and/or screens should not be used within the

balcony enclosure if they increase the bulk appearance of the enclosure. The use of these must blend with the architecture of the building and should not detract from it. Materials should be high-quality, colorfast, and sunfade resistant.

10. The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk.
11. The enclosure must have direct access to the restaurant's dining area.
12. The design must address snow shedding.
13. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require the approval of City Council.
14. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.
15. Any new signage will require a Sign Permit application.

Does the Historic Preservation Board approve of these proposed Design Guidelines for Balcony Enclosures? Are there any other Design Guidelines that should be incorporated?

Recommendation:

Staff recommends the Historic Preservation Board (HPB) review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April) as well as proposed Design Guidelines, and the HPB make recommendations to City Council.

Exhibits:

Exhibit A – City Council Staff Report and Minutes

Exhibit B – HPCA input for balcony enclosures

Exhibit C – Additional renderings of proposed enclosure at Riverhorse



City Council Staff Report

Subject: Temporary Winter Balcony Enclosures
Author: Anya Grahn, Historic Preservation Planner
Department: Planning Department
Date: November 13, 2014
Type of Item: Work Session

Summary Recommendations:

Staff recommends City Council review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April). If City Council wishes to pursue a winter balcony enclosure program similar to the summer Street Dining on Main program, then City Council should provide direction to staff for moving forward.

Topic/Description:

The Riverhorse on Main wishes to construct a temporary, seasonal enclosure on their balcony that would provide additional restaurant space during the winter months (November 1st through April 30th). They believe other restaurants on Main Street would also benefit by having the ability to enclose their balconies, and the Riverhorse has proposed that City Council develop a seasonal program similar to Street Dining on Main—the dining deck program.

Background:

Riverhorse on Main submitted a Conditional Use Permit (CUP) application on September 13, 2013, to construct a “temporary” six (6) month structure that would enclose their balcony over the City right-of-way during the winter months. Staff found that though the structure would only be up during the winter months, the enclosure of balcony space over city-owned property detracted from the historic character of Main Street and would have recommended to the Planning Commission denial of a temporary structure that would be in place longer than fourteen (14) days and more than five (5) times per year. The applicant and staff agreed to defer the hearing before the Planning Commission in order to get direction from Council on this larger policy discussion.

On September 18, 2014, Seth Adams of the Riverhorse presented to City Council his concept for a winter balcony enclosure program (see Exhibit A for meeting minutes). The applicant requested that property owners be permitted to enter into a lease agreement with the City for the enclosure of balcony space above the City right-of-way (ROW). This program would be similar to Street Dining on Main's summer dining decks.

There are approximately twenty-one (21) balconies on Main Street that extend over the City ROW. Of these, seven (7) are constructed on historic buildings, but only one (1) balcony is historic (361 Main Street). Land Management Code (LMC) 15-2.6-3 requires

that no balcony projecting over City ROW may be erected, re-erected, located or relocated, enlarged, or structurally modified without first receiving approval from City Council. Finally, LMC 15-2.6-3(D) specifically states that “Balconies . . . may not be enclosed.”

Additionally, the LMC requires that the property owner submit a certificate of insurance or continuous bond protecting the owner and the City against all claims for personal injuries and/or property damage. Should the balcony encroach over the Public ROW, the owner is required to enter into an encroachment agreement with the City Engineer. Currently encroachment agreements exist for only two (2) balconies—255 and 530 Main Street. (City Engineer Matt Cassel has been diligent about obtaining encroachment agreements as they come up. It is unclear why they were not consistently attained in the past.)

Outdoor dining is a conditional use in the Historic Commercial Business (HCB) District for restaurants. Any outdoor dining must be approved through an Administrative Conditional Use Permit (Admin-CUP). Riverhorse and Wahso both have Admin-CUPs for their outdoor dining for summertime balcony dining. No other restaurants currently have approvals.

The following chart outlines the location, historic designation, and existence of Admin-CUPs for the existing balconies:

Business Name:	Address:	Use:	Historic Designation:	Admin CUP for Outdoor Dining
TMI	255 Main St	Multiple	Not Historic	
Red Banjo Pizza	322 Main St	Restaurant	Landmark	No
Berkshire Hathaway Home Services	354 Main St	Real Estate	Significant	No
Burns Cowboy Shop	361 Main St	Retail	Landmark	No
Woodbury Jewelers	421 Main St	Retail	Not Historic	No
Flannagans	438 Main St	Restaurant	Landmark	No
Robert Kelly Home	449 Main St	Retail	Significant	No
501 on Main	501 Main St	Restaurant	Not Historic	<i>Under review</i>
The Expanding Heart	505 Main St	Retail	Not Historic	No
The Cunningham Building	537 Main St	Office	Not Historic	No
River Horse	530-540 Main St	Restaurant	Landmark (Balcony is on the addition)	Yes
Quicksilver	570 Main St	Retail	Not Historic	Yes
Wahso	577 Main St	Restaurant	Not Historic	Yes
Gaucha/Above Condo	591 Main St	Retail/Residential	Significant	No
Destiny	608 Main St	Retail	Not Historic	No
Montgomery Life Fine Art	608 Main St	Retail	Not Historic	No
Condos	613 Main St	Residential (2 nd level)	Not Historic	No
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Summit Sotherby's International Realty	625 Main St	Residential/Realty	Not Historic	No

Bahnof Sport	639 Main St.	Retail	Not Historic	No
Town Lift Condominiums	693 Main St	Commercial/Residential	Not Historic	No
Caledonian Hotel	751 Main St	Commercial	Not Historic	No

Analysis:

Design Guidelines for Historic Districts and Historic Sites

Staff does not believe that these seasonal enclosures of balconies over Main Street complies with the *Design Guidelines for Historic Sites and Structures* and conflicts with our goals for historic preservation.

Planning Staff's professional opinion is that the enclosure of the balconies detracts from the historic "western" appearance of our Mining Era Main Street. The appearance of balconies over the sidewalks adds appeal and interest to the rhythm and patterning of the Main Street historic district. These enclosures would change the massing of the structure and create the perception of the second floor extending beyond the plane of the façade and over the City right-of-way. By extending beyond the front plane of the façade, these seasonal balcony enclosures would also be blocking the views of neighboring historic buildings when looking up Main Street. Park City's Main Street is characterized by in-line facades with limited breaks in their massing. Staff finds that building over the balconies would break the well-articulated street wall along the sidewalk and will greatly disrupt the continuity of the street wall.



Scenario 1. The balcony projects over Main Street adding interest to the street wall overall, but the balcony is also transparent and does not impede the view of the neighboring historic buildings.



Scenario 2. The seasonal enclosure extends over the city right-of-way. On the second level, the enclosure disrupts the continuity of the street wall and blocks the view of the Park City Museum.

These balcony enclosures also threaten the historic integrity of historic commercial buildings. Staff finds that the proposed enclosures do not meet the *Design Guidelines for Historic Sites*. The construction of the enclosures would require the enclosure to be constructed atop historic exterior materials. Depending on the materials and the

connection, this construction could severely impact and damage the historic materials, components, finishes, and examples of craftsmanship.

Staff also finds that the proposed balcony enclosures will visually modify or alter the original building design. The majority of historic buildings with existing balconies already have second-level doors accessing the balcony; however, these doors are not original to the building. Flannigan's at 435 Main Street, for instance, would not be permitted to add a new door to access their balcony.

As will be discussed further in the next section, the Building Department will require the temporary enclosures to be constructed as permanent structures. Not only will this cause substantial damage to the historic building materials, but it will also require extensive restoration work to patch any damage made while connecting the new enclosure to the historic building. This may threaten the historic integrity of the building.

Should City Council wish to pursue the seasonal enclosures, staff would need to revise the Design Guidelines; however, staff believes that these seasonal enclosures conflict with our goals to preserve the historic character of Main Street. Should staff deny an individual application for a balcony enclosure HDDR because it does not meet the Design Guidelines, the applicant could appeal staff's determination to the Historic Preservation Board (HPB).

Land Management Code & International Building Code

The Land Management Code (LMC) was revised to address the duration of temporary structures in 2009. At that time, there were several temporary structures located on hotel properties in town that had been approved as temporary structures, but were left standing in virtual perpetuity. To ensure this trend would not continue, new duration parameters were adopted in 2009.

The LMC defines a temporary improvement as a structure built or installed, and maintained during the construction of a development, or during a special event or activity and then removed prior to release of the performance guarantee. Staff finds that the proposed balcony enclosures meet the definition of a temporary improvement, BUT extend beyond the duration of construction activity or a special event or activity as currently allowed by code. The winter season is not a special event.

The LMC stipulates that:

- All temporary structures greater than 200 square feet in floor area must submit structural calculations, wind load information, fire ratings, etc.
- A building permit is required for temporary structures greater than 200 square feet in area, or as determined by the Chief Building Official upon review of size, materials, location, weather, and proposed use.
- Temporary structures, such as tents, in no case may be installed for a duration longer than 14 days and for more than five (5) times per year on the same property or site, unless a longer duration or greater frequency is approved by the

Planning Commission consistent with the Conditional Use Criteria or as approved by City Council as part of a Master Festival.

*There have been instances where a temporary structure has been approved to stay up for greater than 14 days. Most recently, in 2013, the Planning Commission approved a Conditional Use Permit (CUP) at the Montage to allow for the construction of temporary structures for up to 15 times per year of which 4 structures would be allowed for a maximum of 60 days due to the high frequency of weddings and outdoor parties. The yurt at Park City Hotel was approved in 2007 for an extended duration for the benefit it provide to cross-country skiers, and the tent at the Yarrow Hotel was also approved to for up to twice (2) per year and a maximum of 180 days (i.e. the tent could be up 180 days consecutively, up to two (2) times per year)

The intent of this provision in the code was to allow events to run together if necessary, but each 14 day period would count toward the total allowed amount of five (5) times per year, or 70 days total. This limits temporary structures, such as tents, from standing indefinitely by allowing them to stand for only 70 days per year. The Planning Commission, however, may approve a longer duration or greater frequency through a Conditional Use Permit (CUP).

Permits have been issued in the past to permit temporary tent structures in order to allow restaurants additional tempered space on its balcony and permit wintertime use during special events, such as Sundance. During these special events and Master Festivals, tents have been approved through Administrative Conditional Use Permits (Admin-CUP). Tents are typically held in place on the balcony by water ballasts, heated by propane, and lit internally to meet the International Building Code (IBC). The duration of the tent has not exceeded fourteen (14) days.

Riverhorse hopes to imitate the success of their tent's use during special events by constructing a temporary 180-day enclosure on the balcony from approximately November 1st through April 30th that would promote winter-time use. The temporary enclosure would add approximately 350 square feet of restaurant space on the balcony and seat approximately twenty (20) patrons, or about five (5) tables of four (4). Given the duration of the proposed enclosure (180 days), staff finds that such a structure would be a permanent fixture during the winter season and should comply with the Historic District Design Guidelines.

As previously noted, LMC 15-2.6-3 (D) specifies that Balconies may not be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of City Council. It goes on to specify that "Balconies...may not be enclosed." Staff finds that this proposal is in direct opposition to the current LMC. The LMC does not make exception for temporary, seasonal structures. The LMC would need to be amended in order to allow for balcony enclosures.

International Building Code

The International Building Code (IBC) defines temporary as less than 180 days. In reviewing the Riverhorse's proposal, the Building Department found the following requirements will impact temporary winter balcony enclosures:

- Fire sprinklers
- Exits within fifty feet (50')
- Lighting and ventilation
- Engineering for live loads, wind, roof capacity
- Fire separation on windows and roofing
- Snow shedding on public right-of-way (Main Street)
- Energy efficiency

Any temporary structure greater than 200 square feet in area would require a building permit. The balcony enclosure would have to be constructed as a permanent structure in order to meet the International Building Code, making it difficult and costly to construct and take down seasonally.

Other Concerns

In meeting with our Development Review Committee—comprised of the Building, Engineering, Public Works, Water, Legal, Snyderville Water Reclamation District (SBWRD), Fire District, and Sustainability Departments—the group identified other potential issues such as:

- Increased use of sewer and water
- Parking demands generated by additional tables within enclosures
- Increased strain on city resources for reviewing and monitoring enclosures
- Encroachment agreements for construction over city right-of-way
- Insurance and liability

Developing a program similar to summer dining decks

Riverhorse has suggested that the winter balcony enclosures could be approved through a program similar Summer Dining on Main. Overall, staff is not in support of the balcony enclosures; however, if City Council wished to pursue the balcony enclosures, staff has compared and contrasted the two programs and has found:

- The Summer Dining on Main program was developed to promote street activity and outdoor dining on Main Street. Though the dining decks are not subject to a complete Historic District Design Review application, the Design Guidelines are applicable to the project. The dining decks are required to complement the style of the existing building with which they are associated.
- Similar to the dining deck program which operates six (6) months from May through October, the proposed winter balcony enclosure program could operate approximately six (6) months from November through April.

