

# PARK CITY MUNICIPAL CORPORATION PLANNING COMMISSION



**SANTY AUDITORIUM; PARK CITY LIBRARY**  
**1255 PARK AVENUE, PARK CITY**

August 10, 2016

## AGENDA

**MEETING CALLED TO ORDER AT 5:30PM**

**ROLL CALL**

**ADOPTION OF MINUTES OF JULY 13, 2016**

**ADOPTION OF MINUTES OF JULY 27, 2016**

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

**STAFF BOARD COMMUNICATIONS AND DISCLOSURES**

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

Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-  
station Sites – Sweeney Properties Master Plan PL-08-00370 121  
*Planner*  
*Review of proposed density and public hearing Astorga*  
*Consideration of Motion to Continue Public Hearing to September 14, 2016*

3776 Rising Star Lane – Zone change from Recreation Open Space (ROS)  
Zone to Estate (E) Zone. In order to accommodate the proposed building  
pad the zone line delineating between two zoning districts is proposed to  
be moved with a Zone Change from Recreation Open Space (ROS) zone to  
Estate (E) zone. PL-16-03156 213  
*Planner*  
*Hawley*  
*Public hearing and possible recommendation to City Council on September*  
*15, 2016*

3776 Rising Star Lane – Plat Amendment application to make an alteration  
to the existing building envelope and to address open space at the front of  
the existing lot. PL-16-03051 245  
*Planner*  
*Hawley*  
*Public hearing and possible recommendation to City Council on September*  
*15, 2016*

Land Management Code (LMC) amendments - Various administrative and  
substantive amendments to the Park City Development Code. Chapter 1-  
regarding procedures, appeals, noticing, and standards of review; Chapter  
2- common wall development process (in HR-1, HR-2, and CT Districts),  
clarification of building height requirements (horizontal stepping and  
overall height) for Historic Structures and Sites; Chapter 5- landscape and  
lighting requirements; Chapter 6- require inventory and report on mine  
sites for MPD applications; Chapter 11- historic preservation Criteria for  
designating sites; Chapter 15- related definitions (Billboard, Historic  
Structures Report, Qualified Historic Preservation Professional, Glare, and PL-16-03115 279  
*Planner*  
*Whetstone*

others); and various Chapters to provide consistency between Chapters.  
*Public hearing and possible recommendation to City Council on August 25, 2016*

Land Management Code (LMC) amendments - Various administrative and substantive amendments to the LMC in order to comply with changes made in the State Code. Chapter 1- regarding procedures, noticing, and other requirements; Chapter 7- effect of vacation, alteration, or amendment of plats; procedures, requirements and review of plat amendments; Chapter 7.1 modifications to public improvements required for a subdivision; Chapter 15 – related definitions.

PL-16-03115 279  
*Planner*  
*Whetstone*

*Public hearing and possible recommendation to City Council on August 25, 2016*

## **ADJOURN**

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

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

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
SANTY AUDITORIUM - PARK CITY LIBRARY  
1255 PARK AVENUE  
JULY 13, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser

EX OFFICIO:

Planning Director, Bruce Erickson; Francisco Astorga, Planner; Polly Samuel McLean, Assistant City Attorney, Jody Burnett, Outside Legal Counsel

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REGULAR MEETING

**ROLL CALL**

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Thimm who was excused.

**ADOPTION OF MINUTES**

July 13, 2016

Commissioner Band referred to page 16 of the Staff report, page 14 of the Minutes, first paragraph, and changed Mr. Mulling to correctly read **Mr. Mullins**.

MOTION: Commissioner Phillips moved to APPROVE the minutes of July 13, 2016 as amended. Commissioner Band seconded the motion.

VOTE: The motion passed. Commissioner Joyce abstained since he was absent on July 13<sup>th</sup>.

**PUBLIC INPUT**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Planning Director Bruce Erickson reminded the Planning Commission that the next meeting on July 27<sup>th</sup> would be held in the regular location at the Marsac Building. The Planning Commission meeting on August 12<sup>th</sup> would be held at the Santy Auditorium, depending on public attendance at the July 27<sup>th</sup> meeting.

Commissioner Phillips stated that he was unable to attend the next meeting on July 27<sup>th</sup>.

Commissioner Phillips disclosed that he would be recusing himself from the Alice Claim items on the agenda this evening, and from 259, 261 & 263 Norfolk Avenue, due to a prior working relationship with the applicants.

Chair Strachan disclosed that he would be recusing himself from the Park City Mountain Resort Development Mountain Upgrade Plan and MPD amendment on the agenda due to a conflict of interest.

### **CONTINUATIONS - (public hearing and continue to date specified)**

1. 158 Ridge Avenue – Steep Slope Conditional Use Permit for a new Single Family Dwelling (Application PL-16-03149)

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

MOTION: Commissioner Joyce moved to CONTINUE 158 Ridge Avenue – Steep Slope CUP to July 27, 2016. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

### **REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

1. 7101 Silver Lake Drive – Amendment to Record of Survey – 1<sup>st</sup> Amendment to the North Silver Lake Amended and Restated Condominium Plat amending Units 6A, 6B, 10, 11 and 13 to adjust building envelopes and condominium interiors from the existing plat. (Application PL-16-03169)

Planning Analyst Louis Rodriguez reviewed the application for the North Silver Lake Amended and Restated Condominium Plat. The applicant was requesting to adjust building envelopes and condominium interiors from the existing plat for Units 6A, 6B, 10, 11 and 13 to reflect approved building plans for the units.

Mr. Rodriguez reviewed a table on page 72 of the Staff report which showed the total increase in size was 351 square feet. The smallest change was a negative -2 square feet on lot 11, and the largest was 283 square feet on Lot 13. The Staff did not find issues with the expansion of 351 square feet as the density remains the same.

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

Tom Bennett, representing the applicant, stated that these were buyer requested changes. Mr. Bennet believed some of the prior approval dates listed in the Staff report were inaccurate. He would work with Planning Analyst Rodrigues to correct the dates prior to going to the City Council.

Chair Strachan opened the public hearing.

There were not comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the North Silver Lake Amended and Restate Condominium Plat based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended with the date corrections as mentioned. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 7101 Silver Lake Drive

1. The site is located at 7101 Silver Lake Drive in Deer Valley.
2. The site is located in the Residential Development (RD) District.
3. The proposed Condominium Plat Amendment amends building envelopes and interiors from the existing plat approved by the City Council on October 13, 2015.
4. The proposed Condominium Plat Amendment adjusts the platted condominium units, common area, and limited common area for the development.
5. The proposed Condominium Plat identifies the private, limited common, support limited common and facilities, and common areas.
6. The current Condominium Plat consists of eleven (11) single-family dwellings, two (2) duplex dwellings with two (2) units each, thirty-nine (39) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as

common areas), three (3) support commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units.

7. The Condominium Plat approved in 2014 was consistent with the 2010 approved Conditional Use Permit containing 54 units.

8. The proposed Condominium Plat consists of eleven (11) single-family dwellings, two (2) duplex dwellings with two (2) units each, thirty-nine (39) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as common areas), three (3) support commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units.

9. The proposed Condominium Plat Amendment is consistent with the 2010 approved Conditional Use Permit containing 54 units.

10. Even though the number of detached structures and multi-unit dwelling is changing from the Condominium Plat, the density remains the same at 54 units as specified in the Deer Valley Master Plan.

11. The massing remains in substantial compliance with the 2010 CUP approval.

12. The original CUP does not have to be re-reviewed as the proposal complies with the approved CUP. The density of 54 units still remains the same.

13. The size of the private units within the single-family, duplex, and multi-unit dwelling ranges from 1,997 - 8,686 square feet.

14. This adjustment is consistent with the 2010 CUP plan and layout.

15. The net increase in size is 351 square feet.

16. The Deer Valley MPD did not allocate a maximum house size or a UE allocation for each residential unit.

17. The Deer Valley MPD density allocation was based on a density of fifty-four (54) units.

18. The applicant is actively working on the project.

19. All findings in the analysis section of the staff report are incorporated herein.

#### Conclusions of Law – 7101 North Silver Lake Drive

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

#### Conditions of Approval – 7101 North Silver Lake Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the Condominium 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 Condominium 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. A note shall be added to the condominium plat referencing that the conditions of approval of the Deer Valley MPD and the 2010 North Silver Lake CUP apply to this condominium plat amendment.
4. All conditions of approval of the City Council's July 1, 2011 order on the Conditional Use appeal shall continue to apply.
5. All conditions of approval of the Planning Commission's February 26, 2014 action modifying the CUP to allow Lockout Units shall continue to apply.
6. All conditions of approval of the City Council's May 08, 2014 approval of the North Silver Lake Condominium Plat shall continue to apply.

**Parcel numbers, PD-800-1, PC-364-A – Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-Station Sites – Sweeney Properties Master Plan (Application PL-08-00370)**

Planner Francisco Astorga referred to pages 109 through 112 of the Staff report and explained how to use the links to access the exhibits. He explained the outline format and pointed to the questions throughout the Staff report that requested additional discussion by the Planning Commission. Planner Astorga

Planner Astorga stated that the plans were identical as before; however, Exhibits J, K,L,M,N, O through V were added since the last meeting. Planner Astorga referred to page 112 which outlined three added amendments to the master plan that were approved in 1987, 1992 and 1996. Some were a simple action letter from City Hall and others were more specific. Planner Astorga noted that this information was requested by the Planning Commission. The Staff was still trying to find records from 1985 as requested by the Planning Commission regarding the final MPD approval, as well as minutes and any additional information that would give the Commissioners insight on the discussions leading up to that final vote by the Planning Commission in 1985. Once those documents are found they would be uploaded to the website and included in the Staff reports. Planner Astorga noted that the public would also be able to access that information on the website.

Planner Astorga stated that at the last meeting the Planning Commission requested a copy of the 1986 Comprehensive Plan. Planner Astorga was able to locate that document and it was placed on the website. The hyperlink could be found on page 112 of the Staff report.

Chair Strachan suggested that the Staff include the information on pages 109-112 in every Staff report for every meeting.

Planner Astorga outlined the meeting schedule and specific discussion topics and criteria for each meeting as outlined at the June 8<sup>th</sup> Planning Commission meeting. The first criteria were site, scale and location of the site, which was the primary focus this evening. He noted that the Staff was not prepared at this time to discuss compatibility or any type of massing. They would only concentrate on looking at the numbers.

Planner Astorga stated that the Master Plan has a section identified as the Hillside Properties which consists of two sites, Creole Gulch and Mid-Station. The Master Plan indicates that Creole Gulch gets 161.5 residential unit equivalents and 15.5 support commercial equivalents. Mid-Station was allocated 35.5 residential unit equivalents, and 3.5 support commercial unit equivalents.

Planner Astorga stated that the Staff spent considerable time looking at Sheet P.16, which is a breakdown of all the uses submitted by the applicant in 2008. The Staff clarified the breakdown by providing a summary that could be found on page 97 of the Staff report. The Staff followed up with another summary that focused on the totals. The building area by use was divided into net residential gross, common space, and circulation, allocated commercial, support commercial, meeting space, accessory space, parking, and a specific subtotal. The application chose to break those two categories into standard versus a basement area.

Planner Astorga noted that page 98 of the Staff report contained a breakdown of the residential uses as indicated by the applicant. The breakdown was residences, hotel and club for a total of 305 residential units. The next table on pages 98 and 99 was a breakdown of all of the residential uses. Planner Astorga stated that page 99 of the Staff report outlined the total square footage of each of these specific uses.

Chair Strachan asked if there were definitions of each of the proposed uses. Planner Astorga replied that there were definitions of hotel and club. However, there is not a definition in the 2003 50<sup>th</sup> edition for residences, but he thought it was implied. In this case it is more specific to townhomes. He would verify that with the applicant.

Referring to the uses on page P.16, Chair Strachan asked if there were definitions for common space, circulation, meeting space, accessory space, etc. Planner Astorga replied that there were not specific definitions as adopted by Code for those specific categories. Chair Strachan asked if the applicant had provided definitions. Planner Astorga stated that the applicant looked at the 2004 MPD section of the LMC and used some of that Code language to show how it fits within each category. He clarified that they were not adopted definitions for each of the categories. However, they are mentioned in the Master Plan Development Chapter of the 2004 LMC.

Planner Astorga stated that the remainder of the Staff report makes points regarding the intent of the Master Plan. Some of the findings were taken directly from the approved Master Plan.

Planner Astorga referred to page 103 of the Staff report which identified a section of support commercial in compliance. The Staff had not deviated from what was written and published in September 23, 2009. The Staff report contained a specific hyperlink to that report. The Staff also provided another hyperlink to the Minutes of September 23, 2009.

Planner Astorga stated that the Staff believed there was generic compliance, but he wanted a more in-depth discussion at the next meeting regarding specific compliance. Planner Astorga remarked that the Staff report also talks about the differences between the

2004 application that was filed with the City and the total square footage of 849,000 square feet versus the current proposal, which is over a million square feet, and compares the two. Planner Astorga requested direction from the Planning Commission on the fact that the proposal has not decreased in size since the original submittal in 2004. The Staff report indicates that the project has increased in size. The Staff acknowledges that eventually there would be discussions regarding mass, volume and the compatibility analysis. The Staff asked the Planning Commission whether it was necessary for determination of compliance, or lack of compliance, as a CUP mitigating criteria.

Planner Astorga pointed out that the last section of the Staff report talks about back of house, accessory uses and circulation analysis. The Staff report also included an exhibit that was recently prepared by Staff based on the information by the former Planning Director several years ago as he compared other projects throughout town, such as the Montage, St. Regis, Sky Lodge, the Yarrow and the Marriott Mountainside. The Staff would like to bring that to the table to see if it was worth reviewing some of those figures in an effort to find something compatible.

Planner Astorga noted that the Staff had done an analysis regarding open space at the two sites where the Master Plan outlines a requirement of 70%. Based on the information submitted by the applicant, both sites comply. One site is barely 70% and the other site is approximately 84%. Planner Astorga stated that the Planning Commission could discuss open space this evening, or it could be tabled to another meeting.

Planner Astorga stated that the applicant had prepared a power point presentation this evening. The applicant had provided their presentation prior to this meeting and the Commissioners had it on their iPads.

Planner Astorga noted that Exhibit X was a position document prepared by the applicant in preparation for this meeting. He assumed the power point presentation would touch upon their official stance regarding this specific subject.

Director Erickson announced that hard copies of the Staff report with the tables Planner Astorga had reviewed were available for the public at the back of the room.

Planner Astorga reported that the Staff received three or four pieces of public input over the weekend after the Staff report was published. Those comments would be uploaded on to the website with all other public comment received throughout this application process. Planner Astorga noted that he had received on letter yesterday that he was not able to hyperlink because the sender made comments regarding Treasure Hill and the Alice Claim project. He handed out the correspondence to the Commissioners since it was not solely related to Treasure Hill.

Sean Ferrin, representing the applicant, stated that he was part of the team from MPE working on the conditional use permit application for Treasure, also known as Treasure Hill. Mr. Ferrin reiterated that Treasure is part of the Sweeney MPD. It two development sites; Creole Gulch and the Mid-Station site. Both sites are in the hillside development area of the Sweeney Master Plan.

Mr. Ferrin introduced members of the MPE team who were present and available to answer questions, including Pat, Mike and Ed Sweeney, the owners of Sweeny Land Company; Craig Call, legal counsel to PC2 and one of the owners of Treasure Hill; Steve Perkins, the land planner involved with the Treasure Hill project; David Eldridge, the project architect; Robert McMann, a civil engineer for the project; and his partners at Parsons Behle and Lattimer, Jeff Mangum, David Bennion, and Brandon Mark.

Mr. Ferrin handed out additional materials that included supplemental slides that were prepared after the materials were submitted for the Staff report. The architect had also prepared worksheets that Mr. Ferrin intended to show during the presentation.

Mr. Ferrin stated that the team walked about from the last meeting understanding that they needed to be prepared to discuss the CUP Condition #1, the size and scale of the site, including the concept of unit equivalents, and the calculation of square footage. Since that meeting the team worked hard on preparing the presentation and the discussion to cover those issues.

Mr. Ferrin thought the question was the scope of the 1986 MPD approval given by the Park City Council, as well as the size and scale of Treasure Hill from the MPD approval. Mr. Ferrin remarked that the Staff report addressed issues that went beyond what they thought they would be addressing this evening. He noted that they would briefly touch on those items in the presentation, and the applicant would address them in more detail either in writing or in a supplemental report.

Mr. Ferrin outlined the topics the applicant was directed to look at: 1) size and location of the site; 2) CUP #1; 3) unit equivalents and square footage; 4) usable open space which was discussed in the Staff report and appears to be well-under control; and 5) some reference to the comprehensive master plan in the Staff report.

Mr. Ferrin thought it was important to note that the Master Development Plan approved in 1986 imposed very rigid development restrictions on the site. Specific building zones were imposed and height limitations were imposed. Mr. Ferrin presented Sheet 22 from the MPD approval, which specifically says height limits, building limits. The building limits areas were highlighted in red. The MPD approval specifies that all of the buildings have to be located within that area. The MPD also set very specific limitation with respect to

height. He pointed out that each of the lines were the maximum building height. They are graded as it moves up the hill and stepped back. Mr. Ferrin reiterated that these were the limitations that were put on Treasure Hill in connection with the Master Development Plan. Mr. Ferrin stated that the MPD also imposed certain open space restrictions. It said that 30% of the area included was only developable, and 70% had to be open space. Therefore, of the combined allowed footprint for the entire 11.5 acres, only 3.45 acres is developable area. Mr. Ferrin remarked that 2.8% of the entire hillside portion of Treasure Hill is open space. 119.5 acres is open space. Mr. Ferrin stated that as noted in the Staff report, the CUP application fully complies with the CUP Condition #9, regarding usable open space.

In addition, the 1994 CUP application as refined by the 2009 amendments, complies with the MPD approvals for building areas and height zones. Mr. Ferrin stated that the next point in making the evaluation is understanding how the vested unit equivalents that were granted in the MPD approval fit on this development site. Mr. Ferrin remarked that 277 total unit equivalents were granted for the Sweeney Master Plan. Some of those have been used over the years. Today, a total of 197 residential and 19 commercial unit equivalents remain available for development at Mid-Station and Creole.

Mr. Ferrin stated that in addition to the limitations on building areas, height and open space, the MPD also vested a specified number of unit equivalents. And for the purpose of evaluating the CUP application in 2004, important questions must be answered, such as what do the MPD imposed limitations mean in the context of the current development of Treasure Hill, what do the 197 resident and 19 commercial unit equivalents vested under the MPD translate into in terms of the size and scale of Treasure Hill, and what did the MPD approval contemplate in terms of size and scale of the development of Treasure Hill.

Mr. Ferrin tried to answer those questions by starting with square footage. He stated that the first step in understanding the scope of the MPD approval is to convert the unit equivalents into square footage. The Staff report that was relied upon by the Planning Commission and the City Council at the time the MPD approval was given says, "At the time of the conditional use review, the Staff and Planning Commission shall review projects for compliance with the adopted Codes and ordinance in affect at the time of the CUP application". Mr. Ferrin believed that meant they were looking at the CUP application under the 15<sup>th</sup> Edition of the LMC adopted in July of 2003. Under that LMC, each residential unit equivalent is equal to 2000 net square feet of floor area, and each commercial unit equivalent is equal to 1,000 gross square feet of floor area. Mr. Ferrin stated that the calculation is made by taking unit equivalents and applying them to square footage.

Mr. Ferrin stated that for Treasure Hill this conversion results in 394 net square feet of residential space and 19,000 gross square feet of commercial space; a total of 413 square feet. He pointed out that it was net square feet. Mr. Ferrin remarked that all developments include not only net square footage specifically designated by their approval, but also additional square footage to make the development functional and operational. Mr. Ferrin believed this was particularly true of residential and resort developments and the concept was not new to the Planning Commission. Similar evaluations were made in connection with St. Regis and Montage. As mentioned earlier, Exhibit W of the Staff report makes a comparison of the square footage that was given as part of the approval, and the additional square footage that was used in connection with that development. Mr. Ferrin remarked that the comparison shows that the additional square footage granted for the St. Regis and Montage are very similar to the square footages requested in the CUP application. Mr. Ferrin clarified that it was an initial evaluation by Staff and that the Staff has said they wanted the opportunity to go back and look at the calculations. Mr. Ferrin remarked that the applicant wanted to relook at it as well because they believe the square footage for the Montage project is probably greater.

Mr. Ferrin stated that the square footage is also called back of house and it refers to hallways, perimeter walls, elevator shaft, lobbies, underground parking, technical rooms, mechanical rooms and other areas that people do not typically associate with being excessive. Mr. Ferrin remarked that the additional square footage was permitted by the LMC in 1985, and it was permitted in the LMC in 2003.

Mr. Ferrin believed the question was how much additional square footage is appropriate. He noted that the Staff report made a comparison between the square footage requested in the 2003 Conditional Use Permit Application; and what ended up being requested through the evolution of the conditional use permit in 2009. Mr. Ferrin thought that was misplaced for the purposes of this comparison.

Mr. Ferrin noted that the Planning Commission asked what for the scope of the MPD approval comparing the CUP application to the MPD approval. He explained the formula for making that comparison is to first look at the MPD approval for the fundamental parameters and then understand the governing particulars of the 2003 Land Management Code.

Mr. Ferrin reviewed the MPD approval. The MPD application included a group of conceptual drawings. He presented a conceptual drawing showing the building footprints. The conceptual drawings included three sheets with respect to parking, showing the anticipated parking that would fit within the MPD. The conceptual drawing also showed sections of the building that was contemplated under the approval. Mr. Ferrin stated that these drawings have been historically referred to as the Woodruff Drawings because they

were prepared by Eugene Woodruff, the project architect at the time. In response to a question about white markings above the buildings, Mr. Ferrin explained that when the MPD went before the Planning Commission in 1985 the Commissioners required a reduction in the height of the buildings. When the application went before the City Council, the Council further reduced the building heights. Mr. Ferrin stated that the drawings were done on mylars and the white part was where the building heights were erased because the final approvals required less height than what was requested.

Mr. Ferrin stated that MPE's architect used the conceptual drawings and prepared a very detailed analysis because he was charged with the task of determining how much total square footage was contemplated when the MPD was approved in 1986. Mr. Ferrin noted that the architect had hand-marked up the various elevations, he added the intersection of the parking areas and the footprints and made a detailed analysis about the total square footage for the entire project that was approved in 1986. Mr. Ferrin stated that the conclusion of all that analysis was that the square footage contemplated by the Woodruff drawings in 1986, in addition to the 413 square feet that was derived from the unit equivalent conversions, the Woodruff drawings specifically contemplated an additional 463,419 square feet for a total gross square footage of 876,419 square feet. Mr. Ferrin emphasized that the Woodruff drawings attached to the MPD approval in 1986 contemplated a project of 876,419 square feet. He noted that the submittal handed out this evening explained how the architect, David Eldridge had worked through the calculations.

Mr. Ferrin talked about the square footage in the application. He stated that in addition the square footage allowed in converting unit equivalents into square feet, the 2003 LMC specifically authorizes additional square footage for a project. They are relying on the 2003 LMC when evaluating the CUP. Mr. Ferrin pointed out that the MPD was approved in 1986 and the LMC was adopted in 2003. He believed that if the City Council had not intended for that additional square footage to be applicable to a project that was approved in 1986, it would have been specified in the Code. Mr. Ferrin thought it was clear that additional square footage for this project was contemplated in 2003.

Mr. Ferrin presented a slide of LMC Section 15-6-8(c), the Definition of Support Commercial and how it applies with respect to additional square footage. Within a hotel or nightly condominium project, up to 5% of the total floor area may be dedicated to support commercial uses without the use of a unit equivalent for commercial space. Mr. Ferrin stated that a similar provision in the Code with respect to meeting rooms which allows adding an additional 5% of the total square footage without the use of unit equivalents. Mr. Ferrin remarked that in addition to meeting room space, the Code talks about accessory meeting uses, back of house, administrative uses, banquet offices. All of these uses can be added as additional space without the use of any unit equivalent. There is no

restriction on the amount of additional space as there is with respect to meeting space and support commercial.

Mr. Ferrin stated that there was a similar provision with respect to residential accessory space. Things such as lockers, lobbies, concierge, mechanical rooms, etc., do not require the use of unit equivalents, and there is no limitation on the amount that can be added.

Mr. Ferrin noted that it also applied to resort accessory space. Public restrooms, ticket offices, equipment check, circulation and hallways can be added to a project under the 2003 LMC without requiring the use of unit equivalent, and there is no limitation on how much can be added.

Mr. Ferrin pointed out that this same concept was used for the St. Regis and Montage.

Mr. Ferrin presented a site plan of the Treasure Hill project, as shown on Sheet BP01 in the submittal for the CUP application. A green line identified the boundary of the property. The red identified the boundary of the developable areas. He pointed out the Mid-Station development areas the Creole development areas, and the access from Lowell and Empire, as well as the amount of green space surrounding the development.

Mr. Ferrin showed a slide of Sheet P16 of the application that Planner Astorga previously mentioned. This sheet goes through all the detail calculating the square footage of each residential unit, each commercial unit, support commercial unit, meeting space, accessory space, parking square footage. Mr. Ferrin stated that the total square footage for the application is 1,016,887 square feet. He noted that the breakdown also shows that there is an additional 140,468 square feet in this application than there was in the Woodruff drawings. Mr. Ferrin stated that even though the square footage is higher, the breakdown on Sheet P16 shows that all of the uses are permitted by the 2003 LMC. Mr. Ferrin pointed out that the additional square footage represents a 16% increase in the gross square footage over what was shown in the MPD.

Mr. Ferrin presented a comparison of the total square footage from the Woodruff conceptual drawings with the total square footage from the CUP. The blue color represents square footage below grade, and the green represents square footage above grade. He noted that the 140,468 square feet of additional space was support commercial space, accessory space, meeting space, employee housing, resort accessory space, and circulation space. None of the additional square footage is in excess of the limits of the 2003 LMC. Mr. Ferrin thought it was important to note where that space is from a design and entitlement perspective. He noted that of the 140,468 additional square footage, 74,800 is above grade and 65,668 is below grade. This is an important fact because the 2003 LMC specifies that basement areas below final grade are not considered floor area.

Therefore, based on the 2003 LMC, there is only 74,800 additional square footage above grade from what was contemplated in the Woodruff conceptual drawings that were attached to the MPD approval.

Mr. Ferrin noted that there was considerable public clamor at the last hearing that the development contemplated by the CUP application is larger than and out of scale with the MPD approval; and he believed it was untrue. To illustrate that fact, MPE had computer generated 3D representations prepared showing the Woodruff conceptual plan in the MPD approval, and the CUP application. Mr. Ferrin presented the 3D representation of the Woodruff Plan if it were built out. It was front-loaded, the elevations were directly over the City, and considerable excavation was required. He then presented the 3D representation of the CUP application, which showed the buildings being scaled back and further away, and smaller buildings on the hillside. Mr. Ferrin remarked that the changes resulted from comments by the Planning Commission, the Staff and a redesign. Mr. Ferrin presented another slide of the two plans overlaid on each other. He pointed out that in addition to the CUP application design being moved back and further away, there were also significant places of open space areas. Mr. Ferrin stated that the CUP application is a less impactful design that maintains the vested development rights but mitigates the impact of the development, and better integrates into Old Town and the surrounding neighborhood.

Mr. Ferrin thought the comparison of the Woodruff Buildings was important to help everyone understand that the size and scale of the development contemplated by the CUP application is substantially similar in size and scale to the development contemplated in the MPD approval. Mr. Ferrin stated that it was important to understand the process that brought about the evolution of this design from 1986 to 2009. Like any development there is change and evolution. The Woodruff plan was conceptual in nature. Mr. Ferrin remarked that changing amenities, changing demand by resort operators, changing expectations by resorts, guests, and visitors, and changing Codes all mandate an evolution of a project over time. The more the project goes from conceptual to schematic to design to construction drawings, the details are refined and you begin to understand what is necessary to have a development that works.

Mr. Ferrin stated that the architect was also asked to take the Woodruff conceptual design plans and anticipate how they would have changed if they were evaluated and reviewed under the 2003 LMC, the same as the CUP application. Mr. Eldridge conducted that analysis and anticipated the needed additional space. He concluded that in the end the Woodruff plan would be substantially the same 1 million square feet.

Mr. Ferrin noted that MPE also obtained input from operators, management companies, and a 5-Star resort operator who vetted the design plans and said what they would need in order for the project to work successfully.

Mr. Ferrin pointed out that in the Staff report the Staff took an assertive position with respect to the fact that the proposed square footage of Treasure Hill does not comply with the purpose statements of the LMC and the goals listed in the General Plan. For all the reasons he just discussed in evaluating the design, he did not believe that was true. Mr. Ferrin stated that the 1985 Staff report that the Planning Commission and City Council used in approving the MPD, they specifically noted with respect to the General Plan. The City's General Plan identifies the Hillside property as a key scenic area and recommends that development be limited to the lower portion of the mountain. Mr. Ferrin believed the proposed Sweeney Properties MPD is in compliance with the Land Use designations outlined in the Park City General Plan. He stated that in addition, the Staff's assertion is contrary to the numerous previous Staff reports that MPE has been relying on for the last ten years as part of the CUP process. Those reports specifically states that the application complies with the General Plan. Finally, based on Utah's legally recognized concept of vested rights, this is not correct. The MPD approval is a vested right and the City cannot take subsequent action that unreasonably interferes with that vested right. Mr. Ferrin intended to submit an additional supplement position statement on that.

Mr. Ferrin stated that at the last meeting the Planning Commission asked the applicant to evaluate the scope of the 1986 MPD approval and how it compares to the CUP application. He noted that a detailed analysis of the Woodruff plans show that the MPD approval contemplated the development on par with the size and scale of the development proposed for Treasure Hill in the CUP application. The square footage, size and scale of the Treasure Hill CUP application complies with all the requirements of the 2003 Land Management Code.

Mr. Ferrin remarked that the Sweeney's deserve the benefit of the bargain they made with the City in 1986, and that is what they were trying to accomplish.

Planner Astorga requested that the Staff be given the opportunity to analyze the power point presentation that was given. It was not what the applicant had submitted on Friday and more than half of the presentation was new material. Planner Astorga wanted to confirm some of the exhibits that were presented. Mr. Ferrin stated that their intent was to be responsive to the Staff report. He would email Planner Astorga a copy of the presentation.

Planner Astorga stated that the Conditional Use Permit is subject to specific standards of review. He clarified that it was the CUP and not the MPD. His could not analyze the MPD for compliance because it is already a vested approval. Planner Astorga noted that one of the Standards of Review as outlined in the 2003 LMC calls for compliance with the General Plan at the time the Conditional Use Permit application is submitted. Planner Astorga

pointed out that for reference purposes he would be calling it the 1999 General Plan. He reiterated that the CUP has to be in compliance with the original Sweeney Property MPD, with the LMC at the time of application, and with the General Plan that was officially adopted in the 2003 50<sup>th</sup> Edition of the LMC. Chair Strachan believed the Planning Commission was in agreement with Planner Astorga.

Chair Strachan had read the applicant's position paper and he thought it invented a dispute as to what Code actually applies. Chair Strachan believed they were all in agreement regarding the 2003 LMC. He asked Mr. Ferrin if there was something that made him think that the Planning Commission was not looking at the 2003 LMC. Mr. Ferrin stated that he and Jody Burnett had some conversations about a potential distinction with respect to some small applications looking specifically at issues more related to the MPD. However, as it applies to the CUP he concurred that they were all in agreement on the 2003 LMC.

Jody Burnett, outside Counsel for the City, stated that the 2003 Code applies to the review of the conditional use permit criteria. Where it might need to be evaluated on an issue by issue basis is the extent to which any particular issue is addressed in depth in the MPD approval in order to carry that forward, as opposed to general CUP criteria in the 2003 Code. Mr. Ferrin did not believe that applied to any of the issues being discussed this evening.

Chair Strachan referred to Exhibit W, which compares the Montage, the St. Regis, and other projects, and asked if that included parking. Planner Astorga replied that parking was not included. Chair Strachan recommended that the Staff amend Exhibit W to include parking so they could see what percentage of the total square footage the parking consumes.

Chair Strachan had a question regarding the power point. He understood that Mr. Ferrin was asserting that the 2003 Land Management Code gives the applicant all the rights, benefits and obligations that any other applicant would have under that 2003 Code. If the City Council had meant otherwise it would have expressly excepted the Treasure Hill Development and specified that nothing in the Code applies to Treasure Hill and that it stands in and of itself. Mr. Ferrin replied that his understanding was correct. His assertion was also based on the fact that Treasure Hill was approved in 1986 and was existing at the time. Everyone knew it was there, and as a result anticipated that those additional square footages could be applied to Treasure Hill.

Chair Strachan asked if there was any evidence that the City Council ever considered Treasure Hill and expressly rejected that when it passed the 2003 LMC. Mr. Ferrin was not aware of any evidence and he offered to research it.

Commissioner Suesser asked about the Woodruff presentation. She asked if that was presented in connection with the MPD approval. Mr. Ferrin clarified that she was referring to the buildings shown in red. Mr. Ferrin explained that they took the conceptual drawings as part of Woodruff and used those conceptual drawings to prepare a 3D computer generated rendering. He stated that the drawings were not attached at the time. Commissioner Suesser asked if there were any renderings at the time. Mr. Ferrin believed the only renderings were the ones that were part of the MPD approval process. However, the sections, the parking and the footprints were part of those drawings.

Commissioner Joyce thought it was interesting to look at the red buildings. He noted that Mr. Ferrin had also shown the segmentation where Creole was cut into three slices with height limitations per section. Commissioner Joyce did not believe the heights synced with the some of the buildings in red. He thought the middle building looked like nine stories in a section that at the most is 65' above grade. Commissioner Joyce would like to see more detail on excavation, heights and other issues as they move forward. Mr. Ferrin was happy to provide that information. He also noted that Planner Astorga had not yet had the opportunity to look at the calculations.

Chair Strachan opened the public hearing.

Brian Van Hecke, with THINC, stated that he is an Old Town resident at 1101 Empire Avenue. His objective was to bring back what life was like in Park City in 1985. He presented a picture of the Old Town area, including Treasure Hill back in 1985 or 1986. Mr. Van Hecke stated that density is a critical issue and he was glad it was being with first; however, he thought it was a mistake to combine it with other CUP criteria such as open space. He had no idea that open space would be discussed this evening and he was unsure whether others in the public were aware. Mr. Van Hecke requested that the Planning Department and the Planning Commission not rush the process. It is too critical and there is too much at stake. He urged them to deal with CUP criteria at a time and let the public know what criteria will be discussed. Mr. Van Hecke reminded everyone what this project entails. He referred to the photo of what the town looked like in 1985 and noted that it was a very different place. He pointed to Main Street and the Treasure Hill area. He noted that there was not a lower Main Street in the photo because that area had not yet been developed.

Mr. Van Hecke stated that 413,000 square feet was approved in 1986, and this project has morphed into a sprawling complex of 1.2 million square feet. Mr. Van Hecke presented images of what Treasure Hill looks like today, and how it would look once the Treasure Hill project is built. It is a huge development that would loom over Old Town. He wanted everyone to be aware of the importance of what is at stake; and in his opinion it is wrong. Mr. Van Hecke showed renderings of the development that were provided by the applicant

and commented on what this current proposal would mean in terms of density and development. He also showed a picture provided by the applicant that showed a view of Treasure Hill coming into town, and the approximately 100-foot excavation scars in the hillside that would be required to make this project happen. He asked if this was really permitted. Another slide showed the excavation scars that would be visible from Old Town.

Mr. Van Hecke went back to the slide of the Treasure Hill images and pointed to a ski hole that was cut into the side of the hill, as well as more excavation and more scarring of the mountain. He hoped this was not what they had in mind for open space. Mr. Van Hecke asked if nearly 1.2 million square feet of development was worth the open space that was supposedly going to be provided. The massive scarring and the 100 foot excavations, the deforestation, the damage to wild life, water tables, traffic and pollution all comes with this development if it is approved. He did not believe it fit with the General Plan. With regards to allowable density, Mr. Van Hecke believes this would have a direct impact on the environment. The bigger they make it, the bigger the impact to the environment and to historic Old Town. He is certain there are lead and environmental concerns with this project and the amount of proposed density. The soluble lead levels in this area likely exceed those that are permitted by Park City and the EPA. Mr. Van Hecke thought there needed to be more due diligence and that it should not be rushed. They need more testing and a better understanding of the impact that this project will have on the people, the wildlife and water resources. Mr. Van Hecke pointed out that allowable density would also impact the amount of traffic. He requested new studies be done to determine the increased traffic, and take into consideration the additional traffic that will come with the buildout of the Park City Mountain Resort Base Area.

Mr. Van Hecke read a sentence from a letter that Jody Burnett presented to the City dated April 27, 2009 as it pertains to back of house calculation. "That means the provisions of the Land Management Code in effect as of that date of the original approval in 1986 should also be applied to the calculation of any meeting space and support commercial areas without requiring the use of a unit equivalent of density. As you move moves forward with the Conditional Use Permit approval process, the provisions of Section 10.12 of the 1985 LMC should be used for that purpose, which provide up to 5%".

Mr. Van Hecke stated that if a deal is a deal, as the applicant has said, then this project needs to be limited to the 1985 LMC that clearly states that back of the house is not to exceed 5%. Based on his calculation, that means this project should be no more than 433,000 square feet; and not the nearly 1.2 million being requested by the applicant.

Mr. Van Hecke introduced Charles Stormont, an attorney retained by THINC to represent the interests of their group and the hundreds of residents who want to see Treasure Hill protects and the historic integrity of Old Town preserved. Mr. Stormont would explain their

viewpoints and the many reasons why this project grossly exceeds the allowable and agreed to density.

Chair Strachan assured Mr. Van Hecke and the rest of the public that the Planning Commission would be addressing traffic, excavation and open space in subsequent meetings. He personally was not pleased to see an open space analysis in the Staff report or from the applicant because he the Planning Commission is not ready to have that discussion.

Chair Strachan requested that the public keep their comments focused on the square footage of the project this evening.

Charles Stormont, legal counsel representing THINC, appreciated the opportunity to speak this evening. He was recently retained and he apologized for not fully understanding the background and facts at this point. Mr. Stormont focused on the need for consistency in this process. He understood from Mr. Burnett's 2009 letter that the City's position is that there are right that have been vested by the 1986 MPD. THINC understands that it is the City's position, but they suggest that on the record that exists, that could easily be called into question. Similarly, the status of the 2004 CUP application was referred to in the presentation tonight as the 2009 CUP. Mr. Stormont stated that the Park City website highlights a number of gaps in time during this process. The MPD itself highlights that any gap of two years may result in essentially starting the process over. Mr. Stormont noted those concerns and at an appropriate time he hoped to be able to raise the questions and present them to the Planning Commission if the Commission has any inclination to grant the CUP application before them. If they deny the CUP application those issues become somewhat moot.

Chair Strachan encourages Mr. Stormont to submit whatever materials he has and what he believes is relevant.

Mr. Stormont walked them through a high level review. He stated that the MPD states that it is a phased project and the build out is expected to take between 15 and 20 years, yet it is 30 years later and construction has not begun on the final phase. It is still in a permitting stage. Mr. Stormont thought that raised serious concerns about the diligence that exists with respect to this project. He pointed out that while the MPD also states that while some flexibility is built into the approved master plan, any period of inactivity in excess of two years would be cause for the Planning Commission to consider terminating the approval. The City website states that on April 26, 2006 the Planning Staff outlined additional application requirements to be submitted, but a complete set was not submitted or received until October 1<sup>st</sup> of 2008. In excess of two years. Again on the City's website, from 2010 to 2014 the applicant and the City were engaged in buyout negotiations. He understood that

the CUP was put on the back burner. The conditional use application was not put back on the agenda until April 2016, which is a six-year gap from 2010 to 2016. Mr. Stormont remarked that in the July 6<sup>th</sup> letter from the applicant, concerns that reference back to the 2004 applicant, they state that the 2004 submission has been superseded by the current revision. In his opinion, that suggests considerable gaps and considerable questions about diligence with respect to the pursuit of this application that raises serious concerns about providing any vested rights based upon a 30-year approval from 1986.

Mr. Stormont believed there were sufficient grounds in the materials he had the opportunity to review to deny this application, specifically with respect to density. Mr. Stormont thought there was agreement that the approval, to the extent that it is valid, provided 197 residential unit equivalents and 19 commercial unit equivalents. He disagreed with some of the numbers in the applicant's presentation. For instance, the suggestion that they added 140,000 commercial unit equivalents based on an interpretation that Mr. Stormont believed was flawed. He noted that they were dealing with 140 additional commercial unit equivalents based on the applicant's own presentation, which is far in excess of 19.

Mr. Stormont reviewed a PDF he had prepared to show how he had reached this conclusion. The 1985 Staff report makes clear that the approval of the MPD was "predicated upon the terms and conditions set forth in the Staff report." It goes on to state that the applicant is, "bound by and obligated for the performance of the following..." Mr. Stormont focused on two highlighted portions that he believed spoke clearly about density and a number of issues that have already been discussed. He noted that the applicant's interpretation came from language stating "at the time of conditional use and or subdivision review the Staff and Planning Commission shall review projects for compliance with the adopted Code and ordinances in effect at the time". He noted that the applicant's quotation of that provision in the Staff report ends at that point. However, the applicant omitted the portion he had highlighted, which reads, "...in addition to ensuring conformance with the approved master plan". Mr. Stormont noted that language in the Staff report that provides support for the approved MPD states, "The approved densities are those attached as an exhibit and shall be limited to the maximums identified thereon". Mr. Stormont noted that through their presentation the applicant had conceded that those maximums are being exceeded. Mr. Stormont believed that provided more than sufficient grounds to deny the conditional use application with respect to the density being sought.

Mr. Stormont stated that in the applicant's letter dated July 6<sup>th</sup>, they claim that a portion of the 1985 LMC allows them to take advantage of changes and zoning that would permit greater density or more intense use of the land. Once again they were asking for more, which is why they cited that portion of the Code. However, taking a closer look at the Code, the language relates to a pending application for a master planned development. It does not apply to an already approved MPD. Mr. Stormont believed they were taking the

quote out of context to attempt to expand the density limits that were provided for in the 1986 MPD approval.

Mr. Stormont commented on the argument that the 2003 establishes a base line and allows for expansion of the square footage provided for in the 1985 development approval. He pointed out that his clients struggle with the idea that something 20 years later can somehow result in a right that vested in 1986. He suggested that the approach is incompatible with the vested rights doctrine that the applicant referred to this evening. That doctrine is about ensuring that rights that have been granted are not taken away. Mr. Stormont clarified that they were not suggesting that they should take away, but they did have concerns about whether or not the applicant had vested right.

Mr. Stormont commented that the discussion of support commercial, meeting spaces and reference to total floor area that was presented by the applicant. He noted that the maximums provided and those types of uses were not contemplated by the 1985 MPD. Instead, that type of support was provided only for hotels and not condominium projects. They are not permitted to expand density that was expressly limited by the approval that was actually received.

Mr. Stormont read from a provision Jody Burnett had prepared in April 2009, "In the 1985 MPD you were permitted 5% for support commercial". He noted that the applicant has requested 5% for support commercial, but they have also requested 5% for meeting space. In his opinion, that was double counting. In 1985 it was 5% in one category only, as the later LMC provided for. Mr. Stormont pointed out that the limitations that existed and the approval that was received required "ensuring conformance with the approved master plan" He stated that while it does say it will be reviewed under the then existing LMC, it also says, "in addition to ensuring conformance with the approved master plan". The applicant must meet both, not one or the other. That was the approval that was arguably provided. If there are vested rights, those rights required approval under both.

Mr. Stormont stated that the exacerbation and enhancement of density that is sought by the current application is compounded by reference to residential accessory uses and resort accessory uses. It totals over 300,000 square feet. These concepts did not exist at the time of the 1986 approval. Mr. Stormont noted that Section 10.12 of the 1985 LMC only contemplated circulation spaces and lobbies outside of units. He stated that rather than the limits that were provided for and the maximum densities provided for, instead of being circulation spaces and lobbies outside of units, are being expanded into back of house uses.

Mr. Stormont believed they were left with a situation where the density being requested is not vested. No argument could be made that it is vested if they were to give weight to the

actual approval at issue. As a result, any effects of the increased density must be mitigated. Mr. Stormont suggested that any attempt to expand upon the approved master plan is improper for a conditional use application. There is a modification process by which an MPD can be revisited, but it is not a conditional use application.

Mr. Stormont also commented on environmental and soils issues related to this CUP application that he hoped the Planning Commission would take under advisement. He stated that each of the problems standing alone was sufficient reason to deny the application.

Mr. Stormont believed the Staff's comments were appropriate and should be considered by the Planning Commission. He commended the Staff on an excellent report. They did a great job with very difficult information and he appreciated having that resource.

Mr. Stormont noted that in their July 6<sup>th</sup> letter the applicant talks about the amount of money they have spent. He assured the Planning Commission that they need to be too concerned about those issues.

Mr. Stormont emphasized that the primary focus should be on conformance with the approved master plan, and that the approved densities attached as an exhibit should be limited to the maximums identified thereon. He did not believe the applicant had sufficiently addressed that language of the MPD. They are requesting additional density in the amount of 140,000 square feet; or 74,000 square feet if they distinguish between above and below grade square footage. Mr. Stormont believed it was an incredible concession because they were exceeding the densities identified in the 1986 approval.

Mr. Stormont reiterated that the CUP application was an improper way to expand the MPD and the applicant should correctly follow the MPD modification process. Mr. Stormont remarked that the Utah Supreme Court has spoken on this issue in a 2014 decision, Keith versus Mountain Resorts Development, by stating that, "A development approval does not create independent free-floating vested property rights. The right obtained by the submission and later approval of a development plan are necessarily conditioned upon compliance with the approved plan". Mr. Stormont stated that they were in a free-floating zone, the applicant was trying to expand upon what was approved, and they were not complying with the approval that was arguably received.

Mr. Stormont noted that Jody Burnett's letter of 2009 and the July 6<sup>th</sup> letter from the applicant references the Western Land Equities case. He thought it was worth noting that the court has also held pre-construction activities such as the execution of architectural drawings, the clearing of land, or widening roads is not sufficient to create a vested right. Mr. Stormont believed that a careful inspection of the law and the facts makes it clear that

the application does not comply with the requirements of the LMC or the General Plan, and it imposes significant impacts that cannot be mitigated. It does not conform to the density limitations set forth in the 1986 MPD and for those reasons this application should be denied, and that any expansion efforts should follow the proper process.

Chair Strachan commented on the number of citations Mr. Stormont referred to and he encouraged him to make his case in writing.

Neils Vernagaard and his wife Pam agreed with the comments made by Brian Van Hecke and Charles Stormont. He stated that in every drawing or picture of Treasure, his is the house across the street. He remarked that the idea that Treasure is compatible with the Montage and St. Regis is a fallacy because those projects were not build in residential neighborhoods and they do not use residential streets for access. None of those properties have houses within 50 yards. Mr. Vernagaard understood that as part of the planning process his economic harm could not be counted, but the reality is that while this project is being built, the people living on Lowell and Empire will have zero equity in their homes. The applicant will walk away with millions of dollars but the ability to buy and sell houses in that neighborhood will be zero. No one would want to buy or build on any of those streets. He and his wife are full-time residents of 822 Lowell, and this will have a dramatic and very negative impact on the citizens living in those areas. Mr. Vernagaard stated that he has lived all over the United States and he has been involved in a lot of planning. Every project he has worked on has always been around a win/win solution. He has seen nothing in the Treasure project that is a win/win for anybody other than the applicant. It is all about what the resort needs and nothing about what the community needs. Mr. Vernagaard noted that Park City does not always have the best skiing in the world and they do not have the best scenery, but they do have the best brand around a real western town with western amenity and people can enjoy that whole experience. If a Las Vegas style convention center is put up over old town, he questioned what it would do their brand.

Mr. Vernagaard stated that he and his wife are members of THINC and the members are mad and upset. They are having to spend their own money on a lawyer to defend them and to help guide them more towards the facts and less on emotion. But he wanted the Planning Commission to hear the emotion part as well because it is real and raw, and this project is not right.

Mary Whitesides stated that she has lived at 812 Empire Avenue for 37 years. Mr. Whitesides read a letter she had written to the Planning Commission addressing the issue of density in the Treasure Hill development project. At the June 8<sup>th</sup> Planning Commission meeting the developer's lawyers, Mr. Bennion, said a deal is a deal. After examining what the deal was in 1985 she believed they do not have a deal under criteria

presented today. Ms. Whiteside presented a slide of the aerial footprint that was presented for approval in 1985. She noted that in 1985 the following was proposed: 413,000 square feet with 5% back of house. There was little excavation for the development. The buildings followed natural grade. One set of buildings was underground. There were retaining walls. The maximum height was 45 feet and one or two buildings were 75 feet. They provided aerial site plans, engineered pencil drawings and topo maps of anonymous buildings and how they sat on the hillside. The developers did not submit architectural drawings. There were no realistic elevations, no style of structure, no renderings of how the buildings sit on the landscape in height, density and mass from a 3-D viewpoint were never submitted for approval.

Ms. Whiteside presented another slide showing what the applicant was currently proposing. She pointed to a gray area that was excavation. She stated that the plans being submitted today are completely different. The current proposal includes a massive excavation of soils that need to be studied for stability and metals that meet EPA standards, plus water contamination. It includes 100-foot retaining walls and an increase of mass to 1.2 million square feet and building heights of 100 feet. The applicant provided architectural drawings and lifestyle renderings that were not presented in 1985 or 1986. Ms. Whiteside remarked that the style of the buildings are incompatible with Park City and resemble more New York City. She recalled that in 2009 this project was referred to as Little New York City. In her estimation this constitutes a negotiation of a new deal under the new criteria and current Codes, and the prevailing situation in Park City. Ms. Whitesides stated that in 1985 the population was lower than 5,000. The hotels were minimal and in the style of the Yarrow. Neighborhood density in Old Town was low but has greatly increased. Hotels have increased, the population has increased four-fold, and that has effected the water, the energy use and the traffic. To add a monstrous development of this size would jeopardize the water conservation efforts of the water department and the net zero energy efforts of the City Council. Ms. Whitesides believed all these criteria warrants submittal of the Treasure Hill property as shown now, not in 1985, to be considered under the current conditions and codes, which means it would be a new deal.

Steven Swanson, a 30-year design professional, yielded to the comments of his colleagues regarding the density. He thought it should be acknowledged that over the past 30 years the Sweeney project has grown considerably in size and density. He stated that in 1986 the Park City population was 3200. It is currently 8700. Cars were small and they had generic food in the grocery stores. There was one stop light, three ski areas, lunch was \$3 and you could buy an Old Town lot for \$20,000. Ronald Reagan was in the White House and when it came to drugs and other things that are bad for you, he and the first lady suggested that you just say no. Mr. Swanson commented on open space and the reason why it is valued so highly. He named wildlife habitat, water, air quality. It is a natural living system and the context of Historic Park City. Mr. Swanson stated that at 400,000 square

feet, the Sweeney properties MPD was one of the largest projects that had ever been considered at that time. He noted that the project as currently proposed is much larger and the impacts more far reaching with the included plans to cut more ski runs through the regrown spruce hillside, which is open space. Mr. Swanson stated that the question is whether it retains its inherent value and how the man made scarring extending outside the development envelope impacts the qualities or open space. He suggested that they investigate the impact of 20 feet of snow on the proposed cliffscapes. He asked that they talk about the mitigating effect of a localized accessible sub-Alpine Konifer Forest on a 30% slope on the micro-climb of a place like Historic Old Town. Mr. Swanson thought they needed a better understanding of the proposed clearing, grading and excavation on open space, and whether it alters the context of not only the Sweeney project but the entire historic core of the town to the extent that it can never be fully mitigated. Mr. Swanson commented on the possibility that the site could be excavated and for whatever reason the project might be stopped and the developer walks away. On the subject of environmental issues, Mr. Swanson read from an article in the New York Times. "One acre of trees annually consumes the amount of carbon dioxide equivalent to that produced by driving an average car for 26,000 miles. That same acre of trees also produces enough oxygen for 18 people to breathe for a year." He asked the Planning Commission to consider the impacts and the effects it might have if they lose 30 to 50 acres of open space to additional ski cuts. The effects might be minimal but they need to know the answer. Mr. Swanson asked the Planning Commission to take the time necessary to study and understand the more esoteric notions and to apply the lens of clear thinking and analysis. He also asked the Commissioners to carefully consider the Staff recommendations, as well as public comment both for and against this project.

Dana Williams stated that as the former Mayor he survived or 100 meetings on this particular project. Approximately half of those meetings were private and "eyeball to eyeball" with the applicants and attorneys. Mr. Williams formerly requested that the Planning Commission ask the City to release all the work product that was done in those four years between the City negotiating committee and the applicant. He would also like the applicant to support that request. Mr. Williams commented on the amount of work that was done regarding the specific topic this evening; as well as the other 15 chapters they would be reviewing in future meetings. He believed all the information was relevant and it would help the Planning Commission understand what they tried to accomplish during that time. Mr. Williams noted that he could be sued if he referred to any of that work product in his comments. He wanted it clear that he never wavered on being against the idea of looking at this project in terms of the Montage and St. Regis rather than a Holiday Inn. Mr. Williams thought it was important to try to look into the minds of the people who approved the project in 1985. He believed it was envisioned as small hotels and small amounts of back of house. Mr. Williams suggested that if they could utilize the 1985 agreement and original project with the 2003 LMC and apply the specifics of the Steep Slope ordinance, it

would become a less difficult project and they would be able to come up with a reasonable square footage. Mr. Williams stated that he agreed with the comments of the previous speakers.

Peter Marth, an Old Town resident and historic home owner stated that he generally agreed with the previous comments, particularly the comments related to density. He noted that the majority of his comments related to density because he believes the density proposed in the CUP doubles what was approved by the MPD. Mr. Marth stated that he has lived in, worked in, and defended this community for 35 years and he never imagined such an inappropriate development such as Treasure Hill would be proposed, which breaks with the General Plan and the LMC. He believed it was the opposite of the kind of sensitive, small scale growth they demand as a community. In his opinion, this monstrous and looming proposal was far more than inappropriate. The adverse impacts that it will impose upon not only the historic residential character of the surrounding homes, but the strategically superior historic nature of the Main Street commercial core are not mitigatable. Mr. Marth stated that the Historic District has small scale distinct qualities that both residents and guests see as unmatched anywhere in the world. These qualities are the life blood and precedent setting competitive advantage they hold near and dear for both the City's financial success and for the residents' quality of life. Mr. Marth remarked that as proposed, this massive density increase request was a deal breaker. It is insulting to him and every resident that he has spoken with to completely violate and not comply technically or emotionally with the original land swap and MPD, and/or every piece of protective wording that is littered throughout the LMC, the General Plan and the Historic District Guidelines, which is critical in guiding future progress. It is insulting that the community and Park City Municipal Corporation has to defend itself against this kind of high density over development. As submitted this project clearly defies the widely accepted Park City philosophy to Preserve and Protect. Mr. Marth stated that for years he has been saying that you cannot mitigate the negative effects of construction traffic, particularly with something this massive. You cannot mitigate the impact of 10 to 15 years of 350 trucks per day on residential streets spewing toxic diesel exhaust. You cannot mitigate 10 years of ear-splitting construction equipment noise, airborne soils and dust laden with metals, or the loss of commercial business activities. Mr. Marth believed these reasons alone were a reasonable argument for rejection of the CUP. He stated that the ambiguous nature of the word "mitigation" and its intent needs to be more carefully examined as they move forward in this process. Mr. Marth supports the denial of this Conditional Use Permit as presented on the basis that it violates the original MPD, the General Plan, the Land Management Code and the Historic District Guidelines specifically in terms of density. He urged the Planning Staff, the Planning Commission and PCMC to continue to help protect the community from this kind of outrageous and insensitive threat to their present and future quality of life or the sustainable competitive advantage they currently possess. Mr. Marth strongly suggested and supports any additional legal counsel to be hired by the City in

order to fight this threat to their unique and outstanding community of residents and businesses alike.

Jim Doilney stated that he was on the City Council that approved this project in 1985 and he could offer a unique perspective. The project passed by a 3-2 vote. He was against the project because he thought the buildable density that was being given up was far exceeded by the 400,000 square feet that was committed to in the agreement. To see this density exceed beyond that is totally inconsistent with the MPD. Mr. Doilney stated that the current proposal would never have been approved if the density was 600,000 square feet, and the MPD would have failed.

Brian Van Hecke noted that John Stafsholt was not able to attend this meeting but he had submitted a letter to the Planning Commission on July 13<sup>th</sup>. Mr. Van Hecke was unsure if Mr. Shafsholt's letter was included in the Staff report.

He was told that it was included.

Mr. Van Hecke noted that it was an important document from Mr. Stafsholt that represented their thoughts at THINC, and he encouraged the Planning Commission to carefully read the letter because it contained great information.

Bart Bodell, a full-time resident at 1025 Norfolk, stated for the record that he concurs with all of the members at THINC. They are working hard to put this together and they do not intend to stop. He concurred with Steve Swanson, Mary Whitesides, Neils, Brian Van Hecke, and specifically Charles Stormont, their attorney.

Scott Petler, a resident on Empire Avenue, agreed with the previous speakers opposing this project. Mr. Petler thought the comparisons to the St. Regis and Montage were out of line. Those projects are outside of the historic district, they are not visible from town, and they are not accessed through narrow residential streets. Mr. Petler believed that most people in Park City would consider the approval of those hotels a huge mistake. If they move forward and approve the Treasure Hill development as submitted, it would be an awful legacy to leave to the community.

Chair Strachan closed the public hearing.

Chair Strachan noted that the applicant had asked to respond to the public comments; however, in the interest of time they had agreed to submit their responses in writing.

Chair Strachan introduced Jody Burnett, special legal counsel who was retained by the City to represent the Planning Commission above and beyond the City's in-house Attorneys

Mr. Burnett stated that for the benefit of the Planning Commission and the public, he referred to his April 22<sup>nd</sup>, 2009 letter, and noted that the language quoted in presentations and comments was on the bottom of page 3. He noted that everyone has used for reference purposes the term "Back of House" in a very broad manner for convenience without having an agreed upon definition of what it is. Mr. Burnett thought the Staff and the applicant had done a good job in their submittals for this meeting trying to break it out in smaller pieces and categories. However, in his independent advisory opinion, Mr. Burnett noted that he intentionally did not ever use the term "Back of House". The language quoted from his letter is very specific to the computation of support commercial. They could discuss whether or not they want to include it as a sub-category of back of house, but it was not a comment broadly to what otherwise has been described as back of house. He clarified that was limited to the calculations of support commercial and meeting space.

Commissioner Joyce noted that the Planning Commission has talked about trying to understand what the real assumptions were in 1985, what people were thinking, and what the real agreement was. Understanding that it was a difficult task, he asked the Planning Staff to continue their efforts to find some of the Planning Commission meeting minutes where the discussion would reflect how they came to some of their conclusions. Commissioner Joyce believed it would clarify the assumptions where the applicant thinks they meant one thing and someone else thinks something different.

Commissioner Joyce did not believe there were issues with the residential and commercial unit equivalents, and they all understood that this was being reviewed under the 2003 LMC. The issue is with things that do not have specific counts, such as recreational accessory, resort accessory, and back of house uses. He noted that large numbers are being proposed for these spaces. Commissioner Joyce noted that even though "no more than 5%" is specified, at some point there is a limit. He provided an example to support his opinion that at some point the square footage crosses the threshold of being unacceptable. Commissioner Joyce thought the first step was how to determine what is acceptable. He believed part of it was industry norms, which was addressed by the applicant, but they have not addressed site specifics. He noted that the Treasure Hill has unique challenges that do not exist in other places and adding hundreds of thousands of square feet that does not count against UEs, it creates more employees, more building materials, a significant amount of additional excavation, and other things that impact mitigation. Commissioner Joyce had concerns with adding that much additional square footage to a place that has very steep slopes, that is in a Historic District, and that has environmental issues. He believed the proposed amount of square footage would make it much more difficult for the applicant to mitigate the impacts that will be discussed in the

following meetings. Commissioner Joyce stated that while the applicant may feel comfortable with it; however, for him personally it magnifies a lot of the issues when he goes back and looks at the original plans and drawings. He believed part of the problem is how the plans shows the holes in the ground. When he looks at the cross sections from the original exhibits that were used to build the 3-D models, he would like to see the difference in the excavation amount that would occur if they built the 3-D model as it was drawn, versus the excavation model presented. Commissioner Joyce thought it felt like an order of magnitude difference. He referred to page 18 of the Exhibits and noted that the meeting minutes support the fact that these buildings would follow the grade. However, the proposed plan cuts a 100-foot plus chunk out of the mountain and sinks the buildings to comply with the elevation requirements.

Commissioner Joyce stated that independent of whatever number is determined for density and total square footage, in looking at the volume, mass, and excavation, the applicant was not even close to following the original plan. He believed there was documented discussions showing how different approaches were looked at and how each one was visualized on the hillside before they chose the plan they approved. Commissioner Joyce was unsure how to work the below grade square footage into the specific density issue, but he believed they were tied together. Every time they bury density in the ground it digs up toxic dirt and it disturbs the water supply. He intends to bring up this issue many times throughout the process because it is the biggest deviation from the original agreement.

Commissioner Joyce commented on the Woodruff concept versus the current proposal. He noted that some things in the 3-D model did not make sense because in some cases there appeared to be a seven-story façade in an area that was supposed to be limited to 45 feet. Commissioner Joyce stated that if the applicant was basing their argument on what the original agreement was and how much volume and square footage was allowed, it is important that they get the numbers right.

Commissioner Joyce noted that the applicant was showing 52,000 square feet of commercial in the plan. Part of that was the 5% bonus and part was the 19,000 in the MPD. He stated that when he has previously seen this plan both as a Planning Commissioner and before that as a private citizen, one of the justifications for value to the community was that this project would bring hot beds to Main Street and use the services that Main Street provides for dining, rentals, etc. Commissioner Joyce asked the applicant to explain what they plan to put in 52,000 square feet of commercial space that would not directly compete with what is offered on Main Street.

Commissioner Joyce agreed that the applicant has the right to build a fairly substantial project on the hill. However, they do not have the right to build the proposed conditional use permit. He wanted the applicant to differentiate what is truly vested as part of the MPD

from what they would like to implement because the two are very different. Commissioner Joyce referred to Exhibit W, which was the comparison to projects such as the Montage and the St. Regis. He thought it would be interesting if they could add the year that each project was approved. He was primarily looking at the projects that were approved closer to the 1985 General Plan and LMC.

Commissioner Joyce stated that when he looks at this and tries to figure out what might fit, he sees a site that is very steep, in the Historic District next to residential property, and with marginal to substandard roads leading to it. He reiterated that the issue is not the fact that they have a right to some number of square, but rather, whether it can fit on the site in a reasonable fashion. Commissioner Joyce stated that it goes back to the hundreds of thousands of square feet that are not counted as UEs.

Commissioner Joyce stated that when he saw the 19,000 square feet of commercial, he found it interesting because the land did not have any commercial rights. It was zoned Estate and HR-1. He noted that the 1985 LMC allowed 5% of support commercial. Based on the 394,000 square feet of residential that was approved, 5% is exactly 19,000 square feet. He commented on various places where he thought the applicant was double counting, which is why it would be helpful to have the Minutes from the 1985 meetings to help them understand the original intent. Commissioner Joyce understood that the applicant had done the percentage calculations based on back of house and resort spaces. He pointed out that the applicant could decide that because they added unapproved space, they could justify adding more meeting room space and more support commercial space. Commissioner Joyce believed the applicant was using artificial numbers because they do not count against UEs and they have not been approved. The applicant was doing the math on those numbers as gross square footage to justify more space for their own building. Commissioner Joyce stated that every time they add 50,000 to 100,000 square feet to the project it opens another can of worms for mitigation. He did not believe they could put that amount of development on a hillside and think it could be mitigated.

Commissioner Band stated that given some of the new information presented this evening she was not fully prepared to comment until she has the opportunity to review it. Commissioner Band wanted to do what Dana Williams suggested and request that the documents be released so the Planning Commission could see what went on in those discussions.

Jody Burnett stated that he was not personally familiar with those negotiations, but there is a difference between disclosing confidential communications and having access to the same information that might be helpful. Mr. Burnett strongly recommended the disclosure of confidential information that was entered into on the premise of its confidentiality. That

is a different issue than whether there are specific objective calculations that might be reproduced in another form without disclosing the confidential communications themselves.

Commissioner Band clarified that she intended to request it understanding that legal counsel and the City could refuse the request.

Commissioner Band stated that based on what she heard from the applicant, she did not disagree with the Staff's conclusions in 2009 or the Staff's conclusions this evening. She could find no reason to change what was approved and it was difficult to agree with what the applicant was proposing now.

Commissioner Suesser concurred with Commissioner Joyce. She was concerned about the amount of square footage that was requested by the applicant. She had particular concerns with the calculation for the back of house. From the applicant's presentation it appeared that they were calculating 5% for meeting space and another 5% for support commercial and she did not believe that was contemplated in the Code. Commissioner Suesser agreed with Commissioner Band that it would be helpful to have the release of the work product as Dana Williams had suggested. Commissioner Suesser wanted to review the motion by the City Council on 10/16/86 for any revisions to the conditions of approval in the MPD. There was a note on the Exhibit of the approval indicating that there were revisions to the approval. She did not believe that information had been provided and she would like to see it. Commissioner Suesser reiterated her concerns regarding the amount of density being added to this project and she was also concerned about mitigating those impacts. Commissioner Suesser thought it would be helpful to see the depiction of the Woodruff excavation as described by Commissioner Joyce. She believed that amount of commercial space proposed was intended to draw more people to the project as opposed to just servicing those staying at the project.

Commissioner Campbell thought the most interesting testimony came from Jim Doilney, the former City Councilman, who provide some insight on what the Council was thinking at that time. Commissioner Campbell would like a mechanism that would allow the Commissioners to get deeper into that insight. He noted that the Commissioners have asked for minutes from Planning Commission meetings, but he was more interested in finding out what the City Council was thinking when they actually approved the MPD. Tonight was the first time he had heard that it was close in a 3-2 vote. He thought it was significant and he would like to learn more about it. Commissioner Campbell referred to Exhibit W and he was shocked to see that the Yarrow was a fourth of the size of the Treasure Hill proposal, because what has been presented feels more like 20 times as big as the Yarrow. He stated that all square footage is not created equal and the impact is greatly increased by the location of the site. Commissioner Campbell asked for guidance on how that works because the Yarrow does not seem nearly as big.

Planning Director Erickson stated that all of the calculations in the Exhibit are in square footage but that does not directly relate to volume. For example, a three-story volume could have the same square footage as a one-story volume. He explained that the relationships in the sizes of the building are more related to the volume of the building than the actual UE square footage. Director Erickson stated that if they look through the applicant's exhibits they would see large volume space which tends to drive the building bigger.

Commissioner Campbell thought it was important to have some sort of a numeric calculation. Director Erickson understood what he was asking for but he needed time to figure out the best way to do that analysis. He pointed out that aside from the analysis, the feeling of bigness was actually the calculation of volume. There were a number of two, three or four-story volumes inside this application.

Commissioner Phillips noted that the Staff report had several areas that requested discussion. On page 106 the Staff requested discussion and direction on the fact that the proposal has not decreased in size since it was originally submitted in 2004. The project has increased in size by 167,880 square feet. The Staff acknowledges that this is a numeric analysis and will be prepared to discuss the mass, volume, etc., changes from the 2004 submittal to the 2008 update should the Planning Commission find it necessary for the CUP review and determination of compliance.

Planner Astorga clarified that the question is whether it was necessary to have a discussion regarding how the project increased in size from 2004 to now. He did not believe that discussion was necessary because they have the numbers. At one point it was sensitive because the applicant indicated that he was responding to Planning Commission and Staff guidance. The Staff does not agree that any guidance would have given the applicant room to go bigger from 850 square feet to over a million square feet. Planner Astorga did not believe the question of how it got bigger needed further analysis at this point.

Regarding the second part of the question, Planner Astorga believed the Commissioners had already provided specific discussion that the Staff would be addressing.

Planner Astorga noted that the Planning Commission was requesting significant analysis. He would do his best to make August 10<sup>th</sup> his target date to provide all the requested information, recognizing that he may not be able to have it completed by that date. Planner Astorga pointed out that a site visit was also scheduled for August 10<sup>th</sup>.

Planner Astorga felt that he had received good direction from the Planning Commission regarding the second question on page 107 of the Staff report.

Commissioner Campbell noted that the next paragraph in the Staff report states that the Staff was still confirming the calculations in Exhibit W. He requested that the Staff not include information that has not been confirmed. Planner Astorga replied that it was prepared by a former Planning Director and the Staff would like to verify the calculation methods. Chair Strachan questioned whether the numbers could actually be confirmed. Planner Astorga reported that Exhibit W was used in some of the discussions the City had with the applicant, but it has never been presented to the Planning Commission. It was not compiled until 2011 or 2012. Commissioner Campbell thought Exhibit W was extremely relevant and he would like to know how much weight to put on it.

Jody Burnett did not believe Exhibit W was prepared for the purpose of addressing the volumetrics that was raised as an issue. He believed Exhibit W was solely intended to compare the percentage of the various back of house issues. He thought it was important to separate it from the volumetrics discussion.

Commissioner Phillips asked, as they look at the comparisons in Exhibit W, whether it was also possible to look at the types of residential units in those projects.

Commissioner Phillips referred to the next question on page 109 which asked if the Planning Commission agreed that the open space complies with the MPD. Planner Astorga believed there was consensus by the Planning Commission to discuss open space at a later time.

Commissioner Phillips agreed with the Staff conclusions, and he agreed with the comments by Commissioner Joyce, especially regarding the 5% additional square feet and the hypothetical square foot number. Commissioner Phillips thought the difference in excavation from the Woodruff drawings versus what is currently shown will be a major impact in many ways. He believed the buildings could be manipulated and pushing them back might also be a way to physically get to that million square feet. He would be curious to see whether they could actually get that much square footage if they follow the grading based off of the Woodruff maps. Commissioner Phillips was concerned by the amount of excavation.

Commissioner Phillips stated that massing would be a major discussion. He commented on the orientation of the buildings in the new plan and noted that they tend to run more horizontally across the mountainside, as opposed to the original drawings which ran more vertically up the hillside. Commissioner Phillips believed it would have a lot of impact on visual massing. He stated that the 140,000 additional square feet was a number that stood out in his mind, and based on his calculations it is 1/6<sup>th</sup> of the original amount, which is still in question.

Commissioner Phillips referred to the scheduled topics for each meeting and suggested that they break it down further to allow sufficient time to discuss the important issues. Planner Astorga understood from the Planning Commission that they were not going to follow that schedule. He recalled that the direction was to take as long as necessary for each topic.

Commissioner Campbell referred to a comment during the public hearing about the possibility of starting the project and then stopping it for whatever reason. In order to support this project, he would need a mechanism to keep that from happening.

Assistant City Attorney McLean stated that for North Silver Lake the Planning Commission instituted a remediation bond through the Building Department. It was not a bond to complete the project, which would be unreasonable to an applicant, but it would remediate the site back to how it was. Commissioner Joyce questioned how they would remediate 160,000 cubic feet of removed soil. Ms. McLean replied that it was the same issue in North Silver Lake. There was a huge hole and it was eventually remediated. Commissioner Campbell stated that the difference between Treasure Hill and North Silver Lake is that the whole town would see the hole at Treasure Hill. Ms. McLean agreed; however, she was answering the question about mechanisms.

Director Erickson explained that they would be dealing with construction impact mitigation. One item would be some sort of assurance before they put shovel to dirt that the project would be completed. He and Ms. McLean would review the mechanism for doing that.

Commissioner Band stated that they keep talking about the 5% number as if it is 5% of the maximum given. However, in reading the language she understood that it was actually up to 5%. Director Erickson replied that she was correct. Commissioner Band noted that it could be up to 5%, and that would presumably be if everything is mitigated fully. She thought it was important to remember that 5% is the maximum allowed.

Chair Strachan agreed with Commissioner Joyce and Commissioner Campbell. They need a volumetrics analysis and Exhibit W should either be amended or a new exhibit should be generated that takes into account the volumetrics and answers some of Commissioner Campbell's questions. Chair Strachan thought this meeting was indicative of what he thought would happen and they need to come to an understanding as a Planning Commission on what to do moving forward. They went beyond the strict discussion of square footage this evening and he believed it was inevitable that that would happen. Chair Strachan suggested that the Planning Commission as a body should be able to agree that they have enough information to determine what the square footage number should be, and then agree to move on to the next issue. He pointed out that at the end of

all of these meetings there would be one motion that would take time to craft. They will eventually get to a number and a volume, and they will figure out whether or not the traffic has been mitigated. Chair Strachan did not want the Commissioners to get into a position where they could not agree on the final square footage and, therefore, never move on to the other issues. He believed they needed to hear the rest of the issues and in the end make one motion that hammers it out. Chair Strachan clarified that he was not ready to move on from the issue of square footage. He was only pointing out that they may never reach a consensus on that number.

Chair Strachan thought the next meeting should continue to focus on square footage. He would like the Staff to come up with a square footage number because the Planning Commission cannot proceed without it. Whether or not the Commissioners agree with that number will be a topic for discussion but they do need a Staff recommendation and the basis for whatever number is recommended.

Chair Strachan thought Commissioner Campbell raised an excellent point that not all square footage is created equal. He thought this was the time to introduce the elephant in room, which is volume. They may come to a square footage number, but the volume of the building may be very different. He did not believe they could look at one without the other.

Director Erickson believed the Planning Commission had given the Staff enough direction on square footage UEs that they could start to talk about the implications of the volumes submitted, where larger volumes occur in the building, and the effect of additional unaccounted for square footage in the total volumes of the buildings.

Chair Strachan reminded the Planning Commission that the greatest discretion they enjoy under the Code and the CUP criteria is determining mass, scale and volume.

Planner Astorga noted that the site visit would be August 10<sup>th</sup> at 4:30 p.m.

MOTION: Commissioner Joyce moved to CONTINUE the Treasure Hill Conditional Use Permit to August 10<sup>th</sup>, 2016. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

3. **Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for Retaining Walls six feet (6') in height or more. (Application PL-15-02669)**
4. **Alice Claim Gully Site Plan, south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment.**

**(Application PL-08-00371)**

5. **123 Ridge Avenue, Alice Claim Gully Site Plan property swap - Ridge Avenue Plat Amendment.** (Application PL-16-03069)

The Planning Commission addressed all three items together.

Commissioner Phillips recused himself and left the room.

Planner Astorga reviewed the applications for the Alice Claim subdivision and plat Amendment, the Ridge Avenue plat amendment, and the remanded conditional use permit for retaining walls six feet and higher. He noted that Exhibits U through Z were recently updated by the applicant as follows: Exhibit U identified the proposed density and number of lots as presented or explained by the applicant. Exhibit V provided an example of landscaped walls. Exhibit W talked about the negotiations with the neighbor. Exhibit X was the conditional use permit significant vegetation mitigation. Exhibit Y was the applicant's drafted findings of fact, conclusions of law and conditions of approval for CUP approval. Exhibit Z was the applicant's drafted ordinance for both plat amendments.

Planner Astorga noted that the Staff report also included the Staff's analysis of the density. He noted that a public hearing was noticed for all three items and he believed the Planning Commission could take public input on all three at the same time.

Planner Astorga stated that if the Planning Commission chooses to forward a positive recommendation for both the plat amendment and subdivision, the Staff could come back as early as July 27th with Findings of Fact, Conclusions of Law and Conditions of Approval. The same procedure would apply to the conditional use permit where the Planning Commission is now officially the land use authority on that conditional use.

Greg Brown with DHM Design, representing the applicant, introduced the other members of their team who were present to answer questions if necessary. Mr. Brown thanked Planner Astorga for his efforts on these applications.

Mr. Brown reported that the applicant has submitted three applications. One was a combined subdivision and plat amendment for 8 lots in the HR-1 zone with a maximum one-tenth of an acre. The maximum footprint for those homes is 1,750. One lot is in the Estate zone and it is clustered very closely to the HR-1 District. The Estate lot has a maximum of 7,321 square feet of disturbance allowed. They created and platted a disturbance envelope within that Estate lot. Mr. Brown noted that overall they were able to save the majority of the large significant evergreen trees, which will help to screen the view of the homes. Mr. Brown stated that the applicant is proposing public roadway

improvements to Sampson Road to assist with off-site traffic concerns.

Mr. Brown reported that the plat amendment is for the HR-L District which has existing platted lots. The applicant proposes to dedicate that land to the City with an allowance to do grading, erosion control, and landscape improvement.

Mr. Brown commented on the second application for a condition use permit for three terraced stone veneer soil nailed wall at a maximum of ten feet high. The intersection improvements caused them to extend that wall around the corner, and it will provide significant erosion control on a slope that he would talk about later in his presentation. Mr. Brown stated that the access where they are proposing the three terraced walls is the legal access for Alice Claim on to that site. The applicant was proposing substantial landscape mitigation on the walls.

Mr. Brown stated that the last application was a Ridge Avenue plat amendment for the purpose of adjusting the shape of Lot one, number 123 on the street. There is no change in the plat size for the Ridge Avenue subdivision or the Alice Claim plat.

Mr. Brown remarked that during the Planning Commission meeting on May 26, 2016 they heard positive feedback from the Commissioners on the revised Gully Plan that was presented; however, the Planning Commission also had concerns. Rather than going through the entire presentation that he gave in May, Mr. Brown preferred to spend the time addressing those concerns this evening. Mr. Brown outlined the concerns which related to density and why it was nine lots, the loss of significant vegetation, whether planting could be successfully done between the retaining walls, a request for a visual simulation of what those retaining walls would look like, a question of why the applicant was making improvements on King Road, a question about the negotiations on the existing gravel access road, and questions about construction mitigation.

Mr. Brown commented on the question regarding density and the reason for nine lots. He explained that this project started in 2005 and the Staff report from that time talks about the maximum allowed density of 56 lots, of which 41 were in the HR-1 zone. It was prefaced that site conditions may reduce the density and development must follow the LMC. Mr. Brown believed that the nine lots currently proposed are Code compliant. He noted that in 2008 Joe Tesch wrote a memo talking about vested rights from the 2005 application that was deemed complete. Mr. Brown explained that an underlying zoning sets the maximum number of lots, and the size and location of those lots is based on the LMC and Best Planning Practices. The 9 lots currently proposed are Code compliant and meet the direction provided by Staff and the Planning Commission for Best Planning Practices.

Mr. Brown stated that in January 2009 the applicant received an email from the City's Legal Department stating, "The Staff agrees that the underlying density allows for 9 lots; however, any lots must meet the subdivision and all other criteria of the Land Management Code and the location and potential development impacts need to be approved by the Planning Commission and City Council. The 9 lots currently proposed are Code compliant and meet the direction provided by Staff and Planning Commission for lot locations that minimize development impacts." Mr. Brown stated that an existing City plat that was included in the Staff report, and on that plat there are 12 full and partial lots within the HR-L parcel. There is one metes and bounds parcel. Mr. Brown clarified that he had used the wrong numbers in a letter he wrote to Planner Astorga six weeks ago. He had quoted 14 and 2 and he has since corrected that error. Mr. Brown stated that the HR-L parcel is encumbered by King and Sampson Road, but still has development potential under the existing plat. The applicant has offered to deed that parcel with the lots to the City.

Mr. Brown stated that in the Staff report for this evening, the density associated with these three areas, excluding the City owned parcel is as follows, assuming that optimal conditions for development exists and that every requirement in the LMC can be met. With that idea in the HR-L, there is a maximum of four lots. In the HR-1 a maximum of 82 lots. There is one lot in the Estate zone.

Mr. Brown noted that during the hearings and work session in 2015 they talked a lot about the HR-1 land use pattern and what it should look like. At that time, they had houses further up the hillside, but the Planning Commission felt it was not compatible with the HR-1. The applicant believes that the current plan creates a land use pattern that matches the HR-1 District and many of those areas within the City. They are smaller lots lined on the City street and they are clustered side by side. Mr. Brown believed that fewer lots would not achieve that same pattern. He pointed out that amending the Ridge Avenue subdivision and square out that lot further reinforces the HR-1 pattern.

Mr. Brown stated that density on this site is very low. Eight units are proposed in a cluster of 3.57 acres, which equates to a density of 2.2 dwelling units per acre. Mr. Brown commented on the amount of open space. Within the HR-1 it is 2.69 acres, which is 75% of the HR-1 area. Combining the HR-1 with the Estate zone, 7.85 or approximately 87% is open space.

Mr. Brown talked about equitable considerations. He noted that the voluntary cleanup cost was over \$1 million for this site. The City officials made assurances that a 9 lots subdivision was acceptable. The City was a co-applicant on the cleanup that showed 9 lots. He believed that manifests approval for development 9 lots.

Mr. Brown believed that 9 lots were well within the limits of the underlying zoning, meets the criteria of the Code, matches the HR-1 land use pattern, responds to Staff and Planning Commission concerns for Best Planning Practices, minimizes site disturbance, establishes and protects open space and trails, and it deeds the 12 HR-L lots to the City and clears title for the existing public roads, King and Sampson, thereby eliminating partial lots in that area.

Mr. Brown commented on the question regarding the loss of significant vegetation. He noted that they would be removing two mature evergreen trees, considered significant vegetation, for the entry road coming into the project. It still leaves 27 large evergreen trees on the site. He stated that the entry road is the legal access Code for this project. Mr. Brown noted that within the Code the Planning Director is authorized to allow mitigation for loss; and there has been precedence for this in the past.

Mr. Brown explained that the proposed mitigation for new landscape is based on the Staff recommendation that they add 20% more trees from what was shown in 2015. That brings the count up to 33 Evergreen trees and 31 deciduous trees, for a total combined minimum 212" of caliper. That would replace the two removed evergreen trees which have a combined caliper of 53". Mr. Brown pointed out that many projects in Park City use a 3:1 ratio. They were proposing a 4:1 ratio of additional trees.

Mr. Brown thought the mine tailing and revegetation should also be a positive consideration because it is a major additional benefit to the community, as well as to the existing vegetation on the site and the water quality coming off of it.

Mr. Brown referred to the concern about successful planting between retaining walls stepping up the hillside. He stated that he has over 30 years of professional experience working in the Rocky Mountain West. He worked on a lot of projects with similar situations and he has been very successful and has seen a lot of successful projects that are planted in these area. The trees will be irrigated and they will bring in special planting soil. They plan to use fir and aspen for drought resistant planting. There would also be shrub planting at the base of those trees. Mr. Brown used the Marsac building as an example of successful planting. He noted that the planting proposed for Alice Claim is a much denser planting and the trees are closer together.

Mr. Brown presented a simulation of what the retaining walls would look like. He noted that the simulation showed five years of growth. They would be planting 10-14' high trees in front of those ten foot walls. As those trees grow and fill in, they would substantially screen the visibility of the walls. He noted that the simulation did not show the shrubs that would be planted at the base of the trees, which would help mitigate the base of the wall.

Mr. Brown commented on the retaining wall height. He noted that the current Staff report states that, "The Staff finds that the walls as proposed at 10' are twice in excess of those four to six foot heights typically found within the residential historic district". Mr. Brown stated that during the meeting on July 22nd, 2015 they showed 30 photos of walls within the City, many within the residential historic district, that match or exceed what they were proposing for 10 feet walls. Many of those walls do not have any mitigation.

Mr. Brown referred to a question about the road coming into the project at King Road and why the applicant was proposing to improve it. Mr. Brown explained that the City Engineer requested these improvements primarily for King Road traffic. He stated that the primary purpose is that King Road has a 170 degree turn, and larger vehicles need additional space to make that tight turn. This was an opportunity to improve that section of King Road in conjunction with the construction of Alice Court and that entry. Mr. Brown pointed out that it would require additional retaining wall, but that would help resolve the existing erosion and debris flow problem that currently exists. Mr. Brown showed how the retaining wall would come around the corner and come down the slope; retaining the area and allowing for revegetation.

Mr. Brown commented on negotiations with the neighbor who owns the current roadway easement. He noted that at the meeting on May 25th, 2015, Ms. Levitan stated that, "There is a gross misrepresentation that the applicant has been negotiating in good faith us. It just hasn't happened. We haven't been involved in any real negotiations of any kind." Mr. Brown stated that the applicant was taken aback by her comment. The facts are that the applicant has made written and verbal offers, and written offers as recently as August of 2015. He noted that these offers were over four times the appraised value of the easement that the applicant obtained in May of last year. Mr. Brown pointed out that there was much more detail regarding this issue on page 194 of the Staff report.

Mr. Brown referred to the question regarding construction mitigation. He stated that there would be specific construction mitigation plans for infrastructure and each of the building permits on this site. Each of those plans will have specific and unique requirements. Mr. Brown remarked that this site has a lot of advantages over most of the lots in the Historic District. It is a large area of land and the adjacent lots can be used for storage and staging. Mr. Brown stated that there is very little through traffic on Alice Court, and materials can be delivered and stored on site. The daily material delivery seen for most sites in the Historic District will not be required for Alice Claim. They would be able to take larger deliveries once or twice a week and store the materials.

Mr. Brown stated that this applicant has a proven record of mitigating construction traffic, not only on this site when they did the cleanup project, but also on single family homes he built throughout the City.

Mr. Brown reiterated that all three applications meet the requirements of the LMC, including subdivision provisions, and they all meet the standards of good cause. Mr. Brown stated that the impacts from walls are reasonably mitigated by tiering, stepping back, adding vegetation, soil nailing and stone veneer.

On behalf of the applicant, Mr. Brown requested that the Planning Commission direct the Staff to prepare findings of fact, conclusions of law and conditions of approval for a positive recommendation for the subdivision and the plat amendments, and approve the CUP.

Chair Strachan opened the public hearing on all three applications.

Carol Sletta, a resident at 135 Sampson, stated that she had sent the Commissioners an email. She did not intend to read the entire email but wanted to highlight the key points. Ms. Sletta wanted to see what the retaining wall would look like at that five-point intersection rather than a view from across the canyon. She noted that where the walls are proposed there are existing large evergreens and natural vegetation that naturally take care of erosion without artificial walls. Ms. Sletta stated that that currently that corner is a beautiful Old Town landscape and the proposed retaining walls would take away that landscape. Regarding the erosion issue that occurred with the water line going in, Ms. Sletta noted that she has lived at 135 Sampson since 1980 and that uphill side of King Road/Sampson has always looked that way except in the gutter area where the line was installed. The gravel that was left does erode and wash down on the street, but that side of the hill has not eroded in her 40 year being a resident. Ms. Sletta commented on the five-point intersection being proposed. She did not understand why they would put a stop sign at the top of an uphill road. Widening the street takes away the historic look of Old Town streets. Ms. Sletta wanted to know who makes the decision to change public streets to accommodate a private development project. She asked how much more developments the neighborhood of Sampson Avenue, King Road, Ridge and Upper Norfolk could withstand. Adding 9 more homes would bring an excessive number of vehicles to the neighborhood, especially during construction. After construction there would be additional garbage and recycling pickup. As of now a small truck is used for the pickup, but adding 9 more houses would require more trucks and larger trucks. Ms. Sletta was concerned about night pollution up Woodside Gulch with 9 additional houses. Ms. Sletta asked at what point does CUPs and subdivision developments take precedence over an established, historic Old Town neighborhood.

Tom Gannick, a resident on Daly Avenue, stated that throughout this process he has been trying to address the issue of public safety, particularly in the event of an emergency. With regard to this particular development, the LMC defines good cause as providing public amenities and benefits resolving existing issues and non-conformities, and ultimately furthering the health, safety and welfare of the Park City community. Mr. Gannick stated that the current substandard width of Ridge and King Road as primary access and egress to the Alice Claim development make it impossible for simultaneous passage of vehicles in opposite directions on these roads. They are 12' wide at the narrowest. Mr. Gannick remarked that in the case of an emergency vehicle going up trying to access an emergency, the risk is that the vehicle may not get by and the delayed response ultimately affects the safety of the residents living above Ridge and King Roads. They have a higher risk of loss of property, injury, and loss of life because it would be harder for emergency vehicles to reach them in the case of an emergency. Mr. Gannick tried to find a way to calculate the risk, and in his mail he received a conflagration from the City of Park with the same concern. He stated that the City has to set the rules for development on these substandard roads because there is no emergency access when in fact there is a major problem and everyone is trying to leave in their cars at the same time. Mr. Gannick noted that in previous meetings he cited a fire in Oakland California that consumed 3,000 houses at an urban wildland interface. 20 houses were built on a substandard road and resulted in the death of 11 people caught in a traffic jam. Mr. Gannick believes the safety of residents living above these substandard roads are impacted negatively and that is not a benefit under the good cause definition of the LMC. Mr. Gannick suggested that the findings of fact, conclusions of law and conditions of approval require the Planning Commission to deny this subdivision at this point in time.

Brooke Hontz, a resident on Daly Avenue, thanked the Commissioners for all they do and for taking the time to listen to the public. She also thanked Planner Astorga for the detailed and linked Staff report. Ms. Hontz referred to page 132 and 133 in the July 13th Staff report and noted that the water and sewer issues that were continually raised by the public had finally been addressed in the Staff report. Ms. Hontz believed that at least 10 LMC and Subdivision issues remain outstanding and have not been appropriately addressed, and they were listed in the Staff report in various locations. Ms. Hontz focused her comments on the access and the retaining walls. As she sees it, the Alice Lode parcel requires meeting all aspects of the Land Management Code and subdivision standards to go from one to 9 homes, including compliance with the Streets Master Plan. She pointed out that this document was from 1984, not 1985.

Ms. Hontz noted that people could look at page 148 of the Staff report, which was the site plan; however, she was looking at a copy of the Streets Master Plan, Park City Utah that she was given years ago. On page 2-4 of that document, which the subdivision standard requires that it meets, it says, "The existing right-of-way owned by the City were laid out in

a grid system that frequently did not reflect the topography of the area. Where roads were built to conform to the topography they are often outside the dedicated rights-of-way". Ms. Hontz believed there was clear evidence of where the rights-of-way and other platted and unplatted roads exist. "Many of the platted rights-of-way are on ground too steep to allow construction of safe roadways. Park City's long and sometimes harsh winters require that streets be passable when snow covered or icy. In many areas the cost of construction would be very expensive because of the need for extensive regrading and retaining walls. In these instances the platted rights-of-way should be deemed unbuildable and should be retained as pedestrian corridors, fire breaks, open spaces or pocket parks or utility easements. In limited cases the rights-of-way should be sold or traded to provide formal rights-of-way on existing prescriptive easements". Ms. Hontz noted that the document then goes on to detail those rights-of-way. Ms. Hontz stated that the location of the new widened five-way intersection would be confusing. The use of the right-of-way instead of another access, and removal of half of a hillside and the hillside vegetation to access a site in order to increase the density as stated from one to 9, and the impacts of the property, does not meet the standards of good cause. Separately, the retaining walls must be consistent per the CUP standard with scale, mass and circulation, among other requirements, in order to achieve the CUP approval. Ms. Hontz stated that they would be creating the impacts of the retaining walls artificially. They do not need a 14% grade, three-tiered wall structure stretching from a 5-way new intersection all the way up into the project, removing the hillside and vegetation. She noted that the Staff's original analysis indicates the CUP walls are too tall and do not meet the vegetation requirements. Ms. Hontz pointed out that the walls are no better in design than they were the last time or at any time, because they do not need to exist at all. Further, traffic is indicated as a non-issue on page 138 of the Staff report. She disagreed as traffic and traffic patterns would significantly be changed by the new 14% grade, fifth entrance into a very steep and narrow intersection. Ms. Hontz requested that the Planning Commission utilize the mandatory review requirements to deny the applications and make findings that clearly show that good cause is not established, creating new negative impacts that are completely avoidable.

Jim Doilney stated that he authored the words that Ms. Hontz had read about when the City should give away public rights-of-way. He noted that this project would be impossible if the City did not give away public rights-of-way. There is no public benefit giving up these rights-of-way. Mr. Doilney remarked that he authored those words long before he lived in the neighborhood at 50 Sampson Avenue. Mr. Doilney believed the letter from the applicant starts with an assertion that is simply not true. The letter states that since the application was first filed in 2005, density has been raised and resolved in past work sessions and hearings with the Planning Commission, and also with the City's Legal Department. Mr. Doilney could not see how that was possible because it could not happen unless there was a vote and an approval by the Planning Commission. He believed that those types of assertions were misleading. He pointed out that there is no right to 9 lots

and it is a presumption of everything that goes on in this application. Mr. Doilney stated that those lots are not buildable unless they are replatted. The applicant has a right to what is buildable. There is no right to unbuildable platted density. He pointed out that no City hearings or approvals occurred and; therefore, there was no granting of 9 lots or a consensus opinion. It could not be done. Mr. Doilney remarked that this approval would constitute a granting of density increases beyond what is buildable under current platting. Were this to be approved by the City Council following a positive recommendation by the Planning Commission, Mr. Doilney believed it would be depicted as a pro-growth vote because it is granting density that could otherwise not be achievable unless the City gave away land and replatted to accommodate that growth. Mr. Doilney requested that the Planning Commission forward a negative recommendation.

Tom Bennett stated that he is an attorney representing Sherry Levitan and Lee Guerstein, the property owners at 135 Ridge Avenue. Mr. Bennett recalled that the last time he attended a meeting was a year ago the biggest issue was the access issue. He failed to see how anything has been done to resolve the access issue. The biggest problem is that several roads come in at the same location. They are all steep and there is a big curve. By its nature it is a hugely dangerous intersection. Mr. Bennett noted that there were some provisions in the Code that were not addressed in the Staff report. He suggested that there may be compliance, but there was no way to know that because it had not been addressed.

Mr. Bennett stated that the first was from Code provision 15-7.3.4, Road Requirements and Design, subparagraph G1 and 2. G1 says no more than two streets shall intersect at any one point unless specifically approved by the Planning Commission. He understood that the Planning Commission has the authority to grant it, but clearly there was a negative implication. Mr. Bennett stated that G2 says proposed new intersections along one side of an existing street shall, wherever practical, coincide with any existing intersections on the opposite side of the street. Mr. Bennett noted that the biggest problem is that it does not coincide with the intersection on the other side of the street if they use the proposed access. Mr. Bennett indicated that further language says that street jogs with center line offsets of less than 150 feet shall not be permitted. Mr. Bennett was unsure of the exact distance between the center line of those two roads, but at the very least it should be examined and addressed in the Staff report. Mr. Bennett noted that subparagraph 4 talks about in hilly or rolling areas at the approach to an intersection a leveling area shall be provided having not greater than 2% slope having not greater than 2% slope for a distance of 60 feet. He recognized that this was easier to comply with, but it needed to be addressed by Staff and the Planning Commission.

Mr. Bennett thought Brooke Hontz raised a very interesting question about the use of the platted right-of-way. There is an assumption that the platted right-of-way can be used for a

street; however, he was not convinced that was the case. This is was an usual situation where there was a historically platted road, but the actual road contours off to the west. Mr. Bennett stated that once the road gets built outside of the platted right-of-way and exists there over a significant period of time, he was not sure they could come back in and grab another piece that was never built and use it. He believed that question needed to be examined closely in more detail.

Mr. Bennett commented on the concern that the Levitan-Guerstein property potentially gets left as an isolated island. One of the provisions in the Code prohibits a lot from having frontage on, on two, on two streets unless it's a corner lot. He stated that potentially the home of Ms. Levitan and Mr. Guerstein could be surrounded by three streets. There is a platted street immediately to the west of Ms. Levitan's property that has not been built, but it does access historic lots that have not been developed. If that road, which runs along the ridge to the west of her home were to be built, she would be surrounded on three directions with roads. He believed this would violate Section 15.7.3.3, subsection E of the LMC, "Lot fronting two streets, except a corner lot, shall be avoided". Mr. Bennett was surprised that the issue of negotiations between the applicant and Ms. Levitan and Mr. Guerstein were part of this discussion, and thought it was inappropriate for them to be part of this discussion. They have had negotiations since 2008 but they have not been able to reach an acceptable agreement. Mr. Bennett understood why there was a rebuttal, but there should not be any implication whatsoever that Ms. Levitan and Mr. Guerstein are unwilling to negotiate and cut a fair deal.

Mr. Bennett noted that page 134 of the Staff had an interesting comment. "One must understand that the entire site contains various challenges including but not limited to access, slope, ridgeline protection, and that the numbers provided above having to do with lot size and numbers of lots are not vested or entitled as the entire estate and HR-1 areas required subdivision approval. Development over the HR-L area requires plat amendment approval as not one lot of record currently meets the minimum lot area of that District". Mr. Bennett believed it was odd that the Staff acknowledged that there were problems that had not been addressed, but they were willing to move ahead with consideration of plat approval, and the CUP to enable that consideration. Mr. Bennett argued that if there were that many problems with the project they should be resolved before this moves forward. Mr. Bennett recognized that it could be difficult from a legal standpoint to deny a conditional use permit. However, it can be denied if the Planning Commission concludes that there are not reasonable mediation steps that can be taken to mitigate a negative impact. Mr. Bennett clearly believed the proposed retaining walls were a negative impact, and he questioned whether the impacts could be mitigated. Mr. Bennett was not convinced that there should be a presumption that a conditional use permit is appropriate. He urged the Planning Commission to deny or issue an unfavorable recommendation with respect to these applications.

Peter Marth, a resident at 27 Hillside, stated that his living room looks across the gully at Sampson Avenue and King Road. He walks through this property once or twice a week and he was trying to understand and visualize development in that area. He recognized that it was a difficult situation and he was unsure whether precedent has been set for a subdivision in upper Old Town that expands the boundaries of upper Old Town. Mr. Marth had concerns about that and the density being proposed. While he appreciated the applicant's work to clean up the area, he would like to see a smaller project that might open up the possibility for negotiations in that easement and eliminate the retaining walls. Understanding the applicant's right to build, he had a hard time accepting the size and scale and the volume and mass of what was being proposed. Mr. Marth believed more deliberation was needed between the applicant, the easement holders, and the City to come to some resolution for appropriate development.

Sherry Levitan addressed the negotiation issue. Their lawyer, Mark Gaylord had sent a letter on July 7th. If the Planning Commission had any questions she believed the letter would shed some light on what has transpired.

Chair Strachan closed the public hearing.

Commissioner Joyce stated that he started this process very negative towards the project. However, the applicant has revised the plan to address his concerns and he now supported the project. Commissioner Joyce noted that people keep saying that one lot should not be divided into 9 lots, but that is a City Council decision. He pointed out that the County Council has done things to explicitly freeze density and not expand beyond what has already been allocated. Commissioner Joyce stated that he has spoken informally with the City Council but there is no evidence that the City would take that step. He was not comfortable as a Planning Commissioner overriding the City Council. He understood the public's desire, and if they truly believe the existing density should be frozen they need to take that issue to the City Council. Commissioner Joyce commented on why he believes that sometimes good cause is a weak excuse for allowing development. He noted that in public comment people have questioned why the City would allow this development in such a beautiful area. He reminded everyone what this area looked like before this applicant spent a million dollars cleaning it up. In his opinion, that is legitimate good cause, along with fixing the mine, and giving land to the City to fix a disastrous intersection. Commissioner Joyce pointed out that people complain that the road is too narrow for fire trucks to pass, but when someone offers to widen the road they object to it. They cannot have it both ways. Commissioner Joyce clarified that when the applicant first presented plans to put nine houses on the hillside with steep slopes he could not support it. The applicant heard their concerns and did a good job doing what was asked of them. Commissioner Joyce commented on the comments regarding traffic. He is not a traffic

expert but the City Engineer spoke to the Planning Commission a number of times and answered all their questions regarding traffic impacts and the overall rating of the road. The City Engineer believes that fixing the intersection would actually make it safer. Commissioner Joyce would not argue with the City Engineer since he does not have that expertise. Commissioner Joyce commented on the 30' retaining wall. He noted that the Planning Commission asked the applicant to break up the retaining wall and they broke it into 10' sections. They asked them to over-vegetate the wall and they complied. The Commissioners were concerned about the sewer lines going along the base of the wall and having to push back further into the hill, and the applicant soil nailed it to address that concern. In his time on the Planning Commission, Commissioner Joyce could not recall giving this level of scrutiny to any other projects, and he did not believe this applicant should be held to a different level than anyone else. Commissioner Joyce thought the retaining wall was the largest piece, and the proposed condition gives the Planning Department the ability to approve a certified landscape plan that would be inspected at some point. He favored that condition and believed it help alleviate some of the concerns about trying to mitigate the wall.

Commissioner Band agreed with many of Commissioner Joyce's comments. She stated that after many meetings the Commissioner asked the applicant to come back with the Gully Plan and they complied. She believed the City has been talking about the nine lots all along and she did not think it was fair at this point to question it. They have been moving forward with nine lots and she thought it was fair. Commissioner Band agreed that the applicant has made every attempt to do whatever they've been asked to do. Commissioner Band had visited the City's retaining wall that was shown on page 193 of the Staff report and she measured between the walls. One is 9'10" and another section is 7' wide. The trees are thriving and she did not think it looked bad. Commissioner Band stated that her biggest concern has always been the substandard roads and safety. However, at some point they need to defer to the City Engineer and he has approved the plan. She noted that they did get cleanup, they will get dedicated land and a large amount of open space. She would still prefer access across the easement if it would be negotiated because it would make for a better plan. Commissioner Band understood how the people who live in Old Town feel about this, but this is a reasonable plan and the applicant came to the table with everything the Planning Commission asked.

Commissioner Suesser still had concerns with this project. Being the newest Planning Commissioner and newer to this project she had not had the opportunity to look at this project as long and as closely as the other Commissioners. Her primary concern was that they were not looking at the various steep slope conditions for the subdivision. She felt they were kicking the can on that aspect of the approval to the CUPs for the homes to be built. Commissioner Suesser was concerned that the very steep slope conditions of this area may not comply with the subdivision approval under the Land Management Code.

She also had concerns about the impact of that retaining wall and whether it could be fully mitigated. Commissioner Suesser had a remaining concern about the platted right-of-way being used for a street. She was not fully convinced that this projects was ready for approval.

Commissioner Campbell agreed that it would be nice if the applicant could negotiate the easement with the neighbors. At this point he did not believe those negotiations were not possible. Commissioner Campbell hoped that if the Planning Commission sends a positive recommendation to the City Council that it might encourage the applicant and the property owner to negotiate and come up with something that is better for the entire neighborhood. Commissioner Campbell stated that in his 2-1/2 years on the Planning Commission this is the most collaborative project he has seen. The applicant comes back each time with the revisions that the Planning Commission requested. It was impossible to maintain the ability to ask people to make changes if they reject this applicant after they revised the project as requested. Commissioner Campbell supported the project.

Chair Strachan stated that while he did not necessarily agree with the density determination of 9 units, he has been on the Planning Commission long enough to be overturned several times by both the City Council and the courts when they try to limit something due to light pollution, emergency access or any other reasons raised by the public. In such a pro-property rights State it cannot be done. He found it to be a sad situation but true. He wished it were different, but for the purposes of getting a project to be as good as it could possibly be, this was as close as they would get. Chair Strachan thought the impacts had been mitigated to some extent. It was looking like a 3-1 vote and he was not going to fight it at this point. Chair Strachan believed the access point was still the sticking point. He agreed with Mr. Bennett that denying a CUP in Utah is incredibly difficult to do because in this State it is build, build, build all the time. Chair Strachan pointed out that as the Chairman he would not be voting.

Planner Astorga requested that the Planning Commission continue these items to the July 27th meeting where based on their direction the Staff would draft findings, conclusions and conditions for approval.

**MOTION:** Commissioner Joyce moved to CONTINUE the three applications for the Alice Claim; the CUP for the wall, the plat amendment, and the subdivision plat, to July 27th, 2016, and to direct the Staff to prepare Findings of Fact, Conclusions of Law and Conditions of Approval for a positive recommendation. Commissioner Band seconded the motion.

**VOTE:** The motion passed. Commissioner Phillips was recused.

**6. Park City Mountain Resort Development Agreement Mountain Upgrade Plan and MPD. (Application PL-14-02600)**

Chair Strachan recused himself and left the room. Vice-Chair Joyce assumed the Chair.

Planner Anya Grahn reported that the Planning Commission approved the MPD with a Condition of Approval #4 that outlined the preservation of some of the mine sites. The Condition of Approval was amended in April 2016 to extend the date to July 23<sup>rd</sup>. The applicant was before the Planning Commission to request a 66-day extension to September 28<sup>th</sup>. Planner Grahn stated that the extension would allow additional time to complete the stabilization work on the California Comstock, which is predicted to be completed by the end of this month, and finalize the inventory of historic structures and update the preservation plan to acknowledge any structures that might have been overlooked. It would also allow the Staff time to work through the preservation easements.

John Sail with Vail Properties introduced Sally Elliott with Friends of the Ski Mountain Mining District. Ms. Elliott had displayed boards showing seven pictures of the first seven priorities. Ms. Elliot stated that the California Comstock was the first priority because it was the most in danger of blowing away. She had also provided the Commissioners with a copy of a report prepared by Clark Martinez regarding a machine that he had found and his progress.

Ms. Elliott noted that they would not be able to complete the stabilization of the California Comstock as they plan to do it because the project is \$150,000 and she had only raised \$50,000 at this point. She asked the Planning Commission to understand that they had done \$50,000 worth of work to make sure the structure will stand up during the winter. They also protected all of the materials.

Vice-Chair Joyce felt that the extension the Planning Commission was voting on this evening had nothing to do with the construction work being done. He pointed out that the issues were having time to identify the significant structures and complete the inventory and easement work.

Vice-Chair Joyce stated that when the applicant requested the first extension there was a question of how comfortable Vail and others were that it could be accomplished in that time frame. Vice-Chair Joyce pointed out that this was an important issue when the Planning Commission approved the Gondola and the Miners Camps. Both of those projects were completed on time and now they were asking for another extension for the historic structures.

Assistant City Attorney McLean clarified that Ms. Elliott represents the Friends of the Mining Structures and not Vail. On behalf of the Staff, Ms. McLean thanked Ms. Elliott for staying late to show the pictures and explain what has been done and prioritized with the \$50,000 that was part of this agreement. Ms. Elliott's intent was to show the Planning Commission that progress has been made. Ms. McLean stated that unless the Commissioners had questions for Ms. Elliott they could move forward to discuss the extension request.

Commissioner Suesser asked if the Inventory was complete. Planner Grahn replied that it was close to being complete. They were waiting on a map and trying to figure out the boundaries of Vail's leasable and owned areas to make sure they have not overlooked any mine sites.

Vice-Chair Joyce asked if the Staff was comfortable that they would not have to request another extension. Director Erickson noted that there were rigorous conditions of approval for this extension, including not accepting any additional planning applications until this work was completed. He stated that the Staff report provided an explanation for the 66 days, which breaks down to 30 days to complete all of the technical requirements and 36 days for Planner Grahn to complete her Staff report. Director Erickson clarified that if Planner Grahn was not confident, the Staff would not be making this recommendation.

Vice-Chair Joyce opened the public hearing.

There were no comments.

Vice-Chair Joyce closed the public hearing.

**MOTION:** Commissioner Suesser moved to APPROVE the updated Condition of Approval #4 of the PCMR Master Planned Development Agreement Mountain Upgrade Plan amendments that were approved on April 27<sup>th</sup>, 2016, extending the deadline 66 days to September 28<sup>th</sup>, 2016, with the added Condition of Approval that no further planning applications will be accepted or reviewed by the Planning Department until the Planning Commission finds that the applicant has complied with Historic Preservation Condition of Approval #4 of the 2015 MPD. Commissioner Band seconded the motion.

**VOTE:** The motion passed unanimously. Chair Strachan was recused.

#### Updated Condition of Approval #4

##### Historic Preservation

In furtherance of assisting the developers in meeting their obligations under

Section 2.9.3 of the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007, the Developer under the PCMR Development Agreement shall, (a) identify historically significant structures within the PCMR Development Agreement Property by October 1, 2015, (b) complete the inventory of historically significant structures and the preservation and restoration plan for such structures, as located within the PCMR Development Agreement Property (provided such sites are confirmed to be located within the property either owned by VR CPC Holdings, Inc. or held by VR CPC Holdings, Inc. pursuant to its ground lease from TCFC Lease Co LLC) by September 28, 2016; (upon completion of the staff approval of the preservation and restoration plan, the applicant shall come back to the Planning Commission to report on the prioritization, annual check-in schedule and progress report on work complete to date) and (c) no later than September 28, 2016, dedicate and/or secure preservation easements for the historically significant structures (or reasonably equivalent long-term rights satisfactory to the City if easements are unavailable) for the City with respect to the identified sites within the PCMR Development Agreement Property. In addition, by October 1, 2015, the Developer under the PCMR Development Agreement shall contribute a total of \$50,000 towards the preservation of the prioritized historically significant structures on the PCMR Development Agreement Property as approved by the Planning Department/Preservation Planner, and propose a five (5) year capital fundraising plan dedicated towards restoration/stabilization of the historically significant structures. Nothing herein shall release the original Flagstaff Mountain Developer (e.g., United Park City Mines) or current property owner from any existing obligation under the Ordinance 07-10, and all related agreements including the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007.

7. **1450 Park Avenue – Conditional Use Permit application for limited access on Sullivan Road** (Application PL-16-03162)
8. **1460 Park Avenue – Conditional Use Permit application for limited access on Sullivan Road.** (Application PL-16-03161)

Chair Strachan returned and resumed the Chair.

The Planning Commission reviewed these items together.

Planner Grahn noted that the site plan was provide on page 290 of the Staff report; however, the applicant had submitted an updated site plan. She pointed out that the only

major difference was the two tandem car parking configuration off of 1450 Park Avenue. The updated site plan also corrected some of the snow storage.

Planner Grahn reported that both applications were conditional use permits for access off of Sullivan Road. The applicant proposes to rehab both historic houses and construct three new single family dwelling behind each historic structure for a total of four homes on each lot. This project would be 100% affordable housing.

Planner Grahn stated that the historic properties were exempt from providing parking, however, single family dwellings require two parking spaces. The applicant is providing six parking spots on each lot. Two will be accessible off of Park Avenue and the remaining four will be off of Sullivan Road.

The Staff found that the proposal complies with the CUP criteria outlined in LMC 15-1-10(E), as well as the CUP criteria for Sullivan Road access. The Staff added a number of conditions of approval to help comply with those criteria. One is requiring that additional landscaping is added to conceal the parking, as well as the transformer and utilities. Another condition requires the dedication of façade easements. A condition of approval also requires that they retain existing landscaping to address concerns about losing the mature landscaping.

The applicant is Park City Municipal Corp., and representatives were present to answer questions.

Commissioner Joyce noted that the Planning Commission had not approved this as a subdivision plat. Assistant City Attorney McLean explained that it did not require a subdivision because they were the original existing lots. Commissioner Joyce pointed out that there was not a condominium plat for these lots. He thought the Planning Commission was looking at doing curb cuts for a layout they have never seen before. He thought the access off of Sullivan made sense, but he might have issues with the parking and he was unsure when those would be addressed. He was uncomfortable approving the access without understanding the parking solution.

Planner Grahn remarked that the reason for not doing the condo plat first is because the buildings are not constructed. She stated that it was not unusual to do condo plat amendments and then come back to the Planning Commission for revisions as things change during the construction phase. Planner Grahn noted that the parking meets the LMC requirements for parking. However, if the Commissioners find that the parking configuration off of Sullivan Road is too intensive, this would be the appropriate time to have that discussion.

Commissioner Joyce emphasized that he is always careful on any project they review for the City because he does not want the perception that City projects get special treatment. Commissioner Joyce understood that they get away with providing six parking spaces rather than eight spaces because parking is not required for the two historic houses. He noted that the solution is to park two cars outside the house. One space will be assigned to each house and the other two spaces would be available parking. Commissioner Joyce remarked that in his opinion, starting with three spaces for each lot and immediately giving one away for the historic house sounded a little sketchy. He thought it appeared to be a way to get around the parking requirement.

Commissioner Joyce explained why he had concerns with the parking layout. He did not believe it would flow well at all.

Commissioner Band understood that each lot had one assigned parking space and two floating spaces. She asked if that included the tandem cars. Planner Grahn explained that the new development on the site dictates the amount of parking required for the site. The HOA will assign one parking spot for house and allow the additional parking to be free floating. She did not believe it was much different than a multi-unit dwelling where the amount of square footage would dictate the number of parking, and each unit might have a designated parking spot.

Commissioner Band clarified that her question related to the tandem parking. It is impractical to have to ask the neighbor to move their car so the person in front can get out. Planner Grahn replied that the HOA would have to decide how to handle that issue. She noted that tandem was not supported by the City Engineer; but it does meet the Land Management Code requirements. Commissioner Band was comfortable with the one assigned parking spot per house.

Commissioner Joyce was comfortable allowing access off of Sullivan; but it would be difficult to vote in favor at this point because he would have other issues if they were reviewing the condominium plat.

Chair Strachan clarified that the applicant was only requesting access with these applications. Rhoda Stauffer, representing the applicant, replied that this was only for access and they would be coming back with the condominium plat.

Commissioner Band wanted to know why they were making these homes condominiums. Planner Astorga stated that a condominium plat is required in order to sell the houses individually.

Chair Strachan agreed that there were flow problems with the layout. However, if the Planning Commission was being asked whether a curb cut was appropriate off of Sullivan Road, he believed the answer was yes. Regardless of how the configuration ends up, it will still need to access off of Sullivan Road. Chair Strachan stated that if access was the only request this evening he could support it. He encouraged the applicant to pay close attention to the comments made by Commissioner Joyce because there will be issues with the configuration when they come back to the Planning Commission.

Commissioner Phillips suggested that they assign the front four spots to help mitigate the problem of people having to drive around to find a parking space. Commissioner Band did not believe that tandem spots would be assigned. Mr. Stauffer clarified that they would never assign a tandem spot. The intent is to have a total of eight spots assigned and everything else would be shared. Ms. Stauffer noted that it would be clearly detailed in the CC&Rs; and in selling the units, preference would be given to people who choose to only have one car.

MOTION: Commissioner Band moved to APPROVE the 1450 Park Avenue conditional use permit application for limited access on Sullivan Road. Commissioner Phillips seconded the motion.

VOTE: The motion passed 4-1. Commissioner Joyce voted against the motion.

Commissioner Joyce clarified that he was not comfortable voting on a curb cut before seeing the parking plan. He reiterated that he did not have an issue with access off of Sullivan Road.

MOTION: Commissioner Band moved to APPROVE the 1460 Park Avenue conditional use permit application for limited access on Sullivan Road. Commissioner Phillips seconded the motion.

VOTE: The motion passed 3-2. Commissioners Joyce and Campbell voted against the motion.

#### Findings of Fact – 1450 Park Avenue

1. The property is located at 1450 Park Avenue.
2. The zoning is Historic Residential-Medium (HRM) Density District.
3. The lot at 1450 Park Avenue currently contains a historic house. The site is designated as Significant on the City's Historic Sites Inventory (HSI).

