



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

WORK SESSION – <i>Discussion only, no action will be taken</i>	Pg
▪ Round-table discussion with Planning Commission and Staff	
▪ General Plan	5

ROLL CALL

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

REGULAR AGENDA – <i>Discussion, public hearing, and possible action as outlined below</i>	
Land Management Code – Amendments to Chapter 2.3 (HR-2 District), Chapter 5, Chapter 6, Chapter 10, and Chapter 11 regarding the Master Planned Development within HR-2 District and the application and appeal process of the Historic Design Review	
<i>Public hearing and possible recommendation to City Council</i>	
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ADJOURN

Items listed on the Regular Meeting may have been continued from a previous meeting and may not have been published on the Legal Notice for this meeting. For further information, please call the Planning Department at (435) 615-5060.

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.
Planning Commission - February 24, 2010

WORK SESSION

Planning Commission Staff Report



Subject: General Plan
Author: Thomas E. Eddington Jr. AICP
Date: February 24, 2010
Type of Item: Public Hearing – General Plan Goals

**"Would you tell me which way I ought to go from here?" asked Alice.
"That depends a good deal on where you want to get," said the Cat.
"I really don't care where" replied Alice.
"Then it doesn't much matter which way you go," said the Cat.**

Lewis Carroll, *Alice's Adventures in Wonderland* (1865), novelist and poet (1832-1898)

Background

Goals

The Goals are the "which way to go" for the master planning process; they are the building blocks on which the General Plan is built.

Goals for Park City are summarized by elements. While there is a certain amount of overlap, each focuses on a particular aspect of the community as a whole. The goal statements are designed to establish a framework, or direction, for the future growth of Park City. A series of objectives outline specific steps that can be taken toward achieving each stated goal. Finally, action steps are suggested as immediate follow-up actions necessary to implement the goals of this Plan.

The Park City goals and objectives address key issues relative to growth and development. These statements establish much of the context within which future development proposals will be evaluated. In implementing the Plan, the goals and objectives will be used in conjunction with a number of graphic planning elements that together comprise this Plan. While the goals and objectives establish a general framework, the graphic plans will provide more specific direction regarding public improvements or development potential on a particular piece(s) of property.

The Planning Department requests that the Planning Commission review the *current* goals of the General Plan as follows:

- Goal 1: Preserve the mountain resort and historic character of Park City.
- Goal 2: Preserve environmental quality, open space, and outdoor recreation opportunities.
- Goal 3: Maintain the high quality of public services and facilities.
- Goal 4: Work effectively with other governmental agencies to achieve the goals of the General Plan.
- Goal 5: Maintain the unique identity and character of a historic community.
- Goal 6: Manage the amount, rate, form and location of growth.
- Goal 7: Encourage a diversity of housing opportunities.

- Goal 8: Involve the community in decision making.
Goal 9: Plan for the 2002 Winter Olympic Games.
Goal 10: Develop an integrated transportation system to meet the needs of our visitors and residents.
Goal 11: Review and amend the General Plan annually.
Goal 12: Plan for realistic population growth consistent with the City's vision.

The Planning Department staff reviewed the current General Plan, specifically the goals, and created new recommendations. These new goals and objectives have been broken down by element and are noted on the following pages for discussion. They have been prepared by Staff in individual formats, as presented, and have been discussed at Staff's General Plan meetings.

Subcommittees

At a previous General Plan public hearing, the Planning Department Staff had sign-in sheets available for residents to choose particular elements of the General Plan that they were interested in contributing time/efforts toward. A number of people signed up; however Staff would like each Planning Commissioner to volunteer for an element or two to serve as a liaison. The elements (and recommended combinations) are as follows:

- Community Character & Historic Preservation
- Community / Economic Development
- Housing
- Open Space & Parks & Recreation
- Environment / Conservation / Sustainable Development
- Land Use & Growth Management
- Transportation & Community Facilities

Recommendation

Staff recommends the Planning Commission hear Department recommendations, provide input and discussion, and provide liaisons for each General Plan element. Staff will continue its work on the General Plan and keep the Planning Commission up to date at public hearings and/or workshops as needed. Subsequent to this meeting, the Staff plans to bring back more detailed information relative to research and analysis per individual elements.

Exhibits

Exhibit A – Community Character Goals

Exhibit B – Growth Management Goals

Exhibit C – Economic Development Goals

Exhibit D – Environment/Conservation/Sustainable Development Goals

Exhibit E – Historic Preservation Goals

Exhibit F – Housing Goals

Exhibit H – Open Space Goals

Exhibit I – Parks and Recreation Goals

Exhibit J – Transportation Goals

Exhibit K – Land Use Goals

community character

GOALS

- Maintain quality of life
- Align future development with community values (sports meets culture meets miner)

STRATEGIES

- Identify neighborhoods
- Focus build-out in existing areas
- Fiercely protect open space
- Maintain diverse recreation opportunities
- Allow for diverse housing options
- Maximize pedestrian experience
- Encourage Main Street economic development
- Maintain Historic Districts
- Encourage arts/culture
- Identify threats
- Form alliances with chamber and HMBA

ACTIONS

- Review zoning districts against built conditions and future master planning
- Review parking requirements within Old Town
- Explore economic incentives for Main Street businesses
- Break down historic districts into smaller neighborhoods and small area master plans
- Identify second-home impact on neighborhoods
- Align SLO and FPZ with transit ways
- Establish neighborhood organizations (street parties, festivals)



Growth Management

Goals

- To remain a small historic town, with a sense of community while preserving our natural setting.
- To grow in an environmentally responsible manner for future generations.
- To encourage re-development in areas where adequate public facilities exist or can be provided in an efficient manner with no additional negative impacts to the community as a whole.
- To prevent sprawl and encourage responsible re-development.
- Create a regional approach to growth management with Summit County and Wasatch County.
- Track build-out within existing subdivisions annually.



Strategies

- Define carrying capacity of community infrastructure and cap development.
- Track build-out monthly with new permits. Provide Planning Commission with updates on build-out yearly including ratio of primary home owners to secondary home owners.
- Balance growth with resources.
- Connect annexation goals to land use.

Action Items

- Identify amendments of the Land Management Code that could result in more environmentally friendly development.
- Create a public facilities and utilities list with carrying capacities of each facility and utility.
- Map the public facilities and utilities in GIS.
- Map primary and secondary home owners in GIS.
- Map build-out analysis in GIS.

Economic Development (Sustainability)

Establish a diverse, sustainable, year-round economy that promotes Park City's unique character and sense of place.

Principle: Maintain and enhance a diverse, vibrant, sustainable, multi-seasonal economy that is consistent with our small town character, and supports the needs of the community and destination resorts.

Policy 1. Business Retention and Expansion. Create an environment where new and existing complimentary businesses can be successful.

Policy 2. Economic Diversification. Continue to use economic development strategies necessary to attract primary employers to ensure the long-term health and viability of Park City while maintaining unique community character and identity.

Action 2.a. Pursue opportunities to create higher wage/higher skill jobs so residents can build careers and afford to live and work in Park City.

Policy 3. Independent Businesses. Encourage small scale, independently-owned businesses that help make Park City unique and set it apart from other mountain resort communities.

Action 3.a. Support the creation and continuation of local markets for regionally and locally produced products.

Policy 4. Promotion. Continue to promote the City as a year-round destination resort.

Policy 5. Fiscal Impact. Direct economic growth in a fiscally responsible way, to maintain quality amenities and high service levels for residents and tourists.

Action 5.a. Develop an accurate forecast of revenues using an economic model.

Policy 6. Public Investment. Allocate public resources to most effectively support, encourage, and assist private investments and opportunity sites that respond to the community's vision and as identified in the current Economic Development Strategy.

Policy 7. Regional Cooperation. Cooperate with surrounding communities to explore opportunities for regional solutions to economic development challenges.

Action 7.a. Work with the surrounding governments to plan future, diversified economic development in the region.

Action 7.b. In cooperation with other public and private entities, design a long-range plan to promote cultural tourism.

Action 7.c. Housing opportunities for residents, visitors, and second home owners.

Action 7.d. Transportation

Policy 8. Interrelationships. Understand and appreciate the interrelationship of economic development and the City's unique character and quality of life.

Action 8.a. Tie to Social Equity

Policy 9. Revenue. Investigate diversifying the City's revenue stream through investigation of other techniques for revenue development.

Action 9.a. Develop plans and strategies to reduce the City's dependence on sales tax revenues by investigating other techniques for revenue development, such as property tax and revenue sharing.

Policy 10. Main Street. Encourage investment in the Main Street area, to retain and protect its unique, historic and walkable character.

Action 10.a. Continue to explore strategies for retail/restaurant uses on the first floor with office and/or residential uses on the upper floor in the Central Core.

Policy 11. Redevelopment Areas. Encourage investment in identified redevelopment areas, such as Park Avenue and NOMA, which will enhance the Park City's economic Health.



Environment

GOALS

- **Protect and preserve environmentally sensitive lands, natural resources, waterways, and wetlands**
- **Protect and preserve wildlife resources, including critical habitat and movement corridors**
- **Protect and preserve water resources, including aquifer recharge areas, drinking water sources,**
- **Continue to enhance and safeguard the community's water quality**
- **Protect and improve air quality**
- **Continue to improve soil quality and monitor mine soils**
- **Protect and enhance quality of the night sky**
- **Protect existing open space from encroachment and impacts of development**
- **Acquire new open space parcels along corridors and view sheds and in environmentally sensitive areas**
- **Ensure all future development and redevelopment is aligned with identified environmental best practices**
- **Ensure all future development and redevelopment preserves, enhances, and maintains quality open space**
- **Reduce the City's and individual's carbon footprint in accordance with City Council goals**
- **Promote use of renewable energy to reduce greenhouse gas emissions in accordance with City Council goals**
- **Promote reduced energy use and improved energy efficiency**
- **Promote water conservation in buildings and for landscape irrigation**
- **Promote recycling and reduce overall waste stream**
- **Promote proper disposal of all hazardous waste, including household waste**
- **Enhance the quality and quantity of the natural and urban forests in Park City and surrounding the surrounding area**

STRATEGIES

- **Identify and map a growth area boundary and identify an area of regional interaction and cooperation**
- **Identify and map sensitive lands, natural resources, waterways, flood plains, geologic hazards and wetlands within and adjacent to the growth area boundary**
- **Identify and map critical wildlife habitat and wildlife corridors**
- **Maintain existing open space areas and obtain new open space to enhance connections for wildlife and human use and to maintain a distinct identity within the regional “basin”.**
- **Identify and map aquifer recharge areas**
- **Identify and map redevelopment areas**
- **Determine a realistic sustainable carrying capacity for Park City and the growth area**
- **Use the growth area and carrying capacity to determine future growth patterns focusing new development in identified redevelopment areas**
- **Create land use and development patterns that integrate natural areas and resources into the built environment to increase public awareness and responsibility towards these sensitive lands**
- **Identify environmental best practices specific to Park City**
- **Identify opportunities for Locally Grown food programs**
- **Develop partnerships with federal, state and local environmental and wildlife organizations**

TASKS

- **Research and adopt specific Green Building requirements for neighborhoods, buildings, sites, and remodels**
- **Adopt a water conservation and appropriate native vegetation focused landscape and urban forestry ordinances (avoid monoculture plantings that may be at risk with climate changes)**
- **Align Sensitive Lands Overlay with identified sensitive lands and natural resources**
- **Research and implement environmental best practices by incorporating requirements and regulations into the Land Management Code**
 - **Energy conservation**
 - **Water conservation**
 - **Water quality**
 - **Air quality**
 - **Night Sky quality**
 - **Soil quality**
 - **Erosion Control**
 - **Flood Plain protection**
 - **Seismic safety**
 - **Wildlife protection**
 - **Open Space protection**
 - **Solid waste management and Recycling**
 - **Green roofs**
 - **Urban forestry**
 - **Stormwater Management (impervious coverage maximum in LMC)**
- **Continue to monitor mine tailings and soil quality within the Park City Soils Ordinance areas and expand Ordinance area as needed**
- **Create partnerships with Summit and Wasatch Counties as well as State and Federal Agencies to address environmental issues in the Region**
- **Work cooperatively with Local, State and Federal agencies and Non-profit Organizations to promote environmental education and understanding of Park City's important natural resources**

Historic Preservation Goals

Historic Preservation

- Promote and ensure public awareness and general knowledge of historic preservation regulations and incentives.

