

1990 ORDINANCE LOG

Ord. No.	Date	Subject	Title
90-33	12/20	Amending 90-23	An Ordinance amending Ordinance No. 90-23, Beer and Liquor Regulations and licensing to provide City Council delegation for the approval of liquor and beer applications and renewals.
90-32	12/20	LMC	An Ordinance amending Sections 7.5.5., 7.6.5., 7.15.5., and 7.15.5. of the Land Management Code modifying language relative to architectural review of single family residences.
90-31	11/29	LMC	An Ordinance amending various sections of the Park City Land Management Code to clarify and amend processing requirements for development proposals.
90-30	10/18	Adopting Amendment	An Ordinance adopting the amendment to the Park City Neighborhood Development Plan.
90-29	10/18	Adopting plan	An ordinance adopting the Redevelopment Plan for the Lower Park Avenue Redevelopment Project as the official redevelopment plan for the lower Park Avenue Redevelopment Project.

90-28	10/11	Risner Plat	An ordinance adding previously approved language to the Risner Ridge Subdivision Plat limiting square footage of houses.
90-27	9/13	Amending 82-27	An ordinance amending Ordinance 82-27 as amended, deleting street vendors, amending convention sales and clarifying Council's duties in a revocation or suspension hearing.
90-26	9/13	Revocation &	An Ordinance amending Section 15 "Revocation and Suspension of Ordinance 87-12, to clarify violations and Council's duties in a revocation hearing.
90-25	9/6	Construction Fees	An Ordinance amending the Construction Fee Ordinance No. 82-17, as amended, to clarify language and provide that the fees shall be adopted by resolution.
90-24	8/23	Sweeney Rezone	An Ordinance zoning portions of the Historic District; specifically 109 acres of hillside on Treasure Mountain from Estate to Recreation Open Space and several development parcels, specifically; two Fifth Street single family lots from HR1 to HR1-MPD; and two upper Norfolk (approximately 400 Upper Norfolk) single family lots from HR1 to HR1-MPD; and two King Road (approximately 200 King Road) single family lots from HR1 to HR1-MPD; and one Lower Norfolk Avenue (approximately 700 Lower Norfolk) single family lot

from HR1 to HR1-MPD; and a 3.75 acre condominium/commercial lot at the Town Lift Midstation from HR1 to Estate-MPD; and a 7.75 acre hotel/condo/commercial lot at the Creole Gulch site from Estate to Estate-MPD; and a .543 acre hotel/condo/commercial lot at the Coalition West Site at approximately 775 Park Avenue from HRC to HRC-MPD and from HR-1 to HR-1-MPD; and a 1.57 acre hotel/condo/commercial site at approximately 770 Park Avenue from HRC to HCB-MPD; and amending the Official Zoning Map of Park City, Utah

An Ordinance repealing Ordinance 83-16, as amended, in its entirety and enacting revised beer and liquor regulations and licensing.

An Ordinance amending Ordinance No. 85-9 to require City approval of dumpster sites and prohibiting the illegal use of private dumpsters and amending penalties for violations of this ordinance.

An Ordinance repealing Ordinance No. 85-3 fixing the rate of compensation for the elected officials of Park City Municipal Corporation

An Ordinance amending Sections 18a and 19F of Ordinance No. 82-15 to clarify language regarding penalties for illegal watering.

90-19	6/28	Historic District	An ordinance amending Sections 4.1 and 4.3 of Chapter 4 Historic District Commission of the Land Management Code
90-18	6/7	Party Cart	An ordinance amending Ordinance 82-27, the Peddlers and Solicitors Ordinance, as previously amended
90-17	6/7	FAR'S	An Ordinance amending Section 7.1.3 of the Land Management Code to require Floor Area Ratios in the Historic Residential (HR-1) zone.
90-16	5/31	Sign Code	An Ordinance repealing Ordinance 84-7, The Park City Sign Code, and replacing it in its entirety.
90-15	4/26	Repeal of 89-07	An Ordinance repealing Ordinance 89-07 an ordinance registering and regulating construction trades within Park City
90-14	4-12	Clarification of Development and Connection fees	An Ordinance amending Sections 13 and 14 of Ordinance 82-17 to clarify development and connection fees
90-13	4/12	Seasonal Water Rates	An Ordinance amending Section 1 of Ordinance No. 82-15 and adding Section 1(a) to set seasonal water conservation rates
90-12	3/8	Mountain Ridge	An Ordinance rezoning the Mountain Ridge Subdivision from residential density-Master Planned Development (RD-MPD) to Single Family (SF) and amending the official zoning map of Park City

90-11	3/8	Library Board	An Ordinance amending ordinance 80-4 which created absences the library board, regarding the removal of members for absences and allowing members to continue to serve until their successors are appointed and qualify.
90-10	3/8	Employee appeals	An Ordinance amending Ordinance 82-12 creating a Board of Appeals regarding composition of the Board and the process for City Council appointments to the Board.
90-09	3/8	Amending LMC - Attendance	An ordinance amending Chapters 3 - Planning Commission, Chapter 4 - Board of Adjustment and Chapter 5 - Historic District Commission of the Land Management Code to establish attendance requirements for Board and Commission members and allowing Historic District Commission members to continue to serve until successors are appointed
90-08	3/8	Parks, recreation	An Ordinance creating the Parks, Recreation and Beautification Beautification Advisory Board
90-07	3/2	Bald Eagle Annex.	An Ordinance amending the official zoning map of Park City, Utah, to include 11.14 acres of Keith-Marc Properties, LTD., (Bald Eagle Club Condominiums)
90-06	3/1	Conservation	An Ordinance amending Ordinance 82-15 by setting forth the restrictions and hours of outside

watering of properties in Park City and amending Section 19 to remove fee amounts

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|------|------|---------------------------------|--|
| 90-5 | 2/22 | Vacation of Meadows Drive | An ordinance vacating a portion of platted Meadows Drive in Mountain Ridge Subdivision, Park City, Utah |
| 90-4 | 1/1 | 1% SALES TAX | An ordinance imposing a one percent municipal sales and use tax providing for the performance by the State Tax Commission of all functions incident to the administration, operation and collection of a sales and use tax hereby imposed, providing penalties for the violation thereof. |
| 90-3 | 1/25 | Carl Winters rezone | An Ordinance rezoning the Carl Winters School Parcel from Residential Medium Density (RM) to Recreation Commercial-Master Planned Development (RC-MPD) and rezoning a parcel on the northeast portion of the campus area (commonly known as the Bottling Works parcel) from Historic Commercial Business (HCB) and Residential Medium Density (RM) to Recreation Commercial-Master Planned Development (RC-MPD); and amending the official zoning map of Park City, Utah |
| 90-2 | 1/25 | Amending Business License 87-12 | An Ordinance amending various section of the Business Revenue License Ordinance No. 87-12 and moving fees from said Ordinance to Section 18.01 Rate Table |

90-1

1/25

Color in HD

An Ordinance amending various sections of the Land Management Code to require Community Development Department review of exterior color schemes in the Historic District.

**AN ORDINANCE AMENDING ORDINANCE NO. 90-23,
BEER AND LIQUOR REGULATIONS AND LICENSING,
TO PROVIDE CITY COUNCIL DELEGATION FOR THE APPROVAL
OF LIQUOR AND BEER APPLICATIONS AND RENEWALS**

WHEREAS, the City Council, in consideration of the collection of liquor-related license revenue, desires to better accommodate liquor and beer license applications; and

WHEREAS, the City Council deems it appropriate to delegate application, renewal and fee waiver approvals to qualified designees to expedite the processing of applications; and

WHEREAS, the City Council does not relinquish its ultimate power or authority with regard to liquor-related application and renewal approvals by enactment of this Amendment; and furthermore, this Amendment does not alter revocation and suspension procedures; and

WHEREAS, it is appropriate to adopt other procedural amendments at this time reflecting the current practice of review of applications by the Planning Department and requirements for requests for fee waivers;

NOW, THEREFORE, BE IT ORDAINED that:

SECTION 1. AMENDMENTS.

- (a) Section 2. Definitions shall be amended to include a new definition as follows:

Section 2.07 Designee. "Designee" means a Park City staff member qualified to process liquor-related applications and renewals.

The following definitions will be renumbered accordingly.

- (b) Sections 3.02, 4.01(b)(4), 4.01(d), 4.02, 5.01 and 5.08 shall be amended with added language "or its designee" following the words, "City Council".
- (c) Since many of the community's non-profit applicants for special events or fund-raisers are not incorporated, nor is incorporation an expressed consideration of the City Council, Sections 3.02 and 4.02 shall be amended by deleting the following language, "Applicants for a fee waiver must attach a copy of a letter of exemption from federal tax, issued by the United States Treasury Department, Internal Revenue

Service which shall be evidence of the applicant's non-profit status".

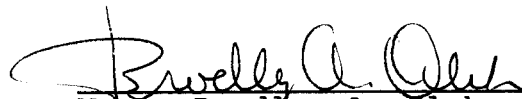
(d) Section 5.06 shall be amended as legislatively illustrated:

Section 5.06 Referral of Application to Building Department and Planning Department. The Chief of Police may refer the application to the Building and Planning Departments for review by the Building Official to ensure compliance with the applicable building codes, determination of the maximum number of occupants the premises may safely accommodate at one time given the location and number of emergency exits, and compliance with the Park City Land Management Code.

SECTION 2. EFFECTIVE DATE. This amendment will take effect immediately.

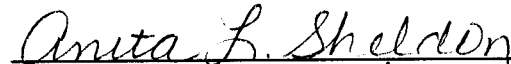
PASSED AND ADOPTED this 20th day of December, 1990.

PARK CITY MUNICIPAL CORPORATION

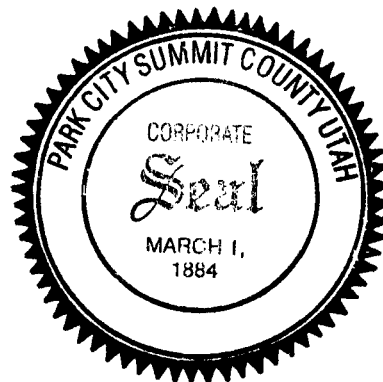


Mayor Bradley A. Olch

Attest:



Anita L. Sheldon, City Recorder



Ordinance No. 90-32

**AN ORDINANCE AMENDING SECTIONS 7.5.5., 7.6.5,
7.15.5, AND 7.16.5. OF THE LAND MANAGEMENT CODE
MODIFYING LANGUAGE RELATIVE TO ARCHITECTURAL REVIEW
OF SINGLE FAMILY RESIDENCES**

WHEREAS, the Park City Council amended the Land Management Code to require architectural review of single family residences; and

WHEREAS, in some cases, the Park City Design Guidelines conflict with a predominant architectural style in some neighborhoods; and

WHEREAS, the intent of design review is to ensure neighborhood compatibility; and

WHEREAS, minor language modifications are proposed to clarify that intent, and the amendments do not affect uses of land within the City;

NOW, THEREFORE, BE IT ORDAINED that:

SECTION 1. AMENDMENTS. The first sentence in Sections 7.5.5., 7.6.5., 7.15.5. and 7.16.5. shall be amended as legislatively illustrated:


Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for ~~compliance~~ neighborhood compatibility in keeping with the architectural design guidelines adopted as Chapter 9 of this Code and with the Park City Design Guidelines.

The language in the remainder of the sections remains the same.

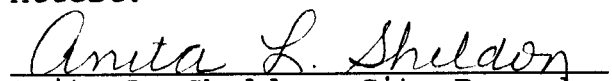
SECTION 2. EFFECTIVE DATE. This amendment shall become effective immediately.

PASSED AND ADOPTED this 20th day of December, 1990.

PARK CITY MUNICIPAL CORPORATION


Mayor Bradley A. Olch

Attest:


Anita L. Sheldon, City Recorder



**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE
PARK CITY LAND MANAGEMENT CODE
TO CLARIFY AND AMEND PROCESSING REQUIREMENTS
FOR DEVELOPMENT PROPOSALS**

WHEREAS, Park City has specific objectives in the Comprehensive Plan that encourage that careful guidance for development to enhance the quality of Park City; and

WHEREAS, Park City is growing into areas which are more sensitive to development requiring a more complete level of review; and

WHEREAS, the citizens of Park City are demanding more detail in the review process of development proposals; and

WHEREAS, numerous public meetings and formal public hearings have been held as required by the Park City Land Management Code;

THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah that:

Section 1. Subdivision Regulations. The Subdivision Regulations are hereby incorporated as Section 14 of the Land Management Code and have been renumbered.

Section 2. Chapter 2 - Definitions. Definitions of the Subdivision Regulations have been removed and incorporated into Chapter 2.

Section 3. Amendments. The following sections of the Land Management Code have been amended as follows:

Chapter 1 - General Provisions/Procedures

- Section 1.13.(f) Department Action
- (f) Department Action. Once an application is received, the staff will work diligently to review the application as quickly as time and workload allows. It is reasonable to expect that an application will appear before the Planning Commission with a recommendation within 90 days of receipt of the application, if the developer has been diligent in responding to requests for additional information required to process the application. The scale or complexity of a project or staff workload may necessitate a longer processing period. In such

cases, the staff will notify the applicant when an application is filed as to the projected processing time frame.

Chapter 2 - Definitions

Floor Area. The floor area is the area of a building that is enclosed by surrounding exterior walls, excluding a 600 square foot allowance for garages. Walkout basements will be considered floor area whether finished or unfinished. Basements which are more than 80% below natural and finished grade will not be included in the floor area calculation. Porches, balconies, patios and decks will not be considered floor area. This definition is for planning purposes only and may conflict with other methods of calculating square footage such as the Uniform Building Code.

Open Space. Open space shall be defined as five separate types dependent upon occupancy, use, and control. All five types of open space are referred to collectively as "open space" in this Code. Any of these types of open space could be public or private open space. They shall include:

Natural Open Space. Natural, undisturbed areas with little or no improvements or irrigation. This may include such areas as ridge lines, slopes over 30%, wetlands, stream corridors, trail linkages, or visual linkages. These areas may be subject to an open space easement to ensure that they remain undisturbed and to provide public access as deemed appropriate by the Planning Commission;

Neighborhood Open Space. Landscaped areas free of buildings, structures, and other substantial improvements, and includes without limitation (a) outdoor swimming pools, swimming pool areas, hard surfaced recreational areas, and other recreational areas that are unenclosed, and fences, canopies, bath houses, and accessory structures for recreation use, whether enclosed or unenclosed; (b) driveways that cross the required yard at approximately right angles and serve fewer than three parking spaces; (c) the ground surface above underground facilities provided it otherwise qualifies as usable open space under the provisions of this section; and (d) pedestrian ways to plazas within a building that are directly oriented to the major pedestrian entrance to the building and are open to view and use by the public; and (e) decks, porches, patios, terraces and steps under 30 inches high provided they are not covered by a portion of a building; or

Recreational Open Space. Parks and areas of active recreation use including neighborhood or community centers or clubhouses intended for use by residents of the development, neighborhood or community.

Chapter 3 - Planning Commission

Section 3.14.(c)(2) Length of Approval

- (2) Length of Approval. The Large Scale Master Planned Development approval granted by the Planning Commission shall be effective so long as construction is proceeding in accordance with the approved phasing plan. Approval will lapse after two years of inaction, unless extended for up to two years by the Planning Commission. Zone changes occurring while the approval is in effect shall not affect the approval. Changes in the Master Plan requested by the developer will be reviewed and approved as a revision to the Master Plan by the Planning Commission. A change will be defined as any change in concept, unit type, configuration or number. At that time, the Planning Commission shall review the entire MPD, even if only one parcel or phase is involved in the modification under the regulations in effect at the time of review. Modification shall act as an extension of the approval.

Chapter 7 - Districts and Regulations

Section 7.1.4.(d) Special Parking Regulations

- (d) In order to minimize the amount of hard-surfaced paving in front yards, the following limits on the widths of paved areas for driveways and exposed parking that are visible from the street shall apply:
1. For a single family dwelling on a 25 foot wide lot, the total area of hard surface for drive and parking shall not exceed 12 feet in width. The balance of any parking area or drive area shall be made of porous paving material. Drives shared with adjoining properties shall not exceed 35 feet in total width, regardless of placement on the lots involved.
 2. For all other buildings, the total drive area shall not exceed 27 feet in width for hard surfaced drive and parking area, with additional parking and drive area provided with porous paving material. This hard surfaced width may be divided into separate drives, or in a single drive.

Section 7.5.3. Lot and Site Regulations (RD)

Subsection (a) Density

Subsection (b)(1) and (b)(2) Required Yards

- (a) Density. The maximum density for approved standard subdivisions shall be three units per acre. Subdivisions are encouraged to cluster development around common open space.
- (b) Required Yards.

1. In standard subdivisions with lots of 12,000 square feet or more, the setbacks will be as follows:
2. In subdivisions with clustered single family lots, the yards may be varied by the Planning Commission. In no case shall setbacks be approved which result in less than a ten foot separation in adjacent structures except as provided for in 7.5.3.(b)(1).

Section 7.5.5. Architectural Review

7.5.5. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines adopted as Chapter 9 of this Code and with the Park City Design Guidelines. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences may also be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants.

Section 7.6.3. Lot and Site Regulations (RDM)

Subsection (a) Density

Subsection (c)(1)(2) Required Yards

(a) Density. The maximum density residential uses in the RDM zone shall be five units per acre. Subdivisions are encouraged to cluster development around common open space.

(c) Required Yards.

1. In standard subdivisions with lots of 9,000 square feet or more, the setbacks will be as follows:

Front Yard. The minimum depth of the front yard for all main buildings and accessory buildings except garages shall be 20 feet. Garages must be setback so that there is at least 20 feet of driveway provided on the property.

2. In subdivisions with clustered single family lots, the yards may be varied by the Planning Commission. In no case shall setbacks be approved which result in less than a ten foot separation in adjacent structures except as provided for in 7.6.3(c)(1)

Section 7.6.5. Architectural Review

7.6.5. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design

guidelines adopted as Chapter 9 of this Code and with the Park City Design Guidelines. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences may also be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants.

Section 7.15.3. Lot and Site Regulations (SF)

Subsection (a) Density

Subsection (b)(1)(2) Required Yards

Section 7.15.5. Architectural Review

(a) Density. The maximum density for approved standard subdivisions shall be three units per acre. Subdivisions are generally encouraged to cluster development around common open space.

(b) Required yards.

1. In standard subdivisions with lots of 12,000 square feet or more, the setbacks will be as follows:

Exceptions. Reduced site requirements as outlined in Section 8.3 of this code shall be effective in the applicable SF-N and SF Zones. In Thaynes Canyon Subdivision I and II and Prospector Village, the front yard for main buildings shall not be less than 20 feet and the front yard for garages shall not be less than ten feet; the side yard shall not be less than five feet, except on corner lots; the side yards abutting the street shall not be less than ten feet; and the rear yard shall not be less than ten feet. In addition, Prospector Park Subdivisions 1, 2, and 3 shall have setback and lot size requirements as outlined in the RDM Zone.

2. In subdivisions with clustered single family lots, the yards may be varied by the Planning Commission. In no case shall setbacks be approved which result in less than a ten foot separation in adjacent structures except as provided for in 7.15.3(b)(1).

7.15.5. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines adopted as Chapter 9 of this Code and with the Park City Design Guidelines. Appeals of departmental actions on architectural compliance are heard by the Planning Commission and then may be appealed to the City Council as set forth in Chapter 1 of this Code. Single family residences may also be subject to

subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants.

Section 7.16.3. Lot Site and Regulations (SF-N)

Subsection (a) Density

Subsection (b)(1)(2) Required Yards

Section 7.16.5. Architectural Review

(a) Density. The maximum density for approved standard subdivisions shall be three units per acre. Subdivisions are encouraged to cluster development around common open space.

(b) Required yards.

1. In standard subdivisions with lots of 12,000 square feet or more, the setbacks will be as follows:

Exceptions. Reduced site requirements as outlined in Section 8.3 of this code shall be effective in the applicable SF-N and SF Zones. In Thaynes Canyon Subdivision I and II and Prospector Village, the front yard for main buildings shall not be less than 20 feet, and the front yard for garages shall not be less than ten feet; the side yard shall not be less than five feet except on corner lots; the side yards abutting the street shall not be less than ten feet; and the rear yard shall not be less than ten feet. In addition, Prospector Park Subdivisions 1, 2, and 3 shall have setback and lot size requirements as outlined in the RDM Zone.

2. In subdivisions with clustered single family lots, the yards may be varied by the Planning Commission. In no case shall setbacks be approved which result in less than a ten foot separation in adjacent structures except as provided for in 7.16.3(b)(1).

7.16.5. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines adopted as Chapter 9 of this Code and with the Park City Design Guidelines. Appeals of departmental actions on architectural compliance are heard by the Planning Commission and may be appealed to the City Council as set forth in Chapter 1 of this Code. Single family residences may also be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants.

Section 7 Reference Notes and Land Use Table

¹These uses are allowed within the zone only as a part of a master planned development subject to the provisions of Chapter 10, and not as an isolated land use.

³When the use requires eight or fewer development credits, it will be treated as a permitted use instead of a conditional use, and is not subject to conditional use review. If the use requires more than eight development credits, it will be considered and processed as a master planned development, subject to the provisions of Chapter 10.

Note: The Land Use Table reflects amendments regarding master plan review.

Chapter 8 - Supplementary Regulations

Section 8.16.(e)(2)

2. Such drives shall not be over 16 feet in width.

Chapter 9 - Architectural Review

Section 9.4. Permitted Use Review

Subsection (a)

Section 9.7. Exceptions

9.4. PERMITTED USE REVIEW. Permitted uses in all zones outside the Historic District are subject to design review by the Community Development Department, with a right of review by Planning Commission. The standards of review are set forth in this Code, and design review standards in the Park City Design Guidelines as adopted by resolution of the Council, provided that the guidelines are consistent with the provisions of this Code.

(a) Single-family dwelling design review is intended to be a broad review to ensure neighborhood compatibility.

9.7. EXCEPTIONS. In some cases, the Community Development Director may vary from these standards if warranted by unusual and unique circumstances. In single family subdivisions, the Community Development Department will consider the predominant architectural style and materials in the neighborhood to determine compatibility. This may result in variation from the strict interpretation of this section and may be granted by the Community Development Director.

Chapter 10 - Master Planned Developments

Section 10.2. Scope

10.2. SCOPE. Application for Master Planned Development may be made for land located in any zoning district. Application for and approval of Master Planned Development is required prior to development of subdivisions and residential projects on contiguously owned property larger than five acres and for

commercial projects on contiguously owned property larger than two acres. Residential projects for less than four units and commercial projects less than 5,000 square feet in floor area are exempt from this requirement. The requirement may be waived by the Community Development Director with the finding that the proposed development would preserve development options and allow efficient installation of public improvements for the balance of the property. Unless expressly provided in this Chapter, there shall be no density increase or height increase in the number of dwelling units which can be constructed under the applicable basic zone regulations however, there may be density transfer between zoning districts provided the proposed Master Planned Development cluster is found to be compatible in terms of building types and character with the surrounding area and would not alter the essential character of the district.

Subsection 10.3.(b) The Site Plan

Preliminary limit of disturbance/vegetation protection and temporary erosion control plan showing the maximum limits of disturbance for all construction activity including utilities and public improvements;

Section 10.6.(c) Written Statement

A phasing plan which addresses the proposed timing of public improvements and construction consistent with Section 14.2.1(d).

Section 10.8.(e) Final Plan Requirements

- (e) Final limits of disturbance/vegetation protection erosion control plan.

Section 10.9.(a)(2) Relationship to Surroundings

2. Relationship to Surroundings. The Master Planned Development's relationship to its surroundings shall be considered in order to avoid adverse impacts caused by traffic circulation, building height or bulk, lack of screening, ridge line and view corridor intrusion, wetland encroachment, or intrusions on privacy.

Section 10.9.(c) Open Space

- (c) Open Space. A minimum of 60% open space shall be required for all master planned developments. In approving an MPD, the Planning Commission shall designate the type and mix of open space to be provided (natural neighborhood, recreational, common or private). MPDs which are portions of large scale MPDs already providing 60% open space will not be required to provide an additional 60% open space. Commercial projects which are in the GC zone and all commercial projects on Main Street shall also be excepted from providing 60% open space.

Section 10.9.(h) (3) (4) (5) (6) (7) (8) (10) Site Planning

3. Protect ridges from development which would be visible on the skyline from prominent areas in Park City.
4. Units should be clustered in the most developable and least visually sensitive portions of the site with common open space corridors separating clusters. This applies to both multi-family and single family projects. The open space corridors should be designed to coincide with significant vegetation and in many cases, should be left in the natural state. Open space areas will be the maintenance responsibility of the homeowners. Any areas not left in a natural state should be designed for water conservation.
5. Roads and utility lines should be designed to work with the existing grade and cut and fill slopes should be minimized. Roads and utilities should be placed so that disturbance of significant vegetation is minimized.
6. Existing natural drainage ways should be maintained and designed around.
7. Consideration must be given to soil conditions and ground water existence.
8. Trails and sidewalks should be provided to allow efficient internal circulation as well as links to adjacent trail systems on other properties. Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian, bicycle, or equestrian circulation. Construction of new trails will be required concurrently with the installation of other public improvements.

Although required trails may not link to adjacent trails immediately, each trail is a vital part of an overall master plan. In most cases, the homeowners will be required to maintain the trails.

Section 10.10(f)(1)(2) Expiration and Extension

- (f) Expiration and Extension. A large scale master plan development approval will be reviewed four years from the original date of approval or as otherwise specified in the phasing plan regardless of the progress to date. The approval will be extended pursuant to Section 3.14(c)(2) unless:

- (1) New information is available which differs from assumptions of the original approvals which would result in significant impacts on the neighborhood not considered in the original approval; or

- (2) Evidence of significant adverse environmental impact can be documented resulting from the MPD as originally approved.

In the event that either of these situations occur, the Planning Commission will make every effort to mitigate the impacts without significantly altering the overall concept or densities.

At any point, changes in the Master Plan requested by the developer which constitute a change in concept, density, unit type or configuration on any portion or phase of the MPD will justify review of the entire Master Plan by the Planning Commission.

Chapter 13 - Off-Street Parking

Section 13.2.(f)(1) Street Access

- (1) Driveways: The following width dimensions are required. Please also note additional driveway standards for the Historic District as outlined in the Land Management Code Section 7.1.4(d).

<u>Use</u>	<u>Width/Feet</u>		
	<u>Minimum</u>	<u>Recommended</u>	<u>Maximum</u>
Single Family, Residential	10	15	27
Residential, Multi Family	18	25	30
Commercial	24	30	30

Chapter 14 - Subdivision Regulations

Section 14.2.1.(c)(1)(2) Subdivision Application Procedure and Approval

1. It is the intent of these regulations that subdivision review be carried out simultaneously with the review of Master Planned Developments. Required applications shall be submitted in a form to satisfy both the requirements of the subdivision regulations and master planned development provisions of the Land Management Code.
2. General Requirement. All subdivisions and residential projects on contiguously owned property larger than five acres shall be processed as a Master Planned Development, subject to the provisions outlined in Chapter 10. Subdivisions containing fewer than four units would be exempt from this requirement. Whenever the Land Management Code authorizes Master Planned Development (MPD) applications which permit uses of land and density of buildings and structures different from those which are allowed as of right within the zoning district in

which the land is situated, and/or the application entails the division of the land, vacant or improved, into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any or all other plans, terms, or conditions, including resubdivision, whether residential or nonresidential, subdivision approval of the application shall be required by the Planning Commission and City Council in addition to all other procedures and approvals required in the Land Management Code, whether or not such zoning procedures also require City Council approval, review or recommendation.

Section 15.2.1.(d)(1),(2),(3), and (4) Phasing Plan Required

(d) Phasing Plan Required.

1. When a phasing plan is required. All residential subdivisions with more than 20 lots or condominiums shall include a phasing plan which specifies the timing of public improvements and residential construction.
2. Phasing plan requirements. A phasing plan shall include:
 - (i) The number of units or parcels to be developed in each phase and the timing of each phase.
 - (ii) The timing on construction of public improvements and subdivision amenities to serve each phase.
 - (iii) The relationship between the public improvements in the current subdivision and contiguous land previously subdivided and yet to be subdivided.
3. If the subdivision is in an area covered by an approved Master Planned Development which has a phasing plan, the phasing plan for the subdivision shall be consistent with the phasing plan for the Master Planned Development.
4. A developer may request a revision of the phasing plan which may be necessary due to such conditions as changing market conditions, inclement weather or other factors.

Section 14.2.2.(a) Discussion of Requirements

- (a) Discussion of Requirements. Before preparing the sketch plat for a subdivision, the applicant should arrange for a pre-application conference with the Planning Department to discuss the procedure for approval of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, mitigation of environmental impacts as

determined, and similar matters, as well as the availability of existing services. The Planning Department shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those agencies who must eventually approve these aspects of the subdivision plat coming within their jurisdiction; such as, the Snyderville Basin Sewer Improvement District, the Park City Fire Service District, the Park City School District, and the various utility service providers.

- Section 14.2.2.(d) Review of Sketch Plat
- (d) Review of Sketch Plat. The Staff Review members shall consider and render a report to the next regular meeting of the Planning Commission concerning the sketch plat. The Planning Department staff shall transmit the sketch plat for review to appropriate officials or agencies of the local government, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. The Planning Department shall request that all officials and agencies, to whom a request for review has been made, submit their report to the Staff Review team within seven (7) calendar days after receipt of the request. The Staff Review members will consider all the reports submitted by the officials and agencies concerning the sketch plat and shall submit a report for proposed action to the Planning Commission for the next available regular meetings. Once an application is received, the staff will work diligently to review the application, as quickly as time and workload allows. It is reasonable to expect that an application will appear before the Planning Commission with a recommendation within 90 days of receipt of the application. The scale or complexity of a project or staff workload may necessitate a longer processing period. In such cases, the staff will notify the applicant when an application is filed as to the projected processing time frame.

- Section 14.2.3.(c) Preliminary Approval
- (c) Preliminary Approval. After the Planning Commission has reviewed the preliminary plat and the report of the staff including any municipal recommendations and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. One copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. Before the Commission approves a preliminary plat showing land for public use (other than proposed public streets) proposed to be dedicated to the local government, the Planning

Commission shall obtain preliminary approval of the park or land reservation from the City Council.

- Section 14.4.1.(e) Character of the Land
- (e) Character of the Land. Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, mine hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of a qualified engineer hired by the developer and approval of the City Engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the developer. Such land shall be set aside or reserved for uses as shall not involve such a danger.

- Section 14.4.1.(g) Ridge Line Development
- (g) Ridge Line Development. Protect ridges from development which would be visible on the skyline from prominent areas in Park City.

- Section 14.4.1.(m) Limits of Disturbance/Vegetation Protection
- (m) Limits of Disturbance/Vegetation Protection. A separate plan which addresses limits of disturbance and vegetation protection during construction and revegetation of disturbed areas will be required. This shall include construction necessary for all project improvements such as roads and utilities.

- Section 14.4.2.(b),(c),(d),(e),(f),(g), and (h) Lot Improvements
- (b) Building Sites. Building sites or envelopes shall be designed which minimize disturbance of existing vegetation. In designating building envelopes, consideration should be given to minimum separations between structures.
- (c) Landscaping. The amount of area available for formal landscaping will be restricted. Outside irrigation creates a significant water demand and irrigated areas may be limited.
- (d) Limits of Disturbance/Vegetation Protection. Limits of disturbance shall be shown for each structure to ensure that vegetation removal is minimized during construction. A plan for vegetation protection during construction and revegetation after construction will also be required. A security will be required to be posted to ensure compliance with the limits of disturbance plan.

- (e) Square Footage. Maximum dwelling or unit square footage will be required. Smaller parcels will be expected to limit building sizes significantly so that homes relate to the parcels upon which they are built. Limited building heights may also be required for visually sensitive areas. Both the limitations of building square footages and building height will be required to be shown on recorded plats for the project.
- (f) Architectural Standards. Architectural standards will be required to be developed which will result in compatible building design and materials. Guidelines should include consistency of roof pitch, roofing materials, siding materials, colors, porch details, window types and similar provisions. These guidelines should also be compatible with adjacent developments. Buildings should be designed to blend and harmonize with the existing environment rather than compete with it.
- (g) Fire Sprinkling. Fire sprinkler systems may be required of all projects, whether single family or multi-family. This determination is based upon an analysis of the size of structures, vegetation surrounding the structures and location of the project as it relates to Fire District response time.
- (h) Staggered Front Setbacks. In new subdivisions, front setbacks shall be staggered with consideration of existing site conditions. The minimum front setbacks shall be consistent with the zone in which the subdivision is proposed.

Section 14.4.10(a) Preservation of Natural Features and Amenities

- (a) General. Existing features which add value to the community shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from development which would be visible on the sky line from prominent areas in Park City. Existing vegetation should also be retained as much as possible. Vegetation protection shall be required during construction so that disturbance is limited. Existing features such as water courses, wetlands, historic sites, critical meadowlands, important vistas, and other irreplaceable assets shall be preserved in the design of the subdivision. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The sketch plat shall show the number, size, and location of existing trees as required by these regulations and shall further indicate all those marked for retention, and the location of all proposed trees along the street side of each lot.

Section 14.4.11. (b) (11) Nonresidential Subdivisions/Standards

- ✓ 11. A plan designating limits of disturbance for each parcel and for subdivision improvements, such as utilities and roads.

Section 14.5.2.(18) Preliminary Plat

18. A plan designating limits of disturbance for each parcel and for subdivision improvements, such as utilities and roads.

in with expanded below

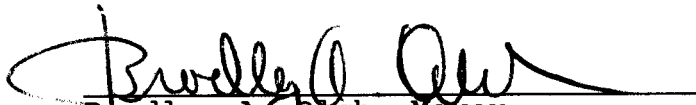
Section 14.5.3.(9) Construction Plans

9. A limits of disturbance and revegetation plan.

Section 4. Effective Date. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 29th day of November, 1990.

PARK CITY MUNICIPAL CORPORATION


Bradley A. Dich, Mayor

Attest:

City Recorder

CITY COUNCIL OF PARK CITY, UTAH

ORDINANCE NO. 90-30

AN ORDINANCE ADOPTING THE AMENDMENT TO THE PARK CITY NEIGHBORHOOD DEVELOPMENT PLAN.

WHEREAS, acting pursuant to the Utah Neighborhood Development Act, as amended (the "Act"), Utah Code Ann. § 17A-2-1201, et seq., the Redevelopment Agency of Park City (the "Agency") has caused to be prepared an Amendment to the Park City Neighborhood Development Plan, which plan was originally adopted on January 28, 1982 by Ordinance No. 82-3 and subsequently amended on March 24, 1983 by Resolution No. 1-83;

WHEREAS, the Planning Commission has prepared its Report and Recommendations of the Park City Planning Commission on the Amendment to the Park City Neighborhood Development Plan;

WHEREAS, a duly noticed joint public hearing on the Proposed Amendment to the Park City Neighborhood Development Plan has been held by the City Council (the "Hearing");

WHEREAS, the City Council has considered the Planning Commission Report, the matters contained in the record of the Hearing, and all evidence and testimony for and against the adoption of the Proposed Amendment to the Park City Neighborhood Development Plan submitted to it at or prior to the Hearing;

WHEREAS, the Planning Commission has recommended the adoption of the Proposed Amendment to the Park City Neighborhood Development Plan and submitted it to the City Council for action;

WHEREAS, the Agency has adopted a resolution to amend the Park City Neighborhood Development Plan;

WHEREAS, the City Council has overruled all objections to the adoption of the Proposed Amendment to the Park City Neighborhood Development Plan received by the City Council at or prior to the Hearing, whether written or oral;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH AS FOLLOWS:

SECTION 1 Adoption of the Amendment

The proposed Amendment to the Park City Neighborhood Development Plan deleting certain land from that project area, which Amendment is attached hereto as Exhibit A and incorporated by this reference is adopted. Such plan, as amended, is the official Redevelopment Plan for the Neighborhood Development Plan.

SECTION 2 Legal Description of the Boundary of the Real Property Deleted from the Park City Neighborhood Development Plan

The legal description of the area of the real property deleted from the Park City Neighborhood Development Plan is set forth in Exhibit B and incorporated by this reference.

