



**PARK CITY PLANNING COMMISSION MEETING  
SUMMIT COUNTY, UTAH  
December 13, 2023**

The Planning Commission of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online with options to listen, watch, or participate virtually. Click here for more information.

**Public Comment Guidelines** - Please state your full name for the record. If you are providing public comment in person, please sign in. Limit your comments to three minutes or less - a time will provide a warning. Direct your comments to the Planning Commission -- not to the applicant or audience. Please be civil - no clapping or whistling. Please address matters of the pending application or ordinance.

**SITE VISIT 4:00PM**

The Planning Commission Will Go on a Walking Tour of Main Street to Review Temporary Structures in Historic Districts. Members of the Historic Preservation Board May Join the Planning Commission's Walking Tour.

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

**1. ROLL CALL**

**2. MINUTES APPROVAL**

2.A. Consideration to Approve the Planning Commission Meeting Minutes from November 8, 2023

2.B. Consideration to Approve the Planning Commission Meeting Minutes from November 29, 2023

**3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

3.A. Inactive Application Staff Communication

**4. PUBLIC COMMUNICATIONS**

**5. CONTINUATIONS**

5.A. **Land Management Code Amendments** - The Planning Commission Will Consider Amendments to Chapter 15-7 Subdivision Regulations to Comply With Changes to State Code Regarding Process, to Section 15-3-11 to Increase Electric Vehicle Charging Station Conduit Required for New Development From 20% to 50% and to Allow Fast Charging Stations as an Accessory Use, and to Chapter 15-6.1-8 to Establish Rooftop Setback Regulations for Mechanical Equipment and to Remove Perimeter Setback Requirements. (A) Public Hearing; (B) Continue to January 10, 2024

**6. REGULAR AGENDA**

- 6.A. **Land Management Code Amendment** - The Applicant Requests an Amendment to Land Management Code Section 15-2.13-2 to Prohibit Nightly Rentals, Accessory Apartments, and Internal Accessory Dwelling Units in The Bald Eagle Club at Deer Valley Subdivision in the Residential Development Zoning District. PL-23-05770 (20 mins.)  
(A) Public Hearing; (B) Possible Recommendation for City Council Review on February 1, 2024
- 6.B. **Land Management Code Amendments** - Historic District Design Guideline Updates - The Planning Commission Will Review Draft Amendmednts for Chapter 15-13 *Design Guidelines for Historic Districts and Historic Sites* to Clarify Driveway Width Regulations for Historic Districts and Make Minor Grammatical and Clarifying Changes. PL-23-05962 (30 mins.)  
(A) Public Input; (B) Possible Recommendation for City Council's Consideration on February 15, 2024
- 6.C. **8200 Royal Street, Stag Lodge Phase I Units 11 & 12 – Condominium Plat Amendment** – The Applicant Proposes to Combine Units 11 & 12 Into One Unit in the Residential Development Zoning District. PL-23-05930 (10 mins.)  
(A) Public Hearing; (B) Action

## 7. WORK SESSION

- 7.A. **Temporary Structures Design Regulations** - The Planning Commission Will Review Proposed Standards for Temporary Structures Including Tents, Globe Shelters, Enclosures, and Other Structures Installed in the Historic Commercial Business and Historic Recreation Commercial Zoning Districts on a Temporary Basis. (30 min)  
(A) Public Input

## 8. ADJOURNMENT

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.**

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



**PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
NOVEMBER 8, 2023**

**COMMISSIONERS IN ATTENDANCE:** Chair Sarah Hall, Vice Chair Christin Van Dine, Bill Johnson, Laura Suesser, John Frontero, Henry Sigg, Rick Shand

**EX OFFICIO:** Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; Spencer Cawley, City Planner; Jaron Ehlers, Planning Technician; Mark Harrington, City Attorney

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**1. ROLL CALL**

Chair Sarah Hall called the meeting to order at approximately 5:30 p.m. She confirmed that all Commissioners were present in chambers.

**2. MINUTES APPROVAL**

**A. Consideration to Approve the Planning Commission Meeting Minutes from September 27, 2023.**

**MOTION:** Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from September 27, 2023. Commissioner Van Dine seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

**B. Consideration to Approve the Planning Commission Meeting Minutes from October 11, 2023.**

**MOTION:** Commissioner Van Dine moved to APPROVE the Planning Commission Meeting Minutes from October 11, 2023. Commissioner Sigg seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

**C. Consideration to Approve the Planning Commission Meeting Minutes from October 25, 2023.**

**MOTION:** Commissioner Sigg moved to APPROVE the Planning Commission Meeting

Minutes from October 25, 2023. Commissioner Johnson seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

### **3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

Assistant Planning Director, Rebecca Ward, reported that Regular Agenda Item 6.C. involves the initiation of a Pending Ordinance for Accessory Uses in Master Planned Developments. This item was scheduled for a public hearing. She reported that the Task Force was being formed and should be finalized shortly. They would meet through February, so Assistant Director Ward recommended shifting that item to the beginning of the Agenda and opening a public hearing before continuing the item to February 14, 2024. She also stated that the two Work Session items on the Agenda were not scheduled for public input; however, for the Code Amendments on incentivizing affordable housing and multi-modal transportation, they have an online survey on [www.engageparkcity.org](http://www.engageparkcity.org) that would be open through November 22, 2023. She noted this provided an opportunity for community members to provide input online. Residents could also email comments to [planning@parkcity.org](mailto:planning@parkcity.org).

With regard to the Land Management Code (“LMC”) Amendments on Accessory Uses, Commissioner Laura Suesser asked about the status of Code requirements and whether the Pending Ordinance had been issued.

Assistant Director Ward explained that on October 25, 2023, Staff publicly noticed the hearing for tonight and issued the Pending Ordinance that was included in the Packet. New applications would be reviewed under the Pending Ordinance.

### **4. PUBLIC COMMUNICATIONS**

There were no public communications.

### **5. CONTINUATIONS**

- A. Land Management Code Amendments – Accessory Uses in Master Planned Developments** – The Planning Commission Will Conduct a Public Hearing on Potential Amendments to Land Management Code Section 15-6-8 Master Planned Development Unit Equivalents to Limit Support Commercial within Residential Master Planned Developments, Meeting Spaces within Hotel or Condominium Projects, Residential Accessory Uses, and Resort Accessory Uses.

Chair Hall opened the public hearing on this item. There were no public comments.

**MOTION:** Commissioner Johnson moved to CONTINUE Land Management Code Amendments – Accessory Uses in Master Planned Developments – and the public hearing thereon to February 14, 2024. Commissioner Van Dine seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

## **6. WORK SESSION**

- A. Land Management Code Amendments** – Consultants Lisa Wise Consulting, Inc., Cascadia Partners, and Fehr and Peers Will Present their Initial Report Regarding Opportunities to Amend the Land Management Code to Incentivize Affordable and Missing Middle Housing and to Improve Transportation Demand Management Criteria.

Assistant Director Ward stated that the City’s consultant, Lisa Wise Consulting, was present along with their sub-consultants, Cascadia Partners, and Fehr & Peers. These consultants and sub-consultants were working on LMC Amendments to incentivize affordable and attainable housing opportunities beyond the Affordable Master Planned Developments (“AMPD”). The consultants and sub-consultants would also establish criteria to support multi-modal transportation. Staff scheduled two hours for this discussion.

Jennifer Murillo from Lisa Wise Consulting (“LWC”) introduced herself as the Project Manager for the consultant team on this project. Ethan Stan and Andrew Davidov were also present from LCW. She introduced Jamin Kimmell and Lydia Ness from Cascadia Partners and Ivana Medina from Fehr & Peers.

Consultant Murillo stated that the consultant team has been working closely with City Staff and would continue to do so. She specifically mentioned Assistant Director Ward and Affordable Housing Manager Jason Glidden, Transportation Planning Manager Julia Collins, and Transportation Planner Hannah Pack. She would provide an overview of the project and review the Initial Report. Consultant Kimmell will cover the Housing Strategies, and Consultant Medina will present the Transportation Strategies.

Consultant Murillo explained that this project involves amending the Land Management Code to facilitate the City’s goals for affordable housing and transportation. These goals were outlined in a number of adopted policy documents, namely the General Plan, Park City Vision, and the Five-Year Moderate Income Housing Plan. She also mentioned Park City Forward and the Transportation Demand Management Report. The documents adopted by the City direct bold action to be taken by the City to amend the LMC in a manner that would facilitate and advance affordable housing, and reduce vehicle miles traveled and congestion in the City.

Consultant Murillo stated that the consultant team would take this guidance and direction and implement it through amendments to the LMC. This was a priority project with a focused timeline. They began work in the fall, with an initial outreach phase that informed the team’s work. She noted they performed an analysis of barriers and Best Practices, which were summarized in the Initial Report included in the Packet. She explained that the analysis looked at the barriers within the existing Code to achieving

the City's affordable housing and transportation goals. They also set forth some Best Practices or strategies to help address those. After tonight's Work Session and the closure of the community survey, they would begin drafting the Code amendments. Consultant Murillo reported the target was to have the draft amendments ready for public review by the end of the year.

Consultant Murillo explained that the outreach included focus group discussions and interviews with experienced housing developers. They also conducted internal advisory groups and held a community workshop. In addition to tonight's Work Session, there was also an online survey at [www.engageparkcity.org](http://www.engageparkcity.org) that would be open through November 22, 2023. The outreach involves residents, businesses, resorts, non-profits, residents of affordable housing, employers, and others to obtain information about priority items. They largely found that the outreach echoed or enforced the adopted direction to take some significant effort and meaningful changes in the Code to advance affordable housing and transportation. She mentioned that some of the feedback related to accommodating more housing types, streamlining housing development review, and looking at ways to reduce parking in coordination with strategies that would lower the parking demand.

With regard to the Initial Report, she explained that it looked at identifying the barriers in the Code that do not align with the City's objectives for housing and transportation. In that context, the Report also addressed what could be done in terms of strategies to alleviate those constraints and encourage affordable housing in Park City. She noted that the strategies covered a range of different types of allowed housing, limiting the scope of discretionary review, and looking at modifying standards and incentives to accommodate and promote affordable housing.

Similarly, with respect to transportation, Consultant Murillo explained the Initial Report addressed barriers within the existing Code that do not align with the City's goals, as well as strategies that cover the range of items, including pedestrian and bicycle connectivity within developments, right-sizing parking ratios, alternative ways to meet parking standards and clearly stating when it would be acceptable to allow for parking reductions.

Consultant Kimmell reminded the Commission that Cascadia Partners previously worked on some amendments to the Affordable Master Planned Development program. He introduced Consultant Ness, who provided information on initial background and recommendations.

Consultant Ness reported that she is a Senior Associate with Cascadia Partners, with a background in housing policy and code analysis. She started by explaining the various terms and types of affordable housing. "Deed restricted affordable housing" involved a binding document on a property that preserved affordability. She remarked that Park City requires that deed-restricted affordable housing be priced for household incomes at or below 80% of Area Median Income ("AMI"). She added that providing deed-restricted affordable housing was one option to meet the City's inclusionary housing requirement.

Consultant Ness next identified “lower cost market rate housing” as housing that already exists or is part of a lower-cost development that can achieve more affordable or attainable rent or sales prices for middle-income earners. Often these units might be referred to as workforce housing or attainable housing. She noted that these units do not receive any sort of public subsidy and were typically not deed-restricted.

She next identified “missing middle housing” and explained that it referred to a wide-range of housing types of scale and density that fall between Single-Family detached units and multi-unit apartments. Often these were duplexes or triplexes, and sometimes townhomes. The scale of this housing type would be comparable and compatible with Single-Family homes while including higher density.

Consultant Ness next addressed “community-oriented housing,” or a complete community. She noted that an important component of this type of housing was transit and proximity to transit to help reduce the need for car trips to meet daily needs. Another key component was that new development be higher density to support the mix of uses and transit ridership that is the goal of this type of housing.

Consultant Ness reported on the zones that were analyzed and stated that they identified six zoning districts, which were selected based on their proximity to transit. They identified some of the barriers to building missing middle housing and higher-density community-oriented housing. The first recommendation pertained to missing middle housing opportunities. She reiterated that this type of housing could be compatible with lower-density neighborhoods with predominantly Single-Family homes, yet provide options for smaller and more affordable or attainable units. She noted that this housing could appear as a Single-Family home from the exterior, and there were design and development standards that could be applied to ensure that these housing types could be compatible in these zones.

Consultant Ness stated that the team’s recommendation was to allow duplexes, triplexes, and fourplexes in the Single-Family (“SF”), Historic Residential – 1 (“HR-1”), and Residential Development (“RD”) zones when the location would be close to transit. There was discussion about Commission questions during the presentation. Chair Hall stated they could save substantive questions and comments after the presentation, and allow clarifying questions during the presentation.

Commissioner Johnson asked which housing type would include workforce housing. Additionally, he asked about the suggested AMI for missing middle housing. Consultant Ness explained that workforce housing was captured in the missing middle housing types, and was generally in the range of 100 to 120% AMI. She noted it was a little higher than the deed restricted affordable housing, and was designed more for the middle-income earners.

Commissioner Suesser asked for an example of housing in Park City that would fall in the missing middle category. She noted that the definition seemed very broad if it

included attainable housing, and requested a better definition of this category. Consultant Kimmell offered that the term primarily referred to the form of housing and not as much the affordability. He stated they would report on the opportunities to have some incentives in place so that some portion of the units in a middle-housing project could be deed-restricted affordable at some income level. He added that currently, the City did not have any incentives that would make it easy to build the type of smaller-scale project where only a few of the units were affordable. In the context of tonight's discussion, he stated that missing middle housing was the form it would take, and the recommendations would be to allow them as a form of lower-cost market-rate housing with incentives in place to try and reach certain income brackets.

Commissioner Shand asked if the four types of affordable housing included affordable for purchase or affordable for rent. Consultant Ness stated it could be both, and added that the community-oriented housing fell more into the rental market, but there could be an option to include condominiums.

Commissioner Suesser felt there were a lot of examples of middle housing in Park City that are condominiums. Consultant Ness commented that there was not a lot of missing middle housing in Park City, and they were trying to provide options potentially for both rent and for sale that would add to the housing market. Consultant Kimmell added that condominiums were in the form of ownership, and "missing middle" was describing the physical form and character of the housing. He stated it could take the form of rental units, condominiums, or townhomes. He stressed their primary focus at this point was the concept that there was that scale of housing that was not permitted in many places in the City.

Consultant Ness presented a graphic that highlighted the areas where missing middle housing types were either prohibited or conditionally allowed. She explained that duplexes were conditionally allowed in the Single-Family zone except within a Master Planned Development ("MPD"). She noted that the LMC grouped fourplexes with multi-unit dwellings and were prohibited or conditionally allowed in the Single-Family zone. She next presented some of the recommendations for higher-density housing. Beyond use regulations, other changes would be required to encourage missing middle housing in these zones. She added that some of these changes would also benefit higher-density zones that permit multi-family housing.

Consultant Ness explained there was a need to calibrate density and floor area ratio standards to ensure they were providing enough opportunities to develop on different-sized lots by controlling size and scale to encourage smaller units. She noted these changes could also benefit other housing types as well. Another way to regulate density aside from a maximum density standard is through minimum lot size. She noted that sometimes minimum lot size could have unintended consequences such as encouraging larger, more expensive units. There was an opportunity to tighten up the minimum lot size standards that would encourage smaller, more affordable units and open up opportunities for missing middle housing types.

Consultant Kimmell next addressed the process under which many housing developments were approved in Park City. He stated that their primary recommendation was to look for ways to limit the scope of discretionary review processes to provide more certainty to developers that a project would get approved, and get approved on a timeline that would be workable with both the construction and financing of a project. He stated that the main challenge was that the larger developments were required to go through some form of discretionary review. He explained that discretionary review was any process where the Planning Commission or City Council could utilize some fairly subjective criteria in approving a project. He added that sometimes the criteria were a mix of objective and subjective criteria.

Consultant Kimmell offered that this process could be a deterrent to housing development, and limiting the scope and complexity of these review processes would be a tool to ensure they were getting more housing and more of the right types of housing. He stated there were lots of ways they could look at doing this, and it would not necessarily mean that Staff would be the body to approve all projects at an administrative level. He added that there were ways to reduce the barriers associated with the discretionary process while retaining the opportunity for the Planning Commission and City Council to weigh in on those projects.

Consultant Kimmell stated they could increase the threshold required for discretionary review. For example, the current Code requires that any project over 10 units was required to go through the MPD process. He queried whether that threshold could be raised for smaller projects or all projects that met certain criteria. This also spoke to the idea of exempting certain types of projects from discretionary review. He mentioned projects with a certain number of affordable units or projects in certain locations, such as those within a certain proximity to transit.

Another option was to try and limit some of the criteria applied to the discretionary process so that they would be more focused on the design of the building and less on the overall density or floor area. He stressed that if a developer could have some certainty over the number of units or the size of the building, that would be less of a barrier than if they had to go into a discretionary process not knowing if the site would support a certain number of units.

With regard to some of the design standards or development standards that might present a barrier to affordable housing, Consultant Kimmell reported that the current minimum open space requirements had a pretty significant impact on the amount of housing that could be built on a given site. Consultant Kimmell stated the recommendation was to consider reducing some of the open space requirements for housing that would be close to transit. Concurrent with reducing the open space requirement, an option could be to establish some requirements as to how the open space could be used. For example, there could be less open space, but a requirement for some type of recreational amenity within the open space. He stated that the reduction in open space requirements was another tool to incentivize affordable housing.

With regard to maximum height, Consultant Kimmell stated that for some zones, the team recommended some minor increases in height to support three-story buildings. Some of the zones have maximum heights of 27 or 28 feet which only allows for 2 – 2.5 stories. If those heights were allowed to be up to three stories, then they could potentially achieve a density that would be more supportive of the City's goals of having more housing close to transit.

Consultant Kimmell noted in those areas where the City wants to encourage more housing, allowing heights that would allow for three stories would help the City achieve its goals. He noted that the Report covered their research on maximum height standards in other peer communities. He presented a table that summarized the research and he explained that the main takeaway was that in comparison with other cities, Park City was on the low end of disallowing buildings over 35 feet in the higher-density residential or commercial mixed-use zones. He added that in most cases, most of these communities allowed for some 4 to 5-story buildings. He noted that these other communities were finding ways to allow for some taller buildings based on the benefits for housing, while also trying to maintain their character as a mountain community.

In terms of affordability incentives and height, the AMPD standards constituted the primary incentives currently in place. He noted that the maximum height standard was one of the more important changes that could be made to further incentivize affordable units. Currently, the AMPD allows for buildings up to 45 feet. He presented a graphic that illustrated the number of units achievable on a typical half-acre lot.

Consultant Kimmell explained the benefits of allowing buildings up to five stories and specifically stated it would result in ten additional units and a pretty significant increase in density. The increase in density could help offset the cost of providing affordable units, which in turn would make more projects economically feasible. He noted that other approaches could be used to calibrate the bonus incentives in the AMPD Code to make them scalable and more attractive for private developers. One was offering an option for incentives for the smaller missing middle projects. Under the AMPD, a minimum of 50% of the units must be affordable; therefore, in a smaller project, this percentage made it more difficult for a project to pencil. He suggested considering scaling the incentives so it would be more achievable for those smaller projects. He presented an example from Frisco, Colorado, and explained that Frisco recently amended its affordable housing incentives by lowering the percentage of units that must be affordable in a project. There, the requirement is 50% of the bonus units in the project as opposed to 50% of all units.

Another tool was to address the minimum income levels served by the affordable units. In Frisco, they tried to target more of the middle-income brackets, so the AMI was 100% rather than 60% or 80 percent. This enabled more projects to pencil because the cost of providing those affordable units was lower. He mentioned the tradeoff in that they were not serving the lower income brackets; however, it likely would create more units in the long term.

Consultant Kimmell next provided an example from Jackson, Wyoming. He reported that Jackson allowed for the option for bonus incentives to build units specifically reserved for local employees, but not specific to a certain income level. This also provided some flexibility for developers who could build for a higher income bracket but the housing would be reserved for local employees. The affordable housing standards in Jackson were also structured so that the program scales up so that for every bonus (affordable) unit provided, the developer is allowed to add two market-rate units. He explained that this method did not create a threshold that must be met to obtain incentives; rather, it scales up to allow for more developer flexibility.

Consultant Medina next addressed transportation strategies. She began by explaining the key terms and concepts included in the Initial Report. She stated that “multi-modal transportation” referred to having a transportation system with a variety of different options to get from place to place. She mentioned walking, biking, transit, and driving. Transportation Demand Management (“TDM”) refers to a set of strategies or programs designed to reduce the demand for transportation, specifically single-occupancy vehicle trips. She explained that these strategies aim to provide more competitive options than driving alone, such as a transit system that allows a commute to work at the same time or less than driving.

Consultant Medina added that TDM strategies also aim to reduce overall trips and improve traffic congestion without having to build more roads. The first recommendation was to enhance access and connectivity standards, and explained that when there are robust standards in the Code it creates walkable communities and opens the door for different transportation choices. The goal of the amendments would be to guide developers in designing pedestrian-oriented developments. She provided examples of what this guidance looks like in other communities. In Palo Alto, California there is a pedestrian overlay area, and within the overlay, there are specific access and connectivity standards that developers must adhere to. These standards could be general or descriptive, and she provided the example of requiring ground floors to utilize appealing materials and have well-designed pedestrian walkways with good visibility and access.

Another example from Palo Alto’s Code was that bicycle amenities must contribute to the overall environment and safety. She mentioned lighting, showers and changing areas, dedicated bike lanes and paths, and covered waiting areas or awnings on pedestrian-primary routes.

Consultant Medina presented the example of Fort Collins, Colorado, which tackled these issues more generally. Fort Collins has an access and connectivity section in its Code that applies to all development. She provided the example that development plans shall include site amenities that enhance safety and convenience, promote walking or ease, and use of assisted mobility devices or bicycling. She observed that the language was a bit more inclusive.

Consultant Medina stated that the next recommendation was to update the parking requirements, otherwise known as right-sized ratios. She explained that excess parking can lead to an increase in land and development costs, make housing more expensive, and discourage walking and biking, which would undermine the goals set forth in Park City's established plans. She presented a graphic from Park City Forward that highlighted that parking was the lowest prioritization of all of the different modes. The suggestion was that they would revise the parking requirements to incentivize sustainable transportation choices move the needle even further and allow for additional parking reductions within established overlays or certain districts.

She referenced Table 14 in the Initial Report which included draft recommendations for the reduced parking ratios. She highlighted duplexes and triplexes going from two parking spaces per dwelling unit to 1.5 parking spaces. This would be more consistent with peer communities' parking ratios and would also align with some of the parking barriers raised in the housing section.

Additionally, Consultant Medina stated that Bozeman, Montana adopted additional parking reductions in certain designated areas of the city. She presented the example of two Neighborhood Commercial districts and Community Commercial districts. She noted that for a restaurant, for example, the overall parking reduction could be further reduced. She stressed that the Bozeman Code was context-specific where they look at what is already going on in those districts.

Consultant Medina proposed additional parking strategies that would support an overall reduction in parking. She added that the team proposed to implement additional ways to comply with parking requirements to better manage the parking demand. The goal was to give developers incentives to reduce the overall quantity of off-street parking, while still promoting the multi-modal transportation goals. Consultant Medina presented a suite of alternative parking strategies, noting that not all were used in peer communities. She commented that they were looking for feedback from the Planning Commission on whether they wanted to prioritize some, or felt that some might not be feasible. The strategies are outlined in the Initial Report with some sample applications in peer communities.

With regard to offsite parking, she explained that if a developer elected to build offsite parking, they would not be required to provide all of the parking onsite as it could be moved to the offsite location. For shared parking, developers would only have to build 25% of their required parking if they have a shared parking agreement with other businesses.

Consultant Medina also mentioned the proposal to adopt TDM strategies in the Code. They want to reduce the vehicle miles traveled, related congestion, and the environmental impacts of single-occupancy vehicles during peak days and peak hours. She explained that Park City's TDM plan sets forth these goals, so the recommendation was to codify them into the Code. The overall goal was to provide developers with a menu of TDM requirements for new developments or redevelopments of a certain size.

She presented a sample menu of strategies, which were arranged by single-vehicle occupancy trip reduction. Therefore, if reducing single-occupancy vehicle trips was a priority, then some of these could be used depending on the size of the development or the location of the development.

Consultant Medina presented sample applications of how other peer communities implemented TDMs. She mentioned Placer County, California, which requires employers to create a Transportation Plan that includes transportation control measures (“TCMs”). Placer County assigns the TCMs a credit for trip reductions, and the submitted plans must have total trip reductions of 30 points. Based on Park City’s priorities and goals, they could weight some of these strategies heavier to achieve the 30-point standard.

She next presented the example of Aspen, Colorado where they weaved this into their Traffic Impact Analysis (“TIA”) process. For any new projects, developers are provided with an Excel workbook to input TDM strategies and project-specific characteristics to demonstrate the single-occupancy vehicle trips and how the TDM strategies would reduce those impacts.

For minor projects, developers in Aspen must choose two appropriate TDM measures, and for larger developments, developers must submit five TDM measures. She explained that these examples illustrated alternative ways to weave TDMs into projects. She noted they could also include this in the Code and have mandatory TDM requirements and supplemental TDM strategies.

Consultant Murillo stated that after the consultants receive the Commission’s feedback during this Work Session, as well as feedback from the online survey they would draft amendments to the Code. She reiterated that the plan was to have these draft amendments available for review by the end of the year, and then be discussed at a community open house in January. Following those events, they plan on returning to the Planning Commission for a Work Session in February before any adoption hearings.

To help facilitate the discussions for this meeting, Consultant Murillo posed some questions for the Commission. With respect to affordable housing, she listed the questions as follows:

1. What criteria should be established or enhanced to streamline the review of housing developments?

They requested that the Commission identify those crucial issues or topics that end up delaying housing developments and whether there was a way to address those issues through standards. She noted the current Code included some standards that could address some of the topics, such as building step-backs, building articulation, and façade variation.

2. Could criteria allow a shift away from discretionary to administrative project reviews?

By establishing clear criteria and standards that provide certainty to the developer and the Planning Commission, Staff, and the community, she inquired whether that would allow a level of comfort with moving a certain level or type of project into Staff level approval instead of Commission approval.

3. Should duplexes, triplexes, and/or fourplexes be allowed in Single-Family zones when close to transit?

Consultant Murillo stated that the question addressed the missing middle type of housing and allowed this type of affordable housing in lower-density zones, particularly when they would be accessible to transit. She noted that this will not supersede Homeowners' Associations ("HOAs") and Covenants, Covenants and Restrictions ("CC&Rs").

4. Should multi-unit projects be allowed an additional story in the HR-1, HR-M, and RDM zones to accommodate missing middle and higher-density housing?

She noted that in the Historic Districts, this question was focused more on the missing middle type of housing; whereas, in RDM, they were looking at opportunities with some higher density housing by allowing an additional story.

5. Should non-discretionary tiers of incentives for affordable housing reflect the amount and affordability of housing provided?

Consultant Murillo stated in the context of what currently exists in Park City, 20% of the units must be affordable, and if a developer wanted to access incentives under the AMPD then 50% of the units must be affordable. In looking at ways they could fill in those bookends, and look at opportunities that go beyond the current standard of 80% AMI to encourage different opportunities for affordable and attainable housing.

In terms of transportation, Consultant Murillo identified the questions as follows:

6. Should transportation demand measures, or TDM, be required for all development, or development in certain areas?
7. What type of approach should be taken to implement TDM in the Code?

She recalled the suggestion of a TDM menu that would set forth mandatory measures that the City would want to see in all projects, and then a list of supplemental measures from which the applicant must select a certain number while retaining the flexibility to select the measures.

8. Should right-sized parking ratios be applied citywide, and should additional parking reductions be allowed in certain areas?
9. Which alternative parking strategies should be available to reduce required parking?

Consultant Murillo thanked the Commission for their attention and invited comment and discussion.

Chair Hall referenced the map on page 14 and observed that it did not seem as though the HR-M zone was highlighted. Consultant Murillo acknowledged it was difficult to see the HR-M zone on that map, and they would work on that to make sure it was clear.

With regard to the consultants' transit analysis, Commissioner Shand asked what the major drivers of traffic were in Park City. Consultant Murillo stated that they did not conduct traffic or transportation studies or analysis; rather, they worked off the existing analysis of policy work previously completed for the City. The consultants then analyzed the existing Code and standards within the Code that do not align with the City's objectives.

Commissioner Shand noted the discussion about parking and asked whether more parking or less parking made the traffic situation worse. Consultant Murillo responded that in terms of the industry, there is a high cost of free parking in that it is easy to use and there was no dis-incentive to not using cars.

Consultant Medina echoed these comments and stated that as more parking is built, more cars will come and park. Park City was a little different in that it is a destination with a lot of people visiting, so the City has to accommodate those visitors. The established plans for offsite parking were efforts at trying to find a solution without building more parking in the high-demand areas. She identified that as one of the alternative parking strategies they would recommend.

Chair Hall referenced page 20 and the table that showed the allowed, conditional, or prohibited housing types, and those that would require an MPD. She specifically referenced the designation of "limited" in the Single-Family zone for duplexes. She asked for clarification of that designation.

Assistant Director Ward's explanation was inaudible. [1:07:51]

Following a short recess, the meeting resumed with a focus on the questions submitted by the consultants.

Commissioner Johnson referenced the second paragraph of Section 1.2 of the Initial Report and asked the consultants to update the Median Sales Price from 2021 to a more current number. He felt that the number in the report was about \$1 million off from current numbers. He expressed concern about workforce housing and AMI as they look

at 100% to 140% AMI, and commented that 100% AMI was \$52 per hour for a one-person household, whereas a two-person household would be approximately \$30 per hour per person. Commissioner Johnson did not know if that would cover the needs of the community but looked forward to the discussion.

With regard to the first question, which was “what criteria should be established or enhanced to streamline the review of housing development?” Consultant Murillo asked if there were issues not addressed in the Code or if there were standards in the existing Code that could be improved upon to help streamline housing development projects.

Commissioner Van Dine stated that there were no pedestrian-friendly design requirements in the Code. She felt that outlining those standards would be extremely helpful, because they have a lot of discussion about how developers are incorporating transportation options and connecting into their existing system, such as the Rail Trail.

Commissioner Shand addressed building step backs when adding an additional story. He felt the Commission was very mindful of the entry corridor coming into town and the massing of buildings, and that the step-backs helped considerably.

Commissioner Suesser agreed with both Commissioner Van Dine and Commissioner Shand’s comments. She recalled that they already had façade variation in the Code as a requirement as well as building articulation. She asked for clarification regarding the open space recommendations and wondered if it meant reducing open space or focusing on quality versus quantity.

Consultant Murillo responded that the focus was on quality versus quantity, and whether there were concerns with open space as proposed or whether it was something that could be negotiated if there were specifics as to how the space should be designed.

Commissioner Suesser felt the Code needed attention with respect to how it defined open space and whether it was on a structure or not. She offered that there was some ambiguity in the Code in terms of what can be counted as open space that should be cleared up. She noted that the Commission has had arguments over what counts as open space in a recent development project; so refining the definition would be helpful.

Consultant Murillo asked if the concern was that the common area on a rooftop deck should not be counted as open space. Commissioner Suesser stated there was some ambiguity with respect to what should and should not be counted toward open space. She mentioned a helicopter pad and whether it would be included or excluded from the open space requirement. Commissioner Suesser reiterated that the Code needs to be clarified in this regard.

Commissioner Frontero asked if this question was one commonly posed to resort towns or whether it was specifically related to feedback as it related to Park City. Consultant Murillo stated it was a specific question to accelerate, encourage, and incentivize housing anywhere, not just specific to Park City. She added that they received

feedback from the outreach that streamlining or establishing clearer standards would help developers in the entitlement process. Commissioner Frontero commented that it seemed natural that they would want to streamline the review process; however, he was unsure how they would take the next step.

Consultant Murillo explained that the question was not whether they should do it. Rather, the question was aimed at specific areas that standards could address better and would result in reducing the time it takes to review a project. She noted the comments regarding the ambiguity in defining open space and stated they could clarify it so that it would not become an issue at a hearing for a housing development. She added that there were some pedestrian-friendly design details for which they could provide standards that would meet the expectations of the Commission and the community, and that would provide certainty to the developers so they know what would be required.

Commissioner Frontero did not have any specific comments in response to the first question and felt that the step-backs were the likely path for them to become more comfortable with height and density. Combined with building articulation and façade variation would help him become more comfortable with height and density and would like more specificity on these three items.

Chair Hall agreed with Commissioner Shand's comments regarding specifying step backs. She felt that façade variation and building articulation would come in as part of a variance or exception requested by a developer. She wondered if the consultants were asking whether it should be looked at on a sliding scale. She agreed with Commissioner Van Dine's comments regarding pedestrian-friendly design and stated that it was substantively lacking in the Code. She liked the example from Palo Alto where the street level was accessible to pedestrians and factored in both bike ability and walkability for larger MPDs especially.

In terms of open space, Chair Hall would be in favor of supporting higher quality open space over a 60% minimum requirement. She felt it could be accomplished by more specifically defining open space.

Commissioner Sigg felt this discussion was quite broad and covered many different zoning districts. He felt that a lot of these criteria would require that they be established in the General Plan and within the various zoning districts. What he has heard has been somewhat subjective, but questioned where it was stated that if a developer meets the criteria in this zone, this is what you get. He stated that they live in a check-the-box state, and felt it was important to establish criteria as part of the land use authority and the General Plan for certain areas. He would like to see those specifics in a grid. Step backs and building articulation were largely location specific. He mentioned community commercial zones or more intensive-use zones where a 45-foot building built at the minimum Setback requirement on a major street junction would be like something seen in a more semi-urban area. To the extent to which zone allows certain Setbacks and step backs, he felt it needed to be specifically articulated in the Code.

Commissioner Sigg liked the direction this was going; however, felt the criteria needed to be well defined as part of the General Plan and the Code.

Commissioner Johnson agreed with the prior comments and added that they already have some of this built-in, but having the walkability and bike-ability built in was important. In terms of open space, he would like to know more about subterranean structures and how that could work with open space. He noted that with the AMPD, the Commission did not push back too hard on the developers for certain things, and more clarification on offsite parking would be helpful to streamline the process for everyone involved.

Commissioner Suesser noted that pursuant to the Code, affordable housing was defined as housing that is priced at 80% of AMI. She felt that this discussion went beyond affordable housing. She added that the consultants were defining affordable housing very broadly, whereas in Park City they consider affordable housing at housing provided at 80% AMI. Consultant Murillo agreed and stated that for this question they were not just talking about 80% AMI projects.

Consultant Murillo next presented question two, which she reminded was “could clear criteria allow for a shift away from discretionary to administrative project reviews?” If they established a solid set of objective standards that would apply to projects, she asked if that would provide a level of certainty and comfort where some projects would no longer need to go through Planning Commission review and rather go through Staff review. She posited that there might be a threshold or a location-specific for that type of Staff review.

Commissioner Johnson believed that they would still have discretionary review for all new projects, but they could streamline the process by codifying criteria to make it much more of a box-checking exercise. Based on the buildable area within 84060, he felt that discretionary review was a process that must remain.

Commissioner Sigg concurred with Commissioner Johnson’s statement that discretionary review was a process that should remain as part of Commission review. He commented that it could be defined to zone-specific areas, and reiterated that having clarity in the criteria was important because currently, the criteria were vague. He stated they could clarify these items so there would not be as much guesswork.

Chair Hall also agreed and stated that the Planning Commission currently micromanages very small Plat Amendments, so she could not image a large-scale multi-unit affordable MPD not having discretionary review. She agreed that the criteria within the AMPD should be more clearly defined so an applicant could have a clearer plan and expectation of what the overall Conditions of Approval would be within the MPD.

Commissioner Frontero agreed and did not envision discretionary review by the Commission going away as there were too many factors to consider. However, the more specific they can be per zone was the direction to go. He would like to see more criteria, and more specifics for each of the zones would be better and would help to streamline the process; however, it would not completely remove the discretionary review.

Commissioner Suesser agreed and added that none of the peer communities had removed a discretionary review for large housing projects. Therefore, Park City was in line with what other communities were doing in this area. She stressed there were very specific community goals in Park City, and discretion was necessary to achieve those community goals. She also emphasized that they want to incentivize affordable AMPD developments, and they would like to see those developments streamlined more than larger non-AMPD housing developments. She felt there was room to create clearer criteria in the AMPD to help streamline that process and give developers more predictability.

Commissioner Van Dine also agreed, and stated the one area they could significantly streamline was the missing middle housing for duplex and triplex units. She stressed she would like to see streamlined processes for all developments, but there could be significant streamlining for the smaller projects.

Commissioner Shand agreed with the prior comments.

With regard to the third question, “should duplexes, triplexes, and fourplexes be allowed in Single-Family zones when close to transit?” Consultant Murillo stated this would target the missing middle housing types.

Commissioner Suesser responded that these housing types should be allowed in Single-Family zones, but clarified that meant the Single-Family (“SF”) zone only. She would not support these housing types in the Historic zones or anywhere else.

Commissioner Frontero observed there were currently duplexes in the HR-1 zone. Commissioner Suesser clarified that they were allowed with a Conditional Use Permit (“CUP”), and commented that the question mentioned only Single-Family zones. Commissioner Frontero stated he was open to duplexes, triplexes, and fourplexes in many of the zones, but would need to see more specifics for each zone to respond yes or no to this question.

Chair Hall asked Consultant Murillo to pull up the chart from page 20 of the Initial Report. She also felt it would be helpful to see the map showing the location of the Single-Family zone, shown on page 14 of the Initial Report. Consultant Murillo confirmed that the question to the Commission was whether there was a consensus to allow all types of dwellings in the Single-Family zone. She reiterated that the zoning Code amendments would not supersede HOAs and CC&Rs, which exist in many of the Single-Family Subdivisions.

Chair Hall questioned how impactful a change would be to the Single-Family zone because she assumed that 90% of the Single-Family zone shown on the map was part of an HOA that would ban more than a Single-Family Dwelling. Commissioner Van Dine agreed and added that most homes were in either an HOA or were developed as such, and referenced the Racquet Club condominiums.

Senior City Attorney, Mark Harrington, stated they dealt with this exact issue during the last General Plan as part of the discussions regarding Accessory Units. He stated they could approach it as suggested by Commissioner Suesser in terms of having a policy preference articulated and then ferret out how much conflict there actually is or is not through the public hearing process. They could also anticipate that Thanes and Park Meadows would resist, as they heard from those neighborhoods that the City was setting up additional conflict and unfairly putting the burden of enforcement upon those neighborhoods. Based on this argument, these neighborhoods were able to convince the City Council to keep some of the enabling language out of the General Plan. He suggested that they would likely face a similar argument here, but given the City's goals and the State's goals, it was up to the Planning Commission to explore additional density. City Attorney Harrington also mentioned that nationally, they were seeing the call to re-examine Single-Family exclusive zoning as a barrier to more equitable housing.

In terms of responding to this question, Chair Hall was interested in moving it to Planning Commission review for duplexes in the Single-Family zone, and not jumping into large-scale multi-unit dwellings. She would like it to come through the Planning Commission so they could mitigate any of the detrimental impacts with reasonable mitigation.

Commissioner Sigg commented that many of the zones were predominantly built out and had their own set of rules and regulations. He asked if this would open a Pandora's box of re-development and opportunity in some of these zones. He felt that there would have to be some stringent strings attached and mentioned the duration of the rental. He stated that they were talking about the \$800,000 to \$900,000 condominiums owned by someone who would want to rent them out. This was the cause of the problem of no middle-class housing in town. In addition, he suggested a thorough analysis of the HOAs that would take precedence in these zones. If they were to allow this in some of the lower density zones, he did not want it to be a panacea for re-development and opportunity for Nightly Rentals.

Commissioner Suesser suggested they could build in a restriction that this allowance would not create Nightly Rentals by allowing this type of housing in Single-Family zones.

Commissioner Johnson responded "no" to this question. Commissioner Shand concurred and stated that much of the Single-Family and HR-1 zones were already built

out, and there was plenty of opportunity for duplexes, triplexes, and multi-family in other areas and zones.

Consultant Murillo next moved to question four which asked about allowing the additional story in the HR-1, HR-M, and RDM zones. She referenced the presentation, which analyzed increasing the 27 to 28-foot height limit to 35 feet to help accommodate missing middle housing in the HR-1 and HR-M zones, and higher density in the RDM zones.

Chair Hall asked if this question was related to the AMPD that currently allows an exemption, or whether it was solely related to MPDs. Consultant Murillo explained they would like to know if the Commission's response would be based on whether or not it was an AMPD. For example, if there is support for an additional story in these zones as captured in the AMPD, then that is what the consultants want to know.

Assistant Director Ward clarified that AMPDs were currently only allowed in the zones that allow multi-unit dwellings, which would exclude the HR-1 zone. She referenced the Initial Report inquiry that if duplexes and triplexes were allowed in those zones, could those also have a higher height.

Commissioner Suesser stated that she would support allowing an additional story for multi-unit projects in the RDM zones as long as it is part of an AMPD. She would not support an additional story in the Historic Districts.

There was consensus on Commissioner Suesser's position in regard to this question.

The next question was "Should non-discretionary tiers of incentives for affordable housing reflect the amount and affordability of housing provided?" Consultant Murillo explained that this question looked at establishing calibrated tiers where different incentives could be allowed. She stated that currently, the Code provides incentives under the AMPD for a developer that builds 50% of housing at 80% AMI. She asked if the Commission wanted to look at variations, such as allowing less than 50% of the total number of units or looking at different income levels above 80% AMI.

Commissioner Van Dine expressed interest in looking at this and added they had been talking about adding the 100% or 120% AMI. At least seeing what this might look like and what the levers might be would be very helpful.

Chair Hall also expressed interest in learning more about a sliding scale for AMPDs of less than 50 percent. She felt it might get a little complicated with the building height and was not sure that would be something she would want to spend time on. She concurred with Commissioner Van Dine's suggestion of exploring different AMI percentages to make projects pencil for private applicants.

Commissioner Sigg agreed, but noted that a lot rested on the word "incentives." At the end of the day, that would be a go or no-go decision for the builders, especially if they

started mandating larger percentages in the lower-income tiers. He stressed that the incentives would have to be clearly defined.

Commissioner Suesser commented that the percentage of market-rate housing was not mentioned, and she would like to see them address the middle/higher tier income brackets of 100% to 140% AMI and reduce market-rate housing and Nightly Rental units in these projects.

Commissioner Frontero suggested rewarding developers for providing more than the 50% AMPD requirement and allowing the ability to offer more flexibility if an application comes in at a higher percentage.

Consultant Kimmell felt this feedback was helpful, and they could start to think through the type of structure that would make the most sense and balance the Commission's desire to hit certain income levels while making more projects work. They then moved onto the questions regarding transportation, and Consultant Murillo reminded the Commission that question six was "should Transportation Demand Measures ("TDM") be required for all development, or development within certain areas?"

There was a consensus that TDM should be required for all development. Commissioner Shand noted that was part of the problem and Commissioner Sigg added that the question would then become how they could tier them. He noted that certain aspects of transportation were less available, and to put an undue burden on creating a TDM based on a blanket requirement might not work. Commissioner Sigg stressed that it should be looked at in the context of the type of transportation available in the area.

Commissioner Shand suggested that all developments should provide a TDM, which might take the form of a four-acre offsite parking lot or other means. The Commission then turned to question seven and Commissioner Shand echoed the statements of Commissioner Sigg that there might not be a single solution for all developments, although a plan should be required.

Commissioner Suesser stated she was in favor of all of the TDM strategies suggested in the Initial Report, and in particular liked the employer-sponsored vanpools. Chair Hall agreed.

Commissioner Frontero also agreed with Commissioner Suesser and Commissioner Shand. He offered they were at the point where TDMs should be required because traffic is so impactful on the community. He had no suggestions as to the approach to be taken but wanted developers to be as specific as possible. He added that he would want to discourage applicants from coming in with the same basic plan, and would like to see the plans be very specific to each application.

With regard to question eight, Consultant Murillo reminded that it asked whether the Commission wanted to update parking ratios to be right-sized to reflect demand and allow additional parking reductions in certain areas based on proximity to transit.

Commissioner Shand responded “yes,” and offered that additional parking reductions should be looked at and considered for certain applications. He added that they had historically been overly generous with parking requirements or spaces needed for certain businesses and commercial uses. He reiterated his prior inquiry of what creates more traffic—more parking or less parking. He commented that parking reductions were warranted and should be considered. Commissioner Van Dine agreed.

Commissioner Suesser agreed that right-sized parking regulations should be applied citywide. However, in terms of additional parking reductions in certain areas, she did not think it would be appropriate if they were talking about reductions just because they were in a certain area. She felt parking reductions could be appropriate if a project had offsite parking, or if they provided vanpools or bus service. Tying parking reductions to certain areas did not make sense to her.

Commissioner Frontero agreed with Commissioner Suesser, and felt the answer to the first part of the question was “yes.” Additional parking reductions could be allowed if there was a traffic mitigation plan in place.

Chair Hall referenced the chart at the end of the Packet and felt they could include many of those changes in the LMC. It could be even further reduced with alternative parking solutions. She noted that Austin has no parking requirements.

Commissioner Sigg agreed it was something to consider and wondered what a 0.5 parking obligation meant for a two-bedroom unit. He understood the parking requirement spanned the entire project, but felt there might be a better way to calculate the requirement and round the numbers. He also mentioned taking surplus parking as an overall percentage of the overall parking. He stated that the parking requirements needed to be tied to the use in the development, and also to some of the traffic mitigation principles they had discussed.

Commissioner Johnson felt they could find ways to reduce parking, but they should try and get creative with the TDM and the menu of items that must be addressed prior to considering parking reductions. He then addressed question nine and stated he did not know what the alternatives were and requested input from the consultants. He stated that offsite parking was a great way to address parking in town. He was open to right-sized parking throughout the city, but they would need to have transportation solutions set out in the TDM menu as well as alternative parking strategies. Offsite parking seemed to him to be the most solid choice.

Commissioner Suesser agreed with Commissioner Johnson and felt it would be key to address who would be responsible for offsite parking and alternative parking strategies. She felt this was a big part of the hurdle they hit in the City. If they have a public lot, a development should not be able to just say they will park all of their employees in the public lot. She stated the consultants would have to help them navigate those parking strategies to get the Commission to the point of allowing more parking reductions.

Chair Hall commented that some of the issues discussed during prior applications included having additional bike stalls and biking amenities. She offered that Staff could likely supply the consultants with a more comprehensive list. Recently, they have also been discussing shared parking and differentiation between day use versus night use for parking.

Commissioner Suesser mentioned that her focus was more on the resorts than a housing development or mixed-use development.

Commissioner Frontero mentioned the Initial Report that referenced “unbundled parking,” and found that to be an interesting concept. He requested more information to see how that would look.

Chair Hall commented that the Commission expressed consensus to most of the questions posed by the consultants, and asked if the consultants had any further questions of the Commission.

Consultant Medina referenced question eight and sought confirmation that the Commission would not want to follow the Bozeman model wherein reduced parking was allowed in certain districts, with the exception of proximity to transit. Chair Hall confirmed and added that in prior applications, certain applicants provided more bike parking and bike amenities that were components supporting a parking reduction.

Consultant Murillo thanked the Commissioners for their time and input.

Following a short recess, Chair Hall called the meeting back to order.

- B. Utah Property Rights Ombudsman** – The Utah Property Rights Ombudsman Will Provide an Overview of their Office for the Planning Commission. The Office of the Property Rights Ombudsman is to safeguard Utah Property Rights through Education and Dispute Resolution.

Jordan Cullimore identified himself as the Lead Attorney and Director for the Office of Property Rights Ombudsman. He recognized that each community was dealing with its own issues, and this discussion would depend heavily on engagement and discussion specific to Park City. The Office of Property Rights Ombudsman is a State-funded neutral State agency charged with being neutral and independent. They do not represent the State, local governments, or property owners. First and foremost, they provide dispute resolution services in areas related to Constitutional takings. Mediation services are the primary dispute resolution service they provide. In situations involving eminent domain, he stated that the property owner can request mediation through his office and they can provide services as the neutral third party to try and help the parties come to an agreement, if they want, about fair market value. As part of that process, they can get an additional appraisal for the property owner.

Director Cullimore added that whenever an entity seeks to acquire property under the threat of eminent domain, they provide the property owner with a brochure explaining their rights. Advisory opinions are the other primary dispute resolution tool provided by his office. This tool typically deals with the land use approval process. He stated that either the local government or the property owner might request an advisory opinion.

Director Cullimore stated that if there is a legal dispute over how a Code should be applied, or whether or not an exaction was appropriate, then one or the other party could request an informal review and opinion on how a court might decide that dispute. He stated that many times during the mini-discovery process the parties elect to mediate the dispute. He stated the focus was on providing a process that is hopefully more nimble than going to court, and that enables the parties to come to a resolution without litigation. He commented that the third tool they use is training. His office has two other attorneys, Marcie Jones, and Richard Plehn, and they all try to make themselves available to answer questions. He noted it was not uncommon for them to receive a call from both sides on the same day, and they try to make sure they remain neutral and independent in providing helpful information.

In response to an inquiry from Commissioner Suesser, Director Cullimore explained that they communicate with both sides regarding an advisory opinion. In other words, they never prepare blind advisory opinions or anonymous advisory opinions. He stressed that they offer an alternative dispute resolution process, so the intent is to bring the parties together to share information and try to achieve a resolution.

Commissioner Suesser noted the example of an Ombudsman opinion being issued in Park City on the Washington School Inn matter, and she was curious whether his office spoke with people in the City. She found the opinion off-point on what was being discussed.

Director Cullimore stated they have received feedback in the past that advisory opinions did not address the entire picture. He explained that they typically try and bring in the parties as well as interested third parties, but acknowledged that through the process of information exchange, they inevitably might not hear everyone's perspective. If that occurs and they miss something from a factual standpoint, he explained that the parties could request reconsideration and the reasons therefore. He stressed that the intent is not to lay down the hammer and then walk away; rather, the intent is to help resolve a dispute.

Director Cullimore stated that his office had issued around 300 advisory opinions and most of the time they help resolve disputes. He recognized that sometimes they miss things and reiterated that the door is not closed once they issue an opinion. Director Cullimore presented a graphic that illustrated common issues in land use that come into their office. He recognized that Park City deals with issues unique from other communities. He stated that during a recent discussion, City Attorney Harrington relayed that there was a recent Utah Appellate Court case related to Plat Amendments.

He recommended first reviewing legislative versus administrative decision-making. As lawyers, they believe the best decision is a legal decision, and the first step in making a lawful decision is recognizing which hat the decision-maker wears. He explained that the Planning Commission acts as an advisory body for the City Council with regard to legislative decision-making. At other times, the Planning Commission acts as the decision-maker and land use authority.

City Attorney Harrington mentioned that the Code was recently amended to minimize land use decision-making by the City Council; however, the City Council remained the land use authority in terms of ordinances. Director Cullimore stressed that it was important to recognize that depending on which hat the Commission wears, the decision-making criteria would be significantly different. He explained that legislative decisions entailed the enactment of laws and policy-making by the elected officials. Examples of legislative decisions include the General Plan, Zoning Ordinances, the Zone Map, Annexation decisions, and in certain cases Development Agreements.

As long as legislative decisions comply with State and Federal law, and there is some reasonably debatable reason for the decision, the courts will not disturb that decision. He added that if a court could determine that a decision promoted the public interest and a reasonable mind could draw the conclusion supporting the reasons for the decision, it would be proper.

Legislative decisions involve consideration of the criteria used, witnesses heard, and evidence gathered. The Planning Commission, as the advisory body, can then make a recommendation it feels would serve the public interest. He noted that discretion was broad, and the courts grant great deference to the decision.

Director Cullimore explained that administrative decisions involved subdivisions, conditional uses, site plans, permits, and administrative Development Agreements. With these types of decisions, the pendulum swings in favor of property rights. He explained that once the zoning is set, the Planning Commission has the opportunity to decide what they want the community to look like and their role is to essentially check the boxes and make sure the application complies with the law.

As it relates to factual or discretionary decision-making, Director Cullimore stated the decisions must be supported by evidence. This would involve first-hand knowledge or verifiable facts or expert opinion. He observed that the Plat Amendments were unique. He mentioned *Baker v. Park City* and its' progeny and stated that as a land use practitioner, Plat Amendments were baffling because they do not fit neatly in either the legislative or administrative box. He explained that in Park City, the Planning Commission is the administrative body that makes decisions on Plat Amendments; however, because of language in the State Code regarding "good cause," the courts have interpreted that as allowing significant discretion that he viewed as almost legislative.

From the standpoint of the Property Rights Ombudsman, the Planning Commission had a very important role to play in striking the right balance between pursuing the public interest and preserving and protecting property rights. He explained that the *Six Blue Bison* case and the *Baker* case both stated that the Planning Commission may approve a Plat Amendment for good cause. Therefore, the Commission could start looking at things it typically would not consider in an administrative decision-making process.

Director Cullimore explained that *Six Blue Bison* was involved in a situation in Alpine where a private development had a long private driveway that Blue Bison purchased to provide access to their development in Draper. In doing so, there was an application for a Plat Amendment that was denied by the city because the General Plan did not contemplate that road. He mentioned that not every road must be depicted in the General Plan, however, that should not have come into the decision-making process if it was deemed a true administrative process. Alpine's code required good cause supporting an approval, which has also been interpreted to support denial based on good cause; therefore, the city's decision was sufficient in the context of a Plat Amendment to support the denial. He commented that if this had been anything other than a Plat Amendment, he opined that this argument would likely not have succeeded.

Commissioner Suesser asked the speaker to elaborate on the application of the good cause standard and noted that the Planning Commission struggled with that in reviewing applications. She wondered whether it was a low bar or a high bar and what it really meant.

Director Cullimore stated that the State Code does not define good cause. He knows from the *Baker* case that Park City has defined good cause and recommended looking to that definition and providing the best evidence possible to support the decision in line with the definition. He added that the courts were very deferential with respect to good cause supporting a decision. There must be substantial evidence to support the good cause determination, but a lot of the evidence provided looks more legislative in nature, which is arguably speculative in that it is not supported by expert testimony or not specifically factual. In this situation, the decision-maker is typically looking at an issue and concluding it might be a concern, which then is given as the good cause determination to deny.

Commissioner Suesser posited that good cause was more of a policy analysis or a determination of whether there was a reasonable basis for the decision. Director Cullimore stated that if a matter goes to court, that was likely what would happen.

City Attorney Harrington stated that since *Baker*, they have stated the decision-making bodies of a two-pronged approach. One prong asks: "If the application came in at the time of the original subdivision, how would it have been evaluated?" He added that the Commission had a fair amount of flexibility in applying broader criteria at the time of Subdivision to achieve the General Plan goals. He added that the Commission had been very successful at looking at certain projects in this way to determine whether it was fair given the build-out pursuant to that original Subdivision. Consistency with the

underlying approval was one evidentiary prong, and the discretion needed to be tied into that prong. He stated that inconsistency with the underlying approval was one of their arguments in the *Baker* case in that it involved the only lot exempt from a prohibition in the CC&Rs from further subdivision because it was originally a well. When the well went away, it was a substandard Lot and the owners sought to subdivide it again.

They were able to argue to the court that under either the administrative or legislative standard, there was enough evidence to support the decision. City Attorney Harrington stated that the Planning Commission was very thorough and methodical in looking at the average lot size across the street and in an adjacent neighborhood. He recommended staying away from policy and a public benefits analysis as they codified conditional use criteria. While these could play a role in the decision, it usually cannot be the exclusive reason.

The second prong involved the current state of analysis, which is where neighborhood input is important in terms of affirmative negative impacts or precedent-setting. He referenced an application for a small bump-out in Park Meadows that was arguably *de minimus* but would have set a precedent for the entire subdivision.

City Attorney Harrington recommended the Commission look at applications through those two lenses and tie it to something evidentiary in the record, which would then give them the discretion to go either way more than they would in a pure CUP.

Director Cullimore urged the Planning Commission to be very responsible with the discretion afforded to it, along with the deference given by the courts. The reality is that since *Baker* and other cases, there have been discussions in the development community that the substantial evidence standard and the reasonably debatable standard were in some regard almost becoming indistinguishable. He observed that most practitioners have recognized that these standards were still very different, but the more stories that get to the Legislature about local governments doing things in a way that the Legislature might not view as appropriate, the more local discretion they take away.

Director Cullimore stated that he would not treat the process any differently than they treat any other administration's substantial evidence determination. He stressed that decisions must be supported by evidence and the Code, and if they proceed in that fashion they were in a much safer place in terms of minimizing exposure to judicial or legislative risk.

City Attorney Harrington asked Director Cullimore to address the scope of authority for Conditions of Approval in administrative decisions. Director Cullimore explained that with a CUP specifically, Conditions of Approval hinge on the standards. A CUP is entitled to approval, but there is recognition that conditional uses might have certain unique characteristics that could lead to a denial if these characteristics cannot be mitigated. If the characteristics can be mitigated in accordance with applicable

standards, then the CUP would be entitled to approval. He commented that in looking at CUPs, they look at any unique characteristics and the applicable standards for conditional use. Each Condition of Approval should then be tied to the standard.

Director Cullimore provided examples of standards from Herriman City that address potential detrimental effects. He listed the standards on the graphic and explained that the standards should try and be as objective as possible. As an example, he stated that if a Planning Commission determined that a use in a certain zone would have some of these listed impacts, then reasonable Conditions of Approval could be imposed to mitigate those impacts. He stressed that a Planning Commission cannot impose unreasonable Conditions of Approval or measures that could not be accomplished, such as requiring the purchase of property to fulfill a Condition of Approval. The standard is to mitigate, not eliminate the detrimental impact through Conditions of Approval.

Commissioner Suesser assumed that if a use could not be mitigated, then denial of a CUP would be appropriate. Director Cullimore agreed and added that the decision must be supported by substantial evidence. Up until a few years ago, he would say there had never been a case in Utah in which a court upheld a denial of a CUP. That changed during a CUP in Springdale involving a parking lot and a shuttle through Zion National Park, where the application was denied based on sufficient evidence to support the denial.

In response to Commissioner Suesser's inquiry, Director Cullimore confirmed that the Springdale case involved the impacts of an offsite parking lot on the residential neighborhood. He added that there was an extreme conflict of competing uses, and while the parking lot was a conditionally permitted use in the zone, the court agreed that the location rose to the level of being sufficiently detrimental that no mitigating conditions could be imposed.

Chair Hall understood that on appeal, a court would give the Planning Commission a lot of deference for a Plat Amendment, but if they issued a denial of a CUP it was much more likely to be overturned.

Director Cullimore reported that this highlighted the unique difference of a Plat Amendment because it is not a typical administrative decision and the good cause language provided a lot of discretion. He added that the discretion might be somewhat less in Park City because good cause is defined in the Code, and the Planning Commission must follow the local Ordinances.

In response to an inquiry, Director Cullimore explained that in Utah, the General Plan is an advisory document only, so it does not have any mandatory weight or force. The local Code can make it mandatory. City Attorney Harrington stated that for certain applications, they have a finding of consistency, and although the General Plan was not mandatory, an application could not be inconsistent with the General Plan. He added that MPDs and CUPs must have that affirmative finding.

Director Cullimore stated that courts have strictly construed “consistency with” because zoning takes away property rights. If two people could draw different conclusions, then it would be considered ambiguous, and in the property rights context, any ambiguity is resolved in favor of the property owner’s desired use. He suggested that if the Commission could reasonably conclude that a use was consistent with the General Plan, then the Commission should probably conclude that it is consistent with the General Plan.

In response to Chair Hall’s inquiry about Best Practices in creating denials for any application, Director Cullimore responded, “Show your work.” He mentioned *McElhaney v. Moab City* in which the Utah Supreme Court clearly held that decision-making bodies must show their work, especially with regard to denials. As an administrative decision-making body, the Planning Commission creates a record of their decisions, and should specifically outline on the record why an application does not comply with the Code. Additionally, the evidence supporting the conclusion should be specifically set forth.

With respect to public input versus public clamor, Director Cullimore stated that public opinion was considered public input in the legislative context because the decision-making body is making policy and determining the look of the community. Public opinion is built into the legislative process. He stated that the decision-making body must listen to public input, but it is up to that body as to how to weigh that input.

In the administrative context, this process can get the decision-making body into trouble. If there is public input against a certain use, but that use is allowed in the zone as a permitted use, that opinion is not relevant and is referred to by the courts as public clamor. Public clamor in the administrative context is an inappropriate form of evidence and should not be taken into account.

Chair Hall asked how that was to be balanced, and felt as though they give the public a false sense of input when they open a public hearing on an administrative application. Director Cullimore stated the best way was to not hold a public hearing on the matter by making it Staff level review. He recognized, however, that communities like their public processes; therefore, when they have a public hearing for an administrative matter there were a number of Best Practices.

One practice would be to separate legislative matters from administrative matters on the agenda. He suggested starting with legislative decision-making, and then having a break before the administrative session and announce and explain the type of input they could receive during the administrative part of the agenda. Some communities put this explanation on the back of the agenda. He added that public input could be useful in the administrative context in certain cases if they have an educated public who knows how to contribute. Some public input can be very valuable in terms of fact-finding, which the Commission can receive and rely upon because it is factual. However, if someone just expresses an opinion, the Commission cannot properly rely upon that opinion in its decision-making.

Chair Hall understood that Best Practices were in the formatting of the agenda and educating the public. She acknowledged the difficulties in balancing these issues. Chair Hall suggested Assistant Director Ward assist in crafting some educational materials for public input. Commissioner Shand asked about illegal lots and how they impact the Commission's decisions.

Director Cullimore explained that illegal lots refer to any lot that was created without going through the formal Subdivision approval process. Under general real estate law, anyone can hire a surveyor and divide up property for sale to others. But that does not make them eligible for development approval.

Lots become eligible for development approval when they have gone through the local government's Subdivision process to make it a developable lot. In older communities such as Park City, he understood that there were many lots created long ago. If those lots were legally created, then arguably the owners would have some entitlement to develop those lots. He referred to these lots as substandard or non-conforming lots. State law does not specifically address how these lots are to be treated, but a case footnote states they should just be treated as a non-conforming use. In that regard, the owners then have some vested rights to develop their property in some way.

Director Cullimore distinguished that situation from illegal lots that were divided up outside the formal Subdivision approval process. If an owner tries to subdivide an illegal lot and still owns the lots from the larger parcel, then it is easy to direct the applicant to go through the proper process. More difficult situations occur when the applicant is a good faith purchaser 4, 5, or 6 purchasers removed from the initial creation of the lot. From a legal standpoint, these applications could be denied. Additionally, State law allows local governments to put in processes to legalize these types of lots, and from a property rights standpoint that is useful and beneficial.

Commissioner Suesser asked about 30-year-old vested rights. Director Cullimore stated that if everyone agreed that the rights were still vested, they would have to go back and find out what rules applied at the time, as those rules would be applicable. He explained that Utah is an early vesting state. A vested right is the right to develop under an ordinance, and in Utah, an owner obtains a vested right in ordinances that exist when the fee is paid and a complete application is submitted. Some states do not recognize vested rights until there is a significant financial investment in the project.

For a 30-year vested right, Director Cullimore stated the rules that applied when the rights vested would apply to the application. He assumed a Development Agreement was involved, which would be part of the analysis along with the ordinances in place at the time.

Commissioner Van Dine raised the issue of substantial changes, and Director Cullimore stated that State Code did not address the issue, so whatever Park City enacted locally would govern.

The Commissioners found the presentation very informative.

## 7. REGULAR AGENDA

- A. 123 Ridge Avenue – Conditional Use Permit for a Nightly Rental –**  
The Applicant Proposes a Nightly Rental in the Western Sub-Neighborhood of the Historic Residential Low-Density Zoning District. PL-23-05867.

Senior City Planner, Alexandra Ananth, reported that the Applicant was out of town and might join the meeting online. The application is for a CUP for a Nightly Rental at 123 Ridge Avenue, which is located in the Historic Residential – Low Density (“HR-L”) Zoning District at the top of King Road. The Lot is 8,600 square feet and contains a three-bedroom Single-Family Dwelling. She also noted it has a pretty long driveway with a two-car garage, and was constructed in 1994. Planner Ananth reported that the proposal complied with the LMC Zoning District requirements, as well as the parking requirements and the CUP criteria as outlined in the Draft Action Letter and as conditioned. The Development Review Committee reviewed the proposal and did not recommend any additional Conditions of Approval. No public input was received on this application.

Planner Ananth stated that the Planning Department recommended the Planning Commission open a public hearing and consider approving the Nightly Rental use. She noted the Conditions of Approval were outlined, but she would not go through them unless there were questions.

Chair Hall opened the public hearing. There was no public comment. Chair Hall closed the public hearing.

Commissioner Suesser asked if there was a list showing which homes have Nightly Rentals. Planner Ananth stated the Planning Department had the list, and she explained that this home was in a zone where twelve Nightly Rentals were allowed, and this would be the tenth of the twelve allowed applications. Planner Ananth was unsure if that list was available online, but it could be provided to a member of the public upon request.

Chair Hall asked about the number of parking spaces in the driveway. Planner Ananth explained that there were two spaces in the garage, and the driveway was very extensive and could accommodate at least two Code-compliant parking spaces. Planner Ananth added that on-street parking was prohibited.

Commissioner Suesser noted that this cleared up a question she had because the Conditions limited this Nightly Rental to two parking spaces when the site has four onsite parking spaces. Planner Ananth explained that was typical for Nightly Rentals even though there was room for four parking spaces. She added that with the three-bedroom house, it was unlikely they would have more than two cars.

Commissioner Frontero asked if there were other areas with a specified limited number of Nightly Rentals. Assistant Director Ward stated that this was the only zone that had a CUP for Nightly Rentals, and the HR-L zone has three sub-zones. Because of the substandard streets and Steep Slopes, the CUP for this sub-zone included the cap of twelve Nightly Rentals.

**MOTION:** Commissioner Johnson moved to APPROVE 123 Ridge Avenue Conditional Use Permit for a Nightly Rental, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter as follows:

**Findings of Fact**

1. The Applicant seeks a CUP for a Nightly Rental at 123 Ridge Avenue, located in the HRL Zoning District.
2. 123 Ridge Avenue is a three-bedroom Single-Family Dwelling constructed in 1994 and includes a two-car garage and a large driveway area.
3. 123 Ridge Avenue is in the western sub-neighborhood of the HRL.
4. No more than twelve (12) Nightly Rentals are allowed in the western sub-neighborhood. At the time of application, there are ten (10) approved Nightly Rentals in this sub-neighborhood.
5. 123 Ridge Avenue is Lot 1 of the Ridge Avenue Plat Amendment Amending Lot 1, Summit County Recorder Entry No. 1157217, recorded on March 5, 2021, and consists of 0.2 acres (8,617 square feet). The Lot was originally part of the Ridge Avenue Subdivision recorded on December 15, 1995, as Entry No. 444460. The Lot is adjacent to the Alice Claim Subdivision also recorded on March 5, 2021, as Entry No. 1157218. There are no easements or Conditions of Approval that impact the Conditional Use Permit for a Nightly Rental.
6. The proposal for a Nightly Rental complies with LMC Section 15-2.1, Historic Residential Low-Density District Requirements.
7. The Development Review Committee reviewed the proposal on November 7, 2023, and did not identify any issues.
8. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).

CUP Review Criteria	Analysis of Proposal
Size and location of the Site –	No Required Mitigation - 123

<p>No maximum or minimum Lot or dwelling size for Nightly Rental properties or dwellings</p>	<p>Ridge Avenue is a 3,000-square-foot Single-Family Dwelling with three bedrooms on a 0.2 acre (8,617 square feet) Lot. Nightly rental occupancy is limited by the International Residential Code and requires a Business License. The Building Department will determine the maximum occupancy to ensure that appropriate emergency openings are provided.</p>
<p><b>Traffic Considerations</b></p>	<p><b>See COA 2 - 123 Ridge Avenue</b> is accessed by a private driveway. The site has an access easement agreement (No. 1062990) from their abutter at 135 Ridge Avenue to connect to Ridge Avenue. There is not expected to be a significant change in traffic generated for the property as a Nightly Rental compared to a Single-Family Dwelling. 123 Ridge Avenue has a two-car garage and additional room for parking in the driveway. Nightly Rentals agreements for properties in the western sub-neighborhood must limit the number of vehicles to the number of on-site parking spaces. COA 2 limits the number of cars to no more than two vehicles based on the number of available parking stalls. All-wheel drive vehicles are required during the winter season.</p>
<p><b>Utility capacity</b></p>	<p><b>No Required Mitigation</b> – No change to utility capacity or storm water run-off is anticipated.</p>
<p><b>Emergency vehicle access</b></p>	<p><b>No Required Mitigation</b> – No change to access is anticipated.</p>

<p><b>Off-Street parking</b></p>	<p><b>See COA 2</b> – 123 Ridge Avenue has a two-car garage and additional room for parking in the driveway. Nightly Rentals agreements for properties in the western sub-neighborhood must limit the number of vehicles to the number of on-site parking spaces. COA 2 limits the number of cars to no more than two vehicles based on the number of available parking stalls and requires all-wheel vehicles during the winter season.</p>
<p><b>Vehicular and pedestrian circulation</b></p>	<p><b>No Required Mitigation</b> – No change to circulation is proposed.</p>
<p><b>Fencing, screening, and landscaping</b></p>	<p><b>No Required Mitigation</b> – No change to fencing, screening, or landscaping are proposed.</p>
<p><b>Orientation to buildings on adjoining Lots</b></p>	<p><b>No Required Mitigation</b> – 123 Ridge Avenue is buffered by vacant Lots from existing neighbors. There are no residents living in any of the Alice Claim subdivision Lots yet.</p>
<p><b>Open Space</b></p>	<p><b>No Required Mitigation</b> – No changes to the site are proposed.</p>
<p><b>Signs and lighting</b></p>	<p><b>See COA 5 and 6</b> – No signs are proposed. COA 5 prohibits any signs advertising the Nightly Rental. COA 6 requires that any outdoor lighting conform to the Dark Sky Code LMC § 15-5-5(J) prior to issuance of a Business License.</p>
<p><b>Compatibility of the design of the Structure</b></p>	<p><b>No Required Mitigation</b> – No changes to the single-family dwelling are proposed.</p>

<p><b>Noise and mechanical factors</b></p>	<p><b>See COA 7</b> – The property owner is responsible for regulating the occupancy and noise created by occupants of the Nightly Rental. Violations of the Municipal Planning Department Code of Park City Chapter 6-3, Noise, illegal conduct, or any other abuse that violates Nightly Rental regulations or COAs are grounds for business license revocation.</p>
<p><b>Control of delivery and service vehicles</b></p>	<p><b>See COA 8</b> – Trash receptacles shall be stored on-site and placed for trash pickup according to the Municipal Code of Park City § 6-1-11.</p>
<p><b>Ownership</b></p>	<p><b>See COA 1</b> – 123 Ridge Avenue is owned by the Applicant who must receive and maintain a Business License for the Nightly Rental Use.</p>
<p><b>Sensitive Land</b></p>	<p><b>No Required Mitigation</b> – 123 Ridge Avenue is not located within the Sensitive Land Overlay and no changes to the site are proposed.</p>
<p><b>Consistency with the General Plan</b></p>	<p><b>No Required Mitigation</b> – Old Town Neighborhood Section 6.7 (pg. 217) of the General Plan recognizes a balance of nightly rentals and primary housing stock. The subzone cap of 12 Nightly Rentals implements such balancing of interests, and the application complies with the zone requirements. The Applicant has stated that they spend portions of the winter in a warmer climate but return often for work, which precludes them from renting to long-term renters.</p>

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### Conclusions of Law

1. The Application, as conditioned, complies with LMC § 15-1-10(E) Conditional Use Permit Criteria and LMC Chapter 15-2.1, Historic Residential Low-Density District.
2. The proposed Use, as conditioned, is compatible with the surrounding structures in Use, scale, mass, and circulation.
3. The proposed Use is consistent with the Park City General Plan.
4. The effect of any differences in Use or scale have been mitigated through careful planning.

### Conditions of Approval

1. The Applicant shall be responsible for obtaining a Business License for the Nightly Rental and the Use must be inspected by the Building Department prior to being offered for rent.
2. Nightly Rental Agreements for properties in the western sub-neighborhood must limit the number of vehicles to the number of on-site parking spaces. 123 Ridge Avenue has a two-car garage and additional room for parking in the driveway. The Nightly Rental Agreement for 123 Ridge Avenue shall limit the number of vehicles to two vehicles. The Nightly Rental Agreement shall also specify that all-wheel drive vehicles are required during the winter season.
3. The Nightly Rental Agreement for 123 Ridge Avenue shall provide renters with information regarding walkable access to skiing, Park City's Historic Main Street, Old Town, and Park City's free transit service.
4. Property management contact information shall be displayed in a prominent location inside the Nightly Rental.
5. Outdoor signage advertising the property as a nightly rental is prohibited.
6. Exterior lighting shall comply with LMC § 15-5-5(J), Outdoor Lighting.
7. The property owner is responsible for regulating the occupancy and noise created by occupants of the Nightly Rental. Violations of the Municipal Code of Park City Chapter 6-3, Noise, illegal conduct, or any other abuse

that violates Nightly Rental regulations or COAs are grounds for business license revocation.

8. Trash receptacles shall be stored on-site and placed for trash pickup according to the Municipal Code of Park City § 6-1-11.

Commissioner Frontero seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

- B. Land Management Code Amendments** - The Planning Commission Will Review Amendments to Create a Maximum Lot Size in the Residential - 1, Recreation - Medium Density, and Recreation Commercial Zoning Districts. PL-23-05821.

City Planner, Spencer Cawley, reported that the proposed LMC Amendments arose out of the discussion on Lot Combinations in the Historic Residential Zoning Districts. One of the requests from the Planning Commission was to consider also establishing a Maximum Lot Size in the transition zones just outside the Historic Zoning Districts. He presented a map and explained that the area highlighted in blue now had an established Maximum Lot Size as adopted by the City Council on October 26, 2023. The areas highlighted in red were the transition zones: Residential – 1 (“R-1”), Recreation Commercial (“RC”), and Recreation – Medium (“R-M”). On August 29, 2023, the Planning Department issued a Pending Ordinance that established the Maximum Lot Size for these transition zones.

Planner Cawley explained that the Park City General Plan Goal 7 was to create a diversity of primary housing opportunities to address the changing needs of residents. When the Commission worked through Maximum Lot Sizes in the Historic Districts, it was noted that the General Plan encouraged establishing Maximum Lots to provide a tool for compatible mass and scale of new structures within these areas.

In contrast, he stated that Planning Strategy 7.1.1 in the General Plan recommended decreasing Minimum and Maximum Lot Size requirements that might allow for affordable or attainable infill housing. He mentioned the diversity of housing stock that would include price, type, and size that would create this variety of context-sensitive housing opportunities.

Planner Cawley reported that the Planning Staff evaluated each of these transitional zones for opportunities to provide infill development on vacant parcels. He highlighted the R-1 and R-M Zoning Districts and stated within these two districts there was one parcel that would meet the minimum requirements for development. This parcel was large enough to accommodate up to a duplex. There were a total of ten parcels between the three zoning districts that were vacant, and only six of those parcels met the minimum requirements for development.

In the Recreation Commercial Zoning District, Planner Cawley stated five parcels would meet the minimum requirements. He noted this did not include the proposed North Norfolk lots currently under review. The City or the Redevelopment Agency (“RDA”) owned four lots, and one lot had a Plat Note that restricts the building square footage to 2,400 square feet.

Planner Cawley recalled that when they were discussing parcel sizes for lots in the Historic Districts, the average parcel size was 4,730 square feet. He provided an overall average for the R-1, RC, and R-M Districts to provide context showing a larger parcel square footage in these transitional zoning districts. He next presented a table outlining the proposed amendments. Within each zone, there would be consistency to establish Maximum Lot Size across the three transitional zones. The Lot Size for a Single-Family Dwelling in all three zones would be a maximum of two Old Town Lots or 3,750 square feet. Within the R-M Zoning District, the square footage would go up to a fourplex. He mentioned that a triplex in the R-1 Zoning District was a conditional use and a multi-unit or fourplex was a conditional use in the RC Zoning District. Any Historic sites within these zones would be exempt from the Maximum Lot Size requirement.

Planner Cawley requested the Planning Commission provide feedback on certain issues. He read the questions as follows:

- Due to the low potential for new residential development in the transition zones, does the Commission consider a Maximum Lot Size appropriate for these districts?
- Are there additional justifications for establishing a Maximum Lot Size in these areas?
- What additional information does the Planning Commission need to evaluate a Maximum Lot Size in these zones?

Chair Hall opened the public hearing. There was no public comment. The public hearing was closed.

Commissioner Shand recalled Planner Cawley stating that the Minimum Lot Size might prohibit further development on some of these parcels. Planner Cawley explained that as written, the Code contained a Minimum Lot Size requirement that would remain as part of these amendments. These amendments would only establish a Maximum Lot Size. Commissioner Shand felt the Maximum Lot Size of two Old Town Lots would allow for a pretty good-sized home in these zones, and he would not oppose extending the Maximum Lot Size restriction to these zones. The remaining Commissioners agreed with Commissioner Shand.

With regard to the second question, City Attorney Harrington stated that the Commission did not need to respond because the question was aimed at whether there was something Staff missed that might lead the Commission to want to regulate Maximum Lot Size. He asked if the Commission needed any more information. Chair

Hall observed there was consensus that the Commission did not require additional information.

Commissioner Shand asked what would happen to Lots that did not meet the Minimum Lot Size requirement. Planner Cawley stated they would remain vacant unless and until the requirement was changed, and confirmed these Lots would still be required to meet the Minimum Lot Size requirement. City Attorney Harrington added that it would depend on the origin of these Lots, and if they were previously approved they might have some non-conforming rights. These owners also would have the ability to apply for a variance from that standard and there might be arguments as to other legal entitlements. He cautioned that as these amendments are adopted, the burden shifts onto the City, which cannot have its cake and eat it too.

Chair Hall asked about the location of the four non-conforming Lots and suggested the possibility of cleaning up the Code. Planner Cawley stated two parcels near the roundabout would not be developable because they are too small. He pointed to another parcel that was platted as Open Space. It was determined to be a non-issue.

Commissioner Suesser mentioned that the recitals stated the Land Management Code establishes Minimum Lot Sizes but does not establish Maximum Lot Sizes for Residential Historic Districts. She noted they just changed that by the prior amendments and this recital should be removed. Planner Cawley stated they would update that information.

**MOTION:** Commissioner Van Dine moved to CONTINUE Land Management Code Amendments – Maximum Lot Size in Residential – 1, Recreation – Medium Density, and Recreation Commercial Zoning Districts, and the public hearing thereon to January 10, 2024. Commissioner Shand seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission. Chair Hall noted that Agenda Item 6. C was previously continued.

Chair Hall stated that more than three Commissioners would be meeting at The Annex for a beverage after the meeting.

## **8. ADJOURNMENT**

**MOTION:** Commissioner Suesser moved to adjourn.

The meeting adjourned at approximately 9:00 p.m.

## Common Legal Issues in Land Use

Legislative/Administrative Decisions	Role of the Planning Commission	Subdivisions
Vested Rights	Exactions	Public Input vs "Clamor"
Nonconforming Uses	Conditional Use Permits	"Illegal" Lots
Impact Fees	Planning for Water	Short-term Rentals
Annexation	Development Agreements	Accessory Dwelling Units

# Legislative vs Administrative Decision-making

*Legislative decisions* generally involve making laws of general applicability, and are based on the weighing of broad, competing policy considerations.

## Typical Legislative Decisions

- Adoption & amendment of the general plan
- Enactment & amendment of land use ordinances and development standards
- Enactment of a zone map & approval of a zone change
- Annexation decisions
- *Maybe* development agreements

## Legal Standard of Review

1. Decision must be consistent with applicable state and federal law (cannot be illegal)
2. It must be "reasonably debatable" that the decision could advance the general welfare or public interest

*Administrative decisions* generally involve applying existing codes to a particular development proposal, based on individual facts and circumstances.

## Typical Administrative Decisions

- Subdivisions
- Conditional use permit
- Site plan
- Building Permit
- Variances
- *Maybe* development agreements

## Legal Standard of Review

1. Decision must be consistent with relevant state and federal law, local ordinances, and any vested rights (cannot be illegal)
2. Regarding factual determinations, the decision must be supported with substantial evidence

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# CUP Nightly Rental

123 Ridge Avenue

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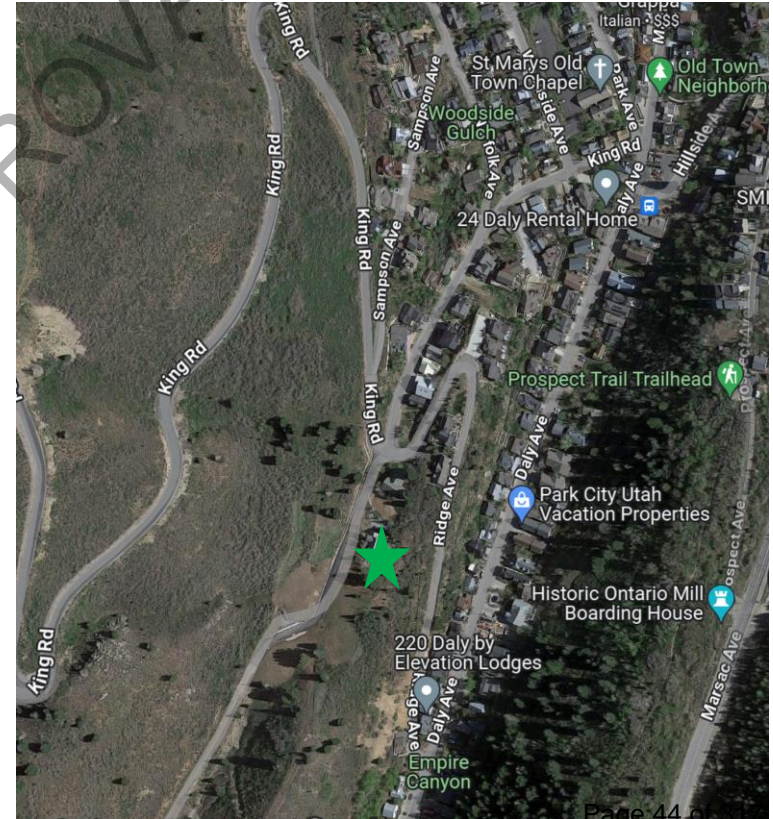
Planning Commission  
November 8, 2023



1884

# CUP: Nightly Rental

- 123 Ridge Avenue is located in the Historic Residential – Low Density Zoning District.
- Lot is 8,617 square feet and contains a 3-bedroom SFD constructed in 1994 and includes a 2-car garage with room for 2 additional code-compliant parking stalls in the driveway.



# CUP: Nightly Rental

- There are currently 10/12 Nightly Rentals in the Western Sub-Neighborhood of the HRL Zoning District.
- The proposal for a Nightly Rental complies with LMC Chapter 15-2.1, Historic Residential Low-Density District Requirements.
- The proposal complies with LMC Chapter 15-3, Off-Street Parking Requirements.
- The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).
- The Development Review Committee reviewed the proposal on November 7, 2023. No additional Conditions of Approval are required.
- No public input was received.



# Conditions of Approval

1. The Applicant shall be responsible for obtaining a Business License for the Nightly Rental and the Use must be inspected by the Building Department prior to being offered for rent.
2. Parking for Nightly Rentals with less than six (6) bedrooms is based on the parking requirement for the dwelling, which is two (2) parking stalls. 123 Ridge Avenue has a two-car garage and room for two code-compliant (nine feet (9') wide by eighteen feet (18') long) parking stalls in the driveway, meeting the parking requirements. The Nightly Rental Agreement for 123 Ridge Avenue shall limit the number of vehicles to two vehicles which shall be allowed to be parked in the two-car garage. The Nightly Rental Agreement shall also specify that all-wheel drive vehicles are required during the winter season. On-Street parking is prohibited.
3. The Nightly Rental Agreement for 123 Ridge Avenue shall provide renters with information regarding walkable access to skiing, to Park City's Historic Main Street, to Old Town, and to Park City's free transit service.
4. Property management contact information shall be displayed in a prominent location inside the Nightly Rental.

# Conditions of Approval

5. Outdoor signage advertising the property as a nightly rental is prohibited.
6. Exterior lighting shall comply with LMC § 15-5-5(J), Outdoor Lighting.
7. The property owner is responsible for regulating the occupancy and noise created by occupants of the Nightly Rental. Violations of Municipal Code of Park City Chapter 6-3, Noise, illegal conduct, or any other abuse which violates Nightly Rental regulations or COAs is grounds for business license revocation.
8. Information on recycling shall be provided to nightly rental tenants. Trash and recycling receptacles shall be stored on site and placed for trash and recycling pickup according to the Municipal Code of Park City § 6-1-11.



**PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
NOVEMBER 29, 2023**

**COMMISSIONERS IN ATTENDANCE:** Chair Sarah Hall, Bill Johnson, Christin Van Dine, Laura Suesser, Rick Shand, John Frontero, Henry Sigg

**EX OFFICIO:** Rebecca Ward, Assistant Planning Director; Lillian Zollinger, Planner II; Mark Harrington, City Attorney; Spencer Cawley, Planner II; Alexandra Ananth, Senior Planner

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**CLOSED SESSION: 5:00 P.M.** - The Planning Commission May Consider a Motion to Enter Into a Closed Session for Specific Purposes Allowed Under the Open and Public Meetings Act (Utah Code Section 52-4-205) to Discuss Deployment of Security Personnel, Devices, or Systems.

**MOTION:** Commissioner Van Dine moved to go into a Closed Session for the purposes to Discuss Deployment of Security Personal, Devices, or Systems and for Advice of Counsel. Commissioner Suesser seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

The Planning Commission was in Closed Session from 5:00 p.m. to 5:30 p.m.

**MOTION:** Commissioner Suesser moved to adjourn from a Closed Session at 5:30 p.m. Commissioner Shand seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

**1. ROLL CALL**

Chair Sarah Hall called the regular meeting to order at approximately 5:30 p.m. She noted that all members of the Planning Commission were present, attending either in person or virtually.

**2. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

Assistant Planning Director, Rebecca Ward, reported that the two final items on the meeting agenda, related to 732 Crescent Road, would be continued to a later date. She knew there were questions from the community about continuations. In Land Management Code Section 15-1-12.5 – Continuations, it explained when Staff had the authority to continue an item that had been scheduled for a public hearing or appeal and when the Planning Commission had that authority. In this case, the two items were Work Session items, so that section of the Code does not apply.

On November 16, 2023, the City Council reviewed the North Norfolk Plat Amendment, as recommended by the Planning Commission. There was an item on the City Council agenda the following evening to consider reopening the public hearing for that on December 14, 2023.

Chair Hall informed those present that she would need to temporarily step out of the Planning Commission Meeting. Commissioner Van Dine would fulfill her role during that time.

### **3. PUBLIC COMMUNICATIONS**

Chair Hall reported that a summary of the Planning Commission public comment rules was posted on the Chamber doors. Guidelines were included on the meeting agenda as well. She reminded members of the public that there could be public comment for up to three minutes. It was requested that comments be directed to the Planning Commission as opposed to audience members or an applicant. She asked that everyone maintain civility during this process. The Planning Commission would not tolerate disrespectful, slanderous, or profane comments.

Chair Hall opened the public communications portion of the meeting.

*Deb Rentfrow* reported that she lives in Old Town. Although the Work Session items would be continued, she asked the Planning Commission to take her comments into account. She felt that some attention should be given to the apparent violation of the Land Management Code. Per the Land Management Code, some specific requirements and standards must be followed regarding the review of applications. In LMC 15-1-14 - Termination of Applications for Inaction, the Planning Director may formally deny applications that remained inactive for a period of 180 days or longer due to acts or omissions of the applicant. Ms. Rentfrow reminded the Commission that this was the case with PEG. Their application was withdrawn in 2023 due to 330 days of inactivity. She had been surprised to see the Crescent Tram application on the current meeting agenda as it was last heard by the Commission in July 2022, over 15 months ago. The Staff Report stated that recent ordinances would not apply, because the application was submitted in April 2022. She believed the original application should have been denied or voted on months ago and referenced the inactivity. Failure to address inactive applications could create a dangerous loophole where applicants could avoid compliance with the Code changes. She felt that a new application, rather than revisions to an outdated application, should be required in this case.

There were no further comments. The public communications portion of the meeting was closed.

Commissioner Suesser asked about the Crescent Tram application and questioned whether it had been continued due to inactivity. Assistant Director Ward explained that the item had been continued for other reasons. The applicant had an active Historic District Design Review application that had been going through the Staff level review process. Commissioner Suesser wanted a better understanding of an active application versus an inactive application. It seemed that there was some vagueness about what kinds of activities would keep an item active. Assistant Director Ward offered to share that information with the Commission.

### **4. REGULAR AGENDA**

- A. 2024 Regular Meetings – Consideration to Adopt the Planning Commission Regular Meeting Dates for 2024.**

Chair Hall noted that the Planning Commission Regular Meeting Dates for 2024 would be held on the second and fourth Wednesday of each month. The dates were listed in the document included in the Meeting Materials Packet. She had one modification request, which was to remove the November 27, 2024, meeting, because that was the day before Thanksgiving in 2024. Commissioner Van Dine believed that the Commission should discuss eliminating one of the dates in November and December to reserve a possible date to talk about larger projects. She agreed with the suggestion to eliminate the Planning Commission Meeting on November 27, 2024.

Commissioner Suesser asked about the one meeting in July. She wondered whether there was a reason to only hold one meeting during that month. Assistant Planner Ward clarified that July 24, 2024, fell on a Wednesday, which was Pioneer Day. The holiday would be respected.

**MOTION:** Commissioner Van Dine moved to APPROVE the Regular Meeting Date Times for the Planning Commission for 2024, as amended. Commissioner Suesser seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

**B. 2300 Deer Valley Drive (St. Regis) – Modification to Conditional Use Permit –**  
The Applicant Proposes to Install a 40-by-45-foot Temporary Tent. PL-23-05491.

Planner II, Lillian Zollinger, presented the Staff Report and stated that the application pertains to property located at 2300 Deer Valley Drive. The request was a Modification to a Conditional Use Permit. The site was located in the Recreation Commercial Zoning District. There was a Conditional Use Permit approved in 2011 that included 15 temporary tents per year that stayed up for 14 days or less and a 60-day summer tent. In 2022, there was a modification application for a winter tent from December 17 to April 17. All of the tents were placed in specific locations. She shared a map of the area and explained that the tent locations were highlighted in green.

Planner Zollinger reported that a modification had been requested for the previous approvals. The current approval included: the largest tent of 40' x 70' and a winter tent of 40' x 40'. The applicant had requested that the temporary tent be installed up to 20 times per year for up to 14 days or less. There were no proposed changes to the summer tent, but there was a request to increase the largest tent size from 40' x 70' to 40' x 100. For the winter tent, the applicant wanted to increase the timeframe, adding one month, so it would be up from November 17 to April 17. If approved, that would become a 150-day tent. There was also a desire to increase the size from 40' x 40' to 40' x 45'. As noted in the Draft Final Action Letter, the changes were highlighted in red. Planner Zollinger explained that there would be a change to the existing Condition of Approval #11. Condition of Approval #12 and Condition of Approval #13 would be added.

Commissioner Suesser had a question about how St. Regis enforced the Condition of Approval that the tent only be open to hotel guests and/or ski-in patrons. The applicant, Chris Okamura, introduced himself to the Commission. He explained that enforcement of that would be a challenge because guests were permitted to use the dining facilities on the third floor or at the top of the funicular. Commissioner Suesser was not suggesting that the dining room be closed to members of the public, but Condition of Approval #12 specifically stated that the winter tent shall only be used by hotel guests and/or ski-in patrons. Tyler Mugford introduced himself as the General Manager and explained that there was security within The Vintage Room. Security had access to the names of hotel guests, which would make it possible to restrict access to the

funicular. Ski access was included. During peak periods, there was security at both the base and the top of the funicular to assist with those restrictions. There would be enforcement.

Chair Hall opened the public hearing. There were no comments. The public hearing was closed.

Commissioner Johnson believed that with the temporary tent that was proposed to change from 40' to 100', the request was for the 14-day duration to be extended to 15 to 20 days. Planner Zollinger clarified that the request was to allow the tent to be there 20 times per year instead of 15 times per year. The tent could still be up for 14 days or less. Commissioner Johnson asked about the sizes of the tents. Planner Zollinger reported that the largest tent was proposed to be 40' x 100'. Commissioner Johnson asked if the request was to have more days for the temporary tents because the wedding market was doing well in the area. This was confirmed. Commissioner Johnson had some concerns about the additional modifications. It might be better to look at a more permanent solution rather than requesting modifications on a semi-regular basis.

Commissioner Suesser asked Commissioner Johnson to elaborate on his concerns. Commissioner Johnson referenced 15-4-16 – Temporary Structures. Section A (7) – Duration, stated, "Unless approved by the City Council as part of a Special Event, in no case shall a tent be installed for a duration longer than 14 days and for more than five times per year on the same property or site unless a longer duration or greater frequency is approved by the Planning Commission consistent with Conditional Use Criteria in Section 15-1-10." He acknowledged that the Planning Commission had the right to grant additional use, but there could be different interpretations of the Code. Mr. Okamura understood the concerns that had been expressed about increased use, but the original Conditional Use Permit from 2011 permitted 15 tents in a calendar year for up to 14 days. It was many years later that an increased request was made.

Commissioner Frontero asked for clarification from Staff. He wondered how many total tents were being discussed with the Conditional Use Permit. Planner Zollinger explained that there was a temporary tent that could go up for 14 days at a time. That could currently be installed up to 15 times per year. There was another summer tent that was up for 60 days. Then there was another tent that went up in the winter. In total, there were three tents, but one was only there for up to 14 days at a time. Commissioner Frontero discussed the temporary tent that was installed 15 times per year. The modification that was currently being requested was to extend that from 15 times per year to 20 times per year. However, the Code stated that five times per year was permitted unless approved by the Planning Commission. There appeared to be increased use over time and it might be best for the applicant to consider a more permanent solution moving forward. The applicant needed to consider that the current allowance was already much higher than what was allowed in the Code, but they continued to ask for more.

If the Planning Commission extended the use to 20 times per year for up to 14 days at a time, Commissioner Frontero pointed out that the tent could be up for a maximum of 280 days. That was almost the entire year, which meant that this would no longer be considered a temporary tent. He was not in favor of that particular piece of the application unless there was a limit placed. Commissioner Frontero noted that the winter tent was limited by specific dates. He suggested that the temporary tent use be limited to the same number of days as the winter tent or some other measurement that seemed reasonable. He reiterated that 280 days per year was a lot and was approaching a more permanent structure. Commissioner Johnson wondered whether the applicant would be open to remaining at 15 times per year but with the 40' x 100' tent. Commissioner Frontero thought it might be best to place a cap on the total number of days. He was willing to allow the 20 times per year as long as there was a cap on the number of days.

Mr. Mugford stated that a cap on the total number of days was something he supported. The number of times that the tent went up had to do with group-specific events or weddings. There was a desire to take the tent down as soon as that specific event was over. Commissioner Frontero wondered whether 150 days in the temporary tent made sense. Commissioner Van Dine pointed out that 150 days would actually reduce what the applicant currently was allowed. She thought 20 times per year made sense, but it would be best to leave the cap at 210 days. Commissioners expressed support for that suggestion. It was determined that the Commission would permit the temporary tent to be up 20 times per year for no more than 210 days in total.

Discussions were had about the Findings of Fact and Conditions of Approval. Finding of Fact #4 would need to be amended to state, "for a total combined maximum number of days of 210." Commissioner Frontero asked how the applicant felt about reducing the time the tent could be up from 14 days to 10 days at a time. Mr. Okamura believed that was acceptable. Many of the tents were only up for three to four days at a time, so he thought that 10 days was sufficient.

Chair Hall noted that there were two other requests associated with the application. One of the requests was to extend the winter tent use for one additional month. Commissioner Van Dine thought that made sense as it would be easier to put the tent up in the middle of November than in December. Commissioner Suesser had no issue with the request for the winter tent extension. Commissioner Frontero wondered why the request had been made. Mr. Okamura explained that the request had been made to increase the ease and safety of installation. It was challenging to build the winter tent in December. Commissioner Suesser referenced Condition of Approval #11. She thought it should reference the winter tent and not the temporary tent. This was confirmed.

Commissioner Suesser believed the change to Finding of Fact #4 should also be listed as a Condition of Approval. City Attorney, Mark Harrington, agreed that an additional Condition of Approval should be written. He shared some suggested language. Commissioner Suesser mentioned Condition of Approval #12, where guests were referenced. She wondered whether that meant overnight hotel guests or if it related to anyone coming to the area for dinner. Mr. Okamura explained that the tent was limited to ski-in patrons or hotel guests. Anyone on that level of the hotel would have access. Commissioner Suesser thought the condition suggested that it was available to overnight hotel guests and ski-in-ski-out guests. That language should either be tightened up further or loosened, depending on what was desired. Chair Hall had read the language as referring to overnight hotel guests, but she could see where that language might also be read as someone dining at the hotel. Commissioner Susser thought that if the intention of the condition was to address the lack of parking analysis for The Vintage Room, then it might make sense to insert the word "overnight" there. Mr. Okamura stated that hotel guests were the priority, but it might be a challenge to limit the use to only overnight guests. Only hotel guests and diners with reservations were permitted in the area, but there were some potential challenges.

Chair Hall suggested reviewing the matter in a year to reevaluate whether a parking analysis was needed. Additional discussions were had about Condition of Approval #12. Commissioner Suesser thought it was worthwhile to leave the condition in place, even if there was not as much clarity there. Planner Zollinger wondered whether the Planning Commission wanted to review the matter further in a year. It was suggested that an administrative review take place. Commissioner Johnson wondered whether structural calculations with wind load information and tent fire rating were looked at administratively on an annual basis. Planner Zollinger reported that each time a tent went up, a Building Permit was submitted, which included a fire review.

Commissioner Frontero asked if there was a time limit into the evening hours that the tents could be used. He wanted to know if there were noise mitigation concerns. It was noted that the applicant was required to comply with the dark sky and noise ordinances. Commissioner Henry Sigg wondered what the occupancy of the tent was. That might be more of a driving factor than who could or could not access the tent area. The Commission was reminded that the applicant was limited by the Fire Code and the permits. Commissioner Suesser pointed out that Condition of Approval #7 stated that both a Building Permit and a Fire Permit were required for the tent.

Commissioner Frontero noted that the Commission had discussed the temporary tent and winter tent. The third tent was the summer tent, which stayed up for 60 days. He thought it made sense to reference the three tents in the Findings of Fact section and briefly describe those: summer tent, winter tent, and temporary tent. Amendments were made to the proposed language.

**MOTION:** Commissioner Van Dine moved to APPROVE 2300 Deer Valley Drive (St. Regis) – Modification to Conditional Use Permit, based on the amended Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter:

### Findings of Fact

1. The Site is located at 2300 Deer Valley Drive East.
2. The Applicant proposes to construct an annual temporary winter tent from November 17<sup>th</sup> through April 17<sup>th</sup>.
3. The Site has an existing Conditional Use Permit for temporary tents that was approved on March 9, 2011, by the Planning Commission.
4. The Applicant proposes to increase the allowed size of the temporary tents to 40 by 100 feet and increase the number of temporary tents (up to 10 days or less each time) installed each year from 15 to 20, for a total combined maximum number of days of 210.
5. The Applicant proposes modifying the existing Conditional Use Permit to include the additional annual winter tent installation.
6. The proposed 150-day temporary winter tent dimensions are 40 by 45 feet.
7. The temporary summer tent is allowed to be up for 60 days.
8. Staff reviewed the 2300 Deer Valley Drive Each Conditional Use Permit Modification Application for compliance with LMC Section 15-1-10, Conditional Use Review Process, Chapter 15-2.16, Recreation Commercial (RC) District, and Section 15-4-16, Temporary Structures, Tents, and Vendors.
9. Staff posted a notice to the City website, City Hall, and the property on November 15, 2023.
10. Staff mailed courtesy notices to the adjacent property owners on November 15, 2023.

11. The Analysis section of the Staff Report is incorporated herein.

### **Conclusions of Law**

1. The proposal complies with the Land Management Code requirements, pursuant to Section 15-1-10, Conditional Use Review Process, Chapter 15-2.16, Recreation Commercial (RC) District, and Chapter 15-4-16, Temporary Structures, Tents, and Vendors.
2. The use will be compatible with surrounding Structures in use, scale, mass, and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

### **Conditions of Approval**

1. Final building plans and construction details shall reflect substantial compliance with the plans approved on December 29, 2021. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning Commission may result in a stop work order.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
3. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
4. The Applicant shall submit lighting plans that comply with LMC § 15-5-5 (J). Outdoor lighting must be Fully Shielded, down-directed, and no greater than 3,000 degrees Kelvin.
5. The Applicant shall submit sign plans that comply with the Municipal Code of Park City Title 12, Sign Code.
6. The temporary tent shall comply with the City Noise Ordinance, Chapter 6-3.
7. A Fire Permit and Building Permit are required for the installation of the temporary tent.
8. All Conditions of Approval of the 1995 Deer Crest Settlement Agreement continue to apply.
9. All Conditions of Approval of the Deer Crest Hotel CUP as amended on April 22, 2009, continue to apply.

10. All Conditions of Approval for the St. Regis Resort Temporary Structure (Tent) CUP apply for this permit.
11. The winter tent may not be installed prior to November 17 and shall be removed from the site no later than April 17, at 5:00 p.m., and may not be installed for longer than 150 days.
12. The proposed winter tent shall only be used by hotel guests and/or ski patrons. An administrative review shall take place by October 31, 2024, regarding parking impacts. An increase in impacts will require re-review by the Planning Commission.
13. The Applicant shall submit a Snow Removal Plan for the 150-day tent.
14. The approval is to increase the allowed size of the temporary tents to 40 by 100 feet and increase the number of temporary tents (up to 10 days or less each time) installed each year from 15 to 20.

Commissioner Suesser seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

Chair Hall reported that she would step out of the Planning Commission Meeting for a period of time, as she had a pre-existing obligation. Planner Ward stated that under Section 15-12-14, the Chair Pro Tem voted when serving as Chair. Commissioner Van Dine would serve in that role.

- C. 632 Main Street, Unit 4A – Silver Queen Condominiums Second Amended – Plat Amendment** – The Homeowners Association Proposes to Convert the Roof of the Upper Level of Unit 4A from Common Area to be Appurtenant to Unit 4A in the Historic Commercial Business District. PL-23-05746.

Planner II, Spencer Cawley, presented the Staff Report and explained that the application was for a Second Amended Plat for the Silver Queen Condominiums located at 632 Main Street. The building was not historic as it was built in 1982. It existed as a mixed-use residential and commercial building. Seven residential units ranged from just over 1,000 square feet to 2,163 square feet. Unit 4A, which was the focus of the application, was a two-story unit that included a rooftop penthouse. The penthouse was at the same elevation as a limited common area terrace that was for the use of Unit 4A. Earlier in the year, the applicant received an HDDR Waiver Letter that allowed them to install handrails and stairs and to repair the green roof. He explained that the application was to convert the common area to a limited common area.

Planner Cawley reported that the application met the zoning district requirements for the Historic Commercial Business (HCB) District. There were no physical changes proposed to the structure or the lot. In 2011, the internal living area was enclosed and received an HDDR approval by Staff. That was when the green roof was added to the penthouse. There was good cause for the application, because there was no expansion to the internal private area and because the footprint and mass of the structure would be unchanged. Staff recommended that the Planning Commission review the proposed Silver Queen Condominiums Second Amended Plat, hold a

public hearing, and consider approving the Plat Amendment based on the Findings of Fact, Conclusions of Law, and the Conditions of Approval listed in the Draft Final Action Letter.

Vice-Chair Van Dine asked about the difference between limited common space and private space since it would only be used by Unit 4A. Planner Cawley stated that the purpose of it becoming limited common was so the unit owner, who had access to it, took responsibility for maintenance. Commissioner Suesser wanted to understand why it was not private space. Attorney Harrington explained that it was a condominium, and the inside air space of the unit was owned. That meant that all of the peripheral spaces outside of the inside air space were either common or limited common. Planner Cawley noted that there would need to be an update to the Covenants, Conditions, and Restrictions (“CC&R”) to accommodate the proposed change.

Commissioner Johnson referenced Condition of Approval #3. He wondered if everyone was comfortable with that condition, as written, or if there was a desire to add additional restrictions. He wanted to ensure that the Commission was not allowing there to be a potential future issue. Planner Cawley explained that the condition had been crafted to ensure that any physical modifications would require it to come into compliance with the Code. The plat note was not included in the Meeting Materials Packet, but needed to be added before it would be signed and recorded with the County. Commissioner Johnson expressed his support for that approach. Commissioner Frontero asked how the space was currently being used. Planner Cawley reported that it had been used since 2011 for living space by the unit owner. He clarified that the use was not proposed to change, but the amendment would memorialize what the use had been.

Vice-Chair Van Dine opened the public hearing. There were no comments. The public hearing was closed.

**MOTION:** Commissioner Suesser moved to APPROVE 632 Main Street Unit 4A – Silver Queen Condominiums Second Amended – Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter:

#### **Findings of Fact**

1. 632 Main Street, also known as the Silver Queen Condominiums, is a non-historic Structure constructed in 1982.
2. The site is in the Historic Commercial Business Zoning District and is located at the intersection of Heber Avenue and Main Street.
3. The Silver Queen Condominium Plat was recorded in 1995.
4. In 2014, the City Council adopted Ordinance No. 14-38 approving the First Amended Silver Queen Condominiums Plat.
5. Silver Queen Condominiums is a mixed-use site, with commercial on the ground floor and residential on floors two, three, and four.
6. The first-floor commercial unit is 2,973 square feet and the residential units on the upper floors range from 1,006 square feet to 2,163 square feet, totaling 11,014 square feet.

7. The HOA proposes to convert a portion of the rooftop Common Area to a Limited Common Area to be appurtenant to Unit 4A.
8. On May 11, 2023, the Silver Queen HOA provided written confirmation that two-thirds of the Silver Queen Condominium owners approved the transfer.
9. On September 28, 2023, the Planning Department issued a Historic District Design Review Waiver Letter for the installation of safety railings and Code-compliant stairs, as required by the Building Department and Park City Fire District for the rooftop penthouse. The Waiver Letter also allows the repair of the existing green roof.
10. On October 17, 2023, Planning Staff determined the application was complete.
11. The proposed Plat Amendment is consistent with the Lot and Site requirements of the Historic Commercial Business Zoning District.
12. There are zero-foot Front, Rear, and Side Setbacks.
13. The Lot size is 5,047 square feet.
14. The Lot width is 88.78 feet.
15. The Floor Area Ratio is 3.24.
16. In 2001, the site received HDDR approval for a rooftop garden and spa with enclosed stair access from the living area to the rooftop. The enclosed stairway access to the roof created a penthouse-like structure.
17. In 2011, the Silver Queen Condominium received HDDR approval to convert the enclosed stair access and spa to an internal penthouse living area, adding a green roof on top of the penthouse, along with other roof modifications.
18. There is Good Cause for this Plat Amendment because it does not expand the internal Private Area and does not change the footprint or mass of the existing Structure.
19. The Development Review Committee met on August 1, 2023, and found that the proposal meets development standards.
20. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on November 15, 2023.
21. Staff mailed a courtesy notice to property owners within 300 feet on November 15, 2023.
22. The Park Record published a courtesy notice on November 15, 2023.

### Conclusions of Law

1. There is Good Cause for this Plat Amendment because it does not change the footprint or mass of the existing structure, will have no negative impacts to the public, and does not create any non-conformities.
2. The Plat Amendment is consistent with LMC § 15-7.1-3 (B), § 15-7.1-6, and Chapter 15-2.6 Historic Commercial Business District.
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 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, the Conditions of Approval, and the amended CC&Rs prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Commission.
3. The Plat shall note that any modifications to the penthouse require the structure to come into compliance with the Zoning Height of 45 feet.
4. The Plat shall note that there can be no further physical expansion of the penthouse for private, common, or limited common uses.

Commissioner Johnson seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

- D. 401 Silver King Drive – Snow Flower Condominiums Sixth Amended, Amended Unit 36 – Plat Amendment** – The Applicant Proposes to Convert Common Area Attic Space into Private Area Living Space for the Benefit of Unit 36 in the Recreation Commercial Zoning District. PL-23-05809.

Planner Cawley presented the Staff Report and explained that the application was for Snow Flower Condominiums located at 401 Silver King Drive. He noted that it was located right outside of the Park City Mountain Resort. The Snow Flower Condominiums was an 82-unit multi-unit condominium. The 82 units were in Phase 1. There were two phases, but the proposed amendment was related to Phase 1. It was located in the Recreation Commercial Zoning District.

The City Council approved this as a PUD in 1978 and this particular unit owner had been the owner of the unit since the 1980s. The Homeowners Association (“HOA”) gave their approval in August 2023, with 68% approval. Planner Cawley shared an image of the Proposed Plat. The areas proposed to shift from common to private were highlighted in red on the image.

Five units had been through this process in the past. Planner Cawley reported that the application was in alignment with the previous processes, where it would be more than 2,000 square feet if the amendment was approved. The Land Management Code stated that when the floor area was greater than 2,000 square feet, two parking spaces were required. With this project, there was only one parking space per unit. In the last amendment before the Planning Commission, the Commission granted a parking reduction for that unit. The current request was for the same, so there would be a reduction for Unit 36 from two parking spaces to one parking space. There was also a suggested Condition of Approval that a plat note be added that was similar to the language in the CC&Rs, that the unit owner shall not use or cause to be used more than one parking stall.

There was good cause for the amendment as it would expand the private area but would not change the footprint or mass of the existing structure. Staff recommended that the Planning Commission review the proposed amendment, hold a public hearing, and consider approving the Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Vice-Chair Van Dine opened the public hearing. There were no comments. The public hearing was closed.

