

1987 ORDINANCE LOG

Ord No.	Date	Subject	Title
87-14	8/14	Golf course rezone	An ordinance rezoning property located at the Park City Municipal Golf Course from Residential Development to Residential Development-Master Planned Development and amending the official zoning map of Park City. 6.5 acres
87-13	10/22	Subdivision	An ordinance adopting Section 14 of the LMC "Subdivision Regulations"
87-12	11/5	Business license	An ordinance establishing a business revenue license and repealing Ordinance 82-10 as amended in its entirety
87-11	10/22	Bed and breakfast	An ordinance amending Section 7.1 of the Park City LMC to allow and set forth certain criteria for bed and breakfast inns as a conditional use in the Historic Residential Zone
87-10	8/14	Park/Empire rezone	An ordinance rezoning property located at the intersection of Park Avenue and Empire Avenue from Residential Development to Residential Development-MPD and Recreation Open Space and amending the Official Zoning Map. This ordinance does not take effect until certain requirements have been completed as outlined in the ordinance.

87-9	8/14	Golf course	An ordinance rezoning property located within the Municipal Golf Course Driving Range from Residential Development to Recreation Open Space and amending the Official Zoning Map
87-8	9/17	Zone change	An ordinance amending the Park City LMC eliminating Section 7.13.5 regarding consideration of a zone change from estate to residential development
87-7	7/23	Parking	An ordinance amending Section 7.2.10(b) of the LMC to revise the off-street parking requirements in the Historic Commercial Business District
87-6	6/11	Flood prevention	A flood prevention ordinance for Park City
82-19(3)	2/19	Alarm amendment	An amendment to the alarm ordinance regarding a fee schedule
87-5	1/22	McLeod Creek	An amendment to the LMC including McLeod Creek in the single family zone
87-4	1/22	Plat vacation	Plat vacation of 402 Ontario Hoch Haus condo plat
87-3	1/8	Cable TV franchise	Ordinance consenting to assignment of franchise from Community Television of Utah, Inc. to TCI Cablevision of Utah
87-2	1/22	Nightly rental	Ordinance making nightly rental a permitted use in the Estate, RD, RDM, R-1, HR-1, and HRL zones and amending the land use tables of the LMC

87-1      1/8      Meeting Time      Ordinance setting the date, time and place for the meetings of the Park City Council for 1987

ORDINANCE

Ordinance No. 8-14

AN ORDINANCE REZONING PROPERTY  
LOCATED AT THE PARK CITY MUNICIPAL GOLF COURSE  
FROM RESIDENTIAL DEVELOPMENT TO  
RESIDENTIAL DEVELOPMENT-MASTER PLANNED DEVELOPMENT  
AND AMENDING THE OFFICIAL ZONING MAP OF  
PARK CITY, UTAH

WHEREAS, the City has received a petition from the owner of and option on the land subject to this zone change to change the zoning from the present Residential Development (RD) to Residential Development-Master Planned Development (RD-MPD); and,

WHEREAS, proper notice was given to adjoining land owners and hearings held before the City Council and the Planning Commission on this issue; and,

WHEREAS, the Planning Commission has recommended in favor of the zone change; and,

WHEREAS, the change is consistent with the adopted Park City Master plan which calls for recreational uses at that location;

NOW THEREFORE, be it ordained by the City Council of Park City, Utah as follows:

Section 1. The following described land should be rezoned from its present designation of Residential Development (RD) to Residential Development-Master Planned Development (RD-MPD):

See Exhibit B, Attached

Section 2. The official zoning map of Park City should be and is hereby modified to reflect these changes in zone boundaries and designations.

Section 3. Effective date. This ordinance is being adopted in furtherance of a specific Master Planned Development proposal for the site. This specific proposal has made reasonable efforts to mitigate the effects of the zone change on adjoining land owners by preserving view corridors and locating and configuring buildings in a manner that is not required under the new zone regulations. The Council finds that the zone change is desirable in conjunction with the proposed Master Planned Development known as the "Golf Course Hotel", but may not be desirable for projects which would be allowed in the newly designated zones as permitted uses. Therefore, this ordinance shall become effective only upon the submission of building plans in conformity with the approved Master Plan for the "Golf Course Hotel" project, or substitute plans then approved by the Park City Planning Commission, and upon the payment of all fees pertaining to that project. If the plan submission, payment of fees, and issuance of initial building permits have not been completed on or before August 1, 1997, this ordinance shall not take effect at all, and shall be a nullity, with the zone remaining Residential Development (RD).

Section 4. Publication. This ordinance shall not be published unless and until the conditions precedent to it

becoming effective, as stated in Section 3, have all occurred.

Passed and Adopted this 14 day of August, 1987.

PARK CITY MUNICIPAL CORPORATION

By Hal W. Taylor  
Hal W. Taylor, Mayor

Attest:

Spencer C. King  
City Recorder



Exhibit "B"

The 6½ acre parcel

BEGINNING at the intersection of the Westerly right of way line of State Highway U-224 (U.S. Alt.40) and the Southerly right of way line of Thaynes Canyon Drive, said point being North 616.52 feet and West 536.93 feet from the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridin and running thence South 21°16' East along said Westerly right of way line 520.00 feet to a point of a 623.70 foot radius curve to the left (center bears South 68°44' West 623.70 feet); thence Southeasterly along the arc of said curve and said Westerly right of way line 372.64 feet; thence South 23°46' West 157.50 feet; thence North 66°14' West 218.50 feet; thence North 23°46' East 30.00 feet; thence North 66°14' West 88.00 feet; thence South 23°46' West 137.00 feet; thence North 66°14' West 108.00 feet; thence North 23° 46' East 282.00 feet; thence North 66°14' West 105.00 feet; thence North 21°16' West 95.00 feet; thence North 66°14' West 300.00 feet; thence North 21°16' Wst 35.00 feet; thence North 66°14' West 256.00 feet; thence North 23°46' East 185.11 feet to a point on the Southerly right of way line of Thaynes Canyon Drive, said point also being on a 175.00 foot radius curve to the right (center bears South 7°07'51" East 175.00 feet); thence Southeasterly along the arc of said curve 94.27 feet to a point of tangency; thence continuing along said Southerly line, South 66°16' East 72.67 feet to a point on a 225.00 foot radius curve to the left (center bears South 23°44' West 225.00 feet); thence Southeasterly along the arc of said curve 176.71 feet to a point of tangency; thence continuing along the Southerly right of way line North 68°44' East 217.16 feet to the point of BEGINNING.

Excepting therefrom the following described parcel:

Beginning at a point which is the intersection of the southerly right-of-way of Thaynes Canyon Drive, as recorded, and the westerly right-of-way of U-224 (U.S. Alt. 40), said point also being South 2010.90 feet and West 549.42 feet from the Northeast Corner Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence South 68°44'00" West 217.16 feet, to a point on a 225.00 foot radius curve to the right (center bears North 21°16'00" West 225.00 feet of which the central angle is 43°17'24"); thence along the arc of said curve 170.00 feet to the true point of beginning, said point being on the southerly right-of-way of Thaynes Canyon Drive, said point also on a 225.00 foot radius curve to the right (center bears North 22°01'24" East 225.00 feet of which the central angle is 01°42'36"), the following three calls being along said southerly right-of-way; 1). thence northwesterly along the arc of said curve 6.72 feet; 2) thence North 66°14'00" West 72.67 feet to a point on a 175.00 foot radius curve to the left (center bears South 23°46'00" West 175.00 feet of which the central angle is 30°51'51"); 3) thence northwesterly along the arc of said curve 94.27 feet; thence South 23°46'00" West 185.11 feet; thence South 66°14'00" East 256.00 feet; thence North 01°18'00" East 227.30 feet to the true point of beginning.

PARK CITY

SUBDIVISION REGULATIONS

(Section 14 of the Land Management Code)

Adopted October 22, 1987



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## PARK CITY SUBDIVISION REGULATIONS

### SECTION 14.1. GENERAL PROVISIONS

#### 14.1.1 Title

These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of Park City, Utah (Chapter 14, Land Management Code)

#### 14.1.2 Policy.

- (1) It is hereby declared to be the policy of Park City to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of Park City pursuant to the official Comprehensive Plan of Park City for the orderly, planned, efficient, and economical development of Park City.
- (2) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, landslide, mine subsidence, geologic hazards, or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.
- (3) The existing and proposed public improvements shall conform and be properly related to the proposals shown in the Comprehensive Plan, Streets Master Plan, Official Zoning Map, and the capital budget and program of Park City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the adopted Uniform Building and Housing Codes, the Land Management Code, Comprehensive Plan, Official Zoning Map, and capital budget and program of Park City.

#### 14.1.3 Purposes. These regulations are adopted for the following purposes:

- (1) To protect and provide for the public health, safety, and general welfare of Park City.
- (2) To guide the future growth and development of Park City, in accordance with the Comprehensive Plan.
- (3) To provide for adequate light, air, and privacy, to secure safety from fire, flood, landslides and other geologic hazards, mine subsidence, mine tunnels, shafts, adits and dump areas, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (4) To protect the character and the social and economic stability of all parts of Park City and to encourage the orderly and beneficial development of all parts of the municipality.
- (5) To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- (6) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- (7) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic, throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- (8) To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.

- (9) To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- (10) To prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize site disturbance and the removal of native vegetation and soil erosion; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (11) To preserve the natural beauty and topography of Park City and to insure appropriate development with regard to these natural features.
- (12) To provide for open spaces through the most efficient design and layout of the land, including the use of flexible density or cluster-type zoning in providing for minimum width and area of lots, while preserving the density of land as established in the Land Management Code of Park City.

- 14.1.4
- (1) By authority of ordinance of the City Council of Park City (hereinafter referred to as "City Council") adopted pursuant to the powers and jurisdictions vested through Chapter 5, Title 57 and Chapter 9, Title 10 of the Utah Code, Annotated (1953, as amended) and other applicable laws, statutes, ordinances, and regulations of the State of Utah, the City Council hereby exercise the power and authority to review, approve, and disapprove plats for subdivision land within the corporate limits of Park City which show lots, blocks, or sites with or without new streets or highways.
  - (2) By the same authority, the City Council does hereby exercise the power and authority to pass and approve development in subdivisions of land already recorded in the office of the County Recorder if such are entirely or partially undeveloped.
  - (3) The subdivision shall be considered to be entirely or partially undeveloped if:
    - (a) said plat or subdivision has been recorded with the County Recorder's office without a prior approval by the City Council, or
    - (b) said plat or subdivision has been approved by the City Council where the approval has been granted more than three (3) years prior to granting a building permit, on the partially or entirely undeveloped land and the zoning regulations, either bulk or use, for the district in which the subdivision is located, have been changed subsequent to the original final subdivision approval.

14.1.5 Jurisdiction.

- (1) These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of Park City.
- (2) No land shall be subdivided within the corporate limits of Park City until
  - (a) the subdivider or his agent shall submit a sketch plat of the parcel to the Planning Commission through the Park City Planning Department;
  - (b) obtain approval of the sketch plat and preliminary and final approval of the plat itself by the Planning Commission and City Council; and
  - (c) the approved plat is filed with the County Recorder.
- (3) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations or approved under prior subdivision ordinance, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the applicable city regulations.

- 14.1.6 Enactment. In order that land may be subdivided in accordance with these purposes and policy, these subdivision regulations are hereby adopted.

14.1.7 Interpretation, Conflict, and Separability.

- (1) In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- (2) Conflict with Public and Private Provisions.
  - (a) Public Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
  - (b) Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of the Planning Commission or the municipality in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the city is under no obligation to enforce private covenants.
- (3) Separability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

14.1.8 Saving Provision. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

14.1.9 Reservations and Appeals. Upon the effective date of these regulations according to law, the Subdivision Ordinance of Park City, Utah, adopted September 20, 1979, as amended, is hereby repealed, except as to such sections expressly retained herein.

14.1.10 Amendments. For the purpose of providing the public health, safety, and general welfare, the City Council may from time to time amend the provisions imposed by the subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and City Council in the manner prescribed by law and outlined in the Land Management Code.

14.1.11 Conditions. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this municipality. The developer has the duty of compliance with reasonable conditions

for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of Park City and to the safety and general welfare of the future lot owners in the subdivision and of the community at large.

14.1.12 Vacation, Alteration or Amendment of Plats.

The City Council may, on its own motion, or pursuant to a petition, consider at a public hearing any proposed vacation, alteration or amendment of a subdivision plat, or any street, lot, alley or public use area contained in a subdivision plat, as provided in Section 57-5-6 through 57-5-8 of the Utah Code Annotated (1953) as amended. If a petition for vacation, alteration or amendment is filed, a public hearing shall be held within 45 days of the date of filing.

14.1.13 Variances

- (1) General. Where the Board of Adjustment finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Board of Adjustment shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case and that the requirements outlined in the Land Management Code have been satisfied.
- (2) Conditions. In approving variances, the Board of Adjustment may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- (3) Procedures. A petition for any such variance shall be submitted in writing in accordance with the Land Management Code and on an application provided by the city, by the subdivider at the time when the preliminary plat is filed. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

14.1.14 Enforcement, Violations, and Penalties

- (1) General:
  - (a) It shall be the duty of the Community Development Director to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.
  - (b) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such a parcel before a plat of such subdivision has been approved by the Planning Commission and City Council in accordance with the provisions of these regulations, and filed with the County Recorder.
  - (c) The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. Except that the city may approve metes and bounds descriptions for purposes of lot line adjustments, resolving conflicting boundary descriptions, and the recombination of historically platted properties located within either the Park City/Millsite or Snyder's Addition surveys. All such described subdivisions shall be subject to all of the requirements contained in these regulations.
  - (d) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

- (2) **Violations and Penalties.** Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a Class B misdemeanor.
- (3) **Civil Enforcement.** Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.

SECTION 14.2. SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

14.2.1 General Procedure

- (1) Classification of Subdivisions. Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure, which includes basically two (2) steps for a minor subdivision and three (3) steps for a major subdivision:
  - (a) Minor Subdivision
    - (i) Sketch Plat
    - (ii) Final Subdivision Plat
  - (b) Major Subdivision
    - (i) Sketch Plat
    - (ii) Preliminary Plat
    - (iii) Final Subdivision Plat
- (2) Official Submission Dates. At its discretion, the Planning Commission May waive one or more of the steps in the approval process by allowing the subdivider to combine the requirements of both preliminary and final subdivision plats into a single submittal. For the purpose of these regulations, for both major and minor subdivisions, the date of the regular meeting of the Planning Commission at which the public hearing on final approval of the subdivision plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required for formal approval or disapproval of the plat shall commence to run.
- (3) Coordination of Master Planned Development Application with Subdivision Approval.
  - (a) 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 the Land Management Code.
  - (b) General 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.
  - (c) Procedure to be Followed:
    - (i) Sketch Plan and Preliminary Plat Approval Required. Whenever a Master Planned Development (MPD) application is submitted which involves a subdivision of land as set forth in Section 2.1(3) (b) of these regulations, such application shall be submitted first to the Planning Department Staff authorized to accept such application under the Land Management Code. The application shall be made on the forms required for a sketch plat as set forth in Section 2.2 of these regulations and shall include all information required of a sketch plat application as set forth herein. The Planning Department shall thereupon refer the application to the Staff Review members and Planning Commission through sketch plat and preliminary plat approval. The Planning Department shall also, when applicable under the provisions of



the Land Management Code, make such reviews of use, density, and bulk standards as required under the MPD zoning regulations.

- (ii) Referral Back for Zoning Approval. The Planning Department and city staff shall thereupon refer the sketch plat and preliminary plat with its recommendation of approval, conditional approval, or disapproval, together with such recommendations and reviews of use, density, and bulk standards as it was required to make under the Master Planned Development regulations of the Land Management Code, to the Planning Commission as authorized under the Land Management Code to approve the application. Application shall then be made to the Planning Commission and City Council for final plat approval. No building permits or certificates of occupancy shall be issued for the project until the zoning application for the MPD has been finally approved and final subdivision plat approval has been given and the subdivision plat is recorded with the County Recorder.
- (d) Resubdivisions of Master Planned Developments
  - (i) A Master Planned Development may be subdivided or resubdivided for purposes of sale or lease after the project plan has been finally approved and development completed or partially completed.
  - (ii) If the subdivision or resubdivision of a Master Planned Development (MPD) will create a new lot line, the applicant shall make application to the Planning Department requesting Planning Commission approval of the subdivision or resubdivision. The Planning Commission and City Council shall approve the subdivision only if simultaneously an amended MPD application is approved for the development plan by the Planning Commission as having jurisdiction under the Land Management Code for all provisions governing use, density, and bulk standards.

#### 14.2.2 Sketch Plat

- (1) 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, 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..
- (2) Application Procedure and Requirements. Prior to subdividing land, an owner of the land or his representative shall file an application for approval of a sketch plat. The application shall:
  - (a) Be made on a form available at the office of the Planning Department.
  - (b) Include all contiguous holdings of the owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the applicant to make the application.

- (c) Be accompanied by a minimum of twelve (12) copies of the sketch plat as described in these regulations and complying in all respects with these regulations.
  - (d) Be presented to and received by the Planning Department.
  - (e) Be accompanied by a review fee in accordance with the adopted Fee Ordinance of Park City in effect at the time the application is filed..
  - (f) The application shall include an address and telephone number of an agent located within either the territory of Park City or the State of Utah who shall be authorized to receive all notices required by these regulations.
  - (g) Be accompanied by a list of all property owners within 300 feet of the proposed subdivision boundary; except, in the case of a resubdivision of those lots previously created by the recording of the original Park City Survey or Snyder's Addition to Park City record maps, where 100' shall be deemed sufficient..
- (3) Classification. Tentative classification of the sketch layout shall be made by the Staff Review team members as to whether the subdivision is a major or minor subdivision as defined in these regulations. Subsequent to classification of the subdivision by the Staff Review members and its preliminary report, as required by Section 2.2(4) of these regulations, the Planning Department shall place the matter on the next available regular meeting agenda of the Planning Commission for formal approval of the sketch layout. Subsequent to such approval by the Planning Commission, the applicant may proceed directly to the filing a final subdivision plat as provided in these regulations if classified as a minor subdivision, and, if classified as a major subdivision, an application for approval of a preliminary plat, as provided in these regulations, before filing for final subdivision plat approval.
- (4) 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 meeting. The staff report to the Planning Commission shall in no event be made later than thirty (30) days following the date of application for sketch plat approval.
- (5) Planning Commission Review of Sketch Plat. The Planning Commission shall study the sketch plat and the report of the staff, taking into consideration the requirements of the Subdivision Ordinance and the best use of the land being subdivided. Particular attention will be given to the arrangement, location and width of streets, their relation to sewerage disposal, drainage, erosion, location of mine or geologic hazards, lot sizes and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Official Zoning Map, Comprehensive Plan, and Streets Master Plan, as adopted by the Planning Commission and City Council.
- (6) Approval of Sketch Plan. After reviewing and discussing the sketch plat and report from the Staff Review team and other reports, as submitted by invited agencies and officials, the Planning Commission will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the subdivision plat. The Planning Commission may require additional changes as a result of further study of the subdivision in final form. Said approval shall constitute authorization to prepare and submit a preliminary plat in the case of a major subdivision and a final subdivision plat in the case of a minor subdivision.

Such approval or disapproval shall be made by the Planning Commission within thirty (30) days after receiving the report of the staff.

- (7) Approval of the sketch plat by Planning Commission shall expire within one (1) year unless a preliminary plat or a final plat in the case of a minor subdivision, in compliance with the following section, has been submitted for review.

#### 14.2.3 Preliminary Plat

- (1) Application Procedure and Requirements. Based upon the approval of the Planning Commission of the sketch plat for a major subdivision, the applicant should file an application for approval of a preliminary plat. The application shall:
  - (a) Be made on forms available at the office of the Planning Department.
  - (b) Include all land which the applicant proposes to subdivide and all land immediately adjacent extending three hundred (300) feet therefrom, or of that directly opposite thereto, extending three hundred (300) feet from the street frontage of such opposite land, with the names and addresses of the owners as shown on the County Assessor's files. This information may be shown on a separate current Tax Map reproduction from the Assessor's Office showing the subdivision superimposed thereon.
  - (c) Be accompanied by a minimum of twelve (12) copies of the preliminary plat as described in these regulations.
  - (d) Comply in all respects with the sketch plat as approved.
  - (e) Be presented to the Planning Department at least two (2) weeks prior to the Staff Review meeting and four (4) weeks prior to a regular meeting of the Planning Commission.

The Planning Department shall refer the proposed preliminary plat to the Staff Review members for their review, recommendations, and report. Such report shall be submitted in writing to the Planning Commission prior to the next regular meeting of the Planning Commission.

- (2) Public Hearing. The Planning Commission shall hold a public hearing on the preliminary plat. Such hearing shall be advertised in accordance with the requirements of the Land Management Code and in the same manner as the subsequent public hearing on the final subdivision plat; except, however, that the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final subdivision plat approval.
- (3) 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. The Commission shall approve, conditionally approve, or disapprove the preliminary plat within thirty (30) days after the date of the regular meeting of the Commission at which the public hearing on preliminary approval including adjourned date thereof, is closed. One (1) 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.
- (4) Public Improvements. The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat by the Chairman of the Planning Commission. If the Planning Commission elects not to require that all public improvements be installed and dedicated prior to signing of the final subdivision plat by the Chairman of the Planning Commission, the amount of the guarantee, in compliance with the requirements of the Land Management Code, shall be established by the Planning Commission based upon the recommendation of the City

Engineer, which shall be submitted by the applicant at the time of application for final subdivision plat approval. The Planning Commission shall require the applicant to indicate on both the preliminary and final plat all roads and public improvements to be dedicated, all special districts for water, fire, and utility improvements which shall be required to be established or extended, all city approved street names and addresses, and any other special requirements deemed necessary by the Planning Commission in order to conform the subdivision plat to the Official Zoning Map and the Master Plans of Park City.

- (5) Effective Period of Preliminary Approval. The approval of a preliminary plat shall be effective for a period of one (1) year at the end of which time final approval on the subdivision must have been obtained from the Planning Commission, although the plat need not yet be signed and filed with the County Recorder. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application and plat for preliminary approval subject to all new review requirements, zoning restrictions and subdivision regulations.
- (6) Zoning Regulations. Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Land Management Code rendering the plat nonconforming as to bulk or use, provided the final approval is obtained within the one-year period.

#### 14.2.4 Final Subdivision Plat

- (1) Application Procedure and Requirements. Following the approval of the sketch plat in the case of a minor subdivision, or of the preliminary plat in the case of a major subdivision, the applicant, if he wishes to proceed with the subdivision, shall file with the Planning Department an application for final approval of a subdivision plat. The application shall:
    - (a) Be made on forms available at the office of the Planning Department.
    - (b) Include the entire subdivision, or section thereof, which derives access from an existing state, county or local government highway.
    - (c) Be accompanied by a minimum of twelve (12) copies of the subdivision plat and the four (4) sets of construction plans, as described in these regulations.
    - (d) Comply in all respects with the sketch plat and/or preliminary plat, as approved, whichever is applicable, depending upon the classification of the subdivision.
    - (e) Be presented to the Planning Department at least four (4) weeks prior to a regular meeting of the Planning Commission in order that a public hearing may be scheduled and the required notice given in accordance with the Land Management Code. The date of the regular meeting of the Planning Commission at which the public hearing on final approval, including any adjourned date thereof, is closed, shall constitute the official date of the plat for the purposes of these regulations.
    - (f) Be accompanied by all formal irrevocable offers of dedication to the public of all streets, city of Park City uses, utilities, parks, and easements, in a form approved by the City Attorney; and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

"The owner, or his representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks and required utilities and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication."
- If required by the City Attorney, the applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording, together with a title policy for the Park City Municipal Corporation in the sum not less than Ten

Thousand Dollars (\$10,000.00), which sum shall be determined by the City Attorney before signing of the final subdivision plat.

