

ORDINANCE NO. 79-1

AN ORDINANCE REPEALING SECTIONS 1, 2 and 3(h) OF CHAPTER VI AND CHAPTER 13 OF THE PARK CITY LAND MANAGEMENT CODE AND CREATING A PLANNING COMMISSION OF NINE MEMBERS, PROVIDING FOUR YEAR TERMS FOR PLANNING COMMISSION MEMBERS, ROTATING MEMBERS AND CHAIRMEN, CONFERRING ALL NECESSARY POWERS, PROVIDING PROCEDURAL DUE PROCESS FOR PERSONS AGGRIEVED BY DECISIONS OF THE PLANNING COMMISSION.

Section 1. Sections 1, 2 and 3(h) of Chapter VI and all of Chapter 13 of the Park City Land Management Code are hereby repealed.

Section 2. There is hereby created a city planning commission to consist of nine members, one of whom shall be a member of the governing body, who shall be a non-voting member of the planning commission.

Section 3. The member of the planning commission who is also a member of the governing body shall serve a term of FOUR years or until he or she is no longer a member of the governing body. Any member of the governing body appointed to fill an unexpired term shall serve for four years or until he or she is no longer a member of the governing body.

Section 4. The remaining members of the planning commission shall serve terms of FOUR years. The terms shall be staggered so that two members shall be appointed each year. Terms shall expire the second Monday in February, but members of the planning commission shall continue to serve until their successors are appointed and qualify. Vacancies shall be filled for the unexpired term.

Section 5. Appointments to the planning commission shall be made on a basis which fairly represents the interests of all residents of the community, and provide expertise in the following areas:

- a. Architectural and/or Civil Engineering
- b. Historical aspects of the city
- c. Economics, banking and/or financial matters
- d. Real Estate - Development and/or Sales

Section 6. The planning commission shall have all necessary powers conferred on planning commissions pursuant to Chapter 9 of Title 10, Utah Code Annotated, 1953, as amended.

Section 7. The planning commission shall on or before the second Wednesday in March each year elect a chairman who shall serve a term of one year, but may be reelected for one succeeding consecutive term. A person may not serve more than two consecutive terms as chairman of the planning commission. The chairman shall have no vote, except in case of a tie vote by the members of the commission.

Section 8. In order to assist the planning commission in carrying out its duties, the planning commission may request the assistance of other employees or agents of the city.

Section 9. The planning commission may adopt rules and regulations consistent with this ordinance as it deems necessary.

Section 10. Pursuant to Chapter 9 of Title 10, Utah Code Annotated, 1953, there is hereby created a board of adjustment. The provisions of sections 10-9-6 through 10-9-14, 10-9-24 and 10-9-26, Utah Code Annotated, 1953, as those provisions relate to the powers of the board of adjustment, are hereby adopted.

Section 11. Whenever the planning commission or board of adjustment denies any application by any person, the planning commission or board of adjustment shall provide the city council with a written statement of the reasons therefore and the provision or provisions of the city's ordinance which serve as the basis for the denial.

Section 12. Any person whose application or petition is denied by the planning commission shall have the right to appeal the decision to the city council within 30 days following the decision of the planning commission. Such person shall have the right to request and receive the written statement of the reasons for denying the person's application or petition. The person appealing the decision of the planning commission shall present each and every reason in writing why he or she believes the city council should grant the application or petition.

Section 13. Any appeal from a decision of the planning commission to the city council shall be made in writing and addressed to the mayor. The mayor, on receipt of the written appeal, shall advise the applicant of his or her right to request the written statement of the reasons for the denial and the provisions of the city's ordinance which serve as the basis for the denial. The references to the city's ordinance may be by section number. The letter to the applicant or petitioner shall advise the person that the applicant or petitioner state in writing each and every reason as to why the council should reverse the planning commission.

Section 14. Prior to making a decision on any application for a variance, the board of adjustment shall give the mayor and city manager written notice of the petition or application for a variance and shall advise them of the day when the board of adjustment is to hear the petition or application. The city shall have the right to appear before the board of adjustment to present such argument as it deems necessary on such applications or petitions or may make written argument. The failure of the city to so appear or present written argument shall not prevent the board of adjustment from deciding whether to grant the variance.

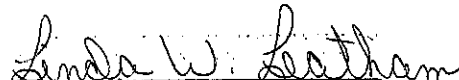
Section 15. This ordinance is severable and if any portion hereof is held to be invalid, the remainder shall not be thereby affected.

Section 16. In recommending the initial appointments made pursuant to this ordinance, the mayor shall recommend both terms and appointments in order to give effect to this ordinance.

Dated this 9th day of February, 1979.


MAYOR

ATTEST:


RECORDER

ORDINANCE NO. 79-2

AN ORDINANCE PROVIDING FOR THE REGULATION OF THE PUBLIC STREETS.

Be it ordained by the city council of Park City:

Section 1. PRIMA FACIE SPEED - POSTED STREETS.

(a) When appropriate traffic control or regulatory signs giving notice of speeds are posted, the prima facie maximum speed limits designated upon said signs shall apply to the appropriate streets or portions of streets so posted.

(b) In the absence of any speed limit sign designating a speed limit applicable thereto, the prima facie speed limit shall be 30 miles per hour.

Section 2. ANGLE PARKING. When appropriate traffic control or regulatory signs are posted permitting angle parking, angle parking shall be permitted on the streets or parts of streets so posted at the angle designated by the sign.

Section 3. THROUGH STREETS - STOP AND YIELD INTERSECTIONS. When appropriate traffic control or regulatory signs are posted at entrances to intersections identifying them as stop or yield entrances, such streets are hereby declared to be stop entrances as designated by the signs.

Section 4. TRAFFIC CONTROL. The traffic control and regulation of all public streets shall be as posted, regulated or controlled by appropriate traffic control devices, signs or other regulatory devices or controls.

Section 5. TRAFFIC CODE ADOPTED.

A. The Utah Traffic Code - Rules of the Road 1978, as compiled, prepared and published as a code book form by the Utah Department of Public Safety and the Utah League of Cities and Towns, three copies of which have been filed for use and examination by the public in the office of the recorder, is hereby approved and adopted as the traffic code for Park City. The 1979 amendments to chapter 6, Title 41, Utah Code Annotated, 1953 as enacted by Senate Bill 41 by the 1979 Utah Legislature are hereby adopted and incorporated into this ordinance.

B. Unless the context requires otherwise, all references in the Utah Traffic Code - Rules of the Road, 1978 to:

(1) "The State Road Commission" shall mean this city and its officers, departments, agencies and agents.

(2) "Local authorities" shall mean the city council of Park City.

(3) "The Department of Public Safety of the State of Utah" shall mean the chief of police of this city or his agent.

(4) "Magistrate" shall mean the justice of the peace or judge of this city.

Section 6. CITATION TO CODE. Where a citation or complaint is issued, it shall be sufficient to use the number of the Utah Code followed by "the ordinances of Park City" to show the section of the ordinance of the city which has been violated.

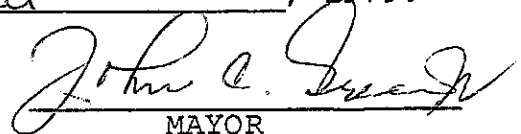
Section 7. PENALTIES. Any person violating, causing or permitting a violation of any provision of this ordinance or the provisions adopted or incorporated by reference shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$299.00 or by a jail sentence not to exceed six months or by both.

Section 8. SEVERABILITY. The provisions of this ordinance and the provisions adopted or incorporated by reference are severable.

Section 9. REPEALER. The provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed.

Section 10. EFFECTIVE DATE. This ordinance shall take effect May 8, 1979.

DATED this 9th day of April, 1979.


MAYOR

ATTEST:


RECORDER

PUBLISHED NOTICE. Notice is hereby given that the City council of Park City has adopted an ordinance adopting the state traffic code - Rules of the Road, 1978, as amended by the 1979 Utah legislature regulating and controlling the use of the public streets of Park City and providing a penalty for violating the provisions of the ordinance. The ordinance takes effect May 8, 1979.

ORDINANCE NO. 79-3

AN ORDINANCE AMENDING THE PARK CITY LAND MANAGEMENT CODE TO CREATE A LIGHT INDUSTRIAL ZONE.

Be it ordained by the city council of Park City:

Section 1. PURPOSE. The light industrial district is provided to allow light industrial or manufacturing uses which will not create traffic hazard, noise, dust, fumes, odors, smokes, vapor, vibration, glare or industrial waste disposal problems. Because of the nature of the uses permitted and the potential impacts caused by their operating characteristics and appearance, all uses in the light industrial district will be subject to the conditional use procedure. Also, since the nature of this district is for light industrial uses, no retail sale uses shall be permitted.

Section 2. PERMITTED USES. Public or private open space development.

Section 3. CONDITIONAL USES.