- Currently, the dining deck program charges \$550 per parking space of 20 feet. This was calculated based upon the loss amount of funds generated by the parking space during the summer season. Staff finds that it would be appropriate to request a rental rate similar to that of commercial square footage as the seasonal enclosure would expand the gross floor area of the commercial space. This is roughly \$42-\$60 per square foot annually, before Common Area Maintenance (CAM) fees. (This equates to approximately \$3.50 to \$5 per square foot monthly, before CAM fees.) Using the Riverhorse as an example, the rental income generated for the City would be approximately \$1,225 to \$1,750 per month for a balcony enclosure that is roughly 350 square feet in area.
- Currently, the dining decks are only permitted to those restaurants that serve lunch and dinner seven (7) days a week as long as the structure exists in the right-of-way (ROW). This promotes activity on the street. Staff finds that the balcony enclosures do not promote street activity and thus, there would be no need to limit the enclosures to only restaurants or to only businesses that are open seven (7) days per week.
- The Dining Deck Program requires the City to give a minimum of 72 hour notice to dining deck owners so that the decks may be removed to allow for street improvements. Staff finds that it is unlikely that any street improvements would be occurring during the winter months; however, in case of such an instance, it may be difficult to remove the balcony enclosure on such short notice if it is constructed as a “temporary” permanent feature. Such a provision could be part of the standard contract language.
- The code does not allow any improvements or permanent alterations to be made to City property without City Council consent. Staff finds that many of the existing balconies would need to be restructured in order to carry the load of a seasonal balcony enclosure. This would require City Council review and consent.
- No signs are permitted on the dining decks, except as approved by the Planning Department. Staff finds that no existing signs would be obstructed by the balcony enclosures; however, any new signs would be approved through a Sign Permit.
- Insurance is required for the dining decks, and the LMC stipulates that property owners insure their balconies. The enclosures would also require insurance.
- Snow shed issues onto sidewalk or parking areas on Main Street must be resolved prior to construction and approved by the Chief Building Official.
- The Design Guidelines and the Land Management Code will need to be amended in order to allow for the temporary, seasonal enclosure of the balconies.

In summary, staff has created a following chart to document the pros and cons of such a wintertime program:

Pros:	Cons:
• Rental income generated by balconies up to \$3.50-\$5.00 per square foot per month. • Expansion of Main Street businesses during peak occupancy during the winter • Extended use of balconies during the winter season	• Does not comply with the Design Guidelines for New Construction as the new enclosures will disrupt the rhythm and patterning of the street wall. • Does not comply with the Design Guidelines for Historic Sites as the construction of the enclosure will likely damage historic, exterior building materials • It will be difficult to design an aesthetically-pleasing enclosure that meets the International Building Code's requirements for fire safety, live loads, etc. • Snow shed issues will have to be addressed to avoid shedding onto sidewalks and parking areas. • Increased use of sewer and water • Increased parking demands • Increased strain on city resources and staff time for reviewing and monitoring the enclosures • The Design Guidelines and Land Management Code would need to be amended to allow for balcony enclosures.

Significant Impacts:

Staff finds that the enclosure of the balconies during the winter months would have a significant impact on the historic integrity of Main Street. In addition to opposing the enclosures due to aesthetic values, staff finds that the enclosures would require

additional inspections by the Building Department, cause greater water demands, and etc.

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	~ Varied and extensive event offerings + Accessibility during peak seasonal times ~ Multi-seasonal destination for recreational opportunities	- Effective water conservation program - Reduced municipal, business and community carbon footprints - Enhanced conservation efforts for new and rehabilitated buildings	- Preserved and celebrated history; protected National Historic District ~ Cluster development while preserving open space ~ Shared use of Main Street by locals and visitors ~ Community gathering spaces and places - Primarily locally owned businesses	~ Fiscally and legally sound ~ Streamlined and flexible operating processes
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Neutral 	Negative 	Neutral 	Neutral 
Comments:				

Consequences of not taking the recommended action:

Should City Council find that they would like to pursue this topic further, staff recommends that they receive input from the Historic Preservation Board (HPB) regarding compliance with the Design Guidelines. If the HPB supported the enclosures, staff would then return to City Council with a proposed lease agreement and policy for the program as well as a summary of the HPB's comments.

Recommendation:

Staff recommends that City Council support staff's decision that the seasonal enclosure of balconies above Main Street is not appropriate for our historic Main Street given the health and safety issues, demands on staff time, as well as the look and feel of our commercial core.

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Council member Beerman has attended many Mountain Accord meetings. Stated that the December 3rd Community Outreach meeting has been postponed until early January. Live PC Give PC killed it and he is very proud of the community for raising over a million dollars.

2015 Legislative Update

Matt Dias spoke to the Council gearing up to the upcoming Legislative session. Spoke to the platform he created in the staff report discussing transportation, land use. Mayor and Council feel that the framework is a great idea and feel comfortable with the outline presented to Council. Dias stated that he did not want to look into the crystal ball but feels that there will be a push for transportation as well as the usual hot topics of clean air, health care. Discussed a proposed resolution that he will be bringing back to Council next week. Council member Beerman stated that he got a preview of the proposed transportation tax stating that it will be a very broad definition of transportation with this bill. He inquired about what the tax would mean to Park City. Dias stated that he will have a better number next week following the kickoff meeting. Council member Simpson inquired if this money will stay within our City. Dias stated that a city-wide option is available and he will have more information next week as well. Simpson inquired if there is any LGBT movement this time as the door was closed on those bills last year awaiting the Supreme Court ruling. Dias stated that anything is possible. Dias will be bringing back updates at each Council meeting until the close of the session.

Temporary Winter Balcony enclosure discussion

Planner Grahn stated that in September 2013 the Riverhorse approached the City regarding winter balcony enclosures. Staff is not in favor of the temporary winter enclosures as they would interrupt the view along Main Street as well as cause possible damage to the historic structures. Grahn outlined the LMC and International Building Code that would be against permitting these temporary enclosures. John Allen, Building Department, stated that he can agree that there is not a desire for the tent structures, as well as being unsightly they have energy efficiency deficits. Mayor Thomas feels that this winter program would be redesigning Main Street for the winter season and he agrees with Staff.

Council member Matsumoto stated that she does not have a problem with the dining decks and stated that there are only 5 restaurants with decks and they may not all want to participate and would be inclined to a shorter period of time. She also thanked staff for the wonderful report but does not see this as a negative aspect. Council member Peek stated that he feels that it will change the architectural pattern of Main and feels with the snow load impacts would be too great. Council member Henney stated he agrees with Matsumoto and would like to think that staff could make certain adjustments to make this work. Council member Simpson agrees with the Mayor. Council member Beerman agrees with Matsumoto and Henney and feels that there is not an impact and feels that during the summer there are large umbrellas up that interrupt the vibe and flow and also remembers the hurdles we had with the summer decks. Allison Butz spoke for the HPCA stating that they do not have a problem with adding square footage to the restaurants during the winter season.

Mayor Thomas spoke to the structural design and snow load issues of the property. Allen stated that each deck would have to go through a design review. Mayor Thomas stated that even with

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a pilot program it would still impact the character of Main Street. Council member Simpson stated that she feels that this will be a lot of pain for not a lot of gain. Council member Matsumoto stated that she does not feel it should be allowed up year-round and looks at health and safety as a paramount issue and would suggest the HPCA take a look at this item but is still in favor. Sintz suggested a compromise that would allow the restaurants to keep the tents up for longer than the currently allowed 14 days to allow for more seating during the winter season. Council agreed that the proposed enclosures looked nicer than the tents. Mayor and Peek spoke again to the architectural load.

Seth Adams, Riverhorse, stated that he has worked with architects and have looked at the snow load and fire codes. They are looking at just adding time through the ski season and would like to give a different perspective to our visitors. Spoke to the impact to the adjacent buildings as well as the process of taking the structure up and down.

Kasey Crawford, business owner, spoke to the tent structure stating that it detracts from the appeal of Main Street.

Mike Sweeny took this from a perspective as a business owner and stated that he supports creative and innovative ideas to bring people into Main Street.

Mayor Thomas expressed his continued concern regarding this item. Foster spoke to the items staff will bring back a proposed lease agreement and a policy program as well as a read from the HPCA and the Historic Preservation Board as well as building guidelines.

Main Street Employee Parking Initiative

Blake Fannesbeck, Public Works Director; Brian Anderson, Transportation and Allison Butz, HPCA spoke to the parking initiative stating that this has been an evolving plan to better serve our parking issues. Fannesbeck stated that the Task Force that included HPCA members as well as staff looking at peak hour/peak day data to develop a final recommendation for Council. Fannesbeck recognized the parking problem apparent in Park City. Outlined the recommendations stating that they looked at China Bridge proposing 6 hours per vehicle instead of the current 6 hours per space where they have identified spot jumping in the garage.

Council member Henney thanked staff for looking at resolving actual parking issues. Fannesbeck outlined the changes for the China Bridge Pass with increased fee and restrictions on Friday and Saturday reserving the current restrictions during Sundance and Arts Fest. Council member Simpson stated her concerns with the transferrable pass and will exacerbate the problem. Council member Peek stated that in his mind the goal is to free up parking for visitors and feels that if there are problems then the task force should be able to change those restrictions. Council member Henney stated that he feels this is an appropriate step to help mitigate the issue. Fannesbeck outlined the transportation system that will help encourage people to use the bus routes and the shuttle service. Mayor Thomas thanked staff and looks forward to the item coming back in a future meeting.

Introduction of new Park City Mountain Resort Chief Operating Officer Bill Rock

Mike Gore introduced Bill Rock as the Chief Operating Officer of Park City Mountain Resort sharing that the Council and Community will find his involvement outstanding. Gore asked the record to reflect that Bill brought the snow storm this evening. Rock thanked Gore for the great introduction and is very excited to be in the Community. Stated that his family is so excited to



December 19, 2014

Anya Grahn
Park City Municipal Planning Department
445 Marsac Avenue,
PO Box 1480
Park City, UT 84060

RE: Riverhorse on Main Balcony Enclosure

Dear Anya:

The Historic Park City Alliance reviewed Riverhorse on Main's request to seasonally enclose their balcony to provide additional restaurant space during the winter months (November 1st through April 30th). The HPCA Board reviewed the submitted visuals showing the deck from both north and south perspectives, with and without the enclosure, at their December Board Meeting.

At the meeting, the HPCA Board unanimously supported the seasonal enclosure of the Riverhorse's deck. Puggy Holmgren abstained from the vote due to her role on the HPB Board. Support was also given generally for deck enclosures on non-historic buildings with restaurant uses.

We thank you for the opportunity to provide input on this item.