- (g) Be accompanied by the performance guarantee, if required, in a form satisfactory to the City Attorney and in an amount established by the Planning Commission, in accordance with the provisions of the Land Management Code, upon recommendation of the City Engineer and shall include a provision that the principal of the guarantee shall comply with all the terms of the resolution of final subdivision plat approval as determined by the Planning Commission and shall include, but not be limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the local government free and clear of all liens and encumbrances on the premises.
  - (h) Be accompanied by a list of owners of property immediately adjacent extending three hundred (300) feet therefrom, or of that directly opposite thereto extending three hundred (300) feet from the street frontage of such opposite property owners as are correct within the knowledge of the applicant as shown on the latest tax assessment roll.
  - (i) Be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations, as established by ordinance, and by written assurance from the public utility companies and improvement districts that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the Planning Commission upon preliminary plat approval.
  - (j) Provide evidence that all property taxes are current and that no other city debts or obligations are outstanding.
  - (k) Provide a title report or commitment for title insurance from a licensed title company and no older than thirty (30) days.
- (2) Notice of Public Hearing. Upon receipt of formal application and all accompanying material, the Planning Department shall schedule a public hearing for the next scheduled meeting of the Planning Commission for which adequate notice, in compliance with the noticing requirements contained in the Land Management Code, can be given.
- (3) Public Hearing and Determination. After the public hearing, the Planning Commission shall, within thirty (30) days after closing of the public hearing, approve, modify and approve, or disapprove the subdivision application by resolution which shall set forth in detail any conditions to which the approval is subject, or reasons for disapproval. In the final resolution the City Council shall stipulate the period of time when the performance guarantee shall be filed or the required improvements installed, whichever is applicable. Provided, however, that no plats will be approved or released for recording until necessary guarantees have been established in accordance with the Land Management Code. In no event shall the period of time stipulated by the City Council for completion of required improvements exceed two (2) years from the date of the final resolution. One copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval noted thereon, and the reasons therefore accompanying the plat.
- (4) Submission and Review. Subsequent to the resolution of the Planning Commission, three (3) paper copies of the construction plans, and one (1) copy of the original of the subdivision plat on tracing cloth or reproducible mylar, and two (2) copies of the subdivision plat on sepi paper and two (2) copies of the subdivision plat on paper shall be submitted to the Planning Department for final review. No final approval shall be endorsed on the plat until the staff's review has indicated that all requirements of the resolution have been met.
- (5) Vested Rights. Vesting for purposes of zoning occurs upon the filing of a complete application provided, however, that no vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the

Chairman of the Planning Commission and the Mayor of Park City. All requirements, conditions, or regulations adopted by the Planning Commission and City Council applicable to the subdivision or to all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the Chairman of the Planning Commission and Mayor. Where the Planning Commission or Council has required the installation of improvements prior to signing of the final plat, the Planning Commission or Council shall not unreasonably modify the conditions set forth in the final approval.

#### 14.2.5 Signing and Recording of Subdivision Plat

##### (1) Signing of Plat

- (a) When a guarantee is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after the guarantee has been approved by the City Council, and all the conditions of the resolution pertaining to the plat have been satisfied.
- (b) When installation of improvements is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the city as shown by a certificate signed by the City Engineer and City Attorney that the necessary dedication of public lands and improvements has been accomplished.

##### (2) Recording of Plat

- (a) The Chairman of the Planning Commission and the Mayor of Park City will sign the tracing cloth or reproducible mylar original of the subdivision plat and two (2) sepia prints of the subdivision plat. The sepia prints will be returned to the applicant's engineer with the original given to the applicant's title company.
- (b) It shall be the responsibility of the developer's licensed title company to file the original mylar plat with the County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the City Attorney.
- (c) In addition to the formal subdivision plat requirements of the State of Utah and City of Park City, the Summit County Recorder requires that an assessor's map be submitted that is 18" x 18" square. Photographic or comparable reductions on sepia paper are adequate for their purposes.

- (3) Sectionalizing Major Subdivision Plats. Prior to granting final approval of a major subdivision plat, the Planning Commission and City Council may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Planning Commission and City Council may require that the performance guarantee be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance guarantee principal amount until the remaining sections of the plat are offers for filing. The developer may also file irrevocable offers to dedicate streets and public improvements only in those sections submitted to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any additional conditions imposed by the Planning Commission, and offers shall be granted concurrently with final approval of the balance of the plat. The approval of all remaining sections not filed with the County Recorder shall automatically expire unless such sections have been approved for filing by the Planning Commission, all fees paid, all instruments and offers of dedication submitted and performance guarantees approved and actually filed with the County

Recorder within one (1) year of the date of final subdivision approval of the subdivision plat. (See Section 14.2.3(6) of these Regulations.)

SECTION 14.3. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

14.3.1 Improvements and Performance Guarantee

- (1) Completion of Improvements. Before the plat is signed by the Chairman of the Planning Commission and the Mayor, all applicants shall be required to complete, in accordance with the Planning Commission's decision and to the satisfaction of the City Engineer, all the street, sanitary sewer, and other improvements (i.e: storm drainage, trails, sidewalk, curb, gutter, street signs, water lines, etcetera), including lot improvements on the individual lots of the subdivision as required, specified in the final subdivision plat, and as approved by the Planning Commission and the City Council, and to dedicate same to the local government, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.
- (2) Performance Guarantee
  - (a) The City Council in its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post an acceptable guarantee (in accordance with Section 8.19 of the Land Management Code) at the time of application for final subdivision approval in an amount estimated by the City Engineer and City Council as sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the incompleted portion of required improvements. The posting of guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall also secure all lot improvements on the individual lots of the subdivision as may be required. Such performance guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in the Land Management Code. The period within which required improvements must be completed shall be specified by the Planning Commission and the City Council in the resolution approving the final subdivision plat and shall be incorporated in the guarantee and shall not in any event exceed two (2) years from date of final approval.

Such guarantee shall be approved by the City Council with surety and conditions satisfactory to them. The Community Development Director may, upon proof of difficulty, recommend to the City Council extension of the completion date set forth in such guarantee for a maximum period of one (1) additional year. The City Council may at any time during the period of such guarantee accept a substitution of principal or sureties.

- (b) In the event the applicant's ability to post an acceptable guarantee is dependent upon prior recordation of the plat due to requirements of the Interstate Land Sales Act or other federal law or regulations, the City Council may authorize plat approval and recordation upon receipt from the applicant of an executed and acknowledged agreement signed by all owners of fee, leasehold, contract and security interests in the subject property, in the form of a restrictive covenant that the applicant will not sell, lease or otherwise convey any lot, parcel or portion of a lot of the subject property unless he shall first as a condition precedent thereto, satisfy the foregoing requirements of Section 3.3(1) or 3.1(2)(a). The agreement shall be in recordable form, shall specifically provide that the encumbrance created shall be deemed to be a covenant running with the land, binding on applicant's successors and assigns, to install or guarantee installation of all required improvements, and to pay all costs, including attorney's fees, which the City may incur in enforcing the terms and provisions of the agreement, and shall contain the express irrevocable consent of all



signers to vacation of the recorded plat if the guarantee requirements of Section 3.1(2)(a) have not been complied with within one hundred twenty (120) days of the date of recordation of the plat. The encumbrance posed by the agreement shall only be released upon compliance by the applicant or his successors with the provisions of Section 3.1(1) or 3.1(2)(a) hereof.

- (3) Temporary Improvement. The applicant shall build and pay for all costs of temporary improvements required by the Planning Commission or City Engineer and shall maintain same for the period specified. Prior to construction of any temporary facility or improvement, the developer shall file with the city a separate suitable guarantee, in accordance with the Land Management Code, for temporary facilities, which guarantee shall insure that the temporary facilities will be properly constructed, maintained, and removed.
- (4) Costs of Improvements. All required improvements shall be made by the applicant, at their expense, without reimbursement by the city or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.
- (5) Governmental Units. Governmental units to which these guarantees and contract provisions apply may file in lieu of said contract or guarantees a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Article.
- (6) Failure to Complete Improvement. For subdivisions for which no performance guarantee has been posted, if the improvements are not completed within the period specified by the Planning Commission and City Council in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a performance guarantee has been posted and required improvements have not been installed within the terms of such performance guarantee, the local government may thereupon declare the guarantee to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the guarantee is declared to be in default.
- (7) Acceptance of Dedication Offers. Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the City Council. The approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the City Council of any street, easement, or park shown on said plat. The Planning Commission may require said plat to be endorsed with appropriate notes to this effect.

#### 14.3.2 Inspection of Improvements

- (1) General Procedure and Fees. The Planning Commission in consultation with or upon the advice of the City Engineer or Community Development Director, shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall, in accordance with the city's fee ordinance, pay to the city an inspection fee and the subdivision plat shall not be signed by the Chairman of the Planning Commission or Mayor unless such fee has been paid. These fees shall be due and payable upon demand of the city and no building permits or certificates of occupancy shall be issued until all fees are paid. If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the city's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee, the applicant and the issuing company shall be severally and jointly liable for completing the improvements according to specifications.

Prior to commencement of construction on any public improvement or private improvement required to be built to public standards, the developer shall first obtain a Notice to Proceed from the Community Development Director.

(2) Release or Reduction of Performance Guarantee

- (a) Certificate of Satisfactory Completion. Subject to maintenance provisions contained in Section 3.4(1) below, the city will not accept dedication of required improvements, or release or reduce a performance guarantee, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" survey plats of the subdivision, indicating location, dimensions, materials, and other information required by the Planning Commission and City Engineer, that the layout of the line and grade of all public improvements is in accordance with the city approved construction plans for the subdivision and that a title insurance policy has been furnished to the City Attorney and City Engineer indicating that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.
- (b) Reduction of Performance Guarantee. A performance guarantee may be reduced upon actual completion and/or acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the plat. In no event shall a performance guarantee be reduced below the twenty-five percent (25%) retainage (per the Land Management Code Section 8.19) of the principal amount until completion.

14.3.3 Escrow Deposits or Letters of Credit for Lot Improvements

- (1) Acceptance of Escrow Funds. Whenever, by reason of the season of the year any lot improvements required by the subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a cash escrow deposit or letter of credit in an amount to be determined by the City Engineer for the cost of said improvements. The performance guarantee covering such lot improvements shall remain in full force and effect.
- (2) Procedures on Escrow Fund. All required improvements for which escrow monies or letters of credit have been accepted by the Building Official at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the temporary certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Building Official shall give two (2) weeks written notice to the developer requiring him to install same, and in the event that same are not installed properly in the discretion of the Building Official, the Building Official may request the City Council to authorize the city to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit or letter of credit. At the time of the issuance of the certificate of occupancy for which escrow monies/letters of credit are being deposited with the Building Official, the applicant shall obtain and file with the Building Official prior to obtaining the certificate of occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the Building Official to install the improvements at the end of the nine-month period in the event that the same have not been duly installed by the developer.

14.3.4 Maintenance of Improvements.

- (1) The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of said improvements by the City Council. If there are any certificates of occupancy on a street not dedicated to the city, the city may on twelve (12) hours notice plow the street or effect emergency repairs and charge same to applicant. The city will not normally accept water improvements or street improvements or assume responsibility for either general maintenance or snow removal until over 50% of the lots within the subdivision are built upon.
- (2) The applicant shall be required to file a maintenance guarantee with the city, prior to acceptance, in an amount considered adequate by the City Engineer and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of one (1) year after the date of their acceptance by the city and dedication of same to the local municipality.

14.3.5 Deferral or Waiver of Required Improvements.

- (1) The Planning Commission may recommend that the City Council defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.
- (2) Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the city government prior to the signing of the final subdivision plat, or the applicant may post a guarantee insuring completion of said improvements upon demand of the municipality.

14.3.6 Issuance of Building Permits and Certificate of Occupancy.

- (1) Where a performance guarantee has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication of same to the city, as required in the Planning Commission's and City Council's final approval of the subdivision plat.
- (2) The extent of street improvement shall be adequate for vehicular access by the prospective occupant and by police and fire equipment, prior to the issuance of any occupancy permit. The developer shall at the time of the dedication submit monies in escrow or an acceptable letter of credit to the city in a sum determined by the City Engineer for the necessary final improvement of the street.
- (3) No building permits shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) be less than two (2) for the final two (2) lots of a subdivision, until all public improvements required by the Planning Commission for the plat have been fully completed and dedicated to the local government.

14.3.7 Consumer Protection Legislation and Conflicts of Interest Statutes.

- (1) No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

- (2) With respect to said lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the municipality until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.
- (3) Any violation of a federal, state, or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; state "Blue Sky" laws; state subdivision disclosure acts or conflicts of interest statute, law, or ordinance) shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in Section 1.15 hereof.

SECTION 14.4 REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN

14.4.1 General Improvements

- (1) Conformance to Applicable Rules and Regulations. In addition to the requirements established herein, all subdivision plats shall comply with the following law, rules, adopted policy statements and regulations, unless otherwise approved by City Council:
  - (a) All applicable statutory provisions.
  - (b) The Land Management Code, Uniform Building and related Codes, and all other applicable laws of the appropriate jurisdictions.
  - (c) The Official Streets Master Plan, Comprehensive Plan, Official Zone Map, Trails Master Plan, public utilities plans, and Capital Improvements Program of the local government, including all streets, trails, drainage systems, and parks shown on the Official Map or Master Plan as adopted or amended for the subdivision.
  - (d) The special requirements of these regulations and any rules of the Health Department, Park City Fire Service District, Snyderville Basin Sewer Improvement District (SBSID), and/or appropriate state agencies.
  - (e) The rules of the Utah Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connection street.
  - (f) The Park City Design Standards, Construction Specifications, and Standard Drawings and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
  - (g) All pertinent standards contained within the planning guides published by the Mountainlands Association of Governments.
  - (h) Plat approval may be withheld if a subdivision is not in conformity with the above guides or policy and purposes of these regulations established in Section 1.3 of these regulations.
- (2) Self-Imposed Restrictions. If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Land Management Code or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Planning Commission may require that restrictive covenants be recorded with the County Recorder in form to be approved by the City Attorney.
- (3) Plats Straddling Municipal Boundaries. Whenever a subdivision is proposed across land under county jurisdiction, the Planning Commission shall require the annexation of the property involved. In general, neither lot lines nor roads shall not be laid out so as to cross municipal boundary lines.
- (4) Monuments. The applicant shall place permanent reference monuments in the subdivision as required herein or as otherwise approved by the City Engineer.
  - (a) Monuments shall be constructed in accordance with the Park City Design Standards, Construction Specifications, and Standard Drawings and located on street right-of-way lines, at street intersections, angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.
  - (b) All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time the Planning Commission recommends approval of the final plat unless a performance guarantee is established in accordance with the provisions of this ordinance.
- (5) 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, geologic hazards, utility easements, or other features 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.

- (6) Subdivision Name. The proposed name of the subdivision and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or street in the area covered by these regulations or in Summit County, Utah. The City Council shall have final authority to designate the name of the subdivision and to select street names, both of which shall be determined at the time of sketch plat approval.

#### 14.4.2 Lot Improvements.

- (1) Lot Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Uniform Building Code, the Land Management Code, and in providing reasonable driveway access to buildings on such lots from an approved street.
- (2) Lot Dimensions. Lot dimensions shall comply with the minimum standards of the Land Management Code. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the Land Management Code and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Land Management Code.
- (3) Double Frontage Lots and Access to Lots
  - (a) Double Frontage Lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
  - (b) Access from Major and Secondary Arterials. Lots shall not, in general, derive access exclusively from an arterial or collector street as defined in the Streets Master Plan. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials or collectors.
- (4) Soil Preservation, Grading, and Seeding
  - (a) Top Soil Preservation and Final Grading. No final plat approval or certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final subdivision plat and the lots recovered with top soil with an average depth of at least six (6) inches which shall contain no particles over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and at least four (4) inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting

(see also Section 8.19 of the Land Management Code). Slope stabilization and erosion control, as determined necessary by the City Engineer, will also be required to be installed according to the approved specification.

- (b) Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings in accordance with the Uniform Building Code and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from any lot to adjacent lots.
- (c) Lawn-Grass Seed and Sod. All lots shall be topsoiled and revegetated in accordance with Section 8.19 of the Land Management Code. At a minimum, lawn-grass seed shall be sown at not less than four (4) pounds to each one-thousand (1,000) square feet of land area. In the spring, the seed shall be sown between March 15 and May 15; and in the fall, the seed shall be sown between August 15 and September 30. The seed shall be a native grass seed mix approved by the City. All seed shall have been tested for germination within one (1) year of the date of seeding, and the date of testing shall be on the label containing the seed analysis. All lots shall be seeded from the roadside edge of the unpaved right-of-way back to a distance of twenty-five (25) feet behind the principal residence on the lot. No final plat approval or certificate of occupancy shall be issued until respreading of soil and seeding of lawn has been completed; except that between October 1 and March 15, August 15, the applicant shall submit an agreement in writing signed by the developer and/or the property owner, with a copy to the Building Official, that respreading of soil and seeding of lawn will be done during the immediate following planting season as set forth in this section and leave a cash escrow or letter of credit for performance in such amount as shall be determined by the Building Official in accordance with the Land Management Code. Sod may be used to comply with any requirement of seeding set forth herein.
- (5) Debris and Waste. Unless otherwise approved by the City Engineer and Building Official, no cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any certificate of occupancy on a subdivision, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.
- (6) Fencing. Each subdivider and/or developer shall be required to furnish and install fences wherever the Planning Commission determines upon the recommendation of the Community Development Director that a hazardous condition may exist. The fences shall be constructed according to standards to be established by the City Engineer and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.
- (7) Water-bodies and Water-courses. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Planning Commission upon the recommendation of the Community Development Director may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a city responsibility. No more than twenty-five per cent (25%) of the minimum area of a lot required under the Land Management Code may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installations of a culvert or other structure, of design approved by the City Engineer.

- (8) Performance Guarantee to Include Lot Improvements. The performance guarantee shall include an amount to guarantee completion of all requirements contained in Section 4.2 of these regulations including, but not limited to, soil preservation, final grading, lot drainage, landscaping, lawn-grass seeding, removal of debris and waste, fencing, and all other lot improvements required by the Planning Commission.

Whether or not a certificate of occupancy has been issued, at the expiration of the performance guarantee, the city may enforce the provisions of the guarantee where the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with.

#### 14.4.3 Roads

##### (1) General Requirements

- (a) Frontage on Improved Roads. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Streets Master Plan unless such street is:
- (i) an existing state or county highway; or
  - (ii) a street shown upon a plat approved by the Planning Commission and recorded in the County Recorder's office. Such street or highway must be suitably improved as required by the highway rules, regulations, specifications, or orders, or be secured by a performance guarantee required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations or the Streets Master Plan.

Wherever the area to be subdivided is to utilize existing road frontage, such road shall be suitably improved as provided hereinabove.

- (b) Grading and Improvement Plan. Roads shall be graded and improved and conform to the Park City Design Standards, Construction Specifications, and Standard Drawings and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted prior to final plat approval. Prior to final plat approval the Public Works Director and the Community Development Director shall make the determination as to whether each street is to be public or private. Such status shall be shown on the plat.
- (c) Topography and Arrangement.
- (i) Roads shall be related appropriately to the topography. Local roads may be curved to avoid conformity of lot appearance and to discourage through traffic. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and revegetated. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.
  - (ii) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the Streets Master Plan.
  - (iii) All thoroughfares shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing, proposed, and future land uses.
  - (iv) Minor or local streets shall be laid out to conform as much as possible to the natural topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.



- (v) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.
  - (vi) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such an extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
  - (vii) In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- (d) Blocks
- (i) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or water ways.
  - (ii) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas should not exceed one thousand two hundred (1,200) feet or twelve (12) times the minimum lot width required in the zoning district, nor be less than four hundred (400) feet in length. Wherever practicable, blocks along major arterials and collector streets shall be not less than one thousand (1,000) feet in length.
  - (iii) In long blocks the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the Planning Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Planning Commission for prospective use.
- (e) Access to Arterial or Collector Streets. Where a subdivision borders on or contains an existing or proposed arterial or collector, the Planning Commission may require that access to such streets be limited by one of the following means:
- (i) The subdivision of lots so as to back onto the arterial or collector and front onto a parallel local street; no direct access shall be provided from the primary arterial or collector, and screening shall be provided in a strip of land along the rear property line of such lots.
  - (ii) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial or collector roadway.
- (f) Road Names. The sketch plat as submitted shall not indicate any names upon proposed streets. The developer, upon consent of the Planning Commission and City Council, shall name all roads at the time of preliminary approval. The local postmaster shall be consulted prior to Planning Commission approval. Names shall be sufficiently different in sound and in spelling from other road names in Summit County, Utah so as not to cause confusion. A road which is or is planned as a continuation of an existing road shall bear the same name.

- (g) Road Regulatory Signs. The applicant shall erect or post acceptable guarantees ensuring each road sign required by the City Engineer at all road intersections. All road signs shall be installed before issuance of certificates of occupancy for any residence on the streets approved.

Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the City Engineer. Street signs shall be designed according to City specifications.

- (h) Street Lights. Installation of street lights shall be required in accordance with Park City Design and Specification Standards and shall be approved by the City Engineer.
- (i) Reserve or Protection Strips. The creation of reserve or protection strips may be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street, provided such a strip is clearly shown on both the preliminary and final subdivision plat.
- (j) Construction of Roads and Dead-End Roads

(1) Construction of Roads. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

(1i) Dead-End Roads (Permanent)

Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length to 650 feet.

(2) Design Standards

- (a) General. In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the design standards for roads are hereby required to be in compliance with the Park City Design Standards, Construction Specifications, and Standard Drawings, the Streets Master Plan, or as may otherwise be determined by the Planning Commission.
- (b) Road Surfacing and Improvements. After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in the pertinent regulations. Said surfacing shall be of such character as is suitable

for the expected traffic. Types of pavement shall be as determined by the City Engineer. Adequate provision shall be made for culverts, drains, and bridges.

All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission, City Engineer, or City Council, and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

- (c) Excess Right-of-Way. Right-of-Way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three to one, unless specifically approved by the City Engineer.
- (d) Railroads and Limited Access Highways. Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:
  - (i) In residential districts a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited."
  - (ii) In districts zoned for business, commercial, or industrial uses the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, shall be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
  - (iii) Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.
- (e) Intersections
  - (i) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle within ten (10) degrees of perpendicular is required. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission.
  - (ii) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets (i.e: arterials or collectors), their alignment shall be continuous. Intersections of major streets shall be at least eight hundred (800) feet apart.
  - (iii) Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
  - (iv) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area

shall be provided having not greater than a two percent (2%) slope for a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

- (v) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that could create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
  - (vi) The cross-slopes on all streets, including intersections, shall be three percent (3%) or less.
  - (f) Bridges. Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the full expense of the applicant without reimbursement from the city. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the Planning Commission, will be fixed by special agreement between the City Council and the applicant.
- (3) Road Dedications and Reservations
- (a) New Perimeter Streets. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. The Planning Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width.
  - (b) Widening and Realignment of Existing Roads. Where a subdivision borders an existing narrow road or when the Streets Master Plan indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at his own expense to the full width as required by these subdivision regulations. Land reserved for any road purposes may not be counted in satisfying yard or area requirements contained in the Land Management Code.

#### 14.4.4 Drainage and Storm Sewers

- (1) General Requirements. The Planning Commission shall not recommend for approval any plat of subdivision which does not make adequate provision for storm or flood water runoff channels or catch basins. Plans shall be reviewed for compliance with the Park City Design Standards, Construction Specifications, and Standard Drawings. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the City Engineer, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.
- (2) Nature of Storm Water Facilities
  - (a) Location. The applicant may be required by the Planning Commission, upon the recommendation of the City Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.
  - (b) Accessibility to Public Storm Sewers

- (i) Underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the City Engineer.
  - (ii) If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer and the Planning Commission, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the subdivision plat.
- (c) Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Land Management Code. The City Engineer must review and approve the design.
  - (d) Effect on Downstream Drainage Areas. The City Engineer shall also require the developer's qualified engineer to study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. City storm drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such sum as the Planning Commission and City Engineer shall determine. No subdivision shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility.
  - (e) Areas of Poor Drainage. Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission upon recommendation of the City Engineer, may approve such subdivision provided that the applicant fills the affected area of said subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the maximum probable flood, as determined by the City Engineer. The plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the City Engineer. Development in areas of extremely poor drainage is discouraged.
  - (f) Flood Plain Areas. The Planning Commission may, upon recommendation of the City Engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course. These flood plain areas should be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission.
- (3) Dedication of Drainage Easements
    - (a) General Requirements. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for

the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

(b) Drainage Easements

- (i) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
- (ii) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- (iii) The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Planning Commission and City Engineer.
- (iv) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedure nor for computing the area requirement of any lot.

14.4.5 Water Facilities

(1) General Requirements

- (a) Necessary action shall be taken by the applicant to extend or create a water-supply system for the purpose of providing water-supply capable of providing domestic water use and fire protection.
  - (b) Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the State and City. All water mains shall be at least eight (8) inches in diameter.
  - (c) Water main extensions shall be approved by the City Engineer and the Public Works Director.
  - (d) To facilitate the above, the location of all fire hydrants, all water and storage supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance guarantee to be furnished by the developer.
  - (e) Prior to approval of the Subdivision Plat by the City Engineer, a determination shall be made by the Public Works Director and Community Development Director as to the location and extent of facilities to be maintained by Park City. Private facilities may be required to be so noted on the plat.
- (2) Fire Hydrants. Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than 1,000 feet apart and within 150 feet of any structure and shall be approved by the City Fire Marshall and City Engineer in accordance with Uniform Fire Code. In some instances, the City and Fire District may determine that due to wildland fire potential, hydrants will be required to be no located no more than 300 feet apart. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

#### 14.4.10 Preservation of Natural Features and Amenities

- (1) General. Existing features which add value to the community should be retained. Buildings should be sited in a manner that preserves significant views. Buildings should be sited so that their form does not break prominent skylines. 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, historic spots, critical meadowlands, important vistas, and other irreplaceable assets shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land affected until approval of the final plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be walled 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.

