

PARK CITY MUNICIPAL CORPORATION MUNICIPAL CODE

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

Chapter adopted by Ordinance 00-51

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15-2.3-1. PURPOSE.

The purpose of the HR-2 District is to:

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

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

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

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

(D) encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the district,

(E) define Development parameters that are consistent with the General Plan policies for the Historic core; result in Development compatible Historic Structures; and comply with the Historic District Design Guidelines and HR-1 regulations for Lot size, coverage, and Building Height, and

(F) provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue.

15-2.3-2. USES.

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

- (A) [ALLOWED USES.](#)



- (1) Single Family Dwelling
- (2) Lockout Unit (Nightly Rental of Lockout Units requires a Conditional Use permit)
- (3) Nightly Rental (Nightly Rental does not include the use of dwellings for Commercial Uses)
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting (See LMC Chapter 15-4-9 for Child Care Regulations)
- (6) Child Care, Family (See LMC Chapter 15-4-9 for Child Care Regulations)
- (7) Child Care, Family Group (See LMC Chapter 15-4-9 for Child Care Regulations)
- (8) Accessory Building and Use
- (9) Conservation Activity
- (10) Agriculture
- (11) Residential Parking Area or Structure with four (4) or fewer spaces
- (12) Recreation Facility, Private

(B) **CONDITIONAL USES.**

- (1) Duplex Dwelling
- (2) Secondary Living Quarters
- (3) Accessory Apartment (See LMC Chapter 15-4-7)
- (4) Group Care Facility
- (5) Child Care Center
- (6) Public or Quasi-Public Institution, church or School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna (See LMC Chapter 15-4-14)
- (9) Satellite Dish Antenna greater than thirty-nine inches (39") in diameter (See LMC Chapter 15-4-13)
- (10) Bed & Breakfast Inn (In Historic Structures only)
- (11) Boarding House, Hostel (In Historic Structures only)
- (12) Hotel, Minor, fewer than sixteen (16) rooms (In Historic Structures only)
- (13) Office, General (In Historic Structures and within Sub-Zone B only. Subject to requirements of Section 15-2.3-9. Except that these Uses are permitted in Sub-Zone A only when all criteria of Section 15-2.3-8 are met)
- (14) Office, Moderate Intensive (In Historic Structures and within Sub-Zone B only. Subject to requirements of Section 15-2.3-9. Except that these Uses are permitted in Sub-Zone A only when all criteria of Section 15-2.3-8 are met)
- (15) Office and Clinic, Medical (In Historic Structures and within Sub-Zone B only. Subject to requirements of Section 15-2.3-9. Except that these Uses are permitted in Sub-Zone A only when all criteria of Section 15-2.3-8 are met)
- (16) Retail and Service Commercial, Minor (In Historic Structures and within Sub-Zone B only. Subject to requirements of Section 15-2.3-9. Except that these Uses are permitted in Sub-Zone A only when all criteria of Section 15-2.3-8 are met)
- (17) Retail and Service Commercial, personal improvement (In Historic Structures and within Sub-Zone B only. Subject to requirements of Section 15-2.3-9. Except that these Uses are permitted in Sub-Zone A only when all criteria of Section 15-2.3-8 are met)
- (18) Cafe or Deli (In Historic Structures and within Sub-Zone B only. Subject to requirements of Section 15-2.3-9. Except that these Uses are permitted in Sub-Zone A only when all criteria of Section 15-2.3-8 are met)
- (19) Restaurant, General (In Historic Structures and within Sub-Zone B only. Subject to requirements of Section 15-2.3-9. Except that these Uses are permitted in Sub-Zone A only when all criteria of Section 15-2.3-8 are met)
- (20) Restaurant, Outdoor Dining (Subject to an Administrative Conditional Use permit, and permitted in Sub-Zone B only, subject to requirements in Section 15-2.3-9)
- (21) Outdoor Events
- (22) Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot
- (23) Temporary Improvement

(24) Passenger Tramway Station and Ski Base Facility (See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities)

(25) Ski tow rope, ski lift, ski run, and ski bridge (See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities)

(26) Recreation Facility, Private

(27) Fences and walls over six feet (6') in height (See LMC Chapter 15-4-2, Fences and Walls)

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

(C) **PROHIBITED USES.**

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

(Amended by Ord. Nos. 04-08; 06-56)

15-2.3-3. CONDITIONAL USE PERMIT REVIEW.