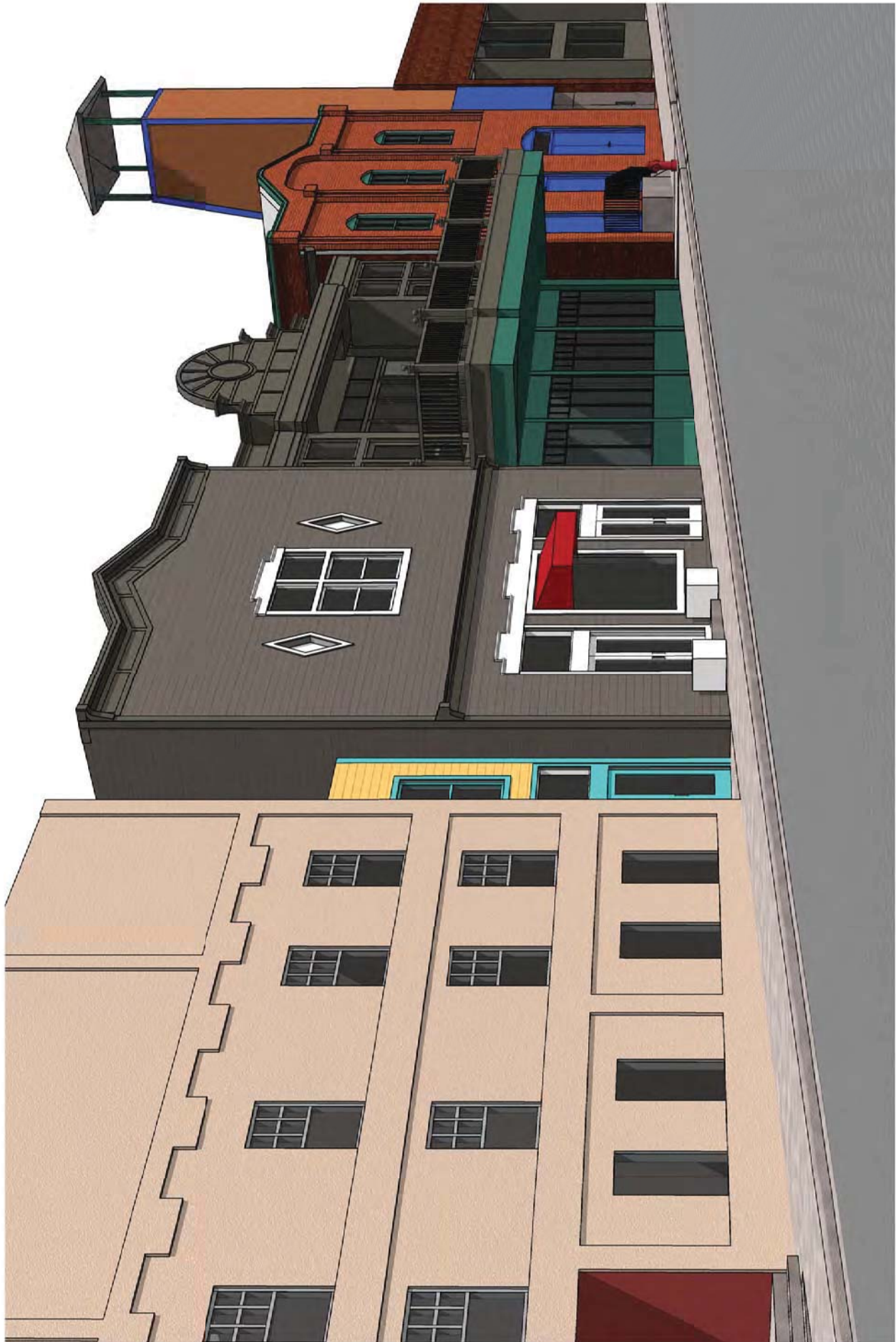
Best regards,

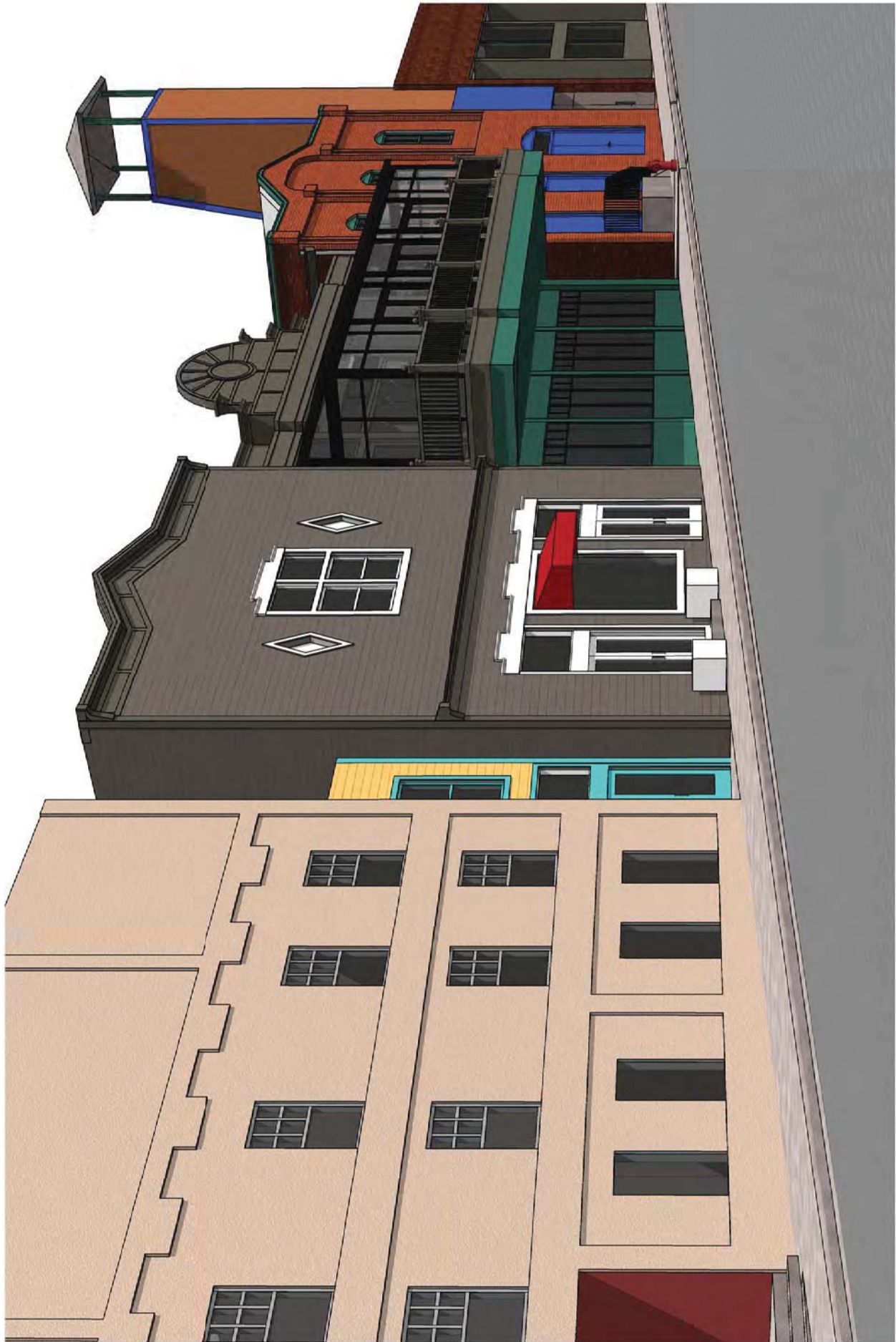
A handwritten signature in black ink, appearing to read "Alison Butz".

Alison Butz
Executive Director









Historic Preservation Board Meeting
January 7, 2014

Staff) erred.

54.The appellant fails to specifically indicate how staff erred.

55.Staff found that both LMC standards and Historic District Design Guidelines for Historic Districts were met.

56.The appellant outlines the purpose statement of the HR-1 District.

57.The purpose statement serves as a preamble of the following LMC regulations as they do not mention any specific standards.

58.Staff does not find that the proposed use does not preserve present land uses or the character of the historic residential areas.

59.The proposed structure is not near any historic structures and does not discourage the preservation of historic structures.

60.Given the location of the site, the size of the structures provides a transition from the area east of echo spur towards Ontario Avenue.

61.The Plat Amendment combined single family development on combination of 25' x 75' historic lots.

62.The Planning Commission found that the proposed structure was properly mitigated for new development on steep slopes which mitigate impacts to mass and scale and the environment.

Conclusions of Law – 491 Echo Spur

1. The HDDR application complies with the Park City Design Guidelines for Historic Districts and Historic Sites.
2. The proposal complies with the Land Management Code requirements pursuant to the Historic Residential (HR-1).

Order

1. The appeal is denied and Staff's determination is upheld.

WORK SESSION

The Board revised the agenda and moved Temporary Winter Balcony Enclosures as the first item on the Work Session.

Temporary Winter Balcony Enclosures

Board Member Crosby recused herself from this discussion and left the room.

The Staff recommended that the Historic Preservation Board review the Staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months, November through April, as well as proposed Design Guidelines. The HPB was being asked to make recommendations to City Council.

Planner Anya Grahm reported that the Staff's professional opinion is that the balcony enclosures are a threat to the look and feel of the historic character. Per the definition, a balcony provides coverage when entering from the ground level; and it is also a transitional space between exterior and interior and outdoors and indoors.

Planner Grahm understood that balcony enclosures were only temporary and the plan is to only keep them up for six months during the winter months. However, she was concerned that enclosing the balconies would alter the look and feel of Main Street and take away from the western appearance that exists. It alters the architectural design, the light and shade created by the design of the building, and the rhythm and pattern on the streetscape. Planner Grahm stated that a balcony overall contributes to the visual qualities of the building design. Enclosing the balcony changes the overall form and shape of the building. She was very concerned about enclosing balconies on historic structures because the seasonal removal and construction of the balcony enclosure could damage historic building materials.

Planner Grahm pointed out that the Riverhorse was proposing to enclose the balcony on the new portion of the building; however, their request would result in a program that would encompass all the restaurants on Main Street.

Another issue is that any new balconies would have to go before the City Council for approval. In some instances, if a building were to put on a new balcony, Planner Grahm was unsure whether the Staff would support changing the door and window configurations on the second level so the balcony could be enclosed during the winter season.

Planner Grahm reported that for historic structures the Guidelines are very specific about keeping new additions being subordinate and not being visible in the public right-of-way. Enclosing the balcony changes the form of the building and adds an addition to the front, which is something that would normally not be approved. Planner Grahm remarked that even a roof top addition on a historic building needs to be shielded and not visible. She noted that the Staff report contained a chart showing which balconies were historic and which were not.

Most of the balconies on Main Street are not historic and were added to the historic structure at a later time.

Planner Grahn asked if the HPB was interested in pursuing this program.

Seth Adams from Riverhorse on Main stated that the balcony enclosure they were suggesting would not be on a historic building and it would not connect to any historic buildings. He noted that they have looked at drainage, snow removal and other aspects associated with adding the balcony enclosure. Mr. Adams remarked that it was simply a matter of trying to make the most out of the winter season. The surrounding restaurants have that capability in the summer and he was looking to do that in the winter time. Mr. Adams thought 180 days was a generous time frame because winter is not that long and he specifically wants the balcony for the winter season. He would like the balcony to add to the historical integrity of people being out there in the summer, but adding the balcony for winter use allows people to perceive the historic nature in a way they have never experienced before. Mr. Adams remarked that they waited a long time for this to come before the HPB, and they were looking forward to a favorable opinion in order to compete in a seasonal town. Mr. Adams believed the process would address wind load, fire and other safety aspects and any issues could be worked through with the Fire Marshall and the Building Department.

Mr. Adams presented drawings and photos. He referred to comments about the balcony blocking the view of the Museum. Mr. Adams stated that he works closely with the Museum and he had asked Sandra Morrison to attend this meeting because she was in favor of their proposal. Mr. Adams expressed a willingness to work with any recommendations from the HPB that would allow them to move forward.

Chair Kenworthy pointed out that the Riverhorse has done this in the past. Mr. Adams replied that they are allowed to put up a tent for a two week period up to five times per year, but the tent does not hold up to the weather elements. A semi-permanent structure would give them the ability to ensure that their guests are warm and comfortable on the patio year-round.

Chair Kenworthy understood that the Staff was not looking for a final answer. The question was whether or not the Board thought it was something that should be pursued as policy. Planner Grahn answered yes. If the HPB is interested in pursuing it, it would be looked at as a possible change to the LMC and the Design Guidelines so if this program moves forward the Staff would have a mechanism to evaluate the structures.

Chair Kenworthy asked if the businesses who construct the temporary tents need to obtain approval each time. Director Eddington replied that approval for any tents must be obtained from the Planning and Building Departments.

Chair Kenworthy called for public input.

John Lundell stated that he has been an owner in Park City since 1997 and he has lived in Park City full-time for 12 years. Mr. Lundell was in favor of this proposal for several reasons. According to the Mountain Accord data, Summit County is the second fastest growing county in the Country and like it or not they can expect a lot of growth. Main Street is a particular problem because the businesses on Main Street cannot go up beyond 27' and they cannot go wide because there is no space. Mr. Lundell thought this proposal was a minimally invasive way to allow existing businesses some growth opportunities. A second reason is that outdoor dining has already been approved during the summer months, which is more disruptive to the historic look and feel. An enclosed balcony would be less intrusive. Mr. Lundell stated that by not allowing people to use their decks in the winter penalizes those without a ground floor. From the drawings he saw, it would not be intrusive to the historic atmosphere they were trying to maintain.

Ruth Meintsma, a resident at 305 Woodside, referred to the comments that a balcony tent would be something similar to the summer dining decks. She disagreed with that comment because the summer dining decks engage people with the historic character of the street. An enclosed tent would do the opposite and actually shut off humanity from the street. Ms. Meintsma remarked that summer dining also engages the people on the street with the humanity dining. During the discussions about summer dining, she recalled comments from the City Council about intrusive umbrellas on the street that could compare with the tent. Ms. Meintsma also disagreed with that comment because umbrellas are over people's head while the people are sitting in the open air; whereas the tents would be enclosed. Ms. Meintsma thought the images shown did not give any indication of the feel of what the enclosed balcony would do. She agreed with an earlier comment by Board Member Holmgren that computer images do not show what you need to see. Ms. Meintsma stated that the reasons for enclosing the deck when it is cold outside could be the same argument for summer. Park City has cold nights and there are times when it rains or even snows in July. She was also concerned about setting a precedent for a proliferation of balconies. Ms. Meintsma found it interesting that the historic on each side of the Riverhorse building are slightly proud. She wondered if when that structure was approved some of the Planners had the forethought of setting the building slightly back to show off those historic. She noted that a tent would eliminate that effect where the historic are proud and show themselves off.

