



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
July 26, 2023**

The Planning Commission of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online with options to listen, watch, or participate virtually. [Click here](#) for more information.

SITE VISIT AT 4:00 PM

The Planning Commission Will Meet at City Hall at 4:00 PM and will then Walk Along Ontario Avenue and Empire Avenue to Observe and Discuss Development on Steep Slopes.

MEETING CALLED TO ORDER AT 5:30 PM.

1. ROLL CALL

2. MINUTES APPROVAL

- 2.A Consideration to Approve the Planning Commission Meeting Minutes from June 14, 2023
[PC 06.14.2023 Minutes](#)
- 2.B Consideration to Approve the Planning Commission Meeting Minutes from June 21, 2023
[PC 06.21.2023 Minutes](#)

3. PUBLIC COMMUNICATIONS

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

- 4.A Pursuant to Land Management Code Section 15-12-6, the Planning Commission Will Elect One of Its Members to Serve as Chair for a Term of One Year.

CONTINUATIONS

544 Deer Valley Loop Road - Condominium Plat Amendment - The Applicant Proposes to Increase the Private Area Square Footage of Each Unit, and to Expand Unit A and Unit B. PL-23-05695 (1 min.)
(A) Public Hearing; (B) Continuation to August 9, 2023
[Staff Report 544 Deer Valley Loop Continuation Report](#)

5. REGULAR AGENDA

- 5.A **958 Woodside Avenue - Plat Amendment** - The Applicant Proposes to Create Two Lots in the Historic Residential - 1 Zoning District. PL-23-05561 (30 min.)

(A) Public Hearing; (B) Possible Recommendation for City Council
Consideration on August 22, 2023
[958 Woodside Avenue Staff Report](#)
[Exhibit A: Draft Ordinance and Proposed Plat](#)
[Exhibit B: 958 Woodside Avenue Survey](#)
[Exhibit C: Woodside Avenue Streetscape Visual](#)
[Exhibit D: Lot Ownership Map](#)
[Exhibit E: Project Description](#)
[Exhibit F: Letter from Synderville Basin Water Reclamation District](#)

- 5.B **2346 Park Avenue - Conditional Use Permit** - The Peaks Hotel Proposes Changes to an Existing Conditional Use Permit to Install a Tent in the Hotel's Rear Courtyard for Private Events and Hotel Guests. PL-23-05669 (40 mins.)

(A) Public Hearing; (B) Action
[2346 Park Avenue Staff Report](#)
[Exhibit A: Draft Final Action Letter](#)
[Exhibit B: 1984 Parkview Subdivision](#)
[Exhibit C: June 15, 2022, Final Action Letter](#)
[Exhibit D: Applicant Statement and Tent Plans](#)
[Exhibit E: July 2022 Parking Study](#)
[Exhibit F: Site Pictures](#)
[Exhibit G: Peaks Hotel Guest Contract](#)

- 5.C **395 Deer Valley Drive - Plat Amendment** - The Applicant Proposes to Remove Internal lot Lines to Create One Lot in the Residential - 1 Zoning District. PL-22-05370 (30 mins.)

(A) Public Hearing; (B) Possible Recommendation to City Council on August 22, 2023
[395 Deer Valley Drive Staff Report](#)
[Exhibit A: Draft Ordinance and Proposed Plat](#)
[Exhibit B: Applicant Statement](#)
[Exhibit C: Licensed Engineer's Survey](#)
[Exhibit D: Property Photos](#)

- 5.D **Land Management Code Amendments – Lot Combinations** – The Planning Commission Will Review a Pending Ordinance on Lot Combinations for Residential Development in the Historic Residential – 1, Historic Residential – 2, Historic Residential Low – Density, and Historic Residential Medium Zoning Districts. PL-23-05655 (60 mins.)

(A) Public Hearing; (B) Continuation to August 23, 2023
[Lot Combination Staff Report](#)
[Exhibit A: Draft Pending Ordinance](#)
[Exhibit B: Public Input](#)

6. ADJOURN

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

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



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JUNE 14, 2023**

COMMISSIONERS IN ATTENDANCE: Chair Laura Suesser, John Kenworthy, Vice Chair Sarah Hall, Bill Johnson, Christin Van Dine, John Frontero, Henry Sigg

EX OFFICIO: Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; Virgil Lund, City Planner; Charles Pearlman, City Attorney's Office; Mark Harrington, City Attorney

1. ROLL CALL

Chair Laura Suesser called the meeting to order at approximately 5:30 p.m. She reported that all Commissioners were present.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from May 10, 2023.

MOTION: Commissioner Van Dine moved to APPROVE the Planning Commission Meeting Minutes from May 10, 2023. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

B. Consideration to Approve the Planning Commission Meeting Minutes from May 24, 2023.

MOTION: Commissioner Sigg moved to APPROVE the Planning Commission Meeting Minutes from May 24, 2023. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

There were no Staff communications.

Commissioner Kenworthy thanked the Commissioners and Staff and stated that it had been a pleasure working with them and serving on the Planning Commission. In reflecting on the Liaison position he held on Transportation, there had not been a lot over the last couple of years, especially with COVID-19.

Commissioner Kenworthy wished to nominate Commissioner Frontero to take over his Liaison position for Transportation to serve with Chair Suesser. After some discussion regarding the timing of a vote on the nomination, Commissioner Kenworthy announced that he would resign today as Transportation Liaison and nominate Commissioner Frontero. City Attorney, Mark Harrington reported that Staff would put the matter on the agenda for the next meeting at which time the Commission could vote on Commissioner Kenworthy's nomination.

Commissioner Hall disclosed that concerning the HOPA Affordable Master Planned Development ("AMPD"), she serves on the Board of the Community Foundation, which held a regular Board Meeting the day prior where there was a presentation about HOPA. She noted that the Community Foundation is affiliated with affordable housing. Commissioner Hall reported that she left the meeting during the presentation.

Chair Suesser asked City Attorney Harrington to indicate whether it would have been appropriate for Commissioner Hall to attend that presentation. City Attorney Harrington stated that this is a small community and they all wear many hats, with non-profits in particular. He stated that the Commissioners should try to avoid one-on-one *ex parte* communications on administrative matters; however, oftentimes a Commissioner cannot avoid discussions or presentations made as part of a group setting. It would be on those occasions where a disclosure should be made at the meeting where the item was back before the Commission. He stated that the substance of the disclosure was to ensure that all parties have a fair opportunity to hear everything heard by a Commissioner before a decision is made.

5. CONTINUATIONS

A. 729 Rossie Hill Drive - Conditional Use Permit - The Applicant is Requesting a Nightly Rental Conditional Use Permit in the Historic Residential Low-Density (HRL) Zoning District. PL-23-05604.

Assistant Planning Director, Rebecca Ward, reported that the applicant requested additional time. Staff recommended continuing the item to June 28, 2023.

Chair Suesser opened the public hearing. There were no public comments. The public hearing was closed.

MOTION: Commissioner Van Dine moved to CONTINUE 729 Rossie Hill Drive – Conditional Use Permit, and the public hearing thereon to June 28, 2023. Commissioner Hall seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

B. 755 Rossie Hill Drive - Conditional Use Permit - The Applicant is Requesting a Nightly Rental Conditional Use Permit in the Historic Residential Low-Density (HRL) Zoning District. PL-23-05605.

Chair Suesser opened the public hearing. There were no public comments. The public hearing was closed.

MOTION: Commissioner Sigg moved to CONTINUE 755 Rossie Hill Drive – Conditional Use Permit, and the public hearing thereon to June 28, 2023. Commissioner Hall seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

6. REGULAR AGENDA

A. 741 Rossie Hill Drive - Conditional Use Permit - The Applicant is Requesting a Nightly Rental Conditional Use Permit in the Historic Residential Low-Density (HRL) Zoning District. PL-23-05603

Chair Suesser reported that the above item was withdrawn.

B. 3267 West Deer Hollow Road - Condominium Plat - The Applicant Proposes 19 Market Rate Residential Units and One Affordable Unit as Part of the Phase II of the Founders Place Condominium Project. PL-23-05597.

City Planner, Virgil Lund reported that the above item was a Condominium Plat for Founders Place, Phase II at 3267 West Deer Hollow Road. The project is located in Wasatch County and the Founders Place Phase II Plat was subject to the Master Planned Development (“MPD”) and Conditional Use Permit (“CUP”) approved on January 12, 2022. He added that the Phase II Plat was also subject to the 1995 Settlement Agreement and the Wasatch County Density Determinations.

Planner Lund reported that the Phase II Plat includes 19 market-rate residential units totaling 49,374 square feet, along with one affordable housing unit. A screenshot from the applicant’s website was shown to the Commission. Planner Lund indicated that it illustrates the Founders Place project in relation to the Deer Valley area. The proposed Plat Amendment will occur on Lot 2. He stated that the Founders Place Project as a whole was approved for 78 residential units for all three phases. The setbacks for the project were determined according to the Wasatch County Density Determination. The Density Determination requires a 40-foot setback from Deer Hollow Road and a 25-foot rear setback. Additionally, a Party-Wall Agreement was submitted for the side setback with Lot 1 because the buildings will be adjoining.

Planner Lund stated that the Founders Place Phase II Plat complies with the requirements of the Housing Mitigation Plan, modifications to the MPD, and the Multi-Unit Dwelling CUP with regard to Density, Open Space, and Affordable Housing obligations. The Park City Municipal Development Review Committee reviewed the application and did not require any Conditions of Approval. The Wasatch County Development Review Committee also reviewed the application and required the submission of a Storm Water Runoff Protection Plan.

Staff recommended the Planning Commission review the proposed Condominium Plat for Phase II, open a public hearing, and consider forwarding a positive recommendation for City Council's consideration on July 6, 2023. He noted that the applicant prepared a brief presentation and left it to the discretion of the Commission if more information is required. The Commissioners asked to hear the applicant's presentation.

The applicant's representative, Bill Fiveash from East West Partners, stated that they are very excited about moving on to Phase II of the project. He reported that Carder Lamb, Project Manager from East West Partners, had a 12-page presentation for the Commission that was recently shared with Mayor Nann Worell. The presentation focused on the status of Phase I, the plans for Phase II, and specifically the applicant's employee housing efforts.

A rendering of Phase I was presented to the Commission and it was noted that this project is below the St. Regis, which is a 13-story building at the top of the hill. Applicant Fiveash stated they began Phase I in October and it had been nothing but a nightmare given the weather this winter. He noted that while they had approximately 600 inches of snow on-site, they were able to stay on track and were only 30 to 45 days behind schedule. He lauded the General Contractor, SMC Construction, and noted that the applicant worked with Deer Valley for 20 years and was able to keep people skiing during construction.

Applicant Fiveash indicated that they still expect substantial completion in September of 2024 on this Phase, and presented a photograph taken in January. Phase I is comprised of three components including Edgar East and Edgar West, which are the two residential buildings, and the Polly, which is the amenity building. In mid-January, they were still going down into the ground on Edgar and were starting to pour concrete on Edgar West.

Applicant Fiveash presented an image that showed the status in May when there was still a lot of snow on the mountain. He commented that they were proud of SMC Construction and the work they were able to do with Deer Valley to keep the site and the community clean. He noted that it was remarkable that they had 600 inches of snow on site, and they were able to contain the mud. In Phase I, there are 32 residences, all of which are under contract with binding agreements with new homeowners. He estimated that they will close in October 2024. He added that Phase I included four one-bedroom employee housing units that are approximately 850 square feet each. These would be delivered at the same time in October 2024.

Applicant Fiveash offered up a Transfer Fee that would go toward the City's employee-housing effort and shared that when they close the residences in October 2024, the applicant would transfer a check for \$835,413 to the City Housing Fund. With regard to Phase II, Applicant Fiveash advised that the design was completed and they were ready to move forward. Phase II will have 19 residences that will go on the market this summer. They hoped to break ground by the end of the summer if they were able to get the Plat in place, as well as the sales. In the State of Utah, in order to have binding contracts they must have the Plat recorded, which also dictates when they can begin construction. Applicant Fiveash stated they hoped to have the Plat approved by the Planning Commission tonight and approved by the City Council at the end of the month.

If Phase II moves forward, he expected those residences to close in March 2025 and generate an additional \$540,000 in benefit to the Community Housing Trust, as well as a Phase II two-bedroom employee housing unit for a total of five employee housing residences in Phases I

and II. When Founders Place is complete, it will have 78 residences in three different Phases. There will be a total of six employee-housing units.

Applicant Fiveash shared that the cost of the six employee housing units in today's market numbers is \$7.3 million. He noted that it was something they want to do but added that it was a scary number as they move forward into the future and try to deliver additional employee housing. He clarified that the \$7.3 million was just the hard construction costs. He further explained that there was a 13% increase in the hard cost numbers for Phase I, received in July 2022, and the Phase II numbers received in February. They were well in the \$700 per square foot range to build these structures in Deer Valley.

It was noted by Applicant Fiveash that the good news was they would expect the Transfer Fee that would go into the Housing Fund through 2040 would generate approximately \$3.2 million. In addition, because the applicant only pledged half of the Transfer Fee on the original sale, the full Transfer Fee would go to the City. On all subsequent sales, half of it through 2040 would go to the City. He added that the remainder of the money would stay within the Founders Place Community Foundation and would be spent within the community. One of their goals was to engage the new homeowners at the same level they were all engaged in looking after the community. One of the ways to do that would be to encourage participation in charities. The Transfer Fee would fund the Community Foundation made up of those homeowners, and the Charter of the Community Foundation would be to benefit the community.

Applicant Fiveash stated that in total, he felt they would generate \$12.476 million in value through 2040 with the Transfer Fee and employee housing units. He stressed that it was important that they stay on track because if they get the project done, these benefits would happen.

In response to an inquiry from Commissioner Kenworthy, the applicant advised that the second homeowner percentage of the 32 units was 100%. Applicant Fiveash added that they were seeing a little change at Argent, which is a project that came before the Commission a few years ago. Two homeowners were spending a lot more time in their homes.

Commissioner Kenworthy recalled discussions regarding the Sunset Clause and noted that the applicant did not seem worried about that. Applicant Fiveash stated he was concerned since they still had 27 more units after this Phase. He mentioned that the lending environment in this community was very scary. The Phase I project was financed through Western Alliance Bank, which was a great lender; however, he wished they were not in the news.

Applicant Fiveash commented that the number of banks who want to lend on projects in the resort communities was down to virtually zero, and without their 40 years of experience and relationships they likely could not get banks to respond at this time. Project Manager Lamb added that this had broadened beyond the resort communities and was occurring across the entire nation. The banks have no money to lend because no one was paying off loans. He stressed this was a unique environment. Applicant Fiveash offered that they were lucky to be in a great community where with the 19 residences that would be brought into the market this summer, and the pre-sales in place.

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

Commissioner Hall asked about the timing for the recordation of the Party Wall Agreement. Planner Lund explained that was a Condition of Approval as part of Phase I, and the applicant submitted the Party Wall Agreement, which would be reviewed by the City Departments. He felt that the Party Wall Agreement would be submitted for recordation with the County just before the Mylar was to be submitted. Commissioner Hall asked if the plat notes for Phase I would be copied over to this proposed Plat. Planner Lund explained that Phase II would have separate plat notes, and that would essentially mirror the Phase I plat notes. Project Manager Lamb confirmed that the requirements of the Phase I Plat were copied onto the Phase II Plat.

Commissioner Frontero asked if the plat notes would be a part of the recording with the County. Project Manager Lamb confirmed that they would be part of the recorded document.

MOTION: Commissioner Kenworthy moved to forward a POSITIVE recommendation for the City Council's consideration on July 6, 2023, for 3267 West Deer Hollow – Founders Place Phase II Condominium Plat, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as follows:

Findings of Fact

Background:

1. The Founders Place Phase I Condominium Plat was approved by the Park City Council on January 27, 2022, and recorded with the Wasatch County Recorder on July 5, 2022.
2. The Founders Place Phase II Condominium Plat includes 19 market-rate condominium units and one affordable unit.
3. The Founders Place Phase II Condominium Plat complies with the Recreation Commercial Zoning District requirements.
 - a. The Founders Place Phase II Condominium Plat complies with the Front, Rear, and Side Setback Requirements.
 - b. The Founders Place Phase II Condominium Plat complies with Open Space requirements established in the Master Planned Development Review.
4. The Founders Place Phase II Plat complies with the requirements of the Land Management Code, Housing Mitigation Plan approved by the City Council on June 28, 2022, modifications to the Master Planned Development, and the Multi-Unit Dwelling Conditional Use Permit which were approved by the Planning Commission on January 12, 2023.

Conclusions of Law

1. There is Good Cause for the Founders Place Condominium Phase II Plat because it complies with the requirements of the Master Planned Development Modification and Multi-Unit Dwelling Conditional Use Permit.

2. The Condominium Plat is consistent with the Land Management Code, including Chapter 15-2.16 Recreation Commercial Zoning District, and § 15-7.1-6 Final Subdivision Plat.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Condominium 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 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 shall record the plat with Wasatch County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this Plat approval 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. The plat shall note that fire sprinklers are required for all new construction.
4. The City Engineer shall review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.
5. The Applicant shall submit draft deed restrictions in compliance with the approved Housing Mitigation Plan for review and approval by the Planning, Housing, and Legal Departments prior to submitting a condominium Mylar for the one affordable unit within Phase II. The deed restrictions shall be approved, executed, and recorded simultaneously with the condominium Mylar.
6. No Certificate of Occupancy for any market-rate unit for Phase II shall be issued by the City until the affordable unit required for Phase II is complete and deed restrictions, in a form approved by the City Attorney's Office, are recorded.
7. Site plans and Building Design must resolve snow release issues to the satisfaction of the Chief Building Official prior to issuance of a Building Permit.
8. The submitted Storm Water runoff protection plan must be approved by Wasatch County prior to building permit issuance.

Commissioner Hall seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

C. Huntsman Estates – Plat Amendment – The Applicant Proposes to Amend Plat Note 3 to Clarify the Building Envelope and Limits of Disturbance Shown on the Huntsman Estates Plat. PL 23-05540.

Senior City Planner, Alexandra Ananth, reported that the applicant was attending remotely, and would offer a presentation after Planner Ananth's report to the Commission. She advised that Huntsman Estates is a 15 Lot Subdivision approved by the City Council in July 2020. It consists of a 40-acre site located off of Royal Street up towards the Silver Lake community. The property is zoned Residential Development ("RD") and is located within the Deer Valley MPD.

Planner Ananth presented an image of the recorded original Subdivision, which includes 15 Lots and a Common Area parcel. The original Huntsman House remained on Lot 12, which is larger than the rest of the Lots. Two additional lands might be developed in a future phase. She reported that Limits of Disturbance ("LOD"), Maximum House Size, Significant Vegetation, and Neighborhood Compatibility were all topics of discussion at both Planning Commission and City Council meetings held on this project. At the time of application, the applicant strongly opposed a Maximum House Size limit, and noted there were no limits in the Deer Valley MPD.

Planner Ananth advised the Plat was originally approved with Building Envelope ("BE") LODs, which were the area within which a house could be built. She noted that it was somewhat unusual that the Building Envelopes and the LODs were combined on the Plat, and it placed the responsibility on the applicant or eventual homeowner to build within the LOD. She noted that it was more typical that the Plat would show either the Building Envelope or the LOD, and they were not usually combined. The combination of the Building Envelope and the LOD had caused some confusion for the buyers and architects of these Lots. She explained that LODs were typically larger and extended out from the Building Pad and Building Envelope, to allow for temporary construction disturbance beyond the Building Envelope that would be re-vegetated after construction.

Planner Ananth stated that Condition of Approval 7 of the original application read as follows: "A plat note shall indicate that all Buildings must be within the LOD area shown on the Exhibit dated 4/15/20. Minor adjustments to the LOD are allowed by the Planning Director so long as the size of the LOD area on the Lot remains the same." She explained that when this plat note was transferred onto the Mylar, it was written down as BE/LOD, and that was how the Plat was recorded.

In response to an inquiry from Chair Suesser, Planner Ananth stated the reference to BE/LOD was not in the Conditions of Approval; however, the Plat Note that was transferred to the Mylar and recorded stated that all buildings must be within the Building Envelope's Limits of Disturbance shown on the Plat. She presented an exhibit that was submitted as part of the original approval, which addressed Lot Area and the LOD. She calculated the BE/LOD in terms of square footage and noted that LODs ranged from 9,148 square feet to just over 25,000 square feet depending on the Lot Size.

Planner Ananth advised that the applicant has proposed to modify Plat Note 3 to exclude driveways from counting toward the Building Envelope LODs. She explained that because the Plat did not show driveways, Staff had been interpreting it as applicants were allowed a certain amount of disturbance, and the driveway had to come out of the LOD. She reiterated that the applicant's proposal was to clarify that driveways be excluded. She reported that the applicant also proposed that the BE/LOD would become the Building Envelope, and allow for temporary

construction disturbance for 10 feet beyond the Building Envelopes. As a concession, the applicant proposed to limit Maximum Home Size to 12,000 square feet. She noted the applicant was not originally inclined to limit the Maximum House Size.

Planner Ananth presented to the Commission an illustration to show the impact of the applicant's proposal. She noted that the black outline on the graphic was the BE/LOD on the recorded Plat. In order to build a house within the BE/LOD, the Building Footprint would typically have to be smaller. She outlined the typical Building Pad in green on the graphic. She explained that the applicant proposed that the black outline on the graphic become the new Building Envelope, and therefore they would be allowed to expand beyond that with temporary construction disturbance ten feet out from the Building Envelope.

Planner Ananth stated that the applicant noted the original LODs were fairly restrictive and were more restrictive than the standard RD Side Setbacks of 12 feet. She advised that they kept the Building Envelopes towards the front of the Lots to prevent long driveways and more site disturbance. Staff spent a lot of time with the applicant on this application trying to arrive at a compromise. With regards to the original proposal, Staff had concerns that the House Size was limited to 12,000 square feet rather than the Lot being limited to 12,000 square feet of total construction. She explained that even if limited to 12,000 square feet, the Gross Residential Floor Area would exclude things such as unenclosed areas like patios and decks, 600 square feet of the garage area, and all basements below grade. Accessory Buildings are not limited in number, and it was not clear if they would count against the Gross Residential Floor Area.

Planner Ananth reported that the Planning Department's general consensus was that the LODs gave ample opportunity for reasonable-sized houses, and the applicant had shown that the average house size in the surrounding neighborhood was approximately 7,000 square feet. Therefore, a 12,000-square-foot house was larger than the average house size in the area. She noted that the Planning Commission tried to limit home sizes initially, and 10,000 square-foot limits were considered in order to be consistent with Red Cloud. Because the Commission discussed protecting Significant Vegetation at length, expanding beyond the LOD would increase Site and vegetation disturbance.

In order to try and deal with some of these issues, Planner Ananth stated that they compromised on Plat Note 3, and proposed the following:

All Lots shall be limited to a Maximum Gross Residential Floor Area of 12,000 square feet, including all Accessory Buildings/Uses, and all development must occur within the Building Envelope. Limits of Disturbance may not extend beyond 10 feet from the Building Envelope. Driveways, utility corridors, paths, and drainage features are exceptions to this restriction. Driveways shall not exceed 20 feet in width. The LOD must be re-vegetated prior to the Certificate of Occupancy. The Gross Residential Floor Area shall be defined per the Land Management Code, except that no more than one basement level shall be allowed on any Lot. Basement shall also be defined by the LMC. Residential Development Lot and Site requirements, including Setbacks and Building Heights, shall continue to apply to all Lots. Lot 12 would be excluded from the Maximum Gross Residential Floor Area.

Planner Ananth stated that the proposal to modify Plat Note 3 complied with the LMC requirements for the RD District, and the Planning Commission should discuss if they could find

good cause for the proposed Plat Amendment. She concluded her presentation to allow the applicant's team present to the Commission.

Benjamin Wu advised that he was appearing on behalf of the developer. He introduced Michael Demkowicz, Alliance Engineering, Paul Huntsman, and Greg Gendrin, Stein Eriksen Lodge. He mentioned that the property was branded and run by a Stein Eriksen team, and was known as Stein Eriksen Estates. The architectural team for Lot 2 was also present to answer any questions.

Applicant Wu felt that Planner Ananth's presentation was a fair representation of what they had been working through. He stressed that they were coming into this as a clarification of the Plat Note, and he felt it was something that did not come to light until the Lot owners were looking to build their homes. There was a difference of opinion as to how to interpret certain Plat Notes, which ultimately led to this point of trying to find a clear guideline as to how to design and build a home.

Applicant Wu also stressed that this was not an attempt to try and build larger homes. It was not the applicant's intent to have big homes on the property, and they had also approached this by recognizing there were no limits in the neighboring areas such as American Flag. They would like to keep that approach, but at the same time, they do not want a neighborhood of fifteen 12,000 square-foot homes. When they ultimately set up this Plat with that intention in mind, he explained that they intentionally set their Building Envelopes to be more restrictive on the length of the LODs. They did not want to take the approach of setting the typical 12-foot Setback; rather, they extended it to 20 feet because they did not want homes right next to each other. He explained that they approached it as though it was the Building Envelope and not necessarily the LOD, which is where the confusion started. As homes were being designed, owners were finding it harder to build within those guidelines without a clear definition of what those lines were.

Applicant Wu stated that ultimately, they were creating larger Setbacks to ensure that the homes would not be so large. He also pointed out that the Lots were fairly slanted, so despite the LOD being larger than in neighboring areas, the actual buildable space was not quite as large as the Envelope would indicate. He reiterated that this would provide a good clarification for the neighborhood, but at the same time, they were willing to set a Maximum House Size limit to ensure that homes would not get out of control and there would be no gamesmanship with the language.

Applicant Wu expressed appreciation for Planner Ananth's work and collaboration on this application and felt it would be a fair amendment to be considered.

Engineer Demkowicz advised that the slides he prepared were presented by Planner Ananth. He added that they had a 3-D model available.

Chair Suesser asked to see the recorded Subdivision Plat, and specifically the Plat Notes. Planner Ananth read Plat Note 3 on the recorded Subdivision Plat as follows: "All Lots are limited to single-family dwellings and accessory units. All buildings must be within the Building Envelope/Limit of Disturbance shown on the Plat. Minor adjustments shall be allowed by the Planning Director so long as the size of the Building Envelope/LOD remains the same."

Planner Ananth advised that when they permitted one house in the Subdivision, they made a small adjustment that reduced the size of the Building Envelope/LOD. The owner was also required to subtract the driveway area from the Building Envelope/LOD. She added that the other Lots that were getting closer to permitting had essentially asked for this Plat Amendment.

Chair Suesser asked if the Lot sizes and Building Pads shown on the recorded Plat were the same as Exhibit C submitted by the applicant that showed the Open Space calculation. Planner Ananth answered in the affirmative. She reported that she picked up on that issue and believed that the requirement was that the development maintain 88% Open Space. Planner Ananth explained that because Lot 12 was so large, the applicant was able to maintain the required percentage.

Chair Suesser asked if expanded LODs would allow the applicant to maintain 88% Open Space. Planner Ananth advised that the LOD would be re-vegetated and would not count against Open Space; rather, only the Building Envelopes would count against Open Space. With total Building Envelopes of 183,000 square feet worth of Site Disturbance, the applicant would still maintain 88% of the total 40-acre site.

Commissioner Kenworthy asked if that calculation included the two Lots. Planner Ananth responded that the two Lots were counted as 100% Open Space now because there was an adjacent parcel owned by the Huntsmans that could potentially be donated. Applicant Wu commented that the Site only has 15 density units, and the Huntsmans own the 20 acres to the north that border Marsac. He stated that at the right time, they would like to have the conversation about putting that land into some sort of Conservation Easement with the City. Currently, there was a private trail across that land. He stated that Land A and Land B were not entitled or platted as buildable Lots. He noted that an Accessory Unit on Land A was part of Lot 12.

Chair Suesser referenced the 4x4 trail mentioned in the applicant's Exhibit C and noted she did not see that trail in the original Subdivision Plat. Applicant Wu advised that on Lot 3, they planned to install the trail that goes across Lot 3. Currently, the trail drops people off at the end of Marsac Avenue and follows Marsac Avenue down to Old Town. The trail splits off onto the 20-acre Huntsman property, and they do not maintain it. They would like to connect that trail so that it would go from Old Town to Royal Street.

Chair Suesser expressed surprise that this was not part of the initial approval. Planner Ananth noted there was a dirt road running through the Subdivision that follows the Snyderville Basin sewer line. She stressed this was not an active trail. Chair Suesser referenced a note on Exhibit C that noted a relocated 4x4 road. Applicant Wu explained that the trail seen on the map used to be the trail they used to maintain the property. Because the Lots go over that trail, they placed the trail on the side in the new drawing.

Planner Ananth noted there was an active hiking/biking trail that crosses the applicant's property for which they granted an easement in Phase I. That trail was dedicated to the City prior to recording the Phase I Plat, along with a \$25,000 contribution for the City to maintain that trail. She confirmed there was an active recreation trail on the side, and then a private trail seen in the aerial image.

Chair Suesser wondered when the trail was put in and for what purpose. Planner Ananth recalled that the trail had existed for a long period of time. Applicant Wu explained that the

thought process was that they were thinking of putting in a 4x4 trail, as there was no easement in place for that trail.

Chair Suesser wanted to know how the relocated 4x4 trail outside the Subdivision came about, and whether the applicant would construct the building sites using the 4x4 trail rather than Legacy Road. Applicant Wu did not feel that the 4x4 trail would be built. Planner Ananth understood that was access to the sewer line, and it was not proposed to remain.

Applicant Huntsman agreed with Planner Ananth and added that the trail seen on Google Maps was not going to be used for construction. He described it as an old trail that went back to the early to mid-1980s.

Commissioner Van Dine understood that the Plat Amendment would restrict the House Size to 12,000 square feet on all subsequent Lots, but there would be no restriction on the Lot 12 home expansion. Planner Ananth stated that as written, Commissioner Van Dine's understanding was accurate. Commissioner Van Dine wanted to address this issue.

Commissioner Sigg asked if the definition of Basement included everything below grade and not opening out. He specifically referenced downhill Lots and wondered if they were referencing basements that were truly subterranean or basements that had three subterranean walls and periscope windows looking out to find the grade at a lower elevation on the site.

Planner Ananth explained that if it met the definition of a Basement, it would not be counted. She read the definition of Basement as follows: "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. Basement Area below Final Grade is the area located under a ceiling that it below Final Grade." Therefore, she advised that if a Basement were below Final Grade it would not count; if it a Basement was partially above Final Grade, she believed a portion of it would count towards square footage.

In response to Chair Suesser's inquiry regarding the driveway, Planner Ananth explained that a driveway that was located inside the Building Envelope would not count; only the area connecting the Building Envelope to the Right-of-Way would count. She confirmed that it would be only that section that would be subject to the 20-foot limit. Planner Ananth added that if an owner wanted to use a portion of their Building Envelope as a carport area that would be allowed within the LOD, but it would not count as part of the Building's square footage. Chair Suesser observed that currently, the driveway would count, and noted the distinction was that they wanted to exclude driveways.

With respect to driveways, Commissioner Frontero asked where the confusion was in Plat Note 3, which excluded driveways. Planner Ananth offered that there was no confusion with regard to the driveway area; rather, the confusion was that architects were looking at the BE/LOD as the BE and designing houses to the BE, thinking they could have LODs outside of the BE. Planner Ananth stated that they had been clear that the connection of the driveway would not count against the total allowed LOD. She agreed there was no confusion that way it was currently written that the driveways were not excluded.

Commissioner Frontero observed that the applicant was now asking for exclusion of the driveways. Planner Ananth mentioned that in other Subdivisions, it was more typical that the Plat Note discussed whether driveways were counted or excluded from LOD. Commissioner

Frontero responded that other Subdivisions also have Maximum Square Footages in place, and he did not necessarily see any consistency with that argument.

Applicant Wu commented that the Note did not address driveways. The only neighborhood in the area with a Maximum House Size was Red Cloud. Huntsman Estates was closer to American Flag than Red Cloud, and every neighborhood in the periphery was the same way.

Chair Suesser found it interesting that they went to the trouble of noting the driveway easements necessary for the three southern Lots. It was noted by Engineer Demkowicz that those three Lots were on the hillside above Legacy Way, and the road in front of those Lots was lower than the terrain where the building would be ideally placed. Therefore, on the original Plat, they created driveway easements, which they wanted to maintain in this Plat Amendment. The idea was that Lot 15 could start a little higher on Legacy Way across the Open Space parcel, which would allow the driveway at an elevation that would have been less accessible if they did not have the driveway easements. He added that also spoke to the reason they wanted to be careful about having too much of the driveway area count towards the Building Envelope. He reasoned that Lots 13, 14, and 15 would need a slightly longer driveway to get to the ideal position on the Lot. Some of the Lots off the cul-de-sac on the other side of the Subdivision would require some minor modifications to allow them to be away from each other. If they have a longer driveway to allow for this situation, they would not want an excessive amount of the driveway to be counted towards the Building Envelope size.

Engineer Demkowicz stressed that this was why they wanted a clear distinction for these homes to build driveways, and for Lots 6 – 11 it would be difficult to build extravagant driveways and be able to build the house they want to build. He felt that the Lots on the hill would have longer driveways to allow for them to be positioned above the neighbors' homes. Additionally, longer driveways would be needed at Lots 2 and 3 to get more separation between those homes. For a majority of the homes, however, driveway lengths or areas were not too much of a concern or would be too excessive because it would take away from the owners' ability to put in a house and landscape features.

Commissioner Hall asked if they were proposing to draw LODs around the Building Envelopes, or whether they were just amending Plat Note 3 to clarify the Building construction activity. Planner Ananth explained that they would adjust Plat Note 3 to clarify that what was shown on the Plat was Building Envelopes rather than BE/LODs and that the LOD would be allowed 10 feet beyond the Building Envelope.

Commissioner Johnson sought clarification that they would add a 10-foot buffer around the existing BE/LOD that would be the LOD and the existing depiction on the Plat would be the Building Envelope. Planner Ananth confirmed. In terms of the 12,000-square-foot limit, Commissioner Johnson asked how it would affect the chart included in the Staff Report. He observed that at face value, half of the homes would be allowed to go above 12,000 square feet. Planner Ananth explained that the additional column depicted the square footage of what would be classified as BE; therefore, Lot 2 would have a very extensive Building Envelope of 25,000 square feet. A 12,000-square-foot house could easily fit within that existing BE; however, on some of the smaller Lots where the LOD was limited to 9,000 square feet, the footprint of the house would push the envelope in terms of the Building Envelope.

Planner Ananth reiterated that all Lots would be limited to 12,000 square feet, with the exception of Lot 12. The applicant added that this chart reflects the smaller Lots where an owner would

not realistically build up to the 12,000 square foot maximum because it would not fit. The reason the applicant wanted to keep it at 12,000 square feet was there were only a couple of Lots where they could build to that size.

Commissioner Johnson expressed comments that were largely inaudible.

Commissioner Hall sought confirmation that the new language for Plat Note 3 would state that the outline was the Building Envelope on the existing Plat. Planner Ananth agreed and stated further that the footprint of the house would be required to be contained within that outline. With regard to Footnote 13 on the existing map, Commissioner Hall noted that it also referenced the Building Envelope/LOD. For consistency, she suggested removing reference to BE/LOD in the future and felt it was confusing to have BE/LOD. She wondered if there was a way to clarify that it was the Building Envelope that was around it. In the second sentence, she would change the language from "this restriction" to "exceptions to this LOD" to clarify that the restrictions were in reference to the LOD.

Commissioner Hall supported maintaining the language in prior Plat Note 3 that allowed the Planning Director the authority to not change the limit but could approve minor tweaks. She would also be in favor of not allowing Lot 12 to increase its square footage over what currently existed. Commissioner Van Dine added that would include outbuildings. Chair Suesser noted there was an existing garage on Lot A. Commissioner Hall felt that a 12,000-square-foot home was pretty intense for a majority of the Lots that are on a half-acre. She would be in favor of at least limiting it to 12,000 square feet, as proposed. She felt that even with the Setbacks, 12,000 square feet seemed like a massive house. She commented that it was an error to not include the driveways in the Plat Note, especially since it was also an error to include BE/LOD. She would like to correct this.

Chair Suesser agreed with Commissioner Hall's comments about the 12,000-square-foot limit and did not view it as a concession. Commissioner Sigg interjected that he was still concerned about the definition of a Basement, and the habitability of what might be defined as a Basement. He stated that every diagram in the Code shows exactly the scenario and makes a distinction between a first floor and a Basement. If Basements were excluded, and a Basement had a 5,000 square foot footprint, an owner could add 5,000 square feet to the 12,000 square foot maximum. He added that could be 50% of the 5,000 depending on the slope of the hill and how much was below grade.

Chair Suesser asked Commissioner Sigg if he would be amenable to a 12,000-square-foot Maximum House Size inclusive of Basement. Commissioner Sigg stated he was not as concerned with the 12,000 square foot limit as he was about how a Basement could be construed as adding square footage, especially on a downhill Lot.

Chair Suesser noted that the Planning Commission would need to make a finding of Good Cause, and she requested the Commission to think about if the developer made the public trail connection as a public benefit that would help them get to the Good Cause needed for this application.

Commissioner Frontero reviewed the notes from 2020 to familiarize himself with that process. He noted there were a lot of discussions before the Planning Commission and City Council about protecting Significant Vegetation. He sought clarification that the amended Plat Note 3

would add an additional ten feet to the LODs on each of the Lots. Planner Ananth confirmed that was correct.

Commissioner Frontero felt this was counter to the 2020 discussions regarding limitations to help protect Significant Vegetation. He understood the applicant proposed re-vegetation; however, he observed that was not the same thing. He considered this to be a major disturbance and offered to add up the square footage of that extra 10 feet over 14 Lots. Commissioner Frontero stated this would be a new disturbance that was not granted in 2020. He expressed concern about allowing an additional 10 feet around each Lot's LOD.

Applicant Wu stated it would come down to an interpretation; from the applicant's perspective, they viewed this as a Building Envelope, therefore whether it was 10' or 15' outside the Building Envelope, that was contemplated when they initially recorded the Plat. He felt it was difficult to state that this was new land they were planning to disturb when the applicant felt that this was land that was already agreed to be disturbed. This illustrated the disagreement of whether this was the Building Envelope or the LOD.

Engineer Demkowicz stated they would not be adding 10 feet to the entire perimeter of the rectangular shapes on the drawing; rather, the 10 feet were to allow for the construction of the house. They needed to be able to place the building lines at the Building Envelope and build the house. Without a temporary construction disturbance, they would have to build the house from the inside. They would therefore have to move the building lines in even further than intended, and by setting those additional Side Setbacks of 20 feet, they were already trying to place the buildings further away from each other. He stated that it would not be a 10' disturbance around the perimeter of the entire Building Envelope, other than the disturbance necessary to build the structure. Where they have landscape features, site features, and patios, there would not be a need to disturb significantly beyond those areas because those areas could be built with less disturbance. He stressed that a house needs to be built with access around the perimeter, and that was the intent of the 10-foot disturbance.

Commissioner Van Dine observed that the 10 feet of disturbance might be required on the smaller Lots; however, Lots 2 – 5, and 13 have pretty large Building Envelopes. To grant these Lots 10 feet more on the already large Building Envelopes seemed excessive.

She acknowledged the applicant's intent in this regard but noted that the applicant would not be limited by the 10-foot disturbance around the entire perimeter. Commissioner Sigg asked if there were owners who had already designed their houses. He opined that it likely was these designs that dictated the need for the 10 feet. If they changed the design, they might not need the 10 feet.

Commissioner Sigg agreed that 10 feet around the house would be needed for construction activities; however, they were looking at houses that were already designed, and now the applicant had requested the additional 10 feet to conform to the designs, rather than designing to the criteria of the Lot.

Chair Suesser commented that this led her to believe that these were LODs and not Building Envelopes, because the homes had not yet been designed. Initially, the developer wanted a Plat in place, yet they had not designed the homes. She felt this meant that they were LODs, not Building Envelopes.

Planner Ananth offered her belief that there was a misunderstanding between the applicant and Staff. She always interpreted those as LODs, but it was fair to say the applicant interpreted them as Building Envelopes or Building Footprint Pads.

Applicant Wu highlighted that was the reason they set the Setbacks longer than those required in the RD zone. Engineer Demkowicz agreed and stated that if they had anticipated this discussion, they probably would not have set a Building Envelope at 20 feet and/or potentially would not have created Building Envelopes, to begin with, and keep these as 15 Single Family Lots. He added that the idea of the Building Envelope was to create a little more space between the Lots and position the homes more appropriately, but not at the detriment of an architect designing a house that the owner liked. He noted the houses would have to continue to decrease in size because they would have to account for the track hoe being operated on the BE/LOD. If they were to call it an LOD, they would have likely asked for more area definitely on some of the smaller Lots.

Applicant Huntsman stated that the smaller Lots would have their houses significantly impeded by not having a new Plat Note 3 that would bring more clarity to the Plat.

Commissioner Kenworthy referenced Commissioner Sigg's comments about the 12,000 square feet being inclusive of the Basement, especially on the very small Lots. He stated that if he were an owner of one of the small Lots, he would want to keep the Significant Vegetation between the Lots. He noted that some of those Lots had some very nice views, and there was some older Significant Vegetation towards the back of Lots 5 - 11. Commissioner Kenworthy wanted assurances that this Significant Vegetation would not be disturbed, and he would not want to see an extra 10 feet of disturbance, especially on the back of those Lots. He understood and appreciated that the applicant provided 20-foot Side Setbacks. He imagined the contractors and designers would try and keep the Vegetation on the back of those Lots.

Commissioner Kenworthy felt that the discussions referenced by Commissioner Frontero related to the Significant Vegetation at the back of these smaller Lots. The 12,000 square feet was a trade-off, especially on the bigger Lots; he noted that an enormous house could be built on Lot 3. Commissioner Kenworthy would like some definition of these issues and echoed Commissioner Hall's statement that we do not want to keep coming back on this issue.

Chair Suesser recalled that a visual analysis was done due to the concern that they would see these homes looming over Old Town. She noted that the Maximum House Size in the visual analysis was 10,000 square feet, which was consistent with the Maximum House Size at Red Cloud. She felt the Commission should consider this when considering the applicant's request for a Maximum House Size of 12,000 square feet.

Engineer Demkowicz understood Chair Suesser's point, and noted that this development was not seen from all of the vantage points listed in the LMC, including the bottom of Main Street. He stated that was the vantage point they spent some time on in the Sensitive Land Overlay Analysis for the original Plat. He stated that in 2020, they did modeling when they used 100' x 100' rectangles as a footprint. With an increase to 12,000 square feet, the houses would still not be seen from the Vantage Points in the LMC. In general, he noted that this Site is very isolated from adjoining areas, and not too many would be impacted by an increase from 10,000 to 12,000 square feet. The neighboring communities largely would look down on this neighborhood, as opposed to being within their view.

Engineer Demkowicz stressed that these homes would not be in a location to be seen regularly by everyone in town. He felt that no one would know the difference between a slightly larger house on this particular Site due to its location.

Chair Suesser asked if the Vantage Points in the LMC changed since 2020. Planner Ananth stated that they had not; however, the Visual Analysis from 2020 showed there was very limited visibility of the Site. Commissioner Frontero observed those conclusions were based on 10,000 square foot homes.

Commissioner Hall referenced Commissioner Kenworthy's comments regarding the north end of the property in terms of the Building Envelope and LOD. Engineer Demkowicz showed a graphic to the Commission, and noted that the west side Lots looked down into Old Town. The graphic showed where the applicant set the Building Envelope and the additional area given by the applicant on the Side Setbacks. He stated there were only a handful of trees that were directly outside the Building Envelope line, and they likely would not see a significant number of trees removed. He noted that if there were sensitive trees, they would likely be on the edge of the Lot and therefore maintained.

With regard to the side yards, Engineer Demkowicz stated that part of the reason they set the 20-foot Side Setbacks was to allow them to keep some of the large, mature trees between the homes. If the Side Setbacks were at the zoning requirement of 12 feet, he expressed concern that homes would have to be built at the Lot line, and the trees on the Lot line would have to be removed. By having a 20-foot Setback, the intent was to provide space to maintain some of the mature trees.

Commissioner Sigg asked if there was an exhibit prepared that identified the Significant Vegetation. The applicant understood that would be handled at the Building Permit stage. Each Lot would identify each Significant tree, and which trees would be removed. It would be difficult to do this at the time of the original Plat, and today, to anticipate the various creative architectural floor plans.

Commissioner Sigg would like to see some sort of identification of Significant trees. He suggested a site visit to see what was present and commented that if they knew what was there, they could see the true impact of granting the applicant's request. He stated that everyone would be required to re-vegetate; however, many of the evergreens were big trees. He was not that opposed if there was a really good plan, but he wanted to see what major trees would be removed and what the giveback for those might be. He also would like to see what Lots might be excluded from the expansion of the LOD because of those trees. He reiterated that it would be helpful to his decision to know how the expansion of the LOD beyond the Building Footprint would impact the Significant Vegetation. Chair Suesser commented that this was all contemplated in the Visual Analysis from 2020, and the restrictions on the LODs so the Significant Vegetation would be maintained. She observed that the applicant's request would change a lot of what was already determined about this Subdivision.

Commissioner Hall asked if the Commission wanted to include language that Significant Vegetation could not be removed outside of the Building Envelope. She asked if the Commission agreed that the large trees on the north end of Lot 10 should be preserved. She then commented that Lot 2 had scrub Oak.

Commissioner Sigg felt the context was the number of trees. He recognized that they had to do what they needed to do for construction, but if they were talking about 100 trees that were 50 – 60 feet tall that was a different story. He noted that they were already losing many of those trees at a rapid rate.

Commissioner Hall asked if there was interest in a Condition of Approval stating that No Significant Vegetation could be removed outside of the Building Envelope, even if the builder could have construction activity within the 10-foot extension. Commissioner Van Dine was agreeable with that language.

Commissioner Sigg noted the builder could boom crane materials into the Building Envelope.

Chair Suesser opened the public hearing.

Josh Arrington stated that he works with Upwall Design, and was one of the architects that went through the planning process and was surprised by the limitations on these Lots. He opined that applicant's proposal was a good way to clarify the Building Envelope versus the LOD because when they see Lots on the Plat that do not connect to the road, they initially determine that a driveway would require an exclusion. He reported that the current Plat Note reads as though the Planning Director would have to approve every single Lot because there would be a Building Envelope adjustment for each Lot. Speaker Arrington did not believe that was the intent. He added that his client owned Lots 7 and 8, and wanted to ensure that there would not be any other surprises moving forward. Speaker Arrington noted the addition of requiring re-vegetation before issuance of the Certificate of Occupancy. He agreed there needed to be some sort of contingency on re-vegetation, but the concern was if the house was completed in January, re-vegetation could not occur until May or June. He wondered if there was a way to add a note that would provide a 6-month grace period and would allow for the recording of a bond to ensure that re-vegetation occurs within that time period.

Speaker Arrington added that the Plat required that each Lot obtain their own Arborist Report to label and indicate which trees were Significant, and which trees needed to be saved. He also mentioned a Note regarding the fire safety of having a certain distance from the Building Envelope. He reiterated that his primary concern was making sure there was a means for re-vegetation if a project was completed during the winter season.

There was no further public comment. Chair Suesser closed the public hearing.

Chair Suesser asked Planner Ananth if Staff ever suggested that they just exclude the driveway connection to Legacy Road. She observed that would get the applicant to where they needed to be. Planner Ananth indicated that Staff proposed the applicant exclude the driveway connection. Applicant Wu stated that would be the applicant's more pressing issue. He stated that if there was a possibility to do that first while they focus on the other issues, that would address the Lot owners' concerns that there be an exclusion for the driveways so they could proceed with their building plans.

Commissioner Kenworthy did not have an issue with that and felt that Speaker Arrington made a good point about the Certificate of Occupancy for homes completed in the winter. He suggested a Condition of Approval that would allow an owner who completed their home during the winter to get a Certificate of Occupancy and bond something over until spring.

Commissioners Hall and Van Dine agreed. Chair Suesser added that she would require a Re-Vegetation Plan along with the bond.

Commissioner Frontero asked if a six-month time frame would be sufficient. Applicant Wu felt that would be acceptable.

Commissioner Hall referenced Water Wise Landscaping and recalled that five-feet outside the house was required to be a clear area that would not be re-vegetated from a fire safety standpoint.

Assistant Director Ward explained that with any Significant Vegetation impacted by the requirements of the Wildland Urban Interface Code, the owner would be required to come up with a replacement plan that would be reviewed by the Forestry Board. There would be a distance required between the structure and some of the Significant Vegetation. She confirmed that there would be reasonable flexibility for when owners re-vegetate.

Chair Suesser observed that the Commission was moving in the direction to amend the proposal. She mentioned the discussion regarding the inclusion of any Basement square footage within the 12,000 square-foot Maximum Home Size. There was consensus for this, as long as they could define Basement.

Commissioner Frontero asked Planner Ananth to re-read the definition of Basement. Planner Ananth stated that a Basement was any floor level below the first story. Those floor levels in buildings having only one-floor level are classified as a Basement unless it qualifies as a first story. Commissioner Frontero understood there was a consensus to include Basement included in the 12,000 square feet, and accepted Planner Ananth's suggestion that the 12,000 square feet Maximum would be on the Lot, not just the Building. Planner Ananth confirmed that if additional Accessory Structures were built, they would count toward the total square footage.

Commissioner Van Dine also mentioned discussions regarding limitations on the house size on Lot 12 to its current square footage and outbuildings, with no expansion. Chair Suesser expressed disagreement with that, given the size of the Lot. Commissioner Van Dine stated that it was already a 22,000-square-foot house.

Chair Suesser noted the house on Lot 12 was very isolated, and she did not see the need to include that restriction. She asked the Commissioners if there was a consensus on putting a limit on the home size on Lot 12. Commissioner Hall and Commissioner Frontero supported limiting the home size to its current square footage.

Chair Suesser asked if the proposal was to add up the square footage of the existing home and any Accessory Buildings and limit the Lot to that number. Commissioner Frontero agreed.

Commissioner Sigg was also in agreement with the limitation on Lot 12. Commissioner Kenworthy agreed and would be okay if the applicant would come back and move the Accessory square footage over to the other Lot, especially if they would make a deal with the City to trade for the two additional Lots in exchange for the 20 acres to the City.

Chair Suesser clarified that any development on the east and west Lot would require additional approval. Planner Ananth confirmed that it would. Commissioner Kenworthy suggested that he

would move the building on Lot A over to the 22,000-square-foot home if the applicant was willing to make the trade.

Planner Ananth explained that currently, Lot 12 included that land, and would be reduced in size. Commissioner Kenworthy understood and would give the applicant the square footage from that Accessory Building to the reduced Lot 12 if the applicant wanted to make a trade. Chair Suesser felt that was consistent with the discussions about limiting the square footage on Lot 12.

Commissioner Frontero raised the issue of Good Cause, and Chair Suesser's suggestion of continuing the trail as a community benefit that would go towards Good Cause. He asked if there was consensus about conditioning the approval with something like that.

Planner Ananth asked if they were referencing the trail on the adjacent property. Chair Suesser clarified that they were referencing the trail that went over Lot 3. Planner Ananth advised that was not a real trail and was not open to the public. She added that there was a bike trail on the adjacent property, which was the one they discussed getting an easement on when and if the applicant returned for the additional Lots.

Planner Ananth explained that the Deer Valley MPD would have to be amended to allow for that to happen, which was the real reason it had not happened to date. She stated there had not been a real appetite to amend the MPD to allow for two additional units.

Chair Suesser referenced the original Subdivision Plat and the zigzagging trail. Applicant Wu advised that the trail shown on the Plat did not exist today and the applicant would be putting it in. He added that it connects down Marsac Avenue, where a user could go along the side of the road to get back to Old Town or continue up Marsac Avenue.

Planner Ananth acknowledged she had been looking at the wrong trail. She stated that the trail just described was conditioned on the Plat to be dedicated with an easement to the City, and that had occurred. She confirmed that the trail that zigzags along Lot 3 was public, and added that it went into the applicant's 20 acres and connected through. Applicant Wu confirmed there were two connections to that trail.

In response to an inquiry, Planner Ananth advised that the Deer Valley MPD would need to be amended to bring the additional parcel into the MPD and get the additional units of density.

Chair Suesser asked if the applicant could make that connection now, given that it owns the land. Planner Ananth believed it was prohibited because that parcel was not currently in the Deer Valley MPD and there was no density associated with it.

Chair Suesser noted the Commission was looking for Good Cause to approve this application, and she felt that it would be reasonable to request the developer to make that trail connection. She noted the developer was already required to dedicate the trail shown on the map, but the connection did not continue. Applicant Wu stated the trail did connect, and noted that two trails connect to this one trail. One trail goes through the applicant's 20 acres, and the other was currently a public trail that followed Marsac. He commented that the drawing on the Plat looked like it was not finished, but that was only because the drawing stops at the applicant's property line. He confirmed that the trail continued down.

Chair Suesser invited the applicant to express the good public benefit that would allow the Commission to approve this Plat. She suggested it might be related to trails in this area.

Applicant Wu stated the applicant was amenable to everything discussed, but he felt it was a broader conversation that would take some time. He stated that the pressing issue now was excluding the driveways so that owners could build something that would connect their Building Envelopes. He recognized that all of these issues were getting tied together, but the applicant would like to separate the issues because those other issues would take time. He felt there was a lot of work the applicant could do to show the Planning Commission the different options, and he was not prepared at this meeting to discuss those. Applicant Wu reiterated that the focal point was to get some sort of exclusion of the driveway so that owners could start designing their homes.

Chair Suesser queried why they could not just exclude from the square footage any driveway that falls outside the LOD. Planner Ananth stated that could be accomplished with the Plat Amendment, and noted that was what the applicant proposed.

Chair Suesser commented that the applicant proposed extending 10 feet beyond the current Building Footprint on all sides. Just excluding the driveway outside of those diagrams was less than 10 feet beyond the footprints shown on the diagrams.

Planner Ananth understood that Chair Suesser was asking if the applicant could live without expanding the LOD if the Planning Commission gave them the driveway. Chair Suesser stated it would exclude any driveway that would fall outside of the LOD from the square footage. That would allow owners to connect to Legacy Road.

Applicant Wu expressed that in the interest of moving forward, he would be inclined to accept that; however, he wanted to check with his team and partners to ensure that it would work. He reiterated that was the more pressing issue, and believed it would work to allow owners to connect their Building Envelopes.

Planner Ananth asked if the applicant was suggesting this item be continued to a date certain. Chair Suesser suggested the Commission could pass a motion excluding driveways from the square footage, and then if the applicant needed the LOD area, they could come back. Applicant Wu was agreeable to that process.

City Attorney Harrington asked Planner Ananth to prepare a redline to the proposed Condition of Approval 3 to address the Commission's direction on Basements. Chair Suesser asked the Commissioners if they would prefer limiting this approval to the driveway exclusion, rather than including the other issues such as LODs and Significant Vegetation. Commissioner Frontero was agreeable and offered that he was most concerned about the LODs

Chair Suesser clarified that any driveway within the LOD would count towards the square footage; it would be the driveway outside the LOD that would not count towards the square footage.

Engineer Demkowicz did not feel that gave the applicant much as it would be a small amount of area, and would not help them with Lots 13, 14, and 15 which would need a longer driveway. To include the rest of the driveway as part of the Building Size was a restriction they would not want to accept. He went back to the issue of the 20-foot Side Setback and stated that if they

knew the driveways inside of the Building Envelope would be part of the total square footage, they would not have restricted themselves by virtue of agreeing to the 20-foot Setbacks. He understood the sensitivity of allowing a 10-foot disturbance and commented that it represented a reasonable amount of space to construct the buildings and to allow for clearance for fire safety.

Commissioner Frontero understood the applicant's comments but stressed that the Commission was having an issue with the fact that the applicant's misunderstanding of this language was not the Commission's problem. He emphasized that the applicant misunderstood how this was written, and now the applicant realized the problem after these homes were designed. He commented that Planner Ananth has stated her belief that there was never a misunderstanding. Planner Ananth corrected this and stated her belief that there was a misunderstanding; she also assumed those were LODs and believed the applicant when they represented that they felt they were Building Envelopes.

Commissioner Frontero stated that Planner Ananth never thought it was an issue because she thought it was an LOD, and noted that he felt it looked like an LOD. The applicant now thinks there was confusion, and he was unsure that the applicant's confusion now that the plans have been prepared was something that the Planning Commission was required to solve. He stated the Commission was trying to work with the applicant, who stated the pressing issue was the driveway, yet the applicant objected to Chair Suesser's solution to this issue. Applicant Wu felt that getting a connection to the Building Envelope sounded reasonable; however, he stated that he needed to speak with his team to determine if he had a different opinion.

Engineer Demkowicz stated that it was not that they were confused; rather, as the architects were proceeding through the Building Permit process, the interpretation they received from the City was taking more and more area from what was intended to be site development. He felt the response was to still call these LODs, and then require the walls inside of that area; in that case, they would not have set up a 20-foot Side Setback. Applicant Wu felt this was a conversation they applicant team would need to have. For the purposes of this meeting, he would like to make sure they could connect the driveways from the BE/LOD to Legacy Way. He stated that they could revisit these other issues during the next meeting. He did not feel they would get to the BE/LOD answer during this meeting, and out of respect for everyone's time suggested they come back in a couple of weeks.

Chair Suesser asked Planner Ananth to revise Note 3 to just reflect that the driveway connection to Legacy Way would be excluded. Planner Ananth stated she would work on the proposed draft with the Legal Department prior to this going to City Council, and she would email it to the Commission. She acknowledged that it would essentially add language stating that the driveway connection to Legacy Way shall not be included in the LOD.

Commissioner Johnson asked if they wanted to include the utility corridors as well. Chair Suesser felt Planner Ananth understood, but did not state it correctly. Commissioner Hall suggested a short break to allow Planner Ananth to work on the language. Following a short recess, Chair Suesser called the meeting back to order.

Planner Ananth reported that they would return to the existing Plat Note 3, with a few adjustments to clarify that all Footprints must be within the LOD. She, therefore, struck all references to Building Envelopes. She stated that the Planning Director would still allow minor adjustments to the LOD so long as the LOD remained the same. Driveway connections

between the LOD and the Right-of-Way shall not count against the LOD. Driveways outside the LOD shall not exceed 20 feet in width but could be widened once into the LOD.

Chair Suesser felt that driveway connections between the LOD and the Right-of-Way should not count against the square footage, and was not sure what was meant by “count against the LOD.” Commissioner Hall offered that it was an exception to the LOD because it would allow disturbance of land outside the LOD. Chair Suesser confirmed that this would only apply to the driveway outside of the LOD. Planner Ananth stated they had the total square footage of the allowed LOD, so they could state that the driveway connections between the LOD and the Right-of-Way shall not count against the total LOD square footage allowed.

Commissioner Johnson asked if they wanted to include utility corridors. Commissioner Hall felt this was a very valid point. Planner Ananth stated that they really would want the utility corridors in the driveway. Commissioner Johnson understood that, but noted that sometimes the utility companies pigeonhole property owners.

Chair Suesser wanted confirmation that the reference to the total LOD square footage was clear, and suggested referencing the chart. She added that there was consensus to add an additional Note requiring the re-vegetation prior to the Certificate of Occupancy.

Commissioner Hall believed that only applied to disturbances outside the 10-foot increased LOD. Applicant Wu felt there was already re-vegetation language within the current LOD.

Chair Suesser mentioned that Staff said they would remove all references to Building Envelopes, yet there were still a lot of references to Building Envelopes on the Plat. Planner Ananth stated she could strike all references in Building Envelopes in the other Plat Notes and specifically mentioned Plat Note 13 and the table in the upper right-hand corner.

Chair Suesser referenced discussions during the break. City Attorney Harrington did not recommend references to items submitted by an applicant on a Plat that was not containing a citation to anything specific. He felt it was fine as is, and thought they were going in the wrong direction. Chair Suesser asked if the total LOD square footage allowed was clear in the second to last sentence of Note 3.

City Attorney Harrington felt all of these were qualifications for the first sentence, which just referenced LOD. Adding more verbiage to what they had in the first sentence could just allow someone to argue something else. Chair Suesser suggested ending with “against the LOD” and removing the word “total.”

Planner Ananth asked if the Commission wanted a Condition that any references to Building Envelopes would be stricken. Chair Suesser suggested they could state that all Building Envelopes must be within the LOD.

Commissioner Hall felt the confusion came from use of the term Building Envelope. She understood the applicant’s confusion and would like to do what they could to correct the language. She felt that striking Building Envelope everywhere would clarify the provision.

Chair Suesser asked if anyone wanted to include the Maximum House Size in the amended language. Commissioner Frontero wanted it included in the concession on the driveway. Commissioner Van Dine agreed. There was a consensus to impose a Maximum House Size of

12,000 square feet, inclusive of the Basement. Commissioner Johnson expressed indifference but was comfortable moving forward with that restriction.

Applicant Wu stated that the applicant would not be agreeable to that restriction at this point. He felt that putting a restriction on Home Size in conjunction with the BE/LOD issue was separate. The practical issue they were dealing with was the driveways. Owners were having a difficult time just building within the Building Envelope and LOD because of the driveway issue. He wanted to just fix the driveway issue and noted that they were all aware of the intent when they did this two years ago, and he did not feel the driveways should be the controversial issue. He would be happy to have further discussions on the BE/LOD issue but stated that owners could not build homes right now. Applicant Wu expressed disappointment as he felt they were at a place where owners could get going with their projects.

Chair Suesser asked the Commission if there was a consensus to remove the Maximum House Size from the Conditions to enable the change to allow the driveways to be put into place. Commissioner Sigg questioned the implications of removing the Maximum House Size restriction. Commissioner Hall was agreeable, as she felt it was an error by the Commission to not address the driveways in the first place.