- A. Assembling of Products.
- B. Storage of Products.
- C. Warehousing and Transfer of Products.
- D. Repair and Manufacturing of Products.
- E. Research and Development.
- F. Wholesale Businesses.
- G. Uses considered similar.

Section 4. COMMUNITY REQUIREMENTS. Applicants in the light industrial district shall present to the planning commission evidence of compliance with the following:

- A. Consideration for each industrial use will be based on the criteria that it will not create, glare, heat, odor, dust, smoke, noise, or physical vibrations perceptible outside the building walls except as may be normal for a residential or commercial use.
- B. Any open yards used for storage or parking shall be screened effectively by a landscaped berm or structural means as determined by the planning commission.
- C. The planning commission shall review the buffer between a structure housing an industrial use and the zone line of a residential district to determine the most effective way to screen the industrial use.

- D. Utilities shall be placed underground.
- E. Retail sale uses shall not be permitted in the district.

Section 5. LOT AND SITE REQUIREMENTS.

- A. Loading and Unloading - The loading and unloading of goods shall take place entirely upon the site.
- B. Architectural Design - All structures shall be compatible with architecture in the general commercial district. Preferences shall be granted to design concepts for larger structures that create the visual impression of attached smaller structures.
- C. Open Space - At least fifteen percent of the total site area shall be developed as landscaped open space and shall not be utilized for streets, roads, or parking areas.
- D. Lot Size - The minimum lot or site area shall be 10,000 square feet and each site shall have a minimum frontage of 50 feet.

The maximum unbroken length of any wall or building face shall be 125 feet.
- E. Side Yards - There shall be a minimum 10 foot side yard.
- F. Front Yard - The minimum front yard shall be 20 feet.
- G. Rear Yard - There shall be a ten foot rear yard.

Section 6. BUILDING HEIGHT. Buildings shall be erected to a height no greater than 35 feet measured from natural grade at the building site.

Section 7. SEVERABILITY. The provisions of this ordinance are severable.

Section 8. EFFECTIVE DATE. This ordinance shall become effective on publication.

DATED this 7th day of June, 1979.

John C. Green
MAYOR

ATTEST:

Linda W. Nathan
Recorder

INDEXED: _____
GRANTOR: §
GRANTEE: _____
RELEASED: _____
ABSTRACTED: By SA
STAMPED: §

AN ORDINANCE VACATING A
PORTION OF A STREET LOCATED WITHIN
THE CITY LIMITS OF PARK CITY, UTAH

INDEXED: _____
GRANTOR: §
GRANTEE: _____
RELEASED: _____
ABSTRACTED: By SA
STAMPED: _____

WHEREAS, the abutting owners owning real property abutting Nelson Street, Park City, Summit County, Utah, have petitioned the Park City Council for an order vacating said street or portion thereof, as defined by the legal description, annexed herein, marked Exhibit "A", and which by reference is incorporated herein and made a part hereof; and

WHEREAS, the City Council finds that there is good and sufficient cause for vacating said street, and that the vacation of the aforesaid street as defined by its description, as Exhibit "A", will not be detrimental to the general interest of the inhabitants of the City of Park City, Summit County, Utah; and

Whereas, all the property owners of record as it appears from the records of the Summit County Recorder's Office, abutting the part of the street petitioned to be vacated have consented in writing to said vacation.

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

SECTION 1. It is hereby ordered, by the power vested into the said City Council pursuant to section 10-8-8.1 et seq., Utah Code Annotated, 1953, as amended, that the public street known as Nelson Street and described more particularly in the attached Exhibit "A", be and the same is hereby vacated upon the effective date of this ordinance.

SECTION 2. This ordinance may be recorded in the records of the Summit County Recorder's Office, Coalville, Utah.

SECTION 3. This ordinance shall become effective twenty (20) days after publication, or thirty days after its passage and posting as required by law, whichever of said days is most remote from the final day of passage thereof.

Entry No. 165032 Book M 154
RECORDED 6-16-80 at 2:21 P Page 349-251
REQUEST of WESTERN STATES TITLE for Park City
FEE WANDA Y. SPRIGGS, SUMMIT CO. RECORDER
\$ D. H. By Wanda Y. Spriggs
INDEXED _____ ABSTRACT _____

Entry No. 165032 Book M 154
RECORDED 3-19-80 at 3:31 P Page 150-2
REQUEST of Park City
FEE WANDA Y. SPRIGGS, SUMMIT CO. RECORDER
\$ D. H. By Wanda Y. Spriggs
INDEXED _____ ABSTRACT _____

BOOK 154 PAGE 450
BOOK 154 PAGE 349

PASSED this 7th day of June, 1979

BY ORDER OF THE CITY COUNCIL

John C. Green
MAYOR

ATTEST:

Linda W. Leatham
CITY RECORDER



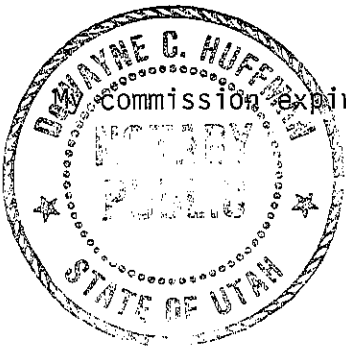
| | AYE | NAY |
|----------------------------|---------------|-------|
| COUNCILMAN BENNETT VOTING | ✓ | _____ |
| COUNCILMAN DERING VOTING | <u>absent</u> | _____ |
| COUNCILMAN MARTINEZ VOTING | <u>absent</u> | _____ |
| COUNCILMAN SHOFF VOTING | ✓ | _____ |
| COUNCILMAN WELLS VOTING | ✓ | _____ |

STATE OF UTAH)
)
COUNTY OF SUMMIT)

On the 19th day of March, A.D. 1980 personally appeared before me JOHN C GREEN and LINDA W LEATHAM who being by me duly sworn did say, each for himself, that he, the said JOHN C GREEN is the Mayor, and she, the said LINDA W. LEATHAM, is the City Recorder of PARK CITY, A MUNICIPAL CORPORATION, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said JOHN C GREEN and LINDA W LEATHAM each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

DeWayne C. Huffman
Notary Public

Commission expires November 10, 1981 My residence is Heber Park City



BOOK 160 PAGE 350

BOOK 154 PAGE 451

EXHIBIT "A"

SNYDERS ADDITION TO

BEGINNING at the Northwest corner of Lot 16, Block 27, Park City Survey and running thence North $35^{\circ}59'$ West 30 feet to the Southwest corner of Lot 1, Block 26 of said Park City Survey; thence North $54^{\circ}01'$ East 75 feet to the Southeast corner of Lot 1 of said Block 27; thence South $35^{\circ}59'$ East 30 feet to the Northeast corner of Lot 16 of said Block 27; thence South $54^{\circ}01'$ West 75 feet to the point of BEGINNING.

BOOK # 154 PAGE 45, 2 BOOK # 160 PAGE 35, 1

582-9926

ll
S

BEFORE THE CITY COUNCIL OF PARK CITY

RECORDED: 165031
STARTED: ✓

| | | | | |
|---------------|---|----------|-------------|----------------------------------|
| IN THE MATTER | : | PETITION | INDEXED: | _____ |
| OF VACATION | : | | GRANTOR: | <u>✓</u> |
| OF NELSON | : | | GRANTEE: | <u>✓</u> |
| STREET | : | | RELEASED: | _____ |
| | | | ABSTRACTED: | <u>✓</u> <u>165031</u> <u>SA</u> |
| | | | STAMPED: | <u>✓</u> |

WE, the undersigned abutting property owners, abutting to NELSON Street, situated in the City of Park City, Summit County, State of Utah, hereby Petition the City Council of the City of Park City that the said NELSON Street be vacated.

Said vacation of the street is based upon the reason and for the grounds that the portion of NELSON Street, which is sought to be vacated by this petition, is not usable as a roadway or a public street by anyone, in that there are several obstructions and improvements located thereupon, and that for at least the last twenty-five years no one has been able to use this street for driving or other purposes as a public street. Vacation of said street will not be detrimental to the general interests of the inhabitants of the City of Park City, Utah.

A copy of the description of the portion of the street to be vacated is annexed herein marked Exhibit "A", and by reference is incorporated herein, and made a part hereof.

The undersigned owners of the abutting property do hereby by affixing their signatures at the bottom of this petition consent to such vacation, and do hereby waive any and all notice requirements, and to the mailing of notice to the undersigned that the said street is proposed to be vacated. Attached herein to this petition is a copy of the plat showing

Entry No. 167525 Book M.160
 RECORDED 6-16-80 at 2:30 P.M. Page 344-48
 REQUEST of WESTERN STATES TITLE
Park City
 FEE _____
 \$ D. H. _____
 INDEXED _____
 WANDA Y. SPRIGGS, SUMMIT CO. RECORDER
 By Wanda Y. Spriggs
 ABSTRACT _____

Entry No. 165031 Book M.154
 RECORDED 3-19-80 at 3:30 P.M. Page 447-49
 REQUEST of Park City
 FEE _____
 \$ D. H. _____
 INDEXED _____
 WANDA Y. SPRIGGS, SUMMIT CO. RECORDER
 By Wanda Y. Spriggs
 ABSTRACT _____

BOOK 154 PAGE 47
BOOK 160 PAGE 347

the property street and the ownership of the abutting property owners. Petitioners herein waive the time of notice to be given for the holding of a hearing regarding the vacation of this street and do pray the City Council that a hearing may be set at the earliest possible time to adopt an ordinance vacating said street.

