

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS**
October 14, 2015



UPDATED AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF September 23, 2015

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

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

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

Discussion of the use of Consent Agendas

Assistant City
Attorney McLean

CONTINUATIONS

550 Park Avenue - Steep Slope Conditional Use Permit for construction of a new single-family dwelling and a Conditional Use Permit for a parking area with five or more spaces.

PL-14-02451

PL-15-02471

Planner

Astorga

Public hearing and continuation to October 14, 2015

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

134 Main Street – 134 Main Street Plat Amendment - proposal to remove existing lot lines within the property to create one lot of record. PL-15-02868 15

Public hearing and possible recommendation to City Council on November 5, 2015

Planner

Boehm

1055 Norfolk Avenue – 1055 Norfolk Avenue Plat Amendment - proposal to remove interior lot line to combine lots into one lot of record. PL-15-02877 27

Planner

Boehm

Public hearing and possible recommendation to City Council on November 5, 2015

812 Norfolk Avenue – 812 Norfolk Plat Amendment - proposal to remove interior lot line to combine lots into one lot of record. PL-15-02886 41

Planner

Boehm

Public hearing and possible recommendation to City Council on November 5, 2015

333 Main Street- First Amendment to The Parkite Commercial Condominium record of survey plat to create two commercial condominium units from a portion of the existing platted commercial convertible area. PL-15-02912 55

Planner

Whetstone

Public hearing and possible recommendation to City Council on November 5, 2015

Land Management Code Amendment regarding Nightly Rentals use in the HR-L Chapter 2.1 and Definitions Chapter 15. PL-15-02817 73

Planner

Astorga

Public hearing, discussion, and continue to October 28, 2015

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.

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

Public hearing, discussion, and continue to November 11, 2015

PL-15-02810 93

*Planner
Whetstone*

Consideration of an ordinance amending the land management code section 15, chapter 11 and all historic zones to expand the historic sites inventory and require review by the historic preservation board of any demolition permit in a historic district and associated definitions in chapter 15-15.

Public hearing, discussion and continued to October 28, 2015

PL-15-02895 163

*Planner
Grahn and
Planning
Director
Erickson*

ADJOURN

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

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 23, 2015

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Interim Planning Director, Bruce Erickson; John Boehm, Planner; Makenna Hawley, Planning Technician; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

September 9, 2015

Commissioner Joyce referred to page 16 of the Staff report, page 14 of the minutes, second to the last paragraph, fourth line, and corrected structural engineering to correctly read **structural engineer**. On that same page, Commissioner Joyce referred to the second to the last line of the last paragraph and corrected demolition to correctly read, **demolish**.

MOTION: Commissioner Phillips to APPROVE the minutes of September 9, 2015 as corrected. Commissioner Joyce seconded the motion.

VOTE: The motion passed. Commissioners Worel and Band abstained from the motion since they were absent from the September 9th meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Interim Planning Director Bruce Erickson reported that the Staff was moving forward with the Staff reports on the changes to the Land Management Code for the Historic Districts. The reports were on his desk for review and he anticipated having some ready for the next meeting. Mr. Erickson stated that the Planning Commission would first see the changes in a Staff report for discussion. The amendments would not be finalized into the legal language of the LMC until everyone agrees with all the concepts. Once the amendments are codified they would come back to the Planning Commission for a recommendation to City Council.

Mr. Erickson appreciated the Commissioners attendance at the joint meeting with the Snyderville Basin Planning Commission meeting. He asked Chair Strachan to provide a summary of the joint meeting.

Chair Strachan stated that the joint meeting with the Snyderville Basin Planning Commission was the first of what is intended to be a series of joint meetings quarterly to focus on inter-regional issues such as affordable housing and transportation. The public is encouraged to attend the joint meetings. Chair Strachan noted that Park City would host the next joint meeting at the Marsac Building. The time and date had not been confirmed. The plan is to meet quarterly and to alternate between the Sheldon Richins Building and the Marsac Building. An agenda would be posted with specific topics for each meeting. Chair Strachan stated that the joint meetings are an ongoing effort to plan regionally and not just in a vacuum.

Mr. Erickson noted that the topic for the next joint meeting will be affordable/employee/achievable housing. He stated that this Planning Commission shares a high commitment with the Snyderville Basin Planning Commission to get the housing accomplished in a timely manner.

Chair Strachan suggested that when Park City hosts the next joint meeting that they meet in the back of the Council Chambers to create a more informal setting for the two Planning Commissions to converse. He also thought food would add to the relaxed setting.

Commissioner Joyce asked when the Alice Claim proposal would be before the City Council. He recalled that the meeting last week was the original scheduled date but he had not seen it on the agenda. Mr. Erickson stated that Alice Claim was noticed for the October 8th City Council meeting. The Council would have a site visit on October 8th and take public comment during the meeting.

Assistant City Attorney McLean noted that there were two Alice Claim applications. The applicant had appealed the CUP denial to the City Council. The second was review and action by the City Council on the Planning Commission recommendation on the Subdivision. Mr. Erickson anticipated that another modification to the Staff report would be required to answer questions from the City Council and the public after the site visit. He did not expect a Council decision on October 8th.

Commissioner Joyce asked for the status of the vertical zoning discussion. Mr. Erickson stated that vertical zoning was scheduled for their last meeting in October or the first meeting in November. The plan is to have the entire package of amendments ready for the City Council in December.

CONTINUATIONS (public hearing and continue to date specified.)

1. 550 Park Avenue – Steep Slope Conditional Use Permit for construction of a new single-family dwelling and a Conditional Use Permit for a parking area with five or more spaces. (Application PL-14-02451) (Application PL-15-02471)

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

MOTION: Commissioner Worel moved to CONTINUE the 550 Park Avenue steep slope conditional use permit to October 14th, 2015. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA – Discussion, public hearing, action.

1. 710-900 Main Street – First Amended, Fourth Supplemental Record of Survey for Summit Watch at Park City – proposal to remove existing plat note that requires Planning Commission approval for all uses except outdoor dining. (Application PL-15-02845)

Planner John Boehm distributed copies of additional public input he received after the Staff report was sent to the Commissioners.

Planner Boehm reviewed the application for the First Amended, Fourth Supplemental Record of Survey map for Summit Watch at Park City, located at 710-900 Main Street. The applicant, which is The Summit Watch Condominium Owners Association, was proposing to remove plat notes on the Summit Watch records of survey, and all of the

associated supplemental record of survey plats that pertain to upper dining and other outdoor uses. Planner Boehm stated that the plat notes strictly prohibit, without prior Planning Commission approval, any outdoor uses and events that would otherwise be processed administratively by City Staff as currently allowed in the HRC zoning district. Planner Boehm noted that the record is unclear as to why these notes were placed on the record of survey plats. The Staff researched numerous meeting reports and minutes and was unable to determine the reasoning for these specific plat notes.

The Staff had analyzed the proposal to remove the plat notes and found that doing so would make the Summit Watch Record of Survey more consistent with the underlying HRC zoning requirements.

Planner Boehm reported that currently the adjacent properties in the HRC District are allowed to apply for administrative permits for outdoor uses and special events without first seeking approval from the Planning Commission. Examples of events would be the Park Silly Sunday Market, World Cup Events for the US Ski and Snowboard teams, and the Sundance Film Festival, as well as many others. The Staff has found that there are no unique characteristics in this project that require additional regulation beyond the underlying zoning requirements for the HRC zone.

Planner Boehm had received public input regarding noise and odors associated with special events. He explained that the concerns of noise, odors, and hours of operation shall be mitigated through the Administrative permitting process as they are mandatory approval criteria. In addition, notice of an Administrative Conditional Use Permit review is posted ten day prior to permit approval, which allows the opportunity for neighbors to voice any concerns.

The Staff found good cause for this record of survey amendment as it creates a level of consistency with the surrounding uses in the HRC zone. All relevant criteria will continue to be analyzed as part of the Administrative review. The Staff recommended that the Planning Commission conduct a public hearing for the First Amended, Fourth Supplemental Record of Survey for the Summit Watch at Park City, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Chair Strachan opened the public hearing.

Alex Butwinski stated that unlike most other places in the District this could affect the neighbors. He suggested adding a more stringent noticing requirement other than just a notice in the newspaper. He did not have an answer but asked the Commissioners to consider the current noticing requirement and strengthen it if necessary.

Chair Strachan closed the public hearing.

Planner Boehm stated that the noticing requirement for administrative conditional use permits is posting the property ten days in advance of final action and mailing a notice of review to every property owner within 300 feet of the project. Chair Strachan assumed the requirement was based on the LMC. Planner Boehm answered yes. Chair Strachan questioned whether it was possible to increase the noticing without amending the LMC.

Assistant City Attorney McLean remarked that the current application is to remove the note for consistency with the zone requirements. If the Planning Commission had good reason to want additional requirements for this particular project, instead of removing the note they could amend the note to require certain noticing requirements.

Commissioner Band stated that Summit Watch is on Main Street in a very commercial area, and if residents choose to stay during Sundance they should expect a little hoopla.

Chair Strachan thought it would be worthwhile to have a noticing requirement to the HOA. Mr. Erickson stated that noticing already goes to the HOA. Commissioner Joyce pointed out that people within 300 feet are noticed currently.

Commissioner Joyce drove by the project and he could not see anything different from what they see anywhere else. Changing the entire zone would be a separate discussion. Commissioner Joyce could not understand why that piece was deemed different, because there are residences running all the way up Main Street and throughout the Historic District.

Commissioner Worel agreed. She could not understand why they would hold Summit Watch to a different standard than the rest of the zone. Commissioner Band agreed. In her opinion, the existing plat notes did not make any sense. She thought it made sense to remove them. Commissioner Phillips concurred.

Commissioner Thimm agreed with his fellow Commissioners; however, if a previous Planning Commission made the decision to add it as a condition for good reason, he wanted to know and understand the reason. Like the Staff, he had done his own research and could find no reason for placing the note initially. He believed that if the reason had been significant, it would have been documented on the record.

Mr. Erickson supported the Staff recommendation for the reasons stated. However, if the Staff finds something that is out of order, as part of the Administrative Conditional Use Permit they can take a separate action. The purpose of this application was to clean up the plat.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the 710-900 Main Street First Amended, Fourth Supplemental Record of Survey for Summit Watch at Park City, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 71-0900 Main Street

1. The property is located at 710-900 Main Street within the Historic Recreation Commercial (HRC) District.
2. The Summit Watch at Park City Record of Survey plat was approved by City Council on October 7, 1993 and the plat was recorded with Summit County on February 7, 1994.
3. The Summit Watch at Park City Record of Survey plat was required as of part of the Town Lift Phase I – Small scale MPD agreement that was approved by the Planning Commission on April 22, 1992
4. The Third Supplemental Record of Survey for Summit Watch at Park City was approved by City Council on May 16, 1996 and the plat was recorded with Summit County on September 30, 1996.
5. The Third Supplemental Record of Survey for Summit Watch at Park City plat was required as of part of the Summit Watch Revised Concept Plan – Large Scale MPD that was approved by the Planning Commission on November 23, 1994.
6. The Fourth Supplemental Record of Survey for Summit Watch at Park City was approved by City Council on September 25, 1997 and the plat was recorded with Summit County on April 10, 1998
7. The Fourth Supplemental Record of Survey plat was required as of part of the Summit Watch Revised Concept Plan – Large Scale MPD that was approved by the Planning Commission on November 23, 1994.
8. The November 23, 1994 Summit Watch Revised Concept Plan – Large Scale MPD approval contains a Condition of Approval stating that all uses in the project shall be governed by the HCB zone.

9. On July 6, 2015, the applicants submitted an application for a record of survey plat amendment. The application was deemed complete on July 9, 2015. On September 7, 2015, the application was revised to consolidate three separate applications into this one application.

10. The Record of Survey plat amendment would make the subject property consistent with the underlying zoning requirements for the Historic Recreation Commercial (HRC) zoning district.

11. The Record of Survey plat amendment would allow the applicant to apply for administrative permits, without prior Planning Commission approval, for outdoor uses.

12. Staff could not find any information in prior meeting minutes and reports regarding the specific need for additional regulation beyond the zoning requirements for the Historic Recreation Commercial (HRC) zoning district.

13. There are no unique characteristics in this project that require additional regulation beyond the underlying zoning requirements for the Historic Recreation Commercial (HRC) zoning district. Adjacent properties in the HRC zone are currently allowed to apply for Outdoor Uses and special events through administrative processes.

14. Special events and Outdoor Uses that currently take place in the HRC zone include the Sundance Film Festival, Park City Silly Sunday Market, and U.S. Ski/Snowboard events.

15. The findings in the Analysis section are incorporated herein.

Conclusions of Law – 710-900 Main Street

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

Conditions of Approval – 710-900 Main Street

1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the condominium plat.
2. The applicant will record the amended condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the condominium plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the original Summit Watch at Park City Record of Survey plat continue to apply.

2. 1000 Ability Way – Conditional Use Permit Application for an accessory building greater than the 600 square feet in the Recreation Open Space (ROS) Zoning District for the National Ability Center (Application PL-15-02876)

Planning Tech, Makena Hawley, reviewed the application for a conditional use permit for 1000 Ability Way. The applicant was requesting an accessory building greater than 600 square feet in the Recreation Open Space Zoning District.

Planner Hawley noted that the applicant previously went through the Administrative permit process and the building currently exists. However, it was only approved as a temporary building. The request is to keep it as a permanent building.

The Staff recommended that the Planning Commission review the application for a conditional use permit for 1000 Ability Way, conduct a public hearing, and approve the CUP for an accessory structure greater than 600 square feet. The Staff had prepared findings of fact, conclusions of law and conditions of approval for consideration.

Chair Strachan recalled when this project first came before the Planning Commission. He thought it was straightforward.

Michael Barille, representing the applicant, was available to answer questions. He noted that this project was in the works prior to the MPD application. There were just a few building that they were looking at.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Worel also recalled seeing this previously and she believed it was consistent with everything that occurred.

MOTION: Commissioner Band moved to APPROVE 1000 Ability Way Conditional Use Permit application for an existing accessory building greater than 600 feet in the Recreation Open Space Zoning District for the National Ability Center. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1000 Ability Way

1. Applicant requests the use of an accessory building greater than 600 square feet to be used for hay storage.
2. The property is located at 1000 Ability Way.
3. The property is located within the Recreation and Open Space (ROS) District and the proposed use requires a Conditional Use Permit which meets the purpose of the zone
4. The lot is described as Parcel # PCA-97-B, a metes and bounds parcel of land located in the Quinn's Junction neighborhood of Park City.
5. The 26.2 acre parcel was annexed to Park City in 2004 as part of the National Ability Center and Quinn's Recreation Complex Annexation.
6. The size of the proposed hay barn is 1,819 square feet.
7. The current space was previously an area of low grade, slight dirt embankment consisting of mostly dirt, rocks and minimal shrub growth used as a short cut for ATV and equipment access to the horse pastures.
8. Access to the proposed hay barn will be from highway 248 via Gilmore Way and Ability Way directly accessed off National Ability Center driveway, which is

connected to their parking lot.

9. No additional parking is proposed or needed according to the Land Management Code.

10. The neighborhood is characterized by a mix of open space, trails, and sporting fields. The buildings closest to the property are the USSA training center and the IHC hospital.

11. The project has been reviewed by the Park City Fire District and approved per clearance number 6159.

12. The proposed structure complies with all setbacks. The minimum setbacks from all boundary lines of the lot are twenty five feet (25'). The proposed accessory building is 278 feet away from the closest lot line. According to the Building Department there are no requirements for setbacks between structures.

13. The proposed structure complies with the twenty-eight feet (28') maximum building height requirement measured from existing grade. The proposed structure will be a maximum of twenty-two feet (22') in height.

14. Staff finds that the proposed barn is compatible with the surrounding structures. The barn uses the same materials as the surrounding structures and is generally smaller than most of the adjacent buildings. Since the hay storage barn is a support use for the other buildings and lands, the physical design and compatibility are very similar.

15. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is no existing significant vegetation on the lot.

16. This property is will not require independent utility services for water and sewer.

17. Lighting is proposed in three exterior areas. The lighting currently has been approved for the temporary use and is down lit and shielded.

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

19. The applicant stipulates to the conditions of approval.

Conclusions of Law - 1000 Ability Way

1. The CUP, as conditioned, is consistent with the Park City Land Management Code,

specifically section 15-2.7-2(C)(14).

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

Conditions of Approvals – 1000 Ability Way

1. All Standard Project Conditions shall apply.
2. Construction waste should be diverted from the landfill and recycled when possible.
3. No housing of farm animals shall be permitted as a use of the barn.

Park City Planning Commission meeting adjourned at 6:00 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Subject: 134 Main Street Plat Amendment
Author: John Paul Boehm, City Planner,
Project Number: PL-15-02868
Date: October 14, 2015
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the 134 Main Street Plat Amendment, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: Braden Bell
Location: 134 Main Street
Zoning: Historic Residential Subzone B (HR-2B)
Adjacent Land Uses: Single-family and Duplex homes
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

The applicant is requesting a Plat Amendment for the purpose of combining lots 13, a portion of lot 14, and an un-platted, metes and bounds parcel into one (1) lot of record located in Block 20 of the Snyder's Addition to the Park City Survey. The applicant currently owns both lots and the un-platted parcel and requests to combine the lots to create one (1) new larger lot of record. The applicant is requesting this amendment in order to construct a new single-family home on the combined lots.

Purpose

The purpose of the Historic Residential District (HR-2) is to:

- (A) allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:
 - (1) Upper Main Street;
 - (2) Upper Swede Alley; and
 - (3) Grant Avenue,
- (B) encourage and provide incentives for the preservation and renovation of Historic Structures,

- (C) establish a transition in Use and scale between the HCB, HR-1, and HR-2 Districts, by allowing Master Planned Developments in the HR-2, Subzone A, (D) encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,
- (E) define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and
- (F) provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue,
- (G) ensure improved livability of residential areas around the historic commercial core,
- (H) encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use, scale, character and design that is Compatible with the historic character of the surrounding residential neighborhood,
- (I) encourage residential development that provides a range of housing opportunities consistent with the community's housing, transportation, and historic preservation objectives,
- (J) minimize visual impacts of the automobile and parking by encouraging alternative parking solutions,
- (K) minimize impacts of Commercial Uses on surrounding residential neighborhood.

Background

On July 28, 2015, the applicant submitted a complete application for 134 Main Street Subdivision. The property is located at 134 Main Street in the Historic Residential (HR-2) District sub-zone B.

The property (tax ID- PC-256) is currently vacant and has a historic home to the north (122 Main) and a non-historic home to the south (146 Main). The applicant approached the City earlier this year to discuss the potential of constructing a new single-family home. In March of 2015, the applicant met with staff during a Design Review Team conference that was part of the Historic District Design Review (HDDR) pre-application process. At this meeting, the applicant was informed that he would need a plat amendment to remove the interior lot lines in order to meet the minimum lot size requirement for the HR-2 District. Staff also discussed the issues of compatibility with historic structures, parking, flood-plain, and soils with the applicant.

Analysis

The proposed plat amendment creates one (1) lot of record consisting of 1,956 square feet. The minimum lot area for a single-family dwelling in the HR-2 district is 1,875

square feet. The combined lot area does not meet the minimum lot size of 3,750 square feet for a duplex.

The minimum lot width allowed in the district is twenty-five feet (25'). The proposed width will be twenty-eight feet (28'). Lots under fifty feet (50') in width in the HR-2 district have required side yard setbacks of three feet (3'). The proposed lot will be seventy-one feet (71') in depth. Lots under seventy-five feet in depth in the HR-2 district have required ten foot front and rear yard setbacks. The proposed lot will be compatible with the existing neighborhood as the lots adjacent to the subject property range from twenty-six feet (26') in width to fifty feet (50'). The houses within 200 feet to the north and south on the east side of Main Street consist of typical "Old Town" single-family dwellings. The proposed lot combination meets the lot and site requirements of the HR-2 District.

This plat amendment is consistent with the Park City LMC and applicable State law regarding plat amendments. The proposed new construction must comply with current Historic District Design Guidelines. Recordation of this plat and completion and approval of a final Historic District Design Review (HDDR) and Steep Slope CUP, if applicable, are required prior to building permit issuance for any construction on the proposed lot.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Combining the lots will create a code compliant sized lot from a substandard lot, a remnant lot and a metes and bounds parcel. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the community.

Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with required Building and Land Management Code, and applicable Historic District Design Guidelines requirements.

Department Review

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

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC on September 29, 2105. Legal notice was also published in the Park Record by September 26, 2015 and on the public notice website in accordance with the requirements of the LMC.

Public Input

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

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any new structures may require a Steep Slope CUP and will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may forward a positive recommendation for approval of the 134 Main Street Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation for the 134 Main Street Plat Amendment and direct staff to make findings for this decision; or
- The Planning Commission may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and the current lot configuration would remain as is. The property would not meet the minimum lot size for a single-family home.

Recommendation

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the 134 Main Street Subdivision based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Conditions Survey

Exhibit C – Vicinity Map/Aerial

Exhibit D – Photographs

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE 134 MAIN STREET PLAT AMENDMENT, LOCATED AT 134 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 134 Main Street, have petitioned the City Council for approval of the 134 Main Street Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 14, 2015 to receive input on the proposed subdivision;

WHEREAS, on October 14, 2015 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on November 5, 2015 the City Council held a public hearing on the proposed 1055 Norfolk Avenue Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 1055 Norfolk Avenue Plat Amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 134 Main Street Subdivision, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The plat is located at 134 Main Street within the Historic Residential (HR-2) District, Subzone-B.
2. The 134 Main Street Plat Amendment consists of Lots 13, a portion of Lot 14, and an un-platted metes and bounds parcel located in Block 20 of the Snyder's Addition to the Park City Survey.
3. On August 6, 2015 the applicants submitted an application for a plat amendment to combine Lots 13, a portion of Lot 14, and an un-platted metes and bounds parcel, into one (1) lot of record containing a total of 1,956 square feet.
4. The application was deemed complete on August 10, 2015.

5. The HR-2 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
6. The proposed plat amendment creates one (1) lot of record consisting of 1,956 square feet.
7. The maximum footprint allowed in the HR-2 zone is 1,201 square feet for the proposed lot based on the lot area of the lot.
8. The property is currently vacant.
9. Lot 13 does not currently meet the minimum lot size requirement for single-family homes in the HR-2 District
10. The remnant of lot 14 is undevelopable as it does not meet the minimum lot size or width for single-family homes in the HR-2 District.
11. The un-platted, metes and bounds parcel on the property is undevelopable as it does not meet the minimum lot size or width for single-family homes in the HR-2 District.
- | 12. The lot is located in a FEMA Flood Zone A.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
4. The City will require a 10 foot wide snow storage easement along the front of the property and a 10 foot wide stream and drainage meandering corridor easement along the rear of the property.
5. The applicant must meet all requirements for construction of structure in a FEMA Flood Zone A.

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

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this Record of Survey map of 134 MAIN STREET PLAT AMENDMENT and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

DEED DESCRIPTION

Beginning at the northwesterly corner of Lot 13, Block 20, Amended Plat to Park City Survey and running thence South 81°31' East along the northerly lot line of said Lot 13 extending to the westerly line of the Silver Creek flume, thence southerly along the westerly line of said flume to the point South 8°29' West 3.2 feet and South 81°31' East from the northwesterly corner of Lot 13, Block 20, thence North 81°31' West to the westerly lot line of Lot 13, said Block 20, thence North 8°29' East 3.2 feet to the point of beginning.

Also:

Beginning at a point on the westerly lot line of Lot 13, Block 20 Amended Plat of Park City, at a point South 8°29' West 3.2 feet from the northwest corner of said lot and running thence South 81°31' East parallel with the northerly lot line of said Lot 13, extending to the westerly line of the Silver Creek flume, thence southerly along the westerly line of said flume to a point South 8°29' West 3.2 feet and South 81°31' West to the westerly lot line of Lot 14, said Block 20, thence North 8°29' East 25 feet to the point of beginning.

SURVEY DESCRIPTION

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

Beginning at the corner common to the northwesterly corner of Lot 13 and the southwesterly corner of Lot 12, Block 20, Park City Survey, said point also being North 08°53'15" East 97.80 feet and South 81°06'45" East 21.23 feet from the street monument at the intersection of Main Street and Daly Avenue; and running thence along the north boundary of Lot 13 South 81°31'00" East 40.63 feet to the northeasterly corner of Lot 13, said point being on the boundary of Parcel 1 described in that certain Warranty Deed recorded November 15, 1994, as Entry No. 419295, Book 850, Page 738, in the Office of the Summit County Recorder; thence along the boundary of said Parcel 1 the following two (2) courses: 1) South 81°31'00" East 30.39 feet; thence 2) South 15°15'23" West 28.40 feet; thence North 81°31'00" West 67.68 feet to a point on the west boundary of Block 20, Park City Survey; thence along the west boundary of Block 20 North 08°29'00" East 28.20 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Braden Bell, the undersigned owner of the herein described tract of land, to be known hereafter as 134 MAIN STREET PLAT AMENDMENT, does hereby certify that he has caused this Plat to be prepared, and

In witness whereof, the undersigned set his hand this _____ day of
2015.

Braden Bell

ACKNOWLEDGMENT

On this _____ day of _____, 2015, Braden Bell personal
appeared before me, the undersigned Notary Public, in and for said state and county.
Having been duly sworn, Braden Bell acknowledged to me that he is the owner of the
herein described tract of land, and that he signed the above Owner's Dedication and
Consent to Record freely and voluntarily.

A New Multi-dimensional Model

Residing in:

My commission expires: _____

NOTE

This plat amendment is subject to the Conditions of Approval in Ordinance 15-

AN AMENDMENT TO BLOCK 20, PARK CITY SURVEY
134 MAIN STREET PLAT AMENDMENT

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

SHEET 1 OF

 <p>(435) 649-9467</p> <p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</p>								
PARK CITY, SUMMIT COUNTY, UTAH 7/28/15 JOB NO.: 5-3-15 FILE: X:\ParkCitySurvey\dwg\srv\plat2015\050315.dwg								
 <p>(435) 649-9467</p> <p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</p>	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 BY _____ S B W R D		PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON MAP WAS APPROVED BY PARK CITY PLANNING COMMISSION THIS _____ FILE IN MY OFFICE THIS _____ DAY OF _____, 2015 COUNCIL THIS _____ DAY OF _____, 2015 BY _____	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 BY _____	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ BY _____

RECEIVED
JUL 28 2015

PARK CITY
PLANNING DEPT.

SURVEYOR'S CERTIFICATE

I, Robert J. McMahon, do hereby certify that I am a registered land surveyor and that I held certification No. 340861-2201 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made of the lands shown and described herein. I further certify that this survey is a correct representation of the lands shown at the time the field work was completed.



LEGAL DESCRIPTION

Beginning at the Northwesterly corner of lot 13, Block 20, Amended plot of Park City Survey and running thence South 01°31' East along the Northwesterly lot line of said lot 13 extending to the Westerly line of said Flume; thence Southerly along the Westerly line of said Flume to the point South 08°29' West 3.2 feet and South 01°31' East from the Southwesterly corner of lot 13, Block 20, thence North 01°31' West to the Westerly lot line of lot 13, Block 20, thence North 08°29' East 3.2 feet to the Point of Beginning. Also:

Beginning at a point on the Westerly lot line of lot 13, Block 20, Amended plot of Park City Survey at a point South 08°29' West 3.2 feet from the Northwest corner of said Lot and running thence South 01°31' East parallel with the Northwesterly lot line of said lot 13 extending to the Westerly line of the Silver Creek Flume, thence Southerly along the Westerly line of said Flume to a point South 08°29' West 3.2 feet and South 01°31' East in the Westerly lot line lot 14, add Block 20, thence North 08°29' East 25 feet to the Point of Beginning.

LEGEND

(1) FOUND REBAR AND CAP (AS NOTED)

(2) STREET ADDRESS

NARRATIVE

- (1) The purpose of this survey is to establish the existing conditions on the subject parcel.
- (2) Property corners were not set as part of this topographic survey.

(3) The Baseline of bearing of this survey is North 08°34'00" East between the Iron Street Monument at the Pt. of Day Avenue and Main Street and the Grand Street monument at the angle point of Main Street as shown on the monument control map prepared by Bush & Budget (1981) on file and of record in the Office of the Recorder, Summit County, Utah.

(4) Project Benchmark: Center of corner of SW 1/4 Monolith as noted Elevation = 7153.75'

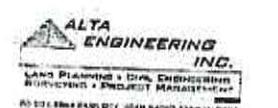
(5) Date of field survey: May 7, 2010.

(6) The architect/owner is responsible for verifying building setbacks, zoning requirements and building heights.

PARCEL PC-256
BLOCK 20 PARK CITY SURVEY
EXISTING CONDITIONS &
TOPOGRAPHIC SURVEY

FOR JACK THOMAS
ASSOCIATES, PC

JOB NO: 05-10-02



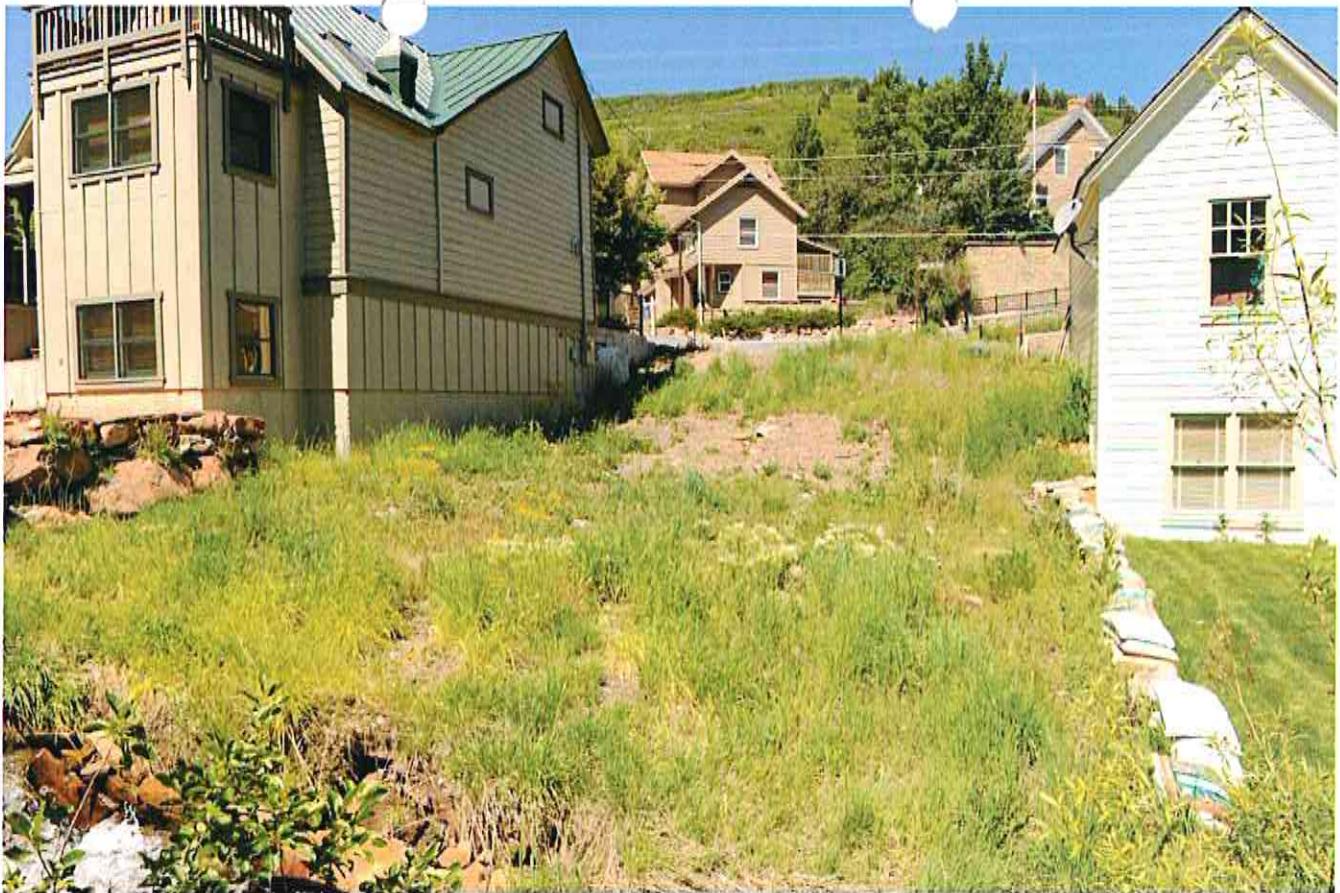


STAFF:
MARSHALL KING
JEFF KITCHEN
HARRISON HOLLEY

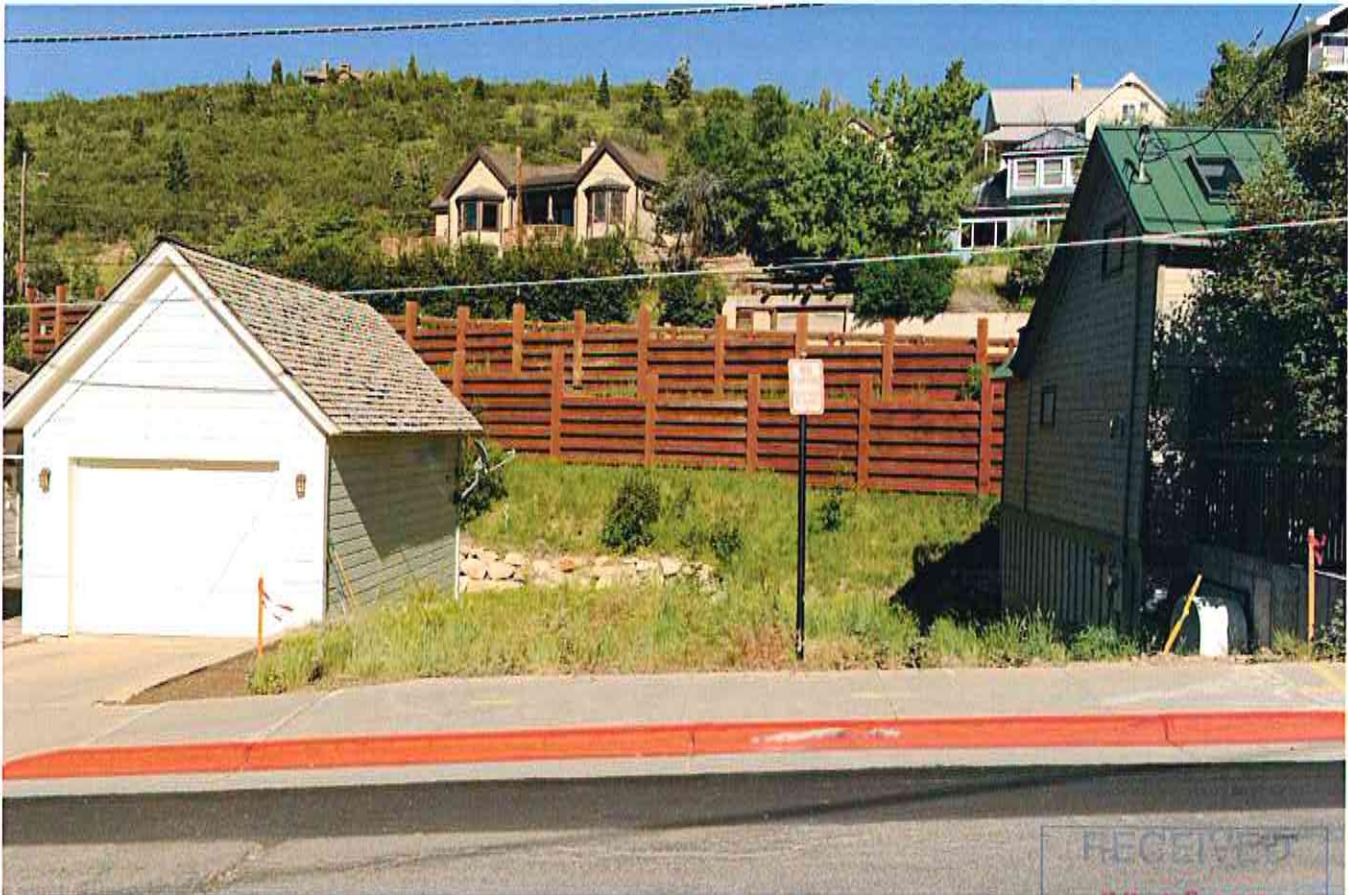
DATE: 6/23/15

AERIAL PHOTOGRAPH
134 MAIN STREET
BLOCK 20, PARK CITY SURVEY
FOR: PARK CITY MUNICIPAL CORPORATION
JOB NO.: 5-3-15
FILE #: X:\ParkCitySurvey\dwg\Exhibits\134_main-ortho.dwg

SHEET
1
OF
1



134 Main Street looking westerly



134 Main Street looking easterly

RECEIVED
JUL 28 2015

Planning Commission Staff Report



Subject: 1055 Norfolk Avenue Plat Amendment
Author: John Paul Boehm
Project Number: PL-15-02877
Date: October 14, 2015
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the 1055 Norfolk Avenue Plat Amendment, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: Carabiner Capital, LLC represented by Marshall King,
Location: Alliance Engineering
Zoning: 1055 Norfolk Avenue
Adjacent Land Uses: Historic Residential (HR-1)
Reason for Review: Single-family and Duplex homes
Plat amendments require Planning Commission review and
City Council action

Proposal

The applicant is requesting a Plat Amendment for the purpose of combining 1 and a half (1.5) existing lots (Lot 14 and a remnant portion of lot 15) into one (1) lot of record located in Block 16 of the Snyder's Addition to the Park City Survey. The applicant currently owns both lots and requests to combine the lots to create one (1) new larger lot. The applicant is requesting this amendment in order to renovate the existing historic single-family home at 1055 Norfolk Avenue.

Purpose

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

- (A) Preserve present land Uses and character of the Historic residential areas of Park City,
- (B) Encourage the preservation of Historic Structures,

- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) Encourage single family development on combinations of 25' x 75' Historic Lots,
- (E) Define development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) Establish development review criteria for new development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On August 6, 2015, the applicant submitted a complete application for the 1055 Norfolk Avenue Plat Amendment. The property is located at 1055 Norfolk Avenue in the Historic Residential (HR-1) District.

There is currently a historic structure on the site. This single-family home was built across the lot line between lots 14 and 15 of the Snyder's Addition to the Park City Survey in 1906. The applicant states their intentions are to renovate the historic single-family home on the proposed combined lot and will need to remove the lot line running through the existing structure to do so.

There have been several lot splits consistently down the same street where others have combined one and a half (1½) lots, including the adjacent property to the north at 1063 Norfolk Avenue. Like the historic site at 1055 Norfolk, the single-family home at 1063 Norfolk was built across the lot line between lots 15 and 16. In 2013, the City Council approved the 1063 Norfolk Subdivision that removed the lot line running the historic home on that property and combined lots 16 and the northern ½ of lot 15.