**MOTION:** Commissioner Sigg moved to APPROVE 401 Silver King Drive – Snow Flower Condominiums Sixth Amended, Unit 36 – Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter:

### Findings of Fact

1. The City approved the Snow Flower Condominiums Plat in 1978.
2. The property is located at 401 Silver King, Unit 36.
3. The property is listed with Summit County as Parcel number SFL-70.
4. The property is in the Recreation Commercial (RC) Zoning District.
5. The intent of this Plat Amendment is to convert 524 square feet of Common Area attic space into Private Area living and storage space for the benefit of Unit 36.
6. In August 2023, the Snow Flower Homeowners Association (HOA) voted to approve the proposed changes to Unit 36 and received two-thirds approval (68.04% in favor).
7. This conversion will increase the internal living space of Unit 36 from 1,806 square feet to 2,330 square feet.
8. Five units in the Snow Flower Condominiums have amended the plat to convert Common Area attic space to Private Area: Unit 80 (July 2004), Unit 72 (November

2006), Unit 76 (September 2007), Unit 75 (June 2022), and Unit 70 (pending recordation.)

9. All proposed changes are restricted to the interior of the Structure and will not alter the exterior and the proposal, therefore complies with the RC Zoning District requirements.
10. In 1978, parking requirements for Planned Unit Developments (PUDs) were guided by the LMC, but the Planning Commission had discretion to reduce parking requirements.
11. At the time of development, the LMC required 115 parking spaces for the Snow Flower Condominiums – a minimum of eight spaces, with 1.5 spaces for each additional unit over five for a Multi-Unit Dwelling.
12. The original recorded plat indicates 102 underground parking spaces (51 parking spaces per building).
13. The current LMC requires two parking spaces per Dwelling Unit with a Floor Area greater than 2,000 square feet in a Multi-Unit Dwelling.
14. Unit 36 proposes to increase to 2,330 square feet requiring two Off-Street Parking spaces under today's LMC.
15. The Snow Flower Condominiums CC&Rs state that, "No unit owner shall use or cause to be used, at any time, more than one of the parking stalls located in the Common Areas and Facilities."
16. The Application requires the Planning Commission to consider a parking reduction for Unit 36 from two parking spaces to one parking space.
17. The Development Review Committee met on October 17, 2023, and found that the proposal meets development requirements.
18. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on November 15, 2023.
19. Staff mailed a courtesy notice to property owners within 300 feet on November 15, 2023.
20. The Park Record published a courtesy notice on November 15, 2023.

### **Conclusions of Law**

1. There is Good Cause for this Plat Amendment because it does not change the footprint or mass of the existing structure, will have no negative impacts on the public, and does not create any non-conformities.

2. The Plat Amendment is consistent with LMC § 15-7.1-3(B), § 15-7.1-6, Chapter 15-2.16 Recreation Commercial District.
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 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, the Conditions of Approval, and the amended CC&Rs, prior to the recordation of the plat.
2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.
3. The Plat shall note that the owner of Unit 36 shall not use or cause to be used at any time more than one parking stall on site.

Commissioner Frontero seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

Following the vote, Commissioner Suesser asked that a Condition of Approval state that the space converted would not exceed the square footage, as described in the Staff Report. Assistant Director Ward pointed out that final action had been taken on the action. If there was a desire to add an additional Condition of Approval, the item would need to be re-opened. Commissioner Suesser asked why that was not included as a Condition of Approval as it seemed that it was missing. Planner Cawley explained that the applicant couldn't expand further without making structural changes. That was the reason the condition was not included. Commissioner Suesser re-read the Findings of Fact and believed there was enough clarity provided there. As a result, she thought it was appropriate to allow the previous motion and approval to stand.

Commissioner Rick Shand wondered what happened when the Plat Amendments were approved. For instance, whether the increased square footage was submitted to the County. Planner Cawley confirmed that the applicant would also need to file an amendment with the County.

- E. **2700 Deer Valley Drive – Courchevel Condominiums at Deer Valley, Sixth Amendment – Plat Amendment** – The Applicant Proposes to Adjust the Boundaries of Units C101 and C102 to Convert Common Area Attic Space into Private Livable Area Located at 2700 Deer Valley Drive in the Residential Development Zone. PL-23-05773.

Planner Cawley presented the Staff Report and explained that the application was for Courchevel Condominiums at Deer Valley, located at 2700 Deer Valley Drive. This particular application was specific to two units. It was similar to the previous application that had been considered, where the request was to expand into the common attic area and convert that into private area. The condominium project was part of the Deer Valley MPD and was within the Residential Development Zoning District. The original plat, which was approved in 1984, allowed for three buildings with a total of 40 units and 60 parking spaces. For each of those units, the square footage was 759. There was a second amendment in 1989 that increased that to 41 units, but the third building was never constructed. As part of the MPD approval for unit equivalents, there were only 27 units constructed and the remainder was shifted to another condominium project to the north. Between 2010 and 2013, five other units converted common attic space to private.

For each of the units, C101 and C102, the request was to convert 305 square feet of existing common area attic space into private space. That would increase the livable area to 1,064 square feet for each unit. Planner Cawley shared an image to illustrate the area that would be added. The request complied with the RD Zoning District requirements. It was a multi-unit condominium project that would be maintained. The floor area within the existing structure would be maintained and there were no exterior or structural changes proposed. Planner Cawley noted that the open space within the RD Zoning District would be preserved as well. The proposal also complied with the residential unit equivalent requirements of the Deer Valley MPD. This particular project was allowed 13.5-unit equivalents or 257,000 square feet of residential area. Planner Cawley shared a chart that highlighted what was currently existing and what was now proposed.

The application complied with the current Land Management Code parking ratio requirements. There were 31 available off-street parking spaces, and the total number of required spaces was 30. There was good cause for the Plat Amendment in that the precedent was set by the previous amendments to the five units, there would be no change to the building footprint, and there would be no change to the mass of the structure. The recommendation from Staff was to review the proposed Courchevel Condominiums at Deer Valley, Sixth Amendment – Plat Amendment, hold a public hearing, and consider approval of the Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter.

HOA Management Representative, Natalie Souza, added that the CC&Rs would be amended to reflect the proposed changes. This was important because dues were assessed on a par-value basis. More square footage meant that the owner would pay more. That piece and the HOA vote had occurred in August 2022 and were recorded with the application and with the County.

Vice-Chair Van Dine opened the public hearing. There were no comments. The public hearing was closed.

**MOTION:** Commissioner Shand moved to APPROVE 2700 Deer Valley Drive – Courchevel Condominiums, Sixth Amendment – Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter:

### **Findings of Fact**

1. The property is located at 2700 Deer Valley Drive East in the Residential Development (RD) Zoning District.

2. The Courchevel Condominiums at Deer Valley Plat was approved by the City Council on December 27, 1984, and recorded at the County on December 31, 1984.
3. The Courchevel Condominiums at Deer Valley Plat established 40 residential condominium units of 759 square feet each with 60 off-street parking space in a shared underground parking garage.
4. There are two access driveways from the garage to Deer Valley Drive East.
5. In November 1989, the City approved an Amended Plat, increasing the number of residential condominium units to 41.
6. Two of the three approved Courchevel buildings (Buildings B and C) were constructed beginning in 1984 and completed in 1988. Building A was not built and was removed from the Plat.
7. As a result, the Courchevel Condominiums includes 27 condominium units and 31 off-street parking spaces.
8. Each existing condominium unit contains 759 square feet, except for Units B202, B301, B303, B305, and C301.
9. On November 4, 2010, the City Council adopted Ordinance No. 10-37, approving the second amendment to the Courchevel Condominiums Plat. In February 2012, the Plat was recorded. This amendment converted 608 square feet of Common Area attic space above Units B301 and B303 to Private Area, for a total of 1,367 square feet each.
10. On June 28, 2012, the City Council adopted Ordinance No. 12-19, approving the Courchevel at Deer Valley Third Amended Plat. In December 2012, the Plat was recorded. This amendment converted 470 square feet of Common Attic area space to Private Area for Unit B202, for a total of 1,229 square feet.
11. On July 12, 2012, the City Council adopted Ordinance No. 12-20, approving the Courchevel at Deer Valley Fourth Amended Plat. The plat was recorded in January 2013. This amendment converted 608 square feet of Common Area attic space to Private Area for Unit B304, for a total of 1,367 square feet.
12. On December 12, 2013, the City Council adopted Ordinance No. 13-50, approving the Courchevel at Deer Valley Fifth Amended Plat. The plat was recorded in September 2014. The amendment converted 139 square feet of Common Area attic space to Private Area for Unit C301 for a total of 898 square feet.
13. On July 27, 2023, the Applicant submitted to the Planning Department an application to amend the Courchevel Condominiums at Deer Valley Plat to convert 305 square feet of existing Common Area attic space into private area for Units C101 and C102.

14. On October 11, 2023, Staff determined the application was complete.
15. The proposed amendment is consistent with the purposes of the RD Zoning District.
16. The Use as a multi-unit, residential condominium, remains unchanged, and the proposed additional floor area for Unit C101 and Unit C102 is within the existing Structure.
17. No changes are proposed to the exterior of the Structure and the purpose of clustering of residential natural Open Space and minimizing Site disturbance and impacts of Development is maintained.
18. The property is subject to requirements and restrictions of the Deer Valley Master Planned Development (MPD). The MPD originally allowed up to 20.5 Unit Equivalents (UEs) for the Courchevel parcel. The MPD was amended in 2001 to transfer seven UEs or 14,000 square feet to the Silver Baron condominium project, adjacent to the north, leaving 13.5 UEs for the Courchevel property. At 2,000 square feet per UE, the total allowable residential area is 27,000 square feet.
19. The existing UEs for the Courchevel Condominiums are 11.46 or 22,926 square feet.
20. The proposed UEs for the Courchevel Condominiums is 11.77 or 23,536 square feet, below the allowable residential area of 27,00 square feet.
21. Units C101 and C102 will be 1,064 square feet in area each.
22. When the plat was originally approved, the 1984 LMC required two spaces per one-bedroom apartment not exceeding 1,000 square feet.
23. Under the existing LMC Off-Street Parking requirements, the proposed amendment required 30 Off-Street parking spaces. There are 31 Off-Street parking spaces in a shared underground parking structure for the Courchevel Condominiums.
24. The Development Review Committee met on October 17, 2023, and found that the proposal meets development requirements.
25. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on November 15, 2023.
26. Staff mailed courtesy notices to property owners within 300 feet on November 15, 2023.
27. The Park Record published a courtesy notice on November 15, 2023.

## Conclusions of Law

1. There is Good Cause for this Plat Amendment because of the percent set by the previous five amendments to the original Courchevel Condominiums Plat, and the Plat Amendment does not change the footprint or mass of the existing Structure, will have no negative impacts on the public, and does not create any non-conformities.
2. The Plat Amendment is consistent with LMC § 15-7.1-3(B), § 15-7.1-6, and Chapter 15-2.13 Residential Development Zoning District.
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 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, the Conditions of Approval, and the amended CC&Rs, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.
3. All Conditions of Approval of the Deer Valley MPD and the amended Courchevel Condominiums at Deer Valley Plats shall continue to apply.

Commissioner Frontero seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

- F. 316 Ontario Avenue – Plat Amendment** – The Applicant Proposes to Remove Two Lot Lines to Create One Lot from Parcel PC-488-A to Accommodate a New Detached Single-Car Garage on the Same Site as a Landmark Historic Single-Family Dwelling in the Historic Residential Low-Density Zoning District. PL-23-05819.

Planner Cawley presented the Staff Report and explained that the application was for the 316 Ontario Avenue Plat Amendment. Part of the reason for the Plat Amendment request was so the applicant could construct a detached garage for off-street parking. This would remove additional vehicles from Ontario Avenue. He noted that this site was a Landmark Historic Structure, constructed around 1895, and was 644 square feet. The access was from Ontario Avenue and there was a steep staircase. There was currently no off-street parking for the site, which was what the applicant wanted to accomplish through the Plat Amendment. The proposal was to remove the two lot lines that ran through the existing Historic Structure and create one lot.

The proposal was originally reviewed by the Planning Commission and City Council in 2021. That ordinance expired and the same proposal was now back before the Planning Commission. Planner Cawley reported that the proposal complied with the HRL Zoning District. He noted that there were some approvals from the Board of Adjustment. In 2019, the Board granted a variance to the front setback that allowed the garage to be built up to the property line. In 2021, a variance was granted to the minimum lot size, because the lot size did not meet the minimum lot size standards for the zone. There was a Condition of Approval recommended so the plat would note that the maximum building footprint was 1,065 square feet. That was based on the formula in the Land Management Code. The garage also shall comply with the side setback requirements. The Chief Building Official had requested that a condition state that a Site Plan and Building Design must be reviewed by the Building Department and must specifically address snow release.

Since this was a Historic Landmark Site, it was exempt from the parking requirements of the Land Management Code. Ontario Avenue had a substandard right-of-way, so the detached garage would make it possible to further remove on-street parking. Staff had proposed a Condition of Approval that the applicant had agreed to. It stated that the detached garage shall be used for off-street parking only and for vehicles associated with 316 Ontario Avenue. Those vehicles would park in the garage or on the driveway leading to the garage rather than the right-of-way.

There was good cause for the Plat Amendment. Removing the lot lines allowed the construction of the detached garage to take place and would provide off-street parking. It would also remove the two lot lines that ran under the Historic Structure. The character of the zoning district would be retained, there was no vacation or amendment to the public street or right-of-way, and no easements would be vacated or amended with the proposal. Staff recommended that the Commission review the Plat Amendment, hold a public hearing, and consider approval.

Commissioner Suesser asked what would happen to the stairs. The applicant representative, Bruce Taylor, introduced himself to the Commission. He explained that the existing stairs would go away, and new concrete stairs would be built adjacent to the garage, with an associated retaining wall. The proposal was for a single-car garage with a driveway long enough to accommodate another vehicle. Commissioner Suesser asked about the snow release issue. Planner Cawley stated that the language was a carryover from the approval in 2021 and had to do with the release of the snow from the structure onto neighboring properties. Assistant Director Ward added that it would be reviewed by the Chief Building Official at the time of the Building Permit.

Commissioner Johnson referenced Condition of Approval #5 and noted that he did not see that information on the plat. As for Condition of Approval #10, he did not see the 10-foot easement called out on the plat that had been presented to the Commission. As long as those additions were made prior to signing and recordation, he was fine with that, but wanted to make sure those were included. Planner Cawley clarified that there was a proposed plat before the Commission. Once approval was granted, the redline process would occur, where the Conditions of Approval were reviewed by the Planning and Engineering Department as well as the City Attorney's Office. It would then be released back to the applicant representative to make changes. That final plat would be returned, and the Conditions of Approval would be reviewed again to ensure everything was on there before anything was signed. Commissioners thanked him for the clarification.

Vice-Chair Van Dine opened the public hearing. There were no comments. The public hearing was closed.

Commissioner Frontero wondered whether the application had a one-year window to move forward. Planner Cawley noted that there was a Condition of Approval to state that it needed to be recorded with the County one year from the date of approval. Commissioner Frontero asked why the process was not completed previously. Mr. Taylor explained that the delays started with the COVID-19 pandemic. There were also personal issues that the applicant needed to address.

**MOTION:** Commissioner Suesser moved to APPROVE 316 Ontario Avenue – Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter:

### Findings of Fact

1. The property is located at 316 Ontario Avenue, in the Historic Residential – Low Density (HRL) Zoning District.
2. The site is 2,444 square feet and contains a portion of Lots 4 and 5 in Block 59 of the Amended Plat of Park City Survey.
3. 316 Ontario Avenue is a Landmark Historic Site on the Park City Historic Sites Inventory and contains a cross-wing type Single-Family Dwelling constructed circa 1895.
4. The Landmark Historic Structure at 316 Ontario Avenue is built over Lot lines. This Plat Amendment creates one Lot for the Landmark Historic Site.
5. The Historic Structure has a footprint of approximately 644 square feet.
6. The Historic Structure sits toward the rear of the property, opposite Ontario Avenue.
7. Access to the site is from Ontario Avenue requiring an exterior stairway over a Steep Slope.
8. On October 28, 2021, the City Council adopted Ordinance No. 2021-40 approving the 316 Ontario Plat Amendment to create one Lot for the Landmark Historic Site. Condition of Approval 2 of the adopted ordinance required the Applicant to record the final plat at the County within one year from the date of City Council approval. The Applicant did not record the final plat with the County, and the Applicant did not submit a request to the City to extend the approval. Consequently, the 2021 approval is void.
9. The Applicant requests approval of the same Plat Amendment to create one 2,444-square-foot Lot for the Landmark Historic Site.
10. A Single-Family Dwelling is an allowed use in the HRL Zoning District.
11. The HRL Zoning District requires a minimum Lot size of 3,750 square feet. The proposed Lot is 2,444 square feet. On November 16, 2021, the Board of

Adjustment granted a Variance from the minimum Lot Size for the Landmark Historic Site.

12. The HRL Zoning District requires a minimum Lot width of 35 feet. The proposed Lot width is 36.48 feet.
13. The maximum Building Footprint for the site is 1,065 square feet. The 644 square foot Landmark Historic Structure and the proposed 288 square foot detached garage have a combined footprint of under 1,000 square feet.
14. The HRL Zoning District Front Setback is 10 feet. On October 15, 2019, the Board of Adjustment granted a Variance to the Front Setback to locate a detached garage along Ontario Avenue.
15. The HRL Zoning District Rear Setback is 10 feet. The Rear Setback for the Landmark Historic Structure ranges from nine to ten feet. Pursuant to LMC § 15-2.1-4, Historic Structures that do not comply with Setbacks are valid Non-Complying Structures.
16. The HRL Zoning District Side Setback is five feet. The southern Setback for the Landmark Historic Structure is just under three feet; the northern Setback is three feet. Pursuant to LMC § 15-2.1-4, Historic Structures that do not comply with Setbacks are valid Non-Complying Structures.
17. Land Management Code Section 15-13-6 requires two Off-Street Parking Spaces for a Single-Family Dwelling. The site does not have Off-Street Parking. Pursuant to LMC § 15-2.1-4, the Landmark Historic Site is exempt from Off-Street Parking. This Plat Amendment allows the Applicant to create one Lot for the Landmark Historic Site and to construct a detached garage for Off-Street Parking, providing one parking space in the detached garage, and one parking space in the driveway leading to the detached garage.
18. The Development Review Committee reviewed the application on November 7, 2023.
19. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on November 15, 2023.
20. Staff mailed courtesy notice to property owners within 300 feet on November 15, 2023.
21. The Park Record published courtesy notice on November 15, 2023.

### **Conclusions of Law**

1. There is Good Cause for this Plat Amendment because it (a) allows for Off-Street Parking along a narrow and steep Right-of-Way, (b) resolves existing issues with a Landmark Historic Structure built over Lot lines, (c) retains present land Uses

and the Character of the HRL Zoning District, (d) no Public Street or Right-of-Way is vacated or amended, and (e) no easement is vacated or amended.

2. The Plat Amendment is consistent with Land Management Code § 15-7.1-3(B), §15-7.1-6, and Chapter 15-2.1 Historic Residential – Low-Density District.
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 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 at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.
3. The property is not located within the Park City Soil Ordinance Boundary. However, if the property owner encounters mine waste or mine waste-impacted soils, they must handle the material in accordance with State and Federal laws.
4. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to Building Permit issuance.
5. The plat shall include a plat note that the Maximum Building Footprint for the Landmark Historic Site is 1,065 square feet.
6. The proposed detached garage must comply with Side Setbacks.
7. Site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
8. Any proposed Structure, future development, or modification on this site shall require the Applicant to submit a Historic District Design Review Application to the Planning Department for review and compliance with Land Management Code § 15-13-2 Design Guidelines For Historic Residential Sites.
9. The detached garage shall be used for Off-Street Parking only and vehicles associated with 316 Ontario Avenue must park in the detached garage and/or on the driveway leading to the detached garage and not on Ontario Avenue.

10. A non-exclusive ten-foot (10') public snow storage easement, parallel to the Ontario Avenue Right-of-Way, shall be dedicated on the Plat.
11. An encroachment agreement is required for all private improvements in the Ontario Avenue Right-of-Way.
12. 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

Commissioner Shand seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

- G. Land Management Code Amendment** – The Applicant Requests an Amendment to Land Management Code Section 15-2, 13-2 to Prohibit Nightly Rentals, Accessory Apartments, and Internal Accessory Dwelling Units in The Bald Eagle Club at Deer Valley Subdivision within the Residential Development Zoning District. PL-23-05770.

Planner Zollinger presented the Staff Report and explained that the application was related to a Land Management Code Amendment. The Bald Eagle HOA was requesting to prohibit nightly rentals, accessory apartments, and internal accessory dwelling units in The Bald Eagle Club at Deer Valley Condominium. The condominium was located in the Residential Development Zoning District. It was also considered a part of the Upper Deer Valley Neighborhood in the General Plan. There was a history of prohibiting nightly rentals in the Land Management Code. There were specific footnotes that called out the subdivisions that prohibited nightly rentals.

The General Plan recommended that nightly rentals be located near resorts. However, Vision 2020, which was an amendment to the General Plan, encouraged primary and year-round residents, and a reduction in the number of residences that allowed nightly rentals. There was no history of prohibiting accessory apartments or internal accessory dwelling units in the Land Management Code. The General Plan recommended an increase in affordable housing opportunities and a wider variety of housing options. Prohibiting those uses was contrary to those goals. Additionally, the Housing Department did not support prohibiting accessory apartments.

Staff requested that the Planning Commission review the applicant's request and direct Staff to draft an ordinance that would return on December 13, 2023. The applicant, Dwayne Vance, was representing the Bald Eagle HOA. He explained that The Bald Eagle Club was the first gated community in Upper Deer Valley and had ski-in/ski-out access to the Deer Valley Resort. There were estate-sized lots with luxury homes. There were 58 lots in total, some of which were occupied as primary residences and some of which were secondary and vacation residences. In 2008, the owners of The Bald Eagle Club decided that there was a desire for the community to be truly private with a gated community feel. There was no desire to have nightly renters.

Mr. Vance read from The Bald Eagle Declaration: "The intent of this section is to maintain a high-quality neighborhood, maintain the privacy afforded by a gated community, maintain a residential atmosphere, afford owners the quiet enjoyment of their respective residences, and to preserve property values." Of the 58 lots that were entitled to vote, 48 voted. Of those votes, 40 voted in favor of the restrictions outlined and 8 voted against the restrictions. All of the current restrictions

were legally enforceable by the HOA. There had been questions regarding the internal accessory dwelling units, with the more recent changes made at the State level. However, a municipality could designate up to 25% of the total area zoned residential as not allowing accessory dwelling units. The sponsors had not contacted HOAs, and the changes were a surprise to many.

The Bald Eagle Club was platted as a condominium development and was subject to the Utah Condominium Ownership Act rather than the Community Association Act. The Community Association Act was the one that had the prohibition related to internal accessory dwelling units. The Condominium Ownership Act did not have that kind of prohibition. Mr. Vance explained that the request was to prohibit nightly rentals, accessory apartments, and internal accessory dwelling units in the area. Those were all prohibited under The Bald Eagle Declaration and those prohibitions were legally enforceable. He clarified that nothing was being requested from the City that The Bald Eagle Club had not done already. There was simply a desire for consistency. Mr. Vance shared additional background information about The Bald Eagle Club and nightly rentals.

With respect to accessory apartments and internal accessory dwelling units, Mr. Vance noted that one of the primary reasons against the proposal in the Staff Report had to do with the desire for workforce housing near resort areas. The Bald Eagle Club abutted the Deer Valley Resort and had ski-in/ski-out access, but it was also a private gated community with large luxury homes on estate lots. With the prohibitions already in place in The Bald Eagle Club Declaration, combined with the nature of the neighborhood, that area would not become workforce housing for the resorts. He reiterated that nothing was being requested outside of what had already been done by The Bald Eagle Club. There was simply a desire to avoid legal disputes in the future.

Chair Hall had returned to the Planning Commission Meeting. Commissioner Van Dine shared comments about the application. She understood the position that had been shared by Mr. Vance, but in her opinion, the request was contrary to what Park City was attempting to do. While that might not be the area that was targeted for workforce housing, not allowing someone to put an internal accessory dwelling unit in was contrary to the goals of the City. She did not have a problem with prohibiting nightly rentals but was concerned about the request overall. It did not seem fair for a gated area to essentially avoid contributing to the goals of the community.

Commissioner Johnson understood the comments shared by Commission Van Dine. He also respected that The Bald Eagle Club wanted to have those restrictions in their CC&Rs. While he thought there was some precedent to prohibit the nightly rentals, he was hesitant to disallow accessory dwelling units in these types of developments, when that could be a future solution. Planner Ward informed the Commission that in the accessory apartment Code, there were requirements to notify the HOA. Since this particular project was platted as a condominium, whenever Building Permit submittal occurred, proof of HOA notification was required.

Commissioner Shand thought that this application would set a precedent. He noted that the examples shown related to short-term rentals and not necessarily accessory apartments and internal accessory dwelling units. Commissioner Shand acknowledged that 40 votes were received in favor of the restrictions. It sounded like there was largely consensus within the community. That being said, his view was aligned with Commissioner Van Dine and Johnson. He believed prohibiting nightly rentals might make sense, but prohibiting accessory apartments and internal accessory dwelling units was something that he found harder to support.

Commissioner Frontero agreed with that perspective. He was not comfortable with prohibiting the accessory apartments and internal accessory dwelling units. Commissioner Suesser felt the

same. It was up to the HOA to enforce that prohibition, but the request was not consistent with the General Plan and Land Management Code, as reviewed and revised. Commissioner Sigg agreed. Prohibiting the nightly rentals was something that made sense, but not the other uses.

Chair Hall opened the public hearing. There were no comments. The public hearing was closed.

Chair Hall noted that the item would be continued to December 13, 2023. She believed Staff had received clear direction. Planner Zollinger explained that on December 13, 2023, she would come back with a draft ordinance that would eventually move forward to the City Council. Planner Ward added that the full request from the applicant would be presented to the City Council in the future.

**MOTION:** Commissioner Frontero moved to CONTINUE the request to prohibit nightly rentals, accessory apartments, and internal accessory dwelling units at The Bald Eagle Club, until December 13, 2023. Commissioner Sigg seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

- H. 36 Prospect Avenue – Plat Amendment –** The applicant Proposes to Combine Three Lots to Create a 0.1-acre Lot (4,356 Square Feet) in the Historic Residential (HR-1) Zoning District. PL-23-05860.

Senior Planner, Alexandra Ananth, presented the Staff Report and explained that the application was for a Plat Amendment at 36 Prospect Avenue. She noted that this was a Landmark Historic Structure, and it was a 1.5-story cottage that was built over three lot lines. The applicant proposed removing the internal lot line. The Plat Amendment complied with the Land Management Code for the HR-1 Zoning District and with the subdivision requirements. Planner Ananth informed the Commission that there was revised language for Condition of Approval #3 regarding the snow storage easement. The applicant had already agreed to a snow storage easement. Staff found good cause for the Plat Amendment and recommended that the Commission conduct a public hearing and consider approving the request. The applicant was available to answer questions.

Chair Hall opened the public hearing. There were no comments. The public hearing was closed.

**MOTION:** Commissioner Sigg moved to APPROVE 36 Prospect Avenue – Plat Amendment, based on the amended Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter:

**Findings of Fact**

1. 36 Prospect Avenue is a Landmark Site with a Single-Family Dwelling that straddles three Lots.
2. The Applicant proposes to combine the Lots to facilitate the construction of an addition and restoration of the structure.
3. The Plat Amendment combines Lot 1, 2, and 5 feet of Lot 3, of Block 18 of the Park City Survey to create a 0.1-acre lot (4,356 square feet).

4. The proposal does not create any remnant land as the Lots on both sides of the property have already been subdivided and platted.
5. Due to its status as a Landmark Site the Maximum Lot Size established by Ordinance 2023-50 does not apply to this Plat Amendment.
6. 36 Prospect Avenue was constructed circa 1899 and is known as the Richard Barrett House.
7. The existing Historic Structure is non-complying with respect to the Front and north Side Setbacks.
8. Any future additions must comply with all Setbacks, Building Footprint, and Building Height.
9. Because the Lot is in the Historic District a Historic District Design Review will be required for any additions/modifications to the Landmark Historic Structure.
10. There is Non-Complying parking for two cars in front of the home. The Applicant intends to construct a one-car garage along the south property line as part of the renovation which will improve existing conditions.
11. The proposal to combine three Lots complies with the LMC Chapter 15-2.2, Historic Residential District.
12. The Development Review Committee reviewed the proposal on November 7, 2023.
13. The proposal complies with LMC § 15-7.1-3(B) Plat Amendments.
14. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on November 15, 2023. Staff mailed courtesy notice to property owners within 300 feet on November 15, 2023. The Park Record published notice on November 15, 2023.
15. The Findings in the Analysis Section of the Staff Report dated November 29, 2023, are incorporated herein.

### **Conclusions of Law**

1. There is good cause for this Plat Amendment as it combines three Lots into one, resolving the non-compliance with respect to the Landmark Historic Structure being built across Lot lines, and facilitating the renovation and preservation of the Historic Structure which will improve parking conditions for the immediate neighborhood. No Public Street, Right-of-Way, or easement is vacated or amended.
2. The Plat Amendment is consistent with the Park City Land Management Code including Sections 15-7.1-3(B) regarding Plat Amendments.

3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City

### Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State Law, the Land Management Code, and the Conditions of Approval, prior to recordation of the Plat.
2. The applicant will record the Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the Plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Prior to recording, a 10-foot-wide non-exclusive public Snow Storage Easement shall be added to the Plat. A Plat Note shall indicate it is acceptable that the existing Landmark Historic Structure encroaches into the 10-foot non-exclusive public Snow Storage Easement. Any future additions/modifications must comply with all Setbacks, Building Footprint, and Building Height requirements, and Historic District Design Review and Approval will be required prior to the issuance of any Building Permits.
4. All exterior lighting shall conform to the City's Outdoor Lighting Requirements in LMC § 15-5-5(J).

Commissioner Frontero seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

### 5. WORK SESSION

- A. **732 Crescent Road** – The Planning Commission will Conduct a Work Session on the Applicant's Subdivision Proposal to Create Two Lots from Metes and Bounds Parcels in the Historic Residential-1 Zoning District and Partially within the Sensitive Lands Overlay (PL-22-05223), the Proposed Construction of Two Single-Family Dwellings on a Steep Slope (PL-21-04909 and PL-23-04911), and the Proposed Construction of an Addition to a Landmark Historic Structure on a Steep Slope (PL-23-05470). The Applicant continues to work with staff on the Historic Design Review for the Landmark Historic Structure. PL-22-05223, PL-21-04911, and PL-23-05740.

The Work Session items were continued to a future meeting.

- B. 732 Crescent Tram Road Historic House** – The Planning Commission will Conduct a Work Session on the Applicant’s Steep Slope Conditional Use Permit for a Proposed Addition to a Historic Structure on a Very Steep Slope in the Historic Residential-1 Zoning District and Partially within the Sensitive Land Overlay. The Applicant continues to work with staff on the Historic District Design Review for the Landmark Historic Structure. PL-23-05740.

The Work Session items were continued to a future meeting.

Chair Hall reported that more than three Commissioners would meet at 350 Main after the Planning Commission Meeting adjourned.

**6. ADJOURNMENT**

**MOTION:** Commissioner Suesser moved to ADJOURN.

The meeting adjourned at approximately 7:33 p.m.

PENDING APPROVAL

# Planning Commission Staff Report



**Subject:** Request to Prohibit Nightly Rentals and Internal Accessory Dwelling Units in The Bald Eagle Club at Deer Valley Condominium  
**Application:** PL-23-05770  
**Author:** Lillian Zollinger, Planner II  
**Date:** December 13, 2023  
**Type of Item:** Legislative – Land Management Code Amendment

## Recommendation

(I) Make a final recommendation regarding The Bald Eagle Club at Deer Valley Land Management Code Amendment request for City Council review on February 1, 2024.

## Description

**Applicant:** Dwayne A. Vance representing the Bald Eagle Homeowners Association

**Amended Section:** § 15-2.13-2 *Residential Development – Uses*

**Zoning District:** Residential Development

**Reason for Review:** Land Management Code amendments require Planning Commission review and recommendation to the City Council for Final Action<sup>1</sup>

## Background

On November 29, 2023, the Planning Commission reviewed the proposal to prohibit Nightly Rentals, Accessory Apartments, and Internal Accessory Dwelling Units in the Bald Eagle Club at the Deer Valley Condominium ([Staff Report](#); [Audio](#)). Since then, the Applicant has requested to remove the Accessory Apartments portion of the proposal. The Draft Ordinance (Exhibit A) reflects this request and the direction the Planning Commission provided staff in the previous meeting to forward a positive recommendation prohibiting Nightly Rentals in the Condominium, but to forward a negative recommendation prohibiting Internal Accessory Dwelling Units.

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<sup>1</sup> LMC [§ 15-1-7\(B\)\(1\)](#)

**Ordinance No. 2024-XX**

**AN ORDINANCE AMENDING LAND MANAGEMENT CODE SECTION 15-2.13-2  
FOOTNOTE 3 TO PROHIBIT NIGHTLY RENTALS IN THE BALD EAGLE CLUB AT  
DEER VALLEY CONDOMINIUM**

WHEREAS, The Bald Eagle Club Homeowners Association petitioned the City Council to amend the Land Management Code to prohibit Nightly Rentals and Internal Accessory Dwelling Units in The Bald Eagle Club at Deer Valley Condominium;

WHEREAS, on November 15, 2023, staff posted notice according to the requirements of the Land Management Code;

WHEREAS, on November 15, 2023, staff mailed courtesy notice to all affected property owners and notice was published in the Park Record and on the City and Utah Public Notice Websites;

WHEREAS, on November 29, 2023, the Planning Commission held a public hearing to receive input on the proposed Land Management Code amendments, directed staff to make findings for action, and continued the item to December 13, 2023;

WHEREAS, The Land Management Code is designed, enacted, restated and reorganized to implement the goals and policies of the Park City General Plan;

WHEREAS, Goal 7 of the General Plan is to create a diversity of primary housing opportunities to address the changing needs of residents and Objective 7B is to focus efforts for diversity of primary housing stock within primary residential neighborhoods to maintain majority occupancy by full time residents within these neighborhoods;

WHEREAS, on December 13, 2023, the Planning Commission unanimously forwarded a positive recommendation to prohibit Nightly Rentals in The Bald Eagle Club at Deer Valley Condominium to the City Council;

WHEREAS, Goal 8 of the General Plan is to increase affordable housing opportunities and Objective 8C of the General Plan is to increase housing ownership opportunities for workforce within primary residential neighborhoods;

WHEREAS, on December 13, 2023, the Planning Commission unanimously forwarded a negative recommendation to prohibit Internal Accessory Dwelling Units in The Bald Eagle Club at Deer Valley Condominium to the City Council;

WHEREAS, on December 14, 2023, the City Council held a public hearing and continued the item to February 1, 2024;

WHEREAS, on February 1, 2024, the City Council held a public hearing;

WHEREAS, it is in the best interest of Park City, Utah, to amend the Land Management Code to prohibit Nightly Rentals in The Bald Eagle Club at Deer Valley Condominium; and

WHEREAS, the proposed Land Management Code amendment is consistent with the following purposes of the Utah Municipal Land Use, Development, and Management Act Section 10-9a-102, Purposes – General land use authority.

1. The purposes of this chapter are to:
  - a. provide for the health, safety, and welfare;
  - b. promote the prosperity;
  - c. improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses;
  - d. protect the tax base;
  - e. secure economy in government expenditures;
  - f. foster the state's agricultural and other industries;
  - g. protect both urban and nonurban development;
  - h. protect and ensure access to sunlight for solar energy devices;
  - i. provide fundamental fairness in land use regulation;
  - j. facilitate orderly growth and allow growth in a variety of housing types; and
  - k. protect property values.

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

**SECTION 1. FINDINGS.** The analysis section of the staff reports of November 16, 2023, and December 14, 2023, are incorporated herein. The recitals above are incorporated herein as findings of fact.

**SECTION 2. AMEND MUNICIPAL CODE OF PARK CITY, LAND MANAGEMENT CODE TITLE 15.** Municipal Code of Park City Title 15 Land Management Code § 15-2.13-2 Residential Development – Uses Footnote 3 is hereby amended as outlined in Attachment 1.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS 1st DAY OF FEBRUARY 2024.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Nann Worel, Mayor

Attest:

\_\_\_\_\_  
City Recorder

Approved as to form:

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

DRAFT

1 **Attachment 1**

2 **15-2.13-2 Uses**

3  
4 Uses in the RD District are limited to the following:

5 **A. Allowed Uses.**

- 6 1. Single-Family Dwelling
- 7 2. Duplex Dwelling
- 8 3. Secondary Living Quarters
- 9 4. Lockout Unit<sup>1</sup>
- 10 5. Accessory Apartment<sup>2</sup>
- 11 6. Nightly Rental<sup>3</sup>
- 12 7. Home Occupation
- 13 8. Child Care, In-Home Babysitting<sup>4</sup>
- 14 9. Child Care, Family<sup>4</sup>
- 15 10. Child Care, Family Group<sup>4</sup>
- 16 11. Accessory Building and Use
- 17 12. Conservation Activity Agriculture
- 18 13. Parking Area or Structure with four (4) or fewer spaces
- 19 14. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays<sup>5</sup>
- 20 15. Food Truck Location<sup>16</sup>
- 21 16. Internal Accessory Dwelling Unit<sup>17</sup>

22 **B. Conditional Uses.**

- 23 1. Triplex Dwelling<sup>6</sup>
- 24 2. Multi-Unit Dwelling<sup>6</sup>
- 25 3. Guest House

- 26 4. Group Care Facility
- 27 5. Child Care Center<sup>4</sup>
- 28 6. Public and Quasi-Public Institution, Church, and School
- 29 7. Essential Municipal Public Utility Use, Facility, Service, and Structure
- 30 8. Telecommunication Antenna<sup>7</sup>
- 31 9. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter<sup>8</sup>
- 32 10. Raising, grazing of horses
- 33 11. Cemetery
- 34 12. Bed and Breakfast Inn
- 35 13. Hotel, Minor<sup>6</sup>
- 36 14. Hotel, Major<sup>6</sup>
- 37 15. Private Residence Club Project and Conversion<sup>10</sup>
- 38 16. Office, General<sup>6,9</sup>
- 39 17. Office, Moderate Intensive<sup>6,9</sup>
- 40 18. Office, Medical<sup>6,9</sup>
- 41 19. Financial Institution without drive-up window<sup>6,9</sup>
- 42 20. Commercial Retail and Service, Minor<sup>6,9</sup>
- 43 21. Commercial Retail and Service, personal improvement<sup>6,9</sup>
- 44 22. Commercial, Resort Support<sup>6,9</sup>
- 45 23. Café or Deli<sup>6,9</sup>
- 46 24. Restaurant, Standard<sup>6,9</sup>
- 47 25. Restaurant, Outdoor Dining<sup>10</sup>
- 48 26. Outdoor Event<sup>10</sup>

- 49 27. Bar<sup>6,9</sup>
- 50 28. Hospital, Limited Care Facility<sup>6,9</sup>
- 51 29. Parking Area or Structure with five (5) or more spaces
- 52 30. Temporary Improvement<sup>10</sup>
- 53 31. Passenger Tramway Station and Ski Base Facility<sup>11</sup>
- 54 32. Ski Tow, Ski Lift, Ski Run, and Ski Bridge<sup>11</sup>
- 55 33. Recreation Facility, Public
- 56 34. Recreation Facility, Commercial<sup>6</sup>
- 57 35. Recreation Facility, Private<sup>18</sup>
- 58 36. Entertainment Facility, Indoor<sup>6,9</sup>
- 59 37. Commercial Stables, Riding Academy<sup>12</sup>
- 60 38. Heliport<sup>12</sup>
- 61 39. Vehicle Control Gate<sup>13</sup>
- 62 40. Fences and walls greater than six feet (6') in height from Final Grade<sup>10</sup>
- 63 41. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays<sup>14</sup>
- 64 42. Amenities Club
- 65 43. Club, Private Residence Off-Site<sup>15</sup>

66 C. **Prohibited Uses.** Any Use not listed above as an Allowed or Conditional Use is  
 67 a prohibited Use.

68 <sup>1</sup>Nightly rental of Lockout Units requires a Conditional Use permit  
 69 <sup>2</sup>Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments  
 70 <sup>3</sup>Nightly Rentals do not include the Use of dwellings for Commercial Uses. Nightly Rentals are not  
 71 permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision  
 72 Phases #1A and #1B, Fairway Meadows Subdivision, Hidden Oaks at Deer Valley Phases 2 and 3,

73 Chatham Crossing Subdivision, ~~and~~ *West Ridge and West Ridge Phase 2 Subdivision*, and the Bald  
74 Eagle Club at Deer Valley Condominium.

75 <sup>5</sup>Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City  
76 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and  
77 placed on the original Property set forth in the services agreement and/or Master Festival License

78 <sup>6</sup>Subject to provisions of LMC Chapter 15-6, Master Planned Development

79 <sup>7</sup>See Section 15-4-14, Telecommunications Facilities

80 <sup>8</sup>See Section 15-4-13, Placement of Satellite Receiving Antennas

81 <sup>9</sup>Allowed only as a secondary or support Use to the primary Development or Use and intended as a  
82 convenience for residents or occupants of adjacent or adjoining residential Developments

83 <sup>10</sup>Requires an Administrative Conditional Use permit.

84 <sup>11</sup>As part of an approved Ski Area Master Plan. See Section 15-4-18 Passenger Tramways and Ski  
85 Base Facilities.

86 <sup>12</sup>Omitted.

87 <sup>13</sup>See Section 15-4-19, Review Criteria For Control Vehicle Gates.

88 <sup>14</sup>Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City  
89 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and  
90 placed in an Area other than the original location set forth in the services agreement and/or Master  
91 Festival License.

92 <sup>15</sup>Only allowed within a Master Planned Development. Requires an Administrative Conditional Use  
93 permit. Is permitted only in approved existing Commercial spaces or developments that have ten (10)  
94 or more units with approved Support Commercial space. A Parking Plan shall be submitted to  
95 determine site specific parking requirements.

96 <sup>16</sup>The Planning Director or their designee shall, upon finding a Food Truck Location in compliance  
97 with Municipal Code 4-5-6, issue the property owner a Food Truck Location administrative approval  
98 letter.

99 <sup>17</sup>See Section 15-4-7.1, Internal Accessory Dwelling Units.

100 <sup>18</sup>See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas.

# Planning Commission Staff Report



**Subject:** Historic District Design Guidelines Updates  
**Application:** PL-23-05962  
**Author:** Planning Team  
**Date:** December 13, 2023  
**Type of Item:** Legislative - Land Management Code Amendments

## Summary

(I) Review the proposed Land Management Code Amendments that include

- Illustrations for Chapter 15-13 *Design Guidelines for Historic Districts and Historic Sites*,
- Amendments to maximum driveway designs in Historic Districts,
- Removal of the requirement that non-historic structures have an opaque finish, and
- Minor corrections,

(II) conduct a public hearing, and (III) provide feedback to Planning Team.

## Analysis

In accordance with Land Management Code (LMC) § [15-12-15\(B\)\(3\)](#), the Planning Commission has a “primary responsibility to review amendments to the Land Management Code” and forward a recommendation of the proposed changes to the City Council.

Staff recommends amendments to the LMC to make the Historic District regulations more accessible to applicants with illustrations, to clarify criteria for driveways in the Historic Districts, to implement the Board’s recommended amendments regarding opacity regulations, and to make minor corrections.

The LMC is enacted to implement the goals and policies of the General Plan, in part to protect and enhance the Historic character (LMC § [15-1-2\(B\)](#)). [General Plan Objective 15C](#) (p. 107) is to “[i]ncrease local knowledge of historic preservation principles and accepted standards through increased public education and programming.” Illustrating key requirements will make these development standards more accessible to the public and support consistent project reviews. Illustrating and updating the Historic District regulations also advance General Plan [Community Planning Strategy 15.4](#) (p. 108), which is to “[r]eview, annually, the Land Management Code (LMC) and Park City’s Design Guidelines for Historic Districts and Historic Sites in order to maintain regulatory consistency.”

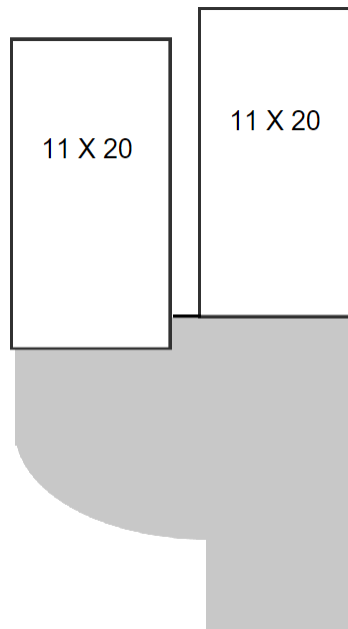
## **Staff Recommends Clarifying Driveway Regulations**

For Historic Sites, LMC § [15-13-2\(B\)\(5\)\(b\)\(7\)](#) states single-car wide tandem garages are

recommended and side-by-side parking configurations are strongly discouraged, but if used, must be visually minimized when viewed from the primary right-of-way. LMC [§ 15-13-2\(B\)\(5\)\(b\)\(8\)](#) states garages with side-by-side parking configurations must maintain a two-foot offset in the wall plane. These same standards apply to Non-Historic Sites (LMC [§ 15-13-8\(B\)\(6\)\(a\)\(7\)](#)). LMC [§ 15-3-4\(A\)\(1\)](#) requires garages to have a minimum interior dimension of 11 feet in width and 20 feet in depth.

Historic and Non-Historic Sites in the Historic Districts are recommended to be limited to a 10-foot-wide driveway but are restricted to no more than a 12-foot-wide driveway (LMC [§ 15-13-2\(B\)\(1\)\(g\)\(6\)](#) and LMC [§ 15-13-8\(B\)\(1\)\(h\)\(7\)](#)). The restriction on maximum driveway width has led to challenges for sites with a two-car garage. Existing non-complying driveways that were built prior to the adoption of the code establishing a 12-foot-wide maximum may be maintained in accordance with LMC [§ 15-9-6 Non-Complying Structures](#) in that they may be repaired and maintained, but not increased. For new developments with a two-car garage, several applicants and property owners have expressed concerns regarding the maximum driveway widths in Historic Districts for two-car garages over the years citing matters of snow storage and provision of parking as reasons to maintain wider driveways.

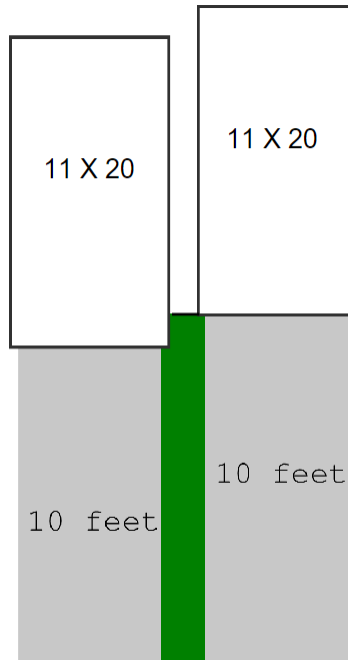
Code interpretations have included applying the 12-foot-wide maximum to the area within the setback, leading to a driveway like the one illustrated below:



Staff recommends clarifying the driveway width regulations to establish consistent criteria, to address the realities of access to two-car garages and winter conditions in a resort town, and to mitigate impervious surfaces. To comply with the two-foot offset in the wall plane, the driveway width maximum, and the interior garage dimensions, staff recommends the following for a two-car garage:

- Require both a vertical and horizontal two-foot offset between garage doors;
- Restrict driveway widths to 10 feet; and
- Require a minimum 18-inch buffer between driveway widths.

The recommended regulations are illustrated below and within the draft ordinance (Exhibit A):



The minimum 18-inch buffer could include: at-grade landscaping (Figure 1), a permanent raised planter box with landscaping (Figure 2), or turfstone pavers (Figure 3).



*Figure 1: Example of at-grade landscaping*



Figure 2: Example of permanent planter



Figure 3: Example of turfstone

## Staff Recommends Minor Corrections

Staff recommends:

- Removing conflicting statements (e.g. “*all elevations of the new infill residential building **should shall**<sup>1</sup> be designed in a manner consistent...*”)
- Replacing “Guidelines” with “Regulations” because the Historic District requirements are codified standards
- Removing an asterisk in the Historic Sites Inventory in [Section 15-11-10](#) noting

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<sup>1</sup> Emphasis added

properties under appeal for Determination of Significance – the appeals are no longer active

- Replacing “him” and “his” with “their”
- Correcting minor grammatical and spelling errors

### **Next Steps**

The Planning Commission will review the proposed amendments, conduct a public hearing, and provide feedback to Planning Staff. The Planning Commission will review the proposed amendments at another duly noticed public meeting, conduct a public hearing, and forward a formal recommendation of the amendments to the City Council. The City Council will review the proposed amendments during a public meeting tentatively scheduled for February 15, 2024, conduct a public hearing, and consider approving or denying the proposed LMC amendments.

### **Exhibits**

Exhibit A: Draft Redlines

**Ordinance No. 2024-XX**

**AN ORDINANCE AMENDING LAND MANAGEMENT CODE CHAPTER 15-11  
HISTORIC PRESERVATION AND CHAPTER 15-13 DESIGN GUIDELINES FOR  
HISTORIC DISTRICTS AND HISTORIC SITES**

WHEREAS, the purposes of the Land Management Code include promoting the general health, safety, and welfare of the present and future inhabitants, businesses, and visitors of the City and protecting and enhancing the vitality of the City's resort-based economy, the overall quality of life, the Historic Character, and unique mountain town community;

WHEREAS, the Land Management Code implements the goals and policies of the Park City General Plan;

WHEREAS, *Historic Character* is one of the core values in the Park City General Plan;

WHEREAS, Goal 15 is to preserve the integrity, mass, scale, compatibility, and historic fabric of the national and locally designated historic resources and districts for future generations, Objective 15B of the General Plan is to "[m]aintain character, context and scale of local historic districts with compatible infill development and additions," Objective 15C is to "[i]ncrease local knowledge of historic preservation principles and accepted standards through increased public education and programming," and Objective 15D is to "[p]rovide additional public education/programming to connect property owners and financial incentives in an effort to offset the high cost of restoration;"

WHEREAS, Community Planning Strategy 15.4 of the General Plan is to "[r]eview, annually, the Land Management Code (LMC) and Park City's Design Guidelines for Historic Districts and Historic Sites in order to maintain regulatory consistency;"

WHEREAS, the purpose of the Historic Preservation Board is to in part preserve the City's unique historic character and to encourage compatible design and construction in the City's Historic Districts and Historic Sites through periodic updates to Land Management Code Chapter 15-13 *Design Guidelines for Historic Districts and Historic Sites*;

WHEREAS, on November 1, 2023, the Historic Preservation Board conducted a work session on potential amendments to the Land Management Code to clarify maximum driveway widths for side-by-side two-car garages in the Historic Districts and to make minor corrections;

WHEREAS, on December 6, 2023, the Historic Preservation Board conducted a public hearing and forwarded a positive recommendation to the Planning Commission and City Council;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on December 13, 2023, and forwarded a \_\_\_\_\_ recommendation to the City Council;

WHEREAS, the City Council conducted a duly noticed public hearing on February 15, 2024.

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY LAND MANAGEMENT CODE TITLE 15. The recitals are incorporated herein as findings of fact. Municipal Code of Park City Title 15 Land Management Code Chapter 15-11 *Historic Preservation* and Chapter 15-13 *Design Guidelines for Historic Districts and Historic Sites* are hereby amended as outlined in Attachment 1.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS 15<sup>th</sup> day of February 2024.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Nann Worel, Mayor

Attest:

\_\_\_\_\_  
City Recorder

Approved as to form:

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

- 1 **15-11 Historic Preservation**
- 2 15-11-1 Establishment Of Board
- 3 15-11-2 Terms And Qualifications Of Members
- 4 15-11-3 Organization
- 5 15-11-4 Absence Deemed Resignation Or Grounds For Removal
- 6 15-11-5 Purposes
- 7 15-11-6 Additional Duties
- 8 15-11-7 Limitations
- 9 15-11-8 Staff Assistance
- 10 15-11-9 Preservation Policy
- 11 15-11-10 Park City Historic Sites Inventory
- 12 15-11-11 ~~[Design Guidelines]~~ Regulations For Historic Districts And Historic Sites
- 13 15-11-12 Historic District Or Historic Site ~~[Design]~~ Review
- 14 15-11-12.5 Historic Preservation Board Review For Material Deconstruction
- 15 15-11-13 Relocation And/Or Reorientation Of A Historic Building Or Historic Structure
- 16 15-11-14 Disassembly And Reassembly Of A Historic Building Or Historic Structure
- 17 15-11-15 Reconstruction Of An Existing Historic Building Or Historic Structure
- 18 15-11-16 Demolition Of Historic Buildings, Structures, And Sites
- 19 15-11-17 Certificate Of Appropriateness For Demolition (CAD)
- 20 15-11-18 CAD Pre-Hearing Application Requirements
- 21 15-11-19 CAD Hearing
- 22
- 23 .....

24 **15-11-5 Purposes**

25 The purposes of the HPB are:

- 26 A. To preserve the City's unique Historic character and to encourage compatible  
27 design and construction through the creation, and periodic update of  
28 comprehensive ~~[Design Guidelines]~~ Regulations For Historic Districts And  
29 Historic Sites, Chapter 15-13;
- 30 B. To identify as early as possible and resolve conflicts between the preservation of  
31 cultural resources and alternative land Uses;
- 32 C. To provide input to staff, the Planning Commission and City Council towards  
33 safeguarding the heritage of the City in protecting Historic Sites, Buildings, and/or  
34 Structures;
- 35 D. To recommend to the Planning Commission and City Council ordinances that  
36 may encourage Historic preservation;
- 37 E. To communicate the benefits of Historic preservation for the education,  
38 prosperity, and general welfare of residents, visitors and tourists;
- 39 F. To recommend to the City Council Development of incentive programs, either  
40 public or private, to encourage the preservation of the City's Historic resources;
- 41 G. To administer all City-sponsored preservation incentive programs;
- 42 H. To review and take action on all designation of Sites to the Historic Sites  
43 Inventory Applications submitted to the City; and
- 44 I. To review and take action on material deconstruction applications for those Sites  
45 listed on the Historic Sites Inventory.

46 HISTORY

47 *Adopted by Ord. 02-07 on 5/23/2002*

48 *Amended by Ord. 03-34 on 7/10/2003*

49 *Amended by Ord. 09-23 on 7/9/2009*

50 *Amended by Ord. 15-53 on 12/17/2015*

51 *Amended by Ord. 16-15 on 3/24/2016*

52 *Amended by Ord. 2016-44 on 9/15/2016*

53 *Amended by Ord. 2022-16 on 5/26/2022*

54 . . . .

55 **15-11-9 Preservation Policy**

56 It is deemed to be in the interest of the citizens of Park City, as well as the State of  
57 Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic  
58 Significance in Park City. These Buildings, Structures and Sites are among the City's  
59 most important cultural, educational, and economic assets. In order that they are not  
60 lost through neglect, Demolition, expansion or change within the City, the preservation  
61 of Historic Sites, Buildings, and Structures is required. This section is intended to  
62 provide an incentive for identification and preservation of Historic Buildings, Structures  
63 or Sites that may occur within the Park City Historic District, as well as those that may  
64 be located outside the Historic District.