4. The property is identified as Lot 2 of the Retreat at the Park Subdivision, and contains 9,212 square feet. It has street frontages along both Park Avenue and Sullivan Road.
5. The Planning Department received a Historic District Design Review (HDDR) application for the rehabilitation of the historic house on December 8, 2015. On February 3, 2016, the Historic Preservation Board (HPB) approved the material deconstruction at 1450 Park Avenue. The relocation of the historic house 8'6" to the west towards Park Avenue was approved by the HPB on March 2, 2016. The HDDR application has not yet been approved.
6. On May 2, 2016, the Planning Department received a Conditional Use Permit (CUP) application for access off of Sullivan Road; the application was deemed complete on May 12, 2016.
7. No HDDR application for the construction of the three (3) new houses on the site has been submitted to the Planning Department.
8. The existing lot size at 1450 Park of 9,212 square feet is greater than the minimum required lot size for a development of four (4) dwelling units (5,625 SF).
9. The existing site is located on Park Avenue, which is a major residential collector street. The site is immediately surrounded by multi-family dwellings.
10. To lessen traffic congestion along Park Avenue, the applicants have chosen to locate most of the parking at the rear of the lot along Sullivan Road. Two (2) parking spaces in a tandem configuration will be accessible from Park Avenue, and the remaining four (4) spaces will be accessible from Sullivan Road.
11. The applicant will have to accommodate the necessary utility capacity for a functioning project. The applicant is responsible for making these necessary arrangements. The applicant shall also be accountable for working with the many utility companies and City Engineer related to utility capacity. The utility capacity shall not adversely affect the project in a way that causes an unreasonable aesthetic look and feel.
12. Emergency vehicles can easily access the project off Park Avenue and/or Sullivan Road and no additional access is required.
13. The applicant requests that most of the direct access to the site come from Sullivan

Road. The applicant is proposing two (2) parking spaces in a tandem configuration accessible from Park Avenue.

14. No signs and lighting are associated with this proposal. All future lighting will be subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC and Design Guidelines at the time of the building permit review. Any existing exterior lighting will be required, as part of this application, to be brought up to current standards.

15. The proposed use does not provide noise, vibration, odors, steam, or other mechanical factors that are not already associated within the HRM District.

16. Trash storage and recycling pick areas will be located on the rear (south) elevation of the new houses. Trash collection will occur along Sullivan Road.

17. Expected ownership of the entire project is anticipated as a single entity until the applicant files a Condominium Record of Survey to be able to sell each private unit individually.

18. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance. The site is not on any steep slopes and the proposal is appropriate for its topography.

19. Per LMC 15-2.4-3, the Planning Director shall review any Conditional Use permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5. The proposed design of the three (3) new single-family dwellings meets the Design Guidelines for Park City's Historic Districts and Historic Sites.

20. The applicant is not proposing to alter the Historic Structure to minimize the residential character of the building; rather, the applicant is proposing to remove non-historic additions on the historic house, construct a new addition, and restore the existing historic structure.

21. The new buildings and addition to the historic structure will be in scale and compatible with existing historic buildings in the neighborhood. Larger masses will be located to the rear of the structure to minimize the perceived mass from the street. By constructing the three (3) single family residences behind the historic house, the applicant has significantly reduced the mass and scale of the

development as viewed from Park Avenue. The small scale of these new houses is consistent to that of the historic structures. The low height of each house and the separation between the houses minimizes their visibility and allows the historic structure to remain the focal point of the project.

22. Parking requirements of Section 15-3 will be met. The required amount of parking for three (3) new single family homes is six (6) spaces. The applicant will provide parking for four (4) vehicles perpendicular to Sullivan Road and two (2) spaces in a tandem configuration accessible from Park Avenue.

23. All yards are designed and maintained in a residential manner. Existing mature landscaping shall be preserved as possible.

24. As the property is surrounded by residential uses and no commercial uses are proposed, the applicant is not required to provide fencing and screening between commercial and residential uses along common property lines.

25. The staff findings in the Analysis section of this report are incorporated herein.

#### Conclusions of Law – 1450 Park Avenue

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

#### Conditions of Approval – 1450 Park Avenue

21. The new buildings and addition to the historic structure will be in scale and compatible with existing historic buildings in the neighborhood. Larger masses will be located to the rear of the structure to minimize the perceived mass from the street. By constructing the three (3) single family residences behind the historic house, the applicant has significantly reduced the mass and scale of the development as viewed from Park Avenue. The small scale of these new houses is consistent to that of the historic structures. The low height of each house and the separation between the houses minimizes their visibility and allows the historic structure to remain the focal point of the project.

22. Parking requirements of Section 15-3 will be met. The required amount of parking

for three (3) new single family homes is six (6) spaces. The applicant will provide parking for four (4) vehicles perpendicular to Sullivan Road and two (2) spaces in a tandem configuration accessible from Park Avenue.

23. All yards are designed and maintained in a residential manner. Existing mature landscaping shall be preserved as possible.

24. As the property is surrounded by residential uses and no commercial uses are proposed, the applicant is not required to provide fencing and screening between commercial and residential uses along common property lines.

25. The staff findings in the Analysis section of this report are incorporated herein.

#### Conclusions of Law – 1450 Park Avenue

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

#### Conditions of Approval – 1450 Park Avenue

1. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.
2. City Engineer review and approval of all construction, including grading, utility installation, public improvements and storm drainage plans, and all construction within the ROW, for compliance with City standards, is a condition precedent to building permit issuance.
3. Snyderville Basin Water Reclamation District (SBWRD) review and approval of the utility plans for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance. A 21-foot-wide utilities easement shall be dedicated to SBWRD along the shared property line of 1450-1460 Park Avenue.
4. No building permits shall be issued for this project until the final plans for the proposed house are reviewed and approved by the Planning Department staff for

compliance with the Design Guidelines for Historic Districts and Historic Sites.

5. A final landscape plan shall be submitted for approval by the Planning Department and the landscaping shall be complete prior to issuance of a final certificate of occupancy for the house. The landscape plan shall provide mitigation of the visual impacts of the driveways, parking areas, and mechanical equipment.

6. The applicant shall dedicate a façade preservation easement to the City for the historic structure at 1450 Park Avenue following its restoration and prior to sale of the historic building to a private property owner.

7. The applicant is responsible for providing an updated landscape plan as part of the building permit application. Any significant vegetation that needs to be removed shall be replaced in-kind or a multiple of trees of the same caliper shall be provided to match the diameter of the existing tree. The updated landscape plan shall incorporate fruit trees and lilac bushes, consistent with the current vegetation that exists on site. If possible, the applicant will preserve the lilac bushes.

8. Existing mature landscaping shall be preserved per a tree preservation plan submitted by a certified arborist and approved by the City prior to issuance of a building permit.

9. All ground-level equipment shall be screened from view using landscape elements such as fences, low stone walls, or perennial plant materials.

10. All parking areas and driveways shall be screened in order to visually buffer off-street parking areas from adjacent properties and the primary rights-of-way.

11. All Standard Project Conditions shall apply.

#### Findings of Fact – 1460 Park Avenue

1. The property is located at 1460 Park Avenue.

2. The zoning is Historic Residential-Medium (HRM) Density District.

3. The lot at 1460 Park Avenue currently contains a historic house. The site is designated as Significant on the City's Historic Sites Inventory (HSI).

4. The Retreat at the Park Subdivision was recorded with the Summit County Recorder

in 2007.

5. The City purchased the property in 2009.
6. The property is identified as Lot 1 of the Retreat at the Park Subdivision, and contains 9,083 square feet. It has street frontages along both Park Avenue and Sullivan Road.
7. The Planning Department received a Historic District Design Review (HDDR) application for the rehabilitation of the historic house on December 8, 2015. On February 3, 2016, the Historic Preservation Board (HPB) approved the material deconstruction at 1460 Park Avenue. The relocation of the historic house 5'5" to the west towards Park Avenue was approved by the HPB on March 2, 2016. The HDDR application has not yet been approved.
8. On May 2, 2016, the Planning Department received a Conditional Use Permit (CUP) application for access off of Sullivan Road; the application was deemed complete on May 12, 2016.
9. No HDDR application for the construction of the three (3) new houses on the site has been submitted to the Planning Department.
10. The existing lot size at 1460 Park of 9,083 square feet is greater than the minimum required lot size for a development of four (4) dwelling units (5,625 SF).
11. The existing site is located on Park Avenue, which is a major residential collector street. The site is immediately surrounded by multi-family dwellings.
12. To lessen traffic congestion along Park Avenue, the applicants have chosen to locate most of the parking at the rear of the lot along Sullivan Road. Two parking spaces will be accessible from Park Avenue, and the remaining four (4) spaces will be accessible from Sullivan Road.
13. The applicant will have to accommodate the necessary utility capacity for a functioning project. The applicant is responsible for making these necessary arrangements. The applicant shall also be accountable for working with the many utility companies and City Engineer related to utility capacity. The utility capacity shall not adversely affect the project in a way that causes an unreasonable aesthetic look and feel.
14. Emergency vehicles can easily access the project off Park Avenue and/or Sullivan

Road and no additional access is required.

15. The applicant requests that most of the direct access to the site come from Sullivan Road. The applicant is proposing to maintain two (2) existing parking spaces accessible from Park Avenue.

16. No signs and lighting are associated with this proposal. All future lighting will be subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC and Design Guidelines at the time of the building permit review. Any existing exterior lighting will be required, as part of this application, to be brought up to current standards.

17. The proposed use does not provide noise, vibration, odors, steam, or other mechanical factors that are not already associated within the HRM District.

18. Trash storage and recycling pick areas will be located on the rear (north) elevation of the new houses. Trash collection will occur along Sullivan Road.

19. Expected ownership of the entire project is anticipated as a single entity until the applicant files a Condominium Record of Survey to be able to sell each private unit individually.

20. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance. The site is not on any steep slopes and the proposal is appropriate for its topography.

21. Per LMC 15-2.4-3, the Planning Director shall review any Conditional Use permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5. The Planning Director has found that the proposed design of the three (3) new single-family dwellings, reviewed by Staff at the Design Review Team meeting, meets the Design Guidelines for Park City's Historic Districts and Historic Sites.

22. The applicant is not proposing to alter the Historic Structure to minimize the residential character of the building; rather, the applicant is proposing to remove non-historic additions on the historic house, construct a new addition, and restore the existing historic structure.

23. The new buildings and addition to the historic structure will be in scale and

compatible with existing historic buildings in the neighborhood. Larger masses will be located to the rear of the structure to minimize the perceived mass from the street. By constructing the three (3) single family residences behind the historic house, the applicant has significantly reduced the mass and scale of the development as viewed from Park Avenue. The small scale of these new houses is consistent to that of the historic structures. The low height of each house and the separation between the houses minimizes their visibility and allows the historic structure to remain the focal point of the project.

24. Parking requirements of Section 15-3 will be met. The required amount of parking for three (3) new single family homes is six (6) spaces. The applicant will provide parking for four (4) vehicles perpendicular to Sullivan Road and two (2) spaces accessible from Park Avenue.

25. All yards are designed and maintained in a residential manner. Existing mature landscaping shall be preserved to the greatest extent possible or replaced in kind per a tree preservation plan submitted by a certified arborist and approved by the City prior to issuance of a building permit.

26. As the property is surrounded by residential uses and no commercial uses are proposed, the applicant is not required to provide fencing and screening between commercial and residential uses along common property lines.

27. The staff findings in the Analysis section of this report are incorporated herein.

#### Conclusions of Law – 1460 Park Avenue

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

#### Conditions of Approval – 1460 Park Avenue

1. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.

2. City Engineer review and approval of all construction, including grading, utility installation, public improvements and storm drainage plans, and all construction within the ROW, for compliance with City standards, is a condition precedent to building permit issuance.
3. Snyderville Basin Water Reclamation District (SBWRD) review and approval of the utility plans for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance. A 21-foot wide utilities easement shall be dedicated to SBWRD along the shared property line of 1450-1460 Park Avenue.
4. No building permits shall be issued for this project until the final plans for the proposed house are reviewed and approved by the Planning Department staff for compliance with the Design Guidelines for Historic Districts and Historic Sites.
5. A final landscape plan shall be submitted for approval by the Planning Department and the landscaping shall be complete prior to issuance of a final certificate of occupancy for the house.
6. The applicant shall dedicate a façade preservation easement to the City for the historic structure at 1460 Park Avenue following its restoration and prior to sale of the historic building to a private property owner.
7. The applicant is responsible for providing an updated landscape plan as part of the building permit application. Any significant vegetation that needs to be removed shall be replaced in-kind or a multiple of trees of the same caliper shall be provided to match the diameter of the existing tree. The updated landscape plan shall incorporate fruit trees and lilac bushes, consistent with the current vegetation that exists on site. If possible, the applicant will preserve the lilac bushes.
8. Existing mature landscaping shall be preserved per a tree preservation plan submitted by a certified arborist and approved by the City prior to issuance of a building permit.
9. All ground-level equipment shall be screened from view using landscape elements such as fences, low stone walls, or perennial plant materials.
10. All parking areas and driveways shall be screened in order to visually buffer off-street parking areas from adjacent properties and the primary rights-of-way.
11. All Standard Project Conditions shall apply.

9. **259, 261 & 263 Norfolk Avenue – A Conditional Use Permit for construction in a platted, un-built City ROW of a shared driveway which will be a single shared drive from the northern section of the lots connecting to the single shared driveway towards the south side of the lots. (Application PL-16-03145)**

Commissioner Phillips recused himself and left the room.

Planning Tech Makena Hawley handed out public input that was received after the Staff report was prepared.

Planner Hawley reviewed the application for a shared driveway for three lots in Upper Norfolk; 259, 261 and 263 Norfolk Avenue. In addition to this application the City was requesting that this project implement a connection to the existing shared driveway for emergency access only. Ms. Hawley stated that public comment included concerns for where the three lots on the southern side would put their snow storage. Another concern was the potential loss of informal parking.

Scott Adams with the Fire District was present to answer questions. Commissioner Joyce asked Mr. Adams to address fire issues in Norfolk and what this proposal would either help or hinder.

Mr. Adams stated that Norfolk is already a challenging area in terms of firefighting. He noted that the applicant currently meets the requirements for access and turnarounds. However, when they saw that what could become a shared driveway would make access easier, the Fire District suggested that the City look at a possible connection. Mr. Adams explained that if there was a fire, they would be able to get emergency equipment in from either side. They would also be able to go straight down or, if necessary, have the apparatus come up the other way. If Norfolk is blocked or people have to evacuate the area, that would be another route to get out. Mr. Adams clarified that the Fire District saw this as an opportunity to make the area a little safer.

Commissioner Joyce understood that under the current condition the Fire District could still access and turn around, but it would be easier with the connection. Mr. Adams answered yes.

Chair Strachan opened the public hearing.

Paul DeGroot stated that he was representing the owners of 221 and 223 on the Upper Norfolk Spur. These properties are to the south of the proposed project. He noted that in 2013 one or two public parking spaces were approved across from 226 Upper Norfolk in the public right-of-way. All three owners at that time were opposed because according to

the approved plat the property owners were responsible for the maintenance of the driveway, which is in the public right-of-way. Mr. DeGroot remarked that a private driveway in a public right-of-way has always been a curious conundrum. He explained that the issue the owners have now is that the parking space that was approved has aggravated access, making snow storage worse than it was. Mr. DeGroot referred to the public comments attached to the Staff report and noted that Mr. Chick Hill complained about a problem with emergency access, which he was told happened in the parking space. Mr. DeGroot stated that the people he was representing were approved to that public parking space because it involved a retaining wall which help up the driveway in the Norfolk Spur. Because the owners were required to maintain that driveway, they were then responsible to maintain the retaining wall that the City approved. He stated that the proposal now is to have a connector with either a gate or bollards to facilitate emergency vehicles. Mr. DeGroot thought another question for the future is the increase in traffic due to construction vehicles. He believed the largest issue was maintenance. Three owners have maintained this driveway since it was built and now those three people would be obligated to maintain that driveway for other owners moving in. Mr. DeGroot stated that snow removal is an issue because people have taken full advantage of the empty lot to store snow, and that lot would no longer be available. He understood from the Staff report that the proposal is to have a heated driveway on the three new proposed projects, but it does not help the snow storage issues for the properties to the south. Mr. DeGroot pointed out that the snow would be pushed up against the connector, which could prohibit emergency vehicles from accessing that area if necessary. Considering the maintenance issue, Mr. DeGroot believed it was a lawsuit waiting to happen. He wanted to know who would enforce the maintenance. The driveway as it exists now is substandard because it was built to driveway standards. He stated that the matter is confusing and his clients were concerned about snow storage, liability, and why they should have to assume or accept the liability.

Chair Strachan closed the public hearing.

Planner Makena noted that the public comment she handed out this evening was additional comments from the same people whose comments were included in the Staff report.

Assistant City Attorney McLean stated that this application was before the Planning Commission because it was a CUP for a driveway in the City right-of-way. Despite the fact that each lot is owned by different entities and have their own LLC, a condition of approval on the plat states that they all have to be built at the same time in order to mitigate the construction impacts.

Commissioner Campbell asked the applicant why they would not spend the money on widening the road instead of building a shared driveway. Jerry Fiat, one of the applicants,

replied that widening the road was an idea that had not been discussed. Commissioner Campbell thought widening the road would solve all the problems regarding access to the three driveways and the concerns of the neighbors. Mr. Fiat stated that it was originally proposed as three individual driveways. They later proposed it as a shared driveway and a single driveway, and that proposal was rejected. Mr. Fiat noted that they were asked to make it one shared driveway primarily to protect the berm. He pointed out that since that section was only a small part of the road, widening would not solve many of the problems on the road. Commissioner Campbell asked if the elevation change was too great for the parking areas and the road. Michael Demkowitz with Alliance Engineering explained why widening the road would not resolve the problems.

Mr. Fiat noted that all the public comments submitted were about the connection between the two driveways. He remarked that the connection being proposed was at the request of the City. It is a concrete snow melt driveway with bollards on both sides so only emergency vehicles can get through it. The connector is expensive but they were willing to build it. Mr. Fiat referred to the snow storage concerns expressed by the three neighbors. He noted that there is 180 linear feet of driveway and the connector only takes up 12 feet.

Chair Strachan asked who would maintain the connector. Mr. Fiat replied that it would be the responsibility of the HOA and controlled by the CC&Rs.

Commissioner Joyce believed there were two questions. One was the CUP for putting the shared driveway on the City right-of-way. The second question was that the currently designed proposal interconnects to the one next door. He thought they needed to separate the two for discussion purposes. Commissioner Joyce stated that he was comfortable with the driveway and he understood that the applicant needed a CUP to do it. As a separate issue, the fire department has said that an interconnection is all gain and no loss for Norfolk. Commissioner Joyce had visited the site and walked the substandard driveway. It is narrow, there is no space for parking, and it is tight for turning around. He could definitely see a downside for the people next door. Commissioner Joyce thought it would be nice if the City would widen Norfolk and fix it right. He found it unfortunate that it was not part of the plan. Commissioner Joyce did not have a problem with the applicant building the driveway that the Planning Commission previously told them to build on the City right-of-way. However, he did have a problem interconnecting the driveways where it does not seem to be necessary. It would be nice to have but it puts an undue burden on the neighbors.

Mr. Fiat reiterated that the interconnection was requested by the City and not the applicants.

Commissioner Band wanted to know the alternative if the CUP is not approved. Mr. Fiat stated that the alternative would be to have dead-end driveways. He pointed out that their proposed driveway meets Code as it currently exists, but the other driveway does not. It is a non-conforming driveway.

Mr. Adams reiterated that this proposal was better from the standpoint of fire safety and meeting fire code. Chair Strachan understood that from a fire safety perspective it would be better to have the driveways connected. Mr. Adams answered yes, because it would be easier to bring up fire apparatus.

Commissioner Band believed that based on safety concerns, the smartest solution was to go with the safest route. Mr. Fiat explained the current parking situation on Norfolk and how the road could potentially be blocked. He noted that the proposal provides an alternative route for an emergency vehicle if the road was blocked. Mr. Fiat remarked that in addition to benefiting their property, it also benefits everything that is down stream of the entrance into the historic.

Chair Strachan thought it made sense, and it was important to hear the fire department say that that it would make a safer access for everyone. That opinion alleviated some of his concerns and he supported the CUP. Commissioner Band agreed. Commissioner Suesser was comfortable with the proposal. Commissioner Campbell had nothing further to add.

Commissioner Joyce heard nothing that justified putting the burden on the three houses next door. If Norfolk is broken, putting the burden on three people who live on the upstream side of the problem was not the right answer.

Commissioners Campbell did not understand why Commissioner Joyce thought it was a burden to the neighboring property owners. Commissioner Joyce replied that the road is narrow and the turnarounds are difficult. Commissioner Campbell pointed out that this proposal would not change any of that. Commissioner Joyce disagreed and explained why. Mr. Fiat reviewed the site plan to show Commissioner Joyce that the area he was concerned with would not be affected. Commissioner Joyce stated that if the intent is to have an emergency access the neighbors could not push snow there or park there. Mr. Fiat pointed out that they could not store snow in that location anyway because they would not be able to get into their driveway and garage.

Mr. Fiat reiterated that the CUP was only for the shared driveway. The City had requested the connector and he was only supporting their request. It makes no difference to him whether or not they have the connector.

Mr. DeGroot stated that there would be no place to put snow in front of the house immediately to the south.

Director Erickson reviewed the site plan to show what was being proposed and what currently exists. Mr. DeGroot thought it would be an onerous burden on three owners by taking away their snow storage. Chair Strachan understood that the CC&Rs would address the newly proposed driveway. Commissioner Joyce stated that it would only address issues on the applicant's side but not the other side. Chair Strachan indicated the outlined where that would be the applicant's responsibility under the CCRs, including snow removal. Mr. Fiat answered yes. They would remove all the snow from the proposed driveways for 259, 261 and 263 Norfolk and the connector. Chair Strachan did not believe this proposal would put a new burden on the neighboring properties.

Planner Hawley noted that the gray shaded area was the shared driveway. The spotted portion was the connector piece. She indicated where the driveway would stop if there was no connector.

Commissioner Band pointed out that the driveways are in a City right-of-way and the biggest concern is safety. She agreed that that it was difficult to put an additional burden on people to remove snow, but that is Old Town.

Mr. Fiat stated that the applicants were before the Planning Commission for a CUP on shared driveway. If the Commissioners approve the CUP they would not need to come back for the connector. It is on City property and the City has the decision on whether or not to add the connector. Mr. Fiat stated that they were a year away from building the driveway and he would do whatever the City wanted at that time.

Community Development, Director Anne Laurent, stated that she had an extensive conversation with the City Engineer and this was the appropriate time to discuss safety and access. She noted that the Planning Commission could approve the CUP for a shared driveway without the connector; but this was the time to address the safety concern as proposed by the Fire District and the City Engineer, and determine whether or not to have the connector.

**MOTION:** Commissioner Band moved to APPROVE the conditional use permit for 259, 261, and 263 Norfolk, for construction in a platted unbuilt City right-of-way of a shared driveway which will be a single shared driveway from the northern section of the lots connecting to the single shared driveway toward the south side of the lots in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously. Commissioner Phillips was recused.

Findings of Fact – 259, 261, 263 Norfolk

1. The property is located at 259, 261, and 263 Norfolk Avenue.
2. The zoning is Historic Residential – One (HR-1).
3. The approved plat is Upper Norfolk Subdivision.
4. There is one amendment to the plat which is in the process of being recorded as Ordinance 15-56.
5. The driveway is 14 feet wide. The right-of-way ranges from 13 feet to 17 feet between the proposed private drive and the existing Norfolk Avenue..
6. There will be a maximum slope of 10% for the private driveway.
7. The slope will rise to a maximum of 18% to connect the proposed drive to the existing private drive Upper Norfolk Avenue.
8. The driveway will be paved in concrete.
9. The staff findings in the Analysis section are incorporated herein.

Conclusions of Law – 259, 261, 263 Norfolk

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

Conditions of Approval – 259, 261, 263 Norfolk

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.
3. City Engineer review and approval of all construction, including grading, utility installation, public improvements and storm drainage plans, and all construction within the ROW, for compliance with City and Fire District standards, is a condition precedent to building permit issuance.
4. The City Engineer will review the transition slopes to the 18% grade before building permit issuance.
5. Planning Director and City Engineer will review the final design and materials for the proposed road and any necessary retaining walls. No retaining wall shall exceed four (4) feet unless approved by the Planning Director and City Engineer.
6. Snyderville Basin Water Reclamation District review and approval of the utility plans for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance.
7. A final utility plan is required to be approved by the City Engineer prior to issuance of a building permit.
8. An Encroachment Permit for the driveway, snow melt, landscaping and any retaining walls will be approved with the City Engineer and recorded.
9. A building permit will be required to build the road and retaining walls.
10. The City Engineer will review the final construction documents and confirm that all existing utilities will not be impacted and anticipated utilities will be located in accordance with the plans as submitted.
11. The landscaping shall be complete prior to issuance of a final certificate of occupancy for the lots. The landscape plan shall provide mitigation of the visual impacts of the driveway and any retaining walls and mitigation for removal of any existing Significant Vegetation. Prior to removal of any trees, an arborist report shall be provided to the Planning Department for review. The arborist report shall include a recommendation regarding any Significant Vegetation proposed to be removed and appropriate mitigation for replacement vegetation.

12. Parking is restricted to the private driveways of each lot. No parking shall be allowed on the shared drive.

13. All conditions of approval of the Upper Norfolk Subdivision Plat (Ordinance No. 06-55) and the 2015 Plat Amendment (15-56) which includes the Construction Mitigation Plan must be adhered to.

14. The Conditional Use Permit will expire on July 13, 2016, if a building permit has not been granted.

15. The Planning Department and City Engineer will review any proposed guardrail and lighting considerations at time of final design.

**10. 2392 Holiday Ranch Loop Road – Conditional Use Permit for a new well filtration building that if approved will replace the old well filtration buildings at Creekside Park in the Recreation Open Space (ROS) zone.  
(Application PL-16-03198)**

Commissioner Phillips returned to the meeting.

Planning Tech Hawley reviewed the CUP for the Creekside Well Filtration Building. She noted that a previous CUP was approved for a structure; however, the online update of the amended Code from 2007 was not complete, and therefore the approved building location was non-conforming with the SLO requirements. The original CUP was withdrawn and the applicant was proposing a new location.

The Staff recommended that the Planning Commission conduct a public hearing and approve the CUP for an essential Municipal Public Utility Use Facility, Service, and Structure greater than 600 square feet located at 2392 Holiday Ranch Loop Road.

Alison Kuhlow, representing the applicant, reminded the Planning Commission that the biggest issue was the wetlands. The issue was raised by Commissioner Joyce and following the meeting Assistant City Attorney was able to find the related Code amendment that was not put through. Ms. Kuhlow stated that they were able to relocate the building to the south of the playground and completely away from the wetlands.

Chair Strachan thought it looked like a slightly different building. Ms. Kuhlow replied that the difference is the shade structure to the north. They believed that adding the shed roof was appropriate and would add an amenity to the Park. A representative from public works

noted that there were also minor changes to the building materials to better compliment the adjacent restrooms.

Chair Strachan about windows. He was told that there were a couple of fake windows on the upper sides. Otherwise there were basically no windows. He noted that one window was previously requested by the Planning Commission, but with this configuration and building orientation it was not practical to include that window.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Suesser asked if this item was properly noticed. Planner Hawley replied that it was noticed in the Park Record and courtesy notices were also sent to property owners within 300 feet of the project. Ms. Kuhlow noted that since this was a new application all of the noticing was redone.

**MOTION:** Commissioner Joyce moved to APPROVE the conditional use permit for an essential Municipal Public Utility Use Facility, Service and Structure greater than 600 feet located at 2392 Holiday Ranch Loop Road, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Suesser seconded the motion.

**VOTE:** The motion passed unanimously.

#### Findings of Fact – Creekside Well Filtration Building

1. Applicant requests the conditional use of an Essential Municipal Public Utility Use greater than 600 square feet to be used for the operations and storage of the Park Meadows and the Divide wells.
2. The property is located at 2392 Holiday Ranch Loop Drive but relocated would become 2392 Creek Drive.
3. The property is located within the Recreation and Open Space (ROS) District and the proposed use requires a Conditional Use Permit.
4. The property is located within the Sensitive Land Overlay Zone and is 125 feet away from the delineated wetlands within the parcel.

5. The lot is described as Parcel #CRKSD-2-X, Lot 2 of the Creekside Subdivision approved in March 2007 in the Park Meadows neighborhood.
6. The 6.71 acre parcel holds the Park Meadows well and the Divide well, along with recreational areas and is across the private street from the Park City Fire District firehouse.
7. The size of the proposed structure is 2,652 square feet.
8. The property is within the Sensitive Lands Overlay. The existing landscape is comprised of low shrub vegetation growth and minimal significant vegetation that will need to be replaced in kind.
9. The topography begins to climb a small hill towards the south/east end of the lot.
10. This building will not impact the wetlands. Prior to disturbance of the land the applicant will be required to submit a letter from the Army Corp approving the structure with building plans.
11. Access to the new well house will be from the private drive, Creek Drive accessed off Holiday Ranch Loop Road. This is a private drive that allows public use because it is on City Property.
12. The neighborhood is characterized by a mix of public parks, the Park City Fire District firehouse, and single-family dwellings.
13. The proposed structure complies with all setbacks. The minimum setbacks from all boundary lines of the lot are twenty five feet (25'). The proposed filtration building is 30 feet away from the closest lot line. According to the Building Department there are no requirements for setbacks between structures.
14. The minimum setbacks from all sensitive lands are fifty feet (50'). The proposed well house is 125 feet away from the closest wetland area.
15. The proposed structure complies with the twenty-eight feet (28') maximum building height requirement measured from existing grade. The proposed structure will be a maximum of nineteen point five feet (19.5') in height.
16. The proposed well filtration building is compatible with the surrounding structures. The well house uses the same materials as the surrounding structures and is

generally similar in size to most of the adjacent buildings.

17. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is minimal significant vegetation existing on the lot which will be required to be replaced in kind.

18. Lighting is proposed in one exterior area. The lighting on the entry door with a motion sensor which will be down lit and shielded.

19. The findings in the Analysis section of this report are incorporated herein.

20. The building size consists of 2,652 square feet.

21. The applicant will be required to submit a Permit Application and Mitigation Plan for Wetland Impacts prior to a building permit issuance, to comply with US Army Corps of Engineers Nationwide Permit requirements.

22. The applicant stipulates to the conditions of approval.

#### Conclusions of Law – Creekside Well Filtration Building

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.7-2(C)(14).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

#### Conditions of Approvals – Creekside Well Filtration Building.

1. All Standard Project Conditions shall apply.
2. Construction waste should be diverted from the landfill and recycled when possible.
3. The project will be reviewed by the Park City Fire District and require approval during the building permit process.
4. Prior to building permit issuance, wetland delineation is required by a certified

delineator and approved by the US Army Corps of Engineers. During construction, the edge of the wetlands shall be lined with silt fence so the contractor does not impact the wetlands.

5. Any development shall adhere to all requirements of the Sensitive Lands Overlay Zone.

**11. 4 Thayne's Canyon Way – Plat amendment of Lot 2 of the Thayne's Canyon Subdivision No. 6 to abandon the current temporary turnaround easement and create a new easement to serve as a turnaround for fire apparatus.**  
**(Application PL-16-03196)**

Planning Tech Hawley reviewed the application for a plat amendment at 4 Thaynes Canyon Road. She reported that when the plat was recorded in 1981 a turnaround easement was approved for fire apparatus. This applicant was requesting a plat amendment to abandon the current easement and to create a new turnaround easement to allow proper turnaround for fire apparatus, as well as additional use of their property.

Planner Hawley stated that the Internal Development Community reviewed and approved this application. She noted that the requested plat amendment only affects this lot. It does not affect the other lot or the road that has the protection strip.

Chair Strachan opened the public hearing.

Director Erickson reported that the adjacent property owner, Herb Armstrong, was in attendance earlier in the evening and indicated to Mr. Erickson that he had no concerns as long as the protection strip remained in place.

Chair Strachan closed the public hearing.

**MOTION:** Commission Band moved to APPROVE 4 Thaynes Canyon Way plat amendment of Lot 2 of the Thaynes Canyon Subdivision No. 6 to abandon the current temporary turnaround easement and create a new easement to serve as turnaround for fire apparatus, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Suesser seconded the motion.

**VOTE:** The motion passed unanimously.

**Findings of Fact – Thaynes Canyon- Subdivision No. 6**

1. The property is located at 4 Thaynes Canyon Way within the Single Family (SF)

District.

2. The Current structure on 4 Thaynes Canyon Way does not comply with the 20 foot setback per the plat and lies 8 feet into the 20 foot setback.
3. The existing easement for 4 Thaynes Canyon Way will be abandoned and replaced with a new easement for the proposed Acceptable Alternative to 120' Hammerhead turnaround if this plat amendment is approved.
4. The Thaynes Canyon Subdivision No. 6 was originally approved by City Council and was recorded on January 9, 1981 as entry No. 175075.
5. The total area of the Lot 2 Thaynes Canyon Subdivision No. 6 is 24,952 square feet.
6. On May 26, 2016, the applicant submitted an application to amend the existing Thaynes Canyon Subdivision No. 6 Plat.
7. The application was deemed complete on May 26, 2016.
8. The proposed plat amendment would memorialize the new Acceptable Alternative to 120' Hammerhead easement for the fire apparatus turnaround.
9. At the time the plat amendment is recorded, an abandonment of the existing temporary easement and a new temporary easement reflecting the hammerhead will be recorded.

#### Conclusions of Law – Thaynes Canyon Subdivision No. 6

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 and condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat amendment.
4. Approval of the condominium 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 – Thaynes Canyon Subdivision No. 6

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. All notes and conditions of approval of Thaynes Canyon Subdivision No. 6, recorded January 9, 1981, as Entry No. 175075 in the office of the Summit County Recorder shall continue to apply.
4. The Acceptable Alternative to 120' Hammerhead turnaround shall be approved and constructed to Fire Code and City Standards and shall meet the requirements of Appendix D Fire Apparatus Access Road from the international fire code prior to building permit issuance.
5. The final easement will be adjusted to meet IFC requirements. Physical adjustments (length, width, squaring of turnaround, pavement standards) to the existing turnaround will be required to be completed by the owner.
6. The turnaround space shall not be used for parking and shall not be signed as private.
7. A public snow storage easement of five feet deep shall be provided at the north end of the turnaround.
8. Once completed, turnaround will be maintained by the City.
9. At the time the plat amendment is recorded, an abandonment of the existing temporary easement and a new temporary easement reflecting the hammerhead will be recorded.

The Park City Planning Commission Meeting adjourned at 11:45 p.m.

Approved by Planning Commission: \_\_\_\_\_



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JULY 27, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Francisco Astorga, Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

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

**PUBLIC COMMUNICATIONS**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Planning Director Erickson commented on the number of items for Continuation this evening. He noted that the next Planning Commission meeting was schedule for August 10<sup>th</sup> at the Santy Auditorium. The Staff had tentatively scheduled a site tour for the Treasure Hill project on the August 10<sup>th</sup> agenda. The Staff was trying to determine how much of the unit equivalent back of house studies the Planning Commission would want before the site visit. Direct Erickson suggested that they could either have the site visit on August 10<sup>th</sup> as scheduled, or wait until the building by building analysis is completed for the meeting on September 14<sup>th</sup>. Another alternative would be to visit the site on August 10<sup>th</sup> to give the Commissioners an understanding of where each building would be located, and then have another site visit on September 14<sup>th</sup>.

Commissioner Phillips favored the idea of two site visits to get more familiar with the site. Chair Strachan asked if the applicants would fly balloons and stake the property. Director Erickson assumed that would occur for the September site visit. He noted that Planner Astorga's analysis would be building by building to show what each building contains.

Chair Strachan noted that site visits take a lot of time. If the property was not staked or ballooned, he questioned whether it would be very informative or productive. Considering the size of the agenda on August 10<sup>th</sup> he was unsure whether it was worth taking the time to do a site visit. Commissioner Phillips agreed.

Chair Strachan stated that if the applicant had a strong desire to do a site visit on August 10<sup>th</sup> then they should defer to the applicant. Otherwise, they should wait until September. Commissioner Joyce was comfortable waiting until September; however, he wanted to make sure the Commissioners would have enough time to get familiar with the site and be able to ask questions. Chair Strachan suggested that a site visit might have to be its own agenda item. They could schedule two hours on site and two hours at the Santy Auditorium for presentation and discussion.

Assistant City Attorney McLean stated that she always recommends some type of discussion or recap after the site visit. Since the site visit is not recorded it is a way to document what occurred. Commissioner Thimm agreed that it would be helpful to have that discussion after walking the site.

Commissioner Phillips disclosed that he would be recusing himself from the three Alice Claim items on the agenda this evening due to a prior working relationship with the applicant.

Commissioner Thimm disclosed that in the past he has worked collaboratively with Greg Brown of DHM on projects outside of Utah. He did not believe that collaboration would have any bearing on his decision regarding the Alice Claim project.

Chair Strachan disclosed that the Planning Commissioners would gather together on Friday for an informal social barbeque at his home. The public was welcome to attend, but no official business would be conducted.

### **CONTINUATIONS (Public Hearing and Continue to date specified.)**

1. 8680 Empire Club Drive – A Conditional Use Permit for a 1,094 sf addition to the Talisker Tower Club Restaurant. (Application PL-16-03177)

Director Erickson reported that the applicant had requested a continuation to September 14<sup>th</sup> instead of August 10<sup>th</sup> as shown on the agenda.

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

MOTION: Commissioner Phillips moved to CONTINUE 8680 Empire Club Drive CUP to September 14<sup>th</sup>, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

2. 7700 Stein Way – A Conditional Use Permit for an addition to the Stein Eriksen Lodge, consisting of a 3,600 sf for additional ski lockers, 4,060 sf for a guest recreation amenities, 918 sf for a guest movie and video viewing room, as well as improvement to the exterior pool and deck area and remodel of existing interior ski locker rooms and skier services. (Application PL-16-03176)

Chair Strachan opened the public hearing.

Dave Novak, a 30-year resident stated that he has been the property manager for Mont Cervin for 22 years. Mr. Novak noted that Mont Cervin condominiums shares a beautiful strand of trees between Mont Cervin and Stein Eriksen Lodge. He thought the legal notice was very general in terms of what the applicant was requesting. His instincts tell him that they were looking at a piece of property that borders Stein Eriksen Lodge and Mont Cervin condominiums. Mr. Novack reiterated that this property is a beautiful strand of trees that has been a buffer zone since Mont Cervin was built in 1990. He was concerned that the applicant was asking to use that piece of property and tear down that existing buffer zone of trees. Mr. Novak wanted clarification on the generalities that were presented in the legal notice as to where the expansion would occur and whether it jeopardizes that beautiful boundary of trees between the two properties. Mr. Novak stated that a couple of years ago under a recreational permit, Stein Eriksen was allowed to build their spa and a new swimming pool close to the same property he was referring to. Under the current legal notice there were generalities about improving the swimming pool area, but it does not specify what that is. Mr. Novak recommended that the Planning Commission schedule a site visit so they could see the area he is talking about, and that they also contact Stein Eriksen Lodge as to where the expansion of 10,000 sf would occur.

Chair Strachan informed Mr. Novak that a legal notice is a very general notice of what is being proposed. The applicant would file very detailed plans with drawings when this item comes before the Planning Commission on August 24<sup>th</sup>. At that time Mr. Novak would be able to see exactly where the expansion would occur and whether it will affect the trees. Mr. Novak could find that information on the City's website a week prior to the August 24<sup>th</sup> meeting. He suggested that Mr. Novak make his comments at that meeting if he still believes the plans jeopardize those trees, or if he has other concerns after reviewing the entire plan.

Director Erickson noted that Mr. Novak could also contact Kirsten Whetstone in the Planning Department. She is the project planner and has been involved in most of the Stein Eriksen projects.

Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to CONTINUE the 7700 Stein Way Conditional Use Permit for an addition to Stein Eriksen Lodge to August 24, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

3. 7700 Stein Way – A condominium plat amendment to identify the additional amenity spaces requested in the Conditional Use Permit. (Application PL-16-03175)

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

MOTION: Commissioner Phillips moved to CONTINUE 7700 Stein Way – condominium plat amendment to identify additional amenity spaces to August 24, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

4. 3776 Rising Star Lane – Zone change from Recreation Open Space (ROS) Zone to Estate (E) zone in order to accommodate the proposed building pad. The zone line delineating between two zoning districts is proposed to be moved with a Zone Change from Recreation Open Space (ROS) zone to Estate (E) zone. (Application PL-16-03156)

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

MOTION: Commissioner Phillips moved to CONTINUE 3776 Rising Star Lane Zone change to August 10, 2016. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

5. 3776 Rising Star Lane – Plat Amendment application to make an alteration to the existing building envelope and to address open space at the front of the existing lot. (Application PL-16-03051)

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

MOTION: Commissioner Phillips moved to CONTINUE 3776 Rising Star Lane plat amendment regarding alterations to the building envelope to August 10, 2016. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

6. 158 Ridge Avenue – Steep Slope Conditional Use Permit for a new Single Family Dwelling. (Application PL-16-03149)

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

MOTION: Commissioner Phillips moved to CONTINUE 158 Ridge Avenue – Steep Slope Conditional Use Permit for a single family dwelling to August 10, 2016. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

## **CONSENT AGENDA**

1. 100 Daly Avenue – Steep Slope Conditional Use Permit for the construction of a new single family home with a Building Footprint in excess of 200 square feet, to be built upon an existing slope of 30% or greater.

MOTION: Commissioner Phillips moved to APPROVE the Consent Agenda. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

### Findings of Fact – 100 Daly Avenue

1. The subject property is located at 100 Daly Avenue. It consists of two (2) lots: Lot 14 of the Millsite Reservation and the Easterly ½ of vacated Anchor Avenue, Block 74, Park City Survey.
2. The Park City Council approved the 100 Daly Avenue Plat Amendment on May 12, 2016, to combine the two (2) lots into one; the plat has not yet been recorded.
3. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.

4. The lot is currently vacant, and the applicant is proposing to construct a new single family home with a proposed footprint of 1,218.5 square feet.
5. A single family dwelling is an allowed use in the HR-1 District.
6. Following recording of the plat amendment, the lot will contain 2,978.3 square feet. This is an uphill lot with a 13 percent (13%) slope along the frontage of Daly Avenue, and grades ranging from 60 percent (60%) to 80 percent (80%) mid-lot.
7. A Historic District Design Review (HDDR) application is currently under review.
8. Access to the property is from Daly Avenue, a public street.
9. Two (2) off-street parking spaces are proposed on site. The applicant is proposing a single-car garage and one partially covered parking space in the driveway.
10. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes, and duplexes.
11. The proposal will create a single family dwelling of approximately 4,196 square feet, including the garage and basement areas.
12. The overall proposed building footprint is 1,218.5 square feet; the maximum allowed footprint for this lot is 1,259.6 square feet.
13. The proposed construction complies with all minimum required setbacks. The minimum front and rear yard setbacks are twelve feet (12') minimum, twenty-five feet (25') total. The minimum side yard setbacks are three feet (3') minimum, six feet (6') total.
14. The proposed construction complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade.
15. The applicant submitted a photographic visual analysis, including street views with and without the proposed structure, renderings of the streetscape on the western side of Daly Avenue, and 3D perspective drawings showing a contextual analysis of visual impacts of this house on the Daly Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.
16. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The submitted landscape plan shows that at least two (2) existing aspen trees near the north and

southeast corners of the lot will remain in place if feasible, and all other affected significant trees will be replaced in-kind.

17. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the area that exceeds a 30% slope.

18. The design includes setback variations as well as lower building heights for portions of the structure on the front and side elevations where facades are less than twenty-seven feet (27') in height. The stepping of the mass and scale of the new structure follows the uphill topography of the lot.

19. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.

20. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window, door, and garage openings.

21. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.

22. On May 17, 2016, the Planning Department received an application for a Steep Slope Conditional Use Permit (CUP); the application was deemed complete on June 10, 2016.

23. The property was posted and notice was mailed to property owners within 300 feet on July 13, 2016. Legal notice was also published in the Park Record in accordance with requirements of the LMC on July 9, 2016.

24. The property is located outside of the Soils Ordinance. 25. The findings in the Analysis section of this report are incorporated herein.

### Conclusions of Law – 100 Daly Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6.

2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

#### Conditions of Approval – 100 Daly Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. No building permit shall be issued until the 100 Daly Avenue Plat Amendment is recorded.
5. This approval will expire on July 27, 2017, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
6. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on July 27, 2016, and the Final HDDR Design.
7. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
8. A ten foot (10') minimum horizontal step in the downhill façade shall take place at a maximum height of 23 feet (23') from where the Building Footprint meets the lowest point of existing Grade.

9. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
10. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
11. Construction waste should be diverted from the landfill and recycled when possible.
12. All excavation work to construct the foundation shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, he determines that it is necessary based upon specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
13. A final landscape plan shall be provided at the time of the building permit and shall include existing vegetation, and include a replacement plan for any significant vegetation proposed to be removed.
14. 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 to State and Federal law.
15. On-site storm water detention shall be required.

#### **REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

1. **Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for Retaining Walls six feet (6') in height or more (Application PL-15-02669)**
2. **Alice Claim Gully Site Plan, south of intersection of King Road and Ridge Avenue – Claim Subdivision and Plat Amendment. (Application PL-08-00371)**
3. **123 Ridge Avenue, Alice Claim Gully Site Plan property swap – Ridge Avenue Plat Amendment. (Application PL-16-03069)**

Commissioner Phillips recused himself and left the room.

The Planning Commission addressed all three items together.

Planner Astorga noted that the Planning Commission had a good discussion on July 13<sup>th</sup> where they conducted a public hearing and reviewed the conditional use permit, the plat amendment and the subdivision for the Alice Claim project, as well as the secondary plat associated with the project. The Staff report for this meeting included some of those comments.

Planner Astorga stated that this has been a long process and the Staff was ready to provide specific findings of fact, conclusions of law and conditions of approval for the conditional use permit. The Staff was also ready to make a recommendation to the City Council regarding the subdivision and plat amendment.

Planner Astorga reported on public comment he received from Jim Doilney. Mr. Doilney was also present to make his comments this evening.

Planner Astorga stated that if the Planning Commission chooses to take action on the CUP this evening, he would recommend revising some of the findings and conditions for clarification.

The applicant did not have a presentation but they were present to answer questions. Planner Astorga introduced the applicant representatives, Greg Brown and Brad Cahoon.

Chair Strachan suggested that Planner Astorga present the proposed changes first before the Commissioners take public comment or ask questions.

Planner Astorga referred to the Findings of Fact for the CUP on page 63 of the Staff report.

He referred to Finding of Fact #4 and clarified the last sentence to say that the City Water Line **does** run within City owned property.

Assistant City Attorney McLean asked if Planner Astorga had confirmed that with Roger McLain. Planner Astorga replied that he was still in the process of getting it confirmed. Ms. McLean explained that at one point the water line was relocated. They believe it was relocated back into City-owned property and the old line was abandoned, but that needs to be verified with the Water Department. Planner Astorga asked if it would be appropriate to add, **to be confirmed by the Public Utilities Department**. Ms. McLean replied that it was appropriate from a legal standpoint. She noted that the Water Department could also confirm that there is no need for any use of the abandoned water line.

Greg Brown with DHM Design clarified that the easement is still in place. They were just correcting that the water line is now on City property rather than in the old easement.

Planner Astorga referred to Finding #9 and deleted **or any lots adjacent to the historic district**. He explained that the eight lots being requested in the HR-1 District require a Historic District Design Review. However, the adjacent lot in the Estate District does not require an HDDR. Ms. McLean clarified that this Finding was for the CUP and the language pertained to the retaining walls. The retaining walls would be subject to an HDDR. Planner Astorga pointed out that any construction in the Historic District requires an HDDR.

Planner Astorga referred to Finding #12. He noted that after extensive meetings with the City Engineer he wanted to clarify the language in the Finding as currently drafted. Assistant City Attorney McLean recalled that the Staff believed from the Planning Commission discussion that impacts are created. The second revised part of Finding #12 was more specific to the engineering.

Planner Astorga referred to Finding #15, and added **soil nailing the walls, and stone veneer** to the end of the sentence.

Planner Astorga referred to minor revisions in Finding #16 that were approved by the City Engineer.

Planner Astorga referred to Finding #19 and changed Analysis Section to correctly say **Review Section of the July 27, 2016 Staff Report**.

Planner Astorga stated that the Conclusions of Law were currently adopted in the LMC and there were no changes.

Planner Astorga reviewed the revisions to the Conditions of Approval for the CUP. He referred to Condition #4 and explained that because of the proximity from each wall it would be more appropriate to call it a **three tier retaining wall system**, as each retaining wall affects the following wall. He noted that the last part of the findings follows the LMC where retaining walls in supplemental regulations is to be measured from **final grade**. Planner Astorga clarified that they were mirroring the language in the LMC.

Planner Astorga referred to Condition #6 and revised the wording to say **final utility and road plans** near any retaining walls are required to be approved by the City Engineer.

Planner Astorga stated that those were the only changes proposed by Staff. He was prepared to answer any questions.

Brad Cahoon requested that they go back to Finding #4 regarding the location of the water line. He read from page 26 of the June 10<sup>th</sup>, 2015 Planning Commission meeting minutes. "Planner Alexander read Finding of Fact #4, The City water tank on land owned by the City is adjacent to the subject property on the south end, and the City owned parcel bisects the subject property. The City water line does not run within the City owned property but rather is located within a prescriptive easement on the subject property". Mr. Cahoon noted that the minutes reflect that Planner Alexander had asked Roger McLain, the Water Department Representative, to clarify the water line location. He further read that Mr. McLain stated that last year the Water Department relocated the existing water line through that section on the City property. Mr. Cahoon believed that should resolve the question regarding the location of the water line and needing confirmation from the Water Department.

Planner Astorga had forgotten another change to Finding #1. The language indicates that the property is within the SLO. He added language stating, **The entry wall property is not within the SLO.**

Greg Brown thanked the Planning Commission for their positive comments at the last meeting. The team has done a lot of work to steer this project in a direction that makes it more acceptable. Mr. Brown thanked Planner Astorga and Assistant City Attorney McLean for reacting quickly to some of the concerns raised by the applicant after reading the Staff report.

Mr. Brown was not opposed to the changes to the Findings and Conditions that were proposed by the Staff; however, the applicant had additional changes to propose. He referred to page 66 of the Staff report, Finding #10 which states, "The Conditional Use Permit will expire July 27<sup>th</sup> of 2017. Mr. Brown requested a two-year time limit on the conditional use permit due to the extensive amount of work that needs to be done. He pointed out that the plat needs to be recorded before they obtain a building permit for the wall, and a lot of engineering work still needs to be done. The applicant was concerned about being able to complete that work in one year and would like a two-year expiration.

Mr. Brown stated that there was also a lot of discussion regarding Condition #15 and what it means to disturb a tree. He requested that they add a definition in the Condition. Mr. Brown stated that it was a standard definition that he has worked with for existing trees within construction sites, as well as new plantings. Once a plant goes in, if there is any plant shock from a new plant going in they always use the 25% rule. He believed that would also be valid for the existing trees if they see disturbance that affects more than 25% of the tree, the tree would have to be replaced and mitigated. Mr. Brown requested that

they add **the term “disturb” means more than 25% of any existing mature tree dies within two years of construction.**

Mr. Brown made a grammatical change to Condition #16 to read, “All plant materials **shall be** labeled or keyed to the plant list....” Mr. Brown made minor grammatical changes to Conditions 17 and 18.

Mr. Brown referred to Finding #21 of the Subdivision and Plat Amendment regarding the idea of a third party to take the conservation easement. He stated that they were still searching for a third party. Because of the previous use of the site there is not a lot of interest due to liability concerns. He believed it was possible that the HOA might end up holding the easement for the non-disturbance areas and open space.

Chair Strachan recommended that they strike “3<sup>rd</sup> party” and say **conservation easement held by a third party or the HOA.** Director Erickson noted that there are circumstances where the City is a party to portions of an HOA agreement for the purposes of conservation easements. He suggested that language indicating partial participation by the City would be appropriate. Assistant City Attorney McLean clarified that the City would not monitor the conservation easement. The City would just be a party to the conservation easement.

Commissioner Joyce stated that he has raised this issue a number of times. He noted that in a subdivision space is laid out for buildings and other space is laid out as common area. He thought it was interesting that the applicant was offering an easement; however, he did not understand why they needed the unusual requirement of a third party conservation easement on what is platted as unbuildable space. Commissioner Joyce remarked that a conservation easement requires significant documentation and required uses. He did not understand why this was different from any other platted subdivision.

Assistant City Attorney McLean stated that having sat through most of this application, she recalled that it was offered by the applicant. However, they would not have to require it if the Planning Commission did not think it was necessary. Ms. McLean agreed with Commissioner Joyce that the City typically does not require it to be held by a third party.

Chair Strachan recalled that the conservation easement came from the past cleanup of the project. The applicant would clean it up with the stated intention of dedicating a vast majority of it to a conservation easement. That idea helped sell the cleanup and the application.

Commissioner Joyce disclosed that he is on the Board for the Summit Land Conservancy. He knows what they look for in third party easements, and in general it would not be this project. He personally never understood the need for it in this case.

Chair Strachan asked Commissioner Joyce if he would be more comfortable removing the language, **held by a third party**. He pointed out that if it is held by the HOA, by majority vote the HOA could decide to relinquish their easement rights. If the City is a partial holder of the easement, the City could weigh in on the HOA's decision. If the City is not a partial holder of the easement rights, then it would exclusively be the decision of the HOA. Commissioner Joyce explained the reasons why he did not see value in requiring a conservation easement.

Director Erickson stated that the City sees management of the open space as implementing portions of the General Plan, which limit the ability of property owners to extend roads to other properties; and to make sure the open space is protected in some form, particularly on the boundaries of conservation easements from Empire Pass and PCMR. He noted that it also extends the green space in the General Plan and it puts additional controls on the ability to extend road access. Director Erickson believed they could achieve those goals with the conservation easement and the City being a party to it.

Commissioner Joyce agreed with the logic. He favored removing the third party reference. Mr. Brown clarified that the recommendation was to remove third party and revised the language to say, ... shall be protected by a **conservation easement held by the City and the HOA to maintain the land**.

Mr. Brown referred to Condition #2, and added, The applicant will record the **subdivision and** plat amendment at the County within **two years** from the date of City Council approval. He noted that the change from one year to two years was to allow time to compile the cleanup documents as required by the State.

Planner Astorga referred to Condition #4 and noted that at one point the Planning Department was recommending that the Estate Lot go through a Historic District Design Review. After looking at the specific zoning, the Staff found that they could not require the applicant to go through the HDDR for the Estate Lot because the HDDR only takes place over the H zones in the Historic District. Planner Astorga requested that they remove Condition of Approval #4 and note that it was intentionally left blank.

Chair Strachan asked if the Estate lot would be subject to a CUP. Planner Astorga answered no, because the proposed single-family use is an allowed use and a steep slope CUP is only required in the H Districts. Chair Strachan asked if the Estate Lot was in the SLO. Planner Astorga stated that the Staff looked at the 2005 zoning map, which the application is vested on, and the map did not indicate that this property had any Sensitive Lands Overlay Zoning. Chair Strachan thought they needed to have that discussion.

Planner Astorga referred to Condition #10 and the requirement that the culvert gets built to City standards prior to plat recordation. After that, the culvert would be maintained by the City and not the HOA. Planner Astorga clarified that the culvert was the only improvement that is required to take place prior to plat recordation. He noted that as indicated in Condition #29, this is typical for a subdivision; and that the remaining public improvements are completed after the plat is recorded. Planner Astorga revised Condition #29 to read, All Public Improvements, **except the Lot 1 culvert**, shall be completed **after** plat recordation **but prior to the first home building permit**. An adequate financial Guarantee for all Public Improvements **shall be submitted prior to permitting**.

Assistant City Attorney McLean recalled that they had said that all engineered plans would be submitted prior to plat recordation. Planner Astorga stated that it was addressed in Condition #16. Mr. Brown agreed that all the engineering drawings and State requirements must be completed and reviewed by the Regulatory Agencies, the City and the State before recordation of the plat. It was another reason for requesting the second year. Once that work is completed and the plat is recorded they would apply for building permits.

Mr. Brown referred to the Condition of Approval for the Ridge Avenue plat amendment, and noted that they were requesting two years primarily to be consistent.

Commissioner Joyce noted that the proposed definition for disturbance equals 25% was something he has not seen before. He asked if the Planning Department concurred with that percentage. Ms. McLean noted that disturbed is not defined in the Code. However, under 15-21-9, Vegetation Protection, the Code states, "The property owner must protect significant vegetation during any development activity. Significant vegetation includes large trees 6" in diameter or greater measured 4-1/2 feet above the ground. Groves of smaller trees or clumps of oak or maple covering an acre, 50 square feet or more, measured at the drip line. Development plans must show all significant vegetation within 20 feet of proposed development. The property owner must demonstrate the health and viability of all large trees to a certified arborist. The Planning Director shall determine the limits of disturbance, and may require mitigation for loss of significant vegetation consistent with landscape criteria in LMC Chapter 15-55(M)". Ms. McLean recommended that the condition of approval use the language of significant vegetation.

Commissioner Joyce did not believe the Code language addressed the issue. The issue is not significant vegetation but rather significant vegetation that is disturbed, and what that means. Ms. McLean stated that if a significant tree is killed, the applicant would have to replace it under the Code. Commissioner Joyce thought the language proposed by the applicant was stronger than the Code language. Planner Astorga stated that the Planning Department was comfortable with the definition proposed by the applicant.

Commissioner Band asked who would maintain the retaining wall. Mr. Brown replied that it would be the HOA. Commissioner Band requested a condition of approval stating that it would be maintained by the HOA. Mr. Brown was comfortable adding that as a condition of approval.

Commissioner Thimm noted that intensity of use has been a major component of discussion on this project. In reading the Staff report he noted that the HR-1 District would allow these sites to be duplexes. A conditional use of the duplex would have to come before the Planning Commission, but he wanted to know if there was a desire by the applicant to have duplexes. Commissioner Thimm pointed out that he always assumed one unit per lot; however, duplexes would increase the density and intensity of use, which was counter to previous discussions. He suggested that they prohibit duplexes as a condition of approval for this action. Mr. Brown was comfortable with prohibiting duplexes.

Chair Strachan could not find the Sensitive Lands Overlay exhibit in the Staff report. Planner Astorga stated that it was attached to the zoning map as Exhibit I, but it was not a separate exhibit. Assistant City Attorney McLean recalled from the SLO discussion that it was a gray area; and since the SLO requirements for the Estate Zone were met it was moot point. Chair Strachan asked if that was a known fact. Ms. McLean thought they had made that determination based on the analysis that Christy Alexander had done when she was the project planner.

Mr. Brown recalled significant discussion at that time as to whether or not there was an SLO on that lot. He noted that the map they are vested under does not indicate any SLO. It is mentioned in a legend but it was not shown on the map. Planner Astorga noted that they were vested under the 2001 map. He presented the 2001 map for their review. Planner Astorga stated that Mr. Brown was correct. The legend had SLO boundaries and the discrepancies, but nothing was labeled on the map. Mr. Brown stated that because there was some confusion at the time, the applicant submitted a binder with all of the documentation required for the SLO. It went through a Staff review and was found to be acceptable. Ms. McLean had the same recollection. Planner Astorga clarified that he has only been the project planner since December, which is why the SLO is not mentioned in his Staff reports.

Chair Strachan opened the public hearing.

Brooke Hontz, a resident on Daly Avenue, stated that the winds were blowing in a different direction than she had hoped, but that was made clear at the last meeting. However, she felt the need to state a few more things for the record. Ms. Hontz stated that when she was on the Planning Commission her role was to go through the conditions of approval with a fine tooth comb. She always found edits and items to add to the record. In this

case, she does not support this application, but if the Planning Commission chooses to forward a positive recommendation, she requested that they spend the time making sure that all the conditions are substantial enough and say what they want them to mean. Ms. Hontz pointed out that many times someone comes forward with an approved CUP, and when the neighbors express frustration over something, the City pulls the Conditions and often times find that while it seemed clear at the time, it did not go far enough. Ms. Hontz urged the Planning Commission to spend whatever time is necessary to make sure the Conditions say what they need to say.

Ms. Hontz thought it was both City and State law that public improvements such as sewer, water, and other public improvements necessary to build a home must be completed before someone could purchase a property. She understood from the comments that there was some wiggle room and that the plat could be recorded before all the public improvements are completed.

Planner Astorga replied that the LMC indicates that the plat could be recorded prior to completing the public improvements.

Ms. Hontz understood why the developer would want to push those costs out because they would be substantial. However, the last Staff report talked about how the service providers were saying that they might not sign off on that plat because they are not sure if they can provide the services, particularly for this site which has proven to be difficult to develop. The former planner told her that they have difficulties obtaining a checklist of things, and therefore, the plat could not be signed off. For that reason, the Planning Department was not worried about it because they did not believe it could be built. Ms. Hontz stated that the concept was absolutely inappropriate, and secondly, there is now a condition of approval that allows them to sell these properties before they know if they can build the necessary infrastructure to service these properties. Ms. Hontz thought everyone should be nervous about that and she asked the Commissioners to take that into consideration. Mr. Hontz disagreed with allowing the applicant a second year extension. She agreed that it would take time to design the walls, but they should be made to do it within the required one-year time frame. Ms. Hontz thought the conversation easements were very important. She believed there were two adjacent conservation easements that are nearby or might even touch this property, and they could easily be folded in. She believed there were huge repercussions about additional development in this area that could be serviced through an emergency ingress or egress. Ms. Hontz asked the Planning Commission to consider that, and to understand why the conservation easement is very important to include.

Ms. Hontz did not believe this project has or ever will meet the LMC or the subdivision requirements, even with the conditions proposed. She believed the significant testimony that has been provided and will continue to be provided in the future will stand when

reviewed against the standard. Ms. Hontz appreciated the time and effort that many members of the public had put forth on this application or any application where people took the time to do their homework and provide comment. At the past few meetings she has heard commentary from Commissioners and others about what the public is actually thinking. She thought the public has done a good job of portraying that themselves. The role of the Planning Commission is very specific and the public's role is very specific. The public should be allowed to have their voice and that should stand on it's own.

Jim Doilney thanked the Planning Commission for the opportunity to speak again. He had submitted a letter and apologized for raising a density question this late in the process. Mr. Doilney was shocked on July 13<sup>th</sup> when the Planning Commission comments swung from a discussion to talk about approving this project. Mr. Doilney clarified that his question came late in the process because he was not expecting an approval at this time. However, he recognized the process this applicant has gone through. Mr. Doilney asked how the right to have nine buildable lots was determined and who made the decision. That question has never been answered. He stated that granting this project nine lot would repeat the problem that was created when Treasure was approved, which is getting density rights well in excess of the buildable density possible without a new City approval. Mr. Doilney stated that when problems become apparent, Alice Claim may be seen as Treasure #2.

Mr. Doilney stated that if the Planning Commission was voting for the nine lot approval because the City Council had not directed them to avoid creating new buildable density, that should be noted because he intends to bring that to the City Council's attention. Mr. Doilney remarked that his appeal to Council will state that this approval creates new density contrary to what he believes and public feedback would indicate, as well as the standards in Summit County. Mr. Doilney pointed out that Summit County was not allowing new density like this project. He believed the citizens are opposed to Park City creating new density except for affordable housing and as part of the City approved TDR program. Mr. Doilney stated that nonetheless, King Development mitigation work merits granting additional density, perhaps enough to double its investment. He was not opposed to the applicant making money because they have been working on this project long enough. However, nine lots is way too many when the asking average list price on a property in Old Town is 985,000. Mr. Doilney asked the Planning Commission to direct the Staff to recommend the appropriate number of Alice lots based on King's cost basis and a careful third party appraisal process. If they did not do that, he suggested that they ask the Staff to prepare those materials prior to it going to City Council because he will be asking the City Council the same questions.

Lee Guernstein stated that he is the homeowner at 135 Ridge Avenue, which is at the intersection of Sampson/King Road/Daly and the entrance to the proposed project. Mr. Guernstein noted that at the last meeting the Planning Commission received a lengthy

legal argument of the violations of the proposed project from their attorney Mark Gaylord. It was a nine-page document dated June 20<sup>th</sup> that details the legal arguments that encompass many of their objections to this project. Mr. Guernstein stated that at the last Planning Commission meeting many of the Commissioners expressed their preference to use the Ridge access instead of building the large retaining wall and creating a new off-center intersection. He was enthusiastically approached by Joe Tesch to negotiate the issue but he has heard nothing since the last Planning Commission meeting. Mr. Guernstein clarified that he remains open to that resolution because it would be in everyone's best interest.

Chair Strachan closed the public hearing.

Commission Campbell stated that he had already made his comments and he had nothing further to add.

Commissioner Suesser thought the Planning Commission needed time to carefully review the redlined changes that were proposed this evening before taking action. She agreed that the conservation easement should remain in place. She also thought the utilities services issue needed to be resolved before any approval. Commissioner Suesser disagreed with the Staff that Condition of Approval #4 of the Subdivision and Plat should be deleted. She believed the Estate Lot should remain subject to HDDR and be part of the CC&Rs for the HOA.

Commissioner Thimm had nothing more to add to the comments he made in past meetings.

Commissioner Band agreed that the public services should be resolved prior to plat approval. She asked for the landscaping plan on the retaining wall in terms of bonding. Director Erickson stated that the key determination of appropriate mitigation for the conditional use permit for the size and scale of the wall is the performance of the landscape. He believed they should require additional guarantees that the landscaping will perform beyond the normal time horizon, since this site is subject to many years of construction impacting those trees and the trees are the crux mitigation of the wall. Director Erickson recommended that the Planning Commission consider a longer term of guarantee and replacement, especially if it falls to the HOA at a given time. Commissioner Band commented on the failed landscaping they have seen around town. She hoped the applicant and the neighbor could still negotiate an access that would not require this CUP. Commissioner Band stated that her previous comments stand and she had nothing more to add.

Commissioner Joyce reiterated his support for how this project ended up. He favored the idea of extending the duration of the landscape bond. He thought it should be considered for many of the major projects around town. Commissioner Joyce was not opposed to granting an extension. In response to public comment about holding the applicant to one year, he noted that in the past the Planning Commission has granted longer than one year when there are extenuating circumstances and it is unreasonable to expect the work to be completed in one year.

Commissioner Joyce understood the concern about the utilities but he thought it had been addressed. He read from a condition of approval, "Utility plan will need to be revised to show how each of the wet and dry utilities will be placed within the drives and required separations, or with the special conditions as approved by the proper regulatory agencies and approved by the City Engineer prior to plat recordation". Commissioner Joyce was unsure what else they would ask of the applicant because they cannot record the plat until the utility plan has been approved by several entities.

Commissioner Joyce understood the explanation regarding the conservation easement. He did not believe wrapping it under an existing conservation easement would ever occur, and putting protection on it was sufficient. Commissioner Joyce noted that the density issue has been raised several times. Regarding the question how 9 lots were determined, Commissioner Joyce pointed out that nine lots was a proposal from the applicant. In his opinion, nine lots, if located in the right place and in the right size and consistent with the Historic District, is appropriate. Commissioner Joyce stated that once the Gully Plan was presented, the amount of open space and the land that was cleaned up goes to good cause. Commissioner Joyce referred to public comment about how much the applicant paid and how much they should make. He stated that money and finances have nothing to do with the Land Management Code and it is not to be considered in Planning Commission decisions. On the question of whether nine lots were too much, Commissioner Joyce stated that when it was nine big houses on the hillside and the ridgeline, the answer was yes. However, when it became nine small, reasonably sized comparative historic district houses in a format that fit well with the Historic District, he was comfortable with it.

Commissioner Joyce appreciated that Mr. Guernstein was still willing to work with the applicant on the alternate access. He noted that the Planning Commission had before them a CUP application for a wall. The question is whether that wall meets the LMC Code the way it has been mitigated. Based on feedback from the last meeting, it was clear that the Commissioners preferred a negotiated access, but if that was not possible, the applicant would have mitigated the wall well enough to build it. Commissioner Joyce emphasized that the Planning Commission has the obligation to evaluate the CUP as it is without considering the alternative that might or might not happen. In terms of the Estate Lot HDDR requirement, Commissioner Joyce understood from Planner Astorga that an

HDDR could not be required for non-historic zoning. He reiterated that the Planning Commission has to follow what the LMC allows and requires.

Commissioner Band asked if it was possible to require an HDDR because the Estate Lot is part of the neighborhood, even though it falls in a different zone. Assistant City Attorney McLean replied that there needs to be a nexus between the condition of approval and the project. She pointed out that if the applicant stipulates, that supersedes the LMC. Planner Astorga stated that as an example, the applicant had stipulated to a prohibition on duplexes, even though it was an allowed use. Commissioner Joyce did not think the duplexes were a fair comparison because as Commissioner Thimm had pointed out, even though it was an allowed use it would have doubled the intensity of use on a lot.

Director Erickson stated that if the Planning Commission chooses to make a recommendation to the City Council on the plat, they could recommend that the City Council consider an HDDR on the Estate Lot and identify specific findings for that recommendation.

Chair Strachan concurred with Commissioner Joyce that the Planning Commission has granted two year expirations in other complicated projects. He agreed with Commissioner Band regarding a bond for the landscaping, and there needs to be findings for the basis of the bond. Chair Strachan thought Condition of Approval #4 regarding the Estate Lot should remain; primarily because it was part of the proposed findings they had seen in past meetings. He always understood that the Estate Lot would be subject to HDDR. Chair Strachan thought they could make findings that the Estate Lot is adjacent to other historic structures and it is highly visible from all historic vantage points in Old Town. In addition, due to the size of the lot, it has the potential to disrupt the flow of the historic structures in Old Town. Chair Strachan believed the potential for incompatibility, glare and disproportionate sizing supports making the Estate Lot subject to the HDDR.

Chair Strachan expressed concerns with Finding of Fact #11 of the CUP. He read, "Should the applicant work through the access issued with the adjacent neighbor, less retaining would be needed and that could be a significant factor to mitigating the visual impact to the community". He had concerns with "less retaining" without knowing what less retaining would be. If it were over six feet the applicant would have to come back to the Planning Commission, and he thought that should be spelled out in the Finding. Chair Strachan was uncomfortable agreeing to both an access agreement and a retaining wall as well. He could not recall seeing that particular language in any of the prior Staff report. He always assumed it was an either/or proposition. There was either an access agreement with the neighbor, in which case retaining would not be required; or if the applicant could not obtain an access agreement they would have to build retaining walls. At a minimum,

Chair Strachan suggested that the second sentence of Finding of Fact #11 be stricken.

Chair Strachan stated that the density issue has troubled him from the beginning. Unfortunately, the Code does not bar density increases, and every time the City has tried to put that prohibition in place, it is opposed by the public because they believe it will hurt the economic values. Therefore, the LMC remains un-amended on that issue and density continues to increase. Chair Strachan believed it was a major mistake that generations of Parkites have made for decades. Until a density prohibition is imposed under the Land Management Code and until the General Plan say to decrease density, there is no basis for the Planning Commission to push zero density.

Chair Strachan agreed with Commissioner Suesser that based on the number of revisions proposed, the Planning Commission should take another look at the Findings of Facts and Conditions of Approval to make sure all the Commissioners understand them fully before taking action. He is always uncomfortable taking action at the same meeting where findings or conditions are added or revised.

Assistant City Attorney McLean stated that because this was a shorter agenda and it was still early in the evening, she suggested that the Planning Commission take a recess and allow Planner Astorga and the applicant time to incorporate the changes and make clean copies for the Commissioners to review. Considering the length of upcoming agendas, she recommended that the Planning Commission take action this evening if possible, rather than continue to another meeting. She pointed out that it was only a suggestion and the Planning Commission could continue this if they were more comfortable doing so.

Chair Strachan noted that the Planning Commission has done that in the past and he thought it was a wise suggestion. Commissioner Joyce agreed. He pointed out that while there were a number of changes, only a few were substantive. Many were grammatical changes. Commissioner Campbell preferred to complete this tonight if possible. The Commissioners concurred.

Chair Strachan thought the Planning Commission should provide direction regarding the Estate Lot before the recess. He asked if the applicant was willing to leave in Condition #4. Mr. Brown replied that they would need to discuss that among themselves during the break.

Assistant City Attorney McLean referred to the Finding of Fact regarding the access. She asked the applicant if they would need retaining walls if the alternate access is negotiated. Mr. Brown stated that he did not have a factual answer. He recalled that when it was designed that way many years ago there were retaining walls. However, he did not believe

they were six feet tall. He noted that there were interesting grading changes at the entrance and he recalled three or four foot walls.

Commissioner Campbell did not think the Planning Commission should be concerned because they know the walls would be smaller than what they might approve this evening. Chair Strachan replied that smaller was a different issue. Where the walls are located and how they look could be problematic. Commissioner Joyce remarked that the Planning Commission was willing to approve a CUP for a specific 30' retaining wall in a specific location. However, if the applicant could craft an agreement for the entrance and any retaining walls were less than 6 feet, they would not need a CUP and it would be like any other retaining wall in town. Commissioner Joyce assumed that approval of this CUP would not carry over to a different retaining wall and that the applicant would have to come back for a separate CUP for a retaining wall over six feet. Chair Strachan agreed and suggested that they delete the second sentence of Finding #11 of the CUP because it was hypothetical.

The Planning Commission took a short recess.

Chair Strachan resumed the meeting.

Commissioner Thimm referred to Condition #4 of the subdivision and plat and asked if the language meant there would be a full HDDR application process for the Estate Lot. Planner Astorga stated that as stipulated by the applicant it would. The applicant would have to submit the HDDR application and it would be reviewed administratively by the Planning Department. If the Planning Commission was uncomfortable with the language, they could ask the applicant to revise the language to say, **Lot 1 in the Estate District shall be subject to the HDDR process.** Commissioner Thimm preferred that language.

Chair Strachan could foresee the Estate Lot overbearing the tiny historic structures below it without any buffer or landscaping to shield it. He questioned whether the HDDR process would address the transition between that the larger structure and the smaller ones. Mr. Brown noted that a platted disturbance envelope for the Estate lot will restrict the size of the house. Chair Strachan clarified that it was not the size of the house that caused him concern, but rather the impacts that were identified in the sentence that was deleted. In the interest of moving forward he was willing to rely on the HDDR process. Mr. Brown pointed out that the intent was to make the Estate lot part of the community of the other eight homes. To buffer or separate from those eight homes was the antithesis of what they were trying to accomplish. Mr. Brown preferred to include it into that community rather than buffer it.

Commissioner Band referred to Condition #24 of the CUP and read, “The HOA shall be responsible for maintaining or repairing the retaining walls.” She requested adding language about maintaining the plants. After the two-year financial warranty bond expires and plants die off in the future she would hope that the HOA would want to maintain it, but she wanted language to require it. The new language should read, The HOA shall be responsible for maintaining and repairing the retaining walls **and vegetation**.

Commissioner Campbell asked for discussion on the 25% rule in Condition #15 of the CUP. He thought it was unclear and asked if it was 25% of the trees that die or 25% if one tree dies. Mr. Brown replied that it was 25% of each tree. Commissioner Suesser thought it should read **an existing mature tree** instead of “the” existing mature tree. Commissioner Campbell asked if that means that after 25% of the tree dies, the tree will be chopped down and replaced. Mr. Brown remarked that the applicant would have the responsibility to mitigate the tree is more than 25% looks dead. Commissioner Campbell thought they should say that the term “disturb” means more than 25% of **any** existing mature tree dies within two years of construction.

Assistant City Attorney McLean referred to Finding #12 of the CUP, and recommended that they leave the old language stating that there **are** impacts. The Commissioners questioned why they should be certain that there “are” impacts as opposed to “may be” impacts. Ms. McLean stated that the retaining walls are going to create impacts and they will have to be engineered to mitigate those impacts.

Chair Strachan stated that the walls create visual impacts, which are identified in Finding of Fact #11. There are also impacts that require screening and landscaping identified in Finding #13. There are impact regarding mass, bulk and orientation of the walls as addressed in Finding #14. However, he thought the language stating “in terms of the impact the retaining walls will have, which include utility capacity within the roads adjacent to the proposed walls” was more specific. Assistant City Attorney McLean noted that the next sentence says, “The impact of this is the weight of the walls and/or replacement of the utilities near the walls could significantly damage or negatively impact the public utilities and infrastructure. This could reasonably be mitigated with the following condition....” Commissioner Joyce pointed out that utility people have talked about concerns that might be an issue, but he could not recall either the City Engineer or anyone from the Water or Sewer Departments say it was broken and needed to be fixed. Director Erickson pointed out that neither the City Engineer nor the Water Department know exactly where the water line is located. Chair Strachan believed that was the reason for saying that there “may be” impacts as opposed to there “are” impacts. Unless there is evidence he did not believe they could say with certainty that there is an impact. Director Erickson agreed, and cited other impacts that may occur during construction.

Director Erickson referred to Finding #10 of the CUP and the reference to lighting. He asked if the Planning Commission intended to approve lighting on the wall. Assistant City Attorney McLean believed the language was to make sure those items would be approved by the City Engineer and Planning Department. Chair Strachan thought the language should be stricken because they do not want the wall to be lit. Commissioner Campbell pointed out that if lighting is not mentioned at all, someone could interpret that as being allowed. As written the Planning Department has to approve any lighting. The Commissioners agreed to remove "lighting" from the first sentence of Finding #10 and add a sentence stating that **lighting of the wall is prohibited**. Planner Astorga read finding as revised. "Snow storage and guardrails of the retaining walls require City Engineer and Planning Department Approval. Lighting of the proposed retaining wall is prohibited."

Commissioner Campbell referred to Finding #12 and questioned why a condition of approval was included in a finding of fact. Assistant City Attorney McLean believed those conditions were also included in the Conditions of Approval. Mr. Cahoon explained that Finding #12 is that the condition reasonably mitigates the impacts. He thought it was an important finding. Ms. McLean clarified that Commissioner Campbell was comfortable with the Finding but he wanted to make sure that condition in the Finding was also included in the Condition of Approval. Director Erickson pointed out that it was addressed in Conditions of Approval 4, 5 and 6.

MOTION: Commissioner Joyce moved to APPROVE the Alice Claim south of intersection of King Road and Ridge Avenue Conditional Use Permit for retaining walls 6 feet in height or more, based on the Findings of Fact, Conclusions of Law and Condition of Approval as amended. Commissioner Thimm seconded the motion.

VOTE: The motion passed 4-1. Commissioner Suesser voted against the motion. Commissioner Phillips was recused.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for Alice Claim Gully Site Plan south of intersection of King Road and Ridge Avenue; Alice Claim Subdivision and Plat Amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Band seconded the motion.

VOTE: The motion passed 4-1. Commissioner Suesser voted against the motion. Commissioner Phillips was recused.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the 123 Ridge Avenue, Alice Claim Gully Site Plan property swap – Ridge

Avenue Plat Amendment, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously. Commissioner Phillips was recused.  
Draft CUP Findings of Fact, Conclusions of Law and Conditions of Approval

### Findings of Fact – Alice Claim CUP

1. The property is located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), within the Historic Residential (HR-1) and Estate (E) Districts and Sensitive Lands Overlay (SLO). The entry wall property is not within the SLO.
2. The proposal includes nine (9) lots on 9.034 acres.
3. The property is a "metes and bounds" parcel with contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property. The City water line does run within the City owned property to be confirmed by the PCMC Public Utilities Department.
5. The applicant previously undertook a voluntary remediation of the regulated soils on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.
6. The property can only be accessed through the platted King Avenue right-of-way as the owner cannot secure legal access through the Woodside Gulch easement.
7. The new roadway would require excavation and 3 blonde sandstone veneer retaining walls of ten feet (10') in height with five foot (5') of horizontal terracing in between each wall, placed at the entrance to Alice Court. The five foot (5') of horizontal terracing will be landscaped with vegetation and various trees of ten feet in height to mitigate the visual and massing/scale impacts of the walls.
8. The retaining walls have not been engineered as of the date of this report and would require the City Engineer/Building Department approval to approve the engineered plans.
9. Historic District Design Review applications are required for any construction of retaining walls within the historic districts.
10. Snow storage and guardrails of the retaining walls require City Engineer and Planning Department approval. Lighting of the proposed retaining wall is prohibited.

11. There are impacts created by the proposed retaining walls which include Size and location of the Site; the applicant has determined the three 10' walls must be placed in this location due to the access they are providing.

12. There may be impacts created by the proposed retaining walls which include utility capacity within the roads adjacent to the proposed walls as the Applicant has not completed final engineering on the roads or retaining walls. The impact of this is that the weight of the walls and/or placement of the utilities near the walls could significantly damage and negatively impact the public utilities and infrastructure. This could reasonably be mitigated with the following condition: City Engineer and SBWRD giving approval of the engineered plans of the walls and utility plan would show there will be no impacts to utilities and infrastructure. However, if any changes to the utilities or infrastructure change the location and heights of the walls, then the Applicant will need to apply for a new CUP.

13. There are impacts created by the proposed retaining walls regarding screening and landscaping to separate the walls from adjoining uses. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This was reasonably mitigated with the addition of 20% more trees than shown on Exhibit B June 10, 2015, at a minimum height of 10 feet.

14. There are impacts created by the proposed retaining walls regarding building mass, bulk and orientation as the walls are 10' in height which is considered massive, mass and orientation within the Historic District and approximately 2 times the height of the majority of retaining walls within the District which are typically 4' to 6' in height. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This is mitigated with further landscaping the walls as discussed in (13) above and contouring the walls to the landscape.

15. There are impacts created by the proposed retaining walls regarding the physical design and compatibility with surrounding structures as the walls are not compatible in size. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This is mitigated with further landscaping the walls as discussed in (13) above, contouring the walls to the landscape, soil nailing the walls, and stone veneer.

16. There are impacts created by the proposed retaining walls regarding environmentally sensitive lands, physical mine hazards, historic mine waste and steep slopes that have not been addressed in these locations with final engineered plans. This presents a negative health, safety and welfare impact if not addressed. This could reasonably be mitigated with the following condition: Receive a Certificate of Completion for the VCP from UDEQ and Steep Slope CUPs for the adjacent homes to ensure the walls are stepping to the contours of the land and will not negatively impact any future homes in that area.

17. The applicant submitted draft utility plans that have not received final approval by the Snyderville Basin Water Reclamation District, Water Department, and City Engineer. The applicant will be responsible to determine what portion of the property is serviceable by the current water system and proposed sewer and storm drainage systems or propose acceptable mitigation and if the proposed walls will negatively impact the utilities. Proposed roads with utilities that are not private driveways next to the retaining walls are required to be 20' wide and are shown as such on the site plan.

18. The application for the Alice Claim CUP was deemed "complete" by the Planning Department on January 23, 2015.

19. Staff findings in the Review section of the July 27, 2016 Staff Report are incorporated herein.

#### Conclusions of Law – Alice Claim CUP

1. The CUP, as conditioned, is consistent with all requirements of the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed walls as conditioned will be compatible with the surrounding structures in use, material, scale, mass, circulation and mitigation with the slope of the landscape.
4. The effects of any differences in use, material, scale, mass and landscaping of the proposed walls have been properly mitigated through careful planning and conditions of approval.

#### Conditions of Approval – Alice Claim CUP

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.
3. City Engineer review and approval of all construction, including grading, utility installation, public improvements and storm drainage plans, and all construction within the ROW, for compliance with City and Fire District standards, is a condition precedent to building permit issuance.

4. Planning Department and City Engineer will review the final design and materials for any necessary retaining walls and the proposed roads adjacent to the retaining walls. The maximum height of each tier of the three-retaining wall system is not to exceed 10 feet in height above final grade.

5. Snyderville Basin Water Reclamation District review and approval of the utility plans near the retaining walls for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance.

6. Final utility and road plans near any retaining walls are required to be approved by the City Engineer prior to issuance of a building permit. The City Engineer will review the final construction documents and confirm that all existing utilities will not be impacted near the retaining walls and anticipated utilities will be located in accordance with the site plans as submitted.

7. A Historic District Design Review application shall be submitted prior to submittal of a building permit application for the retaining walls and the Historic District Design Review must receive approval prior to receiving building permit approval.

8. A building permit will be required to build any drives and retaining walls.

9. A final landscape plan and guarantee shall be submitted with the Historic District Design Review for approval by the Planning Department prior to issuance of a building permit for the retaining walls. The landscaping shall be complete prior to issuance of a final certificate of occupancy for the lots within the Alice Claim subdivision. The landscape plan shall provide mitigation of the visual impacts of the retaining walls and mitigation for removal of any existing Significant Vegetation. Prior to removal of any trees, an arborist report shall be provided to the Planning Department for review. The arborist report shall include a recommendation regarding any Significant Vegetation proposed to be removed and appropriate mitigation for replacement vegetation. The guarantee shall address site restoration in the event there is a work stoppage in excess of 180 days, including removing any partially constructed retaining wall(s).

10. The Conditional Use Permit will expire on July 27, 2018, if an extension has not been granted by the Planning Commission prior to the expiration or a building permit has not been issued.

11. The Planning Department and City Engineer will review any proposed guardrail and lighting considerations at time of final design.

12. The City Engineer must approve any snow storage requirements near the retaining walls prior to building permit approval.

13. This CUP is conditioned upon the Alice Claim Subdivision receiving plat approval and plat recordation. All conditions of approval of the Alice Claim Subdivision Plat must be adhered to.

14. No building permits shall be issued until the Alice Claim Subdivision plat is recorded.

15. If any retaining walls disturb existing mature trees, the trees shall be replaced in kind as close to the original location as possible or with an equivalent number in caliper and size as determined by the City Arborist. The term "disturb" means more than 25% of any existing mature tree dies within two years of construction.

16. The applicant shall submit a Landscape Plan prepared by a licensed landscape architect with the complete plant list showing botanical name, common name, quantity, size and spacing. All plant materials shall be labeled or keyed to the plant list and the quantity for that group shown. The submitted Landscape Plan shall be wet-stamped.

17. The applicant shall submit a letter from the Landscape Architect indicating that the requested trees, plants, vegetation, etc. between the retaining wall can be appropriately accommodated to ensure a successful life span of each tree, plant, vegetation, etc.

18. The Park City Planning Department will review the submitted Landscape Plan and Landscape Architect Letter and will be responsible for approving prior to receiving any building permit for the retaining walls.

19. Existing Significant Vegetation and mature landscaping shall be preserved per a tree preservation plan completed by a certified arborist and approved by the City prior to issuance of a building permit. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

20. The City Engineer must approve of the engineered plans for the walls and utility plan prior to building permit approval;

21. Any substantial changes as determined by the Planning Department to the proposed location or height of retaining walls or site plan of the Alice Claim Subdivision will void this approval and the applicant must amend this CUP application which will require going through the full process (staff review and Planning Commission Review).

22. The Applicant will need to receive from the Utah Department of Environmental Quality (“UDEQ”) under the UDEQ Voluntary Cleanup Program, a final Certificate of Completion for remediated soils within the Applicant’s property prior to building permit approval.

23. If a Site Management Plan is required for the UDEQ Certificate of Completion for Alice Claim, the UDEQ approved Site Management Plan must be submitted to the Building Department prior to building permit approval.

24. HOA shall be responsible for maintaining and repairing the retaining walls and vegetation.

25. Applicant shall provide a two-year financial warranty bond for plant materials associated with the CUP approved entry walls based upon estimated replacement costs to be determined by the Planning Director.

#### Findings of Fact – Alice Claim Subdivision and Plat Amendment

1. The plat is located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), within the Historic Residential (HR-1) and Estate (E) Districts.

2. The proposal includes nine (9) lots on approximately 9.034 acres which will not be allowed to be subdivided further.

3. The property is a “metes and bounds” parcel with contiguous platted lots.

4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property. The City water line does run within the City owned property.

5. The applicant previously undertook a voluntary remediation of the regulated soils on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.

6. The property can only be accessed through the platted King Avenue right-of-way as the owner cannot secure legal access through the Woodside Gulch water tank access easement used by the City. The new roadway would require excavation and retaining walls up to and possibly in excess of ten feet (10’) in height.

7. The Woodside Gulch stream runs through the property and any changes to the stream will require a Stream Alteration Permit. The Applicant previously applied for this permit and will need to amend their existing Stream Alteration Permit from the US Army Corp of Engineers. Any changes to the stream may also require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality.
8. The property, which was once the site of the Alice Lode Mine, was previously the site of mining activities, which have since undergone recent remediation.
9. A Voluntary Clean Up of the property was initiated by the Applicant.
10. Most of the remainder of the site has mature stands of oak, maple and aspen trees in addition to areas of smaller shrubs and grasses.
11. A culvert for the stream is proposed in order to meet the 50' setback regulations from streams within the Estate District, otherwise the culvert would not be necessary.
12. The applicant has proposed retaining walls in 3 locations up to 10' in height that will be reviewed under a concurrent CUP.
13. This development is located upstream of the FEMA Flood Plain Studies.
14. The applicant does not request any setback reductions from the Planning Commission for the Estate Lot.
15. Water Service is available and as proposed can meet required water pressure to all of the proposed development sites (proposed Lots) within the development. The applicant will be responsible to propose acceptable mitigation should the water model or utility plans be further revised.
16. The utility plan does not show how each of the wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer.
17. A Debris Flow Study has not been completed for the stream to determine if a debris basin is required.
18. Existing trails are shown on the plat and granted a public easement.
19. Proposed utilities have not been engineered to meet City Engineer's approval but shall be prior to plat recordation.

20. All roads are proposed over 10% grades and will not be eligible to be converted to public ROWs in the future.
21. Building pads/limits of disturbance are shown in Exhibit L. All other property as open space should be protected by conservation easement held by the City and the HOA to maintain the land.
22. Applicant does not have an approved Sewer Service Plan. Sewer Service must be designed to service the proposed development sites in accordance with the Snyderville Basin Water Reclamation District's requirements. The applicant will be responsible to determine this with Snyderville Basin Water Reclamation District prior to plat recordation.
23. Proposed drives with utilities that are not private driveways are required to be 20' wide and are shown as such on the plat. The drive grades are proposed to be 14%. Drives must be 10% in order to be eligible to be converted to public ROWs.
24. Public trails are shown on Exhibit L with a 15' public recreational trail easement.
25. The proposed lot within the Estate District is 3.01 acres.
26. The proposed eight (8) proposed lots within the HR-1 District are 5410 square feet each.
27. A geotechnical report has been reviewed by the City Engineer for the overall site but individual geotechnical reports have not been submitted for each lot.
28. The applicant owns other adjoining properties within the Historic Residential Low-Density (HRL) District. Two of these contiguous properties are lots 1 and 2 of the Ridge Avenue Subdivision.
29. The existing encumbered Lots 1-7 and 36-40, Block 77 of the Millsite Reservation will be dedicated to the City as right-of-way upon plat recordation as they current have a road over them.
30. The lots are positioned as proposed to avoid ridgelines and allow for drives that contour with the topography in order to meet the required grades.
31. The existing mine shaft on the property is currently filled as stated on the site plan dated May 18, 2015.

32. The application for the Alice Claim subdivision was deemed “complete” by the Planning Department on May 23, 2005.

33. Between 2006 and 2009, the Planning Commission conducted three (3) work sessions to discuss the project and visited the property during two site visits.

34. On October 8, 2014 the Planning Commission conducted a site visit and work session to discuss the history and 2009 site plan proposed for this project.

35. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on January 23, 2015.

36. The Planning Commission reviewed the request and held public hearings on April 8, 2015, June 10, 2015, July 8, 2015, and July 22, 2015.

37. During this time consisting of October 2014 and July 2015 the applicant submitted further revisions to the plat to address City concerns as well as to address plat discrepancies.

38. On August 12, 2015 the Planning Commission forwarded a negative recommendation to the City Council.

39. On October 8, 2015 the City Council reviewed the proposal.

40. On October 29, 2015 the applicant submitted an amended site plan which moved the lots closer to the gully. The City Council reviewed that amended site plan and remanded the application back to Planning Commission for their review.

41. The Planning Commission held a work session on December 9, 2015.

42. The Planning Commission held public hearings and reviewed the updated proposal on May 25, 2016, July 13, 2016, and July 27, 2016.

43. In order to ensure all site improvements are made the applicant must either complete all Site Improvements prior to plat recordation, or if that is not possible, provide adequate financial Guarantees for completion, together with a right of entry to the Property to complete that work be granted to the City.

Conclusions of Law – Subdivision and Plat Amendment

1. There is good cause for this subdivision and plat amendment.
2. The subdivision and plat amendment are consistent with the Park City Land Management Code and applicable State law regarding subdivisions and plat amendments.
3. Neither the public nor any person will be materially injured by the subdivision or plat amendment.
4. Approval of the subdivision plat and 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 – Alice Claim Subdivision and Plat Amendment

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 subdivision and plat amendment at the County within two years from the date of City Council approval. If recordation has not occurred within two years' 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. If the plat is not recorded within this time period, it shall be null and void and any resubmittal shall be a new application which is subject to all review requirements, zoning restrictions and subdivision regulations at the time of the submittal.
3. Recordation of this plat and completion and approval of final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction of buildings within this subdivision. Completion and approval of final HDDR applications are required prior to building permit issuance for any construction of retaining walls.
4. Lot 1 in the Estate District shall be subject to HDDR process.
5. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. Snow storage of roads and private drives must be addressed and approved by the City Engineer throughout the development prior to plat recordation. Snow storage sites cannot discharge immediately into the stream.
7. Sewer lateral design and service will need to meet Snyderville Basin's requirements and receive written approval by SBWRD before the proposed plat can be signed by SBWRD. If the sewer lateral design requires a substantial change, as determined by the Planning

Director, to the layout of this subdivision plat, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.

8. The submitted water model will need to be revised with the submitted updates to the layout and receive written approval from the Water, Building, Engineering and Fire Departments in order for the subdivision to meet water requirements prior to plat recordation. If the water system requires a substantial change, as determined by the Planning Director, to the layout of this subdivision plat, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.

9. There shall not be any further subdivision of any additional lots in this subdivision. A plat note shall reflect this condition.

10. All state requirements must be met, state permits must be obtained and the culvert must be fully installed by the applicant prior to plat recordation, and the culvert will be owned and maintained by the City.

11. This development is located upstream of the FEMA Flood Plain Studies. A study shall be completed extending the FEMA Flood Plains through this development prior to plat recordation. Any lots located in a FEMA Zone A will require an Elevation Certificate showing the lowest occupied floor is at or above base flood elevation prior to building permit approval.

12. A Stream Alteration Permit from the State will be required for the culvert along with the Flood Plain Study to identify the culverts upstream and downstream impacts prior to plat recordation. The Stream Alteration Permit and Flood Plain Study must be completed and approved prior to Planning and Engineering approval.

13. The culvert inlet shall be at least 50' away from any structure on Lot 1 and the culvert shall be owned and maintained by the HOA.

14. A Debris Flow Study must be completed prior to plat recordation for the stream to determine if a debris basin is required.

15. Limits of disturbance as shown on Exhibit L shall be clarified on the plat prior to plat recordation to be able to quantify the square footage upon which shall remain in place and

no changes shall be made. All other property shall be restricted as open space and/or protected by 3rd party conservation easement.

16. The utility plan will need to be revised to show how each of the wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer prior to plat recordation.

17. Any roads over 10% grade will not be eligible to be converted to public ROWs in the future.

18. Drives must provide 20 feet wide of clear space to meet Fire Code. If parking impacts this 20 feet wide clear space, it will not be allowed and shall be signed No Parking.

19. Roads less than 26 feet wide shall be marked NO Parking on both sides of the road.

20. The Applicant will need to receive City Council's approval to give them an access over the City's property for Alice Court and where they may cross water lines, storm drainage, sewer, etc. This will need to occur prior to plat recordation.

21. Applicant must still provide recommendations to the City Engineer for which scenario most satisfies turning movements and minimizes conflicts and implement the recommendations prior to plat recordation.

22. The Applicant will need to receive, from the Utah Department of Environmental Quality ("UDEQ") under the UDEQ Voluntary Cleanup Program, a final Certificate of Completion for remediated soils within the Applicant's property prior to building permit approval.

23. If a Site Management Plan is required for the UDEQ Certificate of Completion for Alice Claim, the UDEQ approved Site Management Plan must be submitted to the Building Department prior to building permit approval.

24. The applicant will need to receive CUP approval for the proposed retaining walls over 6' prior to plat recordation.

25. The applicant shall obtain an easement for use of city property for Alice Court drive prior to plat recordation.

26. Public trails are shown with a 15' public recreational trail easement.

27. Any structures built near the existing mine shaft shall be setback at least 10' if the shaft is filled up to the ground surface with soil and/or gravel and 40' setback if the shaft is not filled. The mine shaft shall be shown on the plat and the setback noted.

28. If the site plan is substantially altered, as determined by the Planning Director, due to any utility redesign or retaining wall redesign or other unforeseen issues, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.

29. All Public Improvements, except the Lot 1 culvert, shall be completed after plat recordation but prior to the first home building permit. An adequate financial Guarantee for all Public Improvements shall be submitted prior to permitting.

30. City utility maintenance access is required across the drives for Lots A & C.

31. Individual water booster or fire sprinkler system pumps to increase water pressure will not be allowed.

32. Individual geotechnical reports will be required for each lot prior to issuance of a building permit.

33. All mature trees that will be lost due to the subdivision, retaining walls, addition of drives and building pads, shall be approved by the Planning Department and be replaced in kind or with three smaller trees as close to the original location as possible within 1 year of tree removal.

34. No duplexes will be allowed.

#### Findings of Fact – Alice Claim Ridge Avenue Plat Amendment

1. The site is located at 123 Ridge Avenue.
2. The site is Lot 1 of the Ridge Avenue Subdivision.
3. The site is within the HRL District.
4. The applicant requests that the City review the Ridge Avenue Plat Amendment.
5. The applicant proposes a change to adjust Lot 1.

6. The proposed amendment swaps a 2,057 square foot triangular portion of Lot 1 with corresponding 2,057 square foot triangular portion of Lot 9 and Lot 8 of the proposed Alice Claim Subdivision.

7. There is no increase or reduction in the size of either subdivision.

8. The resulting reconfiguration allows the “squaring up” of these lots.

Conclusions of Law – Alice Claim Ridge Avenue Plat Amendment

1. There is good cause for this subdivision and plat amendment.

2. The subdivision and plat amendment are consistent with the Park City Land Management Code and applicable State law regarding subdivisions and plat amendments.

3. Neither the public nor any person will be materially injured by the subdivision or plat amendment.

4. Approval of the subdivision plat and 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 – Alice Claim Ridge Avenue Plat Amendment.

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 two years from the date of City Council approval. If recordation has not occurred within two years’ 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.

If the plat is not recorded within this time period, it shall be null and void and any resubmittal shall be a new application which is subject to all review requirements, zoning restrictions and subdivision regulations at the time of the submittal.

The Park City Planning Commission Meeting adjourned at 8:10 p.m.

Approved by Planning Commission: \_\_\_\_\_





PLANNING DEPARTMENT

## Planning Commission Staff Report

**Subject:** Treasure  
**Project #:** PL-08-00370  
**Author:** Francisco Astorga, AICP, Senior Planner  
**Date:** 10 August 2016  
**Type of Item:** Administrative – Conditional Use Permit

### Summary Recommendations

Staff recommends that the Planning Commission review Conditional Use Permit (CUP) criteria no. 1 *Size and Scale of the Location of the Site* as analyzed in the staff report. Staff recommends that the Planning Commission provide input and direction to Staff and the Applicant. Staff recommends that the Planning Commission conduct a public hearing and continue it to the September 14, 2016 Planning Commission meeting.

### Description

**Property Owner:** Sweeney Land Company and Park City II, LLC represented by Patrick Sweeney  
**Location:** Creole Gulch and Mid-station Sites  
Sweeney Properties Master Plan  
**Zoning:** Estate District –Master Planned Development  
**Adjacent Land Use:** Ski resort area and residential  
**Topic of Discussion:** CUP Criterion no. 1 Size and scale of the location of the Site  
CUP Criterion no. 9 Usable open Space  
**Reason for Review:** Conditional Use Permits are required for development per the Sweeney Properties Master Plan. Conditional Use Permits are reviewed by the Park City Planning Commission.

### Background

The Sweeney Properties Master Plan (SPMP) was approved by the Planning Commission on December 18, 1985. The City Council called up the project for review. On October 16, 1986, the City Council approved the SPMP with amendments to the maximum allowed building heights in Hillside Properties known as the Town Lift Mid-Station and the Creole Gulch sites.

The SPMP approval involves a number of individual development parcels. Combined, a total of 277 unit equivalents (UE) were approved, including 258 residential UEs and 19 UEs worth of support commercial space. The Sweeney Properties were located throughout the western edge of the historic district of Park City. The SPMP included the Coalition properties by the town lift plaza (1.73 acres), the HR-1 properties (0.45 acres), the Hillside Properties (123 acres), and three (3) single-family lots within Old Town.

The SPMP was amended in October 14, 1987 to provide for the Woodside (ski) Trail. It was then amended December 30, 1992 with respect to the Town Lift Base. It was

amended once again on November 7, 1996 to provide for the Town Bridge. The Woodside Trail (now commonly referred to as the Town Run), the Town Lift Base, and Town Bridge have subsequently been built.

The Hillside Properties consists of the Town Lift Mid-Station (Mid-station) and the Creole Gulch sites. These Hillside Properties are the last two (2) parcels to be developed within the SPMP. The following is the maximum density allowed for each of the sites:

- Creole Gulch, 7.75 acres
  - 161.5 residential UEs
  - 15.5 support commercial UEs
- Mid-station, 3.75 acres
  - 35.5 residential UEs
  - 3.5 support commercial UEs

A combined total of 197 residential UEs and 19 support commercial UEs was approved for the 11.5 acre remaining development sites. Of the 123 acres of Hillside Property, 110 have become zoned recreation open space (ROS) due to the agreement within the SPMP.

Under the SPMP, each development site is required to attain the approval of a Conditional Use Permit (CUP) from the Planning Commission. On January 13, 2004, the applicant submitted a CUP application for the Creole Gulch and Mid-station sites. The CUP was reviewed by the Planning Commission from April 14, 2004 to April 26, 2006. A complete set of revised plans was received by staff on October 1, 2008. Additional materials were received by staff on December 18, 2008. The CUP was reviewed by the Planning Commission from January 7, 2009 to February 10, 2010.

In response to their submitted application, some sheets were revised in January 2009 and others were updated in March 2009. The City Council decided to proactively engage the applicant to explore additional alternatives and negotiate as a buyer in 2010. The negotiations, which included several public updates, surveys, and an open house, concluded in 2014 without a solution. Since then, the applicant has been meeting with the Planning staff to review and work on its application. On April 8, 2016, the Applicant submitted a letter requesting that their CUP application be placed back on the agenda for the Planning Commission's consideration. The Planning Commission held an introduction of the project and held a public hearing during the June 8, 2016 Planning Commission meeting. The Planning Commission started reviewing criterion no. 1 on July 13, 2016 and requested that staff continue its discussion to this meeting.

### **Proposal**

The applicant's [written & pictorial explanation](#) indicates the following regarding their proposal:

“The plan is to build a dense, compact, pedestrian oriented, extension of the historic district. The design is contemporary within a traditional framework. It leaves the vast majority of Treasure Hill as open space. The buildings are nested in the open space at the base of the Creole Gulch. The units are moderately sized and will provide a steady customer base for historic Main Street. The design incorporates a variety of building styles including single family, row houses, flats, apartments, hotel, and industrial.”

According to the applicant’s calculations found on [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#), the current proposal consists of the following:

Summary of Building Area by Use									Basement Spaces				Grand Total
Bldg. No.	Residential (net)	Common Space & Circulation (gross)	Allotted Commercial (MPD UE's) (gross)	Support Commercial (gross)	Meeting space (gross)	Accessory Space (gross)	Parking (gross)	Subtotal	Parking (gross)	Common Space & circulation	Accessory Space	Subtotal	
Prkng							3,661	3,661	218,535	6,753	33,175	258,463	262,124
R&R									22,867			22,867	22,867
1A	12,230	1,353						13,583					13,583
1B	30,803	12,028				1,220		44,051		5,365	4,382	9,747	53,798
1C	23,478	2,002						25,480		739	5,681	6,420	31,900
2	6,369	654	1,397			750		9,170				9,170	9,170
EH						6,669		6,669				6,669	6,669
3A			3,746					3,746				3,746	3,746
3B	23,781	9,093	8,273			3,936		45,083				45,083	45,083
3C	8,191	1,176	4,054					13,421				13,421	13,421
Plaza		450				972		1,422				1,422	1,422
4A	17,231	18,077		21,100	16,127	26,709		99,244					99,244
4B	152,608	57,678		5,626		24,517		240,429		5,148	6,634	11,782	252,211
5A	36,926	15,473				1,692		54,091		5,944	237	6,181	60,272
5B	9,445	1,070						10,515			4,426	4,426	14,941
5C	42,939	1,9079	1,393	6,686		2,833		72,930		3,182	5,012	8,194	81,124
5D	29,910	7,522				1,074		38,506		424	6,382		45,312
<b>Total</b>	<b>393,911</b>	<b>145,655</b>	<b>18,863</b>	<b>33,412</b>	<b>16,127</b>	<b>70,372</b>	<b>3,661</b>	<b>682,001</b>	<b>241,402</b>	<b>27,555</b>	<b>65,929</b>	<b>334,889</b>	<b>1,016,887</b>

Prkng – Parking, R&R – Ramp & Roadway, EH – Employee Housing, Plaza – Plaza Buildings.

The following table below is a summary of the category specific totals:

Building area by Use	Square feet
Residential (net):	393,911
Commons space & circulation (gross)	145,655
Allotted Commercial (MPD UE's, gross)	18,863
Support Commercial (gross)	33,412
Meeting Space (gross)	16,127
Accessory Space (gross)	70,372
Parking (gross)	3,661
<b>Subtotal</b>	<b>682,001</b>
<i>Basement areas:</i>	
Parking (gross)	241,402
Common Space & Circulation (gross)	27,555

Accessory Space (gross)	65,929
<b>Subtotal</b>	<b>334,886</b>
<b>Grand Total</b>	<b>1,016,887</b>

The applicant divided the building area by use into two (2) categories as the 2004 definition of Gross Floor Area below does not include basement spaces:

15-15-1.91. **Floor Area.**

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

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

The proposal consists of 46 residences, 202 hotel rooms, and 67 club units. The proposal consists of the following residential units:

Type	Units < 650 s.f.	Units 650-1,000 s.f.	Units 1,000-1,500 s.f.	Units 1,500-2,000 s.f.	Units > 2,000 s.f.	Total by Type
<b>Residences</b>				4	42	46
<b>Hotel</b>	161	4	35	1	1	202
<b>Club</b>			13	11	33	67
<b>Total by size</b>	<b>161</b>	<b>4</b>	<b>48</b>	<b>16</b>	<b>76</b>	<b>305</b>

The proposal consists of a combined total of 305 units in the form of residences, hotel rooms, and club units. Staffs choose to utilize the same categories on the table above to be consistent with the parking standard which will be analyzed with the Planning Commission in a future meeting. For the exact calculation of each unit please review [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#). The proposal consists of 424 parking spaces to be discussed in a future Planning Commission meeting. The following table below shows a square footage breakdown by residential size:

Unit Size	Quantity	Overall area in Square feet
<b>Units &lt; 650 s.f.</b>	161	76,330
<b>Units 650-1,000 s.f.</b>	4	3,936
<b>Units 1,000-1,500 s.f.</b>	48	43,702
<b>Units 1,500-2,000 s.f.</b>	16	29,159
<b>Units &gt; 2,000 s.f.</b>	76	230,781
<b>Total</b>	<b>305</b>	<b>393,911</b>

The proposed residential net area is 393,911 square feet. The proposed gross common and circulation space is 145,655 square feet. The proposed gross allotted commercial is 18,863 square feet. The proposed gross support commercial is 33,412 square feet. The proposed gross meeting space is 16,127 square feet. The proposed gross accessory space is 70,372 square feet. The proposed gross parking is 3,661 square feet. The proposed subtotal of all of these spaces consists of 682,001 square feet. All of these spaces above are above grade as they are not considered basement areas below final grade per the 2004 adopted definition.

The proposed gross parking (basement space as indicated by the applicant) is 241,402 square feet. The proposed gross common and circulation space (basement) is 27,555 square feet. The proposed gross accessory space (basement) is 65,929 square feet. The proposed gross basement subtotal is 334,886 square feet.

The proposed project grand total is 1,016,887 square feet. The combined areas are summarized below:

<b>Overall Building area by Use</b>	<b>Square feet</b>
Residential (net):	393,911
Commons space & circulation (gross)	173,210
Allotted Commercial (MPD UE's, gross)	18,863
Support Commercial (gross)	33,412
Meeting Space (gross)	16,127
Accessory Space (gross)	136,301
Parking (gross)	245,063
<b>Grand Total</b>	<b>1,016,887</b>

On [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#) the Applicant takes the proposed net residential square footage of 393,911 and divides by 2,000 (UE residential factor) which equates to 196.96 unit equivalents. The Applicant also takes the proposed gross allotted commercial square footage of 18,863 and divides by 1,000 (UE commercial factor) which equates to 18.86 unit equivalents.

Furthermore, the applicant, also on Sheet P.16, takes the proposed gross support commercial of 33,412 square feet and divides by the proposed subtotal of all spaces consisting of 682,001 square feet (except basement space) which equates to 4.9%. Also, the applicant, takes the proposed gross meeting space of 16,127 square feet and divides by the same proposed subtotal of all spaces consisting of 682,001 square feet (except basement space) which equates to 2.36%. The Applicant shows these two (2) percentages which are both under 5% of the gross area as they believe that the project can be assigned an additional 5% of support commercial space and an additional 5% of meeting space.

### Building by Building Breakdown

In order to understand the applicant's proposal, staff requests that the Planning Commission understand each building proposed, including its corresponding uses. The following breakdown below was taken from Sheet P.16 revised March 20, 2009. The applicant has indicated that the mine exhibits and its corresponding gift shop would be removed.

#### **Building 1A (13,583 sf.)**

- Residences (12,230 sf.)
  - 6 (three story townhouse) residential units (1,776 – 2,206 sf.)
- Circulation & Common Space (1,353 sf.)
  - Unit perimeter walls of townhouses

#### **Building 1B (53,798 sf.)**

- Residences (30,803 sf.)
  - 9 (one level) residential units (2,746 – 3,690 sf.) on 5 levels
- Accessory Space (5,602 sf.)
  - Housekeeping, service elevator (244 sf. each) on 5 levels
  - Receiving/Maintenance (4,382 sf.)
- Circulation & Common Space (17,393 sf.)
  - Hallways 6 levels

#### **Building 1C (31,900 sf.)**

- Residences (23,478 sf.)
  - 7 (three story townhouse) residential units (1,776 – 2,206 sf.)
- Accessory Space (5,681 sf.)
  - Storage
- Circulation & Common Space (2,741 sf.)
  - Unit perimeter walls of townhouses

#### **Building 2 (9,170 sf.)**

- Residences (6,369 sf.)
  - 3 (three story townhouse) residential units (1,855 - 2,313 sf.)
  - 5 (three story townhouse) residential units (1889 sf. each)
- Allotted Commercial (1,397 sf.)
  - Convenience store
- Accessory Space (750 sf.)
  - Lift ticket sales office
- Circulation & Common Space (654 sf.)
  - Unit perimeter walls of townhouses

#### **Building 3A/Employee Housing (10,415 sf.)**

- Allotted Commercial (3,746 sf.)
  - Restaurant
- Accessory Space (6,669 sf.)
  - Employee housing

**Building 3B (45,083 sf.)**

- Residences (23,781sf.)
  - 7 (one level) residential units (2,871 - 3,541 sf.) on 7 levels
- Allotted Commercial (8,273 sf.)
  - Bar (5,278 sf.)
  - Clothing store (2,215 sf.)
  - Coffee shop (780 sf.)
- Accessory Space (3,936 sf.)
  - Housekeeping, service elevator (160 sf. each) on 7 levels
  - Service corridor on backside of retail spaces (2,816 sf.)
- Circulation & Common Space (9,093 sf.)
  - Hallways 8 levels

**Building 3C (13,421 sf.)**

- Residences (8,191 sf.)
  - 2 (one level) residential units (4,002 – 4,189 sf.) on 2 levels
- Allotted Commercial (4,054 sf.)
  - Sporting goods retail
- Circulation & Common Space (1,176 sf.)

**Plaza Buildings (1,422 sf.)**

- Accessory Space (972 sf.)
  - Pool building (792 sf.)
  - Stair building (180 sf.)
- Circulation & Common Space (450 sf.)

**Building 4A (99,244 sf.)**

- Residences (17,231 sf.)
  - 4 (one level) residential units (1991-5941) on 2 levels
- Support Commercial (21,100 sf.)
  - Spa (10,994 sf.)
  - Restaurant/bar (9,082 sf.)
  - Deli (1,024 sf.)
- Meeting space (16,127 sf.)
  - Ballroom + meeting rooms (10,815 sf.)
  - Jr. Ballroom (16,127 sf.)
- Accessory Space (26,709 sf.)
  - Banquet kitchen/storage (6874 sf.) level 2
  - Public Restrooms (435 sf.)level 2
  - Employee lockers (2,604 sf.) level 3
  - Service area (2,059 sf.) level 3
  - Service area (734 sf.) level 4
  - Ski storage (1168 sf.) level 4
  - Offices (2774 sf.) level 4
  - Service elevator (654 sf. each) level 5 & 6

- Circulation & Common Space (18,077 sf.)
  - Hallways on 6 levels

**Building 4B (252,211 sf.)**

- Hotel rooms (122,225 sf.)
  - 161 standard hotel rooms (470-636 sf.)
  - 37 executive hotel rooms (984-1182 sf.),
  - 3 deluxe hotel rooms (1498-1515 sf.),
  - 1 grand suite (hotel) room (2537 sf.)
  - 8 Levels of hotel rooms
- Residences (30,383 sf.)
  - 8 (one level) residential units (3,075 – 4,812 sf.) on 2 levels
- Support Commercial (5,626 sf.)
  - Bar (2,733 sf.)
  - Lounge (2,258 sf.)
  - Gift Shop (635 sf.)
- Accessory Space (31,151 sf.)
  - Housekeeping, service elevator (507 sf. each) level 11 & 12
  - Housekeeping, service elevator (1,209 sf. each) level 4 – 10
  - Public lounge for hotel guests (2,674 sf.) level 7
  - Laundry facility (9,528 sf.) level 4
  - Maintenance area (1,598 sf.) level 3
  - Housekeeping, service elevator (620 sf. each) level 2 & 3
  - Storage/maintenance (4,996 sf.) level 1
  - Service corridor (1,638 sf.) basement
- Circulation & Common Space (62,826 sf.)
  - Hallways (59,728 sf.) over 11 levels
  - Hotel lobby (3,098 sf.)