WHEREFORE, petitioners pray that the governing body set a time and place for a hearing to be held by the City Council of the City of Park City, and at that time to consider this application and to determine that the best interests of the municipality require that the said street should be vacated and to adopt an ordinance vacating the same.

Dated this 17 day of May, 1973.

L. J. Mark

L. J. Mark

STATE OF UTAH)
 : SS
COUNTY - Salt Lake)

J. L. Maske personally appeared before me this 9 day of May, 1978, the signers of the foregoing petition who acknowledged to me that they executed the foregoing instruments according to the terms contained therein.

My Commission expires:
5-5-80

Edo Young
NOTARY PUBLIC: Residing in
Salt Lake County, Utah

BOOK 154 PAGE 44
BOOK 160 PAGE 346

EXHIBIT "A"

SNYDERS ADDITION TO
BEGINNING at the Northwest corner of Lot 16, Block 27, Park City Survey
and running thence North 35°59' West 30 feet to the Southwest corner of
Lot 1, Block 26 of said Park City Survey; thence North 54°01' East 75
feet to the Southeast corner of Lot 1 of said Block 27; thence South
35°59' East 30 feet to the Northeast corner of Lot 16 of said Block 27;
thence South 54°01' West 75 feet to the point of BEGINNING.

| | | | |
|--------------------------|----------------|----|---|
| | | 19 | " |
| | | 18 | " |
| | | 17 | " |
| | | 16 | " |
| | | 15 | " |
| SA | 321 | 14 | " |
| | | 13 | " |
| | | 12 | " |
| 35 | | 11 | " |
| BAM BERGER 10 (COMAN) | | | " |
| LOTS | 1 TO 44 INC | 9 | " |
| | | 8 | " |
| M7 | 66-67 | 7 | " |
| | | 6 | " |
| | | 5 | " |
| | | 4 | " |
| | | 3 | " |
| | | 2 | " |
| | | 1 | " |
| 150' | 75' | | |

LOWELL AVENUE (N 35°59' W)

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| | | 27 | 18 | " |
| | | 28 | 17 | " |
| | | 29 | 16 | " |
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| | | 33 | 12 | " |
| | | 34 | 11 | " |
| | | 35 | 10 | " |
| | | 36 | 9 | " |
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| | | 38 | 7 | " |
| | | 39 | 6 | " |
| | | 40 | 5 | " |
| | | 41 | 4 | " |
| | | 42 | 3 | " |
| | | 43 | 2 | " |
| | | 44 | 1 | " |

PROPERTIES
SWEETWATER

M. 27-476

26

12 TH STREET
NELSON STREET (N 54°01' E)

| | |
|--------------------------------|--------------------------------------------------|
| 75' SA-290-17 PHILLIP S. | 75' SA 290E75' ALICE M. 68 LOIS M. ASKE |
| YVONNE F. | Y. 23-32 |
| 18 FALKE | SA-290 15 MAY... A |
| M23-412 19 | ... M23... |

BOOK 154 PAGE 449 BOOK 160 PAGE 348

EMPIRE AVENUE (N 35°59' W)

ORDINANCE NO. 12-79A

AMENDMENT TO: _____

ORDINANCE No. 12-79

AN ORDINANCE CREATING A PLANNING COMMISSION, BOARD OF ADJUSTMENT AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE CITY'S LAND MANAGEMENT CODE.

Be it ordained by the Council of Park City:

(Delete)

SECTION 2. CONDITIONAL USE PROCEDURE

2.9 TIME LIMIT. Unless there is actual construction or other substantial action initiated after conditional use approval within a period of one year, of approval, the conditional use approval shall expire. The Planning Commission may grant a maximum extension of six months under exceptional circumstances.

(Replace)

SECTION 2. CONDITIONAL USE PROCEDURE

2.9 TIME LIMIT. Unless there is actual construction or a building permit issued within a period of one-year from the date of conditional use approval, the conditional use approval shall expire. The Planning Commission may grant a maximum extension of six-months under exceptional circumstances.

(New)

SECTION 3. ZONING ADMINISTRATION AND ENFORCEMENT

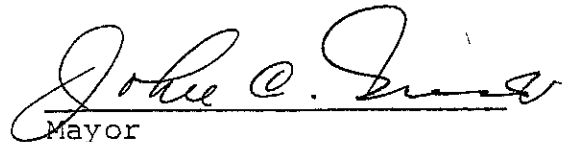
3.1.5 Time Limit. Unless there is actual construction or a building permit issued within a period of 180 days from the date of plan approval by the Zoning Administrator, the plan approval for a permitted use shall expire.

SECTION 6. SEVERABILITY OF PARTS OF CODE

If any phrase, clause, sentence, paragraph or section of this code shall be declared unlawful by any court of competent jurisdiction, such decision shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.

EFFECTIVE DATE.

This Ordinance shall become effective on the 11th day of December, 1980.



Mayor

Attest:



Recorder

ORDINANCE

Ordinance No. 9-20-79(3)

AN ORDINANCE AMENDING SECTION 4
OF ORDINANCE 9-20-79

WHEREAS, In some instances, the Interstate Land Sales Act may interfere with a subdivider's ability to guarantee public improvements prior to plat recordation, and,

WHEREAS, the City finds that in such instances plat recordation with certain conditions prior to guarantee is appropriate,

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

SECTION 1. Section 4.4.2 of Ordinance 9-20-79 should be and is hereby amended to read as follows:

Section 4.4.2 - In the event subdivider's ability to post the guarantee required by this ordinance is dependent upon prior recordation of the plat, the City Council may authorize plat approval upon receipt from the subdivider of an executed and acknowledged agreement signed by owners of all fee, leasehold, contract and security interest in property, in the form of a restrictive covenant that the subdivider will not sell, lease, or convey any lot, parcel or portion of a lot or parcel of the subdivided property unless he shall first, as a condition precedent thereto, satisfy the foregoing guarantee requirements of Sections 4.4, and 4.4.1. 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 the subdivider's successors and assigns, to secure installation of all improvements required by law, together with the payment of all costs including reasonable attorney's fees, which the municipality may incur in enforcing the terms and provisions of the agreement, and shall contain the consent of the subdivider and all interested owners in the property to vacation of the recorded plat if the guarantee requirements of Sections 4.4 and 4.4.1 hereof have not been complied with within one hundred and twenty (120) days of the date of recordation. The encumbrance posed by the lien shall be released only upon compliance by the subdivider or his successors with the guarantee provisions of Sections 4.4 and 4.4.1, hereof.

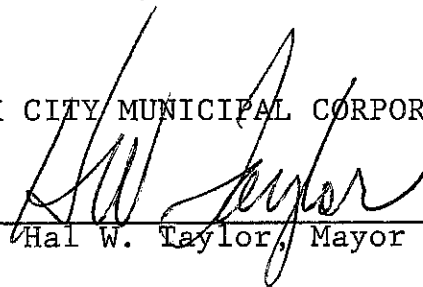
SECTION II. Effective Date. This ordinance shall take effect immediately upon publication.

Passed and adopted this 19th day of March, 1987.



PARK CITY MUNICIPAL CORPORATION

By


Hal W. Taylor, Mayor

Attest:


Sandra C. King
City Recorder

ORDINANCE

Ordinance No. 9-20-79 (2)

AN ORDINANCE AMENDING ORDINANCE NO. 9-20-79,
AN ORDINANCE DEFINING AND REGULATING SUB-
DIVISIONS - PLAT SIZE

WHEREAS, the City of Park City endeavors to abide by the laws of the State and County, and,

WHEREAS, the County of Summit, Utah, has officially changed the size of the approved tracing linen, accepted for filing by the Summit County Recorder.

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

Section 1) Amend Section 2.7.3A to read as follows:

The final plat shall consist of a sheet of approved tracing linen to the outside or trim line dimensions of 24 inches by 36 inches and the border line of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches on the left side and at least one-half inch margin on other sides. The plat shall be so drawn that the top of the drawing faces either North or West, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the tracing linen with approved waterproof black "India Drawing Ink". The plat shall be made to a scale large enough to clearly show all details, in any case not greater than 100 feet to the inch, and workmanship on the finished drawing shall be neat, cleancut and readable. The plat shall be signed by all persons required to sign the final plat pursuant to Sections 6 through 13 of this section. The final plat shall contain the following information:

Section 2) All sub-sections of 2.7.3 shall remain the same.