Historic District

- Identify, preserve, and protect the City's unique Historic District for the benefit of existing and future generations.

Preservation Incentive

- Offer financial assistance to owners to foster ongoing redevelopment and maintenance.

Historic District Design Guidelines

- Identify specific design-related issues that may affect the District's overall integrity.

Rehabilitation and New Construction

- Encourage sensitive rehabilitation and promote the incorporation of architecturally-compatible construction within the Historic District.

Demolition-by-Neglect

- Promote public awareness of the characteristics of demolition-by-neglect and general knowledge of historic preservation.

Historic Preservation Strategies

Historic Preservation

- Educate elected officials as well as the general public of the purpose of the Guidelines and knowledge of the benefits to preservation.
- Support and maintain a high standard of qualification and expertise in the field of preservation for City Staff involved in the design review process.
- Respect and be aware of Park City's natural environmental constraints such as steep slopes, significant vegetation and other factors when land is developed.
- Integrate the goals and priorities of historic context into the broader planning process.
- Communicate the benefits of historic preservation for the education, prosperity, and general welfare of residents, visitors and tourists.

- Research the economics of historic preservation to educate the public the corresponding benefits of appropriate preservation.
- Maintain National Registry statues of existing districts.

Historic District

- Identify those buildings, structures, and sites in Park City which are historically significant to the Historic District.
- Enact regulations to protect those buildings, structures, and sites which are historically significant to the original character of Park City.
- Support preservation efforts toward buildings, structures, and sites which are historically significant including their rehabilitation and continued use.
- Involve the real estate sector and general public in promoting preservation within the Historic District.

Preservation Incentive

- Research, identify and utilize existing financial incentives for historic preservation being offered to communities by federal, state and private institutions.

Historic District Design Guidelines

- Seek to improve the outcome of design projects in Old Town by ensuring the support of the regulations outlined in the Guidelines.
- Enhance the quality of growth and new development in town.
- Encourage architects to create new buildings that will become landmarks for future historical designation.
- Ensure that the character of new construction that is architecturally-compatible to the existing historic character of Park City.
- Increase public awareness of design issues, concerns, and options.
- Encourage sensitive development on steep slopes.

Rehabilitation and New Construction

- Reduce loss of existing historic material and reduce construction waste in nearby landfills through the rehabilitation and repair of existing construction, encouraging recycling, etc.
- Encourage early consultation with Staff to foster strong communication throughout the planning and construction process.

- Support architectural compatibility with the historic character of the area and maintain visual quality.
- Recognize and preserve the architectural uniqueness of Old Town as a whole.
- Promote the use of new technologies within the fields of both new and rehabilitative construction that meets or exceeds national Federal standards for historic preservation.
- Promote historic preservation projects and encourage adaptive reuse of historic structures.

Demolition-by-Neglect

- Educate City Staff as well as the general public of the characteristics of demolition-by-neglect.
- Work pro-actively with the Building Department to clarify required maintenance, economic hardship and demolition standards, and procedures.
- Develop incentive packages to discourage demolition based on claims of economic hardship.

Historic Preservation Actions

Historic Preservation

- Provide recognition and encourage the preservation of historic sites, buildings, and structures in the community by implementation of the Historic Site Inventory.
- Periodically update a survey of historic structures and sites.
- Establish workshops and/or "open houses" to promote awareness and involve the public prior to taking action to adopting any changes.
- Amend the Land Management Code, as needed, to address the outstanding historic preservation issues raised in this element of the General Plan.
- Improve the Land Management Code and design review mechanisms for preservation planning to promote clarity in the design expectations of construction projects.

- Improve regulations which pertain to the procedure of design review affecting those buildings, structures and sites within the Historic District, including the processes for determining historical significance, economic hardship, demolition and demolition-by-neglect.
- Preserve the aesthetics of sensitive historic areas through zoning regulation, and the acquisition of historic lands/buildings, etc. as opportunities and finances become available.
- Maintain and refine lighting standards to preserve a visible night sky.
- Write regulations in a simple and clear manner.

Historic District

- Maintain support and financial assistance for the Park City Museum, and of other organizations or events that celebrate the heritage of Park City.
- Ensure a sufficient quantity and variety of parks and open space to foster the scale and "neighborhood feel" throughout the Historic District.
- Support the incorporation of beautification improvements to public streets, utilities, and existing open space (such as pocket parks along public rights-of-way), including intersections and other areas within the Historic District.
- Educate City Staff as well as the general public of the importance of the Historic District, and the positive impacts of historic preservation.
- Encourage collaboration among individual neighborhoods within the District regarding historic preservation and provide meaningful opportunities for citizen input during the adoption of historic legislation.

Preservation Incentives

- Identify sustainable funds or other resources to subsidize and replace the current matching grant program, as well as to foster other financial incentives.
- Develop and implement other financial incentives for preservation (e.g. low-interest loan programs, local tax credits, sales tax waivers, rebates for rehabilitation construction material, etc.).
- Continue providing general appropriations towards existing preservation incentive programs.
- Consider the formulation of bond issues in association with existing

programs, or existing state's bonding authority to help underwrite the rehabilitation of historic buildings.

- Consider instituting other funding initiatives to help underwrite the rehabilitation of historic buildings (e.g. real estate tax for surrounding non-historic areas, mortgage registration fees when houses are bought and sold, etc.).
- Enter into cooperative agreements with state and federal agencies which own any property with historic buildings, structures and sites in Park City to manage and/or acquire such property consistent with the policies herein.
- Establish a committee or encourage an existing group (e.g. Historic Preservation Board, Historical Society, etc.) to publicly recognize entities and/or individuals for their outstanding work in the historic preservation process.

Historic District Design Guidelines

- Conduct training related to historic preservation and design regulations for staff, boards, design professionals, commissions, and the general public.
- Establish workshops and/or "open houses" to promote awareness and involve the public prior to taking action to adopt changes to the Historic District Design Guidelines.
- Encourage compatible design and construction through the creation and periodic update of comprehensive design guidelines for the Park City Historic Sites.
- Present the Guidelines in a more comprehensive and user-friendly format and ensure amendments to the Guidelines that avoid duplication or confusion.
- Communicate a good understanding of the purpose for the Historic District Design Guidelines in terms of type of architectural compatibility that is being sought regarding existing and new construction (e.g. traditional infill, contemporary, or replication) within the Historic District.
- Indicate which approaches to design are encouraged and discouraged by the community to preserve the historic integrity of the Historic District.
- Encourage future hillside development that it is clustered at the base of the hills and stays off ridge lines within the Historic District.

- Encourage alternatives to the use and reliance of automobiles, and discourage the use of hard-surfacing in highly-visible areas on properties within the Historic District.
- Guide development to create a smooth transition between commercial and residential areas within the Historic District.
- Preserve existing aesthetics (including open vistas and natural stream corridors) of the entry corridors leading into the Historic District.
- Protect existing significant natural vegetation and require new vegetation to compliment the existing vegetative character of sites within the Historic District.
- Maintain large expanses of open space within the Historic District in its existing condition.
- Maintain and enhance trails and open space linkages within the Historic District.
- Review and establish criteria for reviewing the use of new technology, and for handling sensitively utilities, infrastructure, etc. within the Historic District.

Rehabilitation and New Construction

- Maintain a staff that is capable of providing technical assistance to applicants during the planning and construction process in order to promote sensitive rehabilitation efforts within the Historic District.
- Mitigate impacts of development on steep slopes.
- Provide regular inspections and general project follow-up to ensure compliance with city regulations and project conditions of approval.
- Utilize and promote existing recycling programs that serve our residents and visitors to reduce the amount of material currently being deposited in land fills.

Demolition-by-Neglect

- Monitor and enforce demolition-by-neglect provisions.
- Work with owners to identify and mitigate neglect relating to the long-term maintenance of historic properties.
- Assess incorporation of demolition-by-neglect provisions into the existing LMC to help identify and catch potential demolition and hardship

applicants before the building reaches an unsalvageable state or condition.

- Implement incentive packages to discourage demolition based on claims of economic hardship.





Snow Creek Cottages

Housing

Goals

- ◆ Provide housing opportunities to meet the needs of current year-round residents, seasonal employees, visitors, public employees, emergency services volunteers, and other local workers.
- ◆ Protect historic buildings, neighborhoods, and landscapes from incompatible development. Prevent further loss of the Town's cultural, archaeological, and geographical resources.
- ◆ Create a vibrant, diverse community by ensuring a variety of housing opportunities. A diverse housing opportunity will improve the sense of community and support economic and social diversity.
- ◆ Ensure a diverse housing opportunity that will improve the sense of community and support economic and social diversity
- ◆ Promote new housing strategies that compliment existing programs increase the supply of attainable homes for people who work in the community

Strategies

- ◆ Attainable housing should be distributed throughout the City to provide diversity to existing neighborhoods.
- ◆ Bed base to accommodate visitors which compliments rather than disrupts the year round residences. (Do an inventory to distinguish existing primary homes from secondary homes.)
- ◆ Evaluate the criteria for affordable housing and determine whether this should be altered
- ◆ Provide adequate housing for special needs populations such as seniors and ADA

Actions

- ◆ Look at infrastructure needs for affordable housing – bus stop locations, walk ability, etc.
- ◆ Receive input from large resorts – Determine how they individually addressing their housing needs (seasonal, etc.)
- ◆ Look at seasonality of affordable housing and whether or not the timing of use meets the demand.
- ◆ Look at AMI ratios and examine different levels of AMI
- ◆ Break down units by type; e.g. SRO, one/two bedrooms, dorms, etc
- ◆ Create a citywide map of primary and secondary homes and properties
- ◆ Create a map of deed-restricted City-owned affordable housing, MCH deed-restricted units, Habitat for Humanity housing, and any property owner with deed-restricted housing such as Talisker

Snow Creek Cottages



open SPACE

GOALS

- *Maintain existing open space*
- *Pursue additional open space acquisition*
- *Protect related wildlife*

STRATEGIES

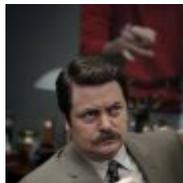
- *Pursue acquisition through dedication and purchase*
- *Align future development with open space adjacencies*
- *Preserve quality of existing open space*
- *Identify wildlife corridors*
- *Form alliances with neighboring counties*
- *Preserve view corridors; review for new corridors*

ACTIONS

- *Review Useable Open Space Definition*
- *Prepare future acquisition mapping (even where built environment exists)*
- *Pursue private land at boundaries*
- *Review SLO and FPZ*
- *Review effectiveness of MPD open space criteria against built product*
- *Review existing vantage points*
- *Map animal species present within existing lands and trails*
- *Share information with adjacent county land conservancies*
- *Review future impacts to Rail Trail*



I don't want this parks department to build, any parks, because I don't believe in government. I think that all government is a waste of taxpayer money. Ron Swanson (head of the city's Parks Department) of NBC's "Parks and Recreation" program



Parks and Recreation

Goals

- ◆ Preparation of a citywide, comprehensive Parks Master Plan to guide park and open space acquisition, design and development, recreational programming and needed maintenance for both the present and the future.
- ◆ A sustainable park and recreation system that meets the needs of residents and visitors of all ages.
- ◆ Provision of open spaces that keep pace with population growth through timely acquisition and development.
- ◆ An equitable citywide distribution of and access to parks and recreation facilities.
- ◆ Encourage and retain traditional local resource based skiing and other outdoor recreational industries that practice environmentally sensitive methods of operation.