**Building 5A (60,272 sf.)**

- Club Use (36,926 sf.)
  - 14 (one level) residential units (2578-2787 sf.) on 9 levels
- Accessory Space (1,929 sf.)
  - Housekeeping, service elevator (214 sf. each) level 3-6, & 8-10
  - Housekeeping, service elevator (237 sf.) basement
- Circulation & Common Space (21,417 sf.)
  - Club lobby (3,119 sf.)
  - Hallways (18,298 sf.) on 11 levels

**Building 5B (14,941 sf.)**

- Club Use (9,445 sf.)
  - 5 (three story townhouse) residential units (1,889 sf. each)
- Accessory Space (4,426 sf.)
  - Storage/Maintenance
- Circulation & Common Space (1,070 sf.)
  - Hallway

**Building 5C (73,045 sf.)**

- Club Use (42,939 sf.)
  - 26 (one level) residential units (1,215 – 2,088 sf.) on 10 levels
- ~~Allotted Commercial (1,393 sf.)~~
  - ~~Retail/gift shop~~
- ~~Support Commercial (6,686 sf.)~~
  - ~~Creole Gulch Mine Exhibit~~
- Accessory Space (7,845 sf.)
  - Housekeeping, service elevator (304 sf. each) level 1-5, 7, 9-11 , basement
  - Storage (4,163 sf.)
- Circulation & Common Space (22,261 sf.)
  - Hallways 12 levels

**Building 5D (45,312 sf.)**

- Club Use (29,910 sf.)
  - 19 (one level) residential club units (6@1,811 sf. & 13@3,174 sf.) on 6 levels
- Accessory space (7,456 sf.)
  - Housekeeping, service elevator (179 sf. each) level 1-6
  - Storage/Maintenance (6,382 sf.)
- Circulation & Common Space (7,946 sf.)
  - Hallways over 7 levels

**Parking Garage (262,124 sf.)**

- Parking area (222,196 sf.)
  - Underground (218,535 sf.)
  - Above-grade (3661 sf.)
- Accessory Space (33,175 sf.)
  - Receiving/storage (13,819 sf.)
  - FCC (912 sf.)
  - Central Mechanical (9,193 sf.)
  - Receiving (1,570 sf.)
- Circulation & Common Space (6,753 sf.)

**Ramp & Roadway (22,867 sf.)****Analysis**

Finding of Fact no. 4 of the Master Plan indicates the following:

*The commercial uses proposed will be oriented and provide convenient service to those residing within the project.*

Development parameter/condition no. 3 of the Master Plan indicates the following:

*The approved densities are those attached as an Exhibit, and shall be limited to the maximums identified thereon. Parking shall be provided on-site in enclosed structures and reviewed in accordance with either the table on the approved Restrictions and Requirements Exhibit or the adopted ordinances at the time of project approval. All support commercial uses shall be oriented and provide convenient service to those residing within the project and not designed to serve off-site or attract customers from other areas.*

Section V. Narrative indicates:

*The Sweeney Properties Master Plan involves a number of individual development parcels. Combined, a total of 277 unit equivalents are proposed; including, 258 residential and 19 unit equivalents worth of support commercial space. Based upon the zoning in effect at this time, in excess of 450 units could be requested. While this may be somewhat misleading due to certain physical and technical constraints (i.e: access, slope, utilities), it does reveal that a significant reduction in total density proposed has been incorporated into the project. Each area proposed for development has been evaluated on its own merits. During the course of review, numerous concepts were considered with densities shifted around.*

*The various parcels of land included within the Sweeney Properties Master Plan are scattered about the Historic District and are detailed on the attached Exhibit. For additional clarity a brief narrative description of each development area follows:*

[...]

#### *Hillside Properties*

*By far the largest area included within the proposed Master Plan, the Hillside Properties involve over 123 acres currently zoned HR-1 (approximately 15 acres) and Estate (108 acres). The development concept proposed would cluster the bulk of the density derived into two locations; the Town Lift Mid-Station site and the Creole Gulch area. A total of 197 residential and an additional 19 commercial unit equivalents are proposed between the two developments with over 90% of the hillside (locally referred to as Treasure Mountain) preserved as open space. As part of the Master Plan, the land not included within the development area boundary will be rezoned to Recreation Open Space (ROS).*

*The Town Lift Mid-Station site contains roughly 3.75 acres and is located west of Woodside Avenue at approximately 6th Street. The majority of the developable area is situated southeast of the mid-station loading area. A total of 35.5 residential unit equivalents are proposed with 3.5 equivalents worth of support commercial space as well. The concept plan shows a number of low profile buildings located on the downhill side of the access road containing 9 unit equivalents. Two larger buildings are shown above the road with 9.5 and 17 units envisioned. The average building height for the Town Lift site is less than 25' with over 85% of the building volume fitting within a 35' height envelope. Parking will be provided within enclosed*

structures, accessed via a private road originating from the Empire-Lowell switchback. The closest neighboring residence is currently located in excess of 200 feet away.

The Creole Gulch site is comprised of 7.75 acres and situated basically south of the Empire-Lowell switchback at approximately 8th Street. The majority of the property is currently zoned Estate (E). A total of 161.5 residential unit equivalents are proposed. In addition, 15.5 unit equivalents of support commercial space is included as part of the Master Plan. Average building heights are proposed to be less than 45' with a maximum of 95' for the highest point. As conceptually proposed, in excess of 80% of the building volume is within a 75' height envelope measured from existing grade. It is expected that the Creole Gulch site will be subdivided into specific development parcels at some future date. Parking is accessed directly from the Empire-Lowell switchback and will be provided within multi-level enclosed structures. Depending upon the character of development and unit configuration/mix proposed at conditional use approval, the actual numbers of parking spaces necessary could vary substantially. Buildings have been set back from the adjacent road approximately 100' and a comparable distance to the nearest adjoining residence.

Section VI. Major Issues indicates the following under the Land Uses subsection:

*Land Uses - The predominant land uses envisioned at this time are transient-oriented residential development(s) with some limited support commercial. The building forms and massing as well as location lend themselves to hotel-type development. Although future developers of projects within the Master Plan have the flexibility to build a variety of unit types in different combinations or configurations, the likelihood is that these projects will likely be geared toward the visitor looking for more of a destination-type of accommodation. The property involved in the Master Plan is directly connected to the Park City Ski Area and as such can provide ski-to and ski-from access. A number of smaller projects in the area are similarly oriented to the transient lodger. Although certainly a different kind of residential use than that which historically has developed in the old town area, it is still primarily residential in nature. The inclusion of attached townhomes serving to buffer between the existing residences and the denser areas of development will also help provide a transition of sorts. The amount of commercial space included within the Master Plan will be of the size and type to provide convenient service to those residing within the project, rather than possibly be in competition with the city's existing commercial areas.*

As indicated on development parameter/condition no. 3 of the Master Plan: *The approved densities are those attached as an Exhibit, and shall be limited to the maximums identified thereon.* The copied table below is the SPMP Density Exhibit:

SWEENEY PROPERTIES MASTER PLAN DENSITY EXHIBIT

Parcel	Acreage	Residential Unit Equivalents	Commercial Unit Equivalents	Maximum Building Height <sup>2</sup>	Minimum Open Space (%)
<b>Coalition Properties</b>					
East	0.986	40	Maximum Commercial space not to exceed FAR of 1:1	55'	39.8 <sup>1</sup>
West	0.543	13	---	35'	54.9
<b>Hillside Properties</b>					
Creole Quich	7.75	161.5	15.5	<del>98'</del> * 75	70
Town Lift Mid-Station	3.75	35.5	3.5	<del>55'</del> * 45	70
Three 1/4-acre Single Family Lots	1.5	3	---	25'	83.9
<b>Develop IIR-1 Properties</b>					
Carr-Sheen	0.288	3	---	28'	60
HPE	0.161	<u>2</u> 258 U.E.	<u>19</u> 19 U.E.		

<sup>1</sup> Does not include Town Lift base facility  
<sup>2</sup> Maximum roof height, excludes elevator shaft

\* Subject to revised conditions as stated in the Motion by City Council (10/16/18)

As the City reviews the CUP criterion no. 1 Size and Scale of the Location of the Site, staff requests to keep these following statements in mind gathered directly from applicable Finding, Development Parameter/Condition, Narrative, and Major Issue section found the approved Master Plan:

1. The commercial uses proposed will be oriented and provide convenient service to those residing within the project.
2. The approved densities are those attached as an Exhibit, and shall be limited to the maximums identified thereon.
3. All support commercial uses shall be oriented and provide convenient service to those residing within the project and not designed to serve off-site or attract customers from other areas.
4. The Sweeney Properties Master Plan involves a number of individual development parcels. Combined, a total of 277 unit equivalents are proposed; including, 258 residential and 19 unit equivalents worth of support commercial space.
5. The various parcels of land included within the Sweeney Properties Master Plan are scattered about the Historic District and are detailed on the attached Exhibit.

6. For additional clarity a brief narrative description of each development area follows:
  - a. The development concept proposed would cluster the bulk of the density derived into two locations; the Town Lift Mid-Station site and the Creole Gulch area.
  - b. A total of 197 residential and an additional 19 commercial unit equivalents are proposed between the two developments with over 90% of the hillside (locally referred to as Treasure Mountain) preserved as open space.
  - c. The Town Lift Mid-Station site contains roughly 3.75 acres and is located west of Woodside Avenue at approximately 6th Street. The majority of the developable area is situated southeast of the mid-station loading area.
  - d. A total of 35.5 residential unit equivalents are proposed with 3.5 equivalents worth of support commercial space as well.
  - e. The Creole Gulch site is comprised of 7.75 acres and situated basically south of the Empire-Lowell switchback at approximately 8th Street.
  - f. A total of 161.5 residential unit equivalents are proposed. In addition, 15.5 unit equivalents of support commercial space is included as part of the Master Plan.
  - g. It is expected that the Creole Gulch site will be subdivided into specific development parcels at some future date.
7. Depending upon the character of development and unit configuration/mix proposed at conditional use approval, the actual numbers of parking spaces necessary could vary substantially.
8. The predominant land uses envisioned at this time are transient-oriented residential development(s) with some limited support commercial. The building forms and massing as well as location lend themselves to hotel-type development.
9. Although future developers of projects within the Master Plan have the flexibility to build a variety of unit types in different combinations or configurations, the likelihood is that these projects will likely be geared toward the visitor looking for more of a destination-type of accommodation.
10. The property involved in the Master Plan is directly connected to the Park City Ski Area and as such can provide ski-to and ski-from access. A number of smaller projects in the area are similarly oriented to the transient lodger.
11. Although certainly a different kind of residential use than that which historically has developed in the old town area, it is still primarily residential in nature.
12. The amount of commercial space included within the Master Plan will be of the size and type to provide convenient service to those residing within the project, rather than possibly be in competition with the city's existing commercial areas.

#### Support Commercial Incompliance

The Hillside Properties (Mid-station and Creole Gulch sites) of the SPMP known as the Treasure Hill project is allowed a total of 197 residential and an additional 19 support commercial unit equivalents between the two (2) developments. As described in the Hillside Properties narrative description: *“The Town Lift Mid-Station site contains roughly 3.75 acres and is located west of Woodside Avenue at approximately 6<sup>th</sup> Street.*

*The majority of the developable area is situated southeast of the mid-station loading area. A total of 35.5 residential unit equivalents are proposed with 3.5 equivalents worth of support commercial space as well.” Also, “The Creole Gulch site is comprised of 7.75 acres and situated basically south of the Empire-Lowell switchback at approximately 8<sup>th</sup> Street. The majority of the property is currently zoned Estate (E). A total of 161.5 residential unit equivalents are proposed. In addition, 15.5 unit equivalents of support commercial space is included as part of the Master Plan.”*

The Master Plan was approved under the 1985 LMC Third Edition. These figures listed on the Master Plan are maximum possible allowances as long as any adverse impacts attributed to the density have been mitigated. Any additional support commercial above the 19 UEs is not vested. For past articulation regarding this matter, see published Staff Report dated September 23, 2009 (starting on staff report page 19) and Planning Commission meeting minutes (Planning Commission comments start on page 3) as staff generally agrees with this and the applicant does not. See 1985 LMC Third (3<sup>rd</sup>) Edition Unit Equivalent Section below:

**10.12. UNIT EQUIVALENT.** *Density of development is a factor of both the use and the size of the structures built within a Master Planned Development. In order to maximize the flexibility in the development of property, the following table of unit equivalents is provided:*

<u>Configuration</u>	<u>Unit Equivalent</u>
Hotel room, not exceeding 500 square feet, including bathroom areas, but not corridors outside of room	.25
Hotel suite, not exceeding 650 square feet, including bathroom areas, but not corridors outside of room	.33
One bedroom or studio apartment, not exceeding 1,000 square feet	.50
Apartment of any number of rooms, not exceeding 1,500 square feet	.75
Apartment of any number of rooms, not exceeding 2,000 square feet	1.00
Apartment of any number of rooms, not exceeding 2,500 square feet	1.33
Apartment of any number of rooms, in excess of 2,500 square feet	1.50
Single family house	1.00
Commercial spaces (approved as part of Master Plan Approval), for each 1,000 square feet of gross floor area, exclusive of common corridors, or for each part of a 1,000 square foot interval	1.00

*Hotel uses must be declared at the time of site plan approval, and are subject to review for neighborhood compatibility. The election to use unit equivalents in the form of hotel rooms may not be allowed in all areas because of neighborhood conflicts or more intensive traffic generated. Within a hotel, up to 5% of the total floor area may be dedicated to meeting rooms, and support commercial areas without requiring the use of a unit equivalent of commercial space.*

*Circulation spaces including lobbies outside of units, including lobby areas, do not count as floor area of the unit, or as commercial unit equivalents.*

*Computation of floor areas and square footage shall be as provided in the Uniform Building Code adopted by Park City.*

*Where the unit configuration fits one of the above designations, but the square footage exceeds the footage stated for the configuration, the square footage shall control, and the unit equivalent for that size unit shall apply.*

Staff utilized Section 10.12 of the 1985 LMC to quantify the maximum possible additional support commercial and meeting space as underlined above. Staff calculated the floor area of the hotel (ONLY) and quantified the possible 5% support commercial of

the total floor area of the hotel. Staff calculated total floor area of the hotel not including the additional proposed commercial area and meeting space.

(Floor area of Hotel)(5%) = possible maximum Support Commercial and Meeting Space combined.

The hotel area is located within Building 4b. The total floor area of the hotel (not including the commercial and meeting space) is 234,803 square feet. Five percent (5%) of 234,803 square feet is 11,740 square feet. The applicant currently proposes 49,539 of support commercial/meeting space proposed above the 19 UEs (19,000 s.f.) allowed within the Master Plan. The proposal is 37,799 square feet above the maximum of 11,749 square feet, possible allowance of 5% Support Commercial of Hotel. Also, this calculation is assuming that the Planning Commission will allow all the commercial units to be located on the Creole Site. Within the approved Master Plan, 15.5 UEs of support commercial were allocated to the Creole Site and 3.5 UEs of support commercial were allocated to the Mid-Station Site.

The applicant proposes 18,863 square feet of *allotted* commercial, 33,412 square feet of support commercial, and 16,127 square feet of meeting space. Staff finds that the proposed commercial exceeds the 1985 LMC maximum allowance. See table below.

	Residential	Support Commercial	5% Support Commercial of Hotel
<b>Master Plan</b>	197 UEs (394,000 s.f.)	19 UEs (19,000 s.f.)	11,740 s.f.
<b>Proposed</b>	196.96 UEs (393,911 s.f.)	18.86 UEs (18,863 s.f.) Allotted Commercial	(33,412 s.f. support com.) (16,127 s.f. meet. space) 49,539 s.f.
<b>Compliance</b>	Complies.	Complies with total, but allocation per site does not comply.	Exceeds allowed amount by 37,799 s.f.

The original MPD entitled 19 unit equivalents of support commercial, divided into Mid-Station at 3.5 UEs and Creole Gulch at 15.5 UEs. Any additional commercial area is not vested under the MPD and staff finds that such additional area will add impacts to the development which cannot be mitigated. Not only does the additional space create larger buildings and massing, but also additional traffic from deliveries and employees. These impacts are contrary to the original MPD approval and not vested density. The applicant must mitigate all impacts of the allowed support commercial and any additional support commercial.

The applicant does not agree with staff's methodology for calculating support commercial. The applicant utilized the 2008/2009 LMC to calculate the support commercial area and meeting space within the development. See [September 23, 2009 Staff Report](#). They have calculated the total gross floor area of all the buildings per the 2008/2009 LMC definition. The Applicant added together the Gross Floor Area of ALL

the buildings within the project. The total Gross Floor Area calculated by the applicant is 682,001 square feet. Five Percent (5%) of 682,001 is 34,100 square feet.

Note: The applicant also added the square footage of the support commercial and meeting space in the Gross Floor Area calculation. These numbers should not have been included in the calculation. These figures are:

Bldg. 4A	21,100 sq. ft. support commercial
Bldg. 4A	16,127 sq. ft. meeting space
Bldg. 4B	5,626 sq. ft. support commercial
Bldg. 5C	6,686 sq. ft. support commercial
Total	49,539 sq. ft.

682,001 – 49,539 = 632,462  
5% of 632,462 = 31,623.1

2008/2009 LMC reference:

*15-6-8 (C) Within a hotel or nightly rental condominium project, up to five percent of the total Gross Floor Area may be dedicated to support commercial uses, which shall not count against any allotted commercial unit equivalents approved as part of the MPD. Any Support Commercial Uses in excess of five percent (5%) of the total gross floor area will be required to use commercial unit equivalents, if approved as a part of the MPD. If no commercial allocation has been granted for an MPD, no more than five percent (5%) of the floor area can be support Commercial Uses and no other commercial uses will be allowed.*

*15-6-8 (D) Within a hotel or condominium project, up to five percent (5%) of the total gross floor area may be dedicated for meeting room space without the use of unit equivalents. Meeting space in excess of five percent (5%) of the total Gross Floor Area will be counted as commercial unit equivalents. Any square footage which is not used in the five percent support commercial allocation can be used as meeting space. Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) allocation for support commercial shall be counted as commercial unit equivalents. Accessory meeting spaces, such as back of house, administrative areas, banquet offices, banquet preparation areas, and storage areas are spaces normally associated with and necessary to serve meeting and banquet activities and uses. These accessory meeting spaces do not require the use of unit equivalents.*

By the applicant's calculation, the project could have up to an additional 31,623 s.f. of support commercial and 31,623 s.f. of meeting space.

The City Council hired Attorney Jody K. Burnett to provide an [independent public advisory](#) regarding vesting of the original MPD. Attorney Burnett reviewed the support

commercial in terms of vesting. The following is from the letter to the Park City Planning Commission from Attorney Jody Burnett dated April 22, 2009:

*Finally, I also want to address a question that has been raised as to what standard should apply, in the vesting context, to the calculation of the amount of any additional support commercial and/or meeting space for the Sweeney MPD. From my vantage point, the evaluation of historical vested rights has to be viewed in the context of the land use regulations which were in place at the time the vesting occurred as a result of the original MPD approval. In this case, that means the provisions of the Land Management Code in effect as of the date of that original approval in 1986 should also be applied to the calculation of any additional meeting space and support commercial areas without requiring the use of unit equivalents of density. As you move forward with the conditional use permit approval process, the provisions of Section 10.12 of the 1985 LMC should be used for that purpose, which I understand provide that up to five percent (5%) of the total floor area within a hotel may be dedicated to meeting rooms, and support commercial areas without requiring the use of a unit equivalent of commercial space.*

Staff finds that any support commercial over five percent (5%) of the total floor area within specific hotels must count towards the Master Plan 19 unit equivalents. Staff's position is that even if the Planning Commission was to agree with the applicant, any support commercial above the 19 unit equivalents is not vested and would be subject to a full blown, new compatibility and Master Plan/CUP review. If the Planning Commission allows the applicant to take advantage of more permissive provisions of the current code, such application would be a substantive amendment to the original Master Plan and would require re-opening the entire Master Plan.

Additional support commercial space causes additional impacts such as impacts to mass and building size, traffic from deliveries and employees, greater water usage, etc. Staff recommends that rather than focusing on the calculation methods, the Planning Commission should focus on impacts of additional support commercial and the levels of mitigation. The applicant has vested rights to 19,000 square feet of support commercial as written on the Master Plan narrative and additional five percent (5%) of the hotel area, equating to an additional 11,740 s.f. as long as impacts are mitigated within the CUP review.

**Discussion Requested: Does the Planning Commission agree with Staff's analysis on support commercial area?**

**Difference in approved Master Plan and Current Application**

The approved Master Plan, included exhibits showing calculations for the units within the project. Two (2) major differences have been identified in the review by staff of the current project versus the original master plan approval. The original Master Plan exhibits did not quantify overall total square footage. The original Master Plan exhibits showed the total unit equivalents utilized within the Creole and Mid-station sites. The

totals represented are 197 UEs of residential and 19 UEs of support commercial. No additional support commercial units were shown on these exhibits. Parking was also shown on the original Master Plan exhibits with 464 total parking spaces and approximately 203,695 square feet of area.

The original CUP application in 2004 for Planning Commission review indicated a total of 849,007 square feet. The following is a breakdown of the project from the 2004 submittal:

<b>Use</b>	<b>Square Footage</b>
Residential	483,359
Ancillary	86,037
Support Commercial	22,653
Parking	256,958
<b>Total</b>	<b>849,007</b>

In 2006, the Planning Commission asked the applicant to provide more details on the current plan. The revisions to the plan (that are now the current application under review) include an additional 167,880 square feet. The following is a breakdown of the current submittal.

<b>Use</b>	<b>Square Footage</b>
Residential (net):	393,911
Common space & circulation, Accessory Space (gross)	309,511
Allotted Commercial (MPD UE's, gross)	18,863
Support Commercial (gross)	33,412
Meeting Space (gross)	16,127
Parking (gross)	245,063
<b>Grand Total</b>	<b>1,016,887</b>

The additional space has been added to the support commercial, meeting space, circulation, common space, and accessory space since the original 2004 submittal. This increase in area accounts for 16.5% of the current total square footage of the project.

The proposed square footage of this project does not comply with the purpose statements of the Land Management Code and the goals and actions listed within the General Plan. Within the Master Plan, the area was assigned a specific number of unit equivalents. The way in which these unit equivalents are designed within the project area must meet the General Plan. According to the LMC CUP Standard of Review, the City Shall not issue a CUP unless the Planning Commission concludes that the application complies with all requirements of the LMC; the use will be compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the Park City General Plan, as amended; and the effects of any differences in use or scale have been mitigated through careful planning. See LMC 50<sup>th</sup> § 15-1-10(D).

Staff has concerns with the requested amount of square footage requested. The amount of circulation area, lobby areas, parking circulation, etc. are not modest in scale and compatible to the surrounding area. Below is the side by side comparison of the 2004 application and the 2008 Update:

Use	2004 Square Footage	2008 Update Square Footage
Residential	483,359	393,911
Ancillary / Common space & circulation, and Accessory Space	86,037 (identified as Ancillary)	309,511 (identified as common space & circulation, and accessory space)
Support Commercial	22,653	(18,863 + 33,412 +16,127) = 68,402
Parking	256,958	245,063
<b>Total</b>	<b>849,007</b>	<b>1,016,887</b>

Ancillary includes common, circulation, accessory space, etc.

In comparison the 2008 updated included: a residential reduction of 89,448 square feet; an ancillary (including common, circulation, accessory space) increase of 223,474 square feet; a support commercial increase of 45,749 square feet, and a parking area reduction of 11,895 square feet. Overall the project increased by 167,880 square feet.

#### Woodruff Diagram Analysis

During the July 13, 2016 Planning Commission meeting the applicant's presentation included some diagrams identified as the Woodruff diagram plans. The Woodruff plans were included in several of the original exhibits of the approved master plan. In context of the Woodruff diagrams, the applicant took both the Site Plan exhibit and the Cross Section Exhibit and put them together to create a massing model to show approximate volume in terms of square feet. The applicant concludes the following below. See Exhibit Y – Applicant's July 13, 2016 Presentation and Exhibit Z – Applicant's Woodruff Drawing Analysis.

Site	Mid-Station		Creole-Gulch		
Building	Bldg. A	Bldg. B	Bldg. C	Bldg. D	Bldg. E
Bldg. SF	65,066	62,431	154,406	194,190	129,852
Site SF	127,497		478,448		
<b>Overall Project Total</b>	<b>605,945</b>				
Parking SF	51,088		218,130		
<b>Overall Parking SF Total</b>	<b>269,218</b>				
<b>Project SF Grand Total</b>	<b>875,163</b>				

The applicant depicts that according to the Woodruff diagrams, which includes two (2) sheet (exhibits) of the originally approved plans, it would show the approximate massing showing approximately 875,163 square feet including 269,218 square feet of parking. Please note, that the Woodruff diagrams did not label any space of any specific use. Staff has had the opportunity to review the preparation of the Woodruff diagrams and finds that the applicant's estimates are accurate.

### Circulation, Accessory Uses, Back-of-House

During the July 13, 2016 Planning Commission meeting staff introduced Exhibit W that was prepared from the information compiled by the former Planning Director in 2011 as he completed an analysis of existing hotels to determine net/gross square footage including a back-of-house calculation. This study was the same information that former Mayor Dana Williams refer to during his public comment on July 13, 2016, regarding the City Council's former negotiations with the applicant. Staff updated the study and added parking numbers as well as two (2) other recently completed projects.

Based on the Department's research done in 2011, there is generally a trend towards wider hallways, more open lobby and check-in space, a desire by guests for socializing space, sitting spaces with views, etc.

### 1985 Minutes

Staff was able to find Planning Commission minutes dated back to 1985. Please follow this link to read them: [1985 Minutes](#).

### Notice

The property was posted and notice was mailed to property owners within 300 feet on May 11, 2016. Legal notice was published in the Park Record on April 27, 2016 and May 11, 2016 according to requirements of the Land Management Code. The Planning Commission continued this item to the July 13, 2016 Planning Commission meeting. The Planning Commission continued this item to the August 10, 2016 Planning Commission meeting.

### Public Input

Public input has been received by the time of this report. See the following [website](#) with public input received as of April 2016. All public comments are forwarded to the Planning Commission via the staff report link above and kept on file at the Planning Office. Planning Staff will not typically respond directly to the public comments, but may choose to address substantive review issues in subsequent staff reports. There are four (4) methods for public input to the Planning Commission:

- Attending the Planning Commission meetings and giving comments in the public hearing portion of the meeting.
- Preparing comments in an e-mail to [treasure.comments@parkcity.org](mailto:treasure.comments@parkcity.org).
- Visiting the Planning office and filling out a Treasure CUP project Comment Card.
- Preparing a letter and mailing/delivering it to the Planning Office.

### Summary Recommendations

Staff recommends that the Planning Commission review Conditional Use Permit (CUP) criteria no. 1 *Size and Scale of the Location of the Site* as analyzed in the staff report. Staff recommends that the Planning Commission provide input and direction to Staff

and the Applicant. Staff recommends that the Planning Commission conduct a public hearing and continue it to the September 14, 2016 Planning Commission meeting

**Exhibits/Links**

[Exhibit A - Public Comments](#)

[Exhibit B - Approved MPD Narrative](#)

[Exhibit C - Approved MPD Plans](#)

[Exhibit D - Proposed Plans – Visualization Drawings1](#)

- Sheet BP-01 The Big Picture
- Sheet V-1 Illustrative Plan
- Sheet V-2 Illustrative Pool Plaza Plan
- Sheet V-3 Upper Area 5 Pathways
- Sheet V-4 Plaza and Street Entry Plan
- Sheet V-5 Building 4b Cliffscape Area
- Sheet V-6 Exterior Circulation Plan
- Sheet V-7 Parking and Emergency Vehicular Access
- Sheet V-8 Internal Emergency Access Plan
- Sheet V-9 Internal Service Circulation
- Sheet V-10 Site Amenities Plan
- Sheet V-11 Usable Open Space with Development Parcels
- Sheet V-12 Separation-Fencing, Screening & Landscaping
- Sheet V-13 Noise Mitigation Diagrams
- Sheet V-14 Signage & Lighting
- Sheet V-15 Contextual Site Sections - Sheet 1
- Sheet V-16 Contextual Site Sections - Sheet 2

[Exhibit E - Proposed Plans – Visualization Drawings2](#)

- Sheet V-17 Cliffscapes
- Sheet V-18 Retaining Systems
- Sheet V-19 Selected Views of 3D Model - 1
- Sheet V-20 Selected Views of 3D Model – 2
- Sheet V-21 Viewpoints Index
- Sheet V-22 Camera Viewpoints 1 & 2
- Sheet V-23 Camera Viewpoints 3 & 4
- Sheet V-24 Camera Viewpoints 5 & 6
- Sheet V-25 Camera Viewpoints 7 & 8
- Sheet V-26 Camera Viewpoints 9 & 10
- Sheet V-27 Camera Viewpoint 11
- Sheet V-28 Illustrative Plan – Setback

[Exhibit F - Proposed Plans – Architectural/Engineering Drawings 1a](#)

- Sheet VM-1 Vicinity & Proposed Ski Run Map
- Sheet EC.1 Existing Conditions
- Sheet SP.1 Site & Circulation Plan
- Sheet GP.1 Grading Plan
- Sheet HL.1 Height Limits Plan
- Sheet HL.2 Roof Heights Relative to Existing Grade
- Sheet FD.1 Fire Department Access Plan

[Exhibit G - Proposed Plans – Architectural/Engineering Drawings 1b](#)

Sheet P.1	Level 1 Use Plan
Sheet P.2	Level 2 Use Plan
Sheet P.3	Level 3 Use Plan
Sheet P.4	Level 4 Use Plan
Sheet P.5	Level 5 Use Plan
Sheet P.6	Level 6 Use Plan
Sheet P.7	Level 7 Use Plan
Sheet P.8	Level 8 Use Plan
Sheet P.9	Level 9 Use Plan
Sheet P.10	Level 10 Use Plan
Sheet P.11	Level 11 Use Plan
Sheet P.12	Level 12 Use Plan
Sheet P.13	Level 13 Use Plan
Sheet P.14	Level 14 Use Plan
Sheet P.15	Level 15 Use Plan
Sheet P.16	Area, Unit Equivalent & Parking Calculations

[Exhibit H – Proposed Plans – Architectural/Engineering Drawings 2](#)

Sheet E.1AC2.1	Buildings 1A, 1C& 2 Exterior Elevations
Sheet E.1B.1	Building 1B Exterior Elevations
Sheet E.3A.1	Building & Parking Garage Exterior Elevations
Sheet E.3BC.1	Building 3BC Exterior Elevations
Sheet E.3BC.2	Building 3BC Exterior Elevations
Sheet E.3BC.3	Building 3BC Exterior Elevations
Sheet E.4A.1	Building 4A Exterior Elevations
Sheet E.4A.2	Building 4A Exterior Elevations
Sheet E.4B.1	Building 4B Exterior Elevations
Sheet E.4B.2	Building 4B Exterior Elevations
Sheet E.4B.3	Building 4B Exterior Elevations
Sheet E.4B.4	Building 4B Exterior Elevations
Sheet E.5A.1	Building 5A Exterior Elevations
Sheet E.5B.1	Building 5B Exterior Elevations
Sheet E.5C.1	Building 5C Exterior Elevations
Sheet E.5C.2	Building 5C Exterior Elevations
Sheet E.5D.1	Building 5D Exterior Elevations
Sheet S.1	Cross Section
Sheet S.2	Cross Section
Sheet S.3	Cross Section
Sheet S.4	Cross Section
Sheet S.5	Cross Section
Sheet S.6	Cross Section
Sheet S.7	Cross Section
Sheet S.8	Cross Section
Sheet S.9	Cross Section
Sheet UP.1	Concept Utility Plan

[Exhibit I – Applicant’s Written & Pictorial Explanation](#)

- |                         |                              |
|-------------------------|------------------------------|
| I. Overview             | VII. Lift Improvement        |
| II. Master Plan History | VIII. Construction Phasing   |
| III. Site plans         | IX. Off Site Amenities       |
| IV. Special Features    | X. Material Board            |
| V. Landscape            | XI. Submittal Document Index |
| VI. Management          |                              |

[Exhibit J – Fire Protection Plan \(Appendix A-2\)](#)

[Exhibit K – Utility Capacity Letters \(Appendix A-4\)](#)

[Exhibit L – Soils Capacity Letters \(Appendix A-5\)](#)

[Exhibit M – Mine Waste Mitigation Plan \(Appendix \(A-6\)](#)

[Exhibit N – Employee Housing Contribution \(Appendix A-7\)](#)

[Exhibit O – Proposed Finish Materials \(Appendix A-9\)](#)

[Exhibit P – Economic Impact Analysis \(Appendix A-10\)](#)

[Exhibit Q – Signage & Lighting \(appendix A-13\)](#)

[Exhibit R – LEED \(Appendix A-14\)](#)

[Exhibit S – Worklist \(Appendix A-15\)](#)

[Exhibit T – Excavation Management Plan \(Appendix A-16\)](#)

[Exhibit U – Project Mitigators \(Appendix A-18\)](#)

[Exhibit V – Outside The Box \(Appendix A-20\)](#)

Exhibit W – Updated Space Comparison

Exhibit X – Applicant’s 2016.07.13 Presentation

Exhibit Y – Applicant’s Woodruff Drawing Analysis

Exhibit Z – Updated Position Paper SF Limitations & CUP Criteria Size and Volume

Exhibit AA – Position Paper Executive Summary

Exhibit BB – Applicant’s Tentative 2016.08.10 Presentation

### **Additional Exhibits/Links**

[2009.04.22 Jody Burnett MPD Vesting Letter](#)

[Staff Reports and Minutes 2016](#)

[Staff Reports and Minutes 2009-2010](#)

[Staff Reports and Minutes 2006](#)

[Staff Reports and Minutes 2005](#)

[Staff Reports and Minutes 2004](#)

[2004 LMC 50th Edition](#)

[1997 General Plan](#)

[1986.10.16 City Council Minutes](#)

[1985.12.18 Planning Commission Minutes](#)

[1986 Comprehensive Plan](#)

[1985 Minutes](#)

MPD Amendments:

[October 14, 1987 - Woodside \(ski\) Trail](#)

[December 30, 1992 - Town Lift Base](#)

[November 7, 1996 – Town Bridge](#)

**Exhibit W**

<u>Proposed Treasure</u>			
197 Res. UEs & 19 Com. UEs = 413k SF			
	SF	%	
Total Residential	393,911	39%	
Total Commercial (5%) + UEs	52,275	5%	
Total Meeting	16,127	2%	
Total Parking	245,063	24%	
Total Internal Circulation	173,210	17%	30%
Total Back of House	136,301	13%	of gross
Deck/Outdoor Space/Attic	NA	NA	
<b>Total</b>	1,016,887	100%	

<u>Montage</u>			
183 Res. UEs & 63 Com. UEs = 429K SF			
	SF	%	
Total Residential	370,235	39%	
Total Commercial (5%) + UEs	57,569	6%	
Total Meeting	21,187	2%	
Total Parking	210,821	22%	
Total Internal Circulation	93,865	10%	30%
Total Back of House	193,157	20%	of gross
Deck/Outdoor Space/Attic	NA	NA	
<b>Total</b>	946,834	100%	

<u>St. Regis</u>			
130 Res. UEs & 0 Com. UEs = 260K SF			
	SF	%	
Total Residential	186,937	44%	
Total Commercial	43,023	10%	
Total Meeting	0	0%	
Total Parking	51,486	12%	
Total Internal Circulation	49,583	12%	34%
Total Back of House	95,196	22%	of gross
Deck/Outdoor Space/Attic	(Deck = 25K)	NA	
<b>Total</b>	426,225	100%	

<u>Sky Lodge</u>			
23 Res. UEs & 14 Com. UEs = 37k SF			
	SF	%	
Total Residential	43,419	48%	
Total Commercial	4,953	5%	
Total Meeting	3,493	4%	
Total Parking	17,188	19%	
Total Internal Circulation	9,220	10%	24%
Total Back of House	12,649	14%	of gross
Deck/Outdoor Space/Attic	NA	NA	
<b>Total</b>	90,922	100%	

<u>Yarrow (approved MPD)</u>			
? Res. UEs & ? Com. UEs			
	SF	%	
Total Residential	143,522	43%	
Total Commercial	33,094	10%	
Total Meeting	0	0%	
Total Parking	84,095	25%	
Total Internal Circulation	52,655	16%	22%
Total Back of House	19,997	6%	of gross
Deck/Outdoor Space/Attic	(Deck = 53K)	NA	
<b>Total</b>	333,363	100%	

<u>Marriott Mountainside</u>			
? Res. UEs & ? Com. UEs			
	SF	%	
Total Residential	206,800	54%	
Total Commercial	0	0%	
Total Meeting	300	0%	
Total Parking	64,926	17%	
Total Internal Circulation	60,713	16%	29%
Total Back of House	36,996	10%	of gross
Deck/Outdoor Space/Attic	13,083	3%	gross
<b>Total</b>	382,818	100%	

<u>205 Main Street</u>			
6 residential units			
	SF	%	
Total Residential	18,152	62%	
Total Commercial	0	0%	
Total Meeting	0	0%	
Total Parking	6,680	23%	
Total Internal Circulation	4,267	15%	15%
Total Back of House	0	0%	of gross
Deck/Outdoor Space/Attic	NA	NA	
<b>Total</b>	29,099	100%	

<u>333 Main Street</u>			
15 res units + 2 com units + 15k of convertible			
	SF	%	
Total Residential	31,747	32%	
Total Commercial	28,349	28%	
Total Meeting	0	0%	
Total Parking	4,374	4%	25 spaces
Total Internal Circulation	8,056	8%	36%
Total Back of House	13,976	14%	of gross
Deck/Outdoor Space/Attic	13,493	13%	gross
<b>Total</b>	99,995	100%	



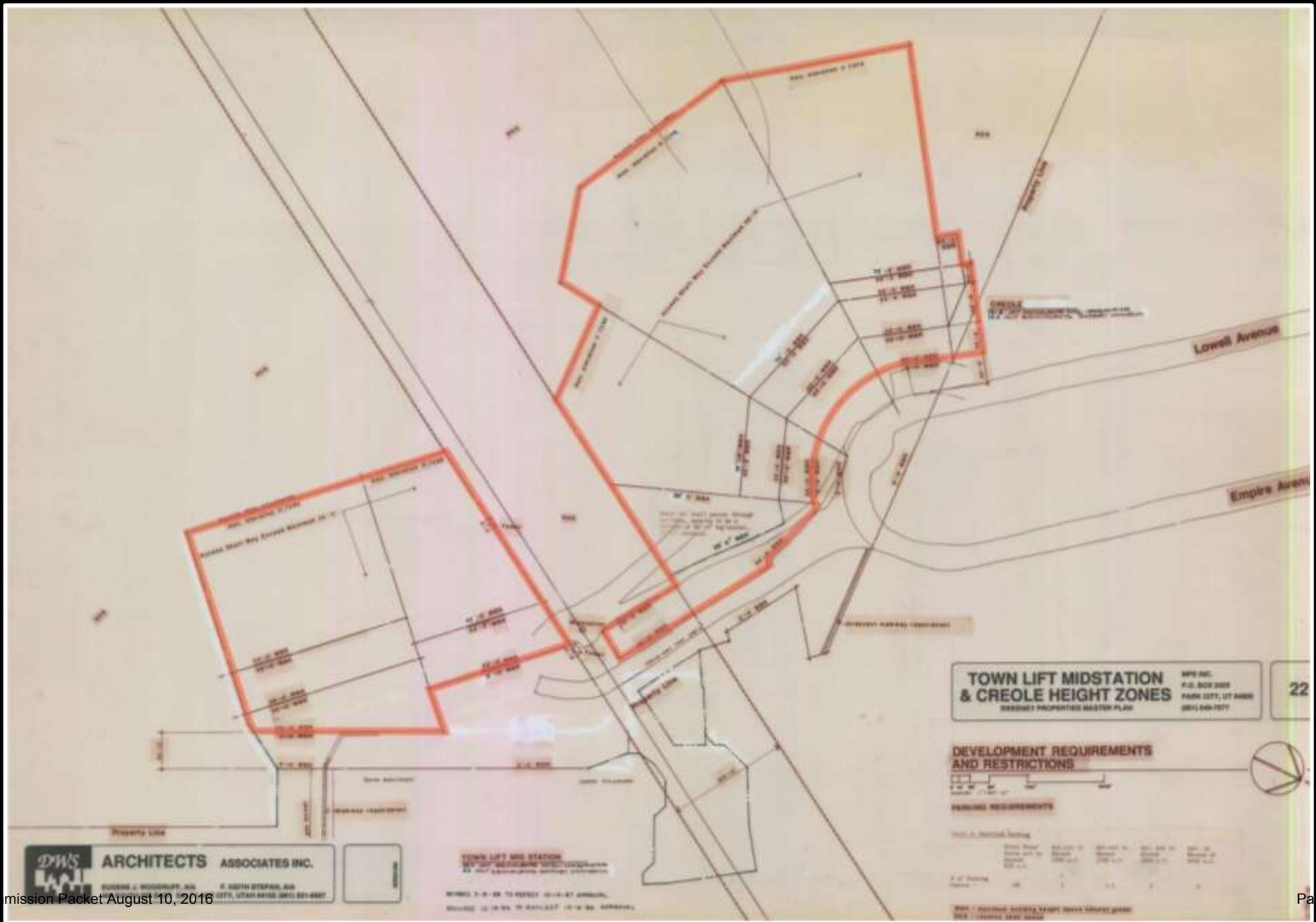
# Treasure Hill Conditional Use Permit Application July 13, 2016

## **Scope of Approval**

**Size and Location of the Site (CUP Condition No. 1)  
Including Unit Equivalent and Square Footage Calculations**

**Usable Open Space (CUP Condition No. 9)**

**Comprehensive Master Plan (CUP Standard No. 3)**



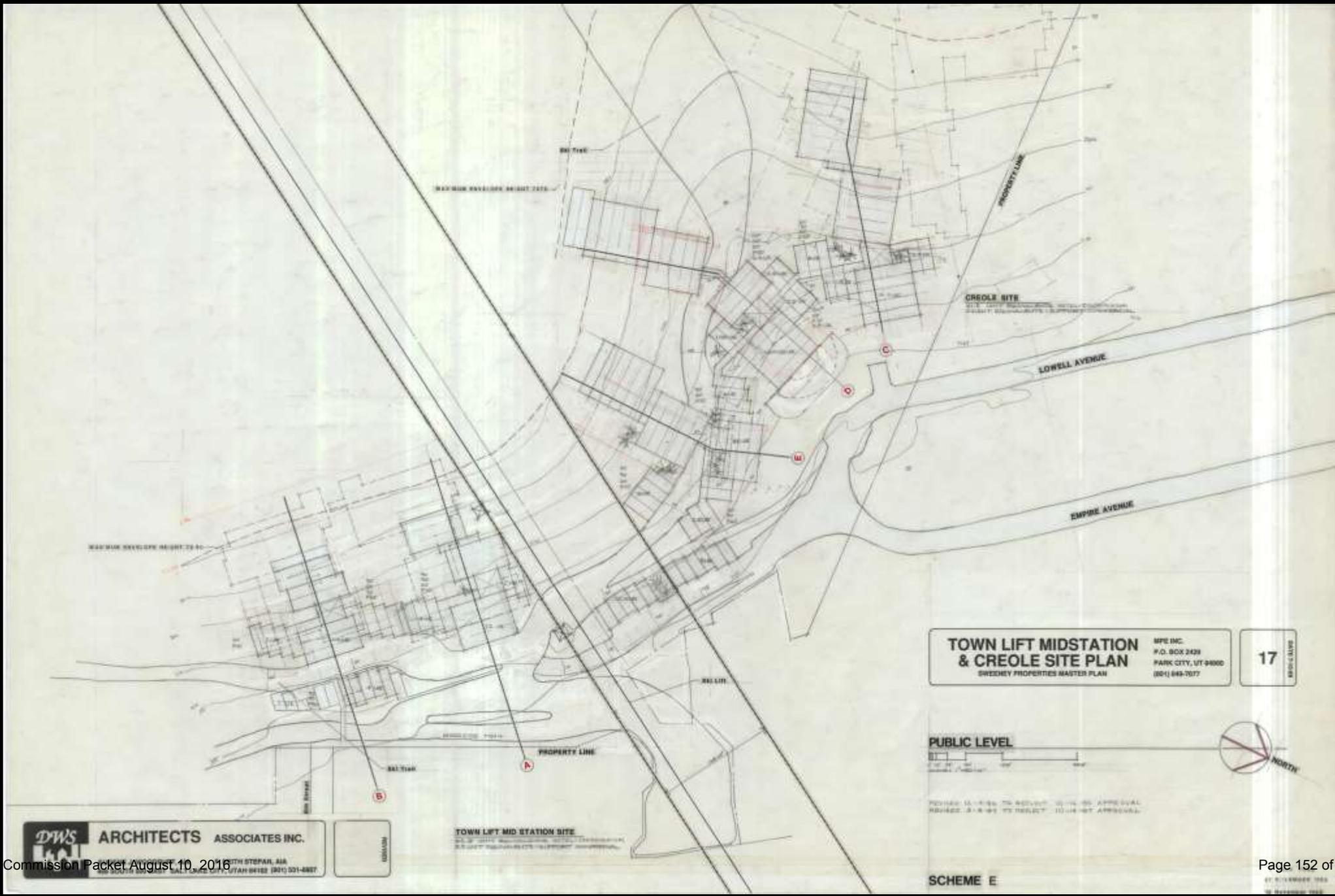


cket August 10, 2016

- Practically, what do the MPD imposed limitations mean in the context of the current development of Treasure Hill?
- What do 197 residential and 19 commercial Unit Equivalents vested under the MPD translate to in terms of the size and scale of Treasure Hill?
- What did the MPD Approval contemplate in terms of size and scale of the development of Treasure Hill?

## Park City Staff Revised Staff Report, December 18, 1985:

“At the time of conditional use . . . review,  
the staff and Planning Commission shall  
review projects for compliance with the adopted codes  
and ordinances in effect at the time [of the CUP Application].”

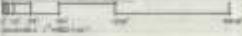


**TOWN LIFT MIDSTATION & CREOLE SITE PLAN**  
 SWEENEY PROPERTIES MASTER PLAN

MPE INC.  
 P.O. BOX 2439  
 PARK CITY, UT 84000  
 (801) 869-7077

17  
 SCALE 1/8" = 1'-0"

PUBLIC LEVEL



FOOTING IS 1'-0" TO 2'-0" TO RESIST 10'-0" TO 15'-0" APPROVAL  
 REQUIRED. 2'-0" TO 3'-0" TO RESIST 10'-0" TO 15'-0" APPROVAL

SCHEME E

**DWS ARCHITECTS ASSOCIATES INC.**  
 1000 WEST STEPHAN AVE  
 SUITE 200, PARK CITY, UTAH 84002 (801) 531-8887

**TOWN LIFT MID STATION SITE**  
 25' MAX ENVELOPE HEIGHT 25'-0"  
 20' MAX ENVELOPE HEIGHT 20'-0"





**TOWN LIFT MIDSTATION SITE**

LEVEL # 2  
 02  
 TOTAL SQUARE FEET 1,100

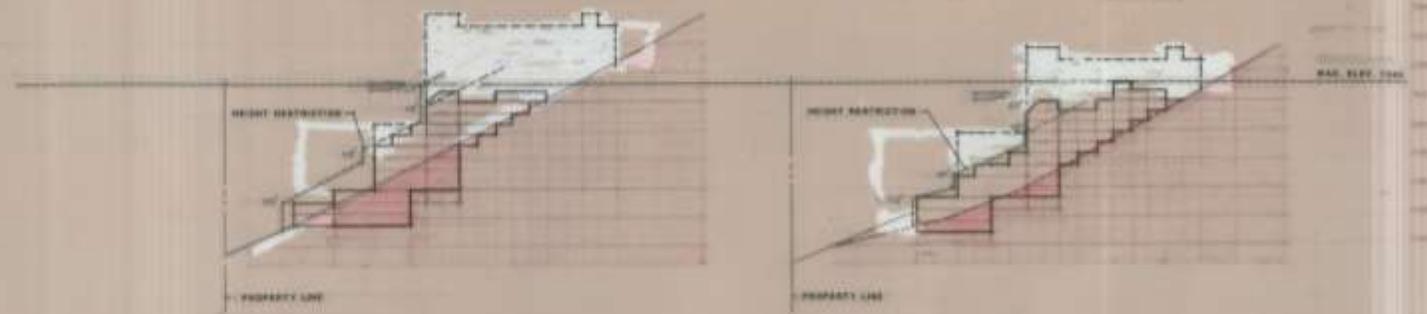
**CREOLE SITE**

LEVEL # 02  
 104

LOWELL AVENUE

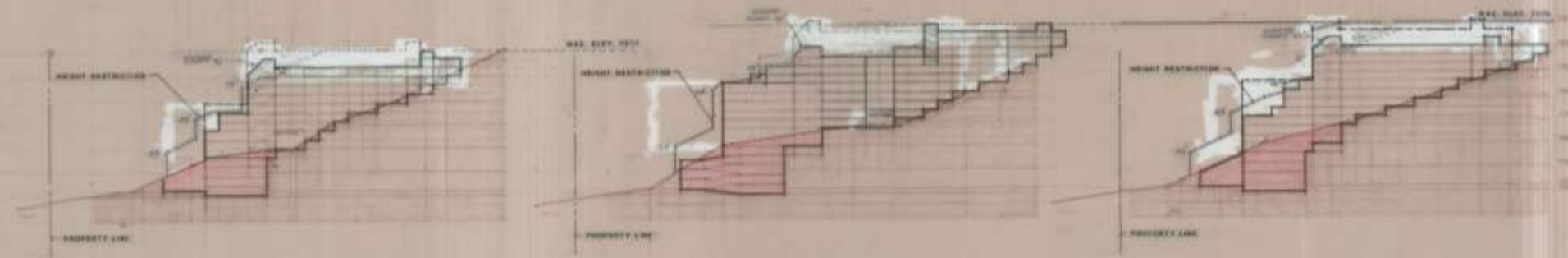
EMPIRE AVENUE





**SOUTH SECTION 3**  
 NORTH SIDE 44  
 SOUTH SIDE 22  
 1/4" = 1'-0" (NOT TO SCALE)

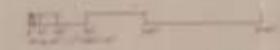
**NORTH SECTION 4**  
 NORTH SIDE 22  
 SOUTH SIDE 44  
 1/4" = 1'-0" (NOT TO SCALE)



**SECTION 5**  
 NORTH SIDE 44  
 SOUTH SIDE 22  
 1/4" = 1'-0" (NOT TO SCALE)

**SECTION 6**  
 NORTH SIDE 22  
 SOUTH SIDE 44  
 1/4" = 1'-0" (NOT TO SCALE)

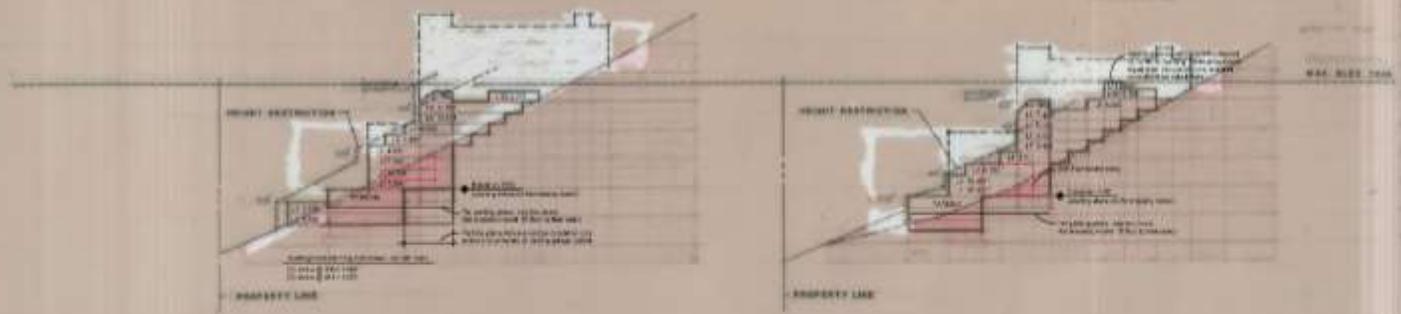
**SECTION 7**  
 NORTH SIDE 22  
 SOUTH SIDE 44  
 1/4" = 1'-0" (NOT TO SCALE)



DESIGNED BY: DELAMARE, WOODRUFF, STEPAN ASSOC. INC.  
 DATE: 10/20/10

**SCHEME E**

10/20/10  
 10/20/10  
 10/20/10

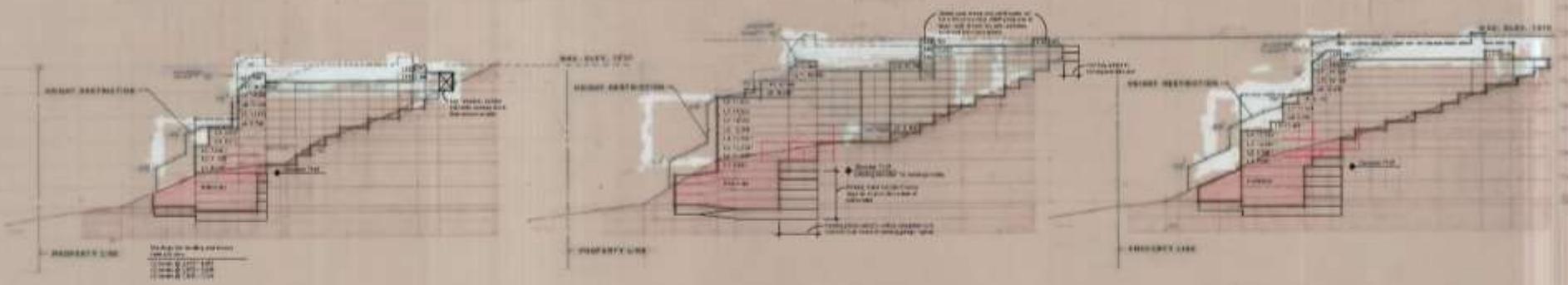


**MOSTATION SITE AREA CALCULATION**

BUILDING A GROSS AREA = 18,098 S.F.  
 BUILDING B GROSS AREA = 52,471 S.F.  
 SITE TOTAL GROSS AREA = 127,497 S.F.

**SECTION B** BUILDING GROSS AREA 61,006 S.F.  
 HEIGHT: 30'-0" (10' MAXIMUM HEIGHT RESTRICTION)  
 WIDTH: 100'-0"

**SECTION A** BUILDING GROSS AREA 82,411 S.F.  
 HEIGHT: 30'-0"  
 WIDTH: 100'-0"



**SECTION E** BUILDING GROSS AREA 121,188 S.F.  
 HEIGHT: 30'-0" (10' MAXIMUM HEIGHT RESTRICTION)  
 WIDTH: 100'-0"

**SECTION B** BUILDING GROSS AREA 184,164 S.F.  
 HEIGHT: 30'-0"  
 WIDTH: 100'-0"

**SECTION C** BUILDING GROSS AREA 154,849 S.F.  
 HEIGHT: 30'-0"  
 WIDTH: 100'-0"

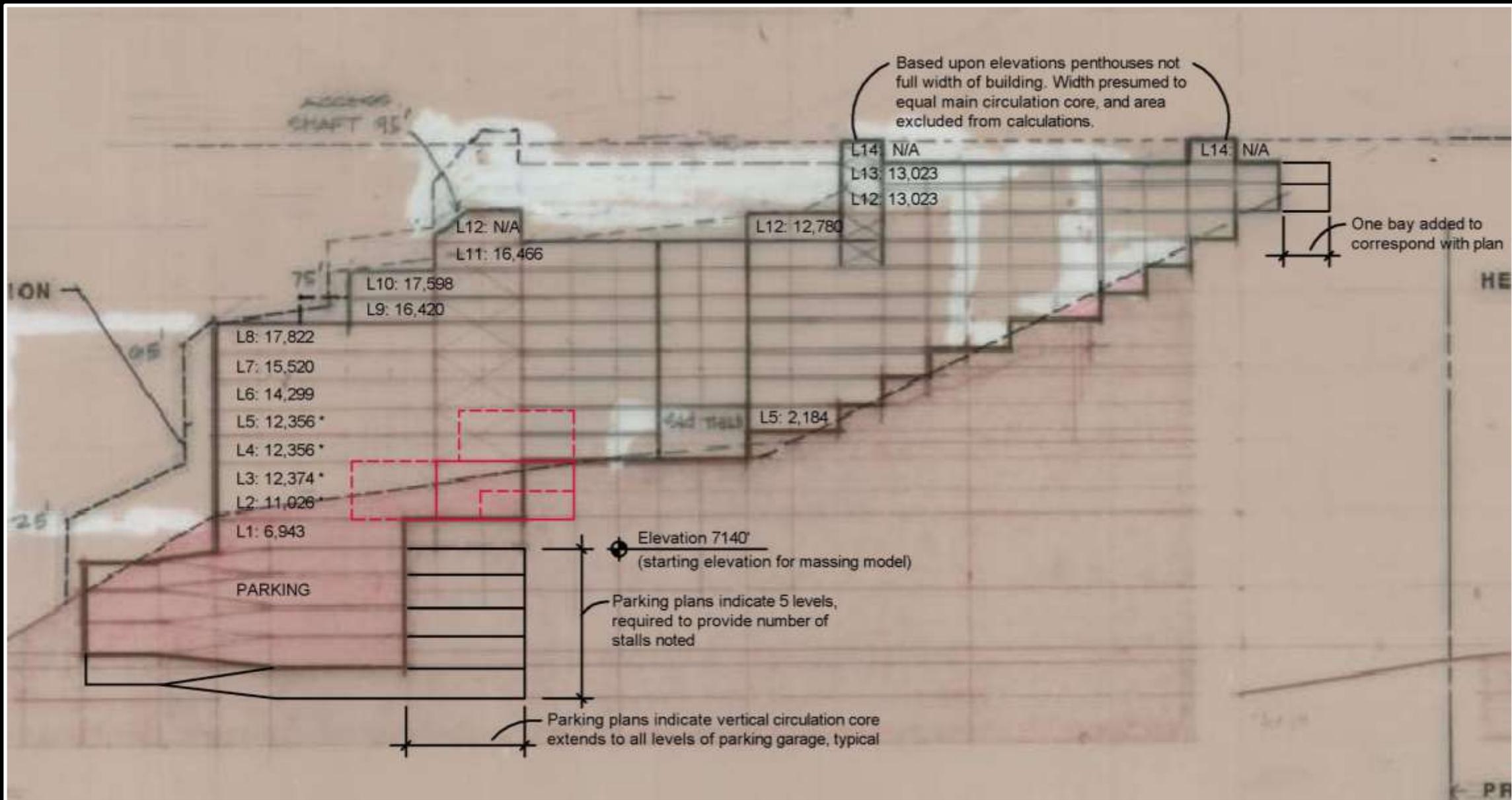
**CREOLE SITE AREA CALCULATION**

BUILDING D GROSS AREA = 154,888 S.F.  
 BUILDING E GROSS AREA = 194,190 S.F.  
 BUILDING F GROSS AREA = 135,129 S.F.  
 SITE TOTAL GROSS AREA = 479,788 S.F.  
 PROJECT TOTAL ABOVE GRADE = 807,201 S.F.

**LEGEND**

- 10' MAX. HEIGHT RESTRICTION
- PROPERTY LINE
- EXISTING BUILDING
- PROPOSED BUILDING
- PROPOSED PARKING

**SCHEME E**



# 2003 Land Management Code Section 15-6-8(C) [Support Commercial]:

“Within a Hotel or Nightly Rental Condominium project, up to five percent (5%) of the total floor Area may be dedicated to support Commercial Uses...**without the Use of a Unit Equivalent for commercial space.**”

# 2003 Land Management Code Section 15-6-8(D) [Meeting Room]:

“Within a Hotel or Condominium project, up to five percent (5%) of the total floor Area may be dedicated to meeting room space **without the Use of Unit Equivalents.**”

“Accessory meeting Uses, such as back of house, administrative Uses, and banquet offices, are Uses normally associated and necessary to serve meeting and banquet space. These accessory meeting Uses **do not require the use of Unit Equivalents.**”

# 2003 Land Management Code

## Section 15-6-8(F) [Residential Accessory]:

“Residential Accessory Uses include those facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project which are common to the residential project and are not inside the individual unit. Residential Accessory Uses **do not require the use of Unit Equivalents.**”

Examples of permitted residential accessory uses include, but are not limited to, ski/equipment lockers, lobbies, concierge, mechanical rooms, laundry facilities, back-of-house uses, elevators and stairs, and employee facilities.

# 2003 Land Management Code

## Section 15-6-8(G) [Resort Accessory]:

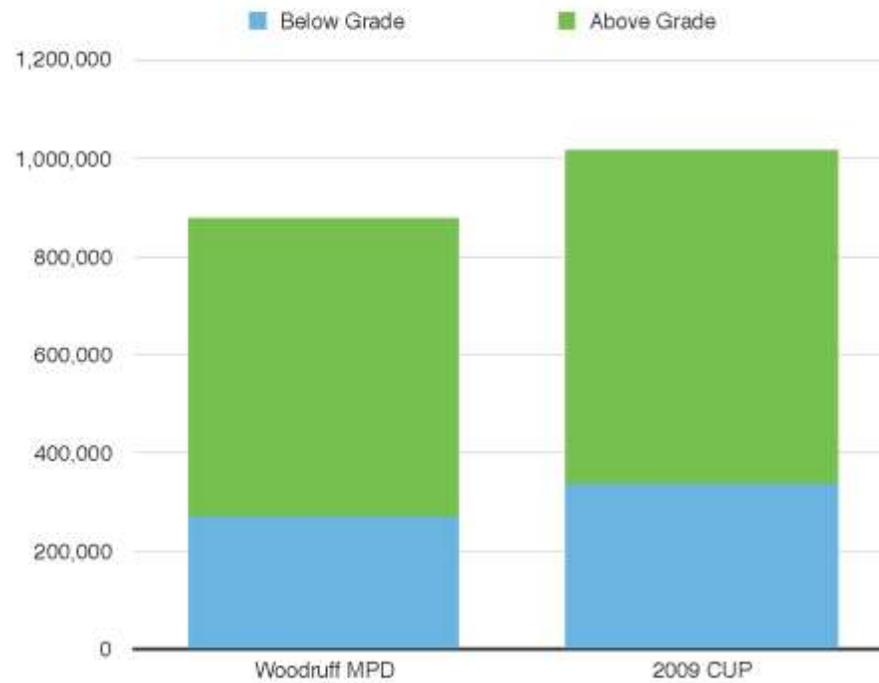
Resort Accessory uses “are considered accessory for the operation of a resort for winter and summer operations. These Uses are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort **do not require the use of a Unit Equivalent.**”

Examples of such permitted uses include, without limitation, administration, maintenance and storage, public restrooms, ski school/day care facilities, ticket sales, equipment check, and circulation and hallways.”





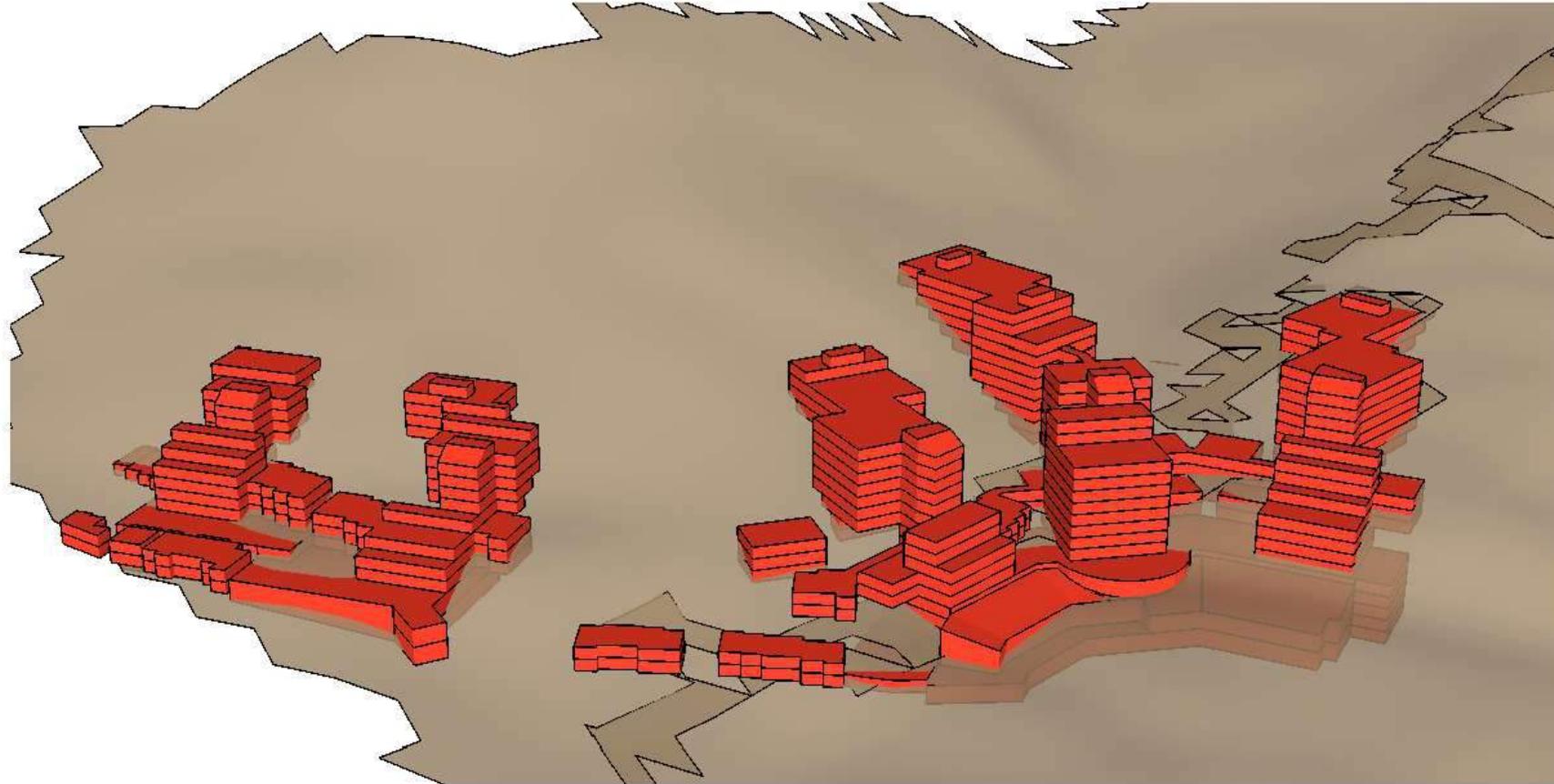




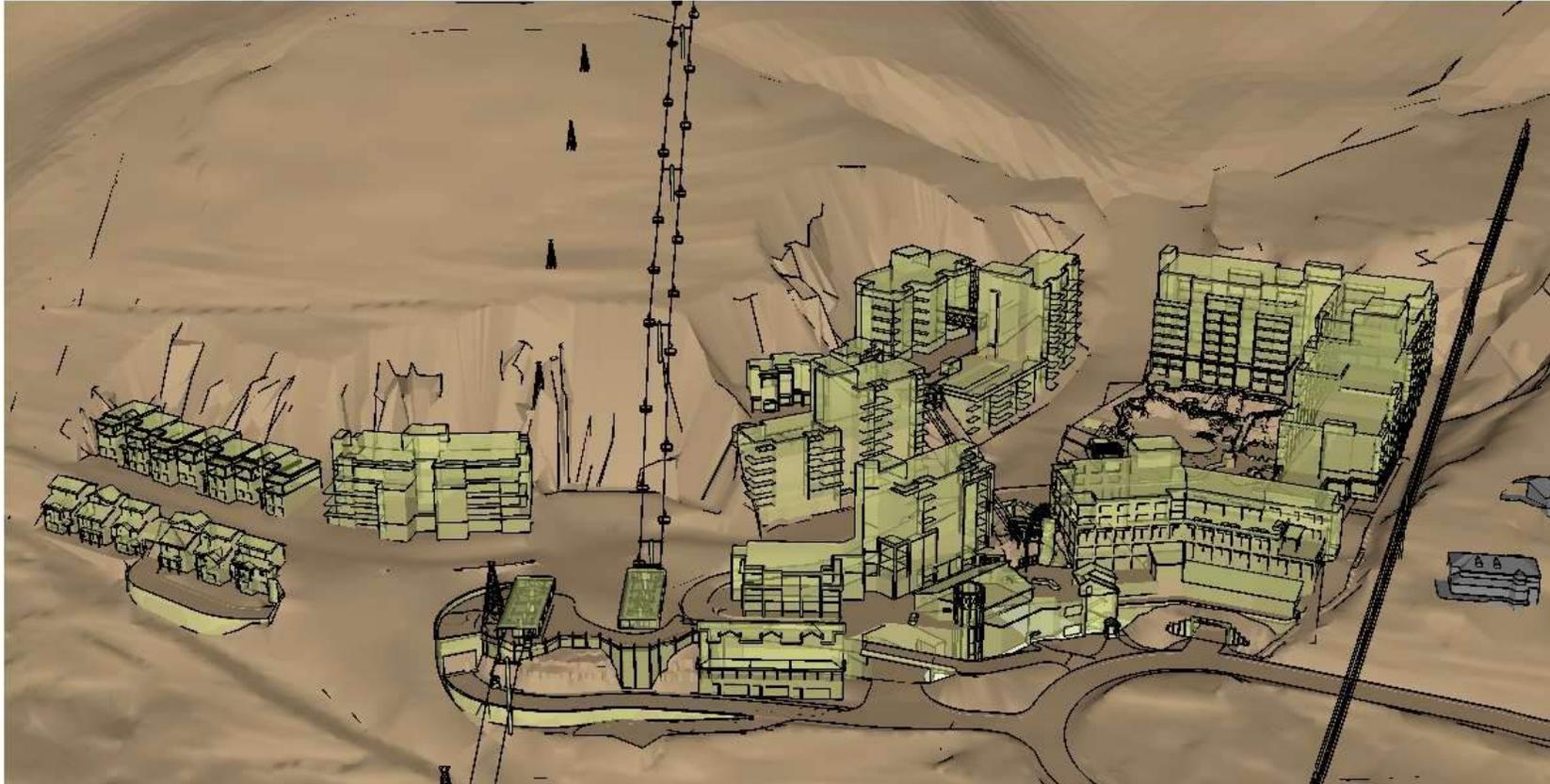
ABOVE & BELOW GRADE COMPARISON

	WOODRUFF MPD	2009 CUP
Above Grade	607,201	682,001
Below Grade	269,218	334,886
Total Gross	876,419	1,016,887
Difference	0.160	140,468

COMPARISON WOODRUFF MPD & 2009 CUP



1986 WOODRUFF CONCEPT



2009 TREASURE CUP



1986 WOODRUFF CONCEPT & 2009 TREASURE CUP

	Below Grade	Above Grade	
Accessory	19,633	32,445	
Support Commercial (5%)		30,360	
Meeting (5%)		30,360	
Employee Housing		6,669	
Resort Accessory		1,918	
SUBTOTAL ADDED	19,633	101,752	
TOTAL ADDED			121,385
TOTAL			997,804

WOODRUFF IF SCHEMATIC DEVELOPMENT UNDER 2003 CODE

Park City Staff Revised Staff Report, December 18, 1985:

“...the City’s [General] Plan identifies the Hillside property as a key scenic area and recommends the development be limited to the lower portion of the mountain...the proposed Sweeney properties MPD is in conformance with the land use designations outlined in the Park City [General] Plan.”



Exhibit Y – Applicant’s Woodruff Drawing Analysis

WOODRUFF DRAWING GROSS AREA - UNITS					
LEVEL	BLDG. A	BLDG. B	BLDG. C	BLDG. D	BLDG. E
L (-3)					2,972 2,602
L (-2)					2,972 2,602
L (-1)		3,138 911 950			
L-1	10,354	3,138 911 950	7,049	6,943	8,948 (628) 2,478
L-2	10,354	7,268	9,320	11,026	11,807 (628) 2,478
L-3	9,123	10,230	12,591	12,374	7,642 2,478 1,120
L-4	3,311	7,268	12,295	12,356	8,310
L-5	3,422	4,576	12,485	12,356 2,184	9,505
L-6	4,926	4,682	9,540	14,299	8,756
L-7	6,250	4,712	12,574	15,520	11,173
L-8	7,428	4,641	12,707	17,822	13,539
L-9	531 5,243	5,757	13,814	16,420	14,680
L-10	4,124	3,299	16,169	17,598	14,680
L-11			17,329	16,466	2,366
L-12			18,533	12,780	
L-13				13,023	
L-14				13,023	
	65,066	62,431	154,406	194,190	129,852
TOTAL BY SITE	MIDSTATION 127,497		CREOLE TOTAL 478,448		
PROJECT TOTAL	605,945				
WOODRUFF DRAWING GROSS AREA - PARKING					
L-1	28,101		55,207		
L-2	22,987		56,096		
L-3			35,609		
L-4			35,609		
L-5			35,609		
TOTAL BY SITE	MIDSTATION 51,088		CREOLE TOTAL 218,130		
PROJECT TOTAL	269,218				
<b>MPD GROSS AREA - GRAND TOTAL</b>					<b>875,163</b>

\* Text in red denotes 7/16/16 revisions



**DATE:** August 5, 2016

**SUBJECT:** Treasure Hill Properties' Compliance with Square Footage Limitations and Conditional Use Criteria Relating to Size and Volume

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**1. Background.**

As the Planning Commission Staff report dated July 13, 2016, recites,

[t]he Sweeney Properties Master Plan (SPMP) was approved by the Planning Commission on December 18, 1985. . . . On October 16, 1986, the City Council approved the SPMP with amendments to the maximum allowed building heights [for the] Hillside Properties known as the Town Lift Mid-Station and the Creole Gulch sites.

The Hillside Properties consists [sic] of the Town Lift Mid-Station (Mid-station) and the Creole Gulch sites. These Hillside Properties are the last two (2) parcels to be developed within the SPMP. . . .

A combined total of 197 residential UEs and 19 support commercial UEs was approved for the 11.5 acre remaining development sites. Of the 123 acres of Hillside Property, 110 have become zoned recreation open space (ROS) due to the agreement within the SPMP.

Under the SPMP, each development site is required to attain the approval of a Conditional Use Permit (CUP) from the Planning Commission. On January 13, 2004, the applicant submitted a CUP application for the Creole Gulch and Mid-station sites. The CUP was reviewed by the Planning Commission from April 14, 2004 to April 26, 2006. A complete set of revised plans was received by staff on October 1, 2008. Additional materials were received by staff on December 18, 2008. The CUP was reviewed by the Planning Commission from January 7, 2009 to February 10, 2010. (pp.1-2.)

In April 2016, the applicant, MPE, Inc., requested that the Planning Commission place its CUP Application for the development of the Hillside Properties back on the Commission's agenda and to review the application for compliance with the applicable Land Management Code

(“LMC”) and SPMP Approval. The Planning Commission held public hearings on the CUP Application on June 8 and July 13, 2016. During the hearing on July 13, 2016, the Planning Commission requested that Planning Commission Staff and MPE address the following issues at the next scheduled hearing on August 10, 2016: (1) the total gross square footage of the development, (2) the volume of the proposed development, and (3) how the proposed development compares to other similar developments in Park City.

The topics that the Planning Commission has directed Staff and MPE to address at the next hearing touch upon a number of criteria under the Conditional Use Review Process set forth in the applicable 2003 LMC.<sup>1</sup> Specifically, the issues the Planning Commission has directed Staff and MPE to address cover portions of the following CUP criteria:

1. Size and location of the Site;
4. Emergency vehicle Access;
5. Location and amount of off-Street parking;
6. Internal vehicular and pedestrian circulation system;
8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing; and
15. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

The topics also touch upon several of the CUP Standards for Review, including:

2. the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
3. the Use is consistent with the Park City General Plan, as amended; and
4. the effects of any differences in Use or scale have been mitigated through careful planning.

The topics that the Planning Commission will discuss at the next hearing also address several of the conditions of the SPMP Approval, including the building height and building envelope limits established by the SPMP Approval.

The CUP Application satisfies the CUP Standards for Review, each of the criteria set forth in the 2003 LMC, and the associated conditions of the SPMP Approval, including the criteria, standards, and conditions covered by the issues that the Planning Commission seeks to discuss at the August 10, 2016, hearing on the application.

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<sup>1</sup> Staff and MPE agree that the Fiftieth Edition of the LMC revised on July 10, 2003 (“2003 LMC”) applies to the CUP Application.

Because “[a] conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use,” and because the CUP Application conforms to the conditions of the SPMP Approval and proposes additional mitigating factors to address the impacts of square footage and volume, the Planning Commission should conclude that the CUP Application meets the criteria, standards, and conditions relating to these issues. Utah Code § 10-9a-507(2)(a).

## **2. The Planning Commission and City Council Contemplated a Development of the Size Proposed in the CUP Application When They Approved the SPMP.**

Planning Commission members and members of the public have asked what the Planning Commission and the City Council understood about the size of the proposed development when they approved the SPMP in 1985 and 1986. The answer is found in the records and approvals from that time period.

### **2.1 The SPMP Approval Shows that the Planning Commission and the City Council Understood that the Size of the Development Would Be Similar to that Proposed.**

First, the SPMP Approval itself establishes what the parties contemplated in terms of the square footage and volume of the eventual development. The SPMP Approval includes the Woodruff Drawings as an appendix, which are conceptual renderings used for the purpose of arriving at development parameters for the SPMP. Because the parties relied on these drawings as part of the SPMP process, the parties understood the scope of development contemplated in 1985 and 1986. Although conceptual in nature, the Woodruff Drawings show specific building footprints, floor elevations, and other details that reveal the general size of the development contemplated by the parties. At the July 13, 2016, hearing, MPE demonstrated that the Woodruff Drawings contemplate a development of about 875,000 square feet. As MPE further explained at the hearing, had the Woodruff Drawings actually been developed under the 2003 LMC, the eventual floor area would have been closer to 1,000,000 square feet once additional accessory uses were added to the base design.

The City Attorney has previously explained that the SPMP Approval is a “contractual arrangement between the City and the applicant.” (Jim Carter Memorandum, November 12, 1992.) The Woodruff Drawings are part of the express terms of that contractual arrangement—the Planning Commission’s Revised Staff Report for the SPMP specifically refers to the Woodruff Drawings as part of the “complete development permit.” (SPMP Revised Staff Report, December 18, 1985.) Thus, the Woodruff Drawings define, in part, the contractual rights of MPE and the contractual obligations of the City, and the Woodruff Drawings set forth the parties’ mutual understanding about the size, scale, and volume of the approved development.

MPE provided the Planning Commission Staff with its complete analyses of the Woodruff Drawings and has answered Staff’s related questions. As far as MPE is aware, Staff does not dispute MPE’s conclusions about the square footage of the Woodruff Drawings.

## 2.2 Apart from the Woodruff Drawings, the Revised Staff Report for the SPMP Demonstrates that the Planning Commission and City Council Understood the Development Would Be Similar in Size to that Proposed in the CUP Application.

The Planning Commission Staff explained in its Revised Staff Report that:

- “Scale - The overall scale and massiveness of the project has been of primary concern. Located within the Historic District, it is important for project designed to be compatible with the scale already established. **The cluster concept for development of the hillside area, while minimizing the impacts in other areas, does result in additional scale considerations.** The focus or thrust of the review process has been to examine different ways of accommodating the development of the property while being mindful of and sensitive to the surrounding neighborhood. The relocation of density from the Town Lift site was partly in response to this issue. **The concentration of density into the Creole Gulch area, which because of its topography and the substantial mountain backdrop which helps alleviate some of the concern, and the requested height variation necessary in order to reduce the mass perceived (higher versus lower and wider), have greatly improved the overall scale of the cluster approach.**” (p. 10 (emphasis added).)
- “Visibility - . . . The cluster approach, **although highly visible from certain areas, does not impose massive structures in the most prominent areas.** Instead, the tallest buildings have been tucked into Creole Gulch where topography combines with the densely vegetated mountainside to effectively reduce the buildings’ visibility.” (p. 11 (emphasis added).)
- “Building Height - In order to minimize site disturbance and coverage, the clustering of density necessitated consideration of building heights in excess of that which is permitted in the underlying zoning (28’ to the mid-point of a pitched roof with a maximum ridge height of 33’). **The various iterations submitted for review demonstrated the trade-offs between height and site coverage.**” (p. 11 (emphasis added).)
- “Land Uses - The predominant land uses envisioned at this time are transient-oriented residential development(s) with some limited support commercial. **The building forms and**

**massing as well as location lend themselves to hotel-type development.** . . . Although certainly a different kind of residential use than that which historically has developed in the old town area, it is still primarily residential in nature. **The inclusion of attached townhomes serving to buffer between the existing residences and the denser areas of development will also help provide a transition of sorts.**” (p. 12 (emphasis added).)

- “A variety of development concepts were submitted during the course of reviewing the proposed Master Plan. A total of eight distinct approaches to the development of the Hillside Properties were evaluated. . . . The staff, Planning Commission and general public have all favored the clustering of development as opposed to spreading it out. **Several of the alternatives prepared were in response to specific concerns expressed relative to the scale and mass of buildings necessary to accommodate the density proposed. The latest concept developed represents a refined version of the cluster approach originally submitted.**” (p. 7 (emphasis added).)

These passages demonstrate that the City well understood that the scale, mass, and size of the proposed development was a concern and that the issue was carefully and thoughtfully addressed during the master planned development process. Specifically, the City and applicant agreed to mitigate that impact, in part, by transferring density from other sites to the Creole Gulch site, which could better accommodate more density in the form of taller buildings, and approving a taller, higher development for the Creole Gulch site rather than one that was shorter but more spread out. This solution called for the stacking of the allowed density and square footage in tall buildings but on smaller building footprints. This, of course, also contributed to the City’s goal of maximizing open space on the Hillside Properties. The current CUP Application proposes exactly this configuration of the density and square footage and is therefore consistent with contracting parties’ agreement and expectations.

### **2.3 Similarly, the Minutes of City Council’s Discussion of the SPMP Demonstrate That the Council Was Well Aware of the Size, Scale, and Volume Contemplated by the Proposed Development.**

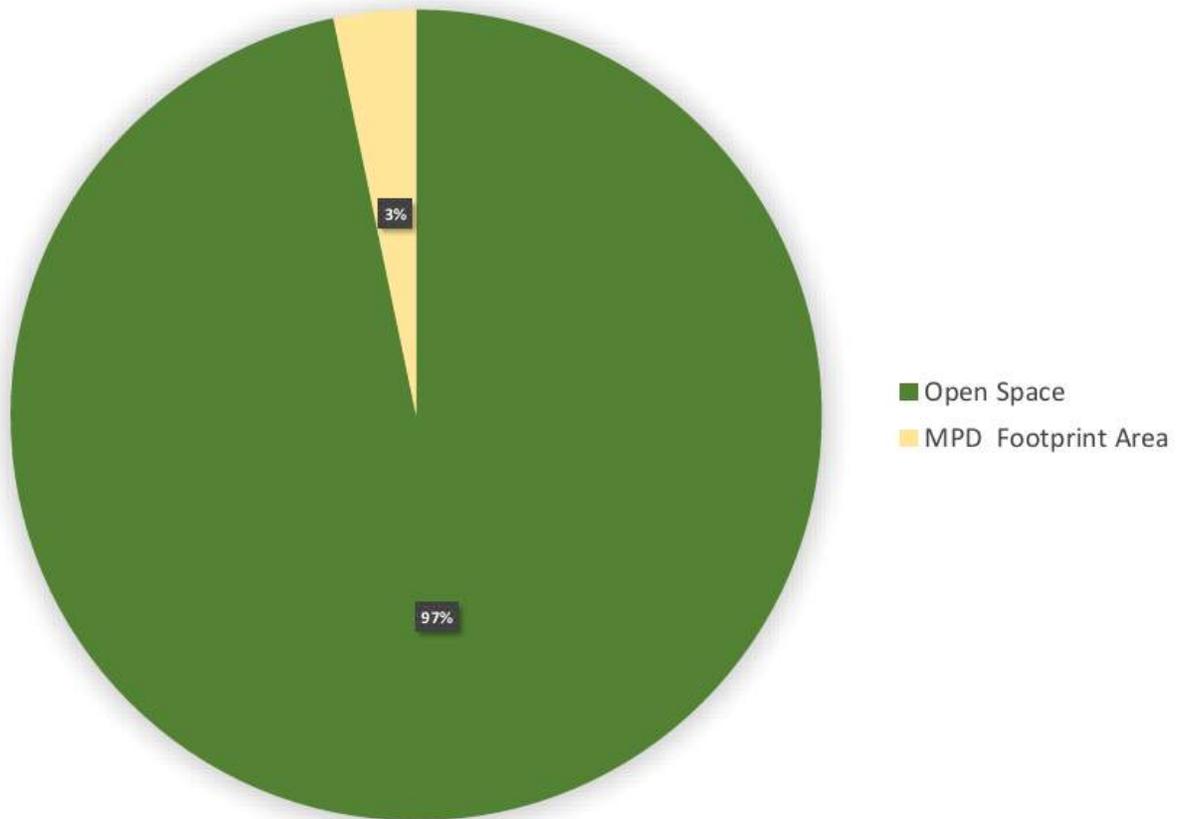
The discussion between the members of the City Council when the SPMP was approved further demonstrates that the City Council was fully apprised of the contemplated size and scope of the proposed development. In fact, the City Council members who eventually voted against the SPMP made those facts abundantly clear to the majority of members who voted for the SPMP. Councilmember Kristen Rogers, who voted against the SPMP, told the Council that “[t]he **project will have the most dramatic effect on the character of Park City in consideration of any project built or approved.** It will set a tone for the development of the community that can’t be reversed and if the rationale behind its approval is to acquire open space, **she emphasized that it may be more costly to acquire open space by allowing these large sky scraper type buildings**

**to be built, than if the City actually bought the land outright.** There are other ways to acquire open space that can have less of an affect [sic] on the long term of Park City.” (October 16, 1986 City Council Minutes, p. 4 (emphasis added).) The City Council nevertheless voted to approve the SPMP during that meeting—Ms. Rogers’ comments were considered by the Council and they approved the SPMP with that understanding.

Again, this passage demonstrates that when the City Council approved the SPMP and entered into the contract with the applicant, the City Council was fully advised of the size, scale, and volume of the proposed development adjacent to Old Town. Although MPE disagrees with the Ms. Rogers’ characterization of the proposed development as “large sky scraper type buildings,” her comments demonstrate that there was no misapprehension on the part of the City Council about the size, scale, and volume of the development contemplated on the Hillside Properties by the SPMP—the City Council understood the impact of development would have a “dramatic effect” on the City and that the development would be located just outside of the historic Park City Old Town.

But the City Council approved the SPMP upon the recommendation of the Planning Commission with full knowledge that the Hillside Properties development would be relatively large because it determined that the benefits of the SPMP outweighed the costs. As Councilmember Ann MacQuoid explained, “the hillside could have been stripped with roadways going up and across the hill” and “the reason for approving this master plan development” is the “trade-out for 110 acres . . . of recreational open space zoning.” (*Id.*) The City made that trade—a lot of open space for a clustered development of appreciable size, scale, and volume.

Treasure Open Space vs. Footprint Area



**3. The 2003 LMC Allows the Square Footage Requested in the CUP Application.**

**3.1 The CUP Application under the 2003 LMC.**

As discussed in numerous prior reports from Staff, the SPMP vests the project with 197 residential UEs and 19 commercial UEs between the two development areas. The 2003 LMC provides the square footage permitted for each UE: each residential UE equates to 2,000 net square feet, and each commercial UE equates to 1,000 square feet. 2003 LMC § 15-6-8(A), (E). As the Planning Commission Staff set forth on Exhibit W, the Project is therefore entitled to a total of 413,000 base square feet—394,000 net square feet in residential space and 19,000 gross square feet in allotted commercial space.

As set forth on [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#) of MPE’s submittals, MPE’s CUP Application requests less than the allowed amount of base square feet, both for residential and commercial uses, and therefore complies with SPMP Approval. The proposed net residential square footage is 393,911, and divided by 2,000 (the UE residential factor), this equates to 196.96 UEs—less than the 197 allowed under the SPMP. The proposed gross allotted commercial square footage is 18,863, and divided by 1,000 (the UE commercial factor), this equates to 18.86 UEs—again less than the 19 UEs allowed.

Planning Commission Staff and the applicant previously agreed that square footage for the residential and commercial UEs would be computed in this manner.<sup>2</sup> Indeed, this is how Staff has historically computed the square footage for UEs under this very CUP Application. Additionally, it appears this is how the Planning Commission and Staff determined the square footage for UEs for other similar projects, including the Montage.<sup>3</sup>

### **3.2 The Woodruff Drawings Reflect a Development of More than 875,000 Gross Square Feet.**

As set forth above and explained during the July 13, 2016, hearing, the SPMP included a set of conceptual drawings (“the Woodruff Drawings”)<sup>4</sup> that reflected the size, scale, and volume of the development that the parties anticipated on the Hillside Properties. MPE has carefully and thoroughly analyzed the Woodruff Drawings to determine the square footage of the development depicted on those drawings, which MPE has shared with the Planning Commission Staff.

That analysis shows that the development depicted on the Woodruff Drawings was approximately 875,000 total square feet (including below-grade space).

### **3.3 The Submissions with the CUP Application in 2004 Requested Approval for a Development of 849,007 Gross Square Feet.**

As the Planning Commission Staff report dated July 13, 2016, explains:

The original CUP application in 2004 for Planning Commission review indicated a total of 849,007 square feet [(including below-grade space)]. The following is a breakdown of the project from the 2004 submittal:

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<sup>2</sup> In an email dated December 18, 2006, then Planning Director Patrick Putt confirmed to MPE that residential UEs are “calculated as follows--2000 square feet equals one (1) U.E.”

<sup>3</sup> Recently, Planning Commission Staff informed the applicant that Staff was considering changing how it computes square footage for vested UEs, which would reduce the total number of units allowed, although the residential square footage would remain the same or even increase. For the Staff and the Planning Commission to suddenly change their approach to this issue—and to depart from how they have treated similarly situated projects—raises serious due process and fairness concerns, particularly since Staff had previously told MPE that it would calculate the square footage for UEs in the way that MPE has in its submissions.

<sup>4</sup> Although the Woodruff Drawings were clear about the overall size, scale, and volume of the development that the parties to SPMP contract anticipated, those drawings did not attempt to assign specific uses to the spaces or floor areas—a task that was left to the CUP process to flesh out. As the applicant has explained, the modest amount of additional square footage requested in the CUP Application reflects the process of turning the Woodruff Drawings into a set of specific plans and designs for the project.

Use	Square Footage
Residential	483,359
Ancillary	86,037
Support Commercial	22,653
Parking	256,958
<b>Total</b>	<b>849,007</b>

In 2006, the Planning Commission asked the applicant to provide more details on the current plan. (p. 10.)

**3.4 Based upon the Evolution of Treasure Hill through the CUP Process, the 2009 Refined CUP Submittal Contemplates 1,008,808 Gross Square Feet.**

As set forth on [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#) of MPE’s submittals, the CUP Application seeks approval for a development of 1,008,808 square feet (including below-grade space). Although Sheet P.16 shows a total of 1,016,887 square feet for the project, MPE has already committed to eliminating the mine exhibit from the project, which reduces the overall square footage of the project by 8,079 square feet and specifically reduces the amount of commercial space sought by that amount.

Although the Staff’s July 13, 2016, report to the Planning Commission (and certain public comments) have made much of the increase in square footage from the preliminary submissions in 2004 to the more detailed and refined submissions currently under review, the modest increase in square footage is a function of the applicant responding to the Planning Commission’s and Staff’s request for more detail.

For example, in the 2004 submissions, MPE estimated the square footage for residential units, circulation, accessory spaces such as lobbies, and other common spaces. In the course of providing more detailed submissions at the City’s request, these preliminary estimates were replaced with more specific calculations for the total floor areas needed for these spaces, which included specific residential unit configurations and associated circulation spaces. These refinements added about 56,000 square feet to the original 2004 estimates for these spaces.

Likewise, the City’s request for more detailed submissions resulted in MPE determining the floor area needed for things like central mechanical rooms, on-site laundry facilities, banquet preparation spaces, storage for all of the buildings, and underground tunnels for service and pedestrian uses between buildings that were not included in the original estimates. These spaces, many of them below grade and therefore excluded from the calculation of Gross Floor Area anyway,<sup>5</sup> are specifically identified as allowable uses under the 2003 LMC that do not require UEs.<sup>6</sup> Additionally, the current submissions provide for on-site employee housing, as the City has

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<sup>5</sup> Under Section 15-15-1.91 of the 2003 LMC, which defines “Gross Floor Area,” “Basement Areas below Final Grade are not considered Floor Area.”

<sup>6</sup> See Exhibit X, MPE Memorandum on Treasure Hill Properties’ Compliance with Square Footage Limitations and Requirements, July 6, 2016; Presentation for July 13, 2016, Hearing.

repeatedly requested and required. These additional spaces account for about 50,000 square feet of space that was not part of the original preliminary estimates in the 2004 submissions.

The 2004 submissions included no square footage for support commercial or meeting space uses, which, as discussed previously,<sup>7</sup> are uses that are allowed as of right under the 2003 LMC. Those spaces account for 26,729 square feet and 17,470 square feet, respectively.

It should also be noted that, where possible, the applicant reduced square footage from the 2004 estimates during the refinements that resulted in the current submissions. For example, the applicant eliminated about 25% of the parking for the Creole Site from the 2004 submissions and used some of that space for the meeting space and other uses necessitated by the refinements.

To reiterate, the current submissions were not the result of the applicant's desire to achieve a certain size of development but were instead driven by the practical needs of a project with a relatively large number of vested residential and commercial UEs and the necessary spaces and uses associated with those vested UEs. The modest increase in the square footage of the project from the preliminary 2004 estimates to the current, more detailed refinements was the result of understanding the practical and logistical needs of the project and the inclusion of additional uses that are vested under the 2003 LMC.

### **3.4.1 The Changes to the Proposed Development since the Original 2004 Proposal Were in Response to Specific Directives from the Planning Commission and Staff.**

From the very beginning of the Planning Commission's review of the project, the Commission and Staff directed the applicant to move density and volume away from the front edge of the project and deeper into the hillside. As early as mid-2004, the applicant revised the proposal to accommodate these directives.

During a work session in September 2004, the applicant "presented proposed revisions to address the concerns expressed by the [commissioners] and explained how they will open up the view corridors" and "will lower the height on the buildings which the Staff believed were too tall." (Work Session Minutes, Sept. 22, 2004.) During a subsequent work session, the applicant presented further modifications to the project, as requested by the Planning Commission, that "included a shift in massing." (Work Session Minutes, Oct. 13, 2004.)

As the subsequent Staff report explained, the proposed revisions included "[l]ower[ing] the entire project into the ground," and "[s]hift[ing] building volumetrics from the northern edge to the center and back of the project." (Staff Report, Oct. 13, 2004, p. 3.)

After presenting the revisions, the applicant "requested input from the Planning Commission on the massing revisions and whether [it was] moving in the right direction." (Work Session Minutes, Sept. 22, 2004.) In response, the Commission told the applicant that the revisions "were going in the right direction and [that it] appreciated the reduction in height of the buildings

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<sup>7</sup> See Exhibit X, MPE Memorandum on Treasure Hill Properties' Compliance with Square Footage Limitations and Requirements, July 6, 2016; Presentation for July 13, 2016, Hearing.

closest to the residential neighborhoods,” which was accomplished, in part, by pushing the buildings deeper into the hillside. (*Id.*)

The Commission encouraged the shift in volume and massing into the hillside, as proposed by the applicant in response to the Commission’s directions, noting that “a great deal of progress had been made in the massing” through the proposed revisions and that “the modification of the massing seems to work better than the previous plan.” (Work Session Minutes, Oct. 13, 2004.)

Indeed, the Commission asked the applicant to do more to push the density into the hillside, with then-Commissioner Bruce Erickson questioning why the “highest, tallest building is away from the mountain and more visible than it should be” and proposing that the “tallest buildings [be pushed] against the hillside,” just as the applicant has done with the current submissions. (*Id.*)

### **3.5 The 2003 LMC Allows for Additional Square Footage, and the Amount Requested in the CUP Application Is Reasonable.**

As previously explained by MPE,<sup>8</sup> the 2003 LMC allows for a reasonable amount of additional square footage for hotels, resorts, and residential developments over and above the square footage associated with the UEs vested in the development. The development proposed in the CUP Application includes additional square footage for uses that are expressly allowed under the 2003 LMC.

Additionally, as set forth in the application materials, the uses associated with this additional square footage are reasonable under the circumstances. *See* [P.1-P.5 – Level Use Plans](#). The additional square footage is for things like lobbies, hallways, administrative offices, equipment rental and storage, lift ticket sales, restaurants and shops for guests of the resort, meeting space, storage, and other mechanical and accessory uses that every hotel and resort needs to operate.

The additional square footage of the proposed development is entirely a function of the circulation, accessory, meeting, and commercial spaces and uses that are necessary to support a development of this size and scope. Under the 2003 LMC, the vested UEs equate to a certain amount of base square footage—2000 square feet for residential UEs and 1000 square feet for commercial. That square footage, however, is only for the particular residential and commercial units—it does not include space for hallways leading to the rooms, for elevator shafts and stairways to access those hallways, for lobby space to check in, meeting rooms, or any other areas commonly associated with hotels and resorts. The 2003 LMC contemplates that residential and resort developments will need this additional square footage in order to successfully function, and the 2003 LMC specifically and expressly allows residential and resort developments to use additional square footage for these purposes.

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<sup>8</sup> *See* Exhibit X, MPE Memorandum on Treasure Hill Properties’ Compliance with Square Footage Limitations and Requirements, July 6, 2016; Presentation for July 13, 2016, Hearing.

**3.5.1 The Additional Square Footage Sought in the Application Is Reasonable Because It Is Necessary for the Hotel and Resort to Function.**

In order to determine the additional circulation, accessory, meeting, and commercial space for the development, MPE consulted with a variety of experts in hotel and resort development and operation. MPE carefully planned and designed the proposed development so that the hotel and resort can be successfully built and operated for the long-term benefit of the community.

The square footage and volume of the proposed development are a result of the needs and requirements of successful hotels and resorts in similar locales, not a desire of the applicant to achieve a certain size of development. Each space has been carefully considered and planned so that only the necessary square footage and volume is allotted for the particular use. MPE’s design is as efficient as possible given the basic needs of a hotel and resort with the number of residential units allowed under the SPMP. The size, scale, and volume of the proposed development are in line with other similar modern developments.

**3.5.2 A Comparison with Other Hotels and Resorts that Park City Has Approved Demonstrates that the Additional Requested Square Footage Is Reasonable.**

The Planning Commission Staff’s analysis in Exhibit W demonstrates that the square footage of the proposed development aligns with the square footage of other similar developments approved by the City, including the Montage and St. Regis. In fact, because Exhibit W contained a number of apparent errors, it made the proposed development of the Hillside Properties appear virtually the same as the Montage and St. Regis from an efficiency standpoint, when, in fact, the proposed development is significantly more efficient than the St. Regis and better than the Montage as well.

The Montage

The latest Record of Survey for the Montage appears<sup>9</sup> to be the Staff Report to City Council dated June 18, 2009, titled “The Hotel and Residences at Empire Canyon Resort Record of Survey.” In addition, two Amendments to the Record of Survey have been made since the City

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<sup>9</sup> The applicant requested information from the City about its analysis in Exhibit W, as well as confirmation from the City that the information it had gathered about the Montage and St. Regis was the most accurate, up-to-date information available. Specifically, the applicant left a voicemail for and sent an email to Francisco Astorga on July 27 and 29, 2016, respectively. The City has not responded to the applicant’s request for information reflected on Exhibit W. As a result, the applicant has not had the opportunity to review the information underlying Exhibit W or to clarify the apparent discrepancies between the information reflected on Exhibit W and other information in the City’s records.

Note that the Record of Survey information does not contain a detailed breakdown of circulation space as opposed to other accessory uses, as apparently reflected in Exhibit W. However, since these categories are combined in Exhibit W when determining their overall percentage relative to total gross building area, the lack of detail does not affect the conclusions reached.

Council approval on June 18, 2009. The first is Ordinance No. 11-01, dated January 6, 2011, and the second is Ordinance No. 15-04, dated February 12, 2015.

<b>Montage</b>		
	Square Feet	% of total
Gross Floor Area (w/o parking garage)	780,173	100%
Residential (182 UEs)	364,000	46.6
Allotted Commercial (63 UEs)	58,356	7.5
Meeting Space	16,409	2.1
Accessory, Circulation, and Back of House*	341,948	<b>43.8</b>

\* This is derived by subtracting the other floor areas from the total, with the remainder assumed to be dedicated to accessory, circulation, back-of-house, and similar uses.

### St. Regis

The most current St. Regis information appears to be the Staff Report dated September 17, 2009, to the City Council titled “Deer Crest Hotel amended and restated condominium record of survey plat.”

<b>St. Regis</b>		
	Square Feet	% of total
Gross Floor Area (w/o parking)	416,582	100%
Residential (98 UEs)	194,750	46.7
Support Commercial**	19,481	4.7
Meeting Space	6,062	1.5
Accessory, Circulation, and Back of House*	196,227	<b>47.1</b>

\*\* The St. Regis was allotted no Commercial UEs—all of the commercial space in the development is Support Commercial allowed under the LMC.

### 2008–09 Submissions for the Treasure project

<b>Treasure</b>		
	Square Feet	% of total
Gross Floor Area (w/o parking)	775,485	100%
Residential (197 UEs)	393,911	50.8
Allotted Commercial (19 UEs)	18,863	2.4
Support Commercial	33,412	4.3
Meeting Space	16,127	2.1
Accessory, Circulation, and Back of House*	313,172	<b>40.4</b>

Although Exhibit W includes several other developments, including Marriott Mountainside and the Yarrow, those developments are not fair comparisons to the proposed project. Those projects were developed under different development parameters and during a different era in the City's history.

The Montage and St. Regis should be used for comparison purposes for numerous reasons:

1) The Montage and St. Regis are contemporary projects: since they were recently approved and constructed, they reflect the type of hotel and resort development the City has allowed in recent years. The other projects listed on Exhibit W were approved and developed under now-outdated development codes. Moreover, industry requirements and consumer expectations have changed significantly since the other projects listed on Exhibit W were developed. It is fundamentally unfair to compare the proposed development to projects developed decades ago.

2) The Montage and St. Regis were approved under versions of the LMC that are similar to the 2003 LMC that applies to the CUP Application under submission. The applicant has requested confirmation from the City about the exact versions of the LMC that applied to the Montage and St. Regis but has yet to receive the information. However, from available information, it is evident that these two developments were subject to LMC versions similar, if not identical, to the version that applies to the CUP Application. In particular, the versions of the LMC that applied to the Montage and St. Regis apparently allowed those projects the same approximate level of square footage for commercial, meeting, and accessory and circulation spaces.

3) The Montage and St. Regis are much more similar to the proposed development in terms of overall size and scale than the other projects on Exhibit W, which are significantly smaller than the proposed development. Since relatively larger projects have unique demands and needs that relatively smaller projects do not, any comparison must take these differences into account.

4) The Montage and St. Regis both have comparable total UEs as the proposed development and it is believed that those UEs were allowed the same square footage conversion as the proposed development (2000 s.f. net residential and 1000 s.f. commercial). The other projects listed on Exhibit W have significantly fewer UEs, and it is believed that the square-footage conversion factor for those developments was different.

5) The Montage and St. Regis both have hotel and condominium unit types, like the proposed development. The accessory and back-of-house needs of residential condominium units are different from the requirements for hotel units only, and the 2003 LMC recognizes as much. Like the proposed development, the Montage and St. Regis have both types of residential units, whereas the other developments on Exhibit W do not.

#### **4. The Volume of the Proposed Development Is Reasonable and Appropriate.**

Volume is a function of square footage, a building's horizontal and vertical limits, and height. An increase in volume means an increase in construction costs, so developers have no incentive to maximize volume. Site topography and architectural design determine the location of the volume.

#### 4.1 The Planning Commission's Review of the Requested Volume Must Be in the Context of the Conclusions of the SPMP Approval.

In considering the proposed development's volume and size, the Planning Commission is reminded of the conclusions of Park City's special counsel, Jody Burnett, who noted that the City's records for the CUP Application revealed a "common misunderstanding about the nature and degree of discretion afforded to the City under the conditional use process." (Jody Burnett Memorandum, April 22, 2009, p. 3.) As Mr. Burnett explained, although

the Planning Commission must make a finding that the pending application will be compatible with surrounding structures in use, **scale, mass and circulation, that determination must be understood and approached in the context of the findings adopted as part of the original approval of the Sweeney MPD, with particular emphasis on items 1, 2 and 3, which specifically determined that the proposed cluster development concept and associated projects are consistent with the Park City Master Plan, the underlying zoning, is or will be compatible with the character development in the surrounding area, and that the preservation of open space and other site planning attributes resulting from the cluster approach to the development of this hillside area is sufficient justification for the height and other review criteria approved at that time.**

*(Id. (emphasis added).)*

The City Attorney, Mark Harrington, provided the same guidance to the Planning Commission in a memorandum on April 9, 2004, explaining that

[w]hile the Planning Commission must find that any current application "will be Compatible with surrounding Structures in use, scale, mass and circulation," [LMC § 15-1-10(D)(2) and see LMC § 15-15-1.51 (defining Compatible)] **that finding must be in the context of the density that is already approved as specified in the MPD versus particular CUP criteria.**

*(p. 2 (emphasis added).)*

In other words, the Planning Commission is not writing on a blank slate when it comes to issues of size, scale, and volume and must evaluate the CUP Application in light of the findings and conclusions of the SPMP Approval. As explained above, the Planning Commission made those findings and conclusions in 1985 after reviewing and considering the Woodruff Drawings, which show a development of about the same square footage and volume as the proposed project.

The Planning Commission Staff addressed the volume of the proposed development in the SPMP Approval by, among other things, establishing building envelopes. Those envelopes included limiting the footprints of buildings by requiring 70% open space within each building site and placing height restrictions on the buildings. As result, all square footage must fit within the boundaries established in the SPMP Approval. As the SPMP Approval explains,

[t]hroughout the review, considerable effort has been directed at minimizing overall building height and related impacts while still accommodating the proposed density in a cluster type of development.

The staff has developed a number of recommended conditions in response to the concerns expressed over building heights. An exhibit defining building “envelopes” has been developed to define areas where increased building heights can be accommodated with the least amount of impact. (p. 11.)

Notably, the Park City Council reduced the building heights for the Hillside Properties, from those originally recommended, when the Council approved the SPMP on October 16, 1986. The fact that the City Council specifically revised those heights demonstrates that the approved building envelopes—which, in turn, establish the allowed volume of the project—were carefully and thoughtfully considered at the time of SPMP Approval.

The proposed development complies with all of the building height restrictions and open-space requirements of the SPMP Approval. In fact, the proposed development is well below the height thresholds approved by the City Council in the SPMP Approval. For instance, the average height above the existing grade at the Mid-Station site is 12 feet as compared to the 25 feet allowed under the MPD. This represents a reduction of 52%. Similar reductions were made at the Creole Site. The average height above natural grade at the Creole Site is 29 feet, compared to the allowable 45 feet, representing a 36% percent reduction. *See* [HL.2, S.1-S.8](#); Planning Commission Staff Report, September 23, 2009, p. 25 (finding heights comply); Planning Commission Staff Report, July 13, 2016, p.14 (finding open space compliance).

#### **4.2 The Volume Sought in the CUP Applications Is Reasonable.**

About half (49%) of the total square footage of the project has floor-to-floor heights of 10.5 feet or less.<sup>10</sup> Floor-to-floor measurements count the space between one floor and next floor, *not from the floor to the ceiling*. Because the space between the ceiling and the next floor can vary from 1 foot to 2.5 feet, the corresponding floor-to-ceiling measurements are between 8 and 9.5 feet, which are customary and typical.

Another 6% of the square footage includes floor-to-floor heights of less than 12 feet, which translate into reasonable floor-to-ceiling heights of just 9.5 to 11 feet. Thus, 55% of the development includes floor-to-floor heights of less than 12 feet.

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<sup>10</sup> For floor areas that are at the top of a building, the heights are measured floor-to-roof, unless the building has a pitched roof, in which case the volumes are measured floor-to-ceiling. It should be noted that although the submissions are substantially developed, the plans are not final and will undergo further refinements. Although some floor heights will likely change with these additional refinements, the project will remain in compliance with building height, open space, and other required limits.

To better understand the floor heights of the rest of the proposed development, it is useful to divide the spaces between areas below final grade and areas above grade.

**4.2.1 The Few Areas Above Grade That Are Greater Than Standard Floor Height Are Reasonable.**

As explained above, the majority of the floor area of the proposed development includes floor-to-floor heights of less than 12 feet.

**ABOVE GRADE VOLUME HEIGHTS BY PERCENTAGE**

**% GROSS SF ABOVE GRADE**

<b>SLAB TO SLAB</b>	<b>GROSS SF</b>	<b>%</b>
≤ 10.5'	406,455	60.3%
10.5'+ TO < 12'	61,024	9.1%
12' TO < 14'	99,603	14.8%
14' TO < 16'	83,178	12.3%
16' TO < 18'	9,692	1.4%
18' TO < 21'	0	0.0%
21' TO < 24'	0	0.0%
24+'	13,970	2.1%
<b>TOTAL GROSS SF ABOVE GRADE</b>	<b>673,922</b>	

About 15% of the floor areas above grade have floor-to-floor heights between 12 and 14 feet. Of this area, nearly 70% of that space is at roof levels that require additional thickness for structural, insulation, and drainage requirements for the project. In other words, the additional height in these areas is necessary for the development to function.

Of the floor areas that have floor-to-floor heights greater than 14 feet, 76% are below grade, which are addressed below. The remaining 24% of floor areas with floor-to-floor heights in excess of 14 feet that are above grade are for uses that typically require greater floor heights, including things like public lobbies, ballrooms, meeting spaces, stairs and elevators, and certain commercial uses. Because these are larger open areas, they require higher ceilings, deeper structure, and greater space between the ceiling and next floor for HVAC systems.

Because the majority of the proposed development has modest floor-to-floor heights of less than 12 feet and because the floor heights greater than 12 feet are limited to those areas where they are necessary for the specific use, the floor heights and associated volume are reasonable.

#### **4.2.2 Areas Below Grade Require Certain Heights to Accommodate Emergency Vehicles.**

The vast majority of the floor areas with floor-to-floor heights greater than 12 feet are below ground in the parking areas of the development. These floor heights are necessary to accommodate service and emergency vehicle access and to comply with the fire protection requirements imposed on the project, which were requirements of the SPMP Approval. In addition, they must accommodate parking and driveway grade change, structure (including drop downs and transfer beams), lighting, fire sprinkling, ventilation, and other mechanical needs. Because these floor heights are effectively required by Park City, they are necessary and reasonable.

#### **4.3 The Floor Heights in the Proposed Development Are Similar to the Floor Heights that Park City Has Allowed in Similar Developments.**

The floor heights for the project are reasonable when compared to other contemporary developments of a similar nature, including the Montage and St. Regis. For example, from publicly available information, it appears the Montage is typically 11 feet floor-to-floor in the residential areas and 19 to 21 feet in the public spaces. The St. Regis is 10.5 to 11 feet floor-to-floor in the residential areas and 23 feet in the larger public spaces.

BJM:

## Treasure Hill

### Executive Summary of Position Statement and Presentation to the Park City Planning Commission

#### Square Footage Calculations and Volume of Treasure Hill (Addresses Standards for Review Nos. 3 & 4 and CUP Criteria Nos. 1, 4, 5, 7, 8, 11, & 15)

August 10, 2016

I. **Park City Knew It Was Approving a Large Scale Development.** In granting the 1986 MPD Approval, Park City knew Treasure Hill would involve buildings, some of significant scale, typical of a project of this nature. Since service and parking areas were required to be located under the buildings and ski runs, 1,000,000 gross (not net) square feet is not unexpected. (VISUAL: BP.01, VISUAL: V.01)

A. The Revised Staff Report, dated December 18, 1985 (revised to reflect the October 16, 1986 City Council Approval of the MPD), utilizes such terms as: “high-rise concept,” “cluster the bulk,” and “massiveness.” Kristen Rogers, a member of the City Council, in casting a dissenting vote, referred to the Project as: “large sky scraper type buildings.” The clustering concept was the City’s brainchild and the City approved it after considering all the ramifications and analyzing a total of eight mountainside alternatives. The City also knew the Project was next to Old Town.

II. **Progression of Treasure Hill.** The evolution of the Treasure Hill design from 1986 to 2004 and from 2004 to 2009 was driven by ordinance and by direction from Staff and the Planning Commission. These influences resulted in:

- Decreased floor-to-floor height of the residential component (largely due to the anticipated usage of post-tensioned slab construction, which minimizes the thickness of the floor structure);
- Increased meeting and support commercial space using percentages confirmed by Staff;
- The addition of employee housing; and
- Parking, service, and circulation revisions.

These revisions resulted in modest volume changes above ground and, more significantly, increased volume underground. The Project was also dropped a few feet further into the hillside in order to further reduce scale along the Lowell/Empire frontage.

### III. Square Footage Calculations and Exhibit W.

A. The 1986 MPD Approval granted approximately 413,000 “net” square feet depending on unit configuration. Keep in mind that a 15,000 square foot condominium in 1986 only counted as 1.5 UEs (2 UEs under the 2003 code), so volume was not fixed in 1986.

B. As shown in the last hearing, the Woodruff Drawings contemplated approximately 876,000 “gross” square feet and, had the Woodruff concept been further developed similar to the current CUP application, it would have increased in size, as estimated in our previous meeting, to approximately 997,804 square feet.

C. Based upon calculations permitted under the 2003 LMC, the 2004 CUP Submittal contemplated upwards of 849,007 “gross” square feet.

1. 2,000/1,000 square footage calculations were agreed upon by MPE Inc. and Staff. Otherwise square footage and volume would be even greater.
2. 2,000/1,000 square footage calculations were used for Montage and appear to have been used for St. Regis.

D. Based upon the progression of Treasure Hill through the CUP process, the 2009 refined CUP Submittal, including design of meeting space and support commercial, contemplated 1,016,877 gross square feet. This amount has been subsequently reduced to 1,008,808 by eliminating the mine exhibition from the Project.

E. The “Additional” square footage is permitted by the 2003 LMC and is “reasonable”.

1. Reasonable in the context of what is required to make Treasure Hill a functionally developed and profitable operating project.
2. Reasonable in the context of what Park City has permitted for other similar developments.
  - a) Exhibit W Analysis (**VISUAL**: Comparison of Treasure Hill and Montage, **VISUAL**: Exhibit W Information)
3. The 2003 LMC limits meeting space to 5% of the total floor area and support commercial to 5% of the gross floor area **without qualification**, and the 2009 CUP Application complies with the 5% requirement for both, even if **all floor area** related to vested commercial, meeting space, and support commercial is not included in making the calculation.

**IV. Volume.** Volume is a function of square footage (a building’s horizontal and vertical dimensions) and floor to floor heights. An increase in volume means an increase in construction costs, so developers are disincentivized to maximize volume. Notably, there is no

mention of volume restrictions with respect to the Estate (E) Zone in the 1985 Code, the 2003 Code, or the MPD Approval.

A. The volume of Treasure Hill is primarily a function of UEs, vehicular access, topography, and the different types of spatial usages reasonably required for the Project.