Planner Grahn clarified that even though the Riverhorse was the first to bring this forward, the program would be for balcony enclosures up and down Main Street.

Casey Adams stated that Ms. Meintsma was right in saying that the balconies would not be the same as in the summer because it is a winter program. It is also a short timeframe. Ms. Adams thought it would benefit more people than just the Riverhorse because although they all agree that historic Main Street needs to be preserved, people who come to Park City to spend money would be benefitted as well. The Riverhorse was looking out for the people who come to support this town. Ms. Adams remarked that the architects have worked very hard on snow removal and other issues and concerns that have been presented.

Chair Kenworthy closed public input.

Planner Grahn reiterated that the question for the Board was whether or not they supported pursuing this program.

Board Member Melville understood that the City Council was asking the HPB for their recommendation. She wanted to know what criteria the Board should use to base their recommendation.

Assistant City Attorney McLean stated that it was actually a policy issue that would require amendments to the LMC and the Guidelines. These discussions were a kick-off from a policy standpoint of whether or not the program was something to consider. Ms. McLean recommended that they look for consistency with the General Plan and their thoughts of the Historic District. Currently, the proposal would not meet the Guidelines or the Code, so they could not use those to aid in their decision.

Mr. Adams stated that he is allowed to have temporary structures on the patio for 70 days a year. However, he could not remove it for one day and put it back up the next day to make it comfortable for his guests. He clarified that he was requesting an amendment to the Land Management Code, and he would follow whatever number of days the City would allow it to stay up if he could create a better atmosphere for his guests than a vinyl tent.

Board Member Melville asked Planner Grahn to show the renderings on Exhibit C. Ms. Melville referred to the picture of the open deck which has a western look. She pointed out that the picture of the enclosed deck eliminates the western look of the street. Ms. Melville remarked that the deck shown is not what the deck currently looks like. She asked Mr. Adams why he would not just build out to the property line to gain more square footage. Mr. Adams explained that it would affect the entrance to the Riverhorse and impact what they do at the top of the stairs. Obtaining this requested approval would change the master plan and the flow of the interior of the restaurant. They would still make the improvements shown, but it would make the cost worthwhile for making those improvements. Ms. Melville asked if the photo with the enclosure was showing exactly what the enclosure would look like. She was concerned about snow loading on the top.

Mr. Adams replied that they have talked about heat trays and guttering the water underneath the sidewalk. Ms. Melville clarified that Mr. Adams would have to do a lot more to create the permanent structure that was shown. She asked if there would need to be pillars on the sidewalk to support the extra weight. Mr. Adams answered no. Board Member Melville understood that in order to make this a permanent structure, they would have to build out more than what was being shown. Mr. Adams reiterated that they would have to have heating and air and gutters, but no additional support would be required.

Board Member Hewett clarified that the enclosure would only be temporary. Mr. Adams answered yes. He explained that it would be a tongue and groove type with aluminum poles and plexiglass windows.

Board Member Melville remarked that it could come off, but the visitors on Main Street during the winter would see it as a permanent structure rather than a temporary structure. If someone came in requesting a new building, she questioned whether the City would allow them to build a permanent structure out over the sidewalk because it would change the view of Main Street significantly. Planner Grahn stated that if the structure was proposed to be permanent it would not be approved because it is built over the City right-of-way and because of the form of the building.

Board Member Melville Ms. Melville stated that her concern is that an open deck has a western mining town look. Enclose the deck and that look is lost. Having that up and down Main Street would create a different look. She asked if the Board was willing to go with a different look for Main Street. Ms. Melville was concerned about setting a precedent. She named the buildings that already have decks and the ones that could build decks. Ms. Melville believed these were different from dining decks. Dining decks are clearly temporary because you can see through them and around them. Ms. Melville stated that because the Building Department would require a dining deck that is enclosed for six months to be built to permanent standards, it will look like the permanent way the building was designed.

Board Member Holmgren stated that she is a strong proponent of the dining decks during the summer, but there was controversy to allow those. She still hears people complain as she walks up and down the street. Ms. Holmgren believed this was another step in the right direction. She thought it was fabulous, particularly the fact that it is all tongue and groove and they have addressed snow removal and other issues. It would only be up for 180 days. She would not care if a visitor thought it was permanent because she knows that by Spring she would be sitting on an outdoor deck.

Board Member Hewett concurred with Board Member Holmgren. She thought it was a good idea and she believed people would look at it as a way to make

something historic current. Ms. Hewett thought people would be able to interpret the difference.

Board Member Holmgren stated that if someone wants to do something that is safe and good looking they should be allowed do it. She pointed out that all decks go through a design review and they have to be approved. She was not opposed to having more decks. Ms. Holmgren remarked that this was one of the best innovations she has seen in a long time that was good for Main Street.

Chair Kenworthy expressed his appreciation for the independence and the diversity of this Board. It opens his eyes and he hoped it benefits the Staff.

Board Member Beatlebrox did not have a definite opinion either way, but she could see no harm in looking into it further.

Chair Kenworthy disclosed that he is a restaurant owner with a dining deck and for that reason he would decline to make comment.

Board Member White asked if the roof of the temporary structure was glass or plexiglass. Mr. Adams stated that it was designed to be see-through plexiglass or some type of polyurethane. Mr. White stated that if it is see-through glass or plexiglass it would have very little or no snowload. It would have moisture but gutters and downspouts would take care of it. Mr. White stated that if it is metal and glass and they would no longer have to look at the vinyl tents, he favored pursuing it.

Assistant City Attorney McLean stated that because this matter is legislative, Chair Kenworthy could participate. Chair Kenworthy preferred to abstain. Ms. McLean encouraged his comments.

Chair Kenworthy thought it would open up a can of worms that could be looked into down the road. He did not want to be a hypocrite because this type of policy could work to his benefit. Chair Kenworthy understood that during the winter months the establishments are full to capacity and many people are turned away. As long as it is temporary and it looks better than what they are currently allowed to do, he thought it was worth pursuing. Chair Kenworthy thought it would be a slippery slope through the process, but he admires people who come in with different ideas.

Planner Grahn stated that since the majority of the Board were in favor of pursuing it further, they needed to review the changes that should be made and create guidelines for balcony enclosure throughout Main Street.

Board Member Melville understood that the majority rules, but she wanted it clear that she was adamantly against moving forward because it would change the

look of the architecture. She asked if they had consulted with the Historical Consultant to see if it would affect their designation as a Historic District. Planner Grahm stated that she spoke with Corey Jensen and the State Historic Preservation Office and he told her that if it is temporary it would not impact the National Register. Ms. Melville stated that temporary was one thing in terms of the Building Code definition of less than six months. However, temporary in terms of built upon standards and the majority of the visitors who come in the winter seeing a permanent structure attached to the outside of buildings changing the look of the architecture is a different issue. She pointed out that if the structures were permanent it would jeopardize the National Register; therefore it is an architectural change.

Chair Kenworthy personally preferred something closer to 120 days rather than 180 days.

Board Member Holmgren stated that when the City discussed outdoor dining decks guidelines were written on how they should be built. Ms. Holmgren was excited about the decks and she was excited about this next step. She remarked that Park City is historic but they also needed to be realistic.

Board Member Hewett liked the fact that the ceilings would be clear. She thought the timing was good and she had no concerns.

Given the late hour, Planner Grahm suggested that the discussion regarding changes to the LMC and the Design Guidelines for temporary winter balconies enclosures be continued to another meeting. The Board concurred.

Historic District Grant Program – Policy Review

Board Member Crosby returned to the meeting.

Planner Grahm stated that the goal for establishing guidelines is to give the HPB some criteria as a basis for deciding whether a project qualifies for going from Significant to a Landmark status. She reminded the Board that Landmark means the site is National Register eligible and it must be pristine.

Planner Grahm reviewed each guideline.

1. The building shall not have been reconstructed, panelized, relocated, or re-oriented.

In speaking with Ms. Meintsma this evening, Planner Grahm believed there were unique circumstances such as High West where this works and it can remain National Register eligible. However, in the majority of cases it is very rare for a structure to remain on the National Register if it is reconstructed or relocated.

Board Member Melville asked Ms. Meintsma and Board Member White for their suggestions based on their research and experience. She was unsure if the proposed guidelines would work when put into practice.

Ms. Meintsma noted that there was a footnote in the packet that explained the high West situation. It was unique because it was panelized, but they went to great lengths to keep the historic material and the interior, which the National Register is particularly interested in.

Board Member Melville understood that a site would not have to meet the National Register in order to go back to Landmark status. Planner Grahn replied that Landmark is a local designation. However, one of the criteria for being Landmark is eligibility for the National Register. It is a current criteria and that would not change.

Board Member White pointed out that restoration does not necessarily mean that the interior floor plan has to be historic. Planner Grahn stated that from the standpoint of the Planning Department they could not monitor interiors. However, a site that they believe is Landmark Status could be reviewed by Utah State History and they could say that because the interior was changed the site would not be eligible. She could not be able to make that determination but the State could. Mr. White stated that in all of the historic homes he worked on, they never worried about the interior.

Board Member Melville pointed out that there are Landmark structures on the HSI that she assumed had altered interiors. Planner Grahn stated that there are situations where a site could be eligible for the National Register because the exterior contributes to a district as a whole; or it could be eligible because individually the site is in pristine condition. She noted that the surveyors do not look at the interiors but they do look at the form of the building and how the interior has been altered. For example, if a structure was historically a hall-parlor and the walls were removed to make one room, it is no longer a hall-parlor design and it would not be eligible for the National Register.

Director Eddington clarified that the local criteria for a Landmark designation are looser than the National criteria. He believed they were equal to the National criteria for exteriors, but the criteria differs for interiors and that is where a structure designated Landmark by Park City could lose its National Register eligibility when reviewed by the State.

Board Member Melville recalled that the Board has looked at giving incentives for those who take their buildings from Significant to Landmark. Ms. Meintsma commented on two specific applicants to help put the criteria into perspective. She believed the limitations for reconstruction were clear because there is no

historic material. Panelization does not seem to work because too much material is lost. However, High West went to such extremes to save the materials and the interior in the process of panelization that they remained on the list. Ms. Meintsma did not believe an owner should be given the 10% for panelization, but it could be considered on a case by case basis for situations where extreme measures are taken. She liked the notation on the panelization and suggested that it should also apply to relocation.

The Board was comfortable with reviewing unique circumstances on a case by case basis.

2. If a new basement addition is constructed, no more than six inches (6") of the new foundation should be visible from the public right-of-way. If a historic foundation previously existed, then any new foundation shall match the historic in material, texture, composition, and color. The height of the original foundation above Existing Grade shall be retained—the new foundation shall not be shorter or taller above Finished Grade than what previously existed. No new underground garages are permitted.

Planner Grahn noted that currently basement additions are allowed to be raised two feet. The problem is when too much of the foundation is visible. She presented two scenarios. One showed a basement addition that was low to the ground and less visible. The second had added a basement but it was easy to see how much it was significantly raised and how much of the foundation was visible.

The Board was comfortable with Criteria 2 as proposed.

3. The transitional element used to connect the historic house to the new addition shall not consume more than twenty-five percent (25%) of the length of the historic wall. The length of the transitional element shall be fifty percent (50%) of the length of the two (2) sides of the historic building.

Planner Grahn stated that the Preservation Brief that talks about what additions to National Register listed buildings are, talks about making a clear transition and keeping the new addition subordinate. Planner Grahn remarked that the Staff suggests that instead of losing the entire rear wall, the transitional element should be limited to 25% of the length of the historic wall. That would allow more of the historic material to remain intact. Planner Grahn referred to the length of the transitional elements and provided an example to support the Staff suggestion for the criteria.

Board Member White stated that the transitional element needs to be visible and separate. He concurred with the Staff.

Ms. Meintsma liked the concept of the guidelines but she suggested removing the wording “of the length” and just say, “....25% of the historic wall.” If it is a two-story building they could make it a half-story and the entire connecting feature would be 25% total and not just the length. She also changed the wording from “historic wall” to “connecting wall”, because if the sidewalls and the façade are all historic but the back wall is new, the language “historic wall” would not work.