#### 14.4.11 Nonresidential Subdivisions

- (1) General. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Planning Commission may require.

A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in the Land Management Code. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards as are required by the Planning Commission, and shall conform to the proposed land use and standards established in the Comprehensive Plan, Streets Master Plan, Land Management Code, and Park City Design Standards, Construction Specifications, and Standard Drawings.

- (2) Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
  - (a) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
  - (b) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be placed thereupon.
  - (c) Special requirements may be imposed by the city with respect to street, curb, gutter, and sidewalk design and construction.
  - (d) Special requirements may be imposed by the city with respect to the installation of public utilities, including water, sewer, and storm water drainage.
  - (e) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
  - (f) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

city for park purposes shall have prior approval of the City Council and shall be shown marked on the plat "Reserved for Park and/or Recreation Purposes."

- (d) Alternative Procedure for subdivisions of fewer than 30 lots. Subdivisions with fewer than 30 lots would result in a land area of less than one-third (1/3) acre to be reserved for recreation facilities. In this case, the developer may pay an "In Lieu of" Fee. Fees shall be based at a rate of 437 SF parcel or 218 sq.ft. multi-family unit. The fee shall be based upon fair market value and shall be indicated on Park City's adopted Fee Schedule. The developer may contribute development parcels to the City, which the City would then sell to generate revenues for City-wide recreation facilities. The number of parcels to be donated shall be determined by fair market value of the property to be donated. The dollar value of the donated parcels must be within 10% of the calculated "In lieu of" Fee.
  - (e) Applicability to Land Utilizing Average Density. Any subdivision plat in which the principle of average density or flexible zoning has been utilized shall not be exempt from the provisions of this section, except as to such portion of land which is actually dedicated to the city for park and recreation purposes. If no further area, other than the area to be reserved through averaging, is required by the Planning Commission, the full fee shall be paid as required in Section 4.9(1) (d). If further land is required for reservation, apart from that reserved by averaging, credit shall be given as provided by Section 4.9(1) (d).
  - (f) Other Recreation Reservations. The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.
- (2) Other Public Uses
- (a) Plat to Provide for Public Uses. Except when an applicant utilizes a master planned development concept in which land is set aside by the developer as required by the provision of the Land Management Code, whenever a tract to be subdivided includes a school, recreation uses, or other public use as indicated on the Master Plan or any portion thereof, such space shall be suitably incorporated by the applicant into his sketch plat. After proper determination of its necessity by the Planning Commission and the appropriate city official or other public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the preliminary and final plats.
  - (b) Referral to Public Body. The Planning Commission shall refer the sketch plat to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternate areas for such acquisition and shall allow the public body or agency 30 days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.
  - (c) Notice of Property Owner. Upon a receipt of an affirmative report, the Planning Commission shall notify the property owner and shall designate on both the preliminary and final plats that area proposed to be acquired by the public body.



#### 14.4.6 Sewerage Facilities

- (1) General Requirements. The applicant shall install sanitary sewer facilities in a manner prescribed by the Snyderville Basin Sewer Improvement District (SBSID) construction standards and specifications. All plans shall be designed in accordance with their rules, regulations, and standards. Necessary action shall be taken by the applicant to extend sanitary sewer service for the purpose of providing sewerage facilities to the subdivision.
- (2) Residential and Nonresidential Subdivisions. Sanitary sewerage facilities shall connect with the public sanitary sewerage at sizes required by the Sewer District. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the SBSID's specifications, rules, regulations, and guidelines.

#### 14.4.7 Sidewalks, Hiking Trails, Bike Paths, Horse Trails

- (1) Required Improvements
  - (a) Sidewalks shall be included within the dedicated nonpavement right-of-way of all roads unless an alternate location has been specifically approved by the Planning Commission. In many cases pedestrian paths separate from the road right of way may be preferable due to snow removal concerns.
  - (b) Concrete curbs are required for all roads where sidewalks are required by these regulations or where required in the discretion of the Planning Commission.
  - (c) Sidewalks shall be improved as required in Section 4.3(2) (b) of these regulations.
  - (d) Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access.
  - (e) Hiking trails, bike paths, and horse trails shall be provided by the developer in accordance with the City Trails Master Plan and where otherwise necessary as determined by the Planning Commission. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks, and other significant natural features. Such trails shall be built to City specifications and easements shall be dedicated for such trails. The trails shall be constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case cash deposits shall be required pursuant to Section 3 of this code.

#### 14.4.8 Utilities

- (1) Location. Utility facilities, including but not limited to gas, electric power, telephone, and cable TV, shall be located underground in new subdivisions wherever underground location does not violate safety standards of the particular utility and where such underground location does not pose any potential additional maintenance burden on Park City's streets and water personnel, in the opinion of the Public Works Director and Community Development Director. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the subdivider, as shall casings or conduits for all other underground utilities as determined by the City Engineer.
- (2) Easements
  - (a) Easements centered on rear lot lines shall be provided for utilities (private and municipal); such easements shall be at least ten (10) feet wide. Proper coordination shall be established by the subdivider between the applicable utility companies for the establishment of utility facilities and easements to adjoining properties.

- (b) Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. All easements shall be indicated on the plat.
- (c) Where necessary to ensure proper access and maintenance, easement widths shall be increased as required by the City Engineer.

#### 14.4.9 Public Uses

##### (1) Parks, Playgrounds, and Recreation Areas

- (a) Recreation Standards. The Planning Commission may require that land be reserved and improvements installed for parks and playgrounds or other recreation purposes in locations designated on the Master Plans or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access, for the particular purposes envisioned by the Planning Commission. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreation Purposes." The developer will also be required to install improvements to the recreation areas. These improvements will be built to City specifications.

When recreation areas are required, the Planning Commission shall determine the number of acres to be reserved from the following formula, which has been prepared: providing one (1) acre of recreation area for every one hundred (100) single family dwelling units and one (1) acre per 200 multifamily dwelling units. This equates to 437 sq. ft. per single family dwelling unit and 218 sq. ft. per multifamily dwelling unit. The Planning Commission shall also determine the level of improvements required. All required improvements shall be built to City specifications. The Planning Commission may refer such proposed reservations to the city official or department in charge of parks and recreation for recommendation. The developer shall dedicate all such recreation areas and facilities to the city as a condition of final subdivision plat approval.

- (b) Minimum Size of Park and Playground Reservations. In general, land reserved for recreation purposes shall have an area of at least one (1) acre. When the percentages from the above formula would create less than one (1) acre, the Planning Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than one-third (1/3) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area. This smaller amount will be accepted only when it is on the edge of the subdivision or when the staff feels that the reduced size will result in a usable recreation site. Where recreation land in any subdivision is not reserved, or the land reserved is less than required in Section 4.9(1) (a) the provisions of Section 4.9(1) (d) shall be applicable.
- (c) Recreation Sites. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the City standards required by the Planning Commission, which improvements shall be included in the performance guarantee. A recreation site shall have a total frontage on one (1) or more streets of at least seventy (70) feet, and no other dimension of the site shall be less than seventy (70) feet in depth. The Planning Commission may refer any subdivision proposed to contain a dedicated park to the city official or department in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the

SECTION 14.5. SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

14.5.1 Sketch Plat

Sketch plats submitted to the Planning Commission, prepared in pen or pencil, shall be drawn to an engineers' scale of not more than one hundred (100) feet to an inch and shall show the following information.

- (1) Name
  - (a) Name of subdivision if property is within an existing subdivision.
  - (b) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in Summit County, Utah.
  - (c) Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)
- (2) Ownership
  - (a) Name and address, including telephone number, of legal owner or agent of property, a property report, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
  - (b) Citation of any existing legal rights-of-way or easements affecting the property.
  - (c) Existing covenants on the property, if any.
  - (d) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.
- (3) Description. Location of property by government lot, section, township, range and county, graphic scale, north arrow, and acres.
- (4) Features
  - (a) Location of property lines, existing easements, burial grounds, mine or known geologic hazards, railroad rights-of-way, water courses, and existing wooded areas or trees eight (8) inches or more in diameter, measured four (4) feet above ground level; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names of adjoining property owners from the latest assessment rolls within five hundred (500) feet of any perimeter boundary of the subdivision.
  - (b) Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way.
  - (c) Approximate topography, at the same scale as the sketch plat with at least 5-foot contour intervals.
  - (d) The approximate location and widths of proposed streets.
  - (e) Preliminary proposals for connection with existing municipal water supply and District sanitary sewage systems; preliminary provisions for collecting and discharging surface water drainage.
  - (f) The approximate location, dimensions, and areas of all proposed or existing lots.
  - (g) The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
  - (h) The location of temporary stakes to enable the Planning Commission to find and appraise features of the sketch plat in the field.
  - (i) Whenever the sketch plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street and trail system, and an indication of

the probable future street and drainage system of the remaining portion of the tract.

- (j) A vicinity map showing streets and other general development of the surrounding area. The sketch plat shall show all school and improvement district lines with the zones properly designated.

#### 14.5.2 Preliminary Plat

(1) General. The preliminary plat shall be prepared by a licensed land surveyor at an engineers' scale not more than one (1) inch equals one hundred (100) feet, may be prepared in pen, or pen and pencil, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder, but shall not be larger than 24" x 36". It should be noted that the map prepared for the preliminary plat may also be used for the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible mylar.

(2) Features. The preliminary plat shall show the following:

- (a) The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record or the names of adjoining developments, the names of adjoining streets.
- (b) The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
- (c) The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, bridges, or as determined by the Planning Commission.
- (d) The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-ways and building setback lines.
- (e) The location, dimensions, and areas of all proposed or existing lots.
- (f) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- (g) The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.
- (h) The date of the map, approximate true north point, scale, and title of the subdivision.
- (i) Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground, the location of all proposed monuments.
- (j) Names of the subdivision and all new streets, subject to the approval of the Planning Commission.
- (k) Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all use other than residential proposed by the subdivider.
- (l) All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.
- (m) All information required on sketch plat should also be shown on the preliminary plat, and the following notation shall also be shown:
  - (i) Explanation of drainage easements, if any.
  - (ii) Explanation of site easements, if any.
  - (iii) Explanation of reservations, if any.
  - (iv) Owners dedication, if any, and Consent to Record as required by applicable State Law.
- (n) Form for endorsements by Planning Commission Chairman and Mayor, as well as signature blocks for the City Attorney and City Engineer.

- (o) Any restrictions or requirements necessary to ensure solar access shall be defined.
- (p) All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat or on accompanying engineering plans.
- (q) The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a preliminary plat.

#### 14.5.3 Construction Plans

- (1) General. Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:
  - (a) Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
  - (b) The Planning Commission may require, upon recommendation by the City Engineer, where steep slopes exist, that typical cross-sections of all proposed streets be shown.
  - (c) Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitudes, rights-of-way, manholes, and catch basins; the locations of street trees, street lights, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connections to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.
  - (d) Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies or impoundments, streams, and other pertinent features such as swamps, railroads, buildings, features noted on the Official Zoning Map or Master Plans, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight (8) inches or more, measured four (4) feet above ground level. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high- and low-water elevations of such lakes or streams. All elevations shall be referred to the Park City Engineer's or U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such water ways.
  - (e) Topography at the same scale as the sketch plat with a contour interval of two (2) feet, referred to sea-level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.
  - (f) All other specifications, details, and references required by the Park City Design Standards, Construction Specifications, and Standard Drawings, including a site-grading plan for the entire subdivision.

(g) Notation of approval as follows:

Owner	Date
Public Works Director	Date
City Engineer	Date

(h) Title, name, address, signature, and seal of professional engineer, and date, including revision dates.

14.5.4 Final Subdivision Plat

- (1) General. The final subdivision plat shall be presented in india ink on tracing cloth or reproducible mylar at the same scale and contain the same information, except for any changes or additions required by resolution of the Planning Commission, as shown on the preliminary plat. The preliminary plat may be used as the final subdivision plat if it meets these requirements and is revised in accordance with the Planning Commission's resolution. All revision dates must be shown as well as the following:
  - (a) Notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Planning Commission in accordance with these regulations.
  - (b) All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.
- (2) Preparation. The final subdivision plat shall be prepared by a land surveyor licensed by the state.

## SECTION 14.6. DEFINITIONS

### 14.6.1 Usage

- (1) For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.
- (2) Unless the context clearly indicates to the contrary, words used in the present tense included the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations."
- (3) A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

### 14.6.2 Words and Terms Defined

Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Arterial. A road intended to move through traffic to and from such major attractions as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators with the governmental unit; and/or as a route for traffic between communities or large areas.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shore lines of water ways, or boundary lines of municipalities.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

Building and Zoning Inspector. The person designated by the city to enforce the Zoning Ordinance. If no Administrative Assistant to the Planning Commission is appointed to administer these regulations, the Building Inspector shall administer these regulations.

Capital Improvements Program. A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

City. The City of Park City, Utah.

City Attorney. The licensed attorney designated by the city to furnish legal assistance for the administration of these regulations.

City Council. The City Council of Park City, Utah.

City Engineer. The licensed engineer designated by the city to furnish engineering assistance for the administration of these regulations.

Collector Roads. A road intended to move traffic from local roads to arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

Comprehensive Plan. The officially adopted Park City Comprehensive Plan.

Construction Plan. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission or City Engineer as a condition of the approval of the plat.

Cul-De-Sac. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Developer. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Escrow. A deposit of cash with the city or approved alternate in lieu of an amount required and still in force on a performance or maintenance guarantee. Such escrow funds shall be deposited in a separate account.

Final Plat. The map or plan or record of a subdivision and any accompanying material, as described in these regulations.

Flexible Zoning. Zoning which permits 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. Flexible zoning applications shall include, but not be limited to, all special permits and special uses, master planned developments, group housing projects, community unit projects, average density or density zoning projects.

Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Frontage Street. Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

Governing Body. The body of the city (City Council of Park City) having the power to adopt ordinances.

Grade. The slope of a road, street, or other public way, specified in percentage (%) terms.

Guarantee. Any form of security including a letter of credit, escrow agreement, or instrument of credit in an amount and form satisfactory to the city. All guarantees shall be approved by the city wherever required by these regulations.

Health Department and Health Officer. The agency and person designated by the city to administer the health regulations of the city.

Highway, Limited Access. A freeway, or expressway, providing a traffic way for through traffic, in respect to which owners or occupants of abutting property on lands and other



persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the Utah Department of Transportation, having jurisdiction over such traffic way.

Improvements. See Lot Improvements or Public Improvements.

Joint Ownership. Joint ownership among persons shall be construed as the same owner; "constructive ownership" for the purpose of imposing subdivision regulations.

Local Government. The City of Park City, Utah.

Local Government Attorney. See City Attorney.

Local Government Engineer. See City Engineer.

Local Road. A road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

Lot, Corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135°.

Lot Improvement. Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly guaranteed as provided in these regulations and the Land Management Code.

Major Street Plan. See Official Zoning Map.

Major Subdivision. All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

Master Plan. A comprehensive plan for development of the city, prepared and adopted by the Planning Commission and City Council, pursuant to State law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Master Planned Development. A project approved in accordance with the provisions contained in the Land Management Code.

Metropolitan or Regional Planning Commission and Metropolitan or Regional Council of Governments. The agency performing A-95 review of all federal grant-in-aid projects required to be reviewed by Regional and State Planning Boards to insure the projects conform to Regional and State needs; the planning agency established to carry on regional or metropolitan comprehensive planning.

Minor Subdivision. Any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or

portion of the Comprehensive Plan, Official Zoning Map, Streets Master Plan, or these regulations.

Model Home. A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Planning Commission, by permitting a portion of a major subdivision involving no more than two (2) lots to be created according to the procedures for minor subdivisions, as set out in Section 2.3(8) of these regulations.

Municipality. The City of Park City, Utah.

Neighborhood Park and Recreation Improvement Fund. A special fund established by the City Council to retain monies contributed by developers in accordance with the "money in lieu of land" provisions of these regulations within reasonable proximity of the land to be subdivided so as to be of local use to the future residents of the subdivision.

Nonresidential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations and the requirements of the Land Management Code.

Off-Site. Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

Official Zoning Map. The map established by the City Council pursuant to law showing the streets, highways, and parks, and drainage systems and setback lines theretofore laid out, adopted and established by law, and any amendments or additions thereto resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of such approved plats.

Official Master Plan. See Master Plan.

Ordinance. Any legislative action, however denominated, of the City Council of Park City which has the force of law, including any amendment or repeal of any ordinance.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Perimeter Street. Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

Planning Commission. The Park City Planning Commission established in accordance with law.

Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval. [2.3, 5.2]

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the city may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which city responsibility is established. All such improvements shall be properly guaranteed.

Regional Planning Commission and Regional Council of Governments. See Metropolitan or Regional Planning Commission.

Registered Engineer. An engineer properly licensed and registered in the State of Utah.

Registered Land Surveyor. A land surveyor properly licensed and registered in the State of Utah.

Resubdivision. A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Roads, Classification. For the purpose of providing for the development of the streets, highways, roads, and rights-of-way in and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road, and right-of-way, and those located on approved and filed plats, have been designated on the Official Zoning Map of the city and classified therein. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the city and its present and estimated future traffic volume and its relative importance and function as specified in the Streets Master Plan of Park City. The required improvements shall be measured as set forth for each street classification on the official Map.

Road, Dead-End. A road or a portion of a street with only one (1) vehicular-traffic outlet.

Road Right-of-Way Width. The distance between property lines measured at right angles to the center line of the street.

Sale or Lease. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

Same Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Screening. Either (a) a strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high.

Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except the following: for each entrance, one (1) directional arrow with the name of the establishment with "For Patrons Only" or like limitation, not over two (2) square feet in area, which shall be nonilluminated. Where required in the district regulations, a screen shall be installed along or within the lines of a plot as a protection to adjoining or nearby properties.

Setback. The distance between a building and the street line or road right-of-way, or nearest property line thereto.

Shade Tree. A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

Sketch Plat. A sketch preparatory to the preparation of the preliminary plat (or subdivision plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations.

Street. See Road.

Subdivider. Any person who (1), having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2), directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision and who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided 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 and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

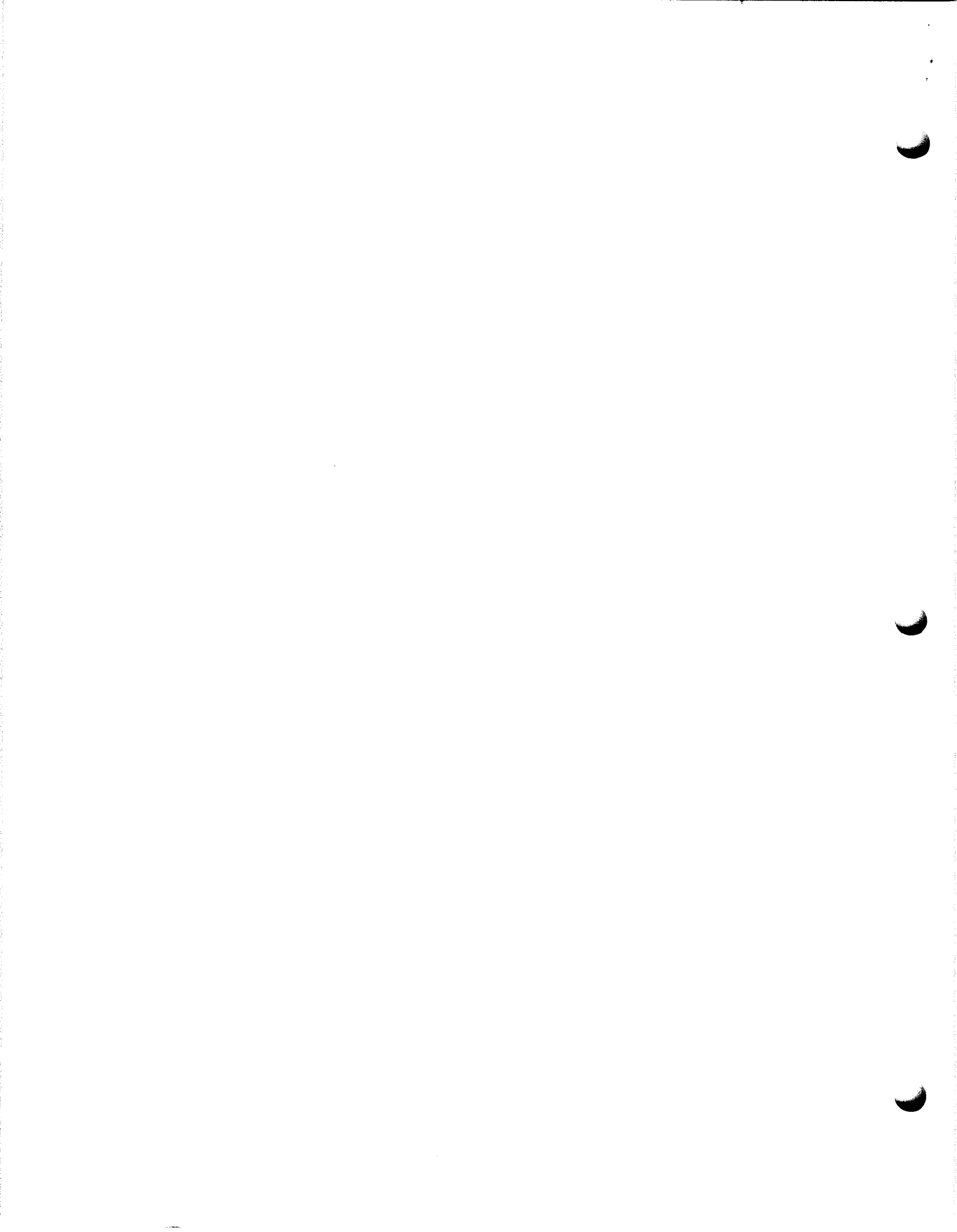
Subdivision Agent. Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

Subdivision, Major. See Major Subdivision.

Subdivision, Minor. See Minor Subdivision.

Subdivision Plat. The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be submitted to the Summit County Recorder for filing.

Temporary Improvement. Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance guarantee.



## ORDINANCE

Ordinance No. 87-13(1)

AN ORDINANCE AMENDING SECTION 14.4.9, PUBLIC USES,  
OF ORDINANCE 87-13 REQUIRING THE DEDICATION  
OF PARKS AND PLAYGROUNDS AT THE TIME  
OF APPROVAL OF SUBDIVISION PLATS

WHEREAS, Section 14.4.9 of Ordinance 87-13 requires that, at the time a subdivision plat is submitted to the City for approval, the Planning Commission may require that land be reserved and improvements installed for parks, playgrounds, or other recreational purposes; and

WHEREAS, the Subdivision Ordinance currently does not provide for a fee in lieu of land dedication for subdivisions of fewer than 30 lots; and

WHEREAS, the annexation policy for Park City recommends a formula for a parks dedication fee and it is the desire of the City Council to have the Subdivision Ordinance consistent with the Annexation Policy; and

WHEREAS, even if a subdivision is small and would not result in a large piece of property or in a large fee, that the requirement may still be very valuable;

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

Section 1. Amendment. Section 14.4.9 shall be amended as follows:

### 14.4.9 Public Uses

#### (1) Parks, Playgrounds, and Recreation Areas

- (a) Recreation Standards. The Planning Commission, in its review of each major or minor subdivision, shall require that land may be reserved and improvements installed for parks and playgrounds or other recreation purposes in locations designated on the Master Plans or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate ~~read~~ access, for the particular purposes envisioned by the Planning Commission. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreation Purposes." The developer will also be required to install improvements to the recreation areas. These improvements will be built to City specifications.

When recreation areas are required, the Planning Commission shall determine the number of acres to

be reserved from the following formula, which has been prepared: providing one (1) acre of recreation area for every one hundred (100) single family dwelling units or commercial lots and one (1) acre per 200 multifamily dwelling units. This equates to 437 sq. ft. per single family dwelling unit or commercial lot and 218 sq. ft. per multifamily dwelling unit. The Planning Commission shall also determine the level of improvements required. All required improvements shall be built to City specifications. The Planning Commission may refer such proposed reservations to the city official or department in charge of parks and recreation for recommendation. The developer shall dedicate all such recreation areas and facilities to the city as a condition of final subdivision plat approval.

- (b) Minimum Size of Park and Playground Reservations. In general, land reserved for recreation purposes shall have an area of at least one (1) acre. When the percentages from the above formula would create less than one (1) acre, the Planning Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than one-third (1/3) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area. This smaller amount will be accepted only when it is on the edge of the subdivision or when the staff feels that the reduced size will result in a usable recreation site. Where recreation land in any subdivision is not reserved, or the land reserved is less than required in Section 4.9(1) (a) the provisions of Section 4.9(1) (d) shall be applicable.
- (c) Recreation Sites. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the City standards required by the Planning Commission, which improvements shall be included in the performance guarantee. ~~A recreation site shall have a total frontage on one (1) or more streets of at least seventy (70) feet, and no other dimension of the site shall be less than seventy (70) feet in depth.~~ The Planning Commission may refer any subdivision proposed to contain a dedicated park to the city official or department in charge of parks and recreation for a recommendation. All land to be reserved for



dedication to the city for park purposes shall have prior approval of the City Council and shall be shown marked on the plat "Reserved for Park and/or Recreation Purposes."