Analysis

The proposed plat amendment creates one (1) lot of record consisting of 2,812.5 square feet, a one and half (1½) lot combination. The minimum lot area for a single-family dwelling in the HR-1 district is 1,875 square feet. The combined lot area does not meet the minimum lot size of 3,750 square feet for a duplex.

The minimum lot width allowed in the district is twenty-five feet (25'). The proposed width will be thirty-seven and a half (37.5') feet. The proposed lot will be compatible with the existing neighborhood as the lot to the north is thirty-seven and a half (37.5') feet in width. There is an existing home to the south of the subject property that also sits on one and a half lots (1½) with thirty-seven and a half (37.5') feet of street frontage. The houses within 200 feet to the north and south on the west side of Norfolk Avenue consist of typical "Old Town" single-family dwellings and vacant lots. The proposed lot combination meets the lot and site requirements of the HR-1 District.

Due to the historic home across the property line, the existing structure does not meet the current side yard setback requirement of three feet (3'). Any alterations to the existing structure would need to meet these setback requirements. This means that there is a six foot (6') area in the middle of the existing home that cannot be renovated. Combining the lots would allow for approved renovations to take place on the existing home.

The 1063 Norfolk Subdivision that was approved in 2013 combined lot 16 and the northern $\frac{1}{2}$ of lot 15 of the Snyder's Addition to the Park City Survey. The remainder of lot 15 is undevelopable as is twelve and a half feet in width (12.5') which does not meet the minimum lot width in the HR-1 district of twenty-five feet (25'). Combining this remnant lot with lot 14 of the Snyder's Addition to the Park City Survey will eliminate this undevelopable lot.

This plat amendment is consistent with the Park City LMC and applicable State law regarding plat amendments. Any renovation to the historic structure must comply with current Historic District Design Guidelines. Recordation of this plat and completion and approval of a final Historic District Design Review (HDDR) and Steep Slope CUP, if applicable, are required prior to building permit issuance for any construction on the proposed lot.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Combining the lots will remove the existing lot line between the two (2) lots and through the existing historic home. The plat will incorporate a remnant half ($\frac{1}{2}$) lot into a platted lot and resolve existing non-complying setback issues. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with required Building and Land Management Code, and applicable Historic District Design Guidelines requirements.

Department Review

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

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC on September 29, 2105. Legal notice was also published in the Park Record by September 26, 2015 and on the public notice website in accordance with the requirements of the LMC.

Public Input

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

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any new structures may require a Steep Slope CUP and will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may forward a positive recommendation for approval of the 1055 Norfolk Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation for the 1055 Norfolk Avenue Plat Amendment and direct staff to make findings for this decision; or
- The Planning Commission may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and one and a half (1.5) existing lots would not be adjoined and remain as is. Any renovations to the existing home on the property would need to meet the zone setbacks to the property line running through the middle of the home. The undevelopable remnant of lot 15 would remain.

Recommendation

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the 1055 Norfolk Avenue Plat Amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Conditions Survey

Exhibit C – Vicinity Map/Aerial

Exhibit D – Photographs

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE 1055 NORFOLK AVENUE PLAT AMENDMENT, LOCATED AT 1055 NORFOLK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 1055 Norfolk Avenue, have petitioned the City Council for approval of the 1055 Norfolk Avenue Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 14, 2015 to receive input on the proposed subdivision;

WHEREAS, on October 14, 2015 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on November 5, 2015 the City Council held a public hearing on the proposed 1055 Norfolk Avenue Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 1055 Norfolk Avenue Plat Amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 1055 Norfolk Avenue Plat Amendment, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The plat is located at 1055 Norfolk Avenue within the Historic Residential (HR-1) District.
2. The 1055 Norfolk Avenue Plat Amendment consists of Lots 14 and the southerly $\frac{1}{2}$ of 15 of Block 16 of the Snyder's Addition to the Park City Survey.
3. On August 6, 2015 the applicants submitted an application for a plat amendment to combine one and a half (1.5) lots containing a total of 2,812.5 square feet into one (1) lot of record.
4. The application was deemed complete on August 10, 2015.

5. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
6. The proposed plat amendment creates one (1) lot of record consisting of 2,812.5 square feet.
7. The maximum footprint allowed in the HR-1 zone is 1,201 square feet for the proposed lot based on the lot area of the lot.
8. There is an existing historic structure located at 1055 Norfolk Avenue.
9. The existing historic structure does not meet the current side yard setback requirement of three feet (3') along the current lot line between Lots 14 and 15.
10. The remnant of lot 15 is undevelopable as is twelve and a half feet in width (12.5') which does not meet the minimum lot width in the HR-1 district of twenty-five feet (25').
11. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lot.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
4. A ten foot (10') wide public snow storage easement is required along the frontage of the lot on Norfolk Avenue and shall be shown on the plat.

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

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, this Record of Survey map of 1055 NORFOLK AVENUE PLAT AMENDMENT has been prepared under my direction and that the same has been monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

All of Lot 14 and the south half of Lot 15, Block 16, of Snyder's Addition to Park City, according to the official plat thereof on file in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Carabiner Capital, LLC, the undersigned owner of the herein described tract of land, to be known hereafter as 1055 Norfolk Avenue Plat Amendment, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2015.

Van D. Greenfield, Manager
Carabiner Capital, LLC

ACKNOWLEDGMENT

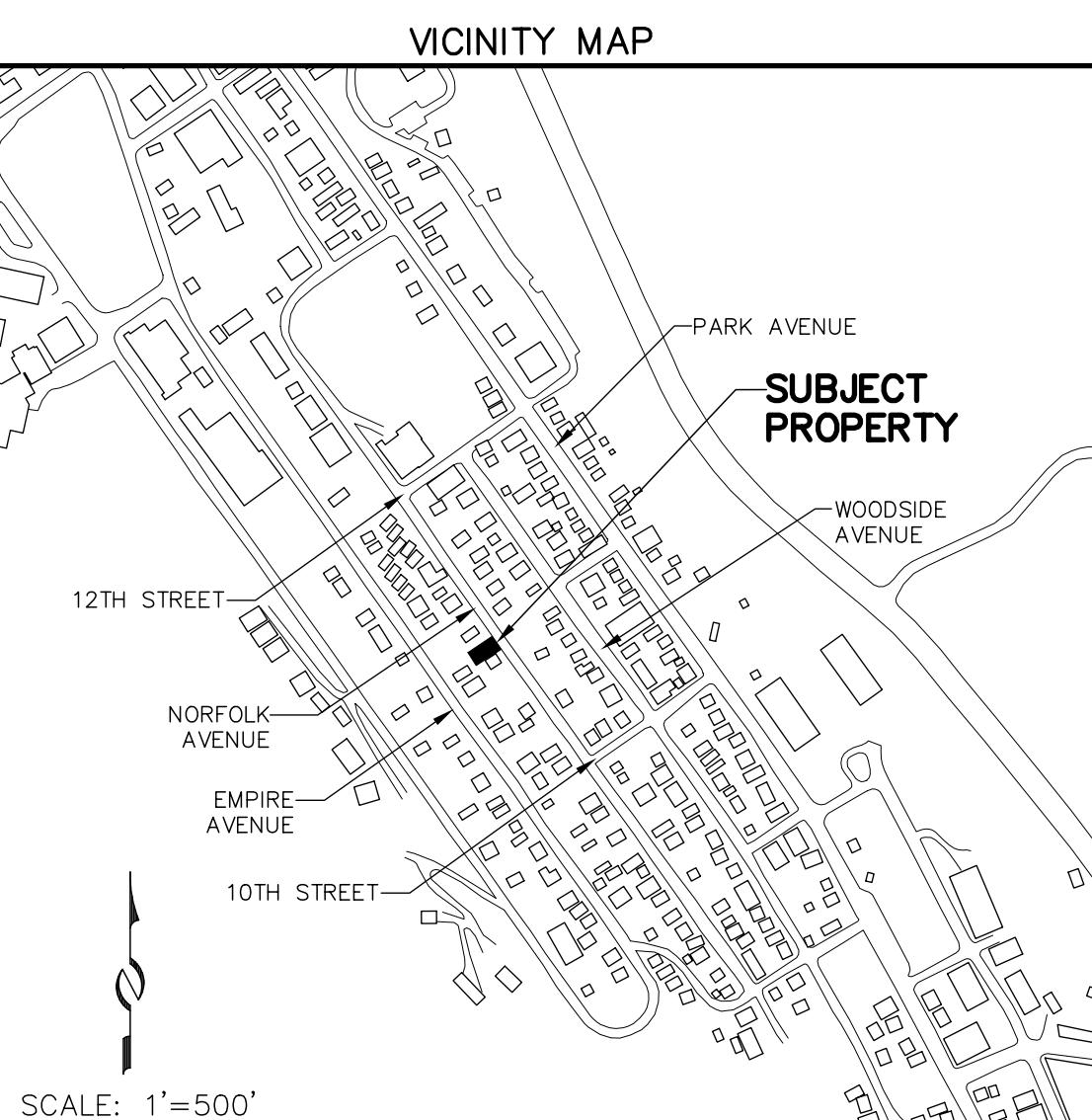
State of _____) :ss.
County of _____)

On this _____ day of _____, 2015,
personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Van D. Greenfield acknowledged to me that he is the managing member of Carabiner Capital, LLC, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____
Printed Name _____
Residing in: _____
My commission expires: _____

NOTE

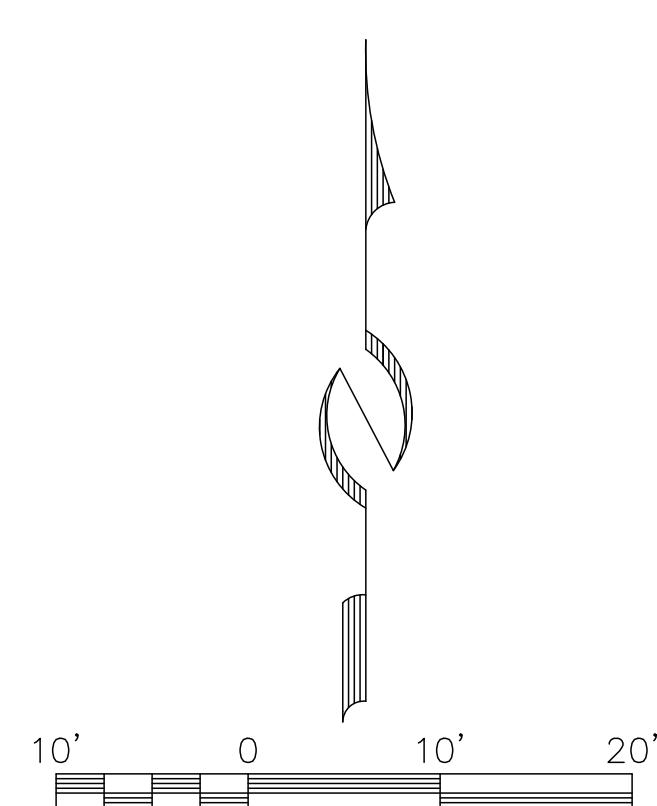
This plat amendment is subject to the Conditions of Approval in Ordinance 15-_____.



1055 NORFOLK AVENUE PLAT AMENDMENT

AN AMENDMENT TO BLOCK 16, SNYDER'S ADDITION TO PARK CITY SURVEY

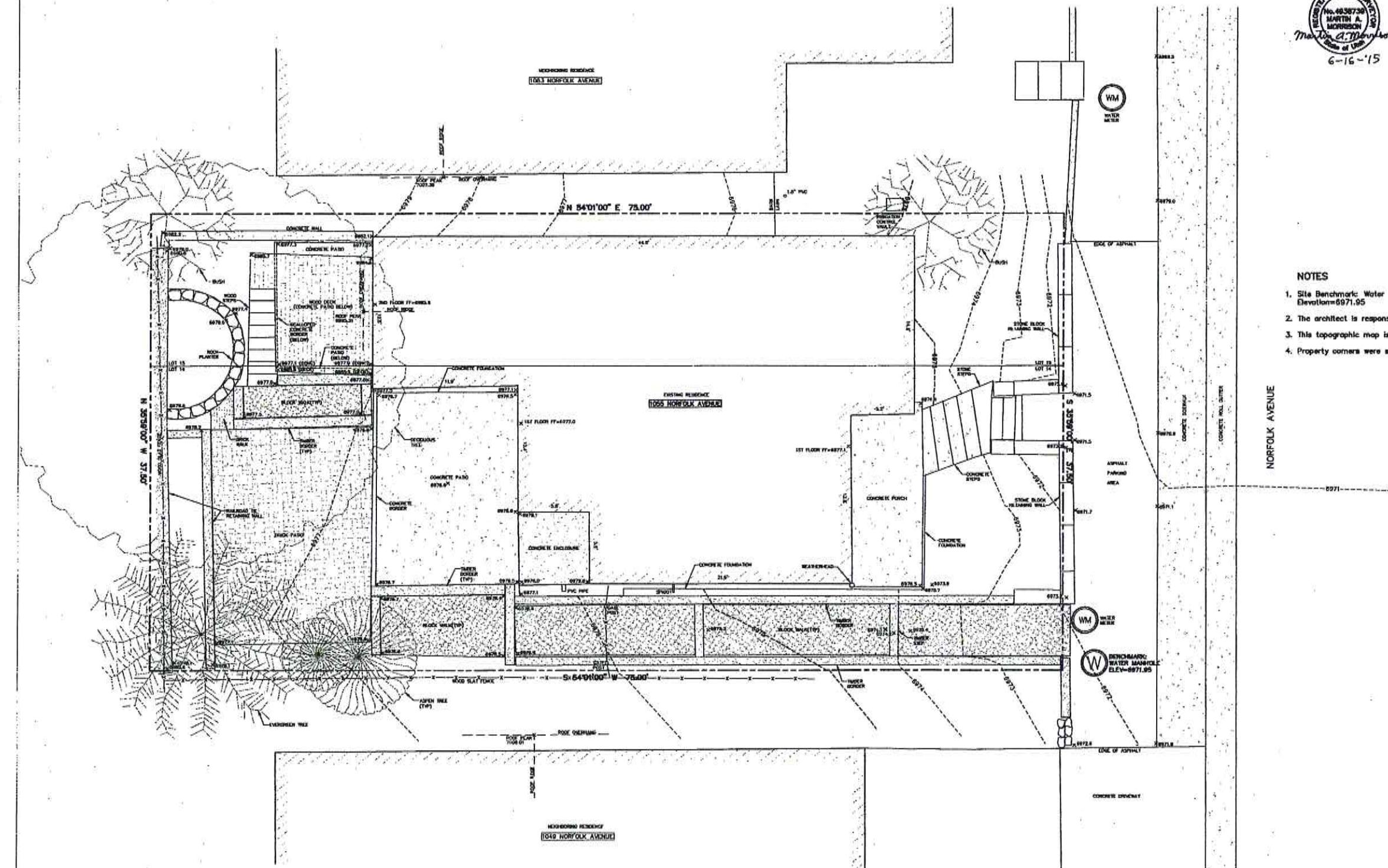
LOCATED IN THE NORTH HALF OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SHEET 1 OF 1

JOB NO.: 8-5-15 FILE: X:\SnydersAddition\dwg\srv\plat2015\080515.dwg	
RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ PARK CITY RECORDER

(435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ MAYOR
--	---	---	--	--	---



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I held certification no. 4635739 on presentation under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

1. Site Benchmark: Water mainhole
Elevation=6971.95
 2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
 3. This topographic map is based on a field survey completed on June 4, 2015.
 4. Property corners were set.



RECEIVED
AUG 06 2015

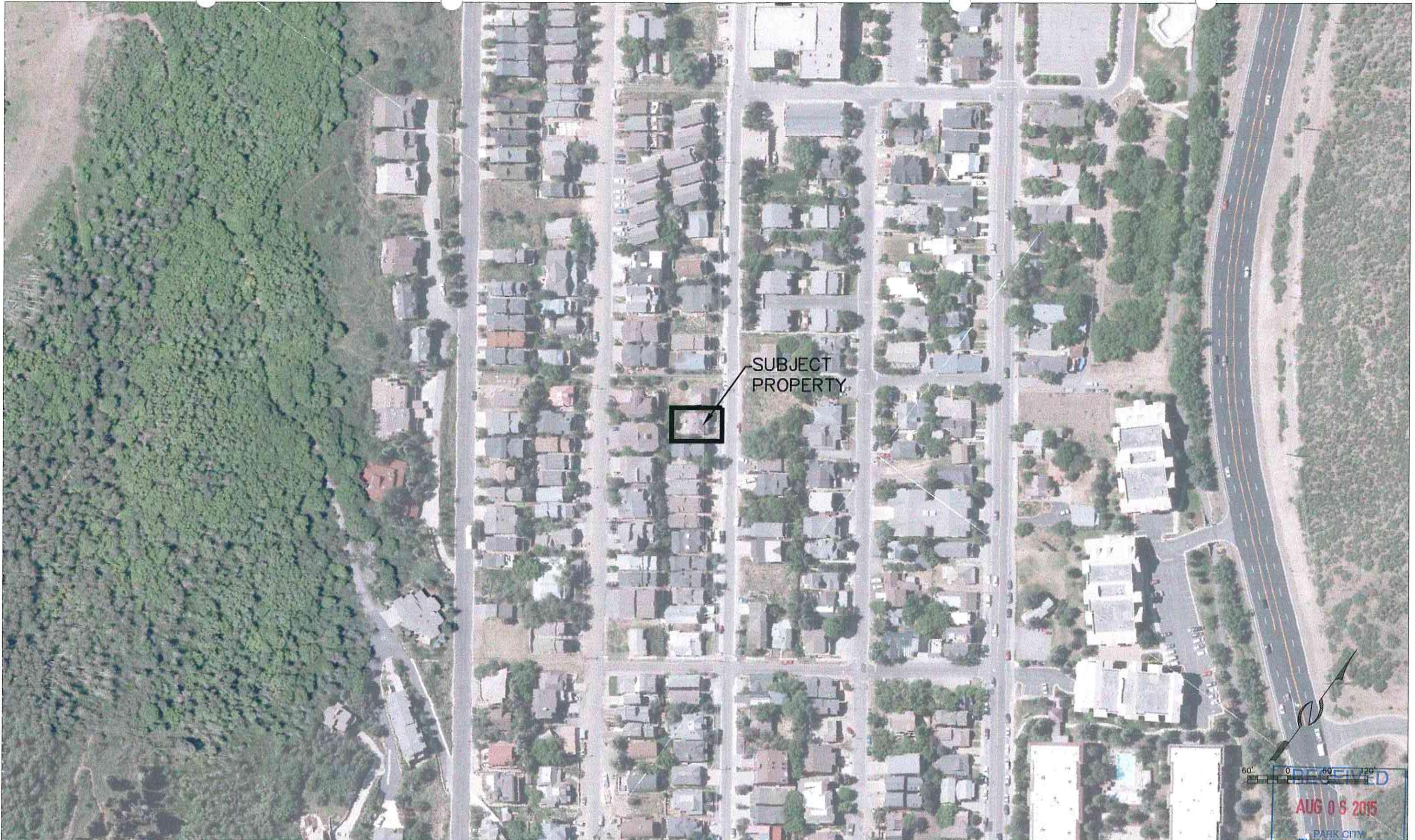
PARK CITY
PLANNING DEPT.



TAFF:
MARSHALL KING
MARTY MORRISON
JEFF KITCHEN

**EXISTING CONDITIONS & TOPOGRAPHIC MAP
1055 NORFOLK AVENUE
LOT 14 & SOUTH 1/2 LOT 15, BLOCK 16
FOR: WASATCH MOUNTAIN CONTRACTORS
JOB NO.: 8-3-15
FILE #: X:\Surveyor\Addition\dwg\area\lppc2015\080515.dwg**

SHEET
1
OF
1





1055 Norfolk Avenue – Looking westerly



1055 Norfolk Avenue – Looking westerly



1055 Norfolk Avenue – Rear looking easterly





1055 Norfolk Avenue – Rear looking easterly

RECEIVED
AUG 06 2015

Planning Commission Staff Report



Subject: 812 Norfolk Avenue Plat Amendment
Author: John Paul Boehm
Project Number: PL-15-02886
Date: October 14, 2015
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the 812 Norfolk Avenue Plat Amendment, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: 812 Norfolk Ave.,LLC represented by Marshall King, Alliance Engineering
Location: 812 Norfolk Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Single-family and Duplex homes
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

The applicant is requesting a Plat Amendment for the purpose of combining one and a half (1.5) existing lots (Lot 19 and a remnant portion of lot 18) into one (1) lot of record located in Block 11 of the Snyder's Addition to the Park City Survey. The applicant currently owns both lots and requests to combine the lots to create one (1) new larger lot. The applicant is requesting this amendment in order to demolish the existing, non-historic structure at 812 Norfolk Avenue and construct a new single-family home on the combined lots.

Purpose

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

- (A) Preserve present land Uses and character of the Historic residential areas of Park City,
- (B) Encourage the preservation of Historic Structures,

- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) Encourage single family development on combinations of 25' x 75' Historic Lots,
- (E) Define development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) Establish development review criteria for new development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On August 7, 2015, the applicant submitted a complete application for the 812 Norfolk Avenue Plat Amendment. The property is located at 812 Norfolk Avenue in the Historic Residential (HR-1) District.

There is currently a non-historic structure on the site. This single-family home was built across the lot line between lots 18 and 19 of the Snyder's Addition to the Park City Survey in 1972. The applicant states their intentions are to demolish the existing, non-historic structure at 812 Norfolk Avenue and construct a new single-family home on the combined lots.

Combinations of lots with half lots are common in this neighborhood as many homes, both historic and post-historic, were built across property lines.

Analysis

The proposed plat amendment creates one (1) lot of record consisting of 2,472.4 square feet. The minimum lot area for a single family dwelling in the HR-1 district is 1,875 square feet. The combined lot area does not meet the minimum lot size of 3,750 square feet for a duplex.

The minimum lot width allowed in the historic district is twenty-five feet (25'). The proposed width will be thirty-seven feet (37.39'). The proposed lot will be compatible with the existing neighborhood as the lots adjacent to the subject property range from thirty-seven and a half feet (37.5') in width to forty-six and a half feet (46.5'). The houses within 200 feet to the north and south on the east side of Norfolk Avenue consist of typical "Old Town" single-family dwellings. The proposed lot combination meets the lot and site requirements of the HR-1 District.

Due to the construction of the non-historic home across the property line, the existing structure does not meet the current side yard setback requirement of three feet (3'). Any alterations to the existing structure would need to meet these setback requirements. No exterior renovations can occur while the house straddles the lot line. Combining the lots would allow for approved renovations to take place on the existing home. It would also allow for the non-historic structure to be demolished and replaced with a new single-family home.

The remnant parcel of Lot 18 is undevelopable as is twelve and a half feet (12.5') in width, which does not meet the minimum lot width in the HR-1 district of twenty-five feet

(25'). Combining this remnant parcel with Lot 19 of the Snyder's Addition to the Park City Survey will eliminate this remnant parcel.

There is a four foot (4') walkway easement on the northernmost portion of the property for the adjacent neighbor at 824 Norfolk Avenue to access their back deck. This easement will remain and will be recorded on the amended plat.

This plat amendment is consistent with the Park City LMC and applicable State law regarding plat amendments. The proposed new construction must comply with current Historic District Design Guidelines. Recordation of this plat and completion and approval of a final Historic District Design Review (HDDR) and Steep Slope CUP, if applicable, are required prior to building permit issuance for any construction on the proposed lot.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Combining the lots will remove the existing lot line between the two (2) lots and through the existing non-historic home. The plat will incorporate a remnant one half ($\frac{1}{2}$) lot into a platted lot and resolve existing non-complying setback issues. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the community.

Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with required Building and Land Management Code, and applicable Historic District Design Guidelines requirements.

Department Review

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

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC on September 29, 2015. Legal notice was also published in the Park Record by September 26, 2015 and on the public notice website in accordance with the requirements of the LMC.

Public Input

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

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any new structures may require a Steep Slope CUP and will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may forward a positive recommendation for approval of the 812 Norfolk Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation for the 812 Norfolk Avenue Plat Amendment and direct staff to make findings for this decision; or
- The Planning Commission may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and one and a half (1.5) existing lots would not be adjoined and remain as is. Any renovations to the existing home on the property would need to meet the zone setbacks to the property line running through the middle of the home. The undevelopable remnant of Lot 18 would remain.

Recommendation

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the 812 Norfolk Avenue Plat Amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Conditions Survey

Exhibit C – Vicinity Map/Aerial

Exhibit D – Photographs

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE 812 NORFOLK AVENUE PLAT AMENDMENT, LOCATED AT 812 NORFOLK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 812 Norfolk Avenue, have petitioned the City Council for approval of the 812 Norfolk Avenue Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 14, 2015 to receive input on the proposed subdivision;

WHEREAS, on October 14, 2015 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on November 5, 2015 the City Council held a public hearing on the proposed 1055 Norfolk Avenue Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 1055 Norfolk Avenue Plat Amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 812 Norfolk Avenue Plat Amendment, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The plat is located at 812 Norfolk Avenue within the Historic Residential (HR-1) District.
2. The 812 Norfolk Avenue Plat Amendment consists of Lots 19 and the southerly ½ of 18 of Block 11 of the Snyder's Addition to the Park City Survey.
3. On August 6, 2015 the applicants submitted an application for a plat amendment to combine one and a half (1.5) lots containing a total of 2,472.5 square feet into one (1) lot of record.
4. The application was deemed complete on August 10, 2015.

5. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
6. The proposed plat amendment creates one (1) lot of record consisting of 2,472.5 square feet.
7. The maximum footprint allowed in the HR-1 zone is 1,201 square feet for the proposed lot based on the lot area of the lot.
8. There is an existing, non-historic structure located at 812 Norfolk Avenue.
9. The existing structure does not meet the current side yard setback requirement of three feet (3') along the current lot line between Lots 18 and 19.
10. The remnant parcel of lot 18 is undevelopable as is twelve and a half feet (12.5') in width which does not meet the minimum lot width in the HR-1 district of twenty-five feet (25').
11. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lot.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
4. A four foot (4') wide walkway easement along the north property line of the combined lots will be recorded on the plat.
5. A ten foot (10') wide public snow storage easement is required along the frontage of the lot on Norfolk Avenue and shall be shown on the plat.

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

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



SURVEYOR'S CERTIFICATE

I, Martin A Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owner, this Record of Survey map of the 812 NORFOLK AVENUE PLAT AMENDMENT has been prepared under my direction and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

Lot 19 and the South 12.5 feet of Lot 18, in Block 11, SNYDERS ADDITION TO PARK CITY, according to the official plat thereof, as recorded in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that 812 Norfolk Ave., LLC, a Utah limited liability company, the undersigned owner of the herein described tract of land, to be known hereafter as 812 NORFOLK AVENUE PLAT AMENDMENT, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set her hand this _____ day of
_____, 2015.

Marcelyn C. Molloy, Manager
812 Norfolk Ave., LLC, a Utah limited liability company

ACKNOWLEDGMENT

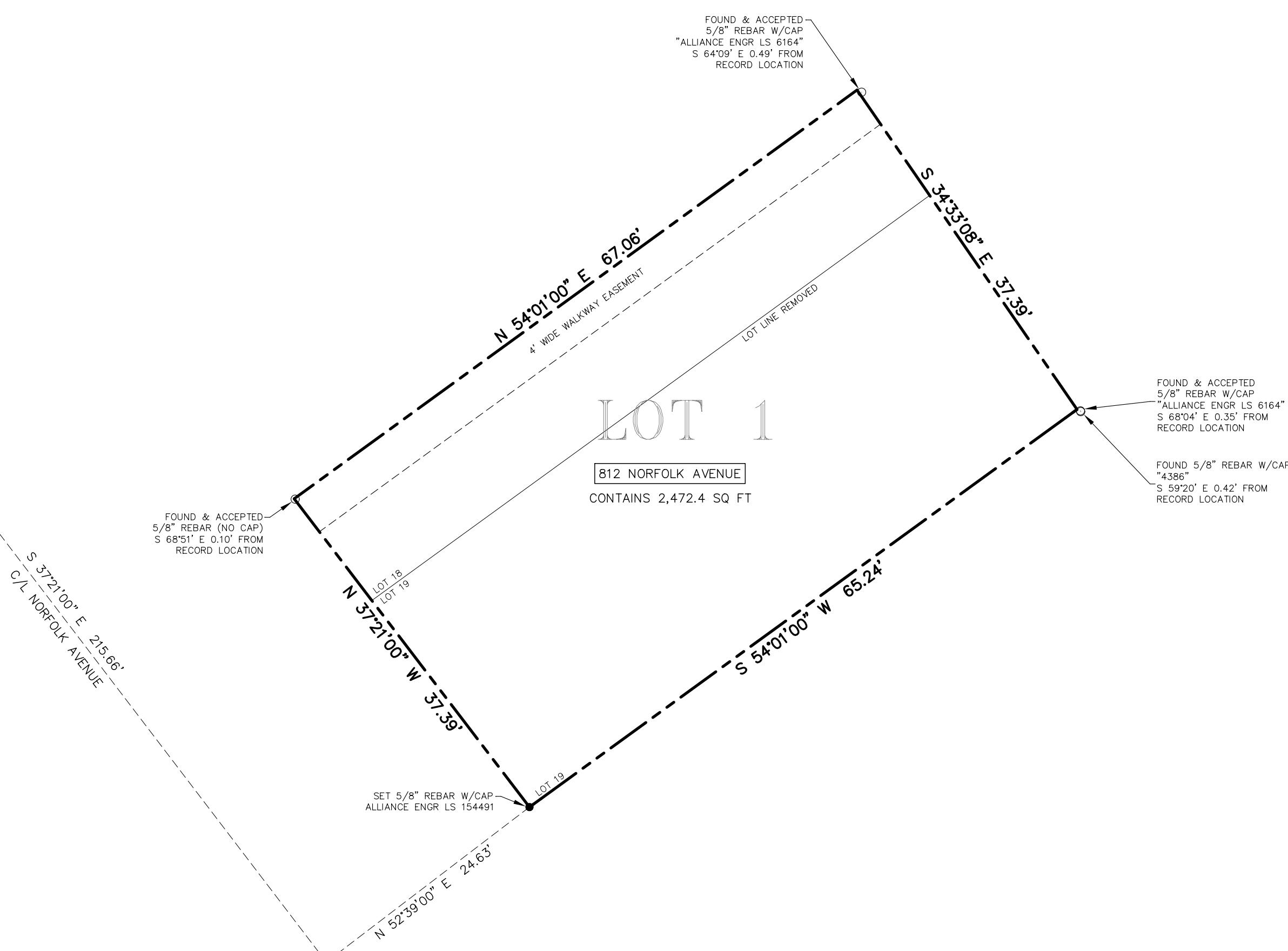
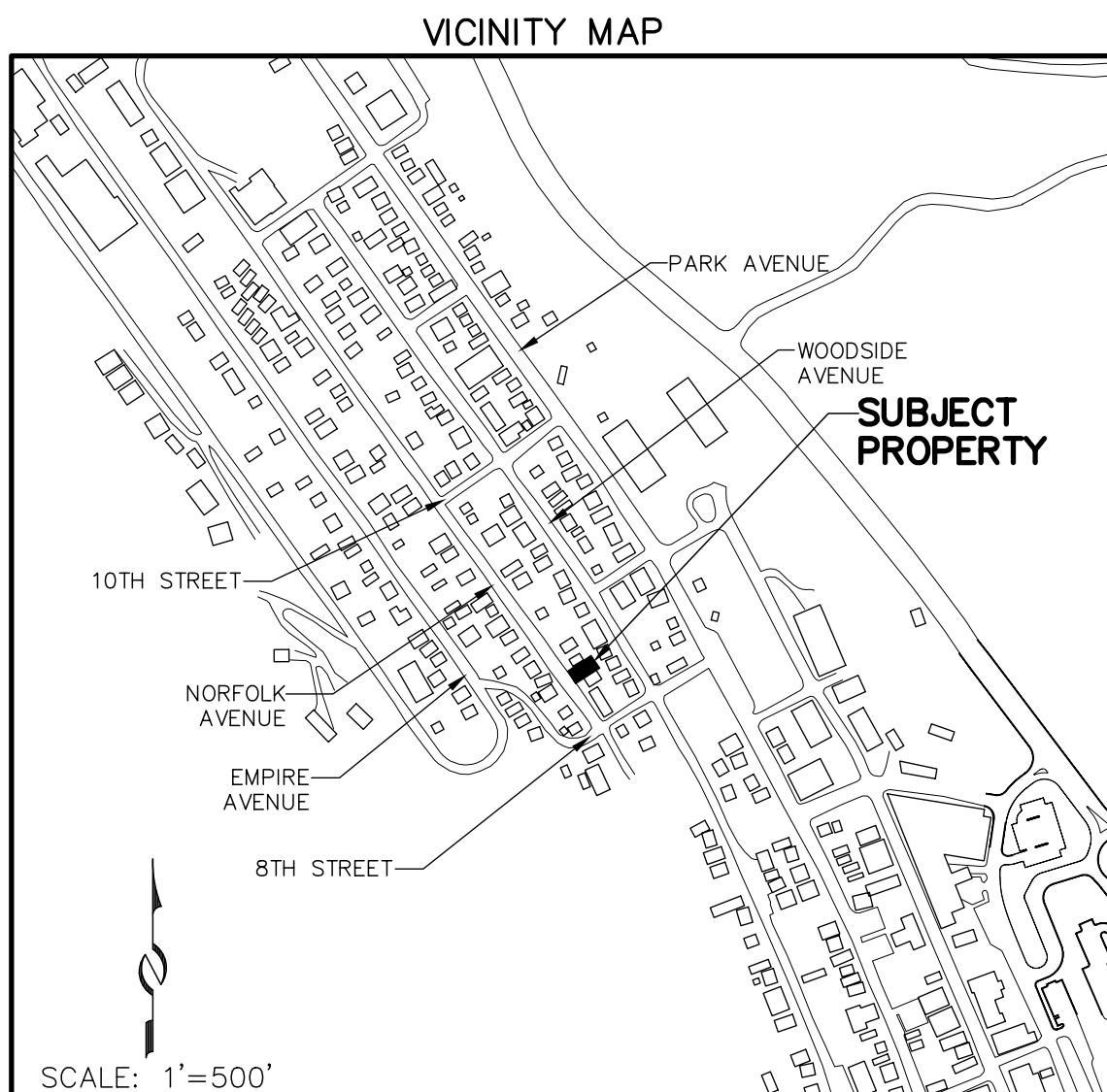
On this _____ day of _____, 2015, Marcelyn C. Molloy personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Marcelyn C. Molloy acknowledged to me that she is the manager of 812 Norfolk Ave., LLC, a Utah limited liability company, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____

Printed Name
Residing in: _____
My commission expires: _____

NOTE

This plat amendment is subject to the Conditions of Approval in Ordinance 15-_____.