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

(A) Consistent with the Historic District Design Guidelines, Section 15-4, and the Historic Preservation Board's recommendation.

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

(C) Dedication of a Facade Preservation Easement to assure preservation of the Structure is required.

(D) New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. New Structures and additions must be two (2) stories in height or less. Primary facades should be one (1) to one and a half (1½) stories at the Street. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.

(E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

(F) All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged.

(G) Required Fencing and Screening between residential and Commercial Uses is required along common Property Lines.

(H) All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent residential Properties and on pedestrians.

(Amended by Ord. No. 06-56)

15-2.3-4. LOT AND SITE REQUIREMENTS.

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

All Development must comply with the following:

(A) **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex Dwelling. The Minimum Lot Area for all other uses shall be determined by the Planning Commission during the Conditional Review Process. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

(B) **BUILDING ENVELOPE (HR-2 DISTRICT).** The Building Pad, Building Footprint and Height Restrictions define the maximum Building Envelope within which all Development must occur, with exceptions as allowed by Section 15-2.3-4(C).

(C) **BUILDING PAD (HR-2 DISTRICT).** The Building Pad is the Lot Area minus required Front, Rear, and Side Yard Areas.

(1) The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any Structure except:

(a) Porches or decks, with or without roofs;

(b) At Grade patios;

- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

(2) Exceptions to the Building Pad Area are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- (a) provides increased architectural interest consistent with the Historic District Design Guidelines; and
- (b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(D) **BUILDING FOOTPRINT (HR-2 DISTRICT).** The maximum Building Footprint for any Structure located on a Lot or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.3. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per Dwelling Unit for garage floor Area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

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

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

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

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

TABLE 15-2.3.

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

(E) **FRONT AND REAR YARDS.** Front and Rear Yards are as follows:

TABLE 15-2.3.a

Lot Depth Minimum Front/Rear Setback Total of Setbacks

Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:

- (1) Fences or walls not more than four feet (4') in height, or as permitted in Section 15-4-2, Fences and Walls. On Corner Lots, fences more than three feet (3') in Height are prohibited within twenty-five feet (25') of the intersection, at the back of curb.
- (2) Uncovered steps leading to the Main Building; provided, the steps are not more than four feet (4') in Height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.
- (3) Decks, porches, or Bay Windows not more than ten feet (10') wide projecting not more than three feet (3') into the Front Yard.
- (4) Roof overhangs, eaves or cornices projecting not more than two feet (2') into the Front Yard.
- (5) Sidewalks and pathways.

(6) Driveways leading to a Garage or Parking Area. No portion of a Front Yard except for driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

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

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

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

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

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

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

(6) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard.

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

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

(9) Fences or walls not over six feet (6') in height, or as permitted in Section 15-4-2, Fences and Walls. (A Fence greater than six feet (6') in height requires a Conditional Use permit)

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

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

(H) **SIDE YARD.**

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

(2) On Corner Lots, any Yard which faces a Street may not have a Side Yard less than five feet (5').

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

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard. (Applies only to Lots with a minimum Side Yard of five feet (5'))

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard. (Applies only to Lots with a minimum Side Yard of five feet (5'))

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard. (Applies only to Lots with a minimum Side Yard of five feet (5'))

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

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

(6) Patios, decks, steps, pathways, or similar Structures not over thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Property Line.

(7) Fences or walls not more than six feet (6') in height, or as permitted in Section 15-4-2, Fences and Walls. (A Fence over six feet (6') in height requires a Conditional Use permit)

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

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

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

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

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

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

(Amended by Ord. No. 06-56)

15-2.3-5. EXISTING HISTORIC STRUCTURES.

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

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

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition or driveway location is Compatible with the Historic Structure,
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International Building and Fire Codes.