Strategies

- ◆ Incorporate the City's existing Trail's Plan into this element while looking at and focusing on connections.
- ◆ Conserve Green Space
- ◆ Continue to encourage recreational events that promote visitors (Triple Crown, ski trips, soccer tournament, cycling events, running races, USSA, High Altitude Training Center, carousel of moose, elk, deer, jackrabbits, mining carts, etc.)

Actions

- ◆ Look at 1999 Parks Master Plan – gain ideas
- ◆ Look at GIS of all trails and their connections to parks (1/4 mile radius analysis)
- ◆ GIS of all parks with ¼ mile radius around each – Complete a neighborhood ratio analysis of all parks
- ◆ Analyze what percent of Park City's economy is derived from recreational pursuits and tie into the Economic Development element.

- ◆ Research the number of people and dollars various recreational events bring and compare.
- ◆ Analyze developments and their recreational impacts
- ◆ Look into public school facility partnerships
- ◆ Look into recreational facilities and their relationship to the multi-seasonal economy
- ◆ Do an inventory to determine how we are meeting or lacking areas of the National Recreation and Park Association Standards.



PARK CITY RECREATION CENTER
20 JANUARY 2010

VCBO
VICTOR CALABRO ARCHITECTS

TRANSPORTATION

Goals

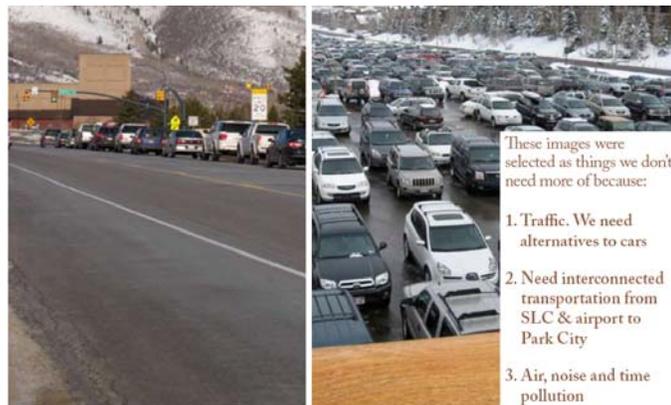
- Preserve the small town character of Park City by keeping transportation systems within the existing road widths.
- Decrease carbon footprint from transportation.
- Maintain and improve the appeal of bicycle and walking for a wide variety of trips in the Park City area to increase health, reduce vehicle trips, and decrease greenhouse gases.
- Reduce single-occupant automobile use.
- Reduce the adverse impacts of the automobile including pollution, traffic, impervious surface coverage, and neighborhood experience.
- Increase the percentages of all types of trips made by alternative modes of transportation through the region.
- Slow traffic on existing residential streets and discourage cut through traffic.
- Create public transportation alternatives between Park City, Salt Lake City and the Summit/Wasatch County region.
- Co-ordinate land use and transportation planning in local and regional growth planning.
- Emphasize and increase accessibility and mixed land use (re)development to increase the use of alternative modes of transportation and decrease dependence on mobility, carbon emissions, and the number of vehicle trips made.

Amount of space required to transport the same number of passengers by car, bus or bicycle.
(Poster in city of Muenster Planning Office, August 2001)



Strategies

- Develop Complete Streets manual.
- Provide a wide range of flexible transportation management tools and techniques to reduce single-occupant automobile use.
- Provide infrastructure and facilities for alternative modes of transportation. (i.e., bike racks, HOV lanes, more pedestrian walkways, bike paths, etc.)
- Increase initiatives and improve the appeal of carpooling, vanpooling, and public transportation for a wide variety of trip types.
- Preserve the character, safety and traffic-limiting capacity of State Highway 224 and 248.
- Structure new growth in the community in compact, mixed-use patterns that enable and support travel by pedestrians, bicycles, and public transportation for all types of trips.
- Ensure that local and regional transportation and land use policies and decisions are mutually supportive.
- Require all employment, school, social, recreation or other activities that generate demand for travel to mitigate traffic impacts through support of alternative transportation modes in proportion to trips generated.
- Create parking maximum requirements rather than minimum.
- Place transit stops within a ¼ mile of land use areas with highly concentrated demands on transportation.
- Cluster mixed land use and high densities within ¼ mile of public transportation.



Prepared by eckLLC for The Park City Municipal Corporation | 10.13.2009 |

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land use



GOALS

- Enhance resort based economy with sustainable development and recreational opportunities
- Align future development and redevelopment with community values
- Maintain small town feel
- Preserve the natural setting
- Conserve energy and water, provide clean air and water

STRATEGIES

- Encourage mixed use development and redevelopment to discourage dependence on automobile.
- Coordinate land uses with transportation modes
- Evaluate Annexation Policy Boundary for geographic limits (highways, ridges) and functional limits (extending services, water quantity)
- Focus build-out in existing areas
- Acquire and preserve open space surrounding the community
- Replace wood-burning fireplaces by providing an market-based incentive system
- Promote water conservation over purchasing additional quantity

TASKS

- Review zoning districts and neighborhoods against built conditions and future master planning. Identify smaller component neighborhoods.
- Review parking requirements
- Explore limiting house sizes and future lot sizes
- Amend Land Management Code for development and redevelopment to require “green” building practices.

ACTIONS (stay tuned...)

REGULAR AGENDA

Planning Commission Staff Report



Planning Department

Subject: Land Management Code (LMC)
Amendments
Author: Kirsten Whetstone, AICP
Thomas Eddington, AICP
Application #: PL-09-00784
Date: February 24, 2010
Type of Item: Legislative

Summary Recommendations

The Planning Commission should review and discuss proposed amendments to the Land Management Code for:

- Chapter 2.3 - (Historic Residential HR-2)
- Chapter 6 - Master Planned Developments
- Chapter 10- Board of Adjustment
- Chapter 12- Planning Commission

Staff recommends the Commission conduct a public hearing, consider input, and consider forwarding a positive recommendation to the City Council based on the findings of fact and conclusions of law as stated in the draft Ordinance.

Topic

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

Background

On January 20, 2010 the Planning Commission conducted a public hearing and discussed Land Management Code (LMC) amendments that 1) address planning and zoning issues that have arisen in the past year and 2) address development and design issues for the east side of upper Park Avenue in the HR-2 zoning district. Previous discussions occurred on June 11, 2008, September 23, 2009, November 11, 2009 and January 20, 2010. Please refer to the Staff Report from January 20, 2010, for additional background information, a detailed description of amendments, and staff analysis. The following amendments are proposed:

- **Chapter 2.3 (HR-2 Zoning District)** - Provides additional regulations for Conditional Use Permits and Master Planned Developments within Subzone A.
- **Chapter 6 (MPD)** – These proposed changes do two things: 1) clarify how the 5% Support Commercial floor area is calculated for Master Planned Developments and 2) provide regulations for Master Planned Developments (MPD) within the HR-2 zoning district.

- **Chapters 10 and 12 (BOA and Planning Commission)** - Specifies 45 day time frame for hearing of appeals to Planning Commission and the Board of Adjustment and clarifies that Call-ups from City Council may be heard by the BOA if requested by City Council. These amendments provide consistency with existing regulations in Chapter 1.

Summary of revisions since January 20, 2010 meeting

The following are additional revisions based on input from the Planning Commission at the January 20, 2010:

Chapter 2.3 - (HR-2 Zoning District)

- Clarified language in Section 15-2.3-8 (B) (13) regarding the 40' maximum façade width referring to the width of entire house, excluding any structure located entirely below grade, such as a common parking structure. The intent is that houses fronting on Park Avenue shall maintain the pattern of building façade and spacing typical of and compatible with the neighborhood. Forty feet is the maximum width of a duplex on a combination of 2 lots, allowing for five foot side setbacks.
- Clarified language in Section 15-2.3-6 regarding building height and Final Grade allowing for flexibility within Subzone A where existing grade is altered to address zero-lot-line setbacks for below-grade structures, subject to a Master Planned Development. The intent is to return Final Grade to within 4' of existing grade where physically possible consistent with the rest of the HR-2 and HR-1 district LMC requirements, but to allow flexibility when necessary for development that is compatible with the character of the neighborhood.
- Amended language throughout Chapter 15-2.3 to require "compatibility with the residential neighborhood", as opposed to "compatibility with adjacent structures".
- Replaced all references to "Historic District Guidelines" in Section 15-2.3 with "Design Guidelines for Historic Districts and Historic Sites" consistent with the title of the new Historic Design Guidelines.
- Clarified regulations for setback exceptions for detached single car garages, allowed subject to a Conditional Use Permit, in the HR-2 zoning district in Section 15-2.3-5 (A).
- Removed Private Residence Club (a type of ownership of a residential condominium unit as defined in the LMC) from the list of uses allowed with a Conditional Use Permit in Section 15-2.3-2 (B) per Planning Commission discussion.

Chapter 6 - (MPD)

- Additional language included regarding the need to address neighborhood compatibility, scale, and mass requirements.

Chapters 10 and 12 - (BOA and Planning Commission)

- Added specific language to Section 15-10-3 (A) allowing the Board of Adjustment to hear Council call-up of Planning Commission decisions on projects, if requested by the City Council, consistent with existing regulations in LMC Chapter One..

Summary of Intent of the Chapter 2.3 (HR-2) and Chapter 6 (MPD) Amendments

The intent of LMC amendments for HR-2 Subzone A is to achieve the following benefits for both the Park Avenue neighborhood and Main Street businesses:

- Historically-scaled infill residential structures along the east side of upper Park Avenue with incentives to eliminate vacant lots that provide no buffer from Main Street commercial activities, and to eliminate the parking lots that serve some Main Street businesses.
- New development compatible in mass, scale, character with surrounding and adjacent residential neighborhoods.
- Parking for the Main Street business could be re-gained below grade provided access can be provided from either Main Street or a side street.
- Decreased visual impacts of the automobile, garages, and parking lots on the Park Avenue neighborhood by providing incentives to put parking beneath the houses where possible allowing for pedestrian friendly front porches and additional landscaping along the street.
- Decreased visual impact from mechanical and back-of-house uses in the HCB District (Main Street) as houses are constructed on vacant lots and design options are available to find innovative solutions to these issues.
- Decreased impacts on the quality of life on upper Park Avenue by developing vacant lots to decrease their use for as egress, access, and delivery associated with Main Street businesses. Decrease in noise, parking, and other negative impacts associated with Main Street activity.
- Incentives for preservation of historic structures and design of compatible contemporary structures.
- Incentives for economic development within the Main Street commercial district by allowing innovative design and flexibility in the development and redevelopment of properties in a more comprehensive, well planned, holistic manner and by allowing limited expansion into the HR-2 zone for non-residential uses below the grade of Park Avenue when impacts of these uses are mitigated.

Department Review

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

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption and become pending upon publication of

legal notice. City Council action may be appealed to a court of competent jurisdiction per LMC Section 15-1-18.

Notice

Notice was published in the Park Record and posted according to requirements of the Land Management Code. Staff provided notice of the open house and in initial public hearing to property owners on Park Avenue and Main Street from Heber Avenue to King Road and distributed flyers to businesses along the west side of Main Street.

Public Input

Public input was received at the open house, as outlined in the January 20 Staff Report, and at the public hearings as documented in meeting minutes attached as Exhibits to that report. Comments received at the January 20th hearing included 1) concerns about a lengthy review process for solar panels that could be a disincentive to residents and 2) comments supporting setback exceptions for detached single car garages and requesting consideration of building footprint exceptions as an incentive to build detached single car garages (see minutes of January 20th meeting attached to this Planning Commission Packet).

Alternatives

- Conduct a public hearing on the LMC amendments describe herein or as amended and forward a positive recommendation to the City Council.
- Conduct a public hearing and forward a negative recommendation to the City Council.
- Continue action on the LMC amendments to a date certain.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

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

Recommendation

The Planning Commission should review and discuss proposed amendments to the Land Management Code as outlined in this report and Exhibits (A-D) for the following Chapters:

- Chapter 2.3- Historic Residential 2
- Chapter 6 Master Planned Developments
- Chapter 10- Board of Adjustment
- Chapter 12- Planning Commission

Staff recommends the Commission conduct a public hearing, consider input, and consider forwarding a positive recommendation to the City Council based on the findings of fact and conclusions of law as stated in the draft Ordinance.