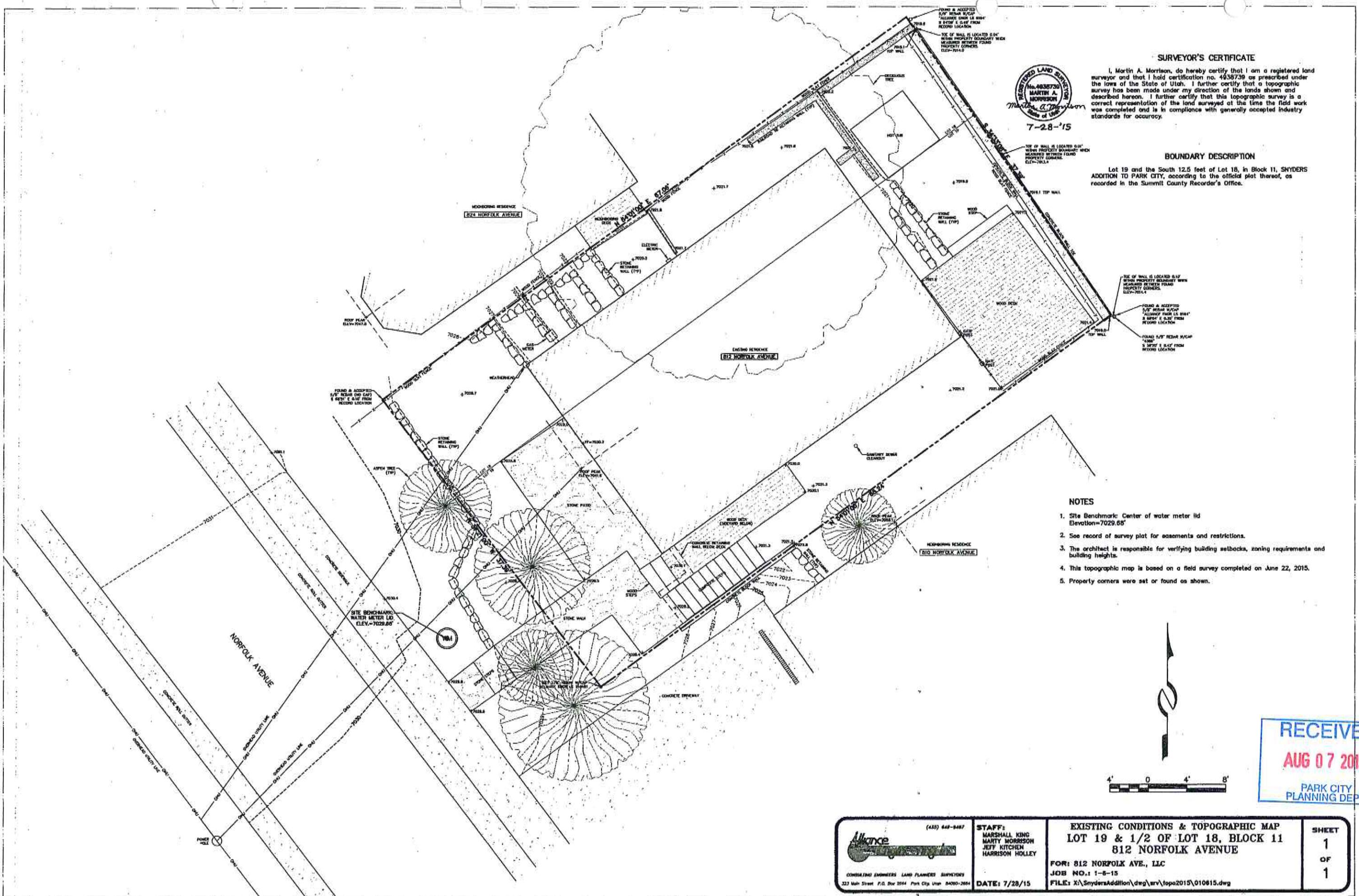
812 NORFOLK AVENUE PLAT AMENDMENT

AN AMENDMENT TO BLOCK 11, SNYDER'S ADDITION TO PARK CITY SURVEY

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

SHEET 1 OF 1

7/28/15 JOB NO.: 1-6-15 FILE: X:\SnydersAddition\dwg\sr\plat2015\010615.dwg						
 <p> CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664 </p>	<p style="text-align: center;">(435) 649-9467</p> <p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 BY _____ S.B.W.R.D.</p>		<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____</p> <p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____</p> <p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ COUNCIL THIS _____ DAY OF _____, DAY OF _____, 2015 BY _____</p> <p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____</p> <p>CERTIFICATE OF ATTEST</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ BY _____</p> <p>RECORDED</p> <p>BY _____</p> <p>MAYOR</p> <p>PARK CITY RECORDER</p> <p>FEE</p> <p>RECORDED</p> <p>BY _____</p>			

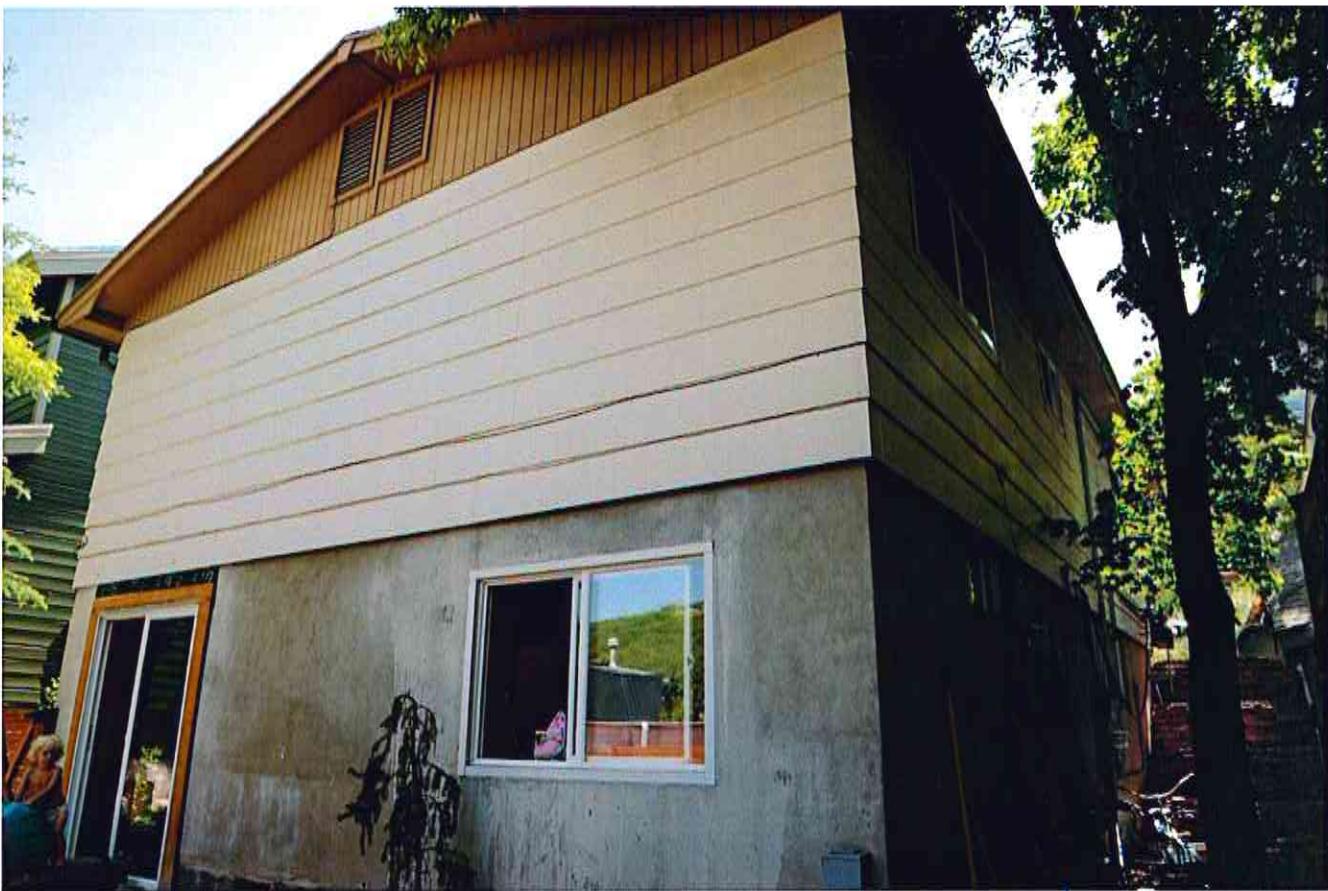




Planning Commission Packet October 14, 2015	Alliance Engineering, Inc. CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2684 Park City, Utah 84060-2684	STAFF: MARSHALL KING JEFF KITCHEN DATE: 7/1/15	AERIAL PHOTOGRAPH 812 NORFOLK AVENUE BLOCK 11, SNYDER'S ADDITION FOR: MARCELYN MOLLOY JOB NO.: 1-6-15 FILE: X:\SnydersAddition\dwg\Exhibits\812_norfolk-ortho.dwg	SHEET 1 OF 1
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812 Norfolk Avenue – Looking easterly



812 Norfolk Avenue – Looking westerly



812 Norfolk Avenue – Looking westerly





812 Norfolk Avenue – Looking easterly

RECEIVED

AUG 07 2015

Page 53 of 178

PARK CITY
PLANNING DEPT.

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: First Amendment to the Parkite Commercial Condominiums Record of Survey Plat
Author: Kirsten A Whetstone, MS, AICP
Date: October 14, 2015
Type of Item: Condominium Record of Survey Amendment
Project Number: PL-15-02912

Summary Recommendations

Staff recommends Planning Commission hold a public hearing for the First Amendment to The Parkite Commercial Condominiums Record of Survey plat located at 333 Main Street and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft Ordinance.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Topic

Applicant: Gorsuch Ranch Family Partnership LLLP and Causey Parkite, LLC represented by Marshall King, Alliance Engineering
Location: 333 Main Street
Zoning: Historic Commercial Business (HCB) and Historic Residential 2 (HR-2)
Adjacent Land Uses: Main Street retail, offices and residential; Park Avenue residential
Reason for Review: Amendments to record of survey plats require Planning Commission review and recommendation to City Council with final action by the City Council.

Proposal

The applicant requests to amend The Parkite Commercial Condominium record of survey plat for the purpose of platting two private commercial condominium units (Units D and E) from a portion of the existing commercial convertible space (Exhibit A). Converting the space to private commercial units allows the units to be separately owned, as opposed to leased. The amendment also memorializes a recorded easement on the lower level. There are no changes to the use of these spaces. Units D and E remain commercial spaces consistent with the existing approvals for the building.

Background

The property is located at 333 Main Street between Main Street and Park Avenue. The underlying individual platted lots were combined into one lot of record on March 26, 2009 with the 333 Main Street Subdivision plat. An extension was granted on March 8, 2010 and the plat was recorded at Summit County on April 12, 2011 (Exhibit B).

The building was recently remodeled and a Certificate of Occupancy was issued in October 2015. The building includes residential units platted with the recorded Parkite Residential Condominium record of survey plat and commercial area currently platted as individual private commercial units (C-1 and C-2) and as convertible commercial space.

The building includes a total of 29,363 sf of commercial space located on the Lower Level and Level One.

Included with the 333 Main Street Subdivision plat were five (5) easements for emergency and pedestrian access, utilities, services, and parking as described in the title report and land title of survey for 333 Main Street. These easements were also recorded on the Parkite Commercial Condominium plat. The Parkite Residential Condominium plat reflects amendments to the north tunnel easements, to accommodate use of the tunnel for access to the lower level parking garage for residential units only. The condominium plat amendment does not change any of these access easements.

On August 11, 2011, the City Council approved an application for a condominium plat to create 2 (two) condominium units (Unit A and Unit B) and convertible space within the existing space of the Main Street Mall building in conformance with the approved Historic District Design Review. The plat provided two separate ownership units that would allow the proposed Main Street Mall renovation and financing to occur in separate phases. A one year extension of the approval was approved by Council on September 20, 2012. The plat was not recorded by August 11, 2013 and it expired. Construction moved forward with the building in single ownership.

On April 1, 2014, an application was submitted for a condominium record of survey plat for one commercial unit and commercial convertible space consistent with the May 2, 2011, HDDR and the June 18, 2013, Board of Adjustment approval of a change of non-conforming use application. The application was deemed complete on April 25, 2014. The application was revised by the owners on June 5, 2014 to identify two commercial units (C-1 and C-2) as well as additional commercial convertible space consistent with the HDDR approval. The Parkite Commercial Condominium record of survey plat was approved by City Council on September 18, 2014 and recorded at Summit County on December 5, 2014. This is the plat being amended with this current application.

On December 5, 2014, the Parkite Residential Condominium record of survey plat was also recorded at Summit County.

On September 1, 2015, an application to amend the Parkite Commercial Condominium plat was submitted. The application was deemed complete on September 9, 2015.

Analysis

Lot and Site Requirements

The proposed plat amendment does not change any of the following Lot and Site requirements for the HCB and HR-2 zone and these continue to apply to this site.

	CODE REQUIREMENT	EXISTING
FRONT SETBACKS	0' in HCB and 10' in HR-2	Varies, 4' to 23' in HCB <u>Complies</u> and 15' in HR-2 <u>Complies</u> .
SIDE SETBACKS	0' in HCB and this Lot width in HR-2 (100' width). LMC requires 10' minimum and 30' total side setbacks.	0' in HCB- <u>Complies</u> 0'- 2.22' (north) and 0.2 -0.7' (south) in HR-2 (total = 0.2' – 2.92')- <u>valid Complying Structure</u>
REAR SETBACKS	0' in HCB and 10' in HR-2 for single family	There is no rear property line because the center property line was removed with the plat amendment and the lot has frontage on Park Ave and Main Street (2 front setbacks no rear setbacks).
HEIGHT	30' at property line on Main following a 45 degree angle to a maximum height of 45' in HCB. 27' in HR2	30' at property line on Main follows 45 degree angle to maximum height of 45' in HCB. 27' from existing grade in HR2. <u>Complies</u> .
MINIMUM LOT SIZE	1,250 sf in HCB 1,875 sf in HR-2 for SF and 3,750 sf for duplex	33,709 sf* - <u>Complies</u> .
MINIMUM LOT WIDTH	25'	224.73'* - <u>Complies</u> .
FLOOR AREA RATIO	4.0 (67,420 sf) within HCB only based on 16,854 lot area within HCB (parking and driveways are not included in the FAR calculations). There is no FAR for the HR2 zone.	FAR in the HCB portion is 2.89 based on HCB gross floor area of 48,755 sf. <u>Complies</u> .
PARKING	Special Improvement District assessed and fully paid for 1.5 FAR (retail/commercial uses on main/lower floors). Third story (now residential) fully paid with 1986 Parking Agreement for 56 spaces.	56 spaces per 1986 Parking Agreement (paid in-lieu) plus Special Improvement District for 1.5 FAR, plus 15 on-site, and 10 private spaces off of Swede Alley. <u>Complies</u>

*Actual surveyed square footage and lot width, based on the actual survey and monumentation.

Proposed Plat Amendment

This record of survey plat amendment amends the commercial convertible space. The plat adds Commercial Units D and E from a portion of the existing platted commercial convertible space. The remaining commercial space remains platted as convertible area (15,492 sf) and common area on Level One. There are no proposed use changes with this plat amendment. Convertible space is area that could be re-platted into separate commercial condominium units in the future in order to sell individual commercial units. It is considered a Unit until such conversion takes place or if the time to convert expires.

Current commercial units are (C-1) an 8,138 sf unit and (C-2) a 5,733 sf unit. Unit D is proposed to be 1,851 sf and Unit E is proposed to be 2,758 sf.

To resolve ADA access to Unit C-1 on the lower level, an elevator was proposed, as well as a corridor on the lower level connecting the elevator to Unit C-1 (see Exhibit A sheet 2). This area is designated as limited common ownership appurtenant to Unit C-1 with easement rights only. The area is part of the residential common area on the lower level subject to the Parkite Residential Condominium record of survey plat. There are no proposed changes to this area and therefore no amendment to the Parkite Residential plat is required.

Following recordation of the Parkite Residential Condominium record of survey plat on December 5, 2014, the residential HOA granted an easement to the commercial HOA over this space (elevator and walkway) for the benefit of the commercial units consistent with the limited common ownership designation on the commercial plat. This access easement for C-2 is memorialized on Sheet 3 of this amended plat.

Common area for the terrace along Main Street is platted for the commercial units to be maintained by the commercial HOA. The central portion of the lower level is platted on The Parkite Residential Condominiums plat as residential common area for the parking garage. On the first level, at the south end of the building the commercial space extends to the rear wall and is below grade with no access to Park Avenue from any of the commercial spaces. At the northern portion of the building commercial space is located on the main level of the historic structures, with residential space located above and/or behind the commercial space. All of the storefront properties have access on to Main Street, are subject to the vertical zoning ordinance, and have no access onto Park Avenue. The vertical zoning ordinance is described in the HCB chapter of the LMC (Section 15-2.6-2 Uses), as well as in Chapter 15- Definitions (Storefront) and states that storefront area (e.g. individual unit/spaces within 50' of the public sidewalk on Main Street and not more than eight feet (8') above or below the level of Main Street) have various use restrictions (e.g. residential and office uses are not permitted).

This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for a third floor of the Main Street Mall (for office uses proposed with the original construction). The amended plat does not change the Master Parking Agreement.

Loading and services for the commercial uses continue to be from Swede alley via the south tunnel and from Main Street. No loading for commercial uses will be from Park Avenue as there is no access to Park Avenue from the commercial units, other than required emergency egress. Commercial uses are retail uses.

Good Cause

Staff finds good cause for this condominium plat as it plats commercial condominium units consistent with the HDDR and allows for individual ownership of commercial space on Main Street. The condominium plat is consistent with the State Condominium Act, complies with the Land Management Code, and is consistent with the approved Historic District Design Review that provided for improved architectural design, building energy efficiency, and a positive visual and vital impact on Main Street.

Department Review

This project was reviewed by internal City Departments and utility providers on September 15, 2015. No issues or concerns were raised.

Notice

Legal notice was published in the Park Record and public sites on September 26, 2015. On September 30, 2015, the property was posted and notice was mailed to property owners within 300 feet per requirements of the Land Management Code.

Public Input

Staff received a phone call from a neighbor on Park Avenue asking whether the access easement provided access for any commercial use out to Park Avenue. Staff responded to the neighbor that the access easement describes access through the tunnel to Swede Alley and that no commercial access to Park Avenue is proposed with this plat. Only emergency egress is permitted to Park Avenue.

Future Process

Approval of this amended condominium record of survey plat application by the City Council constitutes Final Action that may be appealed following procedures found in LMC 15-1-18.

Alternatives

- The Planning Commission may forward a positive recommendation to City Council to approve the amended Parkite Commercial Condominium Record of Survey plat as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to City Council to deny the amended plat and direct staff to make findings for this decision, or
- The Planning Commission may continue discussion on the plat amendment and provide direction to staff and the applicant regarding any additional information, findings, or conditions necessary to take final action on the requested application.
- There is not a “no-action” alternative for plat amendments.

Significant Impacts

There are no negative fiscal or significant environmental impacts to the city from this record of survey plat application.

Consequences of not taking the Suggested Recommendation

The commercial space would continue to be owned by one entity and could not be sold separately. They could continue to be leased to separate entities.

Recommendation

Staff recommends Planning Commission hold a public hearing for the First Amendment to The Parkite Commercial Condominiums Record of Survey plat located at 333 Main Street and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft Ordinance.

Exhibits

Exhibit A- Proposed amended condominium plat

Exhibit B- Existing Parkite Commercial Condominium plat

Exhibit C- Aerial Photo

Exhibit D- Applicant letter

Ordinance No. 15-

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE PARKITE COMMERCIAL CONDOMINIUMS RECORD OF SURVEY PLAT, LOCATED AT 333 MAIN STREET, PARK CITY, UTAH.

WHEREAS, owners of the property known as 333 Main Street, Lot A of the 333 Main Street plat amendment, have petitioned the City Council for approval to amend the Parkite Commercial Condominiums record of survey plat to create commercial condominium units D and E from a portion of the platted commercial convertible space.

WHEREAS, the property was properly noticed and posted on September 30, 2015, according to requirements of the Land Management Code; and

WHEREAS, courtesy notice letters were sent to all affected property owners on September 30, 2015, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on October 14, 2015, to receive input on the amended condominium plat and forwarded a recommendation to the City Council; and

WHEREAS, on November 5, 2015, the City Council held a public hearing on The First Amendment to The Parkite Commercial Condominiums record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amendment to The Parkite Commercial Condominiums record of survey plat.

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

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

Findings of Fact:

1. The property is located at 333 Main Street between Main Street and Park Avenue and consists of Lot A of the 333 Main Street plat amendment. There is an existing four story commercial building on the property that was recently remodeled and a certificate of occupancy was issued in October 2015.
2. On February 27, 2009, a Historic District Design Review (HDDR) was approved for a complete renovation of the building. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the revised 2009 Design Guidelines for Historic Districts and Sites and to reflect the proposed residential uses where the interior spaces changed the exterior elevations, windows, access, patios, etc. An additional revision to the May 2, 2011 HDDR action letter clarifying access to the building, to include language that the north and south tunnels provide access to

the building in addition to Main Street and Park Avenue, was approved on July 30, 2012.

3. On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building known as the 333 Main Street Subdivision. On March 8, 2010, the Council extended the approval for one year. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011.
4. Commercial uses within the HCB zone are allowed uses. Commercial uses within the HR2 portion are below the grade of Park Avenue and are existing non-conforming uses.
5. Residential condominium spaces within the building were platted with The Parkite Residential Condominiums record of survey plat application that was approved by the City Council on July 10, 2014 and recorded at Summit County on December 5, 2014.
6. Commercial areas within the building were platted with The Parkite Commercial Condominiums record of survey plat approved by City Council on September 18, 2014 and recorded at Summit County on December 5, 2014.
7. The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the duration of the lease. The parking subject to the lease is currently provided within a garage in the Main Street Mall building with access to Park Avenue. The private 559 sf garage space is platted as unit 1G on the residential condominium record of survey plat for this property.
8. Five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street were memorialized with the recorded subdivision plat.
9. This plat amendment does not change the existing access, utility, and parking easements.
10. This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for a third floor of the Main Street Mall (for office uses proposed with the original construction). The property was assessed and paid into the Main Street Parking Improvement District for the 1.5 FAR (for commercial and retail on the main and lower floors).
11. This plat amendment does not change the parking requirements or parking agreements.
12. Commercial space is located at the street along the Main Street frontage, including commercial space within the historic structures, with residential space located above and/or behind commercial space. All of the storefront units are subject to the vertical zoning ordinance as described in LMC Chapter 15-26-2 Uses.
13. Access is provided to a parking garage via the existing north tunnel for residential condominium units only. The parking garage is located on the lowest level and is designated as common area for the residential uses.
14. Loading and services for the commercial uses, which are retail uses, will be from Swede alley via the south tunnel and from Main Street. No loading for commercial uses will be from Park Avenue as there is no access to Park Avenue from the commercial units, other than required emergency egress.
15. An elevator was constructed at the Main Street level to provide ADA access to Unit

C-1 on the Lower Level. A walkway from the elevator to Unit C-1 provides ADA access. Easements for the elevator and walkway were recorded and documented on The Parkite Commercial Condominium plat providing perpetual ADA access to Commercial Unit C-1, as well as access to the south tunnel.

16. Following recordation of the Parkite Residential Condominium record of survey plat on December 5, 2014, the residential HOA granted an easement to the commercial HOA over this space (elevator and walkway) for the benefit of the commercial units consistent with the limited common ownership designation on the commercial plat.
17. The access easement for C-2 is memorialized on Sheet 3 of this amended plat.
18. On September 1, 2015, an application was submitted to the Planning Department requesting an amendment to The Parkite Commercial Condominium record of survey plat to create two commercial condominium units (Unit D and Unit E) from platted commercial convertible space and to memorialize the access easement for Unit C-2 on the lower level.
19. Unit D is identified as 1,851 square feet in area. Unit E is identified as 2,758 square feet in area. The remaining commercial convertible space decreases by 4,609 square feet to 10,883 square feet.
20. Creation of private commercial condominium units allows this commercial area to be sold as a private commercial unit, as opposed to being a tenant leased space. No change of use or changes to any existing easements or agreements are proposed with this requested plat amendment.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.
3. All conditions of approval of the 333 Main Street Subdivision plat and approved Historic District Design Review shall continue to apply.
4. All new construction at this property shall comply with applicable building and fire codes and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, emergency access, etc. shall be addressed prior to building permit issuance.
5. Elevator space and associated easements are to be shown on the record of survey plat.

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

PASSED AND ADOPTED this ____ day of ____, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

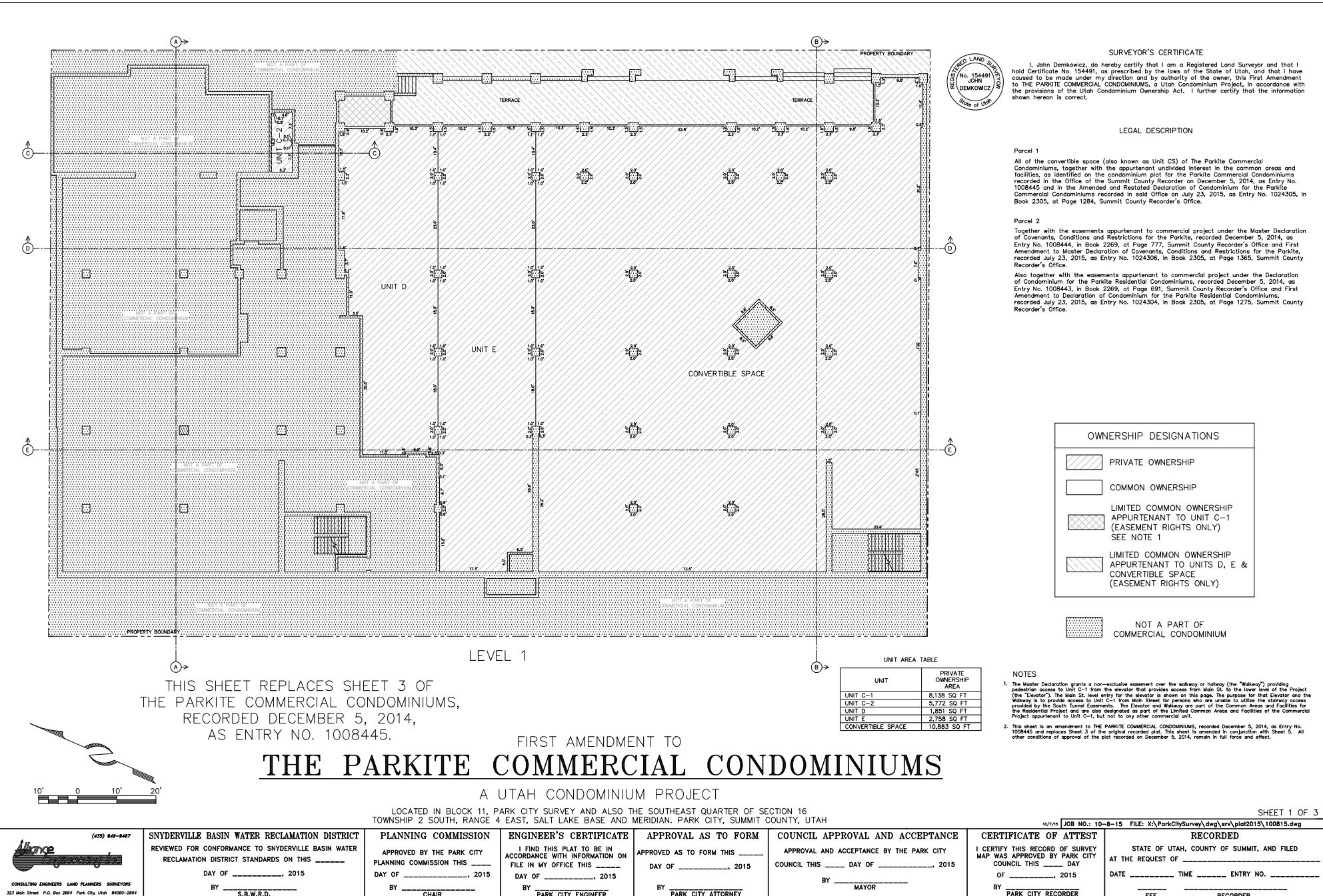
ATTEST:

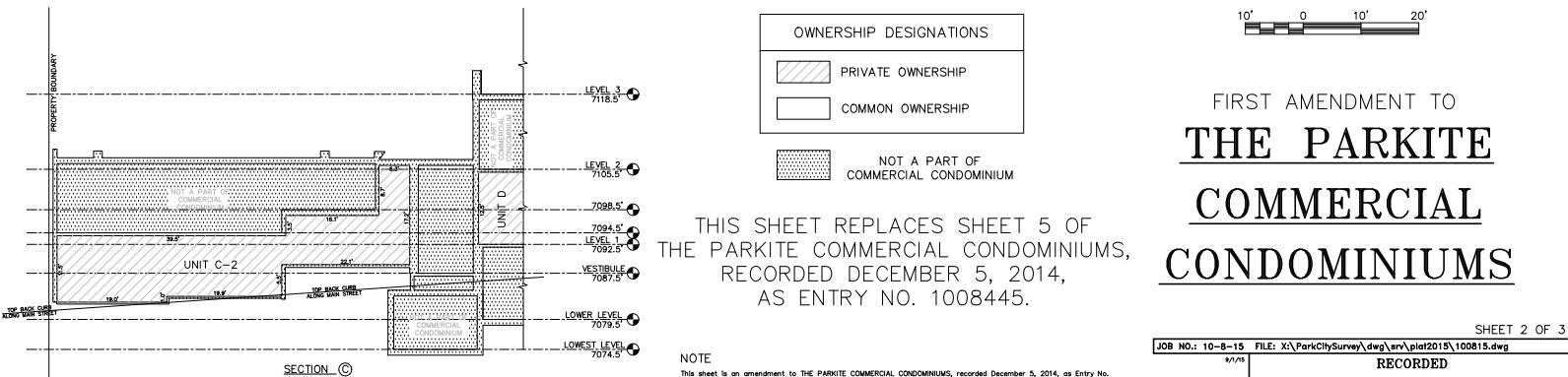
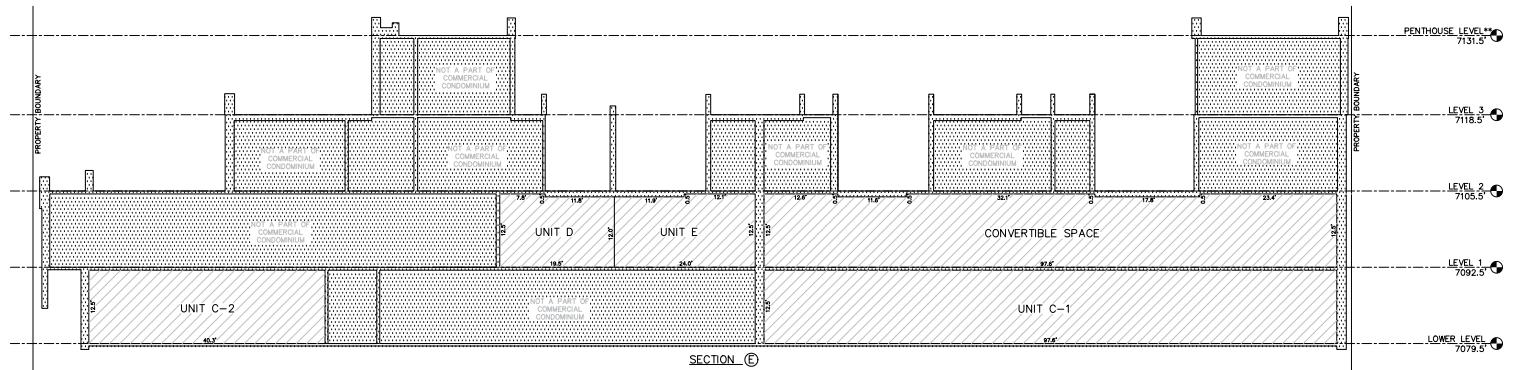
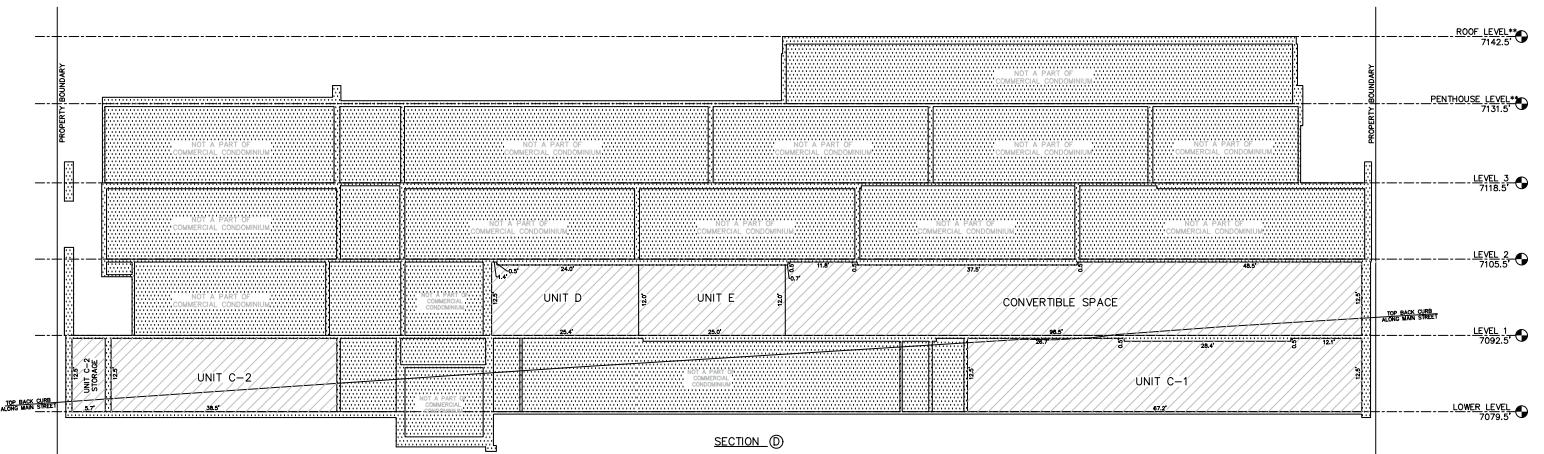
Acting City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

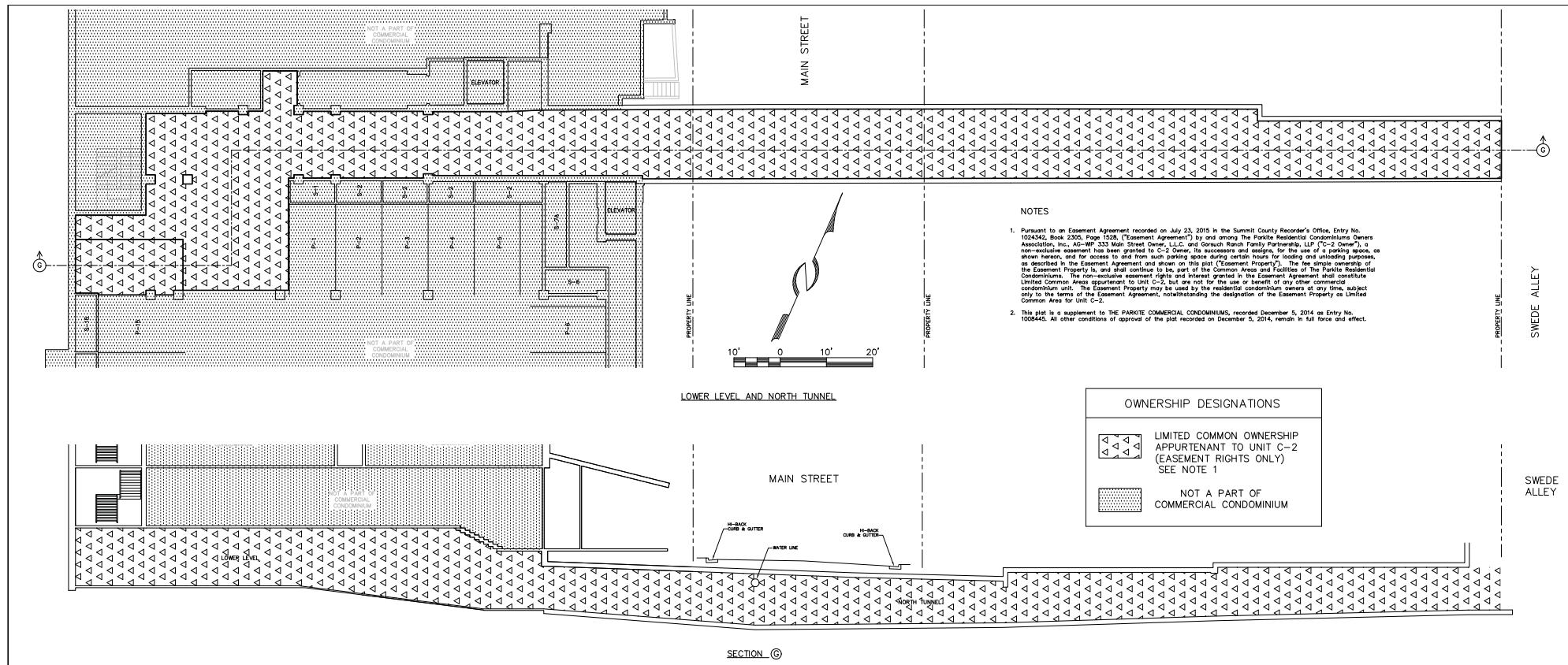
EXHIBIT A





SHEET 2 OF 3
JOB NO.: 10-8-15 FILE: X:\ParkCitySurvey\dwg\er\plat2015\1008445.dwg
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ ENTRY NO. _____
FEE _____ RECORDER _____





OWNER'S DEDICATION AND CONSENT TO RECORD
AG-WP 333 Main Street Owner, LLC, a Delaware limited liability company ("Declarant"), as the owner of the herein described tract of land, does hereby submit the same to the Utah Condominium Ownership Act, Utah Code Annotated, Title 57, Chapter 6, Article 1, as amended, to be subdivided into Units and Common Areas and Facilities as shown hereto, to be known as the FIRST AMENDMENT TO THE PARKITE COMMERCIAL CONDOMINIUMS, and does hereby grant and dedicate any easements depicted herein.

In witness whereof, Declarant has executed this Owner's Dedication as of the _____ day of _____, 2015.

AG-WP Main Street Owner, LLC,
a Delaware limited liability company

By _____
Name: Jennifer McElvee
Its: Authorized Signatory

ACKNOWLEDGMENT

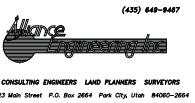
State of _____) :ss.
County of _____)

On _____ before me, _____ Notary Public personally appeared Jennifer McElvee who provided to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, or entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature_____



OWNER'S DEDICATION AND CONSENT TO RECORD

CAUSEY PARKITE, LLC, a Utah limited liability company ("Declarant"), as the owner of an undivided 67.05% interest of the herein described tract of land, does hereby submit the same to the Utah Condominium Ownership Act, Utah Code Annotated, Title 57, Chapter 6, Article 1, as amended, to be subdivided into Units and Common Areas and Facilities as shown hereto, to be known as the FIRST AMENDMENT TO THE PARKITE COMMERCIAL CONDOMINIUMS, and does hereby grant and dedicate any easements depicted herein.

In witness whereof, Declarant has executed this Owner's Dedication as of the _____ day of _____, 2015.

CAUSEY PARKITE, LLC
a Utah limited liability company
By CAUSEY INVESTMENTS, A CALIFORNIA LIMITED PARTNERSHIP, a California limited partnership
By Causey Associates, LLC, a Delaware limited liability company, General Partner

Gill Terry Causey
Title: _____

ACKNOWLEDGMENT

State of _____) :ss.
County of _____)

On _____ before me, _____ Notary Public personally appeared Gill Terry Causey who provided to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, or entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature_____

OWNER'S DEDICATION AND CONSENT TO RECORD

GORSUCH RANCH FAMILY PARTNERSHIP, LLP, a Colorado limited liability limited partnership ("Declarant"), as the owner of an undivided 32.75% interest of the herein described tract of land, does hereby submit the same to the Utah Condominium Ownership Act, Utah Code Annotated, Title 57, Chapter 6, Article 1, as amended, to be subdivided into Units and Common Areas and Facilities as shown hereto, to be known as the FIRST AMENDMENT TO THE PARKITE COMMERCIAL CONDOMINIUMS, and does hereby grant and dedicate any easements depicted herein.

In witness whereof, Declarant has executed this Owner's Dedication as of the _____ day of _____, 2015.

GORSUCH RANCH FAMILY PARTNERSHIP, LLP,
A Colorado limited liability limited partnership

Scott David Gorsuch
Title: _____

ACKNOWLEDGMENT

State of _____) :ss.
County of _____)

On _____ before me, _____ Notary Public personally appeared Scott David Gorsuch who provided to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, or entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature_____

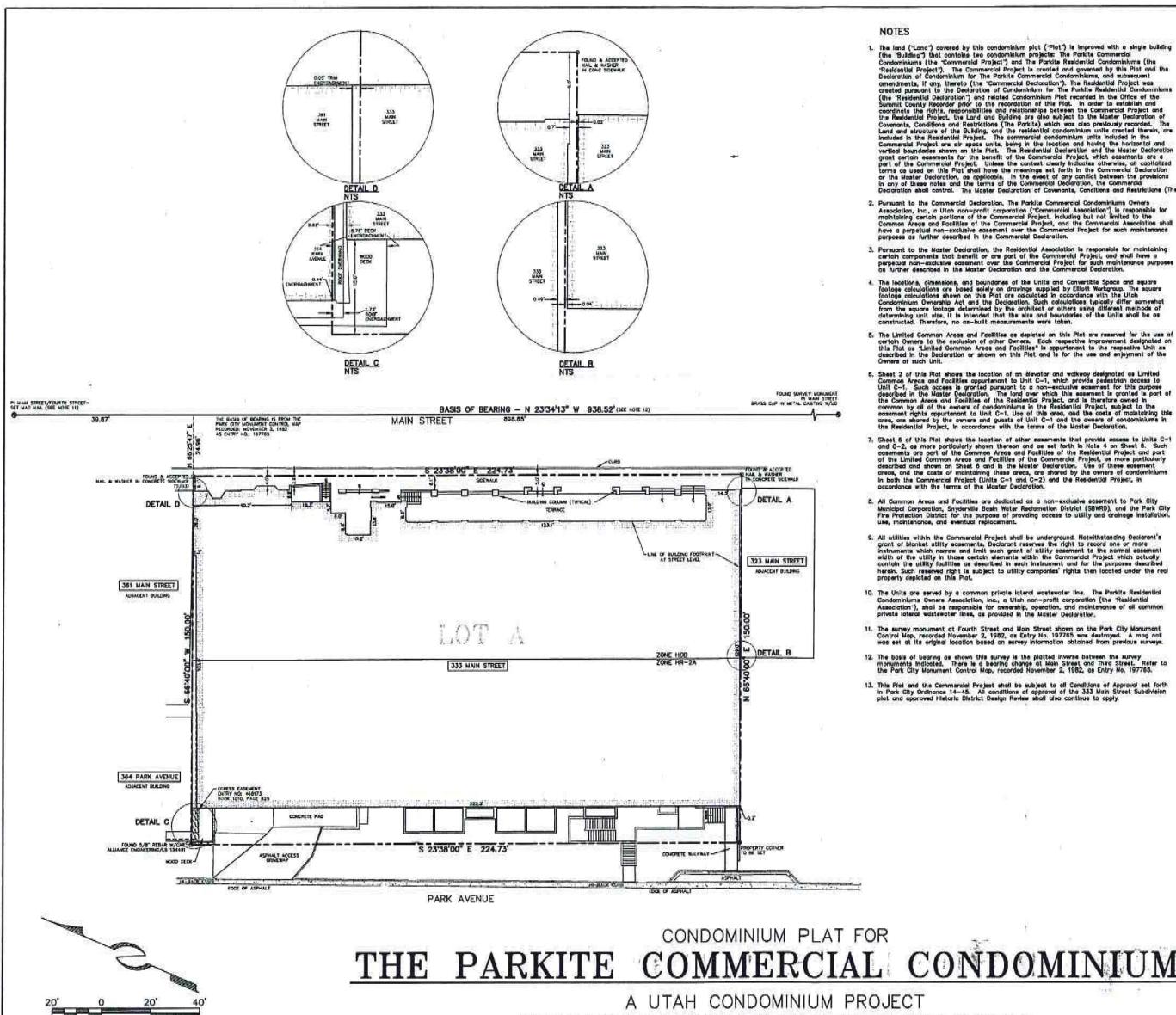
THIS SHEET IS AN ADDITION TO
THE PARKITE COMMERCIAL CONDOMINIUMS,
RECORDED DECEMBER 5, 2014,
AS ENTRY NO. 1008445.