65 A. **HISTORIC PRESERVATION PLAN**. The Planning Department is authorized to  
66 require that ~~[Developers]~~ Applicants prepare a Historic Preservation Plan as a  
67 condition of approving an Application for a Building project that affects a Historic

68 Structure, Site or Object. The Planning Director and the Chief Building Official, or  
69 their designees, must approve the Historic Preservation Plan.

70 B. **GUARANTEE REQUIRED**. The Planning Department is also authorized to  
71 require that the Applicant provide the City with a financial Guarantee to ensure  
72 compliance with the conditions and terms of the Historic Preservation Plan.

73 C. **TERMS OF GUARANTEE**. The Guarantee shall be similar in form to other  
74 Guarantees required by this title and shall consist of an Escrow deposit, a cash  
75 deposit with the City, a letter of credit or some combination of the above as  
76 approved by the City, including but not limited to a lien on the Property.

77 D. **AMOUNT OF THE GUARANTEE**. The amount of the Guarantee shall be  
78 determined by the Chief Building Official, or ~~his~~ their designee. The Building and  
79 Planning Departments shall develop standardized criteria to be used when  
80 determining the amount of the Historic preservation Guarantee. Such amount  
81 may include additional cost or other penalties for the destruction of Historic  
82 material(s).

83 E. **EFFECT OF NON-COMPLIANCE**. If the ~~Developer~~ Applicant does not comply  
84 with the terms of the Historic Preservation Plan as determined by the Chief  
85 Building Official and the Planning Director, or their designees, the City shall have  
86 the right to keep the funds of the Guarantee, including the ability to refuse to  
87 grant the Certificate of Occupancy and resulting in the requirement to enter into a  
88 new Historic Preservation Plan and Guarantee. The funds of the Guarantee shall  
89 be used, in the City's discretion, for Historic preservation projects within the City.

90 F. **RELEASE OF GUARANTEE**. The Guarantee shall not be released prior to the  
91 issuance of the final Certificate of Occupancy or at the discretion of the Chief  
92 Building Official and Planning Director, or their designees, based on construction  
93 progress in compliance with the Historic Preservation Plan.

94 HISTORY

95 *Adopted by Ord. 02-07 on 5/23/2002*

96 *Amended by Ord. 03-34 on 7/10/2003*

97 *Amended by Ord. 09-09 on 2/12/2009*

98 *Amended by Ord. 09-23 on 7/9/2009*

99 **15-11-10 Park City Historic Sites Inventory**

100 The City Council may designate Sites to the Historic Sites Inventory as a means of  
101 providing recognition to and encouraging the Preservation of Historic Sites in the  
102 community. City Council shall make the final determination on all Determination of  
103 Significance applications considering the criteria below, with the recommendation of the  
104 Historic Preservation Board.

105 A. **CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES**  
106 **INVENTORY.**

107 1. **LANDMARK SITE.** Any Buildings (main, attached, detached, or public),  
108 Accessory Buildings, and/or Structures may be designated to the Historic  
109 Sites Inventory as a Landmark Site if the City Council, with a  
110 recommendation from the Historic Preservation Board, considers all the  
111 criteria listed below:

- 112 a. It is at least fifty (50) years old or if the Site is of exceptional  
113 importance to the community; and
- 114 b. It retains its Historic Integrity in terms of location, design, setting,  
115 materials, workmanship, feeling and association as defined by the  
116 National Park Service for the National Register of Historic Places;  
117 and
- 118 c. It is significant in local, regional or national history, architecture,  
119 engineering or culture associated with at least one (1) of the  
120 following:

121 (1) An era that has made a significant contribution to the broad  
122 patterns of our history; or

123 (2) The lives of Persons significant in the history of the  
124 community, state, region, or nation; or

125 (3) The distinctive characteristics of type, period, or method of  
126 construction or the work of a notable architect or master  
127 craftsman.

128 2. **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public),  
129 Accessory Buildings and/or Structures may be designated to the Historic  
130 Sites Inventory as a Significant Site if the City Council, with a  
131 recommendation from the Historic Preservation Board, considers all the  
132 criteria listed below:

- 133 a. It is at least fifty (50) years old or the Site is of exceptional  
134 importance to the community; and

- 135                   b. It retains its Essential Historic Form as may be demonstrated but  
136                   not limited by any of the following:
- 137                   (1) It previously received a historic grant from the City; or  
138                   (2) It was previously listed on the Historic Sites Inventory; or  
139                   (3) It was listed as Significant on any reconnaissance or  
140                   intensive level survey of historic resources; and
- 141                   c. It has one (1) or more of the following:
- 142                   (1) It retains its historic scale, context, materials in a manner  
143                   and degree which can be restored to its Essential Historic  
144                   Form even if it has non-historic additions; or  
145                   (2) It reflects the Historical or Architectural character of the site  
146                   or district through design characteristics such as mass,  
147                   scale, composition, materials, treatment, cornice, and/or  
148                   other architectural features as are Visually Compatible to the  
149                   Mining Era Residences National Register District even if it  
150                   has non-historic additions; and
- 151                   d. It is important in local or regional history architecture, engineering,  
152                   or culture associated with at least one (1) of the following:
- 153                   (1) An era of Historic Importance to the community, or  
154                   (2) Lives of Persons who were of Historic importance to the  
155                   community, or  
156                   (3) Noteworthy methods of construction, materials, or  
157                   craftsmanship used during the Historic period.

158 3. **CONTRIBUTORY SITE.** Any Buildings (main, attached, detached or  
159 public), Accessory Buildings and/or Structures may be designated to the  
160 Historic Sites Inventory as a Contributory Site if the City Council, with a  
161 recommendation from the Planning Department, considers all the criteria  
162 listed below:

163 a. The structure is forty (40) years old or older (this includes buildings  
164 not historic to Park City that were relocated to prevent demolition);  
165 and

166 b. Meets one of the following:

167 (1) Expresses design characteristics such as mass, scale,  
168 composition, materials, treatment, cornice, and/or other  
169 architectural features as are Visually Compatible to the  
170 Mining Era Residences National Register District; or

171 (2) It is important in local or regional history, architecture,  
172 engineering, or culture associated with at least one (1) of the  
173 following:

174 (A) An era of Historic importance to the community; or

175 (B) Lives of Persons who were of Historic importance to  
176 the community, or

177 (C) Noteworthy methods of construction, materials, or  
178 craftsmanship used during the Historic Period

179 c. Contributory structures may be eligible for Historic District Grant  
180 funding. Contributory structures are eligible for demolition.

181 4. Any Development involving the Reassembly or Reconstruction of a  
182 Landmark Site or a Significant Site that is executed pursuant to Sections  
183 15-11-14 or 15-11-15 of this code shall remain on the Park City Historic  
184 Sites Inventory. Following Reassembly or Reconstruction, the City  
185 Council, with a recommendation from the Historic Preservation Board, will  
186 review the project to determine if the work has required a change in the  
187 site or structure's historic designation from Landmark to Significant.

188 **B. PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC**  
189 **SITES INVENTORY.** The Planning Department shall maintain an inventory of  
190 Historic Sites which reflects the Historic Sites Inventory adopted herein. It is  
191 hereby declared that all Buildings (main, attached, detached or public),  
192 Accessory Buildings, and/or Structures within Park City, which City Council  
193 considers to be in compliance with the criteria found in Sections 15-11-10(A)(1)  
194 or 15-11-10(A)(2) are determined to be on the Park City Historic Sites Inventory.  
195 Any Owner of a Building (main, attached, detached or public), Accessory  
196 Building, and/or Structure, may nominate it for listing in the Park City Historic  
197 Sites Inventory. The Planning Department may nominate a Building (main,  
198 attached, detached or public), Accessory Building, and/or Structure for listing in  
199 the Park City Historic Sites Inventory. The nomination and designation  
200 procedures are as follows:

201 1. **COMPLETE APPLICATION.** The Application shall be on forms as  
202 prescribed by the City and shall be filed with the Planning Department.  
203 Upon receiving a Complete Application for designation, the Planning staff

204 shall schedule a hearing before the Historic Preservation Board within  
205 ninety (90) days.

206 2. **NOTICE.** Prior to taking action on the Application, the Planning staff shall  
207 provide public notice pursuant to Section 15-1-21 of this Code.

208 3. **HEARING AND DECISION.** The Historic Preservation Board will hold a  
209 public hearing and will review the Application for compliance with the  
210 “Criteria for Designating Historic Sites to the Park City Historic Sites  
211 Inventory.” If the Historic Preservation Board finds that the Application  
212 complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-  
213 11-10(A)(2), the Building (main, attached, detached or public), Accessory  
214 Building, and/or Structure will be recommended to the City Council to be  
215 added to the Historic Sites Inventory.

216 **C. REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY.**

217 The City Council, with a recommendation from the Historic Preservation Board,  
218 may remove a Site from the Historic Sites Inventory. Any Owner of a Site listed  
219 on the Park City Historic Sites Inventory may submit an Application for the  
220 removal of his/her Site from the Park City Historic Sites Inventory. The Planning  
221 Department may submit an Application for the removal of a Site from the Park  
222 City Historic Sites Inventory. The criteria and procedures for removing a Site from  
223 the Park City Historic Sites Inventory are as follows:

224 1. **CRITERIA FOR REMOVAL.**

- 225 a. The Site no longer meets the criteria set forth in Section 15-11-  
226 10(A)(1) or 15-11-10(A)(2) because the qualities that caused it to  
227 be originally designated have been lost or destroyed; or
- 228 b. The Building (main, attached, detached, or public) Accessory  
229 Building, and/or Structure on the Site has been demolished and will  
230 not be reconstructed; or
- 231 c. Additional information indicates that the Building, Accessory  
232 Building, and/or Structure on the Site do not comply with the criteria  
233 set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2).

234 **2. PROCEDURE FOR REMOVAL.**

- 235 a. **Complete Application.** The Application shall be on forms as  
236 prescribed by the City and shall be filed with the Planning  
237 Department. Upon receiving a Complete Application for removal,  
238 the Planning staff shall schedule a hearing before the Historic  
239 Preservation Board within ninety (90) days.
- 240 b. **Notice.** Prior to taking action on the Application, the Planning staff  
241 shall provide public notice pursuant to Section 15-1-21 of this Code.
- 242 c. **Hearing and Decision.** The Historic Preservation Board will hear  
243 testimony from the Applicant and public and will review the  
244 Application for compliance with the “Criteria for Designating Historic  
245 Sites to the Park City Historic Sites Inventory.” The HPB shall  
246 review the Application “de novo” giving no deference to the prior  
247 determination. The Applicant has the burden of proof in removing

248 the Site from the inventory. The HPB will make a recommendation  
249 to City Council. The City Council will consider and determine  
250 whether the proposal complies with the criteria set forth in Section  
251 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main,  
252 attached, detached, or public) Accessory Building, and/or Structure  
253 will be removed from the Historic ~~Sites~~ Sites Inventory.

254 D. Properties identified on the Historic Sites Inventory are hereby designated by  
255 Ordinance as Landmark or Significant. These properties include:

- 256 1. Landmark
  - 257 a. 44 Chambers Street
  - 258 b. 64 Chambers Street
  - 259 c. 732 Crescent Tram
  - 260 d. 61 Daly Avenue
  - 261 e. 118 Daly Avenue
  - 262 f. 131 Daly Avenue
  - 263 g. 142 Daly Avenue
  - 264 h. 145 Daly Avenue
  - 265 i. 162 Daly Avenue
  - 266 j. 166 Daly Avenue
  - 267 k. 243 Daly Avenue
  - 268 l. 279 Daly Avenue
  - 269 m. 314 Daly Avenue
  - 270 n. 830 Empire Avenue

- 271 o. 835 Empire Avenue
- 272 p. 911 Empire Avenue
- 273 q. 939 Empire Avenue
- 274 r. 270 Grant Avenue
- 275 s. 27 Hillside Avenue
- 276 t. 3000 Highway 224
- 277 u. 2780 Kearns Boulevard
- 278 v. 33 King Road
- 279 w. 45 King Road
- 280 x. 69 King Road
- 281 y. 74 King Road
- 282 z. 1400 Lucky John Drive
- 283 aa. 125 Main Street
- 284 ab. 140 Main Street
- 285 ac. 150 Main Street
- 286 ad. 151 Main Street
- 287 ae. 170 Main Street
- 288 af. 176 Main Street
- 289 ag. 221 Main Street
- 290 ah. 305 Main Street

291 ai. 306 Main Street

292 aj. 309 Main Street

293 ak. 312 Main Street

294 al. 322 Main Street

295 am. 328 Main Street

296 an. 350 Main Street

297 ao. 361-363 Main Street

298 ap. 368 Main Street

299 aq. 402 Main Street

300 ar. 405 Main Street

301 as. 419 Main Street

302 at. 427 Main Street

303 au. 430 Main Street

304 av. 434 Main Street

305 aw. 436 Main Street

306 ax. 438 Main Street

- 307 ay. 440 Main Street
- 308 az. 447 Main Street
- 309 ba. 508 Main Street
- 310 bb. 509 Main Street
- 311 bc. 511 Main Street
- 312 bd. 523 Main Street
- 313 be. 528 Main Street
- 314 bf. 540 Main Street
- 315 bg. 541 Main Street
- 316 bh. 550 Main Street
- 317 bi. 562 Main Street
- 318 bj. 573 Main Street
- 319 bk. 586 Main Street
- 320 bl. 660 Main Street
- 321 bm. 252 Marsac Avenue
- 322 bn. 334 Marsac Avenue

323 bo. 342 Marsac Avenue

324 bp. 412 Marsac Avenue

325 bq. 416 Marsac Avenue

326 br. 445 Marsac Avenue

327 bs. 243 McHenry Avenue

328 bt. 2414 Monitor Drive

329 bu. 143 Norfolk Avenue

330 bv. 802 Norfolk Avenue

331 bw. 811 Norfolk Avenue

332 bx. 823 Norfolk Avenue

333 by. 824 Norfolk Avenue

334 bz. 843 Norfolk Avenue

335 ca. 902 Norfolk Avenue

336 cb. 933 Norfolk Avenue

337 cc. 945 Norfolk Avenue

338 cd. 946 Norfolk Avenue

- 339 ce. 955 Norfolk Avenue
- 340 cf. 962 Norfolk Avenue
- 341 cg. 1002.5 Norfolk Avenue
- 342 ch. 1003 Norfolk Avenue
- 343 ci. 1101 Norfolk Avenue
- 344 cj. 1102 Norfolk Avenue
- 345 ck. 264 Ontario Avenue
- 346 cl. 316 Ontario Avenue
- 347 cm. 323 Ontario Avenue
- 348 cn. 355 Ontario Avenue
- 349 co. 413 Ontario Avenue
- 350 cp. 417 Ontario Avenue
- 351 cq. 44 Ontario Canyon Street
- 352 cr. 121 Park Avenue
- 353 cs. 139 Park Avenue
- 354 ct. 157 Park Avenue

355 cu. 161 Park Avenue  
356 cv. 259 Park Avenue  
357 cw. 323 Park Avenue  
358 cx. 325 Park Avenue  
359 cy. 343 Park Avenue  
360 cz. 351 Park Avenue  
361 da. 363 Park Avenue  
362 db. 401 Park Avenue  
363 dc. 402 Park Avenue  
364 dd. 416 Park Avenue  
365 de. 421 Park Avenue  
366 df. 424 Park Avenue  
367 dg. 445 Park Avenue  
368 dh. 455 Park Avenue  
369 di. 463 Park Avenue  
370 dj. 502 Park Avenue

371 dk. 517 Park Avenue  
372 dl. 525 Park Avenue  
373 dm. 527 Park Avenue  
374 dn. 528 Park Avenue  
375 do. 539 Park Avenue  
376 dp. 543 Park Avenue  
377 dq. 553 Park Avenue  
378 dr. 606 Park Avenue  
379 ds. 610 Park Avenue  
380 dt. 614 Park Avenue  
381 du. 638 Park Avenue  
382 dv. 651 Park Avenue  
383 dw. 690 Park Avenue  
384 dx. 698 Park Avenue  
385 dy. 703 Park Avenue  
386 dz. 943 Park Avenue

- 387 ea. 959 Park Avenue
- 388 eb. 1021 Park Avenue
- 389 ec. 1049 Park Avenue
- 390 ed. 1062 Park Avenue
- 391 ee. 1063 Park Avenue
- 392 ef. 1119 Park Avenue
- 393 eg. 1124 Park Avenue
- 394 eh. 1125 Park Avenue
- 395 ei. 1128 Park Avenue
- 396 ej. 1141 Park Avenue
- 397 ek. 1150 Park Avenue
- 398 el. 1209 Park Avenue
- 399 em. 1215 Park Avenue
- 400 en. 1255 Park Avenue
- 401 eo. 1280 Park Avenue
- 402 ep. 1301 Park Avenue

- 403 eq. 1304 Park Avenue
- 404 er. 1328 Park Avenue
- 405 es. 1354 Park Avenue
- 406 et. 1503 Park Avenue (does not include garage)
- 407 eu. 14 Prospect Street
- 408 ev. 22 Prospect Street
- 409 ew. 36 Prospect Street
- 410 ex. 51 Prospect Street
- 411 ey. 57 Prospect Street
- 412 ez. 59 Prospect Street
- 413 fa. 68 Prospect Street
- 414 fb. 101 Prospect Street
- 415 fc. 755 Rossie Hill Drive, formerly 622 Rossie Hill Drive
- 416 fd. 729 Rossie Hill Drive, formerly 652 Rossie Hill Drive
- 417 fe. 741 Rossie Hill Drive, formerly 660 Rossie Hill Drive
- 418 ff. 41 Sampson Avenue

419 fg. 222 Sandridge Road

420 fh. 39 Seventh Street

421 fi. 41 Seventh Street

422 fj. Glenwood Cemetery

423 fk. 147 Swede Alley

424 fl. 1895 Three Kings Drive

425 fm. 109 Woodside Avenue

426 fn. 232 Woodside Avenue

427 fo. 335 Woodside Avenue

428 fp. 564 Woodside Avenue

429 fq. 655 Woodside Avenue

430 fr. 817 Woodside Avenue

431 fs. 839 Woodside Avenue

432 ft. 901 Woodside Avenue

433 fu. 951 Woodside Avenue

434 fv. 1010 Woodside Avenue

- 435 fw. 1026 Woodside Avenue
- 436 fx. 1057 Woodside Avenue
- 437 fy. 1060 Woodside Avenue
- 438 fz. 1100 Woodside Avenue
- 439 ga. 1110 Woodside Avenue
- 440 gb. 1127 Woodside Avenue
- 441 gc. 1162 Woodside Avenue
- 442 gd. 1167 Woodside Avenue

443 2. Significant

- 444 a. 5 Daly Avenue
- 445 b. 10 Daly Avenue
- 446 c. 24 Daly Avenue
- 447 d. 71 Daly Avenue
- 448 e. 81 Daly Avenue
- 449 f. 97 Daly Avenue
- 450 g. 124 Daly Avenue
- 451 h. 161 Daly Avenue
- 452 i. 167 Daly Avenue
- 453 j. 172 Daly Avenue

- 454 k. 173 Daly Avenue
- 455 l. 180 Daly Avenue
- 456 m. 187 Daly Avenue
- 457 n. 199 Daly Avenue
- 458 o. 239 Daly Avenue
- 459 p. 255 Daly Avenue
- 460 q. 257 Daly Avenue
- 461 r. 269 Daly Avenue
- 462 s. 291 Daly Avenue
- 463 t. 297 Daly Avenue
- 464 u. 309 Daly Avenue
- 465 v. 360 Daly Avenue
- 466 w. 555 Deer Valley Drive
- 467 x. 560 Deer Valley Drive
- 468 y. 577 Daly Avenue
- 469 z. 595 Deer Valley Loop Road
- 470 aa. 632 Deer Valley Loop Road
  
- 471 ab. 2465 Doc Holiday Drive
  
- 472 ac. 841 Empire Avenue
  
- 473 ad. 844 Empire Avenue
  
- 474 ae. 901 Empire Avenue

- 475 af. 920 Empire Avenue
- 476 ag. 923 Empire Avenue
- 477 ah. 963 Empire Avenue
- 478 ai. 964 Empire Avenue
- 479 aj. 1004 Empire Avenue
- 480 ak. 1011 Empire Avenue
- 481 al. 1013-1015 Empire Avenue
- 482 am. 250 Grant Avenue
- 483 an. 262 Grant Avenue
- 484 ao. 304 Grant Avenue
- 485 ap. 199 Heber Avenue
- 486 aq. 201 Heber Avenue
- 487 ar. 9 Hillside Avenue
- 488 as. 37 Hillside Avenue
- 489 at. 114 Hillside Avenue
- 490 au. 3000 HWY 224

491 av. 80 King Road

492 aw. 81 King Road

493 ax. 109 Main Street

494 ay. 115 Main Street

495 az. 122 Main Street

496 ba.133 Main Street

497 bb.148 Main Street

498 bc. 158 Main Street

499 bd. 186 Main Street

500 be. 227 Main Street

501 bf. 268 Main Street

502 bg. 347-357 Main Street

503 bh. 354 Main Street

504 bi. 355-357 Main Street

505 bj. 359 Main Street

506 bk. 361.5 Main Street

507 bl. 408 Main Street

508 bm. 412 Main Street

509 bn. 442-444 Main Street

510 bo. 449 Main Street

511 bp. 450 Main Street

512 bq. 461-463 Main Street

513 br. 510 Main Street

514 bs. 515 Main Street

515 bt. 556 Main Street

516 bu. 558 Main Street

517 bv. 591 Main Street

518 bw. 220 Marsac Avenue

519 bx. 38 Marsac Avenue

520 by. 402 Marsac Avenue

521 bz. 508 Marsac Avenue

522 ca. 257 McHenry Avenue

- 523                   cb. 2245 Monitor Drive
  
- 524                   cc. 164 Norfolk Avenue
  
- 525                   cd. 668 Norfolk Avenue
  
- 526                   ce. 713 Norfolk Avenue
  
- 527                   cf. 803 Norfolk Avenue
  
- 528                   cg. 827 Norfolk Avenue
  
- 529                   ch. 835 Norfolk Avenue
  
- 530                   ci.     901 Norfolk Avenue
  
- 531                   cj. 915 Norfolk Avenue
  
- 532                   ck. 1002 Norfolk Avenue
  
- 533                   cl.     1009 Norfolk Avenue
- 534                   cm.    1021 Norfolk Avenue
  
- 535                   cn. 1055 Norfolk Avenue
  
- 536                   co. 1063 Norfolk Avenue
  
- 537                   cp. 1135 Norfolk Avenue
  
- 538                   cq. 1259 Norfolk Avenue

539 cr. 1302 Norfolk Avenue

540 cs. 308 Ontario Avenue

541 ct. 317 Ontario Avenue

542 cu. 341 Ontario Avenue

543 cv. 405 Ontario Avenue

544 cw. 422 Ontario Avenue

545 cx. 104 Park Avenue

546 cy. 145 Park Avenue

547 cz. 263 Park Avenue

548 da. 305 Park Avenue

549 db. 339 Park Avenue

550 dc. 364 Park Avenue

551 dd. 411 Park Avenue

552 de. 435 Park Avenue

553 df. 450 Park Avenue

554 dg. 526 Park Avenue

555 dh. 527 Park Avenue

556 di. 557 Park Avenue

557 dj. 561 Park Avenue

558 dk. 569 Park Avenue\*

559 dl. 575 Park Avenue

560 dm. 581 Park Avenue

561 dn. 602 Park Avenue

562 do. 628 Park Avenue

563 dp. 657 Park Avenue

564 dq. 801 Park Avenue

565 dr. 811 Park Avenue

566 ds. 817 Park Avenue

567 dt. 820 Park Avenue

568 du. 909 Park Avenue

569 dv. 915 Park Avenue

570 dw. 923 Park Avenue

571 dx. 929 Park Avenue

572 dy. 937 Park Avenue

573 dz. 949 Park Avenue

574 ea. 1015 Park Avenue

575 eb. 1043 Park Avenue

576 ec. 1059 Park Avenue

577 ed. 1060 Park Avenue

578 ee. 1101 Park Avenue

579 ef. 1102 Park Avenue

580 eg. 1108 Park Avenue

581 eh. 1109 Park Avenue

582 ei. 1114 Park Avenue

583 ej. 1129 Park Avenue

584 ek. 1135 Park Avenue

585 el. 1149 Park Avenue

586 em. 1160 Park Avenue

587 en. 1266 Park Avenue

588 eo. 1274 Park Avenue

589 ep. 1323 Park Avenue

590 eq. 1326 Park Avenue

591 er. 1333 Park Avenue

592 es. 1359 Park Avenue

593 et. 1420 Park Avenue

594 eu. 1450 Park Avenue

595 ev. 1460 Park Avenue

596 ex. 1488 Park Avenue

597 ey. 9 Prospect Street

598 ez. 52 Prospect Street

599 fa. 60 Prospect Street

600 fb. 147 Ridge Avenue

601 fc. 16 Sampson Avenue

602 fd. 40 Sampson Avenue

603 fe. 60 Sampson Avenue

604 ff. 115 Sampson Avenue

605 fg. 135 Sampson Avenue

606 fh. 130 Sandridge Road

607 fi. 152 Sandridge Road

608 fj. 164 Sandridge Road

609 fk. 218 Sandridge Road

610 fl. 228 Sandridge Road

611 fm. 224 Sandridge Road

612 fn. 175 Snows Lane

613 fo. 205 Snows Lane

614 fp. 601 Sunnyside Avenue

615 fq. 115 Woodside Avenue

616 fr. 133 Woodside Avenue

617 fs. 139 Woodside Avenue

618 ft. 149 Woodside Avenue

619 fu. 311 Woodside Avenue

620 fv. 316 Woodside Avenue

621 fw. 332 Woodside Avenue

622 fx. 347 Woodside Avenue

623 fy. 359 Woodside Avenue

624 fz. 401 Woodside Avenue

625 ga. 405 Woodside Avenue

626 gb. 424 Woodside Avenue

627 gc. 429 Woodside Avenue

628 gd. 481 Woodside Avenue

629 ge. 501 Woodside Avenue

630 gf. 505 Woodside Avenue

631 gg. 543 Woodside Avenue

632 gh. 563 Woodside Avenue

633 gi. 605 Woodside Avenue

634 gj. 615 Woodside Avenue

635 gk. 627 Woodside Avenue

636 gl. 633 Woodside Avenue

637 gm. 664 Woodside Avenue

638 gn. 733 Woodside Avenue

639 go. 805 Woodside Avenue

640 gp. 823 Woodside Avenue

641 gr. 827 Woodside Avenue

642 gs. 835 Woodside Avenue

643 gt. 905 Woodside Avenue

644 gu. 909 Woodside Avenue

645 gv. 919 Woodside Avenue

646 gw. 1002 Woodside Avenue

647 gx. 1007 Woodside Avenue

648 gy. 1013 Woodside Avenue

649 gz. 1020 Woodside Avenue

650 ha. 1027 Woodside Avenue

651 hb. 1045 Woodside Avenue

652 hc. 1053 Woodside Avenue

653 hd. 1062 Woodside Avenue

654 he. 1103 Woodside Avenue

655 hf. 1107 Woodside Avenue

656 hg. 1120 Woodside Avenue

657 hh. 1147 Woodside Avenue

658 hi. 1158 Woodside Avenue

659 hj. 1323 Woodside Avenue

660 hk. 1439 Woodside Avenue

661 hl. 1445 Woodside Avenue

662 hm. 1455 Woodside Avenue

663 3. Mining Sites

664 a. California Comstock Mine Site—Mill Building and Cabin

665 b. Jupiter Mine—Ore Bin and Frame

666 c. Daly West Mine—Head Frame and Fire Hydrant Shacks

667 d. Alliance Mine – Office/Dwelling, Change Room, and Power House

- 668 e. Silver King Consolidated Spiro Tunnel Complex—Foundry Building,  
669 Ivers Tunnel Structure, Spiro Tunnel Portal, Machine Shop  
670 Building, Sawmill Building, Water Tank A, and Coal Hopper/Boiler  
671 Structure
- 672 f. Judge Mine Site—Assay Office and Change Room Building, Shed  
673 Structure, Explosives Bunker Portal, Mine Complex Ruins
- 674 g. Judge Mine Aerial Tramway Towers
- 675 h. Little Bell Mine—Ore Bin
- 676 i. Silver King Tramway Towers
- 677 j. Silver King Mine Site—Boarding House, Boarding House Vault,  
678 Change House, Hoist House, Mill Building, Fire Hose Shacks,  
679 Stone Wall, Stores Department Building, Transformer House, and  
680 Water Tanks
- 681 k. Silver King Consolidated Mine—Ore bin and Counterweight
- 682 l. Thaynes Mine—Conveyor Gallery, Hoist House, Conveyor Gallery,  
683 Fire Hydrant Shack, Boarding House Ruins, Accessory Buildings 1  
684 and 2

685 4. Contributory - *Reserved for future designations*

686 ~~[\*These properties are currently under appeal for Determination of Significance.]~~

687 HISTORY

688 *Adopted by Ord. 02-07 on 5/23/2002*

689 *Amended by Ord. 03-34 on 7/10/2003*

690 *Amended by Ord. 09-05 on 1/22/2009*

691 Amended by Ord. 09-23 on 7/9/2009  
692 Amended by Ord. 15-53 on 12/17/2015  
693 Amended by Ord. 16-15 on 3/24/2016  
694 Amended by Ord. 2016-44 on 9/15/2016  
695 Amended by Ord. 2017-04 on 2/16/2017  
696 Amended by Ord. 2017-42 on 8/3/2017  
697 Amended by Ord. 2018-20 on 5/3/2018  
698 Amended by Ord. 2018-35 on 6/21/2018  
699 Amended by Ord. 2021-41 on 10/28/2021

700 **15-11-11 ~~[Design Guidelines]~~ Regulations For Historic Districts And Historic Sites**

701 The HPB shall promulgate and update as necessary the ~~[Design Guidelines]~~  
702 Regulations for Historic Districts and Historic Sites, Chapter 15-13. Planning  
703 Department staff shall review Historic District ~~Design~~ Review Applications for properties  
704 within the Historic Districts and Landmark and Significant Historic Sites designated on  
705 the Park City Historic Sites Inventory pursuant to the ~~[Design Guidelines]~~ Regulations  
706 for Historic Districts and Historic Sites, Chapter 15-13. The ~~[Design Guidelines]~~  
707 Regulations for Historic Districts and Historic Sites address rehabilitation of existing  
708 Structures, additions to existing Structures, and the construction of new Structures.  
709 From time to time, the HPB may recommend changes to the ~~[Design Guidelines]~~  
710 Regulations for Historic Districts and Historic Sites to the Planning Commission and  
711 Council, provided that no changes in the guidelines shall take effect until adopted by an  
712 ordinance of the City Council.

713 HISTORY

714 *Adopted by Ord. 02-07 on 5/23/2002*

715 *Amended by Ord. 03-34 on 7/10/2003*

716 *Amended by Ord. 09-23 on 7/9/2009*

717 *Amended by Ord. 2017-42 on 8/3/2017*

718 *Amended by Ord. 2022-16 on 5/26/2022*

719 **15-11-12 Historic District Or Historic Site ~~[Design]~~ Review**

720 The Planning Department shall review and approve, approve with conditions, or deny,  
721 all Historic District / Historic Site ~~[design]~~ review Applications involving an Allowed Use,  
722 a Conditional Use, or any Use associated with a Building Permit, to build, locate,  
723 construct, remodel, alter, or modify any Building, accessory Building, or Structure, or  
724 Site located within the Park City Historic Districts or Historic Sites, including fences and  
725 driveways.

726

727 Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning  
728 Department shall review the proposed plans for compliance with Architectural Review  
729 Chapter 15-5, Historic Preservation Chapter 15-11, and the ~~[Design-Guidelines]~~  
730 Regulations for Historic Districts and Historic Sites Chapter 15-13. Whenever a conflict  
731 exists between the LMC and the ~~[Design-Guidelines]~~ Regulations for Historic Districts  
732 and Historic Sites, the more restrictive provision shall apply to the extent allowed by law.

733 A. **PRE-APPLICATION CONFERENCE.**

734

- 735 1. It is strongly recommended that the Owner and/or Owner's representative  
736 attend a pre-Application conference with representatives of the Planning  
737 and Building Departments for the purpose of determining the general  
738 scope of the proposed Development, identifying potential impacts of the  
739 Development that may require mitigation, providing information on City-  
740 sponsored incentives that may be available to the Applicant, and outlining  
741 the Application requirements.
- 742 2. Each Application shall comply with all of the ~~[Design Guidelines]~~  
743 Regulations for Historic Districts and Historic Sites unless the Planning  
744 Department determines that, because of the scope of the proposed  
745 Development, certain ~~[guidelines]~~ regulations are not applicable. If the  
746 Planning Department determines certain ~~[guidelines]~~ regulations do not  
747 apply to an Application, the Planning Department staff shall communicate,  
748 via electronic or written means, the information to the Applicant. It is the  
749 responsibility of the Applicant to understand the requirements of the  
750 Application.
- 751 3. The Planning Director or designee may, upon review of a Pre-Application  
752 submittal, determine that due to the limited scope of a project the Historic  
753 District or Historic Site ~~[Design]~~ Review process as outlined in Section 15-  
754 11-12 and Historic Preservation Board Review For Material  
755 Deconstruction as outlined in Section 15-11-12.5 are not required and is  
756 exempt.
- 757  
758 If such a determination is made, the Planning Director or designee may,

759 upon reviewing the Pre-Application for compliance with applicable [Design  
760 Guidelines] Regulations for Historic Districts and Historic Sites, approve,  
761 deny, or approve with conditions, the project. If approved, the Applicant  
762 may submit the project for a Building Permit.

763  
764 Applications that may be exempt from the Historic [Design] District or  
765 Historic Site Review process, include, but are not limited to the following:

- 766 a. For Non-Historic Structures and Sites - minor routine maintenance,  
767 minor routine construction work and minor alterations having little or  
768 no negative impact on the historic character of the surrounding  
769 neighborhood or the Historic District, such as work on roofing,  
770 decks, railings, stairs, hot tubs and patios, foundations, windows,  
771 doors, trim, lighting, mechanical equipment, paths, driveways,  
772 retaining walls, fences, landscaping, interior remodels, temporary  
773 improvements, and similar work.
- 774 b. For Significant Historic Structures and Sites - minor routine  
775 maintenance, minor routine construction work and minor alterations  
776 having little or no negative impact on the historic character of the  
777 surrounding neighborhood, the Historic Structure or the Historic  
778 District, such as work on roofing, decks, railings, stairs, hot tubs  
779 and patios, replacement of windows and doors in existing or to  
780 historic locations, trim, lighting, mechanical equipment located in a  
781 rear yard area or rear façade, paths, driveways, repair of existing

782 retaining walls, fences, landscaping, interior remodels, temporary  
783 improvements, and similar work.

784 c. For Landmark Historic Structures and Sites - minor routine  
785 maintenance and minor routine construction having no negative  
786 impact on the historic character of the surrounding neighborhood,  
787 the Historic Structure, or the Historic District, such as re-roofing;  
788 repair of existing decks, railing, and stairs; hot tubs and patios  
789 located in a rear yard; replacement of existing windows and doors  
790 in existing or historic locations; repair of existing trim and other  
791 historic detailing; lighting, mechanical equipment located in a rear  
792 yard area or rear façade, repair of paths, driveways, and existing  
793 retaining walls; fences, landscaping, interior remodels, temporary  
794 improvements, and similar work.

795 d. For Significant and Landmark Historic Structures and Sites, the  
796 Planning Director may determine that the proposed work is  
797 Emergency Repair Work having little or no negative impact on the  
798 historic character of the surrounding neighborhood or the Historic  
799 District.

800 B. **COMPLETE APPLICATION**. The Owner and/or Applicant for any Property shall  
801 be required to submit a Historic District / Historic Site ~~design~~-review Application  
802 for proposed work requiring a Building Permit in order to complete the work.

803 C. **NOTICE**. Upon receipt of a Complete Application, but prior to taking action on  
804 any Historic District/ Historic Site ~~[design-]~~review Application, the Planning staff  
805 shall provide notice pursuant to Sections 15-1-12 and 15-1-21.

806 D. **PUBLIC HEARING AND DECISION**. Following the ~~fourteen (14) day~~ public  
807 notice period noted in Section 15-1-21 the Planning Department staff shall hold a  
808 public hearing and make, within forty-five (45) days, written findings, conclusions  
809 of law, and conditions of approval or reasons for denial, supporting the decision  
810 and shall provide the Owner and/or Applicant with a copy. Staff shall also provide  
811 notice pursuant to Section 15-1-21.

812 1. Historic District / Historic Site ~~design-~~review Applications shall be  
813 approved by the Planning Department staff upon determination of  
814 compliance with the ~~[Design Guidelines]~~ Regulations for Historic Districts  
815 and Historic Sites. If the Planning Department staff determines an  
816 Application does not comply with the ~~[Design Guidelines]~~ Regulations for  
817 Historic Districts and Historic Sites, the Application shall be denied.

818 2. With the exception of any Application involving the Reconstruction of a  
819 Building, Accessory Building, and/or Structure on a Landmark Site, an  
820 Application associated with a Landmark Site shall be denied if the  
821 Planning Department finds that the proposed project will result in the  
822 Landmark Site no longer meeting the criteria set forth in Section 15-11-  
823 10(A)(1).

824 3. An Application associated with a Significant Site shall be denied if the  
825 Planning Department finds that the proposed project will result in the

826 Significant Site no longer meeting the criteria set forth in Section 15-11-  
827 10(A)(2).

828 E. **EXTENSIONS OF APPROVALS**. Unless otherwise indicated, Historic District  
829 ~~[Design-]~~Review (HD~~D~~R) approvals expire one (1) year from the date of the Final  
830 Action. The Planning Director or designee may grant an extension of an HD~~D~~R  
831 approval for one (1) additional year when the Applicant is able to demonstrate no  
832 change in circumstance that would result in an unmitigated impact or that would  
833 result in a finding of non-compliance with the Park City General Plan or the Land  
834 Management Code in effect at the time of the extension request. Change of  
835 circumstance includes physical changes to the Property or surroundings. Notice  
836 shall be provided consistent with the original HD~~D~~R approval per Sections 15-1-  
837 12 and 15-1-21. Extension requests must be submitted to the Planning  
838 Department in writing prior to the date of the expiration of the HD~~D~~R approval.

### 839 HISTORY

840 *Adopted by Ord. 02-07 on 5/23/2002*  
841 *Amended by Ord. 03-34 on 7/10/2003*  
842 *Amended by Ord. 09-23 on 7/9/2009*  
843 *Amended by Ord. 10-11 on 4/1/2010*  
844 *Amended by Ord. 11-05 on 1/27/2011*  
845 *Amended by Ord. 12-37 on 12/20/2012*  
846 *Amended by Ord. 15-53 on 12/17/2015*  
847 *Amended by Ord. 16-15 on 3/24/2016*  
848 *Amended by Ord. 2022-16 on 5/26/2022*

849 **15-11-12.5 Historic Preservation Board Review For Material Deconstruction**

850 A. All Applications for Material Deconstruction involving any Building(s) (main,  
851 attached, detached, or public, Accessory Buildings and/or Structures designated  
852 to the Historic Sites Inventory as Landmark or Significant shall be subject to  
853 review and approval, approval with conditions, or denied by the following Review  
854 Authorities:

855 1. The Planning Director or ~~their~~ ~~[his/her]~~ designee shall review the following:

856 a. Routine Maintenance, including, but not limited to:

857 (1) Re-Roof;

858 (2) Chimney repair;

859 (3) Foundation repair; or

860 (4) Replacement or repair of the following:

861 (A) Historic wood features;

862 (B) Door or Window replacement; and

863 (C) Historic Site Features.

864 a. Removing or Replacing Non-Historic Features.

865 2. The Historic Preservation Board shall review the following:

866 a. Removal of Historic Material to Accommodate New additions, New  
867 Construction, or Structural Upgrades.

868 Prior to issuance of a Building Permit for any Material

869 Deconstruction work, the Review Authority shall review the

870 proposed plans for compliance with Chapter 15-13 ~~[Design~~

871 ~~Guidelines]~~ Regulations For Historic Districts and Historic Sites.

872 B. Material Deconstruction Reviews are subject to the following review process:

- 873 1. **COMPLETE APPLICATION**. The Owner and/or Applicant for any  
874 Property shall be required to submit a Historic Preservation Board Review  
875 For Material Deconstruction for proposed work requiring a Building Permit  
876 in order to complete the work.
- 877 2. **NOTICE**. Upon receipt of a Complete Application, but prior to taking action  
878 on any Historic Preservation Board Review for Material Deconstruction  
879 application, the Planning staff shall provide notice pursuant to Section 15-  
880 1-12 and 15-1-21.
- 881 3. **PUBLIC HEARING AND DECISION**. Following the ~~fourteen (14) day~~  
882 public notice period noted in Section 15-1-21, the Historic Preservation  
883 Board and/or the Planning Director or designee shall hold a public hearing  
884 and make written findings, conclusions of law, and conditions of approval  
885 or reasons for denial, supporting the decision and shall provide the  
886 Owner and/or Applicant with a copy.

887 HISTORY

888 *Adopted by Ord. 02-07 on 5/23/2002*

889 *Amended by Ord. 03-34 on 7/10/2003*

890 *Amended by Ord. 15-53 on 12/17/2015*

891 *Amended by Ord. 16-15 on 3/24/2016*

892 *Amended by Ord. 2020-14 on 2/27/2020*

893 *Amended by Ord. 2022-16 on 5/26/2022*

894 **15-11-13 Relocation And/Or Reorientation Of A Historic Building Or Historic**  
895 **Structure**

896 It is the intent of this section to preserve the Historic and architectural resources of Park  
897 City through limitations on the relocation and/or orientation of Historic Buildings,  
898 Structures, and Sites.

899 A. **CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE**  
900 **HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON ITS EXISTING**

901 **LANDMARK OR SIGNIFICANT SITE.** In approving a Historic District or Historic  
902 Site [design] review Application involving relocation and/or reorientation of the  
903 Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site,  
904 the Historic Preservation Board shall find the project complies with the following  
905 criteria.

906 1. For either a Landmark or Significant Site all the following shall be met:

907 a. A licensed structural engineer has certified that the Historic  
908 Building(s) and/or Structure(s) can successfully be relocated and  
909 the applicant has demonstrated that a professional building mover  
910 will move the building and protect it while being stored; and

911 b. The proposed relocation will not have a detrimental effect on the  
912 structural soundness of the building or structure;

913 2. Landmark structures shall only be permitted to be relocated on its existing  
914 site if:

915 a. the relocation will abate demolition; or

916                   b. the Planning Director and Chief Building Official find that the  
917                               relocation will abate a hazardous condition at the present setting  
918                               and enhance the preservation of the structure.

919           3. For Significant sites, at least one of the following shall be met:

920                   a. The proposed relocation and/or reorientation will abate demolition  
921                               of the Historic Building(s) and/or Structure(s) on the Site; or

922                   b. The Planning Director and Chief Building Official determine that the  
923                               building is threatened in its present setting because of hazardous  
924                               conditions and the preservation of the building will be enhanced by  
925                               relocating it; or

926                   c. The Historic Preservation Board, with input from the Planning  
927                               Director and the Chief Building Official, determines that unique  
928                               conditions warrant the proposed relocation and/or reorientation on  
929                               the existing Site. Unique conditions shall include all of the following:

930                               (1) The historic context of the Historic Building(s) and/or  
931                                       Structure(s) has been so radically altered that the proposed  
932                                       relocation will enhance the ability to interpret the historic  
933                                       character of the Historic Building(s) and/or Structure(s) and  
934                                       the Historic District or its present setting; and

935                               (2) The proposed relocation will not diminish the overall physical  
936                                       integrity of the Historic District or diminish the historical  
937                                       associations used to define the boundaries of the district;  
938                                       and

939 (3) The historical integrity and significance of the Historic  
940 Building(s) and/or Structure(s) will not be diminished by  
941 relocation and/or reorientation; and

942 (4) The potential to preserve the Historic Building(s) and/or  
943 Structure(s) will be enhanced by its relocation.

944 **B. PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF THE**  
945 **HISTORIC BUILDING(S) AND/OR STRUCTURE(S) TO A PERMANENT NEW**

946 **SITE.** To approve a Historic District or Historic Site ~~design~~ review Application  
947 involving relocation and/or reorientation of the Historic Building(s) and/or  
948 Structure(s) on a Landmark Site or a Significant Site to a new site, the Historic  
949 Preservation Board shall find the project complies with the following criteria.

950 1. For either a Landmark or Significant Site, all of the following shall be met:

951 a. A licensed structural engineer has certified that the Historic  
952 Building(s) and/or Structure(s) can successfully be relocated and  
953 the applicant has demonstrated that a professional building mover  
954 will move the building and protect it while being stored; and

955 b. The proposed relocation will not have a detrimental effect on the  
956 structural soundness of the building or structure;

957 2. Landmark structures shall only be permitted to be relocated to a new site if  
958 the relocation will abate demolition and the Planning Director and Chief  
959 Building Official find that the relocation will abate a hazardous condition at  
960 the present setting and enhance the preservation of the structure.

961 3. For Significant Sites, at least one of the following must be met:

- 962 a. The proposed relocation and/or reorientation will abate demolition  
963 of the Historic Building(s) and/or Structure(s) on the Site; or
- 964 b. The Planning Director and Chief Building Official determine that the  
965 building is threatened in its present setting because of hazardous  
966 conditions and the preservation of the building will be enhanced by  
967 relocating it; or
- 968 c. The Historic Preservation Board, with input from the Planning  
969 Director and the Chief Building Official, determines that unique  
970 conditions warrant the proposed relocation and/or reorientation to a  
971 new Site. This criterion is only available to Significant Sites. Unique  
972 conditions shall include all of the following:
- 973 (1) The relocation will not negatively affect the historic integrity  
974 of the Historic District, nor the area of receiving site; and
- 975 (2) One of the following must also be met:
- 976 (A) The historic building is located within the Historic  
977 districts, but its historic context and setting have  
978 become so radically altered that the building may be  
979 enhanced by its new setting if the receiving site is  
980 more similar to its historic setting in terms of  
981 architecture, style, period, height, mass, volume,  
982 scale, use and location of the structure on the lot as  
983 well as neighborhood features and uses; or

984 (B) The historic building is located outside of the Historic  
985 ~~(d)~~Districts, and its historic context and setting have  
986 been so radically altered that the building may be  
987 enhanced by its new setting if the receiving site is  
988 more similar to its historic setting in terms of  
989 architecture, style, period, height, mass, volume,  
990 scale, use, and location of the structure on the lot as  
991 well as neighborhood features and uses; or

992 (C) City Council, with input from the Historic Preservation  
993 Board, Planning Director, and Chief Building Official,  
994 determines that the Historic Building(s) and/or  
995 Structure(s) is deterrent to a major improvement  
996 program outside of the Historic districts that will be of  
997 Substantial Benefit to the community, such as, but not  
998 limited to:

999 (a) The relocation of the Historic Building(s) and/or  
1000 Structure(s) will result in the restoration of the  
1001 house--both the interior and exterior—in  
1002 compliance with the Secretary of the Interior's  
1003 Standards and the relocation will aid in the  
1004 interpretation of the history of the Historic  
1005 Building(s) and/or Structure(s); or

- 1006 (b) The relocation of the Historic Building(s) and/or
- 1007 Structure(s) will result in the revitalization of the
- 1008 receiving neighborhood due to the relocation;
- 1009 or
- 1010 (c) The relocation of the Historic Building(s) and/or
- 1011 Structure(s) will result in a new affordable
- 1012 housing development on the original site that
- 1013 creates more units than currently provided on
- 1014 the existing site, and the rehabilitation of the
- 1015 Historic Building(s) and/or Structure(s) on the
- 1016 new receiving site.

1017 **C. PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF A**

1018 **LANDMARK SITE OR A SIGNIFICANT SITE.** All Applications for the relocation  
1019 and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark  
1020 Site or a Significant Site within the City shall be reviewed by the Historic  
1021 Preservation Board pursuant to Section 15-11-12 of this Code.

1022 HISTORY

- 1023 *Adopted by Ord. 09-23 on 7/9/2009*
- 1024 *Amended by Ord. 12-37 on 12/20/2012*
- 1025 *Amended by Ord. 15-53 on 12/17/2015*
- 1026 *Amended by Ord. 2016-44 on 9/15/2016*
- 1027 *Amended by Ord. 2016-48 on 10/20/2016*

1028 . . . .

1029 **15-13 ~~[Design Guidelines] Regulations~~ For Historic Districts And Historic Sites**

1030 15-13-1 Purpose And Policy

1031 15-13-2 ~~[Design Guidelines] Regulations~~ For Historic Residential Sites

1032 15-13-3 ~~[Design Guidelines] Regulations~~ For Historic Commercial Sites

1033 15-13-4 ~~[Design Guidelines] Regulations~~ For Relocation And/or Reorientation Of Intact

1034 Buildings Or Structures

1035 15-13-5 Sustainability In Historic Buildings

1036 15-13-6 Treatment Of Historic Building Materials

1037 15-13-7 Additional ~~[Design Guidelines] Regulations~~

1038 15-13-8 ~~[Design Guidelines] Regulations~~ For New Residential Infill Construction (and

1039 Non-Historic Residential Sites) In Historic Districts

1040 15-13-9 ~~[Design Guidelines] Regulations~~ For Historic Commercial Infill Construction

1041 (and Non-Historic Commercial Sites)

1042

1043 **15-13-1 Purpose And Policy**

1044 The ~~[Design Guidelines] Regulations~~ for Park City’s Historic Districts and Historic Sites

1045 (referred to throughout the document as the “~~[Design Guidelines] Regulations~~”) is

1046 intended to fulfill the policy directives provided in the General Plan and the Land

1047 Management Code.

1048

1049 The goal of the ~~[Design Guidelines] Regulations~~ is to meet the needs of various

1050 interests in the community by providing guidance in determining the suitability and

1051 architectural compatibility of proposed projects, while at the same time allowing for

1052 reasonable changes to individual buildings to meet current needs. For property owners,  
1053 design professionals, and contractors, it provides guidance in planning projects  
1054 sympathetic to the unique architectural and cultural qualities of Park City. For the  
1055 Planning Department staff and the Historic Preservation Board, it offers a framework for  
1056 evaluating proposed projects to ensure that decisions are not arbitrary or based on  
1057 personal taste. Finally, it affords residents the benefit of knowing what to expect when a  
1058 project is proposed in their neighborhood.

1059

1060 The ~~[Design Guidelines]~~ Regulations are not intended to be used as a technical manual  
1061 for rehabilitating or building a structure, nor are they an instruction booklet for  
1062 completing the Historic District / Historic Site ~~[Design]~~ Review Application. Instead, they  
1063 provide applicants, staff, and the Historic Preservation Board with a foundation for  
1064 making decisions and a framework for ensuring consistent procedures and fair  
1065 deliberations.

1066 HISTORY

1067 *Adopted by Ord. 2017-42 on 8/3/2017*

1068 **15-13-2 ~~[Design Guidelines]~~ Regulations For Historic Residential Sites**

1069 **A. Universal ~~[Design Guidelines]~~ Regulations**

- 1070 1. A site should be used as it was historically or be given a new use that  
1071 requires minimal change to the distinctive materials and features.
- 1072 2. Changes to a site or building that have acquired historic significance in  
1073 their own right should be retained and preserved.

- 1074 3. The historic exterior features of a building should be retained and  
1075 preserved.
- 1076 4. Distinctive materials, components, finishes, and examples of  
1077 craftsmanship should be retained and preserved. Owners are encouraged  
1078 to reproduce missing historic elements that were original to the building,  
1079 but have been removed. Physical or photographic evidence should be  
1080 used to substantiate the reproduction of missing features. In some cases,  
1081 where there is insufficient evidence to allow for an accurate reconstruction  
1082 of the lost historic elements, it may be appropriate to reproduce missing  
1083 historic elements that are consistent with properties of similar design, age,  
1084 and detailing.
- 1085 5. Deteriorated or damaged historic features and elements should be  
1086 repaired rather than replaced. Where the severity of deterioration or  
1087 existence of structural or material defects requires replacement, the  
1088 feature or element should match the original in [design] appearance,  
1089 dimension, texture, material, and finish. The applicant must demonstrate  
1090 the severity of deterioration or existence of defects by showing that the  
1091 historic materials are no longer safe and/or serviceable and cannot be  
1092 repaired to a safe and/or serviceable condition. If deteriorated or damaged  
1093 beyond repair and significant operational energy savings can be  
1094 demonstrated through a professionally calculated energy model, historic  
1095 features may be replaced with energy efficient features that are similar in  
1096 [design] appearance, dimension, texture, material and finish.

- 1097 6. Features that do not contribute to the significance of the site or building  
1098 and exist prior to the adoption of these ~~[guidelines]~~regulations, such as  
1099 incompatible windows, aluminum soffits, or iron porch supports or railings,  
1100 may be maintained; however, if it is proposed they be changed, those  
1101 features must be brought into compliance with these ~~[guidelines]~~  
1102 regulations.
- 1103 7. Each site should be recognized as a physical record of its time, place and  
1104 use. Owners are discouraged from introducing architectural elements or  
1105 details that visually modify or alter the original building ~~[design]~~  
1106 appearance when no evidence of such elements or details exists.
- 1107 8. Chemical or physical treatments, if appropriate, should be undertaken  
1108 using recognized preservation methods. Treatments that cause damage to  
1109 historic materials should not be used. Treatments that sustain and protect,  
1110 but do not alter appearance, are encouraged.
- 1111 9. New construction such as new additions, exterior alterations, repairs,  
1112 upgrades, etc., should not destroy historic materials, features, and spatial  
1113 relationships that characterize the historic site or historic building. New  
1114 construction should be differentiated from the historic structure while also  
1115 maintaining compatibility with the historic structure in materials, features,  
1116 size, scale and proportion, and massing to protect the integrity of the  
1117 historic structure, the historic site, and its environment.

1118 10. New additions and related new construction should be undertaken in such  
1119 a manner that, if removed in the future, the essential form and integrity of  
1120 the historic property and its environment could be restored.

1121 **B. Specific ~~[Design Guidelines]~~ Regulations**

1122 **1. Site Design**

1123 **a. Building Setbacks & Orientation**

1124 (1) Maintain the existing front and side yard setbacks of Historic  
1125 Sites.

1126 (2) Preserve the original location of the main entry of the historic  
1127 structure, if extant.

1128 **b. Topography & Grading**

1129 (1) Maintain the natural topography and original grading of the  
1130 site when and where feasible.

1131 (2) The historic character of the site should not be significantly  
1132 altered by substantially changing the proportion of built  
1133 and/or paved area to open space, and vice versa.

1134 (3) Respect and maintain existing landscape features that  
1135 contribute to the historic character of the site and existing  
1136 landscape features that provide sustainability benefits.

1137 (4) Maintain established on-site native plantings. During  
1138 construction, protect established vegetation to avoid  
1139 damage. Replace damaged, aged, or diseased trees as  
1140 necessary. Vegetation that may encroach upon or damage

1141 the historic structure may be removed, but should be  
1142 replaced with native vegetation away from the historic  
1143 building or structure.