Section 3) EFFECTIVE DATE. This Ordinance shall become effective upon publication.

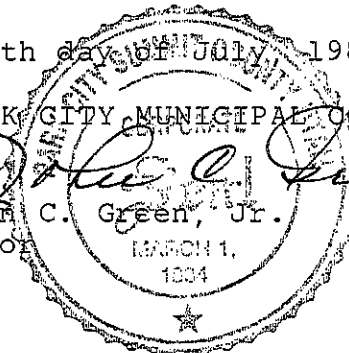
PASSED AND ADOPTED THIS 16th day of July, 1981.

PARK CITY MUNICIPAL CORPORATION


John C. Green, Jr.
Mayor

Attest:

M. B. Olson
Deputy City Recorder



ORDINANCE No. 9-20-79 (2)

ORDINANCE NO. 81-4

AN ORDINANCE AMENDING SECTION 4.4 OF ORDINANCE 9-20-79 PROVIDING
CRITERIA FOR GUARANTEEING SUBDIVISION IMPROVEMENTS.

BE IT ORDAINED by the City Council of Park City:

Section 1. Section 4.4 of Ordinance 9-20-79 is repealed and reenacted to read:

4.4 Guarantee of Improvements. In lieu of the actual completion and acceptance by the council of the improvements required by this ordinance and before approval of the final plat by the council, the subdivider shall guarantee the installation and construction of the required improvements within 24 months from the date of approval of the final plat and that the improvements shall be maintained in a state of good repair free from defective material or workmanship for a period of 12 months after the date of completion. The guarantee required by this section may be in the form of a letter of credit, an escrow account or a cashier's check.

The city manager, with the concurrence of the city attorney, shall provide for the forms of the cashier's check, the escrow agreement and the letter of credit.

4.4.1. Letter of Credit, Cashier's Check, Escrow Agreement. If a developer uses a letter of credit, a cashier's check or escrow agreement to guarantee the improvements required by this ordinance, the city shall be provided with a fully executed copy of one of the forms attached hereto, the provisions of which are incorporated herein by reference.

4.4.2. Changes in Guarantees. The city manager is authorized to alter, change or modify the provisions of any guarantee agreement provided such change, alteration or modification requires substantially the same terms and conditions as required in the forms hereto attached.

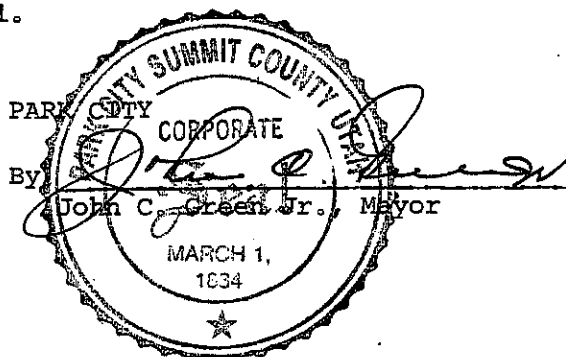
Section 2. Severability. The provisions of this ordinance are severable.

Section 3. Effective Date. This ordinance shall take effect on publication of a summary hereof.

Passes this 26th day of March, 1981.

Attest:

M. R. Olson
Recorder



ORDINANCE NO. 9/20/79

AN ORDINANCE DEFINING AND REGULATING SUBDIVISIONS.

Be it ordained by the city council of Park City :

Section 1. GENERAL PURPOSES - DEFINITIONS - SCOPE.

1.1. PURPOSES. The purposes of this ordinance are:

- A. To promote the health, safety and general welfare of the residents of the city.
- B. To promote the efficient and orderly growth of the city.
- C. To provide standards for the physical development of subdivisions of land and construction of buildings and improvements thereon within the city including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water and sewer systems, design standards for public facilities and utilities, accesses to public rights-of-way, dedication of land and streets, granting easements or rights-of-ways and to establish fees and other charges for the authorizing of a subdivision.

1.2. DEFINITIONS. As used herein the following words shall mean:

1.2.1. Alley - A public thoroughfare more than 20, but less than 26 feet wide.

1.2.2. Block - The land surrounded by streets and other rights-of-way other than an alley, or land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the city council.

1.2.3. City, City Council, or Council - City means Park City; City Council or Council means governing body of Park City, Utah.

1.2.4. City Engineer - The person appointed by the city to be the city engineer.

1.2.5. Collector Street - See Street, Collector.

1.2.6. Construction Standards - The standards and specifications adopted by the city council.

1.2.7. Cul-de-sac - See Streets, below.

1.2.8. Improved Lot - A lot which has all of the improvements required by this ordinance.

1.2.9. IMPROVEMENTS - Includes roads, streets, curbs, gutters, gradings, landscaping, water and sewer systems, drainage systems, public facilities and sewer laterals required by this ordinance.

1.2.10. Lot - A parcel or tract of land within a subdivision which is or may be occupied by a building(s) or structure and the accessory buildings, structures or uses customarily incident thereto, including such open spaces as are arranged and designed to be used in connection with the building according to the zone within which the lot is located.

- 1.2.11. Lot Right-of-Way- An easement of at least 16 feet width reserved by the lot owner as a private access to serve interior lots not otherwise located on a street.
- 1.2.12. Major Street Plan - The major street plan of the city.
- 1.2.13. Master Plan - The master plan of the city.
- 1.2.14. Official Map - The official map or maps adopted by the city pursuant to the municipal zoning and planning enabling legislation.
- 1.2.15. Parcel of Land - A contiguous area of land in the possession or ownership of one person.
- 1.2.16. Person - An individual, corporation partnership, firm, limited partnership or association of individuals however styled or designated.
- 1.2.17. Planning Commission - The planning commission of the city.
- 1.2.18. Protection Strip - A strip of land of less than the minimum depth required by the zoning ordinance for a building lot bordering the boundary of a subdivision and a street within the subdivision for the purpose of controlling the access of property owners abutting the subdivision to the street.
- 1.2.19. Streets.
- A. Street - A thoroughfare which has been dedicated and accepted by the council, which the city has acquired by prescriptive right or which the city owns, or offered for dedication on an approved final plat, or a thoroughfare of at least 26 feet in width which has been abandoned or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.
 - B. Street, Major - A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled-access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.
 - C. Street, Collector - A street, existing or proposed street which is the main means of access to the major street system.
 - D. Street, Minor - A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.
 - E. Street, Marginal Access - A minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties.
 - F. Street, Private - A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street standards of the city and maintained by the subdivider or other private agency.

G. Street, Cul-de-sac - A minor terminal street provided with a turn-around.

1.2.20. Subdivision - The division of any tract or parcel of land, owned as an individual tract or parcel by a person into two or more lots or other divisions of land for the purpose, whether for immediate or future sale, or building development.

1.2.21. Utilities - Includes culinary water lines, pressure and gravity irrigation lines, sanitary and storm sewer lines, electric power, gas and telephone transmission lines, underground conduits and junction boxes.

1.2.22. Zoning Ordinance - The zoning ordinance of the city.

1.3. PROHIBITED ACTS.

1.3.1. It shall be unlawful for any person to subdivide for the purpose of transferring, selling conveying or assigning any tract or parcel of land which is located wholly or in part in the city, except in compliance with this ordinance.

1.3.2. It shall be unlawful for any person to sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, or record in the office of the county recorder any subdivision plan unless the subdivision has been approved by the city and meets the provisions of this ordinance.

1.3.3. Where the requirements of Section 4.4. has not been met, it shall be unlawful for any person to receive a building permit until all improvements up to and including road base and utilities are installed. It shall be the responsibility of the subdivider to see that there is no human occupancy until the improvements have been accepted by the city and the building and lot fully complies with the subdivision, zoning and boundary ordinances of the city. It shall be unlawful for any subdivider to sell any portion of an approved subdivision until the prospective buyer or builder has been advised that occupancy permits will not be issued until the improvements are completed.

1.3.4. Building permits shall not be issued to construct new buildings to be acquired for residential purposes within any subdivision until the applicant or the subdivider shows proof to the Building Inspector or City Engineer that the improvements required by this ordinance fully comply with the requirements and regulations of the Utah Department of Water Quality Control.

1.4. APPLICATION. All lots, plots or tracts of land located within a subdivision shall be subject to this ordinance whether the tract is owned by the subdivider or a subsequent purchaser, transferrer or holder of the land.

Section 2. Preliminary Review and Approval.

2.1. PRELIMINARY PLATS. Prior to subdividing any tract of land, a subdivider shall comply with the following requirements.

2.2. REVIEW BY PLANNING AND ZONING ADMINISTRATOR. The subdivider shall apply to the planning and zoning administrator. The planning and zoning administrator will review the proposed subdivision to determine general appropriateness of the locaiton, zoning, adequacy of utilities and vehicle access, and advise the applicant regarding preparation of the preliminary plat. He shall arrange for presentation to the planning commisison in conformance with planning commission procedures.