FIRST AMENDMENT TO THE PARKITE COMMERCIAL CONDOMINIUMS

SHEET 3 OF 3

JOB NO.: 10-8-15	FILE: X:\ParkCitySurvey\dwg\env\plat2015\100815.dwg
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STATE OF UTAH, COUNTY OF SUMMIT, AND FILED	
AT THE REQUEST OF _____	
DATE _____ TIME _____ ENTRY NO. _____	
FEE _____ RECORDER _____	

EXHIBIT B



**CONDONIUM PLAT FOR
THE PARKITE COMMERCIAL CONDOMINIUMS**

LOCATED IN BLOCK 11, PARK CITY SURVEY AND ALSO THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT STANDARDS ON THIS 31st
DAY OF Oct., 2014
B. B. C.

PLANNING COMMISSION
APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS 13TH
OF AUGUST, 2014
BY *[Signature]*

ENGINEER'S CERTIFICATE

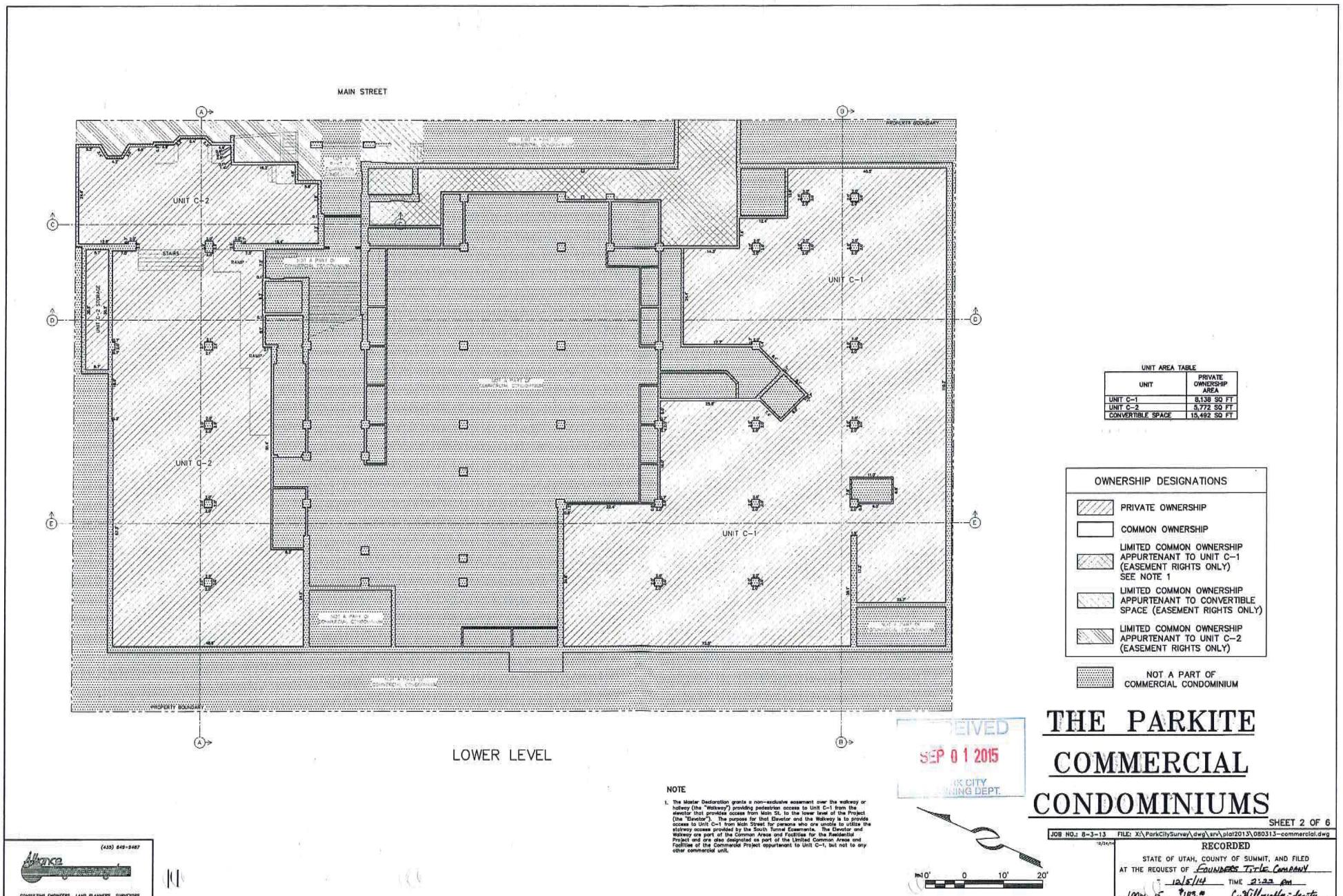
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 20
DAY OF November, 2014

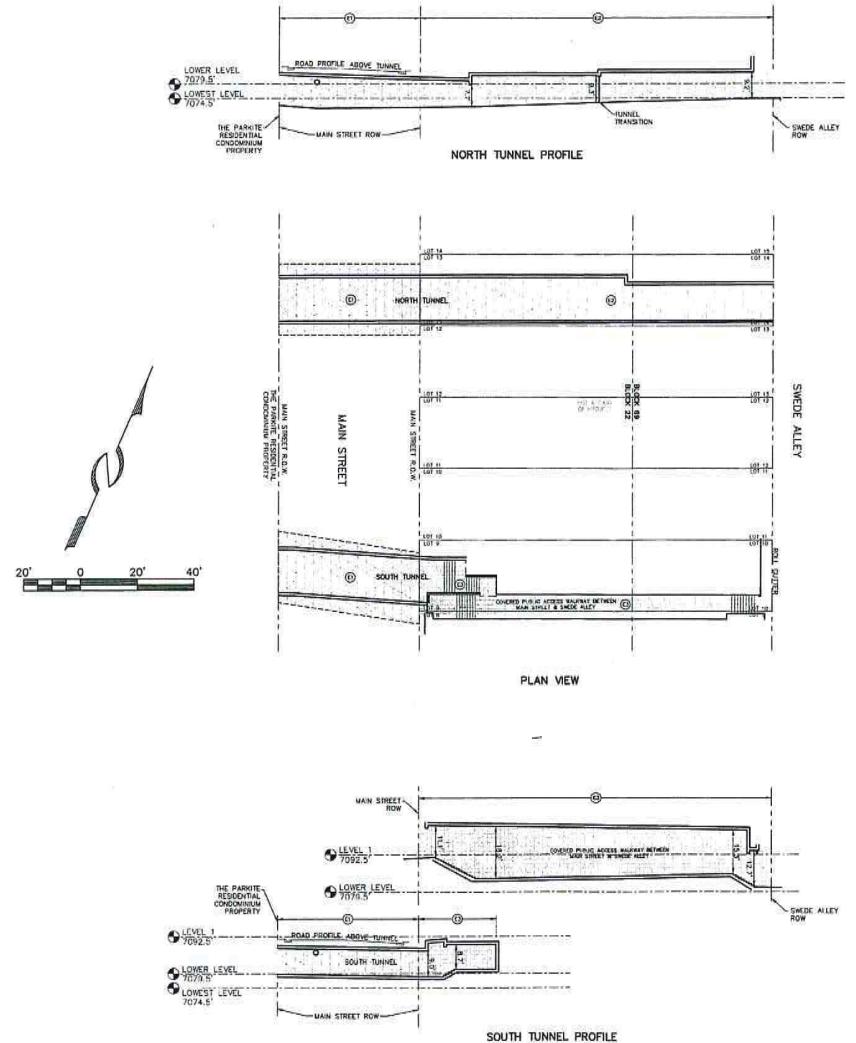

CERTIFICATE OF ATT

I CERTIFY THIS RECORD OF SU
MAP WAS APPROVED BY PARK
COUNCIL THIS 21 DAY
OF ~~DECEMBER~~, 2014
BY Mary M. Hej

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS 18TH DAY OF SEPTEMBER, 2014
BY *[Signature]*

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF FOUNDERS TITLE COMPANY
ATE 12/5/14 TIME 2:32 PM
16 5 \$113.00 C Hilltopper - Sear





LEGEND

- (1) ANCHOR & RELATED GRANT OF EASEMENT
GRANITE PARK CITY MANDATORY STREET OWNER, LLC
RECORDED: DECEMBER 16, 2014
BOOK: 2014, PAGE 945
- (2) GRANT OF EASEMENT
GRANITE PARK CITY MANDATORY STREET OWNER, LLC
RECORDED: JULY 10, 2014
CLOUDS: 100-1000
BOOK: 2014, PAGE 946
- (3) FIRST AMENDMENT TO LICENSE AGREEMENT
ALPINE SURVEYS ASSOCIATES, LLC
RECORDED: APRIL 22, 1999
CLOUDS: 100-1000
BOOK: 126, PAGE 75

NOTES

1. Common Areas as shown on this page consist of easement interests only, as more fully described in the recorded easements.
2. Cross-talking easements shall be used for the purpose of identifying the various easements whenever all easements shown are part of one Common Area and Facilities of The Parkite Residential Condominiums.
3. Easements E1 & E2 shown on this page shall also be included as Limited Common Areas and Facilities on the Condominium Plot for The Parkite Residential Condominiums.
4. Easements E1 & E2 ("North Tunnel Easements") and Easements E1 & E3 ("South Tunnel Easements") are collectively referred to as "Tunnel Easements". The "Tunnel Easements" provide access to the lower level of the Project from Swede Alley through various tunnels and corridors. The Tunnel Easements are appurtenant to the Residential Plot, the Residential Plot being the Common Area and the Residential Plot, the Tunnel Easements are part of the Common Area and Facilities of The Parkite Residential Condominiums. It is further agreed that the Tunnel Easements shall be Limited Common Areas and Facilities of the Common Area and Facilities of The Parkite Residential Condominiums. The Tunnel Easements shall be limited to the use of the Common Areas and Facilities appurtenant to Unit C-2, and the South Tunnel Easement shall be limited to the use of the Common Areas and Facilities appurtenant to Unit C-1. The Convertible Space (and any separate Units created therefrom in the future) shall have no interest in, or right to use, either of the Tunnel Easements.
5. Easement E-3 uses modified a parking assignment granted in the earlier Easement dated April 22, 1999, as recorded in Book 126, at page 75. This parking assignment is part of the Residential Plot, but it is not part of the Common Areas and Facilities of The Parkite Residential Condominiums. The Residential Plot owners shall have no interest in, or right to use, any of the parking facilities designated in this easement.

**OFFSITE EASEMENTS APPURNEANT TO
THE PARKITE
COMMERCIAL
CONDOMINIUMS**



JOB NO.: B-3-13 FILE #: X:\ParkCitySurvey.dwg\arv\pla2013\080313-commercial.lwg

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DATE 12/15/14 TIME 2:22 PM	
145	9:55 AM
C. Villoughby, Deputy Recorded	

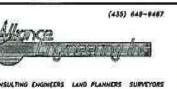


EXHIBIT C



SEP 01 2015

PLAT 1 OF 1



ALLIANCE
Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
333 MAIN STREET P.O. Box 2644 Park City, UT 84060-2644
DATE: 8/27/15

STAFF:
MARSHALL KING

FOR: GORSUCH RANCH FAMILY PARTNERSHIP, LLP
JOB NO.: 10-8-15
FILE: X:\ParkCitySurvey\dwg\Exhibit 1.kml comm-ortho.dwg

AERIAL PHOTOGRAPH
333 MAIN STREET
BLOCK 11, PARK CITY SURVEY
1 OF 1

EXHIBIT D

THE PARKITE COMMERCIAL CONDOMINIUMS
FIRST AMENDED
333 MAIN STREET
PROJECT INTENT

The Parkite Commercial Condominiums was recorded December 5, 2014, as Entry No. 1008445. The purpose of this plat application is to create a Unit D and a Unit E on Sheet 3 of 6 within the convertible space and will replace Sheet 3 of the current recorded plat. Sheet 5 of the currently recorded plat shows sections and will be replaced as well. Sheet 3 of the proposed amended plat shows an easement and access to a parking space for Unit C-2 that was recorded after the recording of the original plat.



Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: LMC Amendment
Author: Francisco J. Astorga, Senior Planner
Date: October 14, 2015
Type of Item: Legislative – Land Management Code Amendment
Nightly Rentals in the HR-L District-East

Summary Recommendations

Staff recommends that the Planning Commission review the proposed amendments to the Land Management Code for Chapter 2.1 Historic Residential Low Density District as described in this staff report, open the public hearing, and consider forwarding a positive recommendation to the City Council.

Description

Project Name: LMC Amendment regarding Nightly Rental conditional use in the HR-L District-east Chapter 2.1.
Applicant: Planning Department
Proposal: Land Management Code Amendment

Background

For several years the Planning Department has been having discussions with residents in the HR-L District-East, regarding the Conditional Use of Nightly Rentals in their neighborhood. Exhibit B is a map of this area. The HR-L District is comprised of two (2) sectors within Old Town. The HR-L District-East is known as the McHenry Avenue neighborhood mainly accessed off Rossie Hill Drive on the east side of Old Town. The HR-L District-West is on the west side of Old Town primarily comprised of Sampson Avenue, King Road, and Ridge Avenue. The proposed Land Management Code (LMC) amendment would only affect the HR-L District-East.

The Land Management Code defines a nightly rental as the following:

Nightly Rental. The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.

District Purpose

The purpose of the Historic Residential Low-Density (HRL) District is to:

- A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- B. provide an Area of lower density Residential Use within the old portion of Park City,
- C. preserve the character of Historic residential Development in Park City,

- D. encourage the preservation of Historic Structures,
- E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- G. define Development parameters that are consistent with the General Plan policies for the Historic core.

Analysis

A conditional use is an allowed use if reasonable conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with application standards. The LMC indicates that the City shall not issue a Conditional Use Permit (CUP) unless the Planning Commission concludes that:

1. the Application complies with all requirements of this LMC;
2. the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
3. the Use is consistent with the Park City General Plan, as amended; and
4. the effects of any differences in Use or scale have been mitigated through careful planning.

The HR-L District-East consists of 24 properties. The following table below represents the current Assessment/Appraisal Code per Summit County EagleWeb website accessed in October 2015:

	Number of Sites
Residential Primary Improved	13
Residential Secondary Improved	8
Residential Secondary Unimproved	3

Of the 24 properties, 13 of them have primary residents, 8 of them are set as secondary homes, and 3 of them are vacant.

Staff found that in 2007 the Planning Commission approved a CUP for Nightly Rental at 202 Ontario Avenue, within the HR-L District-East. Should the Planning Commission, and ultimately City Council, follow Staff's recommendation of prohibiting Nightly Rentals in this HR-L District-East, the approved use at 202 Ontario Avenue would become a legal non-conforming use which use would be allowed to continue as outlined in Land Management Code § 15-9.

General Plan

Volume II of the General Plan contains a Nightly Rental Balance Strategy, pages 81 - 86. The General Plan indicates that there are 3,928 nightly rentals in Park City as of January 2012. Based on the entire stock of housing units in the City limits, Nightly Rentals equated to 46% of housing units. While the Old Town neighborhood has the

highest percentage of Nightly Rentals within the City, consisting of 25%, and is 48% Nightly Rental within the Old Town neighborhood, this neighborhood as a whole does not have a predominant trend towards vacant housing or a high percentage of second homes. The General Plan indicates that the higher numbers of Nightly Rentals in Old Town are due to the higher density of the historic configuration of the Park City Survey and Snyder's Addition, which platted lots of record consisting of 1,875 square feet, creating an urban environment of approximately 23 units per acre.

The General Plan recommends that in order to maintain a balance between primary residents and resort oriented neighborhoods, Thaynes, Park Meadows, Bonanza Park & Snow Creek, Prospector, Masonic Hill, and Quinn's Junction neighborhoods should remain primary residential neighborhoods. This allows the Resort Center, Lower Deer Valley, and Upper Deer Valley to maintain their resort aspect. Old Town should remain a mix of the two as primary residents and resort oriented neighborhood.

The Old Town neighborhood was historically full time primary residential. When Park City re-invented itself as the City evolved into a world class destination, its residential makeup began to change. Old Town property owners realized how valuable land was and they started to try to maximize the land values as development pressure made it a more desirable resort destination.

The General Plan indicates that the City should consider incentives for primary homeownership in Old Town; a balance between residents and tourists is desirable in this neighborhood. Additional policies that might reinforce this balance include:

- Improved enforcement of nightly rental locations in Old Town;
- Consideration of nightly rentals as a Conditional Use within the HR-1 Zoning District, rather than an Allowed Use; and/or
- Reconsideration of allowing nightly rentals in the HRL Zoning District as an Allowed Use or Conditional Use; and/or
- Consideration of new criteria for nightly rental Conditional Use permits.

Land Management Code HR-L District

The District Purposes as stated in the Land Management Code (first/second page of this staff report) lay out a key element found throughout the Park City Historic Districts and particularly in the HR-L District-East to "to reduce density that is accessible only by substandard streets". McHenry Avenue is sub-standard in terms of width. Parking management in the district further exacerbates traffic problems and can be compounded in snow conditions. Nightly rental users unfamiliar with parking restrictions or snow conditions can cause large restrictions on vehicle access.

District Purpose B considers the provision of lower density "residential use" within Old Town. Nightly rentals have the potential to fill bedrooms to the maximum and perhaps have sleeping provisions in living rooms or other spaces, even though space may comply with building and life safety codes. By having nightly rental units full during

holiday periods, the density of people in this district is increased. The potential for noise, and lights disrupting residential normalcy is increased.

Staff finds that by prohibiting Nightly Rentals within the HR-L District-East, it would further protect the integrity of this Old Town sub-neighborhood to remain predominantly as a primary resident neighborhood.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Notice

Legal notice of a public hearing was posted in the required public spaces and published in the Park Record. The Planning Department sent courtesy letters to every property owner according to Summit County records with the HR-L District-East neighborhood.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. The public hearing for these amendments was properly and legally noticed as required by the Land Management Code. The Planning Department received two (2) letters regarding the proposed amendment, one in support and one against it. See Exhibit E – Public Comments.

Significant Impacts

The proposed amendment limits the ability for a property owner to submit a Nightly Rental Conditional Use Permit application to the Planning Department for Planning Commission review and Final Action. The amendment prohibits nightly Rentals in the HR-L District-east. The existing site, 202 Ontario Avenue, with the approved Nightly Rental CUP would be treated as legal non-conforming use regulated under LMC § 15-9.

Recommendation

Staff recommends that the City Council review the proposed amendments to the Land Management Code (LMC) for Chapter 2 as described in this report, open the public hearing, and consider adopting the ordinance as presented in Exhibit A – Proposed Ordinance.

Exhibits

- Exhibit A – Proposed Ordinance
- Exhibit B – HR-L District-east Area
- Exhibit C – HR-L District Table
- Exhibit D – General Plan Strategy: Nightly Rental Balance
- Exhibit E – Public Comments

Exhibit A – Proposed Ordinance

Draft Ordinance 15-XX

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING SECTION 15-2.1-2 USES IN THE HISTORIC RESIDENTIAL-LOW DENSITY (HR-L) DISTRICT.

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

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

WHEREAS, the City reviews the Land Management Code and identifies necessary amendments to address planning and zoning issues that have come up in the past years, and to address specific LMC issues raised by the public, Staff, and the Commission, to address applicable changes to the State Code, and to align the Code with the Council's goals; implementing the General Plan; and

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

WHEREAS, Chapters 2.1, Historic Residential-Low Density District (HR-L) provides a description of requirements, provisions and procedures specific to this zoning district that the City desires to revise.

WHEREAS, by prohibiting Nightly Rentals within the HR-L District-East, it would further protect the integrity of this Old Town sub-neighborhood to remain predominantly as a primary resident neighborhood.

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on May 13, 2005, and October 14, 2015; and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on _____, 2015; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City

Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Sections 15-2.1-2. The recitals above are incorporated herein as findings of fact. Section 15-2.1-2 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 1).

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Acting City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachment 1

15-2.1-2. USES.

(A) ALLOWED USES.

- (1) Single Family Dwelling
- (2) Home Occupation
- (3) Child Care, In-Home Babysitting
- (4) Child Care, Family¹
- (5) Child Care, Family Group¹
- (6) Accessory Building and Use
- (7) Conservation Activity
- (8) Agriculture
- (9) Residential Parking Area or Structure with four (4) or fewer spaces

(B) CONDITIONAL USES.

- | (1) Nightly Rentals¹
- (2) Lockout Unit
- (3) Accessory Apartment²
- (4) Child Care Center¹
- (5) Essential Municipal and Public Utility Use, facility, service, and Building
- (6) Telecommunication Antenna³
- (7) Satellite dish greater than thirty-nine inches (39") in diameter⁴
- (8) Residential Parking Area or Structure five (5) or more spaces
- (9) Temporary Improvement⁵
- (10) Passenger Tramway Station and Ski Base Facility⁶
- (11) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge⁶
- (12) Recreation Facility, Private
- (12) Fences greater than six feet (6') in height from Final Grade^{5,7}

(C) PROHIBITED USES. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 06-56; 09-10; 15-XX)

¹See LMC Chapter 15-4-9 for Child Care Regulations

²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

³See LMC Chapter 15-4-14, Telecommunications Facilities

⁴See LMC Chapter 15-4-13, Satellite Receiving Antennas

⁵Subject to Administrative or Administrative Conditional Use permit, see LMC Chapter 15-4.

⁶See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

⁷See LMC Chapter 15-4-2, Fences and Walls

ⁱ Conditional Use Permit only allowed in the Sampson/King/Ridge Neighborhood

Exhibit B

HRL District-East

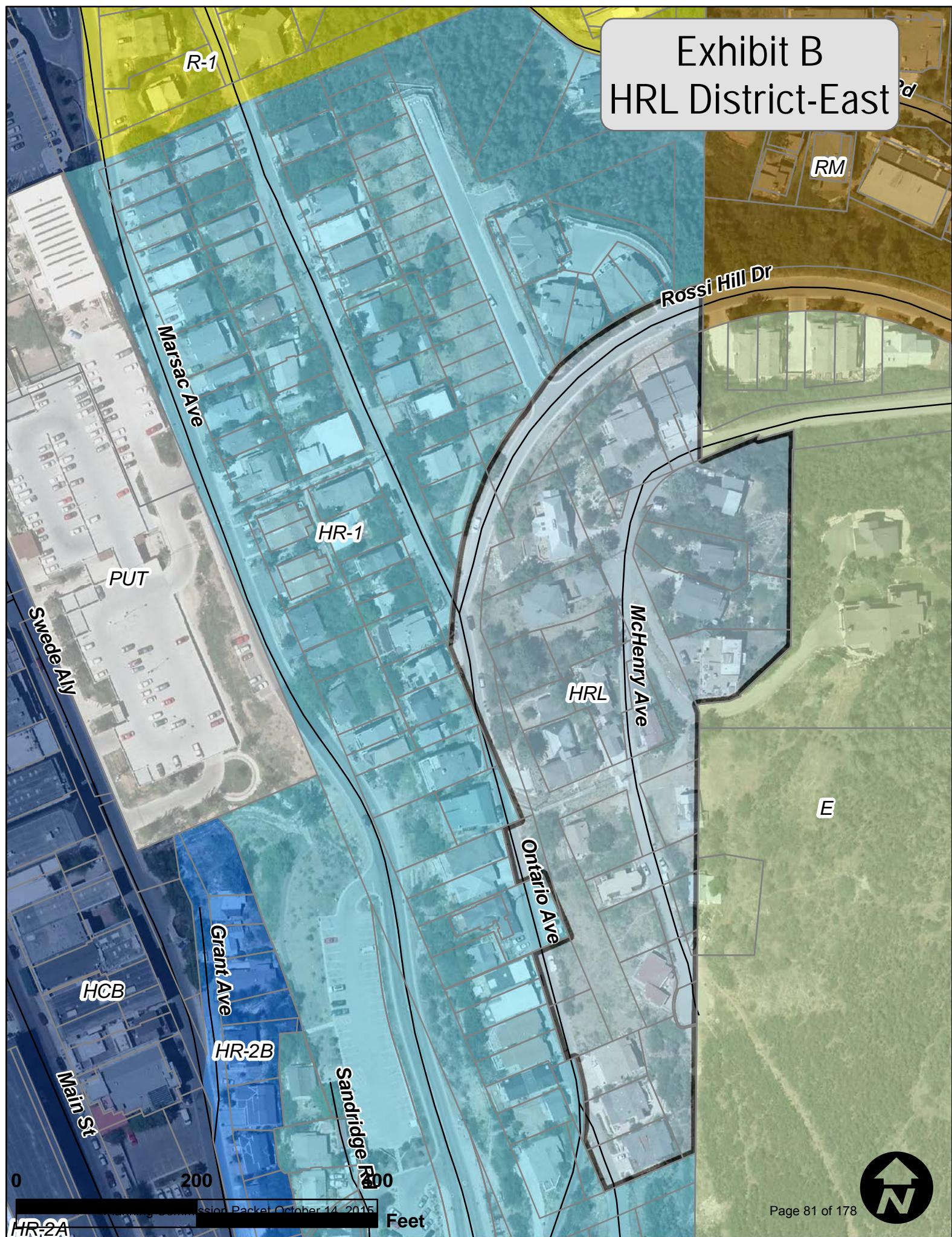


Exhibit C – HR-L District Table

#	Street	Parcel	Appraisal Code
353	McHenry	PC-509-C-5-A	RESIDENTIAL SECONDARY IMPROVED
351	McHenry	PC-509-C-5	RESIDENTIAL PRIMARY IMPROVED
347	McHenry	PC-509-C-4	RESIDENTIAL SECONDARY IMPROVED
335	McHenry	335-MC-1	RESIDENTIAL PRIMARY IMPROVED
331	McHenry	331-MC-A	RESIDENTIAL PRIMARY IMPROVED
327	McHenry	331-MC-B	RESIDENTIAL SECONDARY UNIMPROVED
321	McHenry	321-MC-1	RESIDENTIAL SECONDARY IMPROVED
257	McHenry	PC-500-1	RESIDENTIAL SECONDARY IMPROVED
277	McHenry	PC-501-A-1	RESIDENTIAL PRIMARY IMPROVED
253	McHenry	BAER-1	RESIDENTIAL SECONDARY UNIMPROVED
235	McHenry	IBS-1	RESIDENTIAL PRIMARY IMPROVED
320	Ontario	331-MC-C	RESIDENTIAL SECONDARY UNIMPROVED
316	Ontario	PC-488-A	RESIDENTIAL SECONDARY IMPROVED
308	Ontario	308-ONT-1	RESIDENTIAL PRIMARY IMPROVED
264	Ontario	264-ONT-ALL	RESIDENTIAL PRIMARY IMPROVED
210	Ontario	IVERS-2	RESIDENTIAL SECONDARY IMPROVED
206	Ontario	IVERS-3	RESIDENTIAL SECONDARY IMPROVED
202	Ontario	IVERS-4	RESIDENTIAL SECONDARY IMPROVED
154	Ontario	HBTRS-1	RESIDENTIAL PRIMARY IMPROVED
302	McHenry	PC-486-A	RESIDENTIAL PRIMARY IMPROVED
310	McHenry	RHS-4	RESIDENTIAL PRIMARY IMPROVED
320	McHenry	RHS-3	RESIDENTIAL PRIMARY IMPROVED
330	McHenry	RHS-2	RESIDENTIAL PRIMARY IMPROVED
350	McHenry	RHS-1	RESIDENTIAL PRIMARY IMPROVED

Appraisal Code	Sites
RESIDENTIAL PRIMARY IMPROVED	13
RESIDENTIAL SECONDARY IMPROVED	8
RESIDENTIAL SECONDARY UNIMPROVED	3

Exhibit D – General Plan Strategy: Nightly Rental Balance



SENSE OF
COMMUNITY

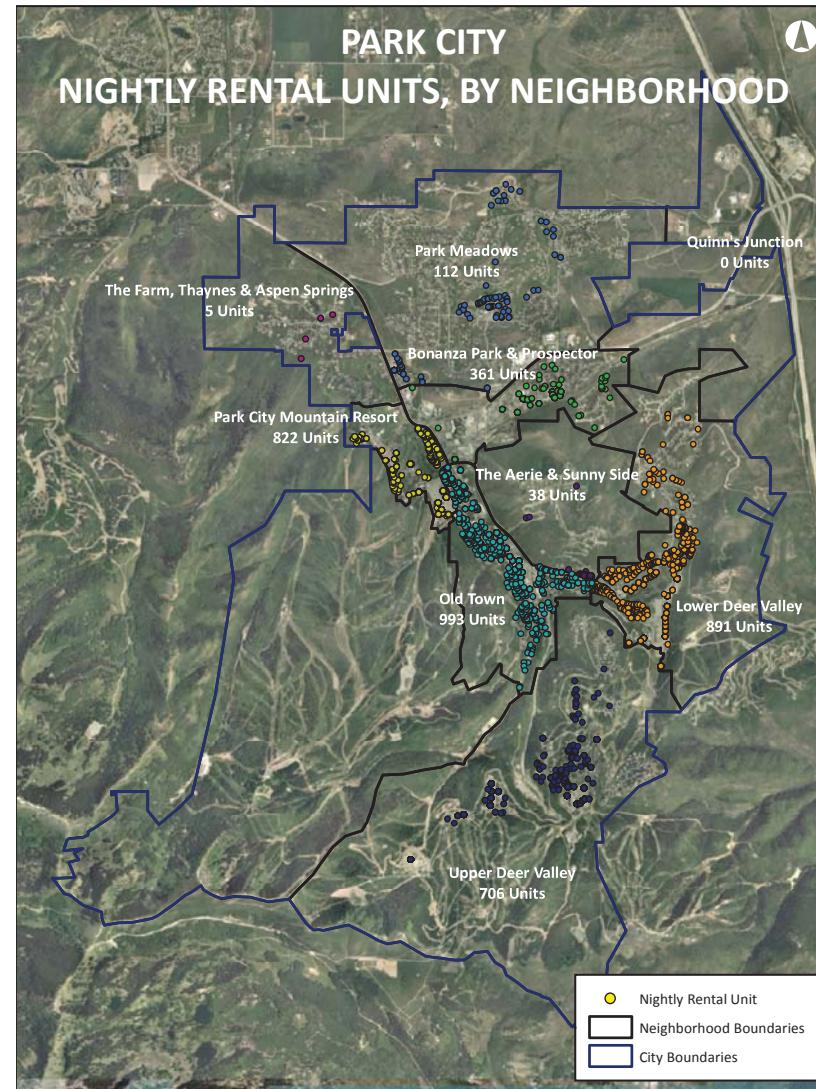
STRATEGY: Nightly Rental Balance

Currently, a Nightly Rental is defined within the Land Management Code as the rental of a dwelling unit for less than thirty (30) days. Due to the resort nature of the Park City economy, the land is often more valuable than the structure located upon it. The economics of the property are often significantly increased if the structure can be commercialized. As a result, the City has experienced a higher demand of nightly rentals. This is directly related to the existing trend of increased second-home ownership within the City which allows for nightly rental opportunities.

Nightly Rentals are allowed in every zoning district except:

- Recreation and Open Space (ROS)
- Protected Open Space (POS)
- Public Use Transition (PUT)
- Community Transition (CT)

The Single Family (SF) zone only allows for nightly rentals within the Prospector Village Subdivision.

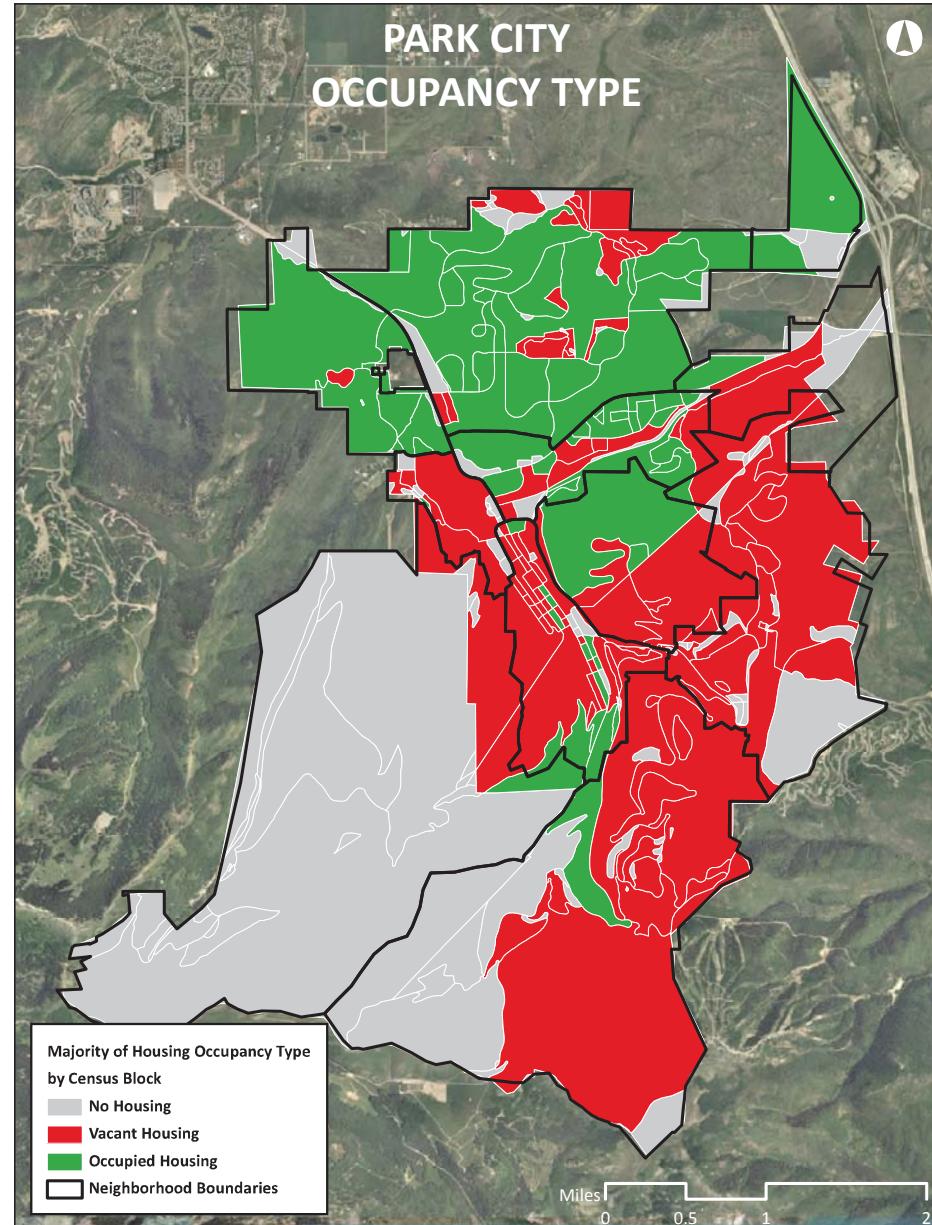


Nightly Rental units are scattered throughout Park City. The neighborhood with the most units is Old Town (993) followed by the resort neighborhoods. The City should look closely at Old Town and consider the provision of incentives for primary home ownership. Balancing this resource for locals, as well as visitors, will be essential to the success of Main Street and the neighborhood.

Nightly Rental-is a Conditional Use (CUP) in the Historic Residential-Low Density (HR-L) District and is prohibited in the April Mountain/Mellow Mountain Subdivision located in the Residential Development (RD) District.

There are 3,928 nightly rentals in Park City out of 8,520 total housing units (January 2012) within the City; therefore, based upon the entire stock of housing units in Park City, 46% are nightly rentals.

Thaynes, Park Meadows, Bonanza Park & Snow Creek, Prospector, Masonic Hill, and Quinn's Junction neighborhoods have a majority of occupied housing units, while the rest of town is predominantly vacant (e.g. secondary) housing. The Old Town neighborhood is comprised of Census Blocks that are predominantly vacant housing; however, there are several blocks that contain a majority of occupied housing.



Occupancy Type:
The map to the left illustrates the existing neighborhood boundaries in terms of the majority of housing occupancy type by Census Block. The map is divided into three categories: no housing, vacant housing, and occupied housing.