1144 **c. Landscaping and Vegetation**

1145 (1) The character of a historic site shall not be significantly  
1146 altered by substantially changing the proportion of built  
1147 and/or paved area to open space.

1148 (2) Existing landscape features that contribute to the character  
1149 of a historic site and/or existing landscape features that  
1150 provide environmental sustainability benefits shall be  
1151 preserved and maintained.

1152 (3) Established on-site native plantings shall be maintained.  
1153 During construction, established vegetation shall be  
1154 protected to avoid damage. Damaged, aged, or diseased  
1155 trees shall be replaced as necessary. Vegetation that may  
1156 encroach upon or damage a new building may be removed,  
1157 but shall be replaced with similar vegetation near the original  
1158 location.

1159 (4) A detailed landscape plan, particularly for areas viewable  
1160 from the primary public right-of-way, which respects the  
1161 manner and materials traditionally used in the Historic  
1162 Districts, shall be provided. When planning for the long-term  
1163 sustainability of a landscape system, all landscape

1164 relationships on the site, including those between plantings  
1165 and between the site and its structure(s) shall be considered.

1166 (5) Landscape plans shall balance water-efficient irrigation  
1167 methods, drought-tolerant plants with existing plant material  
1168 and site features that contribute to the historic character of  
1169 the site. Where irrigation is necessary, systems that  
1170 minimize water loss, such as drip irrigation, shall be used.

1171 (6) Use to advantage storm water management features such  
1172 as gutters, downspouts, site topography, and vegetation that  
1173 can improve the environmental sustainability of a site.

1174 (7) The use of Water Wise Landscaping or permaculture  
1175 strategies for landscape design shall be considered in order  
1176 to maximize water efficiency. Where watering systems are  
1177 necessary, systems that minimize water loss, such as drip  
1178 irrigation, shall be used. These systems shall be designed to  
1179 minimize their appearance from areas viewable from the  
1180 primary public right-of-way.

1181 (8) Along public rights of way, landscaped areas, street trees,  
1182 and seasonal plantings shall be designed to enhance the  
1183 pedestrian experience, complement architectural features,  
1184 mitigate against Urban Heat Island effect, and/or screen  
1185 utility areas.

1186 (9) Installing plantings in areas like medians, divider strips, and  
1187 traffic islands shall be considered.

1188 (10) Commercial properties typically have no setbacks  
1189 along the principal facade. However, when front yard  
1190 setbacks exist, landscaped areas (including patios) shall be  
1191 of a small scale and design such that they do not disrupt the  
1192 normal volume and flow of pedestrian traffic along the street.

1193 (11) Provide a detailed landscape plan that respects,  
1194 particularly for areas visible from adjacent public rights-of-  
1195 way the manner and materials historically used in the  
1196 Historic Districts. When planning for the long-term  
1197 sustainability of a landscape system, consider all landscape  
1198 relationships on the site, the relationship between the site  
1199 and its structure(s), as well as the relationship between  
1200 plants and other plants on site. See LMC § 15-5-5(N) for  
1201 Water Wise Landscaping with existing plat materials and site  
1202 features that contribute to the historic significance of the site.

1203 (12) Landscape plans should balance water efficient  
1204 irrigation methods and Water Wise Landscaping with  
1205 existing plant materials and site features that contribute to  
1206 the historic significance of the site.

1207 (13) Use to advantage storm water management features,  
1208 such as gutters and downspouts as well as site topography

1209 and vegetation, that contribute to water retention and  
1210 permeability of the historic site.

1211 (14) Where watering systems are necessary, use systems  
1212 that minimize water loss, such as drip irrigation. Consider the  
1213 use of Water Wise Landscaping or permaculture strategies  
1214 for landscape design to maximize water efficiency and soil  
1215 productivity; these systems should be designed to maintain  
1216 the historic character of areas viewable from adjacent public  
1217 rights-of-way.

1218 **d. Retaining Walls**

1219 (1) Historic retaining walls shall be preserved to the greatest  
1220 extent possible.

1221 (2) Maintain the historic height and setback of retaining walls  
1222 along the street. Retaining walls of stone, concrete, or rock-  
1223 faced concrete block that are original to the historic site  
1224 should be preserved and maintained in their original  
1225 dimensions.

1226 (3) Removing portions of historic retaining walls for new  
1227 driveways and pathways should be avoided to the greatest  
1228 extent possible[.], but where it must occur, visual impact  
1229 should be minimized.

1230 (4) Historic retaining walls should be repaired with materials that  
1231 closely approximate the original. Replace only those portions

1232 of historic retaining walls that have deteriorated beyond  
1233 repair. When repair of deteriorated retaining walls is not  
1234 feasible, the replacement must reuse the existing stone to  
1235 the greatest extent possible, and otherwise match the  
1236 original in color, shape, size, material, and design.

1237 (5) To abate retaining wall failure, improve drainage behind  
1238 retaining walls to water drains away from the walls. Repair  
1239 and preserve historic stone and mortar.

1240 (6) New retaining walls should be consistent with historic  
1241 retaining walls in design, material, scale of materials, as well  
1242 as size and mass of the wall. Simple board-formed concrete,  
1243 stone, and other historic materials are recommended over  
1244 concrete block, asphalt, or other modern concrete  
1245 treatments.

1246 (7) Non-extant historic retaining walls of concrete or stone  
1247 specific to the Historic Site may be reconstructed based on  
1248 physical or pictorial evidence. Historically appropriate  
1249 concrete or stone walls, if consistent with the historic  
1250 character of the district, may be added to the area of a  
1251 historic site viewable from adjacent public rights-of-way.

1252 (8) Maintain stone in its natural finish. It is not appropriate to  
1253 paint, stain, or plaster over stone or concrete.

1254 **e. Fencing**

- 1255 (1) Historic fencing should be preserved and maintained.
- 1256 (2) Historic fencing may be reconstructed based on
- 1257 photographic evidence. The reconstruction should match the
- 1258 original in design, color, texture and material.
- 1259 (3) New fencing should reflect the building's style and period.
- 1260 New wood and metal fencing located where viewable from
- 1261 adjacent public rights-of-way should feature traditional
- 1262 design and pattern. Split or horizontal rail, railroad tie, or
- 1263 timber fencing may be located where not viewable from
- 1264 adjacent public rights-of-way, but should be avoided where
- 1265 visible from the primary public right-of-way. Vinyl or plastic-
- 1266 coated fencing is not appropriate.
- 1267 (4) New fencing should be designed to minimize its
- 1268 environmental impacts. New fencing should use green
- 1269 material and should take into account site impacts such as
- 1270 shading, natural topography, and drainage.
- 1271 (5) Drought tolerant shrubs should be considered in place of
- 1272 fencing or walls.
- 1273 (6) Arbors emphasizing a fence gate or entry shall be
- 1274 subordinate to the associated historic building or structure
- 1275 and shall complement the design of the historic structure and
- 1276 fencing in materials, features, size, scale, and proportion, as
- 1277 well as massing to protect the integrity of the historic site.

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**f. Gazebos, Pergolas, and Other Shade Structures**

- (1) Gazebos, pergolas, and other shade structures should be visually subordinate to the associated historic building(s) and should complement the design of the historic structure(s) in materials, features, size, scale and proportion, and massing to protect the integrity of the historic structure and site.
- (2) The installation of gazebos, pergolas, and other shade structures shall be limited to rear or side yards and have limited visibility when viewed from adjacent public rights-of-way.
- (3) Gazebos, pergolas, and other shade structures shall not be attached to the associated historic structure(s), or damage historic features of associated or neighboring historic structure(s).

**g. Parking Areas & Driveways**

- (1) Minimize the visual impacts of on-site parking by incorporating landscape treatments for driveways, walkways, paths, building(s) and accessory structures in a comprehensive, complementary and integrated design.
- (2) Provide landscaped separations between parking areas, drives, service areas, and public use areas including walkways, plazas, and vehicular access points.

1300 (3) When locating new off-street parking areas, the existing  
1301 topography of the site and integral site features should be  
1302 minimally impacted.

1303 (4) Off-street parking areas should be located within the rear  
1304 yard and beyond the rear wall plane of the primary structure.  
1305 If locating a parking area in the rear yard is not physically  
1306 possible, the off-street parking area and associated vehicles  
1307 should be visually buffered from adjacent properties and the  
1308 primary public right-of-way. Consider providing a driveway  
1309 along the side yard of the property where feasible.

1310 (5) When locating driveways, the existing topography of the  
1311 building site and significant site features should be minimally  
1312 impacted.

1313 (6) ~~Ten-foot (10') wide driveways are encouraged; however,~~  
1314 ~~n~~[N]ew driveways ~~[should]~~ shall not exceed ~~twelve ten~~ (120)  
1315 feet in width ~~within the required front setback.~~ Two driveways  
1316 are permitted for approved two-car side-by-side garages but  
1317 shall be spaced a minimum of eighteen inches (18") apart.

1318 (7) Shared driveways should be used when feasible.

1319 (8) Consider using textured and pour paving materials other  
1320 than smooth concrete for driveways viewable from the  
1321 adjacent public rights-of-way. Permeable paving should be  
1322 used on a historic site, where appropriate, to manage storm

1323 water. Permeable paving may not be appropriate for all  
1324 driveways and parking areas.

1325 (9) Consider avoiding paving up to the building foundation to  
1326 reduce heat island effect, building temperature, damage to  
1327 the foundation, and storm-water runoff problems.

1328 (10) Snow storage from driveways should be provided on  
1329 site.

1330 **h. Paths, Steps, Handrails, & Railings (Not Associated with**  
1331 **Porches)**

1332 (1) The original path or steps leading to the main entry, if extant,  
1333 should be preserved and maintained.

1334 (2) Historic hillside steps that are an integral part of the  
1335 landscape should be preserved and maintained.

1336 (3) New hillside steps should be visually subordinate to the  
1337 associated historic building or structure in materials, size,  
1338 scale and proportion, as well as massing and shall  
1339 complement the historic structure in materials, size, scale,  
1340 and proportion, and massing to protect the integrity of the  
1341 historic site. For longer-run stairs, consider changes in  
1342 material to break up the mass of the stairs.

1343 (4) Historic handrails should be preserved and maintained.

1344 Historic handrails may be reconstructed based on

1345 photographic evidence; the reconstruction should match the  
1346 original in size, design, color, texture, and material.

1347 (5) New handrails and railings shall complement the historic  
1348 structure in materials, size, scale and proportions, massing  
1349 and design to protect the integrity of the historic structure  
1350 and site.

## 1351 2. Primary Structures

### 1352 a. Exterior Walls

1353 (1) Primary and secondary facade components, such as  
1354 window/door configuration, wall planes, recesses, bays,  
1355 balconies, steps, porches, and entryways shall be  
1356 maintained in their original location on the façade.

1357 (2) Preserve and maintain historic exterior materials including  
1358 wood siding (drop siding, clapboard, board and batten),  
1359 frieze boards, cornices, moldings, shingles, etc., as well as  
1360 stone and masonry. Repair deteriorated or damaged historic  
1361 exterior materials using recognized preservation methods  
1362 appropriate to the specific material.

1363 (3) When disassembly of a historic element—window, molding,  
1364 bracket, etc.--is necessary for its restoration, recognized  
1365 preservation procedures and methods for removal,  
1366 documentation, repair, and reassembly shall be used.

1367 (4) When historic exterior materials cannot be repaired, they  
1368 shall be replaced with materials that match the historic in all  
1369 respects;: scale, dimension, profile, material, texture, and  
1370 finish. The replacement of existing historic material is  
1371 allowed only when it can be shown that the historic material  
1372 is no longer safe and/or serviceable and cannot be repaired  
1373 to a safe and/or serviceable condition.

1374 (5) Substitute materials such as fiber cement or plastic-wood  
1375 composite siding, shingles, and trim boards shall not be  
1376 used unless they are made of a minimum of 50% recycled  
1377 and/or reclaimed materials. In addition, the applicant must  
1378 show that the physical properties of the substitute material—  
1379 expansion/contraction rates, chemical composition, stability  
1380 of color and texture, compressive or tensile strength—have  
1381 been proven to not damage or cause the deterioration of  
1382 adjacent historic material.

1383 (6) Substitute materials shall not be used on a primary or  
1384 secondary façade unless the applicant can show that historic  
1385 materials cannot be used, or if new materials that are similar  
1386 in design, dimension, texture, material and finish can be  
1387 shown to result in significant (>30 percent) energy efficiency  
1388 gains, and the applicant demonstrates that the substitute

1389 material will not cause damage to adjacent historic materials  
1390 or detract from the historic integrity of the structure.

1391 (7) Vinyl and aluminum siding are ~~not appropriate~~ prohibited in  
1392 the Historic Districts. The application of synthetic or  
1393 substitute materials, such as vinyl or aluminum, over original  
1394 wood siding may cause, conceal, or accelerate structural  
1395 damage and is not ~~appropriate~~ permitted. Removal of  
1396 synthetic siding (aluminum, asbestos, Brick-Tex, and vinyl)  
1397 that has been added to a structure, followed by restoration of  
1398 historic wood siding (or other underlying historic material) is  
1399 highly encouraged.

1400 (8) Avoid interior changes that affect the exterior appearance of  
1401 primary and secondary facades, including changing historic  
1402 floor levels, changing windows to doors or doors to windows,  
1403 and changing porch roofs to balconies or decks. Insulation  
1404 may be added to increase the energy efficiency of the  
1405 structure; however, this should be accommodated within the  
1406 wall system and shall not impact the exterior dimensions of  
1407 the structure.

1408 **b. Foundation**

1409 (1) The historic placement, orientation, and grade of a historic  
1410 building shall be retained, as shall the original grade of the  
1411 property where feasible.

- 1412 (2) A new foundation shall not raise or lower a historic structure  
1413 generally more than two (2) feet from its original floor  
1414 elevation.
- 1415 (3) A historic site shall be returned to original grade following  
1416 construction of a foundation. When the original grade cannot  
1417 be achieved, generally no more than six inches (6") of the  
1418 new foundation shall be visible above final grade on the  
1419 primary and secondary facades.
- 1420 (4) Re-grade the site so that all water drains away from the  
1421 structure and does not enter the foundation.
- 1422 (5) A plinth, or trim board at the base of the historic structure,  
1423 shall be added to visually anchor the historic structure to the  
1424 new foundation.
- 1425 (6) Any re-grading of the site shall blend with grade of adjacent  
1426 sites and shall not create the need for incompatible retaining  
1427 walls.
- 1428 (7) The form, material, and detailing of a new foundation shall  
1429 be similar to the historic foundation (when extant) or similar  
1430 to foundations of nearby historic structures.
- 1431 (8) Historic foundations shall not be concealed with masonry  
1432 block, plywood panels, corrugated metal, or wood shingles.  
1433 Masonry foundations shall be cleaned, repaired, or re-  
1434 pointed according to masonry guidelines [\(published by the](#)

1435 Secretary of the Interior). The replacement of existing  
1436 historic material is allowed only when it can be shown that  
1437 the historic material is no longer safe and/or serviceable and  
1438 cannot be repaired to a safe and/or serviceable condition.

1439 (9) Window or egress wells, if needed, shall not be located on  
1440 the primary façade. Window or egress wells shall be located  
1441 behind the midpoint of the secondary façades, on the rear  
1442 tertiary façade, or in a location not visible from the primary  
1443 public right-of-way. Landscape elements shall be used to aid  
1444 in screening window/egress wells from the primary right-of-  
1445 way.

1446 **c. Doors**

1447 (1) Maintain and preserve historic door openings, doors, door  
1448 surrounds, and decorative door features.

1449 (2) Restore historic door openings that are significant to the  
1450 period of restoration. On primary facades, in particular,  
1451 consider reconstructing, based on physical or documentary  
1452 evidence, historic doorways that no longer exist.

1453 (3) Avoid changing the position, proportions, or dimensions of  
1454 historic door openings. It is not appropriate to create  
1455 additional openings or remove historic openings on primary  
1456 or secondary facades that are visible from the primary public  
1457 right-of-way.

- 1458 (4) Replacement doors shall be allowed only when it can be  
1459 shown that the historic doors are no longer safe and/or  
1460 serviceable and cannot be repaired to a safe and/or  
1461 serviceable condition. Replacement doors shall exactly  
1462 match the historic door in size, material, profile, and style.
- 1463 (5) When no physical or documentary evidence of original doors  
1464 exists, replacement doors typically shall be of wood, with or  
1465 without glazing, and shall complement the style of the  
1466 historic structure. When replacing non-historic doors, use  
1467 designs similar to those that were found historically in Park  
1468 City. Paneled doors were typical and many had a vertical  
1469 pane of glass. Scalloped, Dutch, and colonial doors, as well  
1470 as door sidelights are not appropriate on most primary and  
1471 secondary façades.
- 1472 (6) Storm doors and/or screen doors typical of the Mining Era  
1473 may be used on primary or secondary facades when the  
1474 applicant can show that they will not diminish the historic  
1475 character of the building.
- 1476 (7) New door openings may be considered on secondary  
1477 facades. A new opening shall be similar in location, size, and  
1478 type to those seen on the historic structure.
- 1479 (8) When a historic door opening is no longer functional on a  
1480 primary façade, the door shall be retained and, if necessary,

1481 blocked on the interior side only. The door shall appear to be  
1482 functional from the exterior.

1483 **d. Windows**

1484 (1) Maintain and preserve historic window openings, windows,  
1485 window surrounds, and decorative window features.

1486 (2) Restore historic window openings that have been altered or  
1487 lost over time. On primary facades, in particular, consider  
1488 reconstructing, based on physical or documentary evidence,  
1489 historic window openings that no longer exist.

1490 (3) Avoid changing the position, proportions, or dimensions of  
1491 historic window openings. It is not appropriate to create  
1492 additional openings or remove existing historic openings on  
1493 primary or secondary facades that are visible from the  
1494 primary right-of-way.

1495 (4) Maintain the historic ratio of window openings to solid wall.

1496 (5) When historic windows are present, replacement windows  
1497 shall be allowed only when it can be shown that the historic  
1498 windows are no longer safe, energy efficient and serviceable  
1499 and the historic windows cannot be made safe, energy  
1500 efficient and serviceable through repair. Replacement  
1501 windows shall exactly-match the historic window in size,  
1502 dimensions, glazing pattern, depth, profile, and material.

- 1503 (6) Maintain the original number of glass panes in a historic  
1504 window. Replacing multiple panes with a single pane is not  
1505 appropriate. Snap-in muntins or muntins between two sheets  
1506 of glass are inappropriate as these simulated dividers lack  
1507 depth and fail to show the effect of true divided glass panes.
- 1508 (7) Replacing an operable window with a fixed window is  
1509 inappropriate.
- 1510 (8) New window openings may be considered on secondary  
1511 facades but only when placed beyond the midpoint. New  
1512 window openings shall be similar in location, size, scale,  
1513 type, and glazing pattern to those seen on the historic  
1514 structure.
- 1515 (9) When no physical or documentary evidence of original  
1516 windows exists, replacement windows typically shall be of  
1517 wood and shall complement the style of the historic  
1518 structure. When replacing non-historic windows, use designs  
1519 similar to those that were found historically in Park City.  
1520 Aluminum-clad wood windows are appropriate on non-  
1521 historic additions or foundation level windows. Vinyl and  
1522 aluminum windows are inappropriate.
- 1523 (10) New glazing shall match the visual appearance of  
1524 historic glazing and/or be clear. Metallic, frosted, tinted,  
1525 stained, textured and reflective finishes are generally

1526 inappropriate for glazing on the primary façade of the historic  
1527 structure.

1528 (11) It is generally inappropriate to modify windows on the  
1529 primary façade to accommodate interior changes. When a  
1530 window opening is no longer functional on a primary or  
1531 secondary façade visible from the right-of-way, the glazing  
1532 shall be retained and the window opening shall be screened  
1533 or shuttered on the interior side. The window shall appear to  
1534 be functional from the exterior.

1535 (12) Storm windows shall be installed on the interior of the  
1536 window; if interior installation is not feasible, the materials,  
1537 style, and dimensions of exterior wood storm windows shall  
1538 match the way storm windows would have been constructed  
1539 at the time of the building's construction or complement the  
1540 historic window dimensions in order to minimize their visual  
1541 impact. Exterior storm windows shall be set within the  
1542 window opening and attach to the exterior sash stop.

1543 **e. Gutters and Downspouts**

1544 (1) Avoid removing or obstructing a historic building's elements  
1545 and materials when installing gutters and downspouts.

1546 (2) When new gutters are needed, the most appropriate design  
1547 for hanging gutters is half round. Downspouts shall be

1548 located away from architectural features and shall be visually  
1549 minimized when viewed from the right-of-way.

1550 (3) Water from gutters and downspouts shall drain away from  
1551 the historic structure.

1552 **f. Chimneys and Stovepipes**

1553 (1) Maintain and preserve historic chimneys and their decorative  
1554 features as they are important character-defining features of  
1555 historic structures.

1556 (2) Historic stovepipes shall be maintained and repaired when  
1557 possible. When partial or full replacement is required, and  
1558 new materials shall have a matte, non-metallic finish.

1559 (3) Repairs to chimneys shall be made so as to retain historic  
1560 materials and design. The replacement of existing historic  
1561 material is allowed only when it can be shown that the  
1562 historic material is no longer safe and/or serviceable and  
1563 cannot be repaired to a safe and/or serviceable condition.  
1564 Ornamental features such as corbelling and brick patterning  
1565 shall be repaired and preserved.

1566 (4) Chimneys shall not be covered with non-historic materials.

1567 (5) New chimneys and stove pipes shall be of a size, scale, and  
1568 design that are appropriate to the character and style of the  
1569 historic structure. New chimneys and stovepipes shall be  
1570 visually minimized when viewed from adjacent public rights-

1571 of-way and shall be appropriate to the character and style of  
1572 the historic structure.

1573 **g. Porches**

1574 (1) Preserve and maintain a historic porch by preserving the  
1575 existing location, form, proportion, details, posts, railing, and  
1576 stairs.

1577 (2) Repair deteriorated historic elements of the porch.

1578 Replacement porch elements are allowed only when it can  
1579 be shown that the historic elements are no longer safe  
1580 and/or serviceable and cannot be repaired to a safe and/or  
1581 serviceable condition. Replacement elements shall exactly  
1582 match the historic elements in size, dimensions, form,  
1583 profile, and material.

1584 (3) Substitute decking materials such as fiber cement or plastic-  
1585 wood composite floor boards shall not be used unless they  
1586 are made of a minimum of 50% recycled and/or reclaimed  
1587 materials. In addition, the applicant must show that the  
1588 physical properties of the substitute material—  
1589 expansion/contraction rates, chemical composition, stability  
1590 of color and texture, compressive or tensile strength—have  
1591 been proven to not damage or cause the deterioration of  
1592 adjacent historic material.

1593 (4) It may be appropriate, in some cases, to reconstruct historic  
1594 porches. Replacement porches shall be constructed of  
1595 materials and in styles that are compatible with the structure  
1596 to which they are attached. When possible the reconstructed  
1597 porch shall be based on physical or documentary evidence;  
1598 when no such evidence exists, the design shall be based on  
1599 historic porches found on comparable historic structures.

1600 (5) While modifications to porch posts and balustrades may be  
1601 necessary to meet current code requirements, these  
1602 elements shall not be substantially different in size and  
1603 proportion than those seen historically.

1604 (6) It is not appropriate to add decorative porch elements that  
1605 are not known to have been used on a particular historic  
1606 structure or on similar historic structures.

1607 **h. Architectural Features**

1608 (1) Preserve and maintain architectural features such as eaves,  
1609 brackets, cornices, moldings, trim work, and decorative  
1610 shingles.

1611 (2) Repair rather than replace historic architectural features.  
1612 Replacement architectural features are allowed only when it  
1613 can be shown that the historic features are no longer safe  
1614 and/or serviceable and cannot be repaired to a safe and/or  
1615 serviceable condition.

1616 (3) Replacement features shall exactly match the historic  
1617 features in design, size, dimension, form, profile, texture,  
1618 material and finish.

1619 (4) Architectural features may be added to a building when  
1620 accurately based on physical or photographic evidence (i.e.  
1621 “ghost” lines).

### 1622 3. **Mechanical Systems, Utility Systems, and Service Equipment**

- 1623 a. Mechanical equipment and utilities, including heating and air  
1624 conditioning units, meters, and exposed pipes, shall be located on  
1625 the tertiary façade or another inconspicuous location. If located on  
1626 a secondary façade, it shall be screened from view by incorporating  
1627 it into the appearance as an element of the design.
- 1628 b. Ground-level equipment shall be screened from view using  
1629 landscape elements such as fences, low stone walls, or perennial  
1630 plant materials.
- 1631 c. Rooftop mechanical equipment is generally discouraged. Roof-  
1632 mounted mechanical and/or utility equipment shall be screened and  
1633 minimally visualized from all views.
- 1634 d. Historic building elements shall not be removed or obstructed when  
1635 installing mechanical systems and equipment.
- 1636 e. Contemporary New communication equipment such as satellite  
1637 dishes or antennae shall be visually minimized when viewed from  
1638 the primary public right-of-way.

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#### 4. Additions to Primary Structures

##### a. Protection for Historic Structures & Sites

(1) Additions to historic buildings should be considered only when it is demonstrated that the new use of the building cannot be accommodated by solely altering interior spaces.

(2) Additions to historic structures shall be considered with caution and shall be considered only on non-character defining facades, usually tertiary and occasionally secondary facades. Additions shall not compromise the architectural character of historic structures. Additions to the primary façades of historic structures are inappropriate.

(3) Additions should be visually subordinate to historic buildings when viewed from the primary public right-of-way.

(4) Additions to historic structures shall not be placed so as to obscure, detract from, or modify historic roof forms.

(5) Additions to historic structures shall not contribute significantly to the removal or loss of historic material.

(6) Where the new addition abuts the historic building, a clear transitional element between the old and the new should be designed and constructed. Minor additions, such as bay windows or dormers do not require a transitional element.

(7) Maintain and preserve additions to structures that are significant to the era/period of restoration.

1662 (8) In-line additions shall be avoided.

1663 **b. Transitional Elements**

1664 In-line additions should be avoided generally are not appropriate.

1665 (1) A transitional element shall be required for any addition to a  
1666 historic structure where the footprint of the addition is 50% or  
1667 greater than the footprint of the historic structure. The  
1668 historic structure's footprint may include additions to the  
1669 historic structure made within the historic period that have  
1670 gained historic significance in their own right.

1671 (2) When an addition to a historic structure is less than 50% of  
1672 the historic structure's footprint but exceeds the height of the  
1673 historic structure due to either the greater height of the  
1674 addition, site topography (e.g., an uphill addition), or both, a  
1675 transitional element shall be required.

1676 (3) On a rear addition, the width of the transitional element shall  
1677 not exceed two-thirds (2/3) the width of the elevation to  
1678 which the transitional element is connected. The transitional  
1679 element shall be set in from the corners of the affected  
1680 historic elevation by a minimum of two feet (2').

1681 (4) In the case of additions to the secondary façade, visible from  
1682 the primary public right-of-way, the transitional element shall  
1683 be setback a minimum of five feet (5') from the primary  
1684 façade. All other previous guidelines requirements apply.

1685 (5) The depth of the transitional element (i.e., the distance  
1686 between the affected historic elevation and the addition)  
1687 shall be a minimum of one-third (1/3) the length of the least  
1688 wide historic elevation adjacent to the impacted historic  
1689 elevation.

1690 (6) The highest point of the transitional element shall be a  
1691 minimum of two feet (2') lower than the highest ridgeline of  
1692 the historic structure.

1693 (7) Balconies and decks may be attached to the secondary  
1694 facades of a transitional element; however, no roof deck is  
1695 permitted on the transitional element.

1696 (8) When an existing non-historic or non-contributory addition is  
1697 used as a transitional element, the preceding guidelines  
1698 regulations for transitional elements shall not apply.

1699 **c. General Compatibility**

1700 (1) Additions shall complement the visual and physical qualities  
1701 of the historic building. An addition shall not be designed to  
1702 be an exact copy of the existing style or imply an earlier  
1703 period or more ornate style than that of the historic building.

1704 (2) The addition shall be a contemporary interpretation of the  
1705 historic structure's architecture style. The addition shall not  
1706 be designed to contrast starkly with the historic structure; an  
1707 acceptable design shall be compatible in mass, scale,

1708 fenestration patterns, and design details. It shall not detract  
1709 from the Historic District's or Structure's historic character.

1710 (3) Additions shall be subordinate in scale to the primary historic  
1711 structure. The footprint of an addition shall not exceed 50%  
1712 of the footprint of the historic structure, including any  
1713 additions that have achieved historic significance in their  
1714 own right. If the footprint of the addition approaches or  
1715 exceeds 50% of the footprint of the historic structure, the  
1716 mass shall be broken into modules to reflect the mass and  
1717 scale of those modules seen on the historic structure.

1718 (4) Additions shall be visually subordinate to historic structures.  
1719 Where the combined effects of the addition's footprint,  
1720 height, mass and scale are such that the overall size of an  
1721 addition is larger than a historic structure, the volume of the  
1722 addition shall be broken into modules that reflect the scale of  
1723 those components seen on the historic structure. Multiple  
1724 modules are encouraged to add articulation and architectural  
1725 interest.

1726 (5) Large additions (additions with a footprint exceeding 50% of  
1727 the footprint of the Historic Structure) shall be visually  
1728 separated from historic buildings when viewed from the  
1729 public right of way. Where the height of a new addition  
1730 exceeds the height of the Historic Structure, or site

1731 topography results in visibility from the primary right-of-way  
1732 (e.g., an uphill addition), or both, the addition shall be set  
1733 away from the historic structure by a minimum of one-half  
1734 (1/2) the length of the least-wide historic elevation adjacent  
1735 to the historic elevation to which the transitional element is  
1736 attached.

1737 (6) Building Components and materials used on additions shall  
1738 be similar in scale and size to those found on the historic  
1739 building.

1740 (7) Window shapes, patterns and proportions found on the  
1741 historic building should be reflected in the new addition.

1742 (8) Windows, doors and other features on a new addition shall  
1743 be designed to be compatible with the historic structure and  
1744 surrounding historic sites. Windows, doors and other  
1745 openings shall be of sizes and proportions similar to those  
1746 found on nearby historic structures. When using new window  
1747 patterns and designs, those elements shall respect the  
1748 typical historic character and proportions of windows on the  
1749 primary historic structure and adjacent historic structures.  
1750 The solid-to-void relationship and detailing of an addition  
1751 shall be compatible with the historic structure.

## 1752 5. Garages

### 1753 a. Scenario 1: Basement Addition without a Garage

- 1754 (1) A basement addition shall not raise the historic structure  
1755 generally more than two feet (2') from its original floor  
1756 elevation above grade prior to construction.
- 1757 (2) ~~[(2.) B.3.3 ]~~A historic site shall be returned to original grade  
1758 following construction of a foundation. When the original  
1759 grade cannot be achieved, no more than two feet (2') of the  
1760 new foundation shall be visible above final grade on the  
1761 primary and secondary facades.
- 1762 (3) The exterior walls on an inline basement addition shall not  
1763 extend beyond the exterior wall planes of the historic  
1764 structure's primary or secondary facades.
- 1765 (4) Window or egress wells, if needed, shall not be located on  
1766 the primary façade. Window or egress wells shall be located  
1767 behind the midpoint of the secondary façades, on the rear  
1768 tertiary façade, or in a location not visible from the primary  
1769 public right-of-way. Landscape elements shall be used to aid  
1770 in screening window/egress wells from the primary right-of-  
1771 way.
- 1772 (5) ~~[(5.) D.3.4 ]~~ After construction of the basement, the site shall  
1773 be re-graded to approximate the grading prior to construction  
1774 of the addition.

1775 **b. Scenario 2: Basement Addition with a Garage**

1776 (1) A new foundation or basement addition shall not raise a  
1777 historic structure more than two feet (2') from its original floor  
1778 elevation. Historic buildings on downhill lots may be raised to  
1779 accommodate a basement garage addition provided 1)  
1780 access to the garage is from a side or rear yard, 2) the  
1781 ground floor of the historic building is not raised above  
1782 finished road grade adjacent to the primary facade, and 3)  
1783 the integrity and character of the structure will not be  
1784 destroyed by raising the historic structure more than two feet  
1785 (2') above its original height above grade.

1786 (2) A basement garage addition shall not extend beyond the  
1787 exterior wall planes of the historic structure's primary or  
1788 secondary facades. In limited situations, site setbacks and  
1789 topography may allow for a projecting garage without  
1790 adversely affecting the historic character of the structure. In  
1791 these cases, a stepped design with an associated site  
1792 grading and landscaping plan may be considered.

1793 (3) The vertical wall area of a basement garage addition that is  
1794 visible from the primary public right-of-way shall be visually  
1795 minimized. It is preferential for the garage opening to be  
1796 setback from the wall plane of the historic structure in order  
1797 to diminish the presence of the garage.

1798 (4) Window or egress wells, if needed, shall not be located on  
1799 the primary façade. Window or egress wells shall be located  
1800 behind the midpoint of the secondary façades, on the tertiary  
1801 façade, or in a location that is not visible from the primary  
1802 public right-of-way.

1803 (5) After construction of a basement garage addition, a historic  
1804 site shall be re-graded to approximate the grading prior to  
1805 construction of the addition.

1806 (6) A single vehicle garage door not greater than nine feet (9')  
1807 wide and nine feet (9') high shall be used to access a  
1808 basement garage addition. Glazing on garage doors shall be  
1809 limited to no more than 30% of garage door.

1810 (7) Single car wide tandem garages are recommended. Side-by-  
1811 side parking configurations are strongly discouraged; if used,  
1812 they shall be visually minimized when viewed from the  
1813 primary public right-of-way.

1814 (8) Garages featuring a side-by-side parking configuration, at a  
1815 minimum, shall maintain a two foot (2') offset in the wall  
1816 plane.

1817 **c. Scenario 3: Attached Garages**

1818 (1) Single car wide tandem garages are recommended. Side-by-  
1819 side parking configurations are strongly discouraged; if used,

1820 they shall be visually minimized when viewed from the  
1821 primary public right-of-way.

1822 (2) A single vehicle garage door not greater than nine feet (9')  
1823 wide and nine feet (9') high shall be used to access a  
1824 basement garage addition. Glazing on garage doors shall be  
1825 limited to no more than 30% of garage door.

1826 (3) Garages featuring a side-by-side parking configuration, at a  
1827 minimum, shall maintain a two foot (2') offset in the wall  
1828 plane.

1829 **6. Decks**

1830 a. Decks should be constructed in inconspicuous areas where visually  
1831 minimized from the primary right-of-way, usually on the tertiary  
1832 façade. If built on a secondary façade of the historic structure, a  
1833 deck should be screened from the right-of-way with fencing and/or  
1834 appropriate native landscaping. Decks should be located such that  
1835 they will not damage or conceal significant historic features or  
1836 details of the historic structure.

1837 b. In order to prevent damage to a historic structure, decks shall be  
1838 constructed to be self-supporting. If the deck cannot be constructed  
1839 to be self-supporting, decks shall be attached to a historic structure  
1840 with care so loss of historic fabric is minimized.

- 1841 c. Introducing a deck that will result in the loss of a character-defining  
1842 feature of the historic structure or site, such as a historic porch or  
1843 mature tree, should be avoided.
- 1844 d. The visual impact of a deck should be minimized by limiting its size  
1845 and scale. Introducing a deck that visually detracts from a historic  
1846 structure or historic site, or substantially alters a historic site's  
1847 proportion of built area to open space is not appropriate.
- 1848 e. Decks and related steps and railings should be constructed of  
1849 materials and in styles that are compatible with the structure to  
1850 which they are attached.
- 1851 f. Decking materials such as fiber cement or plastic-wood composite  
1852 floor boards shall not be used unless they are made of a minimum  
1853 of 50% recycled and/or reclaimed materials.
- 1854 g. Significant site features, such as mature trees, should be protected  
1855 from damage during the construction of a deck by minimizing  
1856 ground disturbance and by limiting use of heavy construction  
1857 equipment.

## 1858 **7. Balconies & Roof Decks**

- 1859 a. New balconies and roof decks on a historic structure shall be  
1860 visually subordinate to the historic structure from the primary right-  
1861 of-way. Installing a balcony on a historic structure's primary façade  
1862 is not allowed, however, a balcony may be considered on a  
1863 secondary or tertiary facade.

- 1864 b. A new balcony shall be simple in design and compatible with the  
1865 character of the historic structure. Simple wood and metal designs  
1866 are appropriate for residential structures. Heavy timber and plastics  
1867 are inappropriate materials.
- 1868 c. A roof deck on a new addition shall be visually minimized when  
1869 viewed from the right-of-way.

1870

## 1871 8. Historic Accessory Buildings

- 1872 a. Historic accessory buildings that contribute to the significance of  
1873 the property shall be maintained and preserved.
- 1874 b. ~~[Guidelines]~~ Regulations for the treatment of Primary Structures  
1875 shall be applied to all historic accessory buildings that contribute to  
1876 the significance of the property.
- 1877 c. Please~~s~~ see ~~[guidelines]~~ requirements regarding transitional  
1878 elements for those cases where the historic accessory structure  
1879 may be linked to the historic primary structure.

## 1880 9. New Accessory Buildings

- 1881 a. New accessory buildings on flat or downhill sites with a historic  
1882 building shall generally be located to the rear of the site, unless  
1883 dictated by the Streetscape or character area are to be located in  
1884 the front yard.
- 1885 b. New accessory structures on a site with a historic building may be  
1886 located at the street front if 1) a pattern of front yard historic

1887                    accessory structures has been established along the street, and 2)  
1888                    the proposed placement does not create any danger or hazard to  
1889                    traffic by obstructing the view of the street.

1890                    c. New detached garages built on sites with historic structures should  
1891                    have a maximum interior dimension of twelve (12) feet in width.

1892                    d. Single car wide tandem garages are recommended. Side-by-side  
1893                    parking configurations are strongly discouraged; if used, they shall  
1894                    be visually minimized when viewed from the primary public right-of-  
1895                    way.

1896                    e. Garage doors shall not exceed nine (9) feet in width by nine (9) feet  
1897                    in height. Glazing on garage doors shall be limited to no more than  
1898                    30% of garage doors.

1899                    f. Roof form, exterior materials, and architectural detailing of a  
1900                    detached Accessory Building shall complement the primary  
1901                    structure.

1902                    g. ~~g.~~ Accessory structures (such as sheds and garages) shall be  
1903                    subordinate in scale to the primary historic structure. The footprint  
1904                    of the new accessory structure shall not exceed 50% of the  
1905                    footprint of the historic structure. If the footprint exceeds 50% of the  
1906                    footprint of the historic structure, the scale of the individual modules  
1907                    shall be broken up to reflect the mass and scale of those seen on  
1908                    the historic structure. New accessory structures shall follow the

1909 ~~[design guidelines] regulations~~ for ~~[compatibility of additions as~~  
1910 ~~outlined in]~~ Additions to Primary Structures.

1911 HISTORY

1912 *Adopted by Ord. 2017-42 on 8/3/2017*

1913 *Amended by Ord. 2019-06 on 5/16/2019*

1914 **15-13-3 (Regulations) Design Guidelines For Historic Commercial Sites**

1915 A. **Universal (Regulations) Design Guidelines**

- 1916 1. A site shall be used as it was historically or shall be given a new use that  
1917 requires minimal change to the distinctive materials, features, spaces, and  
1918 spatial relationships.
- 1919 2. Changes to a site or building that have acquired historic significance in  
1920 their own right shall be retained and preserved.
- 1921 3. Historic exterior features of a building shall be retained and preserved.
- 1922 4. Distinctive materials, components, finishes, construction techniques, and  
1923 examples of craftsmanship shall be retained and preserved. Applicants  
1924 are encouraged to reproduce missing historic elements that were original  
1925 to the building, but have been removed. Physical, photographic, or  
1926 documented evidence shall be used to substantiate the reproduction of  
1927 missing features. In some cases, where there is insufficient evidence to  
1928 allow for accurate reconstruction of lost historic elements, it may be  
1929 appropriate to reproduce missing historic elements that are consistent with  
1930 historic structures of similar design, age, and detailing.

- 1931 5. Deteriorated or damaged historic features and elements shall be repaired  
1932 rather than replaced. When the severity of deterioration or existence of  
1933 structural or material defects requires replacement, the replacement  
1934 feature or element shall match the original in design, dimension, texture,  
1935 material, and finish. Applicants must show severity of deterioration or  
1936 existence of defects by demonstrating that the historic material is no  
1937 longer safe and/or serviceable and cannot be repaired to a safe and/or  
1938 serviceable condition.
- 1939 6. Non-historic alterations that have been made to elements of a property,  
1940 such as window replacements, eave enclosures, or porch element  
1941 substitutions, that are in place prior to the adoption of these ~~[Design~~  
1942 ~~Guidelines]~~ regulations may be maintained. However, if additional  
1943 alterations to these elements are proposed, the elements must be brought  
1944 into compliance with these ~~[Design Guidelines]~~ regulations.
- 1945 7. Each site shall be recognized as a physical record of its time, place and  
1946 use. Applicants shall not introduce architectural elements or details that  
1947 visually modify or alter the original building design when no evidence of  
1948 such elements or details exists.
- 1949 8. Chemical or physical treatments, if appropriate, shall be undertaken using  
1950 recognized preservation methods. Treatments that cause damage to  
1951 historic material shall not be used. Treatments that sustain and protect the  
1952 historic building and its occupants, but do not alter appearance, are  
1953 encouraged.

1954 9. New construction, such as additions, exterior alterations, repairs,  
1955 upgrades, etc. shall not destroy historic materials, features, and spatial  
1956 relationships that characterize the historic site or historic building. New  
1957 construction shall differentiate from the historic structure and, at the same  
1958 time, be compatible with the historic structure in materials, features, size,  
1959 scale and proportion, and massing to protect the integrity of the historic  
1960 structure, the historic site, and the Historic District.

1961 10. New additions and related new construction shall be undertaken in such a  
1962 manner that, if removed in the future, the essential form of the historic  
1963 building and integrity of the historic building and site could be restored.

1964 11. The proposed project must not cause the building, site or Historic District  
1965 to be removed from the National Register of Historic Places.

1966 **B. Specific ~~[Design Guidelines]~~ [Regulations]**

1967 **1. Site ~~[Design]~~**

1968 **a. Building Setback and Orientation**

1969 (1) The existing front and side yard setbacks of buildings shall  
1970 be maintained. The alignment and setbacks are often  
1971 different from residential, and are character-defining features  
1972 of the district and shall be preserved.

1973 (2) The original location of a main entry, if extant, shall be  
1974 preserved. The historic orientation of a primary entrance on  
1975 Main Street shall be maintained.

1976 (3) The visual divisions of commercial buildings into storefront  
1977 and upper stories, when present, shall be maintained.

1978 (4) Residential buildings converted to non-residential use often  
1979 have deeper setbacks and landscaped front yards; these  
1980 shall be retained.

1981 **b. Topography and Grading**

1982 (1) The natural topography and original grading of a historic site  
1983 shall be maintained when feasible.

1984 **c. Landscaping and Vegetation**

1985 (1) The character of a historic site shall not be significantly  
1986 altered by substantially changing the proportion of built  
1987 and/or paved area to open space.

1988 (2) Existing landscape features that contribute to the character  
1989 of a historic site and/or existing landscape features that  
1990 provide environmental sustainability benefits shall be  
1991 preserved and maintained.

1992 (3) Established on-site native plantings shall be maintained.  
1993 During construction, established vegetation shall be  
1994 protected to avoid damage. Damaged, aged, or diseased  
1995 trees shall be replaced as necessary. Vegetation that may  
1996 encroach upon or damage a new building may be removed,  
1997 but shall be replaced with similar vegetation near the original  
1998 location.

1999 (4) A detailed landscape plan, particularly for areas viewable  
2000 from the primary public right-of-way, which respects the  
2001 manner and materials traditionally used in the Historic  
2002 Districts, shall be provided. When planning for the long-term  
2003 sustainability of a landscape system, all landscape  
2004 relationships on the site, including those between plantings  
2005 and between the site and its structure(s) shall be considered.

2006 (5) Landscape plans shall balance water-efficient irrigation  
2007 methods, drought-tolerant plants, and native plants with  
2008 existing plant material and site features that contribute to the  
2009 historic character of the site. Where irrigation is necessary,  
2010 systems that minimize water loss, such as drip irrigation,  
2011 shall be used.

2012 (6) Use to advantage storm water management features such  
2013 as gutters, downspouts, site topography, and vegetation that  
2014 can improve the environmental sustainability of a site.

2015 (7) The use of Water Wise Landscaping or permaculture  
2016 strategies for landscape design shall be considered in order  
2017 to maximize water efficiency. Where watering systems are  
2018 necessary, systems that minimize water loss, such as drip  
2019 irrigation, shall be used. These systems shall be designed to  
2020 minimize their appearance from areas viewable from the  
2021 primary public right-of-way.

- 2022 (8) Along public rights of way, landscaped areas, street trees,  
2023 and seasonal plantings shall be designed to enhance the  
2024 pedestrian experience, complement architectural features,  
2025 and/or screen utility areas.
- 2026 (9) Installing plantings in areas like medians, divider strips, and  
2027 traffic islands shall be considered.
- 2028 (10) Commercial properties typically have no setbacks  
2029 along the principal façade. However, when front yard  
2030 setbacks exist, landscaped areas (including patios) shall be  
2031 of a small scale and design such that they do not disrupt the  
2032 normal volume and flow of pedestrian traffic along the street.

2033 **d. Sidewalks, Plazas, and Other Street Improvements**


- 2034 (1) All Streetscape or character area elements should work  
2035 together to create a coherent visual identity and public  
2036 space. The visual cohesiveness and historic character of the  
2037 area shall be maintained through the use of complementary  
2038 materials.
- 2039 (2) Sidewalk bump outs reduce the distance required for  
2040 pedestrians to cross streets. On long blocks, midblock  
2041 crosswalks are recommended. Brick pavers, concrete  
2042 pavers (sometimes brick-colored), and textured concrete or  
2043 asphalt shall be used for crosswalks.

2044 (3) Using distinctive materials, such as bricks or pavers, to  
2045 identify crosswalks at key intersections or crossings shall be  
2046 considered. Crosswalk markings shall be clearly delineated  
2047 without being obtrusive.

2048 (4) Street furniture, trash receptacles, bike racks, planters and  
2049 other elements shall be simple in design and compatible with  
2050 the appearance and scale of adjacent buildings and public  
2051 spaces.

2052 (5) Existing plazas shall be maintained and well managed for  
2053 daytime use, including landscaping, benches, trash  
2054 receptacles and lighting.

2055 (6) Where new plazas are being considered, ensure that they  
2056 are near pedestrian traffic, are well planned for intended  
2057 uses, such as concerts or other events, and well designed  
2058 for maintenance and durability.

2059 (7) Existing  alleys, staircases, and pedestrian tunnels shall be  
2060 maintained where feasible.

2061 **e. Parking and Driveways**

2062 (1) The visual impacts of on-site parking (both surface lots and  
2063 parking structures) shall be minimized by incorporating  
2064 landscape treatments for driveways, walkways, paths,  
2065 building and accessory structures in a comprehensive,  
2066 complimentary and integrated design.

2067 (2) Landscaped separations, screening, and/or site walls shall  
2068 be placed between parking areas, drives, service areas, and  
2069 other public-use areas such as walkways, plazas, and  
2070 vehicular access points.

2071 (3) When creating new off-street parking areas, the existing  
2072 topography of the site and integral site features, such as  
2073 mature landscaping and historic retaining walls, shall be  
2074 minimally impacted.

2075 (4) Off-street parking areas shall be located within the rear yard  
2076 and beyond the rear wall plane of a primary building, where  
2077 feasible. If locating a parking area in a rear yard is not  
2078 physically possible, the off-street parking area and  
2079 associated vehicles shall be visually buffered from adjacent  
2080 properties and the primary public right-of-way. Providing a  
2081 driveway along the side yard of a property, if feasible, shall  
2082 be considered. When locating driveways, historic site  
2083 features and the existing topography of the property shall be  
2084 minimally impacted.

2085 (5) ~~[Ten foot (10') wide driveways are encouraged; however,]~~  
2086 ~~[A]ew driveways shall not exceed twelve [ten] (1[20]) feet in~~  
2087 ~~width.~~

2088 (6) Shared driveways should be used when feasible.

2089 (7) Textured and poured paving materials other than smooth  
2090 concrete should be considered for driveways that are visible  
2091 from the primary right-of-way. Permeable paving shall be  
2092 used on a historic property, where appropriate, to manage  
2093 storm water. Permeable paving may not be appropriate for  
2094 all driveways and parking areas.

2095 (8) Consider avoiding paving up to a building's foundation in  
2096 order to reduce heat-island effect, building temperature,  
2097 damage to the foundation, and drainage problems.

2098 (9) Landscape plans shall allow for snow storage for driveways.  
2099 Snow storage for driveways shall be provided on site.

2100 (10) Parking structures and parking areas shall be located  
2101 at the rear of the building to allow commercial use on the  
2102 principal façade.

## 2103 2. Primary Structures

### 2104 a. Foundation

2105 (1) The historic placement, orientation, and grade of a historic  
2106 building shall be retained, as shall the original grade of the  
2107 site.

2108 (2) Historic foundations shall not be covered with new materials  
2109 (e.g. concrete block, plywood panels, corrugated metal, or  
2110 wood shingles). Masonry foundations shall be cleaned,  
2111 repaired, or re-pointed according to masonry guidelines

2112 (published by the Secretary of the Interior). Replacement of  
2113 historic material is allowed only when it can be demonstrated  
2114 that the historic material is no longer safe and/or serviceable  
2115 and cannot be repaired to a safe and/or serviceable  
2116 condition.

2117 (3) A new foundation shall generally raise or lower a historic  
2118 structure no more than two (2) feet from its original floor  
2119 elevation.

2120 (4) The form, material, and detailing of a new foundation shall  
2121 be similar to the historic foundation (when extant) or similar  
2122 to foundations of nearby historic structures.

2123 (5) The construction of a foundation at a height that is not  
2124 proportional to neighboring historic structures is not  
2125 appropriate. The height of a new foundation shall not be  
2126 significantly taller or shorter than neighboring structures. A  
2127 historic storefront shall not be significantly altered by lifting  
2128 the historic structure for the construction of a new  
2129 foundation.

2130 (6) A historic site shall be returned to original grade following  
2131 construction of a foundation. When original grade cannot be  
2132 achieved, generally no more than six (6) inches of the new  
2133 foundation shall be visible above final grade on the primary  
2134 and secondary facades.

2135 (7) The re-grading of a site shall blend the grade of the site with  
2136 the grade of adjacent sites and shall not create the need for  
2137 retaining walls.

2138 (8) A site shall be re-graded so that water drains away from the  
2139 structure and does not enter the foundation.

2140 (9) Consider adding a plinth, or trim board, at the base of a  
2141 historic structure to visually anchor the historic structure to  
2142 the new foundation.

2143 (10) Window or egress wells, when needed, shall not be  
2144 located on the primary façade. Window or egress wells shall  
2145 be located beyond the midpoint of the secondary facades,  
2146 on the tertiary elevation, or in a location that is not visible  
2147 from the primary public right-of-way.

2148 **b. Exterior Walls**

2149 (1) Primary and secondary facade elements, such as  
2150 window/door configuration, wall planes, recesses, bays,  
2151 balconies, steps, porches, and entryways shall be preserved  
2152 and maintained in their original location on the façade.

2153 (2) Exterior historic elements including wood siding (drop siding,  
2154 clapboard, board and batten), frieze boards, cornices,  
2155 moldings, shingles, etc., as well as stone and masonry shall  
2156 be preserved and maintained. Deteriorated or damaged

2157 historic elements shall be repaired using recognized  
2158 preservation methods appropriate to the specific material.

2159 (3) When disassembly of a historic element—window, molding,  
2160 bracket, etc.--is necessary for restoration, recognized  
2161 preservation procedures and methods for removal,  
2162 documentation, repair, and reassembly shall be used.

2163 (4) When an exterior historic element cannot be repaired, it shall  
2164 be replaced with materials that match the original in all  
2165 respects: scale, dimension, profile, material, texture, and  
2166 finish. The replacement of an existing historic element is  
2167 allowed only when it can be demonstrated that the historic  
2168 element is no longer safe and/or serviceable and cannot be  
2169 repaired to a safe and/or serviceable condition.

2170 (5) Substitute material such as fiber cement or plastic-wood  
2171 composite siding, shingles, and trim boards shall not be  
2172 used unless it is made of a minimum of 50% recycled and/or  
2173 reclaimed materials. Additionally, the applicant must show  
2174 that the physical properties — expansion/contraction rates,  
2175 chemical composition, stability of color and texture,  
2176 compressive or tensile strength—of the substitute material  
2177 have been proven to not damage or cause deterioration of  
2178 adjacent historic materials.

2179 (6) Substitute material shall not be used on a primary or  
2180 secondary façade unless the applicant can demonstrate that  
2181 historic material cannot be used and that the substitute  
2182 material will not cause damage to adjacent historic material  
2183 or detract from the historic integrity of the structure.

2184 (7) The application of synthetic or substitute materials, such as  
2185 vinyl or aluminum siding, over original wood siding may  
2186 cause, conceal, or accelerate physical deterioration and is  
2187 not appropriate. Removal of synthetic siding (aluminum,  
2188 asbestos, Brick-TeX, and vinyl) that has been added to a  
2189 building, followed by restoration of the historic wood siding  
2190 (or other underlying historic material), is highly encouraged.

2191 (8) Interior changes that affect the exterior appearance of  
2192 primary and secondary facades, including changing historic  
2193 floor levels windows to doors or doors to windows, and porch  
2194 roofs to balconies or decks, shall be avoided.

2195 **c. Roofs**

2196 (1) Historic roof forms shall be preserved and maintained. Most  
2197 commercial roof forms are flat, sloping, hipped, or gable.

2198 (2) The line, pitch, and overhang of the historic roof form, as  
2199 well as any functional and decorative elements, shall be  
2200 preserved and maintained. Roof-related features such as

2201 parapet walls and cornices shall be maintained and  
2202 preserved.

2203 (3) New roof features, such as photovoltaic panels (solar  
2204 panels), skylights, ventilators, and mechanical and  
2205 communication equipment shall be visually minimized when  
2206 viewed from the primary public right-of-way so as not to  
2207 compromise the architectural character of the building.  
2208 Photovoltaic panels and skylights shall be flush-mounted to  
2209 the roof.

2210 (4) Roof colors shall be neutral-colored and earth-toned.

2211 (5) Crickets, saddles, or other snow-guard devices shall be  
2212 placed so they do not significantly alter the form of the roof  
2213 as seen from the primary public right-of-way.

2214 (6) Dormers that did not exist historically shall not be added on  
2215 a primary façade.

2216 (7) New dormers may be added on tertiary or secondary  
2217 facades and shall be visually minimized from the primary  
2218 public right-of-way. Gabled, hipped, or shed dormers are  
2219 appropriate for most buildings and shall be in keeping with  
2220 the character and scale of the building.