(Amended by Ord. No. 06-56)

15-2.3-6 BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. In cases where due to excavation Final Grade is lower than Existing Grade, Building Height shall be measured from Final Grade around the perimeter of the Building. This measurement shall not include approved window wells.

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

- (1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (3) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Department may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the Zone Height requirement.
- (4) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

15-2.3-7. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Historic District Design Guidelines.

(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1000 sq. ft.) including the garage.

(B) **CONDITIONAL USE.** A Conditional Use permit is required for any Structure in excess of one thousand square feet (1000 sq. ft.) if said Structure and/or Access is located upon any existing Slope of thirty percent (30%) or greater.

The Planning Department shall review all Conditional Use permit Applications and forward a recommendation to the Planning Commission. The Planning Commission shall review all Conditional Use permit Applications as Consent Calendar items, unless the Planning Commission removes the item from the Consent Agenda and sets the matter for a Public Hearing. Conditional Use permit Applications shall be subject to the following criteria:

- (1) **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.
- (2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:
 - (a) To determine potential impacts of the proposed Access, and Building mass and design; and
 - (b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.
- (3) **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged.
- (4) **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.
- (5) **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent Properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.
- (6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be

subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

(7) **SETBACKS.** The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The maximum Building Height in the HR-2 District is twenty-seven feet (27'). The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

(10) **HEIGHT EXCEPTIONS (STEEP SLOPE).** The Planning Department and/or Planning Commission may grant a Building Height exception for a portion or portions of a proposed Structure if the Applicant proves compliance with each of the following criteria:

(a) The height exception does not result in a height in excess of forty feet (40').

(b) The proposed Building includes horizontal and vertical step backs to achieve increased Building articulation and Compatibility. The Planning Commission may refer the proposal to the Historic Preservation Board, prior to taking action, for a recommendation on the extent to which the proposed articulation and design are consistent with the Historic District Design Guidelines.

(c) The proposed design and articulation of the Building mass mitigates the project's visual impacts and differences in scale between the proposed Structure and nearby residential Structures.

(d) Snow release issues are resolved to the satisfaction of the Chief Building Official.

(e) A height reduction in other portions of the Building and/or increased Setbacks are incorporated.

(f) The height exception is not granted primarily to create additional Building Area.

(g) The height exception enhances the Building's Compatibility with residential Structures by adding architectural interest to the garage element, front facade, porch, or other Building element.

(h) The height exception is Compatible with good planning practices and good Site design.

(i) The height increase will result in a superior plan and project.

(j) The project conforms to Section 15-1-10, Conditional Use Review.

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

(1) The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;

(2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and

(3) The conditions of approval or required Plat notes include a requirement for Planning, Engineering, and Building Department review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit issuance.

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

(Amended by Ord. No. 06-56)

15-2.3-8. SPECIAL REQUIREMENTS FOR SUB-ZONE A.

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

(B) The following special requirements apply only to Lots in Sub-Zone A that are part of a Plat Amendment approved prior to January 1, 2000 that combined a Main Street, HCB zoned, Lot with a portion of an adjacent Park Avenue, HR-2 zoned, Lot for the purpose of restoring an Historic Structure, constructing an approved addition to an Historic Structure, and expanding the Main Street Business into the HR-2 zoned Lot:

(1) All Commercial Uses extending from Main Street to the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and must be below the Grade of Park Avenue projected across the Lot.

(2) All Buildings must meet the minimum Side and Front Yard Setbacks of the HR-2 District as stated in Section 15-2.3-4.

(3) The Height of the Building at the Zone District Boundary, within the HCB District, must be Compatible with the twenty seven foot (27') Height restriction on the adjacent HR-2 Lot.