Commissioner Frontero was agreeable to removing the square footage in granting the exclusion for the driveway. Commissioner Kenworthy agreed. Commissioner Van Dine did not like it but was willing to agree. Commissioner Johnson supported removing the Maximum House Size amendment.

Chair Suesser stated that the applicant that the Commission was willing to move forward with giving the applicant the exclusion of the driveway as discussed. Applicant Wu expressed his appreciation.

MOTION: Commissioner Kenworthy moved to forward a POSITIVE recommendation for City Council's consideration on July 13, 2023, on Huntsman Estates – Plat Amendment, amended as follows:

Findings of Fact:

1. The Huntsman Estates Subdivision contains 40.69 acres, is zoned Residential Development, and is located within the Deer Valley MPD Overlay (RD-MPD).
2. The Parcel was originally known as the Westview Parcel located in the North Silver Lake Community of Deer Valley and is assigned 15 Units of Density in Exhibit 1 of the Twelfth Amendment and Restated Deer Valley MPD, with one Unit already developed.
3. The Subdivision is classified as a Major Subdivision according to LMC Section 15- 7.1-3(A)(2) as it contains four (4) or more lots. The subdivision contains 16 lots including one common parcel.
4. On July 9, 2020, City Council approved Ordinance 2020-31 and vacated the previous Westview MPD.

5. Building Height is limited to 28 feet with an exception for the existing residence on Lot 12, which was granted in 1987 as part of the Conceptual MPD approval for the Westview MPD.
6. The proposed Plat Amendment was reviewed for compliance with all Sections of LMC Chapter 15-7, Subdivision General Provisions.
7. Single-Family Dwellings are an allowed Use within the RD District.
8. Lockout Units require a CUP.
9. Accessory Apartments require an Administrative Permit.
10. Nightly Rentals are allowed subject to an active business license and compliance with Municipal Code Section 4-5-3 unless Homeowner Association rules prohibit them.
11. All future buildings shall be reviewed for compliance with the Architectural Design Guidelines of LMC Chapter 15-5.
12. The Applicant submitted a Forrest Assessment from a certified arborist with their original Subdivision Application that evaluated the health and viability of the site and makes recommendations on thinning and removing dead standing trees to balance the need for tree removal for forest health, build-out, and wildfire prevention with the visibility of the site.
13. Care shall be taken in the siting of houses, accessory buildings/uses, and driveways to limit long driveways and the removal of Significant Vegetation.
14. The Applicant submitted BE/LOD Areas for each of the individual lots in a file titled Lot Exhibit dated 4/15/20. The Applicant is now proposing that the BE/LODs be considered Building Envelopes, as noted in new Plat Note 3.
15. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance.
16. This Plat Amendment seeks to clarify Plat Note 3 and to add a Snyderville Basin Water Reclamation District easement to the Plat.

Conclusions of Law:

1. There is Good Cause for the Plat Amendment. The proposed Amendment complies with the Land Management Code requirements and the Deer Valley MPD and is within the Density approved for the parcel in 1987.
2. The Amendment is consistent with the 2014 Park City General Plan and the Park City Land Management Code including Sections 15-7.1-3(C) and 15-12-15(B)(4) and (9) and applicable State Law regarding Subdivisions.

3. Neither the public nor any person will be materially injured by the proposed Amendment.
4. Approval of this Amendment 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 Amendment 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 (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval 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. All Plat Notes on the Huntsman Estates Subdivision Plat shall be carried forward except for Plat Note 3, which shall be modified as noted below. ~~All Lots shall be limited to a maximum Gross Residential Floor Area of 12,000 square feet including all Accessory Buildings/Uses, and all development must occur within the Building Envelope.~~ Limits of Disturbance (LOD) may not extend beyond 10 feet from the Building Envelope. Driveways connections outside the LOD, utility corridors, paths, and drainage features ~~are exceptions to this restriction and will be excluded from the calculation of LOD square footage.~~ Driveways shall not exceed 20 feet in width. The LOD must be re-vegetated prior to issuance of a Certificate of Occupancy. Gross Residential Floor Area shall be defined per the Land Management Code in place at the time of application for building permits. No more than one basement level shall be allowed on any Lot. Basement shall be defined per the Land Management Code in place at the time of application for building permits ~~and will count toward the total square footage.~~ Residential Development (RD) Lot and Site Requirements including Setbacks and Building Height shall apply to all Lots. Lot 12 is excluded from the Maximum Gross Residential Floor Area limit.
4. Prior to the issuance of a building permit for individual Lots, the Applicant or owner of the Lot shall submit a certified arborists assessment of the Lot that analyzes the health and viability of all Significant Vegetation on the property within 100 feet of the principal dwelling and any accessory buildings/uses, including a tree preservation plan that indicates trees proposed for removal, how trees will be protected during construction, and a tree replacement plan. The plan shall indicate that trees shall be limited within a 15-foot radius of any structure, and that diseased or dead trees within 100 feet of any structure will be removed, consistent with the Forest Assessment dated March 28, 2020. This includes vegetation that is no longer standing. A 30-foot vegetation protection area will be required around dwellings with limited existing or new tree landscaping as approved by Park City Municipal Corporation and the Park City Fire District.

5. Should the Applicant move forward with Phase 2 of this project (Additional Land A and B), a Condition of Approval shall be placed on the Plat Amendment that the Applicant shall deed adjacent parcel PC-S-46-B-1 to the City as natural Recreational Open Space.
6. A Construction Management Plan that explicitly prohibits parking on Royal Street during construction will be required prior to the issuance of any Building Permits.
7. The Huntsman Estates Subdivision development exceeds one (1) acre and shall meet the requirements of the municipal separate storm sewer system (MS4) stormwater program. A plat note shall indicate that each lot within this common development shall be required to obtain an MS4 stormwater permit prior to any construction activity.
8. A Plat Note shall indicate that the Subdivision shall be served by an on-call van shuttle service that will transport owners/guests to the Silver Lake or Snow Park area as well as the Main Street core and the surrounding resorts during peak vacation/holiday weeks to minimize the traffic impact from this subdivision. At a minimum, this shall include holiday weeks and three-day weekends in perpetuity. The shuttle van shall utilize Royal Street and shall not utilize Hillside Avenue.
9. A Plat Note shall indicate that the Plat is subject to Ordinance 2023-XX.

Commissioner Hall seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

D. Land Management Code Amendments – Appeals – The Planning Commission Will Review Amendments to Sections 15-1-8 Review Procedure Under the Code and 15-1-18 Appeals and Reconsideration Process to Remove the City Council as an Appeal Authority. PL-23-05689.

City Attorney Harrington introduced Charles Pearlman, a Law Clerk with the City Attorney's office. He advised that Mr. Pearlman came to Park City from Notre Dame and the University of Southern California, was recently married, passed the Bar, and was now making his first presentation before the Commission. Clerk Pearlman appeared to discuss alternatives to City Council acting as the City's appeal authority for MPDs and CUPs. He explained that the proposed changes were occasioned by changes to State law, compatibility between Legislative and quasi-judicial roles, the complexity of legal issues, evidence issues, and limits on *ex parte* communications.

With regard to changes in State law, Clerk Pearlman advised that Utah's Land Use, Development, and Management Act ("LUDMA") was amended to encourage municipalities to change their appeal authority away from their Legislative bodies. These changes occurred over the past 20 years, and most municipalities have moved away from using their Legislative bodies for appellate processes. Park City was one of the few municipalities remaining that had not made that change.

In terms of compatibility between Legislative and quasi-judicial roles, he explained that a quasi-judicial action required an objective determination based on evidence and law; whereas, a legislative action was discretionary, and involved the establishment of policy. This put City Council in a difficult position wherein the law in place might be contradictory to public opinion; in order to faithfully apply the law, they sometimes have to go against public opinion. He noted that City Council serves as representatives of the citizens, and not everyone might understand the distinction when they have to make an objective legal determination that might go against the will of the citizens.

Third, the complexity of legal issues in the appeals had increased over time. Clerk Pearlman noted that many applicants were using attorneys for these appeals; as a result, more legal and land use expertise on the part of the appellate body was required to make correct determinations. This would also lead to decreased litigation and reduce the likelihood of appellate decisions being overturned in court. Clerk Pearlman commented that evidence issues raised similar concerns as the complexity of legal issues. He noted that many cases turned on difficult evidence issues that might be difficult for City Council members to understand without a background in land use or law.

The final reason supporting this change was limits on *ex-parte* communications. He stated that City Council members were in a difficult situation if they violate the rules on *ex parte* communications because the decision would likely be overturned as a due process violation. On the other hand, if they follow the rules, that would limit their communication with the public on important development issues. He commented that the public expected to be able to communicate with their Council Members on what is going on in the City.

Clerk Pearlman stated that the City Code already contained provisions regarding qualifications for an appeal panel. Currently, City Council only appoints an appeal panel when there is a conflict of interest on a particular appeal. The proposed changes would appoint an appeal panel for three-year terms, as opposed to on a case-by-case basis.

Clerk Pearlman reported that Staff recommended the Commission review and consider the proposed amendments, conduct a public hearing, and recommend one of the two appeal authority alternatives for the Council's consideration on July 13, 2023. The other alternative was an individual Appeal Hearing Officer.

With regard to qualifications for the panel, Chair Suesser asked if they should have a provision that required the individuals to not have any conflict of interest with respect to the issue. City Attorney Harrington stated that was already included, and noted Chair Suesser's assistance when they addressed this issue for Treasure. He noted there was a section stating that "absent any conflict of interest" the appeals officer retained the ability to impartially render a decision. He added that conflicts of interest would be subject to the ethics code just like anyone else. There were also due process limitations with an affirmative obligation to disclose.

Chair Suesser understood it was not a recusal situation; rather, an individual would not be appointed if they had a conflict of interest. City Attorney Harrington explained that it applied to appointments, particular matters, and issues that would arise during a hearing.

Commissioner Hall lauded the presentation. She felt that the points raised in the Staff Report and during the presentation were valid, and she would support the notion of recommending a three-person panel. She assumed there would be a cost, but it would be relatively nominal, as it

would likely operate like the Planning Commission. City Attorney Harrington stated that most communities use a Hearing Officer, which is more efficient but more expensive because a Hearing Officer would typically be a higher qualified individual such as an Administrative Law Judge or lawyer who tends to charge significantly more per hour. He reiterated that under the prior Planning Commission's consideration during Treasure, they felt that a more community-based panel would have better accountability to the community and would be more cost-effective.

Commissioner Hall stated she supported this for MPDs and CUPs, and wondered if more issues should go before the appellate panel. City Attorney Harrington stated the Commission could have the same discussion with regard to those other issues.

Commissioner Frontero supported a three-person panel. He asked how many appeals they received each year. City Attorney Harrington advised that it varied widely, but they typically saw 3 – 4 appeals in a year.

Commissioner Sigg and Chair Suesser both supported the idea of a panel.

Chair Suesser opened the public hearing.

Deb Rentfrow agreed with a three-person panel and noted that the Planning Commission had spent a lot of time just getting to this item on the Agenda. She appreciated the Commission's time and effort in the service that they provide to the community.

There were no further public comments. Chair Suesser closed the public hearing.

MOTION: Commissioner Van Dine moved to forward a POSITIVE recommendation for the City Council's consideration on July 13, 2023, for Land Management Code Amendments – Appeals, per Planning Staff's recommendation to create a Permanent Appeal Panel with members serving terms of three years to hear appeals for MPDs and CUPs. Commissioner Sigg seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

7. WORK SESSION

- A. Land Management Code Amendments – The Planning Commission Will Conduct a Work Session to Review the Vibrancy Ordinances Outlined in Land Management Code Chapters 15-2.5 Historic Recreation Commercial and 15-2.6 Historic Commercial Business and Section 15-15-1 Definitions to Determine Whether Additional Amendments are Recommended. PL-23-05564.**

Assistant Director Ward reported that in the fall of 2022, the Planning Commission asked for a summary of the regulations enacted over the years to help protect the Historic character, vibrancy, and unique character of Main Street. Staff communication was provided in December 2022, and as part of the LMC Amendment priorities, the Commission requested a Work Session to evaluate whether there were opportunities or issues within the Code the Planning Commission might want to explore. She explained that all of the Codes enacted over the years were outlined as Goals and Recommended Strategies in the General Plan. The first one

enacted addressed vertical zoning, wherein the Code was amended to put active uses at the street level. This would include restaurants, bars, and businesses open to the public. Uses such as office space and private clubs would be directed towards those areas not along the streetscape.

Assistant Director Ward noted some uses were vested and have continued; however, as those use change over time, more active public uses would be required for those spaces. She next addressed the Vibrant Commercial Storefront Incentives. Assistant Director Ward explained that Code amendments were enacted that required vibrancy and required businesses to be open and activated during the year. The businesses are required to be active for at least 60 days per quarter. The Finance, Planning, Building, and Economic Development Departments conduct a quarterly walk on Main Street to ensure that these requirements were being met.

Assistant Director Ward reported that to date this year, five businesses were non-vibrant, and notifications were sent to the owners. She noted there were some exceptions in the Code, such as an active Building Permit for renovations. If the properties are not vibrant, they do not qualify for a one-time liquor or temporary sign installation. She noted this program had worked well overall.

Assistant Director Ward next addressed regulations on Conventional Chain Businesses to regulate the number in two Commercial Historic zones. Conventional Chain Businesses are businesses that have more than 10 locations and have standardized menus or products. She stated that currently, the Conventional Chain Businesses south of Heber were full at seventeen. North of Heber, five of seven Conventional Chain Businesses were full. These apply to the storefront properties that have a presence along the street front.

With regard to Storefront Enhancement Zoning, Assistant Director Ward advised that this sought to ensure that new development or re-development of properties that were not designated Historic had limitations on width, as well as similar street presence as Historic structures. The purpose was to maintain the rhythm and scale of the Commercial Historic Districts.

Assistant Director Ward explained that these Code Amendments started in 2007, and extended through 2017. She noted there was a lot of community outreach, partnership with the Historic Park City Alliance ("HPCA"), and studies. In 2022, Staff moved forward with some clarifications to help make connections between these different regulations in the LMC. She noted there were no substantive changes to the Code at that time. She stated that Staff had been in contact with HPCA to obtain a sense from business owners within these areas of their experience and whether they had any issues or concerns they wanted to be identified through Code Amendments. At this time, the HPCA had an overall consensus to keep the Code as is. They had a policy question that would be unrelated to Code Amendments, wherein they would like some consideration of opening some of the regulations during Sundance for a temporary allowance. As far as the land use regulations, at this time the HPCA had no recommendations.

Assistant Director Ward explained that this Work Session was scheduled to allow the Commission to identify issues they would like Staff to look into, coordinate with HPCA, and perform community outreach for potential Amendments. Commissioner Kenworthy queried whether they would address the Sundance issue and the 17 Conventional Chain Businesses that were full during this Work Session. Assistant Director Ward understood that would not be a

Code Amendment, but more of a policy discussion with those under the Sundance umbrella. She believed that would occur under the Special Event Permit process rather than the Code.

City Attorney Harrington offered that to the degree the Commission wanted to provide feedback during this Work Session on that issue, it would be appropriate. He felt it was within the realm of discussion on this Work Session topic.

Commissioner Kenworthy stated that many people were surprised about the 17 Conventional Chain Businesses and their limitations. He recommended they lift that limitation for the Sundance Film Festival. Many of the tenants make a lot of money during Sundance, and he felt it would give Sundance more vibrancy on Main Street. He added that he spoke with Sundance's new Director who was looking to bring it back to Main Street. Commissioner Kenworthy mentioned that the Director stated that he wants to bring it back to the level of the mid-1990s when the vibrancy was incredible along Main Street. Commissioner Kenworthy felt this would help him do that and would help many of the businesses that sell along Main Street. He stated that he had never rented out along Main Street, but he would support his neighbors that do that during Sundance, and the efforts from Sundance to increase that vibrancy.

Commissioner Kenworthy commended City Attorney Harrington and stated that the numbers were perfect for the balance they were looking for. He asked if the City was ever challenged.

City Attorney Harrington responded they had not been challenged yet. He added that the Commission and City Council spend a lot of time on whether to have a Sundance exception. He reminded the Commission of the two components of the Sundance exception and stressed there was a balance. One of the reasons they did not extend the exceptions was that as with any regulation, the more exceptions there are the more vulnerable they become to challenges. He felt they had a good methodology for the math behind the original recommendation, and one of the considerations was that an exception during Sundance lessened the argument. If they do not allow them, then they might have to deal with Equal Protection or some other discriminatory claim.

City Attorney Harrington stated it was a fine balance and this Ordinance was cutting edge in terms of its successful implementation. He advised caution if they wanted to open the exceptions more broadly. Staff could provide the pros and cons when the Ordinance came back before the Commission, or if they look at it through the Special Event licensing process. He stated they do not get to pick and choose on this type of regulation, and it still required the same rational basis, good reasons, and data to support the decision.

Chair Suesser asked if it were possible that someone involved in another event in town would challenge the Sundance-only exclusion. City Attorney Harrington responded there would be that possibility, but noted that they do not just regulate Sundance; rather, they regulate certain types of permits that are pragmatically only available during Sundance. If other events qualify, they might be able to take advantage of the exclusions as well. With regard to the vertical zoning issue, Chair Suesser wanted to see something in the amendments that would encourage the expansion of retail on the second floor of Main Street establishments. She felt that these types of businesses would help with vibrancy.

Commissioner Hall agreed with Chair Suesser and stated she would like to see more upper-level businesses that were open to the public. She asked how they would classify that, as she

felt there was an error with the area north of Grappa, which created an exception to the requirement of public storefront businesses.

Assistant Director Ward stated they would look into the history of that, but the way it was currently drafted, residential uses on the street level were prohibited. Commissioner Hall referenced the exception for uses 6 inches or 6 steps below street level. She would like to tweak the language, and would be in favor of incentivizing either second-story or basement-level uses.

Chair Suesser referenced the private club on Lower Main Street that somehow avoided this restriction because they had to take one step up, so it was not considered street level.

Commissioner Hall felt that what they had was a great starting point, but there were potential tweaks to enhance the intent. She understood they might not want to touch an ordinance, as tweaking it might expose them to potential adversaries. In terms of adding clarity to prevent problems they have seen in an existing implementation, City Attorney Harrington felt that would be a good reason to revisit the Ordinance. It was the expansion and/or further restriction that they should be cautious of moving forward.

Commissioner Kenworthy asked about the definition of Street Level. Assistant Director Ward stated that while Street Level was not defined, the term Storefront Property formed the basis for how these regulations were applied. She advised that a Storefront Property was defined as a "separately enclosed space, floor area, tenant space or unit that has a Storefront window or Storefront entrance that fronts on a public street." She added that the definition "includes a Storefront window and/or a Storefront entrance that is not more than 8 feet above or below the grade of the adjacent public street." She noted there was an exception if there were service or emergency entrances. Assistant Director Ward stated the definition was triggered by having the presence on the street within 8 feet above or below. She stated that Staff could look into the properties referenced to see when those were constructed.

Commissioner Sigg asked about buildings like the Galleria where the storefronts are in the breezeway, but not on the street front. Assistant Director Ward advised that Staff has interpreted that as whatever had the presence on the street front that same presence was not on the Swede Alley side of the building. Commissioner Sigg asked about the businesses in between, while Chair Suesser stated that they should include Heber.

Assistant Director Ward stated that Heber was included. She explained this applied within Historic Commercial and Historic Recreation zones, which would include Main Street, Swede Alley, and Heber. When these ordinances were enacted, there were carve-outs in the footnotes of the Code. She provided the example of the interior plazas to the MPDs on Lower Main Street and stated that if a business were interior to the plaza, they would be carved out as an exception. She added there were also some residential properties along Park Avenue that were excluded as well. Commissioner Kenworthy observed that Burton was not counted as one of the five because it was set back.

Chair Suesser inquired about the realty offices on the Lower Main Plaza. Assistant Director Ward stated there was a list of properties that were real estate offices when the Code Amendments were enacted. Some of those remain vested as long as the business use remained.

Commissioner Hall recognized the consensus that the Commission would like to upgrade the Code without causing vulnerabilities. She sought input as to the best mechanism to do this. Chair Suesser suggested eliminating the grandfather clause to prohibit passing on a business that was grandfathered in.

City Attorney Harrington stated that they could not change the non-conforming rules that were established by State Code. He again cautioned the Commission against looking to prohibit things as a matter of course and advised them to stick to the justifications that supported the Ordinance. The Main Street vibrancy was the soundest rationale, and the more they get away from those corridors, they would need to articulate another reason to regulate.

City Attorney Harrington added that Staff could define the picture in terms of existing non-conforming businesses. If they identified others that took advantage of a definition that could be tighter, or expand the boundary of an application, Staff could bring that back before the Commission.

Commissioner Hall asked if there was a way to incentivize the conversion of a business that was grandfathered in. City Attorney Harrington suggested they could have someone from the Economic Development Department to provide a snapshot of what had been done in terms of vibrancy. They could also have a cultural component as to whether it was the right type of vibrancy that would be sustainable with the General Plan. He noted that although money was not the only part of it, it was the easiest to measure.

Commissioner Kenworthy touched on the issue of newer private restaurant clubs. He understood that business on the street level had to be open to the public, but upstairs or downstairs could be members only. He mentioned the Marcella Club. He noted the street level, which could include steps going down. Assistant Director Ward stated that vertical zoning would fall under the Storefront property; therefore, if it fell within the definition of that Storefront property, then those uses would be prohibited.

City Attorney Harrington stated that they had the original measurement exhibits from the first Ordinance that looked at Lower Main very extensively. He stated they could bring those back next time to show the Commission which ones were in and which were out.

Commissioner Kenworthy suggested transparency with the community and the HPCA as to what direction the Historic buildings would be going.

Commissioner Sigg mentioned multiple points of access in different planes of the building. In the Zoom, one could walk in off the big patio on the south side, or walk in on the west side which could be argued was street level. He asked which entry would apply.

Commissioner Hall wanted to know what tools they had to incentivize businesses to enhance and ensure that Main Street was not just residential or office on second floors. Her biggest deterrent in coming to Main Street was the absence of places to go in the middle of the day.

Commissioner Sigg asked what would happen if an occupant used both the first and second floors. He inquired whether they could have a private club upstairs and a public facility downstairs.

Assistant Director Ward stated they could return with the exhibits. She added that they had been working on updated maps that show the properties that have different entrances that were currently excluded in the Code for the plaza access. She stated it might be helpful to conduct a walking tour as well. They could also provide the Commission with information on what businesses were vested and approved prior to the vertical zoning and what had been constructed since then.

Chair Suesser referenced the following language: "If vested, non-conforming uses terminate, the new use will be required to comply with vertical zoning." She would consider a real estate office as "office space." She asked why this would not apply if a realtor left a vested site and another realtor stepped in.

City Attorney Harrington explained that the Code focused on the use. He confirmed that if the lease of a vested realtor expired, another realtor could lease the space and occupy the office space on a Storefront. He stressed that the keyword was the use, not the tenant. Use is defined by year-to-year business licenses and was not individual specific; rather, use was property specific.

Commissioner Frontero observed that if a realtor terminated its use, and a clothing shop moved in, that would be a termination of the use, and then it could not go back.

Commissioner Kenworthy spoke off the microphone. He mentioned the 7-11 store, which was a nice amenity for workers; however, ideally, they want to keep these types of businesses to a minimum.

Commissioner Hall noted the parking spot trade for outside dining and queried whether that was a policy decision versus an LMC issue. She felt that something like wider sidewalks would add to the vibrancy, but it would have nothing to do with the LMC.

City Attorney Harrington stated they could bifurcate a broader discussion during the General Plan discussions because they involved broader policy considerations. He stated there could be Code overlap in terms of allowing it, but it would be appropriate to have a broader discussion. Given the Commission's prioritization of LMC Amendments, he suggested they might want to stay focused on those and compartmentalize these other policy discussions.

Commissioner Johnson asked about incorporating the public Right-of-Way into the Vibrancy Ordinances and understood that would more likely be a General Plan discussion. He was referring to utility infrastructure and Historic public Right-of-Way and wondered if they could add an additional layer of review or regulation. He assumed that State and Federal regulations would supersede them from adding anything to the LMC. He specifically referenced small cell infrastructure on Main Street, and how utility infrastructure could be placed in front of the vibrancy they want to promote. He inquired whether there was a way to regulate that infrastructure.

City Attorney Harrington recalled that when the small cell applications came through, it was explained what the limitations were. Staff would have to bring that back in terms of whether the City could be more restrictive on that placement. He noted it was a Historic District, so they had a bit more leeway than other jurisdictions. They looked to strike a balance with the providers as they came in with their proposals. He did not think it made sense to address that issue as part of the vibrancy discussions.

Commissioner Sigg asked if there was a contingency plan for events such as the creation of pedestrian-only areas. City Attorney Harrington advised that most of the larger festivals had annual supplemental plan requirements, so they were not carved in stone and could be adjusted to different factors. He felt they had partnered with these events to create the same sense of gathering that the General Plan has encouraged. He noted that there was balance, and it was not as easy from a security and a functional perspective as it might appear; he added there was a deliberate efficiency in the way Park Avenue and Swede Alley support Main Street, and there were logistical challenges presented by a pedestrian-only configuration.

Commissioner Kenworthy mentioned equity and stated that the events on Lower Main Street hurt Upper Main Street. He felt they learned a lot in COVID-19, so they could balance things better during these events.

Assistant Director Ward thanked the Commission Members for their input.

8. ADJOURN

MOTION: Commissioner Kenworthy moved to adjourn.

The meeting adjourned at approximately 9:20 p.m.



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JUNE 21, 2023**

COMMISSIONERS IN ATTENDANCE: Chair Laura Suesser, John Kenworthy, Vice Chair Sarah Hall, Christin Van Dine, John Frontero, Henry Sigg

EX OFFICIO: Rebecca Ward, Assistant Planning Director; Dave Thacker, Chief Building Official; John Robertson, City Engineer; Rebecca Gutknecht, City Public Improvements Engineer; Mark Harrington, City Attorney

1. CALL TO ORDER

Chair Laura Suesser called the meeting to order at approximately 5:30 p.m. She noted that all Commissioners were present, with the exception of Commissioner Bill Johnson, who was excused.

2. PUBLIC COMMUNICATIONS

There were no public communications.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

There were no Staff communications.

Commissioner John Kenworthy offered his good wishes to Commissioner Johnson.

MOTION: Commissioner Kenworthy moved to nominate Commissioner John Frontero to the Transportation Board as the Planning Commission Liaison. Commissioner Henry Sigg seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

There were no additional Commissioner comments or disclosures.

4. WORK SESSION

A. Land Management Code Amendments – Steep Slope and Excavation Standards – The Planning Commission Will Review Steep Slope and Excavation Standards for the Steep Slope Conditional Use Permit, Conditional Use Permit, Sensitive Land Overlay, and Master Planned Development Reviews. PL-23-05657.

Assistant Planning Director Rebecca Ward stated that Chief Building Official, Dave Thacker was present for this meeting remotely. City Engineer, John Robertson and City Public Improvements Engineer, Rebecca Gutknecht were also present in chambers.

Assistant Director Ward stated they would go over the current review process, including the Building Permit review and the Land Use Regulations currently in place. They would also outline opportunities to amend the Code.

With regard to Building Permit review, Steep Slopes Conditional Use Permits (“CUPs”) or construction on a Steep Slope within the Sensitive Land Overlay were conditioned to require additional materials at the Building Permit phase. She advised that it was at this stage that a geotechnical report would be submitted to address the soil type and soil-bearing pressure.

She stated that this geotechnical report would be provided to a structural engineer that designs the retaining and foundation walls to align with the requirements of the soil type and soil bearing pressure. This information would be reviewed as part of the Building Permit.

Assistant Director Ward added that the Building Department also reviewed the plans to confirm that they matched the requirements of the geotechnical report. The geotechnical and structural engineers were responsible for verifying the site conditions and that they met the design assumptions. As the applicant excavates, the Building Department inspects throughout construction.

She invited Chief Building Official Thacker to address the Building Permit review process. Chief Building Official Thacker explained that his department would not necessarily begin the process by looking at whether it was a Steep Slope; rather, they looked at the soil bearing pressure requirements in addition to any slope conditions. He confirmed that the Building Department would look at soil-bearing pressure and how the Steep Slope itself might affect the foundation design. He explained that in some of the Steep Slope areas and the deeper cut areas, they looked at whether the walls were designed appropriately to ensure that they would retain the earth and not cause any life safety concerns with the home as it was being constructed.

Chief Building Official Thacker added that they also would look at the steeper cuts. He stated that for a typical home on a flat ground with a basement, they would see a soil cut of approximately 6 – 7 feet in order to get the foundation into the earth. Sometimes in Old Town and in the steeper sloped areas, they would see cuts up to and sometimes exceeding 15 – 20 feet. He indicated that they want to make sure that as those cuts are made in the steeper slope areas they are engineered and have proper soil retention. The proper soil retention could either be specific soil mills and gunite, or it could be soldier pile walls. He stated that they work with the geotechnical engineer and directly with a slope stability or temporary slope engineer to determine the best way to ensure that the slope or the shoring was sturdy and in place long enough to maintain the earth until the foundation could be completed and backfilled.

Chief Building Official Thacker added that throughout the inspection phase, his Department looks at the footings and foundation walls, and then towards the end of the project they would look at any retaining walls that need to go in place to ensure that they were retaining a slope in place. They typically require that anything greater than four feet in height be engineered so they can verify and ensure that the walls were being built properly. They also look at the stability of the slope to determine whether a wall that might be less than 48 inches in height would be retaining any additional surcharge, and they would require design at that point as well. He expressed that much of what they do from start to finish was dependent upon structural engineers providing them with direction, which they follow.

Chair Suesser asked when they would analyze the steepness of the slope. Chief Building Official Thacker explained that during the Building Permit process, the review of the Steep Slope would initially come from the Planning Department. The Building Department would not necessarily evaluate the steepness of the slope, although they require a geotechnical report. The point at which they analyze and start to look at what needs to be done with regard to a Steep Slope would be when they receive the geotechnical report that showed the cuts and the depths of the cuts. He added that it would be at this point that they would start to evaluate whether they need any additional temporary shoring to move forward.

Chair Suesser expressed that one of her concerns was that it did not seem that the Building Department was looking at or analyzing the project with any limits. In other words, they were not saying that an owner could not excavate 12 feet against the hillside; rather, as long as the engineering works, it seemed as though it would pass. This seemed to include the size of the stabilization walls on the site. She understood that the retaining wall limit was supposed to be part of this process.

Assistant Director Ward stated that the Steep Slope evaluation in the Land Management Code ("LMC") was the point where the regulations were applied to the Site. They go through the different types of Steep Slope evaluations that the Planning Commission would ultimately review and either approve or deny. She added that the wording in the Code referenced the end product and what the finished site would look like. She added that during construction, there would be items regulated through Building, through the geotechnical report, and through the structural engineer. This could include temporary shoring or shoring of the site that would be backfilled at the end.

Assistant Director Ward explained that the Planning Commission would review the design of the site and the other elements of the design. She presented some images depicting temporary shoring.

Chair Suesser highlighted that temporary shoring was not removed at any point. Assistant Director Ward replied that while temporary shoring was not removed, it was not visible.

Chief Building Official Thacker explained that the temporary shoring was, in fact, temporary. He stated that was not necessarily because it would be removed, but because it was temporarily installed to secure the site until a permanent measure could be put in place. He noted that typically the permanent measure was the foundation wall or retaining wall that would be installed with final backfill or final grade.

Commissioner Frontero felt that in reading the LMC, it was clear that there was meant to be restrictions on retaining walls. He noted that a number of times it was mentioned that it should be minimal and not something to just be installed to support a large home. He added that the fills and the cuts were called out in the Code to be minimal as well. He understood that the term "minimal" was not a legally defined term, and wondered how they could hold applications to the minimal standard. He asked Chief Building Official Thacker if their review looked at whether retaining walls were too large and not "minimal" as required by the LMC.

Chief Building Official Thacker stated that as far as the Building Permit, they looked at the design elements and the ability of the design to withhold or retain what it was designed to accomplish. He deferred the issue of "minimal" to Assistant Director Ward because that was more of a final view of the project.

Assistant Director Ward stated that the Building Department would look at the structural elements and would review projects for compliance with their requirements. The Planning Department reviews applications that have gone through the Steep Slope review for compliance at the Building Permit phase. Any Conditions of Approval placed on the application would be reviewed by the Planning Department. The Building Department's review was specific to their Codes.

Commissioner Sigg asked about the differentiation between a retaining wall holding grade and a separate foundation wall. He felt they might be convoluting a rear foundation wall that might be holding grade as a retaining wall on a Steep Slope. He contrasted this with a separate wall and a foundation wall and wondered what effect that had on the Steep Slope analysis. He clarified that his query focused on situations where the building was separate from the wall holding the grade behind the house.

Assistant Director Ward felt that was project specific, but noted that the overall goal was to limit site disturbance. If there was temporary shoring until that foundation wall was constructed and backfilled, she was not aware of any criteria or prohibition against the temporary and then the permanent foundation wall.

Commissioner Sigg wondered what occurred if the temporary shoring became the permanent grade wall. He posited that if the design called for a five-foot corridor walkway behind the structure, the wall might hold grade in a certain direction, and there could be a separate house wall at some other level where it met grade. He asked if there was a differentiation for that situation, as he felt there could be a situation where there were two walls.

Assistant Director Ward offered that the Code provided that the Final Grade be within four feet of the Existing Grade to avoid large changes like those described by Commissioner Sigg. She noted there were some exceptions for conditions like window wells where the grade difference could be greater than the four feet called out in the Code. She reiterated her understanding that this situation was addressed through the limitations between Existing and Final Grade. She confirmed this would be measured from the back of the property to the front.

Commissioner Sigg asked what would happen if someone built a retaining wall and pushed the house out onto the flat form, thereby creating a greater slope angle than the slope angle above. He opined that originally that line met the grade, but the house design created a steeper slope angle. He noted that would then call for retaining walls on the downhill side.

Assistant Director Ward stated that she would provide illustrations that might explain the situation when starting with the Existing Conditions and then getting to the Final Grade without manipulating more than four feet. She explained that the Code defined Steep Slopes as greater than 15%, and Very Steep Slopes as greater than 40% and then showed how those were measured. She noted there were different criteria that the Planning Commission considered for different application types. They have Steep Slope CUPs, Sensitive Land Overlay, Master Planned Developments ("MPDs"), and CUPs in Subdivisions.

Assistant Director Ward stated that there was a specific Steep Slope CUP that only applied to properties in the Historic Residential Districts, where a Building Footprint was proposed to be 200 or more square feet on a slope of 30% or greater. She presented a Zoning Map and explained that the dark blue area illustrated the Commercial Historic Districts where there were no Steep Slope regulations. The light blue area highlighted on the map encompassed all of the properties that must go through a Steep Slope CUP if they proposed a Building Footprint greater than 200 square feet on slopes of 30% or greater. She reiterated that this criterion was limited to just the Residential Historic Districts.

In response to an inquiry from Chair Suesser, Assistant Director Ward stated that the properties recently considered by the Commission were located in the Recreation Commercial zone.

For the Historic Residential properties, Assistant Director Ward explained that there was a specific Steep Slope application, and in the existing requirements the applicant was required to submit the following:

- Photographs of the site and the perimeter;
- The streetscape elevation shows the proposed development in the context of the streetscape;
- Landscape plans showing the pavement, retaining walls, and patios;
- The contextual analysis of the visual impact, with a graphic illustrating the proposed development superimposed in a photo or computer model;
- Images taken from the Right-of-Way at 30 and 60-degree angles from the face of the proposed structure to show massing and how it would look in comparison with adjacent structures; and
- Cross-canyon views of the superimposed proposed development.

In addition to the foregoing, the residential properties in the Historic Districts were also required to go through the Historic District Design Review ("HDDR"). Through the HDDR process, new infill residential buildings are required to either step up or follow the existing contours of Steep Slopes, be designed to minimize cuts into hillsides, and be designed to minimize fill and retaining walls.

Assistant Director Ward commented that there were some provisions in the Zoning regulations in the Historic Districts that after construction is complete, Final Grade must be within four vertical feet of Existing Grades. She presented an illustration of this requirement.

Additionally, the Historic Residential Zones limit the overall allowed Height from Existing Grade to 27 feet. There is also a maximum internal height of 35 feet. She presented an illustration and explained that internal height was measured from the lowest floor plane to the highest wall-top plate that supports the joists or roof rafters.

Chair Suesser noted the requirement of 27 feet from Existing Grade and asked if that was also Final Grade. Assistant Director Ward explained that Existing Grade was where the Site was in its natural state before it was disturbed, whereas Final Grade was the condition after construction. She noted there could be a change of no more than four feet between the two grades.

Assistant Director Ward mentioned that there were questions about the Steep Slope measurements for the CUPs. She advised that the Code provided that slope was to be measured with a minimum horizontal distance of 15 feet perpendicular to the contour lines of the certified topographic survey. She presented an image showing how the slope was to be measured. She advised that the Steep Slopes were measured throughout the entire site perpendicular to the contour lines.

The current Code provides that if Lots were two Old Town Lots or fewer, these CUPs would undergo Staff review. For Lots greater than two Old Town Lots, the CUP would require Planning Commission review. The review criteria for both Staff and the Commission are the same, and she advised that those criteria were as follows:

- The location of the development to reduce the visual and environmental impacts of the structure;
- The visual analysis taken from the Vantage Points to show the proposal within the streetscape and to identify screening, slope stabilization, erosion mitigation, vegetation protection, and other design opportunities;
- Access would also be addressed where access and driveways must be designed to minimize grading of the natural topography and to reduce overall building scale;
- The project may include terraced retaining structures to regain Natural Grade;
- Building Location to minimize the cut and fill that would alter the perceived natural topography of the Site. This also involved looking at adjacent properties to maximize opportunities for the streetscape;
- For consistency in building form and scale, structures must be stepped within the grade, and broken into a series of individual smaller components. Low-profile buildings that orient with existing contours were strongly encouraged, and the garage must be subordinate in design to the main building. The Planning Director and/or the Commission may require the garage be separate from the main structure or that there be no garage based on a site-specific review;
- Setbacks to minimize the creation of a “wall effect”;
- The maximum dwelling volume, including Lot size, Building Height, and Setbacks, should look to Zoning District and HDDR requirements. The Planning Commission has discretion to limit the volume of a proposed structure to minimize its visual mass or to mitigate differences in scale between new construction and the existing buildings on the streetscape; and
- Building Height is limited to 27 feet from Existing Grade, with an internal 35-foot restriction. The Planning Commission may require a reduction in Height to minimize visual mass or to mitigate differences in scale between the proposed Structure and the Historic character of the neighborhood’s existing residential Structures.

Assistant Director Ward stated that the Steep Slope CUP review was a review of the design in the context of the streetscape.

Commissioner Frontero sought clarification that these criteria were applied only if the grade was 30% or higher. Assistant Director Ward confirmed that a Steep Slope CUP was required for a proposed Building Footprint of 200 square feet or greater on a slope of 30% or greater.

Chair Suesser noted 200 square feet of Building Footprint on 30% grade triggered the need for a Steep Slope CUP. She observed that on a typical Old Town Lot, that would be 25' x 75', and wondered if they would ever have a Steep Slope CUP on a 25' x 75' Lot.

Assistant Director Ward commented that a Steep Slope CUP would be required for at least a 200-square-foot Building Footprint. It was noted by City Engineer Robertson that 200 square feet would be 10' x 20' of Footprint actually on the Steep Slope, so most of the Lots in Old Town would qualify.

Assistant Director Ward explained that the Sensitive Land Overlay criteria were used for MPDs, Subdivision reviews, and larger projects within the Sensitive Land Overlay outside of the Historic Districts. The Planning Commission recently recommended Code updates on the materials required for construction on Steep Slopes within the Sensitive Land Overlay, and now the Code required that applicants submit a soil investigation report, a geotechnical report, and additional slope information at the time of the Planning application rather than at the Building Permit phase. She noted that the additional requirements for the visual analysis for projects within the Sensitive Land Overlay were also integrated into the application process.

It was noted that the Code prohibits development on or within 50 feet of Very Steep Slopes, which were defined as 40% or greater. She noted that the Planning Commission had the discretion to vary Setbacks from Very Steep Slopes if,

- There is no intrusion on the Ridge Line;
- There is no excessive cut or fill;
- Limits of Disturbance are limited to the minimal area to excavate and backfill;
- There is no additional erosion, land subsidence, or avalanche hazard;
- There is improved vegetation protection, minimized changes to viewsheds, reduction of site disturbance; and
- It would result in an overall reduction in project density.

She noted that these criteria were different from the Steep Slope CUP criteria wherein benching or terracing to provide additional or larger building sites was prohibited. Additionally, streets and roads were subject to regulations on the Slopes and where they could be located. She added that the Code encouraged that streets and roads run with the Existing Grade and that cutting and filling be minimized and re-vegetated.

In terms of retaining walls, Assistant Director Ward advised that any retaining wall constructed in the Sensitive Land Overlay required an additional Administrative Permit from the Planning Department. The Administrative Permit would be based on an assessment of visual impact, compatibility with surrounding terrain, vegetation, and safety. She indicated that there is also a landscaping and re-vegetation review for exposed slopes and disturbed portions of Steep Slopes must be preserved and re-vegetated. There are also requirements to comply with the Design Standards in the Architectural Guidelines.

Assistant Director Ward commented that there were flexibilities built into the Code where there are Open Space requirements for larger projects such as Subdivisions or MPDs. For Very Steep Slopes, 75% of the Steep Slope area must remain as Open Space. For developable land, the Code encouraged clustering density where it would have the least impact on the Sensitive Lands in the area. She added that 100% of the Very Steep Slope area was required to remain Open Space. There was an allowance to transfer some of that density into the developable areas.

She advised that there was also a carve-out for MPDs that were using the Transfer of Development Rights to protect Sensitive Lands and transfer density to other areas. There was also a density transfer if the Planning Commission finds that transferring density would preserve Open Space to ensure long-term protection of significant environments, environmentally or visually sensitive areas, would provide public access for trails, would restore degraded wetlands for environmental areas on the site, or would make other significant environmental improvements. She reminded those present that this review was for the larger projects.

Commissioner Frontero asked about the process and sequencing for the landscaping and re-vegetation regulations, and when a Certificate of Occupancy could be obtained. Assistant Director Ward stated that it depended on the particular project. She noted there had been some changes in landscape bonds for certain application types. For projects like an MPD or a Subdivision Plat, they would typically have a Plat Note or some other requirement that landscaping be complete and compliant. She stated she would follow up further on this inquiry.

Chair Suesser asked if there was a map showing the Sensitive Land Overlay. Assistant Director Ward answered in the affirmative and added that when the amendments were adopted by City Council, the Sensitive Land Overlay map was updated and made available online. She advised that it covered the majority of the City. Previously, the Sensitive Land Overlay was indicated on the Zoning Map with a red dashed line, which made it difficult to determine which properties were included in the Sensitive Land Overlay. The map was updated and everything shaded in pink was the Sensitive Land Overlay.

In response to a further inquiry from Chair Suesser, Assistant Director Ward stated that both Steep Slopes and Very Steep Slopes existed in the Sensitive Land Overlay. She added that in the Sensitive Land Overlay, the 15% definition applied.

Assistant Director Ward next turned to the criteria for Steep Slopes and excavation in Master Planned Developments. She advised that units must be clustered on the most developable and least visually sensitive portions of the site. In addition, projects must be designed to minimize grading and the need for large retaining structures. Further, roads, utility lines, and structures must be designed to work with Existing Grade, and cuts and fills must be minimized. She stated that Findings of Fact require the Planning Commission to find that the project would complement the natural features on the site and would preserve significant features or vegetation to the extent possible. Additionally, there must be a finding that the project meets the Sensitive Land requirements and was designed to place development on the most developable land and least visually obtrusive portions of the site.

Chair Suesser felt this presented another example of Commissioner Frontero's point that projects must be designed to minimize grading and the need for large retaining structures. She felt it was valid to question what that means. She offered that perhaps they needed Code language that was more specific in that regard.

Assistant Director Ward mentioned that when they review CUPs, the project must mitigate the impacts of, and address, Steep Slopes. In the Subdivision review, there were also protections for Sensitive Lands, including Steep Slopes, but those were largely addressed in the Sensitive Land Overlay.

Assistant Director Ward stated that the initial recommendations were to define key terms in the Code. They looked at other codes for examples, and would also define terms such as cut, fill, shoring, terracing, benching, geotechnical reports, and soil investigation reports. Chair Suesser recommended defining retaining walls.

Engineer Gutknecht suggested the definitions include a clarification between exposed retaining walls and structurally incorporated retaining walls, as that would provide a very different visual impact.

Chair Suesser felt it would be important to mention that part of the reason for reviewing the Steep Slope was to allow them to potentially consider whether a site disturbance should be weighed more than just a visual analysis. She understood from her role as a liaison on this Committee with Commissioner Johnson that they were trying to move towards a site disturbance analysis in conjunction with the visual analysis.

Assistant Director Ward acknowledged Chair Suesser's understanding and stated as part of some of the Codes they reviewed they illustrated key concepts, which could help show the desired outcomes. To be addressed in the Final Action Review, she reported that Staff recommended that all Steep Slope applications come before the Planning Commission and that they remove the Administrative Steep Slope review for the smaller projects. Another recommendation was to establish baseline geotechnical report requirements and the purpose for those reports as far as the proposed design. She likened this requirement to the requirement of a baseline Traffic Impact Study. The baseline geotechnical report requirements would include requirements specific to development in Park City, including the scope of what should be evaluated in the report beyond the Lot lines and other clarifications.

In response to an inquiry from Chair Suesser, Assistant Director Ward confirmed that a geotechnical report was not currently required for a Steep Slope CUP in the Historic District, but noted that was one of the recommendations. Currently, the requirement of a report was typically included in a Condition of Approval that would require the report to be submitted at the Building Permit phase. She advised that Staff recommended a requirement that the geotechnical report be submitted with the Planning application. She added that currently, things like a temporary shoring plan and soil stabilization details were generally Conditions of Approval required at the Building Permit phase. They recommended including those as part of the Steep Slope CUP and other Steep Slope development applications.

Chair Suesser suggested also including some limits and noted that currently if something could get engineered, it would get approved. If they were doing a more site disturbance analysis, they should consider putting in some limits.

Assistant Director Ward responded they could clarify the maximum cut slopes, limits on changes to natural grade limits on manmade slopes, Limits of Disturbance, and site clearing, grading, cut and fill standards. As part of that, Staff recommended going through all the different Steep Slope review criteria to update and align them to provide consistency.

Engineer Gutknecht added that generally, global stability was part of the structural engineer's design. They do not look purely at retaining wall stability; rather, they should also be evaluating the global site stability of the slope and how the structure would affect it. As a City, they do not evaluate that; rather, they rely on the engineering expertise of the structural engineer who received the data from the geotechnical engineer regarding soil conditions. The City relies upon its stamp, which they verify that the structure would be stable.

Chair Suesser appreciated this explanation but felt the analysis of the Steep Slope by the Planning Department and Planning Commission should set the stage for what would be analyzed and confirmed. Planning Staff and the Planning Commission were trying to determine the appropriateness of the site disturbance on a Sensitive Land or Steep Slope situation. As part of the initial analysis, she felt the question was how much of the hillside should they allow to be disturbed.

City Engineer Robertson mentioned that geotechnical reports were typically submitted with every project, whether or not it involved a Steep Slope, as they have to determine the appropriate foundation thickness. Even though not required by City Code, these reports were required by the International Building Code ("IBC"), and the Building Department looked at these reports.

Assistant Director Ward presented a slide showing proposed updates to the Code. Currently, the Code focused primarily on visual analysis, especially for Steep Slope CUPs and development within the Historic District and streetscape. They recommended updating the Code to include evaluation of site disturbance. This would be accomplished by defining the key terms, illustrating the key concepts, establishing the baseline geotechnical report requirement, and aligning the criteria so there would be limits to be considered as part of the Planning Commission's review of these projects. Assistant Director Ward asked the Commission if they had additional considerations they wanted to include as part of this review.

Commissioner Sigg was curious about cuts and fills and asked if a hill created by virtue of a road graded at 45 degrees would count in the 50-foot Setback from the Steep Slope as it would be a man-made slope. He also raised the example of a dead-end street with houses on either side and the end of the street was a cliff. He asked if the creation of a road could create a Steep Slope condition. He also asked about grade walls to hold drainage. He would refer to these as wing walls coming off the side of a house. Chair Suesser commented there were many examples of this in Old Town.

Assistant Director Ward responded that the 50-foot Setback from Very Steep Slopes was in the Sensitive Land Overlay, so that would not apply to Old Town Lots. Commissioner Sigg offered the example of Mellow Mountain Road past the two switchbacks where there is a house on the downhill side where the road essentially falls away. Someone had now elected to build a house, and he felt they were not within 50 feet of what he would consider either a Steep Slope, or fill from the road. He added that the fill was the result of creating the road. Assistant Director Ward stated they would look into that, and added that some of those Subdivisions were created before the Sensitive Land Overlay was adopted. Engineer Gutknecht was unclear on Commissioner Sigg's question about the wing walls, and explained that in engineering, they review low-impact development. This involved the stormwater retention required for the modified impermeable surface that triggered requirements for retaining that water on site.

Commissioner Sigg asked if there was a provision where they might have a Steep Slope that required a wing wall, but the house might not be on a Steep Slope, and as a result, there might be drainage going away. He asked if there was something that would allow for the creation of a wall that would hold drainage and erosion within the Steep Slope.

Chair Suesser felt that would fall in the retaining wall category. Assistant Director Ward stated they would look into this question.

Commissioner Frontero stated that the LMC defined two Slopes. Steep Slopes were at a 15% grade, and Very Steep Slopes were at 40%. He suggested they reword it to something along the lines that Steep Slope was defined as 15% or greater, and then add three levels to that. Level 1 would be 15% or higher; Level 2 would be at 30% because that was the slope at which a CUP was required in Historic Districts; and Level 3 would be 40%. He would remove the Very Steep Slope category, as he found it confusing and not very descriptive. He felt the public would be better able to appreciate the different levels.

Chair Suesser agreed they should define a 30% slope because it was not included in either category. From an engineering standpoint, Commissioner Hall asked if there was anything else, other than the geotechnical report, that the Departments were seeing that should be incorporated or prioritized. Engineer Gutknecht stated that the City Engineering Department did not review that report; rather the Building Department reviewed the geotechnical report in conjunction with the structural engineering plans and the entire plan packet in order to ensure that it met the provisions of the International Building Code. She did not feel there was anything beyond that that would take precedence.

Commissioner Hall clarified that she was looking for suggestions on how they prioritized these updates, and whether they felt that some were absolutely crucial, or whether anything was missing.

City Engineer Robertson advised they have had discussions with the Building Department and Planning Department, and felt that having the geotechnical report upfront, which would include other required information, was important.

Commissioner Hall asked if anyone had recently used the Density Transfer, and wanted to know the definition of a Sensitive Site in conjunction with that. Since her time in the Planning Department, Assistant Director Ward was unaware of any application processed that used the Density Transfer; however, when they review Building Permits for areas already subdivided, there were Subdivisions such as those in the Estate Zone where three acres were required for a home. Some of the subdivisions in the Estate Zone have homes located on very small Lots; however, within that Subdivision the density was consolidated and the acreage surrounding the Subdivision was Open Space. She commented that there had been applications that clustered the density to protect the Sensitive Lands; however, she was unaware of any recent application that proposed to use any of those transfers.

Commissioner Hall likewise could not recall any applications, but stated she liked the general concept of trying to encourage the location of structures in less impactful areas. She questioned whether this presented an opportunity to further explore or encourage that. Chair Suesser liked the idea that someone looking to develop a Steep Slope could look to transfer his or her density to another site and leave the slope alone. She noted that might be a great thing for the Planning Department to encourage.

Commissioner Hall inquired about any problems that were encountered with the shift of some of the Steep Slope CUPs to the Planning Department. Assistant Director Ward would address that later and stated the recommendation was made in response to changes in State Code. With regard to the "wall effect," Chair Suesser noted a couple of examples in town where they had created a "wall effect." She felt that should be clarified.

Commissioner Sigg asked how the Steep Slope criteria related to contours in the topography and the area that could potentially be filled. He thought there was a provision in the Code that contours in the land could be filled to the average grade. He knew some of the other Ordinances contained such a provision, and recalled that 25 square feet at over 30% grade could be filled to create a bigger site.

Assistant Director Ward stated they could look into that question. She was aware there were requirements for measuring it but would look to see if there was something that allowed for that to be filled.

Commissioner Kenworthy asked if there was anything in the City's Codes that were more lenient than the International Building Code. He noted there was discussion about the City relying on the IBC for some things, and he wondered if it was consistent across the line with the City Codes.

City Engineer Robertson explained that the IBC specifically applied to the building and the foundation. They defer to that Code and have adopted it. The International Building Code did not necessarily address the issue of slope on grades. He confirmed that in terms of retaining walls, the City generally had Codes that were similar to the International Building Codes. City Engineer Robertson would have to look at whether any City Codes were more lenient than the International Building Code.

Commissioner Kenworthy asked where they got the baseline for the Steep Slope Codes. City Engineer Robertson explained that the current Steep Slope Codes address what the Final Grade should be, but do not get into specific Engineering Codes or standards. He stated that was why many things were deferred to the Building Permit when they start looking at the soil structure, foundations, and how the construction would occur on the site.

Commissioner Kenworthy explained that he was trying to see if there was something that would help with some of the earlier issues expressed by Commissioner Frontero and Chair Suesser in regard to terms like "minimal" and "excessive." He hoped they could draw from other sources to define those terms.

City Engineer Robertson advised that there were some engineering standards and practices they could use, which he felt they were trying to include in the updated Code to have it upfront that would help with the decision-making before an application reached the Building Permit phase.

Commissioner Kenworthy asked City Engineer Robertson if he had any other suggestions regarding the cadence of these submittals. City Engineer Robertson felt that was included in some of the recommendations, and he did not feel anything else should be included earlier on in the process. He noted there would be some specifics they had not yet defined, but they proposed the geotechnical report up front with more requirements that would address soil

conditions, drainage conditions and issues, and preliminary design work on the walls. This was recommended to avoid situations where the end of a project did not look like what was presented to the Commission at the beginning during the approval of a Steep Slope.

Chair Suesser felt it would be helpful for Staff to weigh in on some examples around town of lessons learned. She mentioned Commissioner Sigg's comments about a man-made road. She also noted the landslide this year, which she understood was a compaction problem that might have also had to do with the amount of snow and the runoff.

City Engineer Robertson offered that what they were trying to accomplish by requiring this information up front was to address the building of properties within the Steep Slope areas. With respect to the landslide, he would defer; but they could definitely talk about lessons learned in terms of Steep Slopes and constructing in those areas.

Engineer Gutknecht understood the landslide was something of interest not only to the Planning Commission but also to the community and their department. They did not have any definitive information yet on what caused that slide, and they were reluctant to speculate on it. When they have good information, they could share it with the Commission.

Commissioner Kenworthy stated there was a drainage component that went with the landslide, and asked if that was included in the application, even though it was on an abutting property. He wondered if it was required in the application to address a drainage concern off the property line. Engineer Gutknecht deferred that question, but cautioned against trying to connect any particular thing to the cause of the landslide because at this point they truly did not know the cause. Commissioner Kenworthy understood, but felt it could be a critical issue, and wondered how they could address a neighbor's drainage system that abuts a property.

Chair Suesser felt that if that property were in the Sensitive Lands, it would have required the 50-foot Setback from the Steep Slope. She understood there were some exceptions to decrease that Setback.

Commissioner Kenworthy pointed out that regardless of this situation, when an owner has a continuous Steep Slope, and there is a drainage system somewhere along the line of that Slope, he wondered whether that was something the Engineering Department would like to see addressed in the application.

City Engineer Robertson felt addressing drainage in Steep Slopes was some of the things they were talking about, and they would like to see that information sooner rather than later. They would look at the site only, however.

Chair Suesser commented that the impact on an adjoining parcel would be something that needed to be contemplated. City Engineer Robertson explained that in designing a site, they are typically not allowed to have free flow runoff off the site, and it has to be captured and collected in some way to a drainage system.

Commissioner Kenworthy stressed that he was trying to address the fact that there was an existing drainage system on the continuity of the slope, and it was probably not addressed in the application. He asked how they could do that going forward.

Commissioner Sigg asked if there was a provision for stormwater management in the proposed Steep Slope Amendments. Assistant Director Ward responded that those were not included in the LMC; however, they could provide the Commission with a summary of what was in place. It was noted that the Municipal Code had a provision for stormwater management, and that was something that the Engineering Department reviewed during the Building Permit process. That provision applied to Single-Family Residences as well as MPDs.

Chair Suesser advised that Commissioner Johnson would submit comments, and noted that he had been very involved in his liaison position on this issue.

Commissioner Hall stated that if the Engineering Department was satisfied with the proposed list of changes, she was as well.

Chair Suesser asked if the slope was measured at the site, or whether they relied on topographical images. Assistant Director Ward explained that applicants were required to submit a certified topographical survey, and if there was a site that was previously disturbed, there was a process where they try to work through the original conditions. She added that Staff was working on scheduling site visits, and would like to include a site under construction that has shoring.

Commissioner Kenworthy stated that a lot of sites in Old Town had been disturbed, and offered that looking at contour lines on a topographical survey, you could see adjacent properties that had not been disturbed. He added that they could also find a 100-year old tree in town, which would represent the grade 100 years ago. He stressed there were ways to project pretty closely the historical grade of the Lot. He recommended finding one of those Lots that they could visit.

Chair Suesser wondered whether the Old Town Inn on Empire Avenue could be an example of a project with some shoring. She described it as a red and white Inn that was currently jacked up. Commissioner Frontero added there was quite a bit of shoring at that site, which was located on Empire Avenue between 10th and 11th Streets. He added that the excavator had now excavated down quite a bit, and the back wall was completely shored up. He felt it would be an interesting opportunity for the Commission to visit the site and have the City Engineer attend to explain what was occurring at the site.

After a brief recess, Chair Suesser called the meeting back to order.

B. Land Management Code Amendments - Final Action - The Planning Commission Will Conduct a Work Session on Final Action Land Use Authorities for Various Land Use Applications to Discuss Opportunities to Shift Final Action from the City Council to the Planning Commission and from the Planning Commission to Planning Staff. PL-23-05649.

Assistant Director Ward explained they were holding a Special Meeting because they were not able to get to all of the Agenda Items during previous meetings. She stated that one of the goals of this Work Session was to streamline and make Meeting Agendas more efficient for both the Planning Commission and the City Council as far as Administrative land use applications. She explained that an Administrative land use application was submitted for review for compliance with the criteria in the Code. The determination made is either it complies or does not comply.

Additionally, there would be several items before the Planning Commission this fall, including the Bonanza Park Small Area Plan. The community kick-off meeting was scheduled for July, and as that Plan develops, it would come before the Planning Commission for review, public hearings, and a potential recommendation to City Council. She mentioned that the same process would apply to the General Plan.

Assistant Director Ward stated that they would also be required to make changes to how they review applications because of the new State Code, specifically for Subdivisions and Steep Slope evaluations. She added there was an opportunity to evaluate the appeals that come before the Planning Commission, and potentially have those referred to an appeal panel, Board of Adjustment, or other review authority.

Currently, the LMC included a table showing the different land use applications, the Final Action authority, and the appeal authority. This table also notes when the Planning Commission makes a recommendation to City Council.

Assistant Director Ward advised that Administrative Permits were reviewed at the Staff level, and any appeals of those Permits come before the Planning Commission. Conditional Use Permits come before the Planning Commission for review, and if appealed go before City Council. She commented that City Council was scheduled to review a potential three-member appeal panel amendment on July 13, 2023. If passed, a three-member appeal panel would review the CUP appeals. She stated that Staff reviewed Administrative CUPs, with the Planning Commission appeal authority. Master Planned Developments were within the Planning Commission's Final Action authority, with the potential to go to the appeal panel instead of the City Council for appellate review. She also mentioned that the plat amendments went to the Planning Commission for recommendation to City Council. Subdivision and Condominium plats go through that same process.

Assistant Director Ward advised that Legislative, Annexations, Zoning, and LMC Amendments would continue to be required to come before the Planning Commission for review, public hearing, and recommendation to City Council for Final Action. She advised that the Utah Legislature enacted Senate Bill ("S.B.") 174 required changes to Subdivision reviews. This legislation would not take effect until February 1, 2024. Staff was working internally to address the review requirements that the City would be required to provide. She explained that they would need to provide applicants with checklists of all required standards from the districts and the Code requirements.

Assistant Director Ward expressed that this was a consensus bill with the Utah Commission on Housing Affordability, the Property Rights Coalition, the Utah League of Cities and Towns, and the Utah Association of Counties. It sought to establish a uniform process for Single-Family, Duplex, and Townhome Subdivision reviews statewide. The new law was intended to require publication of the required standards, require complete applications, and expedite the review process by limiting public hearings on Subdivisions to one as part of the preliminary review. She explained that this would shift Subdivision approvals from a Planning Commission or City Council to a Staff level or Administrative review for Final Action.

Assistant Director Ward advised that Staff would come back before the Commission this fall with the amendments to comply with State Code. She noted that there was flexibility in the way the City could review plat amendments, which were the majority of the applications that come before the Planning Commission. She stated it was rare for the City to see new Subdivisions.

With regard to plat amendments, the current Code provides for Planning Commission review, a public hearing, and a recommendation to City Council. City Council was then required to review the application, hold a public hearing and take Final Action through the adoption of an Ordinance. The plat amendments require a finding of Good Cause that the amendment would provide positive benefits and mitigate negative impacts, as determined on a case-by-case basis. She provided the example of plat amendments that would provide public amenities and benefits, resolve issues of non-conformities, address issues relating to density, promote excellent or sustainable design, utilize best planning and design practices, preserve the character of the neighborhood and of Park City, and/or further the health, safety, and welfare of the Park City community.