~~(d) Alternative Procedure for subdivisions of fewer than 30 lots. Subdivisions with fewer than 30 lots would result in a land area of less than one-third (1/3) acre to be reserved for recreation facilities. In this case, the developer may pay an "In Lieu of" Fee. Fees shall be based at a rate of 437 SF parcel or 218 sq. ft. multi-family unit. The fee shall be based upon fair market value and shall be indicated on Park City's adopted Fee Schedule. The developer may contribute development parcels to the City, which the City would then sell to generate revenues for City-wide recreation facilities. The number of parcels to be donated shall be determined by fair market value of the property to be donated. The dollar value of the donated parcels must be within 10% of the calculated "In Lieu of" Fee.~~

(d) Alternative Procedure for Subdivisions of Fewer than 30 lots. Subdivisions, including commercial subdivisions, with fewer than 30 lots would result in a land area of less than one-third (1/3) acre to be reserved for recreation facilities. In this case the developer shall pay an "In Lieu of" fee in those cases where the "in-lieu" fee is specifically approved by or required by the Planning Commission. Fees shall be paid on a per unit rate and be based upon fair market value as indicated in the Park City adopted Fee Schedule.

(e) Applicability to Land Utilizing Average Density. Any subdivision plat in which the principle of average density or flexible zoning has been utilized shall not be exempt from the provisions of this section, except as to such portion of land which is actually dedicated to the city for park and recreation purposes. If no further area, other than the area to be reserved through averaging, is required by the Planning Commission, the full fee shall be paid as required in Section 4.9(1) (d). If further land is required for reservation, apart from that reserved by averaging, credit shall be given as provided by Section 4.9(1) (d).

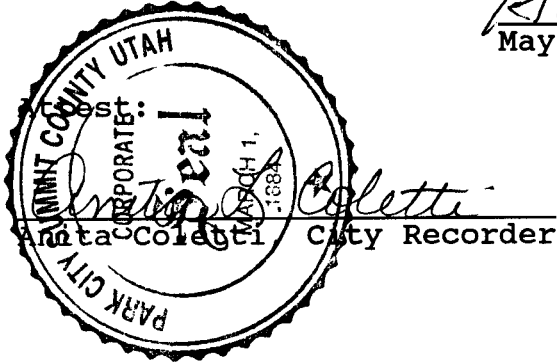
(f) Other Recreation Reservations. The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

Section 2. Effective Date. This Ordinance shall take effect immediately upon its publication.

PASSED AND ADOPTED this 3rd date of ~~October~~ <sup>November</sup>, 1988.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Hal W. Taylor



**(FEE ORDINANCE REVISION)**

Parks & Recreation Recommended Fee

\$1,035 per new single family residence or new commercial lot  
\$ 690 per new multi family residence

- or other fair-market costs for land acquisition and development as determined by an appraiser and landscape architect approved by the Community Development Director.

- A parks dedication would not be required of subdivisions in Master Planned Developments which have provided adequate open space and recreation amenities such as Park Meadows and Deer Valley.

ORDINANCE

Ordinance No. 87-13(1)

AN ORDINANCE AMENDING SECTION 14.4.9, PUBLIC USES,  
OF ORDINANCE 87-13 REQUIRING THE DEDICATION  
OF PARKS AND PLAYGROUNDS AT THE TIME  
OF APPROVAL OF SUBDIVISION PLATS

WHEREAS, Section 14.4.9 of Ordinance 87-13 requires that, at the time a subdivision plat is submitted to the City for approval, the Planning Commission may require that land be reserved and improvements installed for parks, playgrounds, or other recreational purposes; and

WHEREAS, the Subdivision Ordinance currently does not provide for a fee in lieu of land dedication for subdivisions of fewer than 30 lots; and

WHEREAS, the annexation policy for Park City recommends a formula for a parks dedication fee and it is the desire of the City Council to have the Subdivision Ordinance consistent with the Annexation Policy; and

WHEREAS, even if a subdivision is small and would not result in a large piece of property or in a large fee, that the requirement may still be very valuable;

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

Section 1. Amendment. Section 14.4.9 shall be amended as follows:

14.4.9 Public Uses

(1) Parks, Playgrounds, and Recreation Areas

- (a) Recreation Standards. The Planning Commission, in its review of each major or minor subdivision, may require that land be reserved and improvements installed for parks and playgrounds or other recreation purposes in locations designated on the Master Plans or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate ~~road~~ access, for the particular purposes envisioned by the Planning Commission. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreation Purposes." The developer will also be required to install improvements to the recreation areas. These improvements will be built to City specifications.

When recreation areas are required, the Planning Commission shall determine the number of acres to

be reserved from the following formula, which has been prepared: providing one (1) acre of recreation area for every one hundred (100) single family dwelling units or commercial lots and one (1) acre per 200 multifamily dwelling units. This equates to 437 sq. ft. per single family dwelling unit or commercial lot and 218 sq. ft. per multifamily dwelling unit. The Planning Commission shall also determine the level of improvements required. All required improvements shall be built to City specifications. The Planning Commission may refer such proposed reservations to the city official or department in charge of parks and recreation for recommendation. The developer shall dedicate all such recreation areas and facilities to the city as a condition of final subdivision plat approval.

- (b) Minimum Size of Park and Playground Reservations. In general, land reserved for recreation purposes shall have an area of at least one (1) acre. When the percentages from the above formula would create less than one (1) acre, the Planning Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than one-third (1/3) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area. This smaller amount will be accepted only when it is on the edge of the subdivision or when the staff feels that the reduced size will result in a usable recreation site. Where recreation land in any subdivision is not reserved, or the land reserved is less than required in Section 4.9(1) (a) the provisions of Section 4.9(1) (d) shall be applicable.
- (c) Recreation Sites. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the City standards required by the Planning Commission, which improvements shall be included in the performance guarantee. ~~A recreation site shall have a total frontage on one (1) or more streets of at least seventy (70) feet, and no other dimension of the site shall be less than seventy (70) feet in depth.~~ The Planning Commission may refer any subdivision proposed to contain a dedicated park to the city official or department in charge of parks and recreation for a recommendation. All land to be reserved for

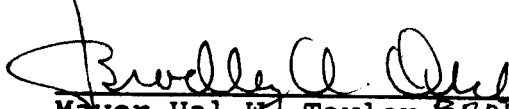
dedication to the city for park purposes shall have prior approval of the City Council and shall be shown marked on the plat "Reserved for Park and/or Recreation Purposes."

- ~~(d) Alternative Procedure for subdivisions of fewer than 30 lots. Subdivisions with fewer than 30 lots would result in a land area of less than one-third (1/3) acre to be reserved for recreation facilities. In this case, the developer may pay an "In Lieu of" Fee. Fees shall be based at a rate of 437 SF parcel or 218 sq. ft. multi-family unit. The fee shall be based upon fair market value and shall be indicated on Park City's adopted Fee Schedule. The developer may contribute development parcels to the City, which the City would then sell to generate revenues for City-wide recreation facilities. The number of parcels to be donated shall be determined by fair market value of the property to be donated. The dollar value of the donated parcels must be within 10% of the calculated "In Lieu of" Fee.~~
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- (e) Applicability to Land Utilizing Average Density. Any subdivision plat in which the principle of average density or flexible zoning has been utilized shall not be exempt from the provisions of this section, except as to such portion of land which is actually dedicated to the city for park and recreation purposes. If no further area, other than the area to be reserved through averaging, is required by the Planning Commission, the full fee shall be paid as required in Section 4.9(1) (d). If further land is required for reservation, apart from that reserved by averaging, credit shall be given as provided by Section 4.9(1) (d).
- (f) Other Recreation Reservations. The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

Section 2. Effective Date. This Ordinance shall take effect immediately upon its publication.

PASSED AND ADOPTED this 3rd date of ~~October~~<sup>November</sup>, 1988.

PARK CITY MUNICIPAL CORPORATION

  
Mayor Hal W. Taylor ~~BRADLEY A. OLCH~~

Attest:

Anita Coletti, City Recorder

Ordinance 87-12 (6)

**AN ORDINANCE AMENDING SECTIONS 4 AND 18.04 OF  
ORDINANCE NO. 87-12, REPEALING POSTING  
REQUIREMENTS AND REQUIRING ADDITIONAL  
APPLICATION INFORMATION FOR NIGHTLY RENTAL LICENSING**

WHEREAS, Ordinance 87-12 establishing business revenue license was adopted November 5, 1987; and,

WHEREAS, Section 18.04 of said Ordinance governs application for and management standards for nightly rental licenses; and,

WHEREAS, the City Council finds that the requirement that licensees post license notices on licensed properties is burdensome and that the desired results of such posting are obtainable by less burdensome methods; and,

WHEREAS, additional information is required of nightly rental license applicants in order to comply with state law;

**NOW THEREFORE, BE IT ORDAINED:**

SECTION 1. Section 4 of Ordinance 87-12 shall be amended and replaced in its entirety to read as follows:

Section 4. License Application. Applications for business licenses shall be made in writing to the Director. Each application shall state the name of the applicant, the location of the business, if any, the fee and tax to be paid, the name and address of the business agent residing in Park City who is authorized to receive service of process and any communication regarding applicant's license, state sales tax reporting number, state contractor's license number, if applicable, and state real estate broker's license number, if applicable, and shall contain such additional information as may be needed for the purpose of guidance of the Director in issuing the license. Any change in the above information furnished by the applicant shall be forwarded in writing, within ten (10) days of the change, to the Director. License application forms shall be prepared and kept on file by the Director.

- (a) License issuance. The business license for rental of units under 18.04 will be issued by the City upon payment of necessary fees and upon a finding by the staff that the



standards established by Ordinance 82-10, as amended, have been satisfied.

- (b) Licensee. The licensee for rentals under Section 18.04 shall be both the local representative and the owner. The local representative shall be deemed the responsible party.

SECTION 2. Section 18.04 of Ordinance 87-12 shall be amended and replaced in its entirety to read as follows:

Section 18.04 Transient Lodging/Property Management/Property Maintenance.

- (a) ~~The location, including street address of each unit, dwelling managed by a property management company, timeshare operator, owner, realtor, lawyer or other responsible party, on January 1 shall be included on the license application or renewal application. It is the duty of the licensee to obtain the license whenever the particular unit offered for rental changes. The license must be obtained prior to offering any unit for rental which is not licensed.~~ Application. All new and renewal applications must contain the property manager's name, a sales tax collection and accounting number, the street address of each unit, the name and address of a local responsible party who is available by telephone 24 hours per day and all other information requested on the application forms. The application includes a cover form which contains information common to all units managed, and unit forms which contain information on each unit managed. It is the licensee's duty to supplement both forms as information changes or as units change from one manager to another. All nightly rental units must be licensed before being offered for rent. Any persons offering to rent night rental units on behalf of an owner must hold a valid Utah real estate broker's license pursuant to § 61-2-1 of the Utah Code, or must be affiliated with a licensed broker. Owners may offer to rent only units in which they hold an ownership interest.
- (b) Management Standards. The lodging authorized under Section 18.04 must be properly managed. As a condition to holding a valid license, the licensee agrees to provide or arrange for adequate property management services. In the event an owner's association exists, it shall be responsible for property maintenance. In the event an owner agrees to be responsible for property maintenance, the licensee must present a statement to that effect signed by the owner. The minimum services required include:

1. Snow removal during winter months to a level that allows safe access to the building over the normal pedestrian access to the unit.
  2. Snow removal service to off-street parking facilities associated with the rental property so that off-street parking is at all times available for use of the occupants.
  3. Summer yard maintenance, including landscaping, weed control, and irrigation to a level that is consistent with the level of landscaping and maintenance on adjoining and nearby properties.
  4. Structural maintenance to preserve substantial code compliance as described above is required.
  5. Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties.
  6. Trash collection which insures that trash cans are not left at the curb for any period in excess of 24 hours and the property must be kept free from accumulated garbage and refuse.
  - ~~7. Posting a copy of the business license issued by the City. For those rentals authorized under Section 18.04 which do not have on-site twenty-four hour management, this license or a photostatic copy thereof, shall be posted on each licensed unit within five (5) feet of the front door. The license shall contain the name, 24-hour telephone number and address of the responsible party and shall be adequately protected from the weather.~~
  - 8.7. Housekeeping service as a part of hotel or property management company: included in property management license.
- (c) Noise and Occupancy Control. The licensee and the owner of rentals under Section 18.04 are responsible for regulating the occupancy of the unit and noise created by the occupants of the unit. Unreasonable noise levels, or unreasonable occupancy loads, failure to use designated off-street parking, toleration of illegal conduct or other abuses which rise to the level of public or private nuisance is a violation of the license and considered grounds for revocation under Section 15. Failure to collect and deposit sales tax is also a violation of the license and grounds for revocation under Section 15.

- (d) Review Criteria. In determining whether or not a business license for rental authorized under Section 18.04 shall be issued, the application shall be reviewed to see if, in addition to standards and conditions applicable to issuance of all business licenses, the following conditions and standards are met:
1. The unit is located within a zone and subzone designated as allowing rentals for the period which the license is applied for.
  2. The Park City Building Department has reviewed the business license application for compliance with the Code for Abatement of Dangerous Buildings. Inspection of the unit may be required under Section 8. The applicant shall bear the cost of any such inspection and any reinspection which may be required. The cost shall be determined by the prevailing hourly rate of the Park City Building Department.
  3. The access to the rental unit and the layout of the unit is such that noise and physical trespass from the proposed rental unit is not likely to be a substantial intrusion to the adjoining properties. If the proposed rental units is a single family home or duplex and shares an access, hallway, common wall, or driveway with another dwelling, written consent of the owner of the other dwelling is required.
  4. The applicant must designate a responsible party. The responsible party must be a property management company, realtor, lawyer, owner, or other individual who resides within Summit County, or, in the case of a company, has offices in Summit County. The responsible party is personally liable for the failure to properly manage the rental. The responsible party must be available by telephone, or otherwise, 24 hours per day, and must be able to and respond to telephone inquiries within twenty (20) minutes of receipt of such inquiries by that party's answering machine, paging device or answering service. The responsible party is also designated as the agent for receiving all official communications under this ordinance from Park City. If the licensee is a property management company or individual other than the owner, such company or individual must comply with applicable state law, including UCA 61-2-2, 1953, as amended, which requires those who receive valuable consideration to lease property to have a state license.

~~5. The application must bear a sales tax collection and accounting number for the rental operation. This number may be the sales tax account number used by a property management company responsible for that unit, or may be specific to this unit, but no license shall be effective until a sales tax number is provided.~~

- (e) Hotels, motels, inns and bed-and-breakfast businesses which make a portion or portions of their licensed business locations available to other persons for the purpose of engaging in business shall be responsible to ensure that such persons obtain business licenses and possess Utah state sales tax numbers listed in Park City. In the event a licensed hotel, motel, inn or bed-and-breakfast business fails to require such a showing, that business shall be liable for payment of all license fees and penalties payable by the person engaging in business at their licensed location.

SECTION 3. Effective Date. This Ordinance shall become effective upon publication.

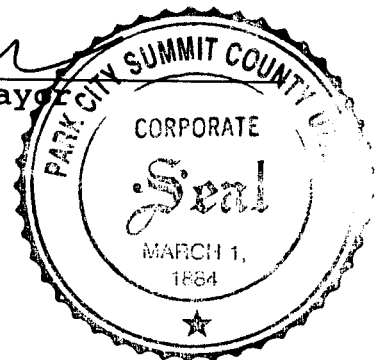
PASSED AND ADOPTED this 5th day of January, 1989.

PARK CITY MUNICIPAL CORPORATION

BY: Hal W. Taylor  
Hal W. Taylor, Mayor

Attest:

Anita Sheldon  
Anita Sheldon, City Recorder



ORDINANCE

Ordinance 87-12(5)

AN ORDINANCE AMENDING SECTION 15 of  
ORDINANCE 87-12, ESTABLISHING INVESTIGATION,  
SUSPENSION AND REVOCATION PROCEDURES  
FOR BUSINESS REVENUE LICENSES

WHEREAS, ordinance 87-12 establishing a business revenue license was adopted November 5, 1987; and,

WHEREAS, the City Council amended Ordinance 87-12 to set forth a procedure for reviewing licensing complaints and enforcement of the license suspension and revocation provisions of the existing Ordinance; and,

WHEREAS, the City Council finds that it is desirable to further amend Ordinance 87-12 to specify the responsibility of the parties to such license reviews;

NOW THEREFORE, BE IT ORDAINED:

SECTION 1. Section 15 of Ordinance 87-12 shall be amended and replaced in its entirety to read 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 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.

3 4-7-2  
↓  
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:

- 4-7-3
- 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 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 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, Conclusions and Order occurs.

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 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.

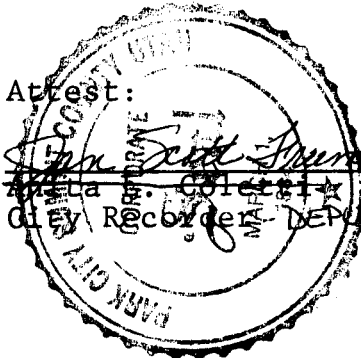
SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 16<sup>th</sup> day of June, 1988.

PARK CITY MUNICIPAL CORPORATION

Kristen Taylor  
~~Hal W. Taylor, Mayor~~ PRO TEM

Attest:  
Jan Scott Jensen  
City Recorder DEPUTY





ORDINANCE

Ordinance 87-12(4)

AN ORDINANCE AMENDING SECTION 15 OF  
ORDINANCE 87-12, ESTABLISHING INVESTIGATION,  
SUSPENSION AND REVOCATION PROCEDURES FOR  
BUSINESS REVENUE LICENSES

WHEREAS, Ordinance 87-12, establishing a business revenue license, was adopted November 5, 1987; and

WHEREAS, the City Council finds that it is desirable to set forth a procedure for reviewing licensing complaints and enforcement of the license suspension and revocation provisions of the existing ordinance,

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. Section 15 shall be amended and replaced in its entirety, to read 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 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 by a licensee or a person employed on a licensee's premises of any provision of this ordinance, the City Recorder shall notify the licensee of the nature of the complaint and, 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. In the case of consumer or product liability complaints, the investigation shall be limited to the maintenance of a record indicating the number and nature of the complaints received, which have been formally submitted in writing to the City Recorder. Upon completion of the investigation,

the City Manager may negotiate an agreement or stipulation with the licensee. Subsequent to the investigation and negotiations, if any, the City Manager shall recommend to the City Council that (1) the matter be dismissed, (2) the matter be settled based upon the negotiations, or (3) the matter be referred for administrative hearing. The City Council may then order that the matter be dismissed, settled or that the matter be heard by a License Hearing Examiner to be appointed by the City Council.


In the event the City Council directs that the matter be heard by a License Hearing Examiner, the licensee shall be given written notice of the date and time set for hearing. Such notice shall be given at least 14 calendar days prior to the date set for such hearing, but the hearing shall be commenced, in any event, within six months of the order of the City council. The City, the complaining party and the licensee shall be entitled to appear at the hearing and to present witnesses and evidence. The hearing examiner shall have authority to hear such evidence and otherwise conduct the hearing in accordance with customary administrative hearing procedures. Within seven days after the conclusion of the hearing, the hearing examiner shall prepare and submit written Findings of Fact and Recommendations regarding the license in question to the City Council. Upon receipt of the hearing examiner's Findings of Fact and Recommendations, the City Council shall enter an order providing for revocation, suspension for a specified period, probation upon such conditions as the City Council shall order, a combination of the above, or an order that no action be taken.

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, provided that the action for such relief is filed with the court within 30 days after the entry of such order on the approved minute records of the City Council. Nothing herein shall be construed to require a showing that the licensee shall have been first convicted in a court of law of a 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.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon its publication.

PASSED AND ADOPTED this 7th day of April, 1988.

PARK CITY MUNICIPAL CORPORATION

  
Hal W. Taylor, Mayor

Attest:

  
Anita L. Coletti, City Recorder

ORDINANCE

Ordinance No. 87-12(3)

AN ORDINANCE AMENDING SECTION 20, EXCEPTIONS TO BUSINESS REVENUE LICENSE TAX, OF ORDINANCE NO. 87-12, BUSINESS LICENSE ORDINANCE, RELATING TO SHORT-TERM CONTRACTED RECREATION OFFICIALS AND INSTRUCTORS

WHEREAS, the Park City Council adopted Ordinance No. 87-12, Establishing a Business Revenue License on November 5, 1987; and

WHEREAS, the current provisions under Ordinance 87-12 requires short-term contracted recreation-related services in Park City to obtain a business license, creating excess administrative work and deterring qualified contractors from participating in the recreation programs throughout the City; and

WHEREAS, it is not in the best interest of the City to require that recreation officials and instructors, contracted in the City for a period of 30 days or less, be required to obtain a business license;

NOW, THEREFORE BE IT ORDAINED THAT:

SECTION 1. AMENDMENT TO SECTION 20, EXCEPTIONS TO BUSINESS REVENUE LICENSE TAX. Existing Section 20(f) shall be renumbered as Section 20(g). A new Section 20(f) shall be inserted which shall read as follows:

- (f) Any person, firm, or organization (i.e., tournament referees, ski race officials, sport camp instructors), whose contract is for a period of 30 days or less per year, and whose contract relates directly to recreation programs or services in Park City, is not required to obtain a business license.

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

PASSED AND ADOPTED this 7th day of April, 1988.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Hal W. Taylor

Attest:

  
\_\_\_\_\_  
Anita L. Coletti  
City Recorder

Business6/ORD7

ORDINANCE

Ordinance No. 87-12(2)

AN ORDINANCE AMENDING SECTION 18.01 OF ORDINANCE NO. 87-12, BUSINESS LICENSE ORDINANCE, TO DELETE CODE H6531-20, REAL ESTATE OFFICES LOCATED OUTSIDE OF PARK CITY, UTAH

WHEREAS, the Park City Council adopted Ordinance No. 87-12, establishing a business revenue license on November 5, 1987; and

WHEREAS, the Utah League of Cities and Towns, of which Park City is a member, has requested that its member cities not require business licenses for out-of-town real estate brokers; and

WHEREAS, the City Council finds that it is in the best interest of Park City to not require such business licensing;

NOW, THEREFORE, BE IT ORDAINED that:

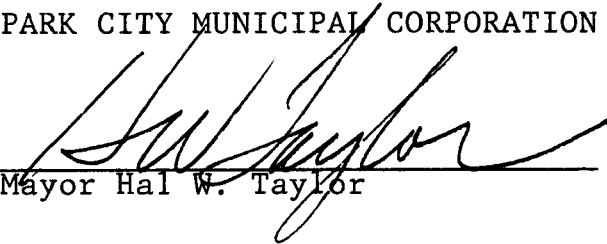
SECTION 1. AMENDMENT. Section 18.01 shall be amended to delete the following:

H6531-20 Real Estate Office - Outside of Park City

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon its publication.

PASSED AND ADOPTED this 7th day of April, 1988.

PARK CITY MUNICIPAL CORPORATION

  
Mayor Hal W. Taylor

Attest:

  
Anita L. Coletti  
City Recorder

Business7/ORD7

# LEGISLATIVE BULLETIN

## U R G E N T

TO: Mayors/City Managers/City Recorders  
FROM: Jan T. Furner, Executive Director  
DATE: February 8, 1988  
SUBJECT: HOUSE BILL #182, Real Estate Licensing Amendments

During this Legislative Session, the UTAH ASSOCIATION OF REALTORS® has introduced H.B. 182, Real Estate Licensing Amendments, which amends licensure of real estate agents and brokers, eliminates residency requirements and amends fee requirements. Included in this bill is a sub-section which exempts real estate licensees from business license fees except where a place of business is maintained.

This sub-section was included because there have been at least two examples where municipalities have attempted to force real estate licensees to purchase a business license when listing or showing property. This license is required in addition to the business license required where their place of business is maintained.

Key legislative leaders are pushing this license limitation in order to terminate a situation they view as unreasonable and fair.

This license limitation could set a very dangerous precedent for Utah's local governments. If we are limited in our licensing provisions for real estate licensees, then we would be set up for future limitations.

With that in mind we met with the representatives of the UTAH ASSOCIATION OF REALTORS and their legislative sponsors. During this discussion, we were able to negotiate what we believe to be an equitable solution. They have agreed to delete this sub-section to the bill, if we as a League agree to "police" ourselves. As a matter of fact, the REALTORS on January 29, Thursday, illustrated this good faith by deleting the license limitation.

Therefore, speaking for our legislative policy committee, I would respectfully request each of our municipalities to honor our end of the negotiated settlement, and not require a business license of real estate licensees to sell, list, or place a sign on property unless that licensee actually maintains a physical place of business. Honoring our position is extremely important to ensure our credibility with the legislators.

If you have any questions or comments concerning this issue, please contact me. Thank you for your cooperation.



