PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
November 11, 2015

AGENDA

MEETING CALLED TO ORDER AT 5:30PM
ROLL CALL
ADOPTION OF MINUTES OF October 28, 2015
PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*
STAFF BOARD COMMUNICATIONS AND DISCLOSURES
CONTINUATIONS

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 17, 2015*	PL-15-02810 *Planner Whetstone*	*55*

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

1114 Park Avenue - 1114 Park Avenue Plat Amendment – proposal to remove interior lot lines to combine three (3) existing parcels into one (1) legal lot of record. *Public hearing and possible recommendation to City Council on December 3, 2015*	PL-15-02950 *Planner Turpen*	*57*
217-221 Park Avenue – 217-221 Park Avenue Plat Amendment – proposal to adjust existing interior lot line. Two (2) legal lots of record will remain. *Public hearing and possible recommendation to City Council on December 3, 2015*	PL-15-02949 *Planner Turpen*	*75*
422 Ontario Avenue - Sorensen Plat Amendment located at 422 Ontario Avenue – proposal to combine one (1) lot with five (5) adjacent remnant parcels. *Public hearing and possible recommendation to City Council on December 3, 2015*	PL-15-02920 *Planner Astorga*	*91*
1893 Prospector Avenue – Ratification of a Development Agreement for the Central Park City Condominiums Master Planned Development *Ratifying the Development Agreement to memorialize the MPD approval granted by the Planning Commission on July 8, 2015*	PL-15-02698 *Planner Whetstone*	*109*
900 Round Valley Drive-Pre-Master Planned Development review for proposed amendments to the IHC Master Planned Development *A) Public hearing and possible action regarding compliance with the Park City General Plan to allow submittal of the full MPD Amendment application for the request to subdivide Lot 8* *B) Public hearing and continuation to December 9, 2015 for the requested density amendment*	PL-15-02695 *Planner Whetstone*	*147*
Sign Code changes to increase clarity, bring the Code into compliance with recent U.S. Supreme Court decisions, and provide for developed recreation area freestanding signs. *Public hearing and possible recommendation to City Council on December 3,2015*	*Assistant City Attorney Lake & Law Clerk Benson*	*153*

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 and possible recommendation to City Council*	PL-15-02895 *Planner Grahn* *Planner Turpen* *and Planning* *Director Erickson*	*203*

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
OCTOBER 28, 2015

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Bruce Erickson, Planning Director, Francisco Astorga, Planner; Kirsten Whetstone, Planner; 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

October 14, 2015

Commissioner Worel referred to page 5 of the Staff report, page 3 of the Minutes, 5th paragraph five, and reversed the words **he** and **and** to correctly read, "Commissioner Joyce recalled only having one meeting in January because of Sundance, and he asked if the Staff could look at scheduling a second meeting for that month as well."

Commissioner Worel referred to page 6 of the Staff report, page 4 of the Minutes, second to the last paragraph, third line, and added an **(s)** to the word **decision** to correctly read, "….make those types of decisions bulletproof."

Commissioner Worel referred to page 9 of the Staff report, page 7 of the Minutes, the first line, and changed the word been to **be** to correctly read, "Commission Band believed they should not always **be** afraid to try something…." On that same page, fourth paragraph, next to the last line, Commissioner Worel revered the words **language** and **read** to correct read, "Chair Strachan read language from the LMC…"

Commissioner Thimm

Commissioner Worel referred to page 43 of the Staff report, page 41 of the Minutes and changed SHIPO to **SHPO** as the acronym for State Historic Preservation Officer. He noted

that it appeared twice in that paragraph and again in the last paragraph on page 43 of the minutes.

MOTION: Commissioner Joyce moved to APPROVE the minutes of October 14, 2015 as amended. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT
There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Erickson reported that before the end of the year the Staff would be providing significant reports on the transportation issue, traffic and transit. The Transportation Planning Department was completing the initial reports and reviewing the information from the consultant, Alfred Knotts. They would also ask Alfred Knotts to provide an update on what occurred in the next two public meetings. Director Erickson stated that going forward he would like to plan more joint meetings so the Planning Commission could be involved with some of the issues.

Director Erickson stated that the study updates have new electronic signage for real time monitoring of traffic. He remarked that Mr. Knotts was doing a great job and coordinating with the Staff and the Commissioners should see some of their efforts before the end of the year.

Director Erickson reported that for the next two meetings the Planning Commission would be discussing the Historic District pending ordinance. They were moving forward on a number of components; particularly in terms of revising dates and other information in an effort to adopt the ordinance before the six month expiration.

Director Erickson stated that Planners Anya Grahn and Hannah Turpen were completing the criteria for contributory buildings or the C Classification buildings per their discussion at the last meeting. They were also adding standards to the Historic Sites Index and the Land Management Code for compatibility, and rewriting those criteria as discussed. The Staff was also drafting a new definition for demolition; especially as it applies to historic structures that are not homes, such as a mining structure. They were looking to define varying degrees of demolition and demolition by neglect.

Director Erickson reported that the Staff was working on a revised update to the process of having applications either go to the HPB or allowing Planning Director determination on a

minor change. For example, if someone wanted to replace an air cooler inside their building and using the same venting. If it requires going through a historic wall it should probably go to the HPB. However, if the venting would be done through the non-historic portion of the building it may be less critical for the HPB to review it.

Director Erickson noted that the HPB was beginning to understand their role in the Land Management Code about protecting neighborhoods and not just being an appeal body. They realize that they have a more active role inside the Historic Districts.

Commissioner Joyce recalled a discussion at the last meeting about scheduling a second meeting in November and December. Director Erickson believed those dates were still open they were getting ready for noticing, but those meetings had not yet been confirmed. He pointed out that Historic District ordinance would be the main items on the agenda.

Commissioner Band disclosed that she had received an email from Ann, the CEO of the Park City Board of Realtors inquiring about the upcoming HRL zone changes because an owner on Ontario had asked her to get involved. Commissioner Band noted that when she replied to the email she was thinking that Ontario was not involved and later recalled that it was. After realizing her mistake she sent the link to Ann and the owner on Ontario and told them which pages they needed to look at.

Regarding the Historic Sites Inventory Expansion, Commissioner Band disclosed that she is the co-chair of the Legislative Committee for the Park City Board of Realtors. The President of the Board asked her for information on the upcoming legislation on an email that was cc'd to the Utah Association of Realtors representative. She provided them with the link to this week's project and the representative replied back with talking points. Commissioner Band clarified that she did not comment on those talking points.

Commissioner Band stated that the opinion of the Board of Realtors does not necessarily affect her own opinion and would not affect her judgment on this matter.

Regarding the IHC item on the agenda this evening, Commissioner Band disclosed that she has been talking to Paul Hewitt for a year or two about the fire station and finding an appropriate venue. She did not believe that would affect her ability to discuss and vote on the IHC matter.

Commissioner Band stated that at the last meeting 812 Norfolk Avenue was an item on the agenda. The Planning Commission had received an email from Mary Whitesides opposing the plat amendment because it was the last remaining vestige of her view. Commissioner Band noted that Ms. Whitesides mentioned in her email that she had been ignored on two previous occasions. For that reason Commissioner Band followed up with her to see if

anyone had responded to her recent email and Ms. Whitesides had not heard from anyone. Commissioner Band asked if there is a process for notifying the public when they give public comment. She thought it was unfortunate that when someone takes the time to submit public comment that no one takes the time to respond back.

Director Erickson stated that even though the Staff is overwhelmed most of the time they still make an effort to respond to every email. However, there are times when some fall through the cracks, which is probably what happened with Ms. Whitesides. Director Erickson offered to personally apologize to Ms. Whitesides if someone would give him her information. Commissioner Band clarified that she was simply asking if there was a process. Director Erickson explained that if an email is transmitted to a Staff person and that person is not the project planner, the email is forward to the project planner to make sure accurate information is given to the public. If a record needs to be kept for public communication on a project, it is included in the record and noted in the Staff report. Director Erickson stated that applications currently in process have a higher priority than long-range or general projects. Director Erickson stated that the Planning Department has a commitment to the public and protecting the neighborhood and he thanked Commissioner Band for making him aware of the situation.

Chair Strachan stated that in addition to replying to emails he would like the Staff to encourage the public to attend a Planning Commission meeting and provide public input. If people only communicate with Staff the Planning Commission may never hear about the discussion or the issues they raised. He encouraged the Staff to include that as part of their standard response to people who email or call them.

Chair Strachan asked whether another joint meeting had been scheduled with the Snyderville Basin Planning Commission. Director Erickson stated that he had spoken with Pat Putt at the County and they both would like to find time to schedule another meeting before the end of the year. Chair Strachan understood that there were already several important items that needed to be completed before the end of the year and he only wanted to make sure that the joint meeting did not get overlooked.

Director Erickson remarked that the intent is to have the Snyderville Basin Planning Commission attend the meeting when Alfred Knotts makes his report to the Park City Planning Commission so everyone hears it at the same time. It was a matter of scheduling and he would try his best to make it work.

CONTINUATION(S) – (conduct a public hearing and Continue to date specified)

1. 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. (Application PL-15-02895)

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

MOTION: Commissioner Phillips moved to CONTINUE the consideration of an ordinance amending the LMC, Section 15, Chapter 11 on all Historic Zones to November 11th, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. Land Management Code Amendment regarding Nighty Rentals use in the HR-L Chapter 2.1 and Definitions Chapter 15. (Application PL-15-02817)

Planner Francisco Astorga reviewed the LMC Amendment to disallow the conditional use of nightly rentals in the McHenry neighborhood, also known as the HR-L East District. The Planning Commission had an extensive discussion regarding this amendment at the last meeting on October 14th. The Staff followed the direction at the last meeting to be more specific as to how the conditional use is still allowed in the HRL West. Planner Astorga stated that per that direction the appropriate changes were made in the pending ordinance.

Planner Astorga reported on a data entry mistake on Exhibit C, the HR-L District East table. The property owner at 321 McHenry indicated the mistake and it was confirmed by Staff. Planner Astorga noted that 321 McHenry was actually a residential primary improved lot which increased the number of primary improved lots from 13 to 14, and decreased the residential secondary improved lots from 8 to 7.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council for this amendment to the Land Management Code.

Planner Astorga reported on a public input letter he received from Mr. Branard that was sent to the City Council; and it was also included in the Planning Commission packet. Planner Astorga had received another letter with public comment after the Staff report was sent and that letter was emailed to the Commissioners.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

The Commissioners had not changed their opinions or comments from the last meeting and had nothing further to add.

MOTION: Commissioner Band moved to forward a POSITIVE recommendation for the Land Management Code Amendment regarding nightly rental use in the HR-L Chapter 2.1 and definitions Chapter 15. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

2. 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 and PL-15-02471)

Planner Astorga reported on public input he received from John Plunkett, Ruth Meintsma and Sanford Melville. The input was forwarded to the Commissioners via email and hard copies were also provided this evening.

Planner Astorga remarked that this item was two parts. The first was a conditional use permit for construction on steep slopes for a single family dwelling and a parking garage structure. The second conditional use permit is in the HR-2 sub-area A. The conditional use is a residential parking structure with five or more spaces associated with the residential building on the same lot.

Planner Astorga noted that the Planning Commission previously reviewed this project on May 13, 2015. Since that time the project was re-designed based on comments at the last meeting; primarily the fact that the garage needed to be subordinate to meet criteria six of the Steep Slope CUP. Planner Astorga stated that the new design eliminated the garage from the structure. He pointed out that the former proposal had four parking spaces that accessed directly off of Park Avenue with two garage doors on that façade. That was in addition to the six parking spaces that are to be utilized for the April Inn.

Planner Astorga stated that on May 13th the Planning Commission also reviewed the plat amendment to combine 550 Park Avenue with the April Inn lot to meet the specifics of the use. That application was placed on hold until the conditional use permits were addressed. The plat amendment will be re-noticed for a City Council meeting in the near future.

Planner Astorga noted that the survey on page 94 of the Staff report showed the plat amendment area in red that the Planning Commission previously forwarded a recommendation to the City Council. Planner Astorga presented the site plan. He stated that the single family dwelling requires two parking spaces per the LMC. The applicant was proposing to put a parking space that would be accessed directly off of Park Avenue for the first vehicle. For the second parking spot the applicant amended the plan and reduced their original request of six parking spaces for the April Inn down to five parking spaces. The first parking space closest to Park Avenue is for the house and it would be completely underground. He pointed out that it meets the requirements of the LMC for two parking spaces.

Planner Astorga stated that the City Council had reviewed the easement language in February but the Council was never informed that at least one of the underground parking spaces would be for the single family dwelling. The Staff took it back to the City Council in September and the Council was comfortable with the proposed amendment.

Planner Astorga reviewed the front elevation. He noted that the massing had changed a little; however the biggest difference between the current proposal and the one the Commissioners saw on May 13th was that the porch was on the left-hand side on the north portion of the façade and there were two separate garage doors. By putting the parking pad up front and accommodating the second parking spot on the bottom per the special requirements of the HR-2, subsection A, the applicant was able to access the other parking space through Main Street and not Park Avenue.

Planner Astorga noted that in the former concept the garage was most of the main level of the house. It was a one-bedroom house with four parking spaces. The applicant revised the plan and the single-family dwelling is now a three-bedroom house with two parking spaces. The footprint did not change and the house is the same on almost every elevation. However, the internal plan was completely changed to remove the two garage doors from Park Avenue.

Planner Astorga noted that the Staff report contained findings and analysis for the Steep Slope CUP and the conditional use permit for parking, which were standard criteria for review in the LMC. In addition, there were findings and analysis for the HR-2A special criteria for these types of scenarios. The Staff report also contained the May 13th meeting minutes, as well as the Staff report and minutes from the City Council meeting that authorized the language for the easement. Planner Astorga noted that the easement language had not been finalized pending action on the CUP. Also included was all the public comment received with the exception of the comments handed out this evening.

The Staff recommended that the Planning Commission approve the conditional use permits based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report.

Jonathan DeGray, the project architect, thought Planner Astorga had done a good job outlining the changes. The applicant was comfortable with eliminating the garage doors and having a single parking space on Park Avenue by utilizing one of the parking spaces off of the alley for the residence. Mr. DeGray thought the changes made a lot of sense and it still leaves five spaces for the residential units within the April Inn.

Commissioner Joyce had not attended the meeting in May and he asked for an explanation of the parking off of the alley. Mr. DeGray reviewed the south elevation to show that the lower level was open for the six parking spaces. All of the spaces access off of the alley and there were no garage doors. Planner Astorga stated that one space towards the rear of the property was completely out in the open and not covered.

Mr. DeGray noted that the ability to access those parking spaces requires the relocation of the public stairs. Currently, the steps come straight down into the alley six feet in front of the garage door of the parking structure for the Cunningham Building. The applicant was proposing to push the stairs back towards Park Avenue so it aligns with the westerly edge of the opening for the Cunningham garage and moving it out of the access area. Mr. DeGray pointed out that there was also a dumpster for the Cunningham building in front of the staircase. The plan is to create an area for the dumpster to the north side of the existing staircase. It was the only area within the public right-of way that could accommodate the dumpster.

Commissioner Joyce had visited the site and noticed the dumpster. He asked if it was placed where it was per the easement agreement with the City. Mr. DeGray replied that it was a Cunningham building dumpster and it had nothing to do with this applicant.

City Engineer Matt Cassel explained that the easement was specific to pedestrian access and vehicular access. The new easement agreement mimics the old agreement that was done in 1984. He pointed out that nothing in the language allows dumpsters inside that property. Chair Strachan clarified that having the dumpster there was a violation of the easement. Mr. Cassel answered yes. However, it was an issue that would have to be addressed with the Cunningham building. It was not related to this application. Commissioner Joyce asked who in the City would enforce the dumpster violation. Mr. Cassel replied that it would be Code Enforcement through the Building Department.

Mr. DeGray clarified that the intent is to push back the dumpster which would not only clear it out of the Cunningham access but it also allows this applicant to access parking space

#1, which is the second parking space for the residential unit. It would allow them to utilize the proposed parking to its fullest under the building at 550 Park Avenue. Mr. DeGray stated that the stair landing and the concrete stairs above are not compliance with Code and the proposed change would bring it into compliance.

Chair Strachan understood that the stairs were not historic. Mr. DeGray confirmed that the stairs were not historic; however, there was some question as to whether the wall was historic but the wall would remain.

Chair Strachan asked Mr. DeGray to explain why there were no garage doors on the six parking spaces. Mr. DeGray remarked that the spaces are 9' x 18', which is required by Code. Garage doors take up space and reduce the functionality of the parking spaces, particularly for larger vehicles. In looking at the standards for parking spaces, they designed it without garage doors. Another issue was height. Due to the fire restrictions in the HR-2 zone for residential structures, they barely clear 7' for these parking spaces. Garage doors at 7' still require additional height for the rails, etc. which makes it very tight.

Commissioner Band read from Finding of Fact #13 on the Steep Slope CUP, "Staff recommends the fireplace above the roof is reduced as it tends to stick out as seen from the front elevation." She then read from Finding of Fact #4 for the CUP with five or more spaces, "The Staff recommends that applicant submit the required report by a certified Arborist." Commissioner Band was curious as to why it was a recommendation and not a requirement. Planner Astorga pointed out that both Findings were drafted in the Staff Report as Conditions of Approval #18 and #19.

Chair Strachan opened the public hearing.

Sanford Melville, a resident at 527 Park Avenue, stated that he submitted an email with his comments on the project and he assumed the Commissioners had received it. Mr. Melville thought the project had been vastly improved on the Park Avenue side from what was presented in May. However, he still had some questions and concerns. Mr. Melville could find no provision for concealing trash cans or recycling bins on the Park Avenue side. It is a big problem in Old Town and he thought it would be beneficial to find a way to conceal those items from the street in new construction. Mr. Melville did not think that flat roof projects in the Historic District were compatible with historic homes. He understood the Planning Commission could not do anything about it but he wanted his comment on the record. Regarding the alley parking, Mr. Melville noted that the Historic District Guidelines, Section D.2.5, states that carports should be avoided. He understood that it was only a guideline, but he believed that allowing a carport on a corner lot would set a precedent. He thought that needed to be considered when considering this project. Mr. Melville remarked that LMC, 15, Chapter 3 – Off street parking, Section G, Street access and circulation,

states that, “The parking area designed for five or more vehicles must not necessitate backing cars on to adjoining public sidewalks, parking strips or roadways.” He believed the alley was as much of a sidewalk as it is a driveway. Residents who live on the lower side of Park Avenue use it to access Main Street. Guests of the Washington School House use the alley for access. Ghost Tours regularly use that alley, as well as tourist groups. Mr. Melville believed there is more pedestrian traffic in the alley way than there is on the sidewalk in front of his house. Mr. Melville pointed out that having open parking would be an invitation for vehicles from the Claimjumper to park in that space. If the structure had assigned parking and garage doors it would be used exclusively by the condos in the April Inn. Mr. Melville believed that people who purchase a luxury condo at the April Inn would prefer secured parking as opposed to a carport in an alley.

Mr. Melville commented on the public stairway. As previously mentioned, the current stairway goes straight down into the alley and the base of the stairway is protected by bollards. The applicant was proposing to re-route the stairway with a landing at the entrance of the Cunningham garage. Mr. Melville noted that pedestrians coming down that stairway would come right in front of the garage entrance, and a vehicle coming out of the garage would only have a few seconds to notice a pedestrian. Mr. Melville believed that the proposal to re-route the stairs would create a safety hazard. Mr. Melville noted that there were no provisions in the Conditions of Approval to protect the historic wall. These are bits of history enjoyed by the tourists and it would be a shame to have the wall crumble due to construction or other activity. He encouraged adding a condition of approval to protect that wall to the best degree possible. Mr. Melville reiterated that the carport and the stairway realignment would degrade the public safety and the visual aesthetics. It is a popular photo spot for tourists and people like it the way it is. Mr. Melville noted that the City was allowing the applicant vehicle access through the public alley. If approved as proposed, the public would be giving up a lot more in terms of safety and aesthetics. Mr. Melville could see no reason to do so.

Charlie Wintzer, a resident at 320 McHenry, stated that having attended the candidates debates two topics were dominate; the environment and traffic. In his opinion, approving extra parking spaces for a single family home was adding more traffic, more cars and it impacted both issues. If the City is making the environment and traffic its main issue, they should find ways to make it more comfortable to walk and less comfortable to drive. Mr. Wintzer believed this proposal was counter-intuitive to what the City Council talked about in their new visioning ideas of being a green city. Mr. Wintzer could see no reason why the Planning Commission would approve turning a comfortable alley to walk in into a driveway that compromises safety and increases the amount of parking.

Mary Wintzer, a resident at 320 McHenry, stated that she has spoken to several Council members about entitled growth, and she recognized that there was nothing the City could

do about it. However, if improving the carbon footprint is truly a top priority for the City, then a development that cannot occur without using public right-of-way or City property should not occur. Those spaces belong to the public and the City was exacerbating and thwarting their new top priority by encouraging additional growth.

Chair Strachan closed the public hearing.

Commissioner Campbell stated that he would like the plan better if there was a way to add doors and make the structure a real garage. He questioned how the alley would be cleared of snow and still allow for the cars to come out. Mr. DeGray replied that the snow would have to be hauled off. He pointed out that the Cunningham building maintains the alley now because it is private and this applicant would share that responsibility. Commissioner Campbell thought the design and the five parking spaces for a single house felt like they were trying to get away with something. He clarified that his comment was not meant to be derogatory towards the applicant, but if he could get a better explanation he might be more supportive. Mr. DeGray explained that the reason for this proposal was that the April Inn is required to provide a certain number of parking spaces. Commissioner Campbell asked Mr. DeGray if the spaces would sit empty or if they would actually be used. Mr. DeGray replied that the parking spaces would be deeded to the condos at the April Inn. Commissioner Campbell understood that the condo owners would have the legal right to use the spaces. His question was whether or not the parking spaces would actually be used or whether the parking was only being provided to meet the requirements for the April Inn. Mr. DeGray believed the level of the condos being sold at the April Inn would demand constant parking. The agreement with the City is that the parking is either provided by a fee or physically provided. Mr. DeGray noted that this was an opportunity to physically provide off-street parking for those condos. If they chose to meet the requirement by a fee, the parking would still occur somewhere else. However, the applicant preferred to physically provide it as proposed.

Commissioner Campbell was concerned about the number of times the condo owner would suffer backing out, going up the alley and scraping their car while making the tight turn. He understood that it was a design issue and there were constraints, but he felt like everything was stacked against them. Mr. DeGray remarked that the City Engineer had asked the same questions and he was able to show him how it would all work. Commissioner Campbell understood the Exhibit but he questioned whether larger vehicles would fit. Commissioner Campbell was not thrilled with the plan but he has seen crazier things proposed in Old Town. He could not find a good enough reason to object to it.

Assistant City Attorney McLean remarked that there were two conditional use permits before the Planning Commission. She pointed out that conditional uses are allowed uses as long as the impacts are mitigated. Ms. McLean thought it would be helpful if

Commissioner Campbell could raise his concerns in terms of the impacts related to the parking area with five or more spaces and possibly think of ways to mitigate the impacts.

Commissioner Campbell asked if there was some type of alarm or motion light that would alert pedestrians that a car was backing out. He has seen something similar in larger cities. Commissioner Campbell stated that his primary concern was how to make pedestrian traffic through that alley aware of the fact that a vehicle is about to back out, because the driver will not see the pedestrian. Mr. DeGray stated that they would talk about signage and the presence of illumination on the walkway at night. He did not believe the alley had the same intensity of pedestrian use as Main Street. Commissioner Campbell pointed out that the neighbors indicated otherwise in saying that the alley is used all the time. He asked if there was a way to get some type of verification. Mr. DeGray believed that proper illumination and clear sight lines would be important. Adding signage telling people to look both ways at the bottom of the staircase would also help alert the pedestrians.

Bill Reed, representing the applicant, addressed the issue of the parking spaces and clarified that they were definitely dedicated to the April Inn condos at 545 Main Street. Mr. Reed stated that they were required to provide four spaces. Of the six spaces being developed in the back, four would be for the April Inn condos, one would be for 550 Park Avenue, and the sixth space would be for guests. He did not believe the extra space for guests would be an invitation for anyone driving into Old Town to park there. In response to the comments regarding environmental issues, Mr. Reed believed that putting housing in Old Town was a positive for the environment because it allows people walking access to the restaurants and other activities. Mr. Reed thought there were a lot of advantages to this proposal. He was unsure why there was a concern that the parking spaces would be used for anything other than what they were designated for. He noted that they have been working on addressing the parking and access issue since February which has resulted in this proposal.

Commissioner Thimm had reviewed his notes from the May meeting and recalled that most of his comments related to the Park Avenue side. He believed the revised design answered most of his questions and concerns. However, he still had questions regarding the new layout. Commissioner Thimm asked if the easement agreement makes provision for vehicle access to the site. City Engineer Cassel answered yes. He explained that they specifically went to the City Council to extend both pedestrian and vehicle access to 550 Park Avenue.

Commissioner Joyce understood that the City Council had a positive view of the access easement but it still needed to be approved. Mr. Cassel clarified that the City Council had approved it. However, it was still in draft form and it would not be signed or finalized until

action is taken on the CUP and all the issues are addressed. Commissioner Phillips asked if it would go back to the City Council. Mr. Cassel replied that the City Council had already approved the access easement and they would not see it again.

Commissioner Thimm commented on the parking layout and questioned whether the LMC allows for the types of movements proposed, rather than have a car back up directly behind the stall. Planner Astorga replied that the LMC requires at least 24 feet for a drive aisle directly behind the stall. Commissioner Thimm thought parking stall #1 was non-compliant with the LMC. Planner Astorga noted that the LMC is not specific on location and only says a drive aisle minimum of 24 feet. He understood that Commissioner Thimm was concerned that there was not 24 feet directly behind parking stall #1. Commissioner Thimm believed that was how stalls were supposed to be laid out based upon his interpretation of the LMC. He asked if there were exceptions that allowed for special turning movements. Planner Astorga reiterated that the Code only specifies a 24' drive aisle. Commissioner Thimm stated that he was familiar with how parking stalls needed to be laid out and the proposed layout did not appear to be compliant.

Commissioner Thimm understood that four stalls were not added in the earlier approval for the April Inn because of fee-in-lieu. Planner Astorga explained that the spaces were not included because when the April Inn was built there were 12 apartments and no onsite parking. When the Planning Department started looking at records to see whether the fee was paid into the Special Improvement District of 1984, they found that some money was paid in-lieu. However, that had to be amended once the applicant requested to change the number of units from 12 to 3. After the analysis was done as part of the HDDR, it was identified that the site needed to provide four parking spaces either physically or fee in-lieu. Planner Astorga pointed out that it was impossible to physically provide the spaces because the Main Street HCB District allows a floor area ratio of up to 4.0 and the building itself takes most of the site. Therefore, the applicant chose to pay $56,000 or $14,000 per parking space in order to move forward with the Historic District Design Review. Planner Astorga noted that it was always identified that the applicant would have the opportunity to come back and accommodate the required parking.

Assistant City Attorney McLean clarified that the City entered into an agreement with the applicant allowing a fee in-lieu so they could satisfy the parking and move forward with their building permit. However, if they were ever able to accommodate the parking spaces that money would be released and parking would be provided on-site for the project.

Mr. Reed stated that the intent has always been to provide parking on the site. Because the parking had not yet been approved, the applicant chose to pay the in-lieu fee upfront in order to begin construction on the April Inn project.

Planner Astorga noted that the applicant originally requested six spaces for the April Inn, even though the Code only required four spaces. With the revised plan, the applicant was only requesting five spaces. Should the Planning Commission find that Stall #1 does not meet the Code, the applicant would have the option to eliminate that parking stall and still have four parking spaces to meet Code for the April Inn. Mr. Reed stated that if removing the stall was an option they would also look at putting the garage back on Park Avenue.

Assistant City Attorney McLean reminded the Commissioners that the discussion should be about impacts and whether or not the impacts could be mitigated.

Commissioner Thimm understood from a previous comment that the applicant would not be opposed to a condition of approval to protect the wall. Mr. DeGray agreed. Planner Astorga stated that currently the existing staircase goes over the retaining wall and does not touch it at all. The applicant has no intention of touching the wall with the realignment. Commissioner Thimm favored adding the condition as long as the applicant was not opposed.

Commissioner Joyce had visited the site and one of his concerns was safety. With the Cunningham building cars pull into spaces going forward, back out and pull out going forward. In both cases the driver is looking at the pedestrian walkway. The parking proposed for this project is very different because vehicles back out of narrow spaces the majority of their view is blocked. Commissioner Joyce had concerns with cars backing out into the City property and into pedestrians. He thought the problem was exacerbated on Stall #1 where it backs directly into the bottom of the stairs. Commissioner Joyce commented on the layout of the existing stairway and explained why he believes moving the stairs would create a blind spot for pedestrians and vehicles. In his opinion, realigning the stairs would make a bad situation worse.

Commissioner Joyce stated that from an aesthetics standpoint the realignment would disrupt the historic look and feel of the view looking up the existing stairway. That could not be replicated if the stairs are realigned as proposed. Commissioner Joyce understood the idea of being able to provide an easement to use the alley, but as currently designed vehicle maneuverability is tight and unsafe. He also did not believe that granting an easement meant they would have the right to change City property. To make the staircase less safe was very questionable in his mind.

Commissioner Joyce commented on the design of the open garage space and agreed that the Code recommends discouraging carport structures. He pointed out that tight space was the only reason the applicant gave for leaving the spaces open. However, they were tight on space because they were trying to squeeze six parking spaces into a very narrow

space. Commissioner Joyce remarked that another safety concern was the potential of creating unlit spaces where crime and unsafe activities could occur late at night.

Commissioner Joyce summarized that he had major concerns with Stall #1 and he did not believe they should move the staircase. He preferred a design that permits the applicant to have as many parking stalls as they could cleanly fit with the stairway in its current location. He clarified that cleanly means backing a car straight out. Commissioner Joyce was very concerned with the idea of doing a curved back out right at the base of a set of stairs. In his opinion, a reasonable plan would leave the staircase intact, have enclosed garages instead of a carport, and have enough room for all the cars to cleanly back out without the worry of hitting pedestrians at the bottom of the staircase.

Commissioner Campbell asked if the overhead height was the only reason for not having garage doors. Mr. DeGray replied that the width allowed for the six spaces at 9'. If they enclosed the spaces they could go to 8' doors, but the height was still a serious problem. Commissioner Campbell suggested the possibility of using aircraft hangar type doors that are being made for residences that fold to the outside. He thought that would address some of the safety concerns expressed by the Planning Commission because hearing or seeing a garage door open would alert pedestrians that a car is backing out.

Commissioner Worel shared the concerns regarding the carport and the openness of that area. She had spent a lot of time walking the neighborhood to see if she could find other carports for compatibility, but she found none. She thought there was a big difference between a one-car carport as opposed to a six-car carport. Commissioner Worel supported the idea of finding a way to add garage doors from the standpoint of compatibility and safety.

Commissioner Worel read from Condition of Approval #19 on page 90 of the Staff report regarding the fireplace. "The proposed fireplace above the roof shall be reduced as it tends to "stick out". She thought the language was very vague and asked for an explanation of needing to be reduced. Planner Astorga stated that there are specific International Residential Code provisions regarding the height of the chimney. He thought they needed to look at reducing the height and he believed if it was added as a condition of approval the Staff and the applicant could work out the details.

Chair Strachan asked Mr. DeGray why it was designed to be so high. Mr. DeGray stated that it needs to be two feet above the closest roof within ten feet, and it has to maintain a maximum of 5' above the 27' height limit. It was actually as low as it could be. Mr. DeGray thought there may be room to reduce it by a foot, but other requirements needed to be considered before he would know if it could be reduced.

Commissioner Worel understood that the applicant had paid fee-in-lieu for four parking spaces. She wanted to know where people were currently parking while the money was being held by the City. Planner Astorga replied that they should be parking at China Bridge. Mr. Reed pointed out that currently there were no occupants because they were under construction. Commissioner Phillips wanted to know where the occupants would park if the five proposed parking stalls were not approved. Mr. Reed replied that they would park at China Bridge.

Assistant City Attorney McLean pointed out that per the LMC the applicant could build two parking spots on Park Avenue for the single-family unit. If they reduced the proposed parking to four spaces below the applicant would not need a CUP under the Code.

Commissioner Joyce asked where the modification to the stairway fits in. Planner Astorga replied that the City Engineer controls any public improvements on public rights-of-way and City-owned property. Commissioner Phillips questioned whether the Planning Commission had the purview to talk about the stairs if it was controlled by the City Engineer. Assistant City Attorney McLean referred to the CUP criteria on page 80 of the Staff report and noted that they did have purview in terms of internal circulation, fencing, screening, landscaping, and traffic considerations.

Commissioner Phillips thought this new design was a vast improvement over what was presented in May. He shared some of the concerns expressed by is fellow Commissioners, but he could also see some positives. Commissioner Phillips thought that reducing the visual impact of the car on the Park Avenue side was positive. Also, putting parking on the site instead of in parking structures would free up parking for visitors and shoppers. Filling in the streetscape on Park Avenue would be another positive. Commissioner Phillips noted that at the last meeting he made comments regarding public safety down the alley, and he asked if they could paint lines to direct pedestrians and for vehicles to visually see that it was a crossing.

Commissioner Phillips stated that in talking about the issues he tried to find some solutions. He agreed that the bottom of the stairs is a dangerous area but he thought some of the safety issues could be addressed by putting a sign on the stairs for pedestrians to watch for traffic, a sign inside the building telling cars to watch for pedestrians, pedestrian striping across the front of the garage, and placing a bollard on the bottom corner of the stairs to physically protect pedestrians.

Commissioner Phillips believed that signage was a big factor in many different areas. One question was who takes precedence if one car is coming in and another is coming out. He suggested a sign for people to yield to cars coming in from Main Street to avoid the impact of someone backing out onto Main Street and stopping traffic. If garage doors are not

added, Commissioner Phillips assumed the applicant would have signage designating who uses the parking stalls. In terms of Stall #1, Commissioner Phillips stated that he drives a very large truck and he finds that backing into a stall is easier and takes up less space than pulling forward and backing out. He has seen signs in some places that actually require people to back into stalls. He acknowledged that it might be hard to enforce but he thought it was something for the applicant to consider. Commissioner Phillips reiterated that the current design was a great improvement and he would like to find ways to mitigate some of the impacts and concerns; primarily related to safety. He also favored garage doors because the Code discourages carports.

Commissioner Band echoed the concerns of the other Commissioners. She preferred garage doors because the Design Guidelines specifically discourage carports. She agreed with Commission Campbell that a garage door opening would alert pedestrians coming down the stairs. Commissioner Band pointed out that the alley was already a vehicle access and while it was a different parking layout, they were not taking away a sidewalk. She was pleased that the applicant had proposed significant changes in an effort to make it work. Commissioner Band was in favor of allowing the requested parking if they could find ways to address the safety concerns. From a real estate standpoint, she believed that garage doors would be better than an open carport, particularly for high-end real estate. Commissioner Band thought the applicant would benefit from having fewer spaces if they were enclosed.

Chair Strachan stated that he was not in favor of the previous proposal but he liked the one presented this evening. He favored the new proposal because it accomplishes the transition zone from the Main Street Business District to the Park Avenue residential. It takes the stress and the intensive use off of Park Avenue and places it appropriately on Main Street. Chair Strachan noted that the transition between the HCB and Park Avenue has never been smooth. He felt this solution dealt with the top issues better than any other project he has seen. Chair Strachan was concerned that if the Planning Commission did not approve this plan they would get something that would put more impacts on the Park Avenue residents than what could be mitigated, and he thought the Park Avenue residents deserved better.

Chair Strachan believed the solution for the parking problem was five parking spots and all garage doors. He thought the impacts of having six spots created a tight situation with too many impacts for both vehicles and pedestrians. He believed the impacts could be mitigated by having less parking spots and the sound of a garage door opening to alert pedestrians that a car is backing out. Chair Strachan thought the easement should be painted or marked in some way so people know it is usable and not just a vehicular access. He also favored the signage as suggested by Commissioners Campbell and Phillips. Chair Strachan thought a gas fireplace was the solution to condition of approval #19. He noted

that the impacts of wood burning fireplaces were becoming clear and a gas fireplace would resolve the impact.

Chair Strachan thought the issue was how to proceed and whether there was consensus among the Planning Commission to move forward with approval, denial, or further conditions with approval.

Commissioner Phillips personally thought the impacts could be mitigated. Commissioner Band agreed that the impacts could be mitigated and she thought the Commissioners should come to some agreement so the applicants could move forward.

Chair Strachan asked for comments on the number of parking stalls and how to mitigate the safety impacts. Commissioner Thimm agreed that reducing the number to five parking stall would alleviate some of the tightness of the whole area, and it would provide a back up zone behind the first stall. Commissioner Thimm thought signage and markings on the pavement were good ideas. He was not opposed to the change in the stairway. He appreciated how the current proposal was better for Park Avenue.

Commission Campbell liked the new stairway better than what currently exists. It would be safer and more comfortable to walk down as opposed to one long straight line down. Commissioner Campbell agreed that five spaces would be more comfortable for someone trying to park in a stall; but he thought the Commissioners should be concerned with mitigating the impacts on the surrounding area and not for the people who will be parking in the narrow stalls. Commissioner Campbell preferred to leave the decision on the number of parking stalls to the applicant.

Chair Strachan pointed out that five stalls would allow for garage doors and the sound of an opening door would be a mitigation. Mr. DeGray needed to research the aircraft type door suggested by Commissioner Campbell to see if it would work. At this point, he believed they would have to reduce the parking to five stalls to add garage doors.

Commissioner Campbell thought the Planning Commission could require garage doors as a condition of approval, but he was uncomfortable saying that the parking had to be reduced from six to five spaces because the applicant should make that decision.

Chair Strachan understood from the comments that the applicant was close to what the Commissioners wanted and there was the opportunity to bring back a plan that addresses the parking concerns. He asked if the applicant wanted to find solutions this evening or if they preferred to come back with a design solution. Mr. DeGray was not opposed to the conditions mentioned this evening. In talking with his client they preferred to work through it this evening in an effort to reach a point where the Planning Commission would feel

comfortable remanding it back to the Staff to work out the details with the applicant to meet the criteria. If they could not meet the criteria to the satisfaction of the Staff, it would come back to the Planning Commission.

Assistant City Attorney McLean stated that it was within the purview of the Planning Commission to craft conditions of approval and let the Staff determine whether or not the conditions are met.

Commissioner Joyce was comfortable adding garage doors, but he still had concerns with back up issues and safety around a major pedestrian stairway. He stated that in addition to garage doors, he would like the plan revised to allow for a clear, straight back, drive-out aisle. Mr. DeGray understood the concern and he was willing to do whatever he could to address it. Mr. DeGray believed there was the potential to redesign the public stair similar to what they were proposing but to back it up further towards the wall.

Planner Astorga showed the Planning Commission a concept that the City Engineer had sketched during their discussion. The Commissioners liked the concept that was presented. It added one more turn to the stairs but it changed the landing so vehicles had more room to come out and it forces the pedestrians to look at the garage.

Director Erickson had drafted conditions of approval in the event the Planning Commission was considering approval.

1. Garage doors would be installed on the easement side of the building.

Director Eddington noted that he was silent on the number of spaces even though regulating to five spaces was possible under the conditions of approval for traffic impacts.

2. Striping and signage will be installed to the satisfaction of the City Engineer to identify the easement and exiting and pedestrian safety. Bollards will be installed.
3. Protection plan will be put in place for the rock wall and subject to the approval of the historic preservation planner.
4. No change in height to the building.
5. A gas stove installed.
6. No change to the Park Avenue side.
7. A stair redesign consistent with the sketch as illustrated by the City Engineer.

Chair Strachan added:

8. The applicant shall submit a signage plan to address pedestrians.

Jonathan DeGray was comfortable with the Conditions as drafted by Director Erickson. However, he thought better language for #2 would be to identify a pedestrian path rather than just striping the easement. Director Eddington agreed. Mr. DeGray suggested a 4' wide stripe that would run down the side of the building and align with the staircase or something similar to denote a clear path.

Director Erickson stated that when they take action on the Steep Slope CUP they would add a condition to address trash on the Park Avenue side. Assistant City Attorney McLean pointed out that the condition Director Erickson read would also go with the Steep Slope CUP and not the CUP for parking.

Commissioner Joyce noted that how they change the staircase would determine how people come down but at this point they do not know what the redesign would look like. Commissioner Joyce asked how they would direct signage for the garage. Chair Strachan did not believe the Planning Commission could require the applicant to put signage on a building they did not own. Commissioner Joyce thought they should have some purview if since the City was changing its pedestrian walkway by allowing the applicant to change the stairs and possibly create a new set of problems in terms of interaction between cars coming out of the garage and pedestrians.

Chair Strachan thought the most recent design concept from the City Engineer eliminated the problems. Commissioner Joyce understood that the Planning Commission would not make assumptions on the space and how the garage doors worked, or even how the stairway would be redesigned. He agreed that the City Engineer had offered a concept drawing but he thought the intent was to draft conditions of approval that did not make assumptions about the City and the applicant coming to an agreed solution. Commissioner Joyce emphasized that his biggest concern was pedestrian safety. He wanted to make sure that if they decided to give approval this evening that they were not shortchanging the pedestrians. He acknowledged that the redesign of the stairs might resolve the problem but it was still unknown.

Mr. DeGray pointed out that in either case they have the ability to put bollards in line with the opening to the garage and they could place a sign on the bollard facing towards people driving out of the Cunningham to be aware of the pedestrian access. Commissioner Joyce liked that idea. He also liked the fact that there were currently two large bollards to keep people from backing up into the bottom of the wall.

Chair Strachan believed the Minutes from this meeting would reflect what the Planning Commission wanted and the Staff would make sure the applicant followed that direction. If the applicant chooses not to follow that direction they would have to come back to the Planning Commission.

Commissioner Thimm was comfortable leaving Condition #1 silent on the number of parking stalls but he thought they should state the expectation that the end design should have a legitimate backup for each and every stall regardless of the number.

Commissioner Campbell thought it should be part of the stair re-design because they were moving the stairs out of the way. He suggested that instead of saying it has to be drawn by the City Engineer, the language should say, "…..and to allow for a straight backup lane.

Director Erickson revised condition of approval #7 to say, "A stair redesign consistent with the sketch by the City Engineer and a straight back-out for all parking spaces."

MOTION: Commissioner Joyce moved to APPROVE the 550 Park Avenue Conditional Use Permit for a parking area with five or more spaces in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Chair Strachan stated that the only changes to the Steep Slope CUP were the gas fireplace and the trash. Mr. DeGray indicated a storage room on the lower level garage plan and noted that the applicant was thinking of using that for the trash cans. Mr. DeGray was not opposed to a condition of approval stating that trash cans shall not be visible from the street except on trash days. He would change the designation on the plan from storage to trash/storage. It would also be used for recycle. Chair Strachan pointed out that the applicant could put the trash wherever they wanted as long as it was not visible from the street.

MOTION: Commissioner Worel moved to APPROVE the Steep Slope CUP for 550 Park Avenue for a new single-family dwelling over a parking structure according to the Findings of Fact, Conclusions of Law and Conditions Approval as amended. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

<u>General Findings of Fact – 550 Park Avenue</u>

1. The site is located at 550 Park Avenue.
2. The site is located in the HR-2 District.
3. The site is currently being proposed at Lot 1 of the Cardinal Park Subdivision.
4. This application includes a request for a Conditional Use Permit for construction

of a new-single family dwelling over a parking structure.
5. A Historic District Design Review (HDDR) application is concurrently being reviewed by staff for compliance with the Design Guidelines for Historic Districts.
6. The LMC indicates that the use listed as A Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot requires a Conditional Use Permit
7. A single-family dwelling is an allowed use in the HR-2 District.
8. The proposed single-family dwelling is 2,133 square feet consisting of a three (3) bedroom house without a garage.
9. A single-family dwelling requires two (2) parking spaces.
10.The applicant proposes two (2) parking spaces for the single-family dwelling
11.The applicant proposes five (5) parking spaces for the April Inn site.
12.The lowest level is the parking level consisting of 142 square feet.
13.The parking area consists of 1,084 square feet.
14.The middle level is identified as the street level and is accessed directly off Park Avenue.
15.The street level has three (3) bedrooms, two (2) bathrooms, and a family room.
16.The street level contains 1,107 square feet and it also has a rear deck.
17.The upper level has the living room, dining room, kitchen, and a bathroom.
18.The upper level has both a front and rear deck.
19.The upper level is 884 square feet.
20.The maximum building footprint is 1,135.5 square feet.
21.The proposed building footprint is 1,127 square feet.
22.The minimum front/rear yard setbacks are ten feet (10).
23.The front yard setbacks are ten and a half feet (10.5').
24.The rear yard setbacks are sixteen feet (16').
25. The minimum side yard setbacks are three feet (3').
26.The side yard setbacks are three feet (3').
27.The proposed structure complies with the maximum building height, including the following provisions: final grade, thirty-five foot rule, vertical articulation, roof pitch.

<u>Steep Slope CUP Specific Findings of Fact – 550 Park Avenue</u>

1. The proposed structure is located and designed to reduce visual and environmental impacts of the Structure.
2. The applicant submitted plans including a streetscape showing how the three (3) structure will be observed as a two (2) story dwelling when viewed from Park Avenue, due to the character of the slopes towards the front which limits the maximum building height.
3. The proposed structure has two (2) access points: Park Avenue and Main Street.

4. The Park Avenue access corresponds to an eighteen foot (18') wide porch for pedestrian access as well as a parking space directly off Park Avenue.
5. The Main Street access for the house has a covered parking space and a door leading to the upstairs street level. The five (5) remaining parking spaces are for the exclusive use of the April Inn and are only to have access through the alley off Main Street.
6. The side access of the lowest parking level was granted by the City to the applicant in a recent City Council discussion to be finalized in a form approved by the City Attorney and City Engineer.
7. The proposal does not including any terracing other than the effect of the structure on the site.
8. The proposed structure is located towards the front and center of the lot in order to capitalize the access to both driveways from each one of the access point, one parking space from Park Avenue at the street level of the structure and the rest off Main Street through what would be considered the side of the building at the lowest level of the structure.
9. The maximum building height of 27 feet make the proposed structure follow the perceived natural topography of the site.
10.The front façade is broken up which assists in providing front yard variation.
11.The roof form, the decks both in front and back, and the vertical step in the front break up the mass of the building and adds more articulation to the building form.
12.The proposed green roof is not accessible and is considered a passive space which will not require railings, etc. The green roof will not act as a patio.
13.Staff recommends that the fireplace above the roof is reduced as it tends to "stick out" as seen from the front elevation.
14.The front has small roof form to the left, a wide eighteen foot porch to the right, and a four foot (4') vertical façade shift which minimize the "wall effect".
15.The proposed design contains the required ten foot (10') step-back on the third story.
16.The proposed structure is both horizontally and vertically articulated and broken into compatible massing components.
17.The design includes setback variations and lower building heights for portions of the structure on the rear elevation.
18.The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area comprised of three (3) story dwellings.
19.The entire building ranges in height from seventeen to twenty-seven feet (17-27') measured from existing grade, as required by the LMC.

<u>CUP for Parking with 5 or More Spaces Specific Findings of Fact – 550 Park Avenue</u>

1. The proposal shall be consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites.
2. The application is currently being reviewed by staff for compliance with the Design Guidelines where the scale, compatibility, historic character is thoroughly reviewed.
3. Applicant proposes two (2) parking spaces for the residential single-family dwelling, one parking space accessed directly off Park Avenue and one parking space accessed off the alley through Main Street. The LMC requires a single-family dwelling to have two (2) parking spaces.
4. Staff recommends that the applicant submit the required report by a Certified Arborist and that the loss of significant mitigation is replaced on a like per like basis.
5. The applicant shall be responsible of screening utility equipment through their final landscape plan to be approved prior to building permit issuance. Any utility equipment in the Right-of-Way shall also be screened through proper approval and authorization of the City Engineer.
6. The proposed single-family dwelling is 2,133 square feet consisting of a three (3) bedroom house with most of the lowest level consisting of parking spaces.
7. The house has one parking space accessed off Park Avenue and one parking space accessed through the alley via Main Street.
8. The requested use of the single-family dwelling is off Park Avenue as well as through Main Street and the alley.
9. From time to time, Main Street may be closed for specific events, such as Miner's Day parade in September, Arts Festival in August, etc., Pursuant to the Easement Agreement, the owners of the April Inn during these street closures they may not access the proposed parking garage. The applicant stipulates these street closures and understands that they would have to abide the same restrictions currently faced by other residential property owners and businesses on Main Street.
10.No additional utility capacity is required for the requested use.
11.Emergency vehicles can easily access the unit and no additional access is required.
12.The applicant proposes a total of seven (7) parking spaces on-site: Two (2) parking spaces for the single-family dwelling; and Five (5) parking spaces for the April Inn.
13.The LMC indicates that a single-family dwelling requires a minimum of two (2) parking spaces.
14.The first (1st) parking space is accessed off Park Avenue while the second (2nd) parking space is found below the street level.
15.The remaining five (5) parking spaces, as well as the second one (1) for the house, are accessed of Main Street through a drafted easement agreement over City owned property.

16.The five (5) parking spaces are to be built for the benefit of 545 Main Street, April Inn.
17.The single-family dwelling has internal pedestrian circulation directly off each parking area.
18. The first (1st) parking space is accessed off Park Avenue, the second (2nd) parking space as well as the five (5) parking spaces are accessed off Main Street through the alley.
19.Screening and landscaping is proposed at towards the front of the house.
20.The applicant requests to build a new single-family dwelling at the Park Avenue elevation.
21.The applicant requests the roof of the structure to be a passive non-accessible green roof, which is allowed.
22.No useable open space will be affected with the requested use from what is currently found on site.
23.There are stairs on the west end of the City owned alley, which the applicant requests to rebuild, realign, and landscape. The applicant will have to receive a separate permit through the City Engineer's office to rebuild and realign the City stairs, as well as landscaping City owned property.
24.No signs and lighting are associated with this proposal.
25.The requested uses will not affect the existing physical design and compatibility with surrounding structures in mass, scale and style.
26.The proposal will not affect any control of delivery and service vehicles, loading/unloading, and screening.
27.The expected ownership and management of the property is not projected to add impacts that would need additional mitigation.
28.The proposal is not located within the Sensitive Lands Overlay.
29.The applicant requests to build a residential parking structure for the April Inn below grade of Park Avenue projected across the HR-2 and beneath the main floor of a single-family dwelling, a residential structure facing Park Avenue.
30.The proposed structure within the HR-2 portion of the lot meets the minimum side and front yard setbacks of the HR-2 District as stated. The parking structure below the single-family dwelling does not occupy side yard setbacks other than the access leading to it.
31.The proposed structure within the HR-2 portion of the lot meets the building height requirements of the HR-2 District as stated.
32.The new structure fronting on Park Avenue does not contain commercial uses.
33.Only the lot area within the HCB portion of the lot shall be used to calculate the commercial floor area.
34.Applicant requests a total of one (1) unit over the HR-2 portion of the development.
35.The access for the parking structure underneath the single-family dwelling is off

Main Street, HCB District, through an easement. The applicant is not asking for a commercial structure. No emergency access onto the HR-2 portion of the property is proposed.
36.The width of the proposed structure is twenty nine feet (29').
37.No density transfer is being proposed.

Conclusions of Law – 550 Park Avenue

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.

Conditions of Approval – 550 Park Avenue – CUP for parking with five or more spaces

1. Garage doors would be installed on the easement side of the building.
2. Striping and signage will be installed to the satisfaction of the City Engineer to identify the easement, pedestrian route and vehicle traffic notices. Safety Bollards will be installed.
3.Protection plan will be put in place for the rock wall and subject to the approval of the historic preservation planner.
4. No change in height to the building from current proposal.
5. No change to the facades visible from Park Avenue.
6. A stair redesign consistent with the sketch by the City Engineer and a straight back-out for all parking spaces.
7. The applicant shall submit a signage plan to address pedestrians.

Conditions of Approval – 550 Park Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City

Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.
7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
8. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on October 28, 2016, if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Commission.
10.Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes made during the Historic District Design Review.
11.All Yards shall be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The use of native plants and trees is strongly encouraged.
12.From time to time Main Street may be closed for specific events, such as Miner's Day parade in September, Arts Festival in August, etc., and finds that the applicant understands that during these street closure they may not access their parking garage. The applicant stipulates these street closures and understands that they would have to abide the same restrictions currently faced by other residential property owners and businesses on Main Street.
13.There are stairs on the west end of the City owned alley, which the applicant requests to rebuild, realign, and landscape. The applicant shall receive a separate permit through the City Engineer's office for this work to the satisfaction of the City Engineer and applicable City Codes.
14.The new structures fronting on Park Avenue shall not contain commercial uses.
15.The number of residential units allowed on the HR-2 portion of the Development shall be limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.
16.The maximum allowed Building Footprint for the HR-2 Lot shall be subject to Section 15-6-5(B).
17. The easement agreement for access to the lower parking must be recorded prior to issuance of any building permits.
18.The applicant shall submit the report by a Certified Arborist prior to building per

LMC § 15-2.3-15. Loss of significant mitigation shall be replaced on a like per like basis.
19. A gas fireplace shall be installed.
20. Trash cans shall not be visible from the street.

3. <u>327 Woodside Avenue Steep Slope Conditional Use Permit for an addition and Conditions Use Permit for an Accessory Apartment in the HR-1 District</u> (Application PL-15-02861 and PL-15-02862)

Planner Astorga reported that this item was a dual application for a Steep Slope Conditional Use permit for construction over steep slopes and a CUP for an accessory apartment. He noted that six months ago the City approved a plat amendment to combine two lots of record at 327 Woodside Avenue. The plat was almost finalized. The site has an existing single-family dwelling. Planner Astorga reviewed the existing conditions of the structure on page 165 of the Staff report.

Planner Astorga stated that the property owner had submitted a conditional use permit application to accommodate an addition to the existing single family dwelling which would occur over slopes that are 30% or greater. Part of that addition would be a 609 square foot apartment. Planner Astorga pointed out that the majority of the addition was for the single family dwelling and not the accessory apartment. Planner Astorga reviewed the site plan and indicated the existing single family dwelling and the proposed addition.

The Staff had looked at the specific criteria for the accessory apartment and determined that the proposal met the criteria. The accessory apartment cannot be more than one-third of the main dwelling and no larger than 1,000 square feet. Planner Astorga stated that there cannot be more than three accessory apartments within a 300 feet radius. The Staff checked specific records and there are no accessory apartments within 300 feet. Planner Astorga remarked that if the Planning Commission chooses to approve the accessory use, a unique requirement is that the deed must be restricted and the property owner must live on site in either the main dwelling or the accessory apartment. Planner Astorga stated that another unique requirement indicated in the Code is that neither the main dwelling or the accessory apartment would be eligible for a nightly rental, which is an allowed us in the HR-1District.

Planner Astorga noted that the Staff report contained General Findings of Fact of the site, as well as Findings of Fact, Conclusions of Law and Conditions of Approval for the Steep Slope Conditional Use Permit and for the Accessory apartment. The Staff finds that the proposal meets the Land Management Code.

Planner Astorga remarked that the City Engineer had submitted information regarding the location of the driveway. The accessory apartment is one-bed and the Code requires one parking space for the number of bedrooms. Therefore, the applicant has decided to design the addition, including the accessory apartment, the parking space adjacent to it. The City Engineer was asking whether there were opportunities for the parking space designated for the accessory apartment to utilize the existing driveway on the site. The applicant has indicated that it would be extremely difficult.

Planner Astorga noted that the LMC does not have a restriction in the HR-1 District that limits one driveway cut per site. After conducting an analysis, the Staff recommended that the Planning Commission approve the proposal for the Steep Slope CUP and the accessory apartment.

Jonathan DeGray, the project architect, stated that the merits of the driveway as proposed is that the separation between the existing driveway and the proposed driveway provides a landscape buffer and allows access to the accessory apartment remote from the existing home. Mr. DeGray remarked that the driveway cuts match the rhythm of the single car driveways coming down Woodside. To try to facilitate the additional parking space off of the existing driveway would require significant excavation in front and they would lose a lot of the vegetation and the wall work that was shown in the plan for two driveways. Mr. DeGray stated that using one driveway would not be their preference.

Commissioner Worel stated that when she visited the site there appeared to be railroad ties as a retaining wall. She asked if the wall of the addition would replace those retaining ties. Mr. DeGray did not believe the railroad ties were on this applicant's property. Planner Astorga noted that a neighbor had authorized a trespass agreement for 335 Woodside to stage construction materials on her property. He suggested that it may have been that construction material that Commissioner Worel had seen.

Planner Astorga reported on a letter he had received from Ruth Meintsma supporting the accessory apartment.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Band liked the proposal. Without infringing on HOA requirements she would like to look at LMC changes to eliminate the maximum accessory requirement in certain neighborhoods. She stated that if someone is willing to put in an accessory

apartment where they are allowed, it is a good way to help with the housing crunch. Commissioner Phillips concurred. He believed the General Plan encourages that as well.

Commissioner Worel asked if Commissioner Band was suggesting that they remove the restriction of not within 300 feet.

Commissioner Phillips preferred two separate driveways as opposed to one wide driveway. Commissioner Band agreed.

Commissioner Worel liked the proposal, especially the fact that the main house has to be owner/occupied and that nightly rental is not allowed.

Commissioner Joyce gave it two thumbs up. Commissioners Thimm and Campbell agreed with the other Commissioners.

In terms of changing the LMC, Commissioner Campbell asked Ms. McLean to advise the Commissioners at a future meeting on whether or not they would have the legal right to force HOAs to stop blocking accessory apartments. Commissioner Campbell also suggested that they look at less restrictive parking. If they want to start limiting cars in town they could start by not allowing an extra parking space for accessory apartments.

Assistant City Attorney McLean stated that regarding the HOA, City Code allows private CC&Rs to be more restrictive as long as it is constitutional. To allow accessory apartments, the Planning Department could create LMC amendments to encourage accessory apartments, but it would not usurp existing CC&Rs.

Commissioner Campbell asked whether the other Commissioners supported his suggestion to not allow additional parking for an accessory apartment. Commissioner Band stated that it would depend on the neighborhood and proximity to bus access.

Chair Strachan agreed with his fellow Commissioners, except he did not like the plan for two driveways. He personally preferred one narrow driveway.

MOTION: Commissioner Joyce moved to APPROVE the Conditional Use Permit for construction on a steep slope for 327 Woodside Avenue in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Joyce moved to APPROVE the Conditional Use Permit for an accessory apartment for 327 Woodside Avenue in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

General Findings of Fact that apply to both CUPs – 327 Woodside

1. The site is located at 327 Woodside Avenue.
2. The site is located in the Historic Residential-1 (HR-1) District.
3. The applicant requests to build an addition to their existing single-family dwelling.
4. The existing single-family dwelling is 2,366 square feet, including the garage.
5. The proposed addition is 1,968 square feet.
6. The overall proposed square footage is 4,334 square feet.
7. The addition takes place over slopes that are thirty percent (30%) or greater.
8. The majority of the proposed addition totaling 1,359 square feet is an expansion to the existing single-family dwelling, including the garage.
9. The remaining 609 square feet is an addition in the form of an Accessory Apartment.
10. An Accessory Apartment is a conditional use which requires Planning Commission review and approval.
11. The proposed building footprint of 1,510 square feet meets the maximum building footprint of 1519 square feet.
12. The addition consisting of a building footprint of 719 square feet, takes place over slopes that are thirty percent (30%) or greater.
13. The proposed front yard setback of eighteen feet (18') meets the minimum front yard setback of ten feet (10').
14. The proposed rear yard setback of fourteen-and-half feet (14½') meets the minimum rear yard setback of ten feet (10').
15. The proposed north side yard setback of seven feet (7') meets the minimum north side yard setback of seven feet.
16. The existing building does not expand towards the south and therefore, the existing building maintains the minimum side yard setback of three feet (3') on the south side.
17. The proposed addition complies with the maximum building height, including the following provisions: final grade, thirty-five foot rule, vertical articulation, roof pitch.

Steep Slope CUP Findings of Fact – 327 Woodside

1. The proposed addition/expansion is sited towards the north of the existing single-family dwelling.
2. The proposed combined footprint will resemble a U shape which creates an appropriate traditional driveway pattern.
3. The proposal includes a parking space for the Accessory Apartment seventeen feet (17') away from the existing driveway to the south.
4. The applicant submitted plans including a streetscape showing how the three (3) story structure will be observed when viewed from Woodside Avenue.
5. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283.
6. The proposed addition has an additional parking space accessed directly off Woodside Avenue.
7. The proposed parking space is three feet (3') from the north property line and is twelve feet (12') wide.
8. The parking space is eighteen feet (18') long.
9. The proposed driveway slope is at nine percent (9%).
10. The proposal includes three (3) series of retaining wall.
11. All of the retaining walls were drafted as builder walls not to exceed four feet (4') from final grade.
12. The footprint of the proposed addition resembles a U shape that makes the site look like the traditional Old Town development pattern.
13. Due to the size of the Accessory Apartment, only one (1) parking space is required (based on the number of bedrooms).
14. The maximum building height of 27 feet make the proposed structure follow the perceived natural topography of the site.
15. The front façade is broken up which assists in providing front yard variation.
16. The proposed addition and the existing building are designed in a manner that is broken into the required series of individual smaller components.
17. The applicant does not request to build a garage for the required parking space.
18. The existing structure has a front yard setback of ten feet (10').
19. The proposed addition has a front yard setback of eighteen feet (18').
20. The proposed structure is both horizontally and vertically articulated and broken into compatible massing components.
21. The design includes setback variations and lower building heights for portions of the structure on the front elevation.
22. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area comprised of three (3) story dwellings.
23. The entire building ranges in height and the maximum height found on site is 24½' measured from existing grade, as required by the LMC.

Accessory Apartment Findings of Fact – 327 Woodside

1. An Accessory Apartment is 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.
2. The proposed apartment fits the definition above of an Accessory Apartment as it is a self-contained apartment with a full kitchen, one bedroom, and one-and-half (1½) bathrooms.
3. The proposed Accessory Apartment is 609 square feet.
4. The proposed addition will increase the existing structure to a total of 4,334 square feet.
5. The proposed Accessory Apartment will be less than one third (1/3) or 0.33 as it will be 0.14 of the total dwelling size.
6. The Land Management Code requires one (1) parking space per bedroom for an Accessory Apartment.
7. The applicant proposes a one (1) bedroom Accessory Apartment.
8. The applicant requests to build one (1) parking space located on the northeast corner of the site.
9. The applicant requests one (1) Accessory Apartment on the lot.
10. The applicant submitted the required floor plan, architectural elevations, and site plan showing the proposed changes to the existing structure and site.
11. The Planning Department has verified City files regarding approved Accessory Apartments.
12. There are no approved Accessory Apartments within the three hundred foot (300') radius.
13. The current property owner lives onsite.
14. Staff recommends a condition of approval be entertained that the required Deed Restriction language be executed before the Applicant can obtain Certificate of Occupancy and a building permit be obtained through the Building Department for the requested Accessory Apartment.
15. Staff recommends a condition of approval be entertained that the applicant does not have the ability to use the main Dwelling Unit or the Accessory Apartment as a Nightly Rental.
16. The site is located in Old Town and is part of the Historic Park City Survey. The lot is not within a specific Subdivision.
17. The requested Accessory Apartment does not have any unmitigated impacts when reviewed against LMC § 15-1-10(E)(1-15).

Conclusions of Law – 327 Woodside

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.