She explained that the State required that Subdivision regulations be approved by City Council. However, State Code does not require that plat amendments go to the Planning Commission or City Council for approval. She stated that Lot line adjustments to shift the Lot line between two properties could be done at Staff level through the Planning Director. These types of plat amendments are allowed with the Planning Director review if they comply with all of the underlying zoning, they have support from all the adjacent property owners, and they meet all the criteria. All other plat amendments currently come to the Planning Commission for recommendation to City Council.

Assistant Director Ward explained that one of the potential amendments could be that plat amendments would come before the Planning Commission for Final Action. There were also potential opportunities for plat amendments to be reviewed at the Staff level and provided the example of a plat proposed to remove a Lot line from a Historic Structure. She inquired whether the Planning Commission was interested in being the final authority for plat amendments so that the Final Action would occur here, with no further recommendation or review by City Council. Commissioner Christin Van Dine answered in the affirmative.

Commissioner Frontero asked how many times the Planning Commission approved a plat that was subsequently overturned by City Council. Assistant Director Ward replied that during her time in the Planning Department, she was unable to think of an example.

City Attorney, Mark Harrington advised that it had happened only once or twice during his 30-year tenure with the City.

Commissioner Frontero liked the idea and wondered how City Council would feel about such an amendment. Assistant Director Ward advised that the Planning Commission had already identified this as a topic to address this year, and City Council reiterated that interest in having that evaluation through the lens of what type of applications where the City Council could provide the most value and impact. She added that plat amendments or Subdivision applications that are required to conform to the criteria in the Code involve more of an administrative review. The City Council did not provide direction one way or another; rather, they wanted the Planning Commission to have the discussion and make a recommendation. Commissioner Frontero expressed support for this recommendation. Commissioner Kenworthy also supported it.

Chair Suesser did not like the change, as she felt it provided good checks and balances, and provided another opportunity to look at an application. She liked the idea of plat amendments continuing to go to the City Council because she felt it was good to get the City Council's input.

She noted that she sometimes learns from the City Council's insights. She also opined that it was not that much of a time demand as they normally agree with the Planning Commission's recommendation, and she liked the idea of keeping the review as it currently existed.

Assistant Director Ward next turned to the Steep Slope CUPs and advised that in 2017 the Planning Commission recommended that if an application involved two Old Town Lots or less, the Steep Slope review would occur at the Staff level.

In 2021, the Utah Legislature enacted a new State Code that changed the way Building Permit reviews happened for Single-Family, Duplex, and Townhome submittals. The new State Code limited the City in the review at the Building Permit phase as far as the number of revisions and resubmittals that could be required. She noted there were some exceptions for Sensitive Lands; however, with the way the reviews have been done and the requirements that Building Permits be approved conditionally, Staff recommended shifting Steep Slope CUPs to the Planning Commission for review with the updated criteria discussed earlier in this meeting.

Assistant Director Ward explained that Staff went through the number of Steep Slope CUPs that Staff was reviewing at an administrative level, and there were approximately 2 – 3 per year. Because of the changes in the Building Permit phase, Staff recommended that they go back to the Planning Commission review for Steep Slope CUPs. She requested Planning Commission feedback. Commissioner Van Dine expressed support for shifting Steep Slope CUPs back to Commission review, especially considering all of the changes being made. There was a similar consensus amongst the Commission.

City Attorney Harrington stated that in regard to Commissioner Kenworthy's earlier question as to whether the Steep Slope regulations were less stringent or more stringent, he explained that they were additive. Most jurisdictions do not have such regulations, or they have them limited to certain geological hazards. He added that the City's Steep Slope and many of the Conditional Uses differ and were much more stringent by their nature than anywhere else in the State, even though some of the specific provisions might be less stringent than industry standards that regulate certain things a different way somewhere else.

City Attorney Harrington stressed there was no direct comparison between the Codes. He cautioned that the Legislature did not like Single-Family and otherwise permitted uses in zones that were subject to multiple Conditional Use reviews. The City successfully employed that as implementation methodology from the older MPDs and high-level site planning to then do CUPs for the subsequent site review. This was also unique to Park City as an additive layer of review that was not seen in other jurisdictions. He wanted the Commission to know that the State was looking at further streamlining Single-Family and Duplex permitting, and this could be seen as somewhat of a barrier to that. He suggested that the Planning Commission could be conscious of that by making sure they were expediting the reviews and ensuring they were not delaying them without good reason.

The Commission would not want to get in a situation of being accused of delaying an otherwise permitted use development. He wanted the Commission to think about the way of balancing the appropriate review that comes before the Commission with a short building season.

Chair Suesser asked if the Commission would have the details of the stabilization walls when they review a Steep Slopes CUP application. Assistant Director Ward stated that under the proposed amendments, they would have the geotechnical report that should provide that

information. She added that the goal of the amendments would be to have a holistic, complete picture of what was being proposed, as well as the criteria to look at site disturbance and the desired final site.

Commissioner Hall asked about the 14 days and whether they would get bumped up to the top of the list. City Attorney Harrington explained that the CUP was not subject to that requirement.

Assistant Director Ward next addressed the appeal authority and explained that currently, any Final Action taken at Staff level comes to the Planning Commission. The only items that Staff has an administrative review on are things like Administrative Permits or Administrative CUPs that apply the same criteria as the Planning Commission. She explained that the Planning Commission could shift the appeal authority if the appeal panel was adopted by City Council. They could also shift it to the Board of Adjustment, or an appeal Hearing Officer. The Planning Commission could also retain that authority. She mentioned that they do not see a lot of these appeals each year, but this could present another opportunity to make changes for Final Action authority.

Chair Suesser liked the idea of keeping an appeal of a Planning Staff decision with the Planning Commission. Commissioner Hall expressed that it was hard to envision what the appeal panel would be like, and would be open to shifting it at some point; however, she felt it was preemptive to change that at this point.

Commissioner Van Dine agreed and felt that keeping the appeal authority with the Planning Commission was appropriate until they see how the appeal panel works. Commissioner Kenworthy and Commissioner Frontero agreed.

Commissioner Sigg felt they should keep the authority because they have the history of the event, and because they do not know the makeup of the appeal panel.

Assistant Director Ward stated that Staff went through all the applications to see if there were applications they felt could be transitioned from the Commission to Staff. Currently, Staff review was limited to tents for less than 14 days or temporary structures, and retaining walls. At this time, they did not identify any applications. She asked if there were any additional application types that the Commission felt could be reviewed at a Staff level. She clarified that Staff's review of retaining walls included a review of retaining walls that exceed four feet in a Front Setback or six feet in a Side or Rear Setback because those conditions require an Administrative Permit.

Commissioner Frontero asked if the Commission was notified of Administrative Permit approvals. Assistant Director Ward explained that those follow the same public notice requirements as items that come before the Planning Commission. Administrative public hearings were scheduled for Thursdays at noon, and packets are published on the Listen Live webpage similar to the packets published for the Commission. Minutes are also taken. She added that Administrative Permits go through the same review process, including Development Review Committee. Then a Staff Report and a Final Action Letter are written, similar to what is done for the Planning Commission. Additionally, notice is provided in the same manner as for Commission matters, and the applicants and the Planner attend, along with community members who provide input. The Planning Director determines the Administrative Permit.

Commissioner Hall supported moving some plat amendments to Staff review and referencing the grid shown on the second page of the Staff Report, she would shift all of those reviews to Planning Commission for Final Action, with the exception of an Annexation or an LMC Amendment. She felt those involved policy-based decisions. She also believed that some of the plat amendments were more administrative and it would be more efficient to have them reviewed by Staff. She would like to spend more time prioritizing LMC Amendments and the applications that impact the community to a much greater extent.

Commissioner Hall noted that City Council spends a lot of time on the same conversations and reading the same packet that was provided to the Commission. As a citizen, she would prefer the Council's time be spent on bigger agenda items rather than spending time on items that the Commission had already spent a lot of time on. She reiterated that Annexations and LMC Amendments were high-level policy-based decisions that should be within the jurisdiction of the City Council. She also found it counter-intuitive that the Planning Commission had Final Action authority on MPDs, which she felt were much more impactful, whereas the Council reviewed every plat amendment.

Commissioner Kenworthy supported Commissioner Hall's comment regarding the priority of addressing LMC Amendments because it was a critical need to keep up with the LMC especially when they find through their experiences that they can check the LMC boxes, but were not serving the overall General Plan.

Commissioner Hall stated tonight was a great example, wherein they had to schedule a Special Meeting because they could not finish prior meeting Agendas. She stated it was an issue of how the Commission wanted to prioritize its time, and City Council would determine how to prioritize its time. She reiterated that as a citizen, she would love to see City Council prioritize Bonanza Park and have an entire meeting on that item rather than re-hashing what the Planning Commission already extensively reviewed.

Chair Suesser agreed that the Planning Commission should have Final Action on plat amendments, but did not agree that they should shift more to Staff. Commissioner Hall felt that some plat amendments were minor tweaks to Old Town Lots. Chair Suesser noted that some plat amendments in Old Town had become tricky, as have the Lot Combination issues, so she hesitated to pass more plat amendments to Staff.

Commissioner Hall would like it if the Code provided more direction on what was allowed so that it would be clear to an Old Town owner about what they would be allowed to do. They could then work with Staff to determine if it was something that needed to go to Planning Commission or could be an Administrative review.

Commissioner Van Dine agreed with Commissioner Hall's comments. She could go either way on plat amendments and agreed that if they could shore up the LMC to give clear outlines of expectations, they could then determine if they could make them more administrative. Until they had that clarity, she would not want to change anything.

Chair Suesser indicated that there might be a way to define certain plat amendments that would be appropriate for Staff review.

Assistant Director Ward understood there was consensus to recommend that the Planning Commission would have final authority on plat amendments in general, and as they continue to update the LMC, they could re-evaluate whether some of the reviews could be shifted to Staff.

5. ADJOURN

MOTION: Commissioner Hall moved to adjourn.

The meeting adjourned at approximately 8:00 p.m.

PENDING APPROVAL

Planning Commission Staff Report



Subject: Elliot Grove Condo Plat Amendment
Application: PL-23-05695
Author: Virgil Lund, Planner I
Date: July 26, 2023
Type of Item: Administrative, Condo Plat Amendment

Recommendation

Staff recommends the Planning Commission (I) Open a Public Hearing; and (II) continue the public hearing and consideration of the proposed Elliot Grove Condo Plat Amendment at 544 Deer Valley Loop Road to August 9, 2023.

Description

Applicant: Peter Bolenus

Location: 544 Deer Valley Loop Road

Zoning District: Residential – Medium Density (RM)

Adjacent Land Uses: Multi-Unit Dwellings

Reason for Review: The Planning Commission reviews proposed Condominium Plat amendments, conducts a public hearing, and forwards a recommendation to City Council. The City Council conducts a public hearing and takes final action.¹

Background

The Applicant is gathering additional information for the Commission's consideration.

¹ LMC [§ 15-7.1-3](#)

Planning Commission Staff Report



Subject: 958 Woodside Avenue Plat Amendment
Application: PL-23-05561
Author: Spencer Cawley, Planner II
Date: July 26, 2023
Type of Item: Administrative – Plat Amendment

Recommendation

(I) Review the 958 Woodside Avenue Plat Amendment, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on August 22, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Ordinance 2023-XX (Exhibit A).

Description

Applicant: Richard and Joan Keiser
Park City Surveying, Applicant Representative
Location: 958 Woodside Avenue
Zoning District: Historic Residential – 1 (HR-1)
Adjacent Land Uses: Multi-Unit Dwellings and Single-Family Dwellings
Reason for Review: Plat Amendments require Planning Commission recommendation and City Council action¹

HDDR Historic District Design Review
HPB Historic Preservation Board
HR-1 Historic Residential – 1
LMC Land Management Code
SFD Single-Family Dwelling

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

958 Woodside Avenue consists of Lot 19, Lot 20, and the north half of Lot 21, Block 3 of the Snyders Addition to Park City. The Applicant proposes to combine the Lots into two Lots. The Area of proposed Lot 1 will contain 1,875 square feet and the Area of proposed Lot 2 will contain 2,812.5 square feet. The property is in the Historic Residential – 1 (HR-1) Zoning District. Existing Lot lines run under a



Figure 1: 958 Woodside Avenue Street View

¹ LMC [§ 15-7.1-2\(B\)](#)

non-historic Single-Family Dwelling (SFD) as shown in the survey below (Exhibit B):

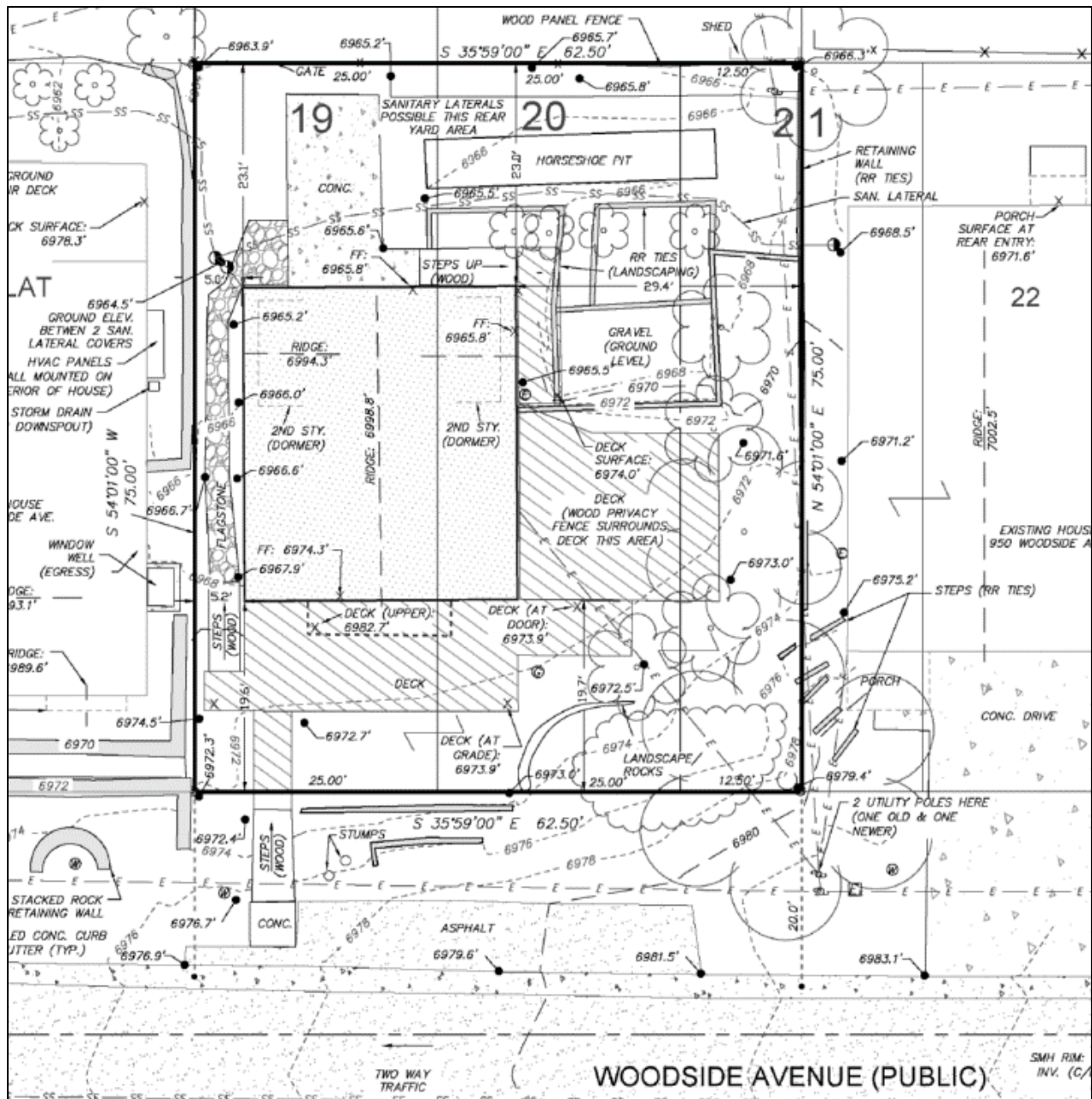


Figure 2: 958 Woodside Avenue Survey



Figure 3: Vicinity Map - 958 Woodside Highlighted in Red.

Background

The SFD was built in 1972 over existing Lot lines. In 2000, the Site was issued two Building Permits, one for a Bathroom Addition and one for a Deck and Stair Remodel.

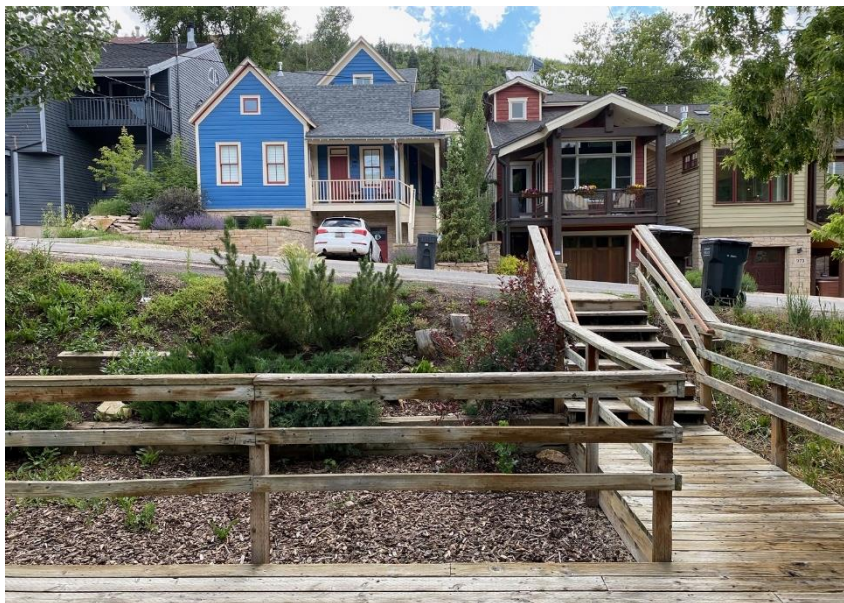


Figure 4: 958 Woodside Avenue View from Front Door

There is a 20% slope between the Right-of-Way (ROW) and property line at 958 Woodside Avenue and on the neighboring property, 968 Woodside Avenue.

The lot continues to slope downward towards the north (rear) of the property, though the steepest Slope at any point is roughly 16%. The image below, taken from the front of the SFD, shows the slope adjacent to the front of the property:

On April 26, 2023, the Planning Commission reviewed the Applicant's original proposal to create one Lot of record pursuant to Land Management Code (LMC) [§ 15-2.2-1\(D\)](#). However, some of the Commissioners felt the combination of two and one-half Lots does not conform with the intent of the Land Management Code and continued the discussion to a date uncertain ([Staff Report](#); [Meeting Minutes](#)). Since that time, the Applicant modified the original plat amendment to combine the three Lots into one 4,687.5square-foot-Lot and now proposes a plat amendment to create two Lots, each under 3,570 square feet in conformance with [the Pending Ordinance](#) on Lot Combinations issued on May 10, 2023. Lot 1 will remain known as 958 Woodside Avenue, and Lot 2 will be known as 954 Woodside Avenue.

On July 12, 2023, the Planning Commission continued the review of the application and the public hearing to July 26, 2023, because a quorum was not present ([Meeting Audio](#)).

Analysis

(I) The proposal complies with LMC Chapter 15-2.2 Historic Residential -1 Zoning District Requirements.

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 Buildings and/or 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.²

Single-Family Dwellings are an Allowed Use in the HR-1 Zoning District.³

The table below outlines the HR-1 Zoning District Lot and Site Requirements established in LMC [§ 15-2.2-3](#):

Requirement	Analysis of Updated Proposal
Lot Size:1,875 for square feet	Complies. Lot 1: 1,875 square feet Lot 2: 2,812.5 square feet

² LMC § [15-2.2-1](#)

³ LMC § [15-2.2-2\(A\)\(1\)](#)

Lot Width: 25 feet	Complies. Lot 1: 25 feet Lot 2: 37.5 feet
Maximum Building Footprint = (Lot Area/2) x 0.9 Lot Area/1875 1,801 square feet	The existing SFD has a Building Footprint of 913 square feet. Based on the proposed two Lot Plat Amendment, the Maximum Building Footprint is 843.75 square feet for Lot 1 and 1,200.67 square feet for Lot 2. Condition of Approval 5. The plat shall note the Maximum Building Footprint for Lot 1 and Lot 2.
Front and Rear Setbacks: 10 ft each, or 20 ft total	Complies. The existing Structure complies with front and rear setbacks: Front setback: 19 ft Rear setback: 23 ft
Side Setbacks: Three feet for Lot Width up to 25 feet and Three feet for Lot Width up to 37.5 feet.	Complies. The existing Structure complies with side setbacks: West Side setback: 5 ft East Side setback: 29 ft
Building Height: 27 feet	The existing non-compliant Structure is 32 ft high. Condition of Approval 6. The Structure cannot sit on the proposed Lot Line and shall be demolished prior to recordation of the Plat. Condition of Approval 7. New construction on Lot 1 and Lot 2 shall be consistent with the LMC in effect at the time of Building Permit application.

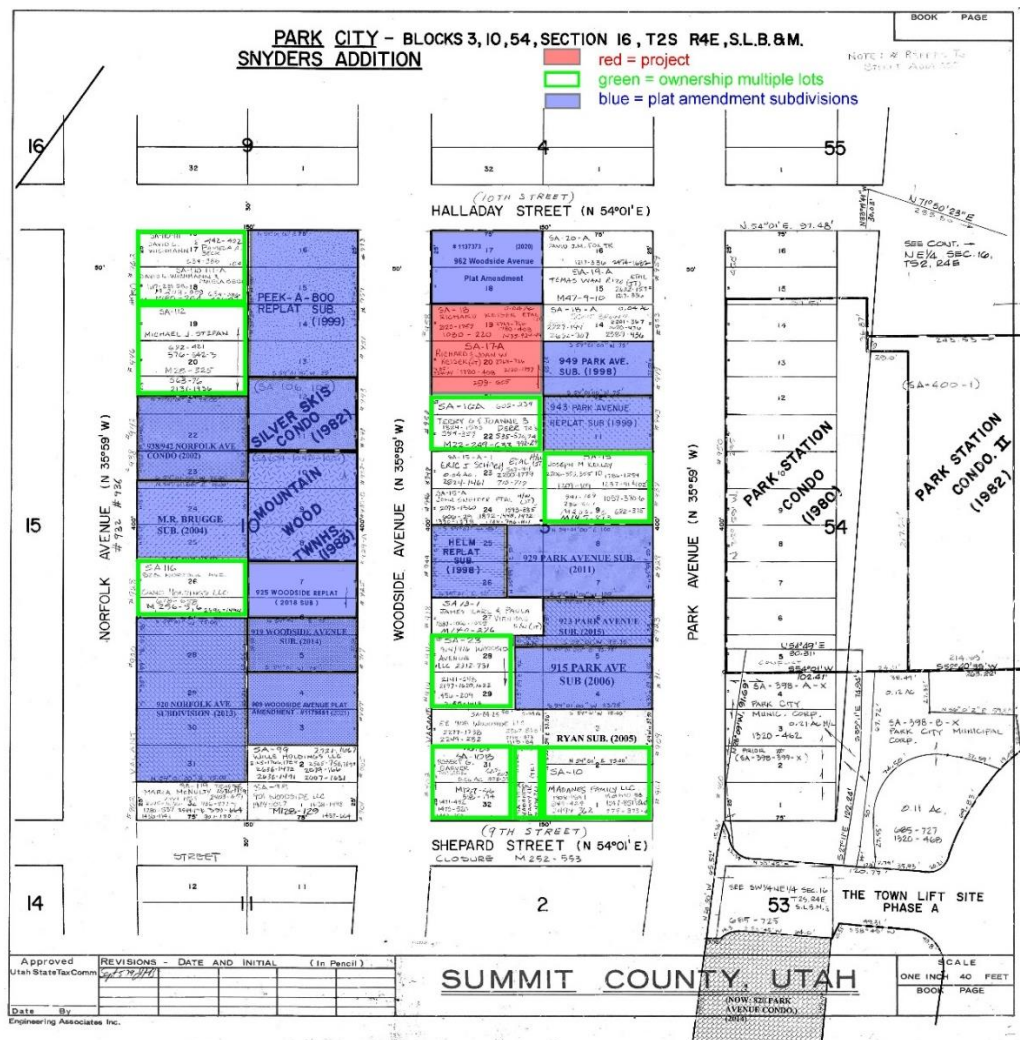
Site Compatibility with Surrounding Neighborhood and Nearby Lots

The proposed Plat Amendment of Lots 19, 20, and the North Half of 21 at 958 Woodside Avenue will create two Lots, smaller in scale. The original proposal combined these Lots into one Lot with an area of 4,687.5 square feet, which the Planning Commission deemed incompatible with the neighborhood. Nearby Lots that contain Single-Family Dwellings include 962 Woodside Avenue with 3,719.8 square feet, 946 Norfolk Avenue with 4,792 square feet, and 909 Woodside Avenue with 3,750 square feet. Also nearby are several Condominium Lots. The proposed Plat Amendment creates Lots more in scale with the street scape, the surrounding properties in Old Town, and the historic 25-foot by 75-foot Old Town Lots.

In the April 26 Planning Commission meeting, the Commissioners requested an updated Streetscape Exhibit to help better visualize the Structures in the vicinity (Exhibit C). Below are image of the streetscape labeled with addresses and a map submitted by the Applicant highlighting existing Lots (in red), previously approved Lot combinations (in blue), and surrounding sites where multiple adjacent lots are developed and under the same ownership (in green) (Exhibit D):



Figure 5: Woodside Avenue Streetscape



Structure Requirements

In addition to the consistency with surrounding Lot sizes, subdividing the Lots at 958 Woodside Avenue will allow for Maximum Building Footprints more in-scale with the neighborhood, and requires two off-street Parking Spaces for each Lot. The Proposed Lots are allowed one Primary Dwelling with the potential to obtain an Accessory Apartment with the required Administrative Permit.⁴

The Building Footprint formula in LMC [§ 15-2.2-3](#) allows for a maximum Building Footprint of 843.75 for Lot 1 and 1,200.67 square feet for Lot 2 for a total of 2,044.42 square feet. The previous proposal to combine into one Lot would have a Maximum Building Footprint of 1,801 square feet if the Lots are combined into one Lot of record.⁵

Currently, the site does not have access to Off-Street Parking Spaces. Since the site was developed in 1972, the owners and tenants of this property have utilized City ROW for parking. The site does not currently have designated parking. The Plat Amendment will increase the required Off-Street Parking Spaces and create appropriate Driveway Access. A Condition of Approval for this Plat Amendment is that any development of either Lot shall adhere to the LMC requirements, including the number of required Off-Street Parking Spaces. (See **Conditions of Approval 7 and 8**)

Architectural Review LMC § 15-2.2-9

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance. Any proposed Structure of future development on this site shall require the Applicant to submit a Historic District Design Review Application to the Planning Department for review and Compliance with LMC [§ 15-13-8](#) Design Guidelines For New Residential Infill Construction In Historic Districts. (See Condition of Approval 7).

Significant Vegetation

LMC Chapter [15-5 Architectural Review](#) requires new development to preserve Significant Vegetation. Though this would be revisited upon review of a Building Permit, this site has existing vegetation that appears to consist of invasive species and small plants. **Condition of Approval 9** states that prior to redevelopment, the Applicant must provide a survey of Significant Vegetation and submit a landscape plan that justifies replacement of the vegetation as outlined in LMC [§ 15-5-5\(N\)](#).

(II) Staff finds Good Cause for the proposed Plat Amendment because (A) it resolves an existing non-conformity (B) present land Uses and the Character of the HR-1 Zoning District are retained, (C) no Public Street or Right-of-Way is vacated or amended, and (D) no easement is vacated or amended.

Plat amendments are reviewed according to LMC [§ 15-7.1-3\(B\)](#), and approval requires a finding of Good Cause and a finding that no Public Street Right- of-Way, or easement is vacated or amended.

⁴ LMC [§ 15-2.2-2](#)

⁵ LMC [§ 15-2.2-3\(E\)](#) Maximum Building Footprint = ([Lot Area]/2) x 0.9[Lot Area]/1875

LMC [§ 15-15-1](#) defines Good Cause as “[p]roviding 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, 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.”

A. This Plat Amendment resolves an existing non-conformity.

The existing SFD was built in 1972 over the Lot Line platted between Lots 19 and 20 of Snyder’s Addition with a deck that was constructed over the Lot Line platted between Lots 20 and 21 (Exhibit B). Approval of the Plat Amendment requires the non-historic Structure to be demolished prior to recordation of the Plat Amendment. All future development shall comply with the code in effect at the time of Building Permit Application (**Condition of Approval 6**).

B. The Historic Residential – 1 Zoning District Character is retained.

LMC [§ 15-2.2-1](#) states that the purposes of the HR – 1 Zoning District include encouraging single family Development on combinations of 25' x 75' Historic Lots.

New development on Lots 1 and 2 will be required to follow the Historic District Design Review Guidelines as outlined in LMC [§ 15-13-8](#). (**Condition of Approval 10**.)

As outlined in the Analysis Section of this Staff Report, the proposed Plat Amendment will decrease the overall maximum Building Footprint for each Lot as supported by the Planning Commission. Additionally, Development on these Lots will maintain the transition in use from the existing Condominiums to adjacent Historic Properties.

C. No Public Street or Right-of-Way is vacated or amended.

Access to the Lots is from Woodside Avenue. The Applicant’s proposal does not vacate or amend any portion of the platted ROW.

D. No easements are vacated or amended.

(III) The Development Review Committee⁶ met on March 7, 2023, and requires Conditions of Approval

⁶ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney’s Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

The Development Review Committee noted that the existing private lateral wastewater line is shared with 950 Woodside Avenue and crosses 962 Woodside Avenue, out to 10th Avenue (Exhibit F). Any development on Lot 1 or Lot 2 will require wastewater service be routed to Woodside Avenue, which will include the installation of an injector waste pump (See **Condition of Approval 11**).

The private lateral easement for the benefit of 950 Woodside Avenue will expire once the building at 950 Woodside Avenue undergoes a major remodel or renovation. The proposed plat includes a private sewer lateral for the benefit of 950 Woodside Avenue and addressed in proposed plat note 3B. (See the image below.)

3B. THE PRIVATE LATERAL EASEMENT FOR THE BENEFIT OF 950 WOODSIDE AVENUE WILL EXPIRE ONCE THE BUILDING AT 950 WOODSIDE AVENUE UNDERGOES A MAJOR REMODEL OR RENOVATION WHEN WASTEWATER SERVICE WILL BE REQUIRED TO BE ROUTED TO WOODSIDE AVENUE.

Department Review

The Planning Department, Engineering Department, and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website, mailed courtesy notice to property owners within 300 feet, and posted notice to the property on June 28, 2023. The *Park Record* published notice on June 28, 2023.⁷

Public Input

Public input was received at the April 26, 2023, Planning Commission Meeting.⁸

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for Ordinance No. 2023-XX, Approving the 958 Woodside Avenue Plat Amendment for consideration on August 22, 2023; or;
- The Planning Commission may forward a negative recommendation to the City Council for Ordinance No. 2023-XX, Denying the 958 Woodside Avenue Plat Amendment and direct Staff to make Findings for this decision; or
- The Planning Commission may request additional information and continue the discussion to a date Certain.

Exhibits

Exhibit A: Draft Ordinance 2023-XX and Proposed Plat
Exhibit B: 958 Woodside Avenue Survey
Exhibit C: Woodside Avenue Streetscape Visual
Exhibit D: Lot Ownership Map
Exhibit E: Project Description
Exhibit F: Letter from Snyderville Basin Water Reclamation District

⁷ LMC [§ 15-1-21](#).

⁸ Planning Commission [Meeting Minutes](#), p. 7.

Ordinance No. 2023-XX

**AN ORDINANCE APPROVING THE 958 WOODSIDE AVENUE PLAT AMENDMENT,
LOCATED AT 958 WOODSIDE AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 958 Woodside Avenue petitioned the City Council for approval of the 958 Woodside Avenue Plat Amendment; and

WHEREAS, on April 11, 2023, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on April 11, 2023, courtesy notice was mailed to property owners within 300 feet of 958 Woodside Avenue; and

WHEREAS, on April 26, 2023, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on April 26, 2023, the Planning Commission continued the public hearing to a date uncertain;

WHEREAS, on June 28, 2023, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on June 28, 2023, courtesy notice was mailed to property owners within 300 feet of 958 Woodside Avenue; and

WHEREAS, on July 12, 2023, a quorum of the Planning Commission was not present and the the public hearing continued to July 26, 2023,

WHEREAS, on July 26, 2023, the Planning Commission forwarded a ~~positive~~/negative recommendation for City Council's consideration on August 22, 2023; and

WHEREAS, on August 22, 2023, the City Council reviewed the proposed Plat Amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management code including § 15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.2 and 15-7.

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

SECTION 1. APPROVAL. The 958 Woodside Avenue Plat Amendment, located at 958 Woodside Avenue, as shown in Attachment 1, is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 958 Woodside Avenue.

2. The property is listed with Summit County as parcel numbers SA-17-A and SA-18 and consists of Lots 19, 20, and the North half of Lot 21 in the Snyder's Addition.
3. The property is in the Historic Residential-1 (HR-1) Zoning District.
4. The Applicant seeks to create two Lots of record.
5. Lot 1 will remain 958 Woodside Avenue, and Lot 2 will be 954 Woodside Avenue.
6. The site contains an existing Non-Historic Structure built in 1972.
7. The current minimum Lot Size in the HR-1 Zoning District is 1,875 square feet. The Proposed Lot 1 is 1,875 square feet and Lot 2 is 2,182.5 square feet.
8. The current minimum Lot Width in the HR-1 Zoning District is 25 feet. The Proposed Lot 1 25 feet wide and Lot 2 is 32.5 feet wide.
9. No remnant Parcels are created with this Plat Amendment.
10. The Proposed Lot Sizes are consistent with adjacent Lots.
11. The Building Footprint of the existing Structure is 913 square feet.
12. Proposed Lot 1 will have a Maximum Building Footprint of 843.75 square feet and proposed Lot 2 will have a Maximum Building Footprint of 1,200.67 square feet.
13. A Single-Family Dwelling is an allowed Use in the HR-1 Zoning District.
14. The Front and Rear Setback is ten feet each. The existing Structure is set back 19 feet from the Front Property line and 23 feet from the Rear Property line.
15. The Side Setback is three feet each side. The existing Structure is set back five feet from the west Property line and 29 feet from the east Property line.
16. The HR-1 Zone height is 27 feet from existing grade. The existing Structure is legal non-complying and has a height of 37 feet.
17. Maximum Building Footprints for each Lot are more in-scale with the neighborhood.
18. Each Lot requires two off-street Parking Spaces.
19. There is Good Cause for this Plat Amendment because it resolves an existing non-conformity, present Land Uses and the Character of the HR – 1 Zoning District are retained, no public street or Right-of-Way is vacated or amended, and no easement is vacated or amended.
20. Snyderville Basin Water Reclamation District notes that the existing private lateral wastewater line is shared with 950 Woodside Avenue and crosses 962 Woodside Avenue, out to 10th Avenue.
21. Notice was published on the City's website, the Utah Public Notice website, mailed courtesy notices to property owner within 300 feet, and posted notice to the property on June 28, 2023.
22. The *Park Record* published notice on June 28, 2023.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.2, *Historic Residential (HR-1) Zoning District*, and LMC § 15-7.1-6, *Final Subdivision Plat*.
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

1. The Planning Department, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this Plat approval 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. The Plat shall note that fire sprinklers are required for all new construction.
4. A non-exclusive ten foot (10') public snow storage easement on Woodside Avenue shall be dedicated on the Plat.
5. The plat shall note the Maximum Building Footprint for Lot 1 is 843.75 square feet and Lot 2 is 1,200.67 square feet.
6. The non-historic Structure shall be demolished prior to recordation of the Plat.
7. New construction on Lot 1 and Lot 2 shall be comply with the LMC in effect at the time of Building Permit application.
8. Each Lot shall have a minimum of two Off-Street Parking spaces.
9. Prior to redevelopment, the applicant must provide a survey of significant vegetation and submit a landscape plan that justifies replacement of the vegetation as outlined in LMC 15-5-5(N).
10. Any development on Lots 1 and 2 must undergo the Historic District Design Review Process for Compliance with LMC § 15-13-8 *Design Guidelines for Historic Districts and Historic Sites*.
11. Any development on Lot 1 or Lot 2 shall require wastewater service be routed to Woodside Avenue, which shall include the installation of an injector waste pump.
12. The Plat shall note that this Lot is subject to Ordinance 2023-XX.
13. The Engineering Department shall review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 22nd day of August, 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

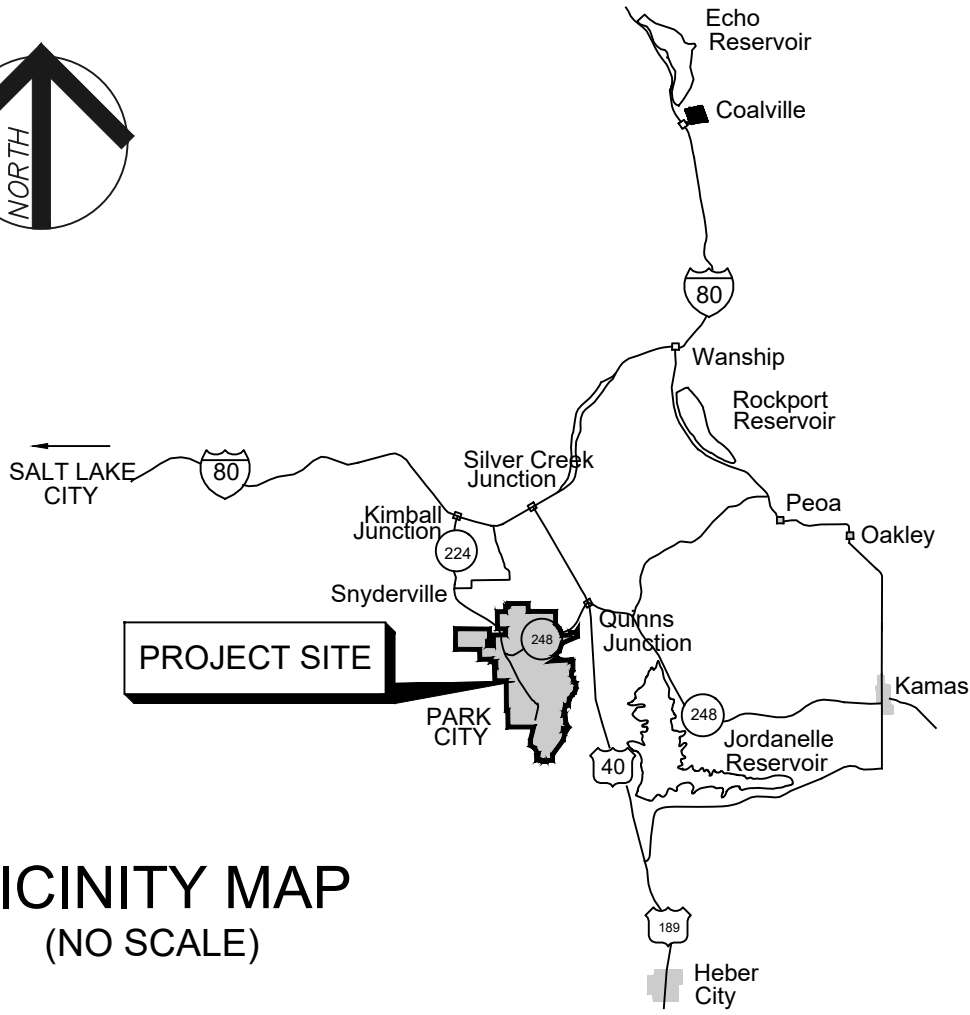
City Attorney's Office

Attachment 1 – Proposed Plat

DRAFT

958 WOODSIDE AVENUE SUBDIVISION

LOT 19, LOT 20 & THE NORTH HALF OF LOT 21 IN BLOCK 3 OF
SNYDERS ADDITION TO THE PARK CITY SURVEY
LYING WITHIN THE NORTHEAST QUARTER OF
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



VICINITY MAP
(NO SCALE)



GRAPHIC SCALE
1 INCH = 50 FEET
THIS MAP PRINTS TO SCALE
AT SIZE 24"x36" PAPER

LEGEND



FOUND STREET
MONUMENT

FOR SUBMISSION TO PARK CITY PLANNING
06-21-2023
MINOR EDITS 07/03/2023
SEWER EDITS 07/05/2023

PLAT NOTES

- SEE RECORD OF SURVEY S-11162, RECORDED 02/14/2023 IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.
- THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL OF ORDINANCE 2023-_____.
- 950 WOODSIDE AVENUE AND 958 WOODSIDE AVENUE ARE SERVED BY A COMMON PRIVATE LATERAL WASTEWATER LINE THAT CROSSES 962 WOODSIDE AVENUE. WHEN A MAJOR REMODEL OR RENOVATION OCCURS ON LOTS 1 OR 2, WASTEWATER SERVICE WILL BE REQUIRED TO WOODSIDE AVENUE. EJECTOR PUMPING OF THE LOWER LEVELS MAY BE REQUIRED.
- THE PRIVATE LATERAL EASEMENT FOR THE BENEFIT OF 950 WOODSIDE AVENUE WILL EXPIRE ONCE THE BUILDING AT 950 WOODSIDE AVENUE UNDERGOES A MAJOR REMODEL OR RENOVATION WHEN WASTEWATER SERVICE WILL BE REQUIRED TO BE ROUTED TO WOODSIDE AVENUE.

LEGAL DESCRIPTION

LOT 19, LOT 20 & THE NORTH HALF OF LOT 21 IN BLOCK 3 OF SNYDERS ADDITION TO THE PARK CITY SURVEY, ON FILE AND OF RECORD AT THE SUMMIT COUNTY, UTAH RECORDER'S OFFICE.

BEING MORE PARTICULARLY DESCRIBED AS:

A PARCEL OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, SUMMIT COUNTY, UTAH.

BEGINNING AT A FOUND & ACCEPTED STREET CENTERLINE MONUMENT AT THE INTERSECTION OF PARK AVENUE WITH ELEVENTH STREET, BASIS OF BEARINGS BEING SOUTH 54°01'00" EAST 860.00' FEET BETWEEN FOUND STREET MONUMENTS AT THE INTERSECTION OF PARK AVENUE WITH ELEVENTH STREET AND PARK AVENUE WITH NINTH STREET;

THENCE SOUTH 54°01'00" WEST A DISTANCE OF 200.00 FEET;

THENCE SOUTH 35°59'00" EAST A DISTANCE OF 430.00 FEET;

THENCE SOUTH 35°59'00" EAST A DISTANCE OF 65.00 FEET;

THENCE NORTH 54°01'00" EAST A DISTANCE OF 25.00' TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 54°01'00" EAST A DISTANCE OF 75.00 FEET;

THENCE SOUTH 35°59'00" EAST A DISTANCE OF 62.50 FEET;

THENCE SOUTH 54°01'00" WEST A DISTANCE OF 75.00 FEET;

THENCE NORTH 35°59'00" WEST A DISTANCE OF 62.50 FEET TO THE TRUE THE POINT OF BEGINNING.

CONTAINS 4687.5 SQUARE FEET OR 0.108 ACRES.

CONTAINS 2 LOTS.

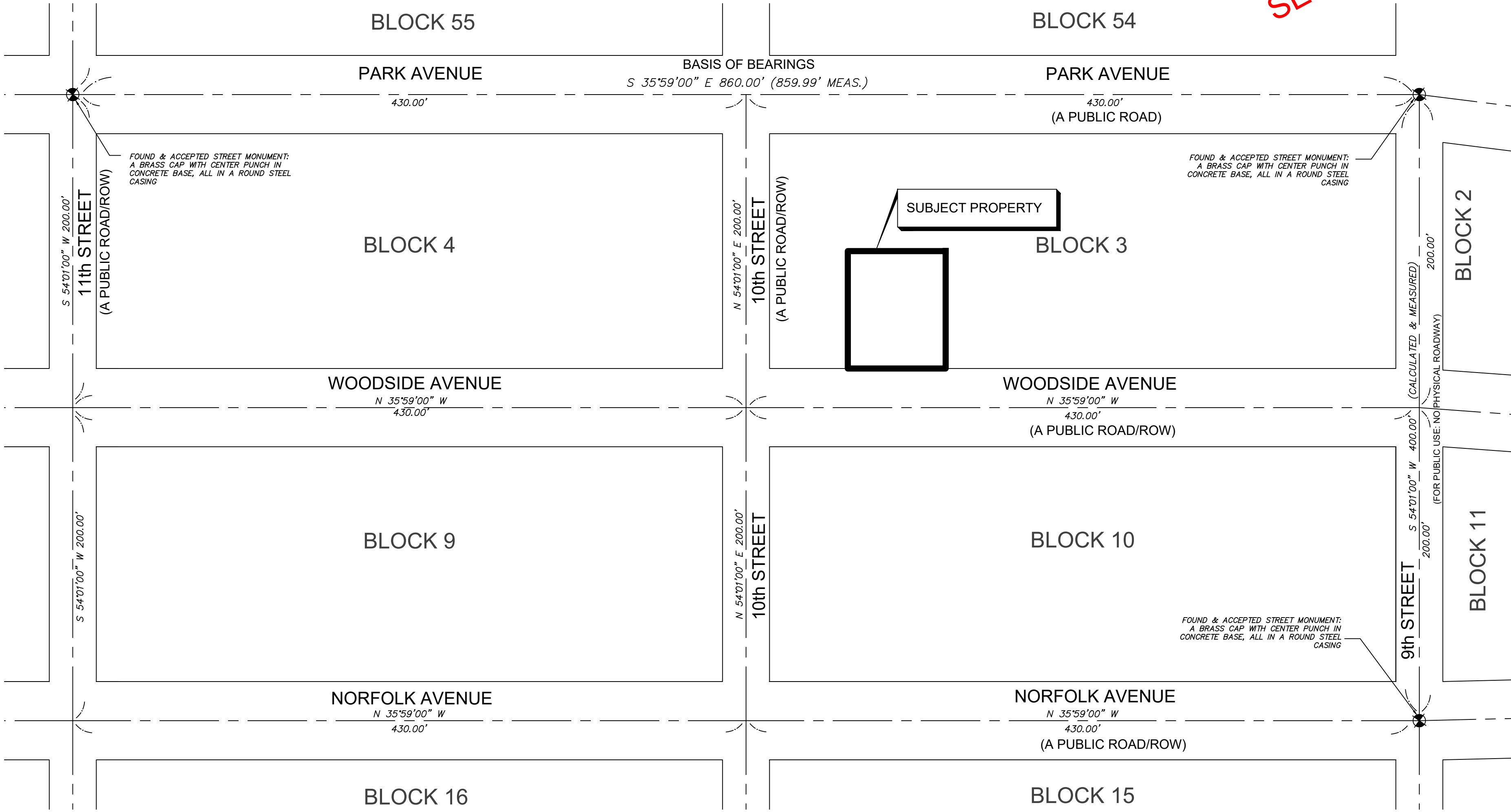
SURVEYOR'S CERTIFICATE

I, MARTINA NELSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NUMBER 8910903 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY AND HAVE REFERENCED A RECORD OF SURVEY MAP OF THE EXISTING PROPERTY BOUNDARIES IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED THE BOUNDARY LOCATIONS AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

I DO FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNER, I HAVE SUBDIVIDED SAID PROPERTY INTO LOTS AND STREETS, HEREIN TO BE KNOWN AS "958 WOODSIDE AVENUE SUBDIVISION".

MARTINA NELSON
UTAH P.L.S. 8910903

FOR SUBMISSION TO PARK CITY PLANNING
06-21-2023
MINOR EDITS 07/03/2023
SEWER EDITS 07/05/2023



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, RICHARD KEISER AND JOAN W. KEISER, THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, TO BE KNOWN HEREAFTER AS THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND KNOWN AS THE 958 WOODSIDE AVENUE SUBDIVISION, DO HEREBY CERTIFY THAT I HAVE CAUSED THIS PLAT TO BE PREPARED, AND DOES HEREBY CONSENT TO THE RECORDATION OF THIS PLAT.

ALSO, THE OWNER OR ITS REPRESENTATIVE, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY ALL THE EASEMENTS SHOWN ON THIS PLAT AMENDMENT IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET OUR HAND THIS _____ DAY OF _____, 2023.

RICHARD KEISER

JOAN W. KEISER

ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____

ON THIS _____ DAY OF _____, 2023, RICHARD KEISER & JOAN W. KEISER, PERSONALLY APPEARED BEFORE ME, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE), AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT THEY ARE THE LANDOWNERS, AND THAT SAID DOCUMENT WAS SIGNED BY THEM, AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THIS "958 WOODSIDE AVENUE SUBDIVISION" PLAT AMENDMENT.

SIGNATURE _____
A NOTARY PUBLIC COMMISSIONED IN _____
PRINTED NAME _____
RESIDING IN _____
MY COMMISSION EXPIRES: _____
COMMISSION NUMBER _____

SHEET 1 OF 2
07/05/2023

Park City
Surveying
PO Box 682993
Park City, UT 84068
435-649-2918
WWW.PARKCITYSURVEY.COM

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2023.
S.B.W.R.D.

PARK CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____, 2023.
CHAIRPERSON

COUNCIL APPROVAL & ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2023.
MAYOR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2023.
PARK CITY ENGINEER

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2023.
PARK CITY RECORDER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____, 2023.
PARK CITY ATTORNEY

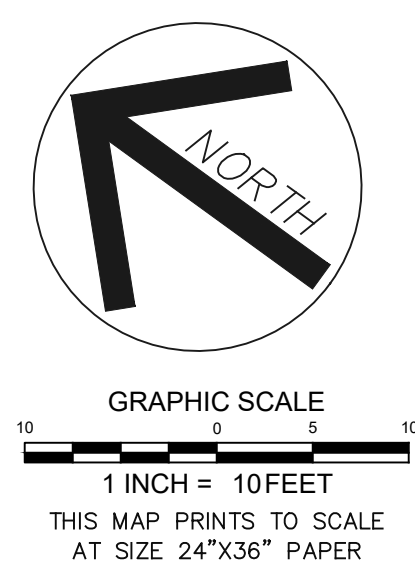
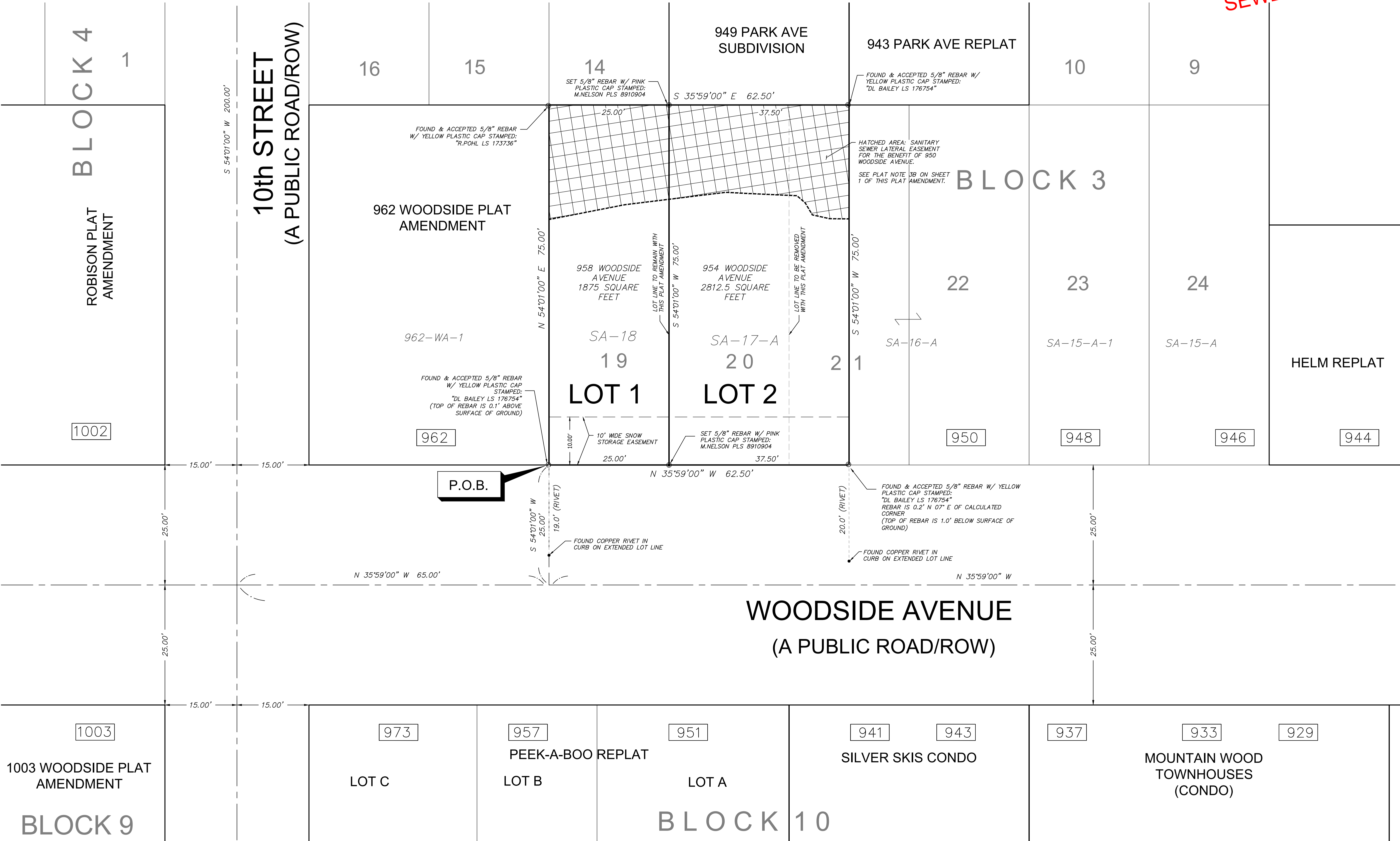
PUBLIC SAFETY ANSWERING POINT APPROVAL
APPROVED THIS _____ DAY OF _____, 2023.
BY: JEFF WARD, GIS DIRECTOR SUMMIT COUNTY GIS COORDINATOR

RECORDED
ENTRY NUMBER: _____ BOOK _____ PAGE: _____ STATE OF UTAH, COUNTY OF _____ DATE: _____ TIME: _____ FEE PAID: _____ RECORDED AND FILED AT THE REQUEST OF: _____ COUNTY RECORDER: _____

958 WOODSIDE AVENUE SUBDIVISION

LOT 19, LOT 20 & THE NORTH HALF OF LOT 21 OF BLOCK 3 OF
SNYDERS ADDITION TO THE PARK CITY SURVEY
LYING WITHIN THE NORTHEAST QUARTER OF
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

FOR SUBMISSION TO PARK CITY PLANNING
06-21-2023
MINOR EDITS 07/03/2023
SEWER EDITS 07/05/2023



LEGEND	
⊙	FOUND REBAR W/ CAP (AS DESCRIBED)
●	SET 5/8" REBAR W/ PINK PLASTIC CAP STAMPED: "M.NELSON PLS 8910903"
123	ADDRESS
SA-18	SUMMIT COUNTY PARCEL IDENTIFICATION
32	SNYDERS ADDITION ORIGINAL LOT NUMBER

FOR SUBMISSION TO PARK CITY
PLANNING
06-21-2023
MINOR EDITS 07/03/2023
SEWER EDITS 07/05/2023

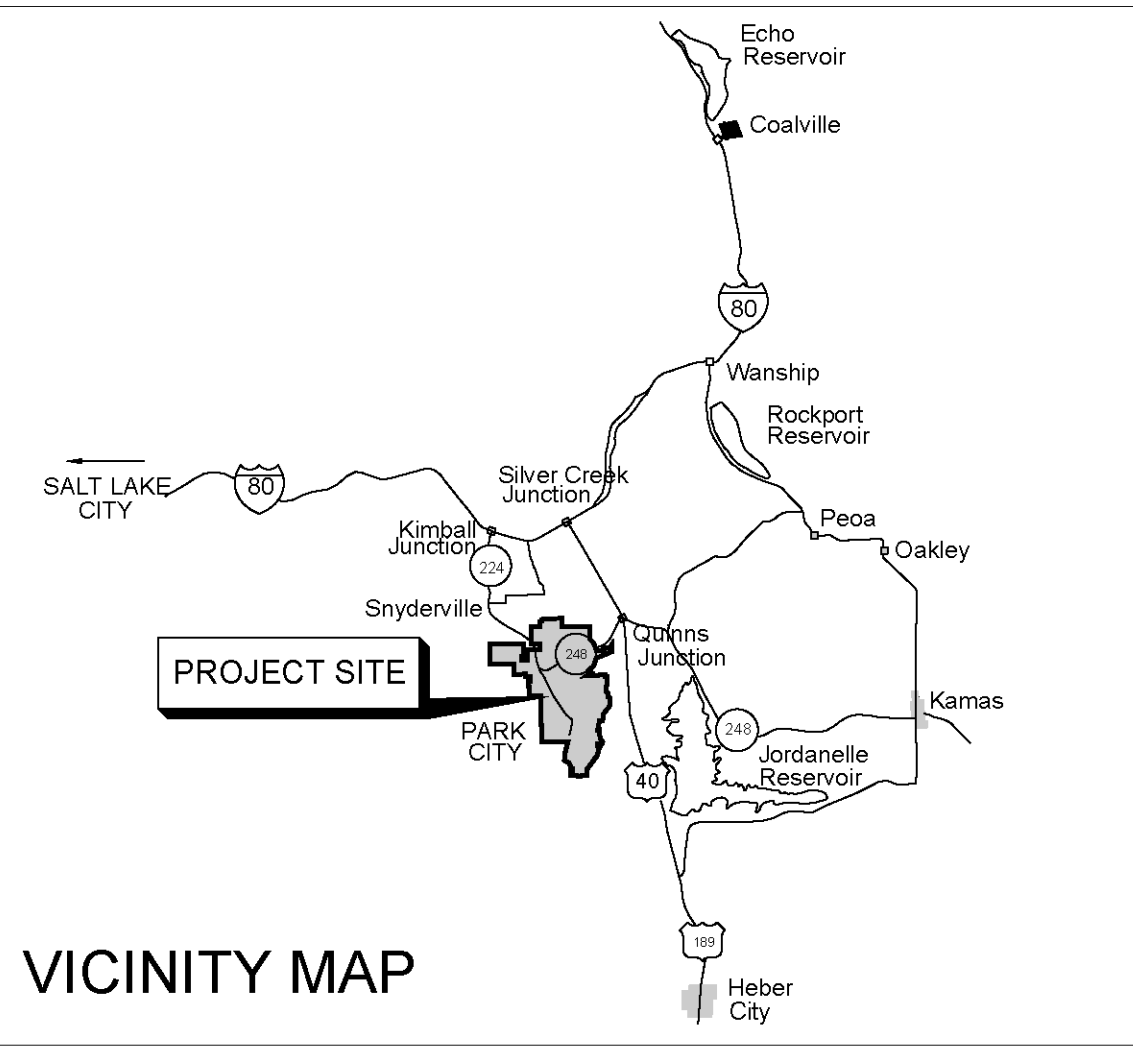
Park City
Surveying

PO Box 682993
Park City, UT 84068
435-649-2918
WWW.PARKCITYSURVEY.COM

RECORDED	
ENTRY NUMBER:	PAGE:
BOOK:	STATE OF UTAH, COUNTY OF:
DATE:	TIME:
FEE PAID:	RECORDED AND FILED AT THE REQUEST OF:
COUNTY RECORDER:	

E:\Park City Surveying\Drawings\Park City Surveying\Town Editor\22new\05\04\WOODSIDE PLAT AMENDMENT 07-05-2023.dwg, 2

VICINITY MAP



GRAPHIC SCALE
40 0 20
1 INCH = 40 FEET
THIS MAP PRINTS TO SCALE
AT SIZE 24"X36" PAPER

LEGEND

 FOUND STREET MONUMENT

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO LOCATE THE BOUNDARY LINES OF THE SUBJECT PROPERTY & TO OBTAIN GROUND ELEVATIONS AND EXISTING CONDITIONS OF THE PROPERTY. THIS SURVEY WAS REQUESTED BY THE LANDOWNERS.

THE CURRENT LANDOWNERS ARE RICHARD KEISER AND JOAN W. KEISER.
SEE DEED ENTRY 1199759, BOOK 2769 PAGE 0726.

THIS SURVEY MAP WAS GENERATED USING 2 (TWO) FOOT CONTOURS.

VERTICAL DATUM:
NAVD 88 (NORTH AMERICAN VERTICAL DATUM)
VERTICAL N.G.S. BENCHMARK MONUMENT USED: CHISELED SQUARE 3.
PID L00236
SUMMIT COUNTY, UTAH
USGS QUAD "PARK CITY EAST" (1955)
NAVD 88 ELEVATION (ORTHO): 6563.44'
THIS BENCHMARK IS ALONG THE RAIL TRAIL AND LIES WITHIN SUMMIT COUNTY PARCEL ID
SS-64-A.

EXISTING SURVEY MONUMENTS IN ADJACENT ROADWAYS WERE USED TO REESTABLISH THE PROPERTY CORNERS.

THE BASIS OF BEARINGS IS SHOWN HEREON. ALL BEARINGS AND DISTANCES SHOWN
HEREON ARE THE EQUIVALENT OF RECORD, UNLESS NOTED.