Planner Grahm stated that her concern is that sometimes the materials of the historic wall has changed and she would not want there to be any confusion as to when the rule should be followed.

Board Member Crosby used the Kimball Arts Center as an example and the plans of the previous drawings. She noted that the connector was relative small. However, now there is an empty lot with a new developer. If they propose to develop the plaza and lot adjacent to the historic portion on the corner, she asked if 75% of that wall would be undevelopable due to the connector. Planner Grahm replied that it would only be applied to grant applications. Ms. Crosby clarified that the criteria would not be part of the HDDR. Planner Grahm stated that it is only if an applicant wants the extra 10% boost. The reason for being so strict is to make sure the 10% is only given to those who make the extra effort to preserve the historic material.

The Board was comfortable with the language as written by Staff. For clarification, Planner Grahm suggested changing the language to read, “...the historic connecting wall”.

4. The footprint of the addition should not exceed fifty percent (50%) of the historic footprint.

Planner Grahm clarified that only the grant applicants who want the 10% boost would have to meet this criteria. It only addressed footprint and not height. It is an effort to keep the addition smaller and more subordinate. It would only apply to the footprint of the addition. Ms. Meintsma pointed out that the structure could be three or four stories and it could also have a basement

Board Member White thought 75% was more reasonable. Planner Grahm pointed out that if someone came in with a grant application, they could deny giving the extra 10% if they thought the mass and scale had been maximized.

The Board was comfortable increasing the percentage to 75%.

5. The addition should not be visible from the primary right-of-way unless the property is a corner lot.

Planner Grahn suggested changing the language to read, "The visibility of the addition should be minimized from the primary public right-of-way." Side additions could be reviewed on a case by case basis. The Board concurred.

6. Any later additions to the roof form such as dormers, sky lights, or changes to roof pitch must be removed and the historic roof form restored.

The Board concurred with the criteria as written.

7. Porch posts, railings, and materials shall be restored based on sufficient documentation.

The Board concurred with the criteria as written.

8. Window and door openings and configurations on primary and secondary facades shall be restored based on sufficient documentation.

The Board concurred with the criteria as written.

9. The existing grade shall be substantially unchanged following the project.

The Board concurred with the criteria as written.

10. Following completion of the project and issuance of a Certificate of Occupancy, but prior to grant payout, staff will return to the Historic Preservation Board with a Determination of Significance to ensure that the project meets the criteria in which to be designated a Landmark Structure

The Board concurred with the criteria as written.

Board Member Melville noted that 1063 Norfolk was one of the last houses that received a grant. She walked by the house the other day and notice a very modern front door and a very modern garage door. The retaining wall is metal rather than stone. She believed the owners had done the house correctly, but these visibly modern elements distract from the historic and they should not have been approved under the grant application. Ms. Melville asked Planner Grahn to look at the structure. If those elements are acceptable, she suggested that the Board should review what they were allowing with historic grants.

The meeting adjourned at 9:55 p.m.

Approved by _____

Historic Preservation Board Meeting
January 7, 2014

John Kenworthy Chair
Historic Preservation Board

Planner Grahn reported that the structure is associated with Parkite Martin Prisk and its expansion is related to the boom before the panic of 1893. The structure also survived the great fire of 1898. The materials used were commonly found in Park City during this era. She pointed out that the Third Street Frontage is unique and speaks to how Park City was developing during this era.

Planner Grahn did not believe the structure meets the criteria for Landmark designation because it is not eligible for the National Register of Historic places. The post-1941 addition changes the rear roof form and has obliterated the significant character defining features of the historic house. However, the structure is significant to local history.

Chair Kenworthy opened the public hearing.

There were no comments.

Chair Kenworthy closed the public hearing.

Board Member Beatlebrox thought the HPB should support the Significant designation because it was supported before in all of its iterations.

MOTION: Board Member Beatlebrox moved to designate the house at 316 Woodside Avenue as a Significant Site on the Park City Historic Sites Inventory. Board Member White seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact 316 Woodside Avenue

1. The Park City Historic Sites Inventory (HSI), adopted February 4, 2009, includes 405 sites of which 192 sites meet the criteria for designation as Landmark Sites and 213 sites meet the criteria for designation as Significant Sites. This site was not included on the 2009 HSI.
2. The house at 316 Woodside Avenue is within the Historic Residential-1 (HR-1) zoning district.
3. There is wood-frame T-shaped cottage at 316 Woodside Avenue.
4. The existing house structure has been in existence at 316 Woodside Avenue since circa 1889. The structure appears in the 1889, 1907, 1929, and 1941 Sanborn Fire Insurance maps. A 1904-1904 tax photo of Park City also demonstrates that the overall form of the structure has not been altered.
5. The house was built c. 1889 during the Settlement and Mining Boom Era (1868-1893) by Martin Prisk, an employee of the Marsac Company. Between 1907 and 1929, a rear addition was constructed to fill-in the wing of the T-shape cottage. Staff finds that these changes have gained historical significance in their own right, and that the house is historic. A later, post-1941 addition was also

constructed across the rear of the house.

6. The house is clad in drop novelty siding, simple wood trim, and Victorian-inspired details reminiscent of the Settlement and Mining Boom Era.

7. The structure is T-shape plan and typical of the types of residential structures built during the Settlement and Mining Boom Era. Further, T-shape cottages were part of a national Romantic movement towards the picturesque and dynamic plans in Victorian art and architecture.

8. The site meets the criteria as Significant on the City's Historic Sites Inventory.

9. Built circa 1889, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.

10. Though the post-1941 addition to the house has altered the rear roof form, the structure has retained its Essential Historical Form. The Land Management Code defines the Essential Historical Form as the physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past.

11. The house structure is important in local or regional history because it is associated with an era of historic importance to the community, the Settlement and Mining Boom Era (1868-1893)

Conclusions of Law – 316 Woodside Avenue

1. The existing house structure located at 316 Woodside Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and
(b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:

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

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

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

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

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

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

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

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

2. The existing house structure located at 316 Woodside Avenue does not comply with all of the criteria for a Landmark Site as set forth in Land Management Code (LMC) Section 15-11-10(A)(1). The structure does not meet the criteria for landmark designation as it is not eligible for the National Register of Historic Places due to post 1941 alterations that have damaged and obliterated significant character-defining features of the historic structure.

WORK SESSION

Temporary Winter Balcony Enclosures

Board Member Crosby recused herself and left the room.

Planner Grahn reported that the Riverhorse had approached the City Council about the possibility of creating a seasonal balcony enclosure program. In November the City Council requested feedback from the Historic Preservation Board. The HPB had a brief discussion but tabled further discussion due to the late hour.

Planner Grahn stated that currently there were a few conflicts with balcony enclosures in the Design Guidelines. The Guidelines are strict about new additions being visually subordinate to historic buildings when viewed from the public right-of-way. The Staff is concerned that annual construction and removal could be detrimental to historic building materials and intensify wear and tear. They also believe that the proposed balcony enclosures visualize and alter the original building design. Additional concerns include energy-efficiency, snow shedding of shed roofs on to Main Street, the seasonal assembly and disassembly, increased water and sewer impact fees to name a few.

Planner Grahn asked whether the Board was comfortable with having seasonal balcony enclosures on both historic and non-historic buildings, or whether it should be limited to non-historic buildings given the amount of wear and tear of attaching and removing temporary structures.

Chair Kenworth asked Planner Grahn to define the current tent situation that the City allows for these balconies. Planner Grahn stated that currently if someone wants to put up a tent on their balcony during the winter months it goes through Administrative Conditional Use Permit process. The applicant is allowed to up a tent for a two-week period. She recalled that one applicant can have five Administrative CUPs for a total of 70 days combined. The tent should be taken down between each CUP or the owner will be fined.

Board Member Holmgren recalled that the temporary structures have to be built as though they were permanent. Planner Grahn answered yes. Ms. Melville asked about the balcony itself. Planner Grahn remarked that in some cases the

balcony itself may need to be upgraded for structural supports. She believed it would have to be reviewed on a case by case basis because each building is unique and different.

Board Member Melville stated that in her personal opinion it putting up and taking down a permanent enclosure on a historic façade would be very detrimental. She was opposed to allowing enclosures on historic structures. Ms. Melville stated that she was also generally opposed to balcony enclosures on newer buildings because the enclosures visually modify and alter the original building design. She also thought the enclosures would have an impact on the historic district. Planner Grahn stated that it would not impact the historic district because the enclosures would be seasonal. If they were to permanently enclose balconies there would be an issue with the National Register. She noted that the State Historic Preservation Office was adamant that temporary structures do not get considered for the National Register. Ms. Melville stated that at least visually it would alter the Historic District. Planner Grahn agreed.

Chair Kenworthy pointed out that the tents that are currently allowed also alter the visual. He asked the representatives from Riverhorse to offer their opinion.

Seth Adams with Riverhorse thought the tents were much more of a detriment to the visual appearance. He did not put up a tent this year and he was lucky the weather was nice. However, they would like to have the ability to use the balcony all the time, which was why they were making this request. Mr. Adams did not believe the enclosure impacted the visual integrity of what people on the street see walking on Main Street. Mr. Adams remarked that one of the objectives for the enclosure is to get people out on the deck to look up and down Main Street.

Chair Kenworthy asked Mr. Adams if the building was historic. Mr. Adams stated that where the balcony is was not historic. The entrance of the Riverhorse on the Main Street level is historic. Chair Kenworthy asked what percentage the business would increase with the enclosure. Mr. Adams estimated 10%. He clarified that it allows them to take the waiting space in the restaurant and convert it into seats. The balcony would be used to corral people in order to create more dining space inside the restaurant, but there would not be tables on the balcony. Chair Kenworthy asked if the enclosure was needed for six months. Mr. Adams answered no. He thought December 15th through April 15th would be sufficient.

Board Member Melville referred to page 295 of the Staff report and noted that the balcony was currently curved and the building façade is further back. She understood that Mr. Adams was proposing to rebuild the balcony to square it up. He replied that this was correct. Squaring up the corners would add a few square feet to the size. The reason was to make the temporary structure fit

better. Ms. Melville understood that they were also proposing to bring the façade out further than where it currently sits. Mr. Adams replied that it would only be the corners beneath the archway.

Board Member Melville clarified that the building shown on page 296 with the enclosure would not be allowed to be constructed as a permanent structure. Planner Grahn answered yes. If the Riverhorse was to propose this permanently it would not be supported by the Guidelines. Planner Grahn pointed out that Mr. Adams is the only one who has proposed the enclosure, but they need to look at it holistically in terms of how it could be managed up and down Main Street.

Board Member White noted from the table on page 277 of the Staff report that only three properties wanted this type of structure. Planner Grahn explained that the Staff looked at who on Main Street has an Administrative CUP, which is required for outdoor dining in the summer. Of all the businesses on Main Street only three do, and one was under review last year. Mr. White asked if the businesses that said no could change their mind. Director Eddington answered yes. He pointed out that the three identified were the ones who have applied for an Administrative Conditional Use Permit. The rest would have that ability. Director Eddington stated that there were 15 non-historic structures out of 21 shown on the table.

Board Member Melville assumed other buildings could build a balcony as well. Director Eddington stated that they could but they would need permission from the City Engineer to encroach over the public right-of-way. Planner Grahn noted that balconies need City Council approval because they do extend over the City right-of-way. Director Eddington agreed that with City approval more balconies could be built on Main Street if they apply for an Administrative CUP for outdoor dining.

Board Member White how many properties would have to do structural work in order to enclose their balconies. Director Eddington stated that the Staff had not done that analysis, but he assumed that most would require some type of structural work for both historic and non-historic structures. Mr. White asked if the same applied for tents. Director Eddington believed the tents still needed to meet load capacity for the number of people. However, that situation was different than connecting a new structure to a building. The temporary structure would have more connections and structural challenges to the existing façade, but the requirements for load capacity would be about the same.

Chair Kenworthy asked how this would affect Grappa. They were not on the list but they put up tents all the time on their patio. Director Eddington replied that this was only for balconies. Chair Kenworthy noted that TMI was not listed but they have outdoor dining. He names others that were not listed.

Board Member White clarified that the only visual example they have is for Riverhorse. Director Eddington stated that Riverhorse was the only application they had received. Board Member Holmgren thought it needed to be determined on a case by case basis. Mr. White thought the temporary structure looked better than a white tent. However, he was apprehensive about putting glass and steel temporary structures on historic buildings. Planner Grahn stated that the Staff had drafted guidelines to address the issues and to be consistent when applicants come in with an application for a balcony enclosure. The guidelines would also ensure that they protect the look and feel of Main Street.