Conditions of Approval – 327 Woodside

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.
7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
8. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on October 28, 2016, if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Commission.
10.Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes made during the Historic District Design Review.

11.The required Deed Restriction language shall be executed before the Applicant can obtain Certificate of Occupancy from the City.
12.The applicant does not have the ability to use the main Dwelling Unit or the Accessory Apartment as a Nightly Rental.

4. 900 Round Valley Drive Pre-Master Planned Development review for proposed amendments to the IHC Master Planned Development (Application PL-15-02695)

Commissioner Worel disclosed that her office is located in the Summit County Health Department Building which is on the IHC Campus, but it would not affect her ability to discuss this item.

Planner Whetstone reported that this item was a pre-master planned development application which requires the Planning Commission to review and find initial compliance with the General Plan. Morgan Bush and Si Hunt, representing Intermountain Healthcare, were present to explain why they were before the Planning Commission with this request, and why they believed the initial concept complies with the General Plan. This item was also noticed for a public hearing. The Staff had prepared draft findings of fact, conclusions of law and conditions of approval for this pre-MPD application to be considered as part of the discussion. No action was expected or required this evening. Planner Whetstone requested that the Planning Commission continue this item to November 11, 2015.

Planner Whetstone reported that the applicants were requesting two amendments. One was the Subdivision of Lot 8 to split the 9.93 acre lot into a 3.6 acre lot, which would remain as lot 8, and create an open space lot from the remaining 6.33 acres, which would be Lot 12. Planner Whetstone noted that Lot 8 was anticipated for the Peace House conditional use permit with a ground lease from IHC. Lot 12 would remain open space.

Planner Whetstone stated that the second request was to increase the density of the MPD. The applicant was requesting the addition of 50 unit equivalents. It would be 50,000 square feet based on the calculation of 1,000 square feet per unit equivalent for support medical offices. IHC originally talked about doing a combination with hospital use. However, a hospital use with this MPD was 1.667 density, which would make the 50 UE approximately 83,000 square feet. The applicant was no longer pursuing that proposal. Planner Whetstone noted that IHC was requesting to put the additional density for support medical on either Lot 1 or Lot 6.

Planner Whetstone stated that prior to submitting for an MPD Amendment, the applicant is required to submit for a pre-MPD to be reviewed by the Planning Commission. The pre-

MPD process allows for initial discussion and direction before an applicant gets too far into the design process. However, in this case, IHC was not proposing the actual construction but rather an amendment to the actual Annexation and Development Agreements that governs the MPD. The pre-MPD process requires a review of the MPD and the zoning, as well as review of the General Plan. Planner Whetstone noted that IHC is in the Community Transition zone (CT).

Planner Whetstone stated that the Staff looked at the General Plan in terms of the Quinn's neighborhood, which identified small town, sense of community and natural setting as items for discussion.

Planner Whetstone stated that if the Planning Commission finds initial compliance with the General Plan, the applicant could then submit the MPD Amendment application for a full review by the Planning Commission and public hearings. Per the Code, if there is not a finding of general compliance the applicant could amend the concept plan or withdraw it. The applicant would also have the option to request a General Plan amendment.

Planner Whetstone reported that the January 2007 Annexation Agreement identifies an allowed density of 2.64 unit equivalents per acre. The Annexation Agreement talks about the entitlement and requirements and uses and lots. Planner Whetstone noted that the Hospital is on Lot 1. Lot 2 in the southwest corner is open space. Lot 5 is the 15 acres of City parcel, which is adjacent to the ice rink and runs on both sides of the street. The USSA is located to the east of Lot 5 and the Summit County Health Building and the People's Health Clinic is located on Lot 10. Lot 8 is to the north.

Planner Whetstone reviewed a table on page 189 of the Staff report that identified the lots, the lot areas and the densities to give the Planning Commission an idea of how the 415 UEs were achieved. The entire annexation lot area was 157.24 acres. The allocated densities were broken down by lot. Planner Whetstone noted that dividing the total lot area calculates to 2.64 UEs per acre. Planner Whetstone presented another table which showed the hospital uses, the support uses and where they are located. The previous MPD amendment moved 25 unit equivalents that were on Lot 6 and 25 unit equivalents on Lot 8 and placed them on Lot 1. Planner Whetstone noted that the 50,000 square feet of support medical offices was currently being constructed. All of the support medical office talked about in the MPD was either already constructed or was being constructed. The hospital has approximately 162,000 square feet or 97 hospital unit equivalents remaining.

Planner Whetstone commented on the Community Transition Zone and noted that the base zoning is one unit per 20 acres. A bonus density allows up to three units per acre for non-residential and one unit per acre for residential if approved.

Planner Whetstone reviewed the goals and strategies in the General Plan for the Quinn's neighborhood. The General Plan also identifies planning principles for the Quinn's area. Planner Whetstone stated it may require a discussion on whether the General Plan provides the guidance needed to answer the questions. The primary question is whether or not adding 50,000 square feet or 50 unit equivalents to the MPD, which would take the density to the maximum allowed in the CT zone, is consistent with the General Plan. If the answer is yes, the next question is where it should be located. Planner Whetstone stated with all of the density allocated to the 2.64 unit equivalents, there was no density allocated to the 15 acres owned by the City on Lot 5. The agreement specifies that it was dedicated to the City for recreation and open space. Lot 5 is adjacent to the Ice Rink and there have been discussions about a second ice sheet or some other recreation facilities. The question is whether the Planning Commission thinks those types of uses require unit equivalents. Planner Whetstone recalled discussions in the past regarding the fire station and noted that a fire station is a public benefit and does not generate revenue.

Planner Whetstone had reviewed the Code for both the CT and the ROS zone and there was not a requirement for recreation uses to use unit equivalents. The CT zone only talks about commercial and residential unit equivalents. Planner Whetstone stated that Chapter 6 – Master Planned Developments, talks about unit equivalents for residential and commercial uses.

Planner Whetstone requested that the Planning Commission discuss whether the General Plan needed to be amended to provide more guidance on this issue.

Morgan Bush commented on the Lot 8 subdivision and the additional density. He noted that the trail bifurcated Lot 8. He stated that all of the land that IHC would retain in Lot 12 east of the trail was already delineated as wetlands. The west side of Lot 8 has also been delineated a wet lands. The rest of Lot 8 was not wetland. Mr. Bush stated that after further consideration, IHC realized that it was unlikely in the next phase of development that they would want to go through the Corp of Engineers to mitigate the wetland to make the west part of the campus buildable, since Lot 6 has not been built on and there were possibilities on Lot 1. That was the reason for amending the request to ask for additional density on Lot 1 or Lot 6. Mr. Bush emphasized that IHC has no intention at this time to build on Lot 8 because of the wetlands issue.

Mr. Bush noted that the Staff report mentioned the idea of the open space being dedicated. He had not thought about taking that route primarily because in the long term looking to 2050, if they have the need for additional growth and can work out a TDR agreement with the City, the intent would be to contain most of the development within the system, except for the hospital. Mr. Bush stated that in the long term IHC may want to come back with a request for additional density with a TDR to place density on Lot 12. That was the reason

why IHC was not intending to dedicate the open space on Lot 12. Mr. Bush was open to considerations on the best way to develop the campus.

Mr. Bush explained that the intent of the subdivision of Lot 8 is to permit Peace House to have the land they need for their project and retain the remainder of the site.

Mr. Bush stated that the north building maxes out the construction of all the medical support on campus, but they still have over half of the allotted density for the hospital. The proposed potential projects for 2018 through 2022 would still only use about half of the 162,000 square feet. Mr. Bush noted that there was still enough hospital density for 2030 and beyond. Initially, they were asking for additional density with maximum flexibility, but the Staff had asked them to be more specific about what was needed and why and when it might be needed. Mr. Bush stated that IHC looked at the needs for additional physicians from now through 2040. The north building will be able to accommodate all current needs plus all future growth needs up to 2020, which will allow IHC to recruit needed physicians to the community for another five years. After 2020 they would run out of office space for physicians.

Mr. Bush remarked that IHC projects the need to add 20 new physicians between 2020 and 2030. As the hospital expands the hospital facilities, there will be a demand for additional physician office space. Of the 20 needed physicians nine are specialists who would definitely want to be housed on campus. Seven of the needed physicians are primary care physicians who could be located on campus or in other locations around the community. Mr. Bush noted that it would actually depend on which physician groups in the community want to grow their practices. If they are Intermountain Health Care physicians they would want to be on campus. Independent primary care physicians could be located with other practices. Mr. Bush stated that four of the needed physicians are hospital-based doctors such as ER doctors, radiologists, and pathologists who would be housed within the hospital and would not need additional medical support space. Mr. Bush remarked that the need to house the 16 additional physicians between 2020 and 2030 was driving the discussion on what it would take to acquire additional density for medical support on campus. The amendment request was amended to focus on the need for the additional physicians. Mr. Bush reiterated that the time frame would be 2020 through 2030.

Mr. Bush stated that IHC was open to having conversations regarding uses, etc., to make sure it fits the needs of IHC and not just a blank check to allow further development that may or may not be consistent with the campus.

Chair Strachan asked why the needs from 2020 to 2030 could not be addressed on Lot 1. Mr. Bush replied that it could be as one option. He explained that the biggest reason for going through this process was to hear whether the Planning Commission had

preferences, and to take them into consideration as they work on their application and revise the site plan.

Commissioner Worel asked if the physician practices that are housed within the hospital count as medical support square footage or hospital uses square footage. Mr. Bush replied that the radiology group has an office in the hospital Radiology Department. Pathology has their office inside the hospital because they read specimens from the OR. IHC provides offices for those types of physicians within the hospital space itself. Si Hunt, representing IHC, clarified that all the other uses would be considered medical support. Commissioner Worel assumed the large orthopedic room would be medical support. Mr. Hunt answered yes. Mr. Bush stated that the radiologists, pathologists, ER doctors and anesthesiologists are the only ones who work in the hospital space and do not need separate offices.

Commissioner Worel asked if the 50,000 square feet being requested for support medical offices would come out of the 162,000 square feet for hospital uses. Mr. Bush replied that they were asking for an additional 50,000 square feet. He stated that based on their projections they know that all of the 162,000 square feet of hospital space will be used by 2040.

Chair Strachan understood that the additional 50,000 would satisfy the need until 2050. Mr. Bush answered no because the hospital and physician offices were different needs. He explained that as healthcare was changing the need for hospital services was slowing and the need for outpatient physician services was growing faster. Therefore, the original plan projected to 2040 for the hospital is fine in terms of the approved density. The shortage was on the medical support side because they had to use the density faster than anticipated in trying to grow the medical specialties in the community. Mr. Bush noted that IHC has two hospitals; one in Heber City and one in Park City. Most of the specialists prefer to practice in Park City. If the density is capped, IHC would have to develop different strategies and determine which services would be shifted to Heber City and balance the two campuses on an equal basis. Currently, Park City is the larger hospital and has more demand for services. Mr. Bush stated that this was their opportunity to have a conversation with the City to understand what IHC needs to do in order for the community to feel comfortable having additional density.

Commissioner Thimm thought that 2.64 UEs per acre appeared to be an arbitrary number, and he asked how that number was reached when the original density bonus was put in place. He wanted to know why it was not 3.00 UEs if that was what the basic conditions allow. Planner Whetstone replied that it was a good question and one the Staff has tried to research without success. They looked through Minutes and the language in the

Annexation Agreement but there is nothing to indicate why the number was 2.64 UEs; other than the fact that it is stated specifically in the Annexation Agreement.

Mr. Bush recalled that the 330 UEs that were approved for the hospital were based on IHC's best estimate in 2004 as to their long term needs for both the hospital and medical support. The City was willing to grant what they needed, but they did not want to grant extra density that might not be needed. When the projections were calculated the density came out to 2.64 UEs of density. Planner Whetstone pointed out that it also included the 85 unit equivalents for USAA.

Chair Strachan asked Mr. Bush to explain why the medical support could not be within the 162,000 square feet on Lot 1. Mr. Bush stated that the medical support could go on Lot 1, but if they start using the hospital space for medical support, at some point they would run out of hospital space.

Planner Whetstone noted that Exhibit J in the Staff report showed the phasing in terms of already built, being built, and what is proposed for the next phase. Commissioner Campbell asked if the entire 50,000 square feet could go on Lot 1 or whether it had to be spread out to Lots 6, 7 8 and 10. He was told that it could all go on Lot 1. Planner Whetstone asked if the Planning Commission wanted to make that determination now, or if they wanted the applicants to come back with additional information to show how that would look.

The Commissioners and Mr. Bush discussed different scenarios for placing the additional 50,000 square feet on and off of Lot 1. Commissioner Band thought the Planning Commission could decide whether or not it was appropriate to allow the additional 50,000 square feet of density this evening and wait until they could actually see plans to decide where it should be located. It would also allow the applicant the opportunity to decide what worked best for their needs and come back with a proposal.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Campbell did not think the Planning Commission should micro manage where IHC puts the 50,000 square feet. They should have the flexibility to put it all on Lot 1 or to spread it out. Commissioner Band pointed out that the Planning Commission might have a definite opinion about where to locate it once they see the actual proposal. Without seeing a proposal any determination made this evening would be based on assumption.

Commissioner Band thought the Commissioners should focus on 1) whether to allow the additional density up to the allowed amount in the zone; and 2) whether it fits within the General Plan, which calls for clustering. Commissioner Campbell believed there was consensus among the Commissioners to keep the density as tight as possible to keep as much open space as possible.

Chair Strachan stated that if the Planning Commission approved the additional 50,000 square feet and let the applicants decide where to put it, they should not allow it to go on Lot 5 because it would take all the UEs on Lot 5 and the City would not have the ability to expand the ice rink.

Assistant City Attorney McLean pointed out that the UEs are associated with the entire MPD and not individual lots. Chair Strachan read from the Staff report, "If density in terms of UEs is required for construction of a similarly sized public facility, and this additional density is granted to the IHC and utilized on Lot 5, then there would be little to no UEs available form expansion of the hospital and vise-versa." He interpreted vise-versa to mean expansion of the City's public facilities. Planner Whetstone explained her intent when she wrote the Staff report. If the UEs were used on Lot 5 there would be nothing left for the Ice Rink. That was one reason for requesting the discussion on whether or not the General Plan provides enough guidance to say that the City recreation facility requires unit equivalents. Planner Whetstone stated that locker rooms, circulation, etc. are considered support uses. Chair Strachan felt that recreation facilities were definitely UEs because they are an intensive use utilized by the public.

Commissioner Joyce stated that his primary concern was that the CT zone was meant to be very open and under certain circumstances it allows 3 UEs per acre. He believed that adding 50,000 square feet would basically max out for the zoning. Commissioner Joyce noted that Peace House does not count against UEs, but just like the ice rink, the facility exists and it requires parking, power and other components. In addition, they were talking about a fire station and a rec center. Commissioner Joyce was less concerned about meeting the hospital needs and more concerned about solving the whole problem for the entire space. In his opinion all the uses take up UEs . Without counting IHC, the Peace House, the Ice Rink and Fire Station would max out the zone. Commissioner Joyce remarked that the issue was deciding how real is the cap of 3 UEs and whether they were willing to make exceptions for things that do exist and take up space visually and physically.

Planner Whetstone stated that the Agreement is very clear that any affordable housing provided on the site is not counted against the density. That would include Peace House. However, the Housing Authority specifically said that if additional density was granted, the density portion of the Peace House related to the Tanger Outlets requirement that was

paid to Summit County and that Summit County provided to Peace House would need to come out of any additional density that was granted. Planner Whetstone clarified that the 8,000 square feet for Peace House would have to come out of the 50,000 square feet.

Commissioner Joyce understood that IHC needed an answer for their long term plans, but he thought the real challenge for the Planning Commission was deciding the long term look for that space and how much density they were willing to tolerate, as well as what the City wanted to do with its parcel. Commissioner Joyce was unsure how the Commissioners could give the applicant a good answer. He asked if the other Commissioners had ideas on how to proceed.

Assistant City Attorney McLean asked for clarification what would happen to the Peace House project if the Planning Commission decided not to amend the MPD. Planner Whetstone replied that even if IHC does not get additional density they would still accept Peace House because of the overall benefit of counting as affordable housing for the Basin. Mr. Bush explained that the condition the Housing Authority place stated that if IHC were granted additional density the UEs would apply. However, if there was no additional density they would accept the project as is. Ms. McLean asked if the 8,000 square feet was calculated in the presentation. Mr. Bush stated that the reason for having this conversation with the Planning Commission was to get clarity so they could begin making better decisions. If they need to bring in a medical office building project for approval, they wanted to know what conditions IHC would have to satisfy in order to have a favorable review.

Commissioner Joyce clarified that if the Planning Commission grants 50,000 square feet they would actually be giving them 42,000 square feet because the other 8,000 would go to Peace House. Planner Whetstone pointed out that IHC would still have an affordable housing obligation after Peace House. Mr. Bush stated that Peace House would take them through the next phase of hospital construction to 2018 through 2022, but they would still have to provide additional affordable housing prior to the final hospital expansion.

Planner Whetstone stated that it was a difficult decision but there were options. They could look at amending their request, amending the zone, or amending the General Plan to provide more clarity. Chair Strachan stated that amending the General Plan was not a good option. It is a long process and he would be uncomfortable amending the General Plan because it was triggered by one specific project.

Commissioner Joyce recommended that they not get bogged down in the details of the implementation. He thought they should try to define what they wanted as an end result and how to achieve it.

Commissioner Worel suggested looking at it in terms of open space since the goal is to have 80% open space. Mr. Bush noted that there is 86% open space with the current plan. Depending on which option they choose for the additional 50,000 square feet, they would submit the proposed site plan for different options with the MPD application and identify the amount of open space and how they would address the other density bonuses. Mr. Bush stated that there were five requirements: open space, additional community benefit, affordable housing, frontage protection. He pointed out that frontage protection would not apply.

Commissioner Joyce was unsure how the applicant could deal with all the other pieces. Commissioner Band understood the point Chair Strachan and Commissioner Joyce had made about existing buildings, but she did not think IHC should have to take something like the fire station out of their UEs because the fire station is a public benefit. She understood what they were saying because those building do exist. Commissioner Band pointed out that Quinn's is a development node identified as such by the General Plan. If they see that the community needs a fire station or another field house and ice sheet, the question is whether they want to keep density with density. Chair Strachan believed those were the types of structures that warrant the density bonus. He did not think that a highly profitable organization that does not exclusively provide a public benefit should be entitled to a density bonus. In his opinion, when there are competing interests such as a public ice rink versus a for-profit organization like a hospital, the community facilities should win out and they should get the density bonus.

Commissioner Band believed that hospitals are non-profit. She thought the argument could be made that having a nice medical campus is a huge benefit to the community. Chair Strachan remarked that there were competing interests trying to "suck up" the rest of the UEs, and IHC was coming to them first because they projected farther out than any of the other interests. If they give it to IHC because they got there first, they might regret that decision later if something else is needed but the UEs are gone. Commissioner Campbell pointed out that if that were to occur they would have the option to rezone. Chair Strachan replied that it was zoned CT for a purpose.

Assistant City Attorney McLean recalled that this was initially IHC's MPD. She asked if the City was given that acreage as a benefit of the MPD or whether the City purchased it. Planner Whetstone stated that the 15 acres was dedicated to the City with the Annexation, along with Lot 2. Mr. Bush clarified that Lot 2 remained with Intermountain but it was dedicated as open space. Planner Whetstone remarked that the Annexation Agreement specifically says that Lot 5 was dedicated to the City for open space and recreation, but density was never allocated to Lot 5.

Commissioner Campbell struggled with overturning a previous agreement that was made by a previous Planning Commission. However, he did not believe they were bound by the 2.64 UEs per acre since Mr. Bush had indicated that it was a number calculated on a projected need. Commissioner Joyce remarked that once they get past the difference between 2.63 and 3.00 UEs, they would have maxed out the zone, and now they were mentioning a zoning change. Chair Strachan pointed out that the next zone up was the GC commercial zone.

Mr. Bush stated that when IHC originally proposed the hospital the GC zone was the only zone that would permit a hospital. They did not want to be in the GC zone because it opened it up to neighbors that are not compatible with a hospital. Mr. Bush remarked that the CT zone helps protect the hospital's environment as well as the type of campus they all want.

Planner Whetstone noted that the density language allowed for future expansion but it was not specific. Chair Strachan believed the reason for the 2.64 UEs instead of starting with 3.00 UEs was to allow for a density bonus under certain conditions. Commissioner Joyce pointed out that per the Code, 3.00 UEs is the absolute maximum allowed in the CT zone. He emphasized that going to 3.00 UEs was the bonus for commercial uses.

Planner Whetstone asked whether a fire station would be considered a commercial use. Commissioner Thimm thought the issue was intensity of use rather than type of use. Setting 3.00 UEs as the maximum limits the intensity of use. He agreed with Commissioner Joyce that if they allow 3.00 UEs, the issue is where to locate the additional allocation. Commissioner Thimm suggested that there may have been wisdom in setting the 2.64 number and allowing for additional allocation for other types of uses in the future as the needs became apparent.

Planner Whetstone noted that PCMR and Deer Valley do not require UEs for their locker room, ski patrol, ski school, employee rooms, etc. She thought that should also be considered. Commissioner Band thought it was a good point because those uses exist.

Assistant City Attorney McLean suggested that another discussion point might be whether the Land Management Code needed to be amended to provide guidance.

Chair Strachan noted that the two questions this evening was whether to subdivide Lot 8 into two lots, and whether or not to grant the additional 50,000 square foot density bonus. Based on the comments, he believed the answer was yes on the subdivision and no on the density bonus. He clarified that the density question would be continued for more discussion because nothing had been concluded and potential Code changes were being

suggested. Chair Strachan stated that a continuation would allow the applicant to come back with a solid reason as to why IHC needs the additional density over anyone else.

Commissioner Band thought they also needed to have a deeper discussion on UEs and what should count as a UE. She recalled from the previous meeting that the Planning Commission had decided the fire station should not count towards the UEs because it was a public benefit. Commissioner Joyce had the same recollection. He had searched the Minutes and their discussion about the fire station being for the public good was reflected, but the Minutes said nothing about not counting as UEs. Commissioner Band specifically recalled saying that the UEs should not count for the fire station and that the fire station was not part of the hospital. Commissioner Worel recalled that discussion as well. Commissioner Band thought the Commissioners had agreed that the UEs did not count for the fire station.

Chair Strachan thought it should be a case by case analysis. A fire station does not have a high intensity of use and the UEs allocated to the fire station could be a lesser number. In contrast, a locker room and similar facilities have a much higher intensity of use. Commissioner Band pointed out that currently uses such as locker rooms do not count as UEs which has already set the precedent. Chair Strachan suggested that the Commissioners focus their discussion on the application that was before them this evening, and have a more general discussion at a later time.

Chair Strachan believed the direction to the applicant was that they could not have the density bonus, at least at this stage. Commissioners Band and Campbell did not think they had reached that conclusion. Commissioner Band personally felt that the Planning Commission could not address the density question without first having the UE discussion. She pointed out that if they determine that a locker room and a fire station are zero UEs, then possibly a rec center could also be zero UEs. Commissioner Band agreed with Commissioner Joyce's comment about maxing out the zone because the uses exist; however, those uses have not been counted in the past and if they were not counted now, then IHC could be granted the additional density.

Chair Strachan did not believe they needed to have the UE discussion in the context of this specific application because they knew for sure that what IHC plans do so with the density will take the UEs. Assistant City Attorney McLean stated that the Code is unclear and it could use more clarity in terms of whether those other uses use up UEs. She did not think it was fair to tell this applicant that the City was putting aside some extra UEs for other uses that may or may not need UEs. Ms. McLean thought that should be a different discussion. Chair Strachan pointed out that the Commissioners know for certain that what IHC plans to do with the density uses UEs. He believed the Planning Commission could make a decision based on that fact and provide direction to the applicant.

Commissioner Band agreed with Ms. McLean that if they hold back UEs for uses they anticipate might occur in the future, but those uses do not count as UEs, then they would have denied this applicant for no reason.

Assistant City Attorney McLean suggested that Planner Whetstone come back to the Planning Commission with more history. This is IHC's MPD and if they bring forth a certain amount of development, it would not be fair to withhold density for other uses unless it was part of the initial agreement. Commissioner Joyce noted that the original agreement was exactly the number of UEs that IHC has. The issue was that IHC was asking for more. If they build the UEs they were originally allotted, then they should not be allowed anything more because the additional 50,000 square feet was not part of the agreement. Commissioner Joyce pointed out that the absolute maximum the zoning could support was different than the agreement. The Annexation Agreement and the MPD said IHC could have 2.64 UEs per acre.

Assistant City Attorney stated that the Planning Commission needed to reassess the request for additional density and review it under the Code. There is a provision in the CT zone for additional enhanced public benefit dedication. IHC initially gave it as land, but the provision also talks about the inclusion of public recreation facilities or public and/or quasi-public institutional uses reasonably related to the General Plan Goals. Ms. McLean remarked that the lack of clarity was whether those enhanced benefits require density, whether they need to help pay for it, or dedicate land. Unless it was associated with the other public benefit dedication, she was unsure if the City could step on their MPD and take the UEs that are potentially still available for the zone.

Commissioner Joyce wanted it clear that the density allowed in the Development Agreement was done. Therefore, no one was taking anything away from the applicant or the MPD. The applicant was now asking to open the agreement and get more density. Chair Strachan agreed, noting that their request was under the auspices of the density being allowed in the zone. Commissioner Joyce pointed out that there was a maximum identified in the zone and there were still multiple landowners that might be interested in wanting more UEs than were part of that Development Agreement. Without changing the zoning there were still UEs to be given out. Commissioner Band reiterated that those uses may or may not need UEs. Commissioner Joyce remarked that there was still a pocket of UEs that were left to give out, but no one has a right to them and no one has earned them. He acknowledged that some uses may not require UEs and they may have some left over to give to IHC, but he did not think that should be confused with the fact that IHC, the City or anyone else has earned the right to have them. He reiterated that the only two agreements currently in place was the maximum capacity as defined by the CT zone and the Development Agreement.

Planner Whetstone stated that it was a quandary. The application was submitted in February and the Staff has been researching and discussing it since then. The applicant had asked to bring it to the Planning Commission to get their direction. Planner Whetstone stated that since the agreement was between IHC and the City Council, she asked if the Planning Commission thought they should take it to the City Council. Commissioner Band did not like the vagueness in terms of what does or does not get a UE. She thought Chair Strachan was correct in saying that the Planning Commission was not prepared to provide direction on the additional density this evening. She personally would like clarity to understand what they were looking at.

Commissioner Joyce agreed that the Planning Commission needed more clarity before making a final decision, but he thought it was a Planning Commission issue and they should work with the Planning Department to get it clarified. If the clarification regarding UEs requires a change to the LMC for more specificity, then the Planning Commission should propose it. He did not believe they needed to involve the City Council. Commissioner Band did not disagree with Commissioner Joyce; however, since the City Council sets the direction she thought it might be beneficial to have them weigh in on the matter.

Planner Whetstone pointed out that if they choose to amend the LMC, it would go to the City Council before it was adopted.

Commissioner Joyce understood that the rush was for the Peace House. He asked Mr. Bush if IHC was in sudden need of the additional density, or whether it would be reasonable to split the subdivision from the density question. Mr. Bush replied that IHC took the opportunity to come before the Planning Commission because Peace House helped get it on the agenda. In talking with the City, IHC also wanted clarity so they could make their decisions. Mr. Bush acknowledged that in order to keep Peace House on schedule, IHC may have to split the issues. However, if that were to occur, IHC would like a game plan for getting answers to address the potential growth scenario for the hospital. Mr. Bush stated that there was no pressing need for IHC to have the density question answered within the next 90 days, but they wanted to make sure it will be heard so they can understand the ground rules and can make good decisions in their planning process.

Commissioner Phillips thought it was good that IHC was forcing the Planning Commission to think long and hard about this and to have that discussion. Mr. Bush stated that clarity would help everyone get the great campus they all desire and it would be a win for everybody.

Commissioner Campbell was willing to give some density in exchange for IHC giving something back to the City. He was not suggesting granting the entire 50,000 square feet, but possibly some additional density for a benefit. Commissioner Campbell asked if there was agreement among the Commissioners for that direction. Having been on the applicant side of the table he understood the frustration of leaving without having something to work with. Commissioner Campbell thought it was important to give the applicant some direction on what the Planning Commission might be willing to do if the City gets something in return.

Assistant City Attorney McLean noted that this MPD was different because when it was initially annexed there was just a Development Agreement and the MPD was related to that agreement. Planner Whetstone stated that the MPD came in later and went before the Planning Commission.

Commissioner Thimm agreed that there might be some ratio of UEs for other users. He also agreed that some portion of the requested additional density could be given to IHC but he was interested in knowing the gives and gets.

Commissioner Joyce was not ready to give any additional density without knowing what else might come along that would need the UEs. He liked what IHC was proposing and he thought it would be nice to build out on the campus. However, in his mind they need to consider what the City wants to do with its land. Until he has the answers he was not prepared to say how much density he would even be willing to give. Commissioner Joyce felt that IHC deserved an answer and he believed there were things that could be done quickly to resolve some of the issues. He thought it was important to understand the rules of how UEs can be used in different ways or whether it needs to be standardized.

Chair Strachan agreed with Commissioner Joyce, with the exception that he was not willing to give any additional density. He felt confident that the City would eventually need that land for something and he was not willing to give away the UEs.

Commissioner Worel agreed, but she liked the idea of looking at the overall space and determining the use for the entire parcel and not just individual lots. Commissioner Worel believed the UE discussion was necessary so they could apply it not only to what the City might want to do, but also what IHC was doing. She pointed out that they might find they do not need all the UEs once they determine which uses are not a UE. Commissioner Worel favored the idea of having an overall view of what people would like to see happen with that land.

Commissioner Phillips stated that he was not in the position of giving much until they know what they could afford to give.

Commissioner Band stated that she would be inclined to give the additional density if she understood UEs and knew whether or not a fire station or an ice sheet would count as a UE. Commissioner Band would like to see IHC expand their campus, but until she understands UEs, she did not believe there was anything to give.

Commissioner Phillips stated that he also has the desire to see IHC get what they want because ultimately it would create a better campus and a better hospital for future generations.

Mr. Bush appreciated the opportunity to listen to their discussion. It helps IHC understand the issues so they can be a participant with the City in trying to find the right answers. He had learned a lot this evening in terms of how to grow and develop because he better understood the concerns and the issues. Mr. Bush remarked that IHC wanted to continue being a good partner with the City in figuring out a win-win scenario for making Quinn's an icon for how development should occur. Mr. Bush appreciated their time and candor.

Chair Strachan expressed appreciation to Mr. Bush for their cooperation in working with the City. Commissioner Worel suggested that everyone with an interest in that area should be at the table to have that discussion. She asked if there was a process for bringing everyone together. Chair Strachan replied that the City was the only other landowner and they needed to work with IHC to determine everyone's needs. He thought it was important to have representatives from several City departments involved to talk about how to divide up the UEs based on long term projections. Planner Whetstone noted that there was already a task for the ice sheet comprised of staff from different departments.

Commissioner Joyce commented on the importance of defining what counts as a UE. Commissioner Band agreed that it was the number one priority. Commissioner Joyce was concerned that it would still be obscure because it was not defined in the Code. He asked Mr. Bush to continue to use their application to push for a solution.

Commissioner Joyce thought the process should start with the Staff coming back to the Planning Commission with a discussion about UEs, and the Planning Commission could take action to define them correctly. Once that is done, the next step would be for the City to project what they plan for the future because that information is critical in the context of UEs. Commissioner Joyce noted that Mr. Bush had mentioned the possibility of TDRs, but he could see reasons why TDRs may or may not be an option. Commissioner Joyce stated that if they were trying to do strategic planning for the City and IHC, as well as the Planning Commission's strategic plan for that property, they need to think about whether it is a TDR zone. If the answer is if it maxes out the zoning, then it would not be a TDR zone.

Commissioner Band had researched TDRs several years ago and she recalled that there is a density bonus that goes over and above the hard cap in areas designated as a TDR receiving zone. However, the bonus is only from the TDRs and up to a certain point. Commissioner Band explained how she thought they could potentially create a market for TDRs.

Commissioner Worel believed TDRs should be a future discussion. She was more interested in addressing the current issue of UEs. Commissioner Worel suggested a dual track and directing the Staff to come up with a list of who from the City needed to be at the table to participate in that discussion. Commissioner Joyce thought Director Erickson should talk with Diane Foster and let them decide who needed to be involved. Commissioner Band suggested that Ann Laurent, the new Community Development Director, should also be involved. Chair Strachan pointed out that Director Erickson had to leave the meeting early and Ms. Laurent was present and heard their comments. Commissioners Band and Joyce emphasized that the Planning Commission needed to discuss and make a determination on the UEs before bringing others into the conversation.

Assistant City Attorney McLean summarized that the direction was for the Staff to come back with a work session to discuss UEs in the CT zone compared to other zones, with the potential of clarifying the CT zone to specify what uses UEs and what do not. Ms. McLean pointed out that the Code already excludes certain uses from UEs, such as affordable housing. Planner Whetstone noted that on-site affordable housing is always exempt from UEs.

Planner Whetstone stated that IHC could submit an application to amend their MPD to allow the Peace House on Lot 8 and the Staff would revise the Findings specific to Lot 8 and exclude not the density. They could keep the pre-application open for the density or they could close it and submit a new one once the UE question has been resolved.

Mr. Bush wanted to make sure the density question would not drop from the agenda and that there was a plan to keep it moving forward.

MOTION: Commissioner Joyce moved to CONTINUE the MPD pre-application for 900 Round Valley Drive to November 112, 2015; and that the Planning Commission finds initial compliance with the General Plan for the subdivision for Lot 8. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

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

Approved by Planning Commission: _____

Planning Commission
Staff Report

Subject: **LMC Amendments**
Author: **Kirsten Whetstone, MS, AICP, Senior Planner**
Date: **November 11, 2015**
Type of Item: **Legislative – LMC Amendments**

Summary Recommendations

Staff recommends that the Planning Commission conduct a public hearing and continue to November 17, 2015, Land Management Code (LMC) Amendments regarding vertical zoning regulations in Storefronts in the Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB) Zoning Districts and for related Definitions in Chapter 15, to allow Staff time to address the Commission's comments from the October 14, 2015 meeting.

Description

Project Name:	LMC Amendments related 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 and definitions Chapter 6 Master Planned Developments.
Approximate Location:	Historic Main Street and Lower Main Street business district
Proposal:	Amendments to the Land Management Code (LMC) require Planning Commission review and recommendation with final action by the City Council.

Executive Summary

Staff proposes amendments to the LMC revising Chapter 2.5 Historic Recreation Commercial (HRC) Zoning District, Chapter 2.6 Historic Commercial Business (HCB) Zoning District, and Chapter 15 Defined Terms regarding vertical zoning requirements and related definitions. The purpose of these amendments is to address and clarify existing language and definitions in the code that are not consistent with the intent of the original Ordinance 07-55 or that may need to be updated with the expansion of commercial activity in the Main Street area. Public hearings were conducted by the Planning Commission on June 24th and October 14th, 2015. A pending Ordinance is in place.

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: **1114 Park Avenue Plat Amendment**
Author: **Hannah Turpen, Planner**
Project Number: **PL-15-02950**
Date: **November 11, 2015**
Type of Item: **Legislative - Plat Amendment**

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 1114 Park Avenue Plat Amendment located at 1114 Park Avenue and consider forwarding a positive recommendation to 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 City Council, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant:	Joseph Kelley (represented by Greg Wolbach, PLS, Evergreen Engineering, Inc.)
Location:	1114 Park Avenue
Zoning:	Historic Residential Medium-Density (HR-M)
Adjacent Land Uses:	Residential
Reason for Review:	Plat Amendments require Planning Commission review and City Council review and action

Proposal

The applicant intends to combine three (3) existing parcels into one (1) lot of record by removing the existing interior lot lines. As proposed, Lot 1 contains 3,615.23 SF. The three (3) parcels include: parcel #1, the northerly half of Lot 3 and all of Lot 4, Block 56, Snyder's Addition; remnant parcels #2 and #3 include the parcels that abut the easterly line of Block 56 extending approximately twenty feet (20') east towards the western flank of Park City Municipal Corporation property (Parcel No. SA-360-A-X).

Background

On October 1, 2015, the City received a Plat Amendment application for 1114 Park Avenue; the application was deemed complete on October 13, 2015. The property is located at 1114 Park Avenue. The property is in the Historic Residential Medium-Density (HR-M) District. The subject property consists of the northerly half of Lot 3 and all of Lot 4, Block 56, Snyder's Addition, and the two (2) remnant parcels that abut the easterly line of Block 56 extending approximately twenty feet (20') east towards the western flank of Park City Municipal Corporation property (Parcel No. SA-360-A-X).

The site currently contains a house, which was constructed c.1901. The house is listed

as “Significant” on the Historic Sites Inventory (HSI). A detached single-car garage accessory structure was added sometime after 1929. The current accessory structure is not visible on the 1929 Sanborn Map or the 1978 Historic Site Survey. Accessory structures were not always documented as a part of the 1978 Historic Site Survey. It is not clear exactly when the garage was added, although staff has concluded that it was likely constructed in the 1940’s or 1950’s based on its materials and simple form. The single-car garage accessory structure is associated with the “Significant” site and is also considered historic (“Significant”) as it contributes to the historic context of the house and site as a whole.

On July 2, 2015, the Planning Department received a Historic District Design Review (HDDR) Application. The application was deemed complete on August 21, 2015. On October 21, 2015 the Historic Preservation Board reviewed and approved the removal of existing material from the historic house and existing material from the historic single-car garage accessory structure as a part of the HDDR application. The application was approved on October 30, 2015.

Purpose

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

(A) allow continuation of permanent residential and transient housing in original residential Areas of Park City,
(B) encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,
(C) encourage the rehabilitation of existing Historic Structures,
(D) encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
(E) encourage Affordable Housing,
(F) encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas, and
(G) establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

Analysis

The proposed plat amendment creates one (1) lot of record from the existing three (3) parcels equaling 3,615.23 square feet. A single-family dwelling is an allowed use in the Historic Residential Medium-Density (HR-M) District. The minimum lot area for a single-family dwelling is 1,875 square feet. The combined lot does not meet the requirements for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-M zone. The minimum lot width allowed in the HR-M District is thirty-seven and one-half feet (37.5’). The proposed lot is thirty-seven and one-half feet (37.5’) wide. The proposed lot meets the minimum lot width requirement. There is no maximum footprint in the HR-M District. Table 1 shows applicable development parameters for the combined lot in the Historic Residential Medium-Density (HR-M) District:

Table 1:

LMC Regulation	Requirements
Front Yard Setbacks	15 feet minimum.
Rear Yard Setbacks	10 feet minimum.
Side Yard Setbacks	5 feet minimum.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.

In accordance with the Land Management Code (LMC) 15-2.2-4, Historic Structures that do not comply with Building Setbacks are valid Complying Structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. Table 2 shows the current setbacks for the existing historic structures located on the site.

Table 2:

	Minimum Requirements	Existing Historic Single-Family Dwelling Conditions	Exiting Historic Single-Car Garage Accessory Structure
Setbacks			
Front (west)	15 ft.	17 ft. to 16 ft. 7.2 in. (from north to south)	79 ft. to 78 ft. (from north to south)
Rear (east)	15 ft.	22 ft. 9.6 in. to 23 ft. (from north to south)	0 ft. (encroaches) *Valid Non-Complying*
Side (north)	5 ft.	0 ft. 7.2 in. to 1 ft. 2.4 in. (from east to west) *Valid Non-complying*	24 ft. 4.8 in. to 24 ft. (from east to west)
Side (south)	5 ft.	11 ft. to 11 ft. 7.2 in. (from east to west)	0 ft. to 1 ft. 2.4 in. (from east to west) *Valid Non-complying*

Staff finds good cause for this plat amendment as it will eliminate the existing interior lot line and create one (1) new legal lot of record from three (3) existing parcels. The existing historic house straddles the lot line between the northerly half of Lot 3 and Lot 4; therefore, this plat amendment would allow the structure to be on one (1) lot of record. The existing historic single-car garage accessory structure encroaches into Park City Municipal Corporation property (Parcel No. SA-360-A-X). Without a plat amendment, new development would not be permitted because development may not occur across property lines. In addition, development would be limited to Parcel #1 as Parcel #2 and Parcel #3 do not meet the minimum lot size required in the HR-M zone. This plat amendment allows the parcel (Parcel #1) containing northerly half of Lot 3 to be combined with Lot 4 and the two (2) remnant parcels (Parcel #2 and Parcel #3) that abut the easterly line of Block 56 extending approximately twenty feet (20') east towards

the western flank of Park City Municipal Corporation property (Parcel No. SA-360-A-X).

This property is located within the Park City Soils Ordinance. A Certificate of Compliance has not been issued for the property. A Certificate of Compliance will be required prior to the issuance of a Building Permit. The property is located in a FEMA Flood Zone A which requires the lowest occupied floor to be equal to or above the base flood elevation. An elevation certificate will be required.

To redeveloping the lot, a Historic District Design Review (HDDR) application shall be reviewed and approved by the Planning Staff.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Combining the lots will allow the historic house to be renovated and will remove the existing interior lot lines. 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, including any additions to the historic structure, will be reviewed for compliance with requisite Building and Land Management Code, and applicable Historic District Design Guidelines requirements. The proposed lot area of 3,615.23 square feet is a compatible lot combination as the entire Historic Residential Medium-Density District has abundant sites with similar dimensions.

Encroachments

The historic house located at 1108 Park Avenue encroaches on the south property line of the subject property. An Encroachment Agreement for the encroaching historic house located at 1108 Park Avenue was recorded by Summit County (Entry No. 01002021) on September 3, 2014.

The historic single-car garage accessory structure encroaches into Park City Municipal Corporation property. The historic single-car garage accessory structure cannot be removed; therefore, the property owner must enter into an encroachment agreement with the City, as dictated by Condition of Approval #4, prior to recordation of the plat.

The existing vertical wood slat fence located on the east side of the property encroaches into the Park City Municipal Corporation property (Parcel No. SA-360-A-X) and into the property of 1108 Park Avenue. The vertical wood slat fence located on the east side of the property can either be removed, or the applicant must enter into an encroachment agreement with the City and the property owner of 1108 Park Avenue, as dictated by Condition of Approval #5, prior to recordation of the plat.

A vertical wood slat fence located on the south side of the property encroaches into the property of 1108 Park Avenue. The applicant can either remove the vertical wood slat fence located on the south side of the property or enter into an encroachment

agreement with the property owner of 1108 Park Avenue, as dictated by Condition of Approval #6, prior to recordation of the plat.

Process
The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 1-18.

Department Review
This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice
On October 28, 2015 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on October 24, 2015 according to requirements of the Land Management Code.

Public Input
No public input has been received by the time of this report. A public hearing is noticed for both the Planning Commission and City Council meetings.

Alternatives
- The Planning Commission may forward a positive recommendation for the 1114 Park Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation for the 1114 Park Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 1114 Park Avenue Plat Amendment.
- There is not a null alternative for plat amendments.

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

Consequences of not taking the Planning Department's Recommendation
The site would remain as is. The site would contain one (1) single-family dwelling on the northerly half Lot 3 and Lot 4. A historic single-car garage accessory structure would be located on the parcel that abuts the easterly line of Block 56 extending approximately twenty feet (20') east towards the western flank of Park City Municipal Corporation property (Parcel No. SA-360-A-X). The property owner would not be able to renovate and construct additional floor area the existing historic structure or historic single-car garage accessory structure.

Summary Recommendation
Staff recommends the Planning Commission hold a public hearing for the 1114 Park Avenue Plat Amendment located at 1114 Park Avenue and consider forwarding a positive recommendation to City Council 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 Survey
Exhibit C – Aerial Photograph
Exhibit D – Site Photographs
Exhibit E – LMC § 15-2.2-4 Existing Historic Structures

Exhibit A: Draft Ordinance

Ordinance No. 15-XX

AN ORDINANCE APPROVING THE 1114 PARK AVENUE PLAT AMENDMENT LOCATED AT 1114 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1114 Park Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on October 28, 2015 the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on October 24, 2015 proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on November 11, 2015, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on November 11, 2015, forwarded a recommendation to the City Council; and,

WHEREAS, on December 3, 2015 the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the 1114 Park Avenue Plat Amendment.

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

SECTION 1. APPROVAL. 1114 Park Avenue Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1114 Park Avenue.
2. The property is in the Historic Residential Medium-Density (HR-M) District.
3. The subject property consists of three (3) parcels which include: parcel #1, the northerly half of Lot 3 and all of Lot 4, Block 56, Snyder's Addition; remnant parcels #2 and #3 including the parcels that abut the easterly line of Block 56 extending approximately twenty feet (20') east towards the western flank of Park City Municipal Corporation property (Parcel No. SA-360-A-X).
4. Parcel #1 (the northerly half of Lot 3 and all of Lot 4) contains a historic house, built in 1901. The existing historic house straddles the lot line between the northerly half of Lot 3 and Lot 4, Block 56, Snyder's Addition.

5. The building footprint of the historic house is approximately 1,318 square feet.
6. The historic house is listed as “Significant” on the Historic Sites Inventory (HSI).
7. A historic single-car garage accessory structure is located on Parcel #2. The historic single-car garage accessory structure encroaches into Park City Municipal Sullivan Corporation property.
8. The building footprint of the historic single-car garage accessory structure is approximately 312 square feet.
9. The single-car garage accessory structure is associated with the “Significant” site and is also considered historic (“Significant”) as it contributes to the historic context of the house and site as a whole.
10. The proposed plat amendment creates one (1) lot of record from the existing three (3) parcels equaling 3,615.23 square feet.
11. A single-family dwelling is an allowed use in the Historic Residential Medium-Density (HR-M) District.
12. The minimum lot area for a single-family dwelling is 1,875 square feet; the lot at 1114 Park Avenue will be 3,615.23 square feet. The proposed lot meets the minimum lot area for a single-family dwelling.
13. The combined lot does not meet the requirements for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-M zone.
14. The minimum lot width allowed in the HR-M District is thirty-seven and one-half feet (37.5’). The proposed lot is thirty-seven and one-half feet (37.5’) wide.
15. The historic single-car garage accessory structure cannot be removed; therefore, the property owner must enter into an encroachment agreement with the City as approved by City Council for the encroachment into Park City Municipal Corporation property.
16. The vertical wood slat fence located on the east side of the property can either be removed, or the applicant must enter into an encroachment agreement with the City, as approved by City Council, and the property owner of 1108 Park Avenue.
17. The applicant can either remove the vertical wood slat fence located on the south side of the property or enter into an encroachment agreement with the property owner of 1108 Park Avenue.
18. The existing historic house does not meet the required side yard setback on the north. The side yard setback on the north side is 0 ft. 7.2 in. to 1 ft. 2.4 in. (from east to west). The existing historic house meets all requirements for front and rear setbacks and the south side yard setback. The front yard setback is 17 ft. to 16 ft. 7.2 in. (from north to south). The rear yard setback is 22 ft. 9.6 in. to 23 ft. (from north to south).
19. The existing historic single-car garage accessory structure does not meet the required side yard setback on the south or the rear yard setback. The side yard setback on the south side is 0 ft. The rear yard setback is 0 ft. (the historic single-car garage accessory structure encroaches into Park City Municipal Corporation property). The existing historic single-car garage accessory structure meets all requirements for front and north side yard setbacks. The front yard setback is 79 ft. to 78 ft (from north to south). The north side yard setback is 24 ft. 4.8 in. to 24 ft. (from east to west).

20. In accordance with the Land Management Code (LMC) 15-2.2-4, Historic Structures that do not comply with Building Setbacks are valid Complying Structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.
21. The property is located in a FEMA Flood Zone A which requires the lowest occupied floor to be equal to or above the base flood elevation. An elevation certificate will be required.
22. The property is located within the Park City Soils Ordinance. A Certificate of Compliance will be required.
23. The proposed plat amendment will not cause undo harm to adjacent property owners.
24. The proposed lot area of 3,615.23 square feet is a compatible lot combination as the entire Historic Residential Medium-Density (HR-M) District has abundant sites with similar dimensions.
25. On July 2, 2015, the Planning Department received a Historic District Design Review (HDDR) Application. The application was deemed complete on August 21, 2015. The application was approved on October 30, 2015.
26. On October 1, 2015, the applicant applied for a Plat Amendment application for 1114 Park Avenue; the application was deemed complete on October 13, 2015.
27. On October 21, 2015 the Historic Preservation Board reviewed and approved the removal of existing material from the historic house and existing material from the historic single-car garage accessory structure as a part of the HDDR application.
28. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Park Avenue frontage of the property and shall be shown on the plat prior to recordation.

4. The historic single-car garage accessory structure cannot be removed; therefore, the property owner must enter into an encroachment agreement with the City, as approved by City Council, for the encroachment into Park City Municipal Corporation Property prior to recordation of the plat.
5. The vertical wood slat fence located on the east side of the property can either be removed, or the applicant must enter into an encroachment agreement with the City and the property owner of 1108 Park Avenue prior to recordation of the plat.
6. The applicant can either remove the vertical wood slat fence located on the south side of the property or enter into an encroachment agreement with the property owner of 1108 Park Avenue prior to recordation of the plat.
7. 13-D sprinklers are required for any new construction or significant renovation of existing and this shall be noted on the final plat.

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

PASSED AND ADOPTED this 3rd day of December, 2015.

PARK CITY MUNICIPAL CORPORATION

_____
Jack Thomas, MAYOR

ATTEST:

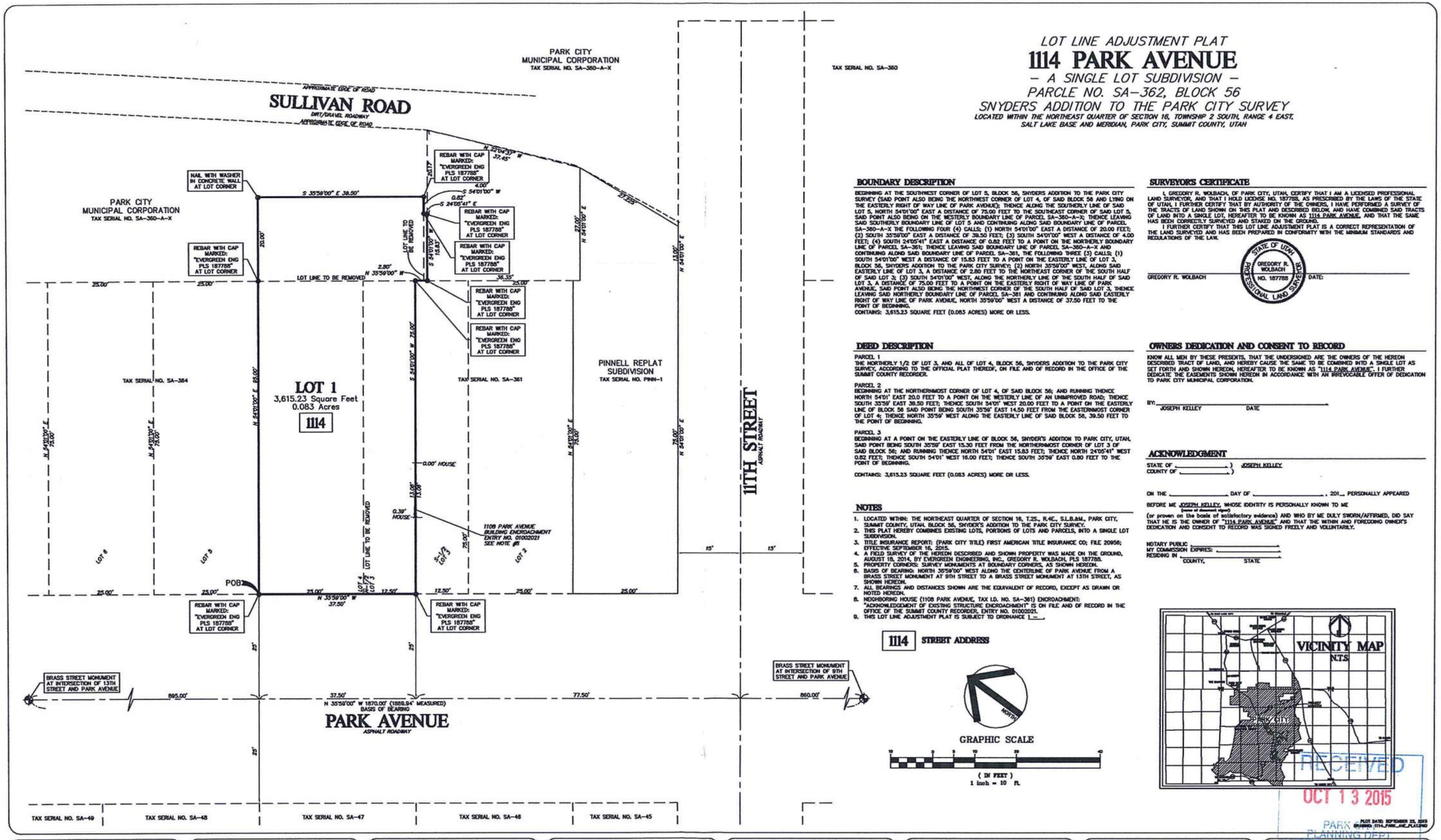
_____
City Recorder

APPROVED AS TO FORM:

_____
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Exhibit A: Proposed Plat



LOT LINE ADJUSTMENT PLAT

1114 PARK AVENUE

– A SINGLE LOT SUBDIVISION –

PARCLE NO. SA-362, BLOCK 56

SNYDERS ADDITION TO THE PARK CITY SURVEY

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

BOUNDARY DESCRIPTION

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, BLOCK 56, SNYDERS ADDITION TO THE PARK CITY SURVEY (SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 4, OF SAID BLOCK 56 AND LYING ON THE EASTERLY RIGHT OF WAY LINE OF PARK AVENUE); THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 5, NORTH 54°01'00" EAST A DISTANCE OF 75.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5, SAID POINT ALSO BEING ON THE WESTERLY BOUNDARY LINE OF PARCEL SA-360-A-X; THENCE LEAVING SAID SOUTHERLY BOUNDARY LINE OF LOT 5 AND CONTINUING ALONG SAID BOUNDARY LINE OF PARCEL SA-360-A-X THE FOLLOWING FOUR (4) CALLS; (1) NORTH 54°01'00" EAST A DISTANCE OF 20.00 FEET; (2) SOUTH 35°59'00" EAST A DISTANCE OF 39.50 FEET; (3) SOUTH 54°01'00" WEST A DISTANCE OF 4.00 FEET; (4) SOUTH 24°05'41" EAST A DISTANCE OF 0.82 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF PARCEL SA-361; THENCE LEAVING SAID BOUNDARY LINE OF PARCEL SA-360-A-X AND CONTINUING ALONG SAID BOUNDARY LINE OF PARCEL SA-361, THE FOLLOWING THREE (3) CALLS; (1) SOUTH 54°01'00" WEST A DISTANCE OF 15.83 FEET TO A POINT ON THE EASTERLY LINE OF LOT 3, BLOCK 56, SNYDERS ADDITION TO THE PARK CITY SURVEY; (2) NORTH 35°59'00" WEST, ALONG SAID EASTERLY LINE OF LOT 3, A DISTANCE OF 2.80 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF SAID LOT 3; (3) SOUTH 54°01'00" WEST, ALONG THE NORTHERLY LINE OF THE SOUTH HALF OF SAID LOT 3, A DISTANCE OF 75.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF PARK AVENUE, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE SOUTH HALF OF SAID LOT 3, THENCE LEAVING SAID NORTHERLY BOUNDARY LINE OF PARCEL SA-381 AND CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE OF PARK AVENUE, NORTH 35°59'00" WEST A DISTANCE OF 37.50 FEET TO THE POINT OF BEGINNING.

CONTAINS: 3,615.23 SQUARE FEET (0.083 ACRES) MORE OR LESS.

DEED DESCRIPTION

PARCEL 1
THE NORTHERLY 1/2 OF LOT 3, AND ALL OF LOT 4, BLOCK 56, SNYDERS ADDITION TO THE PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

PARCEL 2
BEGINNING AT THE NORTHERNMOST CORNER OF LOT 4, OF SAID BLOCK 56; AND RUNNING THENCE NORTH 54°01' EAST 20.0 FEET TO A POINT ON THE WESTERLY LINE OF AN UNIMPROVED ROAD; THENCE SOUTH 35°59' EAST 39.50 FEET; THENCE SOUTH 54°01' WEST 20.00 FEET TO A POINT ON THE EASTERLY LINE OF BLOCK 56 SAID POINT BEING SOUTH 35°59' EAST 14.50 FEET FROM THE EASTERNMOST CORNER OF LOT 4; THENCE NORTH 35°59' WEST ALONG THE EASTERLY LINE OF SAID BLOCK 56, 39.50 FEET TO THE POINT OF BEGINNING.

PARCEL 3
BEGINNING AT A POINT ON THE EASTERLY LINE OF BLOCK 56, SNYDER'S ADDITION TO PARK CITY, UTAH, SAID POINT BEING SOUTH 35°59' EAST 15.30 FEET FROM THE NORTHERNMOST CORNER OF LOT 3 OF SAID BLOCK 56; AND RUNNING THENCE NORTH 54°01' EAST 15.83 FEET; THENCE NORTH 24°05'41" WEST 0.82 FEET; THENCE SOUTH 54°01' WEST 16.00 FEET; THENCE SOUTH 35°59' EAST 0.80 FEET TO THE POINT OF BEGINNING.

CONTAINS: 3,615.23 SQUARE FEET (0.083 ACRES) MORE OR LESS.

NOTES

1. LOCATED WITHIN: THE NORTHEAST QUARTER OF SECTION 16, T.2S., R.4E., S.L.B.&M., PARK CITY, SUMMIT COUNTY, UTAH. BLOCK 56, SNYDER'S ADDITION TO THE PARK CITY SURVEY.
2. THIS PLAT HEREBY COMBINES EXISTING LOTS, PORTIONS OF LOTS AND PARCELS, INTO A SINGLE LOT SUBDIVISION.
3. TITLE INSURANCE REPORT: (PARK CITY TITLE) FIRST AMERICAN TITLE INSURANCE CO; FILE 20956; EFFECTIVE SEPTEMBER 16, 2015.
4. A FIELD SURVEY OF THE HEREON DESCRIBED AND SHOWN PROPERTY WAS MADE ON THE GROUND, AUGUST 18, 2014, BY EVERGREEN ENGINEERING, INC., GREGORY R. WOLBACH, PLS 187788.
5. PROPERTY CORNERS: SURVEY MONUMENTS AT BOUNDARY CORNERS, AS SHOWN HEREON.
6. BASIS OF BEARING: NORTH 35°59'00" WEST ALONG THE CENTERLINE OF PARK AVENUE FROM A BRASS STREET MONUMENT AT 9TH STREET TO A BRASS STREET MONUMENT AT 13TH STREET, AS SHOWN HEREON.
7. ALL BEARINGS AND DISTANCES SHOWN ARE THE EQUIVALENT OF RECORD, EXCEPT AS DRAWN OR NOTED HEREON.
8. NEIGHBORING HOUSE (1108 PARK AVENUE, TAX I.D. NO. SA-361) ENCROACHMENT: "ACKNOWLEDGEMENT OF EXISTING STRUCTURE ENCROACHMENT" IS ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, ENTRY NO. 01002021.
9. THIS LOT LINE ADJUSTMENT PLAT IS SUBJECT TO ORDINANCE 1__.

1114 STREET ADDRESS

GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft.

SURVEYOR'S CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE PERFORMED A SURVEY OF THE TRACTS OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE COMBINED SAID TRACTS OF LAND INTO A SINGLE LOT, HEREAFTER TO BE KNOWN AS 1114 PARK AVENUE, AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND.

I FURTHER CERTIFY THAT THIS LOT LINE ADJUSTMENT PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

STATE OF UTAH – GREGORY R. WOLBACH – NO. 187788 – PROFESSIONAL LAND SURVEYOR

GREGORY R. WOLBACH DATE:

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED ARE THE OWNERS OF THE HEREON DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE COMBINED INTO A SINGLE LOT AS SET FORTH AND SHOWN HEREON, HEREAFTER TO BE KNOWN AS "1114 PARK AVENUE". I FURTHER DEDICATE THE EASEMENTS SHOWN HEREON IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION TO PARK CITY MUNICIPAL CORPORATION.

BY: _____
JOSEPH KELLEY DATE

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) JOSEPH KELLEY

ON THE _____ DAY OF _____, 201__, PERSONALLY APPEARED BEFORE ME JOSEPH KELLEY, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (name of document signer) (or proven on the basis of satisfactory evidence) AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT HE IS THE OWNER OF "1114 PARK AVENUE" AND THAT THE WITHIN AND FOREGOING OWNER'S DEDICATION AND CONSENT TO RECORD WAS SIGNED FREELY AND VOLUNTARILY.

NOTARY PUBLIC: _____
MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY, _____ STATE

VICINITY MAP
N.T.S.

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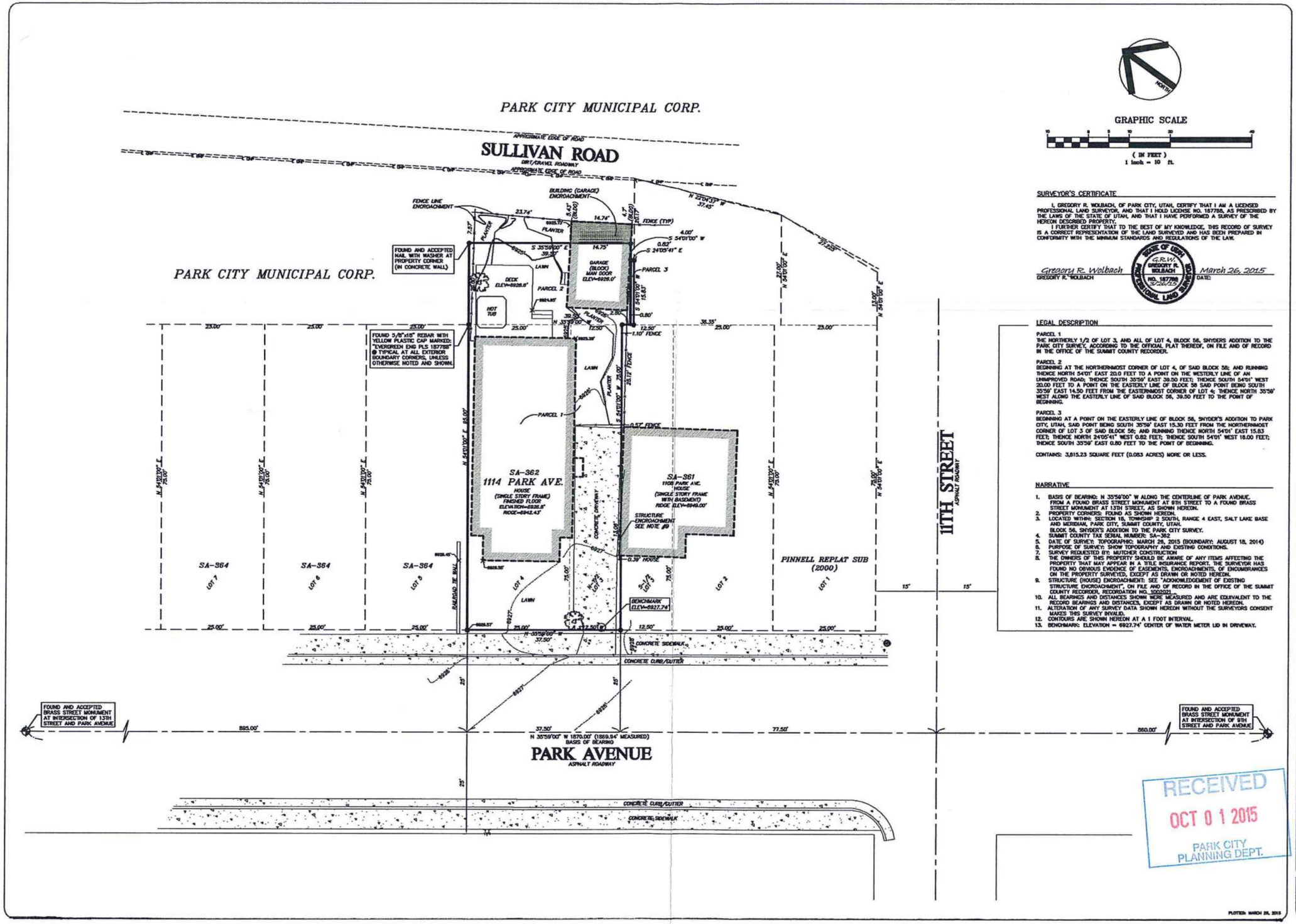
OCT 13 2015
PARK CITY PLANNING DEPT.

