



**PARK CITY PLANNING COMMISSION MEETING  
SUMMIT COUNTY, UTAH  
October 12, 2022**

NOTICE OF HYBRID IN-PERSON AND ELECTRONIC MEETING: The Planning Commission of Park City, Utah will hold its regular meeting with an anchor location for public participation at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 on Wednesday, October 12, 2022. Planning Commission members may participate in person or connect electronically by Zoom or phone. Members of the public may attend in person or participate electronically. Public comments will also be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom through [www.parkcity.org/public-meetings](http://www.parkcity.org/public-meetings). Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to [www.parkcity.org](http://www.parkcity.org).

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

**1. ROLL CALL**

**2. MINUTES APPROVAL**

**3. PUBLIC COMMUNICATIONS**

**4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

- 4.A 2022 - 2023 Land Management Code Amendment Schedule and Commission Liaisons  
[2022 - 2023 Land Management Code Amendments](#)

**5. CONTINUATIONS**

- 5.A **1251 Kearns Boulevard -- Conditional Use Permit --** The Applicant Proposes Constructing an Addition to The Blind Dog Restaurant in the Frontage Protection Zone, Modifying the Parking Area to Increase Parking, and Creating Shared Parking with 1351 Kearns Boulevard. PL-22-05240 (2 mins.)

(A) Public Hearing; (B) Continuation to a Date Uncertain

[1251 Kearns Boulevard Continuation Report](#)

5.B

- 1351 Kearns Boulevard -- Conditional Use Permit --** The Applicant Proposes Enlarging the Parking Area in the Frontage Protection Zone and Shared Parking with 1251 Kearns Boulevard. PL-22-05296 (2 mins.)

(A) Public Hearing; (B) Continuation to a Date Uncertain

[1351 Kearns Boulevard Continuation Report](#)

**6. WORK SESSION**

- 6.A **Temporary Winter Balcony Enclosure Pilot Program** – The Planning Commission Will Review the Temporary Winter Balcony Enclosure Pilot Program that Allows for Non-Historic Balconies in the Historic Commercial Business District Facing Main Street to be Enclosed from November 15 through April 30. The Pilot Program Will End in 2023 and May Require Amendments to the Land Management Code. (GI-22-00487)

[Winter Balcony Enclosure Staff Report](#)

[Exhibit A: November 13, 2014 City Council Meeting Minutes](#)

[Exhibit B: January 7, 2015 HPB Staff Report](#)

[Exhibit C: January 7, 2015 HPB Meeting Minutes](#)

[Exhibit D: March 4, 2015 HPB Staff Report](#)

[Exhibit E: March 4, 2015 HPB Meeting Minutes](#)

[Exhibit F: December 9, 2015 Planning Commission Staff Report](#)

[Exhibit G: December 9, 2015 Planning Commission Meeting Minutes](#)

[Exhibit H: September 7, 2022 HPB Staff Report](#)

[Exhibit I: Public Input](#)

- 6.B **Land Management Code Amendments** - The Planning Commission Will Conduct a Work Session on Proposed Land Management Code Amendments to Clarify Landscaping and Water Wise Regulations, Define Key Terms, Update Gravel Regulations, Establish Landscaping Regulations Based on Land Use Type, Provide Flexibility to Replace Significant Vegetation with Water Wise and Firewise Landscaping, Update the Recommended Plant List to Identify Water Wise Plants, and Clarify Landscaping and Limits of Disturbance. PL-21-05064 (45 mins.)

[Landscaping Land Management Code Amendments Staff Report](#)

[Exhibit A: Approved Plant List](#)

## 7. REGULAR AGENDA

- 7.A **3099 Mountain Ridge Court - Plat Amendment** - The Applicant Proposes to Amend the Mountain Ridge Subdivision Plat to Modify the Limitations on Maximum Building Square Feet for Lot 13. PL-22-05368 (15 mins.)  
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on November 10, 2022

[Mountain Ridge Subdivision Lot 13 Plat Amendment Staff Report](#)

[Exhibit A: Draft Ordinance No 2022-XX and Proposed Plat](#)

[Exhibit B: Applicant's Survey of Proposed Changes to Building Envelope](#)

[Exhibit C: September 27, 1990 Planning Commission Meeting Minutes](#)

[Exhibit D: February 14, 1990 Planning Commission Meeting Minutes](#)

[Exhibit E: Mountain Ridge Subdivision Plat](#)

[Exhibit F: 2013 Building Permit](#)

[Exhibit G: Applicant Statement](#)

- 7.B **7620 Royal Street - Condominium Plat Amendment** - The Applicant Proposes a condominium plat amendment to combine two existing units into one recorded unit. PL-22-05343 (15 mins.)  
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on November 17, 2022

[7620 Royal Street Staff Report](#)

[Exhibit A: Draft Ordinance No. 2022-XX and Proposed Plat](#)

[Exhibit B: Existing Plat](#)

[Exhibit D: Royal Plaza Board Approval](#)  
[Exhibit C: Project Intent](#)

7.C

**Founders Place (Parcel 00-0021-01977 in Wasatch County; 3267 West Deer Hollow Road) – Development Agreement Modification** – On January 12, 2022, the Planning Commission Approved a Modification to a Master Planned Development and Conditional Use Permit for Founders Place, a 354,264-Square-Foot Ski-In Ski-Out Village in the Deer Crest Area. On July 27, 2022, the Planning Commission Ratified the Development Agreement Outlining the Requirements of the Development. The Applicant Requests a Modification to the Development Agreement Phasing Plan. PL-21-05056, PL-21-04917 (15 mins.)

(A) Public Hearing; (B) Action

[Founders Place Development Agreement Staff Report](#)  
[Exhibit A: Founders Place Development Agreement](#)  
[Attachment 1 - January 12, 2022 Project Approval](#)  
[Attachment 2 - Housing Mitigation Plan](#)  
[Attachment 3 - Legal Description](#)  
[Attachment 4 - Community Benefit Agreement](#)

## 8. ADJOURN

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or [planning@parkcity.org](mailto:planning@parkcity.org) at least 24 hours prior to the meeting.

**\*Parking is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**

# Planning Commission Staff Communication



**Subject:** Land Management Code Amendments  
**Author:** Rebecca Ward, Assistant Planning Director  
**Date:** October 12, 2022  
**Type of Item:** 2022-2023 Schedule & Commission Liaisons

## Summary

On September 14, 2022, the Planning Commission reviewed Land Management Code amendments in progress, prioritized amendments for 2023, and appointed Commission liaisons ([Staff Report](#); [Minutes](#), p. 11). This Staff Communication outlines Commission liaisons and the proposed schedule for work sessions and public hearings for 2022 and 2023. After meeting with Commission liaisons to discuss and outline each topic, the Planning team will return to the Planning Commission for a January 11, 2023 work session to finalize the schedule for the code amendment review.

## 2022 Schedule

The amendments below are in progress, scheduled for Planning Commission review:

Date	Topic	Commission Liaison
10/12/2022	<b>Work Session</b> Winter Balcony Enclosure Pilot Program Landscaping Updates	
10/26/2022	<b>Public Hearing</b> Landscaping Updates	
11/9/2022	<b>Work Session</b> Sensitive Land Overlay Work Session	Bill Johnson
11/9/2022	<b>Work Session</b> Accessory Uses in MPDs	Laura Suesser
11/23/2022	Meeting Cancelled – Thanksgiving Break	
12/14/2022	<b>Work Session</b> Secure Bicycle Parking Requirements	Christin Van Dine
12/14/2022	<b>Public Hearing</b> Sensitive Land Overlay	Bill Johnson

## 2023 Priorities

The Planning Commission identified the following priorities and Commission liaisons for 2023:

<b>Priority</b>	<b>Commission Liaison</b>
Incentivizing affordable housing development and amending Transfer of Development Rights	John Kenworthy Bill Johnson
Encouraging sustainability	Sarah Hall John Frontero
Improving transit, trail, and active transportation connectivity	Christin Van Dine
Evaluating lot combinations in the Historic Districts	Laura Suesser John Frontero
Transportation Demand Management and Traffic Impact Studies	Sarah Hall John Kenworthy

Additionally, the Commissioners requested that the Planning team schedule the following for review in 2023:

- Excavation limits
- Evaluation of steep slope standards citywide
- Review of the Conventional Chain Business and vibrancy ordinances
- Final action review and efficiency – Could some items that go to City Council stop with Planning Commission review; could some Planning Commission items be reviewed at a staff level?

## 2023 Schedule

Land Management Code amendment work sessions are scheduled for the second Planning Commission meeting each month, with the possibility of additional public hearings scheduled as amendments progress. After meeting with Commission liaisons this fall, on January 11, 2023, the Planning Team will return to the Planning Commission for final review of a detailed schedule.

The Planning team has reserved at least one hour for Land Management Code work sessions for the following meetings:

- January 25, 2023
- February 22, 2023
- March 22, 2023
- April 26, 2023
- May 24, 2023
- June 28, 2023
- July 26, 2023
- August 23, 2023
- September 27, 2023
- October 25, 2023
- November 22, 2023 – No Meeting – Thanksgiving
- December 27, 2023 – No Meeting – Winter Break

# Planning Commission Staff Report



**Subject:** 1251 Kearns Boulevard  
**Application:** PL-22-05240  
**Author:** Rebecca Ward  
**Date:** October 12, 2022  
**Type of Item:** Conditional Use Permit

## Recommendation

(I) Open a public hearing, and (II) consider continuing a Conditional Use Permit to enclose an outdoor dining area in the Frontage Protection Zone to a date uncertain to allow the Applicant additional time to update their parking study.

## Description

**Applicant:** Mark Fisher, represented by Jonathan DeGray

**Location:** 1251 Kearns Boulevard

**Zoning District:** General Commercial  
Frontage Protection Overlay

**Adjacent Land Uses:** Homestake Condominiums, Homestake Lot (slated for affordable housing development), Park City cemetery, The Emporium (1351 Kearns Boulevard), and Com-Park Plaza Condominiums

**Reason for Review:** The Planning Commission reviews Conditional Use Permits, conducts a public hearing, and takes Final Action<sup>1</sup>

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<sup>1</sup> LMC [§ 15-1-8\(G\)](#)

# Planning Commission Staff Report



**Subject:** 1351 Kearns Boulevard  
**Application:** PL-22-05296  
**Author:** Rebecca Ward  
**Date:** October 12, 2022  
**Type of Item:** Conditional Use Permit

## Recommendation

(I) Open a public hearing, and (II) consider continuing a Conditional Use Permit to enlarge a parking area in the Frontage Protection Zone to a date uncertain to allow the Applicant additional time to update their parking study.

## Description

**Applicant:** Mark Fisher, represented by Michael Sweeney

**Location:** 1351 Kearns Boulevard (The Emporium)

**Zoning District:** General Commercial  
Frontage Protection Overlay

**Adjacent Land Uses:** The Blind Dog and Boneyard Restaurants, Park City cemetery, Com-Park Plaza Condominiums, and City-owned property

**Reason for Review:** The Planning Commission reviews Conditional Use Permits, conducts a public hearing, and takes Final Action<sup>1</sup>

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<sup>1</sup> LMC [§ 15-1-8\(G\)](#)



# Planning Commission Staff Report



**Subject:** Winter Balcony Enclosure Pilot Program  
**Application:** GI-22-00487  
**Author:** Caitlyn Tubbs, Senior Historic Preservation Planner  
**Date:** October 12, 2022  
**Type of Item:** Work Session

## Recommendation

Evaluate and provide input on the Winter Balcony Enclosure pilot program that allows temporary enclosure of non-historic balconies facing Main Street in the Historic Commercial Business District. The pilot program is scheduled to end in 2023.

## Summary

The City Council initiated a pilot program to allow balcony enclosures on non-historic buildings on Main Street from November 15 – April 30 through 2023.

On March 7, 1979, Park City’s Main Street was listed on the [National Register of Historic Places](#), and was expanded in 2018. The Historic Character of Park City is one of the core values of the Park City General Plan (“General Plan”). Goal 15 of the General Plan is to “[p]reserve the integrity, mass, scale, compatibility, and historic fabric of the nationally and locally designated historic resources and districts for future generations.” Goal 16 of the General Plan is to “[m]aintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors.”

The General Plan acknowledges that historic preservation requires consideration of local business needs to retain vibrancy. The General Plan Community Planning Strategy 16.4 is to “[w]ork with Historic Park City Alliance (HPCA) and the Park City Historical Society to address the needs and concerns of local business owners.”

The pilot program was suggested by a local business to increase seating capacity during the winter months and to allow temporary balcony enclosures to replace tents. Only one property has requested the Winter Balcony Enclosure, with details provided in the Analysis Section below.

Since the Winter Balcony Enclosure pilot program was first introduced, staff has repeatedly voiced concerns, outlined in the Analysis Section below. Staff continues to find that the enclosure of Main Street balconies, even temporarily, has a detrimental impact on the historic character of Main Street.

## Background

The table below outlines the Winter Balcony Enclosure pilot program background:

<p>Sept. 18, 2014</p>	<p>A community member proposed the City consider a Winter Balcony Enclosure program on Main Street to promote expanded winter use. The City Council supported scheduling the proposal for future discussion.</p> <p>(<a href="#">Minutes</a>, p. 4)</p>
<p>Nov. 13, 2014</p>	<p>The City Council conducted a work session on Winter Balcony Enclosures. Staff expressed concerns:</p> <ul style="list-style-type: none"> <li>• Impact to the historic integrity of Main Street</li> <li>• International Building Code requirements for fire safety and snow loads</li> <li>• Snow shed issues</li> <li>• Increased use of sewer and water</li> <li>• Increased parking demands</li> <li>• Increased strain on City resources and staff time for reviewing and monitoring the enclosures</li> <li>• Enclosures were prohibited in the Land Management Code and Design Guidelines for Historic Districts and Historic Sites and required amendments</li> </ul> <p>Some Councilmembers agreed there would be impacts, but most Councilmembers were in support of exploring a pilot program.</p> <p>(Minutes, Exhibit A)</p>
<p>Jan. 7, 2015</p>	<p>The Historic Preservation Board conducted a work session on Winter Balcony Enclosures. The staff report outlined concerns:</p> <ul style="list-style-type: none"> <li>• Even temporary enclosures of balconies change the historic character of Main Street</li> <li>• Enclosure substantially alters the architectural design of the building, light and shade of the building design, and the rhythm and pattern of the streetscape</li> <li>• Enclosure of balconies substantially alters the visual character of the original building in shape, roof design, projections, recesses, and solid-to-void ratio</li> <li>• The balcony enclosures obscure and detract from historic details</li> <li>• Balconies not designed to meet the requirements of interior spaces and enclosures may require substantial structural changes and reconstruction</li> </ul> <p>The Board continued the discussion to March.</p> <p>(Jan. 7, 2015 Staff Report, Exhibit B; Jan. 7, 2015 Minutes, Exhibit C)</p>

Mar. 4, 2015	<p>The Historic Preservation Board provided input on potential amendments to the Land Management Code and Design Guidelines for Historic Districts to allow temporary enclosures on non-historic balconies in the Historic Commercial Business Zoning District for buildings facing Main Street.</p> <p>(Mar. 4, 2015 Staff Report, Exhibit D; Mar. 4, 2015 Minutes, Exhibit E)</p>
Jun. 25, 2015	<p>The City Council conducted a work session on Winter Balcony Enclosures and provided direction to staff to move forward with a three-year pilot program for non-historic buildings on Main Street.</p> <p>Community members raised concerns about the energy required to heat temporary enclosures.</p> <p>(<a href="#">Staff Report</a>, p. 22; <a href="#">Minutes</a>, p. 3)</p>
Dec. 9, 2015	<p>The Planning Commission voted 5 – 2 to forward a negative recommendation to City Council regarding amendments to the Land Management Code to accommodate Winter Balcony Enclosures. The Planning Commission expressed concerns:</p> <ul style="list-style-type: none"> <li>• If the temporary enclosure was constructed as a semi-permanent structure, why not consider a year-round enclosure</li> <li>• Balcony enclosures severely detract from the historic character and integrity of the Main Street Historic District, blocks views of neighboring historic structures, and changes the mass and scale of the historic commercial district in opposition to the General Plan and historic preservation goals</li> <li>• Balcony enclosures do not add to street vibrancy like summer dining decks</li> <li>• Balcony enclosures do not comply with Utah’s adopted State Energy Code and will increase carbon footprint in opposition to the General Plan and City goals</li> </ul> <p>(Dec. 9, 2015 Staff Report, Exhibit F; Dec. 9, 2015 Minutes, Exhibit G)</p>
Jan. 7, 2016	<p>City Council launched a three-year pilot program for the Winter Balcony Enclosure Program for non-historic buildings facing Main Street to enclose their balconies from November 15 – April 30.</p> <p>(<a href="#">Staff Report</a>, p. 93; <a href="#">Minutes</a>, p. 8)</p>
Jan. 7, 2016	<p>City Council enacted <a href="#">Ordinance No. 16-01</a>, amending the Land Management Code to accommodate Winter Balcony Enclosures on non-historic buildings in the Historic Commercial Business Zoning District facing Main Street from November 15 through April 30.</p> <p>(<a href="#">Staff Report</a>, p. 83; <a href="#">Minutes</a>, p. 5)</p>

Nov. 3, 2016	The City Council affirmed support of the three-year pilot program and approved a one-year agreement to allow the Riverhorse Balcony Enclosure over the public pedestrian right-of-way.  ( <a href="#">Staff Report</a> , p. 98; <a href="#">Minutes</a> , p. 13)
Oct. 11, 2018	City Council extended the pilot program for another five years and approved a one-year agreement to allow for the Riverhorse Balcony Enclosure over the public pedestrian right-of-way.  ( <a href="#">Staff Report</a> ; <a href="#">Minutes</a> , p. 10)
Nov. 7, 2019	As part of the consent agenda, the City Council approved an updated agreement for the Riverhorse Balcony Enclosure. The agreement terminated on April 30, 2020. The balcony enclosure was allowed to be installed from November 14, 2019 through May 4, 2020.  ( <a href="#">Staff Report</a> , p. 459; <a href="#">Minutes</a> , p. 12)
Sep. 7, 2022	The Historic Preservation Board held a work session to review the pilot program and give input. Staff reiterated concerns raised at prior meetings. The Historic Preservation Board expressed support for the continuation of the temporary enclosure of balconies on non-historic structures.  ( <a href="#">Staff Report</a> , p.21; (Minutes not yet adopted))

The pilot program is scheduled to expire in April 2023. Section 15-2.6-3 of the Land Management Code (LMC) was amended to include the allowance for temporary winter balcony enclosures. Prior to the program’s expiration the Land Management Code will need to be amended to reflect the City’s desired outcome. Staff is seeking a recommendation from the Planning Commission to the City Council regarding the future of the temporary winter balcony enclosure provisions as follows:

- Amend the LMC to allow for the continued **temporary** winter enclosure of balconies on non-historic structures,
- Amend the LMC to remove the provision for temporary winter enclosure of balconies on non-historic structures, OR
- Amend the LMC to allow for permanent (year-round) enclosure of balconies on non-historic structures.

### Analysis

Preserving the Historic Character of Park City is one of the core values in Park City’s General Plan (“General Plan”). Goal 15 of the General Plan is:

***Preserve the integrity, mass, scale, compatibility, and historic fabric of the nationally and locally designated historic resources and districts for future generations.***

Objective 15A – maintain the integrity of historic resources within Park City as a community asset for future generations, including historic resources locally designated on the Park City Historic Sites Inventory and its two

National Register Historic Districts – the Main Street Historic District and the Mining Boom Era Residences Thematic District.

Objective 15B – Maintain character, context, and scale of local historic districts with compatible infill development and additions.

Community Planning Strategy 15.8 is to periodically review newly constructed infill projects for suitability and compatibility of infill development within the Historic Districts. “Identify issues that threaten the aesthetic experience of the districts and refine the Design Guidelines and/or LMC based on findings. The aesthetic experience should be measured from the pedestrian experience at street frontage. In addition, the influence of site design and architecture should be analyzed in the review.”

Goal 16 of the General Plan is:

***Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors.***

Objective 16E is to “[e]ncourage all infill, additions, and building alterations on Main Street to be compatible with existing Landmark and Significant Buildings.”

Community Planning Strategy 16.4 is to “[w]ork with Historic Park City Alliance (HPCA) and the Park City Historical Society to address the needs and concerns of local business owners.”

The LMC implements the goals and policies of the General Plan, including allowing development in a manner that encourages the preservation and integrity of the Historic Districts in the unique urban scale of original Park City.<sup>2</sup> The Winter Balcony Enclosure pilot program was initiated in the Historic Commercial Business District. The purposes of the Historic Commercial Business District include:

- Preserving the cultural heritage of the City’s original Business, governmental, and residential center,
- Facilitating the continuation of the visual character, scale, and streetscape of the original Park City Historical District,
- Encouraging pedestrian-oriented, pedestrian-scale development,
- Minimizing the impacts of new development on parking constraints of Old Town,
- Minimizing the impacts of commercial uses and business activities, including parking, access, deliveries, service, mechanical equipment, and traffic on residential neighborhoods,
- Maintaining and enhancing the long-term viability of the downtown core as a destination for residents and tourists by ensuring a business mix that encourages a high level of vitality, public access, vibrancy, activity, and public/resort-related attractions.<sup>3</sup>

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<sup>1</sup> LMC [§ 15-11-5](#)<sup>2</sup> LMC [§ 15-1-2](#)

<sup>3</sup> LMC [§ 15-2.6-1](#)

Land Management Code (LMC) [§ 15-2.6-3\(E\)](#) regulates balconies that project over the Main Street public pedestrian right-of-way in the Historic Commercial Business Zoning District. City Council must review any proposed balcony construction, enlargement, or modification that extends over the Main Street public pedestrian right-of-way. Prior to 2016, balcony enclosures were prohibited. However, on January 7, 2016, the City Council amended LMC [§ 15-2.6-3\(E\)](#) to initiate a pilot program to allow for Winter Balcony Enclosures on non-historic structures facing Main Street from November 15 – April 30. To date, only one property owner has installed a Winter Balcony Enclosure – Riverhorse on Main at 540 Main Street. The pilot program is set to expire in 2023 and staff requests the Planning Commission’s input regarding termination or continuation of the program.

The pilot program outlines the following:

1. There may be times when it is not appropriate to construct a Temporary Winter Balcony Enclosure on a non-historic building due to unique conditions, including but not limited to health and safety concerns, as found by the Planning Director or Chief Building Official.
2. The Temporary Winter Balcony Enclosures and the balcony should respect the architectural style of the building.
3. The Temporary Winter Balcony Enclosures should retain existing balcony railings to achieve a design consistent with open balconies and maintain the character of the original building.
4. The existing exterior wall of the building may not be removed seasonally to accommodate the balcony enclosure.
5. The Temporary Winter Balcony Enclosures must not block existing door and window openings on neighboring buildings.
6. Temporary Winter Balcony Enclosures should consist of clear glazing set in window frames that generally match the mass, scale, and materials of those used for the glazing frames of the building.
7. Sunscreens are permitted and should only be used in times of extreme sun but should not be obtrusive.
8. The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk.
9. The Temporary Winter Balcony Enclosures must have direct access to the restaurant’s dining area.
10. Temporary Winter Balcony Enclosures designs must address snow shedding.
11. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require approval of the City Council.

12. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.
13. No signage is allowed on any Temporary Winter Balcony Enclosures.
14. Any new Temporary Winter Balcony Enclosures will require a building permit.
15. Temporary Winter Balcony Enclosures will only be permitted from November 15th through April 15th.

When the pilot program was proposed, staff voiced concerns, outlined in the attached staff reports and summarized below:

- *Staff's professional opinion is that the enclosure of this space—even temporarily during the winter months—changes the historic character of the Main Street district as a whole.*
- *The enclosure of balcony spaces substantially alters the architectural design of the building, light and shade of the building design, and the rhythm and pattern of the streetscape.*
- *The visual character of the original building (historic or non-historic) will be substantially altered due to changes in its overall shape, roof design, projections, recesses, and solid-to-void ratio.*
- *The enclosure of the balconies detracts from the historic “western” appearance of our Mining Era Main Street.*
- *The appearance of balconies over the sidewalks adds appeal and interest to the rhythm and patterning of the Main Street historic district; these enclosures change the massing of the structure and create the perception of the second floor extending beyond the plane of the façade and over the City right-of-way.*
- *By extending beyond the front plane of the façade, these seasonal balcony enclosures block the views of neighboring historic buildings when looking up or down Main Street.*
- *Park City's Main Street is characterized by in-line facades with limited breaks in their massing.*
- *Building over the balconies breaks the well-articulated street wall along the sidewalk and disrupts the continuity of the street wall.*

On July 8, 2022, the Planning, Building, Engineering, Public Works, and Sustainability Departments met to evaluate and discuss the pilot program. Staff continues to voice the same concerns raised previously. The enclosure impacts the historic character of Park City's Historic Main Street, presents snow shedding issues, and increases water, sewage, and parking demands. Additionally, while the pilot program allows for temporary enclosure of balconies on non-historic buildings, the enclosure impacts adjacent Historic Structures, requiring attachment to and removal from historic material. Staff requests the Planning Commission please review the staff reports attached as exhibits to this report for the full background and analysis.

Since the LMC was amended to allow for the Winter Balcony Enclosure pilot program,

in 2019, the Design Guidelines for Historic Commercial Infill Construction were adopted. The current guidelines outlined in LMC [§ 15-13-9](#) include the following for non-historic commercial structures in the Historic Districts and do not support Winter Balcony Enclosures:

- New infill commercial buildings shall differentiate from historic structures but shall be compatible with historic structures in materials, features, size, scale, and proportion, and massing to protect the integrity of the Main Street Historic District as a whole. The massing of new infill commercial buildings shall be further broken up into volumes that reflect the original massing of historic buildings; larger masses shall be located at the rear of the site.
- Scale and height of new infill commercial structures shall follow the predominant pattern and respect the architecture of the Streetscape or character area with special consideration given to Historic Sites.
- Size and mass of a structure shall be compatible with the size of the site so that site coverage, and building bulk and mass are compatible with Historic Sites within the Streetscape or character area.
- New construction activity shall not physically damage nearby Historic Sites.
- New infill commercial buildings shall reinforce visual unity within the context of the Historic District but also within the context of the Streetscape or character area. The specific context of the Streetscape or character area is an important feature of the Historic District. The context of each Streetscape or character area shall be considered in its entirety, as one would see it when standing on the street viewing both sides of the street for the entire length of the Streetscape or character area. Special consideration should be given to adjacent and neighboring Historic Sites to reinforce existing rhythms and patterns.
- Structures shall be located on a site in a way that follows the predominant pattern of historic buildings along the street, maintaining traditional setbacks, orientation of entrances, and alignment along the street.
- All Streetscape or character area elements should work together to create a coherent visual identity and public space. The visual cohesiveness and historic character of a site shall be maintained using complementary materials.
- Historic height, width, and depth proportions are important in creating compatible infill and new design shall reflect the historic mass and scale of commercial buildings in the Historic District.
- The size and mass of a new infill commercial building, in relation to open spaces, shall be visually compatible with adjacent historic buildings and historic structures in the surrounding Historic District.
- Building features such as storefronts, upper story windows, cornices, and balconies shall be aligned with similar historic building features in the Historic District.
- New balconies shall be visually subordinate to the new building and shall be minimally visible from the primary public right-of-way.
- A new balcony shall be simple in design and compatible with the character of the Historic Districts. Simple wood and metal designs are appropriate for commercial structures. Heavy timber and plastics are inappropriate materials.



- An addition shall be visually subordinate to the existing building and shall be compatible with the scale of the historic buildings in the Streetscape or character area.

Amendments to the Design Guidelines for Historic Commercial Infill Construction would be required to accommodate and continue the pilot program.

Since the pilot program was initiated in 2016, only one property has installed a Winter Balcony Enclosure, the Riverhorse on Main. The entrance to the Riverhorse on Main is through 540 Main Street, a Landmark Historic Structure ([Historic Site Form](#)). Riverhorse on Main then extends along the upper level of 530 Main Street to the south, which is not a Historic Structure. The Winter Balcony Enclosure extends from this portion of the restaurant and adds approx. 575 SF to the restaurant's usable space. The adjacent property to the south is the Park City Museum at 528 Main Street, a Landmark Historic Structure ([Historic Site Form](#)). As a result, although the balcony for Riverhorse on Main is not on a building designated a Historic Structure, the Winter Balcony Enclosure requires connection to two Landmark Historic Structures.

Below are photos illustrating the historic streetscape and the Balcony Enclosure.

Image taken from Google Maps showing the open Balcony:



Image taken in 1995 showing the open balcony:



Images taken from Google Earth showing side-by-side comparisons:





### Questions for Commission consideration:

- Does the Planning Commission support continuation of the Temporary Winter Balcony Enclosure program?
- Does the Planning Commission support the expansion of the Balcony Enclosure program to allow for permanent (year-round) balconies?
- If yes, should Park City include standards in the Historic District Design Guidelines specific to balcony enclosures?
- Are there additional factors that should be considered if the program continues or expands, like payment of fees for increased parking demands, structural engineering requirements, or penalty fees for noncompliance with agreements or program requirements?
- Are there preferred methods the City should use to ensure applicants remain in compliance with the program requirements and signed agreements?

### Department Review

The Planning Department, Public Works Department, Building Department, Sustainability Department, Streets Department, and City Attorney's Office reviewed the pilot program.

### Public Input

Please see Exhibit I.

### Exhibits

Exhibit A: November 13, 2014 City Council Meeting Minutes

Exhibit B: January 7, 2015 HPB Staff Report

Exhibit C: January 7, 2015 HPB Meeting Minutes

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Exhibit E: March 4, 2015 HPB Meeting Minutes

Exhibit F: December 8, 2015 Planning Commission Staff Report

Exhibit G: December 9, 2015 Planning Commission Meeting Minutes

Exhibit H: September 7, 2022 HPB Staff Report

Exhibit I: Public Input

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Council member Beerman has attended many Mountain Accord meetings. Stated that the December 3<sup>rd</sup> Community Outreach meeting has been postponed until early January. Live PC Give PC killed it and he is very proud of the community for raising over a million dollars.

**2015 Legislative Update**

Matt Dias spoke to the Council gearing up to the upcoming Legislative session. Spoke to the platform he created in the staff report discussing transportation, land use. Mayor and Council feel that the framework is a great idea and feel comfortable with the outline presented to Council. Dias stated that he did not want to look into the crystal ball but feels that there will be a push for transportation as well as the usual hot topics of clean air, health care. Discussed a proposed resolution that he will be bringing back to Council next week. Council member Beerman stated that he got a preview of the proposed transportation tax stating that it will be a very broad definition of transportation with this bill. He inquired about what the tax would mean to Park City. Dias stated that he will have a better number next week following the kickoff meeting. Council member Simpson inquired if this money will stay within our City. Dias stated that a city-wide option is available and he will have more information next week as well. Simpson inquired if there is any LGBT movement this time as the door was closed on those bills last year awaiting the Supreme Court ruling. Dias stated that anything is possible. Dias will be bringing back updates at each Council meeting until the close of the session.

**Temporary Winter Balcony enclosure discussion**

Planner Grahn stated that in September 2013 the Riverhorse approached the City regarding winter balcony enclosures. Staff is not in favor of the temporary winter enclosures as they would interrupt the view along Main Street as well as cause possible damage to the historic structures. Grahn outlined the LMC and International Building Code that would be against permitting these temporary enclosures. John Allen, Building Department, stated that he can agree that there is not a desire for the tent structures, as well as being unsightly they have energy efficiency deficits. Mayor Thomas feels that this winter program would be redesigning Main Street for the winter season and he agrees with Staff.

Council member Matsumoto stated that she does not have a problem with the dining decks and stated that there are only 5 restaurants with decks and they may not all want to participate and would be inclined to a shorter period of time. She also thanked staff for the wonderful report but does not see this as a negative aspect. Council member Peek stated that he feels that it will change the architectural pattern of Main and feels with the snow load impacts would be too great. Council member Henney stated he agrees with Matsumoto and would like to think that staff could make certain adjustments to make this work. Council member Simpson agrees with the Mayor. Council member Beerman agrees with Matsumoto and Henney and feels that there is not an impact and feels that during the summer there are large umbrellas up that interrupt the vibe and flow and also remembers the hurdles we had with the summer decks. Allison Butz spoke for the HPCA stating that they do not have a problem with adding square footage to the restaurants during the winter season.

Mayor Thomas spoke to the structural design and snow load issues of the property. Allen stated that each deck would have to go through a design review. Mayor Thomas stated that even with

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a pilot program it would still impact the character of Main Street. Council member Simpson stated that she feels that this will be a lot of pain for not a lot of gain. Council member Matsumoto stated that she does not feel it should be allowed up year-round and looks at health and safety as a paramount issue and would suggest the HPCA take a look at this item but is still in favor. Sintz suggested a compromise that would allow the restaurants to keep the tents up for longer than the currently allowed 14 days to allow for more seating during the winter season. Council agreed that the proposed enclosures looked nicer than the tents. Mayor and Peek spoke again to the architectural load.

Seth Adams, Riverhorse, stated that he has worked with architects and have looked at the snow load and fire codes. They are looking at just adding time through the ski season and would like to give a different perspective to our visitors. Spoke to the impact to the adjacent buildings as well as the process of taking the structure up and down.

Kasey Crawford, business owner, spoke to the tent structure stating that it detracts from the appeal of Main Street.

Mike Sweeny took this from a perspective as a business owner and stated that he supports creative and innovative ideas to bring people into Main Street.

Mayor Thomas expressed his continued concern regarding this item. Foster spoke to the items staff will bring back a proposed lease agreement and a policy program as well as a read from the HPCA and the Historic Preservation Board as well as building guidelines.

**Main Street Employee Parking Initiative**

Blake Fannesbeck, Public Works Director; Brian Anderson, Transportation and Allison Butz, HPCA spoke to the parking initiative stating that this has been an evolving plan to better serve our parking issues. Fannesbeck stated that the Task Force that included HPCA members as well as staff looking at peak hour/peak day data to develop a final recommendation for Council. Fannesbeck recognized the parking problem apparent in Park City. Outlined the recommendations stating that they looked at China Bridge proposing 6 hours per vehicle instead of the current 6 hours per space where they have identified spot jumping in the garage.

Council member Henney thanked staff for looking at resolving actual parking issues. Fannesbeck outlined the changes for the China Bridge Pass with increased fee and restrictions on Friday and Saturday reserving the current restrictions during Sundance and Arts Fest. Council member Simpson stated her concerns with the transferrable pass and will exacerbate the problem. Council member Peek stated that in his mind the goal is to free up parking for visitors and feels that if there are problems then the task force should be able to change those restrictions. Council member Henney stated that he feels this is an appropriate step to help mitigate the issue. Fannesbeck outlined the transportation system that will help encourage people to use the bus routes and the shuttle service. Mayor Thomas thanked staff and looks forward to the item coming back in a future meeting.

**Introduction of new Park City Mountain Resort Chief Operating Officer Bill Rock**

Mike Gore introduced Bill Rock as the Chief Operating Officer of Park City Mountain Resort sharing that the Council and Community will find his involvement outstanding. Gore asked the record to reflect that Bill brought the snow storm this evening. Rock thanked Gore for the great introduction and is very excited to be in the Community. Stated that his family is so excited to



## Historic Preservation Board Staff Report

**Subject:** Temporary Winter Balcony Enclosures  
**Author:** Anya Grahn, Historic Preservation Planner  
**Department:** Planning Department  
**Date:** January 7, 2014  
**Type of Item:** Work Session

### Summary Recommendations:

Staff recommends the Historic Preservation Board (HPB) review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April) as well as proposed Design Guidelines, and the HPB make recommendations to City Council.

### Topic/Description:

The Riverhorse on Main wishes to construct a temporary, seasonal enclosure on their balcony that would provide additional restaurant space during the winter months (November 1<sup>st</sup> through April 30<sup>th</sup>). They believe other restaurants on Main Street would also benefit by having the ability to enclose their balconies, and the Riverhorse has proposed that City Council develop a seasonal program similar to Street Dining on Main—the dining deck program.

### Background:

On September 18, 2014, Seth Adams of the Riverhorse presented to City Council his concept for a winter balcony enclosure program. The applicant requested that property owners be permitted to enter into a lease agreement with the City for the enclosure of balcony space above the City right-of-way (ROW). This program would be similar to Street Dining on Main's summer dining decks. Staff met with City Council on November 13, 2014, to discuss this program and expressed their concern for these balcony enclosures; City Council directed staff to meet with the HPB for feedback on this program.

There are approximately twenty-one (21) balconies on Main Street that extend over the City ROW. Of these, seven (7) are constructed on historic buildings, but only one (1) balcony is historic (361 Main Street). Land Management Code (LMC) 15-2.6-3 requires that no balcony projecting over City ROW may be erected, re-erected, located or relocated, enlarged, or structurally modified without first receiving approval from City Council. LMC 15-2.6-3(D) specifically states that "Balconies . . . may not be enclosed." Should City Council decide to pursue a seasonal balcony enclosure program, the LMC will need to be amended to allow for temporary balcony enclosures. Property owners are required to provide insurance for their balconies.

Outdoor dining is a conditional use in the Historic Commercial Business (HCB) District for restaurants. Any outdoor dining must be approved through an Administrative Conditional Use Permit (Admin-CUP). Riverhorse and Wahso both have Admin-CUPs

for their outdoor dining for summertime balcony dining. No other restaurants currently have approvals.

The following chart outlines the location, historic designation, and existence of Admin-CUPs for the existing balconies:

Business Name:	Address:	Use:	Historic Designation:	Admin CUP for Outdoor Dining
TMI	255 Main St	Multiple	Not Historic	No
Red Banjo Pizza	322 Main St	Restaurant	Landmark	No
Berkshire Hathaway Home Services	354 Main St	Real Estate	Significant	No
Burns Cowboy Shop	361 Main St	Retail	Landmark	No
Woodbury Jewelers	421 Main St	Retail	Not Historic	No
Flannagans	438 Main St	Restaurant	Landmark	No
Robert Kelly Home	449 Main St	Retail	Significant	No
501 on Main	501 Main St	Restaurant	Not Historic	<i>Under review</i>
The Expanding Heart	505 Main St	Retail	Not Historic	No
The Cunningham Building	537 Main St	Office	Not Historic	No
River Horse	530-540 Main St	Restaurant	Landmark (Balcony is on the addition)	Yes
Quicksilver	570 Main St	Retail	Not Historic	Yes
Wahso	577 Main St	Restaurant	Not Historic	Yes
Gaucha/Above Condo	591 Main St	Retail/Residential	Significant	No
Destiny	608 Main St	Retail	Not Historic	No
Montgomery Life Fine Art	608 Main St	Retail	Not Historic	No
Condos	613 Main St	Residential (2 <sup>nd</sup> level)	Not Historic	No
Condos	614 Main St	Residential (2 <sup>nd</sup> level)	Not Historic	No
Summit Sotherby's International Realty	625 Main St	Residential/Realty	Not Historic	No
Bahnhof Sport	639 Main St.	Retain	Not Historic	No
Town Lift Condominiums	693 Main St	Commercial/Residential	Not Historic	No
Caledonian Hotel	751 Main St	Commercial	Not Historic	No

### Analysis:

A balcony is a platform that projects from the wall of a Building and is enclosed by a railing, parapet, or balustrade. It typically does not have a roof. Usually, balconies are incorporated into the design of a building for functional and aesthetic reasons. In some cases, the balcony offsets the massing of the commercial building while embellishing the façade of the structure with additional architectural detailing. The balcony is one of the most visible elements of the building and significantly contributes to the style, appearance, and relationship of the structure to the streetscape.

Balconies traditionally serve as open-air spaces. They are an extension of the interior yet provide a clear transitional space between the private interior spaces and public

exterior spaces of the building. Balconies are an outside room during warm weather and provide a covered entrance to the lower level during adverse weather conditions.

Staff's professional opinion is that the enclosure of this space—even temporarily during the winter months—changes the historic character of the Main Street district as a whole. The enclosure of balcony spaces substantially alters the architectural design of the building, light and shade of the building design, and the rhythm and pattern of the streetscape. The visual character of the original building (historic or non-historic) will be substantially altered due to changes in its overall shape, roof design, projections, recesses, and solid-to-void ratio. On historic structures, the balcony enclosure would obscure and detract from historic details of the balcony and the corresponding historic building. In other cases, balconies that were not originally designed to meet the requirements of interior spaces and enclosures may require substantial structural changes and reconstruction.

#### *Design Guidelines for Historic Districts and Historic Sites*

Staff does not believe that the seasonal enclosures of balconies over Main Street complies with the current *Design Guidelines for Historic Sites and Structures*.

Planning Staff's professional opinion is that the enclosure of the balconies detracts from the historic "western" appearance of our Mining Era Main Street. The appearance of balconies over the sidewalks adds appeal and interest to the rhythm and patterning of the Main Street historic district. These enclosures would change the massing of the structure and create the perception of the second floor extending beyond the plane of the façade and over the City right-of-way. By extending beyond the front plane of the façade, these seasonal balcony enclosures would also be blocking the views of neighboring historic buildings when looking up or down Main Street. Park City's Main Street is characterized by in-line facades with limited breaks in their massing. Staff finds that building over the balconies would break the well-articulated street wall along the sidewalk and will greatly disrupt the continuity of the street wall.



**Scenario 1.** *The balcony projects over Main Street adding interest to the street wall overall, but the balcony is also transparent and does not impede the view of the neighboring historic buildings.*



**Scenario 2.** *The seasonal enclosure extends over the city right-of-way. On the second level, the enclosure disrupts the continuity of the street wall and blocks the view of the Park City Museum.*



The Design Guidelines specify that new additions on historic buildings be visually subordinate to the historic building from the primary public right-of-way, including incorporating rooftop additions that are not visible from the street. The guidelines also recommend that the new addition does not obscure or significantly contribute to the loss of historic materials. Staff finds that these balcony enclosures are a very visible addition to the existing structure, conceal historic building facades, and threaten historic materials.

Staff is concerned that the annual construction and removal of the balcony enclosures will be detrimental to historic building materials. Nails, screws, sealants, and other materials used at connections will leave behind holes, scratches, stains, and other signs of damage on the historic materials that will need to be patched and repaired annually when the enclosure is removed. Staff finds that this will intensify normal wear and tear on historic materials and cause the materials to deteriorate faster.

Staff also finds that the proposed balcony enclosures will visually modify or alter the original building design. The majority of historic buildings with existing balconies already have second-level doors accessing the balcony; however, these doors are not original to the building. Most buildings would not be permitted to add a new door to access their non-historic balcony. As new doors and balconies would not be permitted to be constructed without a Historic District Design Review (HDDR) approval and permission from City Council to construct over the public right-of-way, staff finds that only a limited number of balcony enclosures would be permitted for those decks already existing.

Staff has met with the Legal, Building, Finance, and Engineering Department to identify other issues that will need to be addressed in order to establish this program. These include:

- The applicant must submit a full architectural and engineering plan to the Building Department that addresses energy efficiency, structural loads on the cantilevered deck, emergency egress plans, seating plan, weather proofing, electrical plans, etc. Additional electrical upgrades must be permanent and electrical outlets will need to be concealed from the view of the public right-of-way.
- The applicant will also need to provide a snow shed plan. Snow will need to be retained on the roof and the applicant shall show how the melted snow will be diverted to the public way without draining across the sidewalk.
- Building permits will be required for the assembly and disassembly of the seasonal balcony enclosures.
- Increased water and sewer impact fees will require Snyderville Basin Water Reclamation District sign-off.
- There will be increased fees for business licensing due to the additional square footage.
- Additional fire safety requirements will require approval by Park City Fire District.

- The applicant will assume all liability for the seasonal enclosures and need to provide insurance for the balcony and enclosure.

***Is the HPB supportive of the seasonal enclosure of restaurant balconies during the winter months?***

*Developing a program similar to summer dining decks*

In order to accommodate such a program, the Design Guidelines and the Land Management Code (LMC) will need to be amended in order to allow for the temporary, seasonal enclosure of the balconies. LMC 15-2.6-3(D) Balconies should be amended to state:

(D) BALCONIES. No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18”) square and are allowed no closer than thirty-six inches (36”) from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10’) from the sidewalk and may not be enclosed permanently. Temporary seasonal balcony enclosures may be appropriate on some structures. With reasonable notice, the City may require a Balcony be removed from City property without compensating the Building Owner.

If City Council supports temporary balcony enclosures, than Staff recommends altering the following guidelines to specify that these guidelines are not impacted by temporary structures:

*Design Guidelines for Historic Sites in Park City:*

MSHS1. The proposed project must not cause the building or district to be removed from the National Register of Historic Places. Temporary structures are not subject to review of the National Register of Historic Places.

MSHS8. Temporary winter balcony enclosures are reviewed by the program’s criteria and are not addressed by these Specific Design Guidelines.

*Design Guidelines for New Construction in Park City’s Historic Districts*

MSNC1. New construction in the Main Street National Register Historic should be approved only after it has been determined by the Planning Department that the proposed project will not jeopardize the integrity of the surrounding Historic Sites. Temporary structures are not subject to review of the National Register of Historic Places.

MSNC9. Temporary winter balcony enclosures are reviewed by the program’s criteria and are not addressed by these Specific Design Guidelines.

Should the HPB believe such enclosures are appropriate along Historic Main Street, staff finds that there need to be some basic guidelines in order to protect the historic

integrity of the Main Street Historic District. Staff is recommending that the HPB review and provide feedback on the following proposed guidelines for balcony enclosures:

#### General Requirements for Balcony Enclosures

1. The enclosure must be constructed on a balcony on Main Street.
2. There may be times when it is not appropriate to enclose a balcony due to the unique historic character and architectural detailing of the historic building.
3. The applicant must demonstrate that the temporary enclosure will not damage the existing façade and/or side walls with repeated attachment and detachment.
4. The enclosure and balcony should respect the architectural style of the building.
5. The enclosure should retain existing railings in order to achieve a design consistent with open balconies and maintain the character of the original building.
6. The existing exterior wall may not be removed seasonally in order to accommodate the balcony enclosure.
7. The enclosure must not block existing door and window openings on neighboring buildings.
8. Enclosures should consist of clear glazing set in window frames that generally match the mass, scale, and material as those used for the glazing frames of the building.
9. Draperies, blinds, and/or screens must be located in a traditional manner above doors and windows. Draperies, blinds, and/or screens should not be used within the balcony enclosure if they increase the bulk appearance of the enclosure. The use of these must blend with the architecture of the building and should not detract from it. Materials should be high-quality, colorfast, and sunfade resistant.
10. The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk.
11. The enclosure must have direct access to the restaurant's dining area.
12. The design must address snow shedding.
13. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require the approval of City Council.
14. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.
15. Any new signage will require a Sign Permit application.

***Does the Historic Preservation Board approve of these proposed Design Guidelines for Balcony Enclosures? Are there any other Design Guidelines that should be incorporate?***

**Recommendation:**

Staff recommends the Historic Preservation Board (HPB) review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April) as well as proposed Design Guidelines, and the HPB make recommendations to City Council.

**Exhibits:**

Exhibit A – City Council Staff Report and Minutes

Exhibit B – HPCA input for balcony enclosures

Exhibit C – Additional renderings of proposed enclosure at Riverhorse

### Temporary Winter Balcony Enclosures

Board Member Crosby recused herself from this discussion and left the room.

The Staff recommended that the Historic Preservation Board review the Staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months, November through April, as well as proposed Design Guidelines. The HPB was being asked to make recommendations to City Council.

Planner Anya Grahn reported that the Staff's professional opinion is that the balcony enclosures are a threat to the look and feel of the historic character. Per the definition, a balcony provides coverage when entering from the ground level; and it is also a transitional space between exterior and interior and outdoors and indoors.

Planner Grahn understood that balcony enclosures were only temporary and the plan is to only keep them up for six months during the winter months. However, she was concerned that enclosing the balconies would alter the look and feel of Main Street and take away from the western appearance that exists. It alters the architectural design, the light and shade created by the design of the building, and the rhythm and pattern on the streetscape. Planner Grahn stated that a balcony overall contributes to the visual qualities of the building design. Enclosing the balcony changes the overall form and shape of the building. She was very concerned about enclosing balconies on historic structures because the seasonal removal and construction of the balcony enclosure could damage historic building materials.

Planner Grahn pointed out that the Riverhorse was proposing to enclose the balcony on the new portion of the building; however, their request would result in a program that would encompass all the restaurants on Main Street.

Another issue is that any new balconies would have to go before the City Council for approval. In some instances, if a building were to put on a new balcony, Planner Grahn was unsure whether the Staff would support changing the door and window configurations on the second level so the balcony could be enclosed during the winter season.

Planner Grahn reported that for historic structures the Guidelines are very specific about keeping new additions being subordinate and not being visible in the public right-of-way. Enclosing the balcony changes the form of the building and adds an addition to the front, which is something that would normally not be approved. Planner Grahn remarked that even a roof top addition on a historic building needs to be shielded and not visible. She noted that the Staff report contained a chart showing which balconies were historic and which were not.

Most of the balconies on Main Street are not historic and were added to the historic structure at a later time.

Planner Grahn asked if the HPB was interested in pursuing this program.

Seth Adams from Riverhorse on Main stated that the balcony enclosure they were suggesting would not be on a historic building and it would not connect to any historic buildings. He noted that they have looked at drainage, snow removal and other aspects associated with adding the balcony enclosure. Mr. Adams remarked that it was simply a matter of trying to make the most out of the winter season. The surrounding restaurants have that capability in the summer and he was looking to do that in the winter time. Mr. Adams thought 180 days was a generous time frame because winter is not that long and he specifically wants the balcony for the winter season. He would like the balcony to add to the historical integrity of people being out there in the summer, but adding the balcony for winter use allows people to perceive the historic nature in a way they have never experienced before. Mr. Adams remarked that they waited a long time for this to come before the HPB, and they were looking forward to a favorable opinion in order to compete in a seasonal town. Mr. Adams believed the process would address wind load, fire and other safety aspects and any issues could be worked through with the Fire Marshall and the Building Department.

Mr. Adams presented drawings and photos. He referred to comments about the balcony blocking the view of the Museum. Mr. Adams stated that he works closely with the Museum and he had asked Sandra Morrison to attend this meeting because she was in favor of their proposal. Mr. Adams expressed a willingness to work with any recommendations from the HPB that would allow them to move forward.

Chair Kenworthy pointed out that the Riverhorse has done this in the past. Mr. Adams replied that they are allowed to put up a tent for a two week period up to five times per year, but the tent does not hold up to the weather elements. A semi-permanent structure would give them the ability to ensure that their guests are warm and comfortable on the patio year-round.

Chair Kenworthy understood that the Staff was not looking for a final answer. The question was whether or not the Board thought it was something that should be pursued as policy. Planner Grahn answered yes. If the HPB is interested in pursuing it, it would be looked at as a possible change to the LMC and the Design Guidelines so if this program moves forward the Staff would have a mechanism to evaluate the structures.

Chair Kenworthy asked if the businesses who construct the temporary tents need to obtain approval each time. Director Eddington replied that approval for any tents must be obtained from the Planning and Building Departments.

Chair Kenworthy called for public input.

John Lundell stated that he has been an owner in Park City since 1997 and he has lived in Park City full-time for 12 years. Mr. Lundell was in favor of this proposal for several reasons. According to the Mountain Accord data, Summit County is the second fastest growing county in the Country and like it or not they can expect a lot of growth. Main Street is a particular problem because the businesses on Main Street cannot go up beyond 27' and they cannot go wide because there is no space. Mr. Lundell thought this proposal was a minimally invasive way to allow existing businesses some growth opportunities. A second reason is that outdoor dining has already been approved during the summer months, which is more disruptive to the historic look and feel. An enclosed balcony would be less intrusive. Mr. Lundell stated that by not allowing people to use their decks in the winter penalizes those without a ground floor. From the drawings he saw, it would not be intrusive to the historic atmosphere they were trying to maintain.

Ruth Meintsma, a resident at 305 Woodside, referred to the comments that a balcony tent would be something similar to the summer dining decks. She disagreed with that comment because the summer dining decks engage people with the historic character of the street. An enclosed tent would do the opposite and actually shut off humanity from the street. Ms. Meintsma remarked that summer dining also engages the people on the street with the humanity dining. During the discussions about summer dining, she recalled comments from the City Council about intrusive umbrellas on the street that could compare with the tent. Ms. Meintsma also disagreed with that comment because umbrellas are over people's head while the people are sitting in the open air; whereas the tents would be enclosed. Ms. Meintsma thought the images shown did not give any indication of the feel of what the enclosed balcony would do. She agreed with an earlier comment by Board Member Holmgren that computer images do not show what you need to see. Ms. Meintsma stated that the reasons for enclosing the deck when it is cold outside could be the same argument for summer. Park City has cold nights and there are times when it rains or even snows in July. She was also concerned about setting a precedent for a proliferation of balconies. Ms. Meintsma found it interesting that the historic buildings on each side of the Riverhorse building are slightly proud. She wondered if when that structure was approved some of the Planners had the forethought of setting the building slightly back to show off those historic buildings. She noted that a tent would eliminate that effect where the historic buildings are proud and show themselves off.

Planner Grahn clarified that even though the Riverhorse was the first to bring this forward, the program would be for balcony enclosures up and down Main Street.

Casey Adams stated that Ms. Meintsma was right in saying that the balconies would not be the same as in the summer because it is a winter program. It is also a short timeframe. Ms. Adams thought it would benefit more people than just the Riverhorse because although they all agree that historic Main Street needs to be preserved, people who come to Park City to spend money would be benefitted as well. The Riverhorse was looking out for the people who come to support this town. Ms. Adams remarked that the architects have worked very hard on snow removal and other issues and concerns that have been presented.

Chair Kenworthy closed public input.

Planner Grahn reiterated that the question for the Board was whether or not they supported pursuing this program.

Board Member Melville understood that the City Council was asking the HPB for their recommendation. She wanted to know what criteria the Board should use to base their recommendation.

Assistant City Attorney McLean stated that it was actually a policy issue that would require amendments to the LMC and the Guidelines. These discussions were a kick-off from a policy standpoint of whether or not the program was something to consider. Ms. McLean recommended that they look for consistency with the General Plan and their thoughts of the Historic District. Currently, the proposal would not meet the Guidelines or the Code, so they could not use those to aid in their decision.

Mr. Adams stated that he is allowed to have temporary structures on the patio for 70 days a year. However, he could not remove it for one day and put it back up the next day to make it comfortable for his guests. He clarified that he was requesting an amendment to the Land Management Code, and he would follow whatever number of days the City would allow it to stay up if he could create a better atmosphere for his guests than a vinyl tent.

Board Member Melville asked Planner Grahn to show the renderings on Exhibit C. Ms. Melville referred to the picture of the open deck which has a western look. She pointed out that the picture of the enclosed deck eliminates the western look of the street. Ms. Melville remarked that the deck shown is not what the deck currently looks like. She asked Mr. Adams why he would not just build out to the property line to gain more square footage. Mr. Adams explained that it would affect the entrance to the Riverhorse and impact what they do at the top of the stairs. Obtaining this requested approval would change the master plan and the flow of the interior of the restaurant. They would still make the improvements shown, but it would make the cost worthwhile for making those improvements. Ms. Melville asked if the photo with the enclosure was showing exactly what the enclosure would look like. She was concerned about snow loading on the top.



Mr. Adams replied that they have talked about heat trays and guttering the water underneath the sidewalk. Ms. Melville clarified that Mr. Adams would have to do a lot more to create the permanent structure that was shown. She asked if there would need to be pillars on the sidewalk to support the extra weight. Mr. Adams answered no. Board Member Melville understood that in order to make this a permanent structure, they would have to build out more than what was being shown. Mr. Adams reiterated that they would have to have heating and air and gutters, but no additional support would be required.

Board Member Hewett clarified that the enclosure would only be temporary. Mr. Adams answered yes. He explained that it would be a tongue and groove type with aluminum poles and plexiglass windows.

Board Member Melville remarked that it could come off, but the visitors on Main Street during the winter would see it as a permanent structure rather than a temporary structure. If someone came in requesting a new building, she questioned whether the City would allow them to build a permanent structure out over the sidewalk because it would change the view of Main Street significantly. Planner Grahn stated that if the structure was proposed to be permanent it would not be approved because it is built over the City right-of-way and because of the form of the building.

Board Member Melville Ms. Melville stated that her concern is that an open deck has a western mining town look. Enclose the deck and that look is lost. Having that up and down Main Street would create a different look. She asked if the Board was willing to go with a different look for Main Street. Ms. Melville was concerned about setting a precedent. She named the buildings that already have decks and the ones that could build decks. Ms. Melville believed these were different from dining decks. Dining decks are clearly temporary because you can see through them and around them. Ms. Melville stated that because the Building Department would require a dining deck that is enclosed for six months to be built to permanent standards, it will look like the permanent way the building was designed.

Board Member Holmgren stated that she is a strong proponent of the dining decks during the summer, but there was controversy to allow those. She still hears people complain as she walks up and down the street. Ms. Holmgren believed this was another step in the right direction. She thought it was fabulous, particularly the fact that it is all tongue and groove and they have addressed snow removal and other issues. It would only be up for 180 days. She would not care if a visitor thought it was permanent because she knows that by Spring she would be sitting on an outdoor deck.

Board Member Hewett concurred with Board Member Holmgren. She thought it was a good idea and she believed people would look at it as a way to make

something historic current. Ms. Hewett thought people would be able to interpret the difference.

Board Member Holmgren stated that if someone wants to do something that is safe and good looking they should be allowed do it. She pointed out that all decks go through a design review and they have to be approved. She was not opposed to having more decks. Ms. Holmgren remarked that this was one of the best innovations she has seen in a long time that was good for Main Street.

Chair Kenworthy expressed his appreciation for the independence and the diversity of this Board. It opens his eyes and he hoped it benefits the Staff.

Board Member Beatlebrox did not have a definite opinion either way, but she could see no harm in looking into it further.

Chair Kenworthy disclosed that he is a restaurant owner with a dining deck and for that reason he would decline to make comment.

Board Member White asked if the roof of the temporary structure was glass or plexiglass. Mr. Adams stated that it was designed to be see-through plexiglass or some type of polyurethane. Mr. White stated that if it is see-through glass or plexiglass it would have very little or no snowload. It would have moisture but gutters and downspouts would take care of it. Mr. White stated that if it is metal and glass and they would no longer have to look at the vinyl tents, he favored pursuing it.

Assistant City Attorney McLean stated that because this matter is legislative, Chair Kenworthy could participate. Chair Kenworthy preferred to abstain. Ms. McLean encouraged his comments.

Chair Kenworthy thought it would open up a can of worms that could be looked into down the road. He did not want to be a hypocrite because this type of policy could work to his benefit. Chair Kenworthy understood that during the winter months the establishments are full to capacity and many people are turned away. As long as it is temporary and it looks better than what they are currently allowed to do, he thought it was worth pursuing. Chair Kenworthy thought it would be a slippery slope through the process, but he admires people who come in with different ideas.

Planner Grahn stated that since the majority of the Board were in favor of pursuing it further, they needed to review the changes that should be made and create guidelines for balcony enclosure throughout Main Street.

Board Member Melville understood that the majority rules, but she wanted it clear that she was adamantly against moving forward because it would change the

look of the architecture. She asked if they had consulted with the Historical Consultant to see if it would affect their designation as a Historic District. Planner Grahm stated that she spoke with Corey Jensen and the State Historic Preservation Office and he told her that if it is temporary it would not impact the National Register. Ms. Melville stated that temporary was one thing in terms of the Building Code definition of less than six months. However, temporary in terms of built upon standards and the majority of the visitors who come in the winter seeing a permanent structure attached to the outside of buildings changing the look of the architecture is a different issue. She pointed out that if the structures were permanent it would jeopardize the National Register; therefore it is an architectural change.

Chair Kenworthy personally preferred something closer to 120 days rather than 180 days.

Board Member Holmgren stated that when the City discussed outdoor dining decks guidelines were written on how they should be built. Ms. Holmgren was excited about the decks and she was excited about this next step. She remarked that Park City is historic but they also needed to be realistic.

Board Member Hewett liked the fact that the ceilings would be clear. She thought the timing was good and she had no concerns.

Given the late hour, Planner Grahm suggested that the discussion regarding changes to the LMC and the Design Guidelines for temporary winter balconies enclosures be continued to another meeting. The Board concurred.

#### Historic District Grant Program – Policy Review

Board Member Crosby returned to the meeting.

Planner Grahm stated that the goal for establishing guidelines is to give the HPB some criteria as a basis for deciding whether a project qualifies for going from Significant to a Landmark status. She reminded the Board that Landmark means the site is National Register eligible and it must be pristine.

Planner Grahm reviewed each guideline.

#### 1. The building shall not have been reconstructed, panelized, relocated, or re-oriented.

In speaking with Ms. Meintsma this evening, Planner Grahm believed there were unique circumstances such as High West where this works and it can remain National Register eligible. However, in the majority of cases it is very rare for a structure to remain on the National Register if it is reconstructed or relocated.



## Historic Preservation Board Staff Report

**Subject:** Temporary Winter Balcony Enclosures  
**Author:** Anya Grahn, Historic Preservation Planner  
**Department:** Planning Department  
**Date:** March 4, 2015  
**Type of Item:** Work Session

### Summary Recommendations:

Staff recommends the Historic Preservation Board (HPB) review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April) as well as proposed Design Guidelines, and the HPB make recommendations to City Council.

### Topic/Description:

The Riverhorse on Main wishes to construct a temporary, seasonal enclosure on their balcony that would provide additional restaurant space during the winter months (November 1<sup>st</sup> through April 30<sup>th</sup>). They believe other restaurants on Main Street would also benefit by having the ability to enclose their balconies, and the Riverhorse has proposed that City Council develop a seasonal program similar to Street Dining on Main—the dining deck program.

### Background:

On September 18, 2014, Seth Adams of the Riverhorse presented to City Council his concept for a winter balcony enclosure program. The applicant requested that property owners be permitted to enter into a lease agreement with the City for the enclosure of balcony space above the City right-of-way (ROW). This program would be similar to Street Dining on Main's summer dining decks. Staff met with City Council on November 13, 2014, to discuss this program and expressed their concern for these balcony enclosures; City Council directed staff to meet with the HPB for feedback on this program.

The HPB briefly discussed their interest in seasonal balcony enclosures during the January 7, 2015 meeting, and expressed interest in discussing the topic further during their next meeting.

There are approximately twenty-one (21) balconies on Main Street that extend over the City ROW. Of these, seven (7) are constructed on historic buildings, but only one (1) balcony is historic (361 Main Street). Land Management Code (LMC) 15-2.6-3 requires that no balcony projecting over City ROW may be erected, re-erected, located or relocated, enlarged, or structurally modified without first receiving approval from City Council. LMC 15-2.6-3(D) specifically states that "Balconies . . . may not be enclosed." Should City Council decide to pursue a seasonal balcony enclosure program, the LMC will need to be amended to allow for temporary balcony enclosures. Property owners are required to provide insurance for their balconies.

Outdoor dining is a conditional use in the Historic Commercial Business (HCB) District for restaurants. Any outdoor dining must be approved through an Administrative Conditional Use Permit (Admin-CUP). Riverhorse and Wahso both have Admin-CUPs for their outdoor dining for summertime balcony dining. No other restaurants currently have approvals.

The following chart outlines the location, historic designation, and existence of Admin-CUPs for the existing balconies:

Business Name:	Address:	Use:	Historic Designation:	Admin CUP for Outdoor Dining
TMI	255 Main St	Multiple	Not Historic	No
Red Banjo Pizza	322 Main St	Restaurant	Landmark	No
Berkshire Hathaway Home Services	354 Main St	Real Estate	Significant	No
Burns Cowboy Shop	361 Main St	Retail	Landmark	No
Woodbury Jewelers	421 Main St	Retail	Not Historic	No
Flannagans	438 Main St	Restaurant	Landmark	No
Robert Kelly Home	449 Main St	Retail	Significant	No
501 on Main	501 Main St	Restaurant	Not Historic	<i>Under review</i>
The Expanding Heart	505 Main St	Retail	Not Historic	No
The Cunningham Building	537 Main St	Office	Not Historic	No
River Horse	530-540 Main St	Restaurant	Landmark (Balcony is on the addition)	Yes
Quicksilver	570 Main St	Retail	Not Historic	Yes
Wahso	577 Main St	Restaurant	Not Historic	Yes
Gaucha/Above Condo	591 Main St	Retail/Residential	Significant	No
Destiny	608 Main St	Retail	Not Historic	No
Montgomery Life Fine Art	608 Main St	Retail	Not Historic	No
Condos	613 Main St	Residential (2 <sup>nd</sup> level)	Not Historic	No
Condos	614 Main St	Residential (2 <sup>nd</sup> level)	Not Historic	No
Summit Sotherby's International Realty	625 Main St	Residential/Realty	Not Historic	No
Bahnof Sport	639 Main St.	Retain	Not Historic	No
Town Lift Condominiums	693 Main St	Commercial/Residential	Not Historic	No
Caledonian Hotel	751 Main St	Commercial	Not Historic	No

**Analysis:**

A balcony is a platform that projects from the wall of a Building and is enclosed by a railing, parapet, or balustrade. It typically does not have a roof. Usually, balconies are incorporated into the design of a building for functional and aesthetic reasons. In some cases, the balcony offsets the massing of the commercial building while embellishing the façade of the structure with additional architectural detailing. The balcony is one of the most visible elements of the building and significantly contributes to the style, appearance, and relationship of the structure to the streetscape.

Balconies traditionally serve as open-air spaces. They are an extension of the interior yet provide a clear transitional space between the private interior spaces and public exterior spaces of the building. Balconies are an outside room during warm weather and provide a covered entrance to the lower level during adverse weather conditions.

Staff's professional opinion is that the enclosure of this space—even temporarily during the winter months—changes the historic character of the Main Street district as a whole. The enclosure of balcony spaces substantially alters the architectural design of the building, light and shade of the building design, and the rhythm and pattern of the streetscape. The visual character of the original building (historic or non-historic) will be substantially altered due to changes in its overall shape, roof design, projections, recesses, and solid-to-void ratio. On historic structures, the balcony enclosure would obscure and detract from historic details of the balcony and the corresponding historic building. In other cases, balconies that were not originally designed to meet the requirements of interior spaces and enclosures may require substantial structural changes and reconstruction.

#### *Design Guidelines for Historic Districts and Historic Sites*

Staff does not believe that the seasonal enclosures of balconies over Main Street complies with the current *Design Guidelines for Historic Sites and Structures*.

The Design Guidelines specify that new additions on historic buildings be visually subordinate to the historic building from the primary public right-of-way, including incorporating rooftop additions that are not visible from the street. The guidelines also recommend that the new addition does not obscure or significantly contribute to the loss of historic materials. Staff finds that these balcony enclosures are a very visible addition to the existing structure, conceal historic building facades, and threaten historic materials.

Staff is concerned that the annual construction and removal of the balcony enclosures will be detrimental to historic building materials. Nails, screws, sealants, and other materials used at connections will leave behind holes, scratches, stains, and other signs of damage on the historic materials that will need to be patched and repaired annually when the enclosure is removed. Staff finds that this will intensify normal wear and tear on historic materials and cause the materials to deteriorate faster.

Staff also finds that the proposed balcony enclosures will visually modify or alter the original building design. The majority of historic buildings with existing balconies already have second-level doors accessing the balcony; however, these doors are not original to the building. Most buildings would not be permitted to add a new door to access their non-historic balcony. As new doors and balconies would not be permitted to be constructed without a Historic District Design Review (HDDR) approval and permission from City Council to construct over the public right-of-way, staff finds that only a limited number of balcony enclosures would be permitted for those decks already existing.

Staff has met with the Legal, Building, Finance, and Engineering Department to identify other issues that will need to be addressed in order to establish this program. These include:

- The applicant must submit a full architectural and engineering plan to the Building Department that addresses energy efficiency, structural loads on the cantilevered deck, emergency egress plans, seating plan, weather proofing, electrical plans, etc. Additional electrical upgrades must be permanent and electrical outlets will need to be concealed from the view of the public right-of-way.
- The applicant will also need to provide a snow shed plan. Snow will need to be retained on the roof and the applicant shall show how the melted snow will be diverted to the public way without draining across the sidewalk.
- Building permits will be required for the assembly and disassembly of the seasonal balcony enclosures.
- Increased water and sewer impact fees will require Snyderville Basin Water Reclamation District sign-off.
- There will be increased fees for business licensing due to the additional square footage.
- Additional fire safety requirements will require approval by Park City Fire District.
- The applicant will assume all liability for the seasonal enclosures and need to provide insurance for the balcony and enclosure.

***Does the HPB wish to see balcony enclosures on both historic and non-historic buildings? Or, would the HPB prefer that the new enclosures be limited to non-historic structures only so as not to increase annual wear and tear on historic materials?***

*Developing a program similar to summer dining decks*

In order to accommodate such a program, the Design Guidelines and the Land Management Code (LMC) will need to be amended in order to allow for the temporary, seasonal enclosure of the balconies. LMC 15-2.6-3(D) Balconies should be amended to state:

(D) BALCONIES. No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18”) square and are allowed no closer than thirty-six inches (36”) from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10’) from the sidewalk and may not be enclosed permanently. Temporary seasonal balcony enclosures may be appropriate on some structures. With reasonable notice, the City may require a Balcony be removed from City property without compensating the Building Owner.

If City Council supports temporary balcony enclosures, than Staff recommends altering the following guidelines to specify that these guidelines are not impacted by temporary structures:

*Design Guidelines for Historic Sites in Park City:*

MSHS1. The proposed project must not cause the building or district to be removed from the National Register of Historic Places. Temporary structures are not subject to review of the National Register of Historic Places.

MSHS8. Temporary winter balcony enclosures are reviewed by the program's criteria and are not addressed by these Specific Design Guidelines.

*Design Guidelines for New Construction in Park City's Historic Districts*

MSNC1. New construction in the Main Street National Register Historic should be approved only after it has been determined by the Planning Department that the proposed project will not jeopardize the integrity of the surrounding Historic Sites. Temporary structures are not subject to review of the National Register of Historic Places.

MSNC9. Temporary winter balcony enclosures are reviewed by the program's criteria and are not addressed by these Specific Design Guidelines.

Should the HPB believe such enclosures are appropriate along Historic Main Street, staff finds that there need to be some basic guidelines in order to protect the historic integrity of the Main Street Historic District. Staff is recommending that the HPB review and provide feedback on the following proposed guidelines for balcony enclosures:

General Requirements for Balcony Enclosures

1. The enclosure must be constructed on a balcony on Main Street.
2. There may be times when it is not appropriate to enclose a balcony due to the unique historic character and architectural detailing of the historic building.
3. The applicant must demonstrate that the temporary enclosure will not damage the existing façade and/or side walls with repeated attachment and detachment.
4. The enclosure and balcony should respect the architectural style of the building.
5. The enclosure should retain existing railings in order to achieve a design consistent with open balconies and maintain the character of the original building.
6. The existing exterior wall may not be removed seasonally in order to accommodate the balcony enclosure.
7. The enclosure must not block existing door and window openings on neighboring buildings.
8. Enclosures should consist of clear glazing set in window frames that generally match the mass, scale, and material as those used for the glazing frames of the building.
9. Draperies, blinds, and/or screens must be located in a traditional manner above doors and windows. Draperies, blinds, and/or screens should not be used within the



balcony enclosure if they increase the bulk appearance of the enclosure. The use of these must blend with the architecture of the building and should not detract from it. Materials should be high-quality, colorfast, and sunfade resistant.

10. The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk.
11. The enclosure must have direct access to the restaurant's dining area.
12. The design must address snow shedding.
13. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require the approval of City Council.
14. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.
15. Any new signage will require a Sign Permit application.

***Does the Historic Preservation Board approve of these proposed Design Guidelines for Balcony Enclosures? Are there any other Design Guidelines that should be incorporated?***

**Recommendation:**

Staff recommends the Historic Preservation Board (HPB) review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April) as well as proposed Design Guidelines, and the HPB make recommendations to City Council.

**Exhibits:**

Exhibit A – City Council Staff Report and Minutes

Exhibit B – HPCA input for balcony enclosures

Exhibit C – Additional renderings of proposed enclosure at Riverhorse

2. The existing house structure located at 316 Woodside Avenue does not comply with all of the criteria for a Landmark Site as set forth in Land Management Code (LMC) Section 15-11-10(A)(1). The structure does not meet the criteria for landmark designation as it is not eligible for the National Register of Historic Places due to post 1941 alterations that have damaged and obliterated significant character-defining features of the historic structure.

## WORK SESSION

### Temporary Winter Balcony Enclosures

Board Member Crosby recused herself and left the room.

Planner Grahn reported that the Riverhorse had approached the City Council about the possibility of creating a seasonal balcony enclosure program. In November the City Council requested feedback from the Historic Preservation Board. The HPB had a brief discussion but tabled further discussion due to the late hour.

Planner Grahn stated that currently there were a few conflicts with balcony enclosures in the Design Guidelines. The Guidelines are strict about new additions being visually subordinate to historic buildings when viewed from the public right-of-way. The Staff is concerned that annual construction and removal could be detrimental to historic building materials and intensify wear and tear. They also believe that the proposed balcony enclosures visualize and alter the original building design. Additional concerns include energy-efficiency, snow shedding of shed roofs on to Main Street, the seasonal assembly and disassembly, increased water and sewer impact fees to name a few.

Planner Grahn asked whether the Board was comfortable with having seasonal balcony enclosures on both historic and non-historic buildings, or whether it should be limited to non-historic buildings given the amount of wear and tear of attaching and removing temporary structures.

Chair Kenworth asked Planner Grahn to define the current tent situation that the City allows for these balconies. Planner Grahn stated that currently if someone wants to put up a tent on their balcony during the winter months it goes through Administrative Conditional Use Permit process. The applicant is allowed to up a tent for a two-week period. She recalled that one applicant can have five Administrative CUPs for a total of 70 days combined. The tent should be taken down between each CUP or the owner will be fined.

Board Member Holmgren recalled that the temporary structures have to be built as though they were permanent. Planner Grahn answered yes. Ms. Melville asked about the balcony itself. Planner Grahn remarked that in some cases the

balcony itself may need to be upgraded for structural supports. She believed it would have to be reviewed on a case by case basis because each building is unique and different.

Board Member Melville stated that in her personal opinion it putting up and taking down a permanent enclosure on a historic façade would be very detrimental. She was opposed to allowing enclosures on historic structures. Ms. Melville stated that she was also generally opposed to balcony enclosures on newer buildings because the enclosures visually modify and alter the original building design. She also thought the enclosures would have an impact on the historic district. Planner Grahn stated that it would not impact the historic district because the enclosures would be seasonal. If they were to permanently enclose balconies there would be an issue with the National Register. She noted that the State Historic Preservation Office was adamant that temporary structures do not get considered for the National Register. Ms. Melville stated that at least visually it would alter the Historic District. Planner Grahn agreed.

Chair Kenworthy pointed out that the tents that are currently allowed also alter the visual. He asked the representatives from Riverhorse to offer their opinion.

Seth Adams with Riverhorse thought the tents were much more of a detriment to the visual appearance. He did not put up a tent this year and he was lucky the weather was nice. However, they would like to have the ability to use the balcony all the time, which was why they were making this request. Mr. Adams did not believe the enclosure impacted the visual integrity of what people on the street see walking on Main Street. Mr. Adams remarked that one of the objectives for the enclosure is to get people out on the deck to look up and down Main Street.

Chair Kenworthy asked Mr. Adams if the building was historic. Mr. Adams stated that where the balcony is was not historic. The entrance of the Riverhorse on the Main Street level is historic. Chair Kenworthy asked what percentage the business would increase with the enclosure. Mr. Adams estimated 10%. He clarified that it allows them to take the waiting space in the restaurant and convert it into seats. The balcony would be used to corral people in order to create more dining space inside the restaurant, but there would not be tables on the balcony. Chair Kenworthy asked if the enclosure was needed for six months. Mr. Adams answered no. He thought December 15<sup>th</sup> through April 15<sup>th</sup> would be sufficient.

Board Member Melville referred to page 295 of the Staff report and noted that the balcony was currently curved and the building façade is further back. She understood that Mr. Adams was proposing to rebuild the balcony to square it up. He replied that this was correct. Squaring up the corners would add a few square feet to the size. The reason was to make the temporary structure fit

better. Ms. Melville understood that they were also proposing to bring the façade out further than where it currently sits. Mr. Adams replied that it would only be the corners beneath the archway.

Board Member Melville clarified that the building shown on page 296 with the enclosure would not be allowed to be constructed as a permanent structure. Planner Grahn answered yes. If the Riverhorse was to propose this permanently it would not be supported by the Guidelines. Planner Grahn pointed out that Mr. Adams is the only one who has proposed the enclosure, but they need to look at it holistically in terms of how it could be managed up and down Main Street.

Board Member White noted from the table on page 277 of the Staff report that only three properties wanted this type of structure. Planner Grahn explained that the Staff looked at who on Main Street has an Administrative CUP, which is required for outdoor dining in the summer. Of all the businesses on Main Street only three do, and one was under review last year. Mr. White asked if the businesses that said no could change their mind. Director Eddington answered yes. He pointed out that the three identified were the ones who have applied for an Administrative Conditional Use Permit. The rest would have that ability. Director Eddington stated that there were 15 non-historic structures out of 21 shown on the table.

Board Member Melville assumed other buildings could build a balcony as well. Director Eddington stated that they could but they would need permission from the City Engineer to encroach over the public right-of-way. Planner Grahn noted that balconies need City Council approval because they do extend over the City right-of-way. Director Eddington agreed that with City approval more balconies could be built on Main Street if they apply for an Administrative CUP for outdoor dining.

Board Member White how many properties would have to do structural work in order to enclose their balconies. Director Eddington stated that the Staff had not done that analysis, but he assumed that most would require some type of structural work for both historic and non-historic structures. Mr. White asked if the same applied for tents. Director Eddington believed the tents still needed to meet load capacity for the number of people. However, that situation was different than connecting a new structure to a building. The temporary structure would have more connections and structural challenges to the existing façade, but the requirements for load capacity would be about the same.

Chair Kenworthy asked how this would affect Grappa. They were not on the list but they put up tents all the time on their patio. Director Eddington replied that this was only for balconies. Chair Kenworthy noted that TMI was not listed but they have outdoor dining. He names others that were not listed.

Board Member White clarified that the only visual example they have is for Riverhorse. Director Eddington stated that Riverhorse was the only application they had received. Board Member Holmgren thought it needed to be determined on a case by case basis. Mr. White thought the temporary structure looked better than a white tent. However, he was apprehensive about putting glass and steel temporary structures on historic buildings. Planner Grahn stated that the Staff had drafted guidelines to address the issues and to be consistent when applicants come in with an application for a balcony enclosure. The guidelines would also ensure that they protect the look and feel of Main Street.

Board Member White thought it was obvious that whether it was a tent or an enclosure these structures would not go away. Planner Grahn explained that if someone has a balcony on Main Street and they wanted something more permanent than a tent for the winter months, they could apply for that type of enclosure. She stated that the Staff would treat the process similar to the dining deck program except that it would be a winter balcony enclosure program. Mr. White clarified that each structure would be reviewed on a case by case basis. Planner Grahn answered yes, but guidelines need to be in place for consistency.

Board Member Beatlebrox asked if the guidelines on page 280 of the Staff report were enforceable. Planner Grahn replied that it was an issue they needed to discuss.

Planner Grahn reiterated her earlier question about limiting enclosures to new buildings versus historic buildings, or whether it should be allowed on all structures.

Board Member Holmgren did not believe they should delineate between old and new. Board Member Melville disagreed. She thought it would be even worse if they were allowed on historic buildings. Board Member Beatlebrox agreed. Board Member White concurred with Ms. Melville and Ms. Beatlebrox. He was not comfortable putting that type of temporary structure on a historic building.

Planner Grahn summarized that the answer was No on historic structures but Yes on non-historic buildings. Board Member Melville stated that she was generally opposed to the structures on any building on Main Street at this point.

Planner Grahn read proposed language to the LMC to say that, "Balconies may not be enclosed permanently. Temporary seasonal balcony enclosures may be appropriate on some structures." She thought that gave some leeway for structures where the Staff did not believe it would be appropriate. Chair Kenworthy understood that this would only pertain to the ones on public pedestrian right-of-ways. Planner Grahn answered yes. Board Member Holmgren asked how the language ensures that the enclosures would not be

allowed on historic buildings. Planner Grahn stated that additional language could be added to exclude historic structures. Ms. Melville suggested specifying non-historic buildings.

Chair Kenworthy stated that the Flanagan's Building is a Landmark historic building and he would never want to see a temporary structure on it for any reason. He noted that the balcony is probably 99% over a public right-of-way which would eliminate the opportunity. Since it was his building he was very comfortable not having the enclosure.

Planner Grahn reviewed the proposed revisions to the Design Guidelines for the Main Street District as outlined on page 180 of the Staff report. She noted that new construction is everything that was not designated as historic on the HSI.

The first guideline addressed historic sites in Park City. She added, "Temporary structures are not subject to review of the National Register of Historic Places" which is true by the national Park Service.

She added a new Guidelines, "Temporary winter balcony enclosures are reviewed by the programs criteria and are not addressed by these specific Design Guidelines."

Board Member Melville questioned why they would say it was not addressed by the Design Guideline. Planner Grahn stated that the Staff thought it was better to have a separate set of guidelines for review because it is less confusing than having them incorporated into the Design Guidelines. Director Eddington clarified that there were so many conflicting guidelines relative to a new temporary structure that it would not work well and could cause confusion. Planner Grahn noted that summer dining decks have a separate set of guidelines. This would fall under that category.

Chair Kenworthy stated that Flanagan's has a dining deck and they have to go through the requirements and permitting process. From his point of view and a business standpoint, they are providing a customer service. He understands that there is opposition to dining decks and he respects those opinions. However, in a situation like the Riverhorse it allows the owner to provide customer service in a resort town and people enjoy the dining decks on the street. Contrary to popular belief they do not make a lot of money from dining decks, but the reward is happy customers. Chair Kenworthy remarked that in granting his request, Mr. Adams would be able to provide an operational solution in a historic building to improve customer service. Chair Kenworthy thought six months was too long and would prefer a four-month time frame. He thought it was important to balance historic preservation with the ability to provide better customer service.

Board Member Holmgren understood from previous conversations that Mr. Adams was addressing the issues of snow shedding and removal and other safety factors. She thought this was positive for Main Street. It is a piece of magic and people who experience it will never forget it. Ms. Holmgren felt strongly that they should allow this to happen. However, she agreed that the time limit should be less than six months. She felt positive that this was brilliant, new and innovative for Historic Main Street and she would like to see it approved.

Mr. Adams favored a shorter time period as well. He would be comfortable if the winter was 180 days.

Planner Grahn reviewed the proposed guidelines for balcony enclosures and requested feedback from the Board on each one.

1) The enclosure must be constructed on a balcony on Main Street. There would be no balconies on Swede Alley or any side streets.

The Board pointed out balconies that already exist on Swede Alley. They noted that the Caledonia is on a side street and they have a balcony. Chair Kenworthy thought it would be difficult to limit it to Main Street. Planner Grahn suggested that they eliminate the guideline.

2) There may be times when it is not appropriate to enclose a balcony due to the unique historic character and architectural detailing of the historic building. Planner Grahn noted that the guideline no longer applied based on their discussion and the decision not to allow it on historic buildings.

The Board discussed whether or not the guideline could apply to non-historic structures. Planner Grahn suggested changing the language to say, "...due to unique conditions or circumstances" to address an unforeseen situations where enclosing a balcony may cause life/safety issues. The Board concurred.

Planner Grahn read the language as revised, "There may be times when it is not appropriate to enclose a balcony on a non-historic building due to the unique conditions or circumstances".

Board Member Beatlebrox asked if they needed to define unique circumstances. Planner Grahn stated that currently the Planning Director and Chief Building Official are the ones who determine a unique circumstance and she thought they should make that determination for the enclosures as well. The Board agreed.

3) The applicant must demonstrate that the temporary enclosure will not damage the existing façade and/or side walls with repeated attachment and detachment.

Planner Grahn stated that this guideline was no longer necessary based on their earlier decision.

4) The enclosure and balcony shall respect the architectural style of the building. Planner Grahn clarified that even on new buildings they would not want something that did not match what exists or keep with the theme. The Board agreed.

Chair Kenworthy suggested that they prohibit signage. Planner Grahn asked if they wanted to prohibit signs completely or whether they should include language stating that any new signage will require a sign permit application. The Board unanimously wanted signage prohibited for the temporary enclosures.

5) The enclosure shall retain existing railings in order to achieve a design consistent with open balconies and maintain the character of the original building. She asked if the Board agreed that the railings should not be removed.

Director Eddington suggested that they keep the railings on the balconies to keep it looking like a balcony. The Board agreed.

6) The existing exterior wall may not be removed seasonally in order to accommodate the balcony enclosure. The Board agreed.

7) The enclosure must not block existing door and window openings on neighboring buildings. The Board agreed.

8) Enclosures should consist of clear glazing set in window frames that generally match the mass, scale and material as those used for the glazing frames of the building itself. The Board agreed.

9) Draperies, blinds and/or screens must be located in a traditional manner above doors and windows. Draperies, blinds and/or screens should not be used within the balcony enclosure if they increase the bulk appearance of the enclosure. The use of these must blend with the architecture of the building and should not detract from it. Materials should be high quality, color-fast and sun fade resistant.

Planner Grahn stated that she had borrowed the guideline from Vancouver, where they have balcony enclosures on condo buildings. The concern is that when people drape the interior of the glass, it appears to be bulky and heavier, and less open. She was unsure whether that would occur on Main Street, but the language could protect it from occurring.



Board Member Beatlebrox suggested saying that draperies, blinds or screens are not required. Board Member Holmgren preferred not to allow them at all. They would still want people to be able to look in or look out.

Mr. Adams stated that the only reason he would consider a blind would be the hour or two as protection from the blinding sun. Other than that he could see no reason to have them.

Board Member Holmgren did not favor the concept at all. The Board discussed potential language to address the issue of blocking the sun like Mr. Adams had suggested, but not using them as a barrier.

Board Member Beatlebrox suggested language to say, "Sun screens permitted and should be used only during times of extreme sun and should not be obstructive." The Board was comfortable with that language.

10) The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk. The Board agreed.

11) The closure must have direct access to the restaurant's dining area. The Board agreed.

12) The design must address snow shedding.

Board Member Melville asked where in the language it says that a building permit is required and it must comply with Building Department requirements.

Planner Grahn stated that if they add language indicating that a building permit is required, the Building Department would make sure it complies with the International Building Code. The Board favored adding language regarding the building permit.

13. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by Staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require approval of the City Council. The Board agreed.

14. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.

Planner Grahn clarified that tents would still be treated as tents and balcony enclosures would be a separate program.

15. Any new signage will require a Sign Permit application.

Planner Grahn noted that this guideline was no longer necessary because signage was addressed in a previous guideline where the Board agreed to prohibit signage.

In terms of the time frame for having the enclosure, The Board agreed on four months. Director Eddington preferred to have specific dates and suggested December 15<sup>th</sup> to April 15<sup>th</sup>.

Mr. Adams noted that the time frame for summer dining decks was 180 days. Board Member Beatlebrox thought 120 days was sufficient. Director Eddington pointed out that dining decks have specific dates so everyone knows when they are allowed to go up and when they have to come down.

Chair Kenworthy suggested a maximum four month window between December 1<sup>st</sup> through April 30<sup>th</sup>. Director Eddington asked if they wanted to limit it to four months. Mr. Adams stated that personally he would like to put it up right after Thanksgiving and take it down when PCMR closes.

Board Member White suggested November 15<sup>th</sup> to April 15<sup>th</sup>. Director Eddington recommended specifying dates and not talk about a four month limit. It would be consistent for everyone and it would make it easier for Building and Code Enforcement to monitor.

The Board was comfortable with a November 15<sup>th</sup> to April 15<sup>th</sup> time frame.

Chair Kenworthy thanked Mr. Adams for his input.

The meeting adjourned at 8:47 p.m.

Approved by \_\_\_\_\_  
John Kenworthy, Chair  
Historic Preservation Board

## Planning Commission Staff Report

**Subject:** Main Street Balcony Enclosure Amendments  
**Author:** Anya Grahn, Historic Preservation Planner  
**Project Number:** PL-15-03021  
**Date:** December 9, 2015  
**Type of Item:** Legislative – LMC Changes

### Summary Recommendations

Staff is requesting that the Planning Commission open a public hearing, review the possible Land Management Code amendments regarding balcony enclosures on Main Street, and consider forwarding a positive recommendation to City Council.

### Description

**Project Name:** LMC Amendment to permit temporary enclosure of balconies, not to exceed 180 days (November 15<sup>th</sup>- April 30<sup>th</sup>)  
**Applicant:** Planning Department  
**Proposal:** Revisions to the Land Management Code

### Proposal

City Council wishes to develop a pilot program to allow Main Street restaurateurs to construct temporary, seasonal enclosures on their balconies that would provide additional restaurant seating space during the winter months (November 15<sup>th</sup> through April 30<sup>th</sup>). The pilot program would be available only to those balconies directly attached to restaurant space on non-historic structures. Staff has collaborated with the Building, Planning, Engineering, Finance, Sustainability, and Legal Departments to develop a pilot program proposal for the 2015-2016 winter season. Balcony enclosures may be constructed starting on November 15<sup>th</sup> and must be removed no later than April 30<sup>th</sup>; the duration of the balcony enclosures shall not exceed 180 days.

In order to move forward with the pilot program, the Land Management Code (LMC) needs to be amended to permit the temporary enclosure of balconies. Staff requests that the Planning Commission review staff's proposed modifications to the LMC and forward a positive recommendation to City Council. Any design guideline amendments for the balcony enclosures will be adopted through a City Council resolution amending the Design Guidelines for Historic Districts and Historic Sites (June 19, 2009).

### Purpose

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

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,

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

### **Background**

On September 18, 2014, Seth Adams of the Riverhorse presented to City Council his concept for a winter balcony enclosure program. Riverhorse hopes to imitate the success of their tent's use during special events by constructing a temporary (not to exceed 180-days) enclosure on the balcony from November 15th through April 30th that would promote winter-time use. The temporary enclosure would add approximately 350 square feet of restaurant space on their balcony and seat approximately twenty (20) patrons, or about five (5) tables of four (4).

Staff met with City Council on November 13, 2014, to discuss creating a Winter Balcony Enclosure program, similar to that of the Street Dining on Main's summer dining decks. City Council directed staff to meet with the Historic Preservation Board (HPB) for feedback on this program. Staff met with the HPB on January 7 and March 4, 2015, to discuss necessary changes to the Land Management Code (LMC) and Design Guidelines in order to accommodate the winter balcony enclosure program. The input provided by the HPB is reflected in the attached staff reports and exhibits.

Staff strongly recommended that the balcony enclosures not be permitted as staff found the enclosures would detract from the look and feel of Historic Main Street; however, the majority of City Council and the HPB found the enclosures to be an aesthetic improvement to the white tents currently used during the winter months. Further, City Council and the HPB found that the balcony enclosures would maintain the high quality of customer service and support for increased seasonal occupant loads of Main Street restaurants.

Staff has moved forward with developing a pilot program for the 2015-2016 Winter Season which would permit balcony enclosures only on those balconies facing Main Street that are on non-historic structures and directly attached to restaurant space. Thus far, staff has found that only Riverhorse on Main is interested in constructing a balcony enclosure. This year's pilot program will occur from January through April

following changes to the LMC. Following the removal of the balcony enclosures on April 30<sup>th</sup>, staff will assess the merits and challenges of the program and review these with City Council in May.

### **Analysis**

Balconies are defined by the Land Management Code (LMC) as a platform that projects from the wall of a building and is enclosed by a railing, parapet, or balustrade. There are approximately twenty-one (21) balconies on Main Street that extend over the City ROW. This program would only allow enclosures to be constructed on those balconies directly attached to restaurant space on non-historic structures that are not designated on the Historic Sites Inventory (HSI). Currently, only three (3) restaurant balconies would be eligible for the pilot program.

Outdoor dining is a conditional use in the Historic Commercial Business (HCB) District for restaurants. Any outdoor dining must be approved through an Administrative Conditional Use Permit (Admin-CUP). Riverhorse and Wahso both have Admin-CUPs for their outdoor dining for summertime balcony dining. No other restaurants currently have approvals. For more information, please review the Analysis section of Exhibit 3--6.25.15 City Council Report.

#### *Current Balcony Requirements*

The Land Management Code (LMC) 15-2.6-3 requires that no balcony projecting over City ROW may be erected, re-erected, located or relocated, enlarged, or structurally modified without first receiving approval from City Council. LMC 15-2.6-3(D) specifically states that "Balconies . . . may not be enclosed." Because City Council has directed staff to move forward with the pilot Winter Balcony Enclosure program, the LMC will need to be amended to allow for these temporary, seasonal balcony enclosures. Property owners are required to provide insurance for their balconies.

#### *Current Temporary Structure Requirements*

The LMC defines a temporary improvement as a structure built or installed, and maintained during the construction of a development, or during a special event or activity and then removed prior to release of the performance guarantee. Staff finds that the proposed balcony enclosures meet the definition of a temporary improvement, BUT extend beyond the duration of construction activity or a special event or activity as currently allowed by code. The winter season is not a special event.

LMC 15-4-16(A)(4) limits temporary structures, such as tents, to a duration no longer than 14 days and for more than five (5) times per year on the same property or site, unless a longer duration or greater frequency is approved by the Planning Commission consistent with the Conditional Use Criteria or as approved by City Council as part of a Master Festival. The intent of this provision in the code was to allow events to run together if necessary, but each 14 day period would count toward the total allowed amount of five (5) times per year, or 70 days total. This limits temporary structures, such as tents, from standing indefinitely by allowing them to stand for only 70 days per

year. The Planning Commission, however, may currently approve a longer duration or greater frequency through a Conditional Use Permit (CUP).

The Land Management Code (LMC) was revised to address the duration of temporary structures in 2009. At that time, there were several temporary structures located on hotel properties in town that had been approved as temporary structures, but were left standing in virtual perpetuity. To ensure this trend would not continue, new duration parameters were adopted in 2009.

There have been instances where a temporary structure has been approved to stay up for greater than 14 days, such as the 2013 Planning Commission approval of a CUP at the Montage allowing construction of temporary structures for up to 15 times per year of which 4 structures were allowed for a maximum of 60 days due to the high frequency of weddings and outdoor parties.

#### *Required Changes to the Land Management Code (LMC)*

During the November 2014 and June 2015 City Council work session and the January and March 2015 HPB work sessions, staff expressed concern that the proposal was in direct opposition to the current LMC, and the LMC does not make exception for temporary, seasonal structures. The LMC needs to be amended in order to accommodate an exception for temporary, seasonal structures. Staff proposes that LMC 15-2.6-3(D) Balconies be amended to state:

#### **(D) BALCONIES AND TEMPORARY WINTER BALCONY ENCLOSURES.**

(1) No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed permanently. With reasonable notice, the City may require a Balcony be removed from City property without compensating the Building Owner.

(2) Temporary Winter Balcony Enclosures may only be permitted on existing balconies on structures which are not on the Historic Sites Inventory. Temporary Winter Balcony Enclosures are only permitted from November 15<sup>th</sup> through April 30<sup>th</sup> on balconies facing Main Street.

*Note: Language was added to the existing LMC section. No language was eliminated.*

#### *Application Process for Pilot Program*

Those restaurants intending to construct a temporary, seasonal balcony enclosure will be required to complete an Administrative Conditional Use Permit (Admin-CUP). This is a one-time application that runs with the land. Much like the summer Dining Deck program, applicants will only be required to re-apply for the Admin-CUP if substantial changes are made to their balcony enclosure. Temporary structures, per the

International Building Code (IBC), are limited to a 180-day duration, and, so, staff has limited the balcony enclosures to November 15<sup>th</sup> through April 30<sup>th</sup> to ensure that the enclosures are not considered permanent under the IBC.

The applicant will also be required to obtain a building permit for the balcony enclosure. This will allow the Building Department to ensure that the enclosure meets the International Building Code (IBC) and addresses such issues as:

- Lighting and ventilation
- Engineering for live loads, wind, roof capacity
- Fire safety
- Drainage and snow shedding on public right-of-way (Main Street)
- Energy efficiency
- Recalculations for increased occupancy loads will impact sanitation facility requirements, upgrading the design of existing occupancy loads,
- Adequate heating and ventilation

Staff has also discussed additional concerns with our internal Development Review Committee. Staff finds that the balcony enclosures should not further aggravate parking demands as the balconies are already in use during the summer for outdoor dining. The Building Department will also address increased water usage and requirements for the increased occupancy loads at the building permit stage. Further, no new signage may be installed on the balcony enclosure.

The balcony enclosure would have to be constructed as a semi-permanent structure in order to meet the International Building Code. Further, the Building Department will require annual building permits for installation and removal of the enclosures. Each property has its unique challenges and the enclosures will need to be reviewed on a case-by-case basis.

Any modifications to existing buildings or balconies to accommodate the balcony enclosure will be reviewed through a Historic District Design Review application subject to the Design Guidelines and Land Management Code.

Unlike the summer dining decks, City Council will not require a lease agreement with the property owner for the construction of the Temporary Winter Balcony Enclosure. The only fees associated with the Winter Balcony Enclosure will be the one-time Admin-CUP and annual Building Permits for installation and removal of the enclosures. Staff will work with the applicants at the time of the application to ensure that any existing balconies have a recorded encroachment agreement with the City Engineer's Office, if one does not already exist.

### **Good Cause**

Planning Staff finds there is good cause for these LMC amendments as City Council has expressed interest in pursuing a pilot Winter Balcony Enclosure program. The pilot program will run from January through April 2016. Following removal of any balcony enclosures on April 30<sup>th</sup>, staff will evaluate the success of the program and return to City Council in May with a summary of the program, evaluating its merit and challenges at

that time. City Council may then decide whether or not to continue the program as a pilot program or make it full-time.

### **Department Review**

This report has been reviewed by the Planning, Building, Engineering, and Legal Departments.

### **Notice**

Legal notice of a public hearing was posted in the required public spaces and public notice websites on November 25, 2015, and published in the Park Record on November 21, 2015 per requirements of the Land Management Code.

### **Public Input**

Public input is outlined in the attached staff reports and minutes of previous Historic Preservation Board and City Council meetings. No new public input was submitted for the Planning Commission at the time of writing this report.

### **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.

### **Significant Impacts**

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

### **Recommendation**

Staff is requesting that the Planning Commission open a public hearing, review the possible Land Management Code amendments, and consider forwarding a positive recommendation to City Council.

### **Exhibits**

Exhibit 1—Ordinance (will include Exhibits redlining each LMC Section that is being amended)

Exhibit 2 – Winter Balcony Enclosure Informational Sheet

Exhibit 3 – 6.25.15 City Council Report

Exhibit 4 – 6.25.15 City Council Minutes

Exhibit 5- Riverhorse Proposed Balcony Enclosure Plans



Chair Strachan asked if the Commissioners had concerns with the language in the proposed changes to the LMC. There were no concerns or changes. Chair Strachan noted that the language needed to be changed to reflect the new boundary lines.

Chair Strachan opened the public hearing.

Mike Sweeney had read through the document and he complimented Planner Whetstone on a fabulous job. He thought the wordsmithing was clear and concise and he did not have any issues with it. Mr. Sweeney stated that he always thought his property on the west side of Main Street was commercial, and it was built that way for a reason. They did not put commercial on the top of the plaza. They essentially donated property to the City in the sense of protecting the view corridor by never building on the deck. Mr. Sweeney wants it to remain as it exists today and he was comfortable with the Code changes.

Chair Strachan asked if Mr. Sweeney had an issue with the boundary line change. Mr. Sweeney answered no.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a positive recommendation to the City Council regarding LMC Amendments to Zoning Chapters 2.5, 2.6 and Chapter 15, according to the Findings of Fact and Conclusions of Law in the draft ordinance, and as amended to include 820, 875 and the Main Street side of 804 in the vertical zoning per the discussion this evening. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

**3. Land Management Code Amendments in Chapter 15-2.6-3(D) – Main Street Balcony Enclosures to allow Main Street restaurant owners to construct winter enclosures on balconies of non-historic buildings from November 15th – April 15th which will allow winter dining on those enclosed decks.**  
**(Application PL-15-02031)**

Planner Grahn reported that over the past year the Staff has been working with the City Council and the Historic Preservation Board to determine whether or not it was appropriate to enclose Main Street balconies over the winter months. All parties found that it was appropriate. Planner Grahn noted that the history of their discussions was outlined and documented with Exhibit in the Staff report. The intent is to create a pilot program to enclose the balconies with temporary but semi-permanent structures to replace white tents from November 15th through April 30th, and not to exceed 30 days. However, to do so requires an amendment to the Land Management Code.

Planner Grahn noted that the proposed changes were outlined on page 372 of the Staff report. The Staff requested that the Planning Commission review the changes and forward a positive recommendation to the City Council.

Commissioner Campbell asked if others besides Riverhorse were requesting this. Planner Grahn replied that it was only Riverhorse at this time. The balcony enclosure would have to be directly accessible to the restaurant space and; therefore, other than Riverhorse only Waso and 501 Main Street could currently meet that requirement.

Chair Strachan asked Planner Grahn to summarize the input from the HPB and the City Council. Planner Grahn stated that the first concern was whether or not it was appropriate on historic buildings, because removing and constructing the temporary structures creates a lot of wear and tear. Therefore, it was decided to limit it only to balconies that were on non-historic buildings. Planner Grahn reported that the HPB had mixed reactions, but the majority of the Board felt it was an improvement from the white tents that remain up all winter. The HPB was not concerned that the balcony enclosures would appear permanent and misleading to people viewing Main Street in the winter months. They also thought it would help enhance the level of customer service and the restaurant experience.

Commissioner Joyce understood that this was being proposed as a trial program. He noted that currently a CUP can be applied for to leave up a temporary structure for 180 days. He asked why the Staff was proposing a zoning change instead of the current CUP process. Planner Grahn replied that under the CUP process a structure could not be left up for 180 consecutive days. The applicant would come to the Planning Commission to have a tent approved for up to 14 days five times a year, or 70 days. She noted that exceptions have been made for some of the resorts to leave tents up for a longer period during the summer time for weddings, etc. Planner Grahn pointed out that the a balcony enclosures is different because it is attached to the building and not a freestanding tent.

Commissioner Joyce thought it was unusual to be making a zoning change for a trial. He thought a better approach would be to allow the same exception under the CUP that is made for wedding tents during the summer.

Assistant City Attorney McLean replied that the Code does not allow for balcony enclosures; therefore, it would not be allowed under the current CUP process. The only way for this temporary program to move forward is through a Code change.

Chair Strachan wanted to know if they would have to amend the Code again if they determine that the trial period is not successful. Ms. McLean explained that the City

Council could decide not to allow balcony enclosures in the right-of-way; or they could implement another Code change to reverse it.

Commissioner Worel questioned how the City Council could make that decision if it was allowed by Code. Ms. McLean understood that if someone applied for a balcony enclosure they would need an encroachment agreement. Planner Grahn explained that most of the balconies already encroach over the right-of-way and require an encroachment agreement. Some have an agreement and others do not. However, when people come in to make changes to their balcony, they are required to get an encroachment agreement if they do not already have one. Planner Grahn remarked that the City Council also has to review any changes to balconies regardless of whether it is a new balcony or a modification to an existing balcony. It also requires an HDDR by the Planning Department.

Planner Grahn explained that for the purpose of the pilot program, the process will be to do an Administrative CUP, which is consistent with the summer dining deck program. The CUP would run with the land but they would be required to apply for a building permit to construct it and to demolish it every year. It would involve two building permits. She pointed out that if someone came in with a request to enclose their balcony, they would get an encroachment agreement with the City at the same time.

Commissioner Thimm understood that an applicant would have to obtain CUP approval for the enclosure, put up the enclosure and take it down. He asked if the applicant would be covered under the same CUP to put it up again the next year. Planner Grahn replied that they would not have to reapply for the CUP but they would have to apply for new building permits. Chair Strachan asked about the encroachment agreement. Planner Grahn believed that the encroachment agreement also runs with the land. Ms. McLean explained that encroachment agreements are generally licenses which can be revoked at any time.

Commissioner Phillips asked if the CUP would expire with the trial period. Ms. McLean stated that the Staff could phrase it to have a sunset for the conditional use. Planner Grahn favored a sunset because they would want the opportunity to revoke balcony enclosures if it does not work out.

Commissioner Joyce asked if the Planning Department and the Historic Preservation Board were comfortable with enclosed balconies. Planner Grahn stated that the Planning Department was not in support. However, the HPB liked the idea because it was an improvement over white tents. The HPB supports it from the standpoint of aesthetics. Commissioner Joyce remarked that if white tents are the problem, he did not believe it made sense to fix the problem by allowing balcony enclosures. The City Council has put historic preservation as one of the top six priorities. There is a view walking down Main Street and they have tried to preserve that view. One balcony enclosure breaks the view

and changes everything. Commissioner Joyce remarked that everything he read about enclosing balconies states that they are not part of the historic look, they block off other buildings, and they should not be done. He referred to documents on page 413 of the Staff report showing that the Planning Department was opposed when this idea was previously presented. He pointed out that what was being presented this evening was the same exact plan. The only difference is that the City Council has now decided to try it.

Commissioner Joyce stated that if these things are not good because it hurts their historic image, making them temporary does not change anything. He believed that a permanent enclosure could be made to look more historic and fit in better than a plastic temporary enclosure. He pointed out that as proposed the balcony enclosures are only temporary, but they are allowed to be up during the four most important months in Park City. Those are the peak months with all the tourists. Commissioner Joyce noted that this proposal was being driven by one restaurant who fundamentally wants to accommodate 20 additional people for dinner. He thought it was counter to not only his view, but how the Planning Department viewed it and initially thought it should not be allowed. Commissioner Joyce was unsure at what point the City decided to give in to one constituent, because it was counter to everything the City has done to try to preserve the Main Street corridor.

Commissioner Phillips agreed with Commissioner Joyce, and added that it would also be an “energy hog”.

Commissioner Joyce was surprised when he read the minutes that the HPB was concerned about patrons being turned away from the restaurant during the peak season, and that was their logic for approving balcony enclosures. As a Board that is supposed to be preserving the historic character and mining heritage of Park City, he could not understand why the HPB would find this acceptable.

Planner Grahn stated that the Staff raised many of the same issues when they met with the Building Department. They also had concerns that it would look like the plexiglass tent on the Blue Plate Diner in Salt Lake. Planner Grahn remarked that the Planning Department has been working with Riverhorse and the enclosure will be glass and steel to blend in with the design of the buildings. Commissioner Joyce asked where there were other glass and steel buildings along Main Street. He questioned whether a glass and steel building would be approved under the current design guidelines. Planner Grahn clarified that if a balcony enclosure is requested it would have to compliment and be consistent with the design of the building. Since Riverhorse is already a steel and glass building, an enclosure would fit in better than if it was attached to a wood frame building.

Director Erickson clarified that the opinion of the HPB was that a balcony enclosure was aesthetically better than a white tent. He noted that it was an ongoing discussion with the

HPB and the City Council. Mr. Erickson suggested that the Planning Commission forward their opinion to the City Council to be considered when the Council makes the final decision. He noted that this was a difficult issue for the Planning Department because their mission is to preserve the street. Mr. Erickson pointed out the Staff's previous recommendation and he stood by the former Planning Director's recommendation. He emphasized that the Staff was following direction from the City Council to come up with a compromise for allowing enclosures.

Chair Strachan stated that he agreed with Commissioner Joyce substantively. However, he has never viewed his role on the Planning Commission to be looking at what is historic and what is not. He does not have the skill set or the knowledge to say one way or another whether a temporary structure fits with the form and feel of historic Main Street. Chair Strachan stated that from a planning perspective he did not believe balcony enclosures should be allowed. He was concerned that allowing one would open the door for many more.

Commissioner Joyce wanted to know why permanent balcony enclosures would not be allowed if temporary enclosures are allowed. If balcony enclosures are acceptable, why would they have to be removed in April. In his opinion it would be better to allow the owners to build a nice enclosure that fits in better, is insulated, and has good snow shed.

Director Erickson explained that the planning argument for taking down the enclosures is that during the summer the balconies would obscure the view of the other buildings and disrupt the rhythm and pace of the second floor. Mr. Erickson acknowledged that it could also be a reason for not allowing enclosures during the winter.

Chair Strachan thought it was a policy decision that the City Council would make. He did not believe it was an issue for the Planning Commission or a Code issue. He was not opposed to sending a recommendation to the City Council, recognizing that the Council decides what could occur on Main Street.

Commissioner Campbell asked if the Planning Commission could forward a neutral recommendation. Chair Strachan replied that it the vote had to be aye or nay or a continuation.

Chair Strachan opened the public hearing.

Seth Adams, representing the Riverhorse, clarified that the Riverhorse originally approached the idea for a permanent balcony enclosure; however, that was rejected because it is over City property and the City did not want something permanent in the right-of-way. That created the situation for a temporary enclosure for 180 days. Mr. Adams

noted that they do not have the capability for deck dining during the summer because they do not have a Main Street spot on the street. For that reason, they approached it as a winter time enclosure because they need it more in the winter. Mr. Adams noted that the enclosure would be built by a very reputable company. It was designed to be built as a permanent enclosure, but it was be redesigned to allow it to be put up and taken down. Mr. Adams remarked that it would be well-built and would not look cheap. His preference would be to leave it up 365 days, but since that was not an option he was willing to accept a temporary time period so they could prosper as a restaurant and accommodate larger crowds during the peak season.

Ruth Meintsma, a resident at 305 Woodside, focused on the energy issue related to the enclosures. She commented on an interview with Matt Abbott earlier that day where he spoke about the City's current effort towards zero carbon footprint. The City was also moving forward with sensitive issues such as outdoor fire pits and wood fireplaces. Ms. Meintsma did not believe the proposed balcony enclosures accomplish what the City is trying to accomplish. She had researched solariums and greenhouses, which was the closest she could find similar to what was being proposed, and they are very energy inefficient. Ms. Meintsma referred to language on page 5 of the Staff report which states, "A building permit will insure that the enclosure addresses energy efficiency". She thought that was vague and asked if standards or specific criteria would be adhered to. Page 6 of the Staff report under significant impacts states that there are no significant environmental impacts; however Ms. Meintsma did not believe they know at this point whether there would be environmental impacts. Ms. Meintsma referred to Exhibit 1 of the ordinance, and noted that the fourth Whereas states, "The City's goals include sustainability". This structure does not necessarily accomplish sustainability. The ninth Whereas states, "This amendment is consistent with the General Plan." Ms. Meintsma questioned whether it was consistent with the General Plan. She believed there were still a lot of unanswered questions that they could not know at this point. Ms. Meintsma referred to Item 10 which states that the design must address snow shedding. She pointed out that if the enclosure on the Riverhorse sheds at all it would shed on to the sidewalk. She thought aggressive snow melt should be included in the energy efficiency evaluation of the structure. Ms. Meintsma referred to number 19, materials, and thought it needed to go further than just materials that complement the existing structure. She suggested that the criteria should be a material that actually accomplishes a certain level of energy efficiency.

Mike Sweeney, stated that as a person sitting in the audience who has done a lot of permitting in front of the Planning Commission, he was offended by the outrage that Mr. Adams with the Riverhorse would build a "crappy" building. Mr. Sweeney did not believe that was fair.

Commissioner Joyce agreed and he apologized to Mr. Adams and Mr. Sweeney. Commissioner Joyce clarified that his frustration was more with the City not allowing a nice permanent structure that would meet normal development guidelines; and instead allowing one that must meet difficult requirements of being temporary and having the ability to be pulled apart and packed up. Commissioner Joyce stated that if Mr. Adams was allowed to build a permanent structure he was confident that he would build something that was nicer, solve more engineering problems, be better insulated to address energy concerns, and look better on the historic street. He acknowledged that he had used a poor choice of words.

Mr. Sweeney stated that with all the concerns about energy and everything else is involved for this type of structure, the Riverhorse was doing their best and using the best technology available. He understood that the Riverhorse is not the most energy efficient, and there are other buildings in the community that are less energy efficient than what the Riverhorse was trying to accomplish. Mr. Sweeney referred to Commissioner Joyce's comment about the historic district and whether or not it was acceptable to have balconies on Main Street. He stated that Main Street has had balconies since for as long as he could remember.

Commissioner Joyce stated that he was aware that balconies are allowed on Main Street and clarified that his comment related to enclosed balconies.

Mr. Sweeney remarked that if the real issue is enclosed balconies, he believed that in the 1800s people put up something to enclose their balconies to protect themselves.

Brian Markenan stated that he was an architect in town who was helping Mr. Adams move this request through the process. Mr. Markenan understood that energy was an issue for everyone. Since Mr. Adams would be paying for that energy, he was motivated to build and complement that building. Mr. Markenan pointed out that this was a pilot program to determine what will and will not work for the City and the Riverhorse. He remarked that snow shedding would be remedied. The enclosure will have a low pitch to avoid fast slides into the street. It would be held a foot and a half to two feet from the edge of the balcony so a lot of the snow will dump on the side. A lot of snow will melt off and they will be dealing with the runoff of the roof in a much different way than snow just sliding off. Mr. Markenan stated that they anticipate using cleats and snow bars to hold back much of the snow. He pointed out that it was not a cheap structure. It is an engineered metal and glass building with a polycarbonate top that will withstand snow loads. It is also built to IBC standards. Mr. Markenan stated that they have been working with the Building and Planning Departments and he felt they had come to a good place for this trial.

Commissioner Thimm asked if this type of structure would comply with the State Energy Code. Mr. Markenan was hesitant to say that it complies with the State Energy Code. He

pointed out that it is a stand-alone structure. Commissioner Thimm noted that the Code was a measuring stick in terms of sustainability that is required by the State. Mr. Markenon replied that it was lacking in terms of having an R-49 roof. He suggested the possibility of sliding in different panels in the future.

Chair Strachan closed the public hearing.

Commissioner Campbell did not believe the balcony enclosures would sweep all the way up Main Street, and he did not see it as a gigantic stain on the visual character of Main Street. Chair Strachan noted that some of the Commissioners differed in that opinion. He did not think there would be an abundance of enclosures but he felt certain that the number would increase if the pilot program is passed. Commissioner Campbell suggested crafting the language to limit the number. Commissioner Joyce asked how they could justify allowing it for one non-historic building to serve food and deny it for another person with a non-historic building who wants to enclose their balcony for storage or other uses. Commissioner Campbell thought it would be easy to make that distinction because the vibrancy a restaurant brings to the area benefits everyone. Chair Strachan thought it would put the Staff in a difficult position of saying yes to some and no to others based on vibrancy.

Planner Grahn noted that the City Council was only proposing the pilot program for restaurants. The program would have to be adjusted to expand it to retail, office space, private residences, etc.; and that would require going back to the HPB and the Planning Commission.

Commissioner Joyce remarked that at some level the City was making a judgment of whether or not to allow enclosed decks. Under the current constraints there was a possibility for three and only one was currently interested in doing it. However, once it is approved and the next person wants to enclose their balcony for a different entertainment use, it keeps growing and growing. He thought the decision the City Council should be making is whether or not enclosed balconies are okay. If the answer is yes, they should be allowed to be permanent and done well.

Commissioner Campbell suggested that if the pilot program runs for three years, after that time they could determine whether or not to allow permanent enclosures. He asked if Commissioner Joyce would be more comfortable with that approach. Commissioner Joyce clarified that he personally did not think enclosed balconies belong because they are not part of the Historic Design Guidelines. He thought the decision needed to be consistent. He could not justify saying it was fine for the five prime months but not for the rest of the year. If the City Council thinks enclosed balconies are fine, then they should be allowed all year long or not allowed at all.



Commissioner Phillips wanted to make sure that the CUP would have a sunset date. Assistant City Attorney McLean stated that they could make that recommendation as part of the motion.

MOTION: Commissioner Joyce moved to forward a Negative Recommendation to the City Council on the Main Street balcony enclosure amendments. Commissioner Worel seconded the motion.

VOTE: The motion passed 3-2. Commissioners Joyce, Thimm and Worel voted in favor of the motion. Commissioners Phillips and Campbell voted against the motion.

## **WORK SESSION**

The Planning Commission returned to work session for Annual Legal Training on the Public Meeting Act.

Assistant City Attorney McLean stated that the Open Meetings Act is primarily about the importance of transparency and openness in government so the constituents in the community understand that decisions are being made in the public and not behind closed doors.

Ms. McLean reminded the Commissioners to keep their disclosure forms updated with the City Recorder.

Ms. McLean clarified that "Open" means "in public". State Code requires the Planning Commission to follow the rules and requirements of the Open Public Meetings Act. She noted that the lesser Boards and Commissions follow the Act as well, including the Art Board.

Ms. McLean commented on what constitutes a meeting. For the Planning Commission, it is four members including the Chair. However, it was preferable to have more members than just a quorum making decisions. She thanked the Commissioners for their diligence in attending most meetings. Ms. McLean requested that they contact the Staff if they know they will not be attending to make sure they have a quorum. A meeting cannot be held without a quorum.

Chair Strachan asked the Commissioners to also let him know if they will not be attending; however, he preferred that they use his personal email because he does not check his

# Historic Preservation Board Staff Report



**Subject:** Winter Balcony Enclosure Pilot Program  
**Application:** GI-22-00487  
**Author:** Rebecca Ward, Assistant Planning Director  
**Date:** September 7, 2022  
**Type of Item:** Work Session

## Recommendation

Evaluate and provide input on the Winter Balcony Enclosure pilot program that allows temporary enclosure of non-historic balconies facing Main Street in the Historic Commercial Business District. The pilot program is scheduled to end in 2023.

## Summary

The City Council initiated a pilot program to allow balcony enclosures on non-historic buildings on Main Street from November 15 – April 30 through 2023.

On March 7, 1979, Park City’s Main Street was listed on the [National Register of Historic Places](#), and was expanded in 2018. The Historic Character of Park City is one of the core values of the Park City General Plan (“General Plan”). Goal 15 of the General Plan is to “[p]reserve the integrity, mass, scale, compatibility, and historic fabric of the nationally and locally designated historic resources and districts for future generations.” Goal 16 of the General Plan is to “[m]aintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors.”

The General Plan acknowledges that historic preservation requires consideration of local business needs to retain vibrancy. The General Plan Community Planning Strategy 16.4 is to “[w]ork with Historic Park City Alliance (HPCA) and the Park City Historical Society to address the needs and concerns of local business owners.”

The pilot program was suggested by a local business to increase seating capacity during the winter months and to allow temporary balcony enclosure to replace tents. Only one property has requested the Winter Balcony Enclosure, with details provided in the Analysis Section below.

Since the Winter Balcony Enclosure pilot program was first introduced, staff has consistently voiced concerns, outlined in the Analysis Section below. Staff continues to find that the enclosure of Main Street balconies, even temporarily, has a detrimental impact on the historic character of Main Street.

## Background

The table below outlines the Winter Balcony Enclosure pilot program background:

<p>Sept. 18, 2014</p>	<p>A community member proposed the City consider a Winter Balcony Enclosure program on Main Street to promote expanded winter use. The City Council supported scheduling the proposal for future discussion.</p> <p>(<a href="#">Minutes</a>, p. 4)</p>
<p>Nov. 13, 2014</p>	<p>The City Council conducted a work session on Winter Balcony Enclosures. Staff expressed concerns:</p> <ul style="list-style-type: none"> <li>• Impact to the historic integrity of Main Street</li> <li>• International Building Code requirements for fire safety and snow loads</li> <li>• Snow shed issues</li> <li>• Increased use of sewer and water</li> <li>• Increased parking demands</li> <li>• Increased strain on City resources and staff time for reviewing and monitoring the enclosures</li> <li>• Enclosures were prohibited in the Land Management Code and Design Guidelines for Historic Districts and Historic Sites and required amendments</li> </ul> <p>Some Councilmembers agreed there would be impacts, but most Councilmembers were in support of exploring a pilot program.</p> <p>(Minutes, Exhibit A)</p>
<p>Jan. 7, 2015</p>	<p>The Historic Preservation Board conducted a work session on Winter Balcony Enclosures. The staff report outlined concerns:</p> <ul style="list-style-type: none"> <li>• Even temporary enclosures of balconies change the historic character of Main Street</li> <li>• Enclosure substantially alters the architectural design of the building, light and shade of the building design, and the rhythm and pattern of the streetscape</li> <li>• Enclosure of balconies substantially alters the visual character of the original building in shape, roof design, projections, recesses, and solid-to-void ratio</li> <li>• The balcony enclosures obscure and detract from historic details</li> <li>• Balconies not designed to meet the requirements of interior spaces and enclosures may require substantial structural changes and reconstruction</li> </ul> <p>The Board continued the discussion to March.</p> <p>(Jan. 7, 2015 Staff Report, Exhibit B; Jan. 7, 2015 Minutes, Exhibit C)</p>

<p>Mar. 4, 2015</p>	<p>The Historic Preservation Board provided input on potential amendments to the Land Management Code and Design Guidelines for Historic Districts to allow temporary enclosures on non-historic balconies in the Historic Commercial Business Zoning District for buildings facing Main Street.</p> <p>(Mar. 4, 2015 Staff Report, Exhibit D; Mar. 4, 2015 Minutes, Exhibit E)</p>
<p>Jun. 25, 2015</p>	<p>The City Council conducted a work session on Winter Balcony Enclosures and provided direction to staff to move forward with a three-year pilot program for non-historic buildings on Main Street.</p> <p>Community members raised concerns about the energy required to heat temporary enclosures.</p> <p>(<a href="#">Staff Report</a>, p. 22; <a href="#">Minutes</a>, p. 3)</p>
<p>Dec. 9, 2015</p>	<p>The Planning Commission voted 5 – 2 to forward a negative recommendation to City Council regarding amendments to the Land Management Code to accommodate Winter Balcony Enclosures. The Planning Commission expressed concerns:</p> <ul style="list-style-type: none"> <li>• If the temporary enclosure was constructed as a semi-permanent structure, why not consider a year-round enclosure</li> <li>• Balcony enclosures severely detract from the historic character and integrity of the Main Street Historic District, blocks views of neighboring historic structures, and changes the mass and scale of the historic commercial district in opposition to the General Plan and historic preservation goals</li> <li>• Balcony enclosures do not add to street vibrancy like summer dining decks</li> <li>• Balcony enclosures do not comply with Utah’s adopted State Energy Code and will increase carbon footprint in opposition to the General Plan and City goals</li> </ul> <p>(Dec. 9, 2015 Staff Report, Exhibit F; Dec. 9, 2015 Minutes, Exhibit G)</p>
<p>Jan. 7, 2016</p>	<p>City Council launched a three-year pilot program for the Winter Balcony Enclosure Program for non-historic buildings facing Main Street to enclose their balconies from November 15 – April 30.</p> <p>(<a href="#">Staff Report</a>, p. 93; <a href="#">Minutes</a>, p. 8)</p>
<p>Jan. 7, 2016</p>	<p>City Council enacted <a href="#">Ordinance No. 16-01</a>, amending the Land Management Code to accommodate Winter Balcony Enclosures on non-historic buildings in the Historic Commercial Business Zoning District facing Main Street from November 15 through April 30.</p> <p>(<a href="#">Staff Report</a>, p. 83; <a href="#">Minutes</a>, p. 5)</p>

Nov. 3, 2016	The City Council affirmed support of the three-year pilot program and approved a one-year agreement to allow the Riverhorse Balcony Enclosure over the public pedestrian right-of-way.  ( <a href="#">Staff Report</a> , p. 98; <a href="#">Minutes</a> , p. 13)
Oct. 11, 2018	City Council extended the pilot program for another five years and approved a one-year agreement to allow for the Riverhorse Balcony Enclosure over the public pedestrian right-of-way.  ( <a href="#">Staff Report</a> ; <a href="#">Minutes</a> , p. 10)
Nov. 7, 2019	As part of the consent agenda, the City Council approved an updated agreement for the Riverhorse Balcony Enclosure. The agreement terminated on April 30, 2020. The balcony enclosure was allowed to be installed from November 14, 2019 through May 4, 2020.  ( <a href="#">Staff Report</a> , p. 459; <a href="#">Minutes</a> , p. 12)

**Analysis**

The purposes of the Historic Preservation Board include:

- Preserving the City’s unique Historic character and to encourage compatible design and construction through the creation, and periodic update of comprehensive Design Guidelines for Historic Districts and Historic Sites
- To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses
- To recommend to the Planning Commission and City Council ordinances that may encourage Historic preservation <sup>1</sup>

Preserving the Historic Character of Park City is one of the core values in the 2014 Park City General Plan (“General Plan”). Goal 15 of the General Plan is:

***Preserve the integrity, mass, scale, compatibility, and historic fabric of the nationally and locally designated historic resources and districts for future generations.***

Objective 15A – maintain the integrity of historic resources within Park City as a community asset for future generations, including historic resources locally designated on the Park City Historic Sites Inventory and its two National Register Historic Districts – the Main Street Historic District and the Mining Boom Era Residences Thematic District.

Objective 15B – Maintain character, context, and scale of local historic districts with compatible infill development and additions.

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<sup>1</sup> LMC [§ 15-11-5](#)

Community Planning Strategy 15.8 is to periodically review newly constructed infill projects for suitability and compatibility of infill development within the Historic Districts. “Identify issues that threaten the aesthetic experience of the districts and refine the Design Guidelines and/or LMC based on findings. The aesthetic experience should be measured from the pedestrian experience at street frontage. In addition, the influence of site design and architecture should be analyzed in the review.”

Goal 16 of the General Plan is:

***Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors.***

Objective 16E is to “[e]ncourage all infill, additions, and building alterations on Main Street to be compatible with existing Landmark and Significant Buildings.”

Community Planning Strategy 16.4 is to “[w]ork with Historic Park City Alliance (HPCA) and the Park City Historical Society to address the needs and concerns of local business owners.”

The LMC implements the goals and policies of the General Plan, including allowing development in a manner that encourages the preservation and integrity of the Historic Districts in the unique urban scale of original Park City.<sup>2</sup> The Winter Balcony Enclosure pilot program was initiated in the Historic Commercial Business District. The purposes of the Historic Commercial Business District include:

- Preserving the cultural heritage of the City’s original Business, governmental, and residential center,
- Facilitating the continuation of the visual character, scale, and streetscape of the original Park City Historical District,
- Encouraging pedestrian-oriented, pedestrian-scale development,
- Minimizing the impacts of new development on parking constraints of Old Town,
- Minimizing the impacts of commercial uses and business activities, including parking, access, deliveries, service, mechanical equipment, and traffic on residential neighborhoods,
- Maintaining and enhancing the long-term viability of the downtown core as a destination for residents and tourists by ensuring a business mix that encourages a high level of vitality, public access, vibrancy, activity, and public/resort-related attractions.<sup>3</sup>

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<sup>2</sup> LMC [§ 15-1-2](#)

<sup>3</sup> LMC [§ 15-2.6-1](#)

Land Management Code (LMC) [§ 15-2.6-3\(E\)](#) regulates balconies that project over the Main Street public pedestrian right-of-way in the Historic Commercial Business Zoning District. City Council must review any proposed balcony construction, enlargement, or modification that extends over the Main Street public pedestrian right-of-way. Prior to 2016, balcony enclosures were prohibited. However, on January 7, 2016, the City Council amended LMC [§ 15-2.6-3\(E\)](#) to initiate a pilot program to allow for Winter Balcony Enclosures on non-historic structures facing Main Street from November 15 – April 30. To date, only one property owner has installed a Winter Balcony Enclosure – Riverhorse on Main at 540 Main Street. The pilot program is set to expire in 2023 and staff requests Historic Preservation Board input regarding termination or continuation of the program.

The pilot program outlines the following:

1. There may be times when it is not appropriate to construct a Temporary Winter Balcony Enclosure on a non-historic building due to unique conditions, including but not limited to health and safety concerns, as found by the Planning Director or Chief Building Official.
2. The Temporary Winter Balcony Enclosures and the balcony should respect the architectural style of the building.
3. The Temporary Winter Balcony Enclosures should retain existing balcony railings to achieve a design consistent with open balconies and maintain the character of the original building.
4. The existing exterior wall of the building may not be removed seasonally to accommodate the balcony enclosure.
5. The Temporary Winter Balcony Enclosures must not block existing door and window openings on neighboring buildings.
6. Temporary Winter Balcony Enclosures should consist of clear glazing set in window frames that generally match the mass, scale, and materials of those used for the glazing frames of the building.
7. Sunscreens are permitted and should only be used in times of extreme sun but should not be obtrusive.
8. The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk.
9. The Temporary Winter Balcony Enclosures must have direct access to the restaurant's dining area.
10. Temporary Winter Balcony Enclosures designs must address snow shedding.
11. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require approval of the City Council.

12. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.
13. No signage is allowed on any Temporary Winter Balcony Enclosures.
14. Any new Temporary Winter Balcony Enclosures will require a building permit.
15. Temporary Winter Balcony Enclosures will only be permitted November 15th through April 15th.

When the pilot program was proposed, staff voiced concerns, outlined in the attached staff reports and summarized below:

- *Staff's professional opinion is that the enclosure of this space—even temporarily during the winter months—changes the historic character of the Main Street district as a whole.*
- *The enclosure of balcony spaces substantially alters the architectural design of the building, light and shade of the building design, and the rhythm and pattern of the streetscape.*
- *The visual character of the original building (historic or non-historic) will be substantially altered due to changes in its overall shape, roof design, projections, recesses, and solid-to-void ratio.*
- *The enclosure of the balconies detracts from the historic “western” appearance of our Mining Era Main Street.*
- *The appearance of balconies over the sidewalks adds appeal and interest to the rhythm and patterning of the Main Street historic district; these enclosures change the massing of the structure and create the perception of the second floor extending beyond the plane of the façade and over the City right-of-way.*
- *By extending beyond the front plane of the façade, these seasonal balcony enclosures block the views of neighboring historic buildings when looking up or down Main Street.*
- *Park City's Main Street is characterized by in-line facades with limited breaks in their massing.*
- *Building over the balconies breaks the well-articulated street wall along the sidewalk and disrupts the continuity of the street wall.*

On July 8, 2022, the Planning, Building, Engineering, Public Works, and Sustainability Departments met to evaluate and discuss the pilot program. Staff continues to voice the same concerns raised previously. The enclosure impacts the historic character of Park City's Historic Main Street, presents snow shedding issues, and increases water, sewage, and parking demands. Additionally, while the pilot program allows for temporary enclosure of balconies on non-historic buildings, the enclosure impacts adjacent Historic Structures, requiring attachment to and removal from historic material. Staff requests the Historic Preservation Board please review the staff reports attached as exhibits to this report for the full background and analysis.

Since the LMC was amended to allow for the Winter Balcony Enclosure pilot program,



in 2019, the Design Guidelines for Historic Commercial Infill Construction were adopted. The current guidelines outlined in LMC [§ 15-13-9](#) include the following for non-historic commercial structures in the Historic Districts and do not support Winter Balcony Enclosures:

- New infill commercial buildings shall differentiate from historic structures but shall be compatible with historic structures in materials, features, size, scale, and proportion, and massing to protect the integrity of the Main Street Historic District as a whole. The massing of new infill commercial buildings shall be further broken up into volumes that reflect the original massing of historic buildings; larger masses shall be located at the rear of the site.
- Scale and height of new infill commercial structures shall follow the predominant pattern and respect the architecture of the Streetscape or character area with special consideration given to Historic Sites.
- Size and mass of a structure shall be compatible with the size of the site so that site coverage, and building bulk and mass are compatible with Historic Sites within the Streetscape or character area.
- New construction activity shall not physically damage nearby Historic Sites.
- New infill commercial buildings shall reinforce visual unity within the context of the Historic District but also within the context of the Streetscape or character area. The specific context of the Streetscape or character area is an important feature of the Historic District. The context of each Streetscape or character area shall be considered in its entirety, as one would see it when standing on the street viewing both sides of the street for the entire length of the Streetscape or character area. Special consideration should be given to adjacent and neighboring Historic Sites to reinforce existing rhythms and patterns.
- Structures shall be located on a site in a way that follows the predominant pattern of historic buildings along the street, maintaining traditional setbacks, orientation of entrances, and alignment along the street.
- All Streetscape or character area elements should work together to create a coherent visual identity and public space. The visual cohesiveness and historic character of a site shall be maintained using complementary materials.
- Historic height, width, and depth proportions are important in creating compatible infill and new design shall reflect the historic mass and scale of commercial buildings in the Historic District.
- The size and mass of a new infill commercial building, in relation to open spaces, shall be visually compatible with adjacent historic buildings and historic structures in the surrounding Historic District.
- Building features such as storefronts, upper story windows, cornices, and balconies shall be aligned with similar historic building features in the Historic District.
- New balconies shall be visually subordinate to the new building and shall be minimally visible from the primary public right-of-way.
- A new balcony shall be simple in design and compatible with the character of the Historic Districts. Simple wood and metal designs are appropriate for commercial structures. Heavy timber and plastics are inappropriate materials.

- An addition shall be visually subordinate to the existing building and shall be compatible with the scale of the historic buildings in the Streetscape or character area.

Amendments to the Design Guidelines for Historic Commercial Infill Construction would be required to continue the pilot program.

Since the pilot program was initiated in 2016, only one property has installed a Winter Balcony Enclosure, the Riverhorse on Main. The entrance to the Riverhorse on Main is through 540 Main Street, a Landmark Historic Structure ([Historic Site Form](#)). Riverhorse on Main then extends along the upper level of 530 Main Street to the south, which is not a Historic Structure. The Winter Balcony Enclosure extends from this portion of the restaurant. The adjacent property to the south is the Park City Museum at 528 Main Street, a Landmark Historic Structure ([Historic Site Form](#)). As a result, although the balcony for Riverhorse on Main is not on a building designated a Historic Structure, the Winter Balcony Enclosure requires connection to two Landmark Historic Structures.

Below are photos illustrating the historic streetscape and the Balcony Enclosure.

Image taken from Google Maps showing the open Balcony:



Image taken in 1995 showing the open balcony:



Images taken from Google Earth showing side-by-side comparisons:





### **Questions for HPB consideration:**

- Does the HPB support continuation of the Winter Balcony Enclosure pilot program?
- If so, is the HPB supportive of amending the Design Guidelines for Historic Commercial Infill Construction to establish parameters for Winter Balcony Enclosures?

### **Department Review**

The Planning Department, Public Works Department, Building Department, Sustainability Department, Streets Department, and City Attorney's Office reviewed the pilot program.

### **Public Input**

Please see Exhibit H.