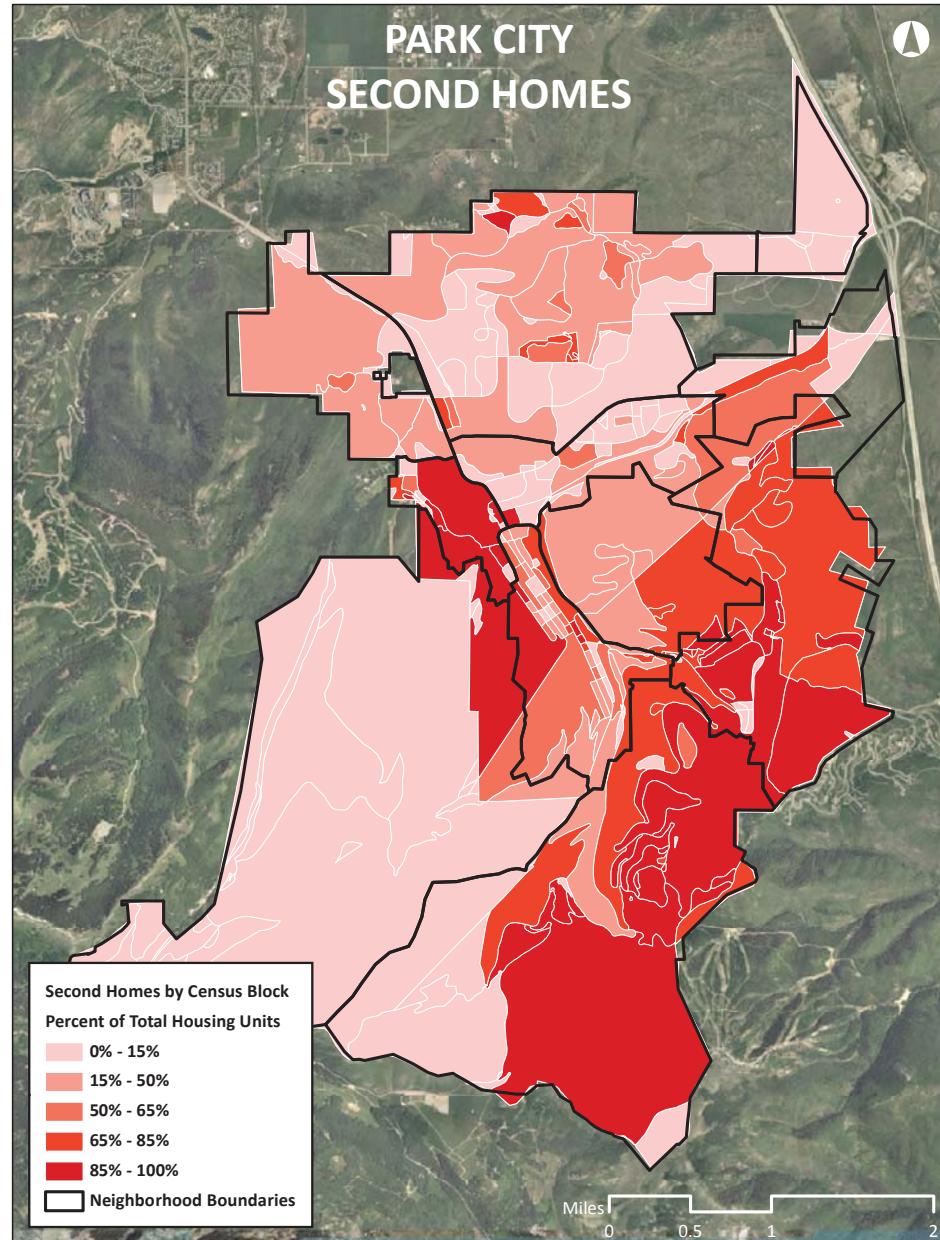
The Nightly Rental table on the following page contains the total number of nightly rentals per neighborhood, percent of nightly rentals within the City per neighborhood, total number of housing units, and the percent of nightly rental units in each neighborhood.

The 'Neighborhood Type' designation, located at the right side of the table, consists of primary or resort oriented designation based on the occupancy majority. Where there is a majority of vacant housing, second home ownership, and also nightly rental, the neighborhood has been identified as a resort neighborhood.

The neighborhood with the highest percentage of nightly rental in Park City is Old Town containing 25%, followed by Lower Deer Valley, Resort Center, then Upper Deer Valley. The Nightly Rental average (percent of total housing units) within the City is forty-six percent (46%).

While the Old Town neighborhood has the highest percentage of nightly rentals (25%) and the higher number of nightly rentals than any other neighborhood (993 out of 2,059), the Old Town

Second Homes:
The map to the right shows second homes by Census Block in terms of percent of total housing units. The map is represented in terms of color intensity. The darker tones show a higher percentage of second homes while the lighter tones show a lower percentage.



Neighborhood	Number of Units	Percent of All Nightly Rental	Total Housing Units	Nightly Rental as Percent of All Units	Neighborhood Type
Thaynes	5	0%	231	2%	Primary Res
Park Meadows	112	3%	1,456	8%	Primary Res
Bonanza Park & Prospector	361	9%	1,208	30%	Primary Res
Resort Center	822	21%	1,135	72%	Resort
Old Town	993	25%	2,059	48%	Primary Res/Resort
Masonic Hill	38	1%	186	20%	Primary Res
Lower Deer Valley	891	23%	1,070	83%	Resort
Upper Deer Valley	706	18%	1,173	60%	Resort
Quinn's Junction	-	0%	3	0%	Primary Res
TOTAL	3,928		8,520	46%	

Neighborhood as a whole does not have a predominant trend towards vacant housing or a high percentage of second homes. The higher values for Nightly Rentals are due to the higher density of the historic configuration of the Park City Survey and Snyder's Addition, which platted lots of record consisting of 1,875 square feet, creating an urban environment of approximately 23 units per acre.

City records show a population of approximately 4,200 people in the 1930 Census, solely within what is now known as Old Town. This statistic notes the density of the town historically.

In order to maintain a balance between primary residents and resort oriented neighborhoods, Thaynes, Park Meadows, Bonanza Park & Snow Creek, Prospector, Masonic Hill, and Quinn's Junction neighborhoods should remain

primary residential neighborhoods. This allows the Resort Center, Lower Deer Valley, and Upper Deer Valley to maintain their resort aspect.

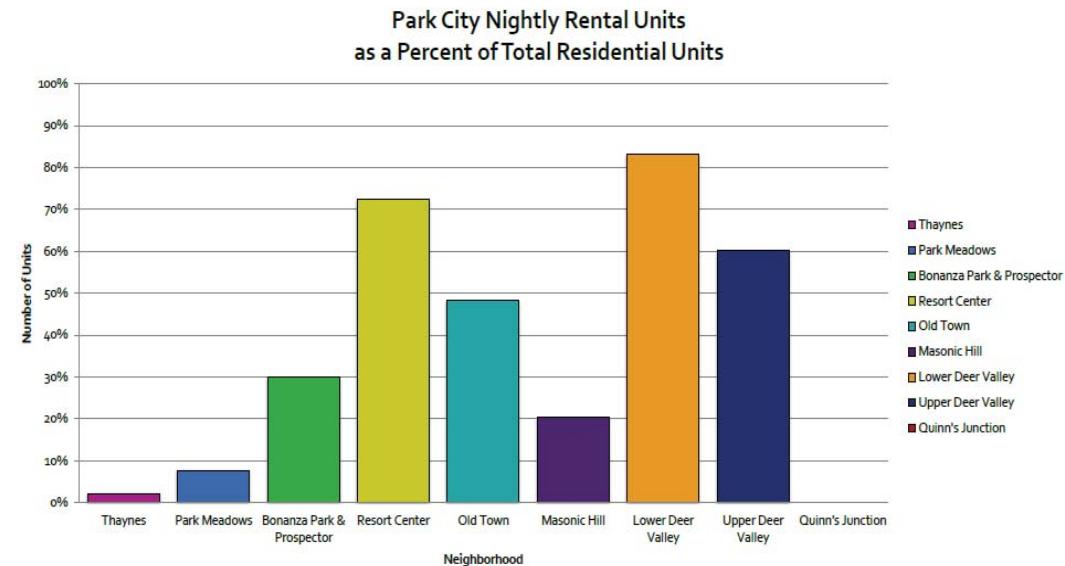
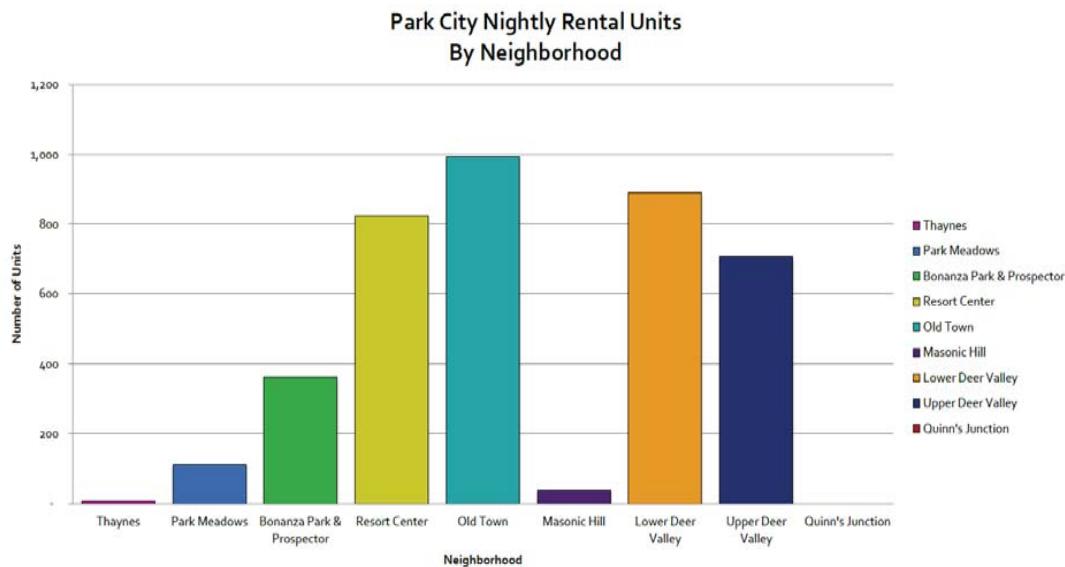
The Old Town neighborhood was historically full time primary residential. When Park City re-invented itself as the City evolved into a world class destination, its residential makeup began to change. Old Town property owners realized how valuable land was and

they started to try to maximize the land values as development pressure made it a more desirable resort destination.

The City should consider incentives for primary homeownership in Old Town; a balance between residents and tourists is desirable in this neighborhood.

Additional policies that might reinforce this balance include:

- Improved enforcement of nightly rental locations in Old Town;
- Consideration of nightly rentals as a Conditional Use within the HR-1 Zoning District, rather than an Allowed Use; and/or
- Reconsideration of allowing nightly rentals in the HRL Zoning District as an Allowed Use or Conditional Use; and/or
- Consideration of new criteria for nightly rental Conditional Use permits.



October 7, 2015

Dear Planning Commission,

I am writing to you today about my concerns with regards to potential changes in the HR-L zoning on the east side of Old Town.

I purchased my first home at 99 King Rd in 1987 and I currently reside at 97 King Rd on the west side HR-L zone.

My main concern is that if nightly rentals are no longer an allowed use with a CUP on the east side of the HR-L district that this will set a precedent. I believe that we all have the right to make a decision if we want to live in our home or rent it nightly to visiting guests. The CUP process is in place to make sure that the home meets certain guidelines for rentals. If said owner wants to use it as a second home and rent it when they are not in town that should be there right.

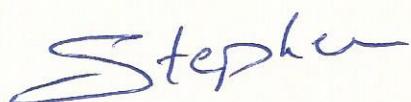
The argument is that nightly rental guests are loud. My stance is that nightly rental guests are visiting our City to have a good time. I have never had any issues in my neighborhood with nightly rental guests. The guests that I have spoken with have been kind and gracious.

I can tell you many stories of long term renters that make your life hell at 3:00 in the morning. Long term renters have one car and one dog per person. I believe that it was 2006 when the long term renters at 99 King Rd would throw wild parties most nights. Their two dogs were the dogs that were going all the way to Red Pine canyon and killing the sheep at night.

Whether you live on the east or west side HR-L district you should have the right to choose how you live in your home.

Nightly rental homes also bring in 45% more property tax revenue and 10.45% nightly rental tax.

Sincerely,



Stephen Elrick

Exhibit E – Public Comments

In 1983 the residents of McHenry Ave. applied to be zoned for no nightly rentals. The HRL zone was formed to give us this designation. Some years later it was discovered that that designation had been taken away .

We are re-applying to be a “no nightly rental” zone for many of the same original reasons.

#1 On the basis of life /safety issues. McHenry is a very narrow, steep , dead end street. In the winter our road reduces to one lane. What makes the difference in our safety is that the residents know the road, how to drive it and help each other. We do not have to contend with strangers who rent nightly trying to come and go on our street. We don't have people parking on the road and making it impassable for the plow. (Our cohesiveness was demonstrated this summer during our 13 week road project....when we all pulled together to get thru a difficult ordeal)

#2...Our property values are increased by being a neighborhood of full time residents. There are no unsightly trash cans and extra cars all over the road. The houses are not dark most of the year.

We watch out for our neighbors' homes and keep the street free of any crime. We have a neighborhood park that the residents maintain. It is a welcome stop for tourists and other residents walking by....and has received a State Beautification Award.

Our neighborhood is distinguished by larger lots and more open space. Our home values have continued to increase without nightly rentals. We believe that we have a special area of Old Town that is more marketable because of our full time character.

#3....We are one of the last bastions of Old Town neighborhoods left. We are worth saving.

Full time neighborhoods are rapidly disappearing in Old Town. We are probably the largest pocket of full time residents left. The fact that since 1983 when we made our original request...nothing has changed as far as nightly rental demonstrates the power of our full time cohesiveness. The fabric and character of our neighborhood has remained strong for 30 years. The few 2nd homeowners...know that we will watch their houses and all will be well when they are absent. This means a lot to people moving into Park City.

#4...We are just as viable today as 1983. Among our residents we have one teenager, 3 children under 13 and a baby on the way. In addition, 3 new grandchildren are visiting the Hill regularly...(Rossi Hill 2nd generation).

We respectfully ask that support be given to our effort to keep our neighborhood in the spirit of “keep Park City, Park City”. Not only will it enhance our quality of life...but those visitors that walk thru our neighborhood.

RECEIVED

OCT 07 2015

PARK CITY
PLANNING DEPT.

McHenry Ave. Neighborhood Study..

17 units, 8 full time, 4 yearly rental, 1 monthly rental, 4- 2nd homes(no rental)

351/353 Duplex...Bonnie/ Don & Christine....351 occasional monthly rental, 353 2nd home /no rental

347.....Beth & Blake....2nd home /no rental

335.....Merritt & Bob Bennett.....**Full Time**

331.....Jerry Fiat.....2nd year of construction??

321.....Ed & Debbie Axtell.....**Full Time**

287.....Patricia & David Constable.....**Full Time**

277.....Michael Kaplan.....**Full Time/ yearly rental**

235.....Anita Baer.....**Full Time**

243.....Laura & David.....yearly rental

?.....Dustin& Brady Christiansen (Armstrong).....**Full Time**

302Michael & Yvette Gallagher.....yearly rental

300.....Tom & Ann Grady.....2nd home /no rental

310.....Matey Erdos & Morgan Hole.....**Full Time**

320Mary & Charlie Wintzer.....**Full Time**

330David & Stacy Wintzer.....yearly rental

350.....Barbara & Jean Runell.....2nd home/ no rental

Planning Commission Staff Report



Application: PL-15-02810 **PLANNING DEPARTMENT**
Subject: LMC Amendments
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Date: October 14, 2015
Type of Item: Legislative – LMC Amendments Vertical Zoning

Summary Recommendation

Staff recommends the Planning Commission review and discuss the following proposed amendments to the Land Management Code (LMC):

- Amendments to Chapter 2.5 Historic Recreation Commercial (HRC), Chapter 2.6 Historic Commercial Business (HCB), and Chapter 15 Defined Terms related to Vertical Zoning requirements.

Staff recommends the Planning Commission conduct a public hearing, consider public input, and consider continuing this item until November 11, 2015, to allow Staff to address the Planning Commission discussion items, to make any additional changes to the Chapters, and to provide additional public outreach on these revised amendments.

Executive Summary

Staff proposes two general amendments to Chapters 2.5 (HRC), 2.6 (HCB), and Chapter 15 Definitions:

- 1) Amend the table of Uses in Chapters 2.5 and 2.6 for both Allowed Uses and Conditional Uses to indicate additional Uses that are prohibited from being located within Storefront Property in these Zoning Districts to include residential uses, parking, special events space and
- 2) Include language that requires Storefront Property adjacent to Main Street, Swede Alley, Heber Avenue, and Park Avenue south of Ninth Street with any new construction.

Vertical Zoning is a planning tool or technique that regulates the location of uses vertically within a building or site. It is desirable in downtown business districts to reserve the street level for the highest activity and revenue generating uses, such as retail shops, restaurants, bars, galleries, and similar uses. Office and residential uses are allowed on the upper floors.

The purpose of these LMC amendments is to amend and clarify existing language and definitions in the Code that are not clear or consistent with the intent of the original Ordinance 07-55. These amendments expand the list of prohibited uses within Storefront Properties and clarify the definition of Storefront Property as redlined and attached in Exhibits A-C.

Description

Project Name:	LMC Amendments related to Vertical Zoning for Chapter 2.5 Historic Recreation Commercial (HRC), Chapter 2.6 Historic Commercial Business (HCB), and Chapter 15 Defined Terms
Approximate Location:	Historic Main Street and Lower Main Street business district, Swede Alley, Heber Avenue, and Park Avenue (HRC Zoned properties located on the east side of Park Avenue south of Ninth Street)
Reason for Review:	Amendments to the Land Management Code (LMC) require Planning Commission review and recommendation with final action by the City Council.

Background

On August 30, 2007, the City Council adopted an Ordinance (07-55), attached as Exhibit D, amending the Land Management Code to prohibit office, residential, private event space, and other non-retail/non-restaurant uses in Storefront Property within the HRC and HCB Zoning Districts. Storefront Property was a defined term added to LMC Chapter 15, Defined Terms.

Prior to adoption of the Ordinance the Planning Commission and City Council met in Joint Sessions on April 5th and May 9th 2007 to discuss the concept of vertical zoning regulations. There was lengthy discussion at the Planning Commission meetings on June 13th and June 27th 2007. The Commission ultimately forwarded a positive recommendation to City Council in favor of the amendments memorialized in Ordinance 07-55. The Council reviewed the Ordinance and conducted public hearings on August 2nd and August 9th, and adopted the vertical zoning regulations on August 30th, 2007. See attached Exhibits E and F for Planning Commission and City Council meeting minutes.

When the Ordinance was originally adopted the focus was to encourage retail and restaurant uses to be the predominant uses in Storefront properties along Main Street. The focus was to guide those uses that are more consistent with the resort nature of Park City to street level storefronts and to direct other uses (primarily offices and non-retail uses) to locate on second or third stories or to other areas within Park City.

From review of minutes of previous meetings on this issue Staff believes that the excluded areas on lower Main Street, generally the addresses of the Summit Watch project, are properties that were not directly and physically adjacent to Main Street or had other physical constraints in terms of access, window location, and/or orientation. Staff believes that these properties were thought to be of secondary concern at that time, nearly eight (8) years ago (see attached Exhibit H for a map of the HRC and HCB Zoning Districts and excluded addresses).

On June 24, 2015, Staff presented for public hearing and Planning Commission discussion, amendments to the existing LMC language to expand the reach of the Vertical Zoning Ordinance to lower Main Street and to include Storefront Property adjacent to Private Plazas (defined term in the LMC- See Exhibit C) as a way to strengthen the Ordinance to increase the vibrancy of these areas.

Based on further study of the area and input from local businesses, property owners, representatives from the Historic Park City Alliance (HPCA), and the Planning Commission, Staff recommends that currently there is not a need to impose additional restrictions on uses that can occur within Storefronts facing Private Plazas north of Heber Avenue. Staff does not propose removing the current exemptions at this time and recommends further study of this issue in three to five years for that area.

General Plan

The LMC implements goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for residents and visitors and to preserve the community's unique character and values. These proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan.

Specifically, the General Plan includes Goal 16 that states, "Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors." Objective 16B states, "Limit uses within the first story of buildings along Main Street to retail and restaurant establishments that are inviting to the passing pedestrian. Uses that should be discouraged include office space, real estate show rooms, parking, etc." Implementation Strategy 16.10 states, "Re-examine the City's existing Vertical Zoning Ordinance that requires commercial retail shops along Main Street; consider strengthening the Ordinance."

Additionally, the City's Economic Development Strategic Plan includes goals related to maintaining and improving a balance of Sustainable Community goals by going beyond economic initiatives to include social and environmental strategies and by protecting and preserving the historic Main Street downtown area as the heart of the region. The long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the historic Main Street area. Uses that are not inviting to the general public, both residents and tourists, have a negative effect upon the overall economy and vitality of the historic downtown area in terms of satisfaction of visitor experience, diversity of visitors, activity on the street, and sales tax revenue generation.

These proposed LMC Amendments clarify and strengthen existing regulations to specifically address the City's adopted goals and strategies. These amendments proactively direct uses that have a more positive effect upon the economic and social vitality and activity level of the street, to street level Storefronts. Upper level spaces within the district can accommodate office and residential uses to create a more diverse, synergistic mix of uses in the historic Main Street business district.

In re-evaluating the existing exemptions from the vertical zoning regulations, Staff concurs that general office uses and other non-retail uses in these buildings can also provide activity and vitality, as suggested by the General Plan, to the plaza areas that continue to be more challenging for retail uses. The lower plaza between the two northern most Summit Watch Buildings is one example (see Exhibit H).

Proposed LMC Amendments

Staff proposes two general amendments to Chapters 2.5 (HRC), 2.6 (HCB), and Chapter 15 Definitions:

- 1) Amend the table of Uses in Chapters 2.5 and 2.6 for both Allowed Uses and Conditional Uses to indicate additional Uses that are prohibited from being located within Storefront Property in these Zoning Districts to include residential uses, parking, and private event space. Allowing private events subject to an MFL or Special Event permit for the duration of the event.
- 2) Include language that requires Storefront Property adjacent to Main Street, Swede Alley, Heber Avenue, and Park Avenue south of Ninth Street on any new construction, including remodels. Staff is exploring where in the Code this language could be added and will provide code redlines to the Planning Commission when this item returns for action.

Existing uses that conflict with the adoption of these amendments would be considered legal non-conforming uses that could remain provided the use remains active and is not abandoned for a period of greater than one year. Non-conforming uses are regulated by the LMC according to Chapter 9. Staff is exploring whether a six (6) month abandonment period can be codified and will provide that information to the Planning Commission when this item returns for action.

1. Chapter 2.5 Historic Recreation Commercial (HRC) (See Exhibit A for all redlined changes to Chapter 2.5)

Staff proposes that all parking and residential uses (single family, duplex, triplex, multi-unit dwelling, guest house, secondary living quarters, group care facility, lock out units, accessory apartments, bed and breakfast inns, minor hotels, and boarding houses) should be identified with a footnote to be prohibited in Storefront Property. Hotels should be allowed with qualifying language that the hotel rooms shall not be located in Storefront Property and lobbies and circulation should be permitted. Private events is proposed to be added to the list and included with the footnote (allowing for private event space in Storefront Property with an MFL or Special Event permit and an Administrative Conditional Use Permit for a limited duration).

In the foot-note language the following changes are proposed:

Prohibited in HRC Zoned Storefront Property adjacent to Main Street, Swede Alley, Heber Avenue, and Park Avenue, excluding those HRC zoned Areas on the west side of Park Avenue and those HRC zoned Areas north of 8th Street; also excluding
~~storefronts adjacent to Main Street, Swede Alley, Heber Avenue or Park Avenue Rights-of-Way, excluding those HRC zoned Areas north of 8th Street; excluding without limitation, the following Buildings: addresses: contained within the following Buildings:~~ 702 Main Street, 710 Main Street, 780 Main Street, 804 Main Street, 890 Main Street, and 900 Main Street. Hotel rooms shall not be located within Storefront Property. Access and Lobbies for prohibited Uses are permitted within Storefront Property. Private Event space may be located within Storefront Property with an approved MFL or Special Event Permit for the duration of the event.

Staff requests discussion regarding whether the LMC should also include language in the HRC Zoning District to require Storefront Property for new construction fronting on Main Street, Swede Alley, Heber Avenue, and the east side of Park Avenue south of 8th Street. See Exhibit H for a map of the HRC Zoning District.

2. Chapter

2.6 Historic Commercial Business (HCB) (See Exhibit B for all redlined changes to Chapter 2.6)

Staff proposes that all parking and residential uses (single family, duplex, triplex, multi-unit dwelling, guest house, secondary living quarters, group care facility, lock out units, accessory apartments, bed and breakfast inns, minor hotels, and boarding houses) be identified with a footnote to be prohibited in Storefront Property. Hotels should be allowed with qualifying language that the hotel rooms shall not be located in Storefront Property and allowing for lobbies and circulation areas.

Prohibited in HCB Zoned storefronts-Storefront Property adjacent to Main Street, Heber Avenue, ~~or and~~ Swede Alley/Grant Avenue, ~~Rights-of-Way. Hotel rooms shall not be located within Storefront Property. Access and Lobbies for prohibited Uses are permitted within Storefront Property. Private Event space may be located within Storefront Property with an approved MFL or Special Event Permit for the duration of the event.~~

Staff requests discussion regarding whether the LMC should also include language in the HCB Zoning District to require Storefront Property for new construction fronting on Main Street, Heber Avenue, and Swede Alley/Grant Avenue. See Exhibit H for a map of the HCB Zoning District.

3. Chapter 15 Defined Terms

The LMC currently includes two definitions for Storefront Property. Staff recommends the following amendments to Chapter 15. Note that the Private Plaza definition is recommended because other sections of the code refer to Private Plazas but it is not currently a defined term. Staff has removed the language in the Vertical Zoning code amendments

STOREFRONT PROPERTY. See Property, Storefront.

~~A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space, or unit with:~~

- ~~(1) A window and/or entrance within fifty lateral/horizontal feet (50') of the back, inside building edge, of the public sidewalk; and~~
- ~~(2) A window and/or entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street. In the case of split level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street as set forth above shall be designated to be a "Storefront Property." The Planning Director or their designee shall have the final determination of applicability.~~

PROPERTY. Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

(A) **Property, Storefront.** A separately enclosed space, area, or unit that has a window or entrance fronts on a Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space, area, or unit with:

- ~~(1) A window and/or entrance within fifty (50) lateral/horizontal feet of the adjacent Public Street measured from the edge of pavement to the window or entrance back, inside building edge, of the public sidewalk; and~~
- ~~(2) A window and/or entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street.~~

In the case of split-level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces, areas or units that directly front the Street, as set forth above, shall be designated to be a

"Storefront Property." The Planning Director or ~~their~~-designee shall have the final determination of applicability.

PRIVATE PLAZA. ~~Private Property in excess of seven hundred and fifty (750) square feet that generally serves as common area to adjoining Commercial Development and is free of Structures, is hard surfaced and/or landscaped. Private Plazas generally provide an Area for pedestrian circulation, common amenities, and act as a gathering space for private or public purposes.~~

Discussion

Staff requests discussion related to the proposed amendments and poses these questions for consideration:

- 1. Are there Uses that the Commission finds should be excluded or included from the provisions of this Ordinance?** Staff recommends that all residential uses and all parking shall also be prohibited from locating within Storefront Property. Staff also recommends that private event space be excluded from Storefront Property in these areas, however it could be allowed as part of a special event such as a Master Festival License (MFL) or with an administrative CUP for limited times for the duration of the event.
- 2. How should access to upper and lower level spaces be regulated? Should access and/or lobby areas for hotels, residential condominium properties, offices, private clubs, etc. be limited to a certain percentage of the overall Storefront area?** Staff recommends that Hotel rooms shall not be located within Storefront Property and that Access and Lobbies for prohibited Uses shall be permitted within Storefront Property.
- 3. Does the Commission concur with Staff's finding that expansion of the Ordinance to the lower Main Street area is not warranted at this time and that the issue should be revisited in three to five years? Is the continued exclusion of these areas consistent with the General Plan goals and strategies?** Staff has not included the phrase "or Public Plazas" in the definition of Storefront Property at this time.
- 4. Are there certain properties or spaces that should be excluded from the provisions of this Ordinance due to existing physical constraints, such as the location or orientation of windows, entry ways or other reasons? Should the properties that front onto the northern interior plaza at Summit Watch continue to be excluded from the Vertical Ordinance, thus allowing non-retail uses to located in that area?** Staff has not changed the current exempted properties based on study of the area and feedback from business owners and the HPCA. Staff proposes exemption from these restrictions for Storefront Property north of 8th Street, within the HRC zoning district. HPCA indicated that general office uses in this area (Summit Watch plaza) can also begin to create activity for retail uses on the street as office

patrons and employees visit retail establishments. Staff recommends revisiting this issue in 3-5 years.

5. Staff has not included the HRC zoned properties located on the west side of Park Avenue because these properties transition to adjacent residential properties on Woodside. Residential and office uses within Storefront Areas are compatible uses in this transition area. Does Planning Commission agree?

6. Should new construction and development be required to create Storefront Areas if located on Main, Heber, Swede/Grant, or east side of Park and within the HRC and HCB Zoning Districts? Should all remodels be required to have Storefront Areas if located in these areas? Is regulating use in these areas sufficient? Staff recommends language be added to require new construction, including remodels, to provide Storefront Property adjacent to Main Street, Heber Avenue, Swede Alley, and the east side of Park Avenue within the HRC and HCB Zoning Districts where the regulations apply and we are reviewing the Code to determine where this language could be included.

Notice

Legal notice of this public hearing was posted in the required public spaces and public notice websites on September 26, 2015 and published in the Park Record on the same date per requirements of the Land Management Code.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. Staff previously received public input from local business owners and the HPCA (see Exhibit I) based on the previous proposed amendments.

Alternatives

- The Planning Commission may forward a positive recommendation to City Council on the proposed Land Management Code as presented or as amended at the meeting; or
- The Planning Commission may forward a negative recommendation to City Council to deny the proposed amendments; or
- The Planning Commission may continue the discussion to a date certain and provide direction to Staff regarding additional information, revisions, or analysis needed in order to take final action.

Significant Impacts

There are perceived positive financial impacts to the City that result from these proposed LMC amendments in that the intent of the vertical zoning ordinance is to activate Park City's core Historic Commercial Area with vibrant retail and commercial activities.

Summary Recommendation

Staff recommends the Planning Commission conduct a public hearing, consider public input, and consider continuing this item until November 11, 2015, to allow Staff to address the Planning Commission discussion items, to make any additional changes to the Chapters, and to provide additional public outreach on these revised amendments.

Exhibits

Pending Ordinance

Exhibit A – Chapter 2.5- Historic Recreation Commercial (HRC)

Exhibit B – Chapter 2.6- Historic Commercial Business (HCB)

Exhibit C – Chapter 15- Defined Terms

Exhibit D – Ordinance 07-55

Exhibit E – Minutes of the JT PC CC 5.9.07 and Planning Commission 6.27.15

Exhibit F – Minutes of the City Council meeting 8.30.07

Exhibit G – Minutes of 6.24.15 PC, 7.22.15 PC, 8.6.15 CC, and 8.26.15 PC meetings

Exhibit H – Maps identifying the HRC and HCB Districts

Exhibit I – Public input previously received

Ordinance 15-

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY,
UTAH, REVISING CHAPTER 15-2.5 HISTORIC RECREATION COMMERCIAL (HRC)
ZONING DISTRICT, CHAPTER 15-2.6 HISTORIC COMMERCIAL BUSINESS (HCB)
ZONING DISTRICT, AND CHAPTER 15 DEFINED TERMS RELATING TO VERTICAL
ZONING REGULATIONS PROHIBITING OFFICE, RESIDENTIAL, PARKING, NON-
SALES TAX GENERATING USES, AND SIMILAR OR ASSOCIATED USES WITHIN
STOREFRONT PROPERTY IN THE HISTORIC MAIN STREET DOWNTOWN AREA**

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

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

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up; to address specific LMC issues raised by Staff, Planning Commission, and City Council; and to align the Code with the Council's goals; and

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Zoning Districts and finds this vibrancy to be essential to the City's long term economic and financial well-being; and

WHEREAS, these proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan.

WHEREAS, the Park City General Plan includes Goal 16 that states, "Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors." Objective 16B states, "Limit uses within the first story of buildings along Main Street to retail and restaurant establishments that are inviting to the passing pedestrian. Uses that should be discouraged include office space, real estate show rooms, parking, etc." Implementation Strategy 16.10 states, "Re-examine the City's existing Vertical Zoning Ordinance that requires commercial retail shops along Main Street; consider strengthening the Ordinance."

WHEREAS, Park City's Economic Development Plan encourages facilitation and establishment of more attractions and areas of interest for both visitors and residents, maintaining and improving the balance of Sustainable Community goals by going beyond economic initiatives to include social and environmental strategies; and

protection and preservation of the historic Main Street downtown area as the heart of the region; and

WHEREAS, in the HRC and HCB Zoning Districts, Uses located on the main level adjacent to the street, that are not inviting to the general public, may diminish the vibrancy, diversity, and activity of the historic Main Street area; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is critical to the attractiveness, vitality, and success of the historic Main Street downtown area; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the historic Main Street area; and

WHEREAS, in the HRC and HCB Districts, Uses that are not inviting to the general public may have a negative effect upon the overall economy and vitality of the historic downtown area in terms of satisfaction of visitor experience, diversity of visitors, activity on the street, and sales tax revenue generation; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on June 24th, July 22nd, August 26th, October 14th, 2015, and November _____ 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 _____ 2015; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area; to ensure compatible development; to preserve historic resources; and to preserve the community's unique character.

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

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.5 Historic Recreation Commercial (HRC) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.5 of the Land Management Code of Park City is hereby amended as redlined in Exhibit A.

SECTION 2. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.6 Historic Commercial Business (HCB) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.6 of the Land Management Code of Park City is hereby amended as redlined in Exhibit B.

SECTION 3. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15 Defined Terms. The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined in Exhibit C.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Marci Heil, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibits

Exhibit A – LMC Chapter 2.5 HRC Zoning District
Exhibit B – LMC Chapter 2.6 HCB Zoning District
Exhibit C – LMC Chapter 15- Defined Terms

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

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

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate Density bed base at the Town Lift,

(G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,

(H) encourage preservation and rehabilitation of Historic Buildings and resources.

(I) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

(Amended by Ord. No. 07-55)

15-2.5-2. USES.

Uses in the HRC are limited to the following:

(A) ALLOWED USES.

- (1) Single Family Dwelling⁵
- (2) Duplex Dwelling⁵
- (3) Secondary Living Quarters⁵

- (4) Lockout Unit^{1,5}
- (5) Accessory Apartment^{2,5}
- (6) Nightly Rental⁵
- (7) Home Occupation⁵
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family³
- (10) Child Care, Family Group³
- (11) Child Care Center³
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn^{4,5}
- (16) Boarding House, Hostel⁵
- (17) Hotel, Minor, fewer than 16 rooms⁵
- (18) Office, General⁵

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

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

⁴Requires an Administrative or Administrative Conditional Use permit, see Section 15-4.

⁵ Prohibited in HRC Zoned Storefront Property adjacent to Storefronts adjacent to the Main Street, Swede Alley, Heber Avenue , and/or Park Avenue Rights-of-Way, excluding those HRC zoned Areas on the west side of Park Avenue and those

- (19) Parking Area or Structure, with four (4) or fewer spaces⁵
- (B) **CONDITIONAL USES**⁹.
- (1) Triplex Dwelling⁵
 - (2) Multi-Unit Dwelling⁵
 - (3) Guest House, on Lots one acre⁵
 - (4) Group Care Facility⁵
 - (5) Public and Quasi-Public Institution, Church, School

HRC zoned Areas

north of 8th Street;

also excluding

without limitation,

addresses contained

within the following

Buildings: 702 Main

Street, 710 Main

Street, 780 Main

Street, 804 Main

Street, 890 Main

Street, and 900 Main

Street

Hotel rooms shall not

be located within

Storefront Property.

Access and Lobbies

for prohibited Uses

are permitted within

Storefront Property.

Private Event space

may be located within

Storefront Property

with an approved

MFL or Special Event

Permit for the

duration of the event.

(6)	Essential Municipal Public Utility Use, Facility, Service and Structure	(18)	Neighborhood Convenience Commercial, without gasoline sales
(7)	Telecommunication Antenna ⁶	(19)	Café or Deli ⁸
(8)	Satellite Dish, greater than thirty-nine inches (39") in diameter ⁷	(20)	Restaurant, General ⁸
(9)	Plant and Nursery stock products and sales	(21)	Restaurant and café, Outdoor Dining ⁴
(10)	Hotel, Major ⁵	(22)	Outdoor Events and Uses ⁴
(11)	Timeshare Projects and Conversions ⁵	(23)	Bar
(12)	Private Residence Club Project and Conversion ^{4,5}	(24)	Parking Area or Structure, with five (5) or more spaces ⁵
(13)	Office, Intensive ⁵	(25)	Temporary Improvement
(14)	Office and Clinic, Medical ⁵	(26)	Passenger Tramway Station and Ski Base Facility
(15)	Financial Institution, without drive-up window ⁸	(27)	Ski Tow, Ski Lift, Ski Run, and Ski Bridge
(16)	Commercial Retail and Service, Minor ⁸	(28)	Recreation Facility, Commercial, Public, and Private
(17)	Commercial Retail and Service, personal improvement ⁸	(29)	Entertainment Facility, Indoor
		(30)	Fences greater than six feet (6') in height from Final Grade ⁴
		(31)	Private Residence Club, Off-Site ⁵
		(32)	<u>Private Events</u> ^{4,5}
		(32)	Special Events ⁴

⁶See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

⁸If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

⁹No community locations are defined by Utah Code 32-B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

(C) PROHIBITED USES. Unless otherwise allowed herein, any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-39; 06-69; 07-55; 09-10; 12-37)

15-2.5-3. LOT AND SITE REQUIREMENTS.

EXHIBIT B

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.6-1. PURPOSE.

The purpose of the Historic Commercial Business (HCB) District is to:

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,

- (G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,
 - (H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
 - (I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.
 - (J) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.
- (Amended by Ord. No. 07-55)*
- 15-2.6-2. USES.**
- Uses in the Historic Commercial Business (HCB) District are limited to the following:
- (A) **ALLOWED USES.**

(1)	Single Family Dwelling ¹	(16)	Boarding House, Hostel ¹
(2)	Multi-Unit Dwelling ¹	(17)	Hotel, Minor, fewer than 16 rooms ¹
(3)	Secondary Living Quarters ¹	(18)	Office, General ¹
(4)	Lockout Unit ^{1,2}	(19)	Office, Moderate Intensive ¹
(5)	Accessory Apartment ^{1,3}	(20)	Office and Clinic, Medical ¹
(6)	Nightly Rental ⁴	(21)	Financial Institution, without drive-up window
(7)	Home Occupation ¹	(22)	Commercial Retail and Service, Minor
(8)	Child Care, In-Home Babysitting ¹	(23)	Commercial Retail and Service, personal improvement
(9)	Child Care, Family ^{1,5}	(24)	Commercial Neighborhood Convenience, without gasoline sales
(10)	Child Care, Family Group ^{1,5}	(25)	Restaurant, Cafe or Deli
(11)	Child Care Center ^{1,5}	(26)	Restaurant, General
(12)	Accessory Building and Use ¹	(27)	Bar
(13)	Conservation Activity	(28)	Parking Lot, Public or Private with four (4) or fewer spaces ¹
(14)	Agriculture	(29)	Entertainment Facility, Indoor
(15)	Bed and Breakfast Inn ^{1,6}	(30)	Salt Lake City 2002 Winter Olympic Games Legacy Displays ⁷

¹ Prohibited in HCB Zoned

Storefront Property storefronts adjacent to the Main Street, Heber Avenue, or and Swede Alley/Grant Avenue. Rights of Way Hotel rooms shall not be located within Storefront Property. Access and Lobbies for prohibited Uses are permitted within Storefront Property. Private Event space may be located within Storefront Property with an approved MFL or Special Event Permit for the duration of the event.