SECTION 3 Legal Description of the Boundary of the Park City Neighborhood Development Plan

The legal description of the Amended boundary of the Park City Neighborhood Development Plan is set forth in Exhibit C which is incorporated by this reference.

SECTION 4 Integration

All other aspects of the Park City Neighborhood Development Plan not specifically amended by this amendment shall be unaffected by this amendment and shall remain in full force and effect.

SECTION 5 Severability

If this amendment is found for any reason to be unlawful, unenforceable, void, or not in effect, the Park City Neighborhood Development Plan shall continue to be effective and in full force and effect as prior to this amendment.

SECTION 6 Effective Date

This Ordinance shall become effective on the 30st day of October, 1990.

PASSED AND ADOPTED BY THE CITY COUNCIL OF PARK CITY, UTAH this 18th day of October, 1990.

ATTEST:

Amita L. Sheldon
City Recorder

Bruce A. Deed
Mayor



STATE OF UTAH)
 : SS
COUNTY OF UTAH)

I, Anita L. Sheldon City Recorder of Park City, Summit County, Utah, do hereby certify that the above and foregoing is a full, true, and correct copy of an Ordinance passed by the City Council of Park City on the ~~31st~~^{18th} day of October, 1990.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Park City, Utah, this 19th day of October, 1990.

Anita L. Sheldon
City Recorder



**EXHIBIT A
AMENDMENT TO PARK CITY NEIGHBORHOOD
DEVELOPMENT PLAN**

SECTION 1.

Section 3 of the Park City Neighborhood Development Plan adopted by Ordinance 82-3 on January 28, 1982, and previously amended by Resolution No. 1-83 on March 24, 1983 shall be and is amended to delete from the boundary of the Park City Neighborhood Development Plan the following described real property:

Beginning at a point at the intersection of Park Avenue and Homestake Road proceed southeasterly along the eastern right-of-way line of Park Avenue to the center of 13th Street. proceed west along the center of 12th Street to the west edge of Lowell Avenue. Proceed southeasterly along the west edge of Lowell Avenue to the Lowell/Empire switchback. Proceed around the southern edge of the Lowell/Empire switchback to the point where tax parcel PC-364-A and PC-338-B intersect the Lowell/Empire switchback. Proceed along the western and northern edges of tax parcels PC-338-B, PC-320, PC-320A and PC-325-B to the eastern edge of Norfolk Avenue. Proceed along the eastern edge of Norfolk Avenue to the southern edge of 9th Street. Proceed along the southern edge of 9th Street to the eastern edge of Park avenue. Proceed along the eastern edge of Park Avenue to the northern edge of 11th Street. Proceed along the northern edge of 11th Street to the southern boundaries of Park City Municipal Corporation property SA-360-A to the western curb line of State Highway 224 (or Deer Valley Drive). Proceed northerly along the west edge of Deer Valley Drive to the westerly right-of-way line extended of Short Line Drive. Proceed northerly along the west right-of-way line of Short Line Drive and across tax parcel SA-225-2 to the north edge of Homestake Road. Proceed westerly along the north edge of Homestake Road to the intersection of Park Avenue and to the point of beginning.

SECTION 2:

All other aspects of the Park City Neighborhood Development Plan and reports, Relocation and Participation Plans adopted in accordance with the Park City Neighborhood Plan shall be unaffected by this Amendment and remain in full force and effect.

SECTION 3:

The amended boundary of the Park City Neighborhood Development Plan is set forth in Exhibit A which is incorporated by this reference.

SECTION 4:

If this Amendment is determined to be void, unenforceable, unlawful, or not in effect, the Plan shall continue to be in full force and effect as if not amended.

EXHIBIT B
LEGAL DESCRIPTION OF AREA DELETED FROM
PARK CITY NEIGHBORHOOD DEVELOPMENT PLAN

Beginning at a point at the intersection of Park Avenue and Homestake Road proceed southeasterly along the eastern right-of-way line of Park Avenue to the center of 13th Street. proceed west along the center of 12th Street to the west edge of Lowell Avenue. Proceed southeasterly along the west edge of Lowell Avenue to the Lowell/Empire switchback. Proceed around the southern edge of the Lowell/Empire switchback to the point where tax parcel PC-364-A and PC-338-B intersect the Lowell/Empire switchback. Proceed along the western and northern edges of tax parcels PC-338-B, PC-320, PC-320A and PC-325-B to the eastern edge of Norfolk Avenue. Proceed along the eastern edge of Norfolk Avenue to the southern edge of 9th Street. Proceed along the southern edge of 9th Street to the eastern edge of Park avenue. Proceed along the eastern edge of Park Avenue to the northern edge of 11th Street. Proceed along the northern edge of 11th Street to the southern boundaries of Park City Municipal Corporation property SA-360-A to the western curb line of State Highway 224 (or Deer Valley Drive). Proceed northerly along the west edge of Deer Valley Drive to the westerly right-of-way line extended of Short Line Drive. Proceed northerly along the west right-of-way line of Short Line Drive and across tax parcel SA-225-2 to the north edge of Homestake Road. Proceed westerly along the north edge of Homestake Road to the intersection of Park Avenue and to the point of beginning.

EXHIBIT C
LEGAL DESCRIPTION OF AMENDED BOUNDARY OF
PARK CITY NEIGHBORHOOD DEVELOPMENT PLAN

Beginning at a point at the intersection of State Highways 224 and 248, said point of beginning being North 89°48'51" East along the quarter section line 492.53 feet and South 220.62 feet from the West quarter corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running thence Southeasterly along the Northeasterly right-of-way line of Park Avenue (State Highway 224) for seven courses:

- (1) South 34°48'30" East 317.58 feet, more or less, to a point of a 5769.58 foot radius curve to the right;
- (2) Southeasterly along the arc of said curve 1042.23 feet through a central angle of 10°21'00" to a point of tangency;
- (3) South 24°27'30" East 491.86 feet;
- (4) South 65°32'30" West 9.51 feet;
- (5) South 24°38'32" East 614.15 feet to a point of an 883.88 foot radius curve to the left;
- (6) Southeasterly along the arc of said curve 174.06 feet through a central angle of 11°16'58" to a point of tangency;
- (7) South 35°55'30" East 1382.04 feet, more or less, to the center of 12th Street; thence South 54°04'30" West along the centerline of said 12th Street 850.00 feet to the Southwesterly right-of-way line of Lowell Avenue; thence South 35°55'30" East along said Southwesterly right-of-way line 1290.0 feet to the centerline of 9th Street; thence North 54°04'30" East along said centerline 449.64 feet to the Northeasterly right-of-way line of Norfolk Avenue; thence Southeasterly along said Northeasterly right-of-way line for two courses:
 - (1) South 37°17'30" East 328.74 feet;
 - (2) South 23°38'00" East 1499.46 feet;thence North 89°56'45" East 195.62 feet; thence South 0°02'16" East 2399.45 feet to the Southeasterly right-of-way line of Ridge Avenue; thence North 21°33'00" East 1101.21 feet to the platted Southeasterly right-of-way line of 1st Street; thence North 66°22'00" East along said Southeasterly right-of-way line 316.29 feet to the Westerly right-of-way line of Daly Avenue; thence South 21°33'00" West along said Westerly right-of-way line 70.86 feet to the section line; thence North 89°57'00" East along the section line 495.94 feet; thence North 2°10'00" East 1502.33 feet to a point of a 145.00 foot radius curve to the right; thence Northeasterly along the arc of said curve 160.99 feet through a central angle of 63°36'44" to a point of tangency on the Northwesterly right-of-way line of Rossi Hill Drive; thence Northeasterly along said Northwesterly right-of-way line for seven courses:

- (1) North 65°46'44" East 74.48 feet to a point of a 135.05 foot radius curve to the right;
- (2) Northeasterly along the arc of said curve 39.76 feet through a central angle of 16°52'00" to a point of tangency;
- (3) North 82°38'44" East 201.41 feet to a point of a 345.00 foot radius curve to the right;
- (4) Easterly along the arc of said curve 119.02 feet through a central angle of 19°46'00" to a point of tangency;

EXHIBIT C (CONTINUED)

(5) South 77°35'16" East 24.90 feet to a point of a 123.28 foot radius curve to the left;

(6) Easterly along the arc of said curve 62.40 feet through a central angle of 29°00'00" to a point of tangency;

(7) North 73°24'44" East 0.78 feet to boundary of Snow Park Subdivision; thence Southeasterly along said boundary for five courses:

(1) South 16°35'16" East 25.00 feet to a point of an 86.86 foot radius curve to the left;

(2) Southeasterly along the arc of said curve 89.44 feet through a central angle of 59°00'00" to a point of tangency;

(3) South 75°35'16" East 17.67 feet;

(4) South 12°54'44" West 291.68 feet;

(5) North 89°24'44" East 810.00 feet;

thence South 72°35'16" East 373.55 feet; thence South 0°35'16" East 605.15 feet the Northerly right-of-way line of Lake Flat Road; thence Westerly along said Northerly right-of-way line for three courses:

(1) North 79°39'07" West 201.31 feet to a point of a 215.00 foot radius curve to the left;

(2) Westerly along the arc of said curve 112.21 feet through a central angle of 29°54'10" to a point of tangency;

(3) South 70°26'43" West 49.62 feet to the boundary of American Flag Subdivision; thence along said boundary for twenty-one courses:

(1) North 0°35'16" West 111.81 feet;

(2) South 89°24'44" West 788.50 feet;

(3) South 0°56'59" East 140.00 feet;

(4) South 47°03'44" West 733.10 feet;

(5) South 27°14'16" East 167.60 feet;

(6) South 51°13'16" East 443.10 feet;

(7) North 47°03'44" East 298.67 feet;

(8) South 7°47'01" West 555.91 feet;

(9) South 51°07'01" East 56.73 feet;

(10) South 32°39'44" West 100.00 feet;

(11) North 89°24'44" East 701.53 feet;

(12) South 19°36'51" East 177.29 feet to a point of a 936.65 foot radius curve to the left;

(13) Southeasterly along the arc of said curve 247.64 feet through a central angle of 15°08'53" to a point of tangency;

(14) South 34°45'44" East 211.53 feet to a point of a 175.00 foot radius curve to the right;

(15) Southerly along the arc of said curve 134.79 feet through a central angle of 44°07'46" to a point of tangency;

(16) South 9°22'02" West 70.95 feet to a point of a 140.00 foot radius curve to the right;

(17) Southerly along the arc of said curve 47.16 feet through a central angle of 19°17'58";

(18) South 45°35'16" East 269.41 feet;

(19) North 80°24'44" East 512.70 feet;

(20) North 16°04'44" East 1268.00 feet;

EXHIBIT C (CONTINUED)

(21) North $0^{\circ}35'16''$ West 190.53 feet to the section line; thence North $89^{\circ}07'30''$ East along the Section line 399.99 feet to the South quarter corner Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North $89^{\circ}21'41''$ East along the section line 986.15 feet to a point on a curve to the left on the Westerly right-of-way line of Deer Valley East Road, the radius point of said curve is North $75^{\circ}12'30''$ West 249.90 feet; thence Northerly along said Westerly right-of-way line for ten courses:

(1) Northerly along the arc of said curve 67.08 feet through a central angle of $15^{\circ}22'46''$ to a point of tangency;

(2) North $0^{\circ}35'16''$ West 800.00 feet to a point of an 870.52 foot radius curve to the right;

(3) Northerly along the arc of said curve 136.50 feet through a central angle of $3^{\circ}59'03''$ to a point of an 878.16 foot radius reverse curve to the left, the radius point of which bears North $81^{\circ}36'13''$ West;

(4) Northerly along the arc of said curve 127.48 feet through a central angle of $8^{\circ}19'03''$ to a point of tangency;

(5) North $0^{\circ}04'44''$ East 579.06 feet to a point of a 360.00 foot radius curve to the right;

(6) Northerly along the arc of said curve 228.29 feet through a central angle of $36^{\circ}20'00''$ to a point of tangency;

(7) North $36^{\circ}24'44''$ East 296.50 feet to a point of a 404.15 foot radius curve to the left;

(8) Northerly along the arc of said curve 415.58 feet through a central angle of $58^{\circ}55'00''$ to a point of tangency;

(9) North $22^{\circ}30'16''$ West 124.79 feet to a point of a 308.46 foot radius curve to the left;

(10) Northwesterly along the arc of said curve 335.84 feet through a central angle of $62^{\circ}22'52''$;

thence North $1^{\circ}35'16''$ West 208.71 feet to the boundary of Solamere Subdivision 1; thence along said boundary for seven courses:

(1) South $86^{\circ}12'36''$ East 151.11 feet;

(2) North $18^{\circ}09'44''$ East 1500.03 feet;

(3) South $67^{\circ}20'16''$ East 492.60 feet;

(4) South $30^{\circ}24'44''$ West 32.14 feet;

(5) South $68^{\circ}54'16''$ East 608.24 feet;

(6) North $3^{\circ}08'30''$ West 1085.00 feet;

(7) North $32^{\circ}35'16''$ West 162.87 feet;

thence South $86^{\circ}24'44''$ West 423.23 feet to a point on a curve to the right, radius point of which is South $86^{\circ}24'44''$ West 228.49 feet; thence Southwesterly along the arc of said curve 231.30 feet through a central angle of $58^{\circ}00'00''$ to a point of tangency; thence South $54^{\circ}24'44''$ West 226.68 feet to a point of a 256.22 foot radius curve to the right; thence Northwesterly along the arc of said curve 256.22 feet through a central angle of $93^{\circ}00'00''$ to a point of tangency; thence North $32^{\circ}35'16''$ West 110.64 feet to a point of a 178.72 foot radius curve to the left; thence Northwesterly along the arc of said curve 190.27 feet through a central angle of $61^{\circ}00'00''$ to a point of tangency; thence South $86^{\circ}24'44''$ West 14.64 feet to a point of a 25.00 foot radius curve to the left; thence Southwesterly along the arc of said curve 39.27 feet through a central angle of $90^{\circ}00'00''$ to a point of tangency; thence South $3^{\circ}35'16''$ East 189.91 feet to a point of a 242.00 foot radius curve to the left; thence Southerly along the arc

EXHIBIT C (CONTINUED)

curve 97.85 feet through a central angle of $23^{\circ}10'00''$ to a point of a 353.0 radius reverse curve to the right, the radius point of which is South $63^{\circ}14'$ West; thence Southerly along the arc of said curve 169.43 feet through a central angle of $27^{\circ}30'00''$ to a point of tangency; thence South $0^{\circ}44'44''$ West 350.0 to a point of a 311.99 foot radius curve to the left; thence Southerly along arc of said curve 90.75 feet through a central angle of $16^{\circ}40'00''$ to a point of a 377.99 foot radius reverse curve to the right; the radius point of which is South $74^{\circ}04'44''$ West; thence Southerly along the arc of said curve 109.95 feet through a central angle of $16^{\circ}40'00''$; thence North $89^{\circ}17'42''$ West 95.97 feet to a point on the boundary of Solamere Subdivision No. 1; thence South $89^{\circ}25'44''$ West along said boundary 1200.00 feet; thence South $0^{\circ}15'16''$ East along said boundary and along the boundary of Daystar 942.40 feet; thence South $89^{\circ}25'44''$ West along boundary of Daystar and boundary of Pinnacle Condominiums 1497.10 feet; thence South $0^{\circ}15'16''$ East 557.60 feet; thence North $89^{\circ}25'44''$ East 60.97 feet; thence South $0^{\circ}37'16''$ East 155.58 feet; thence North $51^{\circ}13'16''$ West 48.07 feet; thence South $30^{\circ}29'44''$ West 100.00 feet to a point on a curve to the right on the southerly right-of-way line of Mellow Mountain Road, the radius point of said curve is North $43^{\circ}16'31''$ East 360.86 feet; thence Northwesterly along said Southerly right-of-way line for four courses:

(1) Northwesterly along the arc of said curve 111.40 feet through a central angle of $17^{\circ}41'13''$ to a point of tangency;

(2) North $29^{\circ}02'16''$ West 74.88 feet to a point of a 143.31 foot radius curve to the left;

(3) Northwesterly along the arc of said curve 95.17 feet through a central angle of $38^{\circ}03'00''$ to a point of tangency;

(4) North $67^{\circ}05'16''$ West 34.21 feet to the boundary of Sunnyside Subdivision; thence along said boundary for four courses:

(1) North $0^{\circ}35'16''$ West 274.82 feet;

(2) South $29^{\circ}34'44''$ West 104.72 feet;

(3) North $0^{\circ}35'16''$ West 148.54 feet;

(4) South $89^{\circ}23'22''$ West 1319.18 feet to the East quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence South $0^{\circ}05'05''$ East along the section line 298.09 feet to the Southerly right-of-way line extended of Coalville Avenue; thence Westerly along said Southerly right-of-way line for two courses:

(1) North $70^{\circ}38'00''$ West 455.19 feet;

(2) North $82^{\circ}23'00''$ West 490.19 feet to the proposed Westerly curb line of the Belt Route; thence Northerly along said Westerly line for ten courses:

(1) North $37^{\circ}07'20''$ West 607.82 feet to a point of a 3788.22 foot radius curve to the left;

(2) Northwesterly along the arc of said curve 163.09 feet through a central angle of $2^{\circ}28'00''$ to a point of tangency;

(3) North $39^{\circ}35'20''$ West 481.22 feet to a point of a 1114.42 foot radius curve to the left;

EXHIBIT B (CONTINUED)

- (4) Northwesterly along the arc of said curve 212.98 feet through a central angle of 10°57'00" to a point of tangency;
- (5) North 50°32'20" West 349.22 feet to a point of a 1177.42 foot radius curve to the right;
- (6) Northwesterly along the arc of said curve 526.76 feet through a central angle of 25°38'00" to a point of tangency;
- (7) North 24°54'20" West 1169.93 feet to a point of an 850.01 foot radius curve to the right;
- (8) Northerly along the arc of said curve 388.48 feet through a central angle of 26°11'08" to a point of tangency;
- (9) North 1°16'48" East 190.01 feet to a point of a 350.47 foot radius curve to the left;
- (10) Northwesterly along the arc of said curve 547.39 feet through a central angle of 89°29'21" to a point of tangency on the Southerly right-of-way line of Snow Country Drive; thence Westerly along said Southerly right-of-way line for three courses:
- (1) North 88°12'32" West 85.91 feet to a point of a 508.50 foot radius curve to the left;
- (2) Westerly along the arc of said curve 55.46 feet through a central angle of 6°14'57" to a point of tangency;
- (3) South 85°32'30" West 158.26 feet to the Westerly right-of-way line extended of Short Line Drive; thence Northerly along said Westerly right-of-way line for three courses:
- (1) North 4°27'30" West 125.01 feet to a point of a 200.00 foot radius curve to the left;
- (2) Northerly along the arc of said curve 59.34 feet through a central angle of 17°00'00" to a point of tangency;
- (3) North 21°27'30" West 403.67 feet;
- thence North 9°08'31" West 315.83 feet to the Westerly boundary line of Claimjumper Condominiums; thence Northerly along the Westerly boundary line of Claimjumper and Homestake Condominiums for three courses:
- (1) North 4°47'30" West 147.81 feet, more or less;
- (2) North 23°11'30" East 313.52 feet, more or less;
- (3) North 20°27'30" West 344.18 feet, more or less, to the Southeasterly right-of-way line of State Highway 248; thence South 75°04'30" West along said Southeasterly right-of-way line 957.74 feet, more or less, to the point of beginning.

Contains 537.268 acres, more or less.

LESS THE FOLLOWING DESCRIBED PARCEL:

EXHIBIT C (CONTINUED)

Beginning at a point at the intersection of Park Avenue and Homestake Road proceed southeasterly along the eastern right-of-way line of Park Avenue to the center of 13th Street. proceed west along the center of 12th Street to the west edge of Lowell Avenue. Proceed southeasterly along the west edge of Lowell Avenue to the Lowell/Empire switchback. Proceed around the southern edge of the Lowell/Empire switchback to the point where tax parcel PC-364-A and PC-338-B intersect the Lowell/Empire switchback. Proceed along the western and northern edges of tax parcels PC-338-B, PC-320, PC-320A and PC-325-B to the eastern edge of Norfolk Avenue. Proceed along the eastern edge of Norfolk Avenue to the southern edge of 9th Street. Proceed along the southern edge of 9th Street to the eastern edge of Park Avenue. Proceed along the eastern edge of Park Avenue to the northern edge of 11th Street. Proceed along the northern edge of 11th Street to the southern boundaries of Park City Municipal Corporation property SA-360-A to the western curb line of State Highway 224 (or Deer Valley Drive). Proceed northerly along the west edge of Deer Valley Drive to the westerly right-of-way line extended of Short Line Drive. Proceed northerly along the west right-of-way line of Short Line Drive and across tax parcel SA-225-2 to the north edge of Homestake Road. Proceed westerly along the north edge of Homestake Road to the intersection of Park Avenue and to the point of beginning.

CITY COUNCIL OF PARK CITY, UTAH

ORDINANCE NO. 90-29

AN ORDINANCE ADOPTING THE REDEVELOPMENT PLAN FOR THE LOWER PARK AVENUE REDEVELOPMENT PROJECT AS THE OFFICIAL REDEVELOPMENT PLAN FOR THE LOWER PARK AVENUE REDEVELOPMENT PROJECT.

WHEREAS, acting pursuant to the Utah Neighborhood Development Act, as amended (the "Act"), Utah Code Ann. § 17A-2-1201, et seq., the Redevelopment Agency of Park City ("Agency"), in consultation with the Park City Planning Commission (the "Planning Commission"), and the Agency's staff and consultants, has caused to be prepared a Proposed Redevelopment Plan for the Lower Park Avenue Redevelopment Project (the "Proposed Redevelopment Plan");

WHEREAS, the Planning Commission has prepared and submitted to the Agency its Report and Recommendations of the Park City Planning Commission on the Proposed Redevelopment Plan for the Lower Park Avenue Redevelopment Project (the "Planning Commission Report");

WHEREAS, the Agency has caused to be prepared and has approved the Agency's Report to Accompany the Redevelopment Plan for the Lower Park Avenue Redevelopment Project (the "Agency Report");

WHEREAS, a duly noticed joint public hearing on the Proposed Redevelopment Plan has been held by the Agency and the City Council (the "Hearing");

WHEREAS, the City Council has considered the Agency Report, the Planning Commission Report, the matters contained in the record of the Hearing, and all evidence and testimony for and against the adoption of the Proposed Redevelopment Plan submitted to it at or prior to the Hearing;

WHEREAS, both the Agency and the Planning Commission have determined in their respective Reports prepared in connection with the Proposed Redevelopment Plan that numerous statutory indications of blight exist within the Lower Park Avenue Redevelopment Project (the "Project Area");

WHEREAS, both the Agency and the Planning Commission have determined in their respective Reports that the Project Area is a blighted area and that the Project Area is restricted to buildings, improvements, or lands which are detrimental or inimical to the public health, safety, or welfare;

WHEREAS, the Park City City Council ("City Council") concurs in the findings of the Agency and the Planning Commission that the Project Area is a blighted area and that the Project Area is restricted to buildings, improvements, or lands which are detrimental or inimical to the public health, safety, or welfare;

WHEREAS, the Planning Commission and the Agency have recommended the adoption of the Proposed Redevelopment Plan and the Agency has submitted it to the City Council for action;

WHEREAS, the City Council has overruled all objections to the adoption of the Proposed Redevelopment Plan received by the City Council at or prior to the Hearing, whether written or oral;

WHEREAS, the City Council has determined that the owners of less than forty percent (40%) of the area of the property included within the Project Area proposed in the Proposed Redevelopment Plan as modified (the "Official Redevelopment Plan"), excluding property owned by public agencies or dedicated to public use, made objections in writing prior to or at the Hearing;

WHEREAS, the City Council finds and determines that the Official Redevelopment Plan would redevelop the Project Area in conformity with the Utah Neighborhood Development Act, as amended; that it would further the interests of the public peace, health, safety and welfare; that the adoption and carrying out of the Official Redevelopment Plan is economically sound and feasible; and that a number of other appropriate reasons call for the adoption and implementation of the Official Redevelopment Plan for the Lower Park Avenue Redevelopment Project (the "Redevelopment Project");

BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH:

SECTION 100 Adoption of the Plan

The Park City City Council hereby approves and adopts the Official Redevelopment Plan for the Lower Park Avenue Redevelopment Project, which is the Proposed Redevelopment Plan.

SECTION 200 Legal Description

The legal description of the boundaries of the Lower Park Avenue Redevelopment Project ("Project Area") are as provided in Exhibit A to this Ordinance, which Exhibit A is attached hereto and incorporated herein by this reference.

SECTION 300 Purpose and Intent of City Council

The purposes and intent of the City Council with respect to the Project Area are as follows:

- A. [§ 310] to reduce and eliminate existing blight and to prevent further deterioration within the Project Area;
- B. [§ 320] to facilitate new development of types and quality desired by the community;
- C. [§ 330] to encourage the businesses already located in Park City to renovate and beautify;

- D. [§ 340] to take any or all additional steps which may be appropriate or necessary to promote or further the aim of improving the Project Area (and, indirectly, surrounding areas) and to prevent further deterioration within the Project Area.

- E. [§ 350] to preserve and restore historic residences and buildings within the project area.

SECTION 400 The Redevelopment Plan

The Official Redevelopment Plan and the final Report to Accompany the Redevelopment Plan for the Lower Park Avenue Redevelopment Project, including the Report and Recommendations of the Park City Planning Commission on the Proposed Redevelopment Plan for the Lower Park Avenue Redevelopment Project, are incorporated herein by this reference.

SECTION 500 Designation of the Redevelopment Plan as the Official Redevelopment Plan for the Project Area

The Proposed Redevelopment Plan as modified and approved by the City Council is hereby adopted and approved by the City Council and designated as the Official Redevelopment Plan for the Lower Park Avenue Redevelopment Project (the "Official Redevelopment Plan").

SECTION 600 Findings and Determinations of the City Council

The City Council hereby makes the following findings and determinations:

A. [§ 610] Conditions of the Project Area.

- 1. [§ 611] Blight. In view of the various existing conditions described in the final Agency Report, and in light of the various findings made in and on the basis of the Agency Report, the Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes of the Act.

- 2. [§ 612] Detrimental or Inimical. In view of the various existing conditions described in the Agency Report, and in light of the various findings made in and on the basis of the Agency Report, the Project Area is restricted to buildings, improvements or lands which are detrimental or inimical to the public health, safety, or welfare.

3. [§ 613] Findings Not Exhaustive. Nothing herein shall be construed to imply that the Agency Report exhaustively describes all the facts and conditions that are the basis of the findings in the foregoing two paragraphs, and other additional justifications for these findings may exist which have not been expressly noted.
- B. [§ 620] Conformity with Utah Neighborhood Development Act and Other Public Purposes. The Official Redevelopment Plan will redevelop the Project Area in conformity with the Act, and in the interests of the public peace, health, safety and welfare in that:
1. [§ 621] it will enable the Agency to make financing alternatives available to parties electing to become participants in the Redevelopment Project and to developers, thereby providing necessary assistance for investment, redevelopment, rehabilitation, and the elimination of blight within the Project Area;
 2. [§ 622] it will help to prevent erosion of Park City's economic base;
 3. [§ 623] it will help attract desirable businesses to locate and expand within the Project Area;
 4. [§ 624] it will facilitate revitalization and beautification of the Project Area;
 5. [§ 625] it will enable the Agency to help meet some of the infrastructure needs of the City of Park City which are important for revitalization of the Project Area; and
 6. [§ 626] it will contribute in a variety of other ways to the redevelopment of the Project Area in conformity with the Act, and to furthering the interests of public peace, health, safety and welfare.
- C. [§ 630] Feasibility. The adoption and carrying out of the Official Redevelopment Plan is economically sound and feasible in that under Section 601 of the Official Redevelopment Plan, developments proposed pursuant to and in furtherance of the Official Redevelopment Plan will proceed and be carried out only if and when financing becomes available, and the financing of projects is primarily based upon the willingness of public and private entities to invest in the Project Area.

- D. [§ 640] Conformity to Comprehensive Plan. The Official Redevelopment Plan conforms to the Park City City Master Plan, as amended, as more particularly shown in the Agency Report.
- E. [§ 650] Effects of Carrying Out the Redevelopment Plan. The carrying out of the Official Redevelopment Plan will promote the public peace, health, safety and welfare of the community, and will effectuate the purpose and policy of the Act in that it will promote and facilitate:
1. [§ 651] the elimination or reduction of blight in the Project Area;
 2. [§ 652] measures which will prevent further stagnation, deterioration, and/or fragmentation within the Project Area;
 3. [§ 653] the attraction of desirable businesses into the Project Area;
 4. [§ 654] the revitalization and beautification of the Project Area; and
 5. [§ 655] preservation of historic structures in the Project Area;
 6. [§ 656] other measures which will promote the public peace, health, safety and welfare and which would be consistent with the purposes of the Act.
- F. [§ 660] Eminent Domain. The Redevelopment Agency acting pursuant to the Official Redevelopment Plan shall have the power of eminent domain, as is more particularly indicated in Section 303 of the Official Redevelopment Plan.
1. [§ 661] The inclusion of the power of eminent domain is necessary to the execution of the Official Redevelopment Plan.
 2. [§ 662] Condemnation of real property or the threat of condemnation is necessary to the execution of the Official Redevelopment Plan.
 3. [§ 663] Before any condemnation action is initiated pursuant to the Official Redevelopment Plan, the Agency shall be required to ascertain and assure that adequate provisions have been made for payment for property to be acquired as provided by law.

4. [§ 664] In view of Section 663, the City Council finds that adequate provisions have been made for payment for property to be acquired as provided by law.

G. [§ 670] Relocation. The Agency has a feasible method or plan for the relocation of families and persons displaced from the Project Area in the unlikely event that the Redevelopment Plan may result in the temporary or permanent displacement of any occupants of housing facilities in the Project Area, in that Section 312 of the Redevelopment Plan specifies that the Relocation Rules and Regulations for Implementation of the Utah Relocation Assistance Act for the Lower Park Avenue Redevelopment Project ("Relocation Rules") shall govern relocation of persons, businesses, and other entities displaced by Agency action. Section 503 of the Relocation Rules specifies that "[n]o person shall be required to move from his dwelling on account of any project of the Agency unless the Agency Governing Board is satisfied that replacement housing is available to this person." That is, unless a feasible method or plan for relocation exists, execution of the Redevelopment Plan cannot go forward. Moreover as indicated in Section IV of the Agency Report, it is "highly unlikely that any substantial amount of residential relocation will be required."

[§671] The relocation plan of the Agency entitled Redevelopment Agency of Park City Relocation Rules and Regulations for Implementation of the Utah Relocation Assistance Act for the Lower Park Avenue Redevelopment Project is hereby approved by the City Council.

H. [§ 680] Relocation Dwellings. The Relocation Rules which govern relocation of persons displaced from the Project Area under the Redevelopment Plan as indicated in Section 670 hereof, also provide in Section 501 thereof that "[n]o person shall be required to move or be relocated from land used as his residence and acquired under any of the condemnation or eminent domain laws of this state until he has been offered a comparable replacement dwelling which is a safe, clean and sanitary dwelling adequate to accommodate this person, reasonably accessible to public services and places of employment, and available on the private market." Thus, there are or will be provided in the Project Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the Project Area, decent, safe, and sanitary dwellings equal in number to

the number of and available to such families and persons as may be displaced by the Official Redevelopment Plan and reasonably accessible to their places of employment.

SECTION 700 Availability of Replacement Housing

The Park City City Council is satisfied permanent housing facilities will be available within three years from the time occupants of the Project Area may be or are displaced and that pending the development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement. The basis for this statement is that only a small number of residential units exist in the Project Area, even in the unlikely event that all were required to move, sufficient housing is available in surrounding areas. Moreover, the Relocation Rules, which govern relocation and persons displaced from the Project Area under the Official Redevelopment Plan as indicated in Section 670 hereof, impose a more stringent requirement. They provide in Section 503 thereof that "[n]o person shall be required to move from his dwelling on account of any project of the Agency unless the Agency Governing Board is satisfied that replacement housing is available to this person." Persons may not be displaced from property pursuant to the Official Redevelopment Plan unless or until this condition is met, and meeting this requirement assures (and shall be construed to require) that replacement housing be available in substantially less than three years.

SECTION 800 Participation Rules

This Official Redevelopment Plan shall operate subject to the Rules Governing Participation and Preferences by Owners, Operators of Businesses, and Tenants in the Lower Park Avenue Redevelopment Project adopted by the Agency. Such rules are hereby approved by the Park City Council.

SECTION 900 The Agency's Governing Board

As required by the Utah Neighborhood Development Act, as amended, and as specifically provided by the Agency's Bylaws, adopted by the Agency's Resolution No. 1 dated April 21, 1982, the Agency's Governing Board consists of the same individuals who constitute the legislative body of the City of Park City, i.e., the Mayor and the Park City City Council.

SECTION 1000 Public Hearings

The Agency shall hold a public hearing on any proposed development within the Project Area with respect to which the Agency proposes to enter into a legally binding agreement (e.g., a participation agreement or a development agreement) that will obligate the financial resources of the Agency, including but not limited to tax increment financing. Prior to such public hearing, the Agency shall give such general public notice as it would

normally provide in connection with a hearing on a proposed zoning change. In addition, the Agency shall give notice to landowners whose property is located within 300 feet of proposed development in the Project Area covered by this Section 1000. This notice shall be provided in the same manner that individualized notice is given prior to making any zoning changes in the City.

SECTION 1100 Severability

If any one or more provision, section, subsection, sentence, clause, phrase or word of this Ordinance or the application thereof to any person, property or circumstance is found to be unconstitutional or otherwise contrary to law, the same is declared to be severable and the balance of this Ordinance shall remain effective. The City Council hereby declares that it would have passed this Ordinance, and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more provision, section, subsection, sentence, clause, phrase or word be declared unconstitutional or otherwise contrary to law.

SECTION 1200 Effective Date

This Ordinance shall become effective on the 31st day of October, 1990.

PASSED AND ADOPTED BY THE CITY COUNCIL OF PARK CITY, UTAH this ^{18th} ~~31st~~ day of October, 1990.

ATTEST:

Anita L. Sheldon
City Recorder

Burdley A. DeW
Mayor

STATE OF UTAH)
 : ss
COUNTY OF UTAH)

I, Anita L. Sheldon, City Recorder of Park City, Summit County, Utah, do hereby certify that the above and foregoing is a full, true, and correct copy of an Ordinance passed by the City Council of Park City on the 18th day of October, 1990.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Park City, Utah, this 19th day of October, 1990.

