



PLANNING DEPARTMENT

City Council Staff Report

Subject: Land Management Code
Amendments to Historic Districts (LMC Chapter 15-2.1, 15-2.2, 15-2.3, 15-2.4, 15-2.5, and 15-2.6), Supplemental Regulations (LMC Chapter 15-4), Architectural Review (LMC Chapter 15-5-5) Architectural Design Guidelines, and Defined Terms (LMC Chapter 15-15)

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Application: PL-18-03895

Date: January 15, 2019

Type of Item: Legislative – LMC Amendments

Summary Recommendation

Staff recommends the City Council review the proposed LMC amendments, open a public hearing and approve the Land Management Code (LMC) amendments to the Historic Districts (LMC Chapter 15-2.1, 15-2.2, 15-2.3, 15-2.4, 15-2.5, and 15-2.6), Supplemental Regulations (LMC Chapter 15-4), Architectural Review (LMC Section 15-5-5) Architectural Design Guidelines, and Defined Terms (LMC Chapter 15-15) as outlined in the Draft Ordinance.

Description

Project Name: Land Management Code (LMC) Amendments in Chapter 15-2.1 Historic Residential-Low Density (HRL) District, 15-2.2 Historic Residential (HR-1) District, 15-2.3 Historic Residential (HR-2) District, 15-2.4 Historic Residential-Medium Density (HRM) District, 15-2.5 Historic Recreation Commercial (HRC) District, 15-2.6 Historic Commercial Business (HCB) District, 15-4 Supplemental Regulations, 15-5-5 Architectural Design Guidelines, and 15-15 Defined Terms.

Applicant: Planning Department

Proposal: Revisions to the Land Management Code

Affected Land Management Code Chapters:

15-2.1 Historic Residential-Low Density (HRL)
15-2.2 Historic Residential (HR-1)
15-2.3 Historic Residential (HR-2)
15-2.4 Historic Residential-Medium Density (HRM)
15-2.5 Historic Recreation Commercial (HRC)
15-2.6 Historic Commercial Business (HCB)
15-4 Supplemental Regulations
15-5-5 Architectural Design Guidelines
15-15 Defined Terms

Reason for Review: LMC Amendments require Planning Commission review, public hearing, and recommendation plus City Council review, public hearing, and final action

Executive Summary

The Planning Department recommends updating the Land Management Code (LMC) to make the language and wording used in the Historic Districts more consistent and to codify regulations that are currently enforced through policy. Staff requests to amend the Historic Districts (§15-2.1, 15-2.2, 15-2.3, 15-2.4, 15-2.5, and 15-2.6) and Supplemental Regulations (§15-4) to clear up inconsistencies. Staff also requests to amend §15-5-5 to include vinyl as a generally inappropriate material in the Historic Districts and to include a maximum Solar Reflective Index (SRI) to measure reflectivity of metal materials on the exterior of buildings. Finally, staff requests to define two (2) additional terms within §15-15, Defined Terms.

Acronyms

Admin CUP	Administrative Conditional Use Permit
CUP	Conditional Use Permit
LMC	Land Management Code
SRI	Solar Reflective Index

Background

On [November 7, 2018](#), the Historic Preservation Board unanimously forwarded a positive recommendation to Planning Commission to approve these LMC amendments.

The Planning Commission reviewed these proposed amendments on [December 12, 2018](#). There was public comment concerning metal materials in LMC 15-5-5. The Planning Commission unanimously forwarded a positive recommendation to City Council, with the condition that Staff finds a solution to the copper siding question brought up by the public.

One additional change was made after the Public Hearing at Planning Commission, regarding required handrails on steps and decks within the Setback area. This change can be seen in the redlines and has been outlined in the analysis below.

Analysis

The following analyses give a brief overview of the proposed LMC Amendments:

Historic Districts

The primary goal of these revisions is to make the language in all Historic Districts more consistent and rearrange the content within each section to make them easier to navigate.

The first change staff proposes relates to the minimum Lot Size. The LMC currently requires a minimum Lot Area of 1,875 square feet for Single Family Dwellings in the

HR-1 and HR-2 Districts. This lot size is based on the platted lot size of 25 feet by 75 feet, generating 1,875 square feet. The original Park City Survey platted the original town site into 25 by 75 foot lots in 1880; however, contemporary surveys have found that the lots are not always 25 feet by 75 feet in size. They are occasionally a few inches short. Staff finds that this difference in size is nominal and it is more appropriate for it be addressed administratively, rather than through a variance. For that reason, staff is proposing the following LMC amendment to provide some flexibility for those legally platted lots that no longer meet our minimum Lot Size requirements.