- (4) Existing and new above ground Structures fronting on Park Avenue may not contain Commercial Uses.
- (5) A Floor Area Ratio of 4.0 shall be used to calculate the total Commercial Floor Area. Only the Lot Area within the HCB Lot may be used to calculate the Commercial Floor Area.
- (6) The number of residential units allowed on the HR-2 portion of the Property is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.
- (7) All entrances and Access, including service and delivery, for the Commercial Use must be off of a Street or easement within the HCB District. The Commercial Structure must be designed to preclude any traffic generation on residential Streets, such as Park Avenue. Any emergency Access, as required by the International Building Code (IBC), onto the HR-2 portion of the Property must be designed in such a manner as to absolutely prohibit non-emergency use.
- (8) Commercial portions of a Structure extending from the HCB to the HR-2 District must be designed to minimize the Commercial character of the Building and use and must mitigate all impacts on the adjacent residential uses. Impacts include such things as noise, odor, glare, intensity of activity, parking, signs, lighting, and aesthetics.
- (9) No loading docks, service yards, detached mechanical equipment, exterior trash compounds, outdoor storage, or other similar uses are allowed within the HR-2 portion of the Property.
- (10) The Property Owner must donate a Preservation Easement to the City for the Historic Structure as a condition precedent to approval of the Conditional Use Permit (CUP).
- (11) The Historic Structure shall be restored or rehabilitated according to the requirements of the LMC Chapter 4 as a condition precedent to approval of the Conditional Use Permit.
- (12) Any adjoining Historic Structures under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use Permit.

15-2.3-9. SPECIAL REQUIREMENTS FOR SUB-ZONE B.

(A) Sub Zone B consists of Lots in the HR-2 District that are located in the following Areas:

- (1) East of Main Street, including Properties fronting on Main Street, Swede Alley, and Grant Avenue; and
- (2) West of Main Street within Block 13 and fronting on Main Street.

(B) The following special requirements apply only to those Commercial Uses as listed in Section 15-2.3-2 for Sub Zone B:

- (1) These Commercial uses are allowed as a Conditional Use Permit review requirements in Section 15-1-10, and must be only in Historic Structures.
- (2) New additions and alterations to Historic Structures must not destroy the Architectural Detail of the Structure. The new work must be Compatible with the massing, size, scale, and architectural features to protect the Historic integrity of the Property and its environment. New additions shall be subordinate to the existing Structure.
- (3) Adaptive reuse of residential Historic Structures for commercial uses may impose only minimal changes to the defining Architectural Detail.
- (4) New Construction must be residential in character and comply with the Historic District Design Guidelines for residential construction and all Lot and Site requirements of Section 15-2.3-4.
- (5) Parking must be provided on-Site in accordance with this Code or Off-Site by paying the HCB "in lieu fee" multiplied by the parking obligation.
- (6) The Historic Structure shall be restored or rehabilitated according to the requirements of LMC Chapter 4 as a condition precedent to approval of the Conditional Use Permit.
- (7) Any adjoining Historic Structures, under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use Permit.
- (8) The Property Owner must donate a Preservation Easement to the City for the Historic Structure as a condition precedent to approval of the Conditional Use Permit (CUP).

15-2.3-10. PARKING REGULATIONS.

(A) Tandem Parking is allowed in the Historic District.

(B) Common driveways are allowed along shared Side Lot Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual use of the shared drive.

(C) Common Parking Structures are allowed as a Conditional Use where it facilitates:

- (1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and
- (2) the reduction, mitigation or elimination of garage doors at the Street edge.

(D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use review, Section 15-1-10.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from

on-Street Parking, and to reduce paved Areas, provided the driveway leads to an approved Garage or Parking Area.

(F) Turning radii are subject to review by the City Engineer as to function and design.

(Amended by Ord. No. 06-56)

15-2.3-11. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to the issuance of a Building Permit for any Conditional or Allowed Use within this district, the Planning Department must review the proposed plans for compliance with the Historic District Design Guidelines.

(B) **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Planning Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property directly abutting the Property and across Public Streets and/or Rights-of-Way.

The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.

(C) **APEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or code provisions violated by the Staff determination.

(Amended by Ord. No. 06-56)

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

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

(A) The Use is in an Historic Structure or addition thereto.

(B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(D) The size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. If no on-Site parking is possible, the Applicant must provide parking in close proximity to the inn. The Planning Commission may waive the parking requirement for Historic Structures, if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structures or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(J) The Use complies with Section 15-1-10 Conditional Use Review.