2221 **d. Storefronts**

2222 (1) Primary and secondary facade elements, such as  
2223 window/door configuration, wall planes, recesses, bays,

2224 balconies, steps, porches, and entryways shall be  
2225 maintained in their original location on the façade.

2226 (2) Historic storefront elements such as doors, windows, kick  
2227 plates, bulkheads, transoms, ornamentation, cornices,  
2228 pillars, pilasters, and other character-defining features shall  
2229 be preserved and maintained.

2230 (3) Historic storefronts and their character-defining features and  
2231 elements shall not be covered with modern materials.  
2232 Deteriorated or damaged storefronts or elements shall be  
2233 repaired so that the storefront retains its historic appearance.  
2234 Repairs shall be made with in-kind materials, based on  
2235 physical or documentary evidence, whenever possible.

2236 (4) Missing elements shall be replaced in keeping with size,  
2237 scale, style, and materials of the historic structure, and then  
2238 only if there is little or no evidence of the original  
2239 construction. In such cases, an alternative design that is  
2240 compatible with the remaining character-defining features of  
2241 the historic building may be considered.

2242 (5) Historic recessed entries, if in their original historic  
2243 configuration, shall be preserved and maintained. If a historic  
2244 recessed entry has been lost during a previous renovation,  
2245 consider reconstructing, based on physical or documentary

2246 evidence, the historic entry. The replacement shall match the  
2247 original in terms of design, materials, and configuration.

2248 (6) Primary entrances to commercial buildings should be  
2249 accessible to meet American Disabilities Act (ADA)  
2250 requirements. If this is not possible, alternative entrances  
2251 shall be available, clearly marked, and maintained to the  
2252 same standards as the primary entrance.

2253 (7) Original doors shall be preserved and maintained.  
2254 Replacement of non-historic doors shall be substantiated by  
2255 documentary, physical, or pictorial evidence.

2256 (8) If no evidence of the historic door appearance is available,  
2257 new doors should be similar in materials and configuration to  
2258 historic doors on commercial buildings of similar period.  
2259 Typically, painted wood doors with single or multiple lights of  
2260 clear glass are appropriate replacements for primary  
2261 facades. Replacement doors for secondary entrances may  
2262 be smaller or may be solid wood. Dark or bronze-anodized  
2263 metal, though less appropriate, may be substituted for wood  
2264 in cases where the original door has been lost and no  
2265 evidence of the original door exists.

2266 (9) The original storefront windows and window configuration  
2267 shall be preserved and maintained if possible. If the  
2268 storefront windows have been reduced in size over the

2269 years, re-establishing their original dimensions and  
2270 configuration is encouraged.

2271 (10) Opaque, reflective, and mirror types of glass are not  
2272 appropriate.

2273 (11) Transoms above display windows shall be preserved  
2274 and maintained. When transoms are covered and original  
2275 moldings and window frame proportions are concealed, or  
2276 when transoms have been entirely removed, restoring the  
2277 transom to its original appearance is encouraged.

2278 **e. Doors (Not Included in Storefronts)**

2279 (1) Historic door openings, doors, door surrounds, and  
2280 decorative door features shall be preserved and maintained.

2281 (2) Historic door openings that are significant shall be restored  
2282 to the historic period of restoration. On primary facades, in  
2283 particular, consider reconstructed, based on physical or  
2284 documentary evidence, historic doorways that no longer  
2285 exist.

2286 (3) Changing the position, proportions, or dimensions of historic  
2287 door openings shall be avoided. It is not appropriate to  
2288 create additional openings or remove existing historic  
2289 openings on primary or secondary facades that are visible  
2290 from the primary public right-of-way.

- 2291 (4) Replacement doors shall be allowed only when it can be  
2292 shown that the historic doors are no longer safe and/or  
2293 serviceable and cannot be repaired to a safe and/or  
2294 serviceable condition. Replacement doors shall exactly  
2295 match the historic door in size, material, profile, and style.
- 2296 (5) Storm doors and/or screen doors typical of the Mining Era  
2297 may be used on primary or secondary facades when the  
2298 applicant can show that they will not diminish the historic  
2299 character of the building.
- 2300 (6) When no physical or documentary evidence of original doors  
2301 exists, replacement doors typically shall be of wood, with or  
2302 without glazing, and shall complement the style of the  
2303 historic structure. When replacing non-historic doors,  
2304 designs similar to those that were found historically in Park  
2305 City shall be used. Paneled doors were typical and many  
2306 had vertical panes of glass. Scalloped, Dutch, and colonial  
2307 doors, as well as door sidelights are not appropriate on most  
2308 primary and secondary façades.
- 2309 (7) New door openings may be considered on secondary  
2310 façades. A new opening shall be similar in location, size, and  
2311 type to those seen on the historic structure.
- 2312 (8) When a historic door opening on a primary façade is no  
2313 longer functional, the door shall be retained and, if

2314 necessary, blocked on the interior side only. The door shall  
2315 appear to be functional from the exterior.

2316 **f. Windows (not included in Storefronts)**

2317 (1) Historic window openings, windows, window surrounds and  
2318 decorative window features shall be maintained and  
2319 preserved.

2320 (2) Historic window openings that have been altered or lost over  
2321 time shall be restored. On primary façades, in particular,  
2322 consider reconstructing, based on physical or documentary  
2323 evidence, historic window openings that no longer exist.

2324 (3) Changing the position, proportions, or dimensions of historic  
2325 window openings shall be avoided. It is not appropriate to  
2326 create additional openings or remove existing historic  
2327 openings on primary or secondary façades that are visible  
2328 from the primary public right-of-way.

2329 (4) The historic ratio of window openings to solid wall shall be  
2330 maintained.

2331 (5) When historic windows are present, replacement windows  
2332 shall be allowed only when it can be shown that the historic  
2333 windows are no longer safe and serviceable and the historic  
2334 windows cannot be made safe and serviceable through  
2335 repair. Replacement windows shall exactly match the historic

2336 window in size, dimensions, glazing pattern, depth, profile,  
2337 and material.

2338 (6) The original number of glass panes in a historic window shall  
2339 be maintained. Replacing multiple panes with a single pane  
2340 is not appropriate. Snap-in muntins, or muntins between two  
2341 sheets of glass are inappropriate as these simulated dividers  
2342 lack depth and fail to show the effect of true divided glass  
2343 panes.

2344 (7) Replacing an operable window with a fixed window is  
2345 inappropriate.

2346 (8) New window openings may be considered on secondary  
2347 façades but only when placed beyond the midpoint. New  
2348 window openings shall be similar in location, size, scale,  
2349 type, and glazing pattern to those seen on the historic  
2350 structure.

2351 (9) When no physical or documentary evidence of original  
2352 windows exists, replacement windows typically shall be of  
2353 wood and shall complement the style of the historic  
2354 structure.

2355 (10) When replacing non-historic windows, designs similar  
2356 to those found historically in Park City shall be used.

2357 (11) Aluminum-clad wood windows are appropriate on  
2358 non-historic additions or foundation-level windows. Vinyl and  
2359 aluminum windows are inappropriate.

2360 (12) New glazing shall match the visual appearance of  
2361 historic glazing and/or be clear. Metallic, frosted, tinted,  
2362 stained, textured and reflective finishes are generally  
2363 inappropriate for glazing on the primary façade of the historic  
2364 structure.

2365 (13) It is generally inappropriate to modify windows on the  
2366 primary façade to accommodate interior changes. When a  
2367 window opening is no longer functional on a primary or  
2368 secondary façade visible from the primary public right-of-  
2369 way, the glazing shall be retained and the window opening  
2370 shall be screened or shuttered on the interior side. The  
2371 window shall appear to be functional from the exterior.

2372 (14) Storm windows shall be installed on the interior of the  
2373 window; if interior installation is not feasible, the materials,  
2374 style, and dimensions of exterior wood storm windows shall  
2375 match the way storm windows would have been constructed  
2376 at the time of the building's construction or complement the  
2377 historic window dimensions in order to minimize their visual  
2378 impact. Exterior storm windows shall be set within the  
2379 window opening and attach to the exterior sash stop.

2380 **g. Gutters and Downspouts**

2381 (1) Removing or obstructing a historic building's elements and  
2382 materials when installing gutters and downspouts shall be  
2383 avoided.

2384 (2) When new gutters are needed, the most appropriate design  
2385 for hanging gutters is half round. Downspouts shall be  
2386 located away from architectural features and shall be visually  
2387 minimized when viewed from the primary public right-of-way.

2388 (3) Water from gutters and downspouts shall drain away from  
2389 the historic structure.

2390 **h. Historic Balconies/Porticos**

2391 (1) Historic balconies, porticos, and their railings and decorative  
2392 architectural features shall be maintained and preserved.

2393 (2) Restoring historic balconies and porticos that have been  
2394 altered or lost over time is encouraged. On primary façades,  
2395 in particular, consider reconstructing, based on physical or  
2396 documentary evidence, historic balconies and porticos that  
2397 no longer exist.

2398 (3) Changing the position, proportions, or dimensions of historic  
2399 balconies or porticos shall be avoided.

2400 (4) Substitute decking materials such as fiber cement or plastic-  
2401 wood composite floor boards shall not be used unless they  
2402 are made of 50% recycled and/or reclaimed material.

2403 Additionally, the applicant must show that the physical  
2404 properties—expansion/contraction rates, chemical  
2405 composition, stability of color and texture, compressive or  
2406 tensile strength—of the substitute material have been proven  
2407 to not damage or cause the deterioration of adjacent historic  
2408 material.

2409 (5) Any alteration to drainage on an existing balcony shall be  
2410 reviewed by the City Engineer.

2411 **i. Decks, Fire Escapes, and Exterior Staircases**

2412 (1) New decks, fire escapes, and exterior staircases shall be  
2413 constructed in inconspicuous areas where visually minimized  
2414 from the primary public right-of-way, usually on the tertiary  
2415 facade. These features shall be located such that they will  
2416 not damage or conceal significant historic features or details  
2417 of the historic structure.

2418 (2) The visual impact of a deck, fire escape, or exterior staircase  
2419 shall be minimized by limiting its size and scale. Introducing  
2420 a deck, fire escape, or exterior staircase that visually  
2421 detracts from a historic structure or historic site, or  
2422 substantially alters a historic site's proportion of built area to  
2423 open space is not appropriate.

2424 (3) ~~(3-)~~ Introducing a deck, fire escape, or staircase that will  
2425 result in the loss of a character-defining feature of the

2426 historic structure or site, such as a historic porch, shall be  
2427 avoided.

2428 (4) ~~[(4.)]~~ In order to prevent damage to a historic structure,  
2429 decks, fire escapes, and exterior staircases shall be  
2430 constructed to be self-supporting. If a deck cannot be  
2431 constructed to be self-supporting, the deck shall be attached  
2432 to a historic building with care such that loss of historic  
2433 material is minimized.

2434 (5) ~~[(5.)]~~ Decks, fire escapes, and related exterior steps and  
2435 railings should be constructed of materials and in styles that  
2436 are compatible with the historic building.

2437 (6) ~~[(6.)]~~ Decking materials such as fiber cement or plastic-wood  
2438 composite floor boards shall not be used unless they are  
2439 made of a minimum of 50% recycled and/or reclaimed  
2440 material.

2441 **j. Chimneys and Stovepipes**

2442 (1) Historic chimneys and their decorative features are important  
2443 character-defining features of historic buildings and shall be  
2444 preserved and maintained.

2445 (2) Historic stovepipes shall be maintained and repaired when  
2446 possible. When partial or full replacement of a historic  
2447 stovepipe is required, new materials shall have a matte,  
2448 nonmetallic finish.

2449 (3) Repairs to chimneys shall be made so as to retain historic  
2450 materials and design. The replacement of existing historic  
2451 material is allowed only when it can be shown that the  
2452 historic material is no longer safe and/or serviceable and  
2453 cannot be repaired to a safe and/or serviceable condition.  
2454 Ornamental features such as corbelling and brick patterning  
2455 shall be preserved and maintained.

2456 (4) Chimneys shall not be covered with non-historic materials.

2457 (5) New chimneys and stovepipes shall be of a size, scale, and  
2458 design that are appropriate to the character and style of the  
2459 historic building. New chimneys and stovepipes shall be  
2460 visually minimized when viewed from primary public right-of-  
2461 way and shall be appropriate to the character and style of  
2462 the historic building.

2463 **k. Architectural Features**

2464 (1) Architectural features such as eaves, brackets, cornices,  
2465 moldings, trim work, and decorative shingles shall be  
2466 preserved and maintained.

2467 (2) Historic architectural features shall be repaired rather than  
2468 replaced. Replacement architectural features are allowed  
2469 only when it can be shown that the historic features are no  
2470 longer safe and/or serviceable and cannot be repaired to a  
2471 safe and/or serviceable condition. Replacement features

2472 shall exactly match the historic features in design, size,  
2473 dimension, form, profile, texture, material and finish.

2474 (3) Architectural features may be added to a historic structure  
2475 when accurately based on physical or photographic  
2476 evidence (e.g. 'ghost' lines).

2477 **3. Mechanical Equipment, Communications, and Service Areas**

- 2478 a. Mechanical and/or utility equipment, including heating and air  
2479 conditioning units, meters, and exposed pipes, shall be located on  
2480 the tertiary façade or another inconspicuous location. If located on  
2481 a secondary façade, the visual impact of the mechanical and/or  
2482 utility equipment shall be minimized by incorporating it as an  
2483 element of the building or landscape design.
- 2484 b. Ground-level equipment shall be screened from view using  
2485 landscape elements such as fences, low stone walls, or perennial  
2486 plant materials.
- 2487 c. Roof-mounted mechanical and/or utility equipment shall be  
2488 screened and visually minimized from all views.
- 2489 d. Low-profile rooftop mechanical units and elevator penthouses that  
2490 are not visible from the primary public right-of-way shall be used. If  
2491 this is not possible, rooftop equipment shall be set back or  
2492 screened from all views. Placement of rooftop equipment shall be  
2493 sensitive to views from upper floors of neighboring buildings.

- 2494 e. Historic elements shall not be removed or obstructed when  
2495 installing mechanical systems and equipment.
- 2496 f. New communications equipment such as satellite dishes or  
2497 antennae shall be visually minimized when viewed from the primary  
2498 public right-of-way.
- 2499 g. Loading docks shall be located and designed in order to minimize  
2500 their visual impact.
- 2501 h. Service equipment and trash containers shall be screened. Solid  
2502 wood or masonry partitions or hedges shall be used to enclose  
2503 trash areas.

#### 2504 4. **Additions to Primary Structures**

##### 2505 a. **Protection of Historic Sites and Structures**

- 2506 (1) Additions to historic buildings should be considered only  
2507 after it has been demonstrated that the proposed new use  
2508 cannot be accommodated solely by altering interior spaces.
- 2509 (2) Additions to historic buildings shall be considered with  
2510 caution and shall be considered only on non-character-  
2511 defining façades, usually rear and occasionally side façades.  
2512 Additions shall not compromise the architectural integrity of  
2513 historic structures. Additions to the primary façades of  
2514 historic structures are not appropriate.
- 2515 (3) Additions should be visually subordinate to historic buildings  
2516 when viewed from the primary public right-of-way.

2517 (4) Additions to historic structures shall not be placed so as to  
2518 significantly affect the integrity of historic roof forms.

2519 (5) Additions to historic structures shall not contribute  
2520 significantly to the removal or loss of historic material.

2521 (6) Retain Additions to historic structures that are significant to  
2522 the era/period to which the building is being restored shall be  
2523 preserved and maintained.

2524 **b. General Compatibility**

2525 (1) Additions shall complement the visual and physical qualities  
2526 of the historic building. An addition shall not be designed to  
2527 be a copy of the existing style or imply an earlier or more  
2528 ornate style than that of the historic structure.

2529 (2) An addition shall be a contemporary interpretation of the  
2530 historic structure's architecture style. The addition shall not  
2531 be designed to contrast starkly with the historic structure; an  
2532 acceptable design shall be compatible in mass, scale,  
2533 fenestration pattern and size, storefront design, and design  
2534 details. The addition shall not detract from the Streetscape  
2535 or character area and/or structure's historic character.

2536 (3) Primary façades of an addition shall not be greater in height  
2537 than the primary historic façade in order to decrease the bulk  
2538 and mass of the new addition and to preserve the

2539 established mass and scale of the Streetscape or character  
2540 area.

2541 (4) The rhythm established by the repetition of the traditional 25-  
2542 foot façade widths shall be maintained; these dimensions,  
2543 when repeated along the street, create a strong pattern that  
2544 contributes to the visual continuity of the Streetscape or  
2545 character area.

2546 (5) When new additions are to be wider than the traditional  
2547 twenty-five (25) feet, the façade shall be divided into portions  
2548 that reflect this pattern. The rhythm of façade widths shall be  
2549 maintained in additions, especially for projects that extend  
2550 over several lots, by changing materials, patterns, reveals,  
2551 building setbacks, façade portions, or by using design  
2552 elements such as columns or pilasters.

2553 (6) No more than fifty (50) feet in width of street front may have  
2554 the same façade height. On large projects (more than two  
2555 lots) building heights shall be varied by creating setbacks in  
2556 the façade, by stepping back upper stories, and by building  
2557 decks and balconies when it is appropriate to the design.

2558 (7) New additions shall incorporate character-defining features  
2559 of historic commercial buildings such as the division of the  
2560 façade into zones (storefront and upper stories), cornice  
2561 treatment, pronounced entry, and other articulation.

2562 (8) Proportions and established patterns of historic upper story  
2563 windows shall be maintained. On additions, upper floors  
2564 shall incorporate traditional, vertically proportioned window  
2565 openings within a more solid wall than lower floors. Windows  
2566 similar in size and shape to those used historically shall be  
2567 used in order to maintain the façade pattern of the  
2568 Streetscape or character area. It is generally appropriate for  
2569 the solid-to-void ratio of structures to be two-thirds (2/3) solid  
2570 to one-third (1/3) glazing, except for storefronts that feature  
2571 more glass.

2572 (9) The solid-to-void relationship of an addition shall be  
2573 compatible with the historic structure. The proportions of  
2574 window and door openings shall be similar to historic  
2575 structures. Large expanses of glass, either vertical or  
2576 horizontal, are generally inappropriate on commercial  
2577 structures. Oversized doors that would create a 'grand entry'  
2578 are also inappropriate. Smaller windows with simple window  
2579 frames are recommended for additions.

2580 (10) Windows, doors and other features on a new addition  
2581 shall be designed to be compatible with the historic structure  
2582 and surrounding historic sites. Windows, doors and other  
2583 openings shall be of sizes and proportions similar to those  
2584 found on nearby historic structures. When using new window

2585 patterns and designs, those elements shall respect the  
2586 typical historic character and proportions of windows on the  
2587 primary historic structure.

2588 (11) Generally, the height of the window opening shall be  
2589 two (2) times the dimension of the width. In some cases, it  
2590 may be appropriate to use square windows. Additional  
2591 glazing can be accommodated using transoms.

2592 (12) Roofs shall be designed to be in character with those  
2593 seen historically. Simple roof forms—flat, gable, shed—are  
2594 appropriate. On large projects the use of a variety of these  
2595 simple roof forms is encouraged.


2596 (13) Roofs shall appear similar in scale to those seen  
2597 historically. On larger additions, the use of parapet walls,  
2598 changes in roof height, and changes in material shall be  
2599 used to express modules.

2600 (14) Original exterior walls shall be kept intact and existing  
2601 openings shall be used for connecting an addition to the  
2602 original structure when feasible.

2603 **c. Transitional Elements**

2604 (1) Where a new addition abuts a historic building, a well-  
2605 defined transitional element shall be designed and  
2606 constructed between the historic structure and the new

2607 addition. Minor additions, such as bay windows or dormers,  
2608 do not require a transitional element.

2609 (2) In some cases, a transitional element may not be necessary  
2610 if the new addition is visually differentiated from the historic  
2611 structure, as viewed from the primary public right-of-way,  
2612 through a shift in wall plane, a change in material or pattern,  
2613  or by using other design elements.

2614 (3) In-line additions may be appropriate when the joint between  
2615 the historic structure and the new addition is not visible from  
2616 the primary public right-of-way. A transitional element is  
2617 required if the joint between the historic structure and the  
2618 new addition is visible from the primary public right-of-way  
2619 and the addition is similar in design to the historic structure.

2620 (4) If the new addition is in the same wall plane as the historic  
2621 structure and also abuts a primary public right-of-way, a  
2622 transitional element is required.

2623 (5) At a minimum, the transitional element shall be two (2) feet  
2624 in width.

2625 (6) The highest point of the transitional element shall be a  
2626 minimum of two (2) feet lower than the highest roof plate of  
2627 the historic structure.

2628 **d. Scenario 1: Rooftop Additions**

2629 (1) Rooftop additions may be allowed, however, they shall not  
2630 exceed one story in height above the existing wall plate of  
2631 the historic building.

2632 (2) Rooftop additions shall not be visible from the primary public  
2633 right-of-way. The addition shall be recessed from the  
2634 primary, character-defining façade to preserve the  
2635 perception of the historic scale, height, and façade of the  
2636 historic structure.

2637 (3) The rooftop addition shall be recessed from the façade to a  
2638 distance that is at least equal to the height of the historic  
2639 façade or beyond the midpoint of the structure to ensure that  
2640 the rooftop addition is minimally visible from the primary  
2641 public right-of-way.

2642 **e. Scenario 2: Rear Additions**

2643 **(1) Rear Additions Fronting Swede Alley**

2644 (A) Additions on the rear of Main Street buildings that will  
2645 front Swede Alley shall be reduced in scale as they  
2646 reach Swede Alley in order to to maintain the  
2647 pedestrian character along the street.

2648 (B) Swede Alley additions shall be subordinate and  
2649 complementary to Main Street with regard to public  
2650 access and Streetscape or character area amenities.

2651 Rear entrances, if developed, shall accommodate  
2652 both service activities and secondary access.

2653 (C) Swede Alley facades shall be simple in detail and  
2654 shall complement the character of the building's  
2655 primary entrance on Main Street. Materials and colors  
2656 used on the Swede Alley entrance shall be  
2657 coordinated with the Main Street façade so customers  
2658 can recognize that both entrances belong to the same  
2659 business.

2660 (D) Swede Alley facades shall utilize materials, colors,  
2661 signs, and lighting that reinforces a cohesive design  
2662 of the building.

2663 (E) Window display areas on Swede Alley facades may  
2664 be appropriate, but shall be subordinate to and  
2665 proportionally smaller than those seen on Main Street.

2666 **(2) Rear Additions Fronting Park Avenue**

2667 Additions to historic commercial structures that will face Park  
2668 Avenue shall be consistent to the size and scale of  
2669 residential development to maintain the character of the Park  
2670 Avenue Streetscape or character area. This includes the  
2671 overall scale and massing of facades, window and door  
2672 sizes and configurations, lighting, and landscaping. See

2673 ~~[Design Guidelines]~~ Regulations for New Additions to  
2674 Historic Residential Structures.

2675 (3) **Basement Additions**

2676 (A) A basement addition shall generally raise the historic  
2677 structure not more than two (2) feet from its original  
2678 floor elevation above original grade. Lifting of the  
2679 structure shall not disrupt its relationship with the  
2680 Streetscape or character area or sidewalk elevation.

2681 (B) In plan, ~~the~~ the exterior wall planes of an in-line  
2682 basement addition shall not extend beyond the  
2683 exterior wall planes of the historic structure's primary  
2684 or secondary facades.

2685 (C) Window or egress wells, if needed, shall not be  
2686 located on the primary façade. Window or egress  
2687 wells ~~should~~ shall be located beyond the midpoint of  
2688 the secondary façades, on the tertiary façade, or in a  
2689 location that is not visible from the primary public  
2690 right-of-way. Landscape elements shall be used in  
2691 screening window/egress wells from the primary  
2692 public right-of-way.

2693 (D) A historic site shall be returned to original grade  
2694 following the construction of a foundation. When  
2695 original grade cannot be achieved, no more than six

2696 (6) inches of the new foundation shall be visible  
2697 above final grade on primary and secondary facades.

2698 **f. New Storefronts**

2699 (1) Street-facing primary façades of new additions shall be  
2700 distinguished by well-defined storefront elements, including  
2701 storefront entryway, ample-size windows, and appropriate  
2702 decorative elements. Storefronts on new additions shall have  
2703 rhythm and pattern similar to that of the historic Streetscape  
2704 or character area.

2705 (2) Storefronts were built using standard dimensions for kick  
2706 plates or bulkheads and display windows so the first levels  
2707 have a similar height. When storefronts are situated on the  
2708 steep-sloped of Main Street, the result is a stair-step effect.  
2709 This stair-step effect is an important visual pattern of the  
2710 Historic District and shall be repeated on additions.

2711 (3) Recessed entries on additions fronting on Main Street are  
2712 encouraged.

2713 (4) Windows on new storefront additions shall be used  
2714 extensively and in keeping with the architectural style of the  
2715 historic structure. Design and scale shall be maintained in  
2716 the tradition of historic storefronts with extensive street-level  
2717 window area.

2718 (5) Generally, two-thirds (2/3) or more of storefront areas may  
2719 be glass. The solid-to-void ratio of an addition's storefront  
2720 shall be similar to that of the historic structure.

2721 **g. New Decks (Not Street Dining Decks)**

2722 (1) Decks on new additions shall be constructed in  
2723 inconspicuous areas, usually on a tertiary façade, where the  
2724 deck is visually minimized from the primary public right-of-  
2725 way. If a deck is built on a secondary façade of a historic  
2726 structure, the deck shall be screened from the primary public  
2727 right-of-way with fencing and/or appropriate native  
2728 landscaping. Decks shall be located where and in a way that  
2729 will not damage or conceal significant historic features or  
2730 details of the historic structure.

2731 (2) In order to prevent damage to a historic structure, decks  
2732 shall be constructed to be self-supporting. If a deck cannot  
2733 be constructed to be self-supporting, the deck shall be  
2734 attached to a historic structure with care so that loss of  
2735 historic fabric is minimized.

2736 (3) Introducing a deck that will result in the loss of a character-  
2737 defining feature of a historic structure or site, such as a  
2738 historic porch or mature tree, shall be avoided.

2739 (4) The visual impact of a deck shall be minimized by limiting its  
2740 size and scale. Introducing a deck that visually detracts from

2741 a historic structure or historic site, or substantially alters a  
2742 historic site's proportion of built area to open space, is not  
2743 appropriate.

2744 (5) Decks and related steps and railings shall be constructed of  
2745 material and in styles that are compatible with the structure  
2746 to which they are attached.

2747 (6) Decking materials such as fiber cement or plastic-wood  
2748 composite floor boards shall not be used unless they are  
2749 made of a minimum of 50% recycled and/or reclaimed  
2750 material.

2751 (7) A roof deck on a historic structure or new addition shall be  
2752 visually minimized when viewed from the primary public  
2753 right-of-way.

2754 **h. Handrails**

2755 (1) New handrails and railings shall complement the historic  
2756 structure in material and design.

2757 **i. Awnings**

2758 (1) Awnings may be appropriate for use on a street level façade  
2759 if placed in locations historically used for awnings.

2760 Storefronts and upper façade windows are both appropriate  
2761 locations for new awnings.

2762 (2) Awnings shall be placed so that the historic and architectural  
2763 features are not obstructed. Transom lights of prism glass or

2764 stained glass shall not be covered by permanent, fixed  
2765 awnings.

2766 (3) Installation of awning hardware shall not damage historic  
2767 materials and features of the historic building.

2768 (4) Shed-type awnings are the most appropriate for use on both  
2769 street-level facades and upper facades. Alternative awning  
2770 forms may be considered if physical or photographic  
2771 evidence of their use on the historic building exists or the  
2772 awning complements the design of the building.

2773 (5) Awnings shall be compatible with the style and period of the  
2774 historic building in size, color and material. Plastic, vinyl or  
2775 metal awnings shall be avoided.

2776 (6) Awnings may contain graphics or signs, but shall not be  
2777 backlit. Spotlighting awnings from above shall also be  
2778 avoided.

2779 (7) Awnings shall not shed an excessive amount of rain or snow  
2780 onto a sidewalk or other pedestrian paths.

2781 **j. Reusing Historic Houses as Commercial Structures**

2782 (1) When a historic residential structure is adapted to a  
2783 commercial use, its residential ~~design~~ appearance and  
2784 character shall be preserved.

2785 Please see ~~Design Guidelines~~ Regulations for Historic  
2786 Residential Structures.

2787 HISTORY

2788 *Adopted by Ord. 2019-06 on 5/16/2019*

2789 **15-13-4 [Guidelines] Regulations For Relocation And/or Reorientation Of Intact**

2790 **Buildings Or Structures**

2791 Whenever possible, a historic structure should be rehabilitated in its original location for  
2792 the following reasons:

2793 • The historic integrity of the site, or Streetscape, or character area will be altered by the  
2794 relocation and/or reorientation of the structure.

2795 • The relocation and/or reorientation may threaten the historical significance of the  
2796 structure or site.

2797 • The structure may be damaged or weakened in the process of relocation and/or  
2798 reorientation.

2799 • Relocation and/or reorientation adds costs not associated with on-site rehabilitation;  
2800 such as utility line removal, moving expenses, additional International Building Code  
2801 requirements, tree removal/trimming, and possibly traffic control.

2802 Relocation of any structure designated as historic on the City's Historic Sites Inventory  
2803 may endanger its historic designation as defined by LMC 15-11-10(A), therefore, all  
2804 applications for the relocation and/or reorientation of historic structures must be  
2805 reviewed and approved by the Historic Preservation Board. No historic structure shall  
2806 be relocated and/or reoriented when its preservation will be adversely affected.

2807 When a structure is permitted to be relocated and/or reoriented, every effort shall be  
2808 made to reestablish its historic orientation, setting, and relationship to the environment.

2809 **A. Protection for the Historic Building and Site**

- 2810 1. Relocation and/or reorientation of a historic building shall be considered  
2811 only after it has been determined by the Historic Preservation Board that  
2812 the integrity and significance of the historic building will not be diminished  
2813 by such action.
- 2814 2. Relocation and/or reorientation of a historic building shall be considered  
2815 only after it has been determined that the structural soundness of the  
2816 building will not be negatively impacted. A professional structural analysis  
2817 shall be conducted in order to minimize any damage that may occur  
2818 during the relocation/reorientation of a historic structure.
- 2819 3. Hire licensed professional building movers to relocate a historic building.
- 2820 4. A historic structure shall be secured and protected from adverse weather  
2821 conditions, water infiltration, and vandalism before, during, and after the  
2822 relocation/ reorientation process.
- 2823 5. When rehabilitation of the historic structure is delayed, temporary  
2824 improvements, such as roof repairs, secured and/or covered windows and  
2825 doors, and adequate ventilation shall be made to the structure to protect  
2826 the historic fabric until rehabilitation can be accomplished.
- 2827 6. A written plan detailing the steps and procedures for relocation or  
2828 reorientation of a historic building shall be completed and approved by the  
2829 Planning and Building Departments. This plan shall outline, step by step,  
2830 the proposed work to relocate and/or reorient the building to ensure that  
2831 the least destructive method of moving the building will be employed.

- 2832 7. Relocating and/or reorienting a historic building of which the location  
2833 contributes to the character of the Historic District shall be avoided.
- 2834 8. A historic building shall be moved in one piece whenever possible. When  
2835 problematic structural or relocation route conditions preclude moving a  
2836 building as a single unit, then partial disassembly into large sections may  
2837 be acceptable. Total disassembly of building components shall be avoided  
2838 except under extreme situations.
- 2839 9. Buildings and their components shall be protected from damage during  
2840 the moving process by adding bracing, strapping, and by temporarily  
2841 infilling door and window openings for structural rigidity.
- 2842 10. The setting for a relocated historic building shall be selected for  
2843 compatibility with the character of the structure and with the character of  
2844 the original site.
- 2845 11. A relocated/reoriented historic building shall be sited in a position similar  
2846 to its historic orientation. The relocated/reoriented historic building shall  
2847 maintain its relationship with the street and shall have a relatively similar  
2848 setback. Relocating a historic structure to the rear of a parcel to  
2849 accommodate a new building in front of it is not appropriate.
- 2850 12. When a historic building is relocated to a new site, the building shall be  
2851 placed on the new lot with the same orientation and (if consistent to the  
2852 District) with the same setbacks to the street as the placement on the  
2853 original site.

2854 **B. Panelization**

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**1. Disassembly & Reassembly of All or Part of a Historic Structure**

- a. Disassembly of a historic building shall be considered only after it has been determined by the Historic Preservation Board that the panelization is necessary as outlined by Land Management Code 15-11-14.
- b. Disassembly/reassembly of a historic building is not a common practice in the preservation field. When disassembly/reassembly must be undertaken, it shall be done using recognized preservation methods.
- c. Measured drawings of the structure or element to be disassembled/reassembled shall be completed.
- d. A thorough photographic survey of the interior and exterior elevations as well as architectural details of the structure shall be completed, including site and location views from all compass points, exterior elevations, interior elevations of each room, and elevations of each basement and attic wall. Standards for photographic documentation are provided in the **(Historic Site or District) [Design] Review Process** section of these **(Regulations) [Design Guidelines]**.
- e. Written plans detailing the disassembly and reassembly steps and procedures shall be completed and approved by the Planning and Building Departments.

- 2877 f. In order to minimize loss of historic fabric, structures shall be  
2878 disassembled in the largest workable pieces possible.
- 2879 g. To ensure accurate reassembly, all parts of the building, structure,  
2880 or element shall be marked as they are systematically separated  
2881 from the structure. Contrasting colors of paint or carpenter wax  
2882 crayons ~~should~~ shall be used to establish a marking code for each  
2883 component. The markings shall be removable or shall be made on  
2884 surfaces that will be hidden from view when the structure is  
2885 reassembled.
- 2886 h. Important architectural features of a historic building or structure  
2887 shall be removed, marked, and stored before the structure or  
2888 element of the structure is disassembled.
- 2889 i. The process of disassembly of a historic building or structure shall  
2890 be recorded through photographic, still or video, means.
- 2891 j. As each component of a historic building is disassembled, the  
2892 physical condition shall be noted, particularly if it differs from the  
2893 condition stated in pre-disassembly documentation. When a  
2894 component is too deteriorated to remove, it shall be carefully  
2895 documented— with photographs and written notes on its  
2896 dimensions, finish, texture, color, etc.---to facilitate accurate  
2897 reproduction.

- 2898 k. Wall panels and roof surfaces shall be protected with rigid  
2899 materials, such as sheets of plywood, when there is risk of damage  
2900 during the disassembly/storage/reassembly process.
- 2901 l. Disassembled components—trim, windows, doors, wall panels, roof  
2902 elements, etc.-- shall be securely stored on-site in a storage trailer  
2903 or off-site in a garage/warehouse/trailer until needed for  
2904 reassembly.

## 2905 2. Reassembly

- 2906 a. When reassembling a historic structure, the original orientation and  
2907 siting shall be replicated as closely as possible.
- 2908 b. New foundations and additions shall follow the ~~Design Guidelines~~  
2909 Regulations established in earlier sections of these ~~Design~~  
2910 Guidelines Regulations.

## 2911 3. Reconstruction

- 2912 a. Reconstruction of a historic building or structure is allowed when  
2913 the Chief Building Official determines the structure to be hazardous  
2914 or dangerous, pursuant to Section 116.5 of the International  
2915 Building Code, and when the building cannot be made safe  
2916 and/serviceable through repair.
- 2917 b. Reconstruction shall be guided by documentation and physical  
2918 evidence in order to facilitate accurate re-creation.

- 2919 c. Reconstruction ~~[should]~~ shall not be based on conjectural designs  
2920 or on a combinations of different features from other historic  
2921 buildings.
- 2922 d. Reconstruction shall include recreating the documented design of  
2923 exterior features such as roof shape, architectural detailing,  
2924 windows, entrances and porches, steps and doors, and the historic  
2925 spatial relationships.
- 2926 e. Reconstruction shall include measures to preserve and reuse any  
2927 remaining historic materials found to be safe and/or serviceable.
- 2928 f. A reconstructed building shall accurately duplicate the appearance  
2929 of the historic building in materials, design, color, and texture.
- 2930 g. A reconstructed building shall duplicate the historic building, and  
2931 shall reconstruct the setting, placement, and orientation of the  
2932 original structure.
- 2933 h. A reconstruction shall re-establish the historic relationship between  
2934 the building or buildings and historic site features.
- 2935 i. A building may not be reconstructed on a location other than the  
2936 original site, unless approved by the Historic Preservation Board  
2937 pursuant to LMC 15-11-13.

2938 HISTORY

2939 *Adopted by Ord. 2019-06 on 5/16/2019*

2940 **15-13-5 Sustainability In Historic Buildings**

2941 **A. Planning for Sustainability**

- 2942 1. An integrated sustainability team that includes a preservation professional  
2943 should be assembled to ensure that the character and integrity of a  
2944 historic building is maintained during any upgrades.
- 2945 2. The condition of inherently-sustainable features of a historic building, such  
2946 as shutters, storm windows, awnings, porches, vents, roof monitors,  
2947 skylights, light wells, transoms and naturally-lit corridors, should be  
2948 analyzed and included in energy audits and energy modeling before  
2949 planning upgrades.
- 2950 3. Methods to reduce energy use, such as installing fixtures and appliances  
2951 that conserve resources, including energy-efficient lighting or energy-  
2952 efficient lamps in existing light fixtures, low-flow plumbing fixtures, and  
2953 sensors and timers that control water flow, lighting and temperature,  
2954 should be identified before undertaking more invasive treatments that may  
2955 negatively impact a historic building.
- 2956 4. Sustainable improvements, beginning with minimally invasive treatments  
2957 that are least likely to damage historic building material, should be  
2958 prioritized.
- 2959 5. Maintaining a substantial percentage of original interior floors, walls and  
2960 non-structural elements is encouraged.
- 2961 6. Construction and renovation waste should be diverted from landfill,  
2962 prioritizing reuse or resell of materials, or delivery to recycling facilities.

2963 7. The inherent energy-conserving features of historic buildings and their  
2964 sites, including shade trees, porches, operable windows, and transoms  
2965 shall be retained.

2966 8. The thermal envelope of historic buildings should be improved by  
2967 observing traditional practices such as weather-stripping and insulating.

2968 **B. Maintenance**

2969 1. Historic buildings and structures should be maintained on a regular basis  
2970 in order to preserve historic fabric and maximize operational efficiency.

2971 2. Durable historic building materials should be retained, preserved and  
2972 maintained.

2973 3. Environmentally-friendly cleaning products that are compatible with  
2974 historic finishes should be used.

2975 4. Sustainable products and treatments, such as low-VOC paints and  
2976 adhesives and lead-safe paint removal methods, should be used as much  
2977 as possible when rehabilitating a historic building or structure.

2978 **C. Windows and Doors**

2979 1. Windows and doors should be maintained on a regular basis to ensure  
2980 they function properly and are completely operable.

2981 2. Historic windows and doors should be retained and repaired when  
2982 deteriorated.

2983 3. Historic windows and doors should be weather-striped and caulked, when  
2984 appropriate, to make them weather tight.

- 2985 4. Interior or exterior storm windows or panels and doors that are compatible  
2986 with existing historic windows should be installed.
- 2987 5. Compatible and energy-efficient replacement windows and doors that  
2988 match the appearance, size, design, proportion, and profile of the existing  
2989 historic windows or doors and that are durable, repairable and recyclable,  
2990 should be installed when existing windows are too deteriorated to repair.
- 2991 6. Missing windows and doors should be replaced with new, energy-efficient  
2992 windows or doors that are appropriate to the style of the historic building  
2993 and that are durable, repairable and recyclable.
- 2994 7. Historic steel windows, curtain-wall systems, and doors should be  
2995 retrofitted to improve thermal performance without compromising the  
2996 historic character.
- 2997 8. Existing historic shutters and awnings should be retained, preserved and  
2998 maintained. Newly installed shutters and awnings should be historically  
2999 appropriate.
- 3000 9. Historically-operable interior transoms should be repaired or reopened,  
3001 when possible, to improve air flow and cross ventilation.

3002 **D. Weatherization and Installation**

- 3003 1. A variety of analytical tools, such as a comprehensive energy audit,  
3004 blower door tests, infrared thermography, and energy modeling or daylight  
3005 modeling should be used to gain an understanding of the building's  
3006 performance and potential before implementing any weatherization or  
3007 retrofit treatments.

- 3008 2. A weatherization plan should be developed based on the results of an  
3009 energy analysis of a building's performance and potential.
- 3010 3. Infiltration should be eliminated, beginning with the least invasive and  
3011 most cost-effective weatherization measures, such as caulking and  
3012 weather-stripping, before undertaking more invasive weatherization  
3013 measures.
- 3014 4. The inherent thermal properties of a historic building's materials and the  
3015 insulating needs for the specific climate and building type should be  
3016 understood before adding or changing insulation.
- 3017 5. Unfinished spaces, such as attics, basements and crawl spaces, should  
3018 be insulated before adding wall insulation.
- 3019 6. The appropriate type of insulation and adequate ventilation should be  
3020 used in unfinished spaces. Wet-spray or other spray-in insulation that is  
3021 not reversible or may damage historic materials should not be used.  
3022 Adding insulation in cavities that are susceptible to water infiltration is not  
3023 appropriate.
- 3024 7. Air infiltration should be reduced before adding wall insulation.
- 3025 8. Appropriate wall insulation should be installed when necessary only after  
3026 lower impact treatments have been carried out.
- 3027 9. Wall insulation that is not reversible and that may cause damage to  
3028 historic building material is not recommended. Insulation installed on the  
3029 exterior of a historic building which results in the loss of historic materials

3030 and may alter the proportion and relationship of the wall to the historic  
3031 windows and trim is not appropriate.

3032 10. Historic trim that was removed to install insulation should be reinstalled.

3033 **E. Heating, Ventilating, Air Conditioning (HVAC), and Air Circulation**

3034 1. Functional and efficient HVAC systems should be retained and  
3035 maintained.

3036 2. Existing HVAC systems should be upgraded within normal replacement  
3037 cycles to increase efficiency and performance HVAC systems replaced  
3038 prematurely when existing systems are operating efficiently is not  
3039 recommended.

3040 3. When a new HVAC system is necessary, an energy-efficient system that  
3041 takes into account whole building performance and retains the historic  
3042 character of a building and site should be installed.

3043 4. The efficiency of HVAC systems should be augmented, where  
3044 appropriate, with less intensive energy measures, such as programmable  
3045 thermostats, attic and ceiling fans, and louvers and vents.

3046 5. High efficiency, ductless air conditioners, which may be a more sensitive  
3047 approach than installing a new, ducted, central air-conditioning system  
3048 that may damage historic building material, should be retained or installed  
3049 when appropriate.

3050 6. New mechanical ductwork should be installed sensitively or using a mini-  
3051 duct system so ducts are not visible from the exterior and do not adversely  
3052 impacts the historic character of the interior space.

3053 7. HVAC equipment should be placed where it will operate effectively and  
3054 efficiently and will be minimally visible and will not negatively impact the  
3055 historic character of a building or its site.

3056 8. The performance of a HVAC system should be examined regularly to  
3057 ensure that the system is operating efficiently.

3058 9. Whether a geothermal heat pump will enhance the heating and cooling  
3059 efficiency of a building should be investigated before considering  
3060 installation.

3061 **F. Solar Energy Systems**

3062 1. On-site solar energy systems should be considered only after  
3063 implementing all standard energy-efficiency treatments, which often have  
3064 greater life-cycle cost benefit than on-site renewable energy, to improve  
3065 the energy efficiency of a building.

3066 2. Before considering solar energy systems for a historic structure, it should  
3067 be analyzed whether the technology can be used successfully and will  
3068 benefit the historic building without compromising its character or the  
3069 character of the site or the surrounding Historic District.

3070 3. A solar energy system should be installed in a compatible location on a  
3071 site or on a non-historic building or addition where it will have minimal  
3072 impact on the historic building and site.

3073 4. A solar energy system should be installed on a historic building only after  
3074 other locations have been investigated and determined infeasible.

- 3075 5. A low-profile solar energy system should be installed on a historic building  
3076 so the device is not visible or is minimally visible from the primary public  
3077 right of way; for example, installation should be on a flat roof and set back  
3078 to take advantage of a parapet or other roof feature to screen solar panels  
3079 from view, or on a secondary slope of a roof out of view from the primary  
3080 public right of way.
- 3081 6. A solar energy system on a historic building should be installed in a  
3082 manner that does not damage historic roofing material, does not  
3083 negatively impact the building's historic character, and is reversible.
- 3084 7. Solar energy systems should be installed horizontally – flat or parallel to  
3085 the roof slope—to reduce visibility.

3086 **G. Cool Roofs and Green Roofs**

- 3087 1. Whether or not a cool roof or green roof is appropriate for a historic  
3088 structure should be analyzed before being considered.
- 3089 2. A cool roof or green roof should be installed on a flat-roofed historic  
3090 building where it will not be visible from the primary public right of way and  
3091 will not negatively impact the building's historic character.
- 3092 3. Appropriate roofing materials and colors should be selected when putting  
3093 a cool roof on a historic building. Installing a cool roof that is incompatible  
3094 in material or color with the historic building is not appropriate.
- 3095 4. A historic building must be able to structurally accommodate the added  
3096 weight of a green roof. When increasing the weight-bearing capacity of a

3097 historic structure is necessary to accommodate a green roof, it should be  
3098 done in a manner sensitive to the historic character of the structure.

3099 5. Before installation of a green roof system, a structure's roof should be  
3100 water-tight, should drains properly and gutters and downspouts should  
3101 function effectively.

3102 6. When installing a green roof, a moisture-monitoring system should be  
3103 included to protect the historic building from added moisture and  
3104 accidental leakage.

3105 7. A green roof should be vegetated with sustainable native plantings that  
3106 are drought resistant and will not require excessive watering.

3107 8. Vegetation for a green roof should be appropriately-scaled so not to grow  
3108 so tall that the vegetation will be visible from the primary right-of-way and  
3109 detract from the building's historic character.

3110 9. When installing a green roof, a cistern and pump system should be  
3111 considered to capture rainwater and minimize additional need for  
3112 irrigation.

#### 3113 **H. Site Features and Water Efficiency**

3114 1. Historic character-defining site features should be respected when  
3115 considering adding new sustainable features to the site.

3116 2. Existing storm-water management features, such as gutters and  
3117 downspouts, as well as site topography and vegetation that contribute to  
3118 the sustainability of the historic site, should be used to advantage.

- 3119 3. Natural, sustainable features such as shade trees should be added to the  
3120 site, when appropriate, to reduce cooling loads for the historic building.  
3121 Existing natural features, such as shade trees or planting trees that may  
3122 grow to encroach upon or damage the historic building should be  
3123 removed.
- 3124 4. Permeable paving should be used where appropriate on a historic site to  
3125 manage storm water. Permeable paving may not be appropriate for all  
3126 driveways and parking areas.
- 3127 5. Consider avoiding paving up to a building foundation in order to reduce  
3128 heat island effect, building temperature, and damage to the foundation  
3129 and to facilitate storm-water runoff.
- 3130 6. A historic site should be landscaped with native plants, when appropriate,  
3131 to enhance the sustainability of the site consistent with the Water Wise  
3132 Landscaping review criteria set forth in 15-5-5(N).

3133 **I. Daylighting**

- 3134 1. Features, such as glazed doors and transoms common in historic  
3135 structures, that provide natural light to corridors shall be retained.
- 3136 2. Historic windows that have been blocked in should be reopened to add  
3137 natural light and ventilation.
- 3138 3. Skylights and dormers should be added on secondary roof elevations  
3139 where they are not visible or are minimally visible so there is no impact  
3140 negative to the building's historic character.

- 3141 4. Automated daylighting controls that ensure adequate indoor lighting and  
3142 allow for energy-saving use of daylighting should be installed on interior  
3143 lighting systems.
- 3144 5. New window openings should be added, where appropriate, on secondary  
3145 and less visible façades to allow more natural light into a historic building.

3146 **15-13-6 Treatment Of Historic Building Materials**

3147 **A. Paint**

- 3148 1. Paint color is not regulated by the ~~[Design Guidelines]~~ Regulations.
- 3149 2. When painting a historic structure, colors that are in keeping with the  
3150 structure's style and period should be considered. Along with material and  
3151 physical differentiation, painting an addition to a historic structure a color  
3152 different than the historic structure to visually differentiate the addition  
3153 should be considered.
- 3154 3. Original materials such as brick and stone that were traditionally left  
3155 unpainted shall not be painted. Materials, such as wood, that were  
3156 traditionally painted shall have an opaque rather than transparent finish.
- 3157 4. A rustic, bare-wood look is generally not appropriate on historic residential  
3158 and commercial structures, but may be appropriate on accessory  
3159 structures. A transparent or translucent weather-protective finish shall be  
3160 applied to wood surfaces that were not historically painted.
- 3161 5. Low-VOC (volatile organic compound) paints and finishes should be used  
3162 when possible.

3163 **B. Wood**

3164 Historically, wood was a popular material choice for siding, cornices, brackets,  
3165 columns, balustrades, and other architectural features. These wood features,  
3166 important in defining the historic character of the building or structure, are  
3167 therefore important to retain, repair, and protect.

3168 ~~[See the Supplemental Design Guidelines for Historic Residential and~~  
3169 ~~Commercial Sites & Structures Specific Material Treatment recommendations.]~~

3170 **C. Masonry**

3171 Historic masonry materials generally include stone, brick, terra cotta, and adobe.  
3172 Mortar was used to bond masonry units together. Historic mortar was quite soft,  
3173 consisting primarily of lime and sand; however, after 1880, Portland cement was  
3174 added to create a more rigid bond. While masonry is among the most durable of  
3175 historic building materials, it is also very susceptible to damage by improper  
3176 maintenance and repair techniques and harsh or abrasive cleaning methods.

3177 ~~[See the Supplemental Design Guidelines for Historic Residential and~~  
3178 ~~Commercial Sites & Structures Specific Material Treatment recommendations.]~~

3179 **D. Architectural Metals**

3180 Architectural metal features may include cast iron facades, siding, porches, and  
3181 steps. Sheet metal cornices, siding, roofs, roof cresting, and storefronts are often  
3182 found on historic buildings and structures. These features may be important in  
3183 defining the overall historic character of a building or structure. Metals commonly  
3184 used in historic buildings and structures include lead, tin, zinc, copper, bronze,  
3185 brass, iron, steel, nickel alloys, stainless steel, and aluminum. ~~[See the~~

3186 ~~Supplemental Design Guidelines for Historic Residential and Commercial Sites &~~  
3187 ~~Structures Specific Material Treatment recommendations.]~~

3188 **15-13-7 Additional [Guidelines] Regulations**

3189 **A. ADA in New Residential and Commercial Infill Buildings**

3190 The Americans with Disabilities Act requires places of public accommodation to  
3191 provide access to their services and programs. In the case of historic buildings,  
3192 the goal is to achieve the highest level of accessibility with the lowest impact on  
3193 the historic structure.

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3195 1. Barrier-free access shall be provided that promotes independence for the  
3196 disabled to the highest degree practicable, while preserving the character-  
3197 defining features of historic buildings.

3198 2. Whenever possible, the appearance of accessibility ramps or elevators  
3199 shall not significantly detract from the historic character of the building.

3200 New or additional means of access shall be compatible with the historic  
3201 building and its setting.

3202 3. Ramps or other accessibility-related installations shall be single in design  
3203 and as unobtrusive as possible. They shall be constructed of concrete or  
3204 wood and painted in colors similar to that of the Historic Building.

3205 4. Historic doors that do not conform to building and/or accessibility codes  
3206 should be rehabilitated to conform.

3207 **B. Seismic Upgrades**

- 3208 1. The visual impact of exterior treatments associated with seismic upgrades  
3209 shall be minimized so that it has the least impact on the historic building's  
3210 historic integrity. Significant architectural features on the exterior of the  
3211 building shall remain unchanged on facades and secondary elevations  
3212 visible from the primary public right-of-way.
- 3213 2. Building materials used in seismic retrofitting shall be located on the  
3214 interior and/or placed where they do not obscure significant architectural  
3215 features.

3216 HISTORY

3217 *Adopted by Ord. 2019-06 on 5/16/2019*

3218 **15-13-8 ~~Design Guidelines~~ Regulations For New Residential Infill Construction**  
3219 **(and Non-Historic Sites) In Historic Districts**

3220 A. **Universal ~~Guidelines~~ Regulations**

- 3221 1. New infill residential buildings shall reflect the historic character—simple  
3222 building forms, unadorned materials, restrained ornamentation—of Park  
3223 City's Historic Sites.
- 3224 2. New infill residential buildings shall not directly imitate existing historic  
3225 structures in Park City. Roof pitch, shape and configuration, as well as  
3226 scale of building elements found on Historic Sites may be duplicated, but  
3227 building elements such as moldings, cornice details, brackets, and porch  
3228 supports shall not be directly imitated. Reconstruction of non-surviving  
3229 historic buildings is allowed.

- 3230 3. A style of architecture shall be selected and all elevations of the new infill  
3231 residential building ~~[should]~~ shall be designed in a manner consistent with  
3232 a contemporary interpretation of the chosen selected style. Stylistic  
3233 elements shall not simply be applied to exteriors. Styles that never  
3234 appeared in Park City shall be avoided. Styles that radically conflict with  
3235 the character of Park City’s Historic Sites shall also be avoided. ~~[Styles~~  
3236 ~~that never appeared in Park City shall be avoided.]~~
- 3237 4. New infill residential buildings shall differentiate from historic structures but  
3238 be compatible with historic structures in materials, features, size, scale  
3239 and proportion, and massing to protect the integrity of the Historic District  
3240 as a whole. The massing of the new infill residential buildings shall be  
3241 further broken up into volumes that reflect the original massing of historic  
3242 buildings; larger masses shall be located at the rear of the lot.
- 3243 5. Building and site design shall respect the existing topography, the  
3244 character-defining site features, including existing trees and vegetation,  
3245 and shall minimize cut, fill, and the use of retaining walls.
- 3246 6. Exterior elements—roofs, entrances, eaves, chimneys, porches, windows,  
3247 doors, steps, garages, etc.— of the new infill residential building shall be  
3248 of human scale and shall be compatible with neighboring Historic  
3249 Structures.
- 3250 7. Scale and height of new infill residential buildings shall follow the  
3251 predominant pattern and respect the architecture of the Streetscape or  
3252 character area with special consideration given to Historic Sites.

- 3253 8. Size and mass of a structure shall be compatible with the size of the site  
3254 so that lot coverage, building bulk, and mass are compatible with Historic  
3255 Sites within the Streetscape or character area.
- 3256 9. New construction activity shall not physically damage nearby Historic  
3257 Sites.
- 3258 10. New infill residential buildings shall reinforce visual unity within the context  
3259 of the Streetscape or character area. The specific context of each  
3260 Streetscape or character area is an important feature of the Historic  
3261 District. The context of each Streetscape or character area shall be  
3262 considered in its entirety, as one would see it when standing on the street  
3263 viewing both sides of the street for the entire length of the Streetscape or  
3264 character area. Special consideration should be given to adjacent and  
3265 neighboring Historic Sites in order to reinforce existing rhythms and  
3266 patterns.
- 3267 11. New materials should reflect the character of the Historic District.  
3268 Sustainable technology is constantly changing resulting in new alternative  
3269 materials. New alternative materials may be reviewed by the Design  
3270 Review Team for compliance being judged on the following  
3271 characteristics: • Longevity (50 year lifespan) • Energy performance •  
3272 Durable in this climate • Environmental benefit (high recycled content,  
3273 locally sourced) • Compatibility with the character of the Historic District

3274 **B. Specific [Guidelines] Regulations**

3275 **1. Site Design**

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**a. Building Setback and Orientation**

- (1) Lot coverage of new buildings shall be compatible with the surrounding Historic Sites.
- (2) 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, alignment along the street, and open space.
- (3) The historic town grid shall be preserved by retaining the formal street pattern, maintaining historic lot sizes rather than aggregating the historic-sized lots into larger lots, and preserving the regular rhythm and pattern of lot sizes in a way that reinforces the perception of the grid.
- (4) A new building shall be oriented parallel to the site’s lot lines, similar to that of historic building orientations. When similar front yard setbacks are characteristic of the Streetscape or character area, a new building’s façade shall be aligned with neighboring buildings’ facades. When a variety of building setbacks is part of the historic context, a new building shall be located within the range of setbacks seen historically.
- (5) New buildings shall have a clearly defined primary entrance oriented toward the street consistent with historic buildings within the Streetscape or character area. Entrances on

3298 secondary or tertiary facades of a building shall be clearly  
3299 subordinate to the entrance on the primary façade.

3300 (6) Side yard setbacks similar to those seen historically within  
3301 the Streetscape or character area shall be established in  
3302 order to reinforce the pattern of built and open space. The  
3303 historic rhythm of building spacing in the immediate  
3304 Streetscape or character area shall be especially  
3305 considered.

3306 **b. Topography and Grading**

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3308 (1) The natural topography and original grading of a site shall be  
3309 maintained when feasible.

3310 (2) Building and site design shall respond to natural features.

3311 New infill residential buildings shall step down or up to follow  
3312 the existing contours of steep slopes.

3313 (3) A new site's natural slope shall be respected in a new  
3314 building design in order to minimize cuts into hillsides,  
3315 minimize fill, and minimize retaining walls.

3316 **c. Landscaping and Vegetation**

3317 (1) Existing landscape features that contribute to the character  
3318 of the Historic District and existing landscape features that  
3319 provide environmental sustainability benefits shall be  
3320 respected and maintained.

- 3321 (2) Established on-site native plantings shall be maintained.  
3322 During construction, established vegetation shall be  
3323 protected to avoid damage. Damaged, aged, or diseased  
3324 trees shall be replaced as necessary. Vegetation that may  
3325 encroach upon or damage a new building may be removed,  
3326 but shall be replaced with similar vegetation near the original  
3327 location.
- 3328 (3) A detailed landscape plan, particularly for areas viewable  
3329 from the primary public right-of-way, which respects the  
3330 manner and materials traditionally used in the Historic  
3331 Districts, shall be provided. When planning for the long-term  
3332 sustainability of a landscape system, all landscape  
3333 relationships on the site, including those between plantings  
3334 and between the site and its structure(s) shall be considered.
- 3335 (4) Landscape plans shall balance water efficient irrigation  
3336 methods and drought tolerant and native plant material with  
3337 existing plant material and site features that contribute to the  
3338 character of the Historic District.
- 3339 (5) Use to advantage storm water management features such  
3340 as gutters, downspouts, site topography, and vegetation that  
3341 can improve the soil water retention and permeability of a  
3342 site.

3343 (6) The use of Water Wise Landscaping or permaculture  
3344 strategies for landscape design shall be considered in order  
3345 to maximize water conservation. Where watering systems  
3346 are necessary, systems that minimize water loss, such as  
3347 drip irrigation, shall be used. These systems shall be  
3348 designed to minimize their appearance from areas viewable  
3349 from the primary public right-of-way.

3350 **d. Retaining Walls**

3351 (1) When feasible, a site shall be contoured in a way that  
3352 reduces the need for retaining walls. When retaining walls  
3353 are necessary, the visual impact shall be minimized by  
3354 creating gradual steps or tiers and by using perennial plant  
3355 material. When a fence is to be placed on the top of a  
3356 retaining wall, the combined height shall be similar in scale  
3357 to retaining walls and fences seen historically.

3358 (2) New retaining walls shall be consistent with historic retaining  
3359 walls in terms of mass, scale, design, materials, and scale of  
3360 materials. Simple board-formed concrete, stacked stone and  
3361 other traditional materials are recommended over concrete  
3362 block, asphalt, or other modern concrete treatments.  
3363 Alternative materials may be considered but they shall  
3364 convey the general scale, texture, and character of historic  
3365 masonry walls.

3366 (3) Masonry shall be maintained in its natural finish. Applying  
3367 paint, stain, or stucco over stone or concrete retaining walls  
3368 is not appropriate.

3369 (4) Traditional height and setback of retaining walls along the  
3370 street shall be maintained.

3371 (5) To abate retaining-wall failure, drainage behind retaining  
3372 walls shall be maintained so water drains away from the  
3373 walls.

3374 **e. Fences**

3375 (1) New fencing should reflect the style of the building to which  
3376 fencing is associated when viewable from the primary public  
3377 right-of-way. New wood and metal fencing should reflect  
3378 traditional designs and patterns. Split or horizontal rail,  
3379 railroad tie, or timber fencing may be located where not  
3380 visible from the primary public right-of-way but should be  
3381 avoided where visible from the primary public right-of-way.  
3382 Vinyl or plastic-coated fencing is not appropriate in the  
3383 Historic District.

3384 (2) New fencing should be designed to minimize its  
3385 environmental impacts. New fencing should use sustainable  
3386 material and should take into account site characteristics  
3387 such as natural topography and drainage.

3388 (3) Drought-tolerant shrubs should be considered in place of a  
3389 fence or wall.

3390 (4) Arbors emphasizing a fence, gate, or entry should be  
3391 subordinate to the associated building(s) or structure(s) and  
3392 should complement the design of the primary structure and  
3393 fencing material, features, size, scale, and proportion.

3394 f. **Paths, Steps, Handrails, & Railings (Not Associated with**  
3395 **Porches)**

3396 (1) New paths and walkways should have a modest,  
3397 unobtrusive appearance in order to support the sense of a  
3398 natural setting.

3399 (2) New hillside stairs and any associated railings or handrails  
3400 shall be visually subordinate to the associated building(s) or  
3401 structure(s) in size, scale, and proportion, and shall  
3402 complement the Historic District in material, size, scale, and  
3403 proportion, and massing. To break up the mass of longer-run  
3404 stairs, changes in the materials of the stairs shall be  
3405 considered.

3406 g. **Gazebos, Pergolas, and other Shade Structures**

3407 (1) The installation of gazebos, pergolas, and other shade  
3408 structures shall be limited to rear or side yards and shall  
3409 have limited visibility when viewed from the primary public  
3410 right-of-way.

3411 (2) Gazebos, pergolas, and other shade structures shall be  
3412 visually subordinate to the associated building(s) or  
3413 structure(s) and shall complement the design of the primary  
3414 structure in material, features, size, scale, and proportion.

3415 **h. Parking Areas & Driveways**

3416 (1) Off-street parking areas shall be located within the rear yard  
3417 and beyond the rear wall plane of the primary structure when  
3418 feasible. When locating a parking area in a rear yard is not  
3419 physically possible, the off street parking area and  
3420 associated vehicles should be visually buffered from  
3421 adjacent properties and the primary public right-of-way.  
3422 Providing a driveway along the side yard of a site shall be  
3423 considered when feasible.

3424 (2) Parking areas and vehicular access shall be visually  
3425 subordinate to character-defining Streetscape or character  
3426 area elements.

3427 (3) The visual impact of on-site parking shall be minimized by  
3428 incorporating landscape treatments for driveways, walkways,  
3429 paths, and structures in comprehensive, complimentary and  
3430 integrated design.

3431 (4) Landscape separations shall be provided between parking  
3432 areas, drives, service areas, and public use areas, like  
3433 walkways, plazas, and vehicular access points. When plant

3434 materials are used for screening, they shall be designed to  
3435 function year-round.

3436 (5) When locating new off-street parking areas and driveways,  
3437 the existing topography of a site and integral site features  
3438 shall be minimally impacted.

3439 (6) When locating new off-street parking areas and driveways,  
3440 the existing topography of a building site and significant site  
3441 features shall be minimally impacted.

3442 (7) ~~Ten (10) foot wide driveways are encouraged; however,~~  
3443 ~~[N]ew driveways shall not exceed twelve [ten] (12[0]) feet in~~  
3444 ~~width. Shared driveways shall be used when feasible. Two~~  
3445 ~~driveways are permitted for approved two-car side-by-side~~  
3446 ~~garages but shall be spaced a minimum of eighteen inches~~  
3447 ~~(18") apart.~~

3448 (8) Textured and poured paving materials other than smooth  
3449 concrete shall be considered for driveways that are visible  
3450 from the primary public right-of-way. Permeable paving may  
3451 not be appropriate for all driveways and parking areas.

3452 (9) Consider avoiding paving up to the building foundation in  
3453 order to reduce heat-island effect, building temperature,  
3454 damage to the foundation, and storm-water runoff problems.

3455 (10) Snow storage from driveways shall be provided on  
3456 site.

3457 **2. Primary Structures**

3458 **a. Mass, Scale & Height**

3459 (1) The size and mass of a new residential infill building in  
3460 relation to open spaces, shall be visually compatible with  
3461 adjacent historic buildings and historic structures in the  
3462 surrounding Streetscape or character area.

3463 (2) Buildings that utilize traditional building forms – rectangular,  
3464 cross-wing, pyramid-roof – are encouraged.

3465 (3) Historic height, width, and depth proportions that are  
3466 important in creating compatible infill and maintaining the  
3467 historic mass and scale of the Streetscape or character area.

3468 (4) Building features such as upper story windows, porches, and  
3469 first floor bays shall be aligned with similar historic building  
3470 features in the Streetscape or character area. Generally,  
3471 these elements should align in relation to the topography  
3472 allowing these elements to “step up” or “step down” the  
3473 block.

3474 (5) The perceived scale of new buildings shall respect the scale  
3475 established by historic buildings in the character zone.

3476 Abrupt change of scale in the character zone is  
3477 inappropriate, especially when a new, larger building would  
3478 directly abut smaller historic buildings.

3479

3480 (6) A larger building shall be divided into 'modules' that reflect  
3481 the mass, scale, proportions, and size of historic buildings  
3482 within the Streetscape or character area. Modules shall be  
3483 clearly expressed throughout the entire building and a single  
3484 form shall remain the dominant element so the overall mass  
3485 does not become too fragmented. To minimize the scale  
3486 perceived from the primary public right-of-way, stepping  
3487 down the mass of a larger building shall be considered.

3488 (7) Larger-scaled projects shall also include variations in roof  
3489 height in order to break up the form, mass and scale of the  
3490 overall structure.

3491 (8) Buildings constructed on lots greater than 25 feet wide shall  
3492 be designed so that the facades visible from the primary  
3493 public right-of-way reinforce the rhythm along the street in  
3494 terms of traditional building width, depth, and patterns within  
3495 the façade.

3496 (9) Regardless of lot frontage, the primary façade shall be  
3497 compatible with the width of surrounding historic buildings.  
3498 The greater width of a building shall be set back significantly  
3499 from the plane of the primary façade. The width of a new  
3500 building shall not appear to be visibly greater than historic  
3501 buildings in the Streetscape or character area. Modules on a

3502 primary façade should generally not exceed eleven (11) feet  
3503 to twenty-five (25) feet in width.

3504 (10) When the overall length of a new structure is greater  
3505 than seen historically, the design shall employ methods—  
3506 changes in wall plane, roof heights, use of modules, etc. to  
3507 diminish the visual impact of the overall building mass, form  
3508 and scale.

3509 (11) New buildings shall not be significantly taller or  
3510 shorter than adjacent buildings with special consideration  
3511 given to surrounding historic buildings.

3512 (12) Primary facades shall be limited to one to two stories  
3513 in height. (Generally, historic residential facades are about  
3514 15 to 20 feet in height from top of the foundation to the top of  
3515 the gable.)

3516 (13) Variation in building height may be considered  
3517 regarding topography. Hillsides for a backdrop for taller  
3518 buildings, minimizing their perceived height, therefore it may  
3519 be appropriate for taller building masses to be located on  
3520 steeper slopes. The facades of taller buildings shall still  
3521 express a human scale.

3522 (14) Beyond the primary façade, the average perceived  
3523 scale of one-story to two-story buildings shall be maintained.  
3524 As a means of minimizing the perceived mass of a project,

3525 breaking up the height of the building into a set of modules  
3526 or components that relate to the height of the buildings along  
3527 the street front shall be considered.

3528 (15) Secondary and tertiary elevations may be taller than  
3529 the established norm when the change in scale cannot be  
3530 perceived from designated vantage points including the  
3531 cross-canyon view. This may be appropriate when taller  
3532 portions will not be seen from a primary public right-of-way.

3533 (16) Taller portions of buildings shall be constructed so as  
3534 to minimize obstruction of sunlight to adjacent yards and  
3535 windows.

3536 **b. Foundation**

3537 (1) Foundation materials shall be simple in form and minimally  
3538 visible above grade when viewed from the primary public  
3539 right-of-way. Acceptable foundation materials may include  
3540 stone and concrete, wood lattice and vertical boards.  
3541 Distinction between foundation and wall material shall be  
3542 clearly defined. Clapboard siding shall not extend to the  
3543 ground.

3544 (2) A site shall be returned to original grade following  
3545 construction of a foundation. When original grade cannot be  
3546 achieved, no more than eight inches (8") of the new  
3547 foundation shall be visible above Final grade on the primary

3548 façade No more than two (2) feet of the new foundation shall  
3549 be visible above final grade on secondary and tertiary  
3550 facades.

3551 (3) A site shall be re-graded so as to blend with the grade of  
3552 adjacent sites and not create the need for incompatible  
3553 retaining walls.

3554 (4) A site shall be re-graded so all water drains away from the  
3555 structure and does not enter the foundation.

3556 (5) Window or egress wells, when needed, shall not be located  
3557 on the primary façade. Window or egress wells shall be  
3558 located beyond the midpoint of the secondary facades, on  
3559 the tertiary elevation, or in a location that is not visible from  
3560 the primary public right-of-way.

3561 **c. Doors**

3562 (1) The historic pattern of principal doorways along the street  
3563 shall be maintained. All buildings that face the street shall  
3564 have a well-defined primary entrance.

3565 (2) New doors shall be similar in location, size, and material to  
3566 those seen traditionally in the Historic District. Doors shall be  
3567 compatible with the style of both the new building and  
3568 historical buildings in the Historic District.

3569 (3) Doors shall be designed and finished with trim elements  
3570 similar to those used historically.

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**d. Windows**

- (1) Ratios of solid-to-void that are compatible with surrounding historic buildings shall be used. Large expanses of glazing are inappropriate on residential structures. Large glass surfaces shall be divided into smaller windows that are in scale with those seen historically. To maximize views, non-historic window patterns may be considered on tertiary facades; however, the overall ratio of solid-to-glass shall still be respected.
- (2) Windows shall be historic size and shall relate to the human scale of the Historic District. Windows shall be proportional to the scale and style of the building and shall be compatible with the historical buildings in the Historic District.
- (3) The placement and grouping of windows shall be similar to those seen historically.
- (4) Windows with vertical emphasis are encouraged. The general rule is the height shall be twice the dimension of the width (commonly referred to as 2:1 ratio). Double-hung, vertically proportioned windows similar to those used historically are particularly encouraged. Windows with traditional depth and trim are preferred.
- (5) The number of different window sizes and styles on a building or structure shall be limited.

3594 (6) Wood or metal windows similar to those used historically are  
3595 preferred but aluminum-clad wood windows are also  
3596 appropriate. Vinyl and aluminum windows are inappropriate.

3597 (7) New glazing shall match the appearance of historic glazing  
3598 and/or shall be clear. Metallic, frosted, tinted, stained,  
3599 textured, and reflective finishes are generally inappropriate  
3600 for glazing on the primary façade.

3601 (8) Window muntins shall be true divided lights or simulated  
3602 divided lights on both sides of the glass. Snap-in muntins are  
3603 inappropriate.

3604 **e. Roofs**

3605 (1) Roofs of new residential infill buildings shall be visually  
3606 compatible with roof shapes and orientation of surrounding  
3607 Historic Sites and adjacent buildings that contribute to the  
3608 character of the Historic District. Sloping of roof forms, such  
3609 as gable, hip, and shed, should be the dominant roof  
3610 shapes. Roofs composed of a combination of roof planes,  
3611 but simple in form, are also encouraged. Roofs shall be in  
3612 scale with those on historic structures.

3613 (2) Roof pitch shall be consistent with the style of architecture  
3614 chosen for the structure and with adjacent buildings that  
3615 contribute to the character of the Historic District, with  
3616 special consideration given to Historic Sites.

3617 (3) The alignment that is created by similar heights of primary  
3618 roofs and porches among historic buildings shall be  
3619 maintained. This similarity of heights in building features  
3620 contributes to the visual continuity along the Streetscape or  
3621 character area.

3622 (4) Roofs shall be designed to minimize snow shedding onto  
3623 adjacent properties and/or pedestrian paths. Crickets,  
3624 saddles, or other snow-guard devices shall be placed so  
3625 they do not significantly alter the form of the roof as seen  
3626 from the primary public right-of-way.

3627 (5) New roof features, such as photovoltaic panels (solar  
3628 panels), skylights, ventilators, and mechanical or  
3629 communication equipment shall be visually minimized from  
3630 the primary public right-of-way so as not to compromise the  
3631 architectural character of the structure. Roof-mounted  
3632 features like photovoltaic panels (solar panels) and skylights  
3633 should be installed parallel to the roof plane when feasible.

3634 (6) Roof materials should appear similar to those seen  
3635 historically. Asphalt shingles may be considered. Metal  
3636 sheeting or standing seam metal roofs with a baked-on paint  
3637 finish and galvanized or rusted steel sheeting are generally  
3638 appropriate. Roofs shall have matte finishes to minimize

3639 glare. Roof colors shall be neutral and muted and materials  
3640 shall not be reflective.

3641 (7) Overhanging eaves, use of bargeboards, soffits, fascia  
3642 boards, brackets, and boxed eave returns that are consistent  
3643 with the style of the architecture of the new building and that  
3644 are compatible with surrounding buildings shall be  
3645 incorporated.

3646 **f. Dormers**

3647 (1) If used, dormers shall be modest in size and fit the scale of  
3648 the house and the roof form. The number and size of  
3649 dormers shall be limited on a roof, such that the primary roof  
3650 form remains prominent. Dormers shall be used with  
3651 restraint, in keeping with the simple character of buildings in  
3652 Park City.

3653 (2) Dormers shall be visually minimized from primary public  
3654 right-of-way. Gabled, hipped, or shed dormers are  
3655 appropriate for most structures and shall be in keeping with  
3656 the character and scale of the structure.

3657 (3) Dormers shall be setback from the main wall of the building.

3658 (4) A new dormer shall be lower than the primary ridge line of  
3659 the associated roof form and set in from the eave of the  
3660 building.

3661 **g. Gutters and Downspouts**

3662 (1) Downspouts shall be located away from architectural  
3663 features and shall be visually minimized when viewed from  
3664 the primary public right-of-way.

3665 **h. Chimneys and Stovepipes**

3666 (1) Chimneys shall not be covered with non-traditional materials.

3667 (2) Chimneys and stove pipes shall be of a size, scale, and  
3668 design that are appropriate to the character and style similar  
3669 to those found historically. Chimneys and stovepipes shall  
3670 be visually minimized when viewed from primary public right-  
3671 of-way.

3672 **i. Porches**

3673 (1) Porches shall be used to define front entrances. Porches  
3674 typically cover the entrance, and usually extend partially or  
3675 fully across the main façade. Over-scaled, monumental and  
3676 under-scaled entries shall be avoided.

3677 (2) Porches on primary and secondary facades shall be  
3678 compatible with a building's style and shall respect the scale  
3679 and proportions found on historic buildings in the s.

3680 (3) The height of porch decks shall be similar to those found on  
3681 historic building(s) in the Historic District.

3682 (4) Locate porches on new infill construction in a way that  
3683 follows the predominant pattern of historic porches along the  
3684 street, maintaining traditional setbacks, orientation of

3685 entrances, and alignment along the Streetscape or character  
3686 area to reinforce the visual rhythm of the buildings and site  
3687 elements.

3688 (5) The height of porch decks shall be similar to those found on  
3689 historic building(s) within the Streetscape or character area.

3690 (6) Porch columns and railings shall be simple in design and  
3691 utilize square or rectangular shapes. If balusters are used,  
3692 they should be no more than two inches square. Columns  
3693 should be a minimum of ~~size~~four inches and a maximum of  
3694 eight inches square.

3695 j. **Architectural Features**

3696 (1) Simple ornamental trim and decoration is in character with  
3697 historic architectural ornamentation and is encouraged.  
3698 Traditional locations for architectural ornamentation are  
3699 porches and eaves. Other details, like eave depth, mullions,  
3700 corner boards, and brackets, that lend character to historic  
3701 buildings shall be considered.

3702 **3. Mechanical and Utility Systems and Service Equipment**

3703 a. Mechanical and/or utility equipment, including heating and air  
3704 conditioning units, meters, and exposed pipes, shall be located on  
3705 the back of the building or in another inconspicuous location. When  
3706 located on a secondary façade, the mechanical and/or utility  
3707 equipment shall be located beyond the midpoint of the structure if

- 3708                   feasible and visual impact of the equipment shall be minimized by  
3709                   incorporating it as an element of the building or landscape design.
- 3710                   b. Ground-level equipment shall be screened from view using  
3711                   landscape elements such as fences, low stone walls, or perennial  
3712                   plant materials.
- 3713                   c. Low-profile rooftop mechanical units and elevator penthouses that  
3714                   are not visible from the primary public right-of-way shall be used.  
3715                   When this is not possible, rooftop equipment shall be set back or  
3716                   screen from all views. Placement of rooftop equipment shall be  
3717                   sensitive to views from upper floors or neighboring buildings.
- 3718                   d. New communications equipment such as satellite dishes or  
3719                   antennae shall be visually minimized when viewed from the primary  
3720                   public right-of-way.
- 3721                   e. Service equipment and trash containers shall be screened. Solid  
3722                   wood or masonry partitions or hedges shall be used to enclose  
3723                   trash areas.

3724                   **4. Materials**

- 3725                   a. Building materials shall be compatible in scale, proportion, texture,  
3726                   finish and color to materials used on Historic Structures in the  
3727                   Historic District. The dimensions of masonry units, wood siding, and  
3728                   other building materials shall be similar to those used historically.
- 3729                   b. The primary siding material for new structures shall appear similar  
3730                   to those on historic structures in the Streetscape or character area.

3731 Historically, the most common material on primary structures was  
3732 painted horizontal lap siding with a reveal between 6 to 8 inches.  
3733 Secondary structures such as barns and sheds typically had siding  
3734 of unpainted wood (horizontal lap or vertical board and batten) or  
3735 corrugated metal panels.

3736 c. Building materials shall be applied in the manner similar to that  
3737 used historically. Typically, a 'hierarchy' of building materials should  
3738 be used, with heavier, more durable materials for foundations and  
3739 more refined materials above foundations. Building materials,  
3740 especially masonry, shall be used in the manner they were used  
3741 historically.

3742 d. Synthetic building materials such as fiber cement or plastic-wood  
3743 composite siding, shingles, and trim shall not be used unless the  
3744 materials are made of a minimum of 50% recycled and/or reclaimed  
3745 material and the applicant can demonstrate that use of the  
3746 materials will not diminish the historic character of the Streetscape  
3747 or character area by providing a sample of the material to the  
3748 Planning Department for approval. Vinyl and aluminum siding are  
3749 not appropriate in the Historic District.

3750 e. If synthetic materials are proposed, the synthetic material shall  
3751 have a similar appearance and profile to historic siding and trim  
3752 materials. Synthetic materials shall be applied as traditional

3753 materials were historically; it is not appropriate to introduce artificial  
3754 patterns.

3755 **5. Paint and Color**

3756 a. Paint color is not regulated by the ~~[Design Guidelines]~~ Regulations.

3757 b. Original materials such as brick and stone that was historically left  
3758 unpainted shall not be painted. Materials, such as wood, that are  
3759 traditionally painted shall have an opaque rather than transparent  
3760 finish.

3761 c. Original material such as brick and stone that was historically left  
3762 unpainted shall not be painted. Materials, such as wood, that are  
3763 traditionally painted shall have an opaque rather than transparent  
3764 finish.

3765 d. Rustic, unfinished wood siding is generally not appropriate on  
3766 houses, but may be appropriate on accessory structures or  
3767 additions to non-historic buildings. A transparent or translucent  
3768 weather-protective finish shall be applied to wood surfaces that  
3769 were not historically painted.

3770 e. Low-VOC (volatile organic compound) paints and finishes should  
3771 be used when possible.

3772 **6. Garages**

3773 a. **Garages: General Compatibility**

3774 (1) If the lot size dictates that the garage must be located above,  
3775 below, or adjacent to the primary living space, its visual  
3776 impact should be minimized.

3777 (2) Single car wide tandem garages are recommended. Side-by-  
3778 side parking configurations are strongly discouraged; if used,  
3779 they shall be visually minimized when viewed from the  
3780 primary public right-of-way.

3781 (3) Garages featuring a side-by-side parking configuration shall  
3782 maintain a 2 foot horizontal offset in the front wall plane.

3783 (4) Single vehicle garage doors not greater than 9 feet wide by 9  
3784 feet high shall be used to access the garage. Glazing on  
3785 garage doors shall be limited to no more than 30% of garage  
3786 door.

3787 (5) Carports shall be avoided.

3788 **b. Scenario 1: Detached Garages**

3789 (1) Garages shall be constructed as detached or semi-detached  
3790 structures and located beyond the side-yard midpoint of the  
3791 building or within the rear yard when feasible.

3792 (2) Single car wide tandem garages are recommended. Side-by-  
3793 side parking configurations are strongly discouraged; when  
3794 used, they shall be visually minimized when viewed from the  
3795 primary public right-of-way.

3796 (3) Garages featuring a side-by-side parking configuration shall  
3797 maintain a 2 foot horizontal offset in the front wall plane.

3798 (4) Single vehicle garage doors not greater than 9 feet wide by 9  
3799 feet high shall be used to access the garage. Glazing on  
3800 garage doors shall be limited to no more than 30% of garage  
3801 door.

3802 (5) Carports should be avoided.

3803 (6) Detached garages shall be subordinate to the pedestrian  
3804 entrance of the house. Where excavation is required for  
3805 access to the garage, the pedestrian entrance should still be  
3806 clearly articulated.

3807 **c. Scenario 2: Basement Level Attached or Detached Garages**

3808 (1) When construction of a detached garage is not feasible, a  
3809 basement level garage may be considered, particularly on  
3810 uphill lots.

3811 (2) A basement garage shall not extend beyond the exterior wall  
3812 planes of a structure's primary or secondary facades.

3813 (3) In limited situations, site setbacks and topography may allow  
3814 for a projecting garage without adversely affecting the  
3815 historic character of the Streetscape or character area. In  
3816 these cases, a stepped design with associated site grading  
3817 and a landscaping plan may be considered.

3818 (4) The vertical façade of a basement garage that is visible from  
3819 the primary public right-of-way shall be visually minimized. It  
3820 is preferred that the garage opening be set back from the  
3821 wall plane of the primary structure in order to diminish the  
3822 presence of the garage.

3823 ~~(5) [Window or egress wells, when needed, shall not be located~~  
3824 ~~on the primary façade. Window or egress wells shall be~~  
3825 ~~located beyond the midpoint of the secondary facades, on~~  
3826 ~~the tertiary elevation, or in a location that is not visible from~~  
3827 ~~the primary public right-of-way.]~~

3828 (6) After construction of a basement garage, a site shall be re-  
3829 graded to approximate the grading prior to the new  
3830 construction.

3831 (7) A single-vehicle garage door not greater than 9 feet wide by  
3832 9 feet high shall be used to access a basement garage  
3833 addition.

3834 (8) Single-width car wide tandem garages are recommended.  
3835 Side-by-side parking configurations are strongly  
3836 discouraged; if used, they shall be visually minimized when  
3837 viewed from the primary public right-of-way.

3838 (9) Garages featuring a side-by-side parking configuration, at a  
3839 minimum, shall maintain a two (2) foot horizontal offset in the  
3840 wall plane between the two garage doors.

3841 **d. Scenario 3: Attached Garages**

3842 (1) When construction of a detached garage is not feasible, an  
3843 attached garage may be considered.

3844 (2) A single-vehicle garage door not greater than 9 feet wide by  
3845 9 feet high shall be used to access a garage addition.

3846 (3) Single car wide tandem garages are recommended. Side-by-  
3847 side parking configurations are strongly discouraged; if used,  
3848 they shall be visually minimized when viewed from the  
3849 primary public right-of-way.

3850 (4) Garages featuring a side-by-side parking configuration shall  
3851 maintain a 2 foot horizontal offset in the front wall plane.

3852 (5) Garages shall be subordinate to the pedestrian entrance of  
3853 the house. Where excavation is required for access to the  
3854 garage, the pedestrian entrance should still be clearly  
3855 articulated. When excavation is not required, the pedestrian  
3856 entrance shall be proud of the garage wall plane.

3857 **7. Decks**

3858 a. Decks shall be constructed in inconspicuous areas where visually  
3859 minimized from the primary public right-of-way, usually on the  
3860 tertiary façade. When built on a secondary façade of a new  
3861 structure, a deck should be screened from the primary public right-  
3862 of-way with fencing and/or appropriate native landscaping.

- 3863 b. The visual impact of a deck should be minimized by limiting its size  
3864 and scale. Introducing a deck that visually detracts from a new  
3865 structure, or substantially alters a site's proportion of built area to  
3866 open space is not appropriate.
- 3867 c. Decks and related steps and railings shall be constructed of  
3868 materials and in styles that are compatible with the structure to  
3869 which they are attached as well as with the character of the Historic  
3870 District as a whole.
- 3871 d. Decking materials such as fiber cement or plastic-wood composite  
3872 floor boards shall not be used unless they are made of a minimum  
3873 of 50% recycled and/or reclaimed materials.
- 3874 e. Significant site features, such as mature trees, shall be protected  
3875 from damage during the construction of a deck by minimizing  
3876 ground disturbance and by limiting use of heavy construction  
3877 equipment.

3878 **8. Balcony and Roof Decks**

- 3879 a. New balconies and roof decks shall be visually subordinate to the  
3880 new building and shall be minimally visible from the primary public  
3881 right-of-way.
- 3882 b. A new balcony shall be simple in design and compatible with the  
3883 character of the Historic District. Simple wood and metal designs  
3884 are appropriate for residential structures. Heavy timber and plastics  
3885 are inappropriate materials.

3886 c. A roof deck shall be visually minimized when viewed from the  
3887 primary public right-of-way.

3888 **9. New Accessory Structures**

3889 a. New accessory structures on flat or downhill sites shall generally be  
3890 located in the rear yard, unless located in a character zone with  
3891 similar development patterns.

3892 b. New accessory structures may be located at the street front when a  
3893 pattern of front yard historic accessory structures has been  
3894 established along the street, and when the proposed placement of  
3895 the accessory structure does not create a danger or hazard to  
3896 traffic by obstructing the view on the street.

3897 c. Accessory structures (such as sheds and detached garages) shall  
3898 be subordinate in scale to the primary structure.

3899 **10. Additions to Existing Non-Historic Structures**

3900 a. An addition shall complement the visual and physical qualities of  
3901 the existing structure.

3902 b. An addition shall be visually subordinate to the existing structure  
3903 and shall be compatible with the scale of the historic buildings and  
3904 structures in the Streetscape or character area. When the  
3905 combined effects of the addition's footprint, height, mass, and scale  
3906 are such that the overall size of the addition is larger than the  
3907 existing structure, the volume of the addition shall be broken into  
3908 modules that reflect the scale of those components seen on the

3909 existing structure. Multiple modules are encouraged to add  
3910 articulation and architectural interest.

3911 c. Components and materials used on additions shall be similar in  
3912 scale and size to those found on the existing structure.

3913 d. Windows, doors, and other features on a new addition shall be  
3914 designed to be compatible with the existing structure and  
3915 surrounding historic sites. Windows, doors, and other openings  
3916 shall be of sizes and proportions similar to those found on the  
3917 building as well as those found on historic structures in the Historic  
3918 District. When using new window patterns and designs, those  
3919 elements shall respect the typical historic character and proportions  
3920 of windows on adjacent historic structures. Also, the solid-to-void  
3921 relationships and detailing of an addition shall be compatible with  
3922 the existing structure and with buildings within the Streetscape or  
3923 character area.

#### 3924 **11. Reconstruction of Non-Surviving Structures**

3925 a. Reconstruction of a documented but non-surviving historic structure  
3926 that once existed in Park City is allowed when no existing building  
3927 in Park City with the same historical significance has survived.

3928 b. Reconstruction may be allowed when documentary and physical  
3929 evidence is available to facilitate an accurate reconstruction.

3930 c. Reconstruction shall not be based on conjectural designs or on a  
3931 combination of different features from other historic buildings.

- 3932 d. Reconstruction shall include recreating the documented design of  
3933 exterior features such as the roof shape, architectural detailing,  
3934 windows, entrances and porches, steps and doors, and their  
3935 historic spatial relationships.
- 3936 e. A reconstructed building shall accurately duplicate the appearance  
3937 of the non-surviving historic property in materials, design, color, and  
3938 texture.
- 3939 f. A reconstructed building shall duplicate the building, but also the  
3940 setting, placement, and orientation of the non-surviving structure.
- 3941 g. A reconstruction shall re-establish the historic relationship between  
3942 the building(s) and historic site features.
- 3943 h. A building may not be reconstructed on a location other than its  
3944 original site.
- 3945 i. A building may not be reconstructed on a location other than its  
3946 original site.

3947 HISTORY

3948 *Adopted by Ord. 2019-06 on 5/16/2019*

3949 **15-13-9 ~~{Design Guidelines} Regulations~~ For Historic Commercial Infill**  
3950 **Construction (and Non-Historic Commercial Sites)**

3951 A. **Universal ~~{Design Guidelines} Regulations~~**

3952

- 3953 1. New infill commercial buildings shall reflect the historic character—simple  
3954 building forms, unadorned materials, restrained ornamentation—of Park  
3955 City’s Historic Sites.
- 3956 2. New infill commercial buildings shall not directly imitate existing historic  
3957 structures in Park City. Roof pitch, shape and configuration, as well as  
3958 scale of building elements found on Historic Sites may be duplicated, but  
3959 building elements such as moldings, cornice details, brackets, and porch  
3960 supports shall not be directly imitated. Reconstructions of non-surviving  
3961 historic buildings are allowed.
- 3962 3. A style of architecture shall be selected and all elevations of the infill  
3963 commercial building shall be designed in a manner consistent with a  
3964 contemporary interpretation of the selected style. Stylistic elements shall  
3965 not simply be applied to the exterior. Styles that radically conflict with the  
3966 character of Park City’s Historic Sites shall be avoided. Styles that never  
3967 appeared in Park City shall be avoided.
- 3968 4. New infill commercial buildings shall differentiate from historic structures  
3969 but shall be compatible with historic structures in materials, features, size,  
3970 scale, and proportion, and massing to protect the integrity of the Main  
3971 Street Historic District as a whole. The massing of new infill commercial  
3972 buildings shall be further broken up into volumes that reflect the original  
3973 massing of historic buildings; larger masses shall be located at the rear of  
3974 the site.

- 3975 5. Building and site design shall respect the existing topography and  
3976 character-defining site features (including existing trees and vegetation)  
3977 and shall minimize cut, fill, and the use of retaining walls.
- 3978 6. Exterior elements—roofs, entrances, eaves, chimneys, porches, windows,  
3979 doors, steps, retaining walls, garages, etc.—shall be of human scale and  
3980 shall be compatible with neighboring Historic Sites.
- 3981 7. Scale and height of new infill commercial structures ~~[should]~~ shall follow  
3982 the predominant pattern and respect the architecture of the Streetscape or  
3983 character area with special consideration given to Historic Sites.
- 3984 8. Size and mass of a structure shall be compatible with the size of the site  
3985 so that site coverage, and building bulk and mass are compatible with  
3986 Historic Sites within the Streetscape or character area.
- 3987 9. New construction activity shall not physically damage nearby Historic  
3988 Sites.
- 3989 10. New infill commercial buildings shall reinforce visual unity within the  
3990 context of the Historic District but also within the context of the  
3991 Streetscape or character area. The specific context of the Streetscape or  
3992 character area is an important feature of the Historic District. The context  
3993 of each Streetscape or character area shall be considered in its entirety,  
3994 as one would see it when standing on the street viewing both sides of the  
3995 street for the entire length of the Streetscape or character area. Special  
3996 consideration should be given to adjacent and neighboring Historic Sites  
3997 in order to reinforce existing rhythms and patterns.

3998 11. New materials should reflect the character of the Historic District.  
3999 Sustainable technology is constantly changing resulting in new alternative  
4000 materials. New alternative materials may be reviewed by the Design  
4001 Review Team for compliance being judged on the following  
4002 characteristics: • Longevity (50 year lifespan) • Energy performance •  
4003 Durable in this climate • Environmental benefit (high recycled content,  
4004 locally sourced) • Compatibility with the character of the Historic District

4005 **B. Specific ~~[Design Guidelines]~~ Regulations**

4006 **1. Site Design**

4007 **a. Setback and Orientation**

4008 (1) Site coverage of new infill commercial buildings shall be  
4009 compatible with the adjacent and neighboring Historic Sites.

4010 (2) Locate Structures shall be located on a site in a way that  
4011 follows the predominant pattern of historic buildings along  
4012 the street, maintaining traditional setbacks, orientation of  
4013 entrances, and alignment along the street.

4014 (3) The historic town grid shall be preserved by retaining the  
4015 formal street pattern, maintaining historic lot sizes rather  
4016 than aggregating historic-sized lots into larger lots, and  
4017 preserving the regular rhythm and pattern of lot sizes in a  
4018 way that reinforces the perception of the grid.

4019 (4) A new building shall be oriented parallel to the site's lot lines  
4020 similar to that of historic building orientations. New buildings,

4021 in general, shall be constructed in line with adjacent historic  
4022 structures and shall avoid large setbacks that disrupt the  
4023 continuity of the historic street wall.

4024 (5) Side yard setbacks similar to those seen historically in the  
4025 Streetscape or character area shall be established in order  
4026 to reinforce the pattern of built and open space. The historic  
4027 rhythm of the building spacing of the adjacent and  
4028 neighboring historic buildings as well as the immediate block  
4029 shall be especially considered.

4030 (6) New commercial infill buildings shall have a clearly defined  
4031 primary entrance oriented toward the street consistent with  
4032 historic buildings in the Historic District. Entrances on the  
4033 secondary or tertiary facades of a building shall be clearly  
4034 subordinate to the entrance on the primary façade.

4035 **b. Topography and Grading**

4036 (1) The natural topography and original grading of a site shall be  
4037 maintained when feasible.

4038 (2) Building and site design shall respond to natural features.  
4039 New buildings ~~[should]~~ shall step down or up to follow the  
4040 existing contours of steep slopes.

4041 (3) A new site's natural slope shall be respected in a new  
4042 building design in order to minimize cuts into hillsides,  
4043 minimize fill, and minimize retaining walls.

4044 c. Landscaping and Vegetation  
4045 Historically, commercial buildings were built to setbacks and did not  
4046 include open space areas for landscaping. Please see  
4047 ~~(Regulations) Design Guidelines~~ for Infill Residential Buildings for  
4048 specific ~~(requirements) guidelines~~ regarding Retaining Walls;  
4049 Fences; Paths, Steps, Handrails & Railings (Not associated with  
4050 Porches); and Gazebos, Pergolas, and other Shade Structures.

4051  
4052 While many new commercial infill projects may not require  
4053 landscaping, if built to setbacks, those that have space for  
4054 landscaping shall comply with the following ~~Design Guidelines~~:

4055 (1) Existing landscape features that contribute to the character  
4056 of the Historic District and existing landscape features that  
4057 provide environmental sustainability benefits shall be  
4058 respected and maintained.

4059 (2) Established on-site native plantings shall be maintained.  
4060 During construction, established vegetation shall be  
4061 protected to avoid damage. Damaged, aged, or diseased  
4062 trees shall be replaced as necessary. Vegetation that may  
4063 encroach upon or damage a new building may be removed,  
4064 but shall be replaced with similar vegetation near the original  
4065 location.

4066 (3) A detailed landscape plan, particularly for areas viewable  
4067 from the primary public right-of-way, that respects the  
4068 manner and materials traditionally used in the Historic  
4069 District shall be provided. When planning for the long-term  
4070 sustainability of a landscape system, all landscape  
4071 relationships on the site, including those between plantings  
4072 and between the site and its structure(s) shall be considered.

4073 (4) Landscape plans shall balance water efficient irrigation  
4074 methods and drought tolerant and native plant material with  
4075 existing plant material and site features that contribute to the  
4076 character of the Historic District.

4077 (5) Storm water management features such as gutters and  
4078 downspouts as well as site topography and vegetation that  
4079 can improve the environmental sustainability of a site shall  
4080 be used to advantage.

4081 (6) The use of Water Wise Landscaping or permaculture  
4082 strategies for landscape design shall be considered in order  
4083 to maximize water efficiency. Where watering systems are  
4084 necessary, systems that minimize water loss such as drip  
4085 irrigation shall be used. These systems shall be designed to  
4086 minimize their appearance from areas viewable from the  
4087 primary public right-of-way.

4088 **d. Sidewalks, Plazas, and Other Street Improvements**

4089 (1) All Streetscape or character area elements should work  
4090 together to create a coherent visual identity and public  
4091 space. The visual cohesiveness and historic character of a  
4092 site shall be maintained through the use of complementary  
4093 materials.

4094 (2) Street furniture, trash receptacles, bike racks, planters and  
4095 other elements shall be simple in design and compatible with  
4096 the appearance and scale of adjacent buildings and public  
4097 spaces.

4098 (3) New plazas that are being considered shall be well planned  
4099 for intended uses, such as concerts or other events, and  
4100 shall be well designed for maintenance and durability.

4101 (4) Existing, alleys, staircases, and pedestrian tunnels shall be  
4102 maintained where feasible.

4103 **e. Parking Areas and Driveways**

4104 (1) Off-street parking areas shall be located within the rear yard  
4105 and beyond the rear wall plane of the primary structure.  
4106 Providing a driveway along the side yard of a site shall be  
4107 considered when feasible. When locating a parking area in  
4108 the rear yard is not physically possible, the off street parking  
4109 area and associated vehicles shall be visually buffered from  
4110 adjacent properties and the primary public right-of-way.

- 4111 (2) Parking areas and vehicular access shall be visually  
4112 subordinate to the character-defining Streetscape or  
4113 character area elements.
- 4114 (3) The visual impact of on-site parking shall be minimized by  
4115 incorporating landscape treatments for driveways, walkways,  
4116 paths, and structures in a comprehensive, complementary  
4117 and integrated design.
- 4118 (4) Landscaped separations shall be provided between parking  
4119 areas, drives, service areas, and public use areas like  
4120 walkways, plazas, and vehicular access points. When plant  
4121 materials are used for screening, they shall be designed to  
4122 function year-round.
- 4123 (5) When locating new off-street parking areas and driveways,  
4124 the existing topography of a building site and significant site  
4125 features shall be minimally impacted.
- 4126 (6) ~~[Ten foot (10') wide driveways are encouraged; however,]~~  
4127 ~~[a]n~~ew driveways shall not exceed ~~[ten 4210]~~ feet in width.  
4128 Shared driveways shall be used when feasible.
- 4129 (7) Textured and poured paving materials other than smooth  
4130 concrete shall be considered for driveways that are visible  
4131 from the primary public right-of-way. To manage storm water  
4132 permeable paving shall be used when appropriate;

4133 permeable paving may not be appropriate for all driveways  
4134 and parking areas.

4135 (8) Consider avoiding paving up to a building foundation in order  
4136 to reduce heat-island effect, building temperature increase,  
4137 damage to the foundation, and storm-water runoff problems.

4138 (9) On-site storage for snow from driveways shall be provided.

## 4139 2. Primary Structures

### 4140 a. Mass, Scale, and Height

4141 (1) Historic height, width, and depth proportions are important in  
4142 creating compatible infill and new design shall reflect the  
4143 historic mass and scale of commercial buildings in the  
4144 Historic District.

4145 (2) The size and mass of a new infill commercial building, in  
4146 relation to open spaces, shall be visually compatible with  
4147 adjacent historic buildings and historic structures in the  
4148 surrounding Historic District.

4149 (3) Buildings that utilize traditional commercial building forms—  
4150 false-front, one-part or two-part block, or central block with  
4151 wings—are encouraged.

4152 (4) Building features such as storefronts, upper story windows,  
4153 cornices, and balconies shall be aligned with similar historic  
4154 building features in the Historic District. Generally, these  
4155 elements should align in relation to the topography to allow

4156 these elements to —step up or —step down the Streetscape  
4157 or character area. The step effect is reinforced by a standard  
4158 first floor height—which shall be maintained—made evident  
4159 with the use of cornices, moldings and other façade  
4160 treatments.

4161 (5) Buildings constructed on sites greater than 25 feet wide shall  
4162 be designed so the facades visible from the primary public  
4163 right-of-way reinforce the rhythm along the street in terms of  
4164 historic building width, depth, and patterns within the façade.

4165 (6) Regardless of lot frontage, the primary façade shall be  
4166 compatible with the width of adjacent and neighboring  
4167 historic buildings. The width of a new building shall not  
4168 appear to be noticeably greater than historic buildings in the  
4169 Streetscape or character area. Modules on a primary façade  
4170 shall generally not exceed 25 to 50 feet in width, reflective of  
4171 historic commercial buildings in the Historic District.

4172 (7) A larger building shall be divided into modules that reflect the  
4173 mass, scale, proportions, and size of historic buildings within  
4174 the Streetscape or character area. Modules shall be clearly  
4175 expressed throughout the entire building and a single form  
4176 shall remain the dominant element so the overall mass does  
4177 not become too fragmented. To minimize the scale

4178 perceived from the primary public right-of-way, stepping  
4179 down the mass of a larger building shall be considered.

4180 (8) Larger-scaled projects shall also include variations in roof  
4181 height in order to break up the form, mass and scale of the  
4182 overall structure.

4183 (9) When the overall length of a new structure along the  
4184 streetfront is greater than that seen historically, the design  
4185 shall employ methods—changes in wall plane, roof heights,  
4186 use of modules, etc.--to diminish the visual impact of the  
4187 overall building mass, form and scale.

4188 (10) New buildings shall not be significantly taller or  
4189 shorter than adjacent historic buildings. The Primary façade  
4190 of the new building shall be limited to one to two stories in  
4191 height. Special consideration shall be given to the wall  
4192 heights of adjacent historic structures.

4193 (11) Primary facades shall be limited to one to two stories  
4194 in height. Special consideration shall be given to the wall  
4195 heights of neighboring and adjacent historic structures to  
4196 reinforce the pattern of wall heights of the Historic District.

4197 (12) Variation in building height may be considered  
4198 regarding topography. The facades of taller buildings shall  
4199 still express a human scale.

4200 (13) New construction on corner lots shall reinforce the  
4201 street wall, but where appropriate, may be designed to  
4202 define public plazas and public gathering places.

4203 **b. Foundation**

4204 (1) Foundation materials shall be simple in form and minimally  
4205 visible above grade when viewed from the primary public  
4206 right-of-way. Acceptable foundation materials may include  
4207 stone and concrete, wood lattice and vertical boards. A clear  
4208 distinction between foundation and wall material shall be  
4209 made. Clapboard siding shall not extend to the ground.

4210 (2) A site shall be returned to existing grade following  
4211 construction of a foundation. When existing grade cannot be  
4212 achieved, no more than eight inches (8") of the new  
4213 foundation shall be visible above final grade on the primary  
4214 façade. No more than two (2) feet of the new foundation  
4215 shall be visible above final grade on secondary and tertiary  
4216 facades.

4217 **c. Storefronts**

4218 (1) Street-facing primary façades of new commercial infill shall  
4219 be distinguished by well-defined storefront elements,  
4220 including storefront entryway, ample-sized windows, and  
4221 appropriate decorative elements. Storefronts on new infill

4222 shall have rhythm and pattern similar to that of the historic  
4223 Streetscape or character area.

4224 (2) Historic storefronts were built using standard dimensions for  
4225 kick plates or bulkheads and display windows so the first  
4226 story of historic commercial buildings have similar heights.  
4227 When storefronts are situated on steep-sloped Main Street,  
4228 the result is a stair-step effect.

4229 (3) This stair-step effect is an important visual pattern of the  
4230 Historic District and shall be repeated on new commercial  
4231 infill construction.

4232 (4) Recessed entries on new commercial facades fronting on  
4233 Main Street and in adjoining commercial areas are  
4234 encouraged.

4235 (5) Windows on new storefronts shall be used extensively and in  
4236 keeping with the architectural style of the historic structure.  
4237 Design and scale shall be maintained in the tradition of  
4238 historic storefronts with extensive street-level window area.

4239 (6) Generally, two-thirds (2/3) or more of storefront areas may  
4240 be glass. The solid-to-void ratio of a new storefront shall be  
4241 similar to that of the historic structure.

4242 **d. Awnings**

4243 (1) Awnings may be appropriate for use on the street level  
4244 façade. If used, they should be placed in locations

4245 historically used for awnings. Storefronts and upper façade  
4246 windows are both appropriate locations for new awnings.

4247 (2) Shed-type awnings are the most appropriate for use on both  
4248 street-level facades and upper facades. Alternative awning  
4249 forms may be considered if their use complements the  
4250 design of the building.

4251 (3) Awnings may contain graphics or signs, but shall not be  
4252 backlit. Spotlighting awnings from above shall be avoided.

4253 (4) Awnings shall not shed an excessive amount of rain or snow  
4254 onto a sidewalk or other pedestrian paths.

4255 **e. Doors**

4256 (1) The historic pattern of principal doorways along the street  
4257 shall be maintained. All buildings that face the street shall  
4258 have a well-defined primary entrance.

4259 (2) New doors shall be similar in location, size, and material to  
4260 those seen traditionally in the Historic District. Doors shall be  
4261 compatible with the style of both the new building and  
4262 historic buildings in the Main Street Historic District.

4263 (3) Doors shall be designed and finished with trim elements  
4264 similar to those used historically. Paneled doors, used singly  
4265 or in pairs, were typical and many had vertical panes of  
4266 glass as well as transom lights over the doors. Scalloped,

4267 Dutch, and Colonial doors are not appropriate on most  
4268 primary and secondary facades.

4269 f. **Windows**

4270 (1) Ratios of solid-to-void that are compatible with adjacent and  
4271 neighboring historic buildings shall be used. Window  
4272 openings shall be similar in location, size, and scale to those  
4273 found on historic commercial buildings. Except for  
4274 storefronts, large expanses of glazing are inappropriate.

4275 (2) Windows shall be proportional to the scale and style of the  
4276 building and shall be compatible with the historic commercial  
4277 buildings in the Historic Districts. Window types and glazing  
4278 patterns shall also be compatible with those seen on historic  
4279 commercial structures.

4280 (3) Upper story windows with vertical emphasis are encouraged.  
4281 The general rule is the window height shall be twice the  
4282 dimension of the width (commonly referred to as 2:1 ratio).  
4283 Double-hung, vertically proportioned windows similar to  
4284 those used historically are particularly encouraged. Windows  
4285 with traditional depth and trim are preferred.

4286 (4) The number of different window sizes and styles on a  
4287 building shall be limited.

4288 (5) Wood or metal windows similar to those used historically are  
4289 preferred, but aluminum-clad wood windows are also  
4290 appropriate. Vinyl and aluminum windows are inappropriate.

4291 (6) New glazing shall match the appearance of historic glazing  
4292 and/or shall be clear. Metallic, frosted, tinted, stained,  
4293 textured and reflective finishes are generally inappropriate  
4294 for glazing on the primary façade.

4295 (7) Window muntins shall be true divided lights or simulated  
4296 divided lights on both sides of the glass. Snap-in muntins are  
4297 inappropriate.

4298 **g. Roofs**

4299 (1) Roofs of new commercial infill buildings shall be visually  
4300 compatible with roof shapes and orientation of neighboring  
4301 and adjacent historic commercial **[buildings]** that contribute  
4302 to the character of the Historic Districts. Simple roof forms—  
4303 flat, gable, shed—are appropriate. Roofs composed of a  
4304 combination of roof planes, but simple in form, are also  
4305 encouraged.

4306 (2) Roof pitch shall be consistent with the style of architecture  
4307 chosen for the structure and with the **[the]** adjacent and  
4308 neighboring commercial buildings that contribute to the  
4309 character of the Historic Districts, with special consideration  
4310 given to Historic Sites.

- 4311 (3) The alignment that is created by similar heights of primary  
4312 roofs among historic buildings shall be maintained. The  
4313 similarity of heights in building features contributes to the  
4314 visual continuity along the Streetscape or character area.
- 4315 (4) Overhanging eaves, use of bargeboards, soffits, fascia  
4316 boards, and brackets that are consistent with the style of  
4317 architecture of the new building and that are compatible with  
4318 adjacent and neighboring commercial buildings shall be  
4319 incorporated.
- 4320 (5) Roofs shall be designed to minimize snow shedding onto  
4321 adjacent sites and/or pedestrian paths. Crickets, saddles, or  
4322 other snow-guard devices shall be placed so they do not  
4323 significantly alter the form of the roof as seen from the  
4324 primary public right-of-way.
- 4325 (6) New roof features, such as photovoltaic panels (solar  
4326 panels), skylights, ventilators, and mechanical or  
4327 communication equipment shall be visually minimized from  
4328 the primary public right-of-way so as not to compromise the  
4329 architectural character of the structure. Roof-mounted  
4330 features like photovoltaic panels (solar panels) and skylights  
4331 should be installed parallel to the roof plane when feasible.
- 4332 (7) Roof materials shall appear similar to those seen historically.  
4333 Asphalt shingles may be considered. Metal sheeting or

4334 standing seam metal roofs with a baked-on paint finish and  
4335 galvanized or rusted steel sheeting are generally  
4336 appropriate. Roof membranes shall generally not be white.  
4337 Roofs shall have matte finishes to minimize glare. Roof  
4338 colors shall be neutral and muted and materials shall not be  
4339 reflective.

4340 **h. Dormers**

4341 (1) If used, dormers shall be modest in size and fit the scale of  
4342 the commercial building and the roof form. The number and  
4343 size of dormers shall be limited on a roof, such that the  
4344 primary roof form remains prominent. Dormers shall be used  
4345 with restraint, in keeping with the simple character of  
4346 buildings in Park City.

4347 (2) Dormers shall be visually minimized from primary public  
4348 right-of-way. Gabled, hipped, or shed dormers are  
4349 appropriate for most structures and shall be in keeping with  
4350 the character and scale of the structure.

4351 (3) Dormers shall be setback from the main wall of the building.

4352 (4) A new dormer shall be lower than the primary ridge line of  
4353 the associated roof form and set in from the eave of the  
4354 building.