- 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. For properties platted as lots within the historic Park City Survey and originally platted as 25 foot wide 75 foot deep with a lot size of 1,875 square feet, the Planning Director may make a determination that the minimum Lot Size may be reduced up to 20 square feet if subsequent surveys find that the final lot dimensions are less than 25 feet by 75 feet. The Footprint shall be reduced in accordance with the Lot Size and no variation to setbacks will be allowed. 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. **LOT WIDTH.** 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.

Additionally, Staff proposes to add language to the Side Setbacks for Corner Lots that will allow for a smaller Setback to be used on lots with a width less than 37.5 feet, but no Setback Exceptions will be allowed. Below is an example of the language proposed:

On Corner Lots, ~~the Side Yard that faces a Street or platted Right-of-Way is considered a Front Yard and~~ the minimum Side Setback that faces a side Street or platted Right-of-Way is five feet (5'). A three foot (3') Side Setback along the platted Right-of-Way is allowed when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized when the Setback is three feet (3') along the Right-of-Way.

Many of the amendments will be added to all (applicable) sections. For example, staff proposes to clarify the Setback Exception for Window Wells in the Rear and Side Setbacks. The following language is an example of the proposed amendment:

Window wells not exceeding the minimum International Residential Code (IRC) requirements for egress or light wells may extend ~~ing~~ not more than four feet (4') into the Rear Setback. Should egress requirements be met within the building pad, no Rear Setback exception is permitted.

Another proposed change in all applicable zones is to clarify the patio/deck/steps exception in Setbacks. Many of the zones do not include a minimum distance from the Rear or Side Lot Lines. After Planning Commission reviewed the proposed

amendments, Staff determined that an additional clarification was required for this section. Staff is also proposing to exclude required handrails from the height of decks and steps within the Setback area. This exclusion already exists in the Front Setback Exceptions, but was not included in the Rear or Side Setback Exceptions. Staff is recommending adding the following language to be more consistent.

Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade, not including any required handrail, and located at least one foot (1') from the Side Lot Line.

Staff is also proposing to add language to the Rear Setback Exceptions as well as the Parking Regulations that will allow for a Rear Setback Exception for a shared driveway. The following is an example of the proposed language:

One (1) private or Shared Driveway leading to a garage or approved Parking Area. See Parking Regulations for additional requirements.

~~Common driveways are~~ One (1) private or Shared Driveway is allowed along shared Side ~~or Rear~~ 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.

Another proposed amendment will affect the Development on Steep Slopes sections within the HRL, HR-1, and HR-2 Zones. Staff is proposing to allow Development on Steep Slopes of Lots of 3,750 square feet or less to be reviewed under an Administrative Conditional Use Permit (Admin CUP) instead of a full Conditional Use Permit (CUP). Lots with more than 3,750 square feet will still require a full Steep Slope Conditional Use Permit. An example of the proposed language is included below:

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 Design Guidelines for Park City's Historic Districts and Historic Sites, and Chapter 5.

For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest Slope within the Building Footprint and any Access driveway.

A. CONDITIONAL-USE Steep Slope Determination

1. A Steep Slope Conditional Use permit or Administrative Conditional Use Permit is required for construction of any Structure with a Building Footprint in excess of two hundred square feet (200 sq. ft.) if said Building Footprint is located on or projecting over an existing Slope of thirty percent (30%) or greater.

2. A Steep Slope Conditional Use permit or Administrative Conditional Use Permit is required for construction of any addition to an existing Structure, when the Building Footprint of the addition is in excess of two hundred square feet (200 sq. ft.), if the Building Footprint of the addition is located on or projecting over an existing Slope of thirty percent (30%) or greater.
3. A Steep Slope Conditional Use permit or Administrative Conditional Use Permit is required for any Access driveway located on or projecting over an existing Slope of (30%) or greater.

B. Permits Required.

1. On Lots with 3,750 square feet or less, an Administrative Conditional Use Permit shall be processed by the Planning Department.
2. On Lots greater than 3,750 square feet, a Conditional Use Permit is required. The Planning Department shall review all Steep Slope Conditional Use permit Applications and forward a recommendation to the Planning Commission.

~~C. For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest Slope within the Building Footprint and any Access driveway.~~

D. Conditional Use Permit Criteria

The Planning Commission may review Steep Slope Conditional Use permit Applications as Consent Calendar items. Steep Slope 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~~ Shared Driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible.
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 Zone Height in the HR-2 District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.3-6. 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 the proposed Structure and the historic character of the neighborhood's existing residential Structures.

Staff is also proposing to add a section, regarding Existing Historic Buildings and/or Structures, to the HCB Zone that exists in all other Historic Districts. Further, Staff is proposing to move all of the "Goods and Uses to be within Enclosed Building" Sections to LMC 15-4, Supplemental Regulations.

Finally, Staff is also proposing to correct scrivener errors (grammatical, spelling, etc.) as well as make the language more consistent throughout the Historic District zoning regulations.