2.3. SUBMISSION OF PRELIMINARY PLAT. At least ten days prior to the date established for planning commission review, the applicant shall submit four copies of the preliminary plat of a proposed subdivision to the planning and zoning administrator together with the required filing fee.

2.4. PRELIMINARY PLAT REQUIREMENTS.

2.4.1. Each person who proposes to subdivide land in the city shall prepare a preliminary plat of such subdivision and shall submit four blue or black and white prints thereof to the planning commission. One print shall be delivered to each of the following for the information and recommendation of such officials and departments: City engineer, fire, sewer, and school districts, and each company or agency furnishing water, electric or gas and telephone service. Preliminary plats must be received by the planning commission ten days prior to the next scheduled planning commission meeting in order to allow sufficient time to be checked and to receive recommendations from the foregoing listed agencies.

2.4.2. The preliminary plat shall be drawn to a scale not greater than 100 feet to the inch, and shall be on standard 24 inch by 36 inch paper. The plan shall show:

- A. The proposed name of the subdivision.
- B. Where the plan submitted covers only a part of the subdivider's tract, or is part of a larger vacant area, the plan shall show the location of the subdivision as it forms part of a larger tract or parcel. In such case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
- C. Sufficient information to locate accurately the property shown on the plan.
- D. The names and addresses of the subdivider, names and addresses of owner different from subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
- E. Contour map at five foot intervals.
- F. The boundary lines of the tract to be subdivided.
- G. Existing sanitary sewers, storm drains, water supply mains and culverts within the tract or within 600 feet therefore.
- H. The location, widths and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots, with proper labeling of spaces to be dedicated to the public.

- I. The location, principal dimension and names of all existing or recorded streets, alleys and easements, both within the proposed subdivision and within 600 feet of the boundary thereof, showing whether recorded or claimed by usage; the location of and dimensions to the nearest existing bench mark or monument, and section line; the location and principal dimensions for all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including railroads, and exceptional topography.
- J. The location of existing bridges, culverts, surface or subsurface drainage ways, utilities, public buildings, pumping stations or appurtenances. within the subdivision or within 600 feet thereof.
- K. Proposed off-site and on-site water facilities, sanitary sewers, storm drainage facilities, and fire hydrants.
- L. A tentative plan by which the subdivider which proposes to handle storm water determined by Rational Method for a ten year return interval.
- M. Each sheet of set shall contain the name of the project, scale, (one inch not to represent greater than 100 feet), sheet number, and north arrow.

2.5. PLANNING COMMISSION APPROVAL.

2.5.1. The planning commission shall approve only those preliminary plats which the planning commission finds have been developed in accordance with this ordinance and all other ordinances of this city including, but not limited to, the zoning ordinances, major street plan, the master plan and the building codes.

2.5.2. The planning commission shall determine from review of the preliminary plat the possible need for environmental impact analysis, which would take into account the soil, slope, vegetation, drainage and other geological characteristics of the site. If the site requires substantial cutting, clearing, grading or other earth-moving operations in construction or structures or roads in the proposed development, the planning commission shall require the applicant to provide soil erosion and sedimentation control plans and specifications prepared by a registered civil engineer.

2.5.3. Within 45 days after submission of the preliminary plat in compliance with this ordinance, the planning commission shall approve, disapprove, or approve with subject to modification, the preliminary plat, and shall notify the applicant in writing with complete explanation if needed. The planning commission may postpone action by mutual agreement of the planning commission and the applicant to allow applicant time to provide additional material or information that may be needed. Failure of the planning commission to approve the plat or approve the plat with modifications or deny within 45 days shall constitute approval of the preliminary plat.

2.5.4. The planning commission may approve or reject the preliminary plat, or grant approval on specific written conditions. Approval of the preliminary plat by the planning commission shall not constitute final acceptance of the subdivision by the planning commission. One copy of the approved preliminary plat, signed by the chairman of the planning commission, shall be retained in the office of the planning commission. One signed copy shall be given to the subdivider. Receipt of this signed copy shall be authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements required in this ordinance and with the preparation of the final plat.

The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within one year from the date of such approval.

2.6. DOCUMENTS REQUIRED.

2.6.1. SUPPORTING DOCUMENTS REQUIRED. The subdivider shall provide to the planning commission not later than the time the subdivision plat is submitted for preliminary approval the following documents:

- A. Evidence that the survey boundaries and any traverse to permanent survey monuments has been certified by a land surveyor, registered to practice in the state of Utah; survey precision shall be such as to limit error to not more than one foot in 5,000.
- B. Proposed changes to existing zoning district boundaries or zoning classifications, if any.
- C. Copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the planning commission.
- D. A preliminary soil report prepared by a registered civil engineer, based upon adequate test-boring or excavations (may be waived by the planning commission on request).

2.6.2. NOTIFICATION OF ADJACENT PROPERTY OWNERS. At least ten days prior to the planning commission meeting the applicant shall mail by certified or registered mail to all property owners of property located within 600 feet of the boundary of the proposed subdivision written notice of the time, date and place where the planning commission will consider giving preliminary approval to the subdivision. The written notice shall also advise the property owner that she or he has the right to be present and to comment on the proposed subdivision. The applicant shall provide the planning commission with the names of all persons to whom the notice was mailed.

2.7. FINAL PLAT.

2.7.1. FINAL PLAT REQUIRED. (1) After compliance with the provisions of section 2.4., a final plat of the subdivision covering all or part of an approved preliminary plat shall be prepared by a licensed surveyor not in the employ of the city and submitted within one year from the date of preliminary plat approval unless the time is, in writing, extended by the planning commission. Otherwise, such approval shall be deemed to have been withdrawn and (2) two

blue or black and white prints of the final plat shall be accompanied by a letter of certification by the subdivider's engineer indicating that all lots meet the requirements of the zoning ordinance and shall be submitted to the planning commission at least ten days prior to the date of the planning commission meeting at which time such plat is to be considered.

2.7.2. FEES. On or before the time the final plat is submitted for approval by the planning commission, the subdivider shall pay a fee for the subdivision as follows:

| <u>NUMBER OF LOTS</u> | <u>FEE PER LOT</u> |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1-10 | \$50.00 - |
| 11-50 | \$50.00 - for each of the first ten lots and \$4.00 for each additional lot. |
| 51-100 | \$50.00 - for each of the first ten lots and \$4.00 each for the next 40 lots and \$2.00 for each additional lot. |
| More than 100 | \$50.00 - for each of the first ten lots and \$4.00 each for the next 40 lots, \$2.00 each for the next 50 lots and \$1.00 each for each lot over 100. |

2.7.3 CONTENTS AND FORM ON FINAL PLAT.

A. The final plat shall consist of a sheet of approved tracing linen to the outside or trim line dimensions of 21 inches by 31 inches and the border line of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches on the left side and at least one-half inch margin on other sides. The plat shall be so drawn that the top of the drawing faces either North or West, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the tracing linen with approved water-proof black "India Drawing Ink". The plat shall be made to a scale large enough to clearly show all details, in any case not greater than 100 feet to the inch, and workmanship on the finished drawing shall be neat, cleancut and readable. The plat shall be signed by all persons required to sign the final plat pursuant to sections 6 through 13 of this section. The final plat shall contain the following information:

1. The subdivision name and the general location of the subdivision in bold letters at the top of the sheet.
2. A North point and scale of the drawing and the date.
3. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.

4. The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys and easements; the boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system approved by the planning commission. All proposed streets shall be named or numbered in accordance with and in conformity with the adopted street naming and numbering system. Each lot shall show the street address assigned thereto. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.
 5. The description of land to be included in subdivision.
 6. The registered professional engineer and/or land surveyor's "Certificate of Survey".
 7. The owner's Certificate of Dedication.
 8. A notary public's acknowledgement.
 9. The city engineer's approval.
 10. The planning commission's approval.
 11. The city attorney's approval.
 12. The city council's approval.
 13. Signature line for the mayor and attestation by the city recorder.
- B. The final plat shall be initially submitted to the planning commission for final plat approval. Copies may be submitted to the city engineer and to any department of city government or special purpose district, including the board of education for comments. The planning commission shall circulate for comment and review copies of the final plat to all departments of city government and any special purpose district, including school districts. The planning commission shall have 45 days after the final plat is submitted to approve, approve with modifications, or disapprove the plat. If no action is taken within 45 days, the final plat shall be deemed to have been approved by the planning commission.
- C. If the planning commission disapproves the final plat it shall so notify the subdivider in writing which states that the plat has been disapproved and the reasons therefore based on the ordinances of the city or the laws of the state of Utah. The written notice shall be personally delivered or mailed to the subdivider within ten days

(2.7.3. Continued)

- D. The planning commission may approve a final plat subject to written conditions, provided that the subdivider agrees in writing to the conditions.
- E. Following the planning commission's approval, the subdivider shall secure the approval fo the city attorney and city engineer, then the final plat shall be taken before the city council which shall approve the plat if it finds that the plat fully complies with the ordinances of the city and the laws of the state of Utah or that the plat, together with the conditions to which the subdivider has agreed, fully complies.
- F. The final plat, bearing all official approvals as above required, shall be deposited in the office of the county recorder for recording at the expense of the subdivider who shall be notified of such deposit by the office of the county recorder. No subdivision shall be recorded in the office of the county recorder and no lot included in such subdivision shall be sold or exchanged and no offer shall be made to sell or exchange any such lot unless and until the plat is so approved and accepted.