Anita L. Sheldon
City Recorder



EXHIBIT A
LOWER PARK AVENUE REDEVELOPMENT AREA
LEGAL DESCRIPTION

Beginning at the intersection of State Highway 224 and Thaynes Canyon Drive proceed along the northern edge of Thaynes Canyon Drive to the intersection of Three Kings Drive. Continue southward along the western boundaries of the Park City golf course and Three Kings Drive to the northern edge of Silver King Drive. Proceed west along Silver King Drive to the eastern boundary of Snowflower Condominiums. Proceed along the eastern boundary of Snowflower Condominiums to the point of intersection with tax parcel SA-402-A. Proceed along the north and east property lines of tax parcel SA-402-A to a point approximately 230' from the north west corner of tax parcel SA-402-A-4. Proceed northeast to the north west corner of the Resort Center Condo Phase 1-B (1985) parcel. Proceed along the north boundary of the Resort Center Condo Phase 1-B (1985) to the western edge of the Lowell Avenue. Proceed along the western edge of Lowell Avenue to the southern boundary of Vantage Point Condominium. Proceed southwesterly along the southern boundary of Vantage Point Condominium, Marsac Mill Manor Condominium and across tax parcel SA-404-A-4 to the northern boundary of tax parcel SA-404. Proceed along the north, west, and south boundaries of tax parcel SA-402 to the western edge of tax parcel SA-402-D. Proceed southwesterly along the west boundary of tax parcel SA-401-D then along the south and east boundaries of tax parcel SA-402-D and tax parcel SA-402-A to the south boundary of lot 12 Block 36 Snyder's Addition within tax parcel SA-312-A. Proceed east along the south line of lots 12 and 5 of tax parcel SA-312-A to the west edge of Lowell Avenue. Proceed along the west edge of Lowell Avenue to the Lowell/Empire switchback. Proceed around the southern edge of the Lowell/Empire switchback to the point where tax parcel PC-364-A and PC-338-B intersect the Lowell/Empire switchback. Proceed along the western and northern edges of tax parcels PC-338-B, PC-320, PC-320-A and PC-325-B to the eastern edge of Norfolk Avenue. Proceed along the eastern edge of Norfolk Avenue to the southern edge of 9th Street. Proceed along the southern edge of 9th Street to the eastern edge of Park Avenue. Proceed along the eastern edge of Park Avenue to the northern edge of 11th Street. Proceed along the northern edge of 11th Street to the southern boundaries of Park City Municipal Corp. property SA-360-A to the eastern edge of Utah Highway 224. Proceed along the eastern edge of Highway 224 to the intersection of Bonanza Drive. Proceed along the eastern edge of Bonanza Drive to the intersection of Iron Horse Drive. Proceed along the northern edge of Iron Horse Drive to a point 500 feet west of the intersection. Proceed north 120' parallel to the existing building. Proceed east 260' parallel to the existing building. Proceed north parallel to the existing building to the north boundary of tax parcel SA-225-3. Proceed west along the north boundary of parcel SA-225-3 to Homestake Road. Proceed along the north edge of Homestake Road to Park Avenue. Proceed along the west side of Park Avenue to the south boundary of Park Avenue Condominium. Proceed along the south, west and north boundaries of Park

Avenue Condominiums to Utah Highway 224. Proceed along the south west and west edges of Highway 224 to the intersection of Homestake Road. Cross the Highway 224/Park Avenue right of way and proceed along the eastern edge of Highway 224/Park Avenue to the intersection of State Highway 248. Proceed along the south side of Highway 248 to the north quarter section line of the southwest 1/4 of Section 9, T2S-R4E. Proceed west along the quarter section line to a point 22' west of the southwest corner of the Northeast 1/4 of section 8, T2S-R4E. Proceed north 00 16' 20' east to the point of intersection with the north boundary of the Armstrong Annex tax parcel PCA-4-4000. Proceed along the north boundary of the Armstrong Annex to the west edge of Highway 224. Proceed along the west edge of Highway 224 to the intersection of Thaynes Canyon Drive and the point of beginning. The RDA shall include all parcels within the above description except Snow Country Condos located along State Highway 224 across from Short Line Road.

Recorded at the request of and return
to: Park City Municipal Corp
P. O. Box 1480, Park City, UT 84060
Attn: City Recorder
ORDINANCE NO. 90-28

Fee Exempt per Utah Code
Annotated 1983 21-7-2

AN ORDINANCE ADDING PREVIOUSLY APPROVED
LANGUAGE TO THE RISNER RIDGE
SUBDIVISION PLAT LIMITING SQUARE FOOTAGE OF HOUSES

WHEREAS, the Planning Commission and City Council did approve the
Risner Ridge Subdivision Plat recorded in Summit County, Utah, as Entry
290977; and

WHEREAS, in granting said approval certain conditions were
imposed by the Planning Commission and City Council; and

WHEREAS, the condition limiting square footage was omitted on the
recorded plat; and

WHEREAS, the City Council did receive a request from the Risner
Ridge Homeowners' Association asking that the Council amend the plat to
carry out the intent of the Planning Commission and City Council; and

WHEREAS, after holding a public hearing on October 4th to receive
input on amending the Risner Ridge Subdivision plat, the City Council
of Park City approved language to be added to the plat,

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

SECTION 1. The following language shall be an additional
condition of approval attaching to the Risner Ridge Subdivision Plat
(formerly known as Park Meadows No. 4 Subdivision) and incorporated
therein by this reference:

The maximum floor area of any structure shall be 5500 square feet
and shall be calculated as follows: The floor area is the area of
a building that is enclosed by surrounding exterior walls,
excluding a 600 square foot allowance for garages. Basements will
be considered floor area whether finished or unfinished. Porches,
balconies, patios and decks will not be considered floor area.

SECTION 2. This ordinance shall take effect immediately upon
passage.

^{as}
DATED this 10th day of October, 1990.

PARK CITY MUNICIPAL CORPORATION

Bradley A. Allen
BRADLEY A. ALLEN, MAYOR

ATTEST:
Anita L. Sheldon
ANITA L. SHELDON, CITY RECORDER



REC'D BY Dg DC
ALAN SPRIGGS
SUMMIT COUNTY RECORDER
90 OCT 16 AM 10:16
Park City Municipal Corp
RED NOTE AB/10/16
331508

ORDINANCE NO. 90-27

AN ORDINANCE AMENDING ORDINANCE 82-27,
AS AMENDED, DELETING STREET VENDORS, AMENDING
CONVENTION SALES AND CLARIFYING COUNCIL'S
DUTIES IN A REVOCATION OR SUSPENSION HEARING

WHEREAS, the City is in the process of removing fees from the Ordinance text and adopting all fees by resolution; and

WHEREAS, certain language in Ordinance 82-27 needs to be further clarified and amended to accomplish this purpose; and

WHEREAS, the City Council desires to clarify the procedure to be followed by the Council in revocation procedures,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, as follows:

SECTION 1. Section 4, Subsection (d) of Ordinance 82-27 shall be amended as follows:

SECTION 4. PEDDLERS OF GOODS OR MERCHANDISE. The City Finance Department may issue a license to peddlers of goods or merchandise on the following conditions:

- (d) **License Fee.** A regulatory fee, which shall defray the costs of the police investigation of the license application and enforcing business related ordinances shall be paid at the time the application is submitted to the Finance Department. The fees shall be as set forth in the Park City License Fee Schedule. ~~seventy-five dollars (\$75.00) per calendar year, except that peddlers selling goods at retail for or on behalf of a local regularly licensed retailer shall only be charged ten dollars (\$10.00) annually for their license.~~ The fee may be prorated on a monthly basis for applications received after March 1 of the year of issue. In the event the license is denied, 25% of the fee shall be retained to cover processing costs, and the balance refunded.

SECTION 2. Section 5, Subsection (d) shall be amended as follows:

SECTION 5. SOLICITORS OF SERVICES, INVESTMENTS, ACCOMMODATIONS, OR PROPERTY. The Finance Department may issue a license to solicitors of goods and services, accommodations, franchises, investments, or any interest in real property or time intervals in the use or ownership of property, on the following conditions:

- (d) **License Fee.** The annual fee for a solicitor's license shall be as set forth in the Park City License Fee Schedule. ~~seventy-five (\$75.00) annually for each person licensed as a solicitor, except that persons soliciting on behalf of a regularly licensed business shall pay only ten dollars~~

~~(\$10.00) annually for their solicitors license.~~ Persons soliciting on behalf of a regularly licensed Park City business shall pay a minimal annual license fee also indicated in Ordinance No. 87-12. A solicitor's license shall be valid for a maximum of one calendar year, provided that all such licenses will expire on December 31 of the year of issue. The fee may be prorated on a monthly basis for applications filed between October 1 and December 31 if the applicant makes payment for the entire following year as well.

SECTION 3. Section 6, Subsection (a) shall be amended as follows:

SECTION 6. STREET MUSICIANS. Persons playing musical instruments, performing pantomime, magic, dancing, or any other visual or audible performances with the intent or expectation to receive valuable consideration therefor shall be licensed by the City as street musicians before any such performance. The Finance Department may issue such a license upon the following terms:

- (a) License Fee. The license fee shall be as set forth in the Park City License Fee Schedule. ~~five dollars (\$5.00) per day,~~ and no license shall be granted for more than ten (10) days at a time.

SECTION 4. Section 7, 1st Paragraph, shall be amended as follows and the balance of Section 7 shall be deleted:

SECTION 7. STREET VENDORS. It shall be unlawful to sell food, flowers, agricultural products, ice cream candy, popcorn or other goods or merchandise from push carts, mobile wagons, or motor vehicles on public or private property except as authorized and licensed under the Business Licensing Ordinance. ~~this Ordinance.~~

- ~~(a) Sales at Construction Sites. At bona fide construction sites of multi family or commercial structures, a license may be obtained to sell food or other merchandise, from motor vehicles located on private property. Licensees must list the construction sites they intend to serve on the license application, and update the list as needed throughout the year.~~
- ~~(b) Sales on Public Street and Sidewalks. In order to abate street vending in Park City, except at construction sites, only those street vendors holding valid 1987 Street Vending Licenses to sell food or other merchandise on Public Streets and sidewalks may renew licenses to continue such business.~~
- ~~(c) Sales on Private Property not Conducted within Enclosed Buildings. Except as allowed in Section 2 and 7(b) of this Ordinance and the Land Management Code which authorizes issuance of conditional use permits for certain permanent outdoor business activities all commercial activity in Park City shall be conducted within fully enclosed buildings. Retail sales not being conducted within an enclosed building~~

~~and not authorized under Section 2 and Section 7(b), of this Ordinance and the Land Management Code as permitted conditional uses shall not permitted or licensed.~~

~~(d) Terms and Conditions. Licensed vendors shall be subject to the following terms and conditions.~~

- ~~(1) License Fee. The license fee for a street vendor's license shall be seventy five dollars (\$75.00) annually, unless the vendor is selling foods, flowers, or products prepared for sale by a regularly licensed retail business with a location in Park City, and is operating as part of that business, in which case the fee for the street vendor's license is ten dollars (\$10.00) annually. Licenses shall expire on December 31 of the year of issuance. License fees may be prorated on a monthly basis on licenses granted after March 1 of the year of issue. If the license is not granted, the City shall retain twenty five percent (25%) of the fee to help defray the costs of processing and refund the balance.~~
- ~~(2) Health Department Approval. All vendors serving food or garden produce for human consumption from any cart, wagon, or motor vehicle must have the approval of the Summit county Health Department of the means of preparing, keeping, and serving the food. This approval, in writing, must be submitted as part of the license application. Withdrawal of Health Department approval for sanitary or health violations is grounds for revocation of the City license.~~
- ~~(3) Police Department Approval. All applications for a street vendor's license, except for those licensed through or as a part of an existing Park City restaurant, shall be reviewed by the Police Department. No license shall be granted to applicants who have been convicted or entered a guilty plea to any felony involving the sale of controlled substances, receiving stolen goods, theft or prostitution.~~
- ~~(4) Limitation on Locations. Street vendors operating from carts or wagons that are powered by the operator (whether pushed, pulled, or peddled), or with a motor assist may be used on the sidewalks, but not in the streets in any commercial zone within the city. No cart or wagon with an assist motor larger than ten (10) horse power shall be permitted to operate on the sidewalks. Vending from motor vehicles (which shall include any motorized means of conveyance that is required to be licensed by the State Department of Motor Vehicles) shall be restricted to the sale of food at construction sites only, and all sales from motor vehicles shall occur on private property.~~

- ~~(5) Vendors required to move location. It shall be unlawful for any street vendor to obstruct pedestrian or vehicular traffic on streets or sidewalks. It shall also be unlawful for any street vendor to remain in a fixed location on public sidewalks for more than one hour at a time. Vendors shall move a distance of at least fifty (50) feet from their prior location every hour during which they are conducting business. It shall be unlawful for any street vendor to conduct business in a location that impairs reasonable pedestrian or vehicular access to any adjoining building, alley, yard or other property.~~
- ~~(6) Operation from private property. With the written consent of the persons or entities owning and controlling private property (including condominium associations, tenants' associations, or other entities representing persons or businesses having the right to make joint or common use of private property), vendors may operate within private golf courses, amusement parks, shopping plazas and malls, or similar private areas to which the general public is invited for commercial or recreation purposes. Vendors may not operate from vacant lots. Vendors may operate from a fixed location with the approval of the owner.~~
- ~~(7) Solicitation prohibited. No person licensed as a street vendor shall solicit or advertise for any other business or any other product while selling his goods or merchandise, or provide his goods or merchandise without charging a reasonable consideration.~~
- ~~(8) Storage of carts. No vendor may leave his cart or wagon on public property when not attended, nor shall any vendor be permitted to store his cart on public property overnight or when not in use.~~
- ~~(9) Open container law. No vendor shall be licensed to sell beer or any other alcoholic beverage from the vendor's cart or wagon.~~

SECTION 5. Section ~~12-3~~.8, 1st Paragraph and Subsection (a) shall be amended as follows:

SECTION ~~12-3~~.8. CONVENTION SALES. The Finance Department may issue licenses for a period not to exceed two (2) weeks for temporary use of convention and meeting rooms within any licensed convention or meeting facility for the purpose of temporary retail sales or solicitation of goods or services, whether in conjunction with a convention or not. Solicitation of orders for future sales or deliveries of goods or services is permissible without licensure. The licenses may be issued on the following terms:

- (a) License Fee The license fee shall be as set forth in the Park

~~City License Fee Schedule. fifty dollars (\$50.00), plus five percent (5%) of the regular Park City business license fee for a business of that type, with the square footage based on the square footage of the meeting or convention facility (or portion thereof) rented or used by the licensee for his sales location site at the convention site.~~

SECTION 6. Section 12.3.9., Subsections (a), (c), and (d) shall be amended as follows:

SECTION 12.3.9. OUTDOOR SALES. The City Council may grant a license to regularly licensed Park City businesses to hold outdoor sales either within the business' own property or on public sidewalks or streets adjoining the business on the following terms.

- (a) License fee The license fee for an outdoor sale license shall be ~~as set forth in the Park City License Fee Schedule five dollars (\$5.00)~~ in addition to the regularly issued business license for that business. No outdoor sale license shall be issued if the regular business license is not paid in full.
- (c) Promotion by Merchant's Association An association representing tenants in a shopping center or other merchant's association representing the businesses in a specific area may apply for an outdoor sale license for the members of that association by providing a list of the merchants participating, and paying a fee ~~of four dollars (\$4.00) per merchant participating,~~ which shall be in lieu of and not in addition to the ~~five dollar (\$5.00) fee assessed against individual businesses. Each merchant is entitled to five outdoor sales per year and each sale may have a duration of not more than five (5) days., and the outdoor sale shall apply to the total number of sales by each merchant in the association participating in the sale.~~
- (d) Seasonal plants The City Council may issue licenses of longer duration to permit the outdoor sale, on a temporary basis, of Christmas trees, landscaping materials, or plants that are of a type and nature that reasonably require the sale to be conducted out of doors. The license fee for this kind of outdoor sale shall be ~~as set forth in the Park City License Fee Schedule fifty dollars (\$50.00),~~ and no license shall have a duration of more than eight (8) weeks., These licenses may be issued to any person or business. Sales shall be confined to commercial zones and to property under the possession and control of the applicant.

SECTION 7. Section ~~16~~¹⁶, 1st Paragraph and Subsection (k) shall be amended as follows:

SECTION ~~16~~¹⁶. PENALTIES, REVOCATION OF LICENSE. Any person convicted of a violation of the provisions of this Ordinance, whether that violation be the conducting of business without a license or the violation of the specific terms of the

license issued, shall be guilty of a Class B misdemeanor and punished by a fine of not more than that established by State law ~~two hundred ninety nine dollars (\$299.00)~~ and imprisonment of ~~not more than six (6) months~~ in the county jail. These penalties may be imposed in addition to revocation or suspension of the license. No person convicted of a violation of this Ordinance shall be issued a similar license for a period of two (2) years.

- (k) The presiding officer, if the City Council hears the matter itself, or the LHE, shall prepare written Findings of Fact, ~~Conclusions of Law, and an Order.~~ In the case of an LHE, the LHE shall submit said Findings, ~~Conclusions and Order~~ to the City Council. The City Council shall either accept or reject the Findings of Fact, ~~Conclusions of Law, and the proposed Order~~ of the LHE, or enter its own Findings, ~~Conclusions and Order,~~ and shall state the basis from the record upon which the divergence from LHE's recommended Findings is based. ~~Conclusions and Order occurs. The council shall then enter its own Conclusions of Law and Order.~~

SECTION 8. This Ordinance shall become effective upon its publication.

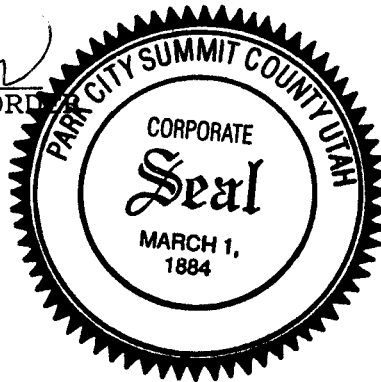
PASSED AND ADOPTED this 13th day of September, 1990.

PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLCH, MAYOR

ATTEST:


ANITA L. SHELDON, CITY RECORDS



ORDINANCE 90-26

AN ORDINANCE AMENDING SECTION 15 "REVOCATION
AND SUSPENSION" OF ORDINANCE 87-12,
TO CLARIFY VIOLATIONS AND COUNCIL'S DUTIES
IN A REVOCATION OR SUSPENSION HEARING

WHEREAS, the Park City Council has provided for procedures for business license revocation; and

WHEREAS, the council now desires to clarify the circumstances under which City business licenses may be revoked and the revocation procedure,

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

SECTION 1. Section 15 of Ordinance 87-12 shall be amended as follows:

SECTION 15. REVOCATION AND SUSPENSION. Any license issued under this ordinance may be revoked or suspended by the City Council when the City Council finds that: (1) the licensee has filed false or fraudulent license tax returns, (2) the licensee has been convicted of or plead guilty to or paid fines or settlements in criminal or civil actions brought by the State Tax Commission for the collection of, or arising from the non-payment of, taxes imposed by or collected by the state of Utah, (3) ~~the licensee has permitted its employees, agents or patrons to engage in illegal activities on the business premises, the business is a front for or the site of illegal activity,~~ (4) the business has been the subject of a sufficient number of consumer complaints that it has the effect of tarnishing the reputation of other businesses within Park City.

Upon receiving a written complaint from any person alleging a violation of any provision of this ordinance by a licensee or an agent of the licensee, the City or anyone designated by the City Manager with the assistance of such other departments of the City as the City Manager may direct, shall conduct an investigation of the allegations of the complaint. The City shall not investigate consumer or product liability complaints. Upon completion of the investigation, the City Manager may dismiss the matter as being without merit, settle the matter based upon the negotiations the City Manager or his or her designee may have undertaken with the licensee, or cause an Order to Show Cause to be issued to the licensee requiring the licensee to come forward and answer the allegations of the Order to Show Cause.

The Order to Show Cause may be based upon an affidavit filed by the City Manager, City Attorney, or anyone else the City Manager has designated to file such action, and said Order to Show Cause shall specifically set forth the ordinance sections alleged to have been violated and generally describe the acts in violation.

In the event an Order to Show Cause is issued to the licensee, the City Council shall determine whether to refer the matter to a licensed hearing examiner (LHE), or to hear the matter directly itself. The Order to Show Cause shall be issued at least fourteen calendar days prior to the date set for the administrative hearing, but the hearing shall be commenced in any event, within one year of the service of the Order to Show Cause upon the licensee unless otherwise agreed by the parties. Within ten days from the date of the service of the Order to Show Cause, the licensee shall file with the City a written response to the allegations contained therein.

If the matter is to be heard by the City Council, the City Council may elect one of its members to act as presiding officer for the hearing. The presiding officer shall rule on all matters of controversy which arise during the hearing. The City Council may designate one or more of its members to act as a hearing panel, in which event the hearing panel shall follow the same procedural requirements as the LHE is required by this ordinance to follow.

In all administrative license revocation or suspension proceedings, a hearing shall be conducted as follows:

(a) The presiding officer or LHE shall regulate the course of the hearing to obtain full disclosure of relevant facts and afford all parties the reasonable opportunity to present their positions.

(b) The presiding officer or LHE may determine the length of the hearing and may prevent the calling of witnesses or admission of documentary evidence where such witnesses or evidence are irrelevant, immaterial, unduly repetitious, or unnecessary due to the receipt of other evidence.

(c) Technical rules of evidence required in court proceedings shall not apply, and the presiding officer or LHE shall not exclude evidence solely because it is hearsay.

(d) The presiding officer or LHE may afford to all parties the opportunity to present evidence, argue, respond, conduct cross-examination, and submit rebuttal evidence within the time frame of the hearing established by said officer.

(e) The hearing shall be recorded by electronic means or by means of a Certified Shorthand Reporter. The record thus created shall be preserved by the City Council until such time as it is clear that no court

proceedings or further administrative proceedings will be held concerning the matters which are the subject of the hearing; but a minimum of one year. The recording may transcribed at the request of any party, at the expense of the requesting party.

(f) All testimony presented at the hearing shall be given under oath administered by a person duly authorized to administer oaths.

(g) The licensee shall have the right to appear at the hearing in person or by counsel, or both.

(h) Subpoenas and other orders to secure the attendance of witnesses or the production of evidence shall be issued by the City Council when requested by any party, or may be issued by the presiding officer or hearing examiner on his or her own motion. The mere issuance of subpoenas shall not operate to require the admissibility of evidence or testimony subpoenaed.

(i) Upon request, both the City and the licensee shall be entitled to discovery of the other's list of witnesses to be called at the hearing, including the names and addresses of such witnesses. The parties shall be entitled to have copies of, or have access to any documents to be used by either side during the course of the hearing. No other formal discovery shall be required.

(j) The standard of proof required for any action adverse to the licensee shall be that of proof by a preponderance of the evidence.

(k) The presiding officer, if the City Council hears the matter itself, or the LHE, shall prepare written Findings of Fact, ~~Conclusions of Law, and an Order.~~ In the case of an LHE, the LHE shall submit said Findings, ~~Conclusions and Order~~ to the City Council. The City Council shall either accept or reject the Findings of Fact, ~~Conclusions of Law, and the proposed Order~~ of the LHE, or enter its own Findings, ~~Conclusions and Order,~~ and shall state the basis from the record upon which the divergence from the LHE's recommended Findings is based. ~~Conclusions and Order occurs. The Council shall then enter its own Conclusions of Law and Order.~~

(l) The Order formally entered by the City council may be to (1) dismiss the action against the licensee; (2) suspend the license for a specified period; (3) place the licensee on probation upon such conditions as the City

Council may order; (4) permanently revoke the license in question; or (5) any combination of the above.

(m) Any licensee aggrieved by an Order of the City Council entered pursuant to this section may maintain an action for relief therefrom in any court of competent jurisdiction, where said court deems itself the appropriate forum for the appeal from the City Council's action. The licensee shall be required to follow orders and procedures of the appropriate court with regard to time for filing.

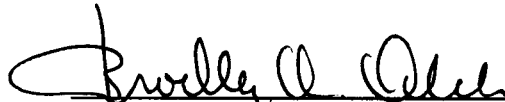
(n) Nothing herein shall be construed to require a showing that the licensee shall have been first convicted in a court of law of any violation of any law, rule or regulation. All notices required by this section may be made by personal service or by certified mail, mailed to the licensee's address as it appears in the business regulation records of the City, postage prepaid, certified, return receipt requested.

(o) If any provision of this ordinance is declared by a court of competent jurisdiction to be unconstitutional, such ruling shall not affect the other provisions of this ordinance, and said ordinance shall read as simply eliminating the offending provision.

SECTION 2. This ordinance shall take effect upon its publication.

PASSED AND ADOPTED this 13th day of September, 1990.

PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLCH, MAYOR

ATTEST:


ANITA L. SHELDON, CITY RECORDER



ORDINANCE NO. 90-25

AN ORDINANCE AMENDING THE CONSTRUCTION
FEE ORDINANCE NO. 82-17, AS AMENDED, TO CLARIFY LANGUAGE
AND PROVIDE THAT THE FEES SHALL BE ADOPTED BY RESOLUTION

WHEREAS, the development of property imposes substantial burden on the City to provide additional services, and;

WHEREAS, it is the policy of the City to require developers to pay for all costs related to the development of their property, and;

WHEREAS, the City is in the process of removing fees from the Ordinance text and adopting all fees by resolution; and

WHEREAS, certain language in Ordinance 82-17 needs to be further clarified and amended to accomplish this purpose,

NOW THEREFORE BE IT ORDAINED by the City Council of Park City:

SECTION 1.	Definitions
SECTION 21.	Impact Fees
SECTION 32.	Building Permit Fees
SECTION 43.	Plan Check Fees
SECTION 54.	Project Application or Re-submission Fees
SECTION 65.	Condominium Conversion, Timeshare
SECTION 76.	Modification of Approved Plans
SECTION 87.	Board of Adjustment
SECTION 98.	Recording Fee for Approved Plats
SECTION 109.	Staff Review Team Fees
SECTION 1110.	Engineering and Attorney's Fees
SECTION 1211.	Other Professional Services
SECTION 1312.	Construction Inspection
SECTION 1413.	Water Development Fees
SECTION 1514.	Water Connection Fees/Fire Standby Fee
SECTION 1615.	Additional Fees
SECTION 1716.	Exceptions
SECTION 1817.	Approvals Withheld
SECTION 1918.	Fee Adjustment
SECTION 2019.	Public Parking Facility
SECTION 2120.	Penalty
SECTION 2221.	Repeal of Conflicting Ordinances
SECTION 2322.	Separability of Ordinance
SECTION 2423.	Effective Date

SECTION 2. DEFINITIONS.

Fixture Unit. "Fixture unit" is as shown in Table 10-1 of the Uniform Plumbing Code, except flushometer valves will be considered as five fixture units.

Floor Area. "Floor area" is as defined in the Uniform Building Code.

Unit Area. "Unit area" is the floor area divided by the number of units in the building.

Unprotected Area. "Unprotected area" is the area, as determined by the Building Official, of a lot that is not fenced or otherwise protected against damage to natural vegetation.

SECTION 21. IMPACT FEES. There is hereby levied an impact fee on all new development, as determined by this Ordinance. Impact fees shall be dedicated to the purchase or construction of equipment or capital improvements that will reasonably relate to the project on which the impact fee was levied to prevent the dilution of City services in other areas of the City.

The determination of value or valuation under any of the provisions of this Ordinance shall be made by the Building Official on the basis of the ICBO Building Standards, subject to the approval of the City Manager.

The impact fee as established by resolution set forth below shall be in addition to the building permit fees, and shall be paid prior to the issuance of a building permit.

IMPACT FEE SCHEDULE

<u>Total Valuation</u>	<u>Fee</u>
\$1 and up	2% of the total valuation of new construction as herein above described

The impact fee shall be assessed against all new development wherever it occurs within the City, except that no impact fee will be assessed against projects involving repair work only, or to the demolition and replacement of an existing, inhabited dwelling with another comparable dwelling unit at the same site.

SECTION 32. BUILDING FEES. A fee, as established by resolution, for building permits and inspection shall be paid to the Building Official at the time the permit is issued.

<u>Total Valuation</u>	<u>Fee</u>
\$1 and up	3/4 of 1% of the total valuation of construction as hereinabove described with a minimum fee of \$15. any additional fees will be as otherwise outlined in Section 304 and Table 3A of the Uniform Building Code

The determination of value or valuation under any of the provisions of the Uniform Building Code as adopted by the City Council, shall be made by the Building Official on the basis of the ICBO Building Standards, subject to the approval of the City Manager.

SECTION 43. PLAN CHECK FEES. A fee, as established by resolution, for the review and approval of building construction plans by the Building Department shall be paid to the Building Official.

On buildings requiring plan checks at the time of building permit application, the applicant shall pay a deposit which is established by resolution and based upon the size of the building, of two hundred dollars (\$200.00) for up to three (3) units or 3,000 square feet of commercial area; five hundred dollars (\$500.00) on buildings up to six (6) units or 6,000 square feet of commercial area; and buildings over this, one thousand dollars (\$1,000.00). This deposit shall be credited against the plan check fee when the permit is issued. This deposit is non-refundable in the event permits are not issued.

~~Fee~~ — 65% of the building permit fee

SECTION 54. PROJECT APPLICATION OR RE-SUBMISSION FEES. The Planning Department shall charge a fee for the review and consideration of all projects that require planning review under the Land Management Code. There is a minimum \$200.00 application fee for all projects requiring Planning Commission action; including but not limited to, rezonings, minor site plan modifications to approved projects (see also Section 6, and annexations that do not involve or include specific development concept approval or other applications. Charges above the minimum fee shall be based on the number of unit equivalents applied for (in the case of Master Planned Developments) as defined in the Land Management Code, subdivision lots or commercial area applied for, provided, however, that payment of the fee based on a specific number of units or commercial area shall not guarantee approval of that number of units or that number of square feet upon completion of the review process. There shall be no refund of the difference in the fees paid if fewer units or less commercial space is approved than was applied for. Re-submission of projects on which a conditional use approval has lapsed shall be accepted only upon payment of a new application fee. The application and re-submission fees shall be set forth by resolution. as follows:

FEE
~~\$200 per unit equivalent based on unit equivalency as defined in the Land Management Code;~~

~~\$200.00 per subdivision lot;~~

~~\$200.00 per 1,000 square feet
of commercial (non-residential)
space;~~

~~\$100.00 per thousand square feet
of warehouse or industrial
space.~~

This fee shall not apply to single family residences constructed in subdivision which were given final approval and platted after April 4, 1968. Non-habitable space, such as parking structures and nonconvertible storage areas, which are required by zoning regulations as part of the project under consideration are exempt from the fee.

On projects taking advantage of the large scale Master Planned development process, as set forth in the Land Management Code, the application fees shall be paid as follows: The sum of ~~25% of the fee fifty dollars (\$50.00)~~ per unit equivalent as defined in the Land Management Code applied for shall be paid at the time of application. The ~~remaining 75% balance of the fee, which is one hundred and fifty dollars (\$150.00)~~, shall be paid at the time the unit equivalents are submitted for final project site plan approval, and will be assessed only against the units applied for within each phase of the phased approval process.

SECTION 65. CONDOMINIUM CONVERSION, TIMESHARE. The fees prescribed in this Ordinance for Plan Check (Section ~~43~~), Project Application Fees (Section ~~54~~), and Water Development and Connection Fees (Sections ~~11 and 12~~ ~~14 and 15~~) shall not be assessed against projects which are before the Planning Department and Planning Commission for the sole purpose of obtaining plat approval to submit a previously approved structure to condominium ownership, or to convert an existing structure to a timeshare condominium, provided the following conditions are met:

- (a) No substantial changes are being proposed to the structure itself as a part of or incidental to the change in the form of ownership;
- (b) No change in use is proposed (other than the change from single ownership to timeshare use where applicable);
- (c) The structure was completed not more than five (5) year prior to the application for condominium and/or timeshare conversion, and was either a permitted or approved conditional use at the time of construction; and

- (d) The structure is in a zone which allows timeshare ownership as a conditional use, if timeshare ownership is proposed.

The fee, as established by resolution, for plat review for this condominium or timeshare conversion shall be assessed ~~twenty five dollars (\$25.00)~~ per habitable dwelling unit within the proposed condominium (exclusive of units not included within the conversion) for residential and transient lodging units, and ~~twenty five dollars (\$25.00)~~ per thousand square feet of non-residential or commercial space. All other fees prescribed by this Ordinance shall apply as the service is required. Additional water connection fees shall be assessed if the meter capacity or water service to the building is increased as a result of the change in ownership. This Ordinance shall not be construed as waiving the conditional use review process for timeshare conversions established by the Land Management Code.

SECTION 76. MODIFICATION OF PLANS. After a development project has been placed on the agenda of the Planning Commission (or Historic District Commission, where applicable) for final approval, or in the case of a phased project which has received project site plan approval, no substantial modifications shall be made by the developer except upon payment of a fee as established by resolution of ~~fifty dollars (\$50.00)~~ per habitable dwelling unit or per 1,000 square feet of commercial space for each unit or commercial area affected by the modification. On developments requiring approval by the planning staff only, and not by the commissions, the modification fee shall apply after the staff has given final approval of the project. This fee for plan modification shall apply to modifications made at the request of the developer, and not to modifications which are requested or required by the planning staff, Planning Commission or Historic District Commission.

SECTION 87. BOARD OF ADJUSTMENT. All applications for consideration of any project by the Board of Adjustment shall be accompanied by a fee established by resolution of ~~one hundred and twenty five dollars (\$125.00)~~ to defray the costs of technical review, posting of notice and other administrative costs incurred in the application and review.

SECTION 98. RECORDING FEE FOR APPROVED PLATS. Plats that have received final City Council approval will be recorded in the office of the County Recorder by the City Recorder personally or through a licensed title company. If the plat is recorded personally, a recording fee as established by resolution is to be paid to the City Recorder prior to filing of the plat: ~~according to the following schedule.~~

FEE

~~\$10.00~~ Plat, per page

~~\$.50 Per unit~~
~~\$ 1.00 Covenants, per page~~
~~\$20.00 Administrative costs~~

The person requesting the recording of a plat shall deposit with the City Recorder the estimated county recording fees in advance of recording. Any difference between the estimated and actual fees shall be refunded or billed to the project owner within thirty (30) days. No plats will be recorded if the project owner has unpaid fees for other permits or approvals relating to the project submitted for record.

SECTION 109. STAFF REVIEW TEAM FEES. For the technical review provided by the city staff of all development projects, a fee ~~as established by resolution~~ for staff review team meetings shall be charged by the Planning Department and billed monthly to developers who have projects under review: ~~as follows:~~

FEE
~~\$50 per hour~~

SECTION 1110. ENGINEERING AND ATTORNEY'S FEES. Each developer of any building project, subdivision or other construction which the city deems to require the services of the City Engineer or the City Attorney, shall reimburse the city for the city's actual costs for such services.

SECTION 1211. OTHER PROFESSIONAL SERVICES. Each developer of any building project, subdivision or other construction which the City deems to required professional services not available by the city staff, shall reimburse the city for the city's actual costs for such services as mutually agreed upon by the developer and the city.

SECTION 1312. CONSTRUCTION INSPECTION. Prior to receiving a building permit, a notice to proceed or plat approval, developers shall pay a fee equal to six percent (6%) of the estimated construction cost as determined by the City Engineer. The City Engineer's estimate shall be based on standard costs derived from nationally recognized and accepted sources for construction costs and approved by the City Manager. The fee shall be used for plan review and inspection services on all improvements, appertaining to the primary structures including but not limited to streets, curb and gutter, sidewalks, water and storm drainage, and all other improvements, as defined in Chapter 4 of the Uniform Building Code or Section 200 of the Park City Design Standards. All such improvements shall be built to City standards found in the Park City Design Standards, Construction Specifications and Standard Drawings, adopted by ordinance. In projects with private street systems, that limit city inspection requirements to water, drainage, and other improvements, but not to streets, the inspection fee shall be four percent (4%) of the

estimated construction cost of the improvements to be inspected as determined by the City Engineer.

The fees listed above are for typical construction projects requiring typical inspections during normal City business hours. For projects which require extraordinary plan review and inspection services, the City, upon notice to the developer, may charge the developer a fee as set forth by resolution which shall be based upon an hourly rate of \$25.00 per man-hour to recoup costs to the City above the fee charged. The City may also charge an hourly rate \$25.00 per man-hour for re-inspections of work previously rejected.

SECTION 1413. WATER DEVELOPMENT FEES. In order to cover the costs involved in the development of a water supply and water system adequate to serve new development, and to provide for the acquisition of additional water rights sufficient to serve future development, a water development fee as established by resolution is to be paid to the Building Official at the time building permits are issued according to the following schedule:

Outside irrigation Shall be assessed per square foot of disturbed area or unprotected area. A rebate of up to 50% may be allowed where approved water conservative landscaping is utilized.

~~Two fixture units per 1,000 square feet of disturbed area \$ 100 per fixture unit~~

Single Family and Multi-Family

Residential Development Shall be assessed based on square footage and number of bedrooms.

~~Units 1,500 square feet or less with four bedrooms or less \$1,500~~

~~Units greater than 1,500 square feet with four bedrooms or less \$2,000~~

~~Each additional bedroom \$ 260~~

Non-Residential Commercial Development Shall be assessed based on fixture units.

For uses not covered above, the fee will be determined by the Building Official upon approval by the City Manager. Non-habitable, non-water using space such as parking garages and storage rooms, etc., is not included in the calculation of the fee. The water development fee is based on the costs to the City of acquiring water rights and developing water sources, which costs may change. In order to account for changes in water rights acquisition and development costs, and in order to more equitably

allocate the burden of development between commercial and residential use, the Water Development Fee may be adjusted administratively by the City Manager, based on the recommendation of the Public Works Director. Administrative adjustments shall be reviewed by the City Council at three-year intervals, beginning in May, 1993, and shall be ratified, modified or rescinded.