UTAH LEAGUE OF  
CITIES AND TOWNS

1240 UNIVERSITY CLUB BUILDING • 136 EAST SOUTH TEMPLE  
SALT LAKE CITY, UTAH 84111 • 801-328-1601 • 1-800-852-8528

ORDINANCE

Ordinance 87-12(1)

AN ORDINANCE AMENDING SECTION 18.03 OF  
ORDINANCE 87-12 TO PROVIDE FOR A REGISTRATION  
FEE FOR ALL CONTRACTORS AND SUBCONTRACTORS

WHEREAS, Ordinance 87-12 establishing a business revenue license was adopted on November 5, 1987; and

WHEREAS, the administration of the registration of contractors and builders will be simplified and made more equitable by revising Section 18.03 to provide for a flat registration fee;

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

SECTION 1. Section 18.03 of Ordinance 87-12 is amended and replaced to read as follows:

Section 18.03 Contractors and Builders.

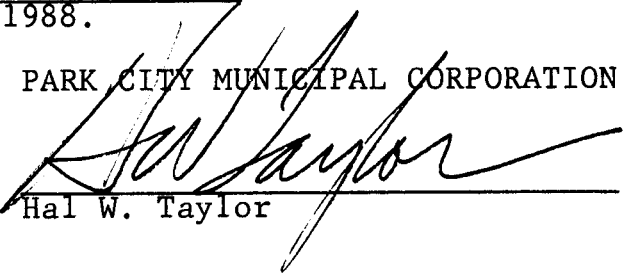
(a) General contractors and subcontractors will be charged a regulatory license fee of \$75.00. No contractor shall be issued a business license unless he provides the City with the number of his license issued by the State Department of Business Regulation.

(b) Contractors engaged in excavating, hauling or concrete delivery are also assessed on the size and number of trucks under Section 18.08.

(c) Contractors and subcontractors with Park City offices in a commercial district, are required to obtain a separate office business license (Code I 7389-23) and those with offices in their homes are required to obtain a separate home occupation license (Code I 8811-20) and planning department approval for the home office.

SECTION 2. Effective Date. This Ordinance shall be effective January 1, 1988.

PARK CITY MUNICIPAL CORPORATION

  
Hal W. Taylor

Attest:

  
Anita L. Coletti, City Recorder

ORDINANCE

Ordinance No. 87-12

AN ORDINANCE ESTABLISHING A BUSINESS  
REVENUE LICENSE AND REPEALING  
ORDINANCE 82-10 AS AMENDED IN ITS ENTIRETY

- SECTION 1. DEFINITIONS  
SECTION 2. UNLAWFUL TO OPERATE WITHOUT LICENSE  
SECTION 3. NO TEMPORARY LICENSES  
SECTION 4. LICENSE APPLICATION  
SECTION 5. APPLICATION FEE  
SECTION 6. REFUND OF FEE AND TAX  
SECTION 7. INVESTIGATION  
SECTION 8. INFRACTIONS FOR CODE COMPLIANCE/NOTICE OF  
INFRACTION/LICENSE REVOCATION/COMPLAINTS  
SECTION 9. LICENSE DENIAL  
SECTION 10. LICENSE ISSUANCE OR DENIAL  
SECTION 11. APPEALS OF LICENSE DENIAL  
SECTION 12. ISSUANCE OF LICENSE CERTIFICATE  
SECTION 13. LICENSE PERIOD  
SECTION 14. DUTY TO DISPLAY LICENSE  
SECTION 15. REVOCATION  
SECTION 16. BRANCH ESTABLISHMENTS  
SECTION 17. SEPARATE BUSINESSES, LICENSED  
PREMISES  
SECTION 18. REVENUE TAX IMPOSED  
Section 18.01 Rate Tables Incorporated By Reference  
Section 18.02 Vending Machines/Mechanical  
Devices  
Section 18.03 Contractors and Builders  
Section 18.04 Transient Lodging/Property  
Management  
Section 18.05 Restaurants, Food Service,  
Taverns, Etc.  
Section 18.06 Building Material, Hardware, Lumber  
Section 18.07 Automotive Service  
Section 18.08 Transportation Service, Passenger  
and Freight, Service and Delivery Trucks  
Section 18.09 Entertainment and Recreation  
Facilities  
Section 18.10 Special Assessment by Director  
Section 18.11 Minimum Fee  
SECTION 19. REVENUE MEASURE  
SECTION 20. EXCEPTIONS TO BUSINESS REVENUE LICENSE TAX  
SECTION 21. LICENSE FEES DECLARED TO BE A DEBT  
SECTION 22. FEE AND TAX PAYMENTS, RENEWALS AND PENALTY  
SECTION 23. RENEWAL BILLING PROCEDURE  
SECTION 24. RENEWAL OF LICENSE CERTIFICATE  
SECTION 25. RECORDS TO BE MAINTAINED  
SECTION 26. REVENUE TAX ADJUSTMENT TO AVOID BURDENING  
INTERSTATE COMMERCE  
SECTION 27. CRIMINAL PENALTY



SECTION 28. REPEALER CLAUSE  
SECTION 29. SEPARABILITY CLAUSE  
SECTION 30. EFFECTIVE DATE

BE IT ORDAINED by the City Council of Park City, Summit County, State of Utah, that:

SECTION 1. DEFINITIONS. For the purpose of this ordinance, the following terms shall have the meanings herein prescribed:

Section 1.01 Bedroom. "Bedroom" means each room in a hotel, motel, lodge, timeshare project, condominium project, single family residence or other nightly lodging facility that is intended primarily for the temporary use of transient guests for sleeping purposes.

Section 1.02 Business. A "Business" means a distinct and separate person engaging in business, as those terms are defined herein. A business is distinguished from another business by separate State sales tax numbers or separate ownership.

Section 1.03 Director. "Director" means the Finance Director of Park City.

Section 1.04 Division. "Division" means the Park City Business Licensing Division.

Section 1.05 Engaging in Business. "Engaging in business" means and includes all activities engaged in within the corporate limits of Park City carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically prescribed. "Engaging in business" includes but is not limited to, the sale or rental of tangible personal or real property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation, or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

Section 1.06 Hourly Uphill Lift Capacity. "Hourly uphill lift capacity" means the aggregate number of persons that can be accommodated per hour by all of the ski lifts in a given ski resort operating at the maximum safe rate of operation.

Section 1.07 Hourly User Capacity. "Hourly user capacity" means the maximum number of persons that can be safely and reasonably accommodated per hour by an amusement

park, golf course, athletic club, theatre, bowling alley, tennis club, racquetball club, swimming pool, and any other recreational, sports, or entertainment facility.

Section 1.08 Mobile Food Vendor. "Mobile food vendor" means any motor vehicle from which consumable on-site food service is offered. Mobile food vendors are restricted to serving construction sites.

Section 1.09 Monthly Rental Facility - Under Management. "Monthly rental facility - under management" means any place where rooms or units are rented or otherwise made available by a manager or management company for residential purposes on a monthly or longer time basis, but not including monthly or longer rental by the owner of the property without management.

Section 1.10 Nightly Lodging Facility . "Nightly lodging facility" means any place where or any portion is rented or otherwise made available to persons for transient lodging purposes for a period less than thirty (30) days including, without limitation, a hotel, motel, lodge, condominium project, single family residence or timeshare project.

Section 1.11 Non-Profit Corporation. "Non-profit corporation" means a corporation, no part of the income of which is distributable to its members, trustees or officers, or a non-profit cooperative association.

Section 1.12 Person. "Person" means any individual receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, business trust, corporation, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit, or otherwise.

Section 1.13 Place of Business. "Place of business" means each separate location maintained or operated by the licensee within Park City from which business activity is conducted or transacted. A location shall be identified by street address or by building name if a street address has not been assigned.

Section 1.14 Ski Resort. "Ski resort" means a ski area, such as the Park City or Deer Valley Ski Areas, which is operated as a distinct and separate enterprise, and which shall be deemed to include, without limitation, the ski runs, ski lifts, and related facilities that are part of the ski area and primarily service the patrons of the ski area. The ski resort includes ski instruction, tours, first aid stations, parking garages, management and maintenance facilities, and workshops, but does not include food service, ski rentals, or retail sales of goods or

merchandise, which are all deemed separate businesses even if owned by a resort operator.

Section 1.15 Square Footage. "Square footage" means the aggregate number of square feet of area within a place of business that is used by a licensee in engaging in its business.

Section 1.16 Unit. "Unit" means any separately rented portion of a hotel, motel, condominium, apartment building, single family residence, duplex, triplex, or other residential dwelling without limitation.

SECTION 2. UNLAWFUL TO OPERATE WITHOUT LICENSE. Unless exempted by state or federal law or by this ordinance, it shall be unlawful for any person to engage in business within Park City, whether on a temporary or permanent basis, without first procuring the license required by this ordinance. All licenses issued under the provisions of this ordinance are non-transferrable.

SECTION 3. NO TEMPORARY LICENSES. Any person engaging in business on a temporary basis within Park City shall be required to obtain the license required by this ordinance in the same manner and shall be subject to the same fees as a person engaging in business on a permanent basis within Park City.

SECTION 4. LICENSE APPLICATION. Applications for business licenses shall be made in writing to the Director. Each application shall state the name of the applicant, the location of the business, if any, the fee and tax to be paid, the name and address of the business agent residing in Park City who is authorized to receive service of process and any communication regarding applicant's license, state sales tax reporting number, state contractor's license number, if applicable, and shall contain such additional information as may be needed for the purpose of guidance of the Director in issuing the license. Any change in the above information furnished by applicant shall be forwarded in writing, within ten (10) days of the change, to the Director. License application forms shall be prepared and kept on file by the Director.

(a) License issuance. The business license for rental of units under 18.04 will be issued by the City upon payment of necessary fees and upon a finding by the staff that the standards established by Ordinance 82-10 as amended have been satisfied.

(b) Licensee. The licensee for rentals under Section 18.04 shall be both the local representative and the owner. The local representative shall be deemed the responsible party.

SECTION 5. APPLICATION FEE. Each license application shall be accompanied by the revenue license tax required to be paid for the issuance of the license desired.

SECTION 6. REFUND OF FEE AND TAX. Unless otherwise provided herein, no revenue license tax is refundable for any reason whatsoever, once the license has been issued by the City, except when the license was issued in error. If a license is denied, applicant shall be entitled to a refund of the amount paid in excess of twenty-five dollars (\$25.00). The sum of twenty-five dollars (\$25.00) shall be retained to offset application processing costs.

SECTION 7. INVESTIGATION. Within five (5) days after receipt by the Director of a license application, the Director has the discretion to refer the application for investigation to the Police Department.

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, the applicant may 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.
- (b) Existing places of business licensed within the City may be inspected periodically by departments of the City for compliance with building, fire, and health codes. Written notice shall be given by the Director to a licensee upon the finding of any code infractions, which notice shall provide for a reasonable period not to exceed sixty (60) days in which to correct such infractions, the failure of which shall result in the revocation of the license by the Director.
- (c) The Director may request the City Attorney to file a complaint against any applicant or any licensee who continues to conduct business beyond the time limits provided in this section for non-compliance with the required standards.

SECTION 9. LICENSE DENIAL. The Director may deny a license if the applicant:

- (a) Has been convicted of a fraud or felony by any state or federal court within the past five (5) years or now has

criminal proceedings pending against him in any state or federal court for fraud or a felony;

- (b) Has obtained a license by fraud or deceit;
- (c) Has failed to pay personal property taxes or other required taxes or fees imposed by the City; or
- (d) Has violated the laws of the State of Utah, the United States Government, or the ordinances of Park City governing operation of the business for which the applicant is applying for the license.

SECTION 10. LICENSE ISSUANCE OR DENIAL. Within ten (10) days of receipt by the Director of a license application, applicant shall be either (1) notified by the Director of the denial of a license and the reasons for such denial; or (2) issued a license.

SECTION 11. APPEALS OF LICENSE DENIAL. A license denial by the Director may be appealed within ten (10) days to the Park City Council by written notice of appeal. The request is to be filed with the Recorder. The Park City Council shall hear the appeal within thirty (30) days of notice of appeal.

SECTION 12. ISSUANCE OF LICENSE CERTIFICATE. All license certificates shall be signed by the Director, under the seal of the City (signature may be placed mechanically), and contain the following information:

- (a) The name of the person to whom such certificate has been issued;
- (b) The name of the business, if applicable;
- (c) The type of license; and
- (d) The term of the license with commencement and expiration dates.

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. 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 14. DUTY TO DISPLAY LICENSE. Every licensee licensed pursuant to the provisions of this chapter shall keep his license displayed and exhibited while the same is in force in some conspicuous part of the place of business. Every licensee not having a fixed place of business shall carry such license with him at all times while carrying on the business for which the license is issued and shall produce the license for inspection when requested to do so by any person.

SECTION 15. REVOCATION. Any license issued under this ordinance may be revoked by the City Council when the Council finds that the licensee has (1) filed false or fraudulent license tax returns, (2) been convicted or plead guilty to, or paid fines or settlements in criminal or civil actions 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 business is a front for, or the site of illegal activity, (4) the business has been the subject of sufficient number of consumer complaints that it has the effect of tarnishing the reputation of other businesses within Park City. Notification of the license revocation hearing shall be sent by the City Recorder to the licensee at the address shown on the license return and license certificate. Notice of a hearing shall be sent by certified mail. The hearing shall be held at least ten (10) days from the date of notice, but not more than thirty (30) days. At the hearing, the Council may revoke or suspend the license, place it on probation for a period of less than one year, or take no action at all, as the circumstances merit.

SECTION 16. BRANCH ESTABLISHMENTS. A separate license must be obtained for each branch establishment or separate location in which business is engaged in, within the City, as if such branch establishment or location were a separate business, and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license, provided, that warehouses and distributing places used in connection with or incident to a business licensed under this ordinance shall not be deemed to be separate places of business or branch establishments.

SECTION 17. SEPARATE BUSINESSES, LICENSED PREMISES. Where two or more persons conduct separate businesses at the same location, each such person shall obtain a separate license for each such business and pay the required license tax for such business. Where a person is a "licensee" pursuant to Section 2.05 of Ordinance 83-16 pertaining to alcoholic beverages, that person must obtain a separate business license for each "licensed premises" operated by that person as set forth in Section 2.06 of Ordinance 83-16.

SECTION 18. REVENUE TAX IMPOSED. There is hereby imposed and levied an annual business license revenue tax on the types of businesses and in the amounts described below. The rate of tax, if not otherwise stated, shall be the product achieved by multiplying the square footage of the place of business by the rate stated.

Section 18.01 Rate Tables Incorporated by Reference. The tax rates set forth in the Table appended to this Ordinance are incorporated herein as Section 18.01 of this Ordinance.

Section 18.02 Vending Machines/Mechanical Devices

- (a) License Required, Machines Defined. It shall be unlawful to install or permit to be installed, any kind of mechanical device operated by coin, token, or currency, which sells goods, merchandise, food, beverages, candy, or entertainment services without first having paid the applicable tax on that mechanical device. Further, it shall be unlawful for any person to permit an untaxed machine to be placed on his premises or within his place of business any such mechanical device on which the tax has not been paid. The license for such a mechanical device, and the receipt showing payment of the license fee, shall take the form of a sticker to be placed in a visible location on the machine or device. The placement of a current sticker shall be prima facie evidence of payment of the license fees as far as the owner of the premises in which the machine is installed is concerned, and the owner of such premises or place of business shall be entitled to rely on the display of a current sticker as proof that the machine has been properly licensed. It is the duty of the owner of the machine to pay the tax, place the license sticker on the machine, and see that it is continuously displayed.
- (b) License Displayed on Machine. License certificate stickers on vending machines and electronic game machines shall be marked with the description of the machine, and designed so that the license sticker is not removable without destroying the sticker. There shall be a sticker on each machine. In the event a machine is replaced by another machine of a similar nature, the sticker on the machine to be replaced may be surrendered to the Division, and a new sticker issued for the replacement machine without additional charge.

Section 18.03 Contractors and Builders.

- (a) Contractors shall be charged license fees for each building project on the basis of the valuation of the

project for which the contractor is responsible. Contractors licenses are issued on a project by project basis. No contractor shall be issued a business license unless he first provides the City with the number of his license issued by the State Department of Business Regulation. The City business license is based on the size of the contract being performed in Park City.

- (b) Contractors engaged in excavating, hauling, or concrete delivery are also assessed on the size and number of trucks under Section 18.08.

Section 18.04 Transient Lodging/Property Management/Property Maintenance.

- (a) The location, including street address of each unit, dwelling managed by a property management company, timeshare operator, owner, realtor, lawyer or other responsible party, on January 1 shall be included on the license application or renewal application. It is the duty of the licensee to obtain the license whenever the particular unit offered for rental changes. The license must be obtained prior to offering any unit for rental which is not licensed.
- (b) Management Standards. The lodging authorized under Section 18.04 must be properly managed. As a condition to holding a valid license, the licensee agrees to provide adequate property management services. The minimum services required include:
1. Snow removal during winter months to a level that allows safe access to the building over the normal pedestrian access to the unit,
  2. Snow removal service to off-street parking facilities associated with the rental property so that off-street parking is at all times available for use of the occupants,
  3. Summer yard maintenance, including landscaping, weed control, and irrigation to a level that is consistent with the level of landscaping and maintenance on adjoining and nearby properties,
  4. Structural maintenance to preserve substantial code compliance as described above is required.
  5. Routine up-keep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties,
  6. Trash collection which insures that trash cans are not left at the curb for any period in excess of twenty-four hours and the property must be kept free from accumulated garbage and refuse.
  7. Posting a copy of the business license issued by the City. For those rentals authorized under Section 18.04, which do not have on site 24 hour



management, this license or a photostatic copy thereof, shall be posted on each licensed unit within five (5) feet of the front door. The license shall contain the name, 24 hour telephone number, and address of the responsible party and shall be adequately protected from the weather.

8. Housekeeping service as a part of hotel or property management company: included in property management license.
- (c) Noise and Occupancy Control. The licensee and the owner of rentals under Section 18.04 are responsible for regulating the occupancy of the unit and noise created by the occupants of the unit. Unreasonable noise levels, or unreasonable occupancy loads, failure to use designated off-street parking, toleration of illegal conduct or other abuses which rise to the level of public or private nuisance is a violation of the license and considered grounds for revocation under Section 15. Failure to collect and deposit sales tax is also a violation of the license and grounds for revocation under Section 15.
- (d) Review Criteria. In determining whether or not a business license for rentals authorized under Section 18.04 shall be issued, the application shall be reviewed to see if in addition to standards and conditions applicable to issuance of all business licenses the following conditions and standards are met:
1. The unit is located within a zone and subzone designated as allowing rentals for the period which the license is applied for.
  2. The Park City Building Department has reviewed the business license application for compliance with the Code for Abatement of Dangerous Buildings. Inspection of the unit may be required under Section 8. The applicant shall bear the cost of any such inspection and any reinspection which may be required. The cost shall be determined by the prevailing hourly rate of the Park City Building Department.
  3. The access to the rental unit and the layout of the unit is such that noise and physical trespass from the proposed rental unit is not likely to be a substantial intrusion to the adjoining properties. If the proposed rental is a single family home or duplex and shares an access, hallway, common wall, or driveway with another dwelling, written consent of the owner of the other dwelling is required.
  4. The applicant must designate a responsible party. The responsible party must be a property management company, realtor, lawyer, owner, or

other individual who resides within Summit County, or in the case of a company has offices in Summit County. The responsible party is personally liable for the failure to properly manage the rental. The responsible party is also designated as the agent for receiving all official communications under this ordinance from Park City. If the licensee is a property management company or individual other than the owner, such a company or individual must comply with applicable state law, including UCA 61-2-2, 1953 as amended which requires those who receive valuable consideration to lease property, have a state license.

5. The application must bear a sales tax collection and accounting number for the rental operation. This number may be the sales tax account number used by a property management company responsible for that unit, or may be specific to this unit, but no license shall be effective until a sales tax number is provided.
- (e) Hotels, motels, inns and bed and breakfast businesses which make a portion or portions of their licensed business locations available to other persons for the purpose of engaging in business shall be responsible to ensure that such persons obtain business licenses and possess Utah State sales tax numbers listed in Park City. IN the event a licensed hotel, motel, inn or bed and breakfast business fails to require such a showing, that business shall be liable for payment of all license fees and penalties payable by the person engaging in business at their licensed location.

Section 18.05 Restaurants, Food Service, Taverns, Etc.

- (a) Outdoor dining areas connected with any food service establishment shall be assessed at a rate lower than the rest of the establishment.
- (b) Catering services: shall be licensed at the rate of one hundred dollars (\$100.00) 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. The license certificate shall be issued in the manner described in Section 18.08.

Section 18.06 Building Material, Hardware, Lumber.

- (a) Lumber stores shall be assessed by square foot of space under roof, including retail areas, lumber storage, and shop space, but shall not be assessed for uncovered yard space.

Section 18.07 Automotive Services.

- (a) Car rental: businesses shall be assessed at 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.

- (a) Delivery and service vehicles with a business location in Park City, on which a license fee is issued on a square footage basis shall be exempt.
- (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 a total charge of one thousand dollars (\$1,000) 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 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.
- (d) License certificates shall take the form of a sticker to be placed on each licensed vehicle. The Division shall design stickers that are suitable for this use, and non-removable without the sticker being destroyed. Various kinds of stickers may be used to show the term of a license if issued for less than one year. The sticker shall be displayed on all service, freight delivery, passenger service, and taxis at all times. If no sticker is displayed, it is prima facie evidence that no license was issued.
- (e) Businesses which utilize trucks in construction activity are subject to both the fee provisions of this section and also those of Section 18.03 for contractors except that an unlimited number of trucks, not exceeding 9,000 pounds gross vehicle weight, may be

used in the construction activity without any charge applied to the vehicle.

Section 18.09 Entertainment and Recreation Facilities.

- (a) Ski resorts shall be assessed at the rate of four dollars (\$4.00) multiplied by the hourly uphill user capacity of the resort (see Section 1.06)

Section 18.10 Special Assessment by Director. Any other business not listed in the foregoing sections shall be assessed at the rate, and on the same basis as the business determined by the Director to be most similar to the business to be licensed. If the applicant and Director are not able to agree on a rate and method of assessment, the application shall be referred to the City Council for license issuance. The rate and method of assessment determined by the Council may be applied on a case by case basis, or, if it appears to be of general application or importance, may take the form of an amendment to the ordinance to cover that license and similar applications in the future.

Section 18.11 Minimum Fee. The minimum fee assessed for each business shall be as set forth in Table 18.01 unless set forth specifically in the foregoing sections.

SECTION 19. REVENUE MEASURE. The revenue license tax provided for in this ordinance is imposed both to raise revenue and for regulatory purposes, but is in addition to, and not a substitute for other regulatory ordinances of Park City. The revenues raised through the revenue tax shall be used primarily to defray the costs incurred by the City in operating, maintaining, and replacing the City transit system.

SECTION 20. EXCEPTIONS TO BUSINESS REVENUE LICENSE TAX. No business revenue license tax shall be imposed under this ordinance upon the following persons or businesses:

- (a) Any person engaged in business for solely religious, charitable, eleemosynary, or other types of strictly non-profit purposes who is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any revenue license tax be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah; nor shall any revenue license tax be imposed on any non-profit corporation duly incorporated according to the provisions of the Utah Non-Profit Corporation and

Cooperative Association Act; nor shall any revenue license tax be imposed upon any person not maintaining a place of business within Park City who has paid a like or similar revenue license tax or fee to some other taxing unit within the State of Utah, and which taxing unit exempts from its license tax or fee, by reciprocal agreement or otherwise, business domiciled in Park City and doing business in such taxing unit;

- (b) Any insurance company or agent, so long as they are exempted by state law;
- (c) Any sales or merchandise damaged by smoke or fire or of bankrupt concerns, where such stocks have been acquired from merchants of Park City theretofore, regularly licensed and engaged in business; provided, however, no such stocks or merchandise shall be augmented by other goods;
- (d) A person, firm, or corporation exhibiting goods for sale concurrent with and as an adjunct to a group display, meeting or convention duly authorized to be held; provided that the convention is duly licensed under other applicable ordinances.
- (e) A person who sells his own property which was not acquired for resale, barter, or exchange and who does conduct such sales or act as a participant by furnishing goods in such a sale more than twice during any calendar year. Each person seeking this exemption shall furnish to the department of licensing, an accurate list with the names, addresses, telephone numbers of all persons contributing items to said sale. Said list shall be filed with the licensing department at least ten (10) days prior to the sale;
- (f) Any person who obtains an exemption from the City Council by petitioning the Council for a waiver of the fees.

SECTION 21. LICENSE FEES DECLARED TO BE A DEBT.

Any license or tax due and unpaid under this ordinance and all penalties thereon shall constitute a debt to Park City and may be collected by court proceedings in the same manner as any other debt which remedy shall be in addition to all other existing remedies.

SECTION 22. FEE AND TAX PAYMENTS, RENEWALS, AND PENALTY.

- (a) The annual business revenue license tax provided in this ordinance shall be due and payable to the City on or before the first day of January of each year for renewals of licenses for business which were licensed

for the preceding year. Business licenses for previously unlicensed businesses shall be issued for the unexpired portion of the calendar year in which issued unless issued between October 1 and December 31 in which case the license shall be valid until December 31 of the year following the year of issuance.