Architectural Design Guidelines

On November 1, 2017, the Planning Department posted a policy regarding reflectivity of roofing materials. The purpose of the policy was to improve consistency of approvals on roofing materials. The policy stated that metal roofing with a Solar Reflective Index (SRI) rating greater than 35 will not be approved by the Planning Department.

The goal of the revisions is to promote Compatible additions and infill construction in the Historic Districts and to provide greater guidance in determining reflectivity of metal materials.

Staff recommends amending LMC 15-5-5(I) to list vinyl and untreated metal window frames as generally inappropriate materials in the Historic Districts (HRL, HR-1, HR-2, HRM, HRC, HCB) and on any site designated as Historic that is outside of the Historic Districts.

Staff is proposing to amend LMC 15-5-5 to include a maximum Solar Reflective Index (SRI) for metal siding and metal roofing.

The SRI rating is based on two measurements:

- Initial Solar Reflectance (IR) rating, this is the total solar energy that is reflected away from a surface. To be considered “cool,” a roofing product must have an IR rating of 0.25 or greater.
- Thermal Emittance is the measure of a panel’s ability to release heat that is absorbed.

Together, these two measurements comprise the SRI value. The higher the SRI value, the lower its surface temperature and consequently, the heat gain into the building. The higher SRI value will result in a reduced heat gain to the building, therefore reducing the energy demand. Metallic colors are generally not appropriate due to their reflectivity and high SRI values. Staff proposes amending the LMC to codify this policy for both metal siding materials (15-5-5(B)) and metal roofing materials (15-5-5(E)) and to include a requirement for roof materials to be neutral and earth-toned. Below is a list of sample SRI values for common roof colors.

Table 1: Sample SRI Values

Color	SRI Value
White	88
Bare Aluminum	72
Beige	53
Slate Gray	37
Terra Cotta	35
Evergreen	31
Charcoal Gray	28
Matte Black	26

Staff is also reviewing the Night Sky Ordinance and plans to bring forward recommendations at a future meeting to amend the LMC Section 15-5-5(J) to align better with the Ordinance.

Defined Terms LMC Amendments

The goal of these amendments is to define terms that are used within the zoning regulations that are not currently defined. These proposed amendments include adding the following definitions:

Shared Driveway. A single access way that is privately owned and maintained and provides access to two or more structures or off-street parking areas, which are located on individual lots.

Solar Reflective Index (SRI). A measure of the solar reflectance and emissivity of materials that can be used as an indicator of how hot they are likely to become when solar radiation is incident on their surface. The lower the SRI, the hotter a material is likely to become in the sunshine.

Staff has attached the complete Draft Ordinance as Exhibit 1.

Process

LMC amendments are processed according to LMC § 15-1-7. Amendments to the LMC require Planning Commission review and recommendation and City Council review and adoption. City Council final action may be appealed to a court of competent jurisdiction per LMC § 15-1-18. A public hearing is required by both the Planning Commission and City Council, with proper notice.

Notice

Legal notice of a public hearing was posted in the required public spaces and public notice websites and published in the Park Record on November 24, 2018 and November 28, 2018, per requirements of the Land Management Code.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. No public input was provided at the Historic Preservation Board meeting on November 7, 2018.

During the December 12, 2018 Planning Commission Public Hearing, Mr. Mammen was concerned that copper, which does not have an SRI value, would not be a permitted siding. Planning Commission agreed and recommended that Staff find a solution for this. Staff has determined that all metal siding and roofing shall be non-reflective and shall be treated. The exception to this would be copper, as it typically patinas within one year. The redlines in Exhibit H reflect this change.

Alternatives

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

Summary Recommendation

Staff recommends the City Council review the proposed LMC amendments, open a public hearing and approve the Land Management Code (LMC) amendments to the Historic Districts (LMC 15-2.1, 15-2.2, 15-2.3, 15-2.4, 15-2.5, and 15-2.6), Supplemental Regulations (LMC 15-4), Architectural Review (LMC 15-5-5) Architectural Design Guidelines, and Defined Terms (LMC 15-15) as outlined in the Draft Ordinance.

Exhibits

Exhibit 1 – Draft Ordinance

- Exhibit A – LMC § 15-2.1 Historic Residential-Low Density (HRL)
- Exhibit B – LMC § 15-2.2 Historic Residential (HR-1)
- Exhibit C – LMC § 15-2.3 Historic Residential (HR-2)
- Exhibit D – LMC § 15-2.4 Historic Residential-Medium Density (HRM)
- Exhibit E – LMC § 15-2.5 Historic Recreation Commercial (HRC)
- Exhibit F – LMC § 15-2.6 Historic Commercial Business (HCB)
- Exhibit G – LMC § 15-4 Supplemental Regulations
- Exhibit H – LMC § 15-5-5 Architectural Design Guidelines
- Exhibit I – LMC § 15-15 Defined Terms