Exhibits

Ordinance

Exhibit A- Chapter 2.3 Historic Residential 2

Exhibit B- Chapter 6 Master Planned Developments

Exhibit C- Chapter 10 Board of Adjustment

Exhibit D- Chapter 12- Planning Commission

Exhibit E- Staff report from January 20th

Exhibit F- Draft minues from January 20th

**AN ORDINANCE AMENDING
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH,
REVISING
SECTIONS 15-2.3, 15-6, 15-10, and 15-12 REGARDING DEVELOPMENT
REGULATIONS AND MASTER PLANNED DEVELOPMENTS IN THE HR-2 AND HCB
DISTRICTS, AND CALL-UPS AND TIMEFRAME FOR APPEALS TO BOARD OF
ADJUSTMENT AND PLANNING COMMISSION**

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

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

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

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

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

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

WHEREAS, Chapter 6 - Master Planned Developments, provides regulations, requirements, and procedural requirements regarding Master Planned Developments, and the City desires to clarify and revise these regulations and procedures as they pertain to 1) development in the HR-2 and HCB Zoning Districts and

2) calculation of Support Commercial and Meeting Space within Master Planned Developments as outlined in the staff report; and

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

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

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

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

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on _____, 2010; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the Upper Park Avenue residential neighborhood, preserve historic structures, promote economic development within the Park City Historic Main Street business area, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code
Chapter 2- Section 15-2.3. The recitals above are incorporated herein as findings of fact. Chapter 15-2.3 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 6- Master Planned Development. The recitals above are incorporated herein as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 10- Board of Adjustment. The recitals above are incorporated herein as findings of fact. Chapter 10 of the Land Management Code is hereby amended as redlined (see Exhibit C).

SECTION 4. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 12- Planning Commission. The recitals above are incorporated herein as findings of fact. Chapter 12 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit D).

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2010

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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

Chapter adopted by Ordinance 00-51

15-2.3-1. PURPOSE.

The purpose of the HR-2 District is to:

(A) allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:

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

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

(C) establish a transition in Use and scale between the HCB and the HR-1 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 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 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 continued 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 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,

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Deleted: Historic District Design Guidelines and

Deleted: .¶

Comment [kaw1]: Added purpose statements to provide clarification and direction regarding the purpose and uniqueness of the HR-2 District.

Deleted: ;

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

15-2.3-2. USES.

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

(A) ALLOWED USES.

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

(B) CONDITIONAL USES.

- (1) Duplex Dwelling
- (2) Secondary Living Quarters
- (3) Accessory Apartment⁴
- (4) Group Care Facility

¹Nightly Rental of Lockout Units requires a Conditional Use Permit

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

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

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

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

Deleted: 1

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

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

⁷In Historic Structures only

⁸In Historic Structures and within Sub-Zone B only. Subject to requirements of Section 15-2.3-9. Except that these Uses are permitted in Sub-Zone A only when all criteria of Section 15-2.3-8 are met.

⁹Subject to an Administrative Conditional Use Permit, and permitted in Sub-Zone B only, subject to requirements in

- (21) Outdoor Events
- (22) Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot
- (23) Temporary Improvement
- (24) Passenger Tramway Station and Ski Base Facility¹⁰
- (25) Ski tow rope, ski lift, ski run, and ski bridge¹⁰
- (26) Recreation Facility, Private
- (27) Fences greater than six feet (6') in height from Final Grade¹¹
- (28) Limited commercial expansion necessary for compliance with Building/Fire Code egress and Accessibility requirements¹²

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

(C) **PROHIBITED USES.**

Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 04-08)

Section 15-2.3-9.

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

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

¹² Subject to compliance with the criteria set forth in Section 15-2.3-8(B). Said expansion is limited to the minimum footprint necessary to achieve compliance with Building and Fire Code egress and Accessibility requirements, and may include additional Building Footprint for ADA restrooms.

15-2.3-3. CONDITIONAL USE PERMIT REVIEW.

The Historic Preservation Board shall review any Conditional Use permit (CUP) Application in the HR-2 District and shall forward a recommendation to the Planning Commission regarding the application's compliance with the [Design Guidelines for Park City's Historic Districts and Historic Sites](#). The Planning Commission shall review this Application according to Conditional Use permit criteria set forth in Section 15-1-10 as well as the following:

(A) Consistent with the [Design Guidelines for Park City's Historic Districts and Historic Sites](#), Section 15-4, and the Historic Preservation Board's recommendation.

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

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

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

(E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures [and may consider in-lieu fees for all or a portion of parking](#)

Comment [kaw3]: Replace Historic District Design Guidelines with title of current Guidelines

Deleted: Historic District Design Guidelines

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Comment [kaw2]: Removed Private Residence Club ownership of a condominium unit

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Comment [kaw4]: Emphasize compatibility with the surrounding neighborhood. Deleted 1 ½ and 2 story height because it conflicts with the Building Height Section and 3 stories allowed in the HR-2 District.

Deleted: New Structures and additions must be two (2) Stories in height or less. Primary facades should be one (1) to one and a half (1 ½) Stories at the Street

requirements for Master Planned Developments. Calculation of in-lieu fees shall be based on the 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)

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;

Comment [kaw5]: Allows flexibility in parking requirements. In lieu fees are determined by the Council and subject to change.

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Comment [kaw6]: Fencing and screening may not be possible along the HR-2/HCB property line

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- (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; 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.

(2) See Section 15-6-5 (B) for maximum allowed Building Footprint for Master Planned Developments within the HR-2 District.

Comment [kaw7]: Refers to the MPD Chapter where Building Footprint is allowed to be calculated based on the number of original lots and/or on any conditions of the plat amendment or subdivision. This allows development compatible with the surrounding neighborhood.

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

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

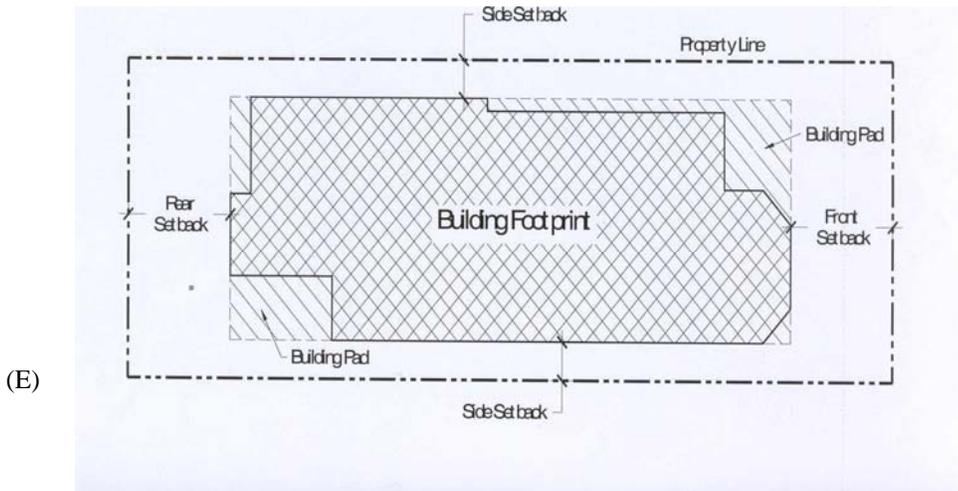
Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = \underline{1,519 \text{ sq. ft.}}$

See the following Table 15-2.3. for a schedule equivalent of this formula.

TABLE 15-2.3.

Lot Depth, ≤ ft. *	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 7,500 ft.	Per Setbacks and Lot Area	Per formula

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



(E)

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.

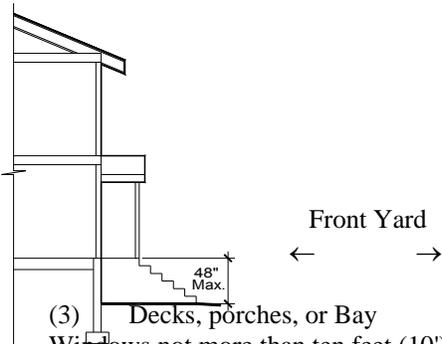
Over 100 ft.	15 ft.	30 ft.
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(F) **FRONT YARD EXCEPTIONS.**

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.

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

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

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

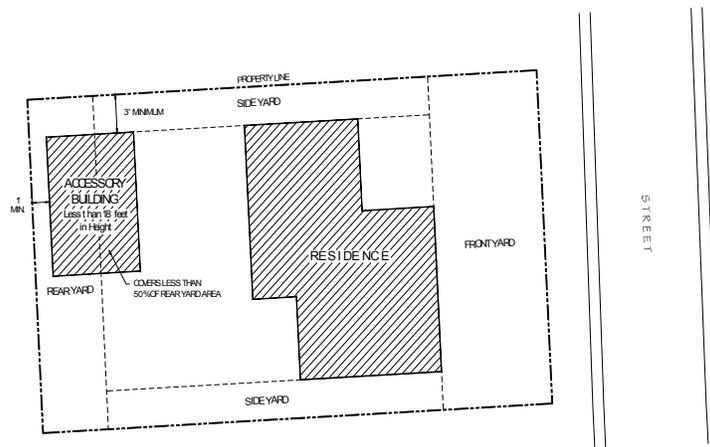
(3) Window wells or light wells projecting not more than four feet (4') into the Rear Yard.

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

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

(6) Detached Accessory Buildings not more than eighteen

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



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

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

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

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

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

(H) **SIDE YARD.**

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

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

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

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

Side Yard.¹²

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

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

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

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

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

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

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

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

(10) Detached Accessory

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

Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

(J) **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

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

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

15-2.3-5. EXISTING HISTORIC STRUCTURES.

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

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

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition or driveway location is Compatible with the surrounding residential neighborhood and the Historic Structure,
- (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.

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Comment [kaw9]: Title of new Historic Guidelines

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

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.

Comment [kaw8]: When lots are combined the resulting setbacks maybe incompatible with the residential neighborhood, as they increase with increased lot size.

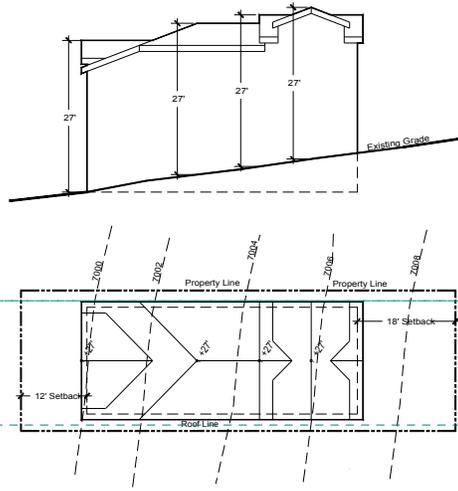
Final Grade must be within four vertical feet (4') from Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development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

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

(B) A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finish Grade on all sides of the Structure. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A consistent with the MPD requirements of Section 15-6-5(F). On a Structure in which the First Story is located completely under finish Grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed.

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

may be below the required 7:12 pitch.



Comment [kaw11]: The intent is to return grade to within 4' of existing grade when physically possible but to also allow flexibility when necessary and when compatible with the neighborhood.

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

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- (1) An antenna, chimney, flue, vent, or similar Structure, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:

(a) The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.

(b) The proposed option is the only feasible option for the elevator on the Site.

(c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

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

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

15-2.3-7. DEVELOPMENT ON STEEP SLOPES.

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

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

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

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

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

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(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

Deleted: Historic District Design Guidelines

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 a proposed Structure and existing residential Structures.

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

- (1) The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;
- (2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and
- (3) The conditions of approval or required Plat notes include a requirement for Planning, Engineering and Building Department review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit

issuance.