- (b) If the renewal license fee is not paid on or before January 15 of the year in which the renewal license is due, there shall be a penalty for late payment imposed of twenty-five percent (25%) of the license fee imposed by this ordinance or Twenty-Five Dollars (\$25), whichever is greater. Upon a showing of hardship acceptable to the Director, the licensed business may be allowed to pay the business license fees due over a period of time not to exceed three (3) months from the due date, with interest on the unpaid balance at the rate of 18% per annum.
- (c) Any previously licensed business cited for engaging in business in violation of this Ordinance shall have five days from the date of citation to come into compliance with this Ordinance. Failure of the licensee to reach compliance within five days of the date of citation will subject the business to closure and the licensee to all applicable civil and criminal penalties.
- (d) If a licensed business enlarges its place of business or increases its capacity for conducting business (i.e., adding square footage, increasing number of vending machines, number of employees, bid limits, or increasing hourly user capacity), an additional revenue license tax shall be due and payable to the City and shall be prorated on the basis of one-twelfth (1/12th) of the total annual tax on the enlargement or increase for each month remaining in the unexpired portion of the calendar year, including the month in which such increase is accomplished. The additional revenue license tax for adding square footage shall be due and payable on the date the City issues the occupancy permit.

SECTION 23. RENEWAL BILLING PROCEDURE. On or before December 1 of each year, the division shall send a statement to each current licensee within the City, which statement shall be upon forms calling for the computation by the licensee of a revenue license tax for the ensuing year based upon the nature of the business, square footage, bid limits, employees, and other pertinent factors.

SECTION 24. RENEWAL OF LICENSE CERTIFICATE. Upon receipt of the revenue license tax, the division shall issue a license certificate valid through December 31 of the next year.

SECTION 25. RECORDS TO BE MAINTAINED. It shall be the duty of every person liable for the payment of any revenue license tax imposed by this ordinance to keep and preserve for a period of three (3) years such books and records as will accurately reflect the factors used in determining the amount of the revenue license tax for which he may be liable under this ordinance.

SECTION 26. REVENUE TAX ADJUSTMENT TO AVOID BURDENING INTERSTATE COMMERCE. The business revenue license tax imposed by this ordinance shall not be applied so as to place an undue burden on interstate commerce. In any case, where the revenue license tax is believed by a licensee or an applicant for a license to place an undue burden upon interstate commerce, such licensee or applicant may apply to the Director for an adjustment of the fee so as to relieve such burden. The licensee or applicant shall, by supporting affidavits, indicate his method of doing business and such other information as the Director may deem necessary in order to determine the extent, if any, of such undue burden. The Director shall then conduct an investigation, comparing the subject business with other businesses of like nature and shall make findings of fact from which he shall determine whether the revenue license tax is discriminatory, unreasonable or unfair as to the licensee or applicant from the standpoint of its impact on interstate commerce and shall recommend to the City Council an appropriate revenue license tax under the circumstances and the City Council shall fix the revenue license tax in such amount. If the regular revenue license tax has already been paid, the City Council shall order a refund of any amount over and above the amount of the revenue license tax fixed, if any. In fixing the tax to be charged, the Director may use any method which will assure that the tax assessed shall be uniform with that assessed on business of like nature; provided, however, that the amount assessed shall in no event exceed the regular tax prescribed in this ordinance.

SECTION 27. CRIMINAL PENALTY. Any person that willfully violates any provision of this ordinance shall be guilty of a Class "B" misdemeanor. Persons conducting business without a license are subject to arrest.

SECTION 28. REPEALER CLAUSE. Park City Ordinance No. 82-10, as amended by Ordinance Nos. 82-10(1) 82-10(2) and 82-10(3) is hereby repealed in its entirety. However, this ordinance shall not invalidate any license issued or any proceeding under the prior ordinance.

SECTION 29. 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.

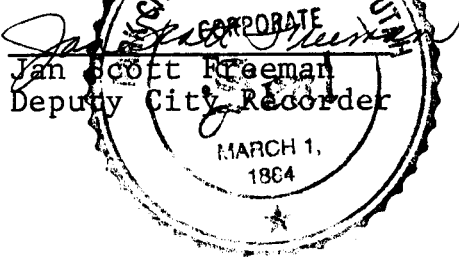
SECTION 30. EFFECTIVE DATE. This ordinance shall take effect upon adoption.

PASSED AND ADOPTED this 5th day of November, 1987.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Hal W. Taylor

Attest





CODE		RATE	MIN	UNIT
<b>CONSTRUCTION</b>				
<b>GENERAL BUILDING CONTRACTORS</b>				
C1521-	CONTACTOR	.003	0.00	Project Value
<b>MANUFACTURING</b>				
<b>FOOD AND KINDRED PRODUCTS</b>				
D2052-	COOKIES AND CRACKERS	.190	100.00	Per Square Foot
D2064-	CANDY & OTHER CONFECTIONERY PRODUCTS	.190	100.00	Per Square Foot
D2082-	MALT BEVERAGES	.190	100.00	Per Square Foot
<b>TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES</b>				
<b>LOCAL AND INTERURBAN PASSENGER TRANSIT</b>				
E4119-	FLEET VEHICLE LICENSE	1,000.000	1,000.00	Per Year
E4121-	PRIVATE TAXI, LIMO OR TRANSPORTATIO	15.000	100.00	Per Vehicle
<b>TRUCKING AND WAREHOUSING</b>				
E4212-12	DELIVERY AND SERVICE VEHICLES	50.000	75.00	Per Vehicle
E4212-13	HEAVY TRUCK - 12,000 TO 30,000 GW	50.000	75.00	Per GVW
E4212-14	HEAVY TRUCK - 30,001 TO 45,000 GW	75.000	100.00	Per GVW
E4212-15	HEAVY TRUCK - 45,001 TO 78,000 GW	100.000	125.00	Per GVW
E4212-16	HEAVY TRUCK - 78,001 AND OVER GW	150.000	150.00	Per GVW
E4212-17	TRAILERS ATTACHED TO ANY TRUCKS	25.000	25.00	Per Trailer
E4225-	WAREHOUSE	.060	100.00	Per Square Foot
<b>TRANSPORTATION SERVICES</b>				
E4724-	TRAVEL AGENCY	.220	100.00	Per Square Foot
<b>ELECTRIC, GAS, AND SANITARY SERVICES</b>				
E4939-	UTILITY COMPANY			
E4953-	GARBAGE AND REFUSE TRUCKS	100.000	100.00	Per Vehicle Over 12,000GVW
<b>RETAIL TRADE</b>				
<b>BUILDING MATERIALS &amp; GARDEN SUPPLIES</b>				
G5211-	LUMBER STORE	.100	100.00	Per Square Foot
G5231-	PAINT AND WALLPAPER	.160	100.00	Per Square Foot
G5251-	HARDWARE	.160	100.00	Per Square Foot
G5261-10	GARDEN/NURSERY	.160	100.00	Per Square Foot
G5261-11	CHRISTMAS TREE LOT - NOT PART OF LIC NURSERY	100.000	100.00	Per Year
<b>GENERAL MERCHANDISE STORES</b>				
G5311-	DISCOUNT DEPARTMENT STORE	.100	100.00	Per Square Foot
G5331-	VARIETY STORE	.100	100.00	Per Square Foot
<b>FOOD STORES</b>				
G5411-10	SUPERMARKET	.110	100.00	Per Square Foot
G5411-20	CONVENIENCE MARKET	.180	100.00	Per Square Foot
G5421-	MEAT, POULTRY, AND FISH MARKET	.180	100.00	Per Square Foot
G5441-	CANDY AND NUT	.210	100.00	Per Square Foot
G5451-	DAIRY PRODUCT	.210	100.00	Per Square Foot
G5451-10	ICE CREAM PARLOR	.210	100.00	Per Square Foot
G5461-	BAKERY	.210	100.00	Per Square Foot
G5461-10	DOUGHNUT SHOP	.210	100.00	Per Square Foot
G5499-	HEALTH FOOD	.210	100.00	Per Square Foot
<b>AUTOMOTIVE DEALERS &amp; SERVICE STATIONS</b>				
G5511-	CAR DEALER	.100	100.00	Per Square Foot
G5531-	AUTOMOTIVE PARTS SALES	.140	100.00	Per Square Foot
<b>APPAREL AND ACCESSORY STORES</b>				
G5611-	MEN'S WEAR	.180	100.00	Per Square Foot
G5611-20	JUNIOR DEPARTMENT STORE	.180	100.00	Per Square Foot
G5621-	LADY'S WEAR	.180	100.00	Per Square Foot
G5632-10	SPECIALTY STORE	.180	100.00	Per Square Foot
G5632-20	LADY'S SPECIALTY	.180	100.00	Per Square Foot
G5641-	CHILDREN'S WEAR	.180	100.00	Per Square Foot
G5651-	FAMILY WEAR	.180	100.00	Per Square Foot
G5661-10	FAMILY SHOES	.180	100.00	Per Square Foot
G5661-20	LADY'S SHOES	.180	100.00	Per Square Foot

CODE		RATE	MIN	UNIT
CLOTHING AND ACCESSORY STORES				
G5699-10	UNISEX JEAN STORE	.180	100.00	Per Square Foot
G5699-20	T-SHIRTS, NOVELTY SHIRTS AND HATS	.180	100.00	Per Square Foot
FURNITURE AND HOMEFURNISHINGS				
G5712-	FURNITURE STORE	.150	100.00	Per Square Foot
G5713-	FLOOR COVERINGS	.150	100.00	Per Square Foot
G5714-	CURTAIN AND DRAPE STORE	.150	100.00	Per Square Foot
G5722-10	APPLIANCE AND HOT TUB	.150	100.00	Per Square Foot
G5722-20	SEWING MACHINE	.150	100.00	Per Square Foot
G5731-	RADIO, TV, HIFI, HOME OR BUSINESS COMPUTERS	.210	100.00	Per Square Foot
G5735-	RECORD AND TAPE	.210	100.00	Per Square Foot
G5736-	MUSICAL INSTRUMENT	.210	100.00	Per Square Foot
EATING AND DRINKING PLACES				
G5812-10	RESTAURANT - NO ALCOHOLIC BEVERAGES	.200	100.00	Per Square Foot
G5812-15	RESTAURANT - WITH ALCOHOLIC BEVERAG	.200	100.00	Per Square Foot
G5812-20	CAFETERIA - WITH ALCOHOLIC BEVERAGE	.150	100.00	Per Square Foot
G5812-25	CAFETERIA - NO ALCOHOLIC BEVERAGES	.200	100.00	Per Square Foot
G5812-30	FAST FOOD/CARRY OUT RESTAURANT	.200	100.00	Per Square Foot
G5812-35	COCKTAIL LOUNGE/PRIVATE CLUB	.200	100.00	Per Square Foot
G5812-40	OUTDOOR DINING WITH ABOVE FOOD SERVICES	.050	100.00	Per Square Foot
G5812-45	CATERING SERVICE	100.000	100.00	Per Year Unless Part of Ful
G5812-50	DELICATESSAN	.200	100.00	Per Square Foot
G5812-55	WINE AND CHEEES STORE	.200	100.00	Per Square Foot
G5813-11	Class "B" Beer	25.000	100.00	Per Year
G5813-12	Class "C" Beer	25.000	100.00	Per Year
G5813-20	Liquor Set-Up	25.000	100.00	Per Year
G5813-30	Private Club Liquor	50.000	100.00	Per Year
G5813-40	Mini-bottle (on-site)	25.000	100.00	Per Year
MISCELLANEOUS RETAIL				
G5912-10	SUPER DRUG	.150	100.00	Per Square Foot
G5912-20	DRUG STORE	.150	100.00	Per Square Foot
G5921-	Class "A" Beer	25.000	100.00	Per Year
G5941-10	SPORTING GOODS; SALES AND RENTALS	.220	100.00	Per Square Foot
G5941-20	BIKE SHOP	.220	100.00	Per Square Foot
G5942-	BOOK AND STATIONARY	.200	100.00	Per Square Foot
G5944-10	JEWELRY	.220	100.00	Per Square Foot
G5944-20	COSTUME JEWELRY	.220	100.00	Per Square Foot
G5945-10	HOBBY	.200	100.00	Per Square Foot
G5945-20	TOY STORE	.200	100.00	Per Square Foot
G5946-	CAMERA STORE	.200	100.00	Per Square Foot
G5947-	CARD AND GIFT	.200	100.00	Per Square Foot
G5948-	LUGGAGE AND LEATHER	.200	100.00	Per Square Foot
G5949-	YARD GOODS	.200	100.00	Per Square Foot
G5961-	SHOWROOM/CATALOG STORE	.200	100.00	Per Square Foot
G5962-10	CANDY, FOOD OR SNACK	15.000	15.00	Per Machine
G5962-15	BEVERAGE	15.000	15.00	Per Machine
G5962-20	CIGARETTE OR OTHER TOBACCO PRODUCTS	25.000	25.00	Per Machine
G5962-25	COIN OR TOKEN OPERATED LAUNDRY EQUIPMENT NOT IN A LAUNDROMAT	10.000	15.00	Per Machine
G5963-10	MOBILE VENDING SERVICE	50.000	50.00	Per Vehicle
G5963-20	MAGAZINE SALES	.190	100.00	Per Square Foot
G5992-10	FLOWER SHOP	.190	100.00	Per Square Foot
G5992-20	PLANT STORE	.190	100.00	Per Square Foot
G5999-10	ART GALLERY	.180	100.00	Per Square Foot
G5999-11	ARTS AND CRAFTS	.180	100.00	Per Square Foot
G5999-20	IMPORTS	.200	100.00	Per Square Foot
G5999-30	COSMETICS	.150	100.00	Per Square Foot
G5999-40	PET SHOP	.180	100.00	Per Square Foot
G5999-90	OTHER RETAIL BUSINESSES	.180	100.00	Per Square Foot

CODE		RATE	MIN	UNIT
<b>FINANCE, INSURANCE AND REAL ESTATE</b>				
<b>DEPOSITORY INSTITUTIONS</b>				
H6011-	BANK	.190	100.00	Per Square Foot
H6035-	SAVINGS AND LOAN	.190	100.00	Per Square Foot
H6036-	FINANCE COMPANY NOT FED. INSURED	.190	100.00	Per Square Foot
<b>SECURITY AND COMMODITY BROKERS</b>				
H6211-	STOCK OR COMMODITIES BROKERAGE	.190	100.00	Per Square Foot
<b>REAL ESTATE</b>				
H6531-10	REAL ESTATE OFFICE - PARK CITY	.230	100.00	Per Square Foot
H6531-20	REAL ESTATE OFFICE - OUTSIDE PARK CITY	5.000	100.00	Per Listing
H6541-	TITLE ABSTRACTOR OR TITLE COMPANY	.230	100.00	Per Square Foot
<b>SERVICES</b>				
<b>HOTELS AND OTHER LODGING PLACES</b>				
I7021-10	NIGHTLY RENTAL - GENERAL	15.000	15.00	Per Bedroom
I7021-20	NIGHTLY RENTAL - TIMESHARE/PROP. MG	15.000	15.00	Per Bedroom
I7021-30	NIGHTLY RENTAL - HOTEL/MOTEL	15.000	15.00	Per Bedroom
<b>PERSONAL SRVICES</b>				
I7216-	DRY CLEANERS	.160	100.00	Per Square Foot
I7219-	LAUNDRY	.160	100.00	Per Square Foot
I7221-	PHOTOGRAPHER	.200	100.00	Per Square Foot
I7231-	BEAUTY SALON	.180	100.00	Per Square Foot
I7241-	BARBER	.180	100.00	Per Square Foot
I7251-	SHOE REPAIR	.180	100.00	Per Square Foot
I7299-10	FORMAL WEAR SALES/RENTAL	.180	100.00	Per Square Foot
I7299-20	CLEANING COMPANIES	5.000	100.00	Per Employee
I7299-30	PERSONAL INSTRUCTION	5.000	25.00	Per Employee
<b>BUSINESS SERVICES</b>				
I7382-	SECURITY SYSTEMS SERVICES	.500	50.00	Per Alarm
I7389-10	INTERIOR DECORATOR/DESIGNER	.160	100.00	Per Square Foot
I7389-20	YARD MAINTENANCE VEHICLES	10.000	50.00	Per Vehicle
I7389-21	SNOW REMOVAL VEHICLES	10.000	50.00	Per Vehicle
I7389-22	COMBINED YARD MAINT./SNOW REMOVAL VEHIC.	20.000	50.00	Per Vehicle
<b>AUTO REPAIR, SERVICES, AND PARKING</b>				
I7514-	CAR RENTAL AGENCY	5.000	100.00	Per Vehicle
I7539-	SERVICE STATION, AUTO REPAIR/WASH	.230	100.00	Per Square Foot
<b>AMUSEMENT &amp; RECREATION SERVICES</b>				
I7922-10	PERFORMING ARTS THEATERS - USER CAPACITY	.500	100.00	Per User Capacity
I7922-20	MOVIE THEATERS - USER CAPACITY	.500	100.00	Per User Capacity
I7941-	TENNIS/RACQUET CLUBS, POOLS, GYMS	.500	100.00	Per User Capacity
I7991-	FIGURE SALON	.180	100.00	Per Square Foot
I7992-	GOLF COURSES - USER CAPACITY	.500	100.00	Per User Capacity
I7993-	ELECTRONIC VIDEO GAMES, PINBALL, BILLARD OR OTHER AMUSEMENT	50.000	100.00	Per Machine
I7999-10	SKI RESORTS - CAPACITY PER HOUR	4.000	100.00	Per Hourly Uphill User Capa
I7999-20	AMUSEMENT RIDES - USER CAPACITY	.500	100.00	Per User Capacity
<b>HEALTH SERVICES</b>				
I8011-	MEDICAL OR DENTAL OFFICE	.210	200.00	Per Square Foot
I8042-	OPTOMETRIST	.210	200.00	Per Square Foot
I8059-	NURSING HOMES, HOSPITALS, BIRTH. CENTERS	10.000	200.00	Per Bed
I8099-	ALL OTHER PROFESSIONAL BUSINESSES	.190	200.00	Per Square Foot
<b>LEGAL SERVICES</b>				
I8111-	LEGAL OFFICE	.190	200.00	Per Square Foot
<b>EDUCATIONAL SERVICES</b>				
I8211-	SCHOOL			
<b>SOCIAL SERVICES</b>				
I8351-	DAY CARE FACILITIES	.050	100.00	Per Square Foot
<b>ENGINEERING &amp; MANAGEMENT SERVICES</b>				
I8711-	ENGINEER	.190	200.00	Per Square Foot
I8712-	ARCHITECT	.190	200.00	Per Square Foot
I8721-	ACCOUNTING OFFICE	.190	200.00	Per Square Foot
<b>PRIVATE HOUSEHOLDS</b>				
I8811-10	BABY SITTING SERVICES W/O FIXED LOCATION	5.000	15.00	Per Employee or Management
I8811-20	IN HOME BUSINESS	50.000	50.00	Per Year
I8811-30	IN HOME BUSINESS-REAL ESTATE /May Have NO Employees	100.000	100.00	Per Year

Park City License System  
Listing of License Types

Business Code and Description	Unit Type	Unit Charge	Min. Charge	Past Code Valid?
CONSTRUCTION				
GENERAL BUILDING CONTRACTORS				
C1521-00 Inspection Fee	Calendar Year	15.000	15.00	0000
C1521-10 Contractor - (With Park City Location)	SQUARE FEET	.190	75.00	0000
C1521-20 Non-Regulated Subcontractor's	CALENDAR YEAR	75.000	75.00	0000

Park City License System  
Listing of License Types

Business Code and Description	Unit Type	Unit Charge	Min. Charge	Past Code	Valid?
MANUFACTURING					
FOOD AND KINDRED PRODUCTS					
D2052-00 Cookies And Crackers	SQUARE FEET	.190	100.00	0000	
D2064-00 Candy & Other Confectionery Products	SQUARE FEET	.190	100.00	0000	
D2082-00 Malt Beverages	SQUARE FEET	.190	100.00	0000	
D2590-00 Furniture	SQUARE FEET	.180	100.00	0000	
D2740-00 Publishing	SQUARE FEET	.180	100.00	0000	
D2934-00 Canvas & Related Products	SQUARE FEET	.180	100.00	0000	
D3999-00 Other Miscellaneous Manufacturing	SQUARE FEET	.180	100.00	0000	

Park City License System  
Listing of License Types

Business Code and Description	Unit Type	Unit Charge	Min. Charge	Past Code Valid?
<b>TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY</b>				
<b>LOCAL AND INTERURBAN PASSENGER TRANSIT</b>				
E4119-00 Fleet Vehicle License	Calendar Year	1,000.00	1,000.00	0000
E4121-00 Private Taxi, Limo Or Transportatio	VEHICLE	15.000	100.00	0000
<b>TRUCKING AND WAREHOUSING</b>				
E4212-11 Light Duty Vehicle	VEHICLE	10.000	50.00	0000
E4212-12 Delivery And Service Vechicles	VEHICLE	50.000	75.00	0000
E4212-13 Heavy Truck - 12,000 TO 30,000 Gvw	VEHICLE	50.000	75.00	0000
E4212-14 Heavy Truck - 30,001 To 45,000 Gvw	VEHICLE	75.000	100.00	0000
E4212-15 Heavy Truck - 45,001 TO 78,000 Gvw	VEHICLE	100.000	125.00	0000
E4212-16 Heavy Truck - 78,001 And Over Gvw	VEHICLE	150.000	150.00	0000
E4212-17 Trailers Attached To Any Trucks	TRAILER	25.000	25.00	0000
E4225-00 Warehouse	SQUARE FEET	.060	100.00	0000
E4226-00 Self Storage Units	STORAGE UNIT	5.000	100.00	0000
<b>TRANSPORTATION SERVICES</b>				
E4724-00 Travel & Reservation Agencies	SQUARE FEET	.220	100.00	0000
<b>ELECTRIC, GAS, AND SANITARY SERVICES</b>				
E4939-00 Utility Company		.000	.00	0000
E4953-00 Garbage And Refuse Trucks	VEHICLE	100.000	100.00	0000

**Park City License System**  
Listing of License Types

Business Code and Description	Unit Type	Unit Charge	Min. Charge	Past Code Valid?
<b>RETAIL TRADE</b>				
<b>BUILDING MATERIALS &amp; GARDEN SUPPLIES</b>				
G5211-00 Lumber Store	SQUARE FEET	.100	100.00	0000
G5231-00 Paint And Wallpaper	SQUARE FEET	.160	100.00	0000
G5251-00 Hardware	SQUARE FEET	.160	100.00	0000
G5261-10 Garden/nursery	SQUARE FEET	.160	100.00	0000
G5261-11 Christmas Tree Lot - Not Part Of Lic Nursery	SEASON	100.0000	100.00	0000
<b>GENERAL MERCHANDISE STORES</b>				
G5311-00 Discount Department Store	SQUARE FEET	.100	100.00	0000
G5331-00 Variety Store	SQUARE FEET	.100	100.00	0000
<b>FOOD STORES</b>				
G5411-10 Supermarket	SQUARE FEET	.110	100.00	0000
G5411-20 Convenience Market	SQUARE FEET	.180	100.00	0000
G5421-00 Meat, Poultry, And Fish Market	SQUARE FEET	.180	100.00	0000
G5441-00 Candy And Nut	SQUARE FEET	.210	100.00	0000
G5451-00 Dairy Product	SQUARE FEET	.210	100.00	0000
G5451-10 Ice Cream Parlor	SQUARE FEET	.210	100.00	0000
G5461-00 Bakery	SQUARE FEET	.210	100.00	0000
G5461-10 Doughnut Shop	SQUARE FEET	.210	100.00	0000
G5499-00 Health Food	SQUARE FEET	.210	100.00	0000
<b>AUTOMOTIVE DEALERS &amp; SERVICE STATIONS</b>				
G5511-00 Car Dealer	SQUARE FEET	.100	100.00	0000
G5531-00 Automotive Parts Sales	SQUARE FEET	.140	100.00	0000
<b>APPAREL AND ACCESSORY STORES</b>				
G5611-00 Men's Wear	SQUARE FEET	.180	100.00	0000
G5611-20 Junior Department Store	SQUARE FEET	.180	100.00	0000
G5621-00 Lady's Wear	SQUARE FEET	.180	100.00	0000
G5632-10 Specialty Store	SQUARE FEET	.180	100.00	0000
G5632-20 Lady's Specialty	SQUARE FEET	.180	100.00	0000
G5641-00 Children's Wear	SQUARE FEET	.180	100.00	0000
G5651-00 Family Wear	SQUARE FEET	.180	100.00	0000
G5661-10 Family Shoes	SQUARE FEET	.180	100.00	0000
G5661-20 Lady's Shoes	SQUARE FEET	.180	100.00	0000
G5699-10 Unisex Jean Store	SQUARE FEET	.180	100.00	0000
G5699-20 T-shirts, Novelty Shirts And Hats	SQUARE FEET	.180	100.00	0000
<b>FURNITURE AND HOMEFURNISHINGS</b>				
G5712-00 Furniture Store	SQUARE FEET	.150	100.00	0000
G5713-00 Floor Coverings	SQUARE FEET	.150	100.00	0000
G5714-00 Curtain And Drape Store	SQUARE FEET	.150	100.00	0000
G5722-10 Appliance And Hot Tub	SQUARE FEET	.150	100.00	0000
G5722-20 Sewing Machine	SQUARE FEET	.150	100.00	0000
G5731-00 Radio, TV, HIFI, Home Or Business Computers	SQUARE FEET	.210	100.00	0000
G5735-00 Record And Tape	SQUARE FEET	.210	100.00	0000
G5736-00 Musical Instrument	SQUARE FEET	.210	100.00	0000
<b>EATING AND DRINKING PLACES</b>				
G5812-10 Restaurant	SQUARE FEET	.200	100.00	0000
G5812-20 Cafeteria	SQUARE FEET	.150	100.00	0000
G5812-30 Fast Food/carry Out Restaurant	SQUARE FEET	.200	100.00	0000
G5812-35 Cocktail Lounge	SQUARE FEET	.200	100.00	0000