EXISTING BUILDING LOCATION IS TO AS-BUILT LOCATION OF BUILDING WALL CORNERS.
ACTUAL FOUNDATION LOCATION MAY DIFFER.

RTK GPS AND ROBOTIC TOTAL STATION INSTRUMENTS WERE USED ON THIS SURVEY.

SURVEY COMPLETED: 11/15/2022

SEE SAID OFFICIAL SNYDERS ADDITION TO PARK CITY SUBDIVISION PLAT FOR ANY EASEMENTS, SETBACK REQUIREMENTS, BUILDING ENVELOPES AND BUILDING LOT RESTRICTIONS.
NOTE: OTHERS MAY APPLY.

SEE "PARK CITY, UTAH MONUMENT CONTROL MAP", PREPARED BY BUSH & GUDGELL.
BE AWARE THAT THERE ARE TWO SEPARATE BUSH & GUDGELL MONUMENT CONTROL
MAPS.
ENTRY 197765, RECORDED 11/02/1982 (A 3 SHEET SURVEY)
AND
ENTRY 199887, RECORDED 12/30/1982 (AMENDMENT OF SHEET 3 OF 3 OF ENTRY
197765)

THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT. THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OR ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS SHOWN HEREON.

EVIDENCE FOR THIS SURVEY WAS TAKEN FROM RECORDED DEEDS, RECORDS OF SURVEYS, PLATS AND PHYSICAL EVIDENCE OBTAINED IN THE FIELD. ALL FOUND EVIDENCE HAS BEEN CONSIDERED IN THE ESTABLISHMENT OF THE BOUNDARY AS SHOWN HEREON.

THIS SURVEY IS IN COMPLIANCE WITH THE GENERALLY ACCEPTED STANDARDS OF CARE
AND STANDARDS OF ACCURACY FOR THIS TYPE OF SURVEY IN THIS LOCALE.

LEGAL DESCRIPTION

LOT 19, 20 & THE NORTH HALF OF LOT 21 IN BLOCK 3 OF THE SNYDERS ADDITION TO PARK CITY SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

SURVEYOR'S CERTIFICATE

I, MARTINA NELSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NUMBER 8910903, IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

MARTINA NELSON
P.L.S. 8910903

S0011162 B: 0003 P: 0625

Page 1 of 3

Rhonda Francis, Summit County Utah Recorder

02/14/2023 09:05:46 AM Fee \$120.00

By PARK CITY SURVEYING

Electronically Recorded by Simplifile

RECORD OF SURVEY & EXISTING CONDITIONS MAP
LOT 19, 20 & NORTH HALF OF 21
SNYDERS ADDITION TO PARK CITY SUBDIVISION

FOR: RICHARD & JOAN KEISER

DWG:958 WOODSIDE ROS-ASB.dwg

SHEET 1 OF 3

SURVEYED BY:
MN
DRAFTED BY:
MN
CHECKED BY:
KR

DATE:
DECEMBER 20, 2022

THIS DRAWING SHALL REMAIN THE PROPERTY OF PARK CITY SURVEYING. NO PART THEREOF SHALL BE COPIED, DISCLOSED TO OTHERS OR USED IN CONNECTION WITH ANY WORK OR PROJECT FOR ANY PURPOSE OTHER THAN FOR THE SPECIFIC PROJECT FOR WHICH THIS MAP HAS BEEN PREPARED.

THE INFORMATION CONTAINED
HEREON CANNOT BE COPIED,
DUPLICATED, OR COMMERCIALY
EXPLOITED IN WHOLE OR IN PART
WITHOUT THE EXPRESSED WRITTEN
PERMISSION OF PARK CITY
SURVEYING.

**Park City
Surveying**

E:\Park City Surveying\Drawings\City Surveying\Town Island\2500\LOT\WNS\Survey\Area Addition\Lot\001\WOODSIDE-ROS-ASB.dwg 2

SURVEYOR'S CERTIFICATE

I, MARTINA NELSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NUMBER 8910903, IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.



RECORD OF SURVEY & EXISTING CONDITIONS MAP

LOT 19, LOT 20 & THE NORTH HALF OF LOT 21 OF THE
SNYDERS ADDITION TO PARK CITY SUBDIVISION
LYING WITHIN THE NORTHEAST QUARTER OF
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

NARRATIVE:

THE PURPOSE OF THIS SHEET IS TO SHOW THE BOUNDARY INFORMATION.

ANY FOUND LOT CORNER EVIDENCE MORE THAN 0.10 FROM THE CALCULATED CORNER POSITIONS ARE NOTED AS OUT OF POSITION USING A BEARING & DISTANCE NOTE.

SANITARY SEWER EASEMENTS SHOWN HEREON ARE PER TITLE REPORT 29975, EFFECTIVE DATE APRIL 14, 2022 AT 8:00 AM. ISSUED BY COALITION TILE, PARK CITY, UTAH.

ENTRY 353694, BOOK 644 PAGE 645, RECORDED FEBRUARY 05, 1992.
BENEFITS 958 WOODSIDE AVENUE BUT NO PARTS OF THIS RECORDED EASEMENT ARE CURRENTLY IN USE. THIS SANITARY SEWER EASEMENT IS DESCRIBED SO VAGUELY, IT'S DIFFICULT TO TELL THE INTENTION. PARK CITY SURVEYING COMMUNICATED WITH THE SNYDERVILLE BASIN WATER RECLAMATION DISTRICT AND ALLIANCE ENGINEERING (ALLIANCE ENGINEERING BEING A LONG-STANDING EXPERT ON OLD TOWN PROPERTY ISSUES) ON THE POSSIBLE LOCATIONS AND CONFIGURATION OF THE 4 SEPARATE EASEMENTS CONTAINED WITHIN ENTRY 353694.

THIS EASEMENT ENTRY 353694 WAS ABANDONED USING ENTRY 1199856, BOOK 2769 PAGE 1167, RECORDED 01/19/2023 IN THE OFFICE OF THE SUMMIT COUNTY RECORDER. SEE ALSO AFFIDAVIT CORRECTION, ENTRY 1200533, BOOK 2771 PAGE 0476, RECORDED 02/07/2023.

ENTRY 1172940, BOOK 2691 PAGE 1767, RECORDED 09/13/2021.

BENEFITS 958 WOODSIDE AVENUE
THIS EASEMENT IS DESCRIBED USING ONLY A HAND-DRAWN SKETCH. THERE IS NOT ENOUGH INFORMATION TO PLOT THIS EASEMENT. REFER TO THE SKETCH IN THE RECORDED EASEMENT.

ENTRY 1172941, BOOK 2691 PAGE 1770, RECORDED 09/13/2021.

BENEFITS 950 WOODSIDE AVENUE
THIS EASEMENT IS DESCRIBED USING ONLY A HAND-DRAWN SKETCH. THERE IS NOT ENOUGH INFORMATION TO PLOT THIS EASEMENT. REFER TO THE SKETCH IN THE RECORDED EASEMENT.

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SURVEYED BY:
MN
DRAFTED BY:
MN
CHECKED BY:
KR
DATE:
DECEMBER 20, 2022

RECORD OF SURVEY & EXISTING CONDITIONS MAP
LOT 19, 20 & NORTH HALF OF 21
SNYDERS ADDITION TO PARK CITY SUBDIVISION

DWG: 958 WOODSIDE ROS-ASB.dwg

FOR: RICHARD & JOAN KEISER

SHEET 2 OF 3

BLOCK 55

TOWN POINTE
CONDOS

BLOCK 54
PARK STATION CONDOS

PARK AVENUE
(A PUBLIC ROAD)

S 35°59'00" E 430.00'

FOUND & ACCEPTED STREET
MONUMENT:
A BRASS CAP IN CONCRETE BASE, ALL
IN A ROUND STEEL CASING

1

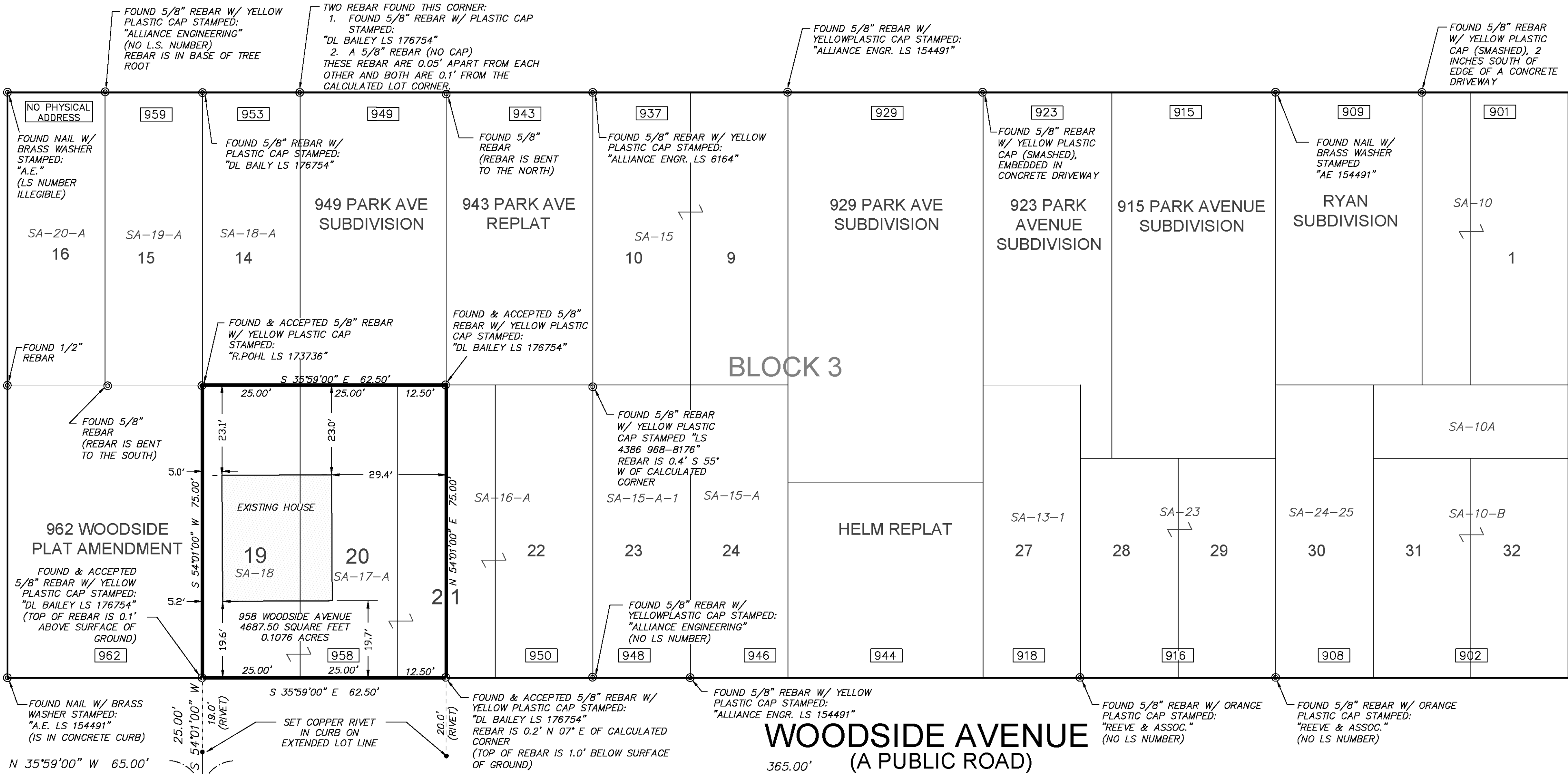
BLOCK 4

ROBISON PLAT
AMENDMENT

10th STREET

S 54°01'00" W 200.00'

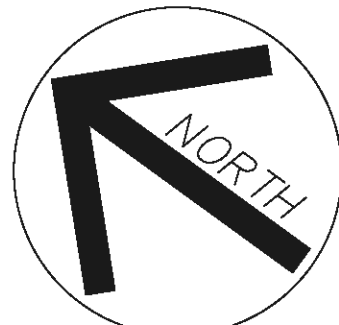
(A PUBLIC ROAD)



PARKWOOD CONDO
(PARK PHASE)

BLOCK 2

PARKWOOD CONDO
(WOODWARD
PHASE)



GRAPHIC SCALE
1 INCH = 20 FEET
THIS MAP PRINTS TO SCALE
AT SIZE 24"x36" PAPER

LEGEND

- FOUND STREET MONUMENT
- FOUND REBAR W/ CAP (AS DESCRIBED)
- ADDRESS
- SA-18 SUMMIT COUNTY PARCEL IDENTIFICATION
- 32 SNYDERS ADDITION ORIGINAL LOT NUMBER

1003

BLOCK 9

1003 WOODSIDE PLAT
AMENDMENT

FOUND 5/8" REBAR W/ PLASTIC
CAP STAMPED:
"J. HARMON 176966"
(REBAR IS LOOSE IN THE GROUND,
BUT UPRIGHT)

S0011162 B: 0003 P: 0625
Page 2 of 3
Rhonda Francis, Summit County Utah Recorder
02/14/2023 09:05:46 AM Fee \$120.00
By PARK CITY SURVEYING
Electronically Recorded by Simplifile

RECORD OF SURVEY & EXISTING CONDITIONS MAP

LOT 19, LOT 20 & THE NORTH HALF OF LOT 21 OF THE
SNYDERS ADDITION TO PARK CITY SUBDIVISION
LYING WITHIN THE NORTHEAST QUARTER OF
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

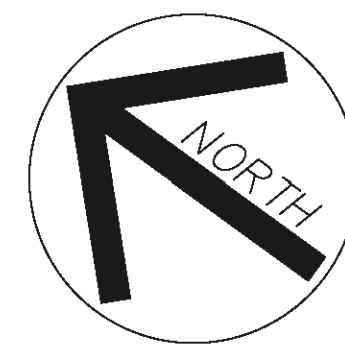
NARRATIVE:

THE PURPOSE OF THIS SHEET IS TO SHOW THE TOPOGRAPHIC DETAILS.

CONTOURS SHOWN ARE AT 2' (TWO) INTERVALS.

SEE SHEET 2 FOR BOUNDARY RELATED DETAILS (FOUND LOT CORNER INFORMATION).

THE SANITARY SEWER LATERALS SHOWN IN THE REAR (NORTH PORTION) OF THE PROJECT WERE FIELD LOCATED USING SONDE TECHNOLOGY. PARK CITY SURVEYING CONTRACTED WITH ROTO-ROOTER OF SALT LAKE CITY FOR THIS PLUMBING FIELD WORK. THE GROUND SURFACE MARKINGS BY ROTO-ROOTER WERE THEN IMMEDIATELY FIELD LOCATED BY PARK CITY SURVEYING.



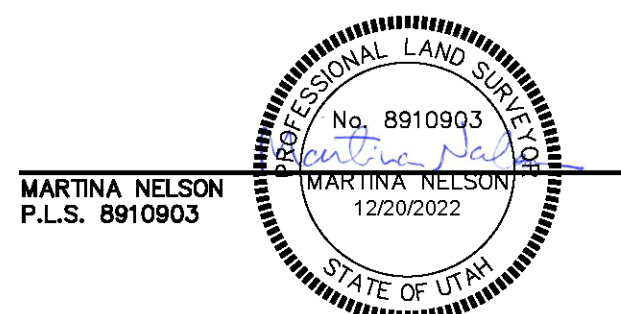
GRAPHIC SCALE
1 INCH = 10 FEET
THIS MAP PRINTS TO SCALE
AT SIZE 24"X36" PAPER

LEGEND

- FOUND REBAR W/ CAP (SEE SHEET 2 FOR DETAILS)
- 19 ORIGINAL SNYDERS ADDITION LOT NUMBER
- EXISTING GROUND ELEVATION
- ROOF PEAK OR RIDGE ELEVATION
- FIRE HYDRANT
- WATER VALVE
- GAS VALVE
- WATER MANHOLE
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- UTILITY LATERAL
- CATCH BASIN
- WATER METER
- ELECTRIC METER
- GAS METER
- ELECTRIC BOX/TRANSFORMER
- SEWER CLEAN OUT
- UTILITY POLE
- SIGN
- LANDSCAPING
- FENCE
- RETAINING WALL (RAILROAD TIES UNLESS OTHERWISE DESCRIBED)
- OVERHEAD ELECTRIC (& OTHER OVERHEAD UTILITIES)
- SANITARY SEWER LINE
- TREE DIAMETER SHOWN TO EDGE OF DRIPLINE
- DECIDUOUS TREE

SURVEYOR'S CERTIFICATE

I, MARTINA NELSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NUMBER 8910903, IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.



S0011162 B: 0003 P: 0625
Page 3 of 3
Rhonda Francis, Summit County Utah Recorder
02/14/2023 09:05:46 AM Fee \$120.00
By PARK CITY SURVEYING
Electronically Recorded by Simplifile

RECORD OF SURVEY & EXISTING CONDITIONS MAP
LOT 19, 20 & NORTH HALF OF 21
SNYDERS ADDITION TO PARK CITY SUBDIVISION

FOR: RICHARD & JOAN KEISER

DWG: 958 WOODSIDE ROS-ASB.dwg

SHEET 3 OF 3

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SURVEYED BY:
MN
DRAFTED BY:
MN
CHECKED BY:
KR
DATE:
DECEMBER 20, 2022

Park City
Surveying
PO Box 682993
Park City, UT 84088
435-649-2918
WWW.PARKCITYSURVEY.COM

E:\Park City Surveying Dropbox\Park City Surveying Team Folder\ZDrive\O\OLDTOWN\Snyders Addition\Lots\958 Woodside - PLAT AMENDMENT\STREETSCAPES.dwg, woodside streetscapes 11x17

EAST SIDE OF WOODSIDE AVENUE
(EVEN NUMBERED ADDRESSES)



WEST SIDE OF WOODSIDE AVENUE
(ODD NUMBERED ADDRESSES)



958 WOODSIDE AVENUE PLAT
AMENDMENT PROJECT
STREETSCAPE PERSPECTIVES

FOR: KEISER

DWG: STREETSCAPES 958 WOODSIDE

DATE	BY	REVISIONS	COMMENTS
XX/XX/XXXX			

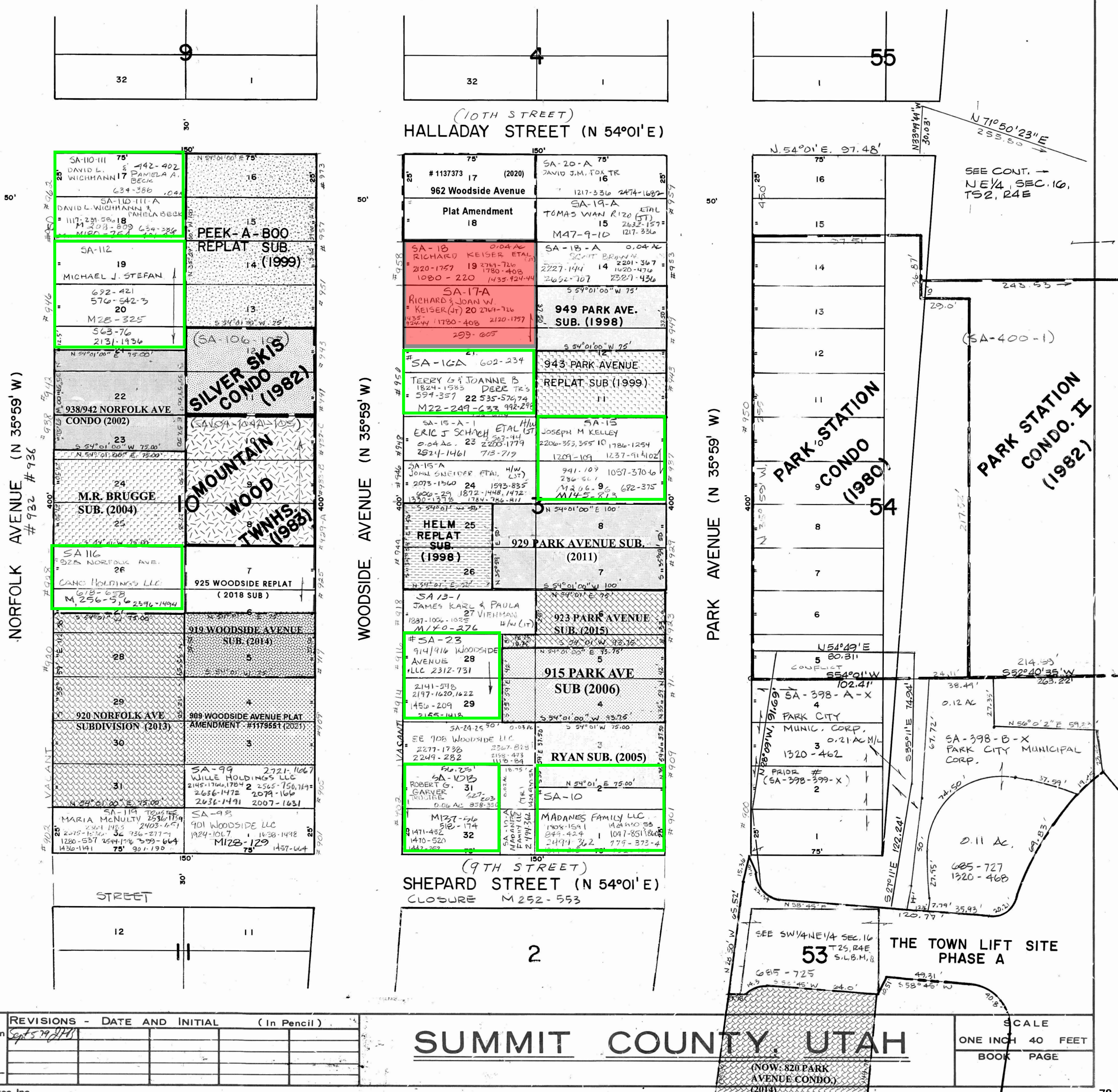
DRAWN BY:	MN
CHECKED BY:	MN
DATE:	JULY 06, 2023

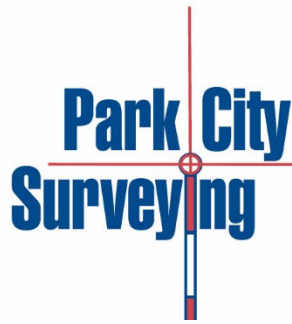
PARK CITY - BLOCKS 3, 10, 54, SECTION 16, T2S R4E, S.L.B. & M.
SNYDERS ADDITION red = project

red = project

green = ownership multiple lots

NOTE: # REFERS TO
STREET ADDRESS





P.O. Box 682993
Park City, UT 84068
(435)649-2918
(435)649-4637 fax

PLAT AMENDMENT
958 Woodside Avenue
Park City, UT 84060

Lot 19, Lot 20 & the North half of Lot 21, all in Block 3 of the Snyders Addition to Park City

06/23/2023

Project Description

The landowners of 958 Woodside Avenue in Old Town (Park City) wish to combine the parcels they own into two new lots of record.

- The current landowners are Richard & Joan Keiser.
- There is an existing non-historic home on the property (Built in 1972)

Good Cause

- As is typical in Old Town, when property improvements are anticipated, Park City Land Management Code requires that single lots be combined into one or more new lots of record via a Plat Amendment, as in this instance.
- No boundaries along the side or rear lot lines, or road frontages are changing.
- No physical or platted roadways or easements will be affected.

Respectfully,

Martina Nelson, P.L.S., Owner
Park City Surveying
Email: martina@pcsurveying.com
Office 435-649-2918

July 5, 2023

Martina Nelson
P.O. Box 682993
Park City, UT 84068

Subject: 958 Woodside Avenue Subdivision
 Plat Review

Dear Ms. Nelson,

The Snyderville Basin Water Reclamation District (SBWRD) has reviewed the referenced plat and has the following comments:

1. As shown on the Record of Survey & Existing Conditions Map, the sewer lateral for the existing house at 950 Woodside Avenue crosses Lots 1 & 2 of the proposed plat. This lateral also combines with the lateral serving 958 Woodside and then crosses 962 Woodside to connect to the sewer main line in 10th Street. SBWRD policy is directed at accommodating cross-lot lateral lines in Old Town until homes undergo major remodels or renovations, at which time the laterals will be required to be relocated. To address these issues, add the following notes to the plat:
 - a. 950 Woodside Avenue and 958 Woodside Avenue are served by a common private lateral wastewater line that crosses 962 Woodside Avenue. When a major remodel or renovation occurs on Lots 1 or 2, wastewater service will be required to be routed to Woodside Avenue. Ejector pumping of the lower levels may be required.
 - b. The private lateral easement for the benefit of 950 Woodside Avenue will expire once the building at 950 Woodside Avenue undergoes a major remodel or renovation when wastewater service will be required to be routed to Woodside Avenue.
2. Show and label a private sewer lateral easement for the benefit of 950 Woodside Avenue on the plat. This easement should extend 5' beyond the location of the sewer lateral, as shown on the Record of Survey (excepting any areas that are within the existing building (see attached)). Reference the plat note above (Item 1b) on the easement.

Following the completion of the above item and the signature of the Owner's Dedication, we will be able to sign the plat.

Sincerely,



Kevin Berkley, P.E.
District Engineer

cc: Spencer Cawley, Park City Planning Department
 Plat Review File

10th STREET

16

15

14

*Private Sewer Lateral
to the benefit
of 958 Woodside
Ave. see note #14*

949 PARK AVE
SUBDIVISION

943 PARK AVE REPLAT

FOUND & ACCEPTED 5/8" REBAR
W/ YELLOW PLASTIC CAP STAMPED:
"R. POHL LS 173736"

962 WOODSIDE PLAT
AMENDMENT

LOT 1

958 WOODSIDE
AVENUE
1875 SQUARE
FEET

SA-18

19

962-WA-1

FOUND & ACCEPTED 5/8" REBAR
W/ YELLOW PLASTIC CAP
STAMPED:
"DL BAILEY LS 176754"
(TOP OF REBAR IS 0.1' ABOVE
SURFACE OF GROUND)

962

P.O.B.

*Add Plot
notes- see
review letter*

LOT 2

WOODSIDE
AVENUE
2812.5 SQUARE
FEET

SA-17-A

20

21

22

BLOCK

950

SA-16-A

SA-

FOUND & ACCEPTED 5/8" REBAR W/ YELLOW
PLASTIC CAP STAMPED:
"DL BAILEY LS 176754"
REBAR IS 0.2' N 07° E OF CALCULATED
CORNER (TOP OF REBAR IS 1.0' BELOW SURFACE OF
GROUND)

FOUND COPPER RIVET IN
CURB ON EXTENDED LOT LINE

N 35°59'00" W

N 35°59'00" W 65.00'

N 35°59'00" W

N 54°01'00" E 75.00'

S 54°01'00" W 75.00'

LOT LINE TO BE REMOVED
WITH THIS PLAT AMENDMENT

S 54°01'00" W 75.00'

S 54°01'00" W 25.00'

N 35°59'00" W 62.50'

20.0' (RIVET)

10' WIDE SNOW
STORAGE EASEMENT

SET 5/8" REBAR W/ PINK
PLASTIC CAP STAMPED:
M. NELSON PLS 8910804

37.50'

SET 5/8" REBAR W/ PINK
PLASTIC CAP STAMPED:
M. NELSON PLS 8910804

37.50'

S 35°59'00" E 62.50'

FOUND & ACCEPTED 5/8" REBAR W/
YELLOW PLASTIC CAP STAMPED:
"DL BAILEY LS 176754"

1

Planning Commission Staff Report



Subject: The Peaks Hotel Courtyard Tent
Application: PL-23-05669
Author: Spencer Cawley, Planner II
Date: July 26, 2023
Type of Item: Administrative – Conditional Use Permit

Recommendation

(I) Review the proposed modification to the existing Conditional Use Permit for a Temporary Structure for Peaks Hotel, (II) hold a public hearing, and (III) consider approving the modified Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action Letter (Exhibit A).

Description

Applicant: Park City Peaks Hotel represented by Sean Rayner
Location: 2346 Park Avenue
Zoning District: Residential Development – Medium Density
Adjacent Land Uses: Multi-Unit Dwellings, Single-Family Dwellings, and Saddle View Office Park.
Reason for Review: Tents installed for longer than 14 days and more than five times per year require approval by the Planning Commission consistent with Conditional Use Criteria in LMC § 15-1-10¹

ACUP	Administrative Conditional use Permit
CUP	Conditional Use Permit
IBC	International Building Code
IFC	International Fire Code
LMC	Land Management Code
RDM	Residential Development – Medium Density
TDM	Traffic Demand Management

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

On June 15, 2022, the Planning Commission approved a Conditional Use Permit (CUP) to allow the Peaks Hotel to install a tent in the rear courtyard area 12 times per year for five days each installation. The Planning Commission also approved a parking reduction for Versante on the Lawn during the Summer months ([Staff Report](#); [Meeting Minutes](#)). The Applicant proposes modifications to the Planning Commission approval:

¹ LMC [§ 15-4-16\(A\)\(7\)](#)

- Terminating the outdoor dining for Versante on the lawn
- Expanding the 20-foot by 4-foot outdoor tent installation allowance
 - **Summer Use:** Install tent the last week of May and remove the tent the first week of October for invite-only, private events
 - **Winter Use:** Install tent the last week of November and remove the second week of April for use of hotel guests

Background

The Park City Peaks Hotel was constructed in 1985. The hotel sits on Lot 1 of the Parkview Subdivision (Exhibit B) and is in the Residential Development – Medium Density (RDM) Zoning District. The hotel has 127 rooms, 135 off-street parking spaces, and Versante restaurant. The site is approximately 60,000 square feet (1.3 acres).



Figure 1: Proposed placement of tent, interior courtyard area.

In 2020 and 2021, to support the community and local businesses during the COVID-19 pandemic, the City provided waivers to some administrative permits to support social distancing and outdoor uses. Many business found creative solutions to support county health department and Center for Disease Control and Prevention (CDC) policies. For the Peaks Hotel, this resulted in several permits and projects, namely, enclosing their outdoor patio to create more indoor area, creating Versante on the Lawn, and adding a tent to the rear courtyard area allowing room for social distance dining and sitting areas

during the Winter.

Previous Land Use applications for this site include:

- PL-20-04657 – Enclose Outdoor Dining Area of Versante
- PL-20-04570 – Outdoor Event and Food Truck with Temporary Structures for Versante on the Lawn (August 3, 2020 – September 20, 2020)
- PL-21-04764 – Outdoor Event and Food Truck with Temporary Structures for Versante on the Lawn (June 5, 2021 – September 12, 2021)
- PL-22-05132 – Outdoor Event, Outdoor Dining, Temporary Structures for the Peaks Hotel and Versante on the Lawn

Condition of Approval 17 of the Final Action Letter dated June 15, 2022, requires the Applicant to complete a one-year review with the Planning Commission (Exhibit C). This review may require changes to the CUP approval or the Traffic Demand Management (TDM) plan to ensure compliance and mitigation of impacts. If the CUP is not reviewed, then the approval for parking reduction and the outdoor uses may be revoked.

The Peaks Hotel requests that the Planning Commission amend the CUP approval to allow for the tent in the rear courtyard area to remain up for more than the approved five-day-period. Specifically, due to the cost of installing and dismantling the tent, the Applicant requests to install the tent at the start of the summer months and remove the top panels when the tent is not in use. In the Applicant's statement (Exhibit D), they write:

After speaking with the Parkview Condominium HOA president, Derek Howard, about the use of the tent for the summer, he has informed us he is fine with the tent if we take the top panels off when we are not using it for an event.

The Applicant also requests the Planning Commission allow the Applicant to install the tent for a second period during the winter, as noted in the summary above.

For tents proposed for a duration longer than 14 days and more than five times per year, the Land Management Code (LMC) requires review of the Conditional Use criteria in LMC [§ 15-1-10\(E\)](#).²

The Applicant was approved to install the tent for events held for hotel guests. Condition of Approval 1 states:

The Tent within the rear courtyard shall be installed for a maximum of 12 times per year for a maximum of five days per installation. Each tent installation will require a fire permit.

On May 11, 2022, the Planning Commission heard the proposal for the tent CUP and parking reduction for Versante on the Lawn. The Commission generally favored the

² LMC [§ 15-4-16\(A\)\(7\)](#)

Peaks Hotel having a temporary tent and for Versante on the Lawn but had reservations regarding parking and visual impacts ([Meeting Minutes](#), p. 16).

The Commission requested a TDM plan, allowing all guests access to the underground parking lot, and prohibiting guest parking along Jupiter View Drive through signage and towing.

The Applicant provided several items to support the Commission's request including:

- Hotel contracts with parking information for guests to park underground and requirements for events held at the hotel
- A towing contract
- Painting the curb red along Jupiter View Drive with no-parking signs on the side of the road along the hotel's property
- KPCW ad, running three times per week, informing future guests of public transit and active transportation opportunities to Versante with an incentive for discounts on food
- An updated parking review including statistical numbers for Versante on the Lawn

Additionally, on May 11, 2022, the Applicant was amenable to only utilize the tent in the rear courtyard for hotel events subject to the following regulations:

- 12 tent assemblies per year.
- Apply for a fire permit with each tent assembly.
- The tent may be installed for five days maximum per assembly.
- A one-year review, with a notice to properties within 300 feet, to ensure impacts are mitigated appropriately.

The Planning Commission must determine if the TDM plan ensures compliance with the 2022 CUP approval and that it mitigates parking impacts to the surrounding neighborhood. The Planning Commission may determine if changes to the 2022 CUP approval or the TDM plan are required. Additionally, Versante on the Lawn will no longer take place during the Summer months, further reducing traffic and parking impacts on the site and the surrounding property owners.

Analysis

(I) The proposal to install a temporary tent on site for periods longer than 14 days and more than five times per year complies with the Residential Development Medium (RDM) Zone and Frontage Protection Zone (FPZ).

The Peaks Hotel is in the RDM Zoning District and the FPZ. One purpose of the RDM Zone is to allow limited generated businesses that are compatible with residential neighborhoods.³ Temporary Improvements (tents) installed in the RDM Zone require an

³ LMC [§ 15-2.14-1\(C\)](#)

Administrative Conditional Use Permit.⁴ Tents may be installed for periods longer than 14 days and more than 5 times per year but requires Planning Commission review and approval.

One purpose of the FPZ is to preserve the scenic view corridors of Park City. Peaks Hotel installs the tent in the hotel's rear courtyard which is not visible from Park Avenue. However, it is visible from Jupiter View Drive.

The table below outlines the Setback Requirements in the RDM Zoning District and the FPZ. The modified proposal complies.

Setback	RDM	FPZ	Analysis of Proposal
Front	20 feet	30 feet	150 feet
Rear	10 feet	30+ feet	110 feet
Side	10 feet	30+ feet	197 feet/360 feet

(II) The proposal, as conditioned, complies with LMC § 15-4-16 *Temporary Structures, Tents, and Vendors*.

Pursuant to LMC § 15-4-16(A)(7), “in no case shall a tent be installed for a duration longer than 14 days and for more than five times per year on the same Property or Site, unless a longer duration or greater frequency is approved by the Planning Commission consistent with Conditional Use criteria in LMC [§ 15-1-10\(E\)](#).”

The Applicant proposes two installations per year for no longer than 180 days, which requires a Conditional Use Permit. The Applicant also requests approval for ongoing annual use of the tent from the Planning Commission.

Temporary Structure	Analysis of Proposal
The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.	Complies – Installation of the tent will not reduce the site's Off-Street Parking. See Analysis section IV.
The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.	Complies – Due to the location of the tent in the hotel's rear courtyard area, the tent will not impede pedestrian circulation. Park City Fire District reviewed the proposal on June 6, 2023, and did not have concerns with the proposal. The Applicant is required to ensure proper emergency Access is maintained through inspections with the City's Fire Marshal. The tent requires an operations (fire)

⁴ LMC [§ 15-2.14-2\(B\)](#)

	permit prior to installation. The Applicant is also required to maintain fire lane and emergency access for personnel, vehicles, and equipment in the vicinity of the tent, and adjacent permanent Structures. Emergency clearance shall be to the satisfaction of the Fire Marshal.
The Use shall not violate the Noise Ordinance, Municipal Code Chapter 6-3.	Condition of Approval 1 – Outdoor Uses must comply with the Park City Noise Ordinance. Wedding events in the courtyard have amplified music. All music is directed inward rather than toward the Parkview Condominiums. Since approval last year, neither the City nor the Hotel received noise complaints. The Applicant indicates that all activity in the courtyard is over by 9:45 PM and hotel quiet hours start at 10:00 PM. Staff recommends including a Condition of Approval that requires the Applicant to comply with Municipal Code Chapter 6-3 Noise.
The Use shall comply with the LMC, the signage shall comply with the Sign Code, Title 12, and the lighting shall comply with LMC § 12-4-9.	Conditions of Approval 2 & 3 – New signs are not proposed with this modification. New temporary or permanent signs require a sign permit. No exterior lighting is proposed or approved with this CUP. Exterior lighting must be Fully Shielded and cannot exceed 3,000 degrees Kelvin. Any exterior lighting must be reviewed and approved by the Planning Department prior to installation. String lights are permitted year-round on decks, porches, and patios, but are not allowed in landscaping.⁵
The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gatherings.	Condition of Approval 4.

⁵ LMC [§ 15-5-5\(J\)\(12\)](#)

The Use shall not violate the International Building Code (IBC).	Condition of Approval 5 – Section 3103 of the 2018 IBC regulates Temporary Structures installed for less than 180 days. “Tents, umbrella structures and other membranes structures erected for a period of less than 180 days shall comply with the International Fire Code” (IFC). Section 105.6.47 of the 2018 IFC says, “An operational permit is required to operate an air-supported temporary membrane structure, a temporary special event structure or a tent having an area in excess of 400 square feet”.
--	--

(III) The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC [§ 15-1-10](#).

CUP Review Criteria	Analysis of Proposal
Size and Location of the Site	Complies – The tent is 20 feet by 40 feet. During the warm months, the tent does not have walls. In cold months, the tent will be enclosed with temporary walls. The tent is installed in the rear courtyard and is surrounded by the hotel on three sides—north, east, and south.
Traffic	Complies – In the Summer, the tent is used for events, such as weddings, and will be utilized by guests of the hotel. The event planner is required by the hotel to hire a private shuttle service to pick

	up any event guests not staying at the Peaks Hotel. These event guests stay at other hotels in the area or a nightly rental. The private shuttle schedules times to pick up event guests, making only one trip to drop off at the private event. So far this year, the Peaks Hotel has held ten private events and no private shuttle service was needed. In the Winter, the tent will be used by hotel guests only and will not create additional traffic.
Utility Capacity	Complies – The Water Department and Public Utilities reviewed the proposal and do not have concerns.
Emergency Vehicle Access	Complies – Park City Fire District reviewed the proposal and do not have concerns with access. The hotel's north parking lot is large enough for emergency vehicle access. The Applicant is also required to maintain fire lane and emergency access for personnel, vehicles, and equipment in the vicinity of the Temporary Structures, and adjacent permanent Structures. Emergency clearance shall be to the satisfaction of the Fire Marshal.
Location and Amount of Off-Street Parking	See Analysis section IV.
Internal Vehicular and Pedestrian Circulation	Complies – The location of the tent does not impact vehicle or pedestrian circulation on or off site.
Fencing, Screening, and Landscaping	Complies – The tent is surrounded on three sides by the hotel. The top of the tent is visible over the berm from Jupiter View Drive and is visible from the Park View Condominiums. Peaks Hotel added trees to their property to help screen the tent from the properties across Jupiter View Drive. However, the tent is still visible.

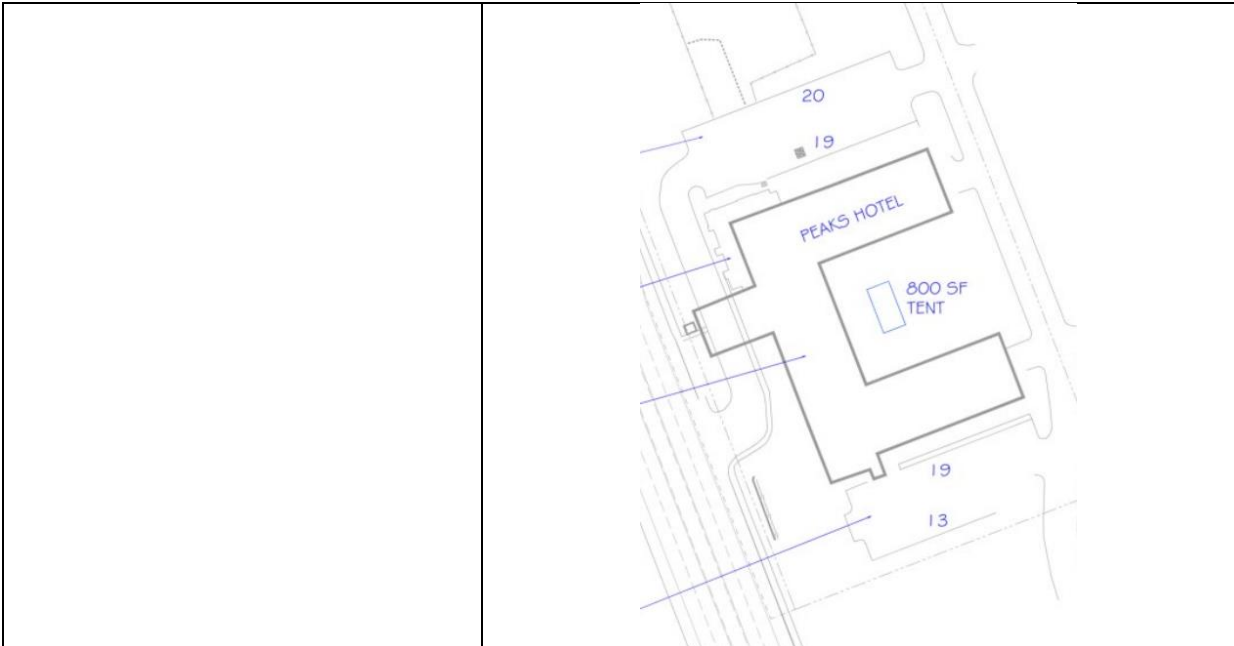


Figure 2: View from Jupiter View Drive

Building Mass, Bulk, and Orientation	Complies – The tent is appropriately sized for the location of the courtyard. The Building's mass helps to shield the tent on three sides.
Usable Open Space	Complies – The tent is installed on an existing concrete pad and does not interfere with Open Space.
Signs and Lighting	Conditions of Approval 2 & 3 – New signs are not proposed with this modification. New temporary or permanent signs require a sign permit.

	No exterior lighting is proposed or approved with this CUP. Exterior lighting must be Fully Shielded and cannot exceed 3,000 degrees Kelvin. Any exterior lighting must be reviewed and approved by the Planning Department prior to installation. String lights are permitted year-round on decks, porches, and patios, but are not allowed in landscaping.⁶
Physical Design and Compatibility	Conditions of Approval 6-10 – The tent is compatible with the courtyard in a temporary nature. All mechanical equipment is screened, and the tent is screened by the hotel on three sides. The view from Jupiter View drive impacts the neighbors view from across Jupiter View Drive as noted above. The Applicant requests to keep the frame of the tent up and remove the top panels when not in use for an event during the Summer installation period. The Applicant requests to keep the tent top panels and walls installed during the Winter installation period. Pursuant to the IBC⁷ and the IFC⁸, a temporary structure can be installed for 180 days and requires an operational (fire) permit. Staff recommends the Planning Commission consider the following conditions: • Installation of the tent for the Summer is limited to the last week of May to the first week of October and cannot exceed 180 days. • Installation of the tent for the Winter is limited to the last week of November to the second week of April and cannot exceed 180 days. • Only the tent frame is allowed to remain installed during the Summer installation. The applicant shall install the top panels one day before and remove one day after a Summer, private event • At the end of the installation period, the frame must be dismantled and removed

⁶ LMC [§ 15-5-5\(J\)\(12\)](#)

⁷ IBC [Chapter 31](#)

⁸ IFC [Chapter 31](#)

	from the site. • A Fire Permit is required prior to installation of the tent and inspection by the Fire Marshal after installation every two weeks.
Noise, Vibration, Odors, Steam, and other Mechanical Factors	Condition of Approval 1 – Outdoor Uses must comply with the Park City Noise Ordinance. Wedding events in the courtyard have amplified music. All noise is directed inward rather than toward the Parkview Condominiums. Since approval last year, neither the City nor the Hotel received noise complaints. The Applicant indicates that all activity in the courtyard is over by 9:45 PM and hotel quiet hours start at 10:00 PM. However, Staff recommends including a Condition of Approval that requires the Applicant to comply with Municipal Code Chapter 6-3 Noise. During the Winter, a heater is added to the tent to keep guests warm. The heater is screened from neighboring properties. No other mechanical factors are proposed for the tent.
Control of Delivery and Service Vehicles	Complies – Delivery and Service Vehicles will operate as normal. The tent does not modify the operations of the hotel as related to deliveries, loading, or unloading.
Expected Ownership and Management	Complies – The tent and all activity associated with the tent is managed by the Applicant.
Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site	Complies – The Peaks Hotel is outside the Soil Ordinance Boundary and the Sensitive Land Overlay. The location of the courtyard is level and does not connect to any neighboring Structure.
Consistency with the Goals and Objectives of the Park City General Plan	Complies – The Peaks Hotel is located in the Park Meadows Neighborhood. It is significant to the Park City entryway corridor. Park Meadows is also the neighborhood with the highest population of full-time residents. The neighborhood has a high-quality aesthetic that the General Plan says should

	be preserved. ⁹ The tent will be significantly shielded by the hotel to protect the entryway corridor and neighborhood appeal.
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(IV) Parking

The Peaks Hotel has 135 parking spaces between the north lot, south lot, and parking garage. LMC [§ 15-3-6\(B\)](#) outlines the parking ratio requirements for non-residential uses. The following table outlines the required Off-Street Parking for the hotel:

Use	Parking Ratio Requirements per LMC 15-3-6:	Existing Condition at Peaks Hotel:	Required Number of Spaces:
Hotel, Minor and Major	1 space per room or suite, and 1 space per 200 sf of separately leasable commercial space	127 Hotel Rooms	127
		1655 sq ft meeting/conference space	8.2
Temporary Structure		800 sq. ft. Tent (Proposed additional Leasable Commercial Space)	4
Restaurant, Standard and Bar	1 space for every 100 sf of net leasable Area, including kitchen Areas	2013 sq ft. Front of House	20
		910 sq. ft. Back of House	9
		Hotel and Restaurant Total Spaces:	164.2
		Hotel, restaurant, and Tent Total Spaces:	168.2

LMC [§ 15-3-7](#) authorizes the Planning Commission to reduce parking requirements if the Applicant provides a parking study that ensures the parking is adequate. The parking study shall analyze the following:

1. Parking Uses will overlap;
2. Commercial spaces within the project will serve those residing within the project rather than the general public;

⁹ [Park City General Plan](#), Vol. 2, p. 161

3. Or other factors that support the conclusion that the project will generate less parking than this Code would otherwise require.

In March of 2022, the Applicant engaged Canyon Engineering to complete a parking study. The Planning Commission asked the Applicant to conduct an additional parking study in the Summer of 2022 and include it as part of this review. The data from this study is attached as exhibit E. The study was conducted from July 7 to August 1, 2022. A count of parked cars was taken every hour, from 8:00 AM until 9:00 PM. The daily average is outlined below:

Date	Average Cars Parked On This Day
Thursday, July 7	56
Friday, July 8	71
Saturday, July 9	76
Sunday, July 10	60
Monday, July 11	49
Tuesday, July 12	52
Wednesday, July 13	63
Thursday, July 14	55
Friday, July 15	71
Saturday, July 16	84
Sunday, July 17	71
Monday, July 18	44
Tuesday, July 19	52
Wednesday, July 20	49
Thursday, July 21	54
Friday, July 22	62
Saturday, July 23	71
Sunday, July 24	58
Monday, July 25	46
Tuesday, July 26	38
Wednesday, July 27	52
Thursday, July 28	62
Friday, July 29	73
Saturday, July 30	63
Sunday, July 31	47
Monday, August 1	41

The day with the highest average parking was Saturday, July 16 with an average of 84 parked cars. The day with the lowest average parking was Tuesday, July 26 with an average of 38 parked cars. Friday, July 8 at 6:00 PM was the only time to reach the parking capacity of 135 cars. The count dropped to 84 parked cars at 7:00 PM and increased to 129 at 8:00 PM.

The Applicant indicates that most cars park in the north parking lot because they are unaware of the south parking lot. The Applicant uses the following strategies to regulate Off-Street Parking:

- Two on-site bike racks (parking for 36 bikes)
- Garage remains open to public for use during hotel invite-only events
- Maintains a towing contract
- “No Parking” signs and a painted red curb along the hotel’s side of Jupiter View Drive
- Security to manage traffic during hotel events
- Signs directing parking to garage entrance and south lot, only used during for hotel events



Additionally, Peaks Hotel includes the following on their guest contract:

Parking: The Peaks Hotel is a bustling property in a small mountain town with limited parking spaces. The use of alternative transportation is highly recommended. While we make every effort to accommodate everyone visiting, the hotel and Versante guests receive priority. Guests visiting the property for an event/meeting that are not staying on-site will find that vehicles are subject to towing if hotel designated areas are not utilized. We urge you to request that your guests not staying at the hotel book ride share, take public transportation or carpool to the property.
Please Initial _____

Because Versante on the Lawn was discontinued, the hotel is no longer utilizing the outdoor space for the restaurant. Hotel, Restaurant, Tent, and Verstane’s Outdoor Use required a total of 176.2 Off-Street Parking spaces. The Planning Commission approved a reduction of 41 spaces for a total of 135 parking spaces. The Applicant is now requesting the Planning Commission consider a reduction of 33 spaces for the Use of the hotel, restaurant, and temporary tent.

In the June 15, 2022, Staff Report, the Planning Team included the following in the parking analysis:

The required parking stated by the LMC may call for higher amounts of parking spaces because the code does not address uses that overlap on the same property. The Hotel, restaurant, and conference areas are overlapping uses at the Peaks Hotel, often serving many of the same guests on the same property.

Reported by the Applicant, less than 50% of hotel guests stay without a car. On average, approximately 20% of diners at Versante are guests of the hotel. The Manager of the Peaks Hotel also stated that when events or weddings are held at the hotel parking information is sent to the guests prior to the event. Currently parking is mitigated by helping guests arrange for buses or other options for transportation to the hotel. Additionally, the Manager noted that during peak hours, representatives of her team will be outside to ensure there is no

encroachment on the neighbor's side of the street.

The parking study provided by the Applicant indicates that during peak summer season, there is sufficient Off-Street Parking available and the TDM plan is an effective parking mitigation tool.

Conditions of Approval relevant to continued enforcement of the TDM plan:

13. If the Planning Director determines the Applicant cannot manage parking for all the Uses on Site, including hotel, restaurant, events, and employees, the Planning Department will provide notice to the Applicant and they may be required to reduce attendance to an event, terminate programming, or create additional mitigation strategies to keep all parking on-site. If parking cannot be maintained on-site for hotel events, the Planning Director, or their designee, reserves the right to revoke this CUP.
14. The Applicant committed to and shall continue to provide guests with detailed information regarding underground parking and requirements for parking during hotel events. The hotel shall continue to operate their towing contract to ensure off-site parking regulations are enforced.

(V) The Development Review Committee reviewed the proposal and finds it complies with required standards.¹⁰

Department Review

The Planning Department, Engineering Department, and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on June 14, 2023. Staff mailed courtesy notice to property owners within 300 feet on June 14, 2023. The *Park Record* published notice on June 14, 2023.¹¹

The review of the proposal and the public hearing was continued to July 26, 2023. The property was again noticed on July 12, 2023.

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Commission may approve the Conditional Use Permit for a tent;

¹⁰ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

¹¹ LMC [§ 15-1-21](#)

- The Planning Commission may approve the Conditional Use Permit for a tent and grant a parking reduction;
- The Planning Commission may deny the Conditional Use Permit for a tent and direct staff to make Findings for the denial; or
- The Planning Commission may deny the Conditional Use Permit for a tent, deny the request for reduced parking, and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter
 Exhibit B: Parkview Subdivision Plat
 Exhibit C: June 15, 2022, Final Action Letter
 Exhibit D: Applicant Statement and Tent Plans
 Exhibit E: Parking Study
 Exhibit F: Site Pictures
 Exhibit G: Peaks Hotel Guest Contract



Planning Department

July 26, 2023

Sean Rayner
2346 Park Avenue
PO Box 1778
Park City, UT 84060
(435) 901-1453

CC: Park City Peaks Hotel

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 2346 Park Avenue

Zoning District: Residential Development – Medium Density

Application: Conditional Use Permit

Project Number: PL-23-05669

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: July 26, 2023

Project Summary: The Peaks Hotel is required to complete a one-year review with the Planning Commission. If the CUP is not reviewed, then the June 15, 2022, approval for a parking reduction and the outdoor uses may be revoked.

Additionally, the Applicant requests the Planning Commission modify the CUP approval to allow for the tent in the rear courtyard area to remain installed for longer than the five-day-period, but not to exceed 180 days per installation.

Action Taken

On July 26, 2023, the Planning Commission conducted a public hearing and approved the Conditional Use Permit (CUP) for a temporary tent and reduced parking according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. On June 15, 2022, the Planning Commission approved a Conditional Use Permit (CUP) to allow the Peaks Hotel to install a tent in the rear courtyard area 12 times per year for five days each installation. The Planning Commission also approved a parking reduction for the site.
2. The Peaks Hotel was constructed in 1985.
3. The Peaks Hotel is located on Lot 1 of the Parkview Subdivision and is in the Residential Development – Medium Density (RDM) Zoning District.
4. The hotel contains 127 rooms, 135 Off-Street Parking spaces, and the Versante Restaurant.
5. The site is approximately 60,000 square feet (1.3 acres).
6. Temporary structures, or tents, are a Conditional Use in the RDM Zoning District.
7. Condition of Approval 17 of the Final Action Letter dated June 15, 2022, requires the Applicant to complete a one-year review with the Planning Commission. This review may require changes to the CUP approval or the Traffic Demand Management (TDM) plan to ensure compliance and mitigation of impacts. If the CUP is not reviewed then the approval for a parking reduction and the outdoor uses may be revoked. The Planning Commission reviewed the plan in 2022 and found mitigation was sufficient.
8. The Peaks Hotel requests that the Planning Commission modify the CUP approval to allow for the tent in the rear courtyard area to remain up for more than the approved five-day-period. Due to the cost of installing and dismantling the tent, the Applicant requests to install the tent at the start of the Summer and remove the top panels when the tent is not in use.
9. Summer installation is the last week of May to the first week of October.
10. The Applicant also requests to install the tent for a second period during the Winter.
11. Winter installation is the last week of November to the second week of April.
12. During the Summer installation period, the tent is for private, invite-only events at the Peaks Hotel.
13. During the Winter installation period, the tent is for the use of hotel guests.
14. The location of the tent remains the same as approved by the Planning Commission in 2022 – the hotel's rear courtyard.
15. The tent complies with RDM Front, Rear, and Side Setbacks.
16. The Site is in the Frontage Protection Zone (FPZ). The tent location is more than 30 feet from SR 224/Park Avenue and is shielded by the hotel on three sides.
17. The proposal, as conditioned, complies with LMC § 15-4-16 Temporary Structures, Tents, and Vendors.
 - a. Parking. Complies – Installation of the tent will not reduce the site's Off-Street Parking.

- b. Pedestrian Circulation, Emergency Access, Public Safety. Complies – Due to the location of the tent in the hotel’s rear courtyard area, the tent will not impede pedestrian circulation. Park City Fire District reviewed the proposal on June 6, 2023, and did not have any concerns with the proposal. The Applicant is required to ensure proper emergency Access is maintained through inspections with the City’s Fire Marshal. The tent requires an operations (fire) permit prior to installation. The Applicant is also required to maintain fire land and emergency access for personnel, vehicles, and equipment in the vicinity of the tent, and adjacent permanent Structures. Emergency clearance shall be to the satisfaction of the Fire Marshal.
 - c. Noise. Condition of Approval 1 – Wedding events in the courtyard have amplified music. All music is directed inward rather than toward the Parkview Condominiums. The Applicant indicates that all activity in the courtyard is over by 9:45 PM and hotel quiet hours start at 10:00 PM.
 - d. Signs and Lighting. Conditions of Approval 2 & 3 – Signs are exterior lighting are not proposed with this application.
 - e. Health Code, Fire Code, and Mass Gatherings. Condition of Approval 4.
 - f. International Building Code. Condition of Approval 5 – Section 3103 of the 2018 IBC regulates Temporary Structures installed for less than 180 days. “Tents, umbrella structures and other membranes structures erected for a period of less than 180 days shall comply with the International Fire Code” (IFC). Section 105.6.47 of the 2018 IFC says, “An operational permit is required to operate an air-supported temporary membrane structure, a temporary special event structure or a tent having an area in excess of 400 square feet”.
18. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).
- a. Size and Location of Site. Complies – The tent is 20 feet by 40 feet. During the warm months, the tent does not have walls. In cold months, the tent will be enclosed with temporary walls. The tent is installed in the rear courtyard and is surrounded by the hotel on three sides—north, east, and south.
 - b. Traffic. Complies – In the Summer, the tent is used for events, such as weddings, and will be utilized by guests of the hotel. The event planner is required by the hotel to hire a private shuttle service to pick up any event guests not staying at the Peaks Hotel. These event guests stay at other hotels in the area or a nightly rental. The private shuttle schedules times to pick up event guests, making only one trip to drop off at the private event. So far this year, the Peaks Hotel has held ten private events and no

private shuttle service was needed. In the Winter, the tent will be used by hotel guests only and will not create additional traffic.

- c. Utility Capacity. Complies – The Water Department and Public Utilities reviewed the proposal and do not have concerns.
- d. Emergency Vehicle Access. Complies – Park City Fire District reviewed the proposal and do not have concerns with access. The hotel's north parking lot is large enough for emergency vehicle access. The Applicant is also required to maintain fire lane and emergency access for personnel, vehicles, and equipment in the vicinity of the Temporary Structures, and adjacent permanent Structures. Emergency clearance shall be to the satisfaction of the Fire Marshal.
- e. Location and Amount of Off-Street Parking. See Findings of Fact 17 through 26.
- f. Internal Circulation. Complies – The location of the tent does not impact vehicles or pedestrians on site.
- g. Fencing, Screening, and Landscaping. Complies – The tent is surrounded on three sides by the hotel. The top of the tent is visible over the berm from Jupiter View Drive and is visible from the Park View Condominiums. Peaks Hotel added trees to their property to help screen the tent from the properties across Jupiter View Drive. However, the tent is still visible.
- h. Building Mass, Bulk, and Orientation. Complies – The tent is appropriately sized for the location of the courtyard. The Building's mass helps to shield the tent on three sides.
- i. Open Space. Complies – The tent is installed on an existing concrete pad and does not interfere with Open Space.
- j. Signs and Lighting. Conditions of Approval 2 & 3 – New signs are not proposed with this modification. New temporary or permanent signs require a sign permit. No exterior lighting is proposed or approved with this CUP. Exterior lighting must be Fully Shielded and cannot exceed 3,000 degrees Kelvin. Any exterior lighting must be reviewed and approved by the Planning Department prior to installation. String lights are permitted year-round on decks, porches, and patios, but are not allowed in landscaping.
- k. Physical Design and Compatibility. Conditions of Approval 6 through 10 – The tent is compatible with the courtyard in a temporary nature. All mechanical equipment is screened, and the tent is screened by the hotel on three sides. The view from Jupiter View drive impacts the neighbors view from across Jupiter View Drive as noted above. The Applicant requests to keep the frame of the tent up and remove the top panels when not in use for an event during the Summer installation period. The

Applicant requests to keep the tent top panels and walls installed during the Winter installation period. Pursuant to the IBC and the IFC, a temporary structure can be installed for 180 days and requires an operational (fire) permit.

- l. Noise. Condition of Approval 1 - Outdoor Uses must comply with the Park City Noise Ordinance. Wedding events in the courtyard have amplified music. All noise is directed inward rather than toward the Parkview Condominiums. Since approval last year, neither the City nor the Hotel received noise complaints. The Applicant indicates that all activity in the courtyard is over by 9:45 PM and hotel quiet hours start at 10:00 PM. During the Winter, a heater is added to the tent to keep guests warm. The heater is screened from neighboring properties. No other mechanical factors are proposed for the tent.
 - m. Delivery and Service Vehicles. Complies – Delivery and Service Vehicles will operate as normal. The tent does not modify the operations of the hotel as related to deliveries, loading, or unloading.
 - n. Ownership and Management. Complies – The tent and all activity associated with the tent is managed by the Applicant.
 - o. Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site. Complies – The Peaks Hotel is outside the Soil Ordinance Boundary and the Sensitive Land Overlay. The location of the courtyard is level and does not connect to any neighboring Structure.
 - p. Consistency with the Goals and Objectives of the Park City General Plan. Complies – The Peaks Hotel is located in the Park Meadows Neighborhood. It is significant to the Park City entryway corridor. Park Meadows is also the neighborhood with the highest population of full-time residents. The neighborhood has a high-quality aesthetic that the General Plan says should be preserved. The tent will be significantly shielded by the hotel to protect the entryway corridor and neighborhood appeal.
19. The Peaks Hotel has 135 parking spaces between the north lot, south lot, and parking garage.
20. The Site has the following uses and requires the following number of Off-Street Parking spaces:
 - Hotel, Minor and Major – 127 spaces
 - Meeting/Conference Space – 8.2 spaces
 - Temporary Structure (tent) – 4 spaces
 - Restaurant, Standard and Bar – 29 spaces
 - TOTAL – 168.2 spaces

21. LMC § 15-3-7 authorizes the Planning Commission to reduce parking requirements.
22. The Applicant was approved for a reduction of 41 spaces in 2022. The Applicant is now requesting a reduction of 33 spaces because Versante on the Lawn is discontinued, and the Peaks Hotel is no longer utilizing the outdoor space for the restaurant.
23. The Applicant conducted a parking study from July 7, 2022, to August 1, 2022. A count of parked cars was taken every hour, from 8:00 AM until 9:00 PM.
24. The day with the highest average parking was Saturday, July 16 with an average of 84 parked cars.
25. The day with the lowest average parking was Tuesday, July 26 with an average of 38 parked cars.
26. Friday, July 8 at 6:00 PM was the only time to reach parking capacity of 135 cars. The count dropped to 84 cars at 7:00 PM and increased to 129 at 8:00 PM.
27. The Applicant uses the following strategies to regulate Off-Street Parking:
 - Two on-site bike racks (parking for 36 bikes)
 - Garage remains open to public for use during hotel invite-only events
 - Maintains a towing contract
 - “No Parking” signs and a painted red curb along the hotel’s side of Jupiter View Drive.
 - Security to manage traffic during hotel events
 - Signs directing parking to garage entrance and south lot
28. The parking study indicates that during peak summer season, there is sufficient Off-Street Parking available and the TDM plan is an effective parking mitigation tool.
29. The Development Review Committee reviewed the proposal and finds it complies with required standards.
30. Staff posted notice on the City’s website and the Utah Public Notice website, and posted to the property on June 14, 2023. Staff mailed courtesy notice to property owners with 300 feet on June 14, 2023.
31. The *Park Record* published notice on June 14, 2023.
32. The review of the proposal and the public hearing was continued to July 26, 2023. The property was again noticed on July 12, 2023.