PLOT DATE: SEPTEMBER 23, 2015
DRAWING: 1114_PARK_AVE_PLAT.DWG

Evergreen Engineering, Inc.
Civil Engineering * Land Surveying * Land Planning
1670 Bonanza Drive * Suite 104
P.O. Box 2561 * Park City * Utah * 84060
Phone: 435.649.4687 * Fax: 435.649.9219
E-mail: office@evergreen-eng.com

CITY ENGINEER	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	CITY PLANNING COMMISSION	APPROVAL AS TO FORM	COUNCIL APPROVAL & ACCEPTANCE	CERTIFICATE OF ATTEST	RECORDED
THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____ A.D. 201__.	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ AD 201__.	APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ A.D. 201__.	APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 201__.	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 201__.	I CERTIFY THIS WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 201__.	N°. _____. STATE OF _____. COUNTY OF _____. RECORDED AND FILED AT THE REQUEST OF: _____
CITY ENGINEER	BY: _____ SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	CHAIRMAN	CITY ATTORNEY	MAYOR	CITY RECORDER	COUNTY RECORDER



GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft.

SURVEYOR'S CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREON DESCRIBED PROPERTY.

I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THIS RECORD OF SURVEY IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

STATE OF UTAH · G.R.W. · GREGORY R. WOLBACH · NO. 187788 · REGISTERED PROFESSIONAL LAND SURVEYOR

Gregory R. Wolbach — GREGORY R. WOLBACH

March 26, 2015 — DATE:

LEGAL DESCRIPTION

PARCEL 1
THE NORTHERLY 1/2 OF LOT 3, AND ALL OF LOT 4, BLOCK 56, SNYDERS ADDITION TO THE PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

PARCEL 2
BEGINNING AT THE NORTHERNMOST CORNER OF LOT 4, OF SAID BLOCK 56; AND RUNNING THENCE NORTH 54°01' EAST 20.0 FEET TO A POINT ON THE WESTERLY LINE OF AN UNIMPROVED ROAD; THENCE SOUTH 35°59' EAST 39.50 FEET; THENCE SOUTH 54°01' WEST 20.00 FEET TO A POINT ON THE EASTERLY LINE OF BLOCK 56 SAID POINT BEING SOUTH 35°59' EAST 14.50 FEET FROM THE EASTERNMOST CORNER OF LOT 4; THENCE NORTH 35°59' WEST ALONG THE EASTERLY LINE OF SAID BLOCK 56, 39.50 FEET TO THE POINT OF BEGINNING.

PARCEL 3
BEGINNING AT A POINT ON THE EASTERLY LINE OF BLOCK 56, SNYDER'S ADDITION TO PARK CITY, UTAH, SAID POINT BEING SOUTH 35°59' EAST 15.30 FEET FROM THE NORTHERNMOST CORNER OF LOT 3 OF SAID BLOCK 56; AND RUNNING THENCE NORTH 54°01' EAST 15.83 FEET; THENCE NORTH 24°05'41" WEST 0.82 FEET; THENCE SOUTH 54°01' WEST 18.00 FEET; THENCE SOUTH 35°59' EAST 0.80 FEET TO THE POINT OF BEGINNING.

CONTAINS: 3,815.23 SQUARE FEET (0.083 ACRES) MORE OR LESS.

NARRATIVE

1. BASIS OF BEARING: N 35°59'00" W ALONG THE CENTERLINE OF PARK AVENUE. FROM A FOUND BRASS STREET MONUMENT AT 9TH STREET TO A FOUND BRASS STREET MONUMENT AT 13TH STREET, AS SHOWN HEREON.
2. PROPERTY CORNERS: FOUND AS SHOWN HEREON.
3. LOCATED WITHIN: SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH.
   BLOCK 56, SNYDER'S ADDITION TO THE PARK CITY SURVEY.
4. SUMMIT COUNTY TAX SERIAL NUMBER: SA-362
5. DATE OF SURVEY: TOPOGRAPHIC: MARCH 26, 2015 (BOUNDARY: AUGUST 18, 2014)
6. PURPOSE OF SURVEY: SHOW TOPOGRAPHY AND EXISTING CONDITIONS.
7. SURVEY REQUESTED BY: MUTCHER CONSTRUCTION
8. THE OWNERS OF THIS PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT. THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OF ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS DRAWN OR NOTED HEREON.
9. STRUCTURE (HOUSE) ENCROACHMENT: SEE "ACKNOWLEDGEMENT OF EXISTING STRUCTURE ENCROACHMENT", ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, RECORDATION NO. 1002021.
10. ALL BEARINGS AND DISTANCES SHOWN WERE MEASURED AND ARE EQUIVALENT TO THE RECORD BEARINGS AND DISTANCES, EXCEPT AS DRAWN OR NOTED HEREON.
11. ALTERATION OF ANY SURVEY DATA SHOWN HEREON WITHOUT THE SURVEYORS CONSENT MAKES THIS SURVEY INVALID.
12. CONTOURS ARE SHOWN HEREON AT A 1 FOOT INTERVAL.
13. BENCHMARK: ELEVATION = 6927.74' CENTER OF WATER METER LID IN DRIVEWAY.

Evergreen Engineering, Inc.
Civil Engineering * Land Surveying * Land Planning
1970 Bonanza Drive * Suite 104 * 84060
P.O. Box 3391 * Park City, Utah
Phone: 435.649.4687 * Fax: 435.649.9219
E-mail: office@evergreen-eng.com

REVISIONS
DATE | BY | COMMENTS

SURVEYED BY: GRW/ADM
DRAWN BY: GRW
CHECKED BY: GRW

TOPOGRAPHIC SURVEY - PARCEL SA-362
1114 PARK AVENUE, PARK CITY, UTAH

FOR: MUTCHER CONSTRUCTION

JOB NO: 1501
FILE: SA-362_TOPO.DWG

SHEET 1 OF 1

PLOTTED: MARCH 26, 2015

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Exhibit C: Aerial Photograph

SUMMIT COUNTY

Map Title

1 in = 101 feet

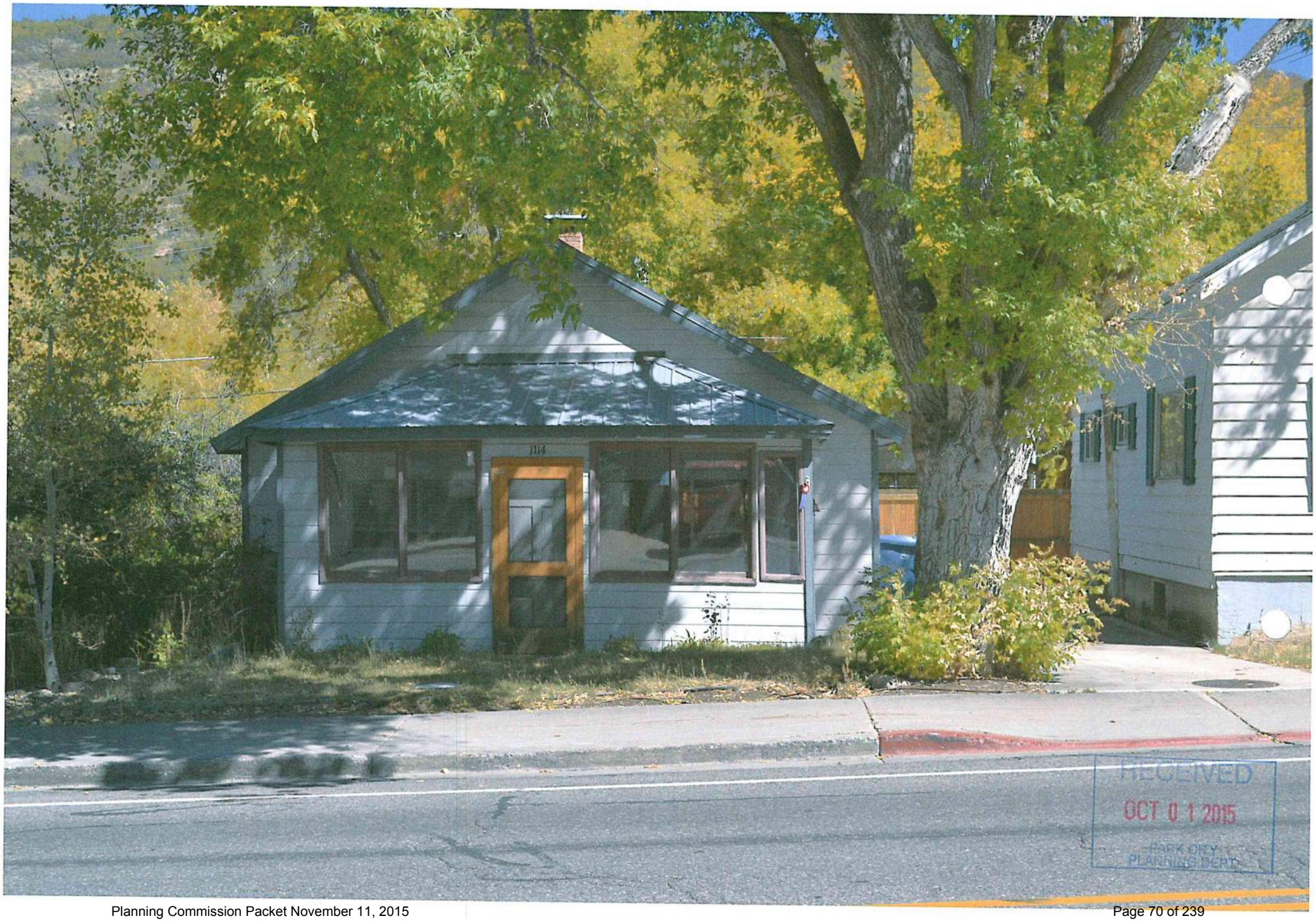
Summit County Online Parcel Reference Map

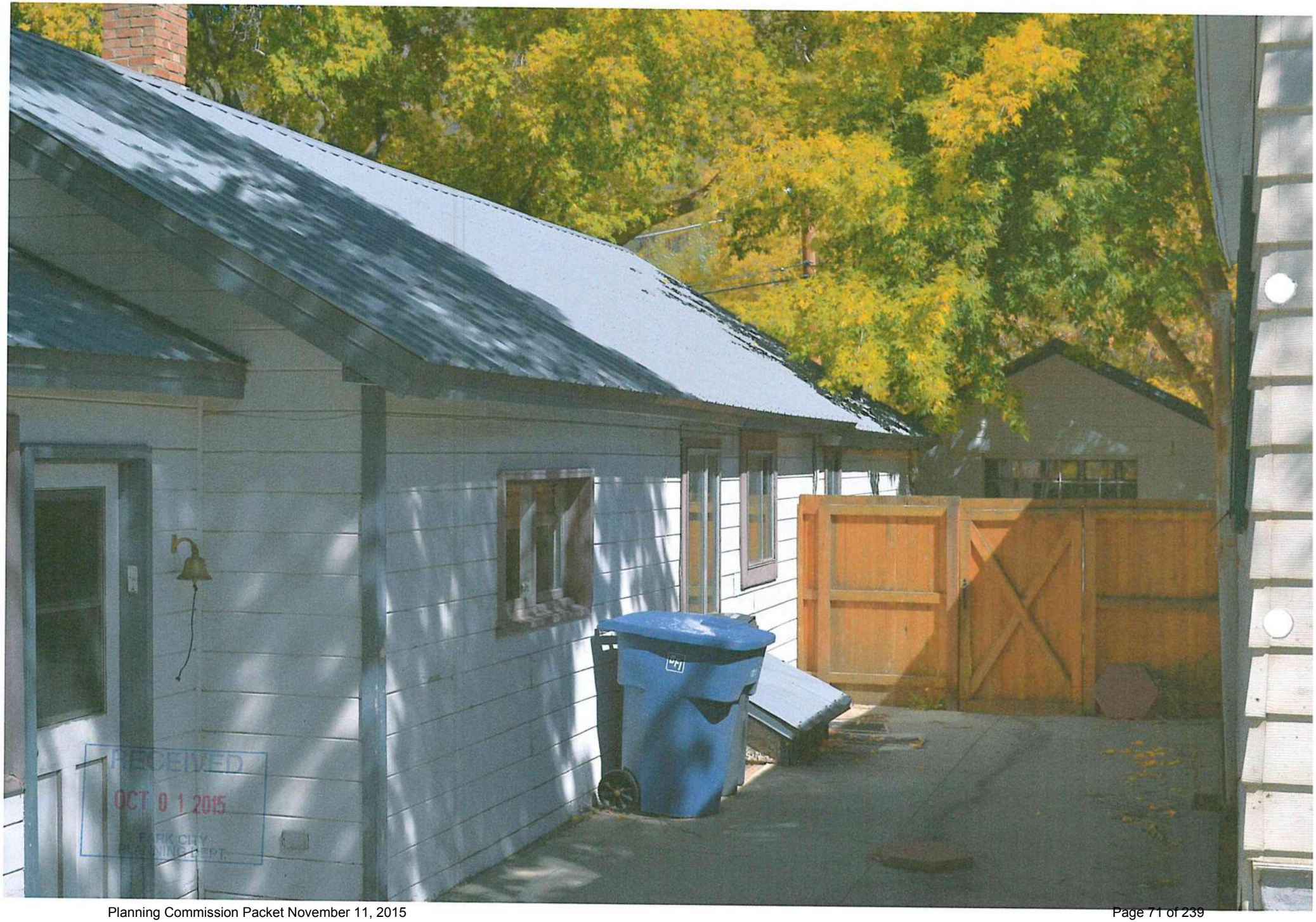
Printed on: 9/25/2015

N W E S

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information and data obtained from various sources, including Summit County which is not responsible for its accuracy or timeliness.

Exhibit D: Site Photographs

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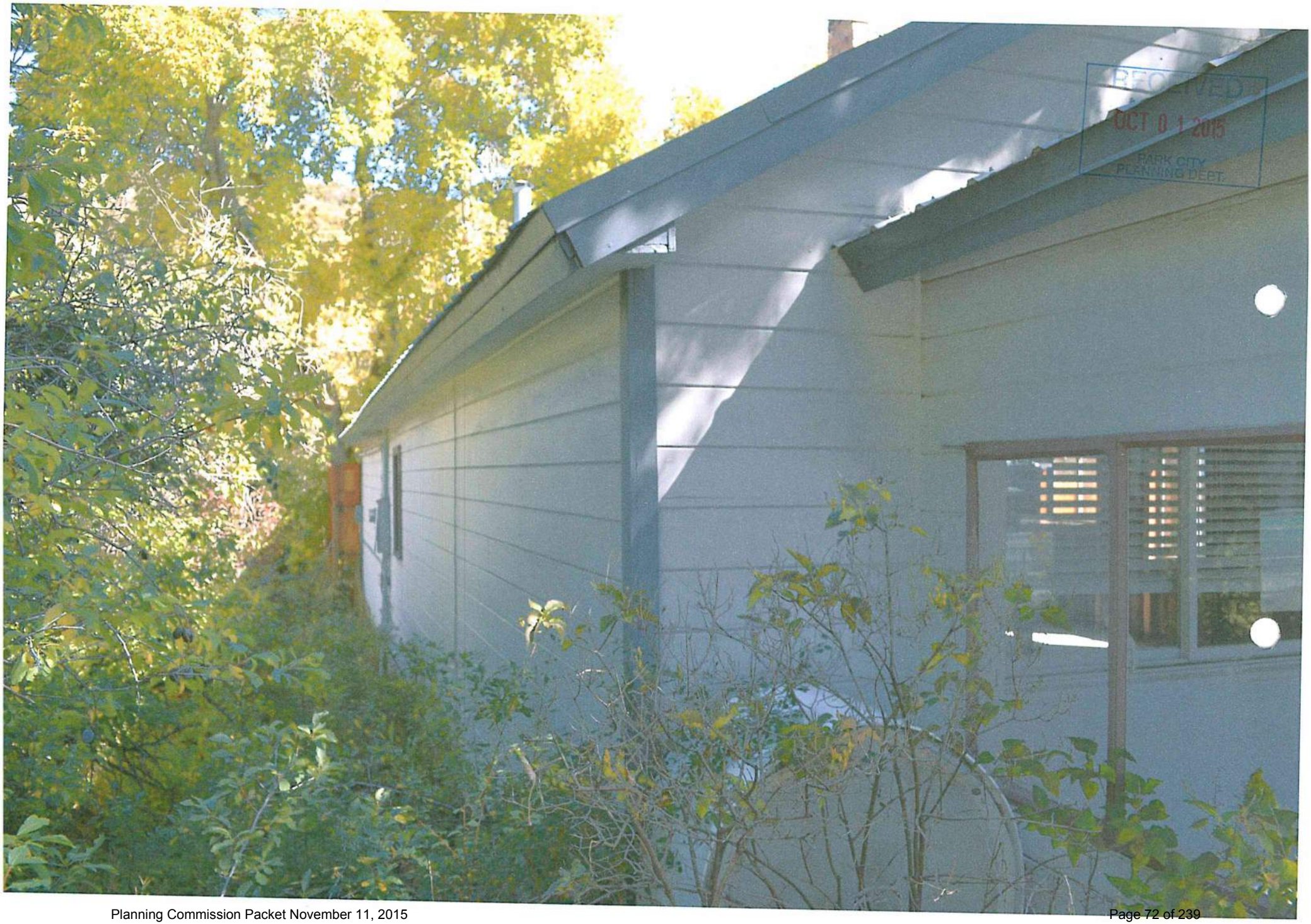
PLANNING DEPT.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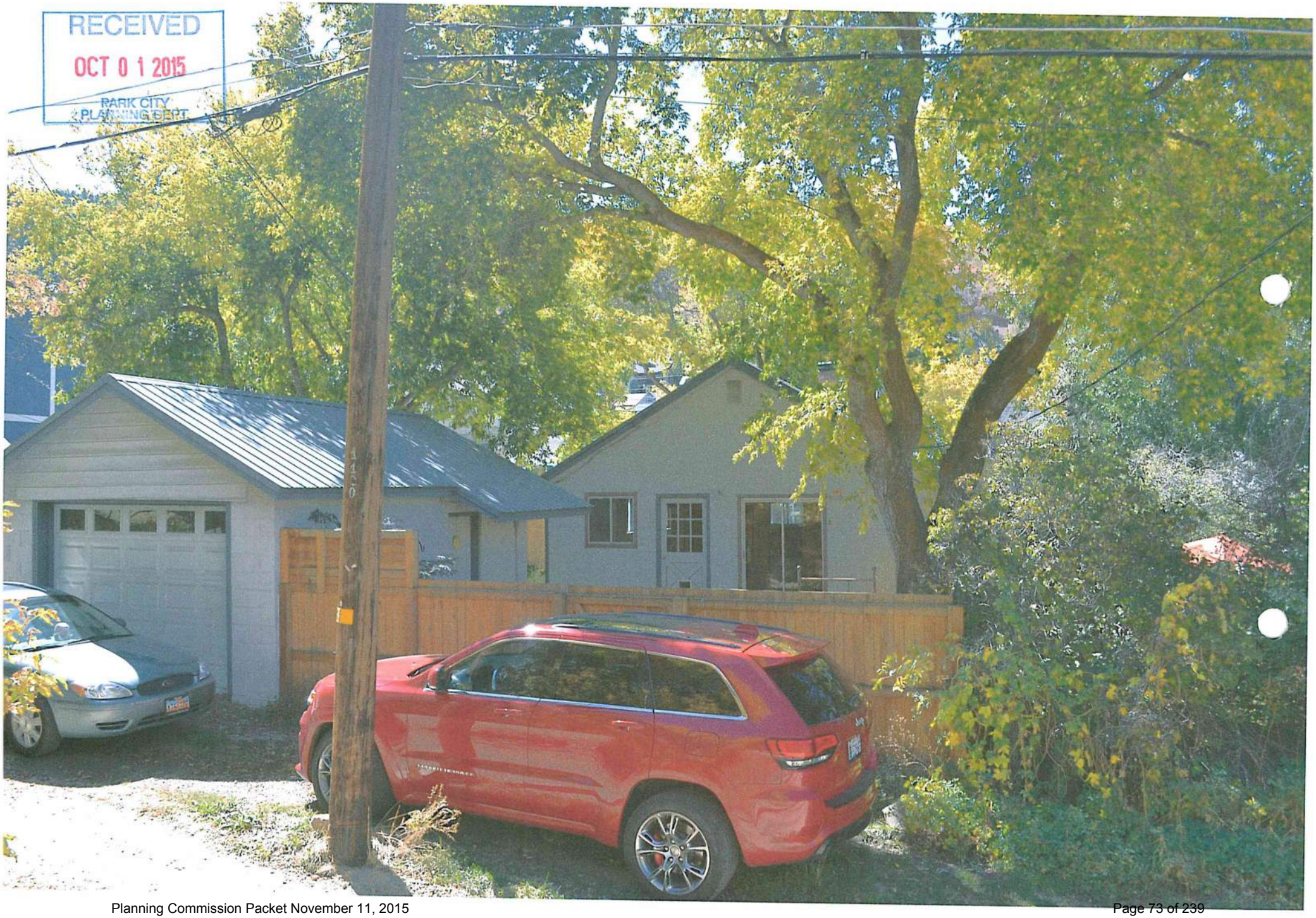
PARK CITY
PLANNING DEPT.


RECEIVED
OCT 0 1 2015
PARK CITY
PLANNING DEPT

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

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

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

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

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

15-2.2-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses shall comply with parking requirements of Chapter 15-3.

(A) **EXCEPTION**. In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

(1) Upon approval of a Conditional Use permit,

(2) When the scale of the addition or driveway is Compatible with the Historic Structure,

(3) When the addition complies with all other provisions of this Chapter, and

(4) When the addition complies with the International Building and Fire Codes.

(Amended by Ord. Nos. 06-56; 07-25)

15-2.2-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: 217 & 221 Park Avenue Plat Amendment
Author: Hannah Turpen, Planner
Project Number: PL-15-02949
Date: November 11, 2015
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 217 & 221 Park Avenue Plat Amendment located at 217 & 221 Park Avenue and consider forwarding a positive recommendation to 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 City Council, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant:	David J. Houston (represented by Marshall King, Alliance Engineering, Inc.)
Location:	217 & 221 Park Avenue
Zoning:	Historic Residential-1 (HR-1)
Adjacent Land Uses:	Residential
Reason for Review:	Plat Amendments require Planning Commission review and City Council review and action

Proposal

The applicant intends to adjust the lot line common to Lot 5 and Lot 6, Block 2, Amended Plat of the Park City Survey. The lot line adjustment will modify the area of the existing two (2) lots (Lot 5R and Lot 6R as proposed). The lot line common to Lot 5 and Lot 6 will be adjusted 0.17 feet (0.17') south of the existing common lot line location. Existing Lot 6 is a substandard lot; therefore, by adjusting the common lot line, both lots will maintain at least the minimum lot size required for the HR-1 District. Both Lot 5 and Lot 6 are owned by the applicant. As proposed, Lot 5R contains 2,044.8 SF. As proposed, Lot 6R contains 1,875 SF.

Background

On September 28, 2015, the City received a Plat Amendment application for 217 & 221 Park Avenue; the application was deemed complete on October 13, 2015. The property is located at 217 & 221 Park Avenue. The property is in the Historic Residential (HR-1) District. The subject property consists of Lot 5 and Lot 6, Block 2, Amended Plat of the Park City Survey. Lot 6 is vacant. Lot 5 contains a concrete stair case along the east property line. Neither lot contains a house

No other applications have been processed for the two (2) existing 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.

Analysis

The proposed plat amendment creates two (2) legal lots of record containing the minimum lot area required in the HR-1 zone. Existing Lot 6 is currently a substandard lot; therefore, by adjusting the common lot line, both lots will maintain at least the minimum lot size required for the HR-1 District. As proposed, Lot 5R contains 2,044.8 SF. As proposed, Lot 6R contains 1,875 SF.

A single-family dwelling is an allowed use in the Historic Residential 1 (HR-1) District. The minimum lot area for a single-family dwelling is 1,875 square feet. The lots do not meet the requirements for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-1 zone. The minimum lot width allowed in the HR-1 District is twenty-five feet (25'). As proposed Lot 5R is 27.47 feet (27.47') wide and Lot 6R is 25.17 feet (25.17') wide. The proposed lots meet the minimum lot width requirement. Table 1 shows applicable development parameters for the lots in the Historic Residential (HR-1) District:

Table 1:

LMC Regulation	Lot 5R Requirements	Lot 6R Requirements
Building Footprint	911.4 square feet, maximum based on lot size.	844 square feet, maximum based on lot size.
Front/Rear Yard Setbacks	10 feet minimum, 20 feet total.	10 feet minimum, 20 feet total.
Side Yard Setbacks	3 feet minimum, 6 feet total.	3 feet minimum, 6 feet total.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.

Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery […].	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery […].
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate […].	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate […].
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required […].	A ten foot (10') minimum horizontal step in the downhill façade is required […].
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

Staff finds good cause for this plat amendment as it will create two (2) legal lots of record containing the minimum lot area required in the HR-1 zone. Currently, development would be limited to existing Lot 5 as existing Lot 6 is a substandard lot. This plat amendment adjusts the lot line common to Lot 5 and Lot 6 0.17 feet (0.17') south of the existing common lot line location. The proposed lot areas of 2,044.8 square feet (Lot 5R) and 1,875 square feet (Lot 6R) are compatible lot combinations as the entire Historic Residential (HR-1) District has abundant sites with the similar dimensions. In addition, another alternative would be that the lots could be combined, resulting in a lot combination that would meet the requirements of a duplex dwelling in the HR-1 District. Staff finds that two (2) single-family dwellings are more compatible with the neighborhood that one (1) duplex dwelling.

To redevelop the lots, a Historic District Design Review (HDDR) application for each lot shall be reviewed and approved by the Planning Staff.

Good Cause

Planning Staff finds there is good cause for this plat amendment. This plat amendment will 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 requisite Building and Land Management Code, and applicable Historic District Design Guidelines requirements. The proposed lot areas of 2,044.8 square feet and 1,875 square feet are compatible lot dimensions as the entire Historic Residential (HR-1) District has abundant sites with similar dimensions.

Encroachments

The eave of the non-historic house located at 213 Park Avenue encroaches over the south property line of Lot 5. The eave of the non-historic house located at 213 Park Avenue which encroaches over the south property line of Lot 5 can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, as dictated by Condition of Approval #4, prior to recordation of the plat.

A rock retaining wall associated with the non-historic house located at 213 Park Avenue encroaches over the south property line of Lot 5. The rock retaining wall associated with the non-historic house located at 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, as dictated by Condition of Approval #5, prior to recordation of the plat.

A set of concrete stairs associated with the Park Palace Condominiums located at 225-235 Park Avenue encroaches on the north property line of Lot 6 near the northwest corner of the Lot. The concrete stairs located on the north property line of Lot 6 near the northwest corner of the Lot can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, as dictated by Condition of Approval #6, prior to recordation of the plat.

A concrete retaining wall is located on Lot 6, parallels Park Avenue, and encroaches over the north property line onto the property of the Park Palace Condominiums located at 225-235 Park Avenue. The concrete retaining wall located on Lot 6 that parallels Park Avenue and extends over the north property line onto the property of the Park Palace Condominiums located at 225-235 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, as dictated by Condition of Approval #7, prior to recordation of the plat.

A wood retaining wall is located on the west property line of Lot 5 and encroaches onto the properties of 220 Woodside Avenue, 214 Woodside Avenue, and 213 Park Avenue. The wood retaining wall located on the west property line of Lot 5 that encroaches onto the properties of 220 Woodside Avenue, 214 Woodside Avenue, and 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the respective property owners, as dictated by Condition of Approval #8, prior to recordation of the plat.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 1-18.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice
On October 28, 2015 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on October 24, 2015 according to requirements of the Land Management Code.

Public Input
No public input has been received by the time of this report. A public hearing is noticed for both the Planning Commission and City Council meetings.

Alternatives
- The Planning Commission may forward a positive recommendation for the 217 & 221 Park Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation for the 217 & 221 Park Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 217 & 221 Park Avenue Plat Amendment.
- There is not a null alternative for plat amendments.

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

Consequences of not taking the Planning Department's Recommendation
The site would remain as is. The site would contain two (2) lots. Lot 5 would remain a substandard lot (vacant), and all development would be limited to Lot 6. The lots could be combined, resulting in a lot combination that would meet the requirements of a duplex dwelling in the HR-1 District. Staff finds that two (2) single-family dwellings are more compatible with the neighborhood that one (1) duplex dwelling.

Summary Recommendation
Staff recommends the Planning Commission hold a public hearing for the 217 & 221 Park Avenue Plat Amendment located at 217 & 221 Park Avenue and consider forwarding a positive recommendation to City Council 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 Survey
Exhibit C – Aerial Photograph
Exhibit D – Site Photographs

Exhibit A: Draft Ordinance

Ordinance No. 15-XX

AN ORDINANCE APPROVING THE 217 & 221 PARK AVENUE PLAT AMENDMENT LOCATED AT 217 & 221 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 217 & 221 Park Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on October 28, 2015 the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on October 24, 2015 proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on November 11, 2015, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on November 11, 2015, forwarded a recommendation to the City Council; and,

WHEREAS, on December 3, 2015 the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the 217 & 221 Park Avenue Plat Amendment.

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

SECTION 1. APPROVAL. 217 & 221 Park Avenue Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 217 & 221 Park Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of Lot 5 and Lot 6, Block 2, Amended Plat of the Park City Survey.
4. The lot line adjustment will modify the area of the existing two (2) lots (Lot 5R and Lot 6R as proposed). The lot line common to Lot 5 and Lot 6 will be adjusted 0.17 feet (0.17') south of the existing common lot line location.
5. Existing Lot 6 is a substandard lot; therefore, by adjusting the common lot line, both lots will maintain at least the minimum lot size required for the HR-1 District.
6. Lot 5 and Lot 6 are owned by the applicant and are vacant lots.

7. The proposed plat amendment creates two (2) legal lots of record containing the minimum lot area required in the HR-1 zone.
8. As proposed, Lot 5R contains 2,044.8 SF. As proposed, Lot 6R contains 1,875 SF.
9. A single-family dwelling is an allowed use in the Historic Residential 1 (HR-1) District.
10. The minimum lot area for a single-family dwelling is 1,875 square feet.
11. The lots alone do not meet the requirements for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-1 zone.
12. The minimum lot width allowed in the HR-1 District is twenty-five feet (25'). As proposed Lot 5R is 27.47 feet (27.47') wide and Lot 6R is 25.17 feet (25.17') wide. The proposed lots meet the minimum lot width requirement.
13. The minimum side yard setbacks for a twenty-five foot (25') wide lot are three feet (3'), six feet (6') total.
14. The eave of the non-historic house located at 213 Park Avenue which encroaches over the south property line of Lot 5 can either be removed or the applicant will have to enter into an encroachment agreement will the property owner of 213 Park Avenue, as dictated by Condition of Approval #4.
15. The rock retaining wall associated with the non-historic house located at 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, as dictated by Condition of Approval #5.
16. The concrete stairs located on the north property line of Lot 6 near the northwest corner of the Lot can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, as dictated by Condition of Approval #6.
17. The concrete retaining wall located on Lot 6 that parallels Park Avenue and extends over the north property line onto the property of the Park Palace Condominiums located at 225-235 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, as dictated by Condition of Approval #7.
18. The wood retaining wall located on the west property line of Lot 5 that encroaches onto the properties of 220 Woodside Avenue, 214 Woodside Avenue, and 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the respective property owners, as dictated by Condition of Approval #8.
19. The proposed plat amendment will not cause undo harm to adjacent property owners.
20. The proposed lot areas of 2,044.8 square feet (Lot 5R) and 1,875 square feet (Lot 6R) are compatible lot dimensions as the entire Historic Residential-1 District has abundant sites with the similar dimensions.
21. Lot 5R will have a maximum building footprint of 911.4 square feet. Lot 6R will have a maximum footprint of 844 square feet.
22. Prior to redeveloping the lots, a Historic District Design Review (HDDR) application for each lot shall be reviewed and approved by the Planning Staff.
23. On September 28, 2015, the applicant applied for a Plat Amendment application

for 217 & 221 Park Avenue; the application was deemed complete on October 13, 2015.

24. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Park Avenue frontage of the property and shall be shown on the plat prior to recordation.
4. The eave of the non-historic house located at 213 Park Avenue which encroaches over the south property line of Lot 5 can either be removed or the applicant will have to enter into an encroachment agreement will the property owner of 213 Park Avenue, prior to plat recordation.
5. The rock retaining wall associated with the non-historic house located at 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, prior to plat recordation.
6. The concrete stairs located on the north property line of Lot 6 near the northwest corner of the Lot can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 225-235 Park Avenue, prior to plat recordation.
7. The concrete retaining wall located on Lot 6 that parallels Park Avenue and extends over the north property line onto the property of the Park Palace Condominiums located at 225-235 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, prior to plat recordation.
8. The wood retaining wall located on the west property line of Lot 5 that encroaches onto the properties of 220 Woodside Avenue, 214 Woodside Avenue, and 213 Park Avenue can either be removed or the applicant will have

to enter into an encroachment agreement with the respective property owners, prior to plat recordation.

9. 13-D sprinklers are required for any new construction or significant renovation of existing. This shall be noted on the plat prior to recordation.

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

PASSED AND ADOPTED this 3rd day of December, 2015.

PARK CITY MUNICIPAL CORPORATION

_____
Jack Thomas, MAYOR

ATTEST:

_____
City Recorder

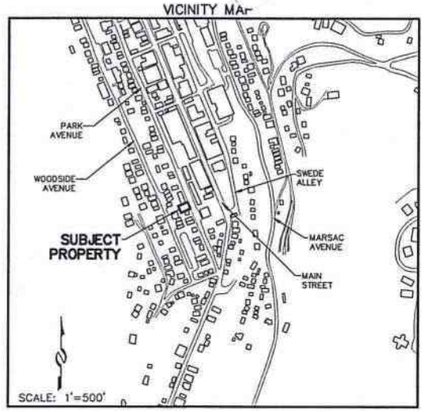
APPROVED AS TO FORM:

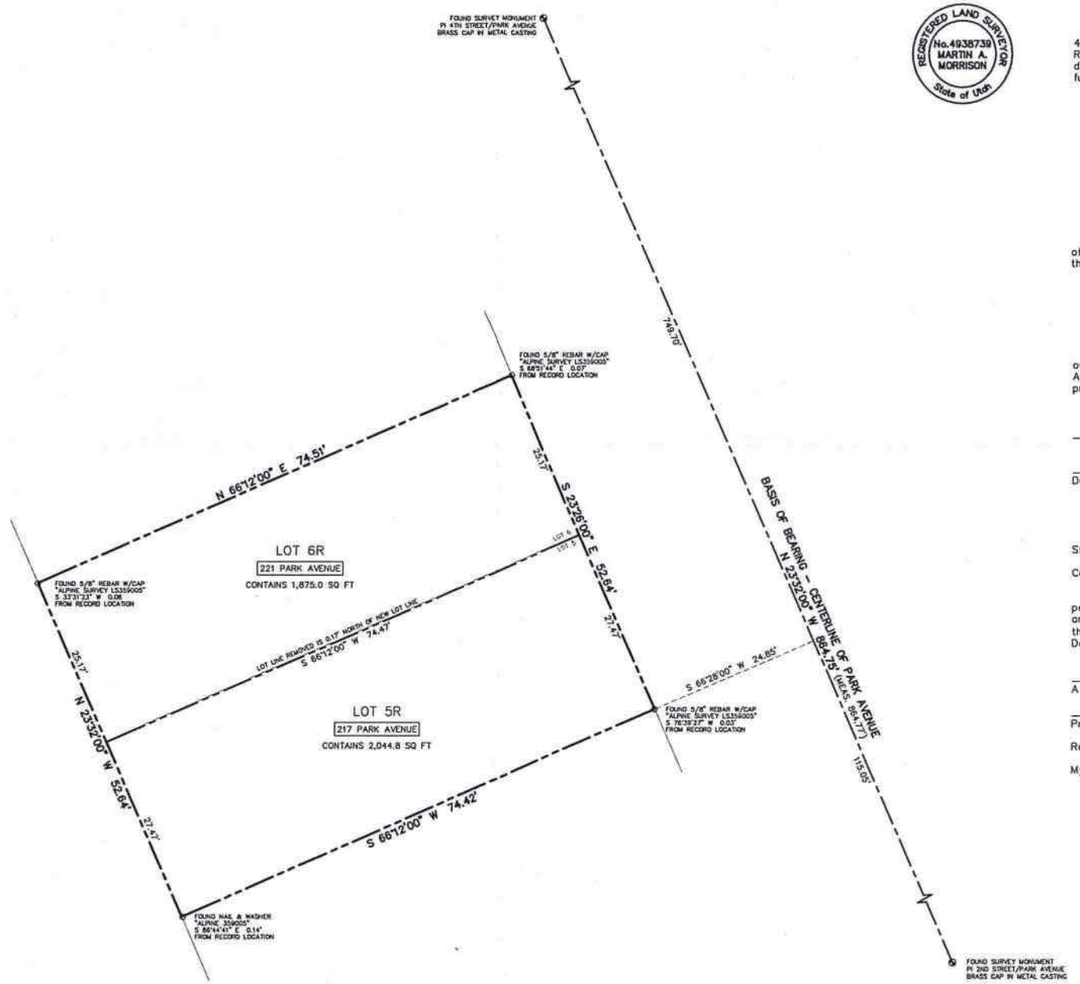
_____
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Exhibit A: Proposed Plat

VICINITY MAP





REGISTERED LAND SURVEYOR
No. 4938739
MARTIN A. MORRISON
State of Utah

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 217 & 221 PARK 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

All of Lots 5 and 6, Block 2, Amended Plat of Park city Survey, according to the official plat thereof, recorded April 23, 1979 as Entry No. 155234 of the official records in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that David J. Houston, the undersigned owner of the herein described tract of land, to be known hereafter as 217 & 221 PARK AVENUE PLAT AMENDMENT, does hereby certify that he has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2016.

_____
David J. Houston

ACKNOWLEDGMENT

State of _____:
ss:
County of _____:

On this _____ day of _____, 2016, _____ personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, David J. Houston 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 Notary Public commissioned in Utah

_____
Printed Name

Residing in: _____

My commission expires: _____

AN AMENDMENT OF PLATTED LOTS
LOTS 5 & 6 IN BLOCK 2, PARK CITY SURVEY

217 & 221 PARK AVENUE PLAT AMENDMENT

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

10' 0 10' 20'

SHEET 1 OF 1

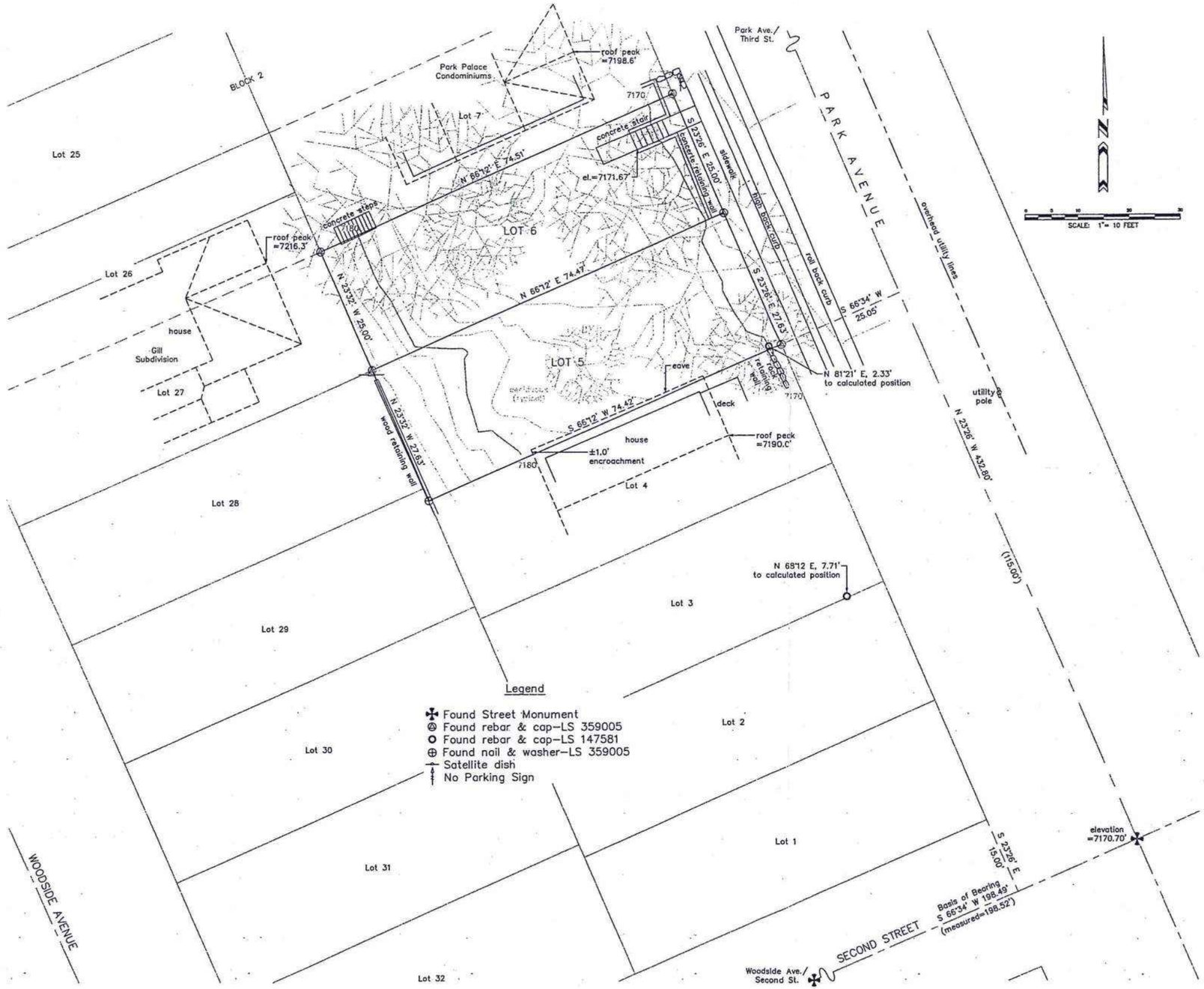
9/18/15 JOB NO.: 5-8-15 FILE: X:\ParkCitySurvey\dwg\srv\plat2015\050815.dwg

(435) 649-9467
Alliance Engineering Inc
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	CERTIFICATE OF ATTEST	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016	APPROVED AS TO FORM THIS _____ DAY OF _____, 2016	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____
BY _____ S.B.W.R.D.	BY _____ CHAIR	BY _____ PARK CITY ENGINEER	BY _____ PARK CITY ATTORNEY	BY _____ MAYOR	BY _____ PARK CITY RECORDER	_____ FEE _____ RECORDER

Exhibit B: Existing Survey

Park City Survey
Block 2, Lots 5 & 6



Legend

- Found Street Monument
- Found rebar & cap–LS 359005
- Found rebar & cap–LS 147581
- Found nail & washer–LS 359005
- Satellite dish
- No Parking Sign

NARRATIVE

1. Survey requested by: David Houston.
2. Purpose of the survey: locate the improvements and the topographic relief.
3. Basis of the survey: found street monuments as shown.
4. See the official plats for the Park City Survey and the Monument Control Map of Park City Recorded as Entry No. 199887 in the office of the Summit County Recorder.
5. Date of the survey: July 10, 2015; additions Oct. 8, 2015.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. See the previous survey of the property, by Alpine Survey, Inc., recorded in the office of the Summit County Recorder.
9. Elevations are based on an elevation of 7170.70 feet at the Street Monument found at the intersection of 2nd Street and Park Avenue, from the Park City Monument Control Map.

DEED DESCRIPTION

All of Lots 5 & 6, Block 2, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder.

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

STATE OF UTAH — J.D. GAILEY — NO. 359005 — REGISTERED LAND SURVEYOR

Oct. 12, '15
Date

J.D. Gailey #359005

Alpine Survey, Inc.
19 Prospector Drive
Park City, Utah 84060
(435) 655-8016

Exhibit C: Aerial Photograph

(435) 649-9467 Wayne Engineering Inc CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MARSHALL KING JESSE MORENO DATE: 8/11/15	AERIAL PHOTOGRAPH 217 & 221 PARK AVENUE BLOCK 2, PARK CITY SURVEY FOR: PARK CITY MUNICIPAL CORPORATION JOB NO.: 5-8-15 FILE: X:\ParkCitySurvey\dwg\Exhibits\215 park ave-ortho.dwg	SHEET 1 OF 1

Exhibit D: Site Photographs

217 and 221 Park Avenue – Looking southwesterly

217 and 221 Park Avenue – Looking northwesterly

217 and 221 Park Avenue – Looking easterly

217 and 221 Park Avenue – Looking easterly

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: **Sorensen Plat Amendment**
Author: **Francisco J. Astorga, City Planner**
Project Number: **PL-15-02920**
Date: **November 11, 2015**
Type of Item: **Legislative – Plat Amendment**

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Sorensen Plat Amendment located at 422 Ontario Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicants:	James H. Easter represented by Bill Mammen
Location:	422 Ontario Avenue
Zoning:	Historic Residential-1
Adjacent Land Uses:	Residential
Reason for Review:	Plat Amendments require Planning Commission review and City Council review and action

Acronyms found in the Report

HR-1	Historic Residential-1
CUP	Conditional Use Permit
LMC	Land Management Code
HDDR	Historic District Design Review
ROW	Right-of-Way

Proposal

The site known as 422 Ontario Avenue consists of one (1) Old Town lot and five (5) remnant parcels. The property owner requests to combine their property into one (1) lot of record. Currently the property is divided into three (3) tax parcels. A historic structure sits over two (2) lot lines. Tax parcel # PC-480, is the north one-half of Lot 5 and all of Lot 6, containing 2,812.5 square feet. Tax parcel # PC-485-1, is the south one-half (approx.) of Lot 7 containing, 843.75 square feet, approximately. Tax parcel # PC-485-JKL, is a portion of Lots 26, 27, and 28, containing 807.75 square feet, approx. The entire site is found in Block 58 of the Park City Survey and contains a total area of 4,464 square feet.

Background

On October 16, 2015, the City received a completed Plat Amendment application for the Sorensen Plat Amendment. The property is located at 422 Ontario Avenue. The property is in the Historic Residential (HR-1) District. The subject property consists of

the north one-half of Lot 5, all of Lot 6, the south one-half (approx.) of Lot 7, and a portion of Lots 26, 27, and 28, Block 58 of the Park City Survey.

This site is listed on Park City's Historic Sites Inventory (HSI) and is recognized as historically Significant. The property was built circa 1904 during the Mature Mining Historic Era (1894-1930). The historic structure was built over two (2) property lines. According to Summit County records the structure is 840 square feet (Living Area).

Purpose

The purpose of the 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.

Analysis

The proposed Plat Amendment creates one (1) lot of record from the existing three (3) tax parcels. The Plat Amendment removes two (2) lot lines going through the historic structure as well as one lot line towards the back of the property. The proposed Plat Amendment combines the property into one (1) lot measuring 4,464 square feet. The site contains one (1) Old Town lot, identified as lot 6 of Block 58, and five (5) remnant parcels: the north one-half of Lot 5, the south one-half (approx.) of Lot 7, and portions of Lots 26, 27, and 28.

A single-family dwelling is an allowed use in the HR-1 District. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lot meets the minimum lot area for single-family dwellings. The minimum lot area for a duplex dwelling is 3,750 square feet subject to Conditional Use Permit (CUP) approval by the Planning Commission. The proposed lot width is width is fifty feet (50'). The minimum lot width required in the HR-1 District is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement. The following table shows applicable Land Management Code (LMC) development parameters in the HR-1 District:

LMC Requirements	Standard
Building Footprint (based on lot size)	1,736 square feet, maximum.
Front/Rear Yard Setbacks	Twelve feet (12'), minimum. Twenty-five feet (25'), total
Side Yard Setbacks	Five feet (5'), minimum

Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery […].
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate […].
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required […].
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

Staff has identified that the existing historic structure does not meet the front yard setback as the structure was built 8.7 feet from that property line. Also the existing historic structure does not meet the south side yard setback as the structure was built 2.9 feet from that property line. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures. The proposed Plat Amendment removes two (2) internal property lines which the historic structure was unable to meet side yard setbacks to.

The maximum building footprint of structures located on a lot is regulated by the footprint formula found in the LMC. The formula is determined by the size of the lot. The current building footprint is approximately 823.5 square feet. The proposed lot area (4,464 square feet) yields a maximum footprint of 1,736 square feet. Given the existing location of the historic structure and the new setbacks established with the proposed Plat Amendment application Staff finds that it will be somewhat of a challenge to place a significant addition to the existing historic dwelling in the future. Accordingly, staff does not a find a basis in the record for imposing additional size limitations in this instance.

All historic structures within the historic districts have to comply with the Historic District Design Guidelines (adopted 2009). There are specific guidelines dealing with additions to historic structures and relocation and/or reorientation of intact buildings.

The submitted survey reveals that the site contains a shed on the rear setback area which does not meet the minimum rear setback requirement of one foot (1'), per LMC § 15-2.2-3(G)(6), as the shed goes over that rear property line. Staff recommends that the property owner shall resolve this rear property line shed encroachment by either removing/relocating the shed or working out an easement agreement with the rear property owner prior to Plat recordation. Staff has made the applicant aware of this encroachment and aware of applicable applications that would have to be resolved prior to any physical work involving the shed, i.e., a Historic District Design Review (HDDR) application.

The site has a planter, retaining walls, and stairs located in the City Right-of-Way (ROW) along Ontario Avenue. The applicant has the option of removing such improvements or working with the City Engineer to assure that these improvements are

authorized in the form of an ROW encroachment agreement. The survey shows an asphalt area used for parking. This Plat Amendment does not grant or dedicate this area for parking for exclusive use of the subject site but rather for public general use per current parking policy.

The applicant is to also understand that any improvements in the public ROW are subject to be removed for possible expansion of public improvements per applicable policy in the adopted Streets and Transportation Master Plans maintained by the City Engineer.

Good Cause
Staff finds good cause for this Plat Amendment as the two (2) lot lines going through the historic structure are proposed to be removed. Also, the proposed Plat Amendment consolidates five (5) remnant parcels into the requested lot of record. Public snow storage and utility easements are provided on the lots.

Process
The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 15-1-18.

Department Review
This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input
No public input has been received by the time of this report.

Alternatives
- The Planning Commission may forward positive recommendation to the City Council for the Sorensen Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Sorensen Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Sorensen Plat Amendment.

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

Consequences of not taking the Planning Department's Recommendation
The site would remain as is. The historic structure would sit over two (2) lot lines. The

site would continue to have five (5) remnant parcels.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Sorensen Plat Amendment located at 422 Ontario Avenue 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 – Draft Ordinance with Proposed Plat (Attachment 1)
Exhibit B – Applicant's Project Intent
Exhibit C – Survey
Exhibit D – County Tax Map
Exhibit E – Vicinity Map
Exhibit F – Aerial Photographs with 500' Radius
Exhibit G – Site Photographs

Ordinance No. 15-XX

AN ORDINANCE APPROVING THE SORENSEN PLAT AMENDMENT LOCATED AT 422 ONTARIO AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 422 Ontario Avenue have petitioned the City Council for approval of the Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on November 11, 2015, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on November 11, 2015, forwarded a positive recommendation to the City Council; and,

WHEREAS, on December 3, 2015, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Sorensen Plat Amendment.

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

SECTION 1. APPROVAL. Sorensen Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 422 Ontario Avenue.
2. The property is in the Historic Residential District.
3. The subject property consists of the north one-half of Lot 5, all of Lot 6, the south one-half (approx.) of Lot 7, and a portion of Lots 26, 27, and 28, Block 58 of the Park City Survey.
4. This site is listed on Park City's Historic Sites Inventory and is recognized as historically Significant.
5. The proposed Plat Amendment creates one (1) lot of record from the existing three (3) tax parcels.
6. The Plat Amendment removes two (2) lot lines going through the historic structure

as well as one lot line towards the back of the property.
7. The proposed Plat Amendment combines the property into one (1) lot measuring 4,464 square feet.
8. A single-family dwelling is an allowed use in the District.
9. The minimum lot area for a single-family dwelling is 1,875 square feet.
10. The proposed lots meet the minimum lot area for single-family dwellings.
11. The minimum lot area for a duplex dwelling is 3,750 square feet subject to Conditional Use Permit (CUP) approval by the Planning Commission.
12. The proposed lot width is width is fifty feet (50').
13. The minimum lot width required is twenty-five feet (25').
14. The proposed lot meets the minimum lot width requirement.
15. The maximum building footprint allowed based on proposed lot size is 1,736 square feet.
16. The minimum front/rear yard setbacks are twelve feet (12').
17. The minimum total front/rear yard setbacks are twenty-five feet (25').
18. The minimum side yard setbacks are five feet (5').
19. The existing historic structure does not meet front yard setbacks as the structure was built 8.7 feet from that property line.
20. The existing historic structure does not meet the south side yard setback as the structure was built 2.9 feet from that property line.
21. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
22. The submitted survey reveals that the site contains a shed on the rear setback area which does not meet the minimum rear setback requirement of one foot (1'), per LMC § 15-2.2-3(G)(6), as the shed goes over that rear property line.
23. Staff recommends that the property owner shall resolve the rear property line shed encroachment by either removing relocating the shed or working out an easement agreement with the rear property owner prior to Plat recordation.
24. The proposed Plat Amendment consolidates five (5) remnant parcels into the requested lot of record and public snow storage and utility easements are provided on the lot.
25. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

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 lot combinations.
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 Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management

Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Ontario Avenue frontage of the property.
4. The property owner shall resolve the shed encroachment over the rear property line by either removing/relocating the shed or working out an easement agreement with the rear property owner prior to Plat recordation.
5. The site has a planter, retaining walls, and stairs located in the City Right-of-Way (ROW) along Ontario Avenue. The applicant shall either remove the planter, retaining walls, and stairs located on the City ROW along Ontario Avenue or work with the City Engineer to assure that these improvements are authorized in the form of an ROW encroachment agreement. g
6. This Plat Amendment does not grant or dedicate this area for parking for exclusive use of the subject site but rather for public general use.
7. 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.

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

PASSED AND ADOPTED this 3rd day of December, 2015.

PARK CITY MUNICIPAL CORPORATION

_____
Jack Thomas, MAYOR

ATTEST:

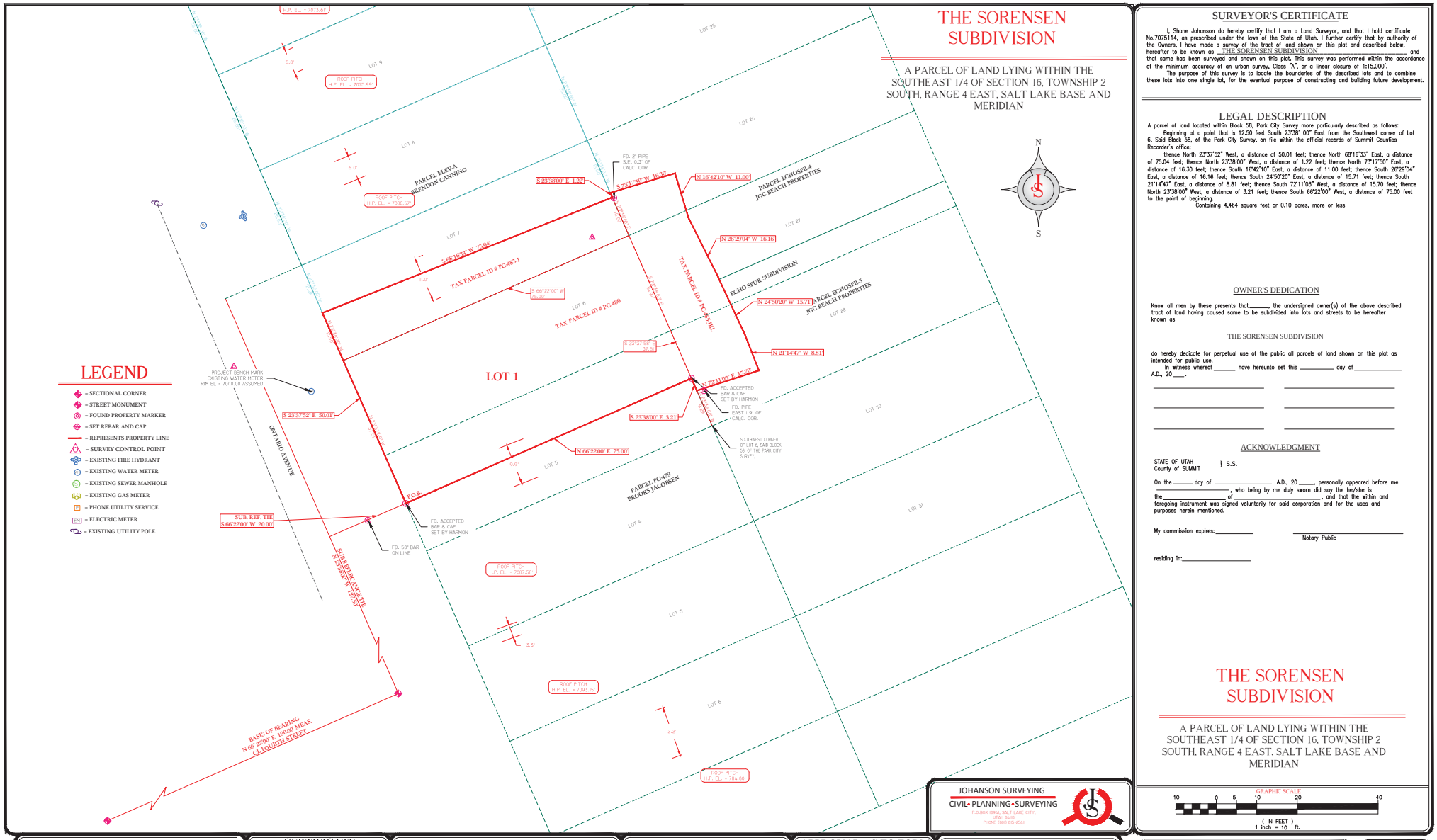
_____
City Recorder

APPROVED AS TO FORM:

_____

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



SURVEYOR'S CERTIFICATE

I, Shane Johanson do hereby certify that I am a Land Surveyor, and that I hold certificate No.7075114, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, hereafter to be known as THE SORENSEN SUBDIVISION and that same has been surveyed and shown on this plat. This survey was performed within the accordance of the minimum accuracy of an urban survey, Class "A", or a linear closure of 1:15,000".

The purpose of this survey is to locate the boundaries of the described lots and to combine these lots into one single lot, for the eventual purpose of constructing and building future development.

LEGAL DESCRIPTION

A parcel of land located within Block 58, Park City Survey more particularly described as follows:

Beginning at a point that is 12.50 feet South 23°38' 00" East from the Southwest corner of Lot 6, Said Block 58, of the Park City Survey, on file within the official records of Summit Counties Recorder's office;

thence North 23°37'52" West, a distance of 50.01 feet; thence North 68°16'33" East, a distance of 75.04 feet; thence North 23°38'00" West, a distance of 1.22 feet; thence North 73°17'50" East, a distance of 16.30 feet; thence South 16°42'10" East, a distance of 11.00 feet; thence South 26°29'04" East, a distance of 16.16 feet; thence South 24°50'20" East, a distance of 15.71 feet; thence South 21°14'47" East, a distance of 8.81 feet; thence South 72°11'03" West, a distance of 15.70 feet; thence North 23°38'00" West, a distance of 3.21 feet; thence South 66°22'00" West, a distance of 75.00 feet to the point of beginning.

Containing 4,464 square feet or 0.10 acres, more or less

OWNER'S DEDICATION

Know all men by these presents that _____, the undersigned owner(s) of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as

THE SORENSEN SUBDIVISION

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use.

In witness whereof _____ have hereunto set this _____ day of _____ A.D., 20___.

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
County of SUMMIT

On the _____ day of _____ A.D., 20____, personally appeared before me _____, who being by me duly sworn did say the he/she is the _____ of _____, and that the within and foregoing instrument was signed voluntarily for said corporation and for the uses and purposes herein mentioned.

My commission expires:_____ Notary Public

residing in:_____

THE SORENSEN SUBDIVISION

A PARCEL OF LAND LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

JOHANSON SURVEYING
CIVIL•PLANNING•SURVEYING
FLEMING HALL, SALT LAKE CITY, UTAH 84118
PHONE (801) 815-2541

GRAPHIC SCALE
10 0 5 10 20 40
(IN FEET)
1 inch = 10 ft.

PARK CITY PLANNING COMMISSION	CERTIFICATE OF ATTEST	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISION ON THIS ____ DAY OF _____, 20___	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ___ DAY OF _____, 20___	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 20___.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE ON THIS ____ DAY OF _____, 20___.	APPROVED AS TO FORM THIS ___ DAY OF _____, 20___.	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL ON THIS ___ DAY OF _____, 20___.
BY _____ Chairman date	BY _____ PARK CITY RECORDER	BY _____ S.B.W.R.D.	BY _____ PARK CITY ENGINEER	_____ PARK CITY ATTORNEY	_____ PARK CITY ATTORNEY

COUNTY RECORDER# _____

State of Utah, County of Summit, recorded and filed at the request of _____ STAMP

Date _____ Time _____ Book _____ Page _____

Fee $ _____ County Recorder

NUMBER _____
ACCOUNT _____
SHEET 1
OF 1 SHEETS

Exhibit B – Applicant's Project Intent

Applicant's Written Statement:

We want to combine 2½ lots of irregular description into one lot. The exist. house straddles property lines. We intend to restore the historic residence and make an addition.