²Nightly Rental of Lock Units requires a Conditional Use permit

³See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

⁴Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

⁵ See LMC Chapter 15-4-9 for Child Care Regulations

⁶Requires an Administrative or Administrative Conditional Use permit

(B) **CONDITIONAL USES¹⁰.**

- (1) Group Care Facility¹
- (2) Public and Quasi-Public Institution, Church, School

⁷Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License. Requires an Administrative Permit.

(3)	Essential Municipal Public Utility Use, Facility, Service, and Structure	(18)	Passenger Tramway Station and Ski Base Facility
(4)	Telecommunication Antenna ⁸	(19)	Ski Tow, Ski Lift, Ski Run, and Ski Bridge
(5)	Satellite Dish, greater than thirty-nine inches (39") in diameter ⁹	(20)	Recreation Facility, Public or Private
(6)	Plant and Nursery stock products and sales	(21)	Recreation Facility, Commercial
(7)	Hotel, Major ¹	(22)	Fences greater than six feet (6') in height from Final Grade ⁶
(8)	Timeshare Projects and Conversions ¹	(23)	Private Residence Club, Off-Site ¹
(9)	Timeshare Sales Office, Off-Site within an enclosed Building ¹	(24)	Special Events ⁶
(10)	Private Residence Club Project and Conversion ^{1,6}	(25)	<u>Private Events^{1, 6}</u>
(11)	Commercial Retail and Service, Major		
(12)	Office, Intensive ¹		
(13)	Restaurant, Outdoor Dining ⁶		
(14)	Outdoor Events and Uses ⁶		
(15)	Hospital, Limited Care Facility ¹		
(16)	Parking Area or Structure for five (5) or more cars ¹		
(17)	Temporary Improvement		

⁸See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁹See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

¹⁰No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 02-38; 04-39; 06-69; 07-55; 09-10; 12-37)

15-2.6-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **LOT SIZE.** The minimum Lot Area is 1250 square feet. The minimum Lot Width is twenty-five feet (25') and Minimum Lot Depth is fifty feet (50').

EXHIBIT C

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 15 - DEFINED TERMS

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 15 - DEFINITIONS

Chapter adopted by Ordinance No. 00-25

CHAPTER 15 - DEFINED TERMS.

15-15-1. DEFINITIONS.

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

1.1 ACCESS. The provision of vehicular and/or pedestrian ingress and egress to Structures, facilities or Property.

1.2 ACCESSORY APARTMENT. A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to a Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling.

1.3 ACCESSORY BUILDING. A Building on the same Lot as the principal Building and that is:

(A) clearly incidental to, and customarily found in connection with such principal Building, such as detached garages, barns, and other similar Structures that require a Building Permit;

(B) operated and maintained for the benefit of the principal Use;

(C) not a Dwelling Unit; and

(D) also includes Structures that do not require a Building Permit, such as sheds, outbuildings, or similar Ancillary Structures. See Ancillary Structure.

An easement that includes, as minimum stipulations, a conveyance of design approval for exterior changes, and a program whereby the Owner commits to restore and maintain a Structure following the Secretary of Interior's Standards for rehabilitation, in a form approved by the City. A time frame for completion of the restoration program may be specified in the easement agreement.

1.198 PRIVATE PLAZA. Private Property in excess of seven hundred and fifty (750) square feet that generally serves as common area to adjoining Commercial Development and is free of Structures, is hard surfaced and/or landscaped. Private Plazas generally provide an Area for pedestrian circulation, common amenities, and act as a gathering space for private or public purposes.

(Note- will need to change all numbering)

1.198 **PROPERTY.** Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

(A) **Property, Storefront.** A separately enclosed space, area or unit ~~that has a window or entrance~~ that fronts on a Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space, area or unit with:

(1) A window and/or entrance within fifty (50) lateral/horizontal feet (50') of the adjacent Public Street measured from the edge of pavement to the window or entrance.

~~back, inside building edge, of the public sidewalk;~~ and

(2) A window and/or entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street.

In the case of split-level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces, areas or units that directly front the Street, as set forth above, shall be designated to be a "Storefront Property." The Planning Director or ~~their~~ designee shall have the final determination of applicability.

1.199 **PROPERTY LINE.** The boundary line of a Parcel or Lot.

(A) **Property Line, Front.** That part of a Parcel or Lot which abuts a Street.

1.200 **PROPERTY OWNER.** Any Person, or group of Persons, having record title to a Property, and the Owner's Agent.

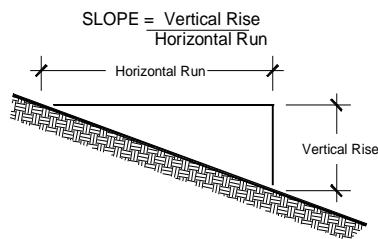
1.201 **PUBLIC ART.** Any visual work of art displayed for two weeks or more in an open city-owned area, on the exterior of any city-owned facility, inside any city-owned facility in areas designated as public areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.

1.202 **PUBLIC IMPROVEMENT.** Any Building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, Off-Street Parking Lot,

utilities and transportation systems, and other community objectives as stated in the General Plan.

1.246 SKETCH PLAT. A Sketch preparatory to the Preliminary Plat, or Subdivision Plat in the case of Minor Subdivisions, to enable the Owner to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat.

1.247 SLOPE. The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance of the land into the vertical rise or distance of the same land and converting the resulting figure in a percentage value.



(A) **Slope, Steep.** Slope greater than fifteen percent (15%).

(B) **Slope, Very Steep.** Slope greater than forty percent (40%).

1.248 SPACING. Distance between the closer edges of adjoining driveways or driveways and Right-of-Way lines of intersecting Streets.

1.249 SPECIAL EVENT. Any event, public or private, with either public or

private venues, requiring City licensing beyond the scope of normal Business and/or liquor regulations, as defined by this Code, or creates public impacts through any of the following:

- (A) The use of City personnel;
- (B) Impacts via disturbance to adjacent residents;
- (C) Traffic/parking;
- (D) Disruption of the normal routine of the community or affected neighborhood; or
- (E) Necessitates Special Event temporary beer or liquor licensing in conjunction with the public impacts, neighborhood block parties or other events requiring Street closure of any residential Street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a Special Event.

1.250 STEALTH. A Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

1.251 STOREFRONT PROPERTY. See Property, Storefront.

~~A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space or unit with:~~

~~1.251~~

~~1.251 (1) A window and/or entrance within fifty lateral/horizontal feet (50') of the back, inside building edge, of the public~~

~~sidewalk; and~~

~~(2) A window and/or entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street.~~

~~In the case of split level, multi level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street as set forth above, shall be designated to be a "Storefront Property." The Planning Director or their designee shall have the final determination of applicability.~~

1.252 **STORY**. The vertical measurement between floors taken from finish floor to finish floor. For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall plate for the roof Structure.

1.253 **STREAM**. A naturally-fed water course, that flows year round or intermittently during years of normal rainfall. This definition excludes ditches and canals constructed for irrigation and drainage purposes.

1.254 **STREAM CORRIDOR**. The Corridor defined by the Stream's Ordinary High Water Mark.

1.255 **STREET**. Any highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, easement, or other way.

(A) **Street, Public**. A Street that has been dedicated to and accepted by the City Council; that the City has acquired and

accepted by prescriptive right; or that the City owns in fee.

1.256 **STREETSCAPE**. The distinguishing characteristics of a particular Street including paving materials, adjacent space on both sides of the Street, landscaping, retaining walls, sidewalks, Building Facades, lighting, medians, Street furniture, and signs.

(A) **Streetscape, Architectural**. The Architectural Streetscape required as part of the Historic District Design Review process and Steep Slope CUP process.

1.257 **STRUCTURE**. Anything constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes "Building".

1.258 **STUDIO APARTMENT**. A Dwelling Unit consisting of a single room equipped for cooking, living, and sleeping, having a separate bathroom or Kitchen for the exclusive Use of the dwelling, and a Floor Area of not more than one thousand square feet (1,000 sq. ft.).

1.259 **SUBDIVISION**. Any land, vacant or improved, which is divided or proposed to be divided or combined into one (1) or more Lots, Parcels, Site, Units, plots, or interests for the purpose of offer, sale, lease, or Development, either on the installment plan or upon any all other plans, terms, and conditions, including Resubdivision. Subdivision includes the division or

EXHIBIT D

Ordinance No. 07-55

AN ORDINANCE APPROVING AMENDMENTS TO THE PARK CITY LAND MANAGEMENT CODE TO CHAPTERS 15-2.6: HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT AND 15-2.5 HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT, RELATING TO PROHIBITING OFFICE, RESIDENTIAL, NON-SALES TAX GENERATING USES AND OTHER SIMILAR OR ASSOCIATED USES IN THE HCB DISTRICT AND HRC DISTRICT STOREFRONTS; ALSO RELATED AMENDMENT TO LAND MANAGEMENT CODE CHAPTER 15-15-1: DEFINITIONS.

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Districts and finds it is essential to the City's long term economic and financial well-being; and

WHEREAS, The Community Economy Element of the Park City General Plan states that "Temporary or transient real estate project offices should be encouraged to locate in other areas of the City in order for Main Street to retain its primary functions"; and goes on to say Park City should "Maintain and improve the resort ambiance, which includes adequate opportunities for recreation, shopping, dining and culture"; and

WHEREAS, the 2003 Hyett Palma Park City Downtown Economic Study recommends pursuing a broad variety of uses and attractions to draw locals and visitors; and

WHEREAS, The City's Budget Department and The Main Street Business Alliance have submitted Affidavits that support these amendments; and

WHEREAS, Park City's Economic Development Plan identifies the following as Top Priorities: Facilitation and establishment of more "attractions/areas of interest" for both visitors and residents; Maintain and improve the balance of Sustainable Community goals by going beyond just economic initiatives to include social and environmental strategies; and Protect, preserve, and promote the historic Main Street downtown area as the heart of the region; and

WHEREAS, Park City's Economic Development Strategic Plan identifies the following as High Priorities: Further develop and market the uniqueness of Park City and why it is set apart from other mountain resort communities; Proactively target

business sectors that will fill voids left by departing companies or for smart redevelopment reasons; and

WHEREAS, in the HCB and HRC Districts, Office uses that are not inviting to the general public to access them will diminish the diverse and eclectic mix of uses and attractions necessary to sustain Park City's unique vibrant Main Street core for the general public, visitors, guests, and locals; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is an element of Main Street's attractiveness and a destination center for visitors and locals; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of commercial and mixed-use buildings and districts in and near the downtown core; and

WHEREAS, a preliminary discussion was held at the joint Planning Commission/City Council work session on April 5, 2007 regarding legislative remedies available to ensure the continuation of a successful business mix on historic Main Street; and

WHEREAS, in the HCB and HRC Districts, Office uses that are not inviting to the general public to access them will have a negative effect upon the overall economy and vitality of the downtown core as visitors find fewer businesses in which to shop or restaurants in which to eat. A reduction in visitor traffic will have a net negative impact to sales tax overall. A reduction in visitor numbers will also signal a change in the culture of Main Street into an elite area that is less inviting to the majority of Park City's visitors, guests, and locals; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

WHEREAS, the Council determines after evaluating issues of fairness and the overall intent of the regulation that the application of pending ordinance doctrine shall be revoked up to the date of adoption;

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

SECTION 1. APPROVAL OF AMENDMENT. CHAPTERS 15-2.5
Historic Recreation Commercial (HRC) District, 15-2.6 Historic Commercial Business

(HCB) District, and 15-15-1 Definitions, of the Land Management Code are hereby amended to read as attached hereto on Exhibits "A", "B" and "C".

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon publication and the pending ordinance rule shall become effective as of the date of adoption.

PASSED AND ADOPTED this 30th day of August, 2007.

PARK CITY MUNICIPAL CORPORATION


Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder

Approved as to form:

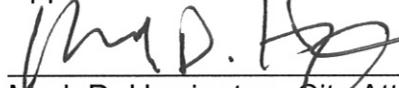

Mark D. Harrington, City Attorney



EXHIBIT A - HRC

TITLE 15 - LAND MANAGEMENT CODE (LMC) **CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT**

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

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

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate Density bed base at the Town Lift,
- (G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,
- (H) encourage preservation and rehabilitation of Historic Buildings and resources.
- (I) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.**

15-2.5-2. USES.

Uses in the HRC are limited to the following:

(A) ALLOWED USES.

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters

- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family³
- (10) Child Care, Family Group³
- (11) Child Care Center³
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn⁴
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General⁵
- (19) Parking Area or Structure, with four (4) or fewer spaces

(B) CONDITIONAL USES.

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Guest House, on Lots one acre
- (4) Group Care Facility
- (5) Public and Quasi-Public Institution, Church, School
- (6) Essential Municipal Public Utility Use, Facility, Service and Structure
- (7) Telecommunication Antenna⁶
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁷
- (9) Plant and Nursery stock products and sales
- (10) Hotel, Major
- (11) Timeshare Projects and Conversions

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

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

⁴Requires an Administrative Conditional Use permit

⁵Prohibited in Storefronts adjacent to the Main Street, Swede Alley, Heber Avenue, or Park Avenue (excluding those HRC zoned areas north of the 8th Street) rights-of-way; excluding without limitation, addresses contained within the following Buildings: 702 Main Street, 710 Main Street, 780 Main Street, 804 Main Street, 890 Main Street, and 900 Main Street.

⁶See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

- (12) Private Residence Club Project and Conversion⁴
- (13) Office, Intensive
- (14) Office and Clinic, Medical
- (15) Financial Institution, without drive-up window⁸
- (16) Commercial Retail and Service, Minor⁷
- (17) Commercial Retail and Service, personal improvement⁷
- (18) Neighborhood Convenience Commercial, without gasoline sales
- (19) Café or Deli⁷
- (20) Restaurant, General⁷
- (21) Restaurant and café, Outdoor Dining⁴
- (22) Outdoor Events⁴
- (23) Bar
- (24) Parking Area or Structure, with five (5) or more spaces
- (25) Temporary Improvement
- (26) Passenger Tramway Station and Ski Base Facility
- (27) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (28) Recreation Facility, Commercial, Public, and Private
- (29) Entertainment Facility, Indoor
- (30) Fences greater than six feet (6') in height from Final Grade⁴
- (31) **Private Residence Club, Off-Site**⁵

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-39; 06-69)

⁸If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

EXHIBIT B

TITLE 15 - LAND MANAGEMENT CODE (LMC) **CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT**

Chapter adopted by Ordinance No. 00-15

15-2.6-1. PURPOSE.

The purpose of the Historic Commercial Business (HCB) District is to:

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,
- (G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,
- (H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
- (I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.
- (J) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.**

15-2.6-2. USES.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling⁹
- (2) Multi-Unit Dwelling¹
- (3) Secondary Living Quarters¹
- (4) Lockout Unit^{1,10}
- (5) Accessory Apartment^{1,11}
- (6) Nightly Rental¹²
- (7) Home Occupation¹
- (8) Child Care, In-Home Babysitting¹
- (9) Child Care, Family^{1,13}
- (10) Child Care, Family Group^{1,5}
- (11) Child Care Center^{1,5}
- (12) Accessory Building and Use¹
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn¹⁴
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General¹
- (19) Office, Moderate Intensive¹
- (20) Office and Clinic, Medical¹
- (21) Financial Institution, without drive-up window
- (22) Commercial Retail and Service, Minor
- (23) Commercial Retail and Service, personal improvement
- (24) Commercial Neighborhood Convenience, without gasoline sales
- (25) Restaurant, Cafe or Deli
- (26) Restaurant, General
- (27) Bar
- (28) Parking Lot, Public or Private with four (4) or fewer spaces
- (29) Entertainment Facility, Indoor
- (30) Salt Lake City 2002 Winter Olympic Games Legacy Display¹⁵

⁹Prohibited in Storefronts adjacent to the Main Street, Heber Avenue, or Swede Alley Rights-of-Way.

¹⁰Nightly Rental of Lock Units requires a Conditional Use permit

¹¹See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

¹²Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

¹³ See LMC Chapter 15-4-9 for Child Care Regulations

¹⁴Requires an Administrative Conditional Use permit

¹⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License.

(B) **CONDITIONAL USES.**

- (1) Group Care Facility¹
- (2) Public and Quasi-Public Institution, Church, School
- (3) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (4) Telecommunication Antenna⁷
- (5) Satellite Dish, greater than thirty-nine inches (39") in diameter⁸
- (6) Plant and Nursery stock products and sales
- (7) Hotel, Major
- (8) Timeshare Projects and Conversions¹
- (9) Timeshare Sales Office, Off-Site within an enclosed Building¹
- (10) Private Residence Club Project and Conversion⁵
- (11) Commercial Retail and Service, Major
- (12) Office, Intensive
- (13) Restaurant, Outdoor Dining⁵
- (14) Outdoor Events
- (15) Hospital, Limited Care Facility
- (16) Parking Area or Structure for five (5) or more cars
- (17) Temporary Improvement
- (18) Passenger Tramway Station and Ski Base Facility
- (19) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (20) Recreation Facility, Public or Private
- (21) Recreation Facility, Commercial
- (22) Fences greater than six feet (6') in height from Final Grade⁵
- (23) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁹
- (24) Private Residence Club, Off-Site¹

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38; 04-39; 06-69)

⁷See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁸See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁹Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

Exhibit C

TITLE 15 - LAND MANAGEMENT CODE (LMC) CHAPTER 15 - DEFINITIONS

Chapter adopted by Ordinance No. 00-25

CHAPTER 15 - DEFINED TERMS.

15-15-1.44. Club.

(E) Club, Private Residence, Off-Site. Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes but is not limited to any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

Storefront Property

A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space or unit with:

1. **A window and/or entrance within 50 lateral/horizontal feet of the back (inside building edge) of the public sidewalk; and**
2. **A window and/or entrance that is not more than 8 feet above or below the grade of the adjacent Public Street.**

In the case of split-level, multi-level buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the street as set forth above shall be designated to be a "Storefront Property." The Planning Director or their designee shall have the final determination of applicability.

EXHIBIT E-1

PARK CITY PLANNING COMMISSION JOINT WORK SESSION WITH CITY COUNCIL MAY 9, 2007

PRESENT: Jim Barth, Michael O'Hara, Evan Russack, Mark Sletten, Jack Thomas, Charlie Wintzer

CITY COUNCIL: Mayor Dana Williams, Marianne Cone, Roger Harlan, Jim Hier

STAFF: Patrick Putt, Alison Butz, Brooks Robinson, Ray Milliner, Katie Cattan, Mark Harrington, Tom Bakaly

WORK SESSION ITEMS

Discussion on Historic District and Main Street Land Management Code Issues, including but not limited to, Vertical Zoning, Steep-Slope CUP, and Plat Amendments

Vice-Chair Thomas assumed the chair and opened the work session. Chair O'Hara arrived later in the meeting.

Planning Director Patrick Putt reported that a month ago the Planning Commission and City Council met in a joint meeting. At that meeting they asked him to research the Historic District and come back with a presentation on what is built out in the Historic District, how that evolved over time, and how the Land Management Code played a role in shaping what was built over several decades.

Director Putt reviewed exhibits showing pictures of various homes and architecture from different eras in Old Town. He explained his attempt to address the size of buildings through floor area ratio by comparing the size of the building with the size of the overall property. Director Putt stated that .9 was the floor area that existed in the Historic District for over a decade. On an Old Town lot of 18' x 75' you would be able to build a 1,687 square foot house.

Director Putt explained that he used hard files and information from the County Assessor to determine the building sizes shown on the exhibits.

Director Putt presented the first era, which was the historic era. He believes the community has the strongest emotional attachment to this era. During the historic period structures were built according to resources and needs. There was employee housing and manager housing. People built what they could afford and if they had the resources, they built something more permanent and more significant with a stronger architectural statement. Director Putt stated that historically in Old Town you did not see just small houses. He showed photos of larger structures built during that time ranging in size from 1800 square feet to 2400 square feet. There was a variety of building and building sizes and all were built when there was no Land Management Code or zoning regulations.

The second era was the 1970's to mid-1980's. During that time Park City went through a boom period and a lot of temporary housing was constructed for mine workers. Some could afford to build well; but those who could not, built what they needed to get by. Over the course of the 1940's to the early 1960's, as mining began to subside as an economic driver, Park City went through a ghost town period. Looking at photographs from the 1890's to the turn of the century, a lot of the wooden tents began to disappear leaving a landscape that appeared to be much less dense to those who moved to Park City in the 1960's and 1970's. In the 1970's and 1980's, when more

people came into town, Park City was a new resort and ski area. At that time it was important to build housing for resort guests and for the influx of employees. Director Putt remarked that during that period there was not a strong consciousness of Park City's historic character. The focus of the community was on the ski industry. He noted that the largest residential structures and the buildings that have no relation to what was built historically were built in the 1970's and 1980's. He presented photographs from that time period and indicated the variety of FAR's that resulted in substantially larger structures than what was built 10 years earlier. Director Putt pointed out that the square footage achievable at that point in time brought the structures down to the street and went up to the vertical maximum of 33 feet. He cautioned them to be careful about assigning value or importance to just height or just square footage. Director Putt stated that the structures built during the 1970's and 1980's were not what the City was hoping to achieve from a historic architectural standpoint.

Director Putt stated that by the mid-1980's the resort had been running approximately 20 years and people began to recognize the economic importance of the Historic District. They saw the creation of the National Historic District on Main Street and 1983 saw the creation and adoption of the Historic District guidelines. The community began to realize there was real value in the historic fabric and architecture in Old Town and that it was important to protect it. They started to move back to the historic form of architecture. Director Putt stated that besides being the right thing to do, it sold Park City as a different community from other ski resorts because they also had history. At that time, the community decided to solve the problem through height and bulk regulations and through zoning.

In the mid 1980's and the 1990's, Park City went through a series of changes that affected the building height. As they moved into the 1990's they dropped the 33 foot height to 27 feet. Director Putt presented a series of photographs that typify that ten year period. He stated that in trying to be black and white in an area as complex as Old Town, you begin to recognize that hard and fast numbers for building heights and square footage do not necessarily create the desired architecture. Director Putt noted that in order to achieve smaller buildings, the building size was regulated by a floor area ratio of .9. If you had more than one lot, you got the .9 for the first lot and .66 for each additional lot. That acted as a disincentive for people to combine lots to create the space for better architecture. This resulted in a series of buildings that were 19 feet wide and 33 feet high. The City made a conscious decision that smaller or shorter was not better architecture.

Recognizing that this problem needed to be resolved, the City decided to take an aggressive approach and in the late 1990's the Floor Area Ratio was eliminated to create the incentive to combine lots for better architecture and more flexibility. Director Putt stated that many of the problems had to do with the topography of the lot and at that time the Code was amended and the Steep Slope process was developed. He noted that the steep slope process was intended to have a set of specific criteria and building elements to help the Staff and Planning Commission set the intent of what they wanted to achieve in terms of appropriate infill in Old Town. He noted that the height was 27 feet; however a height exception could be considered to achieve some trade off. The trade off may be things such as additional architectural features or additional setback. In exchange, people could have particular roof forms that exceed the 27 foot height limit. The intent was for buildings to move back to the historic era.

Director Putt stated that contrary to what people are saying, Park City is not allowing 6,000 square foot houses to be built in Old Town. A few houses around the perimeter such as the Sweeney MPD are completely different subject matters and are really separate from Old Town. He believes the larger homes in Old Town are in the 3,000 square foot range.

Director Putt presented photos of houses that are six feet lower than anything built 10 to 20 years ago. Proportionately, those houses matched the old floor area ratios that were in existence 10 years ago.

Director Putt stated that the architectural forms of today attempt to solve the problems from the 1980's and are more in keeping with the Historic District Guidelines. He concluded that they are definitely heading in the right direction and they may be closer to what they want than they think.

Director Putt reviewed 10 Fundamental Concepts for getting Old Town back on track. He believed that if they follow these 10 concepts, along with 6 recommendations he planned to present later in the presentation, it would significantly help to resolve the problem. He presented photos to demonstrate these concepts.

1. Look at a 1890 to 1900 era photograph of Park City and ponder its compact urban form, mixed uses, pedestrian staircases and walkways to establish its context. That is the model that needs to be reestablished.
2. History that can be seen, touched, and experienced has value. Don't tear down historic buildings.
3. Be authentic but be respectful. Seek new infill construction that responds to comparative historic surroundings, while expressing the values of the present community.
4. Read the definition of "addition" in the dictionary and apply those concepts when adding on to historic buildings.
5. People seek attachment to what is interesting and unique. Maintain, enhance and connect private and public open spaces.
6. Automobiles are acquired vices and are not historic. Do everything to reduce the visual impact of the vehicles. Emphasize everything that makes transit and walking practical and desirable.
7. Old Town is not for everyone. Cease the grieving, move on and accept it.
8. Eliminate or reduce visual blight along street and other public ways.
9. Mixed use is good and sustainable. Disproportional impacts are bad. Businesses on Main Street and Swede Alley must keep commercial services, deliveries, employee and patron parking out of residential neighborhoods.

10. If the Historic District is not livable it will not be viable.

Director Putt reviewed six recommendations that he thinks will address some of the ongoing problems in Old Town.

1. Establish limits or caps on the maximum building footprint achievable for any lot or lot combination.
2. Establish standards for attachments to historic buildings preserving the primary and secondary facade, as well as the roof.
3. Establish standards and criteria relating to how and when it may be appropriate to move, lift, or turn an historic building.
4. Establish greater clarity in the Historic District Design Guidelines for design elements including garages, exterior materials, building scale, form, and proportion.
5. Carefully review and apply steep slope conditional use criteria as written.
6. Establish a policy relating to the dismantling and panelization of historic buildings. Dismantling and panelization should be the last option in preservation.

Director Putt recommended moving forward with the above recommendations. He stated that it is not about square footage or height. It is about everything combined relating to proportion, scale, color, texture, detail, etc. The buildings are getting smaller and lower and they just need to consciously execute the plan more carefully.

Director Putt stated that he had asked everyone to identify buildings they would like to see analyzed. One that came in several times was 633 Park Avenue. He noted that the overall lot size is 5600 square feet and the overall building size for all of the units is approximately 10,500 square feet with a FAR of 1.86. Director Putt remarked that this structure is in the HRC zone and is not subject to the maximum building footprint. It also has a building height of 37 feet.

Commissioner Wintzer stated that the only difference he could see is that the lots are getting steeper. He wondered if they have the necessary tools to address those lots as they move closer to vertical. Director Putt stated that an immediate tool would be lower height or a smaller entitlement.

He did not believe they have seen anything that extreme yet. Director Putt felt they should be careful before drawing the conclusion that the building should be smaller or lower. He suggested that they first ask if it is a question of proportion or massing.

Commissioner Sletten referred to the exhibits and noticed that the variation in detail and finishes was more like Deer Valley. As they see more of that Deer Valley look proposed for Old Town, he felt the Planning Commission should start requiring better renderings in order to make a judgment on whether or not it is consistent with Old Town. Director Putt noted that the recommendations

include moving forward with updating the Historic District Guidelines.

Commissioner O'Hara wanted to see the six recommendations come back to the Planning Commission. Commissioner O'Hara referred to Recommendation #5 and understood that the steep slope criteria applies to a small miners shack of 1,000 square feet or less. Director Putt replied that this was correct. Commissioner O'Hara referred to Recommendation #6, and stated that typically when someone wants to dismantle or panelize a historic building, it is because they have requested a conditional use permit to enlarge the house. In addition, typically when an application comes before the City to restore the building it is a benefit to the City and it is usually granted. Commissioner O'Hara commented on the number of times the applicant comes back requesting panelization because they could not afford to restore the home as originally proposed. The Planning Commission has the ability to require the applicant to demonstrate that the historic preservation can be done before an application is approved. However, that policy is not in writing.

City Council Member, Marianne Cone, asked if there were specifics on how deep someone could excavate into the hillside. Director Putt stated that the excavation is dictated by the building setbacks and the geo-technical aspects associated with retaining the cut during construction.

Commissioner Wintzer remarked that most of the streetscapes that come before the Planning Commission are sketches and there is no way to determine the scale and detail of the building. He wondered if it would be better to ask the applicants to do a photograph of the street and insert their drawings into that photo. Director Putt felt it would be appropriate to set aside a small amount of time during a work session for the Planning Commission to dialogue with the design community and get their input on better ways to display the streetscape. Director Putt remarked that nothing is better than visiting the site prior to the meeting.

City Council Member, Jim Hier, remarked that the more they establish site specific criteria, the less they can codify what they have done and precedents get set. Director Putt stated that the finding of fact is the bullet for precedent. Every time a decision is made to do something different, the reason for that decision can be explained in the finding of fact. How they write the findings will help support better design.

Commissioner Barth commented on an issue raised by the Planning Commission about doing plat amendments in concert with a CUP. Director Putt noted that they were running short on time this evening and stated that plat amendments will be discussed at the May 23rd meeting.

City Council Member, Hier, suggested that they move towards maximum size criteria rather than limit the lot size. He was comfortable with lot combinations as long as it does not increase the size of the house that could be built on that lot.

Council Member Cone remarked that some architects are more thorough than others about doing a streetscape. She asked if it was possible to require that one be done. In her opinion, even if you walk the site, it is helpful to have a streetscape in front of you when considering the project. Director Putt clarified that he was only suggesting that there may be other more useful ways of conveying that information rather than just through a conventional streetscape.

City Manager, Tom Bakaly, pointed out that a month ago they met in joint session and that brought them to this point. He wanted to know where they go from here and whether they should go through a longer stakeholder process or make more immediate changes.

Commissioner Russack commented on the additional challenge of plat amendments. He felt the presentation this evening helps them get to the point of identifying the low hanging fruit; however much of it has to do with design and materials in relation to the context of the area.

Commissioner O'Hara reiterated his preference to follow the 6 recommendations from Director Putt. He intended to hold a courtesy public hearing during the regular meeting this evening for anyone wishing to make public comment on the presentation and work session discussion. Commissioner O'Hara felt it was important to hear those comments because it could change their direction.

Council Member Hier asked if Director Putt intended to prioritize the issues based on ease of completion and what could be accomplished in a short amount of time. Director Putt stated that he would do that and report back to the Planning Commission and the City Council.

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Commissioner Barth liked the language proposed by Planner Robinson; however his issue is still the fact that the sidewalk has already been approved and Little Kate and Lucky John will be expanded five feet. He reiterated his comment that this plan has failed and he believes the City can do better. Mr. Weidenhamer commented on his need to balance fiscal responsibility with narrowing a street and he favored the language proposed by Planner Robinson that suggests looking at alternatives without making a specific commitment.

Commissioner Sletten remarked that the walkability/bikeability issue is a critical element for making Park City better. He shared the same concerns as Commissioner Barth and Commissioner Russack. He felt they needed more definitive language because approving this document this evening would essentially approve widening the road. With regards to aesthetics, Commissioner Sletten commented on the need for pedestrian access over major thoroughfares such as Bonanza, Park Avenue, and Highway 224. He wanted to make sure that in an effort to promote pedestrian safety they are not authorizing pedestrian bridges and other things that would have significant aesthetic impacts on the entry corridor. Commissioner Sletten preferred to have more time to discuss some of the issues before making a recommendation.

Commissioner Wintzer agreed with all the comments from his fellow Commissioners. He suggested that they continue this item and ask the Staff to come back with more specific details.

Commissioner Weidenhamer summarized that the Staff should look at fine tuning some of the language in Goal 1, specifically related to widening or narrowing streets, and more specificity in what they are looking for to accomplish that goal. Secondly, to get more into the aesthetic issue; specifically related to major infrastructure projects, realizing that the existing plan addresses some streetscape look and feel elements at a more pedestrian level.

Commissioner Wintzer understood from the comments that one of the goals should be to reduce traffic speed and potential vehicle/pedestrian conflicts. Commissioner Barth disclosed that he lives in Park Meadows and he knows from personal experience the amount of traffic and the potential dangers for children on Little Kate and Lucky John.

Mr. Weidenhamer thought it would take a couple of months to compile all the information and details requested by the Planning Commission.

MOTION: Commissioner Barth moved to CONTINUE this item to a date uncertain. Commissioner Russack seconded the motion.

VOTE: The motion passed unanimously.

7. LMC Amendments related to HCB - Vertical Zoning

Chair O'Hara stated that these amendments to the Park City Land Management Code would prohibit office, residential, off-site private residence clubs and other non-sales tax generating uses in the HCB and HRC Districts in storefronts; as well as related definitional changes.

Jonathan Weidenhamer requested that the Planning Commission forward a recommendation to the City Council to approve the legislation as stated by Chair O'Hara. He noted that the Planning Commission and City Council have reviewed these amendments a number of times in joint meetings and looked at quantitative data in the past. In an effort to shorten the length of the Staff report for the June 13th meeting, some of the quantitative data was omitted and the Planning Commission had requested that it be included for this meeting.

Mr. Weidenhamer reported that the Staff tried to find the easiest and most simple method to accomplish the direction they heard from the City Council and Planning Commission. That direction was to limit storefronts in downtown to sales tax generating businesses and prohibit offices, residential, and residence club uses in storefronts. On June 13, the Planning Commission requested additional background information and the City's vision for Swede Alley.

Mr. Weidenhamer stated that the LMC language in the HCB zone, as well as the City's commitment to capital funding, suggests redevelopment of Swede Alley as a goal and sees it as an important transition zone between Main Street and the transit center versus the residential going up the hill on Marsac. At the same time, it recognizes that redevelopment must still facilitate a service and delivery access and the intent is to find a balance between commercial and residential. The Staff had included Swede Alley and recommends that it continue to be included in their considered legislation. Mr. Weidenhamer clarified that on June 13th the Planning Commission was generally comfortable with the language contained in the ordinance and how the land use tables were footnoted to indicate that specific types of uses are not allowed in Main Street storefronts. He stated that if there is any concern or disagreement on what a storefront is, the Planning Director would have the final call on the matter. Mr. Weidenhamer clarified that the Staff had exempted residential uses from being prohibited in the HRC District due to the number of existing residential uses in that zone. The Staff also defined an off-site private residence club as an "off-site residential subdivision that would have a membership club in a Main Street storefront." He reiterated that this use would be prohibited in a Main Street storefront.

Mr. Weidenhamer commented on questions he had fielded from the Historic Main Street Business Alliance prior to this meeting. The first question addressed a store front at Summit Watch, now called The Village at Main. He stated that as he walked along the street, his opinion was that he could still see the front door of a shop across from the bottom of the town lift.

He was unsure if there would be any more clarity in the ordinance and pointed out that the ultimate decision would be made by the Planning Director. The second issue addressed liquor licensing. On May 24th the City Council amended the Municipal Code to require an establishment to show that they would have a temporary membership available for \$50 or less, prior to receiving local consent on a liquor license. Mr. Weidenhamer noted that this issue would be addressed at the City Council level. The third question addressed convention and sales licenses that are issued during Sundance and other special events and allows temporary uses of existing businesses. Mr. Weidenhamer stated that this amendment is not intended to preclude or prohibit the ability to continue that temporary use and suggested that this may need to be clarified at the City Council level. He was unprepared to respond to that question this evening.

Chair O'Hara opened the public hearing.

Hollie Stray-Gundersen, representing Triple Net Properties, the new owner of the Village on Main, formerly known as the Marriott Summit Watch. Ms. Stray-Gundersen named several of the businesses at the Village on Main. She clarified that Triple Net Properties is not against the private residence clubs and they appreciate what the City is trying to do in maintaining the Main Street charm. If the City moves forward with the ordinance to ban the private clubs in storefronts, Ms. Stray-Gundersen asked that they relook at the Village on Main area because it is very unique property, it is off Main Street, and it is difficult to get foot traffic to the plaza area. Ms. Stray-Gundersen requested that the City give the Village on Main an exemption to the ordinance because of their location. She pointed out that private residence clubs would help maintain the value of the area because they already have office space and retail is difficult to attract.

Robert Weiner stated that he has owned property in Park City since 1986 and he currently lives at Promontory, which is his primary residence. For the last three years he has had a season pass at Deer Valley primarily because of the Alpine Room at Silver Lake. Mr. Weiner stated that while skiing he has met many people who own property at Promontory but stay in town and treat it like a resort. Mr. Weiner remarked that in Vail, Aspen, or European areas, you can ski to the parking lot when you are ready to go home. He believes that the inability to do this is a major design fault of Park City. Mr. Weiner stated that one advantage of the Town Lift is that you can ski into town and the advantage of Promontory having something at the base of Main Street would draw people to start and finish their skiing in that area. Mr. Weiner understands that getting foot traffic to the bottom of Main Street is a huge problem and to eat at Mustang is really out of the way. It is a destination restaurant and not some place you would patronize on impulse. He believes that the traffic the restaurants and art gallery attract during the day are from people who are members of Promontory. Mr. Wiener believes that exempting The Village on Main would be a win/win situation for everyone. He pointed out that If they allow Promontory to use this facility, the lease is not chiseled in stone and changes could be made. He believes it is better to have a residence club in a storefront than to have nothing all.

Mike Sweeney, stated that he was speaking on behalf of himself and as a representative of the HMBA. Mr. Sweeney remarked that the HMBA signed an affidavit and the Board of Directors voted to support this concept. He read from paragraph 11, "The HMBA supports programs and events that display Main Street as visitor friendly. We encourage the City to legislate in a manner that insures that businesses in storefronts on Main Street remain open to all visitors." Mr. Sweeney stated that Jonathan Weidenhamer had done a nice job in writing the ordinance and he read the main purpose, "Maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring the business mix that encourages a high level of vitality, public access, vibrant activity, and public/resort related attractions." Mr. Sweeney believed this purpose statement was right on target. Mr. Sweeney clarified that there was not unity among the HMBA organization. Some were very concerned that the City might be over reacting in trying to program the street too much. He remarked that the Business Alliance cares about the Main Street level store frontage but they do not care what happens on the second level or above.

On a personal level, Mr. Sweeney stated that he and his brothers helped build lower Main Street and they spent a tremendous amount of money designing what they thought was the right project. Early on they developed the Town Lift Plaza and the Marriott Plaza. Originally there were no storefronts on the plaza and at some point that was changed by the Marriott Corporation. Mr. Sweeney stated that from his perspective, if the Code is specific, that area is not Main Street storefront property. Mr. Sweeney remarked that he has had dealings with Promontory and they are a great group of people. However, when they asked to take space on his side of the street for a restaurant and club, he and his brothers said no because they did not think it complimented what they wanted, which was something that accommodated visitors and residents. They told Promontory that the restaurant would have to be open to the public and they never got past that point of view. Mr. Sweeney believes the location Promontory is looking at now is a good location for their clubhouse because it is off of Main Street and it would bring people into town.