### **Exhibits**

Exhibit A: November 13, 2014 City Council Meeting Minutes

Exhibit B: January 7, 2015 HPB Staff Report

Exhibit C: January 7, 2015 HPB Meeting Minutes

Exhibit D: March 4, 2015 HPB Staff Report

Exhibit E: March 4, 2015 HPB Meeting Minutes

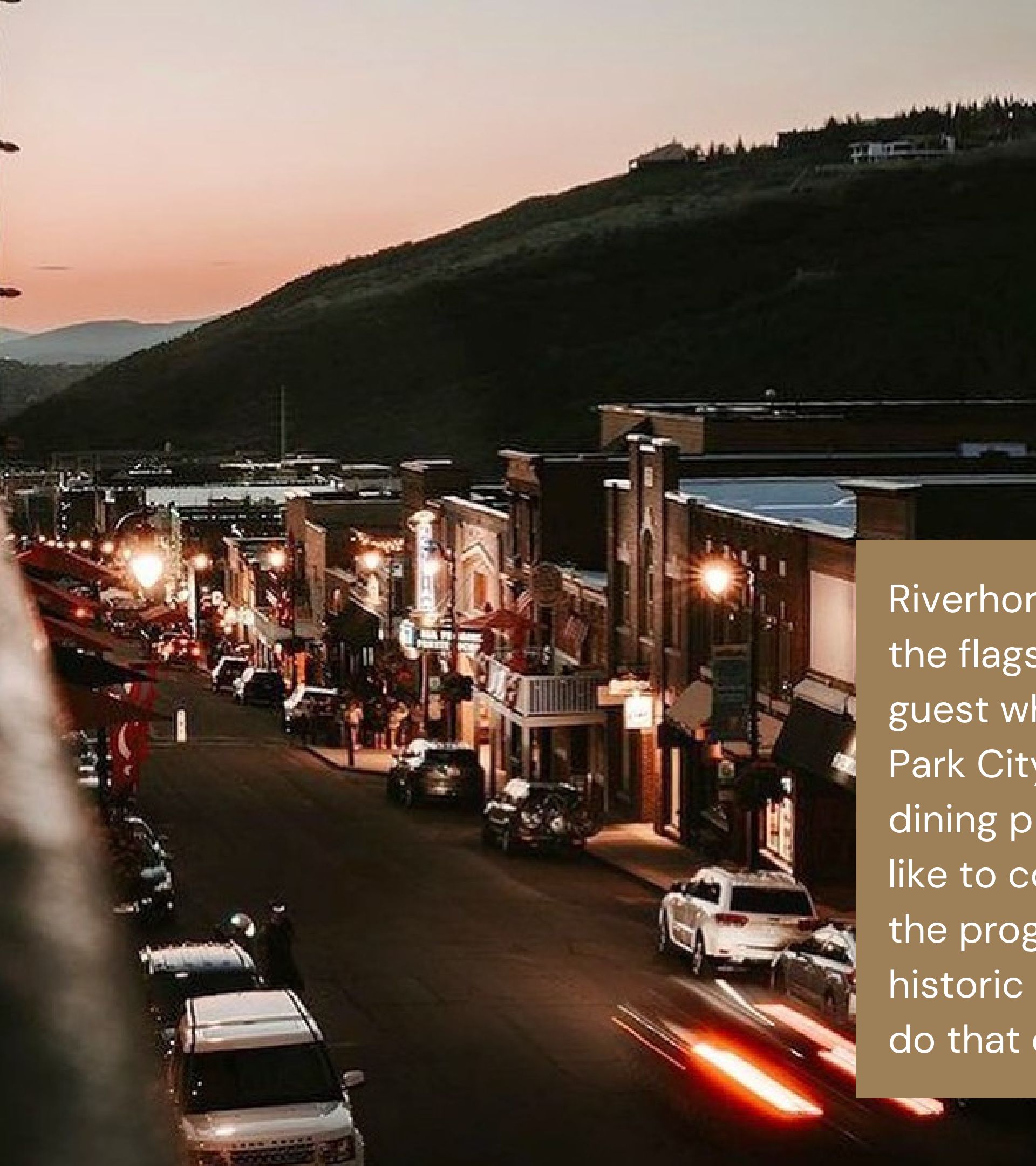
Exhibit F: December 8, 2015 Planning Commission Staff Report

Exhibit G: December 9, 2015 Planning Commission Meeting Minutes

Exhibit H: Public Input



RIVERHORSE ON MAIN



# RIVERHORSE ON MAIN STREET

Riverhorse on Main brings an elegant experience of the flagship Main Street for locals and visitors alike – guest who come from around the world get a view of Park City like never seen before. The current winter dining program has been a great success – we would like to collaborate with the city to find a way to keep the program year-round. We thrive on promoting historic main street, and since the pandemic we can do that every season with our deck enclosure.



# GUESTS & VISITORS

## GUESTS

The Riverhorse on Main family hosts visitors from around the world who often want to return – providing a tourism view of the city year round. We entertain locals, tourists, and corporate events – over 100,000 guests per year. This provides additional business for surrounding establishments bringing large events to Main Street year-round.

## VISITORS

At Riverhorse on Main, after guests leave dinner with us we make a suggestion where they should go next! Whether it is a visit to the Fine Art Gallery of Park City or a drink after at No Name, our goal is promote businesses that promote us on Main Street.



# Agreement

We understand that there would need to be changes to code in order for this to occur. I believe other business owners can and will succeed. Changing code or the program will create consistency for everyone on the street.

Our structure will certainly need to be upgraded in order to comply with permanent structure status as opposed to a temporary structure. Riverhorse will commit to providing an enhanced the aesthetic view of main street. This will make our restaurant closer to the our goal of being a green business with upgraded windows and insulation.

The deck is over 5 feet of city property, We propose in some fashion a long term lease over that property, that if at any time it was a problem for city hall Riverhorse would comply with city direction.



# Thank you



Thank you for taking the time to review and discuss this proposal – our goal at Riverhorse on Main is to continue to provide an excellent experience to guests that represents Park City Main Street well with an outstanding view.

Thank you!

# Planning Commission Staff Report



**Subject:** Water Wise Landscaping  
**Application:** PL-21-05064  
**Authors:** Lillian Lederer  
 Spencer Cawley  
**Date:** October 12, 2022  
**Type of Item:** Work Session – Land Management Code Amendments

## Recommendation

Staff recommends the Planning Commission provide input on proposed Land Management Code amendments to improve Water Wise Landscaping and clarify landscaping regulations.

## Description

Applicant:	Planning Department
Zoning District:	All Zoning Districts
Land Management Code Sections Amended:	§ 15-5-5(N) <i>Landscaping</i> § 15-15-1 <i>Definitions</i>
Municipal Code of Park City Section Amended:	§ 14-1-5 <i>Regulations for Planting Trees and Landscaping in the City's Right-of-Way</i>
Reason for Review:	The Planning Commission reviews Land Management Code amendments and forwards a recommendation for City Council's consideration. The City Council conducts a public hearing and takes Final Action. <sup>1</sup>

## Background

On May 30, 2019, the City Council adopted [Ordinance No. 2019-30](#), amending the Land Management Code to implement Water Wise Landscaping to reduce the need for supplemental irrigation. Water Wise Landscaping includes Xeriscaping, where native drought-tolerant plants, trees, and shrubs appropriate to the local climate are selected, and use of mulch reduces water evaporation and runoff, and Hydrozoning, a landscaping technique that co-locates plants, trees, and shrubs that have similar irrigation needs.

Current landscaping regulations are outlined in LMC [§ 15-5-5\(N\)](#) and require:

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<sup>1</sup> LMC [§ 15-1-7](#)

- A landscape plan
- At least 50% of any landscaped area be Water Wise with native and drought-tolerant species
- Drip irrigation with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions
- Mulching
- Protections for Significant Vegetation
- Limitations on lawn or turf area

However, the regulations are difficult to read:

N. **LANDSCAPING.** A complete landscape plan must be prepared for the limits of disturbance area for all Development activity. The landscape plan shall utilize the concept of Water Wise Landscaping for plant selection and location, irrigation, and mulching of all landscaped areas. The plan shall include foundation plantings and ground cover, in addition to landscaping for the remainder of the lot. The plan shall indicate the percentage of the lot that is landscaped, the percentage of the landscaping that is irrigated, the type of irrigation to be used, and Hydrozones. The plan shall identify all existing Significant Vegetation. The plan shall also identify the 50 percent (50%) of any Water Wise Landscaped area comprised of appropriate plants, trees, and shrubs. Any proposed boulders or rocks greater than two inches (2") in diameter and Gravel must be identified. Materials proposed for driveways, parking areas, patios, decks, and other hard-scaped areas shall be identified on the plan. A list of plant materials indicating the botanical name, the common name, quantity, and container or caliper size and/or height shall be provided on the plan. Refer to the Municipal Code of Park City Title 14-1-5 for a City approved Plant List. A diverse selection of plantings is suggested to provide plantings appropriate to the Park City climate and growing season, to provide aesthetic variety and to prevent the spread of disease between the same species. Artificial turf is allowed to be used in limited quantities on decks, pathways, recreation and play areas, or as a limited landscaping material on areas in which vegetation may be unsuccessful. Artificial turf's installation shall not pool water and be installed to allow for drainage. Areas of mulch shall be identified on the plan. Approved mulches include natural organic plant based or recycled materials. Gravel is only allowed in the following applications: as an approved walkway, patio, drainage plan, and/or defensible space. The Planning Director or his/her designee may determine if proposed defensible space areas are not required to include plantings. Any Gravel or stone within the HRL, HR-1, HR-2, HRM, HRC, or HCB Zoning Districts must meet the requirements of Park City's Design Guidelines for Historic District and Historic Sites. Gravel is not an allowed surface for parking, ground cover on berms or finished grade with a ratio greater than 3:1, within platted or zoned open space, or as a material in parking strips or City rights-of-way. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved to be removed, based on a Site Specific plan, Conditional Use, Master Planned Development, or Historic District Design Review approval, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. The Forestry Manager or Planning Director may grant exceptions to this if upon their review it is found that equivalent replacement is impossible or would be detrimental to the site's existing and/or proposed vegetation. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size. Where landscaping does occur, it should consist primarily of native and drought tolerant species, drip irrigation, and all plantings shall be adequately mulched. Significant Vegetation preservation and/or replacement shall be prioritized, but where applicable, Firewise Landscaping and/or Defensible Space landscaping plans for Property within the Wildland-Urban Interface area that include Significant Vegetation removal shall be in accordance with Municipal Code Chapter 11-21. A detailed irrigation plan shall be drawn at the same scale as the landscape plan including, but not limited to: a layout of the heads, lines, valves, controller, backflow preventer, and a corresponding legend and key. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities. Irrigated lawn and turf areas are limited to a maximum percentage of the allowed Limits of Disturbance Area of a Lot or Property that is not covered by Buildings, Structures, or other Impervious paving, based on the size of the Lot or Property according to the following table:

Lot Size	Maximum Turf or Lawn Area as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving
Greater than one (1) acre	25%
0.50 acres to one (1) acre	35%
0.10 acres to 0.49 acres	45%
Less than 0.10 acres	No limitation

Where rock and boulders are allowed and identified on the Landscape Plan, these shall be from local sources. All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy.

The Water Department is preparing to implement a landscape rebate pilot program (Cash for Grass) in 2023 to incentivize residents to replace lawn with Water Wise Landscaping. On September 23, 2021, City Council directed the Planning team to evaluate the landscaping regulations to identify opportunities to improve water conservation in preparation for the landscape rebate pilot program and to further conserve water use for new construction landscaping moving forward ([Staff Report](#); [Land Management Code Exhibit](#); [Minutes, p. 4](#)).

On April 27, 2022, the Planning Commission conducted a work session and directed the Planning team to implement changes regarding Water Wise definitions, investigate graywater use/regulations, and create a user-friendly website for residents to find information regarding water conservation ([Staff Report](#); [Minutes, p. 2](#)).

On September 30, 2022, the Planning Department mailed public notice to property owners citywide with information about a Landscaping and Water Conservation Survey available on [the Engage Park City website](#) (open through October 20, 2022). The public notice also includes information on the proposed amendments and how to participate in the Planning Commission public hearing scheduled for October 26, 2022, and City Council public hearing scheduled for November 17, 2022. Additionally, the Planning team provided information on the proposed amendments at the City's Open House on October 4, 2022.

The Planning team recommends amendments to:

- (I) Align with HB 282 *Water Wise Landscaping Amendments* definitions and to define key terms
- (II) Reorganize, update, and simplify landscaping regulations, so they are easily understandable for the community, applicants, and staff

Additionally, the Planning team recommends creation of a website to:

- (III) Provide information to applicants about:
  - a. Existing water impact fee rebates for Water Wise Landscaping
  - b. The landscaping rebate pilot program (Cash for Grass)
  - c. Links to information on potential future state funding
  - d. New graywater for landscaping opportunities
  - e. Best practice resources

## **Analysis**

*Natural Setting* is one of the core values in the Park City General Plan and Goal 5 is to implement mitigation for environmental impacts. Objective 5.3 is to adopt new landscaping requirements to decrease water utilization and preserve native landscape.

The Land Management Code (LMC) implements the goals and policies of the General Plan in part to promote the general health, safety, and welfare of the present and future inhabitants, businesses, and visitors of the City, and to protect and enhance the overall quality of life.<sup>2</sup> LMC [§ 15-5-1](#) outlines the Policy and Purpose of the Architectural Review Chapter of the LMC, and includes the following:

It is also the intent of this section to encourage and implement water conservation practices for landscaping, as it is in the public's interest to conserve water resources and promote Water Wise Landscaping. Park City is in a mountainous, semi-desert environment where much of the precipitation occurs as snow during the winter months and the highest demand for water occurs during the summer months. The largest single water demand is for irrigation of landscaping. The use of Water Wise Landscaping will protect the health, safety, and welfare of the community from impacts of water shortages likely to occur

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<sup>2</sup> LMC [§ 15-1-2](#)

during cycles of drought. Water Wise Landscaping is a concept of landscaping with plants that use little or no supplemental irrigation and are typically native to the region. The concept also requires water conserving irrigation practices, such as drip irrigation, Hydrozoning, and effective mulching with plant-based mulches. Where applicable in Wildland-Urban Interface areas as demonstrated by the latest Utah State Department of Natural Resources Wildfire Risk Assessment Portal Map, Firewise Landscaping techniques shall be in accordance with Municipal Code Chapter 11-21.

To strengthen the Water Wise Landscaping regulations, the Planning team recommends:

- Defining key terms
- Reorganizing the code
- Moving the *Water Wise Landscaping Purpose* Section of the *Architectural Review* Chapter to the *Landscaping* Section
- Decreasing allowable lawn area, with exceptions for Recreation, School, Public and Quasi-Public Institution Uses
- Differentiating between gravel (less than 2” in diameter and problematic for the stormwater system) restrictions and rocks (greater than 2” in diameter and less than 4” in diameter) to allow for increased use of rocks in landscaping
- Prohibiting Zeroscaping (landscaping primarily consisting of gravel, rocks, and mulch)
- Restricting lawns, gravel, and rocks on slopes with a ratio greater than 3:1
- Allowing for Significant Vegetation to be replaced with Water Wise species
- Limiting Impervious Surfaces
- Updating the City’s recommended plant list to identify Water Wise species

**(I) Amend the LMC to align with HB 282 *Water Wise Landscaping Amendments* definitions and to define key terms**

[HB 282](#) was passed during the 2022 Utah Legislative Session. This bill prohibits municipalities, counties, and homeowner associations (HOAs) from prohibiting a property owner from incorporating Water Wise Landscaping on the property owner’s property. However, a municipality or HOA may require a property owner to:

1. Comply with a Site Plan review or other review process before installing Water Wise Landscaping
2. Maintain plant material in a healthy condition
3. Follow specific Water Wise Landscaping design requirements adopted by the municipality or HOA, including a requirement that:
  - a) Restricts or clarifies the use of mulches considered detrimental to municipal operations
  - b) Imposes minimum or maximum vegetation coverage standards; or
  - c) Restricts or prohibits the use of specific plant materials.

A municipality or HOA may not require a property owner to install or keep in place lawn

turf in an area with a width less than eight feet (8').

The LMC does not restrict installation of Water Wise Landscaping. However, the Planning team recommends amendments to reflect the landscaping language defined by the state. HB 282 defines the following terms not currently defined or differently defined in the LMC:

HB 282 Terms	Definition
Lawn/Turf	Nonagricultural land planted in closely mowed, managed grasses.
Mulch	Material such as rock, bark, wood chips, or other materials left loose and applied to the soil.
Overhead Spray Irrigation	Above ground irrigation heads that spray water through a nozzle.
Water Wise Landscaping	<ol style="list-style-type: none"> <li>1. Installation of plant materials suited to the microclimate and soil conditions that can:               <ol style="list-style-type: none"> <li>a) Remain healthy with minimal irrigation once established; or</li> <li>b) Be maintained without the use of overhead spray irrigation;</li> </ol> </li> <li>2. Use of water for outdoor irrigation through proper and efficient irrigation design and water application.</li> <li>3. Use of other landscape design features that:               <ol style="list-style-type: none"> <li>a) Minimize the need of the landscape for supplemental water from irrigation; or</li> <li>b) Reduce the landscape area dedicated to lawn or turf.</li> </ol> </li> </ol>

The Planning team also recommends amending or adding the following LMC terms:

- Gravel
  - Round rock or crushed stone less than two inches (2") in diameter
- Rocks
  - Greater than two inches (2") and no more than four inches (4") in diameter
- Irrigation Plan
  - A plan showing the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate, and operating pressure for each irrigation circuit, and identification of all irrigation equipment

- Impervious Surfaces
  - Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, patios, and paved recreation areas.
- Graywater
  - Wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, or laundry tubs used for landscaping as approved by the Summit County Health Department
- Mulch
  - Material such as rock, bark, wood chips, or other materials left loose and applied to the soil.
    - Organic mulches: wood, bark chips, pole peelings, wood grindings, shredded bark, nut shells, pine needles, discarded plant parts
    - Inorganic mulches: rocks, gravel, crushed stone, lava rock, cobblestone
- Water Wise Landscaping
  - A landscaping method developed especially for arid and semiarid climates utilizing water-conserving techniques such as the use of native drought-tolerant plants, mulch, and efficient irrigation that reduces the need for supplemental irrigation. Water Wise Landscaping is a mix of plantings, rocks, and other landscaping materials with at least fifty percent (50%) of the landscaped area containing plants, trees, and shrubs. The use of mulch coverings, organic or stone-based, without fifty percent (50%) plantings does not constitute Water Wise Landscaping.
    - Hydrozones/Hydrozoning. Plant grouping according to water needs, allowing for more efficient irrigation. Plants, trees, and shrubs that are appropriate to the local climate are used, and care is taken to avoid losing water to evaporation and run-off.
    - Xeriscaping. Sustainable landscape that conserves water and is based on sound horticultural practices designs that incorporate low-water-use plants planted in Hydrozones.
    - Zeriscaping. Prohibited.
- Zeriscaping
  - A landscaped area, not including approved Impervious Surfaces, that is primarily gravel, rocks, and/or mulch.

Adopting definitions will help clarify and maintain consistency for Water Wise Landscaping.

**(II) Reorganize, update, and simplify landscaping regulations, so they are easily understandable for the community, applicants, and staff.**

The current code outlines Water Wise Landscaping but is difficult to read. The Planning team recommends:

- Reorganizing the code

- Moving the *Water Wise Landscaping Purpose* Section of the *Architectural Review* Chapter to the *Landscaping* Section
- Decreasing allowable lawn area, with exceptions for Recreation, School, Public and Quasi-Public Institution Uses
- Differentiating between gravel (less than 2” in diameter and problematic for the stormwater system) restrictions and rocks (greater than 2” in diameter and less than 4” in diameter) to allow for increased use of rocks in landscaping
- Prohibiting Zeroscaping (landscaping primarily consisting of gravel, rocks, and mulch)
- Restricting lawns, gravel, and rocks on slopes with a ratio greater than 3:1
- Allowing for Significant Vegetation to be replaced with Water Wise species
- Limiting Impervious Surfaces

## LANDSCAPING.

1. **PURPOSE.** Park City is in a mountainous, semi-desert environment where much of the precipitation occurs as snow during the winter months and the highest demand for water occurs during the summer months. The largest single water demand is for irrigation of landscaping. Water Wise Landscaping incorporates native drought-tolerant plants that require little or no supplemental irrigation, includes water conserving irrigation, and requires Hydrozoning in which plants, trees, and shrubs with similar water needs are planted in the same area with mulches that prevent water evaporation. Water Wise Landscaping protects the health, safety, and welfare of the community from impacts of water shortages likely to occur during cycles of drought.
2. **WATER WISE LANDSCAPING.** At least fifty percent (50%) of the landscaped area shall be Water Wise Landscaping containing approved native drought tolerant plants, trees, and shrubs.
3. **LANDSCAPE PLAN.** A complete landscape plan must be prepared for the limits of disturbance area for all Development activity.
  - a. The landscape plan shall ~~utilize the concept of~~ **include** Water Wise Landscaping for plant selection and location, irrigation, and mulching of all landscaped areas. The plan shall identify the 50 percent (50%) of any Water Wise Landscaped area comprised of appropriate **approved native drought-tolerant** plants, trees, and shrubs.
  - b. The plan shall include foundation plantings and ground cover, in addition to landscaping for the remainder of the lot.
  - c. The plan shall indicate the percentage of the lot that is landscaped, **the percentage of the lot containing Impervious Surfaces,** the percentage of the landscaping that is irrigated, the type of irrigation to be used, and Hydrozones.
  - d. The plan shall identify all existing Significant Vegetation.
    - (1) To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction.
    - (2) When approved to be removed, based on a Site-Specific plan, Conditional Use, Master Planned Development, or Historic District



Design Review approval, the Significant Vegetation shall be replaced with equivalent landscaping in type and size.

- (A) The Forestry Manager or Planning Director may grant exceptions to this if upon their review it is found that equivalent replacement is impossible or would be detrimental to the site's existing and/or proposed vegetation.
  - (B) Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.
  - (C) The Forestry Manager or Planning Director may approve Significant Vegetation replacement with native drought-tolerant Water Wise species of equivalent type and size.
- (3) Significant Vegetation preservation and/or replacement shall be prioritized, but where applicable, Firewise Landscaping and/or Defensible Space landscaping plans for Property within the Wildland-Urban Interface area that include Significant Vegetation removal shall be in accordance with ~~Municipal Code~~ Chapter 11-21.
- e. Materials proposed for driveways, parking areas, patios, decks, and other ~~hardscaped~~ Impervious Surfaces areas shall be identified on the plan.
  - f. Artificial turf made of sustainable materials is allowed to be used in limited quantities on decks, pathways, recreation and play areas, or as a limited landscaping material on areas in which vegetation may be unsuccessful. Installation of artificial turf's installation shall not pool water and be installed to allow for drainage.
  - g. A list of plant materials indicating the botanical name, the common name, quantity, and container or caliper size and/or height shall be provided on the plan.
    - (1) Refer to ~~the Municipal Code of Park City~~ Section 14-1-5 for a City approved Plant List.
    - (2) A diverse selection of plantings is suggested to provide plantings appropriate to the Park City climate and growing season, to provide aesthetic variety, and to prevent the spread of disease between the same species.
  - h. Areas of mulch shall be identified on the plan.
    - (1) Approved mulches include natural organic plant-based or recycled materials.
      - (A) Mulch shall be applied at least three to four inches deep.
  - i. Any proposed ~~boulders~~ stones or rocks greater than two inches (2") in diameter and Gravel (less than 2" in diameter) must be identified.
    - (1) Gravel is only allowed in the following applications:
      - (A) as an approved walkway;
      - (B) patio;
      - (C) drainage plan; and/or
      - (D) defensible space.

- (2) Any Gravel, rocks, or stone within the HRL, HR-1, HR-2, HRM, HRC, or HCB Zoning Districts must meet the requirements of the Design Guidelines for Historic District and Historic Sites.
- (3) Gravel and rocks ~~is~~ are not an allowed surface for parking, ground cover on berms, or finished grade with a ratio greater than 3:1, within platted or zoned open space, or as a material in parking strips or City rights-of-way.
- j. The Planning Director or designee may determine if proposed defensible space areas outlined in Chapter 11-21 Utah Wildland-Urban Interface Code are not required to include plantings.
- k. ~~Where landscaping does occur, it should consist primarily of native and drought tolerant species, drip irrigation, and all plantings shall be adequately mulched.~~
- l. All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy.
- 4. **IRRIGATION PLAN**. A detailed irrigation plan shall be drawn at the same scale as the landscape plan including, but not limited to a layout of the heads, lines, valves, controller, backflow preventer, and a corresponding legend and key.
  - a. Irrigation shall be drip irrigation.
  - b. Overhead Spray Irrigation is prohibited.
  - c. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.
- 5. **LAWN AND TURF LIMITATIONS**. Lawn and turf is prohibited on slopes with a ratio greater than 3:1. Irrigated lawn and turf areas are limited to a maximum percentage of the allowed Limits of Disturbance Area of a Lot or Property that is not covered by Buildings, Structures, or other Impervious Surfaces paving, based on the size of the Lot or Property according to the following table:

Lot Size	Maximum Turf or Lawn Area as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving
Greater than one (1) acre	<del>25%</del> <u>20%</u>
0.50 acres to one (1) acre	<del>35%</del> <u>30%</u>
0.10 acres to 0.49 acres	<del>45%</del> <u>40%</u>
Less than 0.10 acres	No limitation

Recreation, School, Public, and Quasi-Public Institution Uses are exempt from lawn and turf limitations. Landscaping plans shall incorporate best practices for water conservation and lawn and turf areas shall be reviewed and approved by the Planning Director.

In addition to the amendments to Section 15-5-5(N), the Planning team recommends updating the City’s recommended plant list identified in Municipal Code of Park City [Section 14-1-5](#) to indicate those plants that are Water Wise (Exhibit A).

**(III) Create a website to provide information to applicants about existing water impact fee rebates for Water Wise Landscaping, the landscaping rebate (Cash for Grass) pilot program, links to information on potential future state funding, new graywater for landscaping opportunities, and best practice resources.**

### **Rebates for Water Impact Fees**

The City incentivizes Water Wise Landscaping for new construction. Municipal Code of Park City [§ 11-13-7](#) outlines when a property owner is eligible to receive a rebate of up to 50% of the paid exterior water Impact Fee if they install Water Wise Landscaping. A rebate is processed if the Planning Department receives an application within two years of the payment of the exterior water Impact Fee and within six months of the installation of Water Wise Landscaping. However, the code does not apply to conversions of previously disturbed or existing landscaping, only from new Development Activity.

### **Landscaping Rebates (Cash for Grass)**

The Planning and Water teams are coordinating and preparing for the landscaping rebate pilot program with updates to the landscaping code and a Landscaping and Water Conservation survey and will update the Planning Department webpage to provide information regarding the pilot program when it is initiated in 2023.

### **State Incentives**

During the 2022 Legislative Session, Utah lawmakers approved \$5 million for a statewide grass removal rebate program. According to the Utah Department of Natural Resources website, the details of the program are still under review with a possible launch Fall 2022.<sup>3</sup>

[House Bill 121](#) *Water Conservation Modifications* offers preliminary eligibility criteria:<sup>4</sup>

- The property must have living, maintained turfgrass that the owner intends to replace with drought-tolerant landscaping
- The owner must be in good standing with their water provider—no unpaid bills
- Participation is voluntary and not required by governmental code or policy

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<sup>3</sup> [Utah’s Grass Removal Rebates](#)

<sup>4</sup> [H.B. 121](#)

## **New Graywater for Landscaping Opportunities**

The Summit County Health Department received approval to implement a graywater systems program from the Utah Department of Environmental Quality.<sup>5</sup> There are two tiers available to residents and businesses in Summit County. Pursuant to the State of Utah's Wastewater Rule (R317),<sup>6</sup> these tiers are defined as follows:

- A. **Tier 1 System (residential)** – A gravity-fed graywater system without a surge tank, pretreatment, or pressurized components. A Tier 1 System is intended to be simple to operate and can be easily disconnected during winter months or other periods when the system may not be in use. This may also be appropriate for retrofitting an existing structure. (Permit fee is \$140.)
- B. **Tier 2 System (commercial and multi-family)** – A graywater system that employs a surge tank, pre-treatment, drip line irrigation, or pressurized components. (Permit fee is \$730.)

## **Best Practices Resources**

The Planning team is compiling resources to provide to community members outlining recommended plant lists, irrigation, and landscaping water conservation. The Planning team will include these resources on a website managed by the Planning Department. Utah State University's [Center for Water-Efficient Landscaping](#) is one example of the type of resource available.

### **Exhibit**

Exhibit A:     Approved Plant List

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<sup>5</sup> <https://summitcountyhealth.org/enviro/graywater-systems/>

<sup>6</sup> [Utah Office of Administrative Rules](#)

<u>Coniferous Trees</u>	<u>Deciduous Trees</u>
<p>Austrian Pine  Blue Spruce  Bosnian Red Cone Pine  Bristlecone Pine  Douglas Fir  Engelmann Spruce  Limber Pine  Norway Spruce  Pinyon Pine  Ponderosa Pine  Rocky Mountain Juniper Scotch Pine  Single-needled Pine  Sub Alpine Fir  Utah Juniper  Vanderwolf Pine  Western White Pine  White Fir</p>	<p>Amur Maple*  Autumn Blaze Maple  Bigtooth Maple*  Bolleana Poplar  Burr Oak*  Canada Red Chokecherry*  Columnar Swedish Aspen*  Common Hackberry*  Common Pear Tree  Crabapple*  Downy Serviceberry*  Emerald Queen Norway Maple  Gambel Oak; Scrub Oak  Japanese Tree Lilac  Kentucky Coffeetree*  Lindon Trees*  Manchurian Ash  Marshall Seedless Ash  May Day Tree*  Narrowleaf Cottonwood*  Patmore Green Ash  Quaking Aspen*  Rocky Mountain Maple*  Saskatoon Serviceberry or Juneberry*  Sensation Boxelder*  Sycamore Maple*  Tatarian Maple*  Thornless Hawthorn*  Turkish Filbert*  Western Catalpa*</p>
<u>Shrubs</u>	
<p>Adam's Needle*  Alpine Current*  Antelope Bitterbrush*  Apache Plume  Ash Leaf False Spirea*  Austrian Copper Rose  Beauty Bush*  Big Basin Sage  Bigelow's Sage  Black Chokeberry*  Black Sage</p>	<p>Leatherleaf Viburnum*  Lewis' Mockorange*  Littleleaf Mockorange*  Meideland Rose  Mentor Barberry, Red Leaf Barberry, Rose  Glow Barberry*  Mountain Lover*  Mountain Mahogany*  Mountain Snowberry*  New Mexico Locust*  Ninebark*</p>

<p>Blue Mist Spirea*</p> <p>Boulder Thimbleberry*</p> <p>Bridal Wreath Spirea*</p> <p>Bumald Spirea*</p> <p>Butterfly Bush</p> <p>Chenault Coralberry*</p> <p>Chokecherry*</p> <p>Cliff Jamesia*</p> <p>Cliff Rose*</p> <p>Clove Currant*</p> <p>Common Lilac (many cultivars) *</p> <p>Common Snowberry*</p> <p>Compact Oregon Grape*</p> <p>Cranberry Cotoneaster*</p> <p>Crimson Pygmy Barberry*</p> <p>Curl-leaf Mountain Mahogany*</p> <p>Yew*</p> <p>Diabolo Ninebark*</p> <p>Dwarf Korean Lilac*</p> <p>Dwarf Mountain Mahogany*</p> <p>Dwarf Mugo Pine</p> <p>Dwarf Smooth Sumac</p> <p>Dwarf Winged Euonymous*</p> <p>Elderberry*</p> <p>Fernbush</p> <p>Flowering Almond*</p> <p>Forsythia*</p> <p>Fringed Sage</p> <p>Golden Currant</p> <p>Greenleaf Manzanita*</p> <p>Harison's Yellow Rose</p> <p>Harriman's Yucca*</p> <p>Honeysuckle Species*</p> <p>Indian Currant Coralberry*</p>	<p>Oakbrush Sumac, Skunkbrush</p> <p>Oregon Grape*</p> <p>Peking Cotoneaster*</p> <p>Purple Sand Cherry*</p> <p>Pygmy Pea Shrub</p> <p>Red Chokeberry*</p> <p>Redleaf Rose</p> <p>Rock Spray Spiraea*</p> <p>Rose Daphne</p> <p>Rubber Rabbitbrush</p> <p>Rugosa Rose</p> <p>Sand Sage</p> <p>Saskatoon Serviceberry*</p> <p>Sea Buckthorn*</p> <p>Shrubby Cinquefoil*</p> <p>Siberian Pea Shrub*</p> <p>Silver Buffaloberry*</p> <p>Silver Sage*</p> <p>Smoke Tree</p> <p>Smooth Sumac</p> <p>Spreading Cotoneaster*</p> <p>Squaw Currant</p> <p>Staghorn Sumac</p> <p>Tallhedge Buckthorn*</p> <p>Thinleaf Alder*</p> <p>Utah Serviceberry*</p> <p>Wayfaring Tree*</p> <p>Western Sand Cherry*</p> <p>Winged Euonymous*</p> <p>Winterfat</p> <p>Wolfberry</p> <p>Woods Rose*</p>
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**Perennials**

<p>Barrenwort</p> <p>Bearded Iris; German Iris*</p> <p>Bergenia, Saxifrage*</p> <p>Black Eyed Susan*</p> <p>Blanket Flower*</p> <p>Bloody Cranesbill*</p> <p>Blue Flax; Lewis' Flax*</p> <p>Blue Mint Bush</p> <p>Bluebells-of-Scotland</p>	<p>Orange Coneflower*</p> <p>Oriental Poppy</p> <p>Ozark Coneflower*</p> <p>Pale Evening Primrose*</p> <p>Palmer Penstemon*</p> <p>Partridge Feather</p> <p>Pasque Flower*</p> <p>Pearly Everlasting</p> <p>Persian Rockcress</p>
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Bronze Evening Primrose*	Pine-leaf Penstemon*
Butterfly Milkweed*	Pine-leaved Garden Pink
<b>Candytuft*</b>	Plume-flowered Salvia*
Catmint Chocolate flower*	<b>Poppy Mallow; Prairie Winecup*</b>
Common Thrift	Prairie Coneflower, Mexican Hat*
Coral Bells*	Prairie Purple Coneflower*
Creeping Germander	Prairie Skullcap
Creeping Phlox*	Pussytoes
Dalmatian Bellflower	Pink Pussytoes; Rosy Red Hot Poker*
Daylily*	Rock Soapwort
Desert Four O'Clock	Rockrose
Desert Penstemon*	<b>Rocky Mountain Columbine*</b>
Dotted Gayfeather	Rocky Mountain Penstemon*
Eaton's Beardtongue	Rose Campion
Endress Cranesbill*	Russian Sage
English Lavender (many cultivars available including Munstead, Hidcote, Nana, and Jean Davis)	Sand Penstemon*
False Indigo	Scarlet Bugler
Fernleaf Yarrow	Serbian Yarrow
French Lavender	Showy Goldeneye
Garden Pinks	Showy Milkweed
Garden Salvia	Showy Stonecrop*
Gaura, Whirling Butterflies	Shrubby Sandwort
Gayfeather	Siberian Iris*
Germander Sage	<b>Siskiyou Pink Mexican Primrose*</b>
Globemallow*	Sticky Geranium*
<b>Golden Columbine*</b>	Sulfur Flower
Greek Yarrow	Sweet Iris*
Green Santolina*	Texas Mist Flower
<b>Hens And Chicks*</b>	Threadleaf Coreopsis
Hollyhocks	Tufted Beardtongue
Hummingbird Flower	Tufted Evening Primrose
Hummingbird Trumpet	Utah Lady finger; Utah Milkvetch Valerian*
<b>Keys Of Heaven, Jupiter's Beard, Red*</b>	Wall Germander
<b>Kitchen Sage</b>	Wasatch Beardtongue
<b>Lady's Mantle*</b>	<b>Western Columbine*</b>
Lavender Cotton	Western Coneflower*
Leadplant*	Whipple's Penstemon*
Leather Leaf Powder Puff	Wild Hyssop
Licorice Hyssop*	Wormwood
Lilyleaf Ladybells	Yarrow
Mat Penstemon*	Yellow Corydalis
<b>Missouri Evening Primrose*</b>	Yellow Stork's bill
Mount Atlas Daisy*	
Mountain Gold Alyssum	

<b><u>Annuals</u></b>	
Ageratum; Flossflower Annual Chrysanthemums; Marguerites Annual Coreopsis* Bachelor's Buttons* Bells-of-Ireland Blue Marguerite Calendula; Pot Marigold California Poppy* Canterbury Bells Carnation; China Pinks China Aster Cleome; Spiderflower Coleus* Cosmos* Creeping Zinnia* Dusty Miller* Flanders Poppy* Flowering Kale and Cabbage* Flowering Tobacco Forget-me-not* Garden Petunia* Garden Verbena*	Garden Zinnia Geranium Globe Amaranth Gloriosa Daisy* Icelandic Poppy* Klondike Cosmos Larkspur; Annual Delphinium Lobelia* Love-in-a-mist Love-lies-bleeding Marigolds* Nasturtium* Painted Tongue; Velvet flower Pansy; Viola* <b>Salvia; Flowering Sage*</b> Snapdragon* Statice Strawflower Sunflower Sweet Alyssum* Sweet Pea* Sweet William*
<b><u>Turfgrasses and Ornamental Grasses</u></b>	
Alkali Sacaton Arizona Fescue Blue Avena Grass; Blue Oat Grass Blue Fescue Blue Grama* Deergrass Feather Reed Grass Foerster Reedgrass Fountain Grass Galleta Grass; Curly Grass; James' Grass <b>Great Basin Rye*</b> <b>Indian Rice Grass*</b> Indiangrass <b>Little Bluestem*</b>	Maidenhair Grass Mountain Muhly Muhly Grass Muttongrass Needlegrass Overdam Reedgrass Pine Dropseed; Hairy Dropseed Prairie Junegrass <b>Sideoats Grama*</b> Spike Dropseed Spike Muhly Switch Grass Tall Wheatgrass
<b><u>Groundcovers</u></b>	
Ajuga, Bugleweed Autumn Amber Sumac Blue Woolly Speedwell Chenault Coralberry	<b>Lily-Of-The-Valley*</b> Mount Atlas Daisy Mountain Gold Alyssum Purple-leaf Winter Creeper



<p><b>Clematis*</b>  Common Juniper  Creeping Juniper  <b>Creeping Oregon Grape*</b>  Creeping Thyme  Dead Nettle  Gray Creeping Germander  Gro-low Sumac  Halls Honeysuckle  <b>Japanese Honeysuckle*</b>  Kinnikinnick  Lamb's Ear</p>	<p>Pussy Toes; Pink Pussy Toes  <b>Rockspray Cotoneaster*</b>  <b>Snow In Summer*</b>  <b>Stonecrop*</b>  <b>Sweet Woodruff*</b>  Thyme-leaf Speedwell  Trumpet Vine  Turkish Speedwell  Virginia Creeper, Boston Ivy  Wild Strawberry  Woolly Thyme</p>
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\*Classified as Firewise plants. All plant locations, quantities, and maintenance must abide with Chapter 11-21, Utah Wildland-Urban Interface Code.