1. **Function Drives Height.** Floor to floor heights required for a functional development include:

a) Parking clearances. 16' floor to floor for service and fire trucks and 14' floor to floor for ambulances and handicapped vans. These floor to floor dimensions allow for drop downs and transfer beams, sprinkling systems, lighting, and ventilation systems and are conservative at this level of design.

b) Lobby heights.

c) Commercial Space heights.

d) Meeting Space heights.

e) Residential Space floor height, minimum 10.5' floor to floor

f) For Treasure Hill, all of the above are typical and reasonable, and logically, were inherent in the MPD approval, given the City's awareness of the size of the Project.

g) David Eldredge, the Project architect, has performed an analysis of Treasure Hill's volume. (**VISUAL:** Volume Analysis)

h) Based on the plats of record, the Montage has floor to floor heights of 11' for residential areas and 19-21' for public spaces and the St. Regis 10.6-11' for residential areas and 23' for public spaces.

2. **Bulk of Higher Areas Are Below Reestablished Grade.** Most of the higher spaces in Treasure Hill are located below re-established grade. (**VISUAL:** Summary of volume analysis)

V. **Volume Location.** The location of volume on the Treasure Hill site was driven by function and the desire to mitigate height, and was a key consideration early in the design and approval process. Its location, along with the location ski improvements and fire and safety elements, became the foundation of agreements with the City and Park City Resort, including the agreed upon Fire Protection Plan.

A. Placing the Project further “in a gulch,” a term coined by Tom Shellenberger, who cast an assenting Council member vote, on October 16, 1986, respects this key MPD mass and scale mitigator. A topnotch skiing experience into Old Town is very important. Fire and safety is critical. The excavation and the cliffscape concept necessary to accomplish the forgoing logically followed. All of these elements were in play when the Fire Protection Plan was agreed to early in 2004 with the City being represented by its Chief Building Official and Fire Marshall, Ron Ivie. This all occurred before the formal CUP application in 2004, which incorporated all the same elements. The 2004 CUP application, as refined with input from Staff, Planning Commission, and public, was then the basis for a 2006 agreement with Park City Resort regarding lift and run improvements and allocation of responsibilities over mountain usage between the owners of Treasure Hill and the operator of the resort. Excavation and cliffscape construction mitigates height. Contrary to that which was suggested by a member of the public at the last meeting, almost all of the cliffscape will be obscured from the Town’s view because the Project’s buildings will be in front of the cliffscape and because of anticipated landscaping.

B. The SketchUp demonstration shows the effect of the Project’s mass shift as compared with the original Woodruff concept. (**VISUAL:** SketchUp presentation by MPE - smaller scale buildings obscure cliffscapes from nearby residents and larger scale buildings from more distant residents, the 2009 CUP Application provides a topnotch skier experience).



# Treasure Hill Conditional Use Permit Application August 10, 2016

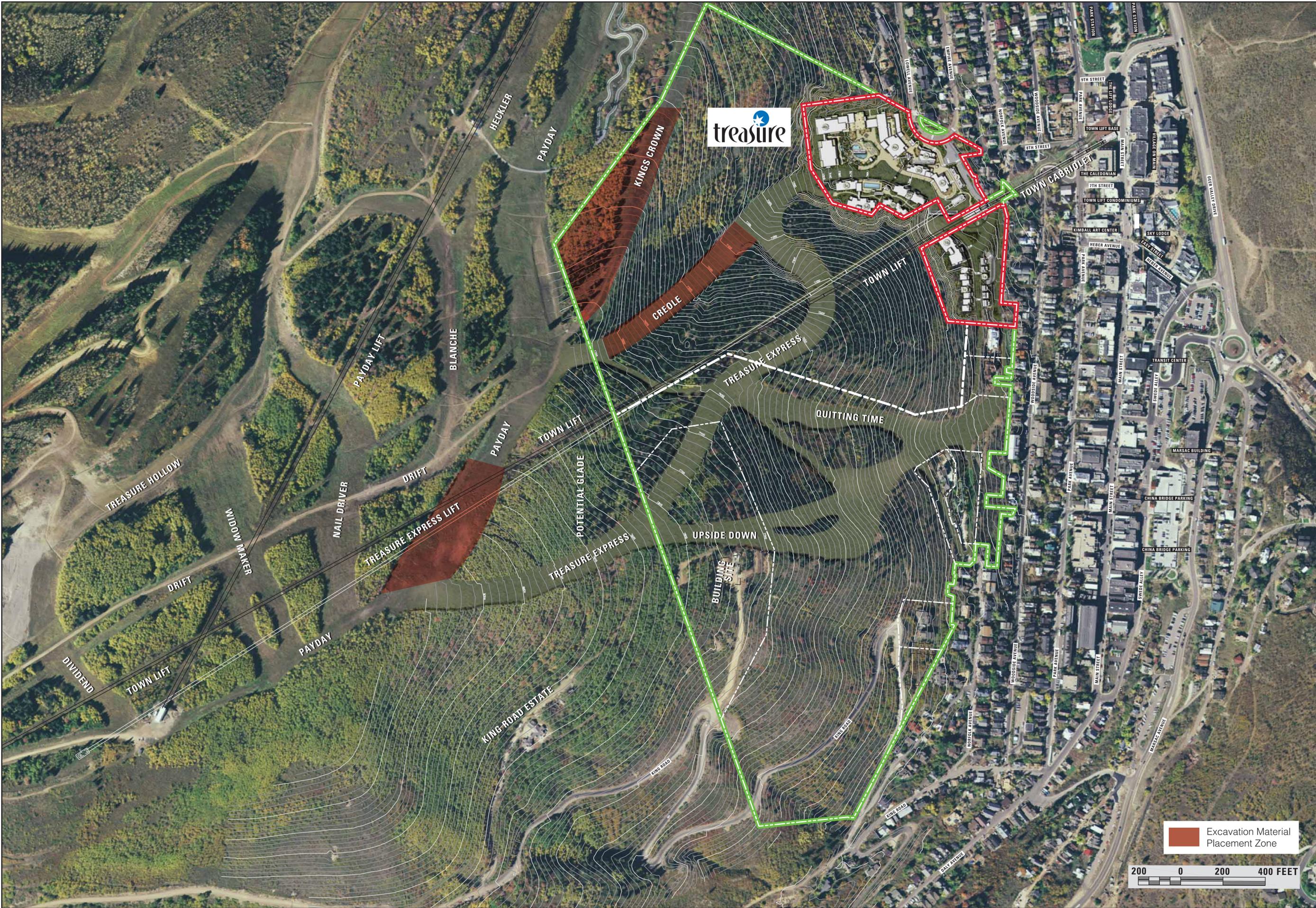
# **Square Footage Calculations and Volume of Treasure Hill**

**Standards for Review Nos. 2, 3, & 4**

**CUP Criteria Nos. 1, 4, 5, 7, 8, 11, & 15**

# Overview of Presentation:

- At the time of the 1986 MPD Approval, Park City knew it was approving a large scale development.
- The evolution of the design of Treasure Hill required by ordinance and with direction from Staff and the Planning Commission, and the resulting impact on the square footage and volume of Treasure Hill.
- How the square footage of Treasure Hill compares to other large scale developments approved by Park City, including the allocation of “back of house” square footage.



REVISIONS:  
12/8/2008  
1/29/2009

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**MPE**  
INCORPORATED

The Big Picture  
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SHEET NUMBER  
**BP-01**  
6/12/2008

Excavation Material Placement Zone





REVISIONS:  
12/9/2008

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**treasure**  
PARK CITY, UTAH

SHEET NUMBER  
**V-1**  
6/12/2008



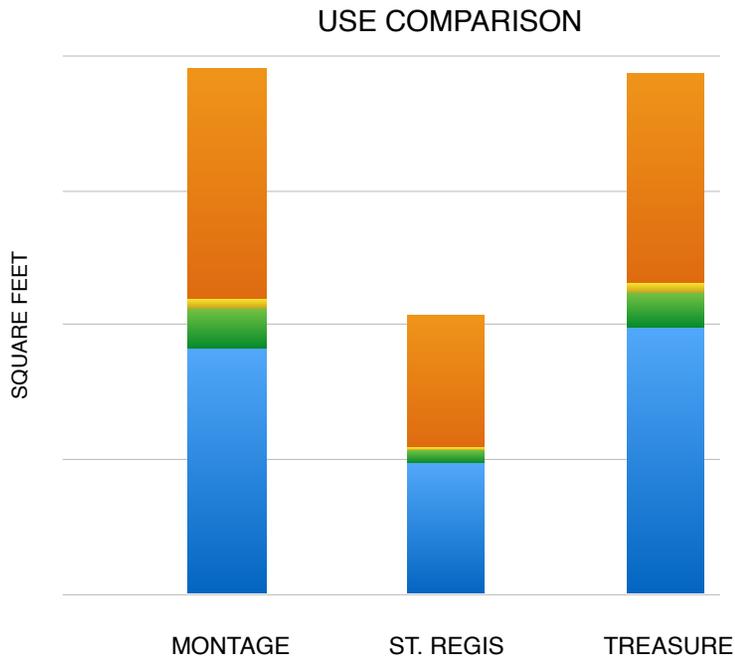
Park City Staff, Revised Staff Report, dated December 18, 1985 (revised to reflect the October 16, 1986 City Council Approval of the MPD):

- High-rise concept
- Cluster the bulk. The cluster approach, although highly visible from certain areas, does not impose massive structures in the most prominent areas. Instead, the tallest buildings have been tucked into Creole Gulch...
- Massiveness
- Large sky scraper type buildings

Park City Staff, Revised Staff Report, dated December 18, 1985 (revised to reflect the October 16, 1986 City Council Approval of the MPD):

- Several of the alternatives prepared were in response to specific concerns expressed relative to the scale and mass of buildings necessary to accommodate the density proposed. The latest concept developed represents a refined version of the cluster approach originally submitted.
- The various iterations submitted for review demonstrated the trade-offs between height and site coverage.

## MONTAGE and ST. REGIS SQUARE FOOTAGE COMPARISON\*\*



USE COMPARISON

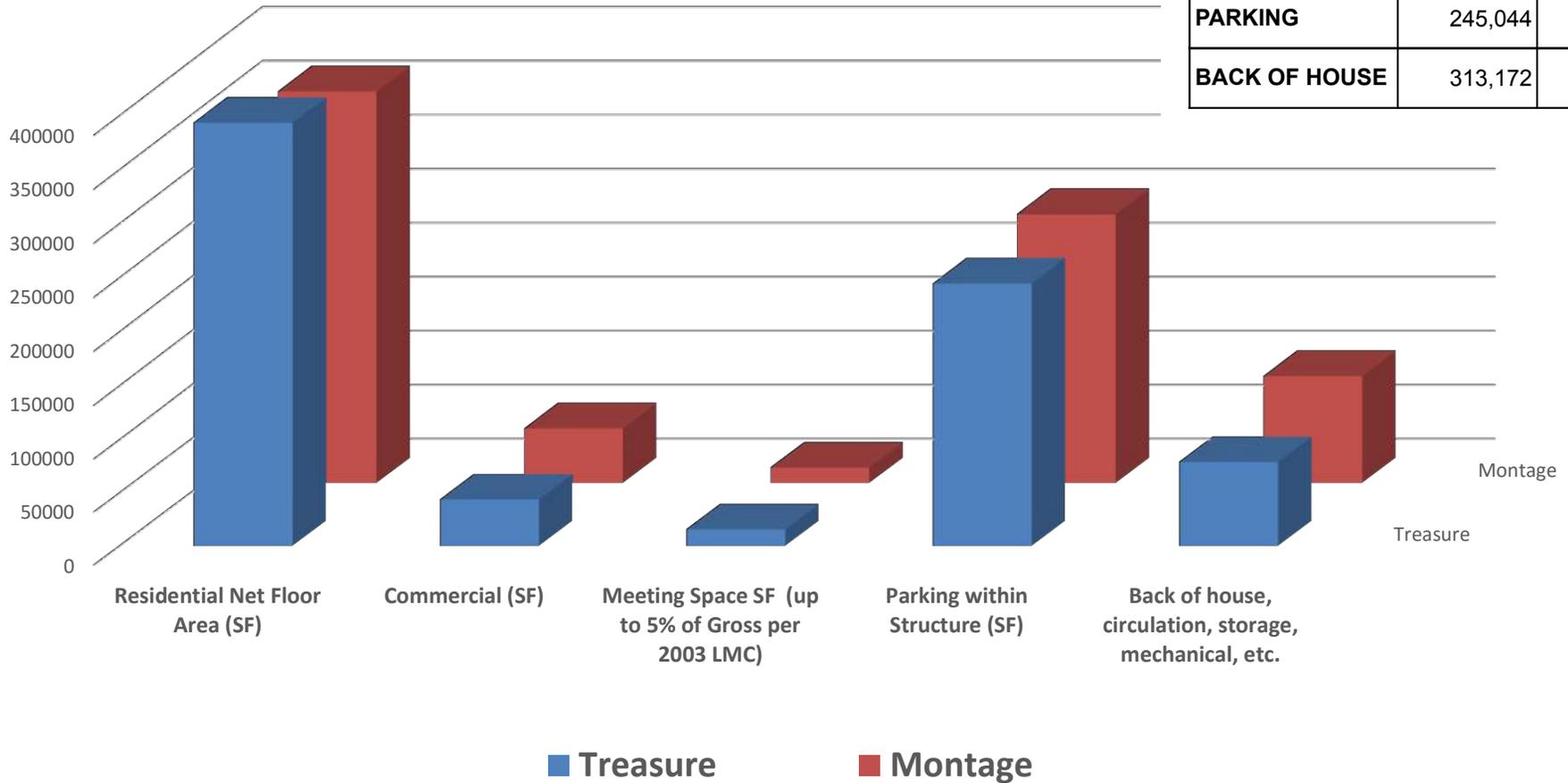
	MONTAGE		ST. REGIS		TREASURE	
GROSS FLOOR AREA*	780,173		416,582		775,485	
BACK OF HOUSE	341,948	<b>43.8%</b>	196,289	<b>47.1%</b>	313,172	<b>40.4%</b>
MEETING SPACE	16,409	2.0%	6,062	1.5%	16,127	2.1%
COMMERCIAL	58,356	7.5%	19,481	4.7%	52,275	6.7%
RESIDENTIAL	364,000	46.7%	194,750	46.7%	393,911	50.8%

\* EXCLUSIVE OF PARKING

\*\* BASED ON PLATS OF RECORD AND THE 2009 TREASURE CUP SUBMITTAL

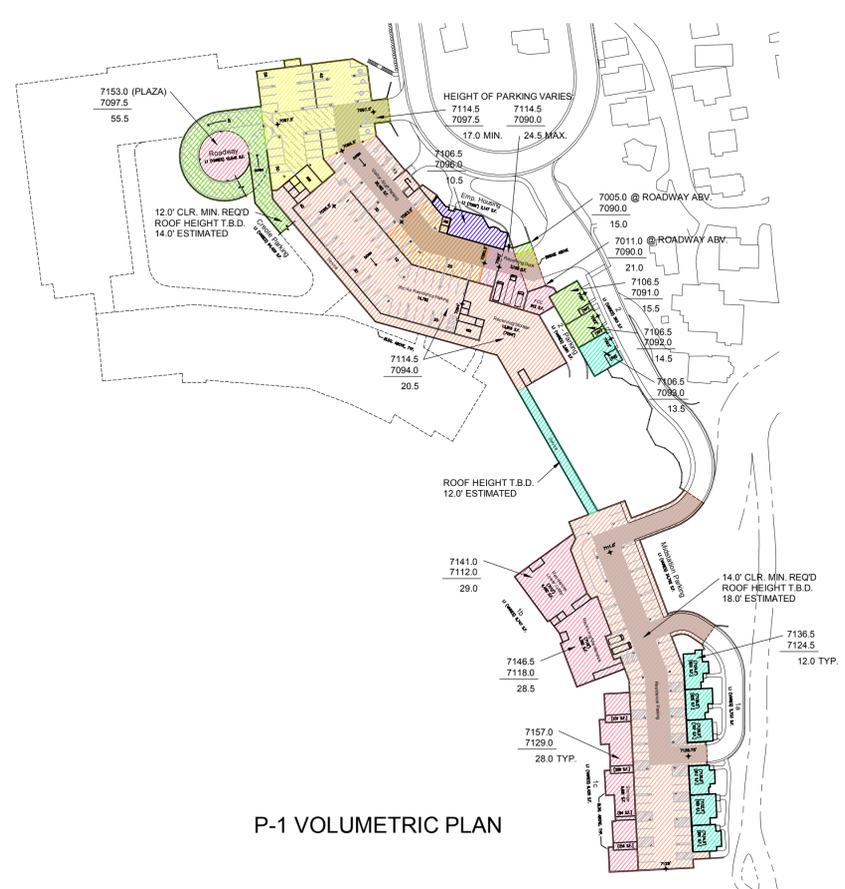
## Project Comparison: Treasure vs. Montage

	TREASURE	MONTAGE
RESIDENTIAL	393,911	364,000
COMMERCIAL	52,275	58,356
MEETING SPACE	16,127	16,409
PARKING	245,044	250,000
BACK OF HOUSE	313,172	341,948

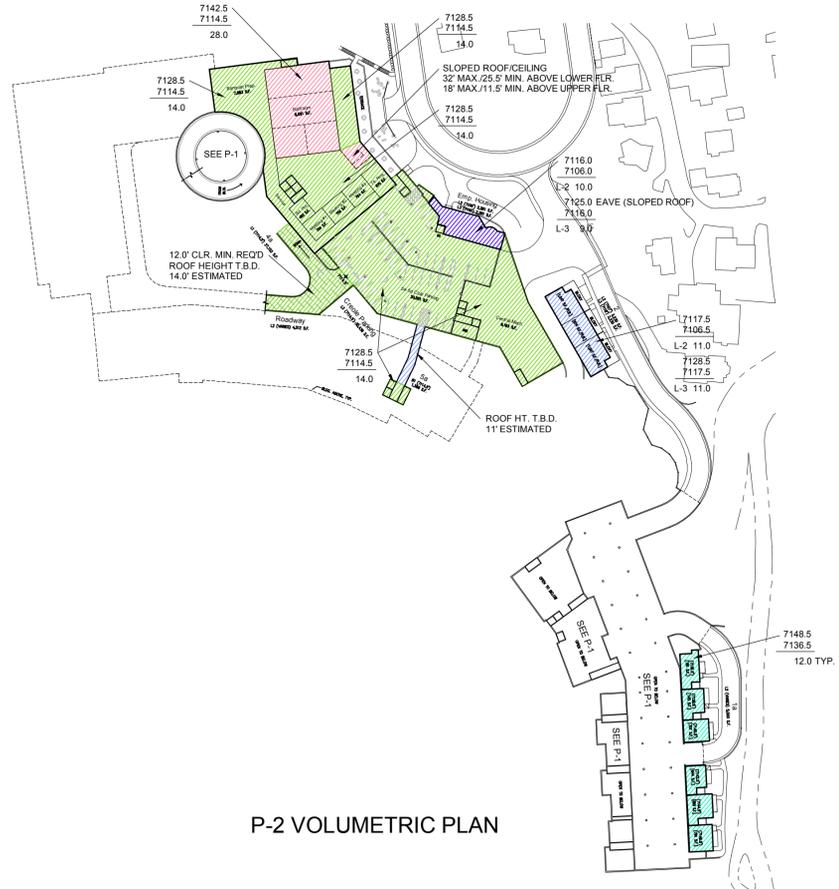


BUILDING			FLOOR TO FLOOR/ROOF HEIGHT																				AREA TOTAL		
BLDG. No.	LEVEL	DWG. No.	≤ 10.5'		10.5'+ to 12.0'		12.0' to 14.0'			14.0' to 16.0'			16.0' to 18.0'			18.0' to 21.0'			21.0' to 24.0'			≥ 24'			
			AREA	HT.	AREA	HT.	AREA	HT.	DESCRIPTION	AREA	HT.	DESCRIPTION	AREA	HT.	DESCRIPTION	AREA	HT.	DESCRIPTION	AREA	HT.	DESCRIPTION	AREA		HT.	DESCRIPTION
PARKING	Creole - L1	P-1					2,008	12.00	tunnel	221	15.0-16.0	parking	17,208	16.0-18.0	parking	35,367	18.0-21.0	parking, receiving	5,930	21.0-24.0	parking	3,695	24.0-24.5	parking, truck dock	64,429
	Creole - L2	P-2								30,436	14.00	parking, mechanical												30,436	
	4B - L1	P-4	13,925							5,196	14.00	parking												20,691	
	4B - L2	P-5	26,228							1,570	14.50	receiving												26,228	
	4B - L3	P-5	20,791																					20,791	
	4B - L4	P-6	607	10.0-10.5	2,415	10.5-12.0	3,125	12.0-14.0	parking	2,620	14.0-16.0	parking	2,306	16.0-18.0	parking	1,739	18.0-20.0	parking							26,228
	5AD - L1	P-3	450							19,050	14.00	parking, storage												19,500	
	5AD - L2	P-4								15,368	14.00	parking, storage													15,368
	Midstn - L1	P-1														34,792	18.00	parking							34,792
RAMP & ROADWAY	L1	P-1								7,727	14.00	vehicle ramp										2,818	55.50	light shaft for ramp	10,545
	L2	P-2								4,512	14.00	underground road												4,512	
	73	P-4								7,810	14.00	underground road												7,810	
1A	3-Story Townhouse	P-1					5,703	12.00																5,703	
		P-2					5,000	12.00																5,000	
		P-3	2,880	10.00																				2,880	
1B	L1	P-1																			4,770	28.50	receiving	9,747	
	L2	P-3	4,051	10.50								5,411	16.00	lobby							4,977	29.00	lobby	9,462	
	L3	P-4	9,055	10.50																				9,055	
	L4	P-5	9,055	10.50																				9,055	
	L5	P-6	9,055	10.50																				9,055	
	L6	P-7					7,424	13.50	roof level															7,424	
1C	L1	P-1																			6,420	28.00	storage	6,420	
	3-Story Townhouse	P-3				8,960	11.00																	8,960	
		P-4				8,960	11.00																		8,960
		P-5					7,560	12.50	roof level																7,560
2	L1	P-1					1,492	13.50	parking	1,200	14.50	parking												2,692	
	2-Story Townhouse	P-2				3,230	11.00																	3,230	
						3,230	11.00																	3,230	
		L4	P-3	2,147	10.50																				2,147
EMPLOYEE HOUSING	L1	P-1	2,147	10.50																				2,147	
	L2	P-2	2,261	10.00																				2,261	
	L3	P-2	2,261	9.00																				2,261	
3A	L1	P-3							3,746	14.00	commercial													3,746	
3B	L1	P-3								12,422	14.00	commercial													12,422
	L2	P-4	4,806	10.25																				4,806	
	L3	P-5	4,806	10.25																				4,806	
	L4	P-6	4,806	10.25																				4,806	
	L5	P-7	4,702	10.25																				4,702	
	L6	P-8	4,702	10.25																				4,702	
	L7	P-9	4,702	10.25																				4,702	
	L8	P-10					4,137	12.50	roof level															4,137	
3C	L1	P-3								4,458	14.00	commercial													4,458
	L2	P-4	4,575	10.25																				4,575	
	L3	P-5					4,388	13.00	roof level															4,388	
PLAZA BLDGS.	STAIR	P-3	630	10.00																				630	
	POOL	P-5				792	11.00																	792	
4A	L1	P-2								18,494	14.00	meeting rooms, lobby/prep.										8,061	28.00	grand ballroom	26,555
	L2	P-3																				597	25.5-32.0	grand stair	597
			875	9.50																				17,265	
	L3	P-4	16,034	10.50																				16,034	
	L4	P-5								17,282	14.00	commercial												17,282	
	L5	P-6					7,832	10.75	roof level																13,679
L6	P-7					7,832	12.75	roof level																7,832	

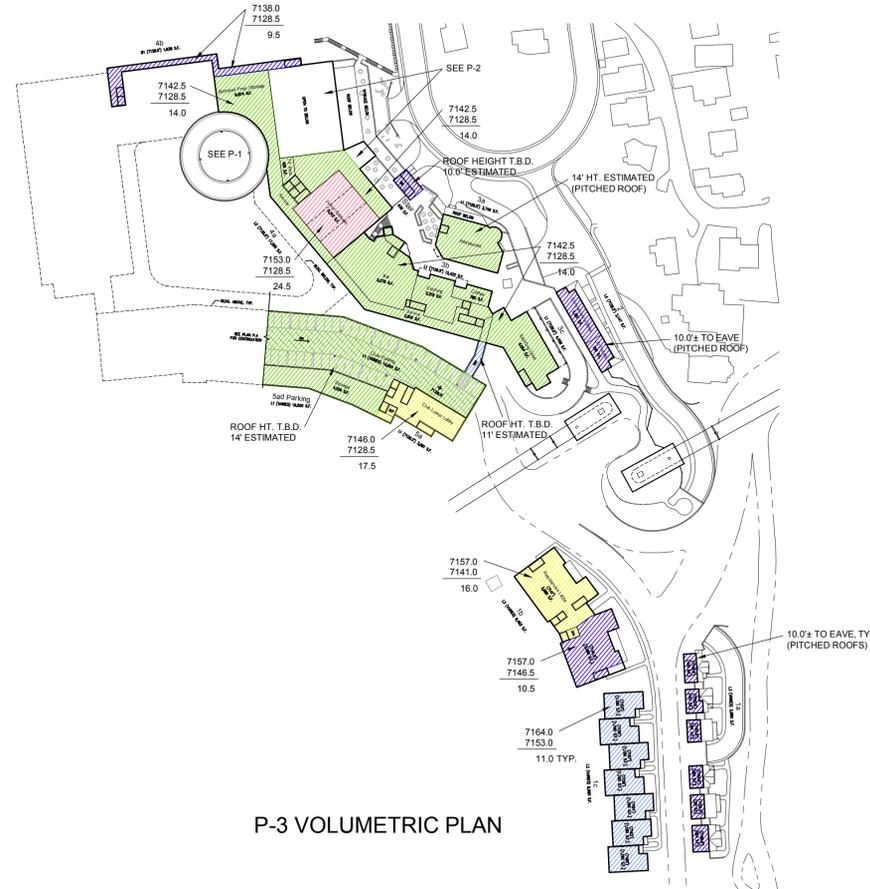




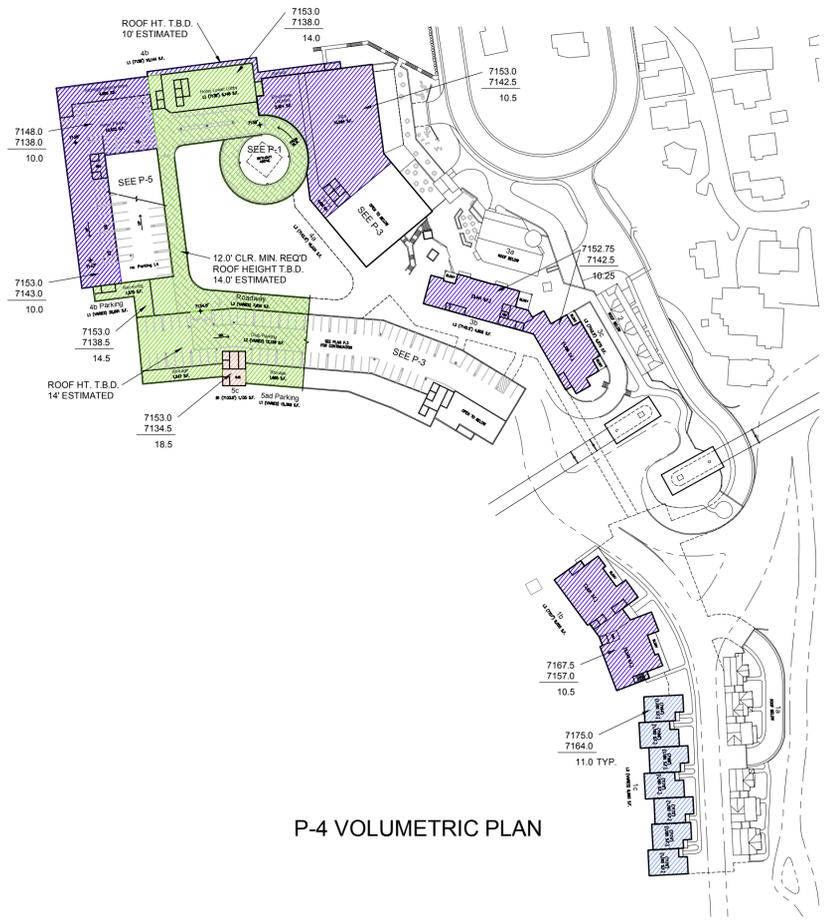
P-1 VOLUMETRIC PLAN



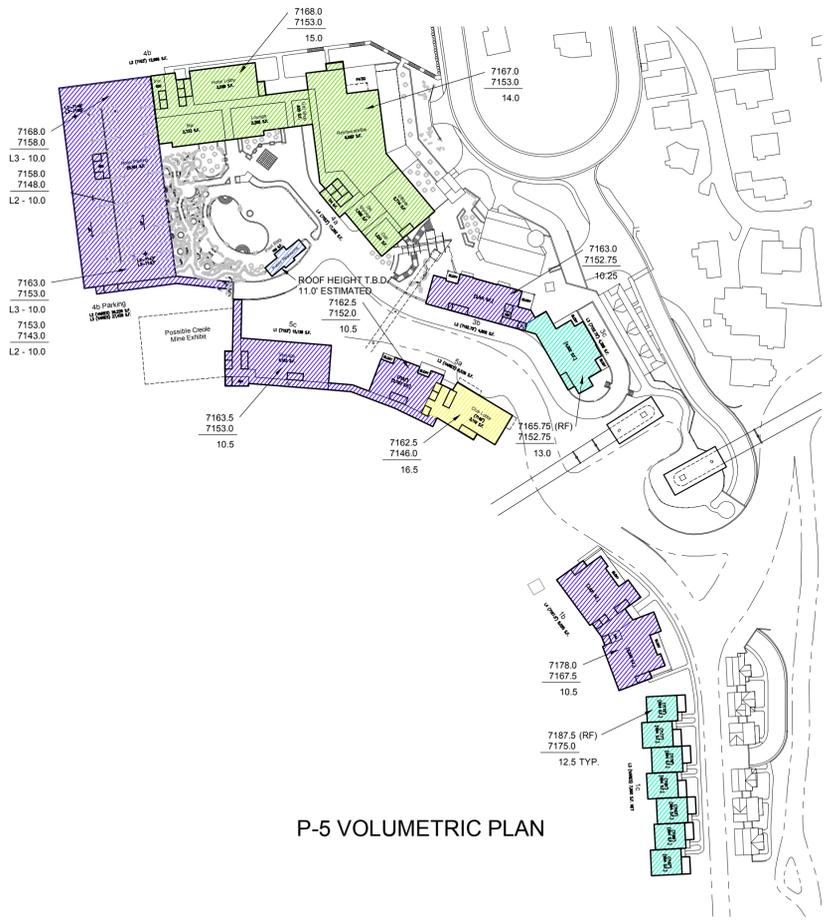
P-2 VOLUMETRIC PLAN



P-3 VOLUMETRIC PLAN



P-4 VOLUMETRIC PLAN



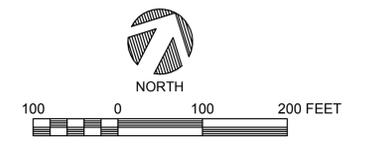
P-5 VOLUMETRIC PLAN

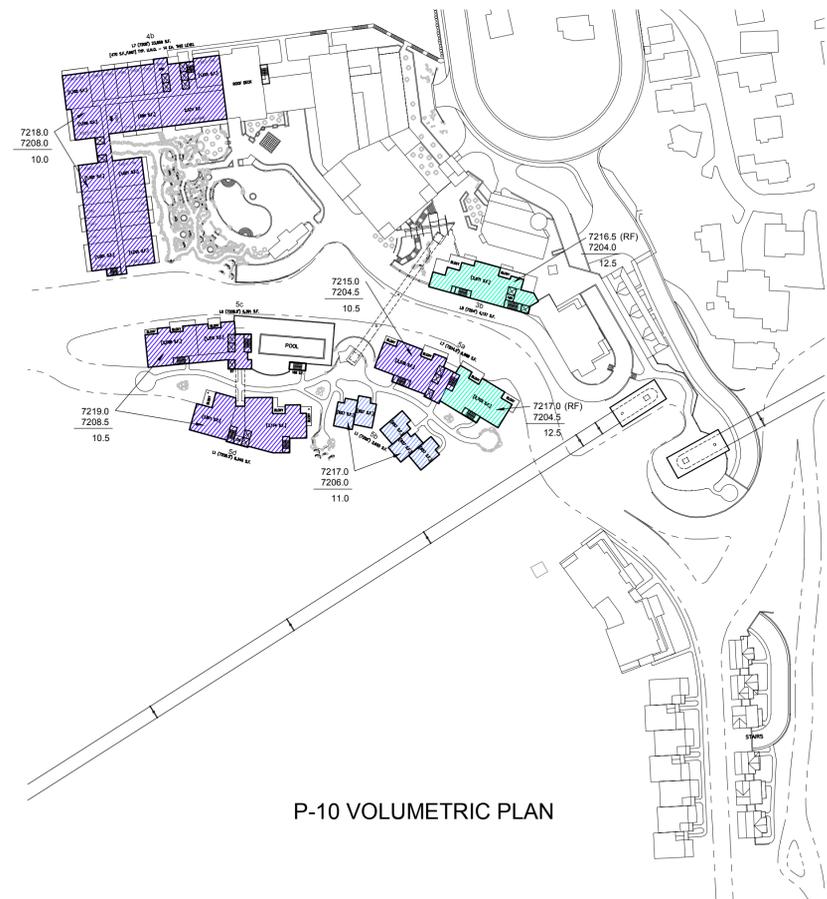
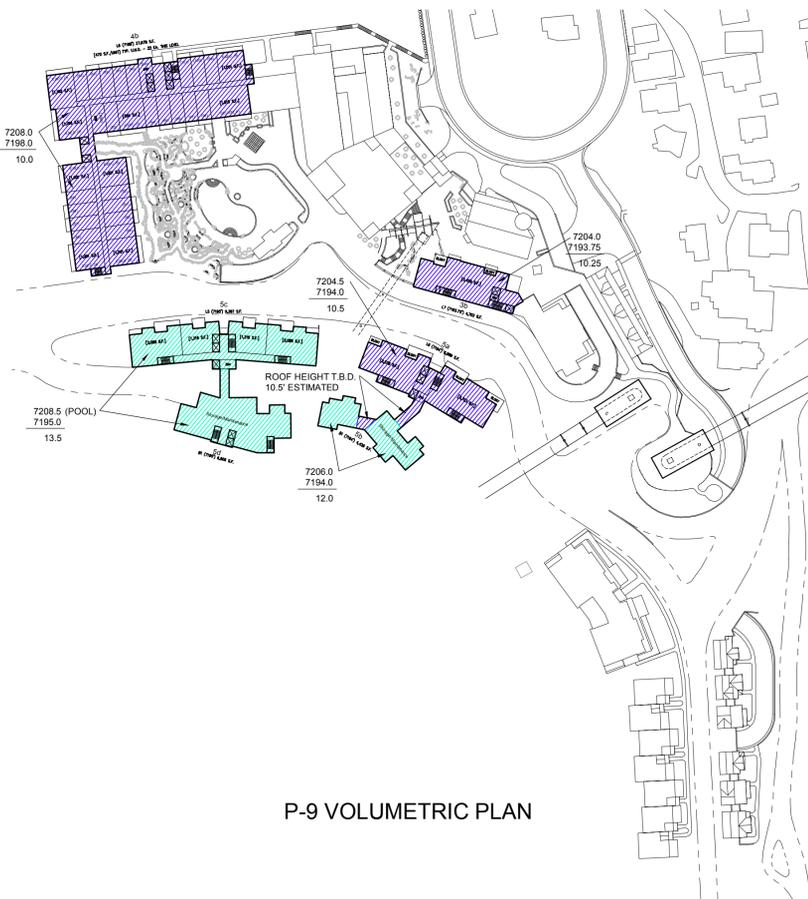
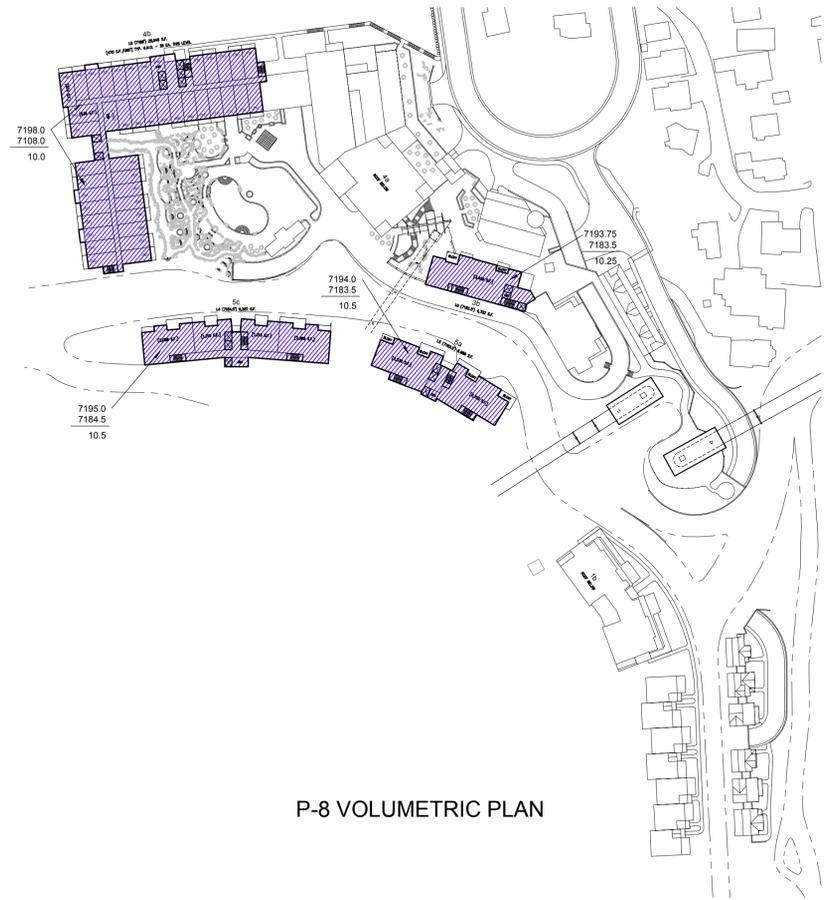
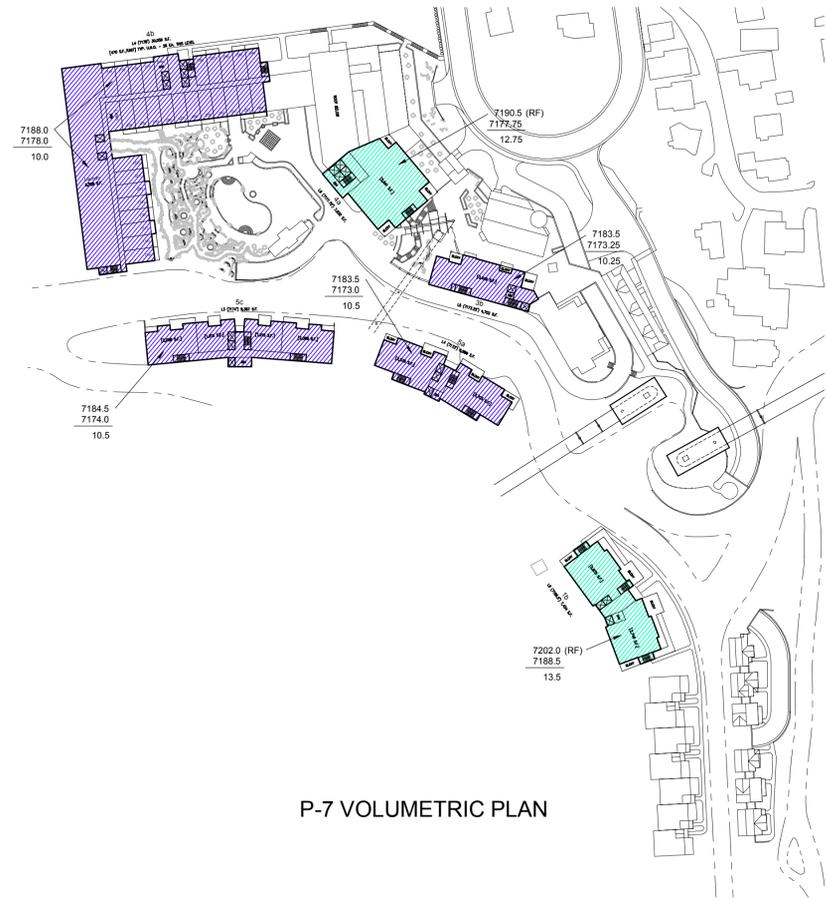
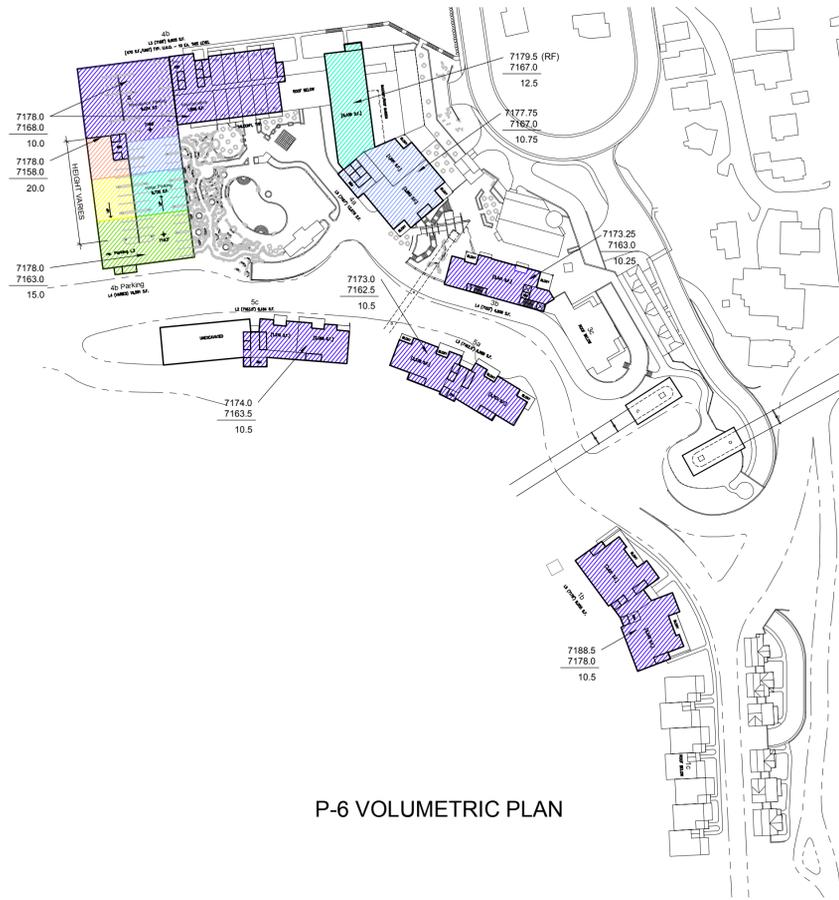
**FLOOR TO FLOOR/ROOF HEIGHT LEGEND**

- 10.5' OR LESS
- MORE THAN 10.5' BUT LESS THAN 12.0'
- 12.0' TO LESS THAN 14.0'
- 14.0' TO LESS THAN 16.0'
- 16.0' TO LESS THAN 18.0'
- 18.0' TO LESS THAN 21.0'
- 21.0' TO LESS THAN 24.0'
- 24.0' OR GREATER
- 12' MIN. CLEAR CEILING HEIGHT REQ'D FOR EMERGENCY VEHICLES
- 14' MIN. CLEAR CEILING HEIGHT REQ'D FOR FIRE DEPT. VEHICLES

Finish Floor/Roof Elevation Above  
 Finish Floor Elevation  
 Difference = Floor to Floor/Roof Height

**ABBREVIATIONS:**  
 RF = Roof





**FLOOR TO FLOOR/ROOF HEIGHT LEGEND**

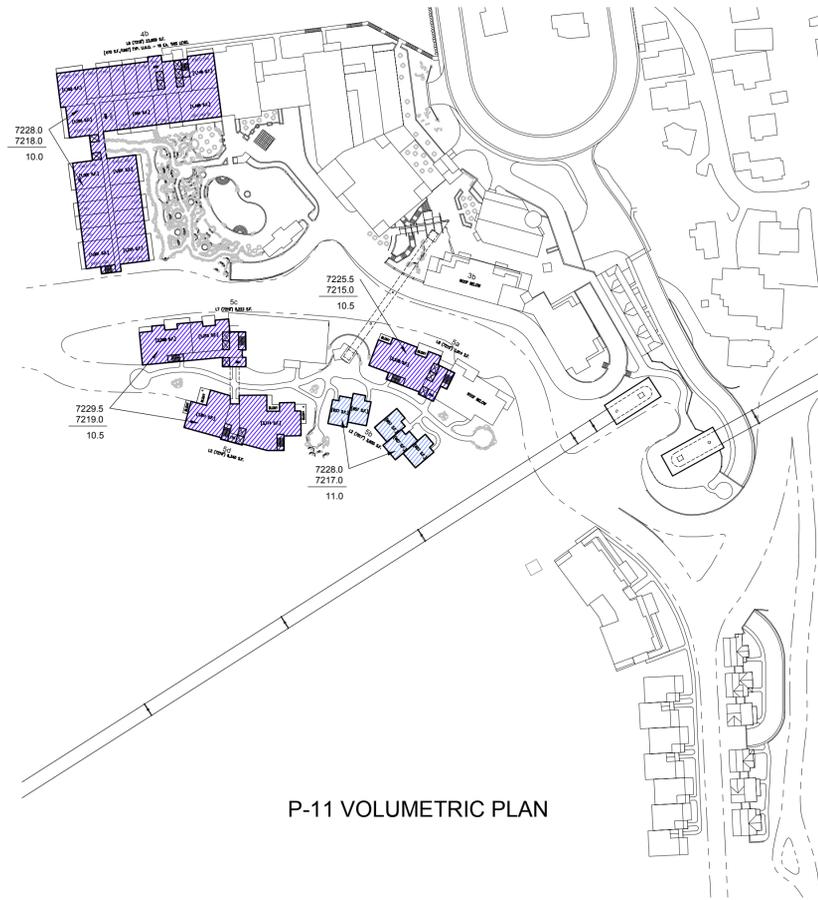
- 10.5' OR LESS
- MORE THAN 10.5' BUT LESS THAN 12.0'
- 12.0' TO LESS THAN 14.0'
- 14.0' TO LESS THAN 16.0'
- 16.0' TO LESS THAN 18.0'
- 18.0' TO LESS THAN 21.0'
- 21.0' TO LESS THAN 24.0'
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- 14' MIN. CLEAR CEILING HEIGHT REQ'D FOR FIRE DEPT. VEHICLES

Finish Floor/Roof Elevation Above  
 Finish Floor Elevation  
 Difference = Floor to Floor/Roof Height

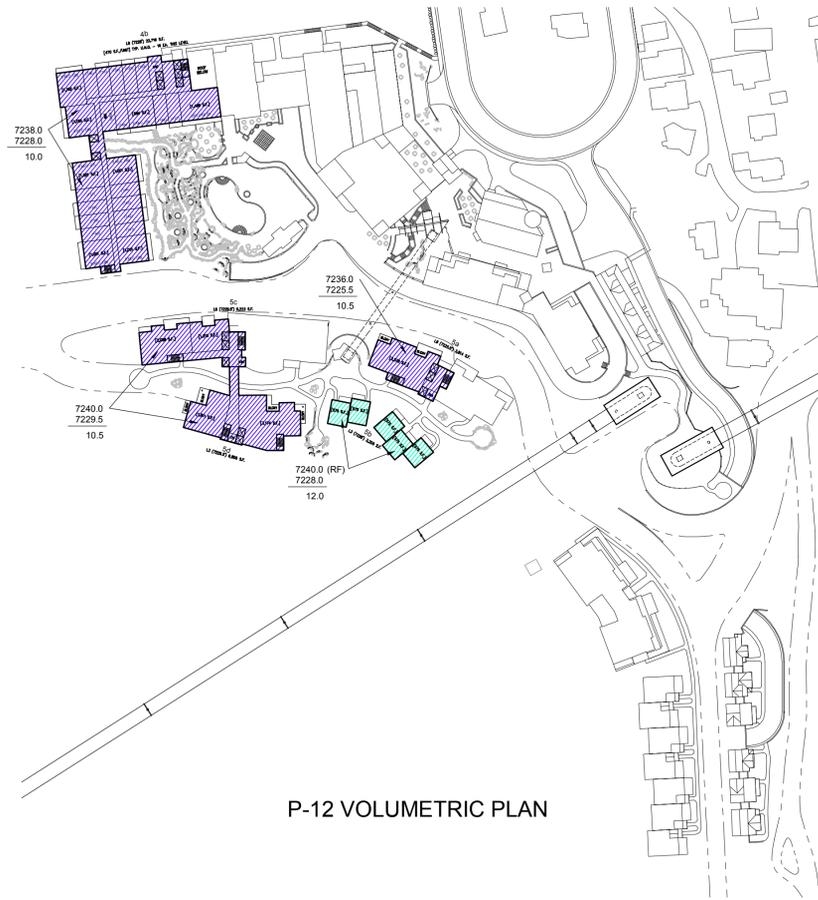
ABBREVIATIONS:  
RF = Roof

NORTH

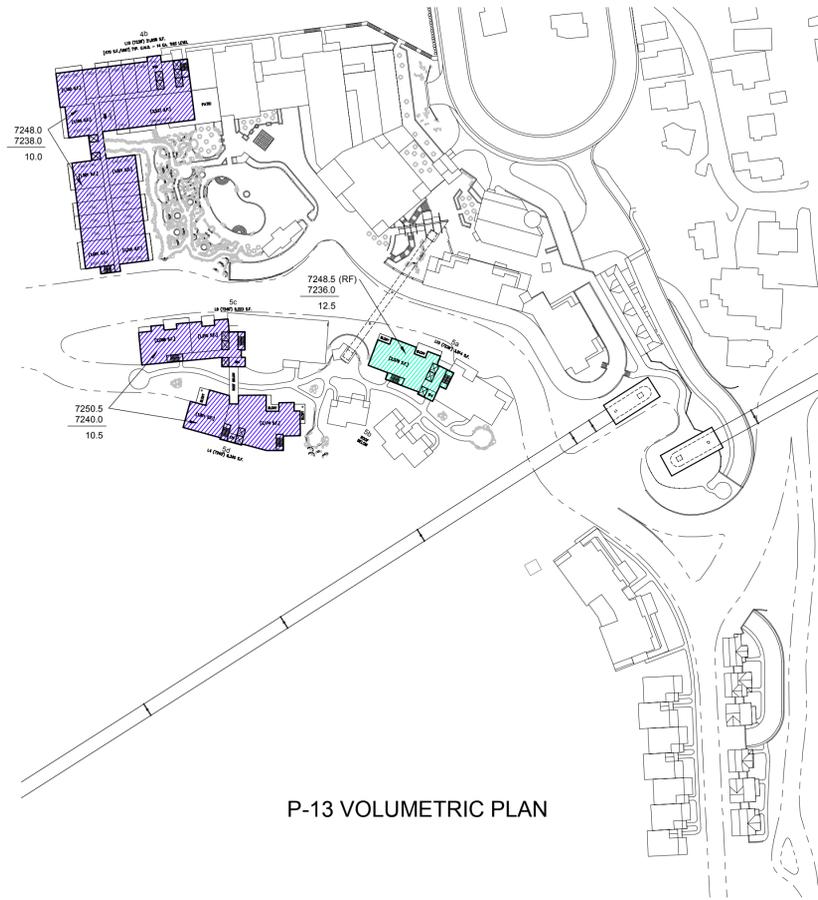
100 0 100 200 FEET



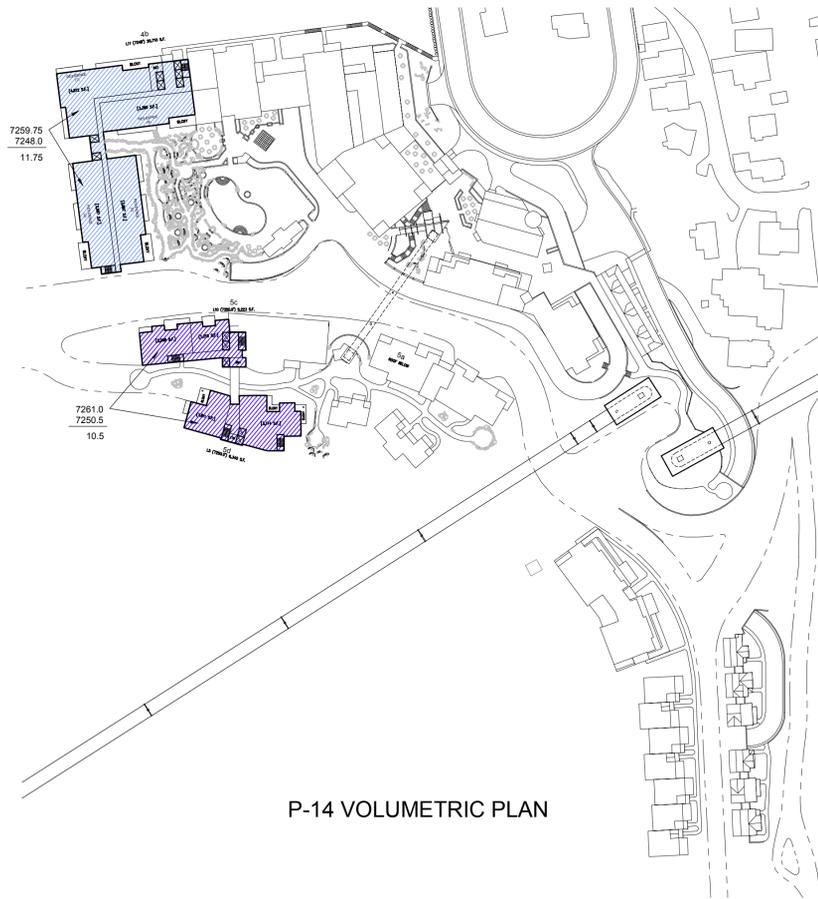
P-11 VOLUMETRIC PLAN



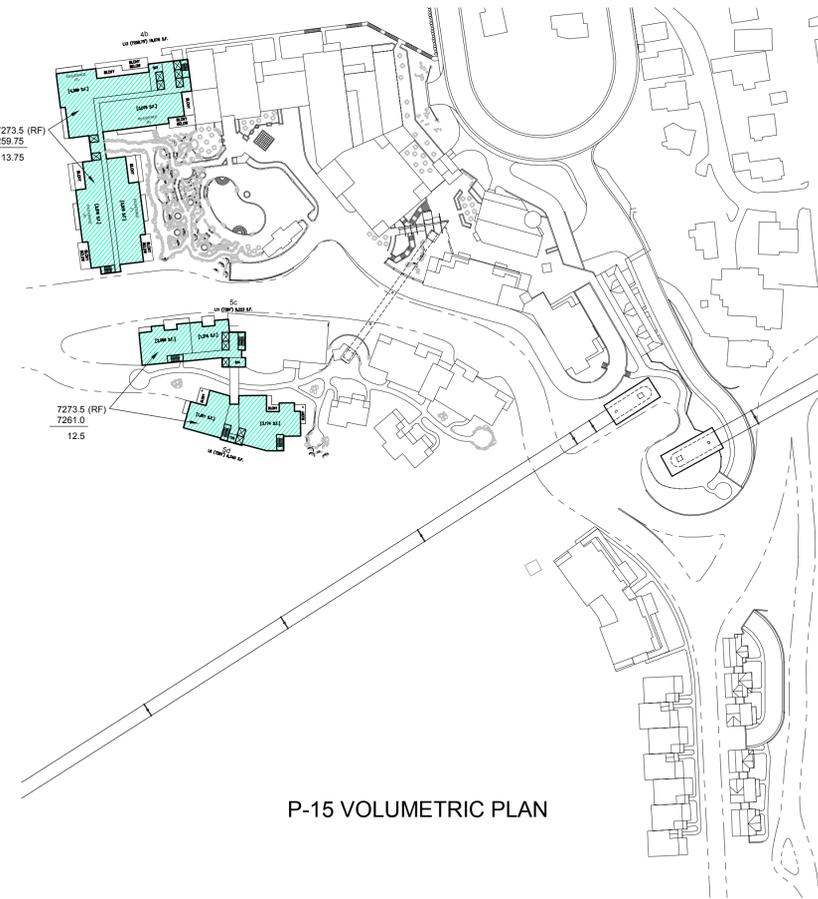
P-12 VOLUMETRIC PLAN



P-13 VOLUMETRIC PLAN



P-14 VOLUMETRIC PLAN



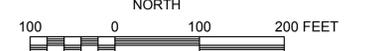
P-15 VOLUMETRIC PLAN

**FLOOR TO FLOOR/ROOF HEIGHT LEGEND**

- 10.5' OR LESS
- MORE THAN 10.5' BUT LESS THAN 12.0'
- 12.0' TO LESS THAN 14.0'
- 14.0' TO LESS THAN 16.0'
- 16.0' TO LESS THAN 18.0'
- 18.0' TO LESS THAN 21.0'
- 21.0' TO LESS THAN 24.0'
- 24.0' OR GREATER
- 12' MIN. CLEAR CEILING HEIGHT REQ'D FOR EMERGENCY VEHICLES
- 14' MIN. CLEAR CEILING HEIGHT REQ'D FOR FIRE DEPT. VEHICLES

Finish Floor/Roof Elevation Above  
 Finish Floor Elevation  
 Difference = Floor to Floor/Roof Height

ABBREVIATIONS:  
RF = Roof



# ABOVE GRADE VOLUME HEIGHTS BY PERCENTAGE

## % GROSS SF ABOVE GRADE

<b>SLAB TO SLAB</b>	<b>GROSS SF</b>	<b>%</b>
≤ 10.5'	406,455	60.3%
10.5'+ TO < 12'	61,024	9.1%
12' TO < 14'	99,603	14.8%
14' TO < 16'	83,178	12.3%
16' TO < 18'	9,692	1.4%
18' TO < 21'	0	0.0%
21' TO < 24'	0	0.0%
24+'	13,970	2.1%
<b>TOTAL GROSS SF ABOVE GRADE</b>	<b>673,922</b>	

# Volumetric Calculation Summary:

- 55% of the gross area of the entire project has floor-to-floor/roof heights less than 12'-0".
  - 88% of that area (49% of the gross) has floor-to-floor/roof heights 10'-6" or less.
- 60.3% of the above grade gross area of the project has floor-to-floor/roof heights less than 10'-6".
- All of the above-grade spaces with floor-to-floor/roof heights 14' or more are commercial spaces, ballrooms, meeting rooms, or public lobbies.

# Treasure Hill SketchUp



## Planning Commission Staff Report

**Subject:** Zoning Map Amendment Request  
**Author:** Makena Hawley, Planner  
**Project Number:** PL-16-03156  
**Date:** 10 August, 2016  
**Type of Item:** Legislative – Zoning Map Amendment

### Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to City Council to approve the Zoning Map Amendment Request from Recreation Open Space (ROS) District to Estate (E) District (and vice versa, amending Estate (E) District to Recreation Open Space (ROS) District) at 3776 Rising Star Lane and consider forwarding a positive recommendation to the City Council, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

### Description

**Applicant:** Rising Star Lane, LLC,  
represented by Marshall King, Alliance Engineering, Inc.  
**Location:** 3776 Rising Star Lane  
**Existing Zoning:** Recreation and Open Space (ROS) District and Estate (E)  
**Proposed Zoning:** Estate (E) District and Recreation Open Space (ROS)  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Zoning Map Amendment applications require a Planning Commission recommendation and City Council review and action

### Proposal

Lot 10 of the Morning Star Estates Subdivision designates a majority of the lot as Recreation Open Space (ROS) and the building pad is designated as Estate (E). To accommodate the design of a proposed new house at 3776 Rising Star Lane, the applicant is requesting a plat amendment and zone amendment to alter the platted building pad and change the zone designation in certain areas. The request is to change a portion of the Estate zone in the front of the lot to Recreation and Open Space and to change portion of Recreation Open Space at the rear of the lot to Estate zone. Should the requested rezone be approved, approximately 3,474 square feet around the buildable area would become Estate Zone (buildable) and 3,483 square feet towards the south west corner of the lot would become Recreation Open Space (ROS) (unbuildable) (Exhibit F). A net change of 9 square feet would be added to ROS. On July 27, 2016, the Planning Commission continued this item to August 10, 2016.

**Background**

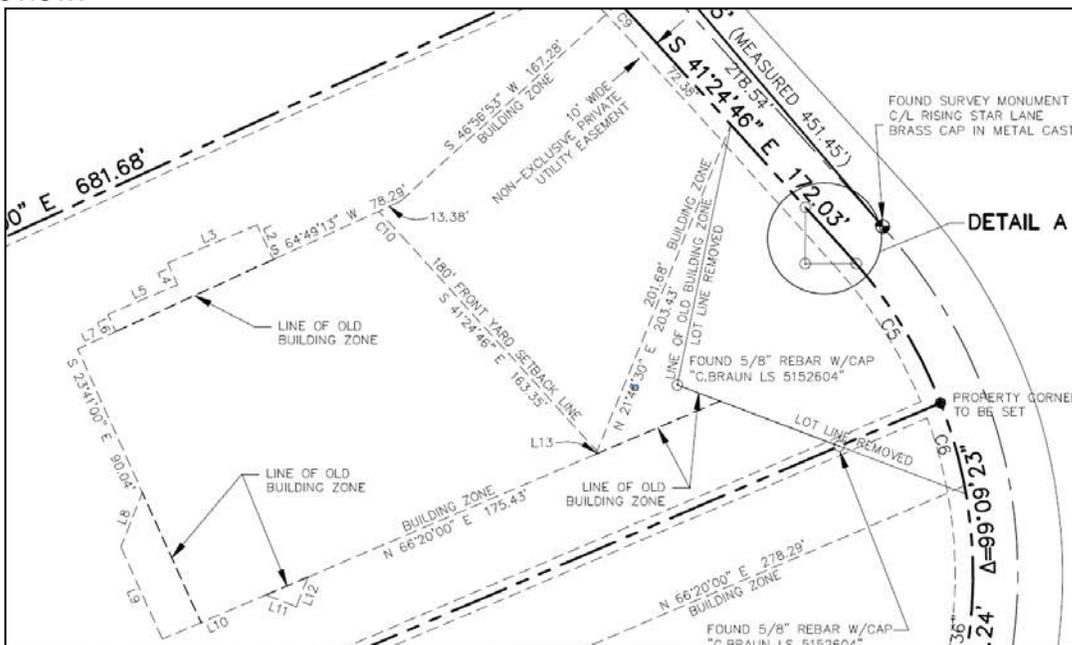
On May 10, 2016, the City received a completed Zoning Map Amendment application requesting to change the zoning from E to ROS and vice versa from ROS to E. The property of the Zone Change is located at 3776 Rising Star Lane, a recorded 11.543 acre parcel (Parcel MSTE-10) which is Lot 10 of the Morning Star Estates Subdivision. The property consists of two zones (for a total of 516,768.88 square feet), namely, the majority zone is Recreation and Open Space (451,301.28 square feet total) and the Estate zone (65, 467.6 square feet) designated for building.

The Morning Star property was officially annexed into Park City on June 18, 1992 and the original plat recorded March 31, 1993, as Entry No. 376621. The original subdivision, which was processed as a Master Planned Development (MPD), consisted of 12 lots on 178.36 acres, and four (4) "exception" parcels and one (1) Water Tank parcel. The building envelopes for each lot are zoned Estate (E), and the non-buildable areas are zoned "Recreation and Open Space" (ROS) as originally approved by the MPD. When the plat was being recorded there were 4 "Exception Parcels" noted on the plat that belonged to The Bureau of Land Management (See Exhibit H). These parcels were later sold from the BLM to the developer of Morning Star Estates and then to the property owners of each respective adjacent lots, namely Lots 5, 6, 9 and 10. Title reports show the owners of Lots 9 and 10 have owned these separate parcels since 1998.

The old residence (built in 1994) at 3776 Rising Star Lane was demolished in 2015 and a new residence is currently under construction on Lot 10, Morning Star Estates. The current house design conforms to the existing platted buildable area, however if the Zone Change and Plat Amendment are approved, the applicant would submit revised plans based on these approvals.

Concurrently with this application there is a Plat Amendment request to amend the building pad as well as the Lot Line that is being separated by Parcel 3 on Lot 10.

Preview:



**Plat Amendment Analysis (Pending)**

This application is a request to amend the Morning Star Estates Subdivision as follows:

1. Re-configure the building pad of lot ten.
2. Remove the lot lines of "Exception Parcel 3" that sits upon Lots 9 and 10.
3. Replace the removed lot lines with a new lot line that continues from the current dividing line between lots, down to the road (Rising Star Lane).  
(Please see Preview above or Exhibit J).

The proposed Plat Amendment reconfigures two (2) lots of record. Lot 10 is currently 11.543 acres, Lot 9 is currently 9.579 acres, is the amendment is approved Lot 10 will be 11.863 acres; Lot 9 is currently 9.618 acres. When the "Exception parcel 3", that is 15,638.04 square feet was sold to the appropriate Lot owners that land became theirs.

Lot 10 is currently under construction building a new single family dwelling. The current building plans reflect a conforming house within the building pad of Lot 10. A single-family dwelling is an allowed use in the Estate District. The minimum lot area for any Use in the Estate zone is 3 acres (except that a duplex dwelling requires a minimum Lot size of six (6) acres). Proposed Lot 9 is 9.618 acres. Proposed Lot 10 is 11.863 acres. The proposed lots meet the minimum lot area for single-family dwellings within the Estate District.

The table below shows applicable development parameters in the Estate District:

LMC Regulation	Requirement:
Front & Rear Yard	The minimum Front, Side and Rear Yard for all Structures is thirty feet (30').
Side Yard	The minimum Front, Side and Rear Yard for all Structures is thirty feet (30').
Building (Zone) Height	No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade.
Architectural Review	Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.
Roof Pitch	Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

**Purpose**

The purpose of the Estate (E) District is to:

- B. allow very low density, environmentally sensitive residential Development which:

1. preserves ridge tops, meadows, and visible hillsides,
  2. preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
  3. preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
  4. mitigates geologic and flood hazards,
  5. protects views along the City's entry corridors, and
  6. decreases fire risk by keeping Development out of sensitive wild land interface Areas.
- C. incorporate pedestrian trail linkages between and through neighborhoods; and
- D. encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

The purpose of the Recreation and Open Space (ROS) District is to:

- A. establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
- B. permit recreational Uses and preserve recreational Open Space land,
- C. encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
- D. preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
- E. encourage sustainability, conservation, and renewable energy.

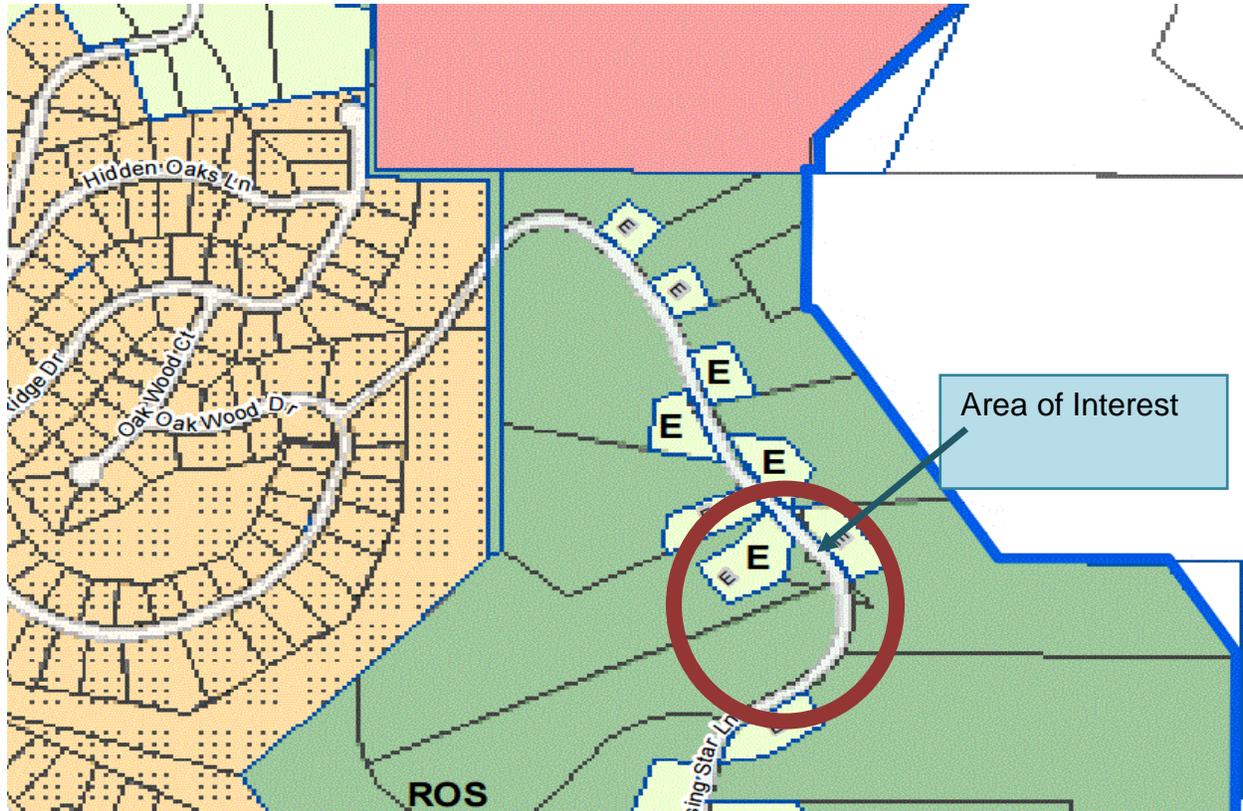
### **Zoning Map Amendment Analysis**

To accommodate the proposed design of the new residence, this Zone Change application is necessary to rezone non-buildable open space ROS portions to buildable Estate portions, and vice versa. The applicant also proposes to revise the existing building envelope to accommodate a corner of a swimming pool, retaining walls, a portion of a 4 car garage, and a portion of a driveway area/retaining walls. The current building envelope is also a zone line delineating between two zoning districts as currently depicted on the plat which would therefore not only require a plat amendment but also a zone change.

The area inside of the building envelope is zoned Estate (E) District while the area outside the building envelope is zoned Recreation Open Space (ROS) District. The identified issue is that the future improvements are not allowed in the ROS District. While the building envelope would be amended to allow these, the governing zone would not. If the Zone Change request is approved the requested improvements are allowed in this zone.

By reconfiguring the Lot with give and take from each area, specifically enlarging the front ROS portion and enlarging pieces at the rear of the buildable area. The proposed amendment has a net change of 9 square feet increase to the ROS zone on the lot

The subject site is currently in the E District. As indicated on the current zoning map below, the buildable area is surrounded to the north, south, west and portions of the east by the ROS zone. The access to the site is through the E zone off Rising Star Lane. The entire subdivision consists of lots that are similarly zoned with majority ROS and E regulated buildable areas.



Regarding allowed/conditional uses, see the following table below, any use not listed as an allowed or conditional use is prohibited. Any spaces left blank on this table would indicate that the use is not allowed in this district.

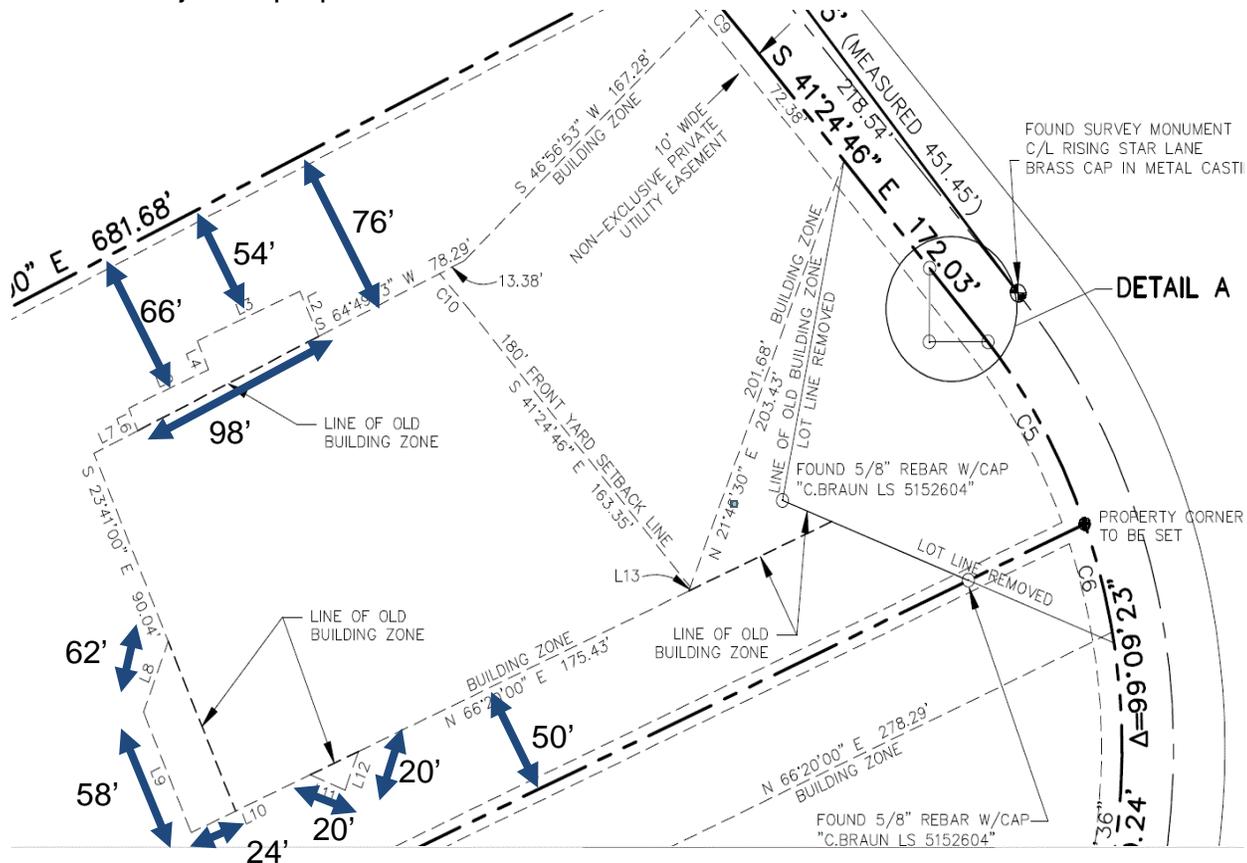
Zone Allowance:	Recreation Open Space	Estate
Conservation Activity	Allowed	Allowed
Agriculture	CUP	Allowed
Raising, grazing of horses	Admin CUP	Allowed
Parking Area or Structure with four (4) or fewer spaces	Admin CUP	Allowed
Accessory Buildings and Uses	Admin CUP	Allowed
Child Care Center <sup>4</sup>	CUP	CUP
Public and Quasi-Public Institution, Church and School	CUP	CUP
Essential Municipal Public Utility Use, Facility, Services, and Structure	CUP	CUP
Plant and Nursery stock products and sales	CUP	CUP
Raising, grazing of livestock	Admin CUP	CUP

Cemetery	CUP	CUP
Mines and Mine Exploration	CUP	CUP
Vehicle Control Gates <sup>10</sup>	CUP	CUP
Fences greater than six feet (6') in height from Final Grade <sup>8</sup>	CUP	Admin CUP
Commercial Stables, Riding Academy	CUP	CUP
Outdoor Event <sup>7</sup>	CUP	CUP
Parking Area or Structure with five (5) or more spaces	CUP	CUP
Temporary Improvement <sup>8</sup>	Admin CUP	Admin CUP
Telecommunication Antenna <sup>5</sup>	CUP	CUP
Ski Tow Rope, Ski Run, Ski Lift, and Ski Bridge	CUP	CUP
Recreation Facility, Public and Private	CUP	CUP
Recreation Facility, Commercial	CUP	CUP
Outdoor Event, Outdoor Music	Admin CUP	CUP
Temporary Construction Improvement	Admin CUP	CUP
Passenger Tramway Station and Ski Base Facility	CUP	CUP
Single Family Dwelling		Allowed
Duplex Dwelling		Allowed
Secondary Living Quarters		Allowed
Lockout Unit <sup>1</sup>		Allowed
Accessory Apartment <sup>2</sup>		Allowed
Nightly Rental <sup>1,3</sup>		Allowed
Home Occupation		Allowed
Child Care, In-Home Babysitting <sup>4</sup>		Allowed
Child Care, Family <sup>4</sup>		Allowed
Child Care, Family Group <sup>4</sup>		Allowed
Guest House		CUP
Group Care Facility		CUP
Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter <sup>6</sup>		CUP
Bed & Breakfast Inn		CUP
Hotel, Minor <sup>7</sup>		CUP
Hotel, Major <sup>7</sup>		CUP
Master Planned Development with moderate income housing density bonus <sup>7</sup>		CUP
Master Planned Development with residential and transient lodging Uses only <sup>7</sup>		CUP
Master Planned Development with Support Retail and Minor Service Commercial <sup>7</sup>		CUP
Trail and Trailhead Improvement	Admin CUP	
Outdoor Recreation Equipment	Admin CUP	
Essential Municipal Public Utility Use, Service, or Structure, less than 600 sq. ft.	Admin CUP	
Accessory Building, less than 600 sq. ft.	Admin CUP	
Ski-related Accessory Building, less than 600 sq. ft.	CUP	
Anemometer and Anemometer Towers	Admin CUP	
Recreational Outdoor and Trail Lighting	CUP	

Golf Course	CUP	
Recreational Sports Field	CUP	
Skating Rink	CUP	
Skateboard Park	CUP	
Accessory Building, greater than 600 sq. ft.	CUP	
Resort Support, Commercial	CUP	
Small Wind Energy Systems	CUP	

The allowed/conditional use difference lies within the amount/kind of development allowed. The major difference between the E and ROS District is the ROS District has one allowed use which is "Conservation Activity" and is generally intended to keep land "substantially free from Structures, Streets and Parking Lots." In the E zone, the District seeks to preserve land while also allowing low density development. Should the portions of this site be re-zoned to match the proposal, 3,474 square feet around the buildable area would now become Estate Zone (buildable) and 3,483 square feet towards the south west corner would become unbuildable (Exhibit F). For a net change of 9 square feet added to ROS. The applicant would be able to move forward with development in the configuration of choice while keeping the same amount of undevelopable square footage on the lot. In addition, the portion of land proposed to change from E to ROS has not been developed previously and still contains undisturbed native grasses and shrubs in a natural state so no re-vegetation will be necessary.

Below is a preview to show how much closer the additions of building pad will come to the adjacent properties.



The subject site contributes to preserving present land uses and character of the E and ROS Districts of Morning Star Estates and Park City. There are no Sensitive Lands, trails, or significant ridge tops, meadows or hillsides that will be disturbed with the proposed zone change area.

Staff finds that the requested Zoning Map Amendment from E to ROS and vice versa ROS to E is appropriate based on the fact that this site will hold a net square footage zone change of 9 square feet (an increase to the ROS zone). The same amount of buildable area will remain and the same amount of open space will be protected with an addition of 9 square feet.

### **General Plan Compliance**

Volume I of the General Plan contains goals, objectives, and strategies for each of the four (4) Core Values: Small Town, Natural Setting, Sense of Community, and Historic Character. The General Plan goals are copied below in *italics* below:

#### Small Town

- Goal 1: Park City will protect undeveloped lands; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood while saving the same amount of undevelopable square footage.
- Goal 2: Park City will emphasize and preserve our sense of place while collaborating with the Wasatch Back and Salt Lake County regions through regional land use and transportation planning. Not applicable.
- Goal 3: Park City will encourage alternative modes of transportation on a regional and local scale to maintain our small town character. Not applicable.

#### Natural Setting

- Goal 4: Open Space: Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting. The proposed zoning change will continue to respect the ROS and it will redistribute 9 square feet from the Estate zone to the Recreation Open Space zone which has been undisturbed and remains in it's natural state.
- Goal 5: Environmental Mitigation: Park City will be a leader in energy efficiency and conservation of natural resources reducing greenhouse gas emissions by at least fifteen percent (15%) below 2005 levels in 2020. The current plat already conditions a max house size of 10,000 sq. feet, a max footprint of 10,000 sq. feet, an additional max area of irrigated landscape disturbance of 10,000 sq. a front yard setback of 180 feet, in addition to
- Goal 6: Climate Adaptation: Park City will implement climate adaptation

strategies to enhance the City's resilience to the future impacts of climate change. Not applicable.

#### Sense of Community

- Goal 7: Life-cycle Housing: Create a diversity of primary housing opportunities to address the changing needs of residents. Not applicable.
- Goal 8: Workforce Housing: Increase affordable housing opportunities and associated services for the work force of Park City. Not applicable.
- Goal 9: Parks & Recreation: Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors. Not applicable.
- Goal 10: Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community. Not applicable.
- Goal 11: Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience. Not applicable.
- Goal 12: Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City. Not applicable.
- Goal 13: Arts & Culture: Park City will continue to grow as an arts and culture hub encouraging creative expression. Not applicable.
- Goal 14: Living within Limits: The future of the City includes limits (ecological, qualitative, and economic) to foster innovative sustainable development, protect the community vision, and prevent negative impacts to the region. Not applicable.

#### Historic Character

- Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations. Not Applicable.
- Goal 16: Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors. The proposed Zone Changes does not affect the "heart" of the City, Main Street.

### **Good Cause**

Planning Staff finds that there is Good Cause for this Zone Amendment as the amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code can be met. In addition, the portion of land proposed to change from E to ROS has not been developed previously and still contains undisturbed native grasses and shrubs in a natural state so no re-vegetation will be necessary and satisfies the requirements of the Zone.

### **Process**

The approval of the proposed rezoning application by the Planning Commission constitutes Final Action that may be appealed following the procedures found in LMC § 1-8

### **Department Review**

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

### **Notice**

On July 27, 2016 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on July 13, 2016 according to requirements of the Land Management Code. The application was continued at the July 13, 2016 meeting to August 10, 2016.

If this application is forwarded to City Council, the property owners will be noticed once again, ten days prior to the public hearing.

### **Public Input**

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

### **Alternatives**

- The Planning Commission may forward a positive recommendation to City Council to approve the Zoning Map Amendment; or
- The Planning Commission may forward a negative recommendation to City Council to deny the Zoning Map Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Zoning Map Amendment to a date certain and provide input to Staff and the applicant on any additional information they require in order to make a recommendation; or

### **Significant Impacts**

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

### **Consequences of not taking the Planning Department's Recommendation**

The zoning designation would remain as is.

### **Summary Recommendations**

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to City Council to approve the Zoning Map Amendment Request from Recreation Open Space (ROS) District to Estate (E) District (and vice versa, amending Estate (E) District to Recreation Open Space (ROS) District) at 3776 Rising Star Lane and consider forwarding a positive recommendation to the City Council, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

**Exhibits**

- Exhibit A – Zoning Map Amendment Draft Ordinance and map of amendment
- Exhibit B – Applicant’s Project Description
- Exhibit C – Current Park City Zoning Map (without change)
- Exhibit D – Existing Zoning Exhibit (Aerial Photograph)
- Exhibit E – Proposed Zoning Exhibit (Aerial Photograph)
- Exhibit F – Zone Change Exhibit
- Exhibit G – Existing Conditions and Topo Map of Lot 10
- Exhibit H – Morning Star Estates Annexation Plat
- Exhibit I – Morning Star Estates Subdivision
- Exhibit J – Proposed Plat Amendment
- Exhibit K – Site Photographs

## Exhibit A1: Zoning Map Amendment Draft Ordinance

Ordinance No. 16-XX

### **AN ORDINANCE APPROVING A ZONING MAP AMENDMENT CHANGING 3,483 SF FROM ESTATE (E) DISTRICT TO RECREATION OPEN SPACE (ROS) DISTRICT AND 3,474 SF FROM RECREATION OPEN SPACE (ROS) TO ESTATE (E) LOCATED AT 3776 RISING STAR LANE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 3776 Rising Star Lane has petitioned the City Council for approval of a Zoning Map Amendment; and

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

WHEREAS, on July 27, 2016 the property was posted and notice was mailed to property owners within 300 feet; and

WHEREAS, legal notice was published in the Park Record on July 13, 2016 according to requirements of the Land Management Code. The application was continued at the July 13, 2016 meeting to August 10, 2016; and

WHEREAS, the Planning Commission held a public hearing on August 10, 2016 to receive input on Zoning Map Amendment; and

WHEREAS, the Planning Commission, on August 10, 2016, forwarded \_\_\_\_\_ recommendation to the City Council; and,

WHEREAS, on September 1, 2016 the City Council held a public hearing to receive input on the Zoning Map Amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve Amend the Zoning Map.

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

**SECTION 1. APPROVAL.** Zoning Map Amendment from Estate (E) District to Recreation Open Space (ROS) District and from Recreation Open Space (ROS) to Estate (E) as shown in Attachment 1 is approved subject to the following Findings of Facts, and Conclusions of Law.

#### **Findings of Fact:**

1. The property is located at 3776 Rising Star Lane.
2. The property is located in two Zoning Districts a 65,467.6 square foot buildable

area designated as Estate Zone and a 451,301.28 square foot non-buildable area designated as Recreation Open Space.

3. The subject property consists of Lot 10 of the Morning Star Estates Subdivision.
4. Lot 10 is currently under construction for a single family dwelling with the building permit BD-15-22064 approved on 10/23/15.
5. The Morning Star Estate subdivision contains other similar lots with E regulated buildable areas surrounded by ROS zoning designations.
6. The access to the site is through the E zone off Rising Star Lane.
7. The allowed/conditional use differences lay within the amount and type of development allowed. Single family homes are allowed within the Estate Zone.
8. The ROS District lists Conservation Activity as the only allowed use.
9. The E District lists Conservation Activity as an allowed use in addition to low density development.
10. 3,474 square feet will be changed from ROS to E and 3,483 square feet will be changed from E to ROS with an overall net change of 9 square feet difference added to ROS.
11. The requested Zoning Map Amendment from ROS to E and E to ROS is appropriate in that the same amount of buildable area will remain and the same amount of open space will be protected with an addition of 9 square feet. The E zone that is being changed to ROS is also undisturbed and will not require re-vegetation.
12. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood.
13. The same amount of buildable area will remain and the same amount of open space will be protected with an addition of 9 square feet.

**Conclusions of Law:**

1. There is Good Cause for this Zoning Map Amendment.
2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed Zoning Map Amendment.
5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication and when the revised Official Zoning Map is signed by the City upon final review by the City Attorney.

PASSED AND ADOPTED this 1<sup>st</sup> day of September, 2016.

PARK CITY MUNICIPAL CORPORATION

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Jack Thomas, MAYOR

ATTEST:

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Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

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Mark Harrington, City Attorney

Attachment 1 – Proposed Zoning Map Amendment

# EXHIBIT B- Applicant's Project Description

MORNING STAR ESTATES, LOT 10  
APPLICATION FOR ZONE CHANGE  
April 22, 2016

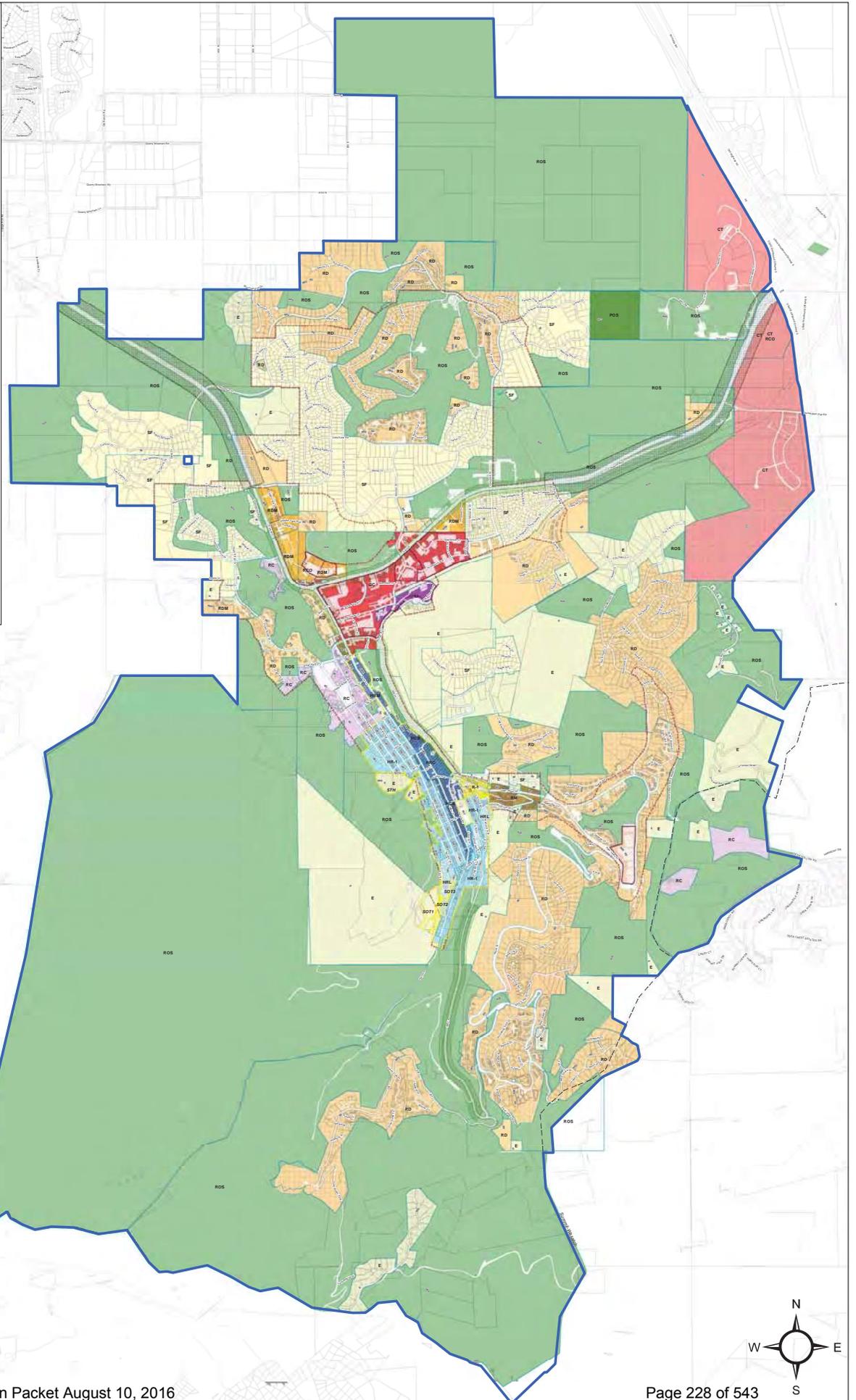
## PROJECT INTENT

A new residence is currently under construction on Lot 10, Morning Star Estates. To accommodate the design of the new residence, this Zone Change application is proposing to make an alteration to the existing building envelope. The original plat recorded March 31, 1993, as Entry No. 376621, shows the majority of the lot as Reserved Open Space and the building envelope designated as Estate zone. The owner is proposing to alter the building envelope at the rear of the lot and the front of the lot. It is proposed that a portion of the building envelope currently designated as Estate zone at the front of the lot be changed to Reserved Open Space and a portion of Reserved Open Space at the rear of the lot be changed to Estate zone. The proposed change maintains the same square footage of Estate zone and the same square footage of Reserved Open Space as originally platted.

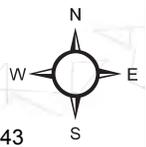
MAY 02 2016

# Legend

-  Park City Limits
-  County Boundaries
-  Sending Zones
-  Receiving Zones
-  Sensitive Lands (SLO)
-  Frontage Protection Zone (FPZ)
-  Entry Corridor Protection (ECP)
-  Master Planned Development (MPD)
-  Regional Commercial (RCO)
-  Community Transition (CT)
-  Estate (E)
-  General Commercial (GC)
-  Historic Commercial Business (HCB)
-  Historic Residential (HR-1)
-  Historic Residential (HR-2A)
-  Historic Residential (HR-2B)
-  Historic Recreation Commercial (HRC)
-  Historic Residential - Low Density (HRL)
-  Historic Res. - Medium Density (HRM)
-  Light Industrial (LI)
-  Protected Open Space (POS)
-  Public Use Transition (PUT)
-  Residential (R-1)
-  Recreation Commercial (RC)
-  Residential Development (RD)
-  Residential Dev. - Medium Density (RD-M)
-  Residential - Medium Density (RM)
-  Recreational Open Space (ROS)
-  Single Family (SF)
-  Parcels

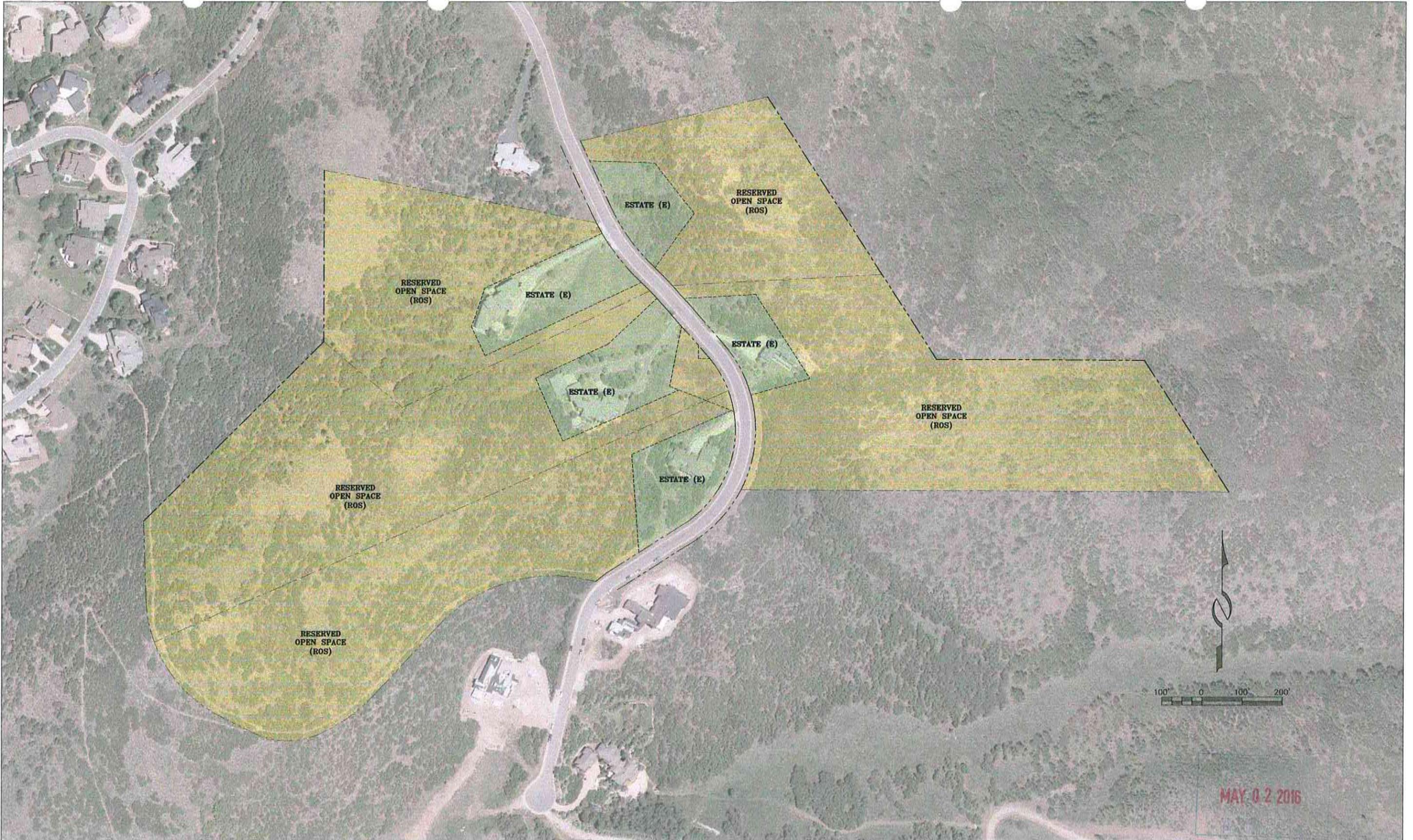


Official Zoning Map
Jack Thomas, Mayor
Bruce Erickson, Planning Director
Adam Strachan, Planning Commission Chair



This map is a graphic illustration of Park City's zoning districts and is not intended to establish precise dimensions and/or surveyed boundaries of each zone. Interpretation of the Zoning Map is governed by the standards in IAC Section 15-6-1. For complete information regarding the specific boundaries of any of the zoning designations shown on this map, please contact the Park City Planning Department.

EXHIBIT D - Existing Zoning Exhibit



 (435) 640-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2654 Park City, Utah 84002-2654	STAFF: MARSHALL KING JESSE MORENO	ZONING EXHIBIT MORNING STAR ESTATES SUBDIVISION EXISTING ZONING	SHEET 1 OF 1
	DATE: 4/25/16	FOR: RISING STAR LANE, LLC JOB NO.: 10-5-15 FILE: X:\TheOaks\dwg\Exhibits\Morningstar lots 9&10 zoning exhibit.dwg	Page 229 of 543

EXHIBIT E - Proposed Zoning Exhibit



MAY 02 2016

PARK CITY  
PLANNING DEPT.

 (435) 648-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2064 Park City, Utah 84060-2064	STAFF: MARSHALL KING JESSE MORENO	ZONING EXHIBIT MORNING STAR ESTATES SUBDIVISION PROPOSED ZONING	SHEET 1 OF 1
	DATE: 4/22/16	FOR: RISING STAR LANE, LLC JOB NO.: 10-5-15 FILE: X:\TheOaks\dwg\Exhibits\Morningstar lots 9&10 zoning exhibit.dwg	Page 230 of 543

# EXHIBIT F - Zone Change Exhibit

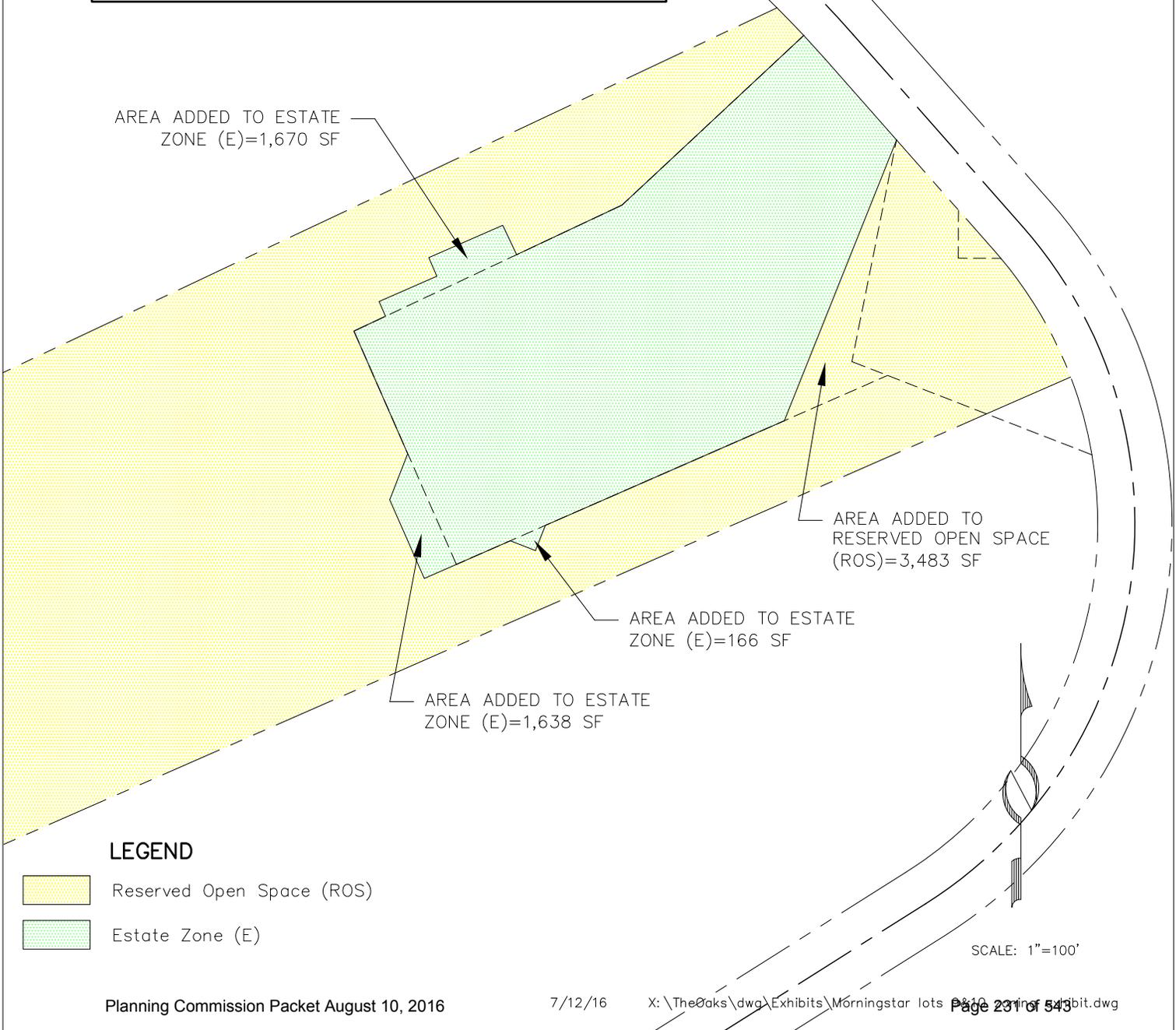
## MORNING STAR ESTATES, LOT 10

1,670  
1,638  
+ 166  
3,474 SF = TOTAL ADDED TO ESTATE ZONE (E)

3,483 SF = TOTAL ADDED TO RESERVED OPEN SPACE (ROS)

3,483  
- 3,474

9 SF = NET AREA ADDED TO RESERVED OPEN SPACE (ROS)



### LEGEND

-  Reserved Open Space (ROS)
-  Estate Zone (E)

# EXHIBIT G - Existing Conditions and Topo of Lot 10

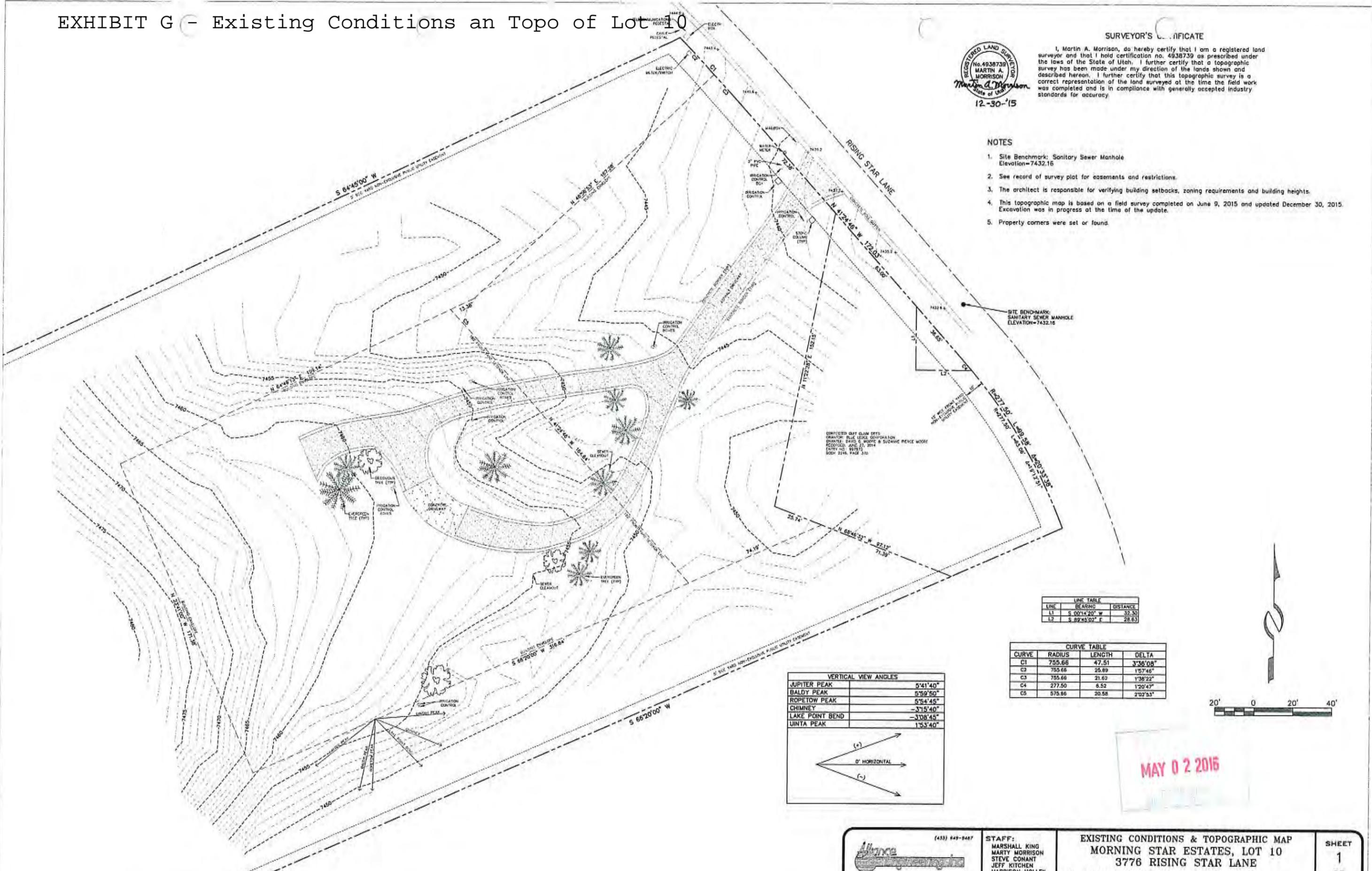


## SURVEYOR'S CERTIFICATE

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

### NOTES

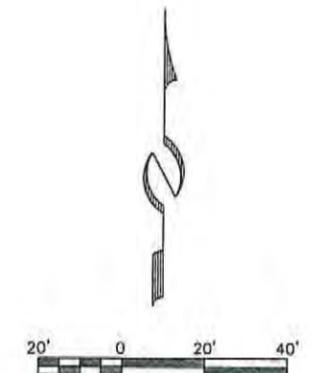
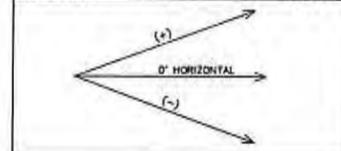
1. Site Benchmark: Sanitary Sewer Manhole  
Elevation=7432.16
2. See record of survey plot for easements and restrictions.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
4. This topographic map is based on a field survey completed on June 9, 2015 and updated December 30, 2015. Excavation was in progress at the time of the update.
5. Property corners were set or found.



LINE	BEARING	DISTANCE
L1	S 02°14'20" W	32.30
L2	S 89°45'02" E	28.63

CURVE	RADIUS	LENGTH	DELTA
C1	755.66	47.51	3°36'08"
C2	755.66	25.89	1°57'46"
C3	755.66	21.62	1°38'22"
C4	277.50	6.52	1°20'47"
C5	575.66	20.28	2°02'53"

VERTICAL VIEW ANGLES	
JUPITER PEAK	5°41'40"
BALDY PEAK	5°59'50"
ROPETOW PEAK	5°54'45"
CHIMNEY	-3°15'40"
LAKE POINT BEND	-3°08'45"
UINTA PEAK	1°53'40"



MAY 02 2016

<p>(435) 949-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2054 Provo UT 84601-2054</p>	<p>STAFF: MARSHALL KING MARTY MORRISON STEVE CONANT JEFF KITCHEN HARRISON HOLLEY JESSE MORENO</p>	<p>EXISTING CONDITIONS &amp; TOPOGRAPHIC MAP MORNING STAR ESTATES, LOT 10 3776 RISING STAR LANE</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 12/30/15</p>	<p>FOR: RISING STAR LANE, LLC JOB NO.: 10-5-15 FILE: X:\TheOaks\dwg\env\topo2015\100515-updated.dwg</p>	

SPECIAL WARRANTY DEED  
GRANTOR: GEORGE L. MAZANEC  
GRANTEES: ROBERT ANDREW MAZANEC & JOHN CHARLES MAZANEC  
RECORDED: SEPTEMBER 6, 2006  
ENTRY NO: 790101  
BOOK: 1815, PAGE 788



 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</small> <small>323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</small>	<small>(435) 649-9467</small> <b>STAFF:</b> MARSHALL KING JESSE MORENO	<b>EXISTING CONDITIONS</b> <b>MORNING STAR ESTATES, LOT 9</b> <b>3800 RISING STAR LANE</b>	<b>SHEET</b> <b>1</b> <b>OF</b> <b>1</b>
	<b>DATE:</b> 5/2/16	<b>FOR:</b> RISING STAR LANE, LLC <b>JOB NO.:</b> 10-5-15 <b>FILE:</b> X:\TheOaks\dwg\Exhibits\Morningstar lot 10-photo.dwg	

**SURVEYOR'S CERTIFICATE**

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 6164, as prescribed by the laws of the State of Utah, and that a survey of the following described property was performed under my direction of the parcel described below.

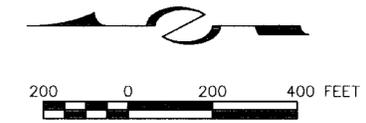
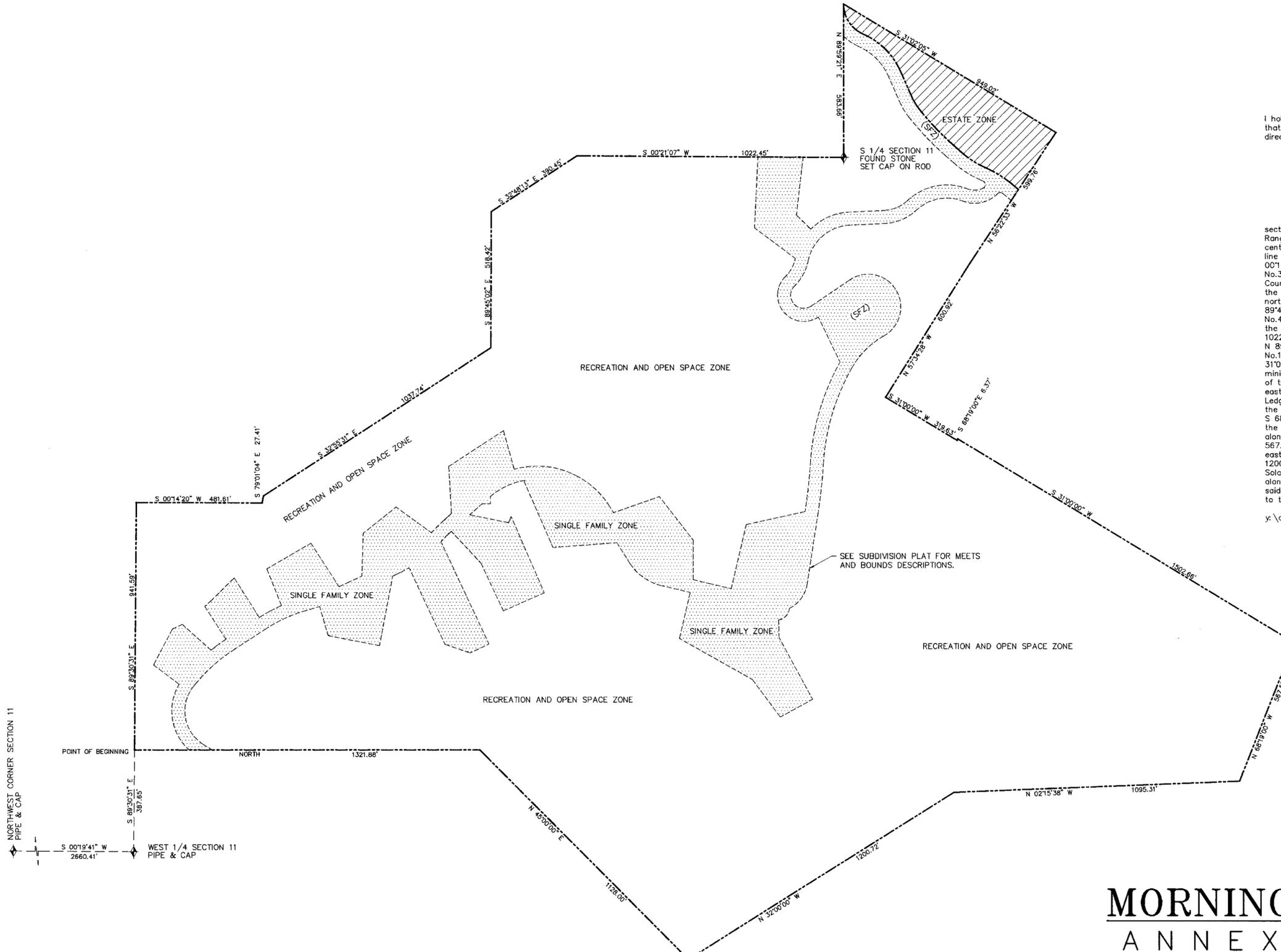
*John Demkowicz* 2-10-93  
 John Demkowicz, L.S. No. 6164 Date



**PROPERTY DESCRIPTION**

Beginning at a point S 89°30'31" E 387.65 feet along the center of section line from the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the centerline of section 11, S 89°30'31" E 941.59 feet; thence along the east line of the northwest quarter of the southwest quarter of section 11, S 00°14'20" W 481.61 feet; thence along the northerly end line of the Velvet No.3 mining claim (Mineral Survey No. 6842, Blue Ledge Mining District, Summit County, Utah) S 79°01'04" E 27.41 feet; thence along the easterly side line of the Velvet No.3 mining claim S 32°55'31" E 1037.74 feet; thence along the north line of the southeast quarter of the southwest quarter of section 11, S 89°45'02" E 518.42 feet; thence along the easterly side line of the Velvet No.4 mining claim S 32°48'13" E 390.45 feet; thence along the east line of the southeast quarter of the southwest quarter of section 11, S 00°21'07" W 1022.45 feet; thence along the south line of the southeast quarter of section 11, N 89°59'21" E 583.66 feet; thence along the easterly side line of the Ajo No.14 mining claim (Mineral Survey No.6989, Blue Ledge Mining District) S 31°02'05" W 949.02 feet; thence along the southerly end line of the Ajo No.14 mining claim N 56°22'33" W 599.76 feet; thence along the southerly end line of the Ajo No.15 mining claim N 57°34'28" W 600.92 feet; thence along the easterly side line of The Postmistress mining claim (Mineral Survey No.4981, Blue Ledge Mining District) S 31°00'00" W 319.63 feet more or less; thence along the northerly end line of the Republican mining claim (mineral Survey No.4981) S 68°19'00" E 6.37 feet more or less; thence along the easterly side line of the Republican mining claim S 31°00'00" W 1502.66 feet more or less; thence along the southerly end line of the Republican mining claim N 68°19'00" W 567.57 feet more or less; thence N 02°15'38" W 1095.31 feet along the easterly line of Solamere Subdivision No. 1 as recorded; thence N 32°00'00" W 1200.72 feet along the easterly boundary line of Solamere Subdivision No.1 and Solamere Subdivision No.2a, as recorded; thence N 45°00'00" E 1128.00 feet along the easterly boundary line of The Oaks at Deer Valley, as recorded and said line projected beyond The Oaks at Deer Valley; Thence North 1321.88 feet to the point of beginning.