Exhibit C – Survey

DRAWING TITLE

SITE SURVEY

CLIENT CONTACT

WILLIAM MAMMEN
1-435-649-8868

A PARCEL OF LAND LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

PROPERTY DESCRIPTION

A parcel of land located within Block 58, Park City Survey more particularly described as follows:

Beginning at a point that is 12.50 feet South 23°38' 00" East from the Southwest corner of Lot 6, Said Block 58, of the Park City Survey, on file within the official records of Summit Counties Recorder's office;

thence North 23°37'52" West, a distance of 50.01 feet; thence North 68°16'33" East, a distance of 75.04 feet; thence North 23°38'00" West, a distance of 1.22 feet; thence North 73°17'50" East, a distance of 16.30 feet; thence South 16°42'10" East, a distance of 11.00 feet; thence South 26°29'04" East, a distance of 16.16 feet; thence South 24°50'20" East, a distance of 15.71 feet; thence South 21°14'47" East, a distance of 8.81 feet; thence South 72°11'03" West, a distance of 15.70 feet; thence North 23°38'00" West, a distance of 3.21 feet; thence South 66°22'00" West, a distance of 75.00 feet to the point of beginning.

Containing 4,464 square feet or 0.10 acres, more or less

NOTE:

1. Surveyor has made no investigation or independent search for easements of record encumbrances restrictive covenants ownership title evidence, or any other facts, conflicts, or discrepancies which may be disclosed by the details of a currant title insurance policy.

2. See city and county planning, and zoning maps for information regarding setback, side yard, and rear yard instances as well as other building, use restrictions, and requirements.

3. Utility pipes, wires etc. may not be shown on this map, contractors builders and excavators shall verify the location of all existing utilities prior to construction, and/or excavation. Contact blue stakes and refer to utility maps for additional information.

4. This is not a boundary survey, no corners have been set, this plat is intended for design review and approval purposes.

5. Subdivision plat notes, pertaining to this lot and other restrictions obligations, convents etc.. that may effect the design and use of this lot, see subdivision.

6. Views to landmarks are for reference only and should not be relied upon as exact sums, all views are effected form position of view, and eye of the beholder. All intents to align view corridors must be staked out on site for field review, prior to any construction.

SURVEYOR'S CERTIFICATE

I, R. Shane Johanson, Do hereby certify that I am a Professional Land Surveyor, holding certificate No. 7075114, as prescribed under the laws of the State of Utah, and that I have made a survey of the described tract of land as shown on this plat and that this survey retraces lot lines and may have adjusted said lot lines to coincide with found evidence and other interpolations based from ground measurements and found records. Furthermore I recognize that other unwritten rights of ownership or lines of possession may exist, I do not imply to certify any of those rights, unless agreed upon by the appropriate parties.

REVISIONS:

REV #	DESCRIPTION	DATE

JOHANSON SURVEYING
SURVEYING • SEPTIC • PLANNING
P.O. BOX 18941
SALT LAKE CITY, UTAH 84118
Shane Johanson P.L.S. 801-815-2541

STAMP

STATE OF UTAH No. 7075114 R. SHANE JOHANSON PROFESSIONAL LAND SURVEYOR

PROJECT NO. S-15-065

DATE: 8-12-2015

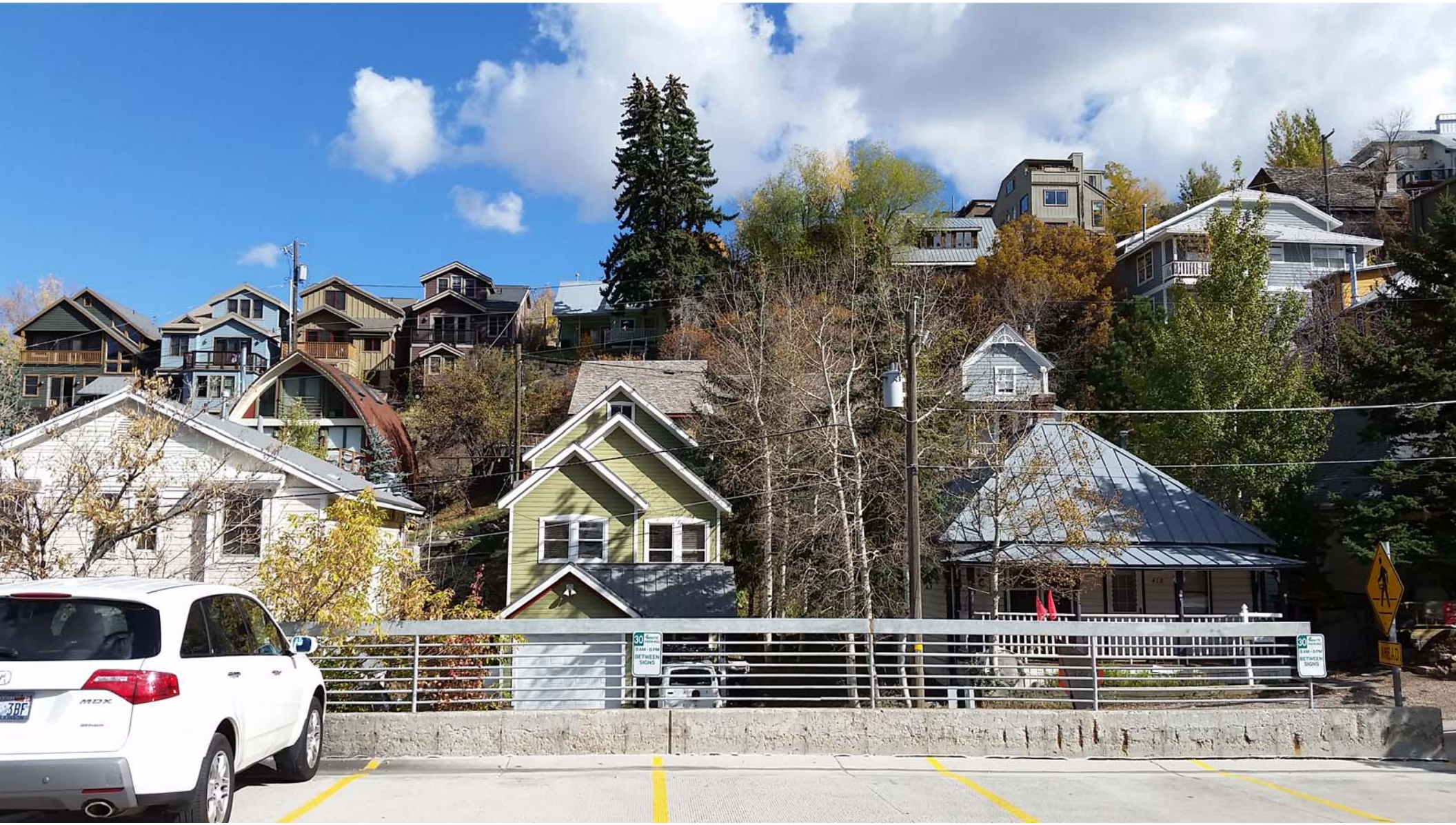
DRAWN BY: SHANE R. JOHANSON P.L.S.
CKHD BY: SHANE R. JOHANSON P.L.S.

SHEET NUMBER
SURVEY-001

Exhibit D – County Tax Map


Exhibit E - Vicinity Map
422 Ontario Avenue
Sorensen Plat Amendment
Ontario Ave
0
20
40
60
80
Feet


Exhibit F - Vicinity Map
422 Ontario Avenue
Sorensen Plat Amendment
Marsac Ave
Deer Valley Dr
Deer Valley Loop Rd
Rossi Hill Dr
Ontario Ave
Marsac Ave
Swede Aly
4th St
Main St
McHenry Ave
Legend
500' radius
Parcels
Streets
Road Edges
0
150
300
450
600
Feet


30
8AM-6PM
BETWEEN
SIGNS
MDX

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Application #: **PL-15-02698**
Subject: **Central Park City Condominiums MPD**
Author: **Kirsten Whetstone, MS, AICP- Senior Planner**
Date: **November 11, 2015**
Type of Item: **Ratification of Development Agreement**

Summary Recommendations

Staff recommends that the Planning Commission review the Central Park City Condominiums Master Planned Development (MPD) Development Agreement and consider ratifying the agreement to memorialize the MPD approval granted by the Planning Commission on July 8, 2015. The MPD is for eleven residential dwelling units within an approximately 11,279 square foot building to be constructed at 1893 Prospector Avenue. Two affordable units are included in the totals. A public hearing is not required for this action.

Description

Applicant:	He2, LLC (Ehlias Louis- managing partner)
Location:	1893 Prospector Avenue
Zoning:	General Commercial (GC)
Adjacent Land Uses:	Residential condominiums to the west (Suncreek) and east (Prospector), Rail Trail and open space to the south, and condos/commercial/offices to the north and west along Prospector Avenue.
Reason for Review:	Master Planned Development applications require a Development Agreement with ratification by the Planning Commission within six months of approval of the MPD.

Background

The property is located within the General Commercial (GC) zoning district subject to the Prospector Square overlay requirements (Land Management Code § 15-2.18-3(I)). Located at 1893 Prospector Avenue, the property consists of a 5,760 square foot platted lot. The lot is amended Lot 25b of the Gigaplat replat, a replat of Lots 25a, 25b, and Parking Lot F of the Prospector Square Supplemental Amended Plat. Amended Lot 25b is a vacant, undeveloped privately owned development lot that is currently part of a 92 space asphalt parking lot (Parking Lot F).

Parking Lot F is owned by and utilized as a shared parking lot for Prospector Square Property Owners Association (PSPOA). A total of 103 parking spaces will result upon completion of this project and the 1897 Prospector Avenue CUP project, approved for Lot 25a. This includes 12 spaces located under the subject building. The applicant and PSPOA have signed an agreement stipulating that upon completion of this project there will be a total of at least 103 parking spaces. All of the parking spaces

are intended to be shared spaces for the Prospector Square area.
On June 5, 2014, the City Council voted to approve the Gigaplat replat that reconfigures Lots 25a, 25b and Parking Lot F of the Prospector Square Supplemental Amended Plat. The plat was recorded on May 1, 2015.

On June 25, 2014, the Planning Commission approved a Conditional Use Permit for four residential units within an 11,279 square foot mixed use building proposed to be constructed at 1897 Prospector Avenue, located on Lot 25a of the Gigaplat replat. Lot 25a is located due north of Lot 25b (1893 Prospector Avenue).

A building permit application for the 1897 Prospector project was received by the City in February 2015 and the building is under construction. The owners of these two projects intend to coordinate construction of the two projects in order to reduce construction impacts on the neighborhood. The two owners are responsible for reconstruction of Parking Lot F, landscaping, and coordinating of utility installation as well as providing an interim parking plan and other construction mitigation measures during construction. These items will be spelled out in the Construction Mitigation Plans for each individual building permit.

An MPD application for the Central Park City Condominiums was submitted on February 24, 2015. On May 13, 2015, the Planning Commission discussed the MPD and continued the item to May 27, 2015 to allow Staff time to review the MPD applicability requirements. On May 27, 2015, the Planning Commission continued the item to July 8, 2015, to allow Staff time to bring forward possible amendments to the LMC regarding Chapter 6- Master Planned Developments. On July 8, 2015, Planning Commission conducted a public hearing and approved the Central Park City Condominiums MPD for a total of eleven units.

On October 29, 2015, the Park City Housing Authority conducted a public hearing and approved the Housing Mitigation Plan, as updated by the Applicant (see attached Exhibit D), Two of the units, a 500 sf studio unit and a two bedroom/one bathroom unit consisting of 855 sf, will be deed restricted as affordable housing units to fulfill the required housing obligation of 1.5 AUE (1,355 sf) for this MPD.

Development Agreement Requirements

Section 15-6-4 (G) of the LMC requires that the Development Agreement contain the following elements:

1) A legal description of the land;
2) All relevant zoning parameters including all findings, conclusions, and conditions of approval;
3) An express reservation of the future legislative power and zoning authority of the City;
4) A copy of the approved MPD plans and any other plans which are a part of the Planning Commission approval;
5) A description of all Developer exactions or agreed upon public dedications;
6) The Developers agreement to pay all specified impact fees;
7) The form of ownership anticipated for the project and a specific project phasing

plan; and
8) A list and map of all known Physical Mine Hazards on the property.

Staff finds that the Development Agreement attached as Attachment 1, including the attached exhibits, includes all of the required items listed above and meets the required timeframes for submittal following the July 8, 2015 approval of the Central Park City Condominiums MPD. The building is proposed to be constructed in a single phase and therefore there is no phasing plan. The applicant has inspected the property and submitted a letter indicating that there are no known Physical Mine Hazards on the lot. As a defined term in the Land Management Code, Physical Mine Hazards means "any shaft, adit, tunnel, portal, building, improvement or other opening or structure related to mining activity".

Development Agreement Ratification

Attached is the proposed Central Park City Condominiums MPD Development Agreement (Attachment 1). Land Management Code Section 15-6-4 (G) states that once the Planning Commission has approved a Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement must be ratified by the Planning Commission and signed by the Mayor on behalf of the City Council, prior to recordation at the Summit County Recorder's office. This item is not noticed as a public hearing.

The Land Management Code requires the Development Agreement to be submitted to the City within six (6) months of the approval of the MPD. The Central Park City Condominiums MPD was approved by the Planning Commission on July 8, 2015. Staff prepared the Development Agreement and submitted it to the City Legal Department for review on November 2, 2015, within the required six month timeframe.

Department Review

The Engineering, Legal and Planning Departments have reviewed the agreement for conformance with the July 8, 2015 Central Park City Condominiums MPD approval.

Recommendation

Staff recommends that the Planning Commission review the Central Park City Condominiums Master Planned Development (MPD) Development Agreement and consider ratifying the agreement to memorialize the MPD approval granted by the Planning Commission on July 8, 2015. The MPD is for eleven residential dwelling units within an approximately 11,279 square foot building to be constructed at 1893 Prospector Avenue. Two affordable units are included in the totals.

Exhibit

Attachment 1- Amended Development Agreement with attached exhibits as follows:
Exhibit A – Plat
Exhibit B – MPD plans approved by Planning Commission on July 8, 2015
Exhibit C – MPD Action letter Planning Commission Approval from July 8, 2015
Exhibit D – Housing Mitigation Plan approved October 29, 2015
Exhibit E – Legal Description of subject property located at 1893 Prospector Avenue
Exhibit F – Mine Hazard Letter

WHEN RECORDED, MAIL TO:
City Recorder
Park City Municipal Corporation
P. O. Box 1480
Park City, Utah 84060

DEVELOPMENT AGREEMENT FOR THE CENTRAL PARK CITY CONDOMINIUMS MASTER PLANNED DEVELOPMENT (MPD), LOCATED AT 1893 PROSPECTOR AVENUE, PARK CITY, SUMMIT COUNTY, UTAH

This Development Agreement is entered into as of this _____ day of _____, 2015, by and between He2, LLC ("Developer") as the owner and developer of certain real property located in Park City, Summit County, Utah, on which Developer proposes the development of a project known as the Central Park City Condominiums Master Planned Development, and Park City Municipal Corporation, a municipality and political subdivision of the State of Utah ("Park City"), by and through its City Council.

R E C I T A L S

A. Developer is the owner of a 5,760 square foot Lot 25b of the Gigaplat replat, being a replat of Lots 25a, 25b, and Parking Lot F of the Prospector Square Supplemental Amended plat located in Park City, Summit County, Utah, as reflected in Exhibit A, which is attached hereto and incorporated herein by this reference (the "Property"), on which it has obtained approval for the development known as the Central Park City Condominium Master Planned Development aka 1893 Prospector MPD, as more fully described in the incorporated Exhibits B and C, attached, and as set forth below (the "Project").

B. Park City requires development agreements under the requirements of the Park City Land Management Code ("LMC") for all Master Planned Developments.

C. Developer is willing to design and develop the Project in a manner that is in harmony with and intended to promote the long-range policies, goals and objectives of the Park City General Plan, and address other issues as more fully set forth below.

D. Park City, acting pursuant to its authority under Utah Code Ann., Section 10-9-101, *et seq*., and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Development Agreement.

Now, therefore, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, Developer and Park City hereby agree as follows:

1. **Project Conditions:**

1.1. The Design Drawings dated and reviewed by the Planning Commission on July 8, 2015, (attached as Exhibit B) and Findings of Fact, Conclusions of Law and Conditions of

Approval (attached as Exhibit C) are incorporated herein as the Project; subject to changes detailed herein. The Project is located in the General Commercial (GC) zoning district.

1.2. Developer and its successors agree to pay the then current impact fees imposed and as uniformly established by the Park City Municipal Code at the time of permit application, whether or not state statutes regarding such fees are amended in the future.

1.3. Developer and any successors agree that the following are required to be entered into and approved by Park City prior to issuance of a Building Permit: (a) a construction mitigation plan, (b) a utility and grading plan, (c) a storm water plan, (d) a stream alteration permitting, (e) flood plain and wetland delineation studies; and (f) a water efficient landscape and irrigation plan showing snow storage areas in compliance with the conditions of the July 8, 2015 MPD approval.

1.4. Developer is responsible for compliance with all local, state, and federal regulations regarding contaminated soils as well as streams and wetlands. Developer is responsible for receiving any Army Corp of Engineer Permits required related to disturbance of streams and wetlands.

2. **Vested Rights and Reserved Legislative Powers**

2.1 Subject to the provisions of this Agreement, Developer shall have the right to develop and construct the Project in accordance with the uses, densities, intensities, and general configuration of development approved by this Agreement, subject to compliance with the other applicable ordinances and regulations of Park City.

2.2 Reserved Legislative Powers. Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the existing land use and zoning regulations which are applicable to the Project under the terms of this Agreement based upon policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed legislative changes affecting the Project and terms and conditions of this Agreement applicable to the Project shall be of general application to all development activity in the City; and, unless the City declares an emergency, Developer shall be entitled to the required notice and an opportunity to be heard with respect to the proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the vested rights doctrine.

3. **Successors and Assigns**.

3.1 Binding Effect. This Agreement shall be binding on the successors and assigns of Developer in the ownership or development of any portion of the Project.

3.2 Assignment. Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld. Any such request for assignment

may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Developer or its successors or assigns. This restriction on assignment is not intended to prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developer prior to construction of buildings or improvements on the parcels, with Developer retaining all rights and responsibilities under this Agreement.

4. **General Terms and Conditions**.

4.1 Term of Agreement. Construction, as defined by the Uniform Building Code, is required to commence within two (2) years of the date of execution of this Agreement. After Construction commences, the Central Park City Condominiums Master Planned Development and this Agreement shall continue in force and effect until all obligations hereto have been satisfied. The Master Plan approval for the Project shall remain valid so long as construction is proceeding in accordance with the approved phasing plan set forth herein.

4.2 Agreement to Run With the Land. This Development Agreement shall be recorded against the Property, as described in Exhibit E attached hereto, and shall be deemed to run with the land and shall be binding on all successors and assigns of Developer in the ownership or development of any portion of the Property.

4.3 No Joint Venture, Partnership or Third Party Rights. This Development Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto, nor any rights or benefits to third parties.

4.4 Integration. This Development Agreement contains the entire Agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

4.5 Severability. If any part or provision of this Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

4.6 Attorney's Fees. If this Development Agreement or any of the Exhibits hereto are breached, the party at fault agrees to pay the attorney's fees and all costs of enforcement of the non-breaching party.

4.7 Minor Administrative Modification. Minor administrative modification may occur to this approval without revision of this Agreement.

5. **Phasing.**

5.1 Project Phasing. The Project will be developed in one (1) phase.

5.2 Construction of Access. Developer may commence grading access to the Project across Parking Lot F, as approved by the City Engineer according to generally accepted

engineering practices and standards, and pursuant to permit requirements of the LMC, the International Building Code/ Fire Code, and the Army Corps of Engineers. Developer shall be responsible for maintenance of any such accesses until they are completed according to City standards and accepted by the City.

5.3 Form of ownership anticipated for the project. The Project will consist of up to eleven residential units, including the two designated affordable units. Units are anticipated to be included in the condominium plat for individual ownership.

6. **Water.** Developer acknowledges that water development fees will be collected by Park City in the same manner and in the same amount as with other development within municipal boundaries and that impact fees so collected will not be refunded to Developer or to individual building permit applicants developing within the Project.

7. **Affordable Housing.** This Master Planned Development, as submitted, is subject to requirements of Housing Resolution 15-2. Developer has submitted a Housing Mitigation Plan to the Park City Housing Authority that was approved at the October 29, 2015 meeting of the Park City Housing Authority (Exhibit D attached). A deed restriction shall be recorded against the plat prior to the issuance of building permits. The Developer shall comply with the Affordable Housing Mitigation Plan requirements, prior to receiving any certificates of occupancy.

8. **Physical Mine Hazards.**

There are no known Physical Mine Hazards on the property as determined through the exercise of reasonable due diligence by the Owner (see attached Exhibit F).

9. **Notices.**

All notices, requests, demands, and other communications hereunder shall be in writing and shall be given (i) by Federal Express, UPS, or other established express delivery service which maintains delivery records, (ii) by hand delivery, or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as the parties may designate by written notice in the above manner:

To Developers:

He2, LLC
PO Box 3360
Park City, UT 84060
Attn: Ehlias Louis, Managing Partner

To Park City:

Park City Municipal Corporation
445 Marsac Avenue
PO Box 1480
Park City, UT 84060
Attn: City Attorney

Such communication may also be given by facsimile and/or email transmission, provided any such communication is concurrently given by one of the above methods. Notices shall be deemed effective upon receipt, or upon attempted delivery thereof if delivery is refused by the intended recipient or if delivery is impossible because the intended recipient has failed to provide a reasonable means for accomplishing delivery.

10. **List of Exhibits.**

Exhibit A – Plat
Exhibit B – MPD plans approved by Planning Commission on July 8, 2015
Exhibit C – MPD Action letter Planning Commission Approval from July 8, 2015
Exhibit D – Housing Mitigation Plan approved October 29, 2015
Exhibit E – Legal Description of subject property located at 1893 Prospector Avenue
Exhibit F – Mine Hazards letter

IN WITNESS WHEREOF, this Development Agreement has been executed by the Developer by persons duly authorized to execute the same and by the City of Park City, acting by and through its City Council as of the ___ day of _____, 2015.

PARK CITY MUNICIPAL CORPORATION

By: _____
Jack Thomas, Mayor

ATTEST:

By: _____
City Recorder

APPROVED AS TO FORM:

_____
Mark D. Harrington, City Attorney

DEVELOPER:
Ehlias Louis
He2, LLC
PO Box 3360
Park City, UT 84060

By:

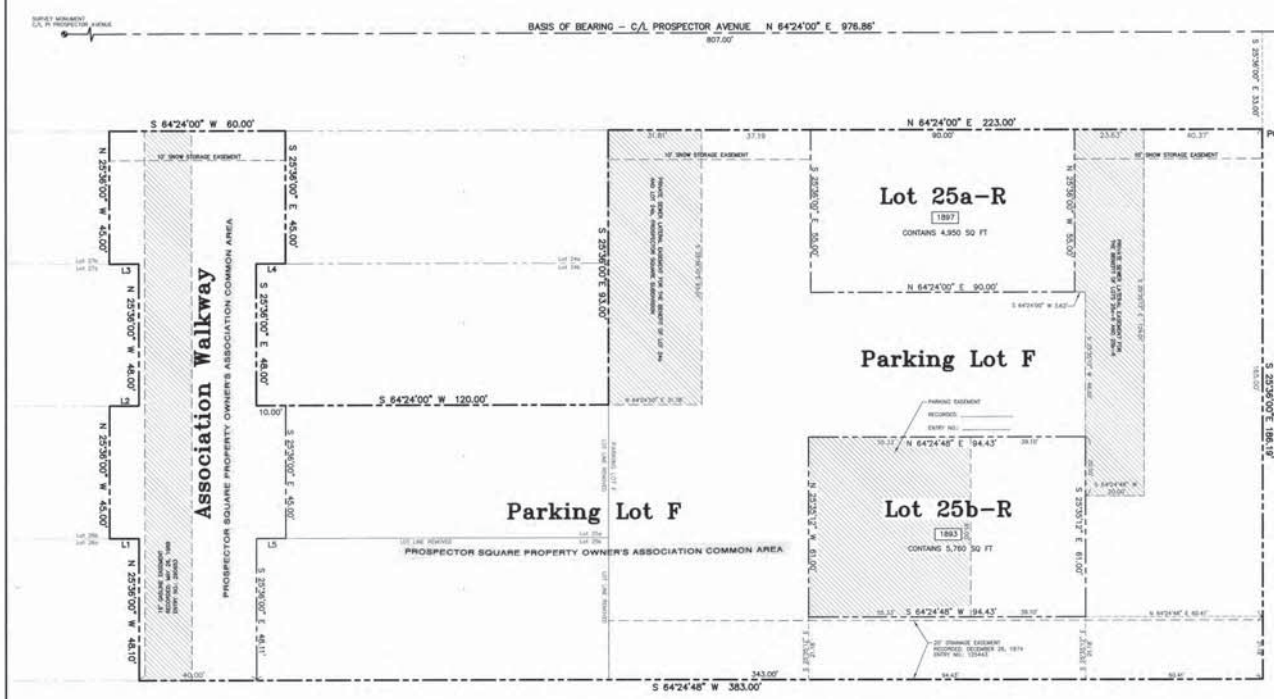
STATE OF UTAH)
: ss
COUNTY OF SUMMIT)

On this ____ day of _____, 2015, personally appeared before me_____, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that he is a managing partner of HE2, LLC.

_____

Notary Public

EXHIBIT A



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 64°24'00" W	10.00'
L2	N 64°24'00" E	10.00'
L3	S 64°24'00" W	10.00'
L4	S 64°24'00" W	10.00'
L5	S 64°24'00" W	10.00'

NOTE

XXXX Street address on Prospector Avenue

1. Ownership, operation, and maintenance of the private sewer lateral for the benefit of Lot 25b–R shall be the responsibility of the owner of Lot 25b–R.
2. Modified 13–D sprinklers may be required for new construction to be determined by the Chief Building Official at the time of review of the building permit submittals.
3. This plat is subject to the conditions of approval in Ordinance 14–28.
4. Future development on Lot 25b–R is required to comply with the Order of the State Engineer regarding streamside construction application Number 12–35–505A, or as amended and restated. This permit expires January 15, 2016.
5. All required Army Corps of Engineers permits are required prior to any work in the stream corridor, including stream rehabilitation work.
6. An elevation certificate is required for each building prior to the issuance of building permits, as required by the Flood Plain Manager, for any work in the flood plain.
7. The subdivision is located in FEMA Flood Zone A, which will require a hydraulic & hydrology study upstream and downstream of development prior to permit issuance for construction on Lot 25b–R.

20 0 20 40 FEET

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, PROSPECTOR SQUARE PROERTY OWNERS ASSOCIATION, the undersigned owner of Parcels 3 & 4, does hereby certify that it has caused this survey to be made and Gigaplat Replat to be prepared, and does hereby consent to the recordation of this plat amendment.

In witness whereof the undersigned has executed this certificate and dedication this 24th day of February, 2015.

By: Dean S. Barrett
Dean S. Barrett, President
PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION

ACKNOWLEDGMENT

State of Utah
County of Summit ss:

On this 24th day of February, 2015, personally appeared before me, the undersigned notary public, in and for said County and State, Dean S. Barrett acknowledged to me that he is the president of PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION and that he signed the above on behalf of PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION.

Kathryn N. Gold
Notary Public
Kathryn N. Gold
Printed Name
Residing In: Park City, Utah
My commission expires: 05/06/2017

KATHRYN N. GOLD NOTARY PUBLIC - STATE OF UTAH My Comm. Exp. 05/06/2017 Commission # 666045

SURVEYOR'S CERTIFICATE

RECORDED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ 2-25-15 State of Utah

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the GIGAPLAT REPLAT 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.

PROPERTY DESCRIPTIONS

Parcel 1:

All of Lot 25A PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, according to the official plat thereof, recorded as Entry No. 397064 of the official records in the office of Summit County Recorders, records of Summit County, Utah.

Parcel 2:

All of Lot 25B PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, according to the official plat thereof, recorded as Entry No. 397064 of the official records in the office of Summit County Recorders, records of Summit County, Utah.

Parcel 3:

All of Lot F, PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, according to the official plat thereof, recorded as Entry No. 397064 of the official records in the office of Summit County Recorders, records of Summit County, Utah.

Parcel 4:

A parcel of land located in the northeast quarter of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at the easternmost corner of Lot 26a of the Amended Plat of Prospector Square, recorded as Entry #125443 according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being located South 89°44'14" East 693.765 feet and North 64°24'48" East 613.82 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the easterly and northerly boundaries of Lot 26a the following two (2) courses: 1) North 25°36'00" West 48.10 feet; thence 2) South 64°24'00" West 10.00 feet to the southeasterly corner of Lot 26b; thence along the easterly boundary of Lot 26b North 25°36'00" West 45.00 feet to the southerly boundary of Lot 27a; thence along the southerly, easterly and northerly boundaries of Lot 27a the following three (3) courses: 1) North 64°24'00" East 10.00 feet; thence 2) North 25°36'00" West 48.00 feet; thence 3) South 64°24'00" West 10.00 feet to the southeasterly corner of Lot 27b; thence along the easterly boundary of Lot 27b North 25°36'00" West 45.00 feet to the southerly right-of-way of Prospector Avenue, Amended Plat of Prospector Square, thence along said southerly right-of-way North 64°24'00" East 60.00 feet to the northeasterly corner of Lot 24a; thence along the westerly boundary of Lot 24a South 25°36'00" East 45.00 feet to the northerly boundary of Lot 24b; thence along the northerly, westerly and southerly boundaries of Lot 24b the following three (3) courses: 1) South 64°24'00" West 10.00 feet; thence 2) South 25°36'00" East 48.00 feet; thence 3) North 64°24'00" East 10.00 feet to the northeasterly corner of Lot 25a; thence along the westerly boundary of Lot 25a South 25°36'00" East 45.00 feet to the northerly boundary of Lot 25b; thence along the northerly and westerly boundaries of Lot 25b the following two (2) courses: 1) South 64°24'00" West 10.00 feet; thence 2) South 25°36'00" East 48.11 feet to the southerly boundary of said Amended Plat of Prospector Square; thence along the southerly boundary of the Amended Plat of Prospector Square South 64°24'48" West 40.00 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, IGM, LLC, A Utah Limited Liability Company, the undersigned owner of Parcel 1, does hereby certify that it has caused this survey to be made and Gigaplat Replat to be prepared, and does hereby consent to the recordation of this plat amendment.

In witness whereof the undersigned has executed this certificate and dedication this 25th day of February, 2015.

IGM, LLC, a Utah Limited Liability Company

By: Rhonda Sideris
Rhonda Sideris
President

ACKNOWLEDGMENT

State of Utah
County of Summit ss:

On this 25th day of February, 2015, personally appeared before me Rhonda Sideris, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that she is the President of IGM, LLC, a Utah Limited Liability Company and that said document was signed by her on behalf of said corporation by authority of its bylaws, or (resolution of its board of directors), and said Rhonda Sideris acknowledged to me that said corporation executed the same.

Kathryn N. Gold
Notary Public
Kathryn N. Gold
Printed Name
Residing In: Park City, Utah
My commission expires: 05/06/2017

KATHRYN N. GOLD NOTARY PUBLIC - STATE OF UTAH My Comm. Exp. 05/06/2017 Commission # 666045

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, FOGHORN LEGHORN, LTD., the undersigned owner of Parcel 2, does hereby certify that it has caused this survey to be made and Gigaplat Replat to be prepared, and does hereby consent to the recordation of this plat amendment.

In witness whereof the undersigned has executed this certificate and dedication this 2nd day of March, 2015

FOGHORN LEGHORN, LTD.

By: Henry Louis
Henry Louis
President

ACKNOWLEDGMENT

State of Utah
County of Summit ss:

On this 2nd day of March, 2015, personally appeared before me Henry Louis, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he is the president of FOGHORN LEGHORN, LTD. and that said document was signed by him on behalf of said corporation by authority of its bylaws, or (resolution of its board of directors), and said Henry Louis acknowledged to me that said corporation executed the same.

Kathryn N. Gold
Notary Public
Kathryn N. Gold
Printed Name
Residing In: Park City, UT
My commission expires: 05/06/2017

KATHRYN N. GOLD NOTARY PUBLIC - STATE OF UTAH My Comm. Exp. 05/06/2017 Commission # 666045

A RESUBDIVISION OF LOTS 25a, 25b, Parking Lot F, & Common Area of Prospector Square Supplemental Amended Plat

GIGAPLAT REPLAT

LOCATED IN NE 1/4 SECTION 9
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

2/25/15 JOB NO.: 4-5-08 FILE: K:\Prospector\dwg\srv\plat2008\040508.dwg

Alliance Engineering Inc (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 3 DAY OF March, 2015
BY S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 14TH DAY OF MAY, 2014
BY CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 18th DAY OF March, 2015
BY PARK CITY ENGINEER

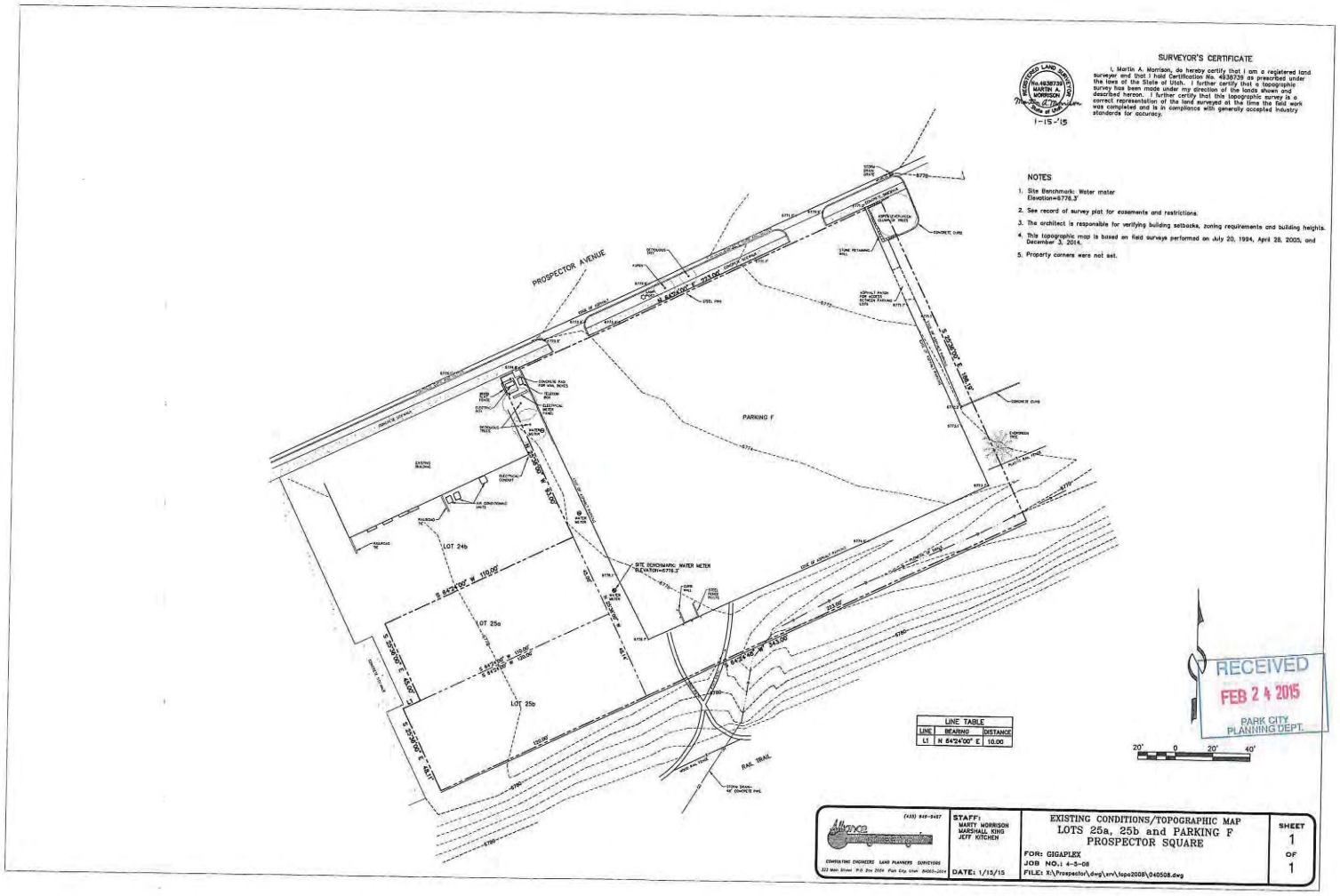
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 30th DAY OF April, 2015
BY PARK CITY ATTORNEY

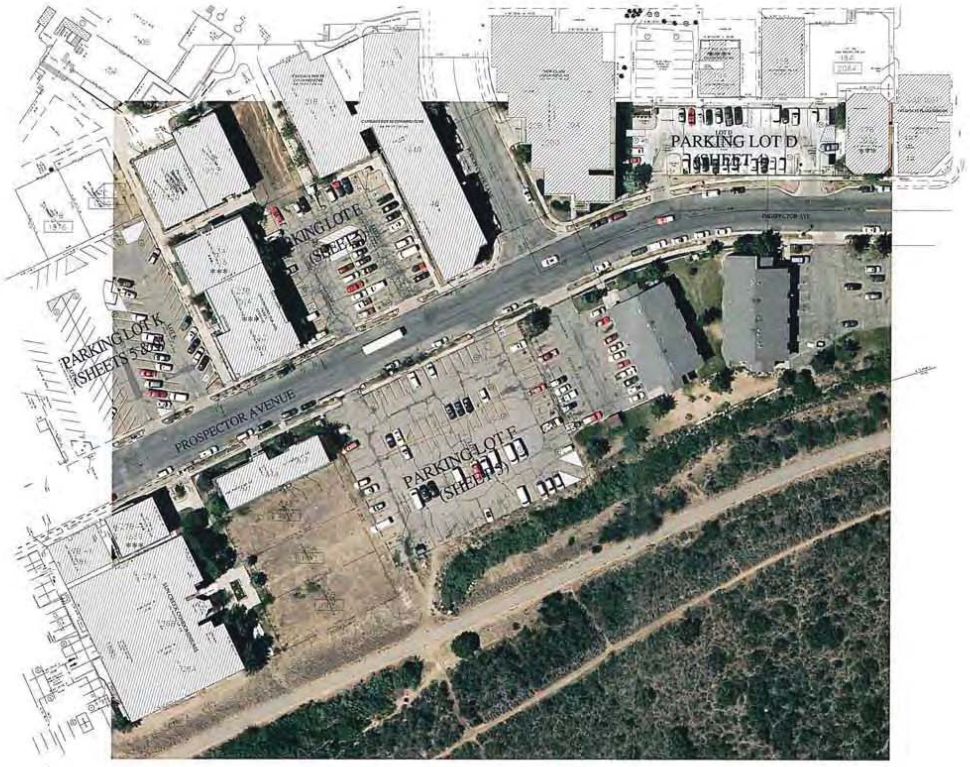
COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 5TH DAY OF JUNE, 2014
BY MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 30th DAY OF April, 2015
BY PARK CITY RECORDER

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Park City Lodging Inc
DATE 5/1/15 TIME 2:49 pm ENTRY NO. 1012772
$32.00 FEE
C. Willoughby Deputy RECORDER

EXHIBIT B


SURVEYOR'S CERTIFICATE
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold Certification No. 4838739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.
1-15-15
NOTES
1. Site Benchmark: Water meter Elevation=6778.3'
2. See record of survey plat for easements and restrictions.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
4. This topographic map is based on field surveys performed on July 20, 1994, April 28, 2005, and December 3, 2014.
5. Property corners were not set.
PROSPECTOR AVENUE
PARKING F
LOT 24b
LOT 25a
LOT 25b
SITE BENCHMARK: WATER METER ELEVATION=6778.3'
RAIL TRAIL
LINE TABLE
LINE | BEARING | DISTANCE
L1 | N 84°24'00" E | 10.00
RECEIVED
FEB 24 2015
PARK CITY PLANNING DEPT.
20' 0 20' 40'
STAFF: MARTY MORRISON MARSHALL KING JEFF KITCHEN
EXISTING CONDITIONS/TOPOGRAPHIC MAP
LOTS 25a, 25b and PARKING F
PROSPECTOR SQUARE
FOR: GIGAPLEX
JOB NO.: 4-5-08
DATE: 1/15/15
FILE: X:\Prospector\dwg\srv\topo2008\040508.dwg
SHEET 1 OF 1



① EXISTING SITE
1" = 40'-0"

RECEIVED
DEC 15 2014
PARK CITY
PLANNING DEPT.

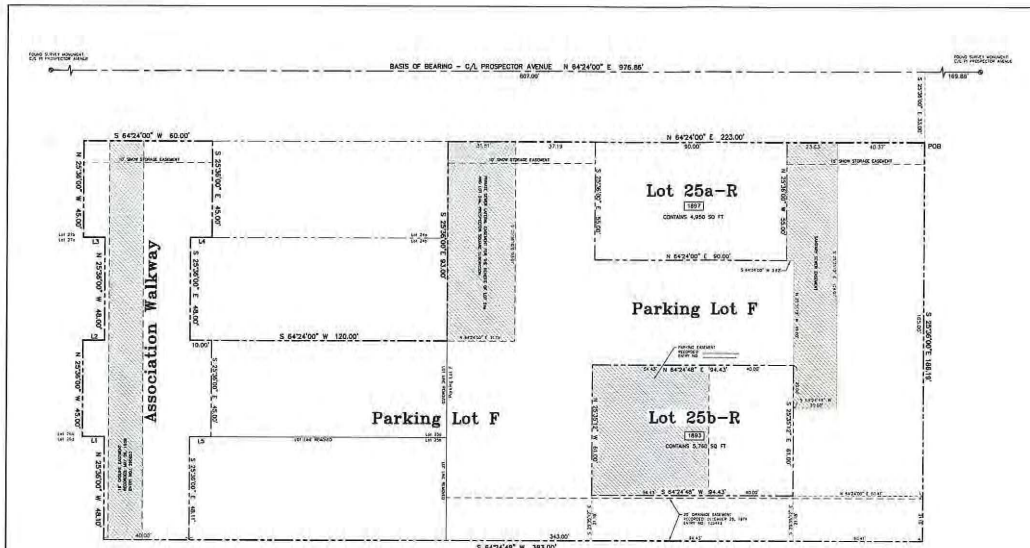
gigaplex ARCHITECTS
1255 Ironhorse Drive, 2nd level
PO BOX 3360
Park City, UT 84060
p: 435-649-7080
f: 435-649-6545

QUEEKSDRAW LLC
1915 PROSPECTOR AVE: LOT 25B

date: 12/15/14

dwg title: EXISTING SITE

dwg #: A101



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 64°24'00" W	10.00'
L2	N 64°24'00" E	10.00'
L3	S 64°24'00" W	10.00'
L4	S 64°24'00" W	10.00'
L5	S 64°24'00" W	10.00'

NOTE

XXXX Street address on Prospector Avenue

1. Ownership, operation, and maintenance of the private sewer lateral for the benefit of Lot 25b–R shall be the responsibility of the owner of Lot 25b–R.
2. Modified 12–D sprinklers may be required for new construction to be determined by the Chief Building Official at the time of review of the building permit submittals.
3. This plat is subject to the conditions of approval in Ordinance 14–28.
4. Future development on Lot 25b–R is required to comply with the Order of the City Engineer regarding stormwater construction application Number 12–35–580A, or as amended and restated.
5. All required Army Corps of Engineers permits are required prior to any work in the stream corridor, including stream rehabilitation work.
6. An elevation certificate is required for each building prior to the issuance of building permits, as required by the Chief Building Official, for any work in the flood plain.

20 0 20 40 FEET

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION, the undersigned owner of Parcels 3 & 4, does hereby certifies that it has caused this survey to be made and Gigaplat Replat to be prepared, and does hereby consent to the recordation of this plat amendment.

In witness whereof the undersigned has executed this certificate and dedication this ____ day of _____ 2015.

PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION

A Utah _____

By: _____
President

ACKNOWLEDGMENT

State of _____)
: ss
County of _____)

On this ____ day of _____ 2015, personally appeared before me _____, a notary public, personally appeared _____ proved on the basis of satisfactory evidence to be the person whose name are subscribed to this instrument, and acknowledged they have executed the same. Witness my hand and official seal.

Notary Public _____

Printed Name _____

Residing In: _____

My commission expires: _____

A RESUBDIVISION OF LOTS 25a, 25b, Parking Lot F, & Common Area Of The Prospector Square Supplemental Amended Plat

GIGAPLAT REPLAT

LOCATED IN NE 1/4 SECTION 9
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

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

John Demkowicz _____ Date _____

PROPERTY DESCRIPTIONS

Parcel 1:

All of Lot 25A PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, according to the official plat thereof, recorded as Entry No. 397064 of the official records in the office of Summit County Recorders, records of Summit County, Utah.

Parcel 2:

All of Lot 25B PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, according to the official plat thereof, recorded as Entry No. 397064 of the official records in the office of Summit County Recorders, records of Summit County, Utah.

Parcel 3:

All of Lot F, PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT according to the official plat thereof, recorded as Entry No. 397064 of the official records in the office of Summit County Recorders, records of Summit County, Utah.

Parcel 4:

A parcel of land located in the northeast quarter of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at the easternmost corner of Lot 25a of the Amended Plat of Prospector Square, recorded as Entry #125443 according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being located South 83°41'14" East 893.785 feet and North 64°24'48" East 613.82 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the easterly and northerly boundaries of Lot 25a the following two (2) courses: 1) North 25°38'00" West 45.10 feet; thence 2) South 64°24'00" West 10.00 feet to the southeasterly corner of Lot 26b; thence along the easterly boundary of Lot 26b North 25°38'00" West 45.00 feet to the southerly boundary of Lot 27a; thence along the southerly, westerly and northerly boundaries of Lot 27a the following three (3) courses: 1) North 64°24'00" East 10.00 feet; thence 2) North 25°36'00" West 45.00 feet; thence 3) South 64°24'00" West 10.00 feet to the southeasterly corner of Lot 26a; thence along the easterly boundary of Lot 26a North 25°36'00" West 45.00 feet to the southerly right-of-way of Prospector Avenue, Amended Plat of Prospector Square; thence along said southerly right-of-way North 64°24'00" East 83.00 to the westerly boundary of Lot 24a; thence along the westerly boundary of Lot 24a South 25°36'00" East 45.00 feet to the northerly boundary of Lot 24c; thence along the northerly, westerly and southerly boundaries of Lot 24c the following three (3) courses: 1) South 64°24'00" West 10.00 feet; thence 2) South 25°36'00" East 48.00 feet; thence 3) North 64°24'00" East 10.00 feet to the northwesterly corner of Lot 25c; thence along the westerly boundary of Lot 25c South 25°38'00" East 45.00 feet to the northerly boundary of Lot 25b; thence along the northerly and westerly boundaries of Lot 25b the following two (2) courses: 1) South 64°24'00" West 15.00 feet; thence 2) South 25°36'00" East 48.11 feet to the southerly boundary of said Amended Plat of Prospector Square; thence along the southerly boundary of the Amended Plat of Prospector Square South 64°24'48" West 40.00 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, IDM, LLC, A Utah Limited Liability Company, the undersigned owner of Parcel 1, does hereby certify that it has caused this survey to be made and Gigaplat Replat to be prepared, and does hereby consent to the recordation of this plat amendment.

In witness whereof the undersigned has executed this certificate and dedication this ____ day of _____ 2015.

IDM, LLC
A Utah Limited Liability Company

By: _____
Rhonda Sibiela
President

ACKNOWLEDGMENT

State of _____)
: ss
County of _____)

On this ____ day of _____ 2015, personally appeared before me _____ whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that she is the _____ of _____ and that said document was signed by her on behalf of said corporation by authority of its bylaws, or (resolution of its board of directors), and said _____ acknowledged to me that said corporation executed the same.

Notary Public _____

Printed Name _____

Residing In: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, FOGHORN LEGHORN, LTD., the undersigned owner of Parcel 2, does hereby certifies that it has caused this survey to be made and Gigaplat Replat to be prepared, and does hereby consent to the recordation of this plat amendment.

In witness whereof the undersigned has executed this certificate and dedication this ____ day of _____ 2015.

FOGHORN LEGHORN, LTD.

By: _____
Harry Louis
President

ACKNOWLEDGMENT

State of _____)
: ss
County of _____)

On this ____ day of _____ 2015, personally appeared before me _____ whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he is the president of FOGHORN LTD. and that said document was signed by him on behalf of said corporation by authority of its bylaws, or (resolution of its board of directors), and said _____ acknowledged to me that said corporation executed the same.

Notary Public _____

Printed Name _____

Residing In: _____

My commission expires: _____

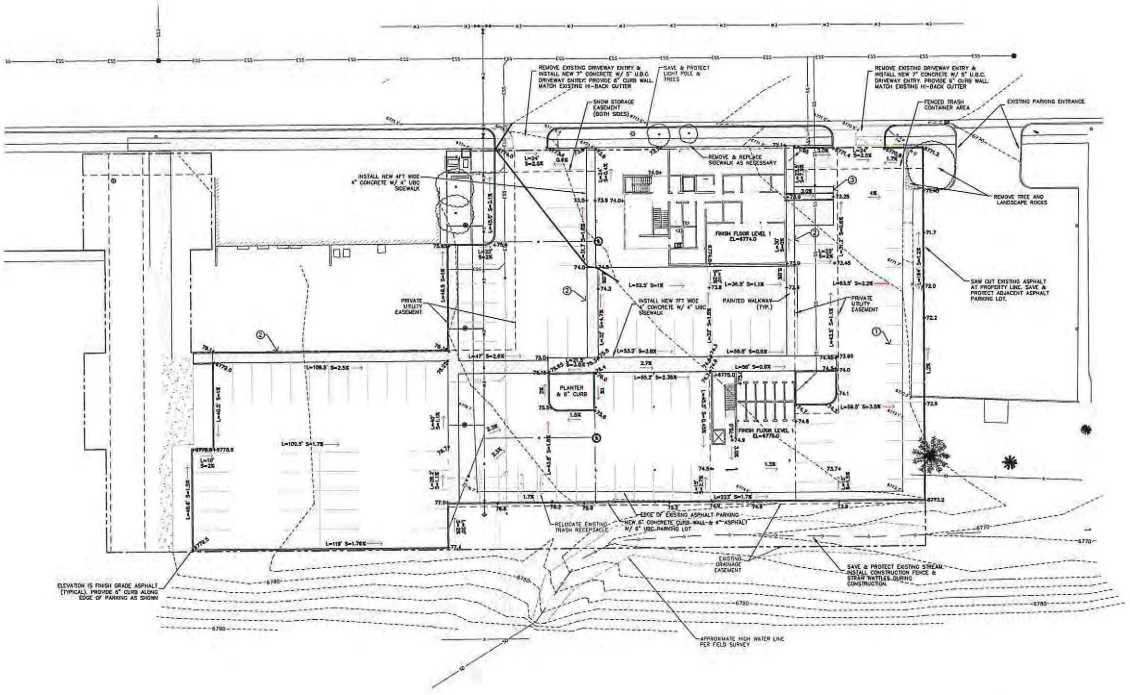
RECEIVED
FEB 24 2015
PARK CITY PLANNING DEPT.

SHEET 1 OF 1

Jones Engineering (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 222 Main Street P.O. Box 2664 Park City, Utah 84060-2664

UNITS: JOB NO.: 4-5-08 FILE: Y:\Prospects\dwg\survey\plat2008\045808.dwg

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	CERTIFICATE OF ATTEST	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2015 BY _____ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2015 BY _____ CHAIR	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2015 BY _____ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF _____, 2015 BY _____ PARK CITY ATTORNEY	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2015 BY _____ MAYOR	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2015 BY _____ PARK CITY RECORDER	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____



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FEB 24 2015
PARK CITY PLANNING DEPT.

PAVEMENT MARKINGS:

① PARKING STRIPING (9'X18' STALLS) (YELLOW COLOR)
② WALKWAY STRIPING (18" STRIPES) (WHITE COLOR)
③ BUILDING LOADING STRIPING (18" STRIPES) (YELLOW COLOR)

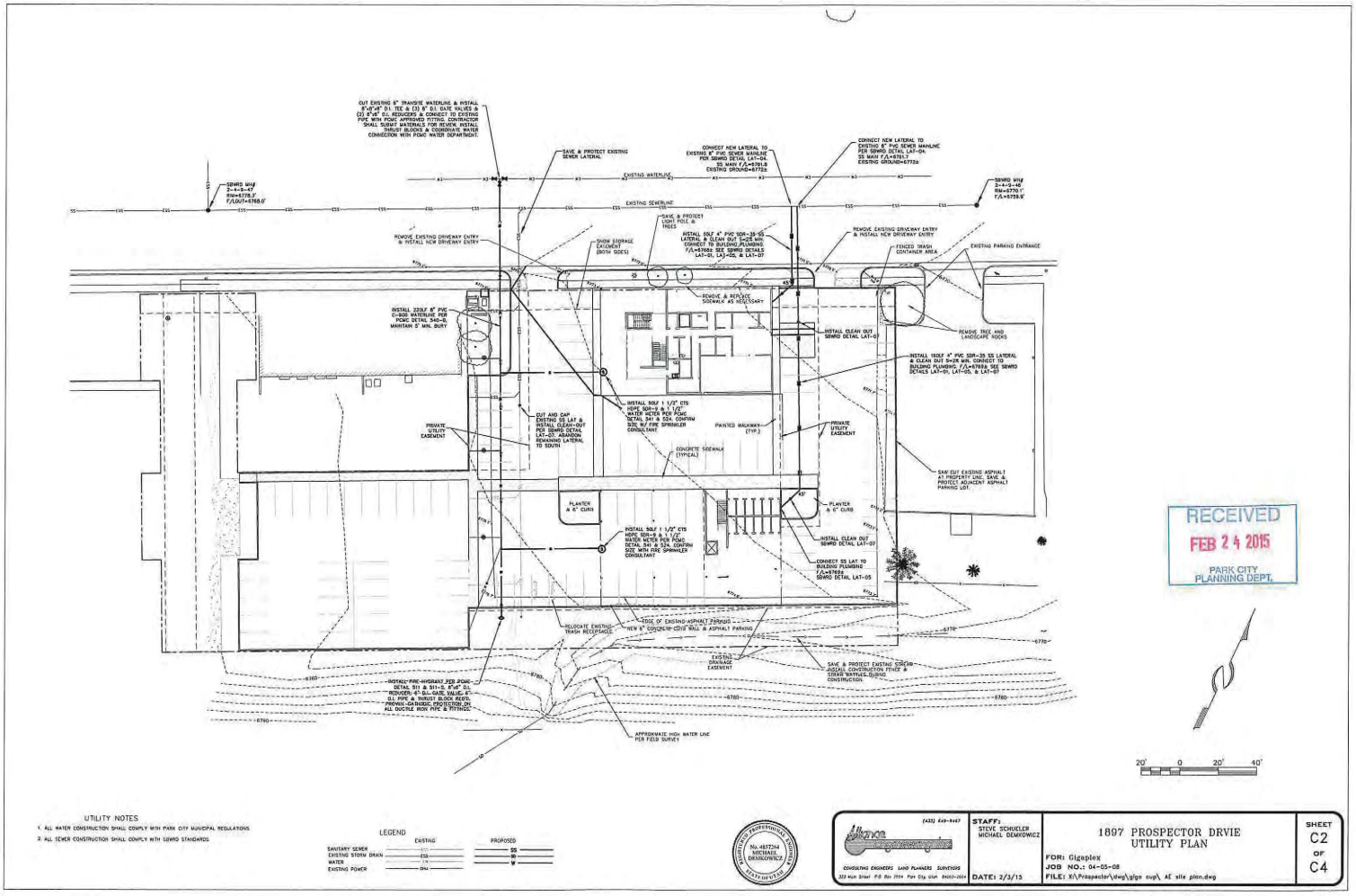
No. 4859264 MICHAEL DEMKOWICZ REGISTERED PROFESSIONAL ENGINEER STATE OF UTAH

(435) 649-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
333 Main Street P.O. Box 2664 Park City Utah 84060-2664

STAFF: STEVE SCHUELER MICHAEL DEMKOWICZ
DATE: 2/3/15

1897 PROSPECTOR DRVIE
GRADING PLAN
FOR: Gigaplex
JOB NO.: 04-05-08
FILE: X:\Prospector\dwg\giga cup\ AC site plan.dwg

SHEET C1 OF C4



RECEIVED
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PARK CITY PLANNING DEPT.

UTILITY NOTES

1. ALL WATER CONSTRUCTION SHALL COMPLY WITH PARK CITY MUNICIPAL REGULATIONS
2. ALL SEWER CONSTRUCTION SHALL COMPLY WITH SBWRD STANDARDS

LEGEND

	EXISTING	PROPOSED
SANITARY SEWER	SS	SS
EXISTING STORM DRAIN	CD	D
WATER	W	W
EXISTING POWER	OHU	

(435) 649-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
333 Main Street P.O. Box 1864 Park City, Utah 84060-1864

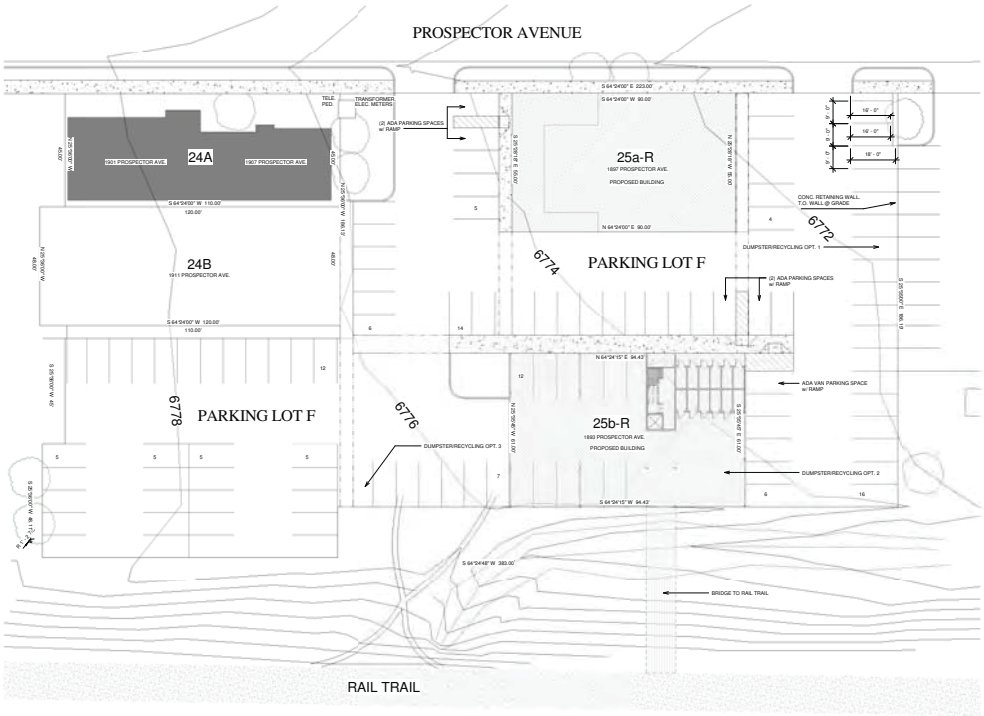
STAFF: STEVE SCHUELER, MICHAEL DEMKOWICZ

DATE: 2/3/15

1897 PROSPECTOR DRVIE
UTILITY PLAN

FOR: Gigaplex
JOB NO.: 04-05-08
FILE: X:\Prospector\dwg\gigs sup\ AE site plan.dwg

SHEET C2 OF C4



1 SITE PLAN
1/16" = 1'-0"

QUEEKSDRAW LLC
1893 PROSPECTOR AVE.
LOT 25b-R

FEB 20, 2015 MPD

CONSULTANT

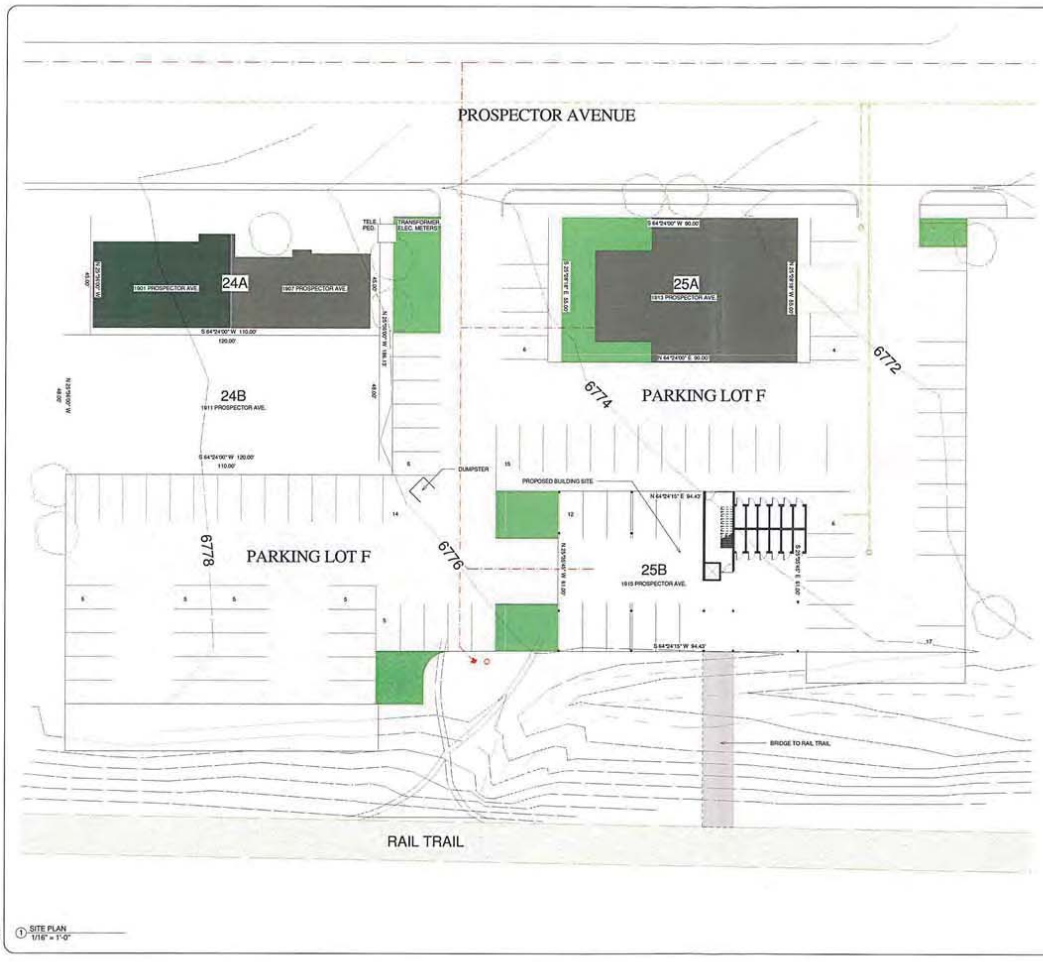
STAMP

ORIGINAL SIZE 24"X36" IF ALTERNATE SHEET SIZE, SCALE REDUCED ACCORDINGLY

gigaplex ARCHITECTS
1255 IRONHORSE DRIVE
P.O. BOX 3360
PARK CITY, UT 84060
P: 435.649.7080
F: 435.649.6545
www.gigaplexdesign.com
office@gigaplexdesign.com

SITE PLAN

JOB NO. Project Number
DATE 2/23/15
FILE
SHEET NO. A1.01



① SITE PLAN
1/16" = 1'-0"

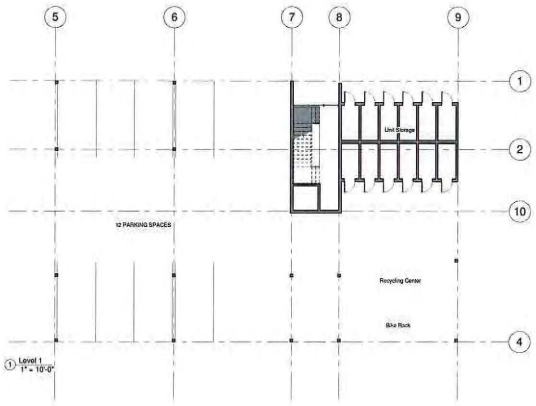
gigaplex ARCHITECTS
1255 Ironhorse Drive, 2nd level
PO BOX 3360
Park City, UT 84060
p: 435-649-7080
f: 435-649-6545

QUEEKSDRAW LLC
1915 PROSPECTOR AVE. LOT 25B

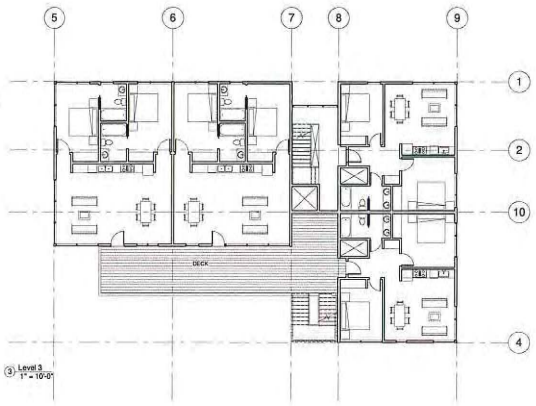
date: 12/15/14

dwg title: SITE PLAN

dwg #: A100



1 Level 1
1" = 10'-0"



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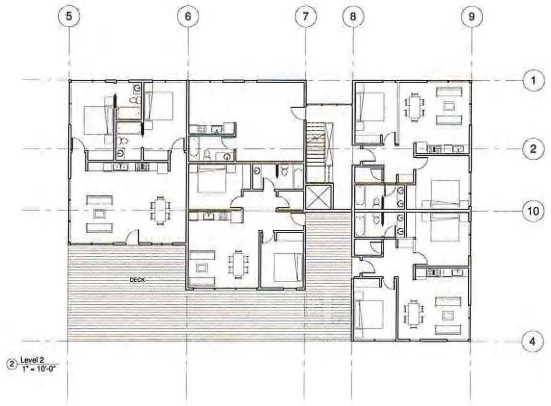

2 Level 2
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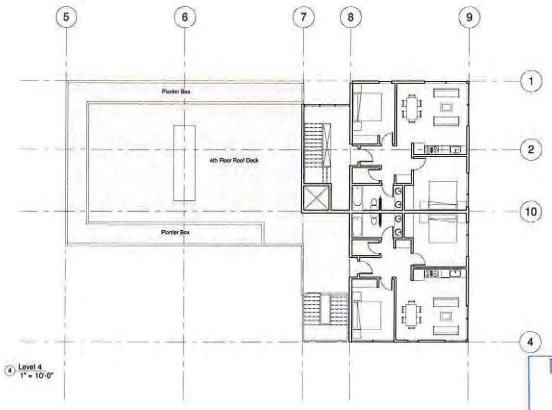

4 Level 4
1" = 10'-0"

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APR 13 2015
PARK CITY
PLANNING DEPT.