A credit against the applicable Water Development Fee may be granted by the Park City council, in its sole discretion, in the event water rights acceptable to the Council are donated to Park City. Upon receiving an offer of donation of water rights, the Council will request a written opinion from the City Attorney as to the point of diversion, priority of right, place of use, nature of use, quality, quantity and title to the offered rights. The credit granted, if any, will be negotiated between the City and the developer on a case-by-case basis.

SECTION 1514. WATER CONNECTION FEES/FIRE STANDBY FEES.

In order to amortize the cost of the city's water system, a fee as established by resolution is to be paid to the building official at the time the building permits are issued. ~~according to the following schedule:~~

Outside irrigation Shall be assessed per square foot of disturbed area or unprotected area. A rebate of up to 50% may be allowed where approved water conservative landscaping is utilized.

	<u>Connection Fee</u>
units per 1,000 square feet of disturbed area	\$ 50 per fixture unit

Single Family and Multi-Family Residential Development. Shall assessed on the square footage and the number of bedrooms.

	<u>Connection Fee</u>
Units 1,500 square feet or less with four bedrooms or less	\$ 400
Units greater than 1,500 square feet with four bedrooms or less	\$ 600
Each additional bedroom	\$ 140

Non-Residential Commercial Development

The Connection Fee will be the larger of; 1), the Fire Standby Fee calculated per square foot of sprinkled or unsprinkled areas at ~~\$600 per 1,000 square feet sprinkled or \$1,800 per 1,000 square feet unsprinkled,~~ or 2), the Water Use Fee

calculated per fixture unit at ~~\$46 per fixture unit.~~

For uses not covered above, the Connection Fee will be determined by the Building Official upon approval of the City Manager. The Connection Fee is based on the per-unit cost of the City's water system, and may be adjusted administratively by the City Manager upon recommendation by the Public Works Director when audit of the system and the number of users connected to the system shows an adjustment is warranted. Administrative adjustments shall be reviewed by the City Council at three-year intervals, beginning in May, 1993, and may be ratified, modified or rescinded.

SECTION 1615. ADDITIONAL FEES. The fees described in this Ordinance are in addition to building permit fees for plumbing, electrical, mechanical, grading and excavation, demolition, signage, street cuts, and other fees set by resolution or ordinance.

SECTION 1716. EXCEPTIONS. Any part of any of the fees included in this Ordinance may be waived by the City Council upon the recommendations of the City Manager, for those projects which are deemed to serve a beneficial public purpose that would be harmed by the City requiring payment of such fees, such as low income housing projects. Applications for exceptions are to be filed with the Building Official at the time a permit is requested.

SECTION 17.1. EXISTING CONNECTIONS. Existing connections will be exempt from fees to the extent of the existing use, provided that the connection has been active and a water bill has been paid within the past three years.

SECTION 1817. APPROVALS WITHHELD. The City Manager is authorized to refuse to allow any building permit to be issued, or subdivision or condominiumization to be approved until the developer has complied with the provisions of this Ordinance.

SECTION 1918. FEE ADJUSTMENTS. The fees established in this Ordinance may be amended, changed, adjusted, or waived from time to time by motion of the City Council. The City Manager is authorized to reduce or waive fees on public or non-profit projects, projects deemed to serve a beneficial public purpose, provided that no waiver or reduction of fees totaling more than one hundred dollars (\$100) on any one project may be waived without City Council approval. Building related fees shall not be assessed against building projects owned by the City.

SECTION 2019. PUBLIC PARKING FACILITY. The payment for spaces in a publicly constructed parking facility, in lieu of providing on-site parking within the HCB and HRC HTO zones shall be established by resolution and charged ~~ten thousand dollars (\$10,000)~~ per stall. The payments, together with interest earned thereon, shall be used by the City for the construction or

acquisition of parking structures within the Swede Alley area between Hillside and Heber Avenues.

SECTION 2120. PENALTY. Any person that fails to pay the fees required by this Ordinance is guilty of a Class B misdemeanor. The Building Official may issue stop work orders on projects with past due fees, and the Council may withhold plat approval.


SECTION 2221. REPEAL OF CONFLICTING ORDINANCES. Any provision of any ordinance of this municipality which conflicts or is inconsistent with any provision of the codes adopted in this Ordinance is hereby repealed. Ordinance 81-6 is repealed and superceded by this Ordinance.

SECTION 2322. SEPARABILITY OF ORDINANCE. Should any section, clause or provisions of the codes adopted pursuant to this Ordinance be declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of any other section or provision of this Ordinance of the codes adopted herein and each such section, clause or provisions is hereby declared to be separate and distinct.

SECTION 2423. EFFECTIVE DATE. This Ordinance shall take effect immediately upon publication of a short summary.

PASSED AND ADOPTED by the City Council this _____ day of _____, 1990.

PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLCH, MAYOR

ATTEST:

ANITA L. SHELDON, CITY RECORDER

Recorded at the request of and return
to: Park City Municipal Corp.

P. O. Box 1480, Park City, UT 84060

ATTN: CITY RECORDER

Ordinance No. 90-24

RED NOTE AB 2/7 C

335573

Park City Municipal Corp

91 JAN 18 AM 9:49

ALAN SPRIGGS
SUMMIT COUNTY RECORDER

Fee Exempt per Utah Code
Annotated 1953 21-7-2

An Ordinance zoning portions of the Historic District; specifically 109 acres of hillside on Treasure Mountain from Estate to Recreation Open Space and several development parcels, specifically; two Fifth Street single family lots from HR1 to HR1-MPD; and two upper Norfolk (approximately 400 Upper Norfolk) single family lots from HR1 to HR1-MPD; and two King Road (approximately 200 King Road) single family lots from HR1 to HR1-MPD; and one Lower Norfolk Avenue (approximately 700 Lower Norfolk) single family lot from HR1 to HR1-MPD; and a 3.75 acre condominium/commercial lot at the Town Lift Midstation from HR1 to Estate-MPD; and a 7.75 acre hotel/condo/commercial lot at the Creole Gulch site from Estate to Estate-MPD; and a .543 acre hotel/condo/commercial lot at the Coalition West Site at approximately 775 Park Avenue from HRC to HRC-MPD and from HR-1 to HR-1-MPD; and a 1.57 acre hotel/condo/commercial site at approximately 770 Park Avenue from HRC to HCB-MPD; and amending the Official Zoning Map of Park City, Utah

WHEREAS, the Park City Land Management Code provides the City Council the authority to create zoning designations and amend zoning provisions and the Official Zoning Map; and

WHEREAS, a public hearing was legally noticed and heard before the Planning Commission on August 1, 1990 to receive public input on the rezoning of the parcels described in the above title and more particularly described in Exhibit A.

WHEREAS, on August 1, 1990, the Planning Commission forwarded a recommendation to the City Council to approve the rezoning of such parcels; and

WHEREAS, a public hearing was legally noticed and heard before the City Council on August 16, 1990 to receive public input on the rezoning of the parcels described in the above title; and

WHEREAS, the City Council deems it appropriate that the subject parcels be duly rezoned in consideration of the Planning Commission's findings and conditions and in consideration of the master planned development approval for the subject property, granted in October 1986.

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

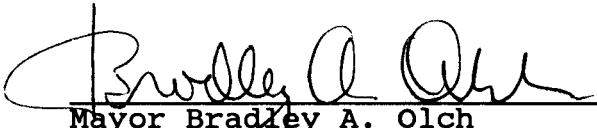
SECTION 1. OFFICIAL PARK CITY ZONING MAP AMENDED. The Official Park City Zoning Map shall be amended to apply the zoning

designations described above to those portions of the approved Sweeney Master Planned Development described in Exhibit A hereto.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 23rd day of August, 1990.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

Attest:



Anita Sheldon, City Recorder



EXHIBIT "A"

SECTION 1 - TREASURE MOUNTAIN HILLSIDE (LESS SECTIONS 2 THROUGH 7 BELOW) - ZONED RECREATION OPEN SPACE

Beginning at the Center of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being South 16°50'13" East, 74.98 feet, more or less, from a Park City Monument at the Intersection of Lowell Avenue and Shepard Street; and running thence North 89°56'24" East 385.96 feet along 1/4 Section Line; thence South 27°00'12" East, 15.89 feet; thence South 42°57'14" East, 3.40 feet; thence South 55°53'00" West, 93.90 feet; thence South 57°40'08" East, 109.20 feet; thence North 60°08'27" East, 11.21 feet; thence South 38°06'27" East, 39.16 feet; thence North 59°47'16" East, 49.25 feet; thence North 29°10'28" West, 0.70 feet; thence North 63°20'00" West, 20.27 feet; thence South 62°50'00" East, 36.54 feet; thence North 20°02'58" East, 14.48 feet; thence North 23°38'00" West, 10.66 feet; thence North 18°40'48" East, 44.56 feet; thence North 64°51'37" East, 75.03 feet; thence North 57°50'44" East, 58.80 feet; thence South 31°43'29" East, 117.96 feet; thence South 24°05'11" East, 30.00 feet; thence South 66°22'00" West, 13.00 feet; thence North 68°37'59" West, 21.21 feet; thence South 66°22'00" West, 59.27 feet; thence North 69°31'04" West, 21.55 feet; thence South 66°22'00" West, 30.40 feet; thence South 32°43'26" West, 24.33 feet; thence South 14°07'38" West, 27.12 feet; thence South 23°38'00" East, 17.00 feet; thence South 45°11'38" East, 54.42 feet; thence South 23°38'00" East, 404.45 feet; thence North 66°52'00" East, 75.00 feet to the Northwest corner of Lot 14, Block 28 said survey, said point also being South 66°52'00" West, 300.01 feet and South 23°38'00" East, 64.88 feet, more or less, from a Park City Monument at the Intersection of Park Avenue and 6th Street; thence South 23°38'00" East, 300.00 feet to the Southwest corner of Lot 3, Block 28; thence South 66°52'00" West, 25.00 feet; thence South 23°38'00" East, 25.00 feet; thence North 66°52'00" East, 25.00 feet to the Northwest corner of Lot 1, Block 28, said survey; thence South 23°38'00" East, 25.48 feet to the Southwest corner of said Lot 1; thence South 66°22'00" West, 75.00 feet; thence South 23°38'00" East, 30.00 feet; thence North 66°22'00" East, 75.00 feet to the Northwest corner of Lot 19, Block 29, said survey; thence South 23°38'00" East, 325.00 feet to the Southwest corner of Lot 7, Block 29; thence South 66°22'00" West, 75.00 feet; thence South 23°38'00" East, 74.67 feet, more or less, to the East-west 40 Acre Line; thence South 89°36'41" East, 82.11 feet, more or less, along said 40 Acre Line; thence South 23°38'00" East, 91.91 feet, more or less, to the Northwest corner of Lot 2, Block 1 as platted on the Easterly end of the patented Park City Lode Mining Claim U.S. Lot No. 633; thence South 66°22'00" West, 75.00 feet to the Northwest corner of Lot 12 of said mining claim; thence South 23°38'00" East, 53.98 feet to the Southwest corner of Lot 13 said mining claim; thence North 66°40'00" East, 141.00 feet, more or less, to a North-south 40 Acre line and the West line of Park City Townsite said point being South 66°40'00" West, 240.50 feet and

SECTION 1 (CONTINUED)

North 0°08'50" West, 16.32 feet, more or less, from a Park City Monument at the Intersection of Park Avenue and 4th Street; thence South 0°08'50" East, 32.64 feet, more or less, along said 40 Acre Line and said West Line; thence South 66°40'00" West, 52.99 feet, more or less, to the Northwest corner of said mining claim; thence South 23°38'00" East, 250.00 feet to the Northeast corner of Lot 22, Block 30, Park City Townsite Survey, Amended Plat; thence South 66°40'00" West, 50.00 feet; thence North 23°38'00" West, 100.00 feet; thence South 66°22'00" West, 150.00 feet; thence South 23°38'00" East, 151.54 feet; thence North 62°20'36" East, 3.46 feet; thence South 23°38'00" East, 45.70 feet; thence South 68°07'00" West, 28.75 feet; thence South 23°38'00" East, 51.61 feet; thence North 75°38'35" East, 29.97 feet; thence South 23°38'00" East, 132.68 feet; thence North 66°12'00" East, 16.39 feet, more or less, to said 40 Acre Line and said West Line; thence South 0°08'50" East, 1025.87 feet along said 40 Acre Line and said West Line to a point on the Alice Lode which point is North 31°40'53" West, 583.55 feet from a Park City Monument on the Centerline of Daly Avenue; thence South 55°53'19" West, 19.14 feet along said Alice Lode; thence South 89°51'10" West, 10.52 feet; thence South 55°55'40" West, 420.90 feet; thence North 47°25'46" West, 2906.65 feet; thence North 89°56'27" East 845.30 feet; thence North 2°31'24" West, 503.18 feet, more or less, to the 1/4 Section Line; thence North 89°56'30" East, 1081.16 feet, more or less, along said 1/4 Section Line to the point of beginning.

*Containing 123.674 Acres, more or less.

(Basis of bearing for the above description is the Park City Monuments at the Intersections of Park Avenue and 4th Street and Park Avenue and 6th Street whose bearing is South 23°38'00" East.)

**LESS AND EXCEPTING THEREFROM PARCELS DESCRIBED
BELOW AS SECTION 2 THRU SECTION 7 INCLUSIVE**

SECTION 2 - FIFTH STREET SINGLE-FAMILY LOTS - ZONED HR1-MPD

Beginning at a point which is South 66°22' West, 75.00 feet from the Southeast Corner of Block 28, Park City Survey, Amended Plat said point also being South 23°38' East, 412.75 feet and South 66°22' West, 300.00 feet from a Park City Monument at the Intersection of Park Avenue and 6th Street;

and running thence South 66°22' West, 75.00 feet; thence South 23°38' East, 30.00 feet; thence North 66°22' East, 75.00 feet; thence South 23°38' East, 58.90 feet; thence South 66°22' West, 150.00 feet; thence North 23°38' West, 164.38 feet; thence North 66°22' East, 150.00 feet; thence South 23°38' East, 25.00 feet; thence South 66°22' West, 25.00 feet; thence South 23°38' East, 25.00 feet; thence North 66°22' East, 25.00 feet; thence South 23°38' East, 25.48 feet to the point of beginning.

Containing 0.50 Acres, more or less.

Subject to and together with any and all easements, right-of-ways and restrictions of record or enforceable at law or in equity.

(Basis of bearing for the above description is the Park City Monuments at the intersection of Park Avenue and 4th Street and Park Avenue and 6th Street whose bearing is South 23°38' East.)

ALSO:

Beginning at a point which is South 66°22' West, 75.00 feet and North 23°38' West, 110.48 feet from the Southeast Corner of Block 28, Park City Survey, Amended Plat, said point also being South 23°38' East, 302.27 feet and South 66°22' West, 300.00 feet from a Park City Monument at the Intersection of Park Avenue and 6th Street;

and running thence South 66°22' West, 160.00 feet; thence North 23°38' West, 136.13 feet; thence North 66°22' East, 160.00 feet; thence South 23°38' East, 136.13 feet to the point of beginning.

Containing 0.50 Acres, more or less.

Subject to and together with any and all easements, right-of-ways and restrictions of record or enforceable at law or in equity.

(Basis of bearing for the above description is the Park City Monuments at the intersection of Park Avenue and 4th Street and Park Avenue and 6th Street whose bearing is South 23°38' East.)

SECTION 3 - UPPER NORFOLK SINGLE-FAMILY - ZONED HR1-MPD

Beginning at a point which is South 66°40' West, 192.12 feet and North 22°00' West, 88.60 feet from the Northeast Corner Block 30, Park City Survey, Amended Plat, said point also being South 66°40' West, 416.70 feet and North 22°00' West, 73.57 feet from a Park City Monument at the Intersection of Park Avenue and 4th Street;

and running thence South 22°00' East, 238.99 feet; thence South 66°22' West, 56.07 feet; thence North 45°00' West, 207.19 feet; thence North 48°00' East, 145.80 feet to the point of beginning.

Containing 0.50 Acres, more or less.

Subject to and together with any and all easements, right-of-ways and restrictions of record or enforceable at law or in equity.

(Basis of bearing for the above description is the Park City Monuments at the intersection of Park Avenue and 4th Street and Park Avenue and 6th Street whose bearing is South 23°38' East.)

ALSO:

Beginning at a point which is South 66°40' West, 285.85 feet and North 28°00' West, 54.88 feet from the Northeast Corner Block 30, Park City Survey, Amended Plat, said point also being South 66°40' West, 512.00 feet and North 28°00' West, 39.82 feet from a Park City Monument at the Intersection of Park Avenue and 4th Street;

and running thence South 48°00' West, 60.00 feet; thence North 52°00' West, 200.00 feet; thence North 30°00' East, 115.20 feet; thence South 60°00' East, 79.01 feet; thence South 28°00' East, 162.24 feet to the point of beginning.

Containing 0.50 Acres, more or less.

Subject to and together with any and all easements, right-of-ways and restrictions of record or enforceable at law or in equity.

(Basis of bearing for the above description is the Park City Monuments at the intersection of Park Avenue and 4th Street and Park Avenue and 6th Street whose bearing is South 23°38' East.)

SECTION 4 - KING ROAD SINGLE-FAMILY LOTS - ZONED HR1-MPD

Beginning at a point on the North-South 40 Acre Line of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian which is South 66°12' West, 21.69 feet and South 0°08'50" East, 292.35 feet along said 40 Acre Line from the Northeast Corner of Lot 32, Block 78, Millsite Reservation to Park City, Utah said point also being South 23°38' East, 739.75 feet and South 66°12' West, 563.18 feet from a Park City Monument at the Intersection of Park Avenue and 4th Street;

and running thence South 0°08'50" East, 230.00 feet along said 40 Acre Line; thence West, 59.10 feet; thence North 28°00' West, 187.80 feet; thence North 66°22' East, 160.10 feet to the point of beginning.

Containing 0.50 Acres, more or less.

Subject to and together with any and all easements, right-of-ways and restrictions of record or enforceable at law or in equity.

(Basis of bearing for the above description is the Park City Monuments at the intersection of Park Avenue and 4th Street and Park Avenue and 6th Street whose bearing is South 23°38' East.)

ALSO:

Beginning at a point which is South 66°12' West, 51.72 feet and South 0°08'50" East, 106.81 feet from the Northeast Corner of Lot 32, Block 78, Millsite Reservation to Park City, Utah said point also being South 23°38' East, 569.80 feet and South 66°12' West, 519.29 feet from a Park City Monument at the Intersection of Park Avenue and 4th Street;

and running thence South 0°08'50" East, 160.44 feet; thence South 66°22' West, 116.05 feet; thence North 23°38' West, 147.15 feet; thence North 66°22' East, 179.99 feet to the point of beginning.

Containing 0.50 Acres, more or less.

Subject to and together with any and all easements, right-of-ways and restrictions of record or enforceable at law or in equity.

(Basis of bearing for the above description is the Park City Monuments at the intersection of Park Avenue and 4th Street and Park Avenue and 6th Street whose bearing is South 23°38' East.)

SECTION 5 - LOWER NORFOLK AVENUE; SINGLE-FAMILY LOT - ZONED HR1-MPD

Beginning at a point which is North 23°38' West, 11.10 feet and South 66°22' West, 30.00 feet from the Southwest Corner of Block 26, Park City Survey, Amended Plat said point also being South 23°38' East, 193.16 feet and South 66°22' West, 5.00 feet from a Park City Monument at the intersection of Norfolk Avenue and 8th Street;

and running thence South 33°32'19" West, 86.58 feet; thence North 57°40'08" West, 94.35 feet; thence North 59°47'16" East, 49.25 feet; thence North 29°10'28" West, 0.71 feet; thence North 63°20'00" East, 20.27 feet; thence North 62°50'00" East, 36.54 feet; thence North 66°22'00" East, 20.00 feet; thence South 23°38' East, 40.92 feet to the point of beginning.

Containing 0.157 Acres, more or less.

(Basis of bearing for the above description is the Park City Monuments at the intersection of Park Avenue and 4th Street and Park Avenue and 6th Street whose bearing is South 23°38' East.)

SECTION 6 - 3.75 ACRE CONDOMINIUM/COMMERCIAL LOT, TOWN LIFT MIDSTATION - ZONED ESTATE-MPD

Beginning at a point which is South 23°38'00" East, 102.53 feet from the Southwest corner of Block 26, Park City Survey, Amended Plat also being North 28°45'41" West, 103.34 feet and South 66°22'00" West, 352.88 feet, more or less, from a Park City Monument at the Intersection of Park Avenue and Heber Avenue;

and running thence South 23°38'00" East, 404.44 feet; thence South 33°32'19" West, 70.00 feet; thence South 49°11'31" West, 259.21 feet; thence North 41°38'27" West, 359.96 feet; thence North 33°32'19" East, 422.65 feet; thence North 66°22'00" East, 42.60 feet; thence South 23°38'00" East, 1.90 feet; thence South 45°11'38" East, 54.42 feet to the point of beginning.

Containing 3.750 Acres, more or less.

(Basis of bearing for the above description is the Park City Monuments at the Intersections of Park Avenue and 4th Street and Park Avenue and 6th Street whose bearing is South 23°38'00" East.)

**SECTION 7 - 7.75 ACRE HOTEL/CONDO/COMMERCIAL LOT, CREOLE GULCH
SITE - ZONED ESTATE-MPD**

Beginning at the Center of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being South 16°50'13" East, 74.98 feet, more or less, from a Park City Monument at the Intersection of Lowell Avenue and Shepard Street;

and running thence South 35°16'39" East, 42.58 feet to a point of curvature of a 125.00 foot radius curve to the left (radius point bears North 54°04'32" East); thence Northwesterly along the arc of said curve 275.37 feet (Delta=126°13'13") to a point on the 1/4 Section Line of said Section 16; thence North 89°56'24" East 141.17 feet along 1/4 Section Line; thence South 27°00'12" East, 15.89 feet; thence South 42°57'14" East, 3.40 feet; thence South 55°53'00" West, 93.90 feet; thence South 57°40'08" East, 109.20 feet; thence North 60°08'27" East, 11.21 feet; thence South 38°06'27" East, 39.16 feet; thence South 57°40'08" East, 89.35 feet; thence South 33°32'19" West, 113.12 feet; thence South 55°27'36" West, 281.96 feet; thence North 89°33'30" West, 129.16 feet; thence South 7°26'30" West, 58.60 feet; thence South 77°26'30" West, 131.17 feet; thence North 60°33'30" West, 235.00 feet; thence North 35°33'30" West, 250.00 feet; thence North 3°05'27" East, 221.16 feet; thence North 89°56'30" East, 378.23 feet to the point of beginning.

Containing 7.750 Acres, more or less.

(Basis of bearing for the above description is the Park City Monuments at the Intersections of Park Avenue and 4th Street and Park Avenue and 6th Street whose bearing is South 23°38'00" East.)

**SECTION 8 - .543 ACRE HOTEL/CONDO/COMMERCIAL LOT, COALITION
WEST SITE, APPROXIMATELY 775 PARK AVENUE - ZONED
HR1-MPD**

Beginning at the Northeast corner of Lot 2, Block 1, Snyder's Addition to Park City said point being North 28°45'41" West, 468.78 feet and South 55°56'30" West, 28.61 feet, more or less, from a Park City Monument at the intersection of Park Avenue and Heber Avenue;

and running thence South 28°45'41" East, 200.00 feet along the East line of Lot 2; thence South 61°14'19" West, 99.30 feet, more or less, to the East-West 1/4 Section line of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence South 89°56'24" West, 21.66 feet, more or less, along said 1/4 Section line to the West line of Lot 2; thence North 31°44'30" West, 176.86 feet along the West line of Lot 2 to the Northwest corner of Lot 2; thence North 55°56'30" East, 128.03 feet along the North line of Lot 2 to the point of beginning.

Containing 0.543 Acres, more or less.

(Basis of bearing for the above description is the Park City Monuments at the intersections of Park Avenue and 4th Street and Park Avenue and 6th Street whose bearing is South 23°38'00" East.)

**NOTE: THE EASTERLY HALF OF THIS PARCEL IS ZONED HRC-MPD. THE
WESTERLY HALF IS ZONED HR1-MPD**

ORDINANCE 90-23

AN ORDINANCE REPEALING ORDINANCE 83-16,
AS AMENDED, IN ITS ENTIRETY AND
ENACTING REVISED BEER AND LIQUOR REGULATIONS
AND LICENSING

WHEREAS, Park City did enact Ordinance 83-16, including amendments, to establish provisions for the regulations and licensing of beer and liquor and within Park City; and

WHEREAS, the State Legislature did enact liquor reform legislation in 1990 which substantially limits the City's jurisdiction over liquor and beer laws and changes licensing requirements and penalties for violation thereof; and

WHEREAS, many of the provisions of Ordinance 83-16, as amended, are in conflict with the enacted legislation and are superceded by the provisions thereof; and

WHEREAS, the City Council deems it to be in the best interest of the holders of beer and liquor licenses and the citizens of Park City to repeal our former statute and to enact new provisions to regulate and license liquor and beer sales and consumption within Park City,

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Ordinance 83-16, as amended, is hereby repealed in its entirety and Ordinance 90-23 is hereby enacted as follows:

SECTION 1. POLICY

SECTION 2. DEFINITIONS

Section 2.01	Alcoholic Beverages
Section 2.02	Beer
Section 2.03	Beer License - Special Event Temporary
Section 2.04	Beer Retailer
Section 2.05	Beer Retailer - On-premise
Section 2.06	Commission
Section 2.07	Director
Section 2.08	Division
Section 2.09	License
Section 2.10	Licensed Premise
Section 2.11	Liquor
Section 2.12	Nuisance
Section 2.13	Place of Business

- Section 2.14 Private Club
- Section 2.15 Restaurant
- Section 2.16 Retailer
- Section 2.17 Sell, Sale or to Sell
- Section 2.18 Set-up
- Section 2.19 Wholesaler

SECTION 3. BEER LICENSES

- Section 3.01 Beer License Required
- Section 3.02 Regulatory Beer License Fee
- Section 3.03 Regulatory License Fee in Addition to Revenue License Tax
- Section 3.04 Retail Beer License Classes

SECTION 4. LIQUOR LICENSES

- Section 4.01 Liquor License Required
- Section 4.02 Regulatory Liquor License Fee
- Section 4.03 Regulatory License Fee in Addition to Revenue License Tax
- Section 4.04 Liquor License Classes

SECTION 5. LICENSE APPLICATION PROCEDURES, RENEWAL

- Section 5.01 License Application
- Section 5.02 Licensee Qualifications
- Section 5.03 Application Fee
- Section 5.04 Referral of License Application to Chief of Police
- Section 5.05 Referral of License Application to Health Department
- Section 5.06 Referral of Application to Building Department
- Section 5.07 Periodic Inspection of Premises by Chief of Police
- Section 5.08 Grounds for License Denial
- Section 5.09 Issuance of License Certificates
- Section 5.10 License Period
- Section 5.11 Renewal Procedure
- Section 5.12 License Non-Transferrable

SECTION 6. SUSPENSION AND REVOCATION OF LICENSE

- Section 6.01 City Council
- Section 6.02 Emergency Suspensions by Police

SECTION 7. REGULATION OF LICENSED PREMISES

- Section 7.01 Offenses of Licensee
- Section 7.02 Offenses of Patrons
- Section 7.03 Citations/Violations

Section 7.04 Wholesaler and Retailer Not to Have Common
Interests

SECTION 8. BUILDING REQUIREMENTS

Section 8.01 Closed Stalls and Booths Prohibited
Section 8.02 Occupancy Load

SECTION 9. APPLICABILITY

SECTION 10. REPEALER CLAUSE

SECTION 11. SEPARABILITY CLAUSE

SECTION 12. EFFECTIVE DATE

SECTION 1. POLICY. It is the policy of Park City Municipal Corporation to permit the operation of establishments serving beer and liquor in a manner consistent with the provisions of the Alcohol Beverage Control Act and related provisions of State Law. It is also the policy of Park City Municipal Corporation to place the primary responsibility for maintaining order and preventing breaches of the peace within establishments selling and serving beer and liquor on the owners and managers of those establishments.

SECTION 2. DEFINITIONS. All words and phrases used in this article shall have the following meanings unless a different meaning clearly appears from the context:

Section 2.01 Alcoholic Beverages. "Alcoholic beverages" means and includes "beer" and "liquor" as they are defined herein.

Section 2.02 Beer. "Beer" means any beverage containing not less than one-half of one percentum of alcohol by weight and obtained by the alcoholic fermentation of an infusion or decoction of any malted grain, or similar products. "Heavy beer" means beer containing more than 3.2 percentum of alcohol by weight. "Light beer" means beer containing not more than 3.2 percentum of alcohol by weight. "Beer" may or may not contain hops or other vegetable products. "Beer" includes ale, stout and porter.

Section 2.03 Beer License - Special Event Temporary . "Special Event Temporary" beer license is a license issued by the City to an individual or organization for a maximum period of time of 72 consecutive hours to sell beer at an event. Person's holding a Special Event Temporary beer license from a local authority are not required to obtain a State on-premise beer license.

Section 2.04 Beer Retailer. "Beer retailer" means any business establishment engaged, primarily or incidentally, in the retail sale or distribution of beer to public patrons, whether for consumption on or off the establishment's premises, and that is licensed to sell beer by the Commission and Park City.

Section 2.05 Beer Retailer - On Premise. "On premise beer retailer" means any beer retailer engaged, primarily or incidentally, in the sale or distribution of beer to public patrons for consumption on the retailer's premises. It includes taverns.

Section 2.06 Commission. "Commission" means the State of Utah Alcoholic Beverage Control Commission.

Section 2.07 Director. "Director" means the Finance Director of Park City.

Section 2.08 Division. "Division" means the Park City Business Licensing Division.

Section 2.09 Licensee. "Licensee" means any person holding any beer or liquor license in connection with the operation of a place of business or private club. This term shall also include and beer or liquor handling employee of the licensee. The licensee is responsible for the acts and omissions of its employees.

Section 2.10 Licensed Premise. "Licensed premise" means any room, building, structure, or place occupied by any person licensed to sell beer or to allow the consumption or storage of liquor on such premises under this Ordinance; provided that in any multi-roomed establishment, an applicant for an on-premise or off-premise beer license shall designate a room or portion of a building of such business for the consumption or the sale of beer, which portions shall be specifically designated in the application and, in the license issued pursuant thereto, shall be the licensed premises. Multiple dining facilities located in one building, owned or leased by one license applicant and subject to the same type of beer or liquor license shall be deemed separate licensed premises, and shall be required to obtain a separate license for each area.

Section 2.11 Liquor. "Liquor" means and includes alcohol, or any alcoholic, spirituous, vinous, fermented, malt or other liquid combination of liquids, a part of which is spirituous, vinous, or fermented, and all other drinks or drinkable liquids, containing more than one half one percentum (.05%) of alcohol by volume ; and all mixtures, compounds or preparation, whether liquid or not, which contain more than one-half of one percentum (.05%) of alcohol by volume, and which are capable of human consumption; except that the term "liquor" shall not include any beverage defined as beer, malt liquor or malted beverage that has an alcohol content of less than 4% alcohol by volume.

Section 2.12 Nuisance. "Nuisance" means any licensed premises where:

- (a) Alcoholic beverages are manufactured, sold, kept, bartered, stored, consumed, given away or used contrary to the Alcohol Beverage Control Act, the Utah Liquor Commission Rules and Regulations, or this ordinance; or
- (b) Intoxicated persons are permitted to loiter about, or profanity, indecent, immoral, loud or boisterous language or immoral, unruly, disorderly, lewd, obscene conduct is permitted, or carried on; or
- (c) Persons under the age of twenty-one are permitted to purchase or drink beer or liquor; or

- (d) City, County, State or Federal laws or ordinances are violated by the licensee or his agents or patrons with the consent or knowledge of licensee which tend to affect the public health, safety, peace, or morals; or
- (e) Patrons are throwing litter or other objects within the licensed premises or from the licensed premises in a manner which tends to affect the public safety or health; or
- (f) Patrons are permitted to remove opened containers of alcoholic beverages or glasses containing alcoholic beverages from the licensed premises to the public street or way; or
- (g) Persons who are not members, or guest members of a private club or accompanied by members as their "visitors" (as defined by State law) in any private club are permitted to remain in that club without obtaining a permanent or temporary membership.

Section 2.13 Place of Business. "Place of business" as used in connection with the issuance of beer and liquor licenses means cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets, and any other place where the general public is invited or admitted for business purposes, including any patios, balconies, decks, or similar areas, and also means private clubs, corporations and associations operating under charter or otherwise wherein only the members, guest members and their visitors are invited. Occupied hotel and motel rooms that re not open to the public shall not be "places of business" as herein defined.

Section 2.14 Private Club. "Private club" means a non-profit corporation operating as a social club, recreational, fraternal or athletic association, or kindred association organized primarily for the benefit of its stockholders or members and operating under authority of a license granted by the Alcohol Beverage Control Commission in accordance with Utah Code Ann. § 32A-5-101, et seq.

Section 2.15 Restaurant. "Restaurant" means a place of business where a variety of hot food is prepared and cooked and complete meals are served to the general public in indoor dining accommodations, or in outdoor accommodation and is engaged primarily in serving meals to the general public.

Section 2.16 Retailer. "Retailer" means any person engaged in the sale or distribution of alcoholic beverages to the consumer.

Section 2.17 Sell or To Sell. "Sell", "sale" or "to sell" means any transaction, exchange, or barter whereby, for any

consideration, an alcoholic beverage is either directly or indirectly transferred, solicited, ordered, delivered for value, or by any means or any pretexts promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant or employee unless otherwise defined in this title.

Section 2.18 Set-up. "Set-up" means glassware, ice, and/or mixer provided by a licensee to patrons who supply their own liquor.

Section 2.19 Wholesaler. "Wholesaler" means any person other than a licensed manufacturer engaged in importation for sale or in the sale of beer, malt liquor, or malted beverages in wholesale or jobbing quantities to retailers.

SECTION 3. BEER LICENSES.

Section 3.01 Beer License Required. It shall be unlawful for any person to engage in the business of the sale of beer at retail or wholesale within the City without first procuring a beer license as required by this ordinance. In addition to the City license, a State beer license shall be required for all sales of beer for on-premise consumption or for purchase or sale of beer in a container exceeding two liters. A separate license shall be required for each place of retail sale, for each separate premise, and/or for separate portions of a building designated as separate premises for purposes of off-premise and on-premise beer licenses.. No beer license may be transferred, assigned or subleased in any manner. Licenses are invalidated by transfer or attempted transfer. All licensees shall comply with the provisions of the Alcohol Beverage Control Act, and this ordinance.

Section 3.02 Regulatory Beer License Fee. The regulatory liquor license fee shall be set by resolution for all beer licenses. The regulatory license fees shall be used by the City to defray, in part, the costs of alcohol related enforcement and responding to alcohol related offenses within Park City. This fee may be waived by the City Council for Special Event Temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations. Applicants for a fee waiver must attach a copy of a letter of exemption from federal tax, issued by the United States Treasury Department, Internal Revenue Service which shall be evidence of the applicant's non-profit status.

Section 3.03 Retail Beer License Categories. Retail beer license issued under the provisions of this Ordinance shall be classified and carry the privileges and responsibilities hereinafter set forth in this Ordinance:

- (a) Off-Premise Beer License. An off-premise retail license shall entitle the licensee to sell bottled or canned beer on the licensed premises in accordance with the Alcohol Beverage Control Act and the ordinances of Park City.
- (1) Beer may not be sold, provided, or possessed for off-premise consumption in containers larger than 2 liters.
 - (2) A minor may not sell beer for off-premises consumption except under the supervision of a person 21 years of age or older who is on the premises.
 - (3) If malt beverages or malt liquor is sold, the licensee shall display a sign at the location on the premises where malt liquor or malt beverages is sold stating "Malt beverages and malt liquors are alcoholic beverages". A violation of this subsection is an infraction.
 - (4) No consumption of beer or alcoholic beverage shall be permitted on the premises of an off-premise licensee.
- (b) On-Premise Retail Beer License. As of January 1, 1991, any establishment desiring to sell beer at retail for on-premise consumption shall first obtain a Park City on-premise retail beer license and a State on-premise retail beer license as required under Utah Code Ann. § 32A-10-201. An on-premise retail beer license shall entitle the licensee to sell beer at retail in bottles, cans or at draft for consumption on the premises.