**Identified as Water Wise plants.**

# Planning Commission Staff Report



**Subject:** Mountain Ridge Subdivision Lot 13 Plat  
Amendment  
**Application:** PL-22-05368  
**Author:** Spencer Cawley, Planner II  
**Date:** October 12, 2022  
**Type of Item:** Administrative – Plat Amendment

## Recommendation

Staff recommends the Planning Commission (I) review the Mountain Ridge Subdivision Lot 13 Plat Amendment, (II) hold a public hearing, and (III) consider whether there is Good Cause to forward a positive recommendation for City Council’s consideration on November 11, 2022, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in Draft Ordinance No. 2022-XX (Exhibit A).

## Description

Applicant: David and Heidi Maya  
Location: 3099 Mountain Ridge Court  
Zoning District: Single Family  
Adjacent Land Uses: Single-Family Dwellings; Open Space  
Reason for Review: Plat amendments require Planning Commission recommendation and City Council action<sup>1</sup>

LMC Land Management Code  
SF Single Family

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

## Background

Last year, the Applicant submitted application PL-21-04950 proposing to amend Lot 13 of the Mountain Ridge Subdivision to increase the Building envelope and the Maximum Building Area. Specifically, the Applicant proposed increasing the allowed square footage from 3,247 square feet to 3,410 square feet and amend the Building envelope to add 220 square feet to accommodate the addition.

On October 13, 2021, the Planning Commission held a public hearing and continued application PL-21-04950 to October 27, 2021. ([Staff Report](#); [Meeting Minutes](#).)

On October 27, 2021, the Planning Commission held a public hearing and continued application PL-21-04950 to a date uncertain. ([Continuation Report](#); [Meeting Minutes](#).)

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<sup>1</sup> LMC [§ 15-7.1-2\(B\)](#)

On February 9, 2022, the Planning Commission reviewed application PL-21-04950, held a public hearing, and forwarded a negative recommendation to the City Council ([Staff Report](#); [Meeting Minutes](#)). The Planning Commission clarified the negative recommendation by revising the Findings of Fact to include that the Applicant's request does not meet the requirements for Good Cause and is inconsistent with the original intent and methodology of the Subdivision Plat. However, the Planning Commission suggested the Applicant to find a compromise and return to the Commission with a modified proposal.

On March 3, 2022, the City Council considered Ordinance No. 2022-05, held a public hearing, and denied the Ordinance based on the Planning Commission's recommendation. The Council asked Planning Department staff to amend the Ordinance to reflect the denial and return on March 31, 2022, for Council review. ([Staff Report](#); [Meeting Minutes](#).)

On March 31, 2022, the City Council reviewed the Planning Department's amendments to [Ordinance No. 2022-05](#), and denied the Ordinance. ([Staff Report](#); [Meeting Minutes](#).)

### **Summary**

3099 Mountain Ridge Court is in the Mountain Ridge Subdivision, Lot 13, in the Single Family (SF) Zoning District. The Lot is occupied by a Single-Family Dwelling. The Applicant proposes amending the Plat to increase the Building Footprint 120 square feet to accommodate an addition of 526 square feet. An 85-square-foot portion of the platted Building envelope remains unbuilt in the front of the property.



*Figure 1: Front View of Applicant's Property*

The Applicant requests to amend the Plat to remove this portion of the Building Footprint and transfer the excess to the rear of the Building, with an increase of 35-square-foot to the total Building Footprint. See the Applicant’s survey that shows the proposed Building envelope (Exhibit B).

The following image, taken from the Applicant’s proposed plat, shows how this amendment will alter the Building footprint. The diagonal gray area on the right is existing Building envelope to be removed. The rectangle gray area on the left indicates the new Building envelope.

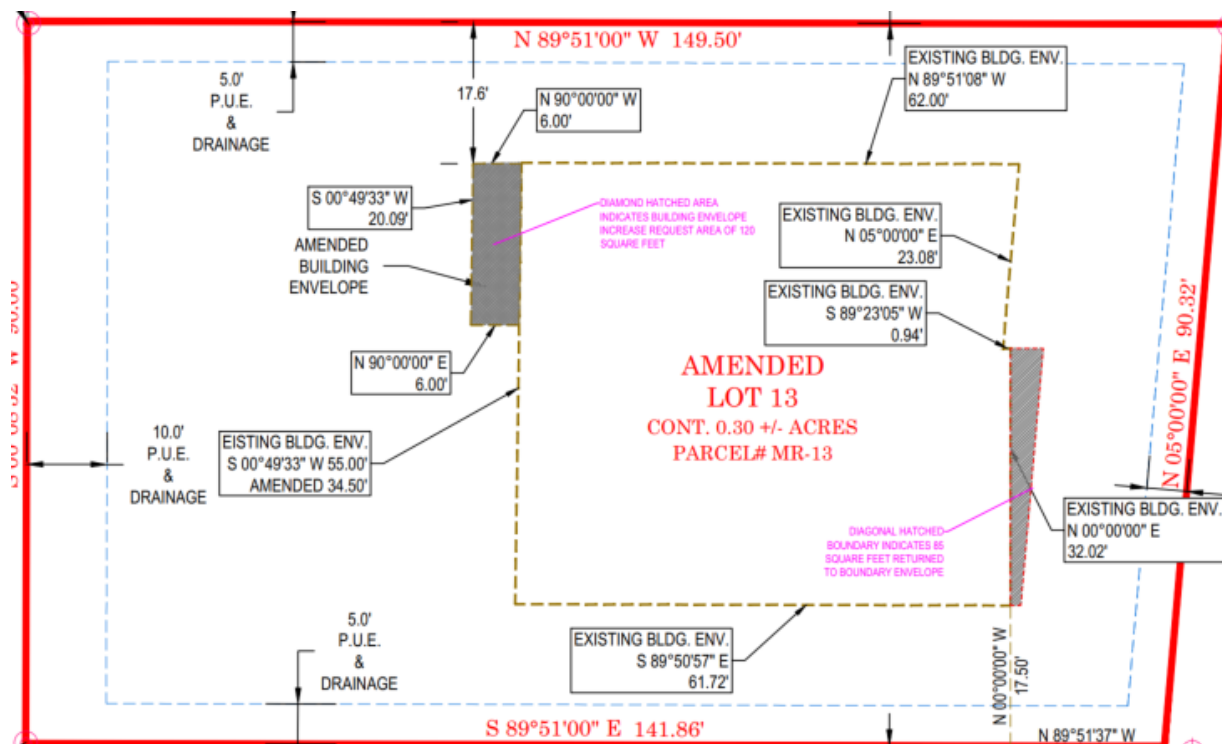


Figure 2: Proposed Changes to Building Envelope

On September 1, 2022, the Applicant reapplied to amend the Mountain Ridge Subdivision Plat with a revised proposal. Staff determined the application was complete on September 22, 2022.

### MOUNTAIN RIDGE SUBDIVISION HISTORY

On September 27, 1989, Planning staff presented the Mountain Ridge Subdivision to the Planning Commission and noted that “buildings should be sited to preserve significant views and so as not to break prominent ridgelines” (Exhibit C).

The Planning Commission meeting minutes from February 14, 1990, state that the City Council requested the Subdivision be compatible with the community and that “[...] stringent development controls [be] placed on each lot which include limits of

disturbance, revegetation, minimum/maximum square footages, and building heights, [...] indicated on each lot” (Exhibit D).

On March 8, 1990, the City Council approved [Ordinance No. 90-12](#) (p. 150), an ordinance rezoning the Mountain Ridge Subdivision from Residential Density-Master Planned Development to Single Family, and amending the official Zoning Map of Park City.

In 1991, the Mountain Ridge Subdivision was recorded in Summit County as Entry No. 321514. The Subdivision established 21 Lots and designated the Building Envelope limit, the maximum building size, and the maximum building height for each Lot (Exhibit E). No Lots within the Subdivision have been amended. For Lot 13, the maximum buildable square footage is 3,247 square feet and the maximum building height is 25 feet from existing grade.

The following image outlines the Mountain Ridge Subdivision and highlights the location of Lot 13.



On July 29, 2013, the City issued a Building Permit for a Single-Family Dwelling at 3099 Mountain Ridge Court. The Building Department’s plan check indicates the main Structure Area measured 4,241 square feet, the basement Area measured 1,633 square feet, and the garage Area measured 911 square feet (Exhibit F, p. 7).

## ALLOWED MAXIMUM SQUARE FOOTAGE

The Summit County online record and the 2013 Building Permit for 3099 Mountain Ridge Court show the structure's square footage is greater than what is allowed pursuant to the Subdivision Plat. The Applicant's architect used these current LMC definitions to calculate the existing square footage:

**Basement:** *Any floor level below the First Story in a Building. Those floor levels in Buildings having only one floor level shall be classified as a Basement unless that floor level qualifies as a First Story as defined herein.*

**First Story:** *The lowest Story in a Building provided the floor level is not more than four feet below Final Grade for more than 50% of the perimeter. Can include habitable or uninhabitable Floor Area*

**Floor Area, Gross Residential:** *The Area of a Building, including all enclosed Areas, consisting of the Area of all floors located under a ceiling that is above Final Grade, measured in square feet. Unenclosed porches, Balconies, patios and Garages, up to a maximum Area of 600 square feet, are not considered Floor Area. Basement and Crawl Space Areas below Final Grade are not considered Floor Area. Floor Area is measured from the finished surface of the interior to the exterior boundary walls.*

Under these definitions, the Applicant's architect calculates the total square footage for 3099 Mountain Ridge Court as less than 3,247 square feet:

### **GARAGE AREA**

- 824 square feet
- 50% below Final Grade
- Plat indicates 600 square feet does not count toward total square footage
- **TOTAL: ZERO SQUARE FEET TOWARD GROSS AREA<sup>2</sup>**

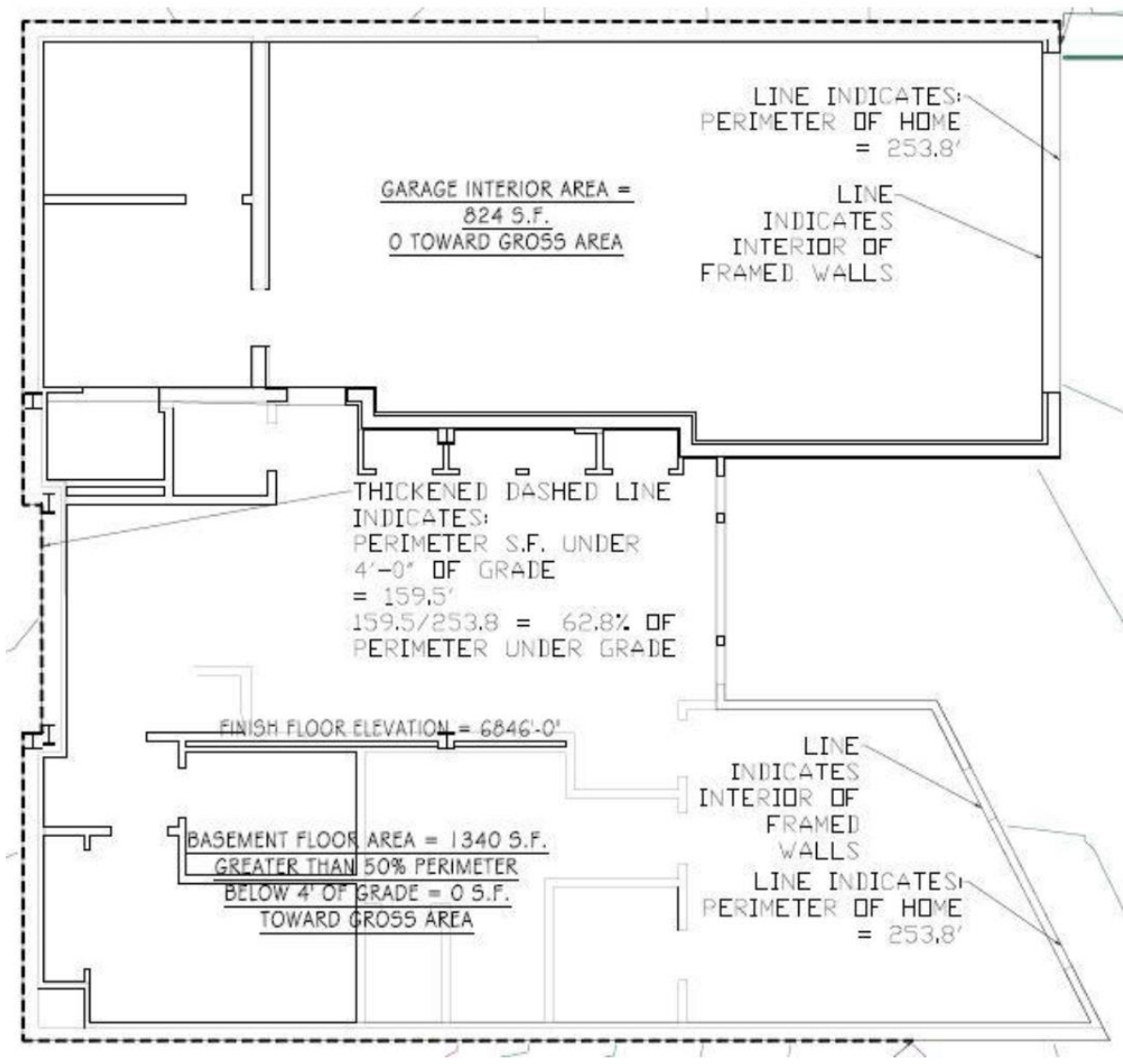
### **BASEMENT AREA**

- 1,340 square feet
- Greater than 50% below Final Grade
- **TOTAL: ZERO SQUARE FEET TOWARD GROSS AREA**

The image on the next page is taken from the Application and shows the Basement Area as determined by the Applicant's architect.

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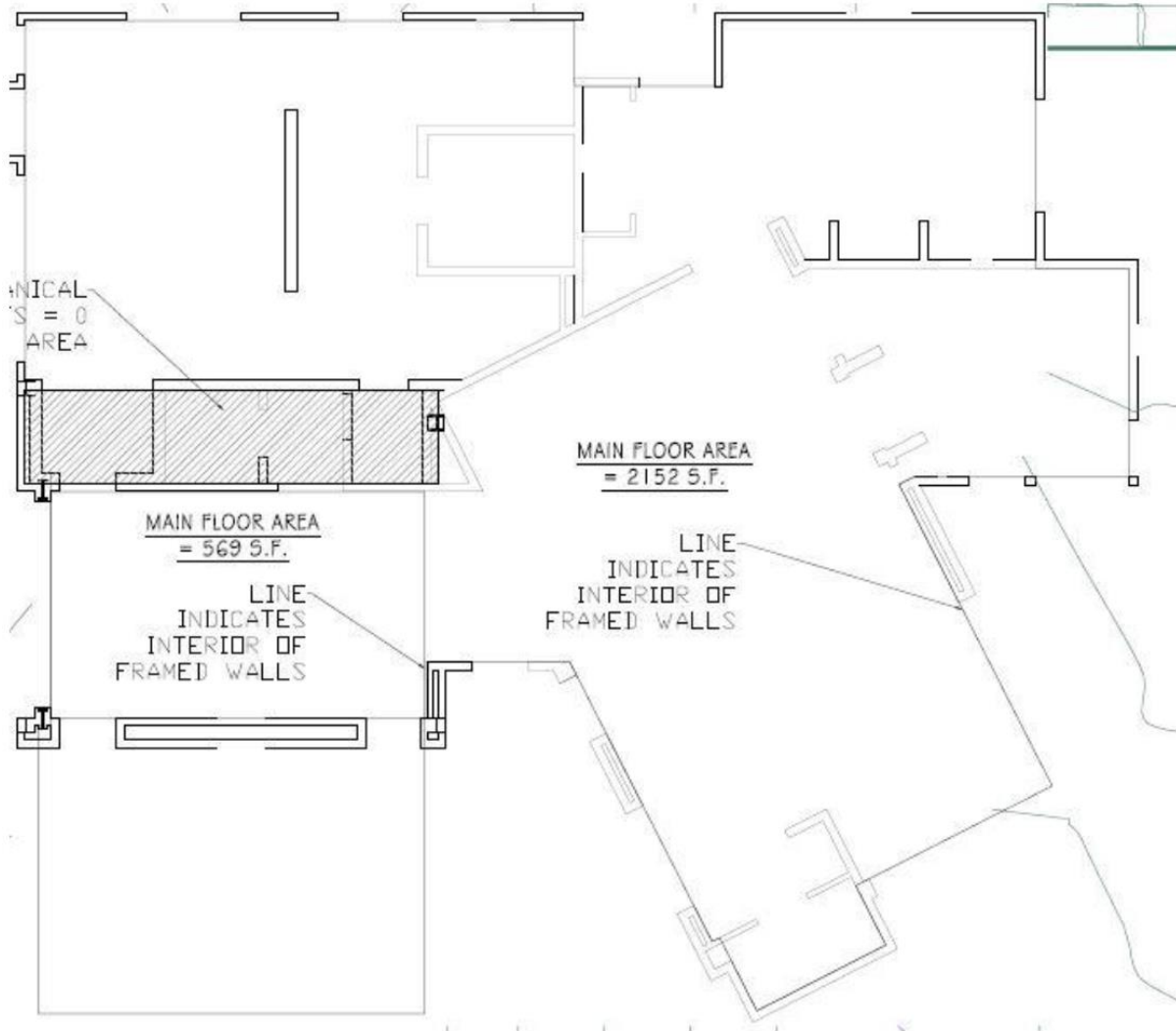
<sup>2</sup> The Applicant's architect shows that the garage area is basement area and proposes the 824 square feet are exempt as a result.



## MAIN & UPPER FLOOR AREA

- Mechanical shafts do not count toward Gross Area
- 2,152 square feet for Main Floor
- 569 square feet for Upper Floor
- **TOTAL: 2,721 SQUARE FEET TOWARD GROSS AREA**

The image below is taken from the Application and shows the Main Floor Area (right) and the Upper Floor Area (left) as determined by the Applicant's architect.





## Analysis

Plat Amendments require Planning Commission review and City Council Final Action.<sup>3</sup> The amendments shall be approved in accordance with the procedures outlined in LMC [§ 15-7.1-2](#).

### **(I) The proposed Plat Amendment will meet the less restrictive Single Family (SF) Zoning District requirements.**

The purposes of the SF Zoning District include maintaining existing predominately Single-Family detached residential neighborhoods, allowing for development to compatible with the existing developments, and maintaining the character of mountain resort neighborhoods with compatible residential design.<sup>4</sup>

The following table outlines the SF Zoning District Lot and Site requirements<sup>5</sup> and compares the zone standards with the Subdivision Plat requirements.

<b>Requirement</b>	<b>SF Zone</b>	<b>Subdivision Plat – Lot 13</b>
Front Setback	20 feet	20 feet
Rear Setback	15 feet	Not specified
Side Setback	12 feet	Not specified
House Size	Not specified	3,247 square feet
Building Height <sup>6</sup>	28 feet from existing grade	25 feet from existing grade

The Applicant plans to add a 526 square foot addition at the rear of the existing Building. In order to stay within the Plat restricted height of 25 feet from existing grade, the Applicant proposes to cantilever the addition over an existing patio approximately six feet beyond the Building Envelope. Therefore, the Applicant requests to amend the plat to increase the Building Envelope in the rear by 120 square feet and decrease the Building Envelope by 85 square feet in the front, for a net increase of 35 square feet to the Building Envelope. The amendment will not change the Setbacks, nor the height restrictions as established by the Mountain Ridge Subdivision Plat.

The following table shows the allowed maximum square footage and Lot size for each Lot in the subdivision.

Lot Number	Maximum Square	Lot Size
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<sup>3</sup> LMC [§ 15-12-15\(B\)\(9\)](#)

<sup>4</sup> LMC [§ 15-2.11-1](#)

<sup>5</sup> LMC [§ 15-2.11-3](#)

<sup>6</sup> LMC [§ 15-2.11-4](#)

	Footage	
1	3,616	14,649.18 SF
2	4,509	18,371.42 SF
3	4,600	19,572.67 SF
4	4,226	17,193.43 SF
5	4,600	22,794.16 SF
6	4,600	31,849.85 SF
7	4,600	26,948.77 SF
8	4,600	26,585.32 SF
9	3,474	14,057.74 SF
10	3,194	12,891.19 SF
11	3,144	12,684.77 SF
12	3,210	12,959.09 SF
<b>13</b>	<b>3,247</b>	<b>13,111.45 SF</b>
14	3,344	13,518.52 SF
15	3,169	12,787.22 SF
16	3,695	14,977.86 SF
17	3,803	15,430.28 SF
18	4,600	22,494.55 SF
19	3,628	14,701.23 SF
20	3,579	14,497.55 SF
21	2,800	9,176.11 SF
<b>SUBDIVISION AVERAGE</b>	<b>3,208</b>	<b>17,202.49 SF</b>

Total square footage of habitable space allowed in the Mountain Ridge Subdivision uses the same calculation for all the Lots and is approximately 24% of the Lot Area, or 4,600 square feet, whichever is less. The Applicant's 526 square foot addition will increase the habitable space, as defined in the LMC, to meet the 3,247 square foot maximum area limit.

**(II) The Planning Commission must make a finding of Good Cause prior to forwarding a positive recommendation for City Council's consideration.**

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

LMC [§ 15-15-1](#) defines Good Cause as:

*Providing positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as:*

- *Providing public amenities and benefits;*
- *Resolving existing issues and non-conformities;*
- *Addressing issues related to density;*
- *Promoting excellent and sustainable design;*

- Utilizing best planning and design practices;
- Preserving the character of the neighborhood and of Park City; and
- Furthering the health, safety, and welfare of the Park City community.

The proposed expansion of the Building Footprint does not vacate or amend a Public Street, Right-of-Way, or easement.

The Applicant included the following statement with their Application regarding Good Cause (Exhibit G):

*There is Good Cause for the Plat Amendment as the proposal will allow homeowners to construct an addition that is in compliance with the zoning requirements, the new proposed maximum floor area is consistent with many of the other lots of the subdivision. Additionally, no non-conformities will be created and no changes in density will result from the proposed Plat Amendment. Further, the applicant will replace any disturbed vegetation, and the amendment will not result in increased density.*

**(III) The Development Review Committee met on July 19, 2022, reviewed the proposal, and did not identify any issues.<sup>7</sup>**

### **Department Review**

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

### **Notice**

Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on September 28, 2022. Staff mailed courtesy notice to property owners within 300 feet on September 28, 2022. The *Park Record* published notice on September 28, 2022. LMC [§ 15-1-21](#).

### **Public Input**

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

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for Ordinance No. 2022-XX, Approving the Mountain Ridge Subdivision Lot 13 Plat Amendment;

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<sup>7</sup> The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney’s Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

- The Planning Commission may forward a negative recommendation to the City Council for Ordinance No. 2022-XX, Denying the Mountain Ridge Subdivision Lot 13 Plat Amendment and direct Staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

### **Exhibits**

- Exhibit A: Draft Ordinance No. 2022-XX and Proposed Amended Plat
- Exhibit B: Applicant's Survey of Proposed Changes to Building Envelope
- Exhibit C: September 27, 1989, Planning Commission Meeting Minutes
- Exhibit D: February 14, 1990, Planning Commission Meeting Minutes
- Exhibit E: Mountain Ridge Subdivision Plat
- Exhibit F: 2013 Building Permit
- Exhibit G: Applicant Statement

## Ordinance No. 2022-XX

### **AN ORDINANCE APPROVING THE MOUNTAIN RIDGE SUBDIVISION LOT 13 PLAT AMENDMENT, LOCATED AT 3099 MOUNTAIN RIDGE COURT, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 3099 Mountain Ridge Court petitioned the City Council for approval of the Mountain Ridge Subdivision Lot 13 Plat Amendment; and

WHEREAS, on September 28, 2022, notice was published in the *Park Record* and on the City and Utah Public Notice Websites; and

WHEREAS, on September 28, 2022, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on September 28, 2022, courtesy notice was mailed to property owners within 300 feet of 3099 Mountain Ridge Court; and

WHEREAS, on October 12, 2021, the Planning Commission held a public hearing and forwarded a positive/negative for the City Council's consideration on November 10, 2022; and

WHEREAS, on November 10, 2022, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management Code, including §15-7.1-3(B), §15-12-15(B)(9), and Chapters 15-2.11 and 15-7.

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

**SECTION 1. APPROVAL.** The Mountain Ridge Subdivision Lot 13 Plat Amendment at 3099 Mountain Ridge Court, as shown in Attachment 1, is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

#### **Findings of Fact**

##### ***Background:***

1. The property is located at 3099 Mountain Ridge Court.
2. The property is listed with Summit County as Parcel Number MR-13.
3. The property is in the Single Family (SF) Zoning District.
4. On September 1, 2022, the Applicant submitted a Plat Amendment application to the Planning Department. The application was deemed complete on September 22, 2022.
5. The proposed Plat Amendment increases the maximum square feet for the existing Single-Family Dwelling.
6. The proposed Plat amendment amends the Building Envelope.
7. No easement is vacated or amended because of the Plat Amendment.
8. The LMC regulates Lot and Site Requirements per LMC § 15-2.11-3.
9. A Single-Family Dwelling is an allowed Use in the SF Zoning District.

10. The SF Zoning District minimum Front Setback is twenty feet (20’).
11. The SF Zoning District minimum Rear Setback is fifteen feet (15’).
12. The SF Zoning District minimum Side Setback is twelve feet (12’).
13. The Mountain Ridge Subdivision requires a minimum Front Setback of twenty feet (20’) for Lot 13.
14. The Mountain Ridge Subdivision restricts building height to twenty-five feet (25’) as measured from natural, existing grade at the building site. Gable, hip, gambrel, or other pitched roofs may extend up to thirty feet (30’).
15. The Mountain Ridge Subdivision restricts the maximum total square footage of Lot 13 to 3,247 square feet.

### **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, including LMC Chapter 15-2.11, *Single Family (SF) District*, and LMC § 15-7.1-6, *Final Subdivision Plat*.
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 shall record the Plat with the County within one (1) 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 the expiration date and an extension is granted by the City Council.
3. The Plat shall note that fire sprinklers are required for all new or renovation construction on this Lot, to be approved by the Chief Building Official.
4. New construction shall comply with the Land Management Code.
5. 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.