QUEEKSDRAW LLC
1893 PROSPECTOR AVE.
LOT 25b-R

FEB 20, 2015 MPD

CONSULTANT

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ORIGINAL SIZE 24"X36". IF ALTERNATE SHEET SIZE, SCALE REDUCED ACCORDINGLY

gigaplex ARCHITECTS
1255 IRONHORSE DRIVE
P.O. BOX 3360
PARK CITY, UT 84060
P: 435.649.7080
F: 435-649-6545
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office@gigaplexdesign.com

FLOOR PLANS

JOB NO. Project Number
DATE 2/20/15
FILE
SHEET NO A1.02

QUEEKSDRAW LLC
1893 PROSPECTOR AVE.
LOT 25b-R

FEB 20, 2015 MPD

CONSULTANT

STAMP

gigaplex ARCHITECTS
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PARK CITY, UT 84060
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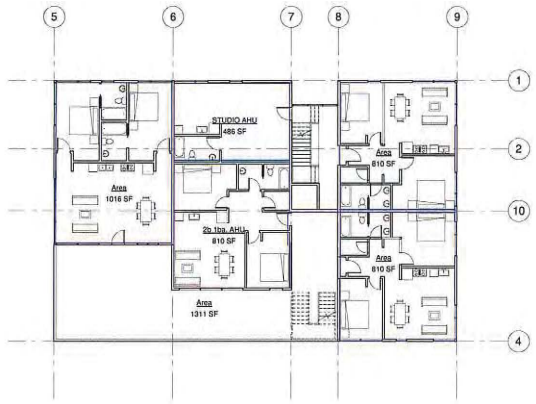
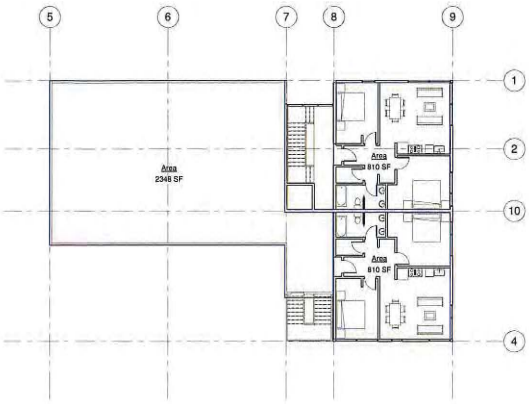
ELEVATIONS

JOB NO. Project Number
DATE 2/23/15
FILE

SHEET NO.
A103



① Level 2
1" = 10'-0"



③ Level 4
1" = 10'-0"

② Level 3
1" = 10'-0"

QUEEKSDRAW LLC
1893 PROSPECTOR AVE.
LOT 25b-R

FEB 20, 2015 MPD

CONSULTANT

STAMP

ORIGINAL SIZE 24"X36" IF ALTERNATE SHEET SIZE, SCALE REDUCED ACCORDINGLY

gigaplex ARCHITECTS
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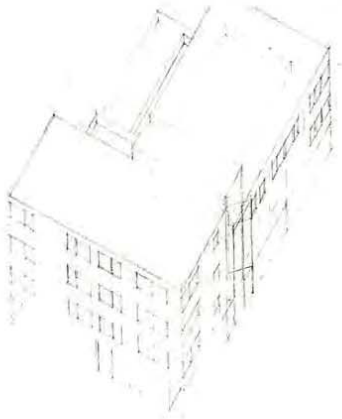
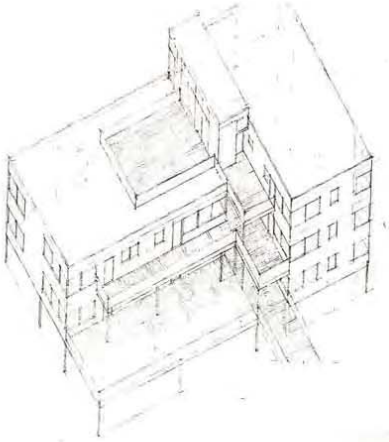
P: 435.649.7080
F: 435-649-6545
www.gigaplexdesign.com
office@gigaplexdesign.com

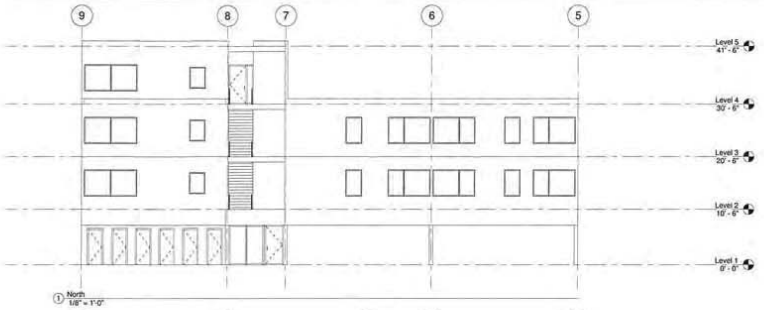
AREA PLANS

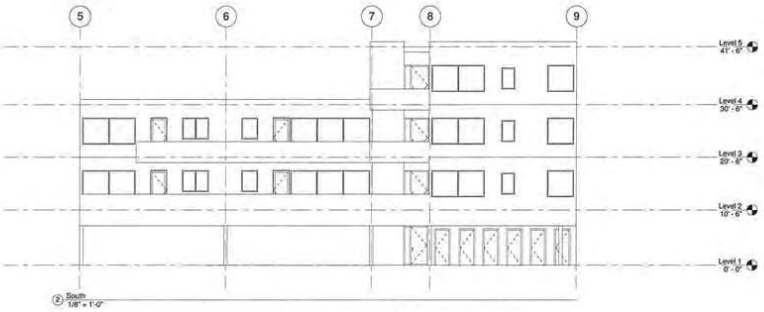
0404.001 Project Number
2/23/15 DATE
FILE

SHEET NO
A105









gigaplex architects
1255 Ironhorse Drive,
2nd level
PO BOX 3360
Park City, UT 84060
p: 435-649-7080
f: 435-649-6545

QUEEKSDRAW LLC

1915 PROSPECTOR AVE. LOT 25B

date:
12/15/14

dwg title:
ELEVATIONS

dwg #:
A103

Park City Municipal Corporation
Kirsten Whetstone
c/o Planning Department
445 Marsac Ave
PO Box 1480
Park City, UT 84060

RE: **Amendment** of the Central Park City Condominium Project Master Planned Development Application to include the City's Affordable Housing Requirement direction, submittal requirement #3. The amended information from our previous MPD application is highlighted in yellow (for clarity and efficiency).

Applicant: Mr. Peabody LLC, (Hank Louis, Ehlias Louis, CDR Development)
Project: Central Park City Condominiums
Location: 1893 Prospector Ave, Lot 25-B of the Gigaplat Replat

General Project Description

Central Park City Condominiums is a project to build eleven (11) condominium units on Lot 25-B of the Gigaplat Replat of Parking Lot F, 1897 Prospector Square. The aim of the project is to provide housing in Central Park City that promotes its proximity as the main benefit to both the community and owners. With the connection to the Rail Trail and its close proximity to the local bus route, alternative transportation is available decreasing the reliability of automobiles around Park City. The design of the building incorporates multi-level design with vast open/communal space and decks to promote a community within the building. In addition, the project provides a new building with a design incorporating a visual aesthetic to improve the Prospector Avenue corridor.

For reference, Gigaplat Replat is a development agreement between Queeksdraw LLC (Hank Louis, Rhonda Sideris) and the Prospector Square Property Owners Association (PSPOA) to reconfigure parking Lot F, 1897 Prospector Ave. The reconfiguration is an effort to create an organic infill for the developments of Prospector Square Lot F providing a more urban feel for the area. This is accomplished by providing housing infrastructure on the existing "tarmac" like parking lot, therefore providing a natural feel to the area including true circulation and logical building sites. Current zoning of Lot 25-B is General Commercial (GC), however Queeksdraw LLC (Hank Louis & Rhonda Sider) is submitting an application for a Conditional Use Permit for Lot 25-B via the Planning Department.

The conceptual design of the Central Park City Condo building, drawings herein, incorporates the necessary requirements from the development agreement between Queeksdraw LLC & PSPOA, stating that the Gigaplat Replat shall include 103 parking spaces in Lot F (currently 99 spaces). In addition, careful consideration of the F.A.R. (2.0) and benefits to both the surrounding area and potential tenants were balanced. The resulting building has the following design characteristics:

- To conform to the parking space requirement the majority of the building is "on stilts" to provide the necessary parking required in Lot F. 12 parking slots under the building on will be on existing grade with residential units on floor two (2), three (3), and four (4).

This configuration provides 104 parking slots on parking lot F.

- The eleven (11) units consist of: Three (3) two (2) bedrooms / two (2) bathrooms units, and seven (7) two (2) bedrooms / one (1) bathroom units, and one (1) studio unit.
- Each unit will have a storage closet on grade adjacent to the main circulation column (stairs and elevator to units) and parking stalls.
- The South side of the building includes a bridge, connected walkway, to the Rail Trail path connecting to the main bike/walk paths for Park City.
- The design incorporates natural light through each unit by using a L shape global floor plan allowing corners for windows and views of Park City Mountain Resort, or the "PC" mountain adjacent to Park City's public schools.
- A large common space deck and a common space rooftop deck for the building residents incorporating a green-planted roof garden.

Central Park City Condo building is within the F.A.R. regulation: Lot 25-B is 5760 square feet with a F.A.R. of 2.0, resulting with an allowance of **11,520** square feet.

Unit / Space	Square Feet	# of Units	Total
Studio	500	1	486
Small (2bd/1ba)	810	7	5670
Large (2bd/2ba)	1017	3	3051
Storage Closet	52	11	572
Circulation Area	1500	1	1500
Total			**11,279**

MPD Applicability

The Central Park City Condo project, upon completion, will result in a building with the following characteristics that align with the purpose of MPD in the Land Management Code (Chapter 6, Section 15-6-1):

- Lot 25-B in Lot F backs up to the Rail Trail and Open Space to the south. Project incorporates both features with views and design to compliment the use.
- Neighborhood consists of Residential Condominiums to the west and east, and commercial/offices and planned residential (Rhonda Sideris project on lot 25-A) to the north and west. Food, residential shops, and Athletic club all within walking distance. Development agreement with PSPOA results in more parking for lot F, from existing 99 spaces to 104 spaces. Gigaplat Replat accommodates the required (1) spot per bedroom. There are 12 parking slots under the building.
- With the connection to the Rail Trail, and location to public transportation bus route, the project promotes the community goals of less automobile usage and community resort feel of Park City.
- A positive contribution to the city through the addition of residential volume on the market. Project promotes the use of the Rail Trail for transportation to the main path artery to Main Street, and Park City Mountain Resort.
- Three different floor plan configurations provide diversity for the potential owners, with the goal of providing housing in Central Park City.

- Project promotes sustainable development through best practices of design through green rooftop, and plans of energy efficient building and appliances. Furthermore, the location and proximity to alternate transportation limiting the need for automobile use via free bus and the Rail Trail link.

Lot 25-B on Parking Lot F is in the General Commercial (GC) zoning designation with zero lot line development permitted. To optimize the Central Park City Condo project for the lot and development agreements (views, parking, flood plain, etc.), the design results in an "L" shape global plan. This allows the majority of the common space to face the Rail Trail and open space to the south. The project is within the F.A.R. limits (2.0), however with exception to the circulation column and storage spaces, all interior space begins on level two (the level connected to the Rail Trail). Therefore the building is four (4) stories on the northeastern corner, level 1 parking (on grade) and levels 2-4 residential, and three (3) stories along the northwestern wing, level 1 parking (on grade) and levels 2-3 residential.

MDP Requirement Applicability

The following is our response and vision to the MPD Requirements listed in Chapter 6, Section 15-6-5.

- DENSITY: Maximum density is governed by the F.A.R. Lot 25-B has a F.A.R. of 2.0 resulting in allowable of 11,520 square feet. Central Park City Condo building is within this restriction measuring at 11,279 (see previous chart for details).
- BUILDING FOOTPRINT IN HR-1 & HR-2: Not Applicable. Lot 25-B is in a General Commercial (GC) zone.
- SETBACKS: Not Applicable. Lot 25-B is in zone GC that allows a Lot-line-to-Lot-line building envelope.
- OPEN SPACE: Not Applicable. Lot 25-B is in zone GC, and per definition GC zone is exempt.
- OFF-STREET PARKING: Development Agreement between Queeksdraw LLC and PSPOA regulates the Gigaplat Replat to provide no fewer than 99 parking slots for new configured Lot F. The design of Central Park City Condo building is "on stilts" to help conform and exceed the parking slot restriction. With the aid of the 12 slots under Central Park City Condo building the Gigaplat Replat provides 104 parking slots for the reconfigured Lot F.
- BUILDING HEIGHT: Central Park City Condo project is asking for a building height exemption. The reason for the request is due to the design solution that allows the building to be constructed and still be in agreement with PSPOA parking slot requirements, and reserve the architecturally interesting aesthetics for the project. The building is using the existing grade as parking, therefore only the circulation column and storage closets are touching the existing grade. Raising the building living floor and the open communal decks provide openness aesthetic and characteristic that will help to provide a new feel for the Prospector Avenue corridor. Residential units comprise of floors 2, 3, and 4. The maximum roof height is 41'-6", the General Commercial code limit is 35'. Due to the multi-level design approach only a portion of the entire building exceeds the limit. Only the north east section of the building has the 4th level which is the reason for our height exemption request.

- Our request for the height exemption does NOT result in an increase of square footage. Central Park City Condos will NOT exceed current F.A.R. restriction.
- Conceptual design of the building is not believed to create shadows or loss of solar access to adjacent structures. Additionally the Gigaplat Replat positioned Lot 25-B with ample parking lot buffers and circulation for air in the surrounding area.
- Gigaplat Replat incorporates landscaping that currently does not exists on Lot F, and the site plan does provide advantageous buffering to adjacent structures.
- Open space is not affected by the height exemption request.
- Lot 25-B is in a GC zone.

- SITE PLANNING: Gigaplat Replat was completed to provide a more organic infill to Lot F to give a more urban feel to any developments on the site. Lot 25-B is both a beneficiary and active participant to this favorable development approach.
  - The building sites were arranged to provide a flow to the area and break up the "tarmac" looks of parking Lot F.
  - Minimal grading is accomplished by using the grade as the parking level.
  - Minimal grading will be performed to improve the flow of water form its current state, around the building and appropriately directed toward existing drainage routes.
  - Central Park City Condo building will be physically connected to the rail trail providing alternate modes of transportation around town.
  - Gigaplat Replat and the development agreement between Queeksdraw LLC and PSPOA has resulted in the addition of pedestrian walkways and improved vehicle flow around Lot F. Additionally, landscaping will be added to the Lot F to help visually direct and soften the developments.
  - Gigaplat Replat has provided the necessary allotment for snow removal and snow storage areas for Lot F.
  - Gigaplat Replat designates the necessary trash collection and recycling facilities for Lot F and Central Park City Condo project.
  - Local bus stop on Prospector Ave. is called out on the site plan.
  - Service and delivery access loading and unloading for the Gigaplat Replat is called out on site plan.
- LANDSCAPE AND STREET SCAPE: Gigaplat Replat includes added landscaping for Lot F.
- SENSITIVE LANDS COMPLIANCE: Lot 25-B is not in a sensitive lands zone.
- EMPLOYEE/AFFORDABLE HOUSING: The Central Park City Condo project is required to provide Affordable Housing Units under the MDP LMC. The project will provide the necessary Affordable Housing with one of the following options, as allowed by the Affordable Housing Resolution 25-12.
  - The project will include, on site, the necessary square feet of required fully compliant Affordable Unit Equivalents (AUE), OR
  - The project will include some AUE compliant square feet on site AND pay the in lieu fee for the remaining square feet (AUE) not provided.

Central Park City Condos priority is to include all required AUE on site under the full compliance of the Housing Resolution, however it is undecided at this time which option above will be chosen. We have followed the necessary steps with the City's Sustainability Department and have provided the information above via a Affordable Housing mitigation plan document.

This document details our plan (in either case above) with the necessary square footage calculations required to fully comply with the Housing Resolution 25-12.

- CHILD CARE: Not applicable.
- MINE HAZARDS: Not applicable.
- HISTORIC MINE WASTE MITIGATION: Have a soils report for Lot 25-B, using minimal grading and capping techniques and leaving the soil on site.

EXHIBIT C

July 27, 2015

Hank Louis
Mr. Peabody LLC
PO Box 3360
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Application #	PL-15-02698
Address	1893 Prospector Avenue (Lot 25b)
Description	Master Planned Development
Action Taken	Approved with conditions
Date of Action	July 8, 2015

On July 8, 2015, the Park City Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission approved the application for a Master Planned Development located at 1893 Prospector Avenue based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The subject property is located at 1893 Prospector Avenue and consists of Lot 25b of the Gigaplat replat, a replat of Lots 25a, 25b, and Parking Lot F of the Prospector Square Supplemental Amended Plat.
2. The Gigaplat replat was approved by City Council on June 5, 2014. The final mylar was recorded on May 1, 2015.
3. Lot 25b is a vacant, undeveloped privately owned development lot that is currently part of an asphalt parking lot. The lot contains 5,760 sf.
4. The property is located in the General Commercial (GC) zone and within the Prospector Square Subdivision Overlay.
5. On December 15, 2014, Staff received an application for a pre-MPD for the Central Park City Condominiums (fka Central Park City Apartments) project located in the General Commercial zoning district. The application was considered complete on February 24, 2015.
6. On February 24, 2015, the applicant submitted a complete application for the Conditional Use Permit for residential uses in the GC District. The CUP application was revised on April 13, 2015 to incorporate the required affordable unit, bringing the total number of residential units to eleven.
7. The MPD is being processed concurrently with the Conditional Use Permit for

residential uses in the General Commercial district.

8. On March 25, 2015, the Planning Commission conducted a public meeting on the pre-MPD and Conditional Use Permit application. The Commission found that the pre-MPD preliminary concept plans were consistent with the General Plan and GC Zone. The Conditional Use Permit application was reviewed and continued to the April 8th meeting where it was continued to the May 13, 2015 meeting.
9. In the General Commercial (GC) zoning district, residential uses, including multi-dwelling units, are required to be reviewed per the Conditional Use Permit criteria in the Land Management Code (LMC) and require approval by the Planning Commission. Retail, restaurant, bars, offices uses, and similar uses are allowed uses in the GC zone.
10. An FAR of 2 is allowed for buildings within the Prospector Square Subdivision Overlay.
11. The proposed building consists of approximately 11,279 sf of residential uses and circulation area. The proposed FAR is 1.96. There are seven units at approximately 810 sf, three units at 1,017 s, and one studio unit at 500 sf. The units are designed to be smaller, attainable market rate dwelling units for full time residents. At least one, if not two of the units will be deed restricted affordable units to satisfy the required affordable housing obligation required by Resolution 2-15, pending approval by the Housing Authority. The remaining units will be market rate units.
12. Maximum building height in the GC zone is 35' and the applicant has requested through the MPD application, a building height exception of six feet six inches (6'6") for the eastern portion of the building to a height of 41'6". Approximately 30% of the total roof area is subject to the height exception request. The remaining roof areas (70%) of the building less than 35' in height.
13. The building does not exceed the allowable density or maximum floor area ratio (FAR of 2) as allowed by the GC zone based on the total lot area.
14. There are no adjacent structures that will experience potential problems, such as shadowing, loss of solar Access, and loss of air circulation due to the extra 6'6" of building height for the eastern 30% of the building. The neighboring condominium properties to the east and west are located more than 120' away from the subject building. The proposed building at 1897 Prospector is located 50' to the north with the residential units located on the upper floors and the property management shop located on the eastern portion of the building so as to not be affected by shadows, solar access or air circulation. The rail trail, while not an adjacent Structure, is located approximately 65' to the south of the building, and is approximately 12' higher than the parking lot. The building will not cause loss of solar access or air circulation on the rail trail due to the location, orientation, and relationship of the building to the trail.
15. Additional landscaping is proposed that does not currently exist within the parking lot and along the perimeter of Parking Lot F that will provide vegetated buffering between the proposed building and adjacent structures and rail trail as noted in #13 above. There is sufficient setback and separation between the proposed building and the edge of Parking Lot F to buffer the adjacent condominium buildings from adverse impacts due to the additional building height.
16. There is no requirement of open space in the GC zone, however, additional Building Height results in a more articulated and open building design with the opportunity to provide open decks and patios as useable open areas for the residents.
17. The applicant provided renderings, floor plans, and elevations that demonstrate the

transition in roof elements and articulation provided by the additional height for a portion of the building that complies with the façade variation and articulation as required in Chapter 5 Architectural Guidelines.

18. Utilities necessary for this use are available at or near the site. A utility plan was approved by the City Engineer and utility providers and utility easements necessary for the use were provided on the plat amendment prior to recordation.
19. Any additional utility capacity, in terms of fire flows and residential fire sprinklers will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit and prior to recordation of the subdivision plat. Necessary utilities and upgrades shall be installed as required by the City Engineer
20. Twelve (12) parking spaces are required for the proposed residential uses. Twelve covered parking spaces are proposed on the main level. Parking within Prospector Square is shared and upon completion of the reconfigured Parking Lot F, there will be a total of 103 parking spaces, including the 12 spaces located under the building, as per the Owner's parking agreement with the Prospector Square Property Owner Association. All 103 parking spaces are intended to be shared parking per the parking agreement. There are approximately 91 spaces currently.
21. A pedestrian bridge connection to the Rail Trail is proposed from the building. The Rail Trail is owned by State Parks and certain permits and/or encroachment agreements will be necessary in order to construct the bridge. The informal connection from Lot F to the Rail Trail will be maintained.
22. The site plan includes an existing trash/refuse area that the applicant will screen by constructing an enclosure of materials compatible with the building. Recycling facilities for the building will be provided on the lower parking level to be convenient to the residents.
23. No outdoor storage of goods or mechanical equipment is proposed.
24. No fencing is proposed.
25. The three and four story building is proposed to be located north of the Rail Trail fully within platted Lot 25b. The Prospector Overlay within the GC zone allows zero setbacks to property lines. The building is oriented towards the Rail Trail and is separated from the Rail Trail and adjacent buildings so as not to cause adverse shadowing on any existing units, or on the Rail Trail.
26. The building includes façade shifts on all elevations. Residential uses are located on the second, third, and fourth floors with common outdoor terraces and green roof elements oriented to the south.
27. No changes to the existing open space within the Prospector Square planned area are proposed with the residential uses. The new building is proposed to be constructed on an existing re-platted lot. Common decks and terraces are provided as open areas for the residents of the units to share.
28. The physical design of the building, in terms of mass, scale, style, design and architectural detailing complies with Title 15-5-5- Architectural Design Guidelines of the Land Management Code and is compatible with the surrounding buildings. The proposed building is contemporary and distinct in design and compliments the variety of building styles in the area. Materials consist of wood, metal, concrete and glass. Green planted roofs and roof terraces provide outdoor space for the residents.
29. No signs are proposed at this time. All signs are subject to the Park City Sign Code.
30. Exterior lighting will be reviewed at the time of the building permit review.
31. The residential uses will not create noise, vibration, odors, steam or other mechanical factors that might affect people and property off-site.

32. The applicants propose to design and construct an enclosure for the existing trash dumpster located at the southwest corner of the parking lot. The service area within the enclosed parking area will include a recycling area.
33. There are no loading docks or delivery bays associated with these uses.
34. The applicant initially intends to own the building and rent the units as long term residences. If the owner desires to sell individual units in the future, a condominium record of survey plat will need to be applied for and recorded at Summit County.
35. The proposal exists within the Park City Soil Ordinance Boundary.
36. The development is located in a FEMA Flood Zone A.
37. The development is located adjacent to a stream with wetlands.
38. The project must comply with the Park City Housing Resolution 02-15 which requires a 15% affordable housing obligation (1.5 AUE at 900 sf per AUE). The applicant's affordable housing mitigation plan outlines two options: 1) include on site the necessary affordable unit equivalents (AUE) or 2) include one affordable unit for a portion of the required AUE and pay the in-lieu fee for the remaining AUE square footage (Exhibit A2). The applicant's preference is to include two required deed restricted units and nine market rate units within the proposed building. The Park City Housing Authority has final approval authority of the Housing Plan.
39. On May 13, 2015, the Planning Commission conducted a public hearing and approved a Conditional Use Permit for residential uses in the GC Zoning District for this project and continued the Master Planned Development to May 27, 2015.
40. On May 27, 2015, the Planning Commission conducted a public hearing and continued the item to July 8, 2015. No public input was provided.
41. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of the LMC Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility and protects residential neighborhoods and Uses.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable Land and least visually obtrusive portions of the Site.
11. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation

through design and by providing trail connections.
12. The MPD has been noticed and public hearing held in accordance with this Code.
13. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building programs and codes adopted by the Park City Building Department in effect at the time of the Application.
14. The MPD, as conditioned, addresses and mitigates Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
15. Additional building height, as reviewed by the Planning Commission on July 8, 2015, complies with the criteria for additional building height per LMC Section 15-6-5 (F).

Conditions of Approval

1. All standard conditions of project approval shall apply to this project.
2. Any signs associated with the use of the property must comply with the City's Sign Code.
3. No outdoor storage of goods or mechanical equipment is allowed on-site. The location of the trash dumpster enclosure shall be approved by the Planning Department prior to building permit issuance.
4. Review and approval of a final drainage plan by the City Engineer is required prior to building permit issuance.
5. Review and approval of the final utility plans, including review to ensure adequate fire flows for the building, is required prior to building permit issuance.
6. Prior to issuance of a certificate of occupancy for the building, the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.
7. Final building plans, exterior building materials and colors, and final design details must be in substantial compliance with the plans reviewed by the Planning Commission on July 8, 2015 and shall be approved by staff prior to building permit issuance.
8. Building Height will be verified for compliance with the approved MPD plans prior building permit issuance.
9. The Construction Mitigation Plan, submitted prior to building permit issuance, shall include detailed information regarding coordination of utility installation, reconstruction of Parking Lot F, and the provision of an interim parking plan during construction.
10. Prior to construction of the pedestrian bridge connection to the Rail Trail all required permits and/or encroachment easements and agreements shall be obtained from the State Parks property owner and the City. If required permits, easements, and agreements are not obtained the bridge will not be constructed.
11. A stream alteration permit and/or 404 permit will be required for any work in the stream area.
12. An elevation certificate will be required showing that the lowest occupied floor is at or above the base flood elevation.
13. A stream study will be required to determine the upstream and downstream flood plain impacts. Impacts will be required to be mitigated.
14. A wetland delineation study by a certified wetland delineator will be required prior to building permit issuance to verify if any wetlands will be disturbed with construction of the building.
15. As part of the final utility plan and prior to issuance of a building permit, the water

system must be modeled to verify that adequate fire flows and pressures can be provided to this building.

16. All exterior lighting on the terraces and porches shall be reviewed by the Planning Department with the Building Permit application and shall be subdued, down directed, shielded, and with no exposed bare bulbs.
17. A Development Agreement shall be ratified by the Planning Commission within six months of this approval. The Agreement shall reiterate all applicable requirements for Development Agreements in the LMC as well as zoning requirements related to findings, conclusions, and conditions of approval of the MPD.
18. The Affordable Housing Mitigation Plan shall be approved by the Housing Authority and shall be included in the final Development Agreement.
19. All required affordable housing shall be complete, with certificates of occupancy issued and/or fees in-lieu paid in full, prior to issuance of any certificates of occupancy for the market rate units.
20. The building plans shall be reviewed at the time of the building permit review for incorporation of best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building programs and codes adopted by the Park City Building Department in effect at the time of the Application.

If you have questions regarding your project or the action taken please don't hesitate to contact me at (435) 615-5066 or kirsten@parkcity.org.

Sincerely,

Kirsten Whetstone
Senior Planner

File

EXHIBIT D

DRAFT

Approval for Affordable Housing Mitigation Plan
for Central Park City Condominiums

FINDINGS, CONCLUSIONS OF LAW AND CONDITIONS OF APPROVAL FOR APPROVAL OF THE AFFORDABLE HOUSING MITIGATION PLAN FOR CENTRAL PARK CITY CONDOMINIUMS AT 1893 PROSPECTOR AVENUE

WHEREAS, the owners of the Central Park City Condominiums project located at 1893 Prospector Avenue have applied for an Master Planned Development (MPD) to construct 10 condominium units;

WHEREAS, Park City Housing Resolution 13-15 establishes affordable housing obligations triggered by MPD applications; and

WHEREAS, the owner submitted a proposed housing mitigation plan on April 13, 2015 and submitted updated information on October 13, 2015.

WHEREAS, the MPD application was approved by the Planning Commission on July 8, 2015.

WHEREAS, within the approved MPD by the Planning Commission on July 8, 2015 was a finding that the affordable housing would be kept on site.

WHEREAS, the Housing Authority reviewed the proposed mitigation plan on October 29, 2015.

NOW, THEREFORE, the Housing Authority of Park City, Utah hereby approves the Housing Mitigation Plan as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Housing Mitigation Plan attached is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval. .

Findings of Fact:

1. The subject MPD proposes a total of 10 condominium units with an 11th unit added to fulfill the Affordable Housing units on site.
2. Housing Resolution 13-15 establishes an obligation equal to 15 percent of proposed residential units which amounts to 1.5 affordable unit equivalents (AUE).
3. An AUE is equal to 900 square feet bringing the total square footage obligation to 1,350.

4. Housing Resolution 13-15 establishes a number of options for fulfillment of housing obligations and sets a priority that units be fulfilled on-site.
5. Developer shall provide affordable housing as one 2-bedroom unit containing 855 sf and one studio unit with 500 sf.

Conclusions of Law:

1. The Housing Mitigation Plan is consistent with Housing Resolution 13-15.
2. The Housing Mitigation Plan complies with Land Management Code.
3. The Central Park MPD application was approved by Planning Commission on July 8, 2015 pending Housing Authority approval of the Housing Mitigation Plan.

Conditions of Approval:

1. A note shall be added to the Plat which shall also include the CCRs/deed restriction in a form approved by the City Attorney stipulating which units are deed restricted for affordability and defining terms in fulfillment of AUE obligations consistent with Resolution 13-15.
2. A Deed Restriction approved by the City Attorney shall be recorded against two AUEs establishing that the units shall be owner-occupied by primary residents.
3. Declaration of Covenants, Conditions and Regulations are approved by the City Attorney shall be adopted for the property establishing affordability protections for the deed restricted AUEs such as fractional par rates and/or assessments based on discounted voting privileges.
4. If there is a change to the MPD the number of AUS may be increased. Pricing and sizing remains as stipulated in attached Approved Plan

SECTION 2. EFFECTIVE DATE. This approval shall take effect upon adoption and execution.

PASSED AND ADOPTED this ___day of _____ 20__.

PARK CITY MUNICIPAL CORPORATION

_____
Jack Thomas, MAYOR

Attest:

_____
City Recorder

Approved as to Form:

_____

Mark Harrington, City Attorney

CENTRAL PARK CITY CONDOMINIUMS
APPROVED
AFFORDABLE HOUSING MITIGATION PLAN

MPD Plan approved by Planning Commission on July 8, 2015:

Three 2 bedroom/2 bathroom and seven 2 bedroom/1 bathroom units ranging between 855 and 1,017 square feet each and one studio unit of 500 square feet which was added to incorporate affordable units on-site.

AUE Plan:

The Affordable Housing Units (AHU) that would be deed restricted includes the studio and one of the 2 bedroom/1bathroom units. Every unit includes a ground level storage locker. Deed Restricted square feet would total to 1,355 detailed below:

Studio Unit	500 sf.
2 bedroom/1 bathroom	855 sf.
Total AHU sf.	**1,355 sf**.

Maximum Sales Prices:

- **Studio - $150,000**
- **2 bedroom/1 bathroom - $215,000 to $250,000**

EXHIBIT E

Legal Description

Lot 25B-R, GIGAPLAT REPLAT, a Resubdivision of lots 25a, 25b, Parking Lot F & Common Area of Prospector Square Supplemental Amended Plat, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, Summit County, Utah.

GIGA-25B-R

EXHIBIT F

November 3rd, 2015

Kirsten Whetstone
Park City Planning Department
445 Marsac Avenue
Park City, UT 84060

Re: Central Park City Condominiums, 1893 Prospector Ave.

Dear Kirsten,

After conducting our due diligence we can confirm there are no mine hazards (mine tunnels, adits, mines, shafts, etc.) on the 1893 Prospector Avenue property.

Thank you,

Ehlias L. Louis
He2, LLC.
Managing Partner

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Application #: PL-15-02695
Subject: Intermountain Healthcare Hospital
Author: Kirsten Whetstone, MS, AICP- Sr. Planner
Date: November 11, 2015
Type of Item: Master Planned Development Pre-application

Summary Recommendations

Staff recommends the Planning Commission ratify the findings of fact, conclusions of law, and conditions of approval as outlined in this staff report to memorialize the finding made at the October 28, 2015, meeting that the subdivision of Lot 8 was initially consistent with the General Plan and CT Zone requirements.

Staff also recommends the Planning Commission continue to December 9, 2015, the pre-Master Planned Development discussion and public hearing, regarding a request to add 50 UE (50,000 sf) of Support Medical Office use to the Intermountain Healthcare Master Planned Development (IHC-MPD) to allow Staff additional time to research the Unit Equivalent issues brought up at the October 28th meeting.

Description

Applicant:	IHC Hospital, Inc. represented by Morgan D. Busch
Location:	900 Round Valley Drive
Zoning District:	Community Transition MPD (CT-MPD)
Adjacent Land Uses:	Park City Recreation Complex, USSA training facility, US 40, and Round Valley open space
Reason for Review:	Pre-Applications for MPD amendments require Planning Commission review and a finding of initial compliance with the Park City General Plan prior to submittal of a full Master Planned Development application.

Proposal

On October 28, 2015, the Planning Commission discussed a pre-MPD application for two amendments to the Intermountain Health Care Master Planned Development (aka Park City Medical Center) located at 900 Round Valley Drive. On September 21, 2015, the applicant submitted a revised application requesting pre-MPD review of two proposed amendments as follows:

1. Subdivision of Lot 8 into two lots, allocating 3.6 acres to Peace House and creating an open space lot (Lot 12) from the remaining 6.33 acres.

2. Inclusion of additional density up to the maximum allowed in the CT Zoning District (up to 3.0 units per acre) for non-residential uses by incorporating an additional 50,000 sf of Support Medical Offices into the MPD to be allocated to either Lot 1 or Lot 6, or some combination thereof.

On October 28, 2015, the Planning Commission discussed the first item and made a motion to find that the subdivision of Lot 8 into two lots to accommodate the Peace House on a separate lot is consistent with the General Plan and purposes of the CT Zone.

The Commission discussed the second item and continued that item to November 11, 2015 to allow Staff additional time to review the IHC Development Agreement and the Land Management Code requirements to address the question regarding the allocation of UEs (Unit Equivalents) for various uses, such as public recreation facilities, fire stations, and others. Staff requests continuation of the density issue to December 9, 2015.

Future Process

If the pre-MPD application is found to be initially compliant with the General Plan and purposes of the CT Zone, the applicant may submit a full and complete MPD Application for review by the Staff and Planning Commission. The Planning Commission takes final action on the MPD application and that action may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Review and approval of a Conditional Use Permit application by the Planning Commission is required prior to building permit issuance for construction of future phases of development within this MPD.

Recommendations

Staff recommends the Planning Commission continue to December 9, 2015, the pre-Master Planned Development discussion and public hearing, regarding a request to add 50 UE (50,000 sf) of Support Medical Office use to the Intermountain Healthcare Master Planned Development (IHC-MPD) to allow Staff additional time to research the Unit Equivalent issues brought up at the October 28th meeting.

Staff recommends the Planning Commission ratify the following findings of fact, conclusions of law, and conditions of approval to memorialize the motion made on October 28, 2015 that found the request to subdivide Lot 8 in initial compliance with the General Plan and CT Zone.

Findings of Fact for Subdivision of Lot 8

1. On September 21, 2015, the City received a revised application for a Pre-Master Planned Development application for amendments to the IHC Master Planned Development to subdivide Lot 8 into two lots, Lot 8 would become 3.6 acres to provide a separate lot for the Peace House and Lot 12, created from the remaining 6.33 acres, would be dedicated as an open space lot, preserving wetlands and open space within the MPD.
2. The property is zoned Community Transition- Master Planned Development (CT-MPD).
3. There is no minimum lot size in the CT zone.
4. Access to the property and to Lot 8 is from Round Valley Drive, a public street.
5. The property is subject to the IHC/USSA/Burbidge Annexation plat and Annexation Agreement recorded at Summit County on January 23, 2007.
6. On May 23, 2007, the Planning Commission approved a Master Planned

Development for the IHC aka Park City Medical Center as well as a Conditional Use Permit for Phase One construction.

7. On November 25, 2008, a final subdivision plat known as the Subdivision Plat (Amended) for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility was approved and recorded at Summit County.
8. On October 8, 2014, the Planning Commission approved MPD amendments for Phase 2 construction. These MPD Amendments transferred 50,000 sf of support medical office uses to Lot 1 from Lots 6 and 8 (25,000 sf each).
9. An amendment to the IHC Master Planned Development (MPD) requires a Pre-MPD application and review for initial compliance with the Park City General Plan and the purpose and uses of the CT Zoning District as described in Land Management Code (LMC 15-6-4(B)).
10. The CT zoning district, per LMC Section 15-2.23-2, allows for a variety of uses including conservation and agriculture activities; different types of housing and alternative living situations and quarters; trails and trailhead improvements; recreation and outdoor related uses; public, quasi-public, civic, municipal and institutional uses; hospital and other health related services; athlete training, testing, and related programs; group care facilities, ancillary support commercial uses; transit facilities and park and ride lots; small wind energy systems; etc.
11. The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application.
12. IHC is located in the Quinn's Junction neighborhood, as described in the Park City General Plan.
13. The Joint Planning Principles for the Quinn's Junction area recommend development patterns of clustered development balanced with preservation of open space. Public preserved open space and recreation is the predominant existing land use. Clustered development should be designed to enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas. New development should be set back in compliance with the Entry Corridor Protection Overlay. Sensitive Lands should be considered in design and protected. Sensitive wetland areas should be protected and taken into consideration in design of driveways, parking lots, and buildings, as well as protected from impacts of proposed uses.
14. Uses contemplated in the Joint Planning Principles for this neighborhood include institutional development limited to hospital, educational facilities, recreation, sports training, arts, cultural heritage, etc.
15. The proposed MPD amendments are consistent with the intent of the Joint Planning Principles for the Quinn's Junction area and are a compatible use in this neighborhood as the development will be located on existing lots, setback from the Entry Corridor to preserve the open view from SR 248, and the impacts of parking and traffic can be mitigated

per requirements of the CT zone, pedestrian connections can be maintained and enhanced by providing additional trails and open space, and the architectural character can be maintained with authentic materials and building design required to be compatible with the existing buildings.

16. Small Town Goals of the General Plan include protection of undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Alternative modes of transportation are encouraged.
17. Quinn's Junction is identified as a Development Node. The proposed MPD amendments include uses to ensure that the Medical Campus can continue to serve the needs of the community into the future.
18. There is existing City bus service to the area on an as needed basis and additional uses will help to validate additional services as a benefit for all of the uses in the area. Studies of transit and transportation in the Quinn's area will be important in evaluating the merits of the MPD amendments and considerations for permanent bus routes in the area.
19. The Medical Campus is located on the City's trail system and adjacent to Round Valley open space.
20. Natural Setting Goals of the General Plan include conserving a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.
21. Green building requirements are part of the existing Annexation Agreement.
22. On August 26, 2015, the Planning Commission conducted a public hearing and discussed the pre-MPD application and took action on the request to locate the Peace House on the eastern portion of Lot 8 as partial fulfillment of the affordable housing obligation for the Medical Campus.
23. On August 26, 2015, The Commission continued discussion on the proposed amendments regarding the subdivision of Lot 8 and the request for additional density.
24. On September 21, 2015, the applicant submitted a revised application regarding the subdivision of Lot 8, stating that Lot 12 would be an open space lot, and requested the 50 UE of density be restricted to Support Medical Uses to be located only on Lots 1 and 6.
25. On October 10, 2015, a legal notice of the public hearing was published in the Park Record and placed on the Utah public meeting website.
26. On October 14, 2015, the property was re-posted and letters were mailed to neighboring property owners per requirements of the Land Management Code.
27. On October 28, 2015, the Planning Commission found the proposal to subdivide Lot 8 per the revised application, to be in preliminary compliance with the General Plan. The Commission continued the density issue to November 11, 2015.

<u>Conclusions of Law for Subdivision of Lot 8</u>

1. The proposed MPD Amendments to the Intermountain Healthcare Hospital MPD initially comply with the intent of the Park City General Plan and general

purposes of the Community Transition (CT) zone.
2. These findings are made prior to the Applicant filing a formal MPD Application.
3. The proposed MPD amendments are consistent with the intent of the Joint Planning Principles for the Quinn's Junction area and are a compatible use in this neighborhood.
4. Finding a Pre-MPD application consistent with the General Plan and general purposes of the zone, does not indicate approval of the full MPD or subsequent Conditional Use Permits.

Conditions of Approval for Subdivision of Lot 8

1. The full MPD and Conditional Use Permit applications are required to be submitted for review and approval by the Planning Commission prior to issuance of any building permits for construction related to the Peace House on Lot 8.
2. The MPD will be reviewed for compliance with the MPD requirements as outlined in LMC Chapter 6, the Annexation Agreement, the CT zone requirements, as well as any additional items requested by the Planning Commission at the pre-MPD meeting.
3. The plat amendment to subdivide Lot 8 will include Lot 12 as a platted open space lot.

Planning Commission
Staff Report

Subject: Sign Code Amendments
Author: Tricia S. Lake – Assistant City Attorney
Aaron Benson – Law Clerk
Department: City Attorney's Office
Date: November 11, 2015
Type of Item: Legislative – Sign Code Amendments

Summary Recommendation

Staff recommends the Planning Commission review and discuss the following proposed amendments to the Sign Code (Title 12 of the Municipal Code):

- Amendments throughout Title 12 in order to bring it into compliance with a recent U.S. Supreme Court decision, *Reed v. Gilbert*;
- Amendments to Chapters 2 and 9 creating special regulations for free-standing signs in developed recreation areas;
- Amendments throughout Title 12 in order to make minor changes for clarity and style.

Staff recommends the Planning Commission forward a positive recommendation to the City Council.

Topic/Description:

A recent decision by the U.S. Supreme Court disallows content based distinctions in local sign codes. Because the Park City Sign Code treats some signs differently than others because of the content or purpose of the sign, it must be revised to bring it into compliance with the Court's decision.

Background/Analysis

1. U.S. Supreme Court Decision in *Reed v. Gilbert*

City sign codes such as Park City's generally seek to limit the number or size of signs within city limits or otherwise regulate signs' size, materials, height, etc. In addition to general specifications, these sign codes may draw various categories of signs and:

- **place special requirements** on some categories,
- **exempt** certain categories from permit requirements, or
- **prohibit** certain categories.

For example, the Park City Sign Code places special requirements on “free-standing signs” (Municipal Code (MC) § 12-9-1(G)), exempts “vacancy signs” (MC § 12-8-1(N)), and prohibits “roof signs” (MC § 12-7-1(L)).

These categories are most often drawn along lines such as location, land use, size, and other physical characteristics. However, some categories are drawn by reference to the signs’ message or purpose. For example, the Park City Sign Code exempts “real estate signs” from the permitting requirements. (MC § 12-8-1(I)). Real estate signs are defined as those which advertise the sale of a property. (MC § 12-12-1(U)(30)). So the category of “real estate signs” is tied to the signs’ purpose – to the message they share.

Pursuant to the First Amendment of the U.S. Constitution and U.S. Supreme Court case law, if a governmental regulation openly restricts speech by individuals or organizations based on the content of the speech, the Court applies a test called “strict scrutiny.” Such regulations are very rarely able to pass this level of scrutiny, which requires that (1) the government have a very strong interest in some permissible and achievable aim, and (2) the regulation be narrowly tailored to achieve that interest. If there is another conceivable means of achieving the regulation’s aims that would restrict less speech, then the regulation is overturned. Therefore, the deciding question in many cases is whether the regulation at issue is content-based or content-neutral.

City sign codes have long toed the line between being content-based and content-neutral. Many have argued that purpose-based distinctions like “real estate signs” are not content-based because they restrict or permit speech in reference to broad, readily definable categories as opposed to specific viewpoints. However, a recent case arising in Arizona challenged that argument.

The town of Gilbert, Arizona, requires a permit for any sign erected within the city, unless specifically exempted. The town’s sign code exempts 23 categories of signs, as long as they comply with certain size, location, and timing requirements. One of those categories allows temporary signs directing people to certain religious or civic gatherings. Such signs are limited to six square feet in size, and they may only be displayed for up to 12 hours before and one hour after the event they advertise.

Because of its limited means, a small community church in Gilbert was holding its weekly worship services at different locations. In order to let people know where that week’s services would be held, the pastor and members of his congregation would place temporary signs around town the day before the service. Pastor Reed and his church were cited by the town for violating the timing requirements of the ordinance. Reed sued the town in federal court, arguing that the town’s sign code violated his church’s First Amendment free-speech rights.

The case made its way to the U.S. Supreme Court, and the Court issued a decision in June striking down the town’s sign code. (*Reed v. Gilbert*, 135 S.Ct. 2218 (2015)). The Court’s reasoning and decision put sign codes like Park City’s in peril.

The Court in *Reed v. Gilbert* found that the town of Gilbert's sign code was content-based because it treats signs differently based on the sign's message or purpose. The Court looked at three different categories of signs exempted from the town's permit requirements: ideological signs, campaign signs, and temporary directional signs like the ones Reed and his congregation used. The town's code treated each category differently, allowing bigger signs and longer postings for ideological and campaign signs than it did for the directional signs.

The town tried to defend its sign code by noting that the regulations do not distinguish between signs because of the ideas they express, but rather, because of the general topics discussed. Because the exemptions at issue in the case acted to increase the total amount of speech allowed and did not discriminate among signs based on the viewpoint or political leanings of its message, the town argued that it was not actually "content-based" as that term had been defined by the Court.

However, the Court rejected the town's arguments and clarified that a regulation is content-based if it applies to particular speech because of the topic discussed or the idea expressed. Therefore, even function-based regulations like city sign codes which are concerned not with the actual message, but with its purpose, are content-based. It does not matter how noble the government's motives or how non-discriminatory the categories; the government simply cannot regulate speech based on its content.

The decision in *Reed v. Gilbert* has upset the balance that many cities have struck between individual rights and the good of the community with regard to signage in the city. However, when read in light of the Court's other First Amendment cases, the decision arguably has some limits. Most importantly, the decision arguably does not apply to "commercial speech," which the Court has treated differently than non-commercial speech for First Amendment purposes. In general, "commercial speech" gets somewhat lesser protection than does non-commercial speech. Additionally, some signage categories can be saved because they deal with "government speech," meaning speech that is made by the government.

The proposed Sign Code amendments take full advantage of these limits on the *Reed v. Gilbert* decision. Categories which fit within the Court's loose definition of "commercial speech" or which can fairly be deemed "government speech" have been preserved. Revision is only recommended for non-commercial, non-government speech.

This approach assumes the City is willing to tolerate some degree of legal risk in order to preserve the aesthetic character of the community and to further the safety interests of community members. Conversely, if the City is unwilling to accept the risks associated with this more rigorous regulation of signs, it would be advisable to adopt a more strictly content neutral—if less aesthetically effective—approach.

2. Free-standing Signs in Developed Recreation Areas

The Deer Valley ski resort has approached City staff regarding the possibility of installing a large free-standing sign near the resort's entrance in order to help people find the resort and to distinguish the resort from surrounding development. Deer Valley is proposing a sign larger in size and effect to the entrance sign for the Canyons resort along Highway 224, where Canyons Resort Drive intersects with the highway.

The current regulations do not permit a sign of the size proposed by Deer Valley. Free-standing signs are limited to 20 square feet in size and 7 feet in height. (MC § 12-9-1(G)(1), (2)). Properties are limited to one free-standing sign, though Master Planned Developments are allowed up to five additional free-standing signs within the development, the total number depending on the size of the development. (MC § 12-9-1(G)(3)). Free-standing signs are allowed in commercial districts, including the Recreation Commercial (RC) district, Regional Commercial Overlay (RCO) district, Residential Development (RD) district, and Residential Development – Medium Density (RDM) district. Deer Valley Resort is a Master Planned Development in the Residential Development (RD) district.

In order to accommodate a way-finding sign for a large resort development like the sign proposed by Deer Valley, Staff recommends that the Sign Code be modified to create a definition for "Developed Recreation Area" which includes the major resorts within the City, and allow one larger free-standing sign for way-finding purposes for such areas. Staff is proposing a 50 square foot sign addition similar in size to the Canyons resort signage in the County. Deer Valley is proposing a 70 square foot sign addition which is larger in size than what the County allows, though not out of place or context for the environment or use they are proposing.

Regardless of which allowances the Planning Commission approves, these allowances will facilitate better resort signage creating a more comprehensive environment, better way-finding and an overall more positive experience for visitors to Park City.

3. Minor Fixes Throughout for Clarity and Style

Like other parts of the Municipal Code, the Sign Code has evolved over time in response to the City's changing needs and priorities. This piecemeal process can often result in ordinances that are difficult to understand or are inconsistent in style. Review and revision of a whole chapter such as the one necessitated by the Supreme Court's decision in *Reed v. Gilbert* provides an opportunity to resolve those problems.

During its review pursuant to *Reed v. Gilbert*, Staff identified various fixes to promote clarity and consistency of the Sign Code, without changing its substantive effect.

Department Review:

The City Attorney's Office has reviewed and analyzed Park City's current Sign Code and recent case law regarding regulation of signs in Utah by local governmental entities, and has consulted with the Planning Department, Sustainability Department, Police Department, Streets Department and the Historic Park City Alliance.

Alternatives:

A. **Approve:** Forward a positive recommendation to City Council on the proposed Sign Code as presented or as amended at the meeting. This is the recommended action.

B. **Deny:** Forward a negative recommendation to City Council to deny the proposed amendments. Denying the proposed amendments would increase the risk of costly litigation seeking to invalidate the Sign Code.

C. **Continue the item:** Continuing the item to a date certain and providing direction to Staff regarding additional information, revisions, or analysis needed in order to take final action is an acceptable option, as long as the item could quickly be brought back before the Planning Commission.

Significant Impacts:

Forwarding a positive recommendation to City Council on the proposed Sign Code will reduce the risk of costly litigation seeking to invalidate the Sign Code and promote the economic vitality of recreational resorts within the City.

Funding Source:

No funding is required for this action.

Consequences of not taking the recommended action:

Denying the request would amount to direct contravention of recent U.S. Supreme Court direction and subject Park City to litigation.

Continuing the item and providing direction to staff on revisiting the proposed amendments is an acceptable option, as long as the item could quickly be brought back before the Planning Commission.

Notice

Legal notice of a public hearing was posted in the required public spaces and published in the Park Record.

Public Input

A public hearing is required to be conducted by the City Council prior to adoption of amendments to the Municipal Code. However, because of the Planning Commission's close ties to the Sign Code, it is advisable for the Planning Commission to also conduct a public hearing and forward a recommendation to the City Council.

Recommendation

Staff recommends the Planning Commission forward a positive recommendation to City Council on the proposed Sign Code.

Exhibits

Exhibit A – Proposed Revised Sign Code (with redlines)
Exhibit B – *Reed v. Gilbert* (full text)
Exhibit C – Free-standing sign for the Canyons

TITLE 12 - SIGN CODE
PARK CITY, UTAH

CHAPTER 1 - PURPOSE AND SCOPE

12-1-1. PURPOSE AND SCOPE.

The purpose of the Sign Code is to:

(A) Reduce potential hazards to motorists and pedestrians;

(B) Encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites which they occupy;

(C) Encourage sign legibility through the elimination of excessive and confusing sign displays;

(D) Prevent confusion of ~~business~~ signs with traffic regulations;

(E) Preserve and improve the appearance of the City as an historic mountain and resort community in which to live and work;

(F) Create a unique environment to attract visitors;

(G) Allow each individual business to clearly identify itself and the goods and services which it offers in a clear and distinctive manner;

(H) Safeguard and enhance property values;

(I) Protect public and private investment in buildings and open space;

(J) Supplement and be part of the zoning regulations imposed by Park City; and

(K) Promote the public health, safety, and general welfare of the citizens of Park City.

12-1-2. INTERPRETATION.

The Planning Commission shall have the authority and duty to interpret the provisions of this Title at the request of the Planning Director or when a written appeal of a Planning Department decision is filed with the Planning Commission. In interpreting and applying the provisions of this Title, the sign requirements contained herein are declared to be the maximum allowable ~~for the purpose set forth~~. The Planning Department and/or the Planning Commission may determine that a smaller sign is more appropriate based on the size ~~and scale~~ of ~~the~~ structure~~(s)~~, pedestrian traffic, safety issues, orientation, and neighborhood compatibility. ~~The types of signs allowed by this Title shall be plenary and sign types not specifically allowed as set forth within this Title, shall be prohibited.~~ Signs which are not specifically allowed as set forth in this Title are prohibited.

CHAPTER 2 - DEFINITIONS

12-2-1. DEFINITIONS.

For purposes of this Title, the following abbreviations, terms, phrases, and words shall be defined as specified in this section:

(A) **ALTERATION~~S~~**. ~~Alterations as applied to a sign means~~ A change or rearrangement in the structural parts or ~~its~~ design of a sign, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another.

(B) **AREA OF SIGN**. The area of a sign is measured ~~by~~ as the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the writing, representation, emblem, or other display~~.~~, ~~Including~~ including materials or colors of the background used to differentiate the sign from the structure against which it is placed. Sign area does not include structural supporting framework, bracing, or wall to which the sign is attached. If individual letters are mounted directly on a wall or canopy, the sign area shall be the area in square feet of the smallest rectangle which encloses the sign, message, or logo.

~~(C) **BALCONY**. A platform that projects from the wall of a building and is surrounded by a railing or balustrade.~~

(C) **BANNER**. A strip of cloth, plastic, paper, or ~~other~~ similar material on which letters or logos are painted or written and which is ~~,~~ hung up or carried on a crossbar, staff, or string, or between two (2) poles.

(D) **BILLBOARD**. A permanent outdoor ~~advertising~~ sign that ~~advertises goods, products, or services not necessarily sold on the premises on which said sign~~ is located off-premises.

(E) **BUILDING DIRECTORY**. A sign that directs vehicle or pedestrian traffic, is visible from outside the building, and contains (a) the name of a building, complex, or center, and (b) the name

and address of two (2) or more businesses which are located in the building, complex, or center.

(F) **BUILDING FACE OR WALL**. All window and wall area of a building on one (1) plane or elevation.

(G) **CANOPY**. A roofed structure constructed of fabric or other material that extends outward from a building, generally providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

(H) **COMMERCIAL SIGN**. A sign which advertises a product or service, or which refers to a business or individual that is commonly known to provide a product or service, with the intent of proposing, discouraging, facilitating, or otherwise affecting a commercial transaction. Includes, but is not limited to the following signs as defined or treated in this Title: for-sale signs, real-estate signs, commercial nameplates, building directories, hours-of-operation signs, business identification signs, special-sale signs, theater marquees, display boxes, name-change signs, temporary portable signs, construction identification signs, home-occupation signs, vacancy signs, entrance/exit signs, construction marketing signs, master-festival signs and special-event signs under Chapter 12, garage-sale signs, and outdoor vehicle displays under Chapter 14. Does not include: campaign signs, public-necessity signs, addressing numbers, residential nameplates, no-trespassing signs, no-soliciting signs, yard signs.

(I) **DEVELOPED RECREATION AREA**. An area within the RC or RD districts that is part of a Master Planned Development of at least 2,500 acres and in which the primary use is outdoor recreation with constructed facilities, and may include summer facilities and lodging.

~~(H) **COMMUNITY OR CIVIC EVENT**. A public event not intended for the promotion of any product, political candidate, religious leader or commercial goods or services.~~

(J) **DISPLAY BOX.** A freestanding or wall sign faced with glass or other similar material ~~designed for the express purpose of displaying menus, current entertainment or other like items~~.

(K) **ELECTRONIC DISPLAY TERMINAL**. An electronic terminal, screen, or monitor ~~used to receive or provide information, advertise a good or service or promote an event~~.

(L) **FLAG**. A piece of cloth, plastic, or similar material, usually rectangular or triangular, attached by one (1) edge to a staff~~,~~ or pole ~~as a distinctive symbol of a country, government, organization or other entity or cause~~.

(M) **GRADE**. The ground surface elevation of a site or parcel of land.

~~(1) **Grade, Existing**. The grade of a property prior to any proposed development or construction activity.~~

(1) **Grade, Natural**. The grade of land prior to any development activity or any other man-made disturbance or grading. The Planning Department shall estimate the natural grade, if not readily apparent, by reference elevations at points where the disturbed area appears to meet the undisturbed portions of the property. The estimated natural grade shall tie into the elevation and slopes of adjoining properties without creating a need for new retaining walls, abrupt differences in the visual slope and elevation of the land, or redirecting the flow of run-off water.

(2) **Grade, Final**. The finished or resulting grade where earth meets the building or sign after completion of the proposed development activity.

(N) **HANDBILL**. A paper, sticker, flyer, poster, pamphlet, or other type of medium distributed by hand ~~for identification, advertisement, or promotion of the interest of any person, entity, product, event, or service~~.

(1) **Handbill, Special-Events**. A handbill which advertises a special event which is commercial in nature, or which proposes or facilitates a commercial transaction.

(O) **HEIGHT OF SIGN**. The height of a sign is the vertical distance measured from natural grade to the top of the sign, including the air space between the ground and the bottom of the sign face. Only when the topography is altered to adjust the ground height to the level of the public right of way shall the sign height be measured from final grade.

(P) **MASTER SIGN PLAN**. A plan designed to show the relationship of signs for any cluster of buildings or any single building housing a number of users or in any arrangement of buildings or shops which constitute a visual entity as a whole.

~~(P) **NAME PLATE**. A sign that identifies the name, occupation, and/or professions of the occupants of a premises.~~

(Q) **PREMISES**. Land and the buildings, owned or rented, upon it.

(R) **PRIVATE PLAZA**. Private property in excess of ~~1,000~~one-thousand square feet (1,000 sq. ft.) that generally serves as common area to adjoining commercial development, is free of structures, and is ~~hard surfaced and/~~paved or landscaped. Private plazas generally provide an area for pedestrian circulation and common amenities, and act as a gathering space for private or public purposes.

(S) **PUBLIC PROPERTY**. Any property owned by a governmental entity.

(T) **REPRODUCTION**. An object that has been designed and built to resemble a product or service.

(U) **SIGN**. ~~Sign shall mean and include a display of an advertising message, usually written, including an announcement, declaration, demonstration, product reproduction, illustration, insignia, surface or space erected or maintained in view of the observer thereof primarily for identification, advertisement, or promotion of the interest of any person, entity, product, or service, and visible from outdoors. The definition of a sign shall also include the sign structure, supports, lighting system, and any attachments, flags, ornaments or other features used to draw the attention of observers.~~An object, device, or structure, or part thereof, situated outdoors or indoors which is used to advertise, identify, display, or attract attention to an object, person, institution, organization, business, product, service, event, idea, or location. Includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to attract attention. Includes banners, billboards, building directories, display boxes, electronic display terminals, flags, reproductions, theater marquees. Also includes but is in no way limited to the following categories:

(1) **Sign, Abandoned**. Any sign applicable to a use which has been discontinued for a period of at least three (3) months.

(2) **Sign, Animated**. A rotating or revolving sign, or a sign in which all or a portion of the sign moves in some manner.

(3) **Sign, Awning**. Any sign painted on or attached to an awning ~~or canopy~~.

(4) **Sign, Bench**. A sign placed in any manner on an outdoor bench or other outdoor furniture.

(5) **Sign, Business Identification**. A sign which identifies only the name, logo, and/or address of a commercial use.

(6) **Sign, Cabinet**. A sign that consists of a frame covered by translucent material. The entire structure is one (1) unit. ~~and the copy is not intended to include the individual letters.~~ Does not include changeable-copy signs.

~~(4) **SIGN, CAMPAIGN**. A temporary sign on or off premises, announcing, promoting, or drawing attention to a candidate seeking public office; or announcing political issues.~~

(7) **Sign, Canopy**. Any sign painted or attached to a canopy.

