

Ordinance No. 04-62

AN ORDINANCE APPROVING THE FIRST AMENDED IRONWOOD RECORD OF SURVEY PLAT, 8789 MARSAC AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Ironwood, located at 8789 Marsac Avenue, have petitioned the City Council for approval of the First Amended Ironwood Record of Survey plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on December 8, 2004, to receive input on the First Amended Ironwood Record of Survey plat; and

WHEREAS, the Planning Commission, on December 8, 2004, forwarded a positive recommendation to the City Council; and

WHEREAS, on December 16, 2004 the City Council approved the First Amended Ironwood Record of Survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended Ironwood Record of Survey plat;

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

SECTION 1. APPROVAL. The First Amended Ironwood Record of Survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The project is located at 8789 Marsac Avenue, Lot C of Northside Village Subdivision II.
2. The zoning is Residential Development as part of the Flagstaff Mountain Resort Master Plan (RD-MPD).
3. The property uses adjacent to the proposed project are ski terrain and proposed residential.
4. On January 22, 2003 the Planning Commission approved a Conditional Use permit for a multi-unit townhouse project consisting of twenty-four (24) units.
5. On May 22, 2003, the City Council approved the Phase I Record of Survey for Ironwood encompassing the first 10 units. On March 4, 2004, the City Council approved the Phase II Record of Survey for the remaining 14 units, an Employee Housing Unit and the ADA unit (both platted as Common Space).

6. The First Amended Record of Survey is consistent with the Flagstaff Annexation, Northside Village subdivision, and the Ironwood Conditional Use Permit Conditions of Approval.
7. The First Amended Record of Survey creates unit number 9A from platted units 9 and 10 of Building C.
8. The new unit size is 6665 square feet.
9. The exterior configuration of the building remains unchanged.
10. The applicant, Ironwood Partners, LLC, still owns more than 2/3 of the units.
11. The Planning Commission heard this application at its regular meeting of December 8, 2004 and forwards a positive recommendation.

Conclusions of Law:

1. There is good cause for this First Amended Record of Survey.
2. The First Amended Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed First Amended Record of Survey.
4. Approval of the First Amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the First Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the First Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Ironwood at Northside Village January 22, 2003 Conditional Use Permit shall continue to apply.

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

PASSED AND ADOPTED this 16th day of December, 2004.

PARK CITY MUNICIPAL CORPORATION

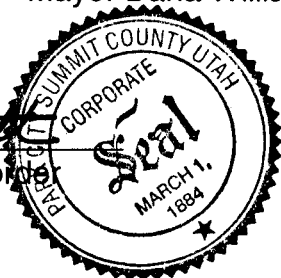


Mayor Dana Williams

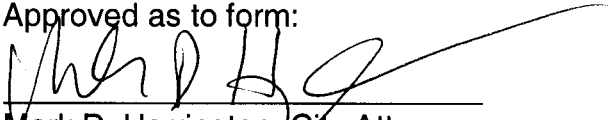
Attest:



Janet M. Scott, City Recorder



Approved as to form:

A handwritten signature in black ink, appearing to read 'Mark D. Harrington', written over a horizontal line. The signature is stylized and extends to the right of the line.

Mark D. Harrington, City Attorney

SURVEYOR'S CERTIFICATE

I, John Demoski, certify that I am a Registered Land Surveyor and that I hold Certificate No. 134491, as prepared by the State of Utah, and that I have caused to be made under my direction and by the authority of the State of Utah, the attached plat of the **IRONWOOD AT DEER VALLEY PHASE 1 CONDOMINIUM PROJECT**, in accordance with the provisions of the Utah Condominium Act, Chapter 37, Utah Code, and the First Amended Record of Survey Map of IRONWOOD AT DEER VALLEY PHASE 1, which contains or purports to conform with the provisions of Section 37-2-1(1) of the Utah Code, and the Surveying Act, Chapter 41, Utah Code. The information shown herein is accurate.

John Demoski, LS #134491

Date



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that, the undersigned owner(s) of the herein described tract of land, hereby certify that they have caused this survey to be made and the First Amended Record of Survey Map to be prepared and hereby consent to the recording of this First Amended Record of Survey Map, in all cases where the undersigned has executed the certificate and dedication this day of _____, 2004.

IRONWOOD PARTNERS OF UTAH, LLC
a Utah limited liability company

By: Jason Rosen, Managing Member

ACKNOWLEDGMENT

State of _____
County of _____

On this _____ day of _____, 2004, personally appeared before me, the undersigned Notary Public, in and for said County of _____, being duly sworn, acknowledged to me that he is the Managing Member of IRONWOOD PARTNERS OF UTAH, LLC, a Utah limited liability company, and that the foregoing instrument is the act and deed of said company to me and said company executed the same.

Notary Public

Residing in: _____
My commission expires: _____

OCT - 6 2004

**FIRST AMENDED
RECORD OF SURVEY MAP
IRONWOOD AT DEER VALLEY
PHASE 1**

A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN THE NORTHWEST QUARTER SECTION 28,
TOWNSHIP 3 SOUTH, RANGE 1 WEST, STATE OF UTAH.

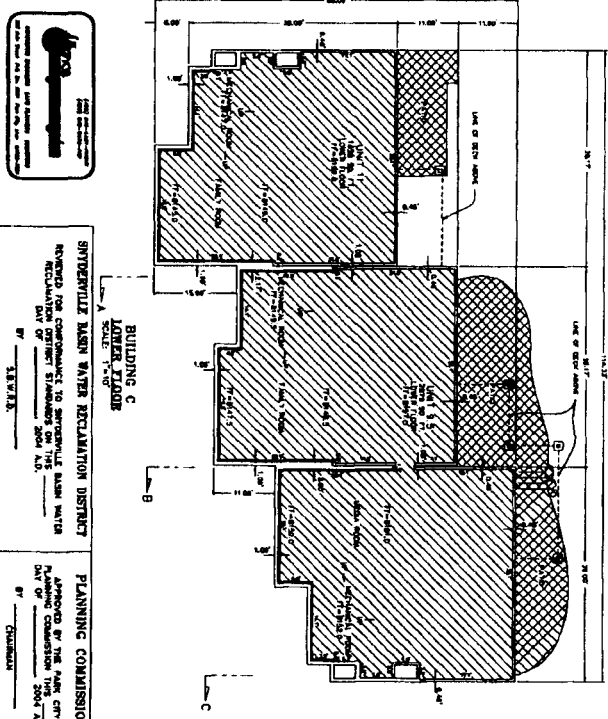
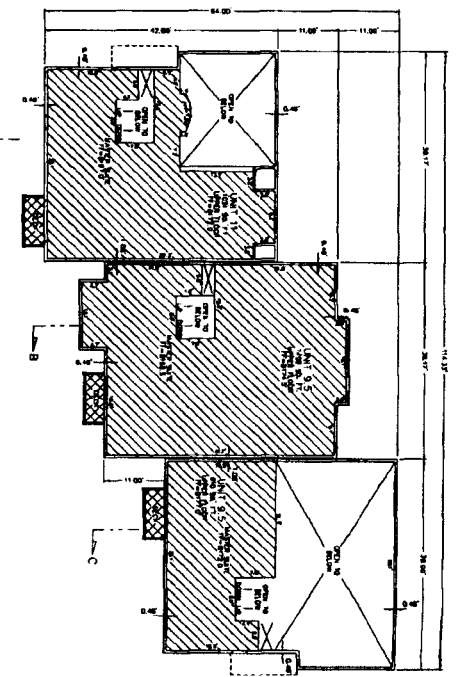
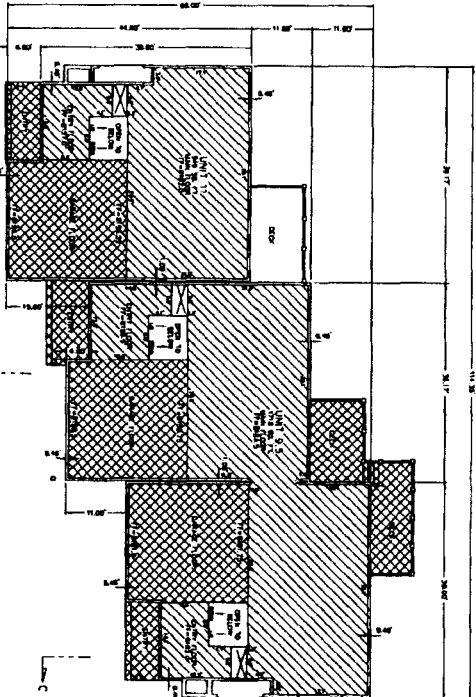


SQUARE FOOTAGE TABLE

UNIT	LOWER	MAIN	UPPER	TOTAL
9.5	2879	1718	2068	6665
11	1458	949	1031	3438

NOTE: Square Footage Table shown hereon hereby replaces the table for Building C shown on page 1.

- NOTES:
- The First Amended Record of Survey Map is an Amendment of page 4 of the record of survey at the address of IRONWOOD AT DEER VALLEY PHASE 1 CONDOMINIUM PROJECT, as shown on record with the section of the square footage table on it is noted below.
 - All other conditions of approval of the record of Deer Valley Phase 1 Condominium project continue to apply.
 - The dimensions of the private storage and storage footings are based on the dimensions of the units as shown on the record with the exception of the private storage area of the units as to be constructed.
 - All common structural elements are designated as common areas.
 - The street address of Ironwood at Deer Valley Condominiums is: 8729 Westpark Avenue.



IRONWOOD PARTNERS OF UTAH, LLC
REMOVED THE CONDOMINIUM TO SURVEYABLE BASIN WATER RECORD OF SURVEY MAP OF IRONWOOD AT DEER VALLEY PHASE 1 BY: JASON ROSEN

PLANNING COMMISSION
APPROVED BY THE PLANNING COMMISSION ON _____ DAY OF _____ 2004 A.D.
BY: _____

ENGINEER'S CERTIFICATE
I, _____, a duly Licensed Professional Engineer in the State of Utah, do hereby certify that the above described project conforms with the provisions of the Utah Condominium Act, Chapter 37, Utah Code, and the Surveying Act, Chapter 41, Utah Code.

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____ 2004 A.D.
BY: _____

CERTIFICATE OF ATTEST
I, _____, a duly Licensed Professional Engineer in the State of Utah, do hereby certify that the above described project conforms with the provisions of the Utah Condominium Act, Chapter 37, Utah Code, and the Surveying Act, Chapter 41, Utah Code.

COURT APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PLANNING COMMISSION THIS _____ DAY OF _____ 2004 A.D.
BY: _____

STATE OF UTAH COUNTY OF SUMNER AND FILED AT THE OFFICE OF THE COUNTY CLERK THIS _____ DAY OF _____ 2004 A.D.
RECORDED
FILE _____ RECORD _____

Ordinance No. 04-61

AN ORDINANCE AMENDING TITLE 4, CHAPTER 15, FOR HIRE-VEHICLE LICENSING, SECTION 4-15-2(b), MINIMUM INSURANCE COVERAGE REQUIREMENTS, OF THE MUNICIPAL CODE OF PARK CITY

WHEREAS, the minimum insurance coverage requirements for for-hire vehicles set forth at Section 4-15-2(B) currently divide all for-hire vehicles into only two categories—\$1,500,000 for vehicles with a seating capacity of fifteen or less and \$5,000,000 for vehicles with a seating capacity of sixteen or more; and

WHEREAS, Federal Motor Carrier Safety Administration regulations (49 CFR 387.33) contain the same financial responsibility requirements as Section 4-15-2(B), but create an exception for motor vehicles providing taxicab service and having a seating capacity of less than seven passengers (49 CFR 387.27(b)(2)); and

WHEREAS, the City Council of Park City desires to amend Section 4-15-2(B) to be consistent with Federal Motor Carrier Safety Administration regulations governing financial responsibility requirements for taxicabs;

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

Section I. Amendment. Title 4, Chapter 15, For Hire Vehicle Licensing, Section 4-15-2(B), of the Municipal Code of Park City is hereby amended as follows:

4-15-2. REQUIREMENTS FOR FOR-HIRE VEHICLE OPERATION.

(A) No person shall operate or permit a For-Hire Vehicle owned or controlled by such person to be operated as a vehicle for hire upon the streets of Park City without first having obtained a For-Hire Vehicle business license from the City in accordance with the procedures established in this Chapter.

(B) No person shall operate or permit a For-Hire Vehicle owned or controlled by such person to be operated as a vehicle for hire upon the streets of Park City without first having obtained commercial transportation insurance coverage for at least \$750,000.00 per vehicle if the vehicle provides taxicab service, has a seating capacity of eight passengers or fewer (including the driver), and is not operated on a regular route, or \$1,500,000.00 per vehicle if the vehicle's seating capacity is fifteen (15) passengers or less including the driver. If the vehicle seats sixteen (16) or more passengers including the driver, the owner is to provide proof of commercial transportation insurance coverage for at least \$5,000,000.00 per vehicle. Proof of this commercial insurance shall be required prior to the issuance of the For-Hire Vehicle permit.

Section II. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 16th day of December, 2004.

PARK CITY MUNICIPAL CORPORATION

Dana Williams
Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder

Approved as to form:
Mark D. Harrington
Mark D. Harrington, City Attorney



Ordinance No. 04-60

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF PARK CITY, UTAH
CREATING SECTION 12-10-2 (J) WITHIN TITLE 12, TO ALLOW LIMITED USE OF
PORTABLE SIGNS ON PRIVATE PROPERTY FOR ONE TEST SEASON**

WHEREAS, in response to a request by members of the Park City Historic Main Street Business Alliance (HMBA) for consideration of an experimental sign plan modification to the City Sign Ordinance that would allow for limited use of free standing and portable signs on private property, staff developed an experimental sign plan modification that would allow for limited use of free standing portable signs on private property; and

WHEREAS, the modification allows portable signs that would help orient pedestrians toward businesses that are difficult to find due to lack of street frontage, and to increase City sales tax revenue.

WHEREAS, the negative impacts of increased visual clutter, obstruction of already narrow pedestrian areas, and inconsistency with prohibited off-site signs are mitigated by the standards of the ordinance; and

WHEREAS, the success of the portable signs may contribute to an increase in City sales tax revenue, giving benefit to both businesses and the City; and

WHEREAS, the City supports reasonable ways to improve economic development within the City.

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

Section I. Amendment. The Municipal Code of Park City, Title 12, Chapter 12, is hereby amended to create Section 12-12-7 as follows:

12-10- 2 (J). TEMPORARY PORTABLE SIGNS.

All business owners desiring to display temporary portable signs for advertising or identifying a business or other type of entity shall submit a sign application to the Planning Department for review for compliance with the standards below prior to permit issuance.

(1) **SIZE.** Portable signs shall be an A-frame style, not to exceed six square feet per side, with 2 1/8" wooden text panels, 4" legs, and 2 1/8" hardboard support panels.

(2) **NUMBER OF SIGNS.** One (1) sign is allowed per business.

(3) **ORIENTATION.** Temporary portable signs are allowed only on private property next to a public sidewalk adjacent to a Private Plaza, and must not impede pedestrian

circulation or ADA and Fire access. No sign will be permitted on City owned property including City owned right-of-ways.

(4) **ZONING RESTRICTIONS.** Temporary portable signs are allowed only within the HCB and HRC zoning districts.

(5) **DESIGN.** Fluorescent colors and reflective surfaces are prohibited on portable signs. Reflective colored materials that give the appearance of changing color are also prohibited. A matte or flat finish is required for all surfaces.

(6) **PERIOD OF DISPLAY.** Temporary portable signs shall be displayed only during business hours and shall be allowed from December 17, 2004 until April 15, 2005.

(7) **ILLUMINATION.** Illumination of temporary portable signs is prohibited.

Section III. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 16th day of December, 2004.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder



Approved as to form:


Mark D. Harrington, City Attorney

Ordinance No. 04-59

AN ORDINANCE TO COMBINE PORTIONS OF LOTS 12 THROUGH 18 OF BLOCK 72, MILLSITE RESERVATION TO THE PARK CITY SURVEY INTO THREE LOTS OF RECORD, LOCATED AT 240 SWEDE ALLEY PARK CITY, UTAH

WHEREAS, the owner of the property known as 240 Swede Alley, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on November 10, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove the lot lines between six lots of record creating three lots of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-2) zone.
2. The HR-2 zone is designed to establish a transition in use and scale between the HCB and HR-1 zones.
3. Limited single-family residences and commercial uses are allowed and/or conditional in the HR-2 zone.
4. The amendment will combine portions of lots 12, 13, 14, 15, 16, 17, and 18 of Block 72, Millsite Reservation to the Park City Survey into three lots of record.
5. Portions of each proposed lot are located within Zone A of the Federal Emergency Management Agency FIRM Flood Insurance Rate Map.
6. Homes located within Zone A of the Flood Insurance Rate Map are not allowed basements.
7. The proposed lot at 250 Grant Avenue would consist of 4,334 square feet.
8. The proposed lot at 240 Swede Alley would consist of 3,067 square feet.
9. The proposed lot 3 Swede Alley would consist of 2, 267 square feet.
10. There is an existing single-family home on proposed 250 Grant Avenue.
11. There is an existing sewer line bisecting the site.
12. The applicant has proposed a ten-foot wide sewer easement to accommodate

- the existing sewer line.
13. Portions of the lots exceed 30% slope. Any construction requires a Steep Slope CUP prior to the issue of a building permit.
 14. No remnant lots will be created as a result of this application.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.


SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
3. A sewer easement to accommodate the existing main sewer line located on the property consistent with the requirements established by the Snyderville Basin Water Reclamation District will be dedicated on the plat.
4. Because the property is located within the Flood Zone, Zone A of the FEMA Flood Insurance Rate Map no basements are allowed.
5. Any commercial use on the property shall be required to meet minimum parking standards as outlined in Chapter 3, of the Land Management Code.
6. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
7. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 18th day of November 2004.

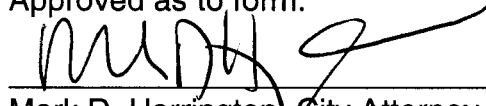
PARK CITY MUNICIPAL CORPORATION

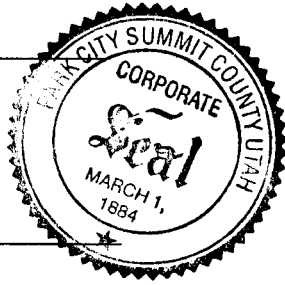


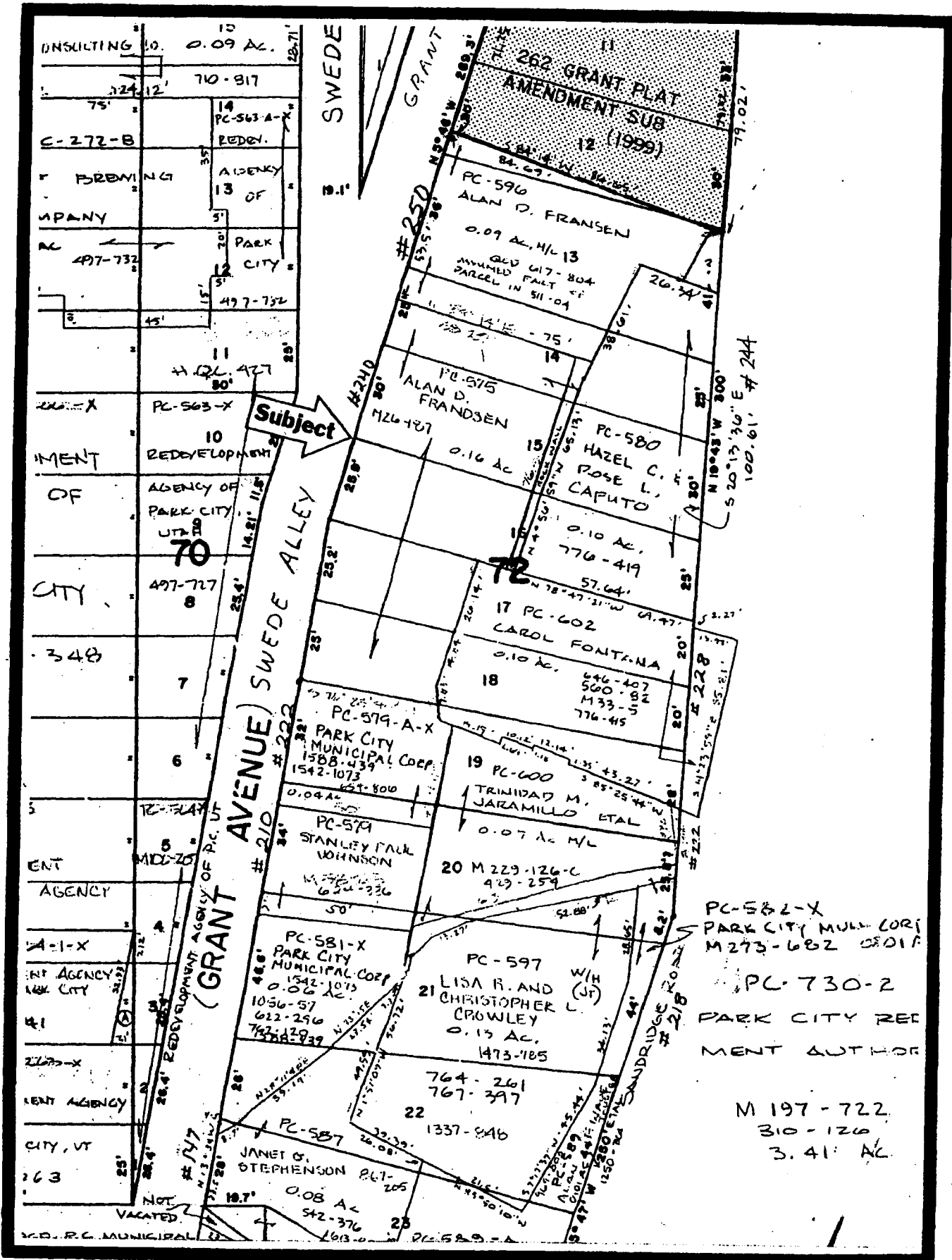
Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney





Ordinance No. 04-58

AN ORDINANCE APPROVING AN AMENDMENT TO COMBINE ALL OF LOTS 16 AND 17 OF BLOCK 77 OF MILLSITE RESERVATION TO THE PARK CITY SURVEY INTO ONE LOT OF RECORD, LOCATED AT 80 KING ROAD PARK CITY, UTAH

WHEREAS, the owner of the property known as 80 King Road, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on November 10, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove one lot line between two lots of record creating one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential Low Density (HRL) zone.
2. The HRL zone is a residential zone that provides an area of low density residential use within the old portion of Park City.
3. The amendment will combine all of Lots 16 and 17 of Block 77 of Millsite Reservation to the Park City Survey into one lot of record.
4. There is an existing 6 foot wide water pipeline and sewer easement running along the south west side of the property.
5. Access to the property is available from King Road.
6. The proposed lot size is 3,750 square feet.
7. The minimum lot size for a single-family home in the HRL zone is 3,750 square feet.
8. No remnant lots will be created as a result of this application.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. No structures or construction is allowed within the 6 foot water pipeline and sewer easement along the south west side of the property.
3. The applicant shall dedicate a public utility easement on the plat.
4. A financial security to guarantee the installation of public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer
5. Any new construction will require a modified 13-D sprinkler system as reviewed and approved by the Chief Building Official.
6. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
7. Prior to the receipt of a building permit, the applicant shall submit a Steep Slope CUP application for review by the Planning Commission.
8. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
9. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

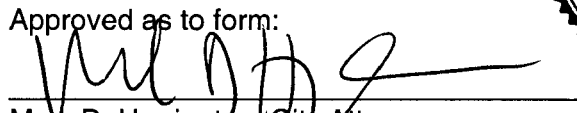
PASSED AND ADOPTED this 18th day of November 2004.

PARK CITY MUNICIPAL CORPORATION


Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

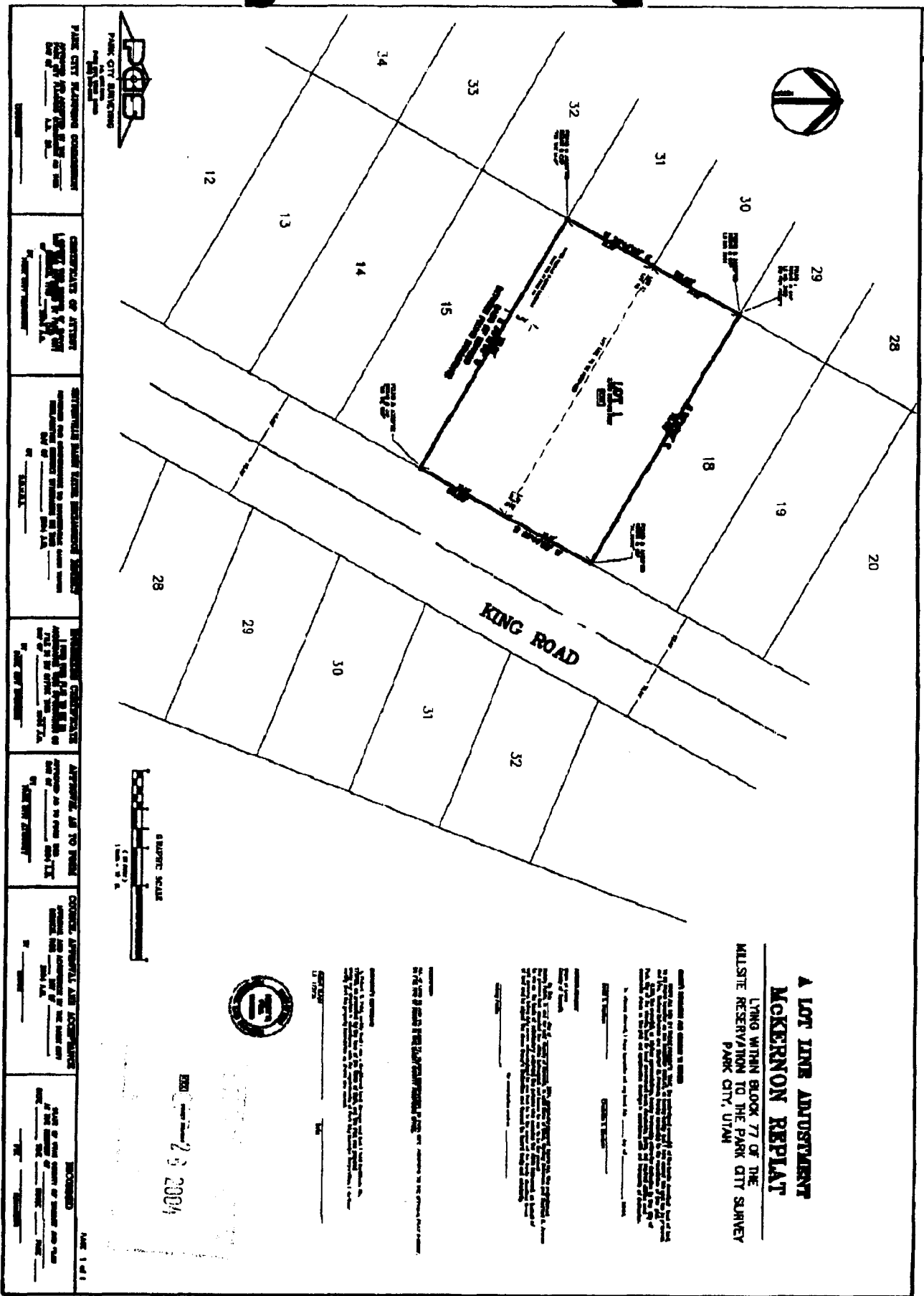


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Park City Surveying

435-449-4637

p. 1



**A LOT LINE ADJUSTMENT
MCKERNON REPIAT**

LYING WITHIN BLOCK 77 OF THE
HILLSIDE RESERVATION TO THE PARK CITY SURVEY
PARK CITY, UTAH

OCT 26 2004

PARK CITY SURVEYING COMPANY
100 W. 100 S. PARK CITY, UTAH 84302
PHONE: 435-449-4637 FAX: 435-449-4638
WWW.PARKCITYSURVEYING.COM

COMPILED BY ATTORNEY
WOLSEY MCKERNON
100 W. 100 S. PARK CITY, UTAH 84302
PHONE: 435-449-4637 FAX: 435-449-4638

APPROVED AS TO FORM
BY: _____
UTAH STATE SURVEYOR

RECORDED
DATE OF RECORDED: _____
BY: _____
COUNTY: _____

Ordinance No. 04-57

AN ORDINANCE APPROVING A RECORD OF SURVEY PLAT FOR BUILDING C OF THE CHATEAUX AT SILVER LAKE CONDOMINIUMS, LOCATED AT 7815 ROYAL STREET EAST, DESCRIBED AS LOT 23 OF THE AMENDED DEER VALLEY CLUB ESTATES, PARK CITY, UTAH

WHEREAS, the owners, Silver Lake Associates L.L.C., of the property at 7815 Royal Street East, located in the Northwest Quarter of Section 27, Township 2 South, Range 4 East, Park City, Utah and known as the Chateaux at Silver Lake Condominiums, have petitioned the City Council for approval of a record of survey plat for Building C; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and state law; and

WHEREAS, on December 12, 2001 the Planning Commission held a public hearing to receive public input on the proposed record of survey and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on December 20, 2001 the City Council reviewed the proposed record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey plat;

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

SECTION 1. FINDINGS OF FACT.

1. On March 12, 1997 the Planning Commission approved a Small Scale Master Planned Development for the 78 unit condominium project known as the Chateaux at Silver Lake CUP, a Small Scale MPD. The property is subject to the Chateaux at Silver Lake CUP.
2. The Chateaux at Silver Lake project is located at 7815 Royal Street East and the property is zoned RD-MPD, Residential Development- Master Planned.
3. The property is subject to the Deer Valley Resort Seventh Amended and Restated Large Scale Master Planned Development Permit of April 14, 1993 and is included on the 11/4/99 recorded Chateaux at Silver Lake record of survey plat as expandable area.
4. The proposed plat designates the type of ownership of this property as condominium ownership.

5. A financial guarantee for all public improvements, including all public trails and sidewalks, is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.
6. On December 12, 2001 the Planning Commission held a public hearing on the proposed record of survey plat and forwarded a positive recommendation to the City Council.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned record of survey and that neither the public nor any person will be materially injured by the proposed plat. The plat is consistent with the Park City Land Management Code and applicable State law regarding record of survey plats. The plat is consistent with the Planning Commission approval of the Chateaux at Silver Lake CUP, a Small Scale Master Planned Development.

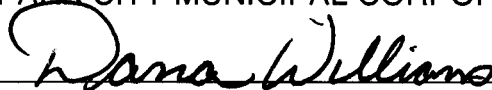
SECTION 3. PLAT APPROVAL. The record of survey plat, known Chateaux at Silver Lake Condominiums Building C, at 7815 Royal Street East, is hereby approved as shown on Exhibit A, with the following conditions:

1. City Attorney and City Engineer review and approval of the final form and content of the record of survey plat and the Conditions, Covenants and Restrictions (CC&R=s), for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the record of survey plat.
2. All conditions of approval for the Chateaux at Silver Lake CUP, approved by the Planning Commission on March 12, 1997, shall continue to apply in full force and effect.
3. All Park City Standard Project Conditions shall apply.
4. All required financial guarantees, that have not already been posted, for the value of all public improvements to be completed, shall be provided to the City as a condition precedent to plat recording. All public improvements, including public trails and sidewalks, shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
5. The final condominium record of survey shall be recorded at the County within one year of the date of City Council approval. If recordation has not occurred within the one year time frame this approval and the record of survey shall be considered null and void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 11th day of November, 2004.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams


Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

Ordinance No. 04-57

AN ORDINANCE APPROVING AN AMENDED RECORD OF SURVEY PLAT FOR THE CHATEAUX AT SILVER LAKE CONDOMINIUMS AND AMENDING A SECOND SUPPLEMENTAL PLAT FOR BUILDING C OF THE CHATEAUX AT SILVER LAKE CONDOMINIUMS, LOCATED AT 7815 ROYAL STREET EAST, IN PARK CITY, UTAH

WHEREAS, the owners, Silver Lake Associates L.L.C., of the property at 7815 Royal Street East, located in the Northwest Quarter of Section 27, Township 2 South, Range 4 East, Park City, Utah and known as the Chateaux at Silver Lake Condominiums, have petitioned the City Council for approval of an amendment to the amended Chateaux at Silver Lake record of survey plat and for an amended Second Supplemental record of survey plat for Building C; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and state law; and

WHEREAS, on October 27, 2004 the Planning Commission held a public hearing to receive public input on the proposed amendments and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on November 11, 2004 the City Council reviewed the proposed amendments; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amendments;

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

SECTION 1. FINDINGS OF FACT.

1. The Chateaux at Silver Lake condominium project is located in the RD-MPD zoning district and is subject to the requirements and conditions of the April 14, 1993 Deer Valley Master Planned Development (Seventh Amended and Restated), as amended, and the amended (September 27, 2001) Chateaux CUP.
2. On March 19, 1998 the City Council approved the Chateaux at Silver Lake record of survey plat for Building A and the Parking Structure. On August 26, 1999 the First Amended record of survey plat for the Chateaux at Silver Lake Building A and the Parking Structure was approved by the City Council and recorded at the Summit County recorder's office.
3. On December 20, 2001 the City Council approved a record of survey plat for Building C of the Chateaux at Silver Lake, known as the Second Supplemental Condominium Plat for Building C- Second Amended Chateaux at Silver Lake (Building B being the First Supplemental Condominium Plat). The plat was recorded at the Summit County

recorder's office.

4. The applicant provided documentation in the form of title reports and a Fourth Amendment to the Condominium Declaration and Covenants, Conditions and Restrictions for the Chateaux at Silver Lake verifying ownership of the condominium units within Building C and verifying that the proposed amendments to common area were voted on and approved by Unit Owners having ownership in excess of two-thirds of the undivided interest in the Common Areas and Facilities for the entire Chateaux at Silver Lake property.
5. On September 17, 2004 the applicant, Silver Lake Associates, LLC, submitted a request to amend the December 20, 2001, record of survey plat for Building C to reconfigure the floor plans, unit layouts, numbers of bedrooms, and the internal circulation (ie. the location of hallways, elevators, and stairwells).
6. This request decreases the number of units from 23 to 19. The footprint of Building C is substantially the same. Minor changes to the location of some windows and exterior details are proposed.
7. The amendment reduces the parking requirement by 8 spaces.
8. These record of survey plat amendments do not change the height or roof form of Building C from what was previously approved and recorded with the Chateaux at Silver Lake- Building C record of survey plat.
9. The applicant also submitted a request to amend a 900 sf area within Level One of the Parking Structure (part of the August 26, 1999 amended Chateaux at Silver Lake record of survey plat). The amendment decreases the total number of parking spaces by 7 spaces. The amendment changes the designation of this 900 sf area from Common Area to Limited Common Area and changes the use from parking to a circulation area for valet, guest check-in, bell hop, and arrival for Building C.
10. The Chateaux CUP was approved with a parking requirement of 333 parking spaces. A total of 481 code compliant parking spaces were constructed. The recorded record of survey plat designates all but 40 parking spaces as Common Area. The remaining 40 spaces are designated as Private Space (Parking Condominiums) to permit these spaces to be leased, sold, or utilized for private storage.
11. The requested amendments do not impact the LMC required parking for the Chateaux project. The project continues to have approximately 108 excess parking spaces.
12. On October 27, 2004 the Planning Commission conducted a public hearing and voted to forward to City Council a positive recommendation to approve the amended record of survey.

SECTION 2. CONCLUSIONS OF LAW.

1. There is good cause for this Amended Record of Survey plat.
2. The Amended Record of Survey plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Amended Record of Survey plat.
4. Approval of the Amended Record of Survey plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

SECTION 3. PLAT APPROVAL. The record of survey plat, known Chateaux at Silver Lake Condominiums Building C, at 7815 Royal Street East, is hereby approved as shown on Exhibit A, with the following conditions:

Conditions of Approval:

1. The City Attorney and City Engineer shall review and approve the final form and content of the Amended Record of Survey plat and the amended Condominium Declaration for compliance with State law, the Land Management Code, and the conditions of approval, as a condition precedent to recordation of said Plat and Declaration.
2. The applicant shall record the Amended Record of Survey plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the record of survey plat amendments will be void.
3. All conditions of approval of the Chateaux CUP (March 12, 1997) continue to apply.
4. All Park City Standard Project Conditions shall apply.
5. A financial guarantee, for the value of all public improvements to be completed, shall be provided to the City as a condition precedent to recordation of the amended record of survey plat.
6. All easements for utilities, drainage, access, public trails, and other uses as stated on the original plats, shall remain and shall be reflected on all amended plats.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 11th day of November 2004.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

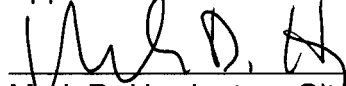
Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

ORDINANCE NO. 04-56

AN ORDINANCE APPROVING THE RED CLOUD SUBDIVISION PLAT, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Red Cloud subdivision plat have petitioned the City Council for approval of the Red Cloud subdivision plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on October 27, 2004, to receive input on the Red Cloud subdivision plat;

WHEREAS, the Planning Commission, on October 27, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 11, 2004 the City Council approved the Red Cloud subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Red Cloud subdivision plat

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

SECTION 1. APPROVAL. The Red Cloud subdivision plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Red Cloud Subdivision Plat is located in the Estate-MPD and Recreational Open Space-MPD Districts.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.

4. The MPD and subdivision are subject to the 14 Technical Reports approved on December 12, 2002.
5. The Planning Commission approved the Red Cloud MPD on August 11, 2004, for thirty (30) single-family homes.
6. On September 9, 2004, the City Council upheld the Planning Commission's approval of the MPD after hearing an appeal by Stichting Mayflower Fonds, et al.
7. The City Council amended the Development Agreement and Zoning Map on September 23, 2004.
8. Both a Conservation Easement and Public Ski Easement are proposed within platted lots for the Enchanted Forest. Conservation easements are proposed elsewhere in Empire Pass in accordance with the Development Agreement.
9. Utility lines and ski trails will be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
10. The Emergency Response Plan has been reviewed by the Chief Fire Marshall and the Planning Commission in order to allow fire access and safety at the end of the over length cul de sac. A secondary emergency access road is required with an all-weather 20-foot wide surface.
11. The maximum Building Height in the Estate District is 28 feet (33 feet with a pitched roof).
12. The applicant's prior dedication of the realigned SR 224 is subject to a claim resulting from ownership of the Marsac Claim. The applicant and UDOT have committed to maintaining public access and taking necessary corrective action. Accordingly, the applicant is proceeding at their own risk.

Conclusions of Law

1. There is good cause for this Final Subdivision Plat.
2. The Final Subdivision Plat is consistent with the Flagstaff Annexation and Development Agreement, the Red Cloud Master Plan Development, the Red Cloud Preliminary Plat, Park City Land Management Code, the General Plan and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Preliminary Subdivision Plat.
4. Approval of the Final Subdivision Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. City Engineer approval of a utility and infrastructure plan is a condition precedent to the plat recordation.
2. Both utility lines and ski trails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval. Utility lines and cleared ski trails shall not encroach in the Enchanted Forest as defined on the plat.
3. The proposed over-length cul de sac that ends in the thirty single family lots will have a secondary emergency access from the Red Cloud road. This emergency access shall not go through the Enchanted Forest. The emergency access will continue as a minimum 20-foot wide all-weather surface road. This emergency

access road must be installed prior to building permit issuance for any of the single-family homes.

4. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Building Permit and for the Red Cloud Subdivision infrastructure.
5. The final subdivision plat will include plat notes as follows:

General

1. **Development Approval.** These criteria are in addition to the conditions imposed on the project by the projects CC&Rs, Design Guidelines and other conditions imposed by the Empire Pass Design Review Board (AKA the Design Review Committee in the Design Guidelines, exhibit 2 of the 1999 LSMPD for the Project). All references to defined terms in the Land Management Code (LMC) are references to the LMC in effect at the time of this plat approval. All references to defined terms in the Design Guidelines (DGs) and Emergency Response Plan (ERP) are references to exhibits to the projects 1999 Large Scale Master Plan (LSMPD) and are subject to any future revision of those documents. All Development (LMC) is subject to the approval of both the City and the Design Review Board. Approval of any Development within this subdivision plat by the City requires prior written approval by the Design Review Board.
2. **Building Height and Setbacks.** All current LMC zone restrictions on building height and setbacks apply. Building setbacks are minimum Estate Zone Setbacks, 30 feet from property lines unless noted otherwise, or as restricted by ski or utility easements as shown hereon. No Additional Building Height over the zone building height limits will be granted.
3. **Defensible Space Plan.** Prior to vertical construction of residential units a Defensible Space plan, consistent with the project Emergency Response Plan (Exhibit 7 of the LSMPD), shall be approved by the City and implemented by the developer.
4. **Water Efficient Irrigation and Limited Turf.** Each platted lot, when developed, must incorporate a water efficient irrigation system (to the extent an irrigation system is used), and must limit the area of turf, consistent with the Design Guidelines.

Building Approval Process

1. **General Applicability of Design Review Guidelines.** All Development is subject to applicable requirements of the Design Review Guidelines, as such may be amended or superseded from time to time.
2. **Approximate Building Location.** Approximate Building Locations within each lot are shown on the plat are subject to adjustment on an individual lot basis with the

approval of the Design Review Board. Such approvals must be obtained prior to the issuance of a building permit. Site-specific plans must be developed within these locations and submitted to the Design Review Board, whose approval must be received before the issuance of a building permit. Any such Design Review Board approval is subject to review and approval by the Planning Department in accordance with the provisions of the LMC and applicable Design Guidelines. Approximate Building Locations have been sited on Developable Land (LMC), and avoid Ridge Line Areas (LMC). Therefore, any adjustment of the Approximate Building Location must avoid Very Steep Slopes (LMC) and Ridge Line Areas.

3. **Building Footprint and Site Disturbance.** In order to encourage lower building forms, the maximum building footprint is allowed up to the total area shown within the Approximate Building Location (Design Guidelines) as shown on the plat. Second story square footage cannot be more than 2/3rds of the first floor. Total Limits of Disturbance cannot extend more than 20' beyond the outside walls of the building. Driveways, utility corridors, paths, drainage features, ski trails and their associated retaining structures are exceptions to this restriction. Limits of Disturbance (LMC) plans shall be submitted to the City Planning Department for review and approval by individual homeowners. These plans must demonstrate compliance with the goal of maximum retention of Significant Vegetation (LMC) and minimization of overall site disturbance.
4. **Defensible Space.** Vegetation outside of the Limits of Disturbance will be managed in accordance with the Defensible Space Plan consistent with the Urban Wildland Fire Interface Code and will focus on fire hazard reduction as well as good forest health and may not be improved for additional yard area. Removal of vegetation beyond the Limits of Disturbance will be done only by hand held equipment. All vegetation removal and management must be approved by both the Planning and Building Departments whose requirements may include that a licensed professional prepare the plan.
5. **Irrigated Area.** Each individual lot must submit landscape plans consistent with the projects Design Guidelines and a Defensible Space Plan (Emergency Response Plan). The maximum irrigated area within the landscaped area that will be considered for any lot is 5,000 sq ft. This does not limit the City's ability to require additional intermittent irrigation of existing vegetation in the Defensible Space zone adjacent to the landscaped area.
6. **Design Review Board Approval.** The Design Review Board's review shall consist of, but not be limited to, insuring the maximum preservation of existing vegetation, minimizing grading impacts, providing for solar access and views, and minimizing impacts on adjacent lots.

7. Landscaping Plans. Landscaping plans are subject to the review and approval of the Design Review Board and the Planning Department in accordance with the project Design Guidelines.

House Size

1. Gross Floor Area. The maximum Gross Floor Area (LMC) of a house is 10,000 sq ft. Gross Floor Area includes all enclosed areas designed for human occupation. Unenclosed porches, balconies, patios and decks, vent shafts, courts are not calculated in Gross Floor Area. Garages, up to a maximum area of 600 square feet, are not considered Gross Floor Area. Basement Area (LMC) below Final Grade (LMC) is not considered Gross Floor Area. The square footage of all Accessory Structures (LMC) is deducted from the house Gross Floor Area. Garage square footage in excess of 600 square feet is deducted from the house Gross Floor Area.
2. Lot Combinations. Lot combinations are subject to Design Review Board approval. Adjoining lots can be combined, and the maximum house size increased based on the process allowed in the LMC for the underlying zone. If lots are combined the Design Review Board will designate a new Approximate Building Location.

Limits of Disturbance and Vegetation Protection

1. Limits of Disturbance. As required by the LMC and the Design Guidelines, limits of disturbance plans must be reviewed and approved by both the City Planning Department and the Design Review Board.
2. Ski Run Vegetative Buffer. The vegetative buffer between the buildings and the existing ski runs are defined by the Approximate Building Location as designated on this plat. Existing Significant Vegetation (as defined by the LMC) within the buffer to the ski runs must be maintained. Vegetation management within the buffer and/or beyond the approved limits of disturbance on approved building plans will be maintained in accordance with good forest health practices and fire hazard reduction, but all such maintenance shall be approved by the Design Review Board, and the Park City Planning and Building Departments.

Easements and Lot Line Adjustments

1. Easements. The numbers, locations, and widths of private ski trail easements and the Deer Valley ski trail and bridge easements as shown on the plat are approximate the location of which will be fixed by a subsequent grant of easement prior to construction on a lot.

2. Lot Line Adjustments. Individual lot lines are subject to adjustment as approved by the Design Review Board and in accordance with the Park City Land Management code.

Other Specific Conditions, Restrictions and Benefits Affecting the Plat

1. Restrictive Covenants. The property and lots depicted on this plat are subject to the Master Declaration of Covenants, Conditions and Restrictions for Flagstaff, a Planned Community, recorded on June 28, 2004, as entry No.623450 in Book No.1457, Pages 747 to 832, in the office of the Summit County Recorder, as the same may be supplemented, modified or amended from time to time.
2. Master Declaration. The property and lots depicted on this plat are subject to the Declaration of Covenants, Conditions and Restrictions for Red Cloud Subdivision, Park City, Utah, recorded on _____, 2004, as entry No. _____ in Book No. _____, Pages ___ to ___, in the office of the Summit County Recorder, as the same may be supplemented, modified or amended from time to time.
3. Emergency Secondary Access. The property depicted on the Plat has secondary emergency access for controlled evacuation and for access by fire and safety personnel and equipment by virtue of an grant of easement recorded _____, 2004, in Book No. _____, Pages _____, in the office of the Summit County Recorder.
4. Enchanted Forrest. The area on the plat identified as the Enchanted Forrest and the lots that incorporate such area are affected by a ski easement for public skiing and a conservation easement. No Development activity, including fencing, is permitted within the Enchanted Forrest.
5. Access Parcel. A Future Access Parcel between lots 28 and 29 has been reserved and will be held by the developer for potential future access to adjoining lands, if developed.
6. Land Area Limitation. The gross land area of this plat, as depicted, shall not exceed 49.737 acres.
7. Shared Driveway. Developer will grant, for the benefit of the owners of lots 8 and 9, a perpetual, non-exclusive shared driveway easement in the location shown on the plat, and will require that said owners share the maintenance and other expenses associated with such shared driveway.
6. The final subdivision plat will include ski and conservation easements over the Enchanted Forest. Public ski access only will be allowed. No construction activity, including fencing, is permitted within the Enchanted Forest as defined on the final plat.

7. All subsequent applications and approvals are subject to the Technical Reports as approved or amended.
8. The plat will also include the following note: "Vertical construction in Red Cloud, (except building permits for Temporary Improvements, including sales and construction trailers) is allowed only in accordance with the Planning Commission approved Construction and Development Phasing plan, or as amended by subsequent action, as follows:
 - Approval of the Mountain Village Master Planned Development (MPD) application (including, but not limited to, the Alpine Club Phase 1, pulse gondola, transit hub, village ski runs, and related landscaping) and all related conditional use permits;
 - Approval of the Pod D MPD and subdivision plat;
 - The Alpine Club Phase 1 resort amenity package shall be substantially complete and bonded for completion, including, at a minimum, a restaurant, bar, convenience store, landscaping, ski runs/pedestrian connections, and concierge's services operated by a management company. Phase 1 of the Alpine Club will consist of a minimum of 10,000 square feet of building area;
 - The first phase of Alpine Club multi-family units as approved in the Mountain Village MPD shall be substantially complete, and bonded for completion;
 - A building permit shall be issued for the Mountain Village transit hub and the hub shall be bonded for completion;
 - A building permit shall be issued for the pulse gondola and the gondola shall be bonded for completion; and
 - A building permit shall be issued for construction of at least one multi-family building within the Mountain Village (as approved in the Mountain Village MPD) in addition to the Alpine Club multi-family units.
9. A financial security to guarantee the installation of public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer.
10. If at any time, public access or the State's acceptance of dedication of SR 224 is invalidated or withdrawn, such that public access is materially interrupted, all future development activity shall be subject to immediate stop work order and any pending and future Certificate of Occupancy and Building Permit shall be suspended until (i) a Certificate of Immediate Occupancy is obtained for public access, or (ii) alternative access acceptable to the City is provided, or (iii) the City receives public access assurances satisfactory to the City from UDOT or others. This condition shall be noted on the plat, and shall be of no force or effect and may be removed from the plat at any point in time when the applicant, on its own initiative, provides (i) alternative access solutions satisfactory to the City, or (ii) assurances from UDOT satisfactory to the City that SR 224 will remain in its existing location.

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

PASSED AND ADOPTED this 11th day of November, 2004.

PARK CITY MUNICIPAL CORPORATION

Dana Williams
Mayor Dana Williams

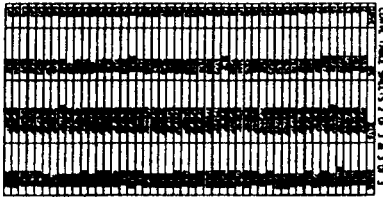
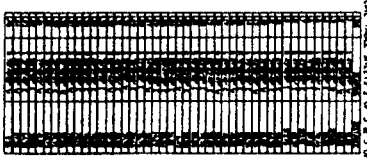
Attest:

Janet M. Scott
Janet M. Scott, City Recorder

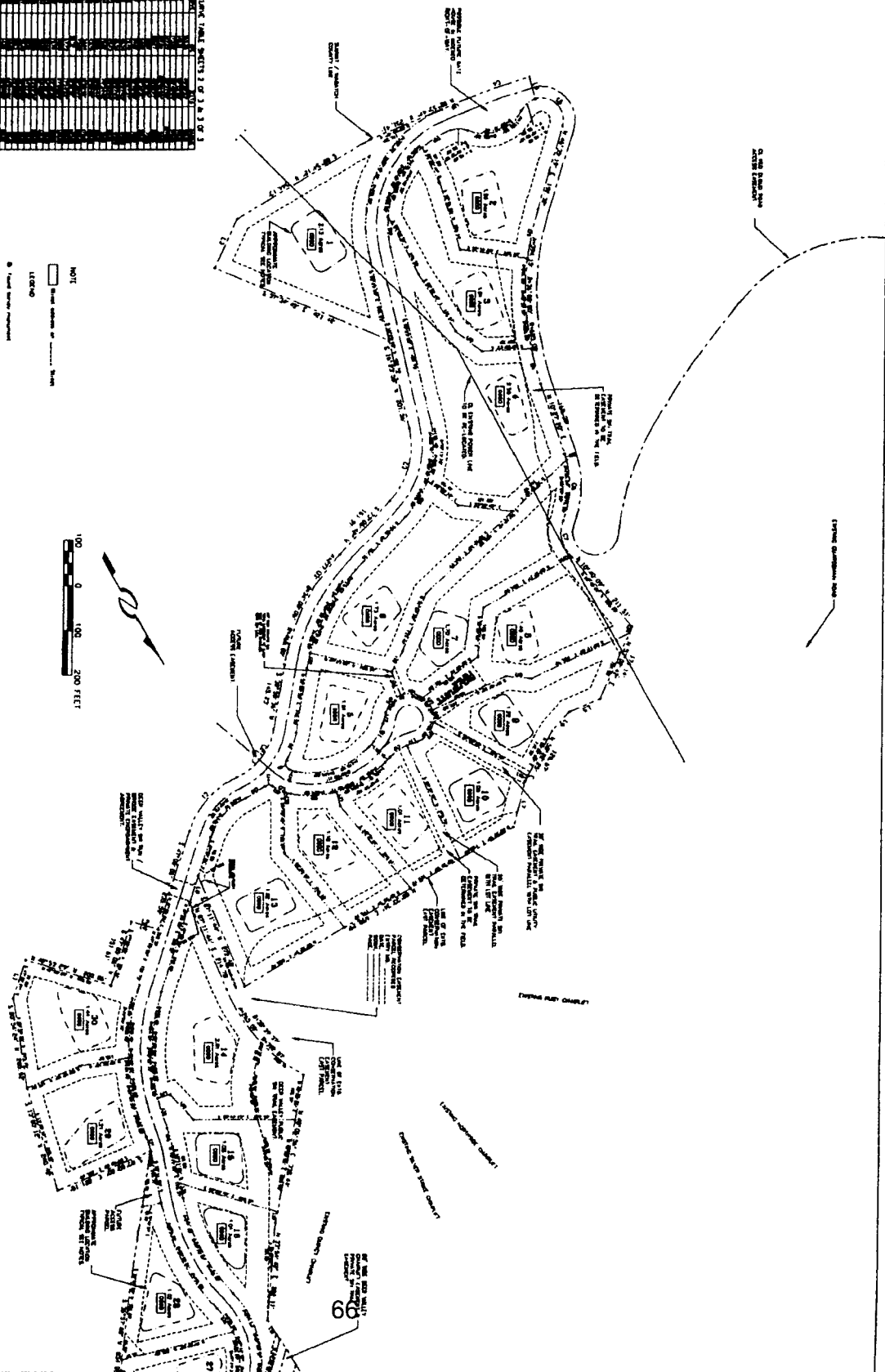
Approved as to form:

MDH
Mark D. Harrington, City Attorney





CONT. MAP SHEET 1 OF 2
 CONT. MAP SHEET 2 OF 2



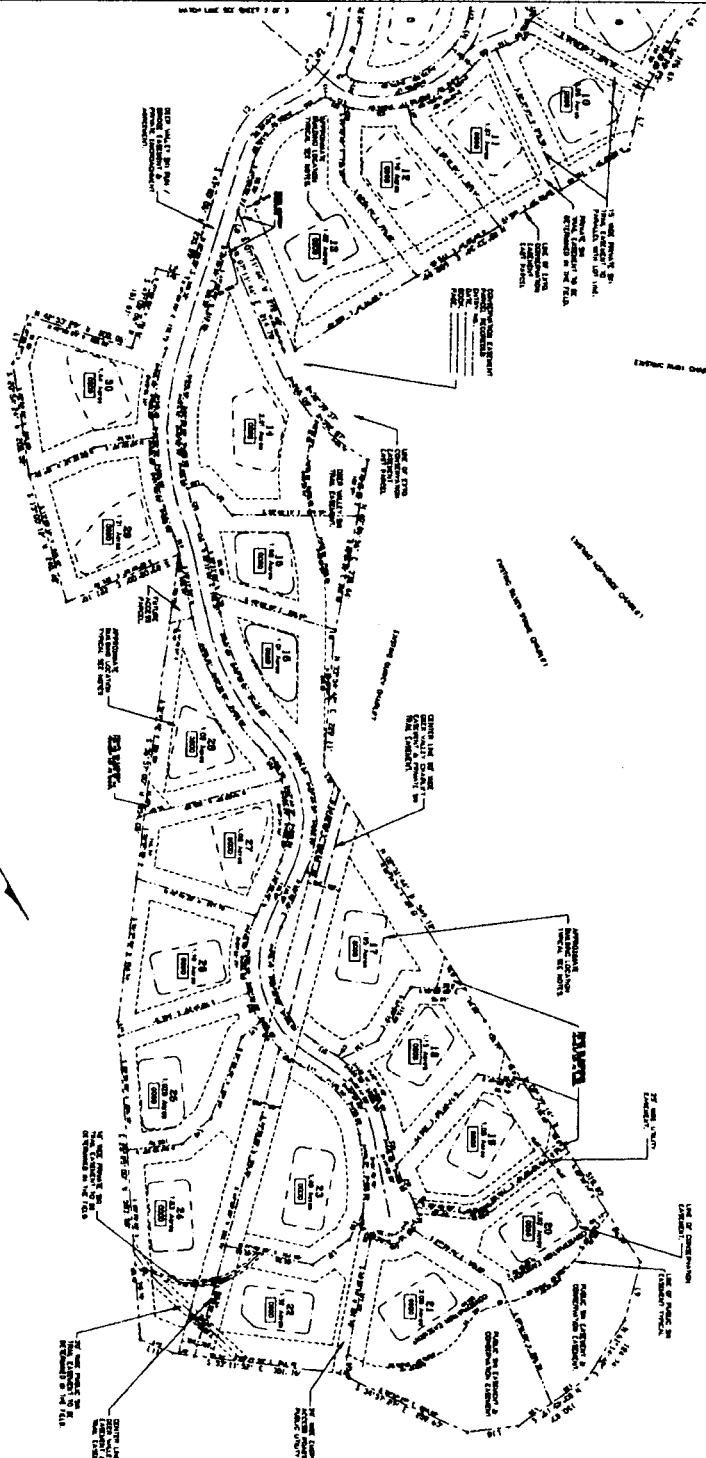
NOTE
 1. Shaded areas on this map are not to scale.
 2. Contour lines are shown at 5-foot intervals.
 3. The 100-foot contour interval is shown at 1-foot intervals.
 4. Contour lines are shown at 5-foot intervals.