Commissioner Russack asked if the HMBA included Lower Main Street. Mr. Sweeney replied that the HMBA includes 9th Street going south all the way to the top of Main Street, it includes all of Park Avenue from 9th Street up to Woodside and back down, and Swede Alley. It comes back and connects to 9th Street again down Deer Valley Drive. The Village on Main is part of the HMBA and Triple Net has paid for every tenant in that space.

Mr. Sweeney stated that the requirement Mr. Weidenhamer mentioned regarding the liquor license is in conflict with the concept of allowing activities on the second level on Main Street in the Historic District. He encouraged the Staff to address this with the City Council to make sure the LMC is in compliance.

Commissioner Sletten asked Mr. Sweeney if limiting a potential use would diminish the value of a building for the owner. He wanted to know how this would impact the building owners on Main Street in terms of the economic health of Main Street. As the owner of a building on Main Street, Mr. Sweeney did not believe it would have a negative impact. In 50 years he would like to see Main Street as charming as it is today and part of that charm is the fact that there is an eclectic group of business owners who make Main Street fun.

Chair O'Hara closed the public hearing.

Mr. Weidenhamer commented on non-complying uses. Any storefront business that has a current business license and does not let it expire for longer than 365 days would be allowed to continue that use, even if this ordinance were adopted.

Mr. Weidenhamer stated that he had been talking to the Planning Director and the Assistant City Attorney about clarifying how this ordinance would apply to The Village on Main. He noted that interior spaces are not considered storefronts on Main Street if they front interior plazas or the roundabout on Deer Valley Drive. Some of the stores have dual frontages. Mr. Weidenhamer stated that his personal opinion is if the business is north of the Prime Steak House, which is across from the Town Lift, that is the point where you begin to differentiate from a store front at street level versus an elevated level that does not participate in the pedestrian experience.

Chair O'Hara stated that after re-reading the footnote and the definition in the LMC, he believes the definition is more than adequate to address a storefront.

Commissioner Wintzer asked Assistant City Attorney, Polly Samuels McLean, if she felt the definition was clear enough to address the Village at Main. Ms. McLean believed it was clear because the pedestrian level does not adjoin a right-of-way.

Scott Thompson was granted permission by the Chair to ask a question. He wanted to know what would happen in a Main Street Mall situation where it is located on Main Street but you need to go inside the Mall to access any of the space. Mr. Weidenhamer replied that the few stores who front Main Street would be bound by this ordinance but all other interior spaces and upper level spaces would not be considered. Mr. Thompson asked about the Poison Creek Building on Heber Avenue. Mr. Weidenhamer replied that the same explanation would apply to the Poison Creek Building. As Mike Sweeney had pointed out, the HRC language needs to include Swede Alley. Mr. Thompson clarified that he was speaking on behalf of a friend who owns a condo in the Poison Creek building and he is currently looking at purchasing the lower spaces to create a work/live situation. Chair O'Hara suggested that Mr. Thompson discuss this issue with the Staff outside of this meeting.

Commissioner Barth stated that the problem with complete prohibition is the issue of balance. Commissioner Sletten remarked that in his view, this was a legislative approach to devaluing Main Street over time. He believes a quick knee jerk reaction right now could have long term impacts. Commissioner Sletten stated that he does not own property on Main Street but feels that prohibiting access to a specific type of use in a general commercial environment is a disadvantage to those owners and he would most likely vote against this ordinance.

Commissioner Wintzer agreed that the jewel of Main Street is its diversity and if they lose that diversity they will lose Main Street. As a property owner who owns property where he can dictate what uses go in, he finds that sometimes it is necessary to be a "little Hitler" and decide what does and does not fit. Without having some type of regulation for properties that are individually owned, the result is that the tenant with the best rent gets the space. Commissioner Wintzer was unsure if this was the best thing for Main Street and for that reason he supports this ordinance. If it proves to be wrong, they can always look at it again in the future. In his opinion, they should do whatever they can to keep Main Street as diverse as possible.

Commissioner Russack agreed with Commissioner Wintzer. He also believes the storefront definition is very clear. Commissioner Russack was concerned that not including Park Avenue and the HCB zone would only push everything down there. Mr. Weidenhamer clarified that the HCB zone and Park Avenue were included in the amendments specifically to address that concern. He explained that the language indicating that the HCB and Park Avenue were not included only applied to residential use. Commissioner Russack was very comfortable with the amendments as proposed.

Chair O'Hara favored these amendments and noted that he has gone on record for promoting these changes for a number of years. He pointed out that the amendments only prohibit uses in storefronts and not on Main Street in general. He felt it was important to make that distinction.

Chair O'Hara preferred to return at a later date and admit they made a mistake, rather than to do nothing and risk the privatization of Main Street.

Mr. Weidenhamer stated that he had inadvertently omitted Swede Alley from the HRC zone and asked the Planning Commission to include Swede Alley in their motion.

MOTION: Commissioner Russack moved to forward a POSITIVE recommendation to the City Council on the proposed amendments to the Land Management Code prohibiting office, residential, off-site private residence clubs and other non-sales tax generating uses in the HCB and HRC Districts, including Swede Alley, in storefronts; as well as related definitional changes. Commissioner Wintzer seconded the motion.

VOTE: The motion passed 3-1. Commissioner Sletten voted against the motion.

8. Amendment to the Land Management Code regarding Accessory Apartments
9. 621 Woodside Avenue - Plat Amendment
10. General Plan Amendments - Park Bonanza Planning District and Transportation Element

Chair O'Hara opened the public hearing on the above items.

There was no comment.

Chair O'Hara closed the public hearing.

Assistant City Attorney, McLean requested that the amendments to the LMC be continued to July 25, 2007. This item would be re-noticed since the discussion will be broader than what was originally intended.

MOTION: Commissioner Russack moved to CONTINUE the Amendments to the LMC regarding Accessory Apartments to July 25, 2007; and to CONTINUE 621 Woodside Avenue and the General Plan Amendments for the Park Bonanza Planning District and Transportation Element to July 11, 2007. Commissioner Barth seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 8:05 p.m.

Approved by Planning Commission _____

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that they are current on their trash collection payments before new licenses will be issued.

Jim Hier, “I move to approve the City Manager to enter into a contract in a form approved by the City Attorney, setting the rate structure for commercial trash services for Main Street with the effective date of the Business Improvement District (BID), and City facilities rate structures, to Allied Waste for a three year term renewable at the City’s election for an additional three years as outlined in the Staff Report.” Roger Harlan seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving amendments to the Park City Land Management Code to Chapter 15-2.6 – Historic Commercial Business District and 15-2.5 – Historic Recreation Commercial District relating to prohibiting office, residential, or other non-sales tax generating uses and other similar or associated uses in the HCB and HRC Districts in storefronts as well as related definitional changes to the LMC Chapter 15-15-1 – Definitions. Jonathan Weidenhamer stated Council provided direction on August 9, 2007, to exclude portions of Park Avenue north of 8th Street from the area affected by the proposed ordinance, and directed Staff to define and clarify “storefront” as it pertained to the ordinance. Staff has defined Storefront as the area 50’ back from the back of sidewalk and 8’ above or below the street grade. When applied to typical Old Town 25’x75’ lots, the intent was to promote the intent of the ordinance for areas directly adjacent to or visible from downtown street and address split-level storefronts. Separate businesses occupying the rear portion of any ground floor would have to be 50’ back from the sidewalk and in separately enclosed areas.

Mr. Weidenhamer highlighted Staff’s analysis of pending applications and identified two business license applications which were received after the May 26, 2007 notice of the proposed ordinance, as well as a third application submitted on August 30, 2007. Staff believes the intent and direction from Planning Commission and City Council had been clear. He noted Council has legislative authority to consider the request so long as its decision is reasonable and not arbitrary. Staff does not find that allowing the specific spaces to convert to office uses will significantly affect the overall percentage of non-tax generating uses in downtown storefronts.

Previous Public Input has suggested that the previous change to the Municipal Code that prohibited local consent for Liquor Licenses that do not allow general public to apply for membership should be amended to only affect storefronts. Staff will return in the future for direction.

Ted Barnes, colleague of Bob Dillon who had previously spoken to Council, addressed two pending applications and introduced Jeff Edwards, principal of CS Financial, one of applicants. He encouraged Council to date the effectiveness of the ordinance as of

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August 30, 2007. His client contracted to purchase office space one year ago and pursued SBA loans to maintain and operate a mortgage office and would suffer significant hardship if not allowed to continue his business. These plans were begun prior to the date the pending ordinance was noticed. He stated they support the policy, but request that it be tempered with regard to these instances. He reiterated their assertion that business licenses are not land use applications.

Joe Kernan asked Mr. Edwards to explain where he would be located and how the ordinance impacted his situation. Jeff Edwards explained his intent to occupy a front space in the Poison Creek Mercantile location, and to live upstairs. His SBA loans have large prepayment penalties and he would face serious financial issues if he were forced to rent the space for retail or to sell.

Bill Shoaf, Sky Lodge, relayed his attempts to relocate to a smaller space on Main Street from which to market the Sky Lodge because they intended to re-open the restaurant. He explained several communications with Staff that ended in him being denied a business license because he applied after the May 26th deadline. His Sky Lodge project represented a significant contribution to the community and he asked Council to consider his request for exemption from the “pending ordinance” deadline.

Jana Potter supported Mr. Shoaf’s request. She addressed her convertible space in the Silver Queen on Main Street and requested similar consideration so she could move forward with development plans within her space.

Marcy Davis, property and business owner, and realtor, supported Bill Shoaf’s request. He will only be selling the Sky Lodge project, a project that is solely about Old Town.

Philo Smith former owner of Zoom and Easy Street, and partner in Sky Lodge, urged Council to consider the hardship that a punitive effective date for the ordinance will have for these three individuals.

Ken Davis, Historic Main Street Business Alliance, commented the zoning changes will be beneficial for the street, however extenuating circumstance deserve consideration.

Jim Whitney, Sky Lodge owner, asked Council to consider the request from Bill Shoaf. The ability to sell that property is critical to Park City and to his investment.

Mike Sweeney, encouraged Council to accommodate Mr. Shoaf’s request, noting that it would be a short term exercise. He reiterated prior requests regarding the private club ordinance to make it more consistent with vertical zoning in relation to storefronts.

With no further input, the public hearing was closed.

Candace Erickson believed all three parties had valid complaints. Typically, they draw the line at the date notification is published, but they had revised the ordinance a number of times since that date. She supported amending the effective date to August 30, 2007, and after that date no new applications can be accepted.

Jim Hier noted uses run with the property not the applicant and asked if there were a way to allow temporary uses, for a particular scenario, that would expire with the business license. Attorney Harrington stated it would be inconsistent. If Council moves the pending ordinance date to the adoption date, these uses technically become non-conforming uses governed by a separate ordinance section of the Land Management Code. Under State Code, Council does have the ability to phase out non-conforming uses and if acceptable to these applicants they could condition the Ordinance effective date with phasing out requirements for the three non-conforming uses. He stressed the request must be evaluated on the broad sense of fairness and general applicability of the doctrine, not on individual cases of hardship. Mr. Hier supported Ms. Erickson's suggestion that they make the ordinance effective upon date of adoption.

City Attorney Harrington suggested additional Ordinance language: "Whereas, the Council determines after evaluating issues of fairness and the overall intent of the regulation, that the application of pending ordinance doctrine shall be revoked and the effective date of the Ordinance shall be the date of adoption."

Candace Erickson, "I move to approve the amendments to the Park City Land Management Code Chapters 15-2.6 - Historic Commercial Business District and 15-2.5 prohibiting office, residential, or other non-sales tax generating uses and other similar or associated uses in the HCB and HRC Districts in storefronts as well as related definitional changes to the LMC Chapter 15-5-1 - Definitions, with the addition of the whereas noted by the City Attorney therefore making the adoption date August 30, 2007". Joe Kernan seconded. Motion unanimously carried.

4. Consideration of an addendum to the lease with Park City Historical Society for property located at 528 Main Street (continued from Municipal Building Authority meeting) - Jonathan Weidenhamer explained Staff was seeking Council direction regarding an addendum to the Park City Historical Society lease. In 2003, the City and the Society entered into a 99 year lease for the use of Old City Hall. This addendum identifies a blueprint for tenant improvements necessary to allow the Society to move forward with the expansion of the building and turnover of operations and building maintenance to the Society. The City has expressed a serious commitment to their goals for economic development and expansion. Research of past discussions and

EXHIBIT G

Commissioner Thimm concurred with Chair Strachan. He believed the LMC and the Planning Staff would enforce the mitigation of impacts. Commissioner Thimm liked the adage of the tie going to the runner. He appreciated Mr. Fiat's persistent effort.

Commissioner Band asked if they needed to add language to the construction mitigation plan to address the comment by Planning Manager Sintz that a specific system was in place to notify the neighbors if changes to the Plan occur. Planner Astorga pointed out that the condition should be removed entirely because those items would become conditions of approval and the Chief Building Official would not have the ability to amend the construction mitigation plan.

Chair Strachan suggested that the Planning Commission take a break and move to the next item on the agenda to give Planner Astorga the opportunity to draft the revised findings of fact and conditions of approval and bring it back to the Planning Commission for action this evening. The Commissioners concurred.

Chair Strachan noted that since the majority of the public were present for the LMC amendment regarding Vertical Zoning storefronts, the Planning Commission would move that to the next agenda item.

Commissioner Phillips returned to the meeting.

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

Planner Whetstone reviewed the proposed amendments to Chapter 2.5 and 2.6, as well as changes to the definitions in Chapter 15. The Staff recommended that the Planning Commission conduct a public hearing and continue the item to July 22nd to allow time for the Staff to consider input from both the Planning Commission and the public. Planner Whetstone stated that the Staff intends to provide noticing to the business owners prior to the July 22nd, meeting. She noted that every property owner within the area of the vertical zoning ordinance was noticed for this meeting; and it would be beneficial to hear from the businesses.

Planner Whetstone stated that Goal 16 in the General Plan stated, "To maintain Historic Main Street District as the heart of the City for residents and encourage tourism in the District." Objectives talk about limiting uses within the first story of buildings along Main Street to retail and restaurant establishments that are inviting to passing pedestrians. Uses that should be discouraged included office space, real estate, show rooms, parking, etc.

An implementation strategy is to re-examine the City's vertical zoning ordinance that requires commercial retail shops along Main Street and to consider strengthening that ordinance.

Planner Whetstone stated that additionally the City has an economic development strategic plan that includes goals related to maintain and improving a balance of sustainable community goals by going beyond economic initiatives and include social and environmental strategies to preserve Main Street.

Planner Whetstone stated that the proposed amendments proactively direct uses that have a more positive impact or effect on the economic and social vitality and activity level of the street to look at street level storefronts. Upper level spaces in the districts in this area can continue to accommodate offices, residential, real estate offices and those types of uses. Planner Whetstone remarked that the proposed amendment expands the reach to Lower Main Street and suggests taking out any areas that were exempt from the existing ordinance. Planner Whetstone summarized that the proposed amendment would amend the table to add additional uses that would not be allowed in storefront properties; to expand the location of the ordinance; and to relook at the definition where a property fronts on a street or a public or private plaza. She noted that a private plaza has its own definition and this amendment would not include a small, personal or private plaza. However, if it is on Main Street it would probably fall under this amendment because it would be within 50 feet of the street.

Planner Whetstone had reviewed the ordinance and read through the minutes of how it was created and why some areas were exempt. She recognized that some areas may still need to be exempt and she anticipated a lot of conversation regarding this issue.

Planner Whetstone requested that the Planning Commission consider adding a requirement that new construction or redevelopment reconstruction shall not be manipulated so as to not create a storefront property.

Planner Whetstone stated that the storefronts are regulated by a footnote to the uses. They added the footnote "any residential use". She pointed out that nightly rental was not mentioned in the list because it was already part of the residential use. A bed and breakfast and a hostel were added, as well as minor hotel rooms. They also added under conditional uses triplex, multi-units, guest houses, and group care facilities. Also added were parking areas or structures, as well as recreation facilities; commercial, public and private. Planner Whetstone clarified that the footnote are uses are prohibited in the HRC zone, storefronts on Main Street, Swede Alley, Heber Avenue and Park Avenue, excluding the HRC zoned areas on the west side of Park Avenue. She noted that three HRC properties across from the Kimball Arts Center are residential buildings. Other historic

buildings on the west side of Park Avenue with different uses back to residential and it seemed appropriate that adaptive reuse of those buildings may be an office. Planner Whetstone remarked that an item for discussion would be to allow a hotel on a Main Street storefront but not the hotel rooms. Hotel lobbies would also be prohibited unless they were open to the public.

Planner Whetstone reviewed the items for discussion outlined on page 480 of the Staff report: 1) Are there Uses that the Commission finds should be excluded or included from the provisions of this Ordinance; 2) How should access to upper and lower level spaces be regulated? Should access and/or lobby areas for hotels, residential condominium properties, offices, private clubs, etc. be limited to a certain percentage of the overall Storefront area? Should these regulations apply to lobbies that are essentially public because they provide access through to public restaurants, bars, and shops; 3) Does the Commission find that expansion of the Ordinance to the lower MainStreet area by a) including Public and Private Plaza areas in the definition of Storefront, and b) by removing the current language that excludes certain properties, further addresses the City's adopted Goals and Objectives and strengthens the existing Ordinance; 4) Are there certain properties or spaces that should be excluded from the provisions of this Ordinance due to existing physical constraints, such as the location or orientation of windows, entry ways or other reasons? Should the properties that front onto the northern interior plaza at Summit Watch continue to be excluded from the Vertical Ordinance, thus allowing non-retail uses to located in that area; 5) Staff has exempted the HRC zoned properties located on the west side of Park Avenue because these properties transition to adjacent residential properties on Woodside. Residential and office uses within Storefront Areas are compatible uses in this transition area. Should this area be included in the Vertical Zoning regulations; 6) Should new development be required to have Storefront Areas if located on Main, Heber, Swede, or east side of Park and within the HRC and HCB Zoning Districts?

Chair Strachan opened the public hearing.

Doug Clyde thought the discussion items were well framed and he intended to stay and listen to their discussion. Mr. Clyde had read the ordinance and believed that it generally accomplishes what they want. However, he had concerns about the plaza issue. He thought it was unclear what the relationship of a plaza is to the specific streets on which the storefronts are regulated. It is unclear when a plaza becomes part of one of those regulated streets. For example, in reading the ordinance one could construe that the 1st Street stairs are a public plaza connected to Park Avenue and perhaps should have storefront all the way up the stairs. He thought the intent of what they were trying to accomplish was good but he cautioned them to consider the unintended consequences.

Mike Sweeney stated that he is one of the owners of a plaza and had a difficult time understanding the thinking with respect to the plazas. Plazas were not involved on Main Street. Mr. Sweeney remarked that he, his brothers and others provide Park City with lower Main Street because until they developed it there was not a lower Main Street. It was a Mill plat and it terminated at Heber Avenue. Mr. Sweeney stated that from his understanding as the President of the HPCA at the time this was going on, they were talking about storefront on the Main Street level. It did not involve his plaza or the Main Street Summit Watch Plaza, which are the only two plazas on Main Street that are 1,000 square feet. Mr. Sweeney stated that the businesses on the interior of the Marriott Summit Watch need all the help they can get because very few businesses have been successful in the 20 years since the plaza was created. Mr. Sweeney noted that he help craft the original language and the fact that it has been expanded to include private plazas does not make any sense. He supported the idea of having commercial retail in storefronts, which includes bars and event centers. Mr. Sweeney stated that the purpose of the ordinance is to make sure that the commercial activity on Main Street is existing. He does not believe in having parking come in on Main Street. He remarked that this came to the attention of the City Council because of how 205 Main Street was designed. The reason for this amendment is to make sure that something like 205 Main Street never happens again. Mr. Sweeney stated that when he was involved with the HPCA they looked at what they thought was right for Main Street to create the commercial activity and the vibrancy they were looking for. He believed that was what they were trying to protect to make sure that 205 did not happen again on Main Street. Mr. Sweeney noted that the real estate firms were asked to leave Main Street and they will not be coming back. Mr. Sweeney wanted to meet with Planner Whetstone to go through in detail what he understands about this particular situation they were in right now.

Eric Nelson agreed that this conversation was triggered by what happened on 205 Main Street, which in his view is a disaster for the City and for Main Street. He believed the City had an opportunity to vitalize that section of Main Street, and so far they have lost that opportunity. Mr. Nelson had read the Staff report and he had no comments on it. However, he did want to comment on process. When a project like 205 Main Street is not reviewed by the Planning Commission and the City Council, and neither body even knew it had been approved, the process is flawed. When the buck stops with the City Council and they knew nothing about it that is a problem. Mr. Nelson stated that someone needed to address the process because 205 Main Street was not the only instance where a project was approved without the Planning Commission or the City Council seeing it; and that is a mistake. Mr. Nelson requested that the Staff and the Planning Commission address that issue.

Chair Strachan closed the public hearing.

Commissioner Campbell agreed that plazas were a separate issue. He was unsure how to address plazas, but he thought they were crafting a shotgun approach to stop 205 Main from happening again. Commissioner Campbell stated that it is only two plazas and both need whatever help they could give them. He did not believe they should be treated the same way as Main Street.

Commissioner Thimm concurred with Commissioner Campbell with regard to looking at plazas differently. He has walked them many times and he sees the struggles. In terms of access, Commissioner Thimm thought having lobbies for offices and hospitality as part of the storefront face for Main Street makes sense. However, it was important to look at it holistically if they intend to make changes to the LMC as opposed to a knee jerk reaction to one project.

Commissioner Band thought the downtown plaza areas have started to change and a lot of the businesses have been there for a while. The more they can encourage good shops to be there the more people will go there. Commissioner Band stated that if the concern was about the vibrancy of that area, taking plazas out of the ordinance will hurt more than it will help. If the intent is to address the lack of vibrancy on lower Main and on this plaza, they should not do it by putting in offices and real estate business. They need to help the area by making it more vibrant and keep the retail and commercial spaces that will bring people in.

Commissioner Joyce asked Planning Manager Sintz not to put the Planning Commission in the same position they were put in for Bonanza Park where owners are caught off guard and blindsided. He wanted to make sure that the people who are the most affected are clearly informed about this amendment. Commissioner Joyce thought a reaction to 205 Main Street was part of the timing, but at the last meeting they discussed a private club at 875 Main that was zoned as an exception, even though it was not a desirable storefront use. Commissioner Joyce noted that what they were really trying to do was make downtown a vibrant place to come. Places that draw people are where the people go because it is interesting. His problem with the plaza are the uses that do not draw people in. He agreed with Commissioner Band that they were not trying to fix Main Street. They were trying to make the whole area a vibrant place to go. He would like to include plaza and make them as vibrant as Main Street. The focus should not be to make sure 205 Main does not happen again, but rather to make sure that Old Town is a vibrant place for people to go.

Commissioner Joyce did not believe the west side of Park Avenue should be an exception. He understood the transition, but trying to explain that transition to a tourist is vague. Commissioner Joyce commented on the idea of allowing a hotel entrance but not the rooms. He thought they needed to be clear about parking lots and entrances. It somehow

needed to be addressed but he was unsure how to do it. He reiterated that he rarely favors exceptions because if they have a rule it should apply to all.

Commissioner Phillips was on the fence for both the exemption for the west side of Park Avenue and the plazas. He was leaning towards the street level plazas but after listening to the different arguments he was still forming his opinion.

Planner Whetstone noted that on the far north end of the plaza there was really nothing happening in that area. However, the Staff looked at the end where Main Street curves and discussed whether or not to exempt that portion. They determined that if the goal is to encourage commercial it should be the whole plaza.

City Attorney Harrington stated that property ownership down there gives alternatives and they may be able to work collaboratively with the owners to get a more specific amendment to the MPD. The previous minutes reflect that the goal was balance. Former Commissioner Wintzer had said, "We do not want to dictate the results down there but we want to turn the tide." Mr. Harrington noted that there was a lot of discussion regarding plazas and thought they needed a good map to know which areas they were talking about. He cautioned them about ruling out doing something specific with the other area because they may want more flexibility in that area.

Commissioner Phillips thought it would be helpful if Planner Whetstone could identify all the plazas for the next meeting. Commissioner Phillips did not want to make it difficult for the property owners to lease their spaces. Commissioner Campbell agreed. If the businesses are having problems leasing space now, they should not cut out half of their potential tenants without collaborating with first collaborating with the owners. Planner Whetstone stated that the Staff would do some outreach with the business owners. It was tentatively scheduled to come back to the Planning Commission on July 22nd, but that could be postponed if the outreach takes longer.

Chair Strachan thought the Planning Commission would agree that a private residence club on those plazas was not acceptable.

Commissioner Worel agreed with her fellow Commissioners. She applauded Commissioner Band for encouraging vibrancy. Commissioner Worel questioned why the City had not reach out to the business owners. She agreed with Commissioner Joyce about the process and not being blindsided like they were with Bonanza Park to find that the owners and tenants were the last to know what was going on and the last to provide input. Commissioner Worel believed the business owners on Main Street would provide valuable input.

Commissioner Worel recognized that it was not a discussion for this evening, but she thought Eric Nelson made an excellent point about the approval process. She thought the Planning Commission should address the process of how projects are approved by Staff to avoid the surprise they had with 205 Main Street. Chair Strachan suggested that it be a work session item.

City Attorney Harrington recalled that the process had more to do with the stakeholder meetings. He noted that past minutes reflect working groups. Mr. Harrington stated that the pendulum swung at one time and the City Council looked at streamlining the process. Ge noted that process is a policy decision to be made by the Planning Commission and the City Council. The Staff could write the Code to have everything come to the Planning Commission or the HPB and make an appellate body. It was an efficiency that the policymakers could decide.

Chair Strachan personally thought the Planning Commission should review the projects. It was one reason why they were appointed and one reason why the City Council was elected. He did not like leaving the decision to Staff. There are times when Staff approval is appropriate, but a CUP or any project over a small amount of square footage should be reviewed by the Boards and Commissions that the community agreed should have the control. Chair Strachan favored having a work session on the process and which projects could just go to the Staff.

Commissioner Joyce agreed that they do not want to hurt the businesses, but at the same time this is an opportunity to plan and to proactively try to shape what downtown becomes. He recognized that there needs to be a balance, but if they plan to shape the outcome it will require rules and guidance that may not be popular to everyone.

Planner Whetstone reiterated that the outreaches would take place before this comes back to the Planning Commission. However, it was important to get an ordinance published so they would have a broad pending ordinance for the public hearing.

Commissioner Band thought they could all agree that the highest and best use is a vibrant area. She stated that no one will be happy about getting a use taken away and the property owners would want as many broad options as possible. If they want this to be vibrant the City might have to partner with the businesses to bring vibrancy to Main Street. She encourage the Staff to phrase it in that way when they do the outreach so the business owners will be willing to listen.

MOTION: Commissioner Worel moved to CONTINUE the LMC Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2, Uses in Historic Recreation Commercial and Chapter 15-2.6-2, uses in HCB and associated Definitions in

Chapter 15-15 Defined Terms, to July 22, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

4. Continued discussion on 259, 261, 263 Norfolk Avenue - Amending Conditions of Approval on Ordinance No. 06-55.

Commissioner Phillips recused himself and left the room.

Planner Astorga stated that the findings and conditions could be revised for the Planning Commission to make a recommendation, but he did not feel the Staff could support it when it goes to City Council based on the fact that Lot 1 on the north has not been disturbed. Therefore, it met the Steep Slope CUP criteria then and the Staff finds that it would still meet the Steep Slope CUP criteria. Planner Astorga pointed out that the Planning Commission addressed a number of items regarding construction mitigation, but the Steep Slope CUP addresses volume, massing, and other items not related to construction mitigation. Planner Astorga stated that if the Planning Commission moves forward this evening, but he wanted the applicant to understand that the Staff would have an alternate recommendation for the City Council. He reiterated that as written in the Code, any development on a slope 30% or greater requires the applicant to submit a Steep Slope CUP application.

Chair Strachan suggested that the Planning Commission stay with their earlier plan to send it to the City Council and let the City Council make the final decision. City Attorney Harrington stated that an alternative would be to clarify that by removing Finding of Fact #13 the Planning Commission was not saying a CUP is or is not required. They were only removing it as a statement of fact and the actual determination would be made during the application when the property is surveyed. Mr. Harrington was unclear as to why so many iterations of determinations were made outside of the normal process.

Commissioner Joyce stated that part of the problem is that when the Planning Commission reviews a plat amendment and they have questions about what it will look like once it is built, often times that discussion is deferred because they know it will go through a CUP process and they will see it again with more detail. He thought it was evident from the minutes that the previous Planning Commission made the same decision thinking that it would be coming back for a Steep Slope CUP. Commissioner Joyce thought the question was whether it is less than 30% because it was disturbed or is it more than 30% because it was disturbed.

Commissioner Worel thanked Mr. Root for his update because it was helpful for everyone to understand the rules. Mr. Root encouraged the Commissioners to call him if they had further questions.

Capital Improvement Projects – Yearly report given to the Planning Commission regarding the Capital Improvement Projects approved by City Council.

City Engineer Matt Cassel, noted that the list of CIP projects was provided to the Planning Commission at a previous meeting. He apologized for not being at that meeting. He understood that the Commissioners had some questions regarding the CIP list and he was prepared to answer them this evening.

Commissioner Worel wanted to know if the items on the list were prioritized and how the projects make it to the list. Mr. Cassel explained that the list was in numerical order, and they are prioritized from top to bottom through the evaluation process. He stated that the Budget Department determines the amount of available funding. There is a cut-off line and the items above the line are funded for this year and the ones below the line are not.

Vice-Chair Joyce asked Mr. Cassel to explain the different line items for affordable housing. Mr. Cassel stated that there was a huge request this year based on the City Council direction and goals for affordable housing. He recalled that most of the affordable housing requests were at the top of the priority list.

Commissioner Phillips referred to 1450-1460 Park Avenue and noted that a digit was missing in the development cost Item CP366. Mr. Cassel offered to look into it and insert the correct number.

Vice-Chair Joyce referred to CP318, which was the \$1.5 million for the power station. Since Form Based Code was currently off the table, he asked how that played out. Mr. Cassel stated that Nate Rockwood had kept that money aside. As they moved forward in the BOPA area there was a possibility of the City helping to support some of the construction of infrastructure, and Nate was hoping to earmark those funds for that purpose. With the new direction for BOPA, Mr. Cassel was unsure what Nate intended to do with the money. He assumed the City Council would decide how to spend the money.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC).

Chapter 15-3.6-2 Uses in Historic Commercial Business (HCB), and associated Definitions in Chapter 15-15 Defined Terms (Application PL-15-02810)

Planner Whetstone noted that the Staff was working on some of the language related to vertical zoning and she requested that this item be continued to August 26th.

Vice-Chair Joyce opened the public hearing.

Allison Butz with the Historic Park City Alliance Board, stated that Planner Whetstone had attended their Board meeting on Tuesday and provided a full overview of the zoning changes and amendments. Ms. Butz stated that the HPCA was pleased that both the Staff and the Planning Commission were looking at adding vibrancy and activity to Main Street, and encouraging tourism. With regards to the Staff report, the Board was comfortable with the revision of uses prohibited within the storefront properties in both the HCB and the HRC. They were also comfortable with the modifications to the definitions. She pointed out that there is a new definition for private plaza and because it is only a definition and does not have regulations within it, they were also comfortable with that definition. However, their concern is with the addition of public or private plazas within the definition of both property storefront and storefront property. They are two different definitions. Ms. Butz noted that it begins to add the Town Lift and the interior of Summit Watch into the understanding that only retail and restaurant type uses are allowed. Office and other accessory uses would then be prohibited. Ms. Butz understood that those areas are lacking activity and that it is difficult to draw people in, but they feel that the success that is seen by allowing those spaces within the interior spaces to remain office allows for use of those spaces. Ms. Butz remarked that restricting the spaces to restaurant and retail use within those plazas will not add activity. She believed additional things such as public amenities need to be included, which will take time to draw that in. She suggested that they come back in five years and look at restricting the type of uses. However, at this time the HPCA does not support the proposed restriction of uses.

Ms. Butz stated that in regards to vertical zoning the Board continues to support the location of sales tax generating businesses and storefronts along the public streets. They would like to explore with the City the opportunities to support the location of offices on second floors because they believe it could add additional vibrancy to the area, particularly during the daytime. Ms. Butz stated that the Board would also like to look at how to promote nightly rentals in the District because bed base and hot beds can draw more people to the area.

Ms. Butz remarked that the Board supports discussion regarding Special Event space on the street. She noted that a number of buildings are only occupied during the Sundance

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Film Festival and they would like to see if those spaces could be activated during additional times of the year.

Mike Sweeney stated that he was speaking on behalf of the landowners on Lower Main Street, which included the Caldonian, the Sweeney Property, the owner of the Summit Watch commercial space, and the owner of the Sky Lodge. Mr. Sweeney pointed out that it included everything on Lower Main Street except for the Lift Lodge, which has two commercial spaces; a snowboard/ski shop and the Victory Ranch Clubhouse. Mr. Sweeney echoed the HPCA. He had concerns about the definition of public and about his private plaza, particularly given the easements that have been granted to the City for public use of his property, and how that may impact his ability to have a certain type of tenant. Mr. Sweeney stated that in 17 years the plaza has been available to the Town Lift and he worries about the kinds of business that could go into that particular location. He has already seen five or six businesses struggle to make it work. Mr. Sweeney stated that when they went through this process in 2006, the City Council agreed to exclude any kind of limitation on types of tenants. He did not want that to suddenly change because it was part of the conditional use permits and MPDs for all of these locations on lower Main Street. Mr. Sweeney believed the City was trying to cure the problem that occurred at 205 Main; however, the people on lower Main Street are the ones who will be affected.

Eric Nelson believed that this discussion over the LMC was absolutely triggered by what happened at 205 Main Street. Mr. Nelson commended Planner Whetstone for her work on the ordinance. However, in his view, the ordinance is not the problem. The process is the problem. When a project like 205 Main Street is not reviewed by the Planning Commission and the City Council, and there is no opportunity for public input, it is a real problem. Mr. Nelson stated that he was assured by a few Council members that the issue would be addressed; and he sincerely hoped that was true, because it is a real problem when one person on a planning staff can make that decision. Mr. Nelson was certain that 205 Main Street would have been dead on arrival if it had gone through the public review process.

Regarding the ordinance, Mr. Nelson remarked that currently there are owners on Main Street who make more money renting their property during Sundance than they do renting to a tenant all year. He believed that was a serious problem that needed to be addressed in the new ordinance. Mr. Nelson stated that it was becoming a trend and they would see more of it if they did nothing about it. Mr. Nelson commented on the Silver King, which is an iconic location, and noted that nothing has been done on the building for six months. He thought the public had a right to know what was going on and what the City was doing to move it forward.

Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Phillips moved to CONTINUE the LMC Amendments for vertical zoning and uses in the HRC and HCB to August 26, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

2. 281 & 283 Deer Valley Drive – Bee Plat Amendment to combine Lot 4 and Lot 26 and combine Lot 2 and Lot 27 to create two (2) lots of record in Block 66, of the Amended Plat of Park City Survey (Application PL-15-02808)

Vice-Chair Joyce opened the public hearing. There were no comments. Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Band moved to CONTINUE 281 and 283 Deer Valley Drive Bee Plat Amendment to a date uncertain. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

3. Land Management Code Amendment regarding Nightly Rentals use in the HR-L Chapter 2.1 and green roof definition and application in HR-L Chapter 2.1, HR-1, Chapter 2.2, HR-2 Chapter 2.3, RC Chapter 2.16, and Definitions of Chapter 15. (Application PL-15-02817)

Vice-Chair Joyce opened the public hearing. There were no comments. Chair Joyce closed the public hearing.

MOTION: Commissioner Phillips moved to CONTINUE the LMC Code Amendments regarding Nightly Rentals in the HRL and the green roof definition and the definitions in Chapter 15 to September 23rd. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

4. 162 Ridge Avenue – Steep Slope Conditional Use Permit for a new single-family home on a vacant lot. (Application PL-15-02761)

Vice Chair Joyce opened the public hearing. There were no comments. Chair Joyce closed the public hearing.

**Council member Simpson moved to approve consideration of
naming of city property in honor of Bob Wells
Council member Beerman seconded
Approved unanimously**

3. Land Management Code Amendments - Vertical Zoning

Public Hearing – Continued to a date uncertain

**Council member Simpson moved to continue the public hearing on
land management code amendments pertaining to
vertical zoning to a date uncertain
Council member Henney seconded
Approved Unanimously**

VI. ADJOURNMENT

**Council member Henney moved to adjourn
Council member Beerman seconded
Approved Unanimously**

CLOSED SESSION MEMORANDUM

The City Council met in a closed session at approximately 2:00 p.m. Members in attendance were Mayor Jack Thomas, Council members Andy Beerman, Dick Peek, Tim Henney, Liza Simpson and Cindy Matsumoto. Staff members present were: Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager; Lori Collet, Finance Manager; Tom Daley, Deputy City Attorney; Clint McAfee, Water Manager; Heinrich Dieters, Sustainability; Jason Glidden, Special Events Director and Bruce Erickson, Interim Planning Manager. **Council member Beerman moved to close the meeting to discuss Property, Litigation and Personnel. Council member Henney seconded. Motion Carried.**

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Katie Madsen.

Chair Strachan opened the public hearing.

Pat Fortune, a resident at 2102 Webster Drive, spoke on behalf of his neighborhood. Mr. Fortune emphasized that there is a parking problem and the applicant's admission of their parking situation is a failure. He stated that 119 cars were parked in their neighborhood last week. They cannot get their mail delivered and a week ago the garbage truck only picked up half the garbage because the vehicles cannot access their neighborhood. Mr. Fortune stated that cars are parked on both sides of the road and the police have had to tow cars that blocked private driveways. Mr. Fortune stated that the golf course shares partial blame but they are not entirely to blame because parking is also an issue in the winter during cross country events. However, for cross country events the cars park diagonally on driving range which alleviates some of the problem. Mr. Fortune stated that his neighborhood is not a commercial parking lot for a commercial venture. They are currently working with the City to make their neighborhood permit parking only like Old Town. He noted that a project was approved in 1987 that created a burdensome situation, but they have no recourse until the Code is changed allowing the police to write tickets or remove cars. Mr. Fortune pointed out that in addition to being in the hotel and restaurant business, Hotel Park City is also in the swim club business, the health club business and the conference business, and there is not enough parking. He remarked that adding 109 spaces as a solution to the problem is ridiculous. Mr. Fortune noted that the hotel and the golf course have been very successful and the neighbors do not want to hinder that success, but the parking problem is becoming a health and safety issue and it needs to be addressed.

Chair Strachan closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE 2001 Park Avenue – Pre-Master Planned Development review for an amendment to the Hotel Park City MPD to September 9, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HCB), and associated Definitions in Chapter 15-15 Defined Terms. (Application PL-15-02800)

Chair Strachan opened the public hearing.