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

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

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

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

(B) The following special requirements apply only to Lots in Sub-Zone A that are part of a Plat Amendment ~~combining 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 on Park Avenue and expanding a Main Street Business into the HR-2 zoned Lot:~~

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(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/or the Master Planned Development requirements of Section 15-6. These Commercial

Uses must be below the Grade of Park Avenue projected across the HR-2 Lot and beneath the Main Floor of the residential Structure or Structures facing or fronting on Park Avenue.

(2) All Buildings within the HR-2 portion of the development must meet the minimum Side and Front Yard Setbacks of the HR-2 District as stated in Section 15-2.3-4, unless the Planning Commission grants an exception to this requirement during the MPD review and the development is consistent with the MPD Section 15-6-5 (C). Structures, such as parking structures and floor area extending from Main Street beneath a residential unit 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 unless the Planning Commission grants an exception to this requirement during the MPD review and the development is consistent with Section 15-6-5 (F).

(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.

(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, mechanical equipment, exterior trash compounds, outdoor

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

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storage, [ADA access](#), or other similar Uses [associated with the Commerical Use](#) 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 4.

(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 maximum Building Width above Final Grade is forty \(40\) feet](#).

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, and must be only in Historic Structures.

(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.

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

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(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.

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.

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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:

(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 the HCB commercial 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)

15-2.3-11. ARCHITECTURAL REVIEW.

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

(2) the reduction, mitigation or

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Park City's Historic

Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

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

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

15-2.3-12. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be issued unless the following criteria are met:

- (A) The Use is in a Historic Structure or addition thereto.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (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.

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- (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 outdoor mechanical equipment for Commercial Uses in adjacent zoning districts is allowed in the HR-2 zone. The Planning Department will review all Development Applications to assure that all Mechanical equipment attached to or on the roofs of Buildings is Screened so that it is not open to view and does not exceed the allowable decibel levels of the City’s Noise

Ordinance from nearby residential Properties.

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

(Amended by Ord. No. 06-56)

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

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

(B) OUTDOOR USES PROHIBITED/ EXCEPTIONS. The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of Departmental actions are heard by the

Planning Commission. These outdoor uses are not allowed within Subzone A.

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

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

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

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

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes 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. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.
- (c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a

manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

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

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44”) of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

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

(g) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way,

including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

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

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

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

15-2.3-15. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6”) in diameter or greater measured four

and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

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

(Amended by Ord. No. 06-56)

15-2.3-16. SIGNS.

Signs are allowed in the HR-2 District as provided in the Park City Sign Code, Title 12.

15-2.3-17. RELATED PROVISIONS.

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

- Architectural Review. LMC Chapter 15-11.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. Section 15-3-6.

(Amended by Ord. No. 06-56)

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PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 6 - Master Planned Developments **15-6-1**



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) compliment 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;

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(G) efficiently and cost effectively extend and provide infrastructure;

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(H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites that 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.

15-6 -2. APPLICABILITY.

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

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

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

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

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

Deleted: via common underground parking.

(C) MPDs are allowed in Historic Residential (HR-1) and (HR-2) zones only when:

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

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

15-6 -3. USES.

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

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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.

(Amended by Ord. No. 06-22)

15-6 -4. PROCESS.

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

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE**. In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.

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

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

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

(C) **APPLICATION**. The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of

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

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

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

(F) **PLANNING COMMISSION ACTION.** The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD,

the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

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

(G) **DEVELOPMENT AGREEMENT.**

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

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;
- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;
- (5) A description of all Developer exactions or agreed upon public dedications;
- (6) The Developers agreement to pay all specified impact fees; and

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

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

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

(I) **MPD MODIFICATIONS.** Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in

the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

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

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

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

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

15-6 -5. MPD REQUIREMENTS.

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

(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project that better meets the goals set forth in Section 15-6-1. 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 number of original Lots of record prior to a Plat Amendment combining the lots. The Area of a common underground Parking

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Structures shall not count against the maximum Building Footprint.

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

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

(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. 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 neighborhood in terms of mass, scale

and spacing between houses, and meets open space criteria set forth in Section 15-6-5(D).

(D) **OPEN SPACE.**

(1) **MINIMUM REQUIRED.**

All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), ~~Historic Residential (HR-1 and HR-2)~~ zones and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%). For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages, public art, and rehabilitation of Historic Structures.

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(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 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 along a public transit route and 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 height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider

an increase in height based upon a Site specific analysis and determination.

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;
- (2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;
- (3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;
- (4) The additional Building Height has resulted in more than the minimum open space required and

Comment [kaw1]: The height exception for Steep Slope CUPs no longer exists.

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has resulted in the open space being more usable;

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

(6) The additional Building height does not negatively impact the surrounding neighborhood or adjacent Buildings in terms of aesthetics, mass, scale, and volume and the proposed Building or Buildings are Compatible with the surrounding neighborhood.

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

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

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

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

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(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.

Comment [kaw2]: Revised to be compatible with the neighborhood.

Comment [kaw3]: This was deleted because the Steep Slope CUP section does not allow height exceptions.

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

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

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

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

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

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

(H) **LANDSCAPE AND STREET SCAPE.** To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should

consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

(I) **SENSITIVE LANDS COMPLIANCE.** All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Amended by Ord. No. 06-22)

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

(A) **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing.

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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, Support Commercial Floor Area may be allowed and may not exceed five percent (5%) of the total Floor Area of the Residential Unit Equivalents. Support Commercial Floor Area shall 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 the five percent (5%) will be counted as Commercial Unit Equivalents, if commercial Unit Equivalents are approved as a part of the MPD. If no commercial Unit Equivalents are granted for an MPD, then Support Commercial Uses are limited to an Area equivalent to five percent (5%) of the Floor Area of the Residential Unit Equivalents, and no other Commercial Uses will be allowed.

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(D) **MEETING SPACE.** Within a Hotel or Condominium project, meeting space Floor Area may be allowed and may not exceed, five percent (5%) of the total Floor Area of the Residential Unit Equivalents. The meeting space Floor Area shall, be dedicated for meeting room uses, without the Use of Unit Equivalents. Meeting space in excess of the five percent (5%), will be counted as commercial Unit Equivalents. Any square footage, which is not used in the five percent (5%) Support Commercial allocation (as described in Section (C) above) 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, if Commercial Unit Equivalents are approved as part of the MPD. 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.

(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 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 and include such Uses as:

- Ski/Equipment lockers
- Lobbies
- Registration
- Concierge
- Bell stand/luggage storage
- Maintenance Areas
- Mechanical rooms
- Laundry facilities and storage
- Employee facilities
- Common pools, saunas and hot tubs not open to the public
- Telephone Areas
- Public restrooms
- Administrative offices
- Hallways and circulation
- Elevators and stairways
- Back of house Uses

(G) **RESORT ACCESSORY USES.** The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a

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Unit Equivalent. These Uses include 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
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways

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

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



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

Chapter adopted by Ordinance No. 01-17

15-10-1. ESTABLISHMENT OF BOARD.

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

15-10-2. TERM OF OFFICE.

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

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

(Amended by Ord. No. 09-10)

15-10-3. POWERS AND DUTIES.

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

(1) Appeals from zoning decisions applying Title 15, Land Management Code;

(2) Special exceptions to the terms of the Land Management Code; and

(3) Variances from the terms of the Land Management Code.

(4) Appeals and Call-ups of final action by Planning Commission at the request of the City Council.

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

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

(Amended by Ord. No. 06-35)

15-10-4. GROUNDS FOR REMOVAL.

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

(Amended by Ord. No. 06-35)

15-10-5. ORGANIZATION.

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

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

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

(Amended by Ord. No. 09-10)

15-10-6. MEETINGS.

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

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

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

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

(2) The names of members present and absent.

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

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

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

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

(Amended by Ord. No. 09-10)

15-10-7. APPEALS.

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

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

A Person may not appeal, and the Board of Adjustment may not consider, any amendments to the Land Management Code, or appeals of Conditional Use permits or Master Planned Developments, which shall be appealed to the City Council. Appeals may not be used to waive or modify the terms or requirements of the Land

Management Code. Appeals shall be considered by the Board of Adjustment on the record made before the Historic Preservation Board or Planning Commission. Appeals to the Board of Adjustment will review factual matters for correctness and determine the correctness of the decision of the land Use authority in its interpretation and application of the land Use ordinance. The scope of review of the Board of Adjustment is limited to issues brought to the land Use authority. Appeals shall be heard by the Board of Adjustment within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

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

15-10-8. SPECIAL EXCEPTIONS.

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

(A) The proposed Use and Development will be in harmony with the general and specific purposes for which the Land

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 12 - Planning Commission
15-12-1



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

Chapter adopted by Ordinance No. 01-17

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

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

(Amended by Ord. No. 06-35)

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

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

resigned when they move their residences outside the City limits.

(Amended by Ord. No. 08-07)

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

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

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

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

15-12-5. AUTHORITY.

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

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

(6) RATIFICATION OF CONDITIONAL USE PERMITS.

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

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

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

- (b) Plat and plat amendment approvals;
- (c) Requests for time extensions of Conditional Use permit, Master Planned Development, and plat approvals.
- (d) Other items of a perfunctory nature, which the Chair directs the Department to place on the consent agenda for action.

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

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

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

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

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

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

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

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

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

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

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

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

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Planning Commission Staff Report



Subject: Land Management Code (LMC)
Amendments

Author: Thomas Eddington, AICP
Kirsten Whetstone, AICP

Date: January 20, 2010

Type of Item: Legislative

Planning Department

Summary Recommendations

Staff recommends that the Planning Commission review and discuss proposed amendments to the Land Management Code for Chapter 2.3 (Historic Residential 2-HR-2), Chapter 6 (Master Planned Developments), Chapter 10- Board of Adjustment, Chapter 11- Historic Preservation, and Chapter 12, Planning Commission as described in this report and Exhibits (A- E). Staff recommends the Commission conduct a public hearing, consider input, and consider forwarding a positive recommendation to the City Council.

Topic

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

Background

The Planning Staff drafted amendments to the Land Management Code (LMC) to address planning and zoning issues that have come up in the past year and to address development and design issues on the east side of upper Park Avenue. Discussions relative to the HR-2 zoning district (upper Park Avenue) originally took place on June 11, 2008, where the Planning Commission discussed this issue at a work session (June 11, 2008 Minutes - Exhibit F).

On September 23, 2009, Staff presented to the Planning Commission a proposal to amend the LMC to allow Master Planned Developments for properties that contain lots within both the HR-2 and HCB zoning districts (September 23, 2009 and November 11, 2009 Minutes -Exhibit G). Currently, Master Planned Developments are allowed for HR-1 parcels that are combined with adjacent HRC or HCB zoned properties and the property has significant historic structures that will be restored or rehabilitated as part of the MPD and the MPD includes reduced surface parking via common underground parking..

The Commission requested that Staff look at the purpose statements of the HR-2 zone, as well as additional regulations to address on-going neighborhood concerns regarding impacts from Main Street on the residential neighborhood. The Commission requested background information on the HR-2 zone and suggested a meeting with the neighbors

to ensure that the property owners directly impacted by the amendments have an opportunity to understand and discuss them.

On October 27th, Staff hosted an open-house/public neighborhood meeting to discuss the proposed LMC changes and to get input from the neighborhood. In general, the attendees were favorable to the amendments (Meeting minutes - Exhibit H). Primary concerns are with the lack of enforcement of the code and conditions of project approvals and the impacts of Main Street on their neighborhood and quality of life primarily due to parking lots and vacant lots.

On November 11, 2009, Staff presented a summary of the history of the HR-2 district and review of the purpose statements of the HCB and HR-2 zoning districts (September 23, 2009 and November 11, 2009 Minutes -Exhibit G). The Planning Commission requested additional graphics to illustrate the potential application of the amendments and clarification of the term "Private Residence Club." There was public input regarding potential impacts on the residential neighborhood due to height and setback exceptions that could be granted through the MPD process. There was favorable input as well and a desire for the Code to allow some flexibility so that the vacant lots could be developed in a way that also addresses issues with mechanical equipment and parking. The Commission echoed the concerns regarding height and setback exceptions. The Commission discussed alternative approaches that could allow both the flexibility of the MPD process and the certainness provided by specific regulations spelled out in the HR-2 zoning district.

In this report, the Planning Staff has provided additional revisions to address concerns regarding height and setback exceptions by including in the MPD Chapter language specific to regulation of development in HR-2 zone, as outlined below.

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

For clarification of a Planning Commission concern, Private Residence Clubs are a form of joint ownership of a residential condominium unit and *not* a quasi-commercial use. The Commission requested that these definitions be provided. The definitions from the current LMC are included in Exhibit K.

In addition, proposed changes to Chapters 10, 11, and 12 are being proposed to address issues which have come up over the last year. These Chapters were presented to the Planning Commission on November 11, 2009 for general discussion. No comments were received at the meeting.

Staff is also proposing changes to Chapter 6 unrelated to the HR-2 district (Sections 15-6-8 (C) and (D)) clarifying how the 5% support commercial and 5% support meeting uses that may be allowed within hotel or nightly rental Master Planned Developments are calculated. These changes were not part of the November 11, 2009 report.

While these amendments to Chapters 6, 10, 11, and 12 are not specific to the HR-2 / MPD changes, the proposed changes provide Applicants:

1. Better clarity relative to appeal timelines to the Board of Adjustment, and
2. Better clarity relative to the Historic District Design Review process, specifically for repair/maintenance projects.
3. Consistency in how support commercial space and meeting space are calculated for Master Planned Developments.

Analysis

Four general issues are addressed by the proposed Planning Department amendments. They are as follows:

- 1) Add a consistent timeframe (45 days from date appeal is filed) by which appeals shall be heard by the Planning Commission and Board of Adjustment,
- 2) Modify the Historic Design Review process for minor projects that are within the Historic Districts or at Historic sites, and
- 3) Consider revisions to the HR-2 zoning district and MPD Chapter to ensure compatible residential development on Park Avenue and to allow innovative design solutions within the transition area between the Main Street commercial core (HCB zone) and the Park Avenue neighborhood (HR-2 zone). The Planning Staff is proposing these amendments in an attempt to complete the east side of Park Avenue as a residential street and resolve on-going issues related to vacant lots and incompatible commercial activity.
- 4) Consider changes to Chapter 6 (Sections 15-6-8 (C) and (D)) clarifying how the 5% support commercial and 5% support meeting space square footages are calculate for hotel and nightly rental Master Planned Developments

(1) Chapter 10- Planning Commission and Chapter 12-Board of Adjustment

On July 9, 2009, the City Council amended the appeals process in Chapter 1 stating that appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate

otherwise. The Code was also changed in the appeal section for the Historic Preservation Board in Chapter 11 - Historic Preservation. However, the language in the appeals sections of the Planning Commission and Board of Adjustment needs to be amended to be consistent with that language. Chapter 10 - Planning Commission (Section 15-1-7) and Chapter 12 - Board of Adjustment (Section 15-12-15(B) (8)) (see Exhibits C and E for redlines) are amended to include the following language:

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

(2) Chapter 11- Historic Preservation

In July of 2009, the City Council adopted amendments to LMC Section 15-11 regarding the Historic Design Review process for all projects within the Historic Districts and for Historic Sites. The process includes a pre-application design conference with the Design Review Team (DRT) for all projects prior to submittal of a complete Design Review application and a two-pronged public notification process with a processing time of up to 45 days. Staff had the opportunity to review this process for a variety of applications and project types over the past six (6) months and finds that for certain minor projects having little or no impact on the Historic District the process could be further streamlined.

Compliance with the recently adopted Design Guidelines for Park City’s Historic Districts and Historic Sites continues to be a required finding for all projects in the Historic District and at Historic Sites. Staff proposes LMC Amendments to allow the Planning Director to make a determination as to the extent of design review process that is required for certain projects, based on a review of the pre-application submittal. These projects include minor/routine construction work and maintenance as well as minor alterations having little or no negative impact on the historic district as outlined below.

Staff also recommends removing signs and awnings from the design review process because there is already an effective process for signs and awnings involving Planning, Building, and Code Enforcement. Signs and awnings shall continue to be required to comply with the Park City Sign Code and all applicable Historic Design guidelines. Staff proposes adding the following language to Section 15-11-12 (A) Pre-Application Conference:

The Planning Director, or his designee, may, upon review of a pre-application submittal, determine that an Application, due to the scope of the project, does not require the full Historic District or Historic Site Design Review process as outlined in LMC Section 15-11-12 (B). If such a determination is made, the Planning Staff may, upon reviewing the Application for compliance with the Historic Design Guidelines, approve, deny, or approve with conditions, the Application. Pre-application submittal requirements may be amended by the Planning Director,

based on the scope of the project, as allowed by the Design Guidelines. Applications that may be exempt from the full Historic District Design Review process include, but are not limited to the following:

1) for Non-Historic Structures and Sites - minor routine construction/maintenance work and minor alterations having little or no negative impact on the historic district such as work on decks, railings, stairs, hot tubs, foundations, windows and doors, and similar work; and

2) for Historic and Non-Historic Structures and Sites - flat work, paths, stairs, fences and walls, landscaping, hot tubs, lighting, roofing, trim, skylights, solar panels, and similar work.

These amendments will help streamline the design review process for minor projects. The requirement that these projects and proposals comply with the Design Guidelines for Historic Districts and Historic Sites continues to apply (see Exhibit D for redlines).

(3) Chapter 2.3 Historic Residential 2 Zoning District and Chapter 6- Master Planned Developments

Planning Staff reviewed the existing LMC language regarding the ability to utilize a Master Planned Development within the Historic Residential (HR-1), Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) zoning districts and believes that similar language can be useful in the planning, development, and redevelopment of properties within the transition area of the HCB and Historic Residential (HR-2) Subzone A zoning districts (Exhibit A).

The HR-2 zone was created during the re-write of the Land Management Code in 2000 to replace the Historic Transition Overlay (HTO) zone. The HTO zone primarily applied to properties on the east side of Park Avenue that backed to Main Street businesses. The zone was intended as a transition zone between HCB and HR-1. Certain commercial uses were allowed to cross the zone boundary between the HCB and the HTO; however the primary uses within the HTO zone were residential, with the exception of the War Memorial Building, the Main Street Mall, TMI, and several churches. Historically the east side of Park Avenue was used to provide services for businesses and activities on Main Street, such as coal delivery, trash removal, and deliveries.

When the HR-2 zoning district was created, it was divided into two (2) subzones, namely subzone A and subzone B. Subzone A includes developed and vacant residential properties on the east side of upper Park Avenue from Heber Avenue to King Road (west of Main Street and south of Heber Avenue), including Block 13. This is the area subject to the proposed amendments. Subzone B is defined as the properties on Grant Avenue, Upper Swede and Upper Main Street, including Block 31 of the Park City Survey (LMC 15-2.3 -Exhibit A). The intent of the HR-2 zoning district was to put a more residential focus on Park Avenue and more strictly regulate and prohibit the

services uses, access, and impacts from the Main Street businesses. The HCB district primarily includes Main Street properties.

Over the past couple of decades, upper Park Avenue has become a primarily residential street with substantial investments made to restoring historic homes and constructing new residences. The City upgraded the street and installed sidewalks and planter areas on the west side. However, the east side of upper Park Avenue has, for the most part, remained undeveloped. There are approximately 30 vacant lots on the east side of upper Park Avenue. Several larger Main Street buildings were constructed onto the adjacent Park Avenue lots, such as the TMI building, the Main Street Mall, and the War Memorial Building (Harry O's), but many vacant lots or undeveloped parking lots remain.

Staff reviewed the existing configuration of structures and property ownership and found that there are a dozen properties where there is common ownership of both the Main Street lot and the Park Avenue lot (Exhibit J). Because the east side of upper Park Avenue has *not* developed into a primarily residential street, the residents on the west side continue to be impacted by the activity on Main Street. If single family homes were to be developed on the east side, they would likely act as a buffer from this activity and would complete Park Avenue as a residential street and unique neighborhood. The design and construction of the houses on the East side of Park Avenue would of course need to take into consideration the fact that they back directly to a commercial property. However, well designed development on the east side could allow expanded subterranean commercial space for the Main Street businesses while providing single-family residential development to compliment the west side of Park Avenue.

In 2004, the LMC was amended to allow the use of Master Planned Developments (MPD) in the planning and development of properties that crossed a zone line, such as the HR-1 and HRC or HR-1 and HCB districts. The purpose of the 2004 amendments was to provide a certain amount of flexibility and trade-offs in terms of setbacks, building height, parking requirements, and better planning and design overall.

Staff believes that the MPD process could also be used in the HR-2 / HCB zones to require elements of design that further reduce impacts on Park Avenue, such as requirements for elevators and access to Main Street to address ADA issues, allowance for parking requirements to be met in ways other than a garage at the street, requirements for setbacks and building massing and height that are compatible with the character of the neighborhood, street elevations with front porches similar to the historic houses on the east side of Park Avenue by Heber Avenue, enhanced landscaping and street trees, etc.

The properties along the east side of Park Avenue are unique in that they front on a residential street, yet back to the businesses on Main Street, a core business district in Park City. The lots are also quite steep given the grade difference between Main Street

and Park Avenue. For these reasons and those listed above, and in an attempt to strengthen existing regulations that protect the west side while allowing for incentives and better designs to be presented for the east side, Planning Staff has drafted the following LMC Amendments:

LMC Chapter 2.3 - HR-2 zoning district

Summary of recommended changes (See Exhibit A for redlines):

- Added purpose statements consistent with the Historic Core Policies in the Community Character Element and to emphasize the preservation of the neighborhood character on Park Avenue (15-2.3-1 Purpose).
- Remove date (January 1, 2000) by which lots need to be combined in order to use the special requirements for Sub-Zone A (Section 15-2.3-8 (B)) as an incentive to complete the east side of Park Avenue with residential houses.
- Restrict parking areas with five (5) or more parking spaces in the HR-2 zone to be accessed from a street other than Park Avenue if they serve HCB uses and require this parking to be beneath the houses on Park Avenue. (Section 15-2.3-10 (H)).
- Allow common parking structures to occupy below Grade Rear yards in Sub-Zone A between participating Developments if the Structure maintains all Setbacks above Grade at the Side Yard and above the Parking at the Rear Yard and is below the grade of Park Avenue projected across the lot.
- Added language regarding elevators for ADA access and alarms on all emergency access doors.
- Allow Private Residence Club ownership of condominium units as a conditional use, subject to the existing specific Private Residence Club conditional use permit criteria (15-2.3-2 (B) Conditional Uses).
- No height exceptions are allowed through the MPD process (15-2.3-6).
- Only single-family and duplex dwellings may be constructed facing/fronting Park Avenue. While these structures may be connected below grade with common foundations or parking structures, the above-grade separation between houses shall be consistent with the setback requirements of the zone. Setback requirements are based on lot width and generally there are between 6 and 10 feet of separation between structures.

LMC Chapter 6- Master Planned Developments

Summary of recommended changes (See Exhibit B for redlines).

- Add purpose statements consistent with the General Plan for developing and core areas and to encourage mixed use, walkable, sustainable, development and redevelopment of neighborhoods and Historic Main Street.
- Add HR-2 as a zone where the MPD process may be allowed, but is not required, when a property includes two (2) or more zoning designations.

- Clarify how the building footprint will be calculated within an MPD in the HR-2 zone if lots are combined.
- Include language stating that the maximum FAR in the HCB district continues to apply to the portion of the building within the HCB.
- Clarify that the separation between houses shall maintain the typical spacing of housing in the neighborhood above grade and allow for common parking structures below grade.
- **Staff requests discussion.** Consider height exceptions in the HR-2 zone through the MPD process. Additional language is proposed to the Height Exception section of Chapter 6 – Master Planned Developments- Section 15-6-5 (F) (see Exhibit B) as an additional finding the Planning Commission must make before granting a height exception for any MPD:

(6) The increase in Building Height does not negatively impact neighboring Buildings in terms of aesthetics, mass, scale, and volume. Building compatibility must be established prior to granting a height exception.