LEGEND
 1. Shaded areas on this map are not to scale.
 2. Contour lines are shown at 5-foot intervals.
 3. The 100-foot contour interval is shown at 1-foot intervals.
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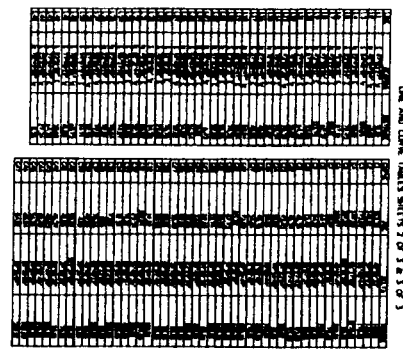
RED CLOUD SUBDIVISION

A SINGLE FAMILY SUBDIVISION LOCATED IN SECTIONS 28 AND 33
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND VERMILION
 PARK CITY, SUMMIT COUNTY, UTAH

2004
 STATE OF UTAH
 COUNTY OF SUMMIT, AND FILED
 AT THE OFFICE OF THE COUNTY CLERK
 ON _____ DAY OF _____ 2004
 PAGE 2 OF 4



NOTE:
 [Symbol] Street address or block
 [Symbol] Lot(s)
 [Symbol] Survey boundary
 [Symbol] Property owner to be on (or not on) the recorded survey
 [Symbol] The "R" mark shows recorded utility lines
 [Symbol] Proposed utility lines
 See Sheet 1 of 4 for full details



SEE SHEET 1 OF 4 FOR FULL DETAILS

RED CLOUD SUBDIVISION

A SINGLE FAMILY SUBDIVISION LOCATED IN SECTIONS 28 AND 33
 TOWNSHIP 2 SOUTH RANGE 4 EAST AND 6 WEST
 PARK CITY, SALT LAKE COUNTY, UTAH

OCT 21 2004

STATE OF UTAH, COUNTY OF SALT LAKE
 AT THE OFFICE OF THE CLERK
 DATE _____ TIME _____ ROOM _____ FLOOR _____
 FILE _____ RECORDED _____

PLAT NOTES:

General:

1. Development Approval. All Development, as defined by the Plan City Land Management Code (LMC) at the time of approval of this plat, is required to be approved by the Planning Commission and the Design Review Board prior to approval of any Development within the subdivision plat by the City. Requires prior written approval by the Design Review Board.
2. Building Height and Setbacks. All current LMC code provisions on building height and setbacks apply. Building setbacks are minimum (Single Zone Subdivisions) 30 feet from property lines and minimum 10 feet from the street. All setbacks are to be measured by all or 50% of existing or proposed building height over the zero building height finish as be posted.
3. Detachable Storm Drain. Prior to written construction of residential units a Detachable Storm Drain, consistent with the project Emergency Response Plan (Exhibit 7 of the [S]RD), shall be approved by the City and implemented by the developer.
4. Water Efficient Irrigation and Limited Turf. Each irrigated area, when developed, must incorporate a water efficient irrigation system (as the term is defined in the LMC), and must limit the area of turf, consistent with the Design Guidelines.

Building Approval Process

1. General Applicability of Design Review Guidelines. All Development is subject to applicable requirements of the Design Review Guidelines, on such may be amended or superseded from time to time.
2. Approximate Building Location. Approximate Building Locations within each lot to be shown on this plat are subject to adjustment on an individual lot basis with the approval of the Design Review Board. Such adjustments must be obtained prior to the issuance of a building permit. The specific party must be determined with the Design Review Board and submitted to the Design Review Board, whose approval must be received before any building permit is issued. The Design Review Board may require the developer to provide additional information to the Design Review Board in accordance with the provisions of the LMC and applicable Design Guidelines. Approximate Building Locations have been shown on Development Land on or near Ridge Line Acres. Therefore, any adjustment of the Approximate Building Location must occur Very Close to Ridge Line Acres as defined by the LMC at the time of this plat approval.
3. Design Review Board Approval. The Design Review Board's review and consent of, but not be limited to, including the minimum preservation of existing vegetation, maintaining grading impacts, providing for water access and views, and maintaining impacts on adjacent lots.
4. Landscaping Plans. Landscaping plans are subject to the review and approval of the Design Review Board and the Planning Department in accordance with the project Design Guidelines.
5. Timing of Vertical Construction. The timing of vertical construction is required by the terms and conditions of the Construction Financing Plan applicable to Development within this subdivision plat.
- House Size
1. Maximum House Size. The maximum house size on any lot shall be 10,000 square feet. Coverage up to 600 square feet and in addition to the maximum house size shall be subject to the Design Review Board's approval. The maximum house size shall be 600 square feet and in addition to the maximum house size shall be subject to the Design Review Board's approval.
2. Lot Combinations. Lot combinations are subject to Design Review Board approval. Additional lots for the maximum house size increased based on the program stated in the LMC for the underlying zone, if all are combined the Design Review Board will approve a new Approximate Building Location.
3. Accessory Buildings. Accessory buildings, as defined by the LMC, must meet the requirements of the LMC and be within the Approximate Building Area of the Design Review Board.

Limits of Disturbance and Vegetation Protection

1. Limits of Disturbance. As required by the LMC and the Design Guidelines, limits of disturbance plans must be reviewed and approved by both the City Planning Department and the Design Review Board.
2. Set Back Vegetation Buffer. The vegetation buffer between the buildings and the existing set back or defined by the Approximate Building Location is established on this plat. Existing Set Back Vegetation Buffer is shown on the plat. The Design Review Board may require the developer to provide additional information to the Design Review Board in accordance with the provisions of the LMC and applicable Design Guidelines. The Design Review Board may require the developer to provide additional information to the Design Review Board in accordance with the provisions of the LMC and applicable Design Guidelines. The Design Review Board may require the developer to provide additional information to the Design Review Board in accordance with the provisions of the LMC and applicable Design Guidelines. The Design Review Board may require the developer to provide additional information to the Design Review Board in accordance with the provisions of the LMC and applicable Design Guidelines.

Other Specific Conditions, Restrictions and Benefits Affecting the Plat

1. Easements. The nature, location, and width of private easements and the Developer, under all final and judge statements of shown on the plat are approximately the location of which will be held by a subsequent grant of easement prior to construction on a lot.
2. Lot Line Adjustments. Individual lot lines are subject to adjustment as approved by the Design Review Board and in accordance with the Plan City Land Management Code.
3. Easements. The nature, location, and width of private easements and the Developer, under all final and judge statements of shown on the plat are approximately the location of which will be held by a subsequent grant of easement prior to construction on a lot.
4. Encouraged Forest. The area on the plat identified as the Encouraged Forest and the lots that incorporate such area are affected by a plat easement for public utility and a conservation easement. The Development activity, including fencing, is permitted within the Encouraged Forest as defined by the LMC and applicable Design Guidelines. The Design Review Board may require the developer to provide additional information to the Design Review Board in accordance with the provisions of the LMC and applicable Design Guidelines.
5. Access Easement. A Future Access Easement between lots 28 and 29 has been reserved and will be held by the developer for potential future use as defined by the LMC and applicable Design Guidelines.
6. Land Area Limitation. The gross total area of this plat, as depicted, shall not exceed 46,337 acres.
7. Protection Signs. Developer shall provide water-side protection signs per A, B and C to be held by the developer until such time as the Development of the property depicted on this plat is complete. At which time such parcels shall be conveyed to the Homeowners Association.
8. Shared Driveway. Developer will grant, for the benefit of the owners of lots B and S, a perpetual, non-exclusive shared driveway easement in the location shown on the plat, and will require that said easement shall be the north-south and other easements associated with such shared driveway.

RED CLOUD SUBDIVISION

A SINGLE FAMILY SUBDIVISION LOCATED IN SECTIONS 28 AND 33
TOWNSHIP 2 SOUTH, RANGE 1 EAST, S4D, T28S, R1E, B2E AND B2D
PARK CTR., SUMMIT COUNTY, UTAH

PLAT NO. 1-21-21 REC'D 11/15/21
STATE OF UTAH, COUNTY OF SUMMIT, AND PLAT
AT THE REQUEST OF _____ FILED _____
DATE _____ TIME _____ ROOM _____ PLACE _____
FILED _____ REC'D _____

ORDINANCE NO. 04-55

AN ORDINANCE APPROVING THE LARKSPUR TOWNHOMES 3, UNITS 6-9 CONDOMINIUM RECORD OF SURVEY PLAT, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Larkspur Townhomes 3, Units 6-9 condominium record of survey plat have petitioned the City Council for approval of the Larkspur Townhomes 3, Units 6-9 condominium record of survey plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on November 10, 2004, to receive input on the Larkspur Townhomes 3, Units 6-9 condominium record of survey plat;

WHEREAS, the Planning Commission, on November 10, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 11, 2004 the City Council approved the Larkspur Townhomes 3, Units 6-9 condominium record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Larkspur Townhomes 3, Units 6-9 condominium record of survey plat

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

SECTION 1. APPROVAL. The Larkspur Townhomes 3, Units 6-9 condominium record of survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Larkspur Townhomes 3, Units 6-9 is located in the RD-MPD zoning district.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A.

4. On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase I. The Larkspur Townhomes 3, Units 6-9 are located on lot 6.
5. The proposed is consistent with the approved Master Planned Development for the Village at Empire.
6. The 4 units range are each 3425 square feet in size with garages under 600 square feet.
7. These six units consume 13,700 square feet and 6.9 Unit Equivalents.
8. Two parking spaces are provided for each unit.
9. The two buildings conform to the 28+5 foot height requirement of the RD zone.
10. The Planning Commission held a public hearing on November 10, 2004, and forwards a positive recommendation to the City Council.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

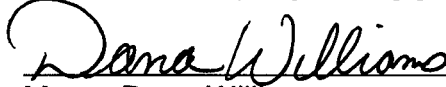
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development and the Village at Empire Pass, Phase I plat shall continue to apply.
4. The final plat for The Village at Empire Pass, Phase I shall be recorded prior to the Record of Survey for Larkspur Townhomes 3, Units 6-9.

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

PASSED AND ADOPTED this 11th day of November, 2004.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

Janet M. Scott

Janet M. Scott, City Recorder



Approved as to form:

Mark D. Harrington

Mark D. Harrington, City Attorney



SUBJECT'S CERTIFICATE

I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing plat is a true and correct copy of the original as recorded in the office of the County Clerk of Salt Lake County, Utah, on this _____ day of _____, 2004.

BOUNDARY DESCRIPTIONS

The boundary descriptions are as follows: ...

OWNER'S DECLARATION AND CONSENT TO RECORD

I, the undersigned, being duly qualified and sworn, do hereby declare that the foregoing plat is a true and correct copy of the original as recorded in the office of the County Clerk of Salt Lake County, Utah, on this _____ day of _____, 2004.

ACKNOWLEDGMENT

I, the undersigned, being duly qualified and sworn, do hereby acknowledge that the foregoing plat is a true and correct copy of the original as recorded in the office of the County Clerk of Salt Lake County, Utah, on this _____ day of _____, 2004.

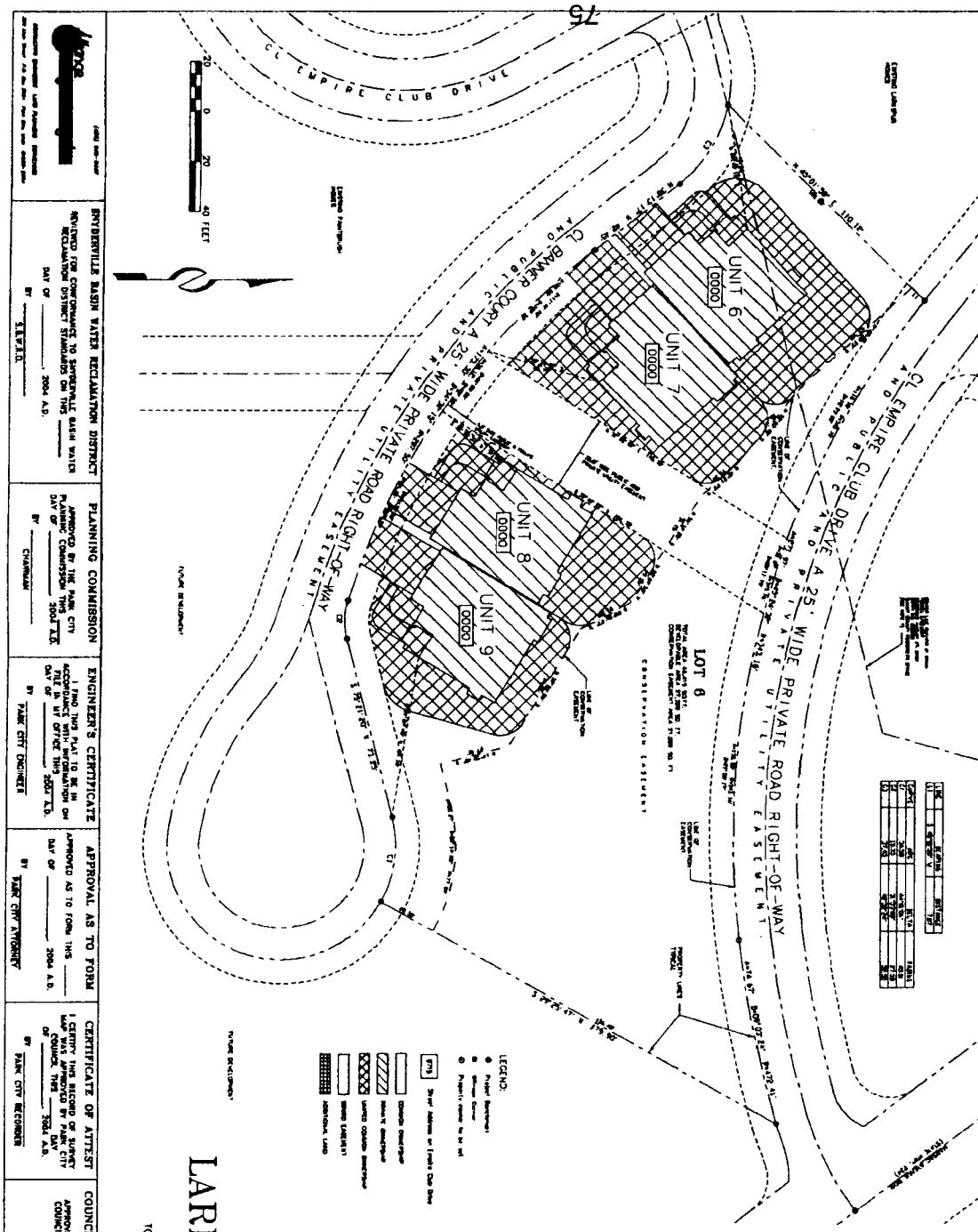
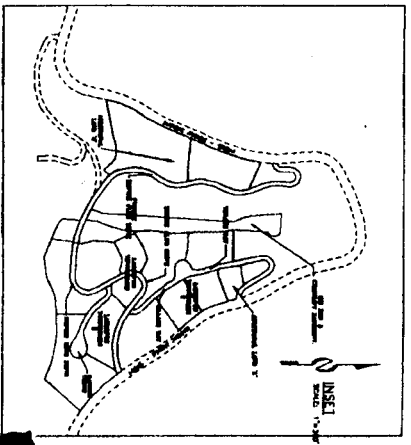


Table with 4 columns: UNIT, AREA (SQ FT), AREA (SQ YD), and PERCENT OF TOTAL AREA. Rows include Unit 6, Unit 7, Unit 8, and Unit 9.

- LEGEND:
- [Symbol] Shared Access or Easement
- [Symbol] Common Property
- [Symbol] Street Right-of-Way
- [Symbol] Utility Easement
- [Symbol] Private Utility Easement
- [Symbol] Public Utility Easement
- [Symbol] Other Easement



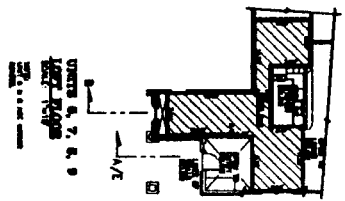
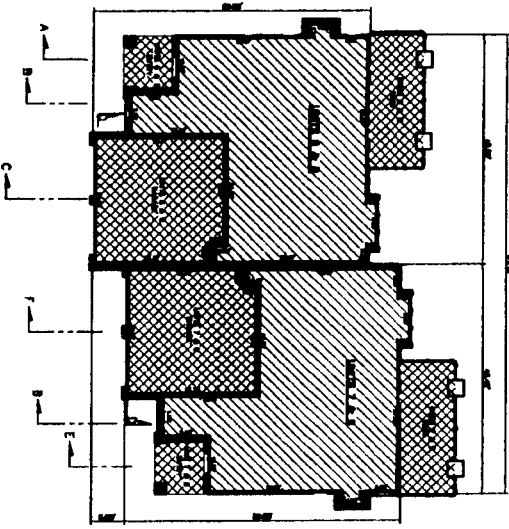
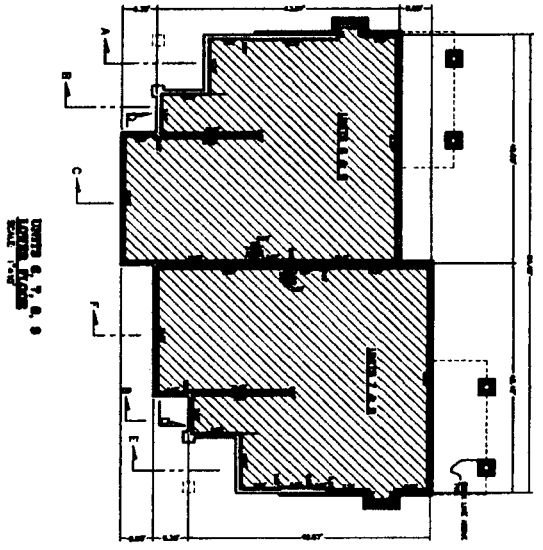
NOTES:
1. The boundaries of the subject property are as shown on the attached plat.
2. The boundaries of the subject property are as shown on the attached plat.
3. The boundaries of the subject property are as shown on the attached plat.

OCT - 5 2004

LARKSPUR TOWNHOMES 3

EXPANDABLE CONDOMINIUM PLAT
A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Administrative table with columns for:
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UNIT SCHEDULE

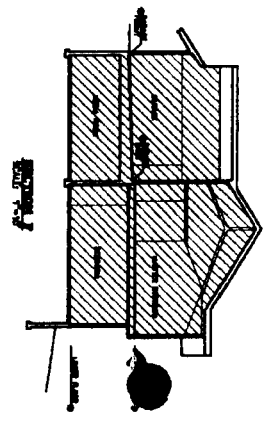
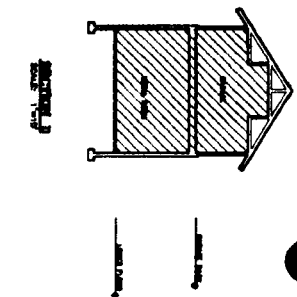
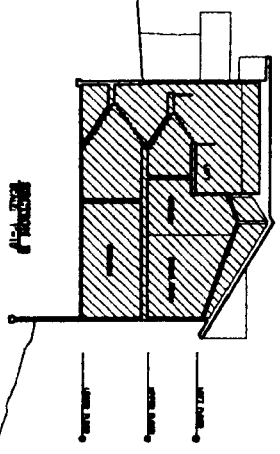
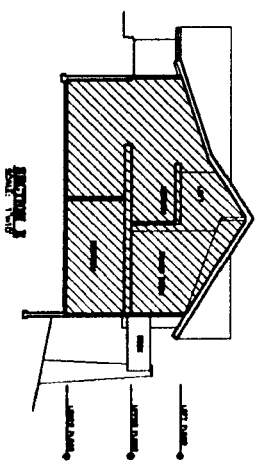
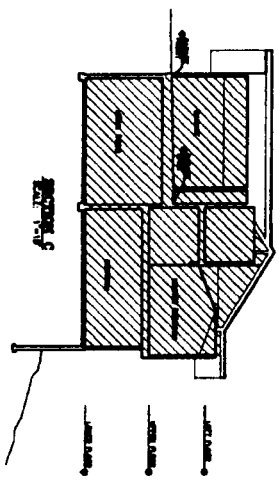
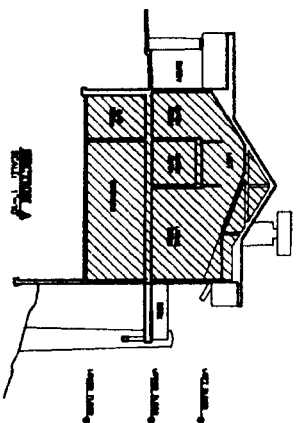
UNIT NO.	TYPE	SQ. FT.	FINISH
6	1-BED	1,100	1
7	1-BED	1,100	1
8	1-BED	1,100	1
9	1-BED	1,100	1



UNIT 6, 7, 8, 9
FIRST FLOOR
SCALE: 1/8" = 1'-0"

LARKSPUR TOWNHOMES 3

CONDOMINIUM PLAT
A UTM EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, T146 RANGE AND MERIDIAN
PARK CITY, SALT LAKE COUNTY, UTAH



OCT - 5 2004

RECORDED

FILE NO. _____ COUNTY OF SALT LAKE AND FILED _____

DATE _____ TIME _____ BOOK _____ PAGE _____

FILE _____ RECORDS _____

ORDINANCE NO. 04-54

AN ORDINANCE APPROVING THE LARKSPUR TOWNHOMES 2, UNITS 10-15 CONDOMINIUM RECORD OF SURVEY PLAT, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Larkspur Townhomes 2, Units 10-15 condominium record of survey plat have petitioned the City Council for approval of the Larkspur Townhomes 2, Units 10-15 condominium record of survey plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on November 10, 2004, to receive input on the Larkspur Townhomes 2, Units 10-15 condominium record of survey plat;

WHEREAS, the Planning Commission, on November 10, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 11, 2004 the City Council approved the Larkspur Townhomes 2, Units 10-15 condominium record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Larkspur Townhomes 2, Units 10-15 condominium record of survey plat;

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

SECTION 1. APPROVAL. The Larkspur Townhomes 2, Units 10-15 condominium record of survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Larkspur Townhomes 2, Units 10-15 is located in the RD-MPD zoning district.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A.

4. On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase I. The Larkspur Townhomes 2, Units 10-15 are located on lots 3 and 4.
5. The proposed is consistent with the approved Master Planned Development for the Village at Empire.
6. The 6 units range in size from 3421 square feet to 3601 square feet with garages under 600 square feet.
7. These six units consume 20,892 square feet and 10.5 Unit Equivalents.
8. Two parking spaces are provided for each unit.
9. The two buildings conform to the 28+5 foot height requirement of the RD zone.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, and the Village Phase I plat shall continue to apply.

The final plat for The Village at Empire Pass, Phase I shall be recorded prior to the Record of Survey for Larkspur Townhomes 2, Units 10-15.

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

PASSED AND ADOPTED this 11th day of November, 2004.

PARK CITY MUNICIPAL CORPORATION

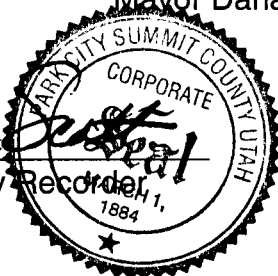
Dana Williams

Mayor Dana Williams

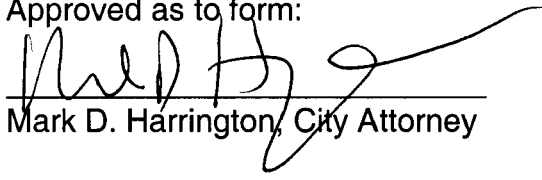
Attest:

Janet M. Scott

Janet M. Scott, City Recorder



Approved as to form:

A handwritten signature in black ink, appearing to read 'Mark D. Harrington', written over a horizontal line. The signature is stylized and extends to the right of the line.

Mark D. Harrington, City Attorney



CONDOMINIUM CERTIFICATE

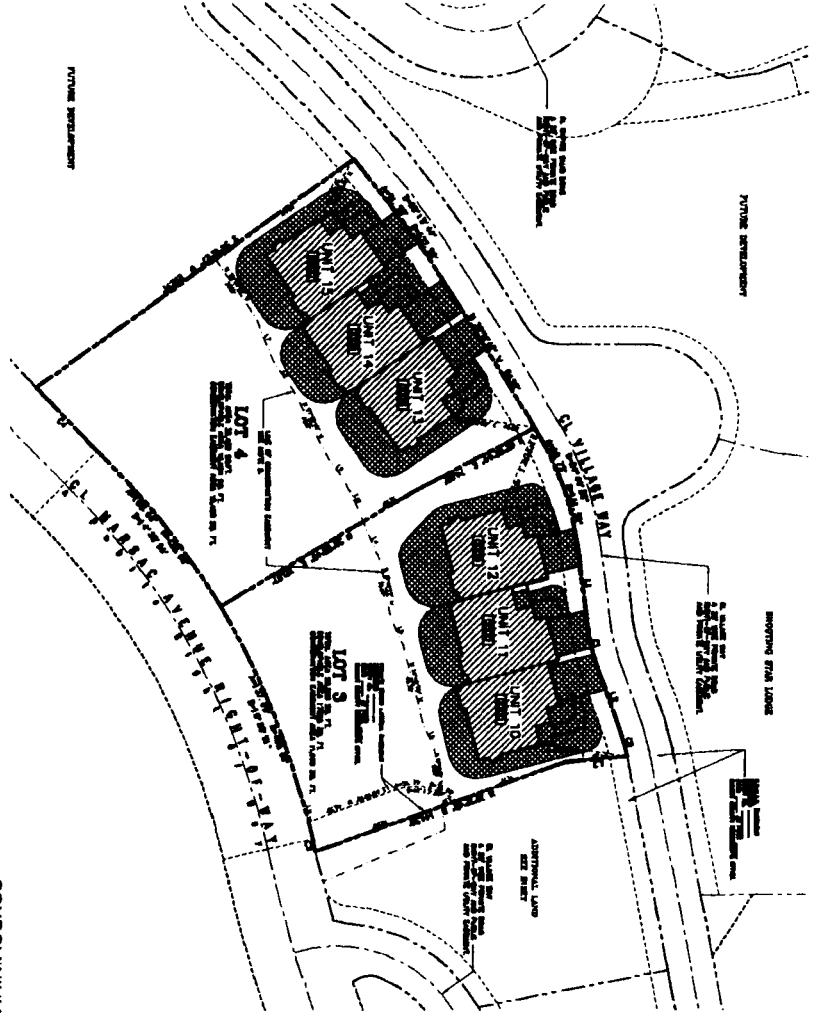
THIS CERTIFICATE IS TO BE FILED WITH THE DEPARTMENT OF HERITAGE AND ARTS, DIVISION OF LAND AND NATURAL RESOURCES, SALT LAKE CITY, UTAH, IN CONNECTION WITH THE RECORDING OF THIS PLAN.

GENERAL INFORMATION AND COMMENT TO RECORD

THE PLAN IS TO BE FILED WITH THE DEPARTMENT OF HERITAGE AND ARTS, DIVISION OF LAND AND NATURAL RESOURCES, SALT LAKE CITY, UTAH, IN CONNECTION WITH THE RECORDING OF THIS PLAN.

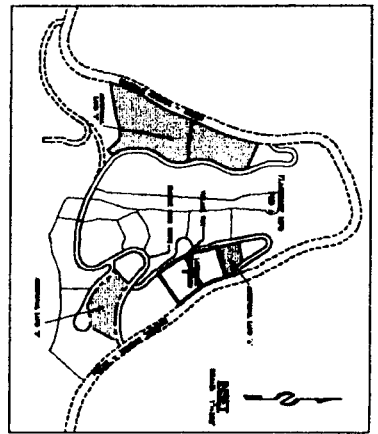
APPROVALS

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 20th DAY OF SEPTEMBER, 2004.



LEGEND

[Symbol]	Lot 1
[Symbol]	Lot 2
[Symbol]	Lot 3
[Symbol]	Lot 4
[Symbol]	Lot 5
[Symbol]	Lot 6
[Symbol]	Lot 7
[Symbol]	Lot 8
[Symbol]	Lot 9



THE PLAN IS TO BE FILED WITH THE DEPARTMENT OF HERITAGE AND ARTS, DIVISION OF LAND AND NATURAL RESOURCES, SALT LAKE CITY, UTAH, IN CONNECTION WITH THE RECORDING OF THIS PLAN.

LARKSPUR TOWNHOMES 2
A UTAH EXPANDABLE CONDOMINIUM PROJECT

LOCATED IN SECTION 28, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND WARDEN PARK CITY, SALT LAKE COUNTY, UTAH

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 20th DAY OF SEPTEMBER, 2004.

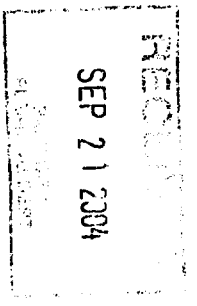
APPROVED BY THE PARK CITY ENGINEER THIS 20th DAY OF SEPTEMBER, 2004.

APPROVED BY THE PARK CITY ATTORNEY THIS 20th DAY OF SEPTEMBER, 2004.

CERTIFICATE OF ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

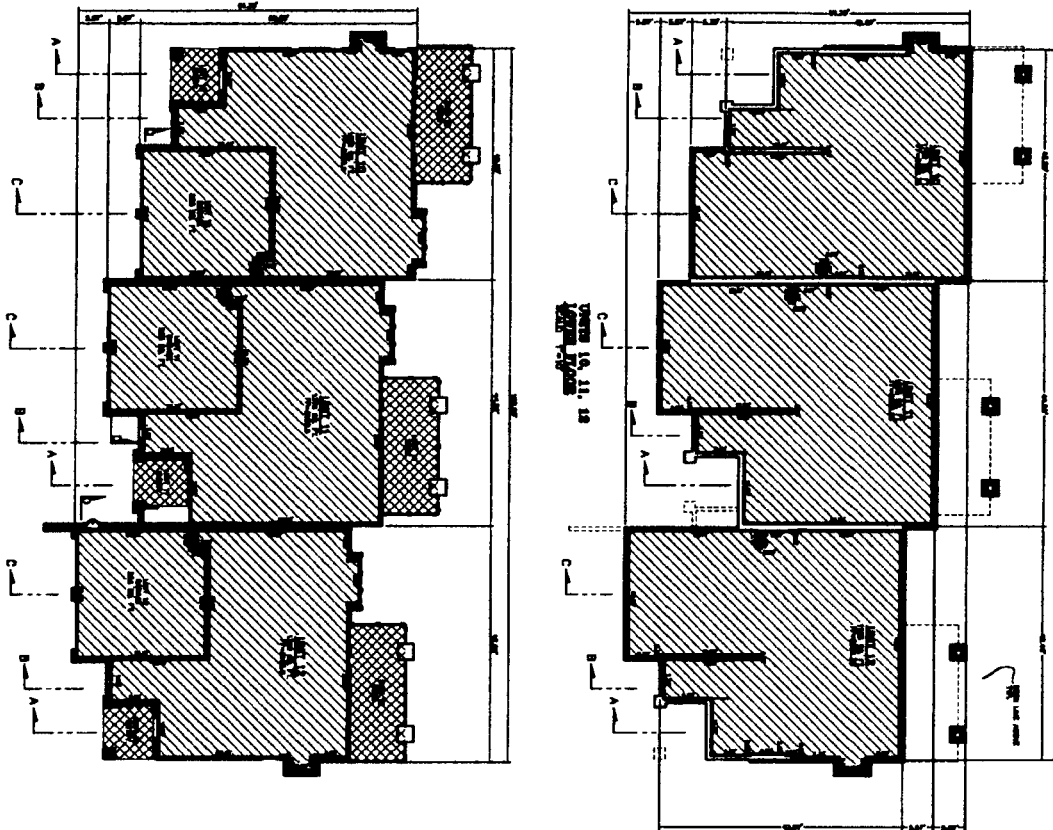
STATE OF UTAH, COUNTY OF SALT LAKE, AND PLAT



REVISED

SEP 27 2004

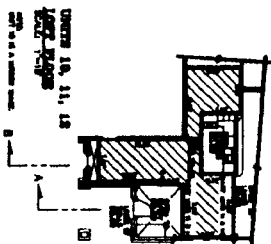
PLANNING PT.



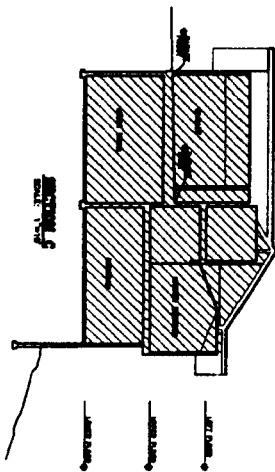
UNITS 10, 11, 12

UNITS 10, 11, 12

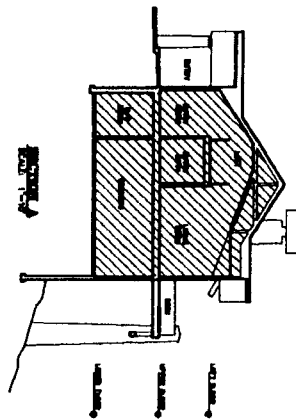
CONDOMINIUM PLAT
LARKSPUR TOWNHOMES 2
 A UTAH EXPANDABLE CONDOMINIUM PROJECT
 LOCATED IN SECTION 28
 TOWNSHIP 2 SOUTH, RANGE 9 EAST, SALT LAKE BASIN AND WARDEN
 PARK CITY, SALT LAKE COUNTY, UTAH



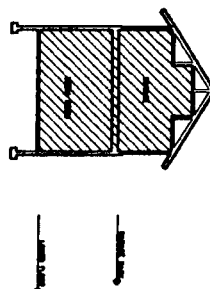
UNITS 10, 11, 12



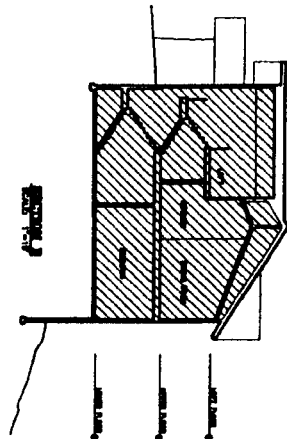
SECTION 5



SECTION 4



SECTION 3



SECTION 2



COMMON AREAS

NO.	DESCRIPTION	AREA (SQ. FT.)
1	STAIRS	100.00
2	ELEVATOR	50.00
3	MECHANICAL	150.00
4	REAR PORCH	200.00
5	FRONT PORCH	150.00
6	LANDSCAPING	100.00
7	WALKWAYS	100.00
8	DRIVEWAY	100.00
9	SCREENED PORCH	100.00
10	SCREENED PORCH	100.00
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97	SCREENED PORCH	100.00
98	SCREENED PORCH	100.00
99	SCREENED PORCH	100.00
100	SCREENED PORCH	100.00

UNIT COMMON AREAS

NO.	DESCRIPTION	AREA (SQ. FT.)
1	STAIRS	100.00
2	ELEVATOR	50.00
3	MECHANICAL	150.00
4	REAR PORCH	200.00
5	FRONT PORCH	150.00
6	LANDSCAPING	100.00
7	WALKWAYS	100.00
8	DRIVEWAY	100.00
9	SCREENED PORCH	100.00
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69	SCREENED PORCH	100.00
70	SCREENED PORCH	100.00
71	SCREENED PORCH	100.00
72	SCREENED PORCH	100.00
73	SCREENED PORCH	100.00
74	SCREENED PORCH	100.00
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100	SCREENED PORCH	100.00

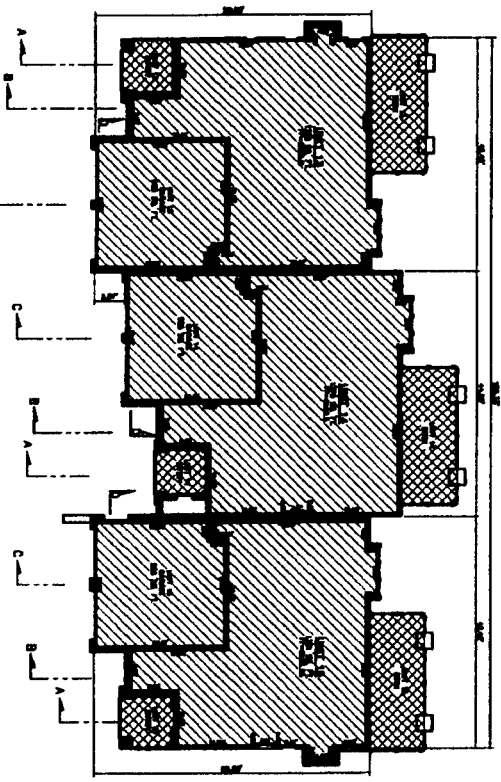
STATE OF UTAH, COUNTY OF SALT LAKE, AND PLAT
 DATE _____ TIME _____ BOOK _____ PAGE _____
 FILE _____ RECORDS _____

SEP 21 2004

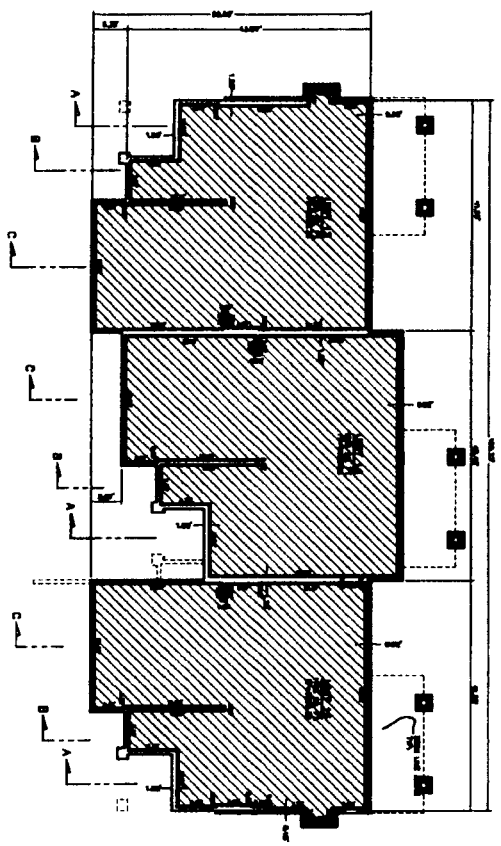
PLANNING

REVISIONS

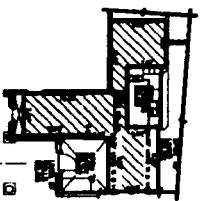
UNIT 13, 14, 18
FIRST FLOOR



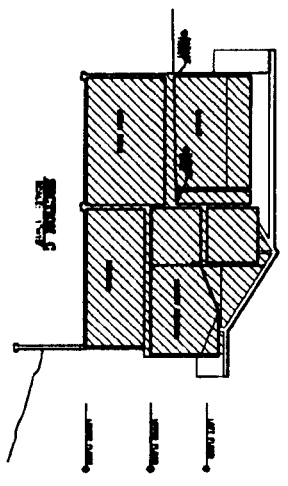
UNIT 13, 14, 18
SECOND FLOOR



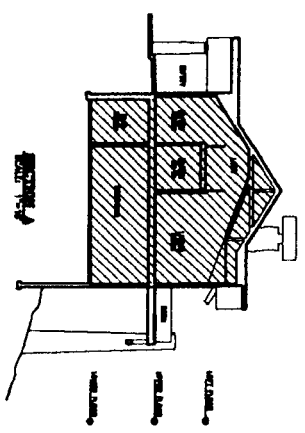
UNIT 13, 14, 18
BATH



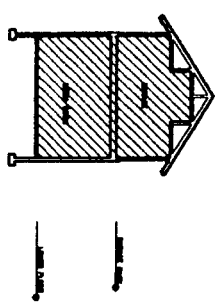
LARKSPUR TOWNHOMES 2
CONDOMINIUM PLAT
A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE AND WARDEN
PARK CITY, SARASOT COUNTY, UTAH



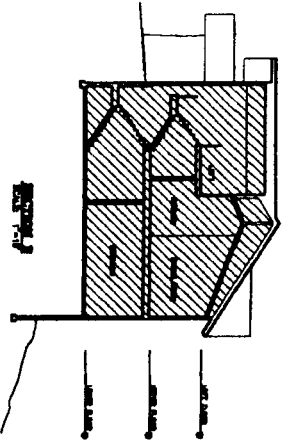
ELEVATION 1



ELEVATION 2



ELEVATION 3



ELEVATION 4

COMMON AREAS

NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE
1	ENTRANCE	100	100%
2	HALLWAY	100	100%
3	STAIRS	100	100%
4	ELEVATOR	100	100%
5	MECHANICAL	100	100%
6	LANDSCAPE	100	100%
7	POOL	100	100%
8	BAR	100	100%
9	RESTAURANT	100	100%
10	CLUBHOUSE	100	100%
11	GYMNASIUM	100	100%
12	THEATER	100	100%
13	OFFICE	100	100%
14	RETAIL	100	100%
15	RENTAL	100	100%
16	STORAGE	100	100%
17	LAUNDRY	100	100%
18	TRASH	100	100%
19	REPAIR	100	100%
20	MAINTENANCE	100	100%
21	SECURITY	100	100%
22	CONCERN	100	100%
23	DISPUTE	100	100%
24	COMPLAINT	100	100%
25	CONSTRUCTION	100	100%
26	REPAIR	100	100%
27	RENOVATION	100	100%
28	REMODEL	100	100%
29	RECONSTRUCT	100	100%
30	REBUILD	100	100%
31	REPAIR	100	100%
32	RENOVATION	100	100%
33	REMODEL	100	100%
34	RECONSTRUCT	100	100%
35	REBUILD	100	100%
36	REPAIR	100	100%
37	RENOVATION	100	100%
38	REMODEL	100	100%
39	RECONSTRUCT	100	100%
40	REBUILD	100	100%



THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORDS OF THE STATE OF UTAH, COUNTY OF SARASOT, AND FILED IN THE OFFICE OF THE COUNTY CLERK, SARASOT COUNTY, UTAH, ON SEPTEMBER 21, 2004.

Ordinance No. 04-53

**AN ORDINANCE APPROVING AN AMENDMENT TO ALL OF LOTS 26, 27 AND 28 OF
BLOCK 4 OF THE PARK CITY SURVEY, LOCATED AT 424 WOODSIDE AVENUE,
PARK CITY, UTAH**

WHEREAS, the owner of the property known as 424 Woodside Avenue, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on October 27, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove one lot line between two lots of record creating one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will combine all of Lots 26, 27 and 28 of Block 4 of the Park City Survey into one lot of record.
4. The proposed lot would consist of 5,625 square feet.
5. Duplex lots require 3,750 square feet of lot area in the HR-1 zone.
6. The lot has 75 feet of frontage on Woodside Avenue.
7. Portions of the lot exceed 30% slope, which requires a Steep Slope CUP.
8. The applicant has submitted a Steep Slope CUP application for review by the Planning Commission.
9. No remnant lots will be created as a result of this application.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

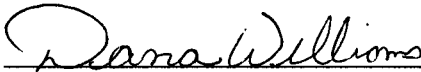
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval are a conditions precedent to recording the plat.
2. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 4th day of November 2004.

PARK CITY MUNICIPAL CORPORATION

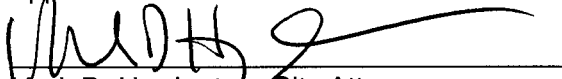


Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder

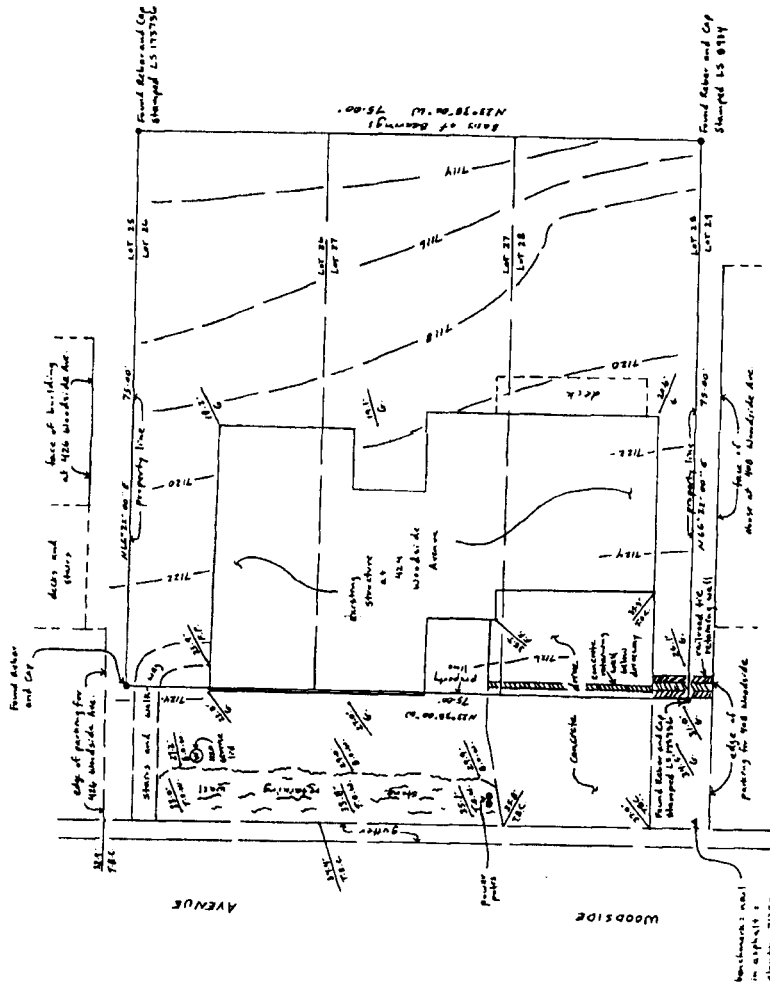
Approved as to form:


Mark D. Harrington, City Attorney



474 WOODSIDE AVENUE RECORD OF SURVEY

LOTS 24, 27, and 28, Block 7, Park City Survey, Summit County, Utah

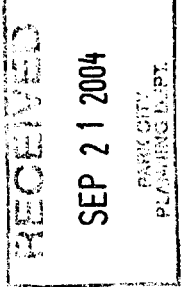


for August 5, 2004

SURVEYOR'S CERTIFICATION:
 I, J. W. Dillman, hold license number 18782 as prescribed by the laws of the State of Utah, and certify that I have made a survey of the property shown herein and as described in the survey notes and legal description below.

- SURVEY NOTES:**
1. The purpose of this survey is for property corners, street front, and location of the shown improvements.
 2. This survey was requested by Jim Beckley.
 3. All bearings and distances shown were measured and are equal to the bearings and distances on the recorded map of Block 7, Park City Survey.
 4. The corner interval is two feet.
 5. Attention of any survey done without this survey's consent means this survey is void.

LEGAL DESCRIPTION:
 All of Lots 24, 27, and 28, Block 7, Park City Survey, also being located in Section 16, Township 2 South, Range 4 East, Salt Lake Baseline and Meridian, Summit County, Utah. The area of Lots 24, 27, and 28 together encompass 5623 square feet, or 0.13 acres.



Ordinance No. 04-52

AN ORDINANCE APPROVING AN AMENDED AND RESTATED PAINTBRUSH HOMES RECORD OF SURVEY PLAT, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Paintbrush Homes have petitioned the City Council for approval of the Amended and Restated Paintbrush Homes Record of Survey plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on October 20, 2004, to receive input on the Amended and Restated Paintbrush Homes Record of Survey plat;

WHEREAS, the Planning Commission, on October 20, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 4, 2004 the City Council approved the Amended and Restated Paintbrush Homes Record of Survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Amended and Restated Paintbrush Homes Record of Survey plat.

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

SECTION 1. APPROVAL. The Amended and Restated Paintbrush Homes Record of Survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The project is located in Pod A of the Flagstaff Mountain Annexation.
2. The zoning is Residential Development as part of the Flagstaff Mountain Resort Master Plan (RD-MPD).
3. The property uses adjacent to the proposed project are ski terrain and proposed residential.
4. The Planning Commission approved a Master Planned Development (MPD) for the Village on July 28, 2004.
5. On September 22, 2004, the City Council approved the Village Phase I plat that included the Paintbrush Units 11 and 12 in Parcel 2.
6. The proposed First Amended Record of Survey creates two (2) additional PUD-

- style condominium residential units to the Paintbrush Homes condominium plat.
7. The two residential units are 4671 and 5372 square feet in size with each garage over the 600 square foot exception. The square footage in the garage over the 600sf exception is included as floor area for UE calculations. These units consume 10,352 square feet with a total of these units of 5.2 UEs.
 8. Access to the units is not available by public street, only via private roads owned and maintained by the Master Homeowners Association.
 9. The Planning Commission held a public hearing on October 20, 2004 and forwards a positive recommendation to the City Council.

Conclusions of Law:

1. There is good cause for this Amended Record of Survey.
2. The Amended Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey.
4. Approval of the Amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development and Ordinance 04-05 approving the original condominium plat for Paintbrush Homes shall continue to apply.

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

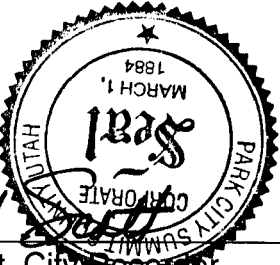
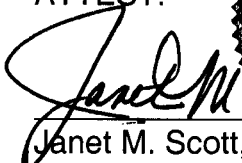
PASSED AND ADOPTED this 4th day of November, 2004.

PARK CITY MUNICIPAL CORPORATION



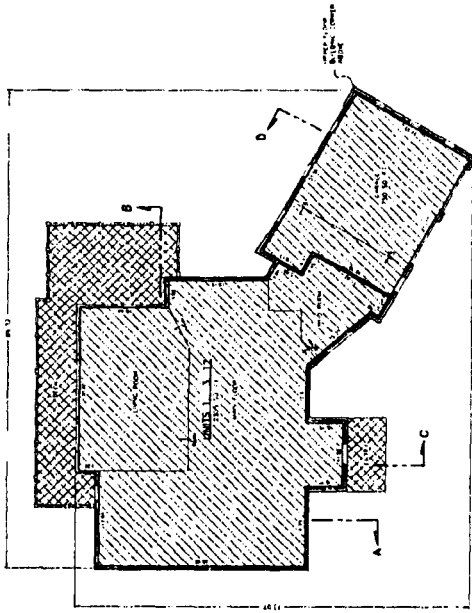
Dana Williams, MAYOR

ATTEST:

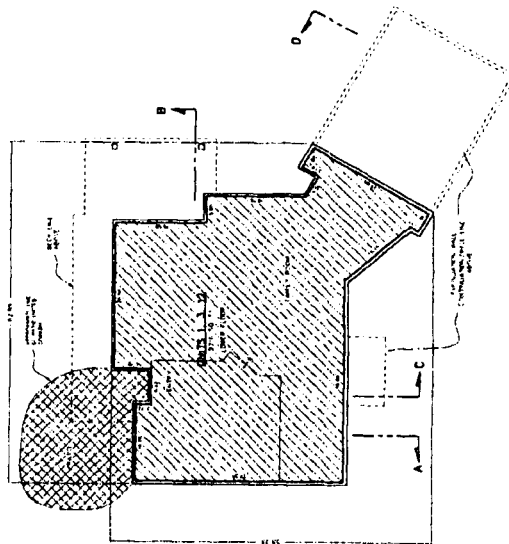


Janet M. Scott, City Recorder

APPROVED AS TO FORM:

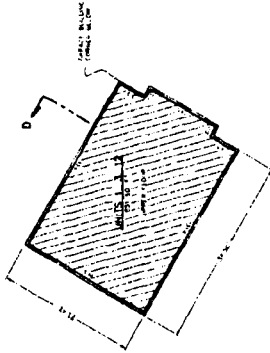

Mark D. Harrington, City Attorney



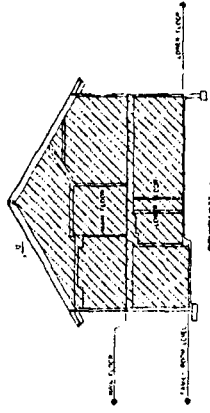
UNITS 1, 3, 12
MAIN FLOOR
SCALE 1/8" = 1'-0"



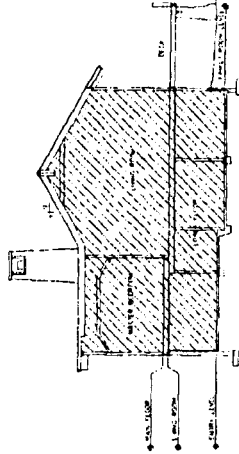
UNITS 1, 3, 12
LOWER FLOOR
SCALE 1/8" = 1'-0"



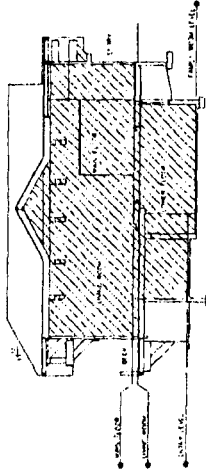
UNITS 1, 3, 12
UPPER FLOOR
SCALE 1/8" = 1'-0"



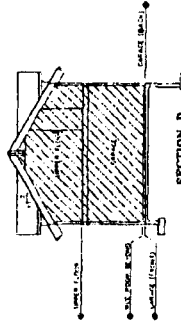
SECTION A
SCALE 1/8" = 1'-0"



SECTION B
SCALE 1/8" = 1'-0"



SECTION C
SCALE 1/8" = 1'-0"



SECTION D
SCALE 1/8" = 1'-0"

LEGEND

- CONCRETE
- BRICK
- GYPSUM BOARD
- LATH AND PLASTER

SQUARE FOOTAGE TABLE

TYPE	AREA	TOTAL
UNIT 1	1,200	1,200
UNIT 3	1,200	1,200
UNIT 12	1,200	1,200
TOTAL	3,600	3,600

ELEVATION TABLE

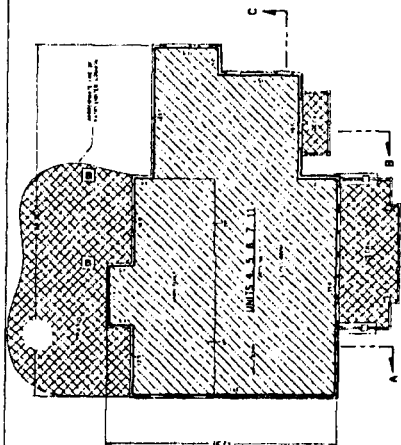
UNIT	TYPE	AREA	TOTAL
UNIT 1	1,200	1,200	1,200
UNIT 3	1,200	1,200	1,200
UNIT 12	1,200	1,200	1,200
TOTAL	3,600	3,600	3,600

AMENDED AND RESTATED CONDOMINIUM PLAT
PAINTRUSH HOMES
A UTAH EXPANDABLE CONDOMINIUM PROJECT

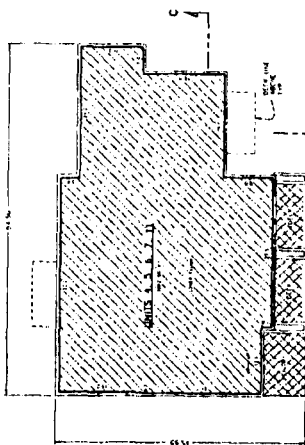
LOCATED IN SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

RECEIVED
AUG 18 2004
PARK CITY
PLANNING DEPT.

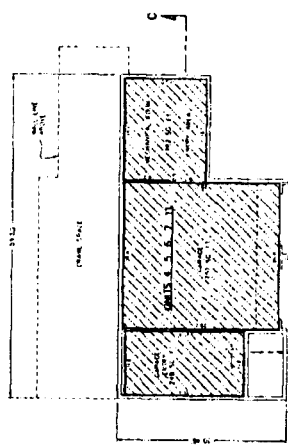
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
DATE _____ TIME _____ PLACE _____
RECORDED
PAGE _____



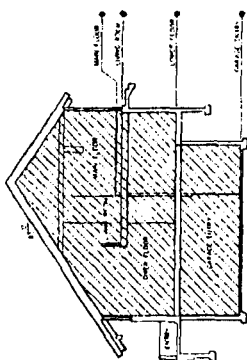
**UNITS 4, 5, 6, 7, 11
MAIN FLOOR**
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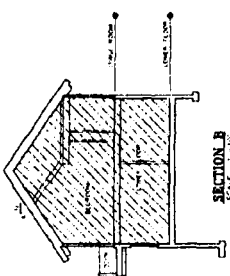
**UNITS 4, 5, 6, 7, 11
LOWER FLOOR**
SCALE: 1/8" = 1'-0"



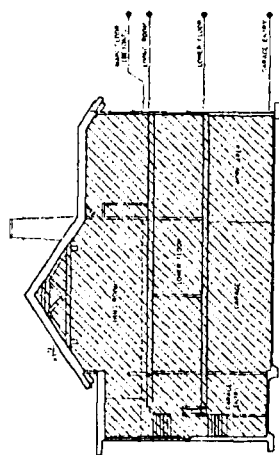
**UNITS 4, 5, 6, 7, 11
GARAGE FLOOR**
SCALE: 1/8" = 1'-0"



SECTION A
SCALE: 1/8" = 1'-0"



SECTION B
SCALE: 1/8" = 1'-0"



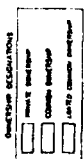
SECTION C
SCALE: 1/8" = 1'-0"

SQUARE FOOTAGE TABLE

UNIT	AREA	PERCENT	AREA	PERCENT
4	1,000	10.00	10,000	10.00
5	1,000	10.00	10,000	10.00
6	1,000	10.00	10,000	10.00
7	1,000	10.00	10,000	10.00
11	1,000	10.00	10,000	10.00

ELEVATION TABLE

UNIT	AREA	PERCENT	AREA	PERCENT
4	1,000	10.00	10,000	10.00
5	1,000	10.00	10,000	10.00
6	1,000	10.00	10,000	10.00
7	1,000	10.00	10,000	10.00
11	1,000	10.00	10,000	10.00



RECEIVED
AUG 18 2004
PARK CITY
PLANNING DEPT.

AMENDED AND RESTATED CONDOMINIUM PLAT
PAINTRUSH HOMES
A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

FOR AS 3-12-02 FILE
PAGE 4 OF 4
RECORDED
STATE OF UTAH COUNTY OF SUMMIT, AND FILED
DATE _____ TIME _____ PAGE _____
FEE _____ RECORDS

Ordinance No. 04-51

**AN ORDINANCE APPROVING THE SHOOTING STAR LODGE CONDOMINIUM
PLAT, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Shooting Star Lodge have petitioned the City Council for approval of the Shooting Star Lodge condominium plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on October 20, 2004, to receive input on the Shooting Star Lodge condominium plat;

WHEREAS, the Planning Commission, on October 20, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 4, 2004 the City Council approved the Shooting Star Lodge condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Shooting Star Lodge condominium plat.

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

SECTION 1. APPROVAL. The Shooting Star Lodge condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Shooting Star Lodge is located in the RD-MPD zoning district.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A.
4. On August 25, 2004, the Planning Commission approved a Conditional Use Permit for the Shooting Star Lodge for 21 units plus an ADA unit utilizing 36,481 square feet and 18.3 Unit Equivalents.

5. On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase I. The Shooting Star Lodge is located on lot 8.
6. The proposed is consistent with the approved Master Planned Development for the Village at Empire Pass and the Conditional Use Permit for the Shooting Star Lodge.
7. The 21 units range in size from 1351 square feet to 2028 square feet.
8. A height exception has been granted for this building for a total height of 72 feet.
9. The Planning Commission held a public hearing on October 20, 2004, and forwards a positive recommendation to the City Council.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

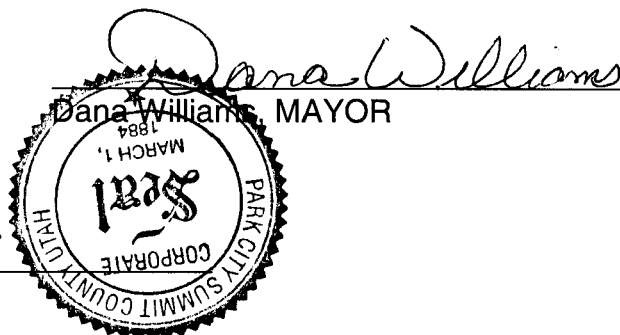
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, Village Phase I plat and the Shooting Star Conditional Use Permit shall continue to apply.
4. The final plat for The Village at Empire Pass, Phase I shall be recorded prior to the Record of Survey for Shooting Star Lodge.

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

PASSED AND ADOPTED this 4th day of November, 2004.


PARK CITY MUNICIPAL CORPORATION



ATTEST:


Janet M. Scott, City Recorder

APPROVED AS TO FORM:



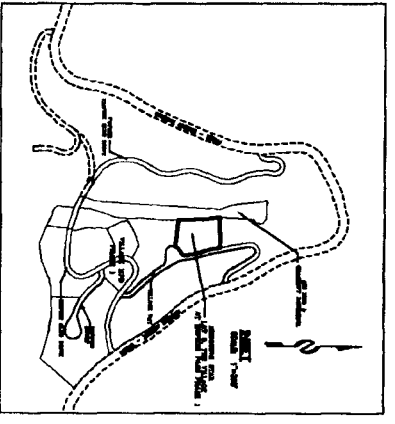
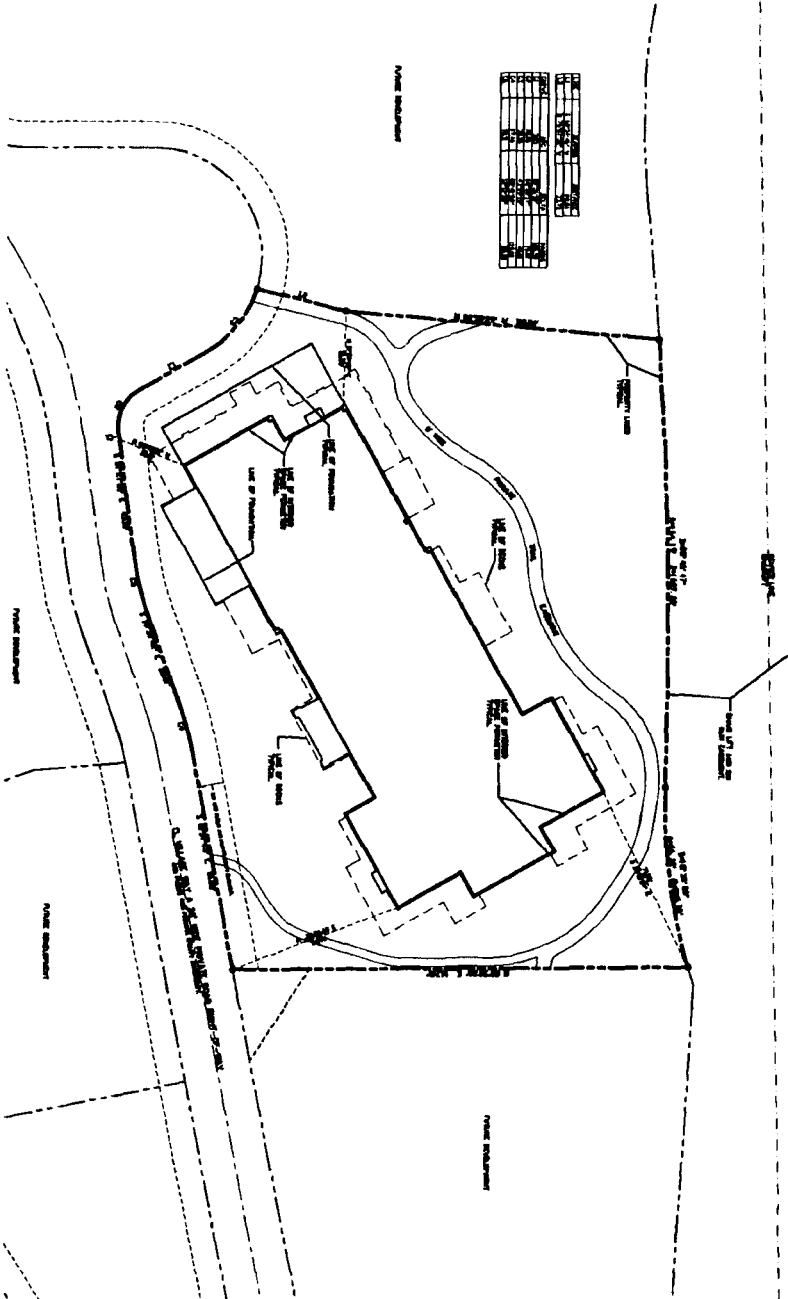
Mark D. Harrington, City Attorney



PROFESSIONAL ENGINEER
 License No. _____
 State of Utah
 My Commission Expires _____
 I hereby certify that the above is a true and correct copy of the original as shown to me by the applicant.

CONTRACTOR'S DECLARATION AND CONSENT TO RECORD
 I, the undersigned, being duly qualified in the State of Utah, do hereby certify that I am the contractor for the above project and that the same has been completed in accordance with the plans and specifications on file in the office of the City Engineer of Park City, Utah, and that the same are true and correct copies of the original as shown to me by the applicant.

APPROVALS
 Approved by _____
 City Engineer
 Approved by _____
 Planning Commission
 Approved by _____
 Park City Attorney



NOTES
 1. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
 2. The contractor shall maintain access to all existing utilities and structures on the site.
 3. The contractor shall be responsible for the removal and disposal of all debris and materials from the site.
 4. The contractor shall be responsible for the protection and preservation of all existing trees and landscaping on the site.
 5. The contractor shall be responsible for the installation and maintenance of all fire and life safety systems on the site.
 6. The contractor shall be responsible for the installation and maintenance of all accessibility features on the site.
 7. The contractor shall be responsible for the installation and maintenance of all energy conservation measures on the site.
 8. The contractor shall be responsible for the installation and maintenance of all water conservation measures on the site.
 9. The contractor shall be responsible for the installation and maintenance of all air quality measures on the site.
 10. The contractor shall be responsible for the installation and maintenance of all noise abatement measures on the site.

RECEIVED
 SEP 13 2004
 PARK CITY
 PLANNING DEPT.

SHOOTING STAR LODGE
 A UTAH CONDOMINIUM PROJECT
 CONDOMINIUM PLAN
 LOCATED IN SECTION 28
 TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERRIAM
 PARK CITY, SALT LAKE COUNTY, UTAH

RECORDING INFORMATION
 This plan was prepared by _____
 and was recorded on _____
 at _____
 for the purpose of recording the same.

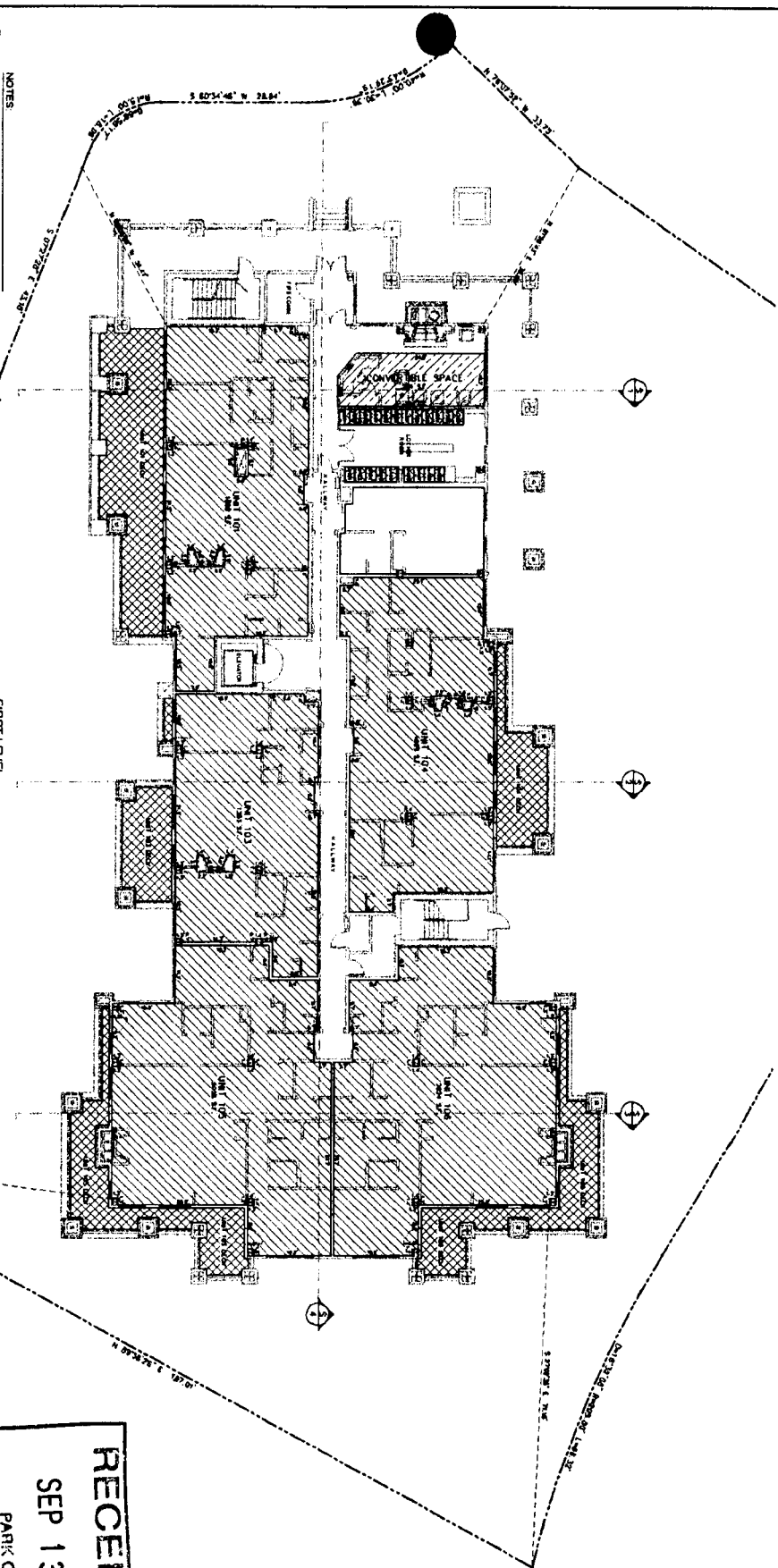
ENGINEER'S CERTIFICATE
 I, the undersigned, being duly qualified in the State of Utah, do hereby certify that I am the engineer for the above project and that the same has been completed in accordance with the plans and specifications on file in the office of the City Engineer of Park City, Utah, and that the same are true and correct copies of the original as shown to me by the applicant.

APPROVAL AS TO FORM
 Approved as to form this _____
 day of _____, 2004 A.D.
 by _____
 Park City Attorney

CERTIFICATE OF ATTORNEY
 I, the undersigned, being duly qualified in the State of Utah, do hereby certify that I am the attorney for the above project and that the same has been completed in accordance with the plans and specifications on file in the office of the City Engineer of Park City, Utah, and that the same are true and correct copies of the original as shown to me by the applicant.

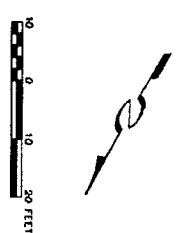
COUNCIL APPROVAL AND ACCEPTANCE
 Approved and accepted by the Park City Council, this _____
 day of _____, 2004 A.D.
 by _____
 Mayor

STATE OF UTAH, COUNTY OF SALT LAKE, AND CITY OF PARK CITY
 DATE _____ TIME _____ BOOK _____ PAGE _____



NOTES

1. The dimensions of this plan shall govern over any other dimensions shown on any other drawings. The architect shall be responsible for the accuracy of the dimensions shown on this plan.
2. All common areas and common elements are designated as such on this plan. The common areas and common elements are those areas and elements which are shared by the owners of the units and are located within the boundaries of the project.
3. All common areas and common elements are designated as such on this plan. The common areas and common elements are those areas and elements which are shared by the owners of the units and are located within the boundaries of the project.
4. All common areas and common elements are designated as such on this plan. The common areas and common elements are those areas and elements which are shared by the owners of the units and are located within the boundaries of the project.
5. All common areas and common elements are designated as such on this plan. The common areas and common elements are those areas and elements which are shared by the owners of the units and are located within the boundaries of the project.
6. All common areas and common elements are designated as such on this plan. The common areas and common elements are those areas and elements which are shared by the owners of the units and are located within the boundaries of the project.
7. All common areas and common elements are designated as such on this plan. The common areas and common elements are those areas and elements which are shared by the owners of the units and are located within the boundaries of the project.



- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP
- CONVERTIBLE SPACE

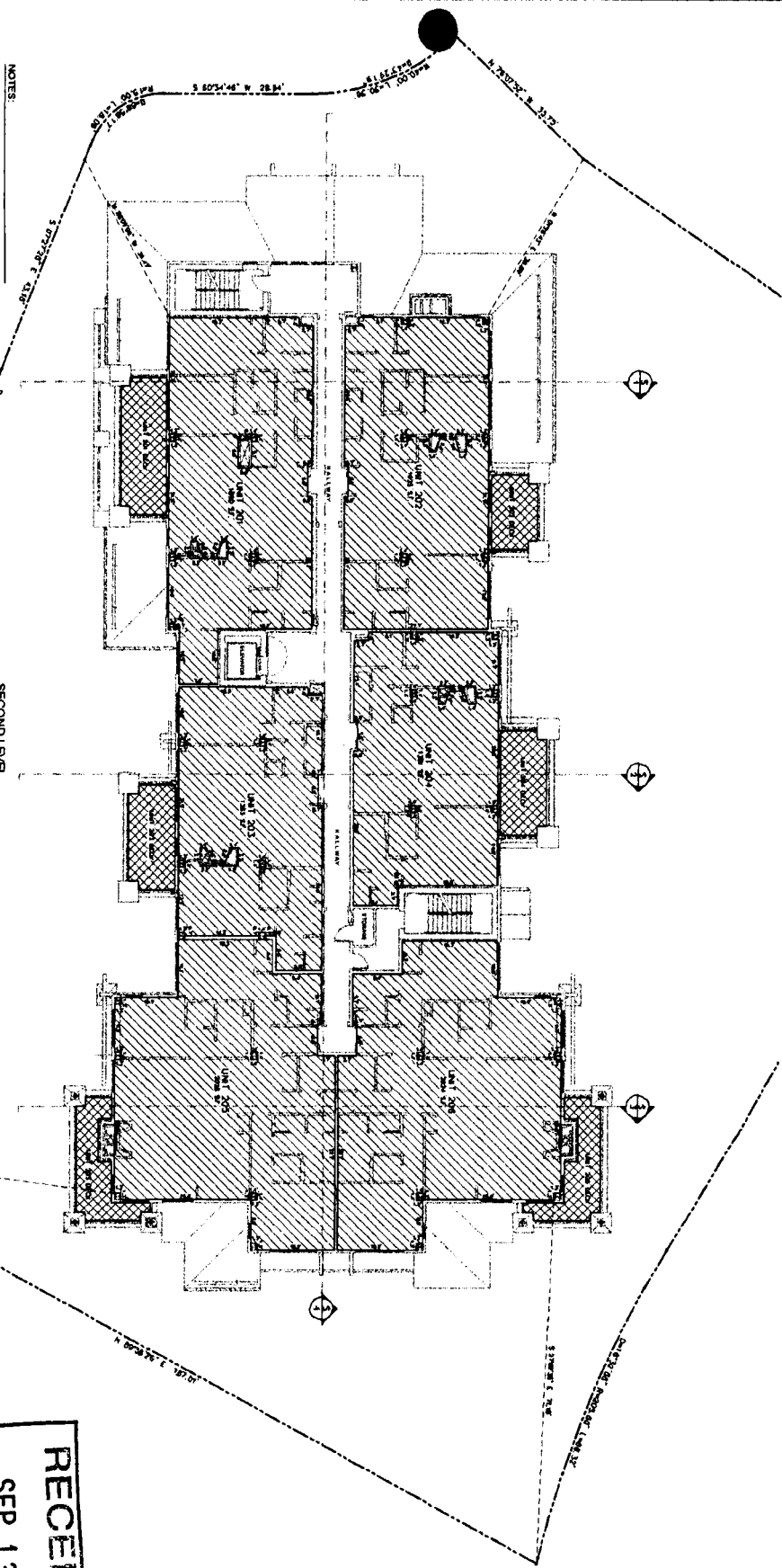
- LEGEND**
- SF - REPRESENTS SUBMITTER
 - U - REPRESENTS UNIT
 - ELEV. - REPRESENTS ELEVATOR

RECEIVED
 SEP 13 2004
 PARK CITY
 PLANNING DEPT.

SHOOTING STAR LODGE

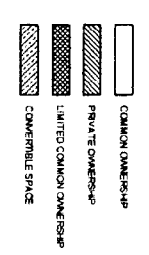
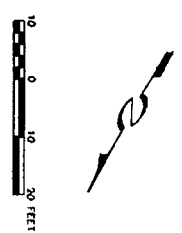
A UTAH CONDOMINIUM PROJECT
 LOCATED IN SECTION 16, TOWNSHIP 3 NORTH, RANGE 4 WEST, SALT LAKE COUNTY, UTAH
 DISTRICT 1, SALT LAKE COUNTY, UTAH

JOB NO: 11/10/03
 SHEET 3 OF 9
 RECORDED
 STATE OF UTAH, COUNTY OF SALT LAKE
 DATE: _____ FROM: _____ TO: _____
 FEE: _____ RECORDER: _____



NOTES:

1. The floor plan of the project, project and apartment building, shall be subject to the review and approval of the Planning Department of the City of Salt Lake County, Utah. The Planning Department of the City of Salt Lake County, Utah, shall have the final authority in determining the final floor plan of the project and the final location of the project on the site.
2. All common areas shall be designed in accordance with the requirements of the International Building Code, 2003 Edition, as amended, and the requirements of the Utah Building Code, 2003 Edition, as amended.
3. All common areas shall be designed in accordance with the requirements of the International Building Code, 2003 Edition, as amended, and the requirements of the Utah Building Code, 2003 Edition, as amended.
4. All common areas shall be designed in accordance with the requirements of the International Building Code, 2003 Edition, as amended, and the requirements of the Utah Building Code, 2003 Edition, as amended.
5. The Planning Department of the City of Salt Lake County, Utah, shall have the final authority in determining the final floor plan of the project and the final location of the project on the site.
6. The Planning Department of the City of Salt Lake County, Utah, shall have the final authority in determining the final floor plan of the project and the final location of the project on the site.
7. Access to the site shall be provided in accordance with the requirements of the International Building Code, 2003 Edition, as amended, and the requirements of the Utah Building Code, 2003 Edition, as amended.



LEGEND

S1 - REPRESENTS SQUARE FEET
 U - REPRESENTS UNIT
 REV. REPRESENTS ELEVATOR

SHOOTING STAR LODGE

CONDOMINIUM PLAN

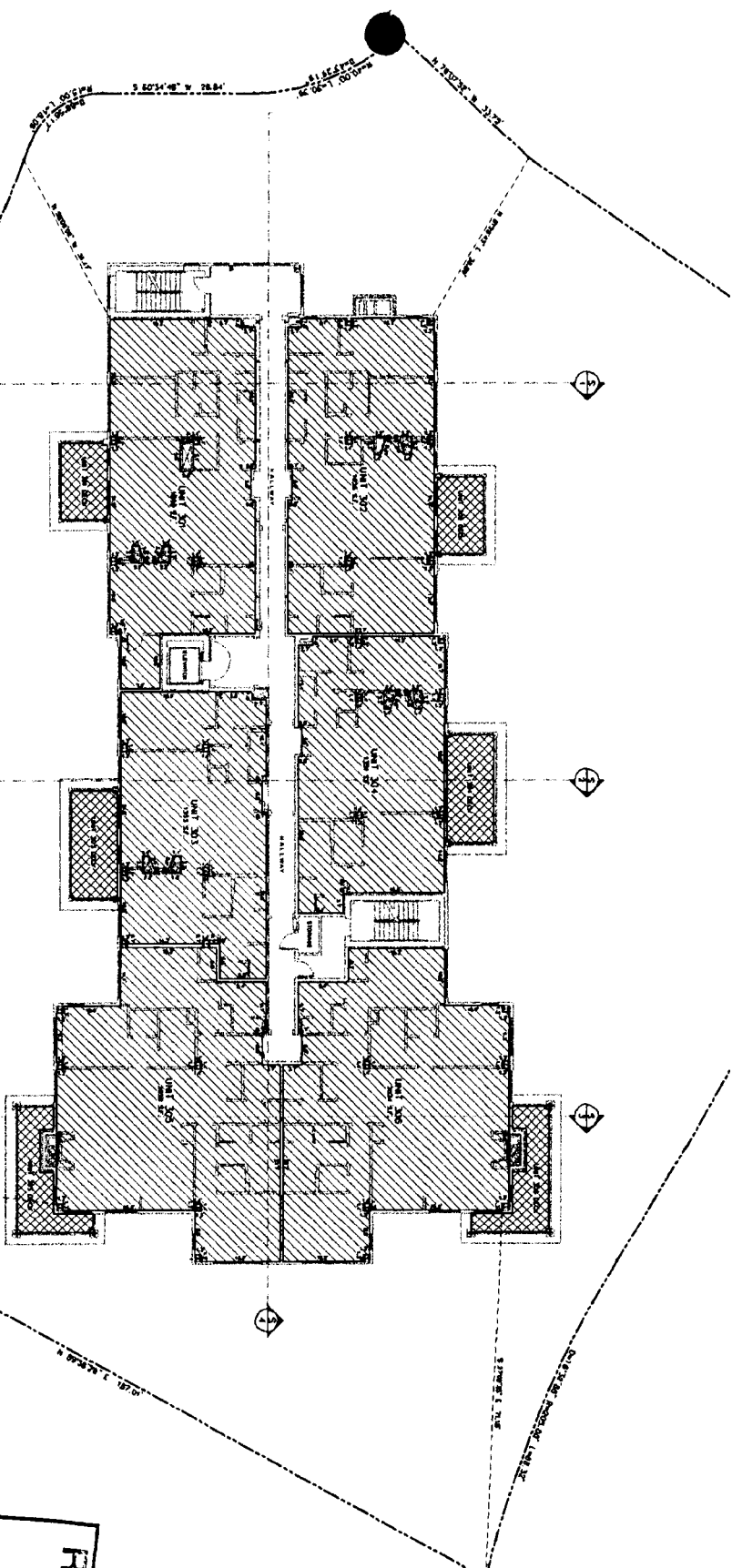
A UTAH CONDOMINIUM PROJECT
 LOCATED IN SECTION 16, TOWNSHIP 2 NORTH, RANGE 4 EAST, 10TH MAIN MERIDIAN AND 10TH PRINCIPAL MERIDIAN, SALT LAKE COUNTY, UTAH

Prepared in accordance with the provisions of the Utah Condominium Act, Chapter 10, Utah Code, 1993.

RECEIVED
 SEP 13 2004
 PARK CITY
 PLANNING DEPT.

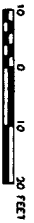
SHEET 4 OF 9

JOB NO.	11/01/01	RECORDED
DATE	11/01/01	FILED
BY	PLANNING DEPT.	DATE
FILE	RECORDED	



NOTES:

1. The dimensions of the walls, doors and window openings are shown in feet and inches. The owner is responsible for the accuracy of the dimensions. The architect is not responsible for the accuracy of the dimensions.
2. All common areas and elements are designed as Common Areas, as defined in the Declaration of Condominium.
3. All common areas are to be maintained by the Homeowners Association.
4. The Homeowners Association shall be responsible for the maintenance and repair of the common areas and elements.
5. The Homeowners Association shall be responsible for the maintenance and repair of the common areas and elements.
6. The Homeowners Association shall be responsible for the maintenance and repair of the common areas and elements.
7. The Homeowners Association shall be responsible for the maintenance and repair of the common areas and elements.
8. The Homeowners Association shall be responsible for the maintenance and repair of the common areas and elements.
9. The Homeowners Association shall be responsible for the maintenance and repair of the common areas and elements.
10. The Homeowners Association shall be responsible for the maintenance and repair of the common areas and elements.



- LEGEND**
- COMMON OWNERSHIP
 - ▨ PRIVATE OWNERSHIP
 - ▩ LIMITED COMMON OWNERSHIP
 - ▧ CONVERTIBLE SPACE

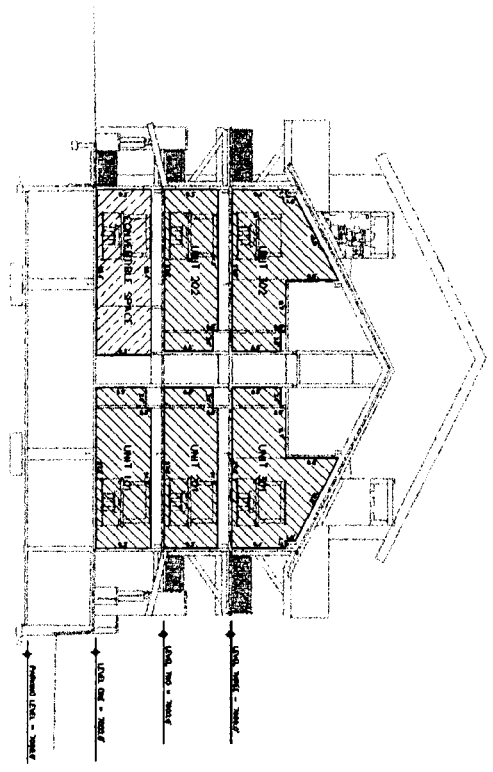
- LEGEND**
- S.F. REPRESENTS SQUARE FEET
 - U. REPRESENTS UNIT
 - ELEV. REPRESENTS ELEVATION

SHOOTING STAR LODGE

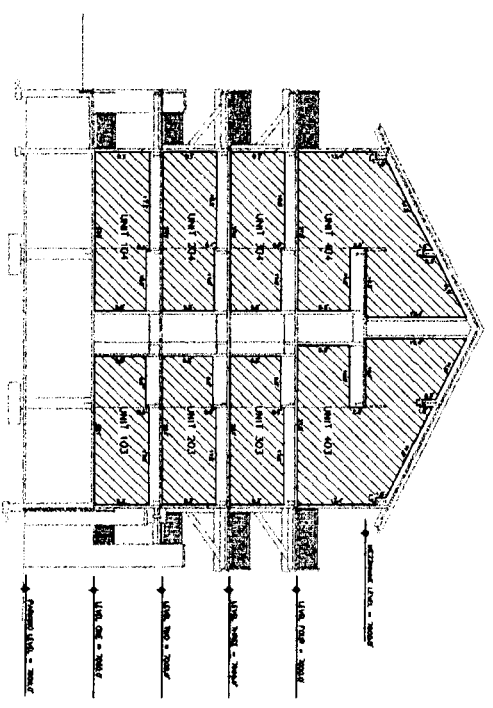
CONDOMINIUM PLAN
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE COUNTY AND JORDAN PARK CITY, SALT LAKE COUNTY, UTAH
 Prepared and submitted to the Department of Consumer Protection by the Architect of Record, Park City, Utah.

RECEIVED
 SEP 13 2004
 PARK CITY
 PLANNING DEPT.

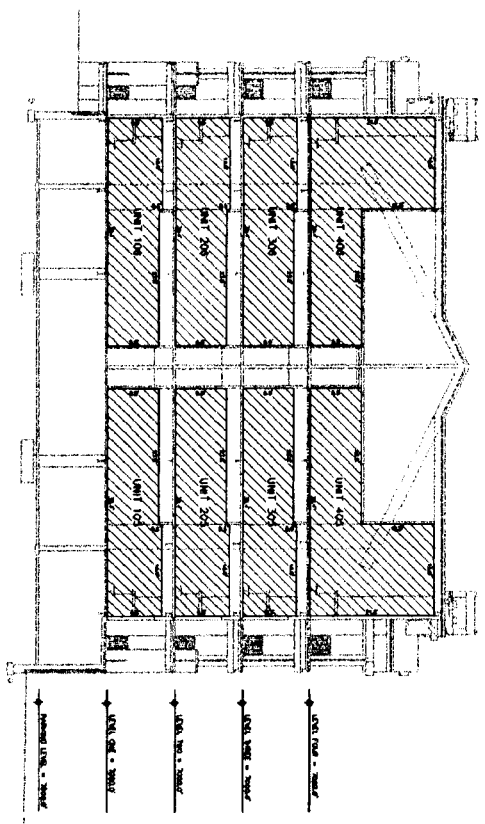
JOB NO. 13-001
 DRAWN BY [Name]
 CHECKED BY [Name]
 STATE OF UTAH
 AT THE REQUEST OF [Name]
 DATE: [Date] TIME: [Time] ROOM: [Room] PAGE: [Page]
 SHEET 5 OF 9
 FEE: [Amount] REC'D BY: [Name]



SECTION S-1



SECTION S-2



SECTION S-3



NOTES:

1. The owner shall be responsible for the design and construction of the building. The owner shall be responsible for the design and construction of the building. The owner shall be responsible for the design and construction of the building.
2. All construction shall conform to the requirements of the International Building Code, 2003 Edition, as amended by the City of Provo, Utah, and the International Building Code, 2003 Edition, as amended by the City of Provo, Utah.
3. All materials shall be of the highest quality and shall be installed in accordance with the manufacturer's instructions.
4. The owner shall be responsible for the design and construction of the building. The owner shall be responsible for the design and construction of the building. The owner shall be responsible for the design and construction of the building.
5. The owner shall be responsible for the design and construction of the building. The owner shall be responsible for the design and construction of the building. The owner shall be responsible for the design and construction of the building.
6. The owner shall be responsible for the design and construction of the building. The owner shall be responsible for the design and construction of the building. The owner shall be responsible for the design and construction of the building.
7. The owner shall be responsible for the design and construction of the building. The owner shall be responsible for the design and construction of the building. The owner shall be responsible for the design and construction of the building.

LEGEND

- S.F. - REVISION IS SQUARE FEET
- U. - SQUARE FEET UNIT
- ELEV. - REVISION IS SQUARE FEET
- COMMON OWNER
- PLATE OWNER
- CONVERTIBLE SPACE

RECEIVED

SEP 13 2004

PLANNING DEPARTMENT

SHOOTING STAR LODGE

CONDOMINIUM PLAN

AUTUMN CONDOMINIUM PROJECT

LOCATED IN SECTION 04, TOWNSHIP 3 NORTH, RANGE 12 EAST, SALT LAKE COUNTY AND WASHINGTON, PARK CITY, SALT LAKE COUNTY, UTAH

Prepared and submitted to the Department of Construction for Shooting Star Lodge at Double Pass.

SHEET 8 OF 9

JOB NO. 14701

DATE RECORDED

STATE OF UTAH COUNTY OF WASHINGTON

DATE RECORDED

FILE NO. 14701

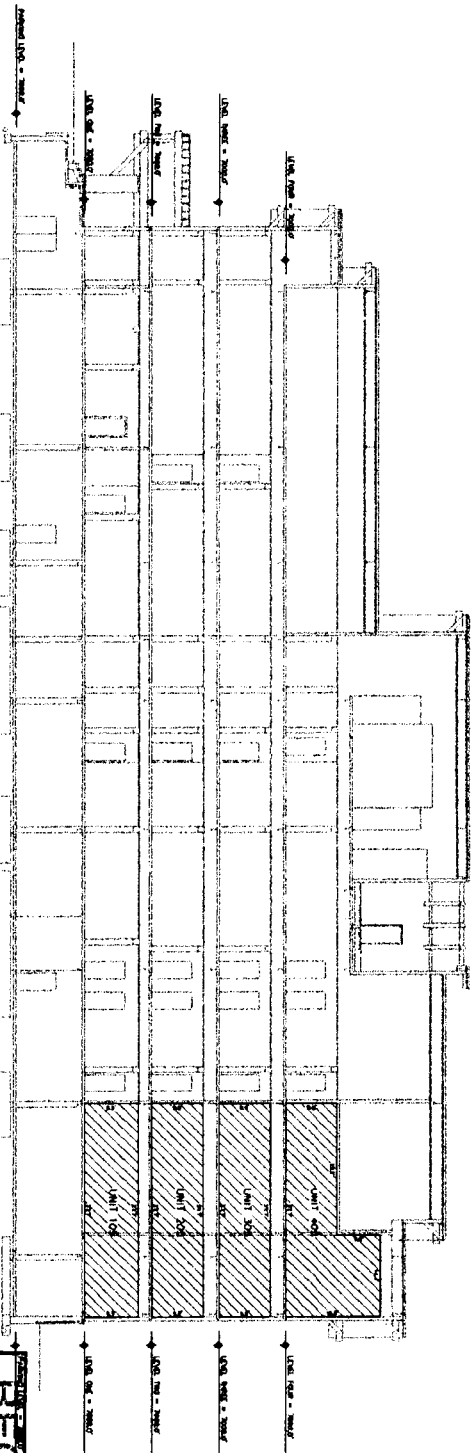
BOOK NO. 14701

PAGE NO. 14701

FILE NO. 14701

RECORDED

- NOTES**
1. The dimensions of the points shown and square footage calculations are based on existing conditions. All dimensions are shown in feet and inches. All dimensions are shown to the center of the line unless otherwise noted. The dimensions of the points shown are not to be construed as a representation of the actual dimensions of the property. The dimensions of the points shown are not to be construed as a representation of the actual dimensions of the property. The dimensions of the points shown are not to be construed as a representation of the actual dimensions of the property.
 2. All dimensions are shown in feet and inches. All dimensions are shown to the center of the line unless otherwise noted. The dimensions of the points shown are not to be construed as a representation of the actual dimensions of the property. The dimensions of the points shown are not to be construed as a representation of the actual dimensions of the property. The dimensions of the points shown are not to be construed as a representation of the actual dimensions of the property.
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 7. All dimensions are shown in feet and inches. All dimensions are shown to the center of the line unless otherwise noted. The dimensions of the points shown are not to be construed as a representation of the actual dimensions of the property. The dimensions of the points shown are not to be construed as a representation of the actual dimensions of the property. The dimensions of the points shown are not to be construed as a representation of the actual dimensions of the property.



SECTION S-4

- LEGEND**
- S.F. REPRESENTS SQUARE FEET
 - ELEV. REPRESENTS ELEVATION

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP
- CONVERTIBLE SPACE



SHOOTING STAR LODGE

CONDOMINIUM PLAN
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN SECTION 16, TOWNSHIP 4 NORTH, RANGE 7 EAST, SALT LAKE AND WASHINGTON PARK
 CITY, SALT LAKE COUNTY, UTAH
 Provided as required by the Utah Condominium Act, Chapter 10, Title 66, Utah Code.

RECEIVED
 SEP 13 2004
 PARK CITY
 PLANNING DEPT.

JOB NO. 7-10-01
 STATE OF UTAH
 COUNTY OF SALT LAKE
 DATE _____ TIME _____ ROOM _____ PAGE _____
 SHEET 9 OF 9
 FEE _____ RECORDERS _____

I hereby certify that this is a true and correct copy of Ordinance No. 04-50, adopted by the Park City Council on October 21, 2004.

Janet M. Scott
Janet M. Scott, City Recorder



Ordinance No. 04-50

AN ORDINANCE APPROVING AN AMENDMENT TO THE PARK CITY ZONING MAP FOR NATIONAL ABILITY CENTER AND PARK CITY MUNICIPAL RECREATION COMPLEX ANNEXATION PARCEL, PARK CITY, UTAH

WHEREAS, owners of land located east of Fairway Hills Phase Two, and west of SR 248, approx 1/8 mile south of the SR 248 & I40 interchanges, including the Executive Director of the National Ability, and Park City Municipal Corporation have petitioned the City Council for approval of an annexation and zoning, known as the National Ability Center and Municipal Recreation Complex Annexation; and

WHEREAS, the National Ability Center and Municipal Recreation Complex parcels will be zoned ROS-MPD (Recreation Open Space – with underlying Master Planned Development); and the COSAC purchased 39.5 acres will be zoned POS, Protected Open Space; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on October 13, 2004, to receive input on the proposed annexation and zoning; and

WHEREAS, the Planning Commission, on October 13, 2004, forwarded a positive recommendation on the proposed annexation and zoning to the City Council; and

WHEREAS, on October 21, 2004, the City Council held public hearings to receive input on the proposed annexation and zoning; and

WHEREAS, it is in the best interest of Park City, Utah to approve this amendment to the official Park City Zoning Map.

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

SECTION 1. APPROVAL. The National Ability Center and Park City Municipal zoning and amendment to the official Park City Zoning Map are hereby approved as shown in the attached exhibits, subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

00715425 Br01656 Pg01081-01085
ALAN SPRIGGS, SUMMIT CO RECORDER
2004 OCT 29 14:43 PM FEE \$1.00 BY GGB
REQUEST: PARK CITY MUNICIPAL CORP

BK1656 PG1081

Findings of Fact:

1. The National Ability Center and Park City Property is currently located in unincorporated Summit County and may be annexed to Park City, pursuant to the National Ability Center and Municipal Recreation Complex Resolution. As part of the annexation petition the petitioner has requested Recreation Open Space – with underlying Master Planned Development (ROS-MPD) for the NAC and Recreation Complex; and Protected Open Space (POS) for the COSAC purchased 39.5 acres.
2. The Planning Commission held a public hearing at their regular meeting of October 13, 2004 and forwarded a positive recommendation to the City Council regarding the proposed annexation and zoning.
3. The proposed ROS-MPD, and POS zoning and existing/proposed land uses are consistent with the Purpose statements of the respective underlying zoning districts.
4. The ROS zone allows for Master Planned Developments with recreational uses including parks, trails, and other compatible public and private uses, as well as preservation of natural and environmental resources.
5. The POS zone promotes open lands that remain fundamentally undisturbed, but allows for minor improvements including trailhead parking and accessory building less than 600 s.f.
6. The Property Owner submitted with the annexation and zoning petition a Master Planned Development, known as the Municipal Recreation Complex MPD, that is consistent with the proposed ROS-MPD zone, in terms of uses.
7. The Municipal Recreation Complex MPD has not been approved by the Planning Commission and shall continue to follow a normal, thorough planning process in accordance with the Land Management Code.

Conclusions of Law:

There is good cause for this Zoning Map amendment.

The Zoning Map amendment is consistent with the Park City Land Management Code and General Plan.

Neither the public nor any person will be materially injured by the proposed zoning map amendment change.

Approval of the Zoning Map amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. This Zoning Map amendment is contingent upon approval by the City Council of the National Ability Center and Park City Municipal Recreation Complex Annexation Resolution.

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

PASSED AND ADOPTED this 21st day of October 2004.

PARK CITY MUNICIPAL CORPORATION

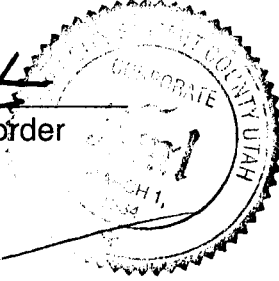
Dana Williams
Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney



BK1656 PG1083

Evergreen Engineering, Inc.
 11500 1st Avenue, Suite 200, Park City, UT 84302
 (435) 833-8887 Fax (435) 833-8275
 Old Engineers - New Service - Same Quality

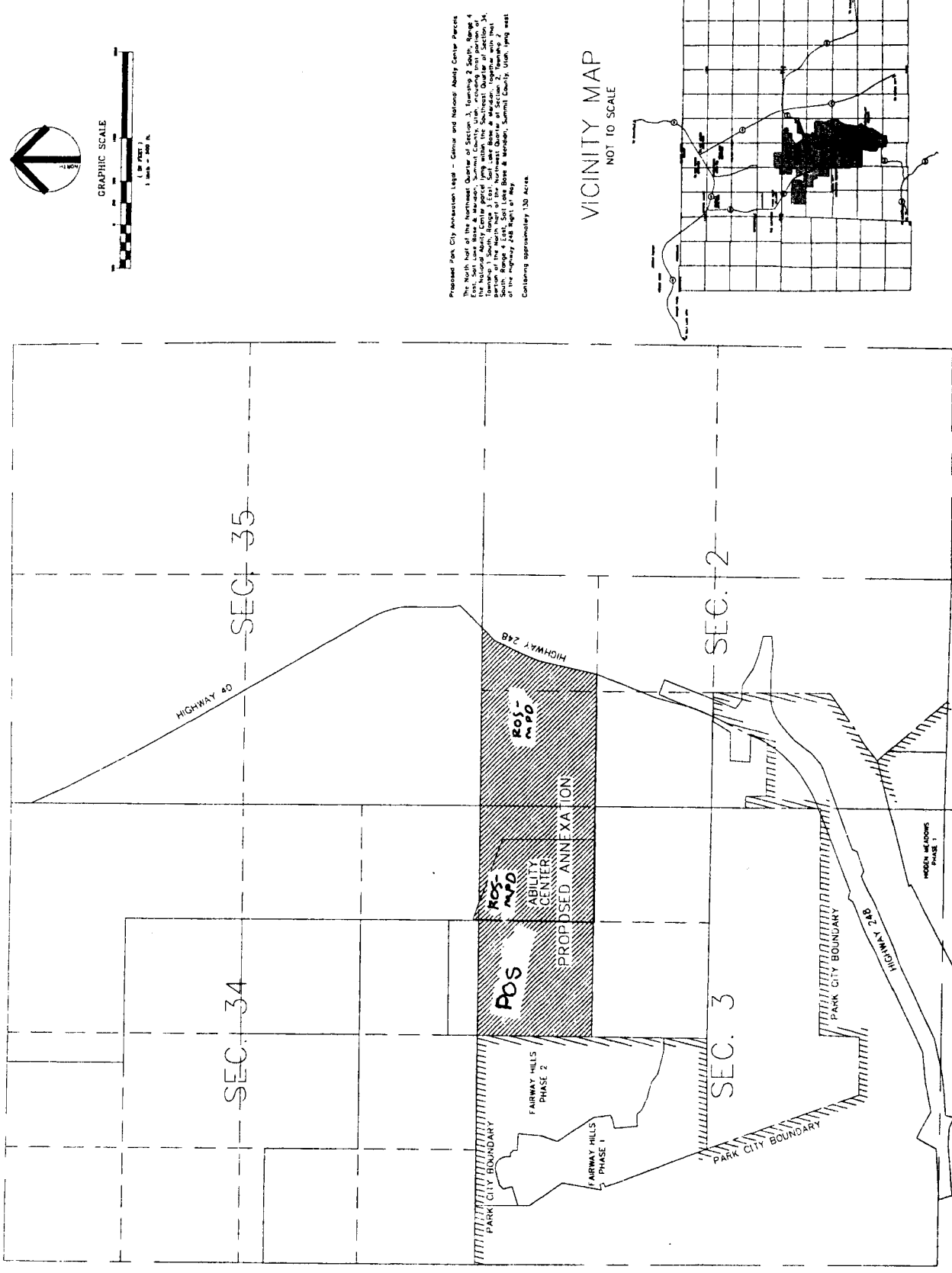
DATE	BY	REVISION



PROJECT NO. 2007-0001
 DRAWN BY: CRB
 CHECKED BY: CRB
 DATE: 02/14/08

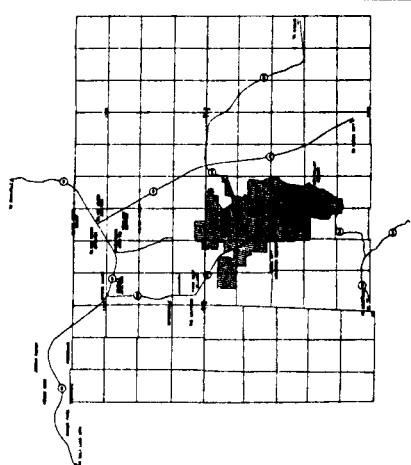
**PROPOSED PARK CITY ANNEXATION
 GILTMOR & NATIONAL ABILITY PARCELS**

PARK CITY MUNICIPAL CORPORATION
 FOUNDING 1863
 2007 0001
 SHEET 1 OF 1



Proposed Park City Annexation Legal - Giltmor and National Ability Center Parcels
 The North half of the Northwest Quarter of Section 35, Township 2 South, Range 4 East, T2S, R4E, S20E, Salt Lake Meridian, Utah, together with the Southeast Quarter of Section 34, Township 2 South, Range 4 East, T2S, R4E, S20E, Salt Lake Meridian, Utah, together with that portion of the North half of the Northwest Quarter of Section 34, Township 2 South, Range 4 East, T2S, R4E, S20E, Salt Lake Meridian, Summit County, Utah, lying west of the Highway 40 Right of Way.
 Containing approximately 130 Acres.

VICINITY MAP
 NOT TO SCALE



Ordinance No. 04-49

AN ORDINANCE APPROVING THE NEUMEISTER AND JENKINS REPLAT WHICH WILL COMBINE LOTS LOTS 62, 63, AND 64 OF FAIRWAY HILLS ESTATES PHASE II INTO TWO LOTS OF RECORD

WHEREAS, the owners of Lots 63, Linda and David Jenkins (2753 Silver Cloud Drive), and lot 62, Mary Anne Neumeister (2729 Silver Cloud Drive) of Fairway Hills Estates Phase II, have petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on October 13, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove two lot lines and create one lot line, thereby reducing three legal lots into two legal lots of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Single Family (SF) zone.
2. Setbacks for the SF Zone are 20' in the Front, 15' in the Rear, and 12' on the Sides.
3. Lot 64 in Fairway Hills Estates Phase II has been purchased by the owners of Lots 63 and 62.
4. Linda and David Jenkins own lot 63 (2753 Silver Cloud Drive).
5. Mary Anne Neumeister owns lot 62 (2729 Silver Cloud Drive).
6. Single family homes have been built on lot 62 and lot 63
7. Lots within the Fairway Hills Subdivision Phase II range in size from 17,371 square feet to 38,987 square feet.
8. The lot being divided, Lot 64 is 30,914 s.f.
9. Lot 62 is currently 24,549 s.f. and will become 40,055 s.f. Lot 63 is currently 25,082 s.f. and will become 40,490 s.f.
10. This combination of three lots into two will create two new lots only slightly larger than the biggest lot in the subdivision.
11. Lots 62 and 64 each have platted open space areas to the rear of the lots. These areas will remain unchanged.
12. The lot combination will result in two lots that are consistent with other lots in teh subdivision. The proposed plat amendment will reduce density in the subdivision by one unit and increase the amount of open space with the subdivision.
13. The Planning Commission reviewed this at their October 13, 2004 meeting. A public hearing was held, and a unanimous vote was forwarded to the Council to approve the application.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

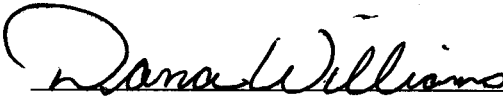
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat amendment will be void.
3. Prior to adoption of an ordinance to approve this application, an updated plat will be drawn, processing this as one single action.
4. The existing Fairway Hills Phase II plat limits maximum square footage for both lots 62 and 63 to 5,300 s.f. This and all other plat notes relating to lots 62 and 63 shall carry over to the amended lots and amended plat.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 21th day of October, 2004.

PARK CITY MUNICIPAL CORPORATION

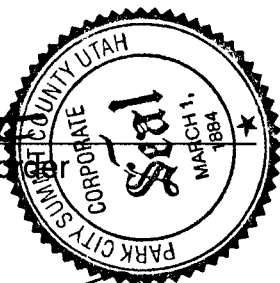


Dana Williams, Mayor


Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

FAIRWAY HILLS ESTATES SUBDIVISION - PHASES I & II

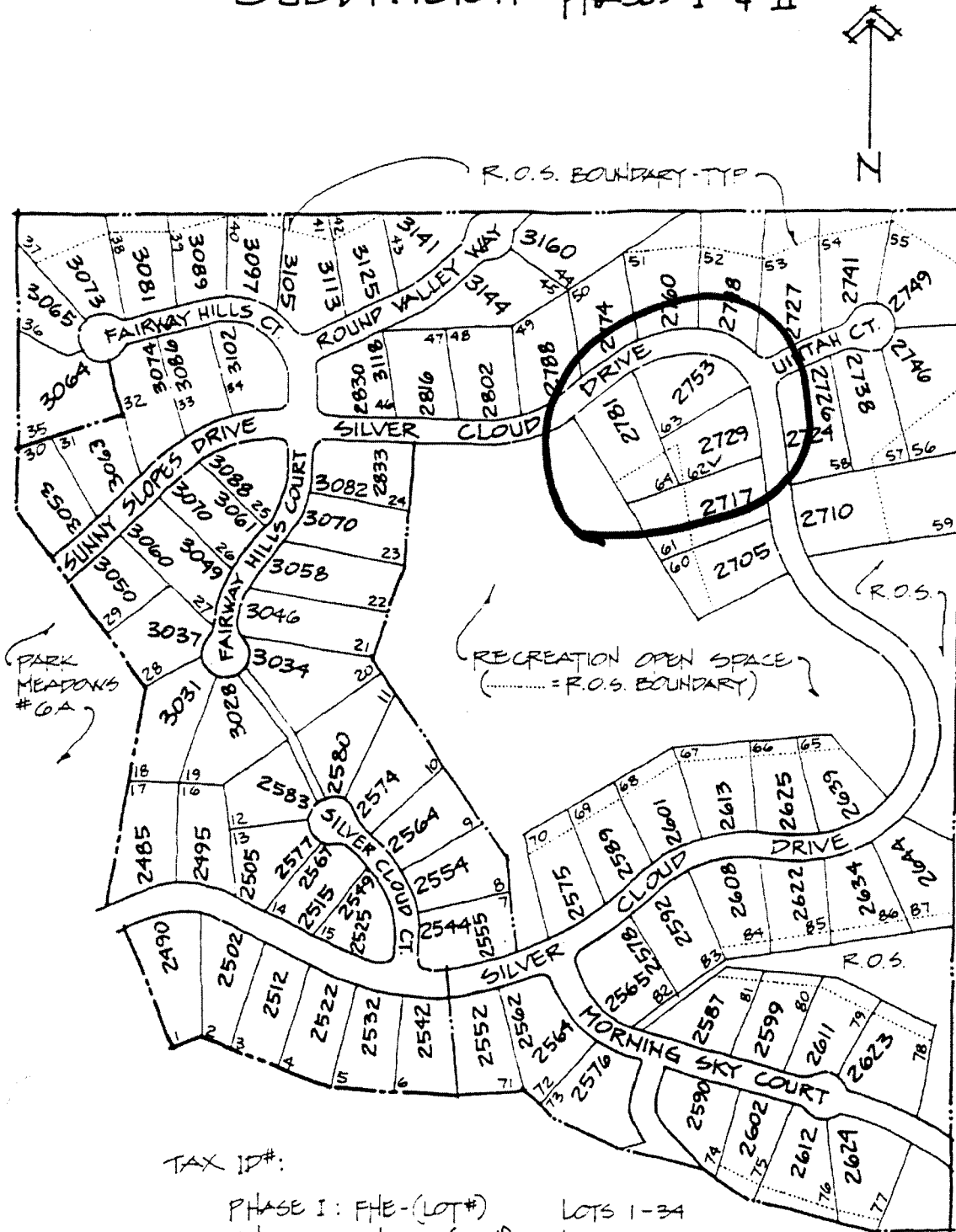


Exhibit A - Existing Subdivision

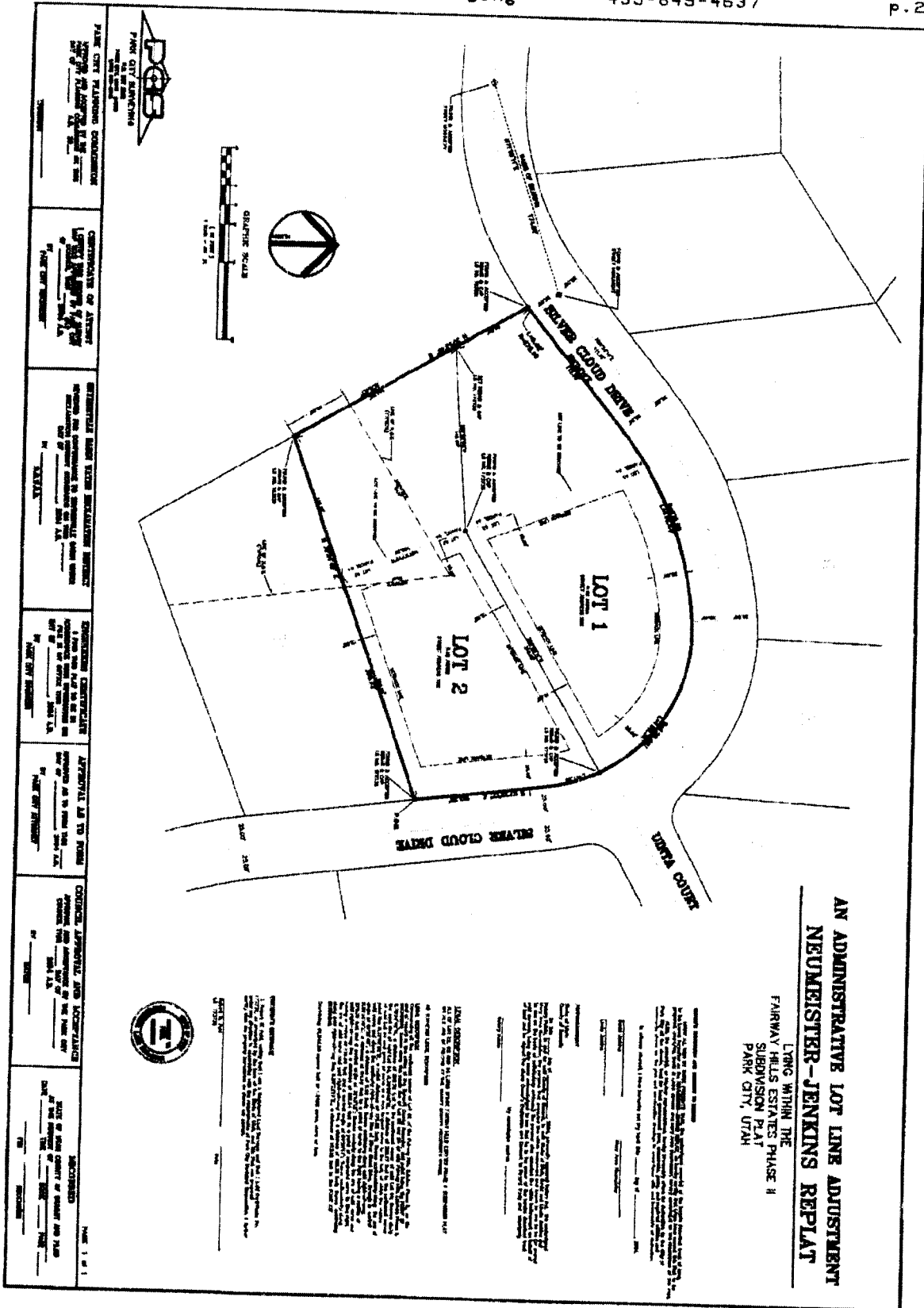


Exhibit B – Proposed Plat

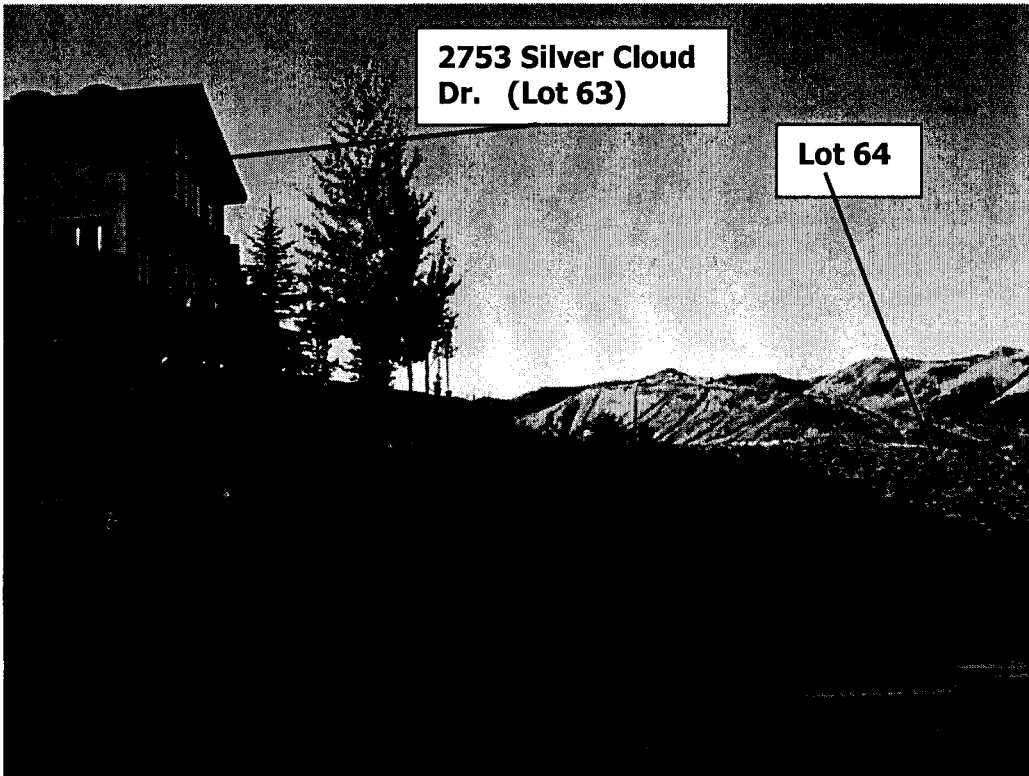
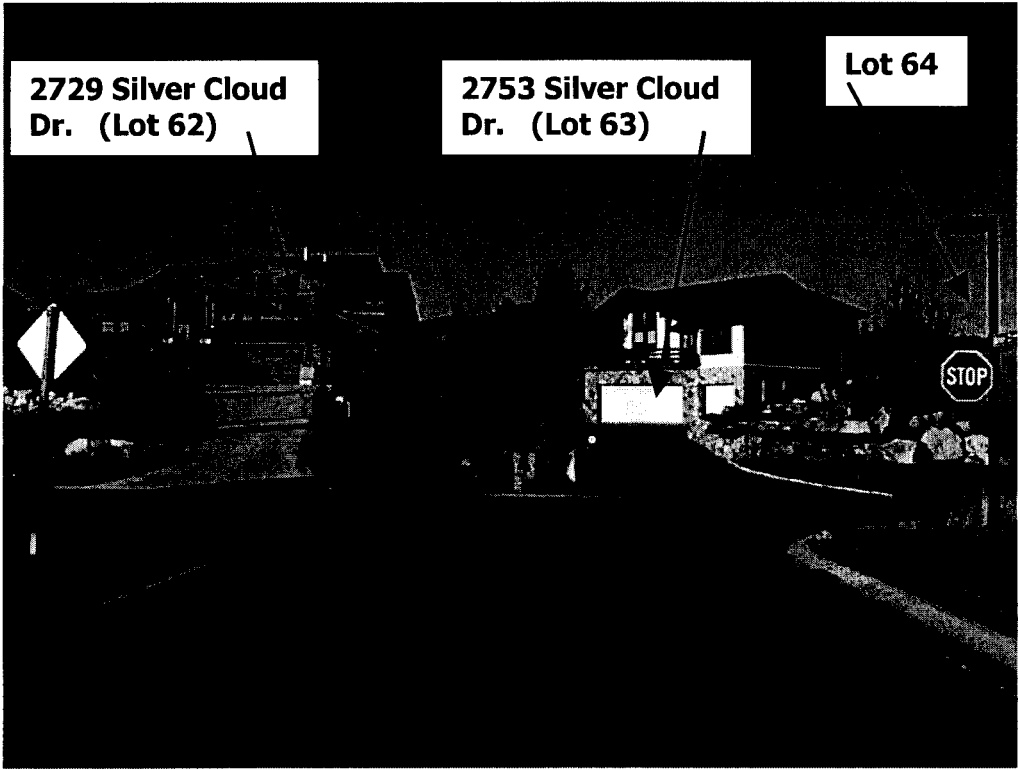


Exhibit C – Existing conditions

Ordinance No. 04-48

AN ORDINANCE APPROVING THE FIRST AMENDED 10 DALY AVENUE SUBDIVISION TO SUBDIVIDE THE 10 DALY AVENUE SUBDIVISION INTO TWO LOTS OF RECORD

WHEREAS, the owner of the property known as Daly Avenue has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on October 13, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property subdivide a one lot subdivision into two legal lots of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The plat amendment will create one 5,479 square foot lot which will accommodate the recently renovated single-family home located at 10 Daly Avenue. The other lot will be a vacant lot of 4,304 square feet.
3. Construction of a single family house on the vacant lot is allowed in the zone; construction of a duplex is a Conditional Use. The minimum lot area required for a duplex is 3,750 square feet.
4. The proposed lots comply with all required LMC lot size, lot arrangement, lot dimension and access requirements.
5. The existing home at 10 Daly Avenue is historic. LMC Section 15-2.2-4 exempts it from off-street parking requirements (not including lockouts and accessory apartments).
6. On April 24, 2003, the Park City Council approved a Subdivision to combine portions of Lots 1-4 of Block 74; portion of Lot 53 of Block 75; portion of Lot 1 of Block 32; and portions of platted, unbuilt First Street, Anchor Avenue & Woodside Avenue rights-of-way of the amended Park City Survey, into one lot of record. At this time, the applicant is requesting a plat amendment to subdivide the 10 Daly Avenue subdivision into two lots of record.
7. Properly designed streets are prerequisite to public health, safety, and welfare.
8. A dedication of all privately owned property 25' from the centerline of the existing pavement on King Road pursuant to the Park City Streets Master Plan.
9. No remnant lots will be created as a result of this application.
10. The Planning Commission reviewed this item at their October 13, 2004 meeting. A public hearing was held, and a unanimous vote was forwarded to the Council to approve the application.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.

2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for any new construction on the vacant lot, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. The applicant shall dedicate the necessary street right-of-way on the plat pursuant to the Park City Streets Master Plan. Said dedication shall be 25' in width as measured from the center line of existing King Road.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 21th day of October, 2004.

PARK CITY MUNICIPAL CORPORATION



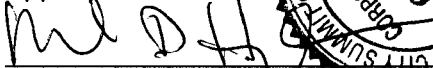
Mayor Dana Williams

Attest



Janet M. Scott, City Recorder

Approved as to form



Mark D. Harrington, City Attorney



Ordinance No. 04-47

AN ORDINANCE APPROVING AN AMENDMENT TO LOT 30A, A.K.A. 3349 MEADOWS DRIVE, OF THE EAGLE POINTE SUBDIVISION PHASE II PARK CITY, UTAH

WHEREAS, the owner of the property known as 3349 Meadows Drive, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on October 13, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove one lot line between two lots of record creating one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Residential Density Master Planned Development (RD-MPD) zone.
2. The RD-MPD zone is a residential zone characterized by a mix of larger contemporary residences and multi-unit condominium residences.
3. The proposed 85' x 15' pad enlargement would increase the allowed building pad by approximately 1,275 square feet for a total building pad of 9,275 square feet.
4. A height maximum of 14.9 feet above existing grade on the east corner and 19.5 feet above existing grade on the west corner is proposed on the rear of the expanded building pad.
5. Access to the property is available from Meadows Drive.
6. The lot size is 25,079 square feet.
7. Setbacks for the property are 12 feet on the sides, 15 feet in the front and 15 feet in the rear.
8. The Maximum house size for the lot is 6,000 square feet plus an additional 600 square feet for the garage.
9. The proposed amendment to the maximum building footprint will not result in additional building square footage.
10. No remnant lots will be created as a result of this application.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. A note shall be added to the plat declaring that the maximum building height for the rear of the structure shall be 14.9 feet above existing grade on the east corner and 19.5 feet above existing grade on the west corner.
3. All platted limitations on the lot not relating to the amended building pad and rear building height limitations shall remain in effect.
4. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
6. The December 1996 MPD approval by the Planning Commission remains in full force and effect.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

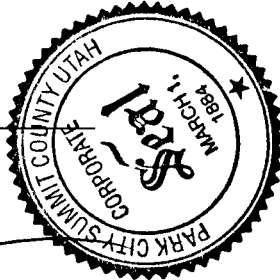
PASSED AND ADOPTED this 21st day of October 2004.

PARK CITY MUNICIPAL CORPORATION

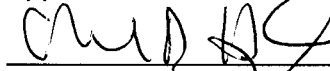

Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder

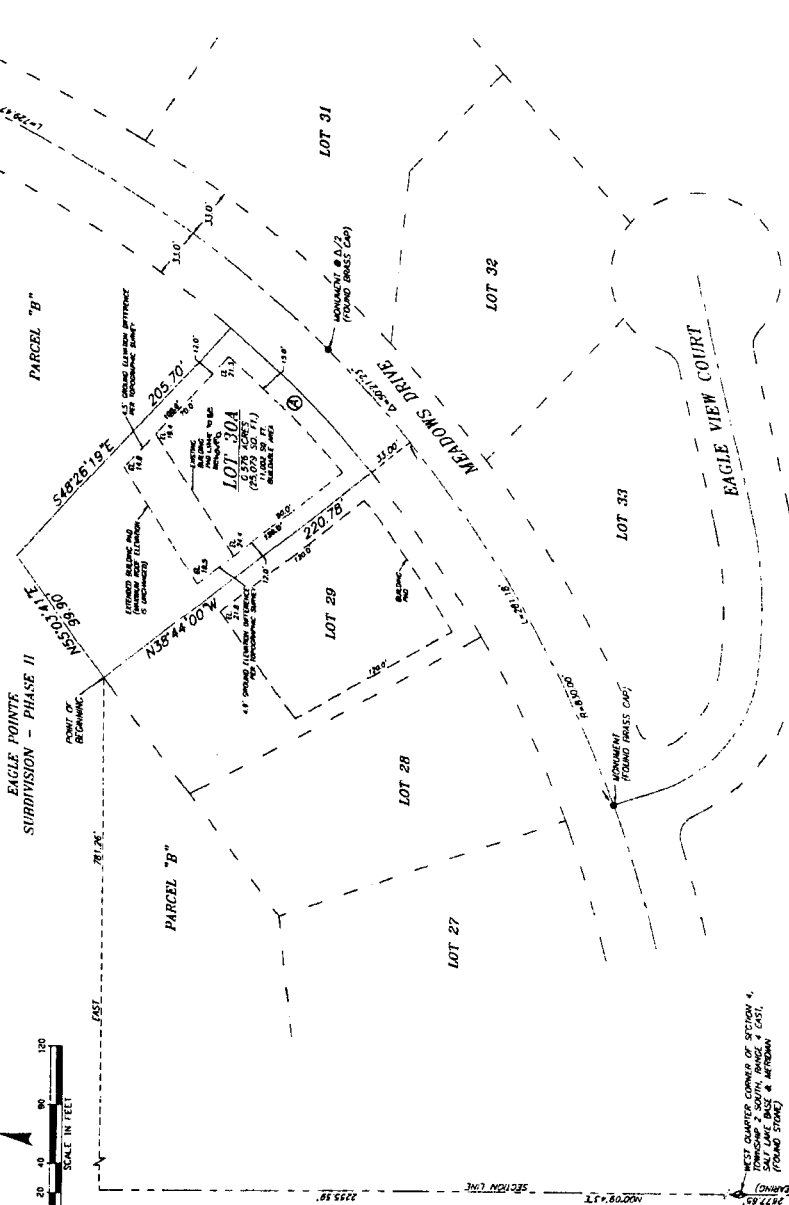


Approved as to form:


Mark D. Harrington, City Attorney

EAGLE POINTE SUBDIVISION PHASE II AMENDED

AN AMENDMENT OF LOT 30, EAGLE POINTE SUBDIVISION PHASE II, LOCATED IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE
 JOHN W. FRANCOM, DO HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR AND HOLD CERTIFICATE NO. 18164, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I HAVE PERSONALLY EXAMINED THE PLAT AND THE SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBSCRIBED TO THE SAID PLAT AND STREETS, HEREINAFTER TO BE KNOWN AS "EAGLE POINTE SUBDIVISION PHASE II AMENDED" AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND SHOWN ON THE GROUND AS SHOWN ON THIS PLAT.

DATE: _____
 JOHN W. FRANCOM (S. 0887)

BOUNDARY DESCRIPTION

ALL OF LOT 30, EAGLE POINTE SUBDIVISION PHASE II, ACCORDING TO THE OFFICIAL PLAT THEREON ON FILE IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 30, SAID POINT BEING NORTH (NORTH) 10° 00' 00" WEST 200.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 83° 03' 14" WEST 59.80 FEET; THENCE SOUTH 88° 28' 19" EAST 290.00 FEET; THENCE NORTH 10° 00' 00" WEST 200.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 10° 00' 00" WEST 220.78 FEET TO THE POINT OF BEGINNING.
 CONTAINS: 0.578 ACRES (25,079 SQUARE FEET)
 1 LOT

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER, JOHN W. FRANCOM, OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAME TO BE SURVEYED AND THE SAID SURVEY TO BE RECORDED IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, AS THE SAID OFFICIAL PLAT HEREAFTER REFERRED TO AS "EAGLE POINTE SUBDIVISION PHASE II AMENDED" DO HEREBY DEDICATE FOR PUBLIC USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

IN WITNESS WHEREOF, I, JOHN W. FRANCOM, HAVE HEREIN SET MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, A.D. 2004.

ACKNOWLEDGMENT

ON THE _____ DAY OF _____, A.D. _____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF _____, IN SAID STATE OF UTAH, THE SIGNER (S) OF THE ABOVE OWNER'S INSTRUMENT, SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

CURVE	ADIUS	DELTA	LENGTH	TANGENT	BEARING
A	29.200	09°27'18"	13.500	13.824	348°21'50"

JOHN W. FRANCOM & ASSOCIATES
 LAND SURVEYORS
 BOUNDARY AND TOPOGRAPHIC SURVEYS
 CONSTRUCTION SURVEYS
 1015 N. 1500 E. SUITE 200, SALT LAKE CITY, UTAH 84119-1500
 PHONE: (801) 488-1111 FAX: (801) 488-1112
 APPROVAL AS TO FORM: _____
 APPROVED AS TO FORM THIS _____ DAY OF _____, A.D. _____



NOTES:
 1. ORIGINAL PLAT RECORDED WITH Y TO THIS PLAT.
 2. 0 INDICATES SURVEY MONUMENT

SUMMIT DISTRICT
 RECORDED FOR COMPLIANCE TO SUBORDINATE TO SUPERSEDEE
 BASKIN STREET IMPROVEMENT DISTRICT STANDARDS
 THIS _____ DAY OF _____, A.D. _____

COMMUNITY DEVELOPMENT APPROVAL
 APPROVED THIS _____ DAY OF _____, A.D. _____
 IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

COMMUNITY DEVELOPMENT DIRECTOR
 DATE: _____

PLANNING COMMISSION
 APPROVED THIS _____ DAY OF _____, A.D. _____
 BY THE PARK CITY PLANNING & ZONING COMMISSION

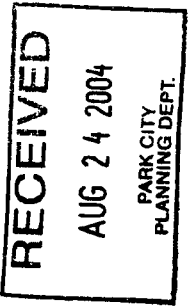
PLANNING COMMISSION
 APPROVED THIS _____ DAY OF _____, A.D. _____
 BY THE PARK CITY PLANNING & ZONING COMMISSION

PLANNING COMMISSION
 APPROVED THIS _____ DAY OF _____, A.D. _____
 BY THE PARK CITY PLANNING & ZONING COMMISSION

EAGLE POINTE SUBDIVISION PHASE II AMENDED

A SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN.

STATE OF UTAH, COUNTY OF _____
 RECORDED AND FILED AT THE REQUEST OF _____
 DATE: _____ TIME: _____ ROOM: _____
 FILE # _____
 COUNTY RECORDER



Ordinance No. 04-46

ORDINANCE AMENDING SECTION 9 – PARKING - CHAPTER 4 - SEASONAL AND SECTION 14 – STREETS – CHAPTER 4 – SNOW REMOVAL OF THE MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, the City Council considers public safety its top priority and in order to better serve the community and to meet the needs of the citizens and visitors, deems it appropriate to amend sections of the Municipal Code facilitating snow removal for public streets and sidewalks in the most efficient and cost effective manner; and

WHEREAS, it is the mission of the snow removal program to provide safe, efficient alternative transportation options to the public by providing primary pedestrian connections to and from neighborhoods, commercial zones, recreational areas, schools and municipal services, acknowledging that not all sidewalks, paths and stairways in Park City are eligible to receive City services; and

WHEREAS, it is the goal of the snow removal program to establish strategies to maximize the benefits of a comprehensive snow removal program, and in no way relieves property owners of their responsibility to remove snow and ice from the sidewalk or path adjacent to their properties; and

WHEREAS, in order to provide the greatest efficiency and cost effective method for removing snow from sidewalks and paths and to provide the greatest benefit for the largest number of residents and guests, criteria is established to designate City provided snow removal; and

WHEREAS, the City Council held a work session on August 12, 2004 and a public hearing on September 9, 2004:

NOW, THEREFORE, BE IT ORDAINED that:

SECTION 1. AMENDMENTS. Attachment A, outlining amendments to Sections 9 and 14 of the Municipal Code of Park City, Utah is hereby adopted.

SECTION 2. EFFECTIVE DATE. This Ordinance becomes effective upon publication.

PASSED AND ADOPTED this 9th day of September, 2004.

PARK CITY MUNICIPAL CORPORATION



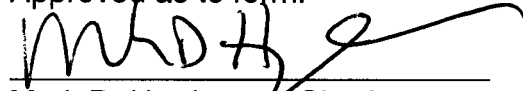
Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder



Approved as to form:


Mark D. Harrington, City Attorney

ATTACHMENT A

SECTION 9 PARKING -CHAPTER 4 - SEASONAL

9- 4- 1. SPECIAL WINTER LIMITATIONS.

Notwithstanding the foregoing general parking regulations, there shall be additional regulations which apply during the winter season to facilitate the snow removal and emergency access during the winter months. The winter seasonal regulations shall apply from November 1 to April 30. The special winter regulations are as follows:

(A) It shall be unlawful to park any vehicle on the downhill side of any street south of 12th Street. The downhill side of the street is the side on which the natural slope is away from the street surface, and the side to which the natural drainage flows. Main Street, Park Avenue north of Heber Avenue, and Swede Alley are not included within this regulation.

(B) Additional parking limitations may be posted by signs stating the nature and effective period for the additional regulations.

(C) It shall be unlawful to park any vehicle without a Parking Services permit on Heber Avenue, Main Street, or Swede Alley surface parking between the hours of 2:00 a.m. and 6:00 a.m. ~~during the winter months~~ between Nov 1 and April 30. Additional streets may be designated as no parking areas during these periods as necessary to facilitate snow removal.

(D) It shall be unlawful to park any vehicle without a Parking Services permit in the following city parking areas: City Park, Mawhinney Lot, Library & Education Center, Marsac North & South Lots, Public Works, Prospector Park, Rotary Park and Racquet Club surface parking between the hours of 2:00 a.m. and 6:00 a.m. between Nov 1 and April 30. Additional Public Parking Facilities may be designated as no parking areas as necessary to facilitate snow removal

9- 4- 2. PARKING TO OBSTRUCT SNOW REMOVAL.

~~It shall be unlawful to park any vehicle in a manner that obstructs snow removal by failing to leave adequate room for passage of plows and other removal equipment, and vehicles as parked are subject to impoundment.~~ No person shall park any vehicle or place any object that interferes with the snowplowing or snow removal efforts of any City street.

9- 4- 3. SNOW REMOVAL EMERGENCY ROUTES.

In order to maintain a free flow of traffic during periods of four inches or more of snow accumulation in any four hour time frame and 8 hours and immediately following said storms, ~~the Police Department~~ the City Manager or designee may declare a snow removal emergency, during which time it shall be unlawful to park any vehicle on the following streets:

- Any street which is on a Park City Transit bus route;
- Swede Alley;
- Kearns Boulevard: U-248 to City limits;
- U-224 from Kearns Blvd. to the City limits;
- Marsac Avenue;
- Lucky John Drive from Little Kate Road to Evening Star Drive;
- Payday Drive from Thaynes Canyon Drive to Park Avenue (U-224);
- Thaynes Canyon Drive from Silver King Drive to Payday Drive;
- Meadows-Evening Star to American Saddler;
- American Saddler-Meadows to Meadows;
- Meadows-American Saddler to U-224; and

Such other streets as may be necessary to add from time to time in order to meet the needs of the snow removal emergency.

During a snow removal emergency declared by the ~~Chief of Police or~~ the City Manager or designee, any vehicle parked on one of the streets listed above shall be deemed illegally parked, and subject to impound. ~~The state of emergency shall be declared and notice given in the best manner possible under the circumstances, including giving notice of the emergency parking regulations to local news outlets. The primary objective of declaring the emergency is to clear the streets of parked vehicles. Thus, impound fees on vehicles impounded for illegal parking on streets designated as streets to be kept free of parked vehicles in the emergency, shall be reduced by half of the normal rate for the violation.~~

SECTION 14 STREETS -CHAPTER 4 - SNOW REMOVAL

14- 4- 1. SNOW REMOVAL PRIORITIES FOR PUBLIC STREETS.

Snow removal is provided for public streets within the corporate limits of Park City on a priority basis. Main arterial streets receive first priority; residential streets second priority; and cul-de-sacs third priority. The City provides limited sidewalk and stairway clearing when possible; see Section 14-4-11 regarding snow removal of City walks and stairs.

14- 4- 2. PRIVATE STREETS: DUTY TO REMOVE SNOW.

It shall be the duty of every condominium owners association, property owners association, corporation, partnership, or other entity having control over a private street system within the corporate limits of Park City, and the owners of properties abutting on such private streets which are provided access from those streets, to provide regular and adequate snow removal service on those private streets in accordance with the standards established in Section 14-4-3.

~~14- 4- 3. SEASONAL LIMITATIONS ON PARKING.~~ (Delete)

~~See Title 9, Chapter 4 regarding special winter parking regulations which are adopted to protect the health and safety of residents of Park City. The City will not be responsible for injury and/or damage claims related to snow removal services if the claimant has violated provisions of Title 9.~~

14- 4- 4 (3). SNOW REMOVAL STANDARDS.

"Regular and adequate snow removal service" shall mean that snow shall be cleared from the roadway to a width of twenty feet (20') within a period of eight hours from the end of each snow storm which deposits an accumulation of four inches (4") of snow or more. It shall be unlawful to permit an accumulation of more than four inches (4") of snow to remain on ~~the~~ a private street for more than eight (8) hours from the end of each storm ~~at a time~~.

~~14- 4- 5 (4). SNOW STORAGE ON SITE.~~

~~It is the duty property owner's responsibility of all property owners to make arrangement for the storage of accumulation of to store snow which has accumulated on his property on, either on their his own premises, or on the premises of another with the permission of the other. The owner, and his employees, agents, and contracts, shall confine the accumulated snow to the owner's premises of another with the other's permission.~~

~~14- 4- 6 (5). UNLAWFUL TO DEPOSIT SNOW IN PUBLIC WAY.~~

~~It shall be unlawful for any person to deposit, haul, push, blow, or otherwise deposit snow accumulated on private property within the traveled portion of any public street in a manner that impedes the reasonable flow of traffic on that street.~~

14- 4- 7(6). TRAVELED PORTION DEFINED.

As used in this Chapter, the term "traveled portion of any public street" shall mean and refer to that portion of the public right-of-way that is paved and maintained for vehicular or pedestrian traffic. It shall not include the portions of the right-of-way outside of the paved area, and it shall not be a violation of this Chapter for any property owner, or his employees, agents, or contractors, to place accumulated snow within the non-traveled portion of the public right-of-way.

~~14- 4- 8. IMPAIRMENT OF TRAFFIC.~~ (Delete)

~~In determining whether an accumulation of snow is such that it impedes the reasonable flow of traffic, the Court shall look at whether a driver of ordinary skill and experience in snowy climates, driving a typical passenger car with tires reasonably suited for winter road conditions could pass over the area in question without having to leave the normal lane of travel, getting stuck on the accumulated snow, or risking damage to his vehicle.~~

14- 4- 9(7). PRIVATE SNOW REMOVAL ON PUBLIC STREETS.

It shall be the duty of every condominium owners association, property owners association, corporation, partnership, or other entity having the responsibility for snow removal on a public street pursuant to plat restriction, conditional use approval or other permit or agreement with the City, and the duty of every owner of property abutting on and provided access from such public street to provide regular and adequate snow removal service on those public streets according to the regular and adequate snow removal service standards cited in Section 14-4-4 .

14- 4-10 (8). FAILURE TO REMOVE SNOW FROM PUBLIC STREETS.

In the event the party or parties responsible for private snow removal on public streets as provided in Section 14-4-8 , fail to remove snow to the required standards of Section 14-4-3 , the City may, at its discretion, perform the snow removal necessary to achieve the required standards, and obtain reimbursement of its snow removal costs from the responsible party or parties.

14- 4-11 (9). SIDEWALKS TO BE CLEARED.

It shall be the duty of every property owner to clear the sidewalks and stairways at the perimeter of his property from accumulation of snow within a period of eight hours from the end of each storm. It shall be unlawful to permit an accumulation of more than eight inches (8") of snow to remain on the sidewalk for more than eight (8) hours at a time.

~~14- 4-12. CITY MAINTAINED WALKS AND STAIRS.~~ (Delete)

~~The City will but is under no obligation to provide snow removal services to identified sidewalks, paths and stairways to facilitate safe, efficient alternative forms of transportation for the health and convenience of residents and guests. The City will remove snow from identified sidewalks within ten hours after the end of a storm when accumulations of two (2) inches of snow or greater remains on the sidewalk, path or stairway. Coverage will be between the hours of 6:00 AM and 4:00 PM, no nighttime sidewalk, path or stairway snow removal services will be provided by the City. The fact that the City has undertaken maintenance of these sidewalks, paths and stairways shall not relinquish the property owners' responsibility to remove residual snow or ice from the adjacent sidewalk, path or stairway.~~

14- 4-13 (10). FIRE HYDRANTS TO BE UNCOVERED.

It shall be the duty of every property owner to mark, uncover, and remove accumulated snow and windrows of snow from over and around fire hydrants located on his property. The hydrants shall be uncovered for a distance of not less than three feet (3') on all sides so the hydrants are accessible for emergency use. Hydrants shall be uncovered within seventy-two (72) hours of the time they are buried by a plowed windrow of snow or from the time they become buried from drifts.

14- 4-44 (11) HYDRANT LOCATIONS TO BE MARKED.

All fire hydrants on private street systems shall be marked with a minimum six (6) foot pole or other sign by the private property owner. ~~that extends well above the normally anticipated depth of accumulated snow and may windrows at that location so the location of the hydrant can be readily determined even during periods when it is covered.~~

14- 4-45 (12). UNLAWFUL TO REMOVE MARKERS.

It shall be unlawful to remove or destroy the hydrant markers on either public or private road systems, except that they may be removed in the Spring for storage until the following fall when they are again necessary. Hydrant markers shall be continuously in place from November 15 to May 1 of the following year.

14- 4-46 (13). IMPROVEMENTS INSTALLED AT OWNER'S RISK.

~~The~~ The City shall have no liability for damage to sprinklers, mailboxes, lights, plant trees, shrubs, or other improvements installed in the City's right of way, including those streets on which the City's ~~City rights-of-way for most streets in the newer portions of Park City, and many of the other major streets, are~~ is wider than the paved street. ~~area to allow for space for utility services and snow storage. Property owners may install sprinklers, mailboxes, lights, plant trees, shrubs, or install other above-grade landscaping in these areas, but do so at their own risk.~~

14- 4-47 (14). DAMAGE TO IMPROVEMENTS.

The City will not assume any liability for damage to improvements or landscaping in the public rights-of-way which results from normal snow removal activity.

14- 4-~~18~~ (15). FLAGGING IMPROVEMENTS.

Owners of improvements within the right-of-way are requested to flag the location of improvements, and to the extent it is reasonable to do so, city snow removal efforts will avoid flagged areas. This shall not be construed as a waiver or abandonment of the right-of-way or an acceptance of liability for damage to encroachments that are hidden with snow.

14- 4-~~19~~ (16). PENALTIES.

Any person convicted of a violation of this chapter is guilty of a Class "C" misdemeanor.

Ordinance No. 04-45

AN ORDINANCE APPROVING A TWO LOT SUBDIVISION PLAT AT 64 ONTARIO CANYON ROAD, PARK CITY, UTAH.

WHEREAS, the owners of the property known as 64 Ontario Canyon Road have petitioned the City Council for approval of the subdivision plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on September 22, 2004, to receive input on the subdivision;

WHEREAS, the Planning Commission, on September 22, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 14, 2004 the City Council approved the subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the subdivision.

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

SECTION 1. APPROVAL. The Subdivision Plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 64 Ontario Canyon Road.
2. The zoning is HR-1.
3. The property is a single metes and bounds parcel with an existing house on the northern side of the parcel.
4. The subdivision will create two lots of record, each 4,125 square feet in size.
5. The existing non-historic house includes a deck, staircase, and retaining wall that extends onto the adjacent property to the north.
6. State Highway 224 is a very busy road.
7. Water and sewer service is desirable for newly subdivided lots.
8. The property currently fronts State Highway 224/Marsac Avenue.
9. The approved State Route 224/ Marsac Avenue reconstruction plans will leave this lot with access to the south end of new Chambers Avenue.
10. On September 22, 2004, the Planning Commission held a public hearing on this application and forwarded a positive recommendation to the City Council.

Conclusions of Law:

1. There is good cause for this Subdivision Plat.
2. The Subdivision Plat is consistent with the Park City Land Management Code, the General Plan and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
4. Approval of the Subdivision Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

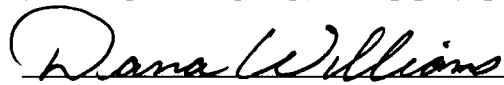
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. An encroachment agreement between the property owner and the owner of the property to the north for the deck, staircase and retaining wall is a condition precedent to plat recordation.
4. The owner of Lot 1 will need to extend utility services to the new lot at considerable expense, at the time of building permit

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

PASSED AND ADOPTED this 14th day of October, 2004.

PARK CITY MUNICIPAL CORPORATION



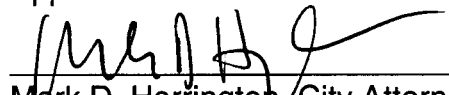
Mayor Dana Williams

Attest:

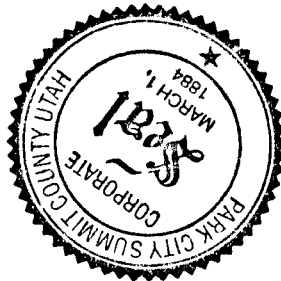


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 04-44

AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF A PLAT AMENDMENT TO COMBINE LOTS 13 AND 20 OF BLOCK 10 OF THE PARK CITY SURVEY INTO ONE LOT (447 MAIN STREET)

WHEREAS, the owners of the property known as 447 Main have petitioned the City Council for approval of an extension to a plat amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on October 9, 2003, the City Council approved proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the one year extension to the plat amendment.

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

SECTION 1. APPROVAL. A one year extension to an amendment to the Park City Survey is hereby granted subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property located at 447 Main Street is located in the HR-1 and HR-2 Sub zone A zone.
2. Both existing buildings on the property are historically significant.
3. The applicant received approval for a subdivision plat amendment on October 9, 2003
4. The approval expired on October 9, 2004.

Conclusions of Law

1. There is good cause for this extension.
2. The extension is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
3. Neither the public nor any person will be materially injured by the proposed plat extension.

Conditions of Approval

The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Park City Land Management Code, and the conditions of approval prior to recordation of the plat.

The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

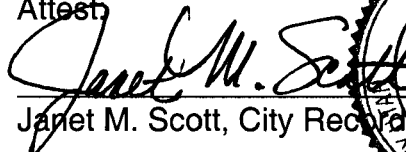
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.
PASSED AND ADOPTED this 14th day of October 2004.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

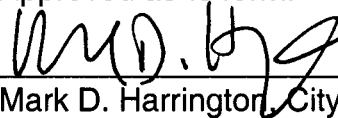
Attest



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

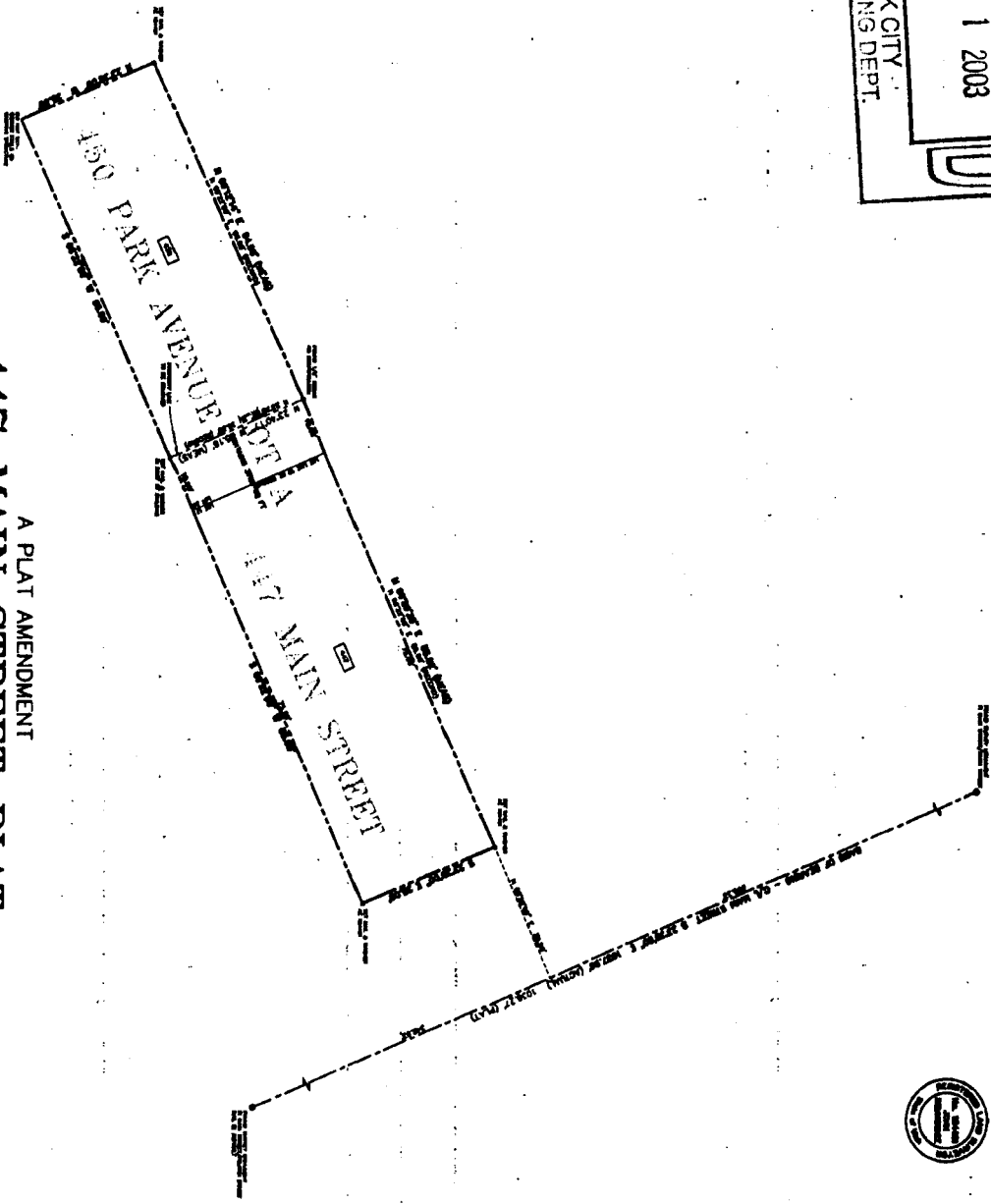
RECORDED
 AUG 1 2003
 PARK CITY
 PLANNING DEPT.



PLANNING DEPARTMENT
 1. This document, which has been approved by the Planning Commission, is hereby approved by the Planning Commission on this date and subject to the terms and conditions set forth herein. The Planning Commission's approval is subject to the approval of the City Council. The Planning Commission's approval is subject to the approval of the City Council.

OWNER'S DECLARATION AND CONSENT TO RECORD
 I, the undersigned, hereby declare that I am the owner of the property described in the plat and that I have read and understand the contents of the plat and the provisions of the plat and I consent to the recording of the plat and the provisions of the plat.

ACKNOWLEDGMENT
 I, the undersigned, hereby declare that I am the owner of the property described in the plat and that I have read and understand the contents of the plat and the provisions of the plat and I consent to the recording of the plat and the provisions of the plat.



447 MAIN STREET PLAT
 A PLAT AMENDMENT
 LOCATED IN SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SMOKE COUNTY, UTAH



<p>APPROVED FOR CONFORMANCE TO SUBDIVISION PLAT ACT BY THE PLANNING COMMISSION THIS 2003 A.D. BY _____</p>	<p>APPROVED BY THE PLANNING COMMISSION THIS 2003 A.D. BY _____</p>	<p>APPROVED AS TO FORM THIS 2003 A.D. BY _____</p>	<p>CERTIFICATE OF ATTEST I HEREBY THIS RECORD OF SAID CITY AND WAS APPROVED BY THE CITY COUNCIL THIS 2003 A.D. BY _____</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 2003 A.D. BY _____</p>	<p>STATE OF UTAH, COUNTY OF SMOKE, AND FILED AT THE REQUEST OF _____ BOOK _____ PAGE _____</p>
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Ordinance No. 04-43

AN ORDINANCE TO COMBINE LOTS 1-3 IN BLOCK 30 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO ONE LOT OF RECORD, LOCATED AT 819 EMPIRE AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 819 Empire Avenue, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on August 25, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove the lot lines between three lots of record creating one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located at 819 Empire Avenue and is in the Historic Residential (HR-1) District.
2. The applicant proposes to combine Lots 1, 2 and 3 of the Snyder's Addition to the Park City Survey into one lot of record.
3. The newly created lot would be 3,884 square feet in size.
4. The maximum building footprint for the newly created lot would be 1,737 square feet.
5. Empire Avenue encroaches onto Lots 1-3.
6. The applicant is proposing to construct one single-family dwelling.
7. The minimum lot area is 1,875 square feet for a single-family dwelling and 3,750 square feet for a duplex.
8. The plat amendment will not increase density on the lot.
9. No remnant lot is created.
10. Any development that encroaches onto 30% slope shall require a steep slope conditional use permit.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed amended plat.

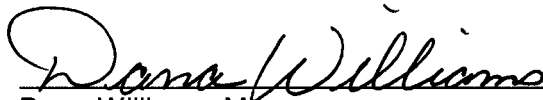
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approve the final form and content of the Plat Amendment for compliance with the Land Management Code and conditions of approval prior to recordation.
2. The City Attorney and City Engineer shall review and approve the dedication of the portion of the property under Empire Avenue to the City prior to the issue of a building permit.
3. The applicant shall record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. All standard Project Conditions shall apply and Land Management Codes shall apply.
5. A Construction Management Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction related details to the satisfaction of the Community Development Department.
6. Prior to building plans submittal, the applicant shall obtain approval for a Historic Design Review/Conditional Use Permit for steep slope application, if required.
7. The applicant shall place a Plat note specifying the front and rear yard setback have a 10-foot setback and the side yards have 5 feet.
8. Dedication of right-of-way for Empire Avenue in accordance with the adopted master streets plan is required.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 30th day of September 2004.

PARK CITY MUNICIPAL CORPORATION



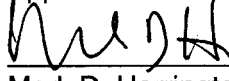
Dana Williams, Mayor

Attest:

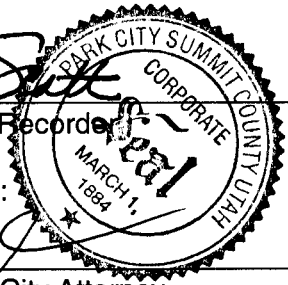


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



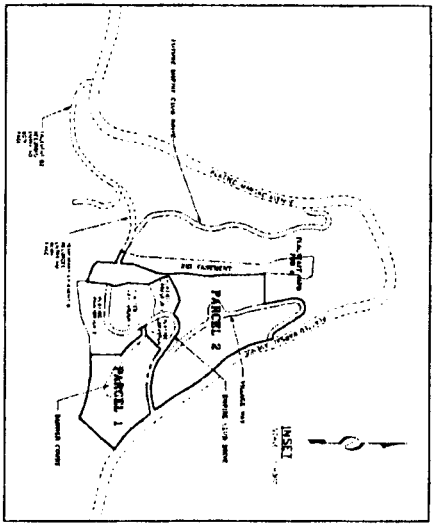
SUMMARY STATEMENT

This Certificate of Approval is for a proposed development project located in the unincorporated area of the City of Park City, Utah, within the boundaries of the Park City Planning Commission's jurisdiction. The project consists of the construction of a new building and associated improvements on a parcel of land owned by the applicant. The project is subject to the provisions of the Park City Zoning Ordinance and the Park City Comprehensive Zoning Ordinance. The applicant has provided all necessary information and documentation to support the application, and the Planning Commission has reviewed the application and found it to be in compliance with the applicable zoning regulations. The Commission has approved the application and has issued this Certificate of Approval. The applicant is required to comply with all conditions of approval and to obtain all necessary permits from the appropriate agencies. The Commission reserves the right to modify or rescind this approval at any time if the applicant fails to comply with the conditions of approval or if the project is found to be in violation of the applicable zoning regulations.



BOUNDARY DESCRIPTIONS

PARCEL 1
 The parcel is bounded on the north by the centerline of the 100-foot wide right-of-way of the proposed road, on the east by the centerline of the 100-foot wide right-of-way of the proposed road, on the south by the centerline of the 100-foot wide right-of-way of the proposed road, and on the west by the centerline of the 100-foot wide right-of-way of the proposed road. The parcel is approximately 100 feet wide and 100 feet deep. The parcel is currently vacant and is zoned for residential use. The applicant proposes to construct a new building on the parcel, which will be used for residential purposes. The building will be approximately 100 feet wide and 100 feet deep. The applicant has provided all necessary information and documentation to support the application, and the Planning Commission has reviewed the application and found it to be in compliance with the applicable zoning regulations. The Commission has approved the application and has issued this Certificate of Approval. The applicant is required to comply with all conditions of approval and to obtain all necessary permits from the appropriate agencies. The Commission reserves the right to modify or rescind this approval at any time if the applicant fails to comply with the conditions of approval or if the project is found to be in violation of the applicable zoning regulations.



NOTES

1. The applicant is required to provide a copy of this Certificate of Approval to the appropriate agencies for their review and approval. 2. The applicant is required to obtain all necessary permits from the appropriate agencies. 3. The applicant is required to comply with all conditions of approval and to obtain all necessary permits from the appropriate agencies. 4. The Commission reserves the right to modify or rescind this approval at any time if the applicant fails to comply with the conditions of approval or if the project is found to be in violation of the applicable zoning regulations.

**THE VILLAGE AT EMPIRE PASS
 PHASE 1**

LOCATED IN SECTIONS 21 AND 28
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE AND WERIDAN
 PARK CITY, SUMMIT COUNTY, UTAH

<p>APPROVED FOR RECORD DATE OF RECORDING: 2004 A.D. BY: [Signature]</p>	<p>PLANNING COMMISSION APPROVED BY THE PLANNING COMMISSION DATE OF APPROVAL: 2004 A.D. BY: [Signature]</p>	<p>ENGINEER'S CERTIFICATE APPROVED BY THE ENGINEER DATE OF APPROVAL: 2004 A.D. BY: [Signature]</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM DATE OF APPROVAL: 2004 A.D. BY: [Signature]</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SUBJECT MATTER IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS FILED IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT OF THE COUNTY OF SUMMIT, UTAH, ON THE DATE OF RECORDING. DATE OF ATTESTATION: 2004 A.D. BY: [Signature]</p>	<p>BOUNDRY APPROVAL AND ACCEPTANCE APPROVED AND ACCEPTED BY THE PLANNING COMMISSION DATE OF APPROVAL: 2004 A.D. BY: [Signature]</p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE BOOKS OF THE CLERK OF THE DISTRICT COURT OF THE COUNTY OF SUMMIT, UTAH, ON THE DATE OF RECORDING. DATE OF RECORDING: 2004 A.D. BY: [Signature]</p>
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OWNER'S DESIGNATION AND CONSENT TO RECORD

I, the undersigned, do hereby designate and consent to the recording of the foregoing plat, map, or other instrument, and I hereby authorize the recording of the same. My signature is a true and correct signature of the owner of the property described in the foregoing instrument, and I am duly qualified to execute the same. I have read the foregoing instrument and understand the contents thereof, and I hereby consent to the recording of the same. My signature is a true and correct signature of the owner of the property described in the foregoing instrument, and I am duly qualified to execute the same. I have read the foregoing instrument and understand the contents thereof, and I hereby consent to the recording of the same.

ACKNOWLEDGMENT

OWNER'S DESIGNATION AND CONSENT TO RECORD

I, the undersigned, do hereby designate and consent to the recording of the foregoing plat, map, or other instrument, and I hereby authorize the recording of the same. My signature is a true and correct signature of the owner of the property described in the foregoing instrument, and I am duly qualified to execute the same. I have read the foregoing instrument and understand the contents thereof, and I hereby consent to the recording of the same. My signature is a true and correct signature of the owner of the property described in the foregoing instrument, and I am duly qualified to execute the same. I have read the foregoing instrument and understand the contents thereof, and I hereby consent to the recording of the same.

ACKNOWLEDGMENT

OWNER'S DESIGNATION AND CONSENT TO RECORD

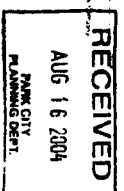
I, the undersigned, do hereby designate and consent to the recording of the foregoing plat, map, or other instrument, and I hereby authorize the recording of the same. My signature is a true and correct signature of the owner of the property described in the foregoing instrument, and I am duly qualified to execute the same. I have read the foregoing instrument and understand the contents thereof, and I hereby consent to the recording of the same. My signature is a true and correct signature of the owner of the property described in the foregoing instrument, and I am duly qualified to execute the same. I have read the foregoing instrument and understand the contents thereof, and I hereby consent to the recording of the same.

ACKNOWLEDGMENT

OWNER'S DESIGNATION AND CONSENT TO RECORD

I, the undersigned, do hereby designate and consent to the recording of the foregoing plat, map, or other instrument, and I hereby authorize the recording of the same. My signature is a true and correct signature of the owner of the property described in the foregoing instrument, and I am duly qualified to execute the same. I have read the foregoing instrument and understand the contents thereof, and I hereby consent to the recording of the same. My signature is a true and correct signature of the owner of the property described in the foregoing instrument, and I am duly qualified to execute the same. I have read the foregoing instrument and understand the contents thereof, and I hereby consent to the recording of the same.

ACKNOWLEDGMENT



Ordinance No. 04-42

**AN ORDINANCE APPROVING A SUBDIVISION PLAT FOR THE VILLAGE AT
EMPIRE PASS, PHASE I, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Village at Empire Pass, Phase I have petitioned the City Council for approval of the subdivision plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on September 22, 2004, to receive input on the subdivision plat;

WHEREAS, the Planning Commission, on September 22, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 30, 2004 the City Council approved the subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the subdivision plat.

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

SECTION 1. APPROVAL. The subdivision plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Village at Empire Pass Phase Plat is located in the RD-MPD zoning district.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
4. Two parcels with eleven (11) lots are created with this subdivision plat.

5. A maintenance agreement addressing snow removal and maintenance of the water system exists between Park City Municipal Corporation and the Village at Empire Pass Master Homeowners Association.
6. The Planning Commission held a public hearing on this application on September 22, 2004, and forwarded a positive recommendation to the City Council.

Conclusions of Law

1. There is good cause for this Subdivision Plat.
2. The Final Subdivision Plat is consistent with the Flagstaff Annexation and Development Agreement, the Village at Empire Pass Master Plan Development, Park City Land Management Code, the General Plan and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Final Subdivision Plat.
4. Approval of the Final Subdivision Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Conditional Use Permit.
2. The subdivision plat will include a plat note requiring water-efficient irrigation systems, limited turf and disturbance.
3. All subsequent applications and approvals are subject to the Technical Reports as approved or amended.
4. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
5. The applicant will record the Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
6. The final plat shall contain a note that Village Way is a private road and another note that the maintenance of the water system is the private responsibility of the Village at Empire Pass Master Homeowners Association.

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

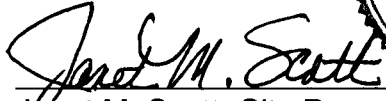
PASSED AND ADOPTED this 30th day of September, 2004.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, MAYOR

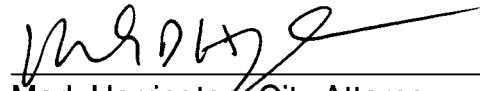
ATTEST:



Janet M. Scott, City Recorder



APPROVED AS TO FORM:



Mark Harrington, City Attorney

Ordinance No. 04-41

AN ORDINANCE AMENDING EXHIBIT A OF THE DEVELOPMENT AGREEMENT FOR FLAGSTAFF MOUNTAIN, BONANZA FLATS, THE 20-ACRE QUINN'S JUNCTION PARCEL AND IRON MOUNTAIN

WHEREAS, the Owner of the property, United Park City Mines Company, has petitioned the City Council for approval of an amendment to Exhibit A of the development agreement for Flagstaff Mountain, Bonanza Flats, the 20-Acre Quinn's Junction Parcel and Iron Mountain; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held public hearings on July 14, July 28 and August 11, 2004, to receive input on the proposed amendment as part of the Red Cloud Master Planned Development (Pod D); and

WHEREAS, the Planning Commission, on August 11, 2004, forwarded a positive recommendation as a Condition of Approval for the Red Cloud MPD on the proposed amendment to the City Council; and

WHEREAS, on September 23, 2004, the City Council held a public hearing to receive input on the proposed Exhibit A boundary alignment; and

WHEREAS, it is in the best interest of Park City, Utah to approve this amendment to Exhibit A of the development agreement for Flagstaff Mountain, Bonanza Flats, the 20-Acre Quinn's Junction Parcel and Iron Mountain.

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

SECTION 1. APPROVAL. Exhibit A of the Development Agreement for Flagstaff Mountain Bonanza Flats, Richardson Flats, the 20-acre Quinn's Junction Parcel and Iron Mountain and the Zoning map of Park City are hereby amended in accordance with the attached Exhibit A.

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

PASSED AND ADOPTED this 23rd day of September, 2004.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams
Mayor Dana Williams

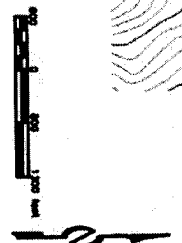
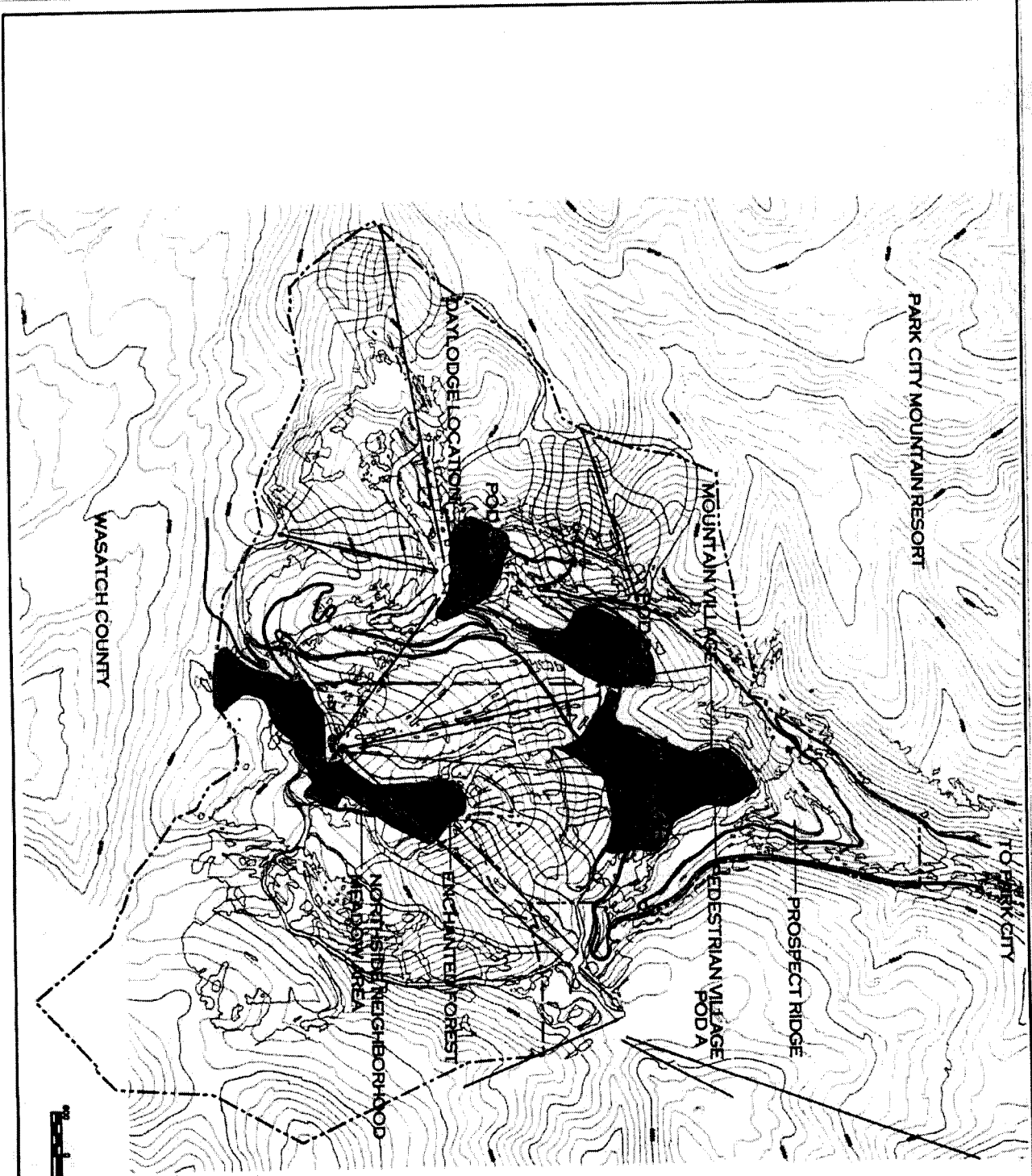
Attest:

Janet M. Scott
Janet M. Scott, City Recorder



Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney





EMPIRE PASS RESORT
 10000 S. 10000 E.
 PARK CITY, UTAH 84303
 PHONE: 435.766.8800 | FAX: 435.766.8800
 www.empirepassresort.com

EXHIBIT A

RECEIVED
 SEP 13 2004
 PARK CITY
 PLANNING DEPT.

Ordinance No. 04-40

**AN ORDINANCE APPROVING A CONDOMINIUM CONVERSION FOR 1412 AND
1416 PARK AVENUE**

WHEREAS, the owner of the property known as 1412 and 1416 Park Avenue has applied for a Condominium Conversion; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on September 8, 2004 the Planning Commission held a public hearing to receive public input on the proposed Condominium Conversion and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed record of survey amendment will allow the sale of each unit separately; and

WHEREAS, it is in the best interest of Park City Utah to approve the amended record of survey.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The Planning Commission reviewed this application at their September 8, 2004 meeting. A public hearing was held, and a unanimous vote was forwarded to the Council to approve the application.
2. The properties are located in the HRM District at 1412 and 1416 Park Avenue.
3. The findings discussed in the analysis section of this report are incorporated herein.
4. A Plat Amendment creating three lots of record on the subject property was approved by the City Council on July 23, 1998. This application will combine both lots into one condominium project, with four units.
5. Lot 2 consists of 4,892 square feet. Lot 3 consists of 6,823 square feet. The minimum lot size in the HRM zone for a duplex is 3,750 square feet. Each lot meets the lot size requirement.
6. The allowable building height in the HRM Zone is 27 feet. The duplexes meet the height requirement.
7. The minimum allowed setbacks for these lots are: front 20', rear 10', sides 5'.
8. There is an existing historic structure at 1420 Park Avenue.
9. There is a non-exclusive access agreement for the duplexes from Park Avenue. Vehicular access is prohibited from Sullivan Road.
10. Units 1 and 2 will have 3184 square feet of private area, Unit 3 will have 3159, and Unit 4 will have 3222 square feet. Both interior buildings and exterior yard areas are considered Private area.
11. The condominium plat will allow the applicant to sell each unit separately.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this condominium plat.
2. This approval as conditioned is consistent with the Park City Land Management Code and applicable state law governing condominium plats.
3. This approval as conditioned does not adversely affect the health, safety, or welfare of the citizens of Park City.
4. Neither the public nor any person will be materially injured by this plat amendment.

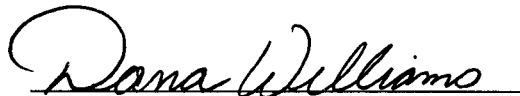
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recording
2. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded at the Summit County Recorder's office prior to that date.
3. The applicant is required to provide a financial guarantee in an amount approved by the City Engineer and in a form satisfactory to the City Attorney..

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

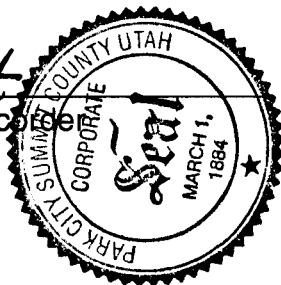
PASSED AND ADOPTED this 23th day of September, 2004.

PARK CITY MUNICIPAL CORPORATION


Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder



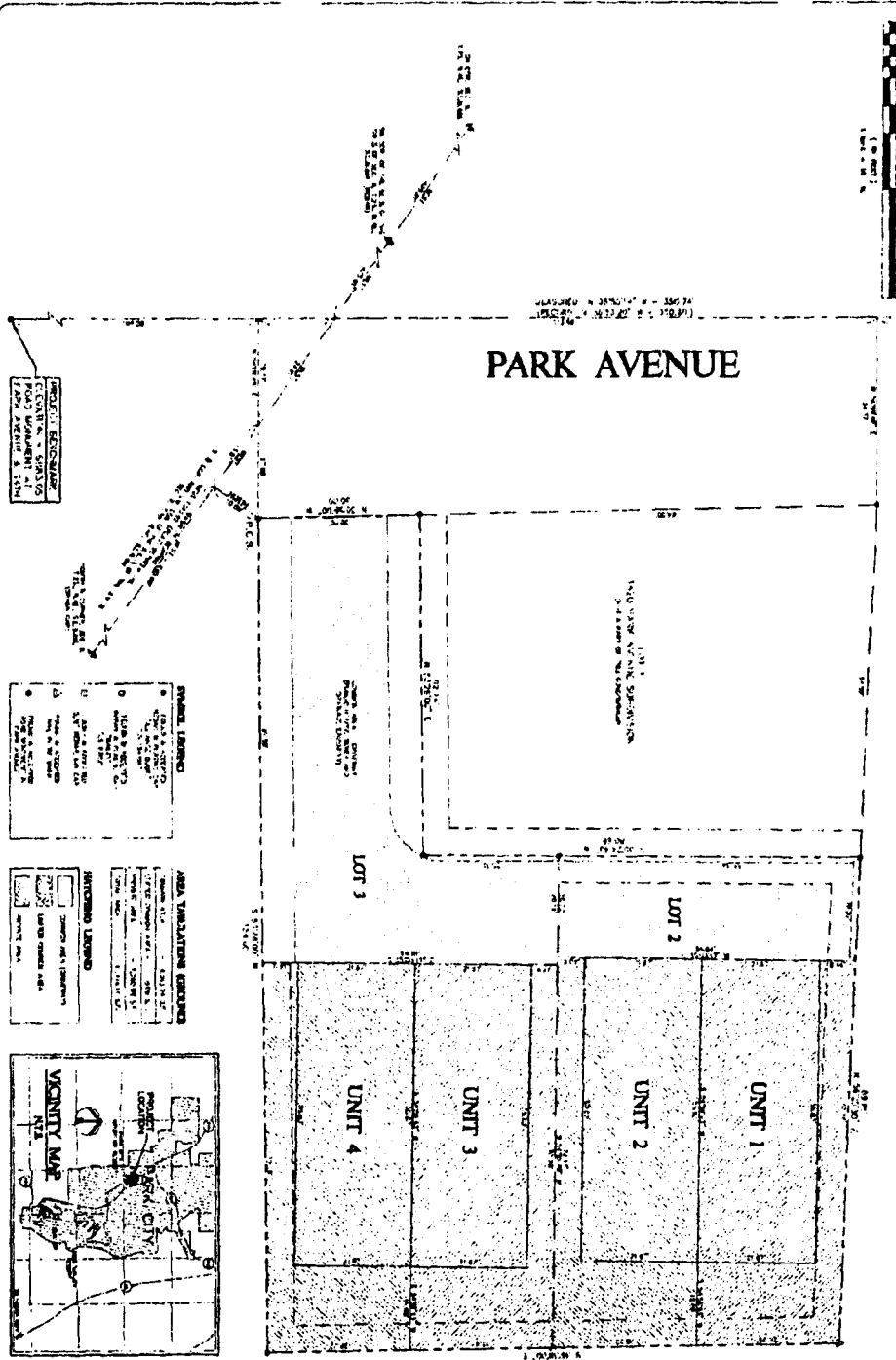
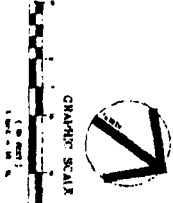
Approved as to form:


Mark D. Harrington, City Attorney

1

RECORD OF SURVEY MAP 1412/1416 PARK AVENUE CONDOMINIUMS - 4 4 UNIT CONDOMINIUM PROJECT - 1420 PARK AVENUE

(CONTAINING 4 RESIDENTIAL UNITS)
A PART OF LAND LOCATED WITHIN THE SEQUOIA CLUSTER
OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 123 EAST, SE. QUARTER
R1E2 AND MERIDIAN PARK CITY, GARFIELD COUNTY, UTAH

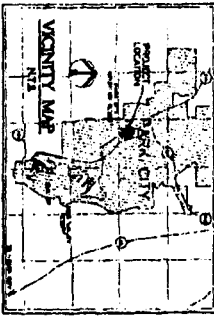


SMALL LOTS

1	1.00 ACRES	1.00 ACRES
2	1.00 ACRES	1.00 ACRES
3	1.00 ACRES	1.00 ACRES
4	1.00 ACRES	1.00 ACRES
5	1.00 ACRES	1.00 ACRES
6	1.00 ACRES	1.00 ACRES
7	1.00 ACRES	1.00 ACRES
8	1.00 ACRES	1.00 ACRES
9	1.00 ACRES	1.00 ACRES
10	1.00 ACRES	1.00 ACRES
11	1.00 ACRES	1.00 ACRES
12	1.00 ACRES	1.00 ACRES
13	1.00 ACRES	1.00 ACRES
14	1.00 ACRES	1.00 ACRES
15	1.00 ACRES	1.00 ACRES
16	1.00 ACRES	1.00 ACRES
17	1.00 ACRES	1.00 ACRES
18	1.00 ACRES	1.00 ACRES
19	1.00 ACRES	1.00 ACRES
20	1.00 ACRES	1.00 ACRES

AREA TABULATION SUMMARY

CLASSIFICATION	AREA (ACRES)	PERCENT
1.00 ACRES	1.00	100.00
2.00 ACRES	2.00	200.00
3.00 ACRES	3.00	300.00
4.00 ACRES	4.00	400.00
5.00 ACRES	5.00	500.00
6.00 ACRES	6.00	600.00
7.00 ACRES	7.00	700.00
8.00 ACRES	8.00	800.00
9.00 ACRES	9.00	900.00
10.00 ACRES	10.00	1000.00
11.00 ACRES	11.00	1100.00
12.00 ACRES	12.00	1200.00
13.00 ACRES	13.00	1300.00
14.00 ACRES	14.00	1400.00
15.00 ACRES	15.00	1500.00
16.00 ACRES	16.00	1600.00
17.00 ACRES	17.00	1700.00
18.00 ACRES	18.00	1800.00
19.00 ACRES	19.00	1900.00
20.00 ACRES	20.00	2000.00



RECEIVED

LEGAL DESCRIPTION
A PART OF LAND LOCATED WITHIN THE SEQUOIA CLUSTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 123 EAST, SE. QUARTER R1E2 AND MERIDIAN PARK CITY, GARFIELD COUNTY, UTAH

REMARKS
THIS SURVEY WAS MADE IN ACCORDANCE WITH THE UTAH SURVEYING ACTS AND THE UTAH PROFESSIONAL SURVEYING BOARD REGULATIONS. THE SURVEY WAS CONDUCTED BY EVERGREEN ENGINEERING, INC., A PROFESSIONAL ENGINEERING FIRM LICENSED UNDER THE UTAH PROFESSIONAL ENGINEERING ACTS.



NOTES
1. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE UTAH SURVEYING ACTS AND THE UTAH PROFESSIONAL SURVEYING BOARD REGULATIONS. THE SURVEY WAS CONDUCTED BY EVERGREEN ENGINEERING, INC., A PROFESSIONAL ENGINEERING FIRM LICENSED UNDER THE UTAH PROFESSIONAL ENGINEERING ACTS.
2. THE SURVEY WAS CONDUCTED ON THE DATE OF THE SURVEY.
3. THE SURVEY WAS CONDUCTED BY EVERGREEN ENGINEERING, INC., A PROFESSIONAL ENGINEERING FIRM LICENSED UNDER THE UTAH PROFESSIONAL ENGINEERING ACTS.
4. THE SURVEY WAS CONDUCTED BY EVERGREEN ENGINEERING, INC., A PROFESSIONAL ENGINEERING FIRM LICENSED UNDER THE UTAH PROFESSIONAL ENGINEERING ACTS.

OWNER INFORMATION AND COMMENTS TO RECORD
OWNER: [Name]
ADDRESS: [Address]
CITY: [City]
STATE: [State]
ZIP: [ZIP]
DATE OF SURVEY: [Date]
SURVEYOR: [Name]
FIRM: [Firm Name]

CITY PLANNING COMMISSION
APPROVED AND ADOPTED BY THE CITY PLANNING COMMISSION ON THIS DAY OF 2005.

CITY ENGINEER
I, THE CITY ENGINEER, DO HEREBY CERTIFY THAT THIS MAP IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN THE OFFICE OF THE CITY ENGINEER.

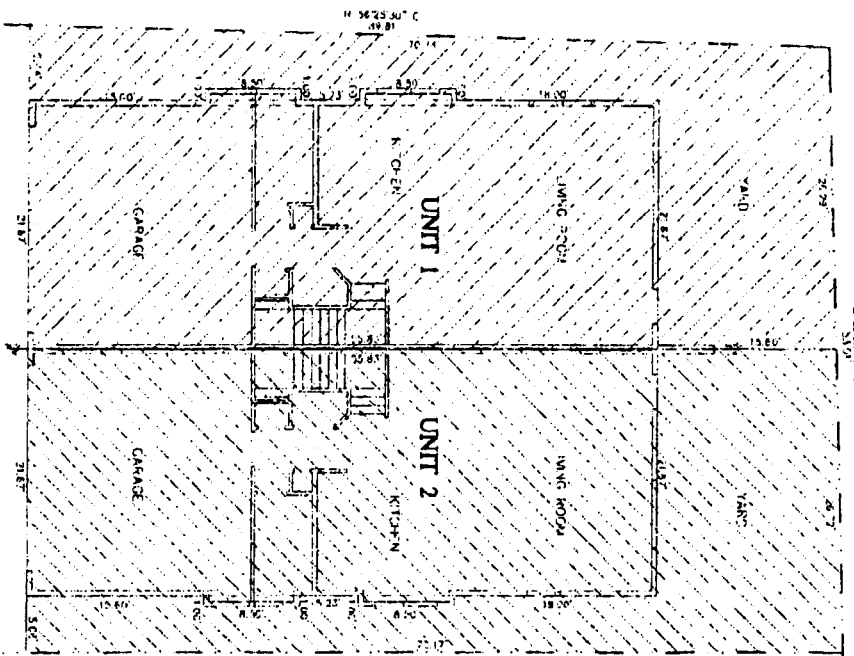
CITY COUNCIL APPROVAL
APPROVED AS TO FORM BY THE CITY COUNCIL ON THIS DAY OF 2005.

RECORDED
RECORDED IN THE OFFICE OF THE COUNTY CLERK OF GARFIELD COUNTY, UTAH, ON THIS DAY OF 2005.

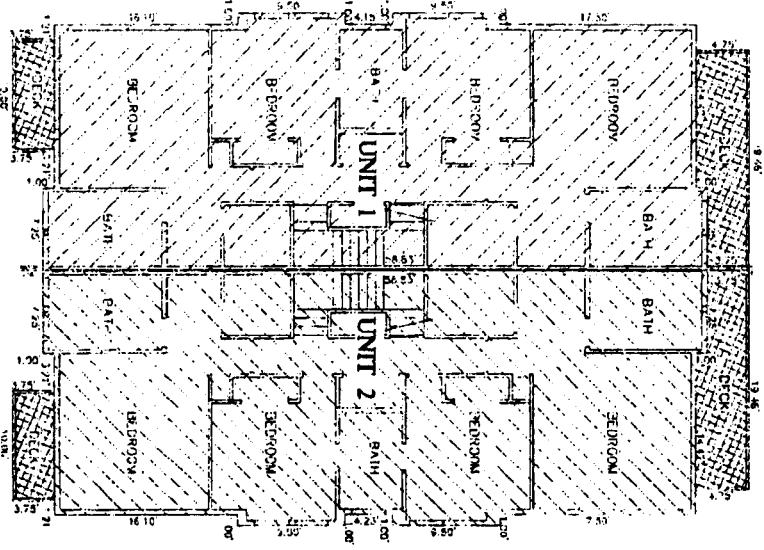
SNYDERVILLE BASIN W.R.D.
RECORDED FOR COMPLIANCE TO THE SNYDERVILLE BASIN WATER CONTROL DISTRICT REGULATIONS.

Evergreen Engineering, Inc.
Professional Engineering Firm
1234 Main Street
P.O. Box 1234
Cedar Rapids, IA 52401
Phone: 563-331-1234
Fax: 563-331-5678
www.evergreeneng.com

LOT 2 - UNIT 1 & UNIT 2
LOWER LEVEL FLOOR PLAN



LOT 2 - UNIT 1 & UNIT 2
UPPER LEVEL FLOOR PLAN

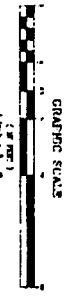


HATCHING LEGEND

- COMMON AREA
- UNIT COMMON AREA
- PRIVATE AREA

AREA TABULATIONS

UNIT	UNIT 1	UNIT 2
UNITED COMMON AREA	103 SF	133 SF
PRIVATE AREA	1250 SF	1225 SF
UNIT COMMON AREA	1227 SF	882 SF
TOTAL PRIVATE	2477 SF	2107 SF



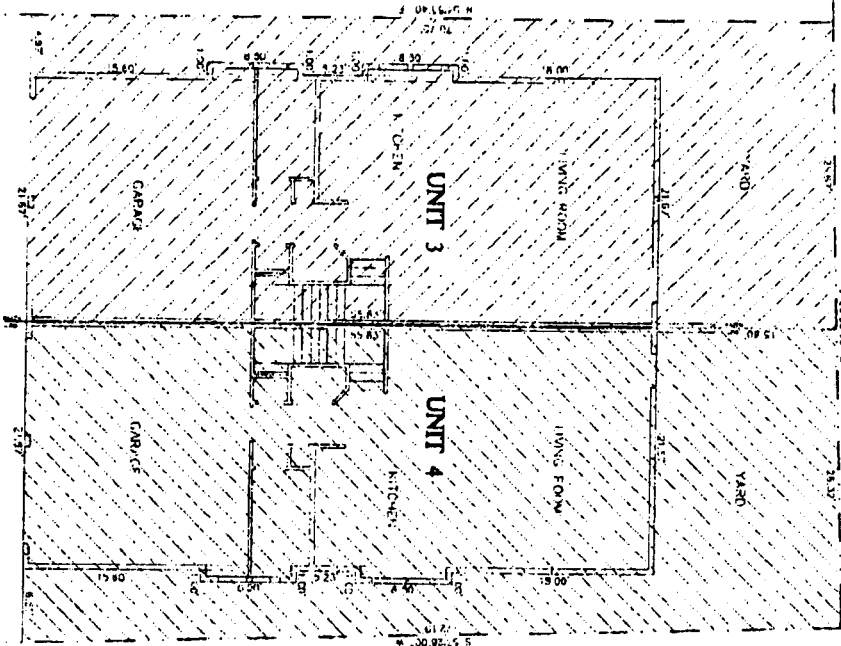
DATE: 11/15/2010
 STATE OF CALIFORNIA
 COUNTY OF SAN DIEGO
 RECORDED AT THE REQUEST OF: EVERGREEN ENGINEERING, INC.

1412/1416 PARK AVENUE CONDOMINIUMS
 UNITS 1 & 2
 BUILDING FLOOR PLANS

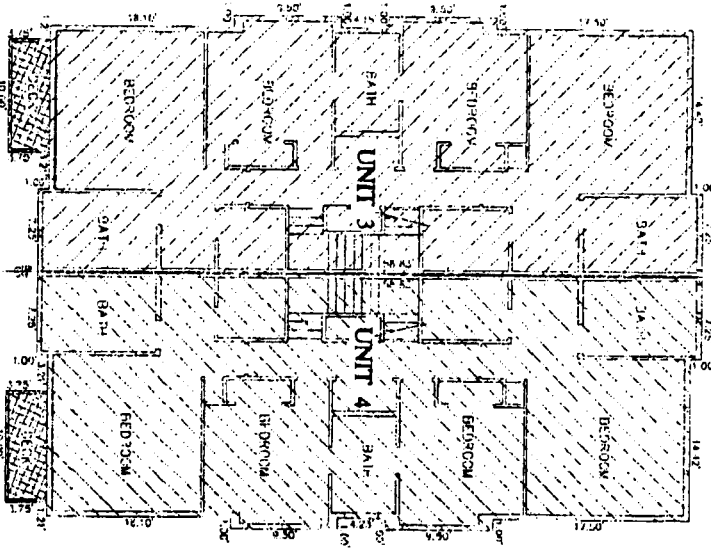
EVERGREEN ENGINEERING, INC.

1412/1416 PARK AVENUE CONDOMINIUMS
 UNITS 1 & 2
 BUILDING FLOOR PLANS

LOT 3 - UNIT 3 & UNIT 4
LOWER LEVEL FLOOR PLAN



LOT 3 - UNIT 3 & UNIT 4
UPPER LEVEL FLOOR PLAN



HATCHING LEGEND

- COMMON AREA
- UNIT COMMON AREA
- PRIVATE AREA

AREA TABULATIONS

UNIT #	UNIT COMMON AREA	PRIVATE AREA	TOTAL PRIVATE
UNIT 3	37 SF	1265 SF	1302 SF
UNIT 4	37 SF	1272 SF	1309 SF
TOTAL PRIVATE		2574 SF	2611 SF



RECORDED

1412/1416 PARK AVENUE CONDOMINIUMS
UNITS 3 & 4
BUILDING FLOOR PLANS

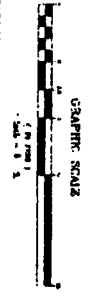
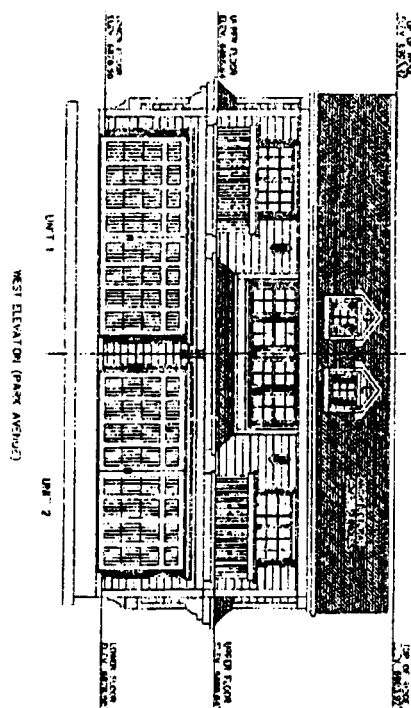
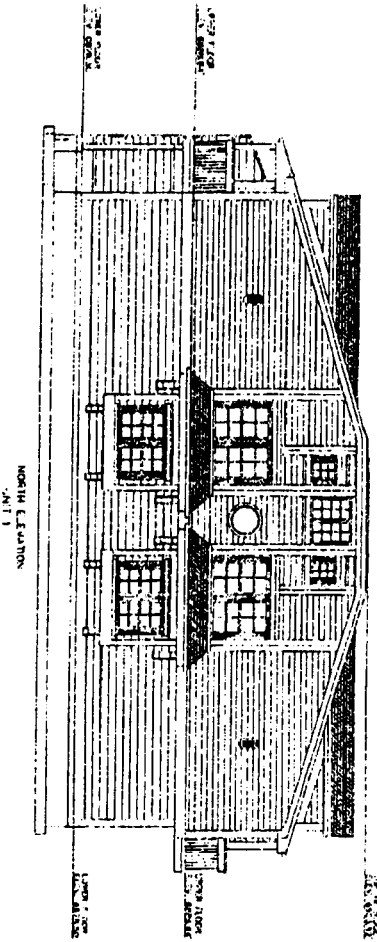
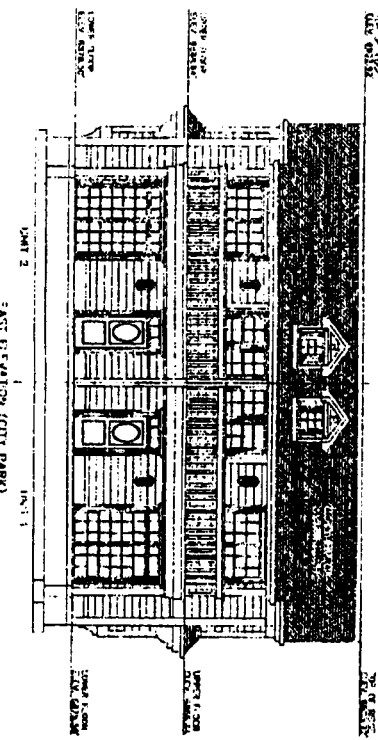
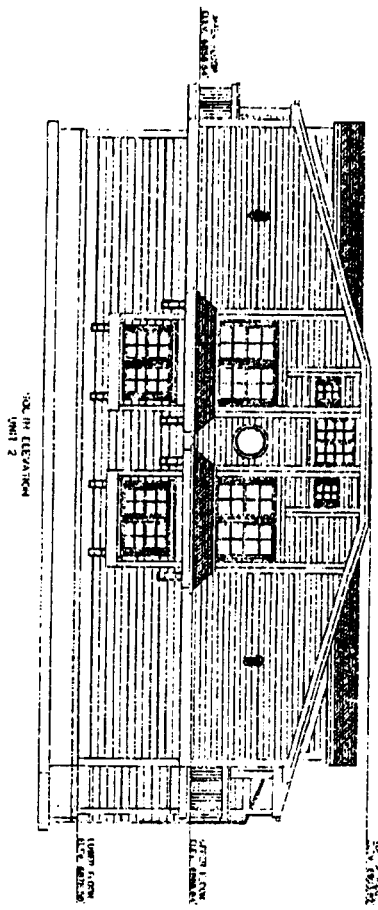
DATE: 08/12/2008
BY: [Signature]

NO.	DESCRIPTION	DATE

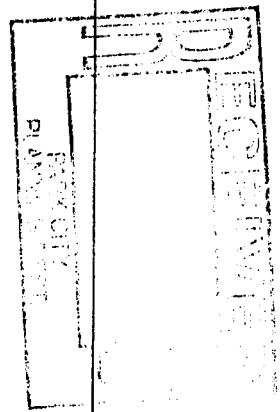
Evergreen Engineering, Inc.

1412/1416 PARK AVENUE CONDOMINIUMS UNITS 3 & 4 BUILDING FLOOR PLANS
DATE: 08/12/2008 BY: [Signature]

EVERGREEN ASSOCIATES INC. ARCHITECTS



RECORDED
INDEXED
BY
DATE



1412/1416 PARK AVENUE CONDOMINIUMS
UNITS 1 & 2
BUILDING ELEVATIONS

SEAN WILSON ARCHITECTS

NO.	DATE	REVISIONS

Evergreen Engineering, Inc.



1412/1416 Park Avenue Condominiums
Units 1 & 2
Building Elevations
1412/1416 Park Avenue, New York, NY 10017
Tel: (212) 486-1111 Fax: (212) 486-1112
www.evergreen-engineering.com

**AMENDMENTS TO THE LAND MANAGEMENT CODE
REGARDING DEFINITIONS AND ZONING DISTRICTS FOR
TIMESHARE, FRACTIONAL OWNERSHIP, AND PRIVATE RESIDENCE CLUB
OWNERSHIP UNITS AND PROJECTS**

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to clarify definitions regarding various forms of fractional ownership, including Timeshare and Private Residence Club ownership of condominium units and to enhance the resort nature of Park City; to facilitate economically viable developments; and to enable development of private residence club ownership properties in zoning districts where traditional timeshare ownership is not allowed; and

WHEREAS, it is in the best interest of the City to maintain Park City as a world class resort and amend the Land Management Code to encourage a variety of housing types and ownership including private homes, condominiums, timeshare properties, and private residence club properties in appropriate zoning districts; and

WHEREAS, the proposed amendments are consistent with the Park City General Plan and the goals and objectives of the City Council; are not harmful to the health, safety and welfare of the residents of Park City; and are consistent with the purpose statements of the zoning districts and overall purposes of the Land Management Code.

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

SECTION 1. AMENDMENT TO TITLE 15- Land Management Code, Chapter 15- Defined Terms. The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.13-2, RD, Residential Development, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.13-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.14-2, RDM, Residential Development Medium Density, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.14-2 of the Land Management Code of

Park City is hereby amended as redlined (see Exhibit C).

SECTION 4. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.16-2, RC, Recreation Commercial, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.16-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit D).

SECTION 5. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.18-2, GC, General Commercial, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.18-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit E).

SECTION 6. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.19-2, LI, Limited Industrial, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.19-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit F).

SECTION 7. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.17-2, RCO, Regional Commercial Overlay, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.17-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit G).


SECTION 8. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.6-2, HCB, Historic Commercial Business, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.6-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit H).

SECTION 9. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.5-2, HRC, Historic Recreation Commercial, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.5-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit I).

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 23rd day of September 2004.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder



Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney

EXHIBIT A

5-15-1.220. **Temporary Improvement.** A Structure built and maintained during construction of a Development, activity or special event and then removed prior to release of the performance Guarantee.

15-15-1.221. **Timeshare Conversion.** The conversion into a Timeshare Project of any Property and the existing Structure(s) attached thereto.

15-15-1.222. **Timeshare Estate.** ~~An ownership or leasehold estate in Property devoted to a timeshare fee, including without limitation, tenants in common, time span ownership, interval ownership, and cooperative timeshare ownership, created by a Timeshare Instrument and the documents by which it is granted. A Timeshare Estate shall be defined in accordance with Utah Code Section 57-19-2, as amended, excluding Private Residence Club ownership.~~

15-15-1.223. **Timeshare Instrument.** Any instrument whereby the Use, occupancy, or possession of real Property has been made subject to either a Timeshare Estate or Timeshare Use, and whereby such Use, occupancy, or possession circulates among three (3) or more purchasers of the Timeshare Intervals according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three (3) years in duration.

15-15-1.224. **Timeshare Interval.** A Timeshare Estate or a Timeshare Use.

15-15-1.225. **Timeshare Off-Premises Contacting Activity.** Activity occurring outside of a Timeshare Project that is engaged in by off-premises timeshare contacting personnel in an effort to induce Persons to attend a Timeshare Sales Presentation. Off-Premises Timeshare Contacting Activity must be confined to a fully enclosed Building.

15-15-1.226. **Timeshare Off-Premises Sales Activity.** Original timeshare sales and resale activity occurring outside of a Timeshare Project. Off-Premises Timeshare Sales shall be confined to a fully enclosed Building and is subject to business license regulation.

15-15-1.227. **Timeshare Off-Premises Sales Office.** An office outside of a Timeshare Project, wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales or resales.

15-15-1.228. **Timeshare On-Site Sales Activity.** Timeshare sales activity occurring within a Timeshare Project.

15-15-1.229. **Timeshare On-Site Sales Office.** An office located within a Timeshare Project wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales.

15-15-1.230. **Timeshare Project.** Any Property that is subject to a Timeshare Instrument, including a Timeshare Conversion.

15-15-1.231. **Timeshare Sales Presentation.**

- (A) An offer to sell or reserve a Timeshare Interval;
- (B) An offer to sell an option to purchase a Timeshare Interval;
- (C) The sale of a Timeshare Interval, or an option to purchase a Timeshare Interval; or
- (D) The reservation of a Timeshare Interval, whether the Timeshare Interval is located within or without the State of Utah.

15-15-1.232. **Timeshare Unit.** That unit of Property and time where possession and Use are allowed under a contract from seller to purchaser, ~~excluding Private Residence Club units.~~

15-15-1.233. **Timeshare Use.** Any contractual right of exclusive occupancy created by a Timeshare Instrument which does not fall within the definition of "Timeshare Estate", including, without limitation, a vacation license, ~~club membership,~~ general partnership interest, limited partnership interest, vacation bond, or beneficial interest in a trust, and the documents by which the right of exclusive occupancy is transferred, ~~excluding Private Residence Club use.~~

15-15-1.234. **Transferred Development Right (TDR) Open Space.** See Section 15-15-1.235. 15-1.151(C) Open Space, TDR.

15-15-1.164. **Porous Paving.** A substantial surfacing material designed and intended to support light vehicular movement. Porous Paving includes paving systems such as modular pavers which provide at least fifty percent (50%) surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not Porous Paving.

15-15-1.165. **Preliminary Plat.** The preliminary drawings of a proposed Subdivision, specifying the layout, Uses, and restrictions.

15-15-1.166. **Preservation Easement.** An easement that includes, as minimum stipulations, a conveyance of design approval for exterior changes, and a program whereby the Owner commits to restore and maintain a Structure following the Secretary of Interior's Standards for Rehabilitation, in a form approved by the City. A time frame for completion of the restoration program may be specified in the easement agreement.

15-15-1.167. **Private Club.** See 15-15-1.44. **Club, Private.**

15-15-1.168. **Private Residence Club.** Residential use real estate within a single Condominium project in which ownership or use of a Condominium Dwelling Unit or group of Condominium Dwelling Units is shared by not less than four (4) or more than twelve (12) owners or members per Condominium Dwelling Unit and whose use is established by a reservation system and is managed with 24 hour reservation and property management seven days a week providing reservation, registration, and management capabilities. Membership in a Private Residence Club may be evidenced by: (i) a deeded interest in real property; (ii) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation or other business entity; (iii) a non-equity membership in a non-profit corporation, non-incorporated association or other entity; (iv) beneficial interest in a trust; or (v) other arrangement providing for such use and occupancy rights.

15-15-1.169. **Private Residence Club Conversion.** The conversion of Condominium Units and associated Common areas within an existing Condominium project to the exclusive use as a Private Residence Club.

15-15-1.170. **Private Residence Club Project.** Any Condominium Property that is subject to a Private Residence Club deed, interest, trust, or other arrangement for providing for use and ownership as a Private Residence Club and contains at least 4 units.

15-15-1.168. **Property.** Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

15-15-1.169. **Property Line.** The boundary line of a Parcel or Lot.

(A) Property Line, Front. That part of a Parcel or Lot which abuts a Street.

EXHIBIT B

Chapter adopted by Ordinance No. 00-51

15-2.13-1. PURPOSE.

The purpose of the Residential Development RD District is to:

(A) allow a variety of residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,

(B) encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,

(C) allow commercial and recreational activities that are in harmony with residential neighborhoods,

- (D) minimize impacts of the automobile on architectural design,
- (E) promote pedestrian connections within Developments and between adjacent Areas;
and
- (F) provide opportunities for variation in architectural design and housing types.

15-2.13-2. USES.

Uses in the RD District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single-Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit 1
- (5) Accessory Apartment 2
- (6) Nightly Rental 3
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group 4
- (11) Accessory Building and Use
- (12) Conservation Activity

Agriculture

Parking Area or Structure with four (4) or fewer spaces

Recreation Facility, Private

Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays 5

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses

⁴ See LMC Chapter 15-4-9 for Child Care Regulations

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling 6
- (2) Multi-Unit Dwelling⁶
- (3) Guest House
- (4) Group Care Facility
- (5) Child Care Center
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna 7
- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter 8
- (10) Raising, grazing of horses
- (11) Cemetery
- (12) Bed and Breakfast Inn
- (13) Hotel, Minor⁶
- (14) Hotel, Major⁶
- (15) Private Residence Club Project and Conversion¹⁰**
- ~~(15)~~ Office, General^{6, 9}
- ~~(16)~~ Office, Moderate Intensive^{6,8}
- ~~(17)~~ Office, Medical^{6,8}
- (18) Financial Institution without drive-up window^{6,8}
- (19) Commercial Retail and Service, Minor^{6,8}
- (20) Commercial Retail and Service, personal improvement^{6,8}
- (21) Commercial, Resort Support^{6,8}
- (22) Café or Deli^{6,8}
- (23) Restaurant, Standard^{6,8}
- (24) Restaurant, Outdoor Dining 10

⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development

⁷ See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

⁸See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁹Allowed only as a secondary or support Use to the primary development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential developments.

¹⁰ Requires an Administrative Conditional Use permit.

- (25) Outdoor Event⁹
 - (26) Bar^{6,8}
 - (27) Hospital, Limited Care Facility^{6,8}
 - (28) Parking Area or Structure with five (5) or more spaces
 - (29) Temporary Improvement⁹

 - (30) Passenger Tramway Station and Ski Base Facility 11
 - (31) Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹
 - (32) Recreation Facility, Public
 - (33) Recreation Facility, Commercial⁶
 - (34) Entertainment Facility, Indoor^{6,8}
 - (35) Commercial Stables, Riding Academy 12
 - (36) Master Planned Development with moderate income housing density bonus¹²
 - (37) Master Planned Development with residential and transient lodging Uses only ¹²
 - (38) Master Planned Development with Support Retail and Minor Service Commercial Uses¹²
 - (39) Heliport¹²
 - (40) Vehicle Control Gate¹³
 - (41) Fences greater than six feet (6') in height from Final Grade
- Salt Lake City 2002 Winter
Olympic Games Olympic
Legacy Displays 14

¹¹As part of an approved Ski Area Master Plan

¹²Subject to provisions of LMC Chapter 15-6, Master Planned Development

¹³ See Section 15-4-19 for specific review criteria for gates

¹⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License

EXHIBIT C

15-2.14-1. PURPOSE.

The purpose of the Residential Development Medium Density (RDM) District is to:

- (A) allow continuation of medium Density residential and resort related

housing in the newer residential Areas of Park City;

(B) encourage the clustering of residential units to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services;

(C) allow limited generated businesses and recreational activities that are Compatible with residential neighborhoods;

(D) allow Development in accordance with the Sensitive Lands Ordinance;

(E) provide opportunities for variation in architectural design and housing types,

(F) promote pedestrian connections within Developments and between adjacent Areas; and

(G) minimize impacts of the automobile on architectural design.

(Amended by Ordinance No. 02-24)

15-2.14-2. USES.

Uses in the RDM District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit 1
- (6) Accessory Apartment 2
- (7) Nightly Rental 3
- (8) Home Occupation

- (9) Child Care, In-Home Babysitting
- (10) Child Care, Family

-
- (11) Child Care, Family Group 4
 - (12) Accessory Building and Use
 - (13) Conservation Activity
 - (14) Agriculture
 - (15) Parking Area or Structure with four (4) or fewer spaces
 - (16) Recreation Facility, Private
Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays 5

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling 6
- (2) Guest House
- (3) Group Care Facility
- (4) Child Care Center
- (5) Public and Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (7) Telecommunication Antenna 7
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter 8
- (9) Raising grazing of horses
- (10) Cemetery
- (11) Bed and Breakfast Inn
- (12) Boarding House, Hotel
- (13) Hotel, Minor⁶
- (14) Hotel, Major⁶
- (15) Private Residence Club Project and Conversion¹¹**
- (156) Office, General^{6, 9}

- (16) Office, Moderate Intensive^{6, 10}
- (17) Office and Clinic, Medical^{6,10}
- (18) Financial Institution, without drive-up window^{6,10}
- (19) Commercial Retail and Service, Minor^{6,10}
- (20) Commercial Retail and Service, personal improvement^{6,10}
- (21) Commercial, Resort Support^{6,10}
- (22) Cafe or Deli^{6,10}
- (23) Restaurant, Standard^{6,10}
- (24) Restaurant, Outdoor Dining 11
- (25) Outdoor Event
- (26) Bar^{6,10}
- (27) Hospital, Limited Care Facility^{6,9}
- (28) Parking Area or Structure with five (5) or fewer spaces
- (29) Temporary Improvement¹¹

-
- (30) Passenger Tramway Station and Ski Base Facility 12
 - (31) Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹²
 - (32) Recreation Facility, Public
 - (33) Recreation Facility, Commercial⁶
 - (34) Entertainment Facility, Indoor^{6,9}
 - (35) Commercial Stables, Riding Academy^{6,9}
 - (36) Master Planned Development with moderate income housing Density bonus⁶
 - (37) Master Planned Development with residential and transient lodging Uses only⁶
 - (38) Master Planned Development with Support Retail and Minor Service Commercial⁶
 - (39) Fences greater than six feet (6') in height from Final Grade
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(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-24; 02-38)

EXHIBIT D

Chapter adopted by Ordinance No. 00-51

15-2.16-1. PURPOSE.

The purpose of the Recreation Commercial RC District is to:

- (A) allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities,
- (B) allow for resort-related transient housing with appropriate supporting commercial and service activities,
- (C) encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services,
- (D) limit new Development on visible hillsides and sensitive view Areas,
- (E) provide opportunities for variation in architectural design and housing types,
- (F) promote pedestrian connections within Developments and to adjacent Areas,
- (G) minimize architectural impacts of the automobile,

(H) promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs,

(I) promote Park City=s mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and

(J) promote the preservation and rehabilitation of Historic Buildings.

15-2.16-2. USES.

Uses in the RC District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit 1

- (6) Accessory Apartment 2
- (7) Nightly Rental 3
- (8) Home Occupation
- (9) Child Care, In-Home

Babysitting

- (10) Child Care, Family
- (11) Child Care, Family Group 4
- (12) Child Care Center
- (13) Accessory Building and Use
- (14) Conservation Activity
- (15) Agriculture
- (16) Bed & Breakfast Inn
- (17) Boarding House, Hostel
- (18) Hotel, Minor
- (19) Parking Area or Structure with four (4) or fewer spaces

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(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling
- (2) Group Care Facility
- (3) Public and Quasi-Public Institution, Church, and School

-
- (4) Essential Municipal Public Utility Use, Facility, Service, and Structure
 - (5) Telecommunications Antenna 6
 - (6) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter 7
 - (7) Raising, grazing of horses
 - (8) Cemetery
 - (9) Hotel, Major
 - (10) Timeshare Project and Conversion
 - (11) Timeshare Sales Office
 - (12) Private Residence Club Project and Conversion⁹**
 - (123) Office, General 8
 - (134) Office, Moderate⁸
 - (145) Office and Clinic, Medical⁸
 - (156) Financial Institution without drive-up window⁸
 - (167) Minor Retail and Service Commercial⁸
 - (17) Retail and Service Commercial, personal improvement⁸
 - (18) Transportation Service⁸

- (19) Neighborhood Market, without gasoline sales⁸
- (20) Café or Deli⁸
- (21) Restaurant, General⁸
- (22) Restaurant, Outdoor Dining^{8, 9}
- (23) Bar⁸
- (24) Hospital, Limited Care Facility⁸
- (25) Parking Area or Structure with five (5) or more spaces
- (26) Temporary Improvement 10
- (27) Passenger Tramway Station and Ski Base Facility 11
- (28) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge¹¹
- (29) Outdoor Event¹⁰
- (30) Recreation Facility, Public and Private 12
- (31) Recreation Facility, Commercial¹²
- (32) Entertainment Facility, Indoor¹²
- (33) Commercial Stables, Riding Academy¹²
- (34) Master Planned Developments
- (35) Heliport¹²

Fences greater than six feet (6') in height from Final Grade

Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays 13

(C) **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38)

EXHIBIT E

Chapter adopted by Ordinance No. 00-51

15-2.18-1. PURPOSE.

The purpose of the General Commercial (GC) District is to:

- (A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- (B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- (C) protect views along the City=s entry corridors,
- (D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,
- (E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,
- (F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
- (G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and public art.

15-2.18-2. USES.

Uses in the GC District are limited to the following:

(A) **ALLOWED USES.**

- (1) Secondary Living Quarters
Lockout Unit 1
Accessory Apartment 2
- (4) Nightly Rental
- (5) Home Occupation

-
- (6) Child Care, In-Home Babysitting
 - (7) Child Care, Family
 - (8) Child Care, Family Group 3
 - (9) Child Care Center
 - (10) Accessory Building and Use
 - (11) Conservation Activity
 - (12) Agriculture
 - (13) Plant and Nursery Stock production and sales
 - (14) Bed & Breakfast Inn
 - (15) Boarding House, Hostel
 - (16) Hotel, Minor
 - (17) Hotel, Major
 - (18) Office, General
 - (19) Office, Moderate Intensive
 - (20) Office, Intensive
 - (21) Office and Clinic, Medical
 - (22) Financial Institution without a drive-up window
 - (23) Commercial, Resort Support
 - (24) Retail and Service Commercial, Minor
 - Retail and Service Commercial, Personal Improvement
 - (26) Retail and Service Commercial, Major
 - (27) Cafe or Deli
 - (28) Restaurant, General
 - (29) Hospital, Limited Care Facility
 - (30) Parking Area or Structure with four (4) or fewer spaces
 - (31) Parking Area or Structure with five (5) or more spaces
 - (32) Recreation Facility, Private

(B) **CONDITIONAL USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Multi-Unit Dwelling
- (5) Group Care Facility
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna 4
- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter 5
- (10) Timeshare Project and Conversion
- (11) Timeshare Sales Office, off-site within an enclosed Building
- (12) Private Residence Club Project and Conversion⁸**
- (123)** Financial Institution with a Drive-up Window 6
- (13) Retail and Service Commercial with Outdoor Storage
- (14) Retail and Service Commercial, Auto Related
- (15) Transportation Service

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38; 04-08)

EXHIBIT F

Chapter adopted by Ordinance No. 00-51

15-2.19-1. PURPOSE.

The purpose of the Light Industrial (LI) District is to:

(A) allow light industrial and manufacturing Uses that will not create traffic hazard, noise, dust, fumes, odors, smoke, vapor, vibration, glare, or industrial waste disposal problems,

(B) allow Conditional Uses to mitigate potential impacts,

-
- (16) Retail Drive-Up Window⁷
 - (17) Gasoline Service Station
 - (18) Restaurant and Cafe, Outdoor Dining⁸
 - (19) Restaurant, Drive-up Window⁷
 - (20) Outdoor Event⁸
 - (21) Bar
 - (22) Sexually Oriented Businesses⁹
 - (23) Hospital, General
 - (24) Light Industrial Manufacturing and Assembly
 - (25) Temporary Improvement⁸
 - (26) Passenger Tramway and Ski Base Facility
Ski tow rope, ski lift, ski run, and ski bridge
Commercial Parking Lot or Structure
 - (29) Recreation Facility, Public
 - (30) Recreation Facility, Commercial
Indoor Entertainment Facility
 - (32) Master Planned Development with moderate housing density bonus¹⁰
 - (33) Master Planned Developments¹⁰
 - (34) Heliport
 - (35) Temporary Sales Trailer in conjunction with an active Building permit for the Site.⁸
 - (36) Fences greater than six feet (6') in Height from Final Grade

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(C) accommodate complementary and supporting Uses such as parking, child care, retail, offices, group care, and recreation facilities, and

(D) allow new light industrial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural design and details, color range, massing, lighting, landscaping, and the relationship to Streets and pedestrian ways.

15-2.19-2. USES.

Uses in the LI District are limited to the following:

(A) **ALLOWED USES.**

- (1) Secondary Living Quarters
- (2) Accessory Apartment 1
- (3) Nightly Rental
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting
- (6) Child Care, Family
- (7) Child Care, Family Group 2
Child Care Center
- Agriculture
Plant and Nursery Stock
- Office, General
- (12) Office, Moderate Intensive
- (13) Office, Intensive
- (14) Financial Institution without drive-up window
- (15) Retail and Service Commercial, Minor

- (16) Retail and Service Commercial, Personal Improvement
- (17) Retail and Service Commercial, Major
- (18) Commercial, Resort Support
- (19) Hospital, Limited Care
- (20) Parking Area or Structure with four (4) or fewer spaces
- (21) Recreation Facility, Private

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling

¹See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

²See LMC Chapter 15-4-9 for Child Care Regulations

- (2) Group Care Facility
- (3) Child Care Center
- (4) Public and Quasi-Public Institution, Church, and School
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (6) Telecommunication Antenna 3
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter 4
- (8) Accessory Building and Use
- (9) Raising, grazing of horses
- (10) Bed and Breakfast Inn
- (11) Boarding House, Hostel
- (12) Hotel, Minor
- (13) Private Residence Club Project and Conversion⁶**
- (134) Office and Clinic, Medical
- (145) Financial Institutions with Drive-Up Window 5
- (156) Retail and Service Commercial with Outdoor Storage
- (16) Retail and Service Commercial, Auto-Related
- (17) Transportation Services
- (18) Retail Drive-Up Window⁵
- (19) Gasoline Service Station
- (20) Café or Deli
- (21) Restaurant, General
- (22) Restaurant, Outdoor Dining
- (23) Restaurant, Drive-Up Window
- (24) Outdoor Event 6
- (25) Bar
- (26) Hospital, General
- (27) Light Industrial Manufacturing and Assembly Facility
- (28) Parking Area or Structure with five (5) or more spaces
- (29) Temporary Improvement⁶
- (30) Passenger Tramway Station and Ski Base Facility
- (31) Ski tow rope, ski lift, ski run, and ski bridge
- (32) Recreation Facility, Public
- (33) Recreation Facility, Commercial
- (34) Entertainment Facility, Indoor
- (35) Commercial Stables, Riding Academy

³ See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁴ See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁵ See Section 2.19-8 for Drive-Up Window review criteria

⁶ Subject to Administrative Conditional Use permit.

- (36) Master Planned Developments 7
- (37) Heliports
- (38) Commercial Parking Lot or Structure
- (39) Temporary Sales Office, in conjunction with an active Building permit.
- (40) Fences greater than six feet (6') in height from Final Grade.

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

EXHIBIT G

Chapter adopted by Ordinance No. 00-51

15-2.17-1. PURPOSE.

To allow for regional Commercial Uses on Properties not otherwise zoned for Commercial Uses. This overlay zone affords the Owner the option to apply for commercial Development and Use on lands affected by the overlay zone. In the event the Application for Commercial Use is denied, the underlying zoning governs permissible Development of the Property.

15-2.17-2. USES.

Uses in the RCO District are limited to the following:

(A) ALLOWED USES.

- (1) Secondary Living Quarters
- (2) Lockout Unit 1
- (3) Accessory Apartment 2
- (4) Nightly Rental
- (5) Home Occupation
- (6) Child Care, In-Home Babysitting
- (7) Child Care, Family
- (8) Child Care, Family Group 3
- (9) Accessory Building and Use

⁷Subject to provisions of LMC Chapter 15-6, Master Planned Development.

¹Nightly Rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³See LMC Chapter 15-4-9 for Child Care Regulations

- (10) Conservation Activity
 - (11) Agriculture
 - (12) Parking Area or Structure with four (4) or fewer spaces
 - (13) Recreation Facility, Private
 - (14) Allowed Uses in the Underlying Zoning District
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⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License.

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling⁵
- (2) Group Care Facility⁵
- (3) Child Care Center⁵
- (4) Public and Quasi-Public Institution, Church and School⁵
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure⁵
- (6) Telecommunication Antenna⁶
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
- (8) Plant and Nursery stock products and sales⁵
- (9) Bed and Breakfast Inn⁵
- (10) Boarding House, Hostel⁵
- (11) Hotel, Minor⁵
- (12) Hotel, Major⁵
- (13) Private Residence Club Project and Conversion⁹**
- ~~(134)~~ Timeshare Sales Office, off-site⁵
- ~~(145)~~ Office, General⁵
- ~~(156)~~ Office, Moderate Intensive⁵
- (16) Office, Intensive⁵
- (17) Office and Clinic, Medical⁵
- (18) Financial Institution, with and without drive-up window^{5, 8}
- (19) Retail and Service Commercial, Minor⁵
- (20) Retail and Service Commercial, personal improvement⁵
- (21) Retail and Service Commercial, Major⁵
- (22) Transportation Service⁵
- (23) Retail Drive-Up Window⁸
- (24) Neighborhood Convenience Commercial⁵
- (25) Commercial, Resort Support⁵
- (26) Gasoline Service Station⁵
- (27) Cafe, Deli⁵

⁵Subject to provisions of Chapter 15-6, Master Planned Developments

⁶ See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁸See Section 15-2.18-5 criteria for drive-up windows

- (28) Restaurant, General⁵
- (29) Restaurant, Outdoor Dining ⁹
- (30) Outdoor Event⁹
- (31) Restaurant, Drive-up window⁸
- (32) Bar⁵
- (33) Hospital, Limited Care Facility⁵
- (34) Hospital, General⁵
- (35) Parking Area or Garage with five (5) or more spaces⁸
- (36) Temporary Improvement⁹
- (37) Passenger Tramway Station and Ski Base Facility⁵
- (38) Ski tow rope, ski lift, ski run, and ski bridge⁵
- (39) Recreation Facility, Public⁵
- (40) Recreation Facility, Commercial⁵

- (41) Entertainment, Indoor⁵
- (42) Master Planned Developments⁵
- (43) Heliport⁵

⁹ Requires an Administrative Conditional Use permit

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38)

EXHIBIT H

15-2.6-1. PURPOSE.

The purpose of the Historic Commercial Business (HCB) District is to:

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,
- (G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,
- (H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
- (I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.

15-2.6-2. USES.

¹⁰Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Multi-Unit Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit 1

¹Nightly Rental of Lock Units requires a Conditional Use permit

- (5) Accessory Apartment 2
- (6) Nightly Rental 3
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group 4
- (11) Child Care Center
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn 5
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General
- (19) Office, Moderate Intensive
- (20) Office and Clinic, Medical
- (21) Financial Institution, without drive-up window
- (22) Commercial Retail and Service, Minor
- (23) Commercial Retail and Service, personal improvement
- (24) Commercial Neighborhood Convenience, without gasoline sales
- (25) Restaurant, Cafe or Deli
- (26) Restaurant, General
- (27) Bar
- (28) Parking Lot, Public or Private with four (4) or fewer spaces
- (29) Entertainment Facility, Indoor
- (30) Salt Lake City 2002 Winter Olympic Games Legacy Displays 6

(B) **CONDITIONAL USES.**

- (1) Group Care Facility

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

³Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

⁴ See LMC Chapter 15-4-9 for Child Care Regulations

⁵ Requires an Administrative Conditional Use permit

⁶Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License.

- (2) Public and Quasi-Public Institution, Church, School
- (3) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (4) Telecommunication Antenna ⁷
- (5) Satellite Dish, greater than thirty-nine inches (39") in diameter ⁸
- (6) Plant and Nursery stock products and sales
- (7) Hotel, Major

- (8) Timeshare Projects and Conversions
- (9) Timeshare Sales Office, Off-Site within an enclosed Building
- (10) Private Residence Club Project and Conversion⁵**
- (1011) Commercial Retail and Service, Major
- (1112) Office, Intensive
- (12) Restaurant, Outdoor Dining⁵
- (13) Outdoor Events
- (14) Hospital, Limited Care Facility
- (15) Parking Area or Structure for five (5) or more cars
- (16) Temporary Improvement
- (17) Passenger Tramway Station and Ski Base Facility
- (18) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (19) Recreation Facility, Public or Private
- (20) Recreation Facility, Commercial
- (21) Fences greater than six feet (6') in height from Final Grade

⁷ See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁸ See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

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(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38)

EXHIBIT I

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

The purpose of the Historic Recreation Commercial (HRC) District is to:

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize the visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate density bed base at the Town Lift,
- (G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,
- (H) encourage preservation and rehabilitation of Historic Buildings and resources.

15-2.5-2. USES.

Uses in the HRC are limited to the following:

(A) **ALLOWED USES.**

⁹Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit 1
- (5) Accessory Apartment 2
- (6) Nightly Rental
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group 3
- (11) Child Care Center

Accessory Building and Use

Conservation Activity

- (14) Agriculture
- (15) Bed and Breakfast Inn 4
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General
- (19) Parking Area or Structure, with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Guest House, on Lots one acre
- (4) Group Care Facility
- (5) Public and Quasi-Public Institution, Church, School
- (6) Essential Municipal Public Utility Use, Facility, Service and Structure
- (7) Telecommunication Antenna 5
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter 6

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

³See LMC Chapter 15-4-9 for Child Care Regulations

⁴Requires an Administrative Conditional Use permit

⁵See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

⁶See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

- (9) Plant and Nursery stock products and sales
- (10) Hotel, Major
- (11) Timeshare Projects and Conversions
- (12) Private Residence Club Project and Conversion⁴**
- (123) Office, Intensive
- (134) Office and Clinic, Medical
- (14) Financial Institution, without drive-up window ⁷
- (15) Commercial Retail and Service, Minor⁷
- (16) Commercial Retail and Service, personal improvement⁷
- (17) Neighborhood Convenience Commercial, without gasoline sales
- (18) Café or Deli⁷
- (19) Restaurant, General⁷
- (20) Restaurant and café, Outdoor Dining⁴
- (21) Outdoor Events⁴
- (22) Bar
- (23) Parking Area or Structure, with five (5) or more spaces
- (24) Temporary Improvement
- (25) Passenger Tramway Station and Ski Base Facility
- (26) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (27) Recreation Facility, Commercial, Public, and Private
- (28) Entertainment Facility, Indoor
- (29) Fences greater than six feet (6') in height from Final Grade

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

⁷If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

Ordinance No. 04-38

AN ORDINANCE TO COMBINE ALL OF LOT 28 AND PORTIONS OF LOTS 29, 30 AND 31 OF BLOCK 32 OF THE PARK CITY SURVEY INTO ONE LOT OF RECORD, LOCATED AT 52 KING ROAD PARK CITY, UTAH

WHEREAS, the owner of the property known as 52 King Road, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on August 25, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove the lot lines between five lots of record creating one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes.
3. The amendment will combine all of Lot 28 and portions of Lots 29, 30 and 31 of Block 32 of the Park City Survey into one lot of record.
4. On August 17, 1998, the Historic District Commission found that the existing single-family home on the property is not historically significant.
5. Access to the property is available from either Upper Norfolk Avenue or King Road.
6. The proposed lot size is 5,760 square feet.
7. There is an existing non-historically significant home on the property.
8. No remnant lots will be created as a result of this application.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.

2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan

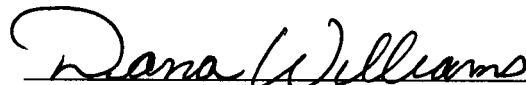
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. Prior to the receipt of a building permit, the applicant shall submit a Steep Slope CUP application for review by the Planning Commission.
4. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 9th day of September 2004.

PARK CITY MUNICIPAL CORPORATION

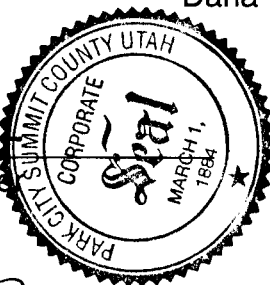


Dana Williams, Mayor


Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

AN ORDINANCE APPROVING THE ARROWOOD CONDOMINIUM AT DEER VALLEY AMENDED UNIT 2

WHEREAS, the owner of the property known as 2409 Gilt Edge Circle – Unit 2 Arrowood Condominiums, has petitioned the City Council for an amended record of survey; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on August 11, 2004 the Planning Commission held a public hearing to receive public input on the proposed record of survey and on August 25, 2004 the Planning Commission held a public hearing and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed record of survey amendment will allow the conversion of limited common area into private area; and

WHEREAS, it is in the best interest of Park City Utah to approve the amended record of survey.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The Planning Commission reviewed this application at their August 25, 2004 meeting. A public hearing was held, and a vote was forwarded to the Council to approve the application.
2. This application was presented to the Planning Commission at the August 11, 2004 regular meeting. A public hearing was held. Public input was voiced both in support for and against the project.
3. At the August 11, 2004 Planning Commission Meeting, staff requested direction as to whether good cause existed to move forward with the amendment. Direction from the Planning Commission was to return at this meeting with a recommendation to forward a positive recommendation to City Council to adopt the amended record of survey.
4. The condominium project known as Arrowood Condominiums is located at 2409 Gilt Edge Circle. It is zoned Residential Development (RD).
5. Arrowood Condominiums is a 3-unit project. The owner of Unit 2 proposes to amend the existing condominium Record of Survey to allow an expansion of the unit.
6. The applicant intends to convert approximately 375 square feet of Limited Common Area located on the main floor level into Private area.
7. The consent of 66.66% or more of the Unit Owners is required and has been obtained.
8. If the record of survey is amended as requested the condominium record of survey will still consist of approximately 89% open space.
9. If the record of survey is amended as requested, the new overall size of the unit will increase approximately 375 square feet and will be a total of 4115 square feet. The unit is currently required to provide 3 parking spaces. The increased square footage does not increase the parking requirement. At this time, the unit provides 4 on-site

parking spaces.

10. The proposed addition of approximately 375 square feet is located underneath an existing deck and its visibility is limited from the public right of way (exhibit A – existing conditions). Staff finds that this proposed expansion is immaterial in terms of the overall size and massing of the building as well as its limited visibility.
11. Three bedrooms currently exist in 2409 Gilt Edge Circle – Unit 2 Arrowood Condominiums

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

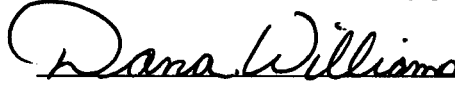
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat amendment will be void.
3. The total number of bedrooms in 2409 Gilt Edge Circle – Unit 2 Arrowood Condominiums will be limited to four (4).


SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 26th day of August, 2004.

PARK CITY MUNICIPAL CORPORATION

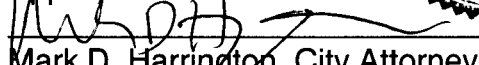

Dana Williams, Mayor

Attest:

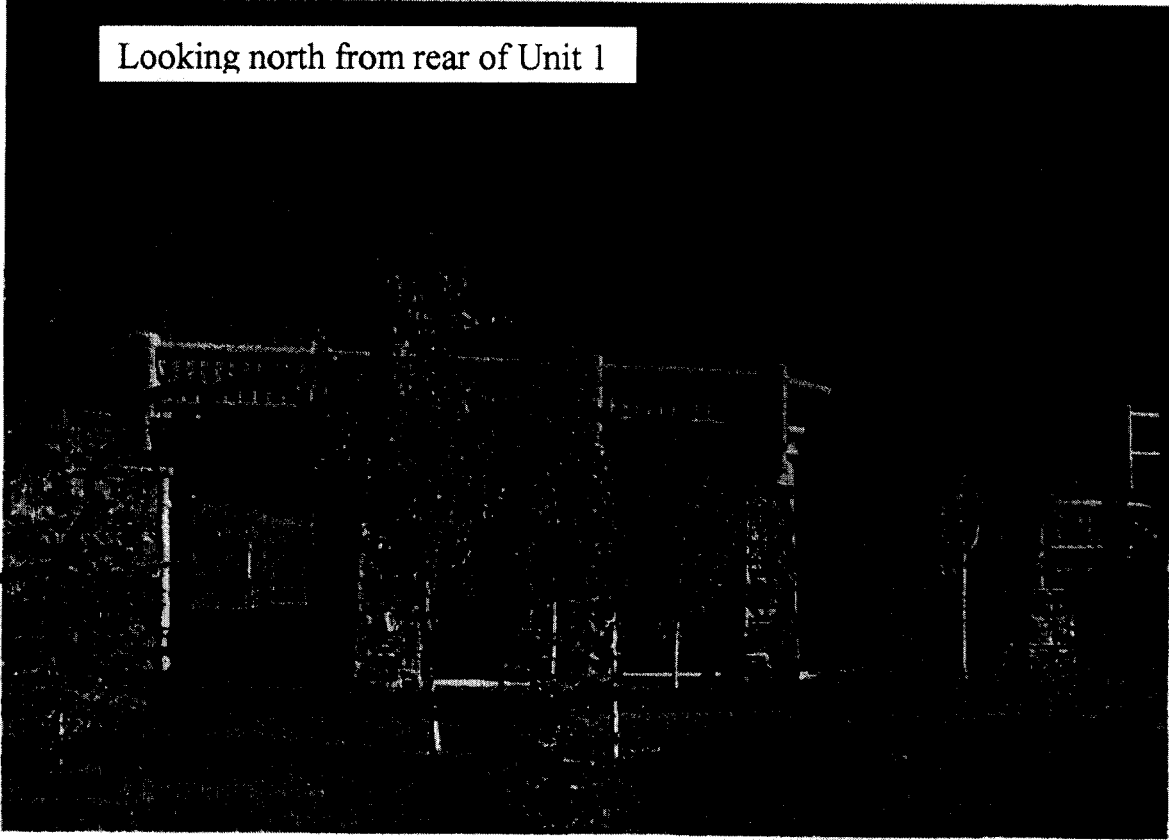

Janet M. Scott, City Recorder



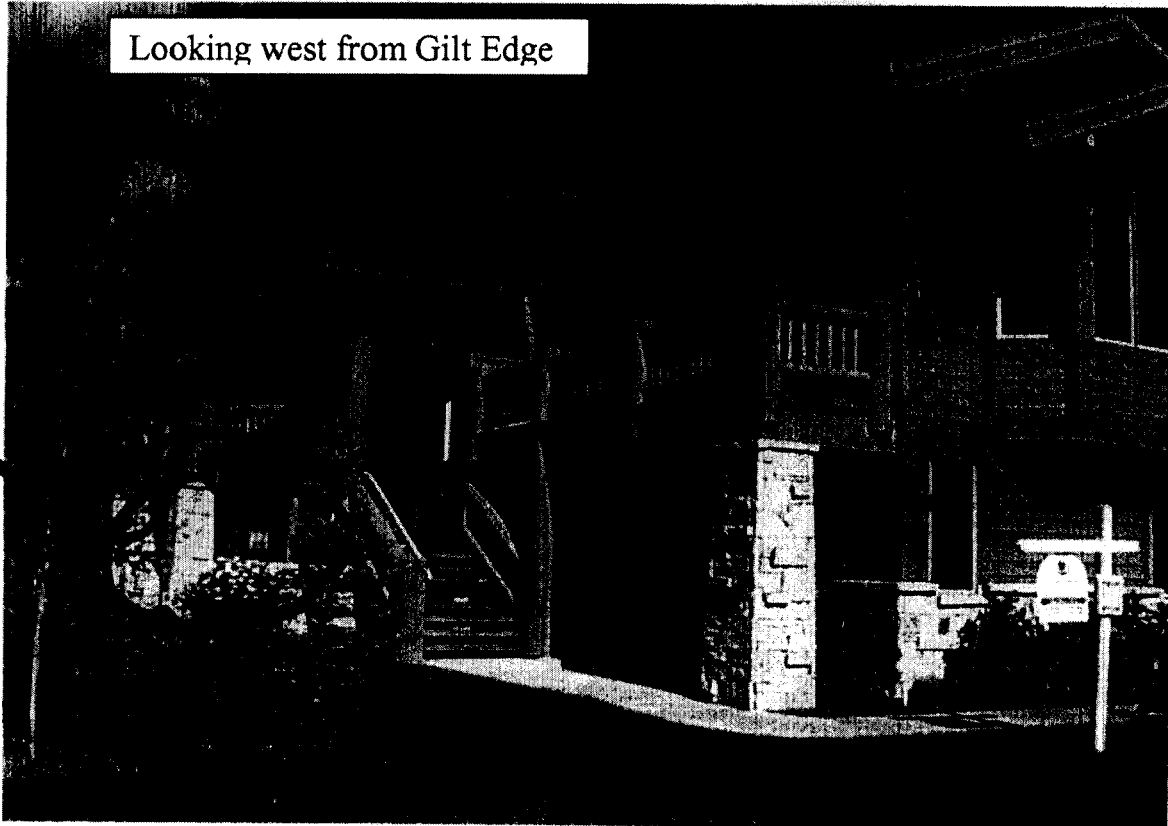
Approved as to form:


Mark D. Harrington, City Attorney

Looking north from rear of Unit 1



Looking west from Gilt Edge



AREA TO BE
ENCLOSED

Exhibit A

AREA IN QUESTION

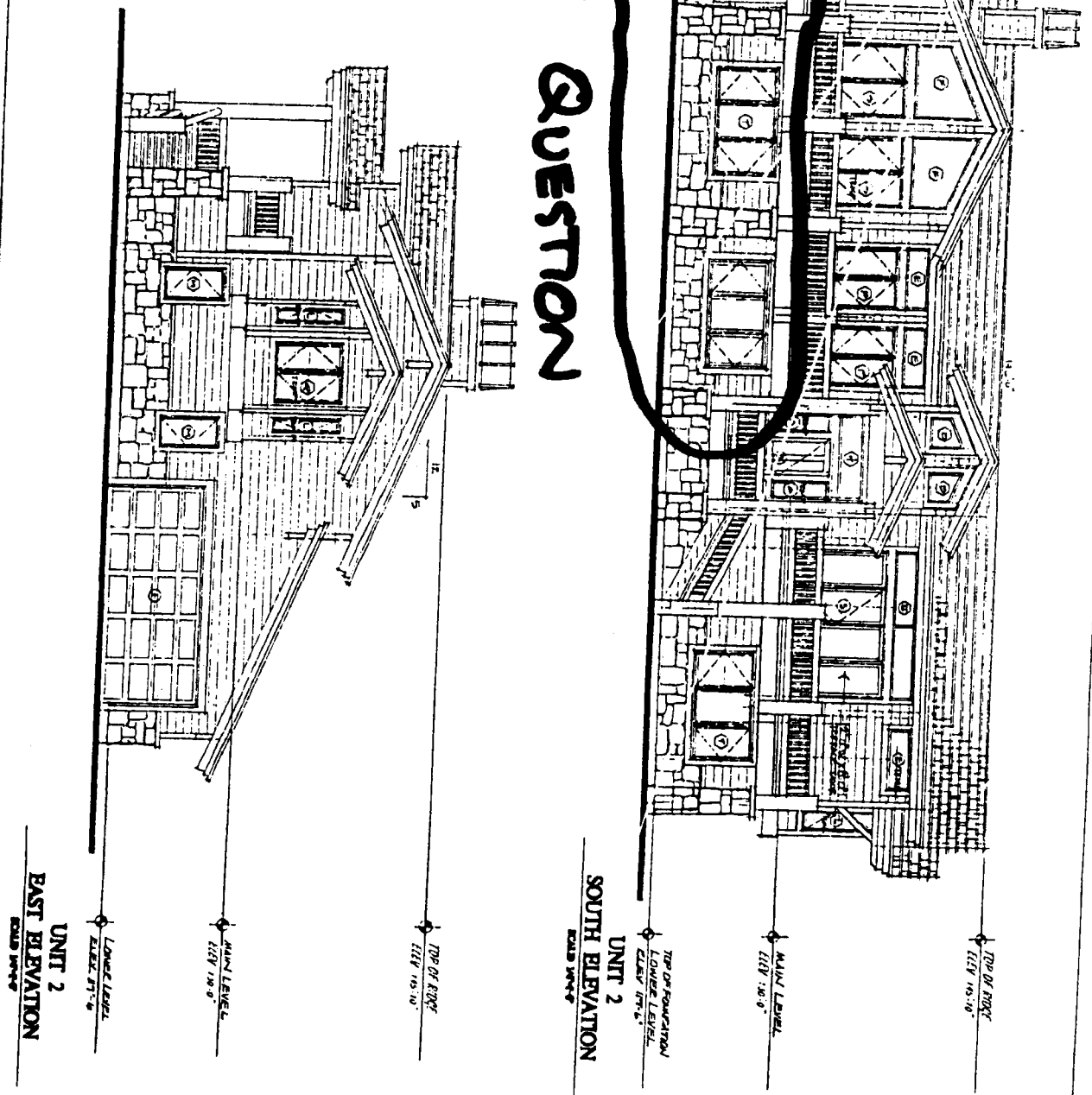
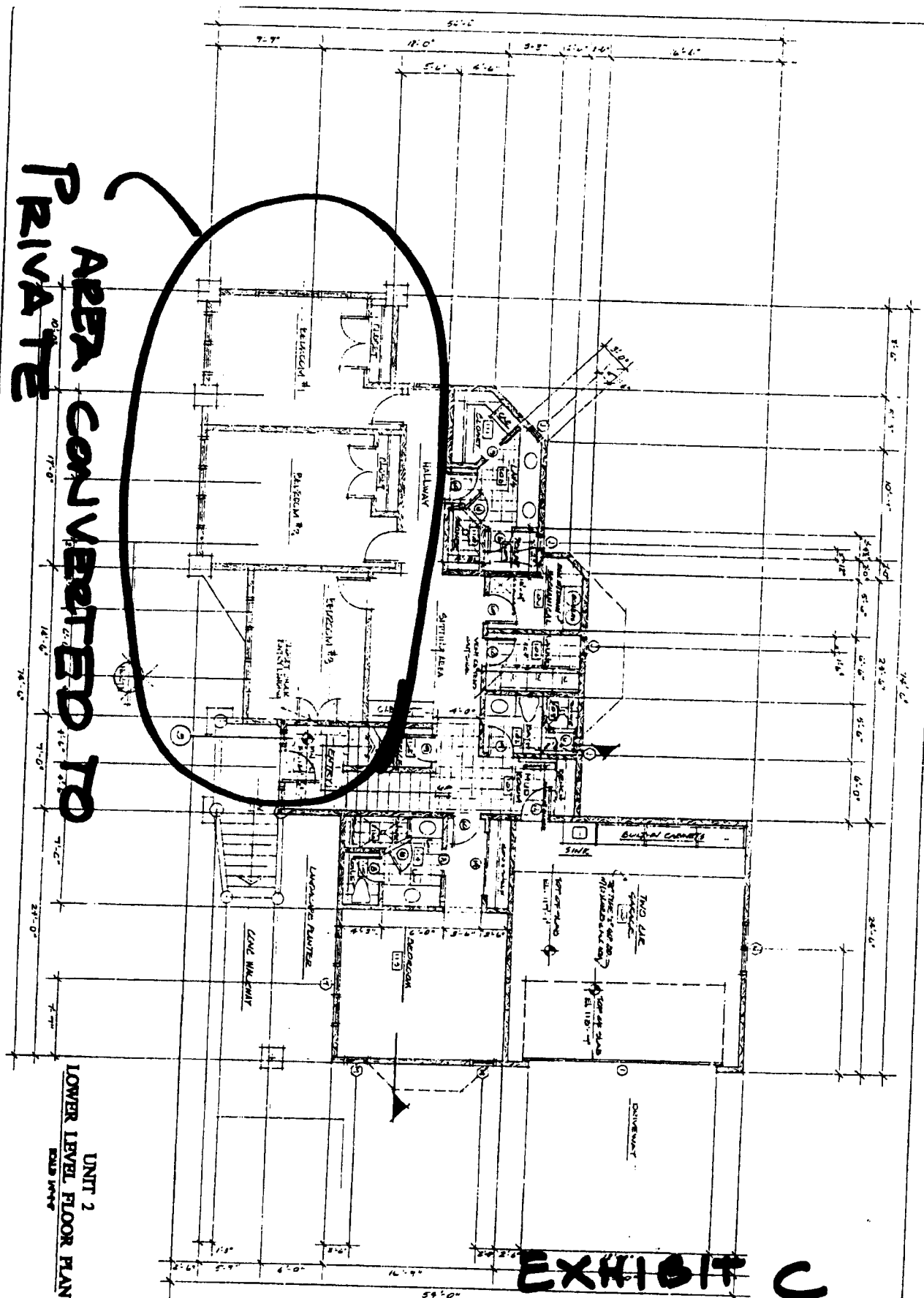
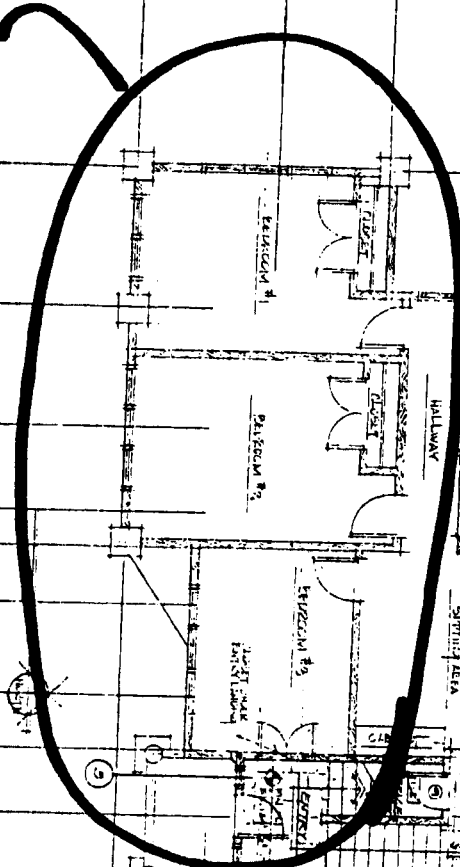


EXHIBIT C

<p>DATE: 11/17/11</p>	<p>ARROWOOD CONDOMINIUMS AT DEER VALLEY - AMENDED, UNIT 2 SOUTH & EAST ELEVATIONS</p> <p>MR. TODD HERRING</p>	<p>SCALE: AS SHOWN</p>		<table border="1"> <tr> <td>NO.</td> <td>DATE</td> <td>DESCRIPTION</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION										<p>Evergreen Engineering, Inc.</p> <p>224 Broadway, Suite 200, Boulder, CO 80501 Phone: 303.440.1111 Fax: 303.440.1112 www.evergreeneng.com</p>
NO.	DATE	DESCRIPTION															

AREA CONVERTED TO PRIVATE



**UNIT 2
LOWER LEVEL FLOOR PLAN**

EXHIBIT C

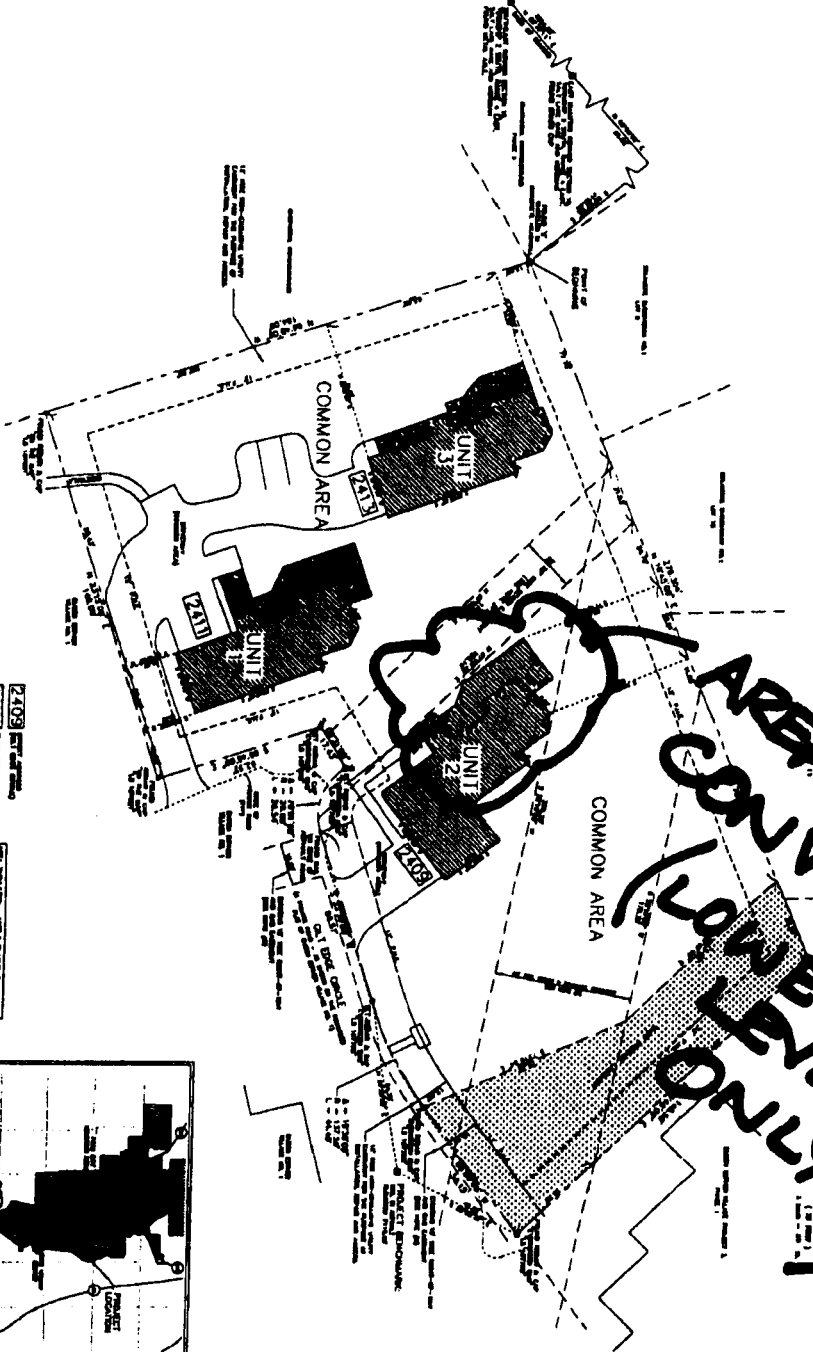
<p>ARROWOOD CONDOMINIUMS AT DEER VALLEY - AMENDED, UNIT 2 LOWER LEVEL FL PLAN</p>		<p>DATE: 10/1/00</p>	<p>SCALE: AS SHOWN</p>	
		<p>PROJECT NO: 00-000</p>	<p>REVISED: 10/1/00</p>	

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RECORD OF SURVEY MAP
 ARROWOOD CONDOMINIUMS AT DEER VALLEY
 AMENDED - UNIT 2

A PARCEL OF LAND LOCATED WITHIN THE NORTHEAST QUARTER
 OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SOUTHLAKE
 BASIN AND MERRIMAN PARK CITY, SNAWBY COUNTY, WYOMING



APPROVED AS TO FORM ON THIS DAY OF _____ A.D. 200__

CITY PLANNING COMMISSION
 APPROVED AND ACCEPTED BY THE PLANNING CITY COMMISSION ON THIS DAY OF _____ A.D. 200__

CITY ENGINEER
 THE PLAN IS IN CONFORMANCE WITH THE CITY ENGINEERING DEPARTMENT ON THIS DAY OF _____ A.D. 200__

CITY COUNCIL APPROVAL
 RECORDED TO THE BOOK OF _____ CITY COUNCIL THIS _____ DAY OF _____ THIS RECORD OF SURVEY MAP APPROVED BY THE CITY COUNCIL ON THIS DAY OF _____

APPROVAL AS TO FORM
 APPROVED AS TO FORM ON THIS DAY OF _____

RECORDED
 RECORDED TO THE BOOK OF _____ COUNTY RECORDS ON THIS DAY OF _____

SNYDERVILLE BASIN W.R.D.
 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER REGULATIONS ON THIS DAY OF _____ BY _____

Evergreen Engineering, Inc.
 1017 Lexington, Suite 100, Denver, CO 80202
 Tel: 303.733.1111 Fax: 303.733.1112
 www.evergreeneng.com



EX. D

Ordinance No. 04-36

AN ORDINANCE APPROVING THE 160 PARK AVENUE SUBDIVISION WHICH WILL COMBINE LOTS FIFTEEN AND SIXTEEN OF BLOCK 13 OF THE PARK CITY SURVEY.

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on August 11, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The Planning Commission reviewed this at their August 11, 2004 meeting. A public hearing was held, and a unanimous vote was forwarded to the Council to approve the application
2. The property is located in the Historic Residential Sub-Zone B (HR-2B) zone.
3. The HR-2B zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
4. The amendment will combine the westerly 50 feet of lots 15 and 16 of Block 13 of the Park City Survey to create one lot of record.
5. The proposed lot would consist of approximately 2,500 square feet. The max footprint is 1,085 square feet.
6. The applicant submitted a historic district design guideline review application for a single-family home on the newly created lot on July 8, 2004.
7. Access to the property will come from Park Avenue.
8. The minimum lot size for a single-family home in the HR-2B zone is 1,875 square feet.
9. The easterly 25' feet of lots 15 and 16 Block 13 of the Park City Survey are separately owned and were approved by the City Council as a lot combination into the 151 Main Plat on June 7, 2002.
10. No remnant lots will be created as a result of this application.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed

plat amendment.

4. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 26th day of August 2004.

PARK CITY MUNICIPAL CORPORATION



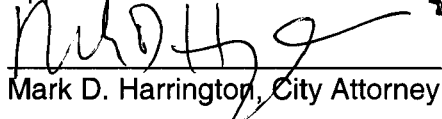
Mayor Dana Williams

Attest:

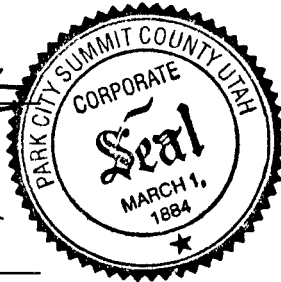


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



**A LOT LINE ADJUSTMENT
160 PARK AVENUE REPLAT**

LYING WITHIN BLOCK 13
OF THE AMENDED PLAT OF THE
PARK CITY SURVEY

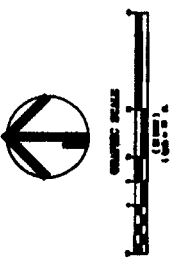
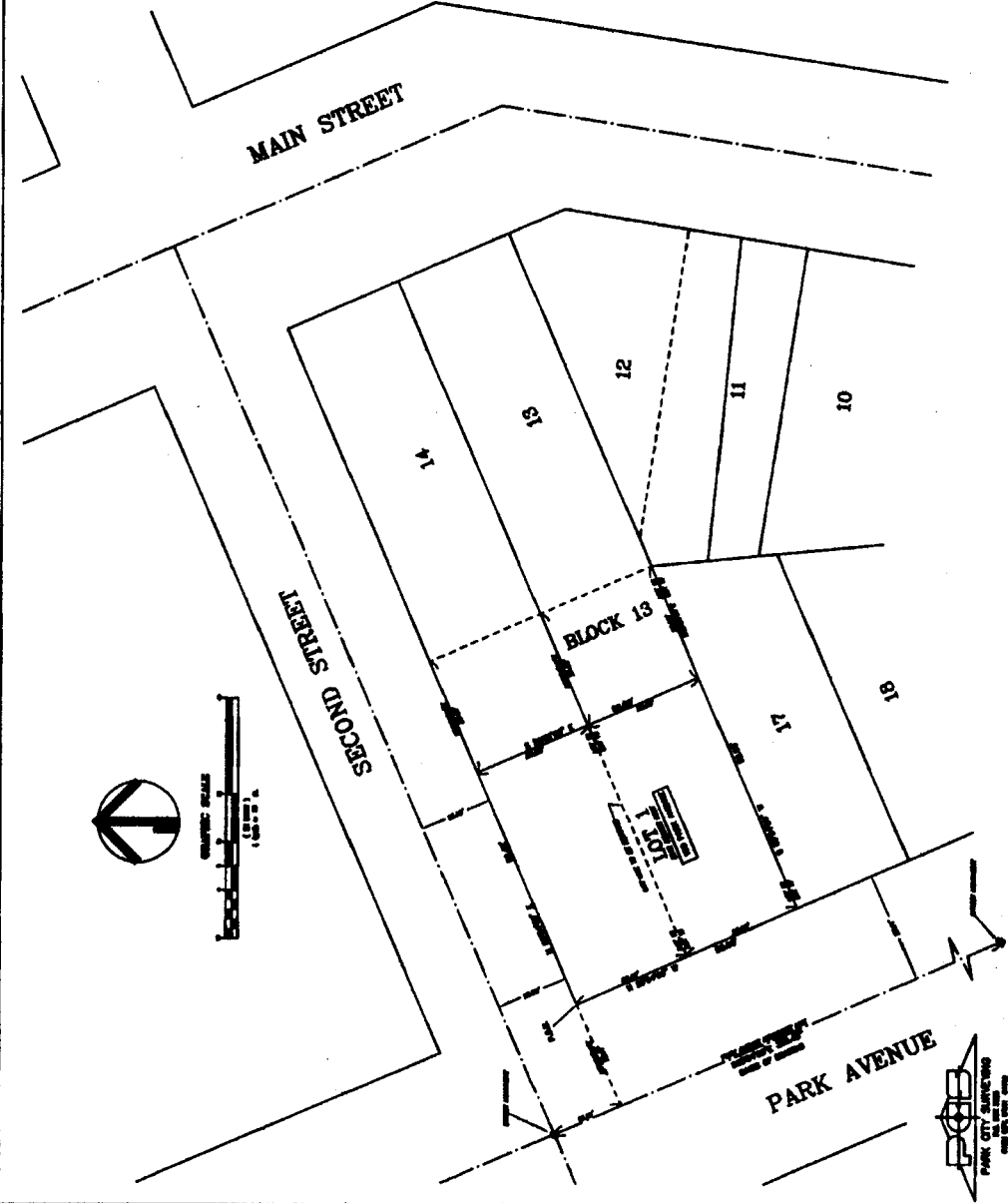
TO HAVE: _____
BY: _____
DATE: _____

WHEREAS: _____

IT IS HEREBY ORDERED: _____

IN WITNESS WHEREOF: _____

RECEIVED
JUN 25 2004
 PARK CITY
 PLANNING DEPT.



<p>PAGE GET PLANNING COMMENT _____ PARK CITY SURVEYING 100 S. MAIN ST. PARK CITY, UT 84301</p>	<p>CERTIFICATE OF ACTING _____ PARK CITY SURVEYING 100 S. MAIN ST. PARK CITY, UT 84301</p>	<p>STRENGTHEN BASE YEAR INCLOSURE SURVEY _____ PARK CITY SURVEYING 100 S. MAIN ST. PARK CITY, UT 84301</p>	<p>STRENGTHEN CERTIFICATE _____ PARK CITY SURVEYING 100 S. MAIN ST. PARK CITY, UT 84301</p>	<p>APPROVAL AS TO FORM _____ PARK CITY SURVEYING 100 S. MAIN ST. PARK CITY, UT 84301</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE _____ PARK CITY SURVEYING 100 S. MAIN ST. PARK CITY, UT 84301</p>	<p>REVISIONS _____ PARK CITY SURVEYING 100 S. MAIN ST. PARK CITY, UT 84301</p>
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Recorded at the request of and return
to: Park City Municipal Corp.
Attn: City Recorder
P. O. Box 1480, Park City, UT 84060
Ordinance No. 04-35

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

AN ORDINANCE ANNEXING APPROXIMATELY 12.32 ACRES OF PROPERTY LOCATED ON THREE KINGS DRIVE IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, INTO THE CORPORATE LIMITS OF PARK CITY, UTAH AND AMENDING THE OFFICIAL ZONING MAP OF PARK CITY TO INCLUDE THE ANNEXED AREA.

WHEREAS, on October 29, 2003 Paladin Development Partners, LLC with consent of the property owners, filed an annexation petition, as shown on the attached Annexation Plat, Exhibit A (Property), requesting Park City to annex the Property to the City, zoned as Residential Medium Density (RDM) subject to the Master Planned Development review process as outlined in the Land Management Code;

WHEREAS, the Property is included within the Park City Annexation Expansion Area; and

WHEREAS, the requested zoning (RDM, Residential Development Medium Density) is consistent with the Park City Land Use Plan that identifies this area as medium density residential and resort related development; and

WHEREAS, an application for a Master Planned Development was submitted with the annexation petition, that includes 8.26 acres of adjacent property currently within the Park City incorporated limits; and

WHEREAS, the MPD includes a mixed use development of condominiums, cottage units, resort related support commercial uses, renovation of historic structures, an artist-in-residence studios and office space, employee housing, a ski lift and ski runs and no development is located on sensitive lands, including naturally occurring steep slopes; and

WHEREAS, the Property has access from Three Kings Drive, a public City Street, and no new city streets are required to provide access for said Property; and

WHEREAS, Petitioners propose extraordinary fire prevention measures on site to mitigate the location in a wild land interface area and the length of the private cul-de-sac; and

WHEREAS, there are several Historic Structures located on the Property, as identified by the Alta Survey of October 23, 2003 submitted with the annexation petition, and the applicant has submitted an Historic Building Renovation Plan for said Historic Structures; and

WHEREAS, on March 14, May 12, and June 23 2004 the Planning Commission, after proper notice, conducted public hearings and on June 23, 2004 the

1360A

00710472 Bk01645 Pg01356-
ALAN SPRIGGS, SUMMIT CO RECORDER
2004 SEP 10 16:38 PM FEE \$1.00 BY GGB
REQUEST: PARK CITY MUNICIPAL CORP

BK1645 PG1356

Planning Commission voted to forward a positive recommendation to the City Council; and

WHEREAS, on January 8, 2004, the Park City Council accepted the Spiro Tunnel petition for annexation; and

WHEREAS, the City reviewed the petition against the criteria stated in Sections 10-2-403 (2), (3), and (4) of the Utah Code, annotated 1953 as amended, and finds that the petition complies with all applicable criteria of the Utah Code; and

WHEREAS, on February 9, 2004 the City Recorder certified the annexation petition and delivered notice letters to the "affected entities" required by Utah Code, Section 10-2-405, giving notice that the petition had been certified and the required 30-day protest period had begun; and

WHEREAS, no protests have been filed by any "affected entities" or other jurisdictions; and

WHEREAS, an Annexation Agreement has been negotiated before the City and Petitioner pursuant to the Land Management Code, Section 15-8-5C setting forth further terms and conditions; and

WHEREAS, on July 22 and August 12, 2004, after proper notice, the City Council conducted public hearings and took public testimony on the matter, as required by law; and

WHEREAS, the Property is not included within any other municipal jurisdiction; and

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

SECTION 1. ANNEXATION AGREEMENT. Council hereby authorizes the Mayor to execute the Annexation Agreement in substantially the same form as is attached hereto as Exhibit B.

SECTION 2. ZONING MAP AMENDMENT. The official Zoning Map of Park City, adopted pursuant to Section 15-1-5 of the Park City Land Management Code, is hereby amended to include the Spiro Tunnel Annexation as depicted in Exhibit A.

SECTION 3. ANNEXATION. The Property is hereby annexed to the corporate limits of Park City, Utah according to the annexation and zoning plat executed in substantially the same form as it attached hereto as Exhibit A. The Property so annexed shall enjoy the privileges of Park City as described in the Annexation Agreement attached as Exhibit B and shall be subject to all City levies and assessments as described in the

terms of the Annexation Agreement. The Property shall be subject to all City laws, rules and regulations upon the effective date of this Ordinance.

SECTION 4. COMPLIANCE WITH STATE LAW, GENERAL PLAN, AND ANNEXATION POLICY PLAN. This annexation meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code, the Park City General Plan, and Land Management Code--Chapter 8: Annexation.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect upon recordation of this Ordinance and annexation plat and filing pursuant to the Utah Code Annotated Section 10-2-425.

DATED this 12th day of August 2004.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, MAYOR

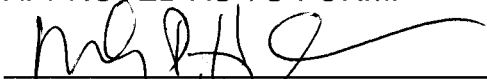
ATTEST:



Janet M. Scott, CITY RECORDER



APPROVED AS TO FORM:



Mark D. Harrington, CITY ATTORNEY

SPIRO TUNNEL ANNEXATION PLAT

AN ANNEXATION TO PARK CITY, SUMMIT COUNTY, UTAH

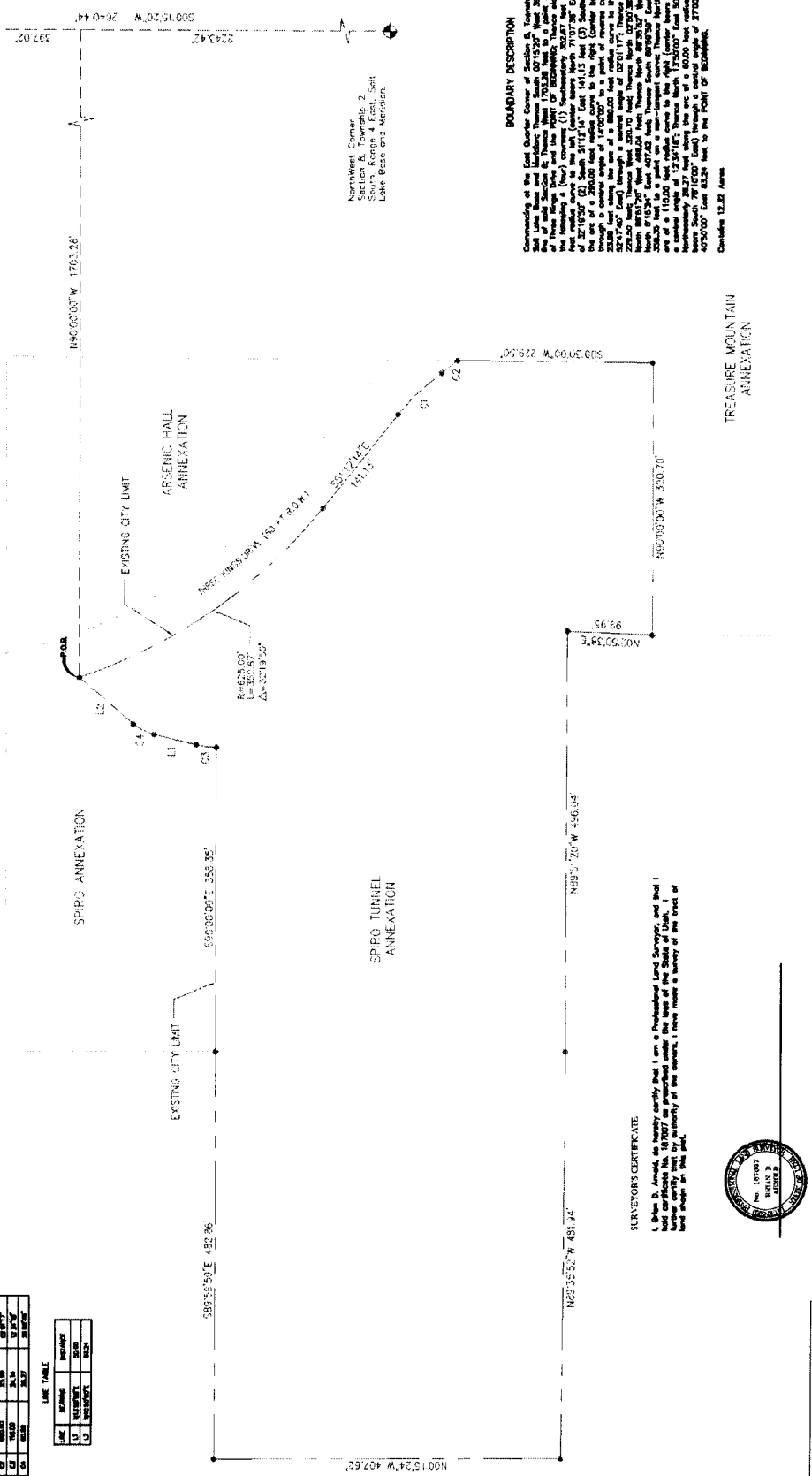
East Quarter Corner
Section 8, Township 2
South, Range 4 East, Salt
Lake Base and Meridian.

Northwest Corner
Section 8, Township 2
South, Range 4 East, Salt
Lake Base and Meridian.



Station	Chord	Delta	Delta/2	Delta/2 (DMS)	Delta/2 (DEC)	Delta/2 (RAD)
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1+20.00	196.13	179.97	89.99	179°59'59"	3.1416	1.7321
1+40.00	291.77	269.94	134.97	269.98	4.7124	2.5981
1+60.00	387.92	359.89	179.94	359.88	6.2832	3.4641
1+80.00	483.57	449.86	224.93	449.86	7.8540	4.3301
2+00.00	579.72	539.82	269.91	539.82	9.4248	5.1961

Line	Station	Distance	Bearing
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2	1+00.00	100.00	090°00'00"
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4	1+00.00	100.00	090°00'00"
5	1+00.00	100.00	090°00'00"
6	1+00.00	100.00	090°00'00"
7	1+00.00	100.00	090°00'00"
8	1+00.00	100.00	090°00'00"
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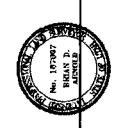


BOUNDARY DESCRIPTION

Continuation of the East Quarter Corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The plat is a continuation of the plat recorded as Plat No. 13023, dated July 1, 2003, in the Park City Council Office. The plat is a continuation of the plat recorded as Plat No. 13023, dated July 1, 2003, in the Park City Council Office. The plat is a continuation of the plat recorded as Plat No. 13023, dated July 1, 2003, in the Park City Council Office.

SURVEYORS CERTIFICATE

I, Brian D. Arnold, do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 187007 as provided under the laws of the State of Utah. I have made a survey of the territory of the annexation, and the same is shown on this plat.



P S O M A S
 Planning Services
 200 East Main Street, Suite 100
 Park City, Utah 84302
 (801) 736-5377 (fax) 736-5382 (fax)

DATE:	04/27/13	FOUNDED:	1892
SCALE:	1" = 60'	CHAIRMAN:	[Blank]
PROJECT No.:	SP100103	MEMBER:	[Blank]

PLANNING COMMISSION:
 APPROVED THIS 14th DAY OF APRIL, 2013 BY THE PARK CITY PLANNING COMMISSION.

ENGINEER'S CERTIFICATE:
 I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE.

DATE: _____ PARK CITY ENGINEER: _____

CERTIFICATE OF ATTEST:
 I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE PARK CITY COUNCIL ON _____ DAY OF _____, A.D. 2013.

PARK CITY RECORDER: _____

COUNCIL APPROVAL AND ACCEPTANCE:
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, A.D. 2013.

ATTEST CLERK: _____ MAYOR: _____

RECORDED:
 STATE OF UTAH, COUNTY OF SARAH, RECORDED AND FILED AT THE REQUEST OF _____

DATE: _____ HOURS: _____ BOOK: _____

PAGE: _____ FEE \$: _____

SUBMIT COUNTY RECORDER: _____



Spiro Tunnel Annexation

Park City, Utah



RECORDER'S NOTE
 LEGIBILITY OF WRITING, TYPING OR
 PRINTING UNSATISFACTORY IN THIS
 DOCUMENT WHEN RECEIVED.

Spiro Tunnel Annexation
 Park City, Utah

Spiro Tunnel Annexation

COMMENCING at the East Quarter Corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian; Thence South $00^{\circ}15'20''$ West 397.02 feet along the East line of said Section 8; Thence West 1703.28 feet to a point on the Westerly Right-of Way of Three Kings Drive and the **POINT OF BEGINNING**; Thence along said Right-of-Way the following 4 (four) courses; (1) Southeasterly 352.67 feet along the arc of a 625.00 foot radius curve to the left (center bears North $71^{\circ}07'36''$ East) through a central angle of $32^{\circ}19'50''$ (2) South $51^{\circ}12'14''$ East 141.13 feet (3) Southeasterly 70.86 feet along the arc of a 290.00 foot radius curve to the right (center bears South $38^{\circ}47'40''$ West) through a central angle of $14^{\circ}00'00''$ to a point of reverse curvature (4) Southeasterly 23.99 feet along the arc of a 680.00 foot radius curve to the left (center bears North $52^{\circ}47'40''$ East) through a central angle of $02^{\circ}01'17''$; Thence South $00^{\circ}30'00''$ West 229.50 feet; Thence West 320.70 feet; Thence North $02^{\circ}50'38''$ East 99.95 feet; Thence North $89^{\circ}51'20''$ West 496.04 feet; Thence North $89^{\circ}35'52''$ West 481.94 feet; Thence North $0^{\circ}15'24''$ West 407.62 feet; Thence South $89^{\circ}59'59''$ East 482.86 feet; Thence East 358.35 feet to a point on a non-tangent curve; Thence Northeasterly 24.14 feet along the arc of a 110.00 foot radius curve to the right (center bears South $88^{\circ}44'18''$ East) through a central angle of $12^{\circ}34'18''$; Thence North $13^{\circ}50'00''$ East 50.00 feet; Thence Northeasterly 28.27 feet along the arc of a 60.00 foot radius curve to the right (center bears South $76^{\circ}10'00''$ East) through a central angle of $27^{\circ}00'00''$; Thence North $40^{\circ}50'00''$ East 83.24 feet to the **POINT OF BEGINNING**.

Parcel contains 12.32 acres

When Recorded, please return to:
PARK CITY MUNICIPAL CORPORATION
City Recorder
Post Office Box 1480
Park City, UT 84060

00710471 BK01645 Pg01347-01355
ALAN SPRIGGS, SUMMIT CO RECORDER
2004 SEP 10 16:37 PM FEE \$1.00 BY GGI
REQUEST: PARK CITY MUNICIPAL CORP

ANNEXATION AGREEMENT FOR THE SPIRO TUNNEL PROPERTY

This Annexation Agreement is made by and between Park City Municipal Corporation ("Park City") and Paladin Development Partners, L.L.C., a Utah limited liability company (hereafter collectively referred to as "Petitioner") to set forth the terms and conditions under which Park City will annex land owned by Petitioner into the corporate limits of Park City and extend municipal services to that property. This Agreement is made under authority of Sections 10-2-401 et. seq. of the Utah Code, Annotated 1953, as amended, and shall serve as a supplemental annexation policy declaration when executed by all parties. In consideration of Park City's agreement to annex Petitioner's property and in consideration of the mutual promises contained herein, the parties agree that the terms and conditions of annexation shall be as follows:

1. **Property.** The property to be annexed is approximately 12.32 acres in size as depicted on the annexation plat, attached as Exhibit A and as more fully described in the legal description, attached as Exhibit B, and incorporated herein by reference (hereafter referred to as the "Property").
2. **Zoning.** Upon annexation, the Property will be zoned RDM (Residential Development Medium Density) as shown on Exhibit A. The maximum density allowed by Land Management Code zoning for the MPD parcels (comprised of the Property and neighboring parcels as described at Paragraph 3 herein) is between 84 and 132 UE. Final density will be determined by the Planning Commission prior to Final Action on the MPD. Sensitive Area Overlay Zoning (SLO) will not apply to the Property.
3. **Master Plan Approval and Project Phasing.** Pursuant to LMC Section 15-8-3 (D), Petitioner on October 29, 2003, submitted an application for a Master Planned Development (MPD) known as the Spiro Tunnel MPD. The proposed Spiro Tunnel MPD consists of the subject Property, an adjacent 5.26 acre RD (Residential Development) zoned parcel, and an adjacent 2.26 acre SF (Single Family) zoned parcel, known as the "Donile parcel." This Agreement does not represent approval or vesting of the proposed Spiro Tunnel MPD or any other development proposals/plans on the Property. Following completion of the annexation process pursuant to Utah Code Annotated Section 10-2-425, as amended, development of the Property shall be governed by the zoning designation provided herein and the Park City Land Management code in effect at the time a complete application is filed with Park City.

4. **Trails.** Petitioner agrees as a condition precedent to final plat approval for the Property to dedicate public non-vehicular trail easements over existing trails or relocated trails approved by Park City Municipal Corporation, trail head parking and City Water Department employee's parking as required as part of the MPD review process.
5. **Fire Prevention Measures.** Because of significant wild land interface issues on the Property, the Petitioner agrees to implement a fire protection and emergency access plan, to be submitted prior to issuance of any building permits, and to be reviewed and approved by the Fire Marshall and Chief Building Official for compliance with applicable building and fire codes.
6. **Roads and Road Design.** All streets and roads within the Property shall be designed according to the City's road design standards and shall be private. Maintenance of all roads, parking, sidewalks, and pedestrian circulation shall be by the entity holding fee title to the property, or the Homeowner's Association.
7. **Sanitary Sewer.** Alignment of the sanitary sewer shall be determined as part of the final subdivision plat for the Property. The preferred alignment shall be determined by the City Engineer and the Snyderville Basin Water Reclamation District pursuant to the Park City Municipal Design Standards, Construction Specifications, Standard Drawings (latest edition) and all other requisite City Infrastructure Design Codes, which results in the least visual impact and site disturbance while meeting site design and construction requirements of the Petitioner and Snyderville Basin Water Reclamation District.
8. **Dedication of Water Rights.** Pursuant to the January 23, 1992 agreement between Park City Municipal Corporation and United Park City Mines Company, Petitioner is not required to dedicate water rights to City in support of this annexation petition or the proposed Spiro Tunnel MPD. However, Petitioner acknowledges that water development fees will be collected by City in the same manner and in the same amount as with other development within municipal boundaries and that impact fees so collected will not be refunded to Petitioner or to individual building permit applicants developing within the proposed annexation area.
9. **Water Development Fees and Other Water System Costs.** Petitioner shall construct and dedicate all necessary water facilities and easements pursuant to the Park City Municipal Design Standards, Construction Specifications, Standard Drawings (latest edition) and all other requisite City Infrastructure Design Codes as determined by the City Engineer and Public Works Director during the final subdivision review process. All such facilities shall be constructed to specifications approved by the City Engineer. Upon completion of such facilities, easements and appurtenances all to the satisfaction of the City Engineer, the Petitioner shall dedicate the easements and water facilities to the City. As each building permit is obtained for each building within the subdivision, the lot owner shall pay the Park City Water Development fees as provided by the Park City ordinance in effect at the time of application for building permits. The parties agree that no lot

owner within the Property shall be entitled to an offset (in whole or in part) of the Park City Water Development Fee as a result of the Petitioner's successful completion of this condition.

In addition, development of the Property shall be designed around any and all existing water lines, fittings, and appurtenances, and around all tunnels and tracks necessary for the ongoing operation of the Spiro Tunnel water works, and any proposed relocations of these improvements are subject to approval by Park City, and any such relocations shall be paid for entirely by the Petitioner, together with standard inspection fees and financial securities. Petitioner shall provide on-site storm runoff detention facilities, or alternatives, as approved by the Park City Engineer pursuant to the Park City Municipal Design Standards, Construction Specifications, Standard Drawings (latest edition) and all other requisite City Infrastructure Design Codes. Timing of such storm run-off improvements shall be determined at the time of final plat approval.

10. **Historic Preservation:** An Historic Building Renovation Plan for Historic Structures on the Property, in conformance with the LMC, Historic District Guidelines, and Secretary of Interior Standards is a condition precedent to the issuance of any full building permit.

11. **Planning Review Fees.** Petitioner is responsible for all planning, building, subdivision and construction inspection fees required by the City at the time of application.

12. **Impact and Building Fees.** Petitioner shall pay all generally-applicable fees, such as development impact, park and recreation land acquisition, building permit, and plan check fees due for construction on the Property at the time of application for building permits.

13. **Acceptance of Public Improvements.** Petitioner shall offer to Park City title to those water facilities, easements and appurtenances, upon Petitioner's fulfillment of all Code requirements and Park City's final approval of the infrastructure construction.

14. **Snow Removal and Storage.** Park City is not obligated to remove snow from private streets within the Property.

15. **Fiscal Impact Analysis.** The fiscal impact analysis prepared by Wikstrom Economic and Planning Consultants, Inc, dated October 2003, and submitted with the Spiro Tunnel Annexation petition, including revenue and cost assumptions related to the annexation and development of this Property, is hereby accepted and approved by the City.

16. **Comprehensive Review and Analysis of Surrounding Property.** The comprehensive land use review and analysis of the surrounding properties, entitled "Land Development Potential for Properties Adjacent to the Spiro Tunnel Site," dated February 12, 2004, and submitted by Petitioner with the petition for annexation is hereby accepted and approved by the City.

17. **Effective Date.** This Agreement is effective as of the date of the Ordinance

authorizing its execution.

18. **Governing Law.** The laws of the State of Utah shall govern this Agreement. Jurisdiction and venue are proper in Summit County.

19. **Real Covenant, Equitable Servitude.** This Agreement constitutes a real covenant and an equitable servitude on the Property. The terms of this Agreement touch and concern and both benefit and burden the Property. The benefits and burdens of this Agreement run with the land, and are intended to bind all successors in interest to any portion of the Property.

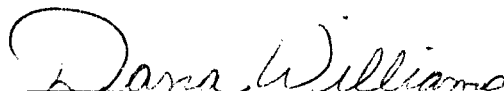
20. **Assignment.** This Agreement is also a personal obligation of the Petitioner. Petitioner may assign its obligations under this Agreement, only upon prior written consent of the City, upon demonstration that the City's rights are adequately secured by the assignment. Consent to assignment shall rest in the sole discretion of the City.

21. **Compliance with City Code.** From the time of City Council approval of this agreement, Petitioner and its agents shall comply with all City Codes and Regulations pertaining to the subject Property.

22. **Full Agreement.** This Agreement contains the full and complete agreement of the parties regarding the Annexation and there are no other agreements in regard to the annexation of the Property. Only a written instrument signed by all parties hereto may amend this Agreement.


DATED this 12 day of AUGUST, 2004.

PARK CITY MUNICIPAL CORPORATION

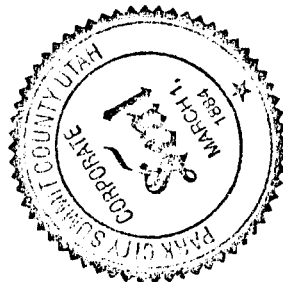


Dana Williams, Mayor

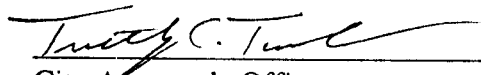
ATTEST:



Janet M. Scott
City Recorder's Office

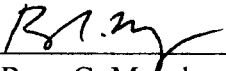


APPROVED AS TO FORM:



Tracy C. Tuck
City Attorney's Office

PALADIN DEVELOPMENT PARTNERS, L.L.C.
1920 Park West #28D
Park City, Utah 84098


By Rory C. Murphy, Member

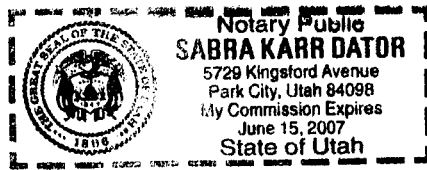
Acknowledgment

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this 7th day of ~~August~~ September, 2004, personally appeared before me Rory C. Murphy, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that he is a member of Paladin Development Partners, L.L.C., a Utah limited liability company by Authority of its Bylaws/Resolution of the Board of Directors, and acknowledged to me that said LLC executed the same


Notary Public

Exhibits: (A) Annexation and Zoning Plat
 (B) Legal Description



Spiro Tunnel Annexation

COMMENCING at the East Quarter Corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian; Thence South $00^{\circ}15'20''$ West 397.02 feet along the East line of said Section 8; Thence West 1703.28 feet to a point on the Westerly Right-of-Way of Three Kings Drive and the **POINT OF BEGINNING**; Thence along said Right-of-Way the following 4 (four) courses; (1) Southeasterly 352.67 feet along the arc of a 625.00 foot radius curve to the left (center bears North $71^{\circ}07'36''$ East) through a central angle of $32^{\circ}19'50''$ (2) South $51^{\circ}12'14''$ East 141.13 feet (3) Southeasterly 70.86 feet along the arc of a 290.00 foot radius curve to the right (center bears South $38^{\circ}47'40''$ West) through a central angle of $14^{\circ}00'00''$ to a point of reverse curvature (4) Southeasterly 23.99 feet along the arc of a 680.00 foot radius curve to the left (center bears North $52^{\circ}47'40''$ East) through a central angle of $02^{\circ}01'17''$; Thence South $00^{\circ}30'00''$ West 229.50 feet; Thence West 320.70 feet; Thence North $02^{\circ}50'38''$ East 99.95 feet; Thence North $89^{\circ}51'20''$ West 496.04 feet; Thence North $89^{\circ}35'52''$ West 481.94 feet; Thence North $0^{\circ}15'24''$ West 407.62 feet; Thence South $89^{\circ}59'59''$ East 482.86 feet; Thence East 358.35 feet to a point on a non-tangent curve; Thence Northeasterly 24.14 feet along the arc of a 110.00 foot radius curve to the right (center bears South $88^{\circ}44'18''$ East) through a central angle of $12^{\circ}34'18''$; Thence North $13^{\circ}50'00''$ East 50.00 feet; Thence Northeasterly 28.27 feet along the arc of a 60.00 foot radius curve to the right (center bears South $76^{\circ}10'00''$ East) through a central angle of $27^{\circ}00'00''$; Thence North $40^{\circ}50'00''$ East 83.24 feet to the **POINT OF BEGINNING**.

Parcel contains 12.32 acres

EXHIBIT B

Ordinance No. 04-35

AN ORDINANCE ANNEXING APPROXIMATELY 12.32 ACRES OF PROPERTY LOCATED ON THREE KINGS DRIVE IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, INTO THE CORPORATE LIMITS OF PARK CITY, UTAH AND AMENDING THE OFFICIAL ZONING MAP OF PARK CITY TO INCLUDE THE ANNEXED AREA.

WHEREAS, on October 29, 2003 Paladin Development Partners, LLC with consent of the property owners, filed an annexation petition, as shown on the attached Annexation Plat, Exhibit A (Property), requesting Park City to annex the Property to the City, zoned as Residential Medium Density (RDM) subject to the Master Planned Development review process as outlined in the Land Management Code;

WHEREAS, the Property is included within the Park City Annexation Expansion Area; and

WHEREAS, the requested zoning (RDM, Residential Development Medium Density) is consistent with the Park City Land Use Plan that identifies this area as medium density residential and resort related development; and

WHEREAS, an application for a Master Planned Development was submitted with the annexation petition, that includes 8.26 acres of adjacent property currently within the Park City incorporated limits; and

WHEREAS, the MPD includes a mixed use development of condominiums, cottage units, resort related support commercial uses, renovation of historic structures, an artist-in-residence studios and office space, employee housing, a ski lift and ski runs and no development is located on sensitive lands, including naturally occurring steep slopes; and

WHEREAS, the Property has access from Three Kings Drive, a public City Street, and no new city streets are required to provide access for said Property; and

WHEREAS, Petitioners propose extraordinary fire prevention measures on site to mitigate the location in a wild land interface area and the length of the private cul-de-sac; and

WHEREAS, there are several Historic Structures located on the Property, as identified by the Alta Survey of October 23, 2003 submitted with the annexation petition, and the applicant has submitted an Historic Building Renovation Plan for said Historic Structures; and

WHEREAS, on March 14, May 12, and June 23 2004 the Planning Commission, after proper notice, conducted public hearings and on June 23, 2004 the

Planning Commission voted to forward a positive recommendation to the City Council; and

WHEREAS, on January 8, 2004, the Park City Council accepted the Spiro Tunnel petition for annexation; and

WHEREAS, the City reviewed the petition against the criteria stated in Sections 10-2-403 (2), (3), and (4) of the Utah Code, annotated 1953 as amended, and finds that the petition complies with all applicable criteria of the Utah Code; and

WHEREAS, on February 9, 2004 the City Recorder certified the annexation petition and delivered notice letters to the "affected entities" required by Utah Code, Section 10-2-405, giving notice that the petition had been certified and the required 30-day protest period had begun; and

WHEREAS, no protests have been filed by any "affected entities" or other jurisdictions; and

WHEREAS, an Annexation Agreement has been negotiated before the City and Petitioner pursuant to the Land Management Code, Section 15-8-5C setting forth further terms and conditions; and

WHEREAS, on July 22 and August 12, 2004, after proper notice, the City Council conducted public hearings and took public testimony on the matter, as required by law; and

WHEREAS, the Property is not included within any other municipal jurisdiction; and

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

SECTION 1. ANNEXATION AGREEMENT. Council hereby authorizes the Mayor to execute the Annexation Agreement in substantially the same form as is attached hereto as Exhibit B.

SECTION 2. ZONING MAP AMENDMENT. The official Zoning Map of Park City, adopted pursuant to Section 15-1-5 of the Park City Land Management Code, is hereby amended to include the Spiro Tunnel Annexation as depicted in Exhibit A.

SECTION 3. ANNEXATION. The Property is hereby annexed to the corporate limits of Park City, Utah according to the annexation and zoning plat executed in substantially the same form as it attached hereto as Exhibit A. The Property so annexed shall enjoy the privileges of Park City as described in the Annexation Agreement attached as Exhibit B and shall be subject to all City levies and assessments as described in the

terms of the Annexation Agreement. The Property shall be subject to all City laws, rules and regulations upon the effective date of this Ordinance.

SECTION 4. COMPLIANCE WITH STATE LAW, GENERAL PLAN, AND ANNEXATION POLICY PLAN. This annexation meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code, the Park City General Plan, and Land Management Code--Chapter 8: Annexation.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect upon recordation of this Ordinance and annexation plat and filing pursuant to the Utah Code Annotated Section 10-2-425.

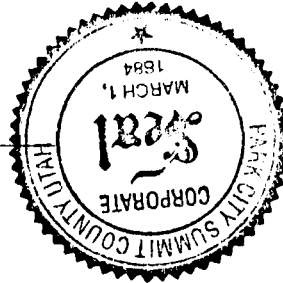
DATED this 12th day of August 2004.

PARK CITY MUNICIPAL CORPORATION

Dana Williams
Dana Williams, MAYOR

ATTEST:

Janet M. Scott
Janet M. Scott, CITY RECORDER



APPROVED AS TO FORM:

Mark D. Harrington
Mark D. Harrington, CITY ATTORNEY

Ordinance No. 04-34

AN ORDINANCE APPROVING A SUBDIVISION PLAT FOR MARSAC AVENUE AND CHAMBERS STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Flagstaff Annexation have petitioned the City Council for approval of the subdivision plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on July 28, 2004, to receive input on the subdivision;

WHEREAS, the Planning Commission, on July 28, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on August 12, 2004 the City Council approved the subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the subdivision.

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

SECTION 1. APPROVAL. The Subdivision Plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located between platted Marsac Avenue at the Sandridge parking lots and the Guardsman Connection to Silver Lake.
2. The zoning along the road is HR-1 and ROS.
3. The City Council adopted Ordinance 99-30 On June 24, 1999, approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area.
4. The Flagstaff Annexation Development Agreement section 2.10.2 stipulates certain road and intersection improvements, including widening the road, drainage improvements, a passing lane and runaway truck ramp.
5. The Planning Commission heard this application at its regular meeting of July 28, 2004, and forwards a positive recommendation.

Conclusions of Law:

1. There is good cause for this Subdivision Plat.
2. The Subdivision Plat is consistent with the Master Plan Development Agreement, Park City Land Management Code, the General Plan and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
4. Approval of the Subdivision Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 12th day of August, 2004.

PARK CITY MUNICIPAL CORPORATION



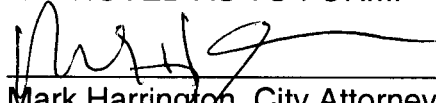
Dana Williams, MAYOR

ATTEST:



Janet M. Scott, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney



Ordinance No. 04-33

AN ORDINANCE AMENDING ORDINANCE 03-37 APPROVING A SINGLE LOT SUBDIVISION AT 445 KING ROAD, PARK CITY, UTAH WITH AN EXTENDED DATE OF EXPIRATION.

WHEREAS, the owners of the property located at 445 King Road have petitioned the City Council for approval of the Subdivision plat extension; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on July 23, 2003, to receive input on the subdivision;

WHEREAS, the Planning Commission, on July 23, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 31, 2003, the City Council held a public hearing and approved the subdivision;

WHEREAS, the plat approval expired on July 31, 2004;

WHEREAS, the applicant filed for an extension of the Plat Approval on July 15, 2004; and

WHEREAS, it is in the best interest of Park City, Utah to approve the subdivision.

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

SECTION 1. APPROVAL. The subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 445 King Road and is known as lot 12 of the Treasure Hill Subdivision Phase 4, part of the Sweeney Properties Master Plan. The property is currently zoned Recreation Open Space - RD-MPD with a request for zone change pending. The property is vacant.
2. The Sweeney Properties Master Plan (SPMP) was approved by the City Council on October 16, 1986 and amended on October 14, 1987, December 30, 1992, and November 7, 1996.
3. One lot of record will be created with the subdivision.

4. The Treasure Hill Subdivision Phase 4 plat includes plat notes regarding building footprint, heights, setbacks, massing, building pad footprints, limits of disturbance, access, re-vegetation, utilities, and fire protection.
5. Utilities are available to sustain the anticipated property uses. Utilities will generally tie into Woodside Avenue, follow the Quittin' Time ski run in its lower extent and connect to the Building Pad along a future ski run to the Payday area.
6. The Chief Fire Marshall has reviewed the Fire Protection Plan and has conceptually approved it.
7. A financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.
8. The Planning Commission held a public hearing on July 23, 2003 and forwarded a positive recommendation to the City Council.

Conclusions of Law:

1. There is good cause for this subdivision plat.
2. The subdivision plat is consistent with the Park City Land Management Code, the General Plan and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed subdivision plat.
4. Approval of the subdivision plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

5. The Conditions of Approval for the Sweeney Properties Master Planned Development remain in full force and effect.
6. The design of the Main House and any Guest House will follow the Conditional Use Permit process in accordance with the Sweeney Properties Master Plan (SPMP).
7. All standard project conditions shall apply.
8. The Building Pad is 29,084 square feet in which all construction activity must take place, excepting the driveway and utility construction.
9. The Main House footprint is limited to 3500 square feet. A single caretaker's or guest house may have a footprint up to 1500 square feet.
10. The Height of the Main House is 25 feet measured from natural grade for ridges that run parallel to the natural contours and 30 feet from natural grade for ridges perpendicular to the existing contours. Such perpendicular ridges may not comprise more than 20 percent of the roof plan. The Guest House may not exceed 20 feet from natural grade in height.
11. All trails, as indicated on the Treasure Hill subdivision plat, which have not yet been constructed and approved, shall be completed prior to issuance of a certificate of occupancy for the residences. Relocation of said trails shall be reviewed and approved by City Staff.
12. The applicant must record an Open Space Easement, or other instrument of record, for that area outside of the Building Pad to forever preserve the natural

- state. Ski runs and those public trails dedicated on this plat may be allowed in this open space.
13. The City Engineer shall review and approve appropriate grading, utility, public improvements and drainage plans for compliance with City standards as a condition precedent to permit issuance.
 14. Final details of the Fire Protection plan are required to be approved prior to plat recordation.
 15. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans.
 16. A financial guarantee, for the value of all public improvements, landscaping, re-vegetation, and trails to be completed, shall be provided to the City prior to building permit issuance. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
 17. Re-vegetation of the disturbed areas, including utility installation areas, shall be done with native species acceptable to the Planning Department Landscape Architect.
 18. The applicant will record the plat at the County ~~within one year from the date of City Council approval~~ by January 31, 2005. If recordation has not occurred ~~within one year's time~~ by January 31, 2005, this approval and the plat will be void.

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

PASSED AND ADOPTED this ~~31st day of July, 2003~~ August 12, 2004.

PARK CITY MUNICIPAL CORPORATION

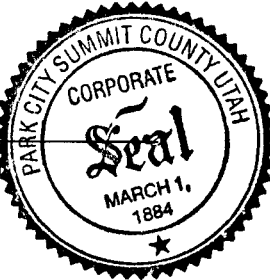


Dana Williams, MAYOR

ATTEST:



Janet M. Scott, City Recorder



APPROVED AS TO FORM:

Mark Harrington, City Attorney

Alliance

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

July 15, 2004

FILE COPY

Mr. Brooks Robinson
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

RE: 445 King Road-Treasure Hill Phase 4 Subdivision Plat

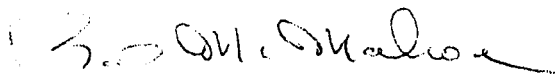
Dear Brooks:

This letter is a request for a six (6) month extension for the recording of the 445 King Road-Treasure Hill Phase 4 Subdivision Plat.

Coordination of combined water and sewer services to 445 King Road and the adjacent King Road Estate parcel have been ongoing but negotiations have taken longer than expected. We have been working with the PCMC staff to resolve these issues and feel we can satisfy the conditions of approval without coordination with the King Road Estates owners but need additional time to complete the requirements for recordation.

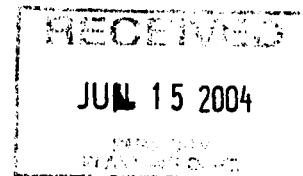
Your help and attention with this is appreciated.

Sincerely,



Rob McMahon
Alliance Engineering, Inc.

Copy: Pat Sweeney; Sweeney Land Co.



Ordinance No. 04-32

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 3A, SECTION 7
OF THE MUNICIPAL CODE, REGULATING VENDING BY ARTISTS ON PUBLIC
PROPERTY, TO AMEND THE DEFINITION OF ART ALLOWED TO BE EXHIBITED.**

WHEREAS, Park City adopted Ordinance No. 04-10, the Art in the Park Ordinance, on April 15, 2004, to partner with artists who wished to exhibit and sell their artwork on public property to define reasonable time, manner, place regulations and a location to allow such display; and

WHEREAS, at the request of an artist, the Council now finds that it is in the best interests of the city to clarify/expand the definition of art to include art works originally produced but may be worn as clothing;

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

SECTION 1. FINDINGS: The Council finds that:

1. All findings of Ordinance No. 04-10 are incorporated herein;
2. Expanding the definition of Art to include originally produced artwork which may also be worn as clothing is consistent with the original intent of the Council and increased registration as a result of such new definition is not reasonably expected to detract from the overall capacity nor compatibility of the park area;

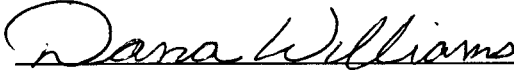
SECTION 2. AMENDMENTS TO TITLE 4 OF THE MUNICIPAL CODE. Title 4, Chapter 3A, Section 7 "Art Exhibit for Sale on Public Property," is hereby amended as follows:

(A) Definitions. For the purpose of this Chapter, the following words shall have the following meanings:

- (1) "Art" means original works of fine art, graphic art and aesthetic objects produced by the Artist. It shall not include (1) any artwork produced by any person other than the Artist displaying the artwork; (2) any artwork purchased or taken on consignment and held for resale; ~~or (3) any clothing.~~

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

Janet M. Scott

Janet M. Scott, City Recorder



Approved as to form:

Mark D. Harrington

Mark D. Harrington, City Attorney

Ordinance No. 04-31

AN ORDINANCE AMENDING TITLE 15, CHAPTER 2.20-5 OF THE MUNICIPAL CODE REGULATING OUTDOOR DISPLAY OF ART AND PUBLIC PARK FACILITY STRUCTURES WITHIN THE SETBACK OF THE ENTRY CORRIDOR PROTECTION OVERLAY ZONE

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed change to the Land Management Code is necessary to promote Outdoor Displays of Art and minor Public Park Facility Structures within the City's entry corridors;

WHEREAS, it is in the best interest of the City to maintain Park City as a world class resort.

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

SECTION 1. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.20-5 – ENTRY CORRIDOR PROTECTION OVERLAY (ECPO).

15-2.20-5(N) **Outdoor Display of Art.** The permanent installation of an Outdoor Display of Art that requires a fixed, impervious location on or above the ground (a Structure) is allowed as an Administrative Conditional Use within the Setback Area but at least thirty feet (30') outside of the UDOT right-of-way. Outdoor Displays of Art are subject to the provisions of Title 15-4-15.

15-2.20-5(O) **Public Park Facilities.**

- (a) The permanent installation of Outdoor Recreational Equipment that requires a fixed, impervious location on or above the ground (a Structure) is allowed as an Administrative Conditional Use within the setback area but at least thirty feet (30') outside of the UDOT right-of-way.
- (b) Public Park Accessory Buildings less than eighteen feet (18') in height and six hundred (600) square feet in size are allowed as a Conditional Use within the setback area but at least thirty feet (30') outside of the UDOT right-of-way.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 22nd day of July 2004.

PARK CITY MUNICIPAL CORPORATION

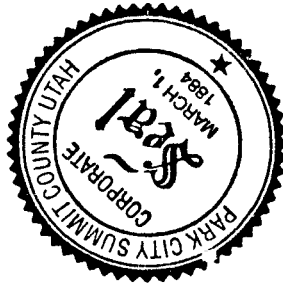
Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney



Ordinance No. 04-30

AN ORDINANCE APPROVING THE PLAT AMENDMENT TO COMBINE ALL OF LOT 64 AND ½ OF LOT 63 OF THE OAKS AT DEER VALLEY SUBDIVISION INTO ONE LOT OF RECORD LOCATED AT 3605 OAK WOOD DRIVE, PARK CITY, UTAH

WHEREAS, the owners, Thomas Decker and Candace Decker, of the property at 3605 Oak Wood Drive, Park City, Utah have petitioned the City Council for approval for an amendment to the Oaks at Deer Valley Subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and state law; and

WHEREAS, on June 23, 2004, the Planning Commission held a public hearing to receive public input on the proposed amendment to the Snyder=s Addition and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, a financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

WHEREAS, the proposed amendment to the Oaks at Deer Valley Subdivision allows the owners to combine all of Lot 64 and ½ of Lot 63 of the Oaks at Deer Valley Subdivision into one lot of record;

WHEREAS, it is in the best interest of Park City, Utah to approve the amended Record of Survey;

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact.

1. The property is located in the Residential Development Master Planned Development (RD-MPD) zone.
2. The Planning Commission forwarded a positive recommendation to the City Council at their June 23, 2004 meeting.
3. The RD-MPD District is a residential zone characterized by large contemporary single-family homes.
4. This plat amendment will combine lot 64 and ½ of lot 63 of the Oaks Subdivision into one lot of record.
5. There are no existing structures on the property.
6. The construction of a single-family home in the RD-MPD zone is an approved use.
7. The maximum square footage for a single-family dwelling within the Oaks

Subdivision is 7,500 square feet.

8. Section 15-2.13-6(A) of the Land Management Code allows an owner within a Master Planned Development to combine lots with a designated maximum house size and receive 150% of the maximum size allotted to the lots. Since the applicant is combining 1½ Lots into one lot, staff will use 125% of the maximum size allotted to the lots.
9. The maximum building size for 1½ Lot combination is 9,375 square feet.
10. The property owner has requested an increase in the allowable square footage on the lot up to 9,375 square feet.
11. LMC Section 15-2.13-6(B) requires that the minimum setbacks for homes on combined lots increase in proportion to the increase in house size.
12. There is a limit of disturbance line traversing both lots.
13. No changes to the limit of disturbance line are proposed as part of this application.
14. The Oaks at Deer Valley plat requires that no more than 10,000 square feet of each lot be irrigated.
15. The amount allowed on the lot may be increased proportionally to the increase in square footage up to a maximum of 125% of the portion of lot 63.
16. The remaining half of Lot 63 is a remnant lot and is not separately developable, but can be combined with Lot 62 through a Plat Amendment.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed subdivision plat.

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.

SECTION 3. RECORD OF SURVEY. The subdivision plat, known as 3605 Oak Wood Drive, the Oaks at Deer Valley Subdivision, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. A note shall be added to the plat stating that a single-family home may be constructed on the combined 1½ lots with a maximum square footage of 9,375 square feet.
3. A note shall be added to the plat stating that setbacks for the home will be calculated in proportion to the increase in the square footage of the home at 125% of the required minimum setbacks, namely front 25', sides 15' and rear 18'9".
4. The existing platted Limits of Disturbance lines on the property shall remain unchanged.

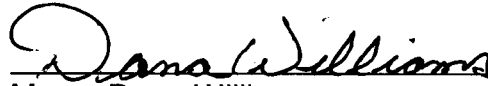
5. All existing easements on the property shall remain unchanged.
6. The remaining remnant portion of Lot 63 is not separately developable unless Lot 62 combines the 1 ½ lots through a Plat Amendment.
7. A note shall be added to the plat stating that the maximum irrigable area on the property shall not exceed 12,500 square feet.
8. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.

The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.


PASSED AND ADOPTED this 1st day of July 2004,

PARK CITY MUNICIPAL CORPORATION



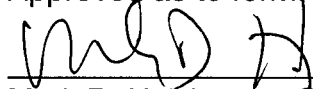
Mayor Dana Williams

Attest:

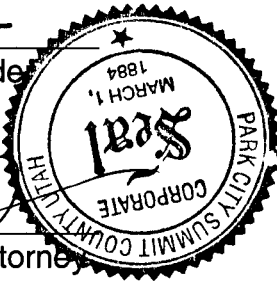


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 04-29

**AN ORDINANCE APPROVING AN AMENDED RECORD OF SURVEY FOR STAG
LODGE CONDOMINIUMS PHASES I and II,
LOCATED AT 8200 ROYAL STREET EAST, PARK CITY, UTAH.**

WHEREAS, the Homeowner's Association of the property located at 8200 Royal Street East have petitioned the City Council for approval of an amended Record of Survey plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, on May 12, 2004, the Planning Commission held a public hearing and voted to forward to City Council a positive recommendation on the amended plat.

WHEREAS, On July 1, 2004, the City Council held a public hearing and approved the proposed record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey plat.

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

SECTION 1. APPROVAL. The Record of Survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

- 1 The condominium project known as the Stag Lodge Phases One through Four is located at 8200 Royal Street East and is zoned RD-MPD. The original Stag Lodge Condominium plat was recorded on March 4, 1985. An amended record of survey plat was recorded on January 17, 2003.
- 2 The common walls between units are classified as Common area. The common walls between Units 3 and 4 and between Units 25 and 26 have been removed. The applicant desires to amend the record of survey plats to reflect the as built condition and to convert the common area between Units 3 and 4 and between Units 25 and 26 to Private ownership.
- 3 Consistent with the Condominium Ownership Act, Staff has prohibited any conversions to private ownership of these Common areas, without an amendment to the record of survey.
- 4 The proposed amended record of survey changes the type of ownership of approximately 40 square feet on each of two floors from common to private

ownership.

- 5 Consent of 66.66% or more of the Unit Owners for this record of survey amendment is required and has been obtained. The Stag Lodge HOA President has confirmed the required unit owner consent in a letter to PCMC dated June 9, 2004.
- 6 This application is to amend sheet 2 (of 6) of Phase One, sheets 2 and 3 (of 5) of Phase Two of the Stag Lodge Record of Survey.
- 7 The expansion of the Private areas will add approximately 80 square feet to each affected unit.
- 8 The additional square footage does not create a demand for new parking and the amount of open space is not decreased.

Conclusions of Law

- 1 There is good cause for this amended record of survey.
- 2 The amended record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
- 3 Neither the public nor any person will be materially injured by the proposed amended record of survey.
- 4 Approval of the amended record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended record of survey plats at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat amendment will be void.
3. All other conditions of approval of the Stag Lodge Condominiums Phases I and II continue to apply.

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

PASSED AND ADOPTED this 1st day of July 2004.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

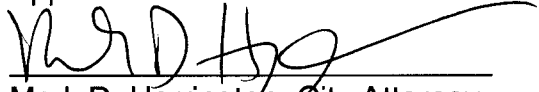


Attest:



Janet M. Scott, City Recorder

Approved as to form:

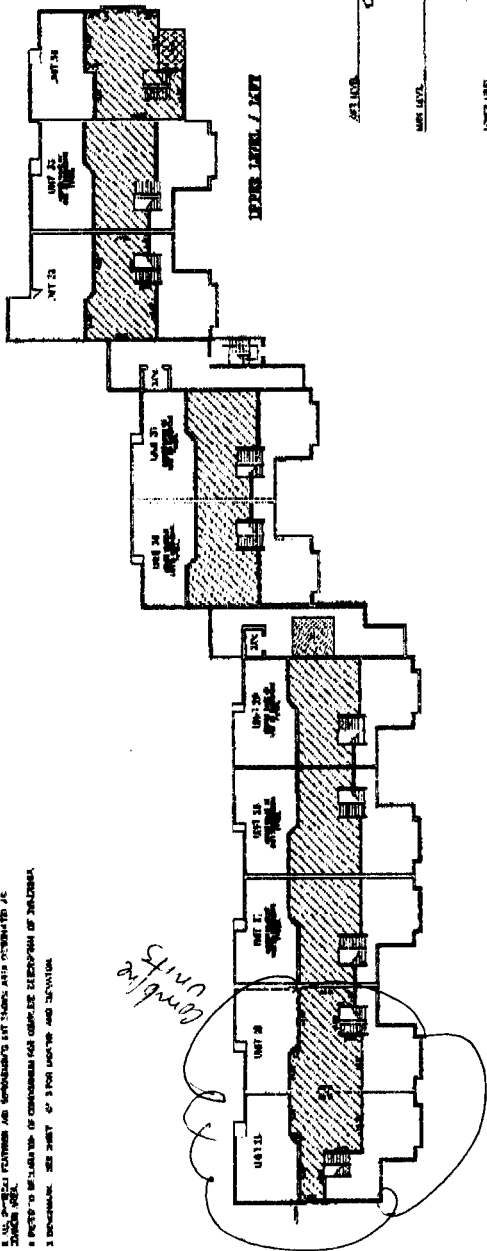


Mark D. Harrington, City Attorney

NOTES

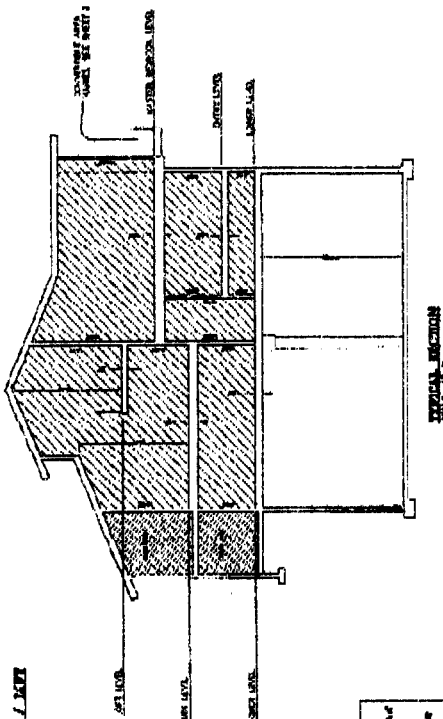
- 1. REFER TO SHEET 2000 FOR UNIT PLAN
- 2. ALL STRUCTURAL ELEMENTS ARE SHOWN AT CORNER AREAS
- 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE
- 4. CHECK FOR INTERFERENCE OF CONDUITS AND CABLES
- 5. DIMENSIONS ARE SHOWN TO FACE UNLESS NOTED OTHERWISE

condole units



CONCRETE FINISHES

[Hatched Pattern]	1/2" POLISHED CONCRETE
[Dotted Pattern]	1/2" POLISHED CONCRETE
[Cross-hatched Pattern]	1/2" POLISHED CONCRETE
[Diagonal Lines]	1/2" POLISHED CONCRETE



SECOND ANNEDED RECORD OF SURVEY MAP

STAG LODGE PHASE II

A 10.284 CONCRETE IN PROJECT
 LOCATED IN SECTION 22
 TOWNSHIP 2 SOUTH, RANGE 4 EAST
 RANGE 4 EAST
 PARK CITY, SALT LAKE COUNTY, UTAH



DATE OF SURVEY BY: []
 DATE OF SURVEY: []
 BY: []
 CHECKED BY: []

NOTES

1. THE ABOVE CONCRETE FINISHES ARE TO BE APPLIED TO THE INTERIOR SURFACES OF ALL CONCRETE WALLS, CEILING, AND FLOORS. THE FINISHES ARE TO BE APPLIED TO THE INTERIOR SURFACES OF ALL CONCRETE WALLS, CEILING, AND FLOORS. THE FINISHES ARE TO BE APPLIED TO THE INTERIOR SURFACES OF ALL CONCRETE WALLS, CEILING, AND FLOORS.
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

UNIT SHOWN EXTRACT

UNIT NO.	AREA (SQ. FT.)	NO. OF UNITS	TOTAL AREA (SQ. FT.)
UNIT 11	1,200	1	1,200
UNIT 12	1,200	1	1,200
UNIT 13	1,200	1	1,200
UNIT 14	1,200	1	1,200
UNIT 15	1,200	1	1,200
UNIT 16	1,200	1	1,200
UNIT 17	1,200	1	1,200
UNIT 18	1,200	1	1,200
UNIT 19	1,200	1	1,200
UNIT 20	1,200	1	1,200
UNIT 21	1,200	1	1,200
UNIT 22	1,200	1	1,200
UNIT 23	1,200	1	1,200
UNIT 24	1,200	1	1,200
TOTAL	12,000	12	12,000

UNIT SHOWN EXTRACT

UNIT NO.	AREA (SQ. FT.)	NO. OF UNITS	TOTAL AREA (SQ. FT.)
UNIT 11	1,200	1	1,200
UNIT 12	1,200	1	1,200
UNIT 13	1,200	1	1,200
UNIT 14	1,200	1	1,200
UNIT 15	1,200	1	1,200
UNIT 16	1,200	1	1,200
UNIT 17	1,200	1	1,200
UNIT 18	1,200	1	1,200
UNIT 19	1,200	1	1,200
UNIT 20	1,200	1	1,200
UNIT 21	1,200	1	1,200
UNIT 22	1,200	1	1,200
UNIT 23	1,200	1	1,200
UNIT 24	1,200	1	1,200
TOTAL	12,000	12	12,000

JUL 06 2004

Ordinance No. 04-28

**AN ORDINANCE APPROVING AN AMENDED RECORD OF SURVEY
CONDOMINIUM PLAT FOR HOTEL PARK CITY
LOCATED AT 2001 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as the Hotel Park City, located at 2001 Park Avenue, have petitioned the City Council for approval of an amended record of survey condominium plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on June 9, 2004, to receive input on the amended record of survey condominium plat;

WHEREAS, the Planning Commission, on June 9, 2004, forwarded a positive recommendation to the City Council for amended record of survey condominium plat; and,

WHEREAS, on July 1, 2004 the City Council approved the amended record of survey condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended record of survey condominium plat.

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

SECTION 1. APPROVAL. The amended record of survey condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 2001 Park Avenue and is zoned Recreation Commercial with Master Planned Development (RC-MPD).
2. The condominium amends the commercial units for the spa and hotel spaces.
3. All parking is common to all owners, including the golf pro shop.
4. A subdivision approved by the Park City Council on August 9, 2001 created a single lot. A Record of Survey was approved on June 6, 2002.
5. Condominiums are an allowed use in the RC zone.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Amended Record of Survey is consistent with the Master Plan Development Agreement, Park City Land Management Code, the General Plan and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Amended Record of Survey
4. Approval of the Amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The Conditions of Approval for the Hotel Park City Master Plan Approval (Island Outpost), as amended, remain in full force and effect.
2. The temporary yurt is not to be shown on the plat.
3. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
4. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

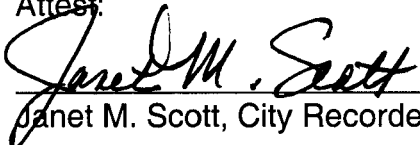
PASSED AND ADOPTED this 1st day of July, 2004.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

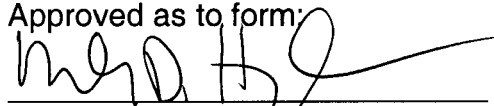
Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

Ordinance No. 04-27

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF PARK CITY, UT
TITLE 11, SECTION 11-13-7, TO PROVIDE A REBATE OF IMPACT FEES FOR
INSTALLATION OF DRIP IRRIGATION AND DROUGHT TOLERANT
LANDSCAPING ON NEW CONSTRUCTION, AMEND TITLE 13, SECTION 13-1-2,
TO AMEND THE DESIGNATED TIME PERIOD FOR WATER CONSERVATION
RATES, AMEND SECTION 11-13-1 AND REPEAL SECTION 13-1-13
IN REGARD TO DEVELOPMENT, CONNECTION AND FIRE STANDBY FEES**

WHEREAS, Utah is entering the sixth year of a severe drought cycle; and

WHEREAS, the raw water supplies of the City of Park City are at their lowest recorded level and are in immediate danger of not being fully replaced or renewed in the foreseeable future at the current usage by consumers; and

WHEREAS, water conservation is required for maintenance of a sustainable water supply to immediately preserve and protect the public health of the citizens of Park City and its water users; and

WHEREAS, the City would like to provide a rebate of impact fees as a reward for installation of water conservation landscaping measures on new construction; and

WHEREAS, the effective period for water conservation rates shall be increased by one month and run from May through September of each year; and

WHEREAS, Sections 11-13-1(Q) and 13-1-13 in regard to Development, Connection and Fire Standby Fees are amended to clarify the location of the connection fees and repeal the development and fire standby fees are no longer valid.

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

Section I. Amendment. The Municipal Code of Park City, Title 11, Chapter 13, Sections 11-13-1(Q) and 11-13-7 are hereby amended as follows:

11-13-1 (Q) WATER DEVELOPMENT—IMPACT FEE. The impact fee, calculated as an expression of new equivalent residential units (ERUs), to assess the impact of indoor development activity, and increased area of irrigated landscape, to assess the impact of outdoor development activity, imposed as a condition precedent to a building permit that is used to offset the proportionate impact of the development activity on the need for the acquisition and transfer of water rights and points of diversion and the planning, design, engineering, acquisition, financing and construction of physical sources to realize those water rights.

11-13-7 REFUNDS.

(G) A property owner is eligible to receive a rebate of up to 50% of the paid exterior water impact fee and, if approved, construction and landscape plans include installation of a drip irrigation system and drought tolerant landscaping in the area of disturbance. A completed application form, and irrigation plan must be submitted to the Planning Department for review and approval.

Section II. Amendment/Repeal. The Municipal Code of Park City, Title 13, Chapter 1, Section 13-1-2 is hereby amended, and Section 13-1-13 is hereby repealed as follows:

13- 1- 2. WATER CONSERVATION RATES.

All water delivered through billed between June 1 and October 30 of each year for water delivered through each meter serving individually metered residential, single family, condo, townhouse, and through each meter serving multi-family residential and landscape irrigation customers between ~~May~~ June 1 and September 30 of each year shall be billed at the rate established by resolution.

The water conservation rates established by said resolution are based on the City's cost of providing water service, which cost may change. The City Manager may provide administrative relief up to a twenty percent (20%) reduction in any water billing following application to and recommendation by the Public Works Director in cases of hardship or unusual circumstances.

~~13- 1-13. CONNECTION AND FIRE STANDBY FEES.~~

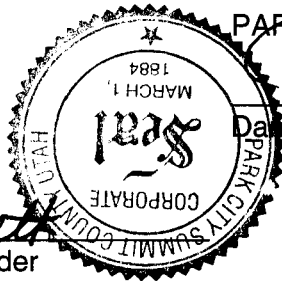
~~Connection and fire fees shall be as set by resolution.~~

Section III. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 17h day of June, 2004.

Attest:

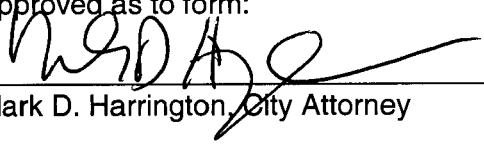
Janet M. Scott, City Recorder



PARK CITY MUNICIPAL CORPORATION


Dana Williams, Mayor

Approved as to form:



Mark D. Harrington, City Attorney

ORDINANCE NO. 04-26

AN ORDINANCE ESTABLISHING A TAX ON THE GROSS RECEIPTS OF TELECOMMUNICATIONS SERVICE PROVIDERS; SETTING THE RATE FOR SUCH TAX; AND ESTABLISHING THE EFFECTIVE DATE OF THE TAX

WHEREAS, Park City Municipal Corporation (Park City), pursuant to Utah Code Sections 10-1-401 et seq. may levy a tax on the gross receipts of telecommunication service providers; and

WHEREAS, Park City has determined that the need for such a tax as a source of general fund revenue; and

WHEREAS, Park City has previously raised general fund revenue from taxes or fees from certain telecommunication providers under the authority of Utah Code Sections 10-1-203 or 11-26-1 et seq. and now wishes to repeal those taxes.

NOW THEREFORE BE IT ORDAINED by the legislative body of Park City as follows:

SECTION 1. AMENDMENT. Title 4, Chapters 10 and 14 of the Municipal Code of Park City are hereby amended as follows:

CHAPTER 10 - FRANCHISED UTILITIES AND CABLE TELEVISION OPERATORS

4-10- 1. BUSINESS LICENSE REQUIRED.

All franchised utilities and cable television operators must obtain from the City a license to do business within the City. It shall be unlawful for a franchised utility or cable television operator to conduct business in Park City without a license. The City shall not charge a business license fee, but the fees for the franchise license amount below and any franchise fee imposed by virtue of a franchise agreement must be timely paid to receive a business license.

4-10- 2. FRANCHISE LICENSE.

There is hereby imposed on all franchised utilities, except "energy suppliers" taxed pursuant to Chapter 13 of this Title, telecommunications providers taxed pursuant to Chapter 14A of this Title, and cable television operators who conduct business within the City a franchise license. The franchise license shall be three and one-half percent (3.5%) of the gross revenue of the franchised utility or cable television operator derived from the sale of its service or product within Park City's corporate limits. For purposes of this Chapter, gross revenue shall include all revenue generated from the sale of the franchisee's product or service. The franchise fee imposed by other ordinances as a consideration for granting the franchises shall be excluded from the gross revenue.

4-10- 3. EXCLUSIONS.

This franchise license fee shall not apply to “energy suppliers” taxed pursuant to Section 4-13, telecommunications providers taxed pursuant to Chapter 14A of this Title, or revenue derived from the sale of household appliances by a franchisee, service of appliances, or to the sale or rental of telephone switching equipment not included in “exchange access service”.

4-10- 4. PAYMENT OF FEE.

The fee is payable in monthly installments which shall be due on or before the 15th day of the month following the billing cycle of the utility or cable television operator. The fee shall be paid on the basis of the preceding month's actual collections. A service charge of one and a half percent (12 %) per month of the total amount due may be imposed on late payments.

4-10- 6. PENALTY.

The operation of a franchised utility or cable television business within Park City without paying the required fees shall be a Class “B” misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) for each day of each violation and imprisonment of the corporate officials responsible for the violation for not more than six months in the County jail for each day of each violation. These criminal penalties are in addition to, and not in lieu of a civil action to recover the license fee due, or a civil action to terminate the franchise. Each connection to the utility or cable television system through which service is provided by the franchisee is hereby deemed a separate transaction or sale, and each such sale, while unlicensed, shall constitute a separate violation.**[CHAPTERS 11-13 OMITTED]**

CHAPTER 14 - TELECOMMUNICATIONS AND RIGHTS-OF-WAY

4- 14-1. SCOPE OF ORDINANCE.

This ordinance shall provide the basic local scheme for providers of telecommunications services and systems that require the use of the rights-of-way, including providers of both the system and service, those providers of the system only, and those providers who do not build the system but who only provide services. This ordinance shall apply to all future providers and to all providers in the City prior to the effective date of this ordinance, whether operating with or without a franchise as set forth in Section 4-14-12(B). This ordinance shall not apply to cable television operators otherwise regulated by a franchise granted by the City, nor personal wireless service facilities. Providers excused by other law that prohibits the City from requiring a franchise shall not be required to obtain a franchise, but all of the requirements imposed by this ordinance through the exercise of the City's police power and not preempted by other law shall be applicable.

4-14-2. DEFINED TERMS.

(A) **APPLICATION**. The process by which a provider submits a request and indicates a desire to be granted a franchise to utilize the rights-of-way of all, or a part, of the City. An application includes all written documentation, verbal statements and representations, in whatever form or forum, made by a provider to the City concerning: the construction of a telecommunications system over, under, on or through the rights-of-way; the telecommunications services proposed to be provided in the City by a provider; and any other matter pertaining to a proposed system or service.

(B) **CITY**. Park City, Utah.

(C) **COMPLETION DATE**. The date that a provider begins providing services to customers in the City.

(D) **CONSTRUCTION COSTS**. All costs of constructing a system, including make ready costs, other than engineering fees, attorneys or accountants fees, or other consulting fees.

(E) **CONTROL OR CONTROLLING INTEREST**. Actual working control in whatever manner exercised, including, without limitation, working control through ownership, management, debt instruments or negative control, as the case may be, of the system or of a provider. A rebuttable presumption of the existence of control or a controlling interest shall arise from the beneficial ownership, directly or indirectly, by any person, or group of persons acting in concert, of more than twenty-five percent (25%) of any provider, which person or group of persons is hereinafter referred to as "controlling person". "Control" or "controlling interest" as used herein may be held simultaneously by more than one person or group of persons.

(F) **FCC**. The Federal Communications Commission, or any successor thereto.

(G) **FRANCHISE**. The rights and obligation extended by the City to a provider to own, lease, construct, maintain, use or operate a system in the rights-of-way within the boundaries of the City. Any such authorization, in whatever form granted, shall not mean or include:

(1) any other permit or authorization required for the privilege of transacting and carrying on a business within the City required by the ordinances and laws of the City;

(2) any other permit, agreement or authorization required in connection with operations on rights-of-way or public property including, without limitation, permits and agreements for placing devices on or in poles, conduits or other structures, whether owned by the City or a private entity, or for excavating or performing other work in or along the rights-of-way.

(H) **FRANCHISE AGREEMENT**. A contract entered into in accordance with the provisions of this ordinance between the City and a franchisee that sets forth, subject to this ordinance, the terms and conditions under which a franchise will be exercised.

(J) **INFRASTRUCTURE PROVIDER**. A person providing to another, for the purpose of providing telecommunication services to customers, all or part of the necessary system, which uses the rights-of-way.

(K) **OPEN VIDEO SERVICE**. Any video programming services provided to any Person through the use of rights-of-way, by a provider that is certified by the FCC to operate an open video system pursuant to sections 651, *et seq.*, of the Telecommunications Act, to be codified at 47 U.S.C. Title VI, Part V, regardless of the system used.

(L) **OPEN VIDEO SYSTEM**. The system of cables, wires, lines, towers, wave guides, optic fiber, microwave, laser beams, and any associated converters, equipment, or facilities designed and constructed for the purpose of producing, receiving, amplifying or distributing open video services to or from subscribers or locations within the City.

(M) **OPERATOR**. Any person who provides Service over a telecommunications system and directly or through one or more persons owns a controlling interest in such system, or who otherwise controls or is responsible for the operation of such a system.

(N) **ORDINANCE** or **TELECOMMUNICATIONS ORDINANCE**. This telecommunications ordinance concerning the granting of franchises in and by the City for the construction, ownership, operation, use or maintenance of a telecommunications system.

(O) **PERSON**. Includes any individual, corporation, partnership, association, joint stock company, trust, or any other legal entity, but not the City.

(P) **PERSONAL WIRELESS SERVICES FACILITIES**. Has the same meaning as provided in Section 704 of the Act (47 U.S.C. 332(c)(7)(c)), which includes what is commonly known as cellular and PCS Services that do not install any system or portion of a system in the rights-of-way.

(Q) **PROVIDER**. An operator, infrastructure provider, resaler, or system lessee.

(R) **PSC**. The Public Service Commission, or any successor thereto.

(S) **RESALER**. Any person that provides local exchange service over a system for which a separate charge is made, where that person does not own or lease the underlying system used for the transmission.

(T) **RIGHTS-OF-WAY**. The surface of and the space above and below any public street, sidewalk, alley, or other public way of any type whatsoever, now or hereafter existing, and owned by or otherwise dedicated to the City.

(U) **SIGNAL**. Any transmission or reception of electronic, electrical, light or laser or radio frequency energy or optical information in either analog or digital format.

(V) **SYSTEM OR TELECOMMUNICATIONS SYSTEM**. All conduits, manholes, poles, antennas, transceivers, amplifiers and all other electronic devices, equipment, wire and appurtenances owned, leased, or used by a provider, located in the rights-of-way and utilized in the provision of services, including fully digital or analog, voice, data and video imaging and other enhanced telecommunications services. telecommunications system or systems also includes an open video system.

(W) **SYSTEM LESSEE**. Any person that leases a system or a specific portion of a system to provide services.

(X) **TELECOMMUNICATIONS**. The transmission, between or among points specified by the user, of information of the user's choosing, *e.g.*, data, video, and voice, without change in the form or content of the information sent and received.

(Y) **TELECOMMUNICATIONS SERVICES OR SERVICES**. Any telecommunications services provided by a provider within the City that the provider is authorized to provide under federal, state and local law, and any equipment and/or facilities required for and integrated with the services provided within the City, except that these terms do not include "cable service" as defined in the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. Section 521, *et seq.*, and the Telecommunications Act of 1996. Telecommunications system or systems also includes an open video system.

(Z) **WIRE**. Fiber optic telecommunications cable, wire, coaxial cable, or other transmission medium that may be used in lieu thereof for similar purposes.

4-14-3. FRANCHISE REQUIRED.

(A) **NON-EXCLUSIVE FRANCHISE**. The City is empowered and authorized to issue non-exclusive franchises governing the installation, construction, and maintenance of systems in the City's rights-of-way, in accordance with the provisions of this ordinance. The franchise is granted through a franchise agreement entered into between the City and provider.

(B) **EVERY PROVIDER MUST OBTAIN**. Except to the extent preempted by federal or state law, as ultimately interpreted by a court of competent jurisdiction, including any

appeals, every provider must obtain a franchise prior to constructing a telecommunications system or providing telecommunications services using the rights-of-way, and every provider must obtain a franchise before constructing an open video system or providing open video services via an open video system. Any open video system or service shall be subject to the customer service and consumer protection provisions applicable to the cable TV companies to the extent the City is not preempted or permitted as ultimately interpreted by a court of competent jurisdiction, including any appeals. The fact that particular telecommunications systems may be used for multiple purposes does not obviate the need to obtain a franchise for other purposes. By way of illustration and not limitation, a cable operator of a cable system must obtain a cable franchise, and, should it intend to provide telecommunications services over the same system, must also obtain a telecommunications franchise.

(C) **NATURE OF GRANT.** A Franchise shall not convey title, equitable or legal, in the rights-of-way. A franchise is only the right to occupy rights-of-way on a non-exclusive basis for the limited purposes and for the limited period stated in the franchise; the right may not be subdivided, assigned, or subleased. A franchise does not excuse a provider from obtaining appropriate access or pole attachment agreements before collocating its system on the property of others, including the City's property. The franchise agreement may impose additional limitations upon the provider, such as location of utilities. This section shall not be construed to prohibit a provider from leasing conduit to another provider, so long as the lessee has obtained a franchise from the City.

(D) **CURRENT PROVIDERS.** Except to the extent exempted by federal or state law, any provider acting without a franchise on the effective date of this ordinance shall request issuance of a franchise from the City within ninety (90) days of the effective date of this ordinance. If such request is made, the provider may continue providing service during the course of negotiations. If a timely request is not made, or if negotiations cease and a franchise is not granted, the provider shall comply with the provisions of section 4-14- 9(D).

(E) **NATURE OF FRANCHISE.** The franchise granted by the City under the provisions of this ordinance shall be a nonexclusive franchise providing the right and consent to install, repair, maintain, remove and replace its system on, over and under the rights-of-way in order to provide services, unless otherwise specified by the franchise agreement.

(F) **REGULATORY APPROVAL NEEDED.** Before offering or providing any services pursuant to the Franchise, a provider shall obtain any and all regulatory approvals, permits, authorizations or licenses for the offering or provision of such services from the appropriate federal, state and local authorities, if required, and shall submit to the City upon the written request of the City evidence of all such approvals, permits, authorizations or licenses.

(G) **TERM.** No franchise issued pursuant to this ordinance shall have a term of less than five (5) years or greater than fifteen (15) years. Each franchise shall be granted in a nondiscriminatory manner.

4-14-4. COMPENSATION AND OTHER PAYMENTS.

(A) **TELECOMMUNICATIONS TAX.** As provided for in Chapter 14A of this Title.

(B) **APPLICATION FEE.** In order to offset the cost to the City to review an application for a franchise and in addition to all other fees, permits or charges, a provider shall pay to the City, at the time of application, \$500 as a non-refundable application fee.

(C) **EXCAVATION PERMITS.** The provider shall also pay fees required for an excavation permit as provided in the City's Fee Resolution or applicable code.

(D) **FUTURE COSTS.** A provider shall pay to the City or to third parties, at the direction of the City, an amount equal to the reasonable costs and reasonable expenses that the City incurs for the services of third parties, including but not limited to attorneys and other consultants, in connection with any renewal or provider-initiated renegotiation, or amendment of this ordinance or a franchise, provided, however, that the parties shall agree upon a reasonable financial cap at the outset of negotiations. In the event the parties are unable to agree, either party may submit the issue to binding arbitration in accordance with the rules and procedures of the American Arbitration Association.

(E) **CONTINUING OBLIGATION AND HOLDOVER.** In the event a provider continues to operate all or any part of the system after the term of the franchise, such operator shall continue to comply with all applicable provisions of this ordinance and the franchise, including, without limitation, all compensation and other payment provisions throughout the period of such continued operation, provided that any such continued operation shall in no way be construed as a renewal or other extension of the franchise, nor as a limitation on the remedies, if any, available to the City as a result of such continued operation after the term, including, but not limited to, damages and restitution.

(F) **COSTS OF PUBLICATION.** A provider shall assume any publication costs associated with its franchise that may be required by law.

4-14- 5. FRANCHISE APPLICATIONS.

(A) **FRANCHISE APPLICATION.** To obtain a franchise to construct, own, maintain or provide services through any system within the City, to obtain a renewal of a franchise granted pursuant to this ordinance, or to obtain the City approval of a transfer of a franchise, as provided in Section 4-14-7(A)(2), granted pursuant to this ordinance,

an application must be filed with City. The application form may be changed by the City Manager so long as such changes request information that is consistent with this ordinance.

(B) **APPLICATION CRITERIA**. In making a determination as to an application filed pursuant to this ordinance, the City may, but shall not be limited to, request the following from the provider:

(1) A copy of the order from the PSC granting a Certificate of Convenience and Necessity.

(2) Certification of the provider's financial ability to compensate the City for provider's intrusion, maintenance and use of the rights-of-way during the franchise term proposed by the provider;

(3) Provider=s agreement to comply with the requirements of Section 4-14-6 of this ordinance.

(C) **FRANCHISE DETERMINATION**. The City, in its discretion, shall determine the award of any franchise on the basis of these and other considerations relevant to the use of the rights-of-way, without competitive bidding.

4-14-6. CONSTRUCTION AND TECHNICAL REQUIREMENTS.

(A) **GENERAL REQUIREMENT**. No provider shall receive a franchise unless it agrees to comply with each of the terms set forth in this section governing construction and technical requirements for its system, in addition to any other reasonable requirements or procedures specified by the City or the franchise, including requirements regarding locating and sharing in the cost of locating portions of the system with other systems or with City utilities. A provider shall obtain an excavation permit before commencing any work in the rights-of-way.

(B) **QUALITY**. All work involved in the construction, maintenance, repair, upgrade and removal of the system shall be performed in a safe, thorough and reliable manner using materials of good and durable quality, and in accordance with the City=s design standards, construction specifications, and latest edition standard drawings. If, at any time, it is determined by the FCC or any other agency granted authority by federal law or the FCC to make such determination, that any part of the system, including, without limitation, any means used to distribute signals over or within the system, is harmful to the public health, safety or welfare, or quality of service or reliability, then a provider shall, at its own cost and expense, promptly correct all such conditions.

(C) **LICENSES AND PERMITS**. A provider shall have the sole responsibility for diligently obtaining, at its own cost and expense, all permits, licenses or other forms of approval or authorization necessary to construct, maintain, upgrade or repair the system, including but not limited to any necessary approvals from persons and/or the

City to use private property, easements, poles and conduits. A provider shall obtain any required permit, license, approval or authorization, including but not limited to excavation permits, pole attachment agreements, etc., prior to the commencement of the activity for which the permit, license, approval or authorization is required.

(D) **RELOCATION OF THE SYSTEM.**

(1) **NEW GRADES OR LINES.** If the grades or lines of any rights-of-way are changed at any time in a manner affecting the system, then a provider shall comply with the requirements of the excavation ordinance or other applicable City regulation.

(2) **THE CITY AUTHORITY TO MOVE SYSTEM IN CASE OF AN EMERGENCY.** The City may, at any time, in case of fire, disaster or other emergency, as determined by the City in its reasonable discretion, cut or move any parts of the system and appurtenances on, over or under the rights-of-way of the City, in which event the City shall not be liable therefore to a provider.

The City shall notify a provider in writing prior to, if practicable, but in any event as soon as possible and in no case later than the next business day following any action taken under this section. Notice shall be given as provided in Section 11.4.

(3) **A PROVIDER REQUIRED TO TEMPORARILY MOVE SYSTEM FOR THIRD PARTY.** A provider shall, upon prior reasonable written notice by the City or any person holding a permit to move any structure, and within the time that is reasonable under the circumstances, temporarily move any part of its system to permit the moving of said structure. A provider may impose a reasonable charge on any person other than the City for any such movement of its systems.

(4) **RIGHTS-OF-WAY CHANGE - OBLIGATION TO MOVE SYSTEM.** When the City is changing a rights-of-way and makes a written request, a provider is required to move or remove its system from the rights-of-way, without cost to the City, to the extent provided in the excavation ordinance. This obligation does not apply to systems originally located on private property pursuant to a private easement, which property was later incorporated into the rights-of-way, if that private easement grants a superior vested right. This obligation exists whether or not the provider has obtained an excavation permit.

(5) **PROTECT STRUCTURES.** In connection with the construction, maintenance, repair, upgrade or removal of the system, a provider shall, at its own cost and expense, protect any and all existing structures belonging to the City and any historically significant structure or building, as designated by the Historic District Commission. A provider shall obtain the prior written consent of the City to alter any water main, power facility, sewerage or drainage system, or any other municipal structure on, over or under the rights-of-way of the City

required because of the presence of the system. Any such alteration shall be made by the City or its designee on a reimbursable basis. A provider agrees that it shall be liable for the costs incurred by the City to replace or repair and restore to its prior condition in a manner as may be reasonably specified by the City, any municipal structure or any other rights-of-way of the City involved in the construction, maintenance, repair, upgrade or removal of the system that may become disturbed or damaged as a result of any work thereon by or on behalf of a provider pursuant to the franchise.

(6) **NO OBSTRUCTION.** In connection with the construction, maintenance, upgrade, repair or removal of the system, a provider shall not unreasonably obstruct the rights-of-way of fixed guide way systems, railways, passenger travel, or other traffic to, from or within the City without the prior consent of the appropriate authorities.

(7) **SAFETY PRECAUTIONS.** A provider shall, at its own cost and expense, undertake all necessary and appropriate efforts to prevent accidents at its work sites, including the placing and maintenance of proper guards, fences, barricades, security personnel and suitable and sufficient lighting, and such other requirements prescribed by OSHA and Utah OSHA. A provider shall comply with all applicable federal, state and local requirements including but not limited to the National Electric Safety Code.

(8) **REPAIR.** After written reasonable notice to the provider, unless, in the sole determination of the City, an imminent danger exists, any rights-of-way within the City which are disturbed or damaged during the construction, maintenance or reconstruction by a provider of its system may be repaired by the City at the provider's expense, to a condition as good as that prevailing before such work was commenced. Upon doing so, the City shall submit to such a provider an itemized statement of the cost for repairing and restoring the rights-of-ways intruded upon.

The provider shall, within thirty (30) days after receipt of the statement, pay to the City the entire amount thereof.

(9) **SYSTEM MAINTENANCE.** A provider shall:

(a) Install and maintain all parts of its system in a non-dangerous condition throughout the entire period of its franchise.

(b) Install and maintain its system in accordance with standard prudent engineering practices and shall conform, when applicable, with the National Electrical Safety Code and all applicable other federal, state and local laws or regulations.

(c) At all reasonable times, permit examination by any duly authorized representative of the City of the system and its effect on the rights-of-way.

(10) **TRIMMING OF TREES.** A provider shall have the authority to trim trees, in accordance with all applicable utility restrictions, ordinance and easement restrictions, upon and hanging over rights-of-way so as to prevent the branches of such trees from coming in contact with its system. See Title 14.

4-14-7. FRANCHISE AND LICENSE NON-TRANSFERRABLE.

(A) **NOTIFICATION OF SALE.**

(1) **NOTIFICATION AND ELECTION.** When a provider is the subject of a sale, transfer, lease, assignment, sublease or disposed of, in whole or in part, either by forced or involuntary sale, or by ordinary sale, consolidation or otherwise, such that it or its successor entity is obligated to inform or seek the approval of the PSC, the provider or its successor entity shall promptly notify the City of the nature of the transaction. The notification shall include either:

(a) the successor entity=s certification that the successor entity unequivocally agrees to all of the terms of the original provider=s franchise agreement, or

(b) the successor entity=s application in compliance with Section 4-14-5 of this ordinance.

(2) **TRANSFER OF FRANCHISE.** Upon receipt of a notification and certification in accordance with Section 4-14-7(A)(1)(a), the City designee, as provided in Section 4-14-9(A)(1), shall send notice affirming the transfer of the franchise to the successor entity. If the City has good cause to believe that the successor entity may not comply with this ordinance or the franchise agreement, it may require an application for the transfer. The application shall comply with Section 4-14-5.

(3) **IF PSC APPROVAL NO LONGER REQUIRED.** If the PSC no longer exists, or if its regulations or state law no longer require approval of transactions described in Section 4-14-7(A), and the City has good cause to believe that the successor entity may not comply with this ordinance or the franchise agreement, it may require an application. The application shall comply with Section 4-14-5.

(B) **EVENTS OF SALE.** The following events shall be deemed to be a sale, assignment or other transfer of the franchise requiring compliance with Section 7.1:

(1) the sale, assignment or other transfer of all or a majority of a provider's assets to another person;

(2) the sale, assignment or other transfer of capital stock or partnership, membership or other equity interests in a provider by one (1) or more of its

existing shareholders, partners, members or other equity owners so as to create a new controlling interest in a provider;

(3) the issuance of additional capital stock or partnership, membership or other equity interest by a Provider so as to create a new controlling interest in such a provider; or

(4) the entry by a provider into an agreement with respect to the management or operation of such provider or its system.

4-14-8. OVERSIGHT AND REGULATION.

(A) **INSURANCE, INDEMNITY, AND SECURITY.** Prior to the execution of a franchise, a provider will deposit with the City an irrevocable, unconditional letter of credit as required by the terms of the franchise, and shall obtain and provide proof of the insurance coverage required by the Franchise. A provider shall also indemnify the City as set forth in the franchise.

(B) **OVERSIGHT.** The City shall have the right to oversee, regulate and inspect periodically the construction, maintenance, and upgrade of the system, and any part thereof, in accordance with the provisions of the franchise and applicable law. A provider shall establish and maintain managerial and operational records, standards, procedures and controls to enable a provider to prove, in reasonable detail, to the satisfaction of the City at all times throughout the term, that a provider is in compliance with the franchise. A provider shall retain such records for not less than the applicable statute of limitations.

(C) **MAINTAIN RECORDS.** A provider shall at all times maintain:

(1) On file with the City, a full and complete set of plans, records and "as-built" hard copy maps and, to the extent the maps are placed in an electronic format, they shall be made in electronic format compatible with the City's existing GIS system, of all existing and proposed installations and the types of equipment and systems installed or constructed in the rights-of-way, properly identified and described as to the types of equipment and facility by appropriate symbols and marks which shall include annotations of all rights-of-ways where work will be undertaken.

As used herein, As-built@ maps includes file construction prints. Maps shall be drawn to scale. "As-built" maps, including the compatible electronic format, as provided above, shall be submitted within thirty (30) days of completion of work or within thirty (30) days after completion of modification and repairs.

As- built maps are not required of the provider who is the incumbent local exchange carrier for the existing system to the extent they do not exist.

(2) Throughout the term of the franchise, a provider shall maintain complete and accurate books of account and records of the business, ownership, and operations of a provider with respect to the system in a manner that allows the City at all times to determine whether a provider is in compliance with the franchise. Should the City reasonably determine that the records are not being maintained in such a manner, a provider shall alter the manner in which the books and/or records are maintained so that a provider comes into compliance with this section. All financial books and records which are maintained in accordance with the regulations of the FCC and any governmental entity that regulates utilities in the State of Utah, and generally accepted accounting principles shall be deemed to be acceptable under this section.

(D) **CONFIDENTIALITY**. If the information required to be submitted is proprietary in nature or must be kept confidential by federal, state or local law, upon proper request by a provider, such information shall be classified as a Protected record within the meaning of the Utah Government Records Access and Management Act (AGRAMA@), making it available only to those who must have access to perform their duties on behalf of the City, provided that a provider notifies the City of, and clearly labels the information which a provider deems to be confidential, proprietary information. Such notification and labeling shall be the sole responsibility of the provider.

(E) **PROVIDER=S EXPENSE**. All reports and records required under this ordinance shall be furnished at the sole expense of a provider, except as otherwise provided in this ordinance or a franchise.

(F) **RIGHT OF INSPECTION**. For the purpose of verifying the correct amount of the franchise fee, the books and records of the provider pertaining thereto shall be open to inspection or audit by duly authorized representatives of the City at all reasonable times, upon giving reasonable notice of the intention to inspect or audit the books and records, provided that the City shall not audit the books and records of the provider more often than annually. The provider agrees to reimburse the City the reasonable costs of an audit if the audit discloses that the provider has paid ninety-five percent (95%) or less of the compensation due the City for the period of such audit. In the event the accounting rendered to the City by the provider herein is found to be incorrect, then payment shall be made on the corrected amount within thirty (30) calendar days of written notice, it being agreed that the City may accept any amount offered by the provider, but the acceptance thereof by the City shall not be deemed a settlement of such item if the amount is in dispute or is later found to be incorrect.

4-14- 9. RIGHTS OF CITY.

(A) **ENFORCEMENT AND REMEDIES**.

(1) **ENFORCEMENT - CITY DESIGNEE**. The City is responsible for enforcing and administering this ordinance, and the City or its designee, as

appointed by the City Manager, is authorized to give any notice required by law or under any franchise agreement.

(2) **ENFORCEMENT PROVISION.** Any franchise granted pursuant to this ordinance shall contain appropriate provisions for enforcement, compensation, and protection of the public, consistent with the other provisions of this ordinance, including, but not limited to, defining events of default, procedures for accessing the bond/security fund, and rights of termination or revocation.

(B) **FORCE MAJEURE.** In the event a provider's performance of any of the terms, conditions or obligations required by this ordinance or a franchise is prevented by a cause or event not within a provider's control, such inability to perform shall be deemed excused and no penalties or sanctions shall be imposed as a result thereof. For the purpose of this section, causes or events not within the control of a provider shall include, without limitation, acts of God, strikes, sabotage, riots or civil disturbances, failure or loss of utilities, explosions, acts of public enemies, and natural disasters such as floods, earthquakes, landslides, and fires.

(C) **EXTENDED OPERATION AND CONTINUITY OF SERVICES.**

(1) **CONTINUATION AFTER EXPIRATION.** Upon either expiration or revocation of a franchise granted pursuant to this ordinance, the City shall have discretion to permit a provider to continue to operate its system or provide services for an extended period of time not to exceed six (6) months from the date of such expiration or revocation. A provider shall continue to operate its system under the terms and conditions of this ordinance and the franchise granted pursuant to this ordinance.

(2) **CONTINUATION BY INCUMBENT LOCAL EXCHANGE CARRIER.** If the provider is the incumbent local exchange carrier, it shall be permitted to continue to operate its system and provide services without regard to revocation or expiration, but shall be obligated to negotiate a renewal in good faith.

(D) **REMOVAL OR ABANDONMENT OF FRANCHISE PROPERTY.**

(1) **ABANDONED SYSTEM.**

In the event that:

(a) the use of any portion of the system is discontinued for a continuous period of twelve (12) months, and thirty (30) days after no response to written notice from the City to the last known address of provider;

(b) any system has been installed in the rights-of-way without complying with the requirements of this ordinance or franchise; or

(c) the provisions of Section 3-5 are applicable and no franchise is granted, a provider, except the provider who is an incumbent local exchange carrier, shall be deemed to have abandoned such system.

(2) **REMOVAL OF ABANDONED SYSTEM.** The City, upon such terms as it may impose, may give a provider written permission to abandon, without removing, any system, or portion thereof, directly constructed, operated or maintained under a franchise. Unless such permission is granted or unless otherwise provided in this ordinance, a provider shall remove within a reasonable time the abandoned system and shall restore, using prudent construction standards, any affected rights-of-way to their former state at the time such system was installed, so as not to impair their usefulness.

The City shall have the right to inspect and approve the condition of the rights-of-way cables, wires, attachments and poles prior to and after removal. The liability, indemnity and insurance provisions of this ordinance and any security fund provided in a franchise shall continue in full force and effect during the period of removal and until full compliance by a provider with the terms and conditions of this section.

(3) **TRANSFER OF ABANDONED SYSTEM TO CITY.** Upon abandonment of any system in place, a provider, if required by the City, shall submit to the City a written instrument, satisfactory in form to the City, transferring to the City the ownership of the abandoned system.

(4) **REMOVAL OF ABOVE-GROUND SYSTEM.** At the expiration of the term for which a franchise is granted, or upon its revocation or earlier expiration, as provided for by this ordinance, in any such case without renewal, extension or transfer, the City shall have the right to require a provider to remove, at its expense, all above-ground portions of a system from the rights-of-way within a reasonable period of time, which shall not be less than one hundred eighty (180) days.

If the provider is the incumbent local exchange carrier, it shall not be required to remove its system, but shall negotiate a renewal in good faith, unless otherwise provided for in the franchise agreement.

(5) **LEAVING UNDERGROUND SYSTEM.** Notwithstanding anything to the contrary set forth in this ordinance, a provider may abandon any underground system in place so long as it does not materially interfere with the use of the rights-of-way or with the use thereof by any public utility, cable operator or other person, unless otherwise provided for in the franchise agreement.

4-14-10. OBLIGATION TO NOTIFY.

(A) **PUBLICIZING WORK**. Before entering onto any private property, a provider shall make a good faith attempt to contact the property owners in advance, and describe the work to be performed. Nothing herein authorizes the provider to trespass.

4-14-11. GENERAL PROVISIONS.

(A) **CONFLICTS**. In the event of a conflict between any provision of this ordinance and a franchise entered pursuant to it, the provisions of this ordinance in effect at the time the franchise is entered into shall control.

(B) **SEVERABILITY**. If any provision of this ordinance is held by any federal, state or local court of competent jurisdiction, to be invalid as conflicting with any federal or state statute, or is ordered by a court to be modified in any way in order to conform to the requirements of any such law and all appellate remedies with regard to the validity of the ordinance provisions in question are exhausted, such provision shall be considered a separate, distinct, and independent part of this ordinance, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law is subsequently repealed, rescinded, amended or otherwise changed, so that the provision which had been held invalid or modified is no longer in conflict with such law the provision in question shall return to full force and effect and shall again be binding on the City and the provider, provided that the City shall give the provider thirty (30) days, or a longer period of time as may be reasonably required for a provider to comply with such a rejuvenated provision, written notice of the change before requiring compliance with such provision.

(C) **NEW DEVELOPMENTS**. It shall be the policy of the City to liberally amend this ordinance, upon Application of a provider, when necessary to enable the provider to take advantage of any developments in the field of telecommunications which will afford the provider an opportunity to more effectively, efficiently, or economically serve itself or the public.

(D) **NOTICES**. All notices from a provider to the City required under this ordinance or pursuant to a franchise granted pursuant to this ordinance shall be directed to the officer as designated by the City Manager. A provider shall provide in any application for a franchise the identity, address and phone number to receive notices from the City. A provider shall immediately notify the City of any change in its name, address, or telephone number.

(E) **EXERCISE OF POLICE POWER**. To the full extent permitted by applicable law either now or in the future, the City reserves the right to adopt or issue such rules, regulations, orders, or other directives that it finds necessary or appropriate in the lawful exercise of its police powers.

4-14-12. FEDERAL, STATE AND CITY JURISDICTION.

(A) **CONSTRUCTION.** This ordinance shall be construed in a manner consistent with all applicable federal and state statutes.

(B) **ORDINANCE APPLICABILITY.** This ordinance shall apply to all franchises granted or renewed after the effective date of this ordinance. This ordinance shall further apply, to the extent permitted by applicable federal or state law to all existing franchises granted prior to the effective date of this ordinance and to a provider providing services, without a franchise, prior to the effective date of this ordinance.

(C) **OTHER APPLICABLE ORDINANCES.** A provider's rights are subject to the police powers of the City to adopt and enforce ordinances necessary to the health, safety and welfare of the public. A provider shall comply with all applicable general laws and ordinances enacted by the City pursuant to its police powers. In particular, all providers shall comply with the City zoning and other land use requirements.

(D) **CITY FAILURE TO ENFORCE.** A provider shall not be relieved of its obligation to comply with any of the provisions of this ordinance or any franchise granted pursuant to this ordinance by reason of any failure of the City to enforce prompt compliance.

(E) **CONSTRUED ACCORDING TO UTAH LAW.** This ordinance and any franchise granted pursuant to this ordinance shall be construed and enforced in accordance with the substantive laws of the State of Utah.

SECTION 2. AMENDMENT. Title 4 of the Municipal Code of Park City is hereby amended by adding Chapter 14A, Telecommunications Tax, as follows:

CHAPTER 14A – TELECOMMUNICATIONS TAX

4-14A-1. DEFINITIONS.

As used in this Chapter:

(1) "Commission" means the State Tax Commission.

(2) (a) Subject to Subsections (2) (b) and (c), "customer" means the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract.

(b) For purposes of this ordinance, "customer" means:

(i) the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract; or

(ii) if the end user is not the person described in Subsection (2) (b) (i), the end user of telecommunications service.

(c) "Customer" does not include a reseller:

(i) of telecommunications service; or

(ii) for mobile telecommunications service, of a serving carrier under an agreement to serve the customer outside the telecommunications provider's licensed

service area.

(3) (a) "End user" means the person who uses a telecommunications service.

(b) For purposes of telecommunications service provided to a person who is not an individual, "end user" means the individual who uses the telecommunications service on behalf of the person who is provided the telecommunications service.

(4) "Gross Receipts attributed to the municipality" means those gross receipts from a transaction for telecommunications services that is located within the municipality for the purposes of sales and use taxes under Utah Code Title 59, Chapter 12, Sales and Use Tax Act and determined in accordance with Utah Code section 59-12-207.

(5) "Gross receipts from telecommunications service" means the revenue that a telecommunications provider receives for telecommunications service rendered except for amounts collected or paid as:

(a) a tax, fee, or charge:

(i) imposed by a governmental entity;

(ii) separately identified as a tax, fee, or charge in the transaction with the customer for the telecommunications service; and

(iii) imposed only on a telecommunications provider;

(b) sales and use taxes collected by the telecommunications provider from a customer under Title 59, Chapter 12, Sales and Use Tax Act; or

(c) interest, a fee, or a charge that is charged by a telecommunications provider on a customer for failure to pay for telecommunications service when payment is due.

(6) "Mobile telecommunications service" is as defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

(7) "Municipality" means Park City Municipal Corporation.

(8) "Place of primary use":

(a) for telecommunications service other than mobile telecommunications service, means the street address representative of where the customer's use of the telecommunications service primarily occurs, which shall be:

(i) the residential street address of the customer; or

(ii) the primary business street address of the customer; or

(b) for mobile telecommunications service, is as defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

(9) Notwithstanding where a call is billed or paid, "service address" means:

(a) if the location described in this Subsection (9) (a) is known, the location of the telecommunications equipment:

(i) to which a call is charged; and

(ii) from which the call originates or terminates;

(b) if the location described in Subsection (9) (a) is not known but the location described in this Subsection (9) (b) is known, the location of the origination point of the

signal of the telecommunications service first identified by:

- (i) the telecommunications system of the telecommunications provider; or
- (ii) if the system used to transport the signal is not a system of the telecommunications provider, information received by the telecommunications provider from its service provider; or
- (c) if the locations described in Subsection (9) (a) or (b) are not known, the location of a customer's place of primary use.

(10) (a) Subject to Subsections (10) (b) and (10) (c), "telecommunications provider" means a person that:

- (i) owns, controls, operates, or manages a telecommunications service; or
- (ii) engages in an activity described in Subsection (10) (a) (i) for the shared use with or resale to any person of the telecommunications service.
- (b) A person described in Subsection (10) (a) is a telecommunications provider whether or not the Public Service Commission of Utah regulates:
 - (i) that person; or
 - (ii) the telecommunications service that the person owns, controls, operates, or manages.
- (c) "Telecommunications provider" does not include an aggregator as defined in Utah Code Section 54-8b-2.

(11) "Telecommunications service" means:

- (a) telephone service, as defined in Utah Code Section 59-12-102, other than mobile telecommunications service, that originates and terminates within the boundaries of this state; and
- (b) mobile telecommunications service, as defined in Utah Code Section 59-12-102:
 - (i) that originates and terminates within the boundaries of one state; and
 - (ii) only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

4-14A-2. LEVY OF TAX.

There is hereby levied a municipal telecommunications license tax on the gross receipts from telecommunications service attributed to Par City.

4-14A-3. RATE

The rate of the tax levy shall be 4 % of the telecommunication provider's gross receipts from telecommunications service that are attributed to the municipality. If the location of a transaction is determined to be other than this municipality then the rate imposed on the gross receipts for telecommunications services shall be determined pursuant to the provisions of Utah Code Section 10-1-407.

4-14A-4. RATE LIMITATION AND EXEMPTION THEREFROM.

This rate of this levy shall not exceed 4% of the telecommunication provider's gross receipts from telecommunication service attributed to Park City unless a higher rate is approved by a majority vote of the voters in Park City that vote in:

- (a) a municipal general election;
- (b) a regular general election; or
- (c) a local special election.

4-14A-5. EFFECTIVE DATE OF TAX LEVY.

This tax shall be levied beginning July 1, 2004.

4-14A-6. CHANGES IN RATE OR REPEAL OF TAX.

This ordinance is subject to the requirements of Utah Code Section 10-1-403. If the tax rate is changed or the tax is repealed, then the appropriate notice shall be given as provided in Utah Code Section 10-1-403.

4-14A-7. INTERLOCAL AGREEMENT FOR COLLECTION OF THE TAX.

On or before the effective date of the ordinance, the Park City shall enter into the uniform interlocal agreement with the Commission as described in Utah Code Section 10-1-405 for the collection, enforcement, and administration of this municipal telecommunications license tax;

4-14A-8. PROCEDURES FOR TAXES ERRONEOUSLY RECOVERED FROM CUSTOMERS.

Pursuant to the provisions of Utah Code Section 10-1-408, a customer may not bring a cause of action against a telecommunications provider on the basis that the telecommunications provider erroneously recovered from the customer the municipal telecommunication license tax except as provided in Utah Code Section 10-1-408.

4-14A-9. REPEAL OF INCONSISTENT TAXES AND FEES.

Any tax or fee previously enacted by Park City under authority of Utah Code Section 10-1-203 or Utah Code Title 11, Chapter 26, Local Taxation of Utilities Limitation is hereby repealed.

Nothing in this ordinance shall be interpreted to repeal any municipal ordinance or fee which provides that the municipality may recover from a telecommunications provider the management costs of the municipality caused by the activities of the telecommunications provider in the rights-of-way of the municipality, if the fee is imposed in accordance with Utah Code Section 72-7-102 and is not related to the municipality's loss of use of a highway as a result of the activities of the telecommunications provider in a right of way, or increased deterioration of a highway as a result of the activities of the telecommunications provider in a right-of -way nor

does this ordinance limit Park City's right to charge fees or taxes on persons that are not subject to the municipal telecommunications license tax under this ordinance and locate telecommunications facilities, as defined in Utah Code Section 72-7-108, in this municipality.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect upon publication.


Passed and dated this 17th day of June, 2004.

PARK CITY MUNICIPAL CORPORATION

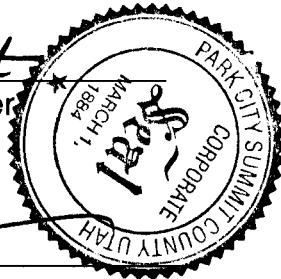


Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

Ordinance No. 04-25

AN ORDINANCE APPROVING AN AMENDMENT TO ALL OF LOT 13 AND 14 OF BLOCK 2 OF THE PARK CITY SURVEY, LOCATED AT 255 PARK AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 255 Park Avenue, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on June 9, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove one lot line between two lots of record creating one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will combine lots 13 and 14 of Block 2 of the Park City Survey to create one lot of record.
4. The proposed lot would consist of 3,750 square feet.
5. The lot has 50 feet of frontage on Park Avenue.
6. Portions of the lot exceed 30% slope, which requires a Steep Slope CUP.
7. The Planning Commission reviewed this application at its June 9, 2004 meeting, and forwarded a positive recommendation to the City Council.
8. No remnant lots will be created as a result of this application.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

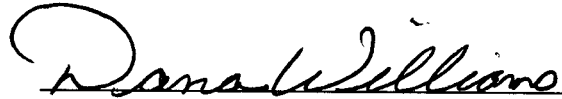
1. The City Attorney and City Engineer review and approval of the final form and content of

- the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
 3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 17th day of June 2004.

PARK CITY MUNICIPAL CORPORATION



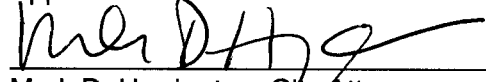
Dana Williams, Mayor

Attest:

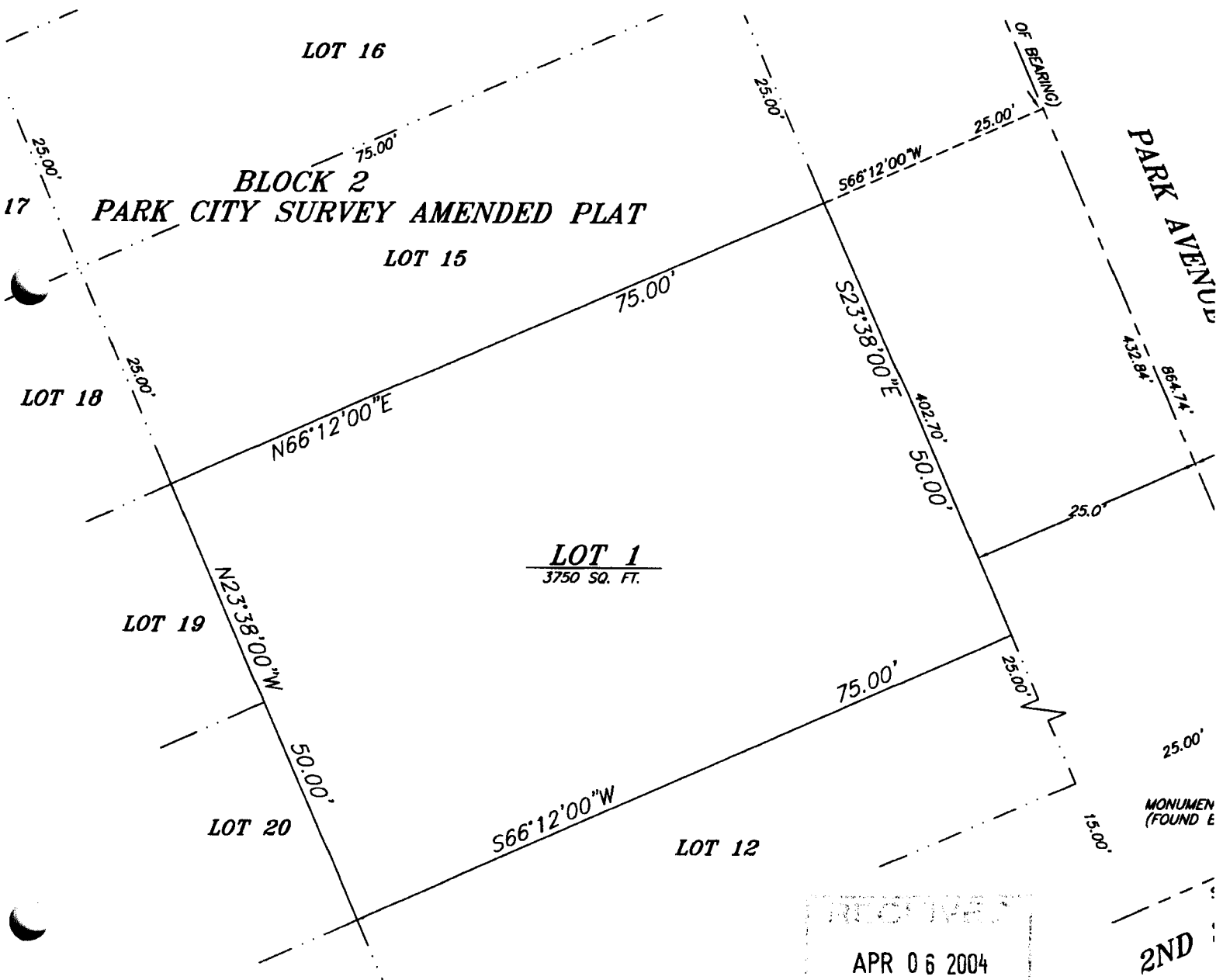


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



RECEIVED
APR 06 2004

2ND

MONUMENT
(FOUND E)

PARK AVENUE

OF BEARING)

LOT 16

BLOCK 2

PARK CITY SURVEY AMENDED PLAT

LOT 15

LOT 1
3750 SQ. FT.

LOT 19

LOT 12

LOT 20

LOT 18

17

Ordinance No. 04-24

AN ORDINANCE APPROVING A PLAT AMENDMENT FOR LOT 27 B-2 IN THE PROSPECTOR SQUARE SUBDIVISION WHICH WILL REMOVE A PLATTED FIVE FOOT (5') SETBACK AT THE EAST OF THE LOT.

WHEREAS, the owner of the property known as 1889 Prospector Avenue, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on May 26 and June 9, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove a platted five foot (5') setback located at the east of the lot; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The Planning Commission reviewed this item at the May 26, 2004 meeting, and again at the June 9, 2004 meeting. Public hearings were held at each meeting. No public comment was received.
2. The Planning Commission, at the June 9, 2004 meeting voted unanimously to forward a positive recommendation to the City Council to approve the plat amendment.
3. The property is located in the General Commercial (GC) zone.
4. The GC zone is a residential/commercial mix zone characterized by a mix larger contemporary residences and commercial structures.
5. In 1989, Lot 27B in the Prospector Square Subdivision was subdivided into two lots, Lot 27B-1 and Lot 27B-2.
6. An office building is currently located on Lot 27 B-1 (1881 Prospector Avenue – Dewall and Keeler Building). That lot is 2,700 s.f.
7. Lot 27B-2 is 2,250 s.f., and is currently vacant.
8. During the 1989 subdivision process, 5' setbacks were platted on lot 27B-2 at the south (toward Sun Creek Condominiums) and east (undeveloped, Prospector Square Common Area). This application is a request to remove the 5' setback to the east, but maintain the 5' setback to the south.
9. A 5' easement exists at the front of the lot in favor of Mountain States Telephone. This easement will be removed by Quit Claim, and will not be shown on the final plat.
10. Because lot 27-B-2 lies within the Prospector Overlay, development in this location is allowed to the lot lines, with zero setbacks, per LMC section 15-2.18-3(l)(3).
11. Section 15-2.18-3(l)(2) of the LMC establishes a maximum floor area ratio of 2.0, meaning up to 4,500 s.f of development may be permitted on lot 27-B-2.
12. Staff has researched the record of the 1989 subdivision, and finds that the City Attorney recommended the additional setbacks at the south and east of the lot in order to take into consideration impacts on the adjacent Sun Creek Condominiums.
13. Sun Creek Condominiums are built 5' from their lot line to the north The International Building Code will require building separation between the existing condominium and any new structure. The building permit process will also address any associated snow release issues. These issues do not exist with respect to the easterly 5' setback.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

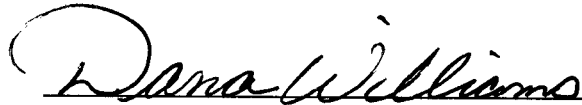
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the Summit County Recorder's Office unless those plans respect currently platted setbacks.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat amendment will be void.
4. As a condition precedent to final plat approval, applicant shall submit documentation evidencing recordation of a deed or other legal instrument removing the Mountain States Telephone easement at the northerly portion of the lot.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 17th day of June, 2004.

PARK CITY MUNICIPAL CORPORATION

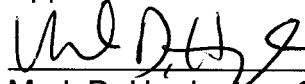

Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder



Approved as to form:


Mark D. Harrington, City Attorney

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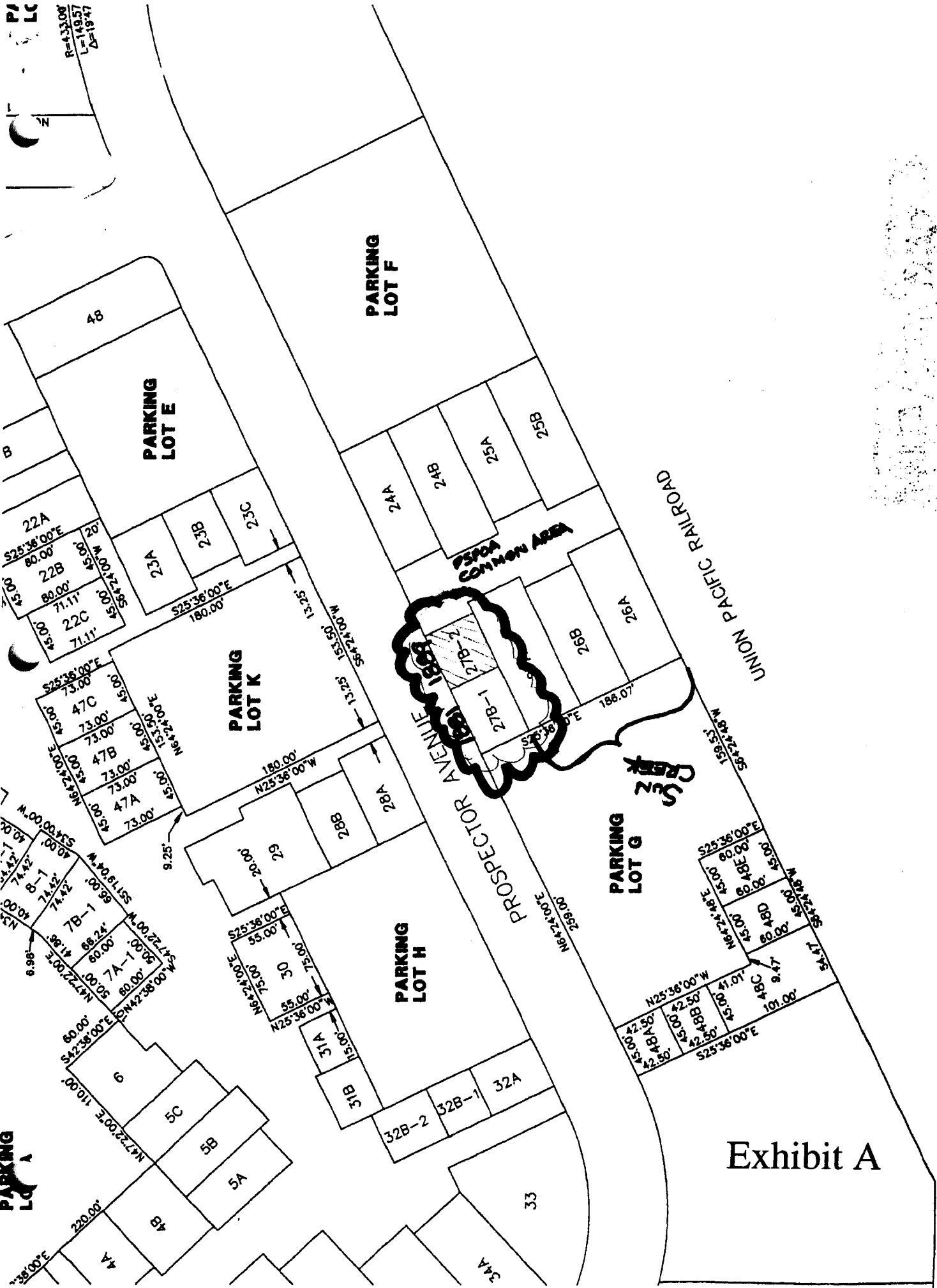


Exhibit A

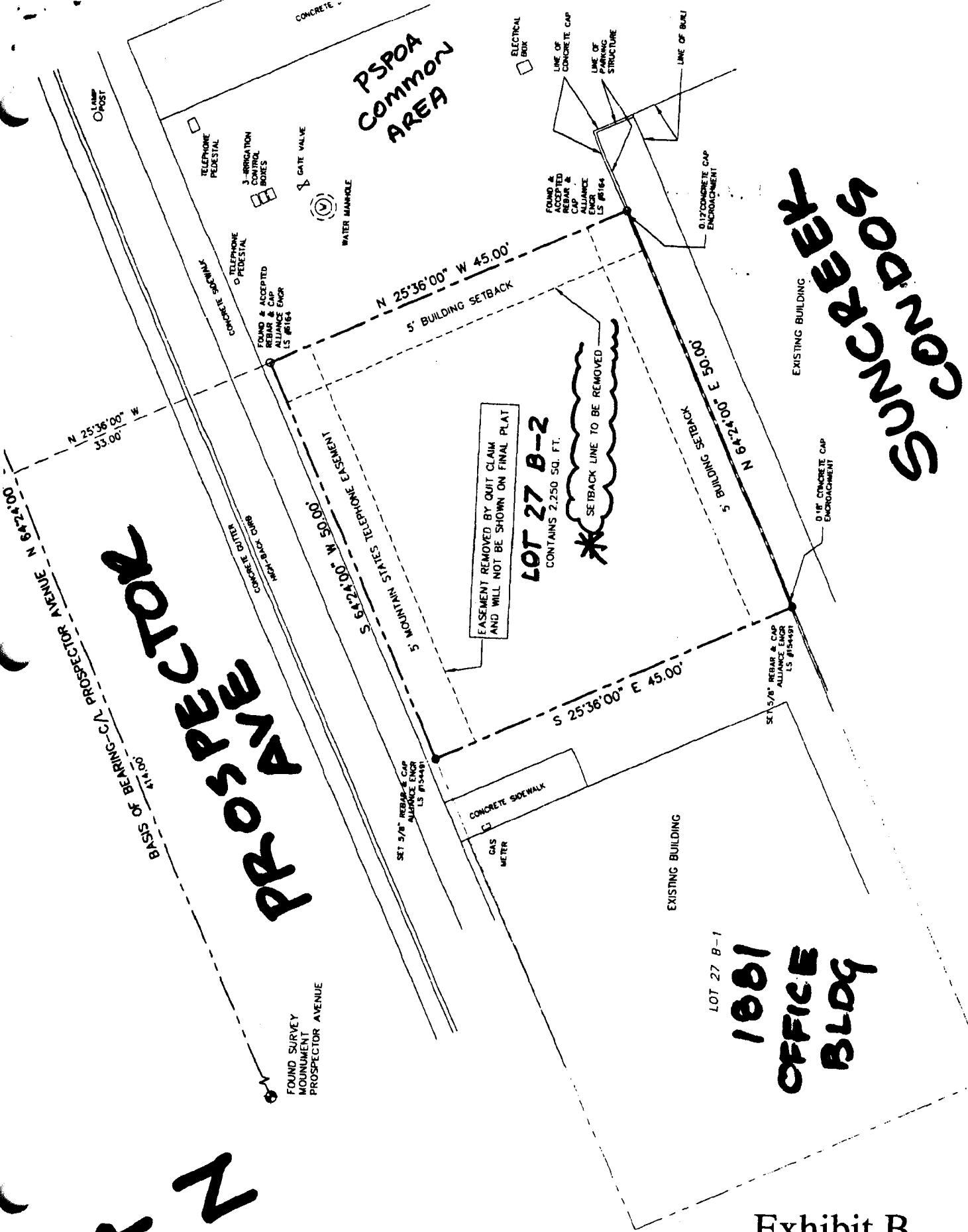


Exhibit B

Ordinance No. 04-23

ORDINANCE ESTABLISHING COMPENSATION FOR THE MAYOR AND CITY COUNCIL FOR FISCAL YEAR 2004 – 2005 IN PARK CITY, UTAH

WHEREAS, the City Council has the power to establish compensation schedules pursuant to UCA Section 10-3-818; and

WHEREAS, the number of duties for the Mayor and City Council is significant and each elected officer is required to devote considerable time and expense to public service and community affairs; and

WHEREAS, according to state law, public hearings were duly advertised and held on May 20, 2004 and June 3, 2004;

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

SECTION 1. REPEALER: All previous compensation ordinances regarding elected officers hereby are repealed.

SECTION 2. COMPENSATION FOR MAYOR AND CITY COUNCIL ADOPTED: The following salary levels are hereby adopted:

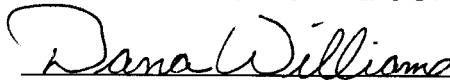
	<u>FY 2004-2005</u>
Mayor	\$1,396 per month
City Council	\$ 737 per month

SECTION 3. BENEFITS: The Mayor and each member of the City Council shall receive family medical insurance. This benefit may be received as cash in lieu of the insurance coverage. The Mayor shall also receive \$250 per month in car allowance subject to mileage certification by City Council.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective on July 1, 2004.

PASSED AND ADOPTED this 3rd day of June, 2004.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

Janet M. Scott

Janet M. Scott, City Recorder



Approved as to form:

Mark D. Harrington

Mark D. Harrington, City Attorney

Ordinance No. 04-22

AN ORDINANCE RESCINDING ORD. NO. 83-7; 83-7(1) AND AMENDING MUNICIPAL CODE TITLE 4, CHAPTER 11 PERTAINING TO RESORT COMMUNITIES SALES AND USE TAX PROCEDURES AND FILING REQUIREMENTS

WHEREAS, during the 2004 General Legislative Session the Utah Legislature passed Senate Bill SB-13 pertaining to Resort Community Tax Amendments amending U.C.A. Sections 59-12-401 and 59-12-402 and enacting Section 59-12-405; and

WHEREAS, the Tax Commission and State Legislature during previous interim studies had identified several administrative problems with the current resort community tax legislation. SB-13 addressed issues concerning lack of clearly defined criteria for eligibility to impose the tax, procedures for compliance, and the situation where a community may lose eligibility; and

WHEREAS, SB-13 requires a municipality to file with the State Tax Commission a form containing information regarding lodging capacity within the incorporated boundaries of the municipality; and provides procedures and requirements for a municipality to file the form with the State Tax Commission; and

WHEREAS, SB-13 requires the State Tax Commission to provide written notice to a municipality if the municipality has a transient room capacity that is less than 66% of the municipality's permanent census population; provides procedures and requirements for the State Tax Commission to provide the written notice to a municipality; and

WHEREAS, SB-13 provides that a municipality that receives the written notice from the State Tax Commission may not impose a resort communities tax under certain circumstances; and

WHEREAS, the purpose of this ordinance is to repeal Ord. No. 83-7/83-7(1) and update Park City Municipal Code Title 4, Chapter 11 in accordance with SB-13.

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

SECTION 1. Ord. No. 83-7/83-7(1) is hereby repealed.

SECTION 2. AMENDMENTS TO TITLE 4, CHAPTER 11 OF THE MUNICIPAL CODE. Title 4, Chapter 11 is hereby amended as follows:

CHAPTER 11 – ~~LOCAL OPTION RESORT~~ COMMUNITIES ~~CITIES~~ SALES TAX

4-11- 1. DEFINITIONS.

For purposes of this Chapter, all terms used shall have the same meaning and definition as applied to those terms by the provisions of U.C.A. 59-12-405, and the State Tax Commission regulations adopted under U.C.A. Title 59, Chapter 12, Part 4.~~that Chapter, unless superseded by the definitions provided below:~~

4-11- 23. RESORT COMMUNITIES SALES TAX IMPOSED.

~~Except as otherwise provided herein,~~ there is levied and there shall be collected and paid a tax upon every retail sale within Park City of tangible personal property, services, meals, lodging, admission to places of recreation, entertainment or amusements, utility service and all other personal property taxed under U.C.A. 59-12, within Park City at the rate of one percent (1%) of the retail selling price.

4-11- 34. PLACE OF SALE.

~~For the purpose of this Chapter, section the location of a sales transaction shall be determined in accordance with U.C.A. Sections 59-12-207.1 through 59-12-207.4, retail sales shall be presumed to have been consummated at the place of business of the retailer unless the tangible personal property is sold and delivered by the retailer or its agent to an out-of-state destination or sold or delivered to a common carrier, including the United States Postal Service, for delivery to an out-of-state destination. In the event the retailer has no permanent place of business in the City, or has more than one (1) place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed and adopted by the State Tax Commission of Utah for the administration of the local sales tax under U.C.A. 59-12-201 et al, or any successor provision. