



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
February 22, 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.

MEETING CALLED TO ORDER AT 5:30 PM.

1. ROLL CALL

2. MINUTES APPROVAL

- 2.A Consideration to Approve Planning Commission Minutes from January 25, 2023
[01.25.2023 Minutes](#)

3. PUBLIC COMMUNICATIONS

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5. CONTINUATIONS

- 5.A **316 Woodside Avenue - SSCUP and CUP** - Applicant seeks to construct a new addition to an existing historic home on a steep slope and encroaching into the required lot setbacks. PL-21-05086 and PL-22-05483 (5 mins.)
(A) Public Hearing; (B) Action
[316 Woodside Avenue Continuation Report](#)

6. REGULAR AGENDA

- 6.A **1325 Empire Avenue and Parcel SA-200 - Plat Amendment** - The Applicant Proposes a Plat Amendment to Amend the Knudson Subdivision and Parcel SA-200 and Re-Subdivide the Vacant Lots into Four Lots to Eventually Construct Four Single-Family Dwellings. PL-22-05357 (40 mins.)
(A) Public Hearing; (B) Possible Recommendation for City Council
Consideration on April 4, 2023
[North Norfolk Plat Amendment Staff Report](#)
[Exhibit A: Ordinance No. 2023-XX - North Norfolk Subdivision](#)
[Attachment 1 - North Norfolk Plat Amendment](#)
[Exhibit B: Existing Conditions](#)
[Exhibit C: Property Photos](#)
[Exhibit D: Park City Survey](#)
[Exhibit E: Fire Access Easement](#)
[Exhibit F: 2014 Knudson Plat](#)
[Exhibit G: Resolution from 1980 re. Closure of Norfolk Ave](#)
[Exhibit H: 10-16-80 CC Minutes RE Norfolk Closure Resolution](#)
[Exhibit I: Resolution 11-82 Authorizing Norfolk Ave Property Trade](#)

[Exhibit J: 04-22-82 CC Minutes RE Property Trade](#)
[Exhibit K: Ordinance 14-03 Knudson Plat](#)
[Exhibit L: 2014 Staff Report](#)

6.B

1313 Park Avenue – Single-Lot Subdivision – The Applicant Proposes to Create a Lot of Record from an Existing Property in the Historic Residential Medium Density Zoning District. PL-22-05380 (20 mins.)

(A) Public Hearing; (B) Possible Recommendation for City Council
Consideration on April 4, 2023

[1313 Park Avenue Plat Amendment Staff Report](#)
[Exhibit A: Draft Ordinance No. 2023-XX](#)
[Exhibit B: Proposed Plat](#)
[Exhibit C: Original Park City Plat Map](#)
[Exhibit D: 1980 Building Permit](#)
[Exhibit E: Ordinance No. 07-48](#)
[Exhibit F: Setbacks Planning Director Determination](#)

6.C

Land Management Code Amendments – The Planning Commission Will Consider Possible Amendments to Land Management Code Sections 15-2.13-2, 15-2.14-2, 15-2.18-2, and 15-2.19-2 for Timeshares, Private Residence Clubs, and Fractional Use of Dwellings Units in the Residential Development, Residential Development Medium, General Commercial, and Light Industrial Zoning Districts. (40 mins.)

(A) Public Hearing; (B) Possible Recommendation for City Council's
Consideration on March 23, 2023

[Transient Use Land Management Code Amendment Staff Report](#)
[Exhibit A: Draft Ordinance No. 2023-22](#)
[Exhibit B: Ordinance No. 81-7 Enacting a Moratorium on Timeshares](#)
[Exhibit C: Ordinance No. 82-4 Regulating the Creation of Timeshare Projects](#)
[Exhibit D: Ordinance No. 04-39 Regarding Timeshares, Fractional Ownership, and Private Residence Clubs](#)
[Exhibit E: Approved Timeshares and Private Residence Clubs](#)
[Exhibit F: Public Input](#)

7. WORK SESSION

7.A

Land Management Code Amendments - The Planning Commission Will Consider Potential Amendments to Section 15-3-9 *Bicycle Parking Requirements* to Clarify Requirements for Outdoor Bicycle Parking and to Establish Enclosed Bicycle Storage Requirements for Multi-Unit Dwelling Developments and Developments that Generate Employees. PL-23-05563 (30 mins).

[Bicycle Parking Requirement Work Session Staff Report](#)

8. 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.

Planning Commission Agenda Item Report

Meeting Date: February 22, 2023

Submitted by: Levi Jensen

Submitting Department: Planning

Item Type: Minutes

Agenda Section: MINUTES APPROVAL

Subject:

Consideration to Approve Planning Commission Minutes from January 25, 2023

Suggested Action:

Attachments:

[01.25.2023 Minutes](#)



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 25, 2023**

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

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; Spencer Cawley, City Planner; Lillian Zollinger, City Planner; Jaron Ehlers, Planning Technician; Mark Harrington, City Attorney

1. ROLL CALL

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

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from December 19, 2022.

Commissioner Johnson requested a change on page 20 and noted that the referenced discussion was between himself and City Engineer, John Robertson, not between himself and Jon Nepstad.

MOTION: Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from December 19, 2022, as amended. Commissioner Christin Van Dine 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

Planning Director, Gretchen Milliken, reported that neither she nor Staff had any communications.

Chair Suesser addressed some of the comments the Commission received following last week's meeting. She stated that the meeting summary printed in *The Park Record* was prepared by

City Staff and edited by herself and Commissioner Hall, as Chair and Chair Pro Tem, respectively. While neither a formal positive nor negative vote was taken, the Commission found a consensus to forward the issue of the right-of-way vacation to the City Council with substantial qualifiers, concerns, conditions, and caveats with regard to the Circulation Plan for the Council to consider. The Commission did this so that the Council could move forward and make a legislative determination regarding whether there was sufficient good cause for a vacation of the right-of-way. Chair Suesser stated that if Council approves the vacation of the Right-of-Way ("ROW"), the Planning Commission would move forward with the Master Planned Development application, including continued review of the Circulation Plan and more public hearings in that regard.

Commissioner Sigg disclosed that with regard to the discussion on the Sensitive Lands Overlay Zone, he owns property in the current Sensitive Lands Overlay Zone.

Commissioner Frontero offered an additional comment regarding the Snow Park meeting the previous week. He would like the City Council to consider an alternative with regard to the determination of the right-of-way. He stated that Alterra Development requested that the City vacate 114,000 x 130 square feet, or roughly 2.6 acres of land to allow them to build the current application. He noted that this request did not have any alternative to completing the Master Planned Development without this Right-of-Way. He stated that the ROW lane is effectively at the base of the Deer Mountain and Deer Valley Resort and is very valuable land. Commissioner Frontero was not comfortable with the current alternatives and suggested that the City Council consider an outright sale of the 2.6 acres to Alterra Development. He calculated that the purchase price would be in the range of \$12 to \$15 million, and he would be happy to share how he arrived at this estimate at a later date.

If a sale were consummated, he would also like the City Council to consider putting those monies towards the Transportation budget to help mitigate the additional traffic calculated by the applicant to be an additional 2,276 daily trips. He stressed that these additional trips need to be further mitigated. He felt that an outright sale would give the City the funds with which to help with the mitigation of that additional traffic.

Commissioner Kenworthy asked for clarification of the number of additional trips and recalled that the Staff package included an estimate of an additional 230 daily trips. City Planner, Alexandra Ananth explained that this was likely the peak hour trips; whereas Commissioner Frontero cited the total trips. Chair Suesser asked Planner Ananth if the new development would generate over 2,000 additional daily trips. Planner Ananth offered to check the numbers but acknowledged that might be correct.

Commissioner Kenworthy asked to be informed of the dates that the application will go back to City Council. He believed that the Planning Commissioners would be allowed to go before the City Council to present these types of concerns. He wanted to be present when it goes back to the City Council for other ideas he had. He also asked when Homestake would be going back to the City Council. Director Milliken reported that there was not a definite date for Homestake at this point.

Chair Suesser felt it would be appropriate to include Commissioner Frontero's suggestion in any summary prepared by Staff for the City Council regarding the Planning Commission's remarks. Planner Ananth acknowledged this request and agreed to do so.

5. CONTINUATIONS

- A. 1305 Lowell Avenue - Conditional Use Permit - The Applicant Proposes to Install Concealed Rooftop Antennas and Associated Equipment to Increase Telecommunications Capacity Coverage in the Recreation Commercial Zoning District. PL-22-05449.**

City Planner, Spencer Cawley, reported that the applicant requested to continue the item to a date uncertain to allow the Owners' Association to give its consent to the project. He stated that the Owners' Association is Merritt Summit Lodge.

MOTION: Commissioner Johnson moved to CONTINUE 1305 Lowell Avenue – Conditional Use Permit, to a date uncertain. Commissioner Kenworthy seconded the motion.

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

6. REGULAR AGENDA

- A. 402 and 410 Ontario Avenue - Plat Amendment - Request to Create Two (2) Lots of Record, Removing the Internal Lot Lines Existing on the Lots Currently. PL-22-05331.**

Planner Ananth reported that the property owners of the two parcels, Sean Kelleher and Cameron Stacy, were present. She stated that the project consists of two lots off Ontario Avenue on the hill behind City Hall. One lot is currently vacant and the other lot is improved with a non-conforming duplex. The parcels were made up of three individual lots. 402 Ontario Avenue includes Lot 1 and the southern half of Lot 2 and is currently vacant. 410 Ontario Avenue consists of half of Lot 2 and all of Lot 3. She stated that the duplex on 410 Ontario Avenue is non-conforming as to use due to the fact that the deck and stairs cross the property lines. She added that there is an Encroachment Agreement with 402 Ontario Avenue and the City due to the fact that the retaining walls and stairs encroach into the City's ROW.

Planner Ananth reported that in 1997, 402 Ontario Avenue received approval for a Plat Amendment to combine its two lots, but the plat was not recorded and had since expired. She explained that the current proposal was to create two Lots of Record by removing the internal Lot lines, highlighted in blue on the graphic. One of the internal Lot lines ran under 410 Ontario Avenue. She advised that if approved, each Lot would be 2,800 square feet. Planner Ananth reported that the Plat Amendment will comply with the zoning district requirements for both lots, and any structure proposed for 402 Ontario will have to comply with Lot and Site requirements and would be subject to the Historic District Design Review ("HDDR") approval process. She added that the Planning Department found good cause as the Plat Amendment would remove the Lot line under 410 Ontario Avenue, and would allow for historic compatible development on 402 Ontario Avenue by creating a Lot of record.

In addition, she noted that 410 Ontario Avenue had previously received approval for the lot configuration being proposed in this application. No public input was received to date on this application. The Planning Department recommended the Commission hold a public hearing and consider forwarding a positive recommendation for City Council consideration on March 9, 2023, in accordance with the Conditions of Approval in the Draft Ordinance.

Commissioner Hall disclosed that she serves on the Board of the Community Foundation with Mr. Kelleher but noted that that will not affect her input on this application. She was unaware that Mr. Kelleher owned Green Monster, LLC.

Commissioner Kenworthy asked about the 50% clause in the Conditions of Approval. Planner Ananth explained that she drafted that condition thinking that if the owner performed a significant renovation, they would have to bring the house into conformance with current Code. Commissioner Kenworthy observed that would mean it would have to be turned into a Single-Family Residence. He also noted that the owner could clean up and remodel the structure within the shell and asked what would occur if the owner added a 100-foot addition outside of the envelope. Planner Ananth initially opined that a 100-foot addition would not trigger the value in the Conditions; however, she recalled that the Conditions of Approval read that the structure, or the non-conforming use, cannot be enlarged in any way. For example, they could re-build the non-conforming stairs but no enlargement of the current structure could occur and they would not need to get to 50% larger before requiring conformance.

Commissioner Johnson referenced a note regarding geotechnical and storm drain analysis being recommended at Building Permit and asked whether they should add that to Condition of Approval 8. Planner Ananth stated that current Condition of Approval 8 included the standard language requiring City Engineer review. She felt that the items requested by Commissioner Johnson would be typically required by the City Engineer for a new structure on that Lot. Chair Suesser requested that these items be specifically called out in the Conditions of Approval.

Commissioner Hall asked about Condition of Approval 10. Planner Ananth stated that she looked at the prior Conditions of Approval from 1997 and was thrown by the wording that any realignment of the staircase should be in accordance with the Building Code. She felt that the reason for that original Condition was that it encroaches on the abutting property not because the stairs do not meet Building Code. She and the Building Inspector went out to look at the stairs and felt that they complied. She felt it appropriate to strike Condition of Approval 10 given that the applicant has an Encroachment Agreement with the abutting property owner.

Chair Suesser asked about Condition of Approval 5 and stated she was looking for Conditional Approval for a Steep Slopes Conditional Use Permit ("CUP") prior to Building Permit submittal. Planner Ananth stated that she had not done a Steep Slopes determination; rather, that would be done at Building Permit and if a CUP is required it would be made at the time.

Chair Suesser referenced the chart in the Staff Report that Condition of Approval 5 covered development on the Steep Slopes. Commissioner Hall stated that Finding of Fact 25 referenced the Steep Slopes CUP prior to Building Permit submittal. Planner Ananth acknowledged the statement in the Staff Report that the slope is 36% and would require a CUP and stated that she would add that as a Condition of Approval.

Commissioner Hall asked if Chair Suesser would be agreeable to making Finding of Fact 25 a Condition of Approval. Chair Suesser wanted it reiterated as a Condition of Approval. Planner Ananth confirmed she would add that language to Condition of Approval 5.

Chair Suesser asked Planner Ananth how the Steep Slopes would be addressed in Condition of Approval 6. Senior City Attorney, Mark Harrington, felt it included a general reference to Land Management Code ("LMC") compliance. He observed that this was already affirmatively required and sometimes they add Conditions of Approval for purposes of notice and easier

tracking with the Plat. He saw no problem with setting out the requirement but felt that the chart was meant to reference LMC compliance being triggered by new construction as opposed to the ability to do remodels that would be inconsistent with the current Code under the non-conforming use section.

Chair Suesser observed that Steep Slopes was a sticky issue with the City, and wanted to call it out in the Conditions of Approval to ensure that it received the attention it deserves. There was discussion regarding whether there had been a Steep Slopes determination. Planner Ananth clarified that they determined that the slope was 36% and would definitely require a CUP for 402 Ontario Avenue; whereas, 410 Ontario Avenue might require a CUP if it were redeveloped. Chair Suesser clarified that 402 Ontario Avenue will definitely require a Steep Slopes CUP. A Steep Slopes CUP might be required for 410 Ontario Avenue if it was redeveloped. Planner Ananth confirmed and stated that she could tell that 410 Ontario Avenue was steep enough to require a CUP. She would add these determinations to Condition of Approval 6.

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

MOTION: Commissioner Van Dine moved to forward a POSITIVE recommendation of approval for the City Council's consideration on March 9, 2023, for 402 Ontario Avenue and 410 Ontario Avenue – Plat Amendment, based on the amended Findings of Fact, Conclusions of Law and Conditions of Approval contained in the Draft Ordinance as follows:

Findings of Fact

1. The properties are located at 402 and 410 Ontario Avenue.
2. The property is listed with Summit County as Lots 1, 2, and 3 of Block 58 of the Park City Survey.
3. 402 Ontario consists of Lot 1 and the southerly half of Lot 2 of Block 58 of the Park City Survey and is currently vacant.
4. 410 Ontario consists of the northerly half of Lot 2 and Lot 3 of Block 58 of the Park City Survey and is occupied with a non-conforming and non-complying duplex, with one unit on the upper floor and one unit on the lower floor.
5. The property is in the Historic Residential (HR-1) Zoning District.
6. The owners would like to create two Lots of record, removing the internal Lot lines existing on the total of three (3) Lots.
7. The existing non-historic structure at 410 Ontario Avenue was built in 1970.
8. On August 18, 1997, the Historic District Commission approved a Design Review of the non-historic structure at 410 Ontario Avenue to replace the failing foundation and reconstruct the rear of the structure.

9. On September 18, 1997, the City Council approved a plat amendment for 410 Ontario Avenue to combine 1.5 Old Town Lots into one 2,805 square foot Lot. The plat was never recorded for unknown reasons.
10. On November 7, 1997, despite lack of plat recordation, a Building Permit was approved for the structure with the following relevant Condition of Approval:
 1. This building is non-conforming. It is a duplex on a parcel less than 3,750 square feet. No expansion or additions may be made under this permit, only improvements of a structural or cosmetic nature.
11. In 1997, the City made a determination that the 1970 structure is nonconforming/non-complying and allowed the property owner to maintain the structure and duplex use over the years.
12. Two (2) railroad tie retaining walls and concrete steps to 410 Ontario Avenue encroach into the Public Right of Way (ROW) that the Applicant has recorded Encroachment Agreement #Entry No. 01198229 with Summit County.
13. The property owner of 410 Ontario Avenue has an Encroachment Agreement with the property owner of 402 Ontario Avenue for the encroachment of the existing deck and staircase.
14. The proposed Plat Amendment removes the internal Lot lines existing on the Lots currently to create two (2) Lots of record from three (3) Lots.
15. Both Lots will contain 2,815.5 square feet or 0.065 acres, respectively.
16. No easement is vacated or amended as a result of the plat amendment.
17. The LMC regulates Lot and Site Requirements for the HR – 1 Zoning District per LMC § 15-2.2-3.
18. A Single-Family Dwelling is an Allowed Use in the HR-1 Zoning District and requires a minimum Lot size of 1,875 square feet. The proposed Lot size for Lot A is 2,812.5 square feet.
19. A Duplex Dwelling is a Conditional Use in the HR-1 Zoning District and requires a minimum Lot size of 3,750 square feet. The proposed Lot size for Lot B is 2,812.5 square feet. The existing Duplex is a non-conforming Use and Structure.
20. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed width of both Lots is 37.5 feet.
21. The required front Setback for Lot depths of 75 feet is ten feet (10').
22. The required Side Setback is three feet (3').

23. In the HR-1 Zoning District, the Maximum Building Footprint = (Lot Area/2) x 0.9Lot Area/1875. The Maximum Building Footprint for both Lots is 1,200 square feet.
24. Building Height in the HR-1 Zoning District is 27 feet. The existing non-complying structure is 28 feet.
25. The average slope on Lot A is 36% and will require a Steep Slope Conditional Use Permit prior to Building Permit submittal.
26. Duplex Dwellings require four (4) parking spaces. No parking exists for the existing non-complying/non-conforming Duplex at 410 Ontario Avenue.
27. The findings in the Analysis section of the Staff Report are incorporated herein.

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 on Lot A to be approved by the Chief Building Official.
4. A non-exclusive ten-foot (10') public snow storage easement on Ontario Avenue shall be dedicated on the Plat.
5. Any new development on Lot A must comply with the Land Management Code and requires Historic District Design Review. The average slope on Lot A is 36%

and will require a Steep Slope Conditional Use Permit prior to Building Permit submittal.

6. The Owner of 410 Ontario Avenue may repair or maintain the existing Structure provided that such repair or maintenance shall neither create any new noncompliance nor shall increase the degree of the existing non-compliances with the LMC. The Owner may maintain and remodel the existing Duplex Dwelling. Should more than 50% of the Gross Floor Area of the Structure be demolished, the Structure shall be brought into compliance with the Land Management Code at the time of application. As this site does not meet the minimum Lot Size requirements or parking requirements for a Duplex Dwelling, the Use will also need to be brought into compliance with the LMC at the time of application. The Owner may maintain the existing Use of the site as a Duplex, but any deviation, expansion, or demolition of the existing Structure from this Use will need to come into compliance with the requirements of the HR-1 Zoning District at the time of the application. Based on the determination that the slope on 402 Ontario Avenue is 36%, any development will require a Conditional Use Permit. In addition, 410 Ontario Avenue is steep enough to require a Conditional Use Permit if it were redeveloped.
7. If 410 Ontario remodels more than 50% of the existing structure or redevelops the site as a SFD, parking requirements in place at the time of building permit application shall be met.
8. City Engineer shall review and approve all Lot grading, utility installation, public improvement, geotechnical, storm drain, and drainage plans for compliance with City standards prior to issuance of any building permits.
9. The Plat shall note that these Lots are subject to Ordinance 2023-Xx.

It was clarified that the date for the City Council review was March 9th, not March 2, 2023, as stated in the Agenda.

Commissioner Kenworthy seconded the motion.

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

B. 7979 Roamer Court - Plat Amendment - The Applicant Proposes Amending the Platted Building Pad to Reflect Current Built Conditions and to Accommodate the Addition of A Garage and Deck Extension. PL-22-05456.

Planner Cawley reported that the applicant's representative, Marshall King with Alliance Engineering was present. He stated that 7979 Roamer Court was Unit 9 of The Bald Eagle at Deer Valley. It is located in the Residential Development ("RD") Zone and is part of the Deer Valley Master Planned Development ("MPD"). He reported that the property is surrounded by various ski runs and trails, and accessed through Bald Eagle Drive and Roamer Court, both of which are private roads.

Planner Cawley presented images of the front and rear of the property to illustrate the existing conditions. He explained that the Bald Eagle Community Condominiums Conceptual MPD was

approved in May 1989 and the final Plat was approved later that year. In 2004, a prior owner added an addition to the rear of the structure that was outside the platted building pad. Staff confirmed this through an archived Building Permit.

Planner Cawley explained that this application proposed to adjust the Building Pad to reflect existing as-built conditions and to adjust the Building Pad to allow for a potential future addition to the existing structure. He presented a graphic that illustrated the existing Building Pad in red and the proposed Building Pad in blue. The area that would remain unchanged was highlighted in purple.

Staff found that the proposed Plat Amendment complies with the RD Zoning District requirements. Single-Family Dwellings are an allowed use in the zone and the proposal met or exceeded the Setbacks. He explained that the Front and Rear Setbacks were 15 feet, and the Side Setbacks were 12 feet. The applicant proposed Front and Rear Setbacks of 15 feet and Side Setbacks of 20 feet.

Planner Cawley stated that Building Height requirements are 28 feet from Final Grade; therefore, Staff included Condition of Approval 4 stating that any addition to the existing structure shall not exceed the zone height of 28 feet from Existing Grade. He also noted that the proposal complies with the Sensitive Land Overlay ("SLO") criteria found in LMC Chapter 15-2.21. Development in the Sensitive Land Overlay looks at development as it impacts slopes, ridgeline areas, vegetative coverage, entry corridors and vantage points, wetlands, streams, canals, and other things. Because this was an existing site where the Limits of Disturbance were set, and the proposed Building Pad would not go beyond those existing Limits of Disturbance, the application complies with the SLO criteria.

Planner Cawley noted, however, that if the applicant moved forward with the proposed addition to the garage there could be impacts to the slope, which would be reviewed by the Engineering Department as part of the Building Permit application process. The Engineering Department would require geotechnical reports and look at such issues as stabilization. He commented that any addition would likely trigger the Wildland-Urban Interface ("WUI") Code for fire protection and mitigation. He reported that the proposal complied with the Bald Eagle Club at Deer Valley Plat requirements. This Plat specifically called out utility and drainage easements, platted trails, and private roads. None of these would be amended as part of this proposal.

Within the existing conditions, he stated that there was a portion of the driveway that crossed property lines into the neighboring property. The applicant stated their intent to increase the width of the driveway to aid ingress and egress. He reported that the applicant intended to remove the encroachment as part of this reconfiguration. Staff included a Condition of Approval requiring that the encroachment would be corrected upon completion of updating the driveway configuration; otherwise, the applicant would be required to enter into an encroachment agreement with the neighboring property and record that agreement prior to recordation of the Plat.

Staff found good cause for the Plat Amendment because it would reflect the as-built conditions of this Single-Family Dwelling, would not increase the density allowed on the Lot, and the Building Pad square footage would remain the same. He explained that with the areas proposed to be removed and added, the square footage would remain at 7,963 square feet. In addition, no public ROW will be vacated or amended, and he indicated that the access roads were all private. Further, no easement would be vacated or amended.

Planner Cawley reported that the Development Review Committee reviewed the application on January 3, 2023, and did not identify any issues. Staff did not receive any public input prior to this meeting. He requested the Commission review the Plat Amendment, hold a public hearing and consider forwarding a positive recommendation for City Council's consideration on February 16, 2023.

Commissioner Hall referenced Condition of Approval 5 and the language that "the Applicant shall correct the encroachment into the abutting property upon completion of updating the driveway configuration." She asked if this was required prior to recording the Plat. Planner Cawley confirmed. Commissioner Hall requested this Condition be stated as one sentence prior to recordation of the Plat. Planner Cawley stated he would make this clarification.

Commissioner Kenworthy asked if the Homeowners Association ("HOA") weighed in on this application. Mr. King stated that the HOA is currently evaluating the proposal. He had been working with the HOA representative who handles these requests and had provided everything the HOA requested. He noted that the architectural plans were not completed but would also be presented to the HOA upon completion. Mr. King represented that thus far, the HOA had not identified any problems or concerns with this application.

Chair Suesser requested that the wording in Condition of Approval 5 be changed to reflect that the encroachment was being removed rather than corrected.

Commissioner Kenworthy asked if the application required HOA approval. Mr. Harrington stated that it may or may not be in the CC&Rs, but the Code did not require HOA approval.

Commissioner Frontero asked Planner Cawley to further explain the diagram with the red and blue highlighting.

Commissioner Johnson asked if the applicant had identified where the potential expansion would be located. Planner Cawley explained that the area outlined in red depicted the existing Building Pad that the owner was allowed to build in. He identified the location of the addition constructed in 2004. He added that the applicant sought to remove the part of the Building Pad where nothing is built, and then add it back to encompass the 2004 as-built. In addition, the applicant would be adding to the garage. There was discussion as to the location of the garage and the driveway.

In response to an inquiry, Planner Cawley stated that the driveway was not considered part of the Building Pad.

Commissioner Johnson observed that the potential expansion would be to the left of the retaining wall and go into the hillside where it could potentially impact some of the Significant Vegetation. He sought clarification that as part of the Building Permit process, this would be analyzed by the Engineering Department. Planner Cawley confirmed that the Engineering Department will analyze any slope stabilization or geotechnical issues. He stated they could add a Condition of Approval for replacement of Significant Vegetation.

Commissioner Johnson suggested doing something similar to what was done on the last application where they laid out the parameters for what would be required for issuance of the Building Permit. This would include geotechnical and slope stabilization. Chair Suesser

observed that it might require a Steep Slopes CUP as well. Planner Cawley did not believe it would require a Steep Slopes CUP.

Director Milliken stated that the Steep Slopes CUP would be analyzed at the time. She also pointed out that this property will be required to come into compliance with the WUI Code, which has limits on how close vegetation can be to the property. She noted that removing the Significant Vegetation might help bring the property into compliance with the WUI Code as well. There was discussion about the distance required under the WUI Code, and Planner Cawley recalled that at the last meeting, it was stated that the distances were 5 feet and 30 feet, depending on the area.

Chair Suesser asked about the dimensions of the potential expansion into the hillside, and she questioned why they would approve that now. Mr. King stated that it would be approximately 15 feet and explained they would be adding a one-car garage. He also stated that they would have something similar to what is there now, it would just be pushed more into the hillside. He noted it would not be obtrusive and likely not visible from the ski run. Vegetation would remain between the ski run and the proposed addition.

Mr. King added that the applicant was looking at adding a one-car garage with an office over the garage and widening the driveway. He reported that when he visited the site, a person had difficulty getting out of the driveway and kept bumping into the curb. He noted that the driveway is approximately 11 feet wide currently and it is difficult to back out and turn at the same time. This was another reason why the owner wanted to widen the driveway.

Commissioner Sigg asked if the service providers were made aware of the proposed changes. Planner Cawley stated that as part of the Development Review Committee, the Park City Fire District reviewed the application and did not have any concerns with access for emergency vehicles. The Fire Marshal would review this application at the time of Building Permit review.

In response to an inquiry from Commissioner Sigg, Mr. King confirmed that the retaining wall is an engineered wall. Mr. King believed that the intent was to continue using the wall and possibly slide it over. Commissioner Sigg asked if the retaining wall was in any way affixed to the foundation wall for the house. Mr. King did not believe it was affixed because there are stairs in between the existing garage and that wall. He noted he had not yet seen any construction plans but felt sure in his representations.

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

Commissioner Sigg asked how it came to be that the prior addition was constructed outside the Building Pad. Planner Cawley stated that a 2004 Building Permit stated it was approved, but did not state why it was approved and allowed outside the Building Pad.

Chair Suesser observed that this future addition would be outside the Building Pad and this application sought to expand the Building Pad into the hillside. She queried whether they could approve the change in the Building Pad to reflect the as-built condition without adding the potential expansion. Planner Cawley confirmed that was an option.

Chair Suesser added that when plans were proposed, they could look at a more complete picture prior to approving a Plat Amendment to reflect an addition to the garage.

Mr. King explained that the impetus for this application was to put in the garage and they wanted to bring the 2004 addition into compliance as well. He felt there was no reason to not accomplish these goals at the same time.

Commissioner Hall asked if Commissioner Johnson wanted to add language regarding replacement of Significant Vegetation or if he felt the Code was sufficient. Commissioner Johnson felt the Code was sufficient.

Chair Suesser stated there might not be a reason to do the Plat Amendment until they look at the plans for the expansion.

Commissioner Johnson considered it unfortunate that the 2004 addition fell outside the Building Pad and commented that it appeared that they had intentionally kept the location of the Building Pad to reduce going into the slope. He stated that it would ultimately be part of a later discussion of tightening the Sensitive Land Overlay requirements. He noted that a lot of soil would have to be removed to add another garage on this site, and it could potentially impact the vegetation next to it.

Commissioner Frontero referenced the Staff Report that stated the applicant had not compiled a Sensitive Lands analysis and asked why they had not. He asked if they could condition that to be done. Planner Cawley stated they could condition that, and explained that typically they look at Sensitive Land Overlay for impacts from development. He stated that Staff did not ask for SLO submittals because the request for this addition was outside of the application for the Plat Amendment.

Commissioner Hall asked if the triangle not being used on the site was steeper than the area proposed. Mr. King stated that anytime one sees lines closer together, it means that location is steeper. Commissioner Hall observed that the triangle at the top of the graphic is actually the steepest portion of the property and the applicant was relocating the Building Pad to be on a less steep slope. Planner Cawley confirmed that was the case.

Commissioner Sigg assumed that opposite where the driveway comes in, the Lot line in the corner of the new addition was the rear property line. Planner Cawley noted that the rear property line setback is 15 feet. Commissioner Sigg wanted to ensure that the corner fell within the allowed Setbacks. Planner Cawley explained that the proposed Building Pad would put it at 15 feet for the Rear Setback.

Commissioner Frontero requested a Condition of Approval requiring a Sensitive Lands analysis to accompany any development plans on this new Plat. Planner Cawley asked if he wanted the Sensitive Lands analysis to accompany the Building Permit, or submitted prior to recordation of the Plat. Commissioner Frontero felt that submitting the Building Permit would be more appropriate.

In response to an inquiry, it was stated that the Sensitive Lands analysis would be reviewed and analyzed by the Planning Department. Chair Suesser asked Commissioner Frontero why he would want this analysis done and felt that the Condition should be specific about the purpose for requiring a Sensitive Lands analysis.

Commissioner Frontero referenced the Staff Report wherein, “the proposed development is located within the Sensitive Land Overlay...” and then described the LMC. He stated that the provision of a Sensitive Lands analysis was written in the Code. Since the proposed development was in the SLO, and LMC Section 15-2.21-2A requires an applicant to “provide at time of application a Sensitive Lands analysis...” he proposed that this be specified as a Condition of Approval. He understood that by approving this Plat, the applicant would thereafter submit a development plan. He wanted to condition in advance that the development plan would need to be accompanied by a Sensitive Land analysis. He felt that the Code required a Sensitive Lands analysis for any development in an SLO, and prior to constructing the additional garage, he would like to see this analysis and felt it was well within the Code, without any further explanation.

Chair Suesser understood that the proposed application for the addition would not come before the Planning Commission and would go through Administration approval and the Building Department. Commissioner Frontero felt they could condition it with this application. Planner Cawley stated that if the Commission wanted to review the SLO analysis, then it would have to happen before recordation of the Plat. Alternatively, if the Commission wanted Planning Staff to review it as part of the Building Permit phase, then they could include a Condition of Approval that it shall accompany any development plans at the permit phase and shall be reviewed by the Planning Department. Commissioner Frontero was agreeable to the latter alternative.

Commissioner Hall referenced the statement in the Staff Report, on page 4 that “Any construction on the site will require Engineering Department review of slope stabilization as part of the Building Permit review process.” She noted the Staff Report stated it complied because that was the default process, and this Condition of Approval would simply reiterate the current process. Planner Cawley agreed.

Commissioner Sigg referenced the site plans and the grade walls that go off the property at the encroachment area, and also on the area where they appear to be holding some kind of grade that might be preventing drainage onto the driveway. He mentioned that at the encroachment corner, he observed a wall or some feature that encroaches onto another property. He felt that at two locations there were site features that extended beyond the property line. Mr. King stated that the first area referenced by Commissioner Sigg was a seating area in which the previous owner constructed a BBQ pit with a small seating area. The applicant planned to remove that BBQ pit area and noted that it encroached on Deer Valley property. He stated that this area’s purpose was not to retain soil because it is essentially the same as the hillside all along the south line.

With regard to the area near the driveway, Mr. King believed that it sloped down, and he felt that a retaining wall held up some of the driveway when it was originally installed. He stated that as one goes back toward the home, this wall gets steeper and taller. To remove that, there could be some compromise of the slope, as its primary purpose appeared to be to hold up the slope for the driveway.

In response to an inquiry, Mr. King stated that to his knowledge, this survey was the only one he had seen that showed these encroachments. He did not know whether any of these were recorded with the Recorder’s Office.

Commissioner Sigg asked about the legal ramifications of these encroachments and asked if they will stand even if there were no surveys on those other properties. Mr. Harrington stated

they could look into this further if requested by the Commission. He mentioned that the Condominium Plat has a common area that is broader than normal property lines. Therefore, the Building Department might have affirmatively allowed those because of the common area components. He added that in that sense, it would not be as acute of an encroachment because of the interplay of the common area. Mr. Harrington added that these were unique in that the unit sites were the lots as opposed to the structures, and then they conform the private elements to the structures as-built. He noted that the applicant did not propose to modify this Lot line, therefore, he would have to look into it further to determine if they needed an additional Condition of Approval. If the title report did not reflect this, and the HOA was not raising it in the public hearing, he was not too concerned about it.

In response to an inquiry, Mr. King advised that the next property down is Deer Valley property. The only abutting Bald Eagle Unit Lot was at the driveway, and the rest was Deer Valley ski runs.

Commissioner Hall asked if Commissioner Sigg proposed to amend Condition of Approval 5 to state that the applicant should either remove the BBQ pit or enter into an encroachment agreement with the abutting neighbors. Commissioner Sigg felt that would clean it up and put it on record. He felt if they were cleaning up one encroachment, it would be wise to clean them all up. Commissioner Hall supported this amendment.

Chair Suesser focused on the retaining wall shown on the bottom left corner of the property. Mr. King stated that the retaining wall will likely remain as the applicant does not have plans to do anything in that area. Chair Suesser observed that if they grant the Plat Amendment to allow for the garage extension that would require the removal of that rock wall and installation of an additional retaining wall. Mr. King stated that the wall next to the driveway would be pushed back and adjusted to go into the new addition. He further explained that the east end of the retaining wall that snakes through the rock wall would likely abut into the garage addition. The garage itself would help retain the soil in that area, and the current retaining wall would cut-off where the new addition came in, and would abut with the garage addition.

Chair Suesser asked if the addition built outside of the Building Pad was in an SLO as well. Planner Cawley stated the entire property fell within the SLO analysis.

Commissioner Johnson was comfortable with the additional Conditions and was prepared to move forward. Commissioner Van Dine agreed. Chair Suesser suggested this item be continued to allow the Commission to review the anticipated location of the new retaining walls and the determination of how much of the SLO would be impacted. Commissioner Van Dine reiterated her agreement with Commissioner Johnson. Commissioner Johnson agreed that it would be nice to have some architectural plans, but remained comfortable moving forward given the added Conditions of Approval.

Mr. Harrington requested clarification of the changes to the Conditions. Planner Cawley advised the following:

- Condition of Approval 5 was amended to state that the applicant shall “remove the driveway encroachment” into the abutting property, rather than “correct the encroachment”;

- Language would also be added to Condition of Approval 5 regarding the removal of the rock wall that also encroaches into the abutting property, as well as the removal of the fire pit and associated rock walls that abut into the Deer Valley property;

Commissioner Hall commented that they could include all three encroachments including the driveway, the retaining rock wall on the north side, and the BBQ retaining wall, and state that they all need to be removed or have an Encroachment Agreement in place prior to recordation of the Plat.

Director Milliken stated they would add an additional Condition of Approval to address Commissioner Frontero's request to have SLO review prior to the Building Permit. Planner Cawley added Condition of Approval 7, and read it as follows: "A Sensitive Lands analysis shall accompany any development plans at the Building Permit phase, and shall be reviewed by the Planning Department."

Chair Suesser asked if there would be a compliance component to the SLO analysis. Planner Cawley explained they would look at the criteria in the LMC and do the analysis based on those criteria for compliance. They would need to work with the Engineering Department for slopes and any stabilization. He stated that they will address vegetative coverage as well, and specifics for the Wildlife Habitat areas. He noted that this particular area does not have any wetlands, streams, or irrigation ditches, so some parts of the analysis would be inapplicable; however, those elements that are applicable will be reviewed and Staff would look for compliance.

Chair Suesser asked that the following be added to Condition of Approval 7: "...shall be reviewed for compliance by the Planning Department."

Mr. Harrington recommended the following: "...permit phase, subject to review and approval by the Planning Department."

Mr. King clarified that the retaining wall was the retaining wall adjacent to the north side of the driveway.

Chair Suesser asked Commissioner Johnson if he had any further input on Condition of Approval 7, given his work on Code revisions on this issue. She asked if he read this Condition as allowing for a rejection of the plans based on the impact on the Sensitive Land Overlay. Commissioner Johnson did not think so based on how the Code was currently written.

Mr. Harrington commented that the Code distinguishes between pre-Building Permit and Planning Commission review. He stated that if the Commission was concerned about the SLO and did not want to delegate the review, he would recommend the Commission request the information now, which could require a continuance. He stated that the Code defined development permit application to not include Building Permit unless it was otherwise conditioned, which this Condition would satisfy. He noted that this would kick the can to that point and the Commission would not review it. He reiterated that if the Commission was concerned about the analysis and wanted to review it, the Commission could request further information. They could also rely on Staff to review the analysis, and he highlighted that Staff review could result in denial of the Building Permit if the proposal implicated the standards. He added that they could include language in Condition of Approval 7 that "Building plans

inconsistent with Section 15-2 on Sensitive Lands Overlay, may be denied.” This would make it clear that the Building Permit would still be subject to that review.

Chair Suesser recommended including the additional sentence so that this Condition would have some teeth to it such that it is clear that it would not just be a review; she wanted language that the Building Permit could be denied if it ran afoul of the SLO.

Commissioner Johnson felt they were on the right track, and agreed that the current version is not clear. Chair Suesser stressed that the property was already determined to be Sensitive Land, so they would not have to go further to address a species that might be found there. She felt that if they were allowing the applicant to build into it, there should be a limitation.

Commissioner Hall felt that the Staff Report was not as thorough as it could have been with regard to the SLO; however, she felt there was already an analysis contained in the Staff Report. She was satisfied because of the Code, and the fact that the Engineering Department would have to sign off on the slope stabilization portion of the Building Permit. She felt that having Engineering, the Planning Department, and the Building Department look at the plans was sufficient and calling specifics out would be somewhat redundant. She felt comfortable with the Conditions ‘as is’ but would be agreeable to making the wording really clear for the applicant.

Chair Suesser felt that a majority of the Commission was concerned about the Sensitive Land Overlay that would be impacted by the expansion. She stressed that they would be expanding the Building Footprint into the hillside for a site that had already violated the Building Pad into a Sensitive Land Overlay. By approving this, they would potentially be recommending another jut out into the Sensitive Lands, so she felt that clarifying this in the Conditions was appropriate. Mr. Harrington suggested the following language: “The Planning Department shall deny any permit inconsistent with Chapter 15-2.21-2A.”

Chair Suesser wanted a better look at the proposal, and reiterated her preference for a continuance, even with the added language. She understood that a majority of the Commission was comfortable with the Ordinance as amended. Mr. Harrington reminded the Commission of the public hearing and suggested removing “A” from the LMC reference.

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

MOTION: Commissioner Johnson moved to forward a positive recommendation for City Council’s consideration on February 16, 2023, based on the Findings of Fact, Conclusions of Law, and Amended Conditions of Approval, outlined in the Draft Ordinance as follows:

Findings of Fact

Background:

1. The property is located at 7979 Roamer Court.
2. The property is listed with Summit County as Parcel number BEC-9.

3. The property is in the Residential Development Zoning District.
4. The Bald Eagle Club at Deer Valley is part of the Deer Valley Master Planned Development.
5. The Bald Eagle Community Condominiums conceptual Master Planned Development was approved by the City Council on July 20, 1989.
6. The Bald Eagle Club at Deer Valley Final Plat was recorded with Summit County on August 3, 1989.
7. An addition to the site's existing Single-Family Dwelling was completed in 2004 and built outside the platted Building Pad.
8. The Applicant proposes amending the plat and modify the Building Pad to reflect existing as-built conditions and to accommodate a future addition to the garage.
9. The existing Building Pad contains 7,936 square feet.
10. The proposed amended Building Pad contains 7,936 square feet.
11. The existing driveway crosses the property line common to Unit 9 (7979 Roamer Court) and Unit 8 (7991 Roamer Court).
12. The Land Management Code regulates Lot and Site Requirements per LMC § 15- 2.13-3.
13. A Single-Family Dwelling is an allowed Use in the Residential Development Zoning District.
14. The required Front Setback is 15 feet.
15. The required Side Setback is 12 feet.
16. The required Rear Setback is 15 feet.
17. The maximum Building Height in the Residential Development Zoning District is 28 feet from Existing Grade.
18. The proposal complies with the Sensitive Land Overlay Zone Regulations.
19. The proposal complies with the Bald Eagle Club At Deer Valley Plat requirements.
20. There is Good Cause for this Plat Amendment.
21. No Public Street or Right-of-Way is vacated or amended.

22. No easement is vacated or amended as a result of the plat amendment.
23. Staff published notice on the City's Website, the Utah Public Notice Website, and posted notice to the property on January 11, 2023.
24. Staff mailed courtesy notice to property owners within 300 feet on January 11, 2023.
25. *The Park Record* published notice on January 11, 2023.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.13, Residential Development (RD) District, LMC Chapter 15-2.21, Sensitive Land Overlay Zone (SLO) Regulations, 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 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 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. Any addition to the existing Structure shall not exceed the zone height of 28 feet from Existing Grade.
5. To address the encroachments at the driveway, the retaining rock wall on the north side, and the BBQ retaining wall, the Applicant shall either remove the encroachments into the abutting property upon completion of updating the driveway configuration, or the Applicant shall enter into encroachment agreements with the neighboring property owners and record the agreements with Summit County prior to recordation of the plat.

6. City Engineer 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.
7. A Sensitive Lands analysis shall accompany any development plans at the Building Permit phase, and shall be reviewed and approved by the Planning Department. The Planning Department shall deny any permit inconsistent with Chapter 15-2.21-2.

Commissioner Van Dine seconded the motion.

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

C. 103 Alice Court - Steep Slope Conditional Use Permit - The Applicant Proposes to Construct a New Single Family Home on a Steep Slope in the Historic District (HR-1) Zoning District. PL-22-05421

City Planner, Lillian Zollinger reported that the Alice Claim Subdivision took a long time to approve. The process began in 2006, and in 2018 the City Council adopted the Ordinance that approved the Alice Claim Subdivision. She stated that this was the first proposed construction of a new Single-Family Dwelling on Lot 6 in that Subdivision. The Lot is 4,510 square feet, of which approximately 1,400 square feet of the dwelling would be constructed on a Steep Slope with an average slope of 32.1%.

Planner Zollinger stated that because the Lot is over 3,750 square feet in size and more than 200 square feet of that was located on a Steep Slope, it required Planning Commission review of the Steep Slopes CUP. She reported that the proposal was found to be compliant with LMC Chapter 15-2.2-3, wherein the Lot requirements for a Single-Family Dwelling were satisfied with a 4,500-square-foot lot. She stated that this Lot required a 15-foot Front and Rear Setback, as well as five-foot Side Setbacks. She added that the Maximum, and proposed Building Footprint, was 1,750 square feet.

Planner Zollinger stated that the proposal was also found to be compliant with the height requirements pursuant to LMC Chapter 15-2.2-5. She explained that with a 10-foot step down in the front façade, the Building Height would be 27 feet or less from Existing Grade, and would be 35 feet from the interior of the base level to the top roof level. She added that the required roof pitch was 7:12 or greater, and the applicant proposed 7:12.

Additionally, the proposal was found to be compliant with LMC 15-2.2-6; however, pursuant to subsection C of that section, the Planning Commission may address Building Form and Scale, Setbacks, Dwelling Volume, Building Height, and Steep Slopes to reduce the impact of a cut into the hill. She stated that the application was reviewed by the Design Review Team several times, and found to be compliant. The second to last proposal contained a two-car garage, and the applicant chose to reduce that to a one-car garage, which will reduce the amount of paved substance required at the front and allow for more natural landscape and grade to the right side. She noted that the applicant also chose to remove some side retaining walls and install some egress windows instead; as a result, there would be one big retaining wall at the rear for outdoor living space.

Planner Zollinger stated that the location of the dwelling on this Lot would not impact any existing Significant Vegetation. She highlighted that the application was reviewed by the Development Review Committee and reported that the Building Department required fire sprinklers for new construction, as well as a Construction Mitigation Plan. The Engineering Department required information regarding soils; lot grading; utility installation; public improvements; drainage plans; a geotechnical report; and final slope stability. In addition, the Engineering Department required additional slope stabilization details and drainage, a landscaping bond, and temporary shoring, if needed, during construction.

Planner Zollinger reported that the Development Review Committee reviewed the application on December 6, 2022, and identified the previously identified Conditions. On January 11, 2023, Staff published notice on the City's website, the Utah Public Notice website, posted notice to the property, and mailed courtesy notices to property owners within 300 feet. *The Park Record* also published notice on January 11, 2023. She noted that Staff had not received any public input to date. She stated that the Planning Commission may approve the Steep Slopes CUP application, may deny the application and direct Staff to make findings for the denial, or the Planning Commission may request additional information and continue the item to a date certain.

Staff recommended the Commission review the Steep Slopes CUP, conduct a public hearing, and consider approving the proposal based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action letter.

Chair Suesser asked if the 35-foot maximum interior height was consistent with the Historic Residential District. Planner Zollinger responded that this height limit was specific to the Historic Residential – 1 ("HR-1") Zone per the LMC. She also confirmed that the 35-foot interior height was allowed in the Historic District in Old Town.

Commissioner Johnson struggled with the Steep Slopes and asked Planner Zollinger to explain how the graphic represented the Existing Grade in relation to the height of the proposed development. Commissioner Johnson noted that it was labeled on plan sheet A3.02 as a 27-foot offset. Planner Zollinger explained that the measurement was calculated by subtracting the height of the fascia to the closest line. She further explained that the 27' offset shown on plan sheet A3.02 was the measurement from Existing Grade. Commissioner Johnson referenced plan sheets A3.03 and A3.04 and stated he was having difficulty with the relation to Existing Grade and what the lines represented.

Planner Zollinger pointed out the line that represented 27' from Existing Grade; however, she noted that it was tricky when looking at a side elevation because it is only displayed as two-dimensional. Although the grade from the front view might appear to go a certain way, it could also go a different way on different elevations. Therefore, the focus should be on the roof over topography from which the actual distance could be measured. She added that from the side view elevation, one could measure the 35 feet from the base plate to where the rafters sit.

Bill Van Sickle from AIA identified himself as the Architect who prepared the plans. He explained that the lines were representative of the height at that wall face, and the best way to represent it in 2-D is at the closest wall plane on the house. Even though one drawing might appear to be well over 27 feet that is beyond which is why they use roof-over topography as well. He added that there was no way to balance it off the depth of the structure itself because there are two slopes on this Lot.

Commissioner Johnson stated that the explanation was helpful, and he felt it would have helped to have an actual photograph with the 3-D model simulated into it for the visual analysis.

Chair Suesser asked if the applicant anticipated excavating the entire Lot and installing a retaining wall at the rear. Planner Zollinger advised that the entire Lot would not be excavated, but a significant portion of it would be and she referenced a drawing that showed the location of the planned retaining wall.

Commissioner Sigg asked if there was an exhibit that showed the 1,400 square feet that would fall within the Steep Slope. Planner Zollinger stated they did not have an exhibit showing that. Commissioner Sigg stated that before looking at something that is over 30%, he would like to see if the Lot had been utilized to its fullest potential on a land area that is not above 30%. He referenced the Site Plan and noted the parking area in front of the garage and the extension of the driveway beyond the Lot line. Planner Zollinger explained that the driveway will have to extend past to reach the Right-of-Way, and added that driveways can go through a Setback. The building itself was setback as far as it could be at this point. She noted the Setback at that location was 15 feet.

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

MOTION: Commissioner Kenworthy moved to APPROVE 103 Alice Court – Steep Slope Conditional Use Permit, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter as follows:

Findings of Fact

1. The Site is located at 103 Alice Court, Lot 6 of the Alice Claim Subdivision, and is a vacant lot.
2. The Site is located within the Historic Residential – 1 (HR-1) Zoning District.
3. The Applicant proposes construction of a new Single-Family Dwelling (SFD) on the vacant lot.
4. The new SFD proposes an excess of 200 square feet located on an existing Slope of thirty percent (30%) or greater, therefore, a SSCUP application is required.
5. In conjunction with the SSCUP, the Applicant submitted a Historic District Design Review (HDDR) Application (PL-22-05260). The HDDR Application approval is subject to the approval of this SSCUP.
6. 103 Alice Court is located on an uphill lot with an average slope of 31%.
7. 1,452 square feet of the SFD will be constructed on a steep slope with an average slope 32.1%. The minimum Lot size in the HR-1 Zoning District is 1,875 square feet. Lot 6 of the Alice Claim Subdivision contains 4,510 square feet.

8. The minimum Lot width in the HR-1 Zoning District is 25 feet. Lot 6 of the Alice Claim Subdivision is 41.91 feet wide at the front and 44.7 feet wide at the rear.
9. The maximum building footprint in the HR-1 Zoning District for a Lot that is 4,510 square feet is 1,750 square feet. The proposed building footprint is 1,750 square feet.
10. Minimum front and rear setbacks for Lots over 100 feet long are 15 feet in the HR-1 Zoning District. The proposed SFD meets a 15-foot setback for both the front and rear setbacks.
11. Minimum side setbacks for Lots up to 50 feet in width are five feet in the HR-1 Zoning District. The proposed SFD meets a five-foot side setback for each side.
12. The maximum building height is 27 feet from Existing grade in the HR-1 Zoning District. The proposed maximum building height is 27 feet from existing grade.
13. The HR-1 Zoning District requires a ten-foot minimum horizontal step in the downhill façade. The proposed SFD steps back at least ten feet at 24 feet and two inches from the lowest point of existing grade.
14. Final Grade must be within four feet of existing grade in the HR-1 Zoning District. The proposed final grade is within four feet of existing grade.
15. Structures cannot exceed 25 feet from the lowest finish floor plane to the point of highest wall top plate that supports the ceiling joists or roof rafters in the HR-1 Zoning District. The proposal has an interior height of 35 feet, as defined.
16. The roof pitch for the Contributing Roof Form must be between 7:12 and 12:12 in the HR-1 Zoning District. The proposed Contributing Roof Form is 7:12.
17. The Planning Commission reviews SSCUPs for a Lot that is greater than 3,750 square feet.
18. The proposal is located and designed to reduce visual and environmental impacts of the Structure.
19. The proposal will not be viewable from Vantage Points and mostly screened from existing grade and vegetation for erosion mitigation.
20. The proposed driveway is 12' wide and access to a tandem garage minimizes the width and impact on natural topography.
21. The proposed terracing is required to construct the structure, but minimized to maintain Natural Grade where possible.

22. The proposed cut location requires minimal egress windows and retaining walls that reduce the impact on the site.
23. The building scale is compliant with the grade of the site, and the design is compliant with Historic District Design Guidelines.
24. The proposal is compliant with setbacks, and does not require significant exceptions be granted to construct.
25. The volume of the dwelling is compliant with the size and height of the lot.
26. The proposal does not exceed the allowable building height.
27. Staff published notice on the City's website and posted notice to the property on January 10, 2023.
28. Staff mailed courtesy notice to property owners within 300 feet and posted notice to the property on January 10, 2023.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.2, Historic Residential – 1 (HR-1) District.
2. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.2-6, Development on Steep Slopes in the HR-1 District.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans approved January 25, 2023, by the Planning Commission. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a Stop Work Order.
2. The Applicant shall receive approval of a Historic District Design Review prior to submitting a Building Permit application.
3. All conditions of approval and plat notes of the Alice Court Subdivision shall continue to apply.
4. If the Applicant does not obtain a complete building permit within one year of the date of this approval, this SSCUP approval will expire unless the Applicant submits a written extension request to the Planning Department prior to the expiration date and the Planning Director approves an extension.
5. The applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.

6. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
7. Residential fire sprinklers are required for all new or renovation construction on this lot, per requirements of the Chief Building Official.
8. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste-impacted soils they must handle the material in accordance with State and Federal law.
9. Any areas disturbed during construction surrounding the proposed work shall be brought back to their original state.
10. City approval of a Construction Mitigation Plan (CMP) is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
11. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
12. All exterior lighting shall be down-directed and shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Exterior lighting shall not exceed 3,000 degrees Kelvin and outdoor lighting fixtures shall be Fully Shielded. Final lighting details shall be reviewed by the Planning Staff prior to installation.
13. Construction waste should be diverted from landfill and recycled when possible.
14. The Applicant shall submit a geotechnical report and final slope stability prior to submitting a building permit, subject to City Engineer approval.
15. The Applicant shall provide soil stabilization details and drainage documenting how the disturbed area will be restored and stabilized prior to submitting a building permit, subject to City Engineer approval.
16. The Applicant shall submit a landscape bond to ensure the stabilization and vegetation rehabilitation are complete prior to submission of a building permit.
17. Prior to submitting a building permit, the Applicant shall submit a plan demonstrating how they will provide the temporary shoring needed during construction, subject to City Engineer approval.
18. Retaining walls cannot exceed the height proposed/reviewed as part of this SSCUP without modifying the SSCUP. Additionally, walls more than four feet in

height in the front setback or more than six feet in the rear or side setbacks will require an Administrative Conditional Use Permit.

Commissioner Hall seconded the motion.

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

Commissioner Hall reported that Commissioner Kenworthy left the meeting, and Commissioner Van Dine was on a phone call; however, they still had a quorum to continue the meeting. She noted that Commissioner Van Dine would rejoin the meeting.

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

7. WORK SESSION

- A. Land Management Code Amendments -- Sensitive Land Overlay -- The Planning Commission Will Conduct a Work Session on Expanding the Sensitive Land Overlay to include the Recently Annexed Property in the Quinn's Junction Area to Establish Designated Ridgelines and Vantage Points and to Consider Updates to the Overall Sensitive Land Overlay Regulations Outlined in Land Management Code Chapter 15-2.21, Including Criteria When Evaluating Construction of Trails in the Sensitive Land Overlay.**

Assistant Planning Director, Rebecca Ward advised that this Work Session would focus on Chapter 15-2.21, which outlines protections for Steep Slopes, Ridge Line Areas, wetlands, streams, and wildlife. She explained that this section allows for hardship relief if the regulations would deny all reasonable use of properties, therefore, there is a balance in the Code of allowing for development while protecting these Sensitive Lands. She reported that the Code was adopted in 1992. She presented an image that showed the City's boundary in 2014, and an image that showed the City's boundary in the 1990s when the SLO was adopted. She noted that in the 1990's Sensitive Lands, Ridge Lines, and Vantage Points were directed toward that boundary.

Assistant Director Ward presented the current zoning map and explained that through the annexation process, an SLO analysis was required and the lands annexed into the City were brought into the Sensitive Land Overlay. She noted, however, that the Ridge Lines and the Vantage Points had not been updated with the annexations. She referenced the current zoning map that would be seen on the City's website. The red-dashed line showed the SLO, and she acknowledged that it could be confusing to determine what is within and outside the Sensitive Land Overlay. She thanked Spencer Lace, the City's GIS Administrator, who had been working on some maps to clarify them for people who look up their property online. She noted that a majority of the acreage in the City is within the Sensitive Land Overlay.

In June 2022, the City annexed the southeast Quinn's Junction area, and the proposed amendments would expand Ridge Lines and Vantage Points to that acreage. She advised they also proposed to update the zoning map to illustrate the Ridge Lines on the zoning map, as well as Vantage Points citywide to ensure that the entire City was encompassed.

Assistant Director Ward stated that they received a request from the Trails and Open Space Manager to consider a holistic SLO analysis for a Trails Master Plan so that as the trails get built individually they would not have to go through the SLO analysis for each trail. She also reported that Staff received input from community members who have looked at their properties online and found that a portion of their property was in the Sensitive Land Overlay and a portion was not. These community members would like clarity on how the Sensitive Land Overlay would apply to their property. The proposed amendments also included some non-substantive updates to internal citations, as well as to the applications. These application updates would help Staff obtain the information needed for processing land use applications to ensure the SLO requirements were met up front.

With regard to the proposed amendments to establish new Ridge Line areas and Vantage Points for southeast Quinn's Junction, Assistant Director Ward advised that as part of the annexation petition, some of the Ridge Line areas were identified. The proposed amendments would add these to the zoning map.

Additionally, they proposed adding Vantage Points, which could include:

- The roundabout at the Park City Hospital;
- The intersection of the Rail Trail and Highway 40; and
- The intersection of Richardson Flat Road and Highway 40.

She noted that these Vantage Points give a point where the applicant could show the visual impact of the proposal. Within the current Code, the Planning Commission has discretion to move those Vantage Points. She explained that they also proposed amendments that would update the zoning map to illustrate Ridge Line areas and Vantage Points citywide. The map from the 1990s was the last map they have other than what is contained in the General Plan. She presented an image that was taken from the Park Meadows neighborhood of the General Plan.

In order to clearly communicate the locations of the Ridge Lines, she presented a screenshot from the Snyderville Basin Zoning Map that showed the Ridge Line areas included as part of that zoning map. She stated that they would propose a similar map as part of these amendments.

Commissioner Hall asked if the City's zoning map would be similar and include the same key, or whether they would try to extend the same look. Assistant Director Ward stated that it would not need to have the same key, but it would incorporate the same idea as the Snyderville zoning map. She added that it would include what was already in the General Plan with the added layer of information.

Commissioner Johnson asked if the proposed zoning map would be interactive. Assistant Director Ward advised that there was an interactive zoning map on the City website, so this proposed map would likewise be interactive. Assistant Director Ward stated that the proposed amendments would also update the Vantage Points. She highlighted the current Vantage Points listed in the Code and commented that some of the locations no longer exist or road configurations had changed. She provided the proposed updates to this list and stated that in some locations such as the Park City Ski Area Base, Snow Park Lodge, and the Park City School District Campus they recommended including coordinates. The Planning Commission

would still have discretion to move those Vantage Points or add Vantage Points for specific projects.

She reiterated that the Vantage Points were based on the 1990s boundaries, so they proposed expanding those Vantage Points to ensure that they would be encompassed citywide. Potential additions could include the following:

- The intersection of Holiday Ranch Loop Road and State Road ("SR") 224;
- The MARC;
- The intersection of Queen Esther Drive and Deer Valley Drive;
- City Hall; and
- A location in the Empire Pass area.

Chair Suesser sought clarification of the purpose for establishing Vantage Points, why they are important, and how they would be used. Assistant Director Ward explained that for properties within the Sensitive Land Overlay, a visual analysis of the project entailed superimposing an image of the project taken from those key Vantage Points within the City. For example, for a proposed development that would be visible from the McPolin Barn, they would look to see what the project would look like from that Vantage Point.

Chair Suesser was unsure if Vantage Points were more precise, or whether they were just a good point to observe what a project might look like and how it would impact a view shed. Assistant Director Ward reiterated that the Planning Commission had discretion to add Vantage Points for specific projects, and that discretion had been exercised in the past. She stated that one of the challenges of adding Vantage Points was that they could be vague. She referenced a Vantage Point being identified at the Park City Golf Course Clubhouse, or Park City Ski Area Base. As a result, they proposed that coordinates be put into place as a starting point, and if the Planning Commission recommended additional Vantage Points be added, they would include coordinates not only for Planning Commission review at that time but also so that when people look back at the approval 5 to 10 years down the line, it would be clear how the project was evaluated.

Commissioner Sigg felt that all of the Vantage Points, with the exception of Empire Pass, were looking upward and evaluating improvements encroaching over Ridge Lines. He asked if there was any consideration given to a downward perspective to the impact of development since a good part of the citizenry was in that situation. He specifically referenced Snow Park where there were plenty of locations that looked down onto what would ultimately occur in that location. He felt they were looking at Sensitive Lands, but they were only looking in one direction. He could list numerous neighborhoods that look down onto potentially very large and impactful developments. He understood this in the context of Ridge Lines, but in the context of looking at the impact of a development on members of the community, the focus was always on looking up.

Commissioner Sigg asked if they should expand the Vantage Points to include a downward-looking perspective. Commissioner Hall agreed that if they added Snow Park Lodge, they could also add Silver Lake Lodge or Guardsman's Pass as Vantage Points that would look down. She felt that one of the helpful parts of this discussion was what people wanted to see in these amendments, and she felt this was a great example.

Commissioner Sigg commented that if someone purchased all of the Park Avenue Condominiums and wanted to put a mega-development in that location, there would be many places where one would not even see them if the perspective was only looking in one direction.

Mr. Harrington commented that the focus should be on what was being protected with the Vantage Points. He acknowledged the comment that the primary function of the Vantage Points was to protect the Ridge Lines, and that was the sensitive area to be protected. If the Commission wanted to establish new Vantage Points for different reasons such as site suitability, Limits of Disturbance, or something else, they would need to define a new category for which they would be used to protect, and then define the Vantage Points that would be relevant to those protections. He noted that this might not be in the Sensitive Lands Ordinance; rather, it might be added to the MPD Section if it addressed the issue of good site planning as opposed to the protection of a particular natural resource, which was the aim of the Sensitive Lands Ordinance. He agreed that Commissioner Sigg's ideas were great; however, they might not be for this ordinance.

Commissioner Hall agreed that they should incorporate the downward-looking perspective as part of the MPD Code and noted that within MPDs, the Commission also had discretion to add various Vantage Points specific to a site.

Chair Suesser added that in the instances of the MPDs, they were protecting view sheds as part of the discussion of good Vantage Points. She asked if this review of the SLO included a review of the Steep Slopes criteria and analyses. Assistant Director Ward noted that discussion would be at the end of the presentation.

Commissioner Van Dine inquired about the approximate locations of the last two proposed Vantage Points. Commissioner Johnson requested the map that showed the Vantage Points. In response to Commissioner Van Dine's inquiry, Assistant Director Ward pointed out the approximate locations of the last two Vantage Points on the map before the Commission.

Assistant Director Ward advised that the current Sensitive Land Overlay included an exception specific to ski slopes, and the Trails and Open Space Manager queried whether the Planning Commission would consider recommending amendments to the Code that would allow for them to bring a Trails Master Plan with Sensitive Land Overlay big-picture analysis. Once adopted by City Council, as individual trails would come in that aligned with that Plan, they would not be required to provide a full Sensitive Lands analysis; however, they could still reserve the requirement for individual trails to show Significant Vegetation, updated wetlands delineations and other criteria recommended by the Planning Commission.

There was a consensus in support of this request. Commissioner Johnson agreed as long as there would be a requirement that the applicant update the wildlife assessment and wetlands delineations. He recommended a Sunset Clause on those delineations so they could be updated periodically.

Chair Suesser was unclear of the request for the Commission to consider conducting an SLO analysis for a Trails Master Plan. She asked if the Trails Master Plan would be updated with respect to Significant Vegetation, wetlands, etc., and then the Commission would conduct an SLO analysis of the entire plan.

Assistant Director Ward explained that currently, each time a trail is constructed an Administrative Conditional Use Permit is submitted; as part of that permit, the applicant is required to do a full Sensitive Land Overlay analysis. Sometimes the trails are quite small, and the requirement of a full analysis could be quite costly. She stated that the Trails Master Plan would be analyzed holistically under the Sensitive Land Overlay and then, as individual trails would come in through the Administrative process, they would evaluate wildlife habitat, wetlands, and Significant Vegetation to ensure that those materials were updated at that time. She added that as long as the trail complied with the Master Plan, they would not be required to provide a full Sensitive Land Overlay analysis for each application.