If a height exception is a necessity due to an extreme grade difference across the depth of a down hill oriented HR-2 lot, the applicant could request a variance from the Board of Adjustment and make a case that there is a physical hardship.

Staff believes the proposed LMC amendments can achieve the following benefits to both the Park Avenue neighborhood and the Main Street businesses:

- Historically-scaled infill residential structures along the east side of upper Park Avenue with incentives to eliminate the vacant lots that provide no buffer from Main Street activities and eliminate the parking lots that serve some Main Street businesses.
- Parking for the Main Street business could be re-gained below grade provided access can be provided from either Main Street or a side street.
- Decreased visual impacts of the automobile, garages, and parking on the Park Avenue neighborhood by providing incentives to put parking beneath the houses where possible (similar to the Parkwood Project at 801 Park Avenue) allowing for pedestrian friendly front porches and additional landscaping along the street.
- Decreased visual impact from mechanical and back-of-house uses in the HCB District (Main Street) as houses are constructed on vacant lots and design options are available to find innovative solutions to these issues.
- Decreased impacts on the quality of life on upper Park Avenue due to vacant lots on the east side that allow egress, access, delivery, noise, parking, and other negative impacts associated with Main Street activity.
- Incentives for preservation of historic structures and design of compatible contemporary structures.

- Incentives for economic development within the Main Street commercial district by allowing innovative design and flexibility in the development and redevelopment of properties in a more comprehensive, well planned, holistic manner and by allowing limited expansion into the HR-2 zone for non-residential uses that are below the grade of Park Avenue and beneath or below a single family house or duplex, where emergency access is controlled and alarmed, and impacts of commercial uses on Park Avenue are mitigated.

(4) Chapter 6- Master Planned Developments

The calculation of support commercial and meeting space for hotels and condominium projects is unclear and may lead to inconsistent application of the LMC. The intent of the additional floor area for support commercial and meeting space is that it be based on the residential floor area only. It was not intended to include Floor Area of garages which are included in the definition of Residential Floor Area, with the exception of 600 sf. It was also not intended to include the area of the support commercial, meeting space or back of house area as the basis for the additional 5%. To clarify the calculation of the 5% support commercial and 5% meeting space square footages in Section 15-6-8 (C) and (D) staff is recommending the following language: (See Exhibit B for redlines).

(C) SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS. Within a Hotel or Nightly Rental Condominium project, Support Commercial Floor Area may be allowed and may not exceed five percent (5%) of the total Floor Area of the Residential Unit Equivalents, excluding Parking Areas. This Support Commercial Floor Area shall 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 the five percent (5%) will be counted as Commercial Unit Equivalents, if Commercial Unit Equivalents are approved as a part of the MPD. If no Commercial Unit Equivalents are granted for an MPD, then Support Commercial Uses are limited to an area equivalent to five percent (5%) of the Floor Area of the Residential Unit Equivalents, and no other Commercial Uses will be allowed.

(D) MEETING SPACE. Within a Hotel or Condominium project, meeting space Floor Area may be allowed and may not exceed five percent (5%) of the total Floor Area of the Residential Unit Equivalents, excluding Parking Areas. The meeting space Floor Area shall be dedicated for meeting room uses, without the Use of Unit Equivalents. Meeting space in excess of the five percent (5%) will be counted as commercial Unit Equivalents. Any square footage, which is not used in the five percent (5%) Support Commercial allocation (as described in Section (C) above) can be used as meeting space. Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) for support commercial shall be counted as Commercial Unit Equivalents, if Commercial Unit Equivalents are approved as part of the MPD. 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.

Department Review

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

Process

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

Notice

Notice of the public hearing was published in the Park Record and posted according to requirements in the Land Management Code. Staff provided notice to all property owners on Park Avenue and Main Street from Heber Avenue to King Road and distributed flyers to businesses along the west side of Main Street notifying of the open house (held on October 27, 2009) and initial public hearing.

Public Input

Public input was received at the open house, as outlined in Exhibit H, and at the public hearings (minutes - Exhibit G).

Alternatives

- Conduct a public hearing on the LMC amendments describe herein or as amended and forward a positive recommendation to the City Council.
- Conduct a public hearing and forward a negative recommendation to the City Council.
- Continue action on the LMC amendments to a date certain.

Significant Impacts

There are no significant negative fiscal impacts on the City as a result of these amendments. The amendments provide clarifications of processes and procedures in the historic district, consistency of code application between Chapters, and are consistent with City's goals to: preserve Park City's Character, maintain and protect Park City's residential neighborhoods, and promote economic development of the Main Street business district. These amendments may provide fiscal benefits in the future.

Consequences of not taking the Suggested Recommendation

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

Recommendation

Staff recommends the Planning Commission conduct a public hearing, discuss the proposed amendments to the Land Management Code as described in this report and as redlined in Exhibits A - E, and consider forwarding a positive recommendation to the City Council to approve the amendments based on the findings of fact and conclusions of law found in the draft ordinance.

Exhibits

Ordinance

Exhibit A- HR-2 District LMC Section 15-2.3 redlines

Exhibit B- MPD - LMC Section 15-6 redlines

Exhibit C- BOA- LMC Section 15-10-7

Exhibit D- Historic Preservation- LMC Section 15-11 redlines

Exhibit E- Planning Commission- LMC Section 15-12-15(B) (8)

Exhibit F- PC work session notes of June 11, 2008

Exhibit G- Minutes of September 23 and November 11 Planning Commission meetings

Exhibit H- Public input from October 27, 2009 open house

Exhibit I- Photos and graphics

Exhibit J- Aerial photo and zoning vicinity map

Exhibit K- Private Residence Club definitions

See January 20, 2010 PC Packet for Exhibits.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 20, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brook Hontz, Richard Luskin, Dick Peek, Julia Pettit

EX OFFICIO:

Planning Director, Thomas Eddington; Brooks Robinson, Principal Planner; Kirsten Whetstone, Planner; Kayla Sintz, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Thomas called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Strachan, who was excused.

II ADOPTION OF MINUTES OF OCTOBER 22, 2008

MOTION: Commissioner Peek moved to APPROVE the minutes of December 16, 2009 as written. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMUNICATIONS

There was no comment.

IV. STAFF & COMMISSIONERS' COMMUNICATIONS

Planning Director, Thomas Eddington, stated that Treasure Hill would come before the Planning Commission on February 10th. The applicants were creating a model of the site and asked if would be appropriate to present that model during the February 10th meeting. The Commissioners were interested in seeing the model.

Chair Wintzer asked if the applicants would only present the model or talk about the project. Director Eddington stated that in addition to the model, the applicants intend to key up the project. Planner Cattan would prepare a Staff report and address the issues, which were similar to the issues outlined in the last report.

Assistant City Attorney, Polly Samuels McLean, recommended that the Planning Commission conduct a public hearing for Treasure Hill on February 10th. The Planning Commission could decide whether to have the model presented during work session and schedule a public hearing for the regular meeting, or whether it was better to do it all at the regular meeting.

14. A limit of disturbance area will be identified during the building permit review.
15. The applicant shall submit a total employee count at time of building permit. Prior to Certificate of Occupancy, the applicant shall provide verification that the employee count has not increased. Should there be an increase in the total employee count the applicant shall be subject to the terms and conditions of Housing Resolution 20-07; Section E Redevelopment.
16. Future phases of Natatorium, Restaurant and Gymnasium expansion are included in this master plan and would be subject to an Amendment to this MPD. The Development Agreement will stipulate per 1-(l) the amendment will not justify a review of the entire master plan. Future phases will be subject to minimum open space requirements of 30%.
17. An internal parking review will occur one year after Certificate of Occupancy (or the facility is fully operational) to analyze parking load and demand.
2. Land Management Code - Amendments to Chapter 2.3 (HR-2 District), Chapter 5, Chapter 6, Chapter 10 and Chapter 11 regarding the Master Planned Development within HR-2 District and the application and appeal process of the Historic Design Review (Application PL-09-00784)

Chair Wintzer resumed the Chair.

Planner Kirsten Whetstone noted that the Planning Commission previously discussed these amendments on November 11th. Minutes from that meeting were included in the Staff report.

Planner Whetstone remarked that four general issues were before the Planning Commission this evening for a public hearing and recommendation to the City Council.

The first issue was Chapter 10, regarding the time frame for appeals and making the 45 day time frame consistent for the Board of Adjustments and the Planning Commission.

The second issue was Chapter 11, Historic Preservation, and the modification to streamline the Historic District Design Review process for projects and applications.

The third issue was a continued discussion on Upper Park Avenue to allow innovative design solutions within the transition area between the Main Street commercial and the Park Avenue residential neighborhood. Also for consideration were proposed amendments to Chapter 6, the Master Planned Development.

The fourth issue were amendments to clarify how the 5% support commercial and meeting space square footages are calculated within a master planned development.

Planner Whetstone commented on Chapter 11, the Historic Design Review process, noting that

the amendment was a result of having approximately eight pre-applications submitted. She explained that the Design Review process takes approximately 45 days and includes time for two notifications for the pre-application, as well as the application process. Planner Whetstone stated that some applications are relatively minor with little or no impact on the Historic District or the neighbors. She noted that currently routine maintenance is the only thing allowed in the Historic District that does not require a design review process. Due to the minor nature of some of the applications, the Staff proposed language that would allow the Planning Director or his designee, upon review of the application, determine whether the scope of the project requires a full Historic District or Historic Site Design Review process as outlined in LMC Section 15-11-12(B). Any project that the Planning Director or his designee would determine is not minor would go through the full review. Planner Whetstone read the proposed language included on page 152 of the Staff report.

Commissioner Peek asked if the HDDR fee would be waived on projects that are determined to be minor and not require a full review. Planner Whetstone believed the fee would be waived. She clarified that all projects would still need to comply with the Historic District Design Guidelines. The only change being proposed was the process for minor projects based on the Planning Director's determination.

Commissioner Pettit asked for clarification on who would actually make the determination. Planner Whetstone replied that the decision would be made by the Planning Director. Commissioner Pettit felt strongly that the determination should be made by one person for continuity and consistency since it is a subjective decision. Planner Whetstone pointed out that the language stating, "the Planning Director's designee" would be another Staff member who would be asked to make that determination in the absence of the Planning Director for times such as vacations.

Planner Whetstone reported that the Staff has internally discussed creating a list of items that have not gone through the full process. For example, a hot tub, rear deck, or change of landscaping on a non-historic house. She read language from Chapter 15-11-12 stating that, "The design review application in any allowed or conditional use associated with a building permit, to build, locate, construct, remodel, alter or modify any building, accessory building structure or other visible element located within the Park City Historic Districts or Historic Sites". She noted that signs, lighting fixtures and fences were deleted from the original language. Signs have their own process and in some cases lighting and fences could be considered minor work.

Commissioner Pettit referred to paragraph 2, which identifies certain types of applications for non-historic and historic structures. In connection with creating a model for ordinances that talk about the application for solar panels on historic structures, she was concerned about solar panels falling outside of the scope of design review, particularly since the installation of the panels could create an alteration of the view of a historic structure. Director Eddington remarked that the design guidelines address solar panels and require that solar panels installed on a roof and visible from a public right-of-way must be flush mounted.

Commissioner Pettit understood that best practices were being debated and discussed within

the historic preservation community in terms of how to implement the installation of solar panels on a building adjacent to a historic structure. She felt that was a critical component in terms of implementing these practices on historic structures. Commissioner Pettit cautioned against giving the impression that solar panels would not have to go through a design review process for that type of application. Director Eddington agreed. Planner Whetstone pointed out that solar panels would require a pre-application.

Assistant City Attorney McLean understood that Commissioner Pettit was suggesting that solar panels be removed from the list of items in Paragraph 2 that would circumvent the full review process.