All State-issued on-premise beer retail licenses expire on the 1st day of February of each year. Accordingly applicants must submit a renewal application to the State no later than January 31st of each year. City beer licenses shall expire on December 31st of each year and the licensee must submit a renewal application to the City prior to January 15th. All licensees must notify the City immediately if the State license is denied or revoked for any reason. On-premise licensees must provide the City with proof of State licensure by March 1 of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder.

On-premise beer retail license holders may sell beer in open containers, in any size not exceeding two liters, and on draft. Liquor may not be stored or sold on the premises of any on-premise retail beer licensee. Beer purchased from an on-premise retail beer licensee may not be removed from the premises.

There are two types of licenses to be issued under this Section:

- (1) On-Premise Retail Tavern License. An on-premise retail tavern license shall be required for all premises where the primary or main business is that of selling beer for consumption on the licensed premises. An on-premise retail tavern license shall entitle the licensee to sell bottled, canned, or draft beer for consumption on the licensed premises. No person under the age of twenty-one year shall sell or serve beer under this license.
- (2) On-Premise Retail Beer License - All Others An On-Premise Retail Beer License - Restaurant shall entitle the licensee to sell beer at retail in bottles, cans or draft for consumption on the premises in conjunction with restaurant food service. No person under the age of twenty-one years shall serve or sell beer under this license.
- (c) Special Event Temporary Beer License. A special event temporary beer license shall carry the privileges of either an on-premise or off-premise license. A special event temporary beer license shall authorize the storage, sale, service and consumption of beer for a period not to exceed 72 consecutive hours in conjunction with a convention, civic or community event. No person, individual or association shall be licensed for more than four (4) special event temporary beer licenses in any one calendar year. No person under the age of 21 shall sell or serve beer under this license. Persons holding a special event license issued by Park City are not required to have a State on-premise beer license.
- (d) "Private Club" Beer License. A "private club" beer license shall carry the privileges of a tavern beer license provided that the sale of beer shall be to club members, guest members and their visitors only and each license shall be issued to bona fide clubs which are organized, incorporated, bonded, regulated, and operated in compliance with the provisions of the Utah Non-profit Corporation and Cooperation Act in § 32A-5-101, Utah Code Annotated, 1953, as amended, the Utah Liquor Control Act, and the Liquor Control Commission Rules and Regulations.

SECTION 4. LIQUOR LICENSES

Section 4.01 Liquor License Required. No person shall operate a place of business which allows customers, members, guests, visitors, or other persons to possess, consume, or store liquor on the premises of the place of business without a liquor license issued by the City. A separate license shall be required for each place of business. No liquor license may be transferred, assigned, or subleased in any manner. All licensees shall comply with the provisions of the Alcohol Beverage Control Act, Utah Liquor Control Commission Rules and Regulations, and this ordinance.

(a) Set-up Liquor License. A "set-up" liquor license shall entitle the licensee to provide set-ups to patrons who supply their own liquor for the consumption of liquor on the premises in accordance with the Utah Liquor Control Act and Utah Liquor Commission Rules and Regulations and the ordinances of Park City. A "set-up" liquor license does not permit the operation of a State liquor store or the storage of liquor on the licensed premises. No person under the age of twenty-one years shall serve or sell liquor. All set-up liquor licenses shall expire on December 31, 1990, and no set-up license shall issue after that date.

(b) Restaurant Liquor License.

(1) A restaurant liquor license shall only be issued to persons licensed by the State Liquor Commission under § 32A-4-101, et seq, of the Utah Code Annotated. A "restaurant" liquor license shall entitle the licensee to provide liquor to patrons for consumption on the premise. Only bona fide restaurants shall be entitled to a restaurant liquor license. Patrons must intend to order food which is prepared, sold, and served on the premises, in accordance with the Alcoholic Beverage Control Act and Utah Liquor Commission Rules and Regulations and the ordinances of Park City. Liquor is to be provided only in conjunction with a meal, and it shall be unlawful to serve or sell liquor except with a meal. No person under the age of twenty-one years shall serve or sell liquor under this license. All liquor must be purchased in the restaurant from a server designated and trained by the licensee. Any alcoholic beverages under this license must be consumed at the patron or guest's table. A restaurant liquor license shall not entitle the storage of liquor on the licensed premises, except as designated on the application.

(2) Beginning July 1, 1991, a restaurant liquor license holder may not sell or provide any primary liquor except in one ounce quantities dispensed through a calibrated

metered dispensing system approved by the Commission.

(3) All holders of restaurant liquor licenses shall maintain records which shall disclose the gross sales of liquor and the gross sales of food served and any other items sold for consumption on or off the premises. Such sales shall be shown separately. Each licensee shall retain all invoices, vouchers, sales slips, receipts, and other records of beer and other commodity purchases from all suppliers. Such records shall be available for inspection and audit by the Director at any time following the close of the semi-annual period and for one year thereafter, or as required by State regulations. Failure to properly maintain such records for such inspection and audit shall be cause for revocation of the restaurant liquor license.

(4) If any audit or inspection discloses that the sales of food on the licensed premises are below 70% (seventy percent) of the gross dollar volume of business for any semi-annual period, the restaurant liquor license shall immediately be suspended and shall not be reinstated until the licensee is able to prove to the satisfaction of the City Council that in the future, the sales of food on the licensed premises will not fall below seventy percent of the gross dollar volume of business.

(5) All licensees holding a restaurant liquor license as of the date of this Ordinance may continue to operate under said license unless revoked or suspended under one of the provisions herein until December 31, 1990. All Park City issued restaurant liquor licenses shall expire on December 31st of each year thereafter. All State-issued restaurant liquor licenses expire on October 31 of each year. All licensees must notify the City immediately if the State liquor license is denied, suspended or revoked for any reason. Restaurant liquor license applicants must provide the City with proof of State licensure by December 1 of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder. All renewal applications must attach a copy of a valid State license.

- (c) "Private Club Liquor License". A "private club" liquor license shall entitle the licensee to serve, sell, and store liquor, pursuant to Utah Liquor Commission Rules and Regulations, and to ordinances of Park City. No person under the age of twenty-one years shall serve or sell liquor under this license. All sales under a private club license shall be to bona fide members of the licensed club, guest members or their visitors

accompanied by members or guest members, and not to the general public. All licensees holding a private club liquor license as of the date of this Ordinance may continue to operate under said license unless revoked or suspended under one of the provisions herein until December 31, 1990. All Park City Private Club licenses shall expire December 31st of each year thereafter. All state-issued restaurant liquor licenses expire on June 30 of each year. All licensees must notify the City immediately if the State liquor license is denied, suspended or revoked for any reason. Private Club License applicants must provide the City with proof of the State licensure by July 1st of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder. All renewal applications must attach a copy of a valid State license.

- (d) "Seasonal" Liquor License. A "seasonal" liquor license shall carry the privileges of a "restaurant" liquor license for a period of less than one year to be determined by the City Council. No person under the age of twenty-one years shall sell or serve liquor under this license.

- (d) Single Event Liquor License A single event liquor license shall authorize for a period not to exceed 72 consecutive hours the storage, sale, service and consumption of liquor at an event sponsored by a bona fide association, corporation, church or political organization or a recognized lodge, chapter or other local unit that is conducting a convention, civic or community enterprise. The City may not issue more than two single-event liquor permits in any one calendar year to the same association, church, or political organization, chapter, lodge or unit thereof.

Section 4.02 Regulatory Liquor License Fee. The regulatory liquor license fee shall be set by resolution for all liquor licenses. The regulatory license fees shall be used by the City to defray, in part, the costs of alcohol related enforcement and responding to alcohol related offenses within Park City. This fee may be waived by the City Council for temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations. This fee may be waived by the City Council for Special Event Temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations. Applicants for a fee waiver must attach a copy of a letter of exemption from federal tax, issued by the United States Treasury Department, Internal Revenue Service which shall be evidence of the applicant's non-profit status.

SECTION 5. LICENSING APPLICATION PROCEDURES.

Section 5.01 License Application. Applications for new beer or liquor licenses shall be made in writing to the City Council upon a form furnished by the Director to be filed with the Director. Each application shall state the name, address (street address and post office box number, if applicable), age and citizenship of the applicant, the location of the business, whether he has complied with requirements specified in the Utah Liquor Control act, whether the applicant meets the licensee qualifications set out in Section 5.02, the location of any other beer or liquor licenses held by the applicant, and any other reasonably pertinent information required by the Director or City Council. If the applicant is a partnership, association or corporation, the same information shall be included for each officer or director thereof. The application must be subscribed by the applicant who shall state under oath that the facts therein contained are true.

Section 5.02 Licensee Qualifications. No beer or liquor license shall be granted to any retailer if the person does not meet the following qualifications:

- (a) The licensee shall be over the age of twenty-one years;
- (b) No beer or liquor license shall be granted to anyone who has been convicted of or plead guilty to a felony within two years of the application, or of misdemeanors involving alcohol or controlled substances during a period of one year prior to the application;
- (c) No beer or liquor license shall be granted to any person who has been convicted of any violation of any law or ordinance relating to the importation or sale of intoxicating liquors, or of keeping a gambling or disorderly establishment, or who has plead guilty to or forfeited his bail on a charge of having violated any such law or ordinance within the preceding three years; or
- (d) Any person whose beer or liquor license was revoked is ineligible to reapply for a beer or liquor license until the expiration of three years from the date such license is revoked.

No license shall be granted to any partnership, corporation, or association if any partner, director, or officer does not meet the qualifications for a license as set forth in (a) through (d), inclusive above.

Section 5.03 Application Fee. Each beer and liquor license application shall be accompanied by the regulatory license fee required by Section 3.02 or Section 4.02. If the license is denied, 50% of the license fee will be retained to pay the costs of processing the application.

Section 5.04 Referral of License Application to Chief of Police. All applications filed in accordance with the provisions of this ordinance shall be referred to the Chief of Police for inspection and report. The Chief of Police shall, within ten days after receiving such application, make report to the City Council of any criminal violations or charges against the applicant, or partners, officers, or director if the application is not an individual; the nature and kind of business to be conducted at such place by the applicant; the nature and kind of entertainment, if any, at such place; and the proximity of such premises to any school or church. The Chief of Police shall also add to such report his recommendation as to whether or not the application should be granted. In making his recommendation, the Chief of Police may refer to the character of other licensed premises owned in full or in part by the applicant.

Section 5.05 Referral of License Application to Health Department. All applications filed in accordance with this ordinance may be referred to the County Health Department which may inspect all premises to be licensed to assure sanitary compliance with the laws and regulations of the State of Utah and the ordinances, rules, and regulations of Park City in the preparation, storage, distribution, or sale of beer and food fulfills all such sanitary requirements.

Section 5.06 Referral of Application to Building Department. The Chief of Police may refer the application to the Building Department for review by the Building Official to ensure compliance with the applicable building codes, and a determination of the maximum number of occupants the premises may safely accommodate at one time given the location and number of emergency exits.

Section 5.07 Periodic Inspection of Premises by Chief of Police. The Chief of Police shall be permitted to have access to all premises licensed or applying for license under this ordinance, and shall make periodic inspections of said premises and may report his findings to the City Council.

Section 5.08 Grounds for License Denial. The City Council may deny a beer or liquor license if:

- (a) The license application does not contain all of the information required by Section 4.01;
- (b) The application fee is not paid;

- (c) The premises to be licensed do not comply with the applicable zoning regulations and building codes in force at the time of application;
- (d) The applicant does not meet the licensee qualifications set out in Section 5.02;
- (e) The applicant intentionally misrepresented or concealed information required by Section 5.01 in an application for the license;
- (f) The proposed premises do not meet health codes, and the applicant does not provide reasonable assurances that the premises will be brought into compliance upon approval of the license;
- (g) The applicant holds other licenses under this ordinance, which are not in good standing, or on which licensed premises the provisions of this ordinance and state laws are frequently violated.
- (h) Applicant does not hold a current Park City business license.

Section 5.09 Issuance of License Certificate. All beer license certificates shall be signed by the Mayor, attested by the City Recorder under the seal of the City, and contain the following information:

- (a) The address of the licensed premises;
- (b) A description of the portion of the building designated as the licensed premises;
- (c) The maximum occupancy of the licensed premises;
- (d) The beer or liquor license classification;
- (e) The name of the person to whom such certificate has been issued;
- (f) The name of the business;
- (g) The term of the license with commencement and expiration dates; and
- (h) That the license is subject to revocation by the City for violation of this ordinance or the Alcohol Beverage Control Act.

Section 5.10 License Period. The license certificate shall be valid through December 31 of the year of issuance, unless revoked or suspended under this ordinance or unless the licensee's required State license is suspended, revoked or denied.

Section 5.11 Renewal Procedure.

- (a) Beer License. On or before December 1 of each year, the City shall send notice to each beer licensee within the City that the regulatory license fee required by Section 3.02 is due by December 31st. Upon receipt of the regulatory license fee and finding that renewal is proper, the City Council shall issue a license certificate valid through December 31st of the next licensing year.
- (b) Restaurant Liquor. On or before December 1 of each year, the City shall send notice to each restaurant liquor licensee within the City that the regulatory license fee required by Section 4.02 is due by December 31st. Upon receipt of the regulatory license fee and finding that renewal is proper, the City Council shall issue a license certificate valid through December 31st of the next licensing year.
- (c) Private Club Liquor License. On or before December 1st of each year, the City shall send notice to each private club liquor licensee within the City that the regulatory license fee required by Section 4.02 is due by December 31st. Upon receipt of the regulatory license fee and finding that renewal is proper, the City Council shall issue a license certificate valid through December 31st of the next licensing year.

Upon notification by the Police Department, the licensee must close the licensed premises on the expiration date of the license and keep the premises closed for the consumption or storage of beer or liquor until the date his renewal license is issued by the City Council or pending a hearing before the City Council. In the absence of such notice, pending action by the Council on license renewals, the license is deemed extended provided a renewal application was filed on or before December 31 of the year in which the prior license was issued. The Director and Chief of Police shall prepare a list or lists of all licenses to be renewed, and the City Council may approve all renewals on that list or lists by a single motion.

Licenses shall be renewed unless the Council shall find that:

- (a) The licensee has attempted to transfer or assign the license to others in violation of this ordinance;
- (b) The licensee no longer holds the qualifications required of licensee under the provisions of Section 5.02 of this ordinance;
- (c) The premises have been remodeled or changed in a manner that eliminates required exits, creates closed booths or stalls; or
- (d) The licensee or his employees or agents have been convicted of or plead guilty to more than five (5) violations of this ordinance or state liquor control statutes relative to the conduct of the licensed premises in a single calendar year preceding the renewal, not including violation by patrons.
- (e) Licensee does not hold a current valid Park City business license or has been exempted therefrom under Section 20 of the Business Licensing Ordinance 87-12, as amended.

In the event the Council finds any of the foregoing conditions (a) through (e) to exist with respect to a license renewal application, the Council may waive the violations and grant a renewal license, grant a probationary renewal for a fixed period of time less than one year, or deny the application for renewal. When deemed appropriate, the Council may hold hearings on specific license renewal applications prior to granting the renewal license.

Section 5.12 Licenses Non-Transferable. No license issued under this ordinance is transferable from the original licensee to any other person, partnership, corporation or other entity. Each year, as a part of the renewal process, the licensee shall indicate the board of directors, or all partners, and if there are any changes from the previous year, the license shall be reviewed as a new application to the extent of the changes in ownership full to separate legal entity or individual is deemed a surrender of the license, and shall have no effect.

Section 5.13 Training Requirements for the Employees of Beer and Liquor License Premises.

- (a) Seminar Training Required. Upon the effective date of this Ordinance, no person shall be granted a new beer or liquor license, unless that person shall show by certificate(s) granted by the Utah Department of Alcoholic Beverage Control or by adequate proof of the existence of such certificate(s), that each employee of the business engaging in the serving, selling or furnishing of such alcohol on the premises has completed

the Alcohol Training and Education Seminar, as required in UCA, § 62A-8-403.

- (b) Time for Compliance. Every new employee of a licensee who is required to complete this seminar shall complete the seminar within six months of commencing employment. Violation of this section will result in revocation of the license granted under Section (a) unless compliance with this Ordinance is completed within two months of the time that licensee is first notified that such violation occurred.

SECTION 6. SUSPENSION AND REVOCATION OF LICENSES.

Section 6.01 City Council Licenses issued under this ordinance may be suspended or revoked by the City Council for the following reasons:

- (a) The licensee has failed to comply with the requirements of the Alcohol Beverage Control Act as currently in force or amended in the future, or the requirements of this ordinance or the City's Business Revenue License Ordinance;
- (b) The licensee or employees of the licensee have been convicted or plead guilty to violations occurring under Section 7.01 of this ordinance or any city, county, state or federal law or ordinance and said violations occurred on the licensed premise, not including violations by patrons;
- (c) The licensee has attempted to transfer the license to other in violation of this ordinance;
- (d) The licensee has become ineligible to hold a license by failing to meet the standards for licensees listed in Section 5.02 of this ordinance;
- (e) The licensee or his agents or employees, with the knowledge of the license holder, have been engaged in the sale, distribution or delivery of controlled substances, as defined by state statute, on or from the licensed premises.
- (f) The licensee has been denied a license by the state of Utah under the Alcoholic beverage Control act as required by this Ordinance or has had said state license revoked or suspended.

Upon receiving a written complaint from any person alleging a violation of any provision of this ordinance by a licensee or an agent of the licensee, the City or anyone designated

by the City Manager with the assistance of such other departments of the City as the City Manager may direct, shall conduct an investigation of the allegations of the complaint. The City shall not investigate consumer or product liability complaints. Upon completion of the investigation, the City Manager may dismiss the matter as being without merit, settle the matter based upon the negotiations the City Manager or his or her designee may have undertaken with the licensee, or cause an Order to Show Cause to be issued to the licensee requiring the licensee to come forward and answer the allegations of the Order to Show Cause.

The Order to Show Cause may be based upon an affidavit filed by the City Manager, City Attorney, or anyone else the City Manager has designated to file such action, and said Order to Show Cause shall specifically set forth the ordinance sections alleged to have been violated and generally describe the acts in violation.

In the event an Order to Show Cause is issued to the licensee, the City Council shall determine whether to refer the matter to a licensed hearing examiner (LHE), or to hear the matter directly itself. The Order to Show Cause shall be issued at least fourteen calendar days prior to the date set for the administrative hearing, but the hearing shall be commenced in any event, within one year of the service of the Order to Show Cause upon the licensee unless otherwise agreed by the parties. Within ten days from the date of the service of the Order to Show Cause, the licensee shall file with the City a written response to the allegations contained therein.

If the matter is to be heard by the City Council, the City Council may elect one of its members to act as presiding officer for the hearing. The presiding officer shall rule on all matters of controversy which arise during the hearing. The City Council may designate one or more of its members to act as a hearing panel, in which event the hearing panel shall follow the same procedural requirements as the LHE is required by this ordinance to follow.

In all administrative license revocation or suspension proceedings, a hearing shall be conducted as follows:

- (a) The presiding officer or LHE shall regulate the course of the hearing to obtain full disclosure of relevant facts and afford all parties the reasonable opportunity to present their positions.
- (b) The presiding officer or LHE may determine the length of the hearing and may prevent the calling of witnesses or admission of documentary evidence where such witnesses or evidence are irrelevant, immaterial, unduly repetitious, or unnecessary due to the receipt of other evidence.

- (c) Technical rules of evidence required in court proceedings shall not apply, and the presiding officer or LHE shall not exclude evidence solely because it is hearsay.
- (d) The presiding officer or LHE may afford to all parties the opportunity to present evidence, argue, respond, conduct cross-examination, and submit rebuttal evidence within the time frame of the hearing established by said officer.
- (e) The hearing shall be recorded by electronic means or by means of a Certified Shorthand Reporter. The record thus created shall be preserved by the City Council until such time as it is clear that no court proceedings or further administrative proceedings will be held concerning the matters which are the subject of the hearing; but a minimum of one year. The recording may be transcribed at the request of any party, at the expense of the requesting party.
- (f) All testimony presented at the hearing shall be given under oath administered by a person duly authorized to administer oaths.
- (g) The licensee shall have the right to appear at the hearing in person or by counsel, or both.
- (h) Subpoenas and other orders to secure the attendance of witnesses or the production of evidence shall be issued by the City Council when requested by any party, or may be issued by the presiding officer or hearing examiner on his or her own motion. The mere issuance of subpoenas shall not operate to require the admissibility of evidence or testimony subpoenaed.
- (i) Upon request, both the City and the licensee shall be entitled to discovery of the other's list of witnesses to be called at the hearing, including the names and addresses of such witnesses. The parties shall be entitled to have copies of, or have access to any documents to be used by either side during the course of the hearing. No other formal discovery shall be required.
- (j) The standard of proof required for any action adverse to the licensee shall be that of proof by a preponderance of the evidence.
- (k) The presiding officer, if the City Council hear the matter itself, or the LHE, shall prepare written Findings of Fact. In the case of an LHE, the LHE shall submit

said Findings, to the City Council. The City Council shall either accept or reject the Findings of Fact, or enter its own Findings, and shall state the basis from the record upon which the divergence from the LHE's recommended Findings. The City Council shall prepare written Conclusions of Law and an Order.

- (1) The Order formally entered by the City Council may be to (1) dismiss the action against the licensee; (2) suspend the license for a specified period; (3) place the licensee on probation upon such conditions as the City Council may order; (4) permanently revoke the license in question; or (5) any combination of the above.
- (m) Any licensee aggrieved by an Order of the City Council entered pursuant to this section may maintain an action for relief therefrom in any court of competent jurisdiction, where said court deems itself the appropriate forum for the appeal from the City Council's action. The licensee shall be required to follow orders and procedures of the appropriate court with regard to time for filing.
- (n) Nothing herein shall be construed to require a showing that the licensee shall have been first convicted in a court of laws of any violation of any law, rule or regulation. All notices required by this section may be made by personal service or by certified mail, mailed to the licensee's address as it appears in the business regulation records of the City, postage prepaid, certified, return receipt requested.
- (o) If any provision of this ordinance is declared by a court of competent jurisdiction to be unconstitutional, such ruling shall not affect the other provisions of this ordinance, and said ordinance shall read as simply eliminating the offending provision.

Section 6.02 Emergency Suspensions by Police. Licenses under this ordinance may be suspended by the Chief of Police without prior hearing when conditions existing at the licensed premises are such that there is probable cause to believe that violations of this ordinance or state law are occurring, and the conditions are such that the public health and safety are endangered, provided that the temporary suspension shall occur only if the management or the licensee fails to remedy the situation within fifteen (15) minutes of notification by the Chief of Police that a suspension will occur if the conditions complained of are not remedied in a manner that eliminates the immediate danger to public health and safety. No suspension by the Chief of Police shall extend beyond the ordinary close of business on the day on which the suspension was given.

SECTION 7. REGULATION OF LICENSED PREMISES.

Section 7.01 Offenses of Licensee. It shall be unlawful for the holder of any license issued under this ordinance or any employee or agent of the holder to cause or permit to be caused on his or her premise any of the following acts:

- (a) Sale During Revocations. To sell any beer or liquor during any period of a license revocation or suspension.
- (b) Failure to Display License. To fail to have the license issued under this ordinance on display in the licensed premises.
- (c) Excess Hours of Operation. To sell any beer or liquor on the licensed premises, at any time between the hours of 1:00 a.m. and 10:00 a.m. Holders of Off-Premise beer licenses may sell beer for consumption off the premises at any time of day.
- (d) Minors on the Premises. To permit a minor to be in or enter into a licensed premises which holds the following licenses:

On-Premise tavern beer license

There shall be no restriction on the admission of minors being in or remaining in any of the following licensed premises:

Off-Premise Beer License
On-Premise Beer License (except taverns)
Restaurant Liquor Licenses
Temporary Licenses of these classifications

It shall not be a violation of this ordinance for minors to be in premises licensed as private clubs, provided, however, that minors must be accompanied by a parent or guardian, and shall be only within an area of the licensed premises designated as food service area. It shall be unlawful for the holder of any private club license to permit minors to be within the license premises when not accompanied by a parent or guardian, or to permit minors to remain in or about the liquor service portion of the premises. Licensees may prohibit minors from entering the premises at all at their discretion by posting a sign at the entrance that states that minors are not permitted inside.

It shall not be a violation of this ordinance to permit minors to work in any licensed premises, regardless of license classification, provided that minors shall not work in any capacity that involves handling, selling, or serving alcoholic beverages. It shall be unlawful to permit minor employees to sell, serve, or handle alcoholic beverages.

- (e) Sale or Service to Minors. To furnish or sell, directly or indirectly, through its agents or employees, an alcoholic beverage to persons under the age of twenty-one years, or to permit patrons within the licensed premises to provide alcoholic beverages to persons under the age of twenty-one years on the licensed premises.
- (f) Nuisance. To keep or permit a nuisance on the premises as defined by Section 2.12 of this ordinance.
- (g) Untaxed Liquor. To possess or sell on the licensed premises any liquor which does not bear proper stamps and labels indicating it was purchased from a Utah State Liquor Store or a package agency of that store, except as provided by state law.
- (h) Adulterated Alcoholic Beverages. To possess or sell on the licensed premises any adulterated, impure, diluted, or misbranded liquor.
- (i) Failure to Control Noise. To permit or provide either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.
- (j) Outdoor Speakers. To permit or cause to exist any loud speaker or sound amplification equipment on any outdoor balcony deck, patio, or garden associated with the licensed premises.
- (k) Excess Hours Outside. To sell or service alcoholic beverages or to permit patrons to remain on any outdoor balcony, deck, patio, or garden associated with the licensed premises after the hour of 10 p.m.
- (l) Gambling. To permit, cause, participate, or allow any gambling or gaming, as defined by the laws of the state of Utah within any licensed premises.

- (m) Controlled Substances. To permit or tolerate, or participate in the use, sale, or possession of any unlawful controlled substance within the licensed premises.
- (n) Overloading. To permit or tolerate the licensed premises to be occupied by more person than the assigned occupancy load for the building assigned by the Building Official under the Uniform Building Code.
- (o) License Violation. To permit the consumption of alcohol on any premises licensed with an Off-Premise beer license, or to open any container for consumption on the premises by the holder of any Off-Premise beer license or his agents or employees; or to permit, cause, or tolerate on the licensed premises the sale, use, consumption, or possession of alcoholic beverages in a manner that is in violation of the limits imposed by the license granted.
- (p) Service of Intoxicated Persons. To sell or serve alcoholic beverages to a person who is obviously intoxicated, or to permit an obviously intoxicated person to remain in or about the premises.
- (q) Operating Without Required State Licenses. To continue to sell, serve or store alcoholic beverages on a licensed premise after the state license required under Utah Code Ann. § 34A-1-101, et seq., has been denied, suspended or revoked.

Section 7.02 Offenses by Patrons. It shall be unlawful for any person within a licensed premise under this ordinance, whether as a guest, patron, invitee, supplier, or in any other capacity other than as an employee of the license holder or as the licensee to commit or perform any of the following within the licensed premises:

- (a) To enter or remain in any licensed premises holding an On-Premise Tavern License while under the age of twenty-one years.
- (b) To enter or remain in any premises licensed as a private club while under the age of twenty-one years, except when accompanied by a parent or guardian or as a non-alcoholic handling employee of the licensee.
- (c) To be in or around the portion of any licensed premise holding a private club license which is designated or functioning as a liquor selling portion of the premises,

rather than the area primarily designed and intended for the sale of food when under the age of twenty-one years.

- (d) To furnish directly or indirectly alcoholic beverages to any persons under the age of twenty-one years, or to possess or consume alcoholic beverages while under the age of twenty-one years.
- (e) To enter or remain about a licensed private club without being a member of that club a guest member of that club or an invitee of a member of that licensed club.
- (f) To enter to remain in any licensed premises after being ordered to leave the premises by the licensee or the agent or employees of the licensee.
- (g) To enter or remain in any licensed premises while intoxicated.

Section 7.03 Citations/Violations. The commission of any act or offense listed in Section 7.01 or 7.02 above shall be a Class "B" misdemeanor, except violations of 7.01(e) and (g) and Section 7.02(d) shall be Class A misdemeanors. Both the license holder or his employee or agent, and the patron of the licensed premises may be charged from the same incident, as the offenses of the licensee and the offenses of the patron are separate offenses. The licensee shall be civilly responsible for all violations permitted or caused by the agent or employee of the licensee and the criminal acts of the employees or agents committed on the premises in the course of employment shall be deemed the acts of the licensee for purposes of revocation, suspension, or non-renewal by the City.

Section 7.04 Wholesaler and Retailer not to have Common Interests. It shall be unlawful for any dealer, brewer or wholesaler to either directly or indirectly supply, give or pay for any furniture, furnishings or fixtures of a retailer, and it shall be unlawful for any dealer or brewer to advance funds, money or pay for any license of a retailer or to be financially interested either directly or indirectly in the conduct, operation, or ownership of any premises with a Class "C" beer license, "private club" liquor license or "seasonal" license for any of these license classes.

SECTION 8. BUILDING REQUIREMENTS. It shall be unlawful for any person who obtains a liquor or beer license after the adoption of this ordinance to own, operate or manage any premises licensed for the retail sale or consumption of beer or liquor without complying with the following lighting and view requirements:

- (a) During business hours, adequate lighting shall be maintained in all areas of the licensed premises to allow safe movement within the licensed premises, visibility for business activity, and visibility of all areas of the licensed premises from a point within the licensed premises at or near the main public entrance.
- (b) A clear, unobstructed view of all areas of the licensed premises shall be available at all times from a point within the licensed premises at or near the main entrance.

Persons who have obtained beer or liquor licenses from the City before adoption of this ordinance and who annually renew their licenses with the City shall not be required to comply with the requirements of this section.

Section 8.01 Closed Stalls and Booths Prohibited. It shall be unlawful for any closed booths or stalls to exist on premises licensed for the retail sale of consumption of beer or liquor. This provision shall not prevent the use and operation of private dining or conference rooms as a part of the licensed premises.

Section 8.02 Occupancy Load. On any premises licensed after the date of this ordinance, the Building Official shall determine the maximum safe occupancy load of the building, as provided in the Uniform Building Code, and it shall be unlawful and a Class "B" misdemeanor for any license with an assigned occupancy load to permit more than that number of persons to be within the licensed premises. Once an occupancy limit is assigned, the limit shall be posted with the license in a prominent place within the licensed premises. This provision shall not apply to premises licensed as Off-Premise beer licenses.

SECTION 9. APPLICABILITY. The provisions of this ordinance shall apply to all licensed premises and all licensees who are issued either a new license or a renewal of an existing license after the date of this ordinance. Amendments to this ordinance made be made from time to time, and all licenses or renewals issued hereunder are subject to amendments as they become effective, except that amendments which address structural requirements of any licensed premises existing at the time of the amendment shall not apply to existing structures until such time as the license is transferred, forfeited, or allowed to expire. As existing structure are sold, remodeled, or relicensed (but not on renewal of existing licenses), however, full compliance will be required prior to the issuance of a new license, new class of license, or license to a new licensee at that location.

SECTION 10. REPEALER CLAUSE. This ordinance shall amend Ordinance 83-16, establishing Beer and Liquor Regulatory Licenses in its entirety to read as herein provided.

SECTION 11. SEPARABILITY CLAUSE. If any subsection, sentence, clause, phrase, or portion of this chapter, including but not limited to any exemption, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

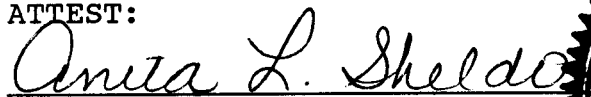
SECTION 12. EFFECTIVE DATE. To protect and promote the health, safety and welfare of the community and to assist in an orderly transition, this Ordinance shall take effect immediately upon its passage.

PASSED AND ADOPTED this 23rd day of August, 1990.

PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLCH, MAYOR

ATTEST:


ANITA L. SHELDON, CITY RECORDER



ORDINANCE 90-22

AN ORDINANCE AMENDING ORDINANCE 85-9 TO REQUIRE
CITY APPROVAL OF DUMPSTER SITES AND
PROHIBITING THE ILLEGAL USE OF PRIVATE DUMPSTERS
AND AMENDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE

WHEREAS, the Council did enact Ordinance 85-9 to abate and regulate the disposal of garbage, trash, refuse, weeds and other deleterious, harmful and flammable materials; and

WHEREAS, this Council deems it to be in the best interest of our community to fortify these regulations to encourage the proper disposal of these substances,

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

SECTION 1. All reference to a Class "C" misdemeanor shall be changed to a Class "B" misdemeanor.

SECTION 2. Section 7 shall be amended as follows:

7. Littering Prohibited. Any person who throws, permits to be deposited, places in an open container in such a manner that it may blow upon or be scattered upon any sidewalk, street, alley, or public passageway or upon any private property, any waste or other material including soils, rocks and earth of any kinds shall be guilty of a Class "B" misdemeanor; ~~—a minimum fine of \$25.00.~~

SECTION 3. The following sections shall be added:

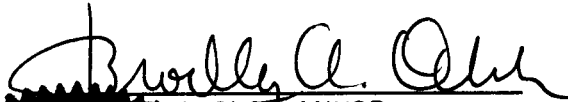
9. City approval of Dumpster Sites. Prior to locating any dumpster in or on City rights-of-way or properties, an individual or business entity must receive prior written approval of the site by the Community Development Director or they shall be guilty of a Class "B" misdemeanor.

10. Use of Private Dumpsters or Trash Receptacles. Private dumpsters or trash receptacles are for the exclusive use of the lessee or owner. Any individual or business or commercial entity depositing more than one (1) cubic foot of solid waste or refuse into a private dumpster or trash receptacle, without the prior written consent of the lessee or owner, shall be guilty of a Class "B" misdemeanor.

SECTION 4. This ordinance shall take effect upon its publication.

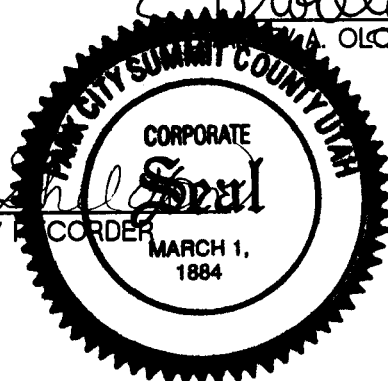
DATED this 20th day of July, 1990.

PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLSON, MAYOR

ATTEST:


ANITA L. SHELDON, CITY RECORDER



Ordinance No. 90-21

**AN ORDINANCE REPEALING ORDINANCE NO. 85-3
FIXING THE RATE OF COMPENSATION
FOR ELECTED OFFICIALS OF
PARK CITY MUNICIPAL CORPORATION**

WHEREAS, the rate of compensation for elected officials has been fixed by ordinance and procedurally should have been set forth by resolution;

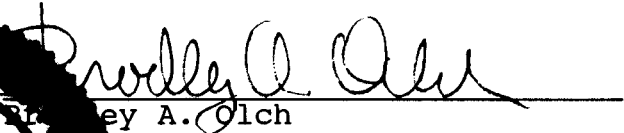
NOW, THEREFORE BE IT ORDAINED:

SECTION 1. REPEALER. Ordinance No. 85-3 is hereby repealed.

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

PASSED AND ADOPTED this 5th day of July, 1990.

PARK CITY MUNICIPAL CORPORATION


Wesley A. Olch

Attest:


Anita L. Sheldor
City Recorder



Ordinance No. 90-20

AN ORDINANCE AMENDING SECTIONS 18a AND 19F
OF ORDINANCE NO. 82-15
TO CLARIFY LANGUAGE REGARDING PENALTIES
FOR ILLEGAL WATERING

WHEREAS, City Council adopted Ordinance No. 90-06, amending Ordinance No. 82-15 on March 1, 1990; and

WHEREAS, Park City desires to clearly delineate the rights and duties of water users and penalties for violations of those rights and duties;

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

SECTION 1. AMENDMENTS. Paragraph two of Section 18a of Ordinance 82-15 is hereby amended as legislatively illustrated as follows:

Violations of this section shall be punishable by a fine penalty set forth by resolution. Unpaid fines penalties may be debited against the municipal water account of the cited party and will be subject to collection pursuant to City water bill collection policies.

Section 19F of Ordinance No. 82-15 is hereby amended as legislatively illustrated as follows:

The owner or tenant of property cited for illegal watering or irrigation under this Ordinance shall be required to ~~post bail~~ pay a penalty in the amount set forth by resolution and, if the charges allegations in the citation are not contested, may forfeit ~~bail as a fine~~ the penalty in lieu of trying the charges.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect immediately.