(8) **Sign, Changeable-Copy**. A manually operated sign that displays graphics or a message that can be easily changed or altered.

(9) **Sign**, **Construction**. A temporary sign placed on a construction site ~~identifying a new development~~.

(a) **~~Project~~ Construction Marketing Sign**. A construction sign identifying the financial institution of a development; may include a plat map and real-estate information for purposes of marketing units within the development.

(b) **Construction Identification Sign**. A sign identifying the ~~contractor and or builder~~contractors and builders responsible for a project or development.

(c) **~~Construction/Project Marketing~~Combined Construction Sign**. A combination of a construction identification sign and ~~project~~ construction marketing sign.

~~(8) **SIGN, DIRECTIONAL (GUIDE SIGN)**. Signs which serve as directional guides to recognized areas of regional importance and patronage, including:~~

~~(a) Recreational and entertainment centers of recognized regional significance.~~

~~(b) Major sports stadiums, entertainment centers or convention centers having a seating capacity in excess of 1,000 persons.~~

~~(c) Historic landmarks, churches, schools, community centers, hospitals and parks.~~

~~(d) Public safety, municipal directional, parking and essential services.~~

~~(9) **SIGN, DIRECTORY**. A sign located on the premise to direct traffic, that contains the name of a building, complex or center and name and address of two (2) or more businesses being part of the same sign structure or interior to the building which can be seen from the outdoors.~~

(10) **Sign, Electronic Message**. A ~~window, wall, or other~~ permanent sign that changes ~~messages~~ copy electronically using switches and electric lamps.~~through a marquee, reader board, electronic message center, or other replaceable copy area.~~

(11) **Sign, Entrance/Exit**. A sign that facilitates vehicle traffic into and out of a site by designating the entrance or exit to the premises.

(12) **Sign, Flashing**. A sign that contains an intermittent or flashing light source, or a sign that includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.

(13) **Sign, Freestanding**. A sign that is supported by one (1) or more uprights or braces which are fastened to or embedded in the ground or a foundation in the ground and not attached to any building ~~or wall~~.

(14) **Sign, Garage-Sale**. A temporary sign that announces a garage sale, yard sale, or similar event.

~~(12) **SIGN, GHOST**. A sign on an exterior building wall, which has been weathered and faded to the extent that it has lost its original brightness of color and visibility.~~

(15) **Sign, Hanging**. A sign attached underneath a canopy, awning, or colonnade.

(16) **Sign, Historic**. A sign that by its construction materials, age, prominent location, unique design, or craftsmanship, provides historic character, individuality, and a sense of place or orientation regarding clues to a building's history.

(17) **Sign, Historic Replication**. A sign which is an exact replication, including materials and size, of a historic sign which once existed in the same location.

(18) **Sign, Home-Occupation**. A sign that identifies a home occupation, as that term is defined in the Land Management Code.

(19) **Sign, Hours-of-Operation**. A sign that displays the hours during which the building's ~~tenant~~ commercial occupant serves the public; ~~this~~ includes "open" and "closed" signs.

~~(17) **SIGN, IDENTIFICATION**. A sign which identifies only the name and/or logo and/or address of a commercial, industrial, or condominium complex the owner and tenants thereof.~~

(20) **Sign, Inflatable**. Any inflatable object used as a sign or for promotional purposes.

(21) **Sign, Internally Illuminated**. A sign with a face ~~which~~ that is lit or outlined by a light source located within the sign.

(22) **Sign, Luminous-Tube~~(NEON)~~**. A sign that is outlined by~~,~~ or which has characters, letters, figures, or designs that are illuminated by gas-filled luminous tubes, such as neon, argon, etc.~~or fluorescent.~~

(23) **Sign, Municipal Identification**. A sign designed specifically for the purpose of notifying motorists of Park City's municipal boundary and welcoming them to Park City.

~~(21) **SIGN, NEIGHBORHOOD INFORMATION SIGN**. A sign located entirely on private property, designed to provide information or notifications to local residents regarding neighborhood events or issues.~~

(24) **Sign, Name-Change**. A temporary sign that informs the public about a change in a business name or commercial building tenant. Includes temporary occupancy of an existing business by a convention-sales license-holder pursuant to Section 4-3-9 of this Code.

(25) **Sign, Non-Conforming (Legal)**. Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of the Code and any amendments thereto, and which now fails to conform to all applicable regulations and restrictions of this Code.

(26) **Sign, Off-Premises**. ~~A sign identifying a business, commodity, service, or industry, which is not conducted upon the premises on which the sign is placed.~~ A sign which directs attention to a business, commodity, service, or attraction at a location other than the premises on which the sign is located.

(27) **Sign, On-Premises**. ~~A sign that identifies the name, occupation, and/or professions of the occupants of the premises.~~A sign which directs attention to a business, commodity, service, or attraction on the premises on which the sign is located.

(28) **Sign, Pole**. A freestanding sign that is supported by one (1) upright of not greater than twelve inches (12") in diameter and is not attached or braced by any other structure.

(29) **Sign, Portable**. A sign that can be moved from place to place and is not permanently affixed to the ground or a building.

(30) **Sign, Projecting**. A sign which is attached to a building or other structure, oriented perpendicular to the street, and extending in whole or in part more than six inches (6") beyond any wall of the building or structure.

(31) **Sign, Projection**. A sign that ~~utilizes~~ uses a beam of light to project a visual image or message onto a surface.

~~(29) **SIGN, PUBLIC NECESSITY**. A sign that informs the public of danger or a hazard.~~

(32) **Sign, Real-Estate**. A temporary sign advertising the sale, rental, or lease of the premises or part of the premises on which the sign is displayed.

(33) **Sign, Roof**. A sign erected or painted upon or above the roof or parapet of a building, including ground signs that rest on or overlap a roof. Includes signs mounted on a mansard-style roof.

~~(32) **SIGN, SOLICITATION**. Sign used to communicate with solicitors.~~

~~(33) **SIGN, SPECIAL PURPOSE**. A sign advertising a special event pertaining to drives or events of a civic, philanthropic, educational, or religious organization.~~

(34) **Sign, Special-Sale**. A temporary sign used to advertise a special sale.

(35) **Sign, Temporary**. A sign which is intended for use during a ~~specified~~ limited time of six months or less.

(36) **Sign, Umbrella**. A sign painted on or attached to an umbrella, including name brands and symbols.

(37) **Sign, Vacancy**. A sign which advertises the current availability for occupation of a nightly rental.

(38) **Sign, Vehicle**. Any sign, logo, or advertisement placed, painted, attached, or displayed on a vehicle.

(39) **Sign, Video**. A sign that involves animated visual messages which are projected on a screen.

(40) **Sign, Wall**. A sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building.

(41) **Sign, Wind**. Any propeller, whirling, or similar device that is designed to flutter, rotate, or display other movement under the influence of the wind. Includes "gasoline flags," and may include certain banners.

(42) **Sign, Window**. A sign installed upon or within three feet (3') ~~from the~~ of a window, visible from the street, and ~~exceeds~~larger than two square feet (2 sq. ft.) in area~~, for the purpose of viewing from outside of the premises~~. ~~This term d~~Does not include merchandise displays.

(43) **Sign, Yard**. A temporary non-commercial sign ~~that announces a garage sale, open house or similar event~~.

(V) **THEATER MARQUEE**. A permanent sign with changeable copy that is used to advertise theater events.

~~(W) **UMBRELLA**. A collapsible shade for protection against weather consisting of metal or fabric stretched over hinged ribs radiating from a central pole.~~

~~(X) **WALL MURAL**. A work of art, such as a painting applied directly to a wall, fence, pavement, or similar surface that is purely decorative in nature and content, and does not include advertising by picture or verbal message.~~

(W) **ZONE DISTRICT**. ~~Refers to land use regulatory zones under the zoning ordinances of Park City.~~The applicable land-use district under the Land Management Code (Title 15).

CHAPTER 3 - PERMITS

12-3-1. PERMITS REQUIRED.

No person shall erect, install, alter, or relocate any permanent or temporary sign within Park City without first submitting a sign application and receiving approval of the sign permit from the

City, unless the sign is exempt pursuant to Section 12-8-1. Any person who ~~hangs, posts, or installs~~erects, installs, alters, or relocates a sign that requires a permit under this Code and who fails to obtain an approved permit before installing the sign shall be guilty of a Class C misdemeanor.

12-3-2. PRE-APPLICATION CONFERENCE.

Prior to the submittal of a sign permit application, a pre-application conference with the Planning Department is encouraged to acquaint the applicant with Sign Code procedures, design standards, and related City ordinances.

12-3-3. MASTER SIGN PLANS.

Buildings or clusters of buildings within a project or premises having more than one (1) tenant or use shall submit a Master Sign Plan application for the entire structure or project prior to any sign permit approval by the Planning Department. In addition to all other applicable regulations in this Title, the following requirements apply to Master Sign Plans. Unless expressly stated otherwise, these regulations regarding Master Sign Plans are not intended to annul, abrogate, or otherwise remove any restrictions or regulations of this Title or any other title in the Park City Municipal Code.

(A) **DESIGN**. The Master Sign Plan shall be designed to establish a common theme or design for the entire building or project, using similar construction methods, compatible colors and scale, and identical backgrounds. ~~All regulations as stated in this Title shall apply.~~

(B) **MASTER SIGN PLANS FOR OFFICE BUILDINGS**. Master Sign Plans for office buildings ~~must focus primarily~~are for the purpose of ~~on the identification of~~identifying the building. Individual tenants may be identified with lettering on exterior windows, doors, or a building directory.

(C) **SIGN AREA**. Total sign area within the Master Sign Plan is subject to the size limitations of Chapter 12-4-1 of this Title. Sign area cannot be transferred to a single building or façade from other buildings in the project.

(D) **HEIGHT**. All Master Sign Plans shall be designed so that signs are placed below the finished floor elevation of the second floor or a maximum of twenty feet (20') above adjacent finished grade, whichever is lower. Signs may be located on walls, within windows, or on sign bands above windows. For buildings with approved or existing conflicts with this requirement, the Planning Director may grant exceptions to the ~~second floor level sign~~height restriction.

(E) **LIGHTING**. Master Sign Plans shall include the location and fixture type of all exterior lighting of the proposed signs. The lighting plan shall specify wattage and bulb type to ensure compatibility with the lighting standards as stated in ~~Chapters 15-3-3(A)(1) and~~Section 15-5-5(I) of the Land Management Code. Lighting fixtures shall be similar in style and should direct all light onto the sign surface. Spot lights and flood lights are prohibited.

12-3-4. APPLICATION REQUIREMENTS.

All sign applications shall be submitted to the Planning Department to be reviewed for compliance with the requirements set forth in this title. A complete sign application must include the following:

(A) **BUILDING ELEVATION~~S~~ OR SITE PLAN**. Signs proposed to be mounted on a building require a building elevation drawn to scale that specifies the location of the sign, and drawings or photographs which show the scale of the sign in context with the building. Freestanding signs require a site plan indicating the proposed sign location as it relates to property lines, adjacent streets, and adjacent buildings.

(B) **SCALED DESIGN DRAWING**. A colored rendering or scaled drawing including dimensions of all sign faces, descriptions of materials to be used, ~~including~~ and color samples.

(C) **SCALED INSTALLATION DRAWING**. A scaled drawing that includes the sign description, proposed materials, size, weight, manner of construction, and method of attachment, including all hardware necessary for proper sign installation.

(D) **LIGHTING**. A drawing indicating the location and fixture type of all exterior lighting for the proposed signs. The drawing shall specify wattage and bulb type to ensure compatibility with the lighting standards as stated in ~~Chapters 15-3-3(A)(1) and~~Section 15-5-5(I) of the Land Management Code.

(E) **APPLICATION FORMS**. A completed sign permit application and building permit application. Both applications are available through the Planning Department.

(F) **FEES**. Payment of the appropriate fees to the Park City Municipal Corporation.

12-3-5. PERMIT FEES.

Sign permit applicants shall pay fees as adopted in the fee schedule established by resolution.

12-3-6. REVIEW PROCEDURES.

Complete sign permit applications will be reviewed by the Planning and Building Departments within fifteen (15) working days upon receipt of a complete application. The application will be approved, denied, or returned to the applicant with requested modifications. Both the Planning and Building Departments must review and approve the application prior to ~~the issue of~~issuing a permit. Either department may return the application for modification or clarification.

The Building Department shall inspect signs regulated by this Code to determine if they have been suitably installed and maintained per the requirements of the International Sign Code.

If the sign uses electrical wiring and connections, a licensed electrician must submit an electrical permit application to the Building Department. This application is separate from the sign permit application, and shall be reviewed for compliance with the International Building Code.

CHAPTER 4 - SIGN STANDARDS

12-4-1. TOTAL SIGN AREA REQUIREMENTS.

The sign area, per building façade, may not exceed thirty-six square feet (36 sq. ft.). Historic signs are exempted from ~~these~~ the sign area requirements.

Subject to the criteria below, the Planning Director may grant additional sign area, provided the total area requested does not exceed five percent (5%) of the building face to which the signs are attached. The Planning Director must make findings based on the following criteria:

(A) **LOCATION**. Signs must be designed to fit within and not detract from or obscure architectural elements of the building's façade.

(B) **COMPATIBILITY**. Signs must establish a visual continuity with adjacent building façades and be oriented to emphasize pedestrian or vehicle visibility.

(C) **MULTIPLE TENANT BUILDINGS**. The building must have more than one (1) tenant in more than one (1) space.

(D) **STREET FRONTAGE**. The building must have more than fifty feet (50') of street frontage.

12-4-2. AREA OF INDIVIDUAL SIGNS.

The area of a sign shall include the entire area within any type of perimeter or border that may enclose the outer limits of any writing, representation, emblem, figure, or character, exclusive of the supporting framework.

When the sign face of a backed sign is parallel or within thirty degrees (30°) of parallel, one (1) sign face is counted into the total sign area. If the sign faces are not parallel or within thirty degrees (30°) of parallel, each sign face is counted into the total sign area.

12-4-3. INDIVIDUAL LETTER HEIGHT.

Signs shall be limited to a maximum letter height of one foot (1'). The applicant may request that the Planning Director grant an exception, provided the request is for an increase of no more than six inches (6") for a maximum height of eighteen inches (18"). The applicant must demonstrate that the requested exception would be compatible with the letter's font, the building's architecture, and the placement of the sign upon the building.

For buildings located along the Frontage Protection Zone, the Planning Director may grant a letter height exception for buildings farther than one-hundred fifty feet (150') from the right-of-way ~~of~~ by which the building has vehicular access. The maximum letter height in ~~these~~ such cases shall be no greater than thirty inches (30").

12-4-4. LOCATION ON BUILDING.

The location of a sign on a structure or building has a major impact on the overall architecture of the building. To ensure that signs enhance ~~this~~ building architecture, the following criteria must be met:

(A) **HEIGHT**. Signs shall be located below the finished floor of the second level of a building or twenty feet (20') above final grade, whichever is lower. For buildings with approved or existing conflicts with this requirement, the Planning Director may grant an exception to the ~~second floor level sign~~ height restriction.

Signs located above the finished floor elevation of the second floor shall be restricted to window signs.

Within the RC (Recreation Commercial) and RD (Residential Development) zoning districts only, the Planning Director may grant an exception to the height limits set forth herein, as long as it is found that:

(1) The height limitations of this Subsection (A) would result in the effective visibility of a sign being materially impaired by existing

topography, other buildings or signs, landscaping, or other visual impairment;

(2) The proposed location and design of the sign satisfies ~~the~~ all other requirements of this section ~~Subsections 12-4-4 (B) (D).~~; and

(3) The proposed sign shall be for a building~~/~~ or site that is a hotel or resort commercial structure.

In the event that the Planning Director grants such an exception, the above provision restricting signs above the second-floor finished elevation to window signs only would not be applicable. The decision of the Planning Director to deny a requested exception to the height limitations, as provided herein, may be appealed to the Planning Commission within ten (10) business days following the issuance of a written decision by the Planning Director, in accordance with the provisions of Section 12-15-1.

(B) **LOCATION**. Architectural details of a building often provide an obvious location, size, or shape for a sign. Wherever possible, applicants should utilize these features in the placement of signs. Signs should complement the visual continuity of adjacent building façades and relate directly to the entrance. Signs shall not obstruct views of nearby intersections and driveways.

(C) **ORIENTATION**. Signs must be oriented toward pedestrians or vehicles in the adjacent street right-of-way.

(D) **COMPATIBILITY**. A sign, including its supporting structure and components, shall be designed as an integral design element of a building and shall be architecturally compatible, including color, with the building to which it is attached. Signs must not obscure architectural details of the building; nor cover doors, windows, or other integral elements of the façade.

12-4-5. SETBACK REQUIREMENTS.

Permanent signs shall not be placed in the setback area as defined for the zone district in which the sign is located, except in the General Commercial (GC) District and the Residential Development (RD) District. Signs in the GC zone may be set back ten feet (10') from the property line, ~~with the exception of those~~ unless the property is also located in the Frontage Protection Zone. The Planning Director and the City Engineer may decrease the setback if it is determined that the public will benefit from ~~a sign located otherwise~~such an exception, due to site-specific conditions such as steep terrain, integration of signs on retaining walls, heavy vegetation, or existing structures on the site or adjoining properties.

12-4-6. PROJECTION AND CLEARANCE.

No portion of a sign may project more than thirty-six inches (36") from the face of a building or pole.

Awning, canopy, projecting, and hanging signs must maintain at least eight feet (8') of clearance from ground level. Signs may not extend over the applicant's property line, except those allowed over the Main Street sidewalk. Signs may extend over City property only after review and written approval by the City Engineer and recordation of an encroachment agreement acceptable to the City Attorney ~~is recorded~~.

12-4-7. SIGN MATERIALS.

Exposed surfaces of signs may be constructed of metal, glass, stone, concrete, high-density foam board, brick, solid wood, or cloth. Other materials may be used in the following applications:

(A) **FACE**. The face or background of a sign may be constructed of exterior-grade, manufactured composite board or plywood if the face of the sign is painted and the edges of the sign are framed and sealed with silicone.

(B) **LETTERS**. Synthetic or manufactured materials may be used for individual cut-out or cast letters in particular applications where the synthetic or manufactured nature of the material would not be obvious due to its location on the building and/or its finish. Letters shall be raised, routed into the sign face or designed to give the sign variety and depth.

Ivory-colored plastic shall be used for internally illuminated letters.

Other materials may be approved by the Planning Commission at its discretion, but are otherwise prohibited. The sign materials should be compatible with the face of the building and should be colorfast and resistant to corrosion.

12-4-8. COLOR.

Fluorescent colors are prohibited. Reflective surfaces and reflective colored materials that give the appearance of changing color are prohibited.

12-4-9. ILLUMINATION.

The purpose of regulating sign illumination is to prevent light trespass and provide clear illumination of signs without causing potential hazards to pedestrians and vehicles.

(A) **EXTERNALLY ILLUMINATED SIGNS**. Externally lit signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare. Light bulbs ~~or~~ and lighting tubes used for illuminating a sign shall be simple in form and should not clutter the building or structure. Light bulbs ~~or~~ and lighting tubes should be shielded so as to not be physically visible from adjacent public right-of-ways or residential properties.

The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest right-of-way; and the illumination of a sign shall not be obtrusive to the surrounding area as directed in Chapter 15-5 of the Land Management Code.

(1) **FIXTURES**. Lighting fixtures shall be simple in form and should not clutter the building or structure. The fixtures must be directed only at the sign and comply with Chapter ~~15-~~5 of the Land Management Code (Title 15).

(2) **COMPONENT PAINTING**. All light fixtures, conduit, and shielding shall be painted to match either the building or the supporting structure that serves as the background of the sign.

(B) **INTERNALLY ILLUMINATED SIGNS**. Internally illuminated signs include any sign face that is lit or outlined by a light source located within the sign.

(1) **LETTERS**. Individual pan-channel letters with a plastic face ~~or,~~ individual cutout letters, and letters routed out of the face of an opaque cabinet sign~~, are permitted~~. Cutout letters shall consist of a single line with a maximum stroke width of one and one-half inch (1 ½"). Variations in stroke width may be reviewed and approved by the Planning Director. The plastic face or backing of the letters must be ivory-colored.

Reversed pan-channel letters with an internal light source reflecting off of the building face may also be used for "halo" or "silhouette" lighting.

Internally illuminated pan-channel letters are prohibited on free-standing signs.

(2) **LIGHT SOURCE**. The light source for internally illuminated signs must be white.

(3) **WATTAGE**. Wattage for internally illuminated signs shall be specified on the sign application.

(4) **ZONING RESTRICTIONS**. Individual pan-channel letters and individual reversed pan-channel letters are prohibited within the Historic District.

(C) **SEASONAL**. Strings of lights that outline buildings, building architectural features, and surrounding trees, shall be allowed from the 1st of November through the 15th of April only. These lights shall not flash, blink, or simulate motion. These restrictions apply to all zones except residential uses within the HR-1, HR-2, HRL, SF, RM, R-1, RDM, and RD Districts.

(D) **PROHIBITED LIGHTING**. Lights that flash or move in any manner are prohibited.

CHAPTER 5 - UNSAFE AND UNLAWFUL SIGNS

12-5-1. ABATEMENT OR REMOVAL OF UNSAFE, ~~DANGEROUS~~ NON-MAINTAINED, ~~OR~~ AND ABANDONED SIGNS.

If, upon inspection, the Building Official determines that a sign or awning permitted by the Park City Sign Code ~~to be~~is unsafe, not maintained, or abandoned, the Building Official may issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within ten (10) working days after receipt of notice from the City. In cases of emergency, meaning cases where a sign presents an imminent hazard to public safety, the Building Official may cause the immediate removal of a dangerous or defective sign. ~~Signs removed in this manner must present an imminent hazard to the public safety.~~

CHAPTER 6 - NON-CONFORMING SIGNS

12-6-1. CONFORMANCE CRITERIA FOR NON-CONFORMING SIGNS.

All non-conforming signs, except billboards, see Section 12-6-4 below, that have been lawfully erected shall be deemed to be legal and lawful signs and may be maintained subject to the provisions of this Chapter.

(A) When a non-conforming sign becomes deteriorated or dilapidated to the extent of over fifty percent (50%) of the physical value it would have if it had been maintained in good repair, it must be removed within sixty (60) days after receiving notice from the Chief Building Official. Non-conforming signs that are damaged, other than by vandalism, to the extent of over fifty percent (50%) of their physical value must be removed within sixty (60) days of receiving such

damage or brought into compliance with the provisions of this Ordinance. Non-conforming signs that are damaged by vandalism to the extent of over fifty percent (50%) of their physical value must be restored within sixty (60) days or be removed or brought into compliance with the provisions of this Ordinance.

(B) A non-conforming sign may not be relocated except when such relocation brings the sign into compliance with this Ordinance or does not increase the degree of the non-compliance of the sign. The City Engineer may approve the alteration of a non-conforming sign from its original location provided such alteration does not increase the degree of non-conformity. Once a non-conforming sign is removed from the premises or otherwise taken down or moved, without City Engineer approval, said sign may only be replaced with a sign which is in conformance with the terms of this Ordinance.

(C) The face of a non-conforming sign may be altered if the sign face is not thereby enlarged. The message of a non-conforming sign may be changed so long as this does not create any new non-conformity.

(D) Minor repairs and maintenance of non-conforming signs necessary to keep a non-conforming sign for a particular use in sound condition are permitted so long as the non-conformity is not in any means increased.

12-6-2. ALTERATION OF NON-CONFORMING SIGNS.

Non-conforming signs may be maintained and repaired in accordance with Section 12-6 -3 of this Title, provided that the alterations and repairs are for the purpose of maintaining the sign in its original condition. Alterations to a non-conforming sign that change the size, use, color, lighting, or appearance of a non-conforming sign are considered structural alterations and shall be brought into full compliance with the standards of this Code. Freestanding non-conforming signs in the Frontage Protection Zone (FPZ) that were built prior to the enactment of the Frontage Protection Zone (FPZ) may be reconstructed at the sign's existing location so long as said sign complies with all other regulations of the Sign Code.

12-6-3. REPAIR OF DAMAGED NON-CONFORMING SIGNS.

No sign that is not in conformance with this Code shall be repaired or restored after having been damaged to the extent of more than fifty percent (50%) of its value immediately prior to the event causing the damage or destruction. The owner of the sign or owner of the property shall have the obligation to properly remove the sign.

12-6-4. NON-CONFORMING BILLBOARDS.

(A) **TERMINATING A BILLBOARD.** Acquiring a billboard and associated property rights through gift, purchase, agreement, exchange, or eminent domain will terminate the non-conforming status of said billboard.

(B) **EXCEPTIONS TO JUST COMPENSATION.** A legislative body may also remove a billboard without providing compensation if, after providing the owner with reasonable notice or proceedings and an opportunity for a hearing, the legislative body finds that:

(~~A~~1) The applicant for a permit intentionally made a false or misleading statement in his application;

(~~B~~2) The billboard is unsafe;

(~~C~~3) The billboard is in unreasonable state of repair; or

(~~D~~4) The billboard has been abandoned for at least twelve (12) months.

12-6-5. REMOVAL OF SIGNS BY THE BUILDING OFFICIAL AND COST ASSESSED AGAINST OWNERS.

The Building Official may cause the removal of an illegal sign in cases of emergency or for an owner's failure to comply with the written orders of removal or repair under the procedures and authority of the ~~Municipal Code of Park City~~ Section 6-1-5 of this Code~~, as amended~~.

CHAPTER 7 - PROHIBITED SIGNS

12-7-1. PROHIBITED SIGNS.

~~No person shall erect, alter, maintain, or relocate any sign as specified in this Chapter in any district~~

(A) **CATEGORIES OF PROHIBITED SIGNS.** The following signs, defined in Chapter 2 of this Title, are expressly prohibited in Park City except as provided in this section.

(1) ~~**ANIMATED SIGNS.** A rotating or revolving sign, or signs where all or a portion of the sign moves in some manner.~~ **Animated signs.** ~~Except~~ except for historic signs and historic replica signs where the applicant is able to prove through documentation or other evidence that the original historic sign produced the same

motion~~/movement~~ and is proposed in the same location.

(2) **~~BANNERS.~~ Banners**, ~~Except~~ except as approved in conjunction with a Master Festival license issued pursuant to Title 4 of this Code or approved ~~as a banner~~for display on a City light standard pursuant to ~~Title 12-11 of this Code~~Chapter 11 of this Title.

(3) **~~BENCH SIGNS.~~ Bench signs**.~~Any outdoor bench or furniture with any signs.~~

(4) **~~ELECTRONIC MESSAGE SIGNS.~~ Electronic message signs**, except for signs owned or operated by the City for public safety purposes.~~A permanent free-standing roof, wall, or other sign which changes copy electronically using switches and electric lamps. Automatic changing signs, such as announcements, time, temperature and date signs are prohibited. Governmental public safety, municipal directional and information signs are exempt.~~

(5) **~~FLASHING SIGNS OR LIGHTS~~. Flashing signs.** ~~A sign that contains an intermittent or flashing light source, or a sign that includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Flashing~~ Any flashing light source~~s~~ of any kind is ~~are~~ prohibited.

(6) **~~HOME OCCUPATION SIGNS~~**. ~~Business identification sign for a home occupation~~**Home occupation signs**.

(7) **~~INFLATABLE SIGNS OR DISPLAYS~~**. ~~Any inflatable object used for signs or promotional purposes~~**Inflatable signs**.

(8) **~~OFF-PREMISE SIGNS~~**. ~~No person shall erect a sign identifying a business, commodity, service, or industry, which is not conducted upon the premises on which the sign is placed~~**Off-premises signs**.

(9) **~~PORTABLE SIGNS~~**. ~~Any sign that can be moved from place to place, is not permanently affixed to the ground or building, and is for the purpose of display only, is prohibited. Temporary open house signs for real estate are permitted but must comply with the regulations as stated in Section 12-10 (F). Temporary portable signs for advertising or identifying a business or other type of entity must comply with the regulations as stated in Section 12-10 (I). Government public safety, municipal directional, and informational signs are exempt.~~**Portable signs**, except for those allowed in private plazas pursuant to Section 12-10-2, and except for signs owned and operated by the City for public safety purposes.

(10) **~~PROJECTION SIGNS~~**. ~~A sign which projects a visual image or message onto a surface is prohibited.~~ **Projection signs**, ~~T~~except that temporary projection signs that are part of an approved master festival license may be allowed for the duration of the festival permit, provided they are directed so the light source is shielded from any view but that of the intended ~~mark~~ audience of the sign.

(11) **~~REPRODUCTION~~**. ~~The use of an inanimate object that has been constructed to look like a product or service for the purpose of advertisement or display is prohibited~~**Reproductions**.

(12) **~~ROOF SIGNS~~**. ~~Any signs erected partly or wholly on or over the roof of a building, including ground signs that rest on or overlap a roof. Signs mounted anywhere on a mansard roof are not allowed~~**Roof signs**.

~~(M)~~ **~~SIGNS IN PUBLIC PLACES~~**. ~~No person shall paint, mark, or write on, staple, tape, paste, post, or otherwise affix, any handbill, sticker, poster, or sign to any public building, structure, or other property, including but not limited to a work of art, sidewalk, crosswalk, curb, curbstone, parking meter, park strip, street lamp post, hydrant, tree, shrub, tree stake or guard, electric light or power or telephone wire or pole, or wire appurtenance thereof, or any lighting system, public bridge, drinking fountain, life saving equipment, street sign, street furniture, trash can, or traffic sign.~~

~~Violators of this Title shall be held liable and subject to the penalties as stated in Section 12-16-1.~~

(13) **~~WIND SIGNS~~**. ~~Any propeller, whirling, or similar device, that is designed to flutter, rotate, or display other movement under the influence of the wind. This shall include "gasoline flags", or banners~~**Wind signs**.

(14) **~~VIDEO SIGNS~~**. ~~Animated visual messages that are projected on a screen~~**Video signs**.

(B) **SIGNS IN PUBLIC PLACES**. No person shall staple, tape, paste, post, or otherwise affix any handbill, sticker, poster, or sign to, or otherwise paint, mark, or write on any public building, structure, or other property, including but not limited to: a work of art, sidewalk, crosswalk, curb, curbstone, parking meter, park-strip, street lamp post, hydrant, tree, shrub, tree stake or guard, electric light or power or telephone wire or pole, or wire appurtenance thereof, or any lighting system, public bridge, drinking fountain, life saving equipment, street sign, street furniture, trash can, or traffic sign.

CHAPTER 8 - ~~NON-REGULATED~~ EXEMPT SIGNS

12-8-1. SIGNS EXEMPT FROM PERMIT REQUIREMENT.

The following signs are exempt from the permit requirements ~~as provided in~~ of Chapter 3 ~~herein~~. They shall be regulated by the following size and placement standards and, except as otherwise provided herein, shall not be included when calculating permitted sign area for any parcel, use, or development. Building permits may be required for the installation of these signs even though they are exempt from design review and regulation.

~~(A) **ADDRESSING NUMBERS**. Addressing numbers may be no higher than twelve inches (12"). When placed on commercial buildings, they may be taken into account in the review of the sign plan, and counted as sign area if part of the overall sign area for the building.~~

~~(B) **CAMPAIGN SIGNS**. Campaign signs are exempt from obtaining permits as long as the sign is in compliance with the regulations as stated in Section 12-10-2(B).~~

(A) **CITY SIGNS**. Signs erected by or at the direction of the Park City Municipal Corporation are exempt from the requirements of this Title.

(B) **GARAGE-SALE SIGNS**. Garage-sale signs are exempt from permit requirements as long as they comply with the requirements of Section 12-10-2(E).

(C) **HISTORIC SIGNS AND PLAQUES**. Locations and size shall be reviewed by the Planning Department.

(D) **HOURS-OF-OPERATION SIGNS**. One (1) hours-of-operation sign is allowed per entrance. Each sign may not exceed one square foot (1 sq. ft.) in area. ~~The~~ Hours-of-operation signs may not be illuminated.

~~(E) **NAMEPLATES (RESIDENTIAL)**. One (1) nameplate sign for each single family residence, that shall not exceed one square foot (1 sq. ft.) in area. If lighted, a building permit is required.~~

(E) **PRIVATE PLAZAS**. Signs may be installed in private plazas without obtaining individual sign permits, provided that such signs conform to an approved Master Sign Plan. However, building permits shall be required for installation and any necessary electrical service and lighting. ~~Existing signs in private plazas approved prior to March 19, 1998, do not need to come into conformance with the Sign Code and Master Sign Plan requirements, but all new signs must be either individually approved or approved as an amendment to the Master Sign Plan.~~ Signs oriented internally to the plaza and not to the public street or right-of-way shall not be subject to the sign-area limitations ~~in~~ of Section 12-3-3(C). Temporary portable signs in private plazas must conform to the requirements of Section 12-10-2(G).

~~(G) **PUBLIC NECESSITY SIGNS**. Public necessity signs such as safety/ instructional, for public facilities and parks, warnings, information kiosks at trail heads, bus stop, no parking, and street name Signs installed by or with permission of Park City Municipal Corporation are exempt from permit requirements. Approval of the Public Works Director is required in order to insure safe placement and prevent unsightly or distracting sign placement.~~

(F) **RECREATIONAL FACILITIES**. Signs located inside open-air recreational facilities that are not oriented to public streets, ~~e.g.~~such as signs in ski resorts, ~~public property,~~ skateboard parks, and golf courses, are ~~not regulated~~exempt from the requirements of this Title.

(G) **REAL-ESTATE SIGNS**. Real-estate signs are exempt from obtaining permits as long as the sign ~~is in compliance with the regulations as stated in~~complies with the requirements of Section 12-10-2(F).

~~(J) **SOLICITATION SIGNS**. One (1) solicitor's sign, not to exceed one square foot (1 sq. ft.), is allowed per major entrance to any building or apartment complex.~~

(H) **SPECIAL-EVENTS ~~FLIERS~~HANDBILLS**. ~~Fliers or posters advertising special events m~~May be displayed on the inside of windows of businesses in commercial zones, provided that all ~~window~~ signs in a window do not exceed thirty percent (30%) of the window area and the owner of the business approves of the placement.

Posters ~~or~~ and fliers may not be ~~tacked up~~affixed to the exterior of any building nor upon any sidewalk, crosswalk, curb, curbstone, street light post, hydrant, tree, shrub, parking meter, garbage

can or dumpster, automobile, electric light, power or telephone wire pole, or wire appurtenance thereof, fire alarm or hydrant, street furniture, park benches or landscaping, any lighting system, public bridge, drinking fountain, statue, life saving equipment, street sign or traffic sign or on door steps.

(I) **SPECIAL-SALE SIGNS**. Merchants may advertise special sales with temporary paper signs on the inside of windows, provided that all window signs do not cover more than thirty percent (30%) of the window area.

~~(M) **TRESPASSING SIGNS**. "No trespassing" signs may be posted on doors, windows or other property entrances, or on fence or property lines. They may not exceed one square foot (1 sq. ft.) in area, and may not be illuminated.~~

(J) **VACANCY SIGNS**. Vacancy signs are allowed only for those buildings that are permitted and licensed for nightly rentals. Vacancy signs may be a maximum of two square feet (2 sq. ft.). If illuminated, approval from the Planning Department and a building permit are required. Luminous-tube signs are prohibited.

(K) **VEHICLE SIGNS**. Painted, vinyl~~ed~~, or magnetic signs attached to the sides or window of ~~vehicles~~ a vehicle ~~or the vehicle's window~~ are allowed, as long as the vehicle is in use or lawfully parked in a bona fide parking space.

(L) **YARD SIGNS**. Yard signs are exempt from obtaining permits as long as ~~the sign is~~they comply with the requirements of ~~in compliance with the regulations as stated in~~ Section 12-10-2(~~F) and (~~H).

CHAPTER 9 - ~~PERMITTED SIGN~~SPECIFIC REGULATIONS

12-9-1. TYPES OF SIGNS ALLOWED.

~~In addition to the following regulations, all signs must be in compliance with all other provisions of this Title.~~ The following categories of signs are subject to additional requirements, which supersede any conflicting less-specific requirements of this Title. Where a sign fits more than one category below, the more-restrictive regulations apply. Unless otherwise stated, a sign permit must be acquired as provided in Chapter 3, and the signs are subject to all other provisions of this Title.

For the purposes of this Title, signs for commercial uses within an approved Master Planned Development (MPD) shall be permitted under sign criteria set forth in the Recreation Commercial (RC) ~~Zoning~~ District.

(A) **AWNING AND CANOPY SIGNS**.

(1) **SIZE**. A maximum of twenty percent (20%) of the canvas area on each face of an awning or canopy may be used for sign area. Awnings and canopy signs are ~~calculated~~ included as part of the total sign area for the building under Section 12-4-1.

(2) **HEIGHT LIMIT**. Awning and canopy signs must have a minimum clearance from the ground of eight feet (8') to the awning or canopy frame and seven feet (7') to the bottom of the valance.

(3) **NUMBER OF SIGNS**. Not applicable.

(4) **SETBACK AND ORIENTATION**. Awning and canopy signs must be located in a traditional manner above doors, windows, or walkways, provided said walkways lead to a bona fide entrance, if they are compatible with the architecture of the building, and follow relevant design guideline criteria. All other locations are prohibited. Freestanding awning and canopy signs are prohibited.

Awnings and canopy signs may project a maximum of thirty-six inches (36") from the face of the building except when used as entrance canopies, in which case awnings may extend to the setback lines. The design must blend with the architecture of the building and should not obscure details of the building. Awning and canopy signs should serve as an accent to the building's design but should not be the dominant architectural feature. Awnings and canopies are counted as sign area if they have lettering or other graphics conveying a commercial message or name of a business or product sold in the building to which the awning or canopy is attached.

(5) **ZONING RESTRICTIONS**. Awning and canopy signs are permitted in all commercial zoning districts.

(6) **DESIGN**. Awning and canopy signs in the Historic District are encouraged to resemble the typical awning found during the mining era. Only fire-resistant Nylon, canvas or other similar material ~~will be~~is permitted. Material should be high-quality, color-fast and ~~sun~~fade-resistant. Vinyl or plastic materials are not permitted. ~~Awning and canopy sign c~~Colors are limited to a single field color with a single contrasting color for lettering and logos. However, if the awning or canopy is striped in a traditional manner, either with vertical stripes along the entire

awning or canopy, or horizontal stripes along the valance, two field colors may be used.

(7) **ILLUMINATION**. Illuminated~~/back lit~~ translucent awnings and canopies, ~~or~~ including translucent letters on opaque backgrounds, are prohibited. Canvas awnings and canopies illuminated in the traditional manner with high-pressure sodium or fluorescent lighting are permitted.

(B) **CHANGEABLE-COPY SIGNS**. ~~Changeable copy signs are permitted, provided they comply with the following regulations.~~

(1) **SIZE**. Freestanding changeable-copy signs shall be limited to a maximum of twenty square feet (20 sq. ft.) in area.

(2) **NUMBER OF SIGNS**. The maximum number of changeable-copy signs for a ~~commercial or non-profit~~ business is one (1).

(3) **SETBACK AND ORIENTATION**. Changeable-copy signs must maintain a setback of at least twenty-five feet (25') from the curb or edge of pavement, ~~Changeable copy signs~~ and shall not be placed in the setback area as defined for the zone in which the sign is located. However, in the General Commercial (GC) ~~Zone~~District, freestanding changeable-copy signs must be set back ten feet (10') from the property line.

~~Free standing changeable copy signs must be finished on both sides. Signs must maintain a setback of at least twenty-five feet (25') from the curb or edge of pavement. With the exception of those in the Frontage Protection Zone, the Planning Director may decrease the setback if it is determined that a unique road alignment or traffic conditions would impair visibility of the sign for street or pedestrian traffic.~~With the exception of those in the Frontage Protection Zone (FPZ), the Planning Director may decrease this setback if it is determined that a particular road alignment or traffic conditions necessitate a decrease in order to ensure adequate visibility of the sign for vehicle and pedestrian traffic.

(4) **ZONING RESTRICTIONS**. Changeable copy signs are allowed in all commercial zoning districts.

(5) **DESIGN**. Freestanding changeable-copy signs must be finished on both sides. The sign materials should be compatible with the face of the building and should be color-fast and resistant to ~~erosion~~weathering. The individual letters shall be uniform in size and color. Letters shall be enclosed within an opaque case with a transparent face. The individual letters shall not exceed eight inches (8") in height.

(6) **ILLUMINATION**. Illumination of changeable-copy signs shall be enclosed in the case.

(C) **DISPLAY BOXES**. Display boxes will be included in the total sign area for a building façade. Display boxes may contain ~~an establishment's current menu,~~ current entertainment information~~, and~~ or merchandise, and must be compatible with the architectural features of the building.

(1) **SIZE**. The maximum size shall be six square feet (6 sq. ft.).

(2) **NUMBER OF SIGNS**. Not applicable.

(3) **SETBACK AND ORIENTATION**. Display boxes shall be oriented towards pedestrian viewers. Wall-mounted display boxes shall not extend from the building over public property.

(4) **ZONING RESTRICTIONS**. Display boxes are allowed in all commercial zoning districts.

(5) **DESIGN**. Display boxes must be constructed to coordinate with the building design, ~~and~~ must contain a clear face ~~which would~~to protect the ~~menu/event display from the weather~~content, and must not extend over public property. Display boxes will be reviewed within the context of the building architecture.

(6) **ILLUMINATION**. Lighting of the display box is permitted within the display case. Lighting shall be ~~down~~ directed downward towards the items displayed.

(D) **ELECTRONIC DISPLAY TERMINALS**. ~~Electronic display terminals are prohibited u~~Unless within a completely enclosed building and set back at least three feet (3') from any window~~, Exterior~~ electronic display terminals are a conditional use subject to the following criteria.

(1) **SIZE**. Electronic display terminals shall be limited to a maximum of three square feet (3 sq. ft.) in area ~~if viewed through a window and placed within three feet (3') of a window, or placed on the exterior of a building~~.

(2) **HEIGHT LIMIT**. No electronic display terminal may exceed a height of four feet (4') measured from finished grade.

(3) **NUMBER OF TERMINALS**. No more than one (1) electronic display terminal ~~may be~~ is permitted ~~within the premises of a business~~.

(4) **SETBACK AND ORIENTATION**. Electronic display terminals shall not be allowed within the public right-of-way. They must be ~~accessed~~ viewable by pedestrians only and obscured from vehicles. If located near an entrance or exit of a building, terminals must meet all ingress and egress requirements established by the International Building Code.

(5) **ZONING RESTRICTIONS**. Electronic display terminals are allowed in the HCB, HRC, GC, LI, RC, RCO, and RD Districts.

(6) **DESIGN**. Electronic display terminals must complement the architecture of the structure to which they are associated, and must be finished on all visible sides.

(7) **ILLUMINATION**. Lighting of electronic display terminals is prohibited.

(E) **ENTRANCE/EXIT SIGNS**. Entrance/exit signs are not included into the total sign area allowed for a structure. Entrance/exit signs are for the facilitation of vehicle traffic ~~onto~~ into and ~~off~~ out of a site.

(1) **SIZE**. Entrance/exit signs shall be limited to a maximum of three square feet (3 sq. ft.) per side.

(2) **HEIGHT LIMIT**. Entrance/exit signs shall be no higher than five feet (5') above the ground at the top of the sign.

(3) **NUMBER OF SIGNS**. Two (2) entrance/exit signs are allowed at each approved driveway opening for commercial uses and multi-tenant dwellings.

(4) **SETBACK AND ORIENTATION**. Entrance/exit signs shall not be placed in the City right-of-way.

(5) **ZONING RESTRICTIONS**. Entrance/exit signs are permitted in all commercial and multi-~~family~~ unit residential zoning districts.

(6) **DESIGN**. Entrance/exit signs shall be simple in form and shall be compatible with the architectural elements of the ~~commercial or multi-family~~building or project.

(7) **ILLUMINATION**. Illumination of entrance/exit signs is permitted, provided that the lighting complies with ~~Chapter~~ Section 15-5-5 of the Land Management Code.

(F) **FLAGS**. Flags and flag poles are prohibited when they are the only man-made structure on the premises ~~where it is placed~~.

(1) **SIZE**. The maximum size of any one (1) flag shall be twenty-four square feet (24 sq. ft.) if visible from a public right-of-way.

(2) **HEIGHT LIMIT**. Flag poles may not exceed twenty-eight feet (28') in height measured from final grade.

(3) **NUMBER OF FLAGS**. No more than three (3) freestanding flag poles per property ~~may be shown at any time if these flags are~~are allowed if visible from a public right-of-way. Properties with right-of-way frontage greater than ~~one hundred yards (100 yds.)~~three-hundred feet (300') may be allowed an additional three (3) flags per additional ~~one hundred yards (100 yds.)~~three-hundred feet (300') of street frontage. Flag poles ~~are restricted to only flying~~may only contain one (1) flag per pole.

No more than eight (8) building-mounted flags per property may be shown at any time if these flags are visible from a public right-of-way.

~~Flag poles and flags approved by City Council as Olympic Legacy displays for permanent installation on City property, public rights-of-way and/or within Olympic venue areas at Park City Mountain Resort and Deer Valley Resort may exceed the allowed number of flags and flag poles permitted in this section.~~

(4) **SETBACK AND ORIENTATION**. Freestanding flag poles shall not be placed in the setback area as ~~designed for the zone in which the flags are located~~defined for the zone district in which they are placed.

(5) **ZONING RESTRICTIONS**. Flags are allowed in all zoning districts.

(6) **TYPES OF FLAGS**. ~~All flags which contain the name or logo of an establishment or advertising copy shall be considered signs for purposes of this Chapter.~~ The flag of the United States, the flag of the State of Utah, other flags or insignias of governmental entities, ~~or~~ and decorative flags are not considered signs for purposes of calculating total sign area, but are subject to the

restrictions of this section. All other flags are considered signs for purposes of this Title.

(7) **DESIGN**. It is recommended that the flag poles be black, brown, dark green, or bronze. Flags shall be kept in good repair. Design and lighting of the U.S. flag should be consistent with ~~the Federal Flag Code, 36 U.S.C. Section 173-8 as amended~~Title 4, Chapter 1 of the United States Code.

(8) **ILLUMINATION**. Uplighting of all flags, except as necessary to properly illuminate the flag of the United States of America pursuant to 4 U.S.C. § 6(a), is prohibited.

(G) **FREESTANDING SIGNS**.

(1) **SIZE**. Freestanding signs shall be limited to a maximum of twenty square feet (20 sq. ft.) in area.

(2) **HEIGHT LIMIT**. Freestanding signs may not exceed a height of seven feet (7') measured from final grade.

(3) **NUMBER OF SIGNS**. Buildings, projects, ~~parcels~~ or Master Planned Developments of less than 100,000 square feet of building space are limited to one (1) freestanding sign. If the property has more than one (1) entrance and frontage on more than one (1) street, one (1) additional sign may be permitted ~~for directional purposes only~~. The combined square footage of all freestanding signs shall not exceed the maximum square footage allowed.

Master Planned Developments of greater than 100,000 square feet of building space are allowed one (1) additional freestanding sign per additional 100,000 square feet of building area to a maximum of five (5) freestanding signs within the development ~~provided they are used specifically to identify the development, provide way finding within the development and to identify an amenity within the development~~. All other requirements of this Code shall apply.

(4) **SETBACK AND ORIENTATION**. Freestanding signs shall not be placed in the setback area as defined for the zone in which the sign is located. However, in the General Commercial (GC) District, signs must be set back ten feet (10') from the property line.

Freestanding signs may be aligned either perpendicular or parallel to the road, provided that signs perpendicular to the road are finished on both sides. With the exception of those in the Frontage Protection Zone (FPZ), the Planning Director may decrease this setback if it is determined that a particular road alignment or traffic conditions ~~would facilitate inadequate~~necessitate a decrease in order to ensure adequate visibility of the sign for ~~street~~ vehicle ~~or~~ and pedestrian traffic.

(5) **ZONING RESTRICTIONS**. Freestanding signs are allowed in the ~~commercial districts~~ GC, RM, RDM, RC, RCO, LI, HRC, HCB, and RD Districts. Freestanding signs located in the Frontage Protection Zone require a Conditional Use Permit (CUP).

(6) **DESIGN**. Freestanding signs with a solid or enclosed base are permitted. Signs must be compatible with the architecture of the building with~~to~~ which they are associated. Signs supported by at least two (2) poles without enclosed bases are also permitted, provided that the exposed pole's height does not constitute more than fifty percent (50%) of the sign's overall height; ~~i.e.~~ stated differently, the height of the open area beneath a sign cannot exceed fifty percent (50%) of the sign's total height.

(7) **ILLUMINATION**. Lighting of freestanding signs is permitted, provided that the lighting complies with Section 12-4-9. However, internally illuminated pan-channel letters are not permitted on freestanding signs. Any exterior lighting proposed for the signs shall be included in the sign application.

(8) **DEVELOPED RECREATION AREAS**. Notwithstanding Subsections (1) through (3), "developed recreation areas," as that term is defined in Section 12-2-1(I), may contain one (1) freestanding entry sign. Such sign shall:

(a) not exceed fifty square feet (50 sq. ft.) in area;

(b) not exceed ten feet (10 ft.) in height;

(c) contain lettering, if any, not to exceed 18 inches in height for any letter;

(d) be included in and conform to the applicable Master Sign Plan;

(e) be located within the boundaries of the Master Planned Development or, if authorized by the City, on City property;

(f) conform to all other applicable regulations of this Section and Title; and

(g) benefit the public by denoting the entry area for the recreational use that it serves.

Such freestanding entry sign may be in addition to other freestanding signs allowed under this Section, provided that under no circumstances may the sign deviate from the approved Master Sign Plan for the development.

(H) **HANGING AND PROJECTING SIGNS**. Hanging and projecting signs are included as part of the total sign area for a building under Section 12-4-1.

(1) **SIZE**. No single hanging or projecting sign may exceed twelve square feet (12 sq. ft.) in area. Sign brackets incorporating design elements that are descriptive or informative of the business use shall be included as part of the sign area.

(2) **HEIGHT LIMIT**. Hanging and projecting signs must have at least eight feet (8') of ~~ground~~ clearance from the ground.

(3) **NUMBER OF SIGNS**. ~~There is no number of maximum hanging or projecting signs per building face. The total square footage of sign area shall not exceed the maximum square footage allowed per building face. Signs must have~~ There must be a minimum of six feet (6') of separation between each ~~sign similar in nature~~hanging or projecting sign.

(4) **SETBACK AND ORIENTATION**. Hanging and projecting signs may not project more than thirty-six inches (36") from the face of the building to which they are attached. They may not extend beyond the applicant's property, except those ~~proposed~~ allowed over the Main Street sidewalks. Hanging and projecting signs may extend over City property only after review and written approval by the City Engineer and ~~an executed~~recordation of an encroachment agreement ~~with the City has been recorded at the County Recorder's office~~acceptable to the City Attorney.

(5) **ZONING RESTRICTIONS**. Hanging and projecting signs are permitted within all commercial zoning districts.

(6) **DESIGN**. Exposed surfaces of hanging and projecting signs may be constructed of metal, high-density foam board, or solid wood. The sign materials should be compatible with the face of the building and should be color-fast and resistant to corrosion.

(7) **ILLUMINATION**. Lighting of hanging and projecting signs is permitted, provided that the lighting complies with Section 12-4-9.

(I) **LUMINOUS-TUBE SIGNS ~~(NEON)~~**. Luminous tubes ~~(LT)~~ used to draw attention in any manner are considered signs and shall be regulated according to the provisions of this ~~Code~~ Title, ~~as follows~~including the following requirements:

(1) **SIZE**. All ~~LT~~ luminous-tube signs are limited to six square feet (6 sq. ft.) or less.

(2) **HEIGHT LIMIT**. ~~LT~~ Luminous-tube signs shall be limited to the ground-floor elevation.

(3) **NUMBER OF SIGNS**. One (1) ~~LT~~ luminous-tube sign is allowed for every twenty five feet (25') of building façade width. One (1) ~~LT~~ luminous-tube sign of less than two square feet (2 sq. ft.) in size is allowed per building or commercial tenant space without a permit.

(4) **SETBACK AND ORIENTATION**. ~~LT~~Luminous-tube signs must be located within a building and displayed through a window, rather than being attached to the exterior of the building. If ~~LT~~ luminous-tube signs which are located within ten feet (10') of the front window are visible from the street, they ~~are considered as sign area and~~ must have a permit and will be included in the total sign area for the building under Section 12-4-1. ~~LT~~Luminous-tube signs located ten feet (10') or more back from the window are considered interior lighting and are not regulated.

(5) **ZONING RESTRICTIONS**. ~~LT~~Luminous-tube signs are permitted in the HCB, HRC, LI, RC, RCO, and GC districts. ~~LT~~Luminous-tube signs are prohibited in all other zoning districts.

(6) **DESIGN**. ~~LT~~Luminous-tube signs may not flash, move, alternate, or show animation. The outlining of a building's architectural features is prohibited.

(7) **ILLUMINATION**. No additional illumination is permitted.

(J) **MENU SIGNS**.

(1) **SIZE**. The maximum size shall be two square feet (2 sq. ft.) unless enclosed in a display box.

(2) **HEIGHT LIMIT**. Height of a menu sign shall be a maximum height of six feet (6').

(3) **NUMBER OF SIGNS**. One (1) menu display sign is permitted per restaurant.

(4) **SETBACK AND ORIENTATION**. Displays for menus may be located on the inside of a window for a restaurant or inside a wall mounted or free-standing display box.

(5) **ZONING RESTRICTIONS**. Menu signs are allowed in all commercial zoning districts.

(6) **DESIGN**. All wall mounted or free-standing menu boxes will be reviewed within the context of the building architecture.

(7) **ILLUMINATION**. Lighting of the menu or event display is permitted within the display. Lighting shall be down directed towards the text.

~~(K) **MUNICIPAL IDENTIFICATION SIGNS**. Municipal identification signs are a conditional use subject to review pursuant to Land Management Code Section 15-1-10, in addition to the following criteria:~~

~~(1) **SIZE**. Municipal identification signs shall be limited to a maximum of forty square feet (40 sq. ft.) in area.~~

~~(2) **HEIGHT LIMIT**. No municipal identification sign may exceed a height of eight feet (8') measured from finished grade.~~

~~(3) **NUMBER OF SIGNS**. No more than two (2) municipal identification signs are permitted in Park City.~~

~~(4) **SETBACK AND ORIENTATION**. Municipal identification signs shall be set back no less than fifteen feet (15') from the right-of-way line or edge of asphalt, whichever is greater. No municipal identification sign is permitted within twenty feet (20') of an ROS or POS designated zone.~~

~~(5) **LOCATION/ZONING**. No more than one (1) municipal identification sign shall be permitted along the entry corridor to Park City on Highway 224 and no more than one (1) municipal identification sign shall be permitted along the entry corridor on Highway 248. Any existing municipal identification signs on the approved site must be removed if municipal identification signs are approved by the Planning Commission.~~

~~(6) **DESIGN**. Municipal identification signs must comply with the design guidelines as established in Chapter 4 of this Title. Municipal identification signs shall not be changeable copy signs.~~

~~(7) **ILLUMINATION**. Lighting of municipal identification signs is permitted provided the lighting complies with the City's lighting ordinance.~~

(K) **UMBRELLA SIGNS**. ~~Umbrellas shall meet the following requirements:~~

(1) **SIZE**. Only the area of the umbrella containing the signs, as opposed to the entire area of the umbrella, shall be considered for purposes of calculating total sign area under Section 12-4-1.

(2) **HEIGHT LIMIT**. Not applicable.

(3) **NUMBER OF SIGNS**. Not applicable.

(4) **SETBACK AND ORIENTATION**. Not applicable.

(5) **ZONING RESTRICTIONS**. Umbrella signs are permitted in all commercial zoning districts.

(6) **DESIGN**. Materials should be high-quality vinyl, nylon, canvas, or other similar material ~~in order to~~ that can withstand the weather and climate changes.

(7) **ILLUMINATION**. Illumination of umbrella signs is prohibited.

(L) **WALL SIGNS**. Wall signs may be placed upon a building, provided that they meet the following ~~conditions of approval~~criteria.

(1) **SIZE**. The size of a wall sign shall not exceed the maximum square footage allowed per building façade.

(2) **HEIGHT LIMIT**. Wall signs shall be confined to the building surface below the finished floor elevation of the second floor or twenty feet (20') above finished grade, whichever is lower.

(3) **NUMBER OF SIGNS**. ~~There is no maximum number of wall signs specified per building face. The total sign area shall not exceed the maximum square footage allowed per building face.~~ Not applicable.

(4) **SETBACK AND ORIENTATION**. ~~Wall signs shall be designed to complement existing architectural features of a building without obscuring them.~~ Wall signs shall be oriented toward pedestrians or vehicles within close proximity.

(5) **ZONING RESTRICTIONS**. Wall signs are permitted in all zones.

(6) **DESIGN**. Wall signs shall be designed to complement existing architectural features of a building without obscuring them. The sign materials shall be consistent with Chapter 4 of this ~~Code~~Title, compatible with the building face, color-fast, and resistant to ~~erosion~~weathering.

(7) **ILLUMINATION**. Lighting of wall signs is permitted, provided that the lighting complies with Section 12-4-9. Any exterior lighting proposed for the signs shall be included in the sign application.

(L) **WINDOW SIGNS**. Window signs are permitted, provided they meet the following criteria:

(1) **SIZE**. Permanent window signs shall occupy no more than thirty percent (30%) of the total transparent area of the window.

(2) **HEIGHT LIMIT**. Window signs are limited to the main-floor level of the building. Window signs are permitted ~~upon~~ in second story windows only within the Historic District.

(3) **NUMBER OF SIGNS**. Not applicable.

(4) **SETBACK AND ORIENTATION**. Window signs may be placed in ~~or upon~~ any window below the elevation of the second-floor level, provided that the total square footage of sign area does not exceed thirty percent (30%) of the total transparent area of the window. Window signs include any signs within three feet (3') of the front window, visible from the street, and ~~exceeds~~ exceeding two square feet (2 sq. ft.) in area.

(5) **ZONING RESTRICTIONS**. Window signs are permitted in all zoning districts.

(6) **DESIGN**. The window sign must be permanently attached to the window face by ~~either~~ using vinyl, etching, or other similar attachment method. The vinyl color should be compatible with the building face.

(7) **ILLUMINATION**. Illumination of window signs is prohibited.

CHAPTER 10 - TEMPORARY SIGNS

12-10-1. POLICY.

It is the policy of the City as outlined in this section to restrict the use of temporary signs. Temporary signs are often poorly constructed, poorly maintained, and located in a manner that obscures traffic signs, impairs views of intersections of public and private streets and driveways, and tends to depreciate the scenic beauty and quality of life of the community by creating visual clutter. The City finds that in some limited instances, as reflected in Section 12-10-2 below, the compelling public interests protected by restrictions on temporary signs may be overridden by public and private interests in certain forms of commercial speech. ~~Temporary signs have a place in the community for specialized purposes, such as announcing properties for sale or lease, construction activities, temporary sales, or making political or ideological statements. Temporary signs are permitted for those and similar purposes subject to the regulations of this Chapter.~~

12-10-2. TYPES OF TEMPORARY SIGNS.

Temporary signs ~~are installed on a property with the intent of displaying them continuously for more than twenty-four (24) hours. They~~ are not a part of a permanent land use, and shall not be displayed for more than six (6) months.

(A) ~~**BUSINESS**~~ **NAME-** ~~**OR TENANT CHANGE SIGNS**~~. Due to a change in business name or tenant, including temporary occupancy of an existing business by a convention-sales license-holder pursuant to Section 4-3-9 of this Code, a temporary sign is permitted ~~as per~~subject to the following regulations.

(1) **SIZE**. ~~Business name or tenant change signs m~~MName-change signs may occupy the same amount of area previously approved on a building or façade, provided that said area is consistent with this Title and the Master Sign Plan for the property. In no case shall ~~business name or tenant~~ name-change signs exceed the sign area per building face when included within the sign area calculation for all permanent signs.

(2) **HEIGHT LIMIT**. All requirements as stated in this Title shall apply.

(3) **NUMBER OF SIGNS**. Persons seeking approval for ~~business name or temporary~~name-change signs are allowed the same number of signs previously approved on

a building façade or through the Master Sign Plan. Additional window sign area may be used, but may not exceed the total sign area allowed per building face.

(4) **SETBACK AND ORIENTATION**. ~~Temporary business name or tenant~~ Name-change signs ~~are permitted in any district, provided that they~~must comply with all size and setback requirements for ~~the~~ permanent signs of a similar nature in the applicable zone district.

(5) **ZONING RESTRICTIONS**. Temporary ~~business identification~~name-change signs are allowed in all zoning districts.

(6) **DESIGN**. ~~Temporary business identification sign m~~Materials shall be consistent with the requirements of ~~Chapter~~ Section 12-4-7 ~~of this Title~~. Sign mounting shall comply with the Uniform Sign Code's standards for installation.

(7) **ILLUMINATION**. Illumination of ~~temporary business~~name-change signs is prohibited.

~~(B) **CAMPAIGN SIGNS**. Campaign signs do not require a sign permit, as issued by the Planning Department, but shall comply with the following regulations:~~

~~(1) **SIZE**. Campaign signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.~~

~~(2) **HEIGHT LIMIT**. The maximum height of a campaign sign is four feet (4') above finished grade.~~

~~(3) **SETBACK AND ORIENTATION**. Campaign signs are permitted in any zone, provided that they are located a minimum of ten feet (10') back from the edge of the curb, or edge of pavement where there is no curb, of the street on which the sign fronts. If this ten foot (10') distance would be within a structure, the sign may be within three feet (3') of the front of the structure. Signs may not be positioned in the side yard. Signs may be displayed through windows or other glass areas subject to the restrictions of Section 12-8-1(K) and 12-8-1(L).~~

~~(4) **ZONING RESTRICTIONS**. Campaign signs are allowed in all zoning districts.~~

~~(5) **ILLUMINATION**. Illumination of campaign signs is prohibited.~~

(B) **CONSTRUCTION IDENTIFICATION SIGNS**. For projects requiring a building permit, a construction mitigation plan is required. Pursuant to this plan, the Chief Building Inspector may require a construction sign. These signs are permitted, provided they meet the following criteria.

(1) **SIZE**. The construction sign shall not exceed twelve square feet (12 sq. ft.) in size.

(2) **HEIGHT**. Construction signs shall not exceed six feet (6') in height above finished grade.

(3) **LOCATION**. The construction sign shall be posted in a location on the premises where it is readable from the street or driveway. In no case shall the construction sign be placed in the public right-of-way. The exact location of the sign shall be identified in the approved Construction Mitigation Plan. Construction signs shall not be located in the side- or rear-yard setbacks.

(4) **INFORMATION**. Information on the construction sign shall include: the name, address, and phone number of the contractor; the name, address, and phone number of the person responsible for the project; and the name and phone number of the party to call in an emergency.

(5) **NUMBER OF SIGNS**. One (1) construction sign is permitted per project.

(6) **ZONING RESTRICTIONS**. Construction signs are permitted in all zoning districts.

(7) **DURATION**. Construction signs shall be removed from the premises upon issuance of a certificate of occupancy for the project from the Building Department.

(C) **~~PROJECT~~CONSTRUCTION MARKETING SIGNS**. To allow for initial marketing of projects containing four (4) or more dwelling units ~~or more~~, ~~and/~~or at least four thousand square feet (4,000 sq. ft.) ~~or more~~ of commercial floor area, a ~~project~~ construction marketing sign is allowed on the property during the construction phase of the building or project.