Board Member White thought it was obvious that whether it was a tent or an enclosure these structures would not go away. Planner Grahn explained that if someone has a balcony on Main Street and they wanted something more permanent than a tent for the winter months, they could apply for that type of enclosure. She stated that the Staff would treat the process similar to the dining deck program except that it would be a winter balcony enclosure program. Mr. White clarified that each structure would be reviewed on a case by case basis. Planner Grahn answered yes, but guidelines need to be in place for consistency.

Board Member Beatlebrox asked if the guidelines on page 280 of the Staff report were enforceable. Planner Grahn replied that it was an issue they needed to discuss.

Planner Grahn reiterated her earlier question about limiting enclosures to new buildings versus historic buildings, or whether it should be allowed on all structures.

Board Member Holmgren did not believe they should delineate between old and new. Board Member Melville disagreed. She thought it would be even worse if they were allowed on historic buildings. Board Member Beatlebrox agreed. Board Member White concurred with Ms. Melville and Ms. Beatlebrox. He was not comfortable putting that type of temporary structure on a historic building.

Planner Grahn summarized that the answer was No on historic structures but Yes on non-historic buildings. Board Member Melville stated that she was generally opposed to the structures on any building on Main Street at this point.

Planner Grahn read proposed language to the LMC to say that, "Balconies may not be enclosed permanently. Temporary seasonal balcony enclosures may be appropriate on some structures." She thought that gave some leeway for structures where the Staff did not believe it would be appropriate. Chair Kenworthy understood that this would only pertain to the ones on public pedestrian right-of-ways. Planner Grahn answered yes. Board Member Holmgren asked how the language ensures that the enclosures would not be

allowed on historic buildings. Planner Grahn stated that additional language could be added to exclude historic structures. Ms. Melville suggested specifying non-historic buildings.

Chair Kenworthy stated that the Flanagan's Building is a Landmark historic building and he would never want to see a temporary structure on it for any reason. He noted that the balcony is probably 99% over a public right-of-way which would eliminate the opportunity. Since it was his building he was very comfortable not having the enclosure.

Planner Grahn reviewed the proposed revisions to the Design Guidelines for the Main Street District as outlined on page 180 of the Staff report. She noted that new construction is everything that was not designated as historic on the HSI.

The first guideline addressed historic sites in Park City. She added, "Temporary structures are not subject to review of the National Register of Historic Places" which is true by the national Park Service.

She added a new Guidelines, "Temporary winter balcony enclosures are reviewed by the programs criteria and are not addressed by these specific Design Guidelines."

Board Member Melville questioned why they would say it was not addressed by the Design Guideline. Planner Grahn stated that the Staff thought it was better to have a separate set of guidelines for review because it is less confusing than having them incorporated into the Design Guidelines. Director Eddington clarified that there were so many conflicting guidelines relative to a new temporary structure that it would not work well and could cause confusion. Planner Grahn noted that summer dining decks have a separate set of guidelines. This would fall under that category.

Chair Kenworthy stated that Flanagan's has a dining deck and they have to go through the requirements and permitting process. From his point of view and a business standpoint, they are providing a customer service. He understands that there is opposition to dining decks and he respects those opinions. However, in a situation like the Riverhorse it allows the owner to provide customer service in a resort town and people enjoy the dining decks on the street. Contrary to popular belief they do not make a lot of money from dining decks, but the reward is happy customers. Chair Kenworthy remarked that in granting his request, Mr. Adams would be able to provide an operational solution in a historic building to improve customer service. Chair Kenworthy thought six months was too long and would prefer a four-month time frame. He thought it was important to balance historic preservation with the ability to provide better customer service.

Board Member Holmgren understood from previous conversations that Mr. Adams was addressing the issues of snow shedding and removal and other safety factors. She thought this was positive for Main Street. It is a piece of magic and people who experience it will never forget it. Ms. Holmgren felt strongly that they should allow this to happen. However, she agreed that the time limit should be less than six months. She felt positive that this was brilliant, new and innovative for Historic Main Street and she would like to see it approved.

Mr. Adams favored a shorter time period as well. He would be comfortable if the winter was 180 days.

Planner Grahn reviewed the proposed guidelines for balcony enclosures and requested feedback from the Board on each one.

1) The enclosure must be constructed on a balcony on Main Street. There would be no balconies on Swede Alley or any side streets.

The Board pointed out balconies that already exist on Swede Alley. They noted that the Caledonia is on a side street and they have a balcony. Chair Kenworthy thought it would be difficult to limit it to Main Street. Planner Grahn suggested that they eliminate the guideline.

2) There may be times when it is not appropriate to enclose a balcony due to the unique historic character and architectural detailing of the historic building. Planner Grahn noted that the guideline no longer applied based on their discussion and the decision not to allow it on historic buildings.

The Board discussed whether or not the guideline could apply to non-historic structures. Planner Grahn suggested changing the language to say, "...due to unique conditions or circumstances" to address an unforeseen situations where enclosing a balcony may cause life/safety issues. The Board concurred.

Planner Grahn read the language as revised, "There may be times when it is not appropriate to enclose a balcony on a non-historic building due to the unique conditions or circumstances".

Board Member Beatlebrox asked if they needed to define unique circumstances. Planner Grahn stated that currently the Planning Director and Chief Building Official are the ones who determine a unique circumstance and she thought they should make that determination for the enclosures as well. The Board agreed.

3) The applicant must demonstrate that the temporary enclosure will not damage the existing façade and/or side walls with repeated attachment and detachment.

Planner Grahn stated that this guideline was no longer necessary based on their earlier decision.

4) The enclosure and balcony shall respect the architectural style of the building. Planner Grahn clarified that even on new buildings they would not want something that did not match what exists or keep with the theme. The Board agreed.

Chair Kenworthy suggested that they prohibit signage. Planner Grahn asked if they wanted to prohibits signs completely or whether they should include language stating that any new signage will required a sign permit application. The Board unanimously wanted signage prohibited for the temporary enclosures.

5) The enclosure shall retain existing railings in order to achieve a design consistent with open balconies and maintain the character of the original building. She asked if the Board agreed that the railings should not be removed.

Director Eddington suggested that they keep the railings on the balconies to keep it looking like a balcony. The Board agreed.

6) The existing exterior wall may not be removed seasonally in order to accommodate the balcony enclosure. The Board agreed.

7) The enclosure must not block existing door and window openings on neighboring buildings. The Board agreed.

8) Enclosures should consist of clear glazing set in window frames that generally match the mass, scale and material as those used for the glazing frames of the building itself. The Board agreed.

9) Draperies, blinds and/or screens must be located in a traditional manner above doors and windows. Draperies, blinds and/or screens should not be used within the balcony enclosure if they increase the bulk appearance of the enclosure. The use of these must blend with the architecture of the building and should not detract from it. Materials should be high quality, color-fast and sun fade resistant.

Planner Grahn stated that she had borrowed the guideline from Vancouver, where they have balcony enclosures on condo buildings. The concern is that when people drape the interior of the glass, it appears to be bulky and heavier, and less open. She was unsure whether that would occur on Main Street, but the language could protect it from occurring.

Board Member Beatlebrox suggested saying that draperies, blinds or screens are not required. Board Member Holmgren preferred not to allow them at all. They would still want people to be able to look in or look out.

Mr. Adams stated that the only reason he would consider a blind would be the hour or two as protection from the blinding sun. Other than that he could see no reason to have them.

Board Member Holmgren did not favor the concept at all. The Board discussed potential language to address the issue of blocking the sun like Mr. Adams had suggested, but not using them as a barrier.

Board Member Beatlebrox suggested language to say, "Sun screens permitted and should be used only during times of extreme sun and should not be obstructive." The Board was comfortable with that language.

10) The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk. The Board agreed.

11) The closure must have direct access to the restaurant's dining area. The Board agreed.

12) The design must address snow shedding.

Board Member Melville asked where in the language it says that a building permit is required and it must comply with Building Department requirements.

Planner Grahn stated that if they add language indicating that a building permit is required, the Building Department would make sure it complies with the International Building Code. The Board favored adding language regarding the building permit.

13. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by Staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require approval of the City Council. The Board agreed.

14. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.

Planner Grahn clarified that tents would still be treated as tents and balcony enclosures would be a separate program.

15. Any new signage will require a Sign Permit application.

Planner Grahn noted that this guideline was no longer necessary because signage was addressed in a previous guideline where the Board agreed to prohibit signage.

In terms of the time frame for having the enclosure, The Board agreed on four months. Director Eddington preferred to have specific dates and suggested December 15th to April 15th.

Mr. Adams noted that the time frame for summer dining decks was 180 days. Board Member Beatlebrox thought 120 days was sufficient. Director Eddington pointed out that dining decks have specific dates so everyone knows when they are allowed to go up and when they have to come down.

Chair Kenworthy suggested a maximum four month window between December 1st through April 30th. Director Eddington asked if they wanted to limit it to four months. Mr. Adams stated that personally he would like to put it up right after Thanksgiving and take it down when PCMR closes.

Board Member White suggested November 15th to April 15th. Director Eddington recommended specifying dates and not talk about a four month limit. It would be consistent for everyone and it would make it easier for Building and Code Enforcement to monitor.

The Board was comfortable with a November 15th to April 15th time frame.

Chair Kenworthy thanked Mr. Adams for his input.

The meeting adjourned at 8:47 p.m.

Approved by _____
John Kenworthy, Chair
Historic Preservation Board

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
June 25, 2015
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better, engaging the public in solutions, developing strategies and implementing TDM measures to make more effective use of the existing system. Contract for this study was awarded this past May and is scheduled to be completed in January 2016.

Regarding the Parking Siting and Transportation Plan for Bonanza Park and Lower Park Avenue, the study will look to provide non-automotive transportation links and will explore various transit modes to determine the most attractive and effective mode to serve city needs short and long term. Contract was awarded April 2015 and is scheduled for completion in December 2015.

Regarding the SR-248 corridor plan, objectives will be to update 2009 assumptions and future projections, identify preferred alternatives, develop comprehensive long-term solution, provide priority to transit/HOV's and utilization for Richardson Flat Park and Ride, and to meet 2019 construction schedule STIP programming. Contract for the study was awarded to Fehr and Peers March 2015 with a completion date of August 2015.

Regarding other efforts, they are analyzing weather responsive refinement solutions; intelligent transportation systems such as Sydney Coordinated Adaptive Traffic Signal (SCATS), automated traffic counters, traffic cameras, etc; ongoing monitoring for Main Street circulation; working with transportation management associations, both public and private; transit improvements and services such as SLC/PC connect and Kimball Transit Facility.

Council member Simpson asked about the status of the Kimball facility. Knotts states they are still on schedule for completion of spring 2016. Council member Simpson states the U of U is working on including Park City as a destination with their employee/student package for the SLC/PC connect, to which Knotts states he will look in to. Council member Beerman asks if they settled on a final location for the Kimball Transit Facility, to which Knotts reports it's still going in behind the Richins Building. Mayor Thomas asked if the presentation could be posted on the website; Knotts said he would post.

Jamie Mackey, P.E., UDOT Statewide Signal Engineer, gave a presentation on the SCATS system. McKay explained their traffic operations center in Salt Lake and all the data that is handled and processed there. She spoke to different types of traffic signals detection and traffic signal timing mechanisms. She also explained the SCATS system, stating Park City's SCAT system operates differently than anywhere else because of the city's unpredictable traffic patterns.

Main Street Balcony Enclosure Program Proposal

Anya Grah, Planning, and Kurt Simister, Building, spoke to the winter balcony enclosures on Main Street that would run from Nov 1st to April 30th. Grah states only three building on Main Street currently qualify to have balconies, and in general we are likely to see balconies only on non-historic buildings. Grah discussed design guidelines issues such as enclosures distracting from the historic western appearance, accelerating breakdown of the buildings due to enclosures being put up and down, break-up of existing street walls, glare from the sun, etc. Council member Henney asked about transparency concerns of the tents and canvases. Council member Beerman asked about the recommendation from the Historic Preservation Board on the issue. Grah states the only concern from HPB was

damage to historic buildings; they are supportive of allowing them on new buildings only. Council member Simpson asked Mark Harrington about making changes to the Land Management Code regarding the dining decks. Harrington explains the LMC will have to be amended regardless, but implementation changes can be drafted according to Council's desires. Council member Henney asked Grahn if the balconies would compromise the structural integrity of older buildings. Grahn states older buildings may not meet structural codes and could therefore be damaged; she further stated the goal of the restriction is to protect those buildings that are not up to code.

Mayor Thomas opened the public hearing.

Cheryl Watson states she is in favor of the balconies.