DATED this 28th day of June, 1990.

PARK CITY MUNICIPAL CORPORATION



[Handwritten Signature]
Mayor

Attest:

[Handwritten Signature]

AN ORDINANCE AMENDING SECTIONS 4.1 AND 4.3 OF CHAPTER 4
HISTORIC DISTRICT COMMISSION
OF THE LAND MANAGEMENT CODE

WHEREAS, it is desirable from time to time to amend procedural provisions of the Land Management Code; and

WHEREAS, it is deemed practical to extend the terms of the members of the Historic District Commission; and

WHEREAS, a public hearing was held on this proposed amendment on June 28, 1990;

NOW, THEREFORE BE IT ORDAINED by the Park City Council that:

SECTION 1. AMENDMENT. Sections 4.1 and 4.3 shall be amended to reflect the following language legislatively illustrated. The qualification verbiage in Section 4.3 shall remain in effect.

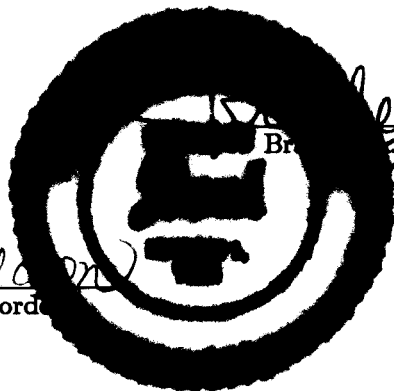
4.1. COMMISSION CREATED. Pursuant to the Historic District Act (Section 11-18-1, et seq, of the Utah Code, 1953) and other applicable powers, there is hereby created a Park City Historic District Commission. The Commission shall be composed of five (5) members, one of whom shall be a member of the Planning Commission. ~~The remaining four members shall serve terms of one year, but shall continue to serve until their successors are appointed and qualified. The member appointed from the Planning Commission shall serve a term of two years, but a vacancy shall occur in the event the person ceases to be a member of the Planning Commission.~~

4.3. TERMS AND QUALIFICATIONS OF MEMBERS. Members of the Commission shall serve terms of two years. The terms shall be staggered. Terms may expire on July 1 but members on the Commission shall continue to serve until their successors are appointed and qualified. The member appointed from the Planning Commission shall serve a term of two years, but a vacancy shall occur in the event the person ceases to be a member of the Planning Commission. The Mayor shall appoint a new Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term.

SECTION 2. EFFECTIVE DATE. This amendment shall take effect upon passage.

PASSED AND ADOPTED this 28th day of June, 1990.

PARK CITY MUNICIPAL CORPORATION



[Signature]
Mayor
Olch

Attest:

Anita Sheldon
Anita Sheldon, City Recorder

AN ORDINANCE AMENDING
ORDINANCE 82-27, THE PEDDLERS AND SOLICITORS
ORDINANCE, AS PREVIOUSLY AMENDED

WHEREAS, the City did enact a Peddlers and Solicitors Ordinance to prohibit businesses within the public streets, sidewalks, alleyways, parks, golf courses and publicly owned parking areas; and

WHEREAS, the City Council deems it to be in the best interest of citizens of Park City to permit businesses to operate in or on the public parks or golf courses if they have previously received permission and a concession contract from the City,

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

Section 1. Section 3 of Ordinance 82-27 is hereby amended to add the following language:

SECTION 3. BUSINESS CONFINED TO PRIVATE PROPERTY. Unless specifically licensed to do so under this or other ordinances, it shall be unlawful for any person to conduct business within any public street, sidewalk, alleyway, public parks, golf courses or publicly owned parking areas, unless said person has received prior City approval and executed a concession contract with the City.

Section 2. Section 7(d)(9) is hereby amended to add the following language:

SECTION 7(d)(9). Open Container Law. No vendor shall be licensed to sell beer or any other alcoholic beverages from the vendor's cart or wagon except on a publicly or privately owned golf course.

Section 3. In order to protect the health, safety and welfare of the citizens of Park City, this Ordinance shall take effect upon its passage.

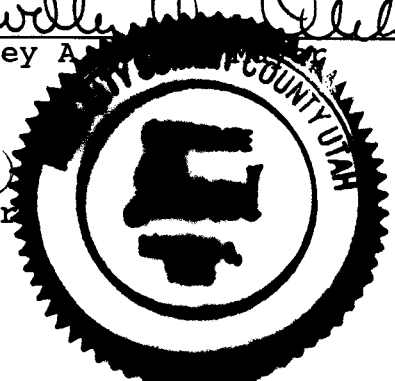
PASSED AND ADOPTED this ___ day of June, 1990.

PARK CITY MUNICIPAL CORPORATION

Bradley A. [Signature]
Bradley A. [Name]

Attest:

Anita L. Sheldon
Anita L. Sheldon, City Recorder



ORDINANCE NO. 90-17

AN ORDINANCE AMENDING SECTION 7.1.3
OF THE LAND MANAGEMENT CODE TO REQUIRE
FLOOR AREA RATIOS IN THE HISTORIC RESIDENTIAL
(HR-1) DISTRICT

WHEREAS, the Historic Residential District is characterized by small lot sizes, typically 25' by 75' and the residences historically constructed on those lots reflect the small lot sizes; and

WHEREAS, the small front, rear and sideyard setbacks in the HR-1 zone encourage the combination of smaller lots into larger parcels to facilitate construction of larger structures, not in scale with the adjacent historic structures; and

WHEREAS, it is in the best interest of the residents of Park City to encourage construction of structures in the Historic Residential District which are in keeping with the historic scale of other structures within the district and to provide a disincentive for structures which are out of scale,

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

Section 1. Section 7.1.3(b) shall be and is hereby added as follows:

(b) Floor Area Ratio. The floor area of all new structures constructed within the HR-1 District shall be limited by the Floor Area Ratio (FAR) which shall be the Floor Area as defined in Chapter 2, divided by the total area of the lot or parcel. For lots up to 1875 square feet, the maximum FAR shall be .9. For lots from 1876 square feet to 3750 square feet in area, the maximum FAR shall be .75. For lots larger than 3750 square feet in area, the maximum FAR shall be .6.

In calculating the FAR for a single family structure, 400 square feet may be subtracted from the total floor area for a two-car garage before calculating the FAR. For duplexes, triplexes and multi-unit structures, the garage deduction shall be 400 square feet for each residential unit.

In an effort to further maintain Park City's Historic District, this Floor Area Ratio requirement shall not apply to renovations, additions, or expansions to historic structures (structures at least 50 years old, as approved by the Historic District Commission).

Section 2. Section 7.1.3(b) shall be and is hereby renumbered 7.1.3(c).

Section 3. Section 7.1.3(c) shall be and is hereby renumbered 7.1.3(d).

Section 4. Section 7.1.3(d) shall be and is hereby renumbered 7.1.3(e).


Section 5. This ordinance shall take effect upon its publication.

PASSED AND ADOPTED this 7th day of June, 1990.

PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLCH, MAYOR

ATTEST:


ANITA L. SHELDON, CITY RECORDER



****CAUTION****

THIS ORDINANCE 90-16 HAS BEEN ADOPTED INTO THE PARK CITY MUNICIPAL CODE. THIS COPY MAY NOT CONTAIN ALL THE AMENDMENTS THAT HAVE BEEN PASSED SINCE ITS ADOPTION INTO THE CODE. THE MOST CURRENT AND UP-TO-DATE VERSION WILL BE FOUND IN THE PARK CITY MUNICIPAL CODE IN SECTION 12.

Table



ORDINANCE 90-16

AN ORDINANCE REPEALING ORDINANCE 84-7, THE PARK CITY SIGN CODE, AND REPLACING IT IN ITS ENTIRETY

WHEREAS, a uniform sign code has been adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, that the Park City Sign Code be enforced as follows:

* * * * *

SECTION 1. PURPOSES AND SCOPE.

The City Council of Park City, Utah finds and declares that by controlling and standardizing signage in the community, the regulations set forth in this Chapter will reduce potential hazards to motorists and pedestrians; encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites which they occupy; encourage sign legibility through the elimination of excessive and confusing sign displays; prevent confusion of business signs with traffic regulations; preserve and improve the appearance of the city as a place in which to live and work; create an attraction to non-residents to come to visit or trade; allow each individual business to clearly identify itself and the goods and services which it offers in a clear and distinctive manner; safeguard and enhance property values; protect public and private investment in buildings and open space; supplement and be a part of the zoning regulations imposed by Park City; and promote the public health, safety, and general welfare of the citizens of Park City.

* * * * *

SECTION 2. INTERPRETATION

The Planning Commission, or Historic District Commission if the sign is in the Historic District, shall have the authority and duty to interpret the provisions of this Chapter at the request of the Community Development Director or when a written appeal from a decision of the Community Development Department is filed with the Planning Commission or Historic District Commission for signs in the Historic District.

In interpreting and applying the provisions of this Chapter the sign requirements contained herein are declared to be the maximum allowable for the purpose set forth.

The types of signs allowable by this Chapter shall be plenary and sign types not specifically allowable as set forth within this Chapter shall be prohibited.

* * * * *

**SECTION 3.
APPLICATION AND REVIEW PROCEDURES
FOR PERMANENT SIGNS**

3.1. PERMITS. No person shall erect, alter, or relocate any permanent or temporary sign within Park City without first obtaining a sign permit and a building permit from the City, unless the sign is exempt under this code. Any person who hangs, posts, or installs a sign which requires a permit under this code and who fails to obtain a permit before installing the sign, shall be guilty of a Class C misdemeanor and shall be fined accordingly.

3.2. PRE-APPLICATION CONFERENCE. A pre-application conference with the Community Development Department is encouraged in order for the applicant to become acquainted with application procedures, design standards, and related city ordinances. Completed sign permit applications are to be submitted to the Department. The staff may assist in the preparation of the application, and shall provide information to applicants on the regulations created by this Code.

3.3. APPLICATIONS. Applications for sign permits for permanent signs must include the following:

- (a) A site plan drawn to scale which specifies the location of the sign structure, or drawings or photographs which show the scale of the sign in context with the scale of the building if the sign is to be mounted on the building.
- (b) Colored rendering or scaled drawing including dimensions of all sign faces, descriptions of materials to be used, manner of construction and method of attachment, and color samples.
- (c) A complete signage plan for any commercial building which houses more than one use. This must be submitted prior to issuance of a permit for any one sign on the building.
- (d) A sign permit application on the form provided by the Community Development Department.
- (e) Building permit application on a form provided by the Community Development Department.
- (f) Appropriate fees.

3.4. FEES. Sign permit applications shall be reviewed according to a fee schedule established by resolution.

3.5. REVIEW PROCEDURES.

Complete sign permit applications will be reviewed by the Planning Staff, subject to the review of the Community Development Director, within ten (10) working days of receipt of the complete application and application fee and either approved, denied or returned with requested modifications. If a permit application has not been processed within ten (10) working days, and written reasons given for the denial of the permit issued within that time, the application is deemed approved. Any applicant who believes the denial was not justified, has the right to appeal to the Planning Commission or Historic District Commission, and to appear at the next regularly scheduled meeting for which proper notice can be given and agenda time is available. Intention to take an appeal to the Commission shall be filed with the Community Development Director in writing within three (3) business days following the denial of the permit by the Department.

Applicants may have any action of the Planning or Historic District Commissions reviewed by the City Council by petitioning in writing for a hearing before that body within ten (10) days following Planning Commission or Historic District Commission action on the sign permit. Actions of the Commission are subject to appeal and review according to the procedures set forth in the Land Management Code, Chapter 1.

3.6. CONDITIONAL USES. The following types of signs require conditional use review by the Planning Commission:

- (a) Free standing signs located in the HCB zone, as defined by Section 7.2 of the Land Management Code.
- (b) Free-standing signs located in the highway frontage protection zone, as defined in Section 8.8 of the Land Management Code.
- (c) Requests for increased signage above the maximum allowed by this code. (See Section 5.1)

Projects which require Conditional Use Permits may have their signage reviewed as part of the C.U.P. review for no additional fee.

* * * * *

**SECTION 4.
SIGN TYPES**

4.1. The following types of signs are allowed subject to Planning staff review based upon the regulations set forth in this code:

(a) Free standing signs.

(1) Height limit. Free-standing signs are limited to low profile signs which may not exceed a height of ten (10) feet.

(2) Design. Free-standing monument signs with solid or enclosed bases are permitted. Signs supported by at least two (2) poles without enclosed bases are also permitted provided that the exposed pole's height does not constitute more than 50% of the sign's overall height (i.e., the height of the open area beneath a sign cannot exceed 50% of the sign's total height). Single pole signs are not considered appropriate in Park City except in the case where a single pole is used in conjunction with a horizontal cross-bar to support hanging signs on one side of the pole only subject to the projection and clearance provisions defined in Section 6.3.

(3) Size. Free-standing signs shall be limited to a maximum of thirty-six (36) square feet in area unless the building to which the sign applies has no other signage, in which case a forty-five (45) square foot sign is allowed. However, in no case may the area of a free-standing sign exceed a total of one (1) square foot for every three (3) feet of frontage occupied by the business or enterprise or 5% (five percent) of the building facade to which the sign applies.

(4) Density. Businesses, projects or parcels are limited to one (1) free-standing sign except that properties with more than 1000 (one thousand) feet of continuous frontage and with more than one entrance may, subject to Planning Commission approval, install a free-standing sign at each entrance, provided that the combined square footage of all free-standing signs does not exceed 72 (seventy-two) square feet (two 36 square foot signs). Where there is frontage on more than one street, each frontage is treated independently. Signage area may not be transferred from one frontage to another.

(5) Setback and orientation. Free-standing signs are subject to the setback requirements for each zone or as defined in Section 6.2. They may be aligned either perpendicular or parallel to the road provided that signs perpendicular to the road are finished on both sides, and that signs parallel to the road maintain a setback of at least 25 (twenty-five) feet from the curb or edge of pavement. The Community Development Director may decrease this setback if it is determined that a particular road alignment or traffic conditions would facilitate adequate visibility of the sign for street or pedestrian traffic.

(6) Zoning restrictions. Free-standing signs may be allowed in the HCB Zone only with Conditional Use approval from the Planning Commission (Section 3.6). Free-standing signs are permitted in all other zones except that in the HR-1, HRL, HRC and RD zones, they are permitted only as

part of subdivisions of 50 (fifty) lots or more or master planned developments, subject to the provisions of Section 4.1.(k).

(7) Content. Because it is the City's intent to facilitate traffic flow and avoid traffic hazards caused by confusing or cluttered signage, and because tourists, who may be looking for a specific business often depend on sign text that assimilates business names as listed in telephone directories or other promotional advertisements, free-standing signs are permitted for the purpose of identifying the name of the building or one business only..

(b) Window Signs. Permanent window signs may be placed in or upon any window, provided that on windows below the elevation of the second floor level, no more than fifty percent (50%) of the total transparent area of the window is obscured, except that in multi-tenant buildings, window signs shall be restricted to windows below the second floor level. (See Section 5.3). Windows on or above the elevation of the second floor level shall be limited to not more than two rows of lettering identifying the business with characters not exceeding six (6) inches in height

(c) Wall Signs. Wall signs may be placed upon a building provided that they meet the size, material, content, location and other standards of this Code. Wall signs shall be placed so as to utilize existing architectural features of a building without obscuring them. Wall signs shall be oriented toward pedestrians or vehicles within close proximity.

(d) Projecting Signs. No single projecting sign may exceed 18 (eighteen) square feet in area or may project more than thirty-six (36) inches from the face of the building to which it is attached. Projecting signs must have at least eight (8) feet of ground clearance unless reduced according to the projection and clearance provisions of section 6.3, and cannot be higher than the building to which they are attached. They may not extend beyond the applicant's property, except those which are proposed to be placed over the Main Street sidewalks. Signs may extend over City property only with the written approval of the Community Development Director and a certificate of insurance acceptable to the City Attorney.

(e) Hanging Signs. A hanging sign may be placed on a building or underneath an approved canopy, awning, or colonnade, as long as it does not project beyond the same. It must have at least eight (8) feet of ground clearance, unless reduced according to the projection and clearance provisions of Section 6.3, and cannot be higher than the building to which they are attached. Signs may extend over City property only with the express written approval of the Community Development Director and a certificate of insurance acceptable to the City Attorney.

(f) Awnings. Awnings are permitted as signage provided they blend with the architecture of the building and do not obscure details of the building. Awnings should serve as an accent to the building's design but should not be the dominant

architectural feature. Awnings are counted as signage if they have lettering or other graphics conveying a commercial message or name of a business or project sold in the building to which the awning is attached.

- (1) Signage Area. Only 20% of any one face of an awning may be used for signage regardless of the size of the building facade to which the sign applies.
 - (2) Material. Only canvas will be permitted. Material should be high quality, colorfast and sunfade resistant. Vinyl or plastic materials are not considered appropriate in Park City.
 - (3) Color. Awning colors are generally limited to a single field color with a single contrasting color for lettering and logos. However, if the awning is striped in a traditional manner, either with vertical stripes along the entire awning or horizontal stripes along the valance, two field colors may be used. Corporate colors may be used only if they conform to color requirements as specified in Section 5.5 of this Code.
 - (4) Illumination. Illuminated (back-lit) translucent awnings or translucent letters on opaque backgrounds are not appropriate in Park City and are not permitted. Canvas awnings illuminated in the traditional manner with incandescent lighting are permitted.
 - (5) Clearance and projection. Awnings must have a minimum clearance of eight (8) feet to the frame and 7 (seven) feet to the bottom of the valance. They may project a maximum of 36 inches from the face of the building except when used as entrance canopies, in which case awnings may extend to the setback lines.
 - (6) Entrance canopies. Entrance canopies may be used only if they lead to a bona fide business entrance and if they are compatible with the architecture of the building.
 - (7) Location of Awnings. Awnings must be located in a traditional manner above doors, windows, or walkways, provided said walkways lead to a bona fide entrance. All other locations are prohibited. Free-standing awning signs are prohibited.
- (g) Illuminated Signs. Illuminated signs are permitted subject to the provisions of Section 5.6.
- (h) Neon Signs. Neon used to draw attention to a business or building in any manner, including (but not limited to) neon text, logos or outlining of a building's architectural features, is considered signage and shall be regulated according to the provisions of this code as follows:

- (1) Size. All other size requirements set forth in this Code must be adhered to.
- (2) Zoning Restrictions. Neon signs may be used only in the HCB, HRC, RC and GC zones.
- (3) Location. Neon signage must be located within a building and displayed through a window rather than being attached to the exterior of the building. If the neon signage is located within ten (10) feet of the front window, it is considered signage and must have a permit. Neon located ten (10) feet back from the window is considered interior lighting and is not regulated. The neon sign must be designed to be compatible with the space in which it is located, and have a sense of balance and proportion.
- (4) Colors. The following historic colors are permitted in the Historic District in primary shades only: red, yellow, white, blue, green. All others are prohibited. Other colors are permitted in the RC and GC zones.
- (5) Content. Neon signage may include the name of the business, and may possibly include a description of use in conjunction with the name (e. g. Dolly's Bookstore). Graphics and symbols may be permitted and should be historic or traditional in design.
- (6) Prohibited Neon Signs. The following are prohibited in neon: open/closed signs; product brand names; message/sales promotion. Neon may not flash, move, alternate, or show animation.
- (7) HDC or Planning Commission Review. The Historic District Commission or Planning Commission shall review neon signs at the option of the Planning Staff if or when there are questions about compliance with these requirements.
 - (i) Changeable Copy Signs. Changeable copy signs may only be used in conjunction with theaters, entertainment facilities non-profit art galleries, or similar exhibit facilities or master address identification signs in conjunction with a signage plan.
 - (j) Directory sign. Directory signs shall be permitted to provide information for multi-tenant projects. Multi-tenant projects, either commercial or residential, may have a maximum of thirty-six (36) square feet of signage to serve as a directory for the project. Each phase of an expandable condominium or other phased project shall be considered a part of the initial phase for signage purposes if the project is joined by a common conditional use permit, zoning approval or management structure such as a condominium homeowners' association. The contents of such signs shall be limited to the name of the multi-tenant structure, its street address, and the names and unit numbers of the tenants of the project.

Signs shall be located in the common area of the project and oriented toward a central pedestrian path or common parking area. Directory signs may not be oriented for off-site viewing. No telephone numbers, rental information, or sales information shall be permitted on the directory sign.

(k) **Name plates for multi-family residences.** Individual name plates may be used in lieu of a directory sign on multi-family projects. They may be located near the entrance of the unit to which the sign applies and shall be limited to one (1) square foot in size. The content of name plates shall be limited to the name of the residence and the unit number or street address. Directory signs may not be used in conjunction with individual name plates except that each unit may be identified by a unit number.

(l) **Menu Display.** Menus for restaurants may be displayed on the inside of windows of a restaurant or inside a wall mounted or free-standing display box. Free-standing display boxes shall be designed and constructed to withstand wind and may be located only on private property. The maximum size shall be two square feet and shall be included in the calculation of total wall or window signage. If a display box is used, it must be constructed to coordinate with the building design, must contain a clear face which would protect the menu from the weather and must not extend over public property.

(m) **Entrance/Exit Signs.** Two entrance/exit signs are allowed at each approved driveway opening for commercial uses and multi-tenant dwellings provided that each sign is not larger than three (3) square feet per side and no higher than five (5) feet above the ground at the top of the sign.

(n) **Directional or Guide Signs.** Directional or guide signs which give direction to recognized areas of regional importance and patronage (See definitions in Section 10) may be a maximum of sixteen (16) square feet and must be approved by the Director.

(o) **Public Necessity Sign.** Public necessity signs such as "Bus Stop", "No Parking" and street name signs may be a maximum of twelve (12) square feet and must be approved by the Public Works Director and the Community Development Director, if the sign is to remain in place for more than five working days. These signs shall contain no advertising of any kind. This shall not apply to signs erected by the City, state highway department, franchised utilities, or their contractors.

(p) **Special Purpose Signs.** Signs and banners promoting events sponsored by civic, charitable, educational, or other non-profit organizations may be erected on private property up to two (2) weeks in advance of the event being promoted. These signs shall be removed within five (5) days following the conclusion of the event. Signs or banners located on or over public property easements or rights-of-way are subject to the requirements of this Code and require approval by the City Manager. (Requirements for the erection of banners over public property are

found in Section 7.11) Special purpose signs erected on private property shall be erected only after issuance of a permit from the Planning Department.

(q) Temporary Signs. Temporary signs are permitted subject to the requirements found in Section 7.

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SECTION 5 DESIGN STANDARDS.

All regulated approved signs must comply with the following design standards:

5.1. SIZE REQUIREMENTS. The total area of all permanent signs on one building face, including window signs, wall signs, projecting signs, and hanging signs, shall not exceed 45 square feet per building face or 36 square feet per building face if used in conjunction with a free-standing sign, regardless of the number of businesses occupying the building. If additional signage is necessary, the Planning Commission may grant additional signage, but in no case may the total signage area exceed 5% of the building face to which the sign is attached. (See Section 4.1(f) for specific size requirements for awning signs, Section 4.1(a) for free-standing signs; Section 7.1(a) for temporary signs; Section 7.4(c) for project construction signs; and Section 7.3(a) for portable yard signs.)

5.2. AREA OF SIGN. The area of a sign shall include the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure, or character. The area of the sign having no perimeter or border shall be computed by enclosing the entire area within a parallelogram, circle, or triangle of the smallest size sufficient to cover the entire area of the sign and computing the area of that parallelogram, circle, or triangle. The area of the second side of a two-sided sign shall not be included when calculating signage area unless the sides diverge more than 30 degrees. Where a sign has more than two (2) faces, the total area of the third face and all additional faces shall be included in determining the area of the sign. All existing signs, whether conforming or non-conforming signs shall be counted in establishing the permitted area of size of all new signs to be allowed on the property.

5.3. SIGNAGE PLANS. Buildings or clusters of buildings having more than one tenant or use, shall provide a signage plan for the entire structure or project. The signage plan must be designed so that it establishes a common theme or design, uses similar construction methods, has compatible colors, lettering, lettering style, symbols, scale and size of signs and/or identical background.

Signage plans for office buildings must have their primary focus on the identification of the building, and individual tenants may be identified by using small lettering on a window or door or directories. Total signage area within the plan is subject to the maximum size limitations of this ordinance. Signage area cannot be transferred to a single building or facade from other buildings in the project.

For multi-tenant retail and mixed-use buildings, which contain any combination of uses including residential, office, service or retail uses, sign plans shall be designed so that wall signage is confined to the building surface below the finished floor elevation of the second floor or twenty (20) feet above adjacent natural grade whichever is lower. Signs below the finished floor elevation of the second floor may be located on flat wall areas, within windows or on sign bands above windows. Signage above the finished floor elevation of the second floor shall be restricted to one sign per building face identifying the building name and address. For buildings with pre-existing sign bands or architectural features, the Community Development Director may grant exceptions to the second floor level signage restriction.

5.4. SIGN MATERIALS. Exposed surfaces of signs may be constructed of metal, glass, stone, concrete, brick, cloth, or solid wood. Other materials may be used in the following applications:

(a) **Face.** The face or background of a sign may be constructed of exterior grade manufactured composite board if the face of the sign is painted and the edges of the sign are framed and sealed with silicone. Plywood is prohibited except on temporary signs where painted plywood may be used.

(b) **Letters.** Synthetic or manufactured materials may be used for individual cut-out or cast letters in particular applications where the synthetic or manufactured nature of the material would not be obvious due to its location on the building and/or its finish. Ivory colored plastic may be used for internally illuminated letters (See Section 5.6(b)). Other materials may be approved by the Planning Commission at its discretion, but are otherwise prohibited. The sign materials should be compatible with the face of the building and should be colorfast and resistant to corrosion.

5.5. COLOR. Signs must be finished in subdued earthtone colors. Earthtones may be defined in this context to include the full spectrum of soil and clay colors. Spectrums of off-whites to deep browns, and light grays to black provide a wide range of acceptable colors. Brighter colors may be used provided they are imbued with brown or black tones. For example: pink imbued with brown would tend toward mauve and would be acceptable. Bright reds imbued with brown or black tones give a deeper burgundy or maroon color and may also be acceptable. Colors should compliment the color scheme of the building. A matte or flat finish is required for all painted surfaces. In no case will "day-glo", fluorescent, reflective colored materials that give the appearance of changing color or brilliant luminescent colors be permitted.

5.6. ILLUMINATION.

(a) **Externally Illuminated Signs.** Light fixtures for externally illuminated signs must be simple in form and mounted so they do not obscure building ornamentation. The light fixtures should emphasize the continuity of the building surface and should not clutter the building in an unorganized manner. Spot lights and flood lights shall be directed only at the sign surface. Light shall not be

directed off the property. No exposed light sources are allowed, and all light sources must be shaded to contain light rays to the sign. Colored lighting is prohibited.

(b) **Internally Illuminated Signs.** Internally illuminated signs shall be limited to individual letters not to exceed 18" high. Individual pan-channel letters with a plastic face or individual cut-out letters (i.e. letters routed out of the face of an opaque cabinet sign) are permitted. Cut-out letters shall have a maximum stroke width of 1 1/2 inches. The plastic face or backing of the letters must be ivory colored. Reversed pan-channel letters with an internal light source reflecting off of the building face may also be used for "halo" or "silhouette" lighting. The light source for internally illuminated signs must be white. Internally illuminated pan-channel letters are not permitted on free-standing signs. Internally illuminated signs are not considered appropriate in the Historic District and are prohibited.

(See Section 12.1 for further information regarding the inspection of electrical signs.)

5.7 SIGN CONTENT. Signs shall be limited in content to material that is intended to be permanent (with the exception of theater or gallery marquees). The name of the business, the nature of the goods or services offered, and street address may be contained in the sign except that a free-standing sign may only identify the name of the building or one business. Statements of prices for specific items, listing of items beyond a general category of merchandise, telephone numbers, or similar information directed at the merchandise sold or service provided, rather than the identification of the business are prohibited. The use of logotypes or other symbols is appropriate in addition to the name of the business. Applications for signs which contain misleading content or false information shall be denied.

In each instance, and under the same conditions to which this code permits any sign, a sign containing an ideological, political, or other non-commercial message and constructed to the same physical dimensions and character shall be permitted.

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SECTION 6 LOCATION STANDARDS

6.1. LOCATION ON BUILDING. Architectural details of a building often suggest a location, size, or shape for a sign. Signage should compliment the architectural details of the building. Signs should help to establish a visual continuity with adjacent store fronts and relate directly to the store entrance. Signs must be oriented toward pedestrians or vehicles in close proximity; signs oriented for distance viewing will not be permitted. Signs shall be designed and located on the building or on the premises in a manner that is compatible with the mass and scale of the building to which the sign applies. Signs must not obscure architectural details of the building; nor cover

doors, windows, or other integral elements of the facade. Signs shall not obstruct views of nearby intersections and driveways.

6.2. SETBACK REQUIREMENTS. Permanent signs shall not be placed in the setback area as defined for the zone in which the sign is located. However, in the General Commercial Zone, signs may be set back ten (10) feet from the property line. The Director may decrease the setback if it is determined that the public will be better served with a sign located otherwise, due to site specific conditions such as steep terrain, integration of signage on retaining walls, heavy vegetation, or existing structures on the site or adjoining properties. (See Section 7.2(b) for specific setback requirements for temporary signs and Section 7.3(b) for setback requirements for temporary construction project signs)

6.3. PROJECTION AND CLEARANCE. No sign may project more than 36 (thirty-six) inches from the face of a building or pole. Projecting and hanging signs must maintain at least 8 (eight) feet of clearance from ground level. Clearance for signs projecting or hanging over landscaped areas may be reduced to 7 (seven) feet if the sign is set back at least three (3) feet from any hard surface or pavement. Signs may not extend over the applicant's property line except those which are proposed to be placed over the Main Street sidewalk. Signs may extend over City property only with the written approval of the Community Development Director and a certificate of insurance acceptable to the City Attorney.

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SECTION 7 TEMPORARY SIGNAGE & PORTABLE YARD SIGNS

7.1. POLICY. It is the policy of the City as outlined in this Section to restrict the use of temporary signage. Temporary signage is often poorly constructed, poorly maintained, and located in a manner that obscures traffic signs, views of intersections of public and private streets and driveways and tends to depreciate the scenic beauty and quality of life of the community by creating visual clutter. Temporary signage has a place in the community for specialize purposes, such as announcing properties for sale or lease, construction activities, temporary sales, or making political or ideological statements. Temporary signage is permitted for those and similar purposes subject to the regulations of this Section.

7.2. TEMPORARY SIGNS. Temporary signs are those signs which are installed on a property with the intent of displaying them continuously for more than twenty-four (24) hours, but which are not a part of a permanent land use on the property, and are not intended to be displayed for more than one year. Temporary signs include signs announcing properties for sale, lease or rent, and campaign signs and other similar signs of a non-commercial nature. Temporary signs are permitted subject to the following regulations on placement and location:

(a) **Size.** Temporary signs (other than construction project entry signs dealt with in Section 7.3) shall not exceed three (3) square feet of area on the exposed sign face.

(b) **Location.** Temporary signs are permitted in any zone, provided that they are located a minimum of twenty (20) feet back from the edge of the curb, or edge of pavement where there is no curb, of the street on which the sign fronts. If this twenty (20) foot distance would be within a structure, the sign may be within three (3) feet of the front of the structure. Signs must be parallel to the street on which the building fronts, and placed in front of the front facade with the building as a backdrop. Signs may not be positioned in the side yard. Signs may be displayed through windows or other glass areas subject to the restrictions of Section 8.1(i) and 8.1(m). On vacant lots, where there is no structure, the sign shall be approximately centered on the lot, and shall maintain the twenty (20) foot setback from the street.

(c) **Height.** No portion of the sign shall extend more than six (6) feet above the existing ground level (without snow) at the location of the sign. Mounting devices may extend above the sign by not more than six (6) inches.

(d) **Number.** Only one temporary sign is permitted on any one parcel of property, except that for sixty (60) days preceding a general or special election, up to three (3) temporary signs may be placed on any one parcel of property, all of which must be compliance with the size, color, and placement standards of this Code.

7.3. TEMPORARY SIGNAGE FOR CONSTRUCTION PROJECTS. Because of the unique need to identify construction projects clearly for material suppliers, deliveries, construction workers, and to allow for initial marketing, temporary construction project entry signs are permitted subject to the following regulations:

(a) **Size.** Projects containing four (4) or more dwelling units, or four thousand (4,000) square feet or more of commercial floor area are allowed one project sign on the property in conjunction with a project under development or construction. Three (3) square feet of signage area is allowed for each residential unit, and two (2) square feet of signage allowed for each one thousand (1,000) square feet of commercial floor area, provided that in no event may the sign exceed thirty-two (32) square feet in area.

(b) **Location.** Temporary signage on construction sites may not be closer than twenty (20) feet to the curb line (or edge of pavement if there is no curb) of the street on which the project fronts, which is the street providing access to the project. If that twenty (20) foot setback places the sign within the construction limits of disturbance, the sign may be placed closer to the street, but not more than ten (10) feet outside of the construction limits of the disturbance. In the HCB Zone, and the Prospector Commercial Subdivision, and other areas which have been approved or zoned with no setback or sideyard requirements, the sign may

be located on the construction barricade or fence surrounding the site, even if that places the sign within the public right-of-way. No portion of the sign may extend above the barricade or fence.

(c) **Height.** Construction project signs may not exceed ten (10) feet in vertical height from the ground at the point where the sign is located. Signs mounted on a construction barricade or fence may not extend above the height of the barricade or fence.

(d) **Clear window maintained.** Construction project signs must be located in a manner that does not obstruct the view of adjoining streets from the driveway of the site to the adjoining street, for normal passenger vehicles.

(e) **Time limit.** Temporary construction project signs are to be installed upon granting of conditional use permits by the City for the project the sign pertains to or upon the issuance of footing and foundation permits on permitted uses which do not require conditional use approval. On conditional uses, if the footing and foundation permits have not been taken out within six (6) months of the erection of the sign, the sign must be removed until permits are issued. Temporary project signs must be removed within thirty (30) days from the date the last certificate of occupancy is given on the site. If a subsequent phase is commenced during that time, the sign may remain so long as construction continues on the project's initial construction. If a permanent sign is constructed on the site, all temporary signage must be removed. When a project is owned by one party and units are being marketed, but the time limit is beyond the 30 days after a certificate of occupancy is issued, the Community Development Director may authorize the temporary placement of a sign which is subject to the limitations of this section, except that it may be displayed for a period of 90 days. This sign would be in lieu of standard real estate signs.

7.4. PORTABLE YARD SIGNS. Portable yard signs are signs intended to be displayed for less than twenty-four (24) hours at a time for the purpose of announcing a garage sale, yard sale, open house, or similar event on a property. Portable yard signs may be located in any zone subject to the following regulations:

(a) **Number.** No more than two (2) yard signs are permitted, one of which must be on the property to which the sign pertains, and the other placed off-site for directional purposes. If the property is located on a cul-de-sac or dead end street, one additional off-site sign may be placed off-site for directional purposes.

(b) **Location.** Yard signs may be located anywhere on the property to which the sign pertains. Off-site yard signs may be located within the public right-of-way, but not within the paved area of any street, and not on any sidewalk. Off-site yard signs must be weighted with sand bags or otherwise supported to withstand the forces of the wind. Yard signs may not be attached to street sign posts, light posts, public utility poles, or any other facility within the public right-of-way. Signs so placed are deemed refuse, and will be removed by the City.

(c) **Size.** Yard signs shall not exceed three (3) square feet in area on any sign face, but may be double-sided, awning or A-frame type construction, for a total sign area of six (6) square feet.

(d) **Time limit.** Yard signs shall be displayed only immediately prior to and during the yard sale, garage sale, or open house actually in progress, and shall be removed at sundown if located within public rights-of-way to avoid creating a trip hazard to the public using the streets and sidewalks. Yard signs may not be displayed for more than forty-eight (48) hours continuously. Signs not removed after forty-eight (48) hours of display are deemed refuse. The owner or erector of the sign is subject to a ten (\$10.00) dollar per sign removal charge if the sign is removed by the City as refuse. In addition, the owner or erector shall be guilty of a Class "B" misdemeanor for littering.