**SECTION 2. EFFECTIVE DATE.** The Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 10<sup>th</sup> Day of November 2022.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
MAYOR, Nann Worel

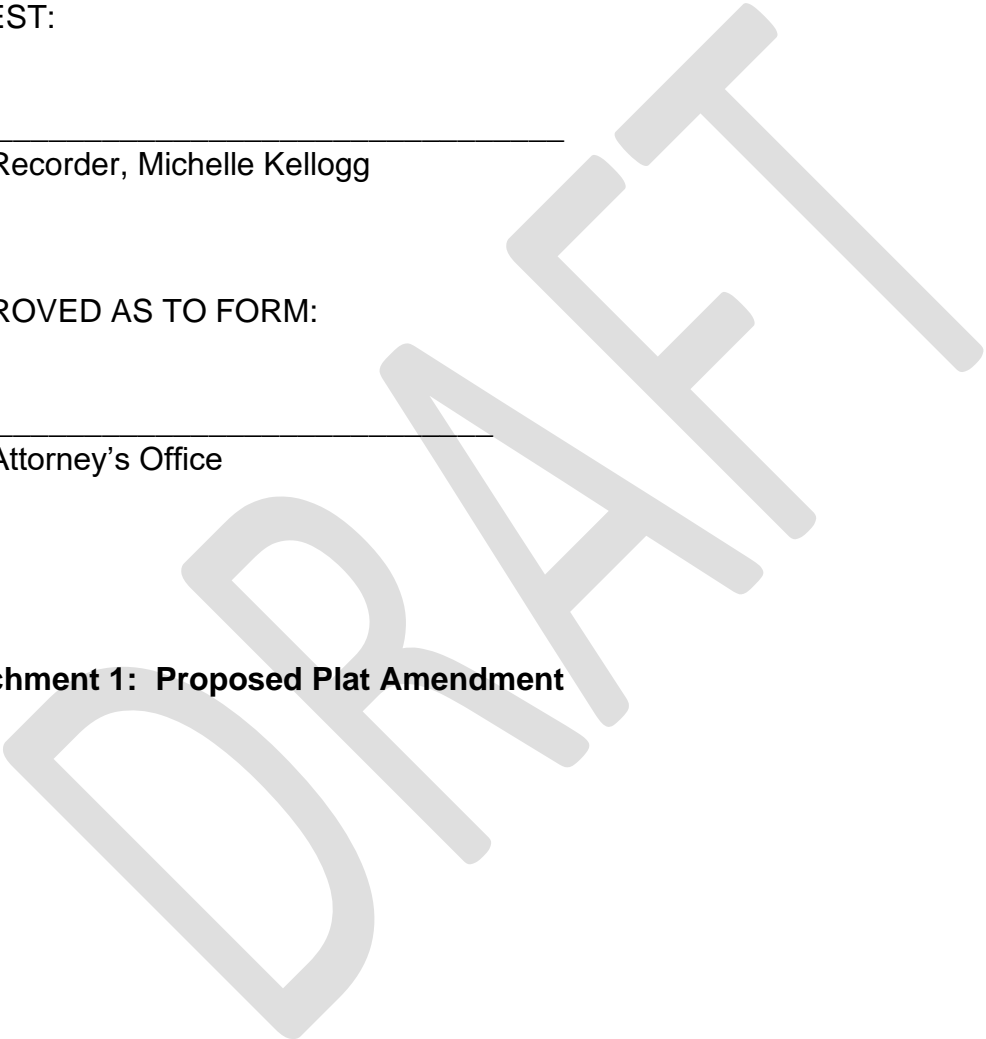
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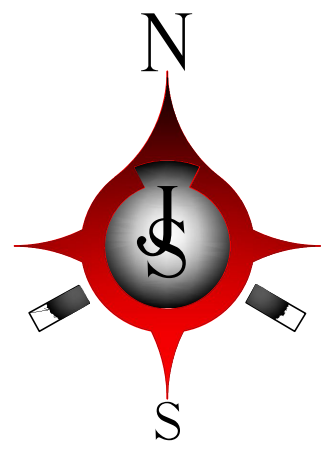
\_\_\_\_\_  
City Recorder, Michelle Kellogg

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney's Office

**Attachment 1: Proposed Plat Amendment**



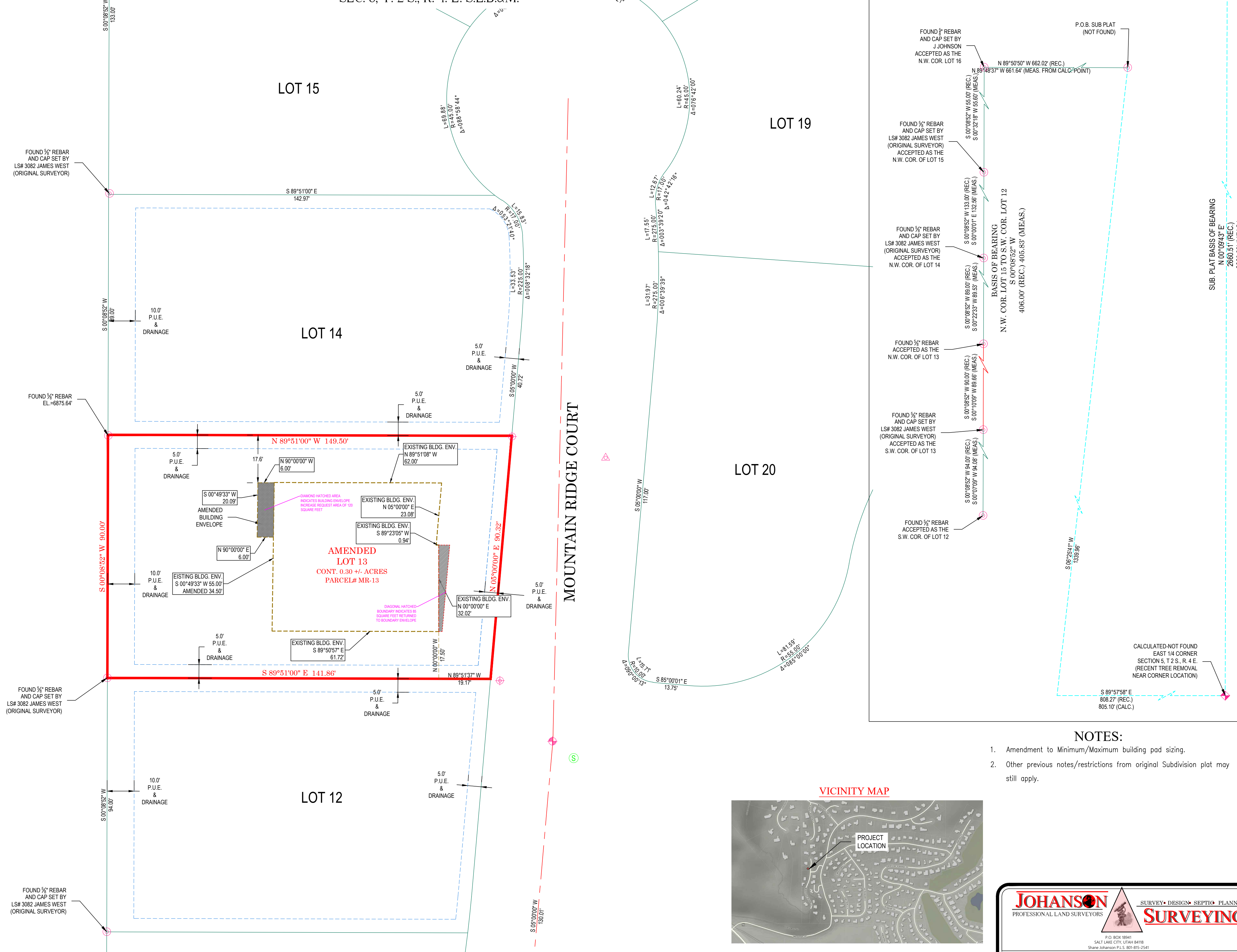


### LEGEND

- = SECTIONAL CORNER
- = STREET MONUMENT
- = FOUND PROPERTY MARKER
- = SET REBAR AND CAP
- = REPRESENTS PROPERTY LINE
- = SURVEY CONTROL POINT
- = EXISTING FIRE HYDRANT

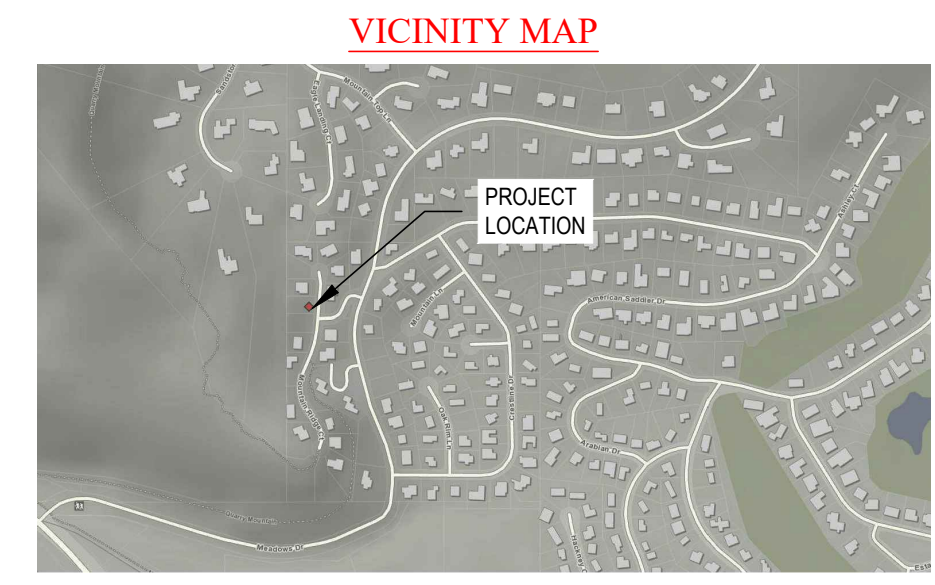
## MOUNTAIN RIDGE 13 SUBDIVISION

AMENDING LOT 13 OF MOUNTAIN RIDGE SUBDIVISION ENTRY # 321514 LOCATED WITHIN, SUMMIT COUNTY, UTAH. A PART OF THE N.E. 1/4 OF SEC. 5, T. 2 S., R. 4 E. S.L.B.&M.



### NOTES:

1. Amendment to Minimum/Maximum building pad sizing.
2. Other previous notes/restrictions from original Subdivision plat may still apply.



### SURVEYOR'S CERTIFICATE

I, Shane Johanson, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No.7075114 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act; I further certify that by authority of the owners I have completed a survey of the property described on this subdivision plat in accordance with Section 17-23-17 and have verified all measurements; that the reference monuments shown on this plat are located as indicated and are sufficient to retrace or reestablish this plat; and that the information shown herein is sufficient to accurately establish the lateral boundaries of the herein described tract of real property; hereafter known as Mountain Ridge 13 Subdivision.

### LEGAL DESCRIPTION

Lot 13, Mountain Ridge Subdivision, Entry # 321514, According to the official plat thereof on file and of record in the Summit County Recorder's office.

### OWNER'S DEDICATION

Know all men by these presents that, the undersigned owners DAVID R. MAYA AND HEIDI MAYA of the above described tract of land to be hereafter known as

### MOUNTAIN RIDGE 13 SUBDIVISION

does hereby certify to have caused this plat to be prepared and does hereby dedicate for the perpetual use of the public all public roads and other areas shown on this plat as intended for public use. The undersigned owner also hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance, and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

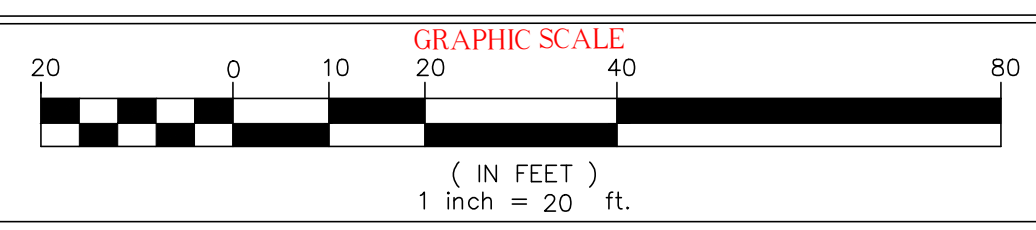
In witness whereof the owner has hereunto set this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_\_

David R. Maya  
Date:

Heidi Maya  
Date:

## MOUNTAIN RIDGE 13 SUBDIVISION

AMENDING LOT 13 OF MOUNTAIN RIDGE SUBDIVISION ENTRY # 321514 LOCATED WITHIN, SUMMIT COUNTY, UTAH. A PART OF THE N.E. 1/4 OF SEC. 5, T. 2 S., R. 4 E. S.L.B.&M.



**PUBLIC SAFETY ANSWERING POINT APPROVAL**  
APPROVED AS TO FORM  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.  
JEFF WARD GIS COORDINATOR/  
ADDRESSING AUTHORITY

**PARK CITY PLANNING COMMISSION**  
APPROVED BY THE PARK CITY PLANNING COMMISSION ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2021.  
BY \_\_\_\_\_ date \_\_\_\_\_

**CERTIFICATE OF ATTEST**  
I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2021.  
BY \_\_\_\_\_ PARK CITY RECORDER

**SNYDERVILLE BASIN WATER RECLAMATION DISTRICT**  
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.  
BY \_\_\_\_\_ S.B.W.R.D.

**ENGINEERS CERTIFICATE**  
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.  
BY \_\_\_\_\_ PARK CITY ENGINEER

**APPROVAL AS TO FORM**  
APPROVED AS TO FORM THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.  
PARK CITY ATTORNEY

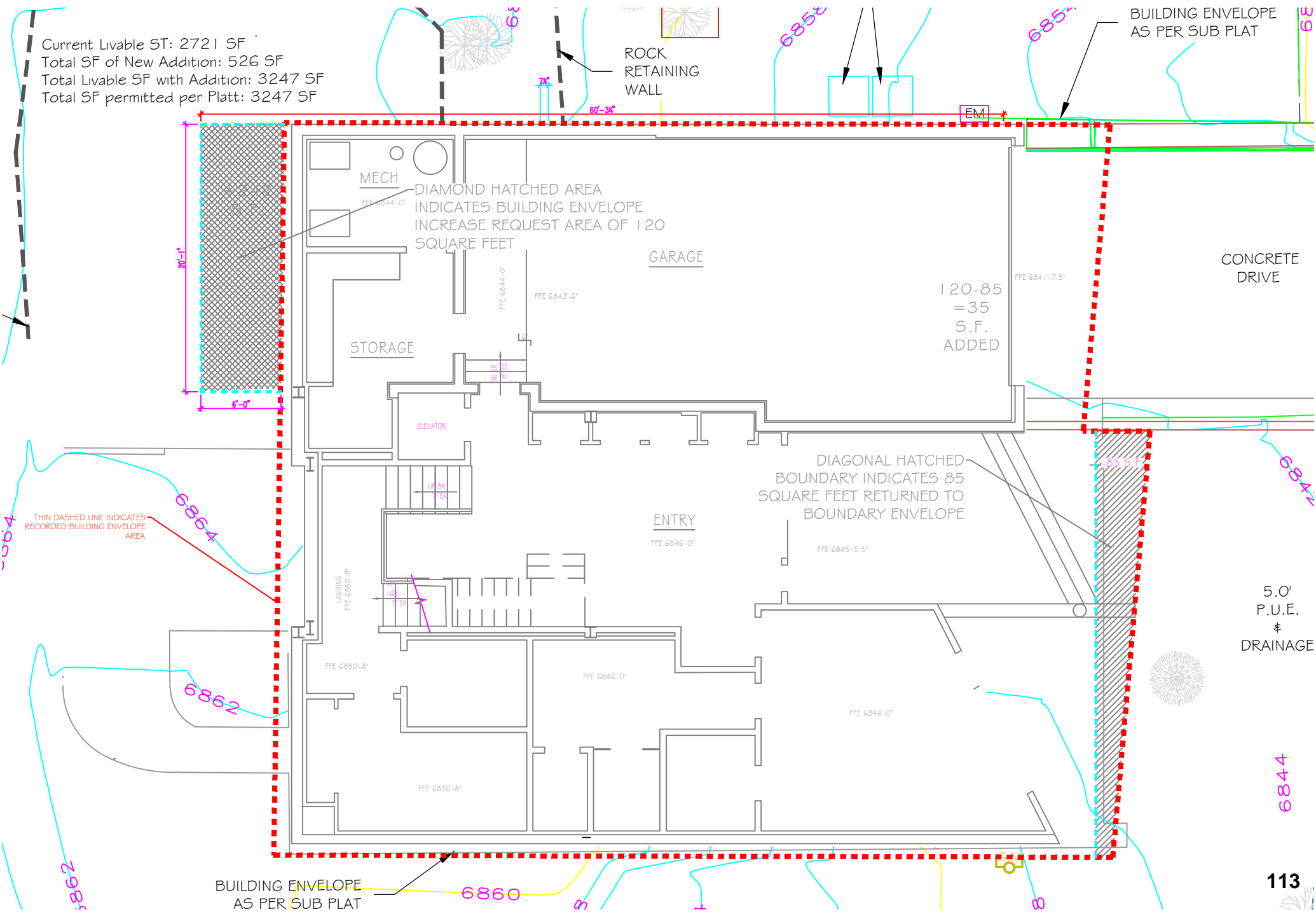
**COUNCIL APPROVAL AND ACCEPTANCE**  
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2021.  
PARK CITY MAYOR

**COUNTY RECORDER#**  
State of Utah, County of Summit, recorded and filed at the request of \_\_\_\_\_  
Date \_\_\_\_\_ Time \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_  
Fee \$ \_\_\_\_\_ County Recorder

NUMBER \_\_\_\_\_  
ACCOUNT \_\_\_\_\_  
SHEET 1 \_\_\_\_\_  
OF 1 SHEETS



Current Livable SF: 2721 SF  
 Total SF of New Addition: 526 SF  
 Total Livable SF with Addition: 3247 SF  
 Total SF permitted per Platt: 3247 SF



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
SEPTEMBER 27, 1989

COMMISSIONERS IN ATTENDANCE:

Chairman Ron Whaley, Bruce Erickson, Ruth Gezelius, Dean Berrett, Carol Calder, and Diane Zimney.

COMMISSIONERS ABSENT AND EXCUSED:

Dick Lueck

EX OFFICIO:

Suzanne McIntyre, Planner; Steve Osguthorpe, Planner; Eric DeHaan, City Engineer; Jim Carter, City Attorney; Shauna Kerr, Deputy City Attorney; Janice Lew, Planning Intern; Sharon Bauman, Planning Secretary.

=====

**PUBLIC HEARING**

Chairman Whaley opened the Public Hearing at 7:15 P.M.

1. To receive public input on a request to subdivide Lots 1 and 2, Silver Lake Village, Deer Valley.

Planner Suzanne McIntyre explained that in December of 1987, the Planning Commission approved the Silver Lake MPD. She stated that this request to resubdivide Lots 1 and 2 into parcels A, B, F, G, and H, was a simple procedural request and did not involve any revisions to the Master Plan. She stated that the Staff Report had been presented in detail at the September 13, 1989 meeting. There were no comments from the audience and there were no questions from the Commissioners.

2. To receive public input on the Mountain Ridge Subdivision, a 23-lot Single Family Subdivision located west of Ridgeview.

Planner Suzanne McIntyre explained that action would be taken later in the evening under New Business.

Planner McIntyre stated that the Planning Department had received an application on September 1, 1989 from The Sear-Brown Group for the subdivision of an 11.78 acre parcel west of the Ridgeview Townhouse Condominiums on Meadows Drive into 22 single family lots. She stated that the Comprehensive Plan showed this area to be low density residential; properties to the north and east had been

generally approved for single family residential development, and properties to the south and west were outside the City limits and were largely undeveloped hillsides and meadows.

She explained that the parcel was originally approved for 36 multi-family units under the Quarry Hills/Ridgeview Condominiums Master Planned Development and noted that four of those approved units were built and the approval of the remaining units expired in approximately April, 1983.

Planner McIntyre noted that the applicant's original request for 28 lots had been reduced to 22 lots and noted that the applicant had been particularly sensitive to the Staff's input regarding limits of disturbance and importance of maintaining existing vegetation.

Planner McIntyre commented that a portion of the site was within Park City's main entry corridor on Highway 224 and structures which may be built on several of these lots may be highly visible, as they are on a prominent hillside. She noted that the Comprehensive Plan discussed entry corridors, ridgeline development, revegetation, etc. She added that the Staff wanted to bring this to the Planning Commission's attention due to recent activities in the community, including the Snyderville Basin Design Charette and the CommunityVision process, and also because of the expressed interest on the part of the City Council in the issues of Park City's entry corridors and hillside development.

Planner McIntyre explained that the proposal was for 22 lots ranging in size from 12,650 sq. ft. to 34,115 sq. ft., with an average lot size of 18,420 sq. ft. to be placed on an east-facing hillside which contains slopes of over 30% on approximately 40-50% of the parcel, and slopes of between 20-30% on another 20-30% of the site. She noted that there were extensive stands of mature scrub oak on the site, and the other prominent vegetation was sagebrush.

Planner McIntyre stated that the subdivision would have a single access off of Meadows Drive at approximately the location where it intersects with American Saddler Drive and the intersection would be realigned as part of the subdivision development in accordance with the Streets Master Plan and the Park Meadows Master Plan.

Planner McIntyre stated that the standard City requirements for completion of infrastructure (street, sanitary sewer, storm drainage, trails, water lines, etc.) would be included as a Condition of Approval and the developer would be required to complete these improvements prior to final plat approval or the Planning Commission may waive the requirement if an appropriate Letter of Credit is provided to the City Engineer's satisfaction.

She added that the standard requirements would also extend to the relocation of utilities, abandonment of easements, etc., and all improvements must comply with the Land Management Code, UBC, and Park City Design Standards, Construction Specifications, and Standard Drawings. She added that due to the extensive grading and site disturbance involved with the site improvements, a plan showing revegetation for all site improvements should be required and a Letter of Credit should be required for the revegetation.

Planner McIntyre stated that the City Planning Department anticipated that the developer would be requesting a rezoning of the parcel from RD to SF in order to prohibit the rental of the dwelling units for periods of less than 30 days, consistent with the other single family subdivisions in Park Meadows and Ridgeview. She added that the public hearings and recommendation to the City Council would be noticed and reviewed separate from the request for plat approval.

Planner McIntyre stated that after reviewing the Subdivision Ordinance, Section 14 of the Land Management Code, and the preliminary designs for the Mountain Ridge Subdivision, the Planning Staff had noted several issues which need further review.

Planner McIntyre stated that in addition to the realignment of the intersection of American Saddler Drive and Meadows Drive, a platted right-of-way extending from the southerly end of the cul-de-sac was recommended and an easement for a roadway within that platted right-of-way may be needed in the future to provide access to the adjacent property. She noted that construction of a hammer-head turnaround or other form of cul-de-sac at the termination of Ridgeview Drive in the existing condos should be completed as part of the initial site improvements.

Planner McIntyre stated that the issue of the use of ejector pumps for each residence or the use of back-lot sewerage has not been resolved with the Snyderville Basin Sewer Improvement District. She added that while the City defers to SBSID on all issues of sewerage, the Planning Staff wanted to make the Planning Commission aware of the considerations of non-gravity systems.

Planner McIntyre explained that Section 14 of the Land Management Code required either sidewalks or trails in all subdivisions and, during Work Session, the Commission indicated that sidewalks were impractical in this subdivision and would not be required. She stated that the developer and the Staff would need to discuss and determine appropriate trail locations within the subdivision pursuant to the approved Park City Trails Master Plan. She added that the trails should be required to be constructed at the time of road construction, unless the Planning Commission determined otherwise, in which case cash deposits could be required pursuant

to Section 3 of the Land Management Code.

Planner McIntyre stated that the Staff would also recommend that the Planning Commission require the developer to pay an "In Lieu of" fee for development of parks paid on a per unit rate and based upon fair market values. The City Staff will need to do an analysis to determine the amount required, and will provide the developer with those calculations.

Planner McIntyre quoted Section 14.4.10, Preservation of Natural Features and Amenities, of the Subdivision Ordinance. She stated that in order for this subdivision to comply with those guidelines, the Staff recommended that: buildings should be sited to preserve significant views and so as not to break prominent ridgelines; building pad locations should be shown on the plat for each lot; maximum building heights should be specified on a lot by lot basis; minimum and maximum building square footages should be shown on the plat; limits of disturbance should be specified on a per-lot basis; and a vegetation buffer of mature scrub oak trees, averaging at least 20 feet wide should be preserved between the existing Ridgeview Townhouse Condominiums and the proposed roadway.

Planner McIntyre noted that due to the length of the dead-end street(s) and the high amount of mature natural vegetation, all buildings should be required to have interior and exterior fire sprinkling systems. She stated that the Staff recommended that the Park City Fire Marshal and Fire Chief review and approve the preliminary and final plat and that this requirement for sprinklers be noted on the plat.

There were no comments from the audience and there were no questions from the Commissioners.

3. To receive public input on a request to rezone a 1.92 acre parcel referred to as the North Silver Lake Homesite, located between Royal Street West and Royal Street from Recreation Open Space (ROS) to Residential Development-Master Planned Development (RD-MPD).

Planner McIntyre explained that the Staff Report, which contained a number of Staff Conditions, had been reviewed in detail at the September 13, 1989 meeting. She noted that the Staff had determined that it was not appropriate to place Conditions of Approval on a request to rezone. She stated that at the time of Master Planned Development the Staff would impose conditions in terms of site development standards. She added that no development would be permitted to take place on this lot until the Deer Valley Special Exception Permit was amended showing a transfer of density to this lot.

to the clustered approach, and the effects of the disturbance on the site.

There were no questions from the Commissioners. There was no public input.

3. To receive public input on the Final Plat for the Mountain Ridge Subdivision, 21 single family lots, on the property surrounding Ridgeview Townhouse Development along Meadows Drive - The Sear-Brown Group.

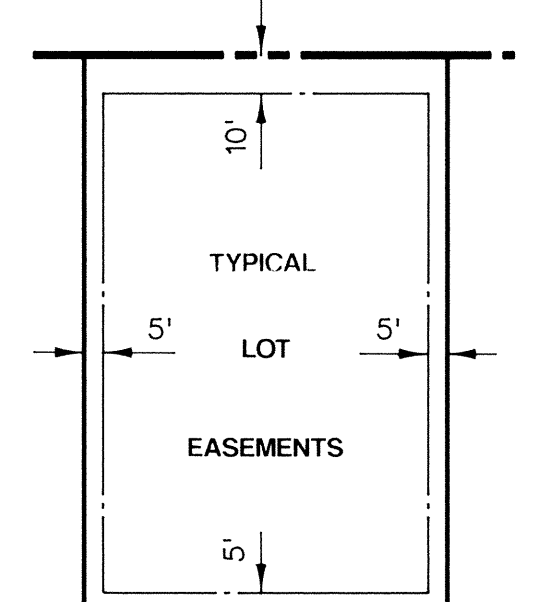
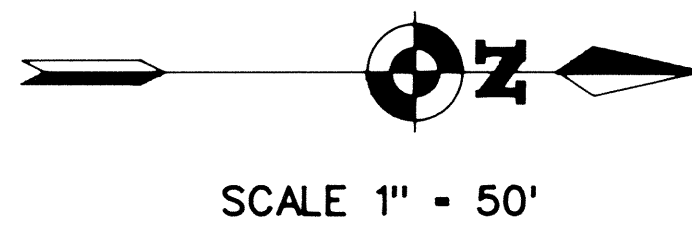
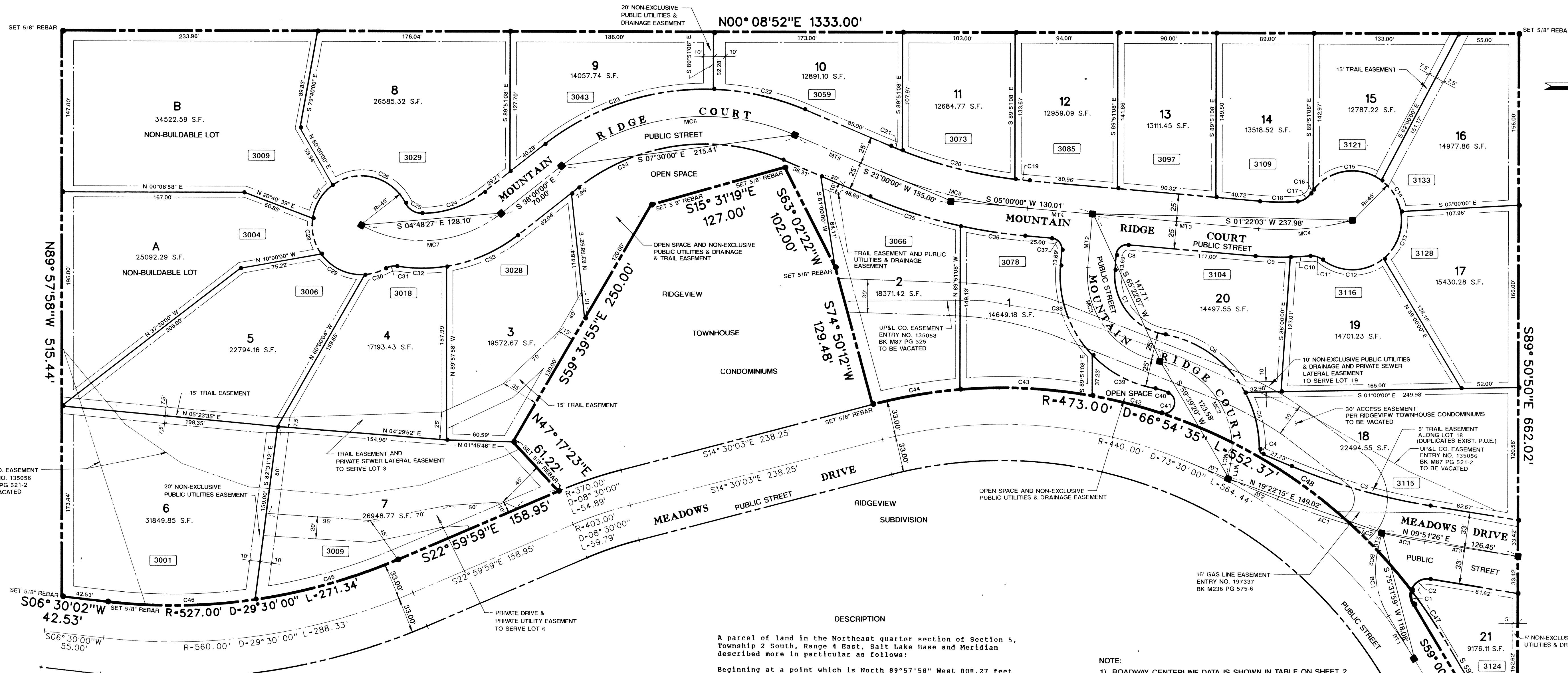
Senior Planner McIntyre explained that on September 27, 1989 the Planning Commission granted Preliminary Plat approval to the Mountain Ridge Subdivision, then a 22-lot single family subdivision. She stated that due to the site's significant hillsides, ridgelines, and proximity to the entry corridor, it was determined by the City Council that certain adjustments would be necessary to make the subdivision more compatible with the community. She reported that the City Council reviewed the subdivision request in October and spent several months setting forth findings and conditions which work toward meeting the goals of compatibility.

Senior Planner McIntyre explained the most significant changes: Lots 6 and 7 on the original proposal were now being proposed for parkland dedication which would include a path and park bench; and that a new lot, Lot 21, had been created at the intersection of Meadows Drive and American Saddler Drive which was a substandard lot of 9,176 sq. ft. and would have a reduced maximum allowable square footage of 2,800 sq. ft. She further explained that stringent development controls had been placed on each lot which include limits of disturbance, revegetation, minimum/maximum square footages, and building heights, and were indicated on each lot and shown on a supplement to the plat, referred to as exhibit "A".

There were no questions from Commissioners. There was no public input.

4. To receive public input on the Preliminary and Final Plat for the Knollheim Subdivision, 4 single family lots, Sterling Drive - The Sear-Brown Group.

Planner Steve Osguthorpe explained that the Knollheim Subdivision (Previously known as Knoll II) received final plat approval on June 28, 1989 as a six-lot subdivision in the Silver Lake Knoll Parcel 1-DD1. He stated the applicant was requesting that only four lots be platted at this time and a revision to the final plat approval was requested.



- EASEMENT NOTES**
- 10.00 FOOT WIDE NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENT ALONG ALL SUBDIVISION BOUNDARY LINES AS SHOWN. (UNLESS NOTED OTHERWISE).
  - 5.0 FOOT WIDE NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENT ALONG ALL SIDE AND REAR LOT LINES AS SHOWN. (UNLESS NOTED OTHERWISE).
  - 5.0 FOOT WIDE NON-EXCLUSIVE UTILITIES AND SNOW STORAGE EASEMENT ALONG ALL FRONT LOT LINES AS SHOWN. (UNLESS NOTED OTHERWISE).

- LEGEND**
- STREET MONUMENTS (TO BE SET)
  - 5/8" IRON ROD (TO BE SET)
  - STREET ADDRESS
  - BOUNDARY LINE
  - RIGHT-OF-WAY LINE
  - LOT LINE

**DESCRIPTION**

A parcel of land in the Northeast quarter section of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian described more in particular as follows:

Beginning at a point which is North 89°57'58" West 808.27 feet and North 06°25'41" East 1339.96 feet from the East quarter corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the westerly line of Meadows Drive (Basis of bearing is North 00°09'43" East 2660.51 feet from the said East quarter corner to the Northeast corner of said Section 5); thence South 59°00'00" West 128.73 feet along said westerly line to a point on a 473.00 foot radius curve to the left (center bears South 31°00'00" East 473.00 feet of which the central angle is 73°30'00"); thence southwesterly along the arc of said curve and westerly line 606.77 feet to the Northeast corner of Ridgeview Townhouses Condominiums and following along the boundary of said Condominiums the next five courses; 1) South 74°50'12" West 129.48 feet; 2) thence South 63°02'22" West 102.00 feet; 3) thence South 15°31'19" East 127.00 feet; 4) thence South 59°39'55" East 250.00 feet; 5) thence North 47°17'20" East 61.22 feet to the westerly line of Meadows Drive; thence South 23°00'00" East along said westerly line 158.95 feet to a point on a 527.00 foot radius curve to the right (center bears South 67°00'00" West 527.00 feet of which the central angle is 29°30'00"); thence southeasterly along the arc of said curve and westerly line 271.34 feet to a point of tangency; thence South 06°30'00" West along said westerly line 42.53 feet; thence North 89°57'58" West 515.44 feet; thence North 00°08'52" East 1333.00 feet; thence South 89°50'50" East 662.02 feet to the point of beginning.

**ALSO:**

Beginning at a point which is North 89°57'58" West 808.27 feet and North 06°25'41" East 1339.96 feet from the East quarter corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the westerly line of Meadows Drive (Basis of bearing is North 00°09'43" East 2660.51 feet from the said East quarter corner to the Northeast corner of said Section 5); thence South 59°00'00" West 128.73 feet along the said right-of-way line, to a point on a 473.00 foot radius curve to the left (center bears South 31°00'00" East 473.00 feet of which the central angle is 06°35'25"); thence southwesterly along said curve and right-of-way line 54.38 feet to a point on a 15.00 foot radius curve to the left (center bears North 25°00'22" East 15 feet of which the central angle is 47°32'57"); thence northwesterly along said curve 12.45 feet; thence North 59°00'00" East 171.95 feet; thence North 30°59'44" West 8.00 feet to the point of beginning.

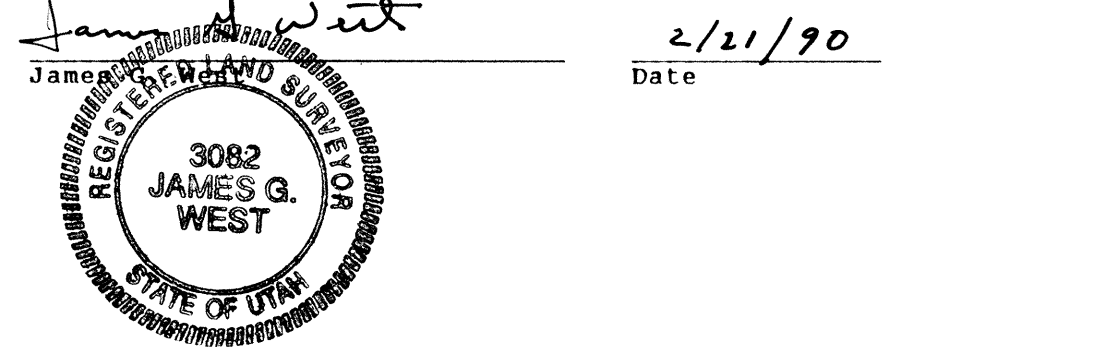
Contains 11.81 acres more or less.

- NOTE:**
- 1) ROADWAY CENTERLINE DATA IS SHOWN IN TABLE ON SHEET 2.
  - 2) CURVE DATA IS SHOWN IN TABLE ON SHEET 2.

**Surveyor's Certificate**

I, James G. West, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 3082 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, and have subdivided said tract of land into lots and streets, hereafter to be known as Mountain Ridge and that same has been correctly surveyed and staked on the ground as shown on this plat.