**Park City License System**  
Listing of License Types

Business Code and Description	Unit Type	Unit Charge	Min. Charge	Past Code Valid?
G5812-40 Outdoor Dining With Other Food Services	Square Feet	.050	100.00	0000
G5812-45 Catering Service (Not Part Of Licensed Food Service)	CALENDAR YEAR	100.000	100.00	0000
G5812-50 Delicatessan	SQUARE FEET	.200	100.00	0000
G5812-55 Wine And Cheees Store	SQUARE FEET	.200	100.00	0000
G5812-60 Private Club	SQUARE FEET	.200	100.00	0000
G5813-10 Off Premise Beer (Retail, Org Container, No Consumption)	CALENDAR YEAR	50.000	100.00	0000
G5813-11 On Premise (All Others)	CALENDAR YEAR	50.000	100.00	0000
G5813-12 On Premise (Tavern)	CALENDAR YEAR	50.000	100.00	0000
G5813-14 Private Club - Beer	CALENDAR YEAR	50.000	100.00	0000
G5813-15 Special Event Temporary Beer (Maximum 4 per year)	Per Event	50.000	100.00	0000
G5813-20 Liquor Set-up (No Sale of Liquor on Premises)	CALENDAR YEAR	50.000	100.00	0000
G5813-30 Private Club Liquor	CALENDAR YEAR	50.000	100.00	0000
G5813-40 Restaurant Liquor	CALENDAR YEAR	50.000	100.00	0000
G5813-41 Restaurant Liquor - Seasonal	CALENDAR YEAR	50.000	100.00	0000
G5813-42 Single Event Liquor (Maximum 2 per year)	Per Event	50.000	100.00	0000
<b>MISCELLANEOUS RETAIL</b>				
G5912-10 Super Drug	SQUARE FEET	.150	100.00	0000
G5912-20 Drug Store	SQUARE FEET	.150	100.00	0000
G5941-10 Sporting Goods; Sales And Rentals	SQUARE FEET	.220	100.00	0000
G5941-20 Bike Shop	SQUARE FEET	.220	100.00	0000
G5942-00 Book And Stationary	SQUARE FEET	.200	100.00	0000
G5944-10 Jewelry	SQUARE FEET	.220	100.00	0000
G5944-20 Costume Jewelry	SQUARE FEET	.220	100.00	0000
G5945-10 Hobby	SQUARE FEET	.200	100.00	0000
G5945-20 Toy Store	SQUARE FEET	.200	100.00	0000
G5946-00 Camera Store	SQUARE FEET	.200	100.00	0000
G5947-00 Card And Gift	SQUARE FEET	.200	100.00	0000
G5948-00 Luggage And Leather	SQUARE FEET	.200	100.00	0000
G5949-00 Yard Goods	SQUARE FEET	.200	100.00	0000
G5961-00 Showroom/catalog Store	SQUARE FEET	.200	100.00	0000
G5962-10 Candy, Food Or Snack	MACHINE	15.000	15.00	0000
G5962-15 Beverage	MACHINE	15.000	15.00	0000
G5962-20 Cigarette Or Other Tobacco Products	MACHINE	25.000	25.00	0000
G5962-25 Coin Or Token Operated Laundry Equipment Not In A Laundromat	MACHINE	10.000	15.00	0000
G5963-10 Mobile Vending Service	VEHICLE	100.000	100.00	0000
G5963-20 Magazine Sales	SQUARE FEET	.190	100.00	0000
G5992-10 Flower Shop	SQUARE FEET	.190	100.00	0000
G5992-20 Plant Store	SQUARE FEET	.190	100.00	0000
G5999-10 Art Gallery	SQUARE FEET	.180	100.00	0000
G5999-11 Arts And Crafts	SQUARE FEET	.180	100.00	0000
G5999-20 Imports	SQUARE FEET	.200	100.00	0000
G5999-30 Cosmetics	SQUARE FEET	.150	100.00	0000
G5999-40 Pet Shop	SQUARE FEET	.180	100.00	0000
G5999-50 Auctions	SQUARE FEET	.180	100.00	0000
G5999-90 Other Retail Businesses	SQUARE FEET	.180	100.00	0000



Park City License System  
Listing of License Types

Business Code and Description	Unit Type	Unit Charge	Min. Charge	Past Code	Valid?
FINANCE, INSURANCE AND REAL ESTATE					
DEPOSITORY INSTITUTIONS					
H6011-00 Bank	SQUARE FEET	.190	100.00	0000	
H6035-00 Savings And Loan	SQUARE FEET	.190	100.00	0000	
H6036-00 Finance Company Not Fed. Insured	SQUARE FEET	.190	100.00	0000	
SECURITY AND COMMODITY BROKERS					
H6211-00 Stock Or Commodities Brokerage	SQUARE FEET	.190	100.00	0000	
REAL ESTATE					
H6531-10 Real Estate Office - Park City	Square Feet	.230	100.00	0000	
H6541-00 Title Abstractor Or Title Company	Square Feet	.230	100.00	0000	
H6719-00 Real Estate Holding Company	Square Feet	.230	100.00	0000	

Park City License System  
Listing of License Types

Business Code and Description	Unit Type	Unit Charge	Min. Charge	Past Code Valid?
<b>SERVICES</b>				
<b>HOTELS AND OTHER LODGING PLACES</b>				
I7021-10 Nightly Rental - General	BEDROOM	15.000	15.00	0000
I7021-20 Nightly Rental - Timeshare/prop. Mg	BEDROOM	15.000	15.00	0000
I7021-30 Nightly Rental - Hotel/motel	BEDROOM	15.000	15.00	0000
I7021-40 Long-Term Property Management	SQUARE FEET	.180	100.00	0000
<b>PERSONAL SERVICES</b>				
I7216-00 Dry Cleaners	SQUARE FEET	.160	100.00	0000
I7219-00 Laundry	SQUARE FEET	.160	100.00	0000
I7219-10 Laundry - On Premises - Not For Public Use	SQUARE FEET	.160	100.00	0000
I7219-30 Tailor	SQUARE FEET	.200	100.00	0000
I7221-00 Photographer	SQUARE FEET	.200	100.00	0000
I7231-00 Beauty Salon	SQUARE FEET	.180	100.00	0000
I7241-00 Barber	SQUARE FEET	.180	100.00	0000
I7251-00 Shoe Repair	SQUARE FEET	.180	100.00	0000
I7299-10 Formal Wear Sales/rental	SQUARE FEET	.180	100.00	0000
I7299-20 Cleaning Companies	EMPLOYEE	5.000	50.00	0000
I7299-30 Personal Instruction	EMPLOYEE	5.000	25.00	0000
I7299-40 Ski-Tuning	SQUARE FEET	.180	100.00	0000
I7299-50 Massage Therapy	SQUARE FEET	.180	100.00	0000
<b>BUSINESS SERVICES</b>				
I7311-00 Advertising Agencies	SQUARE FEET	.160	100.00	0000
I7336-00 Landscape Design	SQUARE FEET	.160	100.00	0000
I7338-00 Secretarial Services	SQUARE FEET	.180	100.00	0000
I7349-00 Building Cleaning & Maintenance Services	CALENDAR YEAR	50.000	50.00	0000
I7363-00 Employee Leasing Service	SQUARE FEET	.180	100.00	0000
I7371-00 Custom Software Programming	SQUARE FEET	.160	100.00	0000
I7381-00 Security Companies	PERSON	5.000	100.00	0000
I7382-00 Security Systems Services	ALARM	.500	50.00	0000
I7385-00 Non-Profit Organizations		.000	.00	0000
I7389-00 Business Services, NEC	CALENDAR YEAR	50.000	50.00	0000
I7389-10 Interior Decorator/designer	SQUARE FEET	.160	100.00	0000
I7389-20 Yard Maintenance Vehicles	VEHICLE	10.000	50.00	0000
I7389-21 Snow Removal Vehicles	VEHICLE	10.000	50.00	0000
I7389-22 Combined Yard Maint./Snow Removal Vehic.	VEHICLE	20.000	50.00	0000
<b>AUTO REPAIR, SERVICES, AND PARKING</b>				
I7514-00 Car Rental Agency	VEHICLE	5.000	100.00	0000
I7539-00 Service Station, Auto Repair/Wash	Square Feet	.230	100.00	0000
<b>MISCELLANEOUS REPAIR SERVICES</b>				
I7629-00 Electrical and Electronic Repair Shops	SQUARE FEET	.190	100.00	0000
I7692-00 Welding Repair	SQUARE FEET	.190	100.00	0000
I7699-10 Locksmith	SQUARE FEET	.190	100.00	0000
I7812-00 Motion Picture Production	CALENDAR YEAR	100.000	100.00	0000
<b>AMUSEMENT &amp; RECREATION SERVICES</b>				
I7922-10 Performing Arts Theaters - User Capacity	User Capacity	.500	100.00	0000
I7922-20 Movie Theaters - User Capacity	User Capacity	.500	100.00	0000
I7922-30 Outdoor Concerts	User Capacity	1.000	100.00	0000
I7933-00 Bowling Centers	LANE	30.000	100.00	0000
I7941-00 Tennis/Racquet Clubs, Pools, Gyms	User Capacity	.500	100.00	0000

**Park City License System**  
Listing of License Types

Business Code and Description	Unit Type	Unit Charge	Min. Charge	Past Code Valid?
I7991-00 Figure Salon	SQUARE FEET	.180	100.00	0000
I7992-00 Golf Courses - User Capacity	User Capacity	.500	100.00	0000
I7993-00 Electronic Video Games, Pinball, Billard Or Other Amusement	MACHINE	50.000	100.00	0000
I7993-10 Pay Telephones	PHONE	15.000	100.00	0000
I7993-20 Game Rooms	SQUARE FEET	.200	100.00	0000
I7999-10 Ski Resorts - Capacity Per Hour	HOURLY UPHILL CAPACI	4.000	100.00	0000
I7999-20 Amusement Rides - User Capacity	User Capacity	.500	100.00	0000
I7999-30 Tour Guide	User Capacity	.500	100.00	0000
<b>HEALTH SERVICES</b>				
I8011-00 Medical Or Dental Office	SQUARE FEET	.210	200.00	0000
I8042-00 Optometrist	SQUARE FEET	.210	200.00	0000
I8059-00 Nursing Homes, Hospitals, Birth. Centers	BED	10.000	200.00	0000
I8099-00 All Other Professional Businesses	SQUARE FEET	.190	200.00	0000
<b>LEGAL SERVICES</b>				
I8111-00 Legal Office	SQUARE FEET	.190	200.00	0000
<b>EDUCATIONAL SERVICES</b>				
I8299-00 Tutoring	SQUARE FEET	.190	100.00	0000
<b>SOCIAL SERVICES</b>				
I8351-00 Day Care Facilities	Square Feet	.050	100.00	0000
<b>ENGINEERING &amp; MANAGEMENT SERVICES</b>				
I8711-00 Engineer	SQUARE FEET	.190	200.00	0000
I8712-00 Architect	SQUARE FEET	.190	200.00	0000
I8721-00 Accounting Office	SQUARE FEET	.190	200.00	0000
I8748-00 Consulting	SQUARE FEET	.190	200.00	0000
<b>PRIVATE HOUSEHOLDS</b>				
I8811-10 Baby Sitting Services W/o Fixed Location	EMPLOYEE	5.000	15.00	0000
I8811-30 In Home Business-real Estate /may Have No Employees	CALENDAR YEAR	100.000	100.00	0000
I8999-10 Artist	SQUARE FEET	.200	100.00	0000

ORDINANCE NO. 87-11

AN ORDINANCE AMENDING SECTION 7.1 OF  
THE PARK CITY LAND MANAGEMENT CODE  
TO ALLOW AND SET FORTH CRITERIA FOR  
BED AND BREAKFAST INNS AS A CONDITIONAL USE  
IN THE HISTORIC RESIDENTIAL ZONE

WHEREAS, the Park City Historic District Commission, Planning Commission and City Council finds that Bed and Breakfast Inns are a use which should be addressed in the Land Management Code; and

WHEREAS, the Land Management Code does not currently provide for Bed and Breakfast Inns as a permitted or conditional use; and

WHEREAS, allowing Bed and Breakfast Inns in structures of Historical Significance may result in the renovation and preservation of such structures preservation may otherwise not be economically feasible; and

WHEREAS, the Planning Commission has recommended in favor of the proposed inclusion of Bed and Breakfast Inns as a permitted or conditional use in certain zones;

WHEREAS, proper notice was given and hearing held before the Planning Commission and the City Council on the issues;

NOW, THEREFORE, be it ordained by the City Council of Park City, Utah as follows:

Section 1. Subparagraph 7.1.8 of the shall be amended to read as follows:

7.1.8 CRITERIA FOR BED AND BREAKFAST INNS. Bed and Breakfast Inns may be approved as conditional uses by the Planning Commission. In making a determination whether or not a Bed and Breakfast Inn use is appropriate, the Planning Commission shall consider the following criteria:

-Bed and Breakfast Inns are to be considered for structures of historical significance, whether or not they are officially listed on the National Register of Historic Places. As a part of the renovation of a structure as a Bed and Breakfast Inn, every attempt will be made by the applicant to restore the structure to its original condition so that it may become eligible for listing on the National Register.

-Bed and Breakfast Inns are only appropriate for the larger residential structures in the Historic District.

The houses should have a minimum of two rentable rooms. The maximum number of rooms will be determined by the applicant's ability to demonstrate that impacts such as parking and neighborhood compatibility can be adequately mitigated.

-The length of stay for patrons of Bed and Breakfast Inns will be limited to less than 30 days (nightly rental).

-It is preferable that Bed and Breakfast Inns have an owner/manager living on the site, but may, as a minimum requirement, have 24 hour on site management and check in. The check in facility may be off site if it is within close proximity of the Bed and Breakfast Inn.

-Common kitchen facilities are allowed for the benefit of guests only and are not intended to serve outside visitors. Individual kitchens within rooms shall not be permitted.

-Signage shall be limited to one sign which shall not exceed 6 sq.ft. in size. A permit must be obtained for the sign and it must comply with the provisions of the Park City Sign Ordinance.

-Parking shall be provided on site at a rate of one space per rentable room. If no on site parking is possible, parking in close proximity to the Inn shall be provided. The Planning Commission may waive the parking requirement if it is found that no on-site parking is possible and all alternatives for other parking have been explored and exhausted. The Planning Commission must find that the structure which is to be a Bed and Breakfast Inn is not economically feasible to restore or maintain without the granting of the adaptive use. The burden of proof in requesting a parking exception shall be on the applicant. In no case may parking spaces on the downhill side of public streets and those partially or totally within the City right-of-way be counted toward parking requirement.

Section 2. Section 7.17 of the Land Management Code shall be amended to include Bed and Breakfast Inns as a separate category. They shall be considered as Conditional Uses in the HR-1 Zone and as permitted uses in the GC, HCB, RM, RC, and HRC. Bed and Breakfast Inns shall be prohibited in the E, SF, SF-N, RD, RDM, LI, and ROS. Where Bed and Breakfast Inns are permitted uses, they must meet all of the normal requirements of the Zone, including density and parking. Bed and Breakfast Inns will only be allowed as a conditional use in the HR-1 if the Criteria set forth in Section 1 can be met. A footnote shall be added to the table of uses to refer to the special criteria.

Section 3. Section 2.1 of the Land Management Code shall be revised to include a definition of Bed and Breakfast Inns as follows:

Bed and Breakfast Inns. A dwelling of historical significance in which two to eight rooms are rented out by the day, offering overnight lodging to travelers, and where one or more meals is provided to the guests only, the price of which may be included in the room rate.

New structures which have been built and designed as Bed and Breakfasts will be reviewed under the category of "Hotel, Motel, Inn, Boarding House with fewer than 16 rooms". The designation of Bed and Breakfast has been reserved specifically for historic structures.

Section 4. Subparagraph 7.1.8 ARCHITECTURAL REVIEW shall be renumbered to be subparagraph 7.1.9.

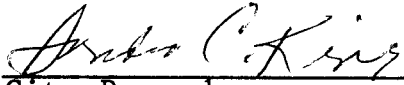
Passed and Adopted this 22nd day of October, 1987.

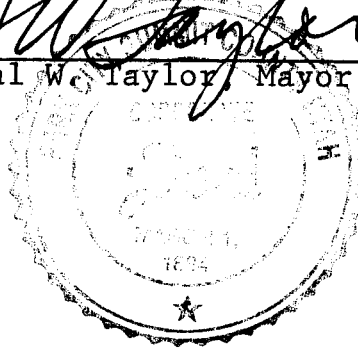
PARK CITY MUNICIPAL CORPORATION

By

  
Hal W. Taylor, Mayor

Attest:

  
City Recorder



ORDINANCE

Ordinance No. \_\_\_\_\_

AN ORDINANCE REZONING PROPERTY LOCATED  
AT THE INTERSECTION OF PARK AVENUE AND EMPIRE AVENUE  
FROM RESIDENTIAL DEVELOPMENT TO RESIDENTIAL  
DEVELOPMENT-MASTER PLANNED DEVELOPMENT  
AND RECREATION OPEN SPACE, AND  
AMENDING THE OFFICIAL ZONING MAP OF PARK CITY, UTAH

WHEREAS, the City has received a petition from the owner of the land subject to this zone change to change the zoning on a portion of the land from the present Residential Development (RD) to Recreation Open Space (ROS) and Residential Development-Master Planned Development (RD-MPD); and,

WHEREAS, the owner has requested and the City has agreed to an increase in the density of development permissible on the portion of the land which will be rezoned Residential Development-Master Planned Development; and,

WHEREAS, proper notice was given to adjoining land owners and hearings held before the City Council and the Planning Commission on this issue; and,

WHEREAS, the Planning Commission has recommended in favor of the zone changes and requested increased development density; and,

WHEREAS, the change is consistent with the adopted Park City Master Plan which calls for high density residential uses at that location; and,

NOW, THEREFORE be it ordained by the City Council of Park City, Utah as follows:

Section 1. The following designated land should be and is hereby rezoned from its present designation of Residential Development (RD) to Recreation Open Space (ROS):

Parcel "A" as shown on the attached Exhibit 1

Section 2. The existing building, known as the Registration Building, and the existing signage located on Parcel "A" shall be allowed to remain and retail sales and other commercial uses shall be allowed to continue as non-conforming uses. Changes to the structure or signs, improvements, repairs and replacement shall be governed by the terms of the present Park City Land Management Code except that the criteria for approval of such changes and improvements contained in paragraphs 12.4(a)1 and 4 and other provisions of the Code designed to bring the property into conformity with the zone, are inapplicable to the circumstances of this rezoning.

Section 3. The following designated land shall be rezoned from its present designation of Residential Development (RD) to Residential Development-Master Planned Development (RD:MPD):

Parcel "B" is shown on the attached Exhibit 1.



Section 4. The permissible development density on Parcel "B" shall be 30 unit equivalents. Actual development of Parcel B shall not occur until a Master Planned Development is approved.

Section 5. The official zoning map of Park City should be and is hereby modified to reflect these changes in zone boundaries and designations.

Section 6. Effective Date. This ordinance shall take effect immediately upon its publication.

Passed and adopted this 14 day of August, 1987

PARK CITY MUNICIPAL CORPORATION

By

  
Hal W. Taylor, Mayor

Attest:

  
City Recorder

Park/Empire2-Ord7



EXHIBIT 1  
Parcel "A"

Beginning at a point which is South 1473.36 feet and East 1127.53 feet from the West Quarter Corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point of beginning also being on the westerly right-of-way line of State Highway U-224 and the southeasterly corner of the Park Avenue Condominium, as recorded, and running thence South  $24^{\circ}00'00''$  East along said westerly right-of-way line 148.00 feet to a point on a 45.00 foot radius curve to the right (center bears South  $66^{\circ}00'00''$  West of which the central angle is  $90^{\circ}00'00''$ ); thence southwesterly along the arc of said curve 70.69 feet to the northerly right-of-way line of Empire Avenue; thence South  $66^{\circ}00'00''$  West along said northerly right-of-way line 111.85 feet to a point on a 285.00 foot radius curve to the left (center bears South  $24^{\circ}00'00''$  East 285.00 feet of which the central angle is  $13^{\circ}50'08''$ ); thence southwesterly along the arc of said curve and northerly right-of-way line 68.82 feet; thence North  $24^{\circ}00'00''$  West 201.28 feet to the southerly boundary line of the before mentioned Park Avenue Condominiums; thence North  $66^{\circ}00'00''$  East along said southerly boundary line 225.00 feet to the point of beginning. Contains 0.991 acres.

EXHIBIT 1  
PARCEL "B"

Beginning at a point which is South 1641.51 feet and East 668.055 feet from the West Quarter Corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being the southwesterly corner of the Park Avenue Condominium, as recorded, and running thence South 88°30'00" East along the southerly boundary line of said Park Avenue Condominium 143.39 feet; thence North 43°30'00" East along said southerly boundary line 74.38 feet; thence North 66°00'00" East along said southerly boundary line 65.00 feet to a point which is South 66°00'00" West 225.00 feet from the southeasterly corner of the said Park Avenue Condominium; thence South 24°00'00" East 201.28 feet to a point on the northerly right-of-way line of Empire Avenue, said point being on a 285.00 foot radius curve to the left (center bears South 37°50'08" East 285.00 feet of which the central angle is 54°10'43"); thence southwesterly along the arc of said curve and northerly right-of-way line 269.495 feet; thence North 33°24'21" West 410.09 feet to the point of beginning. Contains 1.408 acres.

ORDINANCE

Ordinance No. 87-17

AN ORDINANCE REZONING PROPERTY LOCATED  
WITHIN THE MUNICIPAL GOLF COURSE DRIVING RANGE  
FROM RESIDENTIAL DEVELOPMENT (RD) TO  
RECREATION OPEN SPACE, AND AMENDING  
THE OFFICIAL ZONING MAP OF PARK CITY, UTAH

WHEREAS, the City has received a petition from the owner of the land subject to this zone change to change the zoning of the land from the present Residential Development (RD) to Recreation Open Space (ROS); and,

WHEREAS, proper notice was given to adjoining land owners and hearings held before the City Council and the Planning Commission on this issue; and,

WHEREAS, the Planning Commission has recommended in favor of the zone change; and,

WHEREAS, the change is consistent with the adopted Park City Master Plan which calls for recreational uses at that location;

NOW, THEREFORE be it ordained by the City Council of Park City, Utah as follows:

Section 1. The following designated land should be and is hereby rezoned from its present designation of Residential Development (RD) to Recreation Open Space (ROS):

Beginning at a point which is the intersection of the southerly right-of-way of Thaynes Canyon Drive, as recorded, and the westerly right-of-way of U-224 (U.S. Alt 40), said point also being South 2010.90 feet and West 549.42 feet from the Northeast Corner Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence South 68°44'00" West 217.16 feet, to a point on a 225.00 foot radius curve to the right

(center bears North 21°16'00" West 225.00 feet of which the central angle is 43°17'24"); thence along the arc of said curve 170.00 feet to the true point of beginning, said point being on the southerly right-of-way of Thaynes Canyon Drive, said point also on a 225.00 foot radius curve to the right (center bears North 22°01'24" East 225.00 feet of which the central angle is 01°42'36"), the following three calls being along said southerly right-of-way; 1) thence northwesterly along the arc of said curve 6.72 feet; 2) thence North 66°14'00" West 72.67 feet to a point on a 175.00 foot radius curve to the left (center bears South 23°46'00" West 175.00 feet of which the central angle is 30°51'51"); 3) thence northwesterly along the arc of said curve 94.27 feet; thence South 23°46'00" West 185.11 feet; thence South 66°14'00" East 256.00 feet; thence North 01°18'00" East 227.30 feet to the true point of beginning. Contains 1.01 acres more or less.

Section 2. The official zoning map of Park City should be and is hereby modified to reflect this change in zone boundaries and designations.