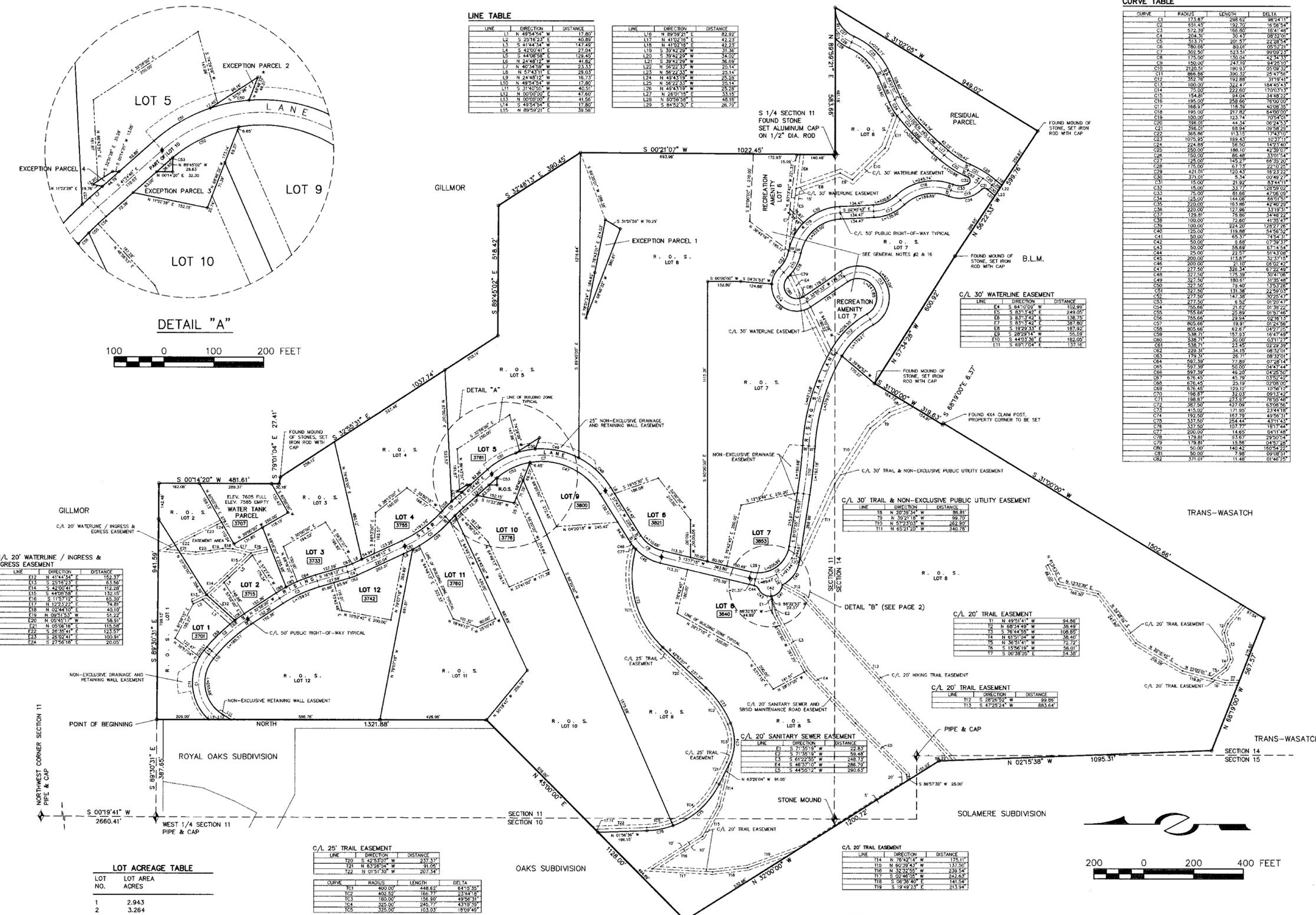
Description contains 178.36 acres.  
 y:\ce\msel



**MORNING STAR ESTATES ANNEXATION PLAT**



<p><b>ALLIANCE ENGINEERING INC.</b>                  P.O. BOX 2664                  323 MAIN STREET                  PARK CITY, UTAH 84060                  (801) 649-9467</p>	<p><b>PLANNING COMMISSION</b>                  APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 12<sup>th</sup> DAY OF <u>March</u>, 1993 A.D.                  BY <i>B.W.L.</i>                  CHAIRMAN</p>	<p><b>ENGINEERS CERTIFICATE</b>                  I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 22<sup>nd</sup> DAY OF <u>MARCH</u>, 1993 A.D.                  BY <i>Eric W. Deban</i>                  PARK CITY ENGINEER</p>	<p><b>APPROVAL AS TO FORM</b>                  APPROVED AS TO FORM THIS 14<sup>th</sup> DAY OF <u>March</u>, 1993 A.D.                  BY <i>[Signature]</i>                  PARK CITY ATTORNEY</p>	<p><b>CERTIFICATE OF ATTEST</b>                  I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 18<sup>TH</sup> DAY OF <u>JUNE</u>, 1993 A.D.                  BY <i>Anita S. Sheldon</i>                  PARK CITY RECORDER</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b>                  APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 18<sup>TH</sup> DAY OF <u>JUNE</u>, 1993 A.D.                  BY <i>[Signature]</i>                  MAYOR</p>	<p># 376611                  RECORDED                  STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <i>Coalition Title Co.</i>                  DATE <u>03-31-93</u> TIME <u>02:01</u> BOOK <u>2201</u> PAGE <u>1</u>                  FEE <u>nc</u> RECORDER <i>[Signature]</i></p>
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LINE TABLE

LINE	DIRECTION	DISTANCE	LINE	DIRECTION	DISTANCE
L1	N 49°54'44" E	17.80	L16	N 89°59'21" E	82.22
L2	S 20°16'23" E	40.89	L17	N 41°39'18" E	42.23
L3	S 41°48'54" W	147.49	L18	N 41°39'18" E	42.23
L4	S 42°00'41" E	27.04	L19	S 39°42'59" W	31.36
L5	N 72°30'19" E	23.03	L20	S 39°42'59" W	31.36
L6	N 24°48'12" W	41.82	L21	S 39°42'59" W	31.36
L7	N 40°39'59" E	23.03	L22	N 36°22'33" W	25.14
L8	N 24°48'12" W	16.75	L23	N 36°22'33" W	25.14
L9	N 24°48'12" W	17.80	L24	N 49°43'19" W	25.20
L10	N 49°43'19" W	17.80	L25	N 26°22'33" W	25.14
L11	S 31°40'50" W	40.51	L26	N 49°43'19" W	25.20
L12	N 49°43'19" W	17.80	L27	N 26°22'33" W	25.14
L13	N 00°00'00" E	41.82	L28	N 00°00'00" E	48.18
L14	N 49°43'19" W	17.80	L29	S 84°52'30" E	26.77
L15	N 89°59'21" E	39.92	L30	S 84°52'30" E	26.77

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	175.87	195.27	16.25°14'
C2	551.43	595.70	16.25°14'
C3	572.39	164.80	16.25°14'
C4	175.87	195.27	16.25°14'
C5	551.43	595.70	16.25°14'
C6	572.39	164.80	16.25°14'
C7	175.87	195.27	16.25°14'
C8	175.87	195.27	16.25°14'
C9	175.87	195.27	16.25°14'
C10	230.51	190.93	20.59°30'
C11	866.88	306.13	29.47°14'
C12	352.78	152.89	31.91°14'
C13	175.87	195.27	16.25°14'
C14	175.87	195.27	16.25°14'
C15	154.81	144.04	34.48°25'
C16	175.87	195.27	16.25°14'
C17	168.97	118.39	40.38°30'
C18	175.87	195.27	16.25°14'
C19	100.00	123.74	70°54'00"
C20	175.87	195.27	16.25°14'
C21	175.87	195.27	16.25°14'
C22	175.87	195.27	16.25°14'
C23	175.87	195.27	16.25°14'
C24	175.87	195.27	16.25°14'
C25	175.87	195.27	16.25°14'
C26	175.87	195.27	16.25°14'
C27	175.87	195.27	16.25°14'
C28	175.87	195.27	16.25°14'
C29	175.87	195.27	16.25°14'
C30	175.87	195.27	16.25°14'
C31	175.87	195.27	16.25°14'
C32	175.87	195.27	16.25°14'
C33	175.87	195.27	16.25°14'
C34	175.87	195.27	16.25°14'
C35	175.87	195.27	16.25°14'
C36	175.87	195.27	16.25°14'
C37	175.87	195.27	16.25°14'
C38	175.87	195.27	16.25°14'
C39	175.87	195.27	16.25°14'
C40	175.87	195.27	16.25°14'
C41	175.87	195.27	16.25°14'
C42	175.87	195.27	16.25°14'
C43	175.87	195.27	16.25°14'
C44	175.87	195.27	16.25°14'
C45	175.87	195.27	16.25°14'
C46	175.87	195.27	16.25°14'
C47	175.87	195.27	16.25°14'
C48	175.87	195.27	16.25°14'
C49	175.87	195.27	16.25°14'
C50	175.87	195.27	16.25°14'
C51	175.87	195.27	16.25°14'
C52	175.87	195.27	16.25°14'
C53	175.87	195.27	16.25°14'
C54	175.87	195.27	16.25°14'
C55	175.87	195.27	16.25°14'
C56	175.87	195.27	16.25°14'
C57	175.87	195.27	16.25°14'
C58	175.87	195.27	16.25°14'
C59	175.87	195.27	16.25°14'
C60	175.87	195.27	16.25°14'
C61	175.87	195.27	16.25°14'
C62	175.87	195.27	16.25°14'
C63	175.87	195.27	16.25°14'
C64	175.87	195.27	16.25°14'
C65	175.87	195.27	16.25°14'
C66	175.87	195.27	16.25°14'
C67	175.87	195.27	16.25°14'
C68	175.87	195.27	16.25°14'
C69	175.87	195.27	16.25°14'
C70	175.87	195.27	16.25°14'
C71	175.87	195.27	16.25°14'
C72	175.87	195.27	16.25°14'
C73	175.87	195.27	16.25°14'
C74	175.87	195.27	16.25°14'
C75	175.87	195.27	16.25°14'
C76	175.87	195.27	16.25°14'
C77	175.87	195.27	16.25°14'
C78	175.87	195.27	16.25°14'
C79	175.87	195.27	16.25°14'
C80	175.87	195.27	16.25°14'
C81	175.87	195.27	16.25°14'
C82	175.87	195.27	16.25°14'

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 6164, as prescribed by the laws of the State of Utah, and that a survey of the following described property was performed under my direction of the parcel described below.

*John Demkowicz* 2-10-93  
John Demkowicz, L.S. No. 6164 Date



PROPERTY DESCRIPTION

Beginning at a point S 89°30'31" E 387.65 feet along the center of section line from the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the centerline of Section 11, S 89°30'31" E 941.59 feet; thence along the east line of the northwest quarter of the southwest quarter of Section 11, S 00°14'20" W 481.61 feet; thence along the northerly end line of the Velvet No.3 mining claim (Mineral Survey No. 6842, Blue Ledge Mining District, Summit County, Utah) S 79°01'04" E 27.41 feet; thence along the easterly side line of the Velvet No.3 mining claim S 32°55'31" E 1037.74 feet; thence along the north line of the southeast quarter of the southwest quarter of Section 11, S 89°45'02" E 518.42 feet; thence along the easterly side line of the Velvet No.4 mining claim S 32°48'13" E 390.45 feet; thence along the east line of the southeast quarter of the southwest quarter of Section 11, S 07°21'07" W 1022.45 feet; thence along the south line of the southeast quarter of Section 11, N 89°59'21" E 563.66 feet; thence along the easterly side line of the Ajo No.14 mining claim (Mineral Survey No.6989, Blue Ledge Mining District) S 31°02'05" W 949.02 feet; thence along the southerly end line of the Ajo No.14 mining claim S 56°22'33" W 599.76 feet; thence along the southerly end line of the Ajo No.15 mining claim N 57°34'28" W 600.92 feet; thence along the easterly side line of the Postmistress mining claim (Mineral Survey No.4981, Blue Ledge Mining District) S 31°00'00" W 319.63 feet more or less; thence along the northerly end line of the Republican mining claim (Mineral Survey No.4981) S 68°19'00" E 6.37 feet more or less; thence along the easterly side line of the Republican mining claim S 31°00'00" W 1502.66 feet more or less; thence along the southerly end line of the Republican mining claim N 68°19'00" W 567.57 feet more or less; thence N 02°15'38" W 1095.31 feet along the easterly line of Solamere Subdivision No. 1 as recorded; thence N 32°00'00" W 1200.72 feet along the easterly boundary line of Solamere Subdivision No.1 and Solamere Subdivision No.2A, as recorded; thence N 45°00'00" E 1128.00 feet along the easterly boundary line of the Oaks at Deer Valley, as recorded and said line projected beyond the Oaks at Deer Valley; thence North 1321.88 feet to the point of beginning.

Excepting therefrom the following 4 parcels:  
 EXCEPTION PARCEL 1  
 Beginning at Corner No. 3 of the Postmistress mining claim, Mineral Survey no. 4981, said point is located South 1860.25 feet and East 2343.61 feet more or less from the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the northerly end line of the Postmistress mining claim N 68°46'32" W 380.61 feet more or less; thence along the southerly end line of the Velvet No.3 mining claim (Mineral Survey No. 6842) S 78°51'24" E 184.82 feet; thence along the southerly end line of the Velvet No.4 mining claim S 78°43'01" E 214.03 feet; thence along the westerly side line of the Ajo No.15 mining claim (MS 6989) S 31°01'59" W 70.29 feet to the point of beginning. Description contains 0.30 acres. The basis of bearing for the description is N 00°19'41" E between the West Quarter Corner and the Northwest Corner of Section 11.

EXCEPTION PARCEL 2  
 Beginning at the intersection of the northerly end line of the Postmaster mining claim (MS 4981) and the westerly side line of the Velvet No.3 mining claim (MS 6842), said point is located South 1537.35 feet and East 1512.15 feet from the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the northerly end line of the Postmaster mining claim N 68°46'32" W 49.21 feet to a point on a 327.50 foot radius curve to the left, whose radius point bears S 85°27'43" W 1.78 feet; thence along the arc of said curve 79.40 feet thru a central angle of 1°35'26"; thence along the westerly side line of the Velvet No.3 mining claim S 32°51'28" E 113.61 feet to the point of beginning. Description contains 0.035 acres. The basis of bearing for the description is N 00°19'41" E between the West Quarter Corner and the Northwest Corner of Section 11.

EXCEPTION PARCEL 3  
 Beginning at the Northwest Corner of the Postmaster mining claim (MS 4981) said point is located South 1436.31 feet and East 1252.00 feet from the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the easterly side line of the Arabian mining claim (MS 4981) N 11°22'28" E 152.15 feet; thence S 41°24'46" E 63.00 feet; thence along the east line of the northwest quarter of the southwest quarter of section 11 S 01°14'20" W 32.30 feet; thence along the north line of the Southeast Quarter of the Southwest Quarter of Section 11, S 89°45'02" E 28.65 feet to a point on a 277.50 foot radius curve to the right, whose radius point bears S 49°55'01" W; thence along the arc of said curve 147.38 feet thru a central angle of 30°25'47"; thence along the northerly end line of the Postmaster mining claim N 68°46'32" W 173.14 feet the point of beginning. Description contains 0.360 acres. The basis of bearing for the description is N 00°19'41" E between the West Quarter Corner and the Northwest Corner of Section 11.

EXCEPTION PARCEL 4  
 Beginning at the intersection of the easterly end line of the Arabian mining claim (MS 4981) and the westerly side line of the Velvet No.3 mining claim (MS 6842), said point is located South 1208.22 feet and East 1298.28 feet from the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the westerly side line of the Velvet No. 3 mining claim S 32°51'28" E 47.49 feet; thence along the east line of the Northwest Quarter of the Southwest Quarter of Section 11, S 01°14'20" W 13.05 feet; thence N 41°24'46" W 44.76 feet; thence along the easterly side line of the Arabian mining claim N 11°22'28" E 19.76 feet to the point of beginning. Description contains 0.012 acres. The basis of bearing for the description is N 00°19'41" E between the West Quarter Corner and the Northwest Corner of Section 11.

DETAIL "A"



DETAIL "B" (SEE PAGE 2)



LOT ACREAGE TABLE

LOT NO.	LOT AREA ACRES
1	2.943
2	3.264
3	3.168
4	5.140
5	10.527
6	26.170
7	10.884
8	61.233
9	9.579
10	11.543
11	6.893
12	8.179

C/L 25' TRAIL EASEMENT

LINE	DIRECTION	DISTANCE
T20	S 42°33'02" W	237.37
T21	N 83°28'04" E	91.88
T22	N 01°51'50" W	207.34

LEGEND  
 ◆ SURVEY MONUMENT TO BE SET  
 ⊙ PROPERTY CORNER TO BE SET  
 ROS - RECREATIONAL OPEN SPACE  
 C/L - CENTERLINE  
 [---] - STREET ADDRESS

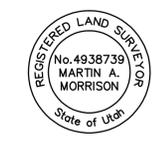
MORNING STAR ESTATES

A SUBDIVISION LOCATED IN SECTIONS 11 AND SECTION 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

<p><b>ALLIANCE ENGINEERING INC.</b>                  P.O. BOX 2664                  323 MAIN STREET                  PARK CITY, UTAH 84060                  (801) 649-9467</p>	<p><b>PLANNING COMMISSION</b>                  APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 12<sup>th</sup> DAY OF <u>MARCH</u>, 1993 A.D.                  BY <u>Carla</u> CHAIRMAN</p>	<p><b>ENGINEERS CERTIFICATE</b>                  I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 22<sup>nd</sup> DAY OF <u>MARCH</u>, 1993 A.D.                  BY <u>Eric W. Oetgen PE</u> PARK CITY ENGINEER</p>	<p><b>APPROVAL AS TO FORM</b>                  APPROVED AS TO FORM THIS 15<sup>th</sup> DAY OF <u>MARCH</u>, 1993 A.D.                  BY <u>John</u> PARK CITY ATTORNEY</p>	<p><b>CERTIFICATE OF ATTEST</b>                  I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 2<sup>ND</sup> DAY OF <u>JULY</u>, 1993 A.D.                  BY <u>Amelia L. Sheldon</u> PARK CITY RECORDER</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b>                  APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 2<sup>ND</sup> DAY OF <u>JULY</u>, 1993 A.D.                  BY <u>Bradley A. O'Neil</u> MAYOR</p>	<p><b>RECORDED</b>                  # 376621                  STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>Realities Title Co</u> DATE <u>03-31-93</u> TIME <u>10:24 AM</u> BOOK _____ PAGE _____                  FEE <u>3.42</u> <u>Alan Spejzo</u> RECORDER</p>
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EXHIBIT J- Proposed Plat



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this plat map of FIRST AMENDED LOTS 9 AND 10, MORNING STAR ESTATES 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.

BOUNDARY DESCRIPTION, LOT 9

**Parcel 1**  
 Lot No. 9, Morning Star Estates Subdivision, according to the official plat thereof on file and of record in the Office of the Summit County Recorder, as Entry Number 376621

**Parcel 2**  
 Beginning at point on the northerly end line of Postmaster Mining Claim, Mineral Survey No. 4981, and on the westerly right-of-way line of Rising Star Lane, said point is located south 1458.59 feet and east 1413.99 feet from the west quarter corner of Section 11, Township 2 South, Range 4 East, Salt Lake Meridian; and running thence along the northerly end line of the Postmaster Mining Claim North 66°46'32" West 76.02 feet; thence North 66°20'00" East 61.80 feet to a point on a 277.50 foot curve to the right, whose radius point bears South 69°08'52" West; thence along the arc of said curve and along the westerly right-of-way line of Rising Star Lane 54.32 feet thru a central angle of 11°12'56" to the point of beginning.

The basis of bearing for the description is North 00°19'41" East between the west quarter corner and the northwest corner of Section 11.

BOUNDARY DESCRIPTION, LOT 10

**PARCEL 1:**  
 All of Lot No. 10, Morning Star Estates Subdivision, according to the official plat filed in the official records of the Summit County Recorder.

**PARCEL 2:**  
 Beginning at Corner No. 2 of the Arabian Mining Claim and Corner No. 4 of the Postmaster Mining Claim, Mineral Survey No. 4981, said point is located South 1436.31 feet and East 1292.00 feet from the west quarter corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the easterly sideline of the Arabian Mining Claim North 11°22'28" East 152.15 feet; thence along the westerly right-of-way line of Rising Star Lane, South 41°24'46" East 63.00 feet; thence along the east line of the northwest quarter of the southwest quarter of Section 11, South 0°14'20" West 32.30 feet; thence along the north line of the southeast quarter of the southwest quarter of Section 11, South 89°45'02" East 28.83 feet to a point on a 277.50 foot curve to the right, whose radius point bears South 49°56'01" West; thence along the westerly right-of-way line of Rising Star Lane and along the arc of said curve 93.06 feet thru a central angle of 19°12'51"; thence South 66°20'00" West 61.80 feet; thence North 68°46'32" West 97.12 feet to the point of beginning.

The basis of bearing for the description is North 0°19'41" East between the west quarter corner and the northwest corner of Section 11.

**NOTES:**

- This subdivision is subject to the Conditions of Approval in Ordinance 16-\_\_\_\_\_
- All conditions of approval of Morning Star Estates, recorded March 31, 1993, as Entry No. 376621 remain in full force and effect.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Robert Andrew Mazanec and John Charles Mazanec, in equal shares as tenants in common and as the separate property of each who is married, as to Lot 9, do hereby certify that they have caused this plat amendment to be prepared, and do hereby consent to the recordation of this FIRST AMENDED LOTS 9 AND 10, MORNING STAR ESTATES plat amendment.

In witness whereof, the undersigned set his hand this \_\_\_\_ day of \_\_\_\_\_, 2016

In witness whereof, the undersigned set his hand this \_\_\_\_ day of \_\_\_\_\_, 2016

By: Robert Andrew Mazanec  
 By: John Charles Mazanec

ACKNOWLEDGMENT

On this \_\_\_\_ day of \_\_\_\_\_, 2016, Robert Andrew Mazanec personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Robert Andrew Mazanec acknowledged to me that he is an owner of the herein described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in \_\_\_\_\_  
 Printed Name \_\_\_\_\_  
 Residing in: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

ACKNOWLEDGMENT

On this \_\_\_\_ day of \_\_\_\_\_, 2016, John Charles Mazanec personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Robert Andrew Mazanec acknowledged to me that he is an owner of the herein described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in \_\_\_\_\_  
 Printed Name \_\_\_\_\_  
 Residing in: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Rising Star Lane, LLC, a Utah limited liability company, as to Lot 10, does hereby certify that it has caused this plat amendment to be prepared, and does hereby consent to the recordation of this FIRST AMENDED LOTS 9 AND 10, MORNING STAR ESTATES plat amendment.

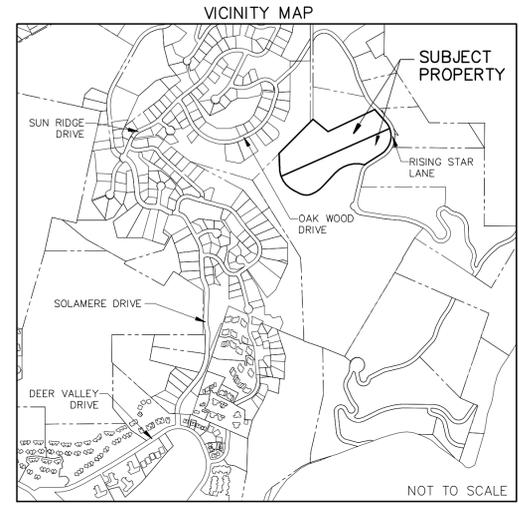
In witness whereof, the undersigned set his hand this \_\_\_\_ day of \_\_\_\_\_, 2016.

Alan Franklin Airth, Manager  
 Rising Star Lane, LLC, a Utah limited liability company

ACKNOWLEDGMENT

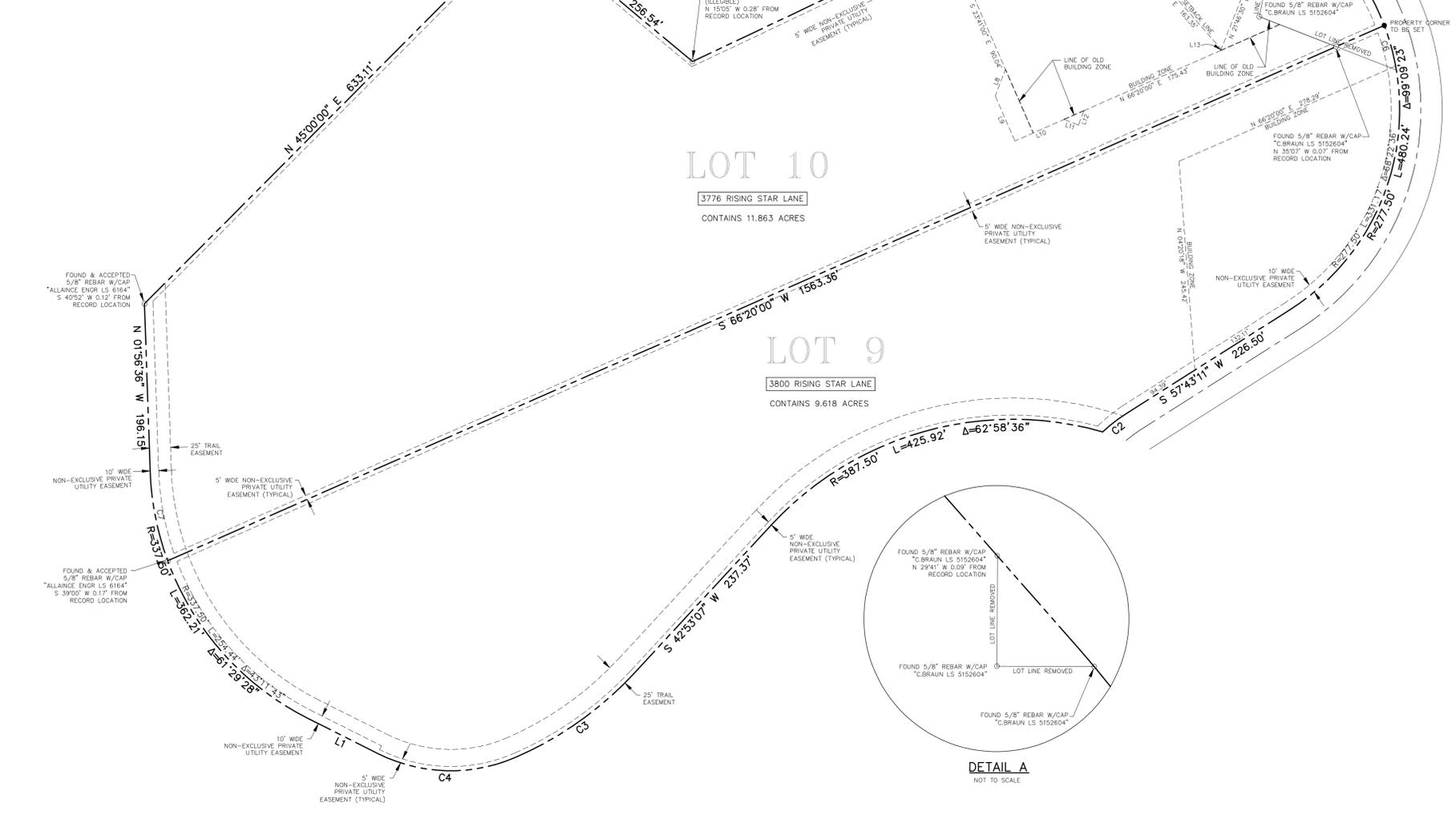
On this \_\_\_\_ day of \_\_\_\_\_, 2016, Alan Franklin Airth personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Alan Franklin Airth acknowledged to me that he is the managing member of Rising Star Lane, LLC, a Utah limited liability company, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in \_\_\_\_\_  
 Printed Name \_\_\_\_\_  
 Residing in: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_



CURVE	RADIUS	LENGTH	DELTA
C1	755.66	47.51	03°36'08"
C2	200.00	36.24	10°22'57"
C3	415.02	171.95	23°44'18"
C4	192.50	167.79	49°56'31"
C5	277.50	99.58	20°33'38"
C6	277.50	49.49	10°13'09"
C7	337.50	107.77	18°17'45"
C8	755.66	25.89	01°57'46"
C9	755.66	21.62	01°58'22"

LINE	BEARING	DISTANCE
L1	N 63°26'04" W	91.05
L2	N 25°11'53" W	21.84
L3	S 66°22'37" W	94.34
L4	S 23°37'23" E	13.62
L5	S 66°22'37" W	42.40
L6	S 23°37'23" E	10.85
L7	S 64°49'13" W	23.48
L8	S 21°21'02" W	33.28
L9	S 23°42'05" E	57.82
L10	N 66°20'00" E	63.17
L11	S 68°38'58" E	18.20
L12	N 21°21'02" E	18.21
L13	N 21°46'30" E	1.75



FIRST AMENDED

LOTS 9 AND 10, MORNING STAR ESTATES

A PARCEL COMBINATION PLAT & AN AMENDMENT OF THE BUILDING ZONE FOR LOT 10 OF MORNING STAR ESTATES  
 A SUBDIVISION LOCATED IN SECTION 11 AND SECTION 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH

(435) 649-9467  
**Alliance Engineering Inc.**  
 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 \_\_\_\_\_, 2016  
 BY \_\_\_\_\_ S.B.W.R.D.

PLANNING COMMISSION  
 APPROVED BY THE PARK CITY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016  
 BY \_\_\_\_\_ CHAIR

ENGINEER'S CERTIFICATE  
 I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016  
 BY \_\_\_\_\_ PARK CITY ENGINEER

APPROVAL AS TO FORM  
 APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016  
 BY \_\_\_\_\_ PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE  
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016  
 BY \_\_\_\_\_ MAYOR

CERTIFICATE OF ATTEST  
 I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016  
 BY \_\_\_\_\_ PARK CITY RECORDER

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

# EXHIBIT K - Site Photographs



Morning Star Estates, Lots 9 and 10 – Looking east



Morning Star Estates, Lots 9 and 10 – Looking southwesterly



Morning Star Estates, Lot 9 – Looking west



Morning Star Estates, Lot 10 – Looking east



Morning Star Estates, Lots 9 and 10 – Looking easterly



Morning Star Estates, Lot 9 – Looking north





PLANNING DEPARTMENT

## Planning Commission Staff Report

**Subject:** Morning Star Estates, First Amended Subdivision, amending Lots 9 and 10  
**Author:** Makena Hawley, Planner  
**Project Number:** PL-16-03051  
**Date:** 10 August, 2016  
**Type of Item:** Legislative – Plat Amendment

### Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Morning Star Estates, First Amended Subdivision, amending Lots 9 and 10 at 3776 Rising Star Lane and 3800 Rising Star Lane and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

### Description

**Applicant:** Rising Star Lane, LLC (Lot 10), & Robert and John Mazanec (Lot 9) represented by Marshall King, Alliance Engineering, Inc.  
**Location:** 3776 Rising Star Lane & 3800 Rising Star Lane  
**Existing Zoning:** Recreation and Open Space (ROS) and Estate (E)  
**Proposed Zoning:** Estate (E) and Recreation Open Space (ROS)  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Plat Amendments and Re-zoning applications require Planning Commission review and City Council review and action

### Proposal

Lots 9 and 10 of the Morning Star Estates Subdivision are owned by John and Robert Mazanec (Lot 9) and Alan Airth (Lot 10). The property owner of Lot 10 is requesting to reconfigure the platted building pad, and both owners are requesting the removal of existing lots lines of "exception parcel 3" (See Exhibit L ) so each lot may incorporate that portion of the parcel into their existing lots. The property owners of Lot 10 are also requesting a Zone Change concurrent with this application.

### Background

On January 12, 2016, the City received a completed Plat Amendment application for the Morning Star Estate, First Amended Subdivision, amending Lots 9 and 10. The properties are located at 3776 Rising Star Lane and 3800 Rising Star Lane. The subject property consists of Lots 9 and 10 of the Morning Star Estates Subdivision and consists of the property in both the Estate zone and the Recreation Open Space zone. Lot 9 is recognized by Summit County as Parcel MSTE-9 (Tax ID). Lot 10 is recognized by Summit County as Parcel MSTE-10 (Tax ID).

Currently, Lot 9 contains a single-family dwelling. The single-family dwelling was built in 1995, after the property owner was able to obtain the proper building permits with the City. Currently Lot 10 is under construction with an approved building permit.

### Plat Amendment History

In June 1992 the City Council approved the Morning Star Estates Annexation. In March 1993, the City Council approved the Morning Star Estates Subdivision. The original subdivision, which was processed as a Master Planned Development (MPD), consisted of 12 lots on 178.36 acres, and four (4) "exception" parcels and one (1) Water Tank parcel. The building envelopes for each parcel are zoned Estate (E), and the non-buildable areas are zoned "Recreation and Open Space" (ROS) as originally approved by the MPD. When the plat was being recorded there were 4 "Exception Parcels" noted on the plat that belonged to The Bureau of Land Management (See Exhibit D – Morning Star Estates Subdivision). These parcels were later sold from the BLM to the developer of Morning Star Estates and then to the property owners of the adjacent lots: 5, 6, 9 and 10. Title reports show the owners of Lots 9 and 10 to have owned these separate parcels since 1998.

In 1996, Lot 5 of Morning Star Estates was amended to reflect a reconfigured building pad. In 2002 Lot 1 was amended to modify the building pad. In 2012 Lots 1 and 2 of Morning Star Estates were additionally amended to correct an error in the plat to properly show a parcel of City owned property with an easement going through it for the benefit of the property owner. The current proposal is similar to the 1996 and 2002 Plat Amendments, with the addition of removing the existing lines that separated the Lots from the "Exception parcel".

### Purpose

The buildable pads are zoned Estate and all the building pads in the subdivision are surrounded by Recreation Open Space.

The purpose of the Estate (E) District is to:

- A. allow very low density, environmentally sensitive residential Development which:
  1. preserves ridge tops, meadows, and visible hillsides,
  2. preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
  3. preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
  4. mitigates geologic and flood hazards,
  5. protects views along the City's entry corridors, and
  6. decreases fire risk by keeping Development out of sensitive wild land interface Areas.
- B. incorporate pedestrian trail linkages between and through neighborhoods; and
- C. encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands

Ordinance.

The purpose of the Recreation and Open Space (ROS) District is to:

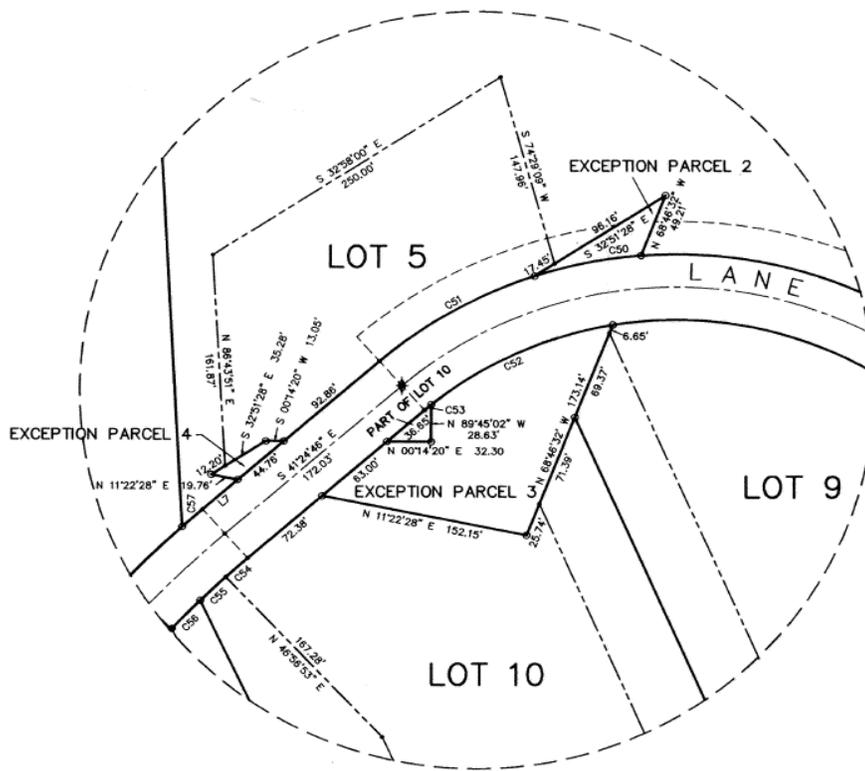
- A. establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
- B. permit recreational Uses and preserve recreational Open Space land,
- C. encourage parks, golf courses, trails and other Compatible public or private recreational Uses,
- D. preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
- E. encourage sustainability, conservation, and renewable energy.

**Plat Amendment Analysis**

This application is a request to amend the Morning Star Estates Subdivision as follows:

- 1. Re-configure the building pad of Lot 10.
- 2. Remove the lot lines of "Exception Parcel 3" that sits upon Lots 9 and 10.
- 3. Replace the removed lot lines with a new lot line that continues from the current dividing line between lots, down to the road (Rising Star Lane).

The proposed Plat Amendment reconfigures two (2) lots of record. Lot 10 is currently 11.543 acres, Lot 9 is currently 9.579 acres, is the amendment is approved Lot 10 will be 11.863 acres; Lot 9 is currently 9.618 acres. When the "Exception parcel 3", that is 15,638.04 square feet was sold to the appropriate Lot owners that land became theirs.

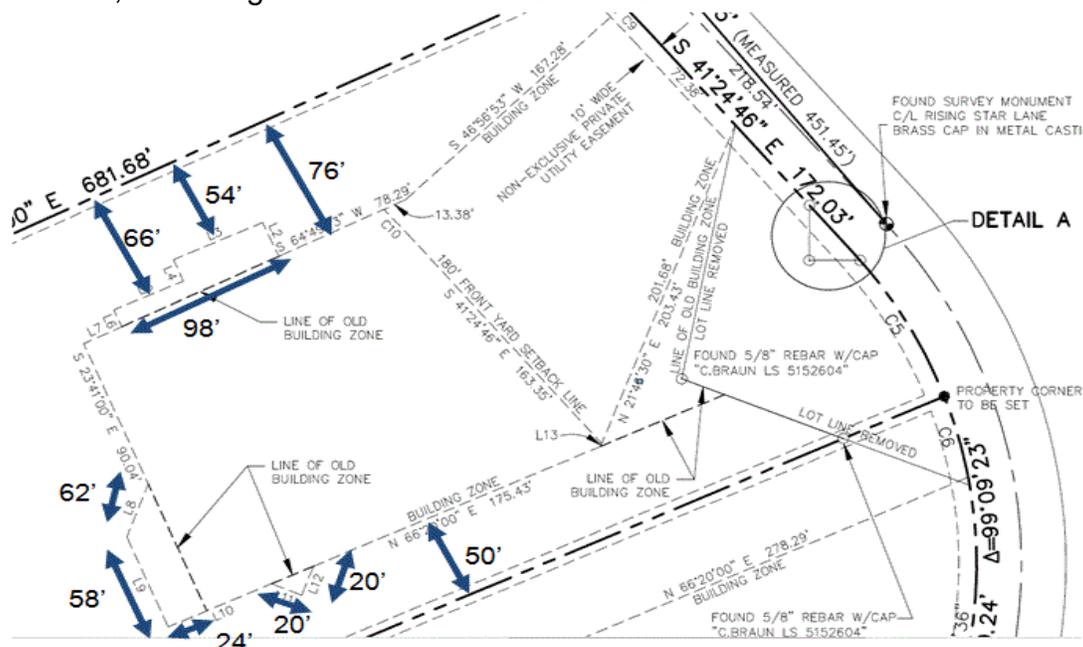


Lot 10 previously had a house on the lot until it was demolished in 2015 and is now currently under construction building a new single family dwelling. The current building plans reflect a conforming house within the building pad of Lot 10. A single-family dwelling is an allowed use in the Estate District. The minimum lot area for any Use in the Estate zone is 3 acres (except that a duplex dwelling requires a minimum Lot size of six (6) acres). Proposed Lot 9 is 9.618 acres. Proposed Lot 10 is 11.863 acres. The proposed lots meet the minimum lot area for single-family dwellings within the Estate District.

The table below shows applicable development parameters in the Estate District:

LMC Regulation	Requirement:
Front & Rear Yard	The minimum Front, Side and Rear Yard for all Structures is thirty feet (30').
Side Yard	The minimum Front, Side and Rear Yard for all Structures is thirty feet (30').
Building (Zone) Height	No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade.
Architectural Review	Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.
Roof Pitch	Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

The proposed building area will meet all the requirements of the above table. On the North side of the lot, the current building pad holds a general 76' setback. For a length of 54 feet, the building pad will decrease this setback to 54 feet from the property line and just west, for a length of 44 feet the setback will decrease from 76 feet to 66 feet.



The existing plat notes include items such as max house size, max landscape disturbance and the requirement of any exterior building to be approved by the Morning Star Estates Architectural Committee. These will all be requirements in order to gain approval of a building permit and do not affect the changes proposed within this plat amendment. All the existing plat notes and conditions of the original plat will continue to apply. Easements mentioned on the original plat (10' wide non-exclusive public utility easement is hereby dedicated along all front and rear Lot Lines. A 5' wide non-exclusively public utility and drainage easement is hereby dedicated along all side Lot lines) will still apply and are also noted on this plat.

Nothing within the Annexation Ordinance is being affected by this application. There are

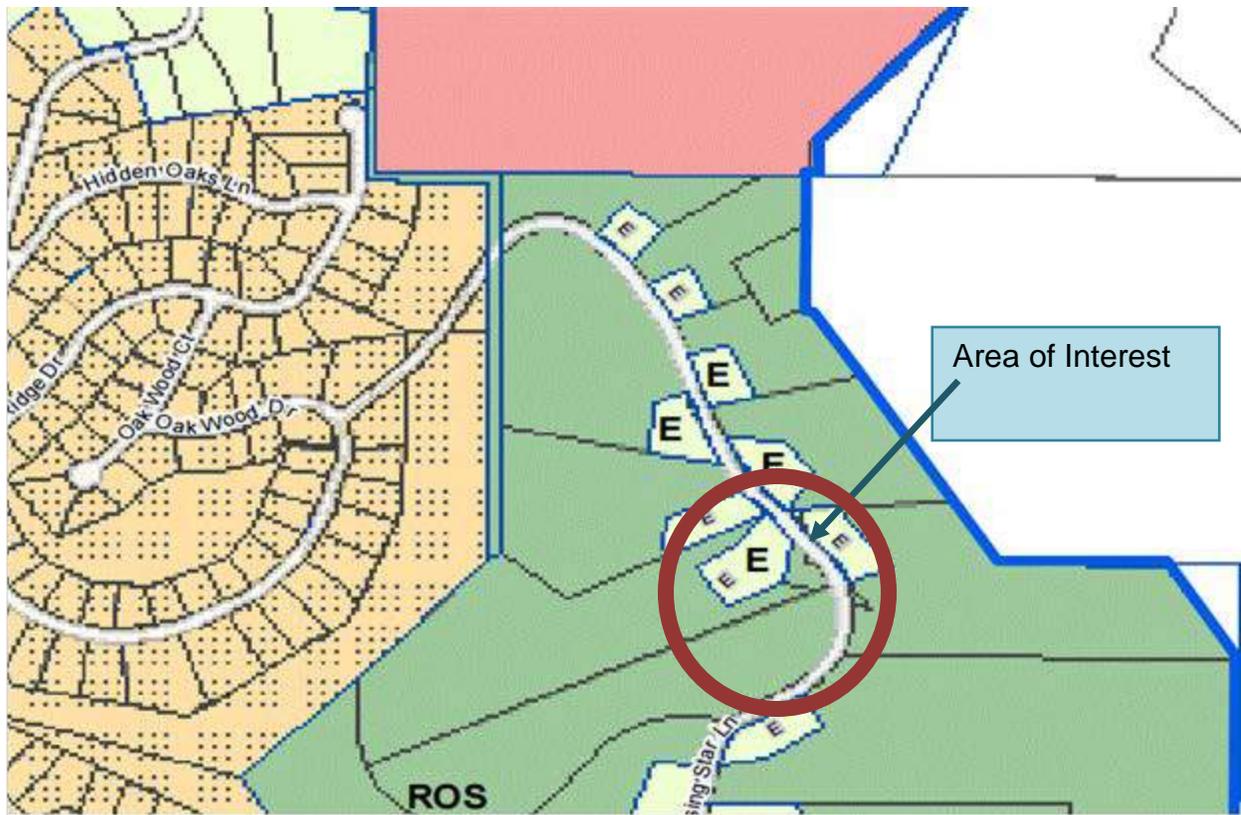
### **Good Cause**

Planning Staff finds that there is Good Cause for this Plat Amendment as the amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code can be met. In addition, the portion of land proposed to change from E to ROS has not been developed previously and still contains undisturbed native grasses and shrubs in a natural state so no re-vegetation will be necessary.

### **Zoning Map Amendment Analysis (Pending)**

By reconfiguring the Lot, specifically changing the front E portion to ROS and concurrently changing pieces in the rear of the buildable area from ROS to E. The proposed amendment has a net change of 9 square feet increase to the ROS zone on the lot

The subject site is currently in the E District. As indicated on the current zoning map below, the buildable area is surrounded to the north, south, west and portions of the east by the ROS zone. The access to the site is through the E zone off Rising Star Lane. The entire subdivision consists of lots that are similarly zoned with majority ROS and E regulated buildable areas.



### **Process**

The approval of this Plat Amendment application and approval of the proposed rezoning application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 1-8

### **Department Review**

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

### **Notice**

On July 27, 2016 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on July 13, 2016 according to requirements of the Land Management Code. The application was continued at the July 13, 2016 meeting to August 10, 2016.

### **Public Input**

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

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council to approve the Morning Star Estates, First Amended Subdivision, Amending Lots 9 and 10 as conditioned or amended; or

- The Planning Commission may forward a negative recommendation to the City Council to deny the Morning Star Estates, First Amended Subdivision, Amending Lots 9 and 10 and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Morning Star Estates, First Amended Subdivision, Amending Lots 9 and 10.

**Significant Impacts**

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

**Consequences of not taking the Planning Department's Recommendation**

The lots and zoning designation would remain as is.

**Summary Recommendations**

Staff recommends the Planning Commission hold a public hearing for the Morning Star Estates, First Amended Subdivision, Amending Lots 9 and 10 located at 3776 and 3800 Rising Star Lane and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

**Exhibits**

- Exhibit A – Plat Amendment Draft Ordinance with Proposed Plat
- Exhibit B – Applicant’s Project Description
- Exhibit C – Morning Star Estates Annexation Plat
- Exhibit D –Morning Star Estates Subdivision Plat
- Exhibit E – Aerial Photograph
- Exhibit F – Existing Conditions and Topo Map of Lot 10
- Exhibit G – Park City Zoning Map
- Exhibit H – Existing Zoning Exhibit (Aerial Photograph)
- Exhibit I – Proposed Zoning Exhibit (Aerial Photograph)
- Exhibit J – Square Footage Zone Change Exhibit
- Exhibit K – Site Photographs
- Exhibit L – Close up of Exception Parcel 3

Exhibit A1: Plat Amendment Draft Ordinance

Ordinance No. 16-XX

**AN ORDINANCE APPROVING MORNING STAR ESTATES, FIRST AMENDED SUBDIVISION, AMENDING LOTS 9 AND 10, PARK CITY, UTAH.**

WHEREAS, the owners of the properties located at 3776 and 3800 Rising Star Lane have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code and legal notice was published in the Park Record; and

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

WHEREAS, the Planning Commission held a public hearing on August 10, 2016, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on August 10, 2016, forwarded a \_\_\_\_\_ recommendation to the City Council; and,

WHEREAS, on September 1, 2016, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve Morning Star Estates, First Amended Subdivision, Amending Lots 9 and 10.

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

**SECTION 1. APPROVAL.** Morning Star Estates, First Amended Subdivision, Amending Lots 9 and 10 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 3776 and 3800 Rising Star Lane.
2. The property is comprised of two zones, a buildable area designated as Estate Zone and a non-buildable area designated as Recreation Open Space Zone.
3. The Morning Star Estate subdivision consists of similar lots with E regulated buildable areas surrounded by ROS zoning designations.
4. The subject property consists of Lots 9 and 10, of the Morning Star Estates Subdivision and "Exception Parcel 3".
5. The access to the site is through the E zone off Rising Star Lane.
6. The Morning Star Estates Subdivision consists of buildable pads within the

Estate zone and all the building pads in the subdivision are surrounded by Recreation Open Space.

7. Lot 9 contains a single-family dwelling, built in 1995.
8. Lot 10 has a single family dwelling under construction, approved under building permit BD-15-22064 on 10/23/15.
9. In March 1993, the City Council approved the Morning Star Estates Subdivision which created 12 lots on 178.36 acres, four (4) "exception" parcels and one (1) Water Tank parcel.
10. The proposed Plat Amendment application is a request to reconfigure the platted building pad of Lot 10. Both owners of Lots 9 and 10 are requesting the removal of existing lot lines of "exception parcel 3" which crosses onto both lots and to add a lot line continuing between the two lots reaching the road (Rising Star Lane).
11. A single-family dwelling is an allowed use in the Estate District.
12. The minimum lot area for a single-family dwelling is 3 acres.
13. Existing Lot 9 contains 9.579 acres. The addition of the "Exception Parcel 3" proposes an increase to the lot totaling 9.618 acres.
14. Existing Lot 10 contains 11.543 acres. The addition of the "Exception Parcel 3" proposes an increase to the lot totaling 11.863.
15. The proposed lots meet the minimum lot area for single-family dwellings within the E District.
16. The plat amendment does not create additional density on the platted lots.
17. The minimum lot width allowed in the E District one hundred feet (100'). The width of Lot 9 is approximately 219 feet at the lowest width (due to oddly shaped lots).
18. The width of Lot 10 is approximately 320 feet at the lowest width (due to oddly shaped lots).
19. The proposed lots meet the minimum lot width required in the E District.
20. The E District does not restrict the Building Footprint.
21. The property owner of Lot 10 is also requesting a Zone Change concurrent with this application.
22. The proposed Plat Amendment directs complimentary development into an existing neighborhood.
23. The portion of land proposed to change from E to ROS has not been developed previously and still contains undisturbed native grasses and shrubs.

#### 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 for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All Conditions of Approval of the existing plat continue to apply.
4. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
5. A ten foot public snow storage easement will be required along the front property line.

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

PASSED AND ADOPTED this 1<sup>st</sup> day of September, 2016.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

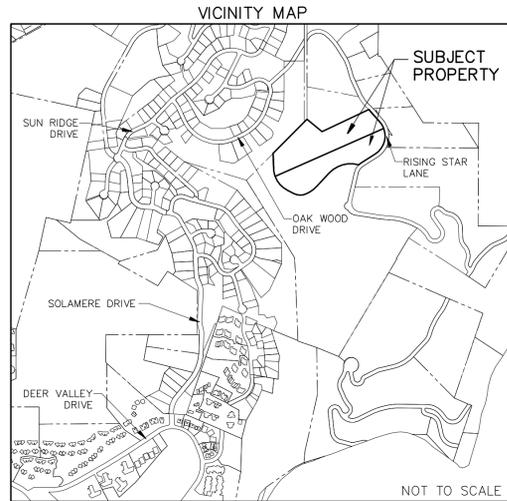
ATTEST:

\_\_\_\_\_  
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



CURVE	RADIUS	LENGTH	DELTA
C1	755.66	47.51	03°36'08"
C2	200.00	36.24	10°22'57"
C3	415.02	171.95	23°44'18"
C4	192.50	167.79	49°56'31"
C5	277.50	99.58	20°33'38"
C6	277.50	49.49	10°13'09"
C7	337.50	107.77	18°17'45"
C8	755.66	25.89	01°57'46"
C9	755.66	21.62	01°58'22"

LINE	BEARING	DISTANCE
L1	N 63°26'04" W	91.05
L2	N 25°11'53" W	21.84
L3	S 66°22'37" W	94.34
L4	S 23°37'23" E	13.62
L5	S 66°22'37" W	42.40
L6	S 23°37'23" E	10.85
L7	S 64°49'13" W	23.48
L8	S 21°21'02" W	33.28
L9	S 23°42'05" E	57.82
L10	N 66°20'00" E	63.17
L11	S 68°38'58" E	18.20
L12	N 21°21'02" E	18.21
L13	N 21°46'30" E	1.75

EXHIBIT A-Proposed Plat



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this plat map of FIRST AMENDED LOTS 9 AND 10, MORNING STAR ESTATES 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.

BOUNDARY DESCRIPTION, LOT 9

**Parcel 1**  
Lot No. 9, Morning Star Estates Subdivision, according to the official plat thereof on file and of record in the Office of the Summit County Recorder, as Entry Number 376621

**Parcel 2**  
Beginning at point on the northerly end line of Postmaster Mining Claim, Mineral Survey No. 4981, and on the westerly right-of-way line of Rising Star Lane, said point is located south 1438.59 feet and east 1413.99 feet from the west quarter corner of Section 11, Township 2 South, Range 4 East, Salt Lake Meridian; and running thence along the northerly end line of the Postmaster Mining Claim North 66°46'32" West 76.02 feet; thence North 66°20'00" East 61.80 feet to a point on a 277.50 foot curve to the right, whose radius point bears South 69°08'52" West; thence along the arc of said curve and along the westerly right-of-way line of Rising Star Lane 54.32 feet thru a central angle of 11°12'56" to the point of beginning.

The basis of bearing for the description is North 00°19'41" East between the west quarter corner and the northwest corner of Section 11.

BOUNDARY DESCRIPTION, LOT 10

**PARCEL 1:**  
All of Lot No. 10, Morning Star Estates Subdivision, according to the official plat filed in the official records of the Summit County Recorder.

**PARCEL 2:**  
Beginning at Corner No. 2 of the Arabian Mining Claim and Corner No. 4 of the Postmaster Mining Claim, Mineral Survey No. 4981, said point is located South 1436.31 feet and East 1292.00 feet from the west quarter corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the easterly sideline of the Arabian Mining Claim North 11°22'28" East 152.15 feet; thence along the westerly right-of-way line of Rising Star Lane, South 41°24'46" East 63.00 feet; thence along the east line of the northwest quarter of the southwest quarter of Section 11, South 0°14'20" West 32.30 feet; thence along the north line of the southeast quarter of the southwest quarter of Section 11, South 89°45'02" East 28.83 feet to a point on a 277.50 foot curve to the right, whose radius point bears South 49°56'01" West; thence along the westerly right-of-way line of Rising Star Lane and along the arc of said curve 93.06 feet thru a central angle of 19°12'51"; thence South 66°20'00" West 61.80 feet; thence North 68°46'32" West 97.12 feet to the point of beginning.

The basis of bearing for the description is North 0°19'41" East between the west quarter corner and the northwest corner of Section 11.

NOTES:

- This subdivision is subject to the Conditions of Approval in Ordinance 16-\_\_\_\_\_
- All conditions of approval of Morning Star Estates, recorded March 31, 1993, as Entry No. 376621 remain in full force and effect.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Robert Andrew Mazanec and John Charles Mazanec, in equal shares as tenants in common and as the separate property of each who is married, as to Lot 9, do hereby certify that they have caused this plat amendment to be prepared, and do hereby consent to the recordation of this FIRST AMENDED LOTS 9 AND 10, MORNING STAR ESTATES plat amendment.

In witness whereof, the undersigned set his hand this \_\_\_\_ day of \_\_\_\_\_, 2016

By: Robert Andrew Mazanec  
By: John Charles Mazanec

ACKNOWLEDGMENT

State of \_\_\_\_\_, ss. \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2016, Robert Andrew Mazanec personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Robert Andrew Mazanec acknowledged to me that he is an owner of the herein described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in \_\_\_\_\_

Printed Name \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

ACKNOWLEDGMENT

State of \_\_\_\_\_, ss. \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2016, John Charles Mazanec personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Robert Andrew Mazanec acknowledged to me that he is an owner of the herein described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in \_\_\_\_\_

Printed Name \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Rising Star Lane, LLC, a Utah limited liability company, as to Lot 10, does hereby certify that it has caused this plat amendment to be prepared, and does hereby consent to the recordation of this FIRST AMENDED LOTS 9 AND 10, MORNING STAR ESTATES plat amendment.

In witness whereof, the undersigned set his hand this \_\_\_\_ day of \_\_\_\_\_, 2016.

Alan Franklin Airth, Manager  
Rising Star Lane, LLC, a Utah limited liability company

ACKNOWLEDGMENT

State of \_\_\_\_\_, ss. \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2016, Alan Franklin Airth personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Alan Franklin Airth acknowledged to me that he is the managing member of Rising Star Lane, LLC, a Utah limited liability company, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in \_\_\_\_\_

Printed Name \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My commission expires: \_\_\_\_\_



FIRST AMENDED

LOTS 9 AND 10, MORNING STAR ESTATES

A PARCEL COMBINATION PLAT & AN AMENDMENT OF THE BUILDING ZONE FOR LOT 10 OF MORNING STAR ESTATES  
A SUBDIVISION LOCATED IN SECTION 11 AND SECTION 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

5/2/16 JOB NO.: 10-5-15 FILE: X:\TheOaks\dwg\sr\pl2015\100515\_lots 9 and 10.dwg

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467 SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____
	Planning Commission Packet August 10, 2016						

# EXHIBIT B - Project Intent

MORNING STAR ESTATES, LOTS 9 & 10  
April 27, 2016

## PROJECT INTENT

Lot 9, Morning Star Estates, is occupied by an existing residence. Lot 10, Morning Star Estates, is currently under construction. This plat amendment will address the Recreational Open Space at the front of the lots. It is purported that this area was a Bureau of Land Management fraction at the time of the recording of the original plat recorded March 31, 1993, as Entry No. 376621. Since that time, quitclaim deeds of the BLM land were recorded, with the owners of Lot 9 and Lot 10 being the grantees. The bearing of the line in the descriptions in the quitclaim deeds common to Lots 9 and 10 are identical and are the same as the boundary line between Lots 9 and 10 on the currently recorded plat. The goal of this plat amendment is to remove the lot lines created by the former BLM fractions within each lot as well as creating a lot line between Lots 9 and 10 over the currently existing deed line in the quitclaim deeds between Lots 9 and 10. This plat amendment does not alter the area of ownership of either property as currently recorded in the Office of the Summit County recorder.

In conjunction with this plat amendment, a separate application will be submitted for a zone change to alter the building envelope to accommodate the new construction on Lot 10.

**SURVEYOR'S CERTIFICATE**

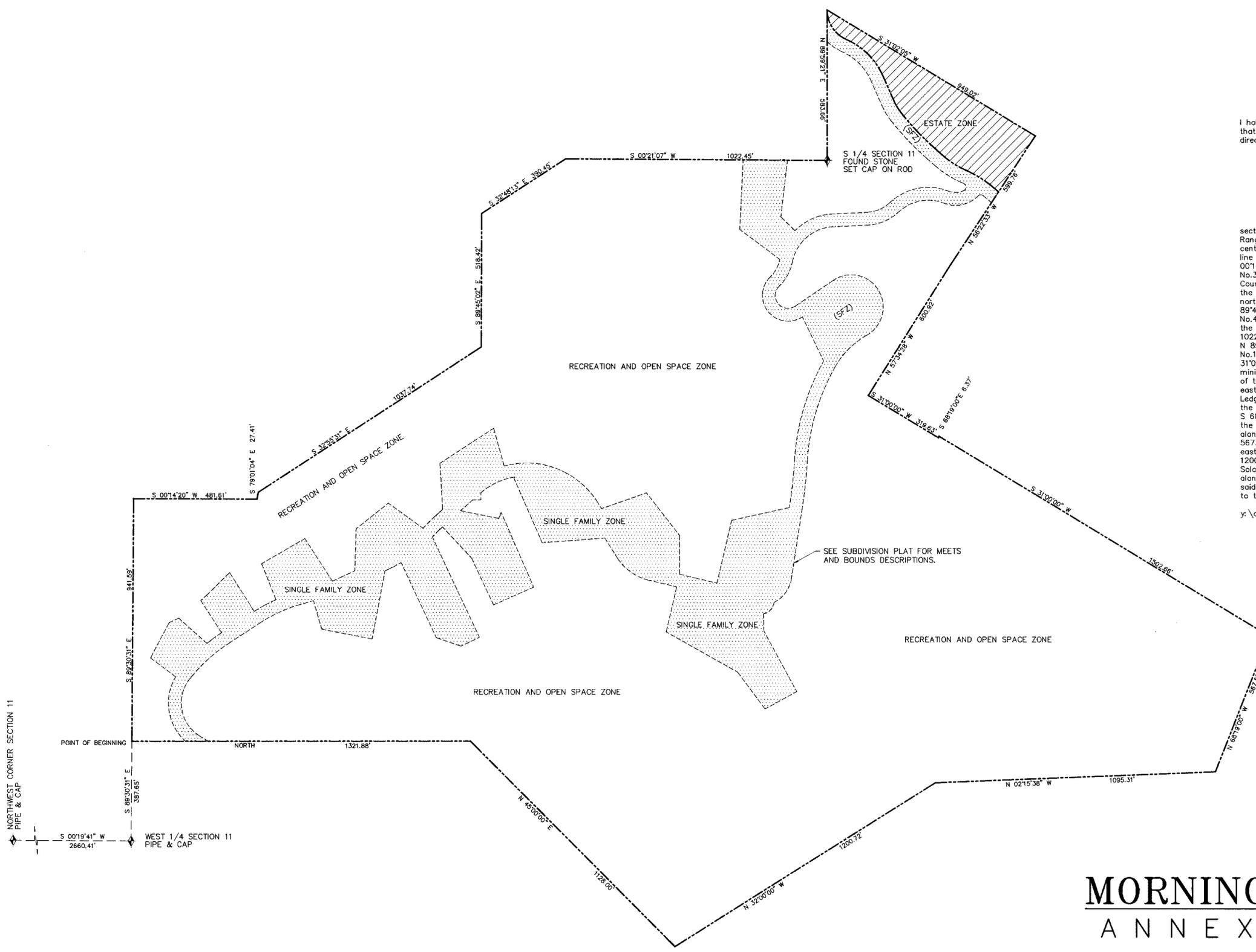
I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 6164, as prescribed by the laws of the State of Utah, and that a survey of the following described property was performed under my direction of the parcel described below.

*John Demkowicz* 2-10-93  
 John Demkowicz, L.S. No. 6164 Date



**PROPERTY DESCRIPTION**

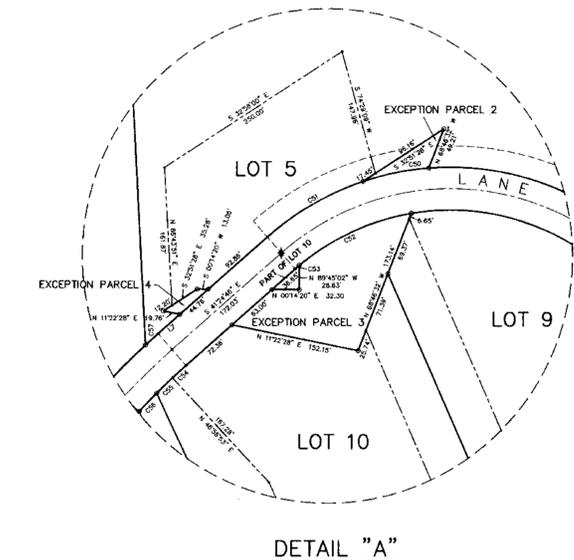
Beginning at a point S 89°30'31" E 387.65 feet along the center of section line from the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the centerline of section 11, S 89°30'31" E 941.59 feet; thence along the east line of the northwest quarter of the southwest quarter of section 11, S 00°14'20" W 481.61 feet; thence along the northerly end line of the Velvet No.3 mining claim (Mineral Survey No. 6842, Blue Ledge Mining District, Summit County, Utah) S 79°01'04" E 27.41 feet; thence along the easterly side line of the Velvet No.3 mining claim S 32°55'31" E 1037.74 feet; thence along the north line of the southeast quarter of the southwest quarter of section 11, S 89°45'02" E 518.42 feet; thence along the easterly side line of the Velvet No.4 mining claim S 32°48'13" E 390.45 feet; thence along the east line of the southeast quarter of the southwest quarter of section 11, S 00°21'07" W 1022.45 feet; thence along the south line of the southeast quarter of section 11, N 89°59'21" E 583.66 feet; thence along the easterly side line of the Ajo No.14 mining claim (Mineral Survey No.6989, Blue Ledge Mining District) S 31°02'05" W 949.02 feet; thence along the southerly end line of the Ajo No.14 mining claim N 56°22'33" W 599.76 feet; thence along the southerly end line of the Ajo No.15 mining claim N 57°34'28" W 600.92 feet; thence along the easterly side line of The Postmistress mining claim (Mineral Survey No.4981, Blue Ledge Mining District) S 31°00'00" W 319.63 feet more or less; thence along the northerly end line of the Republican mining claim (mineral Survey No.4981) S 68°19'00" E 6.37 feet more or less; thence along the easterly side line of the Republican mining claim S 31°00'00" W 1502.66 feet more or less; thence along the southerly end line of the Republican mining claim N 68°19'00" W 567.57 feet more or less; thence N 02°15'38" W 1095.31 feet along the easterly line of Solamere Subdivision No. 1 as recorded; thence N 32°00'00" W 1200.72 feet along the easterly boundary line of Solamere Subdivision No.1 and Solamere Subdivision No.2a, as recorded; thence N 45°00'00" E 1128.00 feet along the easterly boundary line of The Oaks at Deer Valley, as recorded and said line projected beyond The Oaks at Deer Valley; Thence North 1321.88 feet to the point of beginning.  
 Description contains 178.36 acres.  
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**MORNING STAR ESTATES ANNEXATION PLAT**



<p><b>ALLIANCE ENGINEERING INC.</b>                  P.O. BOX 2664                  323 MAIN STREET                  PARK CITY, UTAH 84060                  (801) 649-9467</p>	<p><b>PLANNING COMMISSION</b>                  APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 12<sup>th</sup> DAY OF <u>March</u>, 1993 A.D.                  BY <i>B.W.L.</i>                  CHAIRMAN</p>	<p><b>ENGINEERS CERTIFICATE</b>                  I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 22<sup>nd</sup> DAY OF <u>MARCH</u>, 1993 A.D.                  BY <i>Eric W. Deban</i>                  PARK CITY ENGINEER</p>	<p><b>APPROVAL AS TO FORM</b>                  APPROVED AS TO FORM THIS 15<sup>th</sup> DAY OF <u>March</u>, 1993 A.D.                  BY <i>[Signature]</i>                  PARK CITY ATTORNEY</p>	<p><b>CERTIFICATE OF ATTEST</b>                  I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 18<sup>TH</sup> DAY OF <u>JUNE</u>, 1993 A.D.                  BY <i>Anita S. Sheldon</i>                  PARK CITY RECORDER</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b>                  APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 18<sup>TH</sup> DAY OF <u>JUNE</u>, 1993 A.D.                  BY <i>[Signature]</i>                  MAYOR</p>	<p># 376611 RECORDED                  STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <i>Coalition Title Co.</i>                  DATE <u>03-31-93</u> TIME <u>02:01</u> BOOK PAGE                  FEE RECORDER</p>
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LINE TABLE

LINE	DIRECTION	DISTANCE	LINE	DIRECTION	DISTANCE
L1	N 49°54'44" E	17.80	L16	N 89°59'21" E	82.22
L2	S 20°16'23" E	40.89	L17	N 41°39'18" E	42.23
L3	S 41°48'54" W	147.49	L18	N 41°39'18" E	42.23
L4	S 42°00'41" E	27.04	L19	S 39°42'59" W	31.36
L5	N 24°48'12" W	41.82	L20	S 39°42'59" W	31.36
L6	N 24°48'12" W	41.82	L21	S 39°42'59" W	31.36
L7	N 40°39'59" W	23.03	L22	N 36°22'33" W	25.14
L8	N 40°39'59" W	23.03	L23	N 36°22'33" W	25.14
L9	N 24°48'12" W	16.75	L24	N 49°43'19" W	25.20
L10	N 40°39'59" W	17.80	L25	N 26°22'33" W	25.14
L11	S 31°40'50" W	40.51	L26	N 49°43'19" W	25.20
L12	N 40°39'59" W	41.82	L27	N 26°22'33" W	25.14
L13	N 00°00'00" E	41.82	L28	N 00°00'00" E	48.18
L14	N 49°54'44" E	17.80	L29	S 84°52'30" E	26.72
L15	N 89°59'21" E	39.92			

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	175.87	159.27	16.25°14'
C2	551.43	159.27	16.25°14'
C3	572.37	164.80	18.14°48'
C4	174.44	107.47	18.28°00'
C5	513.71	201.57	22.28°54'
C6	190.00	80.00	22.50°00'
C7	302.50	523.51	30.00°00'
C8	175.50	234.75	34.20°00'
C9	190.00	214.75	34.20°00'
C10	230.51	180.93	35.00°00'
C11	866.88	306.13	35.91°44'
C12	352.78	152.89	31.91°14'
C13	190.00	234.75	34.20°00'
C14	75.00	224.60	100.00°00'
C15	154.81	94.04	34.48°25'
C16	190.00	234.75	34.20°00'
C17	168.97	118.39	40.38°30'
C18	21.92	21.92	64.90°00'
C19	100.00	123.74	70.54°00'
C20	100.00	123.74	70.54°00'
C21	388.01	85.94	08.58°20'
C22	368.40	113.15	17.41°00'
C23	126.00	126.00	100.00°00'
C24	224.58	58.50	14.29°40'
C25	250.00	86.46	13.31°54'
C26	126.00	126.00	100.00°00'
C27	126.00	126.00	100.00°00'
C28	421.01	120.43	16.23°22'
C29	271.01	51.34	18.23°22'
C30	15.00	21.92	83.44°14'
C31	15.00	21.92	83.44°14'
C32	15.00	21.92	83.44°14'
C33	75.00	61.66	47.96°00'
C34	126.00	144.06	60.00°00'
C35	220.00	173.80	42.96°25'
C36	220.00	173.80	42.96°25'
C37	126.00	126.00	100.00°00'
C38	100.00	72.60	41.36°43'
C39	100.00	72.60	41.36°43'
C40	126.00	126.00	100.00°00'
C41	220.00	173.80	42.96°25'
C42	220.00	173.80	42.96°25'
C43	50.00	65.37	74.54°31'
C44	50.00	65.37	74.54°31'
C45	200.00	113.87	32.71°15'
C46	200.00	113.87	32.71°15'
C47	271.01	120.43	16.23°22'
C48	271.01	120.43	16.23°22'
C49	327.50	175.39	31.74°08'
C50	327.50	175.39	31.74°08'
C51	327.50	175.39	31.74°08'
C52	271.01	120.43	16.23°22'
C53	271.01	120.43	16.23°22'
C54	271.01	120.43	16.23°22'
C55	271.01	120.43	16.23°22'
C56	271.01	120.43	16.23°22'
C57	271.01	120.43	16.23°22'
C58	271.01	120.43	16.23°22'
C59	271.01	120.43	16.23°22'
C60	271.01	120.43	16.23°22'
C61	271.01	120.43	16.23°22'
C62	271.01	120.43	16.23°22'
C63	271.01	120.43	16.23°22'
C64	271.01	120.43	16.23°22'
C65	271.01	120.43	16.23°22'
C66	271.01	120.43	16.23°22'
C67	271.01	120.43	16.23°22'
C68	271.01	120.43	16.23°22'
C69	271.01	120.43	16.23°22'
C70	271.01	120.43	16.23°22'
C71	271.01	120.43	16.23°22'
C72	271.01	120.43	16.23°22'
C73	271.01	120.43	16.23°22'
C74	271.01	120.43	16.23°22'
C75	271.01	120.43	16.23°22'
C76	271.01	120.43	16.23°22'
C77	271.01	120.43	16.23°22'
C78	271.01	120.43	16.23°22'
C79	271.01	120.43	16.23°22'
C80	271.01	120.43	16.23°22'
C81	271.01	120.43	16.23°22'
C82	271.01	120.43	16.23°22'

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 6164, as prescribed by the laws of the State of Utah, and that a survey of the following described property was performed under my direction of the parcel described below.

*John Demkowicz* 2-10-93  
John Demkowicz, L.S. No. 6164 Date



PROPERTY DESCRIPTION

Beginning at a point S 89°30'31" E 387.65 feet along the center of section line from the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the centerline of Section 11, S 89°30'31" E 941.59 feet; thence along the east line of the northwest quarter of the southwest quarter of Section 11, S 00°14'20" W 481.61 feet; thence along the northerly end line of the Velvet No.3 mining claim (Mineral Survey No. 6842, Blue Ledge Mining District, Summit County, Utah) S 79°01'04" E 27.41 feet; thence along the easterly side line of the Velvet No.3 mining claim S 32°51'28" E 1037.74 feet; thence along the north line of the southeast quarter of the southwest quarter of Section 11, S 89°45'02" E 518.42 feet; thence along the easterly side line of the Velvet No.4 mining claim S 32°48'13" E 390.45 feet; thence along the east line of the southeast quarter of the southwest quarter of Section 11, S 07°21'07" W 1022.45 feet; thence along the south line of the southeast quarter of Section 11, N 89°59'21" E 563.66 feet; thence along the easterly side line of the Ajo No.14 mining claim (Mineral Survey No.6989, Blue Ledge Mining District) S 31°02'00" W 319.63 feet more or less; thence along the northerly end line of the Republican mining claim (Mineral Survey No.4981) S 68°19'00" E 6.37 feet more or less; thence along the easterly side line of the Republican mining claim S 31°00'00" W 1502.66 feet more or less; thence along the southerly end line of the Republican mining claim N 68°19'00" W 567.57 feet more or less; thence N 02°15'38" W 1095.31 feet along the easterly line of Solamere Subdivision No. 1 as recorded; thence N 32°00'00" W 1200.72 feet along the easterly boundary line of Solamere Subdivision No.1 and Solamere Subdivision No.2A, as recorded; thence N 45°00'00" E 1128.00 feet along the easterly boundary line of the Oaks at Deer Valley, as recorded and said line projected beyond the Oaks at Deer Valley; thence N 1321.88 feet to the point of beginning.

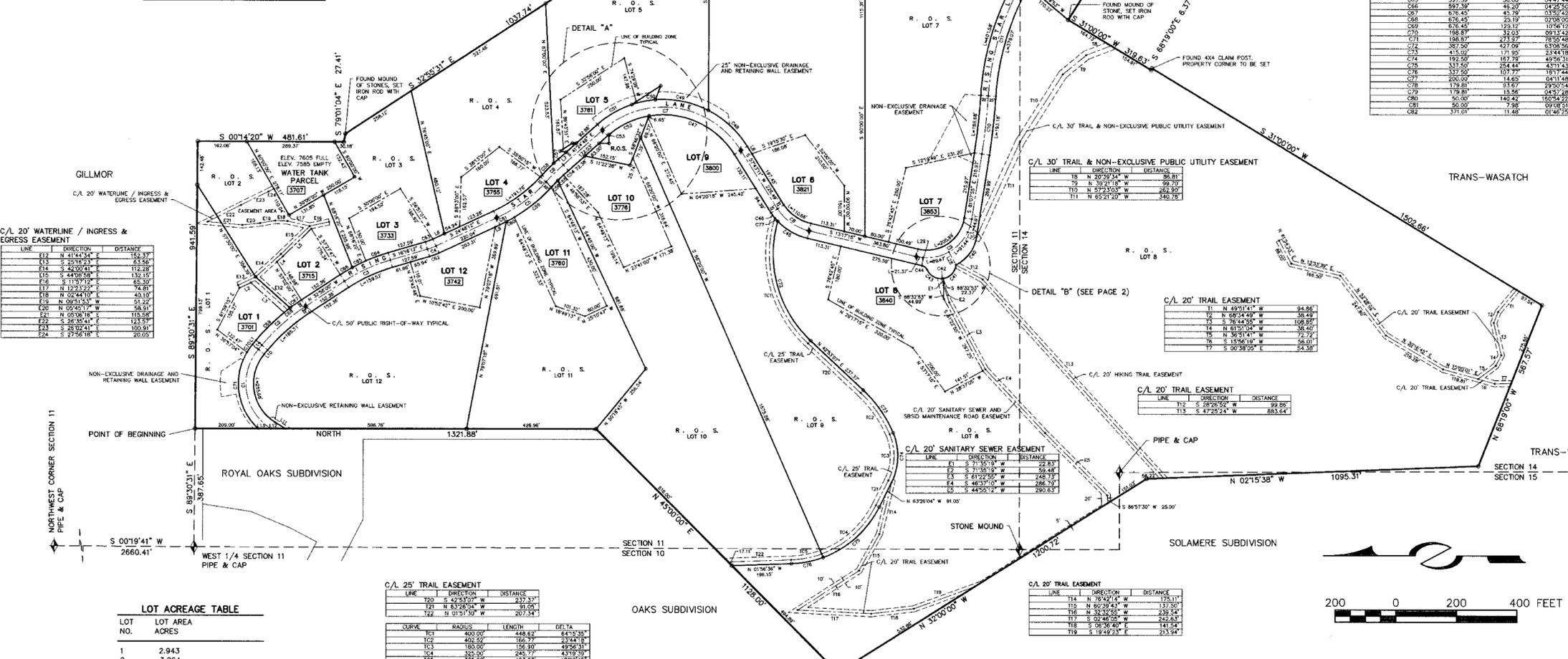
Excepting therefrom the following 4 parcels:

EXCEPTION PARCEL 1  
Beginning at Corner No. 3 of the Postmistress mining claim, Mineral Survey no. 4981, said point is located South 1860.25 feet and East 2343.61 feet more or less from the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the northerly end line of the Postmistress mining claim N 68°46'32" W 380.61 feet more or less; thence along the southerly end line of the Velvet No.3 mining claim (Mineral Survey No. 6842) S 78°51'24" E 184.82 feet; thence along the southerly end line of the Velvet No.4 mining claim S 78°43'01" E 214.03 feet; thence along the westerly side line of the Ajo No.15 mining claim (MS 6989) S 31°01'59" W 70.29 feet to the point of beginning. Description contains 0.30 acres. The basis of bearing for the description is N 00°19'41" E between the West Quarter Corner and the Northwest Corner of Section 11.

EXCEPTION PARCEL 2  
Beginning at the intersection of the northerly end line of the Postmaster mining claim (MS 4981) and the westerly side line of the Velvet No.3 mining claim (MS 6842), said point is located South 1537.35 feet and East 1512.15 feet from the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the northerly end line of the Postmaster mining claim N 68°46'32" W 49.21 feet to a point on a 327.50 foot radius curve to the left, whose radius point bears S 85°27'43" W 1.00 feet; thence along the arc of said curve 79.40 feet thru a central angle of 13°53'26"; thence along the westerly side line of the Velvet No.3 mining claim S 32°51'28" E 113.61 feet to the point of beginning. Description contains 0.035 acres. The basis of bearing for the description is N 00°19'41" E between the West Quarter Corner and the Northwest Corner of Section 11.

EXCEPTION PARCEL 3  
Beginning at the Northwest Corner of the Postmaster mining claim (MS 4981) said point is located South 1436.31 feet and East 1252.00 feet from the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the easterly side line of the Arabian mining claim (MS 4981) N 11°22'28" E 152.15 feet; thence S 41°24'46" E 63.00 feet; thence along the east line of the northwest quarter of the southwest quarter of section 11 S 01°14'20" W 32.30 feet; thence along the north line of the Southeast Quarter of the Southwest Quarter of Section 11, S 89°45'02" E 28.65 feet to a point on a 277.50 foot radius curve to the right, whose radius point bears S 49°55'01" W; thence along the arc of said curve 147.38 feet thru a central angle of 30°25'47"; thence along the northerly end line of the Postmaster mining claim N 68°46'32" W 173.14 feet the point of beginning. Description contains 0.360 acres. The basis of bearing for the description is N 00°19'41" E between the West Quarter Corner and the Northwest Corner of Section 11.

EXCEPTION PARCEL 4  
Beginning at the intersection of the easterly end line of the Arabian mining claim (MS 4981) and the westerly side line of the Velvet No.3 mining claim (MS 6842), said point is located South 1208.22 feet and East 1298.28 feet from the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the westerly side line of the Velvet No. 3 mining claim S 32°51'28" E 47.49 feet; thence along the east line of the Northwest Quarter of the Southwest Quarter of Section 11, S 01°14'20" W 13.05 feet; thence N 41°24'46" W 44.76 feet; thence along the easterly side line of the Arabian mining claim N 11°22'28" E 19.76 feet to the point of beginning. Description contains 0.012 acres. The basis of bearing for the description is N 00°19'41" E between the West Quarter Corner and the Northwest Corner of Section 11.



C/L 20' WATERLINE / INGRESS & EGRESS EASEMENT

LINE	DIRECTION	DISTANCE
E12	N 41°44'34" E	152.37
E13	S 27°28'21" E	63.56
E14	S 42°00'41" E	112.28
E15	S 44°00'58" E	63.56
E16	S 11°50'19" E	132.15
E17	N 12°22'22" E	74.81
E18	N 02°44'10" E	42.01
E19	N 09°31'23" W	51.22
E20	N 02°30'18" E	46.01
E21	N 02°30'18" E	115.36
E22	S 26°38'41" E	123.57
E23	S 26°38'41" E	100.81
E24	S 27°56'18" E	200.05

LOT ACREAGE TABLE

LOT NO.	LOT AREA ACRES
1	2.943
2	3.264
3	3.168
4	5.140
5	10.527
6	26.170
7	10.884
8	61.233
9	9.579
10	11.543
11	6.893
12	8.179

C/L 25' TRAIL EASEMENT

LINE	DIRECTION	DISTANCE
T20	S 42°30'00" W	237.33
T21	N 83°28'04" E	91.88
T22	N 01°51'50" W	207.34

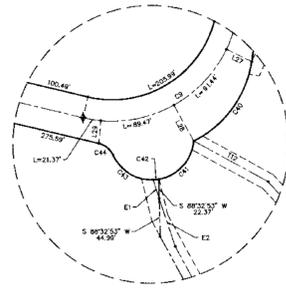
C/L 20' TRAIL EASEMENT

LINE	DIRECTION	DISTANCE
E1	S 71°01'19" W	22.43
E2	S 71°01'19" W	22.43
E3	S 71°01'19" W	22.43
E4	S 71°01'19" W	22.43
E5	S 71°01'19" W	22.43
E6	S 71°01'19" W	22.43
E7	S 71°01'19" W	22.43
E8	S 71°01'19" W	22.43
E9	S 71°01'19" W	22.43
E10	S 71°01'19" W	22.43

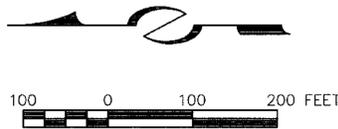
MORNING STAR ESTATES

A SUBDIVISION LOCATED IN SECTIONS 11 AND SECTION 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

<p><b>ALLIANCE ENGINEERING INC.</b> P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467</p>	<p><b>PLANNING COMMISSION</b> APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 12<sup>th</sup> DAY OF <u>MARCH</u>, 1993 A.D. BY <u>Carla</u> CHAIRMAN</p>	<p><b>ENGINEERS CERTIFICATE</b> I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 22<sup>nd</sup> DAY OF <u>MARCH</u>, 1993 A.D. BY <u>Eric W. DeHaan PE</u> PARK CITY ENGINEER</p>	<p><b>APPROVAL AS TO FORM</b> APPROVED AS TO FORM THIS 15<sup>th</sup> DAY OF <u>MARCH</u>, 1993 A.D. BY <u>John</u> PARK CITY ATTORNEY</p>	<p><b>CERTIFICATE OF ATTEST</b> I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 2<sup>ND</sup> DAY OF <u>JULY</u>, 1993 A.D. BY <u>Amelia L. Sheldon</u> PARK CITY RECORDER</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b> APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 2<sup>ND</sup> DAY OF <u>JULY</u>, 1993 A.D. BY <u>Bradley A. O'Neil</u> MAYOR</p> <p># 376621 RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>Realities Title Co</u> DATE <u>03-31-93</u> TIME <u>10:02 AM</u> BOOK _____ PAGE _____ FEE <u>3.42</u> <u>Alan Spejzo</u> RECORDER</p>
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DETAIL "B"



OWNER'S CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: That the undersigned is a owner of a portion of the land herein described and further to the extent of it's interest consent to the recordation of this Record of Survey Plat in accordance with Utah Law.

IN WITNESS WHEREOF, the undersigned set his hand this 26th day of MARCH, 1993

PARK CITY MUNICIPAL

*Bradley A. Olch*  
Bradley A. Olch  
MAYOR

*Anita L. Sheldon*  
Anita L. Sheldon  
RECORDER



ACKNOWLEDGEMENT

STATE OF UTAH )  
                  : ss  
COUNTY OF SUMMIT )

On the 26th day of March, 1993, Bradley A. Olch and Anita L. Sheldon appeared before me and acknowledged that he is the MAYOR and she is the RECORDER of Park City Municipal respectively and that they executed the same on behalf of said Park City Municipal.

*Janet M. Seeth*  
NOTARY PUBLIC

Residing at: Park City, UT  
Commission Expires: 4/6/96

GENERAL NOTES:

1. A Declaration of Covenants, Conditions and Restrictions is recorded concurrently herewith. All development within the Morning Star Estates Subdivision is subject to said Declaration and the Land Management Code of Park City Municipal Corporation.
2. Double dashed outlined areas shown within each Lot indicates the "Building Zone". Within each building zone the maximum area of house, caretaker's house, footprint of main house, footprint of caretaker's house, irrigated landscape disturbance, and barn footprint is determined by the Table shown hereon. A minimum required front setback is also determined by said table. See Covenants, Conditions and Restrictions for more complete descriptions. Dotted outlined areas shown on Lots #6 and 7 and noted "Recreation Amenity Site" are for the purpose of constructing barns, paddocks, tennis courts, swimming pools, or similar recreation amenities on the designated site. No dwelling may be constructed on the Recreation Amenity Site.
3. The Declaration of Covenants, Conditions, and Restrictions create an "Architectural Committee". No improvements of any kind, including without limitation the construction of any Dwelling Unit, Caretaker Unit, barn, garage, out building, or addition to any of them; or any parking area, driveway, tennis court, walkway, or other hard surfaced area in excess of 100 square feet, swimming pools, outdoor hot tubs or spas, fences, walls, curbs, flag pole, trampolines, satellite dishes or antenna, solar panels or any other permanent structure may be constructed, erected, or installed in the Subdivision without written approval of the Morning Star Estates "Architectural Committee".
4. Driveway access from the public way to the Building Zone must be specifically approved by the Morning Star Estates Architectural Committee. Each Lot Owner, at his/her sole expense shall construct the driveway/sidewalk/curb intersection to comply with applicable Park City Municipal Corporation specifications.
5. A 10' wide non-exclusive public utility easement is hereby dedicated along all front and rear Lot lines. A 5' wide non-exclusively public utility and drainage easement is hereby dedicated along all side Lot lines.
6. The Recreation Open Space Zone Line shown on all Lots indicates a non-disturbance zone which expressly prohibits the construction of pools, tennis courts, gazebos, or any other structures or facilities, provided that on Lot 8, the owner may construct a private, non-commercial ski tow and ski run subject to the conditions set forth in the Conditions, Covenants, and Restrictions of the Subdivision and applicable city ordinances.
7. Park City ordinances in effect at the time of approval of Morning Star Estates Subdivision require payment of substantial water development and water connection fees at the time of building permit issuance. Park City does not plow snow until such time as 6 of 12 lots have legally occupied single family dwellings. The total cost of snow removal until that time shall be exclusively born by the Morning Star Estates Homeowner's Association.
8. Owners of downhill Lots may encounter difficulty in designing a home with gravity flow to the sanitary sewer lateral. Owner's of such lots at their sole expense will be required to install private individual ejector systems. Lots #1 and #7 will probably require such ejectors.
9. The Lot owner shall be required to identify and maintain historic drainage channels (if any) in conjunction with construction on the property.
10. The maximum Floor Area for Dwellings in the Subdivision, including the area of any Accessory Dwelling Unit, is set forth in the Declaration of Covenants, Conditions, and Restrictions and on the table herein. A maximum floor area of 10,000 square feet is allowed on Lot #1 thru 5 and #9 thru 12. A maximum floor area of 15,000 square feet is allowed on Lot #6 thru 7. A maximum floor area of 25,000 square feet is allowed on Lot #8.
11. The City requires that a modified type 13D fire sprinkler system as per Park City's Modifications be installed in all residences constructed in the Morning Star Estates Subdivision.
12. Because of water pressure limitations, no residential structure may be constructed with a habitable floor elevation higher than 7537 feet above sea level. Depending on the positioning and floor elevations of the dwellings constructed on Lots #1, 2, 3, 4, and 12 the owners may be required at their expense to augment the resultant water pressure within the structure to a level, acceptable to the chief building official for the modified type 13D fire sprinkler system. No home construction, footing and foundation or building permits shall be issued until operable water system and hydrants and a graded gravel road base sufficient to accommodate emergency vehicles have been installed, further no Certificate of Occupancy shall be issued until a paved roadway has been completed.
13. Lot owner/s constructing dwellings with any portion of the structure greater than 150 feet from the public way may be required by the City to install and connect a dry stand pipe from the edge of the public roadway (Rising Star Lane) to the fire sprinkler system within the dwelling. The residences shall be constructed to conform to the Park City's "modified 13D" fire protection standards including but not limited to interior and exterior sprinkler heads, and a fire retardant roof.
14. The 20' wide back lot public sewer easement shown on Lot #8 provides Snyderville Basin Sewer Improvement District with a right-of-access to said back lot sewer including ingress or egress along any reasonable route of access for the purpose of maintenance, operation, repair, or eventual replacement.
15. Horses and cattle which are collectively referred to as "livestock" may be kept on Lots #6, 7, and 8. No more than a total of 4 head of livestock may be kept on the Lot at any time.
16. The "Recreation Amenity" areas shown on Lots 6 and 7 are not provided with sanitary sewer laterals. Depending upon the owner's desired amenity use and wastewater disposal needs, the owner's of said lots at their sole expense shall be required to install the appropriate waste disposal system conforming to applicable provisions of the Utah Uniform Plumbing Code, most recent edition, Summit County Health Department requirements, and Snyderville Basin Sewer Improvement District rules and regulations.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: That the undersigned is the owner or holder of perpetual easement of the herein described tract of land, having caused the same to be subdivided into lots, public right-of-ways, together with easements as set forth on this Record of Survey Plat to be known hereafter as, MORNING STAR ESTATES does hereby dedicate for the perpetual use of the public use all parcels of land shown on this plat as intended for public use and further consent to the recordation of this Record of Survey Plat in accordance with Utah Law. ALSO, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County a non-exclusive easement over the utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement.

IN WITNESS WHEREOF, the undersigned set his hand this 10th day of FEBRUARY, 1993

BLUE LEDGE CORPORATION  
A Utah Corporation

*Hank Rothwell*  
Hank Rothwell  
Its President

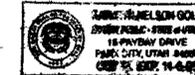
ACKNOWLEDGEMENT

STATE OF UTAH )  
                  : ss  
COUNTY OF SUMMIT )

On the 10th day of February, 1993, Hank Rothwell, appeared before me and acknowledged that he is the President of Blue Ledge Corporation, A Utah Corporation, and that he executed the same on behalf of the Corporation with proper authority.

*Anthony Nelson*  
Notary Public

Residing at: Park City, UT  
Commission Expires: 11-6-96



MORNING STAR ESTATES

Lot #	Maximum House Size Main House	Maximum Detached Caretaker's House Size	Maximum Area of Footprint Main House (B)	Maximum Area of Footprint Caretaker's House (B)	Additional Maximum Area of Irrigated Landscape Disturbance	Front Yard Setback from Rising Star right-of-way	Maximum Barn Footprint Near Main House	Maximum Barn Size on Recreation Amenity Site
1.	10,000	-0-	10,000	-0-	10,000	40	-0-	n/a
2.	10,000	-0-	10,000	-0-	10,000	25	-0-	n/a
3.	10,000	-0-	10,000	-0-	10,000	25	-0-	n/a
4.	10,000	-0-	10,000	-0-	10,000	30	-0-	n/a
5.	10,000	-0-	10,000	-0-	10,000	30	-0-	n/a
6.	15,000	1,500	20,000 (C)	900	10,000	40	720	2,000
7.	15,000	1,500	20,000 (C)	900	10,000	25	720	2,000
8.	25,000	1,500	30,000 (C)	900	10,000	50	720	n/a
9.	10,000	-0-	10,000	-0-	10,000	25	-0-	n/a
10.	10,000	1,500	10,000	900	10,000	180	-0-	n/a
11.	10,000	-0-	10,000	-0-	10,000	200	-0-	n/a
12.	10,000	-0-	10,000	-0-	10,000	25	-0-	n/a

Notes:

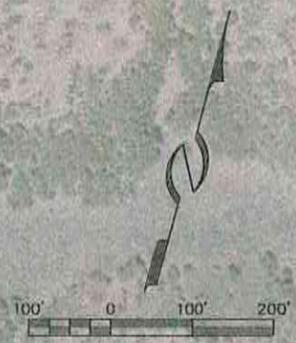
- All quantities are in square feet.
- Quantities do not include main driveways. Quantities do not include other internal circulation within the lots, those internal drives are limited to a ten foot width of surface or paving.
- Quantities include area of disturbance for barns allowed on these lots only. Lots 6 and 7 have separate remote recreation amenity alternative locations shown on the plat. If these remote locations are used instead of a location near the Main house the barns shall be limited to 400 square feet in size, unless fire hydrants have been installed, then see CC&R's.
- Livestock allowed on Lots 6, 7, & 8 only, see CC&R's. On Lot 8 any stock fencing constructed across the sewer maintenance road easement must provide vehicle gates.
- On lots 6, 7, 8, & 10, if caretaker's space is located within the Main house the maximum Main house size shall not be increased.

MORNING STAR ESTATES

A SUBDIVISION LOCATED IN SECTIONS 11 AND SECTION 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

# 376621  
RECORDED  
STATE OF UTAH COUNTY OF SUMMIT AND FILED  
AT THE REQUEST OF Coalition Title Co.  
DATE 2-23-93 TIME 10:02 AM BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
FEE 47<sup>00</sup> RECORDER Alan Spriggs

EXHIBIT E - Aerial Photograph



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**Alliance Engineering Inc.**  
(435) 648-9407  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
323 Main Street P.O. Box 2604 Park City Utah 84060-2604

**STAFF:**  
MARSHALL KING  
JEFF KITCHEN  
HARRISON HOLLEY  
JESSE MORENO

**DATE:** 4/22/16

**AERIAL PHOTOGRAPH**  
**MORNING STAR ESTATES, LOTS 9 & 10**  
**3800 & 3776 RISING STAR LANE**

**FOR:** RISING STAR LANE, LLC  
**JOB NO.:** 10-5-15  
**FILE:** X:\TheOaks\dwg\Exhibits\Morningstar lot 10-photo.dwg

**SHEET**  
**1**  
**OF**  
**1**

EXHIBIT F- Existing conditions and Topo Map of Lot 10

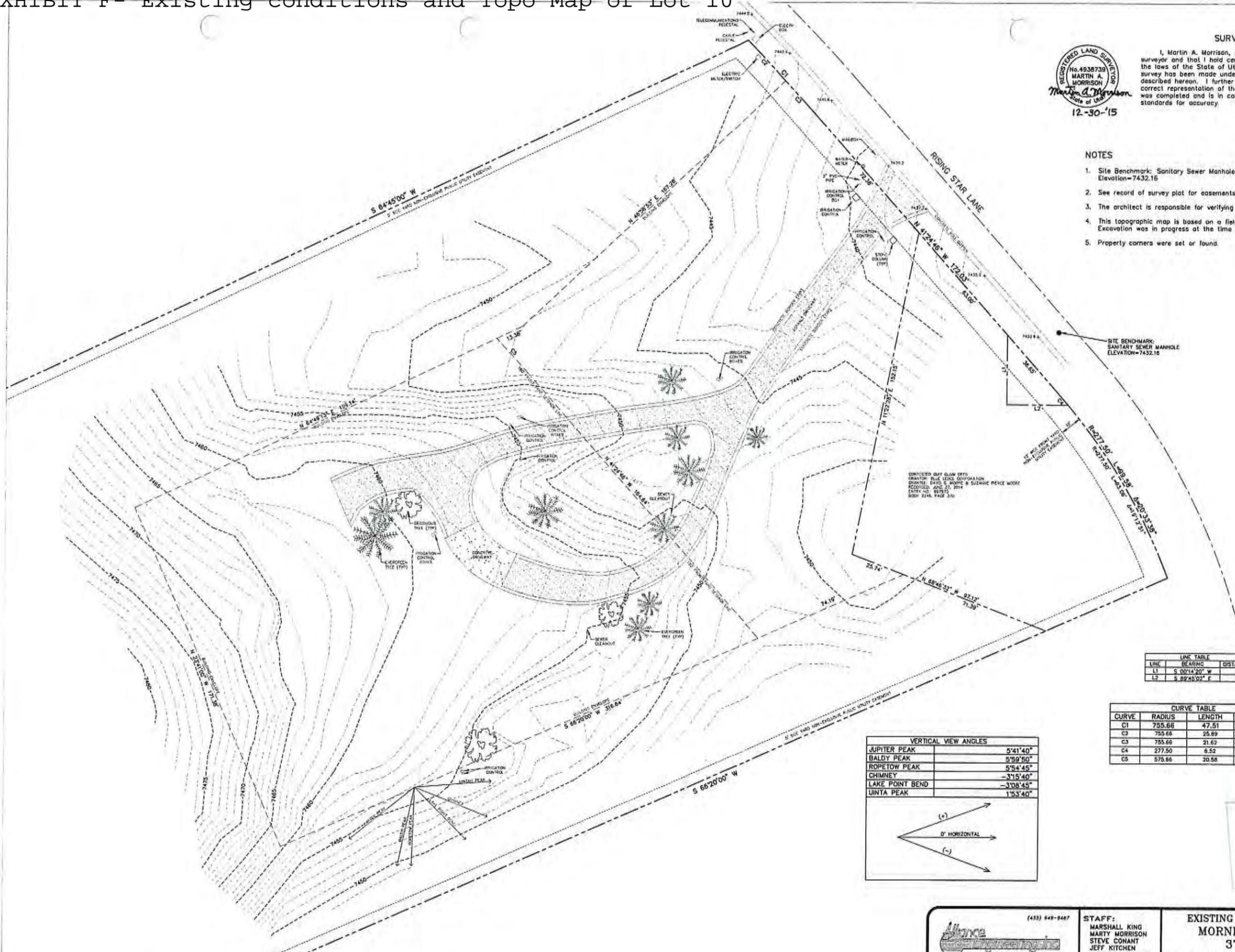


SURVEYOR'S CERTIFICATE

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

NOTES

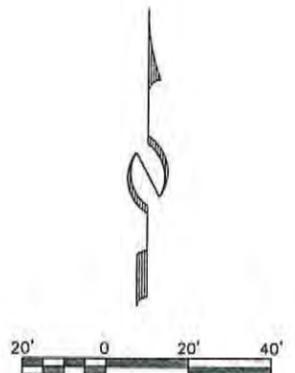
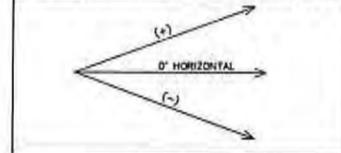
1. Site Benchmark: Sanitary Sewer Manhole Elevation=7432.16
2. See record of survey plot for easements and restrictions.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
4. This topographic map is based on a field survey completed on June 9, 2015 and updated December 30, 2015. Excavation was in progress at the time of the update.
5. Property corners were set or found.



LINE	BEARING	DISTANCE
L1	S 02°14'20" W	32.30
L2	S 89°45'02" E	28.63

CURVE	RADIUS	LENGTH	DELTA
C1	755.66	47.51	3°36'08"
C2	755.66	25.89	1°57'46"
C3	755.66	21.62	1°38'22"
C4	277.50	6.52	1°20'47"
C5	575.66	20.58	2°02'53"

VERTICAL VIEW ANGLES	
JUPITER PEAK	5°41'40"
BALDY PEAK	5°59'50"
ROPETOW PEAK	5°54'45"
CHIMNEY	-3°15'40"
LAKE POINT BEND	-3°08'45"
UINTA PEAK	1°53'40"



MAY 02 2016

<p>(435) 949-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2054 Provo City, Utah 84606-2054</p>	<p>STAFF: MARSHALL KING MARTY MORRISON STEVE CONANT JEFF KITCHEN HARRISON HOLLEY JESSE MORENO</p>	<p>EXISTING CONDITIONS &amp; TOPOGRAPHIC MAP MORNING STAR ESTATES, LOT 10 3776 RISING STAR LANE</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 12/30/15</p>	<p>FOR: RISING STAR LANE, LLC JOB NO.: 10-5-15 FILE: X:\TheOaks\dwg\rv\topo2015\100515-updated.dwg</p>	<p>Page 261 of 543</p>

SPECIAL WARRANTY DEED  
 GRANTOR: GEORGE L. MAZANEC  
 GRANTEES: ROBERT ANDREW MAZANEC & JOHN CHARLES MAZANEC  
 RECORDED: SEPTEMBER 6, 2006  
 ENTRY NO: 790101  
 BOOK: 1815, PAGE 788

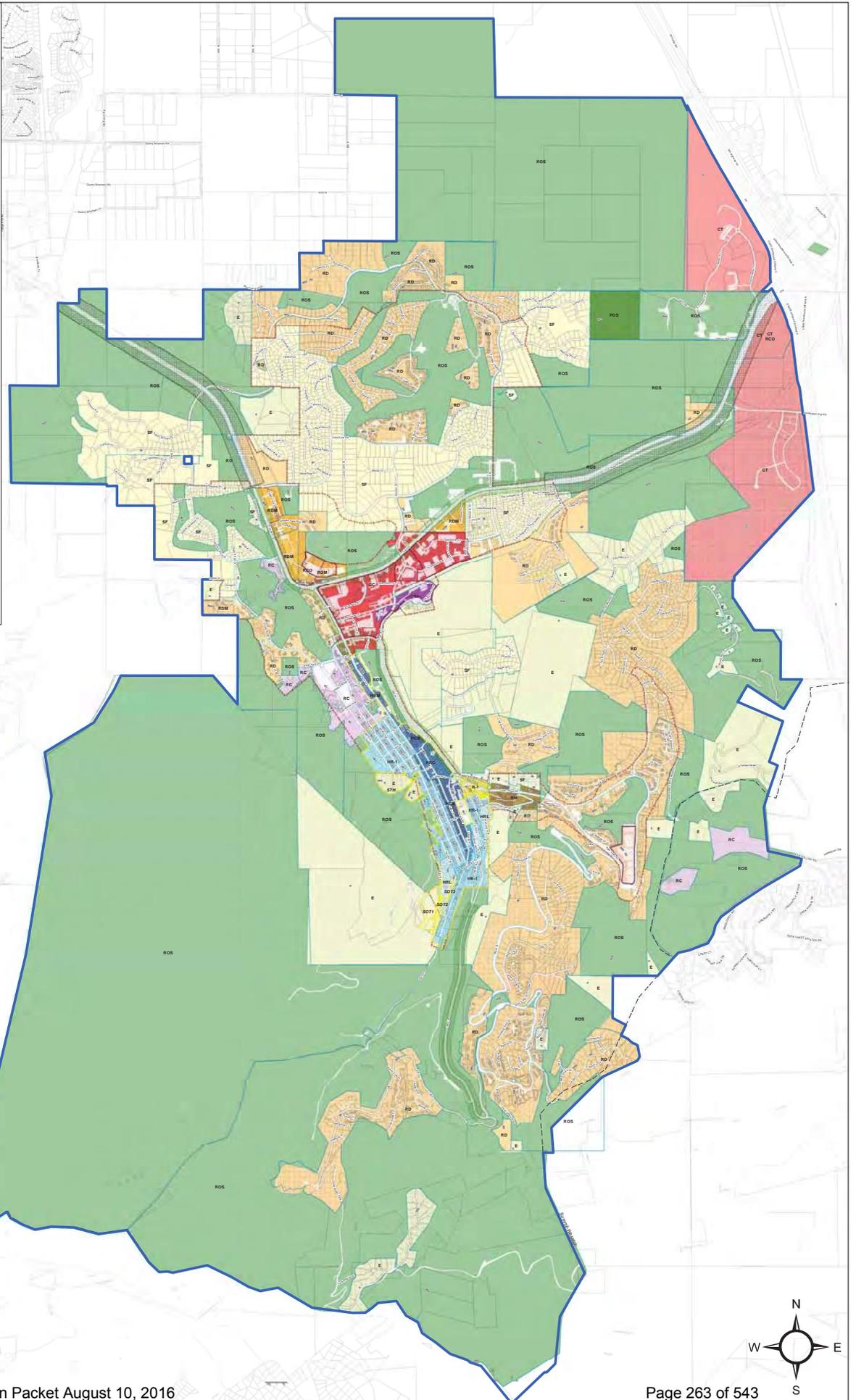


**MAY 02 2016**  
 PARK CITY  
 PLANNING DEPT.

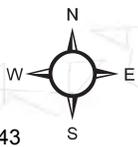
 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</small> <small>323 Main Street P.O. Box 2884 Park City, Utah 84002-2884</small>	<small>(435) 643-9487</small> <b>STAFF:</b> MARSHALL KING JEFF KITCHEN HARRISON HOLLEY JESSE MORENO	<b>EXISTING CONDITIONS</b> <b>MORNING STAR ESTATES, LOT 9</b> <b>3800 RISING STAR LANE</b>	<b>SHEET</b> <b>1</b> <b>OF</b> <b>1</b>
	<b>DATE: 3/21/16</b>	<b>FOR: RISING STAR LANE, LLC</b> <b>JOB NO.: 10-5-15</b> <b>FILE: X:\TheDoka\dwg\Exhibits\Morningstar lot 10-photo.dwg</b>	Page 262 of 543

# Legend

-  Park City Limits
-  County Boundaries
-  Sending Zones
-  Receiving Zones
-  Sensitive Lands (SLO)
-  Frontage Protection Zone (FPZ)
-  Entry Corridor Protection (ECP)
-  Master Planned Development (MPD)
-  Regional Commercial (RCO)
-  Community Transition (CT)
-  Estate (E)
-  General Commercial (GC)
-  Historic Commercial Business (HCB)
-  Historic Residential (HR-1)
-  Historic Residential (HR-2A)
-  Historic Residential (HR-2B)
-  Historic Recreation Commercial (HRC)
-  Historic Residential - Low Density (HRL)
-  Historic Res. - Medium Density (HRM)
-  Light Industrial (LI)
-  Protected Open Space (POS)
-  Public Use Transition (PUT)
-  Residential (R-1)
-  Recreation Commercial (RC)
-  Residential Development (RD)
-  Residential Dev. - Medium Density (RD-M)
-  Residential - Medium Density (RM)
-  Recreational Open Space (ROS)
-  Single Family (SF)
-  Parcels



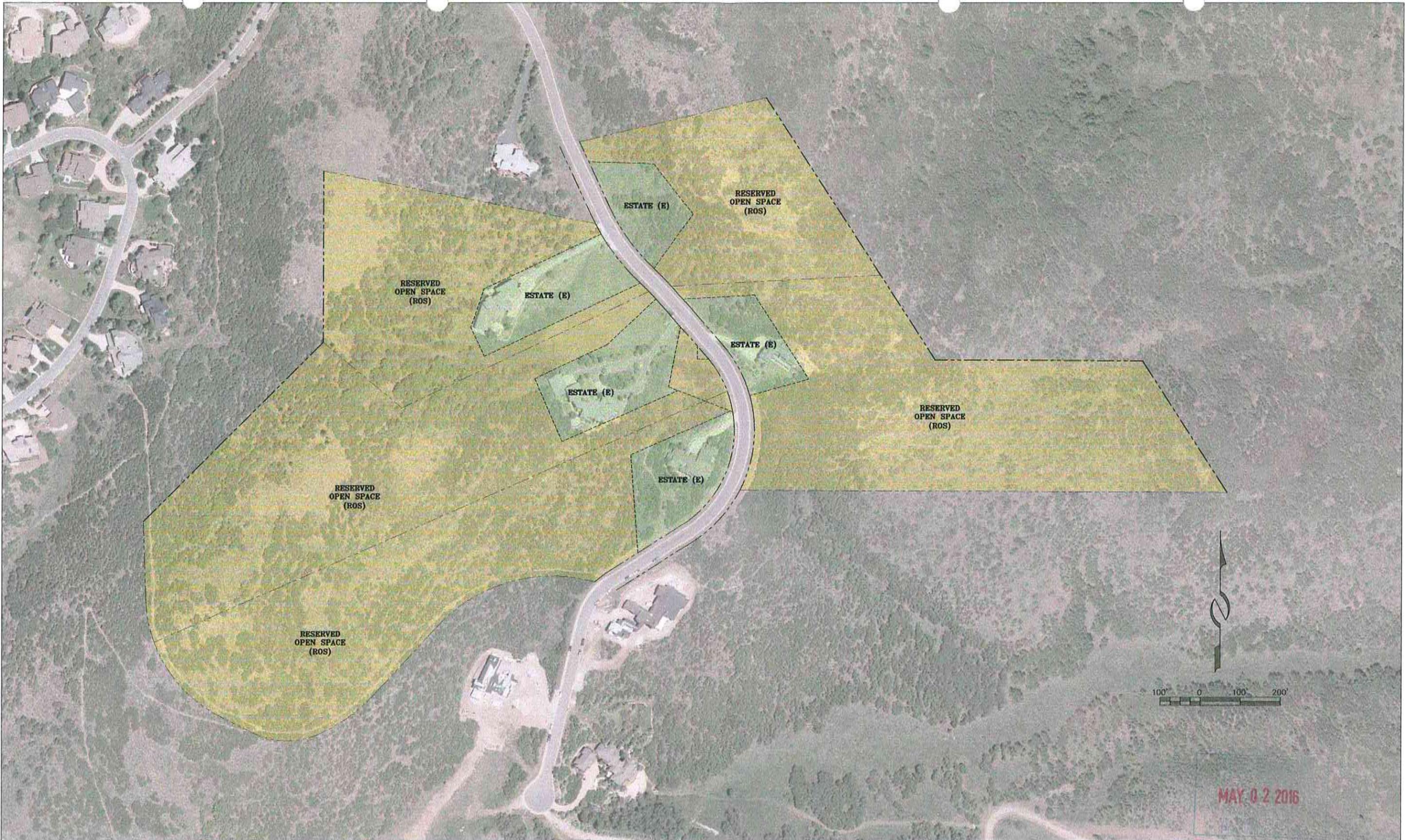
Official Zoning Map
Jack Thomas, Mayor
Bruce Erickson, Planning Director
Adam Strachan, Planning Commission Chair



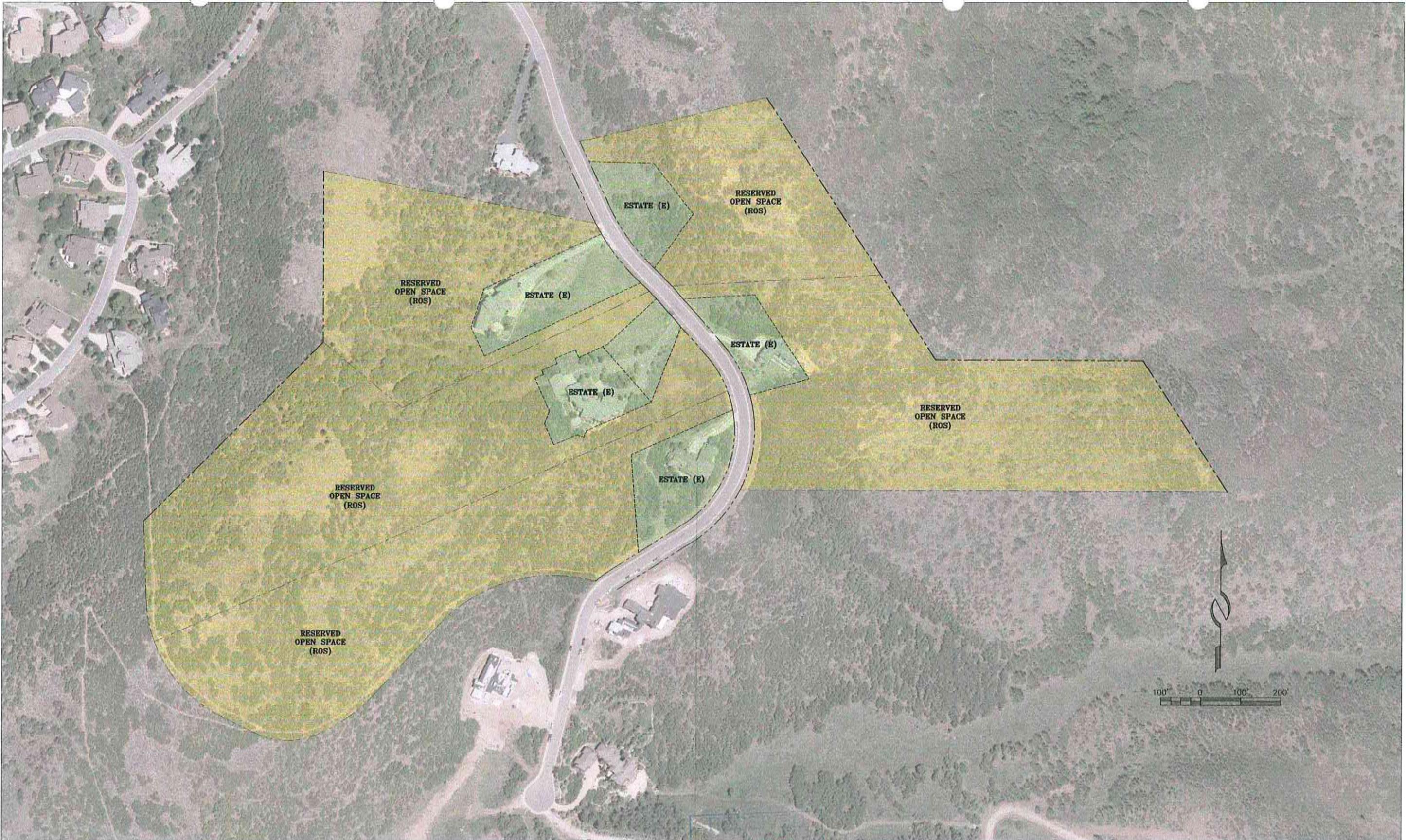
This map is a graphic illustration of Park City's zoning districts and is not intended to establish precise dimensions and/or surveyed boundaries of each zone. Interpretation of the Zoning Map is governed by the standards in IAC Section 15-1-10. For complete information regarding the specific boundaries of any of the zoning designations shown on this map, please contact the Park City Planning Department.