*James G. West* 2/21/90  
 Registered Land Surveyor  
 STATE OF UTAH



STATE OF UTAH )  
 COUNTY OF SUMMIT ) ss.

On the 21<sup>st</sup> day of February, 1990, personally appeared before me Evelyn Anderson who being by me duly sworn did say, that she is the President of AC DEVELOPMENT, INC., a Utah Corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said Evelyn Anderson duly acknowledged to me that said corporation exposed and the same.

*Cheryl L. Thomson*  
 NOTARY PUBLIC  
 RESIDING AT: Summit County, UT  
 My Commission Expires: 9/21/91

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS: That A C Development, Inc., a Utah Corporation, the owner of the herein described tract of land, hereby causes the same to be divided into lots and public streets, as set forth in the above plat, hereafter to be known as Mountain Ridge Subdivision, subject to the declaration of covenants, conditions and restrictions, and reservation of easements for Mountain Ridge Subdivision, which will be recorded in the offices of the County Recorder of Summit County, Utah, concurrently with the recording of this plat.

The owner hereby dedicates Lots A and B to Park City Municipal Corporation as parkland. The owner hereby dedicates to Park City Municipal Corporation the trail easements as shown on the above plat together with the city streets as shown hereon. The city streets and trail easements are dedicated for the use of the general public. The owner also hereby dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County, a non-exclusive easement over the streets, driveways and utility easements shown on this plat for the purpose of providing access for utility installation, maintenance use and eventual replacement and to provide emergency services to said Mountain Ridge Subdivision.

EXECUTED this 21<sup>st</sup> day of February, 1990.

A C DEVELOPMENT, INC. a Utah Corporation  
 by: *Evelyn Anderson*  
 Evelyn Anderson, President

**MOUNTAIN RIDGE SUBDIVISION**

A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF SECTION 5  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH  
 JANUARY 1990 PROJECT NO. 6388 SHEET 1 of 2

**CITY COUNCIL APPROVAL**

PRESENTED TO THE BOARD OF PARK CITY COUNCIL THIS 2ND DAY OF MARCH A.D. 1990. AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED

*Amrita L. Sheldon*  
 MAYOR  
*Amrita L. Sheldon*  
 CITY RECORDER

**CITY ENGINEER**

APPROVED AND ACCEPTED BY THE CITY ENGINEERING DEPARTMENT ON THIS 7<sup>th</sup> DAY OF MARCH A.D. 1990.

*Eric W. DeHaven*  
 CITY ENGINEER

**CITY PLANNING COMMISSION**

APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS 21<sup>st</sup> DAY OF February A.D. 1990.

*James P. White*  
 CHAIRMAN

**APPROVAL AS TO FORM**

APPROVED AS TO FORM ON THIS 21<sup>st</sup> DAY OF February A.D. 1990.

*James P. White*  
 CITY ATTORNEY

**RECORDED**

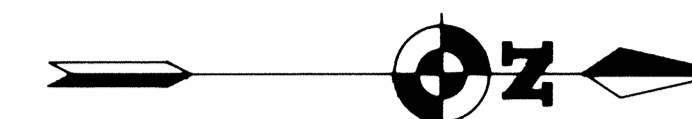
No. 321514  
 STATE OF Utah  
 COUNTY OF Summit  
 RECORDED AND FILED AT THE REQUEST OF:  
*Coalition Title Company*  
 3-9-90  
 2:09 PM  
*Alan Savin*  
 COUNTY RECORDER

**THE SEAR-BROWN GROUP**

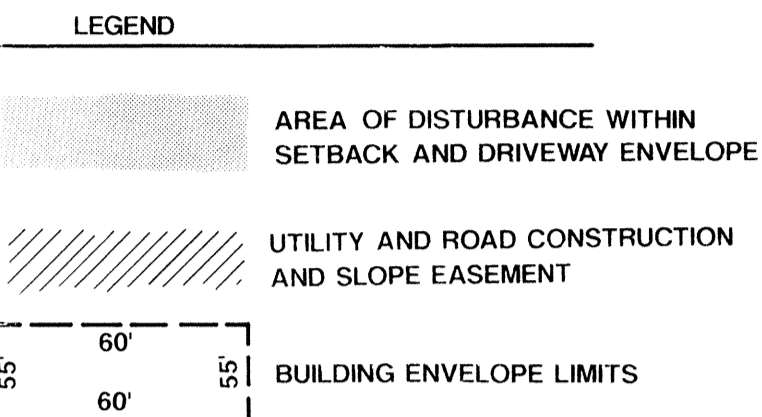
FULL-SERVICE DESIGN PROFESSIONALS

1351 Deer Valley Rd. South, Suite 202 Park City, Utah 84002  
 (801) 646-9811 FAX (801) 646-7066

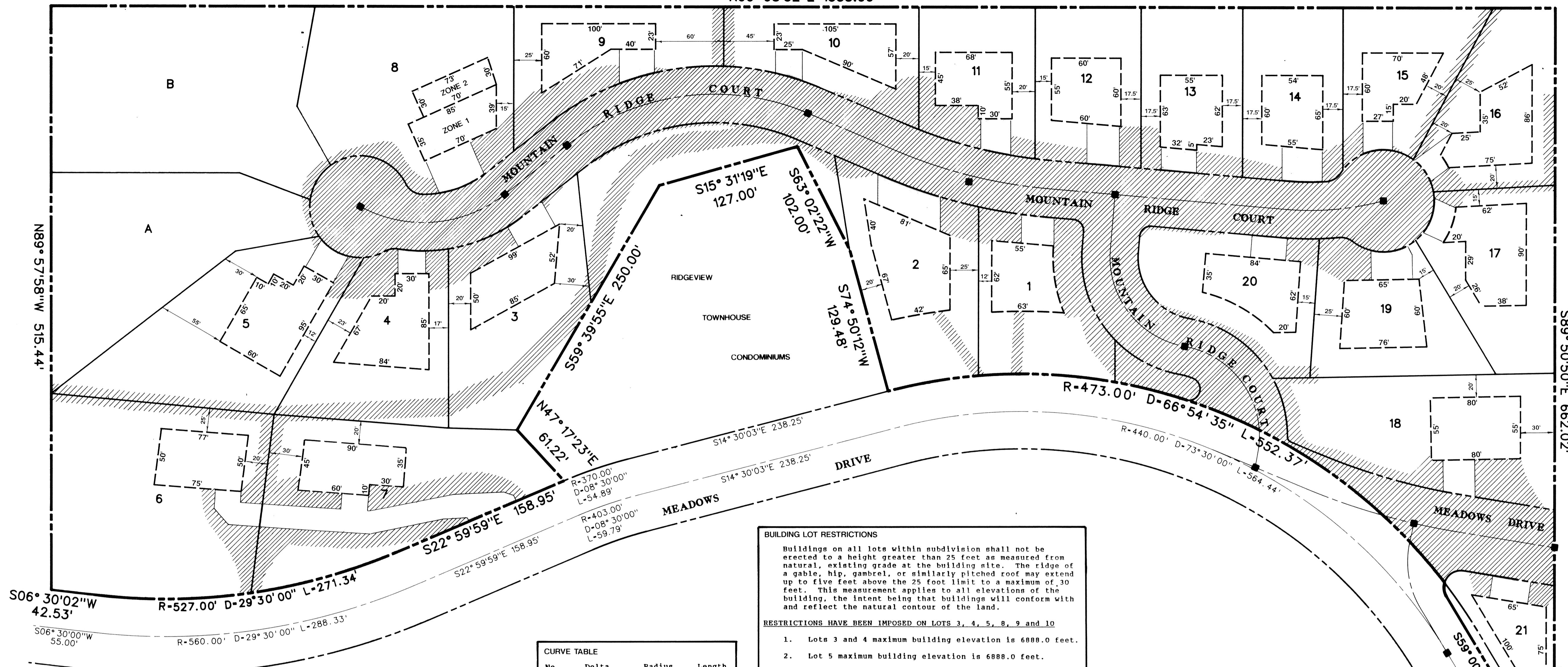
N00° 08'52"E 1333.00'



SCALE 1" = 50'



Lot Number	Required Front Yard Set Back
1	25
2	25
3	20
4	20
5	25
6	85
7	52
8	25
9	20
10	20
11	25
12	12
13	20
14	30
15	25
16	20
17	20
18	25
19	20
20	25
21	20



**BUILDING LOT RESTRICTIONS**  
Buildings on all lots within subdivision shall not be erected to a height greater than 25 feet as measured from natural, existing grade at the building site. The ridge of a gable, hip, gambrel, or similarly pitched roof may extend up to five feet above the 25 foot limit to a maximum of 30 feet. This measurement applies to all elevations of the building, the intent being that buildings will conform with and reflect the natural contour of the land.

**RESTRICTIONS HAVE BEEN IMPOSED ON LOTS 3, 4, 5, 8, 9 and 10**

1. Lots 3 and 4 maximum building elevation is 6888.0 feet.
2. Lot 5 maximum building elevation is 6888.0 feet.
3. Lot 8 maximum building elevation is 6910.0 feet in zone 1 and 6913.0 feet in zone 2.
4. Lots 9 and 10 the maximum building elevation is 6905.0 feet.
5. All elevations are based upon elevation of the north rim of storm sewer manhole in Meadows Drive 400 feet north of the intersection with Crestline Drive and 10 feet east of road centerline. The elevation of the manhole rim is 6781.40 feet.

**LOT # 5 - ADDITIONAL RESTRICTIONS**

6. At no place shall there be more than two floors above natural (existing) grade level.
7. No finish floor will be permitted to be more than 14 feet above natural (existing) grade at any point.
8. Facade variation; no vertical walls shall extend more than 30 feet horizontally on any facade at which point, it must be varied by at least five feet.
9. No walls will extend higher than 25' from the natural grade on the southeast and southwest corner of the residence.

**FIRE PROTECTION**  
Fire sprinklers shall be required inside and outside on all buildings as approved by the Park City Building Official.

**LIMITS OF DISTURBANCE**  
Limits of disturbance (zone of no construction, excavation or vegetation removal) will be required on all site plans with areas of disturbance generally restricted to 15 feet around the proposed building. In no case shall the limits of disturbance be closer than ten feet from side or rear property line. Limits of disturbance will be staked with red construction tape prior to commencement of construction.

Grading shall be permitted only for infrastructure and with full building permit issuance or as otherwise approved by the community development director. Conformance with Limits of Disturbance shall be assured with a letter of credit or cash security provided by the lot owner.

**CURVE TABLE**

No.	Delta	Radius	Length
C1	47°32'57"	15.00	12.45
C2	62°45'01"	15.00	21.66
C3	13°20'00"	565.89	131.69
C4	67°44'49"	5.00	5.91
C5	29°14'30"	105.00	53.59
C6	51°08'20"	105.00	93.72
C7	85°00'05"	55.00	81.60
C8	90°00'13"	10.00	15.71
C9	06°39'38"	275.00	31.97
C10	03°39'24"	275.00	17.55
C11	42°42'16"	17.00	12.67
C12	76°41'44"	45.00	60.24
C13	60°57'44"	45.00	47.88
C14	43°35'17"	45.00	34.23
C15	88°58'21"	45.00	69.88
C16	04°03'02"	45.00	3.18
C17	53°21'40"	17.00	15.83
C18	08°31'78"	225.00	33.46
C19	01°50'22"	417.00	13.40
C20	14°37'32"	417.00	106.44
C21	01°32'01"	417.00	11.16
C22	20°58'10"	237.21	86.82
C23	40°01'49"	237.21	165.73
C24	38°12'22"	92.00	61.35
C25	63°00'56"	17.00	18.70
C26	98°47'42"	45.00	77.59
C27	46°11'27"	45.00	36.28
C28	43°36'30"	45.00	34.25
C29	58°34'18"	45.00	46.00
C30	25°23'33"	45.00	19.94
C31	38°28'04"	17.00	11.41
C32	18°08'30"	142.00	44.96
C33	28°59'40"	142.00	71.86
C34	60°59'59"	187.21	199.31
C35	10°41'02"	467.00	87.08
C36	07°18'58"	467.00	59.63
C37	90°00'16"	10.00	15.71
C38	48°57'59"	105.00	89.74
C39	36°02'01"	105.00	66.04
C40	13°02'26"	55.00	12.52
C41	174°51'08"	10.00	30.51
C42	07°47'57"	473.00	64.39
C43	14°43'03"	473.00	121.50
C44	09°52'20"	473.00	81.50
C45	14°49'22"	527.00	136.34
C46	14°40'38"	527.00	135.00
C47	06°35'25"	473.00	54.51
C48	34°31'14"	473.00	284.98

**ROADWAY DATA**

Tangent Data

No.	Bearing	Distance
MT1	N80°00'01"W	14.19
MT2	N85°00'01"W	48.69
MT3	N05°00'00"E	152.00
MT4	S05°00'00"W	60.00
MT5	S23°00'00"W	85.00

Curve Data

No.	Delta	Radius	Length
M1	13°47'59"	80.00	19.27
M2	76°12'01"	80.00	106.40
M3	85°00'00"	80.00	118.68
M4	20°00'00"	250.00	87.27
M5	18°00'00"	442.00	138.86
M6	61°00'00"	212.21	225.93
M7	66°23'06"	117.00	135.56

Meadows Drive:

AT	Bearing	Distance
AT1	N22°37'52"E	40.91
AT2	N22°37'52"E	48.37
AT3	N09°17'52"E	87.99

American Saddler:

BT	Bearing	Distance
BT1	S59°00'00"W	46.07
BT2	N77°01'13"W	16.65

Mountain Ridge Court:

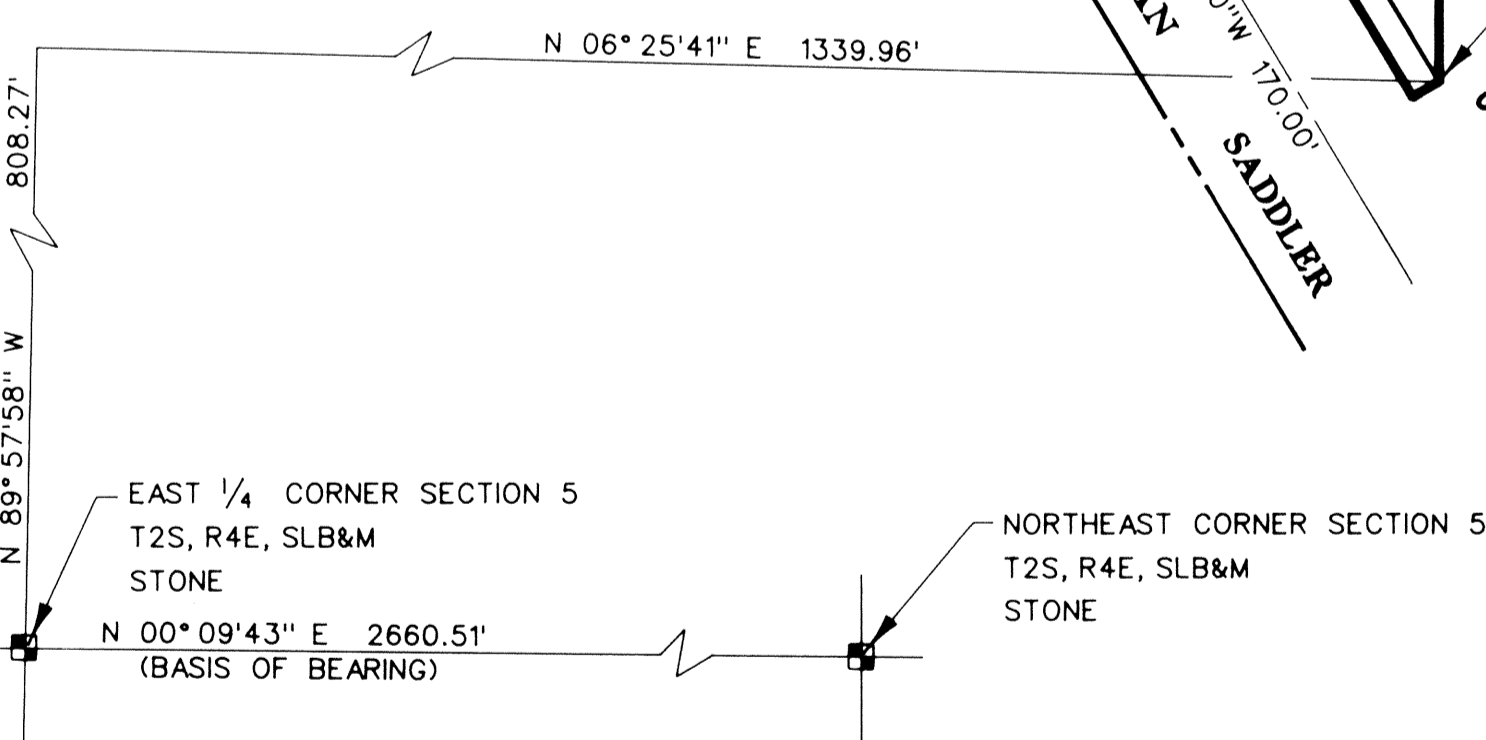
MC	Bearing	Distance	
MC1	06°58'00"	598.89	72.82
MC2	02°41'04"	598.89	28.06
MC3	03°40'55"	598.89	38.49

American Saddler:

BC	Bearing	Distance	
BC1	43°34'35"	80.00	60.84
BC2	00°24'12"	80.00	.56

**MINIMUM/MAXIMUM BUILDING SIZES**

Lot Number	Maximum Main Floor Square Footage (Exclusive of Garage Up to 600 Square Feet)	Maximum Total Square Footage (Exclusive of Garage Up to 600 Square Feet)
No. 1	2,101	3,616
No. 2	2,622	4,509
No. 3	2,790	4,600
No. 4	2,457	4,226
No. 5	2,800	4,600
No. 6	2,800	4,600
No. 7	2,800	4,600
No. 8	2,800	4,600
No. 9	2,018	3,474
No. 10	1,855	3,194
No. 11	1,826	3,144
No. 12	1,864	3,210
No. 13	1,886	3,247
No. 14	1,943	3,344
No. 15	1,840	3,169
No. 16	2,147	3,695
No. 17	2,210	3,803
No. 18	2,800	4,600
No. 19	2,108	3,628
No. 20	2,080	3,579
No. 21	1,800	2,800



**MOUNTAIN RIDGE SUBDIVISION**  
A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF SECTION 5 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH  
JANUARY 1990 PROJECT NO. 6388 SHEET 2 of 2

RECORDED  
No. 321514  
STATE OF Utah  
COUNTY OF Summit  
RECORDED AND FILED AT THE REQUEST OF:  
Coalition Title Co.  
3-3-90  
3:09 PM  
Alan Sprigg  
COUNTY RECORDER

**THE SEAR-BROWN GROUP**  
FULL-SERVICE DESIGN PROFESSIONALS  
1381 Deer Valley Rd. South, Suite 202 Park City, Utah 84302  
(801) 497-0911 FAX (801) 497-7025





**DMBO PERMIT**

PO BOX 1480 • 445 MARSAC AVE • PARK CITY, UTAH 84060  
(435) 615-5100

<b>Site Address:</b> 3099 MOUNTAIN RIDGE CT PARK CITY UT 84060  <b>Project Name:</b>	<b>PERMIT NUMBER: BD-13-18358</b> <b>PARCEL NUMBER:</b> <b>STATE PERMIT #:</b> <b>ISSUED DATE: 7/29/2013</b>
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<b>OWNER</b> HONIGMAN SUZY 3109 MOUNTAIN RIDGE CT PARK CITY UT 84060-6944	<b>CONTRACTOR</b> Top Mark Industries , INC 1645 NORTSHORE CT PARK CITY UT 84098  State License: 6074881-5501 Expires: 11/30/2013
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INVESTIGATION FEE <u>N</u> CONSTRUCTION VALUE <u>519532.42</u> WAIVE FEES <u>no</u> SWIMMING POOL <u>no</u> IDENTICAL PLAN REVIEW <u>N</u> UNIT TYPE <u>1</u> # OF DWELLING UNITS <u>1</u>	ARCHITECTURAL & DESIGN FEES <u>newres</u> # OF EQUIVALENT UNITS <u>1</u>
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FEES	PERMIT DESCRIPTION
PARKS, TRAILS, OPEN SPACE 5,780.00 BUILDING PERMIT FEE 3,396.49 PLAN CHECK FEE 2,207.72 OUTDOOR WATER IMPACT FEE 11,525.00 WATER IMPACT FEE 7,145.00 PUBLIC SAFETY IMPACT FEE 910.00 STATE FEE 33.96 STREETS IMPACT FEES 470.00 Water Meter 1.5" 1,020.70 <hr/> <b>Total Permit Fees 32,488.87</b>	SFD          This department must have 24 hrs. notice for all inspections (435) 615-5100  All work must be inspected prior to concealment

Conditions:

Cond:

Temporary cut slopes shall comply with the soils report (up to 4 ft may be near-vertical and up to 10 ft may be 2 vert : 1 horiz.)

Flexible pavement areas , upper 9 inches of soil shall be scarified, moisture prepared to 2% above optimum moisture content and recompacted. Recompacted shall mean the upper 9 inches of nautral soil shall be removed and replaced with "non-expansive" low permeability subbase fill.

Flatwork within the upper 5-6 ft of potentially expansive soil, must have minimum 2 ft "non-expansive" low permeability structural fill.

Potentially expansive soils to be removed an replaced w/non-expansive site grading structural fill. This includes area under footings and slabs.

Cond:

The building permit as calculated from the valuation is \$3,896.49. However, EDEN did not automatically deduct the \$500 plan check deposit as it should have. Therefore, the building permit fee was reduced by \$500 to reflect the same sum. The new building permit fee is shown as \$3,396.49.

Cond: FIRESPRINK

SUBMIT PLANS AND HYDRAULIC CALCULATIONS FOR THE FIRE SPRINKLER SYSTEM TO THE BUILDING DEPARTMENT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.

Cond:

The fire pit must be approved by the Deputy Fire Marshal before being installed.

Cond:

1. Single Family (SF) District.
2. Mountain Ridge Subdivision.
3. 3,847 sq. ft. house size maximum - includes 600 sq. ft. garage credit.
4. Maximum height is 25 feet.
5. Disturbance shall not exceed 15 feet from building on side and rear.
6. Exterior lighting shall be down lit and shielded.

Valuation Items:

<u>Occupancy</u>	<u>Type</u>	<u>Factor</u>	<u>Sq Feet</u>	<u>Valuation</u>
r3 Single Family	VB	137.32	2,578.00	\$354,010.96
finbas FINISHED BASEMENT	VB	33.71	1,663.00	\$56,059.73
unbas UNFINISHED BASEMENT	VB	26.22	1,663.00	\$43,603.86
sprink FIRE SPRINKLER SYSTEM	FIRE SPRINKLER SYSTEM	4.37	4,635.00	\$20,254.95
sfgar RESIDENTIAL 1&2 FAMILY GARAGE	VB	40.34	911.00	\$36,749.74
decks DECKS	VB	22.47	394.00	\$8,853.18
<b>TOTALS</b>			<b>11,844.00</b>	<b>\$519,532.42</b>

I certify that no work will be done except as described above or on accompanying plans. Issuance of this permit shall not be construed as approval of any violation of the codes, laws or ordinances as adopted by the City of Park City or the State of Utah.

SIGNATURE

DATE

7/29/13

PRINT NAME:

MARK PAPPAS



CONSTRUCTION MITIGATION AGREEMENT  
STORM WATER POLLUTION ACKNOWLEDGMENT  
ACKNOWLEDGMENT OF LEAD/ASBESTOS

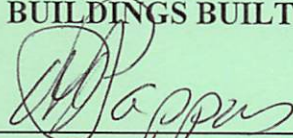
PERMIT #	BD-13-14358	ADDRESS	3099 Mountain Ridge Ct PARK CITY UT 84060	
CONTRACTOR/OWNER NAME	TOPMARK INDUSTRIES INC.			
MAILING ADDRESS	1645 Northshore Ct. Park City. 84098			
CONTACT PERSON	MARK PAPPAS	CONTACT PHONE #	435/6405981	

When signing this agreement, the responsible party(ies) acknowledges reading and understanding the conditions of the construction mitigation plan and hereby agrees to comply with not only this, but all applicable city ordinances. A copy of the construction mitigation plan will be kept on-site for all contractors/sub-contractors to have access to at all times. This form shall serve as a notice that failure to comply with the mitigation conditions will result in enforcement action. \*Additional restrictions may apply please see the specific construction mitigation agreement if applicable\*

As the project owner or authorized agent of the owner, I have read and understand the requirements listed in the storm water pollution attachment A for construction activities to control storm water pollution from sediments, erosion and construction materials. I certify that I will comply with these requirements.

When signing this agreement, the above responsible party(ies) acknowledges reading and understanding the demolition handout and hereby agrees to comply with not only this, but all applicable city regulations as well as State and Federal Laws. A copy of the handout was given to the above responsible party and they were duly informed by the Park City Building Department that any property runs the risk of creating air pollution caused by asbestos and/or lead and they are to contact Summit County Health Department, Questar Gas and Snyderville Basin before demolition work will take place. This requirement is considered effective as of June 2011 per State Legislature H.B.0285.

- KEEP CONSTRUCTION MITIGATION ON SITE
- NOTHING DOWN THE CREEK OR IN THE DRAIN UPON CLEAN-UP
- BUILDINGS BUILT PRIOR TO 1978 MAY CONTAIN LEAD/ASBESTOS

Signature: 

Print Name: MARK PAPPAS Date: 7/29/13.



## HOMEOWNERS ASSOCIATION NOTIFICATION VERIFICATION

This document shall serve as verifications that the Mountain Ridge Subdivision  
(Subdivision)

Homeowner's Association has been notified of Honigman  
(Owner)

Intent to build at 3097 Mountain Ridge Ct.  
(Address)

This notice is only to inform the HOA that the owner is seeking a Building permit from Park City Municipal Corporation. These plans may change and it is the HOA's responsibility to follow the process if necessary.

Check One:

Notice received and acknowledged

Michelle Paulsen  
HOA Representative

6/3/2013  
Date

Notice mailed and received

I hereby certify that I attempted to contact the HOA to execute the above acknowledgement and was unsuccessful. Attached is the signed return receipt of the certified letter which included a true and accurate copy of this notification.  
\_\_\_\_\_  
(Owner signature and attach receipt)

# HOMEOWNERS ASSOCIATION NOTIFICATION VERIFICATION

This document shall serve as verification that the MOUNTAIN RIDGE  
Homeowner's Association (HOA) has been notified of SUZANNE HONIGMAN (owner)  
intent to build at (address) 3099 MOUNTAIN RIDGE COURT RD. (lot #) 13

Plans may be viewed at the Park City Building Department , 445 Marsac Ave.

This notice is only to inform the HOA that the owner is seeking Building Permit (s) from the Park City. These plans may change and it is the HOA'S responsibility to follow the permit process if necessary.

Check One:

Notice received and acknowledged

[Signature] 5/29/2013  
HOA Representative Date

Notice mailed and received

I hereby certify that I attempted to contact the HOA to execute the above knowledge and was unsuccessful. Attached is the signed return receipt of the Certified letter which included a true and accurate copy of this notification \_\_\_\_\_ (signed owner & attached return receipt).

RECEIVED  
PARK CITY MUNICIPAL CORP  
JUN 04 2013  
BUILDING DEPT

# CERTIFICATE OF SURVEY

I, J.D. GAILEY do hereby certify

that I am a licensed land surveyor registered by the State of Utah, License

# 359005, as prescribed under the laws of Utah. I

further certify that I have reviewed the plans for permit # BD-13-18358

at 3099 MOUNTAIN RIDGE COURT  
(Street Address)

on 13 MOUNTAIN RIDGE  
(Lot number) (Subdivision)

and have surveyed the property to verify that the structure is situated on the lot as

approved or have submitted a site plan showing the actual setback dimensions. I

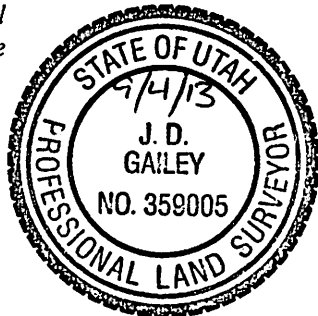
have also verified that the footing elevations are BASED ON AN ELEVATION

OF 6834.5 FEET AT THE SEWER MANHOLE LID

IN FRONT OF THE PROPERTY: NE COR = 6839.3';

SE COR = 6845.05'; SW COR = 6849.75'; NW

Professional  
Seal  
Here



J.D. Gailey  
(Signature)

Sept. 4, '13  
(Date)

RECEIVED  
PARK CITY MUNICIPAL CORP

SEP 05 2013

BUILDING DEPT

2009 INTERNATIONAL RESIDENTIAL CODE  
(Revised 04-20-2011)

Log Number: BD-13-18358 Date Plans Received: 7/11/13  
Building Address: 3099 Mountain Ridge Ct  
Owner's Name: Honigman  
Main Building Sq. Ft: 4241 Other: \_\_\_\_\_  
Total Area Basement: 1663 Type of Building: SFD  
Finished Basement: 1663 No. Stories: 2  
Garage: 911 No. Levels: 3  
Deck/Balcony: 394 Area of LOD: 6963  
Fire Sprinklers: Y Area: 4635 Number of Bedrooms: 3  
Elevation: 68752 Ground Snow Load: 144  
Roof Snow Load: 102 Soil Bearing Capacity: 2500  
Plan Check by: Michelle Downard  
Started Review: 7/8/13 Finished Review: 7/11/13

This checklist is compiled for plan checking purposes for use by the Division of Building Inspection. The information contained herein will also provide condensed construction information for design and job use. This checklist is not intended to indicate any change in any building code or ordinance by inference or omission. A circle around a checklist number indicates an incorrect detail or insufficient information. **Please make the corrections on the drawings indicated by the number in the circle/box on the checklist.** Any indicated correction not made or construction detail not shown will be assumed to be installed in accordance with the applicable codes.

GENERAL:

- G1. Place correct construction street address, owner's name, designer's name, and architect and/or engineer's name and seal on the drawings.  
Is this 3099 or 3097 (see survey) changed to 3099
- G2. Provide a plan index. Make sure this is correct A.O.
- G10. Show the 'Limits-of-Disturbance' on the Site Plan including all utility crossings, material storage and stockpile areas, driveways, re-graded areas, proposed landscaped areas, and construction parking areas.  
Explain how construction can be completed within LOD

*7/11/13 - emailed to architect*

G23 For driveways that go across public property (we believe 99% of them will, so we will assume all do), provide a copy of the "Application to work in a Public Right of Way" that has been approved by the City Engineering department.

G24 Obtain Engineering Department approval for plans. *done*

G25 Obtain Planning Department approval for plans. *Shauna waiting on Bldg*

G26 Provide a receipt or "non-required payment" letter from both Snyderville Basin Water Reclamation District, and the Park City Fire District. *received 7/23*

G27 Provide a landscaping plan for Planning approval. *received 7/23 see redlines*

#### Additional General Comments:

- Please confirm- "perforated floating screen wall" on south end of home- shown in elevation and plans as future... (not included in this permit or approval?) *included*
- Confirm soil bearing capacity- struct calcs list 2500 psf, soils report lists CL/ML soil which is listed as 1500 psf in IRC 401.4.1 *see pg 10*
- Elevator special inspection is required by state *A.O.*
- Provide elevator shaft and fire rating assembly

#### FOUNDATION PLAN:

F3. Show footings a minimum of 40 inches below finish grade. -IRC R403.1.4  
SE Corner *42 @ corner*

#### ARCHITECTURAL:

A17. Automatic garage door openers, if provided, shall be tested in accordance with UL325. R309.6 *E1.0 & E1.5*

A20. All unenclosed floor and roof openings, open and glazed sides of landings and stairs, balconies and porches more than 30 inches above grade, and roofs used for other than service of the building shall be protected by a guard (aka "Guardrail"). Guards shall not be less than 36 inches in height. Open guards shall have intermediate rails or an ornamental pattern such that no sphere 4 inches in diameter can pass through. - IRC R312 I see the guardrail detail and I can see it on the elevation. But please LABEL on floor plans, elevations or somewhere that shows where it will be provided *see A2.1*

A33. Show ice shield extending from the eaves to a point at least 24 inches inside the exterior wall line. -IRC R905.8. *flat roof*



A48. Insulation and U-values on plans don't match ResCheck energy analysis. Basement walls- R13 or R15 (A8.1 #4), framed walls- R21 or R23 (A8.1 #1) *see revised A8.1*

A59. List on the cover sheet of the drawings each deferred submittal item IE: ~~fire sprinkler submittal, truss details, radiant heat submittal, 2-lb. gas piping schematic, stucco/EIFS submittal, factory built fireplace product information, and Planning Department items, siding details, etc.~~ IRC R107 ~~steam shower~~ *see A0.0*

A60. Sills of exterior windows which are located more than 6 feet above grade, and less than 24 inches above the interior floor surface must meet some new requirements. The area of the window less than 24 inches above the interior floor surface must now be fixed or have an opening or a guard which does not allow the passage of a 4 inch diameter sphere. R612.2 14, 21, 22 *see A6.1*

A63. Stair tread nosing: The radius of curvature at the leading edge of the tread shall be no greater than 9/16 inch (914.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two stories, including the **nosing at the level of** floors and landings. Beveling of nosing shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4 inch (102 mm) diameter sphere. (Utah State amendment) Exceptions. *see C/A 7.1*

A. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).

B. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less. Note: This means that concrete stairs, without nosings, must have a tread depth of 10 inches.

A64. Provide defensible space for all structures on site as per the 2006 International Wildland-Urban Interface Code. Provide landscape plan *see site plan notes.*

#### Additional Architectural Comments

- Fire pit is not approved with this building permit. Must obtain approval of ~~conditions~~ *condition on permit* from Kurt Simister, Deputy Fire Marshall to install fire pit.
- Provide roof overflow drains per 903.4.1 *A23*
- All radiant heating? No forced air? How will you provide air circulation? *see A20, providing forced air also see A20*