Commissioner Sigg was supportive of making it as easy as possible to put trails in, but suggested they might want to consider defining "trail." He wondered if it would include a pump track with cuts and fills and big bang turns. He referenced Flagstaff Basin and the pump track coming off the back of Bald Mountain and stated there was nothing sensitive about that trail and that land. He understood this request as it related to the trails that were not artificially contoured; however, if they are in an area where there is a Vantage Point, some trails might not be the type of trail to include in this exception. He suggested defining the type of trail that might be exempt from the Sensitive Lands review. He did not know if downhill trails should be allowed *carte blanche*.

Commissioner Hall observed that those types of trails would not be *carte blanche* because they would be part of the Master Plan. She felt this was a discussion of the Master Plan. Commissioner Van Dine agreed and felt that this would be something for the Trails Master Plan, not for the Sensitive Land Overlay. She noted that a lot needed to be accounted for as part of building trails, and mentioned width, grade, and trail materials.

Commissioner Van Dine remarked that this was not the time to try and nail the type of trail down, and it should be addressed as part of the Trails Master Plan. She commented that the Trails team takes all of this into account. She noted that the Deer Valley trails were not mountain trails. She supported giving the Trails team the ability to create a Trails Master Plan and not have to expend all of that money every time they want to build a trail. She added that this exemption made sense because they would still be subject to a standard. Commissioner Sigg agreed that this discussion was better held as part of the Trails Master Plan because there they could outline the type of trail.

Chair Suesser asked for clarification of the statement that each trail would still require updated materials regarding Significant Vegetation, wetlands, and other materials and a site-specific analysis at the time of proposed construction. She queried what the difference was between that statement and an SLO analysis. Assistant Director Ward explained that the full SLO analysis required a Steep Slope analysis, as well as Vantage Points, Ridge Lines, and wildlife habitats. If those issues were looked at holistically at the time of the Trails Master Plan, they would have a general idea of the location of the proposed trails. She believed that wetlands delineations were valid for up to five years. She added that as individual trails came forward, Significant Vegetation could change, so there could be some sort of Sunset Clause or Trails Master Plan updated every certain number of years. Within that time frame, there could be changes specifically to wetlands and Significant Vegetation. Therefore, they could still require those limited materials be submitted at the time of the Administrative permit, but they would not have to go through the full SLO analysis if the proposed trail complied with the Trails Master Plan.

Commissioner Frontero liked the proposal and suggested the Trails Master Plan categorize trails. He used the example of Class A, B, and C trails. A Class A trail could be the least intrusive to the land, and Class C could be the most intrusive. Therefore, when a new trail is proposed, they could look to the Trails Master Plan, and if a proposed trail were a Class C it would require additional SLO analysis. He also agreed with the suggestion of a Sunset Clause and queried what other Commissioners felt was a good time period. Commissioner Johnson offered that it would look at the expiration of the wetlands delineation, and they could use that as a baseline. He observed that a full, proper Sensitive Lands analysis was quite costly. He suggested a Sunset Clause in the range of 5 – 10 years.

In response to an inquiry from Chair Suesser as to the status of the Trails Master Plan, Assistant Director Ward understood that the Trails Master Plan would show what currently exists, and the future planned trails. If a proposed trail was not part of the Trails Master Plan, that trail would be required to go through the process currently defined in the Code.

Commissioner Van Dine remarked that the current Trails Master Plan dates back to 2008, so it is due for an update. She noted it did not include only mountain bike and hiking trails; rather, it includes walking paths and rail trails. She understood that the Commission would be able to see the updated Trails Master Plan. Assistant Director Ward stated that it would come before the Commission for a recommendation to City Council for adoption.

Commissioner Van Dine felt that giving them the ability to start working on it knowing that this process was in place made a lot of sense. Assistant Director Ward explained that current applications have a section for an applicant to note whether their property is either inside or outside the Sensitive Land Overlay, but it does not inform of the materials required for submittal if they are located in the Sensitive Land Overlay. Staff recommended amending the applications to make that information available to applicants up front so they know what they will be required to submit, which would hopefully expedite the review process as well. She noted the Planning Commission's request to look at the Steep Slope criteria citywide. She explained that if a property is within the Sensitive Land Overlay, Steep Slopes are evaluated as part of a Subdivision or MPD. For those properties that are not within the Sensitive Land Overlay, there are three zoning districts that include Steep Slope properties, and those zones were listed in the Staff Report.

She referenced the presentation on the Alice Claim heard earlier in the meeting and explained that it included the criteria for those properties and homes within the Historic zones. For properties in the Sensitive Land Overlay, the criteria for Steep Slope protections as outlined in Section 4 of the SLO provisions in the Code. This section outlines the parameters of Steep Slope development when the Planning Commission looks at a larger MPD or Subdivision application.

Assistant Director Ward explained that the Code prohibits development within 50 feet of Very Steep Slopes, which is defined as 40% or greater. In response to an inquiry, she confirmed that Very Steep Slopes was a defined term in the Definitions section of the Code. She noted that this section of Code gave the Commission discretion to vary Setbacks from Very Steep Slopes. She also pointed out the requirements to minimize cuts and fills, and benching or terracing to create larger building sites was prohibited. She also highlighted that cuts and fills for streets and roads must be minimized.

This section also requires that retaining walls require an Administrative permit, and there were allowances for when retaining walls might be needed for a site. In addition, she expressed that the Code requires slopes to be re-vegetated and density must be clustered to protect Steep Slope areas. She summarized that the proposed amendments would update Ridge Line areas and Vantage Points for Quinn's Junction and citywide, and ensure that those points are shown on the zoning maps. They also proposed to allow trails construction with review of a Trails Master Plan.

The amendments also presented the opportunity to clarify the SLO boundary where it cuts through the property. She also referenced the non-substantive updates to internal citations and application materials. Assistant Director Ward asked the Commission whether there were specific requests regarding Steep Slopes criteria.

Commissioner Hall asked what Staff saw as the biggest issue as they process applications for Administrative Steep Slopes. She wondered if it would be beneficial for the community if they changed the transfer of density. Assistant Director Ward stated that one issue that came up was that there is a definition for Very Steep Slopes, and when the Planning Commission evaluates an application or when Staff conducts an administrative evaluation, they were looking at the boundary of that Lot. There was a suggestion that in the case of individual properties being evaluated, the Code could be amended to take into consideration the existence of the 50-foot distance from a Very Steep Slope that might be on an adjacent property. She also noted that Subdivisions require a Sensitive Lands analysis, and they could clarify to add Plat Amendments.

Commissioner Sigg noted that with regard to the Steep Slopes criteria, an issue often arose concerning variations of slope over the same plane. He recalled there was a provision where there could be a certain amount of area that they could mask over; however when looking at Sensitive Lands and the whole field of vision, there could be 25% of the field of the slope over the Steep Slope criteria. In that example, someone could say they would take that 25% and grade it out. He stated this issue has arisen in many situations, and he would like to see it clarified. If the entire land is Steep Slopes it is easy, but if 1/3 of a 10-acre parcel had undulating areas of 100 square feet, he queried whether it was Sensitive Land at that point. A situation where there are multiple areas on a site that have Steep Slopes, it would be an easy argument that they were not contiguous so they could just knock them all down because they were of limited area.

Commissioner Hall asked for further information on why benching and terracing were prohibited. Her knee-jerk reaction was that it would be better to have a little step up rather than a solid wall. Assistant Director Ward stated there were regulations regarding benching and terracing of retaining walls, and this was specific to Building Pads. Looking at the larger MPDs and Subdivisions, the Code currently looked to consolidate density so the benching and terracing on a larger scale would not be recommended. She offered that this incentivizes the developer to look for areas to develop where they would not have to manipulate the landscape to create a Building Pad.

Chair Suesser referenced the house on Northstar and noted that it had a lot of terracing and benching. She asked how they approached those types of requests and asked if that house was a good example of something they did not want to repeat. Assistant Director Ward requested time to do some more research and provide further information on this example for the next meeting. She recalled that this home was in one of the Historic zones, so it was

evaluated under the Steep Slope Conditional Use Permit criteria, which is somewhat different than the big picture Sensitive Land Overlay.

Assistant Director Ward added that if the Commission had an interest in evaluating this section within the SLO, they could include a table outlining similarities and differences in how the sites are evaluated under the Sensitive Lands Steep Slope criteria and the Steep Slope CUP criteria in the Historic District. Chair Suesser felt that would be helpful.

Chair Suesser also wanted information regarding how retaining walls within Sensitive Land Overlay zones were analyzed. She observed that retaining walls typically were approved if the home would cover them. She was not sure that was the intent behind the prohibition against retaining walls of a certain height; rather, she felt it was more for the protection of the hillside. Assistant Director Ward offered that as part of that table, they could also include regulations that address retaining walls in Setbacks. Chair Suesser noted there were good examples of why walls were permitted along Aerie Drive.

Assistant Director Ward summarized that the Commission supported updates to the Ridge Lines and included them on the map. The Commission also supported updating the Vantage Points. She noted there was also interest in considering Vantage Points looking down as part of the MPD process, in addition to the Vantage Points that look up to the Ridge Lines. There was also interest in potentially including trails as something that would be evaluated by the Vantage Points looking up. She also recalled there was support for a Trails Master Plan as long as the Master Plan was detailed and included categories of the types of trails to be constructed, and as long as there would be re-evaluation of that Master Plan on a regular basis. There would also be the option to include time-sensitive issues such as Significant Vegetation and wetlands delineations.

In addition, she noted there was interest in evaluating the Steep Slope criteria within the SLO and comparing it with the Steep Slope criteria in the Historic Districts. As far as Steep Slopes were concerned, there was also interest in looking at the site to ensure that the large-scale impacts would be evaluated. There was also interest in looking at how benching and terracing of building pads and retaining walls were evaluated.

Commissioner Van Dine noted she did not require a full evaluation; rather, she was just interested in the reasoning behind prohibition.

Commissioner Johnson mentioned the Sensitive Lands analysis, and the slope and topographic map. He suggested requiring a four-color map or adding some technological update requirements so it would not just be a contour survey. He wanted something that help them better visualize the conditions. He wondered if they could consistently update the definitions in the Vantage Points section so that it was consistent throughout. He would also like to better define the visual analysis by requiring a real photograph from the Vantage Points and simulating the project into those photographs. He noted that if they added City Hall as a Vantage Point, they would see Alice Court, and as a Commission, they could perhaps require applicants to provide a photograph from the road or looking down-canyon. He noted that they had seen applications come through that provided a Google image; he would like to see photographs from the specific coordinates.

With regard to wetlands, Commissioner Johnson noted the 1997 manual, but they also included the 2010 supplement. He wanted to ensure they were using the updated manual for the

delineation. He referenced prohibitions for Slope Protection and would like to see the distance from Very Steep Slopes to increase as much as possible. He proposed doubling it, or increasing it to 75 feet; he stated, however, that if it had to remain at 50 feet, he would also like to see a prohibition on Steep Slopes.

Commissioner Johnson requested someone look at what the State required in terms of wildlife protection, including conservation methods that were consistent with the Utah Wildlife Action Plan. He was not sure if migratory bird habitats were relevant in Sensitive Lands, but if they were, he would like to see something on that as well. He stressed that because the Code was enacted in 1992, they needed to button it up. He felt the visual analysis was a significant issue as the Commission was constantly getting blurry images that were not relevant to the actual property.

Commissioner Frontero agreed with the comments on the visuals, and would potentially go further by making it a requirement that they could go to someone who is a specialist to present the defined standard. This could include 3-D, color images, or photographs. He stated that a 2-D black and white sketch was not enough anymore and the technology existed for the applicants to present more robust applications with regards to Sensitive Lands.

Commissioner Hall observed that given that Sensitive Lands touched half of Park City, she wondered where they could draw the line. She felt for some locations, a better visual analysis of this type would be necessary; however, there were many locations where it would seem to be another huge task for the applicant where it would not really have any impact.

Commissioner Johnson argued that having a photo simulation would only cost \$500 to \$1,000, and he felt it was warranted. He felt it went along with the additional distance for the Very Steep Slopes and Steep Slopes where they were continuing to climb up the hillsides. The visual impact was significant over the past 30 years and they needed to button it up. He also highlighted the issue of massing and understanding what the project would look like, which he felt they did not get with the previous application where it would have been helpful. He acknowledged that applicants spend a lot of money, but a photo simulation would likely be the least costly task.

Commissioner Hall queried what they would do once they have that information. She recalled some applications where it would have been nice to have a Vantage Point from City Hall but questioned whether they would deny an application simply because they could see the project from a Vantage Point. She would like clarity on what they would do with the information in the photograph because there could be a situation where they might not like something but there would be no way to tie it back to the Code for a denial.

Commissioner Johnson noted this was a good point and wondered if they could regulate it to tie it to the review. Assistant Director Ward asked if it would be helpful to outline where the Planning Commission has discretion in terms of things like Setbacks and Height and tying the visual requirements so the Commission could make those evaluations.

Chair Suesser asked to discuss the application heard tonight on the Alice Claim home and about the fact that the applicant proposed digging down to meet the zone height. Assistant Director Ward stated that in the Historic Residential zones and most of the zones, there is a 35-foot internal measurement, and her understanding was that it was put in the Code to address development on Steep Slopes because height is measured from Existing Grade. When there

are Steep Slopes, an applicant could continue to go up in height, and the Code addressed this by limiting heights by measuring the internal height of the overall structure.

Chair Suesser wondered how they were addressing the possibility of developers digging down, and felt that people were achieving the 35-foot internal height by excavating down to start the building at lower than grade.

Director Milliken stated that the 35-foot measurement is an interior measurement. Applicants are still required to meet the exterior height limitation from grade. She explained that if an applicant digs down to get the 35 feet, it would not necessarily allow additional height on the outside. There is a height restriction from the existing grade to the roofline, and in addition to that, they could not build more than 35 feet within the structure, which restricts someone from digging down 5 – 6 stories.

Chair Suesser referenced her block on Lowell Avenue where there is a downside and a high side. If someone was building on the low side of the street, the house would be built up to the street; however, for someone building on the high side of the street, the structure would go up the slope and they would excavate the slope. She felt it was the excavation limits she was getting at and how they could address that.

Assistant Director Ward noted that they would address excavation limits as part of the next item, and they could look into that as part of the Steep Slopes analysis criteria when they return.

Commissioner Johnson asked about the definition of Sensitive or Specially Valued Species and suggested they consult with someone to determine the best definition. He felt they could require that for Sensitive Lands developments.

Assistant Director Ward stated they would address that at the next meeting that would take place in March.

B. Land Management Code Amendments - The Planning Commission Will Review Potential Land Management Code Amendments to Prioritize in 2023, Including Amendments to Incentivize Affordable Housing and Sustainable Development, to Improve Active Transportation Facilities and Connectivity, and to Outline Criteria for Traffic Impact Studies and Transportation Demand Management Strategies for Master Planned Development, and Additional Potential Priorities.

Assistant Director Ward thanked the Planning Commission and the Liaisons for the input provided thus far. She advised that Staff was still scheduling meetings with the Liaisons for the Transportation amendments, but all other Codes had been reviewed with recommendations from the Liaisons. She reported that in 2022, ordinances were adopted regarding Pickleball and regulations for residential areas. They also completed the overhaul to align with the State Code, Planning Commissioner qualifications, and the Fractional Use of dwelling units. She referenced the Staff Report for the amendments in progress. She listed Water Wise Landscaping, Transient Uses, Temporary Winter Balcony Enclosure Pilot Program, Lot Combinations in Historic Districts, Accessory Uses in MPDs, and Sensitive Land Overlay updates.

She reported that also in progress were Parking and Driveway Regulations in the Historic Districts, Illustrations for Design Guidelines that regulate Historic development, and Secure Bicycle Parking requirements.

Assistant Director Ward commented that some of the Historic items had gone to the Historic Preservation Board and would come before the Planning Commission.

When they met in September and October of 2022 to outline priorities for 2023, the Commission highlighted the following:

- Affordable housing;
- Sustainability;
- Transit, trail, and active transportation connectivity;
- Transportation Demand Management, and Traffic Impact Study standardization;
- Review of excavation limits;
- Steep Slope evaluation citywide;
- Conventional Chain Business and Vibrancy Ordinance review; and
- Final Action review.

With regard to Affordable Housing amendments, Assistant Director Ward stated there were a few properties identified by City Council for potential affordable housing development that was currently zoned Recreation Open Space. The Affordable Master Plan Development (“AMPD”) was created specifically for infill development and might not provide the flexibility that would allow for the best design for areas identified such as Clark Ranch and the Mine Bench properties.

Therefore, under very limited circumstances of City-owned properties identified by the Council that are not subject to a conservation easement, and meets the Sensitive Land Overlay, they could establish a potential re-zone process and new zone that would allow for flexibility of these developments. She noted that the Planning Commission went through the Affordable Master Planned Development Code through the first Homestake process, and they could go back through that Code and re-evaluate the Height, Nightly Rental prohibition, commercial uses, and parking to update and refine that Code. She stated that currently affordable housing was incentivized for projects of more than 20,000 square feet, and there might be opportunities to incentivize smaller affordable housing projects to address missing middle housing.

Transit-Oriented Development would make that connection between transit access and affordable housing. In order to help implement and incentivize Accessory Apartment construction, she mentioned a Pilot Program that would help property owners go through that process to install an Accessory Apartment.

With respect to Sustainability, Assistant Director Ward reported that they would have a Work Session on March 8, 2023, with the Sustainability team to go over some of the incentives for net-zero development standards that would not be in the Code, but would be incentivized. Specific to the Code, she stated they could re-evaluate the EV Charging Station, Conduit, and Installation requirements to determine if they should be increased. They could also address the prohibition of wood-burning stoves, update the sustainability requirements for MPDs, evaluate Solar Roof Panel and Renewable Energy Upgrade Incentives, and initiate annual awards for

projects that achieve net-zero standards. She noted the last two items would not be Code amendments but could help to incentivize net-zero development.

As far as Transportation Demand Management, and standardizing Traffic Impact Studies, she referenced the Staff Report that outlined information requested by some Planning Commissioners from the Engineering and Transportation Departments on key intersections. She stated that those departments were compiling that information.

Assistant Director Ward stated that the Planning Commission requested background information on Conventional Chain Businesses and Vibrancy Ordinances, and that information was provided through a Staff communication in December. The Commission could determine whether amendments should be prioritized to update these Codes this year. She stated that they reached out to Historic Park City Alliance for input on whether these Code were working and she reported that there was overall consensus to keep the Code as is. However, the Alliance requested that the City consider some exceptions during Sundance.

With regard to Excavation Limits, she noted they touched on that as part of the discussion on Sensitive Land Overlay. She stated that for Final Action Review, they looked at establishing a Staff level review process for some of the applications before the Commission. An example could be Steep Slope CUPs wherein the Planning Commission recommended that lots below a certain size could be subject to Staff level approval. For larger lots, the Steep Slope CUP would still go before the Planning Commission. She added that there might be opportunities in the Code to transfer some of the Plat Amendments to Staff for an Administrative permit. She provided the example of removing a Lot line under a Historic structure. She also mentioned recommendations by the Commission to City Council that the Commission would prefer to have Final Action to establish more efficient reviews.

Assistant Director Ward reported that funding from the executive budget had been offered to hire a consultant to assist with the 2023 amendments, and they also anticipated requiring amendments that would follow the Utah Legislative Session. She referenced the upcoming schedule set forth in the Staff Report and explained that they blocked out the last Work Session of each meeting for LMC amendments. She noted that they had clarity on Affordable Housing and Sustainability amendments. She asked if the Commission wanted to prioritize the Conventional Chain Business and Vibrancy Ordinances. She felt they covered the Excavation Limits in Steep Slope CUPs. She noted another issue of potentially requiring access for re-zone applications. She noted there might be some re-zone applications coming up for affordable housing where access was not yet established. She provided the example of the Bransford re-zone application.

Assistant Director Ward listed the Code amendments where there was not yet consensus. In response to her inquiry regarding prioritizing Chain Businesses and Vibrancy Ordinances, there was consensus by the Commission. Commissioner Hall expressed that she would like to prioritize that soon because Commissioner Kenworthy's term ends this summer, he has been on the Commission a long time, and she felt that as a Main Street owner, he would have good input. She volunteered to serve as a liaison for these amendments.

Assistant Director Ward outlined in the Staff Report where there were opportunities to evaluate Excavation Limits as part of Sensitive Lands, MPDs, and Affordable MPDs. She noted it was not included in the CUP review, and they could add it to those criteria, but it could be done as part of the SLO evaluation. Commissioner Frontero liked that suggestion.

Commissioner Hall requested that they prioritize Final Action Review sooner rather than later to possibly allow for Final Action on some applications now. She also stated that it would be great if they could move some items to Administrative review as it would free up Commission time to focus on things such as affordable housing. There was consensus on prioritizing Final Action Review. Commissioner Frontero volunteered to act as a liaison for these amendments.

Chair Suesser stated she would work on Excavation Limits, and Assistant Director Ward stated they could tie that into Sensitive Land Overlay and address it through the CUP criteria.

With regard to requiring access or a Subdivision Plat as part of a re-zone application, Commissioner Frontero felt it was something they should address to avoid a repeat of the application they heard a month ago. He asked Mr. Harrington if there was any legal restriction on the Commission requiring access for a re-zone application prior to it coming before the Commission.

Mr. Harrington stated that pragmatically they could re-zone an area that did not include any specific development proposals. He mentioned a re-zone of an acquired Open Space parcel received from the County. He stated that zoning was not development planning; rather, it was a broad use determination for area plans. At zoning, they were measuring the appropriate requirements in terms of density and uses, not site suitability, which is a land planning exercise at Subdivision. Re-zones involve density and use issues, not driveway or access issues. He cautioned against unintended consequences from a very unique situation.

Commissioner Hall agreed they should table that issue. She asked if they could prioritize the AMPD component of Affordable Housing sooner rather than later. She would like to review the AMPD Code as they just looked at Homestake and Studio Crossing, and she felt a review of the issues faced in those projects would be helpful.

Chair Suesser felt that was a good idea and mentioned the example of the parking requirement for Homestake where some of the Commissioners expressed concern that although the parking requirement was consistent with the AMPD, it was perhaps not sufficient.

There was consensus to revisit the AMPD given the recent applications. Director Milliken explained that the first project under the AMPD was Homestake. Commissioner Hall noted that the Code had lay dormant for a decade with no applications, and the City paid a consultant to assist with amending the Code to incentivize a developer to do an AMPD.

Chair Suesser agreed that it would be good to revisit the Code with fresh eyes, and with the Commissioners who worked on the amendments to see if it worked well. Commissioner Johnson advised that he and Commissioner Kenworthy were the liaisons for the AMPD updates, and he believed the Housing Department was working on some things.

Assistant Director Ward referenced the bullet points in the Staff Report that listed what they would reevaluate, including Building Height, allowable roof forms, Side and Rear Stepbacks, limitations on mechanical equipment to reduce visual impacts, consideration of increasing allowable commercial square footage, and consideration of allowing market-rate nightly rentals on a sliding scale. As part of this, they looked at having the City's consultant, Cascadia, update their report and take into consideration these questions so they could provide an analysis for Planning Commission review.

There was consensus to prioritize a Work Session to identify what the Commission would like Cascadia to evaluate.

Chair Suesser mentioned offering a range of different Area Medium Incomes (“AMIs”) as suggested by Commissioner Sigg in a prior meeting. This would cover a broad range, but would keep it more affordable housing. She would like to have Cascadia analyze this for the Commission.

Assistant Director Ward confirmed that the Commission wished to prioritize Conventional Chain Business and Vibrancy Ordinance, Final Action Review, and AMPDs. She asked if there were any amendments missing from the list, however none came to mind.

Commissioner Frontero asked about the timing of funding the consultant to help with the amendments. Assistant Director Ward stated that was scheduled for Council Review on February 16, 2023. If approved, they would likely hire a consultant by early spring, and the amendments in progress would continue to move forward.

8. ADJOURN

MOTION: Commissioner Hall moved to adjourn.

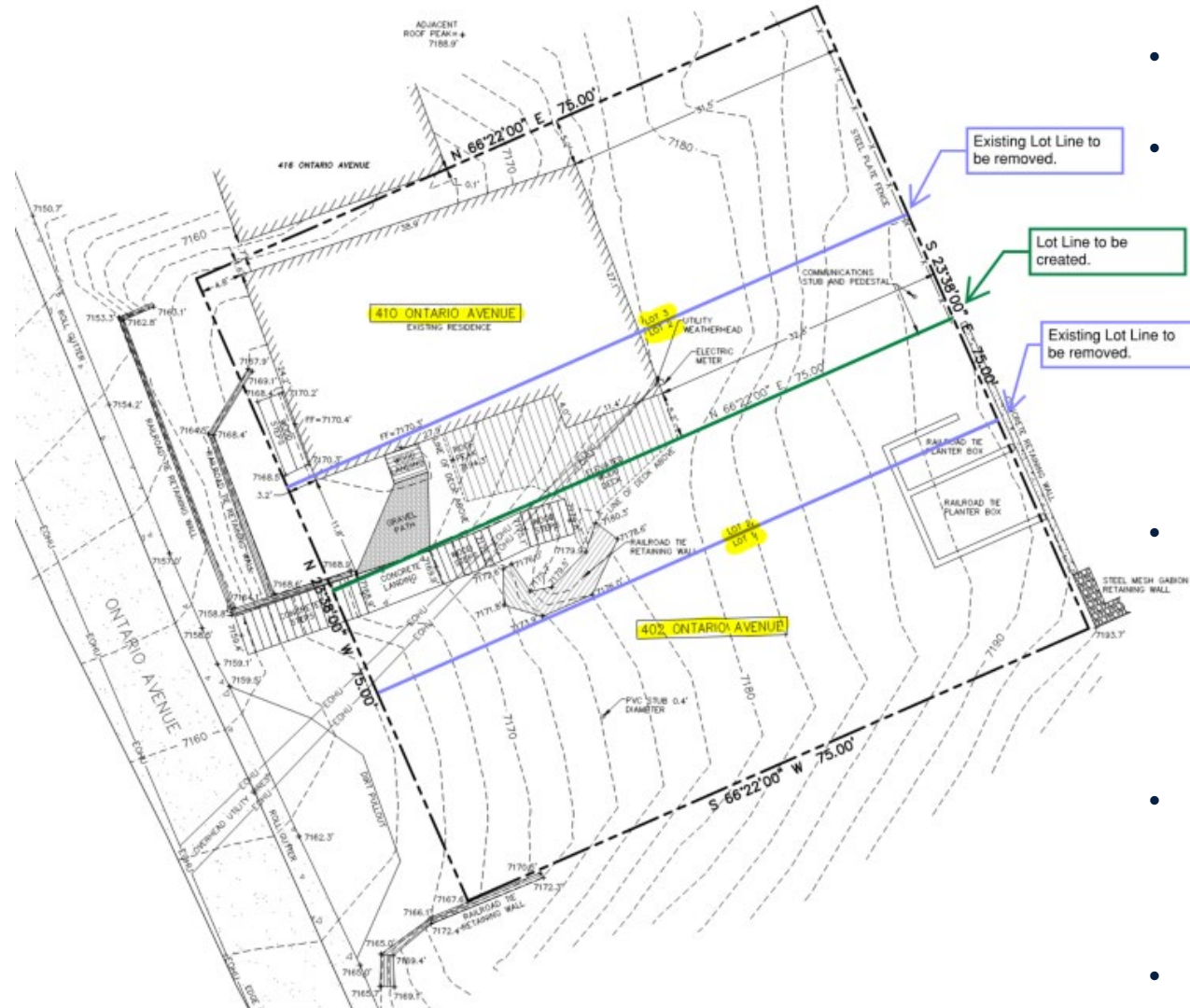
The meeting adjourned at approximately 9:00 p.m.

402 and 410 Ontario Avenue Plat Amendment

Planning Commission Public Hearing
January 25, 2023



402 and 410 Ontario - front - looking northeasterly



- 402 Ontario - Lot 1 and ½ Lot 2. Currently vacant.
- 410 Ontario – ½ Lot 2 and Lot 3. Improved with non-conforming duplex (NCF Use and Structure). Deck and stairs cross property lines – has encroachment with abutter. Stairs and retaining wall also encroach into City ROW – has encroachment agreement with City.
- 410 received approval for Plat Amendment to combine lots in 1997 (Ordinance 97-41) – Plat was not recorded and has since expired.
- Proposal is to create 2 Lots of Record by removing the internal lot lines. Each lot will be 2,812.5 SF.
- Located in HR-1 Zoning District

Analysis

The proposed Plat Amendment complies with the Historic Residential (HR-1) Zoning District requirements.

Any structure proposed for 402 Ontario must comply with the HR-1 Lot and Site Requirements and will be subject to the HDDR review process.

Good Cause

The Plat Amendment removes the Lot Line under the 410 Ontario Avenue structure, and allows for Historically Compatible development on 402 Ontario Avenue. Furthermore, 410 Ontario has previously received approval for the Lot configuration the applicant is currently proposing.

No public input received to date.

Recommendation

Hold a public hearing; Consider forwarding a recommendation for City Council's consideration on March 9, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Ordinance

Planning Commission Continuation Report



Subject: 316 Woodside Avenue – Conditional Use Permit
and Steep Slope Conditional Use Permit
Application: PL-21-05064 and PL-22-05483
Author: Caitlyn Tubbs, Sr. Historic Preservation Planner
Date: February 22, 2023

Recommendation

Staff recommends the Planning Commission (1) conduct a public hearing, and (2) continue the 316 Woodside Avenue Steep Slope Conditional Use Permit and Conditional Use Permit to March 8, 2023.

Background

On November 26, 2021 the property owner submitted a Historic District Design Review (HDDR) and a Steep Slope Conditional Use Permit (SSCUP) to facilitate the construction of a new addition onto the home at 316 Woodside Avenue. The property is a Significant Historic Structure and is listed on the City's [Historic Sites Inventory](#). The Applicant seeks to construct the addition on the western side of the historic house along Woodside Avenue. The addition will include a bedroom, bathroom, laundry room, and garage with one parking space.

On April 27, 2022 the Planning Commission continued the Steep Slope Conditional Use Permit request to allow additional time for further analysis ([Staff Report](#), [Minutes](#)).

On May 4, 2022 the Historic Preservation Board found a projection on the western side of the historic structure was a historic feature and could not be materially deconstructed to facilitate the construction of the proposed addition ([Staff Report](#), [Minutes](#)).

On May 25, 2022 the Planning Commission continued the Steep Slope Conditional Use Permit request to a date uncertain ([Staff Report](#), [Minutes](#)) to allow the Applicant time to revise the proposed design following the decision of the Historic Preservation Board.

On December 5, 2022 the Applicant submitted a Conditional Use Permit (PL-22-05483) to request an exemption to the required setbacks from the Planning Commission pursuant to LMC [§15-2.2-4\(A\)](#).

Staff recommends the Planning Commission continue this item to March 8, 2023 to allow time to issue a formal setbacks determination on the Corner Lot to determine the extent to which exemptions may be needed under the Conditional Use Permit.

Planning Commission Staff Report



Subject: 1325 Empire Avenue and Parcel SA-200
Application: PL-22-05357
Authors: Jaron Ehlers and Alexandra Ananth
Date: February 22, 2023
Type of Item: Administrative – Plat Amendment

Recommendation

(I) Review the Plat Amendment to re-subdivide 1325 Empire Avenue and Parcel SA-200 into four (4) Lots, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for the City Council's consideration on April 4, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Draft Ordinance 2023-XX (Exhibit A).

Description

Applicant: 1325 Empire Avenue Holdings, LLC

Location: 1325 Empire Avenue and Parcel SA-200

Zoning District: Recreation Commercial (RC)

Adjacent Land Uses: Single Family Dwellings, Park City Library and Field, Condominiums, Nightly Rentals

Reason for Review: Plat Amendments require Planning Commission recommendation and City Council action¹

LMC Land Management Code
RC Recreation Commercial

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

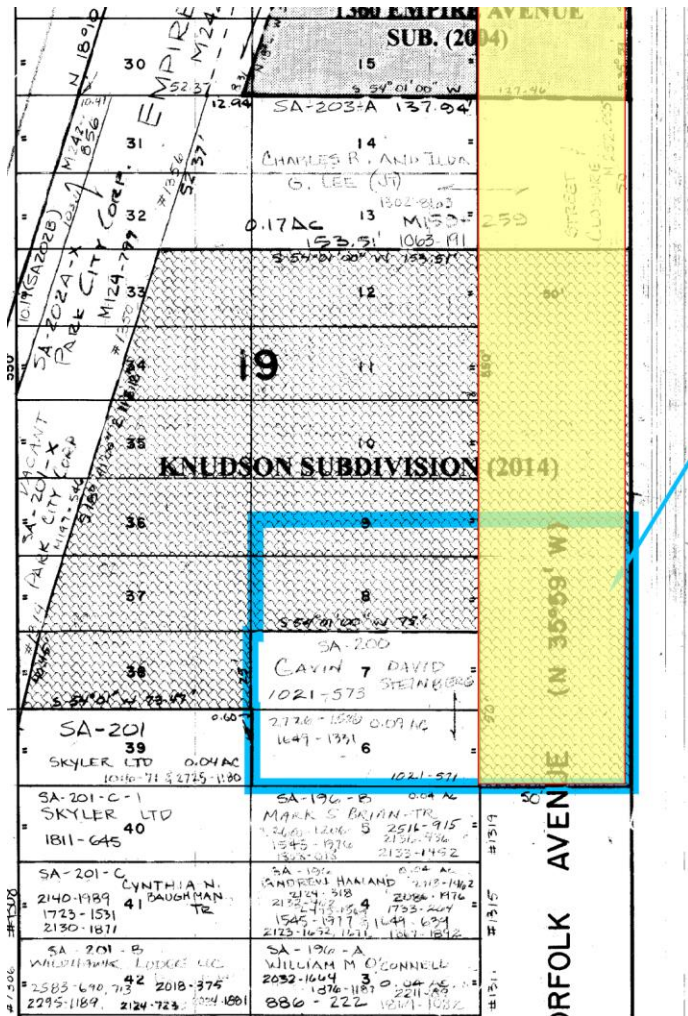
Summary

The Applicant is proposing a plat amendment to create four Lots from two vacant Lots— 1325 Empire Avenue and Parcel SA-200— to eventually develop four Single-Family Dwellings.

¹ LMC [§ 15-7.1-2\(B\)](#)

This aerial map shows the Knudson Sub. area in Seattle. The central focus is on two lots: a blue lot labeled 'Knudson Sub.' and a red lot labeled 'SI-200'. The map includes surrounding streets such as Empire Ave, Norfolk Ave, and various local streets like SA-203-A, SA-201, and SA-196-A. Other labels include 'Knudson Sub.', 'Shaft Condo', and 'Water Lift Lodge'. The map also shows lot numbers and property boundaries.

On October 16, 1980, the City Council passed a resolution closing a portion of the Norfolk Avenue Right-of-Way. That portion was described as “Norfolk Avenue from the front of Block 19, Lot 6 northwest through 14th Street and continuing on from the north side of 14th from Block 21 through Lot 14” (Exhibit G). Block 19, Lot 6 is part of the property subject to this application, and the closure of Norfolk Avenue began where Norfolk Avenue now ends today (Exhibit D). On April 22, 1982, that closed portion of Norfolk Avenue was sold by the City (Exhibit I).



NORTH NORFOLK
PLAT AMENDMENT

Figure 2: This illustrates the original Lots. The yellow overlay shows the portion of Norfolk Avenue that was closed in 1980. The proposed amended properties are outlined by the blue box.

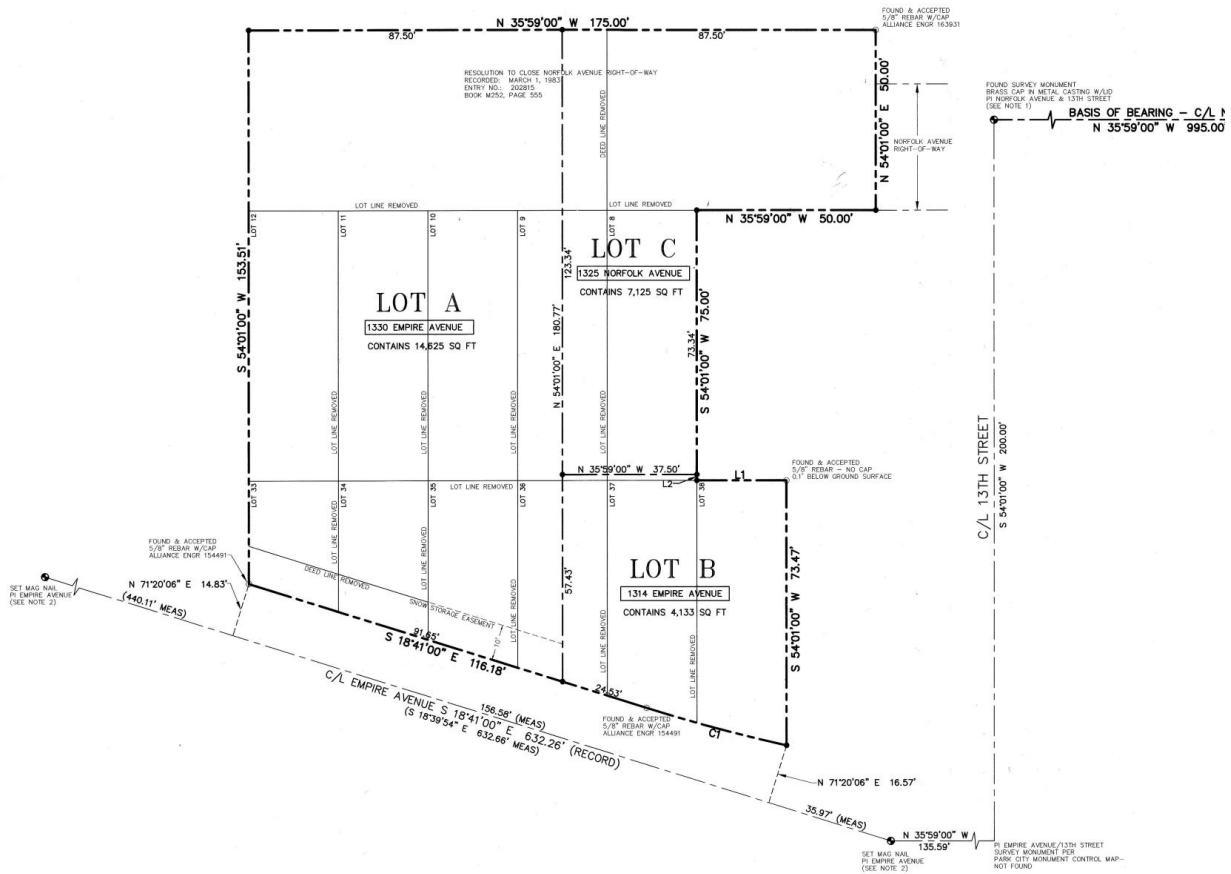


Figure 3: 2014 Subdivision

The above image is the plat depicting the 2014 Knudson Subdivision. Lot C is the only part of the Subdivision that would be amended by this Plat Amendment as it would be re-subdivided with SA-200, which is south and east of Lot C, as the new North Norfolk Subdivision.

In 2014, a Plat Amendment was submitted for three lots, located at 1314 & 1350 Empire Avenue. It was part of a plan by the Park City Redevelopment Agency in cooperation with Gary Knudson who owned two of the parcels (Exhibit L). On January 29, 2014, the Planning Commission forwarded a positive recommendation to City Council and on February 13, 2014, City Council approved the proposed Plat Amendment (Exhibit K). The Knudson Plat was recorded with Summit County on February 27, 2014 (Exhibit F). The land was not developed and the third Lot, Knudson-C, was eventually sold to the current applicant.

Analysis

(I) The proposal to subdivide two Lots into four Lots complies with the Recreation Commercial (RC) Zoning District requirements outlined in LMC Chapter 15-2.16.

LMC [§ 15-2.16-2 outlines the Allowed Uses for this Zoning District](#). While Single Family

Dwellings and Duplexes are allowed uses in the RC Zoning District, LMC [§ 15-2.16-5](#) outlines a minimum Lot size for Single Family Dwellings (1,875 sq ft) and Duplexes (3,750 sq ft). Due to the minimum Lot size requirements, the four Lots would be restricted to Single-Family Dwellings because the proposed Lots do not meet the minimum Lot Size for Duplex Dwellings:

- Lot A would have a size of 2,378.99 sq ft.
- Lot B would have a size of 2,382.37 sq ft.
- Lot C would have a size of 2,511.37 sq ft.
- Lot D would have a size of 3,587.54 sq ft.

LMC [§ 15-2.16-5](#) outlines that all Single Family Dwellings must have a lot width of at least 25 ft. All of the Lots exceed the 25-ft requirement:

- Lot A has a width of 28.5 ft
- Lot B has a width of 28.5 ft
- Lot C has a width of 30.5 ft
- Lot D has a width of 41 ft

LMC [§ 15-2.16-5](#) outlines what the Building Footprint and Setback Requirements are for the Lot sizes proposed:

Lot	Maximum Building Footprint	Front Setbacks	Rear Setbacks	Side Setbacks
A	1040.65 sq ft	12 ft	12 ft	3 ft
B	1041.93 sq ft	12 ft	12 ft	3 ft
C	1090.41 sq ft	12 ft	12 ft	3 ft
D	1466.28 sq ft	TBD	TBD	TBD

Due to its north-south configuration, at the time of Building Permit, Lot D will require a Planning Director Determination regarding front, side, and rear property lines and Setbacks.

Regarding Building Height, staff proposes Condition of Approval #7: No building shall exceed a Maximum Building Height of 27 feet from Existing Grade, the Zone Height for Single-Family Dwellings in the RC District. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure as required by LMC [§ 15-2.16-5](#).

(II) Each Single-Family Dwelling will be required to comply with LMC § 15-3-6 *Parking Ratio Requirements*.

LMC [§ 15-3-6 requires two parking spaces for each](#) Single Family Dwelling.

(III) The proposal to subdivide two Lots into four Lots complies with the Subdivision Procedures outlined in LMC Chapter 15-7.1.

Plat Amendments shall be reviewed according to LMC [§ 15-7.1-6](#) *Final Subdivision Plat* and approval requires (a) a finding of Good Cause, and (b) a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

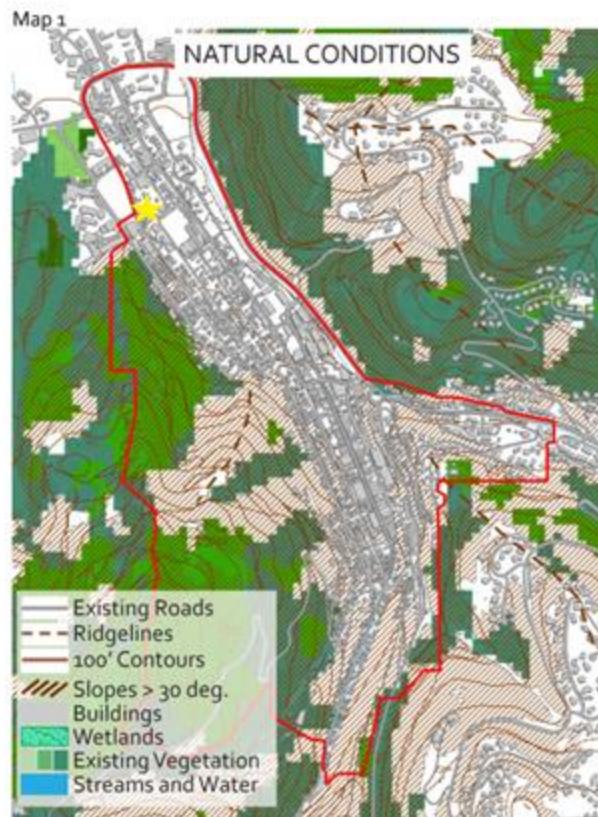
(a) There is Good Cause for this Plat Amendment because it will allow for development consistent with the Old Town Neighborhood and purposes of the Recreation Commercial Zoning District.

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, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.”

The Lots affected by this Plat Amendment are close to Park City Mountain Resort, increasing potential housing opportunities near the resort.

While the Recreation Commercial (RC) Zoning District is not part of the Historic District, the Lots affected by this Plat Amendment are in the Old Town neighborhood of the General Plan:

OLD TOWN



The purpose of the Recreation Commercial (RC) Zoning District in LMC § [15-2.16-1](#) also states “promote Park City’s mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City.”

The proposed shared driveway for this Plat Amendment is in keeping with the historic character of Old Town. At least three of the Lots, and potentially four depending on how a structure built on Lot D would connect to Norfolk Avenue, would use a Shared Driveway, a 16-foot-wide driveway easement proposed on the Plat Amendment. Additionally, Goal 6.1 of the General Plan for Old Town says that “[i]nfill and new additions should be compatible with the neighborhood context and subordinate to existing historic structures.”



Figure 4: Proposed Four Lot Subdivision with shared access shown is red.

Highlighted in green above are nearby lots of similar size, most of which have Single-Family Dwellings on them. The approximate locations of the proposed Lots for this amendment are identified in solid colors. The approximate location of the 16-foot proposed driveway access easement is identified in red.



Figure 6: Image of Existing Conditions

This screenshot from Google Earth above shows the street view from where Norfolk connects with 13th Street, illustrating several of the Single-Family Dwellings present in the vicinity.

The four lots are proposed to be created to build Single Family Dwellings as defined by § [15-2.16-5](#) and explained in Analysis I. Single Family Dwellings are common in the RC Zoning District and the proposed Lots are in keeping with those requirements. Lot D would create a North-South Lot. Although not common in this area, there are North-South Lots in the vicinity such as 1302 Norfolk Avenue.

(b) No Public Street or Right-of-Way is vacated

(c) No Public Easements will be vacated

(IV) The Development Review Committee requires Conditions of Approval.

The Development Review Committee² met on September 20, 2022, and noted the following specifications:

² 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).

Engineering: At building permit stage, Applicants will be required to provide a geotechnical report and provide storm drainage storage on site. It was noted that construction of a basement may be limited depending on a recommendation from a geotechnical licensed engineer.

Staff proposes **Condition of Approval 4:** Prior to applying for a building permit, the Applicant must provide a geotechnical report and storm drainage storage plan for the site. Construction of a basement may be limited on the recommendation of a Licensed Geotechnical Engineer and the City Engineering Department.

Fire: The proposed shared driveway is compliant as proposed with the Fire Code. The existing 5' Wide Fire Access Easement to the northwest of the plat will require the public stairs to be built before any structures are applied for per the Easement Agreement (Exhibit E).

Staff proposes **Condition of Approval 5:** A Plat Note shall be added that reads: Before any construction may take place within the subdivision, the public stairs provided for in the Fire Access Easement must be constructed from Empire Avenue to the shared driveway.

Public Works: A 30-foot Non-Exclusive Utility Easement is located on the plat. The Public Work Department noted that no buildings can be constructed in this area. Landscaping and non-heated driveways may be constructed but owners should be aware that these items can be removed at any time and the Lot owners will be responsible for any replacements within the easement area.

Staff proposes **Condition of Approval 6:** A Plat Note shall be added that states: No Buildings can be built within the 30-foot Non-Exclusive Utility Easement. Landscaping and non-heated driveways may be constructed but owners should be aware that these items can be removed at any time and the Lot owners will be responsible for any replacements within the easement area.

Department Review

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

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on February 8, 2023. Staff mailed courtesy notice to property owners within 300 feet on February 8, 2023. The *Park Record* published notice on February 8, 2023.³

Public Input

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

³ LMC [§ 15-1-21](#)

Alternatives

- The Planning Commission may forward a positive recommendation for City Council's consideration on April 4, 2023;
- The Planning Commission may forward a negative recommendation for City Council's consideration on April 4, 2023, and may direct staff to make findings for the denial; or
- The Planning Commission may continue the item to a date certain.

Exhibits

Exhibit A: Draft Ordinance No. 2023-XX

Attachment 1: Proposed North Norfolk Plat Amendment

Exhibit B: Survey with Existing Conditions

Exhibit C: Site Photographs

Exhibit D: Park City Survey

Exhibit E: Fire Access Easement

Exhibit F: Existing Knudson Subdivision Plat

Exhibit G: Resolution from 1980 re. the Closure of Norfolk Avenue

Exhibit H: October 16, 1980 City Council Minutes

Exhibit I: Resolution 11-82 authorizing the sale of closed portion of Norfolk Avenue

Exhibit J: April 22, 1982 City Council Minutes

Exhibit K: Ordinance 14-03 Approving Knudson Plat

Exhibit L: February 13, 2014 City Council Staff Report on Knudson Subdivision

Ordinance No. 2023-XX

AN ORDINANCE APPROVING THE NORTH NORFOLK PLAT AMENDMENT, LOCATED AT 1325 EMPIRE AVENUE AND PARCEL SA-200, PARK CITY, UTAH

WHEREAS, the owners of the property known as 1325 Empire Avenue and Parcel SA-200 has petitioned the City Council to amend the Knudson Subdivision and Parcel SA-200 within the Recreation Commercial Zoning District and re-subdivide it into four Lots known as the North Norfolk Subdivision; and

WHEREAS, on February 8, 2023, staff posted notice to the property and according to the requirements of the Land Management Code; and

WHEREAS, staff mailed courtesy notice to all affected property owners on February 8, 2023, and legal notice was published in the Park Record and on the Park City and Utah Public Notice websites; and

WHEREAS, the Planning Commission held a public hearing on February 22, 2023;

WHEREAS, on February 22, 2023, the Planning Commission forwarded a _____ recommendation to the City Council; and

WHEREAS, on April 4, 2023, the City Council held a public hearing; and

WHEREAS, it is in the best interest of Park City, Utah, to approve the North Norfolk Plat Amendment; and

WHEREAS, the North Norfolk Plat Amendment will not cause undue harm to adjacent property owners.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The North Norfolk Plat Amendment, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. On October 16, 1980, the City Council passed a resolution closing a portion of the Norfolk Avenue right-of-way.
2. On April 22, 1982, that closed portion of Norfolk Avenue was sold by the City.
3. In 2014, a Plat Amendment was submitted for 3 lots, located at 1314 & 1350 Empire Avenue known as the Knudson Plat.
4. On January 29, 2014, the Planning Commission forwarded a positive

recommendation to City Council, and on February 13, 2014, City Council approved The Knudson Plat.

5. The Knudson Plat was recorded with Summit County on February 27, 2014.
6. The land was not developed.
7. In May of 2022, the Applicant submitted this Plat Amendment, proposing to subdivide a vacant Lot and Parcel into four Lots to eventually be developed with four Single Family Dwellings.
8. The proposal complies with the Recreation Commercial (RC) Zoning District requirements outlined in LMC Chapter 15-2.16.
9. The four Lots are compliant with the minimum Lot Size Requirements for Single Family Dwellings, but none are compliant for Duplexes.
10. LMC § 15-2.16-5 outlines the Building Footprint, Maximum Building Height, and Setback Requirements for the Lot sizes proposed. While Single Family Dwellings, Duplexes, and Triplexes are allowed uses in the Recreation Commercial Zoning District, § 15-2.16-5 outlines minimum Lot Size for Single Family Dwellings (1,875 sq ft) and Duplexes (3,750 sq ft). Lot A is 2,378.99 sq ft. Lot B is 2,382.37 sq ft. Lot C is 2,511.37 sq ft. Lot D is 3,587.54 sq ft. The four Lots are compliant with the minimum Lot Size Requirements for Single Family Dwellings, but none are compliant for Duplexes.
11. LMC § 15-2.16-5 outlines the Building Footprint, Maximum Building Height, and Setback Requirements for the Lot sizes proposed. Development must comply with the regulations in place at the time of a Building Permit submittal.
12. The Single Family Dwellings will require two off-street parking spaces per Lot, as required by § 15-3-6.
13. There is Good Cause for this Plat Amendment because it will allow for development that promotes density that is consistent with the Old Town Neighborhood and purposes of the Recreation Commercial Zoning District.
14. The Lots affected by this Plat Amendment are close to Park City Mountain Resort, increasing potential housing opportunities near to a resort.
15. The shared driveway is in keeping with the historical context of Old Town.
16. The four Lots could be developed with Single Family Dwellings. Single Family Dwellings are common in the Recreation Commercial Zoning District and the proposed Lots are in keeping with these requirements.

Conclusions of Law:

1. Neither the public nor any person will be materially injured by the proposed plat amendment.
2. Approval of the plat amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.
3. The proposal create four Lots complies with the Recreation Commercial (RC) Zoning District requirements outlined in LMC Chapter 15-2.16.

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 at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one year, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
 3. A Plat Note shall indicate that this Plat is subject to Ordinance 2023-XX.
 4. Prior to submitting a building permit, the Applicants must provide a geotechnical report and storm drainage storage plat for the site. Construction of a basement may be limited on the recommendation of a Licensed Geotechnical engineer and the City Engineering Department.
 5. A Plat Note shall be added that reads: Before any construction may take place within the subdivision, the public stairs provided for in the Fire Access Easement must be constructed from Empire Avenue to the shared driveway.
 6. A Plat Note shall be added that states: No Buildings can be built within the 30-foot Non-Exclusive Utility Easement. Landscaping and non-heated driveways may be constructed but owners should be aware that these items can be removed at any time and the Lot owners will be responsible for any replacements within the easement area.
 7. No building shall exceed a Maximum Building Height of 27 feet from Existing Grade. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure as required by § 15-2.16-5.

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

PASSED AND ADOPTED this 4th day of April 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

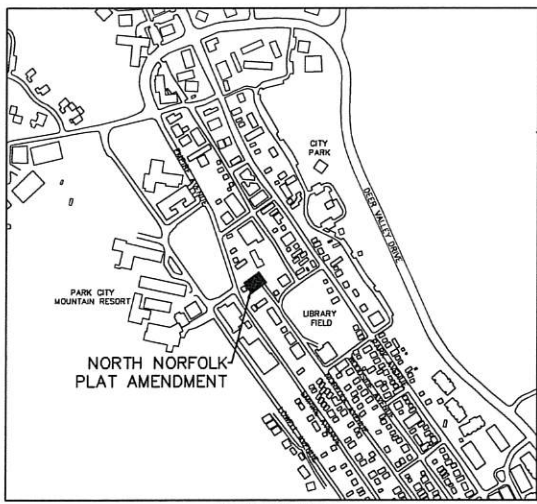
ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney's Office

DRAFT



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 subdivided said land into lots, hereafter to be known as NORTH NORFOLK PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

PARCEL 1:

Lot C, Knudson Subdivision, according to the official plat thereof on file and of record in the Summit County Recorder's Office. Together with:
A non-exclusive and restricted access easement for ingress and egress by emergency services as disclosed in that certain easement agreement dated February 23, 2022, by and between Morys, LLC, and Skyler, LLC, formerly known as Skyler LTD, recorded February 24, 2022, as Entry No. 1184065, in Book 2725, at Page 1173, Summit County Recorder's Office, more particularly described as follows:
A five (5) foot wide access easement located in the northwest quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said easement also being located within Lot B of the Knudson Subdivision recorded February 27, 2014, as Entry No. 990328, in the Office of the Summit County Recorder and being more particularly described as follows:

Beginning at the westernmost corner of Lot B Knudson Subdivision, said corner being common to the southernmost corner of Lot A, Knudson Subdivision; running thence coincident with the boundary line common to Lot A and Lot B North 54°01'00" East 57.43 feet to the northernmost corner of Lot B, said corner being common to the westernmost corner of Lot C Knudson Subdivision; thence coincident with the boundary line common to Lot B and Lot C South 35°59'00" East 5.00 feet; thence South 54°01'00" West 58.99 feet to the easterly right-of-way of Empire Avenue; thence coincident with said right-of-way of Empire Avenue North 18°41'00" West 5.24 feet to the point of beginning.

PARCEL 2:

All of Lots 6 and 7, in Block 19, Snyders Addition to Park City, Utah, according to the official plat thereof on file and of record, in the Office of the Summit County Recorder.

Less and excepting:

A parcel of land located in the northwest quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being the rear 0.6 feet of Lot 6, Block 19, Snyders Addition to Park City and being more particularly described as follows:

Beginning at the westernmost corner of Lot 6, Block 19, Snyders Addition to Park City; thence coincident with the boundary line Lot 6 and Lot 39 South 35°59'00" East a distance of 25.00 feet to the southernmost corner of Lot 6; thence coincident with the boundary line of Lot 6 and Lot 5 North 54°01'00" East a distance of 0.60 feet; thence parallel to the boundary line of Lot 6 and Lot 39 North 35°59'00" West a distance of 25.00 feet to the boundary line of Lot 6 and Lot 7; thence coincident with said boundary line South 54°01'00" West a distance of 0.60 feet to the point of beginning.

Together with:

A non-exclusive and restricted access easement for ingress and egress by emergency services as disclosed in that certain easement agreement dated February 23, 2022, by and between Morys, LLC, and Skyler, LLC, formerly known as Skyler LTD, recorded February 24, 2022, as Entry No. 1184065, in Book 2725, at Page 1173, Summit County Recorder's Office, more particularly described as follows:

A five (5) foot wide access easement located in the northwest quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said easement also being located within Lot B of the Knudson Subdivision recorded February 27, 2014, as Entry No. 990328, in the Office of the Summit County Recorder and being more particularly described as follows:

Beginning at the westernmost corner of Lot B Knudson Subdivision, said corner being common to the southernmost corner of Lot A, Knudson Subdivision; running thence coincident with the boundary line common to Lot A and Lot B North 54°01'00" East 57.43 feet to the northernmost corner of Lot B, said corner being common to the westernmost corner of Lot C Knudson Subdivision; thence coincident with the boundary line common to Lot B and Lot C South 35°59'00" East 5.00 feet; thence South 54°01'00" West 58.99 feet to the easterly right-of-way of Empire Avenue; thence coincident with said right-of-way of Empire Avenue North 18°41'00" West 5.24 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described land, and hereby causes the same to be divided into lots, together with easements as set forth to be hereafter known as NORTH NORFOLK PLAT AMENDMENT. The undersigned owner hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over the public utility easement shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. 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 _____, 2023.

1325 Empire Ave Holdings, LLC, a Delaware limited liability company

By: Gavin David Steinberg, Manager

ACKNOWLEDGMENT

STATE OF _____

ss:

COUNTY OF _____

On this ____ day of _____, 2023, Gavin David Steinberg 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 1325 Empire Ave Holdings, LLC, a Delaware 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 NORTH NORFOLK 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 2023-_____.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 54°01'00" W	0.60'
L2	N 54°01'00" E	1.66'
L3	S 80°28'20" E	4.31'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	20.00'	15.53'	44°29'20"
C2	20.00'	2.73'	7°46'43"

NORTH NORFOLK PLAT AMENDMENT

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

SHEET 1 OF 1

(435) 649-9467



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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2023
BY _____ ENGINEERING DEPARTMENT

PLANNING COMMISSION
RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2023
BY _____ CHAIR

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

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

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

CERTIFICATE OF ATTEST
I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2023
BY _____ PARK CITY RECORDER

PUBLIC SAFETY
ANSWERING POINT APPROVAL
APPROVED THIS ____ DAY OF _____, 2023
BY _____ SUMMIT COUNTY GIS COORDINATOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____
FEE _____ RECORDER _____
TIME _____ DATE _____ ENTRY NO. _____

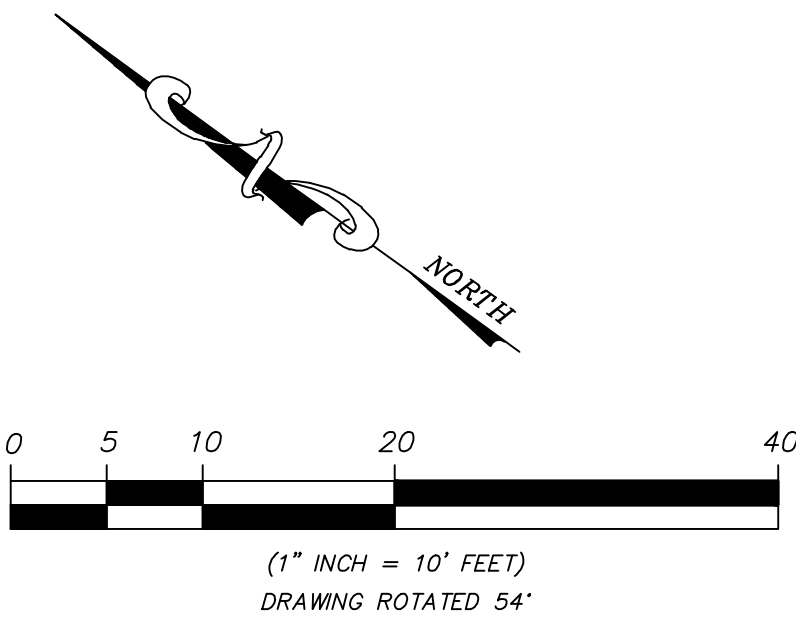
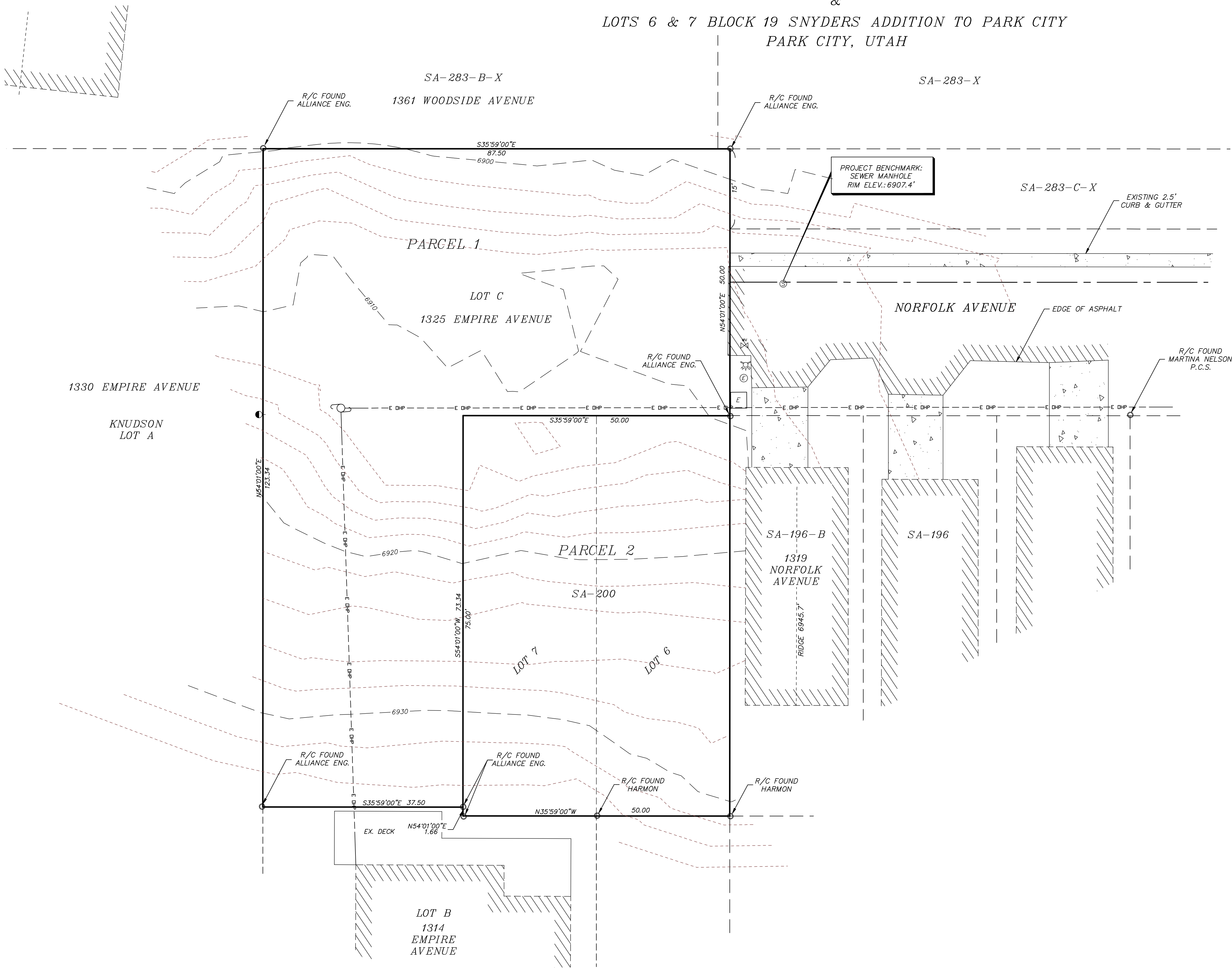
TOPOGRAPHIC/EXISTING CONDITIONS SURVEY

LOT C KNUDSON SUBDIVISION

&

LOTS 6 & 7 BLOCK 19 SNYDERS ADDITION TO PARK CITY

PARK CITY, UTAH



3100 PINEBROOK RD.
SUITE 1000
PARK CITY, UT 84098
(801) 573-7871

NARRATIVE:

THE PURPOSE OF THIS SURVEY WAS TO IDENTIFY THE LOT LINES AND PROVIDE TOPOGRAPHIC DATA TO ESTABLISH THE POSSIBILITY OF DEVELOPMENT ON THE SUBJECT PARCELS.