Ruth Meitsma (sic) states the Building department originally said there would be a negative environmental impact by the balconies but there was no discussion about it, so she researched the topic and found the energy usage for these structures is massive, hard to control and can upset energy efficiency. She states the heat loss is high for these semi-permanent structures. She referenced a recent study that listed Park City as one of the worst-polluting mountain towns and says she is concerned that we have a long way to go in reducing greenhouse gas emissions and our carbon footprint. She feels these balconies move us in the wrong direction in our aim for the Georgetown Prize. Lastly, she stated concern that if these balconies are allowed on Main Street will they eventually be allowed in town as well.

Michael, Fryuegel (sic) states the power needed to keep the tents heated is very high and probably very costly, but feels what the River Horse is trying to do is a great use of the patio to accommodate winter visitors. States Seth Adam is taking measures to make the structure as aesthetically pleasing as possible and he is in favor of having the balconies.

Becca Gerber, speaking for the HPCA, is in support of the balconies, especially since it only impacts three buildings.

Mike Sweeney states he supports this trial concept to see if it will work. Regarding greenhouse emissions, he feels we can make it work as the city of Toronto, which is farther north than Park City, has many of these features and reports success with them. Regarding attachment to historic buildings, Sweeney says the technology is there to construct these features without causing damage. Feels the three-year trial period is a sufficient amount of time and that this program will give us another tool to help businesses on Main Street be successful.

Mayor Thomas closed the public hearing.

Council member Peek agrees with Staff's concerns and wants to be clear that these balconies are not appropriate for historic structures; also, he doesn't believe the enclosures can meet heating requirements. Council member Matsumoto asks Seth Adams of River Horse if all the factors under the international building codes have been worked out. Adams states he feels they can meet all the requirements. Council member Matsumoto is comfortable going forward with the pilot program if all requirements are met but not on

historic buildings. Simister states a plan has not yet been submitted by River Horse for them to analyze to see if all the requirements have been met. Council member Henney asks Adams if they have done any analyses on heating the tents. Adams says they have not. Simister states the tents would have to be studied to see what is required and that it all depends on duration of use. Henney pointed out that commercial property energy usage does not count towards the Georgetown Energy Prize. Council member Beerman agrees with the HPB in that these should not be on historic buildings but is OK with them being on newer buildings. Regarding energy usage, these structures are minor users compared to other buildings on Main Street and that if this is done right it can be a successful advantage for businesses. Feels we don't need to charge businesses fees for use of private balconies over the right of way.

Council member Simpson agrees these structures don't belong on historic buildings but we should try the three-year pilot program.

Mayor Thomas states the River Horse rendering obscures the view of the adjacent buildings and asks if it can be built without the obstruction, to which Adams states they will make them with as less an impact as possible. Mayor Thomas feels these structures impact the visual impact, diminish the historic value of Main Street and surrounding buildings. Feels glass and tents do not hold energy, are absurd to heat and that these balconies are totally inconsistent with our goals of being environmentally conservative. Thomas asks if Council is supportive of narrowing the facade so as not to obstruct the street view. Council member Simpson states the renderings are not necessarily accurate and she is not concerned about it. Council member Peek supports the narrowing. Council members Matsumoto and Henney agree with Simpson and are OK with the facade the way it is. Council member Beerman states the mayor's suggestions are valid and asks Adams to take them into consideration for their final design.

Victim Advocacy Program Update

Malena Stevens came before Council to update them on the Victim Advocacy Program since it is the end of the fiscal year and as a requirement stipulated in their Victims of Crime Act grant. Stevens spoke to her Staff report, in which she included specific numbers of how many incidents they had and how many victims they served. The report also includes services provided such as filing protective orders and going with victims to court. Stevens states the program is still seeking Spanish-speaking translators. She has looked to other agencies and reports they have the same problem retaining Spanish-speaking help. Council member Simpson asked why all assault victims were not serviced. Stevens explained the reasons are varied such as not having appropriate contact information or victims refusing help. Council member Matsumoto asked if the program coordinates with other agencies, such as the Peace House, to share resources so that services are not duplicated. Stevens says they do work closely with Peace House to make sure there is no duplication.

REGULAR MEETING

- I. ROLL CALL – MAYOR JACK THOMAS CALLED THE REGULAR MEETING OF THE CITY COUNCIL TO ORDER AT APPROXIMATELY 6:20 P.M. AT THE MARSAC**

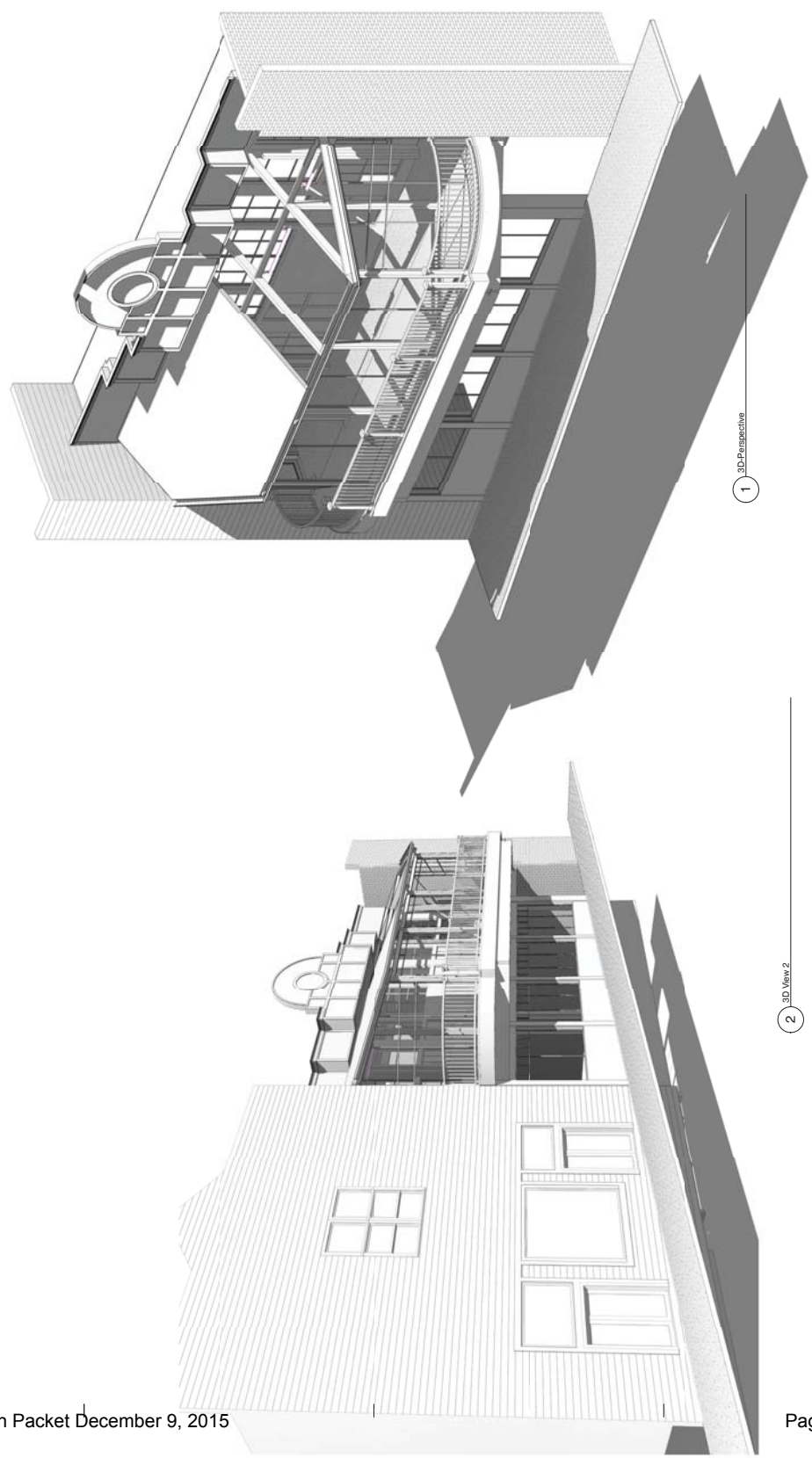


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Elliott Workgroup Architecture, LLC
364 Main Street, P.O. Box 3419
Burlington, VT 05401-0341
(435)649-0092 or (802)415-1839
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Design Development
Riverhorse Restaurant
Seasonal Deck Canopy
540 Main Street



1 3D Perspective

2 3D View 2

No.	Date	Description
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ISSUE DATE:	10/15/2015
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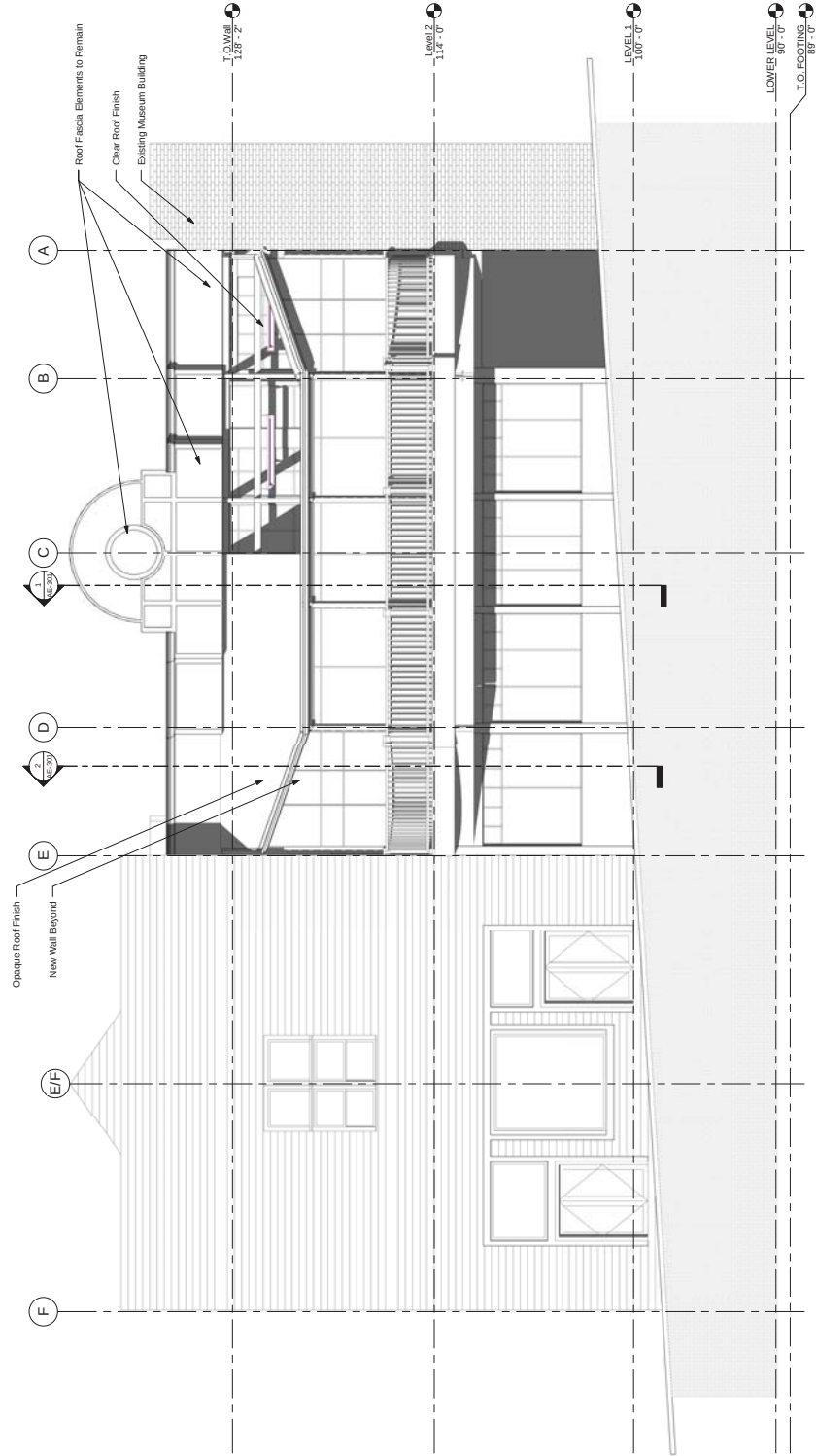


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1 WEST ELEVATION
1/4" = 1'-0"