7.5. MOUNTING DEVICES. Temporary and yard signs, excluding construction project entry signs, shall be mounted on hardware of wood or painted metal, no part of which shall be greater than four inches by four inches (4" x 4") in cross section. Construction project signs, because of their larger size and the increased risk of disruption nearby, shall be mounted on at least two (2) four inch by four inch (4" x 4") posts with back bracing, or such other means that comply with the Uniform Sign Code's standards for installation. Mounting hardware shall be painted or stained in earth tones. No message may be written on the mounting hardware, so that the entire message area of the sign is contained on the sign face itself.

7.6. LIGHTING PROHIBITED. No temporary sign, yard sign, or construction project entry sign may be illuminated in any manner.

7.7. COLOR AND MATERIALS. Temporary signs, yard signs, and construction project signs are subject to the Design Standards of Section 5.

7.8. MAINTENANCE. Temporary signs shall be maintained as provided in Section 11 of this Code, and it shall be a violation of this ordinance to permit a temporary sign, yard sign or construction project entry sign to fall into disrepair.

7.9. EXCEPTIONS. Where there are conditions such as heavy vegetation on the property, or extremely steep terrain that makes the sign placement standards of this Section impractical because the sign is not visible from the street, the Community Development Director, or some member of that department so authorized, may grant an exception of the sign setback standards, but not the size or street orientation standards. In no event may temporary signs subject to the setback requirements be placed within the public right-of-way.

7.10. EXISTING TEMPORARY SIGNS. Existing temporary signs, and construction project entry signs not brought into full conformance with this Code on or before October 1, 1984 or thereafter are in violation of ordinance. All signs erected after the effective date of this ordinance shall be erected in full compliance, or are otherwise unlawful.

7.11. BANNERS OVER PUBLIC PROPERTY.

(a) Administration. The City Manager is authorized to administer the placement of banners over public property.

(b) Approval. Approval of all applications to display banners over public property shall be given by the City Manager only if all conditions in this section are met.

(c) Terms and conditions. In order to receive approval to display a sign or banner over public property, the applicant shall meet the following terms and conditions:

(1) The banner or sign shall only inform the community of an upcoming community event. A community event shall be defined as a public event which is of interest to the community as a whole rather than the promotion of any product, political candidate, religious leader or commercial goods or services.

(2) The banner may only be displayed immediately prior to and during a community event which it advertises, and in no case shall the banner be displayed for less than five (5) days or more than ten (10) days.

(3) Banners shall only be displayed at site(s) approved by the City Manager.

(4) Reservation of dates for a banner site may be made up to three (3) months prior to the date of display. Site(s) are generally reserved on a first-come, first-served basis; however, preference may be given for recurring annual events, historically or traditionally tied to a specific date, holiday or season. Additionally, a request to advertise the reoccurrence of the same event or same type of event within any one calendar year (i. e., plays or class registrations) may be honored if no request for the banner site for an unrepeated scheduling is received.

(5) All banners over public property shall be hung by City personnel, and must meet the following specifications:

(a) Maximum banner size over public property (Park Avenue location) shall not exceed four (4) feet by thirty (30) feet and the minimum size shall not be less than three and one-half (3.5) feet by twenty-four (24) feet. Banners not over the Park Avenue location shall not exceed the above-mentioned maximum size, and must be approved by the Planning Director.

(b) Day-glo, or fluorescent colors shall not be allowed.

- (c) Banners shall be constructed of durable canvas or similar type weather resistant fabric.
 - (d) Banners must be slit to reduce wind resistance.
 - (e) Banners must be reinforced with rope within a casing at the bottom of the banner edge.
 - (f) Each corner of the banner must have a grommet and a lead of 1/4" rope from each corner, no less than four (4) feet long.
 - (g) Banners must have a minimum of seven (7) grommets (including the two corner grommets) across the top edge, which allows the banner to be attached to a cable.
 - (h) An additional one hundred and fifty (150) feet of 1/4" rope is required to hang each banner, and shall be provided to the Public Works Department by the applicant or sponsor of the banner.
- (6) The primary purpose of banners which extend over public property shall be to advertise and inform of upcoming community events. No more than twenty-five per cent (25%) of each side of the banner space shall be used for the name or logo of a commercial sponsor.
- (7) Prices or fees charged for the event shall not be displayed.
- (8) Banners shall be hung or displayed in a manner that does not interfere with or impede traffic or interfere with or obscure traffic signs or control devices.
- (9) The owner of a banner shall agree to assume full liability and indemnify the City for any damage to persons or property arising from the display of the banner by the City.
- (10) If the banner is not picked up from the Public Works Department by the applicant or sponsor within ten (10) days after it has been taken down, the banner shall become the property of the City and will be disposed of.
- (11) Banners should be received by the Public Works Department one week prior to the date of scheduled display.
- (12) The City is not responsible for any damage that may occur to the banner from any cause.
- (d) **Fee.** A fee shall be payable to the City when the banner is dropped off at the Public Works Department before its reservation commences to cover manpower

costs associated with installation and removal of the banner. Said fee shall be set by resolution.

7.12. BANNERS ON CITY LIGHT STANDARDS.

(a) Administration. The City Planning Department is authorized to administer the placement of banners on City light standards.

(b) Approval. Approval of all applications to displays banners on City light standards shall be given by the Planning Department only if all conditions in this section are met.

(c) Terms and Conditions. Banners displayed in the Park City Main Street or Empire Avenue area shall be either: (a) those sponsored by, designed for and commissioned by, fabricated for, and installed by the direction of the Planning Department and Parks staff, or (b) those sponsored by outside entities (Sponsors) that meet the following terms and conditions.

(1) The eligible sponsor must be a non-commercial, non-profit entity whose primary purpose is the offering of cultural, educational, or entertainment enrichment to the community.

(2) The design of banners must be presented to the Planning Department, or a designated committee thereof, for review and approval. Artwork should be of sufficient size and show actual colors and banner material in sufficient detail to adequately represent the proposed final product. Design specifications are shown below.

(3) The cost of the design and fabrication of the banners is to be borne by the Sponsor. Fabrication of the banners must meet the minimum standards adopted by the Park Staff, or a designated committee of Park city Municipal Corporation. Cost of installation and dismantling will be borne by the organization sponsoring the banners.

(4) Applications shall be presented to the Planning Department in sufficient time to allow the determination of eligibility of the Sponsor, design review, fabrication of the banners and verification of the scheduling of their period of display.

(5) Sponsors accept that the display period is contingent upon a workable arrangement within the overall schedule of other City banners as well as prior commitments to other outside Sponsors. Prior commitments may preclude the desired display period of an otherwise acceptable Sponsor's banner. Park City acknowledges that a Sponsor's interest and ability to participate may be contingent upon a minimum period which would warrant the expense of the fabrication of the banners. The display period will be based on a first-come basis.

(6) All banners on City light standards shall be hung by City personnel and must meet the following specifications.

(a) Fabrication and colors are to be within color guidelines of the Planning Department and Historic District.

(b) The dates for the banners to be installed and dismantled will be arranged by the Sponsor and the Parks staff.

(c) Size of the Main street banners are 29" X 72"; or as otherwise approved by the Parks staff.

(d) The number of banners to be hung for winter and summer is 35. Five additional banners must be submitted for replacement.

(e) The design must be on both sides, or as otherwise approved by the Parks Department.

(f) One and one half inch (1 1/2") brass grommets should be installed on both bottom corners. A three and one half to four inch (3 1/2" to 4") by 29 inch wide sleeve at the top of the banner is required to hang the banners on brackets.

(g) Banners must be sewn for mounting on existing brackets. A sample will be provided by the Parks Department. Sponsors are required to contact the Parks Department for review of their proposal for compliance with the actual specifications.

(h) Fabric must be of a durable material to withstand snow and heavy winds.

(i) Sponsors will pay for artwork, banner production, installation and dismantling of banners.

(j) Artwork should be approved at least two months prior to hanging date. A written permit will be issued by the Planning and Parks staff.

(k) The owner of a banner shall agree to assume full liability and indemnify the City for any damage to persons or property arising from the display of the banner by the City.

(l) If the banner is not picked up from the Park Department by the applicant or sponsor within ten days after it has been taken down, the banner shall become the property of the City and will be disposed of.

(m) Banners should be received by the Parks Department one week prior to the date of scheduled display.

(n) The City is not responsible for any damage that may occur to the banner from any cause.

(d) Fee. A fee shall be payable to the city when the application is dropped off at the Parks Department before its reservation commences to cover costs associated with installation and removal of the banners. This fee shall be \$100, and checks shall be made payable to the Park City Leisure Services department and submitted with the application.

* * * * *

SECTION 8 NON-REGULATED SIGNS

8.1. SIGNS EXEMPT FROM PERMIT REQUIREMENT. The following signs are not subject to a permit requirement if the following standards are met. They shall be regulated by the following size and placement standards and shall not be included when calculating permitted sign area for any parcel, use or development. Building permits may be required for the installation of these signs even though they are exempt from design review and regulation.

(a) Nameplates (residential). One nameplate sign for each single family residence, which shall not exceed one square foot in area. If lighted, a building permit is required.

(b) Vacancy signs. Vacancy signs are allowed only for those buildings which are permitted and licensed for nightly rentals within the HCB, HRC, GC and RC zones. Vacancy signs may be a maximum of two (2) square feet. If illuminated, a building permit is required.

(c) Solicitation signs. One "no solicitors" sign, not to exceed one square foot, is allowed per major entrance to any building or apartment complex.

(d) Hours of operation sign. One "hours of operation" sign is allowed per entryway. Each sign may not exceed one square foot in area. The sign may not be illuminated.

(e) Trespassing signs. "No trespassing" signs may be posted on doors, windows or other property entrances, or on fence or property lines. They may not exceed one square foot in area, and may not be illuminated.

(f) Addressing numbers. Addressing numbers may be no higher than twelve (12) inches. When placed on commercial buildings, they may be taken into

account in the review of the signage plan, and counted as signage if part of the overall signage for the building.

(g) **Interior signs.** Non-illuminated signs which are on the interior of buildings set back at least two (2) feet from any window are not regulated at all. Illuminated interior signs setback at least ten feet are not regulated for design but a building permit is required.

(h) **Flags, symbols, or insignias.** The flag of the United States, the state of Utah, or other flags or insignias of governmental entities or agencies may be displayed and not counted as signage.

(i) **Special sale signs.** Merchants may advertise special sales with temporary paper signs on the inside of windows provided they do not cover more than fifty percent (50%) of the window area. Special sale signs may be displayed two (2) weeks at a time, five (5) times a year.

(j) **Private plazas.** Signs on privately owned walls or plazas that are so located as to be oriented to the plaza and not to public streets are not regulated, except that building permits may be required for mounting and wiring.

(k) **Private recreational facilities.** Signs located inside open air recreational facilities which are not oriented to public streets, e. g. directional signs in ski resorts and golf courses are not regulated.

(l) **Public necessity signs.** Public necessity signs such as bus stop, no parking and street name signs installed by or with permission of Park City Municipal Corporation are exempt from permit requirements. Approval of the Public Works Director and Community Development Director is required in order to insure safe placement and prevent unsightly or distracting sign placement.

(m) **Special events fliers.** Fliers or posters advertising special events may be displayed on the inside of windows of businesses, provided the owner of the business approves of the placement. Such posters may be displayed for up to one week prior to an event, and must be removed within 48 hours after the event. Posters or fliers may not be tacked up to the exterior of any building or to telephone/utility poles or distributed by placement on parked automobiles or on door steps, etc.

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SECTION 9 PROHIBITED SIGNS AND SIGNAGE ILLUMINATION

9.1 PROHIBITED SIGNS. No person shall erect, alter, maintain, or relocate any sign as specified in this Section in any zone:

- (a) Signs creating traffic hazards. No sign shall be erected at or near any public street or the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision or at any location where it would interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- (b) Hazardous signs. No sign shall be erected or maintained which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety and welfare of any person or property.
- (c) Signs resembling traffic or signs. No sign shall be constructed, erected, or maintained which purports to be or resembles an official traffic sign or signal except those signs officially authorized by Park City or other governmental entities.
- (d) A-frame signs. Any portable sign or structure composed of two (2) sign faces mounted or attached back to back in such a manner as to form a basically triangular vertical cross section through the faces.
- (e) Flashing signs or lights. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Flashing light sources are prohibited.
- (f) Electronic message signs. A permanent free-standing roof, wall, or other sign which changes copy electronically using switches and electric lamps. Automatic changing signs, such as public service, time, temperature and date signage are prohibited.
- (g) Off-premise signs and billboards. A permanent outdoor advertising sign which advertises goods, products, or services not sold on the premises on which the sign is located.
- (h) Roof signs. Any signs erected partly or wholly on or over the roof of a building, including ground signs that rest on or overlap a roof. Signs mounted anywhere on a mansard roof are not allowed.
- (i) Animated signs. A rotating or revolving sign, or signs where all or a portion of the signs moves in some manner.
- (j) Wind signs. Any propeller, whirling, or similar device which is designed to flutter, rotate, or display other movement under the influence of the wind. This shall include "gasoline flags", or banners.
- (k) Bench signs. Any outdoor bench or furniture with commercial signage.
- (l) Mobile or portable signs. A sign not permanently attached to the ground or building, except for public necessity signs and temporary signs as allowed by this Code.

- (m) Vehicle Signs. Roof or antenna mounted signs on automobiles, except for student driver signs. Vehicle signs may be allowed on the sides of vehicles but they may not be illuminated.
- (n) Home occupation signs. Business identification sign for a home occupation.
- (o) Video signs. Animated visual messages which are projected on a screen.
- (p) Illuminated awnings. Illuminated (back-lit), translucent, awnings are not considered appropriate in Park City and are prohibited.
- (q) Inflatable signs or displays. Any inflatable object used for signage or promotional purposes.
- (r) Outdoor displays. Outdoor display of merchandise is considered as advertisement and is prohibited except as allowed under the Peddlers and Solicitors Ordinance, as amended, and under the Master Festival License Ordinance, as amended.

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SECTION 10 REMOVAL OF ILLEGAL AND UNSAFE SIGNS

10.1. ABATEMENT OR REMOVAL OF UNSAFE OR DANGEROUS SIGNS. A sign which has been determined to be unsafe by the Building Official must be repaired or made safe within five (5) working days after receipt of notice from the City. The owner of the sign or owner of the property shall at once either repair or remove the sign. Failure to make such repairs or remove the sign upon order of the Building Official is unlawful, and the person having charge or control over the sign will be guilty of a Class C misdemeanor and fined accordingly.

10.2. ABATEMENT AND REMOVAL OF ILLEGAL SIGNS. Any person who hangs, posts, or installs a sign which requires a permit under this Code, and who fails to obtain a permit before installing the sign, shall be guilty of a Class C misdemeanor and the fined accordingly.

10.3. REMOVAL OF NON-CONFORMING SIGNS. All signs which are not in conformance with this ordinance shall be removed by the owner or user of the sign within two (2) years from the date on which the Department gives notice to the owner that the sign is non-conforming. In any event, the non-conforming sign shall not be transferred to a new tenant or occupant of the premises on which the sign is erected, but shall be removed at the termination of the tenancy to which it applies.

- (a) Notice. Notice of the non-conforming status of signs shall be given by the Department in writing. The notification shall state the location of the sign, and

the modifications needed to bring it into conformance, or that the sign must be removed entirely if it cannot be made to conform. Notices may be sent by regular United States mail and notice is deemed complete upon mailing. Notices may be sent by certified or registered mail, but that is not required.

(b) Amortization period. Upon receipt of notice, the owner of any non-conforming sign may enter into an agreement with the City to bring the sign into compliance, or to remove the sign, after a reasonable period of amortization which shall not, in any event, exceed five (5) years. In the absence of such an agreement, the owner of the sign is deemed to have consented to the two year amortization period. Signs which have been in place for more than three (3) years prior to the adoption of this Code, and were non-conforming under the previous ordinance, shall not be eligible for an amortization period of more than two (2) years. Signs which have been in place for less than three (3) years prior to the effective date of this Code will be given a two (2) year amortization period, unless the owner can establish a necessity for a longer period, such as a lease agreement on the sign itself, recent improvements of substantial cost, or similar investment or commitment that makes an amortization period of longer than two (2) years necessary to avoid an economic loss. In no event will the amortization period exceed five (5) years from the date of notice that a sign is non-conforming.

10.4. DESTRUCTION OF NON-CONFORMING SIGNS. No sign which is not in conformance with this Code shall be repaired or restored after having been damaged to the extent of more than fifty percent (50%) of its value immediately prior to the event causing the damage or destruction.

10.5. ALTERATION OF NON-CONFORMING SIGNS. Non-conforming signs may be maintained and repaired in accordance with Section 11.6 of this Code, provided that the alterations and repairs are for the purpose of maintaining the sign in its original condition. Alterations to a non-conforming sign which changes the use, content, color, lighting, or appearance of a non-conforming sign are subject to design review and approval by the Community Development Department, but in no case shall a non-conforming sign be conveyed to a new tenant, and the amortization period of the sign shall not be extended. Alterations of a substantial nature which bring the sign closer to full compliance with size, location, or height standards may be made, and if those modifications are substantial, the Director may start a new five (5) year amortization period from the date of the substantial modification. To be considered substantial, the modification must have brought the sign into conformance with the lighting, color, and materials standards in addition to making a major modification to height, size, or location.

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SECTION 11 MAINTENANCE

11.1. RESPONSIBILITY OF OWNER. It is the affirmative obligation of the owner of every sign erected in Park City to maintain that sign and to keep it in a good state of repair at all times. Upon discovery of a sign in need of maintenance, the Department shall give written notice to the owner of the sign or the owner of the property on which the sign is located if the owner of the sign itself cannot be determined. This notice shall state the item or items requiring repair or maintenance. The owner shall have thirty (30) days in which to repair the sign before a citation is issued. If the owner has failed to make repairs within that time, the Department shall cause a citation to be issued. It shall be unlawful, after the thirty (30) days notice has expired, for any person to display a sign in any of the following conditions:

- (a) Lettering or other elements of the sign have become detached and have fallen off the sign or become misaligned;
- (b) Painted surfaces on the sign have begun to peel, flake over a substantial portion of the sign, or have faded or oxidized to an extent that the sign no longer displays the colors approved by the Department as shown on the application for a sign permit;
- (c) The information on the sign has become obsolete or abandoned due to changed use or occupancy of the property.

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SECTION 12 INSPECTION OF SIGNS.

The Building Department shall inspect, as it deems necessary, signs regulated by this Code to ascertain whether the signs have been adequately installed and adequately maintained to minimize risks to the public.

12.1. CERTAIN SIGNS TO BE APPROVED BY ELECTRICAL INSPECTOR. The application for a permit for erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the electrical inspector. The electrical inspector shall examine the plans and specifications with respect to all wiring and connections to determine if they comply with the electrical code of the City, and he shall approve such permit if the plans and specifications comply with the code or disapprove the application if non-compliance with the code is found.

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**SECTION 13
VIOLATION OF ORDINANCE**

13.1. PENALTY. Violation of this Code is a Class "C" misdemeanor

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**SECTION 14
DEFINITIONS**

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

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

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

Area of sign. The area of a sign shall include the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure, or character. The area of the sign having no perimeter or border shall be computed by enclosing the entire area within a parallelogram or triangle of the smallest size sufficient to cover the entire area of the sign and computing the area of the parallelogram, circle or triangle.

Balcony. A platform that projects from the wall of a building and is surrounded by a railing or balustrade.

Banner. Banners shall include signs, posters and banners and their common definitions.

Billboard or off-premise sign. A permanent outdoor advertising sign which advertises goods, products, or services not necessarily sold on the premises on which said sign is located.

Building face or wall. All window and wall area of a building in one plane or elevation.

Canopy. A roofed structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

Changeable copy sign. A sign which is characterized by changeable copy, whether said sign is free-standing or wall sign, or whether said sign projects from and is supported by a building.

Community or Civic Event. A community or civic event shall be defined as a public event which is of interest to the community as a whole rather than the promotion of any product, political candidate, religious leader or commercial goods or services.

Directional sign (guide signs). Signs which serve as directional guides to recognized areas of regional importance and patronage. To clarify and define such areas of regional importance and patronage, three (3) types of areas are intended to be included:

1. Recreational and entertainment centers of recognized regional significance.
2. Major sports stadiums, entertainment centers or convention centers having a seating capacity in excess of 3,000 persons.
3. Historical landmarks

Free-standing sign. A sign which is supported by one or more uprights or braces which are fastened to, or embedded in the ground or a foundation in the ground. Free-standing signs refer to on-premise advertising or project identification signs for the purpose of this Code.

Height of sign. The height of a sign is the vertical distance measured from the ground plane to the top of the sign, including the air space between the ground and the sign.

Hours of operation sign. A sign which displays hours of operation, including "open" and "closed" signs.

Low profile sign. On-premise identification sign having a maximum height of eight (8) feet which is incorporated into a landscape planter.

Master identification sign. A sign which identifies only the name and/or logo and/or address of a commercial or industrial complex, the owner and tenants thereof.

Name plates. Signs identifying the name, occupation, and/or professions of the occupants of the premises.

Non-conforming signs (legal). Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this Code and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Code.

On-premise or business identification signs. A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered, or conducted on the premises upon which the sign is located, or to which it is affixed.

Projecting sign. A sign attached to a building or other structure and extending in whole or in part more than six (6) inches beyond any wall of the building or structure.

Public necessity sign. A sign which informs the public of any danger or hazard existing on or adjacent to the premises.

Public property. Public property shall mean any property owned by governmental entity.

Sign. Sign shall mean and include every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition of sign shall also include the sign structure, supports, lighting system, and any attachments, ornaments or other features used to draw the attention of observers.

Signage plan. A plan designed to show the relationship of signs for any cluster of buildings or any single building housing a number of users or in any arrangement of buildings or shops which constitute a visual entity as a whole.

Solicitation sign. Sign used to advise solicitors that they are not welcome on the property.

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**SECTION 16
SEPARABILITY CLAUSE**

If any subsection, sentence, clause, phrase, or portion of this chapter, including but not limited to any exemption, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this chapter.

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**SECTION 17
EFFECTIVE DATE**

This ordinance shall take effect upon its publication.

PASSED AND ADOPTED this 31st day of May, 1990.

PARK CITY MUNICIPAL CORPORATION



BRADLEY A. OLCH, MAYOR

ATTEST:



ANITA L. SHELDON, CITY RECORDER



Special purpose sign. Sign of a temporary nature other than those established by a business; for the purpose of advertising a special event pertaining to drives or events of a civic, philanthropic, educational, or religious organization.

Special sale sign. Temporary signs used to advertise a special sale on the premises.

Structure. The supports, uprights, bracing, guy rods, cables, and framework of a sign or outdoor display.

Subdivision or project entrance sign. An identification sign located at the entrance to a residential or commercial development.

Temporary sign. A sign which is intended for use during a specified limited time. Temporary signs, as defined by this Code, shall include real estate signs and construction signs.

Theater marquee. A permanent structure with changeable letters, which is used to advertise theater events.

Wall signs. A sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building and extending not more than six (6) inches from the wall.

Wall murals. Murals which are purely decorative in nature and content, and do not include advertising by picture or verbal message are exempt from [redacted].

Window sign. A sign installed upon or within one foot of a window for the purpose of viewing from outside of the premises. This term does not include [redacted] displayed.

Zone district. Refer to land use regulatory zones under the zoning ordinances of Park City.

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SECTION 15 REPEAL OF CONFLICTING ORDINANCES

Park City Ordinance No. 84-7, as amended, is hereby repealed in its entirety.

ORD 90-15

AN ORDINANCE REPEALING ORDINANCE 89-07
AN ORDINANCE REGISTERING AND REGULATING
CONSTRUCTION TRADES WITHIN PARK CITY

WHEREAS, the recent Utah State Legislature approved Senate Bill 59 which amends the Utah Construction Trades Licensing Act; and

WHEREAS, this legislation is codified in the Utah Code Annotated as Title 58, Chapter 55, Section 6 and prohibits the local jurisdiction from assessing any additional fees for business licenses, registration, certification, contributions, donations, etc., from contractors licensed under the State Statute; and

WHEREAS, the state legislation is contrary to the provisions of Park City Ordinance 89-07 which requires the annual registration of all state licensed construction trades prior to doing business and the payment of a \$75 fee; and

WHEREAS, Park City has determined that it must repeal Ordinance 89-07 in its entirety to be in compliance with the requirements of the Utah Code Ann. §58-55-6,

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

Section 1. Ordinance 89-07 is hereby repealed in its entirety.

Section 2. Due to the necessity to uphold the State law which became effective April 23, 1990, and to protect the health and safety of the citizens of Park City, this Ordinance shall take effect immediately upon passage.

PASSED AND ADOPTED this 26th day of April, 1990.

PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLSON

ATTEST:


ANITA L. SHELDON, CITY RECORDER



ORDINANCE 90-14

AN ORDINANCE AMENDING SECTIONS 13 AND 14 OF
ORDINANCE 82-17 TO CLARIFY DEVELOPMENT
AND CONNECTION FEES

WHEREAS, the development of property within the City imposes substantial burdens on the City to provide adequate water and fire protection services; and

WHEREAS, the allocation of those burdens should be made on an equitable basis and should reflect the relative demand placed on the City's water and fire protection systems by each type and size of development; and

WHEREAS, the City's water connection and water development fees should be amended to more equitably allocate the burdens of additional residential and commercial development; and

WHEREAS, immediate reallocation of the burdens between residential and commercial uses would work an unnecessary hardship on residential water users, and reallocation should therefore be made incrementally,

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 1. SECTION 13 OF ORDINANCE 82-17 IS HEREBY AMENDED TO PROVIDE AS FOLLOWS:

SECTION 13. WATER DEVELOPMENT FEES. In order to cover the costs involved in the development of a water supply system adequate to serve new development, and to provide for the acquisition of additional water rights sufficient to serve future development, a water development fee is to be paid to the Building Official at the time building permits are issued according to the following schedule:

<u>Single Family and Multi-Family Residential Development</u>	<u>Development Fee</u>
Units 1,500 square feet or less with four bedrooms or less	\$1,500
Units greater than 1,500 square feet with four bedrooms or less	\$2,000
Each additional bedroom	\$ 260
Outside irrigation - Two fixture units per 1,000 square feet of disturbed area	\$ 100 per fixture unit
The fixture unit count for outside irrigation may be reduced 50% where water conservative landscaping is utilized.	
<u>Commercial Development</u>	\$ 83 per fixture unit

For uses not covered above, the fee will be determined by the Building Official upon approval by the City Manager. Non-habitable, non-water using space such as parking garages and storage rooms, etc., is not included in the calculation of the fee. The water development fee is based on the costs to the City of acquiring water rights and developing water sources, which costs may change. In order to account for changes in water rights acquisition and development costs, and in order to more equitably allocate the burden of development between commercial and residential use, the Water Development Fee may be adjusted administratively by the City Manager, based on the recommendation of the Public Works Director. Administrative adjustments shall be reviewed by the City Council at three-year intervals, beginning in May, 1993, and shall be ratified, modified or rescinded.

A credit against the applicable Water Development Fee may be granted by the Park City council, in its sole discretion, in the event water rights acceptable to the Council are donated to Park City. Upon receiving an offer of donation of water rights, the Council will request a written opinion from the City Attorney as to the point of diversion, priority of right, place of use, nature of use, quality, quantity and title to the offered rights. The credit granted, if any, will be negotiated between the City and the developer on a case-by-case basis.

SECTION 2. SECTION 14 IS HEREBY AMENDED AS FOLLOWS:

SECTION 14. WATER CONNECTION/FIRE STANDBY FEES. In order to amortize the cost of the City's water system, a fee is to be paid to the Building Official at the time the building permits are issued according to the following schedule:

<u>Single Family and Multi-Family Residential Development</u>	<u>Connection fee</u>
Units 1,500 square feet or less with four bedrooms or less	\$ 400
Units greater than 1,500 square feet with four bedrooms or less	\$ 600
Each additional bedroom	\$ 140
Outside irrigation - two fixture units per 1,000 square feet of disturbed area	\$ 50 per fixture unit

The fixture unit count for outside irrigation may be reduced 50% per fixture unit where water conservative landscaping is utilized.

Commercial Development

The Connection Fee will be the larger of; 1), the Fire Standby Fee calculated at \$600 per 1,000 square feet sprinkled or

\$1,800 per 1,000 square feet unsprinkled, or 2), the Water Use Fee calculated at \$46 per fixture unit.

For uses not covered above, the Connection Fee will be determined by the Building Official upon approval of the City Manager. The Connection Fee is based on the per-unit cost of the City's water system, and may be adjusted administratively by the City Manager upon recommendation by the Public Works Director when audit of the system and the number of users connected to the system shows an adjustment is warranted. Administrative adjustments shall be reviewed by the City Council at three-year intervals, beginning in May, 1993, and may be ratified, modified or rescinded.

SECTION 3. EFFECTIVE DATE. This amendment will take effect upon its publication.

PASSED AND ADOPTED this 12th day of April, 1990 ~~May, 1989~~.

PARK CITY MUNICIPAL CORPORATION

ATTEST:

Anita L. Sheldon
ANITA L. SHELDON, CITY RECORDER



Walter A. Olch
WALTER A. OLCH, MAYOR

**AN ORDINANCE AMENDING SECTION 1 OF
ORDINANCE NO. 82-15 AND ADDING SECTION 1(a)
TO SET SEASONAL WATER CONSERVATION RATES**

WHEREAS, exterior irrigation water use constitutes the largest single water demand in the Park City area, comprising as much as fifty percent of the total water used in the Park City municipal system during the summer months; and

WHEREAS, the City's existing rates for water use in excess of 5,000 gallons per meter per month do not recover the per gallon cost of water so used; and

WHEREAS, it is in the best interest of the citizens of Park City to establish water conservation rates which will encourage conservation of water used for exterior irrigation during the summer months, and that such conservation can be reasonably expected to result in reduction of City-wide water consumption by fifteen percent; and

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

SECTION 1. AMENDMENTS. Section 1 of Ordinance No. 82-15 is hereby amended to amend the sentence "All water consumed in excess of the 5,000 gallons per meter shall be charged at the rate of \$1.37 per thousand gallons" to read as follows:

"All water delivered through each meter serving commercial customers all year and all other customers between October 1 and May 31 of each year in excess of 5,000 gallons per meter per month shall be charged at the rate of \$1.37 per thousand gallons."

Section 1A is hereby added to Ordinance 82-15 as follows:

SECTION 1A. WATER CONSERVATION RATES. All water delivered through each meter serving single family residential customers in excess of 5,000 gallons per meter per month between June 1 and September 30 of each year shall be billed at the following rate:

5,001 to 10,000 gallons	\$1.25 per 1,000 gallons
10,001 to 20,000 gallons	1.50 per 1,000 gallons
20,001 to 40,000 gallons	1.90 per 1,000 gallons
Over 40,000 gallons	2.00 per 1,000 gallons

All water delivered through each meter serving multi-family residential and landscape irrigation customers in excess of 5,000 gallons per meter per month between June 1 and September 30 of each year shall be billed at the following rates:

5,001 to 10,000 gallons	\$1.25 per 1,000 gallons
10,001 to 20,000 gallons	1.50 per 1,000 gallons
over 20,000 gallons	1.70 per 1,000 gallons

The water conservation rates established by this ordinance are based on the City's cost of providing water service, which cost may change. The rate set forth in both Sections 1 and 1A may be adjusted administratively by the City Manager to reflect the actual cost of service to the City upon recommendation by the Public Works Director. Administrative adjustments shall be reviewed by the City Council at three year intervals beginning in May 1993, and may be ratified, modified or rescinded. The City Manager may provide administrative relief up to a 20% reduction in any water billing following application to and recommendation by the Public Works Director in cases of hardship or unusual circumstances.

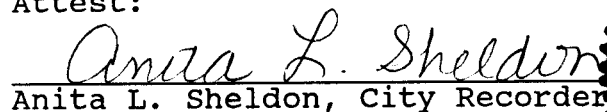
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect June 1, 1990.

PASSED AND ADOPTED this 12th day of April, 1990.

PARK CITY MUNICIPAL CORPORATION


Mayor _____

Attest:


Anita L. Sheldon, City Recorder



Ordinance No. 90-12

**AN ORDINANCE REZONING THE MOUNTAIN RIDGE SUBDIVISION
FROM RESIDENTIAL DENSITY-MASTER PLANNED DEVELOPMENT (RD-MPD)
TO SINGLE FAMILY (SF)
AND AMENDING THE OFFICIAL ZONING MAP OF PARK CITY, UTAH**

WHEREAS, the Park City Land Management Code provides the City Council the authority to create zoning designations, amend zoning provisions and the Official Zoning Map of Park City, Utah; and

WHEREAS, substantive amendments, more specifically those which affect the uses to be made of land within the City, must be publicly heard before the Planning Commission and the City Council; and

WHEREAS, public hearings were legally noticed and held before the Planning Commission and City Council on February 28, 1990 and March 1, 1990, respectively; to receive public input on the proposed rezoning; and

WHEREAS, the City Council deems it appropriate that this subdivision be duly zoned SF in consideration of adjacent zoning, and as a condition of the final plat approved by City Council on February 22, 1990;


NOW, THEREFORE, BE IT ORDAINED by the City Council that:

SECTION 1. OFFICIAL PARK CITY ZONING MAP AMENDED. The Official Park City Zoning Map shall be amended to rezone the Mountain Ridge Subdivision from RD-MPD to SF.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 8th day of March, 1990.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

Attest:



Anita L. Sheldon, City Recorder



ORDINANCE 90-11

AN ORDINANCE AMENDING ORDINANCE 80-4 WHICH
CREATED THE LIBRARY BOARD, REGARDING THE
REMOVAL OF MEMBERS FOR ABSENCES AND
ALLOWING MEMBERS TO CONTINUE TO SERVE UNTIL THEIR
SUCCESSORS ARE APPOINTED AND QUALIFY

WHEREAS, the City Council did create a Library Board by and through Ordinance 80-4; and

WHEREAS, the City Council deems it to be in the best interest of said Board to facilitate the efficient and effective operation thereof to require the attendance of Board members at regularly scheduled meetings; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City that Ordinance 80-4 is hereby amended as follows:

SECTION 1. Section 2 TERMS-ELECTION OF OFFICERS-REMOVAL-VACANCIES shall be amended as follows:

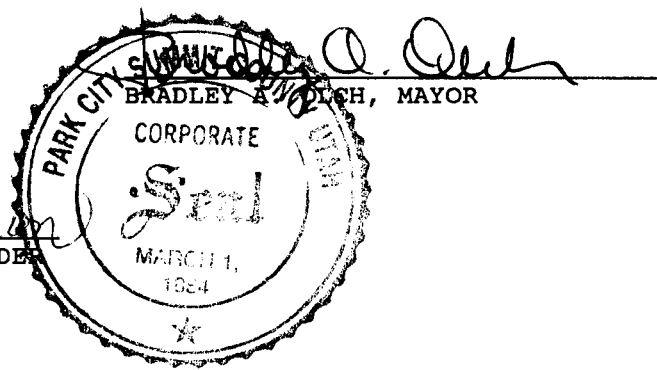
Directors shall be appointed for three year terms, but shall serve until their successors are appointed and qualify, or until their successors are appointed. Initially, appointments shall be made for one, two and three year terms. Annually thereafter, the governing body shall, before the first day of July each year, appoint for three year terms directors to take the place of the retiring directors. Directors shall serve not more than two full terms in succession. Following such appointments, the directors shall meet and elect a chairman and such other officers, as they deem necessary for one year terms. Any director absent from two (2) consecutive regularly scheduled meetings or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or be removed for cause. The governing body may remove any director for misconduct or neglect of duty. Vacancies in the Board of Directors occasioned by removals, resignations or otherwise shall be filled for the unexpired term in the same manner as original appointments.

The remaining sections of Ordinance 80-4 shall remain unchanged and in full effect.

SECTION 2. This ordinance shall take effect upon its publication.

DATED this 8th day of March, 1990.