UTILITIES WERE NOT IDENTIFIED UNDERGROUND AND FURTHER INVESTIGATION IS SUGGESTED.

AN EXISTING CONDITIONS & TOPOGRAPHIC MAP WAS COMPLETED BY ALLIANCE ENGINEERING DATED 1-24-14. THE ELEVATIONS ON THIS SURVEY ARE BASED UPON A SAID SURVEY.

PROPERTY CORNERS WERE NOT SET, HOWEVER FOUND PROPERTY CORNERS ARE IDENTIFIED ON THE SURVEY.

SURVEY COMPLETED: 5/07/2022.

SEE SAID KNUDSON SUBDIVISION FOR ANY EASEMENTS, SETBACK REQUIREMENTS, BUILDING ENVELOPES AND BUILDING LOT RESTRICTIONS. SURVEYOR IS NOT RESPONSIBLE FOR SAID RESTRICTIONS.

CONTOUR INTERVALS ARE TWO FOOT, LABELED ON THE TEN FOOT MAJOR.

SNOW COVERAGE AT THE TIME OF THE INITIAL SURVEY WAS APPROXIMATELY 1' TO 2 FEET. ADDITIONAL INFORMATION WAS GATHERED AT A LATER DATE ON THE HARD SURFACED FEATURES.

LOT C KNUDSON SUBDIVISION⁴9

&

LOTS 6 & 7, BLOCK 19, SNYDERS ADD.

SUMMIT COUNTY, UTAH

SURVEY PREPARED

FOR

LARRY FELDMAN

LYING WITHIN SECTION 11,
TOWNSHIP 1 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

LEGEND

SUBJECT PARCEL	+	SELECTED SPOT ELEVATION
ADJOINERS	○	PROPERTY CORNER FOUND (AS NOTED)
ROAD CENTERLINE	⊕	FIRE HYDRANT
6560	⊕	ELECTRICAL BOX
CONTOUR MAJOR	⊕	SEWER MANHOLE
CONTOUR MINOR	⊕	ELECTRICAL TRANSFORMER
OVERHEAD POWER	⊕	WATER VALVE



DRAWN BY:
TM

DESIGNED BY:
TM

CHECKED BY:
MM

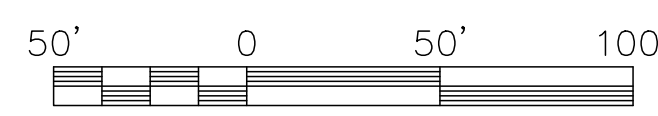
PROJECT NO:
1110-08

DATE:
5/9/2022

SHEET NO:
1



NORTH NORFOLK
PLAT AMENDMENT



(435) 649-9467

Alliance Engineering Inc.

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
MARSHALL KING

DATE: 5/11/22

AERIAL PHOTOGRAPH
NORTH NORFOLK PLAT AMENDMENT

FOR: GAVIN DAVID STEINBERG
JOB NO.: 7-3-22
FILE: X:\SnydersAddition\dwg\PlatExhibits\2022\North Norfolk\North Norfolk-aerial.dwg

SHEET
1
OF
1



1325 Norfolk Ave - looking northerly



1325 Norfolk Ave - looking easterly



1325 Norfolk Ave - looking northeasterly



1325 Norfolk Ave - looking southwesterly



1325 Norfolk Ave - looking northwesterly

01184065 B: 2725 P: 1173

Page 1 of 7

Rhonda Francis Summit County Recorder

02/24/2022 03:35:42 PM Fee \$40.00

By COALITION TITLE AGENCY, INC.

Electronically Recorded

WHEN RECORDED MAIL TO:

SKYLER LLC
C/O: GARY KNUDSON
PO BOX 511
PARK CITY, UT 84060-0511

Knudson-B
Knudson-C
SA-200

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (the "Agreement") is entered into on this 23 day of ~~FEBRUARY~~ 2022 ("Effective Date") by and between **MARYA, LLC** ("Grantor"), and **SKYLER, LLC, formerly known as Skyler LTD** ("Grantee").

RECITALS

- A. On the date hereof, Grantor owns real property in Summit County generally located at 1314 EMPIRE AVE, Summit County, Utah, which is more particularly described as:

LOT B KNUDSON SUBDIVISION; ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 4,133 SQ FT OR 0.09 AC. 2229-1106.

Tax Parcel No.: KNUDSON-B (GRANTOR PROPERTY)

- B. On the date hereof, the Grantee owns real property in Summit County generally located at 1325 EMPIRE AVE, Summit County, Utah, which is more particularly described as:

LOT C KNUDSON SUBDIVISION; ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 7,125 SQ FT OR 0.16 AC.

Tax Parcel No.: KNUDSON-C (GRANTEE PROPERTY 1)

- C. On the date hereof, the Grantee owns real property in Summit County, Utah, which is more particularly described as:

ALL OF LOTS 6 AND 7 IN BLOCK 19, SNYDERS ADDITION

TO PARK CITY, UTAH ACCORDING TO THE OFFICIAL
PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS
OFFICE

Tax Parcel No.: SA-200 (GRANTEE PROPERTY 2)

- D. The only purpose of this Access Easement is to allow fire department and emergency services ("Emergency Services") access to Grantee Property 1 and Grantee Property 2 by and through an access easement, described herein, for the benefit of the Grantee Property 1 and Grantee Property 2.
- E. There exists a certain five foot (5') wide unimproved dirt path across a certain portion of the Grantor Property, as depicted on Exhibit A ("Access Easement").
- F. The Grantor Property and Grantee Property are adjoining parcels. Grantee Property 1 (KNUDSON - C) is adjacent to the Access Easement. However, Grantee Property 2 (SA-200) is not adjacent to the Access Easement and Emergency Services may only access Grantee Property 2 by way of Grantee Property 1 and not by way of any other portion of GRANTOR'S PROPERTY.

AGREEMENT

NOW THEREFORE, for good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, GRANTOR hereby grants a non-exclusive and restricted access easement over the ACCESS EASEMENT for ingress and egress by Emergency Services to access and for the benefit of GRANTEE'S PROPERTY 1 and GRANTEE PROPERTY 2 on the terms and provisions set forth herein.

1. The Recitals above and all Exhibits hereto are hereby incorporated into this Agreement by this reference.
2. The Access Easement is as depicted in Exhibit A which is incorporated herein.
3. Grantee and any successors in interest have a right to construct a concrete / asphalt sidewalk within the full length and width of the Easement Access area. Grantee and any successors are responsible for all costs of construction and maintenance of any such improvements in the Access Easement. Grantee has no rights to otherwise improve upon or make improvements, in any form, to the Access Easement, including but not limited to, grading, retaining, expanding the width, or any other improvement on the Grantor Property, including the ACCESS EASEMENT, without prior written permission from Grantor, except as may be required from time to time by a governmental authority having jurisdiction over the Emergency Services and then only for purposes of providing access for Emergency Services, (provided such governmental authority shall not have the right to increase the width of the Access Easement).

4. Grantor shall have no right to impede or restrict access to or the use of the ACCESS EASEMENT by the Emergency Services providers as contemplated herein, provided, however that Grantor shall have the right to restrict access to the Access Easement in a manner acceptable to Park City Emergency Services providers so that only Emergency Services providers may have access to the Access Easement.

5. The parties acknowledge that Park City currently has plans to build a public access easement on property adjacent to Grantor's Property (the "City Easement"). If and when the City Easement is constructed, and provided that the City Easement is accepted in writing by Park City Municipality (including Emergency Services) as providing equivalent and acceptable Emergency Services access to Grantee Property 1 and Grantee Property 2, this Access Easement shall automatically terminate. Provided, however, that if Grantee Property 1 is able to connect directly to the City Easement, the Access Easement shall be redescribed as the smallest possible area necessary to allow Emergency Services Access to Grantee Property 1 from the City Easement.

6. GRANTEE HAS INSPECTED THE EASEMENT PROPERTY AND ACCEPTS THE EASEMENT PROPERTY IN "AS-IS", "WHERE-IS" CONDITION, WITH ALL FAULTS, AND GRANTEE AGREES THAT GRANTOR HAS NOT MADE, AND DOES NOT MAKE, ANY WARRANTY OR REPRESENTATION WHATSOEVER, EXPRESS OR IMPLIED, AS TO THE PHYSICAL CONDITION OF THE EASEMENT PROPERTY; AND GRANTOR EXPRESSLY DISCLAIMS ALL SUCH WARRANTIES; AND THE PARTIES AGREE THAT ALL RISK ASSOCIATED THEREWITH SHALL BE BORNE BY GRANTEE. NOTWITHSTANDING THE FOREGOING, GRANTOR HEREBY REPRESENTS AND WARRANTS TO GRANTEE THAT GRANTOR IS THE OWNER OF FEE SIMPLE TITLE TO THE EASEMENT PROPERTY AND HAS FULL AUTHORITY TO GRANT THE EASEMENT CREATED HEREIN.

7. This Agreement and the easement created hereunder constitute equitable servitude and covenants running with the land, binding on GRANTOR's PROPERTY and benefitting and appurtenant to GRANTEE PROPERTY 1 AND GRANTEE PROPERTY 2, and shall be binding upon and inure to the benefit of the parties hereto and their respective successors-in-interest.

8. This Agreement is for the sole and exclusive benefit Grantee and its successors-in-interest, for the sole purpose of Emergency Services providers requiring emergency access pursuant hereto, and there shall be no individual rights for use of the Access Easement, including any other third-party beneficiaries, and nothing in this Agreement shall be construed to grant to any other person any right, remedy or claim under or in respect of this Agreement or any provision hereof.

9. This Agreement may only be amended by a writing executed and recorded by Grantor and Grantee, or their respective successors-in-interest.

10. This Agreement shall be governed by and interpreted pursuant to the laws of the State of Utah.

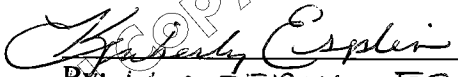
11. Any waiver by a party hereto of any breach of any kind or character whatsoever by another party, whether such waiver be direct or implied, shall not be construed as a continuing waiver of or consent to any subsequent breach of this Agreement on the part of the other party.

12. In the event any action or proceeding is brought by any party against any other party hereto, the prevailing party shall be entitled to recover attorney's fees in such amount as the court may adjudge reasonable.

IN WITNESS WHEREOF, the undersigned has executed this instrument as of the Effective Date.

GRANTOR

MARYA, LLC


By: KIMBERLY ESPLIN
Its Manager

ACKNOWLEDGEMENT

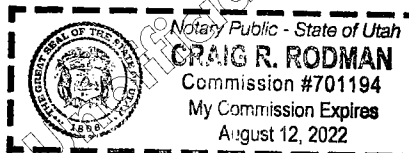
STATE OF UTAH)
) ss.
County of Summit)

STATE OF UTAH)
COUNTY OF Summit)

On this 23 day of FEB., 2022, KIMBERLY ESPLIN (name of document signer) 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/she is the Manager of Marya, LLC, a Utah limited liability company, and that said document was signed by him/her on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he/she acknowledged to me that he/she executed the same.



Notary Public



GRANTEE
SKYLER, LLC


By: KIMBERLY ESPLIN
Its Manager

ACKNOWLEDGEMENT

STATE OF Utah)
County of Summit) : ss.

On this 23 day of FEB, 2022, KIMBERLY ESPLIN (name of document signer) 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/she is the Manager of Skyler, LLC, a Utah limited liability company, and that said document was signed by him/her on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he/she acknowledged to me that he/she executed the same.


Notary Public

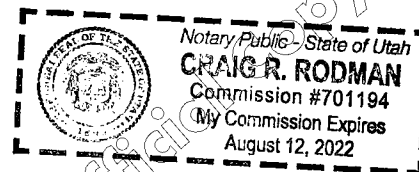
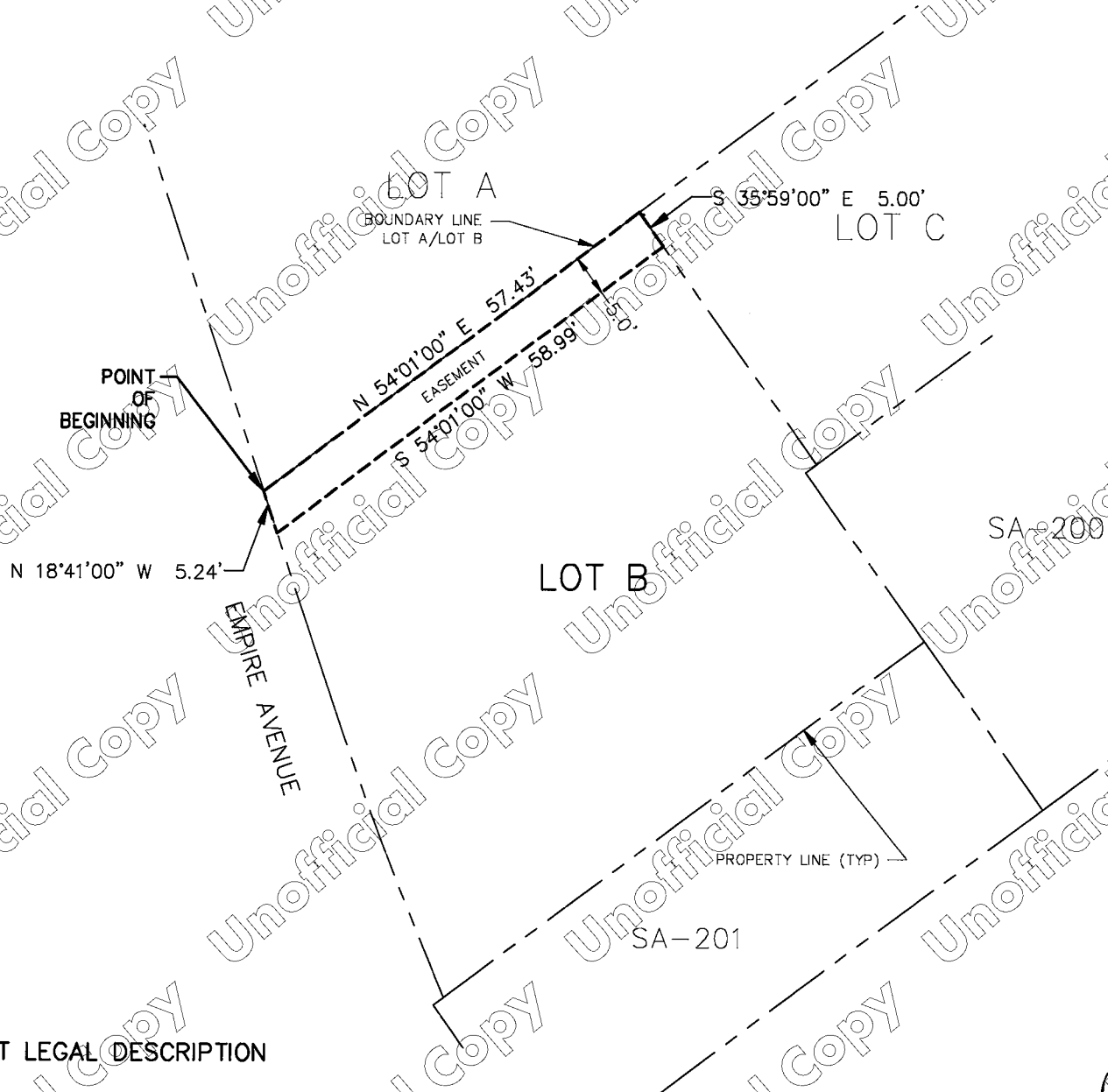


EXHIBIT “A”

(Survey of Access Easement on Grantor’s Property)

KNUDSON SUBDIVISION **LOT B EASEMENT** **EXHIBIT "A"**



EASEMENT LEGAL DESCRIPTION

A five (5) foot wide Access Easement located in the Northwest Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said easement also being located within Lot B of the Knudson Subdivision recorded February 27, 2014 as Entry No. 990328 in the office of the Summit County Recorder and being more particularly described as follows:

Beginning at the westernmost Corner of Lot B Knudson Subdivision, said corner being common to the southernmost Corner of Lot A Knudson Subdivision; and running thence coincident with the boundary line common to Lot A and Lot B North 54°01'00" East 57.43 feet to the northernmost Corner of Lot B, said corner being common to the westernmost Corner of Lot C Knudson Subdivision; thence coincident with the boundary line common to Lot B and Lot C South 35°59'00" East 5.00 feet; thence South 54°01'00" West 58.99 feet to the easterly right-of-way of Empire Avenue; thence coincident with said right-of-way of Empire Avenue North 18°41'00" West 5.24 feet to the Point of Beginning.

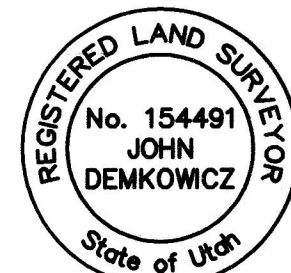
SCALE: 1" = 20'

PROFESSIONAL LAND SURVEYING
AND CONSULTING

ALLTERRA
UTAH, LLC

435-640-4200

463 SCENIC HEIGHTS ROAD, FRANCIS, UTAH 84036



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of KNUDSON SUBDIVISION and that the same has been monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

John Demkowicz Date 2-20-2014

PROPERTY DESCRIPTION

PARCEL 1: PARK CITY REDEVELOPMENT AUTHORITY

A parcel of land located in the northwest quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at the northernmost corner of Lot 12, Block 19, Snyder's Addition to Park City Survey, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence along the easterly boundary of Block 19 South 35°59'00" East 50.00 feet to the easternmost corner of Lot 11; thence along the south boundary of Lots 11 and 34 South 54°01'00" West 119.08 feet to the easterly edge of Empire Avenue; thence along the easterly edge of Empire Avenue North 18°41'00" West 52.37 feet to the north boundary of Lot 33; thence along the north boundaries of Lots 33 and 12 North 54°01'00" East 103.51 feet to the point of beginning.

PARCEL 2: SKYLER, LTD.

LOT 8, Block 19, Snyder's Addition to Park City, according to the official plat thereof on file and of record in the office of the Recorder.

All of LOTS 9, 10, 35 AND 36, Block 19, Snyder's Addition to Park City, Park City, Utah, according to the official plat thereof on file and of record in the Summit County Recorder's Office, less and excepting any portion lying within Empire Avenue.

Beginning at the north corner of Lot 12, Block 19, Snyder's Addition to Park City, Utah, said point of beginning also being on the west right-of-way line of Norfolk Avenue; thence North 54°01' East 50.00 feet to the east right-of-way line of said Norfolk Avenue; thence South 35°59' East along said east line 100.00 feet; thence South 54°01' West 50.00 feet to said west line; thence North 35°59' West along west line 100.00 feet to the point of beginning.

Beginning at the north corner of Lot 8, Block 19, Snyder's Addition to Park City, Utah, said point of beginning also being on the west right-of-way line of Norfolk Avenue; thence North 54°01' East 50.00 feet to a point on the east right-of-way line of Norfolk Avenue; thence South 35°59' East along said east line 75.0 feet; thence South 54°01' West 50.00 feet to a point on said west line; thence North 35°59' West along west line 75.0 feet to the point of beginning.

PARCEL 3: MARYA, LLC.

Lots 37 AND 38, Block 19, Snyder's Addition to Park City, according to the official plat thereof on file and of record in the Office of the Recorder, less and excepting any portion lying within Empire Avenue.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that MARYA, LLC., a Utah limited liability company, owner of Parcel 3, as described herein, does hereby certify that it has caused this Plat Amendment to be prepared and hereby consents to the recordation of this Plat Amendment.

In witness whereof, the undersigned set their hands 21st day of February, 2014.

MARYA, LLC., a Utah limited liability company

By: Gary L. Knudson By: Helen M. Knudson
Gary L. Knudson, Manager Helen M. Knudson, Manager

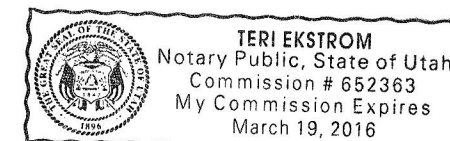
ACKNOWLEDGMENT

State of Utah: ss:
County of Summit:

On this 21st day of February, 2014, Gary L. Knudson and Helen M. Knudson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Gary L. Knudson and Helen M. Knudson acknowledged to me that they are the Managers of MARYA, LLC., a Utah limited liability company, organized and existing under the laws of the State of Utah for and in behalf of said company for the uses and purposes stated therein and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Teri Ekstrom
A Notary Public commissioned in Utah
Teri Ekstrom
Printed Name

Residing in: Summit Co.
My commission expires: March 19, 2016



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Park City Redevelopment Authority, owner of PARCEL 1 as described herein, does hereby certify that it has caused this Plat Amendment to be prepared and hereby consents to the recordation of this Plat Amendment.

IN WITNESS WHEREOF, the undersigned set his hand this 20 day of February, 2014.

REDEVELOPMENT AGENCY OF PARK CITY

By: Jack Thomas
Title: Chairman

ACKNOWLEDGMENT

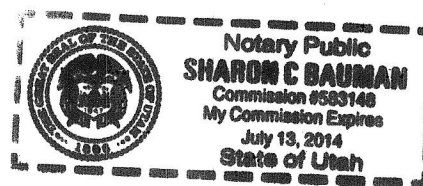
State of Utah: ss:
County of Summit:

On this 20 day of February, 2014, Jack Thomas personally appeared before me, the undersigned Notary Public in and for said state and county.

Having been duly sworn, Jack Thomas acknowledged to me that he is authorized and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Sharon C. Bauman
A Notary Public commissioned in Utah

Sharon C. Bauman
Printed Name
Residing in: Park City, Utah
My commission expires: 07-13-2014



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that SKYLER, LTD., owner of Parcel 2 as described herein, does hereby certify that it has caused this Plat Amendment to be prepared and hereby consents to the recordation of this Plat Amendment.

In witness whereof, the undersigned set their hands this 21st day of February, 2014.

SKYLER, LTD.

By: Gary L. Knudson
Gary L. Knudson, General Partner

By: Helen M. Knudson
Helen M. Knudson, General Partner

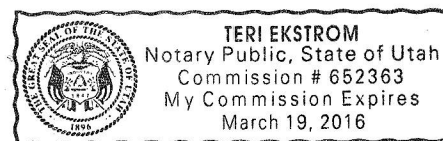
ACKNOWLEDGMENT

State of Utah: ss:
County of Summit:

On this 21st day of February, 2014, Gary L. Knudson and Helen M. Knudson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Gary L. Knudson and Helen M. Knudson acknowledged to me that they are the General Partners of SKYLER, LTD., organized and existing under the laws of the State of Utah for and in behalf of said company for the uses and purposes stated therein and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Teri Ekstrom
A Notary Public commissioned in Utah
Teri Ekstrom
Printed Name

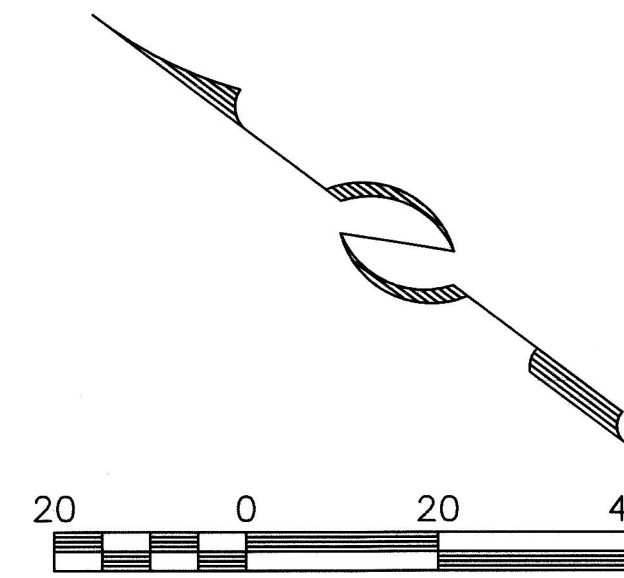
Residing in: Summit Co.
My commission expires: March 19, 2016



A RE-SUBDIVISION OF PLATTED LOTS AND RIGHT-OF-WAY, BLOCK 19, SNYDER'S ADDITION TO PARK CITY SURVEY

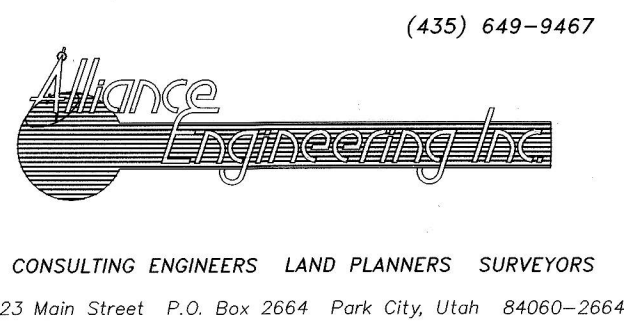
KNUDSON SUBDIVISION

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



SHEET 1 OF 1

2/20/14 JOB NO.: 6-12-13 FILE: X:\SnydersAddition\dwg\sr\plat2013\061213.dwg



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 24th DAY OF Feb., 2014
BY: B. B. W. R. D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 24TH DAY OF JANUARY, 2014
BY: [Signature]
CHAIR

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 24th DAY OF February, 2014
BY: [Signature]
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 25th DAY OF February, 2014
BY: [Signature]
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

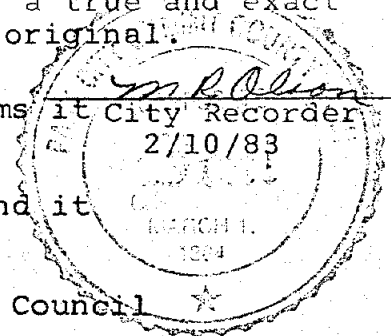
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 13 DAY OF February, 2014
BY: [Signature]
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 13TH DAY OF FEBRUARY, 2014
BY: [Signature]
MAYOR

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF COALITION TITLE
DATE 2/27/2014 TIME 8:29 AM
ENTRY NO. 4990328 FEE \$33.00 RECORDER [Signature]



WHEREAS, the City Council of Park City deems it desirable to close Norfolk Street: and

WHEREAS, the City owns the street in fee and it is desirable to sell such land;

NOW, THEREFORE, be it resolved by the City Council of Park City, Utah, that:

1. The street hereby described below is closed.

Norfolk Avenue from the front of Block 19,
Lot 6 northwest through 14th Street and
continuing on from the north side of 14th
from Block 21 through Lot 24.

2. The Mayor is hereby authorized to execute such documents that are necessary to accomplish the sale of such land.

3. This resolution becomes effective upon adoption.

ADOPTED THIS 16 DAY OF October, 1980.

Entry No.	202815
Book	<u>20252</u>
Page	<u>555</u>
REQUEST OF	<u>Park City Municipal Corp.</u>
FEE	<u>ALAN SPRIGGS, SUMMIT CO. RECORDER</u>
\$	<u>0.41</u>
By	<u>Susan Peterson</u>
RECORDED	<u>3-1-83</u> at <u>3:37</u> M

PARK CITY MUNICIPAL CORPORATION

By: John C. Green, Jr.
John C. Green, Jr., Mayor

Attest:

Michelle Jaree
Deputy City Recorder

Parcel #1:

Beginning at the Northerly most corner of Lot 22 in Block 19 of Snyder's Addition to Park City, Utah; and running thence South 35°59' East along the Northeasterly line of said Block 19, 425 feet to the Easterly most corner of Lot 6 in said Block 19; thence North 54°01' East 50 feet to the Southwesterly line of Block 24, Snyder's Addition to Park City, Utah; thence North 35°59' West along the Southwesterly line of said Block 24, 425 feet; thence South 54°01' West 50 feet to the point of beginning. Contains 21,250 square feet.

Parcel #2:

Beginning at the most Southerly corner of Lot 26, Block 21, Snyder's Addition to Park City, Utah, and running thence South 54°01' West 50.00 feet to the most Easterly corner of Block 20 of Snyder's Addition to Park City, Utah; thence North 35°59' West 18.70 feet to the Easterly line of proposed Empire Avenue (50 feet wide); thence North 18°41' West along the Easterly line of said Empire Avenue 71.92 feet to a point of curvature being concave to the Southwest, having a central angle of 1°26'20" and a radius of 525.00 feet; thence Northwesterly along the arc of said curve 13.18 feet; thence North 54°01' East 24.85 feet to the most West-erly corner of Lot 23, Block 21 of Snyder's Addition to Park City, Utah; then South 35°59' East 100.00 feet to the point of beginning. Contains 3971.50 square feet.

BOOK 252 PAGE 555

CITY COUNCIL MINUTES

16 OCTOBER 1980

The meeting was called to order by Councilman Bob Wells. A roll call was taken. Councilmen Tina Lewis, Helen Alvarez, Tom Shellenberger, and Bob Wells were present. Also present were the City Attorney, Mike McCoy; the Director of Finance, Ric Jentzsch; and the City Manager, Arlene Loble. Councilman Richard Martinez and Mayor Green were excused. A motion was made by Councilman Lewis that Councilman Wells act as Mayor Pro Tem. Councilman Alvarez seconded the motion; the motion carried.

Regarding the minutes of 2 October 1980, Councilman Shellenberger asked that the amount to be paid under the Banberry Water Agreement which was not to be reimbursed be included in the minutes. Councilman Lewis made a motion to approve the minutes as amended. Councilman Alvarez seconded the motion; the motion carried.

The council questioned checks #872 and #8227. As the Finance Director had not yet arrived, Councilman Alvarez made a motion to approve the Summary of Verified Bills in the amount of \$199,191.89 for the period ending October 10, 1980, with the exception of Checks #872 and #8227. Councilman Lewis seconded the motion; the motion carried.

NEW BUSINESS

1. Liquor License Permit for Copper Bottom Inn.

Mr. S. Michael Finney appeared before the council to request their approval for a package agency and a minibottle license for a restaurant. Councilman Shellenberger made a motion to approve the liquor license for the Copper Bottom Inn. Councilman Lewis seconded the motion; the motion carried.

2. Adoption of the Mechanical Code.

At this time, the City Attorney explained to the council that the ordinance to be considered also included the Uniform Pool Code, 1979 Edition, the Uniform Sign Code, 1979 Edition, and the Uniform Solar Energy Code, 1979 Edition. Kevin Hooper of the Planning and Building Department went on to explain each of these codes. The Mechanical Code deals with heating equipment within a building assuring adequate ventilation for various types of heating equipment. The Uniform Sign Code deals with the structural requirements, how the sign is constructed, and what are the requirements for attachment to the building. The Uniform Pool Code deals with structure, drainage, and health & safety requirements of hot tubs, pools, etc. Since adoption of the Mechanical Code is the only one that appeared on the agenda, the council hesitated to adopt all four at this time. The possibility of placing the other three on the Agenda for the November 6 meeting was discussed. Councilman Shellenberger made a motion to adopt the Uniform Mechanical Code, 1979 Edition, Ordinance 80-14. Councilman Lewis seconded the motion; the motion carried.

3. Liquor License for the Eating Establishment.

Sherwin Baron requested the Council's approval for a mini-bottle license at 317 Main Street, The Eating Establishment, which is owned by Double E Investment LTD. Councilman Alvarez made a motion to approve the application for a package agency of Double E Investment LTD. Councilman Lewis seconded the motion; the motion carried.

4. Presentation by Cable Television.

At this time, Community Television of Utah presented to the council a \$75,000 Bond which they had been required to post. The money is on deposit in the form of a certificate at a local Park City bank. Continuing the presentation, several members of the company were introduced to the council, and then a demonstration of the cable television service was provided.

5. Petition vacating Calhoun Street.

Mr. Phillip Falk explained to the council that he was a representative of a small corporation, L'Ermitage. He went on to explain that they had purchased some property approximately ten years ago and then discovered that part of the home was on city property. They believed that there was a statute of limitations in the sense that they were not required to remove it. Since then, the home has been deteriorating and they would like to demolish it and improve the land. However, in order to do that, a little more land than they presently have is required. This is due to the parking requirements. He also pointed out that their property abuts the street. Mr. Falk has been to Coalville but has not found any evidence of action that may or may not have been taken in regard to previous vacation of the street. Sweetwater, the adjacent property owner, is now in Phase III of plans which call for constructing across the street. The property owned by L'Ermitage is located at 1287 Empire Avenue on the same side as Sweetwater Lift Lodge immediately to the north between Sweetwater and the pump house. About fourteen or fifteen feet encroaches.

At this time, Councilman Wells noted that he recalled a request by Sweetwater for the vacation of Calhoun Street; however, he could not recall whether it was ever acted upon. Councilman Alvarez had the minutes of the request for vacation, but she was unable to find if it had ever been acted on.

Mr. Falk continued by reading the petition which stated that Bush & Gudgeall had conducted a survey of the property. (A copy was attached and submitted to the council with the petition.) According to the survey, the house built on the property encroaches upon a portion of Calhoun Street also known as 13th Street. Petitioner desires to clear title to the property on which said house is situated by petitioning the council of Park City for an ordinance vacating a portion of said street and quit-claiming to petitioner a tract of land described in the petition. Petitioner desires to develop and improve said described property to improve the overall appearance of the neighborhood. The property is not now used as a public thoroughfare.

Councilman Alvarez stated that it has been common practice to close the street and sell the property. She asked Mr. Falk if he was willing to make the city an offer for the property. Mr. Falk stated that he had reason to believe that Park City, if the property is of no value to Park City, would just give up the property; that is what they are asking for. However, if

quit-claiming is contrary to any of the city's codes, he would consider making an offer.

Councilman Wells suggested that it be determined if anything happened on the previous Sweetwater application.

6. Resolution closing a portion of Norfolk Avenue.

The portion of Norfolk to be closed is described as, ". . . from the front of Block 19, Lot 6, Northwest through 14th Street and continuing on from the north side of 14th from Block 21 through Lot 24". The city attorney stated that, in compliance with the state law concerning closure of streets, a petition from all abutting property owners would be required so that there will be no adversely-affected property owners. Councilman Alvarez asked for a response from the property owners who were present. It was pointed out that some of the property has been closed once before but never deeded. Councilman Alvarez made a motion to close the portion of Norfolk in front of Lot 6, Block 19, Northwest through to 14th Street and continuing on from the north side of 14th from Block 21 through Lot 24. Councilman Shellenberger seconded the motion; the motion carried. A property owner, Mrs. Yates, was concerned whether the property was being vacated or would she have to pay the city for it. The city attorney pointed out that it was not being vacated; it is being closed. The city will have title to the street, and it may be acquired by purchase. The price would be negotiated between the city and the purchaser. Mrs. Yates was further concerned that the property might be for sale to a developer, should one be interested. The city attorney agreed that it would be available, but he did not expect that the city would sell to just anybody.

UNFINISHED BUSINESS

1. Resolution authorizing and directing the Mayor and City Recorder to execute an assignment of Water Rights with the Weber Basin Water Conservancy District.

The assignment is for 30 acre feet from North Park City Development to Park City from the Weber Basin Water Conservancy District. This is in connection with the Banberry Water Agreement and the contribution of water rights. Councilman Alvarez made a motion to adopt the resolution. Councilman Lewis seconded the motion; the motion carried.

2. Prospector Square commercial parking.

A document was distributed relating to parking in Prospector Square commercial area. The Prospector Square Commercial Area lot owners adopted the amendment with a change which adds a subparagraph E under the collection provision which provides that if a particular commercial lot owner constructed additional parking on his own lot, he would receive credit against the master plan for parking so constructed. This amendment to the condominium declaration establishes the procedure for development of additional parking, if needed. In the paragraph that relates to purchase or construction of parking it refers to the ". . . now current standards of the city. . ."; the council feels that this should be changed to the ". . . then current standards of the city. . .". The property owners want some indication from the city that adopting this amendment would get the property developable. Councilman Shellenberger made a motion to accept the amendment. Councilman Alvarez seconded the motion; the motion carried.

2. Brent Gold, condominiumization approval for Aspen Grove.

Mr. Gold stated that he had spoken with Ron Ivie concerning his objections to condominiumization approval for Aspen Grove. At this time, the council had before them a letter from Mr. Ivie withdrawing any objections pursuant to an agreement reached with the owner/developer/contractor of the project to perform. Councilman Alvarez questioned whether that agreement constituted a contract. Mr. Gold did not know, but he felt the agreement was binding. Councilman Alvarez made a motion to approve condominiumization of Aspen Grove on conditions of the contract between the developer and the city. Councilman Lewis seconded the motion; the motion carried.

CORRESPONDENCE

1. Inducement Resolution for an Industrial Revenue Bond for the Office Warehouse Project to the west of Prospector Square.

It has been requested that this appear on the agenda for November 5, 1980, City Council meeting.

COMMITTEE REPORTS

1. Tom Shellenberger: No Report.

2. Helen Alvarez: Dan & Priscilla Willard want to build on the second floor of their building, between Main Street and Swede Alley, above city property. This involves approximately 1,100 square feet. There was a question as to what kind of arrangement they desired, lease of the air space, purchase, etc. Councilman Alvarez pointed out that the property was going to be condominiumized and, rather than dealing with various property owners, it would be her recommendation to sell it. She suggested that the Willards give the city a public easement on the ground level and the city would make some consideration in the price. At this time, Councilman Wells noted that he had received an essentially identical request from Jim Carr with respect to another building. It was the consensus of the council that these two men appear before the council, personally, to discuss the issue.

Councilman Alvarez reported that John Price had been to see her regarding Prospector Park. She learned that certain promises and agreements made by Murray First Thrift were superceded by the 2% Impact Fee Agreement adopted April 25, 1975. However, after April, 1975, Marvin Steadman made promises to the Planning Commission. Therefore, Councilman Alvarez feels that the impact fee was not intended to take care of all the open space, park land, or playground space. There was a question as to whether Park City was ever deeded the water rights. She has received a letter and copies of the certificates for 55 shares of Weber-Davis water, and we are taking that water from the Pacific Well. She has received a letter from David Church concerning what can be done. She has researched the business license, and she would like a resolution tonight for some action. The license ordinance states that no license granted or issued under provisions of the ordinances of the city shall be deemed to be assignable or transferrable or to authorize any person other than the person therein mentioned or named to do business. If ownership of the condominium complex and athletic complex has been transferred, the new owner needs to apply for a license. She also questioned whether the new operators should

be granted a license. If the old owner still owns a portion of the operation, the license may be revoked. The ordinance provided for such revocation after notice and hearing. Councilman Alvarez is particularly concerned about the ten-acre park and the stream. A review of the official minutes of the City Council and of the files did not show that a valid license had ever been issued to Prospector Square Convention Center. Councilman Alvarez further recommended that, should the operating owner of the complex apply for a business license, the building be inspected by Ron Ivie for compliance with the Uniform Building Code.

Our present subdivision ordinance says that if there are no provisions for the completion of the improvements, that no building permits shall be issued in the subdivision. It is illegal to issue a building permit. Since there is no bond for Phase II, Councilman Alvarez recommended that the city stop issuing building permits until such time as they have a bond unless the subdivision ordinance that they came under does not have that provision. The bond will include \$13,600 for the buffer strip. Councilman Alvarez made a motion to institute an action against Prospector Associates and such other parties which are found to be involved for the stream improvements in Prospector Park Phases I, II, & III, and the Learning & Cultural Center Condominiums. Councilman Shellenberger seconded the motion; the motion carried.

3. Tina Lewis:

She distributed a copy of the new patron policy and circulation policy for the library. She expects the most controversial aspect will be that customers outside of the taxing district pay for a library card since the library is supported by city funds only and receives no funds from the county. The fee will be \$10 annually.

The library has received a new set of 1980 encyclopedias.

She thanked the Park City Women who put on the Park City Sock Hop. The proceeds will go to the library and handicapped children.

The recreation survey done by BYU has been received.

At this time, Councilman Lewis welcomed the new City Manager, Arlene Loble, and congratulated Councilman Wells on the arrival of a new baby daughter October 8.

Councilman Lewis thanked everyone who made the Oktoberfest a success.

Dr. Robert Winn has been appointed to the County Health Board to represent Park City.

A report was received from the Golf Course Committee; it was referred to the City Manager.

CITY ATTORNEY

No Report.

CITY MANAGER

The City Manager discussed ballot issues, Initiatives A & B and Proposition II, and discussed the consequences to the city should these pass.

She also explained that bus service would be cut off from the last week of October until Thanksgiving weekend to get the buses cleaned up and ready for the ski season.

The city council meeting was adjourned at 9:50 p.m.

At this time, the Redevelopment Authority convened a public input hearing to receive comments on the Historic Main Street Redevelopment Plan.

REDEVELOPMENT AUTHORITY

PUBLIC HEARING

HISTORIC MAIN STREET REDEVELOPMENT PLAN

The Master Plan for Redevelopment of Historic Main Street was prepared by Muir Chong & Associates. The nature of the plan was stressed as being conceptual and not considered to be the ultimate plan and structure for revitalization of the Main Street Area. Comment from the citizens was invited. One citizen was concerned about the properties scheduled for acquisition by the Redevelopment Authority as one of them belonged to him. He was assured that the diagram in the plan was general, not specific, and therefore, not absolutely accurate. Other comments received concerned the critical need for signage, parking, retention of city-owned property behind the Silver Wheel Theater for a minipark, and acquisition of the Marsac School.

Councilman Lewis made a motion to adjourn the hearing. Councilman Shellenberger seconded the motion; the motion carried.

The hearing adjourned at 11:00 p.m.

RESOLUTION

Resolution No. 11-82

A Resolution Authorizing a Property
Trade on Norfolk Avenue in Park City

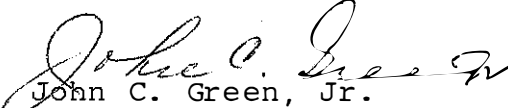
WHEREAS, the City Council of Park City, Utah, did authorize the transfer of city-owned land on Norfolk Avenue, to Richard and Kit Davies, and, property belonging to the Davies to be accepted by the city, and,

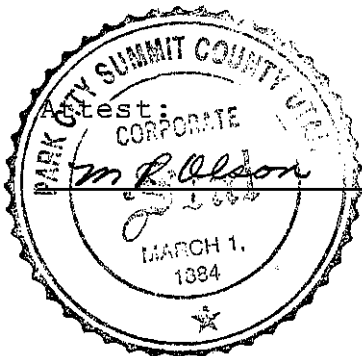
WHEREAS, the transfer will benefit the citizens of Park City, and the future planning of streets within the city.

NOW THEREFORE BE IT RESOLVED by the City Council of Park City, Utah, that the City Attorney is authorized to have executed the deeds to accomplish this transfer of land, which descriptions are attached hereto.

PASSED AND ADOPTED this 22nd day of April, 1982.

PARK CITY MUNICIPAL CORPORATION


John C. Green, Jr.
Mayor



Recorded at Request of _____
at _____ M. Fee Paid \$ _____
by _____ Dep. Book _____ Page _____ Ref.: _____
Mail tax notice to Richard and Kit Davis Address 4601 Barreville Rd
Crystal Lake, IL 60014

QUIT-CLAIM DEED
[CORPORATE FORM]

PARK CITY MUNICIPAL CORPORATION, a corporation
organized and existing under the laws of the State of Utah, with its principal office at _____, of County of _____, State of Utah,
grantor, hereby QUIT CLAIMS to

RICHARD B. DAVIES AND KIT S. DAVIES of _____ grantee
for the sum of _____ DOLLARS,

the following described tract of land in _____ County,
State of Utah:

Beginning at the Northerly most corner of Lot 5, Block 78, Park City Survey, and running thence North 66° 22' East, 10 feet, thence South 23° 38' East along a line 10 feet off set and parallel to the westerly line of Norfolk Avenue as plotted, 37.23 feet to a point which is 10 feet, more or less, Northwesterly from an existing retaining wall along the Northwesterly line of existing Norfolk Avenue, thence South 15° 42' 30" West, more or less, parallel with said retaining wall 15.77 feet to the Northeasterly line of Lot 4, said Block 78, thence North 23° 38' West along the easterly line of Lots 4 and 5, said Block 78, 49.43 feet to the point of beginning.

Containing 433.30 square feet.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this _____ day of _____, A. D. 19____

Attest: _____
Secretary.
[CORPORATE SEAL]

By _____ Company
X *John C. Green*
Mayer President.

STATE OF UTAH, }
County of _____ } ss.

On the _____ day of _____, A. D. _____
personally appeared before me _____ and
who being by me duly sworn did say, each for himself, that he, the said _____
is the president, and he, the said _____ is the secretary
of _____ Company, and that the within and foregoing
instrument was signed in behalf of said corporation by authority of a resolution of its board of
directors and said _____ and
each duly acknowledged to me that said corporation executed the same and that the seal affixed
is the seal of said corporation.

Notary Public.
My commission expires _____ My residence is _____

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

Recorded at Request of _____
at _____ M. Fee Paid \$ _____
by _____ Dep. Book _____ Page _____ Ref.: _____
Mail tax notice to Park City Mun. Corp. Address P.O. Box 1480, Park City 84060
(EXEMPT)

QUIT-CLAIM DEED

RICHARD B. DAVIES AND KIT S. DAVIES
of _____, County of _____, State of Utah, hereby
QUIT-CLAIM to _____ grantor

PARK CITY MUNICIPAL CORPORATION
of _____, grantee
for the sum of
DOLLARS,

the following described tract of land in _____ County,
State of Utah:

Beginning at the Southeasterly most corner of Lot 3, Block 78, Park City Survey, and running thence South 66° 22' West along the southerly line of Lot 3, 20.96 feet to a point which is 10 feet, more or less, northwesterly from an existing retaining wall along the northwesterly line of existing Norfolk Avenue, thence North 15° 42' 30" East, more or less, parallel with said retaining wall, 33.07 feet, more or less, to the northeasterly line of said Lot 4, said Block 78, thence along said northeasterly line of Lots 4 and 3, South 23° 38' East, 25.57 feet to the point of beginning.

Containing 267.96 square feet.

WITNESS the hand of said grantor, this _____ day of _____, A. D. one thousand nine hundred and _____

Signed in the presence of _____

_____ } _____
_____ } _____
_____ } _____

Don't sign this one.

STATE OF UTAH, } ss.
County of _____
On the _____ day of _____ A. D. one
thousand nine hundred and _____ personally appeared before me

the signer of the foregoing instrument, who duly acknowledge to me that he executed the same.

My commission expires _____ Address: _____ Notary Public.

CITY COUNCIL MEETING
PARK CITY, UTAH
APRIL 22, 1982

Mayor Green called the meeting to order at 5 p.m. in the Memorial Building in Park City, Utah on April 22, 1982. Members present were Bob Wells, Tina Lewis, Tom Shellenberger, and Bill Coleman. Helen Alvarez was absent. Also in attendance was Mayor Green; Arlene Loble, City Manager; Tom Clyde, City Attorney; Ron Ivie, Chief Building Official; and Mike Vance, Community Development Director.

PUBLIC HEARING - Snow Creek Supplemental Annexation Policy Declaration

1. Mayor Green opened the Public Hearing on Snow Creek Annexation. Arlene Loble informed the audience and Council that the formal presentations on annexation should be postponed until next week, however because it is scheduled on the agenda for this meeting, anyone who would like to comment may and Council would entertain their comments. There was no response from the audience. Bob Wells, "I move we continue the Public Hearing on Snow Creek Annexation until April 29th". Tom Shellenberger seconded. Motion carried.

PUBLIC HEARING - Old Sewer Plant Site Supplemental Annexation Policy Declaration

2. Mayor Green opened the Public Hearing on the Old Sewer Plant Site Supplemental Annexation Policy Declaration. The City Manager clarified that the property involved is already within the city. The land was given to the city by the Armstrong family, but was never formally annexed into the city. The zoning of this property is ROS. There was no response from the audience. The Mayor declared the Public Hearing closed.

APPROVAL OF THE MINUTES of April 8, 1982

Mayor Green questioned the last paragraph on Page 3, first sentence. It was decided that because interpretation was lost in transcription that that sentence be replaced by, "Arlene Loble explained that the past cost of operating expenses did not come off the tax roles, but the water fund was paying for the cost of the general obligation bonds of the Water Department". Tom Shellenberger pointed out that on Page 6, first paragraph under the subject of industrial revenue bond inducement resolution, that a motion was omitted which died for lack of a second. The inserted correction shall read, (Tom Shellenberger, "I move we approve the Industrial Revenue Bond Inducement Resolution in the amount of \$10 million to finance construction of retail and commercial projects on Main Street for Silver Mill of Park City". Motion died for lack of a second.) Tom Shellenberger, "I move we approve the Minutes as corrected. Bill Coleman seconded. Motion carried.

APPROVAL OF VERIFIED BILLS AND PRIOR CHECKS WRITTEN

The City Manager explained the new computer format for presentation and recordkeeping practices of the Finance Department. Bob Wells, "I move approval of the Verified Bills and Checks Written". Bill Coleman seconded. Motion carried.

ABB923

PUBLIC COMMUNICATIONS AND PETITIONS

1. Request for Class C Beer Permit for Ryan's of Park City at 541 Main Street - The City Manager asked Doug Ryan, representing the establishment whether a building permit has been obtained. Mr. Ryan explained that the demolition permit has been obtained, or is available to the contractor and it was the contractor's feeling that there would be no problem obtaining the building permit for remodeling. The size of the premises was in question and may conflict with the city's code for issuance of an occupancy permit. The City Manager suggested that the issuance of the permit be postponed, until review of compliance of the code. Bob Wells, "I move approval of the permit conditional upon the compliance and issuance of the occupancy permit". Bill Coleman seconded. Motion carried.

2. Plat Approval for the Village Loft Condominiums - Mike Vance explained that there are no bondable improvements for this 18 unit project, however there is an agreement which is in its final stage. When the agreement is signed between the city and Jack Davis, it will contain all of the improvement specifications required. Bill Coleman, "I move we approve the plat for the Village Loft Condominiums". Bob Wells seconded. Motion carried.

COMMUNICATIONS AND REPORTS FROM COUNCIL

None before Council.

RESIGNATIONS AND APPOINTMENTS

None before Council.

ORDINANCE

An Ordinance Creating an Employee Transfer and Discharge Appeals Board in Park City, Utah - It was recommended several weeks ago that this matter be postponed until certain revisions could be proposed. The current ordinance requires that employees be elected at large among city employees, since the Public Works or Police departmental memberships vastly outnumber other city divisions, representational format changes are proposed. Further, when there is an appeal to be heard from within a division where two employees work together and one of the employees is on the Board, the appealing employee is put in an awkward position. The third proposal is the recommendation of that would allow for the election of two employees and one supervisor from the four divisions (Community Development, Police Department, Public Works Department, and General Services - all others that do not fall in the abovementioned three categories). This body will also have an advisory capacity for personnel recommendations to the City Manager. Tina Lewis, "I move approval of the ordinance creating an Employee Transfer and Discharge Appeals Board in Park City". Bob Wells seconded. Motion carried.

PUBLIC INPUT

Mayor Green inadvertently did not open the Public Input session of the meeting, and asked if there were any items on the agenda that the audience would like to address. At this time, it was pointed out that Public Hearing on the water rate structure will be held at next's week meeting. No response from the audience.

UNFINISHED BUSINESS

1. Industrial Revenue Bond Inducement Resolution in the amount of \$10,000,000 to finance construction of retail and commercial projects on Main Street for Silver Mill of Park City - It was Bob Wells feeling that the architectural treatment of the project was a consideration of the Planning Department and the Historic District Commission and that the matter for before Council consideration is the revenue bonding. It was Ms. Lewis' opinion, that approval of the bond would be endorsement of the project, which she feels is not complimentary to the historical district of Park City. Mr. Heaton, representing Silver Mill, explained that the plans are not final and may very well alter. Tom Shellenberger, "I move that we approve the Industrial Revenue Bond Inducement Resolution for the Silver Mill project". Bob Wells seconded. Motion carried. Bill Coleman clarified that he has represented the sellers but not the developers.

Lewis	Nay
Wells	Yea
Shellenberger	Yea
Coleman	Yea
Alvarez	Absent

2. A Resolution reaffirming the intention of Park City, Utah to issue one or more issues of industrial development revenue bonds to finance the acquisition of recreational and commercial facilities by Deer Valley Resort Company in the amount of \$12,000,000 - It was recommended to table this matter. Tina Lewis, "I so move". Bill Coleman seconded. Motion carried. There was discussion regarding abstention and vote for tabling. Based on advice from counsel, the vote stood.

3. A Resolution authorizing a land trade between Park City Municipal Corporation and Richard and Kit Davies for property on upper Norfolk - Bill Coleman, "I move we adopt a resolution authorizing a land trade between Park City Municipal Corporation and Richard and Kit Davies". Tina Wells seconded. Motion carried.

NEW BUSINESS

1. A Resolution authorizing the condemnation of real property owned by Huntsman-Christensen needed for the U-224 Belt Route right-of-way - The parcels include two Huntsman-Christensen tracts, and the Park City Depot/Sweetwater tract. Tom Clyde recommended that Council approve the condemnations on the three Huntsman-Christensen parcels, and the two other condemnations required for the U-224 Belt Route right-of-way will be acted on at a future date. Tom Shellenberger, "I move we approve the Resolution authorizing the condemnation of real property owned by Hutsman-Christensen for the U-224 Belt Route". Bob Wells seconded. Motion carried.

Lewis	Yea
Alvarez	Absent
Wells	Yea
Shellenberger	Yea
Coleman	Abstention, for reasons of secured interests

2. Resolution authorizing the filing of civil complaints for violations of the dangerous building code - There have been numerous requests by the Building Department to owners of burned out or ruined abandoned buildings to abate the nuisance, with no response. The City Attorney request approval of the Council to file complaints against

the owners of these properties. The properties involved are (1) 1005 Park Avenue (Otto Carpenter), (2) 1049 Norfolk (Todd and Spencer Nelson), 933 Norfolk (Renea and Gilbert Martinez), (3) 1020 Norfolk, and (4) Upper Daly Avenue. The last two appear to be on the United Park City Mines land. Ron Ivie, Chief Building Official, discussed the potential dangers of abandoned ruined structures in Park City, and recommended Council's approval of the resolution for authorization to proceed in a legal fashion to eliminate such hazards. Bob Wells, "I move adoption of this Resolution". Tom Shellenberger seconded. Motion carried.

3. Approval of a lawsuit settlement in Greer vs. Park City Municipal Corporation regarding the Main Street sidewalk - This matter has been discussed in detail in Council work sessions. The lawsuit involves the award of a contract for the repavement of the sidewalk. Because the city was unable to perform and fulfill the contract at that time, it is proposed that contractor be awarded \$2,000. Bob Wells, "I move we approve the settlement between Greer and Park City". Tom Shellenberger seconded. Motion carried.

4. Approval of the authorization of initiation of nuisance action against the owners of Whisky Springs Project (Park Avenue adjacent to Silver King Bank) - The project area presents a hazard because the foundation hole has been dug, but over the last several months, no work has progressed, leaving the hole open and potentially dangerous. Tom Clyde discussed the communication from the owner of the property, who assured the city that through renewed financial arrangements, commencement of the project will be forthcoming. However, the City Attorney, recommended Council action since their permits have lapsed. Ron Ivie detailed the hazards to adjacent properties involved and also recommended Council action. Tina Lewis, "I move approval of the of the authorization of initiation of nuisance action against the owners of Whisky Springs Project". Tom Shellenberger seconded. Motion carried.

5. Approval of authorization to take appropriate action regarding the Park Avenue road failure - Tina Lewis, "I move tabling Item No. 5 of authorization to take appropriate action regarding the Park Avenue road failure". Bob Wells seconded. Motion carried.

6. Approval for termination of the maintenance contract with the Fire Protection District - The contract provides that the Fire District vehicles will be maintained by the city shops for \$25.00 per hour for labor and the cost of parts. The contract further provides that if either party is dissatisfied with the arrangement, the contract may be terminated upon 30 days notice. The District has demanded reimbursement for damages incurred to a pumper truck when it was left outside in the cold at the city shops and the pump froze. However, the city has never billed the District for repairs and the relationship between the city and the District does not appear to be beneficial for either party, and it is the City Attorney's recommendation to terminate the contract. Tom Shellenberger, "I move we terminate the contract with the Fire Protection District". Tina Lewis seconded. Motion carried.

7. Resolution in Recognition of the City Recorder, Marlene Olson - This agenda item was not placed on the agenda. Mayor Green read the resolution. This resolution was passed unanimously.

RECALL OF UNFINISHED BUSINESS

Bob Wells, "I move we recall the item considering the industrial revenue bond inducement resolution at Silver Mill of Park City". Tom Shellenberger seconded. Bill Coleman asked that because in his own mind, he would like further review of the matter, he asked that this item be tabled or postponed. It was suggested that a motion be made again for the record. Tom Shellenberger, "I move that we approve the inducement resolution for the Silver Mill \$10 million industrial bond". Bob Wells seconded. Motion not carried.

Lewis	Nay
Shellenberger	Yea
Wells	Yea
Alvarez	Absent
Coleman	Abstention, because of confusion regarding agency relations

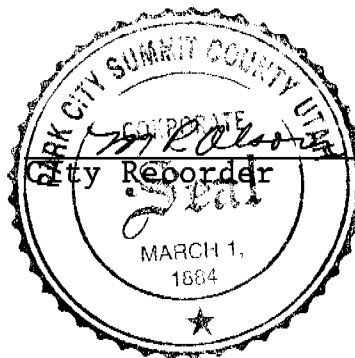
The meeting was adjourned.

* * * * *

MEMORANDUM OF EXECUTIVE SESSION AT CITY HALL
AT 1:00 P.M. ON APRIL 22, 1982

Members Present:	Mayor Green
(motion to open)	Bill Coleman
(motion to close)	Tina Lewis
	Tom Shellenberger
Members Absent:	Helen Alvarez
Also Present:	Arlene Loble, City Manager
	Tom Clyde, City Attorney
	Mike Vance, Community Development Director
Subjects Discussed:	Pending litigation Park Avenue

Prepared by Janet M. Scott



**AN ORDINANCE APPROVING THE KNUDSON SUBDIVISION PLAT LOCATED AT
1314 & 1350 EMPIRE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Knudson Subdivision located at 1314 & 1350 Empire Avenue, have petitioned the City Council for approval of the Knudson Subdivision; and

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

WHEREAS, proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on January 29, 2014 to receive input on the proposed subdivision;

WHEREAS, on January 29, 2014 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 13, 2014 the City Council held a public hearing on the proposed Knudson Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed Knudson Subdivision.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Knudson Subdivision, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1314 & 1350 Empire Avenue within the Recreation Commercial (RC) District.
2. On December 31, 2013, the applicants submitted an application for a plat amendment to combine eleven (11) lots and the adjacent abandoned Norfolk Avenue ROW containing a total of 25,883 square feet into three (3) lots of record.
3. The plat amendment is necessary in order for the applicants to move forward with the City's RDA redevelopment efforts and improvements, which include a possible east/west pedestrian connection from Miner's Hospital to PCMR, as well as remove lot lines under the Acorn Inn and compliance with the northerly side and rear yard setbacks for the Acorn Inn.

4. The application was deemed complete on January 7, 2014.
5. As per Land Management Code (LMC) 15-7.1-6(A) "an Owner of the land or his representative shall file with the Planning Department an Application for the approval of a final Subdivision Plat. The application shall include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office.
6. The Planning Director made a determination on January 23, 2014 and the Planning Commission voted to support the determination that Gary Knudson is not required to subdivide the contiguous holdings located at and around 1314 & 1350 Empire Avenue. Rather, the applicant may move forward with the request for a three (3) lot plat amendment at 1314 & 1350 Empire Avenue only.
7. The RC zone requires a minimum lot area of 1,875 square feet.
8. Lots A and B have frontage on and access from Empire Avenue. Lot C has frontage on and access from Norfolk Avenue.
9. The proposed subdivision contains a total of 25,883 square feet of area. Lot A contains 14,625 sq. ft., Lot B contains 4,133 sq. ft., and Lot C contains 7,125 sq. ft.
10. Lot A is intended to be used for a future RDA pedestrian connection between PCMR and Miner's Hospital. The Acorn Inn will remain on Lot B. Lot C is vacant.
11. The proposed plat amendment does not create any new non-complying or nonconforming situations.
12. The plat amendment secures a public snow storage easement across the frontage of Lot A on Empire Avenue.
13. The amendment of eleven (11) lots and the adjacent abandoned Norfolk Avenue ROW would be the second largest plat amendment in the neighborhood. The largest of these plat amendments is the Carl Winters School Subdivision which contains seventy-two (72) lots and the next largest is the Park City High School Mechanical Arts Building which contains seven (7) lots.

Conclusions of Law:

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

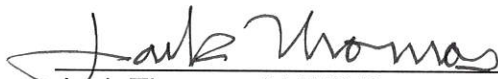
Conditions of Approval:

1. The City 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 amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers may be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.