(1) **SIZE**. The total sign area of the ~~project~~ construction marketing sign shall not exceed twenty-four square feet (24 sq. ft.) in area.

(2) **HEIGHT**. ~~Project~~ Construction marketing signs may not exceed seven feet (7') above finished grade. Signs mounted on a construction barricade or fence may not extend above the height of the barricade or fence.

~~Project marketing Signs must be located in a manner that does not obstruct the view of normal passenger vehicles of adjoining streets from the driveway of the site to the adjoining street.~~

(3) **LOCATION**. ~~The project~~ A construction marketing sign ~~on construction sites~~ may not be closer than twenty feet (20') to the curb line, or edge of pavement if there is no curb. If that twenty foot (20') setback places the sign within the construction limits of disturbance, the sign may be placed closer to the street, but no more than ten feet (10') outside of the construction limits of disturbance.

Construction marketing signs must be located in a manner that does not obstruct the view for normal passenger vehicles of adjoining streets from the driveway of the site.

~~Project~~ Construction marketing signs shall not be located in the side or rear-yard setbacks. In the HCB District, Prospector Commercial Subdivision, and other areas that have been approved or zoned with no setback or side-yard requirements, the sign may be located on the construction barricade or fence surrounding the site, even if that places the sign within the public right-of-way.

Where there are conditions such as heavy vegetation on the property or extremely steep terrain that make the sign-placement standards of this Title impractical because ~~the sign is not visible from the street~~of their effect on the sign's visibility, the Planning Director may grant an exception to the sign setback standards., ~~but not the size or street orientation standards~~ However, the Planning Director is not authorized to grant any exception to the size or street-orientation standards of this Title.

(4) **INFORMATION**. Information on the ~~project~~ construction marketing sign may include a plat map and real-estate information for the project.

(5) **NUMBER OF SIGNS**. One (1) ~~project~~ construction marketing sign is permitted per project.

(6) **ZONING RESTRICTIONS**. ~~Project~~ Construction marketing signs are permitted in all zoning districts.

(7) **DURATION**. ~~Project~~ Construction marketing signs shall be removed from the premises upon issuance of the last temporary certificate of occupancy for the project from the Building Department.

The Planning Director or his/her designee may issue a six (6) month extension for the display of the ~~project~~ construction marketing sign after the last temporary certificate of occupancy has been issued upon the applicant's payment of a forfeitable deposit of $5,000. Such deposit shall be forfeited to the City if the ~~project~~ construction marketing sign remains beyond the six (6) months allowed by the extension ~~beyond the date of the last temporary certificate of occupancy~~.

(D) ~~**CONSTRUCTION/PROJECT MARKETING**~~**COMBINED CONSTRUCTION SIGNS**. Residential projects containing four (4) or more dwelling units and~~/or~~ commercial projects containing at least four thousand square feet (4,000 sq. ft.) ~~or more~~ of commercial floor area are allowed one (1) combined construction~~/project marketing~~ sign, provided it meets the following criteria:

(1) **SIZE**. The total sign area of the combined construction~~/project marketing~~ sign shall not exceed thirty-two square feet (32 sq. ft.), and shall be divided to allow sign area for construction and real-estate information. The sign area identifying real-estate information may not exceed twenty square feet (20 sq. ft.). The construction information is limited to twelve square feet (12 sq. ft.).

(2) **HEIGHT LIMIT**. Combined construction~~/project marketing~~ signs may not exceed seven feet (7') ~~above~~ in height measured from finished grade. Signs mounted on a construction barricade or fence may not extend above the height of the barricade or fence.

(3) **NUMBER OF SIGNS**. One (1) combined construction~~/project marketing~~ sign is permitted per project. In no case will a combined construction~~/project marketing~~ sign be allowed if a ~~project~~ construction marketing sign or construction identification sign already exists on the premises.

(4) **SETBACK AND ORIENTATION**. The combined construction~~/project marketing~~ sign ~~on construction sites~~ may not

be closer than twenty feet (20') to the curb line, or edge of pavement if there is no curb. Combined construction~~/ project marketing~~ signs shall not be located in the side- or rear-yard setbacks.

In the HCB district, Prospector Commercial Subdivision, and other areas that have been approved or zoned with no setback or side-yard requirements, the sign may be located on the construction barricade or fence surrounding the site, even if that places the sign within the public right-of-way.

Combined construction~~/ project marketing~~ signs must be located in a manner that does not obstruct the view for normal passenger vehicles of adjoining streets from the driveway of the site ~~to the adjoining street~~.

~~Where there are conditions such as heavy vegetation on the property, or extremely steep terrain that make the sign placement standards of this Title impractical because the sign is not visible from the street, the Planning Director may grant an exception to the sign setback standards, but not the size or street orientation standards~~Where there are conditions such as heavy vegetation on the property or extremely steep terrain that make the sign-placement standards of this Title impractical because of their effect on the combined construction sign's visibility, the Planning Director may grant an exception to the sign setback standards. However, the Planning Director is not authorized to grant any exception to the size or street-orientation standards of this Title. In no event may combined construction~~/ project marketing~~ signs subject to the setback requirements be placed within the public right-of-way.

(5) **ZONING RESTRICTIONS**. Combined construction~~/ project marketing~~ signs are permitted in all zoning districts.

Combined construction~~/ project marketing~~ signs shall be removed from the premises upon issuance of the last temporary certificate of occupancy for the project from the Building Department.

(6) **INFORMATION**. Information on the construction area of the sign shall include: the name, address, and phone number of the contractor; the name, address, and phone number of the person responsible for the project; and the name and phone number of the party to call in an emergency. The marketing section of the sign may include a plat map and real-estate information.

(7) **DESIGN**. Combined construction~~/ project marketing~~ signs shall comply with the Uniform Sign Code's standards for installation.

(8) **ILLUMINATION**. Illumination of combined construction~~/ project marketing~~ signs is prohibited.

(E) **GARAGE-SALE SIGNS**. Garage-sale signs may not be displayed for more than 48 hours continuously. Signs not removed after 48 hours are deemed refuse, and the property owner will be charged a sign removal fee in an amount set forth by resolution and shall be guilty of littering, a Class C misdemeanor. Garage-sale signs do not require a sign permit but must comply with the following regulations, as well as the general size, color, and placement standards of Chapter 4, where applicable.

(1) **SIZE**. Garage-sale signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.

(2) **HEIGHT LIMIT**. No portion of any garage-sale sign shall extend more than six feet (6 ft.) above the natural grade or the finished grade, whichever measurement yields the lower sign.

(3) **NUMBER OF SIGNS**. Only one (1) garage-sale sign is permitted at any time on any one (1) parcel of property.

(4) **SETBACK AND ORIENTATION**. Garage-sale signs may be displayed through windows or other glass surfaces.

(5) **ZONING RESTRICTIONS**. Garage-sale signs are allowed in all zoning districts.

(6) **ILLUMINATION**. Garage-sale signs may not be illuminated.

~~(F) **NEIGHBORHOOD INFORMATION SIGNS**.~~

~~(1) **SIZE**. Neighborhood information signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.~~

~~(2) **HEIGHT LIMIT**. No portion of the Sign shall extend more than six feet (6') above natural grade or finished grade, whichever yield the lower sign.~~

~~(3) **NUMBER OF SIGNS**. Only one (1) neighborhood information sign is permitted on any one (1) parcel of property.~~

~~(4) **SETBACK AND ORIENTATION**. Neighborhood information signs are permitted in any zone. Signs may be displayed through windows or other glass areas subject to the restrictions of Section 12-8-1(K) and 12-8-1(L).~~

(F) **REAL-ESTATE SIGNS**. Real-estate signs do not require a sign permit~~, as issued by the Planning Department~~, ~~but shall~~as long as they comply with the following restrictions:

(1) **SIZE**. Real-estate signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.

(2) **HEIGHT LIMIT**. No portion of the sign shall extend more than six feet (6') above finished grade.

(3) **NUMBER OF SIGNS**. Except ~~as outlined below~~as allowed for open houses pursuant to subsections (a) and (b) below, only one (1) real-estate sign is permitted on any one (1) parcel of property.

(a) ~~**Open House Exception**~~**On-Site**. During the hours of an open house, one (1) additional sign that complies with the requirements of this ~~Code~~ Title will be permitted. Thus, for the duration of an open house, two (2) compliant real-estate signs may be displayed on the premises of a ~~parcel of~~ property for sale. The additional sign must be removed at the conclusion of the open house and may not remain posted overnight. All real-estate signs must comply with the size, color, and placement standards of this ~~Code~~Title.

(b) ~~**Off Premise**~~**Off-Site**. In addition to the one (1) additional sign outlined in subsection (a) above, five (5) additional signs that comply with the requirements of this ~~Code~~ Title are permitted off-premises. These additional five (5) signs may be displayed thirty (30) minutes prior to the commencement of an open house and must be removed within thirty (30) minutes after the conclusion of the open house. Off-premises open-house signs may be displayed within the City right-of-way, but in no case will off-premises open-house signs be ~~placed~~ allowed on the paved street or on a sidewalk. ~~Under no circumstances will o~~Off-premises open-house signs may not be displayed overnight.

(4) **SETBACK AND ORIENTATION**. Real-estate signs are permitted in any district, provided that they are parallel to the street and located a minimum of ten feet (10') back from the edge of the curb, or edge of pavement if there is no curb, of the street on which the sign fronts. If this ten-foot (10') distance would ~~be~~ put the sign within a structure, the sign may instead be placed within three feet (3') of the front of the structure. Signs may not be ~~positioned~~ displayed in the side yard. Signs may be displayed through windows or other glass areas subject to the restrictions of Section ~~12-8-1(K) and 12-8-1(L)~~12-9-2(L).

(5) **ZONING RESTRICTIONS**. Real-estate signs are allowed in all zoning districts.

(6) **ILLUMINATION**. Illumination of real-estate signs is prohibited.

~~(H) **SPECIAL PURPOSE SIGNS**. Signs promoting events for the benefit of civic, charitable, educational, or other non-profit organizations may be erected on private property up to two (2) weeks in advance of the event being promoted. These signs shall be removed within three (3) days following the conclusion of the event.~~

~~(1) **SIZE**. Special purpose signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.~~

~~(2) **HEIGHT LIMIT**. No portion of the special purpose sign shall extend more than six feet (6') above finished grade.~~

~~(3) **NUMBER OF SIGNS**. A maximum of three (3) special purpose signs is permitted on any one (1) parcel of property and must comply with the size, color, and placement standards of this Code.~~

~~(4) **SETBACK AND ORIENTATION**. Special purpose signs are permitted in any zone, provided that they are located a minimum of twenty feet (20') back from the edge of the curb, or edge of pavement where there is no curb, of the street on which the Sign fronts. If this twenty foot (20') distance would be within a structure, the sign may be within three feet (3') of the front of the structure. Signs may not be positioned in the side yard. Signs may be displayed through windows or other glass areas subject to the restrictions of Chapters 12-8-1(K) and 12-8-1(L).~~

~~(5) **ZONING RESTRICTIONS**. Special purpose signs are allowed in all zoning districts.~~

~~(6) **ILLUMINATION**. Illumination of special purpose signs is prohibited.~~

(G) **TEMPORARY PORTABLE SIGNS**. Businesses located in a private plaza may display temporary portable signs to advertise or identify their businesses. Such temporary portable signs must be placed within the boundaries of the private plaza and are subject to the following criteria:

(1) **SIZE**. No temporary portable sign may exceed twelve square feet (12 sq. ft.).

(2) **NUMBER OF SIGNS**. Only one (1) temporary portable sign is allowed per business.

(3) **ORIENTATION**. Temporary portable signs are allowed only on private property, and must not impede pedestrian circulation or ADA or fire access. No temporary portable signs will be permitted on City-owned property, including any City-owned right-of-way~~s~~.

(4) **ZONING RESTRICTIONS**. Temporary portable signs are allowed only within the HCB, HRC, GC, LI, RD and RC zoning districts.

(5) **DESIGN**. Fluorescent colors and reflective surfaces are prohibited on portable signs. Reflective colored materials that give the appearance of changing color are also prohibited.

(6) **ILLUMINATION**. Illumination of temporary portable signs is prohibited.

~~(J) **YARD SIGNS**. Yard signs shall be displayed only immediately prior to and during the yard sale or garage sale. Yard signs may not be displayed for more than forty eight (48) hours continuously. Signs not removed after forty eight (48) hours of display are deemed refuse. The owner or erector of the sign is subject to a fee per sign removal charge in an amount set forth by resolution if the sign is removed by the City as refuse. In addition, the owner or erector shall be guilty of a Class "C" misdemeanor of littering. Yard Signs do not require a sign permit as issued by the Planning Department, but shall comply with the following regulations.~~

~~(1) **SIZE**. Yard signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.~~

~~(2) **HEIGHT LIMIT**. No portion of the yard sign shall extend more than six feet (6') above natural grade or finished grade, whichever yields the lower sign.~~

~~(3) **NUMBER OF SIGNS**. Only one (1) yard sign is permitted on any one (1) parcel of property and must comply with the size, color, and placement standards of this Code.~~

~~(4) **SETBACK AND ORIENTATION**. Yard signs are permitted in any zone. Signs may be displayed through windows or other glass areas subject to the restrictions of Section 12-8-1(K) and 12-8-1(L).~~

~~(5) **ZONING RESTRICTIONS**. Yard signs are allowed in all zoning districts.~~

~~(6) **ILLUMINATION**. Illumination of yard signs is prohibited.~~

(H) **YARD SIGNS**. Any property owner can display three (3) yard signs on each parcel of property belonging to such owner. No yard sign may be displayed for more than six (6) months. Signs not removed after six (6) months are deemed refuse, and the property owner will be charged a sign removal fee in an amount set forth by resolution, and shall be guilty of littering, a Class C misdemeanor. Yard signs do not require a sign permit but must comply with the following regulations, as well as the general size, color, and placement standards of Chapter 4, where applicable.

(1) **SIZE**. Yard signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.

(2) **HEIGHT LIMIT**. No portion of any yard sign shall extend more than six feet (6') above the natural grade or the finished grade, whichever measurement yields the lower sign.

(3) **NUMBER OF SIGNS**. Only three (3) yard signs are permitted at any time on any one (1) parcel of property.

(4) **SETBACK AND ORIENTATION**. Yard signs must be located a minimum of ten feet (10') back from the edge of the street curb, or edge of the street pavement where there is no curb. Yard signs are only allowed in the front yard. The front yard is the area between the front of the closest building and the front lot line or right-of-way, whichever is closer, extending the full length of the lot. If the location of a building prevents complying with the ten-foot (10') setback, the sign may instead be placed anywhere within three feet (3') in front of the building, including on the building itself, provided that it still complies

with all other applicable restrictions of this Title. Yard signs may be displayed through windows or other glass surfaces subject to the provisions of Section 12-9-2(L).

(5) **ZONING RESTRICTIONS**. Yard signs are allowed in all zoning districts.

(6) **ILLUMINATION**. Yard signs may not be illuminated.

CHAPTER 11 - BANNERS ON CITY LIGHT STANDARDS

12-11-1. PURPOSE STATEMENT.

~~Park City makes certain City light standards for this display of banners in order to promote the visual interest and economic vitality of Park City=s historic resort based community; to promote aesthetic enhancement through artistic expression; and to contribute to the festive nature of Park City=s world class resort atmosphere.~~ Pursuant to its substantial governmental interests in protecting property values, promoting the economic vitality and historic character of the City, and contributing to the City's world-class resort atmosphere, Park City finds it advisable to allow from time to time the display of certain banners on City light standards for the purpose of promoting certain events and messages that the City, on behalf of its citizens, deems to be in the public interest. It is not the purpose of the City by so doing to designate its light standards as a public forum of any degree or type.

12-11-2. ADMINISTRATION.

Banners on City light standards shall be reviewed and administered by the Special Events Department, Planning Department, and Parks Department pursuant to the criteria set forth in this Chapter.

12-11-3. ELIGIBILITY.

Persons eligible to apply ~~for and display banners~~to have their banners displayed on City light standards shall be limited to Park City Municipal Corporation and duly licensed Master Festival~~s license holders~~.

12-11-4. DISPLAY LOCATIONS~~, BANNER ALLOTMENT~~.

City light standards eligible to display banners are those along Main Street, Kearns Boulevard, Park Avenue, and Empire Avenue. The maximum number of banners ~~to be hung~~allowed shall be sixty-three (63) along Main Street, eighteen (18) along Kearns Boulevard, thirty (30) along Park Avenue, and thirty (30) along Empire Avenue.

12-11-5. APPLICATIONS.

Applications for banners on City light standards shall be submitted to the Special Events Department and shall be approved only if the interdepartmental review team finds compliance with all criteria set forth in this Chapter. Applications shall be submitted no later than ninety (90) days prior to the first date of the proposed display period. Applications shall at a minimum contain the following information:

(A) Proof of eligibility ~~per~~ under Section 12-11-3;

(B) Requested display locations and dates, not to exceed a period of three (3) weeks; and

(C) A colored rendering or scaled drawing of the proposed banner, including façade dimensions and descriptions of materials and colors to be used.

If more than one (1) application for banners on City light standards is received for the same time period, the Special Events Director will determine which applicant receives priority status, based on the public interest stated in Section 12-11-1. ~~Priority shall be determined on a first-come, first-served basis, based on the date a completed application is received. Where competing applications are submitted by Master Festival license holders, display periods shall be limited to the actual event dates.~~

12-11-6. DESIGN.

Banners for display on City light standards must satisfy the following design criteria:

(A) **SIZE**. Unless otherwise approved by the Parks Department, banners shall be twenty-nine inches by seventy-two inches (29" x 72") along Main Street, twenty-four inches by thirty-six inches (24" x 36") along Empire Avenue, and twenty-six inches by ninety-six inches (26" x 96") along Kearns Boulevard~~,~~ and ~~twenty-six inches by ninety-six inches (26" x 96") along~~ Park Avenue.

(B) **FABRICATION**. Fabric must be of a durable material able to withstand the elements, including snow and heavy winds~~, with one and one half inch (1 2") brass grommets installed on both bottom corners. Additionally, banners must be sewn for mounting on existing brackets. A three and one half to four inch by twenty nine inch (3 2" to 4" x 29") wide sleeve for Main Street, Kearns Boulevard and Park Avenue, or twenty-four inch (24") sleeve for Empire Avenue banners, at the top of the banner is required to hang the banners on brackets~~. Banners must have 1.5-inch brass grommets installed on both bottom corners. Banners must be sewn for mounting on existing

brackets, with sleeves along the top edge of the banners. Sleeves must be 3.5 to 4 inches tall and either 29 inches wide (for Main Street, Kearns Boulevard, and Park Avenue) or 24 inches wide (for Empire Avenue). Samples are available through the Parks Department. Applicants are encouraged to contact the Parks Department prior to submitting an application in order to ensure compliance with actual specifications.

(C) **SPONSORS**. ~~Duly licensed Master Festival license holders~~Banners may include the name, logo, or imagery of a sponsor, as defined at Section 4-1-1.52 of ~~the Municipal~~this Code, ~~on the banner,~~ subject to the following criteria:

(1) The sponsor's name, logo, or imagery shall occupy no more than five percent (5%) of the total banner area and must be within the bottom ten percent (10%) of the banner area.

(2) The ~~font and scale of the~~ sponsor's name, logo, or imagery must be either white or black in color; secondary in scale to the Master Festival's name, logo, and imagery; and ~~must be~~ smaller than ~~the font and scale of~~ the Master Festival's name, logo, and imagery.

(3) Multiple sponsors are allowed for a single Master Festival, but only one sponsor's name may be displayed on any banner.

(4) If a corporate sponsor, as defined in Section 4-1-1.14 of ~~the Municipal~~this Code, is part of the official Master Festival's name, and that corporate sponsor's name, logo, or imagery is featured on the banners, no additional sponsors shall be displayed on the banners.

(5) The sponsor's name, logo, or imagery shall occupy no more space on the banner than the City logo required by subsection (F) below.

(D) **ARTWORK**. Fluorescent colors and reflective surfaces are prohibited on banners. Reflective colored materials that give the appearance of changing color are also prohibited.

Artwork should be approved at least two (2) months prior to the proposed hanging date. The design must be on both sides of the banners, unless otherwise approved by the Parks Department.

(E) **TEXT**. Banner text shall be limited to the name of the permitted Master Festival, a festival sponsor, ~~and~~ the dates of the event, and the City name.

(F) **CITY LOGO**. All banners must include, on both sides of the banner, the official Park City logo.

12-11-7. PERIOD OF DISPLAY.

Banners may be displayed for no more than three (3) weeks at a time. Applicants shall accept that the display period is contingent upon a workable arrangement within the overall schedule of other City banners, as well as prior commitments to other outside sponsors. Prior commitments may preclude the desired display period of an otherwise acceptable applicant's banner. The City has complete discretion to decide when and for how long the banners may hang. ~~Where competing applications are submitted by Master Festival license holders, display periods shall be limited to the actual event dates.~~

12-11-8. INSTALLATION AND REMOVAL.

Banners must be received by the Parks Department no later than one (1) week prior to the first date of scheduled display. All banners on City light standards shall be installed by City personnel. Installation and removal dates will be arranged by the applicant and the Parks staff. If the banners are not retrieved from the Parks Department by the applicant within ten (10) days after removal, the banners shall become the property of the City and will be disposed of.

12-11-9. LIABILITY.

The applicant shall agree to assume full liability and indemnify the City for any damage to persons or property arising from the display of the banners by the City. The City is not responsible for any damage that may occur to the banners from any cause.

12-11-10. FEES.

(A) **APPLICATION FEE**. Banner applications shall be assessed a temporary sign fee, the amount of which shall be set by resolution. All application fees are due and payable upon submission of a completed application.

(B) **INSTALLATION AND REMOVAL FEES**. Upon receipt of a completed application, the Parks Department will provide the applicant with an estimate of fees based on estimated costs for City services arising from the installation and removal of the banners, including but not limited to the use of City personnel and ~~/or~~ equipment. A final assessment of City costs will occur upon completion of the ~~Special Event~~Master Festival, and installation and removal fees will be adjudged to reflect actual cost.

Installation and removal fees must be paid in full within thirty (30) days of the final assessment of City costs for the Master Festival ~~or Special Event~~.

CHAPTER 12 - MASTER FESTIVAL AND SPECIAL EVENT SIGN PLAN

12-12-1. SIGN PLAN REQUIRED.

All Master Festival and Special Event licensees desiring permission to display temporary signs ~~related to~~as an approved Master Festival shall submit a Master Festival Sign Plan as part of the application for a Master Festival license. The Planning and Special Events and Facilities Departments shall review Master Festival Sign Plans for compliance with the standards below prior to permit issuance.

12-12-2. MASTER FESTIVAL BANNERS.

The use of banners ~~identifying an event and/or sponsor~~ is allowed within the boundaries of the approved Master Festival venue, subject to the following criteria:

(A) **SIZE**. No individual Master Festival banner may exceed thirty-six square feet (36 sq. ft.) in size.

(B) **NUMBER OF SIGNS**. One (1) banner is allowed per venue. Additionally, one (1) banner is allowed on the external façade of any building or structure within a venue, including temporary structures. Staff may approve additional banners within a venue upon finding that: the banners contribute to the overall festival atmosphere or theme of the event consistent with the purpose and scope of Section 12-1-1; the design is consistent with Section 12-3-3(A) as applied to the event; and that any commercial advertising message is secondary to such look-and-feel design elements for the event. There is no limit on banners within a fully enclosed structure.

(C) **SETBACK AND ORIENTATION**. Master Festival banners are allowed only on or within approved venues.

(D) **ZONING RESTRICTIONS**. Master Festival banners are allowed ~~within~~ in all zoning districts.

(E) **DESIGN**. Fluorescent colors and reflective surfaces are prohibited on banners. Reflective colored materials that give the appearance of changing color are also prohibited. A matte or flat finish is required for all surfaces.

(F) **PERIOD OF DISPLAY**. Master Festival banners may be displayed only during the approved time of the Master Festival.

(G) **ILLUMINATION**. ~~Illumination of temporary business signs is prohibited.~~No lighting other than pre-existing light sources may be used to illuminate Master Festival banners.

12-12-3. SPECIAL EVENT BANNERS.

The use of banners is allowed within the boundaries of the approved Special Event venue, subject to the following criteria:

(A) **SIZE**. No individual Special Event banner may exceed thirty-six square feet (36 sq. ft.) in size.

(B) **NUMBER OF SIGNS**. One (1) banner is allowed per venue. Additionally, one (1) banner is allowed on the external façade of any building or structure within a venue, including temporary structures. Each banner shall be consistent with Section 12-3-3(A) as applied to the event, and any commercial advertising message must be secondary to such look-and-feel design elements for the event.

(C) **SETBACK AND ORIENTATION**. Special Event banners are allowed ~~to be oriented~~ only within approved venues.

(D) **ZONING RESTRICTIONS**. Special Event banners are allowed ~~within~~ in all zoning districts.

(E) **DESIGN**. Fluorescent colors and reflective surfaces are prohibited on banners. Reflective colored materials that give the appearance of changing color are also prohibited. A matte or flat finish is required for all surfaces.

(F) **PERIOD OF DISPLAY**. Special Event banners may be displayed only during the approved time of the Special Event.

(G) **ILLUMINATION**. ~~Illumination of temporary business signs is prohibited.~~No lighting other than pre-existing light sources may be used to illuminate Master Festival banners.

12-12-4. MASTER FESTIVAL DIRECTIONAL SIGNS.

Municipal ~~and/~~or event-owned directional signs in the form of electronic message signs and portable signs are allowed for the purpose of identifying and~~/or~~ directing vehicular or pedestrian traffic to parking areas, transportation centers, and venues.

12-12-5. MASTER FESTIVAL PROJECTION SIGNS.

~~Temporary projection signs that are part of an approved Master Festival license may be allowed for the duration of the Master Festival permit, provided they are directed downward and the light~~

~~source is shielded from any view but the intended mark of the sign.~~Subject to approval by the Planning Department, temporary projection signs that are part of an approved Master Festival license may be allowed for the duration of the Master Festival permit, provided the light source is shielded from any view but the intended audience of the sign.

12-12-6. TEMPORARY SIGNS.

Staff may approve temporary signs within a Master Festival or Special Event venue upon finding that: the signs contribute to the overall resort atmosphere or theme of the event consistent with the purpose and scope of Section 12-1-1; the design is consistent with Section 12-3-3(A) as applied to the event; and that any commercial advertising message is secondary to such look-and-feel design elements for the event. There is no limit on signs within a fully enclosed structure.

CHAPTER 13 - HISTORIC SIGNS

12-13-1. HISTORIC SIGNS EXEMPT.

Other than safety and structural requirements, the provisions of the Sign Code may be exempted by the Planning Commission for historic signs upon application for designation by the sign owner and consent from the building owner.

12-13-2. HISTORIC SIGN REVIEW PROCEDURE.

Upon filing an application, the Planning Director may determine that a sign is historic based on the guidelines below. Notwithstanding safety, maintenance, or structural regulations, a sign so designated by the Planning Director shall be deemed to conform with this Chapter.

12-13-3. HISTORIC SIGN CRITERIA.

To designate a sign as historic, the Planning Director must make findings based on the following criteria:

(A) The sign is at least fifty (50) years old.

(B) The sign possesses unique physical design characteristics, such as configuration, color, texture, or other unique characteristics.

(C) The sign is of significance to the City and makes a contribution to the cultural, historic, or aesthetic quality of the City, or otherwise contributes to the City's streetscape.

(D) The sign is integrated into the architecture of the building or the site.

(E) The sign ~~is~~ involves exemplary technology, craftsmanship, or design of the period in which it was constructed; uses historic sign materials such as wood, metal, or paint directly applied to buildings, and means of illumination such as ~~neon~~ luminous-tube or incandescent fixtures; and is not significantly altered from its historic period. If the sign has been altered, it must be restorable to its historic function and appearance.

(F) The sign is structurally safe, or is capable of being made so without substantially altering its historical significance.

12-13-4. REMOVAL OF HISTORIC SIGNS.

Once a sign is designated a historic sign and defined as an important characteristic of Park City's history, the building owner must receive Historic Preservation Board approval to remove the sign.

CHAPTER 14 – OUTDOOR VEHICLE DISPLAYS

12-14-1. PURPOSE AND SCOPE.

The City Council ~~of Park City, Utah~~ hereby finds that there is a substantial and compelling need to allow limited outdoor display of vehicles due to the unique relationship between vehicle sponsors of Master Festivals and the City's ski resorts. Such a need must be balanced with the City's aesthetic concerns as stated in Section 12-1-1. Accordingly, the City shall only permit outdoor vehicle displays pursuant to the regulations stated herein. Such displays are not signs and shall not count towards sign ~~square footage~~ area limitations nor receive the benefit of sign exemptions.

12-14-2. DISPLAY.

Sponsor vehicles may be displayed subject to the following criteria:

(A) The display is within a Master Festival venue or a ski base facility in the RC, RC-MPD or RD-MPD zones.

(B) The display is consistent with the purpose and scope of Section 12-1-1, the design is consistent with Section 12-3-3(A) as applied to the orientation of the display (which shall be generally to the interior of the venue or ski base facility), and that any commercial advertising message is secondary to such look-and-feel design elements for the event.

(C) The display is only for the display of the vehicle; no additional solicitation or advertising is allowed as a consequence of the vehicle other than a sign identifying the sponsor not to exceed three

square feet (3 sq. ft.). The vehicle may be wrapped in additional design elements, such as ski-team or athlete images, so long as the wrap contributes to the overall resort atmosphere or theme of the ski area or event consistent with the purpose and scope of Section 12-1-1, the design is consistent with Section 12-3-3(A) as applied to the area or event, and that any commercial advertising message is secondary to such look-and-feel design elements.

(D) The proposed vehicle display does not impede vehicular or pedestrian circulation.

(E) The proposed vehicle display does not impede emergency access or services.

CHAPTER 15 - APPEALS

12-15-1. APPEALS.

Any applicant who believes a denial is not justified has the right to appeal to the Planning Commission and to appear at the next regularly scheduled meeting for which proper notice can be given and agenda time is available. Intention to take an appeal to the Commission shall be filed with the Planning Director in writing within ten (10) business days following the denial of the permit by the Planning Department.

Applicants may have any action of the Planning Commission reviewed by the City Council by petitioning in writing within ten (10) business days following Planning Commission action on the sign permit. Actions of the Commission are subject to appeal and review according to the procedures set forth in Chapter 1 of the Land Management Code (Title 15), Section 15-1.

CHAPTER 16 - VIOLATION OF TITLE

12-16-1. PENALTY.

Violation Each violation of this Title is a Class "C" misdemeanor.

12-16-2. PENALTY FOR PLACEMENT OF HANDBILLS OR SIGNS ON PUBLIC PROPERTY.

Handbills or signs found posted upon any public property contrary toin violation of the provisions of this sectionTitle may be removed by the Police Department, Public Works Department, Parks and Recreation Department, or the Planning Departmentany City department. The person responsible for any such illegal posting shall be liable for triple the cost incurred in the removal thereof, and the City is authorized to effect the collection of said cost, in addition to any criminal fine collected under Section 12-1516-1.

SUPREME COURT OF THE UNITED STATES

CLYDE REED, ET AL., PETITIONERS
v.
TOWN OF GILBERT, ARIZONA, ET AL.

[June 18, 2015]

JUSTICE THOMAS delivered the opinion of the Court.

The town of Gilbert, Arizona (or Town), has adopted a comprehensive code governing the manner in which people may display outdoor signs. Gilbert, Ariz., Land Development Code (Sign Code or Code), ch. 1, §4.402 (2005).[1] The Sign Code identifies various categories of signs based on the type of information they convey, then subjects each category to different restrictions. One of the categories is "Temporary Directional Signs Relating to a Qualifying Event," loosely defined as signs directing the public to a meeting of a nonprofit group. §4.402(P). The Code imposes more stringent restrictions on these signs than it does on signs conveying other messages. We hold that these provisions are content-based regulations of speech that cannot survive strict scrutiny.

I

A

The Sign Code prohibits the display of outdoor signs anywhere within the Town without a permit, but it then exempts 23 categories of signs from that requirement. These exemptions include everything from bazaar signs to flying banners. Three categories of exempt signs are particularly relevant here.

The first is "Ideological Sign[s]." This category includes any "sign communicating a message or ideas for noncommercial purposes that is not a Construction Sign, Directional Sign, Temporary Directional Sign Relating to a Qualifying Event, Political Sign, Garage Sale Sign, or a sign owned or required by a governmental agency." Sign Code, Glossary of General Terms (Glossary), p. 23 (emphasis deleted). Of the three categories discussed here, the Code treats ideological signs most favorably, allowing them to be up to 20 square feet in area and to be placed in all "zoning districts" without time limits. §4.402(J).

The second category is "Political Sign[s]." This includes any "temporary sign designed to influence the outcome of an election called by a public body." Glossary 23.[2] The Code treats these signs less favorably than ideological signs. The Code allows the placement of political signs up to 16 square feet on residential property and up to 32 square feet on nonresidential property, undeveloped municipal property, and "rights-of-way." §4.402(I).[3] These signs may be displayed up to 60 days before a primary election and up to 15 days following a general election. *Ibid*.

The third category is "Temporary Directional Signs Relating to a Qualifying Event." This includes any "Temporary Sign intended to direct pedestrians, motorists, and other passersby to a 'qualifying event.' " Glossary 25 (emphasis deleted). A "qualifying event" is defined as any "assembly, gathering, activity, or meeting sponsored, arranged, or promoted by a religious, charitable, community service, educational, or other similar non-profit organization." *Ibid*. The Code treats temporary directional signs even less favorably than political signs.[4] Temporary directional signs may be no larger than six square feet.

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[1] The Town's Sign Code is available online at http://www.gilbertaz.gov/ (as visited June 16, 2015, and available in Clerk of Court's case file).

[2] A "Temporary Sign" is a "sign not permanently attached to the ground, a wall or a building, and not designed or intended for permanent display." Glossary 25.

[3] The Code defines "Right-of-Way" as a "strip of publicly owned land occupied by or planned for a street, utilities, landscaping, sidewalks, trails, and similar facilities." *Id.*, at 18.

[4] The Sign Code has been amended twice during the pendency of this case. When litigation began in 2007, the Code defined the signs at issue as "Religious Assembly Temporary Direction Signs." App. 75. The Code entirely prohibited placement of those signs in the public right-of-way, and it forbade posting them in any location for more than two hours before the religious assembly or more than one hour afterward. *Id.*, at 75–76. In 2008, the Town

§4.402(P). They may be placed on private property or on a public right-of-way, but no more than four signs may be placed on a single property at any time. *Ibid*. And, they may be displayed no more than 12 hours before the "qualifying event" and no more than 1 hour afterward. *Ibid*.

B

Petitioners Good News Community Church (Church) and its pastor, Clyde Reed, wish to advertise the time and location of their Sunday church services. The Church is a small, cash-strapped entity that owns no building, so it holds its services at elementary schools or other locations in or near the Town. In order to inform the public about its services, which are held in a variety of different locations, the Church began placing 15 to 20 temporary signs around the Town, frequently in the public right-of-way abutting the street. The signs typically displayed the Church's name, along with the time and location of the upcoming service. Church members would post the signs early in the day on Saturday and then remove them around midday on Sunday. The display of these signs requires little money and manpower, and thus has proved to be an economical and effective way for the Church to let the community know where its services are being held each week.

This practice caught the attention of the Town's Sign Code compliance manager, who twice cited the Church for violating the Code. The first citation noted that the Church exceeded the time limits for displaying its temporary directional signs. The second citation referred to the same problem, along with the Church's failure to include the date of the event on the signs. Town officials even confiscated one of the Church's signs, which Reed had to retrieve from the municipal offices.

Reed contacted the Sign Code Compliance Department in an attempt to reach an accommodation. His efforts proved unsuccessful. The Town's Code compliance manager informed the Church that there would be "no leniency under the Code" and promised to punish any future violations.

Shortly thereafter, petitioners filed a complaint in the United States District Court for the District of Arizona, arguing that the Sign Code abridged their freedom of speech in violation of the First and Fourteenth Amendments. The District Court denied the petitioners' motion for a preliminary injunction. The Court of Appeals for the Ninth Circuit affirmed, holding that the Sign Code's provision regulating temporary directional signs did not regulate speech on the basis of content. 587 F. 3d 966, 979 (2009). It reasoned that, even though an enforcement officer would have to read the sign to determine what provisions of the Sign Code applied to it, the " 'kind of cursory examination' " that would be necessary for an officer to classify it as a temporary directional sign was "not akin to an officer synthesizing the expressive content of the sign." *Id.*, at 978. It then remanded for the District Court to determine in the first instance whether the Sign Code's distinctions among temporary directional signs, political signs, and ideological signs nevertheless constituted a content-based regulation of speech.

On remand, the District Court granted summary judgment in favor of the Town. The Court of Appeals again affirmed, holding that the Code's sign categories were content neutral. The court concluded that "the distinctions between Temporary Directional Signs, Ideological Signs, and Political Signs . . . are based on objective factors relevant to Gilbert's creation of the specific exemption from the permit requirement and do not otherwise consider the substance of the sign." 707 F. 3d 1057, 1069 (CA9 2013). Relying on this Court's decision in *Hill v. Colorado*, 530 U.S. 703 (2000), the Court of Appeals concluded that the Sign Code is content neutral. 707 F. 3d, at 1071–1072. As the court explained, "Gilbert did not adopt its regulation of speech because it disagreed with the message conveyed" and its "interests in regulat[ing] temporary signs are unrelated to the content of the sign." *Ibid*. Accordingly, the court believed that the Code was "content neutral as that term [has been] defined by the Supreme Court." *Id.*, at 1071. In light of that determination, it applied a lower level of scrutiny to the Sign Code and concluded that the law did not violate the First Amendment. *Id.*, at 1073–1076.

We granted certiorari, _____, and now reverse.

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redefined the category as "Temporary Directional Signs Related to a Qualifying Event," and it expanded the time limit to 12 hours before and 1 hour after the "qualifying event." *Ibid*. In 2011, the Town amended the Code to authorize placement of temporary directional signs in the public right-of-way. *Id.*, at 89.

II

A

The First Amendment, applicable to the States through the Fourteenth Amendment, prohibits the enactment of laws "abridging the freedom of speech." U.S. Const., Amdt. 1. Under that Clause, a government, including a municipal government vested with state authority, "has no power to restrict expression because of its message, its ideas, its subject matter, or its content." *Police Dept. of Chicago v. Mosley*, 408 U.S. 92, 95 (1972). Content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *R.A.V. v. St. Paul*, 505 U.S. 377, 395 (1992); *Simon & Schuster, Inc. v. Members of N.Y. State Crime Victims Bd.*, 502 U.S. 105, 115, 118 (1991).

Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. E.g., *Sorrell v. IMS Health, Inc.*, 564 U.S. ____ (2011) (slip op., at 8–9); *Carey v. Brown*, 447 U.S. 455, 462 (1980); *Mosley*, supra, at 95. This commonsense meaning of the phrase "content based" requires a court to consider whether a regulation of speech "on its face" draws distinctions based on the message a speaker conveys. *Sorrell*, supra, at __ (slip op., at 8). Some facial distinctions based on a message are obvious, defining regulated speech by particular subject matter, and others are more subtle, defining regulated speech by its function or purpose. Both are distinctions drawn based on the message a speaker conveys, and, therefore, are subject to strict scrutiny.

Our precedents have also recognized a separate and additional category of laws that, though facially content neutral, will be considered content-based regulations of speech: laws that cannot be " 'justified without reference to the content of the regulated speech,' " or that were adopted by the government "because of disagreement with the message [the speech] conveys," *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989). Those laws, like those that are content based on their face, must also satisfy strict scrutiny.

B

The Town's Sign Code is content based on its face. It defines "Temporary Directional Signs" on the basis of whether a sign conveys the message of directing the public to church or some other "qualifying event." Glossary 25. It defines "Political Signs" on the basis of whether a sign's message is "designed to influence the outcome of an election." *Id.*, at 24. And it defines "Ideological Signs" on the basis of whether a sign "communicat[es] a message or ideas" that do not fit within the Code's other categories. *Id.*, at 23. It then subjects each of these categories to different restrictions.

The restrictions in the Sign Code that apply to any given sign thus depend entirely on the communicative content of the sign. If a sign informs its reader of the time and place a book club will discuss John Locke's Two Treatises of Government, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke's followers in an upcoming election, and both signs will be treated differently from a sign expressing an ideological view rooted in Locke's theory of government. More to the point, the Church's signs inviting people to attend its worship services are treated differently from signs conveying other types of ideas. On its face, the Sign Code is a content-based regulation of speech. We thus have no need to consider the government's justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny.

C

In reaching the contrary conclusion, the Court of Appeals offered several theories to explain why the Town's Sign Code should be deemed content neutral. None is persuasive.

1

The Court of Appeals first determined that the Sign Code was content neutral because the Town "did not adopt its regulation of speech [based on] disagree[ment] with the message conveyed," and its justifications for regulating temporary directional signs were "unrelated to the content of the sign." 707 F. 3d, at 1071–1072. In its brief to this Court, the United States similarly contends that a sign regulation

is content neutral—even if it expressly draws distinctions based on the sign's communicative content—if those distinctions can be " 'justified without reference to the content of the regulated speech.' " Brief for United States as Amicus Curiae 20, 24 (quoting *Ward*, supra, at 791; emphasis deleted).

But this analysis skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of "animus toward the ideas contained" in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410, 429 (1993). We have thus made clear that " '[i]llicit legislative intent is not the sine qua non of a violation of the First Amendment,' " and a party opposing the government "need adduce 'no evidence of an improper censorial motive.' " *Simon & Schuster*, supra, at 117. Although "a content-based purpose may be sufficient in certain circumstances to show that a regulation is content based, it is not necessary." *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622, 642 (1994). In other words, an innocuous justification cannot transform a facially content based law into one that is content neutral.

That is why we have repeatedly considered whether a law is content neutral on its face before turning to the law's justification or purpose. See, e.g., *Sorrell*, supra, at ____ (slip op., at 8–9) (statute was content based "on its face," and there was also evidence of an impermissible legislative motive); *United States v. Eichman*, 496 U.S. 310, 315 (1990) ("Although the [statute] contains no explicit content-based limitation on the scope of prohibited conduct, it is nevertheless clear that the Government's asserted interest is related to the suppression of free expression" (internal quotation marks omitted)); *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 804 (1984) ("The text of the ordinance is neutral," and "there is not even a hint of bias or censorship in the City's enactment or enforcement of this ordinance"); *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 293 (1984) (requiring that a facially content-neutral ban on camping must be "justified without reference to the content of the regulated speech"); *United States v. O'Brien*, 391 U.S. 367, 375, 377 (1968) (noting that the statute "on its face deals with conduct having no connection with speech," but examining whether the "the governmental interest is unrelated to the suppression of free expression"). Because strict scrutiny applies either when a law is content based on its face or when the purpose and justification for the law are content based, a court must evaluate each question before it concludes that the law is content neutral and thus subject to a lower level of scrutiny.

The Court of Appeals and the United States misunderstand our decision in *Ward* as suggesting that a government's purpose is relevant even when a law is content based on its face. That is incorrect. *Ward* had nothing to say about facially content-based restrictions because it involved a facially content-neutral ban on the use, in a city-owned music venue, of sound amplification systems not provided by the city. 491 U.S., at 787, and n. 2. In that context, we looked to governmental motive, including whether the government had regulated speech "because of disagreement" with its message, and whether the regulation was " 'justified without reference to the content of the speech.' " *Id.*, at 791. But *Ward*'s framework "applies only if a statute is content neutral." *Hill*, 530 U.S., at 766 (KENNEDY, J., dissenting). Its rules thus operate "to protect speech," not "to restrict it." *Id.*, at 765.

The First Amendment requires no less. Innocent motives do not eliminate the danger of censorship presented by a facially content-based statute, as future government officials may one day wield such statutes to suppress disfavored speech. That is why the First Amendment expressly targets the operation of the laws—i.e., the "abridg[ement] of speech"—rather than merely the motives of those who enacted them. U.S. Const., Amdt. 1. " 'The vice of content-based legislation . . . is not that it is always used for invidious, thought-control purposes, but that it lends itself to use for those purposes.' " *Hill*, supra, at 743 (SCALIA, J., dissenting).

For instance, in *NAACP v. Button*, 371 U.S. 415 (1963), the Court encountered a State's attempt to use a statute prohibiting " 'improper solicitation' " by attorneys to outlaw litigation-related speech of the National Association for the Advancement of Colored People. *Id.*, at 438. Although Button predated our more recent formulations of strict scrutiny, the Court rightly rejected the State's claim that its interest in the "regulation of professional conduct" rendered the statute consistent with the First Amendment, observing that "it is no answer . . . to say . . . that the purpose of these regulations was merely to insure high professional standards and not to curtail free expression." *Id.*, at 438–439. Likewise, one could easily imagine a Sign Code compliance manager who disliked the Church's substantive teachings deploying the Sign Code to make it more difficult for the Church to inform the public of the location of its services. Accordingly, we have repeatedly "rejected the argument that 'discriminatory . . . treatment is suspect under the First Amendment only when the legislature intends to suppress certain ideas.' " *Discovery Network*, 507 U.S., at 429. We do so again today.

The Court of Appeals next reasoned that the Sign Code was content neutral because it "does not mention any idea or viewpoint, let alone single one out for differential treatment." 587 F. 3d, at 977. It reasoned that, for the purpose of the Code provisions, "[i]t makes no difference which candidate is supported, who sponsors the event, or what ideological perspective is asserted." 707 F. 3d, at 1069.

The Town seizes on this reasoning, insisting that "content based" is a term of art that "should be applied flexibly" with the goal of protecting "viewpoints and ideas from government censorship or favoritism." Brief for Respondents 22. In the Town's view, a sign regulation that "does not censor or favor particular viewpoints or ideas" cannot be content based. *Ibid*. The Sign Code allegedly passes this test because its treatment of temporary directional signs does not raise any concerns that the government is "endorsing or suppressing 'ideas or viewpoints,' " *id.*, at 27, and the provisions for political signs and ideological signs "are neutral as to particular ideas or viewpoints" within those categories. *Id.*, at 37.

This analysis conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints—or the regulation of speech based on "the specific motivating ideology or the opinion or perspective of the speaker"—is a "more blatant" and "egregious form of content discrimination." *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995). But it is well established that "[t]he First Amendment's hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic." *Consolidated Edison Co. of N.Y. v. Public Serv. Comm'n of N.Y.*, 447 U.S. 530, 537 (1980).

Thus, a speech regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter. *Ibid*. For example, a law banning the use of sound trucks for political speech—and only political speech—would be a content based regulation, even if it imposed no limits on the political viewpoints that could be expressed. See *Discovery Network*, supra, at 428. The Town's Sign Code likewise singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter. Ideological messages are given more favorable treatment than messages concerning a political candidate, which are themselves given more favorable treatment than messages announcing an assembly of likeminded individuals. That is a paradigmatic example of content-based discrimination.

Finally, the Court of Appeals characterized the Sign Code's distinctions as turning on " 'the content-neutral elements of who is speaking through the sign and whether and when an event is occurring.' " 707 F. 3d, at 1069. That analysis is mistaken on both factual and legal grounds.

To start, the Sign Code's distinctions are not speaker based. The restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. If a local business, for example, sought to put up signs advertising the Church's meetings, those signs would be subject to the same limitations as such signs placed by the Church. And if Reed had decided to display signs in support of a particular candidate, he could have made those signs far larger—and kept them up for far longer—than signs inviting people to attend his church services. If the Code's distinctions were truly speaker based, both types of signs would receive the same treatment.

In any case, the fact that a distinction is speaker based does not, as the Court of Appeals seemed to believe, automatically render the distinction content neutral. Because "[s]peech restrictions based on the identity of the speaker are all too often simply a means to control content," *Citizens United v. Federal Election Comm'n*, 558 U.S. 310, 340 (2010), we have insisted that "laws favoring some speakers over others demand strict scrutiny when the legislature's speaker preference reflects a content preference," *Turner*, 512 U.S., at 658. Thus, a law limiting the content of newspapers, but only newspapers, could not evade strict scrutiny simply because it could be characterized as speaker based. Likewise, a content-based law that restricted the political speech of all corporations would not become content neutral just because it singled out corporations as a class of speakers. See *Citizens United*, supra, at 340–341. Characterizing a distinction as speaker based is only the beginning—not the end—of the inquiry.

Nor do the Sign Code's distinctions hinge on "whether and when an event is occurring." The Code does not permit citizens to post signs on any topic whatsoever within a set period leading up to an election, for example. Instead, come election time, it requires Town officials to determine whether a sign is "designed to influence the outcome of an election" (and thus "political") or merely "communicating a message or ideas for noncommercial purposes" (and thus "ideological"). Glossary 24. That obvious content-based inquiry does not evade strict scrutiny review simply because an event (i.e., an election) is involved.

And, just as with speaker-based laws, the fact that a distinction is event based does not render it content neutral. The Court of Appeals cited no precedent from this Court supporting its novel theory of an exception from the content-neutrality requirement for event-based laws. As we have explained, a speech regulation is content based if the law applies to particular speech because of the topic discussed or the idea or message expressed. Supra, at 6. A regulation that targets a sign because it conveys an idea about a specific event is no less content based than a regulation that targets a sign because it conveys some other idea. Here, the Code singles out signs bearing a particular message: the time and location of a specific event. This type of ordinance may seem like a perfectly rational way to regulate signs, but a clear and firm rule governing content neutrality is an essential means of protecting the freedom of speech, even if laws that might seem "entirely reasonable" will sometimes be "struck down because of their content-based nature." *City of Ladue v. Gilleo*, 512 U.S. 43, 60 (1994) (O'Connor, J., concurring).

III

Because the Town's Sign Code imposes content-based restrictions on speech, those provisions can stand only if they survive strict scrutiny, " 'which requires the Government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest,' " *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, 564 U.S. , (2011) (slip op., at 8) (quoting *Citizens United*, 558 U.S., at 340). Thus, it is the Town's burden to demonstrate that the Code's differentiation between temporary directional signs and other types of signs, such as political signs and ideological signs, furthers a compelling governmental interest and is narrowly tailored to that end. See *ibid*.

The Town cannot do so. It has offered only two governmental interests in support of the distinctions the Sign Code draws: preserving the Town's aesthetic appeal and traffic safety. Assuming for the sake of argument that those are compelling governmental interests, the Code's distinctions fail as hopelessly underinclusive.

Starting with the preservation of aesthetics, temporary directional signs are "no greater an eyesore," *Discovery Network*, 507 U.S., at 425, than ideological or political ones. Yet the Code allows unlimited proliferation of larger ideological signs while strictly limiting the number, size, and duration of smaller directional ones. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town while at the same time allowing unlimited numbers of other types of signs that create the same problem.

The Town similarly has not shown that limiting temporary directional signs is necessary to eliminate threats to traffic safety, but that limiting other types of signs is not. The Town has offered no reason to believe that directional signs pose a greater threat to safety than do ideological or political signs. If anything, a sharply worded ideological sign seems more likely to distract a driver than a sign directing the public to a nearby church meeting.

In light of this underinclusiveness, the Town has not met its burden to prove that its Sign Code is narrowly tailored to further a compelling government interest. Because a " 'law cannot be regarded as protecting an interest of the highest order, and thus as justifying a restriction on truthful speech, when it leaves appreciable damage to that supposedly vital interest unprohibited,' " *Republican Party of Minn. v. White*, 536 U.S. 765, 780 (2002), the Sign Code fails strict scrutiny.

IV

Our decision today will not prevent governments from enacting effective sign laws. The Town asserts that an " 'absolutist' " content-neutrality rule would render "virtually all distinctions in sign laws . . . subject to strict scrutiny," Brief for Respondents 34–35, but that is not the case. Not "all distinctions" are subject to strict scrutiny, only content-based ones are. Laws that are content neutral are instead subject to lesser scrutiny. See *Clark*, 468 U.S., at 295.

The Town has ample content-neutral options available to resolve problems with safety and aesthetics. For example, its current Code regulates many aspects of signs that have nothing to do with a sign's message: size, building materials, lighting, moving parts, and portability. See, e.g., §4.402(R). And on public property, the Town may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner. See *Taxpayers for Vincent*, 466 U.S., at 817 (upholding content-neutral ban against posting signs on public property). Indeed, some lower courts have long held that similar content-based sign laws receive strict scrutiny, but there is no evidence that towns in those jurisdictions have suffered catastrophic effects. See, e.g., *Solantic, LLC v. Neptune Beach*, 410 F. 3d 1250, 1264-1269 (CA11 2005) (sign categories similar to the town of Gilbert's were content based and subject to strict scrutiny); *Matthews v. Needham*, 764 F. 2d 58, 59–60 (CA1 1985) (law banning political signs but not commercial signs was content based and subject to strict scrutiny).

We acknowledge that a city might reasonably view the general regulation of signs as necessary because signs "take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation." *City of Ladue*, 512 U.S., at 48. At the same time, the presence of certain signs may be essential, both for vehicles and pedestrians, to guide traffic or to identify hazards and ensure safety. A sign ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses—well might survive strict scrutiny. The signs at issue in this case, including political and ideological signs and signs for events, are far removed from those purposes. As discussed above, they are facially content based and are neither justified by traditional safety concerns nor narrowly tailored.

* * *

We reverse the judgment of the Court of Appeals and remand the case for proceedings consistent with this opinion.

It is so ordered.

CONCURRENCE (ALITO)

JUSTICE ALITO, with whom JUSTICE KENNEDY and JUSTICE SOTOMAYOR join, concurring.

I join the opinion of the Court but add a few words of further explanation.

As the Court holds, what we have termed "contentbased" laws must satisfy strict scrutiny. Content-based laws merit this protection because they present, albeit sometimes in a subtler form, the same dangers as laws that regulate speech based on viewpoint. Limiting speech based on its "topic" or "subject" favors those who do not want to disturb the status quo. Such regulations may interfere with democratic self-government and the search for truth. See *Consolidated Edison Co. of N.Y. v. Public Serv. Comm'n of N.Y.*, 447 U.S. 530, 537 (1980).

As the Court shows, the regulations at issue in this case are replete with content-based distinctions, and as a result they must satisfy strict scrutiny. This does not mean, however, that municipalities are powerless to enact and enforce reasonable sign regulations. I will not attempt to provide anything like a comprehensive list, but here are some rules that would not be content based:

- Rules regulating the size of signs. These rules may distinguish among signs based on any content-neutral criteria, including any relevant criteria listed below.
- Rules regulating the locations in which signs may be placed. These rules may distinguish between freestanding signs and those attached to buildings.
- Rules distinguishing between lighted and unlighted signs.
- Rules distinguishing between signs with fixed messages and electronic signs with messages that change.
- Rules that distinguish between the placement of signs on private and public property.
- Rules distinguishing between the placement of signs on commercial and residential property.
- Rules distinguishing between on-premises and off-premises signs.
- Rules restricting the total number of signs allowed per mile of roadway.
- Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.[*]

In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. See *Pleasant Grove City v. Summum*, 555 U.S. 460, 467–469 (2009). They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.

Properly understood, today's decision will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives.

[*] Of course, content-neutral restrictions on speech are not necessarily consistent with the First Amendment. Time, place, and manner restrictions "must be narrowly tailored to serve the government's legitimate, content-neutral interests." Ward v. Rock Against Racism, 491 U.S. 781, 798 (1989). But they need not meet the high standard imposed on viewpointand content-based restrictions.

CONCURRENCE (BREYER)

JUSTICE BREYER, concurring in the judgment.

I join Justice Kagan's separate opinion. Like Justice Kagan I believe that categories alone cannot satisfactorily resolve the legal problem before us. The First Amendment requires greater judicial sensitivity both to the Amendment's expressive objectives and to the public's legitimate need for regulation than a simple recitation of categories, such as "content discrimination" and "strict scrutiny," would permit. In my view, the category "content discrimination" is better considered in many contexts, including here, as a rule of thumb, rather than as an automatic "strict scrutiny" trigger, leading to almost certain legal condemnation.

To use content discrimination to trigger strict scrutiny sometimes makes perfect sense. There are cases in which the Court has found content discrimination an unconstitutional method for suppressing a viewpoint. E.g., *Rosenberger v. Rector and Visitors of Univ. of Va*., 515 U.S. 819, 828–829 (1995); see also *Boos v. Ba*rry, 485 U.S. 312, 318-319 (1988) (plurality opinion) (applying strict scrutiny where the line between subject matter and viewpoint was not obvious). And there are cases where the Court has found content discrimination to reveal that rules governing a traditional public forum are, in fact, not a neutral way of fairly managing the forum in the interest of all speakers. *Police Dept. of Chicago v. Mosley*, 408 U.S. 92, 96 (1972) ("Once a forum is opened up to assembly or speaking by some groups, government may not prohibit others from assembling or speaking on the basis of what they intend to say"). In these types of cases, strict scrutiny is often appropriate, and content discrimination has thus served a useful purpose.

But content discrimination, while helping courts to identify unconstitutional suppression of expression, cannot and should not always trigger strict scrutiny. To say that it is not an automatic "strict scrutiny" trigger is not to argue against that concept's use. I readily concede, for example, that content discrimination, as a conceptual tool, can sometimes reveal weaknesses in the government's rationale for a rule that limits speech. If, for example, a city looks to litter prevention as the rationale for a prohibition against placing newsracks dispensing free advertisements on public property, why does it exempt other newsracks causing similar litter? Cf. *Cincinnati v. Discovery Network, Inc*., 507 U.S. 410 (1993). I also concede that, whenever government disfavors one kind of speech, it places that speech at a disadvantage, potentially interfering with the free marketplace of ideas and with an individual's ability to express thoughts and ideas that can help that individual determine the kind of society in which he wishes to live, help shape that society, and help define his place within it.

Nonetheless, in these latter instances to use the presence of content discrimination automatically to trigger strict scrutiny and thereby call into play a strong presumption against constitutionality goes too far. That is because virtually all government activities involve speech, many of which involve the regulation of speech. Regulatory programs almost always require content discrimination. And to hold that such content discrimination triggers strict scrutiny is to write a recipe for judicial management of ordinary government regulatory activity.

Consider a few examples of speech regulated by government that inevitably involve content discrimination, but where a strong presumption against constitutionality has no place. Consider governmental regulation of securities, e.g., 15 U.S. C. §78l (requirements for content that must be included in a registration statement); of energy conservation labeling-practices, e.g., 42 U.S. C. §6294 (requirements for content that must be included on labels of certain consumer electronics); of prescription drugs, e.g., 21 U.S. C. §353(b)(4)(A) (requiring a prescription drug label to bear the symbol "Rx only"); of doctor-patient confidentiality, e.g., 38 U.S. C. §7332 (requiring confidentiality of certain medical records, but allowing a physician to disclose that the patient has HIV to the patient's spouse or sexual partner); of income tax statements, e.g., 26 U.S. C. §6039F (requiring taxpayers to furnish information about foreign gifts received if the aggregate amount exceeds $10,000); of commercial airplane briefings, e.g., 14 CFR §136.7 (2015) (requiring pilots to ensure that each passenger has been briefed on flight procedures, such as seatbelt fastening); of signs at petting zoos, e.g., N.Y. Gen. Bus. Law Ann. §399–ff(3) (West Cum. Supp. 2015) (requiring petting zoos to post a sign at every exit " 'strongly recommend[ing] that persons wash their hands upon exiting the petting zoo area' "); and so on.

Nor can the majority avoid the application of strict scrutiny to all sorts of justifiable governmental regulations by relying on this Court's many subcategories and exceptions to the rule. The Court has

said, for example, that we should apply less strict standards to "commercial speech." *Central Hudson Gas & Elec. Corp. v. Public Service Comm'n of N.Y.*, 447 U.S. 557, 562–563 (1980). But I have great concern that many justifiable instances of "content-based" regulation are noncommercial. And, worse than that, the Court has applied the heightened "strict scrutiny" standard even in cases where the less stringent "commercial speech" standard was appropriate. See *Sorrell v. IMS Health Inc.*, 564 U.S. , (2011) (BREYER, J., dissenting) (slip op., at). The Court has also said that "government speech" escapes First Amendment strictures. See *Rust v. Sullivan*, 500 U.S. 173, 193-194 (1991). But regulated speech is typically private speech, not government speech. Further, the Court has said that, "[w]hen the basis for the content discrimination consists entirely of the very reason the entire class of speech at issue is proscribable, no significant danger of idea or viewpoint discrimination exists." *R.A.V. v. St. Paul*, 505 U.S. 377, 388 (1992). But this exception accounts for only a few of the instances in which content discrimination is readily justifiable.

I recognize that the Court could escape the problem by watering down the force of the presumption against constitutionality that "strict scrutiny" normally carries with it. But, in my view, doing so will weaken the First Amendment's protection in instances where "strict scrutiny" should apply in full force.

The better approach is to generally treat content discrimination as a strong reason weighing against the constitutionality of a rule where a traditional public forum, or where viewpoint discrimination, is threatened, but elsewhere treat it as a rule of thumb, finding it a helpful, but not determinative legal tool, in an appropriate case, to determine the strength of a justification. I would use content discrimination as a supplement to a more basic analysis, which, tracking most of our First Amendment cases, asks whether the regulation at issue works harm to First Amendment interests that is disproportionate in light of the relevant regulatory objectives. Answering this question requires examining the seriousness of the harm to speech, the importance of the countervailing objectives, the extent to which the law will achieve those objectives, and whether there are other, less restrictive ways of doing so. See, e.g., *United States v. Alvarez*, 567 U.S. ____ (2012) (BREYER, J., concurring in judgment) (slip op., at 1–3); *Nixon v. Shrink Missouri Government PAC*, 528 U.S. 377, 400–403 (2000) (BREYER, J., concurring). Admittedly, this approach does not have the simplicity of a mechanical use of categories. But it does permit the government to regulate speech in numerous instances where the voters have authorized the government to regulate and where courts should hesitate to substitute judicial judgment for that of administrators.

Here, regulation of signage along the roadside, for purposes of safety and beautification is at issue. There is no traditional public forum nor do I find any general effort to censor a particular viewpoint. Consequently, the specific regulation at issue does not warrant "strict scrutiny." Nonetheless, for the reasons that Justice Kagan sets forth, I believe that the Town of Gilbert's regulatory rules violate the First Amendment. I consequently concur in the Court's judgment only.

CONCURRENCE (KAGAN)

JUSTICE KAGAN, with whom JUSTICE GINSBURG and JUSTICE BREYER join, concurring in the judgment.

Countless cities and towns across America have adopted ordinances regulating the posting of signs, while exempting certain categories of signs based on their subject matter. For example, some municipalities generally prohibit illuminated signs in residential neighborhoods, but lift that ban for signs that identify the address of a home or the name of its owner or occupant. See, e.g., City of Truth or Consequences, N.M., Code of Ordinances, ch. 16, Art. XIII, §§11–13–2.3, 11–13–2.9(H)(4) (2014). In other municipalities, safety signs such as "Blind Pedestrian Crossing" and "Hidden Driveway" can be posted without a permit, even as other permanent signs require one. See, e.g., Code of Athens-Clarke County, Ga., Pt. III, §7–4–7(1) (1993). Elsewhere, historic site markers—for example, "George Washington Slept Here"—are also exempt from general regulations. See, e.g., Dover, Del., Code of Ordinances, Pt. II, App. B, Art. 5, §4.5(F) (2012). And similarly, the federal Highway Beautification Act limits signs along interstate highways unless, for instance, they direct travelers to "scenic and historical attractions" or advertise free coffee. See 23 U.S. C. §§131(b), (c)(1), (c)(5).