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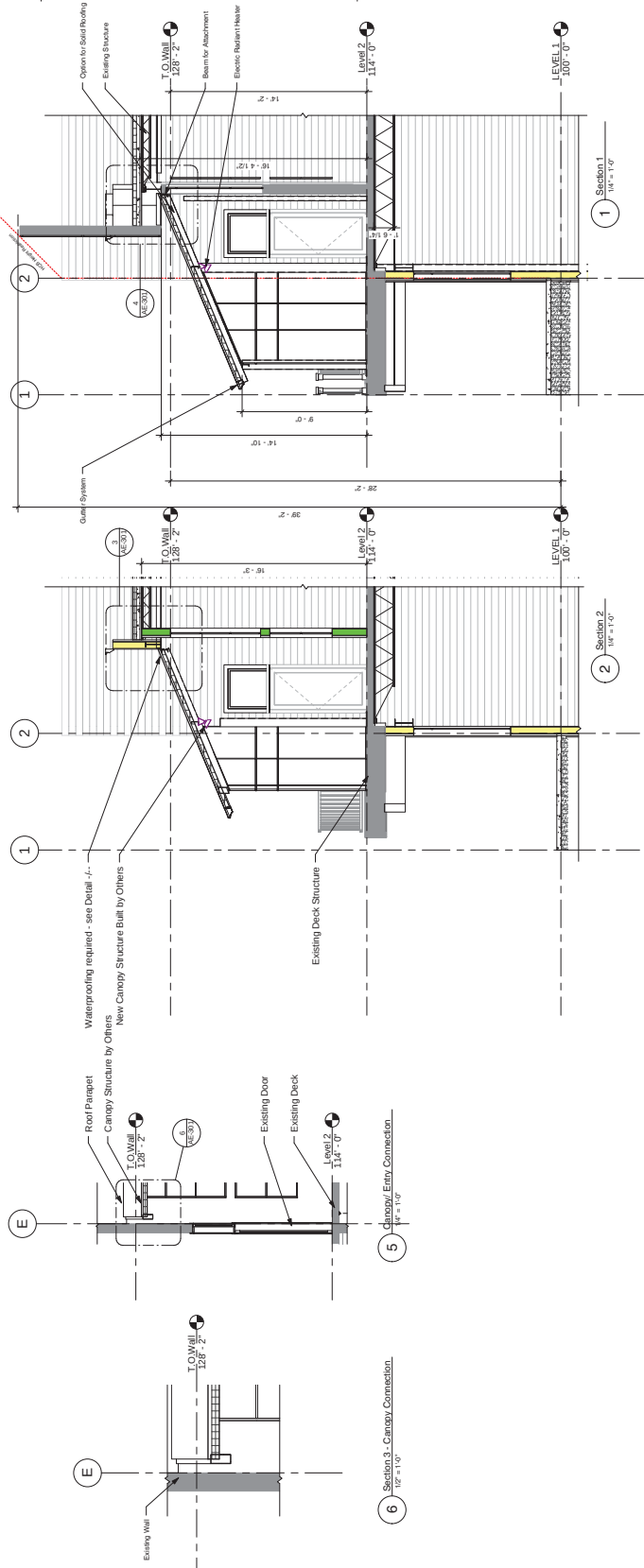
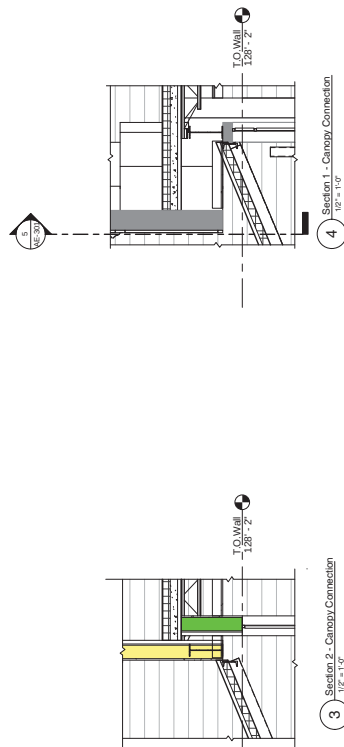
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ELEVATIONS

AE-201

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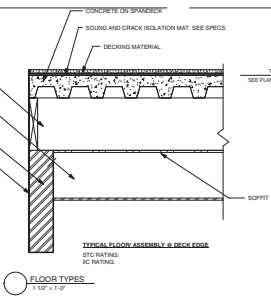
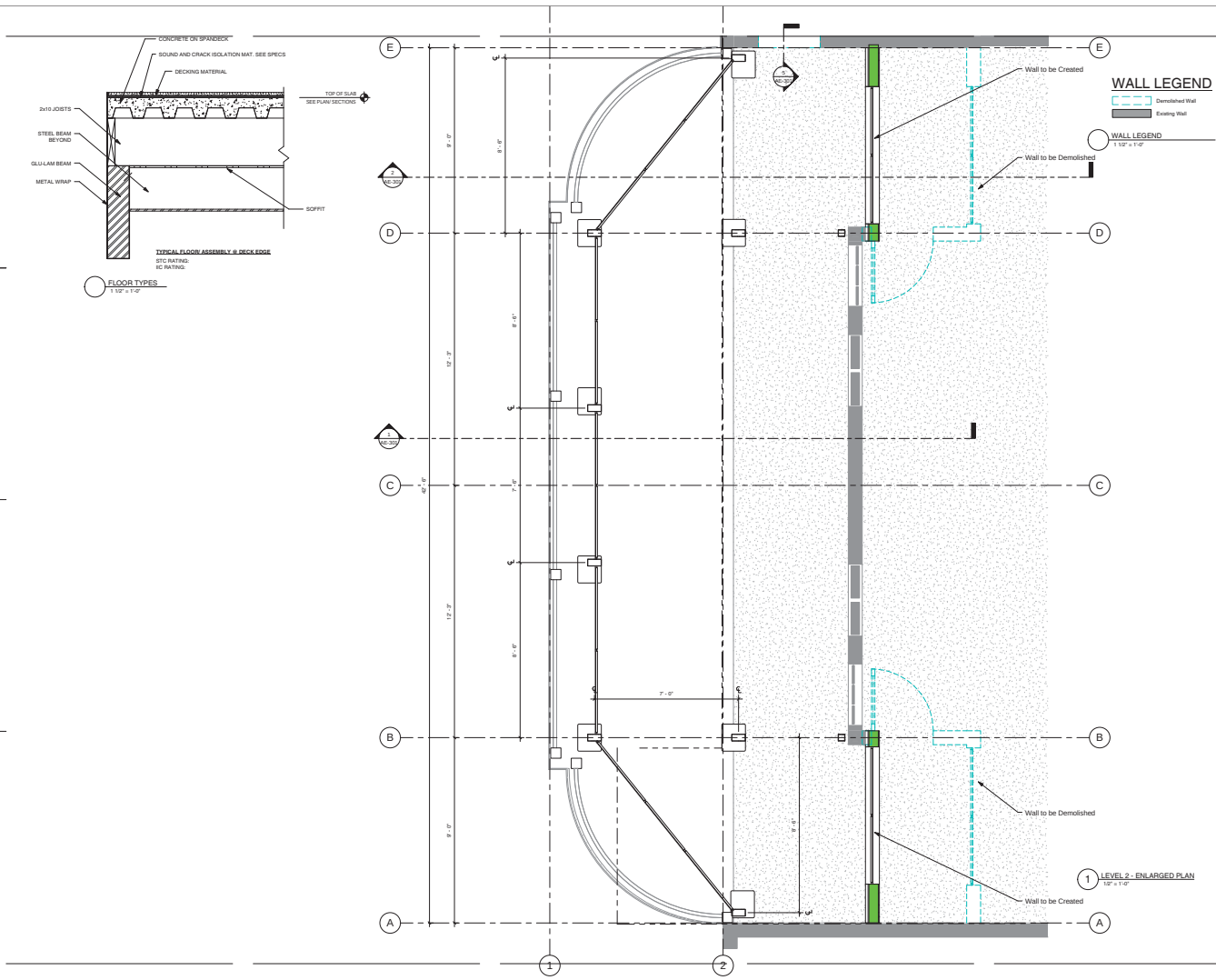
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BUILDING SECTIONS

AE-301

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WALL LEGEND
 Dashed Blue Line: Wall to be Demolished
 Solid Grey Line: Wall to be Created
 Solid Blue Line: Existing Wall

ELLIOTT WORKGROUP
 Elliott Workgroup Architecture, LLC
 364 Main Street, P.O. Box 3419
 Park City, Utah 84092
 (435) 949-0092 or (801) 415-1839
 elliotworkgroup.com

RIVERHORSE
 GIN MUIR

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Riverhorse Restaurant
 Seasonal Deck Canopy
 540 Main Street

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ENLARGED PLAN
AE-403
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GENERAL NOTES

1. SUSPENDED CEILING INSTALLATION SHALL COMPLY WITH REQUIREMENTS OF I.B.C. 2013 SECTION 905, ASTM C-426 & ASTM C-428.

2. CEILING AREAS OF 144 SQ. FT. OR LESS SURROUNDED BY WALLS WHICH CONNECT DIRECTLY TO THE STRUCTURE ABOVE SHALL NOT REQUIRE THE DIAGONAL BRACING WIRES.

3. EACH VERTICAL WIRE SHALL BE ATTACHED EACH END WITH MIN. 3 TURNS.

4. CEILING GRID SHALL BE INSTALLED LEVEL TO WITHIN 1/8" IN 12 FEET.

5. LOCAL KINKS OR BENDS SHALL NOT BE MADE IN HANGER WIRES AS A MEANS OF LEVELING MAIN RUNNERS.

6. ALL WIRE LOOPS SHALL BE TIGHTLY WRAPPED AND SHARPLY BENT.

7. ALL CEILING MOUNTED LIGHT FIXTURES SHALL BE ATTACHED TO SUSPENDED CEILING GRID. IN ADDITION 12 GA. HANGER WIRES SHALL BE ATTACHED TO THE GRID WITHIN 7" OF EACH CORNER OF THE FIXTURE. TWO ADDITIONAL WIRES SHALL BE CONNECTED TO THE LIGHT HOODING AND TO THE STRUCTURE ABOVE.

8. WIRES SHALL NOT ATTACH TO OR BEING AROUND INTERFERING MATERIAL OR EQUIPMENT. NOW SHALL THEY BE CLOSER THAN 4" FROM ANY UN-SUPPORTED HORIZONTAL PIPING OR DUCTWORK. A TRAPDOOR OR SIMILAR DEVICE SHALL BE USED WHERE OBSTRUCTIONS OCCUR.

9. LIGHT FIXTURES TO HAVE FOUR (4) WIRES FOR BRACING.

10. GRID MUST BE ATTACHED TO TWO ADJACENT WALLS - OPPOSITE WALLS MUST HAVE MIN CLEARANCE PER DETAILS.

11. ENDS OF MAIN BEAMS AND CROSS TEES MUST BE TIED TOGETHER TO PREVENT THEIR SPREADING.

12. PROVIDE PERIMETER SUPPORT WIRES.

13. CEILING OVER 1,000 SF MUST HAVE HORIZONTAL RESTRAINT WIRE OR RIGID BRACING. CEILING NOT REQUIRING RIGID BRACING MUST HAVE 2" OVERSIZE TRIM RINGS FOR SPRINKLERS AND OTHER PENETRATIONS.

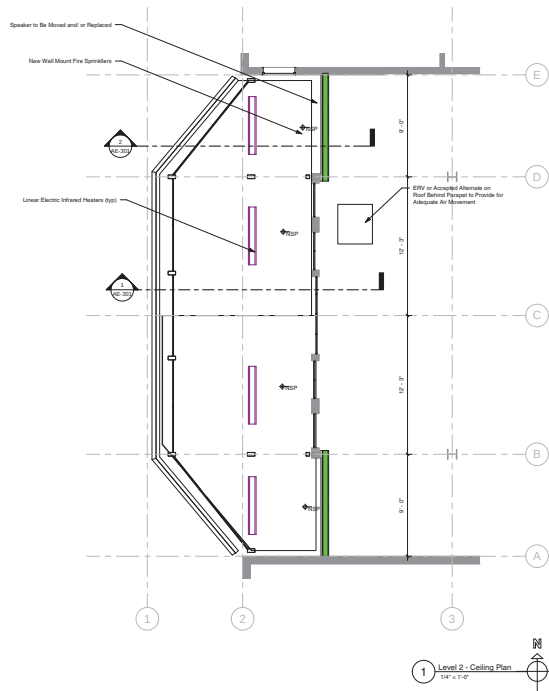
14. FIRE SPRINKLERS TO BE ADDED & LOCATED OR VERIFIED BY A QUALIFIED PROFESSIONAL. ANY NECESSARY CHANGES WILL BE SUBMITTED ON A DEFERRED SUBMITTAL.

NSP - NEW SPRINKLER HEAD

ESP - EXISTING SPRINKLER HEAD

○ RECESSED FIXTURE

□ TROUFRER LENS FLUORESCENT OR LED LIGHT FIXTURE



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GOLF & SPA

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**SECOND FLOOR
REFLECTED CEILING**

AE-902

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