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

PASSED AND ADOPTED this 13th day of February, 2014

PARK CITY MUNICIPAL CORPORATION



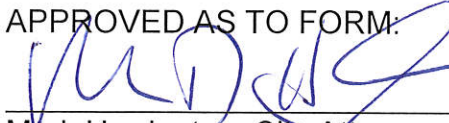
Jack Thomas, MAYOR

ATTEST:



Marci Heil, City Recorder

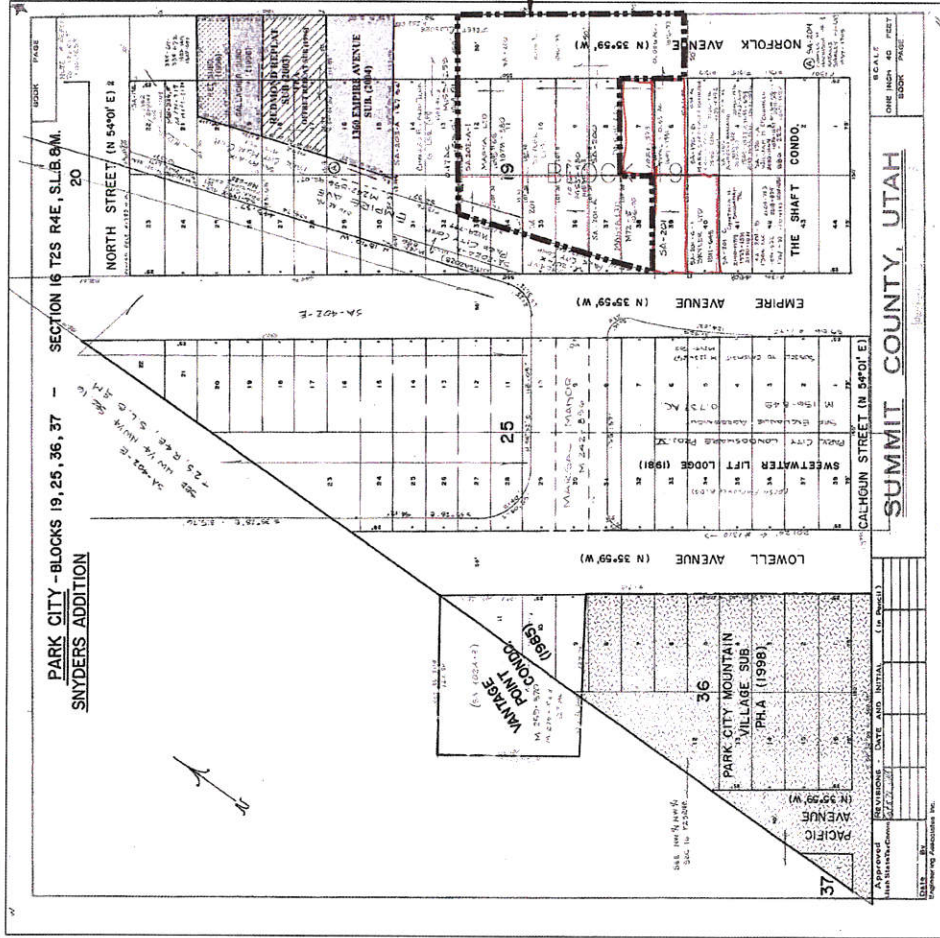
APPROVED AS TO FORM:



Mark Harrington, City Attorney



EXHIBIT B



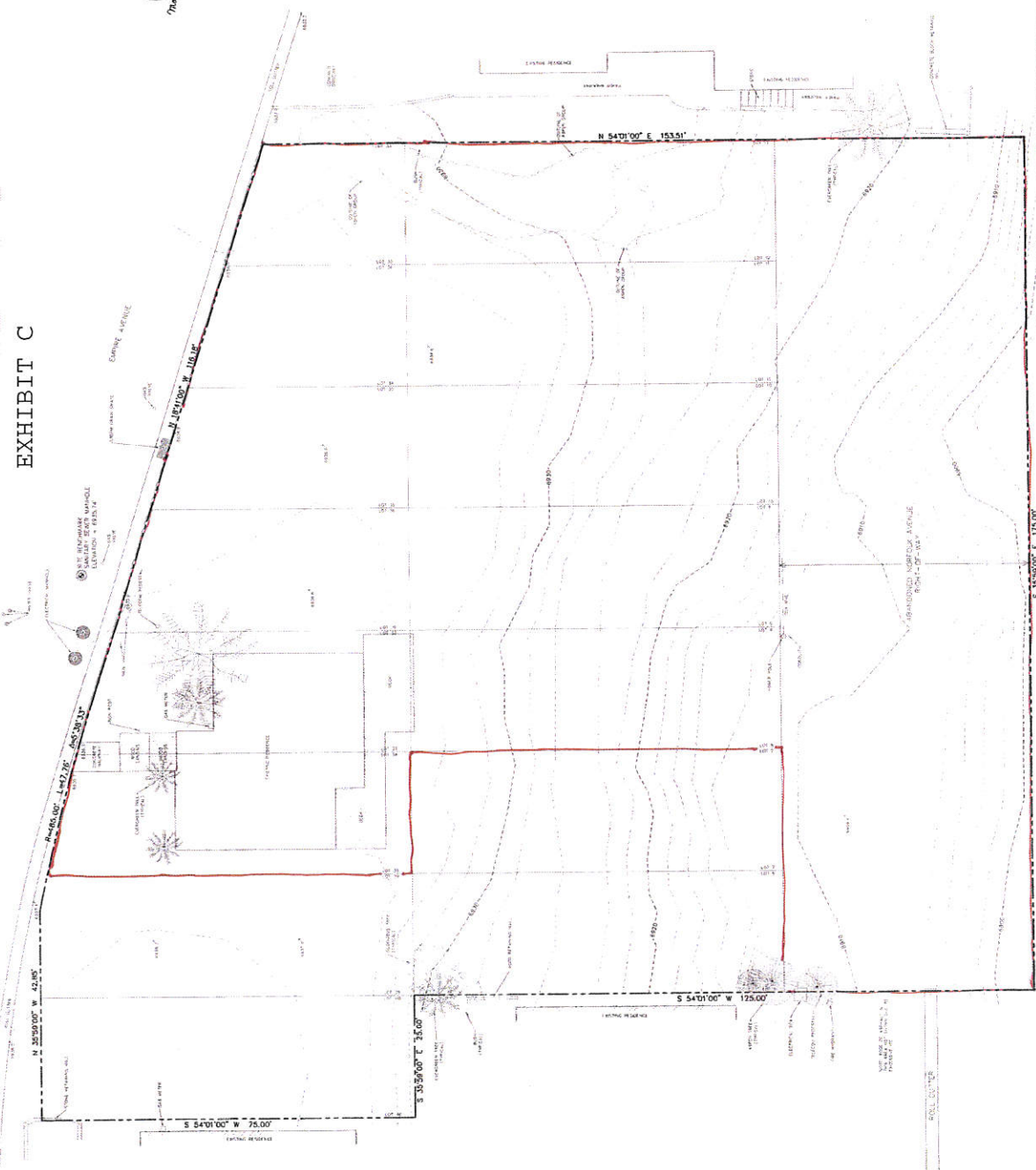
KNUDSON SUBDIVISION

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

NOTE:
1. In addition to lots in this subdivision, lots 6 & 7 and lots 38 & 40, are owned by Gary Knudson, under the entity, Snyder - 10.

	STAFF:	OWNERSHIP PLAT	SHEET
	STEVE SCHULER SURVEILLING	KNUDSON SUBDIVISION SNYDER'S ADDITION	1
DATE: 12/31/13		JOB NO.: 6-12-13	OF
FILE: K:\Snyder's Addition\wg\wg12013\08-113-supplier.dwg			1

EXHIBIT C



SURVEYOR'S CERTIFICATE

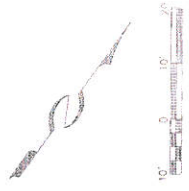
I, the undersigned, do hereby certify that I am a registered land surveyor in the State of Utah. I further certify that this topographic map was prepared by me or under my direct supervision and that I am a duly licensed and qualified person to prepare such maps. I further certify that this topographic map is a true and correct representation of the land surveyed and that the same has been prepared in accordance with the laws of the State of Utah and the rules and regulations of the Board of Surveyors of the State of Utah.



1-24-14

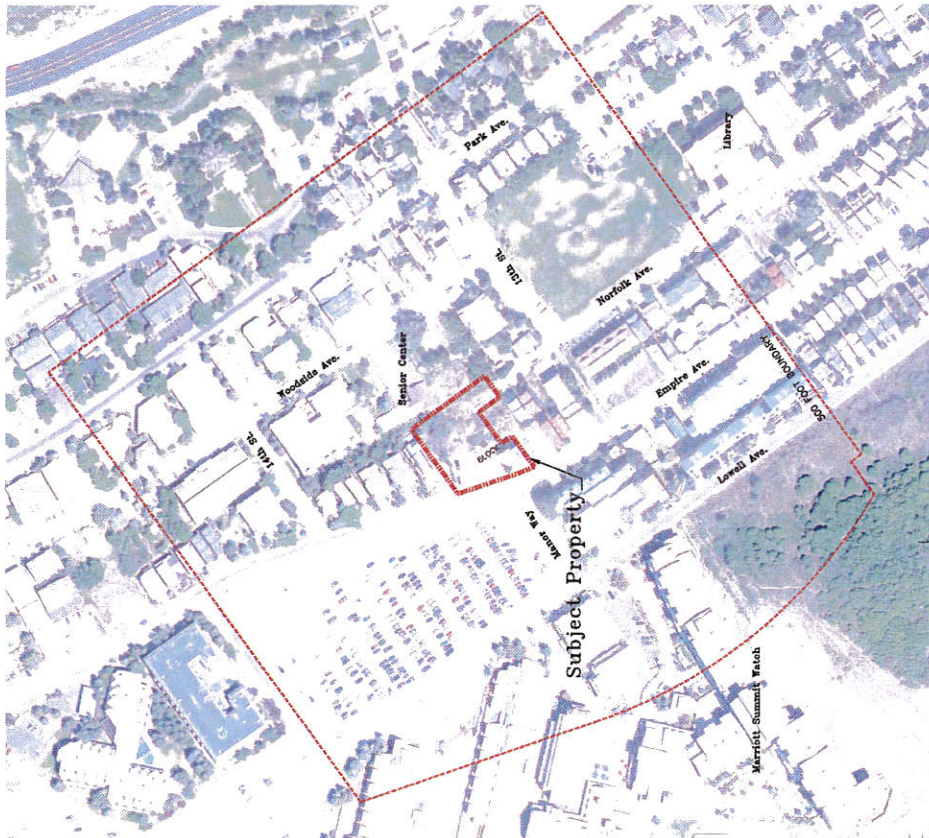
NOTES

1. Site boundaries, Survey, Survey Station
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on or about 7/1/2014.
4. Property corners were not set.
5. Some corners of the map are approximately 1/2" off from the true position. This is due to the fact that the measurements of the corners were not taken at the same time as the map was prepared.



STAFF: MARSHALL KING LAND SURVEYOR HANSEN POLLEY		EXISTING CONDITIONS & TOPOGRAPHIC MAP BLOCK 19, SNYDERS ADDITION	SHEET 1 OF 1
DATE: 1/24/14		FOR: PARK CITY MUNICIPAL CORPORATION JOB NO.: 6-12-13 FILE: C:\Users\pking\Documents\pking\6-12-13\6-12-13.dwg	

EXHIBIT D

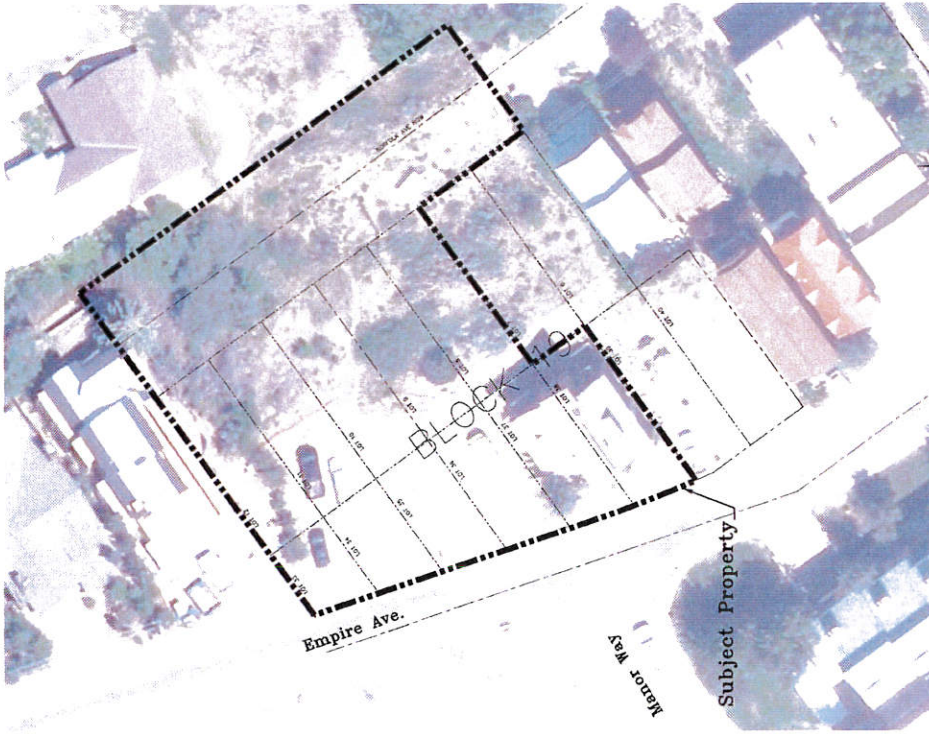


500 FOOT EXHIBIT

KNUDSON SUBDIVISION

LOCATED IN SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 14 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

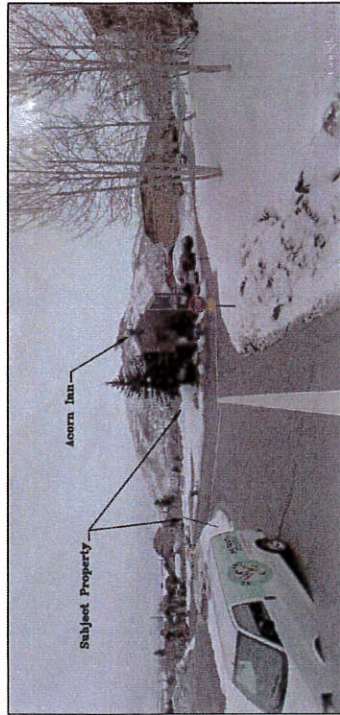
NOTE:
1. In addition to Lots in this subdivision, Lots 6 & 7 and
Lots 30 & 40, are owned by Cory Knudson, under the
entity, Snyder L.L.C.



20 SCALE SITE PLAN

	STAFF:	ORTHOPHOTOS	SHEET
	KNUDSON SUBDIVISION	KNUDSON SUBDIVISION	1
	FOR: KNUC	SNYDER'S ADDITION	OF
	JOB NO.: 6-12-13		1
	FILE: 3\Snyder's Addition\deg\knudson13\05111-support.dwg		
	DATE: 12/23/13		

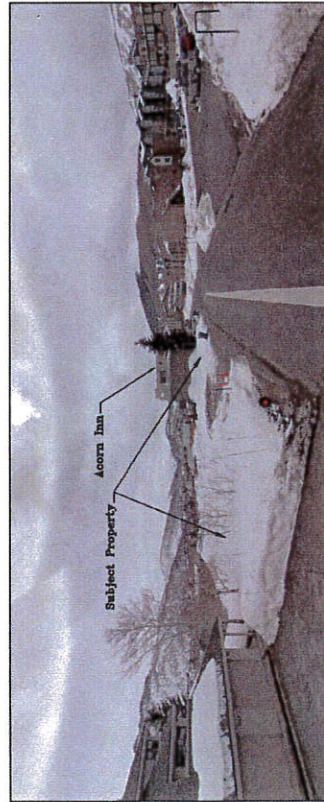
EXHIBIT E



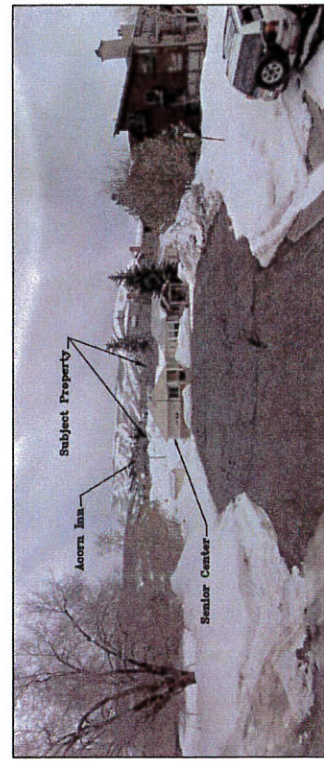
LOOKING EAST FROM MANOR WAY



LOOKING NORTH FROM EMPIRE AVE.



LOOKING SOUTH FROM EMPIRE AVE.

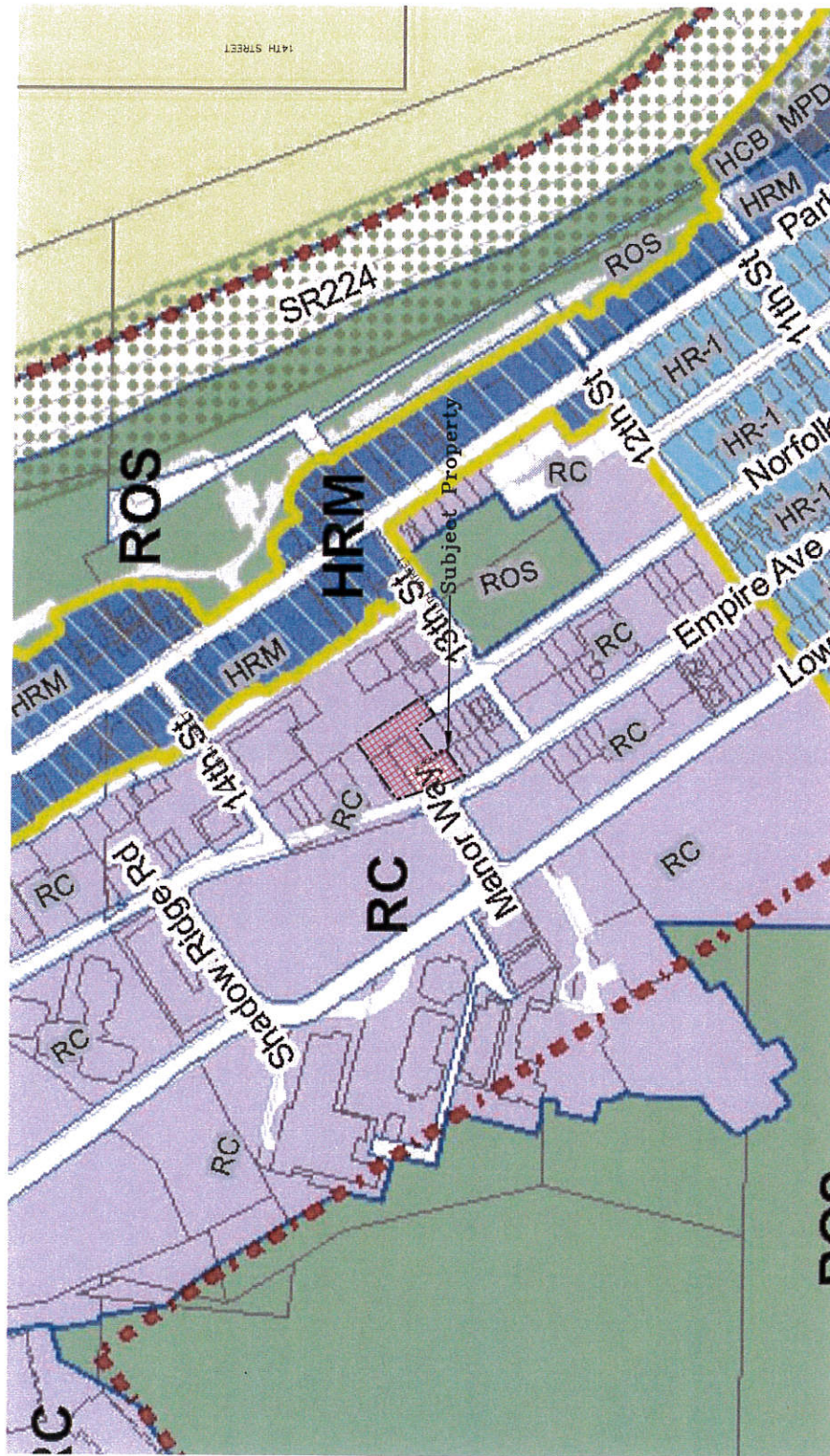


LOOKING WEST FROM NORFOLK AVE.

RECEIVED
DEC 31 2013

		STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION DIVISION OF LAND USE AND PLANNING DIVISION OF LAND USE AND PLANNING	SHEET 1 OF 1
PROJECT NO. 12-12-13 DATE: 12/31/13		FROM: KING JOB NO. 12-12-13 FILE: 12-12-13	SUBJECT: SNYDER'S ADDITION

EXHIBIT F



DEC 31 2013

PLANNING

KNUDSON SUBDIVISION

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

	STAFF:	PLANNING	DATE: 12/31/13
	DESIGNED BY:	KNUDSON	
	CHECKED BY:	KNUDSON	
	APPROVED BY:	KNUDSON	
FOR: PCMC		FOR: PCMC	
JOB NO.: 8-12-13		JOB NO.: 8-12-13	
FILE: 1/1/13		FILE: 1/1/13	

RED HATCHING IS FOR ILLUSTRATIVE PURPOSES ONLY

EXHIBIT G

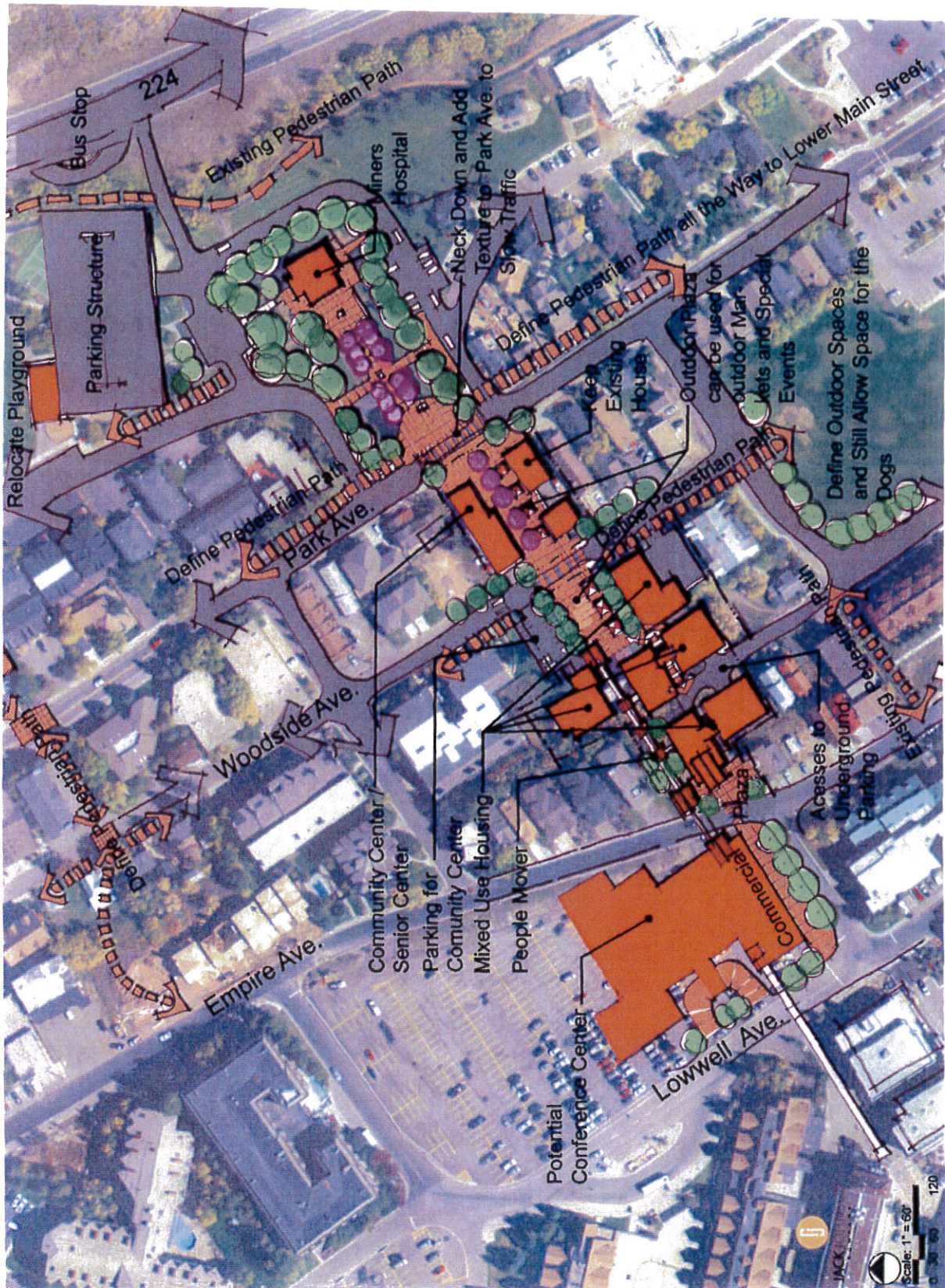


EXHIBIT H



January 23, 2014

Gary Knudson
PO Box 511
Park City, UT 84060

NOTICE OF PLANNING DIRECTOR DETERMINATION

Project Address: 1314 & 1350 Empire Avenue
Project Description: Plat Amendment
Project Number: PL-14-02202
Date of Action: January 23, 2014

ACTION TAKEN BY PLANNING DIRECTOR:

Per Land Management Code (LMC) 15-7.1-6(A) an Owner of the land or his representative shall file with the Planning Department an Application for the approval of a final Subdivision Plat. The application shall include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application.

The Planning Director finds that Gary Knudson is not required to subdivide the contiguous holdings located at and around 1314 & 1350 Empire Avenue. Rather,

1

the applicant may move forward with the request for a three lot plat amendment at 1314 & 1350 Empire Avenue only.

Findings of Fact:

1. The property is located at 1314 & 1350 Empire Avenue within the Recreation Commercial (RC) District.
2. The applicants are requesting to combine eleven (11) lots and the adjacent abandoned Norfolk Avenue ROW containing a total of 25,883 acres into three (3) lots of record. Currently, the property includes Lots 8-12, Lots 33-38, and the abandoned Norfolk Avenue ROW of Block 19 within the Snyder's Addition survey area of Park City.
3. The plat amendment is necessary in order for the applicants to move forward with the City's RDA redevelopment efforts and improvements, which include a possible east/west pedestrian connection from Miner's Hospital to PCMR, as well as remove lot lines under the Acorn Inn and provide access for Lot C to Norfolk Ave.
4. New additions to the Acorn Inn would require adherence to current setbacks as required in the RC District.
5. The property at 1314 Empire Avenue is contiguous with the 2 lots (Lots 39 & 40) directly south along Empire Avenue as well as the 2 lots (Lots 6 & 7) directly south of Lot C.
6. The applicant submitted an application for a plat amendment on December 31, 2013.
7. The Planning Commission will review the application for a three (3) lot subdivision on January 29, 2014.
8. Staff learned that Gary Knudson owned the contiguous property directly south and southeast of 1314 Empire Avenue (Lots 6, 7, 39, & 40) on January 14, 2013.
9. Gary Knudson has directly expressed interest in not subdividing the other 4 lots contiguous to 1314 Empire Avenue (Lots 6, 7, 39, & 40). The property contiguous to 1314 Empire Avenue is not already developed and the owner does not intend to develop this property at this time.
10. There are no existing structures on the 4 contiguous lots (Lots 6, 7, 39, & 40).

Conditions of Approval

1. All standard conditions of approval shall apply.
2. Any modifications to the property contiguous to 1314 Empire Avenue (Lots 6, 7, 39, & 40) will require the applicant to submit a plat amendment application to the Planning Department.

If you have any questions regarding this determination, please don't hesitate to

contact the Planning Department at 435-615-5060.

Sincerely,

A handwritten signature in black ink, appearing to read "Th. Eddington Jr.", with a stylized flourish at the end.

Thomas E. Eddington Jr., AICP, LLA
Planning Director

CC: Christy J. Alexander, AICP
Planner II

City Council Staff Report



Subject: Knudson Subdivision, 1314 & 1350 Empire Avenue
Author: Christy J. Alexander, Planner II
Date: February 13, 2014
Type of Item: Administrative – Plat Amendment
Project Number: PL-14-02202

Summary Recommendations

Staff recommends that the City Council hold a public hearing and consider approving the Knudson Subdivision located at 1314 & 1350 Empire Avenue, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Jonathan Weidenhamer & Matt Twombly (Park City Redevelopment Authority (RDA)) and Gary Knudson, represented by Steve Schueler
Location: 1314 & 1350 Empire Avenue
Zoning: Recreation Commercial (RC) District
Adjacent Land Uses: Single-family residential, vacation rentals, nightly rentals, duplex, condominiums, recreational open space, office space, resort commercial.
Reason for Review: Plat amendments require Planning Commission review and recommendation to City Council

Proposal

The applicant is requesting a Plat Amendment for the purpose of combining all of Lots 8-12, Lots 33-38, and the adjacent abandoned Norfolk Ave ROW of Block 19 of the Snyder's Addition to the Park City survey.

The applicant wishes to combine the lots to create three (3) new lots, one to be owned by the Park City RDA and two to be owned by Gary Knudson, the current owner of the Acorn Inn. This amendment is necessary in order for the City's RDA to move forward with a redevelopment project it has been working on since 2010 and to remove lot lines under the Acorn Inn and create compliance with the northerly side and rear yard setbacks for the Acorn Inn. The lots are currently zoned as Recreation Commercial (RC).

Purpose

The purpose of the Recreation Commercial (RC) District is to:

- (A) Allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities,
- (B) Allow for resort-related transient housing with appropriate supporting commercial and service activities,
- (C) Encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services,
- (D) Limit new Development on visible hillsides and sensitive view Areas,
- (E) Provide opportunities for variation in architectural design and housing types,
- (F) Promote pedestrian connections within Developments and to adjacent Areas,
- (G) Minimize architectural impacts of the automobile,
- (H) Promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs,
- (I) Promote Park City's mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and
- (J) Promote the preservation and rehabilitation of Historic Buildings.

Background

The Knudson Subdivision project is located in the "Snyder's Addition" survey area. The project is located between the 13th and 14th Street blocks on both Empire Ave and Norfolk Avenue, directly across the street from Park City Mountain Resort, as shown on the enclosed ortho-photographs (Exhibit D). The proposed subdivision is comprised of Lots 8-12, Lots 33-38, and the abandoned Norfolk Avenue ROW, approximately .64 acres. The lots comprising the proposed subdivision have, historically, been owned by Gary Knudson, under various entities, for over 40 years. In 1972 Mr. Knudson built the Acorn Inn, a small nightly rental, on Lots 37 and 38. The remaining lots are undeveloped.

On December 17, 2013, the Park City RDA entered into a Purchase and Sale Agreement with two entities controlled by Gary and Helen Knudson to purchase all of lots 10, 11, 12 and portions of Lots 9, 33, 34, 35, 36. On December 23, 2013, the Park City RDA closed on Lots 11 and 12 and portions of Lots 33 and 34. The Park City RDA and another entity controlled by Gary and Helen Knudson will close on the balance of the lots described in the Purchase and Sale Agreement on or before February 28, 2014, provided the Knudson Subdivision is approved pursuant to the application before council today. The Park City RDA is purchasing the property for the purpose of allowing for future pedestrian corridor and public improvements on said lots. Mr. Knudson, through his various entities, will develop his remaining parcels as determined by his own schedule. Mr. Knudson has not filed an application for any development to date.

On December 31, 2013, the City received an application to create these three (3) legal lots of record from 25,883 square feet; the application was deemed complete on January 7, 2014. Lot A as shown on the proposed plat in Exhibit A, if approved, will be purchased as described above by the Park City RDA to facilitate a key pedestrian east/west connection. It is intended to become a visual and functional pedestrian

transportation corridor connecting Empire Avenue to Park Avenue and allowing movement from the resort to lower Main Street. However, the City's RDA will not restrict that property as part of the plat, leaving it alone until the master plan for the area is finalized. Therefore, the City's RDA could use Lot A for future development should the master plan not be carried out. Gary Knudson intends to keep Lot B (with the Acorn Inn) as well as keep Lot C for future development.

Mr. Knudson also owns Lots 6, 7, 39 & 40, all undeveloped, which are adjacent to this proposed subdivision as shown on the Ownership Plat and Aerial Photo exhibits (Exhibits B and D). As per Land Management Code (LMC) 15-7.1-6(A) "an Owner of the land or his representative shall file with the Planning Department an Application for the approval of a final Subdivision Plat. The application shall include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application."

The Planning Director made a determination on January 23, 2014 that Gary Knudson is not required to subdivide the contiguous holdings located at and around 1314 & 1350 Empire Avenue. Rather, the applicant may move forward with the request for a three (3) lot plat amendment at 1314 & 1350 Empire Avenue only. The Planning Commission voted unanimously to waive the requirement on January 29, 2014 at their regular meeting, thus allowing the subdivision process to proceed forward as Mr. Knudson has no intentions to develop his contiguous properties at this time.

The Planning Commission also voted unanimously on January 29, 2014 to forward a positive recommendation to the City Council for the Knudson Subdivision based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.

Analysis

The applicants wish to combine the lots in order to move forward with the City's redevelopment efforts and improvements, which include a possible east/west pedestrian connection from Miner's Hospital to PCMR. In addition, Gary Knudson's lots will have residential development opportunity. Although Mr. Knudson is not intending to develop Lot C in the immediate future, the allowed uses in this zone, and compatible to this neighborhood which could be developed on these sites include: Single Family Dwelling, Duplex Dwelling, Triplex Dwelling, Secondary Living Quarters, Lockout Unit, Accessory Apartment, Nightly Rental, Home Occupation, Child Care: In-Home Babysitting, Child Care: Family, Child Care: Family Group, Child Care Center, Accessory Building and

Use, Conservation Activity, Agriculture, Bed & Breakfast Inn, Boarding House: Hostel, Minor Hotel, Parking Area or Structure with four (4) or fewer spaces.

The proposed subdivision contains a total of 25,883 square feet of area. Lot A contains 14,625 sq. ft., Lot B contains 4,133 sq. ft., and Lot C contains 7,125 sq. ft. The zoning for the subdivision is Recreation Commercial (RC) and is subject to the following criteria:

RC Zone	Permitted
Lot Size	1,875 SF minimum
Front yard setback	20 feet
Side yard setback	10 feet
Rear yard setback	10 feet
Height	35 feet/3 stories
Development Floor Area Ratio	1.0 (not including underground parking structures)
Parking	As determined per use

Lot B with Acorn Inn	Existing Building on New Lot Configuration
Lot Size	4,133 SF
Front yard setback	20 feet
Side yard setback	Approximately 5 feet on the south and 13 feet to the north. The south setback is existing legal non-conforming. No additions could be made to the building unless they comply with the current Code. The new configuration of the northern lot line is compliant with the Code.
Rear yard setback	10 feet for the building which is compliant; the deck is 1 foot off the property line which is also compliant.

The plat amendment will be the second largest plat amendment in the neighborhood. The largest of these plat amendments is the Carl Winters School Subdivision which contains seventy-two (72) lots and the next largest is the Park City High School Mechanical Arts Building which contains seven (7) lots. Access to the lots are from Empire Avenue for Lots A and B. Lot C sits adjacent to Norfolk Avenue.

Staff finds good cause for this plat amendment to create three (3) legal lots of record from the existing eleven (11) lots and the adjacent abandoned Norfolk Avenue ROW. The proposed plat amendment does not create any new non-conforming situations.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Combining the lots will allow the City to move forward with redevelopment efforts and improvements, which include a possible east/west pedestrian connection from Miner's Hospital to PCMR. The plat amendment is necessary so that there is not any remnant parcels and to allow any improvements to occur on the property. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community as well as absorb the adjacent abandoned Norfolk Avenue ROW into the Knudson Subdivision.

Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments or service providers regarding this proposal that have not been addressed by the conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record and on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has not received public input on this application at the time of this report. Public input may be taken at the regularly scheduled City Council public hearing.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The City Council may approve the Knudson Subdivision as conditioned or amended; or
- The City Council may deny the Knudson Subdivision and direct staff to make Findings for this decision; or

- The City Council may continue the discussion on the Knudson Subdivision to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and eleven (11) existing lots and abandoned ROW would not be adjoined and remain as is.

Recommendation

Staff recommends that the City Council hold a public hearing and consider approving the Knudson Subdivision based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Ownership Plat

Exhibit C – Existing Conditions Survey

Exhibit D – Vicinity Map/Aerial Photograph

Exhibit E – Streetscape Images

Exhibit F – Zoning Map

Exhibit G – Master Plan for City Property in RDA

Exhibit H – Notice of Planning Director Determination to waive LMC 15.1-6(A)

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 14-

AN ORDINANCE APPROVING THE KNUDSON SUBDIVISION PLAT LOCATED AT 1314 & 1350 EMPIRE AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Knudson Subdivision located at 1314 & 1350 Empire Avenue, have petitioned the City Council for approval of the Knudson Subdivision; and

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

WHEREAS, proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on January 29, 2014 to receive input on the proposed subdivision;

WHEREAS, on January 29, 2014 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 13, 2014 the City Council held a public hearing on the proposed Knudson Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed Knudson Subdivision.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Knudson Subdivision, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1314 & 1350 Empire Avenue within the Recreation Commercial (RC) District.
2. On December 31, 2013, the applicants submitted an application for a plat amendment to combine eleven (11) lots and the adjacent abandoned Norfolk Avenue ROW containing a total of 25,883 square feet into three (3) lots of record.
3. The plat amendment is necessary in order for the applicants to move forward with the City's RDA redevelopment efforts and improvements, which include a possible east/west pedestrian connection from Miner's Hospital to PCMR, as well as remove

lot lines under the Acorn Inn and compliance with the northerly side and rear yard setbacks for the Acorn Inn.

4. The application was deemed complete on January 7, 2014.
5. As per Land Management Code (LMC) 15-7.1-6(A) "an Owner of the land or his representative shall file with the Planning Department an Application for the approval of a final Subdivision Plat. The application shall include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office.
6. The Planning Director made a determination on January 23, 2014 and the Planning Commission voted to support the determination that Gary Knudson is not required to subdivide the contiguous holdings located at and around 1314 & 1350 Empire Avenue. Rather, the applicant may move forward with the request for a three (3) lot plat amendment at 1314 & 1350 Empire Avenue only.
7. The RC zone requires a minimum lot area of 1,875 square feet.
8. Lots A and B have frontage on and access from Empire Avenue. Lot C has frontage on and access from Norfolk Avenue.
9. The proposed subdivision contains a total of 25,883 square feet of area. Lot A contains 14,625 sq. ft., Lot B contains 4,133 sq. ft., and Lot C contains 7,125 sq. ft.
10. Lot A is intended to be used for a future RDA pedestrian connection between PCMR and Miner's Hospital. The Acorn Inn will remain on Lot B. Lot C is vacant.
11. The proposed plat amendment does not create any new non-complying or nonconforming situations.
12. The plat amendment secures a public snow storage easement across the frontage of Lot A on Empire Avenue.
13. The amendment of eleven (11) lots and the adjacent abandoned Norfolk Avenue ROW would be the second largest plat amendment in the neighborhood. The largest of these plat amendments is the Carl Winters School Subdivision which contains seventy-two (72) lots and the next largest is the Park City High School Mechanical Arts Building which contains seven (7) lots.

Conclusions of Law:

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

Conditions of Approval:

1. The City 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 amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers may be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.

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

PASSED AND ADOPTED this ____ day of February, 2014

PARK CITY MUNICIPAL CORPORATION

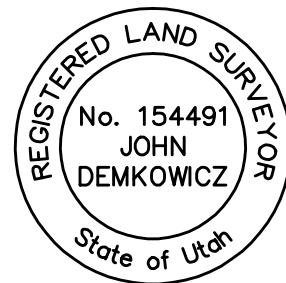
Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of KNUDSON SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

John Demkowicz

Date

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Park City Redevelopment Authority, as to PARCEL 1, does hereby certify that it has caused this Plat Amendment to be prepared and hereby consents to the recordation of this Plat Amendment.

IN WITNESS WHEREOF, the undersigned set his hand this _____ day of _____, 2014.

Park City Redevelopment Authority

ACKNOWLEDGMENT

State of Utah

County of Summit

On this _____ day of _____, 2014, _____ personally appeared before me, the undersigned Notary Public in and for said state and county. Having been duly sworn, _____ acknowledged to me that he is authorized _____ and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name

Residing in: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that SKYLER, LTD., the undersigned owner of the herein described tract of land, to be known hereafter as KNUDSON SUBDIVISION, does hereby certify that it has caused this Plat Amendment to be prepared. SKYLER, LTD., hereby consents to the recordation of this Plat Amendment.

In witness whereof, the undersigned set his hand this _____ day of _____, 2014.

SKYLER, LTD.

Gary Knudson, Manager

State of _____;

ss:

County of _____;

ACKNOWLEDGMENT

On this _____ day of _____, 2014, Gary Knudson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Gary Knudson acknowledged to me that he is the Manager of SKYLER, LTD., organized and existing under the laws of the State of Utah for and in behalf of said company for the uses and purposes stated therein and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name

Residing in: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that MARYA, LLC., a Utah limited liability company, the undersigned owner of the herein described tract of land, to be known hereafter as KNUDSON SUBDIVISION, does hereby certify that it has caused this Plat Amendment to be prepared. MARYA, LLC., hereby consents to the recordation of this Plat Amendment.

In witness whereof, the undersigned set his hand this _____ day of _____, 2014.

MARYA, LLC., a Utah limited liability company

Gary Knudson, Manager

State of _____;

ss:

County of _____;

ACKNOWLEDGMENT

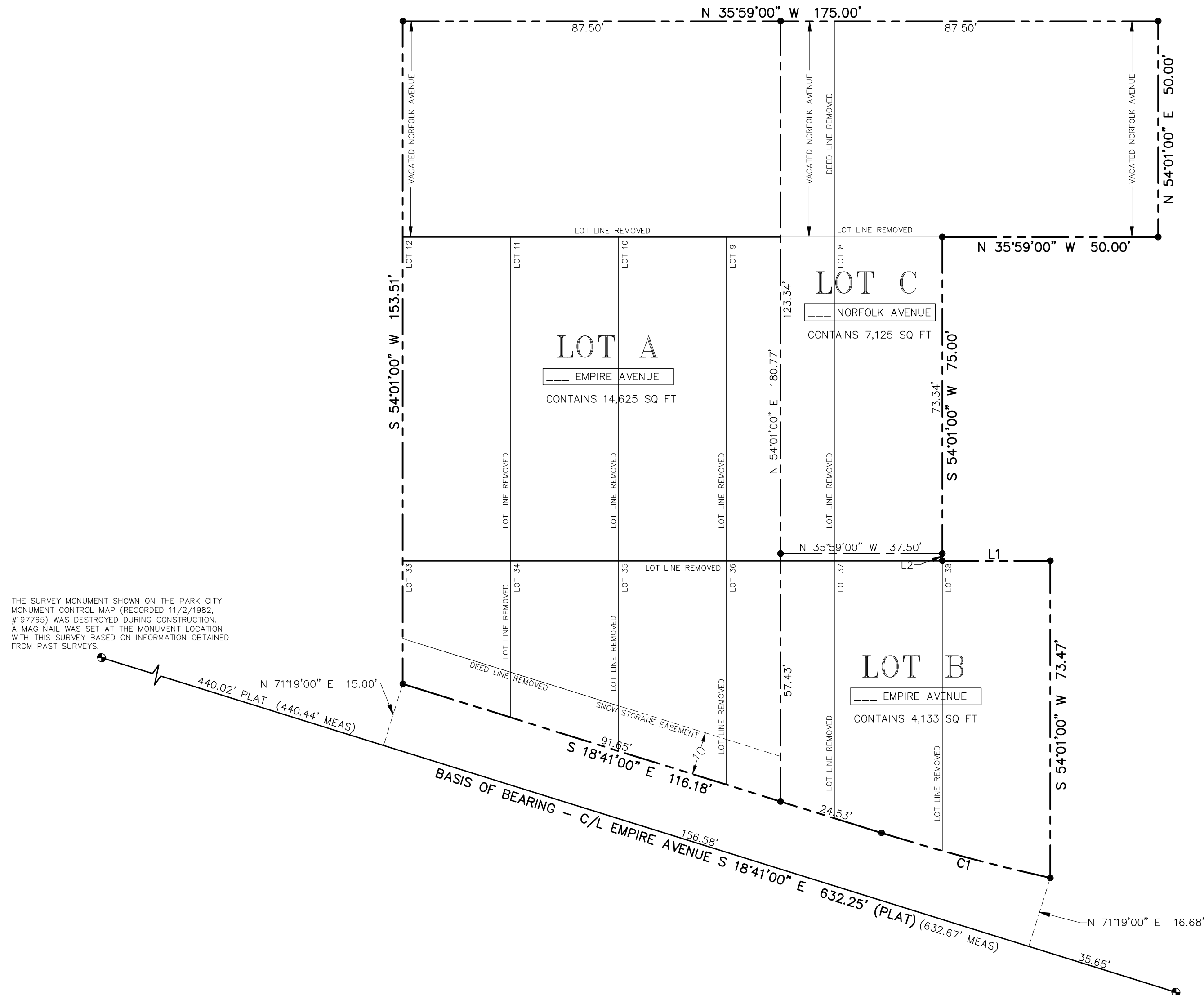
On this _____ day of _____, 2014, Gary Knudson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Gary Knudson acknowledged to me that he is the Manager of MARYA, LLC., a Utah limited liability company, organized and existing under the laws of the State of Utah for and in behalf of said company for the uses and purposes stated therein and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name

Residing in: _____

My commission expires: _____



- LEGEND
- 5/8" rebar w/cap to be set, ALLIANCE ENGR/LS 154491

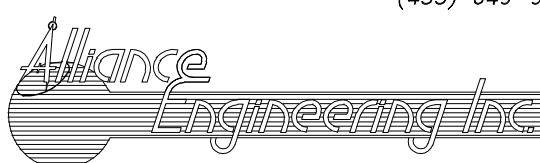
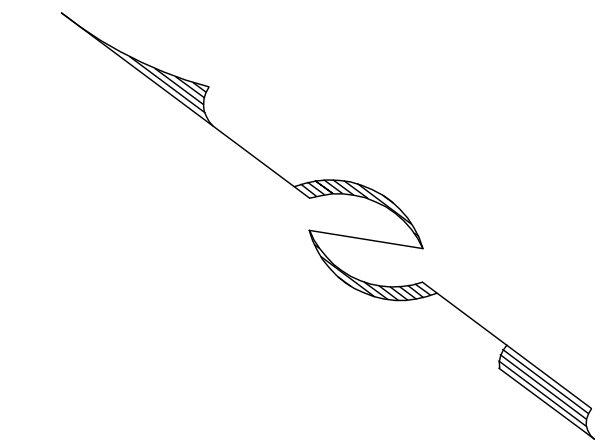
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 35°59'00" E	25.00
L2	S 54°01'00" W	1.66

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	485.00	40.45	4°46'43"

A RE-SUBDIVISION OF PLATTED LOTS AND RIGHT-OF-WAY
BLOCK 19, SNYDER'S ADDITION TO PARK CITY SURVEY

KNUDSON SUBDIVISION

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



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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____

DAY OF _____, 2014 A.D.

BY _____
S.B.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2014 A.D.

BY _____
CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2014 A.D.

BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____ DAY OF _____, 2014 A.D.

BY _____
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.

BY _____
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

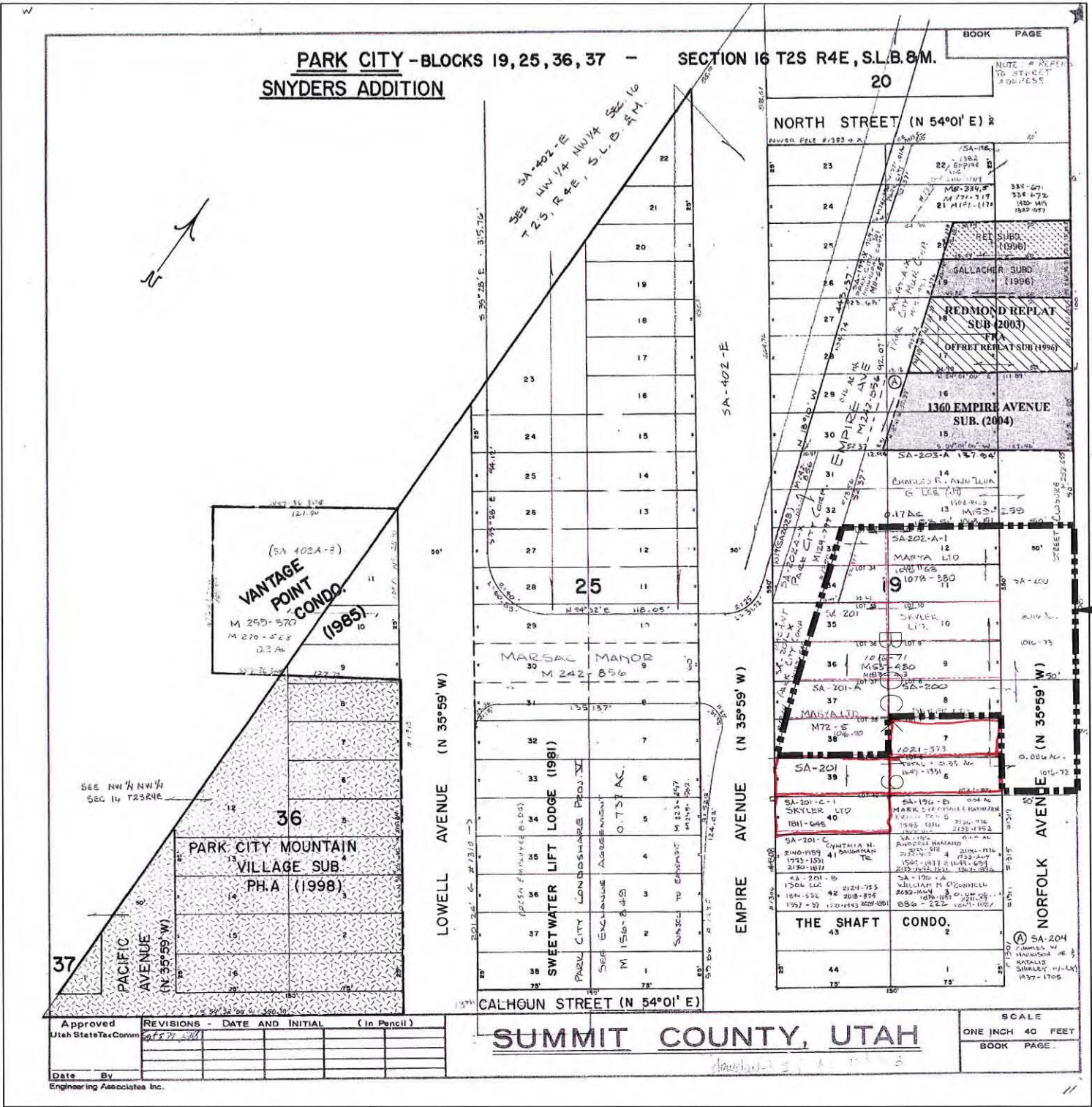
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.

BY _____
MAYOR

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____

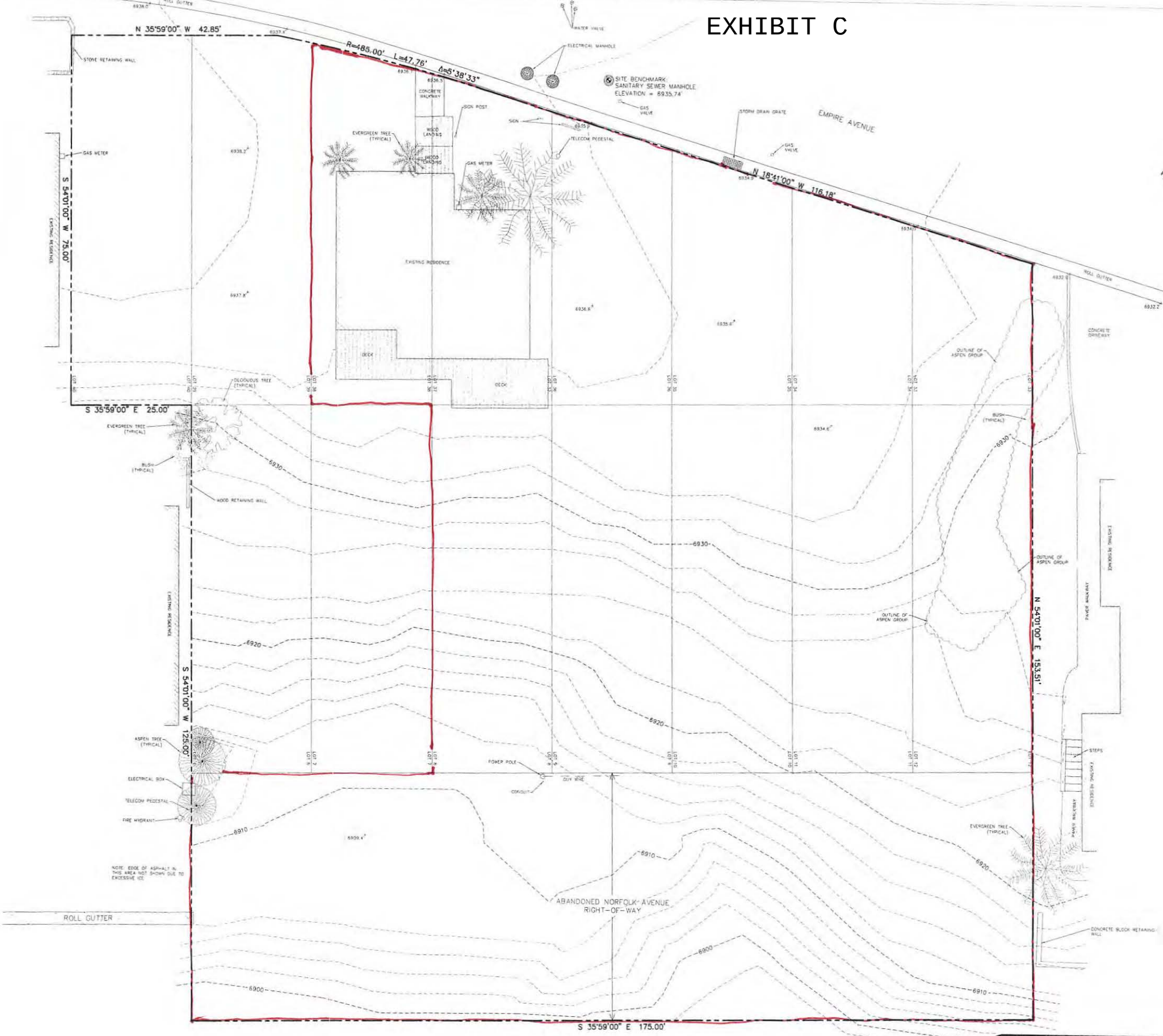
FEE _____ RECORDER _____



NOTE:
1. In addition to Lots in this subdivision, Lots 6 & 7 and
Lots 39 & 40, are owned by Gary Knudson, under the
entity, Skyler LTD.

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467 STAFF: STEVE SCHUELER MARSHALL KING	OWNERSHIP PLAT KNUDSON SUBDIVISION SNYDER'S ADDITION		SHEET 1 OF 1
	DATE: 12/31/13	FOR: PCMC JOB NO.: 6-12-13 FILE: X:\Snyder's Addition\dwg\plot2013\061213-support.dwg		

EXHIBIT C

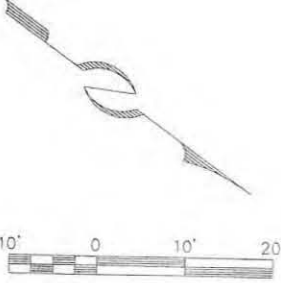


SURVEYOR'S CERTIFICATE

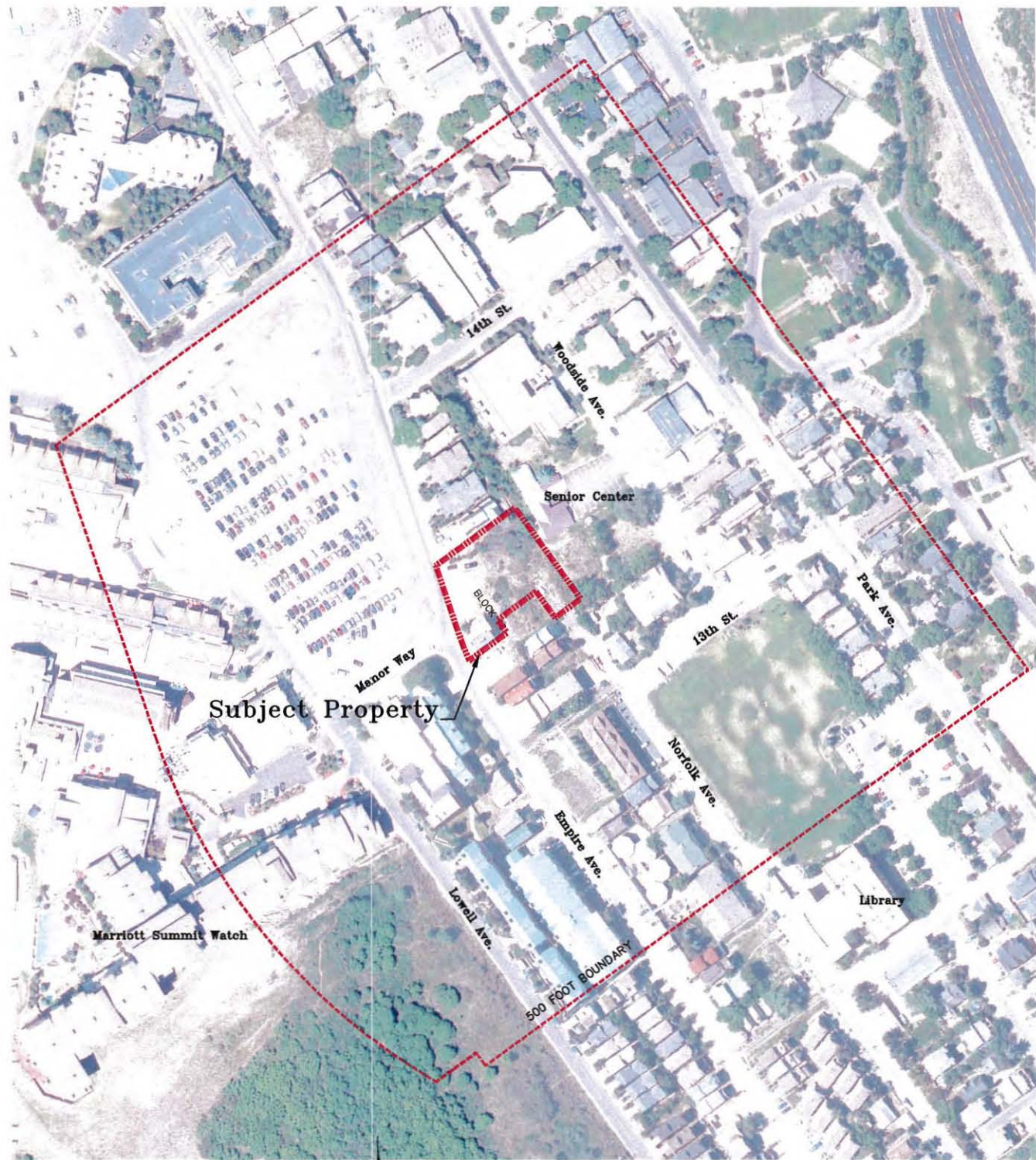
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify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

NOTES

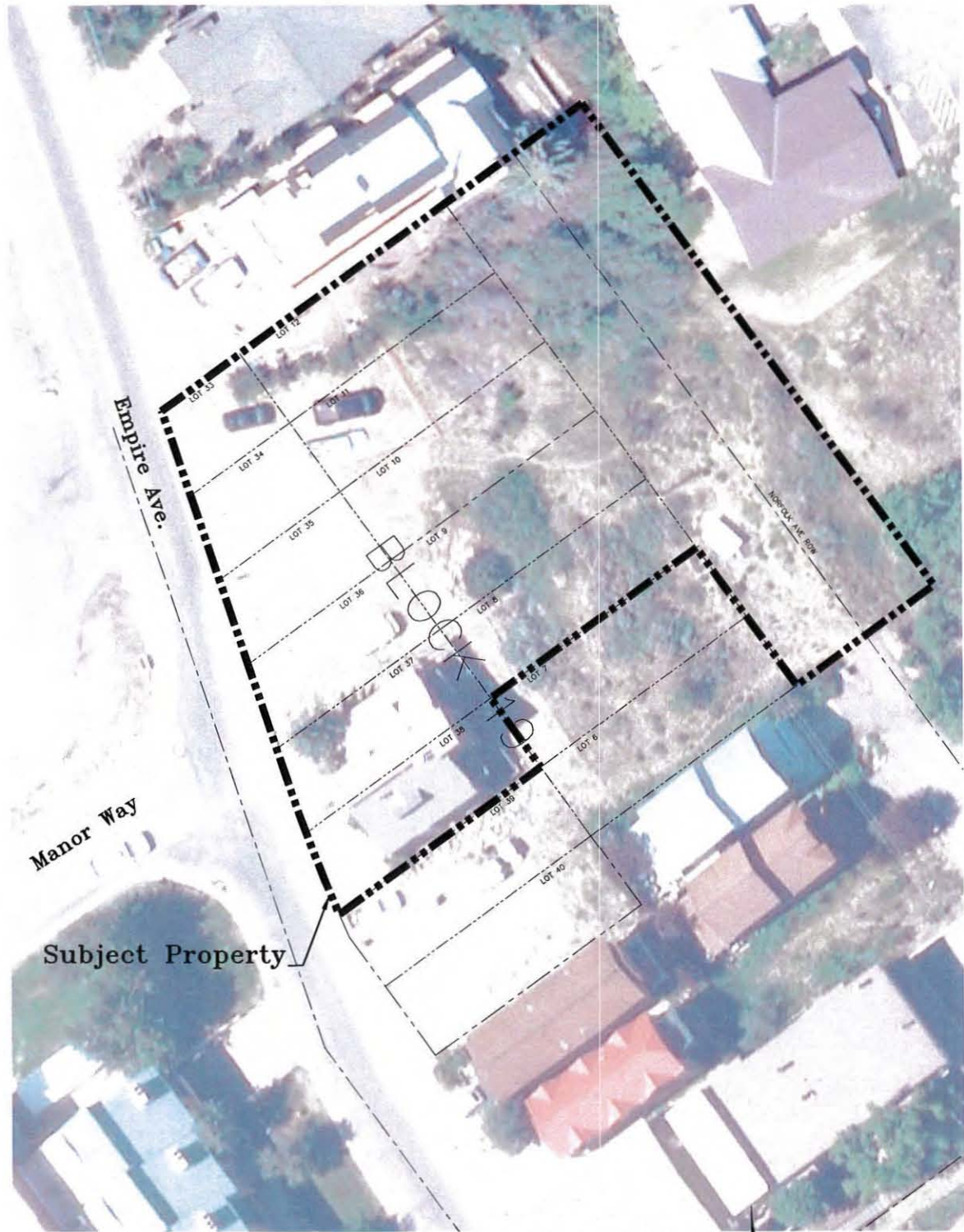
1. Site Benchmark: Sanitary Sewer Manhole Elevation=6935.74'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on January 21, 2014.
4. Property corners were not set.
5. Snow coverage at the time of the survey was approximately 1'-2'. As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.



 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 223 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MARSHALL KING MARTY MORRISON HARRISON HOLLEY	EXISTING CONDITIONS & TOPOGRAPHIC MAP BLOCK 19, SNYDERS ADDITION	SHEET 1 OF 1
	DATE: 1/24/14	FOR: PARK CITY MUNICIPAL CORPORATION JOB NO.: 6-12-13 FILE: X:\SnydersAddition\dwg\sn\topo2013\061213.dwg	



500 FOOT EXHIBIT



20 SCALE SITE PLAN



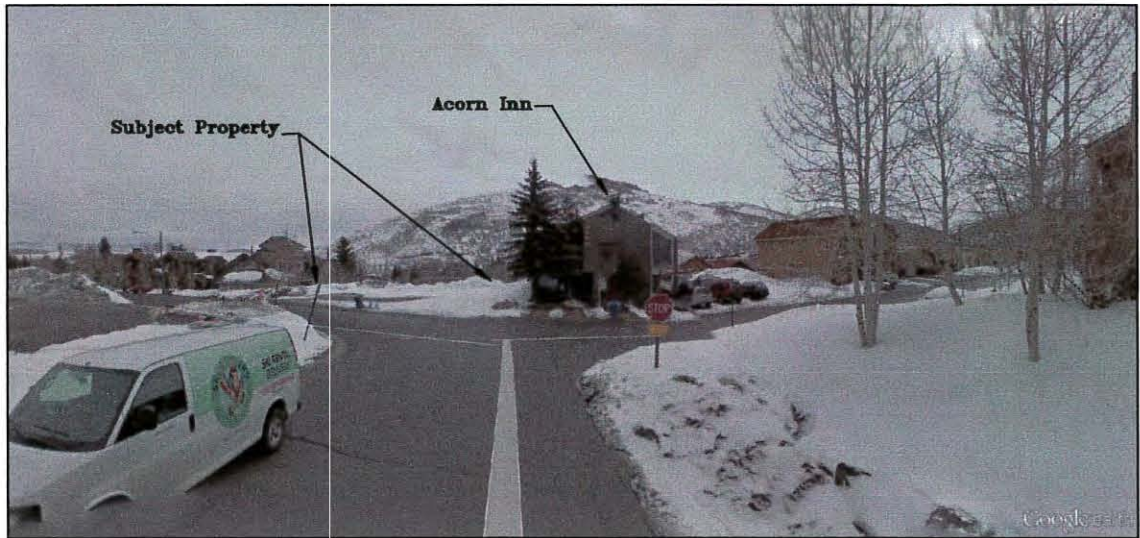
KNUDSON SUBDIVISION

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

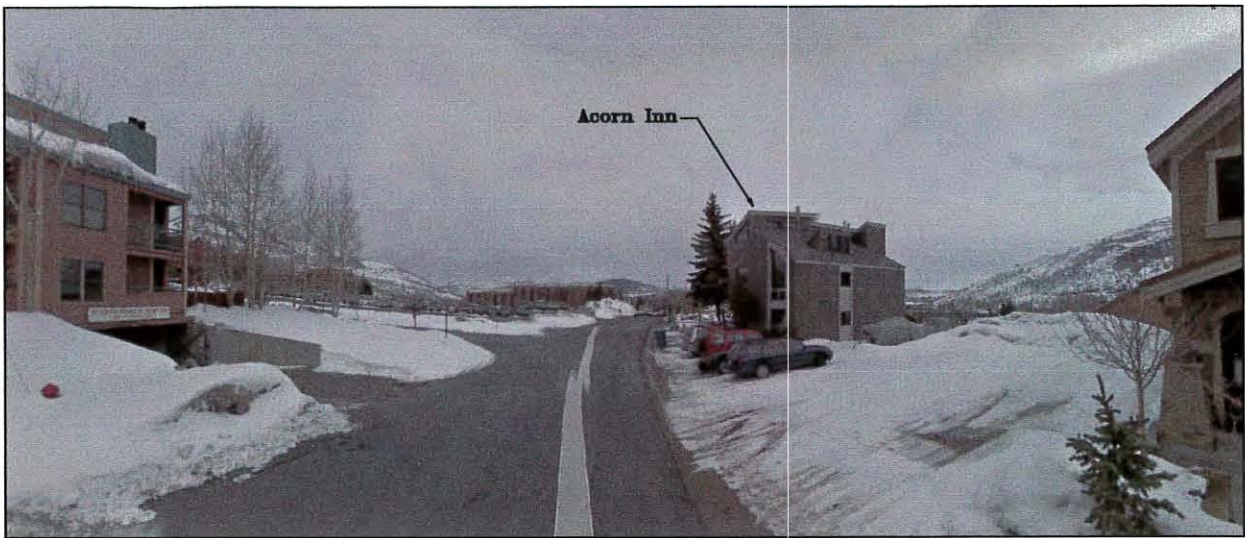
NOTE:
1. In addition to Lots in this subdivision, Lots 6 & 7 and
Lots 39 & 40, are owned by Gary Knudson, under the
entity, Skyler LTD.