15-2.3-13. MECHANICAL SERVICE. No free standing mechanical equipment is allowed in the HR-2 zone. The Planning Department will review all Development Applications to assure that all Mechanical equipment attached to or on the roofs of Buildings is Screened so that it is not open to view or audible from nearby residential Properties.

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

(Amended by Ord. No. 06-56)

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

(Applies to Sub-Zone B only)

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

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor uses may be allowed by the Planning Department upon the issuance of an Administrative Permit. The Applicant must submit the required application, pay all

applicable fees, and provide all required materials and plans. Appeals of Departmental actions are heard by the Planning Commission.

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

- (a) The proposed outdoor dining is located within Sub-Zone B only, and is associated with an approved Restaurant, Café, or Deli use.
- (b) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- (c) The proposed seating Area does not impede pedestrian circulation.
- (d) The proposed seating Area does not impede emergency Access or circulation.
- (d) The proposed furniture is Compatible with the Streetscape.
- (e) No music or noise in excess of the City Noise Ordinance, Title 6.
- (f) No Use after 10:00 p.m.
- (g) No net increase in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

(2) **OUTDOOR GRILLS/ BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations are subject to the following criteria:

- (a) The Use is located within Sub-Zone B only.
- (b) The Use is on private Property or leased public Property and does not diminish parking or landscaping.
- (c) The Use is only for the sale of food or beverages in a form suited for immediate consumption.
- (d) The Use is Compatible with the neighborhood.
- (e) The proposed service station does not impede pedestrian circulation.
- (f) The proposed service station does not impede emergency Access or circulation.
- (g) Design of the service station is compatible with adjacent Buildings and Streetscape.
- (h) No violation of the City Noise Ordinance, Title 6.
- (i) Compliance with the City Sign Code, Title 12.

(3) **OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES.** Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes is subject to the following criteria:

- (a) Located within the Sub-Zone B only.
- (b) The Area of the proposed bicycle, kayak, motorized scooter, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.
- (c) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.
- (d) No more than a total of three (3) pieces of equipment may be displayed.
- (e) Outdoor display is allowed only during Business hours.
- (f) Additional outdoor bicycle storage Areas may be considered for rental bicycles or motorized scooters provided there are no or only minimal impacts on landscaped Areas, Parking Spaces, and pedestrian and emergency circulation.

(4) **OUTDOOR EVENTS AND MUSIC.** Located in Sub-Zone B only. Outdoor events and music require an Administrative Conditional Use Permit. The use must also comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan and written description of the event, addressing the following:

- (a) Notification of adjacent Property Owners.
- (b) No violation of the City Noise Ordinance, Title 6.
- (c) Impacts on adjacent residential Uses.
- (d) Proposed plans for music, lighting, Structures, electrical, signs, etc needs.
- (e) Parking demand and impacts on neighboring Properties.
- (f) Duration and hours of operation.
- (g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise is subject to the following criteria:

- (a) The display is immediately available for purchase at the Business displaying the item.

(b) The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity of Facade Easement of the Building as determined by the Planning Director.

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

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

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

(g) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

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

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

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

15-2.3-15. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

(Amended by Ord. No. 06-56)

15-2.3-16. SIGNS.

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

15-2.3-17. RELATED PROVISIONS.

Fences and Walls. LMC Chapter 15-4-2.

Accessory Apartment. LMC Chapter 15-4-7.

Satellite Receiving Antenna. LMC Chapter 15-4-13.

Telecommunication Facility. LMC Chapter 15-4-14.

Parking. LMC Chapter 15-3.

Landscaping. Title 14; LMC Chapter 15-3-3(D).

Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).

Historic Preservation Board. LMC Chapter 15-11.

Park City Sign Code. Title 12.

Architectural Review. LMC Chapter 15-5.

Snow Storage. LMC Chapter 15-3-3(E).

Parking Ratio Requirements. LMC Chapter 15-3-6.

(Amended by Ord. No. 06-56)

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