Mike Sweeney stated that he was representing all of the property owners below Heber Avenue, and also the Sky Lodge regarding this issue. The property owners took exception to increasing and changing the current vertical zoning, which they obtained under their MPDs and CUPs. Mr. Sweeney believed the HPCA shared their concern. Mr. Sweeney stated that if any of the Commissioners were interested in seeing and learning how they actually conduct business on Lower Main Street, he would be happy to walk them through it. He has had 20 years of experience on Lower Main and he welcomed the opportunity to speak with any of the Commissioners.

Chair Strachan closed the public hearing.

MOTION: Commissioner Worel moved to CONTINUE Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HCB), and associated Definitions in Chapter 15-15 Defined Terms to October 15, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

1. 281 & 283 Deer Valley Drive – Plat Amendment to combine four lots into two single lots of record. (Application PL-15-02808)
2. 415 Main Street Plat Amendment to combine all of Lots 3 and 4, and a portion of Lot 5 into one (1) lot of record located in Block 10 of the Amended Plat of the Park City Survey (Application PL-15-02851)

Chair Strachan opened the public hearing on the Consent Agenda items.

There were no comments or requests to remove an item from the Consent Agenda.

There was some confusion as to whether or not a public hearing was necessary for Consent Agenda items, as well as the process for removing items from the Consent Agenda. Chair Strachan and Mr. Erickson stated that they would research the proper procedure and report back to the Planning Commission. Planner Whetstone stated that the Staff should also research proper noticing procedures for Consent Agenda items

Exhibit H

HCB & HRC District

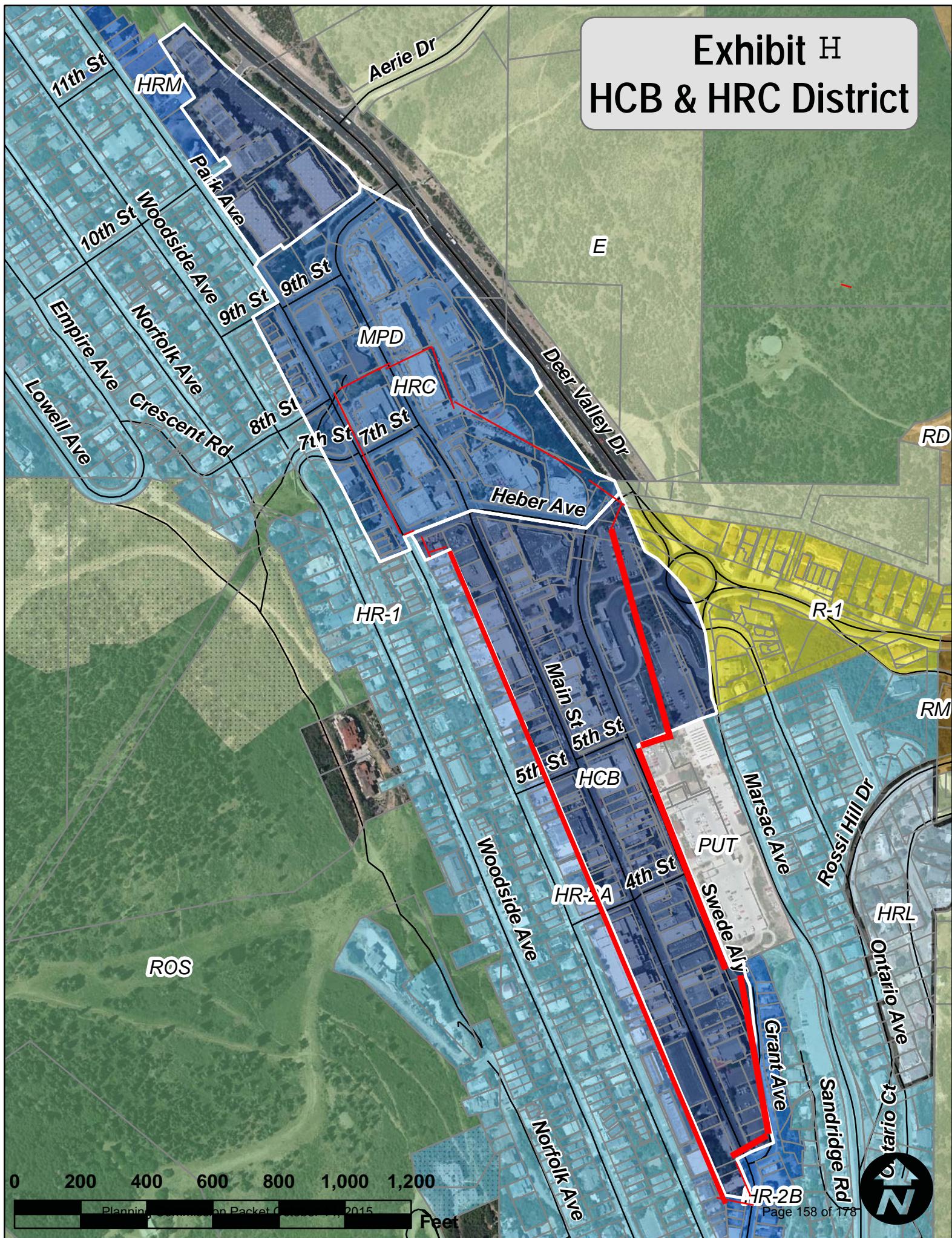


Exhibit HRC District

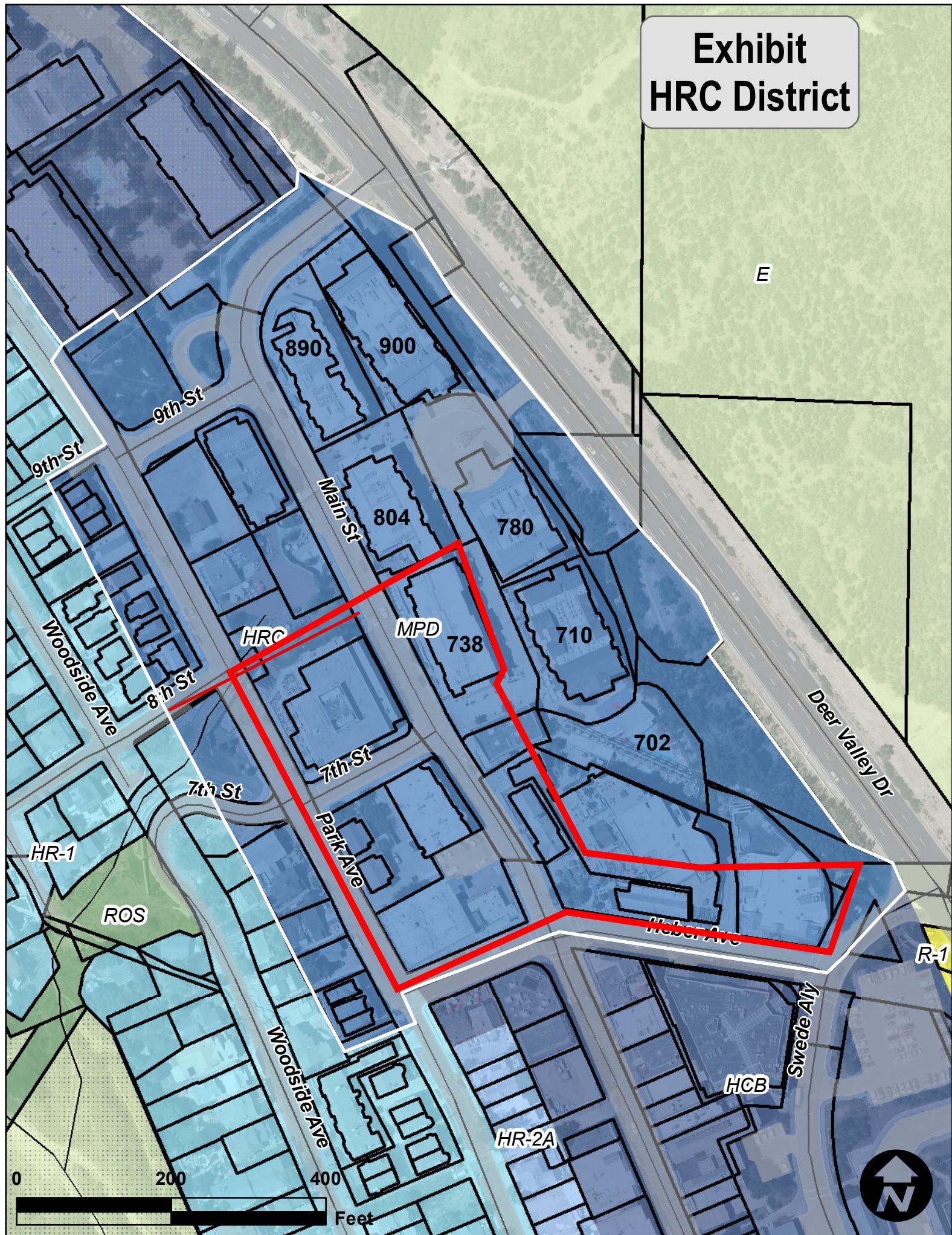


Exhibit H

HRC District



EXHIBIT I

To: HPCA Board
From: Alison Butz
Date: July 21, 2015
Subject: Vertical Zoning Talking Points

This memo is being provided as a reference to talking points that will be communicated to the Planning Department during their discussions on Vertical Zoning.

Revision of Uses Prohibited within Storefront Properties

HRC: Prohibited Uses in Storefront Property on Main Street, Swede Alley, Heber Avenue and Park Avenue.	
Allowed Use	Conditional Uses
Single Family Dwelling	Triplex Dwelling
Duplex Dwelling	Multi-Unit Dwelling
Secondary Living Quarters	Guest House, on Lots one acre
Lockout Unit	Group Care Facility
Accessory Apartment	Recreational Facility, Commercial, Public, and Private

All uses listed above are prohibited in HRC Zoned Storefront Property on Main Street, Swede Alley, Heber Avenue, and Park Avenue, excluding those HRC zoned Areas on the west side of Park Avenue north of Heber Avenue. Hotel rooms shall not be located within Storefront Property. Access and Lobbies for prohibited Uses are permitted within Storefront Property provided they take up no more than 25% of the total Storefront Area. Buildings shall not be designed, redesigned, or constructed to eliminate Storefront Property on Main Street, Swede Alley, Heber Avenue and Park Avenue.

HPCA Comments: The HPCA supports the amendment to prohibit these uses within Storefronts.

HCB: Prohibited Uses in Storefront Property on Main Street, Swede Alley, Heber Avenue and Park Avenue.	
Allowed Uses	Conditional Uses
Single Family Dwelling	Group Care Facility
Multi-Unit Dwelling	Timeshare Projects and Conversions
Secondary Living Quarters	Timeshare Sales Office, Off-Site within an enclosed Building
Lockout Unit	Private Residence Club Project and Conversion
Accessory Apartment	Office, Intensive
Home Occupation	Hospital, Limited Care Facility
Child Care, In-Home Babysitting	Parking Area or Structure for five (5) or more cars
Child Care, Family	
Child Care, Family Group	
Child Care Center	
Accessory Building and Use	
Bed and Breakfast Inn	
Boarding House, Hostel	
Hotel, Minor, fewer than 16 rooms	
Office, Moderate Intensive	
Office and Clinic, Medical	
Parking Lot, Public or Private with four (4) or fewer spaces	

All uses listed above are prohibited in HCB Zoned Storefront Property on Main Street, Heber Avenue and Swede Alley. Hotel rooms shall not be located within Storefront Property. Access and Lobbies for prohibited Uses are permitted within Storefront property provided they take up no more than 25% of the total Storefront Area. Buildings shall not be designed, redesigned, or constructed to eliminate Storefront Property on Main Street, Swede Alley, Heber Avenue and Park Avenue.

HPCA Comments: The HPCA supports the amendment to prohibit these uses within Storefronts.

Definitions

Private Plaza. Private Property in excess of 1,000 square feet that generally serves as common area to adjoining Commercial Development and is free of Structures, is hard surfaced and/or landscaped. Private Plazas generally provide an area for pedestrian circulation, common amenities, and act as a gathering space for private or public purposes.

HPCA Comments: This is a new definition within the Land Management Code. It is strictly a definition so the HPCA supports the addition.

Property, Storefront

A separately enclosed space or unit that has a window or entrance that fronts on a Public Street or on a Public or Private Plaza. For purposes of this provision, the term "fronts on a Public Street or on a Public or Private Plaza" shall mean a separately enclosed space or unit with:

- (1) A window and/or entrance within fifty lateral/horizontal fee (50') of the adjacent Public Street or Public or Private Plaza; and
- (2) A window and/or entrance that is not more than eight (8') above or below the grade of the adjacent Public Street or Public or Private Plaza.

In the case of split-level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly from the Street or Public or Private Plaza as set forth above, shall be designated to be a "Storefront Property". The Planning Director or designee shall have the final determination of applicability.

HPCA Comments: The HPCA opposes the addition of language that includes "Private Plaza". Areas such as the Marriott Summit Watch do not draw pedestrian traffic. Even with the addition of amenities that would appeal to pedestrians, it is unlikely that a retail establishment can thrive in the area. Offices uses have been what historically have been located there. These types of destination businesses can succeed in this environment.

Storefront Property. A separately enclosed space or unit that has a window or entrance that fronts on a Public Street or on a Public or Private Plaza. For purposes of this provision, the term "fronts on a Public Street or on a Public or Private Plaza" shall mean a separately enclosed space or unit with:

- (1) A window and/or entrance within fifty lateral/horizontal fee (50') of the adjacent Public Street or Public or Private Plaza; and
- (2) A window and/or entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street or Public or Private Plaza.

In the case of split-level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly from the Street or Public or Private Plaza as set forth above, shall be designated to be a "Storefront Property". The Planning Director or designee shall have the final determination of applicability.

HPCA Comments: The HPCA opposes the addition of language that includes "Private Plaza". Areas such as the Marriott Summit Watch do not draw pedestrian traffic. Even with the addition of amenities that would appeal to pedestrians, it is unlikely that a retail establishment can thrive in the area. Offices uses have been what historically have been located there. These types of destination businesses can succeed in this environment.

Additional Comments

The HPCA is interested in participating in the vertical zoning discussion further. We continue to support the location of sales tax generating businesses in storefronts along public streets to ensure continued vibrancy of the area.

The HPCA would like to explore with the City opportunities to support the location of offices on second floors in the district and the ability to promote nightly rentals in the district.

Furthermore, the HPCA supports further discussion regarding special event space on the street. There are a number of buildings that are only occupied during the Sundance Film Festival. The HPCA wants to see these spaces activated at additional times during the year.

Planning Commission Staff Report



Subject: LMC Amendment Park City Historic Sites Inventory Criteria & Demolition Permits
Author: Bruce Erickson, AICP, Planning Director
Anya Grahn, Historic Preservation Planner
Date: October 14, 2015
Type of Item: Legislative – LMC Amendment

PLANNING DEPARTMENT

Summary Recommendations

On August 6, 2015, the City Council directed the Planning Department to move forward with a pending ordinance (Exhibit A). Staff is requesting that the Planning Commission provide input on staff's proposed changes to amend historic designations, the definition of demolition, the Historic Preservation Board's (HPB) demolition permit reviews and noticing, demolition by neglect, and criteria for defining compatibility.

The Planning Department requests the Planning Commission open a public hearing, review the possible Land Management Code amendments, and continue the discussion to November 11, 2015.

Description

Project Name: LMC Amendment regarding Historic Sites Inventory criteria and demolition permits in the Historic District
Applicant: Planning Department
Proposal: Revisions to the Land Management Code

Reason for Review

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Background

On August 6, 2015, the City Council directed the Planning Department to move forward with a pending ordinance. The purpose of the pending ordinance is to expand the Historic Sites Inventory (HSI) criteria to include the following terms:

- any structure that has received a historic grant from the City;
- has previously been on the Historic Site Inventory (HSI) or listed as significant or contributory on any recognizant or other historic survey; or
- despite non-historic additions retain its historic scale, context, materials in a manner and degree which can reasonably be restored to historic form.

In addition, the pending ordinance is also to amend Land Management Code to include demolition permits for all structures in a Historic District to be reviewed by the Historic Preservation Board.

Prior the pending ordinance, all Historic District Design Review applications were reviewed by staff and the HPB was the appeal authority for the staff review. If, as part of the Design Review, a demolition of a structure was proposed and the property was not designated as historic on the City's Historic Sites Inventory (HSI) as Landmark or Significant, the planner would sign off on the Building Department's demolition permit. Further, staff reviewed and determined the historical significance of additions to historic structures as well as the historical significance of modifications to ensure that these alterations had not gained historical significance in their own right. Panelization or reconstruction of any historic structures was reviewed and approved by the Planning Director and Chief Building Official, per LMC 15-11-14.

The criteria for Landmark and Significant historic designations are outlined in Land Management Code (LMC) 15-11-10(A). Due to concerns regarding the historic designation of certain properties in the Historic District which contained historic materials but were not on the Historic Site Inventory, City Council adopted the attached pending ordinance (Exhibit A). The pending ordinance modifies the criteria for historic designation as well as requires additional review for all structures constructed in or before 1975. Further, the ordinance requires that the Historic Preservation Board (HPB) review any request for demolition as defined by the International Building Code (IBC). The HPB has been reviewing applications on a bi-monthly basis for compliance with this ordinance. The IBC does not define demolition, but rather refers to the removal of any portions of a structure as well as demolishing the entire building. The existing, current LMC provides a definition of demolition that is used in HPB reviews. New language is proposed in Section 2 of this Staff Report.

In meeting with the City Council during work session on July 30, 2015, as well as a joint City Council-Historic Preservation Board (HPB) meeting, Council also expressed interest in possible LMC amendments regarding the following:

- Demolition by Neglect
- Demolition Permit Reviews by the HPB
- Criteria for Visual Compatibility

The HPB has reviewed the pending ordinance on August 13, September 2, and September 16, 2015. Thus far, we have heard from the HPB that:

- They are interested in reviewing requests for panelization and reconstruction projects, as well as those projects that include lifting the historic structure to add a new foundation;
- As they have been reviewing minor maintenance and construction projects that include an aspect of demolition, they prefer to review larger projects related more to the HDDR process than over-the-counter building permits;

The Planning Commission completed a review of the first draft of the proposed LMC changes on September 9, 2015. Public input was taken. The public's comments were in support of the new ordinance direction toward reducing potential loss of historic structures through demolition. The Planning Commission requested additional clarification regarding the various definition of "demolition". The Commission also

discussed the need for more public information and accountability when panelization is approved and occurs. Changes from the approved demolition plan from “lifting” structure to panelizing are often made in the field. This does not keep the public informed regarding the methods and reasons for the panelization. Further on this matter, the Commission was concerned that there were few, if any remedies to protecting panels once they are removed for loss or theft. There was some discussion regarding financial penalties if loss or theft occurs. No conclusions were reached. The 40 and 50 year time frames were discussed and clarified. The 50 year time frame is for historic designations, the 40 year time frame is for the purposes of inventory and future references.

Analysis

Staff requests that the Planning Commission review and provide input on the topics outlined above and summarized in more detail in the following:

1. Historic Designations

City Council directed staff on August 6, 2015, to revise the LMC in order to capture additional historic structures that do not currently meet the criteria for Landmark or Significant designation as defined by LMC-15-11-10(A) yet contribute to the character of the Historic District. The purpose of these changes is to safeguard those structures forty (40) years old or older that have had significant alterations yet continue to contribute to the rhythm and pattern of the streetscape within the H-Districts.

Proposed Changes:

Staff proposes modifying the LMC to incorporate a new designation to LMC-15-11-10(A). The “Contributory” designation will include those structures forty (40) years old or older that contribute to the “look and feel” of the Mining Era Historic Districts. A 50 year criteria exists for the designation of Historic sites. The forty year criteria is designed to:

1. assist in managing inventories of structures that contribute to neighborhood character;
2. potentially allow structures on this to be eligible for the Historic District Grant program; however, they will not be automatically designated to the Historic Sites Inventory (HSI) and
3. providing a data (non-regulatory) background for other historical eras in the City for future reference.

Contributory sites will be identified through a survey (not yet completed). These sites will have fewer restrictions than those sites designated on the Historic Sites Inventory (HSI). Contributory sites will not be protected from demolition; however, any demolition (scraping the site in its entirety or removing materials) will require demolition review by the HPB. Staff intends to set clear criteria for demolition review to assist the HPB in determining historical significance of Contributory sites. Further, Contributory sites will be eligible for grants. Those properties that receive grants will

not be eligible for demolition; grant recipients are required to enter into a preservation easement with the City that runs in perpetuity with the land and prevents demolition. Ski Era structures may be determined to be contributory, if it meets the criteria for this historic designation.

Staff proposes the following criteria:

“Contributory Site”:

- a. The structure is forty (40) years old or older (this includes buildings not historic to Park City, but later relocated to Park City); and
- b. It is distinguished by scale, materials, composition, treatment, cornice, and/or other architectural features as contributing to the Mining Era Residences National Register District; and
- c. It may have had substantial alterations but the overall form and scale are compatible with the historic district and have the potential to be restored; and
- d. It is important to the rhythm and pattern of the streetscape, density (i.e. spacing and number of buildings), or continuity of the neighborhood's historic fabric.
- e. Those buildings that receive grant funds will not be eligible for demolition.

Staff is proposing the following new definitions as part of this LMC change as well:

Contributory Site: Any site, including Buildings (main, attached, detached, or public) Accessory Building, and/or structure that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

2. Defining Demolition

Staff also proposes modifying the definition of demolition, as defined by the International Building Code (IBC) and LMC. The IBC does not have a clear definition of demolition; to the IBC, removing any materials constitutes a demolition no matter how limited the scope of work. The LMC defines demolition as:

Any act or process that destroys in part or in whole a Building or Structures. Excludes Building(s) and/or Structure(s) undergoing relocation and/or reorientation pursuant to Section 15-11-13 of this Code, disassembly pursuant to Section 15-11-14 of this Code, or Reconstruction pursuant to Section 15-11-15 of this Code.

Staff would recommend amending the current code to also include the ANSI definition of demolition, which is defined as the dismantling, razing, or wrecking of any fixed building or structure or any part thereof.

This definition of demolition shall not include demolition regulated by the CAD process, outlined in LMC 15-11-17 and 15-11-18. With exception to any building being reconstructed or panelized, a Certificate of Appropriateness for Demolition (CAD) is required for those owners wishing to demolish historic structures. The CAD process requires that the owner work with the City for the sale or lease of the property or take action to facilitate proceedings for the City to acquire the property under its power of eminent domain, if appropriate or financially possible. In order to

qualify for a CAD, the CAD hearing board must find that the applicant meets the economic hardship criteria outlined in LMC 15-11-19(A).

3. Demolition Permit Review

Regarding HPB review of demolitions, the pending ordinance states:

Final Review by Historic Preservation Board. Any application for any demolition permit as defined by the IBC, which includes reconstruction, disassembly, and panelization for demolition of any Building (main, attached, detached, or public), Accessory Building, and/or Structure in which any part of the structure was constructed before 1975 in a Historic District zone must be reviewed by the Historic Preservation Board. Nothing in this section adds any additional criteria or standards to existing Land Management Code or International Building Code sections governing the issuance of such permit. Review by the Board is limited to determination that demolition of such Building (main, attached, detached, or public), Accessory Building, and/or Structure is in conformance with applicable code. If non-compliance is determined, the application shall be remanded to the applicable authority. Planning staff shall review demolition applications of interior elements that (1) have no impact on the exterior of the structure; or (2) are not structural in nature; or (3) the scope of work is limited to exploratory demolition.

The purpose behind this provision is to create a vehicle for reviewing and approving the demolition (as defined above), panelization, reconstruction, rotation, or removal of materials on structures on structures that are forty (40) years or older in the H-Districts or identified as historic on the City's Historic Sites Inventory .

Staff recommends amending the pending ordinance to include language to expedite those applications with minor routine maintenance, minor construction, or found to have little no impact on the historic character of the surrounding neighborhood or the Historic District. Currently LMC 15-11-12(A)(3), Historic District Design Review (HDDR) waivers for routine maintenance are reviewed by the Planning Director. Staff suggests that these HDDR waivers shall specify the scope of the work and the materials to be removed and/or demolished. Those projects that receive HDDR waiver letters will also be granted an Historic Preservation Board Review (HPBR)-waiver at the time of the HDDR waiver letter and staff will make a determination regarding allowing the removal of materials.

At the October 7th HPB meeting, the HPB requested that staff limit their demolition review to those structures more than 40 years old. Should the proposed scope of work include demolition of materials on a structure over 40 years old, then the HPB would conduct their review. If the scope of work is on a non-historic addition to a historic house, then staff would review the work and issue HDDR and HPBR waivers.

Staff suggests amending the language of the pending ordinance to specify that all other projects shall be reviewed by staff as part of an HDDR and will require Historic Preservation Board (HPB) action in determining compliance with the pending

ordinance. The HPB will only review and approve the proposed demolition/removal of historic material if it is due to:

- A major alteration to an existing structure; or
- Constructing an addition to an existing structure.

The HPB shall review the extent of the impacts to the historic materials and find that the proposed demolition has little and/or no negative impact on the historic character of the surrounding neighborhood or Historic District. This will be added to the actual LMC code text.

4. Noticing for Demolitions and Designations of Sites

Finally, the LMC currently requires the following noticing:

Notice Matrix			
<u>Action:</u>	<u>Property Posting:</u>	<u>Courtesy Mailing:</u>	<u>Published:</u>
Designation of Sites to the Historic Sites Inventory	7 days prior to hearing before the Historic Preservation Board	---	Once 7 days prior to the hearing before the Historic Preservation Board
Historic District or Historic Site Design Review	First Posting: The Property shall be posted for a 14 day period once a Complete Application has been received. The date of the public hearing shall be indicated in the first posting. Other posted legal notice not required. Second Posting: For a 10 day period once the Planning Department has determined the proposed plans comply or does not comply with the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.	First Mailing: To Owners within 100 feet once a Complete Application has been received, establishing a 14 day period in which written public comment on the Application may be taken. The date of the public hearing shall be indicated. Second Mailing: To Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The second mailing occurs once the Planning Department determines whether	If appealed, then once 7 days before the date set for the appeal

		<p>the proposed plans comply or do not comply with the Design Guidelines for Historic Districts and Historic Sites and no later than 45 days after the end of the initial public comment period. This establishes a 10 day period after which the Planning Department's decision may be appealed.</p>	
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There currently is no requirement for staff to post notifications of the HPB's demolition reviews. Staff recommends amending the LMC to require:

Notice Matrix			
Action:	Property Posting:	Courtesy Mailing:	Published:
Historic Preservation Board Demolition Review	14 days prior to hearing before the Historic Preservation Board	14 days prior to the hearing before the Historic Preservation Board	Once 14 days prior to the hearing before the Historic Preservation Board

This is consistent with other Board of Adjustment and Planning Commission applications. There would be no notice of such work if the Planning Director finds the work qualifies for a waiver.

In summary, Staff is proposing the following changes to the LMC:

1. Minor routine maintenance, minor construction, or work found to have little or no impact on the historic character of the surrounding neighborhood or the Historic District shall be granted HDDR waiver letter, approved the Planning Director.
2. All HDDRs will require a HPBR, granted by the HPB, for the following work:
 - a. Demolition of existing structures
 - b. Panelization/Reconstruction
 - c. Reorientation/rotation of existing structures
 - d. Relocation of existing structures
 - e. New foundations
 - f. Any additional work that requires an HDDR
3. Modifying the notification requirements to include:

- a. Property notice sign and courtesy mailing notice to neighbors within 100 feet two (2) weeks prior to the HPB meeting
4. Amending the definition of demolition to include removal of materials from a structure.

All the H-Districts shall include a section for process, outlined in detail in LMC 15-11. Noticing requirements are outlined in LMC 15-1.

5. Demolition By Neglect

The Planning and Building Departments have been working together to identify historic properties that are threatened by deferred maintenance and demolition by neglect. In such cases, Building and Planning staff conduct site visits to evaluate the structure and determine what must be done to meet the design guidelines. The departments look at the most cost effective way to secure and stabilize the structures to prevent demolition by neglect from occurring.

The Building Department can issue a Notice and Order to the property owner, citing the Dangerous Building Code to the property owner, or citing the specific IBC regulation in violation. Most of the time, staff is able to work with the owners to secure the structure from the elements and correct the violation. Should the owner not address the violation, the Building Department may then complete the necessary work to bring the property into compliance and lien the property for the cost of the work. If the owner wishes to appeal the Notice, depending on the appeal body indicated on the Notice it would be heard by either the Administrative Law Judge (ALJ) or the Board of Appeals. Currently, Building determines which appeal body should be used on a case-by-case basis to select the best approach.

The benefit of this approach is that the City has the ability to remedy the situation in a timely manner. The disadvantage, however, is that the process can be time-consuming should the applicant appeal the notice and order. Further, it does not guarantee that continued maintenance of historic structures. The Building Department may only intervene and issue a Notice and Order when the cumulating dangerous conditions pose a significant health and safety threat requiring intervention. Often, this requires that the building be panelized or reconstructed due to its severe deteriorated condition.

Demo by neglect ordinances have been successful in other historic communities. Such an ordinance would require affirmative maintenance and provide the City with adequate remedies and enforcement authority to prevent the continued decline and deterioration of historic structures. Currently, the LMC addresses the consideration of owner neglect in the economic hardship criteria only. The shift has been the increased use of LMC 15-11-14 (A) and 15 (A) which removed the effectiveness of the CAD section in considering owner neglect as part of a CAD. Said another way, the sections affirmatively permitting reconstruction, and reassembly do not provide for consideration of neglect where the CAD process does. The CAD process is now triggered much more infrequently.

Staff proposes a Demolition by Neglect or “Demo by Neglect” ordinance that defines a minimum maintenance standard to prevent the loss of historic buildings, structures, and sites from deterioration due to lack of maintenance. The LMC change aims to prevent the owner or the person in charge of the structure or site from falling into a state of disrepair that results in the deterioration of any exterior architectural features or structural members as to produce or tend to produce a detrimental effect upon the character of the district as a whole or the life and character of the Historic Building(s) and/or Structure(s) which constitutes Demolition by Neglect.

Staff proposes the following changes to the LMC:

- Require a minimum standard of maintenance of properties designated by the Historic Sites Inventory (HSI) or located in the H-Districts to the extent necessary to keep Buildings, Structures, and Sites from falling into a state of such poor disrepair that jeopardizes the Building or Structure's structural stability or compromises the integrity of the streetscape or the Historic District. At a minimum, the following should apply:
 - Deterioration of the exterior of the building to the extent that it creates or permits a hazardous or unsafe condition. Boarded windows and doors are allowed if they are screwed into the structure and painted a similar color to the remaining exterior façade.
 - Deterioration or inadequate foundation which jeopardizes its structural integrity.
 - Defective or deteriorated floor supports or any structural members of insufficient size or condition to carry imposed loads with the safety which jeopardize its structural integrity.
 - Defective or deteriorated structural members of walls, partitions, ceilings and roofs, or other structural supports that split, lean, list, or buckle due to defective materials, insufficient size, or deterioration which jeopardizes structural integrity.
 - Deterioration of exterior wall materials such as wood, stone, masonry, concrete, and metals to the extent that it adversely affects the character of the historic district or could reasonably lead to irreversible damage to the structure.
 - Deterioration of exterior stairs or steps, porches, handrails, windows or doors, trim, cornices, and other architectural details that cause delaminating, instability, loss of shape, or crumbling.
 - Defective protection or lack of weather protection for exterior wall materials, architectural elements, and roof coverings due to lack of paint or other protective coating.
 - Fireplaces, chimneys, or chimney flues which list, bulge, or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety that jeopardize its structural integrity.
 - Deterioration or ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows and doors.

- Deterioration or lack of maintenance of the surrounding environment including, but not limited to, fences, gates, sidewalks, accessory structures, and landscaping.
- Prevent significant deterioration of historic buildings and structures, as well as individual architectural/site features, so as to limit the threat of future demolition;
- Create a policy that allows for staff, the Historic Preservation Board, and the Building Department to identify those properties suffering from demolition by neglect and creating a method in which to resolve health and safety issues while maintaining the historic integrity of the structure and the streetscape.
- Allow for the administration and enforcement of the demo by neglect ordinance by identifying penalties and remedies for demo by neglect.
- Develop a policy in which to mothball those historic structures that can be temporarily stabilized and secured to prevent damage and destruction while vacant.
- Create requirements for stabilization and maintenance of the mine structures and sites to preserve the structures in a ruinous state while preventing looting, vandalism, and trespassing.

Staff also proposes modifying the definition of demolition, as defined by the LMC to also include the ANSI definition of demolition which includes the dismantling, razing, or wrecking of any fixed building or structure or any part thereof.

The Historic Preservation Board was supportive of a demolition by neglect ordinance, but asked that staff create clear definition of demolition by neglect. They continued the item for further discussion.

Staff requests that the Planning Commission also provide input on a demolition by neglect ordinance.

6. Criteria for Visual Compatibility

Finally, staff is proposing a set of criteria that can be utilized to define visual compatibility. Staff proposes codifying this list of criteria in the LMC. Staff has researched definitions of compatibility in other municipal codes. The best example of this is § 151.34 Visual Compatibility Factors of the Madison, Indiana code.

Currently, the Park City Land Management Code (LMC) defines compatibility as:

Characteristics of different designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. Elements affecting Compatibility include, but are not limited to, height, scale, mass, and bulk of Building, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive areas, and Building patterns.

Staff recommends adding a section to the LMC that specifies specific criteria in evaluating compatibility. Borrowing from Madison, Indiana's Code of Ordinances, staff proposes the following criteria:

- **Height.** The height of proposed buildings shall be visually compatible with adjacent buildings.
- **Proportion of building's front facade.** The relationship of the width of building to the height of the front elevation shall be visually compatible to historic buildings, plazas, and neighborhoods to which it is visually related.
- **Proportion of openings within the facility.** The relationship of the width of the windows to height of windows in a building shall be visually compatible with buildings, plazas, and neighborhoods to which the building is visually related.
- **Rhythm of solids to voids in front facades.** The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, plazas, and neighborhoods to which it is visually related.
- **Rhythm of entrance or porch projection.** The relationship of entrances and porch projections to sidewalks of buildings, plazas, and neighborhoods shall be visually compatible to the buildings to which it is visually related.
- **Relationship of materials, and texture.** The relationship of materials and texture of the facade of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.
- **Roof shapes.** The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
- **Scale of a building.** The size of a building, the building mass of a building in relation to open spaces, the windows, door openings, porches, and balconies shall be visually compatible with the buildings, squares, and places to which it is visually related.

The Historic Preservation Board overall was supportive of these criteria for compatibility.

Staff requests that the Planning Commission also review these criteria and provide input.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Department Review This report has been reviewed by the Legal Department.

Notice

Legal notice of a public hearing was posted in the required public spaces and public notice websites on September 26, 2015 and published in the Park Record on September 26, 2015 per requirements of the Land Management Code.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. No public input has

been received at the time of this report. Staff has noticed this item for public hearings on September 9 and October 14, 2015 conducted by the Planning Commission.

Recommendation:

Staff recommends the Planning Commission consider any public input and review the proposed ordinance and give input to the Planning Department and continue to November 11, 2015.

Exhibits

Exhibit A – Pending Ordinance

Ordinance No. _____

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE
SECTION 15, CHAPTER 11 AND ALL HISTORIC ZONES TO EXPAND THE
HISTORIC SITES INVENTORY AND REQUIRE REVIEW BY THE HISTORIC
PRESERVATION BOARD OF ANY DEMOLITION PERMIT IN A HISTORIC DISTRICT**

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

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to protect Historic structures and the economic investment by owners of similarly situated property (currently Historic);

WHEREAS, Park City was originally developed as a mining community and much of the City's unique cultural identity is based on the historic character of its mining era buildings;

WHEREAS, these buildings are among the City's most important cultural, educational, and economic assets;

WHEREAS, the demolition of potentially historic buildings would permanently alter the character of a neighborhood, community and City;

WHEREAS, individual members of the Historic Preservation Board, ("HPB") the official body to review matters concerning the historical designation and design of buildings within the City, and several members of the public have requested that the Council reconsider the sufficiency of the Historic Building Inventory;

WHEREAS, the pending amendments to the Land Management Code ("LMC") and the Historic District Guidelines and any revisions to the Historic Building Inventory are expected to be completed within the next six months;

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

SECTION 1. AMENDMENTS. The recitals above are incorporated herein as findings of fact. The Land Management Code, Title 15 of the Municipal Code of Park City, is hereby amended as follows:

A. Amendment to Section 15-11-10(A) (2): **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures

may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

- (a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and
 - (b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form as demonstrated by any of the following: it previously received a historic grant from the City; or it has previously been listed on the Historic Site Inventory; or it was listed as Significant or Contributory on any reconnaissance or other historic survey; or despite non-historic additions it retains its historic scale, context, materials in a manner and degree which can reasonably be restored to Essential Historical Form. Major alterations that destroy the Essential Historical Form include:
 - (i) ~~Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or~~
 - (ii) ~~Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or~~
 - (iii) ~~Moving it from its original location to a Dissimilar Location, or~~
 - (iv) ~~Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right of Way.~~
 - (c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:
 - (i) An era of Historic importance to the community, or
 - (ii) Lives of Persons who were of Historic importance to the community, or
 - (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.
- (3) Any Development involving the Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Section 15-11-15 of this code shall remain on the Park City Historic Sites Inventory and shall be listed as a Significant Site.

B. New Section. The following section shall be added to Land Management

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Code Title 15, all Historic Zoning Districts Chapters 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 and Chapter 11:

Final Review by Historic Preservation Board. Any application for any demolition permit as defined by the IBC, which includes reconstruction, disassembly, and panelization for demolition of any Building (main, attached, detached, or public), Accessory Building, and/or Structure in which any part of the structure was constructed before 1975 in a Historic District zone must be reviewed by the Historic Preservation Board. Nothing in this section adds any additional criteria or standards to existing Land Management Code or International Building Code sections governing the issuance of such permit. Review by the Board is limited to determination that demolition of such Building (main, attached, detached, or public), Accessory Building, and/or Structure is in conformance with applicable code. If non-compliance is determined, the application shall be remanded to the applicable authority. Planning staff shall review demolition applications of interior elements that (1) have no impact on the exterior of the structure; or (2) are not structural in nature; or (3) the scope of work is limited to exploratory demolition.

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

SECTION 3. EFFECT ON EXISTING APPLICATIONS/PERMITS. Any Complete Application for any demolition permit or CAD received prior to Friday, August 7, 2015, shall not be affected by this amendment. Any currently valid permits or CAD which have been issued by the Building and Planning Departments prior to the adoption of this Ordinance shall not be affected by this amendment.

PASSED AND ADOPTED this ____ day of September, 2015.

PARK CITY MUNICIPAL CORPORATION

Mayor Jack Thomas

Attest:

City Recorder's Office

Approved as to form:

Mark D. Harrington, City Attorney