2.7.4. REQUIREMENTS OF LANGUAGE.

- A. The form of the owner's dedication shall be substantially as follows:

OWNER'S DEDICATION

Know all by these present that we the undersigned owners of the described tract of land below, having caused the same to be subdivided into lots and streets to hereafter be known as _____, do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use, and do warrant, defend, and save the city harmless against any easements or other incumbrances on the dedicated streets which will interfere with the city's use, operation, and maintenance of the streets and do further dedicate the easements as shown.

In witness whereof, we have hereunto set our hands this _____ day of _____, 19 _____.

Signed

Signed

(2.7.4. Continued)

ACKNOWLEDGEMENT

STATE OF UTAH)
 : s.s.
County of _____)

On the _____ day of _____ A.D., 19____, personally appeared before me, the undersigned notary public, in and for said County of _____, in the State of Utah, the signer() of the above Owner's Dedication, _____ in number, who duly acknowledged to me that _____ signed it freely and voluntarily and for the uses and purposes therein mentioned.

NOTARY PUBLIC

Residing at _____

My Commission expires:

CORPORATE ACKNOWLEDGEMENT

STATE OF UTAH)
 : s.s.
County of _____)

On this _____ day of _____ A.D., 19____, personally appeared before me, the undersigned notary public, in and for the State and County _____, who after being duly sworn, acknowledged to me that _____, a _____ corporation, that _____ signed the Owner's Dedication freely and voluntarily for and in behalf of the corporation for the purposed therein mentioned and that the corporation executed the same.

NOTARY PUBLIC

Residing at _____

My Commission expires:

(2.7.4 continued)

- B. The form of the professional surveyor's or engineer's certificate shall be substantially as follows:

SURVEYOR'S CERTIFICATE

I, _____, a registered professional engineer and/or land surveyor, hold Certificate No. _____, as prescribed by the State of Utah, and do hereby certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described herewith, and have subdivided said tract of land into lots and streets to be hereafter known as _____, and that the same has been surveyed and staked on the ground as shown on this plat.

Signed on this _____ day of _____, 19 _____.

Registered Land Surveyor

2.7.5. APPROVALS BY CITY.

- A. The Planning Commission. The planning commission shall approve the subdivision if it finds that the subdivision complies with the physical development standards of this ordinance, the zoning ordinance, the laws of the state of Utah and the rules and regulations promulgated pursuant thereto and that the subdivision will have adequate fire protection; that there is a sufficient supply of culinary water available for the proposed subdivision and that the addition of the subdivision will not decrease the pressure in the culinary water system at any point within the city to less than 20 pounds per square inch; that the subdivision will not cause the sewer district to exceed its capacity to treat sewage; that the traffic created thereby will not unduly congest traffic; and that it will not create unreasonable potential for flooding.
- B. City Engineer. The City Engineer shall approve the final plat if he finds that the subdivision fully complies with the improvements required by the city, that the survey description is correct and that the easements are appropriately located.
- C. City Attorney. The city attorney shall approve the final plat if he finds that:
1. There is a current title opinion from a licensed title company showing that the person(s) dedicating the property described on the final plat is/are the title owner(s) as shown on the records of the county recorder of the county in which the subdivision is located.

(2.7.5. continued)

2. The bond, escrow, letter of credit, trust deed or deposit with the city is in appropriate form and signed by the necessary parties to the bond, escrow, letter of credit or trust deed.
 3. That the subdivider has executed an agreement signed with the city covering the utilization of any property adjacent to the subdivision used as a protection strip.
- D. City Council. The city council shall approve the final plat if it finds that all other persons required to approve the plat have given their approval and that the final plat meets all of the requirements of the city's ordinances and that it does not violate any state laws or rules and regulations promulgated pursuant thereto and that all fees and assessments have been fully paid.

Section 3. ACCEPTANCE OF DEDICATED STREETS AND IMPROVEMENTS.

3.1. DEDICATION - OFFER - ACCEPTANCE. The dedication of the streets and other improvements required by this ordinance shall be deemed an offer by the subdivider which shall be kept open for at least two years and may not be withdrawn during that time. The city shall accept the offer of dedication only if it finds that the subdivider has constructed, installed and maintained the improvements required by this ordinance and the improvements comply with the minimum requirements of this ordinance at the time of acceptance.

Section 4. SUBDIVISION IMPROVEMENT REQUIRED.

4.1. APPLICATION OF REQUIRED IMPROVEMENTS. The improvements required by this ordinance apply to all subdividers and to all persons that purchase, lease, rent or receive any interest in any land which is located within a subdivision.

4.2. IMPROVEMENTS MADE PRIOR TO RECORDING FINAL PLAT. The improvements required by this ordinance shall be constructed, installed and maintained by the subdivider until accepted by the municipality prior to recording the final plat in the office of the county recorder, unless the construction, installation and maintenance is guaranteed in the manner provided in section 4.4. Improvements shall not be installed or constructed until their location and specifications have been approved by the engineer.

4.3. ORDER OF MAKING IMPROVEMENTS. Unless waived in writing by the engineer, underground utilities, water and sewer laterals and fire hydrants shall be installed prior to surfacing the streets and installing road base, curbs, gutters and sidewalks.

4.4. GUARANTEE OF IMPROVEMENTS. In lieu of the actual completion and acceptance by the council of the improvements required by this ordinance and before approval of the final plat by the council, the subdivider shall guarantee the installation and construction of the required improvements within two years from the date of approval of the final plat and that the improvements shall be maintained in a state of good repair free from defective material or workmanship for a period of 12 months from the date of completion by one or more of the following methods:

- A. BOND. The subdivider shall furnish and file with the recorder a bond with corporate surety in an amount equal to the cost of the improvements not previously installed as estimated by the engineer to assure the installation and construction of such improvements within 24 months immediately following the approval of the subdivision plat by the council, which bond shall be approved by the council and attorney and which bond shall guarantee that the improvements shall be maintained in a state of good repair free from material or workmanship defects for a period of 12 months from the date of completion. After 12 months following the completion of the improvements for which a surety or cash bond has been filed, the subdivider shall call for inspection by the engineer, such inspection to be made within five days from the date of request. If inspection shows that the standards and specifications have been met in completion of such improvements, the bonds therefore shall be released within 14 days from the time of inspection.

- B. ESCROW. The subdivider shall deposit with any financial institution acceptable to the city in an escrow account an amount of money equal to at least 125% of the costs of the improvements required by this ordinance not previously accepted by the municipality. The costs of the improvements not accepted and not installed or constructed shall be determined by the engineer. The escrow agreement shall be subject to approval by the attorney and shall be signed by the subdivider, substantially the following language:

AGREEMENT

The undersigned hereby promises and warrants that it has on deposit in an escrow account for the benefit of _____, the sum of \$ _____ (name of municipality) which represents at least 125% of the estimated costs of the improvements not accepted by the municipality and not constructed or installed by the developer of the _____ subdivision.

The undersigned hereby agrees that the foregoing sum of money shall be used exclusively for the purpose of paying for the costs of materials, and construction and installation of the improvements required by the municipality's subdivision ordinances. The undersigned further agrees that the money held in an escrow account shall be paid out to the contractors installing and constructing the required improvements only upon an order executed by the subdivider and by an authorized officer of the municipality.

The subdivider shall not withdraw from the escrow account any amount in excess of 100% of the estimated cost of the improvements, but shall pay from other sources any costs for such improvements which exceed 100% of the costs estimated by the engineer.

A sum equal to 25% of the estimated costs of improvements shall remain with the escrow holder for a period of one year after all improvements are made and completed.

If after two years, all or any part of the required improvements are not installed, constructed and maintained, according to the standards required in the municipality's subdivision ordinance, the municipality shall notify in writing the subdivider and the escrow holder of the defects and shall make demand on the subdivider that the defects be corrected. If the defects are not corrected within 30 days, the municipality may correct the defects and charge to the escrow holder the costs of correcting the defects.

The escrow holder shall on receiving reasonable proof from the municipality of the defect and that the municipality has incurred the cost of correcting the defect, pay to the municipality from the escrow account the cost of correcting the defect and the escrow holder shall be held harmless by the parties by reason of the payment to the municipality.

If, after one year after the council has accepted the improvements required by its subdivision ordinance, the required improvements remain substantially free from latent defects, the municipality shall certify such fact to the escrow holder and the escrow holder shall release to the subdivider any money still held in the escrow account and the escrow holder shall be discharged of its obligations to the municipality.