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2654 Park City, Utah 84060-2654	(435) 649-9467 STAFF: STEVE SCHUELER MARSHALL KING DATE: 12/31/13	ORTHO-PHOTOS KNUDSON SUBDIVISION SNYDER'S ADDITION FOR: PCMC JOB NO.: 6-12-13 FILE: X:\Snyder's Addition\dwg\plot2013\061213-support.dwg	SHEET 1 OF 1
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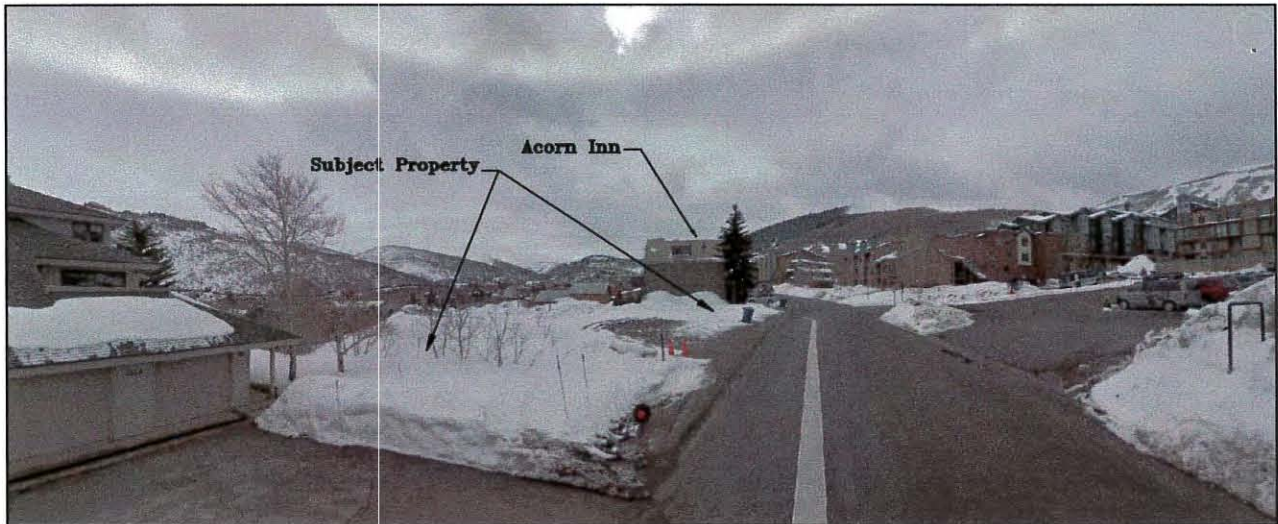
EXHIBIT E



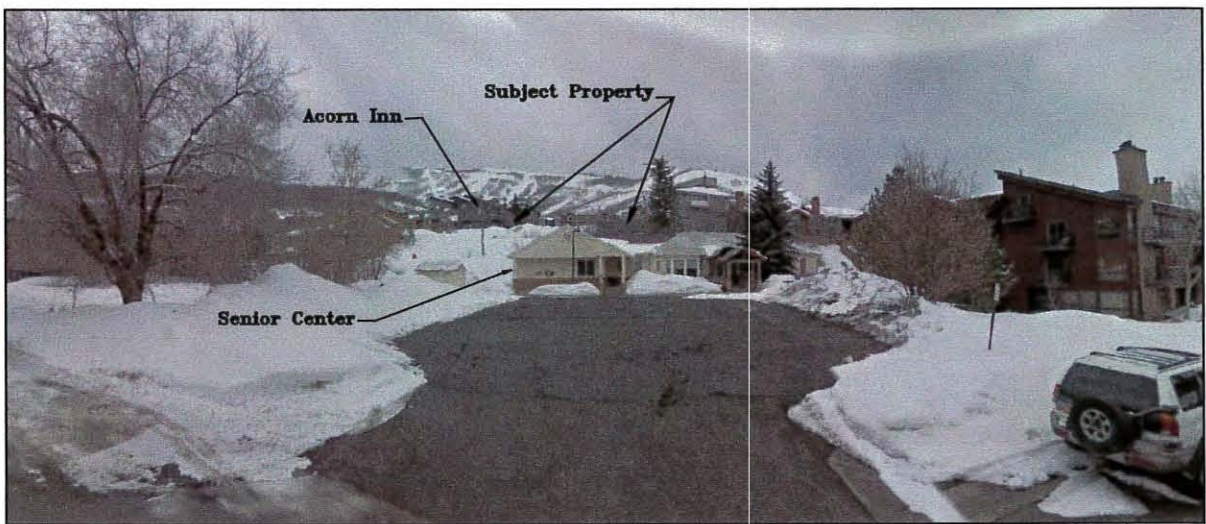
LOOKING EAST FROM MANOR WAY



LOOKING NORTH FROM EMPIRE AVE.



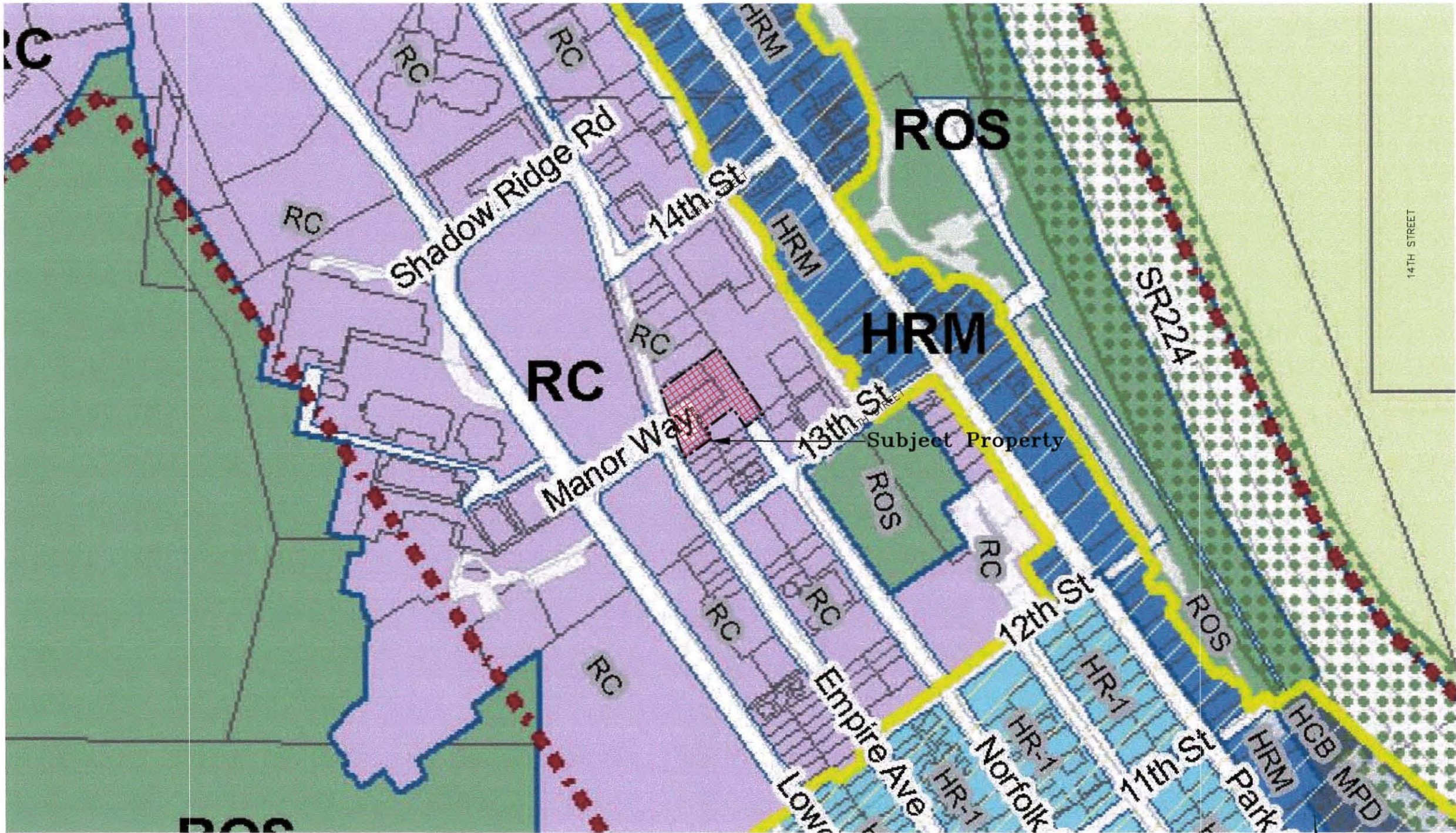
LOOKING SOUTH FROM EMPIRE AVE.



LOOKING WEST FROM NORFOLK AVE.

RECEIVED
DEC 31 2013
PARK CITY
PLANNING DEPT.

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2854 Park City, Utah 84060-2854	(435) 648-9467 STAFF: STEVE SCHUELER MARSHALL KING DATE: 12/31/13	STREETSCAPE IMAGES KNUDSON SUBDIVISION SNYDER'S ADDITION FOR: PCMC JOB NO.: 6-12-13 FILE: X:\Snyder's Addition\dwg\plat2013\061213-support.dwg	SHEET 1 OF 1

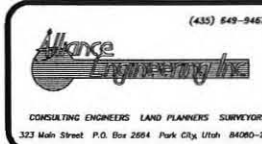


KNUDSON SUBDIVISION

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



RED HATCHING IS FOR ILLUSTRATIVE PURPOSES ONLY

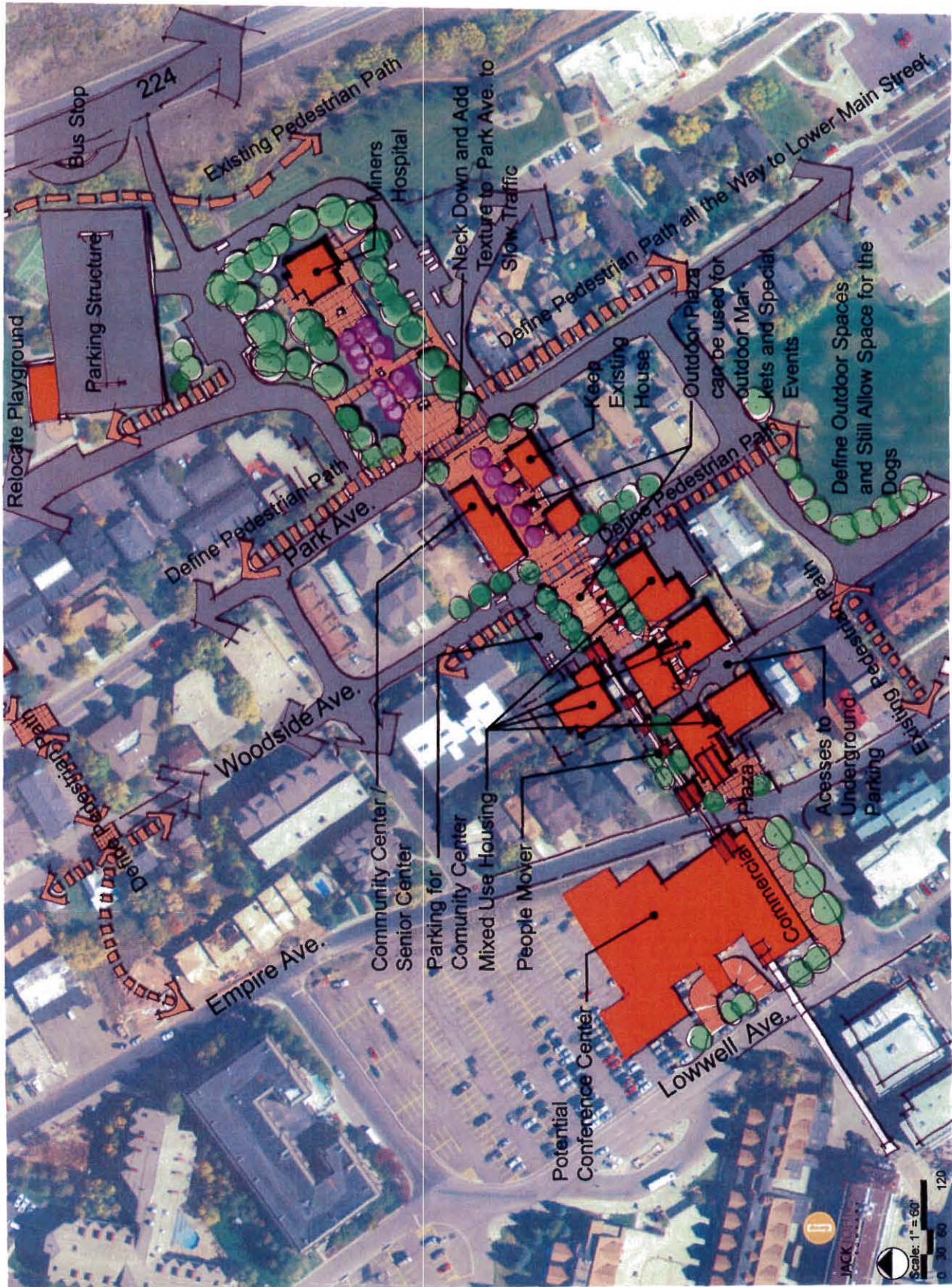


STAFF:
STEVE SCHUELER
MARSHALL KING
DATE: 12/31/13

ZONING MAP
KNUDSON SUBDIVISION
SNYDER'S ADDITION
FOR: PCMC
JOB NO.: 6-12-13
FILE: X:\Snyder's Addition\dwg\plot2013\061213-support.dwg

SHEET
1
OF
1

RECEIVED
DEC 31 2013
PARK CITY
PLANNING DEPT.





January 23, 2014

Gary Knudson
PO Box 511
Park City, UT 84060

NOTICE OF PLANNING DIRECTOR DETERMINATION

Project Address:	1314 & 1350 Empire Avenue
Project Description:	Plat Amendment
Project Number:	PL-14-02202
Date of Action:	January 23, 2014

ACTION TAKEN BY PLANNING DIRECTOR:

Per Land Management Code (LMC) 15-7.1-6(A) an Owner of the land or his representative shall file with the Planning Department an Application for the approval of a final Subdivision Plat. The application shall include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application.

The Planning Director finds that Gary Knudson is not required to subdivide the contiguous holdings located at and around 1314 & 1350 Empire Avenue. Rather,

the applicant may move forward with the request for a three lot plat amendment at 1314 & 1350 Empire Avenue only.

Findings of Fact:

1. The property is located at 1314 & 1350 Empire Avenue within the Recreation Commercial (RC) District.
2. The applicants are requesting to combine eleven (11) lots and the adjacent abandoned Norfolk Avenue ROW containing a total of 25,883 acres into three (3) lots of record. Currently, the property includes Lots 8-12, Lots 33-38, and the abandoned Norfolk Avenue ROW of Block 19 within the Snyder's Addition survey area of Park City.
3. The plat amendment is necessary in order for the applicants to move forward with the City's RDA redevelopment efforts and improvements, which include a possible east/west pedestrian connection from Miner's Hospital to PCMR, as well as remove lot lines under the Acorn Inn and provide access for Lot C to Norfolk Ave.
4. New additions to the Acorn Inn would require adherence to current setbacks as required in the RC District.
5. The property at 1314 Empire Avenue is contiguous with the 2 lots (Lots 39 & 40) directly south along Empire Avenue as well as the 2 lots (Lots 6 & 7) directly south of Lot C.
6. The applicant submitted an application for a plat amendment on December 31, 2013.
7. The Planning Commission will review the application for a three (3) lot subdivision on January 29, 2014.
8. Staff learned that Gary Knudson owned the contiguous property directly south and southeast of 1314 Empire Avenue (Lots 6, 7, 39, & 40) on January 14, 2013.
9. Gary Knudson has directly expressed interest in not subdividing the other 4 lots contiguous to 1314 Empire Avenue (Lots 6, 7, 39, & 40). The property contiguous to 1314 Empire Avenue is not already developed and the owner does not intend to develop this property at this time.
10. There are no existing structures on the 4 contiguous lots (Lots 6, 7, 39, & 40).

Conditions of Approval

1. All standard conditions of approval shall apply.
2. Any modifications to the property contiguous to 1314 Empire Avenue (Lots 6, 7, 39, & 40) will require the applicant to submit a plat amendment application to the Planning Department.

If you have any questions regarding this determination, please don't hesitate to

contact the Planning Department at 435-615-5060.

Sincerely,

A handwritten signature in black ink, appearing to read "Th. Eddington Jr.", with a stylized flourish at the end.

Thomas E. Eddington Jr., AICP, LLA
Planning Director

CC: Christy J. Alexander, AICP
Planner II

Planning Commission Staff Report



Subject: 1313 Park Avenue Subdivision
Application: PL-23-05380
Author: Olivia Cvetko, Planner I
Date: February 22, 2023
Type of Item: Administrative - Subdivision Plat

Recommendation

(1) Review the requested 1313 Park Avenue Subdivision Plat; (2) hold a public hearing; and (3) consider forwarding a positive recommendation for City Council's consideration on April 4, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Ordinance 2023-XX (Exhibit A).

Description

Applicant: Tisha Stender
Location: 1313 Park Avenue
Zoning District: Historic Residential Medium Density (HRM)
Adjacent Land Uses: Single Family Dwellings, Duplex Dwellings, Multi-Unit Dwellings
Reason for Review: Subdivisions require Planning Commission recommendation and City Council action¹

HDDR Historic District Design Review
HPB Historic Preservation Board
HRM Historic Residential Medium Density
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

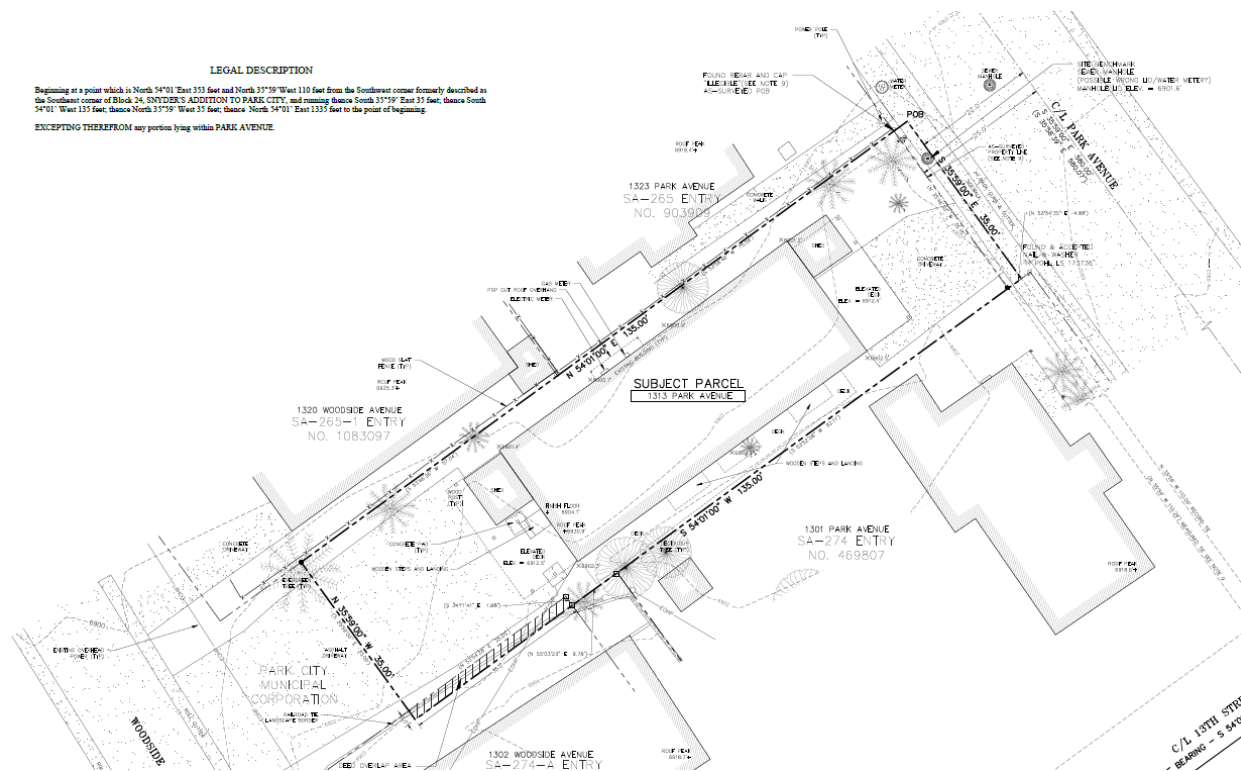
1313 Park Avenue is a 4,579-square-foot Lot in the Historic Residential Medium Density (HRM) Zoning District. 1313 Park Avenue is a metes and bounds parcel and contains a Duplex Dwelling, which according to the Summit County Assessor's website, was built in 1979. The Applicant seeks to create one Lot of Record.

1313 Park Avenue has frontage on two Rights-of-Way, Woodside Avenue and Park Avenue, with vehicle access from both Park Avenue and Woodside. The Applicant submitted Building Permit # 23-025 for an interior renovation, to transform the Structure from a Duplex Dwelling to a Single-Family Dwelling (SFD). The Applicant submitted a

¹ LMC [§ 15-7.1-2\(B\)](#)

Historic District Design Review (HDDR) Pre-Application (PL-23-05524) to remove an exterior door and relocate a window which was reviewed and granted a waiver letter by staff on February 1, 2023.

The site plan below is taken from the Applicant's Existing Conditions survey:



Background

1313 Park Avenue was developed in 1979 as a Duplex Dwelling. Staff has been unable to find the original Building Permit approving the original construction of the Duplex Dwelling. However, a 1980 Building Permit indicates the City approved an addition to the Duplex Dwelling (Exhibit D).

Analysis

LMC [Section 15-2.4-2](#) establishes Single-Family and Duplex Dwellings as Allowed Uses in the HRM Zoning District.

The purpose of the Historic Residential Medium Density (HRM) District is to:

- allow continuation of permanent residential and transient housing in original residential Areas of Park City;
- encourage new Development along an important corridor that is Compatible with Historic Buildings and/or Structures in the surrounding Area;
- encourage the rehabilitation of existing Historic Buildings and/or Structures;
- encourage Development that provides a transition in Use and scale between the

- Historic District and the resort Developments;
- E. encourage Affordable Housing;
- F. encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas; and
- G. establish specific criteria for the review of Neighborhood Commercial Uses in Historic Buildings and/or Structures along Park Avenue.²

(I) The proposal to create one Lot complies with the HRM Zoning District Lot and Site Requirements

LMC [§ 15-2.4-3](#) outlines the Site and Lot requirements for the HRM Zoning District as follows:

Requirement	Analysis of Proposal
Min. Lot Area for a Duplex (existing Use): 3,750 sf Min. Lot Area for Single Family (Proposed Use): 1,875 sf	Complies Lot contains 4,579 sf
Min. Lot Width: 37.5 ft	Existing Non-Conforming Lot Lot is 35 ft wide – please see analysis below.
Setbacks: Front: Fifteen feet (15') Rear: Ten feet (10') Side: Five feet (5')	Complies <u>Front (north-east):</u> 30 ft (21 ft to shed) <u>Front (south-west):</u> 40 ft (28 ft to deck) Existing Non-Conforming <u>Side:</u> 4 ft 8 in on North, 5 ft 10 in on South, for an average side setback of 5 ft 3 in Condition of Approval 4 states the non-complying encroachment into the north side setback may not be enlarged and there shall be no increase to the degree of the non-compliance of all or any part of the structure. Per LMC §15-2.4.-3(I) , Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, not including any required handrail. There is a deck along the southern property line that is less than 30" in height which encroaches into the five-foot setback.

² LMC [15-2.4-2](#)

Minimum Lot Width

As indicated in the Background Section, the Duplex Dwelling was constructed in 1979. The property was in the Residential Medium Zoning District at that time and the 1979 Land Management Code required a minimum Lot width of 37.5 feet. However, despite this deficiency, the City issued the 1980 Building Permit for an addition to the Duplex constructed in 1979. Today, the property is in the HRM Zoning District, and the same 37.5-foot width requirement is still outlined in the LMC.

LMC [Section 15-2.4-3\(C\)](#) allows for exceptions from minimum lot width for existing Lots platted in the historic 25 x 75 feet. Block 24 of the Snyders Addition is an outlier and as a result, contains metes-and-bounds parcels that do not meet the minimum 37.5-foot lot width requirement in the HRM Zoning District. For example, in 2007, Ordinance No. 07-48 (Exhibit E) was approved for a 31-foot lot within the HRM at 1375 Park Avenue, citing that the lot size is consistent with the pattern of development in the neighborhood.

Additionally, LMC [Section 15-2.4-3\(C\)](#) authorizes the Planning Director to determine Lot Width measurements in the case of unusual Lot configurations. 1313 Park Avenue is an unusual Lot within Block 24 because it fronts two Rights-of-Way: Woodside Avenue and Park Avenue, the south side Lot line has a variation resulting in a Lot width along Woodside Avenue that is only 33 feet and a Lot width along Park Avenue that is 35 feet. The parcel also has six (6) different Lot lines.

LMC [Section 15-4-17](#) allows for Planning Director determination regarding setback requirements for unusual Lot configurations. On February 16, 2023, the Planning Director determined 1313 Park Avenue has two front Setbacks due to frontage on both Park Avenue and Woodside Avenue, and also that there are variations to the south side Setback and Lot width (Exhibit F).

Due to the unusual configuration of the Lot, the issuance of a building permit to construct an addition to the Duplex in 1980, the allowances for exceptions from the minimum Lot width requirements for Lots within the HRM Zoning District, and Planning Director discretion to evaluate Lot widths for unusual Lot configurations, staff finds 1313 Park Avenue is a valid non-complying Lot and future development must comply with the LMC regulations in effect at the time an Application is submitted.

Building Height

The Maximum Building Height outlined in LMC [§ 15-2.4](#) is 27 ft above Existing Grade. The structure has a roof peak 29 ft above Existing Grade. Condition of Approval 4 states that the structure may be repaired or maintained provided that such repair or maintenance shall neither create any new non-compliance nor shall increase the degree of the existing non-compliances with the LMC.

Parking

The required number of parking spaces for a Single-Family Dwelling outlined in LMC §

15-[3-6](#) is two (2) and four (4) for a Duplex. 1313 Park Avenue has two (2) designated parking spaces on the Park Avenue side of the lot.

(II) Staff finds Good Cause for the proposed Subdivision Plat.

Subdivision Plats are 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 Right-of-Way, or easement is vacated or amended.

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.”

Two of the purposes of the HRM Zoning District are to allow for the continuation of permanent residential... housing in original residential Areas of Park City; and encourage the rehabilitation of existing Structures.³ The creation of a Lot of Record will allow the Applicant to maintain and renovate the Structure.

The Subdivision does not vacate or amend any portion of the platted ROW and no easements are vacated or amended.

The Development Review Committee reviewed the Subdivision on February 7th, 2023.

Department Review

The Executive, Planning, and Engineering Departments and City Attorney’s Office reviewed this staff report.

Notice

Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on February 6, 2023. Staff mailed courtesy notice to property owners within 300 feet on February 6, 2023. The *Park Record* published notice on February 8, 2023.⁴

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 1313 Park Ave Subdivision as conditioned or amended;

³ LMC [§ 15-2.4-1 Purpose](#)

⁴ LMC [§ 15-1-21](#)

- The Planning Commission may forward a negative recommendation to the City Council for the 1313 Park Ave Subdivision 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 and Proposed Plat

Exhibit B: Proposed Plat

Exhibit C: Park City Original Plat Map

Exhibit D: 1980 Building Permit

Exhibit E: Ordinance 07-48

Exhibit F: Planning Director Determination Letter

Ordinance No. 2023-XX

AN ORDINANCE APPROVING THE 1313 PARK AVE SUBDIVISION, LOCATED AT 1313 PARK AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 1313 Park Avenue petitioned the City Council for approval of the 1313 Park Avenue Subdivision Plat; and

WHEREAS, on February 8, 2023, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on February 6, 2023, courtesy notice was mailed to property owners within 300 feet of 1313 Park Avenue; and

WHEREAS, on February 22, 2023, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on February 22, 2023, the Planning Commission forwarded a _____ recommendation for City Council's consideration on April 4, 2023; and

WHEREAS, on April 4, 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 15-2.4 and 15-7.

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

SECTION 1. APPROVAL. The 1313 Park Avenue Subdivision, located at 1313 Park Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 1313 Park Avenue.
2. The property is listed with Summit County as Lot 1 of Block 24 of the Snyders Addition to Park City Survey.
3. The property is in the Historic Residential Medium Density (HRM) Zoning District.
4. The Applicant seeks to create one Lot of record.
5. The existing non-historic structure at 1313 Park Avenue was built in 1979 as a Duplex Dwelling, an Allowed Use in the HRM Zoning District.
6. The Applicant has a building permit for an interior renovation, transforming the home from a Duplex to a single-family dwelling (SFD). The interior remodel has minimal effect on the exterior of the home and the applicant submitted a Historic District Design Review (HDDR) Pre Application (PL-23-05524) which was reviewed and approved by staff on February 1, 2023.
7. The lot has access from two Right-of-Ways; Woodside Avenue and Park Avenue.

8. The creation of a Lot of Record will allow the Applicant to maintain and renovate the Structure.
9. No easement is vacated or amended as a result of the Plat Amendment.
10. The LMC regulates Lot and Site Requirements for the HRM Zoning District per LMC § 15-2.4-3.
11. A Single-Family Dwelling is an Allowed Use in the HRM Zoning District and requires a minimum Lot size of 1,875 square feet. The proposed Lot size is 4,609 square feet.
12. The minimum Lot width in the HRM Zoning District is 37.5 feet. The existing non-compliant lot is 35 feet.
13. The required front Setback for Lots is fifteen feet (15').
14. The required Side Setback is five feet (5'). The existing non-compliant structure is setback four (4) feet and eight (8) inches on the northern side and five (5) feet and ten (10) inches on the south.
15. Building Height in the HRM Zoning District is 27 feet.
16. Single Family Dwellings require two (2) parking spaces.
17. The findings in the Analysis section of the Staff Report are incorporated herein.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.4, *Historic Residential Medium Density (HRM) 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. Any new development on 1313 Park Avenue, must comply with the Land Management Code.
4. The Applicant of 1313 Park Avenue may repair or maintain the existing Structure provided that such repair or maintenance shall neither create any new non-compliance nor shall increase the degree of the existing non-compliances with the LMC. The Owner may maintain and remodel the existing Dwelling in accordance with the Approved HDDR Pre.
5. The Plat shall note that this Lot is subject to Ordinance 2023-XX.

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

PASSED AND ADOPTED this 4th Day of April 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Attachment 1 – Proposed Plat

VICINITY MAP
NOT TO SCALE

1313 PARK AVENUE SUBDIVISION
AMENDING A PORTION OF BLOCK 24, SNYDER'S ADDITION TO PARK CITY SURVEY
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 16,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

PROFESSIONAL LAND SURVEYING
ALLTERRA
UTAH, LLC

PUBLIC SAFETY ANSWERING
ENGINEERING
 APPROVED ON THIS ____ DAY
 OF ____ 2022

BOYDENVILLE BASIN WATER
REGULATORY DISTRICT
 REVIEWED FOR CONFORMANCE TO BOYDENVILLE BASIN
 BASIN WATER REGULATORY DISTRICT STANDARDS
 ON THIS ____ DAY OF ____ 2022

PLANNING COMMISSION
 RECOMMENDED BY THE PARK CITY
 PLANNING COMMISSION
 THIS ____ DAY OF ____ 2022

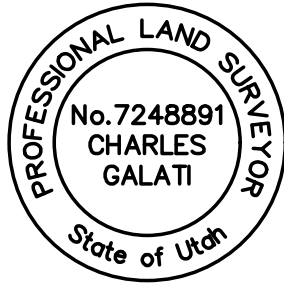
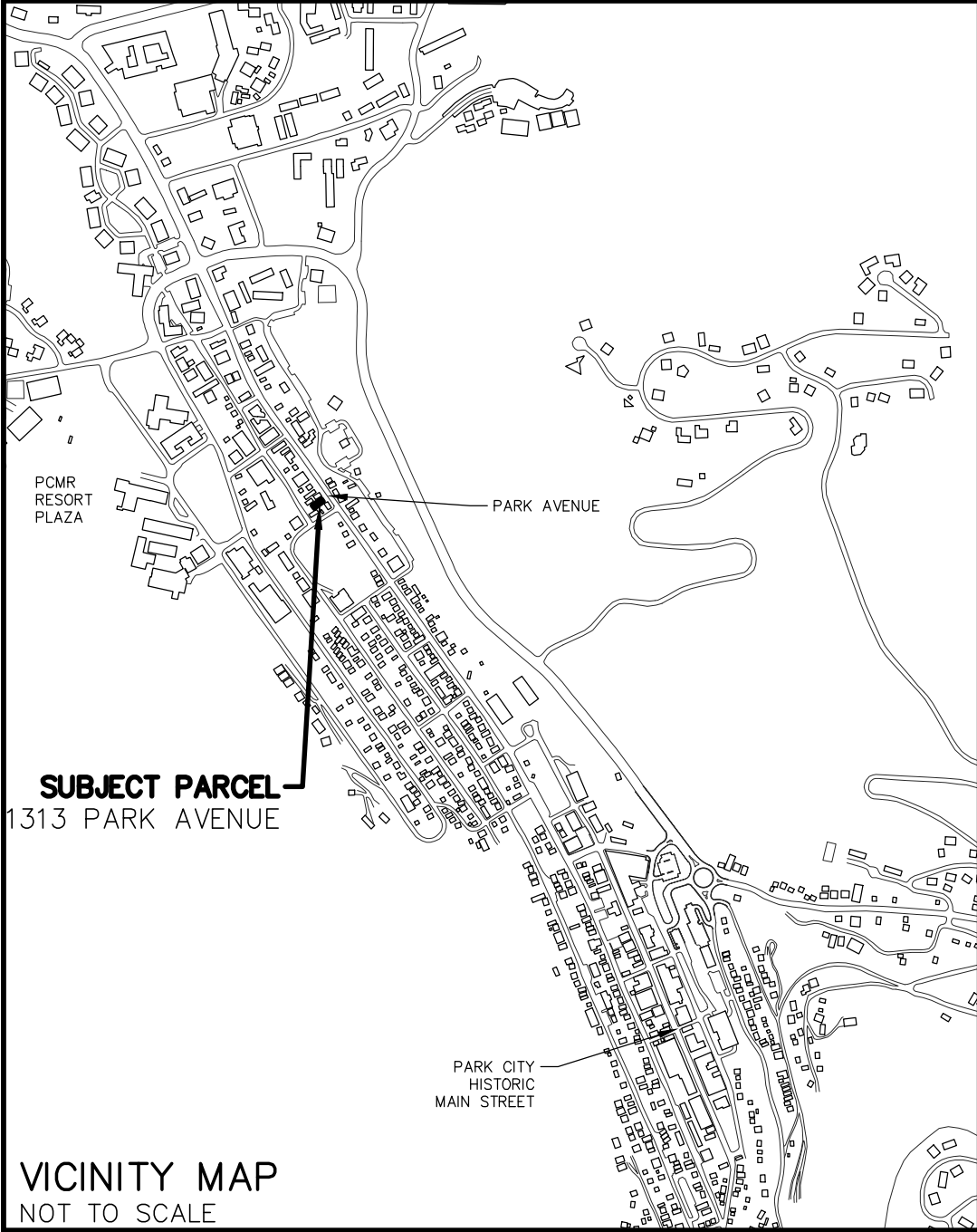
ENGINEER'S CERTIFICATE
 I FIND THIS PLAN TO BE IN ACCORDANCE
 WITH INFORMATION ON FILE IN MY OFFICE
 THIS ____ DAY OF ____ 2022

APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS
 ____ DAY OF ____ 2022

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVAL AND ACCEPTANCE BY THE PARK CITY
 COUNCIL THIS ____ DAY OF ____ 2022

CERTIFICATE OF ATTEST
 I CERTIFY THIS PLAN WAS APPROVED
 BY THE PARK CITY COUNCIL THIS
 ____ DAY OF ____ 2022

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF ____
 FEE ____
 TIME ____ DATE ____ ENTRY NO. ____



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7248891, 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 tract of land shown on this plat and described hereon, and have combined said tract of land into one (1) lot, together with easements, hereafter to be known as 1313 PARK AVENUE SUBDIVISION and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

Beginning at a point which is North 54°01' East 353 feet and North 35°59' West 110 feet from the Southwest corner formerly described as the Southeast corner of Block 24, SNYDER'S ADDITION TO PARK CITY, and running thence South 35°59' East 35 feet; thence South 54°01' West 135 feet; thence North 35°59' West 35 feet; thence North 54°01' East 135 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying within PARK AVENUE.

AS-SURVEYED BOUNDARY DESCRIPTION

A parcel of land situated in Block 24 SNYDER'S ADDITION TO PARK CITY, said parcel also situated in the Northwest Quarter of Section 16, Township 2 South, Range 4 East, Salt lake Base and Meridian and being more particularly described as follows:

BEGINNING at a point on the westerly right-of-way of Park Avenue which is North 35°58'59" West 125.29 feet and South 54°01'21" West 24.93 feet from the Brass Cap Street Monument at the intersection of 13th Street and Park Avenue (Basis of Bearing for this description being South 54°01'00" West 400.00 feet between said 13th Street and Park Avenue street monument to a Brass Cap Street Monument at the intersection of 13th Street and Norfolk Avenue) and running thence coincident with said westerly right-of-way South 35°46'30" East 35.16 feet; thence South 53°52'08" West 87.24 feet; South 55°03'23" West 9.78 feet; thence North 34°11'21" West 1.98 feet; thence South 53°54'28" West 35.05 feet; thence North 35°59'00" West 33.00 feet; thence North 53°46'26" East 57.04 feet; thence North 53°58'46" West 75.09 feet to the westerly right-of-way of Park Avenue and the POINT OF BEGINNING.

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 combined into one (1) lot of record, together with easements as set forth to be hereafter known as 1313 PARK AVENUE SUBDIVISION and does hereby dedicate for the perpetual use of the public the ares shown on this plat as intended for public use. The undersigned owner also hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over any public utility easements shown on this plat, the same to be used for installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes hereon.

In witness whereof, the undersigned set his hand this _____ day of _____, 2022.
1313 Partners, LLC, a Utah Limited Liability Company.

By: _____, its Authorized Signer

ACKNOWLEDGEMENT

STATE OF UTAH)
)
) ss.
COUNTY OF SUMMIT)

On this _____ day of _____, 2022, _____ 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/she is signing as _____ of 1313 Partners, LLC, a Utah Limited Liability Company.

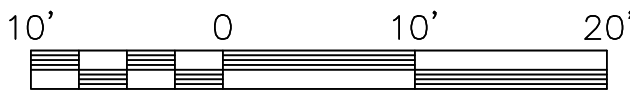
Notary Public _____
Printed Name _____
Residing in: _____
My commission expires: _____
Commission No. _____

NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance _____.
- See Record of Survey S- _____ on file with Summit County Recorder performed by Allterra Utah and dated 3/28/22.
- Measured bearings and distances, when different from record, are shown in parenthesis ().

LEGEND

- Set 5/8" rebar w/cap "ALLTERRA UTAH" (Unless noted otherwise)
- Found Monument (As-Noted)
- Found Rebar and Cap Monument "R POHL 173736"
- Found Street Monument (As-Noted)



1" = 10'

12/7/22

SHEET 1 OF 1

PROFESSIONAL LAND SURVEYING
AND CONSULTING
ALLTERRA
UTAH, LLC
435-640-4200
463 SCENIC HEIGHTS ROAD, FRANCIS, UTAH 84036

1313 PARK AVENUE SUBDIVISION
AMENDING A PORTION OF BLOCK 24, SNYDER'S ADDITION TO PARK CITY SURVEY
LOCATED IN THE NORTHWRST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

PUBLIC SAFETY ANSWERING POINT APPROVAL	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	CERTIFICATE OF ATTEST	RECORDED
APPROVED ON THIS____DAY OF _____, 2022	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS____DAY OF _____, 2022	RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS____DAY OF _____, 2022	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS____DAY OF _____, 2022	APPROVED AS TO FORM THIS ____DAY OF _____, 2022	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2022	I CERTIFY THIS PLAT WAS APPROVED BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2022	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____
BY _____ SUMMIT COUNTY GIS COORDINATOR	BY _____ SNYDERVILLE BASIN WATER RECALATION DISTRICT	BY _____ CHAIR	BY _____ PARK CITY ENGINEER	BY _____ PARK CITY ATTORNEY	BY _____ MAYOR	BY _____ PARK CITY RECORDER	_____ FEE _____ RECORDER TIME _____ DATE _____ ENTRY NO. _____

MAP OF
PARK CITY
SUMMIT COUNTY - UTAH

SCALE: 1" APPROX. 10 FEET

Traced from original map July 1927.
By
Caldwell & Richards
ENGINEERS
Salt Lake City, Utah

N

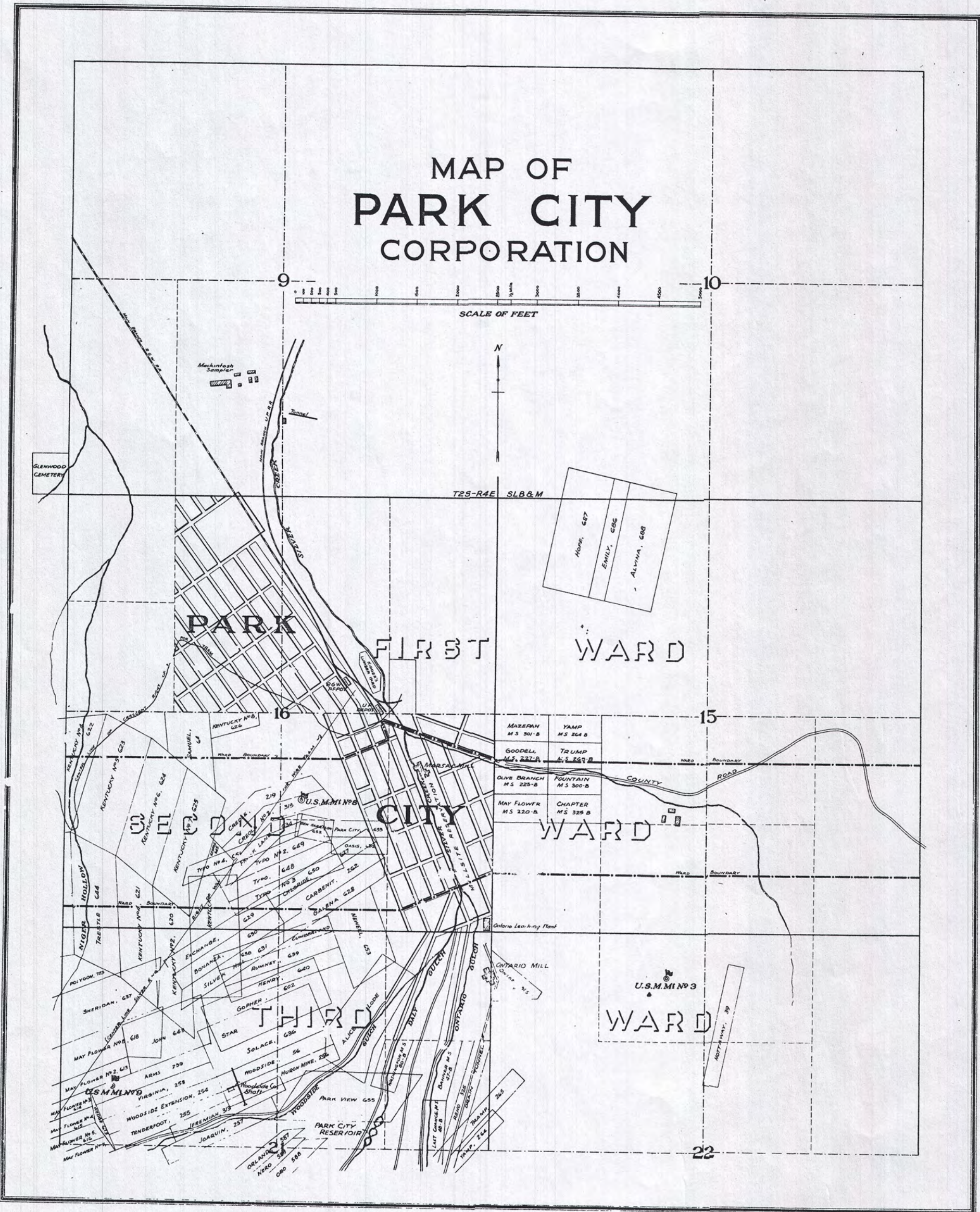
FIRST WARD

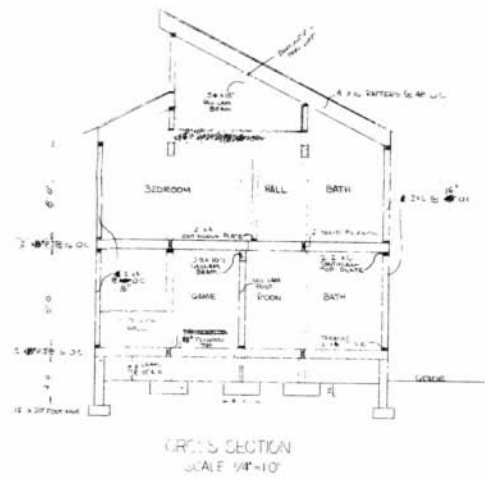
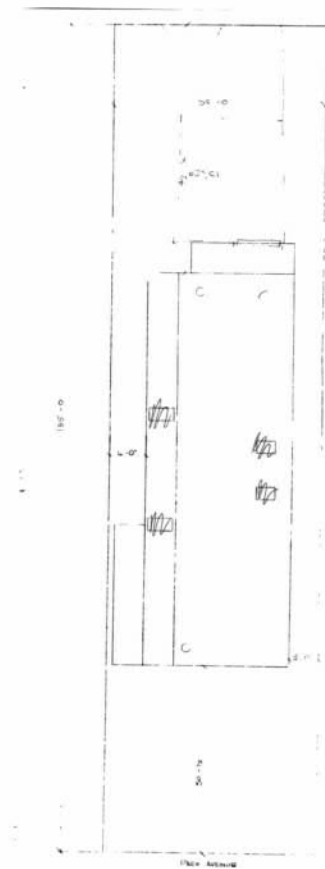
SECOND WARD

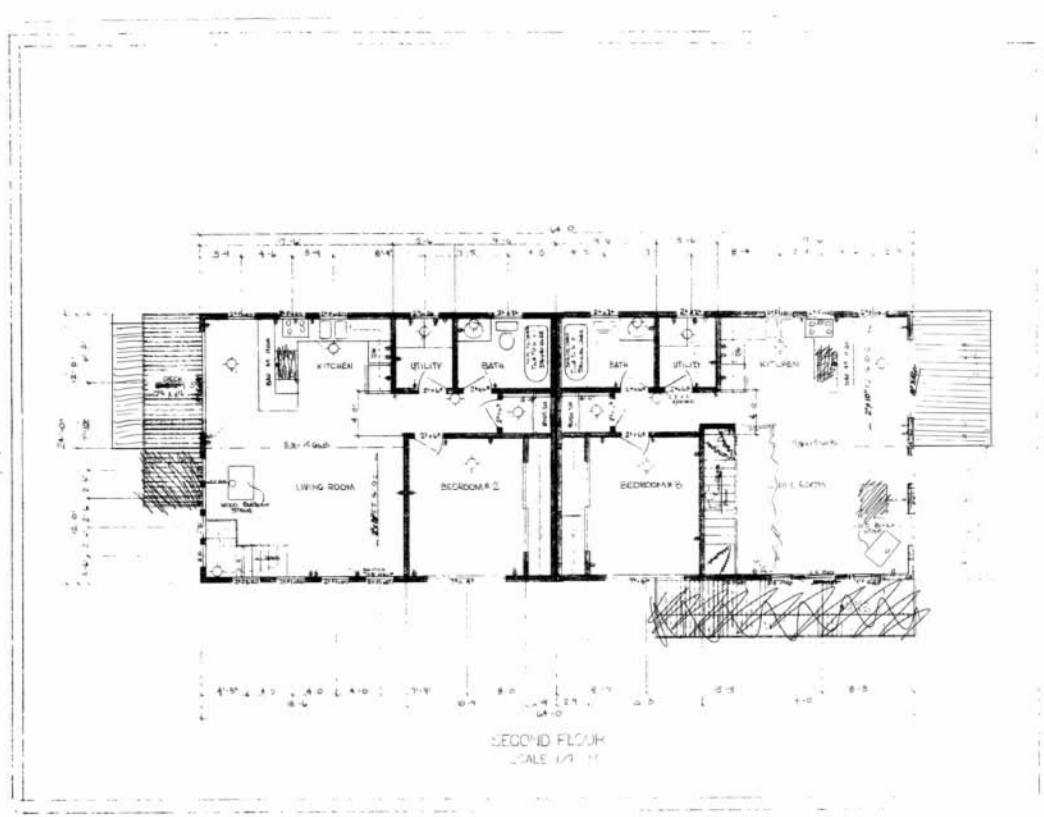
THIRD

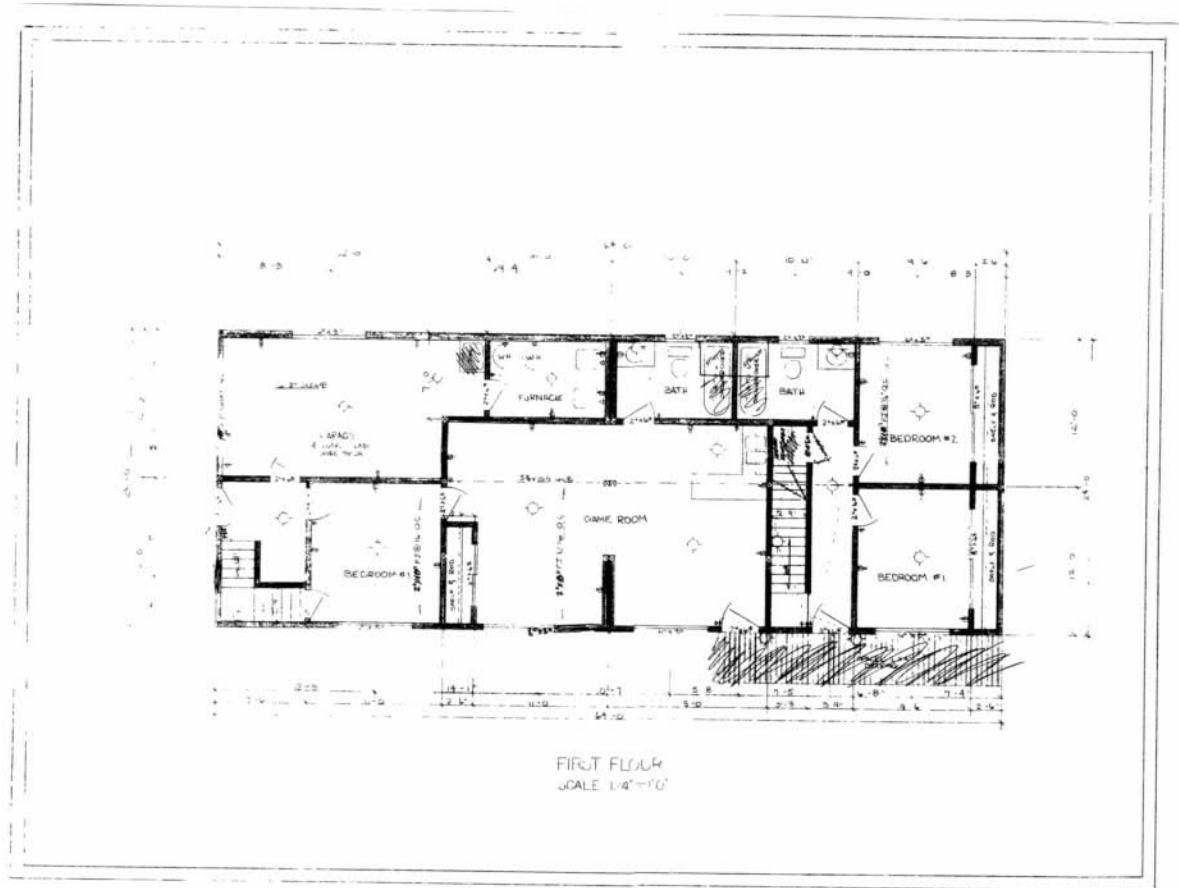
WARD

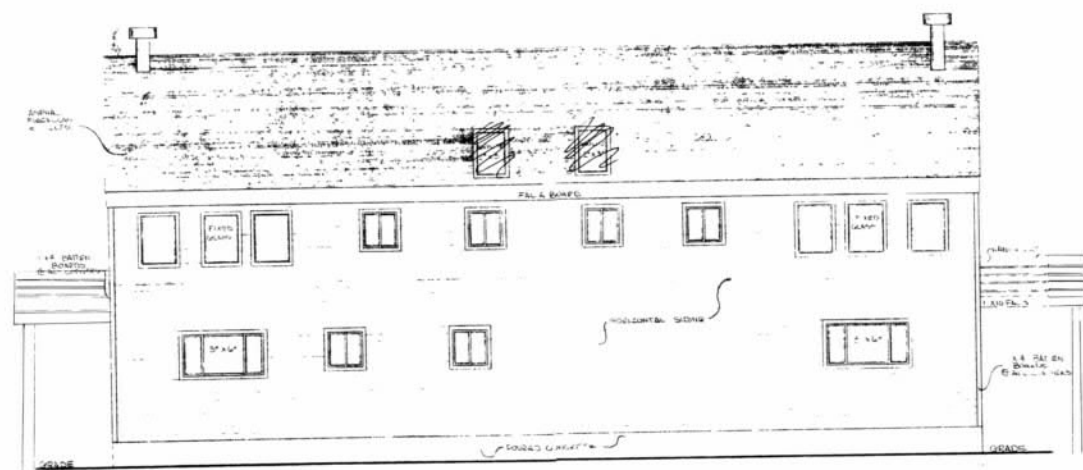
ONTARIO MILLSITE











REAR ELEVATION
 N
 SCALE 1/4"=1'-0"

Ordinance No. 07-48

AN ORDINANCE APPROVING THE 1375 PARK AVENUE SUBDIVISION PLAT AMENDMENT LOCATED AT 1375 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 1375 Park Avenue have petitioned the City Council for approval of the 1375 Park Avenue Subdivision plat amendment; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on July 25, 2007, to receive input;

WHEREAS, the Planning Commission, on July 25, 2007, forwarded a positive recommendation to the City Council; and,

WHEREAS, on August 9, 2007, the City Council approved the 1375 Park Avenue Subdivision plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The plat amendment as shown in Exhibit B are approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1375 Park Avenue in the Historic Residential (HRM) zone.
2. The HRM zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes.
3. The applicant is the owner of two 68' x 31' metes and bounds parcels located in Block 24 of the Snyder's Addition to the Park City Survey.
4. There is an existing non-historic commercial structure on the property.
5. The applicant is proposing to join the parcels into one lot of record to accommodate a residential duplex on the property.
6. The proposed lot will be 4,061 square feet in size.
7. The maximum height for the zone is 27 feet above existing grade.
8. Access to the property comes from both Park Avenue and Woodside Avenue.
9. The applicant will be required to apply for a Determination of Historical Significance prior to any modifications being made to the existing commercial building. The application will be reviewed by the Historic Preservation Board per the requirements of LMC Chapter 15-2-11.

Conclusions of Law:

1. There is good cause for this plat amendment.

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

Conditions of Approval:

1. The City 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 amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. Prior to the issue of a building permit, the applicant shall submit for review and approval a historic district design guideline review application.
4. A determination of historical significance will be reviewed by the Historic Preservation Board, and a finding that the structure is not historically significant shall be made prior to the demolition of the building on site.
5. No remnant parcel shall be created as part of this application.

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

PASSED AND ADOPTED this 9th day of August, 2007.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney





Planning Department

February 17, 2023

Tisha Stender
1313 Partners LLC
778 Westwood Road
Park City, UT 84060

NOTICE OF PLANNING DIRECTOR DETERMINATION

RE: Determination of Setbacks for an Unusual Lot Configuration for 1313 Park Avenue, a portion of Block 24, Snyder's Addition

Parcel SA-270 at 1313 Park Avenue is located between Park Avenue and Woodside Avenue rights-of-way and creates a unique and Unusual Lot Configuration with six unique sides and a variation in lot width.

Land Management Code (LMC) § 15-4-17 outlines regulations for lots with unusual configurations and states, "On those Lots, which border a Street on both the back and front, both sides must have a front Setback, unless otherwise an exception by this Code." The LMC also provides illustrations to clarify setbacks (Figure d.).

Parcel SA-270 is in the Historic Residential Medium Density (HRM) Zoning District. LMC § 15-2.4-3(A) requires a minimum lot area of 1,875 square feet for construction of a Single-Family Dwelling and 3,750 square feet for a Duplex Dwelling. The parcel is 4,579 square feet and currently contains a Duplex Dwelling, which is an allowed use in the HRM Zoning District and meets the minimum lot area requirement.

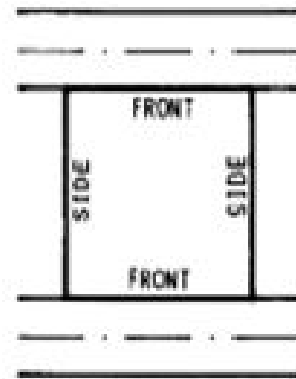


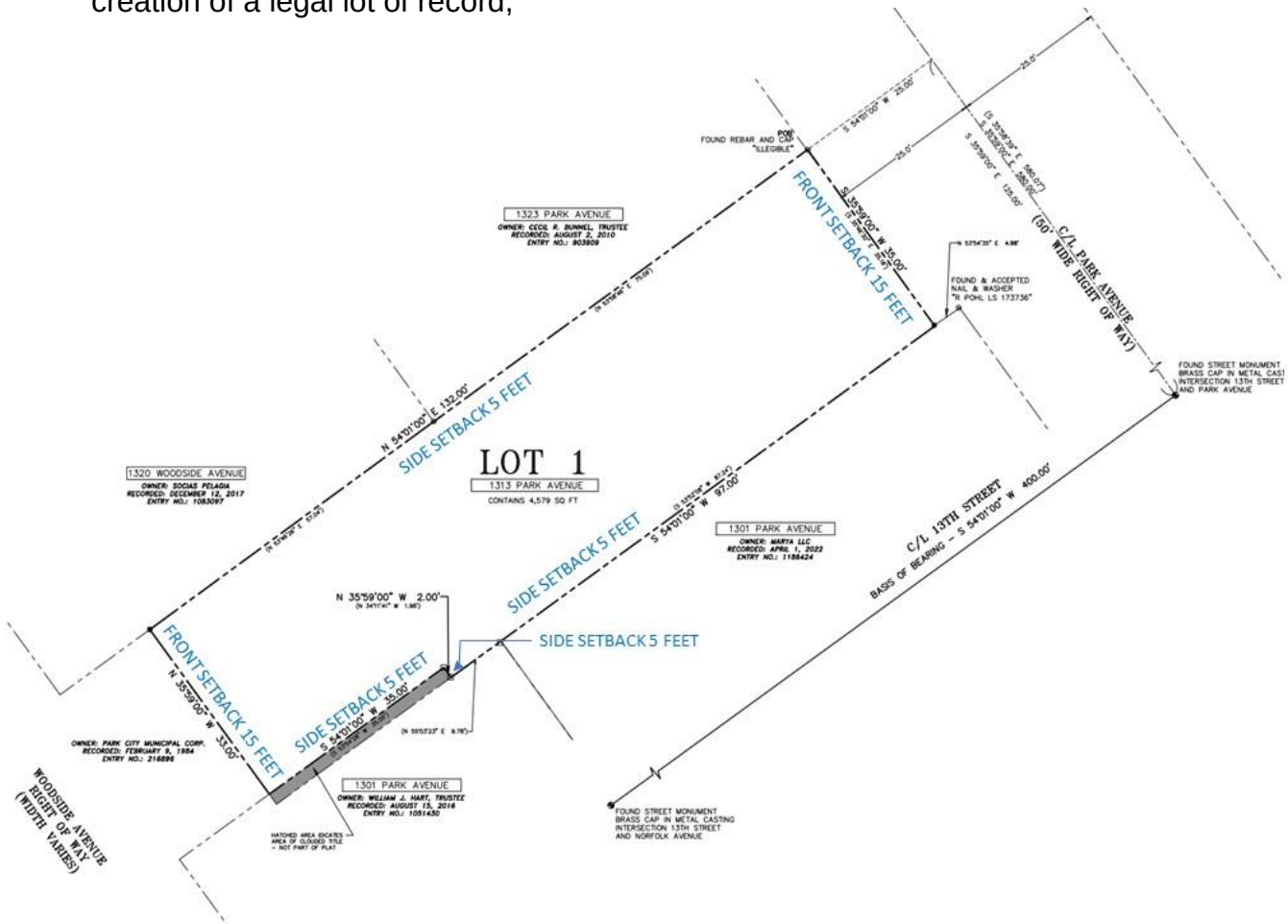
Fig. d.

Setback distances within the HRM Zoning District are dependent upon lot depth and lot width. The lot depth for the proposed lot is 132 feet. At its largest point, the lot width for the proposed lot is 35 feet and at its smallest, it is 33 feet. Due to this unusual configuration, the width is not consistent across the proposed lot.

Pursuant to LMC § 15-2.4-3(D) outlining lot and site requirements for the HRM Zoning District, front setbacks for lots with a depth greater than 75 feet are fifteen feet, for a

total of 30 feet. Pursuant to LMC § 15-2.4-3(H), side setbacks for lots with a width greater than 25 feet are five feet each, for a total of 20 feet. LMC § 15-2.4-3(C) outlines Planning Director determination for the lot width for unusual lot configurations. In this case, due to the unusual configuration, the Planning Director determination is that there are two front setbacks at 15 feet each and four side setbacks at 5 feet each.

The illustration below outlines the Planning Director determination for the potential creation of a legal lot of record,



If you have questions or concerns regarding this Determination Letter, please do not hesitate to contact the Park City Planning Department.

Sincerely,

Gretchen Milliken
Planning Director
(435) 615-5008

gretchen.milliken@parkcity.org

Planning Commission Staff Report



Subject: Timeshares, Private Residence Clubs, and Fractional Use of Dwelling Units
Application: PL-22-05439
Author: Rebecca Ward, Assistant Planning Director
Date: February 22, 2023
Type of Item: Legislative – Land Management Code Amendments

Recommendation

(I) Review proposed Land Management Code amendments regarding Timeshares, Private Residence Clubs, and Fractional Use in Dwelling Units in the General Commercial, Residential Development, and Residential Development Medium Zoning Districts; (II) conduct a public hearing; and (III) consider forwarding a positive recommendation for City Council's consideration on March 23, 2023, as outlined in draft Ordinance No. 2023-XX (Exhibit A).

Summary

The Land Management Code (LMC) includes three types of transient uses:

- Timeshares
- Private Residence Clubs, and
- Fractional Use of Dwelling Units

On October 27, 2022, the City Council directed staff to evaluate transient uses (excluding Nightly Rentals), including Timeshares, Private Residence Clubs, and Fractional Use of Dwelling Units, in the Residential Development, Residential Development Medium, and General Commercial Zoning Districts and to issue a pending ordinance prohibiting these uses in these Zoning Districts for up to six months until updated regulations are adopted ([Minutes](#), p. 10). Staff issued the pending ordinance on October 28, 2022, and the pending ordinance will terminate on April 25, 2023.