PARK CITY MUNICIPAL CORPORATION



ATTEST:

Anita L. Sheldon
ANITA L. SHELDON, CITY RECORDER

AN ORDINANCE AMENDING ORDINANCE 82-12
CREATING A BOARD OF APPEALS REGARDING
COMPOSITION OF THE BOARD AND THE PROCESS FOR CITY
COUNCIL APPOINTMENTS TO THE BOARD

WHEREAS, Park City did enact Ordinance 82-12 establishing the Employee Transfer and Discharge Appeal Board; and

WHEREAS, subsequently the number of members and composition of the Board has changed; and

WHEREAS, the City Council deems it to be in the best interest of the employees of Park City Municipal Corporation to designate one of the council members and an alternate member to serve on said Board and to establish the term for said Councilmember,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City Ordinance 82-12 shall be amended as follows:

Section 3. Composition of the Board. The Employee Transfer and Discharge appeals Board shall consist of ~~fourteen (14)~~ twelve (12) members as follows:

(a) Two (2) members of the City Council

(b) ~~Eight (8)~~ Ten (10) employee members selected from City employees, five shall be supervisory and five shall be non-supervisory

All elections are to be made in the manner described in Section 5 below.

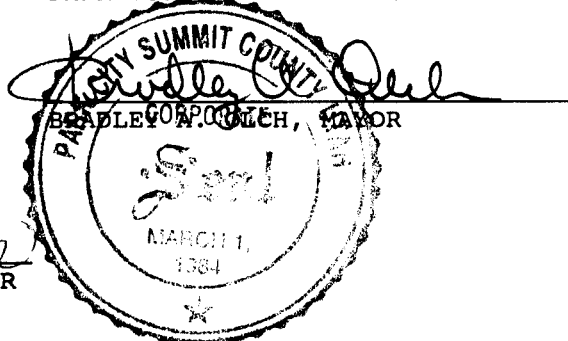
Section 4: Council Members. The City Council shall designate two (2) of its members to serve on the Employee Transfer and Discharge Appeals Board and shall designate an alternate to serve in the event one of the designated members is unavailable. The term shall be one year and shall run from January to January. In no event shall any member serve beyond their City Council term of office. ~~They shall serve at the pleasure of the Council, but in no event, beyond the end of their terms in office.~~

The remaining sections of Ordinance 82-12 shall remain unchanged and in full effect.

This ordinance shall take effect upon its publication.

DATED this 8th day of March, 1990

PARK CITY MUNICIPAL CORPORATION



ATTEST:

Anita L. Sheldon
ANITA L. SHELDON, CITY RECORDER

ORDINANCE NO. 90-09

AN ORDINANCE AMENDING CHAPTERS 3 - PLANNING COMMISSION,
CHAPTER 4 - BOARD OF ADJUSTMENT, AND CHAPTER 5 -
HISTORIC DISTRICT OF THE LAND MANAGEMENT CODE TO ESTABLISH
ATTENDANCE REQUIREMENTS FOR BOARD AND COMMISSION MEMBERS
AND ALLOWING HISTORIC DISTRICT COMMISSION MEMBERS
TO CONTINUE TO SERVE UNTIL SUCCESSORS ARE APPOINTED

WHEREAS, the City Council has created a Planning Commission, Board of Adjustment and Historic District Commission by ordinance, and has codified said provisions regarding these Boards and Commissions in the Land Management Code; and

WHEREAS, the provision enabling members to continue to serve until their successors have been appointed and qualified was not included in the language creating the Historic District in Chapter 4; and

WHEREAS, it is deemed to be in the best interest of all Boards and Commissions if the members are permitted to continue to serve until successors are appointed and qualified; and

WHEREAS, regular attendance at Board and Commission meetings by all members is imperative to the effective and efficient operation of these Boards and Commissions; and

WHEREAS, the City Council deems it to be in the best interest of the citizens of Park City to insert additional language into the Land Management Code establishing the requirement of attendance,

NOW, THEREFORE, BE IT ORDAINED, as follows:

SECTION 1. CHAPTER 3, SECTION 3.3 OF THE LAND MANAGEMENT CODE SHALL BE AMENDED AS FOLLOWS:

~~3.3 ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL. Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or be removed for cause by the Council.~~

~~3.3 ABSENCE DEEMED RESIGNATION. Any Planning Commission member who is absent from two consecutive regularly scheduled Commission meetings shall be deemed to have resigned from the Commission, unless those absences are excused by the Chairman of the Planning Commission.~~

SECTION 2. CHAPTER 4 SECTIONS 4.1 AND 4.2 OF THE LAND MANAGEMENT CODE SHALL BE AMENDED AS FOLLOWS:

4.1. COMMISSION CREATED. Pursuant to the Historic District Act (Section 11-18-1, et seq. Utah Code Ann. 1953), and other applicable powers, there is hereby created a Park City Historic District Commission. The Commission shall be composed of five (5) members, one of whom shall be a member of the Planning Commission. The remaining four members shall serve terms of

one year, but shall continue to serve until their successors are appointed and qualified. The member appointed from the Planning Commission shall serve a term of two years, but a vacancy shall occur in the event the person ceases to be a member of the Planning Commission.

4.2. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL. Any Historic District member who is absent from two (2) consecutive regularly scheduled Commission meetings shall be deemed to have resigned from the Commission, unless those absences are excused by the Chairman of the Historic District commission, or a total of four (4) regularly meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. Members of the Historic District Commission are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

SECTION 3. CHAPTER 5, SECTION 5.2 OF THE LAND MANAGEMENT CODE SHALL BE AMENDED, A NEW SECTION 5.3 SHALL BE ADDED AS FOLLOWS AND ALL SUBSEQUENT SECTIONS IN CHAPTER 5 SHALL BE RENUMBERED:

5.2. TERM OF OFFICE. Each member of the Board of Adjustment shall serve for a term of five (5) years or until his successor is appointed and qualified provided that the term of the members shall be such that the term of one member shall expire each year. Any member may be removed for cause by the City Council upon written charges by the Council or public after public hearing, if such public hearing is requested by the Board member in question. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term.

5.3. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL. Any Board member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per year may be called before the City Council and asked to resign or be removed for cause by the Council.

SECTION 4. This ordinance shall take effect upon its publication.

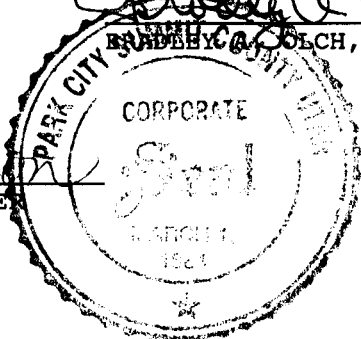
DATED this 8th day of March, 1990.

PARK CITY MUNICIPAL CORPORATION


RANDY C. COLCH, MAYOR

ATTEST:


ANITA L. SHELDON, CITY RECORDER



**A ORDINANCE CREATING THE PARKS, RECREATION
AND BEAUTIFICATION ADVISORY BOARD**

WHEREAS, the City Council has previously appointed individuals to serve as advisors to the Council on parks, recreation and beautification matters; and

WHEREAS, the Parks, Recreation and Beautification Board has never been formally created and empowered by and through an ordinance; and

WHEREAS, the City Council deems it to be in the best interest of the citizens of Park City and, more particularly, the members of said Board to codify its powers, duties and procedures,

NOW THEREFORE BE IT ORDAINED as follows:

SECTION 1. PARKS, RECREATION AND BEAUTIFICATION ADVISORY BOARD CREATED. There is hereby created a Parks, Recreation and Beautification Advisory Board. The Board shall consist of 12 (twelve) members including one representative from the City Council who is a non-voting member. Members shall serve without compensation.

SECTION 2. TERM OF SERVICE, REMOVAL AND VACANCIES. Members of the Parks, Recreation and Beautification Advisory Board shall be appointed by the Mayor with the advice and consent of the City Council and serve terms of two years. The terms shall be staggered so that five (5) or six (6) members shall be appointed each year. The Council shall appoint one of its members to serve as the 12th (twelfth) member for a term consistent with the member's City Council term of office. The terms shall begin on January 15 and end on January 14 of each year.

Any board member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or be removed for cause by the Council. Vacancies in the Board occasioned by removals, resignations, or otherwise, shall be filled for the unexpired term in the same manner as the original appointments. Ex-officio members may include a staff member or representative from public agencies, community organizations, or City staff. Ex-officio members serve at the invitation of the Board and have no vote.

SECTION 3. OFFICERS AND THEIR DUTIES. At its annual January meeting, the Board shall elect a Chairman, Vice-Chairman and any additional officers as necessary. The Chairman shall preside at all meetings, appoint all committees, call special meetings, and generally perform the duties of a presiding officer. The Chairman shall have the right to vote. The Vice-chairman shall preside when the Chairman is absent. The agenda for meeting shall be prepared by the Parks and Recreation Director and the Chairman.

SECTION 4. PURPOSE AND DUTIES OF THE BOARD. The purpose and duties of the Park City Parks, Recreation and Beautification Board are as follows:

- (a) To advise the Parks and Recreation staff and the City Council on parks and recreation policy.

(b) To advise the parks planning staff on parks, recreation and beautification projects.

(c) To support and promote the policies and programs of the Parks and Recreation Departments and parks planning department.

(d) To work with staff to recommend and support budget priorities concerning parks, recreation and beautification projects and programs.

(e) To serve as liaison between the community and public agencies on parks, recreation and beautification issues within Park City.

(f) To initiate and promote parks, recreation and beautification planning and programs.

(g) To stimulate community involvement and support for parks, recreation and beautification projects and programs.


SECTION 5. MEETINGS AND PROCEDURES. The Board shall adopt rules and regulations not inconsistent with the law for governing of its meeting. The Board shall meet a minimum of four times per year with the Board establishing a meeting time and place. Special meetings may be called at the request of the Parks and Recreation Director or Chairman of the Board. A quorum for the transaction of business shall be a simple majority of the Board members. Minutes shall be kept at all meetings.

SECTION 6. COMMITTEES. Special committees for the study of particular problems may be appointed by the Chairman to serve until they have completed the work for which they were appointed. Two standing committees shall be established. These shall be the Recreation Committee and the Parks/Beautification Committee. Each committee shall develop its own goals and objectives, as needed. These shall be reviewed by the full Board. The Chairman of the Parks, Recreation and Beautification Board shall appoint a chairman for each committee.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon passage.

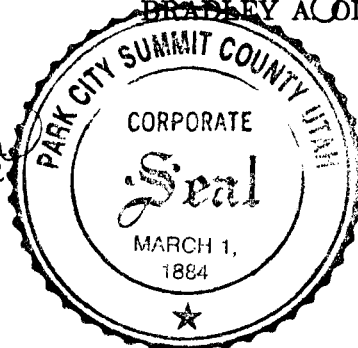
DATED this 8th day of March, 1990.

PARK CITY MUNICIPAL CORPORATION


BRADLEY A. COLCH, MAYOR

ATTEST:


ANITA L. SHELDON, CITY RECORDER



Ordinance No. 90-07

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF PARK CITY, UTAH TO INCLUDE 11.14 ACRES OF
KEITH-MARC PROPERTIES, LTD.
(BALD EAGLE CLUB CONDOMINIUMS)**

WHEREAS, the owners of the Bald Eagle Club Condominiums petitioned the City Council of Park City for annexation of an 11.14 acre parcel contiguous with Deer Valley to be zoned Residential Development-Master Planned Development (RD-MPD) under the Land Management Code; and

WHEREAS, notice was duly given and published in the Park Record and Wasatch Wave for six (6) weeks in advance of public hearings before the City Council and Planning Commission, in accordance with notice provisions of the Land Management Code.

WHEREAS, a public hearing was held on the annexation on the 22nd day of February, 1990 before the City Council, and on February 14, 1990 before the Planning Commission, and the City Council finds that the annexation and zoning designation as requested at the time of the hearing is in the best interest of the community;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah that the Official Zoning Map of Park City, Utah be amended as follows:

SECTION 1. AMENDMENT TO OFFICIAL ZONING MAP. The land designated on the attached Annexation Plats shall be annexed and zoned as RESIDENTIAL DEVELOPMENT-MASTER PLANNED DEVELOPMENT (RD-MPD), and the zoning map of Park City is hereby amended to reflect the change.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this first day of March, 1990.

PARK CITY MUNICIPAL CORPORATION


Mayor Jeffrey Welch

Attest:


Anita L. Sheldon, City Recorder



AN ORDINANCE AMENDING ORDINANCE 82-15 BY SETTING FORTH THE
RESTRICTIONS AND HOURS OF OUTSIDE WATERING
OF PROPERTIES IN PARK CITY AND AMENDING
SECTION 19 TO REMOVE FEE AMOUNTS

WHEREAS, culinary water is necessary for the health and welfare of all Park City residents; and

WHEREAS Park City desires to clearly delineate the rights and duties of water users; and

WHEREAS, Park City desires to have its waterusers conserve water which is a limited resource in Utah,

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

SECTION 1. Section 18a of Ordinance 82-15 is hereby added as follows:

18a. WATER CONSERVATION. In order to conserve water, a limited resource in Utah, outside watering of lawns and landscaped areas using City water will be restricted to every other day from May 1 to September 30. Watering at even-numbered street addresses shall be limited to even-numbered days of the month and water at odd-numbered addresses shall be limited to odd-numbered days. Hours of outside watering shall be restricted to between 7:00 p.m. and 10: a.m. Exceptions to these outside watering restrictions may be permitted, in writing, by the Public Works Director for new landscaping and seeding.

Violations of this section shall be punishable by a fine set forth by resolution. Unpaid fines may be debited against the municipal water account of the cited party and will be subject to collection pursuant to City water bill collection policies.

SECTION 1. Section 19F of Ordinance 82-15 is hereby amended as follows:

F. The owner or tenant of property cited for illegal watering or irrigation under this Ordinance shall be required to post bail in the amount set forth by resolution and, if the charges in the citation are not contested, may forfeit bail as a fine in lieu of trying the charges.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect upon its publication.

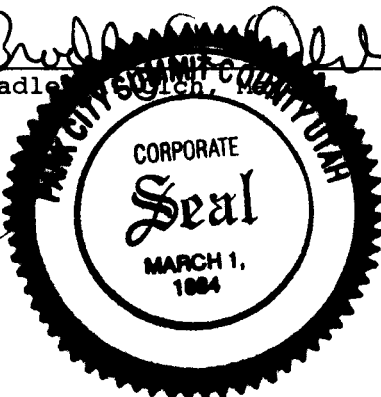
DATED this first day of March, 1990.

PARK CITY MUNICIPAL CORPORATION

Bradley Smith
Bradley Smith, Mayor

Attest:

Anita L. Sheldon
Anita L. Sheldon, City Recorder



RED NOTE ~~AB~~ 3-15
321512
Park City
Municipal Corp
90 MAR -8 PH 3: 08
ALAN SPRIGGS
SUMMIT COUNTY RECORDER
REC'D BY Alan N.C.

WHEN RECORDED, MAIL TO:
CITY RECORDER
PARK CITY MUNICIPAL CORPORATION
P. O. BOX 1480
PARK CITY, UTAH 84060

Ordinance No. 90-5

Fee Exempt per Utah Code
Annotated 1953 21-7-2

**AN ORDINANCE VACATING A PORTION OF
PLATTED MEADOWS DRIVE
IN MOUNTAIN RIDGE SUBDIVISION
PARK CITY, UTAH**

WHEREAS, the City Council of Park City, Utah is of the opinion that there is good cause for vacating a portion of platted Meadows Drive and that such vacation will not be detrimental to the general interests; and

WHEREAS, the owners of the property abutting the part of the platted Meadows Drive proposed to be vacated, have consented to this vacation;

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

1. **Vacation.** The following described portion of platted Meadows Drive as shown on the official plat of Mountain Ridge Subdivision should be, and is hereby vacated pursuant to the provisions of Utah Code Annotated Section 10-8-8.2, et. seq.;

Beginning at a point which is North 89°57'58" West 808.27 feet and North 06°25'41" East 1339.96 feet from the east quarter corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the westerly dedicated right-of-way line of Meadows Drive (Basis of bearing is North 00°09'43" East 2660.51 feet from the said East quarter corner to the northeast corner of said Section 5); thence South 59°00'00" West 128.73 feet along the said right-of-way line to a point on a 473 foot radius curve to the left (center bears South 31°00'00" East 473.00 feet of which the central angle is 06°35'25"); thence southwesterly along said curve and right-of-way line 54.38 feet to a point on a 15.00 foot radius curve to the left (center bears North 25°00'22" East 15.00 feet of which the central angle is 47°32'57"); thence northeasterly along said curve 12.45 feet; thence North 59°00'00' East 171.95 feet; thence North 30°59'44" West 8.00 feet to the point of beginning.

RED NOTE AB 3-15

321509

WHEN RECORDED, MAIL TO:

CITY RECORDER
PARK CITY MUNICIPAL CORPORATION
P. O. BOX 1480
PARK CITY, UTAH 84060

Park City Municipal Corp
90 MAR -8 PM 3:07
ALAN SPRIGGS
SUMMIT COUNTY RECORDER

Fee Exempt per Utah Code
Annotated 1953 21-7-2

REC'D BY *J.H.N.C.*

CONSENT TO VACATE AND WAIVER OF NOTICE

The below signed owners, being the owners of all real property abutting the portion of platted Meadows Drive proposed to be vacated by the City Council of Park City, do hereby consent to the vacation proposed by the City Council of Park City, of the portion of platted Meadows Drive in Mountain Ridge Subdivision, more particularly described as:

Beginning at a point which is North 89°57'58" West 808.27 feet and North 06°25'41" East 1339.96 feet from the east quarter corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the westerly dedicated right-of-way line of Meadows Drive (Basis of bearing is North 00°09'43" East 2660.51 feet from the said East quarter corner to the northeast corner of said Section 5); thence South 59°00'00" West 128.73 feet along the said right-of-way line to a point on a 473 foot radius curve to the left (center bears South 31°00'00" East 473.00 feet of which the central angle is 06°35'25"); thence southwesterly along said curve and right-of-way line 54.38 feet to a point on a 15.00 foot radius curve to the left (center bears North 25°00'22" East 15.00 feet of which the central angle is 47°32'57"); thence northeasterly along said curve 12.45 feet; thence North 59°00'00" East 171.95 feet; thence North 30°59'44" West 8.00 feet to the point of beginning.

RESERVING to Park City Municipal Corporation a non-exclusive utility easement over the entirety of the above-described parcel, thus prohibiting the construction of any structure thereon.

The below-signed owners waive any and all right to notice of such vacation pursuant to Utah Code Annotated 10-8-8.3, 1953, as amended.

DATED this 28th day of February, 1990.

Evelyn M. Anderson President
AC DEVELOPMENT, INC.

STATE OF UTAH

)

SS

COUNTY OF

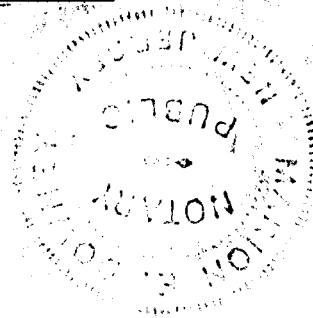
)

The foregoing Consent to Vacate and Waiver of Notice was acknowledged before me this 28 day of February, 1990, by

Evelyn M. Anderson.


NOTARY PUBLIC

MARION D. BENNETT
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 29, 1992



ORDINANCE NO. 90-4

AN ORDINANCE IMPOSING A ONE PERCENT MUNICIPAL SALES AND USE TAX, PROVIDING FOR THE PERFORMANCE BY THE STATE TAX COMMISSION OF ALL FUNCTIONS INCIDENT TO THE ADMINISTRATION, OPERATION AND COLLECTION OF A SALES AND USE TAX HERERBY IMPOSED, PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY/TOWN COUNCIL OF PARK CITY, UTAH:

Section 1. Title. This ordinance shall be known as the "Sales and Use Tax Ordinance of the City/Town of PARK CITY."

Section 2. Purpose. The 48th Session of the Utah Legislature of Utah has authorized the counties and municipalities of the State of Utah to enact sales and use tax ordinances imposing a one percent tax.

It is the purpose of this ordinance to conform the Sales and Use Tax of the municipality to the requirements of the Sales and Use Tax Act, Chapter 12 of Title 59, Utah Code Annotated, 1953, as currently amended.

Section 3. Effective Date. This ordinance shall become effective as of 12:01 o'clock a.m., JANUARY 1, 1990.

Section 4. Sales and Use Tax.

(a) (1) From and after the effective date of this ordinance, there is levied and there shall be collected and paid a tax upon every retail sale of tangible personal property, services and meals made within the municipality at the rate of one percent.

(2) An excise tax is hereby imposed on the storage, use, or other consumption in this municipality of tangible personal property from any retailer on or after the operative date of this ordinance at the rate of one percent of the sales price of the property.

(3) For the purpose of this ordinance all retail sales shall be presumed to have been consummated at the place of business delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has no permanent place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed by and adopted by the State Tax Commission. Public utilities as defined by Title 54, Utah Code Annotated, 1953, shall not be obligated to determine the place or places within any county or municipality where public utilities services are rendered, but the place of sale or the sales tax revenue arising from such service allocable to the city shall be as determined by the State Tax Commission pursuant to an appropriate formula and other rules and regulations to be prescribed and adopted by it.

(b) (1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Sales and Use Tax Act, all of the provisions of Chapter 12, Title 59, Utah Code Annotated, 1953, as amended, and in force and effect on the effective date of this ordinance, insofar as they relate to sales taxes, excepting Sections 59-12-101 and 59-12-119 thereof, are hereby adopted and made a part of the ordinance as through fully set forth herein.

(2) Wherever, and to the extent that in Chapter 12 of Title 59, Utah Code Annotated, 1953, the State of Utah is named or referred to as the taxing agency, the name of this municipality shall be substituted therefor. Nothing in subparagraph (b) shall be deemed to require substitution of the name of the municipality for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of the State of Utah, nor shall the name of the municipality be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of the ordinance.

(3) If an annual license has been issued to a retailer under Section 59-12-106 of the said Utah Code Annotated, 1953, an additional license shall not be required by reason of this section.

(4) There shall be excluded from the purchase price paid or changed by which the tax is measured:

(A) The amount of any sales or use tax imposed by the State of Utah upon a retailer or consumer;

(B) The gross receipts from the sale of or the cost of storage, use or other consumption of tangible personal property upon which a sales or use tax has become due by reason of the sale transaction to any other municipality and any county in the State of Utah, under the sales or use tax ordinance enacted by that county or municipality in accordance with the Sales and Use Tax Act.

Section 6. Penalties. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine in an amount less than \$ 300.00 or imprisonment for a period of not more than six months, or by both such fine and imprisonment.

Section 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance, including but not limited to any exemption is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

It is the intention of the city/town council that each separate provision of this ordinance shall be deemed independent of all other provisions herein.

Adopted by the City/Town Council of PARK CITY, Utah, this 1st day of February, 1990.

Mayor/Chairman

City/Town Recorder

DATE OF FIRST PUBLICATION OR POSTING: _____



Clyde R. Nichols, Jr.
Executive Director

UTAH STATE TAX COMMISSION

160 East Third South
Salt Lake City, Utah 84134
Telephone (801) 530-6077
Fax (801) 530-6911

R. H. Hansen, Chairman
Roger O. Tew, Commissioner
Joe B. Pacheco, Commissioner
G. Blaine Davis, Commissioner

M E M O R A N D U M

TO: City/Town Clerk

FR: Steven Hillabrant ~~Accounting Manager~~ #

DATE: January 12, 1990

RE: Ordinance to increase Local Option Sales Tax.

Enclosed is a copy of the ordinance you will need to pass to officially raise the local sales tax to one percent. The effective date should be January 1, 1990. Please fill in the information and return it to me as soon as possible.

The over all tax rate will not change, it will be 6% or 6.25%, which ever is applicable. The state rate will decrease to 5% which will off set the increase in the local rate.

If you have any questions please feel free to contact me at 530-6060.

AN ORDINANCE REZONING THE CARL WINTERS SCHOOL PARCEL FROM RESIDENTIAL MEDIUM DENSITY (RM) TO RECREATION COMMERCIAL-MASTER PLANNED DEVELOPMENT (RC-MPD) AND REZONING A PARCEL ON THE NORTHEAST PORTION OF THE CAMPUS AREA (COMMONLY KNOWN AS THE BOTTLING WORKS PARCEL) FROM HISTORIC COMMERCIAL BUSINESS (HCB) AND RESIDENTIAL MEDIUM DENSITY (RM) TO RECREATION COMMERCIAL-MASTER PLANNED DEVELOPMENT (RC-MPD); AND AMENDING THE OFFICIAL ZONING MAP OF PARK CITY, UTAH

WHEREAS, the Park City Land Management Code provides the City Council the authority to create zoning designations and amend zoning provisions and the Official Zoning Map; and

WHEREAS, public hearings were legally noticed and heard before the Planning Commission on November 29, 1989 and November 6, 1989 to receive public input on the rezoning of the parcels described in the above title and more particularly described as:

The north half of Lot 5 and Lots 6 through 44, Block 6, Snyder's Addition to Park City; also Lots 1 through 44, Block 7, Snyder's Addition; also abandoned Woodside Avenue between Twelfth and Thirteenth Streets, Snyder's Addition; and

WHEREAS, on December 13, 1989, the Planning Commission forwarded a recommendation to the City Council to approve the rezoning of such parcels; and

WHEREAS, public hearings were legally noticed and heard before the City Council on December 21, 1989 and January 4, 1990 to receive public input on the rezoning of the parcels described above; and

WHEREAS, the City Council deems it appropriate that the subject parcels be duly rezoned to Recreation Commercial-Master Planned Development (RC-MPD) in consideration of adjacent commercial zoning and the Planning Commission's findings and conditions of the master planned development approval to facilitate adaptive reuse of the of the Carl Winters School building; and to provide cultural and economic opportunities within the City limits to serve the community;

NOW, THEREFORE, BE IT ORDAINED by the City Council that:

SECTION 1. OFFICIAL PARK CITY ZONING MAP AMENDED. The Official Park City Zoning Map shall be amended to apply the Recreational Commercial-Master Planned Development (RC-MPD) zoning to the parcels described above.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 25th day of January, 1990.

PARK CITY MUNICIPAL CORPORATION

[Handwritten signature]

Mayor

Attest:

Anita Sheldon

Anita Sheldon, City Recorder



AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE BUSINESS
REVENUE LICENSE ORDINANCE NO. 87-12
AND MOVING FEES FROM SAID ORDINANCE
TO SECTION 18.01 RATE TABLE

WHEREAS, the City Council did enact Ordinance 87-12 and Amendments 1 through 6 establishing a business revenue license; and

WHEREAS, the City Council desires to amend said Ordinance to clarify provisions contained therein and remove fees from the body of said Ordinance and incorporate said fees by reference in a rate table in Section 18.01; and

WHEREAS, the City Council deems it to be in the best interest of the citizens of Park City to make said amendment,

NOW THEREFORE BE IT ORDAINED by the City Council of Park City, Utah, that the Business Revenue License Ordinance No. 87-12 shall be amended as follows:

SECTION 4 LICENSE APPLICATION

(a) License issuance. The business license for rental of units under Section 18.04 of this Ordinance will be issued by the City upon payment of the necessary fees and upon a finding by the staff that the standards established by Ordinance 82-10, as amended, review criteria established in Section 18.04(d) have been satisfied.

SECTION 8 INSPECTIONS FOR CODE COMPLIANCE/NOTICE OF INFRACTION/LICENSE REVOCATION/COMPLAINTS

(a) Prior to the issuance of a license to engage in a new business not previously licensed at that location, or an existing business with a change of location, the applicant may shall be required to permit inspections to be made of the prospective place of business of the applicant by the appropriate departments of the City or other governmental agency to ensure compliance with building, fire, and health codes. No license shall be granted unless any required inspections reveal that the prospective place of business is in substantial compliance with the building, fire, and health codes. In addition to the business license fees, all new businesses or business locations shall pay an inspection fee as set forth in the rate table incorporated in Section 18.01 at the time of application.

SECTION 10. LICENSE ISSUANCE OR DENIAL. Upon receipt by the Director of a completed license application and full payment of the fees, the City will not prosecute under

Section 2 of this Ordinance for doing business without a license during the review and inspection process. The Director shall notify the applicant of 1) the denial of a license and the reason for such denial; or 2) the issuance of the license. Any applicant doing business during the review period proceeds at their own risk and no legal or equitable rights exist prior to the issuance of the actual license certificate.

SECTION 13 LICENSE PERIOD. Renewed license certificates shall be valid through December 31, of the year of renewal unless revoked pursuant to this Ordinance. New license certificates issued between January 1 and September 30 shall be valid through December 31 of the year of issuance unless revoked. New license certificates issued between October 1 and December 31 shall be valid through December 31 of the year following the year of issuance, unless revoked. At the option of the applicant, the business license tax imposed on new licenses issued between October 1 and December 31 shall be 125% of the amount otherwise imposed pursuant to this Ordinance if an applicant desires to do business the following year. However, an applicant may elect to pay the fee of 100% on new applications between October 1 and December 31 if the applicant does not intend to do business in Park City the following year. ~~The business license tax imposed on new licenses issued between October 1 and December 31 shall be 125% of the amount otherwise imposed pursuant to this ordinance.~~

SECTION 18.03 CONTRACTORS AND BUILDERS

(a) All general contractors and subcontractors, including but not limited to, builders, electricians, plumbers and back flow device technicians, with their principal place of business within Park City shall be assessed a regulatory license fee of ~~\$75.00 per year~~ each year as set forth in Section 18.01 RATE TABLES. Said fee must be paid and a business license issued prior to engaging in any construction within the City unless exempted from licensure under U.C.A. § 58-55-6(7) or Section 20 of this Ordinance.

No contractor shall be issued a business license under this section unless and until he has provided a certified statement that he is currently licensed with the State of Utah Department of Business Regulation, including the state license number(s) and date of expiration. If said state license expires prior to December 31st of the year, each contractor must provide proof of renewal within ten (10) days of renewal or shall forfeit the City license for the balance of the year.

SECTION 18.04 TRANSIENT LODGING/PROPERTY MANAGEMENT/PROPERTY MAINTENANCE

~~5. The application must bear a sales tax collection and accounting number for the rental operation. This number may be the sales tax accounting number used by the property management company responsible for that unit, or may be specific to the unit, but no license will be effective until the sales tax number is provided.~~

SECTION 18.05 RESTAURANTS, FOOD SERVICE AND TAVERNS, ETC.,

~~(b) Catering services shall be licensed at the rate of one hundred dollars (\$100.00) per year the rates established in Section 18.01 RATE TABLES per year unless part of a full service restaurant or part of a restaurant operation, in which case catering is included in that license.~~

~~(c) Mobile vending trucks, serving construction sites only, shall be assessed at \$100 per vehicle at a per-vehicle rate as established in the Rate Table in Section 18.01. The license certificate shall be issued in the manner described in Section 18.08.~~

SECTION 18.07 AUTOMOTIVE SERVICES

~~(a) Car rental businesses shall be assessed at a rate per car based in Park City for rental purposes as of January 1 of each license year, but not less than the minimum dollar amount per rental agency, as established in the rate table in Section 18.01 RATE TABLES. the rate of five dollars per car based in Park City for rental purposes as of January 1 of each license year, but not less than \$100 per rental agency.~~

SECTION 18.08 TRANSPORTATION SERVICE, PASSENGER AND FREIGHT, SERVICE AND DELIVERY TRUCKS

~~(b) Ready-mix concrete trucks, ore hauling trucks, dump trucks, drilling apparatus trucks, cranes, concrete pumping trucks, and other truck-based construction or excavation equipment shall be assessed on the gross vehicle weight of the truck in question up to the total charge as set forth in Section 18.01 RATE TABLES per business engaged in such business. The rate of assessment on gross vehicle weight is as set forth in Table 18.01.~~

~~(c) Notwithstanding the provisions of the foregoing Section 18.08(b), businesses which operate a fleet of trucks and trailers may purchase a fleet license for all vehicles operated by that business at a rate as established by Section 18.01 RATE TABLES for one thousand~~

~~dollars~~ ~~(\$1,000)~~ per year, in lieu of individually licensing all vehicles. A license sticker shall be issued for each vehicle in the fleet, regardless of number.

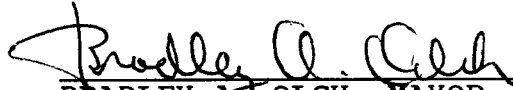
SECTION 18.09 ENTERTAINMENT AND RECREATION FACILITIES

(a) Ski resorts shall be assessed at a rate set forth in the Section 18.01 RATE TABLES ~~the rate of four dollars~~ ~~(\$4.00)~~ multiplied by the hourly uphill user capacity of the resort. (See Section 1.06).

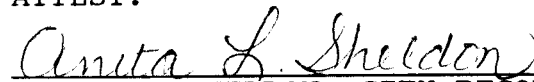
EFFECTIVE DATE: This Ordinance shall take effect upon its publication.

PASSED AND ADOPTED the 25th day of January, 1990.

PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLCH, MAYOR

ATTEST:


ANITA L. SHELDON, CITY RECORDER

ORDINANCE NO. 90-1

AN ORDINANCE AMENDING VARIOUS SECTIONS
OF THE LAND MANAGEMENT CODE TO REQUIRE
COMMUNITY DEVELOPMENT DEPARTMENT REVIEW
OF EXTERIOR COLOR SCHEMES IN THE HISTORIC DISTRICT

WHEREAS, the City considers exterior paint schemes an important design consideration in the Historic District; and

WHEREAS, all changes to the exteriors of existing buildings and all new construction in the Historic District, including exterior paint schemes, must be reviewed pursuant to the Historic District guidelines; and

WHEREAS, the Land Management Code has not previously provided for review of paint schemes in the Historic District,

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

SECTION 1. Section 7.1.8 of the Park City Land Management Code shall be amended to read as follows:

7.1.8. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines prepared by the Historic District Commission and adopted by resolution of the City Council as a supplement to this Ordinance. Appeals of departmental actions on architectural compliance are heard by the Historic District Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Property within this zone may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants. In addition, no structure within the zone may be painted or repainted without review and approval of the exterior color scheme by the Community Development Department.

SECTION 2. Section 7.2.12 of the Park City Land Management Code is hereby amended to read as follows:

7.2.12 ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines prepared by the Historic District Commission and adopted by resolution of the City Council as a supplement to this Ordinance. Appeals of departmental actions on architectural compliance are heard by the Historic District Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Property within this zone may be subject to subdivision

regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants. In addition, no structure within the zone may be painted or repainted without review and approval of the exterior color scheme by the Community Development Department.

SECTION 3. Section 7.3.7 of the Park City Land Management Code is hereby amended to read as follows:

7.3.7. ARCHITECTURAL REVIEW. All projects within the HRC zone are subject to the Historic District Design Guidelines adopted by Resolution No. 12-83, and will be reviewed for compliance prior to the issuance of building permits. The procedure for architectural review is identical to that for projects within the balance of the Historic District (see Chapter 9 of the Land Management Code). In addition, no structure within the zone may be painted or repainted without review and approval of the exterior color scheme by the Community Development Department.

SECTION 4. Section 7.4.6. of the Park City Land Management Code is hereby amended to read as follows:

7.4.6. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines prepared by the Historic District Commission and adopted by resolution of the City Council as a supplement to this Ordinance. Appeals of departmental actions on architectural compliance are heard by the Historic District Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Property within this zone may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants. In addition, no structure within the zone may be painted or repainted without review and approval of the exterior color scheme by the Community Development Department.

SECTION 5. Section 7.14.4. of the Park City Land Management code is hereby amended to read as follows:

7.14.4. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, except for single-family houses, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines prepared by the Historic District Commission and adopted by resolution of the City Council as a supplement to this Ordinance. Appeals of departmental actions on architectural compliance are heard by the Historic District Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Property within this zone is not subject to design review by the City, but may be subject to

subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants. In addition, no structure within the zone may be painted or repainted without review and approval of the exterior color scheme by the Community Development Department.

SECTION 6. Section 7.17.5. of the Park City Land Management Code is hereby amended to read as follows:

7.17.5. DONATION OF A FACADE EASEMENT. The owner shall be encouraged to donate a preservation easement to assure preservation of the building. The easement shall include, as minimum stipulations, design approval for exterior changes, and an architectural program for restoration and maintenance following the Secretary of Interior's Standards for Rehabilitation. A time frame for completion of the restoration program may be specified in the easement agreement. This easement agreement will utilize the City's standard form available from the Legal Department, with specific items to be negotiated with the Commission. In addition, no structure within the zone may be painted or repainted without review and approval of the exterior color scheme by the Community Development Department.

SECTION 7. Effective Date This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 18th day of January, 1990.

PARK CITY MUNICIPAL CORPORATION


Bradley A. Olch, Mayor

Attest:


Anita L. Sheldon, City Recorder