Section 3. Effective Date. This ordinance shall take effect immediately upon its publication.

PASSED and ADOPTED this 14 day of August, 1987.

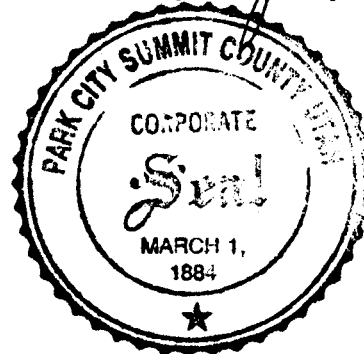
PARK CITY MUNICIPAL CORPORATION

By Hal W. Taylor  
Hal W. Taylor Mayor

Attest:

Sandra P. King  
City Recorder

Golf Course/Ord7



ORDINANCE

Ordinance No. 87-8

AN ORDINANCE AMENDING THE PARK CITY  
LAND MANAGEMENT CODE ELEMENATING SECTION 7.13.5  
REGARDING CONSIDERATION OF A ZONE CHANGE  
FROM ESTATE TO RESIDENTIAL DEVELOPMENT

WHEREAS, the Park City Community Development Department has petitioned the Planning Commission and City Council to reduce the development density allowed in the Estate District Zone and to eliminate the special consideration of rezoning to Residential Development within the Estate District zone; and,

WHEREAS, proper notice was given to affected parties and adjoining landowners and hearing held before the Planning Commission and the City Council on the issues; and,

WHEREAS, the City Council finds that giving special consideration to rezoning within the Estate District Zone is inconsistent with the purposes for which the Estate District Zone was created, and that normal rezoning consideration is more appropriate;

NOW, THEREFORE, be it ordained by the City Council of Park City, Utah as follows:

Section 1. Subparagraph 7.13.5 of the Land Management Code be deleted in its entirety.

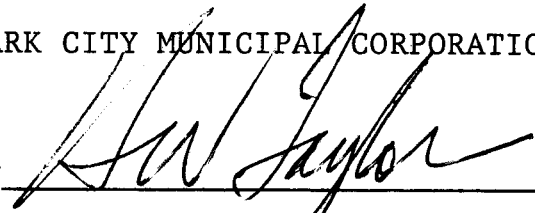
Section 2. Subparagraph 7.13.6 of the Land Management Code be renumbered as subparagraph 7.13.5.

Section 3. Effective date. This ordinance shall take effect immediately upon its publication.

PASSED and ADOPTED this 17th day of September, 1987.

PARK CITY MUNICIPAL CORPORATION

By

A handwritten signature in cursive script, appearing to read "Hal W. Taylor", written over a horizontal line.

Hal W. Taylor, Mayor

Attest:

A handwritten signature in cursive script, appearing to read "Janette Saunen", written over a horizontal line.

City Recorder

ORDINANCE

Ordinance No. 81-7

AN ORDINANCE AMENDING SECTION 7.2.10(b) OF THE  
LAND MANAGEMENT CODE TO REVISE THE OFF-STREET PARKING  
REQUIREMENTS IN THE HISTORIC COMMERCIAL BUSINESS DISTRICT

WHEREAS, the Land Management Code provision requiring parking in the Historic Commercial Business District is unclear; and

WHEREAS, the City Council wishes to revise the parking exemption to include two levels of building area, regardless of the relationship to grade;

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

Section 1. Amendment. Section 7.2.10(b) of the Land Management Code be amended to read as follows:

- (b) In new construction, not including remodels to existing historic buildings, no off-street parking is required for two floor levels. Any additional floor area shall provide off street parking as provided in Section 13 according to the intended uses of the space. The space will be presumed to be commercial, unless from the building plans and specifications it is clear that residential or transient lodging purposes are intended. Parking is only required for that space in excess of two levels and not for the entire structure. Parking may be provided on site, provided however, that entrances and exits for vehicles shall not cross the Main Street sidewalks (except at existing public streets). Parking may be provided off site by paying a sum equal to the estimated construction cost of parking spaces in a public parking facility to the City. This fee shall be established by the Developer Fee Schedule Ordinance, and adjusted annually to reflect the approximate actual construction costs of the structure.

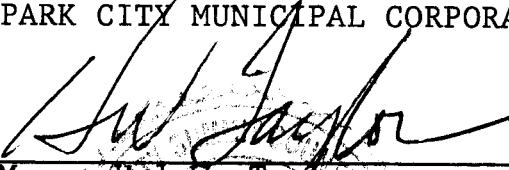
This exception from the regular Land Management Code required off-street parking requirement only applies to those structures or properties which paid the assessment to the Main Street Parking Special Improvement District in full prior to January 1, 1984. All other properties must provide parking in full compliance with Chapter 13. It is the obligation of the property owner to establish that payment was made. All other property within the HCB zone must provide parking for all space in compliance with the provisions of Chapter 13 of this Code.




Section 2. Effective Date. This amendment shall take effect upon publication.

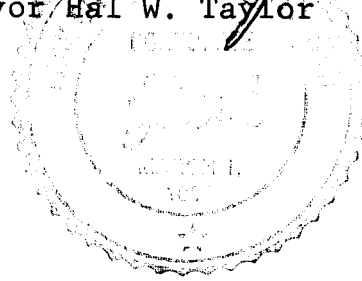
PASSED AND ADOPTED this 23rd day of July, 1987.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Hal W. Taylor

Attest:

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



Amend/LMC2

ORDINANCE

Ordinance No. 87-6

FLOOD DAMAGE PREVENTION ORDINANCE  
OF PARK CITY, UTAH

WHEREAS, the United States Government has established a system of flood insurance in the United States; and

WHEREAS, The Army Corps of Engineers has devised a flood map for Park City; and

WHEREAS, the said map which contains questionable determinations as to the flood hazard areas is a mandatory requirement of the United States Government in order to qualify for flood insurance; and

WHEREAS, the failure to obtain flood insurance will subject the residents and property owners to economic hardship and loss by preventing the issuance of FHA and VA loans or Federal Loan Insurance to the property owners of Park City and thereby materially impair the financing of real property in Park City; and,

WHEREAS, the City Council of Park City is confident that public officials charged with enforcing this ordinance will draw upon all available flood information in addition to the above referenced map to fairly and equitably enforce this ordinance;

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

- SECTION 1 - STATUTORY AUTHORIZATION
- SECTION 2 - FINDINGS OF FACT
- SECTION 3 - STATEMENT OF PURPOSE
- SECTION 4 - METHODS OF REDUCING FLOOD LOSSES
- SECTION 5 - DEFINITIONS
- SECTION 6 - LANDS TO WHICH THIS ORDINANCE APPLIES
- SECTION 7 - BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD
- SECTION 8 - COMPLIANCE
- SECTION 9 - ABROGATION AND GREATER RESTRICTIONS
- SECTION 10 - INTERPRETATION
- SECTION 11 - WARNING AND DISCLAIMER OF LIABILITY
- SECTION 12 - ESTABLISHMENT OF DEVELOPMENT PERMIT
- SECTION 13 - DESIGNATION OF THE BUILDING OFFICIAL AS LOCAL ADMINISTRATOR
- SECTION 14 - DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL
- SECTION 15 - GENERAL STANDARDS
- SECTION 16 - SPECIFIC STANDARDS
- SECTION 17 - FLOODWAYS
- SECTION 18 - EFFECTIVE DATE

SECTION 1. STATUTORY AUTHORIZATION. The legislature of the State of Utah has delegated the responsibility to local governmental units to adopt

regulations designed to promote the public health, safety, and general welfare of its citizenry.

SECTION 2. FINDINGS OF FACT.

- (a) The flood hazard areas of Park City are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

SECTION 3. STATEMENT OF PURPOSE. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (a) To protect human life and health;
- (b) To minimize expenditure of public money for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (f) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (g) To insure that potential buyers are notified that property is in an area of special flood hazard; and
- (h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 4. METHODS OF REDUCING FLOOD LOSSES. In order to accomplish its purpose, this ordinance includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Controlling filling, grading, dredging, and other development which may increase flood damage; and
- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 5. DEFINITIONS. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

- (a) "Appeal" means a request for a review of the Building Official's interpretation of any provision of this ordinance or a request for a variance.
- (b) "Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.
- (c) "Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
- (d) "Base flood" means the flood having a one percent change of being equalled or exceeded in any given year.
- (e) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

- (f) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of inland or tidal waters and/or
  - (2) The unusual and rapid accumulation of runoff of surface waters from any source.
- (g) "Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (h) "Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- (i) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- (j) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
- (k) "Manufactured home" means a structure, transportable in one or more sections, which is built onto a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. The use of manufactured homes is controlled by the Land Management Code of Park City.
- (l) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (m) "Mobile home" means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities.

It does not include recreational vehicles or travel trailers. The use of mobile homes is controlled by the Land Management Code of Park City.

- (n) "New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.
- (o) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the during of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- (p) "Structure" means a walled and roofed building or manufactured home that is principally above ground.
- (q) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:
  - (1) before the improvement or repair is started; or
  - (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure;

The term does not, however, include either:

- (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

- (2) any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places, or any alteration of a structure within the Main Street Historic District or of structures listed in the Mining Boom Era Thematic Nomination to the National Register of Historic Places.
- (r) "Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

SECTION 6. LANDS TO WHICH THIS ORDINANCE APPLIES.  
This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Park City.

SECTION 7. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated July 16, 1987, with accompanying Flood Insurance Rate Map (FIRM), is adopted by reference and declared to be part of this ordinance. The study and FIRM are on file at the Park City Planning Office, 445 Marsac Avenue, Park City, Utah. The City may from time to time adopt additional or updated maps prepared by FEMA, which maps would then further define the areas of special flood hazard.

SECTION 8. COMPLIANCE. No structure or land shall hereafter be constructed, located, extended, or altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION 9. ABROGATION AND GREATER RESTRICTIONS. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 10. INTERPRETATION. In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirement;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 11. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Park City, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 12. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 7. Application for a Development Permit shall be made on forms furnished by the Building Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (b) Elevation in relation to mean sea level to which any structure has been flood proofed;
- (c) Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in Section 16(b); and
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

SECTION 13. DESIGNATION OF THE BUILDING OFFICIAL AS LOCAL ADMINISTRATOR. The Building Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

SECTION 14. DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL. Duties of the Building Official shall include, but not be limited to:

- (a) Permit Review.



- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 17 are met.

If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.

If it is determined that there is an adverse effect, then technical justification (i.e., registered professional engineer) for the proposed development shall be required.

If the proposed development is a building, then the provisions of this ordinance shall apply.

- (b) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 7, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Building Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 16, SPECIFIC STANDARDS.

- (c) Information to be Obtained and Maintained.

- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

- (2) For all new or substantially improved flood proofed structures:

Verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood proofed.

Maintain the flood proofing certifications required in Section 12(c).

- (3) Maintain for public inspection all records pertaining to the provisions of this ordinance.
- (d) Alteration of Watercourses.
- (1) Notify adjacent communities and the State Division of Comprehensive Emergency Management prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (e) Interpretation of FIRM Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
- (f) Variances. Appeals and requests for variances from the requirement of this ordinance shall be heard in accordance with the established procedures of Park City. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

SECTION 15. GENERAL STANDARDS. In all areas of special flood hazards the following standards are required:

- (a) Anchoring. All new construction and substantial improvements including manufactured homes (which are controlled by the Land Management Code) shall be anchored to prevent floatation, collapse, or lateral movement of the structure. All manufactured homes must be elevated and anchored to resist floatation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirement may be:
- (i) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side.
- (ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;

(iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and  
(iv) any additions to the manufactured home be similarly anchored.

(b) Construction Materials and Methods.

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) Utilities.

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) Subdivision Proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage, and
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed

development which contain at least 50 lots or five acres (whichever is less).

SECTION 16. SPECIFIC STANDARDS. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 14(b), Use of Other Base Flood Data, the following standards are required:

- (a) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation. Within any AO or AH Zone on the FIRM, all new construction and substantial improvement of residential construction shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified). Within any AO or AH Zone, adequate drainage paths around structures shall be required to guide floodwaters around and away from proposed structures.
- (b) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or together with attendant utility and sanitary facilities, shall:
  - (1) be flood proofed so that below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water;
  - (2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - (3) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Official as set forth in Section 14(c)(2).
  - (4) Within any AO or AH Zone on the FIRM, all new construction and substantial improvement of nonresidential structures (i) shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely flood proofed to that level to meet the flood proofing standard specified in Section 16(b) above. Within any AO

or AH Zone, adequate drainage paths around structures shall be required to guide floodwaters around and away from proposed structures.

- (c) Openings in Enclosures Below the Lowest Floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designated to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
  - (2) The bottom of all openings shall be no higher than one foot above grade; and
  - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (d) Manufactured Homes. (1) Manufactured homes shall be anchored in accordance with Section 15(a). (2) All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system.


SECTION 17. FLOODWAYS. Located within areas of special flood hazard established in Section 7 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (b) If Section 17(a) is satisfied, all new construction and substantial improvement shall comply with all applicable flood hazard reduction provisions of Sections 15 and 16.

SECTION 18. EFFECTIVE DATE. This ordinance shall become effective upon publication.

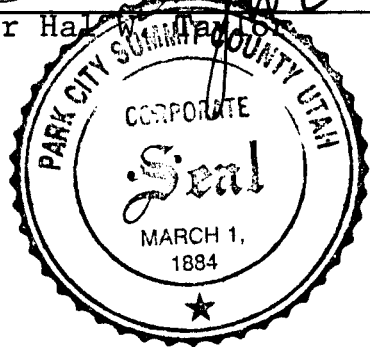
June PASSED AND ADOPTED THIS 11 day of \_\_\_\_\_, 1987.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Hal

Attest:

Sandra C. King  
City Recorder



ORDINANCE

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF  
PARK CITY, UTAH TO INCLUDE THE MC LEOD CREEK SUBDIVISION  
SINGLE FAMILY (SF) ZONE

WHEREAS, the City Council created the Single Family Zone to be designated to areas which are primarily permanent single family residential in character; and

WHEREAS, the McLeod Creek Subdivision is similar in nature to the other subdivisions designated as single family;

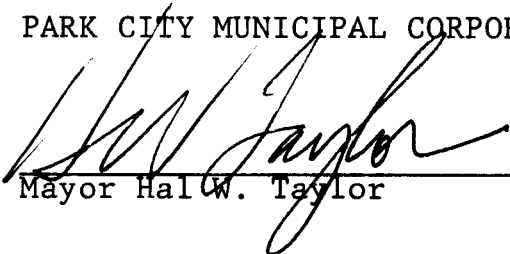
NOW, THEREFORE BE IT ORDAINED by the City Council of Park City as follows:

SECTION 1. ZONING MAP AMENDED. The zoning map of Park City is hereby officially amended to designate the McLeod Creek Subdivision as Single Family (SF) from its former designation as Residential Development (RD).

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

PASSED AND ADOPTED this 22nd day of January, 1987.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Hal W. Taylor

Attest:

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

Recorded at the request of and return  
to: Park City Municipal Corp.  
P. O. Box 1480, Park City, UT 84060,

REC'D NOTE  
12/2 NP

*Park City  
Municipal Corp*

Exempt per Utah Code  
Annotated 1953 21-7-2

ORDINANCE

279890 07 NOV 19 PM 4:  
4:17  
ALAN SPRIGGS  
SUMMIT COUNTY REC'D

Ordinance No. 87-4

AN ORDINANCE VACATING  
402 ONTARIO HOCH HAUS CONDOMINIUM  
RECORD OF SURVEY MAP

REC'D BY *BHNC*

WHEREAS, the Council received a petition from the owners of the property that was committed to condominium ownership by filing the Record of Survey Map on June 2, 1977 as Entry Number 138208, requesting the Council to vacate that map; and

WHEREAS, a public hearing was held on the 15th day of January, 1987 pursuant to properly published notice, and no objections were heard at the hearing concerning the vacation;

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

1. The Record of Survey Map for 402 Ontario Hoch Haus Condominium, located in Park City, Summit County, Utah which was recorded on June 2, 1977 as Entry Number 138208 in the records of the Summit County Recorder should be and is hereby vacated and of no further force or effect.

2. By virtue of these vacations, the property described as:

All of Lot 1 and half of Lot 2, Block 58, Park City Survey

500- 452-649 <sup>650</sup>



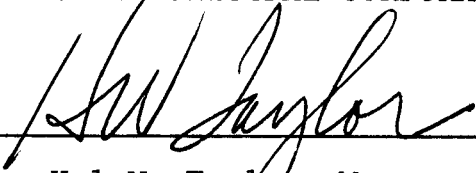
is removed from condominium ownership.

3. This Ordinance shall take effect upon adoption and recordation, whichever occurs last, but shall nevertheless be published.

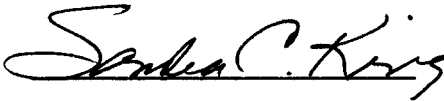
Passed and adopted this 15th day of January, 1987.

PARK CITY MUNICIPAL CORPORATION

By

  
\_\_\_\_\_  
Hal W. Taylor, Mayor

Attest:

  
\_\_\_\_\_  
Sandra C. King

City Recorder



ORDINANCE

Ordinance No. 87-3

AN ORDINANCE CONSENTING TO ASSIGNMENT OF FRANCHISE FROM  
COMMUNITY TELEVISION OF UTAH, INC.  
TO TCI CABLEVISION OF UTAH, INC.

WHEREAS, TCI Cablevision of Utah, Inc. is acquiring all the assets of Community Television of Utah, Inc. relating to the cable television system located in the City of Park City; and

WHEREAS, upon closing of the acquisition, all right, title, and interest of Community Television of Utah, Inc. in the franchise granted by Ordinance No. 80-22, dated September 22, 1980, shall be assigned to TCI Cablevision of Utah, Inc.; and

WHEREAS, TCI Cablevision of Utah, Inc. is respectfully requesting that the City consent to such an assignment of the franchise to TCI Cablevision of Utah, Inc.

NOW, THEREFORE BE IT ORDAINED that the City Council of Park City consents to the assignment of the franchise from Community Television of Utah, Inc. to TCI Cablevision of Utah, Inc. and the release of Community of Utah, Inc. from any further obligations or liability thereunder; provided however, that TCI Cablevision of Utah, Inc. delivers to the City a written acceptance of all the terms and conditions of Ordinance No. 80-22.

PASSED AND ADOPTED this 8th day of January, 1987.  
Effective upon publication.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Hal W. Taylor

Attest:

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

ORDINANCE

Ordinance No. 87-2

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE TO MAKE NIGHTLY RENTALS A PERMITTED USE RATHER THAN A CONDITIONAL USE IN THE ESTATE (E), RESIDENTIAL DEVELOPMENT (RD), RESIDENTIAL DEVELOPMENT-MEDIUM DENSITY (RDM), RESIDENTIAL DISTRICT (R-1), AND HISTORIC RESIDENTIAL DISTRICT (HR-1), AND HISTORIC RESIDENTIAL LOW DENSITY ZONES (HRL); AND AMENDING THE LAND USE TABLES OF THE LAND MANAGEMENT CODE

WHEREAS, the Land Management Code has allowed nightly rentals as conditional uses in many zones in town; and

WHEREAS, the conditional use process has not been an effective regulatory mechanism on nightly rental; and

WHEREAS, a Single Family Zone has been established to define neighborhoods in which nightly rentals are not appropriate;

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

SECTION 1. PERMITTED USE. Nightly rental or rental for periods of less than 30 days is hereby made a permitted use in the E, RD, RDM, R-1, HR-1, and HR-L Zones, and the Land Use Tables of the Land Management Code is hereby amended to reflect this change. Nightly rental has been, and still is a permitted use in the Residential Medium (RM), General Commercial (GC), Historic Commercial Business (HCB), and Recreation Commercial District (RC) Zones. Nightly rental remains a prohibited use in the Light Industrial (LI), Recreation Open Space (ROS), and Single Family (SF) Zones.

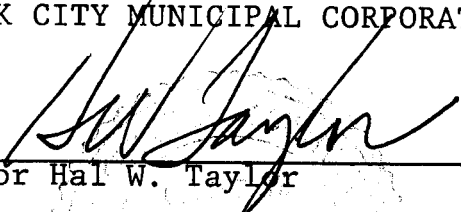
SECTION 2. LICENSE REQUIRED. In zones where nightly rental is listed as a permitted use under the Land Management Code, it shall be unlawful to operate a nightly rental without first having obtained a business license as specified in Ordinance 82-10, as amended.

SECTION 3. LAND USE TABLE AMENDED. Section 7.15, Land Use Table of the Land Management Code shall be amended as follows (see attached). Only the affected portion is shown on the attachment as all other portions of the section remain the same.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect immediately upon its publication.

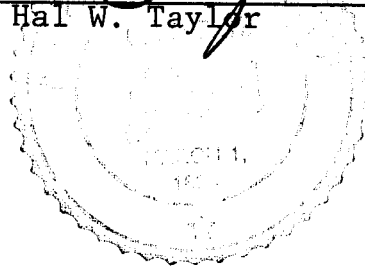
PASSED AND ADOPTED 22nd day of January, 1987.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Hal W. Taylor

Attest:

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



LAND USE TABLES

USE DESCRIPTION

E SF SF-N RD RDM R-1 HR-1 RM GC HCB HRC RC LI ROS HRL

Single family detached dwelling	A	A	A	A	A	A	A	A	A	A	*	A	*	*	A
Two dwelling structure, duplex	C <sup>1</sup>	* <sup>9</sup>	* <sup>9</sup>	C	A	A	A	A	A	A	*	A	A	*	*
Three dwelling structure, triplex	C <sup>1</sup>	*	*	C <sup>1</sup>	C	A <sup>2</sup>	A <sup>2</sup>	A	*	*	A	*	*	*	*
Four dwelling structure, fourplex	C <sup>1</sup>	*	*	C <sup>1</sup>	C	*	*	A	A	A	A	A	*	*	*
Multi-dwelling structure more than four, but not more than eight	C <sup>1</sup>	*	*	C <sup>1</sup>	C <sup>1</sup>	*	*	A	A	A	A	C <sup>3</sup>	*	*	*
Multi-dwelling structure, more than eight dwellings	C <sup>1</sup>	*	*	C <sup>1</sup>	C <sup>1</sup>	*	*	C	A	A	A	A	C <sup>3</sup>	*	*
Rental of dwellings for periods less than 30 days	A	*	A	A	A	A	A	A	A	A	A	A	*	*	A
Accessory buildings and uses	A	A	A	A	A	A	A	A	A	A	A	A	A	C	A
Guest house (on lots of one acre or larger only)	C	C	C	C	C	C	C	C	*	*	C	*	*	*	*
Lock-out rooms	A	*	*	A	A	A	A	A	A	A	A	A	*	*	C
Home occupations	A	A	A	A	A	A	A	A	A	A	A	A	A	*	A

ORDINANCE

Ordinance No. 87-1

AN ORDINANCE ESTABLISHING A REGULAR MEETING DATE,  
TIME, AND LOCATION FOR MEETINGS OF THE  
CITY COUNCIL OF PARK CITY, UTAH FOR 1987

BE IT ORDAINED by the City Council of Park City:

SECTION 1. REGULAR MEETING DATE. The regular meetings of the Park City Council shall be held every Thursday at 6 p.m. at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah, except when the regular meeting date is a holiday, then the meeting shall not be held.

SECTION 2. NOTICE OF PUBLIC MEETING. Notice shall be given, indicating the specific location of the meeting, and notice shall be given regarding cancellations. The agenda will be posted at the Marsac Municipal Building at least twenty-four hours prior to each regular meeting and same delivered to the local news media.

SECTION 3. WORK SESSIONS. Prior to the regular Council meeting, work sessions may be held by the Council at the Marsac Municipal Building, as specified on the agenda. No Council action shall be taken during these work sessions, and the public is invited to attend to the work sessions to discuss informally, areas of concern with the City Council.

SECTION 4. CLOSED MEETINGS. Every meeting and work session is open to the public, unless closed pursuant to Sections 52-4-4 and 52-4-5 of the Utah Code. A closed meeting may be held upon the affirmative vote of two-thirds of the members of the public body present at an open meeting for which notice is given pursuant to Section 52-4-6; provided, a quorum is present. No closed meeting is allowed except as to matters exempted under Section 52-4-5; provided, no ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting. The reason or reasons for holding a closed meeting and the vote, either for or against the proposition to hold such a meeting, cast by each member by name shall be entered on the minutes of the meeting.

SECTION 5. SPECIFIC MEETING DATES. The schedule for City Council meetings in 1987 are as follows:

January 8, 15, 22, 29  
February 5, 12, 19, 26  
March 5, 12, 19, 26  
April 2, 9, 16, 23, 30

July 2, 9, 16, 23, 30  
August 6, 13, 20, 27  
September 3, 10, 17, 24  
October 1, 8, 15, 22, 29

May 7, 14, 21, 28  
June 4, 11, 18, 25

November 5, 12, 19  
December 3, 10, 17


SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

DATED this 8th day of January, 1987.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Hal W. Taylor

Attest:

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