Map Projection: NAD83 Utah State Plane Central in US Feet  
 Document Name: Zoning\_Map02016 User Name: history

EXHIBIT H - Existing Zoning Exhibit



 (435) 640-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2656 Park City, Utah 84090-2656	STAFF: MARSHALL KING JESSE MORENO	ZONING EXHIBIT MORNING STAR ESTATES SUBDIVISION EXISTING ZONING	SHEET 1 OF 1
	DATE: 4/25/16	FOR: RISING STAR LANE, LLC JOB NO.: 10-5-15 FILE: X:\TheOaks\dwg\Exhibits\Morningstar lots 9&10 zoning exhibit.dwg	Page 264 of 543



MAY 02 2016

PARK CITY PLANNING DEPT

 (435) 648-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2064 Park City, Utah 84060-2064	STAFF: MARSHALL KING JESSE MORENO	ZONING EXHIBIT MORNING STAR ESTATES SUBDIVISION PROPOSED ZONING	SHEET 1 OF 1
	DATE: 4/22/16	FOR: RISING STAR LANE, LLC JOB NO.: 10-5-15 FILE: X:\TheOaks\dwg\Exhibits\Morningstar lots 9&10 zoning exhibit.dwg	Page 265 of 543

# EXHIBIT J - Sq Ft. Zone Change Exhibit

## MORNING STAR ESTATES, LOT 10

1,670  
1,638  
+ 166  
3,474 SF = TOTAL ADDED TO ESTATE ZONE (E)

3,483 SF = TOTAL ADDED TO RESERVED OPEN SPACE (ROS)

3,483  
- 3,474

9 SF = NET AREA ADDED TO RESERVED OPEN SPACE (ROS)

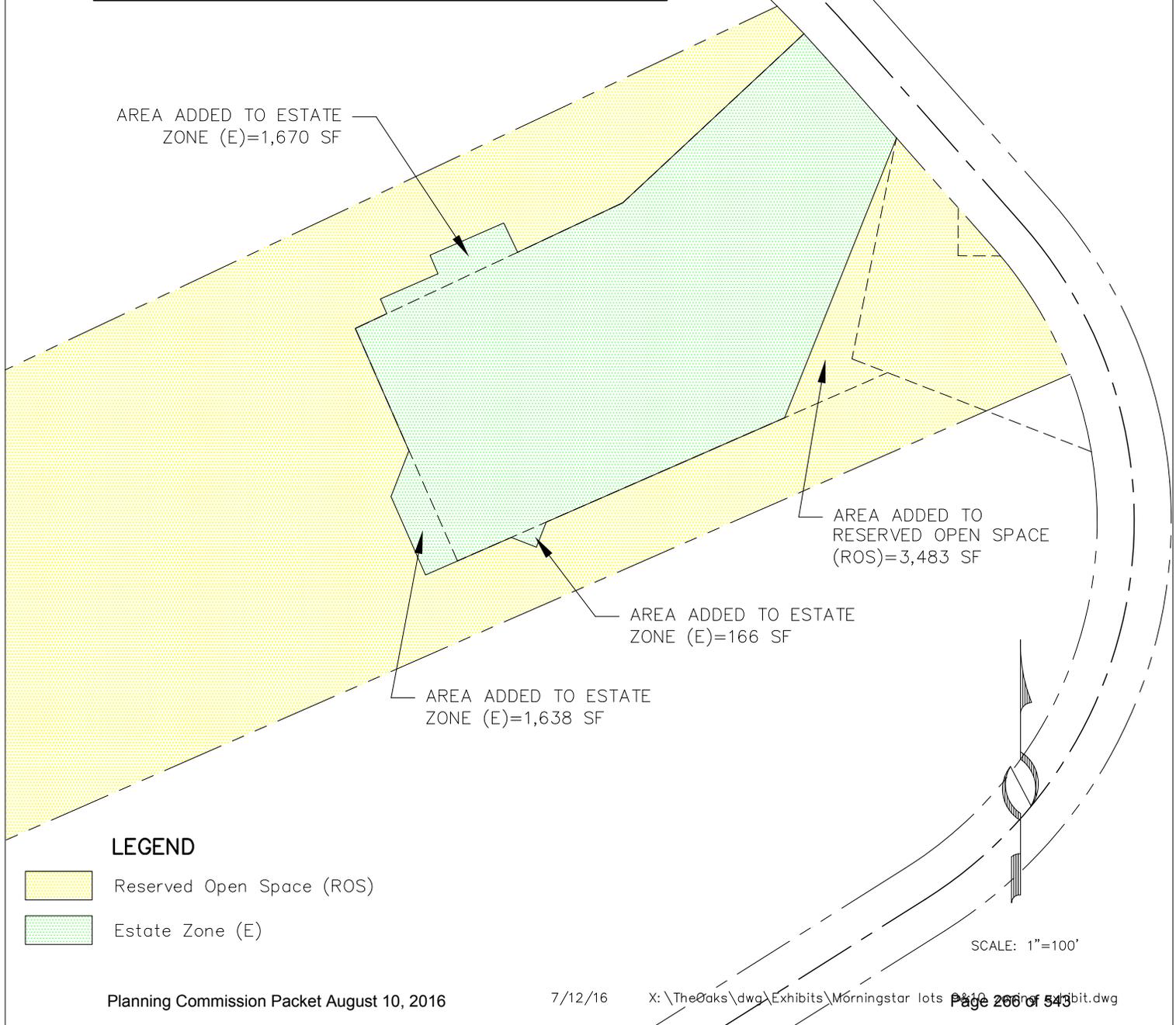


EXHIBIT K- Site photos



3776 Rising Star Lane - Looking northwesterly





3776 Rising Star Lane - Looking southeasterly

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3776 Rising Star Lane - Looking northeasterly





3776 Rising Star Lane - Looking southwesterly





Morning Star Estates, Lots 9 and 10 – Looking east



Morning Star Estates, Lots 9 and 10 – Looking southwesterly



Morning Star Estates, Lot 9 – Looking west



Morning Star Estates, Lot 10 – Looking east



Morning Star Estates, Lots 9 and 10 – Looking easterly



Morning Star Estates, Lot 9 – Looking north





# Planning Commission Staff Report



PLANNING DEPARTMENT

**Application:** PL-16-03115  
**Subject:** LMC Amendments  
**Author:** Kirsten Whetstone, MS, AICP- Senior Planner  
**Date:** August 10, 2016  
**Type of Item:** Legislative- Land Management Code (LMC) Amendments

## Recommendation

Staff recommends that the Planning Commission review and discuss proposed amendments to the Land Management Code (LMC), conduct a public hearing, and consider forwarding a positive recommendation to City Council, pursuant to the attached draft Ordinance.

## Description

**Project Name:** LMC Amendments  
**Approximate Location:** Citywide  
**Proposal:** Land Management Code (LMC) amendments- various administrative and substantive amendments to the Park City Development Code regarding  
1) standards of review for Conditional Use and Master Planned Development applications with regard to the General Plan;  
2) provisions for common wall development (in HR-1, HR-2, RC, and CT Districts);  
3) exceptions to building height and footprint requirements for historic structures as valid Complying Structures and clarification of building height exceptions for garages on downhill lots in HRL, HR-1, HR2 and RC;  
4) include a submittal requirement of an historic structures report and other historic site information for MPD applications;  
5) clarify process for historic preservation review;  
6) various procedural items including noticing, vesting, appeals, and exaction;  
7) State code changes to subdivision regulations and procedures; and  
8) related definitions- (Essential Historical Form, Qualified Historic Preservation Professional, Historic Structures Report, Utah Public Notice Website)

## **Executive Summary**

Planning Staff is in the process of reviewing the Land Management Code (LMC). The review includes various administrative and substantive items to align the LMC with the adopted General Plan and to address issues and inconsistencies that have come up over the past year. Staff is also preparing amendments to align the LMC with changes made to the State Code. Amendments to the Land Management Code (LMC) require Planning Commission review and recommendation with final action by the City Council.

## **Purpose**

The LMC is designed, enacted, restated and reorganized to implement the goals and policies of the (adopted) Park City General Plan, and for the following purposes:

- (A) To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City,
- (B) To protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the Historic character, and unique mountain town community,
- (C) To protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,
- (D) To protect the tax base and to secure economy in governmental expenditures,
- (E) To allow Development in a manner that encourages the preservation of scenic vistas, environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,
- (F) To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,
- (G) To prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community,
- (H) To protect and ensure access to sunlight for solar energy devices, and
- (I) To protect or promote moderate income housing.

It is the intention of the City in adopting this LMC to make amendments on a regular basis and to fully exercise all of the powers granted to the City by the provisions of the Title 10, Chapter 9a of the Utah Municipal Land Use Development and Management Act. Utah Code Annotated, 1991, as amended and all other powers granted by statute

or by common law, for the necessary regulation of the Use and Development of land within the City.

### **General Plan**

These proposed Land Management Code (LMC) amendments have been reviewed for consistency with the current adopted Park City General Plan. The LMC implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's neighborhoods and unique character and values. Additionally, the LMC is intended to be updated on a regular basis to stay current with State Law.

### **Background**

On April 13<sup>th</sup> and April 27<sup>th</sup>, 2016, the Planning Commission met in work session to discuss and prioritize various lists of LMC Amendments. LMC amendments were discussed and placed into three groupings, namely, minimum, moderate, and significant based on an estimate of the amount of staff and commission time each would entail. These groupings were then prioritized as to importance (see Exhibit I). LMC Amendments presented in this report are from the "minimum group" as they are primarily clarification of existing language and definitions.

On June 22, 2016, the Planning Commission conducted a public hearing, discussed the items in this report and requested continuation for further discussion (see Exhibit G). Other amendments discussed at the June 22, 2016 meeting were forwarded to City Council unanimously with a positive recommendation and with revisions reflected in the Commission discussion and motion.

### **Analysis**

#### **Proposed LMC Amendments**

- 1. Standards for review of Conditional Use Permit and MPD applications (See Exhibit A- Chapter 1 General Provisions and Procedures and Exhibit C- Chapter 6 Master Planned Developments).**

**Background:** General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality. Conditional use " means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts".

Final action on Conditional Use Permit and Master Planned Development applications is an administrative as opposed to a legislative action. As an

administrative action the LMC outlines the specific standards for review and review criteria that the application must comply with in order to receive a positive action.

The current LMC includes as a standard for review of CUP applications, that “the Use is consistent with the Park City General Plan, as amended” and fifteen specific items that the application is reviewed against to determine whether any potential impacts can be or are mitigated by the proposed application.

Reviewing these administrative applications against an overly broad General Plan broadens the review to a more legislative or policy directed review. Similar standards for review exist in the LMC for Master Planned Developments referred to as “required findings and conclusions of law”, such as that “the MPD, as conditioned, is consistent with the Park City General Plan”.

**Purpose of Amendments:** The purpose of these amendments is to make a clear distinction between standards for review and required findings and conclusions of law, for administrative applications, such as Conditional Use Permits and Master Planned Developments and standards for review for legislative actions, such as LMC Amendments, re-zoning requests, subdivisions, and annexations.

**Implications and consequences:** The primary implication of these amendments is to identify the review of an application (CUP or MPD) for consistency with the Park City General Plan as one of the review criteria to be considered in total and weighed against the other criteria, as opposed to a standard of review or required finding of fact or conclusion of law that alone is binding.

By its nature as a broad, overarching document, the General Plan provides guidance as to priorities, use, purposes for land use decisions while the Land Management Code provides detailed regulations for specific land use applications.

Review of these administrative applications for consistency with the goals and objectives of the General Plan is correct as one review criteria, allowing the overall review to also focus on more specific criteria. Making findings of compliance with the General Plan for these administrative applications is not supported by the Utah State Code.

**Staff recommendation:** Staff recommends deleting Conditional Use Standards for Review Section 15-1-10 (D) item (3) written currently as:

(3) the Use is consistent with the Park City General Plan, as amended

And inserting, under (Conditional Use Permit) Review Section 15-1-10 (E), a new review item as follows:

(16) Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

Staff similarly proposes amendments to Chapter 6 regarding the Required Findings and Conclusions of Law regarding MPDs in Section 15-6-6. Staff proposes deleting 15-6-6 (C) written currently as:

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

and inserting instead, under 15-6-5 MPD Requirements:

(N) GENERAL PLAN REVIEW. All MPD applications shall be reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.”

Therefore, Staff proposes the following redlines:

**15-1-10           CONDITIONAL USE REVIEW PROCESS.**

...

(D)    **STANDARDS FOR REVIEW**. The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

- (1)    the Application complies with all requirements of this LMC;
- (2)    the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;

~~(3)    the Use is consistent with the Park City General Plan, as amended; and~~

(34)   the effects of any differences in Use or scale have been mitigated through careful planning.

(E)    **REVIEW**. The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

(1).... (15)

(16) reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

**15- 6- 5. MPD REQUIREMENTS.**

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

(A) – (M) ...

(N) GENERAL PLAN REVIEW. All MPD applications shall be reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

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

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

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

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

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

**2. Provisions for common wall development with a party wall agreement in HR-1, HR-2, and CT Districts (See Exhibit B- Chapters 2.2 HR-1, 2.3 HR-2, 2.16 RC (for single family and duplexes) and 2.23 CT).**

**Background:** In the past duplexes, and some triplexes, were constructed on a single lot, or on individual lots, connected at the common property line with a common wall, or party wall.

**Purpose of Amendments:** The purpose of these amendments is to allow individual ownership of connected dwelling units that are situated on individual platted lots, without the requirement of a Condominium Plat.

**Implications and consequences:** These amendments can remedy existing barriers to ownership of one half or one third of a duplex or triplex (or other multi-unit dwelling in zones where such multi-unit dwellings are permitted). Currently, these units can only be sold if the project is condominiumized. Removing the

requirement of a Condominium Plat can have positive implications on the availability and affordability of such attached housing units as for sale units. Condominium plats for two units are problematic for buyers, sellers, and owners.

One implication of this configuration of units is that the internal side setback requirements would not apply, as may otherwise be required between detached units on separate lots. Also, in certain Districts, such as the HR-1 and HR-2 Districts the side setbacks are determined by the width of a lot. If a duplex is on a combination of two lots then the width is 50' and the LMC requires minimum outside side setbacks to be 5'. If the duplex is constructed as two units with a common party wall on the property line and if each unit is located on a single lot with a width of 25', then the minimum outside setback is 3' rather than 5'.

**Staff requests discussion** as to whether the outside setbacks should be required of the underlying lot width or the individual lots in the historic districts where side setbacks are based on the width of the lot. Another factor to consider in the HR-1 and HR-2 Districts is that there is a limit on the building footprint based on the total lot size with 844 sf allowed on a single lot and 1,519 sf allowed on a combination of two lots. Should the footprint be limited to the lot area of the individual lots or of the combined lot area?

In the Districts where this language currently exists, namely in the R-1, HRM, HRC, SF, RD, RDM, RM, RC (except for single family and duplexes), GC, and LI, setbacks for all uses and generally for all lot sizes, are the same, and the code does not require additional setback areas, but any footprint or coverage requirement has to be complied with.

In the HR-1 and HR-2 Districts, as well as the RC District for single family and duplex uses, duplexes require a CUP application and approval by the Planning Commission. Triplexes are not allowed, so the proposed code language in the HR-1 and HR-2 is only for duplexes. Multi-dwelling units are permitted in the CT, as part of an MPD, such as the townhouse units at Park City Heights.

Staff suggests that the language be written to include as a condition of a CUP in HR-1 and HR-2, that increased exterior side setbacks may be required by the Planning Commission to mitigate potential impacts on adjacent property.

Setbacks in other zones where this language already exists are not based on Use or lot size. Common wall development with a party wall agreement are currently allowed in the R-1, HRM, HRC, SF, RD, RDM, RM, RC (for duplexes, tri-plexes and multi-dwelling units), GC, and LI Districts (Chapter 2) as a way to allow units to be individually sold without a condominium plat (especially for duplexes where 2 unit condominiums can be an impediment to affordable housing). These changes allow construction of attached units, with each unit on a separate lot, without requirement of a condominium plat.

Underlying uses of the District still apply, e.g. three units could not be connected if the Districts (HR-1, HR-2 and RC (single family and duplexes only)) do not allow for tri-plexes, which they do not. The Districts where a common wall development is allowed all allow at least a duplex, as an allowed or conditional use.

**Staff recommendation:** The following language is proposed to be added to the HR-1, HR-2, RC, and CT Districts under Lot and Site Requirements- Side Yard (see Exhibit B):

A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District. Exterior Side Yards shall be based on the required Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during any required Conditional Use Permit review for the Use, to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply. Building Footprint shall be based on the area of the underlying Lot; however the Planning Commission may consider decreasing Building Footprint during any required Conditional Use Permit review for the Use, to mitigate potential impacts on adjacent Property.

3. **Allow Historic Structures that do not comply with Building Footprint and Building Height, including the ten (10') minimum horizontal step and the 35' maximum height requirement, in HRL, HR-1, HR2 and RC District, to be considered as valid Complying Structures and provide additional clarification regarding Building Height exceptions for garages on downhill lots in these Districts (See Exhibit B- Chapters 2.1 HRL, 2.2 HR-1, 2.3 HR2, and 2.16 RC).**

**History:** In the HRL, HR-1, HR2, and RC Zoning Districts the LMC describes Historic Structures that don't comply with Building Setbacks, Off-Street parking, and driveway location standards as valid Complying Structures. There are also some Historic Structures that also don't comply with current Building Footprint and Building Height, in particular to the required ten foot stepping requirement.

Additionally, Staff was contacted by the property owner of a steep lot on Ontario Avenue that contains an historic structure situated more than twenty-five (25') feet below the elevation of the street. Staff and the owner met several times to review alternatives to the language Staff proposed to the Commission on June 22, 2016 (see Exhibit J). After much discussion, Staff believes that the owner's lot has many unique characteristics and that trying to accommodate them in the

Code would leave the Code open to unknown consequences. Staff provided direction to the owner that when a lot has such unique characteristics it makes more sense to apply for a variance.

**Purpose of Amendments:** to include Building Footprint and Building Height in these regulations recognizing that the historic form of these Structures should not have to be modified to comply with these current regulations.

**Implications and consequences:** The first part of these amendments provides clarification that historic structures that don't comply with the current required Building Footprint and Building Height requirements are valid Complying Structures.

The second part of these amendments provides clarification for Building Height Exceptions for garages on downhill lots. The current language is open to various interpretations. The proposed language provides clarification as to what "in tandem configuration" means and clarifies that circulation, stairs, elevators, and front entry areas and porches are allowed to be accommodated by the height exception provided these elements provide a compatible streetscape and the Building Height for these elements does not exceed thirty-five feet (35') from Existing Grade (the 35' is consistent with the current language).

If these amendments are adopted, the Planning Commission will review and decide on such requests for Building Height exceptions, during review of a Steep Slope CUP. Currently the decision is made by the Planning Director.

**Staff recommendation:** Staff proposes amendments to add the following language to the HRL, HR-1, HR2, and RC Districts (see Exhibit B) for existing historic structures:

**15-2.1-4. EXISTING HISTORIC STRUCTURES.**

Historic Structures that do not comply with **Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards** are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create Lockout Units or an Accessory Apartment. Additions must comply with **Building Setbacks, Building Footprint, driveway location standards, and Building Height**. All Conditional Uses shall comply with parking requirements of Chapter 15-3.

(A) **EXCEPTION**. In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the **Building Setbacks, and driveway location standards** for additions to Historic Buildings:

- (1) Upon approval of a Conditional Use permit, **and**

- (2) When the scale of the addition **and/or** driveway is Compatible with the Historic Structure, **and**
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International Building and Fire Codes, **and**
- (5) When the addition complies with the Design Guidelines for Historic Districts and Sites.**

**Staff recommendation:** Staff proposes amendments to add the following language to the HRL, HR-1, HR2, and RC Districts (see Exhibit B) to clarify Building Height exceptions for garages on downhill lots and to have the Planning Commission review such requests for Building Height exceptions during review of a Steep Slope CUP, as opposed to the Planning Director. The “Section” numbering will change for HR-1, HR-2, and RC (see Exhibit B).

:

(4) **GARAGE ON DOWNHILL LOT.** The Planning ~~Director~~ Commission may allow additional Building Height (see Section 15-2.1-5) height on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a front entryway area and front porch to provide a Compatible streetscape design. The depth of the garage may not exceed the minimum depth for ~~an~~ internal Parking Space (s) as dimensioned within this Code, Section 15-3. ~~Additional width may be utilized only to accommodate circulation and an ADA elevator.~~ The additional Building Height height may not exceed thirty-five feet (35’) from Existing Grade.

**4. Amend Master Planned Development (MPD) applicability and requirements to include Historic Sites Report (See Exhibit C- Chapter 6 Master Planned Developments).**

**History:** In 2015, requirements were added to the MPD Chapter to include Mine Hazards and Historic Mine Waste Mitigation, as well as including a list and map of all known physical mine hazards, as part of the MPD Development Agreement. During review of various approved Master Planned Developments Staff recognized that a similar requirement for Historic Structures should be included to get a complete picture of the existing property.

**Purpose of Amendments:** The purpose of these amendments is to ensure that review of MPD applications is consistent with the Zoning Districts as well as the goals of the General Plan, including understanding and preserving Park City’s cultural heritage.

**Implications and consequences:** First amendment is a clarification and reiteration that MPDs must be consistent in terms of “land uses” with the underlying zoning districts.

The second proposed amendments that require a Historic Structures Report (HSR) with the MPD application have consequences in terms of how changes to the MPD proposal may impact the historic structures, such as if the boundary changes during the review. An option could be to require an inventory or reconnaissance level survey of historic structures and sites at the time of the MPD application and then the Historic Structures Report required as part of the final Development Agreement once the MPD is approved. Having a report that documents historic structures located within an MPD provides information that the Staff and Planning Commission can use to review the site plan and general layout of development in determining whether the MPD meets the required review criteria and can be approved.

Staff recommends amending the MPD application to make it clear what portions of the HSR are due with the application and what portions will be required to be recorded with the Development Agreement.

**Staff recommendation:** Staff recommends this first amendment to reiterate that Master Planned Developments are only permitted when the proposed uses within the MPD are consistent with the underlying zoning (uses) of the District in which they are proposed. For example if a District does not permit single family residential uses, then the MPD could not propose this use.

**15-6 -2. APPLICABILITY.**

(D) The Master Planned Development is permitted only when Uses within the Master Plan Development are consistent with Allowed and Conditional Uses in the District in which it is proposed.

**Staff recommendation:** Staff recommends this second group of amendments to Chapter 6 regarding MPD Development Agreements, in Section 15-6-4 (G), to include an inventory of Historic Structures, as well as a report that provides for an explanation of the inventory and any proposed mitigation measures for Historic Sites within the MPD. Staff recommends the following language:

**15-6-4. PROCESS.**

...

(G) **DEVELOPMENT AGREEMENT.**

Once the Planning Commission has approved the Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development

Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:

...

- (9) A map and inventory of Historic Structures on the Property and a Historic Structures Report prepared by a Qualified Historic Preservation Professional.

Staff reviewed Section 15-6-5 (MPD) REQUIREMENTS and noted that while Mine Hazards and Historic Mine Waste Mitigation are listed as MPD requirements, a map and report of Historic Sites are not currently required. Staff proposes certain terms be defined (in Caps) and proposes amendments to Section 15-6-5 to include the following language:

**15-6-5. MPD REQUIREMENTS.**

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

...

- (O) **HISTORIC SITES.** All MPD Applications shall include a map and inventory of Historic Structures and Sites on the Property and a Historic Structures Report, as further described on the MPD application. The Historic Structures Report shall be prepared by a Qualified Historic Preservation Professional.

Staff also proposes amendments to Section 15-6-6-REQUIRED FINDINGS AND CONCLUSIONS OF LAW as follows:

- (O) The MPD, as conditioned, addresses and mitigates Historic Structures and Sites on the Property, according to accepted City regulations and policies.

**5. Amendments related to Historic Preservation process (Chapter Eleven)**

**History:** On December 17, 2015, City Council amended the Land Management Code provisions for designating sites to the Historic Sites Inventory. The purpose of these amendments was to modify the criteria for the “Significant” designation as well as add a third category, “Contributory” to the Historic Sites Inventory. More information about these changes is available in the December 17<sup>th</sup> City Council staff report (pages 172-176) (See Exhibit H).

**Purpose of amendments:** Staff has been using the amended criteria in the Historic Preservation Board (HPB)’s review of Determination of Significance (DOS) applications. There was a scrivener’s mistake which confused the placement of some of the “ors” and “ands.” Further, “Essential” in “Essential Historical Form” had been eliminated as part of the December 2015 revisions

and needs to be included as “Essential Historic Form” is a defined term. The definition of this term, per [LMC 15-15-1.96](#) is “the physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past.”

**Implications and consequences:** Under the Significant designation, the “and” ensures that the structure being reviewed meets Criterion A, B, C, and D. Within the subsections of these Criterion, the “Or” provides an opportunity for the site to meet one of the examples listed, but does not require that all the criteria are met. For instance, in Criterion B, the site must retain its Essential Historical Form. This may be demonstrated by (i) receiving a historic grant from the City in the past, OR (ii) being previously listed on the Historic Sites Inventory, OR being listed as Significant on any reconnaissance or intensive level survey in the past. By adding the word “Essential” to “Historical Form” we are avoiding confusion and referencing back to the adopted definition.

**Staff recommendation:** Staff recommends making these changes to LMC 15-11 to provide greater clarity and consistency to the criteria used for designating sites as Landmark and Significant on the City’s Historic Sites Inventory:

**15-11-10. PARK CITY HISTORIC SITES INVENTORY.**

The Historic Preservation Board may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community.

**A. CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

1. **LANDMARK SITE.** Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the [Planning Department Historic Preservation Board](#) finds it meets all the criteria listed below:
  - a. It is at least fifty (50) years old or ~~has achieved Significance~~ or if the Site is of exceptional importance to the community; and
  - b. It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and
  - c. It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:
    - (i) An era that has made a significant contribution to the broad patterns of our history; ~~or~~
    - (ii) The lives of Persons significant in the history of the community, state, region, or nation; or

(iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.

2. **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the [Planning Department Historic Preservation Board](#) finds it meets all the criteria listed below:

- a. It is at least fifty (50) years old or the Site is of exceptional importance to the community; and
- b. It retains its Essential Historical Form as may be demonstrated but not limited by any of the following:
  - (i) It previously received a historic grant from the City; or
  - (ii) It was previously listed on the Historic Sites Inventory; or
  - (iii) It was listed as Significant ~~or~~ on any reconnaissance or intensive level survey of historic resources; ~~or~~ and
- c. It has one (1) or more of the following:
  - (i) It retains its historic scale, context, materials in a manner and degree which can be restored to Essential Historical Form even if it has non-historic additions; ~~and~~ or
  - (ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; ~~or~~ and
- d. It is important in local or regional history architecture, engineering, or culture associated with at least one (1) of the following:
  - (i) An era of Historic Importance to the community, or
  - (ii) Lives of Persons who were of Historic importance to the community, or
  - (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

## 6. Notice, vesting, appeals, and exactions requirements (Chapter One)

**History:** Over the last couple of years a series of LMC amendments to different Chapters resulted in inconsistencies in notice requirements for different types of

applications. Additionally, Utah State Code has been amended regarding noticing for various applications. There are new requirements for publishing notice of public hearings on the Utah Public Notice Website and new requirements for timing of notice for certain types of applications. Certain types of applications now require mailed notice. Mailed notices under the LMC are currently courtesy mailings in the LMC. There are new requirements in State Code for exactions, vesting, appeals, etc.

**Purpose of amendment:** Clarify these requirements for various types of applications for consistency with the State Code and for consistency between Sections and Chapters within the LMC.

**Implications and consequences:** Timing of notices for most types of applications is currently 14 days, with the exception of Administrative CUPs and Administrative Permits, which require a 10 day notice. Appeals to the Board of Adjustment require a 14 day notice period, for posted, mailed, and published notice. Appeals of Planning Director, Historic Preservation Board, and Planning Commission decision, and City Council Call-up, require a 7 day notice. Planning Staff discussed this inconsistency and requested that the 7 day notice be changed to a 14 day notice consistent with other notices. One implication of the amendment is that the State Code requires a 10 day notice period, which is an easier timeframe to meet for notices published in the Park Record (a Wednesday and Saturday publication) due to the increased lead time required for Tuesday meetings. Staff found that the consistency of the 14 day notice period outweighed the negatives of the increased lead time. Staff also discussed whether to match the State requirement of 10 days for most types of applications, but decided to stay with the 14 day notice due to the number of property owners who receive their mail in other States and Countries.

When mailed notice is required by the State Code, those notices cannot be considered a “courtesy” mailing. Amendments are required to comply with State Code.

State Code has also added certain noticing for Zoning Map Amendments and public improvements, and has made updates to language regarding vesting and exactions.

**Staff recommendation:** Staff recommends the following amendments to Chapter One of the LMC regarding noticing, vesting, appeals, and exactions.

#### **15-1 -7. AMENDMENTS TO THE LAND MANAGEMENT CODE AND ZONING MAP.**

All amendments to the LMC or Zoning Map must be made in the following manner:

(A) **APPLICATION**. An Application must be filed first with the Planning Department on a form prescribed for that purpose. The Planning Department, upon its own initiative or at the direction of the City Council, Planning Commission, or Historic Preservation Board may initiate an amendment as provided below.

(B) **HEARINGS BEFORE PLANNING COMMISSION.**

(1) Land Management Code

(a) The Planning Commission shall hold a public hearing on all amendments to the LMC. Notice of ~~amendment~~ hearings ~~before the Planning Commission~~ shall be given by doing all the following at least fourteen (14) days prior to the first public hearing:

- (i) posting notice on the City website or in at least three (3) public places within the City; and
- (ii) publishing notice in a newspaper of general circulation within the City; -and
- (iii) posting notice on the Utah Public Notice Website; and
- (iv) mailing notice to each Affected Entity, ~~posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City. In lieu of doing (ii) and (iii) above, the City may elect to mail the notice to owners directly affected by the amendments and each adjacent property owner within 300 feet.~~

(b) The notice must state ~~the general~~ ~~generally~~ ~~the~~ nature of the proposed amendment, land affected, and the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed.

(2) Zoning Map Amendments

(a) In addition to the requirements listed above, before the City holds a hearing to adopt a zoning map or map amendment, the City shall send a courtesy notice to each owner whose property is located entirely or partially within the proposed map at least fourteen (14) days prior to the scheduled day of the public hearing.

(b) The notice shall:

- (i) identify each owner of record of real property that will be affected by the proposed zoning map or map amendments; and

- (ii) state the current zone in which the affected property is located; state the proposed new zone for the affected property; and
- (iii) provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted; and
- (iv) state that the owner of the property may no later than ten (10) days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment; and
- (v) state the address where the property owner should file the objection; and
- (vi) notify the property owner that each written objection filed with the City will be provided to the City Council; and
- (vii) state the location, date, and time of the public hearing.

(c) If written objections are received in matters relating to the adoption of a zoning map or map amendment, the Planning Commission shall, in addition to the requirements set forth in 15-1-7(C), consider each objection when adopting its formal recommendation and forward all objections to the City Council.

(C) **ACTION BY PLANNING COMMISSION.** Following the hearing, the Planning Commission must adopt formal recommendation(s) to the City Council regarding the matter before it, approving, disapproving, or modifying the proposal. If the Planning Commission fails to take action within thirty (30) days of the public hearing, the City Council may consider the matter forwarded from the Planning Commission with a negative recommendation and may hear the matter.

(D) **HEARING BEFORE CITY COUNCIL.** The City Council ~~must~~ shall hold a public hearing on all amendments to the LMC. Notice of ~~the~~ hearings shall be given by doing the all following at least fourteen (14) days prior to the first public hearing:

- (i) posting notice on the City website or in at least three (3) public places within the City; and
- (ii) publishing notice in a newspaper of general circulation within the City; and
- (iii) posting notice on the Utah Public Notice Website; and
- (iv) mailing notice to each Affected Entity

In lieu of doing (ii) and (iii) above, the City may elect to mail the notice to owners directly affected by the amendments and each adjacent property owner within 300 feet.

providing actual notice or posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City.

The notice must state the general nature of the proposed amendment, land affected, and the time, place, and date of the hearing. Once opened the hearing may be continued, if necessary, without re-publication of notice until the hearing is closed.

Following the hearing, the Council must approve, disapprove, or modify and approve the proposal before it. Recommendations of the Planning Commission are advisory only.

(E) **JOINT HEARINGS.** At the option of the City Council, the hearings before the Planning Commission and the Council may be consolidated into a single hearing provided however, that separate votes are taken by the Commission and the Council. The Commission vote shall be taken first. Notice for any joint hearing shall be given by ~~posting notice in at least three (3) public places within the City and by providing at least fourteen (14) days published notice in a newspaper of general circulation within the City.~~

doing the following at least fourteen (14) days prior to each hearing:

- (i) posting notice on the City website or in at least three (3) public places within the City; and
- (ii) publishing notice in a newspaper of general circulation within the City; and
- (iii) posting notice on the Utah Public Notice Website; and
- (iv) mailing notice to each Affected Entity. In lieu of doing (ii) and (iii) above, the City may elect to mail the notice to owners directly affected by the amendments and each adjacent property owner within 300 feet.

The notice must state the general nature of the proposed amendment, land affected, and the time, place, and date of the hearing. Once opened the hearing may be continued, if necessary, without republication of notice until the hearing is closed.

Following the hearing and Commission vote, the Council must approve, disapprove, or modify and approve the proposal before it. Recommendations of the Planning Commission are advisory only.

(F) **TEMPORARY OR EMERGENCY ZONING LAND USE REGULATIONS.** The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an Ordinance establishing a temporary zoning-land use regulations for any part or all of the Area within the municipality if:

- (1) The City Council makes a finding of compelling, countervailing public interest; or
- (2) The area is unregulated.

Those temporary zoning-land use regulations may prohibit or regulate the erection, construction, reconstruction, or alteration of any Building or Structure or Subdivision approval. The City Council shall establish a period of limited effect for the ordinance, not to exceed six (6) months.

**15-1 -12. NOTICE.**

~~Notice of a public hearing before the City Council, Planning Commission, Board of Adjustment, and Historic Preservation Board must be provided in accordance with this section. All notices, unless otherwise specified in this Code or State law, must describe the proposed action affecting the subject Property or the proposed modification to the Park City General Plan or to the Land Management Code and shall state the time, place and date set for public hearing on the matter.~~

All notice of public hearing, unless otherwise specified in this Code or State law, must be provided in accordance with this Section and must state the general nature of the proposed action; describe the land affected; and state the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed.

Notice shall be given according to Section 15-1-21 Notice Matrix and as follows:

(A) **POSTED NOTICES.** The Planning Department must post notice on the Property affected by the Application ~~and as further specified in Section 15-1-21 Notice Matrix and on the City's official website or in at least three (3) public locations within the municipality.~~

(B) **PUBLISHED NOTICE.** Published notice shall be given by publication in a newspaper having general circulation in Park City and by publication on the Utah Public Notice Website.

(C) **COURTESY-MAILED NOTICE.** Pursuant to Section 15-1-21 , ~~For required or courtesy mailed notice~~As a courtesy to adjacent, surrounding, Affected Property Owners, and to Affected Entities, the Applicant must provide the Planning Department with stamped and pre-addressed envelopes for each Property Owner of record of each Parcel located entirely or partly within three hundred feet (300') from all Property Lines of the subject Property, and as further specified in Section 15-1-21 Notice Matrix, together with a mailing list for those Property Owners. The addresses for ~~adjacent Property~~ Owners must be as shown on the most recently available Summit County tax assessment rolls. If the subject Property is a Condominium, the Owners Association is sufficient in lieu of the address for each unit Owner.

~~For Courtesy~~ mailed notice ~~that~~ is not a legal requirement per Utah State Code, for specific actions and noted herein and further specified in Section 15-1-21 Notice Matrix, ~~and~~ any defect in such mailed notice shall not affect or invalidate any hearing or action by the City Council or any Board or Commission.

(D) **APPLICANT NOTICE.** For each land Use Application, the Planning Department must notify the Applicant of the date, time and place of each public hearing

and public meeting to consider the Application and of any ~~F~~final ~~A~~action on the pending Application. A copy of each Staff report regarding the Applicant or the pending Application shall be provided to the Applicant at least three (3) business days before the public hearing or public meeting. If the requirements of this subsection are not met, an Applicant may waive the failure so that the Applicant may stay on the agenda and be considered as if the requirements had been met.

(E) **EFFECT OF NOTICE.** Proof that notice was given pursuant to subsections (A) and (B), above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within thirty (30) days after the date of the hearing or action for which the challenged notice was given, the notice is considered adequate and proper.

~~Notice pursuant to subsections (C) and (F) is courtesy only.~~

(G) NOTICE FOR AN AMENDMENT TO PUBLIC IMPROVEMENTS. Prior to implementing an amendment to adopted specifications for public improvements that apply to subdivision or development, the City shall give thirty (30) days' mailed notice and an opportunity to comment to anyone who has requested the notice in writing

#### **15-1-17. VESTING.**

(A) An Applicant is entitled to a substantive review and approval of a land Use Application if the Application conforms to the requirements of the City's land use and zoning maps, the municipal specification for public improvements applicable to a subdivision or development, and the an applicable land Use ordinance in effect when a Complete Application is submitted and all fees have been paid, unless:

...

#### **15-1-18. APPEALS AND RECONSIDERATION PROCESS.**

...

(K) **NOTICE.** There shall be no additional notice for appeals of Staff determination other than listing the matter on the agenda, unless notice of the Staff review was provided, in which case the same notice must be given for the appeal.

Notice of appeals of Final Action by the Planning Commission and Historic Preservation Board, ~~and~~ notice of all appeals to City Council or call-ups, and notice of appeals to the Board of Adjustment, shall be given by:

(1) Publishing the matter once at least fourteen (14) seven (7) days prior to the first hearing in a newspaper having general circulation in Park City;

(2) ~~By M~~ailing courtesy notice at least ~~fourteen (14) seven (7)~~ days prior to the first hearing to all parties who received mailed courtesy notice for the original action. ~~The City Recorder shall provide noticing for Council call-ups; and~~

(3) Posting the property at least fourteen (14) seven (7) days prior to the first hearing; and

(4) Posting notice on the Utah Public Notice website at least fourteen (14) days prior to the first hearing.

#### **15-1-20. EXACTIONS.**

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

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

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

The City may impose an exaction for another governmental entity upon the governmental entity's request. If the City imposes an exaction on behalf of another governmental entity, the City must transfer the exaction to the requesting governmental entity.

#### **15-1-21. NOTICE MATRIX.**

Staff proposes various amendments to the Notice Matrix (LMC Section 15-1-21) to make it consistent with the notice language in the text of LMC Sections 15-1-7 (LMC Amendments and Zoning Map Amendments), 15-1-12 (Notice), and 15-1-18 (Appeals and Reconsideration Process). **(See Exhibit A- Chapter One General Provisions for specific redlines)**

### **7. State Code Changes to Subdivision Sections (Chapter 7 and 7.1)**

**Purpose of amendments:** The purpose of these amendments is to revise the LMC to match amendments to the State Code.

**Implications and consequences:** If these changes are adopted the LMC will match the State Code for these items.

**Staff recommendations:** Staff recommends the following amendments:

**15-7-7. VACATION, ALTERATION OR AMENDMENT OF PLATS.**

The City Council may, on its own motion, or pursuant to a petition, consider and resolve at a public hearing any proposed vacation, alteration or amendment of a Subdivision plat, or any Street, Lot, alley or public Use Area contained in a Subdivision plat, as provided in Section 10-9a-608 through 10-9a-611 of the Utah Code Annotated (1953) as amended. If the amended plat is approved and recorded, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat on the same land. The recorded vacating ordinance shall replace a previously recorded plat described in the vacating ordinance.

**15-7.1-3. CLASSIFICATION OF SUBDIVISIONS.**

\*\*\*

B. **PLAT AMENDMENT.** The combining of existing subdivided Lots into one or more Lots or the amendment of plat notes or other platted elements including but not limited to easements, limits of disturbance boundaries or areas, building pads, and house size limitations. Plat Amendments shall be reviewed according to the requirements of Section 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 has been vacated or amended.

**15-7.1-7. SIGNATURES AND RECORDING OF THE PLAT.**

(A) **SIGNING OF PLAT.**

\*\*\*

4. The plat shall conform to City ordinances and be approved by the culinary water authority, ~~and~~ the sanitary sewer authority, and the local health department, if the local health department and the City consider the local health department's approval necessary.

\*\*\*

**8. Definitions (See Exhibit F- Chapter 15 Defined Terms).**

**History:** Staff is proposing certain amendments regarding existing historic structures to ensure that review of various applications is consistent with the goals of the General Plan, including understanding and preserving Park City's cultural heritage. The LMC should define what is meant by a Historic Structures Report, and who is qualified to prepare one.

**Purpose of amendments:** The purpose of these amendments is to ensure that the meaning of certain terms is clear.

**Implications and consequences:** Qualified Historic Preservation Professional is the preservation industry equivalent of AICP (American Institutes of Certified Planners). Criteria for who meets the standards can be found at [https://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](https://www.nps.gov/history/local-law/arch_stnds_9.htm).

**Staff recommendation:** Staff recommends changing “Essential Historical Form” to “Essential Historic Form” to be grammatically correct. Staff recommends adding definitions for Qualified Historic Preservation Professional and Historic Structures Report consistent with amendments to the Master Planned Development Chapter 6, discussed above. In addition, Staff recommends adding a definition and link to the official Utah Public Notice Website. Staff recommends the following amendments:

## **CHAPTER 15 - DEFINED TERMS.**

### **15-15-1. DEFINITIONS.**

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster’s New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these regulations”; the word “regulations” means “these regulations”; “used” or “occupied” as applied to any land or Building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.

...

**ESSENTIAL HISTORICAL FORM.** The physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past.

**HISTORIC STRUCTURES REPORT (HSR).** A multi-disciplinary planning document, often created by a team of professionals, that provides a forum to identify historic fabric and the means to minimize its loss, damage, or adverse effects upon it. The HSR generally includes the history of construction, alterations, owners, and significant events at the property based on physical and documentary evidence; current conditions; remaining significant and character-defining features; evaluation of current and proposed program needs in relation to

the historic fabric; recommended overall treatment approaches; recommended treatments for individual features or areas; prioritization of recommendations and cost estimates; and identification of future areas of research or documentation. The report provides a framework for owners and stewards to consider physical alterations to the property with the understanding of how the proposed work will impact the historic fabric and character.

**QUALIFIED HISTORIC PRESERVATION PROFESSIONAL.** A professional with a combination of education in a closely related field of study plus work experience to meet the Secretary of the Interior's Historic Preservation Qualification Standards. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. The standards are set for history, archeology, architectural history, architecture, and historic architecture.

**UTAH PUBLIC NOTICE WEBSITE.** A website dedicated to bringing greater accessibility to public notice information and increased participation by the public in the State of Utah. It is a central source for all public notice information statewide, provided in a standardized format for publishing. It allows the public to subscribe by either RSS feed or email to a Body to receive its notices and updates.  
<http://www.utah.gov/pmn/index.html>

### **Process**

Land Management Code amendments are processed according to Section 15-1-7. Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18. A public hearing is required by both the Planning Commission and City Council, with proper notice.

### **Notice**

On July 27, 2016, notice of the Planning Commission public hearing was published in the Park Record and placed on the City's website as well as on the Utah Public Notice website.

### **Public Input**

Staff received public input regarding height exceptions for existing historic structures (see Exhibit J) requesting consideration of a situation where the historic structure exists below the access road to such an extent that the building height for a garage at the street would not meet the 27' maximum building height from existing grade or the 35' overall maximum building height.

## **Alternatives**

- The Planning Commission may forward a positive recommendation to City Council to approve the Land Management Code Amendments as proposed or amended; or
- The Planning Commission may forward a negative recommendation to City Council to deny the Land Management Code Amendments and direct staff to prepare findings supporting this recommendation; or
- The Planning Commission may continue the discussion to a date certain to allow Staff time to respond to any concerns or issues raised at the Planning Commission hearing.

## **Significant Impacts**

There are no significant fiscal or environmental impacts to the City from these LMC Amendments that provide clarification of current development code language and definitions.

## **Recommendation**

Staff recommends that the Planning Commission review and discuss proposed amendments to the Land Management Code (LMC), conduct a public hearing, and consider forwarding a positive recommendation to City Council, pursuant to the attached draft Ordinance.

## **Exhibits**

Ordinance

Exhibit A – Chapter One- General Provisions and Procedures (Note: Exhibit A under separate cover)

Exhibit B-1– Chapter 2.1 (HRL District)

Exhibit B-2 – Chapter 2.2 (HR-1 District)

Exhibit B-3 – Chapter 2.3 (HR2 District)

Exhibit B-4 – Chapter 2.16 (RC District)

Exhibit B-5 – Chapter 2.23 (CT District)

Exhibit C – Chapter Six- Master Planned Developments

Exhibit D – Chapter Seven (7 and 7.1) Subdivisions

Exhibit E – Chapter Eleven- Historic Preservation

Exhibit F – Chapter Fifteen- Defined Terms

Exhibit G – Minutes of Planning Commission meeting of June 22, 2016

Exhibit H – December 17<sup>th</sup> City Council staff report (pages 172-176)

Exhibit I – LMC Amendments work program and priorities lists

Exhibit J – Public input regarding height exceptions in the Historic District

**DRAFT**

Ordinance 16-

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 1 GENERAL PROVISIONS AND PROCEDURES; CHAPTER 2 ZONING DESIGNATIONS (2.1 HRL, 2.2 HR-1, 2.3 HR-2, 2.16 RC, 2.23 CT ); CHAPTER 6 MASTER PLANNED DEVELOPMENTS; CHAPTERS 7 AND 7.1 SUBDIVISIONS, CHAPTER 11 HISTORIC PRESERVATION AND CHAPTER 15 DEFINED TERMS**

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

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

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up; to address specific LMC issues raised by Staff, Planning Commission, and City Council; and to align the Code with the State Code and Council's goals; and

WHEREAS, Chapter 1 provides a description of general provisions and procedures of the Park City's land development and management code that the City desires to revise. These revisions are specifically related to appeals process, extensions of applications, vesting of applications, notice requirements, standard of review for applications regarding the General Plan, exactions, and other procedures; and

WHEREAS, Chapters 2.1 Historic Residential-Low Density District (HRL), 2.2 Historic Residential (HR-1), 2.3 Historic Residential 2 (HR2), 2.16 Resort Commercial (RC), 2.23 Community Transition (CT)) provide a description of requirements, provisions and procedures specific to these zoning district that the City desires to revise. These revisions concern common wall development and height exceptions for historic sites, in these Districts; and

WHEREAS, Chapter 6 provides a description of requirements, provisions and procedures specific to Master Planned Developments (MPD). These revisions relate to applicability of MPDs and requiring information on Historic Structures and Sites for MPD applications; and

WHEREAS, Chapter 7 provides a description of requirements, provisions and procedures specific to Subdivisions. These revisions relate to vacations, alterations, and amendments to Subdivisions; classification of Subdivisions; and required signatures and recordation of Subdivision plats; and

WHEREAS, Chapter 11 provides a description of requirements, provisions, and procedures specific to Historic Preservation. These revisions concern the criteria for designating sites to the Park City Historic Sites Inventory; and

WHEREAS, Chapter 15 provides a description of defined terms used in the Land Management Code and the City desires to revise and/or add; and

WHEREAS, the Planning Commission conducted work sessions on March 23<sup>rd</sup> and April 13<sup>th</sup> and 27<sup>th</sup>, 2016; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on June 22, 2016 and August 10, 2016, and forwarded a \_\_\_\_\_ recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on \_\_\_\_\_ 2016; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the State of Utah Code and the Park City General Plan and to be consistent with the values and goals of the Park City community and City Council, to protect health and safety, to maintain the quality of life for its residents, to preserve and protect the residential neighborhoods, to ensure compatible development, to preserve historic resources, to protect environmentally sensitive lands, and to preserve the community's unique character.

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

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

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.1 (Historic Residential Low Density (HRL)). The recitals above are incorporated herein as findings of fact. Chapter 2.1 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-1).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.2 (Historic Residential (HR-1)). The recitals above are incorporated herein as findings

of fact. Chapter 2.2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-2).

SECTION 4. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.3 (Historic Residential 2 (HR2)). The recitals above are incorporated herein as findings of fact. Chapter 2.3 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-3).

SECTION 5. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.16 (Resort Commercial (RC)). The recitals above are incorporated herein as findings of fact. Chapter 2.24 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-4).

SECTION 6. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.23 (Community Transition (CT)). The recitals above are incorporated herein as findings of fact. Chapter 2.23 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-5).

SECTION 7. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 6 (Master Planned Developments). The recitals above are incorporated herein as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 8. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 7 (Subdivisions- Chapters 7 and 7.1)). The recitals above are incorporated herein as findings of fact. Chapter 76 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit D).

SECTION 9. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 11 (Historic Preservation). The recitals above are incorporated herein as findings of fact. Chapter 11 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit E).

SECTION 10. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15 (Defined Terms). The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit F).

SECTION 11. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016

PARK CITY MUNICIPAL CORPORATION

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Jack Thomas, Mayor

Attest:

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Michelle Kellogg, Recorder

Approved as to form:

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Mark Harrington, City Attorney

**Exhibits (Redlines of specific LMC Sections)**

- Exhibit A – LMC Chapter One- General Provisions and Procedures
- Exhibit B – LMC Chapter Two Zoning Districts (HRL, HR-1, HR2, RC, CT)
- Exhibit C – LMC Chapter Six- Master Planned Developments
- Exhibit D – LMC Chapter Seven- Subdivisions (7.0 and 7.1)
- Exhibit E – LMC Chapter Eleven- Historic Preservation
- Exhibit F – LMC Chapter Fifteen- Defined Terms

**TITLE 15 - LAND MANAGEMENT CODE**

**CHAPTER 2.1 - HISTORIC RESIDENTIAL-LOW DENSITY (HRL) DISTRICT**

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 2.1 - HISTORIC RESIDENTIAL-LOW DENSITY (HRL) DISTRICT**

*Chapter adopted by Ordinance No. 00-15*

**15-2.1-1. PURPOSE.**

The purpose of the Historic Residential Low-Density (HRL) District is to:

- (A) reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- (B) provide an Area of lower density Residential Use within the old portion of Park City,
- (C) preserve the character of Historic residential Development in Park City,
- (D) encourage the preservation of Historic Structures,
- (E) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- (F) establish Development review criteria for new Development on Steep

Slopes which mitigate impacts to mass and scale and the environment, and  
(G) define Development parameters that are consistent with the General Plan policies for the Historic core.

*(Amended by Ord. No. 09-14)*

**15-2.1-2. USES.**

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Home Occupation
- (3) Child Care, In-Home Babysitting
- (4) Child Care, Family<sup>1</sup>
- (5) Child Care, Family Group<sup>1</sup>
- (6) Accessory Building and Use
- (7) Conservation Activity
- (8) Agriculture
- (9) Residential Parking Area or Structure with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Nightly Rentals<sup>2</sup>

<sup>1</sup>See LMC Chapter 15-4-9 for Child Care Regulations

<sup>2</sup> Conditional Use Permit allowed only in the

- (2) Lockout Unit
- (3) Accessory Apartment<sup>3</sup>
- (4) Child Care Center<sup>1</sup>
- (5) Essential Municipal and Public Utility Use, Facility, Service and Structure
- (6) Telecommunication Antenna<sup>4</sup>
- (7) Satellite dish greater than thirty-nine inches (39") in diameter<sup>5</sup>
- (8) Residential Parking Area or Structure five (5) or more spaces
- (9) Temporary Improvement<sup>6</sup>
- (10) Passenger Tramway Station and Ski Base Facility<sup>7</sup>
- (11) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge<sup>6</sup>
- (12) Recreation Facility, Private
- (13) Fences greater than six feet (6') in height from Final Grade<sup>5,8</sup>

West sub-neighborhood located south of platted 2<sup>nd</sup> Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road. No Nightly Rentals are allowed elsewhere in this Zoning District.

<sup>3</sup>See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

<sup>4</sup>See LMC Chapter 15-4-14, Telecommunications Facilities

<sup>5</sup>See LMC Chapter 15-4-13, Satellite Receiving Antennas

<sup>6</sup>Subject to Administrative or Administrative Conditional Use permit, see LMC Chapter 15-4.

<sup>7</sup> See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

<sup>8</sup> See LMC Chapter 15-4-2, Fences and Walls

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

*(Amended by Ord. Nos. 06-56; 09-10; 15-35; 15-44)*

**15-2.1-3. LOT AND SITE REQUIREMENTS.**

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

Minimum Lot and Site requirements are as follows:

(A) **LOT SIZE.** The minimum Lot Area is 3,750 square feet. The minimum width of a Lot is thirty-five feet (35'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director

(B) **BUILDING ENVELOPE (HRL DISTRICT).** The Building Pad, Building Footprint, and height restrictions define the maximum Building Envelope in which all Development must occur, with exceptions as allowed by Section 15-2.1-3(C).

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

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

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

(2) Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Department approval based on a determination that the proposed exceptions result in a design that:

- (a) provides increased architectural interest consistent with the Historic District Design Guidelines;

(b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(D) **BUILDING FOOTPRINT (HRL DISTRICT)**. The maximum Building Footprint of any Structure shall be located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.1. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per dwelling unit for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

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

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

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

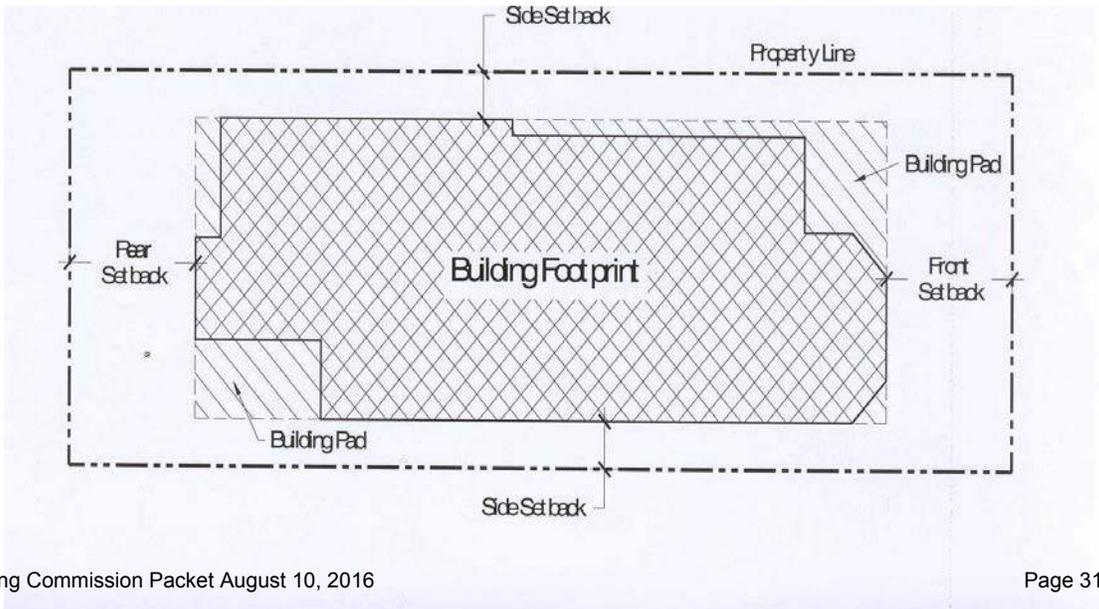
See the following Table 15-2.1. for a schedule equivalent of this formula.

**TABLE 15-2.1.**

Lot Depth </= ft. **	Lot Width, ft. up to:	Side Yards Min. Total		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint Sq. ft.
75 ft.	37.5*	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,269
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 7,500	Per Setbacks and Lot Area	Per Formula

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

\*\* for lots > 75' in depth use Footprint formula and Table 15-2.1a for Front and Rear Setbacks.



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

**TABLE 15-2.1a**

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

(F) **FRONT YARD EXCEPTIONS.**

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

(1) Fences and walls not more than four feet (4') in height, or as permitted in Section 15-4-2 Fences and Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.

(2) Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.

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

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

(5) Sidewalks and pathways.

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

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

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

(2) Chimneys not more than five feet (5') wide projecting not more

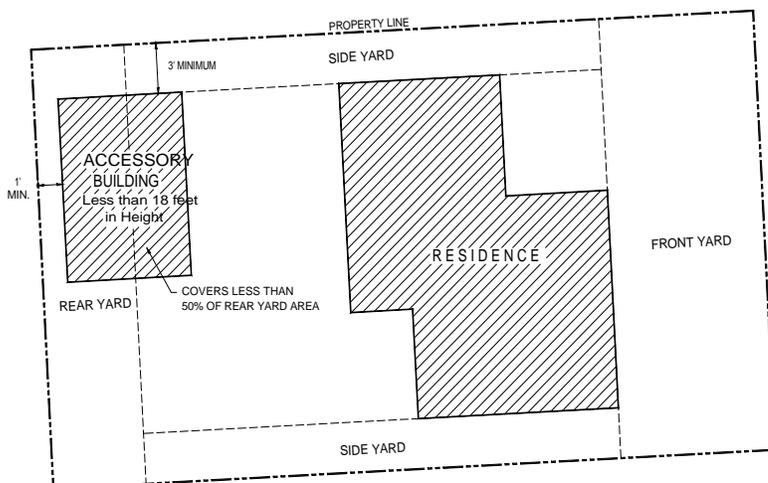
than two feet (2') into the Rear Yard.

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

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

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

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



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

(8) Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.

(9) Fences or walls as permitted in Section 15-4-2 Fences and Walls.

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

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

(H) **SIDE YARDS.**

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty seven and one-half feet (37.5') in Width, as per Table 15-2.1.above.

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

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

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.<sup>9</sup>

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.<sup>8</sup>

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.<sup>8</sup>

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') eave overhang is permitted on Lots with a side Yard less than five feet (5').<sup>8</sup>

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

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

(7) Fences or walls, as permitted in Section 15-4-2 Fences and Walls.

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

<sup>9</sup> Applies only to Lots with a Side Yard of five feet (5') or greater.

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

(10) A detached Accessory Building, not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front Facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) Mechanical equipment (which must be screened), hot tubs, or similar Structures, located at least three feet (3') from the Side Lot Line.

(K) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

*(Amended by Ord. Nos. 06-56; 09-10; 15-35)*

#### **15-2.1-4. EXISTING HISTORIC STRUCTURES.**

Historic Structures that do not comply with **Building Footprint, Building Height,** Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic

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

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setbacks, and driveway location standards for additions to Historic Buildings:

(1) Upon approval of a Conditional Use permit, **and**

(2) When the scale of the addition **and/or** driveway is Compatible with the Historic Structure, **and**

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

(4) When the addition complies with the Uniform Building and Fire Codes, **and**

**(5) When the addition complies with the Design Guidelines for Historic Districts and Sites.**

#### **15-2.1-5. BUILDING HEIGHT.**

No Structure shall be erected to a height greater than twenty-seven feet (27') from

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

(A) A Structure shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.

(B) A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.

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

(1) A Structure containing a flat roof shall have a maximum height of thirty-five feet (35') measured from the lowest floor plan to the highest wall top plate that supports the ceiling joists or roof rafters. The height of the green roof, including the parapets, railing, or similar features shall not exceed twenty four inches (24") above the highest top plate mentioned above.



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

(1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(2) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the

height of the Building.

(3) **ELEVATOR ACCESS.**

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

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

(4) **GARAGE ON DOWNHILL LOT.** The Planning ~~Director~~ Commission may allow additional Building Height (see Section 15-2.1-5) height on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a front entryway area and front porch to provide a Compatible streetscape design. The depth of the garage may not exceed the minimum depth for ~~an~~ internal Parking Space (s) as dimensioned within this Code, Section 15-3.

~~Additional width may be utilized only to accommodate circulation and an ADA elevator.~~ The additional Building Height height may not exceed thirty-five feet (35') from Existing Grade.

*(Amended by Ord. Nos. 06-56; 09-10; 09-14; 09-40; 13-48)*

**15-2.1-6. DEVELOPMENT ON STEEP SLOPES.**

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

(A) **CONDITIONAL USE.**

- (1) A Steep Slope Conditional Use permit is required for construction of any Structure with a Building Footprint in excess of two hundred square feet (200 sq. ft.) if said Building Footprint is located ~~upon~~ on or projecting over an existing Slope of thirty percent (30%) or greater.
- (2) A Steep Slope Conditional Use permit is required for construction of any addition to an existing Structure, when the Building Footprint of the addition is in excess of two hundred square feet (200 sq. ft.),

if the Building Footprint of the addition is located ~~upon~~ or projecting over an existing Slope of thirty percent (30%) or greater.

- (3) A Steep Slope Conditional Use permit is required for any Access driveway located ~~upon~~ or projecting over an existing Slope of (30%) or greater.

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

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

- (1) **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.
- (2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

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

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

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

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

(5) **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent Properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

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

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

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Director and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HRL District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.1-5. The Planning Director and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

*(Amended by Ord. Nos. 06-56; 09-10; 09-14; 15-35)*

#### **15-2.1-7. PARKING REGULATIONS.**

(A) Tandem Parking is allowed in the Historic District.

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

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

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

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

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

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

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

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

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

#### **15-2.1-8. ARCHITECTURAL REVIEW.**

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

Appeals of departmental actions on compliance with the Design Guidelines for

Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Board of Adjustment as outlined in Section 15-1-18 of the Code.

*(Amended by Ord. Nos. 06-56; 09-23; 15-53)*

#### **15-2.1-9. VEGETATION PROTECTION.**

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

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

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

#### **15-2.1-10. SIGNS.**

Signs are allowed in the HRL District as provided in the Park City Sign Code, Title 12.

**15-2.1-11. RELATED PROVISIONS.**

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

**TITLE 15 - LAND MANAGEMENT CODE**

**CHAPTER 2.2 - HISTORIC RESIDENTIAL (HR-1) DISTRICT**

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 2.2 - HISTORIC RESIDENTIAL (HR-1) DISTRICT**

*Chapter adopted by Ordinance No. 00-15*

**15-2.2-1. PURPOSE.**

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

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

*(Amended by Ord. No. 09-14)*

**15-2.2-2. USES.**

Uses in the HR-1 District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Lockout Unit<sup>1</sup>
- (3) Nightly Rental<sup>1</sup>
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting<sup>2</sup>
- (6) Child Care, Family<sup>2</sup>
- (7) Child Care, Family Group<sup>2</sup>
- (8) Accessory Building and Use
- (9) Conservation Activity
- (10) Agriculture
- (11) Residential Parking Area or Structure, with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Duplex Dwelling

<sup>1</sup>Nightly Rental of a Lockout Unit requires a Conditional Use permit

<sup>2</sup>See LMC Chapter 15-4-9 for Child Care Regulations

- (2) Guest House on Lots one (1) acre or greater
- (3) Secondary Living Quarters
- (4) Accessory Apartment<sup>3</sup>
- (5) Group Care Facility
- (6) Child Care Center
- (7) Public and Quasi-Public Institution, church and school
- (8) Essential Municipal and Public Utility Use, Facility, Service, and Structure
- (9) Telecommunication Antenna<sup>4</sup>
- (10) Satellite Dish, greater than thirty-nine inches (39") diameter<sup>5</sup>
- (11) Bed and Breakfast Inn<sup>6</sup>
- (12) Boarding House, hostel<sup>6</sup>
- (13) Hotel, Minor, (fewer than sixteen (16) rooms)<sup>6</sup>
- (14) Residential Parking Area or Structure with five (5) or more spaces.
- (15) Temporary Improvement<sup>7</sup>
- (16) Passenger Tramway Station and Ski Base Facility<sup>8</sup>

<sup>3</sup>See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

<sup>4</sup>See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

<sup>5</sup>See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

<sup>6</sup>In Historic Structures only. Parking requirements of Chapter 15-3 shall apply.

<sup>7</sup>Subject to Administrative or Administrative Conditional Use permit

<sup>8</sup> See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

- (17) Ski Tow, Ski Lift, Ski Run, and Ski Bridge<sup>8</sup>
- (18) Recreation Facility, Private
- (19) Fences greater than six feet (6') in height from Final Grade<sup>7,9</sup>

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

*(Amended by Ord. Nos. 06-56; 07-25; 09-10; 15-35)*

**15-2.2-3 LOT AND SITE REQUIREMENTS.**

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

Minimum Lot and Site requirements are as follows:

(A) **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

<sup>9</sup> See LMC Chapter 15-4-2, Fences and Walls

(B) **BUILDING ENVELOPE (HR-1 DISTRICT)**. The Building Pad, Building Footprint and height restrictions define the maximum Building envelope within which all Development must occur, with exceptions as allowed by Section 15-2.2-3(C).

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

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

- (a) Porches or decks with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

(2) Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are

subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- (a) provides increased architectural interest consistent with the Historic District Design Guidelines;
- (b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(D) **BUILDING FOOTPRINT (HR-1 DISTRICT)**. The maximum Building Footprint of any Structure located on a Lot or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.2. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per Dwelling Unit, for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

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

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

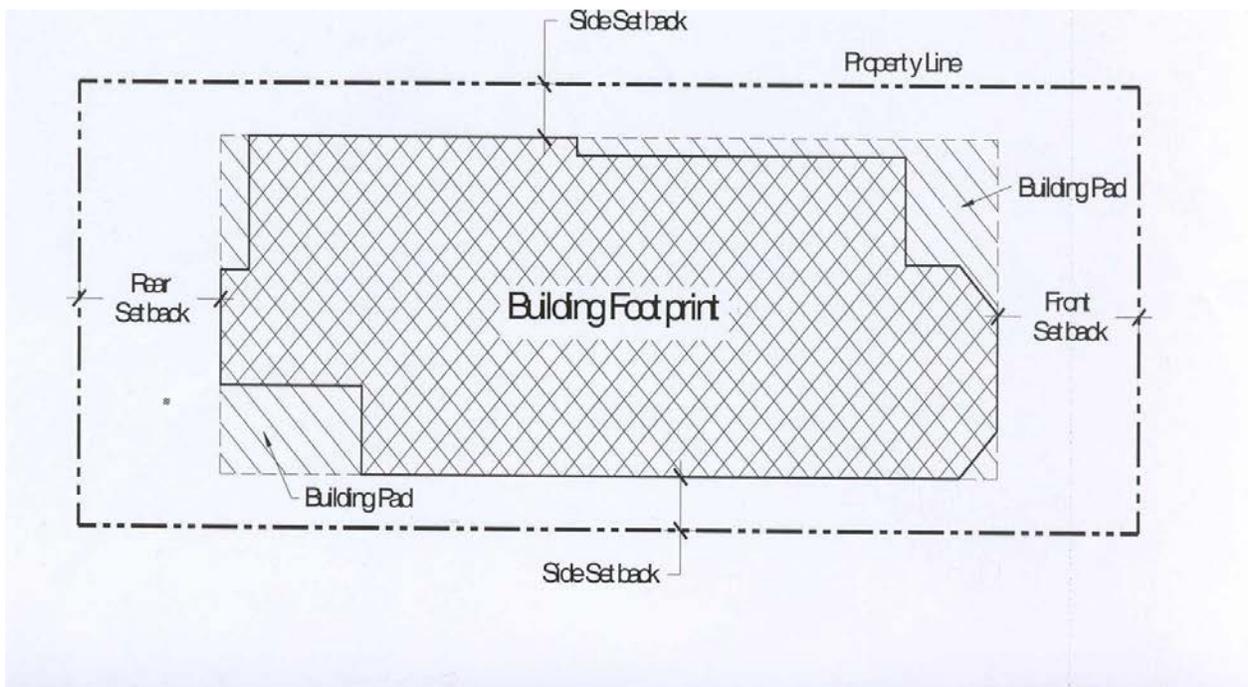
Example: 3,750 sq. ft. lot:  $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = \underline{1,519 \text{ sq. ft.}}$

See the following Table 15-2.2. for a schedule equivalent of this formula.

**TABLE 15-2.2.**

Lot Depth, <math>\leq</math> ft. *	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,269
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per formula

\* for Lots > 75' in depth use footprint formula and Table 15-2.2a for front and rear Setbacks.



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

**TABLE 15-2.2a**

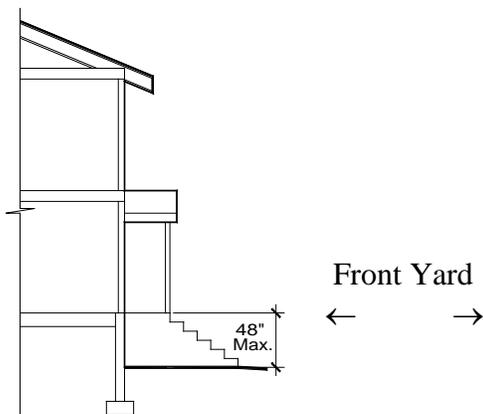
Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) **FRONT YARD EXCEPTIONS.**

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

(1) Fences or walls not more than four feet (4') in height, or as permitted in Section 15-4-2, Fences and Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.

(2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.



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

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

(5) Sidewalks and pathways.

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

(G) **REAR YARD EXCEPTIONS.**

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

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

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

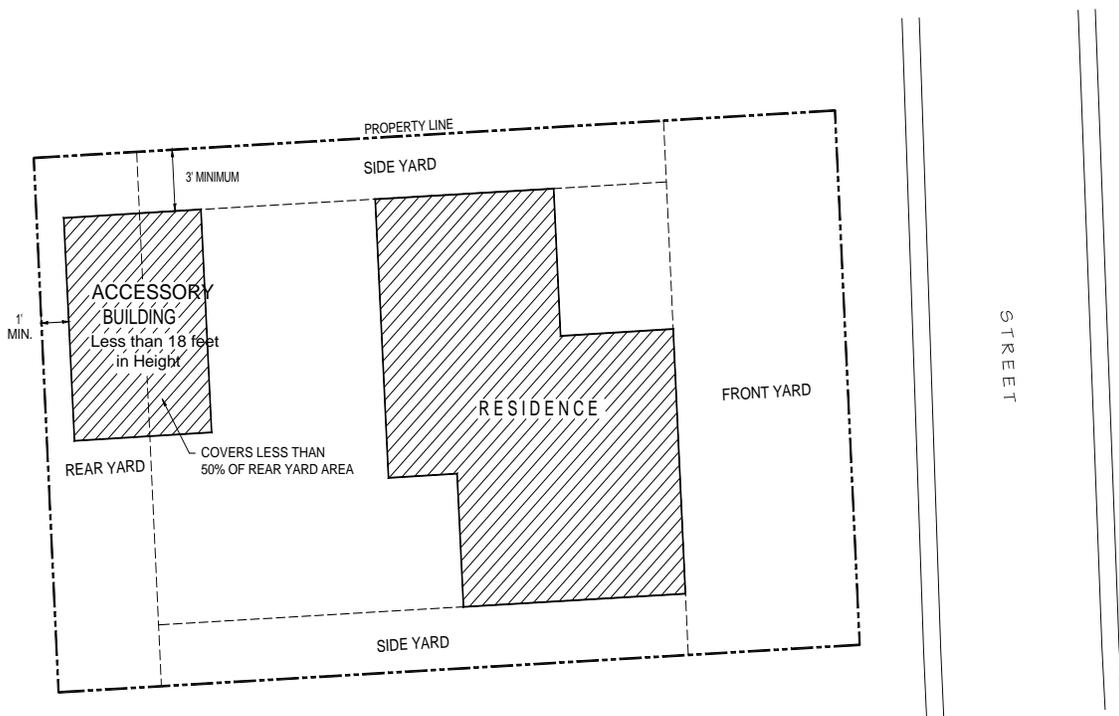
(3) Window wells or light wells extending not more than four feet (4') into the Rear Yard.

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

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

(6) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard

Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



(7) A Hard-Surfaced Parking Area subject to the same location requirements as a Detached Accessory Building.

(8) Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.

(9) Fences or walls as permitted in Section 15-4-2, Fences and Walls.

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade.

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

(H) **SIDE YARD.**

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty seven and one-half feet (37.5') in Width, as per Table 15-2.2.above.

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

(3) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened

with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District. Exterior Side Yards shall be based on the required Side Yard for each Lot; however the Planning Commission may consider increasing Side Yards during any required Conditional Use Permit review for the Use, to mitigate potential impacts on adjacent Property. Side Yard Exceptions continue to apply. Building Footprint shall be based on the area of the underlying Lot; however the Planning Commission may consider decreasing Building Footprint during any required Conditional Use Permit review for the Use, to mitigate potential impacts on adjacent Property.

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

(1) Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Side Yard.<sup>10</sup>

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.<sup>10</sup>

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

- (3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.<sup>10</sup>
- (4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').<sup>10</sup>
- (5) Window sills, belt courses, trim, cornices, exterior siding, or other ornamental features projecting not more than six inches (6") into the Side Yard.
- (6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height above Final Grade.
- (7) Fences, walls, or retaining walls as permitted in Section 15-4-2, Fences and Walls.
- (8) Driveways leading to a garage or Parking Area.
- (9) Pathways or steps connecting to a City staircase or pathway.
- (10) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the Front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').
- (11) Mechanical equipment

(which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Side Lot Line.

(J) **SNOW RELEASE**. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

*(Amended by Ord. Nos. 06-56; 09-10; 15-35)*

**15-2.2-4. EXISTING HISTORIC STRUCTURES.**

Historic Structures that do not comply with **Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards** are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses shall comply with parking requirements of Chapter 15-3.

(A) **EXCEPTION**. In order to achieve

new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setbacks and driveway location standards for additions to Historic Buildings:

- (1) Upon approval of a Conditional Use permit, and
- (2) When the scale of the addition and/or driveway is Compatible with the Historic Structure, and
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International Building and Fire Codes, and
- (5) When the addition complies with the Design Guidelines for Historic Districts and Sites.

*(Amended by Ord. Nos. 06-56; 07-25)*

#### **15-2.2-5. BUILDING HEIGHT.**

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

- (A) A Structure shall have a maximum

height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.

(B) A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.

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

- (1) A Structure containing a flat roof shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the highest wall top plate that supports the ceiling joists or roof rafters. The height of the green roof, including parapets, railing, or similar features shall not exceed twenty four inches (24") above the highest top plate

mentioned above.

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

- (1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an

elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:

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

(4) **GARAGE ON DOWNHILL LOT.** The Planning ~~Director~~Commission may allow additional Building Height (see Section 15-2.2-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a front entryway area and front porch to provide a Compatible streetscape design. The depth of the garage may not exceed the minimum depth for ~~an~~ internal Parking Space (s) as dimensioned within this Code, Section 15-3. ~~Additional width may be utilized only to accommodate circulation and an ADA elevator.~~ The additional Building Height may not exceed thirty-five feet (35') from Existing Grade.

(Amended by Ord. Nos. 06-56; 09-10; 09-14; 09-40; 13-48)

**15-2.2-6. DEVELOPMENT ON STEEP SLOPES.**

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

(A) **CONDITIONAL USE**

- (1) A Steep Slope Conditional Use permit is required for construction of any Structure with a Building Footprint in excess of two hundred square feet (200 sq. ft.) if said Building Footprint is located ~~upon~~ or projecting over an existing Slope of thirty percent (30%) or greater.
- (2) A Steep Slope Conditional Use permit is required for construction of any addition to an existing Structure, when the Building Footprint of the addition is in excess of two hundred square feet (200sq. ft.), if the Building Footprint of the addition is located ~~upon~~ or projecting over an existing Slope of thirty percent (30%) or greater.
- (3) A Steep Slope Conditional Use permit is required for any Access driveway located ~~upon~~ or projecting over an existing

Slope of thirty percent (30%) or greater.

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

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

- (1) **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.
- (2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:
  - (a) To determine potential impacts of the proposed Access, and Building mass and design; and
  - (b) To identify the potential for Screening, Slope

stabilization, erosion mitigation, vegetation protection, and other design opportunities.

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

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

(5) **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the

main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

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

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HR-1 District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.2-5. The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

*(Amended by Ord. Nos. 06-56; 09-10; 09-14; 15-35)*

**15-2.2-7. PARKING REGULATIONS.**

- (A) Tandem Parking is allowed in the Historic District.
- (B) Common driveways are allowed along shared Side Yard Property Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.
- (C) Common Parking Structures are allowed as a Conditional Use permit where it facilities:
  - (1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and
  - (2) the reduction, mitigation or elimination of garage doors at the Street edge.
- (D) A Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a Conditional Use permit are subject to a Conditional Use review, Chapter 15-1-10.
- (E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-

Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.

- (F) Turning radii are subject to review by the City Engineer as to function and design.
- (G) See Section 15-3 Off Street Parking for additional parking requirements.

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

**15-2.2-8. ARCHITECTURAL REVIEW.**

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

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

*(Amended by Ord. Nos. 06-56; 09-23; 15-53)*

**15-2.2-9. CRITERIA FOR BED AND BREAKFAST INNS.**

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be issued unless the following criteria are met:

- (A) The Use is in a Historic Structure, or an addition thereto.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
- (D) The size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- (E) The rooms are available for Nightly Rental only.
- (F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.
- (G) Food service is for the benefit of overnight guests only.
- (H) No Kitchen is permitted within rental room(s).
- (I) Parking on-Site is required at a rate of one (1) space per rentable room.
- (J) The Use complies with Chapter 15-1-10, Conditional Use review process.

*(Amended by Ord. No. 07-25)*

**15-2.2-10. VEGETATION PROTECTION.**

The Property Owner must protect Significant Vegetation during any

Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

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

**15-2.2-11. SIGNS.**

Signs are allowed in the HR-1 District as provided in the Park City Sign Code (Title 12).

**15-2.2-12. RELATED PROVISIONS.**

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3.3(D).

- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

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

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

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

*Chapter adopted by Ordinance 00-51*

**15-2.3-1. PURPOSE.**

The purpose of the HR-2 District is to:

(A) allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:

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

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

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

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

(E) define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and

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

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

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

(I) encourage residential development that provides a range of housing

opportunities consistent with the community's housing, transportation, and historic preservation objectives,

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

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

**15-2.3-2. USES.**

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

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Lockout Unit<sup>1</sup>
- (3) Nightly Rental<sup>2</sup>
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting<sup>3</sup>
- (6) Child Care, Family<sup>3</sup>
- (7) Child Care, Family Group<sup>3</sup>
- (8) Accessory Building and Use
- (9) Conservation Activity
- (10) Agriculture
- (11) Residential Parking Area or Structure with four (4) or fewer spaces

<sup>1</sup>Nightly Rental of Lockout Units requires a Conditional Use Permit

<sup>2</sup>Nightly Rental does not include the use of dwellings for Commercial Uses

<sup>3</sup>See LMC Chapter 15-4-9 for Child Care Regulations

(12) Recreation Facility, Private

(B) **CONDITIONAL USES.**

- (1) Duplex Dwelling
- (2) Secondary Living Quarters
- (3) Accessory Apartment<sup>4</sup>
- (4) Group Care Facility
- (5) Child Care Center
- (6) Public or Quasi-Public Institution, church or School
- (7) Essential Municipal and Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna<sup>5</sup>
- (9) Satellite Dish Antenna greater than thirty-nine inches (39") in diameter<sup>6</sup>
- (10) Bed & Breakfast Inn<sup>7</sup>
- (11) Boarding House, Hostel<sup>7</sup>
- (12) Hotel, Minor, fewer than sixteen (16) rooms<sup>7</sup>
- (13) Office, General<sup>8</sup>
- (14) Office, Moderate Intensive<sup>8</sup>

<sup>4</sup>See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

<sup>5</sup>See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

<sup>6</sup>See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

<sup>7</sup>In Historic Structures only

<sup>8</sup>In Historic Structures and within Sub-Zones A and B subject to compliance with all criteria and requirements of Section 15-2.3-8 for Sub-Zone A and Section 15-2.3-9 for Sub-Zone B.

- (15) Office and Clinic, Medical<sup>8</sup>
- (16) Retail and Service Commercial, Minor<sup>8</sup>
- (17) Retail and Service Commercial, personal improvement<sup>8</sup>
- (18) Cafe or Deli<sup>8</sup>
- (19) Restaurant, General<sup>8</sup>
- (20) Restaurant, Outdoor Dining<sup>9</sup>
- (21) Outdoor Events
- (22) Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot
- (23) Temporary Improvement
- (24) Passenger Tramway Station and Ski Base Facility<sup>10</sup>
- (25) Ski tow rope, ski lift, ski run, and ski bridge<sup>10</sup>
- (26) Recreation Facility, Private
- (27) Fences greater than six feet (6') in height from Final Grade<sup>11</sup>
- (28) Limited Commercial expansion necessary for compliance with Building/Fire Code egress and Accessibility requirements and support Uses associated with HCB Commercial Use<sup>12</sup>

<sup>9</sup>Subject to an Administrative Conditional Use Permit, and permitted in Sub-Zone B only, subject to requirements in Section 15-2.3-9.

<sup>10</sup> See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

<sup>11</sup> See LMC Chapter 15-4-2, Fences and Walls

<sup>12</sup> Subject to compliance with the criteria set

- (29) Bar<sup>8</sup>
- (30) Special Events<sup>8</sup>

(C) **PROHIBITED USES.**

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

*(Amended by Ord. Nos. 06-56; 04-08; 09-10; 10-14; 12-37; 15-35)*

**15-2.3-3. CONDITIONAL USE PERMIT REVIEW.**

The Planning Commission shall review any Conditional Use permit (CUP) Application in the HR-2 District according to Conditional Use permit criteria set forth in Section 15-1-10 as well as the following:

(A) Consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, Section 15-4.

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

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

(D) New Buildings and additions must be in scale and Compatible with the mass, height, width, and historic character of the surrounding residential neighborhood and existing Historic Structures in the

forth in Section 15-2.3-8(B).

neighborhood. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.

(E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures and may consider in-lieu fees for all or a portion of parking requirements for Master Planned Developments. Calculation of in-lieu fees shall be based on the Park City Municipal Code Section 11-12-16 and any adopted City Council fees in effect at the time a complete application is received. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

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

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

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

*(Amended by Ord. No. 06-56; 10-14; 12-37)*

#### **15-2.3-4. LOT AND SITE REQUIREMENTS.**

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

All Development must comply with the following:

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

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

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

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

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

(2) Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- (a) provides increased architectural interest consistent with the Design Guidelines for Park City's

Historic Districts and Historic Sites; and

(b) maintains the intent of this section to provide horizontal and vertical Building articulation.

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

(1) The maximum Building Footprint for any Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.3.

The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per Dwelling Unit for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

(2) See Section 15-6-5(B) for maximum allowed Building footprint for Master Planned Developments within the HR-2 District.

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

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

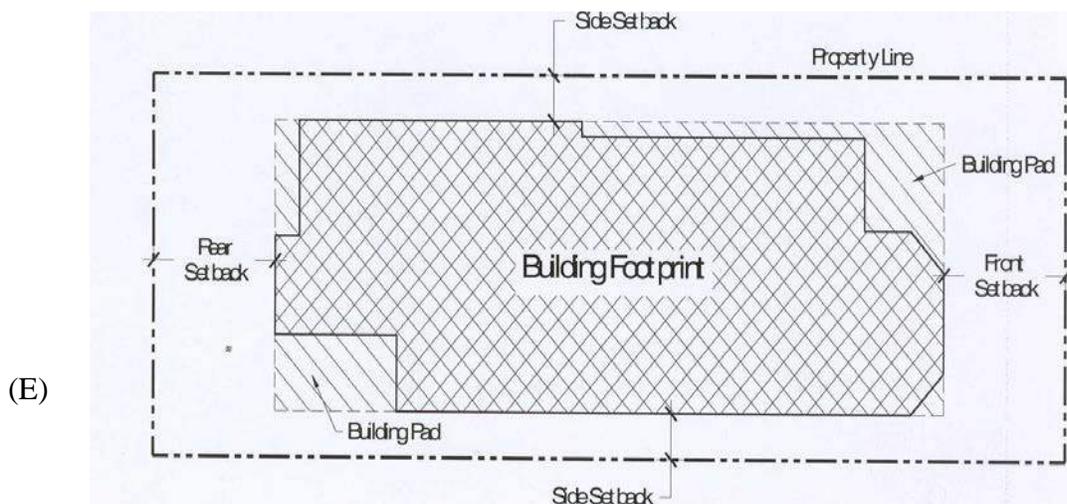
Example: 3,750 sq. ft. lot:  $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = \underline{1,519 \text{ sq. ft.}}$

See the following Table 15-2.3. for a schedule equivalent of this formula.

**TABLE 15-2.3.**

Lot Depth, </= ft. *	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 7,500 ft.	Per Setbacks and Lot Area	Per formula

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



**TABLE 15-2.3.a**

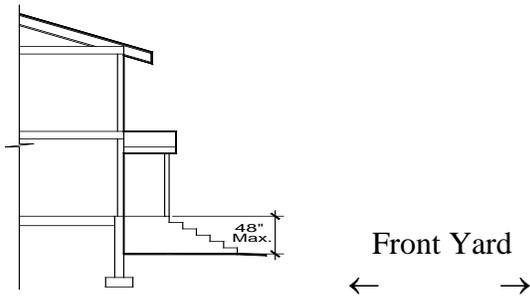
Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) **FRONT YARD EXCEPTIONS.**

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

(1) Fences or walls not more than four feet (4') in height or as permitted in Section 15-4-2, Fences and Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at the back of curb.

(2) Uncovered steps leading to the Main Building; provided, the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.



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

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

(5) Sidewalks and pathways.

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

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

(G) **REAR YARD EXCEPTIONS.**

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

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

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

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

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

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

(6) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the

front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



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

(8) Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.

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

(10) Patios, decks, steps, pathways, or similar Structures not more than thirty inches (30") above Final Grade.

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

(H) **SIDE YARD.**

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

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

(3) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an

individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District. Exterior Side Yards shall be based on the required Side Yard for each Lot; however the Planning Commission may consider increasing Side Yards during any required Conditional Use Permit review for the Use, to mitigate potential impacts on adjacent Property. Side Yard Exceptions continue to apply. Building Footprint shall be based on the area of the underlying Lot; however the Planning Commission may consider decreasing Building Footprint during any required Conditional Use Permit review for the Use, to mitigate potential impacts on adjacent Property.

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

(1) Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Side Yard.<sup>12</sup>

(2) Chimneys not more than five feet (5') wide projecting not more

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

than two feet (2') into the Side Yard.<sup>12</sup>

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

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

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

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

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

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

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

(10) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Side Lot Line.

(J) **SNOW RELEASE**. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

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

*(Amended by Ord. Nos. 06-56; 09-10; 10-14; 15-35)*

**15-2.3-5. EXISTING HISTORIC STRUCTURES.**

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

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

(1) Upon approval of a Conditional Use permit, and

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

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

(4) When the ~~new Construction~~addition complies with the International Uniform Building and Fire Codes ~~and snow shedding~~

~~and snow storage issues are mitigated and~~

(5) When the addition complies with the Design Guidelines for Historic Districts and Sites.

**15-2.3-6 BUILDING HEIGHT.**

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

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

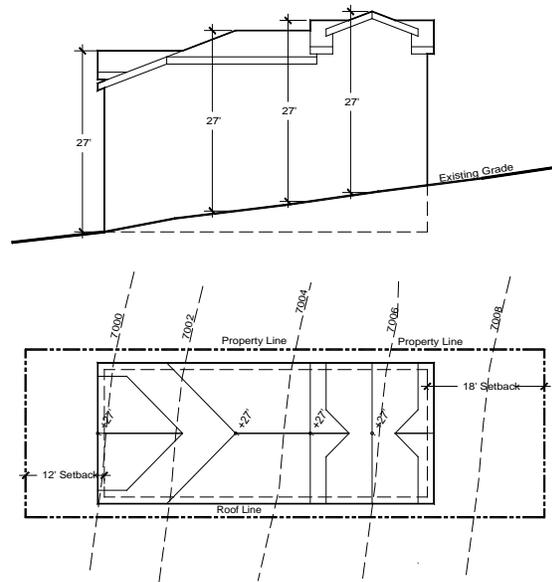
(A) A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A for the extension of below Grade subterranean HCB Commercial Uses.

(B) A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure.

The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A consistent with MPD requirements of Section 15-6-5(F). The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.

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

(1) A Structure containing a flat roof shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the highest wall top plate that supports the ceiling joists or roof rafters. The height of the Green Roof, including the parapets, railings, or similar features shall not exceed twenty four (24") above the highest top plate mentioned above.



(D) **BUILDING HEIGHT**

**EXCEPTIONS.** The following height exceptions apply:

- (1) An antenna, chimney, flue, vent, or similar Structure, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:

(a) The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.

(b) The proposed option is the only feasible option for the elevator on the Site.

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

(4) **GARAGE ON DOWNHILL LOT.** The Planning ~~Director~~ Commission may allow additional Building Height (see Section 15-2.3-6) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking Configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a front entryway area and front porch to provide a Compatible streetscape design. The depth of the garage may not exceed the minimum depth for ~~an~~ internal Parking Space (s) as dimensioned within this Code, Section 15-3. ~~Additional width may be utilized only to accommodate circulation and an ADA elevator.~~ The additional Building Height may not exceed thirty-five feet (35') from existing Grade.

*(Amended by Ord. Nos. 06-56; 09-10; 09-14; 09-40; 10-14; 13-48)*

### **15-2.3-7. DEVELOPMENT ON STEEP SLOPES.**

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

#### **(A) CONDITIONAL USE**

- (1) A Steep Slope Conditional Use permit is required for construction of any Structure with a Building Footprint in excess of two hundred square feet (200 sq. ft.) if said Building Footprint is located ~~upon~~ or projecting over an existing Slope of thirty percent (30%) or greater.
- (2) A Steep Slope Conditional Use permit is required for construction of any addition to an existing Structure, when the Building Footprint of the addition is in excess of two hundred square feet (200 sq. ft.), if the Building Footprint of the addition is located ~~upon~~ or projecting over an existing Slope of thirty (30%) or greater.
- (3) A Steep Slope Conditional Use permit is required for any Access driveway located ~~upon~~ or projecting over an existing Slope of thirty percent (30%) or greater.

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

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

(1) **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.

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

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

(b) To identify the potential for Screening, Slope stabilization, erosion

mitigation, vegetation protection, and other design opportunities.

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

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

(5) **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent Properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the

main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

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

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

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

mitigate differences in scale between the proposed Structure and the historic character of the neighborhood’s existing residential Structures.

*(Amended by Ord. Nos. 06-56; 09-10; 10-14; 15-35)*

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

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

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

(1) All Commercial Uses extending from Main Street into the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and the Master Planned Development requirements of Section 15-6 if the

development is part of a Master Planned Development. These Commercial Uses must be located below the Grade of Park Avenue projected across the HR-2 Lot and beneath the Main Floor of a residential Structure or Structures facing Park Avenue. Occupancy of the below Grade Floor Area is conditioned upon completion of the residential structure on the HR-2 Lot.

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

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

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

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

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

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

(8) Commercial portions of a Structure extending from the HCB to the HR-2 District must be designed to minimize the Commercial character of the Building and Use and must mitigate all impacts on the adjacent Residential Uses. Impacts include such things as noise, odor and glare, intensity of activity,

parking, signs, lighting, Access and aesthetics.

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

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

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

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

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

(14) Residential Density Transfers

between the HCB and HR-2 Zoning Districts are not permitted. A portion of the Gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by this Section.

(15) Maximum allowed Building Footprint for the HR-2 Lot is subject to Section 15-6-5(B).

*(Amended by Ord. No. 10-14)*

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

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

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

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

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

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

(2) New additions and alterations

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

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

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

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

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

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

of the Conditional Use permit.

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

#### **15-2.3-10. PARKING REGULATIONS.**

(A) Tandem Parking is allowed in the Historic District.

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

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

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

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

(D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a

Conditional Use review, Section 15-1-10.

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

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

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

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

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

### **15-2.3-11. ARCHITECTURAL REVIEW.**

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

Appeals of departmental actions on compliance with the Design Guidelines for

Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Board of Adjustment as outlined in 15-1-18 of the Code.

*(Amended by Ord. Nos. 06-56; 09-10; 09-23; 10-14; 15-53)*

### **15-2.3-12. CRITERIA FOR BED AND BREAKFAST INNS.**

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be issued unless the following criteria are met:

(A) The Use is in a Historic Structure or addition thereto.

(B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

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

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

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

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

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

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

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

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

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

#### **15-2.3-13. MECHANICAL SERVICE.**

No free standing mechanical equipment is allowed in the HR-2 zone with the exception of individual residential mechanical units serving Single family and Duplex Dwelling units within the HR-2 District, subject to the Lot and Site Requirements of Section 15-2.3-4. The Planning Department will review all Development Applications to assure that all Mechanical equipment attached to or on the roofs of Buildings is Screened so that it

is not open to view and does not exceed the allowable decibel levels of the City's Noise Ordinance from nearby residential Properties.

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

*(Amended by Ord. Nos. 06-56; 10-14)*

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

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

(B) **OUTDOOR USES PROHIBITED/ EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required

materials and plans. Appeals of Departmental actions are heard by the Planning Commission. These Commercial outdoor Uses are not allowed within Subzone A

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

- (a) The proposed outdoor dining is located within Sub-Zone B only, and is associated with an approved Restaurant, Café, or Deli Use.
- (b) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- (c) The proposed seating Area does not impede pedestrian circulation.
- (d) The proposed seating Area does not impede emergency Access or circulation.
- (e) The proposed furniture is Compatible with the Streetscape.
- (f) No music or noise in excess of the City Noise Ordinance, Title 6.
- (g) No Use after 10:00

p.m.

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

(2) **OUTDOOR GRILLS/ BEVERAGE SERVICE STATIONS.** Commercial Outdoor grills and/or beverage service stations are subject to the following criteria:

- (a) The Use is located within Sub-Zone B only.
- (b) The Use is on private Property or leased public Property and does not diminish parking or landscaping.
- (c) The Use is only for the sale of food or beverages in a form suited for immediate consumption.
- (d) The Use is Compatible with the neighborhood.
- (e) The proposed service station does not impede pedestrian circulation.
- (f) The proposed service station does not impede emergency Access or circulation.

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

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

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

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

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

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

(b) The Area of the proposed bicycle, kayak, motorized scooters, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(c) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or

character of the Structure.

(d) No more than a total of three (3) pieces of equipment may be displayed.

(e) Outdoor display is allowed only during Business hours.

(f) Additional outdoor storage Areas may be considered for rental bicycles or motorized scooters provided there are no or only minimal impacts on landscaped Areas, Parking Spaces, and pedestrian and emergency circulation.

**(4) OUTDOOR EVENTS AND MUSIC.**

Located in Sub-Zone B only. Outdoor events and music require an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

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

(c) Impacts on adjacent Residential Uses.

(d) Proposed plans for music, lighting, Structures, electrical, signs, etc needs.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise is subject to the following criteria:

(a) The display is immediately available for purchase at the Business displaying the item.

(b) The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. Allowed in Subzone B only. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends

into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

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

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

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block

visibility of or Access to any adjacent Property.

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

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

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

(i) No additional signs are allowed. A sales tag, four square inches (4 sq. in.) or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.). The proposed

display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's licensing Code, Municipal Code Title 4, and all other requisite City codes.

*(Amended by Ord. Nos. 05-49; 06-56; 10-14)*

**15-2.3-15. VEGETATION PROTECTION.**

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

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

*(Amended by Ord. Nos. 06-56;10-14)*

**15-2.3-16. SIGNS.**

Signs are allowed in the HR-2 District as provided in the Park City Sign Code, Title

12.

**15-2.3-17. RELATED PROVISIONS.**

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

*(Amended by Ord. Nos. 06-56;10-14)*

**TITLE 15 - LAND MANAGEMENT CODE****CHAPTER 2.16 - RECREATION COMMERCIAL (RC) DISTRICT**

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 2.16 - RECREATION COMMERCIAL (RC) DISTRICT**

*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<sup>1</sup>

<sup>1</sup>Nightly Rental of Lockout Units

- (6) Accessory Apartment<sup>2</sup>
- (7) Nightly Rental<sup>3</sup>
- (8) Home Occupation
- (9) Child Care, In-Home Babysitting<sup>4</sup>
- (10) Child Care, Family<sup>4</sup>
- (11) Child Care, Family Group<sup>4</sup>
- (12) Child Care Center<sup>4</sup>
- (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
- (20) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays<sup>5</sup>

(B) **CONDITIONAL USES.**

requires a Conditional Use permit

<sup>2</sup>See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

<sup>3</sup>Nightly Rentals do not include the Use of dwellings for Commercial Uses

<sup>4</sup>See LMC Chapter 15-4-9, Child Care Regulations

<sup>5</sup>Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License. Requires an Administrative Permit.

- (1) Multi-Unit Dwelling
- (2) Group Care Facility
- (3) Public and Quasi-Public Institution, Church, and School
- (4) Essential Municipal and Public Utility Use, Facility, Service, and Structure
- (5) Telecommunications Antenna<sup>6</sup>
- (6) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter<sup>7</sup>
- (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 Conversion<sup>9</sup>
- (13) Office, General<sup>8</sup>
- (14) Office, Moderate<sup>8</sup>
- (15) Office and Clinic, Medical<sup>8</sup>
- (16) Financial Institution without drive-up window<sup>8</sup>
- (17) Minor Retail and Service Commercial<sup>8</sup>

<sup>6</sup>See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

<sup>7</sup>See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

<sup>8</sup>As support Use to primary Development or Use, subject to provisions of LMC Chapter 15-6, Master Planned Development

- (18) Retail and Service Commercial, personal improvement<sup>8</sup>
- (19) Transportation Service<sup>8</sup>
- (20) Neighborhood Market, without gasoline sales<sup>8</sup>
- (21) Café or Deli<sup>8</sup>
- (22) Restaurant, General<sup>8</sup>
- (23) Restaurant, Outdoor Dining<sup>8,9</sup>
- (24) Bar<sup>8</sup>
- (25) Hospital, Limited Care Facility<sup>8</sup>
- (26) Parking Area or Structure with five (5) or more spaces
- (27) Temporary Improvement<sup>9</sup>
- (28) Passenger Tramway Station and Ski Base Facility<sup>10</sup>
- (29) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge<sup>10</sup>
- (30) Outdoor Events and Uses<sup>9</sup>
- (31) Recreation Facility, Public and Private<sup>8</sup>
- (32) Recreation Facility, Commercial<sup>8</sup>
- (33) Entertainment Facility, Indoor<sup>8</sup>
- (34) Commercial Stables, Riding Academy<sup>8</sup>
- (35) Master Planned Developments
- (36) Heliport<sup>8</sup>
- (37) Special Events<sup>9</sup>
- (38) Amenities Club

<sup>9</sup>Requires an Administrative or Administrative Conditional Use permit, see Section 15-4

<sup>10</sup> As part of an approved Ski Area Master Plan

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

*(Amended by Ord. Nos. 02-38; 04-39; 06-76; 09-10; 11-05; 15-35)*

**15-2.16-3. LOT AND SITE REQUIREMENTS.**

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **SINGLE FAMILY AND DUPLEX DWELLINGS.** For Single Family and Duplex Dwellings see Section 15-2.16-5.

(B) **DEVELOPMENT FLOOR AREA RATIO.** For all Development, except Single Family and Duplex Dwellings, the maximum Floor Area Ratio is one (1.0), not including underground Parking Structures.

(C) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). See Section 15-2.16-5 for Front Yard requirements for Single Family and Duplex Dwellings.

(D) **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:

(1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

(2) Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.

(3) Decks, porches, and Bay Windows not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

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

(5) Sidewalks, patios, and pathways.

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

(7) Circular driveways meeting all requirements stated in Section 15-3-4 herein.

(E) **REAR YARD.** The minimum Rear Yard is ten feet (10'). See Section 15-2.16-5 for Rear Yard requirements for Single Family and Duplex Dwellings.

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

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

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

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

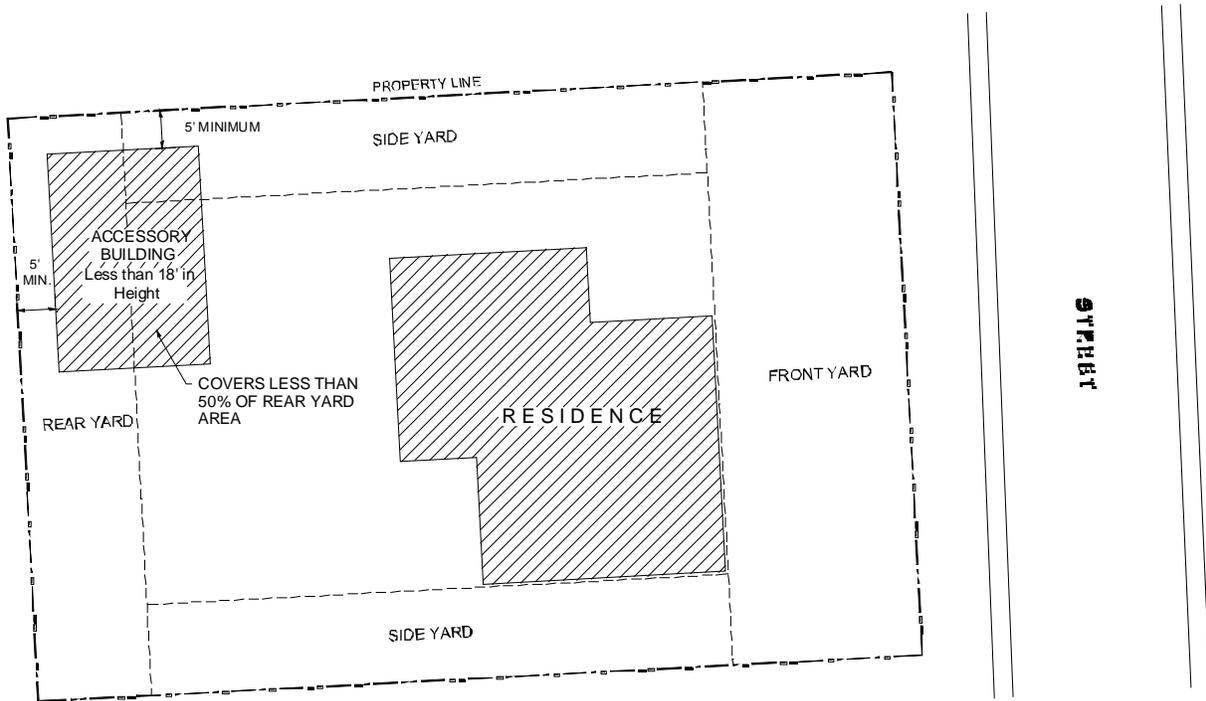
(4) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, exterior siding, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(6) Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structures must not cover more than fifty percent (50%)

of the Rear Yard. See the following

illustration:



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

(8) Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal

distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.

(10) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade.

(G) **SIDE YARD.**

(1) The minimum Side Yard is ten feet (10'). See Section 15-2.16-5

for Side Yard requirements for Single Family and Duplex Dwellings.

(2) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is on an individual Lot, and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

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

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

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

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

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is

attached.

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

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.

(8) Driveways leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building and maintaining a minimum Side Yard Setback of five feet (5').

(10) Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Side Lot line.

(I) **SNOW RELEASE**. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(J) **OPEN SPACE**. On any Lot greater than 25,000 sq. ft. in Area, at least sixty percent (60%) of the Lot must be devoted to Open Space if the Lot is not developed as Master Planned Development. If the Lot is developed as a Master Planned Development then the Open Space requirements of Section 15-6-5.(D) shall apply.

*(Amended by Ord. Nos. 06-76; 09-10; 12-37; 15-35)*

#### **15-2.16-4. BUILDING HEIGHT.**

No Structure shall be erected to a height greater than thirty-five feet (35') from Existing Grade. This is the Zone Height. See Section 15-2.16-5 Building Height for Single Family Dwellings and Duplexes.

(A) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS**. The following height exceptions apply:

- (1) Gable, hip, **Barrel**, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the

highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to LMC Chapter 15-5 Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.

(6) Ski Lifts and Tramway towers may extend above the Zone Height subject to a visual analysis and administrative approval by the Planning Commission.

(7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

*(Amended by Ord. Nos. 02-38; 06-76; 07-25)*

#### **15-2.16-5. SPECIAL**

**REQUIREMENTS FOR SINGLE FAMILY AND DUPLEX DWELLINGS.**

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

The following minimum Lot and Site requirements apply to Single Family and Duplex Dwellings in the RC District:

(A) **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. The minimum width of a Lot is twenty five feet (25'); measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot Width measurements shall be determined by the Planning Director.

(B) **BUILDING ENVELOPE - RC DISTRICT.** The Building Pad, Building Footprint and height restrictions define the maximum Building Envelope within which all Development must occur, with exceptions as allowed by Section 2-16-5(C).

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

(1) The Building Footprint must be within the Building Pad. The remainder of the Building Pad must

be open and free of any other Structure except:

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

(2) Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- (a) provides increased architectural interest consistent with the Design Guidelines for Historic Districts and Sites; and
- (b) maintains the intent of this section to provide

horizontal and vertical  
Building articulation.

incorporated into the Main Building,  
shall not count in the total Building  
Footprint of the Lot.

(D) **BUILDING FOOTPRINT – RC DISTRICT**. The maximum Building Footprint of any Single Family or Duplex Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.16.

The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per Dwelling Unit, for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or

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

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

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

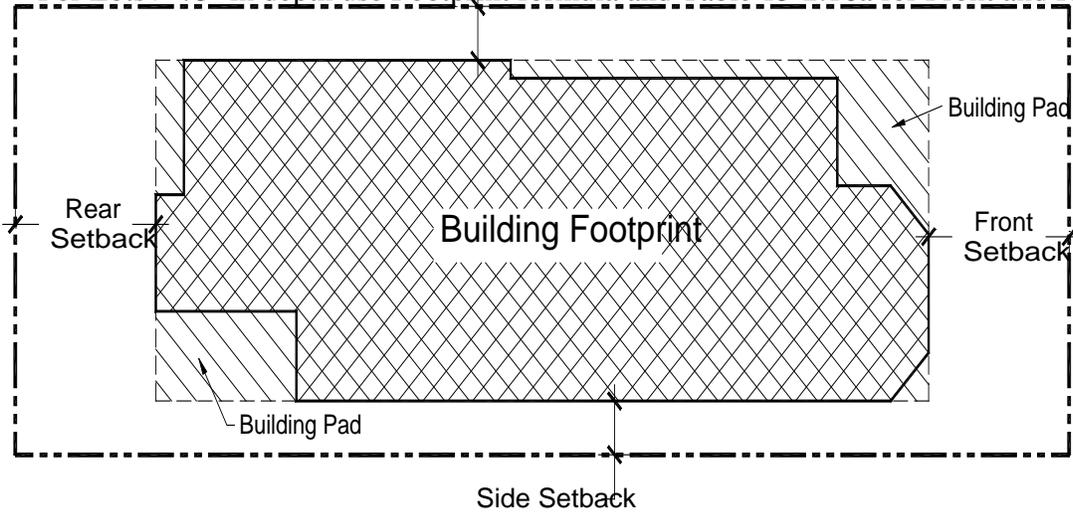
See the following Table 15-2.16- below for a schedule equivalent of this formula.

**TABLE 15-2.16**

Lot Depth, </= ft. *	Lot Width, ft. Up to:	Side Yards		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
		Min.	Total, ft.			
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270

75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per formula

\* For Lots > 75' in depth use Footprint formula and Table 15-2.16a for Front and Rear Setbacks.



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

**Table 15-2.16a**

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

(F) **FRONT YARD EXCEPTIONS.**

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

- (1) Fences or walls not more than

four feet (4') in height, or as permitted in Section 15-4-2. Fences and Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet

(25') of the intersection at back of curb.

(2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.

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

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

(5) Sidewalks, patios, and pathways.

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

(G) **REAR YARD EXCEPTIONS.**

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

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

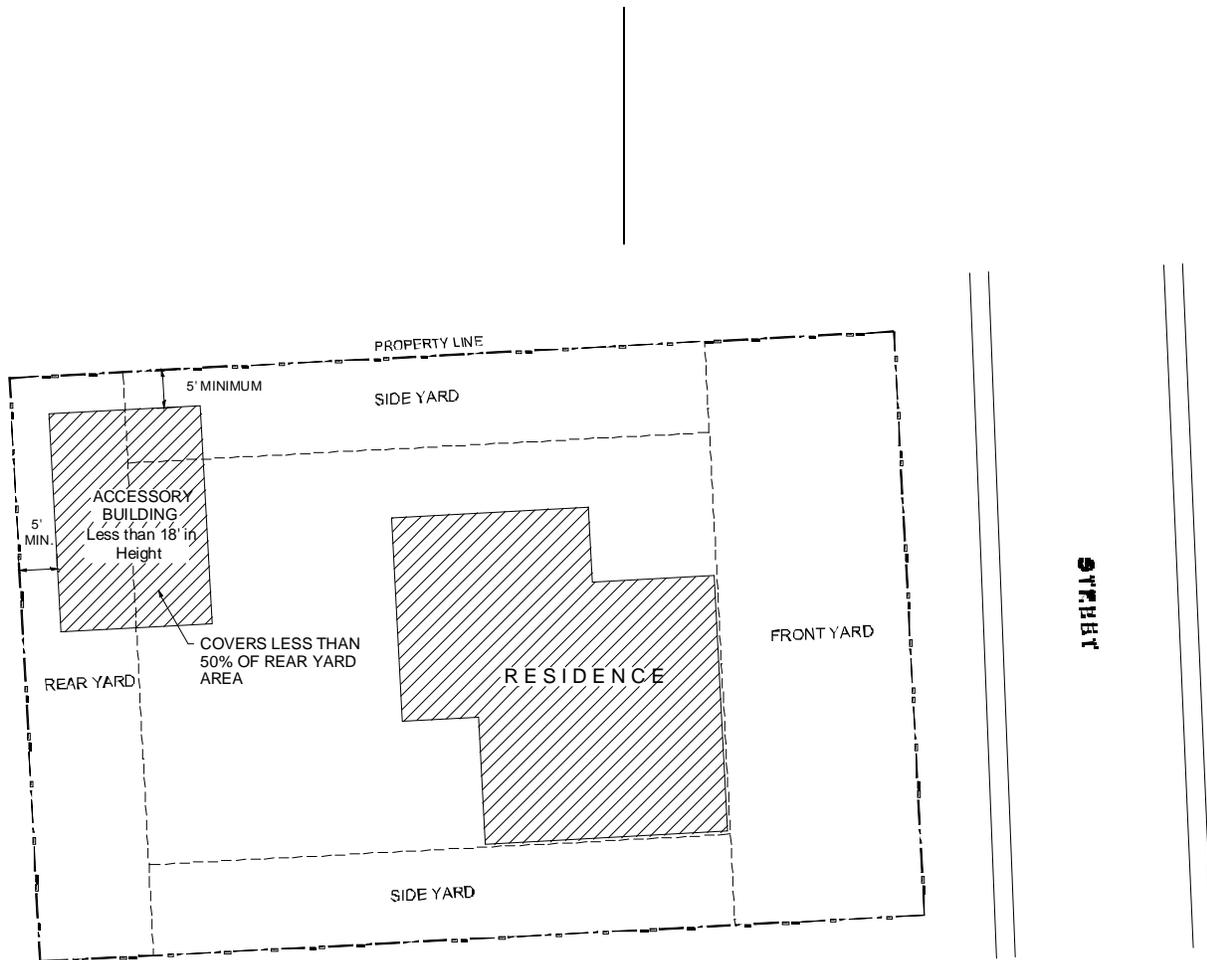
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

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

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

(5) Window sills, belt courses, cornices, trim, exterior siding, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

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



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

(8) Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.

(9) Fences and walls as permitted in Section 15-4-2, Fences and Walls.

(10) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade.

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

(H) **SIDE YARD.**

(1) The minimum Side Yard is

three feet (3'), but increases for Lots greater than thirty-seven and one-half feet (37.5') in Width, as per Table 15-2.16 above.

(2) Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

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

(4) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District. Exterior Side Yards shall be based on the required Side Yard for each Lot; however the Planning Commission may consider increasing Side Yards during any required Conditional Use Permit review for the Use, to mitigate potential impacts on adjacent Property. Side Yard Exceptions continue to apply. Building Footprint shall be based on the area of the underlying Lot; however the Planning Commission may consider

decreasing Building Footprint during any required Conditional Use Permit review for the Use, to mitigate potential impacts on adjacent Property.

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

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.<sup>11</sup>

(2) Chimneys not more than five Feet (5') wide projecting not more than two feet (2') into the Side Yard.<sup>11</sup>

(3) Window wells and light wells Projecting not more than four feet (4') into the Side Yard.<sup>11</sup>

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').<sup>11</sup>

(5) Window sills, belt courses, trim, cornices, exterior siding, and other ornamental features projecting

<sup>11</sup> Applies only to Lots with a minimum Side Yard of five feet (5') or greater

not more than six inches (6") beyond the window or main Structure to which it is attached.

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

(7) Fences and walls as permitted in Section 15-4-2.

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

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

(10) A detached Accessory Building, not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Side Yard Setback of three feet (3').

(11) Mechanical equipment (which must be screened), hot tubs, or similar Structures located a minimum of three feet (3') from the Side Lot Line.

(J) **SNOW RELEASE**. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **CLEAR VIEW OF INTERSECTION**. No visual obstruction

in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(L) **BUILDING HEIGHT**. No Single Family or Duplex Dwelling Structure shall be erected to a height greater than twenty-seven feet (27'). This is the Zone Height for Single Family and Duplex Dwellings. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

(1) A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.

(2) A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finished Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may

encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.

(3) Roof Pitch. The primary roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.

(a) A structure containing a flat roof shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the highest wall top plate that supports the ceiling joists or roof rafters. The height of the Green Roof, including the parapets, railings, or similar features shall not exceed twenty four inches (24") above the highest top plate mentioned above.



(M) **BUILDING HEIGHT**

**EXCEPTIONS.** The following height exceptions apply:

(1) Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(2) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.

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

(a) The proposed height exception is only for

the Area of the elevator. No increase in square footage is being achieved.

- (b) The proposed option is the only feasible option for the elevator on the site.
- (c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) Garage on Downhill Lot. The Planning ~~Director~~ Commission may allow additional Building Height (see Section 15-2.16-5 (L)) ~~height~~ on a downhill Lot to accommodate a single car wide garage in a Tandem Parking Configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a front entryway area and front porch to provide a Compatible streetscape design. The depth of the garage may not exceed the minimum depth for ~~an~~ internal Parking Space (s) as dimensioned within this Code, Section 15-3. ~~Additional width may be utilized only to accommodate circulation and an ADA elevator.~~ The additional Building Hheight may not exceed thirty-five feet (35') from Existing Grade.

*(Amended by Ord. Nos. 06-76; 09-10; 11-05; 13-48; 15-35)*

#### **15-2.16-6. EXISTING HISTORIC STRUCTURES.**

Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses shall comply with parking requirements of Section 15-3 of this Code.

(A) **EXCEPTION**. In order to achieve new construction consistent with the Design Guidelines for Historic Districts and Sites, the Planning Commission may grant an exception to the Building Setbacks, and driveway location standards for additions to Historic Buildings upon:

- (1) Upon approval of a Conditional Use Permit, and
- (2) When the scale of the addition and/or driveway is Compatible with the Historic Structure, and
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International Building and

Fire Codes and-

(5) When the addition complies with the Design Guidelines for Historic Districts and Sites.