Commissioner Peek suggesting language stating, "solar panels on the primary facade of historic structures" to identify those that would require a full review. Director Eddington stated that if the Commissioners shared this concern, he preferred to write up solar panels as a full design review to avoid confusion. Commissioner Pettit felt it was important at this stage to put solar panels through the practical process. Director Eddington noted that during the re-write of the Historic Design Review Guidelines, the National Park Service and the Department of Interior were looking at different standards and new Code language for solar panels. At that time the language was not fully complete in the State of Utah. Director Eddington and he thought it would be good to update the Planning Commission and the HPB on the final results.

Chair Wintzer suggested the idea of setting aside one meeting for a green review in the Historic District. Everyone wants to go green but still preserve the history of their town, and they need to explore how that could be accomplished. Director Eddington stated that ideally Old Town should not be the experimental ground for solar panels and other green elements. Hopefully it would occur in other areas with larger yards and roof coverage.

After further discussion, the Planning Commission and Staff concurred that solar panels should be subject to a full design review.

Planner Whetstone explained the proposed changes in the HR-2 zone, Chapter 15-2.3 regarding Upper Park Avenue neighborhood planning. She noted that specific purpose statements were added to address the HR-2 neighborhood. Planner Whetstone reviewed the changes to Sub-Zone A as outlined on page 15-2.3-14 of Exhibit A.

Commissioner Peek asked if Planner Whetstone was referring to page numbers and not the Section number. Director Eddington pointed out that the page numbers for Exhibit A were identified in the top right hand corner of the page. Planner Whetstone noted that the page numbers look like section numbers.

Planner Whetstone summarized that the changes were primarily purpose statements, site and lot requirements, and added language regarding Master Planned Developments.

Commissioner Peek noted that Section 15-2.3-8 previously said "special requirements for Sub-Zone A." He asked if they were eliminating all the allowed uses by modifying that sentence, as reflected on page 15-2.3-14. Planner Whetstone replied that the section of allowed uses did not

refer readers to this section. Therefore, an allowed use is subject to special requirements. She noted that previously all the conditional uses had a footnote that referred the reader to Sub-Zone B, which is a general sub zone, or to Sub-zone A only if they meet the requirements.

Director Eddington explained that page 15-2.3-14, Section 15-2.3-8 only addresses the Staff's proposal for master planned developments and conditional uses; not allowed uses.

Planner Whetstone referred to page 15-2.3-16, and noted that a 13th criteria was added to the list of criteria, which states, "The maximum facade width on Park Avenue shall be 40 feet". She noted that a duplex could be built on a 50 foot wide lot with a 5 foot setback. To date, consistent with the HR-1 or HR-2 allowed use, someone could construct a 40 foot wide structure. Based on the discussion, Director Eddington revised the language to read, "The maximum front facade length of any structure is limited to 40 feet." Commissioner Peek asked if they were talking about building width or facade. He noted that if the building is articulated, it could result in a much wider building. He was concerned about forcing creative retaining solutions to create an underground element.

Director Eddington stated that when the language was drafted the Staff was not concerned with subterranean sections below ground. That language could be changed if the Commissioners had concerns. Commissioner Peek wanted to know what would separate the building elements from the below ground elements. He asked if the policy of returning the finished grade within four feet of existing grade applied to the HR-2 District Sub-Zone A. Director Eddington explained that returning to grade was applicable for a steep slope CUP, not for the HR-2.

The Staff and the Commissioners discussed height and scenarios relative to the 4' final grade rule. Chair Wintzer stated that he had previous concerns with height exceptions and expressed his concern to Director Eddington. Director Eddington spent time explaining that height exceptions allow variation in architecture to avoid having everything look the same. Chair Wintzer remarked that after hearing the explanation he understood the reason and was more willing to look at height exceptions.

Planner Whetstone pointed out that page 107 of the Staff report outlined proposed modifications to the language on height exceptions is an effort to allow incentives and better designs for the east side of Park Avenue. Planner Whetstone referred to a bullet point stating that no height exceptions are allowed through the MPD process. She noted that the bullet point should be struck for now because the Staff wanted input and direction from the Planning Commission on that matter.

Planner Whetstone referred to Page 124 of the Staff report and read the proposed changes under the Building Height section. Director Eddington stated that the intent was to add additional criteria that gives the Planning Commission the ability to look at a proposed height exception and determine whether it is compatible with the neighborhood. If it is not compatible, the Planning Commission has the ability to say no.

Chair Winter pointed out that the language may say "compatible with adjacent structures". However, even if it is compatible, sometimes those are structures they would not want

duplicated. Director Eddington stated that the proposed language allows the Planning Commission to look at compatibility with the fabric of the entire neighborhood as opposed to one or two structures.

Commissioner Pettit did not think the language was clear in indicating that it was the entire fabric of the neighborhood. The Commissioners concurred that the word "neighboring" should be changed to "neighborhood" for clarification.

Commissioner Peek asked if there were pending applications that would go to the Board of Adjustment if a height limitation was included in the language. Director Eddington replied that none of the current applications would be affected.

Planner Whetstone showed slides that demonstrated the proposed versus the existing zoning on specific properties and what could be built. Commissioner Peek pointed out that technically four stories could be built on the Park Avenue side. Director Eddington replied that a height exception would be required to go beyond three stories. Commissioner Peek clarified that the only way to get a height exception is through an MPD. Director Eddington replied that this was correct.

Planner Whetstone referred to page 129 of the Staff report and reviewed the proposed changes for calculating floor area for support commercial and meeting space within residential master planned developments.

The Staff recommended that the Planning Commission conduct a public hearing, consider any input, and forward a positive recommendation to the City Council for the Code amendments outlined in the Staff report and discussed this evening.

Commissioner Peek referred to 15-2.43-9, Special Requirements for Sub-Zone B; #4, Historic District Design Guidelines and suggested that "Historic District Design Guidelines" be removed, since that language was eliminated from other sections. Planner Whetstone agreed, noting that they are now called Historic Sites and Historic District Guidelines.

Commissioner Peek requested further discussion on the language regarding the four-foot backfill issue. Chair Wintzer noted that the Staff had requested input on each of the bullet items listed on page 107 of the Staff report.

Chair Wintzer opened the public hearing.

Craig Elliott suggested further discussion on the solar panels. As a user of the process and a representative of property owners, he noted that the Historic District Design Process would take 90 to 120 days. If someone submits a request in May to put in a solar hot water heater, they would not have approval until the end of the summer. He asked if that scenario or something similar could be considered in the process to allow the Planning Director the opportunity to make that decision subjectively. He believed it would have some value to the owners. Mr. Elliott understood the concerns regarding giant solar panels on small houses, but he doubted that could occur without going through the HDDR process.

Doug Stephens referred to Section 15-2.3-5, existing historic structures, and asked for clarification on detached single car garages. He asked if that language applied only to historic structures or to all of the HR-2 District.

Planner Whetstone explained that it was existing language for historic structures with added language stating that "detached single car garages that do not contain habitable Floor area. She noted that the language was primarily to require basements under a structure to meet certain setbacks. Planner Whetstone remarked that the language was added to address the possibility of a detached single car garage as an exception with a required conditional use permit, as long as the garage does not contain habitable floor area.

Mr. Stephens understood that the exception was for setbacks. He asked if there were also exceptions for the building footprint.

Director Eddington replied that building footprint was addressed in a different section of the Code. Planner Whetstone recalled language regarding accessory structures and whether they are counted as floor area.

Mr. Stephens remarked that the language Planner Whetstone referred to related to historic accessory structures and those would be counted towards floor area. Mr. Stephens pointed out that if he had a building footprint of 850 square feet and he lost 240 square feet for a garage, he would not do it. He felt they should relook at the formula to see how they could encourage flexibility in design, because no one would do that with a garage and they will never change that position.

Mr. Elliott had sketched a drawing of a house and garage to support Mr. Stephens comments for allowing creativity with garages.

Planner Whetstone offered to discuss it further with the Staff and come back with possible changes to the language.

Ruth Meintsma stated that when she walks around Old Town and sees a single detached garage on the street with no setbacks, she finds it more attractive than a car sitting in a driveway.

Commissioner Peek suggested that they promote detached garages to help address the parking requirements and snow storage easements required by the City. Director Eddington stated that during the design guidelines discussion, they looked at ways to incentivize doing that, but the issue was always the same. It detracts from the footprint. If they put a garage in the house, they still have a story above and a story below, which is three times the volume in the same footprint. He believed they would need to find an incentive greater than putting it in to the house. If they want to incentivize this type of historic re-creation, there needs to be a give and take, and they have not yet done that. Director Eddington noted that the historic guidelines encourage detached single-car garages, but economically no one will do it if they have to give up a story above and a story below. The Staff would need to draft language and bring it back to

the Planning Commission.

Commissioner Pettit felt the issue goes back to the conversation regarding the Crested Butte City Tour. That community helped create financial incentives for historic preservation by allowing accessory units that could also be used as affordable housing. Commissioner Pettit believed there are ways to create incentives that help people maintain their historic structures. She suggested that the Staff revisit the language.

Chair Wintzer closed the public hearing.

Commissioner Pettit asked if the Planning Commission should parse out the amendments they were comfortable with and take action on those this evening. Director Eddington replied that they could take that approach or they could keep all the amendments together and forward them as a package once the Staff has an opportunity to address the issues raised this evening.

Commissioner Peek summarized the issues that needed further review, which included the building footprint, the detached garage, and the backfill issue of existing grade versus finished grade.

Chair Wintzer requested discussion on the private residence club. He also noted that some of the language indicates the ability to enter a parking structure from Main Street. He was concerned that doing so would preclude the ability to ever close Main Street to traffic.

Commissioner Pettit concurred. She recalled previous discussions for making Main Street more vibrant by pulling away the cars and creating outdoor experiences that would vitalize the area and make it more attractive to visitors. If they start to create access situations on or off Main Street, it eliminates the likelihood of changing Main Street.

Commissioner Peek asked if eliminating the auto on Park Avenue takes precedence over Main Street. Chair Wintzer stated that in the past Park City held a Winter Fest for two days each year where they they would close Main Street and have ski races on the street. He was concerned that connecting the access to Park Avenue would eliminate those possibilities.

Chair Wintzer believed the purpose statements for the HR-2 zone do a great job of requiring things to fit within the neighborhood. However, he did not think a private residence club fit within the purpose statements. He asked the Staff to relook at the language to make sure it would not allow private residence clubs.

The Staff and Planning Commission discussed parking access off Main Street. Chair Wintzer stated that parking that supports Park Avenue should enter off of Park Avenue. Director Eddington agreed that access should be off of Park Avenue for residential structures on Park Avenue. He believed that everyone else would do a payment in-lieu and find a parking garage rather than try to find parking on Main Street.

Planner Whetstone expressed her preference to keep the amendments together and forward them as one package to the City Council.

Commissioner Pettit stated that she understood the point Mr. Elliott had made regarding solar water tanks and the timing of the HDDR process. However, she needed to better understand how to implement green elements in the historic district before she was comfortable making any decisions. Commissioner Pettit favored the suggestion by Chair Wintzer to schedule time to have that conversation.

Chair Wintzer agreed with Mr. Elliott, that if the City makes it harder to go green, people will not do it. They need to find a way to feel comfortable that it fits within the zone and to make it easier. People should be rewarded for going green, not penalized. Chair Wintzer requested that the Staff come back with guidelines for green roofs, solar panels, etc. Chair Wintzer believed there would be trade-offs and that they may have to give away some preservation in order to become more green.

Commissioner Pettit needed time to think through the height exception discussion in the MPD section and whether they should include language that ties in to the HR-2 section of the Land Management Code. She offered to read through those sections and if necessary, provide language to the Staff prior to the next meeting.

Chair Wintzer encouraged the Commissioners to talk to the Staff outside of Planning Commission meetings if they have questions or concerns. He has personally done that and found it to be very helpful in terms of understanding things that may not be clear in the Staff report or during a meeting.

MOTION: Commissioner Pettit moved to CONTINUE the LMC Amendments for Chapters 2.3, 5, 6,10 and 11 to February 24, 2010. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 9:15 p.m.

Approved by Planning Commission: _____