(Authorized Signature)

The escrow agreement may contain such additional provisions as the parties deem necessary.

IRREVOCABLE LETTER OF CREDIT. The subdivider shall file with the municipality an irrevocable letter of credit from a financial institution acceptable to the city which letter shall contain provisions substantially similar to that required in the escrow agreement.

The form of the irrevocable letter of credit shall be substantially as follows:

Name of Bank
Address

IRREVOCABLE LETTER OF CREDIT

TO: Name of Municipality
Municipal Council

Date:
Letter of Credit No.:

Gentlemen:

We hereby establish our irrevocable letter of credit in your favor for the account of _____ (insert name of subdivider, subdivider's address) up to the aggregate amount of \$ _____ (insert amount available by your draft(s) drawn at sight on _____ (insert name of bank, address of bank) accompanied by _____ (here insert terms which give municipality control over payments). The terms would ordinarily read:

"A statement signed by an officer of _____ (name of municipality) dated not later than _____ (insert estimated completion date plus a couple of months leeway) as follows:
'We certify that the on-site improvements related to the _____ (insert name of subdivision) have not been completed in accordance with municipal ordinances and that this drawing represents the amount necessary to complete those on-site improvements.'

'We hereby agree with drawers, endorsers and bona fide holders that all drafts under and in compliance with the terms of this credit will be duly honored upon presentation and delivery of documents as specified to the drawee or drawn and presented for negotiation on or before _____ (insert completion date above set forty) at our bank.

Very truly yours,

Authorized Bank Officer"

D. TRUST DEEDS. The subdivider shall provide the municipality with trust deeds to lots with the subdivision estimated by the engineer to have an unincumbered fair market value at least equal to 125% of the estimated costs of the improvements required by this ordinance. The trust deeds shall be in favor of the municipality and shall be in a form acceptable for filing in the office of the county recorder.

The municipality shall release all of the trust deeds held by it whenever it finds that the subdivider has installed and constructed the improvements required by this ordinance and that the improvements have remained free from latent defects for one year after acceptance by the council.

In the event the subdivider fails to complete the required improvements within a period of two years after final acceptance, the municipality may cause the lots to which it holds trust deeds to be sold and to apply the proceeds to make the required improvements.

In the event the required improvements fail to be maintained for one year

after completion or are found to have latent defects, the municipality may cause the lots to which it holds trust deeds to be sold and to apply the proceeds to make the required improvements. The municipality shall not sell any lots to which it holds trust deeds without first making written demand on the subdivider in which the subdivider shall be advised of the reasons he or she has failed to install, construct or maintain the required improvements. The written demand shall state that the subdivider has 15 days to make the necessary installation, construction or repair, which time may be extended by the municipality at its sole discretion, and that the municipality will make the necessary installation, construction or repair if the subdivider does not so do within the time permitted and that the municipality will sell the lots to which it holds trust deeds to cover the costs to the municipality.

The municipality shall pay to the subdivider any proceeds it receives from the sale of lots which exceed the costs to the municipality of installing, constructing or repairing the required improvements.

- E. DEPOSIT WITH MUNICIPALITY. The subdivider shall deposit with the municipality a sum equal to 125% of the costs of the required improvements not installed, constructed or accepted by the municipality. The subdivider shall have the right to draw against the account with the municipality all sums to 100% of the total account which shall be paid to the order of persons installing, constructing or maintaining the improvements. The municipality shall hold the additional 25 percent to guarantee that the improvements are installed, constructed and maintained until accepted by the municipality. The municipality may, after making written demand on the subdivider in the manner required in section 4.4.D. above, install, construct or repair the improvements and pay such costs from the subdivider's account. The municipality shall refund any sums remaining in the subdivider's account after the council accepts the improvements.
- F. COVENANT. As an alternative to the foregoing, the subdivider may execute and acknowledge in a form capable of recording in the office of the county recorder, a written agreement with the municipality by which the subdivider covenants that he will not sell, lease or convey any of the subdivided property to anyone whomsoever unless he shall first, as a condition precedent thereto, satisfy the foregoing requirements of section 4.4.A, B, C, D or E above. The agreement shall specifically provide that it shall be deemed to be a covenant running with the land to secure the installation of all the improvements required by this ordinance together with a payment of all costs, including a reasonable attorney's fee, which the municipality may incur in enforcing any of the terms and provisions of the agreement. The lien may be released by the municipality when the subdivider complies with the requirements set forth in the foregoing requirements of A, B, C, D or E of this section 4.4.

4.5. RELEASE. The council is authorized from time to time, at the request of the subdivider or his successors in interest, to release of record from the burden of the covenant and lien aforesaid all lots and parcels of land or portions thereof for which the covenant and agreement has been fully performed by any of the methods of guarantee above set forth in Section 4.4.

4.6. ORDERLY DEVELOPMENT REQUIRED. Whenever the subdivider shall develop a subdivision, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and all of the improvements will be made available for the full, effective and practical use and enjoyment thereof by the purchaser, grantee, assignee, transferrer or lessee of any of the lands subdivided within the time hereinbefore or in phases specified.

Section 5. DESIGN STANDARDS.

5.1. STREET DESIGN. Subdividers shall locate streets within the subdivision so that the streets will connect with existing streets. Streets shall be located and designed so that the adjoining land shall not be diminished in value. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be most efficiently subdivided. Half streets on the boundary of a subdivision are prohibited.

5.2. ANGLE OF MINOR STREETS. Minor streets shall approach the major or collector streets at an angle of at least 80 degrees.

5.3. STREETS TO CONFORM TO MAJOR STREET PLAN. Major and collector streets shall conform to the width designated of major street plan wherever a subdivision is in an area for which a major street plan as been adopted. For territory where such street plan has not been completed at the time the subdivision preliminary plan is submitted to the Planning Commission, major or collector streets shall be provided as required by the Planning Commission, with minimum widths of 100 feet for major streets and 66 to 80 feet for collector streets.

5.4. MINIMUM WIDTH. Minor residential streets shall have a minimum width of 50 feet.

5.5. ALLEYS. Alleys shall have a minimum width of 20 feet. Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the planning commission.

5.6. CUL-DE-SACS. Cul-de-sacs must be terminated by a turn-around not less than 110 feet in diameter. If surface water drainage is into the turn-around due to the grade of the street, necessary catch basins and drainage easements shall be provided. Where a street is designed to remain only temporarily as a dead-end street, an adequate temporary turning area shall be provided at the

(5.6. continued)

dead-end thereof to remain and be available for public use so long as the dead-end exists.

5.7. NATURAL DRAINAGE AND OTHER EASEMENTS. The city engineer shall require that easements for drainage through a subdivision and adjoining property be provided by the subdivider, and easements of not less than 15 feet in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision.

5.8. Service roads paralleling major streets shall be required unless the planning commission approves double frontage lots which may back onto major highways or collector streets as designated on the major street plan. Where lots back onto a major highway or collector street, a buffer planting strip of trees or shrubs shall be provided at a width of ten feet or wider, but in no case less than ten feet.

5.9. Where subdivision streets parallel contiguous property of other owners, the subdivider may, upon approval of the planning commission, retain a protection strip not less than one foot in width between street and adjacent property provided that an agreement approved by the city attorney has been made by the subdivider contracting to deed to the then owners of the contiguous property the one foot or larger protection strip for consideration named in the agreement, such consideration to be not more than the fair cost of land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of one-half the land in the street at the time of subdivision of such contiguous property. One copy of the agreement shall be submitted to the city attorney and one to the planning commission prior to approval of the final plat. Protection strips shall not be submitted at the end of or within the boundaries of a public street or proposed street or within any area intended for future public use.

5.10. BLOCKS.

5.10.1. LENGTH AND WALKWAYS. Blocks shall not be longer than 1600 feet. Dedicated walkways six feet wide may be required in the middle of blocks. Where a walkway is required, the subdivider shall surface the full width of the walkway with concrete or asphalt and install a fence acceptable to the planning commission.

5.10.2. WIDTH. Blocks shall be at least two building lots wide.

5.11. LOTS.

5.11.1. All lots shown on the subdivision plan shall conform to the minimum requirements of the zoning ordinance for the zone in which the subdivision is located, and to the minimum requirements of the city engineer and the board of health for sewage disposal. The minimum width for any residential building lot shall be as required by the zoning ordinance.

5.11.2. All lots shall abut a dedicated street, a public street, or a street which has become public by right of use. Streets shall be more than 26 feet wide. In the event a lot abuts a public right-of-way created by use, the subdividers shall improve the right-of-way to the Park City construction standards required.

5.11.3. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets

5.11.4. All remnants of lots less than minimum size left over after subdividing of a larger tract shall be added to adjacent lots rather than allowed to remain as unusable parcels.

5.11.5. Where the land in a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be held in either single or joint ownership before approval of the final plan and such ownership shall be recorded in the office of the county recorder.