4355 **i. Balconies and Roof Decks**

4356 (1) New balconies and roof decks shall be visually subordinate  
4357 to the new building and shall be minimally visible from the  
4358 primary public right-of-way.

4359 (2) A new balcony shall be simple in design and compatible with  
4360 the character of the Historic Districts. Simple wood and  
4361 metal designs are appropriate for commercial structures.  
4362 Heavy timber and plastics are inappropriate materials.

4363 (3) A roof deck shall be visually minimized when viewed from  
4364 the primary public right-of-way. Consider minimalizing its  
4365 visual appearance by hiding rooftop decks behind parapets  
4366 and/or setting rooftop decks back from the primary façade.

4367 **j. Decks, Fire Escapes, and Exterior Staircases**

4368 (1) Decks, fire escapes, and exterior staircases shall be  
4369 constructed in inconspicuous areas where visually minimized  
4370 from the primary public right-of-way, usually on the tertiary  
4371 facade.

4372 (2) The visual impact of a deck, fire escape, or exterior staircase  
4373 shall be minimized by limiting its size and scale. Introducing  
4374 a deck, fire escape, or exterior staircase that visually  
4375 detracts from the architectural character of the building, or  
4376 substantially alters a site's proportion of built area to open  
4377 space is not appropriate.

4378 (3) Decks, fire escapes, and related exterior steps and railings  
4379 shall be constructed of materials and in styles that are  
4380 compatible with the existing building.

4381 (4) Decking materials such as fiber cement or plastic-wood  
4382 composite floor boards shall not be used unless they are  
4383 made of a minimum of 50% recycled and/or reclaimed  
4384 material.

4385 **k. Gutters and Downspouts**

4386 (1) Downspouts shall be located away from architectural  
4387 features and shall be visually minimized when viewed from  
4388 the primary public right-of-way.

4389 **l. Architectural Features**

4390 (1) Simple ornamental trim and decoration is in character with  
4391 historic architectural ornamentation and is encouraged.  
4392 Traditional locations for architectural ornamentation are  
4393 porches and eaves. Other details like eave depth, mullions,  
4394 corner boards, and brackets that lend character to historic  
4395 commercial buildings shall be considered.

4396 **3. Mechanical Systems, Utility Systems, and Service Equipment**

4397 a. Mechanical and/or utility equipment, including heating and air  
4398 conditioning units, meters, and exposed pipes, shall be located on  
4399 the back of the building, roof, or another inconspicuous location. If  
4400 equipment is located on a secondary façade it should be placed

- 4401 behind the midpoint or in a location that is not visible from the  
4402 primary public right-of-way.
- 4403 b. Ground-level equipment shall be screened from view using  
4404 landscape elements such as fences, low stone walls, or perennial  
4405 plant materials.
- 4406 c. Low-profile rooftop mechanical units and elevator penthouses that  
4407 are not visible from the primary public right-of-way shall be used.  
4408 When this is not possible, rooftop equipment shall be set back or  
4409 screened from all views. Placement of rooftop equipment shall be  
4410 sensitive to views from upper floors of neighboring buildings.
- 4411 d. New communications equipment such as satellite dishes or  
4412 antennae shall be visually minimized when viewed from the primary  
4413 public right-of-way.
- 4414 e. Service equipment and trash containers shall be screened. Solid  
4415 wood or masonry partitions or hedges shall be used to enclose  
4416 trash areas.
- 4417 f. Loading docks shall be located and designed in order to minimize  
4418 their visual impact.

4419 **4. Materials**

- 4420 a. Building materials shall be compatible in scale, proportion, texture,  
4421 finish and color to materials used on Historic Structures in the Main  
4422 Street Historic District. The dimensions of masonry units, wood

4423 siding, and other building materials shall be similar to those used  
4424 historically.

4425 b. The primary siding material for new buildings shall appear similar to  
4426 those on historic commercial structures in the Historic Districts.

4427 Historically, the most common material on primary structures was  
4428 painted horizontal lap siding with a reveal between 6 to 8 inches.

4429 Secondary structures such as barns and sheds typically had siding  
4430 of unpainted wood (horizontal lap or vertical board and batten) or  
4431 corrugated metal panels.

4432 c. Building materials shall be applied in the manner to that used  
4433 historically. Typically, a hierarchy of building materials should be  
4434 used, with heavier, more durable materials for foundations and  
4435 more refined materials above foundations. Building materials,  
4436 especially masonry, shall be used in the manner they were used  
4437 historically.

4438 d. Synthetic materials such as fiber cement or plastic-wood composite  
4439 siding, shingles, and trim shall not be used unless the materials are  
4440 made of a minimum of 50% recycled and/or reclaimed materials  
4441 and the applicant can demonstrate that use of the materials will not  
4442 diminish the historic character of the Streetscape or character area  
4443 by providing a sample of the material to the Planning Department  
4444 for approval. Vinyl and aluminum siding are not appropriate in the  
4445 Historic District.

4446 e. If synthetic materials are proposed, the synthetic material shall  
4447 have a similar appearance and profile to historic siding and trim  
4448 materials. Synthetic materials shall be applied as traditional  
4449 materials were historically; introducing artificial patterns is not  
4450 appropriate.

4451 **5. Paint and Color**

4452 a. Paint color is not regulated by the ~~[Design Guidelines]~~ Regulations.

4453 b. Original material such as brick and stone that ~~are~~ was historically  
4454 left unpainted shall not be painted. Materials, such as wood, that  
4455 are traditionally painted shall have an opaque rather than  
4456 transparent finish.

4457 c. Rustic unfinished wood siding is generally not appropriate on  
4458 commercial buildings, but may be appropriate on accessory  
4459 structures or additions to non-historic buildings. A transparent or  
4460 translucent weather-protective finish shall be applied to wood  
4461 surfaces that were not historically painted.

4462 d. Low-VOC (volatile organic compound) paints and finishes should  
4463 be used when possible.

4464 **6. Additions to Existing Non-Historic Structures**

4465 a. An addition shall complement the visual and physical qualities of  
4466 the existing structure.

4467 b. An addition shall be visually subordinate to the existing building and  
4468 shall be compatible with the scale of the historic buildings in the

4469 Streetscape or character area. When the combined effects of the  
4470 addition's footprint, height, mass, and scale are such that the  
4471 overall size of the addition is larger than the existing structure, the  
4472 volume of the addition shall be broken into modules that reflect the  
4473 scale of those components seen on the existing structure. Multiple  
4474 modules are encouraged to add articulation and architectural  
4475 interest.

4476 c. Components and materials used on additions shall be similar in  
4477 scale and size to those found on the existing structure.

4478 d. Windows, doors, and other features on a new addition shall be  
4479 designed to be compatible with the existing building as well as  
4480 adjacent and neighboring historic sites. Windows, doors, and other  
4481 openings shall be of sizes and proportions similar to those found on  
4482 the building as well as those found on historic structures in the  
4483 Historic District. When using new window patterns and designs,  
4484 those elements shall respect the typical historic character and  
4485 proportions of windows on adjacent and neighboring historic  
4486 structures. Also, the solid-to-void relationships and detailing of an  
4487 addition shall be compatible with the existing structure and with  
4488 historic buildings in the Historic District.

4489 **7. Reconstruction of Non-Surviving Structures**

- 4490 a. Reconstruction of a documented but non-surviving historic structure  
4491 that existed in Park City is allowed when no existing building in  
4492 Park City with the same historical significance has survived.
- 4493 b. Reconstruction may be allowed when documentary and physical  
4494 evidence is available to facilitate an accurate reconstruction.
- 4495 c. Reconstruction shall not be based on conjectural designs or on a  
4496 combination of different features from other historic buildings.
- 4497 d. Reconstruction shall include recreating the documented design of  
4498 exterior features such as the roof shape, architectural detailing,  
4499 windows, entrances and porches, steps and doors, and their  
4500 historic spatial relationships.
- 4501 e. A reconstructed building shall accurately duplicate the appearance  
4502 of the non-surviving historic property in materials, design, color, and  
4503 texture.
- 4504 f. A reconstructed building shall duplicate not only the building, but  
4505 also the setting, placement, and orientation of the non-surviving  
4506 structure.
- 4507 g. A reconstruction shall re-establish the historic relationship between  
4508 the building or buildings and historic site features.
- 4509 h. A building may not be reconstructed on a location other than its  
4510 original site.

4511 **8. ADA in New Residential and Commercial Infill Buildings**

4512 a. The Americans with Disabilities Act requires places of public  
4513 accommodation to provide access to their services and programs.  
4514 In the case of historic buildings, the goal is to achieve the highest  
4515 level of accessibility with the lowest impact on the historic structure.

4516 (1) Whenever possible, the appearance of accessibility ramps or  
4517 elevators shall not significantly detract from the historic  
4518 character of the Historic District. New or additional means of  
4519 access shall be compatible with the new building and its  
4520 setting.

4521 (2) Ramps or other accessibility-related installations shall be  
4522 simple in design and as unobtrusive as possible. They shall  
4523 be constructed of concrete or wood and painted in colors  
4524 similar to that of the new building.

## 4525 9. Exterior Lighting

4526 a. Exterior light fixtures shall be compatible with the building's style,  
4527 period and materials, but shall also be down-directed and shielded.

4528 b. Exterior lighting schemes ~~{should}~~ shall compliment the overall  
4529 building and site design.

4530 c. Indirect lighting shall be used to identify entrances and to illuminate  
4531 signs.

4532 d. Warm tones in energy efficient lighting shall be used as a  
4533 proliferation of cool tones could alter the Streetscape or character  
4534 area.

4535

e. Security lighting shall be shielded from adjacent uses so as to

4536

prevent off-site glare.

# Planning Commission Staff Report



**Subject:** 8200 Royal Street Units 11 & 12  
**Application:** PL-23-05930  
**Author:** Connor Dahlquist, Planning Technician  
Alexandra Ananth, Senior Planner  
**Date:** December 13, 2023  
**Type of Item:** Condominium Plat Amendment

## Recommendation

(1) Review the Condominium Plat Amendment: Stag Lodge Phase 1 Fifth Amendment Amending Units 11 and 12, to combine the two units into one unit; (2) hold a public hearing; and (3) consider approving the proposed Plat Amendment subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Final Action Letter (Exhibit A).

## Description

**Applicant:** Tom Hopkins represented by Alliance Engineering, Inc.  
**Location:** 8200 Royal Street, Stag Lodge Condominiums, Units 11 & 12  
**Zoning District:** Residential Development, Deer Valley Master Planned Development, Sensitive Land Overlay  
**Adjacent Land Uses:** Residential, Resort, Open Space  
**Reason for Review:** The Planning Commission reviews and takes Final Action on Plat Amendments<sup>1</sup>

## Acronyms

LMC Land Management Code  
MPD Master Planned Development  
RD Residential Development  
SLO Sensitive Land Overlay

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

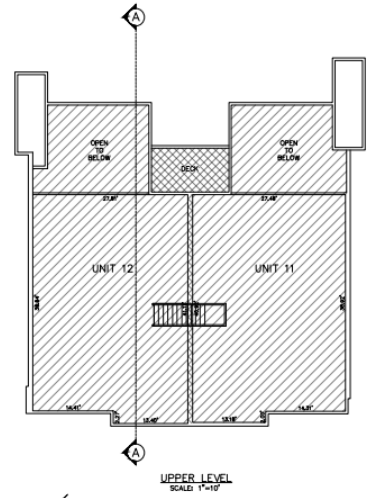
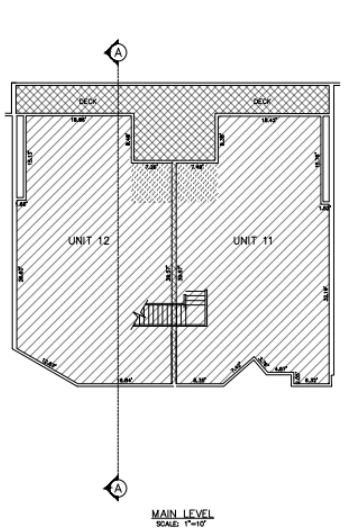
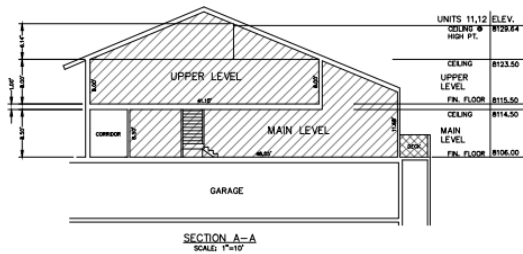
## Summary

The Applicant is proposing a Condominium Plat Amendment to enclose the entrance of Stag Lodge Phase 1 Unit 12 to increase the square footage by 16.5 square feet and to combine Unit 11 (2,272 sq ft) and Unit 12 (2,283 sq ft) into one unit (4,555 sq ft) by changing the space between the two Units from Common Area to Limited Common Area. No exterior changes are proposed to the building.

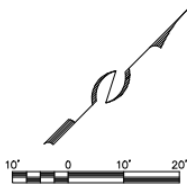
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<sup>1</sup> LMC [§15-1-8\(H\)](#)





OWNERSHIP DESIGNATIONS			
	"PRIVATE OWNERSHIP AREA A"		COMMON OWNERSHIP
	"PRIVATE OWNERSHIP AREA B"		LIMITED COMMON OWNERSHIP



UNIT AREA TABLE	
UNIT	AREA (SQ. FT.)
11	2,272
12	2,283
TOTAL	4,555

*Proposed platted plan for Units 11 & 12*

**Background**

The property is located at 8200 Royal Street in the Residential Development Zoning District as part of the Deer Valley Master Planned Development.

Stag Lodge Phase 1 was originally recorded March 4, 1985, as Summit County Recorder Entry No. 321328, and includes 24 units in the Silver Lake area of Deer Valley. The Phase 1 Plat has been amended four times:

- First Amendment Unit 13, Ordinance No. [1998-41](#) (beginning on page 46), to enclose a deck as private floor area and to construct a new deck as Limited Common Area.
- Second Amendment Units 3, 4, 25 and 26, Ordinance No. [2004-29](#) (beginning on page 193), to combine Units 3 and 4, and to combine Units 25 and 26.
- Third Amendment Unit 10, Ordinance No. [2017-01](#), to extend a deck.
- Fourth Amendment Unit 7, Ordinance No. [2022-31](#), and 50, Ordinance No. [2022-32](#), to increase private ownership square footage for both units.

The property is subject to the [12<sup>th</sup> Amended Deer Valley Master Plan Development](#) as a

part of the Stag Lodge Condominium. The Stag Lodge Condominium is limited to a maximum of 52 units with no unit size restrictions but must continue to meet a minimum Open Space requirement of 60%. The proposed amendments do not change the footprint of the building.

**Analysis**

**(I) The proposal complies with the Residential Development Zoning District Requirements outlined in LMC Chapter§ [15-2.13](#) and the [Deer Valley Master Planned Development](#).**

The applicant is proposing to expand their units by converting common area to limited common area and combining the two units. The City Council approved similar combinations of Units 3 and 4 (Summit County Entry No. 737280) and Units 25 and 26 (Summit County Entry No. 737280) in 2004 through Ordinance [No. 2004-29](#). Proposed changes to Units 11 and 12 are internal and do not alter the footprint of the building or Open Space of the Lot.

LMC § [15-2.13-3](#) outlines Lot and Site requirements for the Residential Development Zoning District:

Requirement	Analysis of Proposal
Setbacks	No changes
Building Height	No changes

The Stag Lodge Condominiums are within the Sensitive Land Overlay (SLO). The Deer Valley MPD notes the following:

E. **Applicability of Sensitive Area Overlay Zone**. For projects within the Deer Valley Large Scale Master Planned Development, the density limitations of the Sensitive Area Overlay Zone do not apply because Master Planned Developments approved prior to the adoption of the Sensitive Area Overlay Zone are vested in terms of density. Site planning standards can be applied only to the extent that they do not unequivocally reduce vested density. Limits of disturbance, vegetation protection, and building design standards do apply.

While there are elements of the SLO that apply to properties within the Deer Valley MPD, including limits of disturbance, vegetation protection, and building design standards, no exterior changes are proposed therefore there is no change in Open Space.

Master Planned Development Open Space Requirements	
60%	No change

The proposed combination of Unit 11 and Unit 12 will equal 4,555 sq. ft. and is compliant with the required parking ratio for Multi-Dwelling Units greater than 2,000 sq. ft. as outlined in LMC Section [15-3-6](#). The proposed combination will include 2 parking spaces total.

<b>Residential Parking Ratio Requirements for Multi-Unit Dwellings</b>	<b>Parking Ratio</b>
Parking - Floor Area greater than 2,000 sq. ft. require 2 parking stalls per Dwelling Unit	Complies – 2 stalls

**(II) The proposed Condominium Plat Amendment complies with the Land Management Code requirements to combine Units.**

Subject to LMC [15-7.1-6 \(G\)](#) “Combination of adjoining Condominium Units with a Condominium Plat”, the applicant is combining Unit 11 & Unit 12 by removing portions of wall platted as Limited Common between the two units.

**COMBINATION OF ADJOINING CONDOMINIUM UNITS WITH A CONDOMINIUM PLAT.**

1. Subject to the condominium declaration, a unit owner after acquiring an adjoining unit that shares a common wall with the unit owner’s unit and after recording an amended condominium record of survey plat in accordance with this Title, a unit owner may:
  - a) remove or alter a partition between the unit owner’s unit and the acquired unit, even if the partition is entirely or partly common areas and facilities; or
  - b) create an aperture to the adjoining unit or portion of a unit.
  
2. A unit owner may not take this action if such action would:
  - a) impair the structural integrity or mechanical systems of the building or either unit;
  - b) 2. reduce the support of any portion of the common areas and facilities or another unit;
  - c) 3. constitute a violation of Utah Code Section 10-9a-608, as amended, or violate any section of this code of the IBC.
  
3. Approval of a condominium plat amendment to combine units does not change an assessment or voting right attributable to the unit owner’s unit or the acquired unit, unless the declaration provides otherwise.

The Building Department reviewed the proposed Plat Amendment and has no concerns at the present time and will review plans again prior to the issuance of any building permits.

**(III) Staff Recommends Conditions of Approval to comply with the Residential Development Zoning District Requirements, the Deer Valley MPD, and the Stag Lodge Condominium Plats as amended.**

Staff recommends Condition of Approval #3, “All conditions of approval of the Stag Lodge Condominium Plats as amended, and the Deer Valley MPD as amended, shall continue to apply.”

**(IV) There is Good Cause for the proposed Condominium Plat Amendments.**

The Planning Commission shall make a finding as to Good Cause prior to approving a Plat Amendment.<sup>2</sup> Land Management Code [§ 15-15-1](#) defines *Good Cause* as “[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include things such 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 Park City and furthering the health, safety, and welfare of the Park City community.”

Staff finds Good Cause for the proposed Condominium Plat Amendment to combine Units 11 and 12 as the changes do not change the footprint of the buildings, will have no negative impacts to the public, do not create any non-conformities, and is consistent with previously approved Plat Amendments for the Stag Lodge Condominiums.

**(V) The Development Review Committee does not require Conditions of Approval.<sup>3</sup>**

The combination of Units 11 and 12 of Stag Lodge was reviewed by the Development Review Committee on November 7, 2023. No additional Conditions of Approval are required.

**Department Review**

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

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<sup>2</sup> LMC [§ 15-7.1-6\(C\)](#)

<sup>3</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).

### **Notice**

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on November 29, 2023. Staff mailed courtesy notice to property owners within 300 feet on November 29, 2023. The *Park Record* published courtesy notice on November 29, 2013.<sup>4</sup>

### **Public Input**

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

### **Alternatives**

- The Planning Commission may approve the Condominium Plat Amendment to combine Units 11 & 12;
- The Planning Commission may deny the Condominium Plat Amendment and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to January 10, 2024.

### **Exhibits**

Exhibit A: Draft Final Action Letter

Exhibit B: Condominium Plat

Exhibit C: HOA Approval

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<sup>4</sup> LMC [§ 15-1-21](#)



**Planning Department**

December 13, 2023

Tom Hopkins  
1061 Via Chaparral  
Santa Barbara, CA 93105  
(805) 698-6505

**Re: Final Action Letter – Stag Lodge Phase 1 Fifth Amended Condominium Plat Amending Units 11 & 12**

**Description**

Address: 8200 Royal Street Stag Lodge Units 11 & 12  
Park City, UT 84060  
Zoning District: Residential Development (RD)  
Application: Condominium Plat Amendment  
Project Number: PL-23-05930  
Action: APPROVED WITH CONDITIONS (See Below)  
Date of Final Action: December 13, 2023  
Project Summary: Condominium Plat Amendment to combine Stag Lodge Phase 1 Unit 11 & Unit 12 into one 4,555 sq. ft. Unit

**Action Taken**

On December 13, 2023, the Planning Commission conducted a public hearing and approved the Condominium Plat Amendment according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

**Findings of Fact**

1. The property is located at 8200 Royal Street.
2. The site consists of Units 11 & 12 of the Stag Lodge Phase I Condominium development.
3. The property is in the Residential Development (RD) District.
4. The property is within the 12<sup>th</sup> Amended Deer Valley Master Planned Development.
5. On November 29, 2023, the property was posted and notice was mailed to property owners within 300 feet.



## Planning Department

6. On November 29, 2023, Legal notice was published in the Park Record.
7. The City received a complete Plat Amendment application for the Stag Lodge Phase 1 Amended Plat, Amending Units 11 & 12 on November 16, 2023.
8. The proposed changes include combining Units 11 (2,272 sq. ft.) & 12 (2,283 sq. ft.) to make one 4,555 sq. ft. Unit by converting the Common Area wall between the two units to Limited Common area.
9. The hallway entrance at Unit 12 will be enclosed, increasing the square footage by 16.5 square feet.
10. The Stag Lodge Condominium development is limited to 52 Units with no Unit size restrictions.
11. The proposed amendment does not increase the number of Units.
12. No exterior changes are proposed.
13. The footprint of the structure will not change.
14. The proposed amendment does not alter the Open Space.
15. The proposed amendment is compliant with parking requirements, two spaces total.
16. The Applicant provided evidence of HOA approval for the Condominium Plat Amendment.

### Conclusions of Law

1. There is good cause for the Condominium Plat Amendment to combine Units 11 & 12.
2. The Plat Amendment is consistent with the Park City Management Code and applicable State Law regarding Condominium Plat Amendments.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the Conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

### Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
2. The Applicant will record the plat at the County within one year from the date of Planning Commission approval. If recordation has not occurred within one (1) years time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the Director of Planning.



**Planning Department**

3. All Conditions of Approval of the Stag Lodge Condominium plats as amended, and the Deer Valley MPD as amended, shall continue to apply.

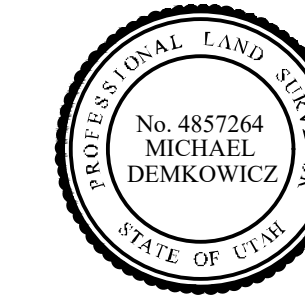
If you have questions or concerns regarding this Final Action Letter, please email [connor.dahlquist@parkcity.org](mailto:connor.dahlquist@parkcity.org).

Sincerely,

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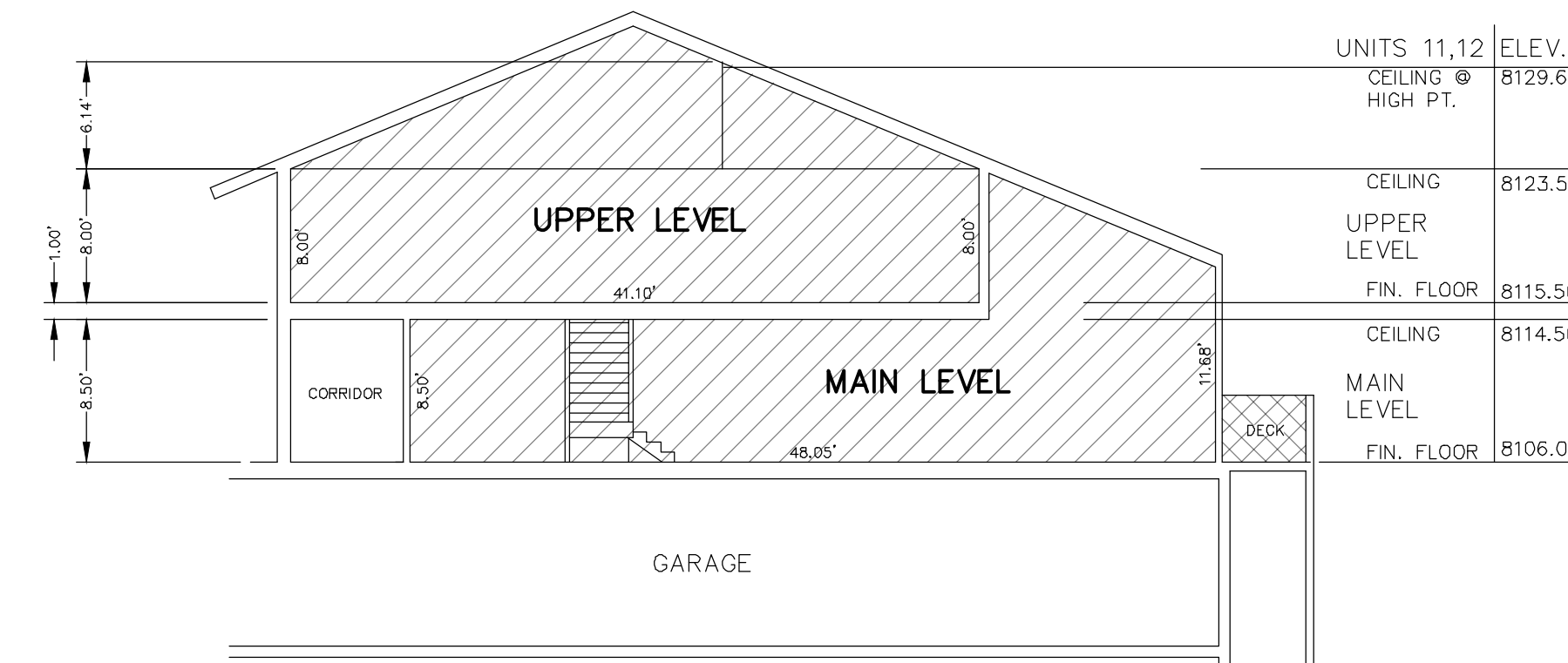
Sarah Hall  
Planning Commission Chair

Exhibit A: Condominium Plat

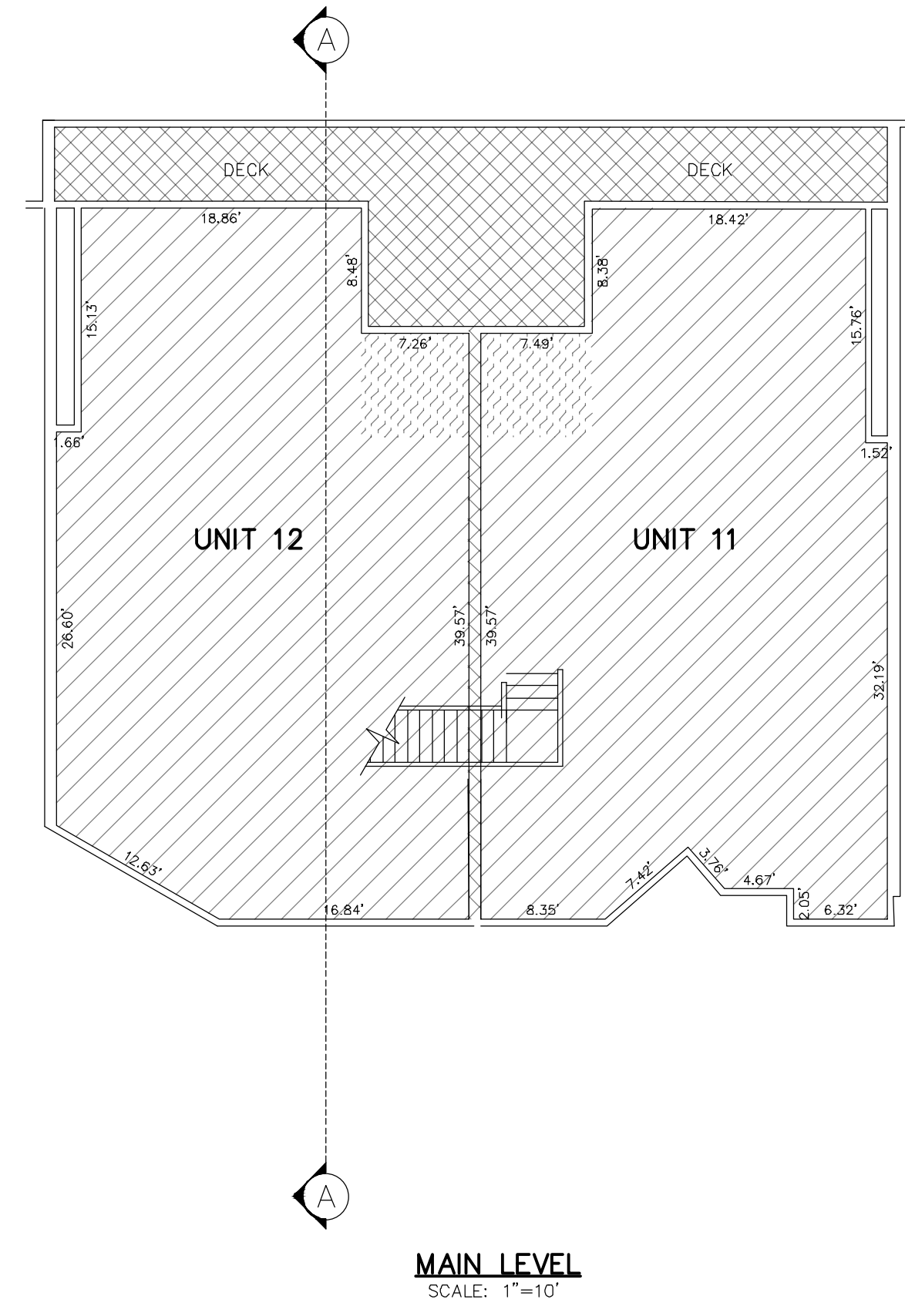


**SURVEYOR'S CERTIFICATE**

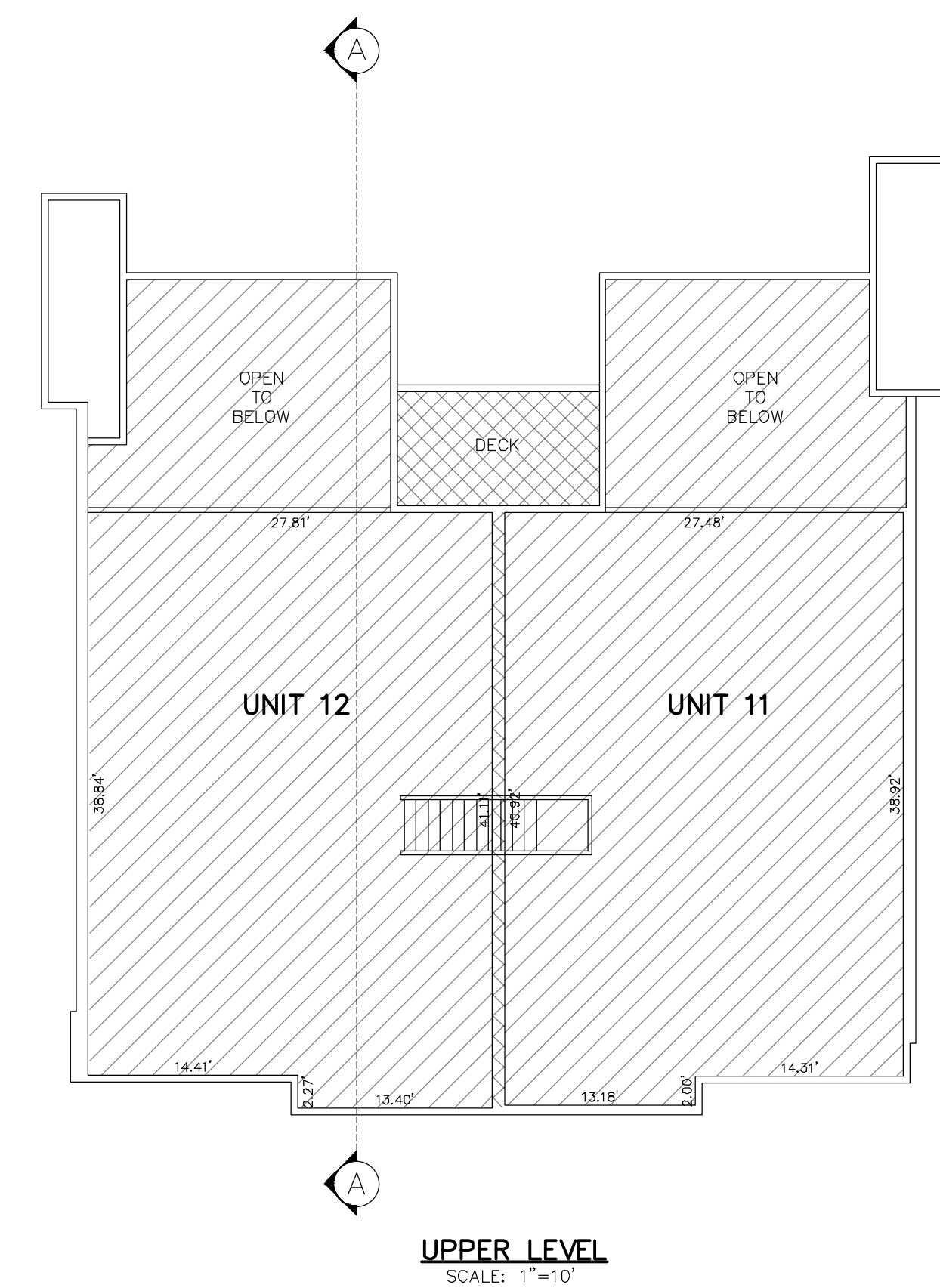
I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed by the laws of the State of Utah. I further certify that by authority of the owners I have made a survey of Units 11 and 12, and have amended said Units as shown hereon, in accordance with the provisions of the Utah Condominium Ownership Act, hereafter to be known as STAG LODGE PHASE I FIFTH AMENDED AMENDING UNITS 11 & 12.



**SECTION A-A**  
SCALE: 1"=10'



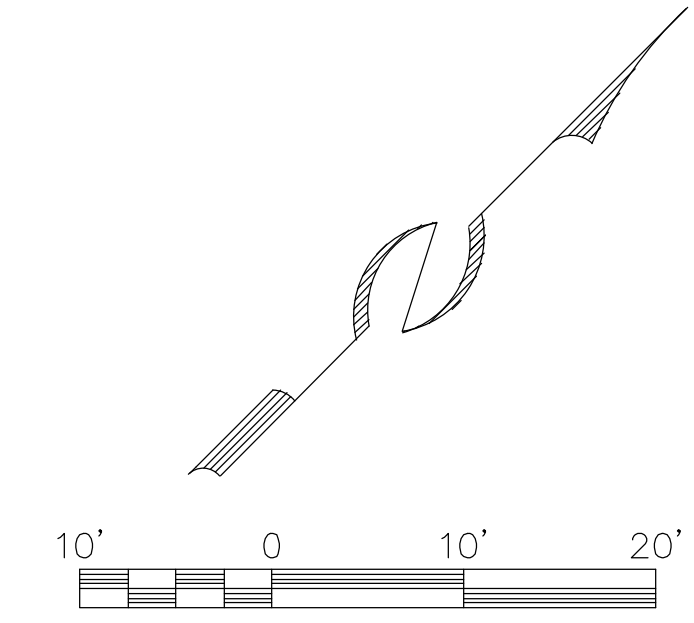
**MAIN LEVEL**  
SCALE: 1"=10'



**UPPER LEVEL**  
SCALE: 1"=10'

**OWNERSHIP DESIGNATIONS**

	"PRIVATE OWNERSHIP AREA A"		COMMON OWNERSHIP
	"PRIVATE OWNERSHIP AREA B"		LIMITED COMMON OWNERSHIP



**UNIT AREA TABLE**

UNIT	AREA (SQ FT)
11	2,272
12	2,283
<b>TOTAL</b>	<b>4,555</b>

**PARCEL 1**

UNITS 11 AND 12, STAG LODGE CONDOMINIUMS, a Utah expandable condominium project, together with an undivided appurtenant ownership interest in and to the common areas and facilities of the project as the same are identified and established in the Record of Survey Map recorded March 4, 1985, as Entry No. 231328 and the Declaration of Condominium for Stag Lodge recorded June 1, 1988, as Entry No. 290987 in Book 479 at Page 216, the Record of Survey Map for Stag Lodge Phase II recorded January 17, 1989, as Entry No. 303348 and the Second Amendment to Declaration of Condominium for Stag Lodge recorded January 17, 1989, as Entry No. 303348 in Book 508 at Page 636 of the official records, and the Record of Survey Map of Stag Lodge Phase III, recorded March 1, 1990 as Entry No. 321286 and the Third Amendment to Condominium Declaration for Stag Lodge recorded March 1, 1990 as Entry No. 321287 in Book 556 at Page 536 and the Amended Record of Survey Map Stag Lodge Phase III, recorded December 3, 1990 as Entry No. 333684 and the Fourth Amendment to Condominium Declaration for Stag Lodge recorded December 3, 1990 as Entry No. 333685 in Book 589 at Page 188 and the Second Amendment Sheet 2 of 4 Record of Survey Map recorded January 6, 1992 as Entry No. 352470 and the Fifth Amendment to Declaration of Condominium for Stag Lodge recorded January 6, 1992 as Entry No. 352471 in Book 640 at Page 765 and the Record of Survey Map for Stag Lodge Phase IV recorded July 30, 1992 as Entry No. 363084 and the Sixth Amendment and Supplemental Declaration of Condominium for Stag Lodge recorded July 30, 1992 as Entry No. 363084 in Book 675 at Page 214 and the First Amended Sheet 2 of 6 Record of Survey Map recorded January 17, 2003, as Entry No. 645059 and the Amendment to Declaration of Condominium for Stag Lodge recorded January 17, 2003 as Entry No. 645062 in Book 1504 at Page 1845, and the Second Amended Pages 2, 4 and 5 Record of Survey Map recorded May 25, 2005, as Entry No. 737279, and the Stag Lodge Common Area Record of Survey Map recorded March 21, 2008, as Entry No. 840403, of the official records in the Office of the Summit County Recorder.

**PARCEL 2**

Together with a 25 foot wide private roadway and non-exclusive public utility easement as set forth on said Record of Survey Map for Stag Lodge Phase II recorded January 17, 1989, as Entry No. 303348 and the Record of Survey Map for Stag Lodge Phase III recorded March 1, 1990 as Entry No. 321286.

**LEGAL DESCRIPTION**

**ASSOCIATION CONSENT TO RECORD**

KNOW ALL BY THESE PRESENTS that the undersigned, on behalf of Stag Lodge Owners Association, a Utah nonprofit corporation, having complied with the requirements of both Statutes and the Recorded Declaration hereby consents to the recording of this Condominium Plat Amendment.

Stag Lodge Owners Association, a Utah nonprofit corporation  
By: C. Thomas Hopkins, President

**ACKNOWLEDGMENT**

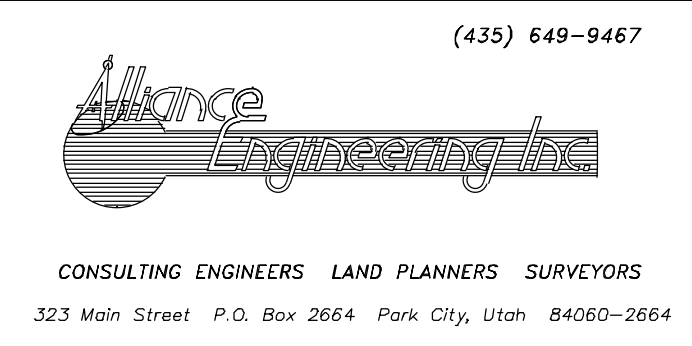
State of \_\_\_\_\_ :ss  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, C. Thomas Hopkins personally appeared before me, the undersigned Notary Public, in and for said County and State, being duly sworn, acknowledged to me that he is the president of the Stag Lodge Owners Association, a Utah nonprofit corporation, and that he signed the above Consent to Record for, on, and in behalf of all of the unit owners at the Stag Lodge condominium project acting as a group (under the name of the Stag Lodge Owners Association, a Utah nonprofit corporation) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for Stag Lodge Condominium.

A Notary Public Commissioned in \_\_\_\_\_  
Printed Name \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_

**NOTES**

- This plat amendment is subject to the Conditions of Approval in Ordinance 2024-\_\_\_\_\_.
- This Fifth Amended Record of Survey Map is an Amendment of Page 2 of 6 of Second Amended Stag Lodge Phase I, recorded May 25, 2005, as Entry No. 737279 in the Summit County Recorder's Office and an Amendment of pages 2 and 3 of First Amended Stag Lodge Phase I, recorded January 17, 2003, as Entry No. 645059 in the Summit County Recorder's Office. Page 1 of Stag Lodge Phase I as recorded March 4, 1985, as Entry No. 231328, and pages 4, 5, and 6 as recorded January 17, 2003, as Entry No. 645059, shall remain intact.
- See Amendment to Declaration of Condominium for Stag Lodge, Entry No. 645062, Book 1504, Page 1845-1852, filed January 17, 2003. This Amended Record of Survey Map has been prepared in connection with said Amended Declaration which provides for, but not limited to, the following:  
"Private Ownership Area A" means and refers to all of the previously existing privately owned property as shown on the original Map or Maps, property privately owned prior to the Private Ownership Area B Effective Date.  
"Private Ownership Area B" means and refers to the property changed from Common Area or Limited Common Area to private ownership which, hereafter, shall for all purposes be considered part of each Unit, as shown on this Amended Map, including by way of illustration but not limitation private ownership, taxes, assessments, insurance, liability, maintenance, repair and replacement. Private Ownership Area B cannot be used to create a lockout unit or additional bedrooms.
- The dimensions of the private spaces and square footage calculations are based on the Record of Survey Map of Stag Lodge Phase I Condominium (see Note 2), and on measurements in the field. Minor variations may occur. It is the intent that the private ownership area of the units will be as constructed.
- All other conditions of approval of the Stag Lodge Condominium record of survey plats as amended and the Deer Valley MPD shall continue to apply.
- This Plat Amendment combines Unit 11 & Unit 12 into one dwelling as shown on Page 2 of 6 and Page 3 of 6 Stag Lodge Phase I, First Amended, recorded January 17, 2003, as Entry No. 645059.
- All conditions of approval of Stag Lodge Phase I, Second Amended, recorded May 25, 2005, as Entry No. 737279 shall continue to apply and remain in full force and effect.
- Units 11 & 12 are a combined unit of single ownership. Pursuant to a provision contained in the Declaration of Condominium, Entry No. 231239, recorded March 4, 1985, paragraph 3.03, Right to Combine Units, the wall separation between Units 11 & 12 may for as long as the two Units are utilized as one Unit, be utilized as a Limited Common Area as shown hereon.



# STAG LODGE PHASE I FIFTH AMENDED AMENDING UNITS 11 & 12

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 22 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

<b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b> REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2024 BY _____	<b>PLANNING COMMISSION</b> RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2024 BY _____ CHAIR	<b>ENGINEER'S CERTIFICATE</b> I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2024 BY _____ PARK CITY ENGINEER	<b>APPROVAL AS TO FORM</b> APPROVED AS TO FORM THIS _____ DAY OF _____, 2024 BY _____ PARK CITY ATTORNEY	<b>COUNCIL APPROVAL AND ACCEPTANCE</b> APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2024 BY _____ MAYOR	<b>CERTIFICATE OF ATTEST</b> I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2024 BY _____ PARK CITY RECORDER	<b>PUBLIC SAFETY ANSWERING POINT APPROVAL</b> APPROVED THIS _____ DAY OF _____, 2024 BY _____ SUMMIT COUNTY GIS COORDINATOR	<b>RECORDED</b> STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____
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OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that, C. Thomas Hopkins and Sandy Michi Kaneoka, Trustees of the Hopkins-Kaneoka Family Trust, U/D/T 07-02-2002, as to Unit 11, hereby certify that they have caused this plot amendment to be made, to be hereafter known as STAG LODGE PHASE I FIFTH AMENDED AMENDING UNITS 11 & 12.

In witness whereof, the undersigned set his hand this \_\_\_\_ day of \_\_\_\_\_, 2024.

Hopkins-Kaneoka Family Trust, U/D/T 07-02-2002

By: \_\_\_\_\_ C. Thomas Hopkins, Trustee

In witness whereof, the undersigned set her hand this \_\_\_\_ day of \_\_\_\_\_, 2024.

Hopkins-Kaneoka Family Trust, U/D/T 07-02-2002

By: \_\_\_\_\_ Sandy Michi Kaneoka, Trustee

ACKNOWLEDGMENT

State of \_\_\_\_\_ ) : ss. County of \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2024, C. Thomas Hopkins personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is a Trustee of the Hopkins-Kaneoka Family Trust, U/D/T 07-02-2002, and that said document was signed by him on behalf of said Trust by authority of the Trust, and he acknowledged to me that he executed STAG LODGE PHASE I FIFTH AMENDED AMENDING UNITS 11 & 12.

A Notary Public commissioned in \_\_\_\_\_

Printed Name \_\_\_\_\_

Residing in: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Commission No: \_\_\_\_\_

ACKNOWLEDGMENT

State of \_\_\_\_\_ ) : ss. County of \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2024, Sandy Michi Kaneoka personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that she is a Trustee of the Hopkins-Kaneoka Family Trust, U/D/T 07-02-2002, and that said document was signed by her on behalf of said Trust by authority of the Trust, and she acknowledged to me that she executed STAG LODGE PHASE I FIFTH AMENDED AMENDING UNITS 11 & 12.

A Notary Public commissioned in \_\_\_\_\_

Printed Name \_\_\_\_\_

Residing in: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Commission No: \_\_\_\_\_

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that, C. Thomas Hopkins and Sandy Michi Kaneoka, Trustees of the Hopkins-Kaneoka Family Trust dated July 2, 2002, as to Unit 12, hereby certify that they have caused this plot amendment to be made, to be hereafter known as STAG LODGE PHASE I FIFTH AMENDED AMENDING UNITS 11 & 12.

In witness whereof, the undersigned set his hand this \_\_\_\_ day of \_\_\_\_\_, 2024.

Hopkins-Kaneoka Family Trust dated July 2, 2002

By: \_\_\_\_\_ C. Thomas Hopkins, Trustee

In witness whereof, the undersigned set her hand this \_\_\_\_ day of \_\_\_\_\_, 2024.

Hopkins-Kaneoka Family Trust dated July 2, 2002

By: \_\_\_\_\_ Sandy Michi Kaneoka, Trustee

ACKNOWLEDGMENT

State of \_\_\_\_\_ ) : ss. County of \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2024, C. Thomas Hopkins personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is a Trustee of the Hopkins-Kaneoka Family Trust dated July 2, 2002, and that said document was signed by him on behalf of said Trust by authority of the Trust, and he acknowledged to me that he executed STAG LODGE PHASE I FIFTH AMENDED AMENDING UNITS 11 & 12.

A Notary Public commissioned in \_\_\_\_\_

Printed Name \_\_\_\_\_

Residing in: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Commission No: \_\_\_\_\_

ACKNOWLEDGMENT

State of \_\_\_\_\_ ) : ss. County of \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2024, Sandy Michi Kaneoka personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that she is a Trustee of the Hopkins-Kaneoka Family Trust dated July 2, 2002 and that said document was signed by her on behalf of said Trust by authority of the Trust, and she acknowledged to me that she executed STAG LODGE PHASE I FIFTH AMENDED AMENDING UNITS 11 & 12.

A Notary Public commissioned in \_\_\_\_\_

Printed Name \_\_\_\_\_

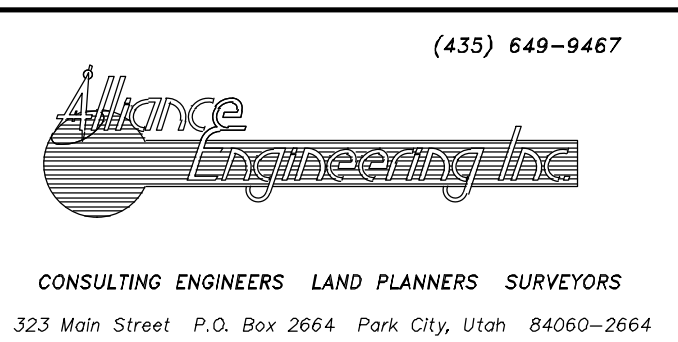
Residing in: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Commission No: \_\_\_\_\_

STAG LODGE PHASE I FIFTH AMENDED AMENDING UNITS 11 & 12

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 22 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF FEE RECORDER TIME DATE ENTRY NO.

October 4, 2023

Sent via Email Only:

Tom Hopkins & Sandy Kaneoka  
Stag Lodge Condominiums  
8200 Royal Street, Unit #11  
Park City, Utah 84060  
Email: [thopkins1061@gmail.com](mailto:thopkins1061@gmail.com)  
[sandyksb@gmail.com](mailto:sandyksb@gmail.com)

Re: Unit #11 and 12 Consolidation Project Approval

Dear Tom and Sandy,

As you know, this law office represents the Stag Lodge Owners Association (“Association”), and as you also know, the Association recently completed the vote for the approval of your unit consolidation project regarding Unit 11 and 12 of the Stag Lodge Condominiums (“Consolidation Project”). The Association’s Board of Trustees (“Board”) has requested that our office contact you regarding the outcome of the vote and approval of your Consolidation Project.

This letter provides formal notice to you, your contractors, the Park City Planning Department, or any other interested third-parties that the Association has approved you to continue forward with your proposed Consolidation Project based on the affirmative outcome of the recent vote regarding the Consolidation Project. The Association received affirmative votes of owners holding more than 67% of the undivided interests in the Common Areas in the Association. If you, your contractors, or any other party to whom you have presented this letter have any questions regarding this approval and/or coordination with the Association for completion of the Consolidation Project, you may direct them to this office, or to Sarah Ferrin at: [sferrin@staglodge.com](mailto:sferrin@staglodge.com).

Sincerely,  
**JAMES & KNOX, PLLC**



Isaac K James

# Planning Commission Staff Report



**Subject:** Standards for Temporary Structures in Historic Districts  
**Application:** PL-23-05963  
**Author:** Planning Team  
**Date:** December 13, 2023  
**Type of Item:** Work Session

## Recommendation

Conduct a work session on proposed Land Management Code amendments regarding standards for Temporary Structures located within Historic Districts and provide input.

## Description

Applicant: Planning Department

Zoning Districts: Historic Residential Low – Density  
Historic Residential – 1  
Historic Residential – 2  
Historic Residential Medium  
Historic Commercial Business  
Historic Recreation Commercial

Land Management Code Section Enacted: 15-13-10 *Standards for Temporary Structures in Historic Districts*

Reason for Review: The Planning Commission reviews and forwards a recommendation to the City Council for Land Management Code amendments; the City Council takes Final Action.<sup>1</sup>

## Background

On October 4, 2023, the Historic Preservation Board conducted a joint work session with the Planning Commission to discuss Temporary Winter Balcony Enclosures ([Staff Report; Minutes](#), p. 2-11). The Board and Commission collectively supported enacting design standards for temporary structures in the Historic Districts, whether standalone or attached to an existing building.

The Planning Team reviewed the comments from the Historic Preservation Board and Planning Commission and drafted proposed standards for temporary structures within Historic Districts. In developing these proposed standards, the Planning Team researched other resort communities' requirements for temporary structures. Staff found other resort

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<sup>1</sup> LMC [Section 15-1-7](#)

communities' codes address temporary tents but no other temporary structures such as alpenglobes or balcony enclosures. Ordinances outlined the dates temporary tents can be erected and the licensing requirements they must go through, but no additional design regulations are codified.

On December 6, 2023, the Historic Preservation Board held a work session (Staff Report) to review the proposed standards for temporary structures and provided the following input:

- Standalone Temporary Structures should have more flexibility in the amount of glazing than affixed Temporary Structures;
- Regarding affixed Temporary Structures, the City should consider the effect of restricting the amount of glazing on the presence of natural light in the interior of the Primary Structure;
- The City should allow glazing treatments (e.g. tinting, frosting, etc.) for Temporary Structures to prevent the occupants from experiencing excessive heat or brightness;
- The City should consider allowing additional exterior materials to encourage energy-efficient heating and cooling systems.

The proposed design standards outline the materials, glazing, lighting, and ornamentation allowed for temporary structures within the Historic Districts. The proposed standards also prohibit additional signage on Temporary Structures.

Once updated regulations are refined, staff will conduct outreach with stakeholders in the Historic Districts and will then return with draft LMC amendments for the Historic Preservation Board and Planning Commission review and recommendation for City Council consideration.

### **Department Review**

The Planning Department and City Attorney's Office reviewed this report.

### **Exhibit**

Exhibit A: Draft Standards for Temporary Structures in Historic Districts

## **15-13-10 Standards for Temporary Structures in Historic Districts**

A. Applicants shall obtain a permit for all Temporary Structures pursuant to Section 15-4-16. Outdoor Dining uses must also obtain approval in accordance with Sections 15-2.3-2, 15-2.4-2, 15-2.5-2, and 15-2.6-2.

### **B. Universal Requirements**

#### **1. Materials**

a. Temporary Structures shall be constructed of durable, weatherproof materials which comply with LMC § 15-5-5. Damaged materials shall be replaced or repaired as necessary to maintain the health and safety of the occupants and the appearance of the Structure.

b. Wall and roofing materials shall be non-reflective with a Solar Reflectivity Index (SRI) score of 35 or less.

c. Materials shall be neutral in color; earth-toned materials are encouraged.

d. No more than three (3) different materials may appear on any one face of the Temporary Structure.

e. Applicants are encouraged to use materials on Temporary Structures that are present on the Primary Structure.

#### **2. Glazing**

a. Glazing shall be clear. Metallic, frosted, tinted, stained, textured, and reflective finishes are prohibited.

b. The amount of glazing on a Temporary Structure, excepting Globe Structures, shall coincide with the amount of glazing present on the Primary Structure.

c. Glazing materials shall be glass, acrylic, or plexiglass. Film glazing is not permitted.

3. Lighting: All exterior lighting shall comply with the requirements outlined in Section 15-5-5(J). Interior lighting shall be 3,000 degrees Kelvin or less, and down-directed to minimize light pollution onto nearby properties, rights of way, and public spaces.

#### **4. Ornamentation and Signage**

a. No signage is permitted on a Temporary Structure.

b. Temporary Structures shall be simple in form with minimal decorative features. Banners, bunting, scrollwork, finials, and other ornamentation are not permitted.

5. Roofs of Temporary Structures, except Globe Shelters, shall reflect the roof forms typical of the Historic Districts including pitched, gable, pyramidal, shed, and flat roofs. Roofs of Temporary Structures are encouraged to match the roof form(s) of the existing Primary Structure.

6. Temporary Structures, or portions thereof, shall not be directly connected to historic materials.

7. Temporary Structures shall not be installed within the public right-of-way unless associated with a Special Event Permit, Master Festival License, or Encroachment Agreement.