Conclusions of Law

1. The Application, as conditioned, complies with LMC § 15-1-10(E) *Conditional Use Permit Criteria*, LMC Chapter 15-2.14 *Residential Development – Medium Zone*, LMC § 15-4-16 *Temporary Structures, Tents, and Vendors*, and LMC § 15-3-6(B) *Parking Ratio Requirement for Non-Residential Uses*.
2. The proposed Use, as conditioned, is compatible with the surrounding structures in Use, scale, mass, and circulation.

3. The effect of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. The Applicant shall comply with Municipal Code Chapter 6-3 *Noise*, which establishes a maximum of 65dBA from 6:00 AM through 10:00 PM.
2. New temporary or permanent signs shall require a sign permit.
3. Exterior lighting shall be Fully Shielded and cannot exceed 3,000 degrees Kelvin. Any exterior lighting shall be reviewed and approved by the Planning Department prior to installation. String lights are permitted year-round on decks, porches, and patios, but are not allowed in landscaping. Seasonal lights are permitted from November 1 to March 1 and must be turned off by midnight.
4. The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gatherings.
5. The Use shall not violate the International Building Code or the International Fire Code.
6. Installation of the tent for the Summer is limited to the last week of May to the first week of October and cannot exceed 180 days.
7. Installation of the tent for the Winter is limited from the last week of November to the second week of April and cannot exceed 180 days.
8. Only the tent frame is allowed to remain installed during the Summer installation. The applicant shall install the top panels one day before and remove the top panels one day after a Summer, private event.
9. At the end of the installation period, the frame must be dismantled and removed from the site.
10. A Fire Permit is required prior to installation of the tent and inspection by the Fire Marshall after installation every two weeks.
11. The tent shall not exceed 20 feet by 40 feet or 800 square feet.
12. Operation of the tent with expired permits from any applicable City Department may result in the CUP becoming void. Building and Fire Permits must be up to date to install and use the tent.
13. If the Planning Director determines the Applicant cannot manage parking for all the Uses on Site, including hotel, restaurant, events, and employees, the Planning Department will provide notice to the Applicant and they may be required to reduce attendance to an event, terminate programming, or create additional mitigation strategies to keep all parking on-site. If parking cannot be maintained on-site for hotel events, the Planning Director reserves the right to revoke this CUP.
14. The Applicant committed to and shall continue to provide guests with detailed information regarding underground parking and requirements for parking during

hotel events. The hotel shall continue to operate their towing contract to ensure off-site parking regulations are enforced.

If you have questions or concerns regarding this Final Action Letter, please call (435) 615-5065 or email spencer.cawley@parkcity.org.

Sincerely,

Laura Suesser
Planning Commission Chair

CC: Spencer Cawley, Project Planner

DRAFT

NOTE: ANY FUTURE SUBDIVISION OF LOT 2 WHICH IS SUBJECT TO PARK CITY APPROVAL SHALL REQUIRE ONLY THE CONSENT OF THE OWNERS OF LOT 2 AND FILING OF A PLAT AFFECTING LOT 2.

BOUNDARY DESCRIPTION

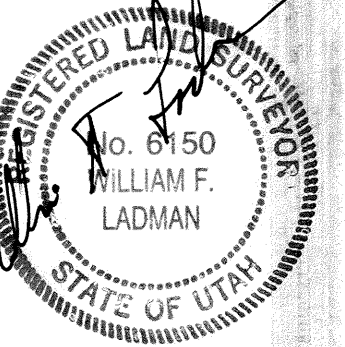
Beginning at a point which is South 0° 16' 20" West 49.50 feet along a section line and West 573.84 feet from the Northeast Corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on a 1407.05 foot radius curve to the right (center bears South 68° 35' 06" West 1407.50 feet of which the central angle is 7° 12' 14"); thence southeasterly along the arc of said curve 176.97 feet; thence South 14° 12' 40" East 631.40 feet to the northerly boundary of the Windrift Condominiums as recorded; thence South 68° 44' 00" West along said northerly boundary 215.23 feet; thence South 21° 16' 00" East along the westerly boundary of said Windrift Condominiums 100.77 feet to the northerly right-of-way line of Saddle View Way; thence South 68° 44' 00" West along said northerly right-of-way line 50.00 feet; thence North 21° 16' 00" West 378.81 feet; thence South 68° 44' 00" West 235.00 feet to the easterly right-of-way line of State Highway U-224; thence North 21° 16' 00" West along said easterly right-of-way line 700.49 feet to the southerly right-of-way line of the Holiday Ranch Loop Road, as dedicated, thence due East along said southerly right-of-way line 189.53 feet to a point on a 909.60 foot radius curve to the left (center bears due North 909.60 feet of which the central angle is 13° 30' 00"); thence easterly along the arc of said curve and southerly right-of-way line 214.32 feet to a point on a 900.00 foot radius reverse curve to the right (center bears South 13° 30' 00" East 900.00 feet of which the central angle is 13° 30' 00"); thence easterly along the arc of said curve and southerly right-of-way line 212.06 feet to the point of beginning. Contains 9.8160 acres, more or less.

SURVEYOR'S CERTIFICATE

I, W. Fred Ladman, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 6150 as prescribed under the laws of the State of Utah. I further certify that by authority of the owners I have made a survey of the tract of land as described and shown on this plat and have subdivided said tract of land into lots and streets, hereafter to be known as Parkview Subdivision and that same has been correctly surveyed and staked on the ground as shown on this plat.

Date 10 Dec 84

W. Fred Ladman, Registered Land Surveyor, No. 6150 Utah



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: That the undersigned is the owner of the herein described tract of land, and hereby causes the same to be divided into two lots, numbered 1 and 2, both inclusive, together with easements as set forth on the attached plat, hereafter to be known as Parkview Subdivision. The existing 40-foot Jupiter View Drive is not dedicated to the public, but shall be for the use of the lot owners, their invitees and guests.

Also, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County a non-exclusive easement over Jupiter View Drive and 10 feet on the easterly side adjoining Jupiter View Drive for the purpose of providing access for utility installation, maintenance, use and eventual replacement.

Executed this 10th day of December 1984.

PARKVIEW DEVELOPMENT CORP., A Utah Corporation

A. Blaine Huntsman Jr., Chairman

Jeffrey J. Jones, Assistant Secretary

ACKNOWLEDGEMENT

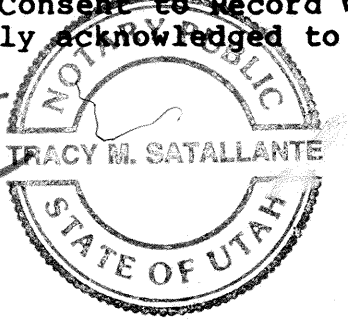
STATE OF UTAH)
COUNTY OF SUMMIT)
On the 10th day of December, 1984, personally appeared before me Jeffrey J. Jones, who, being by me duly sworn, did say that he is the assistant secretary of Parkview Development Corporation, a Utah Corporation and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said corporation and duly acknowledged to me that said corporation executed the same.



ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF SUMMIT)
On the 10th day of December, 1984, personally appeared before me A. Blaine Huntsman Jr., who, being by me duly sworn, did say that he is the chairman of Parkview Development Corporation, a Utah Corporation and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said corporation and duly acknowledged to me that said corporation executed the same.

Tracy M. Sattallante, Notary Public, My Commission Expires 5/27/85, Residing at: Salt Lake Co.



PARKVIEW SUBDIVISION
LOCATED IN THE NORTHEAST
QUARTER OF THE NORTHEAST
QUARTER OF SECTION 8
TOWNSHIP 2 SOUTH, RANGE 4
EAST, S.L.B. & M. IN PARK CITY,
SUMMIT COUNTY, UTAH.

CITY COMMISSION APPROVAL

PRESENTED TO THE PARK CITY COMMISSIONERS THIS 17 DAY OF December A.D. 1984, AT WHICH TIME THIS RECORD OF SURVEY MAP WAS APPROVED

Mayor
Attest: City Recorder

CITY ENGINEER

APPROVED AND ACCEPTED BY THE PARK CITY CITY ENGINEERING DEPARTMENT ON THIS TWELFTH DAY OF December A.D. 1984.

Eric W. DeHann, P.E.
City Engineer

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY CITY PLANNING COMMISSION ON THIS 12th DAY OF December A.D. 1984.

Chairman

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 18 DAY OF December A.D. 1984.

City Attorney

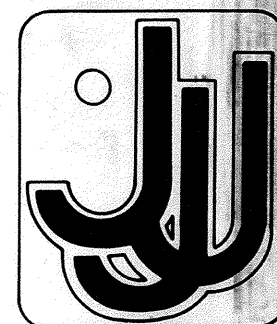
RECORDED

No. 228344 recorded: 12-18-84
STATE OF Utah at 2:30
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF:
Associated Title Co.
Fees \$16.00
County Recorder

J.J. Johnson & Associates

Park Meadows Plaza,
Highway 248
P.O. Box 1661
Park City, Utah 84060

(801) 649-9811
JOB NO. 1-473-85 G.O.



NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO LOCATE THE BOUNDARY LINES OF THE SUBJECT PROPERTY & TO OBTAIN GROUND ELEVATIONS FOR A CONTOUR MAP PRIOR TO DEVELOPMENT BY THE OWNER.

ELEVATION DATUM IS BASED OFF THE COMMERCIAL RENOVATION OF PEAKS HOTEL SITE PLAT. THIS INFORMATION WAS PROVIDED BY OUR SHARPLY OF CANYON ENGINEERING TO PARK CITY SURVEYING. THIS DATUM IS APPROXIMATELY 4.7' HIGHER THAN NAVD83.

THIS SURVEY MAP WAS GENERATED USING 2 (TWO) FOOT CONTOURS.

EXISTING SURVEY MONUMENTS IN ADJACENT ROADWAYS AND LOTS WERE USED TO REESTABLISH THE PROPERTY CORNERS.

THE BASIS OF BEARINGS IS SHOWN HEREON. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE THE EQUIVALENT OF RECORD, UNLESS NOTED.

EXISTING BUILDING LOCATION IS TO AS-BUILT LOCATION OF BUILDING WALL CORNERS. ACTUAL FOUNDATION LOCATION MAY DIFFER.

RTK GPS AND ROBOTIC TOTAL STATION INSTRUMENTS WERE USED ON THIS SURVEY.

SURVEY COMPLETED: 01-14-2020

ZONING FOR THIS LOT IS RESIDENTIAL DEVELOPMENT - MEDIUM DENSITY (RMD), PER PARK CITY ARCIS ZONING MAP. ACCESS ON 01-20-2020. URL: <https://parkcitymaps.arcgis.com/home/webmap/viewer.html?webmap=AA328E9C7DF4C8EBE8A542AD0F9A03>

THIS SITE IS IN ZONE "X", AN AREA OF MINIMAL FLOOD HAZARD, PER FEMA FLOOD MAP SERVICE. ACCESS ON 01-20-2020. URL: www.fema.gov. FIRM MAP NUMBER 4904300917C. PANEL 817 OF 1022. EFFECTIVE DATE: MARCH 16, 2006.

WHILE THE LEGAL DESCRIPTION FOR THIS PARCEL IS LOT 1 OF PARKVIEW SUBDIVISION, A STRIP OF LAND WAS GRANTED TO ADJUT FOR THE WIDENING OF STATE ROUTE 224. THE CURRENT DAY CONFIGURATION OF THIS BOUNDARY REFLECTS CURRENT DAY INFORMATION.

SEE SAID OFFICIAL PARKVIEW SUBDIVISION PLAT FOR ANY EASEMENTS, SETBACK REQUIREMENTS, BUILDING DEVELOPMENTS AND BUILDING LOT RESTRICTIONS. NOTE: OTHERS MAY APPLY.

THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT. THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OR ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS SHOWN HEREON.

EVIDENCE FOR THIS SURVEY WAS TAKEN FROM RECORDED DEEDS, RECORDS OF SURVEYS, PLATS AND PHYSICAL EVIDENCE OBTAINED IN THE FIELD. ALL FOUND EVIDENCE HAS BEEN CONSIDERED IN THE ESTABLISHMENT OF THE BOUNDARY AS SHOWN HEREON.

THIS SURVEY IS IN COMPLIANCE WITH THE GENERALLY ACCEPTED STANDARDS OF CARE AND STANDARDS OF ACCURACY FOR THIS TYPE OF SURVEY IN THIS LOCALITY.

NOTE: ANY VISIBLE UTILITIES OR IMPROVEMENTS ARE SHOWN HEREON. HOWEVER IT IS POSSIBLE THAT SOME NATURAL FEATURES, UTILITIES AND IMPROVEMENTS MAY HAVE BEEN OBSERVED.

LEGAL DESCRIPTION: LOT 1, PARKVIEW SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, SUMMIT COUNTY, UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS SOUTH 88.55 FEET AND WEST 855.79 FEET FROM THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, AND RUNNING THENCE SOUTH 21°16'00" EAST 544.72 FEET TO A POINT ON A 230 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS NORTH 87°14'46" WEST 230 FEET OF WHICH THE CENTRAL ANGLE IS 6°03'37"), THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 24.33 FEET TO A POINT ON A 190 FOOT RADIUS REVERSE CURVE TO THE LEFT (CENTER BEARS SOUTH 81°08'09" EAST 190 FEET OF WHICH THE CENTRAL ANGLE IS 8°14'35"), THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 27.34 FEET; THENCE SOUTH 68°44'00" WEST 288.70 FEET; THENCE NORTH 21°16'00" WEST 700.49 FEET; THENCE EAST 189.53 FEET TO A POINT ON A 909.60 FOOT CURVE TO THE LEFT (CENTER BEARS NORTH 0°00'00" EAST 909.60 FEET OF WHICH THE CENTRAL ANGLE IS 8°54'02"), THENCE EASTERLY ALONG THE ARC OF SAID CURVE 141.30 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT, TO WIT:

A PARCEL OF LAND FOR THE WIDENING OF STATE ROUTE 224 KNOWN AS PROJECT NO. 060, BEING PART OF AN ENTIRE TRACT OF PROPERTY CONSISTING OF LOT 1, PARKVIEW SUBDIVISION IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 21°16'00" WEST 700.49 FEET ALONG THE WESTERLY BOUNDARY LINE OF SAID ENTIRE TRACT; THENCE EAST 67.60 FEET; THENCE SOUTH 34°24'00" WEST 48.38 FEET TO A POINT 55 FEET PERPENDICULARLY DISTANT EASTERLY FROM THE CENTERLINE OF SAID PROJECT; THENCE SOUTH 21°12' EAST 648.68 FEET ALONG A LINE PARALLEL TO SAID CENTERLINE, TO THE SOUTHERLY BOUNDARY LINE OF SAID ENTIRE TRACT; THENCE SOUTH 68°44'00" WEST 22.29 FEET ALONG SAID SOUTHERLY BOUNDARY LINE TO THE POINT OF BEGINNING.

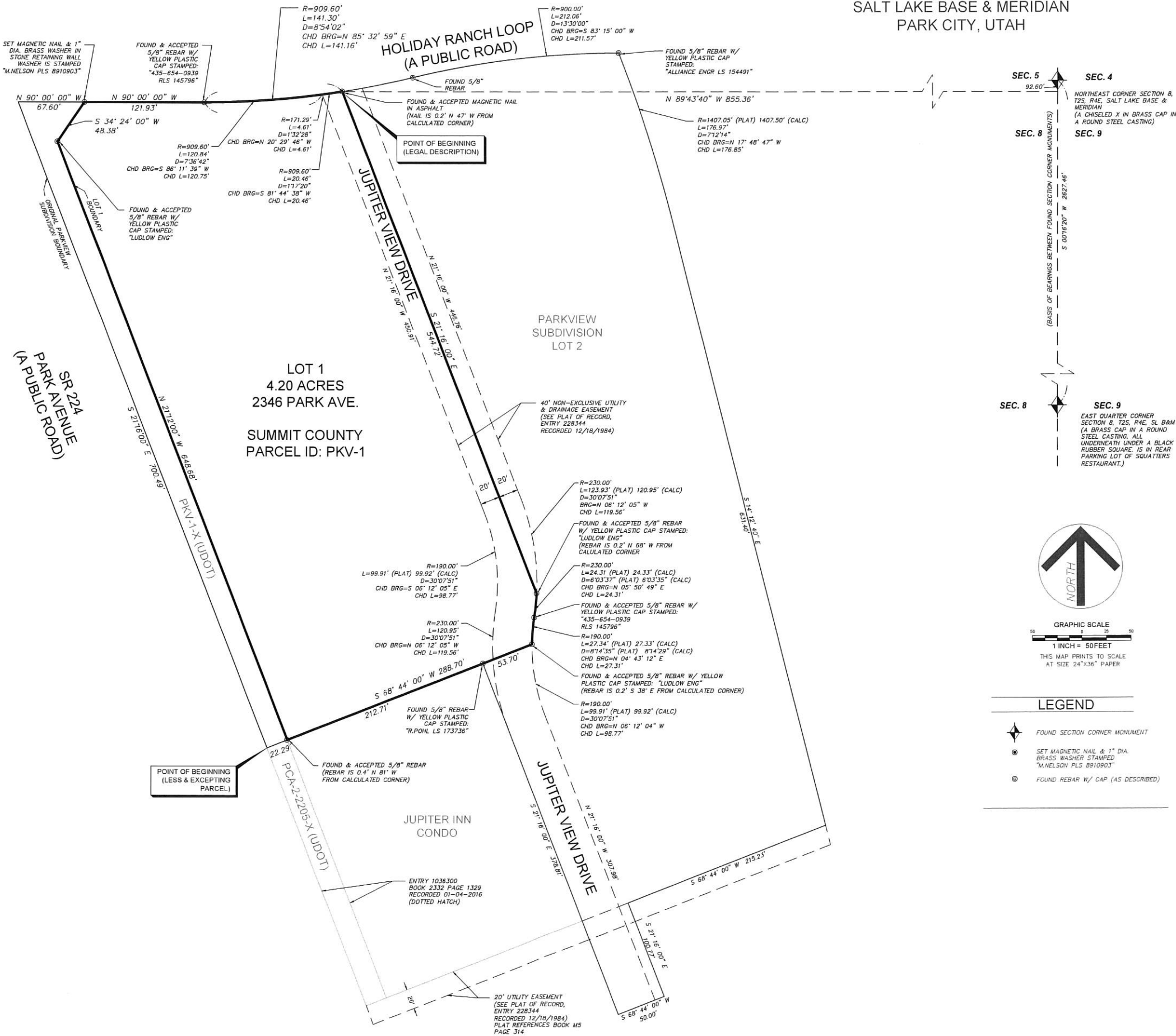
SURVEYOR'S CERTIFICATE

I, MARTINA NELSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. 8910903. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.



RECORD OF SURVEY & AS-BUILT MAP

LOT 1 OF THE PARKVIEW SUBDIVISION
LYING WITHIN THE NORTHEAST QUARTER OF
SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
PARK CITY, UTAH



Park City
Surveying

THIS DRAWING SHALL REMAIN THE PROPERTY OF PARK CITY SURVEYING. NO PART THEREOF SHALL BE COPIED, DISCLOSED TO OTHERS OR USED IN CONNECTION WITH ANY WORK OR PROJECT FOR ANY PURPOSE OTHER THAN FOR THE SPECIFIC PROJECT FOR WHICH THIS MAP HAS BEEN PREPARED.

SURVEYED BY:
KR/GB
DRAFTED BY:
KR/MN
CHECKED BY:
MN

DATE:
JANUARY 29, 2020

RECORD OF SURVEY & AS-BUILT MAP
LOT 1
PARKVIEW SUBDIVISION

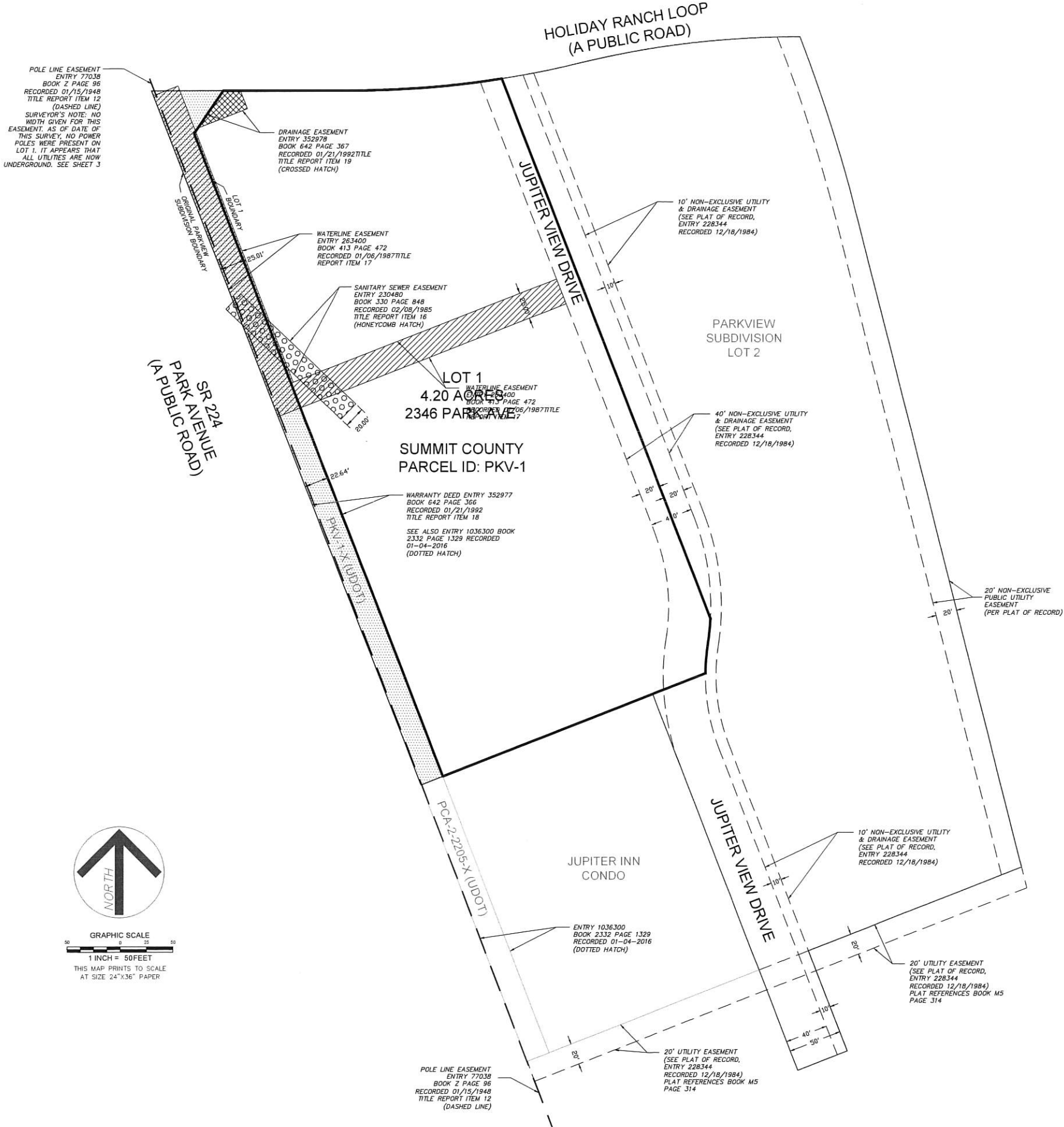
DWG: PARKVIEW 1 ROS-ASB.dwg

FOR: DAMON NAVARRO

SHEET 1 OF 3

RECORD OF SURVEY & AS-BUILT MAP

LOT 1 OF THE PARKVIEW SUBDIVISION
LYING WITHIN THE NORTHEAST QUARTER OF
SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
PARK CITY, UTAH



TITLE REPORT DETAILS
TITLE REPORT VIA PARK CITY TITLE COMPANY
FILE NO. 31527
EFFECTIVE DATE: OCTOBER 29, 2019 AT 7:55 A.M.

9. This property is within the Snyderville Basin Sewer Improvement District and the Park City Water Service District, and is subject to the charges and assessments thereof.

10. Excepting all oil, gas, and other minerals of every kind and description underlying the surface of the subject property.

11. Claim, right, title or interest to water or water rights whether or not shown by the Public Records.

12. Pole Line Easement in favor of Utah Power & Light Company for a perpetual easement and right-of-way for the erection and continued maintenance, repair, alteration and replacement of the electric transmission, distribution and telephone circuits of the Grantee and no guy anchors and 5 poles, with the necessary guys, stubs, crossarms and other attachments thereon, and recorded January 15, 1948 as Entry No. 77038 in Book 2 at page 96, records of Summit County, Utah.

13. Subject to those items as disclosed on the plat recorded for Parkview Subdivision December 18, 1984 as Entry No. 228344, records of Summit County, Utah.

14. Declaration of Easements and Covenants for Parkview Subdivision recorded December 18, 1984 as Entry No. 228345 in Book 323 at page 844, records of Summit County, Utah.

15. Reserving all ores and minerals situated in, upon or under the subject property, as reserved in that certain Special Warranty Deed recorded December 18, 1984 as Entry No. 228346 in Book 323 at page 850, records of Summit County, Utah.

Letter recorded December 18, 1984 as Entry No. 228350 in Book 324 at page 27, records of Summit County, Utah, regarding access to mineral rights reserved above.

16. Grant of Easement in favor of Snyderville Basin Sewer Improvement District for the right, privilege and authority to construct, operate, replace, repair and maintain sewers and pipes including all necessary fixtures under, across and upon a described portion of the subject property, and recorded February 8, 1985 as Entry No. 230480 in Book 330 at page 848, records of Summit County, Utah.

17. Grant of Easement in favor of Park City Municipal Corporation for the right, privilege and authority to construct, operate, replace, repair and maintain water main pipes including all necessary fixtures under, across and upon a described portion of the subject property, and recorded January 6, 1987 as Entry No. 263400 at page 413 at page 472, records of Summit County, Utah.

18. Any surrender of abutters rights as shown in that certain Warranty Deed in favor of Utah Department of Transportation recorded January 21, 1992 as Entry No. 352977 in Book 642 at page 366, records of Summit County, Utah.

19. Easement in favor of Utah Department of Transportation for a perpetual easement upon a portion of the subject property for the purpose of constructing and maintaining thereon a drainage facility and appurtenant parts thereof incident to, and recorded January 21, 1992 as Entry No. 352978 in Book 642 at page 367, records of Summit County, Utah.

20. Easement Agreement regarding a private road recorded July 28, 1998 as Entry No. 513562 in Book 1168 at page 348, records of Summit County, Utah.

21. Those matters as disclosed by the ALTA/ACSM survey performed by Ludlow Engineering February 12, 2015 - not recorded in the Summit County Recorder's Office.

22. A Deed of Trust, Security Agreement and Fixture Filing, dated January 1, 2016, executed by PEAKS PARK CITY LLC, a Delaware limited partnership, as Trustor, and PARK CITY TITLE COMPANY, as Trustee, to THAYNES CAPITAL ADVISORS LLC, as Beneficiary, to secure the payment of \$5,500,000.00 and interest, and recorded January 4, 2016 as Entry No. 1036300, in Book 2332 at Page 1329, records of Summit County, Utah.

SURVEYOR'S CERTIFICATE
I, MARTINA NELSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. 8910903. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.



MARTINA NELSON
P.L.S. 8910903

RECORD OF SURVEY & AS-BUILT MAP
LOT 1
PARKVIEW SUBDIVISION

FOR: DAMON NAVARRO

DWG: PARKVIEW 1 ROS-ASB.dwg

THIS DRAWING SHALL REMAIN THE PROPERTY OF PARK CITY SURVEYING. NO PART THEREOF SHALL BE COPIED, DISCLOSED TO OTHERS OR USED IN CONNECTION WITH ANY WORK OR PROJECT FOR ANY PURPOSE OTHER THAN FOR THE SPECIFIC PROJECT FOR WHICH THIS MAP HAS BEEN PREPARED.

THE INFORMATION CONTAINED HEREON CANNOT BE COPIED, DUPLICATED, OR COMMERCIALLY EXPLOITED IN WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN PERMISSION OF PARK CITY SURVEYING.

SURVEYED BY:
KR/GB
DRAFTED BY:
KR/MN
CHECKED BY:
MN
DATE:
JANUARY 29, 2020

Park City
Surveying
P.O. Box 662993
Park City, UT 84068
435-645-2918
WWW.PARKCITYSURVEY.COM



Planning Department

June 15, 2022

Stephanie Samuels
Peaks Hotel
2346 Park Avenue
Park City, UT 84060

CC: Stephanie Samuels

NOTICE OF ACTION

Description

Address: 2346 Park Avenue

Zoning District: Residential Development Medium Density (RDM)

Application: Conditional Use Permit (CUP) for a Temporary Structure (Tent) to be located onsite for a duration longer two (2) weeks at a time and 5 times a year and reduction of parking pursuant to Land Management Code Section 15-3-7.

Project Number: PL-22-05132

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: June 15, 2022

Project Summary: On June 15, 2022, the Planning Commission approved your Conditional Use Permit for a Temporary Structure (tent) to be installed at the Peaks Hotel for a maximum of 12 tent installations per year for a maximum of 5 days for each installation. Each tent installation will require a fire permit and this approval requires a one-year review, including public notice to property owners within 300 feet. The Planning Commission also approved a reduction to parking pursuant to Land Management Code Section 15-3-7.

Action Taken

On June 15, 2022, the Planning Commission conducted a public hearing and approved



Planning Department

the Conditional Use Permit according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. On March 1, 2022, the Peaks Hotel submitted a Complete application of a Conditional Use Permit (CUP) for a 20' x 40' Temporary Structure (tent) in the rear section of the courtyard and for a parking reduction for Outdoor Dining and Outdoor Events.
2. The Peaks Hotel was constructed in 1985.
3. The Peaks Hotel is located on Lot 1 of the Parkview Subdivision.
4. The hotel contains 127 hotel rooms, 129 parking spots, and Versante restaurant on approximately 60,000 square feet (1.3 acres)
5. The Applicant is concurrently proposing an Administrative Conditional Use Permit to allow Outdoor Dining and Outdoor Events on the nearby lawn that requires a parking reduction.
6. The Site is located in the Residential Development – Medium Density (RDM) Zoning District. The proposed CUP Temporary Improvement is a Conditional Use in the Zone.
7. The proposed Tent complies with RDM setbacks.
8. The Site is within the Frontage Protection Zone (FPZ). The Tent location is proposed more than 30' from S.R. 224, Park Avenue and is shielded by the hotel.
9. The Size and Location proposed for the temporary structure is appropriately placed.
10. The tent will be utilized by guests already at the hotel so it will not require mitigation as traffic will not be affected. Events held under the tent will be for hotel guests only, no admission or advertising to the general public is allowed.
11. No water hookups are proposed.
12. The existing emergency vehicle access will remain in the parking lot located to the North of the hotel and is sufficient to reach the tent.
13. The Tent location will not affect internal vehicular or pedestrian circulation.
14. The tent location is proposed to be located in the rear interior courtyard, screened on 3 sides by the hotel.
15. The tent is appropriately sized for its location on site.
16. The tent will be placed on an existing, flat, concrete pad.
17. There are no signs or exterior lighting proposed with this project.



Planning Department

18. The compatibility of the tent is temporary in nature, the tent usage and compatibility with the neighborhood is mitigated through the Conditions of Approval #1 and #18.
19. A heater in the wintertime is the only mechanical equipment proposed in the wintertime, none will be proposed in the summer.
20. Delivery and service vehicles will not be affected by the tent and will operate as normal.
21. The Peaks Hotel is located in the Park Meadows Neighborhood.
22. The LMC requires 168.2 parking spaces for the Peaks Hotel Uses including a hotel, Restaurant, and Tent.
23. The LMC requires 176.2 parking spaces for the Peaks Hotel Uses including a hotel, Restaurant, Tent, and Outdoor Uses.
24. The Applicant completed a study utilizing statistical data that indicated a total parking requirement of all uses proposed on site to be 114 parking spaces.
25. The Applicant is proposing a reduction of 47.2 parking spaces to support the proposed activities of all the uses on site.
26. LMC § 15-3-7 states the Planning Commission may reduce parking requirements.
27. The Applicant completed a parking study identifying that the on-site parking lots held an average of 50% capacity at peak season (hotel capacity at a maximum of 97% during study).
28. Staff finds the temporary tent as modified by new conditions of approval will not increase the parking needs for the Peaks Hotel.
29. The Development Review Committee reviewed this application and did not identify any issues.
30. Staff posted notice on the Utah Public Notice website and posted to the property May 25, 2022.
31. The Park Record published notice on April 27, 2022.
32. The applicant amended their proposal on May 25, 2022 to include a maximum of 12 tent options a year with a maximum of five days per tent request with issuance of a fire permit per each use with a one year review on impact mitigation.
33. On June 8, 2022 the Planning Commission conducted a public hearing and continued the application to June 15, 2022.
34. On June 9, 2022 staff posted notice to the property.]
35. Staff mailed courtesy notice to property owners within 300 feet on April 27, 2022.



Planning Department

Conclusions of Law

1. The Application, as conditioned, is consistent with LMC § 15-1-10 Conditional Use Review Process, LMC § 15-2.14 Residential Development Medium Density, and LMC § 15-3-7 Parking in Master Planned Developments and Conditional Use Permits.
2. The proposed Use, as conditioned, will be compatible with the surrounding structures in Use, scale, mass, and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. The Temporary Structure (Tent) within the rear courtyard shall be installed for a maximum of 12 times per year for a maximum of 5 days per installation. Each tent installation will require a fire permit. The CUP approval will be reviewed in one years' time to ensure impacts are mitigated, or this approval may be modified or revoked.
2. Each Temporary Structure (Tent) installation will require a permit issued by the Building Department and must be inspected by the Building Department prior to occupancy. The Building Department will inspect the structure, circulation, emergency access, and all other applicable public safety measures.
3. Prior to installing the Temporary Structure (Tent), the Planning Department must sign off on a fire permit and record the date within the CUP application file to track each installation.
4. The proposed project shall be in accordance with all adopted codes, including, but not necessarily limited to the Land Management Code; International Building, Fire and related Codes (including ADA compliance); and any other standards and regulations adopted by the City Engineer.
5. Applicant shall comply with all City, County, and State health and licensing requirements.
6. The Use shall not violate the Summit County Health Code or State Regulations on mass gathering.
7. The Temporary Structure (Tent) shall be secured to the ground with stakes or weights, subject to Building Department review and approval.
8. All exterior lights must conform to the City outdoor lighting code. No outdoor lighting in the tent may be on past 10:00 pm.
9. No exterior advertising signs or lighting are approved with this Conditional Use Permit.
10. Should the Applicant receive a complaint regarding traffic, parking, or noise generated from the Outdoor Use, they shall notify the Park City Planning Director within one business day. The City shall notify the Applicant upon receiving any



Planning Department

Outdoor Use complaint within one business day. Upon the notice of 3 complaints, the Planning Director will review the approval of this Permit. The Planning Director Reserves the right to modify the operations, add additional restrictions and/or Conditions of Approval to mitigate community impacts from the Outdoor Use.

11. The Outdoor Use shall comply with Municipal Code of Park City Chapter 6-3, *Noise*, which establishes a maximum of 65 dBA from 6:00 A.M. through 10:00 P.M.
12. No amplified music is approved with this Permit. The applicant will orient any music inward toward the hotel courtyard area, as opposed to facing any street.
13. All proposed mechanical equipment must be screened.
14. Operation of the temporary structure with expired permits from any applicable City Department may result in the CUP becoming void. Building and Fire Permits must be up to date to install and use the temporary structure.
15. If the Applicant cannot manage parking for uses on site, including hotel, restaurant, and outdoor uses within the existing parking spaces, the Planning Department will provide notice to the Applicant and they may be required to reduce attendance of the event, terminate programming, or create additional mitigation strategies to stay within parking spaces on site. If the Outdoor Use parking exceeds on-site parking, the Planning Director reserves the right to revoke this CUP.
16. The Applicant will hire an engineering firm to complete a parking study and finalize a Traffic Demand Management (TDM) plan for the Peaks Hotel by August 31, 2022. The final TDM is subject to review and approval by the Planning Director for further modification.
17. This approval is conditioned upon a one-year review with notice to neighboring property owners within 300 feet of the Applicant's property lines. The review may require changes to this approval or the TDM plan to ensure compliance and mitigation of impacts, or the CUP approval and parking reduction for outdoor uses may be subject to revocation.
18. The entire tent top and structure must be taken down after the fifth day of each installation.
19. The tent shall be a maximum of 20 ft. x 40 ft.
20. The Applicant committed to and shall continue to provide guests with detailed information regarding underground parking and requirements for events held at the hotel. The hotel will continue to operate their towing contract to ensure no



Planning Department

parking off site and finally they will continue to run advertising regarding incentives of non-motor vehicle related transit to the site.

21. The Applicant shall add two bike racks providing 36 spaces for bikes in a convenient, highly visible area. The bicycle racks or lockers must be anchored and be of solid construction, resistant to rust, corrosion, hammers, and saws.
22. A one-year review with noticing of property owners within 300 feet shall be reviewed by the Planning Commission by the end of December 2022.
23. The parking study must be completed during the month of July.
24. While Versante on the Lawn is ongoing, a 25% reduction of the interior of Versante restaurant shall be enforced.
25. The tent may only be erected for the days of the event.

If you have questions or concerns regarding this Final Action Letter, please call (435) 6115-5059 or email makena.hawley@parkcity.org.

Sincerely,

John Phillips
Planning Commission, Chair

A handwritten signature in black ink, appearing to be "John Phillips", written over a horizontal line.

Cc: Makena Hawley, Planner II



2346 Park Ave
Park City, UT 84060

C.U.P Tent Use
5/11/23

RECEIVED
MAY 12 2023
PARK CITY
PLANNING DEPT.

The Park City Peaks Hotel is requesting Conditional Use Permit for the summer of 2023 through the end of September to use our tent for outdoor weddings and events for shade and weather occurrences. We will reach out to the city for a fire permit if needed. The tent will be open aired with just the top panels used and will have no walls, doors or flooring.

After speaking with the Parkview Condominium HOA president Derek Howard about the use of the tent for the summer he has informed us he is fine with the tent if we take the top panels off when we are not using it for an event.

All activity in our courtyard area is over by 9:45 PM and our hotel quiet hours start sharply at 10 PM. Signage is located around the property and our PM security ensures the space is vacant in a timely manner.

Sean Rayner
Director of Sales & Marketing
2346 Park Ave
Park City, UT 84060
sean@parkcitypeaks.com



2346 Park Ave
Park City, UT 84060

C.U.P Tent Use
5/11/23

RECEIVED
MAY 12 2023
PARK CITY
PLANNING DEPT.

The Park City Peaks Hotel is requesting Conditional Use Permit for the summer of 2023 through the end of September to use our tent for outdoor weddings and events for shade and weather occurrences. We will reach out to the city for a fire permit if needed. The tent will be open aired with just the top panels used and will have no walls, doors or flooring.

After speaking with the Parkview Condominium HOA president Derek Howard about the use of the tent for the summer he has informed us he is fine with the tent if we take the top panels off when we are not using it for an event.

The tent has a cement pad to sit on in the courtyard.

The tent will allow us to book more overnight visitors to Park City and host their events.

We have used the tent previously in the courtyard and is consistent with zoning and General Plan

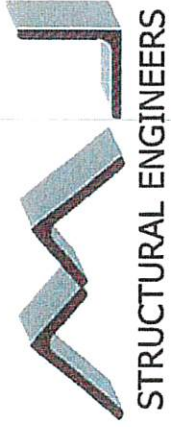
The tent is like what other hotels have used in town and is suitable with a cement pad to sit on.

There will be music at the events, but all events are shut down at 9:45 PM

The hours of operation vary by event but most would be afternoons and again shut down by 9:45 PM.

We also have security for all events to ensure guests have left the courtyard by 10 PM

Sean Rayner
Director of Sales & Marketing
2346 Park Ave
Park City, UT 84060
sean@parkcitypeaks.com



STRUCTURAL CALCULATIONS

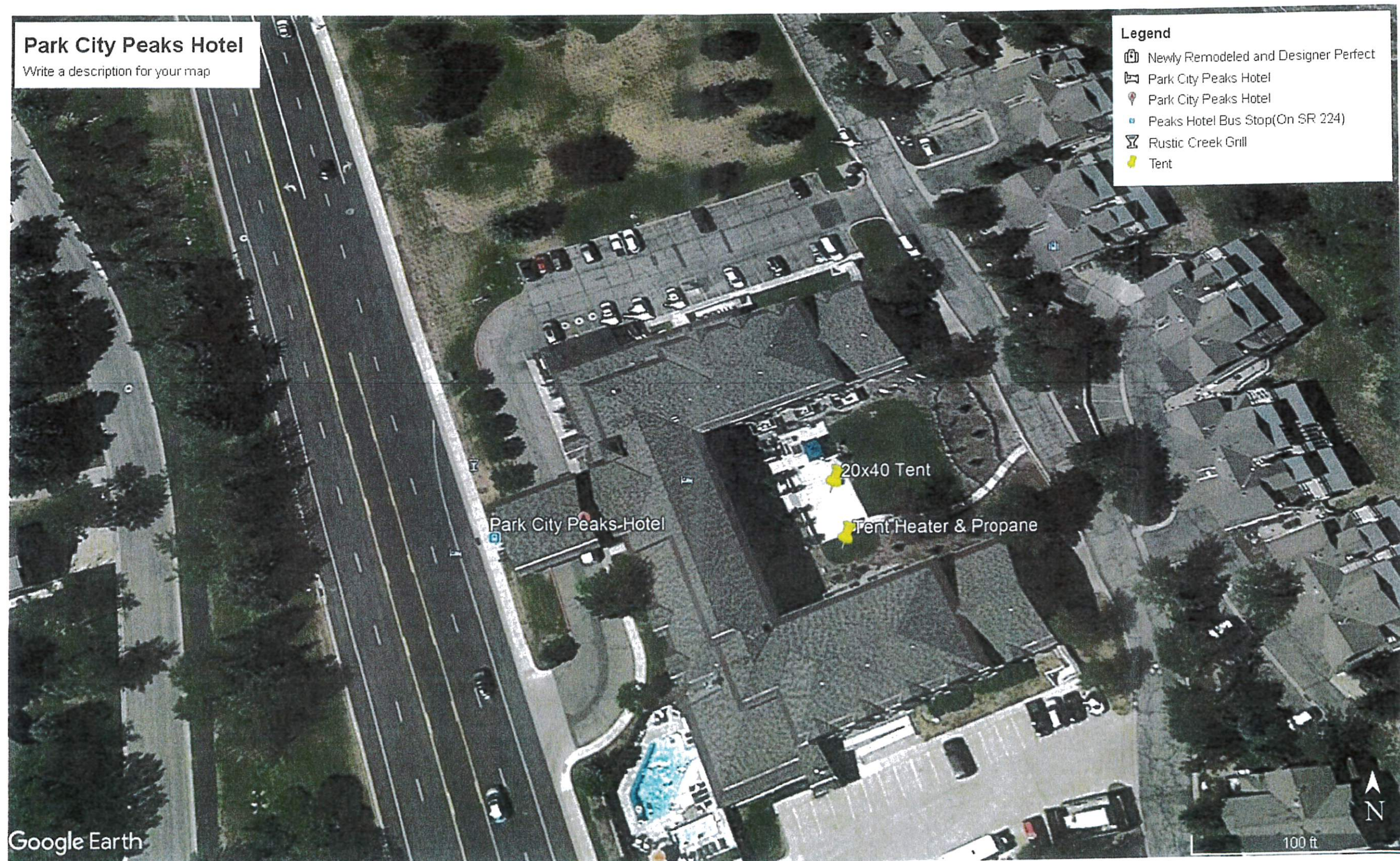
20' Wide Traditional Tent
Under Lateral Force



PREPARED FOR:

All Out Tent & Event Rental
Louis Boss

July 26, 2016



NOTHING TO REPORT

100% REVIEW SET

1300



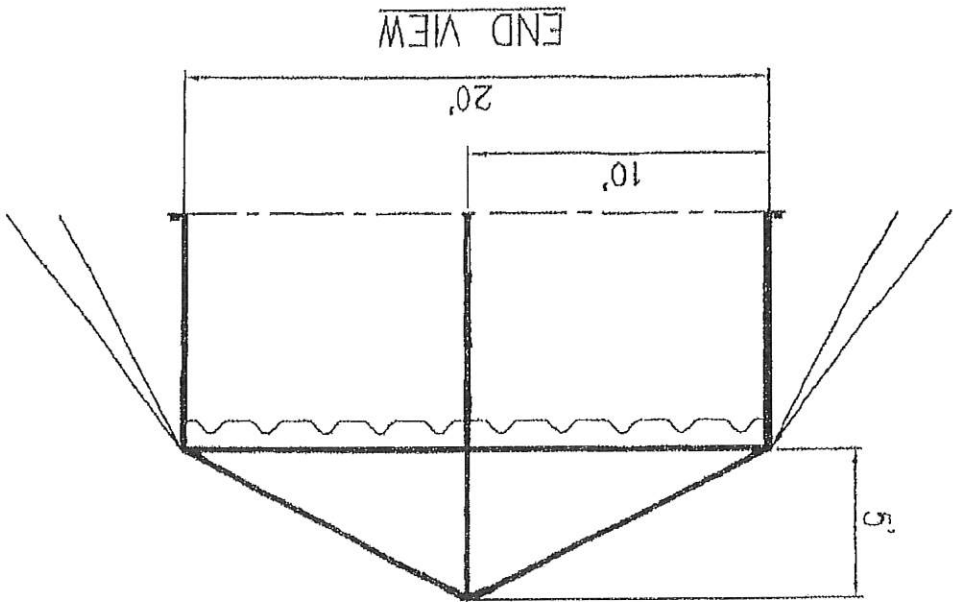
PEAKS HOTEL - PHASE I

2346 PARK AVENUE, PARK CITY, UTAH 84060



Architectural & Land Planning
 2200 N. Duane Road, Suite 200
 San Jose, CA 95131

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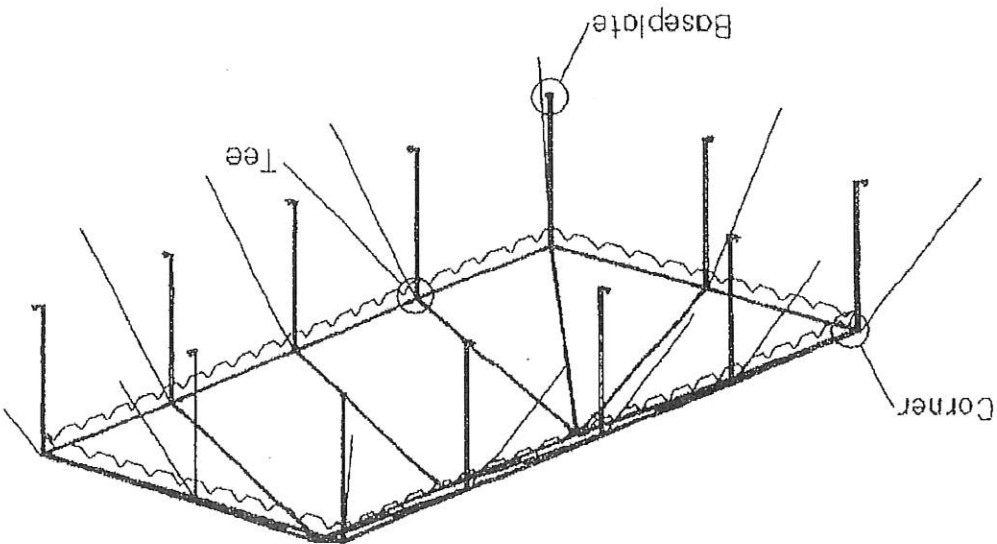
- PIPE: 2"
(12) 6'-8"/7'-8"/9'-4" LEGS
(4) CORNER
(2) 6 WAY CROWN
(1) TOP TEE
(8) 9'-4" SPREADER
(8) 10'-6" RAFTER
(14) 9'-4" SPREADER

- FITTINGS:
(4) CORNER
(2) 6 WAY CROWN
(1) TOP TEE
(8) TEES

- OPTIONS:
(76) ASSEMBLY PINS
(12) STAKES
(12) ROPES
(12) BASEPLATES

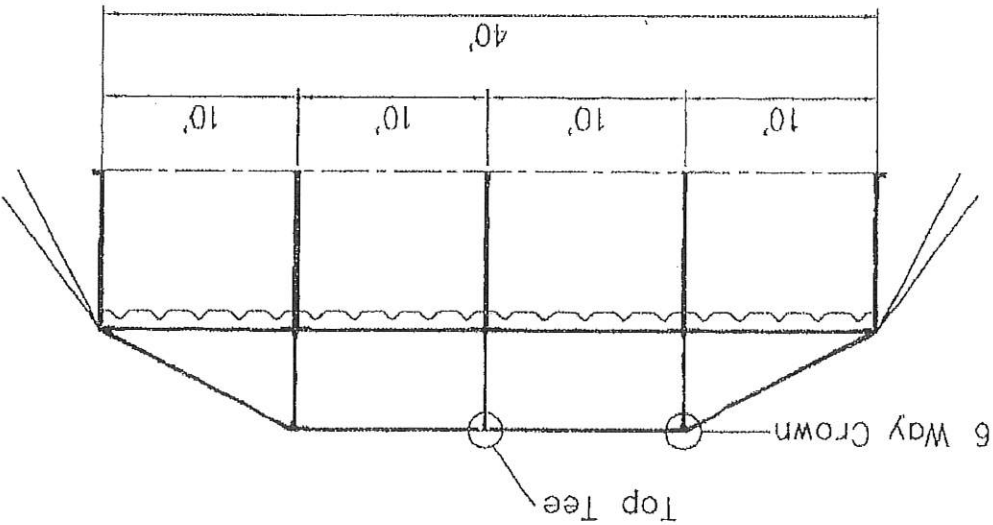
- QWK TOP OPTIONS:
(12) RATCHET TENSIONERS
(12) QWK BASEPLATES

ISOMETRIC VIEW

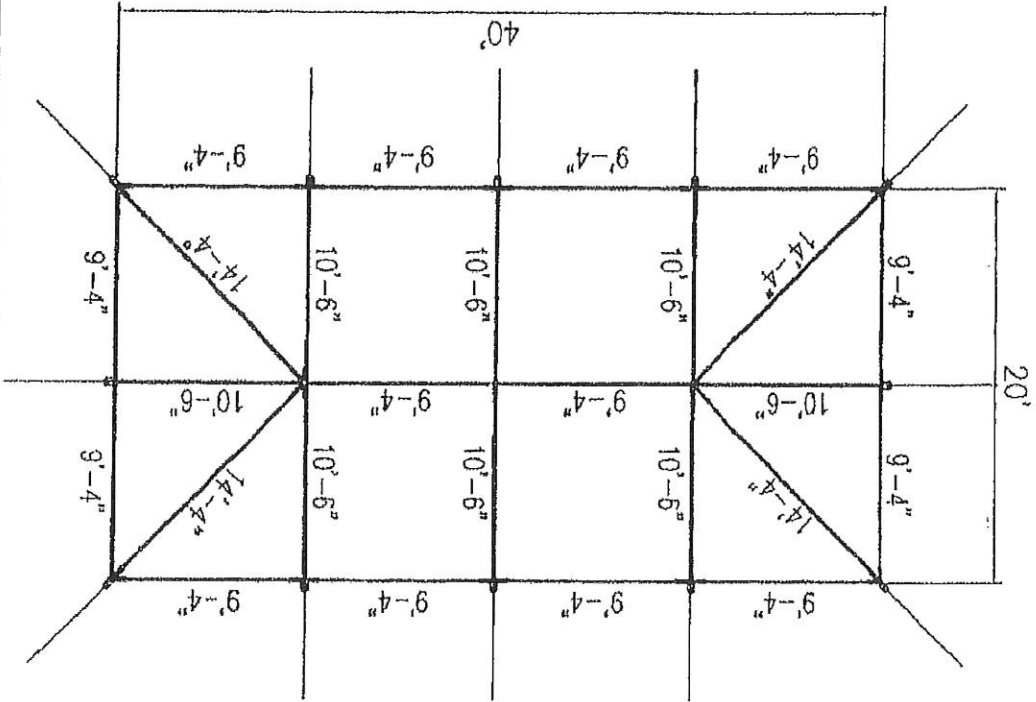


20' x 40' FRAME TENT

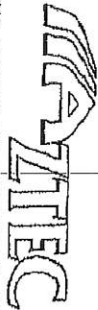
SIDE VIEW



PLAN VIEW



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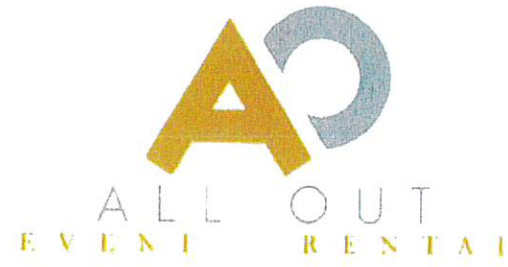


2665 COLUMBIA ST. TORRANCE, CA 90503
(800) 228-5667 - FAX (310) 381-0722

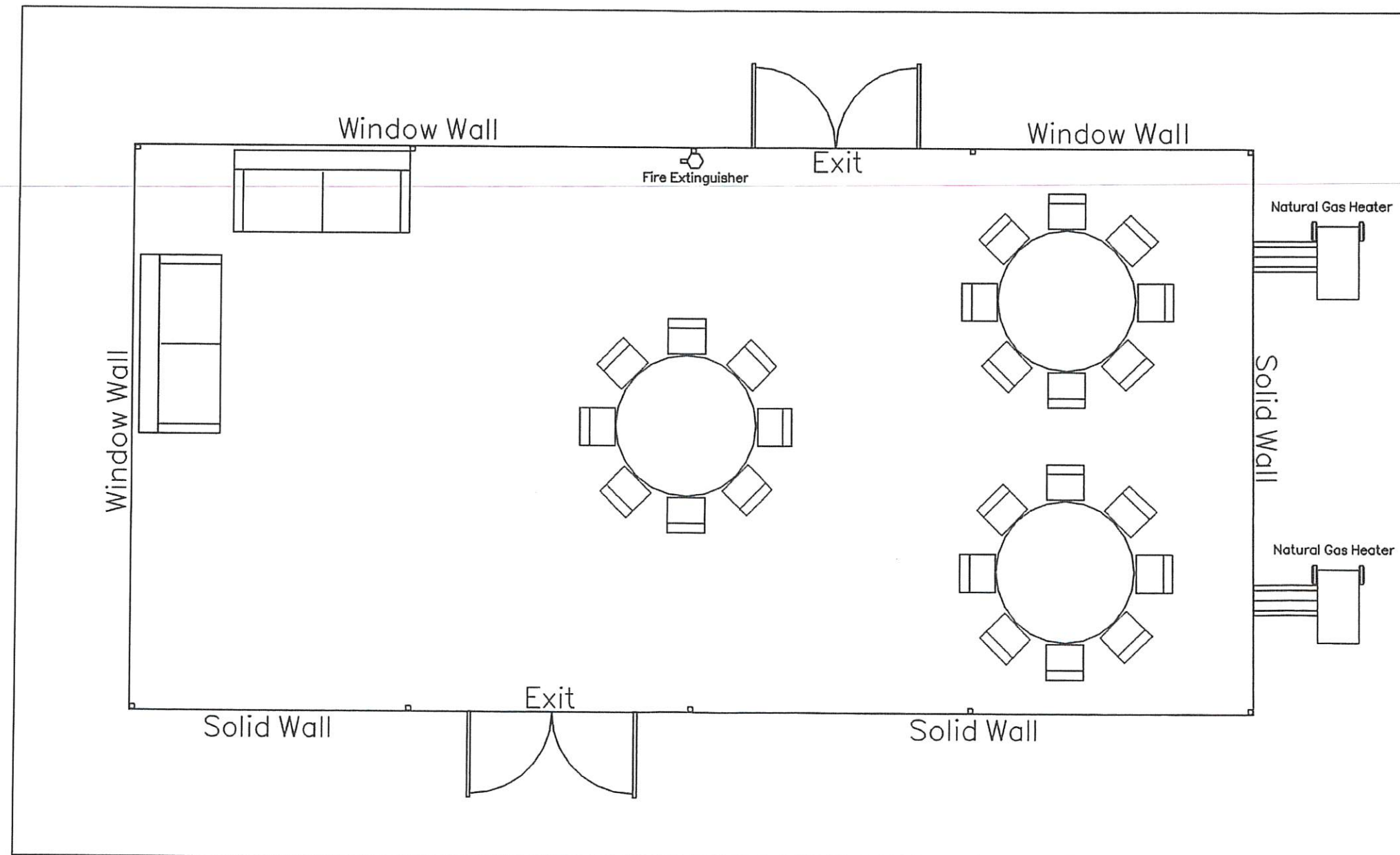
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CM KI
DATE 07/10/06

STANDARD
FRAME TENT / STANDARD
20'W x 40'L x 10' LEG SPACING
FRAME AZ-2040-FRAME 1



Park City Peaks Hotel
2346 Park Avenue
Park City, UT
20' x 40' Tent



Date	7/7/2022 TH		7/8/2022 F		7/9/2022 S		7/10/2022 S		7/11/2022 M		7/12/2022 T		7/13/2022 W		7/14/2022 TH	
	8:00 AM	68	8:00 AM	65	8:00 AM	72	8:00 AM	75	8:00 AM	61	8:00 AM	49	8:00 AM	69	8:00 AM	63
	9:00 AM	58	9:00 AM	59	9:00 AM	66	9:00 AM	52	9:00 AM	54	9:00 AM	49	9:00 AM	66	9:00 AM	65
	10:00 AM	48	10:00 AM	51	10:00 AM	62	10:00 AM	41	10:00 AM	48	10:00 AM	46	10:00 AM	43	10:00 AM	46
	11:00 AM	38	11:00 AM	39	11:00 AM	42	11:00 AM	35	11:00 AM	39	11:00 AM	43	11:00 AM	41	11:00 AM	40
	12:00 PM	30	12:00 PM	33	12:00 PM	42	12:00 PM	30	12:00 PM	33	12:00 PM	38	12:00 PM	38	12:00 PM	31
	1:00 PM	33	1:00 PM	37	1:00 PM	48	1:00 PM	28	1:00 PM	28	1:00 PM	37	1:00 PM	36	1:00 PM	35
	2:00 PM	36	2:00 PM	46	2:00 PM	48	2:00 PM	30	2:00 PM	33	2:00 PM	39	2:00 PM	43	2:00 PM	40
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	4:00 PM	52	4:00 PM	66	4:00 PM	90	4:00 PM	58	4:00 PM	39	4:00 PM	48	4:00 PM	59	4:00 PM	51
	5:00 PM	55	5:00 PM	95	5:00 PM	86	5:00 PM	70	5:00 PM	57	5:00 PM	60	5:00 PM	70	5:00 PM	59
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Average	56		71		76		60		49		52		63		55	
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	8:00 AM	66	8:00 AM	96	8:00 AM	113	8:00 AM	48	8:00 AM	57	8:00 AM	54	8:00 AM	56	8:00 AM	67
	9:00 AM	73	9:00 AM	93	9:00 AM	110	9:00 AM	48	9:00 AM	53	9:00 AM	44	9:00 AM	49	9:00 AM	73
	10:00 AM	68	10:00 AM	76	10:00 AM	75	10:00 AM	39	10:00 AM	46	10:00 AM	43	10:00 AM	41	10:00 AM	60
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	10:00 AM	73	10:00 AM	61	10:00 AM	59	10:00 AM	32	10:00 AM	46	10:00 AM	56	10:00 AM	63	10:00 AM	70
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Average	3:00 PM	72	3:00 PM	41	3:00 PM	28	3:00 PM	27	3:00 PM	42	3:00 PM	59	3:00 PM	67	3:00 PM	43
	4:00 PM	72	4:00 PM	49	4:00 PM	34	4:00 PM	42	4:00 PM	47	4:00 PM	49	4:00 PM	70	4:00 PM	62
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	6:00 PM	88	6:00 PM	81	6:00 PM	58	6:00 PM	56	6:00 PM	62	6:00 PM	71	6:00 PM	91	6:00 PM	70
	7:00 PM	95	7:00 PM	80	7:00 PM	68	7:00 PM	55	7:00 PM	75	7:00 PM	95	7:00 PM	100	7:00 PM	83
	8:00 PM	83	8:00 PM	78	8:00 PM	66	8:00 PM	57	8:00 PM	82	8:00 PM	96	8:00 PM	112	8:00 PM	84
	9:00 PM	79	9:00 PM	73	9:00 PM	57	9:00 PM	51	9:00 PM	77	9:00 PM	91	9:00 PM	106	9:00 PM	50
		71		58		46		38		52		62		73		63

7/31/2022 S	8/1/2022 M
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Average	8:00 AM	81	8:00 AM	30
	9:00 AM	79	9:00 AM	30
	10:00 AM	60	10:00 AM	27
	11:00 AM	41	11:00 AM	25
	12:00 PM	21	12:00 PM	23
	1:00 PM	20	1:00 PM	21
	2:00 PM	21	2:00 PM	25
	3:00 PM	34	3:00 PM	27
	4:00 PM	41	4:00 PM	36
	5:00 PM	40	5:00 PM	43
	6:00 PM	60	6:00 PM	60
	7:00 PM	60	7:00 PM	75
	8:00 PM	57	8:00 PM	75
	9:00 PM	46	9:00 PM	72
		47		41

The continued use of the tent for the 180 day permit is to shade our hotel guests in the courtyard space. The daily use of the tent is for outdoor breakfast seating in the morning, break out space for our meeting groups (many like to have their lunch outside). Evening events for our hotel guests who like to have private space to gather and cater dinner, cocktail events.