*(Amended by Ord. Nos. 06-76;11-05)*

**15-2.16-7. ARCHITECTURAL REVIEW.**

(A) **ALL DEVELOPMENT.** Prior to the issuance of Building Permits for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(B) **SINGLE FAMILY AND DUPLEX DWELLINGS NEAR SENSITIVE HISTORIC AREAS.**

(1) Prior to the issuance of Building Permits for any Single Family or Duplex Dwellings within the Area specified below:

(a) Any residential Development that is within a two (2) Block radius of the HR-1 District, and

(b) Any residential Development that is located

along or Accessed off of Park Avenue.

The Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Sites.

(2) Appeals of departmental determinations of compliance with the Design Guidelines for Historic Districts and Sites, LMC Section 15-11 and Section 15-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of this Code.

*(Amended by Ord. Nos. 06-76; 09-10;11-05)*

**15-2.16-8. PARKING REGULATIONS.**

(A) Tandem Parking is allowed for Single Family and Duplex Dwellings in the RC District.

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

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

(1) the Development of individual Buildings that more

closely conform to the scale of Historic Structures in the district; and

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

(D) A Parking Structure may occupy below Grade Side and Rear Yards if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a Conditional Use permit are subject to a Conditional Use review, Chapter 15-1-10.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area. Driveway widths are regulated in Section 15-3.

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

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

*(Amended by Ord. Nos. 06-76; 09-1; 11-05)*

**15-2.16-9. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.**

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit,

all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.16-9(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit or an Administrative Permit as described herein. The Applicant must submit the required Application, pay all applicable fees, and provide all required materials and plans. Appeals of Departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.** Outdoor dining requires an Administrative Conditional Use permit and is subject to the following criteria:

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

(b) The proposed seating Area does not impede

pedestrian circulation.

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

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

(e) No music or noise in excess of the City Noise Ordinance.

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

(g) Review of the restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations require an Administrative Permit and are subject to the following criteria:

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

(b) The Use is only for the sale of food or beverages in a form suited for

immediate consumption.

(c) The Use is Compatible with the neighborhood.

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

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

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

(g) No violation of the City Noise Ordinance.

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

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

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes requires an Administrative Permit and is subject to the following criteria:

(a) The Area of the proposed bicycle, kayak, motorized scooters, and canoe storage or display is on

private Property and not in Areas of required parking or landscaped planting beds.

(b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during Business hours.

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles or motorized scooters, provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(4) **OUTDOOR EVENTS AND MUSIC.** Outdoor events and music require an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use Review. An Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

(b) No violation of the City's Noise Ordinance.

(c) Impacts on adjacent Residential Uses.

(d) Proposed plans for music, lighting, Structures, electrical signs, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise requires an Administrative Permit and is subject to the following criteria:

(a) The display is immediately available for purchase at the Business displaying the item.

(b) The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as

the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

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

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

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

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

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

*(Amended by Ord. Nos. 05-49; 06-76; 09-10)*

#### **15-2.16-10. CRITERIA FOR BED AND BREAKFAST INNS.**

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Conditional Use permit. No permit may be issued unless the following criteria are met:

(A) If the Use is in a Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure to its original condition.

(B) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

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

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

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

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

(H) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

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

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

*(Amended by Ord. No. 06-76)*

### **15-2.16-11. CRITERIA FOR RAISING AND GRAZING OF HORSES.**

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

(A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Unit.

(B) There shall be a maximum of two (2) horses per acre.

(C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

(1) waste removal/odors;

(2) drainage and runoff;

(3) bedding materials;

(4) flies; and

(5) feed/hay.

**15-2.16-12. VEGETATION PROTECTION.**

The Property Owner must protect Significant Vegetation during any Development activity. Significant vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3(D) and Title 14.

*(Amended by Ord. No. 06-76)*

**15-2.16-13. SIGNS.**

Signs are allowed in the RC District as provided in the Park City Sign Code, Title 12.

**15-2.16-14. RELATED PROVISIONS.**

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4.
- Satellite Receiving Antenna. LMC

- Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. Section 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D)
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. Section 15-3-3.(E)
- Parking Ratio Requirements. Section 15-3-6.

**TITLE 15 - LAND MANAGEMENT CODE****CHAPTER 2.23. - COMMUNITY TRANSITION (CT) DISTRICT**

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 2.23 – COMMUNITY TRANSITION (CT) DISTRICT**

*Chapter created by Ordinance No. 06-48*

**15-2.23-1. PURPOSE.**

The purpose of the Community Transition (CT) District is to:

- (A) Encourage low-Density public, quasi-public, and/or institutional Uses relating to community open space, recreation, sports training and Development, tourism, and community health;
- (B) Encourage low Density Development designed in a manner so as to cluster Uses in the least visually sensitive Areas and maximizes open space;
- (C) Enhance and expand public open space and recreation Uses Compatible with the adjacent public deed-restricted open space;
- (D) Prohibit highway service commercial, regional-commercial, and limit residential land Uses;
- (E) Require Building and Site design solutions that minimize the visual impacts of parking and parking lot lighting from the

entry corridor and adjacent neighborhoods and land Uses;

- (F) Preserve and enhance environmentally Sensitive Lands such as wetlands, Steep Slopes, ridgelines, wooded Areas, and Stream Corridors;
- (G) Preserve Park City’s scenic entry corridor by providing significant open space and landscape buffers between Development and the highway corridor;
- (H) Encourage transit-oriented Development and Uses;
- (I) Promote significant linkages to the broader community open space and trail network;
- (J) Encourage the Development of high quality public places such as parks, trails, and recreation facilities;
- (K) Encourage Development which preserves the natural setting to the greatest extent possible; and
- (L) Minimize curb cuts, driveways, and Access points to the highway.

(M) Encourage sustainability, conservation, and renewable energy.

*(Amended by Ord. No. 09-10)*

**15-2.23-2. USES.**

Uses in the Community Transition District are limited to the following:

(A) **ALLOWED USES.**

- (1) Conservation Activities
- (2) Home Occupation
- (3) In-home Babysitting
- (4) Family Child Care
- (5) Secondary Living Quarters
- (6) Agriculture

(B) **ADMINISTRATIVE CONDITIONAL USES.**

- (1) Trails and Trailhead Improvements
- (2) Outdoor Recreation Equipment
- (3) Essential Public Utility Use, Service or Structure less than 600 sf
- (4) Accessory Buildings less than 600 sf
- (5) Parking Areas with 4 or fewer spaces
- (6) Outdoor Events and Outdoor Music, see Section 15-4
- (7) Temporary Improvement
- (8) Outdoor Dining and support retail associated with support Uses with an MPD
- (9) Special Events

- (10) Fences and Walls, see Section 15-4
- (11) Anemometer and Anemometer Towers

(C) **CONDITIONAL USES.**

- (1) Master Planned Developments (MPDs)
- (2) Public, Quasi-Public, Civic, Municipal Uses
- (3) General Acute Hospital
- (4) Alternative Professional Health-related Services
- (5) Athletic Training and Testing Offices and Facilities
- (6) Athletic Program Administrative Offices
- (7) Support Short-Term Athlete Housing or lodging associated with an approved recreation facility (within an approved MPD)
- (8) Accredited Physician Office Space
- (9) Accredited Medical & Dental Clinics
- (10) Medical Heliport
- (11) Group Care Facility
- (12) Ancillary Support Commercial (within an approved MPD)
  - (a) Gift Shop
  - (b) Dispensing pharmacy
  - (c) Medical supply
  - (d) Restaurant
  - (e) Deli
  - (f) Outdoor Grills/ Beverage Service Stations
  - (g) Child Care Center

- (13) Recreation Facility, Public and Private
- (14) Recreation Facility, Commercial
- (15) Park and Ride Lot
- (16) Municipal/Institutional Accessory Building and Use
- (17) Parking Lot, Public or
- (18) Public Utility or Essential Services
- (19) Single Family Dwelling (with an approved MPD<sup>1</sup>)
- (20) Duplex Dwelling (with an approved MPD<sup>1</sup>)
- (21) Multi-Unit Dwelling (with an approved MPD<sup>1</sup>)
- (22) Telecommunication Antenna
- (23) Transit Facilities
- (24) Parking Areas, Lots, and Structures with more than five (5) Parking Spaces
- (25) Raising and Grazing of Horses
- (26) Commercial Riding Stables
- (27) Small Energy Wind Systems

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

*(Amended by Ord. Nos. 07-25; 09-10)*

**15-2.23-3. LOT AND SITE REQUIREMENTS.**

Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a

<sup>1</sup> Residential Uses cannot exceed 1 unit/acre

Street shown as a private or Public Street on the Streets Master Plan, or on private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **LOT SIZE.** There is no minimum Lot size in the CT District.

(B) **FRONT, REAR AND SIDE YARDS.** The minimum Front, Side, and Rear Yards for all Structures is twenty-five feet (25'). The Planning Commission may vary required yards in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce Side Yards to allow less than ten feet (10') between Structures. Setbacks may be further restricted by Frontage Protection Overlay (FPZ) standards and/or Master Planned Development conditions of approval.

(C) **FRONT, SIDE, AND REAR YARD EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, and approved Parking Areas are allowed as exceptions in the Front, Side, and Rear Yards. Screened mechanical and utility equipment, hot tubs, and decks are allowed as exceptions in the Side and Rear Yards provided that a minimum five feet (5') Setback is maintained.

[A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall](#)

[agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District. Exterior Side Yards shall be based on the required Side Yard for each Lot; however the Planning Commission may consider increasing Side Yards during any required Conditional Use Permit review for the Use, to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.](#)

(D) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

*(Amended by Ord. No. 09-10)*

#### **15-2.23-4. DENSITY.**

The base Density of the CT District is one (1) unit per twenty (20) acres. Residential Uses cannot exceed one (1) unit/acre.

(A) **DENSITY BONUS – ONE (1) UNIT/ACRE.** The base Density of the CT District may increase up to one (1) unit per acre provided the following standards are incorporated through a Master Planned Development:

(1) **OPEN SPACE.** The Master Planned Development shall provide seventy percent (70%) open space on the project Site.

(2) **FRONTAGE PROTECTION ZONE NO-BUILD SETBACK.** The Master Planned Development shall include a two hundred foot (200') Frontage Protection Zone no-build Setback measured from the closest edge of the highway Right-of-Way.

(3) **PARKING.** Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of forty percent (40%) of the Master Planned Development's required project parking shall be in structured/tiered parking so as to limit the visibility of Parking Areas and parking lot lighting. The Planning Commission may consider reducing the forty percent (40%) minimum structured/tiered parking requirement based on existing Site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

(4) **PUBLIC TRANSIT FACILITIES.** The Master Planned Development shall include the Development of a public transit hub facility within the Development Area. The Planning Commission may consider waiving this

requirement if a Developer/ Applicant contributes funding for an existing or proposed transit hub that is located within a close walking distance from a proposed Development.

(5) **ENHANCED PUBLIC BENEFIT DEDICATION.** The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional Uses reasonably related to the General Plan goals for the Area, and impacts of the Development activity.

(6) **PUBLIC TRAILS AND PEDESTRIAN IMPROVEMENTS.** The Master Planned Development shall provide public dedicated pedestrian improvements and enhanced trail connections to adjacent open space and/or public ways.

(7) **SENSITIVE LANDS OVERLAY STANDARDS.** The Master Planned Development shall comply with the Development standards set forth in Section 15-2.21 Sensitive Lands Overlay. Density is determined by compliance with the criteria in Section 15-2.23-4.

(8) **AFFORDABLE HOUSING.** The Master Planned Development shall provide an additional five percent (5%) Affordable Housing commitment

beyond that required by the City's Affordable Housing Resolution in effect at the time of Application. The Planning Commission may consider alternative housing Uses for the additional five percent (5%) Affordable Housing commitment.

(9) **SUSTAINABLE-GREEN DEVELOPMENT DESIGN.** All Development within the proposed Master Planned Development shall implement City-approved sustainable green Building practices and Site design practices in effect at the time of Application.

(B) **DENSITY BONUS – THREE (3) UNITS/ACRE.** The base Density of the CT District may increase up to three (3) units per acre for non-residential Uses provided that all Density bonus requirements set forth in Section 15-2.23-4(A) Density Bonus – One (1) Unit/Acre are met and the following additional standards are incorporated into the Master Planned Development.

(1) **OPEN SPACE.** The Master Planned Development shall provide eighty percent (80%) open space on the project Site.

(2) **FRONTAGE PROTECTION ZONE NO-BUILD SETBACK.** The Master Planned Development shall include a three hundred foot (300') Frontage Protection Zone no-build Setback measured from the closest edge of the highway Right-of-Way. The Planning Commission may consider

allowing encroachments into the three hundred foot (300') Frontage Protection Zone requirement based on existing Site topography in locating roads and other infrastructure in order to achieve optimum Site circulation.

(3) **PARKING.** Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of sixty percent (60%) of the Master Planned Development's required project parking shall in structured/tiered parking so as to limit the visibility of Parking Areas and parking lot lighting. The Planning Commission may consider reducing the sixty percent (60%) minimum structured/tiered parking requirement based on existing Site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

(4) **ADDITIONAL ENHANCED PUBLIC BENEFIT DEDICATION.** The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional Uses reasonably related to the General Plan goals for the Area, and impacts of the Development beyond that provided to achieve a project Density of up to one (1) unit per acre by a

factor reasonably related to the Density increase sought.

(5) **AFFORDABLE HOUSING.** The Master Planned Development shall provide an additional five percent (5%) Affordable Housing commitment beyond that required by the City's Affordable Housing Resolution in effect at the time of Application. This is in addition to that provided in Section 15-2.23-4(A)(8). Total is 110% of base requirement.

**15-2.23-5. MAXIMUM BUILDING HEIGHT.**

The maximum zone Building height is twenty eight feet (28') from Existing Grade.

(A) **MAXIMUM BUILDING HEIGHT EXCEPTIONS.** The following exceptions apply:

- (1) Gable, hip, [Barrel](#), or similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) Antennas, chimneys, flues, vents, or similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may

extend up to five feet (5') above the height of the Building.

(4) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(5) Anemometers and Anemometer Towers used to measure wind energy potential may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission.

(6) Wind turbines may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission of a Small Wind Energy System. Height is measured from Natural Grade to the tip of the rotor blade at its highest point or top of tower, whichever is greater.

*(Amended by Ord. Nos. 07-25; 09-10)*

**15.-2.23-6. ARCHITECTURAL REVIEW.**

(A) **REVIEW.** Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Review standards, Chapter 15-5 and compliance with any additional architectural design guidelines approved by the Planning Commission as part of the Master Planned Development.

**15-2.23-7. PARKING REGULATIONS.**

Off-Street parking shall be provided per the LMC parking standards set forth in Chapter 15-3.

**15-2.23-8. MECHANICAL SERVICE.**

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the adjacent district.

All mechanical equipment must be shown on the plans prepared for architectural review by the Planning and Building Departments. The Planning Department will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

**15-2.23-9. ACCESS, SERVICE AND DELIVERY.**

All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible from a Public Street. Refuse storage must be fully enclosed and properly ventilated. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

**15-2.23-10. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.**

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration, which exceeds a wall-to-window ratio of thirty percent (30%). See Section 15-2.6-12(B)(3) for outdoor display of bicycles, kayaks and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit or an Administrative Permit as described herein. The Applicant must submit the required Application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.** Outdoor dining requires an Administrative Conditional Use permit and is subject to the following criteria:

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

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

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

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

(e) No music or noise is in excess of the City Noise Ordinance.

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

(g) Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.

(2) **OUTDOOR GRILLS/ BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations require an Administrative Permit and are subject to the following criteria:

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

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

(c) The Use is Compatible with the neighborhood.

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

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

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

(g) No violation of the City Noise Ordinance.

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

(3) **OUTDOOR EVENTS AND MUSIC.** Outdoor events and music require an Administrative Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

(b) No violation of the City noise ordinance.

(c) Impacts on adjacent residential Uses.

(d) Proposed plans for music, lighting, Structures, electrical signs, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

#### **15-2.23-11. ANEMOMETERS AND ANEMOMETER TOWERS.**

*(Created by Ord. No. 09-10)*

Anemometers and Anemometer Towers require an Administrative Conditional Use permit for temporary installation, for up to three (3) years, to measure wind energy potential for a Site. The Use must comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan, Limits of Disturbance plan for all construction, including Access roads, a description and photos of the tower, manufacturers cut sheet and certification information for the Anemometer, an Application for and all other submittal requirements for Administrative Conditional

Use permits and a narrative addressing the following:

- (A) No violation of the City noise ordinance.
- (B) Notification of adjacent Property Owners.
- (C) Compliance with Setbacks and height requirements, see Height Exceptions. Setbacks may be decreased if a signed encroachment agreement with the affected Property Owner is provided, and public Rights-of-Way and power lines are not impacted by the location.
- (D) Compliance with FAA regulations.
- (E) Compliance with the International Building Code.
- (F) At the time of Application for an Administrative Conditional Use permit, standard engineering drawings for the tower, base, and footings shall be submitted.
- (G) **BUILDING PERMIT.** Prior to issuance of a Building Permit, the plans shall comply with all applicable sections of the International Building Code, including electric codes and all requirements and criteria of this section.
- (H) Requests for temporary Anemometer Towers that exceed the Zone Height by more than five feet (5') shall provide a visual analysis from all applicable LMC Vantage Points described in Section 15-15.1 to determine visual impacts on Ridge Line Areas and entry corridors.

(I) **REMOVAL AND**

**DECOMMISSIONING.** Anemometers and Anemometer Towers shall be removed after the temporary period has expired or if the Use is abandoned. A Use shall be considered abandoned when it fails to operate for a period of one (1) year or more.

In no case shall the temporary Use continue beyond the permitted time frame to be identified during review of the Administrative CUP, unless an extension is requested. Upon a notice of abandonment from the Building Department, the system Owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned, or the City shall have the authority to enter the Property and remove the system at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation. To the greatest extent possible, the land shall be fully returned to its natural state within three (3) years of the removal of the installation.

**15-2.23-12. SMALL WIND ENERGY SYSTEMS.**

*(Created by Ord. No. 09-10)*

Small Wind Energy Systems (system) require a Conditional Use Permit. The Use must comply with Section 15-1-10, Conditional Use Review, and the following review criteria. The Applicant must submit a Site plan; Limits of Disturbance plan for all construction, including all Access roads and installation details, such as Grading and erosion control; a description and photos of

the tower and turbine; manufacturers cut sheets and certification information for the tower and turbines; Property survey showing size of Property and location of Structures, utilities, easements, Streets and Rights-of-Way on the Property and on adjacent Properties within a horizontal distance equivalent to 110% of the proposed height; an Application for and all other submittal requirements for Conditional Use Permits; and a narrative addressing the following review criteria:

(A) **LOCATION**. Location on the Property and associated wind data shall indicate the optimum citing location for highest wind energy potential and lowest air turbulence from the ground and surrounding objects; measured distances to adjacent habitable Structures, Property lines, power lines, and public and private Streets and Right-of-Ways; and trails. Systems shall not be installed in known migratory bird flyways, unless a wildlife study indicates that the proposed system due to the configuration, location, height, and other characteristics, will not negatively impact the flyway.

(B) **SETBACKS AND HEIGHT**. See Section 15-2.23-5, Height Exceptions. Small Wind Energy Systems shall not exceed the Setback requirements of the zone and shall be set back a minimum distance equal to 110% of the total height of the system. **EXCEPTION:** Setbacks may be decreased if a signed encroachment agreement with the affected Property Owner is provided, and the public Rights-of-Way and power lines are not impacted by the location.

(C) **LOT SIZE**. Small Wind Energy Systems that are greater than eighty feet (80') in height shall be located on a Lot size of one (1) acre or more.

(D) **DESIGN**. Wind Energy Systems shall be a neutral color that blends with the environment. Gray, beige, and white are recommended and all paint and finishes shall be non-reflective.

(E) **LIGHTING**. Small Wind Energy Systems shall be lighted only if required by the FAA and shall comply with all applicable FAA regulations.

(F) **NOISE**. No violation of the City noise ordinance.

(G) **SIGNS**. Signs shall be restricted to reasonable identification of the manufacturer, operator of the system, utility, and safety signs. All signs shall comply with the Park City Sign Code.

(H) **BUILDING PERMIT**. Prior to issuance of a Building Permit the system shall comply with all applicable sections of the International Building Code, including electric codes and all requirements and criteria of this section.

(I) **VISUAL ANALYSIS**. A visual analysis from all applicable LMC Vantage Points as described in Section 15-15.1 for all Small Wind Energy Systems is required to determine visual impacts on Ridge Line Areas and entry corridors.

(J) **SYSTEM CONDITIONS.** The Applicant/system Owner shall maintain the system in good condition. Maintenance shall include, but not be limited to, painting, mechanical and electrical repairs, structural repairs, and security measures.

(K) **REMOVAL AND DECOMMISSIONING.** Any Small Wind Energy System, that has reached the end of its useful life or has been abandoned, shall be removed. A system shall be considered abandoned when it fails to operate for a period of one (1) year or more.

Upon a notice of abandonment from the Building Department, the system Owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned and request an extension, or the City shall have the authority to enter the Property and remove the system at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation and to the greatest extent possible the land shall be fully returned to its natural state within five (5) years of the removal and decommissioning of the system.

(L) **REPLACEMENT.** Replacement of an already permitted turbine with a similar size and height will not require a permit modification.

### **15-2.23-13. VEGETATION PROTECTION.**

The Property Owner must protect Significant Vegetation during any

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

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning, Building, and Engineering Departments shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3(D) and Title 14.

### **15-2.23-14. CRITERIA FOR RAISING AND GRAZING OF HORSES.**

*(Created by Ord. No. 09-10)*

The raising and grazing of horses may be approved as a Conditional Use by the Planning Department. In making a determination whether the raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

(A) Any barn must be located a minimum of seventy-five feet (75') from the nearest Dwelling Unit.

(B) There shall be a maximum of two (2) horses per acre.

(C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

- (1) waste removal/odors;
- (2) drainage and runoff;
- (3) bedding materials;
- (4) flies; and
- (5) feed/hay.

**15-2.23-15. SIGNS.**

Signs are allowed in the CT District as provided in the Park City Sign Code, Title 12.

*(Renumbered by Ord. No. 09-10)*

**15-2.22-16. RELATED PROVISIONS.**

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Park City Sign Code. Title 12.

- Architectural Design. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

*(Renumbered by Ord. No. 09-10)*

**TITLE 15 - LAND MANAGEMENT CODE**

**CHAPTER 6 - MASTER PLANNED DEVELOPMENTS**

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

*Chapter adopted by Ordinance No. 02-07*

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

**15-6 -1. PURPOSE.**

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

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

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

design, including innovative alternatives to reduce impacts of the automobile on the community.

(K) Encourage opportunities for economic diversification and economic development within the community.

*(Amended by Ord. Nos. 10-14; 13-23)*

**15-6 -2. APPLICABILITY.**

(A) Required. The Master Planned Development process shall be required in all Zoning Districts except in the Historic Residential-Low Density (HRL), Historic Residential (HR-1), Historic Residential 2 (HR-2), Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) for the following:

- (1) Any Residential project with ten (10) or more Lots.
- (2) Any Residential project with ten (10) or more Residential Unit Equivalents (20,000 square feet).
- (3) Any Hotel or lodging project with ten (10) or more Residential Unit Equivalents (20,000 square feet).
- (4) Any new Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial project with 10,000 square feet or more of Gross Floor Area.

(5) All projects utilizing Transfer of Development Rights Development Credits.

(6) All Affordable Housing MPDs consistent with Section 15-6-2 herein.

(B) Allowed but not required.

(1) The Master Planned Development process is allowed, but is not required, in the General Commercial (GC) and Light Industrial (LI) Zoning Districts for:

- (a) Residential Development projects with fewer than ten (10) Lots, or fewer than ten (10) Residential Unit Equivalents; or
- (b) Hotel or lodging projects with fewer than ten (10) Residential Unit Equivalents; or
- (c) New Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial projects with less than 10,000 square feet of Gross Floor Area.

(2) The Master Planned Development process is allowed, but is not required in the Historic Residential (HR-1) and Historic Residential 2 (HR-2) zones only when the HR-1 or HR-2 Zoning Districts only when the HR-1 or HR-2 Zoning Districts are combined with adjacent HRC or HCB Zoned Properties. Height exceptions will not be granted for

Master Planned Developments within the HR-1, HR-2, HRC and HCB Zoning Districts. See Section 15-6-5(F) Building Height.

(3) The Master Planned Development process is allowed, but is not required, when the Property is located in the HR-1 Zoning District and is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and the proposed MPD is for an Affordable Housing MPD consistent with Section 15-6-7 herein.

(C) Not Allowed. The Master Planned Development process is not allowed or permitted, except as provided in Sections A and B above or as specifically required by the City Council as part of an Annexation or Development Agreement.

(D) The Master Planned Development is permitted only when Uses within the Master Planned Development are consistent with Allowed and Conditional Uses in the District in which it is proposed.

*(Amended by Ord. Nos. 04-08; 06-22; 10-14; 11-12; 13-23; 15-36)*

### **15-6 -3. USES.**

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability

Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety, including all adjacent property under the same ownership, and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that Transfer results in a project which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15, and as stated in Section 15-6-8 herein.

**Exception.** Residential Density Transfer between the HCB and HR-2 Zoning Districts are not permitted. A portion of the Gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zoning District, may be located in the HR-2 Zoning District as allowed by Section 15-2.3-8.

*(Amended by Ord. Nos. 06-22; 10-14; 15-36)*

### **15-6 -4. PROCESS.**

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

inform the Applicant of issues or special requirements which may result from the proposal.

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE**.

In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission except for MPDs subject to an Annexation Agreement. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.

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

The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such

finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Director may waive the requirement for a pre-Application meeting. Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD, the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD and the General Plan.

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

(D) **PLANNING COMMISSION REVIEW**. The Planning Commission is the primary review body for Master Planned

Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.

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

(F) **PLANNING COMMISSION ACTION.** The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

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

(G) **DEVELOPMENT AGREEMENT.** Once the Planning Commission has approved the Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by

the City Attorney, and shall contain, at a minimum, the following:

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;
- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;
- (5) A description of all Developer exactions or agreed upon public dedications;
- (6) The Developers agreement to pay all specified impact fees; and
- (7) The form of ownership anticipated for the project and a specific project phasing plan.
- (8) A list and map of all known Physical Mine Hazards on the property, as determined through the exercise of reasonable due diligence by the Owner, as well as a description and GPS coordinates of those Physical Mine Hazards.

(9) A map and inventory of Historic Structures on the Property and a Historic Structures Report prepared by a qualified Historic Preservation Professional.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) LENGTH OF APPROVAL.

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

The Planning Commission may grant an extension of a Master Planned Development for up to two (2) additional years, when the Applicant is able to demonstrate no change in circumstance that would result in unmitigated impacts or that would result in a

finding of non-compliance with the MPD requirements in this Chapter and the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Extension requests must be submitted prior to the expiration of the Master Planned Development and shall be noticed and processed with a public hearing according to Section 15-1-12.

(I) MPD MODIFICATIONS.

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

(J) SITE SPECIFIC APPROVALS.

Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the MPD approval. The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review Site specific plans including Site layout, architecture and landscaping, prior to issuance of a Building Permit.

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

*(Amended by Ord. Nos. 06-22; 09-10; 11-05)*

#### **15-6 -5. MPD REQUIREMENTS.**

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

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

Additional Density may be granted within a Transfer of Development Rights Receiving Overlay Zone (TDR-R) within an approved MPD.

When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that

Transfer results in a project that better meets the goals set forth in Section 15-6-1.

**Exception.** Residential Density Transfers between the HCB and HR-2 Zoning Districts are not permitted. A portion of the gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zoning District, may be located in the HR-2 Zoning District as allowed by Section 15-2.3-8

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

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

(a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Planning Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

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

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

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

(1) The HR-1 and HR-2 Districts sets forth a Maximum Building Footprint for all Structures based on Lot Area. For purposes of establishing the maximum Building Footprint for Master Planned Developments, which include Development in the HR-1 and HR-2 Districts, the maximum Building Footprint for the HR-1 and HR-2 portions shall be calculated based on the conditions of the Subdivision Plat or the Lots of record prior to a Plat Amendment combining the lots as stated in Section 15-2.3-4.

(a) The Area of below Grade parking in the HR-1 and HR-2 Zoning Districts shall not count against the maximum Building Footprint of the HR-1 or HR-2 Zoned Lots.

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

(c) The Floor Area Ratio (FAR) of the HCB Zoning District applies only to the HCB Lot Area and may be reduced as part of a Master Planned Development. The FAR may not be applied to the HR-1 or HR-2 Lot Area.

(d) The Floor Area for a detached, single car Garage, not to exceed two-hundred and twenty square feet (220 sf) of Floor Area, shall not count against the maximum Building Footprint of the HR-2 Lot.

(C) **SETBACKS.** The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or

natural features or to create an adequate buffer to adjacent Uses, or to meet historic Compatibility requirements. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation. The Planning Commission may reduce Setbacks within the project from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and meets open space criteria set forth in Section 15-6-5(D).

(D) **OPEN SPACE.**

(1) **MINIMUM REQUIRED.**

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

For Applications proposing the redevelopment of existing Developments, the Planning

Commission may reduce the required open space to thirty percent (30%) in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages, Public Art, and rehabilitation of Historic Structures.

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

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

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

(1) The number of Off-Street Parking Spaces in each Master

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

- (a) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.
- (b) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.
- (c) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.
- (d) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.

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

(f) Provisions for overflow parking during peak periods.

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

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

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

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

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

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

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

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

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

(1) The increase in Building Height does not result in increased

square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;

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

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

(4) The additional Building Height results in more than the minimum Open Space required and results in the Open Space being more usable and included Publicly Accessible Open Space;

(5) The additional Building Height shall be designed in a manner that provides a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's

Historic Districts and Historic Sites if within the Historic District;

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

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

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

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

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

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

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

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

(7) It is important to plan for trash storage and collection and recycling facilities. The Site plan

shall include adequate Areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles.

These facilities shall be enclosed and shall be included on the site and landscape plans for the Project. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

No final site plan for a commercial development or multi-family residential development shall be approved unless there is a mandatory recycling program put into effect which may include Recycling Facilities for the project.

Single family residential development shall include a mandatory recycling program put into effect including curb side recycling but may also provide Recycling Facilities.

The recycling facilities shall be identified on the final site plan to accommodate for materials generated by the tenants, residents, users, operators, or owners of such project. Such recycling facilities shall include, but are not necessarily limited to glass, paper, plastic, cans, cardboard or other household or commercially generated recyclable and scrap materials.

Locations for proposed centralized trash and recycling collection

facilities shall be shown on the site plan drawings. Written approval of the proposed locations shall be obtained by the City Building and Planning Department.

Centralized garbage and recycling collection containers shall be located in a completely enclosed structure, designed with materials that are compatible with the principal building(s) in the development, including a pedestrian door on the structure and a truck door/gate. The structure's design, construction, and materials shall be substantial e.g. of masonry, steel, or other materials approved by the Planning Department capable of sustaining active use by residents and trash/recycle haulers.

The structures shall be large enough to accommodate a garbage container and at least two recycling containers to provide for the option of dual-stream recycling. A conceptual design of the structure shall be submitted with the site plan drawings.

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

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

(H) **LANDSCAPE AND STREET SCAPE**. A complete landscape plan must be submitted with the MPD application. The landscape plan shall comply with all criteria and requirements of LMC Section 15-5-5(M) LANDSCAPING.

All noxious weeds, as identified by Summit County, shall be removed from the Property in accordance with the Summit County Weed Ordinance prior to issuance of Certificates of Occupancy.

Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

(I) **SENSITIVE LANDS COMPLIANCE**. All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.

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

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

(L) **MINE HAZARDS**. All MPD applications shall include a map and list of all known Physical Mine Hazards on the property and a mine hazard mitigation plan.

(M) **HISTORIC MINE WASTE MITIGATION**. For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.

**(N) GENERAL PLAN REVIEW. All MPD applications shall be reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.**

**(O) HISTORIC SITES. All MPD Applications shall include a map and inventory of Historic Structures and Sites on the Property and a Historic Structures Report, as further described on the MPD application. The Historic Structures Report shall be prepared by a Qualified Historic Preservation Professional.**

*(Amended by Ord. Nos. 04-08; 06-22; 09-10; 10-14; 11-05 11-12; 13-23; 15-36)*

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

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

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

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

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

~~(DC)~~ The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;

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

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

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

~~(HG)~~ The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;

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

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

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

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

~~(ML)~~ The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.

~~(NM)~~ The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.

~~(ON)~~ The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

(O) The MPD, as conditioned, addresses and mitigates Historic Structures and Sites on the Property, according to accepted City regulations and policies.

(Amended by Ord. Nos. 06-22; 10-14; 13-23)

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

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

(B) **RENTAL OR SALES PROGRAM.** If a Developer seeks to exercise the increased Density allowance incentive by providing an Affordable Housing project, the Developer must agree

to follow the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

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

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

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

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

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

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

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

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

#### **15-6-8. UNIT EQUIVALENTS.**

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

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

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

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

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

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

(C) **SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS.** Within a Hotel or Nightly Rental condominium project, the Floor Area of Support Commercial uses may not exceed five percent (5%) of the total Floor Area of the approved residential Unit Equivalents. Any unused support commercial floor area may be utilized for meeting space Uses.

(D) **MEETING SPACE.** Within a Hotel or Condominium project, Floor Area of meeting space may not exceed five percent (5%) of the total Floor Area of the approved residential unit equivalents. Any unused meeting space floor area may be utilized for support commercial uses within a Hotel or Nightly Rental Condominium project.

(E) **COMMERCIAL UNIT EQUIVALENTS.** Commercial spaces, approved as a part of a Master Planned Development, shall be calculated on the basis of one (1) Unit Equivalent per 1000 square feet of Net Leasable Floor Area, exclusive of common corridors, for each part of a 1,000 square foot interval. For example: 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.

(F) **RESIDENTIAL ACCESSORY USES.** Residential Accessory Uses include typical back of house uses and administration facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project and that are common to the residential project and are

not located within any individual Residential unit. Residential Accessory Uses do not require the use of Unit Equivalents and include, but are not limited to, such Uses as:

Ski/Equipment lockers  
Lobbies  
Registration  
Concierge  
Bell stand/luggage storage  
Maintenance Areas  
Mechanical rooms and shafts  
Laundry facilities and storage  
Employee facilities  
Common pools, saunas and hot tubs, and exercise areas not open to the public  
Telephone Areas  
Guest business centers  
Public restrooms  
Administrative offices  
Hallways and circulation  
Elevators and stairways

(G) **RESORT ACCESSORY USES.** The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

Information  
Lost and found

First Aid  
Mountain patrol  
Administration  
Maintenance and storage facilities  
Emergency medical facilities  
Public lockers  
Public restrooms  
Employee restrooms, employee locker  
rooms, employee break rooms, and  
employee dining areas  
Ski school/day care facilities  
Instruction facilities  
Ticket sales  
Equipment/ski check  
Circulation and hallways for these Resort  
Accessory Uses

*(Amended by Ord. Nos. 06-22; 09-10; 10-14; 11-05)*

**TITLE 15 - LAND MANAGEMENT CODE**

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**TITLE E 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 7 - SUBDIVISION GENERAL PROVISIONS**

*Chapter adopted by Ordinance No. 01-17*

**CHAPTER 7 - SUBDIVISION  
GENERAL PROVISIONS.**

**15-7-1. ENACTMENT.**

In order that land may be subdivided, or Lot lines adjusted in accordance with these purposes and policy, these Subdivision regulations are hereby adopted.

**15-7-2. PURPOSE.**

The purpose of the Subdivision regulations is:

- (A) To protect and provide for the public health, safety, and general welfare of Park City.
- (B) To guide the future growth and Development of Park City, in accordance with the General Plan.
- (C) To provide for adequate light, air, and privacy, to secure safety from fire, flood, landslides and other geologic hazards, mine subsidence, mine tunnels, shafts, adits and dump Areas, and other danger, and to

prevent overcrowding of the land and undue congestion of population.

(D) To protect the character and the social and economic stability of all parts of Park City and to encourage the orderly and beneficial Development of all parts of the municipality.

(E) To protect and conserve the value of land throughout the municipality and the value of Buildings and improvements upon the land, and to minimize the conflicts among the Uses of land and Buildings.

(F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

(G) To provide the most beneficial relationship between the Uses of land and Buildings and the circulation of traffic, throughout the municipality, having particular regard to the avoidance of congestion in the Streets and highways, and the pedestrian traffic movements appropriate to the various Uses of land and Buildings, and to provide for the proper location and width of Streets and Building lines.

(H) To establish reasonable standards of design and procedures for Subdivisions, Re-subdivisions, and Lot Line Adjustments, in order to further the orderly layout and Use of land; and to insure proper legal descriptions and monumenting of subdivided land.

(I) To insure that public facilities are available and will have a sufficient capacity to serve the proposed Subdivision, Re-subdivision, or Lot Line Adjustment,

(J) To prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize Site disturbance, removal of native vegetation, and soil erosion; and to encourage the wise Use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land,

(K) To preserve the natural beauty and topography of Park City and to insure appropriate Development with regard to these natural features, and

(L) To provide for open spaces through the most efficient design and layout of the land, including the Use of flexible Density or cluster-type zoning in providing for minimum width and Area of Lots, while preserving the Density of land as established in the Land Management Code of Park City.

### **15-7-3. POLICY.**

(A) It is hereby declared to be the policy of Park City to consider the Subdivision of land and the subsequent Development or

amendment of the Subdivision plat, or the adjustment of Lot lines therein, as subject to the control of Park City pursuant to the official General Plan of Park City for the orderly, planned, efficient, and economical Development of Park City.

(B) Land to be subdivided or re-subdivided, or Lot lines that shall be adjusted therein, shall be of such character that it can be used safely for Building purposes without danger to health or peril from fire, flood, landslide, mine subsidence, geologic hazards, or other menace, and land shall not be subdivided, re-subdivided, or adjusted until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

(C) The existing and proposed public improvements shall conform and be properly related to the proposals shown in the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and program of Park City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the adopted Uniform Building and Housing Codes, the Land Management Code, General Plan, Official Zoning Map, and capital budget and program of Park City.

### **15-7-4. AUTHORITY.**

(A) By authority of ordinance of the City Council of Park City, hereinafter referred to as "City Council", adopted pursuant to the

powers and jurisdictions vested through Title 10, Chapters 3 and 9a, and Title 17, Chapter 27a of the Utah Code, Annotated (1953, as amended) and other applicable laws, statutes, ordinances, and regulations of the State of Utah, the City Council hereby exercise the power and authority to review, approve, and disapprove plats for subdividing land within the corporate limits of Park City which show Lots, blocks, or Sites with or without new Streets or highways.

(B) By the same authority, the City Council does hereby exercise the power and authority to pass and approve Development in Subdivisions, Re-subdivisions, or Lot Line Adjustments of land already recorded in the office of the County Recorder if such are entirely or partially undeveloped.

(C) The plat, Subdivision, Re-subdivision or Lot Line Adjustment shall be considered to be void if:

(1) the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been recorded with the County Recorder's office without a prior approval by the City Council, or in the case of a Lot Line Adjustment, its designated responsible official, or

(2) the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been approved by the City Council where the approval has been granted more than three (3) years prior to granting a Building permit, on the partially or entirely undeveloped land and the zoning

regulations, either bulk or Use, for the district in which the Subdivision is located, have been changed subsequent to the original final plat, Subdivision, Re-subdivision, or Lot Line Adjustment approval.

(D) A Transfer of land pursuant to a void plat is voidable.

*(Amended by Ord. No. 06-22)*

#### **15-7-5. INTERPRETATION, CONFLICT, AND SEVERABILITY.**

(A) **INTERPRETATION.** In their interpretation and Application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

#### **(B) CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS.**

(1) **PUBLIC PROVISIONS.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(2) **PRIVATE PROVISIONS.**

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of the Planning Commission, City Council, or the municipality in approving a Subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the City does not enforce private covenants.

(C) **SEVERABILITY.** If any part or provision of these regulations or Application thereof to any Person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or Application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these

regulations or the Application thereof to other Persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or Application.

*(Amended by Ord. No. 06-22)*

**15-7-6. CONDITIONS.**

Regulation of the Subdivision of land and the attachment of reasonable conditions to land Subdivision is an exercise of valid police power delegated by the state to this municipality. The Developer has the duty of compliance with reasonable conditions for design, dedication, improvement, and restrictive Use of the land so as to conform to the physical and economical Development of Park City and to the safety and general welfare of the future Lot Owners in the Subdivision and of the community at large.

**15-7-7. VACATION, ALTERATION OR AMENDMENT OF PLATS.**

The City Council may, on its own motion, or pursuant to a petition, consider and resolve at a public hearing any proposed vacation, alteration or amendment of a Subdivision plat, or any Street, Lot, alley or public Use Area contained in a Subdivision plat, as provided in Section 10-9a-608 through 10-9a-611 of the Utah Code Annotated (1953) as amended. If the amended plat is approved and recorded, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat on the same land. The recorded vacating

ordinance shall replace a previously recorded plat described in the vacating ordinance.

*(Amended by Ord. No. 06-22)*

**15-7-8. VARIANCES.**

Refer to Section 15-10-9 herein regarding variance procedures.

**15-7-9. SAVING PROVISION.**

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any Person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any Person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

**15-7-10. ENFORCEMENT.**

It shall be the duty of the Planning Director to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.

(A) No Owner, or Agent of the Owner, of any Parcel of land located in a proposed Subdivision, shall Transfer or sell any such Parcel before a plat of such Subdivision has been approved by the Planning Commission

and City Council in accordance with the provisions of these regulations, and filed with the County Recorder.

(B) The Subdivision of any Lot or any Parcel of land, by the Use of metes and bounds description for the purpose of sale, Transfer, or lease with the intent of evading these regulations, shall not be permitted. However, the City may approve metes and bounds descriptions for purposes of Lot Line Adjustments, resolving conflicting boundary descriptions, and the recombination of historically platted Properties located within either the Park City/Millsite or Snyder's Addition surveys. All such described Subdivisions shall be subject to all of the requirements contained in these regulations.

(C) No Building Permit shall be issued for the construction of any Building or Structure located on a Lot or plat subdivided or sold in violation of the provisions of these regulations.

*(Amended by Ord. No. 06-22)*

**15-7-11. VIOLATIONS AND PENALTIES.**

Any Person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a Class B misdemeanor.

(A) **CIVIL ENFORCEMENT.** Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to

prevent illegal occupancy of a Building, structure or premises, and these remedies shall be in addition to the penalties described above.

**15-7-12. AMENDMENTS.**

For the purpose of providing the public health, safety, and general welfare, the City Council may from time to time amend the provisions imposed by the Subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and City Council in the manner prescribed by law and outlined in the Land Management Code.

**15-7-13. RESERVATIONS AND APPEALS.**

Upon the effective date of these regulations according to law, any ordinances conflicting with the terms herein, including the Subdivision Ordinance of Park City, Utah, adopted September 20, 1979, as amended, are hereby repealed, except as to such sections expressly retained herein.

**TITLE 15 - LAND MANAGEMENT CODE**

**CHAPTER 7.1 - SUBDIVISION PROCEDURES**

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 7.1 - SUBDIVISION PROCEDURES**

*Chapter adopted by Ordinance No. 01-17*

**CHAPTER 7.1 - SUBDIVISION  
PROCEDURES.**

**15-7.1-1. JURISDICTION.**

These Subdivision regulations shall apply to all Subdivisions or Re-subdivisions of land, and to Lot Line Adjustments, as defined herein, located within the corporate limits of Park City.

Whenever any Subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a Structure in such proposed Subdivision shall be granted, the subdividing Owner, or his authorized Agent, shall apply for and secure approval of such proposed Subdivision in accordance with the following procedure.

**15-7.1-2. PROCEDURE.**

No land shall be subdivided within the corporate limits of Park City until:

(A) The Owner, Applicant and/or Developer or his/her Agent submit an

Application for Subdivision to the Planning Commission through the Park City Planning Department;

(B) The Planning Commission holds a public hearing and makes a final recommendation to the City Council; and

(C) Approval of the Subdivision is obtained by the Planning Commission and City Council, or approval by the Planning Director under proper authority; and

(D) The approved Subdivision Plat is filed with the County Recorder.

*(Amended by Ord. No. 06-22)*

**15-7.1-3. CLASSIFICATION OF  
SUBDIVISIONS.**

(A) **SUBDIVISION**. At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and/or Developer to combine the requirements of the Preliminary Plat and final Subdivision Plat into a single submittal.

(1) **MINOR SUBDIVISION.** A Subdivision containing not more than three (3) Lots fronting on an existing Street, not involving any new Street or road, or the extension of municipal facilities, or the creation of public improvements.

(a) **Final Plat.** A Final Plat shall be approved in accordance with these regulations.

(2) **MAJOR SUBDIVISION.** A Subdivision of land into four (4) or more Lots, or any size Subdivision requiring any new Street.

(a) **Preliminary Plat.** A Preliminary Plat may be approved in accordance with these regulations.

(b) **Final Plat.** A Final Plat shall be approved in accordance with these regulations.

(B) **PLAT AMENDMENT.** The combining of existing subdivided Lots into one or more Lots or the amendment of plat notes or other platted elements including but not limited to easements, limits of disturbance boundaries or areas, building pads, and house size limitations. Plat Amendments shall be reviewed according to the requirements of Section 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 has been vacated or amended.

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

(C) **RECORD OF SURVEY.**

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

(D) **LOT LINE ADJUSTMENT.** The relocation of the Property boundary line between two adjoining Lots.

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

#### **15-7.1-4. GENERAL PROCEDURE.**

(A) **OFFICIAL SUBMISSION DATES.** At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and Developer to combine the requirements of both preliminary and final Subdivision Plats into a single submittal. For the purpose of these regulations, for both major and minor Subdivisions, the date of the regular meetings of the Planning Commission at which the public hearings on final approval of the Subdivision Plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required for formal approval or disapproval of the plat shall commence to run.

(B) **PHASING PLAN REQUIRED.** All residential Subdivisions with more than

twenty (20) Lots or Condominiums shall include a phasing plan, which specifies the timing of public improvements and residential construction.

(1) **PHASING PLAN REQUIREMENTS.** A phasing plan shall include:

- (a) The number of units or Parcels to be developed in each phase and the timing of each phase.
- (b) The timing of construction of public improvements and Subdivision amenities to serve each phase.
- (c) The relationship between the public improvements in the current Subdivision and contiguous land previously subdivided and yet to be subdivided.

(2) **MASTER PLANNED DEVELOPMENT.** If the Subdivision is in an Area covered by an approved Master Planned Development, which has a phasing plan, the phasing plan for the Subdivision shall be consistent with the phasing plan for the Master Planned Development.

(3) **REVISIONS.** An Applicant may request a revision of the phasing plan, which may be necessary due to such conditions as changing market

conditions, inclement weather or other factors.

(C) **COORDINATION OF MULTIPLE APPLICATIONS.** It is the intent of these regulations that Subdivision review be carried out simultaneously with the review of Master Planned Developments. Required Applications shall be submitted in a form to satisfy both the requirements of the Subdivision regulations and Master Planned Development provisions of the Land Management Code. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

**15-7.1-5. PRELIMINARY SUBDIVISION PLAT.**

(A) **PREAPPLICATION REQUIREMENTS.** Before preparing the Preliminary Plat for a Subdivision, the Applicant should arrange for a pre-Application conference with the Planning Department to discuss the procedure for approval of a Subdivision Plat and the requirements as to general layout of Streets and for reservations of land, Street improvements, drainage, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services. The Planning Department shall also advise the Applicant, where appropriate, to discuss the proposed Subdivision with those agencies who must eventually approve those aspects of the Subdivision coming within their

jurisdiction; such as, the Snyderville Basin Sewer Improvement District, the Park City Fire Service District, the Park City School District, and the various utility service providers.

(B) **APPLICATION PROCEDURE AND REQUIREMENTS.** Prior to subdividing land in a manner, which requires a Preliminary Plat, an Owner of the land or his representative shall file an Application for approval of a Preliminary Plat. The Application shall:

(1) Be made on a form available at the office of the Planning Department and determined complete. A complete Application shall include all elements of the Subdivision and shall produce all information required by the Subdivision Application.

(2) 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.

(C) **REVIEW OF PRELIMINARY PLAT.** The Planning Department staff shall schedule the Preliminary Plat for review by the Development Review Committee, including officials or agencies of the local government, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law.

The Planning Department shall request that all officials and agencies, to whom a request for review has been made, submit their report to the Staff. The Staff will consider all reports submitted by the officials and agencies concerning the Preliminary Plat and shall prepare a staff report for proposed action to the Planning Commission for the next available regular meetings.

Once an Application is received, the Staff will work diligently to review the Application as quickly as time and workload allows. The scale or complexity of a project or Staff workload may necessitate a longer processing period. In such cases, the Staff will notify the Applicant when an Application is filed as to the projected time frame.

(D) **PLANNING COMMISSION REVIEW OF PRELIMINARY PLAT.**

The Planning Commission shall study the Preliminary Plat and the report of the Staff, taking into consideration requirements of Land Management Code, any Master Plan, site plan, or Sensitive Land Analysis approved or pending approval on the subject Property. Particular attention will be given to the arrangement, location and width of Streets, their relation to sewerage disposal, drainage, erosion, topography and natural features of the Property, location of Physical Mine Hazards and geologic hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet un-subdivided, and the requirements of the Official Zoning Map, General Plan, and Streets Master Plan, as adopted by the Planning Commission and City Council. The Planning Commission shall make a finding as to whether there is Good Cause in approving the preliminary plat.

(E) **PUBLIC HEARINGS.** The Planning Commission shall hold a public hearing on the Preliminary Plat Application. Such hearings shall be advertised in accordance with the requirements of Section 15-1-12 of the Land Management Code and in the same manner as the subsequent public hearings of the final Subdivision Plat; except, however, that the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval.

(F) **PRELIMINARY APPROVAL.** After the Planning Commission has reviewed the Preliminary Plat and the report of the Staff including any municipal recommendations and testimony and

exhibits submitted at the public hearing, the Applicant shall be advised of any required changes and/or additions. One copy of the proposed Preliminary Plat shall be returned to the Developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. The other copy shall be maintained in the Planning files.

(G) **PUBLIC IMPROVEMENTS.** The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final Subdivision Plat by the Chairman of the Planning Commission. If the Planning Commission elects not to require that all public improvements be installed and dedicated prior to signing of the final Subdivision Plat by the Chairman of the Planning Commission, the amount of the Guarantee, in compliance with the requirements of the Land Management Code, shall be established by the Planning Commission based upon the recommendation of the City Engineer, which shall be submitted by the Applicant at the time of Application for final Subdivision Plat approval. The Planning Commission shall require the Applicant to indicate on both the Preliminary and Final Plat all roads and public improvements to be dedicated, all special districts for water, fire, and utility improvements which shall be required to be established or extended, all City approved Street names and addresses, and any other special requirements deemed necessary by the Planning Commission in order to conform the Subdivision Plat to the Official Zoning Map and the Master Plans of Park City.

(H) **EFFECTIVE PERIOD OF PRELIMINARY APPROVAL.** The approval of a Preliminary Plat shall be effective for a period of one (1) year at the end of which time final approval on the Subdivision must have been obtained from the Planning Commission, and the Final plat shall be signed and filed with the County Recorder within one (1) year of approval. Any plat not recorded within the period of time set forth herein shall be null and void, and the Developer shall be required to resubmit a new Application and plat for preliminary approval subject to all new review requirements, zoning restrictions and Subdivision regulations.

Applicants may request time extensions of the approval of a Preliminary Plat by submitting a request in writing to the Planning Department prior to expiration of the approval. The Planning Director shall review all requests for time extensions of Preliminary Plat approvals and may consider the request when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the requirements for Preliminary Plat in Section 15-1-12.

The Commission may hold a public hearing on the time extension for a Preliminary Plat approval. Such hearings shall be noticed in

accordance with the requirements of Section 15-1-12 of the Land Management Code.

(I) **ZONING REGULATIONS.** Every plat shall conform to existing zoning regulations and Subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Land Management Code rendering the plat nonconforming as to bulk or Use, provided the final approval is obtained within the one (1) year period.

**15-7.1-6. FINAL SUBDIVISION PLAT.**

(A) **APPLICATION PROCEDURE AND REQUIREMENTS.** Following approval of the Preliminary Plat, if necessary, the Applicant, if he wishes to proceed with the Subdivision, shall file with the Planning Department an Application for approval of a final Subdivision Plat. The Application shall:

(1) Be made on forms available at the Planning Department and determined complete. A complete Application shall include all elements of the Subdivision and shall produce all information required by the Subdivision Application.

(2) 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.

(3) Include the entire Subdivision, or section thereof, which derives access from an existing state, county or local government highway.

**(B) REVIEW OF FINAL SUBDIVISION PLAT.**

The Planning Department staff shall schedule the Final Plat Application for review by the Development Review Committee, including officials or agencies of the local government, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law.

The Planning Department shall request that all officials and agencies, to whom a request for review has been made, submit their

report to the Staff. The Staff will consider all the reports submitted by the officials and agencies concerning the Final Subdivision Plat and shall submit a report for proposed action to the Planning Commission.

Once an Application is received, the Staff will work diligently to review the Application, as quickly as time and workload allows. The scale or complexity of a project or Staff workload may necessitate a longer processing period. In such cases the Staff will notify the Applicant when an Application is filed as to the projected time frame.

**(C) PLANNING COMMISSION AND CITY COUNCIL REVIEW OF FINAL SUBDIVISION PLAT.**

The Planning Commission shall review the Final Subdivision Plat and the report of the Staff, taking into consideration requirements of the Land Management Code, the General Plan, and any Master Plan, site plan, or Sensitive Lands Analysis approved or pending on the Property. Particular attention will be given to the arrangement, location and width of Streets and their relation to sewerage disposal, drainage, erosion, topography and natural features of the Property, location of Physical Mine Hazards and Geologic Hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet un-subdivided, requirements of the Preliminary Plat (if a Preliminary Plat was required), and requirements of the Official Zoning Map and Streets Master Plan, as adopted by the Planning Commission and City Council.

The Planning Commission shall make a finding as to Good Cause prior to making a positive recommendation to City Council.

- (1) The Planning Commission shall give notice pursuant to Section 15-1-12 of this Code and hold a public hearing on the proposed final Subdivision Plat before making its final recommendation to the City Council.
- (2) After considering the final Subdivision Plat and proposed ordinance, the Planning Commission shall recommend to the City Council approval or disapproval of the Subdivision Application and set forth in detail any conditions to which the approval is subject, or the reasons for disapproval.
- (3) The City Council may adopt or reject the ordinance either as proposed by the Planning Commission or by making any revision it considers appropriate.
- (4) In the final ordinance the City Council shall stipulate the period of time when the Final Plat shall be recorded and when the performance Guarantee shall be filed or the required improvements installed, whichever is applicable. Provided, however, that no plats will be approved or released for recording until necessary Guarantees have been established in accordance with the Land Management Code. In no event shall the period of time

stipulated by the City Council for completion of required improvements exceed two (2) years from the date of the final ordinance.

- (5) Extension of Approval. Applicants may request time extensions of the City Council approval by submitting a request in writing to the Planning Department prior to expiration of the approval. The City Council may grant an extension to the expiration date when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the requirements for a Final Plat in Section 15-1-12.
- (D) **SUBMISSION AND REVIEW.** Subsequent to the resolution of the Planning Commission, one (1) paper copy of the construction plans, and one copy of the original Subdivision Plat on paper shall be submitted to the Planning Department for final review. No final approval shall be endorsed on the plat until the staff's review has indicated that all requirements of the ordinance have been met.
- (E) **VESTED RIGHTS.** Vesting for purposes of zoning occurs upon the filing of

a complete Application provided, however, that no vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission and the Mayor of Park City. All requirements, conditions, or regulations adopted by the Planning Commission and City Council applicable to the Subdivision or to all Subdivisions generally shall be deemed a condition for any Subdivision prior to the time of the signing of the Final Plat by the Chairman of the Planning Commission and Mayor. Where the Planning Commission or Council has required the installation of improvements prior to signing of the Final Plat, the Planning Commission or Council shall not unreasonably modify the conditions set forth in the final approval.

(F) **LOT LINE ADJUSTMENTS.** The Planning Director may approve a Lot Line Adjustment between two (2) Lots without a plat amendment, within the corporate limits of Park City, if:

(1) the Owners of both Lots demonstrate, to the satisfaction of the Planning Director that:

(a) no new developable Lot or unit results from the Lot Line Adjustment;

(b) all Owners of Property contiguous to the adjusted Lot(s) or to Lots owned by the Applicant(s) which are contiguous to the adjusted Lot(s), including those separated by a public

Right-of-Way, consent to the Lot Line Adjustment;

(c) the Lot Line Adjustment does not result in remnant land;

(d) the Lot Line Adjustment, and resulting Lots comply with LMC Section 15-7.3 and are compatible with existing lot sizes in the immediate neighborhood;

(e) the Lot Line Adjustment does not result in violation of applicable zoning requirements;

(f) neither of the original Lots were previously adjusted under this section;

(g) written notice was mailed to all Owners of Property within three hundred feet (300') and neither any Person nor the public will be materially harmed by the adjustment; and

(h) the City Engineer and Planning Director authorizes the execution and recording of an appropriate deed and Plat, to reflect that the City has approved the Lot Line Adjustment.

(i) Extension of Approval. Applicants may request time extensions of the Lot Line Adjustment approval by submitting a request in writing to the Planning Department prior to expiration of the approval. The Planning Director shall review all requests for time extensions of Lot Line Adjustments and may grant a one year extension.

Extension requests may be granted when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the requirements for Lot Line Adjustments in Section 15-1-12.

(2) If, based upon non-compliance with Subsection (1), the Planning Director denies the Lot Line Adjustment, the Director shall inform the Applicant(s) in writing of the reasons for denial, of the right to

appeal the decision to the Planning Commission, and of the right to file a formal plat amendment Application.

**(G) COMBINATION OF ADJOINING CONDOMINIUM UNITS WITH A CONDOMINIUM RECORD OF SURVEY PLAT**

(1) Subject to the condominium declaration, a unit owner after acquiring an adjoining unit that shares a common wall with the unit owner's unit and after recording an amended condominium record of survey plat in accordance with this Title, a unit owner may:

(a) remove or alter a partition between the unit owner's unit and the acquired unit, even if the partition is entirely or partly common areas and facilities; or

(b) create an aperture to the adjoining unit or portion of a unit.

(2) A unit owner may not take this action if such action would:

(a) impair the structural integrity or mechanical systems of the building or either unit;

(b) reduce the support of any portion of the common areas and facilities or another unit;

(c) constitute a violation of Utah Code Section 10-9a-608, as amended, or violate any

section of this code of the IBC.

(3) Approval of a condominium plat amendment to combine units does not change an assessment or voting right attributable to the unit owner's unit or the acquired unit, unless the declaration provides otherwise.

*(Amended by Ord. Nos. 06-22; 11-05; 15-35)*

#### **15-7.1-7. SIGNATURES AND RECORDING OF THE PLAT.**

##### **(A) SIGNING OF PLAT.**

(1) When a Guarantee is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after the Guarantee has been approved by the City Council, or its administrative designee and all the conditions of the ordinance pertaining to the plats have been satisfied.

(2) When installation of improvements prior to plat recordation is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after all conditions of the ordinance have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as

shown by a certificate signed by the City Engineer and City Attorney that the necessary dedication of public lands and improvements has been accomplished.

(3) The plat shall be signed by the City Engineer, City Attorney and the City Recorder, if the plat meets the requirements herein.

(4) The plat shall conform to City ordinances and be approved by the culinary water authority, ~~and~~ the sanitary sewer authority, and the local health department, if the local health department and the City consider the local health department's approval necessary.

(5) The City may withhold an otherwise valid plat approval until the Owner of the land provides the City Council with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(6) a Subdivision Plat recorded without the required signatures is void.

**(B) RECORDING OF PLAT.** It shall be the responsibility of the Developer's licensed title company to file the original Mylar plat with the County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such

legal documents as shall be required to be recorded by the City Attorney.

*(Amended by Ord. No. 06-22)*

(C) **SECTIONALIZING MAJOR SUBDIVISION PLATS.** Prior to granting final approval of a Major Subdivision Plat, the Planning Commission and City Council may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly Development of the plat. The Planning Commission and City Council may require that the performance Guarantee be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance Guarantee principal amount until the remaining sections of the plat are presented for filing. The Developer may also file irrevocable offers to dedicate Streets and public improvements only in those sections submitted to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any additional conditions imposed by the Planning Commission, and offers shall be granted concurrently with final approval of the balance of the plat. The approval of all remaining sections not filed with the County Recorder shall automatically expire unless such sections have been approved for filing by the Planning Commission, all fees paid, all instruments and offers of dedication submitted and performance Guarantees approved and actually filed with the County Recorder within one (1) year of the date of final Subdivision approval of the Subdivision Plat. See Section 15-7.1-6 of these regulations.

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 11 - HISTORIC PRESERVATION**

*Chapter adopted by Ord. No. 02-07;  
Chapter Amended in Entirety by Ord. No.  
03-34*

**CHAPTER 11 – HISTORIC  
PRESERVATION**

**15-11-1. ESTABLISHMENT OF  
BOARD.**

Pursuant to the Historic District Act, Section 11-18-1, et seq. of the Utah Code, 1953, and other applicable power, there is hereby created a Park City Historic Preservation Board (HPB). The HPB shall be composed of seven (7) members.

*(Amended by Ord. No. 06-69)*

**15-11-2. TERMS AND  
QUALIFICATIONS OF MEMBERS.**

Members of the HPB shall serve terms of three (3) years. The terms shall be staggered. Terms may expire on May 1, however, members of the HPB shall continue to serve until their successors are appointed and qualified.

(A) The Mayor shall appoint a new HPB member to fill vacancies that might arise and

such appointments shall be to the end of the vacating member's term.

(B) It is the first priority of the City Council that the HPB have technical representation in Historic preservation, therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect, or other professional having substantial experience in rehabilitation-type construction, serving on the HPB, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two (2) nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the Application process.

(C) In addition, the HPB should include members with the following qualifications, or representing the following interests:

(1) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.

(2) A member living in the Historic District with demonstrated

interest and knowledge of Historic preservation.

(3) A member appointed at large from Park City with demonstrated interest and knowledge of Historic preservation.

(4) A member associated with Main Street Business and commercial interests.

### **15-11-3. ORGANIZATION.**

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

(B) **QUORUM.** No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by four (4) of the appointed members, including the Chair or Chair Pro Tem.

(C) **VOTING.** All actions of the HPB shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken shall approve any action taken. The Chair may vote at the meetings.

*(Amended by Ord. Nos. 07-34; 09-10; 11-05)*

### **15-11-4. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL.**

Any HPB member who is absent from two (2) consecutive regularly scheduled Board meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. Members of the HPB are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

### **15-11-5. PURPOSES.**

The purposes of the HPB are:

(A) To preserve the City's unique Historic character and to encourage compatible design and construction through the creation, and periodic update of comprehensive Design Guidelines for Park City's Historic Districts and Historic Sites;

(B) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;

(C) To provide input to staff, the Planning Commission and City Council towards safeguarding the heritage of the City in protecting Historic Sites, Buildings, and/or Structures;

(D) To recommend to the Planning Commission and City Council ordinances that may encourage Historic preservation;

(E) To communicate the benefits of Historic preservation for the education, prosperity, and general welfare of residents, visitors and tourists;

(F) To recommend to the City Council Development of incentive programs, either public or private, to encourage the preservation of the City's Historic resources;

(G) To administer all City-sponsored preservation incentive programs;

(H) To review and take action on all designation of Sites to the Historic Sites Inventory Applications submitted to the City; and

(I) To review and take action on material deconstruction applications for those Sites listed on the Historic Sites Inventory.

*(Amended by Ord. No. 09-23; 15-53)*

**15-11-6. ADDITIONAL DUTIES.**

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

(A) Participate in the design review of any City-owned projects located within the designated Historic District or any structures on the Historic Sites Inventory.

(B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City's cultural resources.

(C) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(D) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, Historic Site, and Property within the Historic District, or neighboring Property which are structures on the Historic Sites Inventory or are within a two (2) block radius of the Historic District.

*(Amended by Ord. No. 09-23)*

**15-11-7. LIMITATIONS.**

The HPB has no authority to waive or increase any requirement of any ordinance of the City.

**15-11-8. STAFF ASSISTANCE.**

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

(A) Utah Heritage Foundation.

- (B) National Trust for Historic Preservation.
- (C) Utah State Division of History.
- (D) Park City Historical Society.
- (E) American Institute of Architects (AIA).
- (F) The National Alliance of Preservation Commissions.
- (G) American Planning Association (APA)

*(Amended by Ord. Nos. 06-35; 09-23)*

**15-11-9. PRESERVATION POLICY.**

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of Historic Sites, Buildings, and Structures is required. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

(A) **HISTORIC PRESERVATION PLAN.** The Planning Department is authorized to require that Developers prepare a Historic Preservation Plan as a condition of approving an Application for a Building project that affects a Historic Structure, Site or Object. The Planning Director and the Chief Building Official, or their designees, must approve the Historic Preservation Plan.

(B) **GUARANTEE REQUIRED.** The Planning Department is also authorized to require that the Applicant provide the City with a financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.

(C) **TERMS OF GUARANTEE.** The Guarantee shall be similar in form to other Guarantees required by this title and shall consist of an Escrow deposit, a cash deposit with the City, a letter of credit or some combination of the above as approved by the City, including but not limited to a lien on the Property.

(D) **AMOUNT OF THE GUARANTEE.** The amount of the Guarantee shall be determined by the Chief Building Official, or his designee. The Building and Planning Departments shall develop standardized criteria to be used when determining the amount of the Historic preservation Guarantee. Such amount may include additional cost or other penalties for the destruction of Historic material(s).

(E) **EFFECT OF NON-COMPLIANCE.** If the Developer does not comply with the terms of the Historic

Preservation Plan as determined by the Chief Building Official and the Planning Director, or their designees, the City shall have the right to keep the funds of the Guarantee, including the ability to refuse to grant the Certificate of Occupancy and resulting in the requirement to enter into a new Historic Preservation Plan and Guarantee. The funds of the Guarantee shall be used, in the City's discretion, for Historic preservation projects within the City.

(F) **RELEASE OF GUARANTEE.**

The Guarantee shall not be released prior to the issuance of the final Certificate of Occupancy or at the discretion of the Chief Building Official and Planning Director, or their designees, based on construction progress in compliance with the Historic Preservation Plan.

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

**15-11-10. PARK CITY HISTORIC SITES INVENTORY.**

The Historic Preservation Board may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community.

(A) **CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

(1) **LANDMARK SITE.** Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated

to the Historic Sites Inventory as a Landmark Site if the ~~Planning Department~~ **Historic Preservation Board** finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or ~~has achieved Significance~~ or if the Site is of exceptional importance to the community; and

(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

(i) An era that has made a significant contribution to the broad patterns of our history; ~~or~~

(ii) The lives of Persons significant in the history of the community, state, region, or nation; or

(iii) The distinctive characteristics of type,

period, or method of construction or the work of a notable architect or master craftsman.

(2) **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department-Historic Preservation Board finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or the Site is of exceptional importance to the community; and

(b) It retains its Essential Historical Form as may be demonstrated but not limited by any of the following:

(i) It previously received a historic grant from the City; or

(ii) It was previously listed on the Historic Sites Inventory; or

(iii) It was listed as Significant ~~or~~ on any reconnaissance or intensive level survey of historic resources; ~~or~~ and

(c) It has one (1) or more of the following:

(i) It retains its historic scale, context, materials in a manner and degree which can be restored to its Essential Historical Form even if it has non-historic

additions; ~~and/or~~

(ii) It reflects the Historical or Architectural

character of the site or district through design characteristics such as mass, scale,

composition,

materials, treatment,

cornice, and/or other

architectural features

as are Visually

Compatible to the

Mining Era

Residences National

Register District even

if it has non-historic

additions; ~~or~~ and

(d) It is important in local or regional history

architecture, engineering, or

culture associated with at

least one (1) of the following:

(i) An era of Historic Importance to the community, or

(ii) Lives of Persons who were of Historic importance to the community, or

(iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

**(3) CONTRIBUTORY SITE.**

Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Contributory Site if the Planning Department finds it meets all the criteria listed below:

- (a) The structure is forty (40) years old or older and
- (b) Meets one of the following:
  - (i) Expresses design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District; or
  - (ii) It is important in local or regional

history, architecture, engineering, or culture associated with at least one (1) of the following:

- (a) An era of Historic importance to the community; or
- (b) Lives of Persons who were of Historic importance to the community, or
- (c) Noteworthy methods of construction, materials, or craftsmanship used during the Historic Period

(c) Contributory structures may be eligible for Historic District Grant funding. Contributory structures are eligible for demolition.

(4) Any Development involving the Reassembly or Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Sections 15-11-14 or 15-11-15 of this code shall remain on the Park City Historic Sites Inventory. Following Reassembly or Reconstruction, the Historic Preservation Board will review the project to determine if the work has required a change in the site or structure's historic

designation from Landmark to Significant.

(B) **PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

The Planning Department shall maintain an inventory of Historic Sites. It is hereby declared that all Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures within Park City, which comply with the criteria found in Sections 15-11-10(A)(1) or 15-11-10(A)(2) are determined to be on the Park City Historic Sites Inventory.

Any Owner of a Building (main, attached, detached or public), Accessory Building, and/or Structure, may nominate it for listing in the Park City Historic Sites Inventory. The Planning Department may nominate a Building (main, attached, detached or public), Accessory Building, and/or Structure for listing in the Park City Historic Sites Inventory. The nomination and designation procedures are as follows:

(1) **COMPLETE APPLICATION.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

(2) **NOTICE.** Prior to taking action on the Application, the

Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.

(3) **HEARING AND DECISION.** The Historic Preservation Board will hold a public hearing and will review the Application for compliance with the “Criteria for Designating Historic Sites to the Park City Historic Sites Inventory.” If the Historic Preservation Board finds that the Application complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached or public), Accessory Building, and/or Structure will be added to the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(C) **REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY.** The Historic Preservation Board may remove a Site from the Historic Sites Inventory. Any Owner of a Site listed on the Park City Historic Sites Inventory may submit an Application for the removal of his/her Site from the Park City Historic Sites Inventory. The Planning Department may submit an Application for the removal of a Site from the Park City Historic Sites Inventory. The criteria and procedures for removing a Site from the Park City Historic Sites Inventory are as follows:

(1) **CRITERIA FOR REMOVAL.**

- (a) The Site no longer meets the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) because the qualities that caused it to be originally designated have been lost or destroyed; or
- (b) The Building (main, attached, detached, or public) Accessory Building, and/or Structure on the Site has been demolished and will not be reconstructed; or
- (c) Additional information indicates that the Building, Accessory Building, and/or Structure on the Site do not comply with the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2).

(2) **PROCEDURE FOR REMOVAL.**

- (a) **Complete Application.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for removal, the Planning staff shall schedule a hearing before the Historic

Preservation Board within thirty (30) days.

- (b) **Notice.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.

- (c) **Hearing and Decision.** The Historic Preservation Board will hear testimony from the Applicant and public and will review the Application for compliance with the “Criteria for Designating Historic Sites to the Park City Historic Sites Inventory.” The HPB shall review the Application “de novo” giving no deference to the prior determination. The Applicant has the burden of proof in removing the Site from the inventory. If the HPB finds that the Application does not comply with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached, or public) Accessory Building, and/or Structure will be removed from the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

*(Amended by Ord. Nos. 09-05; 09-23; 15-53)*

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

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

*(Amended by Ord. No. 09-23)*

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

The Planning Department shall review and approve, approve with conditions, or deny, all Historic District/Site design review Applications involving an Allowed Use, a Conditional Use, or any Use associated with a Building Permit, to build, locate, construct, remodel, alter, or modify any Building,

accessory Building, or Structure, or Site located within the Park City Historic Districts or Historic Sites, including fences and driveways.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5. Whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provision shall apply to the extent allowed by law.

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

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

(2) Each Application shall comply with all of the Design Guidelines for Historic Districts and Historic Sites unless the Planning Department determines that, because of the scope of the proposed

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

(3) The Planning Director, or his designee, may upon review of a Pre-Application submittal, determine that due to the limited scope of a project the Historic District or Historic Site Design Review process as outlined in LMC Sections 15-11-12(B-E) and Historic Preservation Board Review for Material Deconstruction as outlined in LMC Sections 15-11-12.5 are not required and is exempt.

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

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

(a) For Non-Historic Structures and Sites - minor

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

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

remodels, temporary improvements, and similar work.

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

(d) For Significant and Landmark Historic Structures and Sites, the Planning Director may determine that the proposed work is Emergency Repair Work having little or no negative impact on the historic

character of the surrounding neighborhood or the Historic District.

(B) **COMPLETE APPLICATION.**

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

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

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

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

comply with the Design Guidelines, the Application shall be denied.

(2) With the exception of any Application involving the Reconstruction of a Building, Accessory Building, and/or Structure on a Landmark Site, an Application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in 15-11-10(A)(1).

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

(F) **EXTENSIONS OF APPROVALS.**

Unless otherwise indicated, Historic District Design Review (HDDR) approvals expire one (1) year from the date of the Final Action. The Planning Director, or designee, may grant an extension of an HDDR approval for one (1) additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original HDDR approval

per Section 15-1-12. Extension requests must be submitted to the Planning Department in writing prior to the date of the expiration of the HDDR approval.

*(Amended by Ord. Nos. 09-23; 10-11; 11-05; 12-37; 15-53)*

**15-11-12.5 HISTORIC PRESERVATION BOARD REVIEW FOR MATERIAL DECONSTRUCTION.**

The Historic Preservation Board shall review and approve, approve with conditions, or deny, all Applications for Material Deconstruction involving any Building(s) (main, attached, detached, or public, Accessory Buildings and/or Structures designated to the Historic Sites Inventory as Landmark or Significant.

Prior to issuance of a Building Permit for any material deconstruction work, the Historic Preservation Board shall review the proposed plans for compliance with the Land Management Code. Planning staff shall review Material Deconstruction applications of interior elements that (1) have no impact on the exterior of the structure; or (2) are not structural in nature; or (3) the scope of work is limited to exploratory demolition.

(A) **COMPLETE APPLICATION.**

The Owner and/or Applicant for any Property shall be required to submit a Historic Preservation Board Review For Material Deconstruction for proposed work requiring a Building Permit in order to complete the work.

**(B) NOTICE.** Upon receipt of a Complete Application, but prior to taking action on any Historic Preservation Board Review for Material Deconstruction application, the Planning staff shall provide notice pursuant to Section 15-1-12 and 15-1-21 of this Code.

**(C) PUBLIC HEARING AND DECISION.** Following the fourteen (4) day public notice period noted in Section 15-1-21 of this Code, the Historic Preservation Board shall hold a public hearing and make written findings, conclusions of law, and conditions of approval or reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy.

*(Approved by Ord. No. 15-53)*

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

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or orientation of Historic Buildings, Structures, and Sites.

**(A) CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** In

approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a

Landmark Site or a Significant Site, the Historic Preservation Board shall find the project complies with the following criteria:

(1) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

(2) The Planning Director and Chief Building Official determine that the building is threatened in its present setting because of hazardous conditions and the preservation of the building will be enhanced by relocating it; or

(3) The Historic Preservation Board, with input from the Planning Director and the Chief Building Official, determines that unique conditions warrant the proposed relocation and/or reorientation on the existing Site which include but are not limited to:

(i) The historic context of the building has been so radically altered that the present setting does not appropriately convey its history and the proposed relocation may be considered to enhance the ability to interpret the historic character of the building and the district; or

- (ii) The new site shall convey a character similar to that of the historic site, in terms of scale of neighboring buildings, materials, site relationships, geography, and age; or
- (iii) The integrity and significance of the historic building will not be diminished by relocation and/or reorientation; or

(4) All other alternatives to relocation/reorientation have been reasonably considered prior to determining the relocation/reorientation of the building. These options include but are not limited to:

- (i) Restoring the building at its present site; or
- (ii) Relocating the building within its original site; or
- (iii) Stabilizing the building from deterioration and retaining it at its present site for future use; or
- (iv) Incorporating the building into a new development on the existing site.

**(B) PROCEDURE FOR THE RELOCATION AND/OR**

**REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE.**

All Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City shall be reviewed by the Historic Preservation Board pursuant to Section 15-11-12 of this Code.

*(Created by Ord. 09-23; Amended by Ord. Nos.12-37; 15-53)*

**15-11-14. DISASSEMBLY AND REASSEMBLY OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.**

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the disassembly and reassembly of Historic Buildings, Structures, and Sites.

**(A) CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE.**

In approving a Historic District or Historic Site design review Application involving disassembly and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the Historic Preservation Board shall find the project complies with the following criteria:

- (1) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) cannot reasonably be moved intact; and

(2) At least one of the following:

(a) The proposed disassembly and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

(b) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or

(c) The Historic Preservation Board determines, with input from the Planning Director and the Chief Building Official, ~~the~~ at that unique conditions and the quality of the Historic Preservation Plan warrant the proposed disassembly and reassembly; unique conditions include but are not limited to:

(i) If problematic site or structural conditions preclude temporarily lifting or moving a building as a single unit; or

(ii) If the physical conditions of the existing materials prevent temporarily lifting or moving a

building and the applicant has demonstrated that panelization will result in the preservation of a greater amount of historic material; or  
(iii) All other alternatives have been shown to result in additional damage or loss of historic materials.

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and

The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

**(B) PROCEDURE FOR THE DISASSEMBLY AND REASSEMBLY OF A LANDMARK SITE OR A SIGNIFICANT SITE.**

All Applications for the disassembly and reassembly of any Historic Building(s) and/or Structure(s) on a Landmark Site of a Significant Site within the City shall be reviewed by the Historic Preservation Board pursuant to Section 15-11-12 of this Code.

If an Application involving the disassembly and reassembly of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation

and/or reorientation of the reassembled Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

*(Created by Ord. No. 09-23; Amended by Ord. Nos. 11-05; 15-53)*

**15-11-15. RECONSTRUCTION OF AN EXISTING HISTORIC BUILDING OR HISTORIC STRUCTURE.**

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the Reconstruction of Historic Buildings, Structures, and Sites.

**(A) CRITERIA FOR RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** In

approving an Application for Reconstruction of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Historic Preservation Board shall find the project complies with the following criteria:

- (1) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; and
- (2) The Historic Building(s) and/or Structure(s) cannot be made safe and/or serviceable through repair; and

- (3) The form, features, detailing, placement, orientation and location of the Historic Building(s) and/or Structure(s) will be accurately depicted, by means of new construction, based on as-built measured drawings, historical records, and/or current or Historic photographs.

**(B) PROCEDURE FOR THE RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** All

Applications for the Reconstruction of any Historic Building and/or Structure on a Landmark Site or a Significant Site within the City shall be reviewed by the Historic Preservation Board pursuant to Section 15-11-12 of this Code.

If an Application involving the Reconstruction of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the Reconstructed Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

*(Created by Ord. No. 09-23; Amended by Ord. Nos. 11-05; 15-53)*

**15-11-16. DEMOLITION OF HISTORIC BUILDINGS, STRUCTURES AND SITES.**

It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on Demolition of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The Demolition or removal of Historic Buildings, Structures and Sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse, Reconstruction, and relocation within the Historic District. It is recognized, however, that economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary Demolition of a Historic Building, Structure or Site.

(A) **DEMOLITION, RECONSTRUCTION, OR REPAIR OF HAZARDOUS BUILDINGS.** If, upon review, the Chief Building Official determines the subject Building, Structure or Site to be structurally unsound, and a hazardous or dangerous Building, pursuant to Section 116.1 of the International Building Code, the Chief Building Official may order its Demolition, Reconstruction, or repair.

(B) **REQUIREMENT FOR STAY OF DEMOLITION.** In the absence of a finding of public hazard, the Application for Demolition shall be stayed for 180 days.

*(Amended by Ord. Nos. 09-10; 09-23; 11-05)*

**15-11-17. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).**

With the exception of any Building or Structure falling under the purview of Section 116.1 of the International Building Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be Historic, pursuant to the standards of review set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) herein, may be Demolished without the issuance of a Certificate of Appropriateness for Demolition (CAD) by an independent CAD Hearing Board appointed by the City. Application for a CAD shall be made on forms prescribed by the City and shall be submitted to the Planning Department.

*(Amended by Ord. Nos. 06-35; 09-10; 09-23)*

**15-11-18. CAD PRE-HEARING APPLICATION REQUIREMENTS.**

Upon submittal of a CAD Application to the Planning Department, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is "threatened." Said sign shall be at least three feet by two feet (3' X2'), readable from a point of public Access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the Owner shall conduct negotiations with the City for the sale or lease of the Property or

take action to facilitate proceedings for the City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

At the end of the forty-five (45) days, the Application will be scheduled for a hearing before the CAD Hearing Board, upon showing that the above requirements have been met and all economic hardship information required has been submitted. The Applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Planning Department staff shall notify the Owner if any additional information is needed to complete the Application.

(A) **CAD HEARING BOARD.** Upon confirmation of receipt of a complete CAD Application, the City shall appoint an independent CAD Hearing Board, consisting of three (3) members, for the purpose of reviewing and taking action upon the Application. The City Manager shall appoint the CAD Board as the need might arise, solely for the purpose of reviewing and taking final action on all CAD Applications.

It is the first priority of the City that the CAD Board has substantial experience in finance, real estate, and commercial business interests. Hence, the Board should possess the following qualifications, or represent the following interests:

(1) A member appointed at large from Park City with demonstrated knowledge of economics, accounting and finance;

(2) A member appointed at large from Park City who is an attorney at law; and

(3) A member appointed from the Board of Adjustment.

**15-11-19. CAD HEARING.**

At the hearing, the CAD Hearing Board will review the Application pursuant to the economic hardship criteria set forth in Section 15-11-19(A) herein, and consider public input. The CAD Hearing Board may only approve Demolition of a Historic Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the CAD Application.

(A) **ECONOMIC HARDSHIP CRITERIA.** In order to sustain a claim of unreasonable economic hardship, the Owner shall provide information pertaining to whether the Property is capable of producing a reasonable rate of return for the Owner or incapable of beneficial Use. The City shall adopt by resolution separate standards for investment or income producing and non-income producing Properties, as recommended by the HPB. Non-income Properties shall consist of Owner occupied Single-Family Dwellings and non-income producing institutional Properties. The information required by the City may include, but not be limited to the following:

(1) Purchase date, price and financing arrangements;

- (2) Current market value;
- (3) Form of ownership;
- (4) Type of occupancy;
- (5) Cost estimates of Demolition and post-Demolition plans;
- (6) Maintenance and operating costs;
- (7) Costs and engineering feasibility of rehabilitation;
- (8) Property tax information; and
- (9) Rental rates and gross income from the Property.

The CAD Hearing Board, upon review of the CAD Application, may request additional information as deemed appropriate.

**(B) CONDUCT OF OWNER**

**EXCLUDED.** Demonstration of economic hardship by the Owner shall not be based on conditions resulting from:

- (1) willful or negligent acts by the Owner; or
- (2) purchasing the Property for substantially more than market value at the time of purchase; or
- (3) failure to perform normal maintenance and repairs; or

- (4) failure to diligently solicit and retain tenants; or
- (5) failure to provide normal tenants improvements.

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

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

(D) **APPROVAL.** If the CAD Hearing Board approves the Application, the Owner may apply for a Demolition permit with the Building Department and proceed to

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

(E) **DENIAL**. If the CAD Hearing Board denies the Application, the Owner shall not Demolish the Building, Structure or Site, and may not re-apply for a CAD for a period of three (3) years from the date of the CAD Hearing Board's final decision, unless substantial changes in circumstances have occurred other than the re-sale of the Property or those caused by the negligence or intentional acts of the Owner. It shall be the responsibility of the Owner to stabilize and maintain the Property so as not to create a structurally unsound, hazardous, or dangerous Building, as identified in Section 116.1 of the International Building Code. The City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available.

(F) **APPEAL**. The City or any Persons adversely affected by any decision of the

CAD Hearing Board may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Officer's decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within thirty (30) days after the date of the CAD Hearing Board's decision.

*(Amended by Ord. Nos. 09-10; 09-23; 10-11; 11-05)*

**TITLE 15 - LAND MANAGEMENT CODE**

**CHAPTER 15 - DEFINED TERMS**

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 15 - DEFINITIONS**

*Chapter adopted by Ordinance No. 00-25*

**CHAPTER 15 - DEFINED TERMS.**

**15-15-1. DEFINITIONS.**

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

1.1 **ACCESS.** The provision of vehicular and/or pedestrian ingress and egress to Structures, facilities or Property.

1.2 **ACCESSORY APARTMENT.** A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to a Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling.

1.3 **ACCESSORY BUILDING.** A Building on the same Lot as the principal Building and that is:

- (A) clearly incidental to, and customarily found in connection with such principal Building, such as detached garages, barns, and other similar Structures that require a Building Permit;
- (B) operated and maintained for the benefit of the principal Use;
- (C) not a Dwelling Unit; and
- (D) also includes Structures that do not require a Building Permit, such as sheds, outbuildings, or similar Ancillary Structures. See Ancillary Structure.

1.4 **ACCESSORY USE.** A land Use that is customarily incidental and subordinate to the to the primary Use located on the same Lot.

1.5 **ACTIVE BUILDING PERMIT.** Any Building Permit that has not expired.

1.6 **ADMINISTRATIVE PERMIT.** A permit issued by the Planning, Building, and Engineering Departments for specified Use upon proof of compliance with certain criteria.

1.7 **AFFORDABLE HOUSING.** Dwelling Units for rent or for sale in a price range affordable to families in the low to moderate income range.

1.8 **AGENT.** The Person with written authorization to represent an Owner.

1.9 **AGRICULTURE.** Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as meat, fruit, or other food packing and/or processing plants, fur farms, livestock feeding operations, animal hospitals, or similar Uses.

1.10 **ALLOWED USE.** A Use that is permitted in a Zoning District without a Conditional Use permit, not including Non-Conforming Use.

1.11 **ALTERATION, BUILDING.** Any act or process that changes the Architectural Detail of a Building, including

but not limited to, the erection, construction, reconstruction, or removal of any Building.

1.12 **ANCILLARY STRUCTURE.** One-Story, attached or detached Structure, 250 square feet in Area or smaller, that is subordinate to and located on the same Lot as the principal Use, does not include Dwelling Area, and is not intended for sleeping or cooking. Includes Structures such as sheds, green houses, play equipment, utility Buildings, and similar Structures that may or may not require a Building Permit.

1.13 **ANEMOMETERS AND ANEMOMETER TOWERS.** A temporary tower and housing or supporting wind measuring equipment for the purpose of establishing the viability of the wind generated energy by measuring and monitoring wind velocity, direction, shear, duration, intensity, and regularity.

1.14 **ANTENNA.** A transmitting or receiving device used in Telecommunications that radiates or captures radio, television, or similar communication signals.

(A) **Antenna, Drive Test.** A temporary Antenna which is used for field testing of Telecommunications signals and for possible locations for a permanent Antenna, but does not provide Telecommunications to customers.

(B) **Antenna, Enclosed.** An Antenna or series of individual Antennas entirely enclosed inside a Structure, including but not limited to a cupola or wall of a Building or chimney.

(C) **Antenna, Freestanding.** An Antenna mounted on or within a stand alone support Structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole, or other vertical support.

(D) **Antenna, Roof Mounted.** An Antenna or series of individual Antennas mounted on a roof of a Building.

(E) **Antenna, Temporary.** An Antenna used for a time period of less than thirty (30) days.

(F) **Antenna, Wall Mounted.** An Antenna or series of individual Antennas mounted fully against the exterior face of a Building including on the face of a chimney or penthouse. A wall or face of a Building is defined as the entire Area of all exposed vertical surfaces of a Building that are above ground and facing approximately the same direction.

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

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

1.17 **APPLICATION.** A written request, completed in a manner prescribed in this Code, for review, approval, or issuance of a Development permit, including but not limited to Conditional Use permits, Building Permits, variances, annexation and re-zoning requests, Subdivision and record of survey

plats, plat amendments, Code amendments, design review, and Administrative Permits.

(A) **Application, Complete.** A submission that includes all information requested on the appropriate form, and payment of all applicable fees.

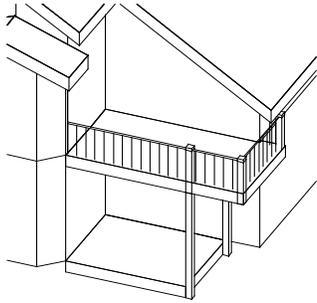
1.18 **ARCHITECTURAL DETAIL.** Physical Properties, features or components of a Building or Structure which embody distinctive characteristics of a type, period, or method of construction and refers to the way in which the Property was conceived, designed, or fabricated by a people or culture. Within a Historic District, these physical features or traits commonly recur in individual Buildings. The characteristics can be expressed in terms of form, proportion, Structure, plan, architectural style, or materials such as siding, doors, windows, or trim.

1.19 **AREA OR SITE.** A specific geographic division of Park City where the location maintains Historical, cultural or archeological value regardless of the value of any existing Structure.

1.20 **ATTIC.** The space between the ceiling joists and roof rafters.

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

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



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

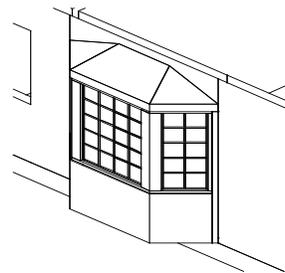
**1.231.24 BARREL ROOF.** A roof with a semi-cylindrical form and having a semi-circular cross-section.

**1.241.25 BASE ZONING.** Existing zoning without the addition of the Transfer of Development Rights overlay zone.

**1.251.26 BASEMENT.** Any floor level below the First Story in a Building. Those floor levels in Buildings having only one floor level shall be classified as a Basement, unless that floor level qualifies as a First Story as defined herein. See First Story.

1.

**1.261.27 BAY WINDOW.** A window or series of windows forming a recess or bay from a room and projecting outward from the wall. A Bay Window does not include a window directly supported by a foundation.



**1.271.28 BED AND BREAKFAST INN.** A Business, located in an Owner or on-Site manager occupied dwelling, in which up to ten (10) Bedrooms are rented nightly or weekly, and where one (1) or more meals are provided to the guests only, the price of which is usually included in the room rate. Bed and Breakfast Inns are considered a lodging Use where typical lodging services are provided, such as daily maid service.

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

**1.30 BILLBOARD.** A separate room designed for or used as a sleeping room. A freestanding, roof mounted, or wall mounted Sign used, designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the Property on which the sign is located.

**1.291.31**

~~1.30~~1.32 **BLANK WALL.** A wall of a Building faced with a single material of uniform texture and color on a single plan with less than thirty percent (30%) of the surface of the wall as openings or windows.

~~1.31~~1.33 **BLOCK.** A tract of land bounded by Streets, or by a combination of Streets and public parks, cemeteries, railroad Rights-of-Way, shore lines of water ways, or City boundary lines, as shown on an official plat.

~~1.32~~1.34 **BOARDING HOUSE.** A Business, within a dwelling with two (2) or more Bedrooms where, for direct or indirect compensation, on a monthly basis, the Owner provides lodging and/or common Kitchen facilities or meals for boarders not related to the head of the household. Boarding Houses do not include the Use of Nightly Rental.

~~1.33~~1.35 **BUILDING.** Any Structure, or any part thereof, built or used for the support, shelter, or enclosure of any Use or occupancy by Persons, animals, or chattel.

(A) **Building, Attached.** A Building connected on one (1) or more sides to an adjacent Building by a common Party Wall with a separate exterior entrance for each Building.

(B) **Building, Detached.** Any Building separated from another Building on the same Lot or Parcel.

(C) **Building, Main.** The principal Building, or one of the principal Buildings on a Lot, that is used primarily for the

principal Use.

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

~~1.34~~1.36 **BUILDING ENVELOPE.** The Building Pad, Building Footprint, and Height restrictions that defines the maximum Building Envelope in which all Development must occur.

~~1.35~~1.37 **BUILDING FOOTPRINT.** The total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building.

~~1.36~~1.38 **BUILDING PAD.** The exclusive Area, as defined by the Yards, in which the entire Building Footprint may be located. See the following example; also see Limits of Disturbance.

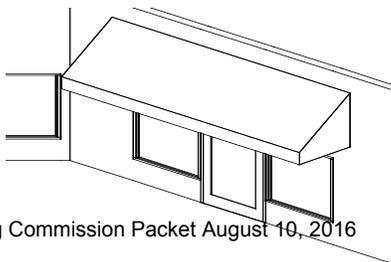


1.371.39 **BUILDING PERMIT.** A permit issued by the Chief Building Official authorizing Construction Activity on a Property or Lot.

1.381.40 **BUSINESS.** Any activity within Park City carried on for the purpose of gain or economic profit. The acts of employees rendering service to employers are not included in the term Business unless otherwise specifically prescribed. Business includes but is not limited to, the sale or rental of tangible personal or real Property, the manufacturing of goods or Property and the rendering of personal services for others for consideration by Persons engaged in any profession trade, craft, occupation, or other calling.

1.391.41 **CAFE.** A Business that primarily sells beverages for on-Site consumption. May serve food prepared off-premises but does not have International Building Code (IBC) Commercial Kitchen facilities and generally does not employ hostesses, wait staff, bus staff, chefs, or other employees typically associated with a restaurant.

1.401.42 **CANOPY.** A roof or awning constructed of fabric or other material and extending outward from a Building to provide a protective shield for doors, windows, or other openings with supports extended to the ground directly under the Canopy or cantilevered from the Building.



1.411.43 **CAPITAL IMPROVEMENTS PROGRAM.** A proposed schedule and description of all proposed public works, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

1.421.44 **CERTIFICATE OF APPROPRIATENESS.** A certificate issued by the Building Department in cases of immediate public hazard, the Planning Department in cases of architectural insignificance, or the Historic Preservation Board in all other cases, indicating approval of plans for Alteration, construction, removal, or Demolition of a Landmark or Building having architectural Significance.

1.431.45 **CERTIFICATE OF ECONOMIC HARDSHIP.** A certificate issued by the Historic Preservation Board authorizing an Alteration, construction, removal, or Demolition of a Historic Landmark, or Building having architectural Significance, even though a Certificate of Appropriateness has previously been denied.

1.441.46 **CERTIFICATE OF OCCUPANCY.** A certificate issued by the Chief Building Official authorizing occupancy of a dwelling, Business, or any other Structure requiring a Building Permit.

1.451.47 **CHILD CARE.** The provision, day or night, of supplemental

parental care, instruction and supervision for a non-related child or children, on a regular basis, and for less than 24 hours a day.

The term does not include babysitting services on a casual, non-recurring nature or in the child's own home nor cooperative, reciprocate Child Care by a group of parents in their respective domiciles.

(A) **Child Care, In-Home Babysitting.** The provision of Child Care for four (4) or fewer children within a dwelling and within commercial Buildings outside of residential Zoning Districts.

(B) **Child Care, Family.** The provision of Child Care for up to eight (8) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

(C) **Child Care, Family Group.** The provision of Child Care for nine (9) to sixteen (16) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

~~1.46~~1.48 **CHILD CARE CENTER.**

A Structure or Building, including outside play Areas, used for the provision of Child Care for more than four (4) children for less than twenty four (24) hours per day, meeting all State requirements for Child Care that is not also the primary residence of the care provider.

~~1.47~~1.49 **CITY DEVELOPMENT.**

Any Conditional Use permit or Master Planned Development in which Park City

Municipal Corporation or corporations controlled by Park City Municipal Corporation is the Applicant.

~~1.48~~1.50 **CLEARVIEW OF**

**INTERSECTING STREETS.** On any Corner Lot, an Area is kept clear of Structures, Fences, or tall vegetation, to allow vehicle drivers an unobstructed view of traffic approaching on the intersecting Street. This Area is the Site Distance Triangle. See Site Distance Triangle.

~~1.49~~1.51 **CLUB.**

(A) **Club, Amenities.** Any organization formed and operated for the primary purpose of providing its members with social and recreational opportunities involving the access, use and enjoyment of physical amenities and services provided at or through an existing approved Hotel, including restaurants, bars, spas, spa services, pools, lounges, exercise facilities, lockers, ski facilities and services, pools, and other facilities and services.

(B) **Club, Private.** Any non-profit corporation, or organization, operating as a social club, recreational, fraternal, athletic or kindred association organized primarily for the benefit of its stockholders or members and serving alcoholic beverages and/or food.

(C) **Club, Private Residence.** Residential Use real estate within a single Condominium project, in which ownership or Use of a Condominium Dwelling Unit or group of Condominium Dwelling Units and associated common area is shared by not less than four (4) or more than twelve (12)

Owners or members per Condominium Dwelling Unit and whose Use is established by a reservation system and is managed with 24 hour reservation and Property management, seven (7) days a week, providing reservation, registration, and management capabilities. Membership in a Private Residence Club may be evidenced by:

- (1) a deeded interest in real Property;
- (2) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation, or other Business entity;
- (3) a non-entity membership in a non-profit corporation, non-incorporated association, or other entity;
- (4) beneficial interest in a trust;
- (5) other arrangement providing for such Use and occupancy rights.

(D) **Club, Private Residence Conversion.** The conversion of Condominium Units and associated Common Areas within an existing Condominium project to the exclusive Use as Private Residence Club.

(E) **Club, Private Residence Off-Site.** Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate

project. Hospitality includes, but is not limited to, any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

(F) **Club, Private Residence Project.** Any Condominium Property that is subject to a Private Residence Club deed, interest, trust, or other arrangement for providing for Use and Ownership as a Private Residence Club, and contains at least four (4) units.

~~1.50~~1.52 **CLUSTER DEVELOPMENT.** A design that concentrates Buildings in specific Areas on a Site to allow the remaining land to be used for recreation, Open Space, and preservation of environmentally sensitive Areas.

~~1.51~~1.53 **CODE.** The Land Management Code (LMC).

~~1.52~~1.54 **COLLECTOR ROAD.** A road intended to move traffic from local roads to major throughways. A Collector Road generally serves a neighborhood or a large Subdivision.

~~1.53~~1.55 **CO-LOCATION.** The location of Telecommunications Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

~~1.54~~1.56 **COMMERCIAL USE.** Retail Business, service establishments, professional offices, and other enterprises that include commerce and/or trade and the

buying and selling of goods and services.

(A) **Commercial Use, Support.** A Commercial Use oriented toward the internal circulation of a Development, for the purpose of serving the needs of the residents or users of that Development, and not Persons drawn from Off-Site.

(B) **Commercial Use, Resort Support.** A Commercial Use that is clearly incidental to, and customarily found in connection with, the principal resort Use, and which is operated and maintained for the benefit or convenience of the Owner, occupants, employees, customers of, or visitors to, the principal Use.

~~1.55~~1.57 **COMMON AREA.** Facilities and yards under Common Ownership, identified within projects, for the Use and enjoyment of the residents.

~~1.56~~1.58 **COMMON OWNERSHIP.** Ownership of the same Property by different Persons.

~~1.57~~1.59 **COMPATIBLE OR COMPATIBILITY.** Characteristics of different Uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. Elements affecting Compatibility include, but are not limited to, Height, scale, mass and bulk of Building, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive Areas, and Building patterns.

(A) **Visual Compatibility.**

Characteristics of different architectural designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. In addition to the elements effecting Compatibility which include, but are not limited to Height, scale, mass, and bulk of Building. Other factors that dictate compatibility include proportion of building's front façade, proportion of openings within the facility, rhythm of solids to voids in front facades; rhythm of entrance or porch projections; relationship of materials and textures; roof shapes; scale of building.

~~1.58~~1.60 **CONDITIONAL USE.** A land Use that, because of its unique characteristics or potential impact, is allowed only if certain measures are taken to mitigate or eliminate the potential impacts.

~~1.59~~1.61 **CONDOMINIUM.** Any Structure or Parcel that has been submitted to fractionalized Ownership under the provisions of the Utah Condominium Ownership Act.

~~1.60~~1.62 **CONSERVATION ACTIVITY.** A process to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources.

~~1.61~~1.63 **CONSERVATION EASEMENT.** An easement, covenant, restriction, or condition in a deed, will, or other instrument signed by or on behalf of the record owner of the underlying real property for the purpose of preserving and maintaining land or water areas predominantly in a natural state, scenic, or

open condition, or for recreational, agricultural, cultural, wildlife habitat, or other use or condition consistent with the protection of open land. Conservation easement(s) granted from the Transfer of Development Rights Ordinance shall be subject to The Land Conservation Easement Act, Section 57-18-1 (et seq.), Utah Code Annotated, 1953 as amended.

1.621.64 **CONSTITUTIONAL TAKING.** Final Action(s) by the City to physically take or exact private real Property that requires compensation to the Owner because of the mandates of the Fifth or Fourteenth Amendment to the Constitution of the United States, or of Article I, Section 22, of the Utah Constitution.

1.631.65 **CONSTRUCTION ACTIVITY.** All Grading, excavation, construction, Grubbing, mining, or other Development Activity which disturbs or changes the natural vegetation, Grade, or any existing Structure, or the act of adding an addition to an existing Structure, or the erection of a new principal or Accessory Structure on a Lot or Property.

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

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

1.661.68 **CONTINUITY.** The state or quality of being continuous, as a line, edge,

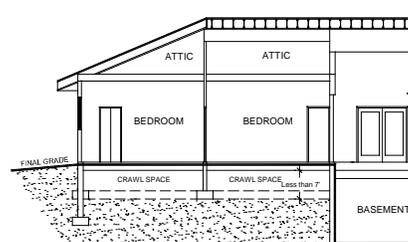
or direction. Factors that dictate continuity within a streetscape include, but are not limited to, mass scale, and height of buildings; streetscape elements such as sidewalks, curbs, rock walls, and paving patterns; and development patterns such as setbacks, orientation of buildings, repetition of porches and entryways.

1.671.69 **CONTRIBUTING BUILDING, STRUCTURE, SITE/AREA OR OBJECT.** Building (main, attached, detached, or public, Accessory Building, Structure, Site, or Object that is determined by the Historic Preservation Board to meet specific criteria set forth in LMC 15-11-10. A portion of an existing building, an Accessory Building, Structure, or object may also be considered contributory so the historical significance of a Building or Site if it reflects the Historical or architectural character of the site or district as designated by the Historic Preservation Board.

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

1.691.71 **COVER, SITE.** The Area covered by an Impervious Surface such as a Structure, deck, pool, patio, walk, or driveway.

1.701.72 **CRAWL SPACE.** An uninhabitable Area with no exterior windows or doors and less than seven vertical feet (7') measured from the base of the footings to the floor framing above.



~~1.71~~1.73 **CREST OF HILL**. The highest point on a hill or Slope as measured continuously throughout the Property. Any given Property may have more than one (1) Crest of Hill.

~~1.72~~1.74 **CUL-DE-SAC**. A local Street with only one outlet and an Area for the safe and convenient reversal of traffic.

~~1.73~~1.75 **DELI OR DELICATESSEN**. A Business which primarily sells prepared foods and drinks for consumption on or off the premises, but does not have International Building Code (IBC) Commercial Kitchen facilities and does not employ hostesses, wait staff, bus staff, or other employees typically associated with a Restaurant.

~~1.74~~1.76 **DEMOLISH OR DEMOLITION**. Any act or process that destroys in part or in whole a Building or Structure. Includes dismantling, razing, or wrecking of any fixed Buildings(s) or Structure(s). Excludes Building(s) and/or Structure(s) undergoing relocation and/or reorientation pursuant to Section 15-11-13 of this Code, disassembly pursuant to Section 15-11-14 of this Code, ~~or~~and Reconstruction pursuant to Section 15-11-15 of this Code. It also excludes any Material Deconstruction approved by the Historic Preservation Board pursuant to Section 15-11-12.5, or is exempt pursuant to 15-11-

12(A).

~~1.75~~1.77 **DENSITY**. The intensity or number of non-residential and Residential Uses expressed in terms of Unit Equivalents per acre or Lot or units per acre. Density is a function of both number and type of Dwelling Units and/or non-residential units and the land Area.

(A) In terms of visual compatibility, Density refers to the pattern of clustering residential or commercial structures within a neighborhood and/or District. The pattern is established by the overall mass (length, height, and width) of the structure visible from the Right-of-Way, size of the lot(s), width between structures, and orientation of structures on the site.

~~1.76~~1.78 **DESIGN GUIDELINE**. A standard of appropriate activity that will preserve the Historic and architectural character of a Landmark, Building, Area, or Object.

~~1.77~~1.79 **DETACHED**. Completely separate and disconnected. Not sharing walls, roofs, foundations, or other structural elements.

~~1.78~~1.80 **DEVELOPABLE LAND**. That portion of a Master Planned Development or Cluster Development within the Sensitive Lands Overlay that is designated for Density.

~~1.79~~1.81 **DEVELOPER**. The Applicant for any Development.

~~1.80~~1.82 **DEVELOPMENT**. The act,

process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or Demolishing any Structure or improvement to Property including Grading, clearing, Grubbing, mining, excavating, or filling of such Property. Includes Construction Activity.

~~1.81~~1.83 **DEVELOPMENT AGREEMENT**. A contract or agreement between an Applicant or Property Owner and the City pursuant to the provisions in this Code and used as an implementation document for Master Planned Developments.

~~1.82~~1.84 **DEVELOPMENT APPROVAL APPLICATION**. Includes any Application for any Development approval including, but not limited to Grubbing, Grading, an alteration or revision to an approved MPD, Conditional Use permit (CUP), zoning or rezoning, Subdivision, or annexation. The term “Development Approval Application” shall not include any Building Permits associated with construction within an approved Subdivision or on an existing platted Lot unless otherwise specified.

~~1.83~~1.85 **DEVELOPMENT CREDIT**. A credit measured in Unit Equivalents that denotes the amount of density on a Sending Site which may be Transferred.

~~1.84~~1.86 **DEVELOPMENT CREDIT CERTIFICATE**. The certificate issued by the Planning Director of Park City that represents the total number of development credits recognized for and derived from the

sending site that may be Transferred.

~~1.85~~1.87 **DEVELOPMENT RIGHT**. The right held by a fee simple property owner to build on a legally established parcel of real property. This right is limited by applicable zoning ordinances.

~~1.86~~1.88 **DISABLED CARE**. A long-term care residential facility for disabled Persons, Persons suffering from a physical or mental impairment that substantially limits one (1) or more of a Person’s major life activities, including a Person having a record of such an impairment or being regarded as having such an impairment.

~~1.87~~1.89 **DISSIMILAR LOCATION**. A location that differs from the original location in terms of vegetation, topography, other physical features, and proximity of Structures.

~~1.88~~1.90 **DWELLING**.

(A) **Dwelling, Duplex**. A Building containing two (2) Dwelling Units.

(B) **Dwelling, Triplex**. A Building containing three (3) Dwelling Units.

(C) **Dwelling, Multi-Unit**. A Building containing four (4) or more Dwelling Units.

(D) **Dwelling, Single Family**. A Building containing not more than one (1) Dwelling Unit.

~~1.89~~1.91 **DWELLING UNIT**. A Building or portion thereof designed for Use

as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.

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

1.911.93 **ELDER CARE.** A long-term care residential facility for elderly Persons, adults sixty (60) years of age or older, who because of physical, economic, social, or emotional problems cannot function normally on an independent basis. The term does not include a health care facility.

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

1.931.95 **EMERGENCY REPAIR WORK.** Work requiring prompt approval because of an imminent threat to the safety or welfare of the public or to the structure or site. The scope of the approval for emergency repair work shall only be to the extent related to stabilizing or repairing the emergency situation. Staff shall give a verbal report regarding the emergency repairs at the next Historic Preservation meeting.

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

1.951.97 **ESCROW.** A deposit of cash or approved alternate in lieu of cash

with a third party held to ensure a performance, maintenance, or other Guarantee.

1.961.98 **ESSENTIAL HISTORICAL FORM.** The physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past.

1.971.99 **EXTERIOR ARCHITECTURAL APPEARANCE.** The architectural character and general composition of the exterior of a Building or Structure, including but not limited to the kind, color, and texture of the Building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant features.

1.981.100 **FACADE.**

(A) **Facade, Building.** The exterior of a Building located above ground and generally visible from public points of view.

(B) **Façade, Front.** That portion of a Building that generally faces the street and/or Front Lot Line.

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

1.1001.102 **FAÇADE SHIFT.** A change or break in the horizontal or vertical plane of the exterior of a Building.

1.1011.103 **FENCE.** A Structure to separate or divide outdoor Areas. The term

Fence includes, but is not limited to, net Screening for golf balls, and masonry walls. A Fence need not be sight obscuring or light tight.

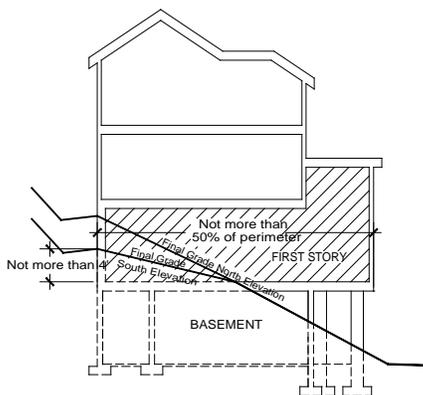
**1.1021.104 FILTERED LIGHT**

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

**1.1031.105 FINAL ACTION.** The later of the final vote or written decision on a matter.

**1.1041.106 FINAL PLAT.** A recordable Subdivision or Condominium map.

**1.1051.107 FIRST STORY.** The lowest Story in a Building provided the floor level is not more than four feet (4') below Final Grade for more than fifty percent (50%) of the perimeter. Can include habitable or uninhabitable Floor Area. See the following illustration:



**1.1061.108 FLOOD PLAIN AREA.** An Area adjoining a river, Stream, or water course, or body of standing water in which a potential flood hazard exists when the Area

experiences a one hundred year storm, including, any Area designated as a Flood Plain by the Department of Housing and Urban Development or Federal Emergency Management Agency of the United States Government.

**1.1071.109 FLOOR AREA.**

(A) **Floor Area, Gross Residential.** The Area of a Building, including all enclosed Areas, Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Residential Floor Area. Garages, up to a maximum Area of 600 square feet<sup>1</sup>, are not considered Floor Area. Basement and Crawl Space Areas below Final Grade are not considered Floor Area. Floor Area is measured from the finished surface of the interior of the exterior boundary walls.

(B) **Floor Area, Gross Commercial.** The Area of a Building including all enclosed Areas excluding parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.

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

<sup>1</sup>400 sq. ft. in Historic Districts

~~1.108~~1.110 **FLOOR AREA RATIO**

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

~~1.109~~1.111 **FOOT CANDLE.** A unit for measuring the amount of illumination on a surface. The measurement is a candle power divided by distance.

(A) **Foot Candle, Average (afc).** The level of light measured at an average point of illumination between the brightest and darkest Areas, at the ground surface or four to five feet (4' to 5') above the ground surface.

(B) **Foot Candle, Horizontal (hfc).** A unit of illumination produced on a horizontal surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

(C) **Foot Candle, Vertical (vfc).** A unit of illumination produced on a vertical surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

~~1.110~~1.112 **FRONTAGE.** That portion of a Lot abutting a public or private Right-of-Way and ordinarily regarded as the front of the Lot.

~~1.111~~1.113 **FULLY SHIELDED.** Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

~~1.112~~1.114 **GARAGE.**

(A) **Garage, Commercial.** A Building, or portion thereof, used for the storage or parking of motor vehicles for consideration.

(B) **Garage, Front Facing.** Garages that face or are generally parallel to the Street frontage.

(C) **Garage, Private.** An Accessory Building, or a portion of the Main Building, used for the storage of motor vehicles for the tenants or occupants of the Main Building and not by the general public.

(D) **Garage, Public.** A Building or a portion thereof, used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles, that is open to the general public.

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

~~1.113~~1.116 **GOOD CAUSE.** Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices,

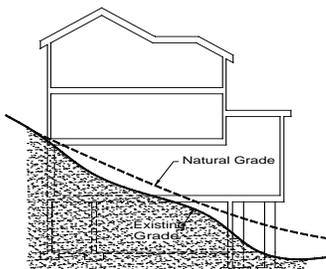
preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

**1.1141.117 GOVERNING BODY.** The City Council of Park City.

**1.1151.118 GRADE.** The ground surface elevation of a Site or Parcel of land.

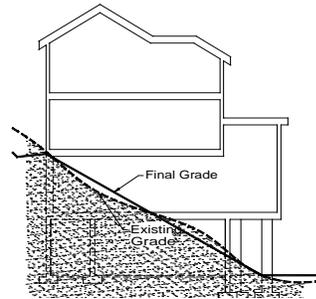
(A) **Grade, Existing.** The Grade of a Property prior to any proposed Development or Construction Activity.

(B) **Grade, Natural.** The Grade of the surface of the land prior to any Development Activity or any other man-made disturbance or Grading. The Planning Department shall estimate the Natural Grade, if not readily apparent, by reference elevations at points where the disturbed Area appears to meet the undisturbed portions of the Property. The estimated Natural Grade shall tie into the elevation and Slopes of adjoining Properties without creating a need for a new retaining wall, abrupt differences in the visual Slope and elevation of the land, or redirecting the flow of run-off water.



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

Development Activity.



**1.1161.119 GRADING.** Any earthwork or activity that alters the Natural or Existing Grade, including but not limited to excavating, filling or embanking.

**1.1171.120 GREEN ROOF.** A roof of a Building that is covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. This does not refer to roofs which are colored green, as with green roof shingles.

**1.1181.121 GROUP CARE FACILITY.** A Building or Structure where care, protection, supervision, and limited medical care are provided on a regular schedule for up to ten (10) children or adults, including caretakers. May include multiple overnight stays.

**1.1191.122 GRUBBING.** The removal or destruction of vegetation, including disturbance to the root system or soil surface by mechanical, chemical or other means.

**1.1201.123 GUARANTEE.** Any form of security including a cash deposit with the City, a letter of credit, or an Escrow agreement in an amount and form

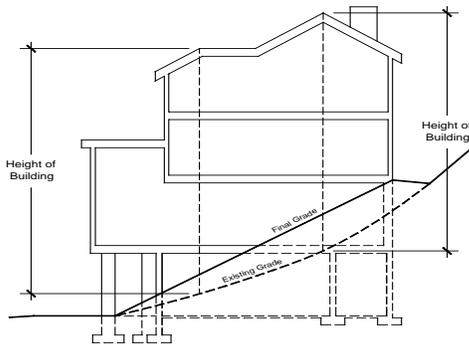
satisfactory to the City or some combination of the above as approved by the city or an approved equal, including but not limited to a lien on the Property.

1.121.124 **GUEST HOUSE.** An Accessory Building and dwelling intended for non-rent paying guests of the primary Dwelling Unit's residents. Guest Houses are not a lodging Use where typical lodging services are provided. Payment is not allowed.

1.122.125 **HABITABLE SPACE (ROOM).** Space in a Structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage, or utility space, and similar Areas are not considered Habitable Space.

1.123.126 **HARD-SURFACED.** Covered with concrete, brick, asphalt, or other Impervious Surface.

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



1.125.128 **HELIPAD.** A facility without the logistical support provided by a Heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.