5.12. SPECIAL PROVISIONS FOR COMMON OPEN SPACE.

5.12.1. DESIGN STANDARDS. The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, common open spaces and other design factors shall be in harmony with the goals and purposes of the city's comprehensive plan and zoning ordinances, which have been adopted by the city council, and design standards recommended by the planning commission and approved by the city council. Streets shall be so designed as to take advantage of open space vistas and create drives with a rural or open space character.

5.12.2. PROVISION FOR COMMON OPEN SPACE. The subdivider of a cluster subdivision shall submit plans of landscaping and improvements for the common open space. He shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained. A cluster subdivision must meet the requirements of the zoning ordinance, must assure proper use, construction, and maintenance of open space facilities and must result in a development superior to conventional development in terms of its benefits to future residents of the subdivision surrounding residents and the general public.

The planning commission may place whatever additional conditions or restrictions it may deem necessary to insure development and maintenance of the desired residential character, including plans for disposition or reuse of property if the open space used is not maintained in the manner agreed upon or is abandoned by the owners.

5.12.3. GUARANTEE OF COMMON OPEN SPACE IMPROVEMENTS. As assurance of completion of common open space improvements, the subdivider at the request of the city council shall be required to file with the city council a surety or cash bond, or other agreement, in a form satisfactory to the city attorney guaranteeing such completion within two years after such filing. Upon completion of the improvements for which a surety or cash bond or other agreement has been filed, the subdivider shall call for inspection by the planning commission, such inspection to be made within 14 days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved

(5.12.3.)

plan, the bonds or surety therefore shall be released. If the bonds or surety are not released, refusal to release and reasons therefore shall be given the subdivider in writing.

5.12.4. CONTINUATION OF COMMON SPACE. As assurance of continuation of common open space used in accordance with the plans approved by the planning commission, the subdivider shall grant to the city an "open space easement" on and over the common open space prior to the recording to the final plat, which easement will not give the general public the right of access but will provide that the common open space remains open.

5.12.5. MAINTENANCE OF COMMON OPEN SPACE, ETC.

5.12.5.1. In order to insure maintenance of the common open space and other improvements where so required, the subdivider, prior to the recording of the final plat, shall cause to be formed under the laws of the state of Utah, a planned unit development. By proper covenants running with the land and through the articles of incorporation and bylaws of the association it shall, among other things, be provided:

- A. That membership in the association shall be mandatory for each lot purchaser, their guaranties, successors and assigns.
- B. That the common open space restrictions shall be permanent and not just for a period of years.
- C. That the association be responsible for maintaining liability insurance, paying general property taxes and maintaining recreational and all other facilities.
- D. That all lot owners shall pay their pro rata share of the costs of upkeep, maintenance, and operation.
- E. That any assessment levied by the association may become a lien on the real property of any lot owner which may be foreclosed and the property sold as on sales under execution.

Section 6. SUBDIVISION IMPROVEMENTS.

6.1. TIME OF CONSTRUCTION. The improvements required in this ordinance shall be installed prior to recording the final plat, except as provided in section 4.4. improvements shall not be installed until their location and specifications are approved by the city engineer. Water and sewer mains and laterals and fire hydrants shall be installed prior to the surfacing of streets and the installation of road base, curbs, gutters and sidewalks.

6.2. STANDARDS. Standards for design, construction specifications, and inspection of street improvements, curbs and gutters, sidewalks and drainage facilities shall be prepared by the city engineer, standards of design and procedure by the planning commission, standards for water distribution and sewage disposal facilities by the city engineer, and standards for fire hydrants by the city engineer and fire department. Those design standards set forth below are

(6.2. continued)

hereby incorporated.

6.3. STREETS ON PROPERTY OF OTHER PUBLIC AGENCIES OR UTILITY COMPANIES. Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the city attorney.

6.4. STREET IMPROVEMENTS. All streets shall be constructed by the subdivider in accordance with the standards, rules and regulations of this ordinance and the Park City construction standards.

6.5. CURBS, GUTTERS, AND SIDEWALKS. Curbs and gutters shall be installed on existing and proposed streets by the subdivider in all subdivisions except the rear of those lots which back on major streets and are not permitted access to such streets.

6.6. WATER SUPPLY. A culinary water supply, which must be approved by the city engineer and shall be available to each lot in the subdivision and shall be provided in conformance with the standards and rules and regulations of the city. The subdivider shall install water mains and service lines or laterals from such mains to each lot within the subdivision prior to the installation of road base, surfacing, curbs and gutters.

6.7. FIRE HYDRANTS. Fire hydrants shall be installed by the subdivider at locations determined by the city engineer.

6.8. SEWAGE DISPOSAL. Public disposal facilities shall be provided and must meet city and state codes and regulations for each lot in the subdivision. The subdivider shall connect with such sanitary sewer and provide sewer mains and extend laterals from the main sewer line to each lot in the subdivision prior to the installation of the road base, surfacing, curbs, gutters and sidewalks.

6.9. SAFETY FENCES. The subdivider may be required to install a fence acceptable to the planning commission, along all open ditches, canals, or water ways, non-access streets, open reservoirs or bodies of water, railroad right-of-way.

6.10. LANDSCAPING. The planning commission may require subdividers to provide ground cover where it determines that soil erosion may be a problem, that surface water may flood portions of the city or damage city property, to prevent the growth of noxious weeds which may become a nuisance or fire hazard or danger the public health and may specify the types of ground cover.

6.11. MONUMENTS. Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type approved by the city engineer. All subdivision plats shall be tied to a corner or monument of record or established land office survey corner.

6.12. STREET SIGNS. The developer shall furnish and install all necessary street signs under the city's supervision.

6.13. In the event that any road or street in any subdivision shall terminate at or within 50 feet of any ditch, canal, creek, waterway, or other obstruction which will, at the opinion of the city engineer, require a bridge or other structure in order to continue the road over or across the canal, ditch, creek, waterway or other obstruction, the subdivider shall deposit with the city recorder a sum of money equal to one-half of the city engineer's estimate of the cost for construction a proper and suitable bridge over the same. The city engineer shall, on request, furnish to the subdivider a cost breakdown for any such structure.

At such time as, in the opinion of the city council, it becomes desirable to construct such structure, the same shall be constructed by the city applying such deposit toward the construction costs and charging the other one-half of such cost to the person developing the opposite side of such obstruction, or if there is no person so developing the other side, the half shall be borne as a city expense.

Section 7. ENFORCEMENT AND PERMITS

7.1. ZONING AND BUILDING INSPECTOR TO ENFORCE. The city engineer and the city building inspector are hereby designated and authorized as the officers charged with the enforcement of this ordinance. They shall enforce all the provisions of this ordinance.

7.2. PERMITS. The building inspector shall not grant a permit nor shall any city officer grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any state law or rule or regulation of the state or ordinance of this city until a subdivision plat has been approved pursuant to this ordinance. Any license or permit issued in conflict with such provisions shall be null and void.

7.3. INSPECTIONS. The building inspector shall inspect or cause to be inspected all buildings, fire hydrants and water supply, and sewage disposal systems in the course of construction, installation or repair. Excavations for the fire hydrants and water and sewer mains and laterals shall have been approved by the city engineer. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector.

7.4. PRELIMINARY PLAT APPLICATION FEES. At the time of filing the preliminary plat, a nonrefundable fee in the amount of \$50.00 must be submitted payable to the city.

7.5 FORM OF AGREEMENT. Prior to any final approval of a subdivision, the subdivider shall enter into an agreement with the municipality which shall be in substantially the following form:

AGREEMENT

This Agreement is made by and between _____ (hereinafter "Subdivider") and _____ a municipal corporation (hereinafter (insert name of municipality)).

Subdivider hereby acknowledges receipt of a copy of the municipality's Subdivision Ordinance. Subdivider hereby acknowledges that he or she has read the Subdivision Ordinance (or that an agent of Subdivider has), and that he or she understands the provisions of the Subdivision Ordinance and that he or she will fully and completely comply with the provisions and requirements therein contained to the best of his or her ability.

Dated this ____ day of _____, 19____.

Subdivider

The form of the corporate or partnership signature shall include a provision for a notary in which the subdivider represents that the person signing for the corporation has the authority to execute the agreement for the corporation or partnership.

Section 8. PENALTY - SEVERABILITY.

8.1 PENALTY.

- A. Any person that shall violate any of the provisions of this ordinance shall, upon conviction thereof, be guilty of a misdemeanor and be punished by a fine not exceeding \$299.00 or imprisonment in the county jail for six months, or by both fine and imprisonment.
- B. Any person that allows to continue any violation of any provision of this ordinance shall be guilty of a misdemeanor for each and every day the violation continues and each day shall be a separate violation.

8.2 SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this ordinance.

Section 9. EFFECTIVE DATE

This ordinance shall take effect on publication.

Passed and a summary hereof ordered published this 20th
day of September, 1979.



MAYOR

ATTEST:



RECORDER