The proposed amendments are outlined in detail below, are based on the recommendations outlined in the [General Plan](#) and [Vision 2020](#), the City's Strategic Action Plan to shape a preferred future for 2030, and direct Timeshares, Private Residence Clubs, and Fractional Use of Dwelling Units to Commercial Zoning Districts and those neighborhoods proximate to the resorts as follows:

- **Resort Center** – Recreation Commercial Zoning District
- **Old Town** – Historic Commercial Business, Historic Recreation Commercial, and Recreation Commercial Zoning Districts
- **Lower Deer Valley** – Recreation Commercial and Residential Development Zoning Districts south of the Solamere Subdivision
- **Upper Deer Valley** – Residential Development Zoning District

Background

The City has enacted several LMC amendments since the early 1980s to address the impacts of transient uses as they evolved over time to achieve balance between the resort economy, commercial Zoning Districts, and primary resident neighborhoods.

Timeshares

By the early 1980s, Timeshares—which allow for a fractional fee interest in property with a right to use the unit as established through contract, declaration, or other instrument¹—were introduced to Park City. In 1981, the City Council adopted Ordinance No. 81-7, enacting a moratorium on Timeshares finding “the ‘time-share’ concept is a transient type of activity and has no apparent local control under the City’s current ordinances” and “the potential impact of time-share projects on the City of Park City indicates a clear and convincing need for restrictions and regulatory measures” (Exhibit B). On January 29, 1982, the City Council enacted Ordinance No. 82-4 *Regulating the Creation of Timeshare Projects in Park City* (Exhibit C).

The 1982 regulations allowed Timeshares in the Historic Commercial Business, General Commercial, Recreation Commercial, Residential-Medium Density, and Residential Development-Medium Density Zoning Districts, and required that Timeshare projects provide the same amount of off-street parking required for hotels, motels, and lodges (Exhibit C).

As the LMC was amended over the years, Timeshares were established as a Conditional Use in four commercial Zoning Districts within the Resort Center, Old Town (excluding Old Town residential Zoning Districts), and Bonanza Park neighborhoods:

- General Commercial
- Historic Recreation Commercial
- Historic Commercial Business
- Recreation Commercial

Examples of Timeshares include the Marriott Mountain Resort on Lowell Avenue in the Recreation Commercial Zoning District and Marriott Summit Watch Resort on Main Street in the Historic Recreation Commercial Zoning District.

While Timeshares allow for designated use of a unit, a new type of transient use was becoming common in the early 2000s, especially in resort communities, that allowed for ownership of a condominium unit with use of the unit and associated common areas during limited periods. This type of unit is defined in LMC [Section 15-15-1](#) as a Private Residence Club.

Timeshares are allowed in the Resort Center neighborhood at the base of Park City Mountain Resort in the Recreation Commercial Zoning District. However, Timeshares

¹ Utah Code [Section 57-19-2\(26\)](#)

are prohibited in the Deer Valley Resort area in the Residential Development Zoning District, including properties under the Deer Valley Master Planned Development in the Lower Deer Valley neighborhood, as well as properties that are part of the Flagstaff/Empire Pass Master Planned Developments in the Upper Deer Valley neighborhood. To establish Private Residence Clubs in Zoning Districts proximate to the Deer Valley Resort as well as within commercial areas, including the Recreation Commercial Zoning District in the Resort Center neighborhood at the base of Park City Mountain Resort, the City enacted regulations for them in 2004.

Private Residence Clubs

A Private Residence Club is shared by not less than four or more than 12 owners or members with use established by a reservation system and managed with 24-hour reservation and property management seven days a week.² On September 23, 2004, the City Council adopted Ordinance No. 04-39 amending the LMC to define and establish regulations for Private Residence Clubs as a Conditional Use in the following Zoning Districts:

- General Commercial
- Historic Commercial Business
- Historic Recreation Commercial
- Light Industrial
- Regional Commercial Overlay
- Residential Development
- Residential Development Medium
- Resort Commercial (Exhibit D)

No changes have been made since 2004 and these regulations remain in effect.

While Timeshares and Private Residence Clubs are vacation models for units within Multi-Unit Dwellings, over the past few years, a new model has developed that provides opportunities to purchase a fraction of Single-Family Dwellings and other Dwelling Units, some of which are within primary resident neighborhoods. This type of transient use is defined in LMC [Section 15-15-1](#) as Fractional Use of a Dwelling Unit (Fractional Use).³

² LMC [Section 15-15-1](#), *Club, Private Residence*

³ Defined in LMC [Section 15-15-1](#) as “[a]ny Dwelling Unit which is owned by a limited liability company, corporation, partnership, or other joint ownership structure in which unrelated persons or entities own, sell, purchase or otherwise for consideration create or acquire any divided property interest including co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are subject to, or subsequently bound by any agreement limiting interest holders’ or their designees’ right or functional ability to occupy or use the property to their respective interests or any other agreement which limits interest holders’ or their designees’ use of the property to fractional reservations through stay limitations of any duration. Fractional Use is established by any of the following elements : co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are openly advertised, marketed, or offered for sale and sold individually at separate times; centralized or professional management; reservation systems; maximum or minimum day limits on each interest holder’s occupancy or use of the property; or

Fractional Use of Dwelling Units

Fractional Use is when a company like [Pacaso](#), [Sharetini](#), [Ember](#), and others offer fractional or co-ownership—where multiple investors each own a portion of a home that is typically but not always managed by a third party—directed at selling fractions of Single-Family Dwellings and other Dwelling Units as vacation properties, including some within Park City’s primary resident areas. To regulate this new use to protect primary resident neighborhoods and allow for Fractional Use near the resort bases and in those Zoning Districts where Timeshares and Private Residence Clubs are allowed, on October 27, 2022, the City Council adopted [Ordinance No. 2022-21](#) ([Staff Report](#); [Minutes](#), p. 10).

It was also on this date that the City Council requested staff study and recommend potential updates to the City’s Timeshare, Private Residence Club, and Fractional Use regulations in the Residential Development, Residential Development Medium, and General Commercial Zoning Districts.

In addition to modifications to transient uses in the Zoning Districts requested by the City Council, staff also evaluated transient uses in the Light Industrial Zoning District in the Bonanza Park neighborhood. This industrial Zoning District includes a cluster of residential units east of Bonanza Drive, including the Fireside Condos and Ironhorse Condos along Upper Iron Horse Loop Road and the Iron Horse Park Apartments along Lower Iron Horse Loop Road. The General Plan identifies this area as “[a] mixed use neighborhood in which locals live and work” and states “[o]ne of the greatest threats to the relatively affordable Bonanza Park neighborhood is gentrification [t]he overriding goal for this neighborhood is to create new housing opportunities while maintaining the existing affordable housing units.”⁴ As a result, staff recommends removing Private Residence Clubs from the Light Industrial Zoning District. Timeshares and Fractional Use is already prohibited in this Zoning District.

The table below compares the transient uses in those Zoning Districts requested to be evaluated by the City Council (note these are all currently prohibited during the pending ordinance period):

management fees reflective of interval use or ownership, irrespective of whether the agreement may be canceled individually or by any party. This definition shall not include non-commercial groups such as families, partnerships, associations, or trusts with divided interests or agreements in which the real estate is held and transferred within the family, partnership, association, or trust as opposed to sold on the free market for commercial purposes.”

⁴ General Plan, [Neighborhoods 1](#), p. 30

	General Commercial	Residential Development	Residential Development Medium
Timeshares	Conditional Use	Prohibited	Prohibited
Private Residence Clubs	Conditional Use	Conditional Use	Conditional Use
Fractional Use	Conditional Use	Conditional Use	Conditional Use

For a list of approved Timeshares and Private Residence Clubs, please see Exhibit E. No Applications have yet been submitted for Fractional Use.

Please note that projects approved as a hotel may include ownership units by condominium or timeshare instrument without a Conditional Use Permit or Planning Commission review and approval. LMC [Section 15-15-1](#) includes fractional ownership and use as part of the definition of a hotel and no changes are proposed to this definition.

Analysis

The LMC implements the goals and policies of the General Plan.⁵ Preserving areas within Park City for primary residents is identified in the General Plan. *Sense of Community* is one of the core values in the General Plan and Goal 7 is to create a diversity of primary housing opportunities to address the changing needs of residents. Objective 7B is to focus efforts for diversity of primary housing stock within primary residential neighborhoods to maintain majority occupancy by fulltime residents within these neighborhoods.⁶

According to the General Plan, in 2000, 41% of all housing units were occupied by primary residents; in 2010 this number decreased to 30%. The number of second homes increased by 66% during this time while primary homes grew by only 7%.⁷

The Budget Department evaluated primary and secondary residents based on the Summit County Assessor's Office data and the numbers indicate a rise in primary residences in 2019, a decline in 2020, an increase in 2021, and a decrease in 2022. Overall, the primary residences have hovered around 3,000 for the past seven years, which is approximately 32% of residential units:

⁵ LMC [Section 15-1-2](#)

⁶ General Plan Volume I, [Sense of Community](#), p. 5

⁷ General Plan, Volume [Sense of Community](#), p. 2

Year	Primary Residence	Secondary Residence
2015	3,075	6,211
2016	3,078	6,211
2017	3,091	6,299
2018	3,173	6,231
2019	3,269	6,231
2020	2,980	6,870
2021	3,193	6,590
2022	3,090	6,711

[Vision 2020](#) notes the City is now “facing issues including . . . a delicate balance between visitors and residents . . .”⁸ and calls for a harmonious balance between resident and visitor quality of experience. Key action areas include “[developing] more community ‘protected spaces’ that provide locals with respite and enhance locals sense of contentment.”⁹ Ideas from the community include balancing the quality of life with the resort economy and carving out parts of town which are more ‘local.’

To further support primary residents in an ever-increasing housing market, on May 5, 2022, the City Council adopted the Lite Deed Restriction Pilot Program ([Staff Report](#); [Meeting Minutes](#), p. 9). This pilot program is designed to provide more housing supply for year-round Park City residents with cash payments to qualified property owners in exchange for a deed restriction recorded against their property that requires year-round occupancy. Reevaluation of transient uses provides additional opportunities to protect primary resident neighborhoods.

The Planning Commission Requested Review of Three Options

The three options below take into consideration Vision 2020, the current General Plan, the General Plan update and pending Bonanza Park & Snow Creek Small Area Plan, and the purposes of relevant Zoning Districts to preserve existing and future local areas for primary residents and to direct transient uses to commercial and resort areas.

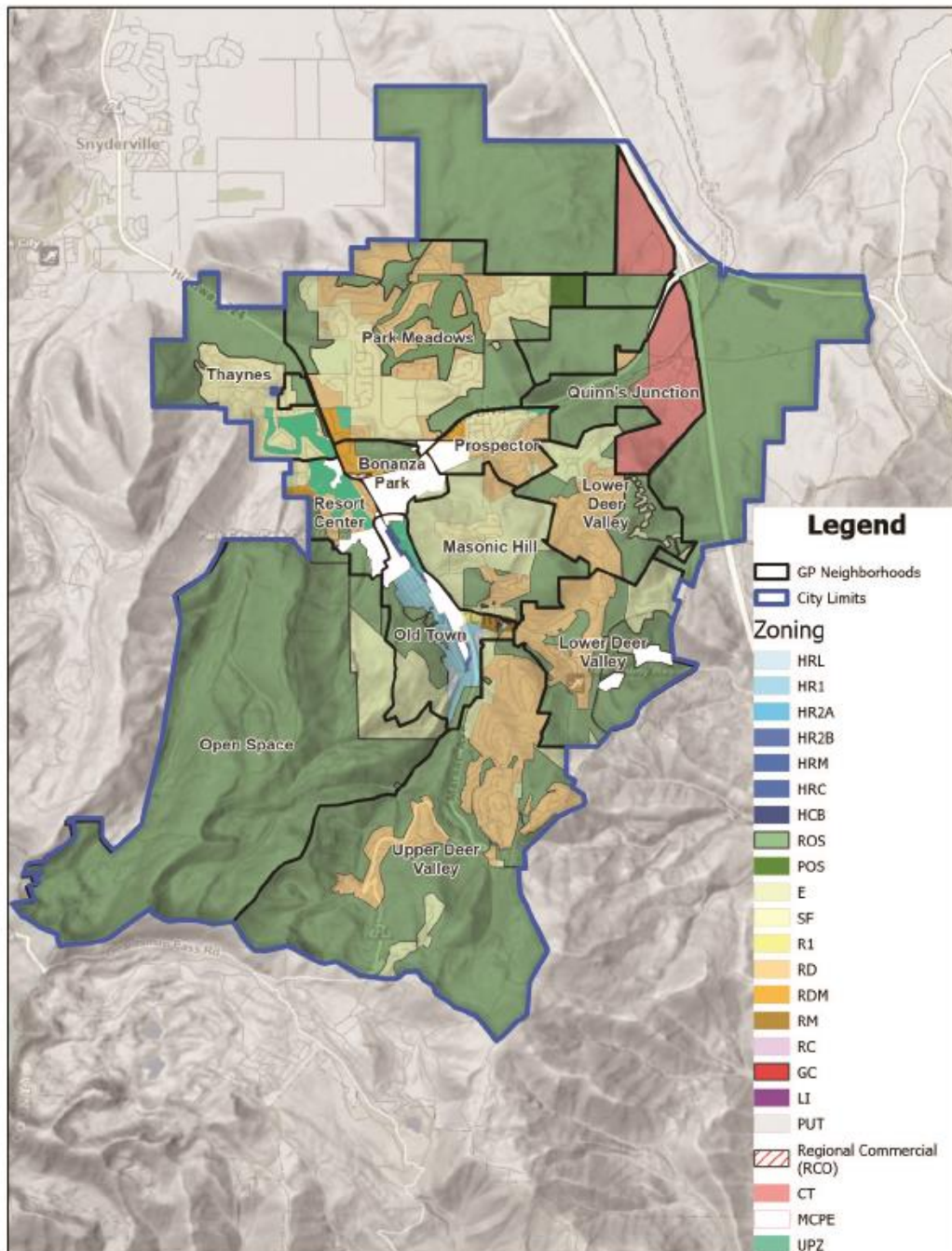
On January 11, 2023, the Planning Commission conducted a work session on three options and provided input, including the following:

- Allow for homeowner associations to opt in or out of transient uses
- Prohibit transient uses in the Residential Development Medium Zoning District and remove this from the options
- Refine Option 2 with limitations in the Lower Deer Valley area
- Schedule the proposed amendments for public hearing and recommendation to City Council ([Staff Report](#); [Minutes](#), p. 30)

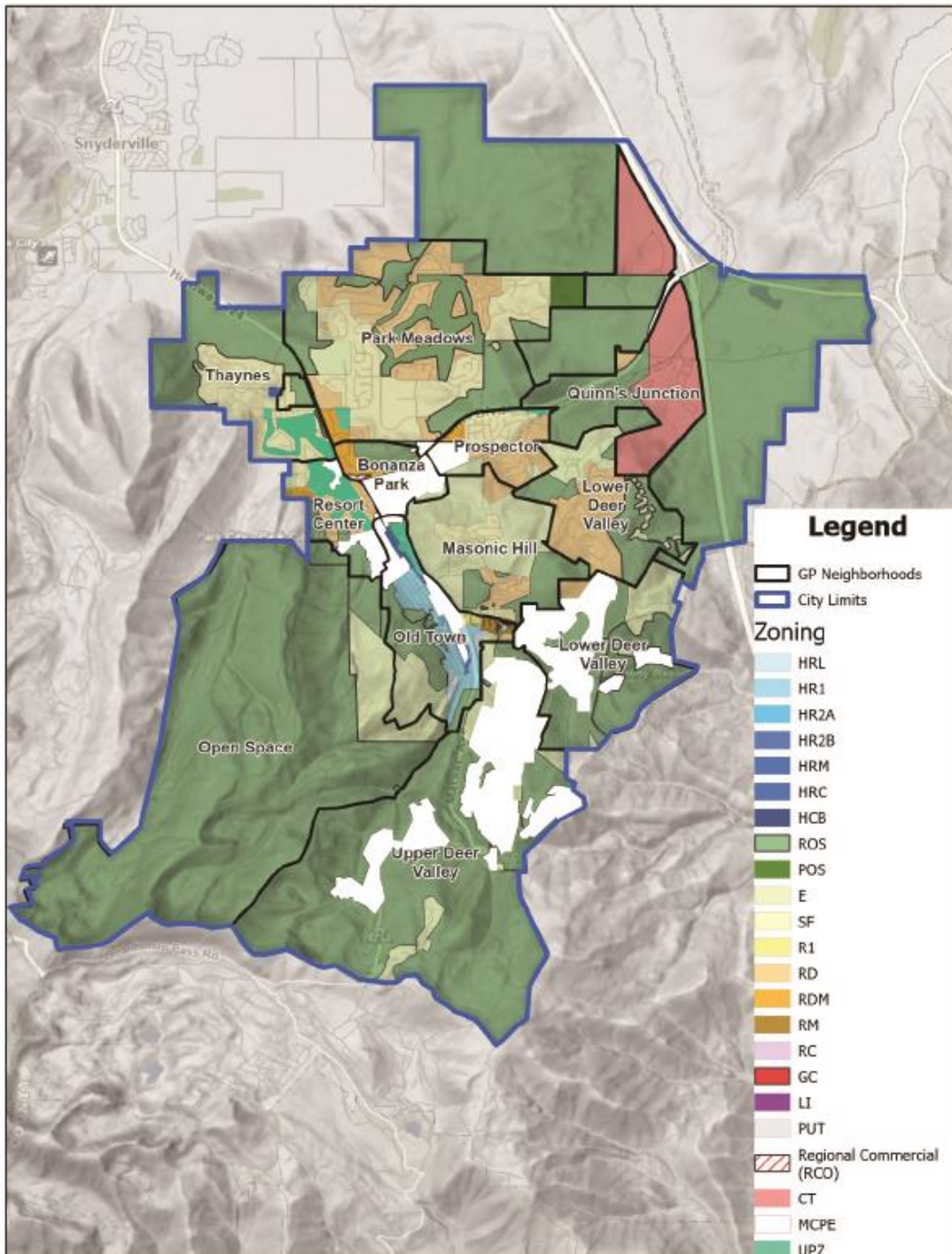
⁸ [Vision 2020](#), p. 4

⁹ [Vision 2020](#), p. 22

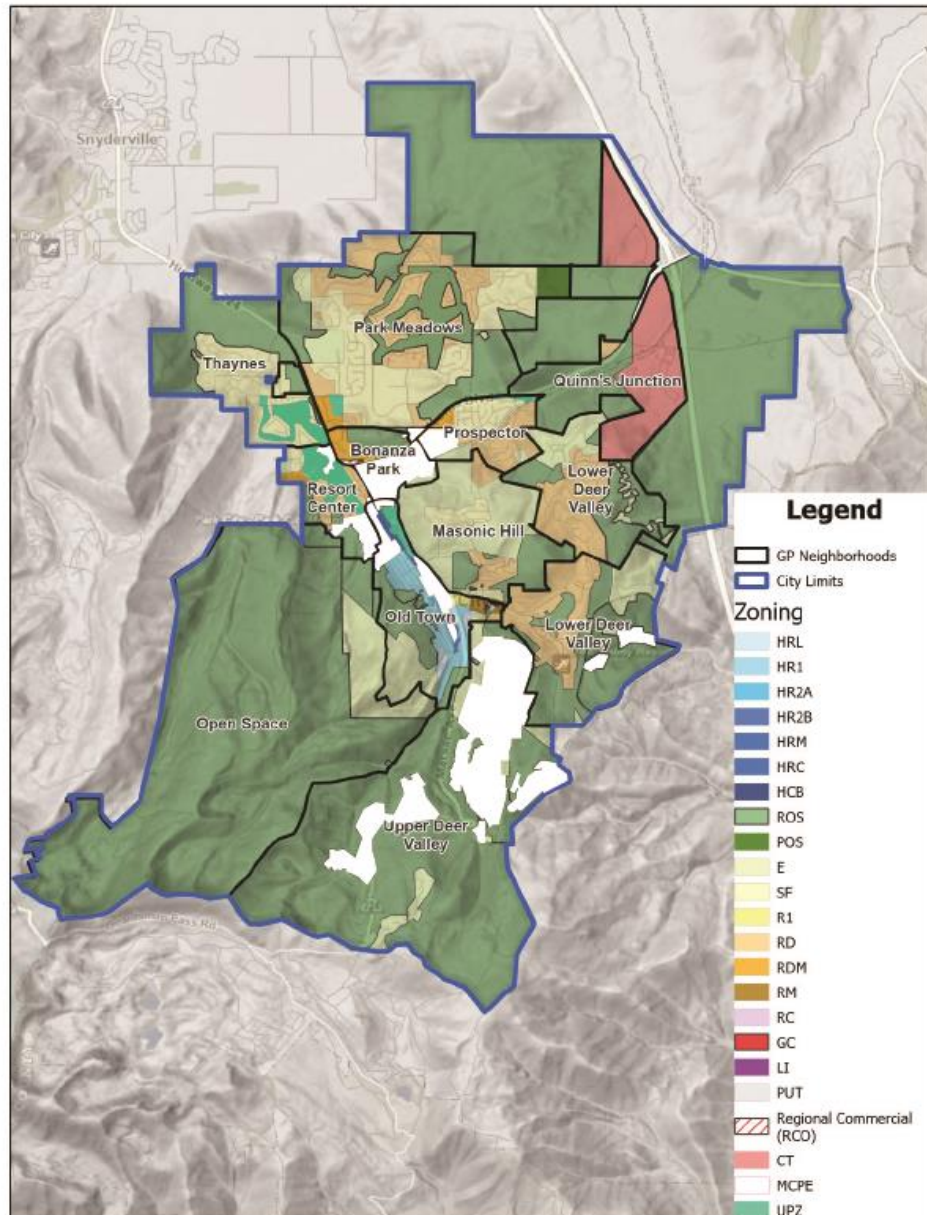
Option 1 (Limit to Commercial Zoning Districts Pending General Plan Update) – Allow transient uses in the General Commercial (hotels only), Historic Commercial Business, Historic Recreation Commercial, and Recreation Commercial Zoning Districts highlighted in white below; prohibit in all other Zoning Districts



Draft Ordinance – Option 2 (Existing General Plan Neighborhood Recommendations) – Allow transient uses in the General Commercial (hotels only), Historic Commercial Business, Historic Recreation Commercial, and Recreation Commercial Zoning Districts; allow in the Residential Development Zoning District within Lower Deer Valley south of the Solamere Subdivision and the Upper Deer Valley neighborhoods, highlighted in white below:



Option 3 (Existing General Plan Neighborhood Recommendations) – Allow transient uses in the General Commercial (hotels only), Historic Commercial Business, Historic Recreation Commercial, and Recreation Commercial Zoning Districts; allow in the Residential Development Zoning District within the Upper Deer Valley neighborhood, highlighted in white below:



The maps below outline the ten General Plan neighborhoods and what each option means for the neighborhood:

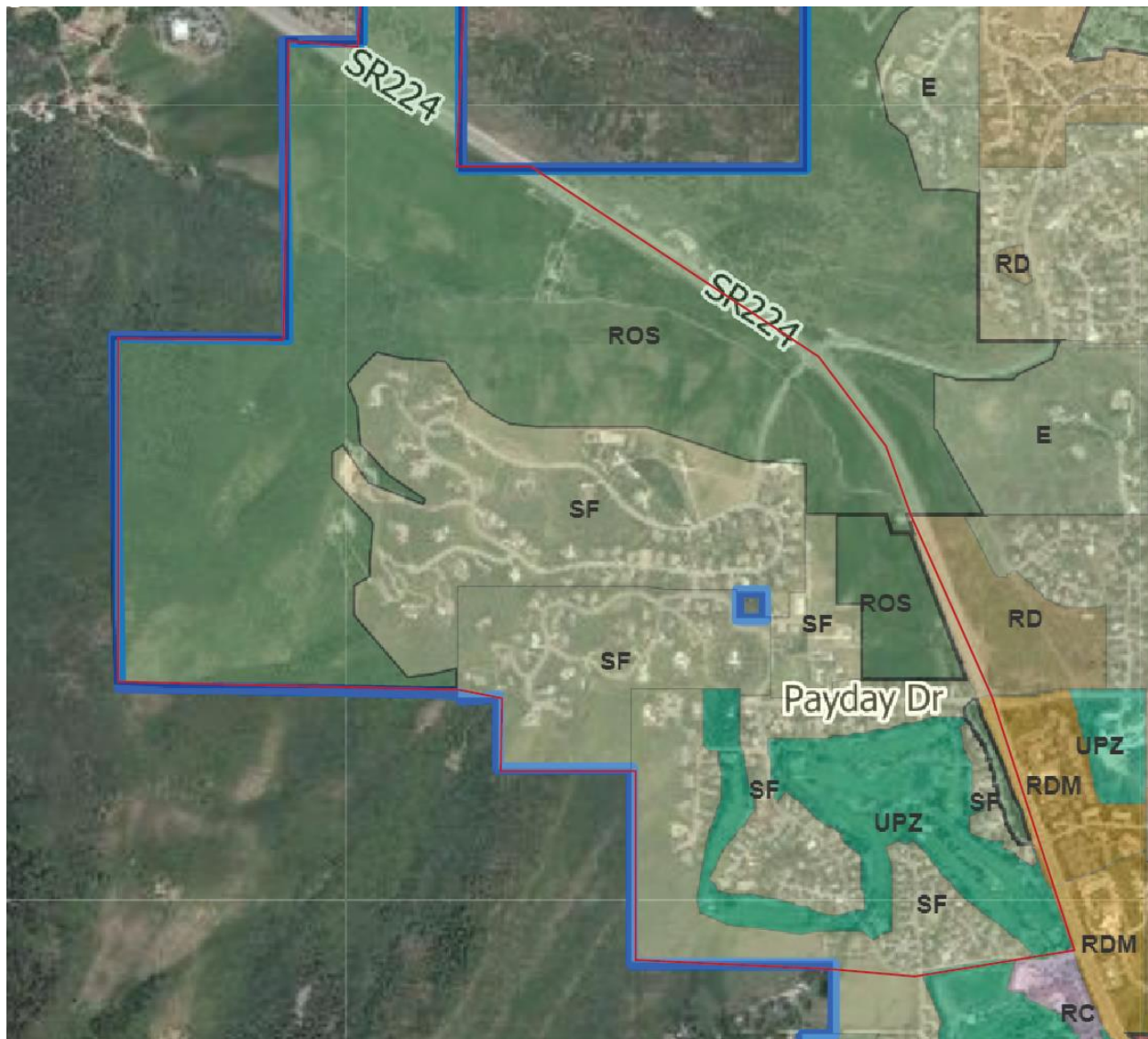
THAYNES

Neighborhood Map



Zoning

- Single Family (light yellow)



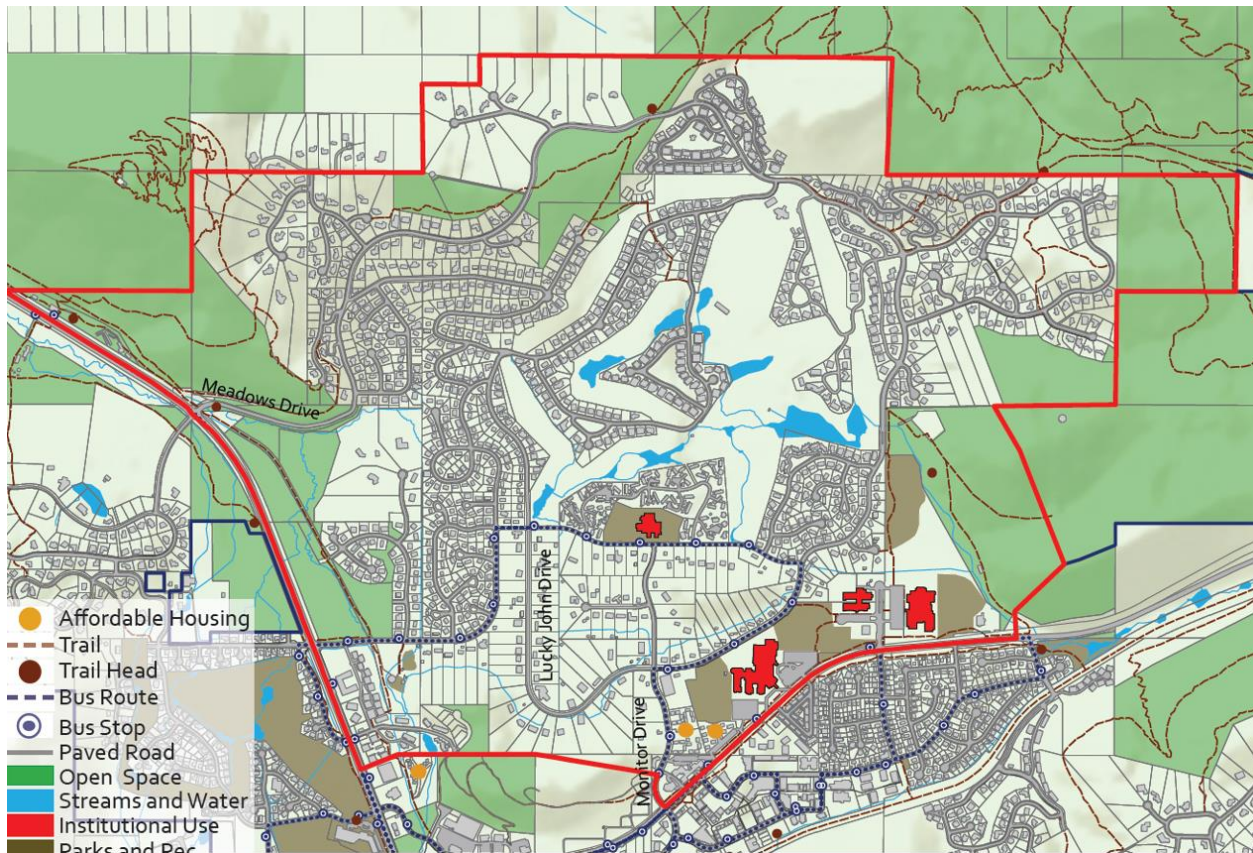
Prohibit Transient Uses

The General Plan identifies Thaynes as “a local neighborhood in which primary residents choose to live” and advises that “Thaynes should remain a quiet residential neighborhood dominated by single family homes.”¹⁰ As a result, all three options prohibit transient uses in this neighborhood.

¹⁰ General Plan, [Neighborhoods 1](#), p. 12

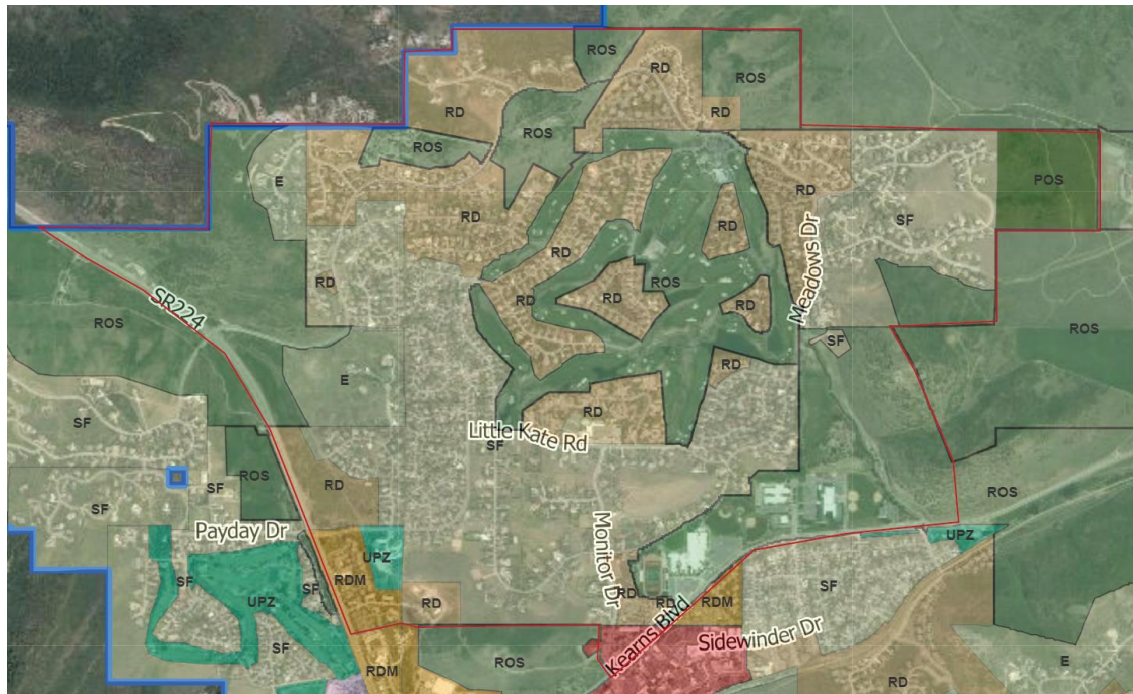
PARK MEADOWS

Neighborhood Map



Zoning

- Estate (light green)
- Residential Development (tan)
- Residential Development Medium (orange)
- Single Family (light yellow)



Prohibit Transient Uses

The General Plan identifies Park Meadows as the neighborhood with the highest population of full-time residents¹¹ and states that future land use “should be geared toward the intent of sustaining Park Meadows as a primary resident neighborhood” in part because of its proximity to public schools, recreation amenities, the Eccles Center for the Performing Arts, and access to Round Valley Open Space.¹²

Transient uses are prohibited in those areas within Park Meadows zoned Estate and Single Family. Staff recommends transient uses also be prohibited in the Residential Development and Residential Development Medium Zoning Districts in this neighborhood to implement the recommendations of the General Plan to sustain this neighborhood as a primary resident neighborhood. As a result, all three options prohibit transient uses in this neighborhood.¹³

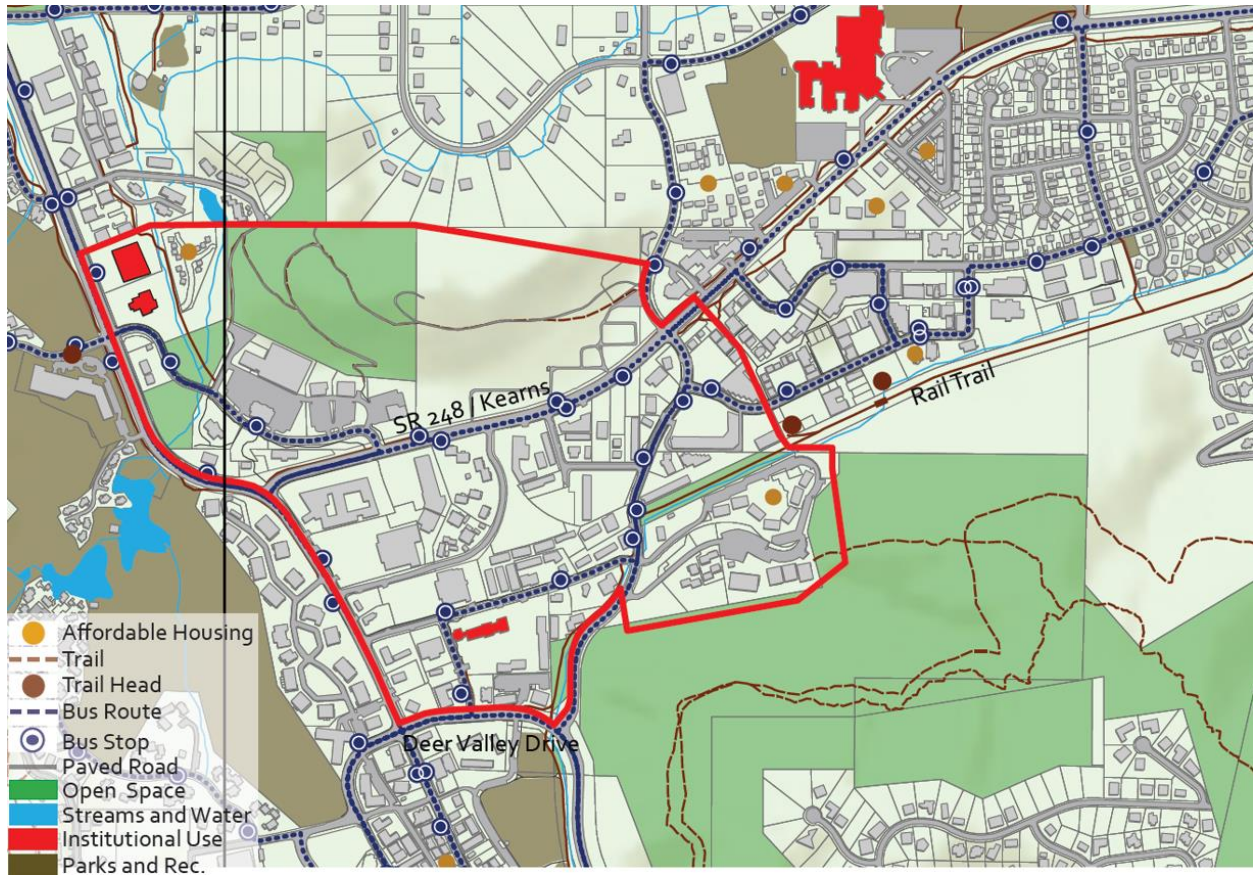
¹¹ General Plan, [Neighborhoods 1](#), p. 20

¹² General Plan, [Neighborhoods 1](#), p. 21

¹³ The West Ridge Subdivision Homeowner Association submitted a Land Management Code amendment application to prohibit Nightly Rentals and Fractional Use in their subdivisions. The City Council reviewed the application on February 16, 2023, and continued the item to April 27, 2023.

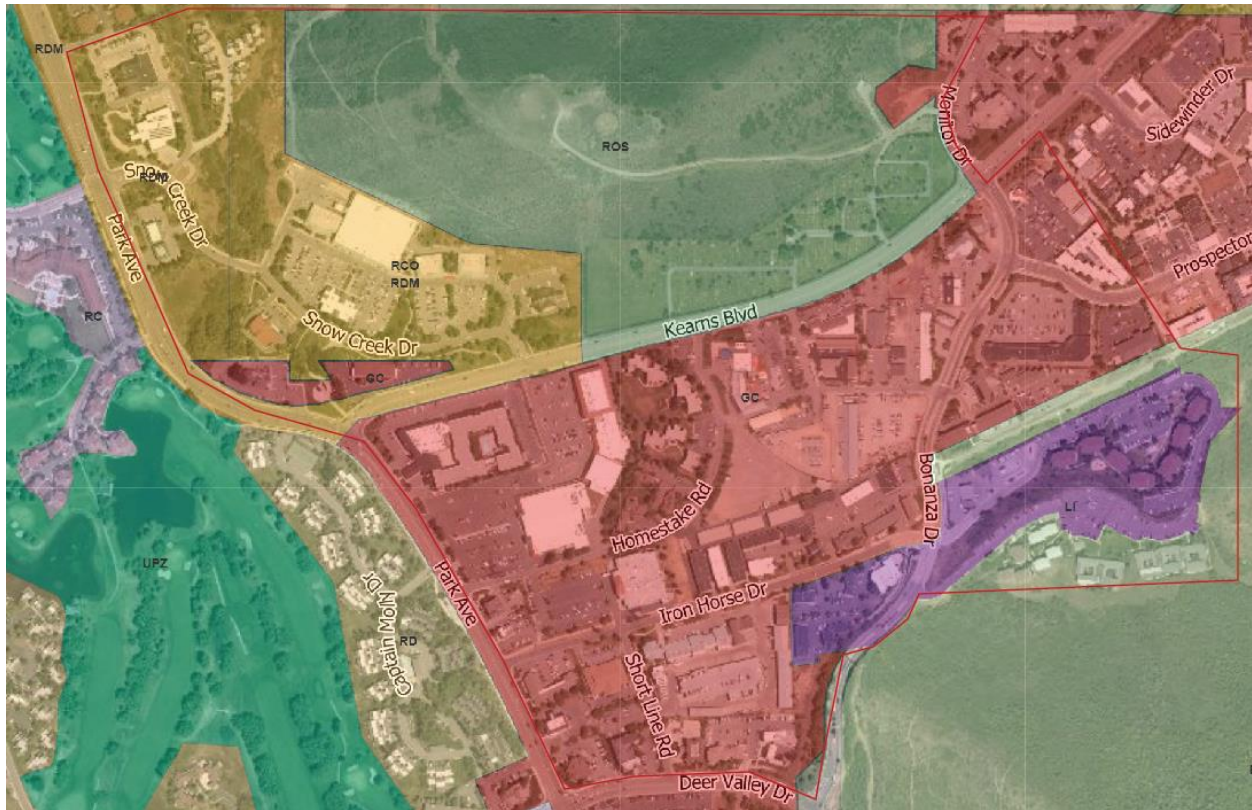
BONANZA PARK

Neighborhood Map



Zoning

- General Commercial (red)
- Light Industrial (purple)
- Residential Development Medium (orange)



Prohibit Transient Uses

The General Plan identifies this area as “[a] mixed use neighborhood in which locals live and work” and states “[o]ne of the greatest threats to the relatively affordable Bonanza Park neighborhood is gentrification . . . [t]he overriding goal for this neighborhood is to create new housing opportunities while maintaining the existing affordable housing units.”¹⁴ The neighborhood includes areas within General Commercial and Light Industrial Zoning Districts. The amendments prohibit transient uses in residential units.¹⁵

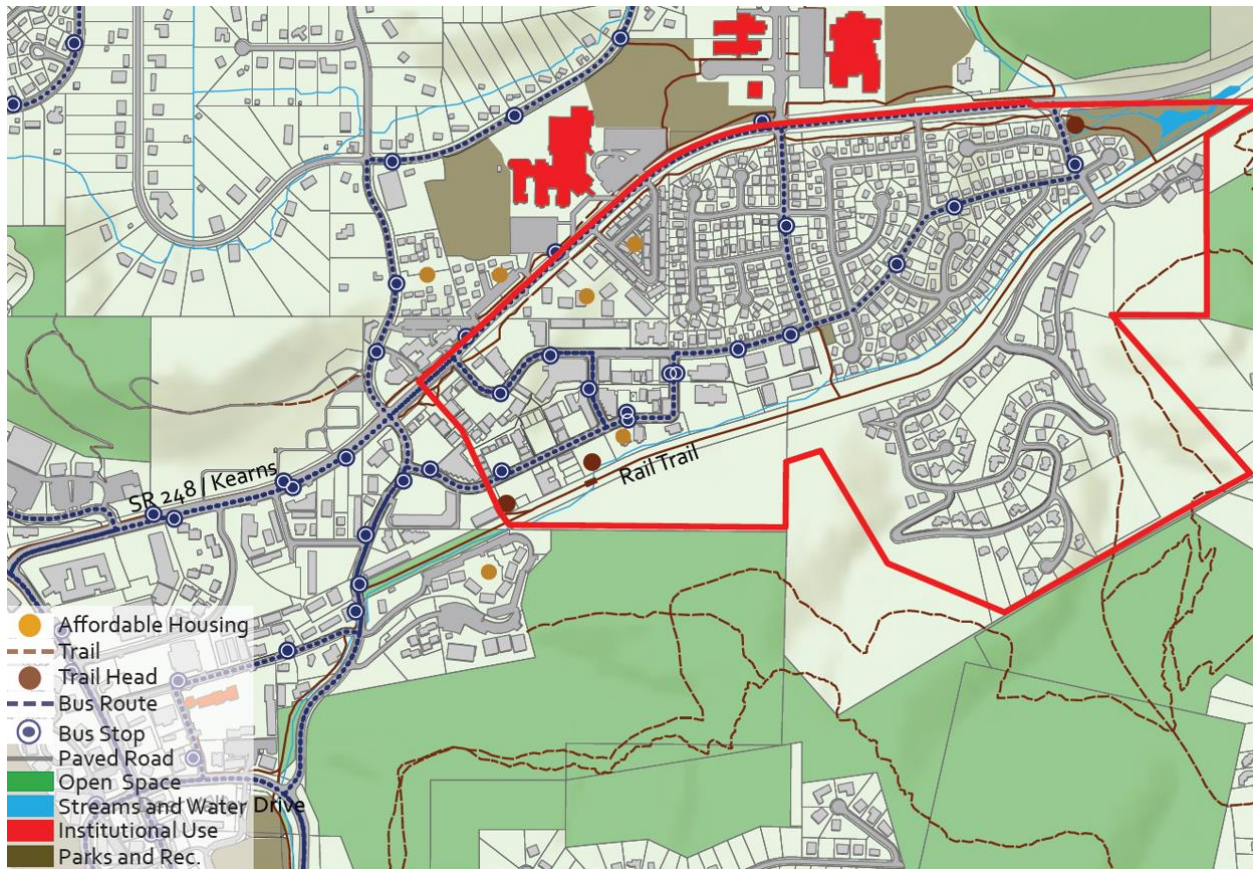
The Light Industrial Zoning District includes a cluster of residential units east of Bonanza along Upper Iron Horse Loop Road and the Lower Iron Horse Loop Road. As a result, the proposed amendments remove Private Residence Clubs from the Light Industrial Zoning District.

¹⁴ General Plan, [Neighborhoods 1](#), p. 30

¹⁵ Fractional ownership is allowed under the current code as part of an approved Hotel within the General Commercial Zoning District, and no changes are proposed to the Hotel definition at this time.

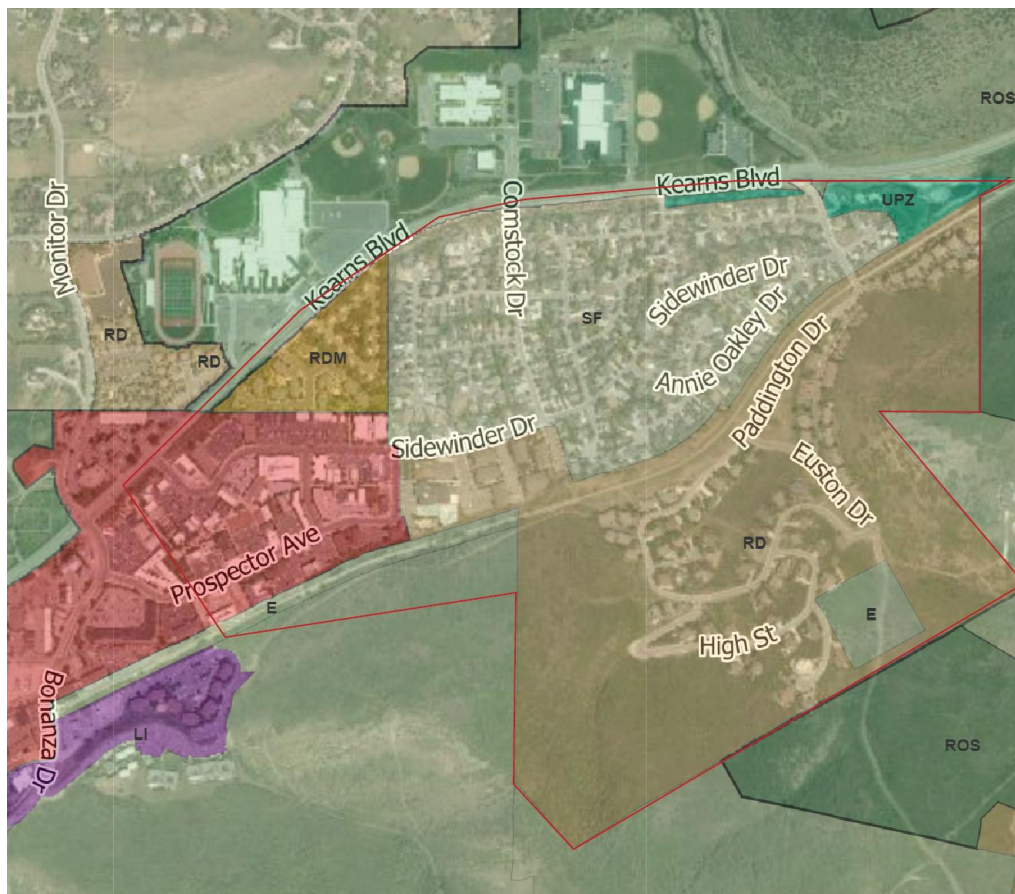
PROSPECTOR SQUARE

Neighborhood Map



Zoning

- Estate (light green)
- General Commercial (red)
- Residential Development (tan)
- Residential Development Medium (orange)
- Single Family (yellow)



Prohibit Transient Uses

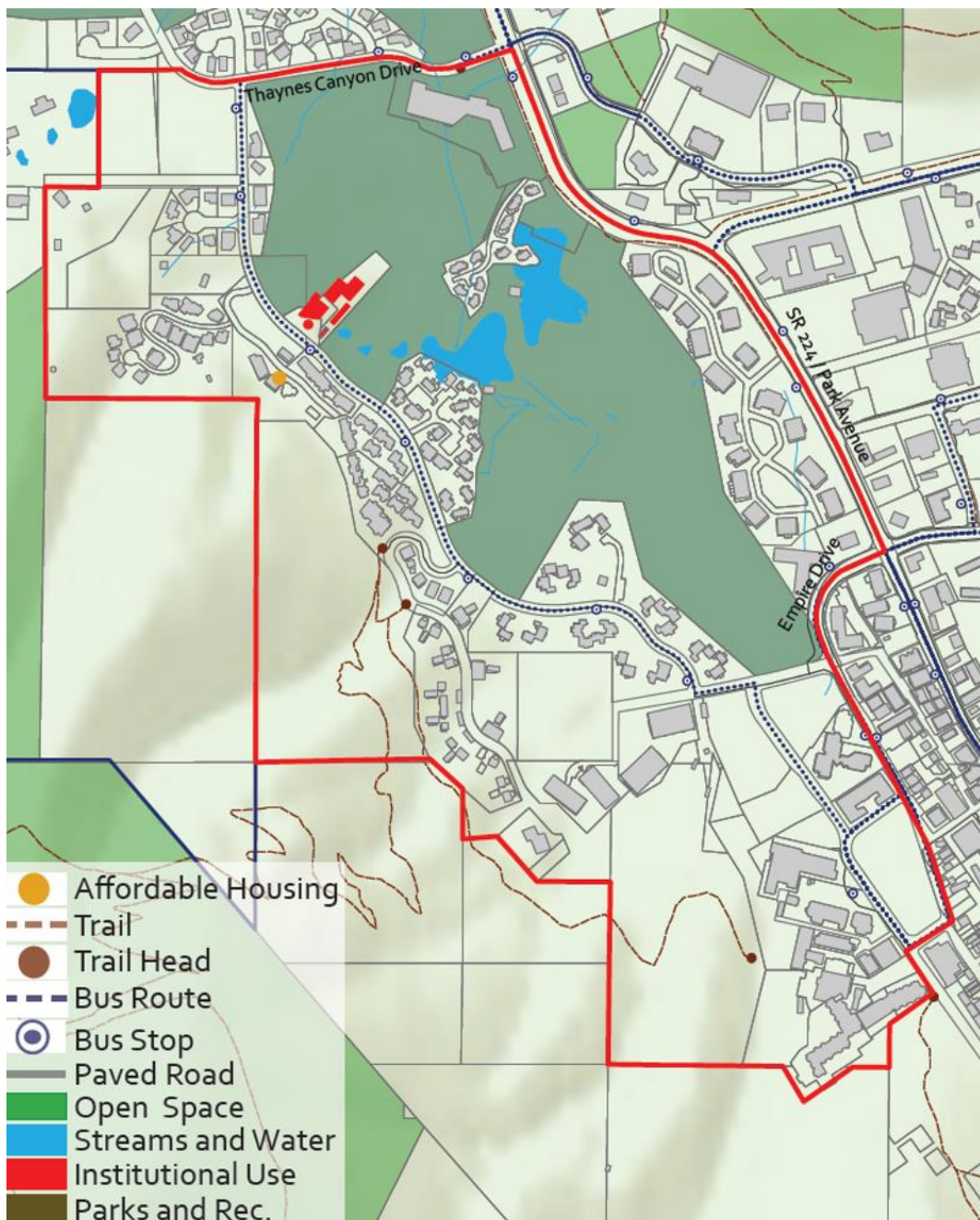
The General Plan identifies Prospector Square as the City's first mixed-use and mixed-housing neighborhood, "[a] local commercial district within a residential neighborhood" and recommends protecting this area "as a locals neighborhood."¹⁶ While Prospector Square does include a section zoned Residential Development Medium, this consists of the Silver Meadows Estate and Aspen Villas, which are units restricted for affordable housing that require long-term occupancy; transient uses are prohibited. Transient uses are recommended to be prohibited in residential units in this neighborhood.¹⁷

¹⁶ General Plan, [Neighborhoods I](#), p. 42

¹⁷ The Chatham Crossing Subdivision in the Residential Development Zoning District has a pending application to prohibit transient uses and Nightly Rentals in their subdivision. The City Council reviewed the proposed amendment on February 16, 2023, and continued the item for review on April 27, 2023.

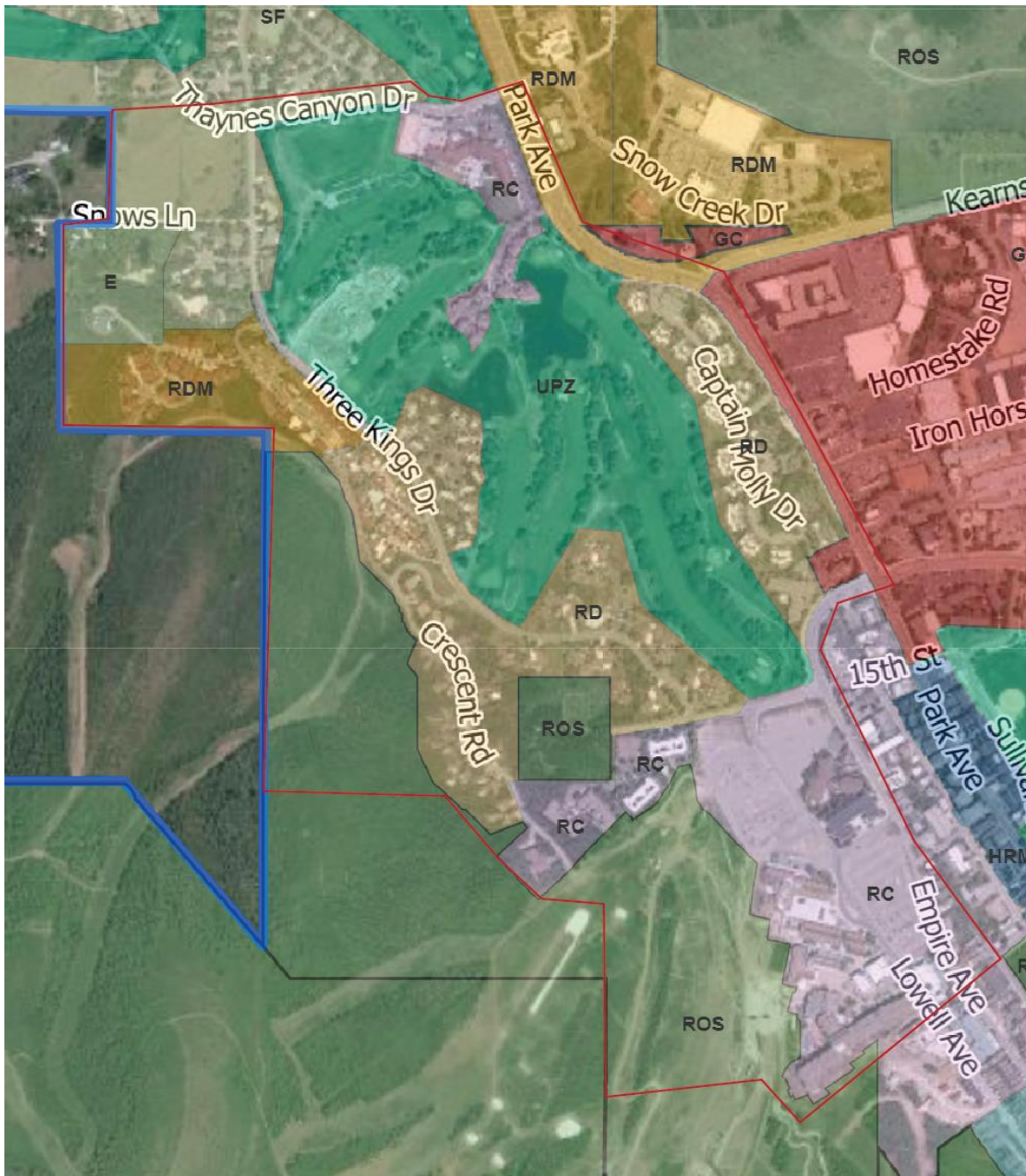
RESORT CENTER

Neighborhood Map



Zoning

- Estate (green)
- Recreation Commercial (light purple)
- Residential Development (tan)
- Residential Development Medium (orange)
- Single Family (yellow)



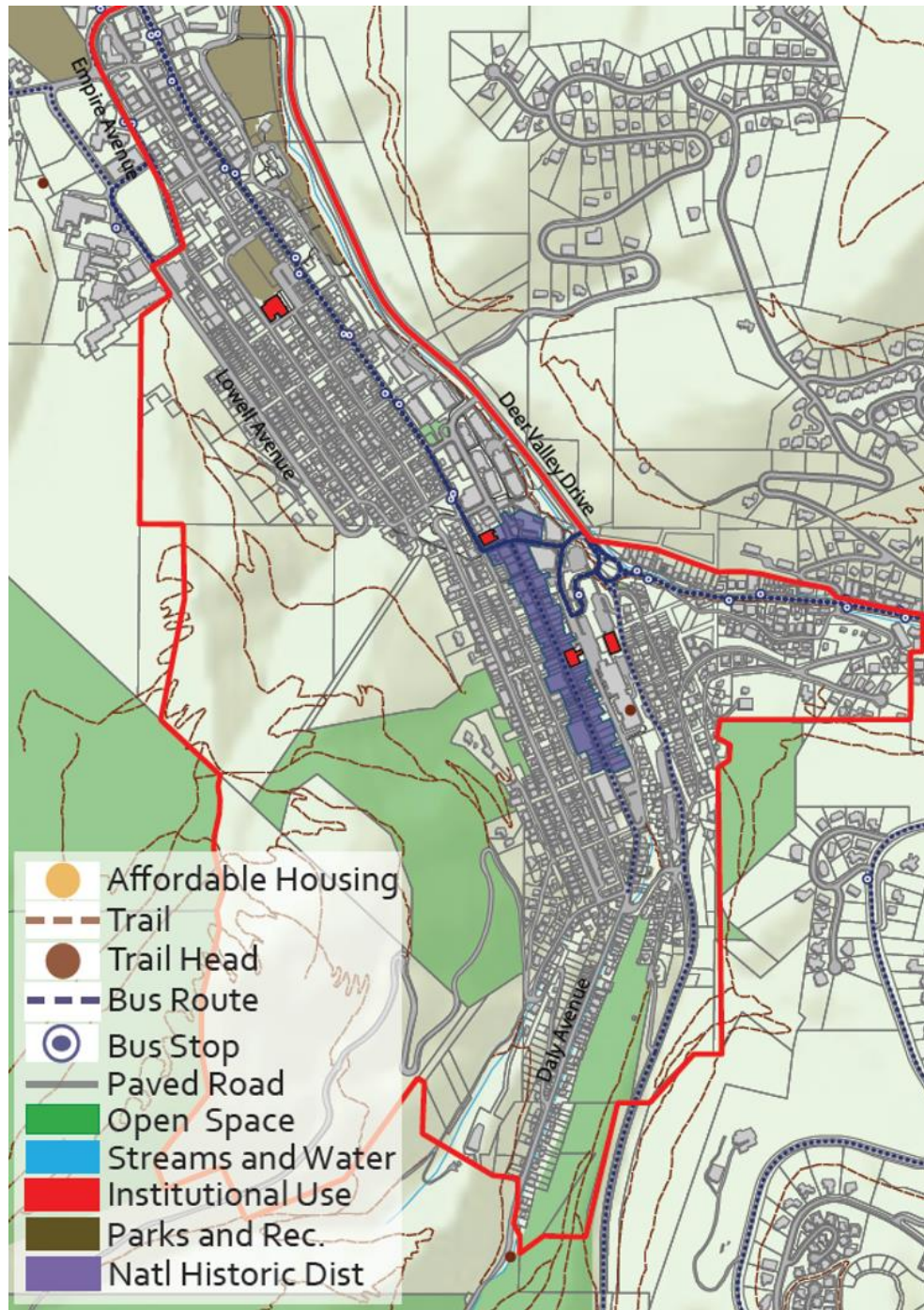
Allow Transient Uses in the Recreation Commercial Zoning District

The General Plan identifies the Resort Center as a place where redevelopment integrates a world-class resort with a strong sense of community and recommends buffers that transition from the resort base to surrounding residential areas. The primary Zoning District for this neighborhood is Recreation Commercial, which includes the purpose of allowing resort-related transient housing.¹⁸ The recommended amendments allow transient uses in the Recreation Commercial Zoning District and prohibit in all other Zoning Districts.