1.126.129 **HELIPORT.** Any landing Area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

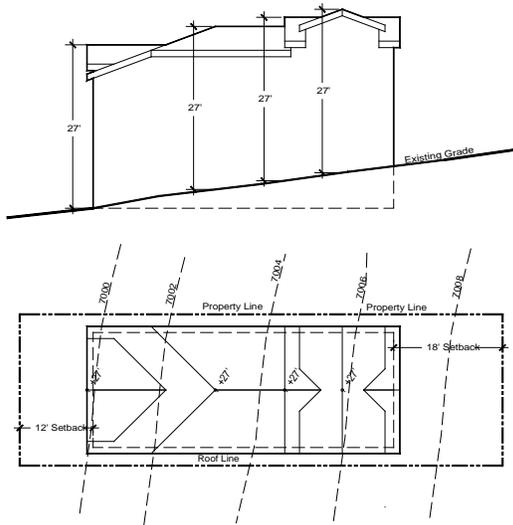
1.127.130 **HELISTOP.** Any landing Area used for the taking off or landing of private helicopters for the purpose of picking up and discharging passengers or cargo. This facility is not open to use by any helicopter without prior permission having been obtained.

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

1.129.132 **HISTORIC BUILDING, STRUCTURE, SITE OR OBJECT.** Any Building, Structure, Site and/or object, as designated by the Historic Preservation Board to demonstrate Historic Significance as set forth in LMC Chapter 15-11.

1.130.133 **HISTORIC DISTRICT.** A geographically definable Area possessing a significant concentration, linkage, or continuity of Buildings, Structures, Sites or objects united by past events, plan or physical Development. A Historic District may comprise an individual Site or □

individual elements separated geographically but linked by association, plan, design, or history.



*Historic District Building Height*

**1.131.134 HISTORIC INTEGRITY.**

The ability of a Site to retain its identity and, therefore, convey its Significance in the history of Park City. Within the concept of Historic Integrity, Park City Municipal Corporation recognizes seven (7) aspects or qualities as defined by the National Park Service, that in various combinations define integrity. They are as follows:

- (A) **Location.** The place where the Historic Site was constructed or the Historical event took place.
- (B) **Design.** The combination of physical elements that create the form, plan, space, Structure, and style of a Site. Design includes such considerations as the structural system, massing, arrangement of spaces, pattern of fenestration, textures and colors of

surface materials, type, amount and style of ornamental detailing, and arrangement and type of plantings in the designed landscape.

(C) **Setting.** The physical environment, either natural or manmade, of a Historic Site, including vegetation, topographic features, manmade features (paths, fences, walls) and the relationship between Structures and other features or open space.

(D) **Materials.** The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration to form a Historic Site.

(E) **Workmanship.** The physical evidence of the crafts of a particular culture or people during any given period of history, including methods of construction, plain or decorative finishes, painting, carving, joinery, tooling, and turning.

(F) **Feeling.** A Site's expression of the aesthetic of Historic sense of a particular period of time. Feeling results from the presence of physical features that, taken together, convey the Property's Historic character.

(G) **Association.** The direct link between an important Historic era or Person and a Historic Site. A Site retains association if it is in the place where the activity occurred and is sufficiently intact to convey that relationship to an observer.

**1.135 HISTORIC SITES INVENTORY.**

A list of Historic Sites, as determined by the Historic Preservation Board, that meets

specified criteria set form in Land Management Code Chapter 15-11.

~~1.132~~1.136 **HISTORIC STRUCTURES REPORT (HSR).** A multi-disciplinary planning document, often created by a team of professionals that provides a forum to identify historic fabric and the means to minimize its loss, damage, or adverse effects upon it. The HSR generally includes the history of construction, alterations, owners, and significant events at the property based on physical and documentary evidence; current conditions; remaining significant and character-defining features; evaluation of current and proposed program needs in relation to the historic fabric; recommended overall treatment approaches; recommended treatment for individual features or areas; prioritization of recommendations and cost estimates; and identification of future areas of research or documentation. The report provides a framework for owners and stewards to consider physical alterations to the property with the understanding of how the proposed work will impact the historic fabric and character.

~~1.133~~1.137 **HOME OCCUPATION.** A Business carried on entirely within a dwelling by Persons residing within the dwelling, which Business is clearly incidental and secondary to the Use of the dwelling for residential purposes.

~~1.134~~1.138 **HOSPITAL.** An institution specializing in clinical, temporary or emergency medical services to humans and/or licensed by the state to provide facilities and services in surgery, obstetrics,

and general medical practice. Does not include Uses defined as “Office, Medical”.

(A) **Hospital, Limited Care.** An institution licensed by the state to provide out-patient medical or surgical care and related services without overnight stay.

~~1.135~~1.139 **HOTEL/MOTEL.** A Building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis that includes accessory facilities such as restaurants, bars, spas, meeting rooms, on-site check-in lobbies, recreation facilities, group dining facilities, and/or other facilities and activities customarily associated with Hotels, such as concierge services, shuttle services, room service, and daily maid service. Hotel/Motel does not include Nightly Rental Condominium projects without restaurants, bars, spas, and on-site check-in lobbies. Lockout Units or Bed and Breakfast Inns and Boarding Houses are not Hotels. Hotels are considered a lodging Use and ownership of units may be by a condominium or timeshare instrument Hotel rooms may include a Lockout as part of the Unit.

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

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

~~1.136~~1.140 **HOTEL ROOM.** A Unit consisting of one (1) room, without a Kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.

~~1.137~~1.141 **HOTEL SUITE.** Two (2) or more interconnected Hotel Rooms with a single corridor or exterior Access. May include a Kitchenette. See Bed and Breakfast Inn, Lockout Unit, and Boarding House.

~~1.138~~1.142 **IMPACT ANALYSIS.** A determination of the potential effects(s), environmental, fiscal, social, etc., upon the community of a proposed Development.

~~1.139~~1.143 **IMPERVIOUS SURFACE.** Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, patios, and paved recreation areas.

~~1.140~~1.144 **INACTION.** An Application is Inactive and subject to denial on the basis of Inactivity if, through the act or omission of the Applicant and not the City:

(A) more than six (6) months has passed since a request for additional information was made by the Department staff without response from the Applicant;

(B) upon notice the Applicant is more than sixty (60) days in default of the payment of any fee assessed by ordinance, or has not paid the fee under protest;

(C) the Applicant has stated an intent to abandon the project;

(D) the Application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning

change, without actual intent to construct the project applied for.

~~1.141~~1.145 **INCIDENTAL RETAIL SALES.** The sale of common items associated with a Home Occupation and not produced on the premises that might be sold along with a product that is, such as a picture frame for a photo, or a swatch of material or extra buttons for an item of clothing, etc.

~~1.142~~1.146 **INDOOR ENTERTAINMENT FACILITY.** An establishment or enterprise for the purpose of amusing or entertaining Persons for profit or non-profit and generally contained within a Structure. Such Uses include, but are not limited to, theater, playhouse, cinema, performing arts, planetarium, discovery center, museum, or bowling alley.

~~1.143~~1.147 **KITCHEN.** An enclosed Area for the preparation of food and containing a sink, refrigerator, and stove.

(A) **Kitchen, IBC Commercial.** A Kitchen that is required by the International Building Code (IBC), because of the nature of the cooking or food preparation activities, to have commercial food heat-processing equipment, such as compensating hoods, grease filters, kitchen hoods, and similar types of equipment.

~~1.144~~1.148 **KITCHENETTE.** An Area used or designed for the preparation of food and containing a sink, refrigerator and an electrical outlet which may be used for a microwave oven. No 220V outlet for a range or oven is provided. A Kitchenette is

not intended to be used in such a manner as to result in the establishment of an additional Dwelling Unit.

~~1.145~~1.149 **LANDMARK.** A Property, Building, or Structure designated as a “Landmark” by the Historic Preservation Board (HPB) pursuant to the procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its Historic and/or architectural Significance to Park City.

~~1.146~~1.150 **LANDMARK SITE.** Any Site, including Building (main, attached, detached, or public), Accessory Building, and/or Structure that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

~~1.147~~1.151 **LANDSCAPING.**

(A) **Landscaping, Interior.** Planting islands located within the Parking Area.

(B) **Landscaping, Parking Area.** Includes all spaces, aisles, and drives as defined by the top-back of curb or edge of pavement.

(C) **Landscaping, Perimeter.** Planting Areas between the Property Line and Parking Area.

~~1.148~~1.152 **LIFTWAY.** The necessary Right-of-Way, both surface and air space, for the operation of any tram or ski lift.

~~1.149~~1.153 **LIFTWAY SETBACK.**

The minimum allowable distance between the side line of the Liftway and any Structure.

~~1.150~~1.154 **LIGHT SOURCE.** A single artificial point source of luminescence that emits a measurable radiant energy in or near the visible spectrum.

(A) **Light Source, Refractive.** A Light Source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

~~1.151~~1.155 **LIMITS OF DISTURBANCE.** The designated Area in which all Construction Activity must be contained.

~~1.152~~1.156 **LOCKOUT UNIT.** An Area of a dwelling with separate exterior Access and toilet facilities, but no Kitchen.

~~1.153~~1.157 **LOT.** A unit of land described in a recorded Subdivision Plat.

(A) **Lot, Corner.** A Lot situated at the intersection of two (2) Streets, the interior angle of such intersection not exceeding 135 degrees (135°).

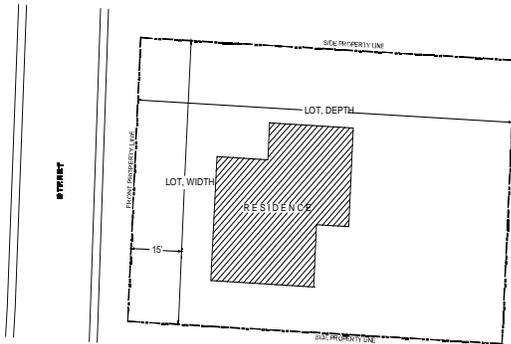
~~1.154~~1.158 **LOT DEPTH.** The minimum distance measured from the Front Property Line to the Rear Property Line of the same Lot.

~~1.155~~1.159 **LOT LINE.** Any line defining the boundaries of a Lot.

~~1.156~~1.160 **LOT LINE ADJUSTMENT.** The relocation of the

Property Line between two (2) adjoining Lots.

**1.1571.161 LOT WIDTH.** The minimum distance between the Side Lot Lines at the Front Yard or Front Building Façade. See the following illustration:



**1.1581.162 LUMEN.** A measurement of light output or the amount of light emitting from a Luminaire.

**1.1591.163 LUMINAIRE.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

(A) **Luminaire, Cutoff-Type.** A Luminaire with shields, reflectors, refractors, or other such elements that direct and cut-off emitted light at an angle less than ninety degrees (90°).

(B) **Luminaire, Fully Shielded.** Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

(C) **Luminaire, Partially Shielded.** Luminaires that are constructed so that no more than ten percent (10%) of the light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

**1.1601.164 MASTER FESTIVAL.** Any event held on public or private Property in which the general public is invited with or without charge and which creates significant public impacts through any of the following:

- (A) The attraction of large crowds;
- (B) Necessity for Street closures on Main Street or any arterial Street necessary for the safe and efficient flow of traffic in Park City;
- (C) Use of public Property;
- (D) Use of City transportation services;
- (E) Use of off-Site parking facility, or;
- (F) Use of amplified music in or adjacent to a residential neighborhood.

**1.1611.165 MASTER PLANNED DEVELOPMENT (MPD).** A form of Development characterized by a comprehensive and unified Site plan and design reviewed under the Master Planned Development review processes described in LMC Chapter 15-6. The MPD generally includes a number of housing units; a mix of Building types and land Uses; clustering Buildings and providing Open Space; flexibility in Setback, Height, and Density allocations; and providing additional valued

community amenities.

~~1.162~~1.166 **MATERIAL DECONSTRUCTION OR DISMANTLING.**

The disassembly of structures for the purpose of salvaging and reusing as many of the construction materials or building components. In some cases, deconstruction or dismantling may be used to remove non-historic materials from a historic site or structure or to remove those historic construction materials or building components that are beyond repair.

~~1.163~~1.167 **MAXIMUM EXTENT FEASIBLE.**

The maximum mitigation where no prudent, practical and feasible alternative exists to completely mitigate the adverse impact. Economic considerations may be taken into account but shall not be the overriding factor in determining “Maximum Extent Feasible”.

~~1.164~~1.168 **MAXIMUM HOUSE SIZE.**  
A measurement of Gross Floor Area.

~~1.165~~1.169 **MODEL HOME.** A Dwelling Unit used initially for display or marketing purposes which typifies the units that will be constructed.

~~1.166~~1.170 **NEIGHBORHOOD CONVENIENCE, COMMERCIAL.** Any retail establishment offering for sale prepackaged or fresh food products, beverages, household items, or other goods commonly associated with the same, not including automobile fuel sales, and having a maximum Gross Floor Area of 3,500 square feet.

~~1.167~~1.171 **NIGHTLY RENTAL.** The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.

~~1.168~~1.172 **NON-COMPLYING STRUCTURE.** A Structure that:

- (A) legally existed before its current zoning designation; and
- (B) because of subsequent zoning changes, does not conform to the zoning regulation’s Setback, Height restrictions, or other regulations that govern the Structure.

~~1.169~~1.173 **NON-CONFORMING USE.** A Use of land that:

- (A) legally existed before its current zoning designation;
- (B) has been maintained continuously since the time the zoning regulation governing the land changed; and
- (C) because of subsequent zoning changes, does not conform to the zoning regulations that now govern the land.

~~1.170~~1.174 **NOTEWORTHY.** Deserving notice or attention because of uniqueness, excellence, or Significance.

~~1.171~~1.175 **NURSERY, GREENHOUSE.** A Business where young plants are raised for experimental horticultural purposes, for transplanting, or

for sale.

~~1.172~~1.176 **NURSING HOME.** A Business described also as a “rest home”, or “convalescent home”, other than a Hospital in which Persons are generally lodged long-term and furnished with care rather than diagnoses or treatment. Also see Group Care Facility.

~~1.173~~1.177 **OFF-SITE.** Any premises not located within the Property to be Developed or Subdivided, whether or not in the same ownership of the Applicant for Development or Subdivision approval.

~~1.174~~1.178 **OFF-STREET.** Entirely outside of any City Right-of-Way, Street, Access easement, or any private Access drive, or Street required by this Title.

~~1.175~~1.179 **OFFICE.**

(A) **Office, General.** A ~~Building Business~~ offering executive, administrative, professional, or clerical services; ~~or portion of a Building wherein services are performed involving predominately operations performed~~ -with limited client visits and limited traffic ~~generated generation by employees and/or clients; that generally employs fewer than three persons per one thousand square feet of Net Leasable Floor Area.~~

(B) **Office, Intensive.** ~~Businesses offering executive, administrative, professional or clerical services which are performed with a high level of client interaction and traffic generated by employees and/or clients; and/or the~~

~~intensity of employees if five (5) or more employees per 1000 sq. ft. of net leasable office space. These Uses include real estate, telemarketing, and other similar Uses. A Business offering executive, administrative, professional or clerical services performed with a high level of client interaction and a high level of traffic generation; that employs five or more persons per one thousand square feet of Net Leasable Floor Area.~~

(C) **Office, Medical.** A Business wherein services are performed for the diagnosis and treatment of human and animal patients, with a moderate to high level of client interaction and traffic generated by employees and/or clients. A Medical Office includes Veterinarian clinics. A Medical Office does not include an overnight care facility for humans, but would allow overnight care for small animals associated with a Veterinarian clinic, but does not include pet boarding Uses for non-medical related reasons.

(D) **Office, Moderately Intensive.** A Business offering executive, administration, professional, or clerical services ~~which are performed with a moderate level of client interaction and traffic generated generation; that generally employs fewer than five persons per one thousand square feet of Net Leasable Floor Area. by employee and/or clients.~~

~~1.176~~1.180 **OFFICIAL STREETS MASTER PLAN.** As adopted by the City Council, the designation of each existing and planned Street and Right-of-Way, and those located on approved and filed plats, for the purpose of providing for the Development of

the Streets, highways, roads, and Rights-of-Way and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks. The classification of each Street and Right-of-Way is based upon its location in the respective Zoning District of the City, its present and estimated future traffic volume and its relative importance and function.

~~1.177~~1.181 **OFFICIAL ZONING MAP.**

The map adopted by the City Council pursuant to law showing the Streets, Zoning Districts, and City boundaries; and any amendments or additions thereto resulting from the approval of Subdivision or Annexation Plats and the subsequent filing of such approved plats.

~~1.178~~1.182 **ONE BEDROOM**

**APARTMENT.** A Dwelling Unit consisting of a living room, a Kitchen, which may be a part of the living room, a separate room designed and intended as a Bedroom, and a bathroom for the exclusive Use of that unit.

~~1.179~~1.183 **OPEN SPACE.**

(A) **Open Space, Landscaped.** Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.

(B) **Open Space, Natural.** A natural, undisturbed Area with little or no improvements. Open space may include, but

is not limited to, such Areas as Ridge Line Area, Slopes over thirty percent (30%), wetlands, Stream Corridors, trail linkages, Subdivision or Condominium Common Area, or view corridors.

(C) **Open Space, Transferred Development Right (TDR).** That portion of a Master Planned Development, PUD, Cluster Plan or other Development plan from which Density is permanently Transferred. This Area may be either Natural or Landscaped Open Space.

~~1.180~~1.184 **ORDINARY HIGH**

**WATER MARK.** The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation, or other appropriate means which consider the characteristics of the surrounding Areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

~~1.181~~1.185 **ORDINARY REPAIRS**

**AND MAINTENANCE.** Work done on a Building in order to correct any deterioration, decay, or damage to a Building or any part thereof in order to restore same as or nearly as practical to its condition prior to such deterioration, decay, or damage.

~~1.182~~1.186 **OUTDOOR USE OR**

**EVENT.** Any land Use, Business or activity that is not conducted entirely within an enclosed Building or Structure, not

including outdoor recreation activities and those Uses customarily associated with indoor Uses, such as parking, drive-up windows, ATM's, gas pumps, playgrounds, and such. Outdoor Uses include outdoor dining; outdoor food and beverage service stations and carts; outdoor storage and display of bicycles, kayaks, and canoes; and outdoor events and music.

~~1.183~~1.187 **OWNER**. Any Person, or group of Persons, having record title to a Property, and the Owner's Agent.

~~1.184~~1.188 **PARCEL**. An unplatted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number.

~~1.185~~1.189 **PARKING**.

(A) **Parking, Public**. A Parking Area or parking facility to be used by the public for fee or otherwise.

(B) **Parking, Residential**. A Parking Area or Structure used exclusively for residential, non-commercial Uses.

(C) **Parking, Shared**. The Development and Use of Parking Areas on two (2) or more separate Properties for joint Use by the businesses or residents on those Properties.

~~1.186~~1.190 **PARKING AREA**. An unenclosed Area or Lot other than a Street used or designed for parking.

~~1.187~~1.191 **PARKING LOT, COMMERCIAL**. A Parking Lot in which motor vehicles are parked for compensation

or for Commercial Uses.

~~1.188~~1.192 **PARKING SPACE**. An Area maintained for parking or storing an automobile or other vehicle, which is Graded for proper drainage and is Hard-Surfaced or Porous Paved.

~~1.189~~1.193 **PARKING STRUCTURE**. A fully enclosed Structure designed and intended for parking.

~~1.190~~1.194 **PASSENGER TRAMWAY**. A mechanical device to transport passengers and cargo by means of chairs or enclosed compartments attached to a cable or to rails, including each of the devices described in Section 72-11-102 of the Utah Code Annotated, as amended. Includes ski tows and ski lifts.

~~1.191~~1.195 **PERIOD OF HISTORIC SIGNIFICANCE**. A specific period of time that provides a context for Historic Sites based on a shared theme.

~~1.192~~1.196 **PERSON**. An individual, corporation, partnership, or incorporated association of individuals such as a club.

~~1.193~~1.197 **PET SERVICES**

(A) **Household Pets**-Household pets include dogs, cats, rabbits, birds, other small companion animals such as gerbils and ferrets, and other similar animals owned for non-commercial use.

(B) **Household Pet Boarding**-A commercial establishment for overnight boarding and care of four

(4) or fewer dogs as well as other Household Pets, not under the care of a veterinarian, in purposely-designed establishment.

(C) **Household Pet Daycare**-A commercial establishment that has a primary purpose of providing same day, short-term daycare of Household Pets in a purposely-designed establishment.

(D) **Household Pet Grooming**-A commercial establishment where Household Pets are bathed, clipped, combed, or similarly cared for, for the purpose of enhancing their aesthetic value and/or health, and for which a fee is charged. Pet grooming also includes any self-service pet washing business where the customer washes his/her own pet or where other self-service grooming tasks are provided.

(E) **Veterinary Clinic**- A facility maintained by or for the use of a licensed veterinarian in the care and treatment of animals wherein overnight care is prohibited except when necessary for medical purposes.

~~1.194~~1.198 **PLANNED UNIT DEVELOPMENT (PUD)**. Multiple, Single-Family or Duplex Dwelling Units, averaging no greater than 3,900 square feet per Dwelling Unit, clustered as much as possible with TDR Open Space and in which the overall design, size, mass, scale, Setback, materials, colors and visual character are integrated one with another.

~~1.195~~1.199 **PHYSICAL MINE**

**HAZARDS**. Any shaft, adit, tunnel, portal, building, improvement or other opening or structure related to mining activity.

~~1.196~~1.200 **POROUS PAVING**. A substantial surfacing material designed and intended to support light vehicular movement. Porous Paving includes paving systems such as modular pavers which provide at least fifty percent (50%) surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not Porous Paving. Porous paving includes pervious paving.

~~1.197~~1.201 **PRELIMINARY PLAT**. The preliminary drawings of a proposed Subdivision, specifying the layout, Uses, and restrictions.

~~1.198~~1.202 **PRESERVATION**. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a Historic Property. Work, including preliminary measures to protect and stabilize the Property, generally focuses upon ongoing maintenance and repair of Historic materials and features rather than extensive replacement and new construction.

~~1.199~~1.203 **PRESERVATION EASEMENT**. An easement that includes, as minimum stipulations, a conveyance of design approval for exterior changes, and a program whereby the Owner commits to restore and maintain a Structure following the Secretary of Interior's Standards for rehabilitation, in a form approved by the City. A time frame for completion of the restoration program may be specified in the

easement agreement.

~~1.200~~1.204 **PRIVATE EVENT.** An event, gathering, party or activity that is closed to the general public or that requires and invitation and/or fee to attend.

~~1.201~~1.205 **PRIVATE EVENT FACILITY.** A facility where the primary Use is for staging, conducting, and holding Private Events.

~~1.202~~1.206 **PRIVATE PLAZA.** Private Property in excess of seven hundred and fifty (750) square feet that serves as common area to adjoining Commercial Development and is free of Structures and is hard surfaced and/or landscaped. Private Plazas generally provide an Area for pedestrian circulation, common amenities, and act as a gathering space for private or public purposes.

~~1.203~~1.207 **PROPERTY.** Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

(A) **Property, Storefront.** A separately enclosed space, Floor Area, tenant space or unit that has a storefront window or storefront entrance that fronts on a Public Street. Storefront Property includes the entire Floor Area associated with the storefront window or storefront entrance that fronts on the Public Street. For purposes of this provision, the term “fronts on a Public Street” shall mean a separately enclosed space, Floor Area, tenant space or unit with:

(1) A storefront window and/or storefront entrance at the adjacent Public Street, or within fifty lateral/horizontal feet (50’) of the adjacent Public Street measured from the edge of pavement to the storefront window or storefront entrance; and

(2) A storefront window and/or storefront entrance that is not more than eight feet (8’) above or below the grade of the adjacent Public Street and where such entrance is not a service or emergency entrance to the Building.

In the case of split-level, multi-level or multi-tenant Buildings with only one primary storefront entrance, only those fully enclosed spaces, Floor Areas, tenant spaces, or units that directly front on the Public Street, as set forth above, shall be designated as a “Storefront Property.” The Planning Director or designee shall have the final determination of applicability.

~~1.204~~1.208 **PROPERTY LINE.** The boundary line of a Parcel or Lot.

(A) **Property Line, Front.** That part of a Parcel or Lot which abuts a Street.

~~1.205~~1.209 **PROPERTY OWNER.** Any Person, or group of Persons, having record title to a Property, and the Owner’s Agent.

~~1.206~~1.210 **PUBLIC ART.** Any visual work of art displayed for two weeks or more in an open city-owned area, on the exterior

of any city-owned facility, inside any city-owned facility in areas designated as public areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.

~~1.207~~1.211 **PUBLIC**

**IMPROVEMENT.** Any Building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, Off-Street Parking Lot, space or Structure, Lot improvement, or other facility for which the City may ultimately assume responsibility, or which may ~~effect~~affect a City improvement.

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

~~1.208~~1.213 **QUALIFIED HISTORIC PRESERVATION PROFESSIONAL.** A professional with a combination of education in a closely related field of study plus work experience to meet the Secretary of the Interior's Historic Preservation Qualification Standards. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. The standards are set for history, archeology, architectural history, architecture, and historic architecture.

~~1.209~~1.214 **QUALIFIED**

**PROFESSIONAL.** A professionally trained Person with the requisite academic degree, experience, and professional certification or license in the field or fields

relating to the matter being studied or analyzed.

~~1.210~~1.215 **QUASI-PUBLIC USE.** A

Use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the general public.

~~1.211~~1.216 **RECEIVING SITE.** A

Parcel of real property denoted as a receiving site in the Transfer of Development Rights Overlay Zone, as shown on the Park City zoning map. A receiving site is the site to which Development Credits may be Transferred.

~~1.212~~1.217 **RECONSTRUCTION.** The

act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving Site, landscape, Building, Structure or object for the purpose of replicating its appearance at a specific period of time and in its Historic location.

~~1.213~~1.218 **RECREATION**

**EQUIPMENT, OUTDOOR.** Playground equipment and accessory park related amenities, such as swing sets, slides, jungle gyms, sand boxes, picnic tables, volleyball nets, baseball backstops, basketball standards, frisbee golf holes, soccer goals, and similar amenities.

~~1.214~~1.219 **RECREATION FACILITIES.**

(A) **Recreation Facilities, Commercial.** Recreation Facilities operated as a Business on private or public Property and open to the public for a fee.

(B) **Recreation Facilities, Private.**

Recreation facilities operated on private Property and not open to the general public. Including Recreation Facilities typically associated with a homeowner or Condominium association, such as pools, tennis courts, playgrounds, spas, picnic Areas, similar facilities for the Use by Owners and guests.

(C) **Recreation Facilities, Public.**

Recreation facilities operated by a public agency and open to the general public with or without a fee.

~~1.215~~1.220 **RECYCLING FACILITY.**

A building, structure or land area used for the collection, processing or transfer of recyclable materials such as glass, paper, plastic, cans, or other household scrap materials.

(A) **Recycling Facility, Class I.**

Recycling containers totaling up to 60 cubic yards of capacity per residential lot or business used for the collection and temporary storage of recyclable materials such as glass, plastic, aluminum, mixed metals, fiber, and cardboard. These facilities are generally, but not limited to the use by a specific residential neighborhood, civic facility, or commercial business park, and can be for the use of the entire community.

~~1.216~~1.221 **REFRACTIVE LIGHT SOURCE.** A light source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

~~1.217~~1.222 **REGULATED USE.** A Use that is allowed, subject to certain regulations

and restrictions as prescribed in this Code.

~~1.218~~1.223 **REHABILITATION.** The act or process of making possible a compatible Use for a Property through repair, alterations, and additions while preserving those portions or features which convey its Historical, cultural, or architectural values.

~~1.219~~1.224 **RESIDENTIAL USE.** Uses and project that consist primarily of activities that are residential in nature that may include other support Uses, such as support commercial, but where the primary Use is for human habitation and associated activities. Residential Use includes occupancy of a dwelling as living quarters and all associated Uses, but not including temporary Structures such as tents, railroad cars, trailers, or similar units.

~~1.220~~1.225 **RESORT SUPPORT COMMERCIAL.** Use that is clearly incidental to, and customarily found in connection with, the principal Building or Use, and that is operated and maintained for the benefit and convenience of the Owners, occupants, employees, customers, or visitors to the principal Use or Building.

~~1.221~~1.226 **RESTAURANT.** A Business in which food is prepared and sold for consumption.

(A) **Restaurant, Drive-Through.** A Restaurant, Deli, Café, fast food Restaurant, or other similar Business that includes a window or similar feature which allows food to be ordered and taken from the premises for consumption elsewhere, without leaving

a vehicle.

~~1.222~~1.227 **RESTORATION.** The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of removal of features from other periods in its history and Reconstruction of missing features from the restoration period.

~~1.223~~1.228 **RESUBDIVISION.** A change in a map of an approved or recorded Subdivision Plat if such change affects any Right-of-Way, or Lot Line; or any change in a map or plan legally recorded prior to the adoption of regulations controlling Subdivisions.

~~1.224~~1.229 **RHYTHM AND PATTERN.** The development patterns established by factors including, but not limited to, the siting of existing structures, including their mass, scale, and height; the spacing of buildings along a streetscape, including setbacks and building sizes, spacing, size and proportion of façade openings, including windows and doors.

~~1.225~~1.230 **RETAIL AND SERVICE.**

(A) **Retail and Service, Commercial-Auto Related.** An establishment primarily engaged in the sale or rental of goods, merchandise, and services related to the automobile, such a auto repair, auto body work, painting, detailing, auto and auto related equipment sales, with moderate to high volume of customer turnover and moderate to high parking demand. These Uses do not include auto dismantling, salvage, junk yards, and similar Uses. Self-service car washes are included.

(B) **Retail and Service, Commercial-Major.** A large scale Business engaged primarily in the sale or rental of goods, merchandise, or services with a high customer turnover and high parking demand. These establishments may have large interior showrooms or semi-truck loading docks. Examples of these Uses include large department, grocery, variety, drug, super stores. Fully-enclosed car washes are included.

(C) **Retail and Service, Commercial-Minor.** A Business primarily engaged in the sale or rental of goods, merchandise, or services with a low volume of customer turnover, low parking demand, and no outdoor storage of goods. These Uses do not include automobile or large equipment rental or sales. Such Uses include antique stores, art galleries, art supply stores, bakeries, book stores, clothing stores, candy stores, florists, gift shops, liquor stores, pharmacies, sporting goods stores, auto parts stores, interior design stores, and home furnishing stores.

(D) **Retail and Service, Commercial-Personal Improvement.** A Business engaged in or offering courses and services for the enhancement of personal recreational interests, Business skills, vocational training, dance training, art and drama classes, public speaking, and similar Uses where the class or session meets as a group.

~~1.226~~1.231 **RIDGE LINE AREA.** The top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.

~~1.227~~1.232 **RIDING STABLE, COMMERCIAL.** A Structure and/or Site for horses, ponies, and/or mules, that is rented or used for compensation.

~~1.228~~1.233 **RIGHT-OF-WAY.** A strip of land, dedicated to public Use that is occupied or intended to be occupied by a Street, crosswalk, trail, stairway, ski lift, railroad, road, utilities, or for another special Use.

~~1.229~~1.234 **ROAD.**  
(A) **Road, Collector.** A road intended to move traffic from local roads to major thoroughways. A Collector Road serves a neighborhood or a large Subdivision.

~~1.230~~1.235 **ROAD CLASSIFICATION.** The Streets, highways, Roads, and Rights-of-Way designated on the Streets master plan.

~~1.231~~1.236 **ROAD RIGHT-OF-WAY WIDTH.** The distance between Property Lines measured at right angles to the center line of the Street.

~~1.232~~1.237 **SALT LAKE CITY 2002 WINTER OLYMPIC GAMES OLYMPIC LEGACY DISPLAYS.** Official exhibits from the Salt Lake City 2002 Winter Olympic Games created and/or provided by the Salt Lake Organizing Committee (SLOC) as part of the SLOC/Park City Municipal Corporation Olympic Services agreement and/or Olympic Master Festival License and approved by the City Council for installation on City Property, public Rights-of-Way and/

or within the Areas that were Olympic venue Sites during the 2002 Winter Olympic Games at Park City Mountain Resort and Deer Valley Resort, or replacement exhibits that expressly commemorate the Salt lake City 2002 Olympic Winter Games. Olympic Legacy Displays may include the following additional information:

(A) Park City Municipal Corporation or Venue name and/or logo provided said information does not exceed twenty percent (20%) of the display area; and/or

(B) Master Festival Event identification provided said information does not exceed twenty percent (20%) of the display area, and is not displayed for more than two (2) weeks unless otherwise approved as part of the Master Festival License.

~~1.233~~1.238 **SATELLITE RECEIVING STATION.** Any apparatus or device designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrially and/or orbitally based Uses. This definition includes but is limited to what are commonly referred to as satellite earth stations, satellite microwave Antennas, TVRO's or dish Antennas. This definition does not include conventional television Antennae.

~~1.234~~1.239 **SBWRD.** Snyderville Basin Water Reclamation District.

~~1.235~~1.240 **SCREEN OR SCREENED.** The act, process, or result of visually and/or audibly shielding or obscuring a Structure or Use from adjacent Property by Fencing,

walls, berms, densely planted vegetation or other landscaping features.

~~1.236~~1.241 **SECONDARY LIVING QUARTERS**. An Area within a main dwelling which is used by the Property Owner or primary tenant as a dwelling for the private Use of the Property Owner's relatives, domestic help, caretakers, nursing staff, house guest, or similar user.

~~1.237~~1.242 **SENDING SITE**. A Parcel of real property denoted as a sending site in the Transfer of Development Rights Overlay Zone, as shown on the Park City zoning map. A Sending Site is the Site from which Development Credits may be Transferred.

~~1.238~~1.243 **SENSITIVE LAND**. Land designated as such by a Sensitive Lands Analysis and as reflected on the Official Zoning Map.

~~1.239~~1.244 **SENSITIVE LANDS ANALYSIS**. A comprehensive analysis performed by a qualified professional(s) that examines, identifies, and delineates on a map and in a written report all Areas of a Property deemed to be environmentally and aesthetically important to the community as expressed in the Park City General Plan, including, but not limited to, Steep Slopes, Very Steep Slopes, Significant Ridge Line Areas, wetlands, streams and lakes, wildlife habitat Areas, entry corridors, Vantage Points, Significant Vegetation, and Wildfire/Wildland Interface Zones.

~~1.240~~1.245 **SENSITIVE OR SPECIALLY VALUED SPECIES**. Federally Threatened and Endangered

Species; State of Utah Threatened and Endangered Species; State of Utah Species of Concern as identified in the document; animals and plants of special concern to the Park City Community as identified in the General Plan and in need of special protection.

~~1.241~~1.246 **SETBACK**. The required minimum distance between a Building Pad and the closest of the following:

- (A) Property Line;
- (B) platted Street; or
- (C) existing curb or edge of a Street.

~~1.242~~1.247 **SEXUALLY ORIENTED BUSINESSES**. Businesses defined as such according to Municipal Code Section 4-9-4.

~~1.243~~1.248 **SIGNIFICANCE**. The quality of having Historical consequence or being regarded as having great architectural value.

~~1.244~~1.249 **SIGNIFICANT RIDGE LINE AREA**. Ridge lines in Areas deemed to be significant or sensitive as determined during the Sensitive Lands Analysis, the significance of these ridge lines is to be determined during the sensitive lands visual analysis process.

~~1.245~~1.250 **SIGNIFICANT SITE**. Any Site, including a Building (main, attached, detached or public), Accessory Building, and/or Structure that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

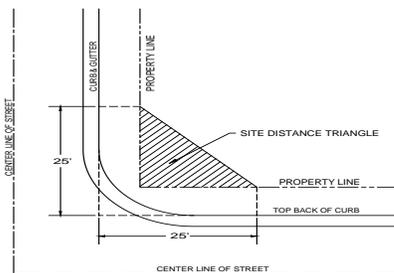
**1.2461.251 SIGNIFICANT VEGETATION.** Includes all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

**1.2471.252 SINGLE FAMILY SUBDIVISION.** A Development consisting of primarily, although not exclusively, of Single Family Dwellings.

**1.2481.253 SITE.** An Area, Lot, or piece of land where a Building (main, attached, detached or public), Accessory Building, and/or Structure was, is, or will be located.

**1.2491.254 SITE DEVELOPMENT STANDARDS.** Regulations unique to each zone concerning standards for Development including, but not limited to Lot Areas, Setbacks, Building Height, Lot coverage, open space.

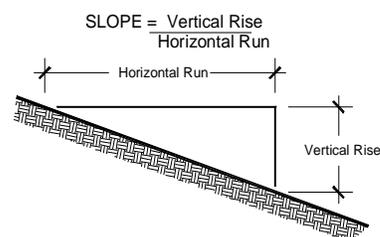
**1.2501.255 SITE DISTANCE TRIANGLE.** A triangular Area at the intersection of two Streets formed by the Streets at Property Line and a line connecting them at points twenty-five feet (25") from the intersection of the Street lines.



**1.2511.256 SITE SUITABILITY ANALYSIS.** A comprehensive analysis of a Property or Site used in making a determination of appropriate Density considering such factors as Sensitive Lands, existing and proposed utilities and transportation systems, and other community objectives as stated in the General Plan.

**1.2521.257 SKETCH PLAT.** A Sketch preparatory to the Preliminary Plat, or Subdivision Plat in the case of Minor Subdivisions, to enable the Owner to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat.

**1.2531.258 SLOPE.** The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance of the land into the vertical rise or distance of the same land and converting the resulting figure in a percentage value.



(A) **Slope, Steep.** Slope greater than fifteen percent (15%).

(B) **Slope, Very Steep.** Slope greater than forty percent (40%).

~~1.254~~1.259 **SPACING.** Distance between the closer edges of adjoining driveways or driveways and Right-of-Way lines of intersecting Streets.

~~1.255~~1.260 **SPECIAL EVENT.** Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal Business and/or liquor regulations, as defined by this Code, or creates public impacts through any of the following:

- (A) The use of City personnel;
- (B) Impacts via disturbance to adjacent residents;
- (C) Traffic/parking;
- (D) Disruption of the normal routine of the community or affected neighborhood; or
- (E) Necessitates Special Event temporary beer or liquor licensing in conjunction with the public impacts, neighborhood block parties or other events requiring Street closure of any residential Street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a Special Event.

~~1.256~~1.261 **STEALTH.** A

Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

~~1.257~~1.262 **STOREFRONT**

**PROPERTY.** A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term “fronts on a Public Street” shall mean a separately enclosed space or unit with:

- (1) A window and/or entrance within fifty lateral/horizontal feet (50’) of the back, inside building edge, of the public sidewalk; and
- (2) A window and/or entrance that is not more than eight feet (8’) above or below the grade of the adjacent Public Street.

In the case of split-level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street as set forth above, shall be designated to be a “Storefront Property.” The Planning Director or their designee shall have the final determination of applicability.

~~1.258~~1.263 **STORY.** The vertical measurement between floors taken from finish floor to finish floor. For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall plate for the roof Structure.

~~1.259~~1.264 **STREAM.** A naturally-fed water course, that flows year round or intermittently during years of normal rainfall. This definition excludes ditches

and canals constructed for irrigation and drainage purposes.

~~1.260~~1.265 **STREAM CORRIDOR.**

The Corridor defined by the Stream's Ordinary High Water Mark.

~~1.261~~1.266 **STREET.** Any highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, easement, or other way.

(A) **Street, Public.** A Street that has been dedicated to and accepted by the City Council; that the City has acquired and accepted by prescriptive right; or that the City owns in fee.

~~1.262~~1.267 **STREETSCAPE.** The distinguishing characteristics of a particular Street including paving materials, adjacent space on both sides of the Street, landscaping, retaining walls, sidewalks, Building Facades, lighting, medians, Street furniture, and signs.

(A) **Streetscape, Architectural.** The Architectural Streetscape required as part of the Historic District Design Review process and Steep Slope CUP process.

~~1.263~~1.268 **STRUCTURE.** Anything constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes "Building".

~~1.264~~1.269 **STUDIO APARTMENT.** A Dwelling Unit consisting of a single room

equipped for cooking, living, and sleeping, having a separate bathroom or Kitchen for the exclusive Use of the dwelling, and a Floor Area of not more than one thousand square feet (1,000 sq. ft.).

~~1.265~~1.270 **SUBDIVISION.** Any land, vacant or improved, which is divided or proposed to be divided or combined into one (1) or more Lots, Parcels, Site, Units, plots, or interests for the purpose of offer, sale, lease, or Development, either on the installment plan or upon any all other plans, terms, and conditions, including Resubdivision. Subdivision includes the division or Development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes the creation of a single lot of record from a Lot, Parcel, Site, Unit, plot, or other division of land.

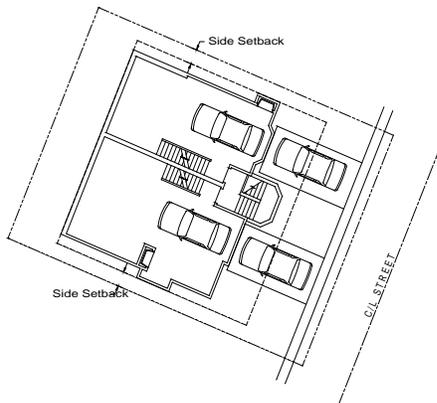
(A) **Subdivision, Major.** All Subdivisions of four (4) or more Lots, or any size Subdivision requiring any new Street or extension of municipal facilities, or the creation of any Public Improvements.

(B) **Subdivision, Minor.** Any Subdivision containing not more than three (3) Lots fronting on an existing Street, not involving any new Street, or the extension of municipal facilities, or the creation of any Public Improvements, and not adversely affecting the remainder of the Parcel or adjoining Property, and not in conflict with any provision or portion of the General Plan, Official Zoning Map, Streets Master Plan, or these regulations.

~~1.266~~1.271 **SUBDIVISION PLAT.** The final map or drawing, on which the Applicant's plan of Subdivision is presented to the City Council for approval and which, if approved, may be submitted to the Summit County Recorder for filing.

~~1.267~~1.272 **SUITABILITY DETERMINATION.** A determination by the Planning Director whether Development at increased Densities due to a Density Transfer from a Sensitive Area is Compatible with Development on surrounding or adjacent Property.

~~1.268~~1.273 **TANDEM PARKING.** A parking design which allows parking one (1) vehicle behind another. Such parking may not include more than two (2) cars in depth, and may not require occupants of separate Dwelling Units to park behind one another.



~~1.269~~1.274 **TELECOMMUNICATION S.** The transmission between or among points specified by a user, of information of the user's choosing, without change in the

form or content of the information as sent or received.

~~1.270~~1.275 **TELECOMMUNICATION S FACILITY.** A Telecommunications Facility consists of Antenna, Equipment Shelters, and related Structures used for transmitting and/or receiving Telecommunications and/or radio signals.

(A) **Telecommunications Facility, Co-Location.** The location of Telecommunications Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

(B) **Telecommunications Facility, Equipment Shelter.** A cabinet or Building used to house equipment for Telecommunications Facilities.

(C) **Telecommunications Facility, Stealth.** A Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

(D) **Telecommunications Facility, Technical Necessity.** A particular design, placement, construction, or location of a Telecommunications Facility that is technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

~~1.271~~1.276 **TEMPORARY IMPROVEMENT.** A Structure built, or installed, and maintained during construction of a Development, or during a

Special Event or activity and then removed prior to release of the performance Guarantee. Does not include temporary storage units, such as PODS or other similar structures used for temporary storage that are not related to a Building Permit for construction of a Development and are not part of an approved Special Event or activity.

~~1.272~~1.277 **TIMESHARE CONVERSION.** The conversion into a Timeshare Project of any Property and the existing Structure(s) attached thereto.

~~1.273~~1.278 **TIMESHARE ESTATE.** A Timeshare Estate shall be defined in accordance with Utah Code Section 57-19-2, as amended, excluding Private Residence Club ownership.

~~1.274~~1.279 **TIMESHARE INSTRUMENT.** Any instrument whereby the Use, occupancy, or possession of real Property has been made subject to either a Timeshare Estate or Timeshare Use, and whereby such Use, occupancy, or possession circulates among three (3) or more purchasers of the Timeshare Intervals according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three (3) years in duration.

~~1.275~~1.280 **TIMESHARE INTERVAL.**  
A Timeshare Estate or a Timeshare Use.

~~1.276~~1.281 **TIMESHARE OFF-PREMISES CONTACTING ACTIVITY.**

Activity occurring outside of a Timeshare Project that is engaged in by off-premises

timeshare contacting personnel in an effort to induce Persons to attend a Timeshare Sales Presentation. Off-Premises Timeshare Contacting Activity must be confined to a fully enclosed Building.

~~1.277~~1.282 **TIMESHARE OFF-PREMISES SALES ACTIVITY.** Original timeshare sales and resale activity occurring outside of a Timeshare Project. Off-Premises Timeshare Sales shall be confined to a fully enclosed Building and is subject to business license regulation.

~~1.278~~1.283 **TIMESHARE OFF-PREMISES SALES OFFICE.** An office outside of a Timeshare Project, wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales or resales.

~~1.279~~1.284 **TIMESHARE ON-SITE SALES ACTIVITY.** Timeshare sales activity occurring within a Timeshare Project.

~~1.280~~1.285 **TIMESHARE ON-SITE SALES OFFICE.** An office located within a Timeshare Project wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales.

~~1.281~~1.286 **TIMESHARE PROJECT.** Any Property that is subject to a Timeshare Instrument, including a Timeshare Conversion.

~~1.282~~1.287 **TIMESHARE SALES**

**PRESENTATION.**

- (A) An offer to sell or reserve a Timeshare Interval;
- (B) An offer to sell an option to purchase a Timeshare Interval;
- (C) The sale of a Timeshare Interval, or an option to purchase a Timeshare Interval; or
- (D) The reservation of a Timeshare Interval, whether the Timeshare Interval is located within or without the State of Utah.

~~1.283~~1.288 **TIMESHARE UNIT.** That unit of Property and time where possession and Use are allowed under a contract from seller to purchaser, excluding Private Residence Club units.

~~1.284~~1.289 **TIMESHARE USE.** Any contractual right of exclusive occupancy created by a Timeshare Instrument which does not fall within the definition of “Timeshare Estate”, including, without limitation, a vacation license, general partnership interest, limited partnership interest, vacation bond, or beneficial interest in a trust, and the documents by which the right of exclusive occupancy is transferred, excluding Private Residence Club Use.

~~1.285~~1.290 **TRANSFER.** Any action which results in the sale, exchange, or joint venturing of development credits from one property to another property.

~~1.286~~1.291 **TRANSFERRED DEVELOPMENT RIGHT (TDR) OPEN**

**SPACE.** That portion of a Master Planned Development, PUD, Cluster Plan or other Development plan from which Density is permanently Transferred. This Area may be either Natural or Landscaped Open Space.

~~1.287~~1.292 **TRANSPORTATION SERVICES.** A Business involving transit operations, taxis, shuttle services, rental cars, or similar transit-related services.

~~1.288~~1.293 **UDOT.** Utah State Department of Transportation, an agency that maintains and regulates State Highways.

~~1.289~~1.294 **UNIFORMITY RATIO.** The ratio between the average and minimum light distribution or luminance across a given Area.

~~1.290~~1.295 **UNIT EQUIVALENT.** The Density factor applied to different sizes and configurations of Dwelling Units and commercial spaces.

~~1.291~~1.296 **USE.** The purpose or purposes for which land or Structures are occupied, maintained, arranged, designed, or intended.

(A) **Use, Intensity of.** The maximum number of residential units, or commercial, or industrial space within a specified land Area designated for that purpose.

[1.297 UTAH PUBLIC NOTICE WEBSITE.](#) [A website dedicated to bringing greater accessibility to public notice information and increased participation by the public in the State of Utah. It is a central source for all public notice information statewide, provided in a standardized format](#)

[for publishing. It allows the public to subscribe by either RSS feed or email to receive its notices and updates. http://www.utah.gov/pmn/index.html \(create link to this website\)](http://www.utah.gov/pmn/index.html)

~~1.292~~1.298 **VANTAGE POINTS.** A height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes:

- (A) Osguthorpe Barn;
- (B) Treasure Mountain Middle School;
- (C) Intersection of Main Street and Heber Avenue;
- (D) Park City Ski Area Base;
- (E) Snow Park Lodge;
- (F) Park City Golf Course Clubhouse;
- (G) Park Meadows Golf Course Clubhouse;
- (H) State Road 248 at the turn-out one quarter mile west from U.S. Highway 40;
- (I) State Road 224, one-half mile south of the intersection with Kilby Road;
- (J) Intersection of Thaynes Canyon Drive and State Road 224; and
- (K) Across valley view.

~~1.293~~1.299 **VEHICLE CONTROL GATE.** Any gate, barrier, or other mechanism to limit vehicular Access on or across a Street.

~~1.294~~1.300 **WETLAND, SIGNIFICANT.** All wetlands that occupy a surface Area greater than one-tenth (1/10) acre or are associated with permanent

surface water or that are adjacent to, or contiguous with, a Stream Corridor.

~~1.295~~1.301 **WILDFIRE/WILDLAND INTERFACE ZONE.** All Areas within the Sensitive Areas Overlay Zone are within the Wildfire/Wildlife Interface Zone unless the City Fire Marshal determines otherwise based upon the amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steepness.

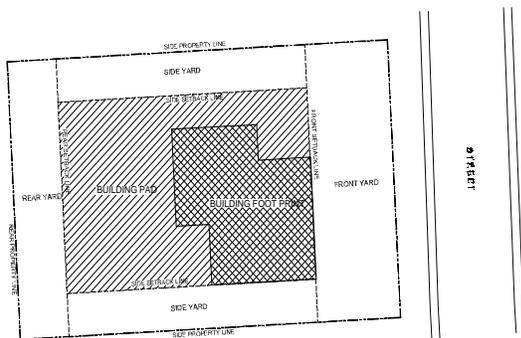
~~1.296~~1.302 **WIND ENERGY SYSTEM, SMALL.** All equipment, machinery, and Structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and Access roads, and one (1) or more wind turbines, which has a rated nameplate capacity of 100kW or less.

~~1.297~~1.303 **YARD.**

(A) **Yard, Front.** The Area between the front of the closest Building and the Front Lot Line or closer Right-of-Way, extending the full width of the Lot. The “depth” of the Front Yard is the minimum distance between the Front Lot Line and the front line of the closest Structure.

(B) **Yard, Rear.** The Area between the rear line of the closest Building and the Rear Lot Line, or closer Right-of-Way, and extending the full width of the Lot. The “depth” of the Rear Yard is the minimum distance between the Rear Lot Line and the rear line of the closest Structure.

(C) **Yard, Side.** The Area between the side line of the Building and the Side Lot Line and extending from the Front Yard to the Rear Yard. The “width” of the Side Yard shall be the minimum distance between the Side Lot Line and the side line of the closest Structure. See the following illustration:



1.299 **ZONING DISTRICT.** An Area identified on the Official Zoning Map to which a uniform set of regulations applies as set forth herein, which districts are co-terminus with, and which are designed to implement the Park City General Plan.

~~1.299~~1.305 **ZONING MAP, OFFICIAL.** The map adopted by the City Council depicting the geographic scope of the City’s land Use designations.

~~1.300~~1.306 **XERISCAPE.** A landscaping method developed especially for arid and semiarid climates utilizing water – conserving techniques (such as the use of drought-tolerant plants, mulch, and efficient irrigation).

*(Amended by Ord. Nos. 02-07; Ord. No. 02-*

*38; 04-39; 05-01; 06-86; 07-25; 07-55; 08-07; 09-05; 09-09; 09-10; 09-14; 09-23; 09-40; 11-05; 11-12; 12-37; 14-57; 15-53; 16-02)*

**15-15-2. LIST OF DEFINED TERMS.**

**-A-**

- Access
- Accessory Apartment
- Accessory Building
- Accessory Use
- Active Building Permit
- Administrative Permit
- Affordable Housing
- Agent
- Agriculture
- Allowed Use
- Alteration, Building
- Ancillary Structure
- Anemometers and Anemometer Towers
- Antenna
- Antenna, Test Drive
- Antenna, Enclosed
- Antenna, Freestanding
- Antenna, Roof Mounted
- Antenna, Temporary
- Antenna, Wall Mounted
- Apartment
- Applicant
- Application
- Application, Complete
- Architectural Detail
- Area or Site
- Attic

**-B-**

- Bakery
- Balcony

Bar  
Base Zoning  
Basement  
Bay Window  
Bed and Breakfast Inn  
Bedroom  
Billboard  
Blank Wall  
Block  
Boarding House  
Building  
Building, Attached  
Building, Detached  
Building, Main  
Building, Public  
Building Alteration (see Alteration,  
    Building)  
Building Envelope  
Building Footprint  
Building Pad  
Building Permit  
Business

**-C-**  
Café  
Canopy  
Capital Improvements Program  
Certificate of Appropriateness  
Certificate of Economic Hardship  
Certificate of Occupancy  
Child Care  
Child Care, In-Home Babysitting  
Child Care, Family  
Child Care, Family Group  
Child Care Center  
City Development  
Clearview of Intersecting Streets  
Club  
Club, Private  
Club, Private Residence  
Club, Private Residence Conversion

Club, Private Residence Off-Site  
Club, Private Residence Project  
Cluster Development  
Code  
Collector Road  
Co-Location (see Telecommunications  
    Facility, Co-Location)  
Commercial Use  
Commercial Use, Support  
Commercial Use, Resort Support  
Common Area  
Common Ownership  
Compatible or Compatibility  
Conditional Use  
Condominium  
Conservation Activity  
Conservation Easement  
Constitutional Taking  
Construction Activity  
Construction Mitigation Plan  
Construction Plan  
Contributing Building, Structure, Site/Area  
    or Object  
Council  
Cover, Site  
Crawl Space  
Crest of Hill  
Cul-de-sac

**-D-**  
Deli or Delicatessen  
Demolish or Demolition  
Density  
Design Guideline  
Detached  
Developable Land  
Developer  
Development  
Development Agreement  
Development Approval Application  
Development Credit

Development Credit Certificate  
Development Right  
Disabled Care  
Dissimilar Location  
Dwelling, Duplex  
Dwelling, Triplex  
Dwelling, Multi-Unit  
Dwelling, Single Family  
Dwelling Unit

**-E-**

Economic Hardship, Substantial  
Elder Care  
Elevator Penthouse  
Equipment Shelter (see Telecommunications  
Facility, Equipment Shelter  
Escrow  
Essential Historical Form  
Exterior Architectural Appearance

**-F-**

Facade, Building  
Façade, Front  
Facade Easement  
Facade Shift  
Fence  
Filtered Light Fixture  
Final Action  
Final Plat  
First Story  
Flood Plain Area  
Floor Area, Gross Commercial  
Floor Area, Gross Residential  
Floor Area, Net Leasable  
Floor Area Ratio (FAR)  
Foot Candle  
Foot Candle, Average (afc)  
Foot Candle, Horizontal (hfc)  
Foot Candle, Vertical (vfc)  
Frontage  
Fully Shielded

**-G-**

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

**-H-**

Habitable Space (Room)  
Hard-Surfaced  
Height, Building  
Helipad  
Heliport  
Helistop  
Historic  
Historic Building, Structure, Site or Object  
Historic District  
Historic Integrity  
Historic Significance, Period of  
Historic Sites Inventory  
Historical Form, Essential (see Essential  
Historical Form)  
Home Occupation  
Hospital  
Hospital, Limited Care  
Hotel/Motel  
Hotel/Motel, Major  
Hotel/Motel, Minor

Hotel Room  
Hotel Suite

**-I-**

Impact Analysis  
Impervious Surface  
Inaction  
Incidental Retail Sales  
Indoor Entertainment Facility

**-K-**

Kitchen  
Kitchen, IBC Commercial  
Kitchenette

**-L-**

Landmark  
Landmark Site  
Landscaping, Interior  
Landscaping, Parking Area  
Landscaping, Perimeter  
Liftway  
Liftway Setback  
Light Source  
Light Source, Refractive  
Limits of Disturbance  
Lockout Unit  
Lot  
Lot, Corner  
Lot Depth  
Lot Line  
Lot Line Adjustment  
Lot Width  
Lumen  
Luminaire  
Luminaire, Cutoff Type  
Luminaire, Fully Shielded  
Luminaire, Partially Shielded

**-M-**

Master Festival

Master Planned Development (MPD)  
Maximum Extent Feasible  
Maximum House Size  
Model Home

**-N-**

Neighborhood Convenience, Commercial  
Nightly Rental  
Non-Complying Structure  
Non-Conforming Use  
Noteworthy  
Nursery, Greenhouse  
Nursing Home

**-O-**

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

**-P-**

Parcel  
Parking, Public  
Parking, Residential  
Parking, Shared  
Parking Area

Parking Lot, Commercial  
 Parking Space  
 Parking Structure  
 Passenger Tramway  
 Period of Historic Significance  
 Person  
 Physical Mine Hazard  
 Planned Unit Development (PUD)  
 Porous Paving  
 Preliminary Plat  
 Preservation  
 Preservation Easement  
 Private Club (see Club, Private)  
 Private Residence Club (see Club, Private Residence)  
 Private Residence Club Conversion (see Club, Private Residence Conversion)  
 Private Residence Club Project (see Club, Private Residence Project)  
 Property  
 Property, Storefront  
 Property Line  
 Property Line, Front  
 Property Owner (see Owner)  
 Public Art  
 Public Improvement  
 Public Use  
  
**-Q-**  
 Qualified Professional  
 Quasi-Public Use  
  
**-R-**  
 Receiving Site  
 Reconstruction  
 Recreation Equipment, Outdoor  
 Recreation Facilities, Commercial  
 Recreation Facilities, Private  
 Recreation Facilities, Public  
 Recycling Facility  
 Recycling Facility, Class I

Refractive Light Source  
 Regulated Use  
 Rehabilitation  
 Residential Use  
 Resort Support Commercial  
 Restaurant  
 Restaurant, Drive-Through  
 Restoration  
 Resubdivision  
 Retail and Service, Commercial-Auto Related  
 Retail and Service, Commercial-Major  
 Retail and Service, Commercial-Minor  
 Retail and Service, Commercial-Personal Improvement  
 Ridge Line Area  
 Riding Stable, Commercial  
 Right-of-Way  
 Road, Collector  
 Road Classification  
 Road Right-of-Way Width  
  
**-S-**  
 Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays  
 Satellite Receiving Station  
 SBWRD  
 Screen or Screened  
 Secondary Living Quarters  
 Sending Site  
 Sensitive Land  
 Sensitive Land Analysis  
 Sensitive or Specially Valued Species  
 Setback  
 Sexually Oriented Businesses  
 Significance  
 Significance, Period of Historic  
 Significant Ridge Line Area  
 Significant Site  
 Significant Vegetation  
 Single Family Subdivision

Site  
Site Development Standards  
Site Distance Triangle  
Site Suitability Analysis  
Sketch Plat  
Slope  
Slope, Steep  
Slope, Very Steep  
Spacing  
Special Event  
Storefront Property (see Property,  
    Storefront)  
Story  
Stream  
Stream Corridor  
Street  
Street, Public  
Streetscape  
Streetscape, Architectural  
Structure  
Studio Apartment  
Subdivision  
Subdivision, Major  
Subdivision, Minor  
Subdivision Plat  
Substantial Economic Hardship (see  
    Economic Hardship, Substantial)  
Suitability Determination

**-T-**  
Tandem Parking  
Telecommunications  
Telecommunications Facility  
Telecommunications Facility, Co-Location  
Telecommunications Facility, Equipment  
    Shelter  
Telecommunications Facility, Stealth  
Telecommunications Facility, Technical  
    Necessity  
Temporary Improvement  
Timeshare Conversion

Timeshare Estate  
Timeshare Instrument  
Timeshare Interval  
Timeshare Off-Premises Contacting Activity  
Timeshare Off-Premises Sales Activity  
Timeshare Off-Premises Sales Office  
Timeshare On-Site Sales Activity  
Timeshare On-Site Sales Office  
Timeshare Project  
Timeshare Sales Presentation  
Timeshare Unit  
Timeshare Use  
Transfer  
Transferred Development Right (TDR)  
    Open Space  
Transportation Services

**-U-**  
UDOT  
Uniformity Ratio  
Unit Equivalent  
Use  
Use, Intensity of

**-V-**  
Vantage Points  
Vehicle Control Gate

**-W-**  
Wetland, Significant  
Wildfire/Wildland Interface Zone  
Wind Energy System, Small

**-X-**  
Xeriscape

**-Y-**  
Yard, Front  
Yard, Rear  
Yard, Side

**-Z-**

Zone Height

Zoning District

Zoning Map, Official

6. A financial guarantee for any required public improvements in an amount approved by the City Engineer and in a form approved by the City Attorney shall be in place prior to plat recordation.
7. Any wetlands delineation older than five (5) years shall be updated and submitted to the City prior to building permit issuance for new development on the lots. All required Corps of Engineer approvals and permits shall be submitted prior to issuance of a building permit on the lots.
8. A note shall be included on the plat prior to recordation stating that all new development, such as buildings and parking areas, proposed on these lots shall comply with LMC required wetlands protection buffer areas in effect at the time of the building permit application.
9. A 10' wide non-exclusive public utility and snow storage easement shall be shown along the frontages of Round Valley Drive and Gillmor Way prior to plat recordation.
- 7. Land Management Code (LMC) amendments- various administrative and substantive amendments to the Park City Development Code regarding 1) standard of review for appeals and noticing;; 2) standard of review for applications with regard to the General Plan; 3) Steep Slope CUP applicability; 4) common wall development (in HR-1, HR-2, and CT Districts); 5) exceptions to building height and footprint for Historic Sites as valid Complying Structures in HRL, HR-1, HR2 and RC; 6) mechanical service, delivery, and loading areas (GC, LI Districts); 7) lighting requirements or reducing glare and landscape mulch materials; 8) specifications for barrel roofs; 9) require historic site information in MPD applications and review; 10) clarify review criteria to be met when making a determination of historic significance, 11) administrative corrections for consistency and clarity between Chapters such as noticing requirements; and 12) definitions for barrel roof, billboard, glare, and intensive office. (Application PL-16-03115)**

Commissioner Suesser returned to the meeting.

Planner Whetstone stated that if the Planning Commission forwards a positive recommendation to the City Council for the proposed amendments the Motion should be pursuant to the Ordinance as opposed to pursuant to the Findings of Fact and Conclusions of Law.

Chair Pro Tem Band suggested that the Planning Commission review the LMC amendments item by item as listed in the Staff report.

1. Standards of Review for Appeals and Noticing

Planner Whetstone noted that the noticing changes were reflected in Exhibit A. The changes were primarily for consistency with change to the State Code.

Commissioner Suesser stated that she did not have the opportunity to review the amendments closely prior to the meeting, and she was not prepared to comment this evening.

Chair Pro Tem asked if these amendments were noticed for action. Assistant City Attorney stated that it was noticed for public hearing and action and the Planning Commission could forward a recommendation to the City Council or continue to another meeting. They could also forward the amendments where there was agreement and continue the ones that need further discussion.

Planner Whetstone explained that this was the only process in Appeals that had a seven day noticing requirements. On appeals the State does not specify a period. Planner Whetstone stated that most of the noticing processes for Park City are 14 days. The Staff recommended changing to a 14 day notice for consistency, unless the State Code has a different requirement, since 14 days is standard in the Code.

Commissioner Suesser referred to the added language in 151-18K, and suggested that "Staff determination" should be plural, to read "Appeals of Staff determinations."

Planner Whetstone noted that another change consistent with State Law is to post to the Utah Public Notice website, which is a State requirement.

Commissioner Suesser asked if there were multiple hearings in these appeals. Planner Whetstone stated that the requirement is for the first hearing. If the public hearing is continued and the public hearing is not closed on any item that has been noticed, a republication of notice is not required. Assistant City Attorney McLean stated that this was the current practice. Before the first hearing before the Planning Commission the item will be noticed 14 days prior. If it is continued to a date certain it is not re-posted or re-

published in the paper. It is always re-noticed on the Park City website and on the Utah Public Notice website, along with the agenda. That is done for every meeting under the Open Public Meetings Act laws. The only distinction is that the language clarifies that before the first meeting before City Council there will be a published noticed. That has not been consistently done in the past.

The Commissioners were comfortable with Item 1.

2. Standards of Review for applications with regard to the General Plan

Planner Whetstone stated that this amendment was a recommendation from the City Attorney. Under D, Standards of Review, having the use consistent with the Park City General Plan was struck in that section and inserted under the Review Criteria, where an application is reviewed for consistency with the goals and objectives of the Park City General Plan. She noted that it changes the standard of review for an MPD or CUP application. The Code is supposed to reflect the General Plan. Planner Whetstone read the added language, "...review for consistency with the goals and objectives of the General Plan, however, such review for consistency shall not alone be binding."

Planner Whetstone replied that the same language applies to MPDs. It was removed from 15-6-6, under Required Findings and Conclusions of Law and added under General Review. The change was reflected on page 213 of the Staff report.

Director Erickson clarified that the amendments were cleaning up the language to reflect that the General Plan is guidance and not regulation.

Commissioners were comfortable with Item 2, with the exception of Commissioner Suesser who was not prepared to sign off on the proposed change.

Chair Pro Tem Band stated that this item could be removed for action if the Commissioners wanted to discuss it further when Commissioners Joyce and Strachan were present. The Commissioners agreed to continue this amendment for further discussion.

3. Steep Slope CUP applicability

Planner Whetstone remarked that this amendment would increase the regulation in Historic Districts for what counts as footprint for steep slopes. Director Erickson stated that the issue is when a Steep Slope CUP would be required. If the steep area was a horizontal plane and something projected over it, it would not be regulated. Based on the new language, if it is a vertical plane and a deck projects into it, it would require a steep slope

CUP. Planner Whetstone pointed out that it would not apply to decks because decks are not building footprint.

Commissioner Campbell noted that a cantilever floor counts as a footprint. Director Erickson remarked that floor area is different than regulating for Steep Slope. Commissioner Campbell was unsure why the proposed language was necessary. Director Erickson explained that if someone tried to avoid doing a steep slope CUP and maximizing building volume, he would design the footings and foundation and the first floor to not impact the steep slope, and then on the second floor cantilever a deck over it. Commissioner Campbell stated that his understanding of building footprint is that if you shine a light from above directly down, anything in the shadow of that was part of the building footprint. Planner Whetstone stated that if the house cannot project over the steep slope area. Commissioner Campbell thought the existing footprint rule would catch it if that occurred. Planner Whetstone noted that the current language only states "If the footprint is located upon an existing slope", meaning that the footprint actually touches the steep slope.

Director Erickson suggested that the Staff might need to further consider this amendment. The intent was to clarify that a Steep Slope CUP could not be avoided. Commissioner Campbell favored the intent but he questioned the necessity of the added language. Commissioner Phillips agreed with Commissioner Campbell that it was already regulated by the footprint rule. However, he was not opposed to leaving in the added language for additional clarification. The Commissioners concurred.

#### 4. Common Wall Development

Planner Whetstone stated that this amendment would not apply in the HR-L zone because only single-family is allowed in the HR-L zone. Reference to the HR-L should be stricken from the language. The proposed amendment would apply to HR-1, HR-2 and CT zones. It also currently applies in the other zones.

Planner Whetstone revised the proposed language on page 214 of the Staff report, "A side yard between connected structures is not required where structures are designed with a common wall on a property line, each structure is on an individual lot, and the lots are burdened with a party wall agreement in a form approved by the City Attorney, Chief Building Official, and all applicable Building and Fire Code requirements are met." She clarified that IBC was replaced with Building.

Assistant City Attorney recalled that the Staff had an internal discussion on policy issues in terms of setbacks and new construction versus old construction. She explained the issues that were created by this amendment related to setbacks and the common wall. Another

issue is whether this amendment is meant to clean up the non-conformities that were historically done and preventing having to go through the condominium process; or whether the Planning Commission thinks this should be allowed in the future.

Chair Pro Tem Band thought this item needed further consideration and discussion. The Commissioner agreed to continue item 4 for discussion.

5. Exceptions to building height and footprint for Historic Sites as valid complying Structures in HRL, HR-1, HR2 and RC.

Chair Pro Tem understood from the Staff that this item was not ready to be forwarded to the City Council.

Planner Whetstone explained that the intent of this language was to say that a historic structure should not have to be modified to have a ten foot step at 23 feet to meet the Code. It should be a legal complying structure if it does not have a setback.

Planner Whetstone stated that another exception is when you have a historic structure 35 feet below grade with a garage at the top, there would be an exception to the 35 feet. Another exception is a historic structure that does not meet the total 35 feet in height from finish floor to the wall plane because that is how it sits as an existing historic structure and it is non-complying. The proposed amendment recognizes that if something is historic they are legally non-complying structures. However, additions must comply with building setbacks, building footprint, driveway location standards and building height. That language did not change.

Planner Whetstone stated that the exception has always been used for a basement under a historic structure. A basement or driveway location could be approved with a conditional use permit if all the other criteria are met. Planner Whetstone remarked that one additional criteria was added requiring that it comply with the Design Guidelines. The second exception related to a house being so far below the street that a new garage would keep it from meeting the overall building height.

The Commissioners agreed to continue this item for further discussion. Director Erickson suggested a drawing or a site tour to help with the discussion.

6. Mechanical service, delivery and loading areas (GC, LI Districts).

Planner Whetstone stated that the language is currently in the LI District and the Staff was proposing to put the same language into the GC zone. The only change to the language is

to replace eliminate the view with mitigate the view from nearby properties. The Commission recommended this item be forwarded to City Council.

7. Lighting requirements for reducing glare and landscape mulch materials

Commissioner Campbell thought lighting and landscaping were important issue and he suggested that they wait until all the Commissioners were present to have the discussion.

Commissioner Phillips asked if there is a way to measure lighting. Director Erickson replied that there are three different ways of measuring three different kinds of lighting including glare. He noted that Community Development Director, Anne Laurent has a proposed lighting ordinance that carries a full suite of measurements, including for glare, which is defined in the amendments as the difference between how dark it is and how light it is.

Planner Whetstone remarked that the amendment upgrades the purpose statements and adds a definition for "Glare". It also add LEDs as an approved light source and the temperature for LEDs should be less than 3000K.

The Commissioner agreed to continue this item, for additional information and discussion with the rest of the Commission.

8. Specifications for barrel roofs.

Director Erickson suggested that the definition of barrel roofs could be moved forward subject to removing the phrase, "such as cathedrals, railroad station, theaters and sports venue arenas", because it was intended to address residential structures.

Chair Pro Tem Band stated that unless the Commissioner had other issues this item would be forwarded to the City Council as amended by Director Erickson.

9. Require historic site information in MPD applications and review.

Director Erickson believed this item would need input from the public as well as discussion by the planning Commission. He noted that they require MPDs to identify mine sites and mine hazards, but they do not require identification of potentially historic structures. Director Erickson recalled that the Planning Commission required a new inventory at Park City Mountain Resort; however, it was not required on Alice Claim and it was later discovered that there was a historic site. This would require historic sites to be identified in an MPD.

Planner Whetstone read the proposed language under (O) on page 220 of the Staff report. "All MPD applications shall include a map and a list of known historic sites on the property and a historic Structures Report, as further described on the MPD applicant. The Report shall be prepared by a qualified historic preservation professional".

Director Erickson stated that the Planning Commission should decide whether or not to give the Planning Director the authority to waive the requirement on small MPDs. Planner Whetstone did not think it should be waived if the intent is to know all historic sites in an MPD.

Commissioner Thimm remarked that those types of things become difficult in terms of defining when it is waivable. Chair Pro Tem Band thought this amendment helps more than it hurts and if they find that it causes problems with smaller developments it could always be amended.

Commissioner Suesser asked if there was a requirement to have the property inspected for historic sites. She noted that the proposed language says "a map and list of known historic sites on the property". She noted that it does not require someone going out to the site to look at it. Planner Whetstone stated that the remainder of that language requires a report to be prepared by a qualified professional, which would require someone going to the site. Commissioner Suesser wanted to know what the report would entail. Director Erickson explained that there is a professional standard for an inventory of known historic sites which involves using the Historic Sites Inventory and mapping anything on the MPD. He pointed out that this language does not require a reconnaissance of new sites. If they want a reconnaissance the Staff would need to revise the language.

Commissioner Campbell thought the language was vague. Chair Pro Tem Band noted that the language requires a report to be prepared by a qualified historic preservation professional. Commissioner Suesser thought reconnaissance was important and it should possibly be required.

Planner Whetstone noted that the language came from the Historic Planners and they may have a definition for a Historic Structures Report. Commissioner Campbell suggested a definition for a qualified historic preservation professional.

Chair Pro Tem Band suggested that they continue this item to discuss some of the issues that were raised.

10. Clarify review criteria to be met when making a determination of historic significance.

Planner Whetstone presented an exhibit from Chapter 11-11 – Criteria for designating sites to the Historic Sites Inventory. She indicated where “and’s” and “or’s” were corrected in the language after review by the Historic Preservation Planners and Assistant City Attorney McLean.

Chair Pro Tem Band asked for the essential change in this section. Assistant City Attorney McLean stated that Essential Historic Form is a defined term in the Code but it was not clear. The intent was to clarify that it was the same term. Planner Whetstone stated that Essential Historical Form was incorrect and it was changed in the definition to Essential Historic Form.

Commissioner Suesser understood that the changes might not be significant, but not having had the opportunity to review it she was not prepared to sign off on it.

This item was continued this item for further discussion.

11. Administrative corrections for consistency and clarity between Chapters such as noticing requirements.

Planner Whetstone referred to the notice matrix and noted that that the changes were made to be consistent with State Code. Assistant City Attorney referred to noticing for Zoning and Rezoning and noted that after “first hearing”, language should be added to say, “of the Planning Commission and the City Council”.

Chair Pro Tem Band suggested that the Planning Commission continue this item for further changes and clarification.

12. Definitions for barrel roof, billboard, glare and intensive office.

Planner Whetstone added a definition of Affected Entity and handed out a sheet to the Commissioners with the definition and what it involves. She requested that it be included in the definitions being forwarded to the City Council. Assistant City Attorney McLean noted that the language for Affected Entity was directly from the State Code.

Chair Pro Tem Band noted that the language for barrel roofs was revised earlier in this discussion and the same revision applied.

The Commissioners discussed the definition of a billboard and what constitutes a billboard. Due to various regulations related to billboards, Director Erickson suggested that they pull billboard from this list of definitions.

Chair Pro Tem Band added Affected Entity to the definitions.

Regarding the definition for glare, Commissioner Campbell remarked that excessive and uncontrolled is hard to define and could be argued. He asked if they revise the language to say "caused by brightness". Chair Pro Tem Band stated that anything could be considered brightness. Planner Whetstone stated that if the light bulb is not shielded and in an opaque it creates glare. Director Erickson believed the definition for glare was taken from the International Lighting Code. Commissioner Campbell asked Ms. McLean if she could defend the words "excessive and uncontrolled" by someone who argues that they do have control of their light bulb. Ms. McLean agreed that the more definitive the better.

Director Erickson stated that there are standards coming forward that define the contrast in terms of luminosity. He was not opposed to continuing the definition for glare for further discussion. Commissioner Suesser was not comfortable with the word "sensation". She recommending using "impact" instead of "sensation".

The Commissioners agreed to continue the definition of glare for further discussion.

Chair Pro Tem Band opened the public hearing.

There were no comments.

Chair Pro Tem Band closed the public hearing.

Chair Pro Tem Band summarized that Items 1, 3, 6 and 8 as amended and a portion of item 12, would be forwarded to the City Council. The remaining items would be continued.

MOTION: Commissioner Campbell moved to forward a POSITIVE recommendation to the City Council for the LMC Amendments Items 1, 3, 6 and 8 as amended and a portion of Item 12, the definitions for Affected Entity, and Barrel Roof, Office, General, Office Intensive, and Office, Moderately Intensive. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Campbell made a motion to CONTINUE LMC Amendments Items 2, 4, 5, 7, 9, 10 and 11, and a portion of Item 12, the definitions for glare and billboard, to a date uncertain. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 9:15 p.m.

Approved by Planning Commission: \_\_\_\_\_



## City Council Staff Report

**Subject:** LMC Amendment Park City Historic Sites Inventory Criteria & Demolition Permits

**Author:** Anya Grahn, Historic Preservation Planner  
Hannah Turpen, Planner  
Bruce Erickson, AICP, Planning Director

**Department:** Planning Department

**Date:** December 17, 2015

**Type of Item:** Legislative — LMC Amendment

### Summary Recommendations:

Staff recommends that the City Council review proposed amendments to Land Management Code (LMC) regarding the allowed use matrix in 15-1-8, Appeal process in 15-1-18, the Notice Matrix, as outlined in LMC Chapter 15-1-21, as well as the Purposes of the Historic Preservation Board (HPB), Park City Historic Sites Inventory, Relocation and/or Reorientation of a Historic Building or Historic Structure, Disassembly and Reassembly of a Historic Building or Historic Structure, Reconstruction of an Existing Historic Building or Historic Structure and adding a material deconstruction review process as outlined in LMC Chapter 15-11 and definitions in Chapter 15-15. Staff recommends City Council conduct a public hearing, consider public input, review the request, and consider approving the proposed changes as proposed in this Report.

### Executive Summary:

On August 6, 2015, City Council directed the Planning Department to move forward with a pending ordinance (Exhibit A). Staff is proposing amendments to Land Management Code (LMC) regarding the allowed use matrix in 15-1-8, Appeal process in 15-1-18, the Notice Matrix, as outlined in LMC Chapter 15-1-21, as well as the Purposes of the Historic Preservation Board (HPB), Park City Historic Sites Inventory, Relocation and/or Reorientation of a Historic Building or Historic Structure, Disassembly and Reassembly of a Historic Building or Historic Structure, Reconstruction of an Existing Historic Building or Historic Structure and adding a material deconstruction review process as outlined in LMC Chapter 15-11 and definitions in Chapter 15-15. Amendments to the Land Management Code require City Council adoption.

### Description:

**Project Name:** LMC Amendment regarding Historic Sites Inventory criteria and demolition permits in the Historic District

**Applicant:** Planning Department

**Proposal:** Revisions to the Land Management Code

### Acronyms in this Report:

Certificate of Appropriateness for Demolition	CAD
Chief Building Official	CBO

Community Development Director	CDD
Determination of Significance	DOS
Historic District Commission	HDC
Historic District Design Review	HDDR
Historic Preservation Board	HPB
Historic Preservation Board Review	HPBR
Historic Site Inventory	HSI
International Building Code	IBC
Land Management Code	LMC
Request for Proposals	RFP

**Background:**

*History of Park City's Preservation Movement*

The development of the ski resorts (Snow Park Ski Area, 1946; Treasure Mountain, 1963; Park City West /Canyons Resort, 1968; and Deer Valley Resort, 1981) played a major role in transforming Park City from a mining ghost town into a year-round resort destination. Greater real estate demands and increased development spurred the historic preservation movement in Park City, which largely began in 1978 with the Main Street nomination for the National Register of Historic Places. A second thematic National Register nomination recognized the historic significance of the Mining Boom Era residences in 1984. These two (2) districts were focused on preserving historic buildings within Old Town.

Early on, the City recognized the need to assist property owners in order to encourage historic preservation. Initially, the City placed 180-day stay on demolition that provided an opportunity for the City to purchase or find a buyer for a historic property threatened by demolition. Further, the City purchased the Watts House and National Garage, put out a Request for Proposals (RFP) to rehabilitate the site, and then lobbied the Department of the Interior to keep the National Garage on the National Register of Historic Places after it had been panelized. Today, High West is one of the best examples of a historic rehabilitation project in Park City. The City's grant program, established in 1987, incentivized preservation efforts using RDA funds. Design Guidelines and the Land Management Code (LMC) also allowed the City to maintain the historic look and feel of its historic districts.

The City has been successful at developing regulations favoring historic preservation. We have created opportunities for mixed-use development, eliminated parking requirements for historic structures, and adopted provisions in the LMC and Design Guidelines all in an effort to encourage and make feasible historic preservation.

Historic preservation code provisions date back to approximately 1982. In the early 1990s, the City expanded regulations governing demolition of commercial properties, primarily on Main Street, and soon after extended protections to residential properties on the initial survey or over 50 years old, subject to a Determination of Significance (DOS) hearing.

In 2007, the City contracted with Preservation Solutions to conduct a reconnaissance level, or “windshield,” survey of the historic district. This increased our current preservation program in which some 400 sites and structures were designated as historic on the City’s Historic Sites Inventory (HSI) and the adoption of the 2009 *Design Guidelines for Historic Districts and Historic Sites*. Owners of properties on the HSI may not demolish buildings or structures designated as historic unless warranted by economic hardship through the Certificate of Appropriateness for Demolition (CAD) process; however, reconstruction and panelization may be deemed necessary and approved by the Chief Building Official (CBO) and Planning Director if specified criteria are met as defined in the LMC. The City has been successful in encouraging historic preservation through a “carrot and stick” approach, which includes the Historic District Grant Program and LMC exceptions benefitting historic properties.

Until 2002, the LMC gave the Community Development Department the authority to “review and approve or deny all applications for Building permits to build, locate, demolish, construct, remodel, alter, or modify any façade on any structure or building or other visible element...located within the Park City Historic District.” The Historic District Commission (HDC) had the ability to review and approve design review applications in those cases where the Community Development Director (CDD) found the proposal did not comply or the CDD was unable to make a determination at all; however, past preservation planners’ practice was to take nearly all applications to the HDC. In 2002, the HDC also reviewed demolition permits for locally designated historic buildings.

The City Council initiated amendments changing from a Historic District Commission (HDC) to a Historic Preservation Board (HPB) in 2003. The proponents put forth two primary reasons:

- a) The HDC had authority over several properties outside the official historic zoning districts, so the name was technically inaccurate; and
- b) Consistent with an overall approach that emphasized streamlined customer service for licensing, Building, Planning and Engineering, the Council decided to primarily confirm the HPB’s role as an appeal body.

As part of a stakeholder process leading up to the 2003 amendments, several designers requested that the Planning Department either follow the code and make the initial determination, using the Historic Preservation Board (HPB) primarily an appeal authority, or change the LMC to reflect the actual practice to take all applications to the HPB. The Council chose to refine the LMC process but left staff as the primary design review authority.

Since 2006, the LMC and practice have been aligned in that staff makes a decision on Historic District Design Reviews and the HPB serves as the appeal body for such determinations. Any appeal after the HPB goes directly to the District Court. The HPB’s purpose is to review all appeals on action taken by the Planning Department regarding compliance with the Design Guidelines for Park City’s Historic Districts and Historic Sites, designate sites to the Historic Site Inventory (HSI), and participate in the

design review of any City-owned projects located within the Historic District at Council's direction, as outlined in the Land Management Code per LMC 15-11-5.

Prior to the pending ordinance, all Historic District Design Review (HDDR) applications were reviewed by staff. If, as part of the Design Review, a demolition of a structure was proposed and the property was not designated as historic on the City's Historic Sites Inventory (HSI) as Landmark or Significant, the planner would sign off on the Building Department's demolition permit. Further, staff reviewed and determined the historical significance of additions to historic structures as well as the historical significance of modifications to ensure that these alterations had not gained historical significance in their own right. Panelization or reconstruction of any historic structures were reviewed and approved by the Planning Director and Chief Building Official, per LMC 15-11-14. Further, relocating and reorientation, per LMC 15-11-13 were also approved by a Planning Director and Chief Building Official determination.

Pending Ordinance:

The criteria for Landmark and Significant historic designations are outlined in Land Management Code (LMC) 15-11-10(A). Due to concerns regarding the historic designation of certain properties in the Historic District which contained historic materials but were not on the Historic Site Inventory (HSI), City Council adopted the attached pending ordinance (Exhibit A) on August 6, 2015. The pending ordinance modifies the criteria for historic designation as well as requires additional review for all structures constructed in or before 1975. Furthermore, the ordinance requires that the Historic Preservation Board (HPB) review any request for demolition as defined by the International Building Code (IBC). The HPB has been reviewing applications on a bi-monthly basis for compliance with this ordinance. The IBC manner of defining demolition will not work long term because it refers to the removal of any portions of a structure as well as demolishing the entire building. The existing, current LMC provides a definition of demolition that is used in HPB reviews. New language for consideration is proposed in Section 8 of this Staff Report.

Following the adoption of the pending ordinance, the Historic Preservation Board discussed and took public comment on the pending ordinance on August 13, September 2, September 16, October 7, October 21, and November 18, 2015; staff held robust discussions regarding redlining the Land Management Code on October 7 and November 18. Similarly, the Planning Commission discussed and took public comment on the pending ordinance on September 9, October 14, and November 11, 2015.

The proposed redlines to the Land Management Code outlined in the Analysis section of this staff report reflect staff's discussions with the Planning Commission and Historic Preservation Board as well as public comment regarding the pending ordinance.

Intent behind proposed LMC amendments

The intent of the pending ordinance is to expand the protection of Park City's Historic Districts through amendments and additions to the Land Management Code. The goal of the pending ordinance is to:

- Expand the Historic Preservation Board’s role in demolition determinations;
- Expand the Historic Sites Inventory criteria;
- Modify the process for designation to the Historic Sites Inventory;
- Modify the criteria for relocation and/or reorientation of Historic Building(s), disassembly and reassembly (panelization) of Historic Buildings, or reconstruction of Historic Buildings;
- Modify the noticing requirements for demolition permits; and
- Expand the definitions in the Land Management Code.

Research We’ve Conducted

The research that staff has conducted in order to craft the pending ordinance includes researching other jurisdiction’s ordinances, comparing definitions, and analyzing the existing regulations in the Land Management Code. Input received from the Historic Preservation Board and Planning Commission has helped guide staff’s research and areas requiring analysis. Staff’s proposed amendments reflect this research and input.

Why we are making these recommendations

Staff received direction from City Council on August 6, 2015, to move forward with the pending ordinance in order to increase the protection of Park City’s Historic Districts. Staff brought the pending ordinance to the Historic Preservation Board and Planning Commission for review and input. After receiving direction from the Historic Preservation Board and Planning Commission, staff has brought back possible amendments and/or clarifications to the pending ordinance.

The HPB has reviewed the pending ordinance on August 13, September 2, September 16, October 7, October 21, and November 18, 2015 (See 10.7.15 Historic Preservation Board Minutes, Exhibit B; 11.18.15 Historic Preservation Board Minutes, Exhibit C).

Thus far, we have heard from the HPB that:

- They are interested in reviewing requests for panelization and reconstruction projects, as well as those projects that include lifting the historic structure to add a new foundation; and
- As they have been reviewing minor maintenance and construction projects that include an aspect of demolition, they prefer to review larger projects related more to the HDDR process than over-the-counter building permits.

The Planning Commission has also reviewed the pending ordinance. The Planning Commission completed a review of the first draft of the proposed LMC changes on September 9th. Public input on September 9<sup>th</sup> was in support of the new ordinance and reducing potential loss of historic structures through demolition (see 9.9.15 Planning Commission Minutes, Exhibit D). Staff followed up with the Planning Commission to propose changes to the pending ordinance on October 14 and November 11, 2015; Comments from this meeting provided the following direction (see 10.14.15 Planning Commission Minutes, Exhibit E; 11.11.15 Planning Commission Minutes, Exhibit F):

- The Planning Commission also expressed concern about the need for greater public communication and accountability on panelization and reconstruction projects to prevent decisions being made solely in the field. Staff’s proposal of a

third historic designation—Contributory—was concerning as the Planning Commission found that evaluating structures at the age of forty (40) years was a moving target and the definition of contributing to the streetscape was too vague.

- The Planning Commission was also very concerned that the Historic Preservation Board (HPB) would be too arbitrary and capricious in their demolition review. The Commission recommended that staff develop a checklist for reviewing demolitions, as defined by the IBC.
- The Planning Commission found that the HPB’s demolition review was onerous on property owners as it extended the timeframe for completing construction projects.

We also reviewed the proposed LMC changes with the Planning Commission on November 11<sup>th</sup> and the Historic Preservation Board on November 18<sup>th</sup>. They expressed the following comments:

- Planning Commission was concerned about the 40 year designation as 40 years could be perceived as a moving target. They found that it would make it difficult for owners; however, staff clarified that the 40 year mark was intended to aid staff in inventorying these properties.
- The Planning Commission wanted to streamline the process as much as possible for applicants.
- Both the Planning Commission and the Historic Preservation Board requested a demolition review checklist for the new Historic Preservation Board Review (HPBR) for demolition applications.
- The Historic Preservation Board requested that staff find a way to work with property owners before a determination was made on historic designations.
- Both were supportive of the Board of Adjustment serving as the appeal body for HPB determinations.

Both forwarded a positive recommendation to City Council. Comments from the Planning Commission and HPB have been incorporated into the Land Management Code redlines outlined in the Analysis section of this report.

**Analysis:**

**1. Noticing for Demolitions and Designations of Sites**

Staff has heard from the Historic Preservation Board, Planning Commission, City Council, and public that there needs to be greater public communication regarding demolitions and historic designations. LMC 15-1-21 currently requires the following noticing for Designation of sites to the Historic Sites Inventory and Historic District Design Review (HDDR) applications:

<b>Notice Matrix</b>			
<b>Action:</b>	<b>Property Posting:</b>	<b>Courtesy Mailing:</b>	<b>Published:</b>
Historic District or Historic Site Design Review	First Posting: The Property shall be posted for a 14 day period once a	First Mailing: To Owners within 100 feet once a Complete	If appealed, then once 7 days before the date set for the appeal

	<p>Complete Application has been received. The date of the public hearing shall be indicated in the first posting. Other posted legal notice not required.</p> <p>Second Posting: For a 10 day period once the Planning Department has determined the proposed plans comply or does not comply with the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.</p>	<p>Application has been received, establishing a 14 day period in which written public comment on the Application may be taken. The date of the public hearing shall be indicated.</p> <p>Second Mailing: To Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The second mailing occurs once the Planning Department determines whether the proposed plans comply or do not comply with the Design Guidelines for Historic Districts and Historic Sites and no later than 45 days after the end of the initial public comment period. This establishes a 10 day period after which the Planning Department's decision may be appealed.</p>	
Certificate of Appropriateness for Demolition	45 days on the Property upon refusal of the City	14 days prior to the hearing before the Historic	Once 14 days prior to the hearing before the Historic

(CAD)	to issue a CAD; 14 days prior to the hearing before the <del>Historic Preservation Board</del> <u>CAD Hearing Board</u>	Preservation Board, to Owners within 300 ft.	Preservation Board.
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There currently is no requirement for staff to post notifications of the HPB’s demolition reviews as this is a new process; however, staff recommends amending the LMC to require a 14-day property posting, courtesy mailing, and published public notice Consistent with the HDDR and CAD processes. Staff suggests changing the terminology in the matrix from “Designation of Sites to the Historic Sites Inventory” to “Determination of Significance” as the Determination of Significance application is used for nominating historic structures to the Historic Site Inventory, modifying historic designations, and removing designations. Also, there was a typo in the matrix. Per the LMC, CAD hearings are before a CAD hearing board and not the HPB.

**Proposed Changes:**  
15-1-21 Notice Matrix

<b>Notice Matrix</b>			
<b>Action:</b>	<b>Property Posting:</b>	<b>Courtesy Mailing:</b>	<b>Published:</b>
<del>Historic Preservation Board Review for Material Deconstruction</del>	<del>14 days prior to hearing before the Historic Preservation Board</del>	<del>14 days prior to the hearing before the Historic Preservation Board to property owners within 100 feet.</del>	<del>Once 14 days prior to the hearing before the Historic Preservation Board</del>
<del>Designation of Sites to the Historic Sites Inventory Determination of Significance</del>	<del>7 14 days prior to hearing before the Historic Preservation Board</del>	<del>14 days prior to the hearing before the Historic Preservation Board to property owners within 100 feet.</del>	Once 7 14 days prior to the hearing before the Historic Preservation Board
Certificate of Appropriateness for Demolition (CAD)	45 days on the Property upon refusal of the City to issue a CAD; 14 days prior to the hearing before the <del>Historic Preservation Board</del> <u>CAD Hearing Board</u>	14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the hearing before the Historic Preservation Board.

**2. Purposes of the Historic Preservation Board (HPB)**

As part of the pending ordinance, City Council requested that the HPB review demolition permits. The HPB is not currently authorized to serve as a design review board, and City Council has asked that staff return to City Council with a discussion on providing HPB with design review authority in the future. Staff plans on addressing this after the pending ordinance is passed.

**Proposed Changes:**

**15-11-5. PURPOSES.**

*The purposes of the HPB are:*

- (A) To preserve the City's unique Historic character and to encourage compatible design and construction through the creation, and periodic update of comprehensive Design Guidelines for Park City's Historic Districts and Historic Sites;*
- (B) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;*
- (C) To provide input to staff, the Planning Commission and City Council towards safeguarding the heritage of the City in protecting Historic Sites, Buildings, and/or Structures;*
- (D) To recommend to the Planning Commission and City Council ordinances that may encourage Historic preservation;*
- (E) To communicate the benefits of Historic preservation for the education, prosperity, and general welfare of residents, visitors and tourists;*
- (F) To recommend to the City Council Development of incentive programs, either public or private, to encourage the preservation of the City's Historic resources;*
- (G) To administer all City-sponsored preservation incentive programs;*
- (H) To review all appeals on action taken by the Planning Department regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites; ~~and~~*
- (I) To review and take action on all designation of Sites to the Historic Sites Inventory Applications submitted to the City; ~~and~~*
- (J) To review and take action on material deconstruction applications for those Sites listed on the Historic Sites Inventory.*

**3. Historic Designations**

On January 22, 2009, the City Council, at a public hearing, discussed proposed amendments and approved a resolution adopting LMC amendments to Land Management Code, Section 15-11-12 to establish the Park City Historic Sites Inventory (HSI). The Land Management Code, Section 15-11-12: Park City Historic Sites Inventory specifies that the Planning Department shall maintain an inventory of Historic Sites located with Park City.

Research and development of the Historic Sites Inventory (HSI) was conducted by the City's Historic Preservation Consultant, Dina Blaes and her staff at Preservation Solutions using criteria set forth in Land Management Code, Section 15-11-12(A): Criteria for Designating Sites to the Park City Historic Sites Inventory. Four hundred five (405) sites—with a total of five-hundred twenty-five (525) buildings, accessory buildings, and/or structures—were identified as meeting the criteria for designation

to the Historic Sites Inventory (HSI). Of these sites, one hundred ninety-two (192) sites meet the criteria for designation as “Landmark” Sites and two hundred thirteen (213) sites meet the criteria for designation as “Significant” Sites. The HSI was adopted on February 4, 2009.

Of the four hundred five (405) sites adopted as part of the original Historic Site Inventory, two hundred thirteen (213) sites met the criteria for designation as Significant Sites. Staff's evaluation of these sites was based on the criteria set forth in Title 15-11-10 and the subsequent recommendation to the HPB to include these sites on the Historic Sites Inventory as Significant Sites was based on the information gathered during fieldwork and from secondary sources.

Following the initial adoption of the 2009 HSI, sites and structures were removed from the HSI as more information was discovered and the site or structure was found not to meet the designation criteria. Most of these sites were previously on the HSI but removed due to additional analysis of non-historic alterations to their form. The purpose of these changes is to safeguard those structures forty (40) years old or older that have had significant alterations yet continue to contribute to the rhythm and pattern of the streetscape within the H-Districts, and may return to the HSI if future restoration efforts comply with adopted standards.

Staff is not recommending any changes to the criteria for Landmark listing on the HSI except to make the language consistent in each of the three (3) designations. Staff's intent in modifying the “Significant” designation is to expand the criteria in order to capture those structures that continue to contribute to the historical significance and integrity of the historic district due to their form, mass, scale, or historical features, though they may have had past alterations that have caused them to be removed from the Historic Sites Inventory in the past. The intent is not to dilute to the Historic District with severely altered structures, but rather provide greater opportunities for these structures to be recognized for contributing to the historical integrity of the district as a whole as well as allow greater opportunities for restoration.

Staff also proposes modifying the LMC to incorporate a new designation to LMC 15-11-10(A). The “Contributory” designation will include those structures forty (40) years old or older that are compatible with historic structures and the streetscape in the district due to their mass, scale, composition, materials, treatment, and/or other architectural features that are Visually Compatible to the Mining Era Residences National Register District based on the criteria defined later in this report. A 50 year criteria exists for the designation of Historic sites. The forty (40) year requirement is designed to:

1. Assist in managing inventories of structures that contribute to neighborhood character;
2. Potentially allow structures on this to be eligible for the Historic District Grant program- however, they will not be automatically designated to the Historic Sites Inventory (HSI); and

3. Providing a data (non-regulatory) background for other historical eras in the City for future reference.

Contributory sites will be identified through a survey (not yet completed). These sites will not be designated on the Historic Sites Inventory (HSI) and will have no additional restriction beyond what all property is subject to in the Historic Districts. Contributory sites will not be protected from demolition. Contributory sites will be eligible for grants. Those properties that receive grants will not be eligible for demolition; grant recipients are required to enter into a preservation easement with the City that runs in perpetuity with the land and prevents demolition.

**Proposed Changes:**

**15-11-10. PARK CITY HISTORIC SITES INVENTORY.**

*The Historic Preservation Board may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community.*

**(A) CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

**(1) LANDMARK SITE.** *Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the Planning Department finds it meets all the criteria listed below:*

- (a) It is at least fifty (50) years old or has achieved Significance ~~in the past fifty (50) years~~ or if the Site is of exceptional importance to the community; and*
- (b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and*
- (c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:*
  - (i) An era that has made a significant contribution to the broad patterns of our history;*
  - (ii) The lives of Persons significant in the history of the community, state, region, or nation; or*
  - (iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.*

**(2) SIGNIFICANT SITE.** *Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:*

- (a) It is at least fifty (50) years old (this includes buildings not historic to Park City that were relocated to prevent demolition) or ~~has achieved Significance in the past fifty (50) years~~ if the Site is of exceptional importance to the community; and*

~~(b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form as may be demonstrated but not limited by any of the following:~~

~~(i) It previously received a historic grant from the City; or~~

~~(ii) It was previously listed on the Historic Sites Inventory; or~~

~~(iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or~~

~~(c) It has one (1) or more of the following:~~

~~(i) It retains its historic scale, context, materials in a manner and degree which can be restored to Essential Historical Form even if it has non-historic additions; and Major alterations that destroy the Essential Historical Form include:~~

~~(i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or~~

~~(ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or~~

~~(iii) Moving it from its original location to a Dissimilar Location, or~~

~~(iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.~~

~~(ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or~~

~~(d) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:~~

~~(i) An era of Historic importance to the community, or~~

~~(ii) Lives of Persons who were of Historic importance to the community, or~~

~~(iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.~~

(3) CONTRIBUTORY SITE. Any site, including Buildings (main, attached, detached, or public), Accessory Building, and/or Structure may be designated to the Historic Sites Inventory as a Contributory Site if the Planning Department finds it meets the criteria listed below:

(a) The structure is forty (40) years old or older (this includes buildings not historic to Park City that were relocated to prevent demolition); and

(b) Meets one of the following:

(i) Expresses design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District; or

*(ii) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:*

*(a) An era of Historic importance to the community, or*

*(b) Lives of Persons who were of Historic importance to the community, or*

*(c) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.*

*(c) Contributory structures may be eligible for Historic District Grant funding. Contributory structures are eligible for demolition.*

*(4) Any Development involving the Reassembly or Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Sections 15-11-14 or 15-11-15 of this code shall remain on the Park City Historic Sites Inventory. Following Reassembly or Reconstruction, the Historic Preservation Board will review the project to determine if the work has required a change in the site or structure's historic designation from Landmark to Significant. ~~and shall be listed as a Significant Site.~~*

#### **4. Designating Sites to the Historic Site Inventory**

Currently, the LMC dictates that only Planning Department staff or the property owner may nominate sites to the Historic Sites Inventory (HSI). Staff policy will continue be to accept and review nominations from other interested parties for consideration and determination whether to move forward to the HPB for decision. The nominations will then be reviewed by the HPB, which then determines whether the nomination meets the criteria to designate the site as Landmark or Significant.

#### ***Proposed Changes:***

*None*

#### **5. Historic District or Historic Site Design for Material Deconstruction**

Staff recommends adding language to the LMC for the Historic Preservation Board Review (HPBR) for material deconstruction. Staff is using the term material deconstruction instead of demolition as it addresses the systematic removal of materials for reuse and selective disposal. The National Trust for Historic Preservation differentiates deconstruction from demolition in that deconstruction is more selective in its material removal, can be used to remove and salvage specific materials, and is more systematic in its approach than demolition, which is generally considered to be the total scrape or loss of the historic building. HPB shall review all material deconstruction permits for any structure listed on the Historic Sites Inventory except for Routine Maintenance as defined by Section 15-11-12 (A)(3). Further, staff recommends amending Section 15-11-12(A)(3) to allow the Planning Director to issue a Historic District Design Review (HDDR) waiver letter for those projects requiring emergency repair work. Staff also proposes adding a section to LMC 15-11-12 outlining the application process for Historic Preservation Board Review for material deconstruction.

Land Management Code Amendments

Work Program for 2016- Planning Commission priorities based on April 27, 2016 Work Session

Minimum (requires minimal staff research and Commission discussion)

1. **Appeals process for extensions of HDDR and CUP** approvals for consistency with Chapter 1 and throughout the Code. *Identify appeals process (15-1-19), including noticing, and appeal authority for appeals of extensions granted on HDDR and CUP approval applications. **(Notice and appeal process discussion on June 22 and August 10)***
2. **Clarify standard of review for Conditional Use Permits** and other types of applications (Chapter 1). *General Plan review is more specific to legislative actions such as zoning, rezoning, MPDs, annexations, LMC Amendments. CUP applications are more administrative and the standard of review in 15-1-10 (D) needs to be reworded to reflect that. **(June 22 and August 10)***
3. **Clarify Steep Slope CUP and setback applicability** (regarding vertical plane). *Based on applicant interpretation Staff sees a need to clarify that Steep Slope CUP applications apply when development occurs on Steep slope as well as onto the entire horizontal and vertical planes that make up the property and similar case with setback regulations. Add language to Chapter 2 (HRL, HR-1, HR-2, and RC) as well as Chapter 15 definitions. **(Forwarded to CC on June 22)***
4. **Allow common wall development with Party Wall Agreement** for all Districts (HR-1, HR-2, HCB, PUT, and CT) as is currently allowed in the R-1, HRM, HRC, SF, RD, RDM, RM, RC, GC, and LI Districts (Chapter 2) as a way to allow units to be individually sold without a condominium plat (especially for duplexes where 2 unit condominiums are an impediment to affordable housing). *Research history of this issue and consider adding the existing language to the remaining Districts- "A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. **(June 22 and August 10)***
5. **Exception for ten foot horizontal step and total 35' height requirement for historic structures** in HRL, HR-1, HR-2 and RC District as legal non-complying structures (Chapter 2). *Adding to existing language in 15-2.2-4 Existing Historic Structure to include the Building Height as a standard that makes a valid Complying Structure if it doesn't comply with the current regulations for Building Height. "Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standard are valid Complying Structures...." **(June 22 and August 10)***
6. **Consistent language for screening of mechanical equipment in GC and LI** District (Chapter 2). *Section 15-2.19-9 Mechanical Services, Delivery, and Loading Areas, which has specific requirements for exterior mechanical*

equipment screening, etc. should be included in the GC District too. **(Forwarded to CC on Jun 22)**.

7. **Landscape review standards for landscape materials and mulches-** prohibit petroleum based and synthetic mulches (Chapter 5). *Review materials and mulches for water conservation, e.g. bark, gravel, turf, native grasses, etc.* **(June 22 continued)**
8. **Allow barrel roofs** as a permitted roof form (Chapter 5) and codify how height is measured (Chapter 2). *Discuss and define barrel roofs and consider including in Chapter 2 as an allowed roof form* **(Forwarded to CC on June 22)**.  
Determination of height exception for barrel roofs (Chapter 2). *Should barrel roof have to fit within the geometrics of a 4:12 roof in order to get the additional 5' of height?* **(September?)**
9. Review Master Planned Development requirements specific to **Mine Sites** (Chapter 6). *Review Section 15-6-5 specifically for Mine Sites to be shown on MPD site plans and may require that an inventory of sites be prepared along with a protection and/or preservation plan.* **(August 10)**
10. **Various administrative corrections** (cross references to incorrect sections, typos, terminology and changes, and other minor administrative corrections). (Various Chapters). **(August 10)**
11. **State mandated changes** (Various Chapters). **(August 10)**

Moderate (requires moderate amount of time for Staff research and more in depth Commission discussion of policy issues)

1. **Residential/neighborhood lighting glare.** Regulations to prevent glare and definitions (Chapters 5 and 15).
2. **Align Special Events regulations** with recent Municipal Code changes for Special Events, Temporary Structures and Tents, Outdoor Events, etc. in all Districts. The Municipal Code was recently amended and the Land Management Code is not consistent and should be amended (Chapters 2 and 4).
3. **Definitions** (as they apply to these amendments and review of all for updates and clarification) (Chapter 15).
4. Clarification of Planning Director approval of “**diminimus adjustments.**” Review Section 15-14-1 Administration and Enforcement, and include a paragraph and explanation for Planning Director determination of substantial compliance with this Code, including allowance for approval of diminimus adjustments. (Chapters 14 and 15).
5. **Standards for expiration of inactive or stayed applications** *Determine timeframe for when inactive or stayed applications should expire after 90 days without action. Provide more specific requirements for keeping an application current. Definition of Inaction.* (Chapters 1 and 15).
6. **Standards for application revisions and requirements for submittal of new application** when changes are substantial. *Provide standards for when substantial revisions to an application require a new application. New fees? New application? What is substantial? New subsection of 15-1-14?* (Chapters 1 and 15).

7. **Screening of mechanical** discussion in general. What constitutes adequate screening of mechanical equipment? Landscaping, fencing, walls, roof top structures, paint, etc. discussion. *Discussion in terms of general screening requirements and definitions* (Chapter 2, 5, and 15).
8. **Flat roof/green roof regulations.** Historic residential zones, related design guideline amendments, non-historic districts and architectural design. Pros and cons as they relate to architectural compatibility and energy conservation (Chapters 2, 5 and 15)

Significant (requires a significant amount of time for staff research and review of larger policy issues and greater in depth review and discussion by the Commission, likely will include greater public involvement as well)

1. **Review Master Planned Development requirements** (Ski Lockers, Soils Ordinance, Mine Sites (**reviewed June 22 and August 10**), Support Commercial and Meeting Space, Back of House Uses and Transportation related) and related Definitions. *Review Section 15-6-8 specifically for accessory uses in Sections F and G* (Chapters 6 and 15).
2. **Review Unit Equivalent requirements in Master Planned Developments** and for various Public Uses. *LMC calculates for Residential and Commercial/office uses. How do you calculate UE for public and private recreation facilities, essential municipal public utilities and uses, accessory buildings, skating rinks, indoor sports fields, public and quasi-public schools and churches, child care centers, public assembly structures, etc.? Review Section 15-6-8- Unit Equivalents specifically in Sections A-E* (Chapters 2, 6, and 15).
3. **Parking and driveway regulations** regarding maximum driveway grades; parking areas for vehicles, boats and trailers; maximum parking standards; parking in Historic District standards consistent with Parking Chapter. *The current regulations for maximum driveway grades (up to 14%) encourage more grading of the site, use of heated driveway systems, and construction higher on the lot. Recommend maximum driveway grade of less than 10%. Applicant with unique lot characteristics still would be able to apply for a variance* (Chapters 3 and 15).
4. **Review Allowed and Conditional Uses in all Districts for consistency and for consideration of other uses.** *Recent discussion includes requests to provide or revise land use tables and definitions for the following: Agricultural Uses, Accessory Apartments, Portable Storage Units, Resort Accessory Uses, Resort Summer Uses, Essential Municipal Uses, Ski-related Accessory Buildings (also for other recreational activities?), Temporary Improvements, Tents, Recreation Facilities, Support Commercial, Outdoor Events and Special Events) and others. Provide a land use table or matrix in the code* (Chapters 2 and 15).
5. **Expand Annexation Expansion Boundary** to include City Owned property to the North and East of current City Limits. *Review General Plan language, State Code requirements, and current LMC language to understand existing annexation expansion boundary (15-8-7) and consider amending to include other City owned properties within the Expansion boundary area. Will need to review the process for changing annexation expansion boundaries and include in the LMC as well to comply with State Code* (Chapter 8).

6. **Portable Storage Unit and Group Mail Box** regulations. *Discuss these uses, definitions, and locations where allowed, conditional or prohibited in all Districts, specifically an issue in the Historic Districts (Chapters 2, 4, and 15).*
7. **House size and footprint reductions** in the historic districts and potentially for existing non-historic neighborhoods and future developments (Chapters 2 and 15).

For more in depth review and research

This was the category used at the last meeting to “park” and note for items that will require more in depth research and analysis prior to Planning Commission discussion.

1. **Landscape review standards for energy efficiency.**
2. Review and upgrade **entire lighting standards for energy efficiency**, color, etc. in Chapter 3 for Parking Lots (Section 15-3-3 (C)) and Chapter 5 (15-5-5 (I)) for General Architectural Standards. *Review best practices and include more specific metrics for lighting for energy efficiency and good urban design.*
3. Codify requirements for **Net Zero Buildings** and other energy efficiencies (Chapters 5 and 6). *Requires a white paper and discussion of the topic of net zero building and what specific items need to be added into the LMC to provide regulatory teeth to achieve these goals.*
4. **TDR program** regulations and process.
5. **Wood burning fireplaces** restrictions.
6. **Transportation related amendments**

**Kirsten Whetstone**

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**From:** Matt Day <mday@petersonpartners.com>  
**Sent:** Tuesday, August 02, 2016 1:49 PM  
**To:** Kirsten Whetstone; Anya Grahn; Bruce Erickson  
**Subject:** RE: LMC Changes - Two Solutions attached  
**Attachments:** Two LMC Solutions.docx

Hi all,

Where do we stand on this? I am pretty free this week so I can come in at a time that works for you all this week. I think the meeting is coming up soon isn't it?

Thanks a lot,  
 Matt

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**From:** Kirsten Whetstone [mailto:kirsten@parkcity.org]  
**Sent:** Friday, July 15, 2016 10:10 AM  
**To:** Matt Day <mday@petersonpartners.com>; Anya Grahn <anya.grahn@parkcity.org>; Bruce Erickson <bruce.erickson@parkcity.org>  
**Subject:** RE: LMC Changes - Two Solutions attached

Thanks Matt  
 I'll review your suggested solutions and get back to you early next week.

Kirsten

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**From:** Matt Day [mailto:mday@petersonpartners.com]  
**Sent:** Thursday, July 14, 2016 5:20 PM  
**To:** Kirsten Whetstone; Anya Grahn; Bruce Erickson  
**Subject:** LMC Changes - Two Solutions attached

Bruce, Kirsten, Anya,

OK, I think we will all agree that today's meeting was a disaster... After 3 years of asking for support of a hardship variance and arguing historic houses have a right to parking, and being told I'm wrong and staff won't support it – today I learn from Francisco (the guy who wrote the code) that of course this is a hardship variance case, of course the parking exclusion for historical houses is an exception if you need it and not a prohibition, and that the height exception on a down-hill lot was never intended to refer to only the 27 foot rule and not the 35 foot rule...

Even if Francisco is right, this is no consolation at this point. If staff can't agree after 3 years of debating this section, how can any resident feel comfortable spending more money on new plans, and asking for a variance from the Planning Commission – who have spent a fraction of the time trying to understand the code that we all have. It would still be a total crap shoot. A developer who will sell the building to a tourist might be able to afford the dollars and time for this back-and-forth. But it's really tough to expect a normal resident to take that financial risk. Certainty, is what we all want from the code.

So it is this internal confusion that necessitates the code fix in my opinion - I have drafted 2 solutions attached. Which one you may prefer depends on what the goal is.

As I understand it Bruce wanted to see a section that is limited and can't be over-used beyond historic houses. Francisco says if it's that limited it shouldn't be a code change at all because it doesn't help enough people. I don't know what the answer is. So I drafted solutions for both:

**Solution 1** – Add the historic house exemption that was proposed by Kirsten before – with a few tweaks to make the 15 foot above the street rule work.

**Solution 2** – Amend the exemption for 'garages on a downhill" lot so that it definitely applies to Max Height and Zone Height and allows a single car garage on single lot and double car garage on a double lot. You all have said repeatedly that you don't want just garage doors on the street, you want nice street entrance facades – well, blocking 2 car garages doesn't achieve that – allowing entrances to be built achieves that. So to achieve that goal you need to allow an entrance in this section. So my amendment allows additional width for only 2 new things: an entrance and an internal staircase – This is not an unreasonable ask - you need to be able to get into the house and get to the lower floors somehow.

I know your first reaction will be to strike the double garage on a double lot. But think about a double lot. If you can only have a single car garage, and only a small entrance and stairs, what do you do with the rest of the width of a double lot? You will end up with a floating shed like Bill McKenna's house on Ontario which doesn't fit the streetscape. Limiting double car garages to double lots is a smart solution – and gets cars off crowded/dangerous streets.

Solution 2 is the most limited mark-up – so maybe it's the easiest. Plus this section already exists to address the situation – it just doesn't work right now.

As always, thanks for entertaining my relentless pursuit to be able to live in a house with parking and an entrance... 😊

Seriously though, I really do appreciate your efforts here and I know how many competing factors you must all consider and the pressure everyone is under right now given the other big planning issues going on.

I'd really like to come in again next week and discuss these two solutions. When would work for you all?

Thanks so much,

Matt Day

**Solution 1.**

This creates a solution that is limited to historic houses on very steep slopes

**15-2.1-4. EXISTING HISTORIC STRUCTURES.**

Historic Structures that do not comply with **Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards** are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create Lockout Units or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards, and Building Height. All Conditional Uses shall comply with parking requirements of Chapter 15-3.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setbacks, and driveway location standards for additions to Historic Buildings:

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition **and/or driveway is Compatible with compliments** the Historic Structure-
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International Building and Fire Codes, and
- (5) When the addition complies with the Design Guidelines for Historic Districts and Sites.

(B) **EXCEPTION.** In the event the Historic Structure is more than 2635 feet below the existing Street used for primary Access to the Property, measured from the proposed Access point on the street on the Right-of-Way to the lowest finished floor plane of the existing Historic Structure, the Planning Director may exempt the new Structure from the 35 foot maximum Height and 27 foot Zone height requirements. The additional height granted may not exceed fifteen feet (15') above each current requirement. The Height of the new Structure at the Right of Way and 20 feet perpendicular to the Right of Way in the Front Yard Setback may not exceed fifteen (15) feet in Height from Existing Grade. All other Building Height requirements apply.

**Solution 2.**

This solution is available to more situations, not just historic houses, but it isn't a new section – just an amendment to an existing one which already grants power to the Planning Commission for this issue.

15-2.2-5(D)(4) BUILDING HEIGHT EXCEPTIONS – GARAGE ON A DOWN HILL LOT

The Planning Director may allow additional Maximum Height and Zone height on a downhill Lot to accommodate a single car garage in a tandem configuration on a single lot, and up to a double car garage on a double lot. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within the Code, Section 15-3. Additional building width may be utilized only to accommodate circulation, and an ADA elevator, internal staircase and a street level entrance to the house. The additional height granted may not exceed fifteen feet (15') above each current requirement. ~~thirty-five feet (35') from Existing Grade.~~