All activity in our courtyard area is over by 9:45pm and our hotel quiet hours start sharply at 10pm. Signage is located around property and PM security ensures the space is vacant in a timely manner.







Park City Peaks Hotel
2346 Park Avenue P.O. Box 1778
Park City, UT 84060

GUEST INFORMATION		STAY INFORMATION	
Full Name	Check In	Check Out	
Address	05/16/2022	05/19/2022	
		Conf #	Room/Room Type
		King Bed	

OTHER INFORMATION	
Car Make/Model	Plate
Payment Information	
CCD	XX/XX

***05/16/2022 Please note:** Check out time is 11:00 A.M.

DEBIT AND CREDIT CARD POLICY: All debit and credit cards will be authorized for the balance of your stay plus a \$100.00 incidentals/damages deposit. If you use a debit card, banks can take up to 15 business days to return these funds to your bank account. The hotel assumes no liability for unavailable funds or bank overdraft fees.

Please initial _____

SMOKING IS PROHIBITED ON THE PROPERTY: In accordance with the Utah clean air act there is no smoking inside the building or within 25 feet outside. Smoking detected in any guest room or throughout the property will result in a **\$500.00** charge to your room upon check out.

Please initial _____

PETS ARE PERMITTED IN DESIGNATED PET FRIENDLY ROOMS: Pets staying with us must be pre-arranged with the Front Desk. We need to have the correct paperwork filled out and Housekeeping arrangements made. Any pet detected in any un-approved guest room will result in a **\$250.00** cleaning fee charged to you room upon check out.

Please initial _____

NOISE AND DISTURBANCES: On behalf of all guests please help us maintain a quiet, enjoyable environment, we request noise levels be kept to a minimum between the hours of **10pm to 6am**. Any noise and or disturbance will be dealt with strictly, up to and including immediate eviction with no refund. After third reminder of noise violation, you will be held responsible for compensation for neighboring guests complaints. Damages can be up to full night compensation at current rate per complaint. Parents, guardians & chaperones are responsible for minors in their care and are also subject to the enforcement of this policy.

Please initial _____

Parking: The Peaks Hotel is a bustling property in a small mountain town with limited parking spaces. The use of alternative transportation is highly recommended. While we make every effort to accommodate everyone visiting, the hotel and Versante guests receive priority. Guests visiting the property for an event/meeting that are not staying on-site will find that vehicles are subject to towing if hotel designated areas are not utilized. We urge you to request that your guests not staying at the hotel book ride share, take public transportation or carpool to the property.

Please Initial _____

Park City Peaks Hotel is not responsible for loss of money or valuables of any kind. In-room safes are available for the security of your valuables.

I agree that my liability for this bill is not waived and I agree to be personally liable in the event the indicated person, company or association fails to pay for any part of these charges.

I understand that there are no refunds for early departures or late arrivals during the months of December through April.

I have read and understand the above: Please Initial _____

X _____
Signature:

Printed: 05/16/2022 at 01:02 PM

Park City Peaks Hotel

2346 Park Avenue P.O. Box 1778
Park City, UT 84060
Phone: 435-649-5000
www.parkcitypeaks.com

Page 2 of 2

Group Summer Contract 72 Hours

Client/Organization _____

Time Frame _____

Checkin Date: Fri 06/03/2022
Checkout Date: Sun 06/05/2022
Release Date: Tue 05/03/2022
Group Code: _____

TERMS AND CONDITIONS

Cancellation-

Cancellations occurring during the time periods below are subject to the following cancellation fees: From time of signing to 72 hours days prior to arrival no penalty, 72 hours or less, prior to arrival liquidated damages in the amount of 100% of the anticipated room revenue will be due. Group contracts require a 10 room minimum.

Deposit-

The full deposit is due 30 days prior to arrival. Food and beverage can be modified or cancelled fourteen days prior to arrival. The deposit is payable by credit card or check. If paying by check, please mail to: Park City Peaks Hotel, Attn: Group Sales, PO Box 1778, Park City, UT 84060.

Parking-

The Peaks Hotel is a bustling property in a small mountain town with limited parking spaces. The use of alternative transportation is highly recommended. While we make every effort to accommodate everyone visiting, the hotel and Versante guests receive priority. Guests visiting the property for an event/meeting that are not staying on-site will find that vehicles are subject to towing if hotel designated areas are not utilized. We urge you to request that your guests not staying at the hotel book ride share, take public transportation or carpool to the property.

The persons signing the Contract each warrant that they are authorized to bind their principals to this Contract.

CLIENT

PARK CITY PEAKS HOTEL

Date: _____

Date: _____

Print Name: _____

Print Name: _____

Signature: _____

Signature: _____

Park City Peaks Hotel

2346 Park Avenue P.O. Box 1778
Park City, UT 84060
Phone: 435-649-5000
www.parkcitypeaks.com

Page 2 of 3

Group Block Contract -

Client/Organization _____

Time Frame		
Checkin Date:	Fri	07/01/2022
Checkout Date:	Sun	07/03/2022
Release Date:	Wed	06/01/2022
Group Code:	0702	

TERMS AND CONDITIONS

Cancellation-

Cancellations occurring during the time periods below are subject to the following cancellation fees: From time of signing to 30 days prior to arrival no penalty, 30 days or less, prior to arrival liquidated damages in the amount of 100% of the anticipated room revenue will be due. Group contracts require a 10 room minimum. Sundance Film Festival contracts require a 4 night length of stay arriving on 01/19/23. Exceptions on the arrival date can be made adjusted per group contract. The rate will increase to meet the 4 night minimum requirement.

Deposit-

To guarantee the reservation for guest rooms and function/catering needs, the Hotel requires a signed copy of the Agreement. The deposit is due in full 30 days prior to arrival. Food and beverage can be modified or cancelled fourteen days prior to arrival. The deposit is payable by credit card or check. If paying by check, please mail to: Park City Peaks Hotel, Attn: Group Sales, PO Box 1778, Park City, UT 84060.

Parking-

The Peaks Hotel is a bustling property in a small mountain town with limited parking spaces. The use of alternative transportation is highly recommended. While we make every effort to accommodate everyone visiting, the hotel and Versante guests receive priority. Guests visiting the property for an event/meeting that are not staying on-site will find that vehicles are subject to towing if hotel designated areas are not utilized. We urge you to request that your guests not staying at the hotel book ride share, take public transportation or carpool to the property.

The Peaks Hotel remains committed to the safety of our guest and employees. We will continue to follow the CDC guidelines to ensure a safe and healthy environment. We look forward seeing you.

Authority

The persons signing the Contract each warrant that they are authorized to bind their principals to this Contract.

CLIENT

PARK CITY PEAKS HOTEL

Date: _____

Date: _____

Print Name: _____

Print Name: _____

Signature: _____

Signature: _____

Ace Signs & Designs
4115 Atkinson Ave
Park City, UT 84098 US
435-655-6300
john@acesignsutah.com
www.acesignsutah.com



Estimate

ADDRESS

Park City Peaks Hotel

ESTIMATE # 5150

DATE 05/17/2022

DESIGNER

AS

ACTIVITY	QTY	RATE	AMOUNT
Sales	3	143.00	429.00T
18" x 14" Towing Enforced Sign - No Unauthorized Parking			

SUBTOTAL	429.00
TAX	31.96
TOTAL	\$460.96

Accepted By

Accepted Date

The costs shown on this estimate are guaranteed for 15 days past the date on the estimate. After that we reserve the right to change them as our costs increase.



Tow Sign - 18" x 24" with rounded corners (x3 copies)

PROOF

Address: _____ Contact: _____ Designer: HALEY
Origin Date: _____ Proof Date: _____ Revision: _____ Revision: _____ Revision: _____



CUSTOM ROUTED SIGNS - DECALS -
TRAIL MARKERS - MAGNETS - BUSINESS CARDS -
POSTERS - LOBBY SIGNS - INSTALLATIONS -
VEHICLE WRAPS - BANNERS - STICKERS -
NAMETAGS - ADA SIGNAGE

435-655-6300
4115 atkinson Ave. Park City, UT

Please double check all sizes, wording, spelling, numbers and layouts.
Email back with your written approval to begin production. If you have
corrections of changes please call or email and we will update the artwork.
Thank you.

Customer Assumes Responsibility of final product upon approval:

APPROVAL: _____

DATE: _____

Page: **1**

Versante Hearth + Bar is a big fan and supporter of KPCW.

Versante on the Lawn is looking forward to another summer season of outdoor dining.

Open Tuesday - Sunday

4pm - 830pm with live music every weekend.

Park City fans can dine like a local this summer. BIKE - BUS AND CARPOOL options available.

Cheers from the Versante team

Brooke Ahlberg

Underwriting Manager

KPCW Radio, 91.7, 91.9 & 88.1 FM

Cell: (435) 901-8805

PO Box 1372 | 460 Swede Alley

Park City, UT 84060

Confirmation



91.7 | 91.9 | 88.1 | APP | .ORG **npr**

Advertiser: **Peaks Hotel - Park City**
 Start Date: 5/23/2022
 End Date: 8/2/2022
 Description: Peaks Hotel - Park City
 Order Number:
 Contract: 2597

	Quantity	Rate	Amount
5/23/2022 - 8/2/2022 7p-10p 07:00 PM-08:59 PM 52 : 30 sec spots	52	20.00	1,040.00
5/23/2022	1		-40.00
Station Summary			Amount
Gross Amount			1,000.00
Discount			-1,000.00
Total spots 52	Total Amount Due:		\$0.00

Client Notes:

SCHEDULE 1 WPD CERTS
 OUTDOOR DINING

Planning Commission Staff Report



Subject: 395 Deer Valley Drive Plat Amendment
Application: PL-22-05370
Authors: Jaron Ehlers, Planning Technician
Spencer Cawley, Planner II
Date: July 26, 2023
Type of Item: Administrative – Plat Amendment

Recommendation

(I) Review the proposed 395 Deer Valley Drive Plat Amendment to remove an internal lot line to create one lot, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for the City Council's consideration on August 22, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Draft Ordinance (Exhibit A).

Description

Applicant: Work Smart LLC
Alliance Engineering, Applicant Representative
Location: 395 Deer Valley Drive
Zoning District: Residential – 1
Adjacent Land Uses: Single-Family Dwellings, Open Space
Reason for Review: Plat Amendments require Planning Commission recommendation and City Council action¹

BOA Board of Adjustment
LMC Land Management Code
R-1 Residential – 1
ROW Right-of-Way

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

395 Deer Valley Drive is in Block 65, Amended Plat of Park City Survey and consists of all of Lots 9 & 26, the westerly 18.75 feet of Lots 8 & 27, and the easterly one-half of Lots 10 & 25, for a total of 0.194 acres or 8,437 square feet. The subject property is in Park City's Residential – 1 (R-1) Zoning District.

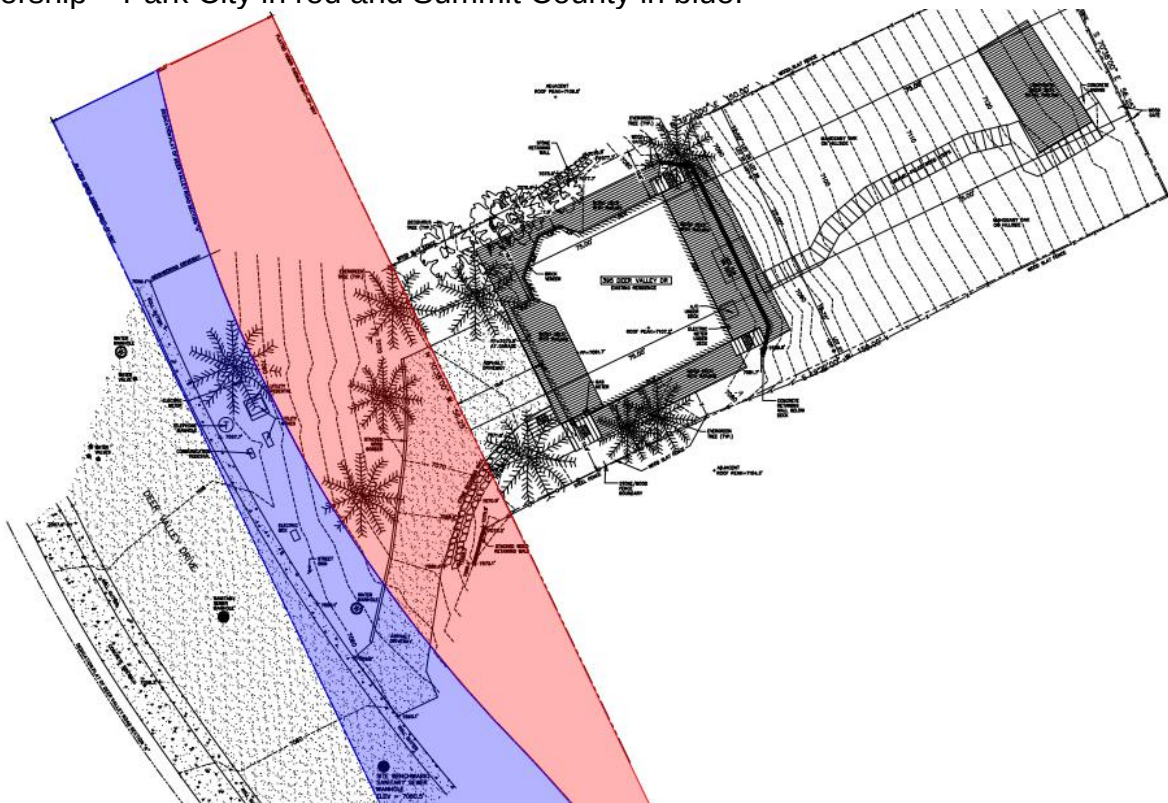


¹ LMC [§ 15-7.1-2\(B\)](#)

On September 2, 2022, the Applicant submitted a Plat Amendment application and Planning Staff deemed the application complete on September 16, 2022. The Applicant proposes to create a lot of record from lots 9 & 26 and part of Lots 8, 10, 25, & 27 of Block 65 of the Park City Survey. This will remove all internal Lot lines to allow for a remodel of a non-historic, Single-Family Dwelling, including relocating the driveway for compliance with grade, and constructing a new garage. The proposed garage will sit at an elevation lower than the existing garage and will be located at the front of the Single-Family Dwelling. The current driveway has a slope of approximately 19%, which exceeds the maximum of 14% required by Land Management Code (LMC) [§ 15-3-3\(A\)\(4\)](#). The proposed driveway configuration will allow for a slope of nine percent (9%) and will move the driveway entrance approximately 40 feet east of the existing driveway entrance. This new placement will improve the sight distance along Deer Valley Drive (Exhibit B).

The Single-Family Dwelling (built in 1978) is 18.6 feet from the property line, which is also the edge of the historic platted Heber Avenue Right-of-Way (ROW). However, the Dedication Plat of Deer Valley Road Section “A” is the ROW in use in this area. Subsequently, the Single-Family Dwelling is 51.6 feet from the currently platted Deer Valley Drive ROW.

Parcel PC-519-R-X, owned by Summit County, fronts the property and is a portion of the historic Heber Avenue ROW. The following image, highlighted by Staff, shows the unbuilt portion of Deer Valley Drive and Heber Avenue and the corresponding ownership – Park City in red and Summit County in blue:



See Exhibit C for the site survey.

On June 20, 2023, the Board of Adjustment (BOA) reviewed the Applicant's Variance request to reduce the 20-foot Setback to a four-foot Front Setback to accommodate construction of a front-facing garage at 395 Deer Valley Drive. The BOA held a public hearing and approved the Variance ([Staff Report](#); [Meeting Audio](#)).

Analysis

A Plat Amendment is required to amend platted elements.² Plat Amendments require Planning Commission review and recommendation to City Council for Final Action.³

(I) The proposed Plat Amendment complies with LMC Chapter 15-2.12 Residential (R-1) District.

The purpose of the R-1 Zoning District is to:

- A. Allow continuation of land Uses and architectural scale and styles of the original Park City residential Area;
- B. Encourage Densities that preserve the existing residential environment and that allow safe and convenient traffic circulation;
- C. Require Building and Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile;
- D. Require Building design that is Compatible with the topographic terrain and steps with the hillsides to minimize Grading;
- E. Encourage Development that protects and enhances the entry corridor to the Deer Valley Resort Area;
- F. Provide a transition in Use and scale between the Historic Districts and the Deer Valley Resort; and,
- G. Encourage designs that minimize the number of driveways accessing directly onto Deer Valley Drive.⁴

Single-Family Dwellings⁵ are an Allowed Use in the R-1 Zoning District. The table below outlines the R-1 Zoning District Lot and Site Requirements established in LMC [§ 15-2.12-3](#):

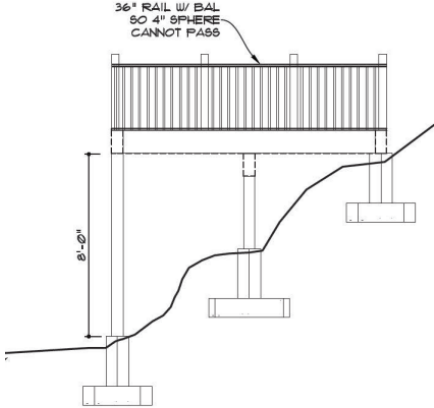
Requirement	Analysis of Proposal
Minimum Lot Area: 2,812 square feet for a Single-Family Dwelling.	Complies. The proposed site contains an existing Single-Family Dwelling built over Lots 9 & 26, the westerly 18.75 feet of Lots 8 & 27, and the easterly one-half of Lots 10 & 25 to create a 0.194-acre/8,437-square-foot

² LMC [§ 15-7.1-3\(B\)](#)

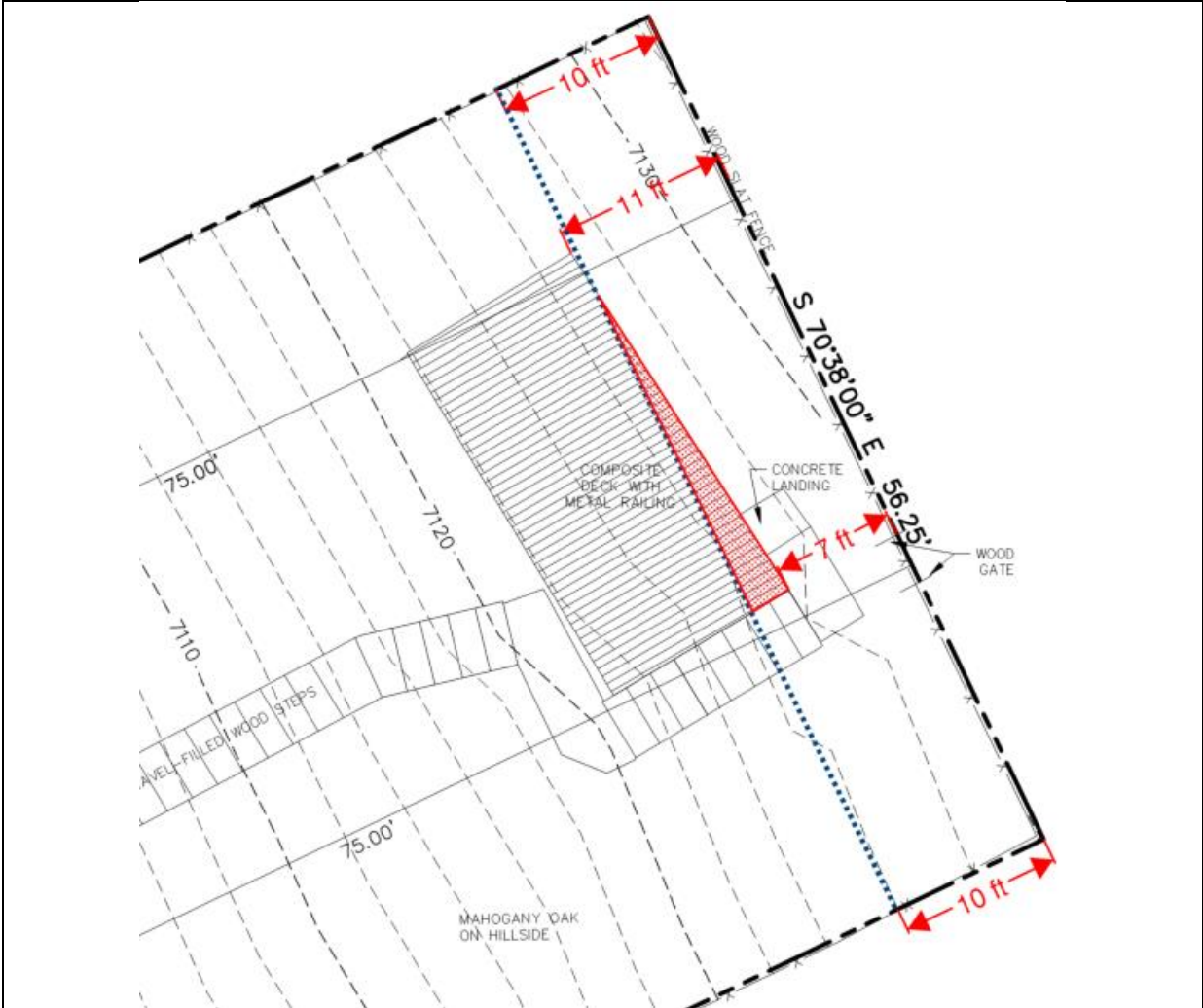
³ LMC [§ 15-12-15\(B\)\(9\)](#)

⁴ LMC [§ 15-2.12.1](#)

⁵ LMC [§ 15-2.12-2\(A\)\(1\)](#)

	Lot.
Front Setback: 15 feet. 20 feet for new Front Facing Garages.	Four-foot Front Setback Variance for the proposed garage granted by the BOA. The approved Variance reduces the Front Setback from 20 feet to four feet for the Front Setback in order to construct a new garage. Condition of Approval 5: A Variance was granted reducing the Front Setback for the Garage to four feet. Any other addition to the Structure is required to comply with the Front Setback of 15 feet. Conditions of Approval 6 and 7: The Applicant's proposed site plan includes retaining walls in the Front Setback that exceed four feet in height. The Applicant shall obtain an Administrative Conditional Use Permit for retaining walls that exceed four feet in height prior to applying for a Building Permit. Fences, walls, retaining walls, uncovered stairs leading to the Main Structure, decks, porches, roof overhangs, eaves, cornices, sidewalks, patios, and pathways in the Front Setback shall comply with LMC § 15-2.12-3(C)(1-7) Front Setback Exceptions.
Rear Setback: 10 feet.	Complies. The existing Single-Family Dwelling is 93 feet from the rear Lot line. A standalone composite deck with a metal railing is seven feet from the rear Lot line. Due to the slope of the site, the deck ranges from zero to eight feet from grade as depicted in this image. 

Only a small portion of the deck is in the Rear Setback. It complies with the Rear Setback exception which states, "Patios, decks, pathways, steps and similar Structures not more than 30 inches above Final Grade, located at least five feet from the Rear Lot Line".⁶ The image below identifies the area of the deck that is in the Rear Setback, highlighted in red. This area is zero feet from grade. The Applicant does not propose any changes to the Rear Setback.



Side Setback: 5 feet.

Complies.

The existing Structure is 7.9 feet from the west Lot line and 10.9 feet from the east Lot line. The Applicant does not propose any changes to the Side Setback.

⁶ LMC [§ 15-2.12-3\(E\)\(9\)](#)

Building Height: 28 feet from Existing Grade.	Condition of Approval 8 The new Front Facing Garage is proposed to sit below the existing Single-Family Dwelling and will be attached to the Structure. No additional changes are proposed to the existing Structure. In the R – 1 Zoning District, detached Accessory Buildings are limited to a height of 18 feet. Although the new garage is proposed to be attached to the existing Structure, the garages of neighboring properties are smaller in scale than the allowed Zone Height. Staff recommends a Condition of Approval that limits the height of the new garage to 18 feet from Existing Grade.
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Architectural Review LMC § 15-2.12.6

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for Compliance with LMC [Chapter 15-5 Architectural Review](#).

Nightly Rental

Pursuant to LMC [§ 15-2.12-2](#), a Nightly Rental is an allowed use in the R – 1 Zoning District. The Applicant intends to use 395 Deer Valley Drive as a Nightly Rental.

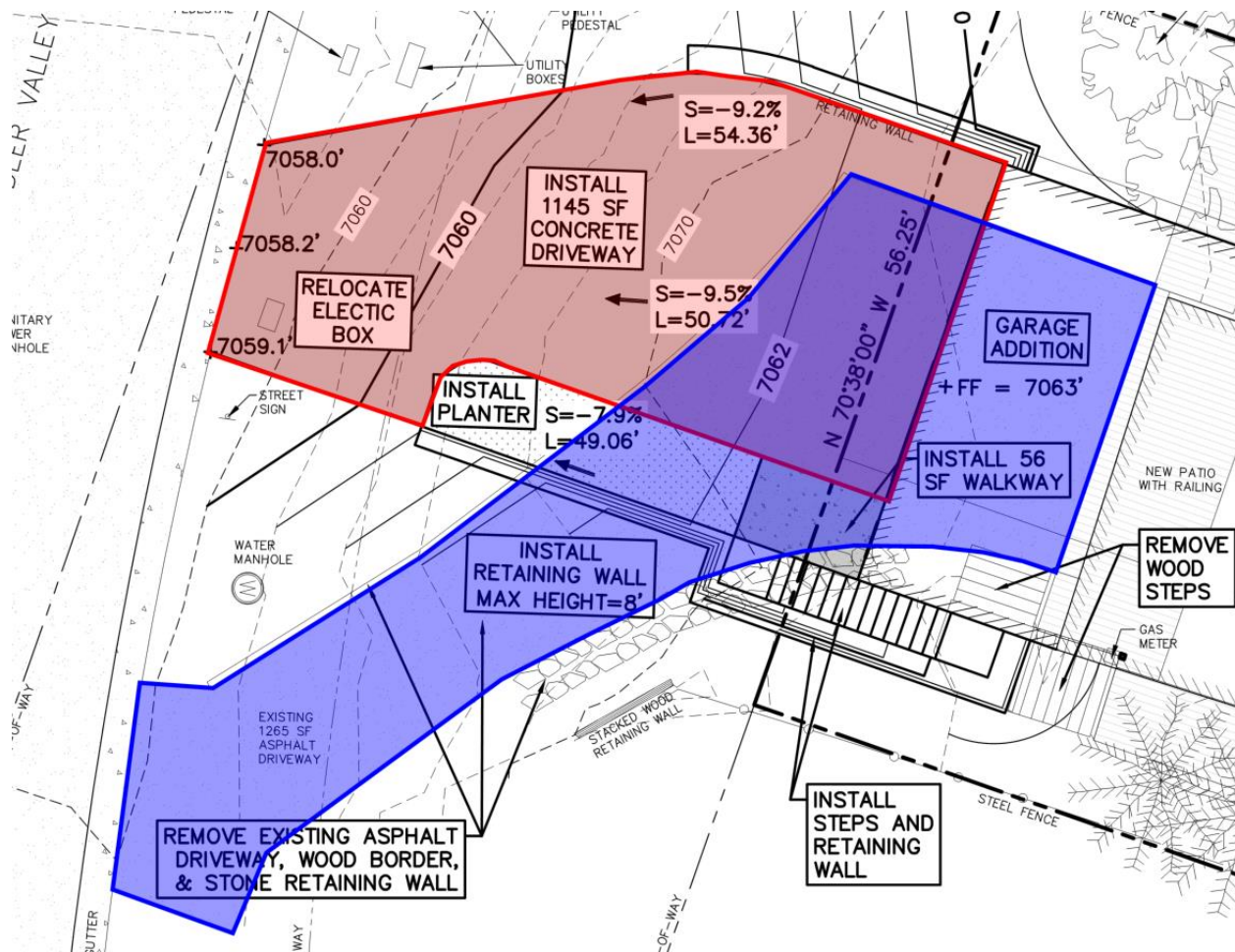
Condition of Approval 4 requires the Applicant to obtain a business license from the City for the Nightly Rental Use and shall renew the license annually or else the Use is terminated.

Driveway Standards

The current driveway has a slope of approximately 19%, which exceeds the maximum of 14% required by today's Land Management Code [§ 15-3-3\(A\)\(4\)](#). The proposed driveway configuration reduces the slope to nine percent (9%) and will move the driveway entrance approximately 40 feet east of the existing driveway entrance. The new driveway configuration will impact Significant Vegetation, including two evergreen trees. See Analysis Section IV for further discussion of Significant Vegetation.

The existing driveway is 1,265 square feet and the proposed driveway is 1,145 square feet. The Applicant's proposed driveway will decrease the site's impervious surface by 120 square feet. The proposed driveway is 15 feet at Deer Valley Drive and increases to a width of 27 feet at the proposed garage addition. Pursuant to LMC [§ 15-3-3\(H\)\(1\)](#), the maximum driveway width for a Single-Family Dwelling is 27 feet.

The image below is taken from the site plan. Staff highlighted the existing driveway in blue, and the proposed driveway in red:



(II) The proposal complies with LMC § 15-7.1-3(B) Plat Amendment.

Plat amendments shall be reviewed according to LMC [§ 15-7.1-6 Final Subdivision Plat](#), and approval shall require a finding of Good Cause and a finding that no Public Street, ROW, or easement is vacated or amended.

A. There is Good Cause for this Plat Amendment because it resolves a non-conformity, is consistent with previous Plat Amendments, and improves traffic safety along Deer Valley Drive.

Removing the internal lot lines resolves the issue of the existing structure crossing Lot lines. Removing the internal Lot lines is consistent with the development patterns along Deer Valley Drive. Additionally, other nearby sites have undergone similar Plat Amendments to combine Lots platted under the Park City Survey. These Plat Amendments include Conditions of Approval that the Planning Commission may also consider:

- 415 Deer Valley Drive – 1993 – 415 Deer Valley Drive Plat Amendment

- Plat note 2: *The ‘no-build’ area shall preclude the owner from constructing buildings, fences, or similar structures. The ‘no-build’ area shall be kept in its natural state and no vegetation from this area shall be removed or introduced and the area shall remain un-irrigated so as to prevent erosion.*
- 501 Deer Valley Drive – 1998 – Jorgensen Replat
 - Plat note 4: *Any new construction or addition to the existing structure shall be similar in architecture and comply with the Historic District Design Guidelines.*
- 505 Deer Valley Drive – 2001 – 505 Deer Valley Drive Replat
 - Plat note 4: *All structures including decks in excess of 30 inches above grade shall maintain a 75-foot rear yard setback*



The Engineering Department acknowledges that the existing driveway is out of compliance with LMC [§ 15-3-3](#) and may increase the chance for accidents, especially in inclement weather.

B. No Public Street or Right-of-Way is vacated or amended.

Platted Deer Valley Drive and Heber Avenue will remain as it exists today.

C. No easement is vacated or amended.

(III) The Development Review Committee met on January 3, 2023, reviewed the proposal, and requests Conditions of Approval.⁷

⁷ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire

The Engineering Department requests the following Conditions of Approval:

9. If at some point in the future, Deer Valley Drive is widened, or re-aligned, the Applicant is responsible for the removal of retaining walls, stairs, and/or the driveway at the property owner's expense and in an expeditious manner (within 90 days of written notice).
10. The Applicant shall obtain permits for construction in the Right-of-Way from the City Engineer prior to issuance of a Building Permit.
11. Encroachment permits are required for retaining walls, stairways, or driveways built in the platted Rights-of-Way and Summit County Parcel PC-519-R-X.
12. City Engineer review and approval of all appropriate grading, utility installation, and public improvements is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.

(IV) The Forestry Board met on July 6, 2023, reviewed the proposal, and requests Conditions of Approval.

The Applicant will remove Significant Vegetation when the new driveway is constructed. At least two of the evergreen trees are unhealthy. The Forestry Board supports the removal of these trees, but requires the Applicant replace them in the unbuilt, platted ROW. The Applicant shall receive permission from the City Engineer and Summit County prior to installing any new vegetation in the unbuilt, platted Right-of-Way or the Summit County owned parcel.

Condition of Approval 13: Upon application of a Building Permit, the Applicant shall provide a landscape plan consistent with LMC § 15-5-5(N), showing replacement of all removed Significant Vegetation. If the Applicant cannot replace the same number of plants removed from their property and the ROW, then the Applicant shall return to the Forestry Board for further review. The Applicant shall receive permission from the City Engineer and Summit County prior to installing any new vegetation in the unbuilt, platted ROW or the Summit County owned parcel.

Department Review

The Planning Department, Engineering Department, and City Attorney's Office reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on July 12, 2023. Staff mailed courtesy notice to property owners within 300 feet on July 12, 2023. The *Park Record* published notice on July 12, 2023.⁸

Public Input

District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

⁸ LMC [§ 15-1-21](#).

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Commission may forward a positive recommendation for Ordinance No. 2023-XX, Approving the 395 Deer Valley Drive Plat Amendment, to the City Council for consideration on August 22, 2023;
- The Planning Commission may forward a negative recommendation for Ordinance No. 2023-XX, Denying the 395 Deer Valley Drive Plat Amendment, to the City Council and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance No. 2023-XX and Proposed Plat
Exhibit B: Applicant Statement
Exhibit C: Licensed Engineer's Survey
Exhibit D: Property Photos

Ordinance No. 2023-XX

AN ORDINANCE APPROVING THE 395 DEER VALLEY DRIVE PLAT AMENDMENT, LOCATED AT 395 DEER VALEY DRIVE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 395 Deer Valley Drive petitioned the City Council for approval of the 395 Deer Valley Drive Plat Amendment; and

WHEREAS, on July 12, 2023, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on July 23, 2023, courtesy notice was mailed to property owners within 3000 feet of 395 Deer Valley Drive; and

WHEREAS, on July 26, 2023, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on July 26, 2023, the Planning Commission forwarded a _____ recommendation for City Council's consideration on August 22, 2023; and

WHEREAS, on August 22, 2023, the City Council reviewed the proposed Plat Amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management Code including § 15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.2 and 15-7.

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

SECTION 1. APPROVAL The 395 Deer Valley Drive Plat Amendment, located at 395 Deer Valley Drive, as shown in Attachment 1, is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 395 Deer Valley Drive in the Residential – 1 Zoning District.
2. The property is in Block 65, Amended Plat of Park City Survey and consist of all of Lots 9 & 26, the westerly 18.75 feet of Lots 8 & 27, and the easterly one-half of Lots 10 & 25.
3. The Summit County parcel tax ID is PC-518-A-3.
4. The existing Single-Family Dwelling was built in 1978.
5. The Applicant proposes to remove all internal Lot lines to allow for a remodel of a non-historic, Single-Family Dwelling, including relocating the driveway for compliance with grade, and a new garage addition.

6. The current driveway has a slope of approximately 19%, which exceeds the maximum of 14% required by LMC § 15-3-3-(A)(4).
7. The proposed driveway will have a slope of 9% will move 40 feet east along Deer Valley Drive.
8. The existing Single-Family Dwelling is 18.6 feet from the property line and 51.6 feet from the platted Deer Valley Right-of-Way.
9. Parcel PC-519-R-X, owned by Summit County, fronts the property and is a portion of the historic Heber Avenue Right-of-Way.
10. On June 20, 2023, the Board of Adjustment granted a Variance reducing the Zone's required 20-foot Front Setback for a Front Facing Garage to four-feet.
11. A Single-Family Dwelling and Parking Areas with four or fewer space are Allowed Uses in the R-1 Zoning District.
12. A Single-Family Dwelling must provide two Off-Street parking spaces. The Applicant's proposal will provide four Off-Street parking spaces, two in the garage, and two in the driveway.
13. The property contains 0.194 acres or 8,437 square feet.
14. The Front Setback requirement is 15 feet/20 feet for Front Facing Garages. The Variance reduces the setback for the proposed garage to four feet.
15. The Rear Setback requirement is 10 feet. The existing Single-Family Dwelling is 93 feet from the rear Lot line. A standalone composite deck with a metal railing is seven feet from the rear Lot line.
16. The Side Setback requirement is five feet each side. The existing Structure is 7.9 feet from the west Lot line and 10.9 feet from the east Lot line.
17. Building Height cannot exceed 28 feet in the R-1 Zoning District.
18. The existing driveway is 1,265 square feet and the proposed driveway is 1,145 square feet. The Applicant's proposed driveway will decrease the site's impervious surface by 120 square feet.
19. The proposed driveway is 15 feet at Deer Valley Drive and increases to a width of 27 feet at the proposed garage addition.
20. There is Good Cause for this Plat Amendment because it resolves a non-conformity, is consistent with previous Plat Amendments, and improves traffic safety along Deer Valley Drive.
21. No Public Street or Right-of-Way is vacated or amended.
22. No easement is vacated or amended.
23. The Development Review Committee met on January 3, 2023, reviewed the proposal, and did not identify any issues.
24. The Forestry Board met on July 6, 2023, reviewed the proposal, and has Conditions of Approval.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.12, *Residential (R-1) Zoning District*, and LMC § 15-7.1-6, *Final Subdivision Plat*.
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

1. The Planning Department, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
2. The Applicant shall record the plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this Plat approval 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. The plat shall note that fire sprinklers are required for all new construction.
4. In order to use the property as a Nightly Rental, the Applicant must obtain a business license from the City for the Nightly Rental Use and shall renew the license annually or else the Use is terminated.
5. A Variance was granted reducing the Front Setback for the Garage to four feet. Any other addition to the Structure is required to comply with the Front Setback of 15 feet.
6. The Applicant shall obtain an Administrative Conditional Use Permit for retaining walls that exceed four feet in height in the Front Setback prior to applying for a Building Permit.
7. Fences, walls, retaining walls, uncovered stairs leading to the Main Structure, decks, porches, roof overhangs, eaves, cornices, sidewalks, patios, and pathways in the Front Setback shall comply with LMC § 15-2.12-3(C)(1-7) *Front Setback Exceptions*.
8. The new garage shall not exceed 18 feet from Existing Grade.
9. If at some point in the future, Deer Valley Drive is widened, or re-aligned, the Applicant is responsible for the removal of retaining walls, stairs, and/or the driveway at the property owner's expense and in an expeditious manner (within 90 days of written notice).
10. The Applicant shall obtain permits for construction in the Right-of-Way from the City Engineer prior to issuance of a Building Permit.
11. Encroachment permits are required for retaining walls, stairways, or driveways built in the platted Rights-of-Way and Summit County Parcel PC-519-R-X.
12. City Engineer review and approval of all appropriate grading, utility installation, and public improvements is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
13. Upon application of a Building Permit, the Applicant shall provide a landscape plan consistent with LMC § 15-5-5(N), showing replacement of all removed Significant Vegetation. If the Applicant cannot replace the same number of plants removed from their property or the Right-of-Way, then the Applicant shall return to the Forestry Board for further review. The Applicant shall receive permission from the City Engineer and Summit County prior to installing any new vegetation in the unbuilt, platted Right-of-Way or the Summit County owned parcel.

14. Remodels and Additions shall comply with the Land Management Code and International Building Code in effect at the time of Building Permit application.
15. Prior to the issuance of a building permit, a Construction Mitigation Plan must be submitted to the Building Department for review by the Building, Engineering, and Planning Departments for final approval.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 22nd day of August 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

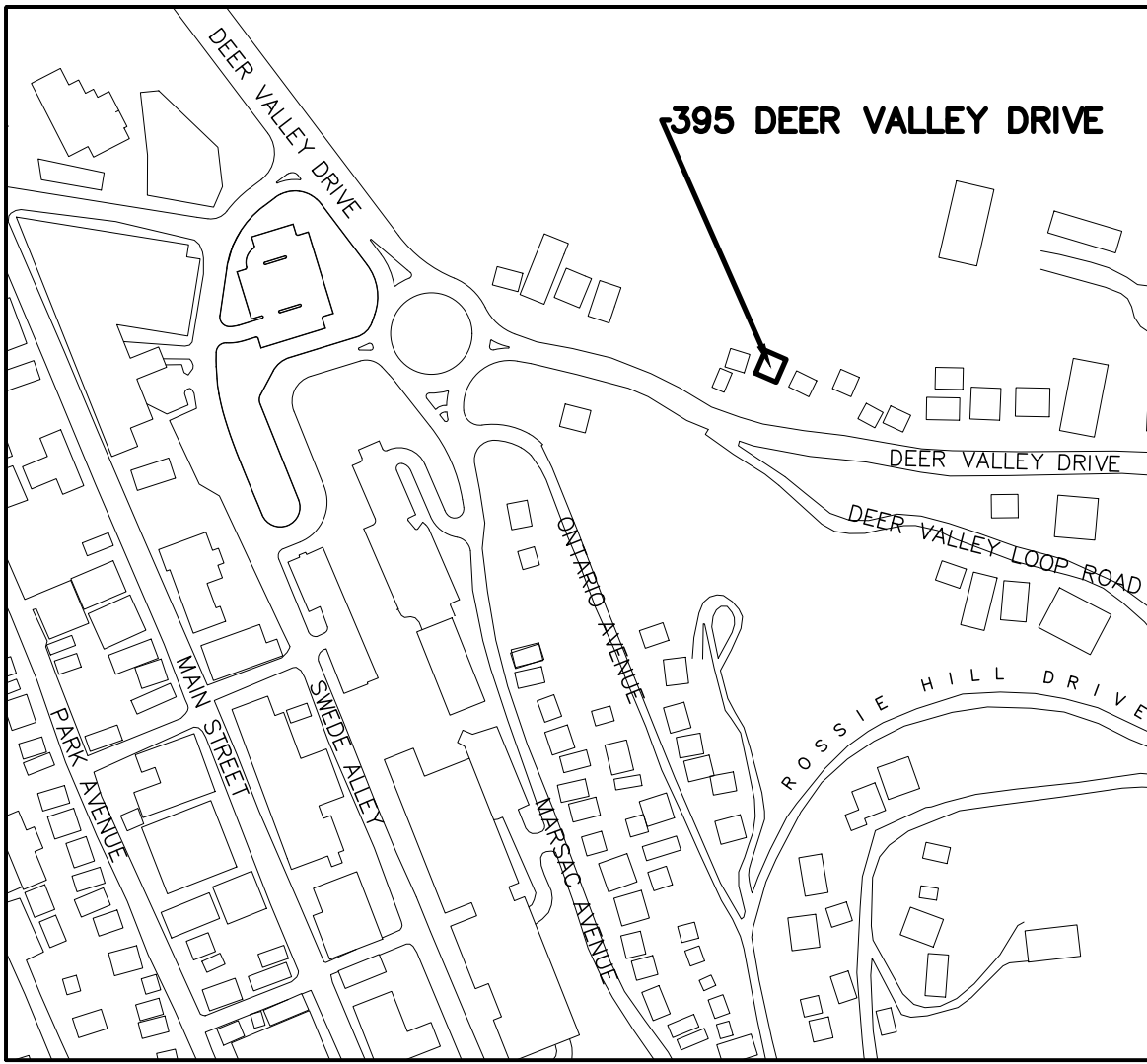
ATTEST:

City Recorder

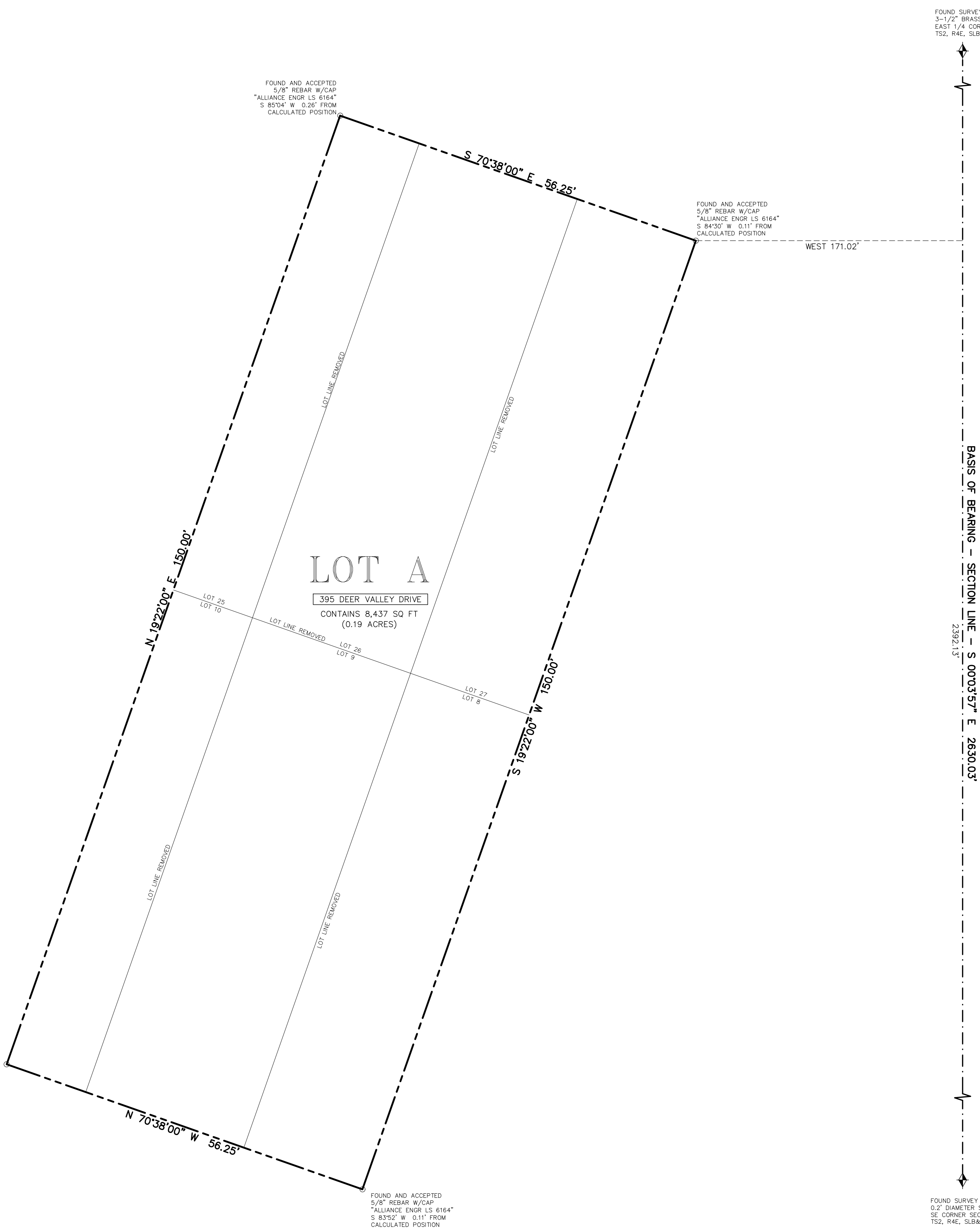
APPROVED AS TO FORM:

City Attorney's Office

Attachment 1 – Proposed Plat



VICINITY MAP



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the land shown on this plat and described hereon, and have combined said land into one (1) lot, hereafter to be known as 395 DEER VALLEY DRIVE PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

The westerly 18.75 feet of Lots 8 and 27, all of Lots 9 and 26, and the easterly one-half of Lots 10 and 25, Block 65, Amended Plat of Park City Survey; according to the official plat thereof on file and of record, in the Office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described tract of land, and hereby causes the same to be unified into one lot of record, together with easements as set forth to be hereafter known as 395 DEER VALLEY DRIVE PLAT AMENDMENT and does hereby dedicate for the perpetual use of the public the areas shown on this plat as intended for public use. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this ____ day of _____, 2022.

Work Smart Properties LLC, a North Carolina limited liability company

By: Ronald Unger, Manager

ACKNOWLEDGMENT

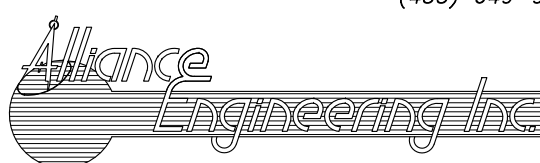
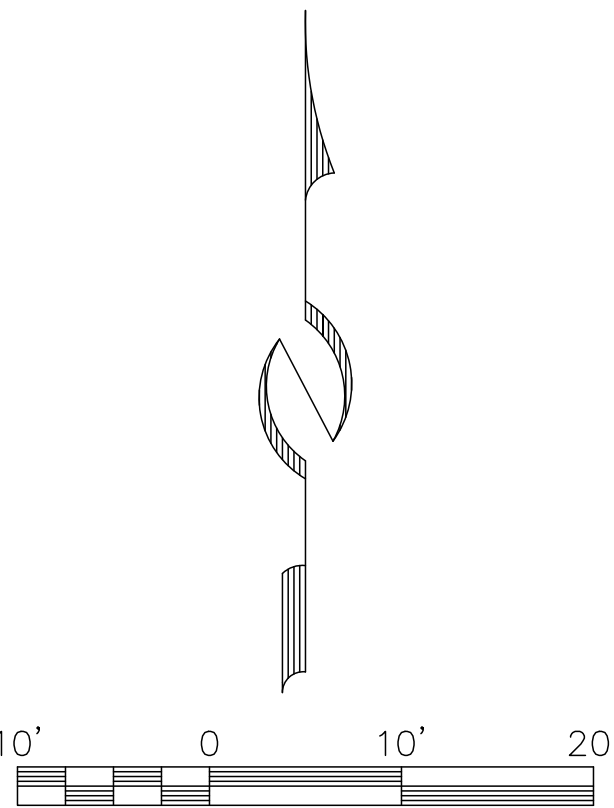
STATE OF _____
: ss.
COUNTY OF _____

On this ____ day of _____, 2022, Ronald Unger personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Manager of Work Smart Properties, LLC, a North Carolina limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the 395 DEER VALLEY DRIVE PLAT AMENDMENT.

By: Notary Public
Printed Name
Residing in:
My commission expires:
Commission No.

NOTES

1. This plat amendment is subject to the Conditions of Approval in Ordinance 2022-_____.



(435) 649-9467

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

395 DEER VALLEY DRIVE PLAT AMENDMENT

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

SHEET 1 OF 1

9/2/21 JOB NO.: 10-7-19 FILE: X:\ParkCitySurvey\dwg\sr\plat2019\100719.dwg

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2022 BY _____ ENGINEERING DEPARTMENT	PLANNING COMMISSION RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2022 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2022 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS ____ DAY OF _____, 2022 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2022 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2022 BY _____ PARK CITY RECORDER	PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS ____ DAY OF _____, 2022 BY _____ SUMMIT COUNTY GIS COORDINATOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____
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PARK CITY SURVEY, BLOCK 65,
LOTS 9 & 26 and part of Lots 8, 10, 25 & 27

(395 Deer Valley Drive)

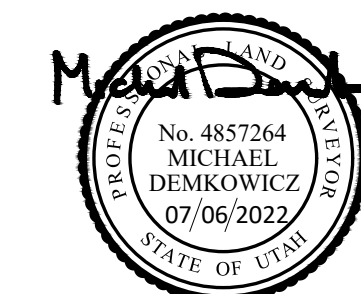
August 29, 2022

PROJECT INTENT

The property at 395 Deer Valley Drive is in Block 65, Park City Survey and consists of Lots 9 & 26 and part of Lots 8, 10, 25 & 27. The property is currently occupied by a single family residence. The owner is submitting this plat amendment application with the goal of removing all of the internal lot lines to create a single lot of record. The owner is currently in the process of designing a remodel of the residence, but is in the early stages and a final plan hasn't been determined. Given the length of time for the plat amendment process, the owner would like to submit the application now in anticipation of future remodeling of the existing structure.

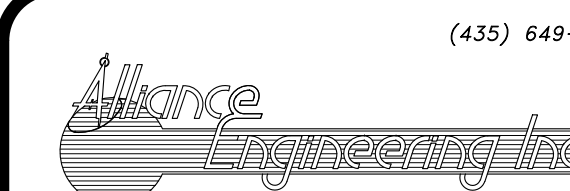
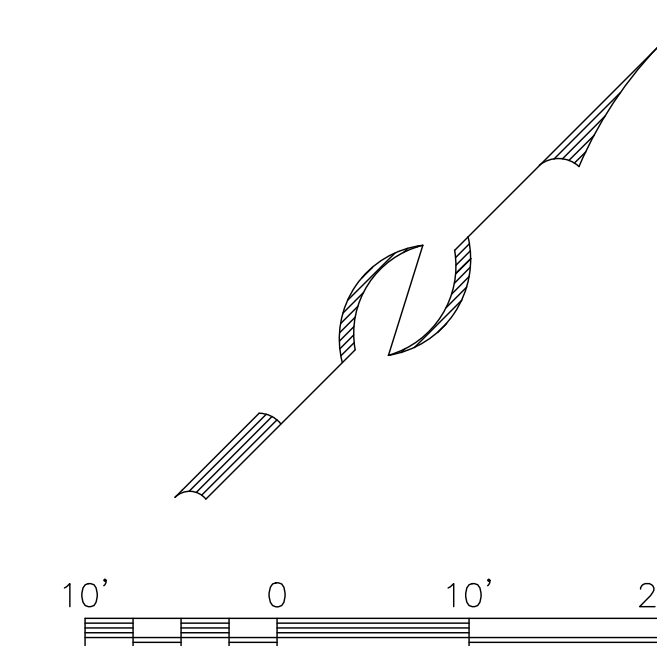
SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed under the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plat is a correct representation of said survey.



NOTES

1. Site Benchmark: Sanitary Sewer Manhole = 7060.5'
2. Field work for this survey was completed June 3, 2022.
3. The architect is responsible for verifying building setbacks, zoning requirements, and building heights.
4. This survey was prepared in conjunction with a plot amendment application.



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

(435) 649-9467

STAFF:

BRAYLON ROSE
CHIP TOMSUDEN
MARSHALL KING
TYLER LEPORE
THOMAS VAUGHN

Abstract

DATE: 7/6/22

EXISTING CONDITIONS & TOPOGRAPHIC MAP
395 DEER VALLEY DRIVE
BLOCK 65, PARK CITY SURVEY

FOR: RON UNGER

JOB NO.: 10-7-19

FILE: X:\ParkCitySurvey\dwg\srvt\topo2019\100719.dwg

CHIEF

SHEET
1
OF
1



395 Deer Park Ave- front - looking northwesterly



395 Deer Park Ave - front - looking northerly



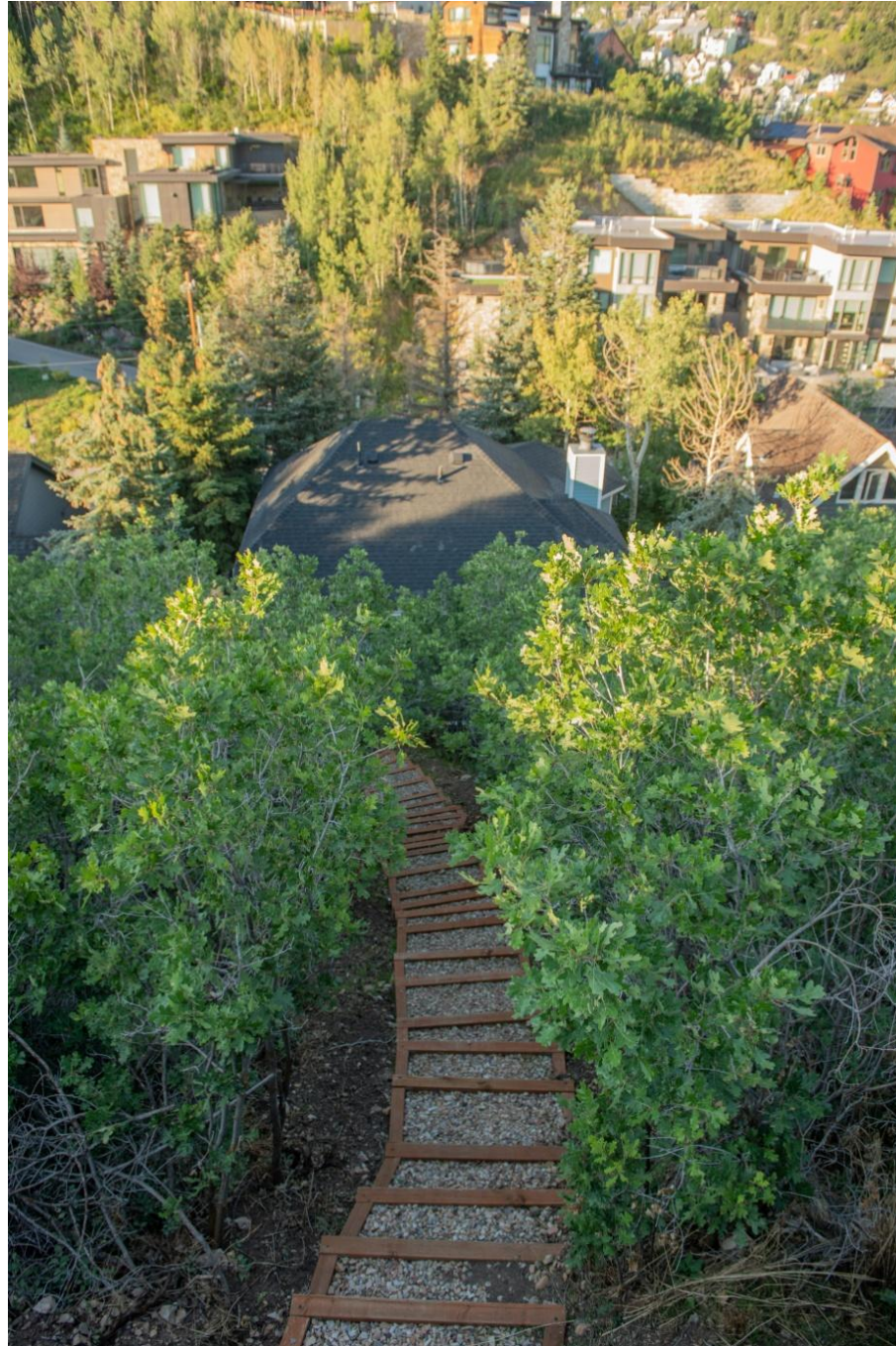
395 Deer Park Ave - front - looking northeasterly



395 Deer Park Ave - rear - looking southwesterly



395 Deer Park Ave - rear - looking southeasterly



395 Deer Park Ave - rear - looking southerly

Planning Commission Staff Communication



Subject: Lot Combinations in Historic Districts
Application: PL-23-05655
Author: Planning Team
Date: July 26, 2023
Type of Item: Legislative – Land Management Code Amendments

Recommendation

(I) Open a public hearing, and (II) continue the public hearing to August 23, 2023.

Description

Applicant:	Planning Department
Zoning Districts:	Historic Residential Low – Density Historic Residential – 1 Historic Residential – 2 Historic Residential Medium
Land Management Code Sections Amended:	Historic Residential Low – Density § 15-2.1-2 Lot and Site Requirements § 15-2.1-4 Existing Historic Buildings and/or Structures Historic Residential – 1 § 15-2.2-3 Lot and Site Requirements § 15-2.2-4 Existing Historic Buildings and/or Structures Historic Residential – 2 § 15-2.3-3 Lot and Site Requirements § 15-2.3-4 Existing Historic Buildings and/or Structures Historic Residential Medium § 15-2.4-3 Lot and Site Requirements § 15-2.4-4 Existing Historic Buildings and/or Structures
Reason for Review:	The Planning Commission reviews and forwards a recommendation to the City Council for Land Management Code amendments; the City Council takes Final Action ¹

Background

On July 27, 2006, the City Council adopted [Ordinance No. 06-56](#) to mitigate infill development on larger lots in the Historic Residential – 1, Historic Residential – 2, and Historic Residential Low – Density Zoning Districts, the Old Town residential areas ([Staff](#)

¹ LMC [Section 15-1-7](#)

[Report](#), p. 105). The Land Management Code (LMC) establishes Maximum Building Footprint regulations in the Historic Residential – 1,² Historic Residential – 2,³ and Historic Residential Low – Density⁴ Zoning Districts that reduce the building footprint as lot size increases:

MAXIMUM FP = $(A/2) \times 0.9A/1875$ 1 LMC § 15-2.2-1(D) 2
 LMC § 15-2.3-1(E) Where FP = maximum Building Footprint
 and A = Lot Area.

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

The Table below shows the reduced percentage of the lot that can be built upon as the lot size increases:

Lot Area	Maximum Building Footprint	Maximum Building Footprint percentage of Lot
1,875 SF	844 SF	45%
2,813 SF	1,201 SF	43%
3,750 SF	1,519 SF	41%
4,688 SF	1,801 SF	38%
5,625 SF	2,050 SF	36%
6,563 SF	2,269 SF	35%
7,500 SF	2,460 SF	33%

The LMC further outlines examples of Maximum Building Footprint for combinations of various lot sizes:

The Maximum Building Footprint of any Structures shall be located on a Lot, or combination of Lots, not exceeding 18,750 square feet [ten 25-foot by 75-foot lots] in Lot Area, shall be calculated according to the following formula for Building Footprint . . .

² LMC [§ 15-2.2-3\(E\)](#)

³ LMC [§ 15-2.3-3\(E\)](#)

⁴ LMC [§ 15-2.1-3\(E\)](#)

TABLE 15-2.1.

Lot Depth (ft.) **	Lot Width (ft.)	Lot Area Sq. Ft.	Max. Bldg. Footprint Sq. Ft.
75 ft.	37.5*	2,813	1,201
75 ft.	50.0	3,750	1,519
75 ft.	62.5	4,688	1,801
75 ft.	75.0	5,625	2,050
75 ft.	87.5	6,563	2,269
75 ft.	100.0	7,500	2,460
75 ft.	Greater than 100.0	Greater than 7,500	Per Formula

In addition to the Zoning District regulations, properties within the Historic Districts—whether designated Landmark or Significant Historic Structures on Park City’s Historic Sites Inventory or not—must complete a Historic District Design Review (HDDR) process to ensure future development complies with LMC [Chapter 15-13](#) *Design Guidelines For Historic Districts and Historic Sites*. Universal Guidelines for new infill include evaluation of the streetscape and character area:

- Size and mass of a structure shall be compatible with the size of the site so that lot coverage, building bulk, and mass are compatible with Historic Sites within the Streetscape or character area.
- New construction activity shall not physically damage nearby Historic Sites.
- New infill residential buildings shall reinforce visual unity within the context of the Streetscape or character area. The specific context of each Streetscape or character area is an important feature of the Historic District. The context of each Streetscape or character area shall be considered in its entirety, as one would see it when standing on the street viewing both sides of the street for the entire length of the Streetscape or character area. Special consideration should be given to adjacent and neighboring Historic Sites to reinforce existing rhythms and patterns.⁵

As part of the HDDR evaluation, LMC [§ 15-13-8\(B\)\(1\)\(a\)\(3\)](#) states “[t]he historic town grid shall be preserved by retaining the formal street pattern, maintaining historic lot sizes rather than aggregating the historic-sized lots into larger lots, and preserving the regular rhythm and pattern of lot sizes in a way that reinforces the perception of the grid.” While encouraging traditional 25-foot by 75-foot lots, LMC [§ 15-13-8\(B\)\(2\)\(a\)\(8\)](#) acknowledges that structures may be built on lots greater than 25 feet wide and states they should be designed so that the facades visible from the primary public right-of-way reinforce the rhythm along the street in terms of traditional building width, depth, and patterns within

⁵ LMC [§ 15-13-8\(A\)](#)

the façade and “[r]egardless of lot frontage, the primary façade shall be compatible with the width of surrounding historic buildings. The greater width of the building shall be set back significantly from the plane of the primary façade. The width of the new building shall not appear to be visibly greater than historic buildings in the Streetscape or character area. Modules on a primary façade should generally not exceed eleven (11) feet to twenty-five (25) feet in width.”

The General Plan recommends evaluating a maximum lot size.

Objective 15B of the General Plan is to maintain character, context, and scale of local Historic Districts with compatible infill development and additions. Community Planning Strategy 15.12 *Historic Character Goals* encourages the City to examine lot sizes in Old Town to determine if a maximum lot size would provide more compatible mass and scale for new structures as well as additions to existing structures.

Park City has over 400 registered historic sites, two National Historic Districts, and six Historic Zoning Districts. Goal 15 in the Park City General Plan is to “[p]reserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.” The General Plan states “[w]hile the uses within these districts may evolve over time, the built environment of the local historic districts should stay true to its architectural roots, specifically relative to the integrity, mass, scale and historic fabric of the mining boom era (1872-1929).”

Historically, lots in Park City’s Old Town were platted 25 feet in width and 75 feet in depth, illustrated on the 1927 Map of Park City by Caldwell & Richards Engineers Park City showing the Park City Survey to the south, and the Snyder’s Addition to the north:

MAP OF
PARK CITY
SUMMIT COUNTY - UTAH

SCALE: 1" = 100 Feet

Based on original map of 1887.
Revised by the
City of Park City, Utah
1910

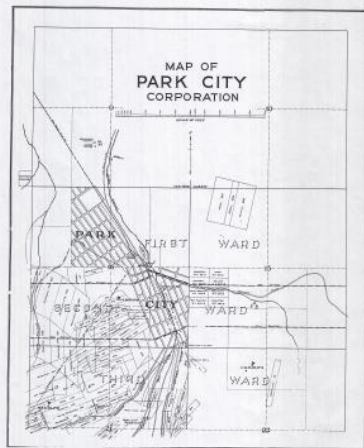
N

FIRST WARD

SECOND WARD

THIRD WARD

WARD



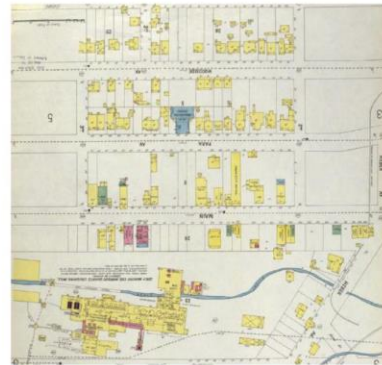
This resulted in a higher-density development pattern in Old Town. The image below from the General Plan illustrates historic lot sizes shown in the Sanborn Fire Insurance Maps:



1889 Sanborn Fire Insurance Map



1900 Sanborn Fire Insurance Map



1907 Sanborn Fire Insurance Map



1929 Sanborn Fire Insurance Map



2012 Development Map

These historic Sanborn Fire Insurance maps show the progression of development along Woodside Avenue, Park Avenue, and Main Street from 1889 through 1929. In the past, small mining homes were built on narrow residential lots and commercial buildings grew up around Main Street. More recently, however, developmental pressures have led to lot combinations, substantial additions to our historic buildings, and expansive development on vacant lots.

The topography of Old Town dictated how and where neighborhoods were developed. Main Street sits at the base of the V-shaped canyon with parallel terraces of residential streets extending through Old Town. During the Mining Boom Era most residential development occurred along Marsac, Park, Prospect, Daly, and Woodside Avenues. The homes were first built on the uphill side of the street and were very small, generally only consisting of one story and two rooms. Larger, more ornate homes were outliers during this time since wealthy miners chose to construct their homes in Salt Lake City. Larger structures were typically only used for civic, institutional, or industrial uses such as schools, churches, and mills. The demands of the local mines brought a large influx of people into Park City and residences needed to be built quickly to house the workforce, resulting in the historic development pattern of small, dense miner cottages.

Although some miners' cottages were small enough to fit on one lot, many Historic Structures were built across property lines on two or more adjacent lots and parcel ownership may include a combination of lots, as well as a combination of full and partial lots. Planning staff evaluated average parcel⁶ size for properties designated Significant

⁶ LMC § 15-15-1 defines "parcel" as an unplatted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number. In the context of GIS

and Landmark Historic Sites on Park City's Historic Sites Inventory within the Historic Residential Zoning Districts.⁷

Average Significant and Landmark Historic Sites

Zoning District	Parcel Acreage	Parcel Square Footage
Historic Residential Low – Density	0.13	5,737
Historic Residential – 1	0.09	3,866
Historic Residential – 2	0.10	4,530
Historic Residential Medium	0.08	3,561
Overall Average		4,424 [2.36 Old Town Lots]

Preliminary average parcel size for Single-Family Dwellings in Historic Residential Zoning Districts in general are shown below:

Non-Historic Single-Family Dwellings in Historic Districts

Zoning District	Parcel Acreage	Parcel Square Footage
Historic Residential Low – Density	0.12	3,839
Historic Residential – 1	0.14	5,908
Historic Residential – 2	0.09	5,096
Historic Residential Medium	0.06	2,638
Overall Average		4,370 [2.23 Old Town Lots]

Many adjacent and partial 25-foot by 75-foot lots in Old Town are under common ownership—including both Historic and non-Historic Sites—and were developed as one parcel, one property, with structures crossing lot lines. Some of these structures are designated Significant and Landmark on [Park City's Historic Sites Inventory](#), requiring preservation. Today's LMC requires multiple lots under one parcel ownership to be combined into one lot for new development.

analysis, "parcel" means ownership of property and may include single Old Town lots, ownership of multiple lots, and ownership of lots and portions of adjacent lots.

⁷ LMC [§ 15-11-10\(D\)](#)

Due to anomalies within the historic surveys, like Block 24 of the Snyder's Addition that was later sold and developed as metes-and-bounds parcels over time, shown below, result in non-conforming lots that may not meet minimum lot size.



Additionally, some Historic Structures (and non-Historic Structures) were built over property lines and portions of properties were conveyed between neighbors to address encroachments but were not necessarily platted at the time of conveyance, resulting in unusual lot configurations. As far as staff research has found, the City did not begin to require plat amendments for construction over lot lines, historic or new, until 1994-95. If the Planning Commission pursues amendments to lot combinations, staff recommends flexibility be considered to address unique properties that have evolved over the decades. This flexibility will need to balance state legislation which increasingly makes plat amendments more administrative and less discretionary, as well as making it easier for property owners to do lot line adjustments and boundary line agreements with minimal city oversight.

In the fall of 2022, the Planning Commission conducted a series of work sessions to identify LMC amendments for 2023. On January 25, 2023, the Planning Commission reviewed the list of amendments for 2023 and prioritized Conventional Chain Business and Vibrancy Ordinances, Final Action, and Affordable Master Planned Developments ([Minutes](#), p. 37-38). On April 26, 2023, the Planning Commission requested to also prioritize lot combinations in Historic Districts ([Audio](#)).

The Planning team has been researching the background on the formation of current lot combination regulations and the General Plan recommendations, and compiling GIS data for lots in the Historic Districts regarding the number of vacant lots, adjoining vacant lots, and average lot sizes.

In response to the Planning Commission's April 26, 2023 request to prioritize lot combinations, the Planning team issued public notice of a *Pending Ordinance Establishing Maximum Lot Sizes for Lot Combinations in the Historic Districts* on May 10, 2023. As a result, lot combination applications submitted prior to the pending ordinance will continue to be processed under the established standards in the LMC and applications submitted after May 10, 2023 will be processed only to the extent they comply with the pending ordinance until new standards are adopted.

The Planning Commission conducted an initial public hearing on May 24, 2023. Additional public hearings are scheduled for July 26, 2023, and August 23, 2023.

The Pending Ordinance establishes a baseline for the Planning Commission discussions as follows, but may be modified throughout the six-month period:

- **Historic Residential Low – Density Zoning District**
 - Establish a maximum lot size of 5,623 square feet, or three Old Town lots, for Single-Family Dwelling (the only residential use allowed)
 - Exempt Historic Sites that exceed the maximum lot size
- **Historic Residential Medium Zoning District**
 - Establish maximum lot sizes for Single-Family, Duplex, Triplex, and Fourplex Dwellings and Planning Commission discretion to establish a maximum lot size during Conditional Use Permit review
 - Exempt Historic Sites that exceed the maximum lot size
- **Historic Residential – 1 and Historic Residential – 2 Zoning Districts**
 - Establish a maximum lot size of 3,750 square feet, or two Old Town lots, for Single-Family Dwellings and a maximum lot size of 7,500 square feet, or four Old Town lots, for Duplexes.
 - Exempt Historic Sites that exceed the maximum lot size

In addition to preparing information for Planning Commission consideration, the Planning team sent public notice of the pending ordinance to property owners within the Historic Residential Zoning Districts. Many community members, architects, and surveyors have reached out regarding potential amendments. As a result, staff met with community stakeholders, including property owners, architects, developers, and community members. Initial input submitted for consideration is summarized below:

- When evaluating maximum lot sizes, consider requirements for construction staging and impacts to neighborhoods
- Allow flexibility for unique features in Old Town, including:
 - Unusual lot configurations
 - Rights-of-Way that are not constructed as platted

- Parcels that reflect property ownership of existing structures and sites, but have not yet been platted
- Establish criteria for compatible infill that reflects Old Town's historic residential character while allowing for modern living, including accommodations for service and delivery vehicles and larger living areas
- Mitigate impacts that may result from smaller lot size requirements, including increased vehicles in neighborhoods and pavement and parking on sites, snow shedding between properties, long-term maintenance of structures and impacts on adjacent properties, and landscaping and Wildland Urban Interface requirements
- Address existing Master Planned Development, subdivision and resulting non-conforming status of lots previously combined in excess of the proposed new regulations

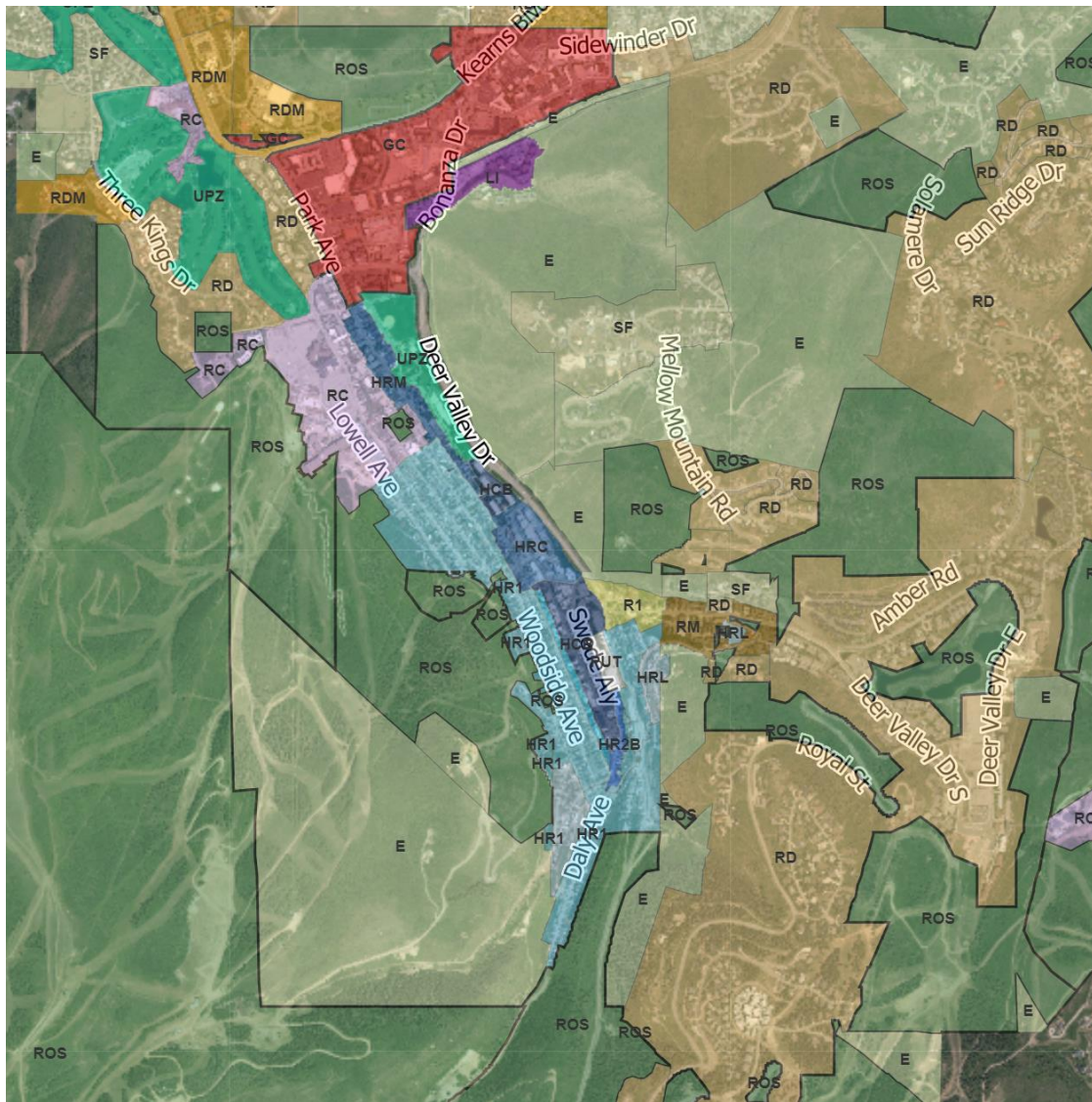
On May 24, 2023, the Planning Commission conducted a public hearing and provided the following input to protect the Historic streetscape and scale:

- Evaluate whether the Lot Combination regulations for Single-Family Dwellings should expand to the Recreation Commercial and other Zoning Districts.
- Consider opportunities to incentivize deed restricted Accessory Apartments with requirements for primary residency for larger lot combinations.
- Allow exceptions for unusual lot configurations and ensure remnant lots are addressed.
- Update the purpose sections of the Zoning Districts.
- Take steep slope development into consideration ([Staff Report](#); [Minutes](#), p. 24).

Each is analyzed below:

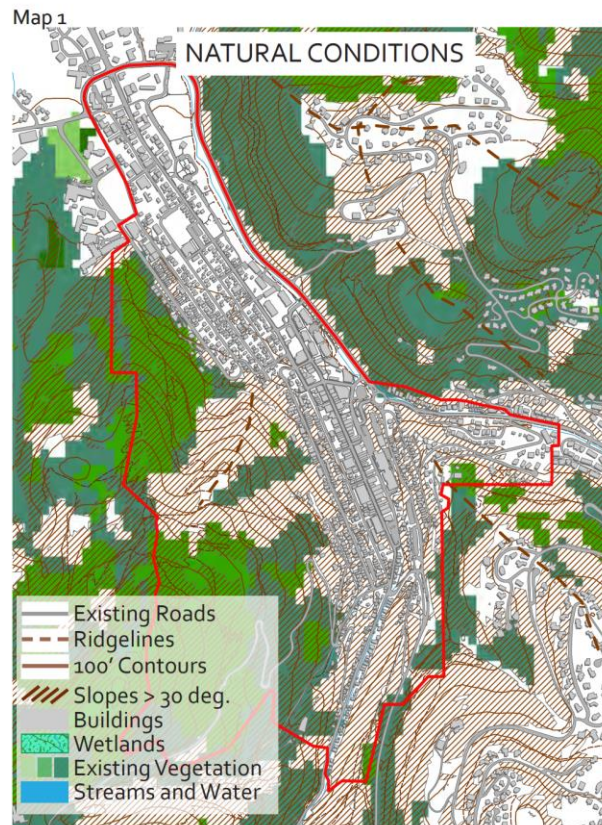
Evaluate whether the Lot Combination regulations for Single-Family Dwellings should expand to the Recreation Commercial and other Zoning Districts.

The City's Historic Residential Zoning Districts are limited to HRL, HR-1, HR-2, and HRM, shown in the City's Zoning Map in light blue below:



However, the Old Town neighborhood outlined in the General Plan encompasses portions of the Recreation Commercial, Residential – 1, and Residential Medium Zoning Districts:

OLD TOWN



The purpose of the Recreation Commercial Zoning District includes promotion of buildings with designs that reflect traditional Park City architectural patterns, character, and site designs and mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City.⁸ LMC [§ 15-2.16-5\(A\)](#) establishes a minimum lot size of 1,875 square feet for Single-Family Dwellings and 3,750 square feet for Duplexes in the Recreation Commercial Zoning District.

The purpose of the Residential – 1 Zoning District includes continuation of land uses and architectural scale and styles of the original Park City residential area and transition in use and scale between the Historic Districts and Deer Valley Resort.⁹ LMC [§ 15-2.12-3\(A\)](#) establishes a minimum lot size of 2,812 square feet (one and one-half Old Town lots) for a Single-Family Dwelling and 3,750 square feet for a Duplex in the Residential – 1 Zoning District.

The purpose of the Residential Medium Zoning District includes encouraging new development compatible with historic structures in the surrounding area that provides a

⁸ LMC [§ 15-2.16-1\(H\) and \(I\)](#)

⁹ LMC [§ 15-2.12-2\(A\) and \(E\)](#)

transition in use and scale between the Historic District and resort developments.¹⁰ LMC [§ 15-2.15-3\(A\)](#) establishes a minimum lot size of 2,812 square feet (one and one-half Old Town lots) for a Single-Family Dwelling and 3,750 square feet for a Duplex in the Residential Medium Zoning District.

Based on the Planning Commission's May 24, 2023 input, the updated draft ordinance establishes a maximum lot size for Single-Family Dwellings of 3,750 square feet, or two 25-foot by 75-foot Old Town lots, and 7,500 square feet for Duplexes in the Recreation Commercial, Residential – 1, and Residential Medium Zoning Districts. Public notice for the August 23, 2023 public hearing will now be sent to property owners within the Historic Residential Zoning Districts and the Recreation Commercial, Residential – 1, and Residential Medium Zoning Districts.

Consider opportunities to incentivize deed restricted affordable Accessory Apartments with requirements for primary residency for larger lot combinations.

The City Council requested the Planning Commission consider whether there is an opportunity to require a deed restricted affordable Accessory Apartment as part of the lot combination amendments. The affordable housing [Resolution No. 25-2020](#) outlines requirements for those occupying deed restricted affordable rental units, including full-time employment within the Park City School District, and an Area Median Income (AMI) of 80% or less. Deed restrictions recorded against the property require at least a six-month rental term and annual compliance verification.

LMC [§ 15-4-7](#) outlines the regulations for Accessory Apartments, a self-contained apartment with cooking, sleeping, and sanitary facilities, created by adding on to or within a detached Single-Family Dwelling or detached garage. Accessory Apartments may range from 280 to 1,000 square feet and may not exceed two bedrooms. One on-site parking space per Accessory Apartment bedroom is required.

The Planning Commission could consider amending the LMC to require Applicants proposing a lot combination for a Single-Family Dwelling that exceeds the maximum lot size within the Zoning District to include an Accessory Apartment within the property that meets a certain square footage, exempting the Accessory Apartment from the square footage maximum established by the Building Footprint formula, creating a bonus density.

For example, the maximum Building Footprint for two Old Town lots is 1,519 square feet. The maximum Building Footprint for three Old Town lots is 2,050 square feet, an increase of 531 square feet. The Planning Commission could consider an allowance more than 1,519 square feet on the condition that any square footage exceeding 1,519 square feet be constructed as a deed restricted affordable Accessory Apartment, with limitations on the Accessory Apartment square footage.

Goal 7 of the General Plan is to create a diversity of primary housing opportunities to

¹⁰ LMC [§ 15-2.15-1\(B\) and \(D\)](#)

address the changing needs of residents and Objective 7A is to increase diversity of housing stock to fill voids within housing inventory (including price, type, and size) to create a variety of context sensitive housing opportunities. Objective 7B is to focus efforts for diversity of primary housing stock within primary residential neighborhoods to maintain majority occupancy by full time residents within these neighborhoods.¹¹ The General Plan recommends maintaining a balance of residential and resort-oriented development in Old Town by including a mix of uses and balancing nightly rentals with primary housing stock.¹² Requiring Accessory Apartments for some lot combinations would establish primary housing opportunities within the Old Town neighborhood.

Additionally, Goal 8 of the General Plan is to increase affordable housing opportunities and services for the workforce of Park City, Objective 8A is to provide increased housing opportunities that are affordable to a wide range of income levels within all Park City neighborhoods, and Objective 8B is to increase rental housing opportunities for seasonal workers in close proximity to resorts and mixed-use centers.¹³ There are limited affordable units in the Old Town neighborhood, and requiring a deed restricted affordable Accessory Apartment for some lot combinations could increase affordable units close to Park City Mountain Resort and the City's Historic Commercial Zoning Districts.

Allow exceptions for unusual lot configurations and ensure remnant lots are addressed.

The proposed amendments exempt Significant and Landmark Historic Sites from the maximum lot area. Additional considerations need to be given for existing Master Planned Development, subdivisions, plat amendments, and resulting non-conforming status of lots previously combined in excess of the proposed new regulations.

Update the purpose sections of the Zoning Districts.

One purpose section within the LMC addresses lot combinations: the HR-1 Zoning District (LMC [§ 15-2.2-1\(D\)](#)), which states the purpose is to encourage single family development on combinations of 25-foot by 75-foot historic lots, and is removed in the draft ordinance.

Take steep slope development into consideration.

Since discussing lot combinations on May 24, 2023, the Planning Commission conducted a work session on steep slope standards and provided direction to staff on June 21, 2023 ([Staff Report](#); [Audio](#)).

Department Review

The Planning Department and City Attorney's Office reviewed this report.

¹¹ General Plan [Sense of Community](#), p. 4

¹² General Plan [Neighborhoods](#), p. 34

¹³ General Plan [Sense of Community](#), p. 8

Exhibits

Exhibit A: Updated Draft Ordinance

Exhibit B: Public Input

DRAFT PENDING ORDINANCE

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE RESIDENTIAL MAXIMUM LOT SIZE FOR THE HISTORIC RESIDENTIAL LOW – DENSITY, HISTORIC RESIDENTIAL-1, HISTORIC RESIDENTIAL-2, HISTORIC RESIDENTIAL MEDIUM, RESIDENTIAL-1, RESIDENTIAL MEDIUM, AND RECREATION COMMERCIAL ZONING DISTRICTS

WHEREAS, Park City has over 400 registered historic sites, two National Historic Districts, and six Historic Zoning Districts;

WHEREAS, Goal 15 in the Park City General Plan is to “[p]reseve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations;”

WHEREAS, the General Plan states “[w]hile the uses within these districts may evolve over time, the built environment of the local historic districts should stay true to its architectural roots, specifically relative to the integrity, mass, scale and historic fabric of the mining boom era (1872-1929);”

WHEREAS, Historically, lots in Park City’s Old Town were platted 25 feet in width and 75 feet in depth;

WHEREAS, to mitigate infill development on larger lots, the LMC establishes Maximum Building Footprint regulations in the Historic Residential – 1, Historic Residential – 2, and Historic Residential Low – Density Zoning Districts that proportionally reduce the building footprint as lot size increases;

WHEREAS, the Land Management Code establishes minimum lot sizes but does not establish maximum lot sizes for residential Historic Districts;

WHEREAS, the Land Management Code establishes the Recreation Commercial, Residential – 1, and Residential Medium Zoning Districts to transition use and scale between the Historic Districts and resort and town development;

WHEREAS, the Planning Commission requested Lot Combination land use regulations be prioritized for evaluation and updates;

WHEREAS, the Land Management Code implements the goals and policies of the General Plan in part to promote the health, safety, and welfare of the present and future inhabitants, to protect and enhance the vitality of the City's resort-based economy, and to protect or promote moderate income housing;

WHEREAS, on May 24, 2023, July 26, 2023, and August 23, 2023, the Planning Commission conducted a duly noticed public hearing;

WHEREAS, on August 23, 2023 the Planning Commission forwarded a _____ recommendation for City Council's consideration;

WHEREAS, on _____ the City Council conducted a duly noticed public hearing;

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY LAND MANAGEMENT

CODE TITLE 15. Municipal Code of Park City Title 15 Land Management Code

Sections 15-2.1-3 Historic Residential Low – Density Lot and Site Requirements and

15-2.1-4 Historic Residential Low – Density Existing Historic Buildings And/Or

Structures, 15-2.2-1 Historic Residential – 1 Purpose, 15-2.2-3 Historic Residential – 1

Lot and Site Requirements, 15-2.2-4 Historic Residential – 1 Existing Historic Buildings And/Or Structures, 15-2.3-3, Historic Residential – 2 Lot and Site Requirements, 15-2.3-4 Historic Residential – 2 Existing Historic Buildings And/Or Structures, 15-2.4-3 Historic Residential Medium Lot and Site Requirements, 15-2.4-4 Historic Residential Medium Existing Historic Buildings And/Or Structures, 15-2.12-3 Residential – 1 Lot and Site Requirements, 15-2.15-3 Residential Medium Lot and Site Requirements, and 15-2.16-5 Recreation Commercial Special Requirements for Single Family and Duplex Dwellings, as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS ____th day of _____ 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

Attachment 1

15-2.1-3 Lot And Site Requirements

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

All Development activity must comply with the following minimum Lot and Site requirements:

A. **LOT SIZE**. The minimum Lot Area is 3,750 square feet. The maximum Lot Area for a Single-Family Dwelling is 5,625 square feet.

B. **LOT WIDTH (HRL DISTRICT)**. The minimum width of a Lot is thirty-five feet (35'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

C. **BUILDING ENVELOPE (HRL DISTRICT)**. The Building Pad, Building Footprint, and height restrictions define the maximum Building Envelope in which all Development must occur, with exceptions as allowed by Section 15-2.1-3(D).

D. **BUILDING PAD (HRL DISTRICT)**. The Building Pad is the Lot Area minus required Front, Rear and Side Setback Areas.

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

a. Porches or decks, with or without roofs;

- b. At Grade patios;
- c. Upper level decks, with or without roofs;
- d. Bay Windows;
- e. Chimneys;
- f. Sidewalks, pathways, and steps;
- g. Screened hot tubs; and
- h. Landscaping.

2. Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Department approval based on a determination that the proposed exceptions result in a design that:

- a. provides increased architectural interest consistent with the Design Guidelines for Historic Districts and Historic Sites;
- b. maintains the intent of this section to provide horizontal and vertical Building articulation.

E. **BUILDING FOOTPRINT (HRL DISTRICT)**. The maximum Building Footprint of any Structure shall be located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per dwelling unit for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Sites Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

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

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

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

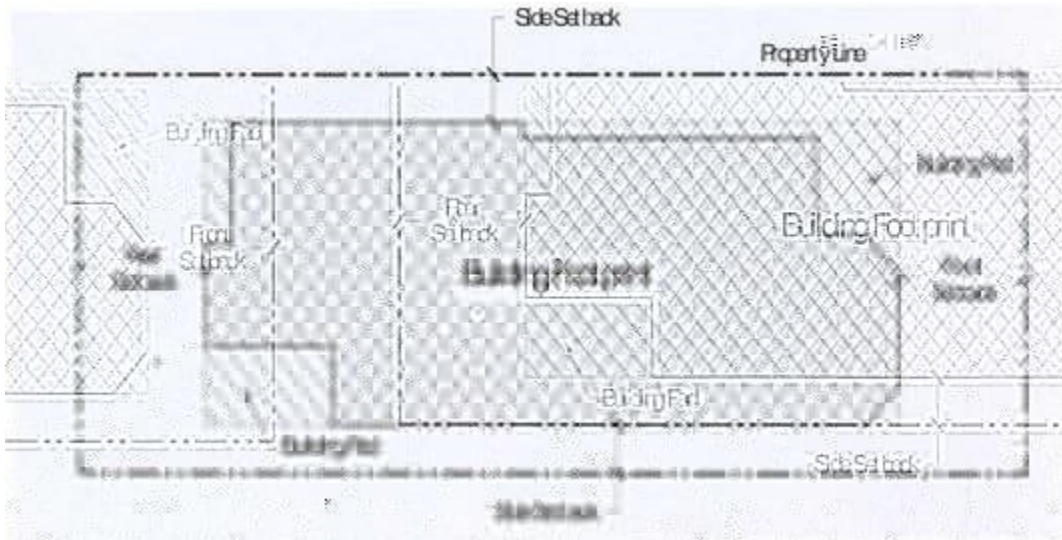
See the following Table 15-2.1. for a schedule equivalent of this formula for common Lot Sizes.

TABLE 15-2.1.

Lot Depth (ft.) **	Lot Width (ft.)	Lot Area Sq. Ft.	Max. Bldg. Footprint Sq. Ft.
75 ft.	37.5*	2,813	1,201
75 ft.	50.0	3,750	1,519
75 ft.	62.5	4,688	1,801
75 ft.	75.0	5,625	2,050
75 ft.	87.5	6,563	2,269
75 ft.	100.0	7,500	2,460
75 ft.	Greater than 100.0	Greater than 7,500	Per Formula

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

** for lots > 75' in depth use Footprint formula



F. **FRONT AND REAR SETBACKS.** Front and Rear Setbacks are as follows:

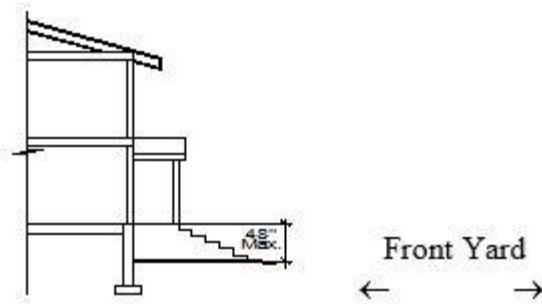
TABLE 15-2.1a

Lot Depth	Minimum Front/Rear Setback	Total of Setback
Up to 75 ft., inclusive	10 ft. each	20 ft.
From 75 ft. to 100 ft.	12 ft./13 ft. (or vice versa)	25 ft.
Over 100 ft.	15 ft. each	30 ft.

G. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of any Structure except:

1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2 Fences and Retaining Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.

2. Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.

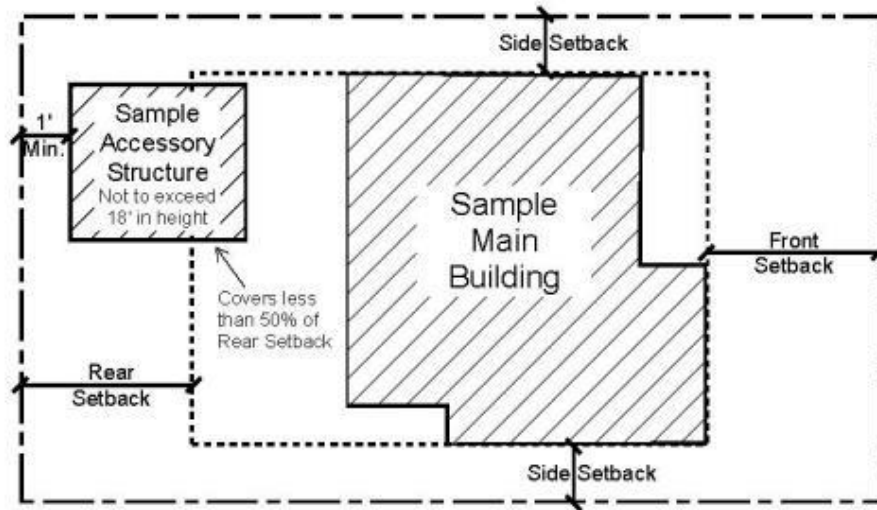


3. Decks, porches, or Bay Windows not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback.
4. Roof overhangs, eaves, or cornices projecting not more than three feet (3') into the Front Setback.
5. Sidewalks and pathways.
6. Driveways leading to either a garage or an approved Parking Area. No portion of a Front Yard, except for driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

H. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide and projecting not more than two feet (2') into the Rear Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Rear Setback.

- 89 3. Window wells not exceeding the minimum International Residential Code
90 (IRC) or International Building Code (IBC) requirements for egress may
91 extend not more than four feet (4') into the Rear Setback. Should egress
92 requirements be met within the building pad, no Rear Setback exception is
93 permitted.
- 94 4. Roof overhangs or eaves projecting not more than two feet (2') into the
95 Rear Setback.
- 96 5. Window sills, belt courses, cornices, trim, exterior siding, or other
97 ornamental features projecting not more than six inches (6") beyond the
98 main Structure to which they are attached.
- 99 6. Detached Accessory Buildings not more than eighteen feet (18') in height,
100 and including any free-standing Solar Energy Systems, located a
101 minimum of five feet (5') behind the front facade of the Main Building, and
102 maintaining a minimum Rear Setback of one foot (1'). Such Structure must
103 not cover over fifty percent (50%) of the Rear Setback. See the following
104 illustration:



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7. A Hard-Surfaced Parking Area subject to the same location requirements as a Detached Accessory Building.

8. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.

9. Fences, walls, and retaining walls as permitted in Section 15-4-2 Fences and Retaining Walls.

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

11. Pathways or Steps connecting to a City staircase or pathway.

12. One (1) Shared Driveway leading to either a garage or an approved Parking Area. See Section 15-2.1-7 Parking Regulations for additional requirements.

I. **SIDE SETBACKS.** Side Setbacks are as follows:

TABLE 15-2.1b

Lot Width (ft.) up to:	Minimum Side Setback	Total of Setback
37.5*	3 ft. each side	6 ft.
50.0	5 ft. each side	10 ft.
62.5	5 ft. minimum	14 ft.
75.0	5 ft. minimum	18 ft.
87.5	10 ft. minimum	24 ft.
100.0	10 ft. minimum	24 ft.
Greater than 100.0	10 ft. minimum	30 ft.

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

On Corner Lots, the minimum Side Setback that faces a side Street or a platted Right-of-Way is five feet (5'). A three foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.

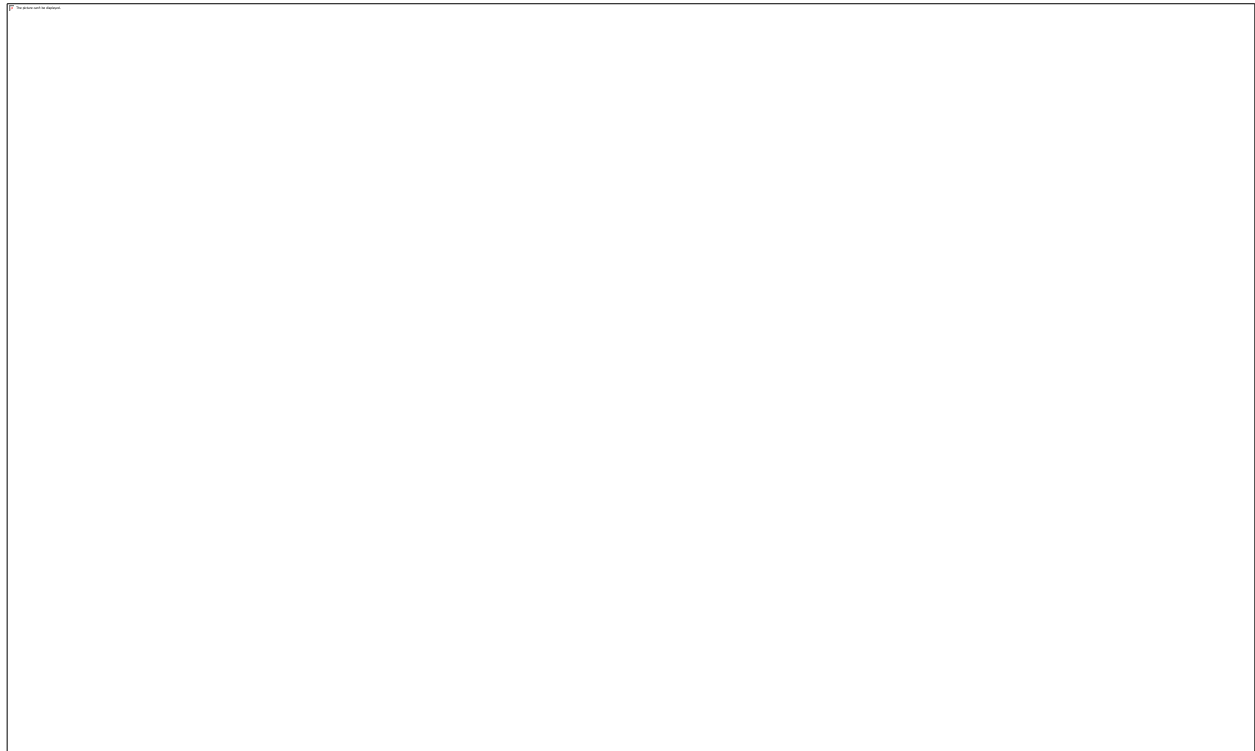
J. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any Structure except:

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

- 132 2. Chimneys not more than five feet (5') wide and projecting not more than
133 two feet (2') into the Side Setback.
- 134 3. Window wells not exceeding the minimum International Residential Code
135 (IRC) or International Building Code (IBC) requirements for egress may
136 extend not more than four feet (4') into the Side Setback. Only permitted
137 on Lots with a minimum required Side Setback of five feet (5') or greater.
138 Should egress requirements be met within the building pad, this Side
139 Setback exception is not permitted.
- 140 4. Roof overhangs or eaves projecting not more than two feet (2') into the
141 Side Setback on Lots with a minimum required Side Setback of five feet
142 (5') or greater. A one foot (1') eave overhang is permitted on Lots with a
143 Side Setback less than five feet (5').
- 144 5. Window sills, belt courses, trim, exterior siding, cornices, or other
145 ornamental features projecting not more than six inches (6") beyond the
146 main Structure to which they are attached.
- 147 6. Patios, decks, pathways, steps, or similar Structures not more than thirty
148 inches (30") in height from Final Grade, not including any required
149 handrail.
- 150 7. Fences, walls or retaining walls, as permitted in Section 15-4-2 Fences
151 and Retaining Walls.
- 152 8. One (1) private or Shared Driveway leading to a garage or an approved
153 Parking Area. See Section 15-2.1-7 Parking Regulations for additional
154 requirements.

9. Pathways or steps connecting to a City staircase or pathway.

10. Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the front Facade of the Main Building, maintaining a minimum Side Setback of three feet (3'). See the following illustration:



11. Mechanical equipment (which must be screened), hot tubs, or similar Structures, located at least three feet (3') from the Side Lot Line.

K. **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

L. **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high

enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

HISTORY

Adopted by Ord. [00-15](#) on 3/2/2000

Amended by Ord. [06-56](#) on 7/27/2006

Amended by Ord. [15-35](#) on 10/12/2015

Amended by Ord. [2018-27](#) on 5/31/2018

Amended by Ord. [2018-43](#) on 7/19/2018

Amended by Ord. [2020-42](#) on 9/17/2020

Amended by Ord. [2022-16](#) on 5/26/2022

15-2.1-4 Existing Historic Buildings And/or Structures

Significant and Landmark Historic Sites that exceed the maximum Lot Area, and

Historic Buildings and/or Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. Additions to Historic Buildings and/or Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. All Conditional Uses proposed on the Site, excluding Development on a Steep Slope, shall comply with parking requirements of Chapter 15-3.

A. **EXCEPTION**. In order to achieve new construction consistent with the Design Guidelines for Historic Districts and Historic Sites, the Planning Commission may

grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings and/or Structures, including detached Garages:

1. Upon approval of a Conditional Use permit, and
2. When the scale of the addition and/or driveway is Compatible with the Historic Building and/or Structure, and
3. When the addition complies with all other provisions of this Chapter, and
4. When the addition complies with the adopted Building and Fire Codes, and
5. When the addition complies with the Design Guidelines for Historic Districts and Historic Sites.

HISTORY

Adopted by Ord. [00-15](#) on 3/2/2000

Amended by Ord. [2016-44](#) on 9/15/2016

Amended by Ord. [2020-42](#) on 9/17/2020

Amended by Ord. [2022-16](#) on 5/26/2022

15-2.2-1 Purpose

The purpose of the Historic Residential HR-I District is to:

- ~~A.~~ **A.** preserve present land Uses and character of the Historic residential Areas of Park City;
- ~~B.~~ **B.** encourage the preservation of Historic Buildings and/or Structures;
- ~~C.~~ **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. D.~~ define Development parameters that are consistent with the General Plan policies for the Historic core; and

~~F. E.~~ establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

HISTORY

Adopted by Ord. [00-15](#) on 3/2/2000

Amended by Ord. [09-14](#) on 4/9/2009

Amended by Ord. [2020-42](#) on 9/17/2020

15-2.2-3 Lot And Site Requirements

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

All Development activity must comply with the following minimum Lot and Site requirements:

A. **LOT SIZE**. The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and the maximum Lot Area is 3,570 square feet. The minimum Lot Area is [and] 3,750 square feet for a Duplex and the maximum Lot Area is 7,500 square feet. For properties platted as lots within the historic Park City Survey and originally platted as 25 foot wide 75 foot deep with a lot size of 1,875 square feet, the Planning Director may make a determination that the minimum Lot Size may

be reduced up to 20 square feet if subsequent surveys find that the final lot dimensions are less than 25 feet by 75 feet. The Footprint shall be reduced in accordance with the Lot Size and no variation to setbacks will be allowed.

B. LOT WIDTH.

The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

C. BUILDING ENVELOPE (HR-1 DISTRICT). The Building Pad, Building Footprint and height restrictions define the maximum Building envelope within which all Development must occur, with exceptions as allowed by Section 15-2.2-3.

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

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

- a. Porches or decks with or without roofs;
- b. At Grade patios;
- c. Upper level decks, with or without roofs;
- d. Bay Windows;
- e. Chimneys;
- f. Sidewalks, pathways, and steps;
- g. Screened hot tubs; and
- h. Landscaping.

2. Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- a. provides increased architectural interest consistent with the Design Guidelines for Historic Districts and Historic Sites;
- b. maintains the intent of this section to provide horizontal and vertical Building articulation.

E. **BUILDING FOOTPRINT (HR-1 DISTRICT)**. The maximum Building Footprint of any Structure located on a Lot or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per Dwelling Unit, for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Sites Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

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

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

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

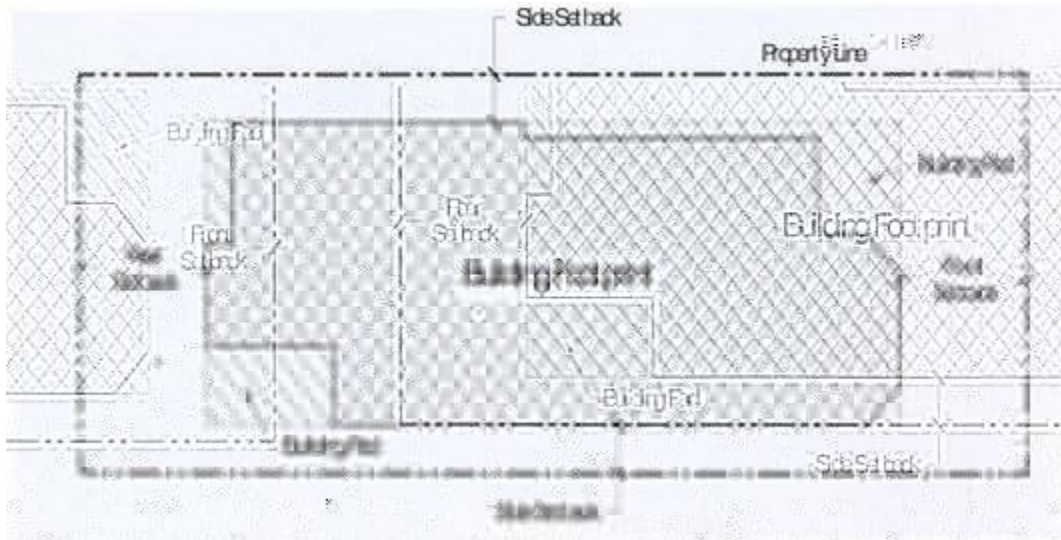
See the following Table 15-2.2 for a schedule equivalent of this formula for common Lot Sizes.

TABLE 15-2.2

Lot Depth (ft.)	Lot Width (ft.)	Lot Area Sq. Ft.	Max. Bldg. Footprint Sq. Ft.
75 ft.	25.0	1,875	844
75 ft.	37.5	2,813	1,201
75 ft.	50.0	3,750	1,519
75 ft.	62.5	4,688	1,801
75 ft.	75.0	5,625	2,050
75 ft.	87.5	6,563	2,269
75 ft.	100.0	7,500	2,460
75 ft.	Greater than 100.0	Greater than 75 ft.	Per Formula

* For Lots > 75' in depth use footprint formula.

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289 F. **FRONT AND REAR SETBACKS.** Front and Rear Setbacks are as follows:

290 TABLE 15-2.2a

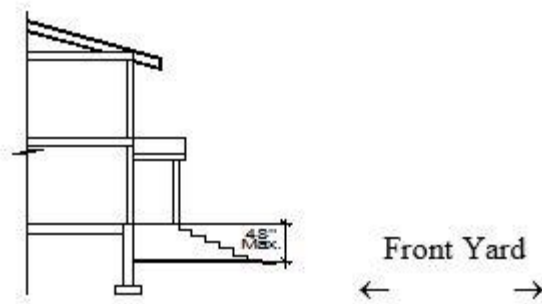
Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft. each	20 ft.
From 75 ft. to 100 ft.	12 ft./13 ft. (or vice versa)	25 ft.
Over 100 ft.	15 ft. each	30 ft.

291

292 G. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of
 293 any Structure except:

- 294 1. Fences, walls, and retaining walls not more than four feet (4') in height, or
 295 as permitted in Section 15-4-2, Fences and Retaining Walls. On Corner
 296 Lots, Fences more than three feet (3') in height are prohibited within
 297 twenty-five feet (25') of the intersection, at back of curb.

2. Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.



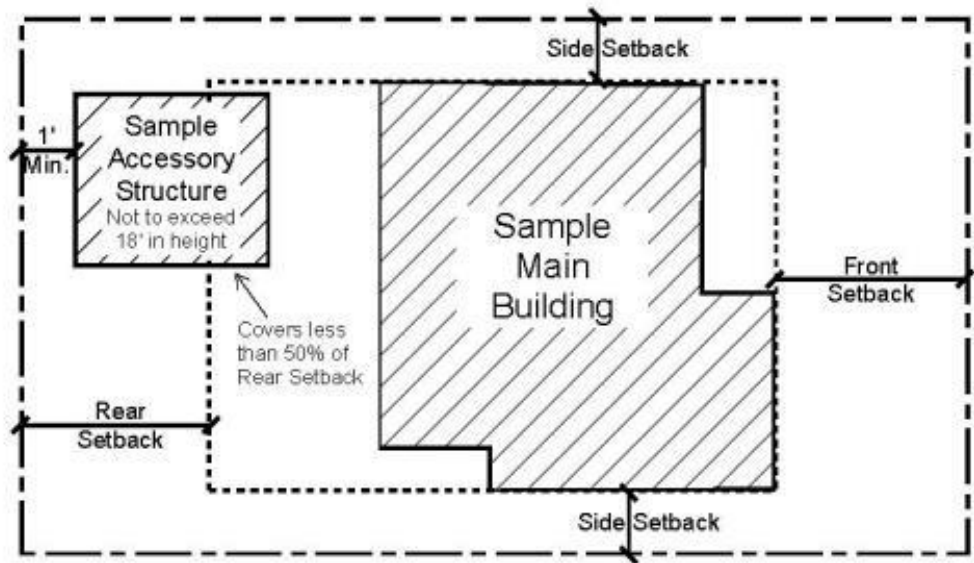
3. Decks, porches, or Bay Windows not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback.
4. Roof overhangs, eaves or cornices projecting not more than three feet (3') into the Front Setback.
5. Sidewalks and pathways.
6. Driveways leading to a Garage or approved Parking Area. No portion of a Front Yard, except for patios, driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

H. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide and projecting not more than two feet (2') into the Rear Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Rear Setback.

- 317 3. Window wells not exceeding the minimum International Residential Code
318 (IRC) or International Building Code (IBC) requirements for egress may
319 extend not more than four feet (4') into the Rear Setback. Should egress
320 requirements be met within the building pad, no Rear Setback exception is
321 permitted.
- 322 4. Roof overhangs or eaves projecting not more than two feet (2') into the
323 Rear Setback.
- 324 5. Window sills, belt courses, cornices, trim, exterior siding, or other
325 ornamental features projecting not more than six inches (6") beyond the
326 main Structure to which they are attached.
- 327 6. Detached Accessory Buildings, not more than eighteen feet (18') in height,
328 and including any free-standing Solar Energy Systems, located a
329 minimum of five feet (5') behind the front facade of the Main Building, and
330 maintaining a minimum Rear Setback of one foot (1'). Such Structure must
331 not cover over fifty percent (50%) of the Rear Setback. See the following

332 illustration:



- 333
- 334 7. A Hard-Surfaced Parking Area subject to the same location requirements
- 335 as a Detached Accessory Building.
- 336 8. Mechanical equipment (which must be screened), hot tubs, or similar
- 337 Structures located at least three feet (3') from the Rear Lot Line.
- 338 9. Fences, walls, and retaining walls as permitted in Section 15-4-2, Fences
- 339 and Retaining Walls.
- 340 10. Patios, decks, pathways, steps, or similar Structures not more than thirty
- 341 inches (30") above Final Grade, not including any required handrail, and
- 342 located at least one foot (1') from the Rear Lot Line.
- 343 11. Pathways or steps connecting to a City staircase or pathway.
- 344 12. One (1) Shared Driveway leading to a garage or approved Parking Area.
- 345 See Section 15-2.2-8 Parking Regulations for additional requirements.

I. **SIDE SETBACKS.** Side Setbacks are as follows:

TABLE 15-2.2b

Lot Width (ft.) up to:	Minimum Side Setback	Total of Setbacks
25.0	3 ft. each	6 ft.
37.5	3 ft. each	6 ft.
50.0	5 ft. each	10 ft.
62.5	5 ft. minimum	14 ft.
75.0	5 ft. minimum	18 ft.
87.5	10 ft. minimum	24 ft.
100.0	10 ft. minimum	24 ft.
Greater than 100.0	10 ft. minimum	30 ft.

1. On Corner Lots, the minimum Side Setback that faces a side Street or platted Right-of-Way is five feet (5'). A three foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.
2. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief

Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Setback exceptions continue to apply.

b. Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.

J. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Side Setback. Only permitted on Lots with a minimum required Side Setback of five feet (5') or greater.
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Setback. Only permitted on Lots with a minimum required Side Setback of five feet (5') or greater.
3. Window wells not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress may extend not more than four feet (4') into the Side Setback. Only permitted on Lots with a minimum required Side Setback of five feet (5') or greater.

Should egress requirements be met within the building pad, no Side Setback exception is permitted.

4. Roof overhangs or eaves projecting not more than two feet (2') into the Side Setback on Lots with a minimum required Side Setback of five feet (5') or greater. A one foot (1') roof or eave overhang is permitted on Lots with a Side Setback of less than five feet (5').
5. Window sills, belt courses, trim, cornices, exterior siding, or other ornamental features projecting not more than six inches (6") beyond the main Structure to which they are attached.
6. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height above Final Grade, not including any required handrails.
7. Fences, walls, and retaining walls as permitted in Section 15-4-2, Fences and Retaining Walls.
8. One (1) private or Shared Driveway leading to a garage or approved Parking Area. See Section 15-2.2-8 Parking Regulations for additional requirements.
9. Pathways or steps connecting to a City staircase or pathway.
10. Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the Front facade of the Main Building, maintaining a minimum Side Setback of three feet (3'). See the following

404 illustration:



405

406 11. Mechanical equipment (which must be screened), hot tubs, or similar

407 Structures located at least three feet (3') from the Side Lot Line.

408 K. **SNOW RELEASE**. Site plans and Building designs must resolve snow release
409 issues to the satisfaction of the Chief Building Official.

410 L. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet
411 (2') in height above road Grade shall be placed on any Corner Lot within the Site
412 Distance Triangle. A reasonable number of trees may be allowed, if pruned high
413 enough to permit automobile drivers an unobstructed view. This provision must
414 not require changes in the Natural Grade on the Site.

415 HISTORY

416 *Adopted by Ord. [00-15](#) on 3/2/2000*

417 *Amended by Ord. [06-56](#) on 7/27/2006*

418 Amended by Ord. [09-10](#) on 3/5/2009
419 Amended by Ord. [15-35](#) on 10/12/2015
420 Amended by Ord. [2016-44](#) on 9/15/2016
421 Amended by Ord. [2018-27](#) on 5/31/2018
422 Amended by Ord. [2018-43](#) on 7/19/2018
423 Amended by Ord. [2019-07](#) on 1/29/2019
424 Amended by Ord. [2020-42](#) on 9/17/2020
425 Amended by Ord. [2022-16](#) on 5/26/2022

426 **15-2.2-4 Existing Historic Buildings And/or Structures**

427 Significant and Landmark Historic Sites that exceed the maximum Lot Area, and
428 Historic Buildings and/or Structures that do not comply with Building Footprint, Building
429 Height, Building Setbacks, Off-Street parking, and driveway location standards are valid
430 Non-Complying Structures. Additions must comply with Building Setbacks, Building
431 Footprint, driveway location standards and Building Height. Additions to Historic
432 Buildings and/or Structures are exempt from Off-Street parking requirements provided
433 the addition does not create a Lockout Unit or Accessory Apartment. All Conditional
434 Uses proposed on the Site, excluding Development on a Steep Slope, shall comply with
435 parking requirements of Chapter 15-3.

436 A. **EXCEPTION**. In order to achieve new construction consistent with the Design
437 Guidelines for Historic Districts and Historic Sites, the Planning Commission may
438 grant an exception to the Building Setback and driveway location standards for
439 additions to Historic Buildings and/or Structures, including detached Garages:

440

- 441 1. Upon approval of a Conditional Use permit, and
- 442 2. When the scale of the addition and/or driveway is Compatible with the
- 443 Historic Building and/or Structure, and
- 444 3. When the addition complies with all other provisions of this Chapter, and
- 445 4. When the addition complies with the adopted Building and Fire Codes,
- 446 and
- 447 5. When the addition complies with the Design Guidelines for Historic
- 448 Districts and Historic Sites.

449 HISTORY

450 *Adopted by Ord. [00-15](#) on 3/2/2000*

451 *Amended by Ord. [06-56](#) on 7/27/2006*

452 *Amended by Ord. [07-25](#) on 4/19/2007*

453 *Amended by Ord. [2016-44](#) on 9/15/2016*

454 *Amended by Ord. [2020-42](#) on 9/17/2020*

455 *Amended by Ord. [2022-16](#) on 5/26/2022*

456 **15-2.3-3 Lot And Site Requirements**

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

461

462 All Development activity must comply with the following minimum Lot and Site
463 requirements:

- A. **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and the maximum Lot Area is 3,570 square feet. The minimum Lot Area is [and] 3,750 square feet for a Duplex Dwelling and the maximum Lot Area is 7,500 square feet. For properties platted as lots within the historic Park City Survey and originally platted as 25 feet wide by 75 feet deep with a lot size of 1,875 square feet, the Planning Director may make a determination that the minimum Lot Size may be reduced up to 20 square feet if subsequent surveys find that the final lot dimensions are less than 25 feet by 75 feet. The Footprint shall be reduced in accordance with the Lot Size and no variation to setbacks will be allowed. The Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use or Master Planned Development review process.
- B. **LOT WIDTH.** The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.
- C. **BUILDING ENVELOPE (HR-2 DISTRICT).** The Building Pad, Building Footprint and height restrictions define the maximum Building Envelope within which all Development must occur with exceptions as allowed in Section 15-2.3-4.
- D. **BUILDING PAD (HR-2 DISTRICT).** The Building Pad is the Lot Area minus required Front, Rear, and Side Setback Areas.
1. The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any Structure except:

- a. Porches or decks, with or without roofs;
- b. At Grade patios;
- c. Upper level decks, with or without roofs;
- d. Bay Windows;
- e. Chimneys;
- f. Sidewalks, pathways, and steps;
- g. Screened hot tubs; and
- h. Landscaping.

2. Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- a. provides increased architectural interest consistent with the Design Guidelines for Historic Districts and Historic Sites; and
- b. maintains the intent of this section to provide horizontal and vertical Building articulation.

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

1. The maximum Building Footprint for any Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per

Dwelling Unit for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Sites Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

- See Section 15-6-5 for maximum allowed Building footprint for Master Planned Developments within the HR-2 District.

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

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

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

See the following Table 15-2.3 for a schedule equivalent of this formula for common Lot Sizes.

TABLE 15-2.3.

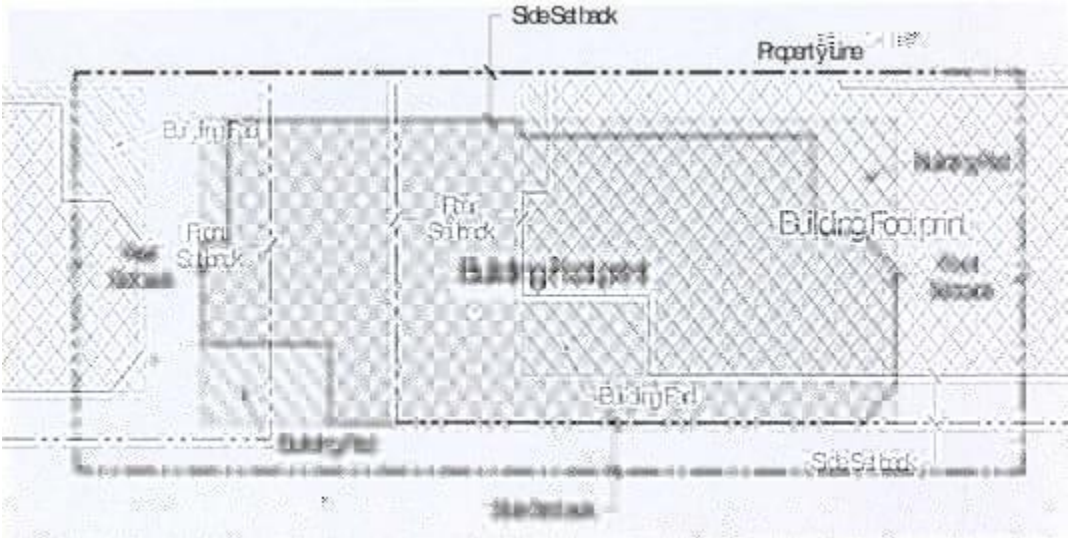
*For Lots > 75' in depth use footprint formula.

Lot Depth (ft.)*	Lot Width (ft.)	Lot Area Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	1,875	844
75 ft.	37.5	2,813	1,201
75 ft.	50.0	3,750	1,519

75 ft.	62.5	4,688	1,801
75 ft.	75.0	5,625	2,050
75 ft.	87.5	6,563	2,270
75 ft.	100.0	7,500	2,460
75 ft.	Greater than 100.0	Greater than 7,500 ft.	Per formula

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528



529

530

TABLE 15-2.3.a

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

531

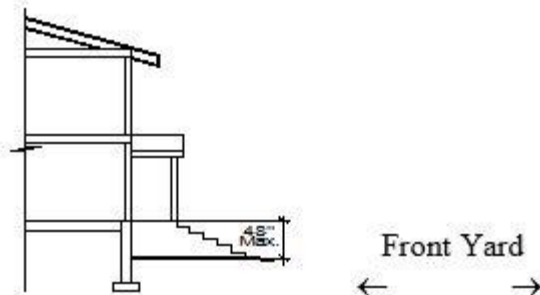
F. **FRONT AND REAR SETBACKS.** Front and Rear Setbacks are as follows:

TABLE 15-2.3a

Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft. each	20 ft.
From 75 ft. to 100 ft.	12 ft./13 ft. (or vice versa)	25 ft.
Over 100 ft.	15 ft. each	30 ft.

G. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of any Structure except:

1. Fences, walls, and retaining walls not more than four feet (4') in height or as permitted in Section 15-4-2, Fences and Retaining Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at the back of curb.
2. Uncovered steps leading to the Main Building; provided, the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.

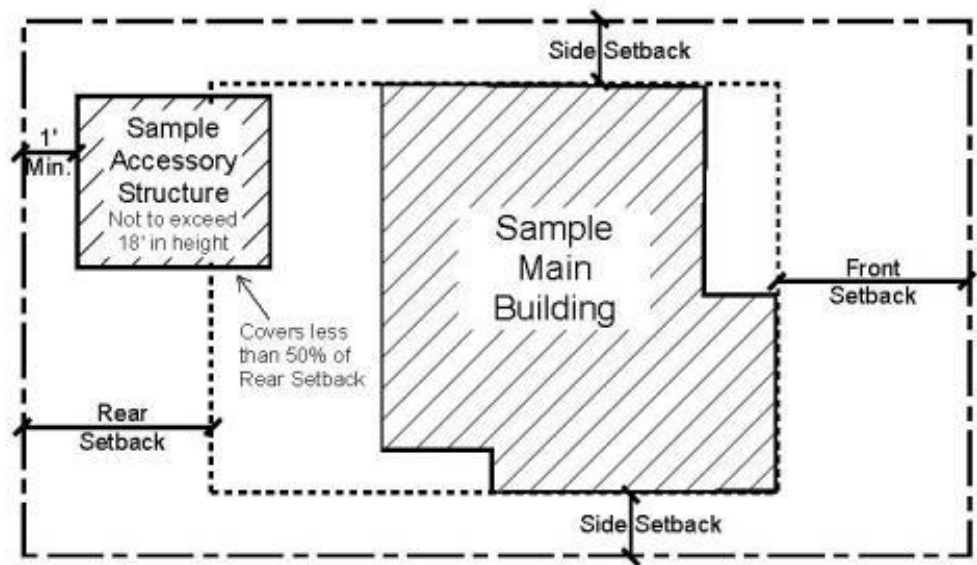


3. Decks, porches, or Bay Windows not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback.
4. Roof overhangs, eaves or cornices projecting not more than three feet (3') into the Front Setback.
5. Sidewalks and pathways.
6. Driveways leading to a Garage or approved Parking Area. No portion of a Front Yard except for driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.
7. Single car detached Garages approved as part of a Master Planned Development in Subzone A.

H. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Rear Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Rear Setback.
3. Window wells not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress may extend not more than four feet (4') into the Rear Setback. Should egress requirements be met within the building pad, no rear Setback exception is permitted.
4. Roof overhangs or eaves projecting not more than two feet (2') into the Rear Setback.

- 569 5. Window sills, belt courses, cornices, trim, exterior siding, or other
570 ornamental features projecting not more than six inches (6") beyond the
571 main Structure to which they are attached.
- 572 6. Detached Accessory Buildings not more than eighteen feet (18') in height,
573 and including any free-standing Solar Energy Systems, located a
574 minimum of five feet (5') behind the front facade of the Main Building, and
575 maintaining a minimum Rear Setback of one foot (1'). Such Structure must
576 not cover over fifty percent (50%) of the Rear Setback. See the following
577 illustration:



- 578
- 579 7. A Hard-Surfaced Parking Area subject to the same location requirements
580 as a detached Accessory Building.
- 581 8. Mechanical equipment (which must be screened), hot tubs, or similar
582 Structures located at least three feet (3') from the Rear Lot Line.

9. Fences, walls, and retaining walls as permitted in Section 15-4-2 Fences and Retaining Walls.

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

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

12. One (1) Shared Driveway leading to a garage or approved Parking Area.

See Section 15-2.3-12 Parking Regulations for additional requirements.

I. **SIDE SETBACKS**. The Side Setbacks are as follows:

TABLE 15-2.3b

Lot Width (ft.) up to:	Minimum Side Setback	Total of Setbacks
25.0	3 ft. each	6 ft.
37.5	3 ft. each	6 ft.
50.0	5 ft. each	10 ft.
62.5	5 ft.	14 ft.
75.0	5 ft.	18 ft.
87.5	10 ft.	24 ft.
100.0	10 ft.	24 ft.
Greater than 100.0	10 ft.	30 ft.

1. On Corner Lots, the minimum Side Setback that faces a side Street or platted Right-of-Way is five feet (5'). A three foot (3') Side Setback along

the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.

2. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

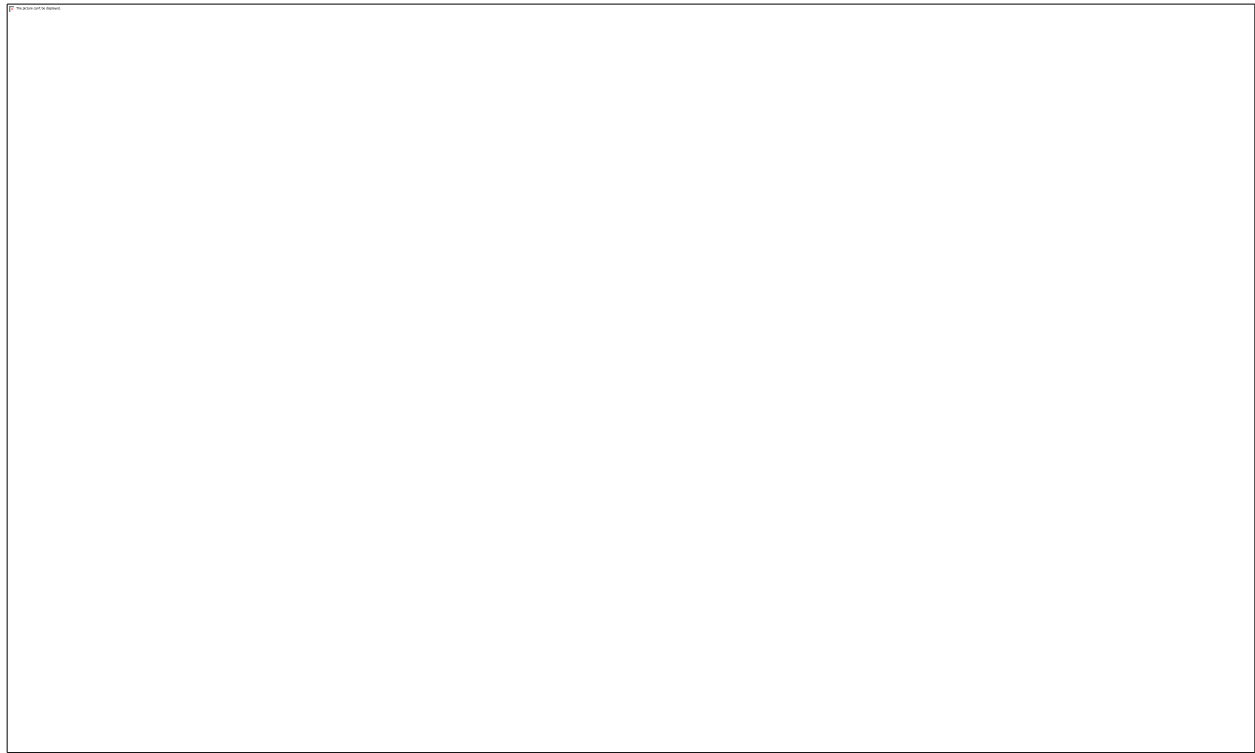
a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Setback exceptions continue to apply.

b. Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.

J. **SIDE SETBACK EXCEPTIONS**. The Side Setback must be open and free of any Structure except:

- 617 1. Bay Windows not more than ten feet (10') wide, and projecting not more
618 than two feet (2') into the Side Setback. Only permitted on Lots with a
619 minimum required Side Setback of five feet (5') or greater.
- 620 2. Chimneys not more than five feet (5') wide and projecting not more than
621 two feet (2') into the Side Setback. Only permitted on Lots with a minimum
622 required Side Setback of five feet (5') or greater.
- 623 3. Window wells not exceeding the minimum International Residential Code
624 (IRC) or International Building Code (IBC) requirements for egress may
625 extend not more than four feet (4') into the Side Setback. Only permitted
626 on Lots with a minimum required Side Setback of five feet (5') or greater.
627 Should egress requirements be met within the building pad, no Rear
628 Setback exception is permitted.
- 629 4. Roof overhangs or eaves projecting not more than two feet (2') into the
630 Side Setback on Lots with a minimum required Side Setback of five feet
631 (5') or greater. A one foot (1') roof or eave overhang is permitted on Lots
632 with a Side Setback of less than five feet (5').
- 633 5. Window sills, belt courses, trim, cornices, exterior siding, or other
634 ornamental features projecting not more than six inches (6") beyond the
635 main Structure to which they are attached.
- 636 6. Patios, decks, pathways, steps, or similar Structures not more than thirty
637 inches (30") in height from Final Grade, not including any required
638 handrail.

- 639 7. Fences, walls, and retaining walls as permitted in Section 15-4-2 Fences
640 and Retaining Walls.
- 641 8. One (1) private or Shared Driveway leading to a garage or approved
642 Parking Area. See Section 15-2.3-12 Parking Regulations for additional
643 requirements.
- 644 9. Pathway or steps connecting to a City staircase or pathway.
- 645 10. Detached Accessory Buildings, not more than eighteen feet (18') in height,
646 including any free-standing Solar Energy Systems, located a minimum of
647 five feet (5') behind the front facade of the Main Building, maintaining a
648 minimum Side Setback of three feet (3'). See the following illustration:



- 649
- 650 11. Mechanical equipment (which must be screened), hot tubs, or similar
651 Structures located at least three feet (3') from the Side Lot Line.

K. **SNOW RELEASE**. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

L. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

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

HISTORY

Adopted by Ord. [00-51](#) on 9/21/2000

Amended by Ord. [06-56](#) on 7/27/2006

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [10-14](#) on 4/15/2010

Amended by Ord. [15-35](#) on 10/12/2015

Amended by Ord. [2016-44](#) on 9/15/2016

Amended by Ord. [2018-27](#) on 5/31/2018

675 Amended by Ord. [2018-43](#) on 7/19/2018

676 Amended by Ord. [2019-07](#) on 1/29/2019

677 Amended by Ord. [2020-42](#) on 9/17/2020

678 **15-2.3-4 Existing Historic Buildings And/or Structures**

679 **Significant and Landmark Historic Sites that exceed the maximum Lot Area, and**

680 Historic Buildings and/or Structures that do not comply with Building Footprint, Building
681 Height, Building Setbacks, Off-Street parking, and driveway location standards are valid
682 Non-Complying Structures. Additions must comply with Building Setbacks, Building
683 Footprint, driveway location standards and Building Height. Additions to Historic
684 Building and/or Structures are exempt from Off-Street parking requirements provided
685 the addition does not create a Lockout Unit or Accessory Apartment. All Conditional
686 Uses proposed on the Site, excluding Development on a Steep Slope, shall comply with
687 parking requirements of Chapter 15-3.

688 A. **EXCEPTION**. In order to achieve new construction consistent with the Design
689 Guidelines for Historic Districts and Historic Sites, the Planning Commission may
690 grant an exception to the Building Setbacks and driveway location standards for
691 additions to Historic Buildings and/or Structures, including detached single car
692 Garages:

- 693 1. Upon approval of a Conditional Use permit, and
- 694 2. When the scale of the addition, and/or driveway is Compatible with the
695 Historic Building and/or Structure, and
- 696 3. When the addition complies with all other provisions of this Chapter, and

- 697 4. When the addition complies with the adopted Building and Fire Codes;
698 and
699 5. When the addition complies with the Design Guidelines for Historic
700 Districts and Sites.

701 HISTORY

702 *Adopted by Ord. [00-51](#) on 9/21/2000*

703 *Amended by Ord. [2016-44](#) on 9/15/2016*

704 *Amended by Ord. [2020-42](#) on 9/17/2020*

705 **15-2.4-3 Lot And Site Requirements**

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

710

711 All Development activity must comply with the following minimum Lot and Site
712 requirements:

713 A. **LOT SIZE**. Minimum Lot Areas for Residential Uses are as follows:

Single Family Dwelling	1,875 sq. ft.
Duplex Dwelling	3,750 sq. ft.
Triplex Dwelling	4,687 sq. ft.
Four-plex Dwelling	5,625 sq. ft.

714

Maximum Lot Areas for Residential Uses are as follows:

Single Family Dwelling	3,750 sq. ft.
Duplex Dwelling	7,500 sq. ft.
Triplex Dwelling	11,250 sq. ft.
Four-plex Dwelling	15,000 sq. ft.

B. **LOT AREA.** Minimum and maximum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use review.

Developments consisting of more than four (4) Dwelling Units require a Lot Area at least equal to 5,625 square feet plus an additional 1,000 square feet per each additional Dwelling Unit over four (4) units. All Setback, height, parking, Open Space, and architectural requirements must be met. See Section 15-2.4-3, Conditional Use Permit Review.

C. **LOT WIDTH.** The minimum width of a Lot is 37.50 feet, measured fifteen feet (15') from the Front Lot Line. Existing platted Lots of record, with a minimum width of at least twenty five feet (25'), are considered legal Lots in terms of Lot Width. In the case of unusual Lot configurations, Lot Width measures shall be determined by the Planning Director.

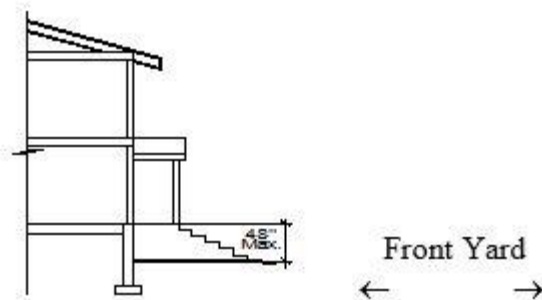
D. **FRONT SETBACK.**

1. The minimum Front Setback for Single-Family, Duplex Dwellings, and Accessory Buildings is fifteen feet (15'). If the Lot depth is seventy five feet (75') or less, then the minimum Front Setback is ten feet (10').

2. New Front Facing Garages for Single Family and Duplex Dwellings must be at least twenty feet (20') from the Front Lot Line.
3. See Section 15-2.4-7 for special requirements for Triplexes and Multi-Unit Dwellings.

E. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of any Structure except:

1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.
2. Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.



3. Decks, porches, and Bay Windows, not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback.
4. Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Setback.

5. Sidewalks, patios, and pathways.
6. Driveways leading to a garage or approved Parking Area. No portion of a Front Yard except for approved driveways and patios, allowed Parking Areas, and sidewalks may be Hard-Surfaced or graveled.

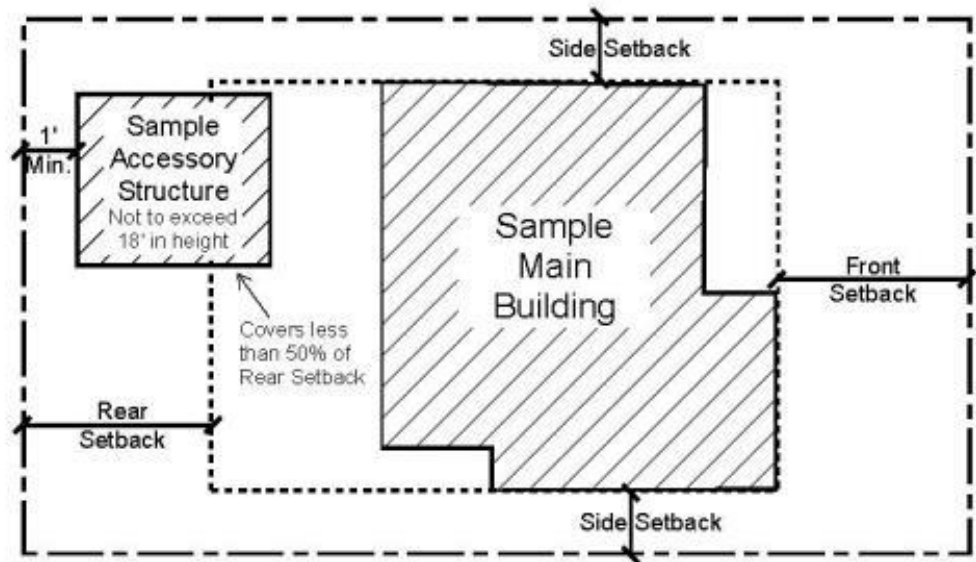
F. **REAR SETBACK.**

1. The minimum Rear Setback is ten feet (10') for all Main Buildings, and one foot (1') for detached Accessory Buildings.
2. See Section 15-2.4-7, Special Requirements for Multi-Unit Dwellings.

G. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide and projecting not more than two feet (2') into the Rear Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Rear Setback.
3. Window wells not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress may extend not more than four feet (4') into the Rear Setback.
4. Roof overhangs and eaves projecting not more than three feet (3') into the Rear Setback.
5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the main Structure to which they are attached.

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



7. A Hard-Surfaced Parking Area subject to the same location requirements as a detached Accessory Building.
8. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.
9. Fences, walls, and retaining walls not over six feet (6') in height, or as permitted in Section 15-4-2 Fences and Retaining Walls.

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

11. One (1) Shared Driveway leading to a garage or approved parking Area.
See Section 15-2.4-11 Parking Regulations for additional requirements.

H. **SIDE SETBACK.**

1. The minimum Side Setback for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').
2. The minimum Side Setback for Lots twenty-five feet (25') wide or less is three feet (3').
3. On Corner Lots, the minimum Side Setback that faces a side Street or platted Right-of-Way is ten feet (10') for both Main and Accessory Buildings. A three foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.
4. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

- 811 a. Exterior Side Setbacks shall be based on the required minimum
812 Side Setback for each Lot; however the Planning Commission may
813 consider increasing exterior Side Setbacks during Conditional Use
814 Permit review to mitigate potential impacts on adjacent Property.
815 Side Setback exceptions continue to apply.
- 816 b. The longest dimension of a Building joined at the Property Line may
817 not exceed one hundred feet (100').
- 818 5. See Section 15-2.4-7 special requirements for Multi-Unit Dwellings.
- 819 I. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any
820 Structure except:
- 821 1. Bay Windows not more than ten feet (10') wide and projecting not more
822 than two feet (2') into the Side Setback. Only permitted on Lots with a Side
823 Setback of at least five feet (5') or greater.
- 824 2. Chimneys not more than five feet (5') wide and projecting not more than
825 two feet (2') into the Side Setback. Only permitted on Lots with a Side
826 Setback of at least five feet (5') or greater.
- 827 3. Window wells not exceeding the minimum International Residential Code
828 (IRC) or International Building Code (IBC) requirements for egress may
829 extend not more than four feet (4') into the Side Setback. Only permitted
830 on Lots with a minimum required Side Setback of five feet(5') or greater.
831 Should egress requirements be met within the building pad, no Rear
832 Setback exception is permitted.

- 833 4. Roof overhangs and eaves projecting not more than two feet (2') into the
834 Side Setback. Only permitted on Lots with a Side Setback of at least five
835 feet (5') or greater.
- 836 5. Window sills, belt courses, cornices, trim, and other ornamental features
837 projecting not more than six inches (6") beyond the main Structure to
838 which they are attached.
- 839 6. Fences, walls and retaining walls as permitted in Section 15-4-2 Fences
840 and Retaining Walls.
- 841 7. Patios, decks, pathways, steps, and similar Structures not more than thirty
842 inches (30") in height above Final Grade, not including any required
843 handrail.
- 844 8. One (1) private or Shared Driveway leading to a garage or approved
845 Parking Area. See Section 15-2.4-11 Parking Regulations for additional
846 requirements.
- 847 9. Pathways and steps connecting to a City staircase or pathway.
- 848 10. Mechanical equipment (which must be screened), hot tubs, or similar
849 Structures located at least three feet (3') from the Side Lot Line.
- 850 11. Detached Accessory Buildings, not more than eighteen feet (18') in height,
851 and including any free-standing Solar Energy Systems, located at least
852 five feet (5') behind the front façade of the Main Building, maintaining a

853 minimum Side Setback of three feet (3'). See the following illustration:



854

855 J. **SNOW RELEASE**. Site plans and Building design must resolve snow release
856 issues to the satisfaction of the Chief Building Official.

857 K. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet
858 (2') in height above road Grade shall be placed on any Corner Lot within the Site
859 Distance Triangle. A reasonable number of trees may be allowed, if pruned high
860 enough to permit automobile drivers an unobstructed view. This provision must
861 not require changes in the Natural Grade on the Site.

862 HISTORY

863 *Adopted by Ord. [00-51](#) on 9/21/2000*

864 *Amended by Ord. [06-69](#) on 10/19/2006*

865 *Amended by Ord. [09-10](#) on 3/5/2009*

866 *Amended by Ord. [15-35](#) on 10/12/2015*

867 Amended by Ord. [2016-44](#) on 9/15/2016

868 Amended by Ord. [2018-27](#) on 5/31/2018

869 Amended by Ord. [2018-43](#) on 7/19/2018

870 Amended by Ord. [2020-42](#) on 9/17/2020

871 **15-2.4-4 Existing Historic Buildings And/or Structures**

872 Significant and Landmark Historic Sites that exceed the maximum Lot Area, and

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

879 A. **EXCEPTION.** In order to achieve new construction consistent with the Historic
880 District Design Guidelines, the Planning Commission may grant an exception to
881 the Building Setback and driveway location standards for additions to Historic
882 Buildings and/or Structures, including detached Garages:

- 883 1. Upon approval of a Conditional Use permit, and
- 884 2. When the scale of the addition and/or driveway is Compatible with the
885 Historic Building and/or Structure, and
- 886 3. When the addition complies with all other provisions of this Chapter, and
- 887 4. When the addition complies with the adopted Building and Fire Codes,
888 and

5. When the addition complies with the Design Guidelines for Historic Districts and Sites.

HISTORY

Adopted by Ord. [00-51](#) on 9/21/2000

Amended by Ord. [06-69](#) on 10/19/2006

Amended by Ord. [13-42](#) on 10/17/2013

Amended by Ord. [2016-44](#) on 9/15/2016

Amended by Ord. [2020-42](#) on 9/17/2020

15-2.12-3 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 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 must comply with the following:

A. **LOT SIZE**. The minimum Lot Area for a Single-Family Dwelling is 2,812 square feet and the maximum Lot Area is 3,570 square feet. The minimum Lot Area for a Duplex Dwelling is 3,750 square feet and the maximum Lot Area is 7,500 square feet.; and The minimum Lot Area for a Triplex Dwelling is 5,625 square feet and the maximum Lot Area is 11,250 square feet. The minimum width of a Lot must be thirty-seven and one-half feet (37.5') measured fifteen feet (15') back from Front Lot Line. In the case of unusual Lot configurations, Lot Width measurements shall be determined by the Planning Director.

B. **FRONT SETBACK**.

1. The minimum Front Setback is fifteen feet (15').

- 912 2. New Front Facing Garages for Single Family and Duplex Dwellings must
913 be at least twenty feet (20') from the Front Property Line.
- 914 3. Parking Spaces are allowed within the required Front Yard, but not within
915 five feet (5') of Side Lot Lines.

916 C. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of
917 any Structure except:

- 918 1. Fences, walls, and retaining walls not more than four feet (4') in height, or
919 as permitted in Section 15-4-2. On Corner Lots, Fences more than three
920 feet (3') in height are prohibited within twenty-five feet (25') of the
921 intersection at back of curb.
- 922 2. Uncovered steps leading to the Main Building provided the steps are not
923 more than four feet (4') in height from Final Grade, not including any
924 required handrails, and do not cause any danger or hazard to traffic by
925 obstructing the view of a Street or intersection.
- 926 3. Decks, porches, and Bay Windows not more than ten feet (10') wide,
927 projecting not more than five feet (5') into the Front Setback.
- 928 4. Roof overhangs, eaves, and cornices projecting not more than two feet
929 (2') into the Front Setback.
- 930 5. Sidewalks, patios, and pathways.
- 931 6. Driveways leading to a garage or Parking Area. No portion of a Front
932 Yard, except for approved driveways, allowed Parking Areas, patios, and
933 sidewalks may be Hard-Surfaced or graveled.

934 7. Circular driveways meeting all requirements stated in Section 15-3-4
935 herein.

936 D. **REAR SETBACK**. The minimum Rear Setback is ten feet (10').

937 E. **REAR SETBACK EXCEPTIONS**. The Rear Setback must be open and free of
938 any Structure except:

939 1. Bay Windows not more than ten feet (10') wide projecting not more than
940 two feet (2') into the Rear Setback.

941 2. Chimneys not more than five feet (5') wide projecting not more than two
942 feet (2') into the Setback.

943 3. Window wells and light wells projecting not more than four feet (4') into the
944 Rear Setback.

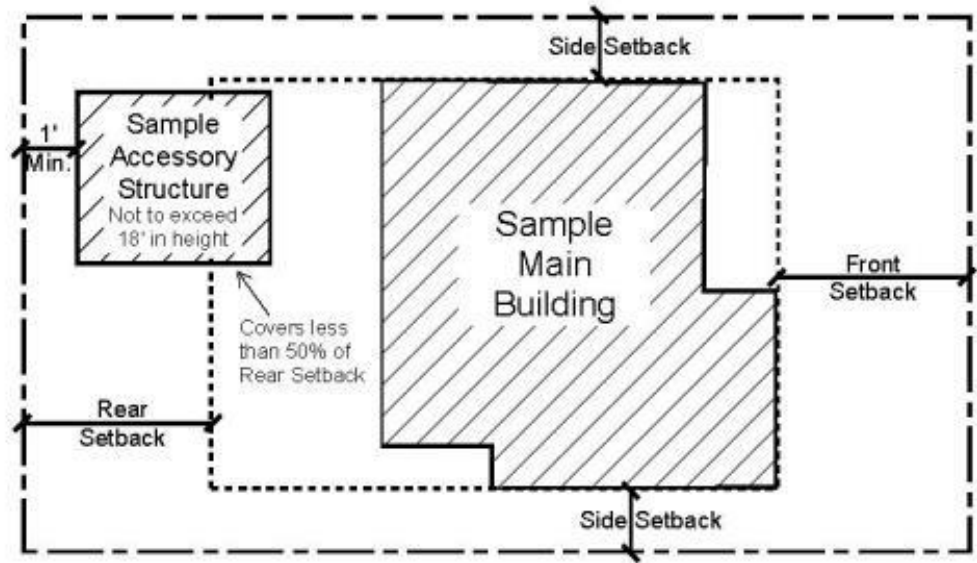
945 4. Roof overhangs and eaves projecting not more than two feet (2') into the
946 Rear Setback.

947 5. Window sills, belt courses, cornices, trim, and other ornamental features
948 projecting not more than six inches (6") beyond the window or Structure to
949 which it is attached.

950 6. Detached Accessory Buildings, not more than eighteen feet (18') in height,
951 located a minimum of five feet (5') behind the front façade of the Main
952 Building and maintaining a minimum Rear Setback of five feet (5'). Such
953 Structure must not cover over fifty percent (50%) of the Rear Setback. See

954

the following illustration:



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

8. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps; however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹

9. Patios, decks, pathways, steps and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

F. **SIDE SETBACK.**

1. The minimum Side Setback is five feet (5').
2. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
 - a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Setback exceptions continue to apply.
3. The minimum Side Setback for a Detached Accessory Building not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main Building is one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Setback must be three feet (3'). See the following

986 illustration:



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988 4. On a Corner Lot, the Side Yard that faces a Street or platted Right-of-Way
989 is considered a Front Yard, and a ten foot (10') Setback is required for
990 both the Main and Accessory Buildings.

991 G. **SIDE SETBACK EXCEPTIONS**. The Side Setback must be open and free of any
992 Structure except:

- 993 1. Bay Windows not more than ten feet (10') wide, projecting not more than
994 two feet (2') into the Side Setback.
- 995 2. Chimneys not more than five feet (5') wide projecting not more than two
996 feet (2') into the Side Setback.
- 997 3. Window wells and light wells projecting not more than four feet (4') into the
998 Side Setback.

- 999 4. Roof overhangs and eaves projecting not more than two feet (2') into the
1000 Side Setback.
- 1001 5. Window sills, belt courses, cornices, trim, and other ornamental features
1002 projecting not more than six inches (6") beyond the window or main
1003 Structure to which it is attached.
- 1004 6. Patios, decks, pathways, steps, and similar Structures not more than thirty
1005 inches (30") in height above Final Grade located at least a one foot (1')
1006 from the Side Lot Line.
- 1007 7. Fences, walls, and retaining walls not more than six feet (6') in height, or
1008 as permitted in Section 15-4-2. A retaining wall may have multiple steps,
1009 however, each exposed face cannot exceed six feet (6') in height and the
1010 horizontal distance between the walls, front face to rear face, must be at
1011 least three feet (3') and planted with approved vegetation. The Planning
1012 Director may approve minor deviations to the height and stepping
1013 requirements based on Site specific review.²
- 1014 8. Driveways leading to an approved garage or Parking Area, maintaining a
1015 three foot (3') landscaped Setback to the Side Lot Line. A paved turn out
1016 Area, to aid in backing a vehicle out of a garage or Parking Area, is
1017 allowed, but may not be used for parking and must maintain a one foot (1')
1018 landscaped Setback to the Side Lot Line.
- 1019 9. Paths and steps connecting to a City stairway or path.
- 1020 10. Screened mechanical equipment, hot tubs, and similar Structures located
1021 a minimum of five feet (5') from the Side Lot Line.

- 1022 H. **SNOW RELEASE**. Site plans and Building design must resolve snow release
1023 issues to the satisfaction of the Chief Building Official.
- 1024 I. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet
1025 (2') in height above Road Grade shall be placed on any Corner Lot within the Site
1026 Distance Triangle. A reasonable number of trees may be allowed, if pruned high
1027 enough to permit automobile drivers an unobstructed view. This provision must
1028 not require changes in the Natural Grade on the Site.

1029 ¹Fences and walls greater than six feet (6') in height require an administrative
1030 Conditional Use permit.

1031 ²Fences and walls greater than six feet (6') in height require an administrative
1032 Conditional Use permit.

1033 HISTORY

1034 *Adopted by Ord. [00-51](#) on 9/21/2000*

1035 *Amended by Ord. [06-76](#) on 11/9/2006*

1036 *Amended by Ord. [2016-44](#) on 9/15/2016*

1037 *Amended by Ord. [2018-43](#) on 7/19/2018*

1038 **15-2.15-3 Lot And Site Requirements**

1039 Except as may otherwise be provided in this Code, no Building Permit shall be issued
1040 for a Lot unless such Lot has the Area, width, and depth required, and Frontage on a
1041 Street shown as a private or Public Street on the Streets Master Plan or on a private
1042 easement connecting the Lot to a Street shown on the Streets Master Plan.

1043 All Development must comply with the following:

- 1044 A. **LOT SIZE**. Minimum Lot Area for Residential Uses is as follows:

Single Family Dwelling	2,812 sq. ft.
Duplex Dwelling	3,750 sq. ft.
Triplex Dwelling	4,687 sq. ft.
Four-plex Dwelling	5,625 sq. ft.

1045

1046 Maximum Lot Areas for Residential Uses are as follows:

Single Family Dwelling	3,750 sq. ft.
Duplex Dwelling	7,500 sq. ft.
Triplex Dwelling	11,250 sq. ft.
Four-plex Dwelling	15,000 sq. ft.

1047

1048 B. Minimum Lot Area for all other Uses shall be determined by the Planning

1049 Commission during the Conditional Use review.

1050

1051 Developments consisting of more than four (4) Dwelling Units require a Lot Area

1052 at least equal to 5,625 square feet plus an additional 1,000 square feet per each

1053 additional Dwelling Unit over four (4) units. All Setback, height, parking, Open

1054 Space, and architectural requirements must be met. See Section 15-1-10,

1055 Conditional Use permit review.

C. **LOT WIDTH.** The minimum width of a Lot is 37.50 feet, measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot Width measurements shall be determined by the Planning Director. The Planning Commission may reduce the minimum Lot Width during review of a Master Planned Development.

D. **FRONT SETBACK.**

1. The minimum Front Setback for all Single Family, Duplex Dwellings, and Accessory Buildings is fifteen feet (15'). See 15-2.13-3(C)(3) for exception for Lots with a depth of seventy-five feet (75') or less.
2. New Front Facing Garages for Single-Family and Duplex Dwellings must be at least twenty feet (20') from the Front Lot Line.
3. The minimum Front Setback for Lots seventy-five feet (75') deep or less is ten feet (10').
4. See Section 15-2.15-4 for special requirements for Tri-Plex and Multi-Unit Dwellings.

E. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of any Structure except:

1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.
2. Uncovered steps leading to the Main Building, provided, the steps are not more than four feet (4') in height from Final Grade, not including any

- 1079 required handrails, and do not cause any danger or hazard to traffic by
1080 obstructing the view of a Street or intersection.
- 1081 3. Decks, porches, and Bay Windows not more than ten feet (10') wide,
1082 projecting not more than five feet (5') into the Front Setback.
- 1083 4. Roof overhangs, eaves, and cornices projecting not more than three feet
1084 (3') into the Front Setback.
- 1085 5. Sidewalks, patios, and pathways.
- 1086 6. Driveways leading to a garage or approved Parking Area. No portion of a
1087 Front Yard, except for approved driveways, patios, allowed Parking Areas,
1088 and sidewalks, may be Hard-Surfaced or graveled.
- 1089 7. Circular driveways meeting all requirements stated in Section 15-3-4
1090 herein.

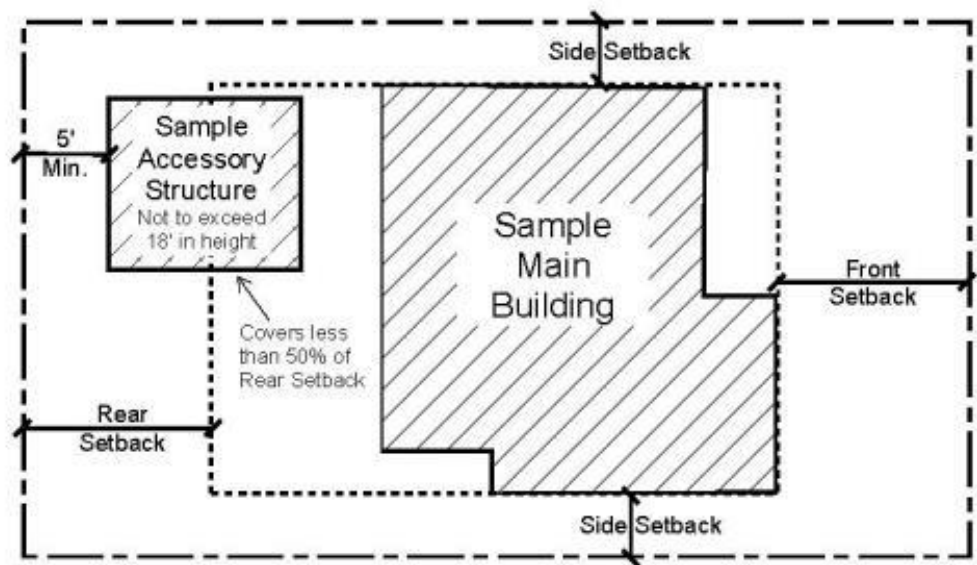
1091 F. **REAR SETBACK.**

- 1092 1. The minimum Rear Setback for Single Family and Duplex Dwellings is ten
1093 feet (10').
- 1094 2. See Section 15-2.15-4 special requirements for Multi-Unit Dwellings.

1095 G. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of
1096 any Structure except:

- 1097 1. Bay Windows not more than ten feet (10') wide projecting not more than
1098 two feet (2') into the Rear Setback.
- 1099 2. Chimneys not more than five feet (5') wide projecting not more than two
1100 feet (2') into the Rear Setback.

3. Window wells and light wells projecting not more than four feet (4') into the Rear Setback.
4. Roof overhangs and eaves projecting not more than three feet (3') into the Rear Setback.
5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
6. Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear Setback of five feet (5'). Such Structures must not cover over fifty percent (50%) of the Rear Setback. 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. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹

10. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

H. **SIDE SETBACK.**

1. The minimum Side Setback for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').

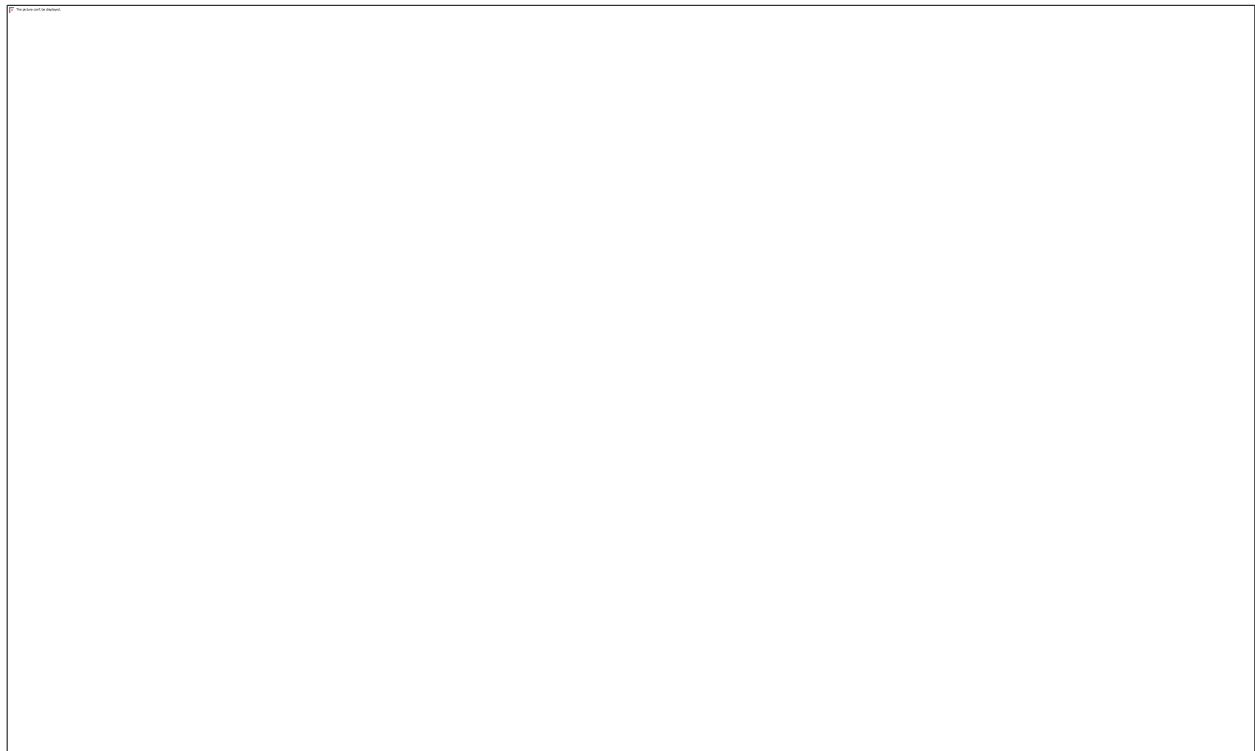
2. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may

1138 consider increasing exterior Side Setbacks during Conditional Use
1139 Permit review to mitigate potential impacts on adjacent Property.

1140 Side Setback exceptions continue to apply.

1141 3. The minimum Side Setback for a detached Accessory Building not greater
1142 than eighteen feet (18') in height, located at least five feet (5') behind the
1143 front facade of the Main Building is three feet (3'). See teh following
1144 illustration:



1145
1146 4. On Corner Lots, the Side Yard that faces a Street or platted Right-of-Way
1147 is considered a Front Yard, and the minimum Setback is ten feet (10') for
1148 both Main and Accessory Buildings.

1149 5. See Section 15-2.15-4 Special Requirements for Multi-Unit Dwellings.

1150 I. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any
1151 Structure except:

- 1152 1. Bay windows not more than ten feet (10') wide projecting not more than
1153 two feet (2') into the Side Setback.
- 1154 2. Chimneys not more than five feet (5') wide projecting not more than two
1155 feet (2') into the Side Setback.
- 1156 3. Window wells and light wells projecting not more than four feet (4') into the
1157 Side Setback.
- 1158 4. Roof overhangs and eaves projecting not more than three feet (3') into the
1159 Side Setback.
- 1160 5. Window sills, belt courses, cornices, trim, and other ornamental features
1161 projecting not more than six inches (6") beyond the window or main
1162 Structure to which it is attached.
- 1163 6. Patios, decks, pathways, steps, and similar Structures not more than thirty
1164 inches (30") in height above Final Grade, provided there is at least a one
1165 foot (1') Setback to the Side Lot Line.
- 1166 7. Fences, walls, and retaining walls not more than six feet (6') in height, or
1167 as permitted in Section 15-4-2. Retaining walls may have multiple steps,
1168 however each exposed face cannot exceed six feet (6') in height and the
1169 horizontal distance between the walls, front face to rear face, must be at
1170 least three feet (3') and planted with approved vegetation. The Planning
1171 Director may approve minor deviations to the height and stepping
1172 requirements based on Site specific review.¹
- 1173 8. Driveways leading to an approved garage or Parking Area maintaining a
1174 three foot (3') landscaped Setback to the Side Lot Line.

1175 9. Paths, patios, and steps connecting to a City stairway or path.
1176 10. Screened mechanical equipment, hot tubs, and similar Structures located
1177 a minimum of five feet (5') from the Side Lot Line.

1178 J. **SNOW RELEASE**. Site plans and Building design must resolve snow release
1179 issues to the satisfaction of the Chief Building Official.

1180 K. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet
1181 (2') in height above Road Grade shall be placed on any Corner Lot within the Site
1182 Distance Triangle. A reasonable number of trees may be allowed, if pruned high
1183 enough to permit automobile drivers an unobstructed view. This provision must
1184 not require changes in the Natural Grade on the Site.

1185 ¹Fences and walls greater than six feet (6') in height require an administrative
1186 Conditional Use permit

1187 HISTORY

1188 *Adopted by Ord. [00-51](#) on 9/21/2000*

1189 *Amended by Ord. [06-76](#) on 11/9/2006*

1190 *Amended by Ord. [2016-44](#) on 9/15/2016*

1191 *Amended by Ord. [2018-43](#) on 7/19/2018*

1192 **15-2.16-5 Special Requirements For Single Family And Duplex Dwellings**

1193 Except as may otherwise be provided in this Code, no Building Permit shall be issued
1194 for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a
1195 Street shown as a private or Public Street on the Streets Master Plan, or on a private
1196 easement connecting the Lot to a Street shown on the Streets Master Plan.

1197

1198 The following minimum Lot and Site requirements apply to Single Family and Duplex

1199 Dwellings in the RC District:

1200 A. **LOT SIZE**. The minimum Lot Area is 1,875 square feet for a Single Family

1201 Dwelling and 3,750 square feet for a Duplex. The minimum width of a Lot is

1202 twenty five feet (25'); measured fifteen feet (15') back from the Front Lot Line. In

1203 the case of unusual Lot configurations, Lot Width measurements shall be

1204 determined by the Planning Director.

1205 B. **BUILDING ENVELOPE - RC DISTRICT**. The Building Pad, Building Footprint

1206 and height restrictions define the maximum Building Envelope within which all

1207 Development must occur, with exceptions as allowed by Section 2-16-5(C).

1208 C. **BUILDING PAD - RC DISTRICT**. The Building Pad is the Lot Area minus

1209 required Front, Rear and Side Setback Areas.

1210 1. The Building Footprint must be within the Building Pad. The remainder of

1211 the Building Pad must be open and free of any other Structure except:

1212 a. Porches or decks, with or without roofs;

1213 b. At Grade patios;

1214 c. Upper level decks, with or without roofs;

1215 d. Bay Windows;

1216 e. Chimneys;

1217 f. Sidewalks, pathways, and steps;

1218 g. Screened hot tubs; and

1219 h. Landscaping.

1220 2. Exceptions to the Building Pad Area, excluding Bay Windows, are not
1221 included in the Building Footprint calculations, and are subject to Planning
1222 Director approval based on a determination that the proposed exceptions
1223 result in a design that:

1224 a. provides increased architectural interest consistent with the Design
1225 Guidelines for Historic Districts and Sites; and

1226 b. maintains the intent of this section to provide horizontal and vertical
1227 Building articulation.

1228 D. **BUILDING FOOTPRINT – RC DISTRICT**. The maximum Building Footprint of
1229 any Single Family or Duplex Structure located on a Lot, or combination of Lots,
1230 not exceeding 18,750 square feet in Lot Area, shall be calculated according to
1231 the following formula for Building Footprint, illustrated in Table 15-2.16.

1232
1233 Accessory Buildings listed on the Park City Historic Structures Inventory that are
1234 not expanded, enlarged or incorporated into the Main Building, shall not count in
1235 the total Building Footprint of the Lot.

1236
1237 The maximum Building Footprint for any Structure located on a Lot or
1238 combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500
1239 square feet; with an exemption allowance of 400 square feet, per Dwelling Unit,
1240 for garage floor area. A Conditional Use permit is required for all Structures with
1241 a proposed footprint of greater than 3,500 square feet.

1242

1243 $\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$

1244 Where FP= maximum Building Footprint and A= Lot Area.

1245 Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519 \text{ sq. ft.}$

1246

1247 See the following Table 15-2.16 below for a schedule equivalent of this formula.

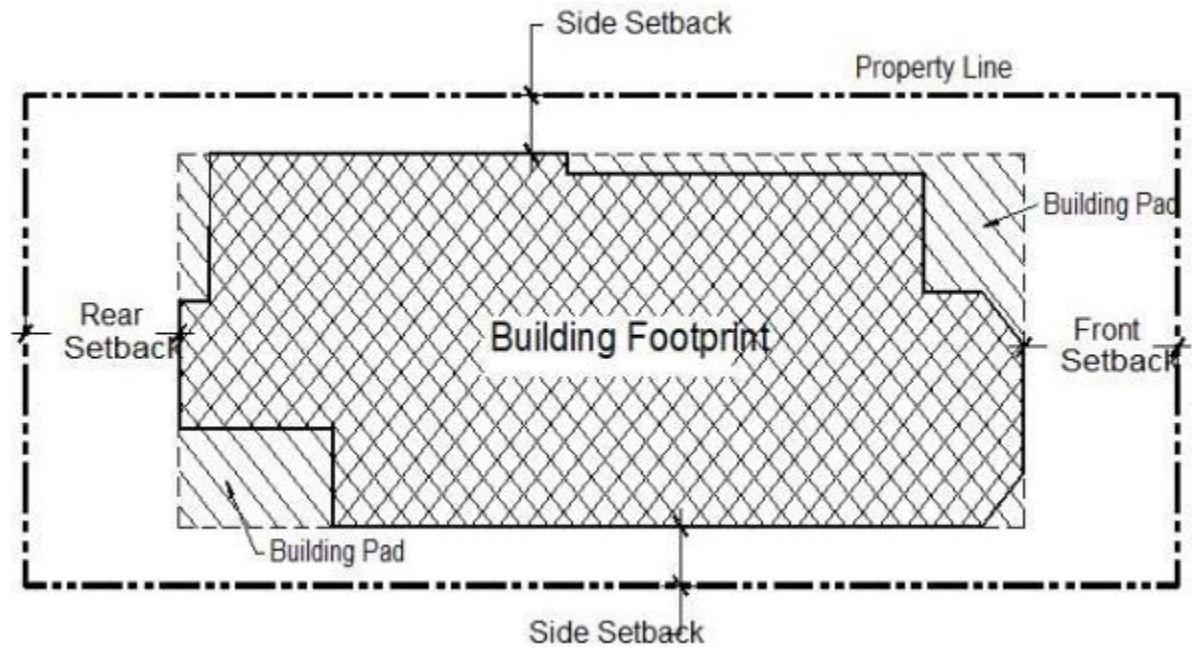
1248

1249 TABLE 15-2.16

Lot Depth <=ft.*	Lot Width, ft. Up to:	Side Setbacks Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801

75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per formula

E. *For Lots > 75' in depth use Footprint formula and Table 15-2.16a for Front and Rear Setbacks.



F. **FRONT AND REAR SETBACK**. Front and Rear Setbacks are as follows:

Table 15-2.16a

Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.

From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

1256

1257 G. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of

1258 any Structure except:

1259 1. Fences or walls not more than four feet (4') in height, or as permitted in
1260 Section 15-4-2. Fences and Walls. On Corner Lots, Fences more than
1261 three feet (3') in height are prohibited within twenty-five feet (25') of the
1262 intersection at back of curb.

1263 2. Uncovered steps leading to the Main Building; provided the steps are not
1264 more than four feet (4') in height from Final Grade, not including any
1265 required handrail, and do not cause any danger or hazard to traffic by
1266 obstructing the view of the Street or intersection.

1267 3. Decks, porches, and Bay Windows not more than ten feet (10') wide,
1268 projecting not more than three feet (3') into the Front Setback.

1269 4. Roof overhangs, eaves, and cornices projecting not more than three feet
1270 (3') into the Front Setback.

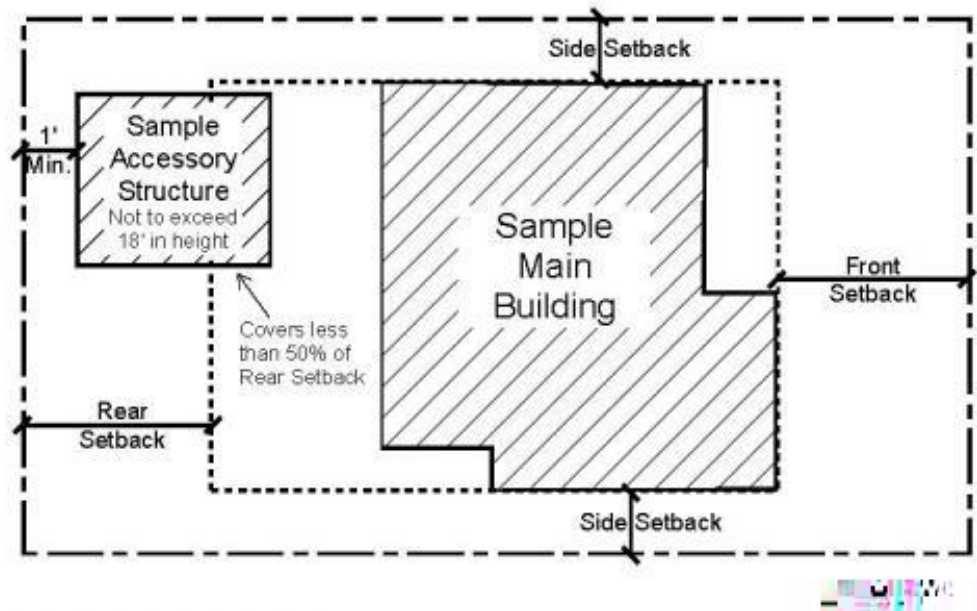
1271 5. Sidewalks, patios, and pathways.

1272 6. A driveway leading to a garage or Parking Area. No portion of a Front
1273 Yard, except for patios, driveways, allowed Parking Areas and sidewalks
1274 may be Hard-Surfaced or graveled.

1275 H. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of
1276 any Structure except:

- 1277 1. Bay Windows not more than ten feet (10') wide, projecting not more than
1278 two feet (2') into the Rear Setback.
- 1279 2. Chimneys not more than five feet (5') wide projecting not more than two
1280 feet (2') into the Rear Setback.
- 1281 3. Window wells and light wells projecting not more than four feet (4') into the
1282 Rear Setback.
- 1283 4. Roof overhangs and eaves projecting not more than two feet (2') into the
1284 Rear Setback.
- 1285 5. Window sills, belt courses, cornices, trim, exterior siding, and other
1286 ornamental features projecting not more than six inches (6") beyond the
1287 window or main Structure to which it is attached.
- 1288 6. Detached Accessory Buildings not more than eighteen feet (18') in height,
1289 located a minimum of five feet (5') behind the front façade of the Main
1290 Building, and maintaining a minimum Rear Setback of one foot (1'). Such
1291 Structures may not cover more than fifty percent (50%) of the Rear

1292 Setback. See the following illustration:



- 1293
- 1294 7. Hard-Surfaced Parking Areas subject to the same location requirements
- 1295 as a detached Accessory Building.
- 1296 8. Mechanical equipment (which must be screened), hot tubs, or similar
- 1297 Structures located at least three feet (3') from the Rear Lot Line.
- 1298 9. Fences and walls as permitted in Section 15-4-2, Fences and Walls.
- 1299 10. Patios, decks, pathways, steps, and similar Structures not more than thirty
- 1300 inches (30") above Final Grade.
- 1301 11. Pathways and steps connecting to a City staircase or pathway.

1302 I. **SIDE SETBACKS.**

- 1303 1. The minimum Side Setback is three feet (3'), but increases for Lots greater
- 1304 than thirty-seven and one-half feet (37.5') in Width, as per Table 15-2.16
- 1305 above.

2. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

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

4. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Setback exceptions continue to apply.

b. Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.

J. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Setback.¹

- 1329 2. Chimneys not more than five Feet (5') wide projecting not more than two
1330 feet (2') into the Side Setback.¹
- 1331 3. Window wells and light wells Projecting not more than four feet (4') into
1332 the Side Setback.¹
- 1333 4. Roof overhangs and eaves projecting not more than two feet (2') into the
1334 Side Setback. A one foot (1') roof or eave overhang is permitted on Lots
1335 with a Side Setback of less than five feet (5').¹
- 1336 5. Window sills, belt courses, trim, cornices, exterior siding, and other
1337 ornamental features projecting not more than six inches (6") beyond the
1338 window or main Structure to which it is attached.
- 1339 6. Patios, decks, pathways, steps, or similar Structures not more than thirty
1340 inches (30") in height from Final Grade.
- 1341 7. Fences and walls as permitted in Section 15-4-2.
- 1342 8. Driveways leading to a garage or approved Parking Area.
- 1343 9. Pathways and steps connecting to a City staircase or pathway.
- 1344 10. A detached Accessory Building, not more than eighteen feet (18') in
1345 height, located a minimum of five feet (5') behind the front facade of the
1346 Main Building, and maintaining a minimum Side Setback of three feet (3').

1347 See the following illustration:



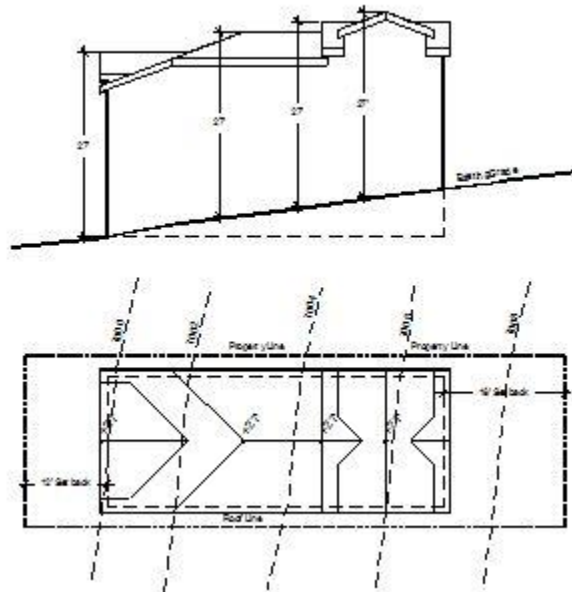
- 1348
- 1349 11. Mechanical equipment (which must be screened), hot tubs, or similar
- 1350 Structures located a minimum of three feet (3') from the Side Lot Line.
- 1351 K. **SNOW RELEASE**. Site plans and Building designs must resolve snow release
- 1352 issues to the satisfaction of the Chief Building Official.
- 1353 L. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet
- 1354 (2') in height above Road Grade shall be placed on any Corner Lot within the Site
- 1355 Distance Triangle. A reasonable number of trees may be allowed, if pruned high
- 1356 enough to permit automobile drivers an unobstructed view. This provision must
- 1357 not require changes in the Natural Grade on the Site.
- 1358 M. **BUILDING HEIGHT**. No Single Family or Duplex Dwelling Structure shall be
- 1359 erected to a height greater than twenty-seven feet (27'). This is the Zone Height
- 1360 for Single Family and Duplex Dwellings. Final Grade must be within four vertical

feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance.

The following height requirements must be met:

1. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
2. A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finished 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 ten foot (10') Setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the Setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.
3. Roof Pitch. The primary roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.
 - a. A structure containing a flat roof shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the highest wall top plate that supports the ceiling joists or roof rafters.

1384 The height of the Green Roof, including the parapets, railings, or
1385 similar features shall not exceed twenty four inches (24") above the
1386 highest top plate mentioned above.



- 1387
- 1388 N. **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:
- 1389 1. Antennas, chimneys, flues, vents, and similar Structures, may extend up
- 1390 to five feet (5') above the highest point of the Building to comply with
- 1391 International Building Code (IBC) requirements.
- 1392 2. Water towers, mechanical equipment, and associated Screening, when
- 1393 Screened or enclosed, may extend up to five feet (5') above the height of
- 1394 the Building.
- 1395 3. Elevator access. The Planning Director may allow additional height to
- 1396 allow for an elevator compliant with the American Disability Acts
- 1397 standards. The Applicant must verify the following:

1398 a. The proposed height exception is only for the Area of the elevator.

1399 No increase in square footage is being achieved.

1400 b. The proposed option is the only feasible option for the elevator on
1401 the site.

1402 c. The proposed elevator and floor plans comply with the American
1403 Disability Act (ADA) standards.

1404 4. Garage on Downhill Lot. The Planning Commission may allow additional
1405 Building Height (see entire Section 15-2.16-5 (L) on a downhill Lot to
1406 accommodate a single car wide garage in a Tandem Parking
1407 configuration; to accommodate circulation, such as stairs and/or an ADA
1408 elevator; and to accommodate a reasonably sized front entry area and
1409 front porch that provide a Compatible streetscape design. The depth of the
1410 garage may not exceed the minimum depth for internal Parking Space(s)
1411 as dimensioned within this Code, Section 15-3. The additional Building
1412 Height may not exceed thirty-five feet (35') from Existing Grade.

1413 ¹Applies only to Lots with a minimum Side Setback of five feet (5') or greater.

1414 HISTORY

1415 *Adopted by Ord. [00-51](#) on 9/21/2000*

1416 *Amended by Ord. [06-76](#) on 11/9/2006*

1417 *Amended by Ord. [09-10](#) on 3/5/2009*

1418 *Amended by Ord. [11-05](#) on 1/27/2011*

1419 *Amended by Ord. [13-48](#) on 11/21/2013*

1420 *Amended by Ord. [15-35](#) on 10/12/2015*

1421 *Amended by Ord. [2016-44](#) on 9/15/2016*

1422 *Amended by Ord. [2018-43](#) on 7/19/2018*

May 24, 2023

To: Planning Commission

Re: Land Management Code Amendment – Lot Combinations

Planning Commission,

I recently attended two public input meetings held by planning staff on this topic as part of a citizen group. I work in the “H” districts regularly as an architect and was not aware that the current code provisions regarding lot combinations were in question. So, my first question to staff was what are the issues and why are we here meeting on this topic. After 2 meetings I don’t feel that these questions have been adequately answered. Staff seem to have been given marching orders and they are doing their best to come up with a solution to a problem I am not convinced exists.

The current LMC provides a great deal of flexibility when dealing with Lot combinations. It is not uncommon to see whole lot and lot fragments when dealing with plat amendments in the “H” zones. As an example, you recently approved an amendment at 1120 Empire. It is in the HR-1 zone and consists of two lots plus a fragment of a third. There is an existing non-historic home on the site. Applying the interim ordinance to this site just raises questions as to how an applicant might go about getting approval to combine these parcels. The home straddles all the parcels so any improvements to the home would require a plat amendment but the interim ordinance restricts this lot to the maximum allowed which would be two lots. The current code provided the flexibility to handle this amendment request with no issues.

A second example is my home on Upper Norfolk Ave. In the 1990’s we did a remodel that required a plat amendment. The home straddles three lots so we did a lot combination to combine these lots. Shortly after this time we acquired an adjacent lot. So, we have the parcel that combines three lots and a fourth adjacent stand alone lot. We would like to combine this lot with the existing parcel at some point. Under the interim ordinance I would not be able to combine this lot. The stand alone lot is a fragment since the HRL zone requires a two-lot minimum. LMC encourages Lot combinations to eliminate fragments. Again, the current code offers the flexibility to clean up this situation. The proposed code change only offers questions and complications.

Old town lot configurations are generally complicated. Trying to apply a cookie cutter approach in an effort to simplify lot configurations and try to limit building mass with the proposed code change will only complicate the application process and take away property owners’ current rights. The current code, that includes the design guidelines, has sufficient teeth to address massing that is in keeping with the intent of the general plan.

Please consider leaving the existing code regarding lot consolidation as is.

Thank you for your time and consideration.

Do not hesitate to contact me with any questions you might have.

Respectfully,

Jonathan DeGray, 105 Upper Norfolk Ave. 435-640-6914