¹⁸ LMC [Section 15-2.16-1](#)

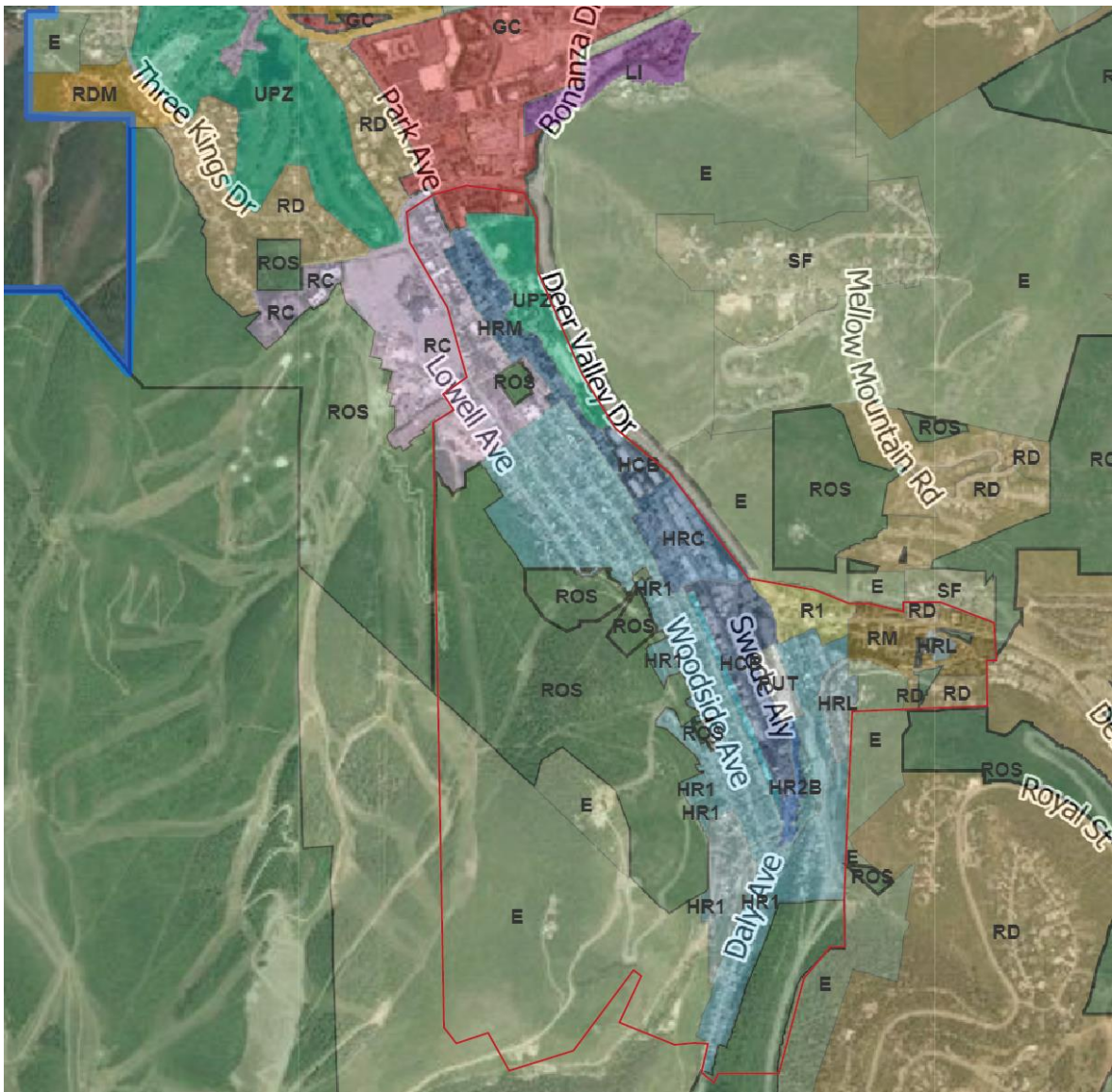
OLD TOWN

Neighborhood Map



Zoning

- Estate
- Historic Commercial Business (blue)
- Historic Recreation Commercial
- Historic Residential – 1
- Historic Residential – 2
- Historic Residential Low – Density
- Historic Residential Medium
- Recreation Commercial (light purple)
- Residential – 1
- Residential Development (tan)
- Residential Development Medium (orange)



Allow in the Historic Commercial Business, Historic Recreation Commercial, and Recreation Commercial Zoning Districts

The General Plan identifies the need to protect and incentivize primary homeownership in Old Town. “Planning efforts to maintain primary homeownership in the Old Town neighborhood [are] motivated by the community’s Vision. In order to Keep Park City Park City, it is essential that Parkites be located in the heart of the City. While there is certainly a need to allow nightly rentals in the district to provide visitors with the authentic Park City experience, it is recommended that the City consider investigating incentives to keep primary residents located within Old Town.”¹⁹ The General Plan also establishes a policy to protect a Sense of Community: “[t]he City should consider incentives for primary homeownership in Old Town; a balance between residents and tourists is desirable in this neighborhood.”²⁰

The recommended amendments allow for transient uses in the Historic Commercial Business, Historic Recreation Commercial, and Recreation Commercial Zoning Districts within the Old Town Neighborhood. Please note that the Vibrancy regulations will continue to apply within the Historic Commercial Business and Historic Recreation Commercial Zoning Districts and residential use of Storefront Property is prohibited.²¹

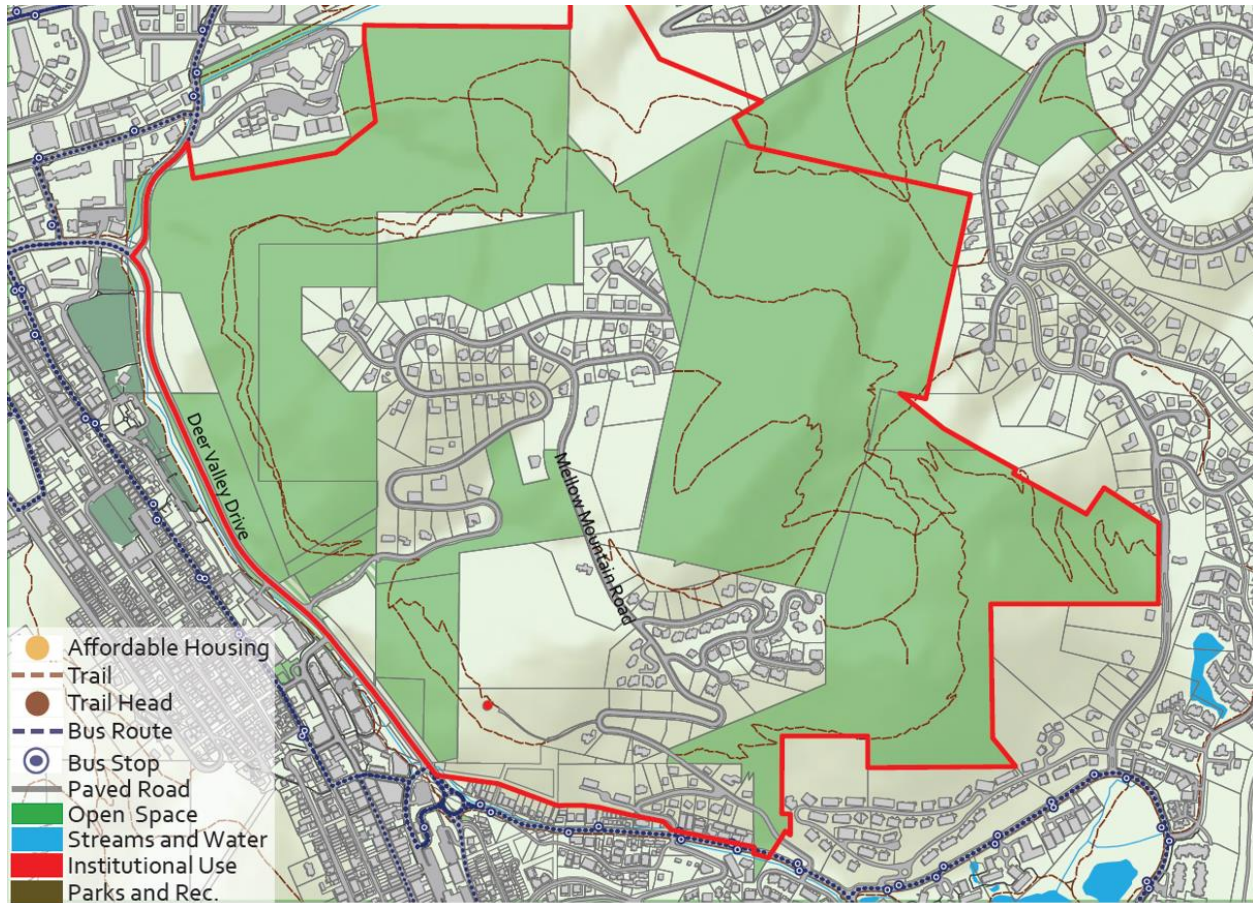
¹⁹ General Plan, Volume II, [Neighborhoods 2](#), p. 34

²⁰ *Id.*

²¹ LMC [Section 15-2.6-2](#) Historic Commercial Business Uses; LMC [Section 15-2.5-2](#) Historic Recreation Commercial Uses

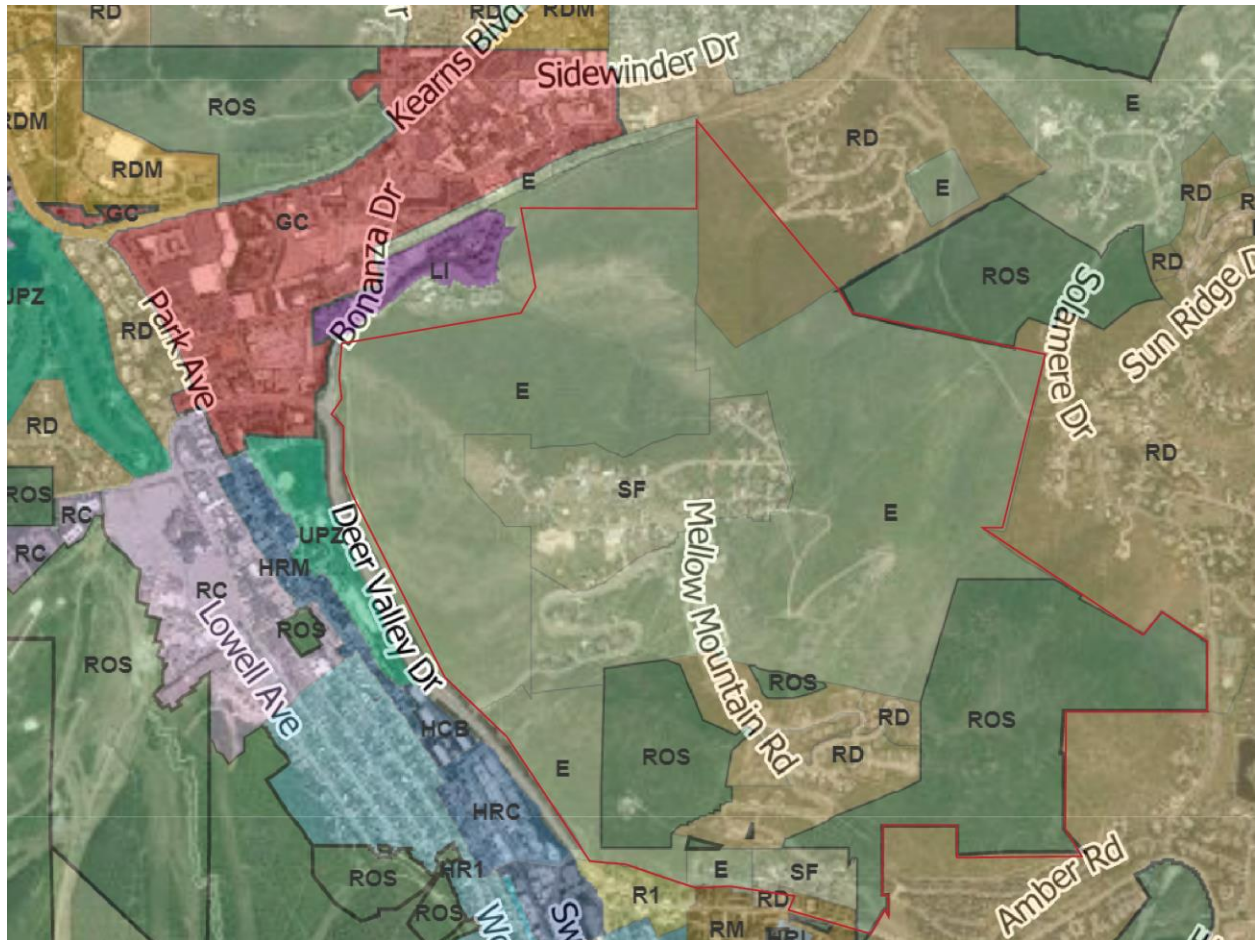
MASONIC HILL

Neighborhood Plan



Zoning

- Estate (light green)
- Residential Development (tan)
- Single Family (light yellow)



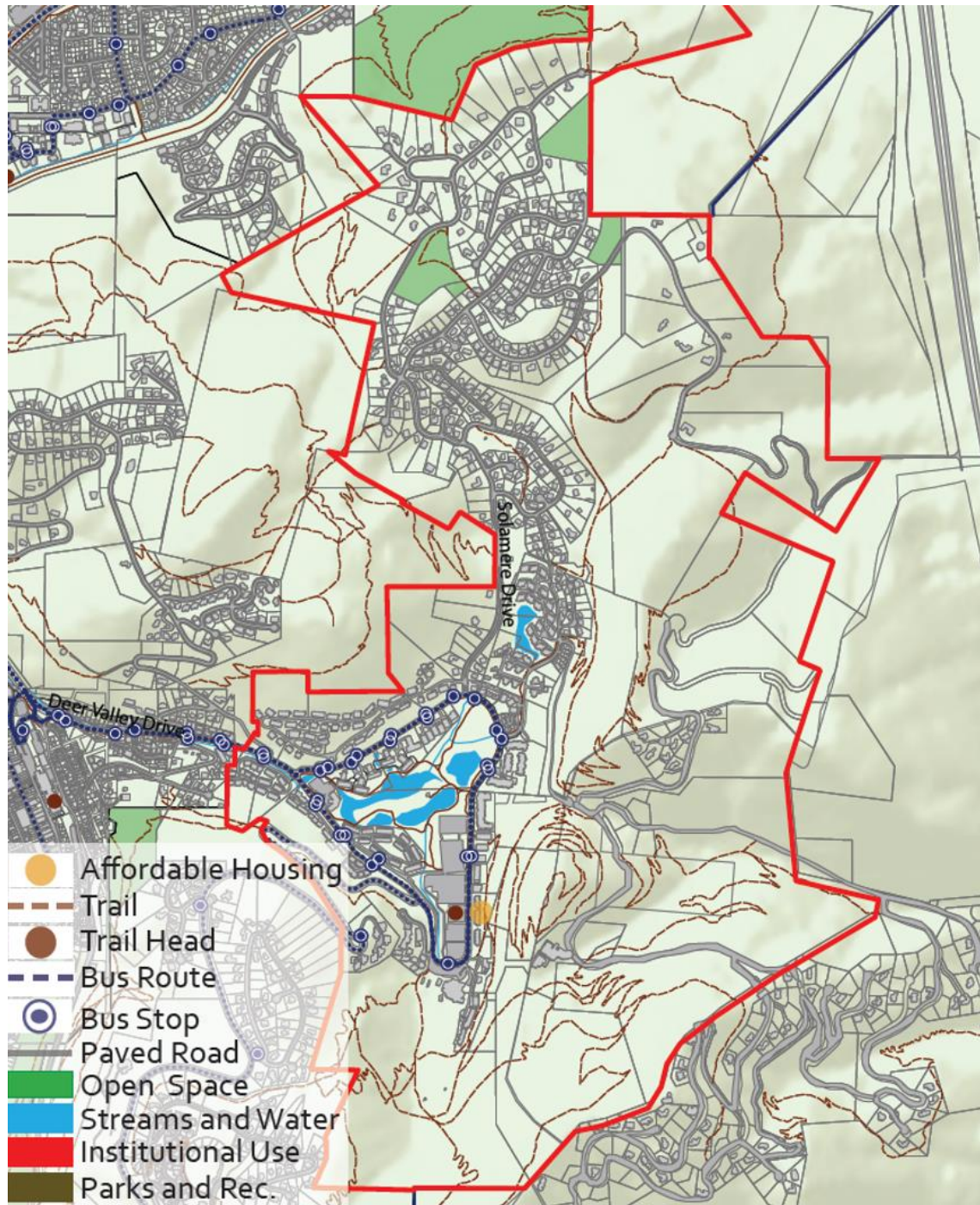
Prohibit Transient Uses

The General Plan identifies the Masonic Hill neighborhood as a “neighborhood balanced by second homes and primary residents” and development requires protection of sensitive lands and preservation of surrounding open space.²² To preserve the balance of primary residents and second homes in this neighborhood, transient uses are recommended to be prohibited.

²² General Plan [Neighborhoods 2](#), p. 46

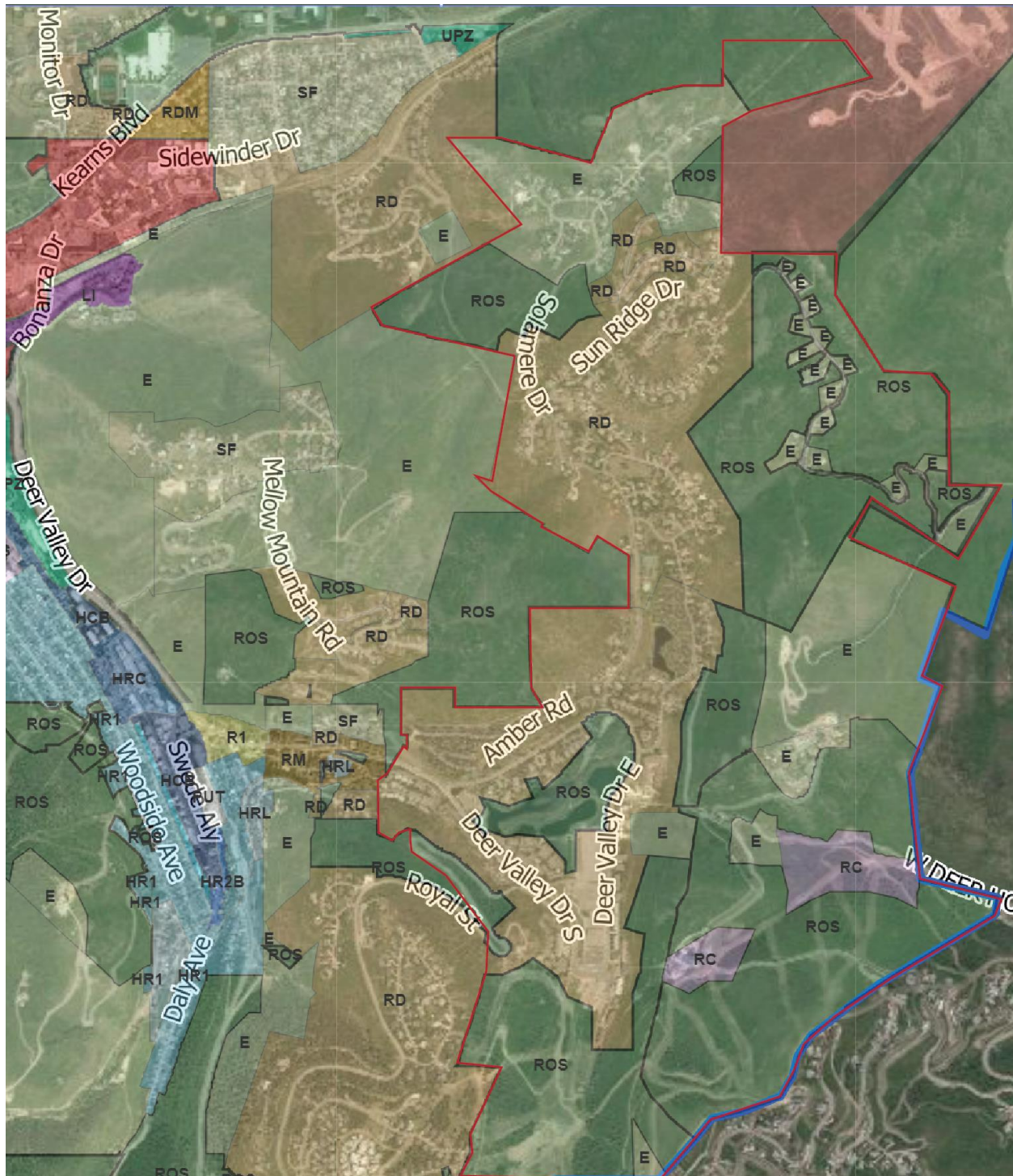
LOWER DEER VALLEY

Neighborhood Map



Zoning

- Estate (light green)
- Recreation Commercial
- Residential Development (tan)



Options

Lower Deer Valley has a wide range of density from 0.18 to 33.3 units per acre.²³ “The northern edge of the neighborhood is dominated by single family homes on larger lots. As development approaches the resort base, it takes the form of dense multifamily units.”²⁴ The General Plan identifies the Lower Deer Valley as “[a] resort neighborhood catering to second homes and nightly rentals” and states that “[f]uture planning in the neighborhood should be directed toward maintaining the world-class resort experience.”²⁵

- Option 1 – allow in the Recreation Commercial Zoning District only
- Option 2 – allow in the Recreation Commercial and Residential Development (south of the Solamere Subdivision) Zoning Districts; exclude those Single-Family Dwelling Subdivisions including Solamere northward, and allow in Multi-Family Dwellings near the Snow Park loop²⁶
- Option 3 – allow in the Recreation Commercial Zoning District only

²³ General Plan, [Neighborhoods 3](#), p. 4

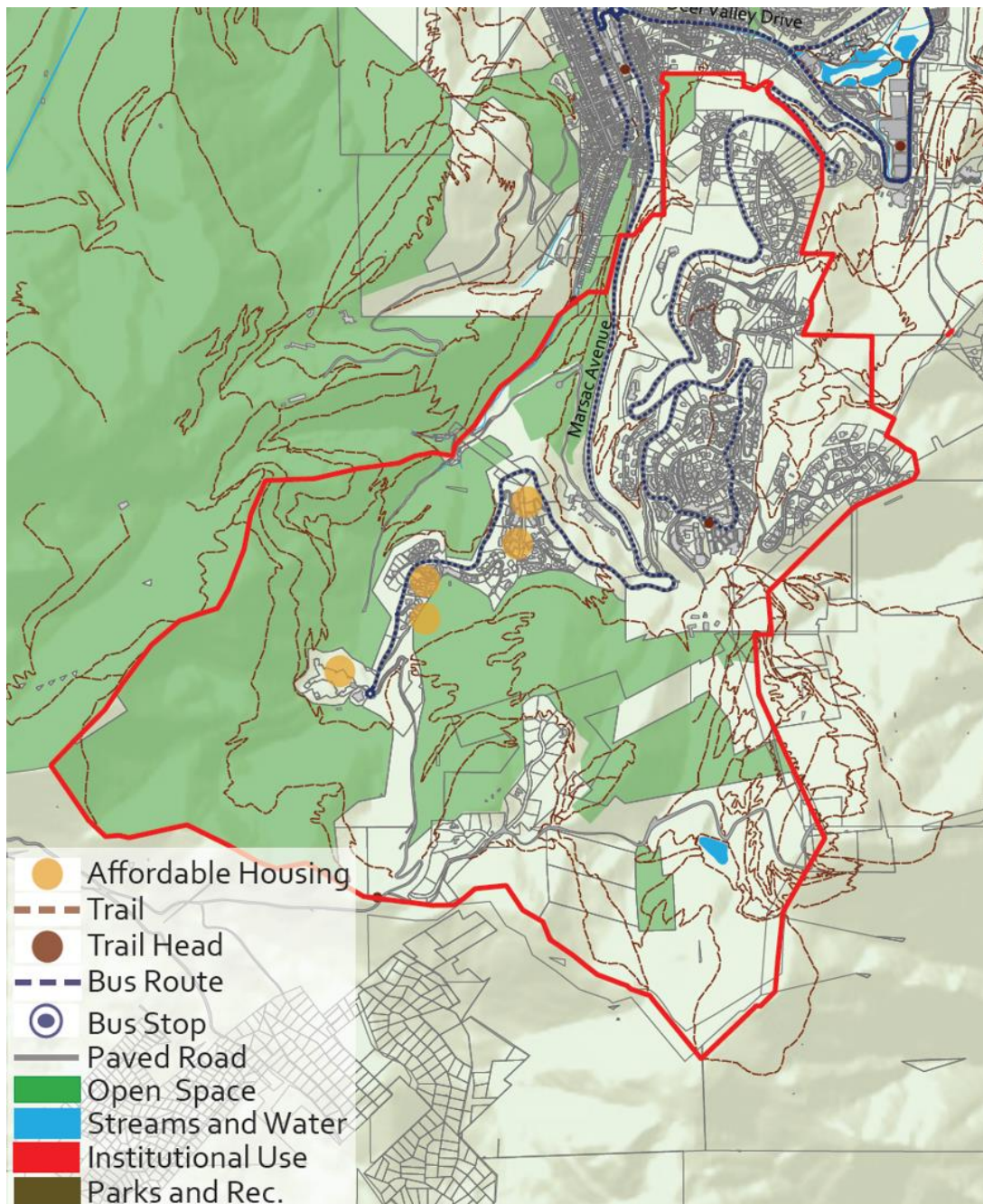
²⁴ General Plan, [Neighborhoods 3](#), p. 6

²⁵ General Plan, [Neighborhoods 3](#), p. 7

²⁶ The Solamere Homeowner Association filed a Land Management Code amendment application to request that Fractional Use be prohibited from Subdivision No. 1 and No. 2A. The City Council reviewed the application on February 16, 2023, and continued the item to April 27, 2023.

UPPER DEER VALLEY

Neighborhood Map



Zoning

- Estate (light green – Red Cloud Subdivision)
- Residential Development (tan)



Options

The General Plan identifies the Upper Deer Valley neighborhood as one that is home to resort-oriented development, including housing “mainly utilized as second homes and nightly rentals” and “[h]ousing in this neighborhood will remain oriented toward second-homes and/or nightly rental use” and “[e]fforts to increase the year-round demand on

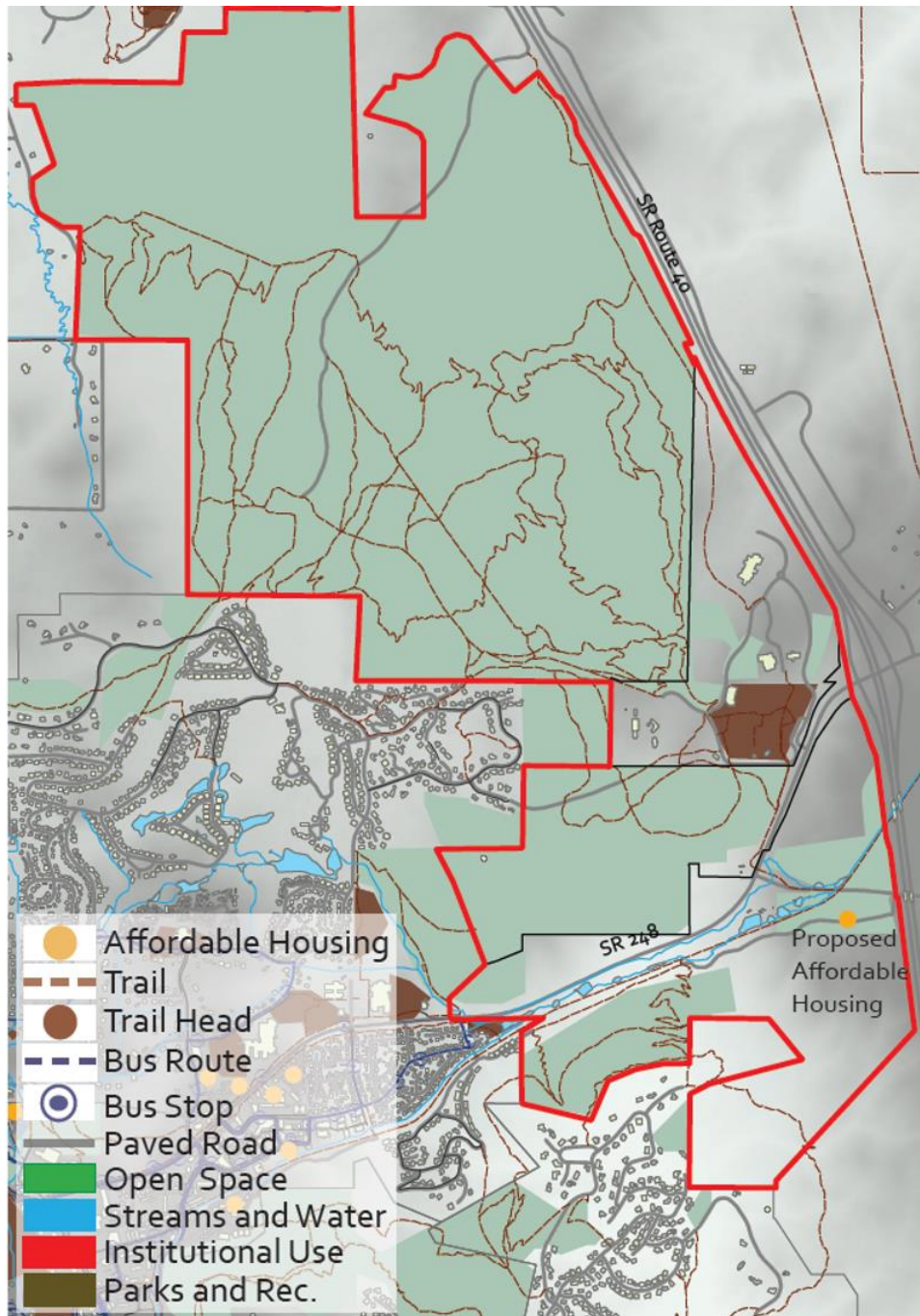
the available bed base in the Upper Deer Valley should continue.²⁷

- Option 1 – prohibit transient uses in the Upper Deer Valley neighborhood
- Options 2 and 3 – allow transient uses in the Residential Development Zoning District

²⁷ General Plan, [Neighborhoods 3](#), p. 20

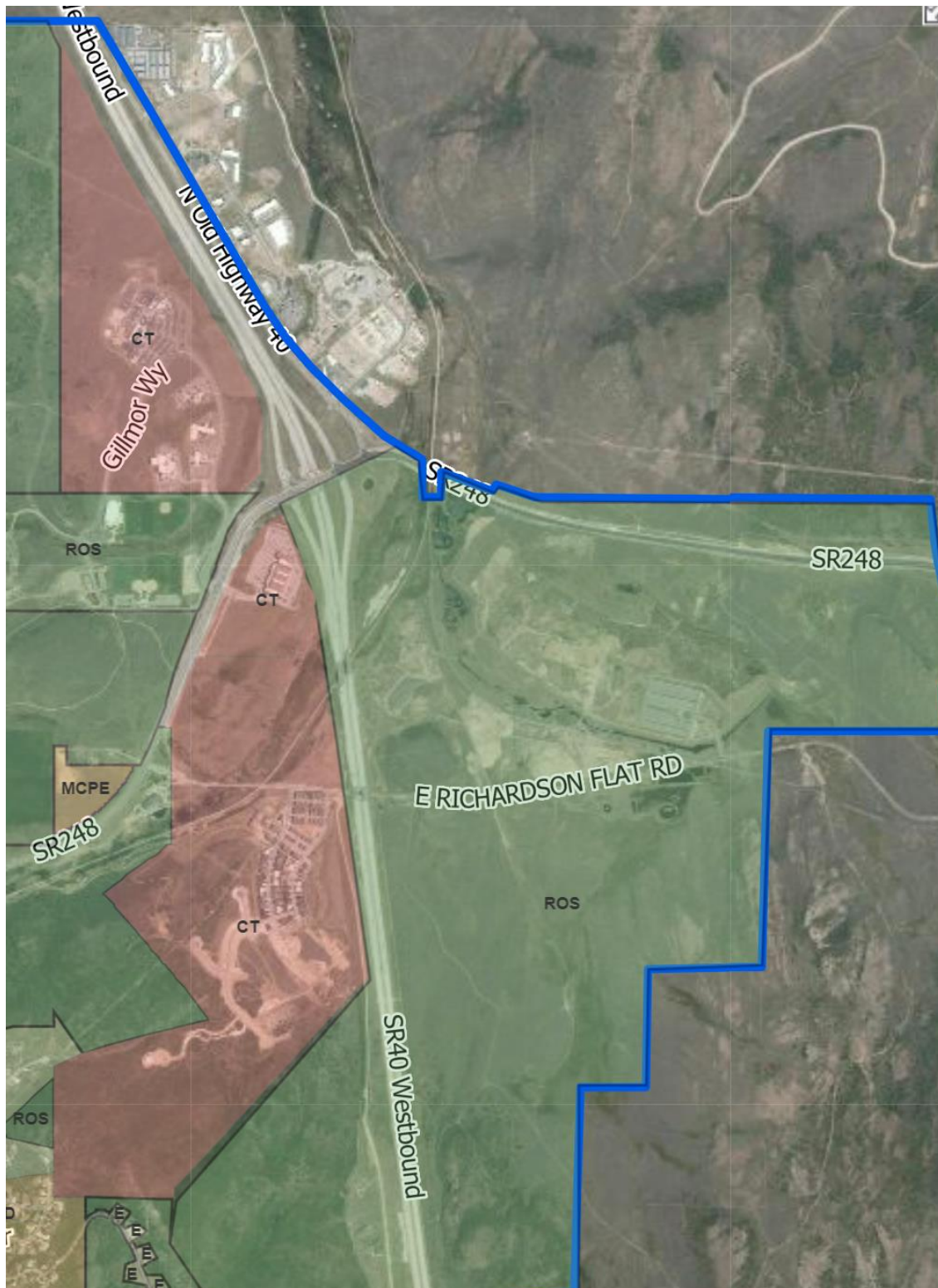
QUINN'S JUNCTION

Neighborhood Map



Zoning

- Community Transition (light red)



Prohibit Transient Uses

Quinn's Junction includes open space, the Park City Medical Campus, the National Ability Center, the US Ski Association Training Center, and City recreation facilities. Residential uses are limited to those in the Park City Heights Subdivision. Included in Park City Heights at full build-out will be 28 affordable and 51 attainable units with deed restrictions that require primary resident occupancy and prohibit transient uses. Also, there may be future affordable housing development on the City-owned Clark Ranch property within the area.

The General Plan outlines the Quinn's Junction Joint Planning Commission Principles to guide future development and uses in the area and states that clustered residential development may be considered but preservation of the area as an open space corridor is the recommended development pattern. The Quinn's Junction area is zoned primarily Recreation Open Space and Community Transition. Timeshares, Private Residence Clubs, and Fractional Use are prohibited in this Zoning District and staff recommends that they continue to be prohibited due to the number of affordable and attainable units within the Park City Heights Subdivision, as well as the distance from Commercial Zoning Districts and resorts.

Department Review

The Executive and Planning Departments and City Attorney's Office reviewed this report.

Notice

On January 20, 2023, staff mailed post card notices to property owners within the General Commercial, Historic Commercial Business, Historic Recreation Commercial, Residential Development, Residential Development Medium, and Light Industrial Zoning Districts. Staff posted notice to the Utah Public Notice and City websites on February 3, 2023. The Park Record published notice on February 8, 2023.²⁸

Public Input

Please see Exhibit F.

Alternatives

- The Planning Commission may forward a positive recommendation for City Council's consideration of draft Ordinance No. 2023-XX;
- The Planning Commission may modify draft Ordinance No. 2023-XX and forward a positive recommendation for City Council's consideration;
- The Planning Commission may forward a negative recommendation for City Council's consideration and direct staff to make findings for this recommendation;
- The Planning Commission may request additional information and continue the item to a date certain.

²⁸ LMC [§ 15-1-21](#)

Exhibits

A: Draft Ordinance No. 2023-XX

B: Ordinance No. 81-7 Enacting a Moratorium on Timeshares

C: Ordinance No. 82-4 Regulating the Creation of Timeshare Projects in Park City

D: Ordinance No. 04-39 Regarding Timeshares, Fractional Ownership, and Private Residence Clubs

E: Approved Timeshares and Private Residence Clubs

F: Public Input

Ordinance No. 2023-XX

AN ORDINANCE AMENDING LAND MANAGEMENT CODE SECTIONS 15-2.13-2 RESIDENTIAL DEVELOPMENT USES, 15-2.14-2 RESIDENTIAL DEVELOPMENT – MEDIUM DENSITY USES, 15-2.18-2 GENERAL COMMERCIAL USES, AND 15-2.19-2 LIGHT INDUSTRIAL USES REGARDING TIMESHARES, PRIVATE RESIDENCE CLUBS, AND FRACTIONAL USE OF DWELLING UNITS

WHEREAS, on October 27, 2022, the City Council directed staff to evaluate Timeshares, Private Residence Clubs, and Fractional Use of Dwelling Units in the Residential Development, Residential Development Medium, and General Commercial Zoning Districts and to issue a pending ordinance prohibiting these uses in these Zoning Districts for up to six months until updated regulations are adopted;

WHEREAS, on October 28, 2022, staff issued the pending ordinance which terminates on April 25, 2023, or at the time updated regulations are adopted;

WHEREAS, the City has enacted several Land Management Code amendments since the early 1980s to address the impacts of transient uses as they evolved over time to achieve balance between the resort economy, commercial Zoning Districts, and primary resident neighborhoods;

WHEREAS, by the early 1980s, Timeshares—which allow for a fractional fee interest in property with a right to use the unit as established through contract, declaration, or other instrument—were introduced to Park City. In 1981, the City Council adopted Ordinance No. 81-7, enacting a moratorium on Timeshares finding “the ‘time-share’ concept is a transient type of activity and has no apparent local control under the City’s current ordinances” and “the potential impact of time-share projects on the City of Park City indicates a clear and convincing need for restrictions and regulatory

measures.” On January 29, 1982, the City Council enacted Ordinance No. 82-4 *Regulating the Creation of Timeshare Projects in Park City*. The existing Land Management Code restricts Timeshares to the General Commercial, Historic Recreation Commercial, Historic Commercial Business, and Recreation Commercial Zoning Districts;

WHEREAS, while Timeshares allow for designated use of a unit, a new type of transient use was becoming common in the early 2000s—especially in resort communities—that allowed for ownership of a condominium unit with use of the unit and associated common areas during limited periods. Land Management Code Section 15-15-1 defines this use as a Private Residence Club;

WHEREAS, Timeshares are allowed in the Resort Center neighborhood at the base of Park City Mountain Resort in the Recreation Commercial Zoning District, but are prohibited in the Deer Valley Resort area in the Residential Development Zoning District, including developments under the Deer Valley Master Planned Development in the Lower Deer Valley neighborhood, as well as properties that are part of the Flagstaff/Empire Pass Master Planned Developments in the Upper Deer Valley neighborhood. To establish Private Residence Clubs in Zoning Districts proximate to the Deer Valley Resort as well as within commercial areas, including the Recreation Commercial Zoning District in the Resort Center neighborhood at the base of Park City Mountain Resort, the City enacted regulations for them in 2004;

WHEREAS, a Private Residence Club is shared by not less than four or more than 12 owners or members with use established by a reservation system and managed

with 24-hour reservation and property management seven days a week. On September 23, 2004, the City Council adopted Ordinance No. 04-39 amending the LMC to define and establish regulations for Private Residence Clubs as a Conditional Use in commercial Zoning Districts, as well as the Light Industrial, Residential Development and Residential Development Medium Zoning Districts;

WHEREAS, while Timeshares and Private Residence Clubs are vacation models for units within Multi-Unit Dwellings, over the past few years, a new model has developed that provides opportunities to purchase a fraction of Single-Family Dwellings and other Dwelling Units, some of which are within primary resident neighborhoods, defined in LMC Section 15-15-1 as Fractional Use of a Dwelling Unit (Fractional Use);

WHEREAS, Fractional Use is when a company offers fractional or co-ownership—where multiple investors each own a portion of a home that is typically but not always managed by a third party—directed at selling fractions of Single-Family Dwellings and other Dwelling Units as vacation properties, including some within Park City’s primary resident areas. To regulate this new use to protect primary resident neighborhoods and allow for Fractional Use near the resort bases and in those Zoning Districts where Timeshares and Private Residence Clubs are allowed, on October 27, 2022, the City Council adopted Ordinance No. 2022-21;

WHEREAS, according to the Park City General Plan, in 2000, 41% of all housing units were occupied by primary residents. In 2010, this number decreased to 30%. The number of second homes increased by 66% during this time while primary homes grew by only 7%;

WHEREAS, based on Summit County Assessor's Office data, from 2015 through the present, primary residences have hovered around 3,000, which is approximately 32% of residential units;

WHEREAS, Vision 2020, the City's Strategic Action Plan to shape a preferred future for 2030, notes the City is now "facing issues including . . . a delicate balance between visitors and residents . . ." Vision 2020 calls for a harmonious balance between resident and visitor quality of experience. Key action areas include "[developing] more community 'protected spaces' that provide locals with respite and enhance locals sense of contentment." Ideas from the community include balancing the quality of life with the resort economy and carving out parts of town which are more 'local;'

WHEREAS, the Land Management Code promotes the general health, safety, and welfare of the present and future inhabitants, businesses, and visitors of the City and implements the goals and policies of the General Plan;

WHEREAS, preserving areas within Park City for primary residents is identified in the General Plan and *Sense of Community* is one of the core values with Goal 7 to create a diversity of primary housing opportunities to address the changing needs of residents. Objective 7B is to focus efforts for diversity of primary housing stock within primary residential neighborhoods to maintain majority occupancy by fulltime residents within these neighborhoods;

WHEREAS, the General Plan identifies Thaynes as "a local neighborhood in which primary residents choose to live" and advises that "Thaynes should remain a

quiet residential neighborhood dominated by single family homes” and transient uses are prohibited in this neighborhood;

WHEREAS, the General Plan identifies Park Meadows as the neighborhood with the highest population of full-time residents and states that future land use “should be geared toward the intent of sustaining Park Meadows as a primary resident neighborhood” in part because of its proximity to public schools, recreation amenities, the Eccles Center for the Performing Arts, and access to Round Valley Open Space and transient uses are prohibited in this neighborhood;

WHEREAS, the General Plan identifies the Bonanza Park area as a mixed-use neighborhood in which locals live and work and states one of the greatest threats to the relatively affordable neighborhood is gentrification, identifying the overriding goal for this neighborhood to create new housing opportunities while maintaining the existing affordable housing units and transient uses are prohibited;

WHEREAS, the General Plan identifies Prospector Square as the City’s first mixed-use and mixed-housing neighborhood, “[a] local commercial district within a residential neighborhood” and recommends protecting this area “as a locals neighborhood” and transient uses are prohibited;

WHEREAS, the General Plan identifies the Resort Center as a place where redevelopment integrates a world-class resort with a strong sense of community and recommends buffers that transition from the resort base to surrounding residential areas; transient uses are allowed in the Recreation Commercial Zoning District within the Resort neighborhood;

WHEREAS, the General Plan identifies the need to protect and incentivize primary homeownership in the Old Town neighborhood. “Planning efforts to maintain primary homeownership in the Old Town neighborhood [are] motivated by the community’s Vision. In order to Keep Park City Park City, it is essential that Parkites be located in the heart of the City. While there is certainly a need to allow nightly rental in the district to provide visitors with the authentic Park City experience, it is recommended that the City consider investigating incentives to keep primary residents located within Old Town.” The General Plan also establishes a policy to protect a Sense of Community: “[t]he City should consider incentives for primary homeownership in Old Town; a balance between residents and tourists is desirable in this neighborhood.” As a result, transient uses are allowed in the Historic Commercial Business, Historic Recreation Commercial, and Recreation Commercial Zoning Districts within the Old Town neighborhood, but prohibited in Historic Residential Zoning Districts;

WHEREAS, the General Plan identifies the Masonic Hill neighborhood as a “neighborhood balanced by second homes and primary residents.” To preserve the balance of primary residents and second homes in this neighborhood, transient uses are prohibited;

WHEREAS, the General Plan identifies Lower Deer Valley as a neighborhood with a wide range of density from 0.18 to 33.3 units per acre with the northern edge of the neighborhood dominated by Single-Family Dwellings on large lots and dense Multi-Unit Dwellings near the Deer Valley Snow Park resort base. The General Plan states Lower Deer Valley is “[a] resort neighborhood catering to second homes and nightly rentals” and transient uses are allowed south of the Solamere Subdivision in the

Residential Development Zoning District and within the Recreation Commercial Zoning District;

WHEREAS, the General Plan identifies the Upper Deer Valley neighborhood as a home to resort-oriented development, including housing mainly utilized as second homes and nightly rentals and that housing in this neighborhood should remain oriented toward second-homes and/or nightly rental use. The General Plan recommends efforts to increase the year-round demand on the available bed base in the Upper Deer Valley to continue; therefore, transient uses are allowed in the Residential Development Zoning District in this neighborhood;

WHEREAS, Quinn's Junction includes open space, the Park City Medical Campus, the National Ability Center, the US Ski Association Training Center, and City recreation facilities. Residential uses are limited to those in the Park City Heights Subdivision. Included in Park City Heights at full build-out will be 28 affordable and 51 attainable units with deed restrictions that require primary resident occupancy and prohibit transient uses. Also, there may be future affordable housing development on the City-owned Clark Ranch property within the area. The General Plan outlines the Quinn's Junction Joint Planning Commission Principles to guide future development and uses in the area and states that clustered residential development may be considered but preservation of the area as an open space corridor is the recommended development pattern. The Quinn's Junction area is zoned primarily Recreation Open Space and Community Transition. Transient uses are prohibited due to the number of affordable and attainable units within the Park City Heights Subdivision and because of the distance of the neighborhood from Commercial Zoning Districts and the resorts;

WHEREAS, to direct Timeshares, Private Residence Clubs, and Fractional Use of Dwelling Units to Commercial Zoning Districts and Residential Development Zoning District areas within the Lower Deer Valley and Upper Deer Valley neighborhoods outlined in the General Plan;

WHEREAS, on January 20, 2023, staff mailed post card notices to property owners within the General Commercial, Historic Commercial Business, Historic Recreation Commercial, Residential Development, Residential Development Medium, and Light Industrial Zoning Districts and posted notice to the Utah Public Notice and City websites on February 3, 2023, and the Park Record published notice on December 24, 2022 and February 8, 2023;

WHEREAS, on January 11, 2023, the Planning Commission conducted a work session on the proposed amendments;

WHEREAS, on February 7 and February 8, 2023, staff held open houses for community members regarding the proposed amendments;

WHEREAS, on February 22, 2023, the Planning Commission conducted a public hearing and forwarded a _____ recommendation for City Council's consideration;

WHEREAS, on March 23, 2023, the City Council conducted a 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 TITLE 15 LAND

MANAGEMENT CODE. The recitals are incorporated herein as findings of fact.

Municipal Code of Park City Title 15 Land Management Code Sections 15-2.13-2, 15-2.14-2, 15-2.18-2, and 15-2.19-2 are hereby amended as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS 23rd day of March 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

Attachment 1

15-2.13-2 Uses

Uses in the RD District are limited to the following:

A. ALLOWED USES.

1. Single-Family Dwelling
2. Duplex Dwelling
3. Secondary Living Quarters
4. Lockout Unit¹
5. Accessory Apartment²
6. Nightly Rental³
7. Home Occupation
8. Child Care, In-Home Babysitting⁴
9. Child Care, Family⁴
10. Child Care, Family Group⁴
11. Accessory Building and Use
12. Conservation Activity Agriculture
13. Parking Area or Structure with four (4) or fewer spaces
14. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵
15. Food Truck Location¹⁶
16. Internal Accessory Dwelling Unit¹⁷

B. CONDITIONAL USES.

1. Triplex Dwelling⁶
2. Multi-Unit Dwelling⁶

23	3. Guest House
24	4. Group Care Facility
25	5. Child Care Center ⁴
26	6. Public and Quasi-Public Institution, Church, and School
27	7. Essential Municipal Public Utility Use, Facility, Service, and Structure
28	8. Telecommunication Antenna ⁷
29	9. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter ⁸
30	10. Raising, grazing of horses
31	11. Cemetery
32	12. Bed and Breakfast Inn
33	13. Hotel, Minor ⁶
34	14. Hotel, Major ⁶
35	15. Private Residence Club Project and Conversion ^{10, 19}
36	16. Office, General ^{6,9}
37	17. Office, Moderate Intensive ^{6,9}
38	18. Office, Medical ^{6,9}
39	19. Financial Institution without drive-up window ^{6,9}
40	20. Commercial Retail and Service, Minor ^{6,9}
41	21. Commercial Retail and Service, personal improvement ^{6,9}
42	22. Commercial, Resort Support ^{6,9}
43	23. Café or Deli ^{6,9}
44	24. Restaurant, Standard ^{6,9}
45	25. Restaurant, Outdoor Dining ¹⁰

- 46 26. Outdoor Event¹⁰
- 47 27. Bar^{6,9}
- 48 28. Hospital, Limited Care Facility^{6,9}
- 49 29. Parking Area or Structure with five (5) or more spaces
- 50 30. Temporary Improvement¹⁰
- 51 31. Passenger Tramway Station and Ski Base Facility¹¹
- 52 32. Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹
- 53 33. Recreation Facility, Public
- 54 34. Recreation Facility, Commercial⁶
- 55 35. Recreation Facility, Private¹⁸
- 56 36. Entertainment Facility, Indoor^{6,9}
- 57 37. Commercial Stables, Riding Academy¹²
- 58 38. Heliport¹²
- 59 39. Vehicle Control Gate¹³
- 60 40. Fences and walls greater than six feet (6') in height from Final Grade¹⁰
- 61 41. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁴
- 62 42. Amenities Club
- 63 43. Club, Private Residence Off-Site¹⁵
- 64 44. Dwelling Unit, Fractional Use^{3, 19}

65 C. **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use
66 is a prohibited Use.

67 ¹Nightly rental of Lockout Units requires a Conditional Use permit

68 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments

69 ³Nightly Rentals do not include the Use of dwellings for Commercial Uses. Nightly Rentals ~~and Dwelling~~

~~Unit, Fractional Use~~ are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision Phases #1A and #1B, Fairway Meadows Subdivision, and Hidden Oaks at Deer Valley Phases 2 and 3.

⁴See Section 15-4-9 Child Care and Child Care Facilities

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License

⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development

⁷See Section 15-4-14, Telecommunications Facilities

⁸See Section 15-4-13, Placement of Satellite Receiving Antennas

⁹Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.

¹⁰Requires an Administrative Conditional Use permit.

¹¹As part of an approved Ski Area Master Plan. See Section 15-4-18 Passenger Tramways and Ski Base Facilities.

¹²Omitted.

¹³See Section 15-4-19, Review Criteria For Control Vehicle Gates.

¹⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

¹⁵Only allowed within a Master Planned Development. Requires an Administrative Conditional Use permit. Is permitted only in approved existing Commercial spaces or developments that have ten (10) or more units with approved Support Commercial space. A Parking Plan shall be submitted to determine site specific parking requirements.

¹⁶The Planning Director or their designee shall, upon finding a Food Truck Location in compliance with Municipal Code 4-5-6, issue the property owner a Food Truck Location administrative approval letter.

¹⁷See Section 15-4-7.1, Internal Accessory Dwelling Units.

¹⁸See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas.

¹⁹Fractional Use of Dwelling Units and Private Residence Clubs are only allowed in the Residential

Development Zoning District within two neighborhoods outlined in the General Plan: (1) the Lower Deer

Valley Neighborhood south of the Solamere Subdivision, and (2) the Upper Deer Valley Neighborhood.

Requires an Administrative Letter. See Section 15-4-23, Dwelling Unit, Fractional Use.

HISTORY

Adopted by Ord. [00-51](#) on 9/21/2000

Amended by Ord. [02-38](#) on 9/12/2002

Amended by Ord. [04-08](#) on 3/4/2004

Amended by Ord. [05-39](#) on 6/30/2005

Amended by Ord. [06-76](#) on 11/9/2006

Amended by Ord. [11-05](#) on 1/27/2011

Amended by Ord. [14-35](#) on 6/26/2014

Amended by Ord. [2018-23](#) on 5/17/2018

Amended by Ord. [2018-55](#) on 10/23/2018

Amended by Ord. [2020-38](#) on 7/30/2020

Amended by Ord. [2020-45](#) on 10/1/2020

Amended by Ord. [2021-16](#) on 4/15/2021

Amended by Ord. [2021-38](#) on 9/23/2021

Amended by Ord. [2021-52](#) on 12/16/2021

Amended by Ord. [2021-51](#) on 12/16/2021

Amended by Ord. [2022-08](#) on 4/28/2022

Amended by Ord. [2022-21](#) on 10/27/2022

15-2.14-2 Uses

122 Uses in the RDM District are limited to the following:

123 A. **ALLOWED USES.**

- 124 1. Single Family Dwelling
- 125 2. Duplex Dwelling
- 126 3. Triplex Dwelling
- 127 4. Secondary Living Quarters
- 128 5. Lockout Unit¹
- 129 6. Accessory Apartment²
- 130 7. Nightly Rental³
- 131 8. Home Occupation
- 132 9. Child Care, In Home Babysitting⁴
- 133 10. Child Care, Family⁴
- 134 11. Child Care, Family Group⁴
- 135 12. Accessory Building and Use
- 136 13. Conservation Activity
- 137 14. Agriculture
- 138 15. Parking Area or Structure with four (4) or fewer spaces
- 139 16. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵
- 140 17. Food Truck Location¹⁴
- 141 18. Internal Accessory Dwelling Unit¹⁵

142 B. **CONDITIONAL USES.**

- 143 1. Multi Unit Dwelling⁶
- 144 2. Guest House

145	3. Group Care Facility
146	4. Child Care Center
147	5. Public and Quasi Public Institution, Church, and School
148	6. Essential Municipal Public Utility Use, Facility, Service, and Structure
149	7. Telecommunication Antenna ⁷
150	8. Satellite Dish, greater than thirty nine inches (39") in diameter ⁸
151	9. Raising grazing of horses
152	10. Cemetery
153	11. Bed and Breakfast Inn
154	12. Boarding House, Hotel
155	13. Hotel, Minor ⁶
156	14. Hotel, Major ⁶
157	15. [Private Residence Club Project and Conversion ¹¹]
158	16. Office, General ⁶
159	17. Office, Moderate Intensive ^{6,9}
160	18. Office and Clinic, Medical ^{6,10}
161	19. Financial Institution, without drive up window ^{6,10}
162	20. Commercial Retail and Service, Minor ^{6,10}
163	21. Commercial Retail and Service, personal improvement ^{6,10}
164	22. Commercial, Resort Support ^{6,10}
165	23. Cafe or Deli ^{6,10}
166	24. Restaurant, Standard ^{6,10}
167	25. Restaurant, Outdoor Dining ¹¹

- 168 26. Outdoor Event¹¹
- 169 27. Bar^{6,10}
- 170 28. Hospital, Limited Care Facility^{6,9}
- 171 29. Parking Area or Structure with five (5) or fewer spaces
- 172 30. Temporary Improvement¹¹
- 173 31. Passenger Tramway Station and Ski Base Facility¹²
- 174 32. Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹²
- 175 33. Recreation Facility, Public
- 176 34. Recreation Facility, Commercial⁶
- 177 35. Recreation Facility, Private¹⁶
- 178 36. Entertainment Facility, Indoor^{6,9}
- 179 37. Commercial Stables, Riding Academy^{6,10}
- 180 38. Fences greater than six feet (6') in height from Final Grade
- 181 39. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹³
- 182 40. [~~Dwelling Unit, Fractional Use~~¹⁷]

183 C. **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use

184 is a prohibited Use.

185 ¹Nightly Rental of Lockout Units requires a Conditional Use permit.

186 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

187 ³Nightly Rentals do not include the Use of Dwellings for Commercial Use.

188 ⁴See Section 15-4-9, Child Care and Child Care Facilities

189 ⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City

190 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed

191 on the original Property set forth in the services agreement and/or Master Festival License

192 ⁶Subject to Master Planned Development approval. See Chapter 15-6.

⁷See Section 15-4-14, Telecommunication Facilities.

⁸See Section 15-4-13, Placement of Satellite Receiving Antennas.

⁹General Offices are only permitted with an approved Master Planned Development and may only be approved as the redevelopment of an existing Building or Property. In addition to meeting the necessary criteria in the Chapter 15-6 Master Planned Developments, the Planning Commission must find that: a) the redevelopment of an existing Building or Property to a General Office use will substantially advance the objectives of Economic Element of the General Plan or other more specific neighborhood plans; b) it has minimized/eliminated any potential detrimental impact on the resort and/or resort-residential character of the RDM District and the Frontage Protection Zone through careful planning and conditions of approval; c) it will not result in an intensification of use incompatible with neighboring developments; and d) it will not result in substantial increase in the existing trip generations for services and deliveries.

¹⁰Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Development.

¹¹Requires an administrative Conditional Use permit.

¹²As part of an approved Ski Area Master Plan. See Section 15-4-18, Passenger Tramways and Ski Base Facilities

¹³Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

¹⁴The Planning Director or their designee shall, upon finding a Food Truck Location in compliance with Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative approval letter.

¹⁵See Section 15-4-7.1, Internal Accessory Dwelling Units.

¹⁶See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas.

~~¹⁷Requires an Administrative Letter. See Section 15-4-23, Dwelling Unit, Fractional Use.~~

219 HISTORY

220 *Adopted by Ord. [00-51](#) on 9/21/2000*

221 *Amended by Ord. [02-24](#) on 6/27/2002*

222 *Amended by Ord. [02-38](#) on 9/12/2002*

223 *Amended by Ord. [04-39](#) on 3/18/2004*

224 *Amended by Ord. [06-76](#) on 11/9/2006*

225 *Amended by Ord. [2018-55](#) on 10/23/2018*

226 *Amended by Ord. [2020-45](#) on 10/1/2020*

227 *Amended by Ord. [2021-38](#) on 9/23/2021*

228 *Amended by Ord. [2021-51](#) on 12/16/2021*

229 *Amended by Ord. [2022-08](#) on 4/28/2022*

230 *Amended by Ord. [2022-21](#) on 10/27/2022*

231 **15-2.18-2 Uses**

232 Uses in the GC District are limited to the following:

233 A. **ALLOWED USES.**

234 1. Secondary Living Quarters

235 2. Lockout Unit¹

236 3. Accessory Apartment²

237 4. Nightly Rental

238 5. Home Occupation

239 6. Child Care, In-Home Babysitting³

240 7. Child Care, Family³

241 8. Child Care, Family Group³

242	9. Child Care Center ³
243	10. Accessory Building and Use
244	11. Conservation Activity
245	12. Agriculture
246	13. Plant and Nursery Stock production and sales
247	14. Bed and Breakfast Inn
248	15. Boarding House, Hostel
249	16. Hotel, Minor
250	17. Hotel, Major
251	18. Office, General
252	19. Office, Moderate Intensive
253	20. Office, Intensive
254	21. Office and Clinic, Medical and Veterinary Clinic
255	22. Financial Institution without a drive-up window
256	23. Commercial, Resort Support
257	24. Retail and Service Commercial, Minor
258	25. Retail and Service Commercial, Personal Improvement
259	26. Retail and Service Commercial, Major
260	27. Cafe or Deli
261	28. Restaurant, General
262	29. Hospital, Limited Care Facility
263	30. Parking Area or Structure with four (4) or fewer spaces
264	31. Parking Area or Structure with five (5) or more spaces

265 32. Food Truck Location¹⁰

266 B. **CONDITIONAL USES.**

267 1. Single Family Dwelling

268 2. Duplex Dwelling

269 3. Triplex Dwelling

270 4. Multi-Unit Dwelling

271 5. Group Care Facility

272 6. Public and Quasi-Public Institution, Church, and School

273 7. Essential Municipal Public Utility Use, Facility, Service, and Structure

274 8. Telecommunication Antenna⁴

275 9. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁵

276 10. ~~[Timeshare Project and Conversion]~~

277 11. ~~[Timeshare Sales Office, off-site within an enclosed Building]~~

278 12. ~~[Private Residence Club Project and Conversion⁸]~~

279 13. Financial Institution with a Drive-up Window⁶

280 14. Retail and Service Commercial with Outdoor Storage

281 15. Retail and Service Commercial, Auto Related

282 16. Transportation Service

283 17. Retail Drive-Up Window⁶

284 18. Gasoline Service Station

285 19. Restaurant and Cafe, Outdoor Dining⁷

286 20. Restaurant, Drive-up Window⁶

287 21. Outdoor Event⁷

- 288 22. Bar
- 289 23. Sexually Oriented Businesses⁸
- 290 24. Hospital, General
- 291 25. Light Industrial Manufacturing and Assembly
- 292 26. Temporary Improvement⁷
- 293 27. Passenger Tramway and Ski Base Facility
- 294 28. Ski tow rope, ski lift, ski run, and ski bridge
- 295 29. Commercial Parking Lot or Structure
- 296 30. Recreation Facility, Public
- 297 31. Recreation Facility, Commercial
- 298 32. Recreation Facility, Private⁹
- 299 33. Indoor Entertainment Facility
- 300 34. Heliport
- 301 35. Temporary Sales Trailer in conjunction with an active Building permit for
- 302 the Site.⁸
- 303 36. Fences greater than six feet (6') in height from Final Grade⁷
- 304 37. Household Pet, Boarding⁷
- 305 38. Household Pet, Daycare⁷
- 306 39. Household Pet, Grooming⁷
- 307 40. [~~Dwelling Unit, Fractional Use~~¹¹]
- 308 C. **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use
- 309 is a prohibited Use.

310 ¹Nightly rental of Lockout Units requires Conditional Use permit.

311 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

³See Section 15-4-9, Child Care and Child Care Facilities.

⁴See Section 15-4-14, Telecommunication Facilities.

⁵See Section 15-4-13, Placement of Satellite Receiving Antennas.

⁶See Section 15-2.18-6 for Drive-Up Window review.

⁷Requires an Administrative Conditional Use permit.

⁸See Section 15-4-16 for additional criteria.

⁹See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas.

¹⁰The Planning Director or their designee shall, upon finding a Food Truck Location in compliance with Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative approval letter.

~~¹¹Requires an Administrative Letter. See Section 15-4-23, Dwelling Unit, Fractional Use.~~

HISTORY

Adopted by Ord. [00-51](#) on 9/21/2000

Amended by Ord. [04-39](#) on 9/23/2004

Amended by Ord. [06-76](#) on 11/9/2006

Amended by Ord. [14-57](#) on 11/20/2014

Amended by Ord. [2018-55](#) on 10/23/2018

Amended by Ord. [2020-45](#) on 10/1/2020

Amended by Ord. [2021-51](#) on 12/16/2021

Amended by Ord. [2022-08](#) on 4/28/2022

Amended by Ord. [2022-21](#) on 10/27/2022

15-2.19-2 Uses

Uses in the LI District are limited to the following:

A. ALLOWED USES.

1. Secondary Living Quarters

- 337 2. Accessory Apartment¹
- 338 3. Nightly Rental
- 339 4. Home Occupation
- 340 5. Child Care, In-Home Babysitting²
- 341 6. Child Care, Family²
- 342 7. Child Care, Family Group²
- 343 8. Child Care Center²
- 344 9. Agriculture
- 345 10. Plant and Nursery Stock
- 346 11. Office, General
- 347 12. Office, Moderate Intensive
- 348 13. Office, Intensive
- 349 14. Financial Institution without drive-up window
- 350 15. Retail and Service Commercial, Minor
- 351 16. Retail and Service Commercial, Personal Improvement
- 352 17. Retail and Service Commercial, Major
- 353 18. Commercial, Resort Support
- 354 19. Hospital, Limited Care
- 355 20. Parking Area or Structure with four (4) or fewer spaces
- 356 21. Food Truck Location⁸

357 B. **CONDITIONAL USES.**

- 358 1. Multi-Unit Dwelling
- 359 2. Group Care Facility

- 360 3. Child Care Center²
- 361 4. Public and Quasi-Public Institution, Church, and School
- 362 5. Essential Municipal Public Utility Use, Facility, Service, and Structure
- 363 6. Telecommunication Antenna³
- 364 7. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁴
- 365 8. Accessory Building and Use
- 366 9. Raising, grazing of horses
- 367 10. Bed and Breakfast Inn
- 368 11. Boarding House, Hostel
- 369 12. Hotel, Minor
- 370 13. ~~Private Residence Club Project and Conversion⁶~~
- 371 14. Office and Clinic, Medical and Veterinary Clinic
- 372 15. Financial Institutions with Drive-Up Window⁵
- 373 16. Retail and Service Commercial with Outdoor Storage
- 374 17. Retail and Service Commercial, Auto-Related
- 375 18. Transportation Services
- 376 19. Retail Drive-Up Window⁵
- 377 20. Gasoline Service Station
- 378 21. Café or Deli
- 379 22. Restaurant, General
- 380 23. Restaurant, Outdoor Dining
- 381 24. Restaurant, Drive-Up Window⁵
- 382 25. Outdoor Event⁶

- 383 26. Bar
- 384 27. Hospital, General
- 385 28. Light Industrial Manufacturing and Assembly Facility
- 386 29. Parking Area or Structure with five (5) or more spaces
- 387 30. Temporary Improvement⁶
- 388 31. Passenger Tramway Station and Ski Base Facility
- 389 32. Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge
- 390 33. Recreation Facility, Public
- 391 34. Recreation Facility, Commercial
- 392 35. Recreation Facility, Private⁷
- 393 36. Entertainment Facility, Indoor
- 394 37. Commercial Stables, Riding Academy
- 395 38. Heliports
- 396 39. Commercial Parking Lot or Structure
- 397 40. Temporary Sales Office, in conjunction with an active Building permit.
- 398 41. Fences and Walls greater than six feet (6') in height from Final Grade⁶
- 399 42. Household Pet, Boarding⁶
- 400 43. Household Pet, Daycare⁶
- 401 44. Household Pet, Grooming⁶

402 C. **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use
403 is a prohibited Use.

404 ¹Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

405 ²See Section 15-4-9, Child Care and Child Care Facilities.

406 ³See Section 15-4-14, Telecommunication Facilities.

407 ⁴See Section 15-4-13, Placement of Satellite Receiving Antennas.

408 ⁵See Section 15-2.19-8, Criteria for Drive-Up Windows.

409 ⁶Subject to an Administrative Conditional Use permit.

410 ⁷See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas.

411 ⁸The Planning Director or their designee shall, upon finding a Food Truck Location in compliance with
412 Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative approval
413 letter.

414 HISTORY

415 *Adopted by Ord. [00-51](#) on 9/21/2000*

416 *Amended by Ord. [04-39](#) on 9/23/2004*

417 *Amended by Ord. [06-76](#) on 11/9/2006*

418 *Amended by Ord. [14-57](#) on 11/20/2014*

419 *Amended by Ord. [2018-55](#) on 10/23/2018*

420 *Amended by Ord. [2020-45](#) on 10/1/2020*

421 *Amended by Ord. [2021-51](#) on 12/16/2021*

422 *Amended by Ord. [2022-08](#) on 4/28/2022*

ORDINANCE

Ordinance No. 81-7

AN ORDINANCE DECLARING A MORATORIUM TO BE PLACED ON THE CONVERSION TO OR THE DEVELOPMENT OF TIME-SHARE PROJECTS IN ANY ZONE WITHIN THE CITY OF PARK CITY, UTAH

WHEREAS, the "time-share" concept is a transient type of activity and has no apparent local control under the City's current ordinances, and

WHEREAS, a study is needed to determine the compatibility of this concept with the City's existing residential zoning classifications to insure protection of the public health, safety and welfare, and

WHEREAS, the potential impact of time-share projects on the City of Park City indicates a clear and convincing need for restrictions and regulatory measures,

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

Section 1: Moratorium. A six month moratorium is hereby established to allow the City time to develop ordinances to regulate time-share activities in Park City.

Section 2: Zones Prohibiting Time-Share Projects. During the six month moratorium, time-share projects shall not be a permitted use in any zone within Park City.

Section 3: Conversions and New Construction. During the six month moratorium, neither applications for conversions, except as provided in Section 5 hereof, existing projects, nor the construction of new time-share projects shall be considered by the City.

Section 4: Definition. Time-share projects shall include those projects containing time period units, as defined in Section 57-8-3(20), Utah Code Annotated, encompassing annually recurring parts of a year as a period for which a physical unit is separately owned.

This definition is to include any project organized as undivided ownerships, limited partnerships or other forms of ownership that is created to achieve ownership of a time period use of a physical unit directly or indirectly, whether or not such ownership is within the scope of Section 57-8-3(20), Utah Code Annotated.

This definition is to include time-share estates, interval ownership, vacation license and vacation lease, club memberships, time-share use, and all other such terminology, typically applied to time-sharing in the State of Utah and elsewhere in the United States.

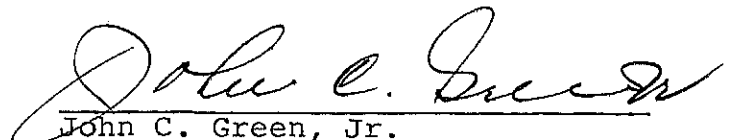
Section 5: Exception. This ordinance shall not affect time-share projects for which units have been lawfully sold or offered for sale to the public, at the date of adoption of this ordinance.

Section 6: Effective Period. This ordinance shall remain in effect for a period of six months from the date of adoption, unless sooner repealed or otherwise modified and subject to any extension of the time period as approved by the City Council.

Section 7: Effective Date. This ordinance shall take effect upon publication.

PASSED AND ADOPTED this 16th day of July, 1981.

PARK CITY MUNICIPAL CORPORATION


John C. Green, Jr.
Mayor

Attest:



Ordinance No. 82-4

AN ORDINANCE REGULATING
THE CREATION OF TIME-
SHARE PROJECTS IN THE
CITY OF PARK CITY

Be it ordained by the Park City Council:

SECTION 1. Ordinance No. 8-80A of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by creating new sections 1.5.83 through 1.5.96 to read as follows:

Section 1.5.83 "Off-Premises Timeshare Contacting Activity" means activity occurring outside of a timeshare project that is engaged in by off-premises timeshare contacting personnel in an effort to induce persons willing to attend a timeshare sales presentation.

Section 1.5.84 "Off-Premises Timeshare Sales Activity" means original timeshare sales and resales activity occurring outside of a timeshare project.

Section 1.5.85 "Off-Premises Timeshare Contacting Location" means a location within the City, but outside of a timeshare project, at which off-premises timeshare contacting personnel attempt to induce persons to attend a timeshare sales presentation.

Section 1.5.86 "Off-Premises Timeshare Sales Office" means an office located within the City, but outside of a timeshare project, wherein timeshare sales presentations are made and

other marketing related activities are conducted in an effort to generate original timeshare interval sales or resales.

Section 1.5.87 "On-Site Timeshare Sales Activity" means original timeshare sales activity occurring within a timeshare project.

Section 1.5.88 "On-Site Timeshare Sales Office" means an office located within a timeshare project within the City wherein timeshare sales presentations are made and other marketing related activities are conducted in an effort to generate original timeshare interval sales.

Section 1.5.89 "Timeshare Conversion" means the conversion into a timeshare project of any real property and the existing structure(s) attached thereto, which were not subject to a timeshare instrument prior to the date of such conversion, including, without limitation, the conversion into a timeshare project of (a) any existing motel, hotel, or apartment building, (b) any existing unit or units within an existing condominium project, or (c) any dwelling unit or dwelling units within an existing planned unit development.

In the event the developer of a condominium project reserves in the declaration of condominium establishing such condominium project the right to create timeshare intervals within (a) all or any portion of any additional land that may thereafter be added to the project, (b) any convertible land within the project, or (c) any convertible space within the project, then the subsequent creation of timeshare intervals within any portion of such additional land, convertible land, or

convertible space shall not be deemed to be a timeshare conversion as defined in this Section 1.5.89, so long as (a) such right to create timeshare intervals is specifically reserved by the developer in accordance with the requirements of the Utah Condominium Ownership Act, Utah Code Annotated, Section 57-8-1, et seq., (b) the reservation of such right to create timeshare intervals is fully disclosed in writing to the City at the time the City's approval to develop the condominium project is sought by the developer, and (c) such right to create timeshare intervals expires no later than seven (7) years from the date the declaration of condominium establishing such condominium project is recorded in the office of the County Recorder of Summit County, Utah.

Section 1.5.90 "Timeshare estate" means an ownership or leasehold estate in property devoted to a timeshare fee (including, without limitation, tenants in common, time span ownership, interval ownership, and cooperative time share ownership) created by a timeshare instrument and the documents by which it is granted.

Section 1.5.91 "Timeshare instrument" means any instrument whereby the use, occupancy or possession of real property has been made subject to either a timeshare estate or timeshare use, and whereby such use, occupancy or possession circulates among (a) nine (9) or more purchasers of the timeshare intervals in the event the timeshare project is located in any of the following districts: Commercial

Business District (HCB), General Commercial District (GC), Recreation Commercial District (RC), Residential-Medium Density District (RM) or Residential Development-Medium Density District (RDM); or (b) three (3) or more purchasers of the timeshare intervals in the event the timeshare project is located in any of the following districts: Historic Residential District (HR-1), Estate District (E), Residential Development District (RD) or Residential-Low Density District (R-1), according to a fixed or floating time schedule on a periodic basis occurring annually over any period of time in excess of three (3) years in duration.

Section 1.5.92 "Timeshare interval" means a timeshare estate or a timeshare use.

Section 1.5.93 "Timeshare project" means any real property that is subject to a timeshare instrument, including a timeshare conversion.

Section 1.5.94 "Timeshare sales presentation" means: (1) an offer to sell or reserve a timeshare interval; (2) an offer to sell an option to purchase a timeshare interval; (3) the sale of a timeshare interval, or an option to purchase a timeshare interval; or (4) the reservation of a timeshare interval, whether the timeshare interval is located within or without the State of Utah, where such offer, sale or reservation is made within the City.

Section 1.5.95 "Timeshare unit" means that unit of real property and time where possession and use are allowed under a contract from seller to purchaser.

Section 1.5.96 "Timeshare use" means any contractual right of exclusive occupancy created by a timeshare instrument which does not fall within the definition of a "timeshare estate" (including, without limitation, a vacation license, club membership, general partnership interest, limited partnership interest, vacation bond or beneficial interest in a trust) and the documents by which it is transferred.

SECTION 2. Ordinance No. 12-79 of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by creating new sections 2.12 through 2.13 to read as follows:

Section 2.12 TIMESHARE CONVERSIONS PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

Section 2.12.1 Information to be Filed with Conversion Application. Developers of timeshare conversions shall file with the Planning Commission the following information as part of a conditional use permit application:

Section 2.12.1.1 The proposed duration of timeshare intervals.

Section 2.12.1.2 Identification of the timeshare interval as a timeshare estate or timeshare use.

Section 2.12.1.3 Any restrictions on the use, occupancy, alteration or alienation of timeshare intervals.

Section 2.12.1.4 A copy of the proposed timeshare instruments whereby the timeshare project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants, Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation, Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance and operation of the timeshare project and/or timeshare units.

Section 2.12.1.5 The name, address and phone number of the managing agent of the project having authority to act on behalf of the Developer and/or the Owners' Association in emergency situations. Any change in name, address or phone number of the managing agent shall be filed with the Park City Planning Commission and the Park City Business Licensing Division.

Section 2.12.1.6 The name, address and phone number of the central contact person for the Developer and/or the timeshare project for business license, tax and utility service payments who will be responsible for making such payments on behalf of the Developer as provided by the timeshare instrument. Any change in name, address or phone number of the central contact person shall be filed with the Park City Planning Commission and the Park City Business Licensing Division.

Section 2.12.1.7 A list of all owners of the property being converted, or if the property has previously been divided into separately owned units, dwelling units or lots, a list of all owners of such units, dwelling units or lots.

Section 2.12.1.8 A plan showing in reasonable detail the means by which the timeshare conversion will comply with the Park City parking requirements for timeshare projects, including the purchase of any necessary additional property.

Section 2.12.1.9 Evidence of a review and approval by the appropriate sewer district and the Park City Water Department regarding anticipated increases in sewer flows and water use resulting from the change in use.

Section 2.12.1.10 For the conversion of any units in any condominium project or dwelling units in any planned unit development project, the written statements from not less than sixty-five percent of the owners of all existing units or dwelling units in the project indicating their unconditional approval of the timeshare conversion signed by such owners not more than ninety days prior to the date of the application for a conditional use permit.

Section 2.12.1.11 Any other information that the Developer or Planning Commission deems reasonably necessary to the consideration of the project.

Section 2.12.2 Conditions. In determining whether, and under what conditions to issue a conditional use permit for timeshare conversions, the Planning Commission may consider the following conditions:

Section 2.12.2.1 The impact the timeshare conversion will have on present and future city services.

Section 2.12.2.2 The impact the timeshare conversion will have on traffic circulation and parking.

Section 2.12.2.3 The applicant's description of the methods to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the timeshare conversion.

Section 2.12.2.4 Whether an office of the managing agent or agency is located locally or within the timeshare conversion.

Section 2.12.2.5 The impact the timeshare conversion may have on meeting space, convention business and nightly rentals within the City.

Section 2.12.2.6 Compliance with the Park City Land Management Code, Park City Planning Commission policies, the City's Comprehensive Plan and other applicable city ordinances and guidelines in force at the time of application.

Section 2.12.2.7 Compliance with the Park City Uniform Building Code and other Park City Building Department regulations in force at the time of application.

Section 2.12.2.8 Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the timeshare conversion.

Section 2.12.2.9 For the conversion of any units in any condominium project or dwelling units in any planned unit development project, the written statements from not less than sixty-five percent of the owners of all existing units or dwelling units in the project indicating their unconditional approval of the timeshare conversion signed by such owners not more than ninety days prior to the date of the application for a conditional use permit.

Section 2.12.2.10 The existence, with respect to a property which is to be converted, of minor variations from the requirements of the current Park City Land Management Code, Park City Planning Commission Policies, Park City Uniform Building Code, and other Park City Building Department regulations in

effect at the time the application for a conditional use permit is made which are not otherwise dangerous conditions or in violation of applicable building codes in effect on the date the construction of the property was originally completed, which would render full compliance with the other requirements of this Section 2.12.2 impractical because of unique conditions of the property or which would result in extreme hardship. In the event the Planning Commission discovers such minor variations to exist in a timeshare conversion, the Planning Commission may, upon the written recommendation of the Building Official or upon the decision of the Board of Appeals, waive with respect to such minor variations literal compliance with the Park City Land Management Code, Park City Planning Commission policies, Park City Uniform Building Code requirements and other Park City Building Department regulations and may approve the timeshare conversion upon a finding by the Building Official or Board of Appeals that the conversion generally conforms with the spirit and purpose of the provisions of this Section 2.12.2 and other applicable City ordinances and guidelines in force at the time of application for a conditional use permit.

Section 2.13 OFF-PREMISES TIMESHARE CONTACTING LOCATIONS PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

Section 2.13.1 Conditions. In determining whether, and under what conditions to issue a conditional use permit for an off-premises timeshare contacting location the Planning Commission may consider:

Section 2.13.1.1 The impact the off-premises contacting location may have on pedestrian and vehicular traffic circulation in the area.

Section 2.13.1.2 The proximity of the off-premises contacting location to other off-premises contacting locations servicing the same timeshare project.

Section 2.13.1.3 Whether the off-premises contacting location will be located in a completely enclosed building.

Section 2.13.1.4 Compliance with the Park City Land Management Code and Park City Planning Commission policies, the City's Comprehensive Plan and other applicable City ordinances and guidelines in force at the time of application.

Section 2.13.1.5 Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the off-premises contacting location.

SECTION 3. Ordinance No. 12-79 of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by creating new Sections 3.1.6 and 3.1.7 to read as follows:

Section 3.1.6 TIMESHARE CONVERSIONS. Existing projects, properties or units, including, without limitation, those presently owned and operated as condominiums, planned unit developments, hotels and motels, shall not be converted to timeshare projects as defined by Section 1.5.89 without first obtaining from the Planning Commission a conditional use permit as required by Section 2 hereof. A conditional use permit must be obtained for the conversion of each separate project or property being converted.

Section 3.1.7 TIMESHARE PROJECTS.

Section 3.1.7.1 Information to be Filed with Timeshare Project Application. The Developer of any Timeshare Project other than a timeshare conversion shall file with the Planning Commission the following information as part of a building permit application:

Section 3.1.7.1.1 The proposed duration of timeshare intervals.

Section 3.1.7.1.2 Identification of the timeshare interval as a timeshare estate or timeshare use.

Section 3.1.7.1.3 Any restrictions on the use, occupancy, alteration or alienation of timeshare intervals.

Section 3.1.7.1.4 A copy of the proposed timeshare

instruments whereby the timeshare project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants, Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation, Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance of the timeshare project and/or units.

Section 3.1.7.1.5 The name, address and phone number of the managing agent of the project having authority to act on behalf of the Developer and/or the Owners' Association in emergency situations. Any change in name, address or phone number of the managing agent shall be filed with the Park City Planning Commission and the Park City Business Licensing Division.

Section 3.1.7.1.6 The name, address and phone number of the central contact person for the Developer and/or the timeshare project for business license, tax and utility service payments who will be responsible for making such payments on behalf of the Developer as provided by the timeshare instrument. Any change in name, address or phone number of the central contact person shall be filed with the Park City Planning Commission and the Park City Business Licensing Division.

Section 3.1.7.1.7 Whether the Developer plans to offer

resale assistance and/or exchange program affiliation to timeshare interval purchasers.

Section 3.1.7.1.8 A description of the methods to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the timeshare project.

Section 3.1.7.1.9 Any other information that the Developer or Planning Commission deems reasonably necessary to the consideration of the project.

SECTION 4. Ordinance No. 8-80A of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by amending Sections 4.3.2.4, 4.3.2.7, 4.9.2.4, 4.9.2.7, 4.10.2.1, 4.10.2.2.4 and 4.10.3.1, and creating new Sections 4.3.3.3., 4.9.3.6 and 4.10.3.2.7 to read as follows:

HISTORICAL COMMERCIAL BUSINESS (HCB) DISTRICT

Section 4.3.2 PERMITTED USES

Section 4.3.2.4. Service commercial establishments limited to the following and similar uses: Business office, catering service, financial institution, on-site timeshare sales office, off-premises timeshare sales office, personal service including barber and beauty shop, custom sewing, dry cleaning pickup station, laundromat, tailoring and shoe repair shop, parking lot or parking garage, studio for instruction in the arts, radio or television broadcasting facility.

Section 4.3.2.7 Dwelling units shall be limited to single family, duplex, multi-unit dwelling, hotels, accessory building uses, home occupations, nightly rentals, lockout rooms and timeshare projects other than timeshare conversions.

Section 4.3.3 CONDITIONAL USES

Section 4.3.3.3 Off-premises timeshare contacting locations and timeshare conversions.

GENERAL COMMERCIAL (GC) DISTRICT

Section 4.9.2 PERMITTED USES

Section 4.9.2.4. Service commercial establishments limited to the following and similar uses: Business office, catering service, financial institution, on-site timeshare sales office, off-premises timeshare sales office, personal service including barber and beauty shop, custom sewing, dry cleaning pickup station, handicraft production, laundromat, mortuary, tailoring and shoe repair shop, parking lot or parking garage, studio for instruction in the arts, radio or television broadcasting facility.

Section 4.9.2.7. Dwelling units limited to the following and similar uses: Single family, duplex, multi-unit dwellings, hotels, accessory buildings uses, homw occupations, nightly rentals, lockout rooms and timeshare projects other than timeshare conversions.

Section 4.9.3 CONDITIONAL USES

Section 4.9.3.6. Off-premises timeshare contacting locations and timeshare conversions.

RECREATION COMMERCIAL (RC) DISTRICT

Section 4.10.2 PERMITTED USES

Section 4.10.2.1 Residential Uses. Dwelling units limited to the following and similar uses: Single family, duplexes, and multi-unit dwellings not exceeding eight development credits, accessory buildings and uses, home occupations,

lockout rooms and timeshare projects other than timeshare conversions.

Section 4.10.2.2.4. Service commercial establishments limited to the following and similar uses: Business office, child nursery, financial institution, on-site timeshare sales office, off-premises timeshare sales office, personal service including barber and beauty shop, dry cleaning pickup station, laundromat, travel agency, parking lot or parking garage, studio for instruction in the arts, radio or television broadcasting facility.

Section 4.10.3 CONDITIONAL USES

Section 4.10.3.1 Residential Uses. Multi-unit dwellings requiring greater than eight development credits as defined in Section 4.10.22 and timeshare conversions.

Section 4.10.3.2.7 Off-premises timeshare contacting locations.

SECTION 5. Ordinance No. 8-80A of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by creating new Section 5.18 to read as follows:

Section 5.18 Presale of Timeshare Intervals. Prior to the time that: (1) a building permit has been obtained for a timeshare project other than a timeshare conversion or (2) a conditional use permit has been obtained for a timeshare conversion, a timeshare developer may offer reservations to purchase timeshare intervals subject to the following requirements:

Section 5.18.1 A reservation to purchase a timeshare interval shall be binding upon the timeshare developer but shall provide that the reservation may be cancelled by the prospective purchaser at any time prior to the date that (1) a building permit has been obtained for the timeshare project if the project of which the timeshare interval is a part is a timeshare project other than a timeshare conversion, or (2) a conditional use permit has been obtained for the timeshare project if the project of which the timeshare interval is a part is a timeshare conversion.

Section 5.18.2 The form of reservation agreement used by the timeshare developer must call for execution of a final contract of purchase before the prospective purchaser is legally bound to purchase the timeshare interval, and execution of such final contract of purchase may not take place prior to the date that (a) a building permit has been obtained for the timeshare project if the project is a timeshare project other than a

timeshare conversion, or (b) a conditional use permit has been obtained for the timeshare project if the project is a timeshare conversion.

Section 5.18.3 Any presale activity by a timeshare developer, its agents, employees or subcontractors must meet all requirements governing the offering or sale of timeshare intervals other than the requirement for project approval pursuant to a permitted use or conditional use application.

Section 5.18.4 Any timeshare developer who violates the requirements of this Section 5.18 in the reservation of timeshare intervals shall be guilty of a Class B misdemeanor and upon conviction thereof may be punished by imprisonment in the county jail for a term of six (6) months, or by fine or not more than \$299 or by both such fine and imprisonment.

SECTION 6. Ordinance No. 8-80A of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by amending Section 6.4 to read as follows:

Section 6.4 PLANNED UNIT DEVELOPMENT LAND USE
REGULATIONS

a. If nightly rentals are desired in a Development, this desire must be declared at the time of consideration by the Planning Commission.

b. If timesharing, as defined in the Code, is desired in the Development, such desire must be declared at the time of consideration by the Planning Commission.

SECTION 7. Ordinance No. 8-80A of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by creating new Sections 8.3.17 and 8.3.18 to read as follows:

OFF-STREET PARKING REQUIREMENTS

Section 8.3.17 On-site timeshare sales office, off-premises timeshare sales office - Two spaces for every 100 square feet in the sales office.

Section 8.3.18 Timeshare Projects -- The off-street parking requirements for hotels, motels and lodges set forth in Section 8.3 shall be used in determining the off-street parking requirements for timeshare projects.

SECTION 8. Ordinance No. 12-79 of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended to read as follows:

Section 8. Existing Projects -- Effect of Timeshare Amendments to Ordinances. Any timeshare project established by a timeshare instrument wherein timeshare intervals were sold or offered for sale on or before July 16, 1981, and the rights and obligations of all parties interested in any such existing timeshare project shall, to the extent that the timeshare instrument concerning such existing timeshare project is inconsistent with the provisions of the amendments to Ordinance No. 12-79 of the Park City Municipal Code relating to timeshare projects, be governed and controlled by the ordinances of the City as they existed prior to these amendments and by the terms of such existing timeshare project's timeshare instrument to the extent that the terms of such timeshare instrument are consistent with applicable City ordinances other than these amendments; provided, that any expansion of an existing timeshare project or the creation of any additional timeshare intervals therein must fully comply with these amendments.

Ordinance No. 8-80 A of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended to read as follows:

Section 13. Existing Projects -- Effect of Timeshare Amendments to Ordinances. Any timeshare project established by a timeshare instrument wherein timeshare intervals were sold or

offered for sale on or before July 16, 1981, and the rights and obligations of all parties interested in any such existing timeshare project shall, to the extent that the timeshare instrument concerning such existing timeshare project is inconsistent with the provisions of the amendments to Ordinance No. 8-80A of the Park City Municipal Code relating to timeshare projects, be governed and controlled by the ordinances of the City as they existed prior to these amendments and by the terms of such existing timeshare project's timeshare instrument to the extent that the terms of such timeshare instrument are consistent with applicable City ordinances other than these amendments; provided, that any expansion of an existing timeshare project or the creation of any additional timeshare intervals therein must fully comply with these amendments.

Section 9. Effective Date. This ordinance shall become effective upon publication hereof.

DATED this 21st day of January, 1982.

John C. [Signature]
Mayor

ATTEST:

M. R. Olson
Recorder

**AMENDMENTS TO THE LAND MANAGEMENT CODE
REGARDING DEFINITIONS AND ZONING DISTRICTS FOR
TIMESHARE, FRACTIONAL OWNERSHIP, AND PRIVATE RESIDENCE CLUB
OWNERSHIP UNITS AND PROJECTS**

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

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

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to clarify definitions regarding various forms of fractional ownership, including Timeshare and Private Residence Club ownership of condominium units and to enhance the resort nature of Park City; to facilitate economically viable developments; and to enable development of private residence club ownership properties in zoning districts where traditional timeshare ownership is not allowed; and

WHEREAS, it is in the best interest of the City to maintain Park City as a world class resort and amend the Land Management Code to encourage a variety of housing types and ownership including private homes, condominiums, timeshare properties, and private residence club properties in appropriate zoning districts; and

WHEREAS, the proposed amendments are consistent with the Park City General Plan and the goals and objectives of the City Council; are not harmful to the health, safety and welfare of the residents of Park City; and are consistent with the purpose statements of the zoning districts and overall purposes of the Land Management Code.

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

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

SECTION 2. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.13-2, RD, Residential Development, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.13-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.14-2, RDM, Residential Development Medium Density, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.14-2 of the Land Management Code of

Park City is hereby amended as redlined (see Exhibit C).

SECTION 4. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.16-2, RC, Recreation Commercial, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.16-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit D).

SECTION 5. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.18-2, GC, General Commercial, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.18-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit E).

SECTION 6. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.19-2, LI, Limited Industrial, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.19-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit F).

SECTION 7. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.17-2, RCO, Regional Commercial Overlay, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.17-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit G).

SECTION 8. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.6-2, HCB, Historic Commercial Business, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.6-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit H).

SECTION 9. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.5-2, HRC, Historic Recreation Commercial, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.5-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit I).

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 23rd day of September 2004.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder



Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney

EXHIBIT A

5-15-1.220. **Temporary Improvement.** A Structure built and maintained during construction of a Development, activity or special event and then removed prior to release of the performance Guarantee.

15-15-1.221. **Timeshare Conversion.** The conversion into a Timeshare Project of any Property and the existing Structure(s) attached thereto.

15-15-1.222. **Timeshare Estate.** ~~An ownership or leasehold estate in Property devoted to a timeshare fee, including without limitation, tenants in common, time span ownership, interval ownership, and cooperative timeshare ownership, created by a Timeshare Instrument and the documents by which it is granted. A Timeshare Estate shall be defined in accordance with Utah Code Section 57-19-2, as amended, excluding Private Residence Club ownership.~~

15-15-1.223. **Timeshare Instrument.** Any instrument whereby the Use, occupancy, or possession of real Property has been made subject to either a Timeshare Estate or Timeshare Use, and whereby such Use, occupancy, or possession circulates among three (3) or more purchasers of the Timeshare Intervals according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three (3) years in duration.

15-15-1.224. **Timeshare Interval.** A Timeshare Estate or a Timeshare Use.

15-15-1.225. **Timeshare Off-Premises Contacting Activity.** Activity occurring outside of a Timeshare Project that is engaged in by off-premises timeshare contacting personnel in an effort to induce Persons to attend a Timeshare Sales Presentation. Off-Premises Timeshare Contacting Activity must be confined to a fully enclosed Building.

15-15-1.226. **Timeshare Off-Premises Sales Activity.** Original timeshare sales and resale activity occurring outside of a Timeshare Project. Off-Premises Timeshare Sales shall be confined to a fully enclosed Building and is subject to business license regulation.

15-15-1.227. **Timeshare Off-Premises Sales Office.** An office outside of a Timeshare Project, wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales or resales.

15-15-1.228. **Timeshare On-Site Sales Activity.** Timeshare sales activity occurring within a Timeshare Project.

15-15-1.229. **Timeshare On-Site Sales Office.** An office located within a Timeshare Project wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales.

15-15-1.230. **Timeshare Project.** Any Property that is subject to a Timeshare Instrument, including a Timeshare Conversion.

15-15-1.231. **Timeshare Sales Presentation.**

- (A) An offer to sell or reserve a Timeshare Interval;
- (B) An offer to sell an option to purchase a Timeshare Interval;
- (C) The sale of a Timeshare Interval, or an option to purchase a Timeshare Interval; or
- (D) The reservation of a Timeshare Interval, whether the Timeshare Interval is located within or without the State of Utah.

15-15-1.232. **Timeshare Unit.** That unit of Property and time where possession and Use are allowed under a contract from seller to purchaser, ~~excluding Private Residence Club units.~~

15-15-1.233. **Timeshare Use.** Any contractual right of exclusive occupancy created by a Timeshare Instrument which does not fall within the definition of "Timeshare Estate", including, without limitation, a vacation license, ~~club membership,~~ general partnership interest, limited partnership interest, vacation bond, or beneficial interest in a trust, and the documents by which the right of exclusive occupancy is transferred, ~~excluding Private Residence Club use.~~

15-15-1.234. **Transferred Development Right (TDR) Open Space.** See Section 15-15-1.235. 15-1.151(C) Open Space, TDR.

15-15-1.164. **Porous Paving.** A substantial surfacing material designed and intended to support light vehicular movement. Porous Paving includes paving systems such as modular pavers which provide at least fifty percent (50%) surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not Porous Paving.

15-15-1.165. **Preliminary Plat.** The preliminary drawings of a proposed Subdivision, specifying the layout, Uses, and restrictions.

15-15-1.166. **Preservation Easement.** An easement that includes, as minimum stipulations, a conveyance of design approval for exterior changes, and a program whereby the Owner commits to restore and maintain a Structure following the Secretary of Interior's Standards for Rehabilitation, in a form approved by the City. A time frame for completion of the restoration program may be specified in the easement agreement.

15-15-1.167. **Private Club.** See 15-15-1.44. **Club, Private.**

15-15-1.168. **Private Residence Club.** Residential use real estate within a single Condominium project in which ownership or use of a Condominium Dwelling Unit or group of Condominium Dwelling Units is shared by not less than four (4) or more than twelve (12) owners or members per Condominium Dwelling Unit and whose use is established by a reservation system and is managed with 24 hour reservation and property management seven days a week, providing reservation, registration, and management capabilities. Membership in a Private Residence Club may be evidenced by: (i) a deeded interest in real property; (ii) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation or other business entity; (iii) a non-equity membership in a non-profit corporation, non-incorporated association or other entity; (iv) beneficial interest in a trust; or (iv) other arrangement providing for such use and occupancy rights.

15-15-1.169. **Private Residence Club Conversion.** The conversion of Condominium Units and associated Common areas within an existing Condominium project to the exclusive use as a Private Residence Club.

15-15-1.170. **Private Residence Club Project.** Any Condominium Property that is subject to a Private Residence Club deed, interest, trust, or other arrangement for providing for use and ownership as a Private Residence Club and contains at least 4 units.

15-15-1.168. **Property.** Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

15-15-1.169. **Property Line.** The boundary line of a Parcel or Lot.

(A) Property Line, Front. That part of a Parcel or Lot which abuts a Street.

EXHIBIT B

Chapter adopted by Ordinance No. 00-51

15-2.13-1. PURPOSE.

The purpose of the Residential Development RD District is to:

(A) allow a variety of residential Uses that are Compatible with the City=s Development objectives, design standards, and growth capabilities,

(B) encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,

(C) allow commercial and recreational activities that are in harmony with residential neighborhoods,

- (D) minimize impacts of the automobile on architectural design,
- (E) promote pedestrian connections within Developments and between adjacent Areas;
and
- (F) provide opportunities for variation in architectural design and housing types.

15-2.13-2. USES.

Uses in the RD District are limited to the following:

(A) ALLOWED USES.

- (1) Single-Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit 1
- (5) Accessory Apartment 2
- (6) Nightly Rental 3
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group 4
- (11) Accessory Building and Use
- (12) Conservation Activity

Agriculture

Parking Area or Structure with four (4) or fewer spaces

Recreation Facility, Private

Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays 5

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses

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

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling 6
- (2) Multi-Unit Dwelling⁶
- (3) Guest House
- (4) Group Care Facility
- (5) Child Care Center
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna 7
- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter 8
- (10) Raising, grazing of horses
- (11) Cemetery
- (12) Bed and Breakfast Inn
- (13) Hotel, Minor⁶
- (14) Hotel, Major⁶
- (15) Private Residence Club Project and Conversion¹⁰**
- (156) Office, General^{6, 9}**
- (167) Office, Moderate Intensive^{6,8}**
- (178) Office, Medical^{6,8}**
- (18) Financial Institution without drive-up window^{6,8}
- (19) Commercial Retail and Service, Minor^{6,8}
- (20) Commercial Retail and Service, personal improvement^{6,8}
- (21) Commercial, Resort Support^{6,8}
- (22) Café or Deli^{6,8}
- (23) Restaurant, Standard^{6,8}
- (24) Restaurant, Outdoor Dining 10

⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development

⁷ See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

⁸See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁹Allowed only as a secondary or support Use to the primary development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential developments.

¹⁰ Requires an Administrative Conditional Use permit.

- (25) Outdoor Event⁹
 - (26) Bar^{6,8}
 - (27) Hospital, Limited Care Facility^{6,8}
 - (28) Parking Area or Structure with five (5) or more spaces
 - (29) Temporary Improvement⁹

 - (30) Passenger Tramway Station and Ski Base Facility ¹¹
 - (31) Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹
 - (32) Recreation Facility, Public
 - (33) Recreation Facility, Commercial⁶
 - (34) Entertainment Facility, Indoor^{6,8}
 - (35) Commercial Stables, Riding Academy ¹²
 - (36) Master Planned Development with moderate income housing density bonus¹²
 - (37) Master Planned Development with residential and transient lodging Uses only ¹²
 - (38) Master Planned Development with Support Retail and Minor Service Commercial Uses¹²
 - (39) Heliport¹²
 - (40) Vehicle Control Gate¹³
 - (41) Fences greater than six feet (6') in height from Final Grade
- Salt Lake City 2002 Winter
Olympic Games Olympic
Legacy Displays ¹⁴

¹¹As part of an approved Ski Area Master Plan

¹²Subject to provisions of LMC Chapter 15-6, Master Planned Development

¹³ See Section 15-4-19 for specific review criteria for gates

¹⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License

EXHIBIT C

15-2.14-1. PURPOSE.

The purpose of the Residential Development Medium Density (RDM) District is to:

- (A) allow continuation of medium
Density residential and resort related

housing in the newer residential Areas of Park City;

(B) encourage the clustering of residential units to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services;

(C) allow limited generated businesses and recreational activities that are Compatible with residential neighborhoods;

(D) allow Development in accordance with the Sensitive Lands Ordinance;

(E) provide opportunities for variation in architectural design and housing types,

(F) promote pedestrian connections within Developments and between adjacent Areas; and

(G) minimize impacts of the automobile on architectural design.

(Amended by Ordinance No. 02-24)

15-2.14-2. USES.

Uses in the RDM District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit 1
- (6) Accessory Apartment 2
- (7) Nightly Rental 3
- (8) Home Occupation

- (9) Child Care, In-Home Babysitting
- (10) Child Care, Family

-
- (11) Child Care, Family Group 4
 - (12) Accessory Building and Use
 - (13) Conservation Activity
 - (14) Agriculture
 - (15) Parking Area or Structure with four (4) or fewer spaces
 - (16) Recreation Facility, Private
Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays 5

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling 6
- (2) Guest House
- (3) Group Care Facility
- (4) Child Care Center
- (5) Public and Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (7) Telecommunication Antenna 7
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter 8
- (9) Raising grazing of horses
- (10) Cemetery
- (11) Bed and Breakfast Inn
- (12) Boarding House, Hotel
- (13) Hotel, Minor⁶
- (14) Hotel, Major⁶
- (15) Private Residence Club Project and Conversion¹¹**
- (156) Office, General^{6, 9}

- (16) Office, Moderate Intensive^{6, 10}
- (17) Office and Clinic, Medical^{6,10}
- (18) Financial Institution, without drive-up window^{6,10}
- (19) Commercial Retail and Service, Minor^{6,10}
- (20) Commercial Retail and Service, personal improvement^{6,10}
- (21) Commercial, Resort Support^{6,10}
- (22) Cafe or Deli^{6,10}
- (23) Restaurant, Standard^{6,10}
- (24) Restaurant, Outdoor Dining 11
- (25) Outdoor Event
- (26) Bar^{6,10}
- (27) Hospital, Limited Care Facility^{6,9}
- (28) Parking Area or Structure with five (5) or fewer spaces
- (29) Temporary Improvement¹¹

-
- (30) Passenger Tramway Station and Ski Base Facility 12
 - (31) Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹²
 - (32) Recreation Facility, Public
 - (33) Recreation Facility, Commercial⁶
 - (34) Entertainment Facility, Indoor^{6,9}
 - (35) Commercial Stables, Riding Academy^{6,9}
 - (36) Master Planned Development with moderate income housing Density bonus⁶
 - (37) Master Planned Development with residential and transient lodging Uses only⁶
 - (38) Master Planned Development with Support Retail and Minor Service Commercial⁶
 - (39) Fences greater than six feet (6') in height from Final Grade
Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays 13

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-24; 02-38)

EXHIBIT D

Chapter adopted by Ordinance No. 00-51

15-2.16-1. PURPOSE.

The purpose of the Recreation Commercial RC District is to:

- (A) allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities,
- (B) allow for resort-related transient housing with appropriate supporting commercial and service activities,
- (C) encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services,
- (D) limit new Development on visible hillsides and sensitive view Areas,
- (E) provide opportunities for variation in architectural design and housing types,
- (F) promote pedestrian connections within Developments and to adjacent Areas,
- (G) minimize architectural impacts of the automobile,

(H) promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs,

(I) promote Park City=s mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and

(J) promote the preservation and rehabilitation of Historic Buildings.

15-2.16-2. USES.

Uses in the RC District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit 1

- (6) Accessory Apartment 2
- (7) Nightly Rental 3
- (8) Home Occupation
- (9) Child Care, In-Home

Babysitting

- (10) Child Care, Family
- (11) Child Care, Family Group 4
- (12) Child Care Center
- (13) Accessory Building and Use
- (14) Conservation Activity
- (15) Agriculture
- (16) Bed & Breakfast Inn
- (17) Boarding House, Hostel
- (18) Hotel, Minor
- (19) Parking Area or Structure with four (4) or fewer spaces

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WinterOlympic Games

Olympic Legacy Displays 5

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling
- (2) Group Care Facility
- (3) Public and Quasi-Public Institution, Church, and School

-
- (4) Essential Municipal Public Utility Use, Facility, Service, and Structure
 - (5) Telecommunications Antenna 6
 - (6) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter 7
 - (7) Raising, grazing of horses
 - (8) Cemetery
 - (9) Hotel, Major
 - (10) Timeshare Project and Conversion
 - (11) Timeshare Sales Office
 - (12) Private Residence Club Project and Conversion⁹**
 - (123) Office, General 8
 - (134) Office, Moderate⁸
 - (145) Office and Clinic, Medical⁸
 - (156) Financial Institution without drive-up window⁸
 - (167) Minor Retail and Service Commercial⁸
 - (17) Retail and Service Commercial, personal improvement⁸
 - (18) Transportation Service⁸

 - (19) Neighborhood Market, without gasoline sales⁸
 - (20) Café or Deli⁸
 - (21) Restaurant, General⁸
 - (22) Restaurant, Outdoor Dining^{8, 9}
 - (23) Bar⁸
 - (24) Hospital, Limited Care Facility⁸
 - (25) Parking Area or Structure with five (5) or more spaces
 - (26) Temporary Improvement 10
 - (27) Passenger Tramway Station and Ski Base Facility 11
 - (28) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge¹¹
 - (29) Outdoor Event¹⁰
 - (30) Recreation Facility, Public and Private 12
 - (31) Recreation Facility, Commercial¹²
 - (32) Entertainment Facility, Indoor¹²
 - (33) Commercial Stables, Riding Academy¹²
 - (34) Master Planned Developments
 - (35) Heliport¹²
- Fences greater than six feet (6') in height from Final Grade
- Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays 13

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38)

EXHIBIT E

Chapter adopted by Ordinance No. 00-51

15-2.18-1. PURPOSE.

The purpose of the General Commercial (GC) District is to:

- (A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- (B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- (C) protect views along the City=s entry corridors,
- (D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,
- (E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,
- (F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
- (G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and public art.

15-2.18-2. USES.

Uses in the GC District are limited to the following:

(A) ALLOWED USES.

- (1) Secondary Living Quarters
Lockout Unit 1
Accessory Apartment 2
- (4) Nightly Rental
- (5) Home Occupation

-
- (6) Child Care, In-Home Babysitting
 - (7) Child Care, Family
 - (8) Child Care, Family Group 3
 - (9) Child Care Center
 - (10) Accessory Building and Use
 - (11) Conservation Activity
 - (12) Agriculture
 - (13) Plant and Nursery Stock production and sales
 - (14) Bed & Breakfast Inn
 - (15) Boarding House, Hostel
 - (16) Hotel, Minor
 - (17) Hotel, Major
 - (18) Office, General
 - (19) Office, Moderate Intensive
 - (20) Office, Intensive
 - (21) Office and Clinic, Medical
 - (22) Financial Institution without a drive-up window
 - (23) Commercial, Resort Support
 - (24) Retail and Service Commercial, Minor
 - Retail and Service Commercial, Personal Improvement
 - (26) Retail and Service Commercial, Major
 - (27) Cafe or Deli
 - (28) Restaurant, General
 - (29) Hospital, Limited Care Facility
 - (30) Parking Area or Structure with four (4) or fewer spaces
 - (31) Parking Area or Structure with five (5) or more spaces
 - (32) Recreation Facility, Private

(B) **CONDITIONAL USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Multi-Unit Dwelling
- (5) Group Care Facility
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna 4
- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter 5
- (10) Timeshare Project and Conversion
- (11) Timeshare Sales Office, off-site within an enclosed Building
- (12) Private Residence Club Project and Conversion⁸**
- (123) Financial Institution with a Drive-up Window 6**
- (13) Retail and Service Commercial with Outdoor Storage
- (14) Retail and Service Commercial, Auto Related
- (15) Transportation Service

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38; 04-08)

EXHIBIT F

Chapter adopted by Ordinance No. 00-51

15-2.19-1. PURPOSE.

The purpose of the Light Industrial (LI) District is to:

(A) allow light industrial and manufacturing Uses that will not create traffic hazard, noise, dust, fumes, odors, smoke, vapor, vibration, glare, or industrial waste disposal problems,

(B) allow Conditional Uses to mitigate potential impacts,

-
- (16) Retail Drive-Up Window ⁷
 - (17) Gasoline Service Station
 - (18) Restaurant and Cafe, Outdoor Dining ⁸
 - (19) Restaurant, Drive-up Window ⁷
 - (20) Outdoor Event ⁸
 - (21) Bar
 - (22) Sexually Oriented Businesses ⁹
 - (23) Hospital, General
 - (24) Light Industrial Manufacturing and Assembly
 - (25) Temporary Improvement ⁸
 - (26) Passenger Tramway and Ski Base Facility
Ski tow rope, ski lift, ski run, and ski bridge
Commercial Parking Lot or Structure
 - (29) Recreation Facility, Public
 - (30) Recreation Facility, Commercial
Indoor Entertainment Facility
 - (32) Master Planned Development with moderate housing density bonus ¹⁰
 - (33) Master Planned Developments ¹⁰
 - (34) Heliport
 - (35) Temporary Sales Trailer in conjunction with an active Building permit for the Site. ⁸
 - (36) Fences greater than six feet (6') in Height from Final Grade

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(C) accommodate complementary and supporting Uses such as parking, child care, retail, offices, group care, and recreation facilities, and

(D) allow new light industrial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural design and details, color range, massing, lighting, landscaping, and the relationship to Streets and pedestrian ways.

15-2.19-2. USES.

Uses in the LI District are limited to the following:

(A) ALLOWED USES.

- (1) Secondary Living Quarters
- (2) Accessory Apartment 1
- (3) Nightly Rental
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting
- (6) Child Care, Family
- (7) Child Care, Family Group 2
- Child Care Center
- Agriculture
- Plant and Nursery Stock
- Office, General
- (12) Office, Moderate Intensive
- (13) Office, Intensive
- (14) Financial Institution without drive-up window
- (15) Retail and Service Commercial, Minor

- (16) Retail and Service Commercial, Personal Improvement
- (17) Retail and Service Commercial, Major
- (18) Commercial, Resort Support
- (19) Hospital, Limited Care
- (20) Parking Area or Structure with four (4) or fewer spaces
- (21) Recreation Facility, Private

(B) CONDITIONAL USES.

- (1) Multi-Unit Dwelling

¹See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

²See LMC Chapter 15-4-9 for Child Care Regulations

- (2) Group Care Facility
- (3) Child Care Center
- (4) Public and Quasi-Public Institution, Church, and School
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (6) Telecommunication Antenna 3
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter 4
- (8) Accessory Building and Use
- (9) Raising, grazing of horses
- (10) Bed and Breakfast Inn
- (11) Boarding House, Hostel
- (12) Hotel, Minor
- (13) Private Residence Club Project and Conversion⁶**
- (134) Office and Clinic, Medical
- (145) Financial Institutions with Drive-Up Window 5
- (156) Retail and Service Commercial with Outdoor Storage
- (16) Retail and Service Commercial, Auto-Related
- (17) Transportation Services
- (18) Retail Drive-Up Window⁵
- (19) Gasoline Service Station
- (20) Café or Deli
- (21) Restaurant, General
- (22) Restaurant, Outdoor Dining
- (23) Restaurant, Drive-Up Window
- (24) Outdoor Event 6
- (25) Bar
- (26) Hospital, General
- (27) Light Industrial Manufacturing and Assembly Facility
- (28) Parking Area or Structure with five (5) or more spaces
- (29) Temporary Improvement⁶
- (30) Passenger Tramway Station and Ski Base Facility
- (31) Ski tow rope, ski lift, ski run, and ski bridge
- (32) Recreation Facility, Public
- (33) Recreation Facility, Commercial
- (34) Entertainment Facility, Indoor
- (35) Commercial Stables, Riding Academy

³ See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

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

⁵See Section 2.19-8 for Drive-Up Window review criteria

⁶Subject to Administrative Conditional Use permit.

- (36) Master Planned Developments 7
- (37) Heliports
- (38) Commercial Parking Lot or Structure
- (39) Temporary Sales Office, in conjunction with an active Building permit.
- (40) Fences greater than six feet (6') in height from Final Grade.

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

EXHIBIT G

Chapter adopted by Ordinance No. 00-51

15-2.17-1. PURPOSE.

To allow for regional Commercial Uses on Properties not otherwise zoned for Commercial Uses. This overlay zone affords the Owner the option to apply for commercial Development and Use on lands affected by the overlay zone. In the event the Application for Commercial Use is denied, the underlying zoning governs permissible Development of the Property.

15-2.17-2. USES.

Uses in the RCO District are limited to the following:

(A) ALLOWED USES.

- (1) Secondary Living Quarters
- (2) Lockout Unit 1
- (3) Accessory Apartment 2
- (4) Nightly Rental
- (5) Home Occupation
- (6) Child Care, In-Home Babysitting
- (7) Child Care, Family
- (8) Child Care, Family Group 3
- (9) Accessory Building and Use

⁷Subject to provisions of LMC Chapter 15-6, Master Planned Development.

¹Nightly Rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

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

- (10) Conservation Activity
 - (11) Agriculture
 - (12) Parking Area or Structure with four (4) or fewer spaces
 - (13) Recreation Facility, Private
 - (14) Allowed Uses in the Underlying Zoning District
- Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays 4

⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License.

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling ⁵
- (2) Group Care Facility⁵
- (3) Child Care Center⁵
- (4) Public and Quasi-Public Institution, Church and School⁵
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure⁵
- (6) Telecommunication Antenna ⁶
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter ⁷
- (8) Plant and Nursery stock products and sales⁵
- (9) Bed and Breakfast Inn⁵
- (10) Boarding House, Hostel⁵
- (11) Hotel, Minor⁵
- (12) Hotel, Major⁵
- (13) Private Residence Club Project and Conversion⁹**
- ~~(13)~~ Timeshare Sales Office, off-site⁵
- ~~(14)~~ Office, General⁵
- ~~(15)~~ Office, Moderate Intensive⁵
- (16) Office, Intensive⁵
- (17) Office and Clinic, Medical⁵
- (18) Financial Institution, with and without drive-up window^{5, 8}
- (19) Retail and Service Commercial, Minor⁵
- (20) Retail and Service Commercial, personal improvement⁵
- (21) Retail and Service Commercial, Major⁵
- (22) Transportation Service⁵
- (23) Retail Drive-Up Window⁸
- (24) Neighborhood Convenience Commercial⁵
- (25) Commercial, Resort Support⁵
- (26) Gasoline Service Station⁵
- (27) Cafe, Deli⁵

⁵Subject to provisions of Chapter 15-6, Master Planned Developments

⁶ See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁸See Section 15-2.18-5 criteria for drive-up windows

- (28) Restaurant, General⁵
- (29) Restaurant, Outdoor Dining 9
- (30) Outdoor Event⁹
- (31) Restaurant, Drive-up window⁸
- (32) Bar⁵
- (33) Hospital, Limited Care Facility⁵
- (34) Hospital, General⁵
- (35) Parking Area or Garage with five (5) or more spaces⁸
- (36) Temporary Improvement⁹
- (37) Passenger Tramway Station and Ski Base Facility⁵
- (38) Ski tow rope, ski lift, ski run, and ski bridge⁵
- (39) Recreation Facility, Public⁵
- (40) Recreation Facility, Commercial⁵

- (41) Entertainment, Indoor⁵
- (42) Master Planned Developments⁵
- (43) Heliport⁵

⁹ Requires an Administrative Conditional Use permit

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38)

EXHIBIT H

15-2.6-1. PURPOSE.

The purpose of the Historic Commercial Business (HCB) District is to:

- (A) preserve the cultural heritage of the City=s original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,
- (G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,
- (H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
- (I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.

15-2.6-2. USES.

¹⁰Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Multi-Unit Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit 1

¹Nightly Rental of Lock Units requires a Conditional Use permit

- (5) Accessory Apartment 2
- (6) Nightly Rental 3
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group 4
- (11) Child Care Center
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn 5
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General
- (19) Office, Moderate Intensive
- (20) Office and Clinic, Medical
- (21) Financial Institution, without drive-up window
- (22) Commercial Retail and Service, Minor
- (23) Commercial Retail and Service, personal improvement
- (24) Commercial Neighborhood Convenience, without gasoline sales
- (25) Restaurant, Cafe or Deli
- (26) Restaurant, General
- (27) Bar
- (28) Parking Lot, Public or Private with four (4) or fewer spaces
- (29) Entertainment Facility, Indoor
- (30) Salt Lake City 2002 Winter Olympic Games Legacy Displays 6

(B) **CONDITIONAL USES.**

- (1) Group Care Facility

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

³Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

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

⁵ Requires an Administrative Conditional Use permit

⁶Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License.

- (2) Public and Quasi-Public Institution, Church, School
- (3) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (4) Telecommunication Antenna ⁷
- (5) Satellite Dish, greater than thirty-nine inches (39") in diameter ⁸
- (6) Plant and Nursery stock products and sales
- (7) Hotel, Major

- (8) Timeshare Projects and Conversions
- (9) Timeshare Sales Office, Off-Site within an enclosed Building
- (10) Private Residence Club Project and Conversion⁵**
- ~~(10)~~ (11) Commercial Retail and Service, Major
- ~~(11)~~ (12) Office, Intensive
- ~~(12)~~ (12) Restaurant, Outdoor Dining⁵
- (13) Outdoor Events
- (14) Hospital, Limited Care Facility
- (15) Parking Area or Structure for five (5) or more cars
- (16) Temporary Improvement
- (17) Passenger Tramway Station and Ski Base Facility
- (18) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (19) Recreation Facility, Public or Private
- (20) Recreation Facility, Commercial
- (21) Fences greater than six feet (6') in height from Final Grade

⁷ See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁸ See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays 9

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38)

EXHIBIT I

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

The purpose of the Historic Recreation Commercial (HRC) District is to:

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize the visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate density bed base at the Town Lift,
- (G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,
- (H) encourage preservation and rehabilitation of Historic Buildings and resources.

15-2.5-2. USES.

Uses in the HRC are limited to the following:

(A) **ALLOWED USES.**

⁹Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit 1
- (5) Accessory Apartment 2
- (6) Nightly Rental
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group 3
- (11) Child Care Center
- Accessory Building and Use
- Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn 4
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General
- (19) Parking Area or Structure, with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Guest House, on Lots ☐ one acre
- (4) Group Care Facility
- (5) Public and Quasi-Public Institution, Church, School
- (6) Essential Municipal Public Utility Use, Facility, Service and Structure
- (7) Telecommunication Antenna 5
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter 6

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

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

⁴Requires an Administrative Conditional Use permit

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

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

- (9) Plant and Nursery stock products and sales
 - (10) Hotel, Major
 - (11) Timeshare Projects and Conversions
 - (12) Private Residence Club Project and Conversion⁴**
 - (123) Office, Intensive
 - (134) Office and Clinic, Medical
 - (14) Financial Institution, without drive-up window ⁷
 - (15) Commercial Retail and Service, Minor⁷
 - (16) Commercial Retail and Service, personal improvement⁷
 - (17) Neighborhood Convenience Commercial, without gasoline sales
 - (18) Café or Deli⁷
 - (19) Restaurant, General⁷
 - (20) Restaurant and café, Outdoor Dining⁴
 - (21) Outdoor Events⁴
 - (22) Bar
 - (23) Parking Area or Structure, with five (5) or more spaces
 - (24) Temporary Improvement
 - (25) Passenger Tramway Station and Ski Base Facility
 - (26) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
 - (27) Recreation Facility, Commercial, Public, and Private
 - (28) Entertainment Facility, Indoor
 - (29) Fences greater than six feet (6') in height from Final Grade
- (C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

⁷If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

Ordinance No. 04-38

AN ORDINANCE TO COMBINE ALL OF LOT 28 AND PORTIONS OF LOTS 29, 30 AND 31 OF BLOCK 32 OF THE PARK CITY SURVEY INTO ONE LOT OF RECORD, LOCATED AT 52 KING ROAD PARK CITY, UTAH

WHEREAS, the owner of the property known as 52 King Road, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on August 25, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove the lot lines between five lots of record creating one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes.
3. The amendment will combine all of Lot 28 and portions of Lots 29, 30 and 31 of Block 32 of the Park City Survey into one lot of record.
4. On August 17, 1998, the Historic District Commission found that the existing single-family home on the property is not historically significant.
5. Access to the property is available from either Upper Norfolk Avenue or King Road.
6. The proposed lot size is 5,760 square feet.
7. There is an existing non-historically significant home on the property.
8. No remnant lots will be created as a result of this application.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.

2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan

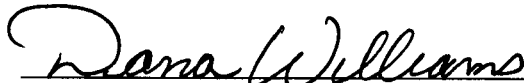
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. Prior to the receipt of a building permit, the applicant shall submit a Steep Slope CUP application for review by the Planning Commission.
4. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

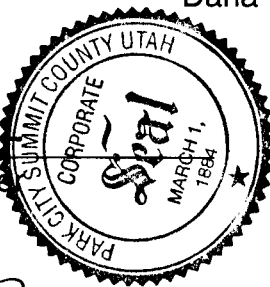
PASSED AND ADOPTED this 9th day of September 2004.

PARK CITY MUNICIPAL CORPORATION


Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder



Approved as to form:


Mark D. Harrington, City Attorney

Exhibit E – Approved Timeshares and Private Residence Clubs

December 1, 1982 – the Planning Commission approved a Conditional Use Permit for a Timeshare at the Silver Cliff Village Condominiums at 1375 Woodside Avenue

December 15, 1982 – the Planning Commission approved a Timeshare for Snowcrest (now known as Powder Pointe) at 1500 Empire Avenue.

October 22, 1986 – the Planning Commission approved a Conditional Use Permit for a Timeshare at 1710 Prospector Avenue

December 17, 1986 – the Planning Commission approved Conditional Use Permit for a Timeshare conversion for the New Claim Condominiums at 2000 Prospector Avenue

July 11, 2001 – the Planning Commission approved a Conditional Use Permit for a Timeshare at 1765 Sidewinder Drive, Club Lespri

November 4, 2004 – Planning staff approved a Private Residence Club for the Chateaux at Silverlake Building A at 7815 Royal Street East

January 12, 2005 – the Planning Commission reviewed an appeal of the 2004 approval and affirmed Planning staff's approval

March 9, 2005 – the Planning Commission approved a Conditional Use Permit for a Private Residence Club Unit for 1321 Pinnacle Court Unit 7, The Pinnacle at Deer Valley

On September 22, 2009 – Planning staff approved an Administrative Conditional Use Permit for a Private Residence Club for Unit 104 of the Poison Creek Mercantile Condominiums at 255 Heber Avenue

November 26, 2006 – Planning staff approved an Administrative Conditional Use Permit for a Private Residence Club for the Red Stag Lodge, 2550 Deer Valley Drive East

February 14, 2023, 12:48 PM

Hi Rebecca,

It was a pleasure meeting with you and Gretchen at the informational session held on February 7th at the Park City Library. I appreciated your explanation of the issues and options under consideration.

I'm writing to encourage the Planning Commission to support, and for Park City to adopt, broad and liberal policies concerning the use of private dwelling units throughout the City. Specifically, I would encourage the City to adopt the broadest proposal under consideration for permitted locations of timeshares, private residence clubs, and fractional use of dwelling units.

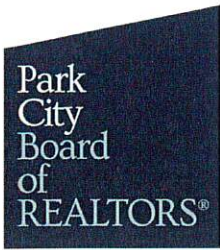
As one who has owned property in Park City proper for nearly 20 years, it is in my best interests to determine for myself how I use my property. And while safety and sanitation concerns, of course, play into appropriate uses of property, as a general rule, I believe market forces should be given much discretion to determine highest and best use, especially in a dynamic property market like ours in Park City. This will encourage valuable investment into the city and its neighborhoods and help foster an attractive, prosperous, and continuously improving residential environment. Restricting an owner's use or disposition of their property devalues it, and only discourages ongoing investment and pride of ownership.

Rather than the attention on restricting property use, I feel like solving for street parking and traffic, for example, deserve the time and focus of the Planning Committee and City Council. For example, encouraging second garages and off street parking spaces will benefit full time family residents, and help with congestion; the nightly rental and fractional ownership crowd don't need the extra parking spaces, but full time residents do. Similarly, smiling equally on larger lot sizes makes more sense than pushing for smaller lots, with their increased population density.

For better or worse, Park City is no longer a hidden treasure, so let's accept that and encourage policies that foster investment in a beautiful, improving City to be enjoyed by many, while doing our best to continue to preserve the natural environment and open space investments that make the City the jewel that it is.

Best regards,

Dean



Park City Board of REALTORS®
1889 Prospector Avenue
Park City, Utah 84060
"The Voice of Real Estate in the Wasatch Back"

February 17, 2023

Dear Park City Council,

The Park City Board of REALTORS® (PCBR) respectfully asks the Park City Council to stop allowing amendments to the Land Management Codes that violate private property rights. We believe the proposed amendment would constitute a regulatory overreach by the local government. We still agree and stand on the comments we submitted in June of 2022 pertaining to this amendment.

Respectfully,

A blue ink signature of Joanne O'Connell, written in a cursive style.

Joanne O'Connell
2023 President, Park City Board of REALTORS®

A blue ink signature of Jamie Johnson, written in a cursive style.

Jamie Johnson
CEO, Park City Board of REALTORS®

Planning Commission Staff Report



Subject: Bicycle Parking Requirements
Application: PL-23-05563
Author: Rebecca Ward, Assistant Planning Director
Date: February 22, 2023
Type of Item: Work Session

Recommendation

Review and provide input on proposed Land Management Code amendments to update bicycle parking requirements.

Description

Applicant: Planning Department

Zoning District: All Zoning Districts

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 Action¹

LMC Land Management Code

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

Background

In the fall of 2021, the Transportation Planning Department issued a bike/plan survey and 5% of respondents stated that lack of bike racks or having expensive bikes with no secure parking options were among the biggest reasons they did not bike more.

Land Management Code (LMC) [Section 15-3-9](#) requires temporary outdoor bicycle parking (bike racks) for at least three bicycles or 10% of the required parking for vehicles, whichever is greater. As the Planning Commission reviewed projects last year, the Commission identified opportunities to update this Section to reflect community needs for both short-term Outdoor Bicycle Parking for visitors to a site and to create new requirements for long-term indoor Enclosed Bicycle Storage for residents and employees of a site.

The City's vision outlined in [Park City Forward](#) is to embrace innovation to provide safe, year-round transportation options that promote a connected, inclusive, and multimodal mountain community and culture. Park City Forward—a supplement to the Park City General Plan—establishes a mode share target for over 30% biking, walking, and

¹ LMC [Section 15-1-7](#)

transit by 2050. Additionally, Goal 3 of Park City’s General Plan is to “encourage alternative modes of transportation on a regional and local scale to maintain our small town character.”² Community Planning Strategy 3.2 is to amend the LMC to “[r]equire secure bicycle parking options.”³

The recommended amendments below take into consideration Planning Commission liaison and Transportation Planning Department input, as well as best practices and model ordinances:

- [*Downtown and Main Street Parking Management Plan Final Report \(2016\)*](#), prepared for Park City by Nelson Nygaard in collaboration with Fehr & Peers and Carl Walker, Inc.
- [*Essentials of Bike Parking: Selecting and Installing Bike Parking that Works \(2015\)*](#) from the Association of Pedestrian & Bicycle Professionals (APBP), a community of practitioners working to create more walkable, bikeable places
- *Guide for the Development of Bicycle Facilities* from the American Association of State Highway and Transportation Officials (AASHTO)
- *Urban Street Design Guides* from the National Association of City Transportation Officials (NACTO)
- Code reviews – Lake Tahoe, California; Aspen, Boulder, and Fort Collins, Colorado; Billings and Butte, Montana; New York City, New York; Portland, Oregon; Austin, Texas; Provo and Salt Lake City, Utah; Washington DC; Seattle, Washington; and Jackson, Wyoming

Analysis

The Land Management Code implements the policies of the Park City General Plan.⁴

Potential updates to Section 15-3-9 include:

Outdoor Bicycle Parking (bicycle racks that provide short-term parking for those visiting a site)

- Increasing the requirement for Outdoor Bicycle Parking
- Requiring that some Outdoor Bicycle Parking accommodates cargo, recumbent, tandem, electric, and bicycles with trailers
- Requiring covered Outdoor Bicycle Parking with snow clearing and maintenance standards
- Updating required materials and installation standards

² General Plan, [Small Town](#), p. 22

³ General Plan, [Small Town](#), p. 24

⁴ LMC [Section 15-1-2](#) *Statement of Purpose*

Enclosed Bicycle Parking (long-term bicycle parking provided within a parking garage or building)

- Establishing long-term Enclosed Bicycle Storage facilities for Multi-Unit Dwellings with 10 or more Dwelling Units that do not have a private garage and for a percentage of the required Off-Street Parking for other Uses
- Requiring a bicycle repair station for those projects that must provide 10 or more Enclosed Bicycle Parking spaces

General Updates

- Allow for a fee in lieu for those properties in the Historic Districts that have no setbacks
- Establish flexibility for best outcomes

Staff recommends replacing Land Management Code [Section 15-3-9](#) in its entirety with the following:

15-3-9 Bicycle Parking Requirements

A. OUTDOOR BICYCLE PARKING AND ENCLOSED BICYCLE STORAGE

REQUIREMENTS. Uses that require Off-Street Parking shall provide Outdoor Bicycle Parking and Enclosed Bicycle Storage according to the requirements of this Section.

B. OUTDOOR BICYCLE PARKING. Outdoor Bicycle Parking is an area where one bicycle may be securely stored with both wheels resting on a stable surface and conveniently accessed and removed without requiring the movement of other bicycles, vehicles, or other objects.

1. Outdoor Bicycle Parking must:
 - a. Be inverted-U, post and ring, corral, or other as approved by the City Engineer and Transportation Planning Department;
 - b. Be mounted in concrete;
 - c. Be galvanized or stainless steel, coated with PVC or thermoplastic, and resistant to rust, corrosion, hammers, and saws;
 - d. Provide secure racks in which both the bicycle frame and wheel may be locked by the user using a U-lock;
 - e. Be designed to prevent damage to the bicycle and to facilitate easy and secure bicycle parking without interference from or to adjacent bicycles;
 - f. Be installed no more than fifty feet (50') from the primary entrance;
 - g. Be located in convenient, highly visible, active, well-lighted areas that are easily accessible from the Right-of-Way, bicycle lanes, and/or trails and pathways;
 - h. Meet the dimension, setback, and installation requirements outlined in the NACTO or AASHTO design guidelines, as approved by the City Engineer or Transportation Planning;
 - i. Be Compatible in design and function with the surrounding Buildings and Street furniture;
 - j. Be protected from vehicles;
 - k. Be maintained in good condition, appearance, and repair;

- l. Be protected from weather by existing structures such as overhangs or awnings or by natural elements such as a tree canopy;
 - m. Be clear of ice, snow, and any other obstructions;
 - n. Not obstruct pedestrian or ADA accessibility.
2. Outdoor Bicycle Parking shall be provided for X percent of the required Off-Street Parking Spaces for the temporary storage of bicycles. X percent of the Outdoor Bicycle Parking shall accommodate large bicycles such as cargo, recumbent, tandem, electric, and bicycles with trailers (at least three feet by ten feet per parking space).

C. ENCLOSED BICYCLE STORAGE. Enclosed Bicycle Storage provides secure long-term storing and locking of bicycles for residents, employees, and commuters.

- 1. Enclosed Bicycle Storage must:
 - a. Be located within the parking garage or Building for which it is required;
 - b. Be enclosed with solid walls or floor-to-ceiling fencing;
 - c. Be securely locked and access-controlled;
 - d. Contain racks for support and locking of individual bicycles;
 - e. If not located on the ground floor, be accessible by an elevator with interior dimensions of at least 80 inches by 54 inches; and
 - f. Provide electrical outlets for e-bike charging.
- 2. Enclosed Bicycle Storage shall be provided for X percent of the required Off-Street Parking for Multi-Unit Dwellings with ten or more Units and for X percent of the required Off-Street Parking for all other Uses. X percent of the Enclosed Bicycle Storage shall accommodate large bicycles such as cargo, recumbent, tandem, electric, and bicycles with trailers (at least three feet by ten feet per parking space).
- 3. Applicants required to provide ten or more Enclosed Bicycle Storage spaces shall include a bicycle repair station.

D. EXCEPTIONS. This Section does not apply to Summit Bike Share.

E. ALTERNATIVE COMPLIANCE. The Planning Commission may reduce or modify the required Outdoor Bicycle Parking and Enclosed Bicycle Storage when the Applicant demonstrates a plan that achieves secure bicycle parking facilities that best suits the Uses and physical constraints of a Site.

F. Payment In-Lieu. Structures with zero Setback requirements or Properties where Outdoor Bicycle Parking or Enclosed Bicycle Parking would negatively impact access, circulation, or snow removal, may pay a fee in-lieu for required bicycle parking.

Future Amendments

One of the amendments prioritized by the Planning Commission for 2023 is to codify Transportation Demand Management requirements for applications. As part of Transportation Demand Management strategies, some communities require that commercial, office, and industrial uses provide shower facilities if they meet a certain

square footage requirement shown in the table below:⁵

TABLE 24-96-1 SHOWER FACILITIES REQUIRED FOR EMPLOYEES

Use	1 Shower per Gender	1 Additional Shower per Gender
Commercial	50,000 sq. ft. to 200,000 sq. ft.	At 200,001 sq. ft. and every 200,000 sq. ft. over 200,000 sq. ft.
Office	50,000 sq. ft. to 150,000 sq. ft.	At 150,001 sq. ft. and every 100,000 sq. ft. over 150,000 sq. ft.
Industrial	100,000 sq. ft. to 300,000 sq. ft.	At 300,001 sq. ft. and every 200,000 sq. ft. over 300,000 sq. ft.

As part of the Transportation Demand Management amendments, shower facilities and additional support facilities that incentivize active transportation may be considered.

Department Review

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

⁵ [Butte County Regulations](#) (p. 49)