Given the Court's analysis, many sign ordinances of that kind are now in jeopardy. See ante, at 14 (acknowledging that "entirely reasonable" sign laws "will sometimes be struck down" under its approach (internal quotation marks omitted)). Says the majority: When laws "single[ ] out specific subject matter," they are "facially content based"; and when they are facially content based, they are automatically subject to strict scrutiny. Ante, at 12, 16-17. And although the majority holds out hope that some sign laws with subject-matter exemptions "might survive" that stringent review, ante, at 17, the likelihood is that most will be struck down. After all, it is the "rare case[ ] in which a speech restriction withstands strict scrutiny." *Williams-Yulee v. Florida Bar*, 575 U.S. , (2015) (slip op., at 9). To clear that high bar, the government must show that a content-based distinction "is necessary to serve a compelling state interest and is narrowly drawn to achieve that end." *Arkansas Writers' Project, Inc. v. Ragland*, 481 U.S. 221, 231 (1987). So on the majority's view, courts would have to determine that a town has a compelling interest in informing passersby where George Washington slept. And likewise, courts would have to find that a town has no other way to prevent hidden-driveway mishaps than by specially treating hidden-driveway signs. (Well-placed speed bumps? Lower speed limits? Or how about just a ban on hidden driveways?) The consequence—unless courts water down strict scrutiny to something unrecognizable—is that our communities will find themselves in an unenviable bind: They will have to either repeal the exemptions that allow for helpful signs on streets and sidewalks, or else lift their sign restrictions altogether and resign themselves to the resulting clutter.[‡]

Although the majority insists that applying strict scrutiny to all such ordinances is "essential" to protecting First Amendment freedoms, ante, at 14, I find it challenging to understand why that is so. This Court's decisions articulate two important and related reasons for subjecting content-based speech regulations to the most exacting standard of review. The first is "to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail." *McCullen v. Coakley*, 573 U.S. , ____ (2014) (slip op., at 8–9) (internal quotation marks omitted). The second is to ensure that the government has not regulated speech "based on hostility—or favoritism— towards the underlying message expressed." *R.A.V. v. St. Paul*, 505 U.S. 377, 386 (1992). Yet the subject-matter exemptions included in many sign ordinances do not implicate those concerns. Allowing residents, say, to install a light bulb over "name and address" signs but no others does not distort the marketplace of ideas. Nor does that different treatment give rise to an inference of impermissible government motive.

We apply strict scrutiny to facially content-based regulations of speech, in keeping with the rationales just described, when there is any "realistic possibility that official suppression of ideas is afoot." *Davenport v. Washington Ed. Assn.*, 551 U.S. 177, 189 (2007) (quoting *R.A.V.*, 505 U.S., at 390). That is always the case when the regulation facially differentiates on the basis of viewpoint. See *Rosenberger v.*

[‡] Even in trying (commendably) to limit today's decision, JUSTICE ALITO's concurrence highlights its far-reaching effects. According to JUSTICE ALITO, the majority does not subject to strict scrutiny regulations of "signs advertising a one-time event." Ante, at 2 (ALITO, J., concurring). But of course it does. On the majority's view, a law with an exception for such signs "singles out specific subject matter for differential treatment" and "defin[es] regulated speech by particular subject matter." Ante, at 6, 12 (majority opinion). Indeed, the precise reason the majority applies strict scrutiny here is that "the Code singles out signs bearing a particular message: the time and location of a specific event." Ante, at 14.

Rector and Visitors of Univ. of Va., 515 U.S. 819, 829 (1995). It is also the case (except in nonpublic or limited public forums) when a law restricts "discussion of an entire topic" in public debate. *Consolidated Edison Co. of N.Y. v. Public Serv. Comm'n of N.Y.*, 447 U.S. 530, 537, 539–540 (1980) (invalidating a limitation on speech about nuclear power). We have stated that "[i]f the marketplace of ideas is to remain free and open, governments must not be allowed to choose 'which issues are worth discussing or debating.' " *Id.*, at 537–538 (quoting *Police Dept. of Chicago v. Mosley*, 408 U.S. 92, 96 (1972)). And we have recognized that such subject-matter restrictions, even though viewpoint-neutral on their face, may "suggest[ ] an attempt to give one side of a debatable public question an advantage in expressing its views to the people." *First Nat. Bank of Boston v. Bellotti*, 435 U.S. 765, 785 (1978); accord, ante, at 1 (ALITO, J., concurring) (limiting all speech on one topic "favors those who do not want to disturb the status quo"). Subject-matter regulation, in other words, may have the intent or effect of favoring some ideas over others. When that is realistically possible—when the restriction "raises the specter that the Government may effectively drive certain ideas or viewpoints from the marketplace"—we insist that the law pass the most demanding constitutional test. *R.A.V.*, 505 U.S., at 387 (quoting *Simon & Schuster, Inc. v. Members of N.Y. State Crime Victims Bd.*, 502 U.S. 105, 116 (1991)).

But when that is not realistically possible, we may do well to relax our guard so that "entirely reasonable" laws imperiled by strict scrutiny can survive. Ante, at 14. This point is by no means new. Our concern with content based regulation arises from the fear that the government will skew the public's debate of ideas—so when "that risk is inconsequential, . . . strict scrutiny is unwarranted." *Davenport*, 551 U.S., at 188; see R.A.V., 505 U.S., at 388 (approving certain content-based distinctions when there is "no significant danger of idea or viewpoint discrimination"). To do its intended work, of course, the category of content-based regulation triggering strict scrutiny must sweep more broadly than the actual harm; that category exists to create a buffer zone guaranteeing that the government cannot favor or disfavor certain viewpoints. But that buffer zone need not extend forever. We can administer our content-regulation doctrine with a dose of common sense, so as to leave standing laws that in no way implicate its intended function.

And indeed we have done just that: Our cases have been far less rigid than the majority admits in applying strict scrutiny to facially content-based laws—including in cases just like this one. See *Davenport*, 551 U.S., at 188 (noting that "we have identified numerous situations in which [the] risk" attached to content-based laws is "attenuated"). In *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984), the Court declined to apply strict scrutiny to a municipal ordinance that exempted address numbers and markers commemorating "historical, cultural, or artistic event[s]" from a generally applicable limit on sidewalk signs. *Id.*, at 792, n. 1 (listing exemptions); see *id.*, at 804–810 (upholding ordinance under intermediate scrutiny). After all, we explained, the law's enactment and enforcement revealed "not even a hint of bias or censorship." *Id.*, at 804; see also *Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 48 (1986) (applying intermediate scrutiny to a zoning law that facially distinguished among movie theaters based on content because it was "designed to prevent crime, protect the city's retail trade, [and] maintain property values . . . , not to suppress the expression of unpopular views"). And another decision involving a similar law provides an alternative model. In *City of Ladue v. Gilleo*, 512 U.S. 43 (1994), the Court assumed arguendo that a sign ordinance's exceptions for address signs, safety signs, and for-sale signs in residential areas did not trigger strict scrutiny. See *id.*, at 46–47, and n. 6 (listing exemptions); *id.*, at 53 (noting this assumption). We did not need to, and so did not, decide the level-of-scrutiny question because the law's breadth made it unconstitutional under any standard.

The majority could easily have taken *Ladue*'s tack here. The Town of Gilbert's defense of its sign ordinance—most notably, the law's distinctions between directional signs and others—does not pass strict scrutiny, or intermediate scrutiny, or even the laugh test. See ante, at 14–15 (discussing those distinctions). The Town, for example, provides no reason at all for prohibiting more than four directional signs on a property while placing no limits on the number of other types of signs. See Gilbert, Ariz., Land Development Code, ch. I, §§4.402(J), (P)(2) (2014). Similarly, the Town offers no coherent justification for restricting the size of directional signs to 6 square feet while allowing other signs to reach 20 square feet. See §§4.402(J), (P)(1). The best the Town could come up with at oral argument was that directional signs "need to be smaller because they need to guide travelers along a route." Tr. of Oral Arg. 40. Why exactly a smaller sign better helps travelers get to where they are going is left a mystery. The absence of any sensible basis for these and other distinctions dooms the Town's ordinance under even the intermediate scrutiny that the Court typically applies to "time, place, or manner" speech regulations. Accordingly, there is no need to decide in this case whether strict scrutiny applies to every sign ordinance in every town across this country containing a subject-matter exemption.

I suspect this Court and others will regret the majority's insistence today on answering that question in the affirmative. As the years go by, courts will discover that thousands of towns have such ordinances, many of them "entirely reasonable." Ante, at 14. And as the challenges to them mount, courts will have to invalidate one after the other. (This Court may soon find itself a veritable Supreme Board of Sign Review.) And courts will strike down those democratically enacted local laws even though no one—certainly not the majority—has ever explained why the vindication of First Amendment values requires that result. Because I see no reason why such an easy case calls for us to cast a constitutional pall on reasonable regulations quite unlike the law before us, I concur only in the judgment.


CANYONS

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: **LMC Amendment Park City Historic Sites Inventory Criteria & Demolition Permits**
Author: **Anya Grahn, Historic Preservation Planner**
Hannah Turpen, Planner
Bruce Erickson, AICP, Planning Director

Date: **November 11, 2015**
Type of Item: **Legislative – LMC Amendment**

Summary Recommendations

On August 6, 2015, 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 Historic Preservation Board's (HPB) demolition permit review process and noticing, and new definitions to be included in the Land Management Code (LMC).

The Planning Department requests the Planning Commission open a public hearing, review the possible Land Management Code amendments, and forward a positive recommendation regarding the staff's proposed changes as referenced in this staff report to City Council.

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

History of Park City's Preservation Movement

The development of the ski resorts (Snow Park Ski Area, 1946; Treasure Mountain, 1963; Park City West /Canyons Resort, 1968; and Deer Valley Resort, 1981) played a major role in transforming Park City from a mining ghost town into a year-round resort destination. Greater real estate demands and increased development spurred the historic preservation movement in Park City, which largely began in 1978 with the Main Street nomination for the National Register of Historic Places. A second thematic National Register nomination recognized the historic significance of the Mining Boom

Era residences in 1984. These two districts were focused on preserving historic buildings within Old Town.

Early on, the City recognized the need to assist property owners in order to encourage historic preservation. Initially, the City placed 180-day stay on demolition that provided an opportunity for the City to purchase or find a buyer for a historic property threatened by demolition. Further, the City purchased the Watts House and National Garage, put out a request for proposals (RFP) to rehabilitate the site, and then lobbied the Department of the Interior to keep the National Garage on the National Register of Historic Places after it had been panelized. Today, High West is one of the best examples of a historic rehabilitation project in Park City. The City's grant program, established in 1987, incentivized preservation efforts using RDA funds. Design Guidelines and the Land Management Code (LMC) also allowed the City to maintain the historic look and feel of its historic districts.

The City has been successful at developing regulations favoring historic preservation. We have created opportunities for mixed-use development, eliminated parking requirements for historic structures, and adopted provisions in the LMC and Design Guidelines all in an effort to encourage and make feasible historic preservation.

Historic preservation code provisions date back to approximately 1982. In the early 1990s, the City expanded regulations governing demolition of commercial properties, primarily on Main Street, and soon after extended protections to residential properties on the initial survey or over 50 years old, subject to a determination of significance hearing. In 2007, the City contracted with Preservation Solutions to conduct a reconnaissance level, or "windshield," survey of the historic district. This increased our current preservation program in which some 400 sites and structures were designated as historic on the City's Historic Sites Inventory (HSI) and the adoption of the 2009 *Design Guidelines for Historic Districts and Historic Sites*. Owners of properties on the HSI may not demolish buildings or structures designated as historic unless warranted by economic hardship through the Certificate of Appropriateness for Demolition (CAD) process; however, reconstruction and panelization may be deemed necessary and approved by the Chief Building Official (CBO) and Planning Director if specified criteria are met as defined in the LMC. The City has been successful in encouraging historic preservation through a "carrot and stick" approach, which includes the Historic District Grant Program and LMC exceptions benefitting historic properties.

Historically, up to 2002, the LMC gave the Community Development Department the authority to "review and approve or deny all applications for Building permits to build, locate, demolish, construct, remodel, alter, or modify any façade on any structure or building or other visible element…located within the Park City Historic District." The HDC had the ability to review and approve design review applications in those cases where the Community Development Director (CDD) found the proposal did not comply or the CDD was unable to make a determination at all. However, past preservation planners' practice was to take nearly all applications to the HDC. In 2002, the HDC also reviewed demolition permits for locally designated historic buildings. As part of a

stakeholder process leading up to the 2003 amendments, several designers requested that the Planning Department either follow the code and make the initial determination, using the HPB primarily an appeal authority, or change the LMC to reflect the actual practice to take all applications to the HPB. The Council chose to refine the LMC process but left staff as the primary design review authority.
Since 2006, the LMC and practice have been aligned in staff decision first with the HPB taking a different role. Their purpose is to review all appeals on action taken by the Planning Department regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites, designate sites to the HSI, and participate in the design review of any City-owned projects located within the Historic District at Council's direction, as outlined in the Land Management Code per LMC 15-11-5.

Prior to the pending ordinance, all Historic District Design Review (HDDR) applications were reviewed by staff. If, as part of the Design Review, a demolition of a structure was proposed and the property was not designated as historic on the City's Historic Sites Inventory (HSI) as Landmark or Significant, the planner would sign off on the Building Department's demolition permit. Further, staff reviewed and determined the historical significance of additions to historic structures as well as the historical significance of modifications to ensure that these alterations had not gained historical significance in their own right. Panelization or reconstruction of any historic structures were reviewed and approved by the Planning Director and Chief Building Official, per LMC 15-11-14.

Pending Ordinance:
The criteria for Landmark and Significant historic designations are outlined in Land Management Code (LMC) 15-11-10(A). Due to concerns regarding the historic designation of certain properties in the Historic District which contained historic materials but were not on the Historic Site Inventory, 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. Furthermore, the ordinance requires that the Historic Preservation Board (HPB) review any request for demolition as defined by the International Building Code (IBC). The HPB has been reviewing applications on a bi-monthly basis for compliance with this ordinance. The IBC manner of defining demolition will not work long term because it refers to the removal of any portions of a structure as well as demolishing the entire building. The existing, current LMC provides a definition of demolition that is used in HPB reviews. New language for consideration is proposed in Section 2 of this Staff Report.

Staff's understanding of the need to update the LMC
The intent of the pending ordinance is to expand the protection of Park City's Historic Districts through amendments and additions to the Land Management Code. The goal of the pending ordinance is to:

- Expand the Historic Preservation Board's role in demolition determinations;
- Expand the Historic Sites Inventory criteria;
- Modify the process for designation to the Historic Sites Inventory;

- Modify the criteria for relocation and/or reorientation of Historic Building(s), disassembly and reassembly (panelization) of Historic Buildings, or reconstruction of Historic Buildings;
- Modify the noticing requirements for demolition permits; and
- Expand the definitions in the Land Management Code.

Research We've Conducted
The research that staff has conducted in order to craft the pending ordinance includes researching other jurisdiction's ordinances, comparing definitions, and analyzing the existing regulations in the Land Management Code. Input received from the Historic Preservation Board and Planning Commission has helped guide staff's research and areas requiring analysis. Staff's proposed amendments reflect this research and input.

Why we are making these recommendations
Staff received direction from City Council on August 6, 2015 to move forward with the pending ordinance in order to increase the protection of Park City's Historic Districts. Staff brought the pending ordinance to the Historic Preservation Board and Planning Commission for review and input. After receiving direction from the Historic Preservation Board and Planning Commission, staff has brought back possible amendments and/or clarifications to the pending ordinance.

The HPB has reviewed the pending ordinance on August 13, September 2, September 16, October 7, and October 21, 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; and
- As they have been reviewing minor maintenance and construction projects that include an aspect of demolition, they prefer to review larger projects related more to the HDDR process than over-the-counter building permits.

We will be reviewing the proposed LMC changes with the Historic Preservation Board on November 18, 2015, and requesting that they also forward their recommendations to City Council.

The Planning Commission completed a review of the first draft of the proposed LMC changes on September 9th. Public input on September 9th was in support of the new ordinance and reducing potential loss of historic structures through demolition (see 9.9.15 Planning Commission Minutes, Exhibit B). The Planning Commission also expressed concern about the need for greater public communication and accountability on panelization and reconstruction projects to prevent decisions being made solely in the field.

Staff followed up with the Planning Commission to propose changes to the pending ordinance on October 14, 2015. Comments from this meeting provided the following direction (see 10.14.15 Planning Commission Minutes, Exhibit C):

- Staff's proposal of a third historic designation—Contributory—was concerning as the Planning Commission found that evaluating structures at the age of forty (40) years was a moving target and the definition of contributing to the streetscape was too vague.
- The Planning Commission was also very concerned that the Historic Preservation Board (HPB) would be too arbitrary and capricious in their demolition review. The Commission recommended that staff develop a checklist for reviewing demolitions, as defined by the International Building Code (IBC).
- The Planning Commission found that the HPB's demolition review was onerous on property owners as it extended the timeframe for completing construction projects.

Analysis

Staff requests that the Planning Commission review and provide input on the following proposed Land Management Code (LMC) changes.

1. Purposes of the Historic Preservation Board (HPB)

As part of the pending ordinance, City Council requested that the HPB review demolition permits. The HPB is not currently authorized to serve as a design review board, and City Council has asked that staff return to City Council with a discussion on providing HPB with design review authority in the future. Staff plans on addressing this after the pending ordinance is passed.

Proposed Changes:

15-11-5. PURPOSES.
The purposes of the HPB are:
(A) To preserve the City's unique Historic character and to encourage compatible design and construction through the creation, and periodic update of comprehensive Design Guidelines for Park City's Historic Districts and Historic Sites;
(B) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;
(C) To provide input to staff, the Planning Commission and City Council towards safeguarding the heritage of the City in protecting Historic Sites, Buildings, and/or Structures;
(D) To recommend to the Planning Commission and City Council ordinances that may encourage Historic preservation;
(E) To communicate the benefits of Historic preservation for the education, prosperity, and general welfare of residents, visitors and tourists;
(F) To recommend to the City Council Development of incentive programs, either public or private, to encourage the preservation of the City's Historic resources;
(G) To administer all City-sponsored preservation incentive programs;
(H) To review all appeals on action taken by the Planning Department regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites; ~~and~~
(I) To review and take action on all designation of Sites to the Historic Sites Inventory Applications submitted to the City~~.~~; and
(J) To review and take action on demolition permit applications for those Sites listed on the Historic Sites Inventory.

2. Historic Designations

On January 22, 2009, the City Council, at a public hearing, discussed proposed amendments and approved a resolution adopting LMC amendments to Land Management Code, Section 15-11-12 to establish the Park City Historic Sites Inventory. The Land Management Code, Section 15-11-12: Park City Historic Sites Inventory specifies that the Planning Department shall maintain an inventory of Historic Sites located with Park City.

Research and development of the Historic Sites Inventory was conducted by the City's Historic Preservation Consultant, Dina Blaes and her staff at Preservation Solutions using criteria set forth in Land Management Code, Section 15-11-12(A): Criteria for Designating Sites to the Park City Historic Sites Inventory. Four hundred five (405) sites--with a total of five hundred twenty five (525) buildings, accessory buildings, and/or structures--were identified as meeting the criteria for designation to the Historic Sites Inventory. Of these sites, one hundred ninety-two (192) sites meet the criteria for designation as “Landmark” Sites and two hundred thirteen (213) sites meet the criteria for designation as “Significant” Sites. The HSI was adopted on February 4, 2009.

Of the four hundred five (405) sites adopted as part of the original Historic Site Inventory, two hundred thirteen (213) sites met the criteria for designation as Significant Sites. Staff's evaluation of these sites was based on the criteria set forth in Title 15-11-10 and the subsequent recommendation to the HPB to include these sites on the Historic Sites Inventory as Significant Sites was based on the information gathered during fieldwork and from secondary sources.

Following the initial adoption of the 2009 HSI, sites and structures were removed from the HSI as more information was discovered and the site or structure was found not to meet the designation criteria. Most of these sites were previously on the HSI but removed due to additional analysis of non-historic alterations to their form. The purpose of these changes is to safeguard those structures forty (40) years old or older that have had significant alterations yet continue to contribute to the rhythm and pattern of the streetscape within the H-Districts, and may return to the HSI if future restoration efforts comply with adopted standards.

Staff is not recommending any changes to the criteria for Landmark listing on the HSI. Staff’s intent in modifying the “Significant” designation is to expand the criteria in order to capture those structures that continue to contribute to the historical significance and integrity of the historic district due to their form, mass, scale, or historical features, though they may have had past alterations that have caused them to be removed from the Historic Sites Inventory in the past. The intent is not to dilute to the Historic District with severely altered structures, but rather provide greater opportunities for these structures to be recognized for contributing to the historical integrity of the district as a whole as well as allow greater opportunities for restoration.

Staff also proposes modifying the LMC to incorporate a new designation to LMC-15-11-10(A). The "Contributory" designation will include those structures forty (40) years old or older that are compatible with historic structures and the streetscape in the district due to their mass, scale, composition, materials, treatment, and/or other architectural features that are Visually Compatible to the Mining Era Residences National Register District based on the criteria defined later in this report. A 50 year criteria exists for the designation of Historic sites. The forty 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. 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.

Proposed Changes:

15-11-10. PARK CITY HISTORIC SITES INVENTORY.

The Historic Preservation Board may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community.

(A) CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

(1) LANDMARK SITE. Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance ~~in the past fifty (50) years~~ or if the Site is of exceptional importance to the community; and

(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

(i) An era that has made a significant contribution to the broad patterns of our history;

(ii) The lives of Persons significant in the history of the community, state, region, or nation; or

(iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.

(2) SIGNIFICANT SITE. Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old (this includes buildings not historic to Park City that were relocated to prevent demolition) or ~~has achieved Significance in the past fifty (50) years if~~ or the Site is of exceptional importance to the community; and

(b) It retains its ~~Essential~~ Historical Form, ~~meaning there are no major alterations that have destroyed the Essential Historical Form~~ as may be demonstrated but not limited by any of the following:

(i) It previously received a historic grant from the City; or

(ii) It was previously listed on the Historic Sites Inventory; or

(iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or

(c) It has one (1) or more of the following:

(i)It retains its historic scale, context, materials in a manner and degree which can be restored to ~~Essential~~ Historical Form even if it has non-historic additions; and~~Major alterations that destroy the Essential Historical Form include:~~

~~(i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the~~

~~part of the Applicant or a previous Owner, or~~

~~(ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or~~

~~(iii) Moving it from its original location to a Dissimilar Location, or~~

~~(iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.~~

(ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as that are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions;or

(d) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:

(i) An era of Historic importance to the community, or

(ii) Lives of Persons who were of Historic importance to the community, or

(iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

(3) CONTRIBUTORY SITE. Any site, including Buildings (main, attached, detached, or public), Accessory Building, and/or Structure may be designated to the Historic Sites Inventory as a Contributory Site if the Planning Department finds it meets all the criteria listed below:

(a) The structure is forty (40) years old or older (this includes buildings not historic to Park City that were relocated to prevent demolition); and

(b) Expresses design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as that are Visually Compatible to the Mining Era Residences National Register District; or

(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.

(d) Contributory structures will not be require Historic Preservation Board review, but will be processed through the Historic District Design Review (HDDR) process. Contributory structures may be eligible for Historic District Grant funding.

(4) Any Development involving the Reassembly or Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Sections 15-11-14 or 15-11-15 of this code shall remain on the Park City Historic Sites Inventory. Following Reconstruction, the Historic Preservation Board will review the project to determine if the work has required a change in the site or structure's historic designation. ~~and shall be listed as a Significant Site.~~

3. Designating Sites to the Historic Site Inventory

Currently, the LMC dictates that only Planning Department staff or the property owner may nominate sites to the Historic Sites Inventory (HSI). New Staff policy will be to accept and review nominations from other interested parties for consideration and determination whether to move forward to the HPB for decision. The nominations are then reviewed by the HPB, which then determines whether the nomination meets the criteria to designate the site as Landmark or Significant.

Proposed Changes:

None

4. Historic District or Historic Site Design Review of Demolitions

Staff intends to codify by adding language to the LMC for the Historic Preservation Board Review (HPBR) of demolition permits. HPB shall review all demolition permits for any Landmark or Significant structures including for Routine Maintenance as defined by Section 15-11-12 (A)(3).

5. Relocation and/or Reorientation/Disassembly and Reassembly/Reconstruction

Currently, projects that involve the relocation or reorientation of Historic Building(s) and or Structures, disassembly and reassembly (panelization) of Historic Building(s) and or Structures, or reconstruction of Historic Building(s) and or Structures is reviewed by the Chief Building Official and Planning Director before approval. Staff recommends modifying these sections of the Land Management Code to require Historic Preservation Board review of these modifications.

Proposed Changes:

15-11-13. RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

(A) CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE. In approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Historic Preservation Board ~~Planning Department~~ shall find the project complies with the following criteria:

(1) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

(2) The Planning Director and Chief Building Official determine that the building is threatened in its present setting because of hazardous conditions and the preservation of the building will be enhanced by relocating it; or

(~~3~~) The Historic Preservation Board ~~Planning Director and the Chief Building Official~~ determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site, which include but are not limited to:

(i) The historic context of the building has been so radically altered that the present setting does not appropriately convey its history and the proposed relocation may be considered to enhance the ability to interpret the historic character of the building and the district; and

(ii) The new site shall convey a character similar to that of the historic site, in terms of scale of neighboring buildings, materials, site relationships, geography, and age; and

(iii) The integrity and significance of the historic building will not be diminished by relocation and/or reorientation; and

(4) All other alternatives to relocation/reorientation have been reasonably considered prior to determining the relocation/reorientation of the building. These options include but are not limited to:

(i) Restoring the building at its present site; or

(ii) Relocating the building within its original site; or

(iii) Stabilizing the building from deterioration and retaining it at its present site for future use; or

(iv) Incorporating the building into a new development on the existing site

(B) PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE. All Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City shall be reviewed by the Historic Preservation Board ~~Planning Department~~ pursuant to Section 15-11-12 of this Code.

15-11-14. DISASSEMBLY AND REASSEMBLY OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the disassembly and reassembly of Historic Buildings, Structures, and Sites.

(A) CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE. In approving a Historic District or Historic Site design review Application involving disassembly and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the Historic Preservation Board ~~Planning Department~~ shall find the project complies with the following criteria:

(1) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) cannot reasonably be moved intact; ~~or~~ and
(2) The proposed disassembly and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
(3) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or
(4) The Planning Director and the Chief Building Official determine that unique conditions and the quality of the Historic preservation plan warrant the proposed disassembly and reassembly;

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

(B) PROCEDURE FOR THE DISASSEMBLY AND REASSEMBLY OF A LANDMARK SITE OR A SIGNIFICANT SITE. All Applications for the disassembly and reassembly of any Historic Building(s) and/or Structure(s) on a Landmark Site of a Significant Site within the City shall be reviewed by the Historic Preservation Board ~~Planning Department~~ pursuant to Section 15-11-12 of this Code.

If an Application involving the disassembly and reassembly of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the reassembled Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

15-11-15. RECONSTRUCTION OF AN EXISTING HISTORIC BUILDING OR HISTORIC STRUCTURE.

(A) CRITERIA FOR RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE. In approving an Application for Reconstruction of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Historic Preservation Board ~~Planning Department~~ shall find the project complies with the following criteria:
(1) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; and
(2) The Historic Building(s) and/or Structure(s) cannot be made safe and/or serviceable through repair; and
(3) The form, features, detailing, placement, orientation, and location of the Historic Building(s) and/or Structure(s) will be accurately depicted, by means of new construction, based on as-built measured drawings, historical records, and/or current or Historic photographs.

(B) PROCEDURE FOR THE RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE. All Applications for the Reconstruction of any Historic Building and/or Structure on a Landmark Site or a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code. If an Application involving the Reconstruction of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes

relocation and/or reorientation of the Reconstructed Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

6. Definitions

Staff is proposing to modify and add several definitions to the Land Management Code 15-15 Defined Terms in response to these code changes.

Proposed Changes:

Modifications to Existing Definitions:

***1.57 COMPATIBLE OR COMPATIBILITY**. Characteristics of different Uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. Elements affecting Compatibility include, but are not limited to, Height, scale, mass and bulk of Building, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive Areas, and Building patterns.*

***(A) Visual Compatibility**. Characteristics of different architectural designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. In addition to the elements effecting Compatibility which include, but are not limited to Height, scale, mass, and bulk of Building, other factors that dictate compatibility include proportion of building's front facade, proportion of openings within the facility, rhythm of solids to voids in front facades; rhythm of entrance or porch projections; relationship of materials and textures; roof shapes; scale of building.*

***1.66 CONTRIBUTING BUILDING, STRUCTURE, SITE/AREA OR OBJECT**. A Building (main, attached, detached, or pubic), Accessory Building, Structure, Site, ~~of~~ or Object that is determined by the Historic Preservation Board to meet specific criteria set forth in LMC 15-11. ~~reflects the Historical or architectural character of the district as designated by the Historic Preservation Board.~~ A portion of an existing building, an Accessory Building, Structure, or object may also be considered contributory to the historical significance of a Building or Site if it reflects the Historical or architectural character of the site or district as designated by the Historic Preservation Board.*

***1.73 DEMOLISH OR DEMOLITION**. Any act or process that destroys in part or in whole a Building or Structure. Includes dismantling, razing, or wrecking of any fixed 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.*

***1.74 DENSITY**. The intensity or number of non-residential and Residential Uses expressed in terms of Unit Equivalents per acre or Lot or units per acre. Density is a function of both number and type of Dwelling Units and/or non-residential units and the land Area.*

(A) In terms of visual compatibility, Density refers to the pattern of clustering residential or commercial structures within a neighborhood and/or District. The pattern is established by the overall mass (length, height, and width) of the structure visible from the Right-of-Way, size of the lot(s), width between structures, and orientation of structures on the site.

New Definitions:

CONTINUITY: *The state or quality of being continuous, as a line, edge, or direction. Factors that dictate continuity within a streetscape include, but are not limited to, mass , scale, and height of buildings; streetscape elements such as sidewalks, curbs, and, paving patterns; and development patterns such as setbacks, orientation of buildings, repetition of porches and entryways,*

RHYTHM AND PATTERN: *The established development patterns established by factors including, but not limited to, the siting of existing structures, including their mass, scale, and height; the spacing of buildings along a streetscape, including setbacks and building sizes; spacing, size and proportion of façade openings, including windows and doors.*

7. Noticing for Demolitions and Designations of Sites

Finally, staff has heard from the Historic Preservation Board, Planning Commission, City Council, and public that there needs to be greater public communication regarding demolitions. The LMC currently requires the following noticing for Designation of sites to the Historic Sites Inventory and Historic District Design Review (HDDR) applications:

Notice Matrix

Action:	Property Posting:	Courtesy Mailing:	Published:
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	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	If appealed, then once 7 days before the date set for the appeal

	comply with the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.	the 14 day initial public comment period. The second mailing occurs once the Planning Department determines whether the proposed plans comply or do not comply with the Design Guidelines for Historic Districts and Historic Sites and no later than 45 days after the end of the initial public comment period. This establishes a 10 day period after which the Planning Department's decision may be appealed.	
Certificate of Appropriateness for Demolition (CAD)	45 days on the Property upon refusal of the City to issue a CAD; 14 days prior to the hearing before the Historic Preservation Board.	14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the hearing before the Historic Preservation Board.

There currently is no requirement for staff to post notifications of the HPB's demolition reviews, except in the case of Certificate of Appropriateness for Demolition (CAD)s. however, staff recommends amending the LMC to require a 14-day property posting, courtesy mailing, and published public notice Consistent with the Historic District Design Review and CAD processes.

Proposed Changes:

15-1-21 Notice Matrix

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 to property owners within 100*	*Once 14 days prior to the hearing before the Historic Preservation Board*

		feet.	

8. Demolition Review Checklist

Both the Historic Preservation Board and Planning Commission have directed staff to develop a demolition review checklist. The criterion in this checklist is intended to aid the Historic Preservation Board in their review of demolition permits to promote consistency and prevent arbitrary and capricious determinations. These criteria will not be codified, but rather a policy that can be modified as the HPB continues their demolition reviews.

Proposed Changes:

Staff recommends the following criterion as part of the HPB's Demolition Review Checklist:

a. *Routine Maintenance (including repair or replacement where there is no change in the design, materials, or general appearance of the elements of the structure or grounds) does not require Historic Preservation Board Review (HPBR).*
b. *The partial demolition is required for the renovation, restoration, or rehabilitation of the building, structure, or object.*
c. *Proposed exterior changes shall not damage or destroy the exterior architectural features of the subject property which are compatible with the character of the historic site and are not included in the proposed scope of work.*
d. *The proposed scope of work mitigates any impacts that will occur to the visual character of the neighborhood where demolition is proposed to occur; any impacts that will occur to the historical significance of the buildings, structures, or objects located on the property; any impact that will occur to the architectural integrity of the buildings, structures, or objects located on the property; and any impact that will compromise the structural stability of the historic building.*
e. *The proposed scope of work mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and on adjacent parcels.*
f. *Any addition to a Historic Building, Site, or Structure has been found to be not contribute to the historic integrity or historical significance of the structure or site.*

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 October 24, 2015 and published in the Park Record on October 24, 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, October 14, and November 11, 2015 conducted by the Planning Commission.

Recommendation:
The Planning Department requests the Planning Commission open a public hearing, review the possible Land Management Code amendments, and forward a positive recommendation to City Council.

Exhibits
Exhibit A – Pending Ordinance
Exhibit B – 9.9.15 Planning Commission Minutes
Exhibit C – 10.14.15 Planning Commission Minutes

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 re-consider 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.~~

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(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

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

stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the west and the non-historic structure to the north.

7. This approval will expire on September 9, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.

8. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.

9. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.

10. Modified 13-D residential fire sprinklers are required for all new construction on this lot.

11.The driveway width must be a minimum of ten feet (10') and will not exceed twelve feet (12') in width.

12. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.

13.Construction waste should be diverted from the landfill and recycled when possible.

14. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

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. (Application PL-15-02895)

Interim Planning Director Erickson noted that this item was noticed for a public hearing this evening.

Mr. Erickson commented on the draft Staff reports for possible additions to the means and methods for addressing historic structures that are contributory to the District but do not meet the level of Significant or Landmark Sites. He reiterated that he had also received the list of agreed on mine sites that are in need of protection. The Staff was crafting new language within the ordinance to make sure that mine sites are identified in subdivisions and MPDs. Mr. Erickson noted that this Item was being continued to October 14th, at which time the Staff would come back with additional information and details. He commented on the importance of hearing from the public this evening and again on October 14th.

Chair Strachan noted that the agenda indicated a continuance to September 23rd, and the Staff report indicated October 14th. Mr. Erickson replied that the correct date was October 14th.

Chair Strachan opened the public hearing.

John Plunkett voiced his support for this legislation. He and his wife moved to Park City 24 years ago. They live at 557 Park Avenue, and over that time they have redone four historic houses in town. Mr. Plunkett understood the difficulties involved in preserving historic structures, but he found it to be worthwhile. Mr. Plunkett stated that he was also speaking on behalf of two neighboring friends and property owners on Park Avenue; John Browning and Linda Cox. They wanted to thank the City for swinging the pendulum back in favor of preservation and being more careful about demolition in particular. Mr. Plunkett noted that Mr. Browning had sent in a letter that he hoped would be included in the next Staff report. Mr. Plunkett read one paragraph from the letter that he thought was important and useful. "Given the economic pressures in a resort town, regulation only of individual buildings will be corrosive. Each year a few of the least architecturally significant houses will be demolished or transformed beyond recognition. Their neighborhood will no longer look as charming or picturesque. Eventually, after some years of erosion Park City's essence could be lost." Mr. Plunkett believed the community shared the concern of not letting that happen. He appreciated the efforts of the City on this matter.

Andy Bern, a 33 year resident of Park City stated that 31 of those years have been in Old Town. Mr. Bern expressed his support for the expansion of the Historic Sites Inventory in

Old Town. He is against demolition of Historic Properties such as 569 Park Avenue. As a neighbor he knows many people who put a lot of time, money and their hearts into preserving these historic houses. Mr. Bern noted that many of his neighbors, including Mr. Plunkett, are primary residences. They were not secondary homeowners who purchased the home with the idea of maximizing their square footage for financial gain by demolishing the house and putting two buildings in its place. Mr. Bern stated that he was just a neighbor looking out for his neighbors. He appreciated the City for the Ordinance to preserve Historic Buildings and for being against demolition.

Sandra Morrison with the Park City Historical Society and Museum, offered support from the Historic Society and Museum and the Board of Trustees, and thanked the Staff and City Council for taking the step of broadening the definition of historic districts and the Historic Sites Inventory, and also for allowing the Historic Preservation Board to review all of the requests for demolition, especially the panelizations and deconstructions.

Mr. Erickson stated that Anya Grahn and Hannah Turpen were the Planners who had done the real work on this project. Neither of them was in attendance this evening, but they both deserved all the credit.

Mike Sweeney had read the Staff report and he thought it was well-written, pithy and right to the point, and it was easy to understand. It was one of the best Staff reports he has read. Mr. Sweeney wanted to express that comment and he assumed it would be passed on to Anya and Hannah because they had done a great job.

Chair Strachan closed the public hearing.

Commissioner Thimm noted that the Staff report mentioned a concern regarding the definition of demolition. He asked if there was a proposed new definition for demolition. Mr. Erickson replied that it was a convoluted situation. The question of the definition of demolition came up during a joint meeting between the City Council and the HPB. The Planning Staff proposed using the definition of demolition from the International Building Code, which is the document used by the Building Department. That proposal failed because the IBC does not have a definition of demolition. The Staff then reached out to OSHA and ANSI, the American National Standards Institute. OSHA recommended the ANSI definition of demolition. It is a broad sweeping, more rigorous definition and the City will use it in the LMC update. It covers many of the elements being covered under the ordinance regarding historic structures.

Chair Strachan suggested that the Staff also look at the definition of demolition used by other jurisdictions. Mr. Erickson stated that they were currently looking at Truckee, California, Edgartown, Massachusetts, Monroe, Ohio, Denver, Colorado, and Aspen,

Colorado. Chair Strachan suggested that they add Crested Butte to the list. Mr. Erickson remarked that they were pulling resources from the locations he named and they would also look at Crested Butte.

Commissioner Joyce asked if the ordinance had any impact on the issue of demolition by neglect. Mr. Erickson replied that they were re-writing the Demolition by Neglect section of the ordinance to make it broader and more affirmative. Currently, there is a theoretic prohibition of demolition in the LMC Historic District section. The language is badly written and they have taken language from other jurisdictions to improve Demolition by Neglect. Commissioner Joyce asked if it would apply to the broader inventory. Mr. Erickson stated that it would apply to the homes that are considered contributory, as well as the listing of mine structures that would be added to the List of Historic Sites.

Commissioner Phillips asked if a property owner would have to submit a plan for demolition and panelization when they go before the Historic Preservation Board. Mr. Erickson replied that it was a change in the making. Currently, the owner is not required to submit a plan for the first determination by the HPB because they have no idea what is inside the building. He believed that was a weak spot and the change would require a preliminary plan for demolition when it first goes to the HPB. It would give the HPB an idea of what could happen and it would make it easier to notify the public on potential options such as panelization or removal of exterior materials.

Mr. Erickson stated that giving more “demolition” authority to the HPB would give them a better knowledge of what to expect. However, with the HPB also sitting as an appeal body, it is not a good idea to have the HPB review final designs.

Commissioner Phillips remarked that in the past he has made comments that it would be helpful if there was more predictability when panelizations are approved to keep people informed. Mr. Erickson stated that demolition plans are vigorously reviewed during the HDDR process, but it is still based on the caveat that a structural engineer was willing to stamp the drawings. A second factor is not having knowledge of what is inside the walls. Mr. Erickson assumed the Planning Director would have the authority to authorize minor demolitions and exploratory work inside the building that would not affect the interior or structural integrity. For example, an exploratory could not be done around a window, but they could do it from inside the building to look for steel in the masonry.

Chair Strachan stated that once a historic structure is torn down its gone. He understood that the City makes people post a bond, but he wanted to know if they were exploring other preventative options to address those who disregard the law and the community and are willing to forfeit their bond to demolish a structure. Mr. Erickson noted that the City is allowed to charge a fine. Chair Strachan remarked that a fine does not replace the historic

structure. Mr. Erickson agreed, and noted that another drawback is that the fine could not be any higher than the State fine, which is not significant. He stated that the Staff was exploring the issue and the Legal Department was also working on other options.

City Attorney Harrington stated that it was a balancing act. Traditional criminal and civil penalties can do as much harm as good because they are more imbedded in a strict weighing of the Building Code and Dangerous Building Code. They typically do not want those options invoked in this situation. Mr. Harrington remarked that the City is limited in what they can do affirmatively. He commented on one property was in the process until the City successfully prosecuted an administrative enforcement action. However, it still had implementation problems and the owner would lose part of their bond because of it; but it was still better than where it was prior to that. Mr. Harrington remarked that each situation is very specific and it is not always a developer trying to take advantage and maximizing. Some issues are truly discovered during exploratory demolition and legitimate modifications have to be made. Mr. Harrington believed they would eventually see those field adjustments get a higher public review. It is appropriate and they would see proposals to that effect.

Mr. Harrington stated that the discussion has not focused on the deliberate decisions that the former Planning Director and Preservation Consultant made in evoking amendments to the second tier of historic significant structures. It was increased at that time with the idea that they would be more encouraging of more significant alterations as part of the balance. Mr. Harrington remarked that the phrase “bringing the pendulum back” is accurate and they were seeing a reaction to that permissiveness that was not supported at a policy level. How far back they should go must be weighed carefully. The biggest challenge has been keeping things fair given the surrounding development. Mr. Harrington believed the City Council, the Planning Commission and the HPB were aware of the problem. As much as they want to hold everyone now to the same restrictions that were put in place in the past, they faced new challenges in terms of how far they could go due to State restrictions. Mr. Harrington stated that the Staff was drafting proposals and he hoped they could be evaluated without indicting the former Staff, because what was done in the past was a deliberate attempt that just missed the mark.

Mr. Harrington believed they would see an equally important discussion with the City Council for an increased incentive in terms of funding. It must be a dual approach. It cannot just be done at the regulatory level.

Chair Strachan asked if there was criminal liability currently. Mr. Harrington stated that there could be, but it is a misdemeanor and the burden is difficult because most cases are evidentiary. The ordinance could be amended, but it would not solve the problem. Mr. Harrington believed that the City taking control of the materials at the outset, having more

oversight and dedicating the resources necessary to make sure that the approval given is implemented will be more effective; however, it will also require large resource allocations. One question will be whether to designate a City holding facility for materials. He noted that it was the approach used for High West. In order to secure the Department of Interior approval to keep the building on the list, the City had to commit to being the holding facility. He suggested that the City might have to do that more broadly, but it would come with a big price tag for the public. The flip side is how much to subsidize private developments. Mr. Harrington believed subsidies are necessary, and additional tax abatements and other things could be considered to further subsidize. The challenge is finding the balancing point.

Commissioner Campbell commented on the reference to tax abatement. He recalled that the Planning Commission had discussed that approach on another project and former Planning Director Eddington had said that it was difficult to do in Utah. That was an issue he wanted to learn more about in the future because if it is a tool they would be able to propose it. Mr. Harrington explained that tax credits have not been used or implemented in Utah as they have in other states. However, in terms of local property taxes he believed there was some latitude to do that, but it is a step that faced policy opposition in the past. Mr. Harrington remarked that the Grants are easier to administer because it is an affirmative way to enable the desired end result. Commissioner Campbell understood that it was a decision for the City Council, but he would like to know in general if there were positive incentive aspects and whether it was a tool they could recommend. He personally favored offering an incentive to help achieve the end result as opposed to threatening jail if it is done wrong.

Mr. Erickson stated that the pending ordinance has a time frame and the Staff was pushing to meet the deadline. In addition, they were also working with the City Finance Department to devise a mechanism of funding and financing and looking at the budget for Fiscal 2017. There were RDA funds and other opportunities to help subsidize.

Commissioner Phillips stated that he was having a hard time understanding the 1975 date. Mr. Erickson explained that the year 1975 was established in the pending ordinance to fix a date that was 40 years previous. Historic structures are 50 years, and the Staff wanted a 10 year window to make sure they catch every potential historic structure or structures that had modifications after the 50 year threshold but before the 40 year threshold. Mr. Erickson stated that it has been revised to a 40 year floating threshold from current date. He pointed out that the 1975 date would eventually be replaced with a 40 year threshold to see if it meets the test of being a historic site.

Commissioner Thimm asked what would be meaningful to a particular structure during the 40 to 50 year period. Mr. Erickson was unsure specifically; however, the direction in the

ordinance was to be rigorous and cast a wide net to catch something that may be historic in a home that had been reconstructed in that period. There may be historic features or a historic foundation that meets the test of history. Mine structures could also slide into that realm. Commissioner Thimm asked if a person could be limited to what they could do to a building on their property within that ten year period. Mr. Erickson answered no; not unless something is determined to be historic consistent with the City regulations. He explained that the 40 year threshold is the identification criteria that alert the Staff to make sure there are no historic elements.

Planner Whetstone noted that there were three criteria. Some of the qualifying criteria are the ones they were proposing to revise, especially the one about retaining historic form. There is also criteria on whether or not it is important to the historic era. Mr. Erickson stated that it was a policy question they were still wrestling with. Mr. Harrington remarked that it was a temporary catch-all. The second component is public information and review, and making sure there is a second set of eyes on these determinations rather than just having one person in the Planning Department make the determination. Everything goes to the HPB pending these revisions. The only change to the criteria is the increase in eligibility.

Commissioner Campbell stated that because of the publicity he has been stopped at the store and other places by people wanting to comment on the ordinance. He thought a lot of people misunderstood the intent and believed that no structure could ever be torn down if it was older than 1975. The reality is that structures must be reviewed by the HPB to determine whether or not they could be torn down. Mr. Erickson clarified that the criteria had not changed for demolitions or tearing down, but the net for looking at demolitions had grown. No one would be restricted from tearing down anything older than 40 years to the 50 year threshold, but it must be looked at first. The main philosophy is to make sure an additional Board of educated eyes is watching over the Historic District in addition to the Staff and the Planning Commission. Commissioner Campbell thought it was important to make sure the public has that understanding when this is noticed. He believed they would get less pushback if the public understood that demolitions would not be prohibited; but it would require a mandatory review.

MOTION: Commissioner Joyce moved to CONTINUE the ordinance amending the Land Management Code, Section 15, Chapter 11 in all Historic Zones to expand the Historic Sites Inventory to October 14th, 2015. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 6:20 p.m.

Approved by Planning Commission: _____

Director Erickson stated that this District is under constant review by the Historic Main Street Business Alliance and the two organizations managed by the City Council. It is an ongoing, constant review. Director Erickson noted that the three to five year period would allow enough time to gather evidence without being too long. Commissioner Phillips agreed with the comments made by his fellow Commissioners. He believed the amendment was in line with the intention of the General Plan.

Commissioner Worel echoed the comments of her fellow Commissioners. She thought it would be helpful to get more strategic information on why this all came to be the way it is. Commissioner Worel appreciated the comment by Mike Sweeney in regards to needing more definitions. She noted that page 96 of the Staff report talks about abandonment of buildings. She asked if someone has a business license and only open three months a year, whether the remainder of the year would be considered abandonment. Assistant City Attorney McLean stated that it would depend on the use. However, if the owner has an active business license for three weeks of the year it would not be considered abandonment. Commissioner Worel noted that it would not protect from all the dark spaces on the street. Ms. McLean stated that dark spaces would be a separate conversation. Commissioner Worel was still not clear on what would constitute abandonment. Chair Strachan believed that abandonment would be the intent to abandon the use. Ms. McLean remarked that abandonment has to do with being grandfathered in. An existing non-conforming use is allowed to continue until it is abandoned for 12 months. She pointed out that there is no way to equate that an empty building was not a use. Ms. McLean stated that the question has been raised in the past and there is a large concern by the Main Street Merchants regarding those dark spaces. She was unsure how a City could tell someone that they must have an active business inside of their building. Commissioner Worel thought there could be a way but this was not the time to discuss it.

MOTION: Commissioner Band moved to CONTINUE the Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2, Chapter 15-2.6-2 and the associated definitions in Chapter 15-15 to November 11, 2015. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

7. 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 1515. (Application PL-15-02895)

Director Erickson reported that the information the Planning Commission was seeing for the first time was reviewed by the City Council and the Historic Preservation Board in a joint meeting a month ago. It was also reviewed in detail at the last HPB meeting.

Planner Grahn requested that the Planning Commission provide input and direction on what was being proposed. She noted that redlines have not been proposed to the LMC but the Staff would come back with those redlines.

Planner Grahn commented on six topics for discussion as outlined in the Staff report.

1) Historic Designations. The Staff was proposing to add a third category called Contributory and it would be for building over years old.

2) Define Demolition and modify the LMC definition to include the ANSI definition, which also includes dismantling, razing or wrecking.

3) Demolition Permit Review. The HPB has been reviewing demolition requests.

4) Noticing requirement for demolition reviews. Currently there is no noticing requirement and the Staff was proposing to be consistent with the requirements for the Historic District Design Review in that 14 days prior to the hearing they would post a property notice on the site, as well as send a mailing notice.

5) Demolition by Neglect.

6) Criteria for Visual Compatibility.

Following the discussion this evening, Planner Grahn requested that the Planning Commission continue this item to November 11th.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Director Erickson clarified that there was a distinction between the LMC changes and the Historic District Design Guideline changes. The distinction was in the visual compatibility section. If the Planning Commission chose to bifurcate due to time constraints, he preferred that they focus on the Land Management Code amendments since those were under the pending ordinance.

Planner Grahn commented on the change under Historic Designation to add the third category of "Contributory". The criteria for Contributory was defined on page 166 of the Staff report.

Commissioner Phillips noted that the Staff report indicated that Contributory sites would be identified through a survey that was not yet completed. He asked when that survey would be completed. Planner Grahn replied that the Staff would set the criteria and the categories. CRSA was currently conducting an intensive level survey of Old Town and the City was looking at hiring another firm to do a reconnaissance level survey of buildings that were identified as contributory. The Staff believed that approximately 113 buildings need to be surveyed. Once they have the survey results the Staff will determine whether they fall under Landmark, Significant or Contributory. Planner Grahn explained that Contributory sites would be listed on a separate list and would not be designated to the Historic Sites Inventory. If an owner receives grant funds for a Contributory building, it would be moved over and protected on the Historic Sites Inventory.

Commissioner Joyce understood that someone interesting in purchasing a historic house would know that the house was considered Contributory before buying it rather than finding out when they want to remodel or do an addition. Planner Grahn replied that he was correct. However, the challenging part is that the 40 year mark keeps moving and the list would be updated periodically to make sure everything is captured.

Chair Strachan asked if it was incumbent upon the owner to find out if the structure is on the list or whether it would show on a title report. Director Erickson stated that it would not come up on a title report. He believed it would be part of the normal due diligence that anyone should do when purchasing property.

Commissioner Band assumed that the Board of Realtors would create a form for it. She had sent the information to the Board of Realtors so they would be aware of what to expect. She thought it would be similar to the addendum that was done for soils.

Director Erickson stated that at a minimum they want to make sure they have an Inventory. The City was not interested in regulating unless a component of a historic building can be redone or a grant is awarded. They also want to make sure they have a record of history after the mining area to present day. That was the reason for the floating 40 year mark. Director Erickson remarked that the types of structures that are Contributory provide the opportunity to a better job of defining neighborhood character because they contribute to the neighborhood.

Commissioner Joyce thought the term “Contributory” was vague. He noted that A-frames are part of the ski culture in Park City and pre-1975, but there is no interest in preserving them. Director Erickson explained that the ski era buildings are contributory in terms of mass and scale, but not particularly for the A-frame design. For example, if someone was looking for a new home in and they see five homes in the neighborhood that are the same size, that would be the neighborhood compatibility for how large the new home could be. Director Erickson clarified that at this point they were not regulating ski era homes, but they want to be able to tell that story 30 years from now. If A-frames go away at least they would be documented.

Commissioner Joyce stated that his question was more about the limitations of what they will allow people to do with Contributory structures. He gave the example of owning an A-frame that was on the list. Planner Grahn explained that the A-frame structure would be evaluated by Staff and reviewed by the HPB. Commissioner Joyce was concerned about going down the path of preserving structures that were previously determined not worth saving.

Commissioner Band asked if the HPB could prohibit someone from tearing down their A-frame structure. Commissioner Phillips pointed out that just like the Planning Commission the HPB Board changes over time and in five or ten years they might be trying to decipher what was intended. Commissioner Phillips was concerned that the process left the door open for more opinionate discretion.

Planner Grahn stated that the Staff intends to create demolition review criteria that the HPB could apply so everyone is treated equally. The Staff would be working with the HPB to define specific criteria to make sure it is a fair review process.

Commissioner Band wanted to know if the HPB would have the purview to deny demolition of a Contributory home. She noted that the Planning Commission was being asked to discuss this issue, but it was difficult without seeing the criteria to understand what could or could not be done. Commissioner Band stated that the process of going through the City for anything is extremely onerous and she was concerned about adding another layer. She agreed with most of what was in the pending ordinance, but she struggled with the idea of Contributory structures because it was very vague.

Commissioner Worel concurred. She was bothered by the vagueness when she read the Staff report. Commissioner Joyce thought the language, “rhythm and pattern of the streetscape” was particularly vague. Commissioner Band was not in favor of leaving anything vague or arbitrary. The HPB review should not be a subjective process. If they establish that the HPB could not keep someone from demolishing a Contributory structure, she questioned why it would go before the HPB. Director Erickson stated that it would be

the same reason that someone would go before the HPB for a Landmark or Significant Site. It is a public decision-making process that is not left to the Staff.

Director Erickson stated that the Staff did not intend to make the language vague; however rhythm, scale and compatibility are terms of art in their profession. The Staff would come back with greater definition on those terms, along with a proper set of criteria. Director Erickson noted that there were only 113 homes to be evaluated and if they do not meet the established criteria they would not be listed.

Commissioner Campbell pointed out that the list would grow every year because of the floating 40 year mark. Commissioner Phillips stated that the citizens should not have to worry from year to year whether their structure might be listed as Contributory.

Assistant City Attorney McLean stated that from a legal standpoint it would be helpful for the Staff to address the Contributory Site. She pointed out that in order to qualify the site would have to meet items A through E on page 166 of the Staff report. She read from Item B, which states that it has to be contributing to the Mining Era Residences National Register District. She interprets that to mean that it would not be just any house. It must be contributing. She asked the Staff to clarify that statement. Ms. McLean felt it was important to recognize that what was being proposed would not prevent demolition of any contributory structure unless it received a grant from the City.

Commissioner Thimm asked if the category of contributory lined up with the contributory definitions that are part of SHPO and part of the National Register. Planner Grahn replied that the answer was yes and no. She explained that SHPO is based on the National Register. The Landmark buildings in Park City are National Register eligible or considered National Register eligible because they are located within the District and contribute. Significant buildings would most likely fall into the Contributory category based on a Reconnaissance level survey. The new Contributory category was more in response to the pending ordinance in trying to review and capture some of the buildings that are not clearly defined by Landmark and Significant.

Direct Erickson stated that this was benchmarked across other Districts ranging from Breckenridge to Crested Butte to Denver to San Francisco to Salt Lake City. In most cases they have a category like Contributory. He clarified that the Park City Staff did not invent this category.

Commissioner Thimm pointed out that every year another building becomes 40 or 50 years old. He assumed there would be a survey to actually establish that and he wanted to know how often surveys would be conducted. Planner Grahn replied that currently they only looked at buildings that were 1975 and younger. She noted that in ten years those building

would be 50 years old and some may be National Register eligible. The question is whether they want to save the 40 year old buildings that were built in the 1980s. That is a decision that the community will have to make.

Commissioner Campbell questioned how something that was built in the 1980s would contribute to the Mining Era. Planner Grahn replied that it would depend on how the structure was designed. Commissioner Band stated that it was more about the story of the town. Director Erickson remarked that a replicate building could be contributory to the District and not be eligible for demolition because it received grants. Planner Grahn pointed out that if a Landmark or Significant structure was not allowed to be demolished but the City allowed reconstruction or panelization, it would remain on the Historic Sites Inventory rather than be listed Contributory. Director Erickson stated that if someone wanted to build a structure in 2015 to match a miner's home, it would probably be designated as Contributory 40 years from now.

Commissioner Joyce read from page 167 of the Staff report under Demolition Permit Review, "The purpose behind this provision is to create a vehicle for reviewing and approving the demolition (as defined above), panelization, reconstruction, rotation….of structures that are 40 years or older that are in the H District or identified as historic." He understood that any structure that was already historic would have gone through this review without the pending ordinance. The only new piece is the Contributory designation. Planner Grahn replied that he was correct. She explained that prior to this pending ordinance a panelization or reconstruction project on a Landmark or Significant structure would have been reviewed and approved by Staff. Under this pending ordinance the HPB would make that determination rather than the Chief Building Official or the Planning Director. Commissioner Joyce originally understood that nothing in the process would prevent someone from demolishing a contributory building. However, from Planner Grahn's explanation it appears that the HPB would approve or deny demolition, which means the HPB could prevent a demolition. Director Erickson agreed that the HPB could deny a demolition; however, they would have to work harder to deny at the contributory level.

Commissioner Joyce thought it was important to be clear to the public that under this ordinance a new category of buildings will be required to go through an approval process. Commissioner Band noted that one change with the ordinance is that panelization is considered demolition. Planner Grahn replied that panelization has always been considered demolition, but what is new is that the pending ordinance states that any demolition as defined by the International Building Code requires HPB review. She explained that under the IBC demolition can mean scraping the lot, panelizing or reconstruction. It can also mean cutting a 4" square for a dryer vent because the wood in that 4" square is being demolished.

Director Erickson offered to come back with additional clarification. Commissioner Campbell stated that if the HPB has to work harder to prevent a demolition of a contributory building, he wanted to know what "work harder" means. Commissioner Thimm concurred.

Commissioner Thimm stated that based on his work he was familiar with designations at the 50 year mark. He wanted to know how demolition from 40 to 49 years was different from the year 50. Planner Grahn felt the Staff needed to work on clarification because most of the Landmark and Significant structures are 100 years old. She offered to come back with suggestions to help clarify that process. Commissioner Joyce wanted to know what happens to a 40 year old building that is listed when it becomes 50 years old. Commissioner Worel asked if it would be reviewed again at the 50 year mark. Commissioner Thimm assumed that at the 50 year mark there would be a new survey that might change the designation of a Contributory building to Significant. He thought the process was nebulous as currently proposed. Commissioner Thimm recalled from how it was presented at a previous meeting that there was no change in what happened to a building from year 40 to 49, other than to identify it. He thought it now sounded like the HPB would be reviewing those structures and that review could allow a provision for denial. He believed that was a significant change from what was originally discussed. Commissioner Thimm could not say whether it was right or wrong because it was not clear.

Assistant City Attorney stated that the Staff purposely decided not to put in the redlines because they did not want to spend time redlining Code without knowing what the Commissioners would or would not support. She suggested that Planner Grahn ask questions that would help her bring back the redlines to the Planning Commission.

Planner Grahn commented on the Demolition Permit Review. She stated that currently under the pending ordinance, if a structure is 40 years or older, the HPB was reviewing any materials being removed from a structure, as well as scraping the lot, panelizing, or reconstructing. The Staff met with the HPB to hear their input. Planner Grahn stated that the HPB would like to continue reviewing items that are 40 years or older, but they do not want to review demolition of materials that are not on the historic portion of the structure such as materials from a newer addition.

Commissioner Band was not opposed, but she felt that once an addition goes through the Historic Design Review and is added to the historic structure, the entire structure then becomes historic and should be looked at as a whole. Commissioner Thimm that Commissioner Band's thinking was consistent with SHIPO in that once a building is designated the changes are the evolution of that building.

Planner Grahn noted that the Historic Preservation Board does not do Design Review. Therefore, the HPB only looks at removal of materials and they do not have a say in what material goes back in its place.

Commissioner Joyce could not understand why the HPB would look at everything over 40 years old regardless of whether it was on the Contributory list or the HSI. He wanted to know the reason for adding the extra step on buildings that were already determined to be historically insignificant. Planner Grahn stated that buildings that were potentially historic were slipping through the cracks, which is one reason for the pending ordinance. The Staff will be relooking at strengthening the Design Guidelines to make sure the HPB has something to compare a demolition to. Director Erickson explained that the HPB has other roles and responsibilities, including preservation of historic neighborhoods. The reaction from the City Council and the public was that neighborhoods were being destroyed because buildings were being demolished, and even the non-historic buildings contributed to the neighborhood. For that reason the City tasked the HPB with protecting the neighborhood in conjunction with other LMC designated authorities.

Chair Strachan used the example of a house that goes through the analysis because it is 41 years old and it is deemed not contributory and completely insignificant. Two years later the owner decides to tear it down he then has to go through another process before the HPB and risk that the HPB could make a different determination. Chair Strachan could not understand why they needed the second process when the structure was already determined to be insignificant and a non-issue.

Chair Strachan stated they should either review all the demolition requests or create criteria for a Contributory structure, but it should not be both. An owner should not have to go through the process twice. Commissioner Band concurred. If the concern was structures slipping through the cracks then every demolition in the Historic District should go through a review process and they should eliminate the Contributory survey. Commissioner Worel agreed.

Chair Strachan was concerned about a slippery slope where the HPB could arbitrarily decide what was contributory because it would be impossible to define the criteria as specifically as they would like without using subjective terms. Commissioner Campbell agreed because what the HPB understands now could be interpreted differently by another HPB Board ten years from now. Commissioner Phillips reiterated that it was one of his biggest concerns.

Planner Grahn thought the Planning Commission had raised good questions and it was something the Staff needed to keep working through.

Commissioner Thimm asked if he was correct in assuming that there was still no definition for demolition. Planner Grahn stated that page 166 of the Staff report contained the definition from the LMC. However, the Staff was proposing to modify that definition to include more about dismantling, raising and wrecking, and to also make clear that it is not part of the CAD process. The revised definition would come back as part of the redlines.

Planner Grahn summarized that the Planning Commission wanted the Staff to clear up the vagueness, provide clarification on the 40 to 50 year process, and to create clear criteria. Chair Strachan also wanted them to revisit the idea of making someone goes through an HPB review twice.

Commissioner Band commented on Demolition by Neglect. She was in favor of strengthening the language, but she questioned how peeling handrails and trim contribute to demolition by neglect. Commissioner Joyce stated that he was trying to figure out how he would apply Demolition by Neglect in terms of what they were asking people to do to the mine sites. He asked for clarification at the next meeting regarding how this affects the mine sites and what Talisker or Vail would be required to do and what the penalty would be if they did not comply.

Director Erickson stated that a topic for another meeting would be Certificates of Appropriateness for Demolition versus Demolition by Neglect versus Building Abatement.

Commissioner Campbell commented on the fact that so many people are not aware of this ordinance and what it means. He asked if it was possible to create publicly searchable registry on the Park City website where a current homeowner or a perspective buyer could quickly find out where their house or potential purchase falls on the list. He thought it was important to publicize the new Contributory category and have the criteria easily displayed.

MOTION: Commissioner Thimm moved to CONTINUE the LMC Amendments concerning Historic Preservation to November 11, 2015. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 8:55 p.m.

Approved by Planning Commission: _____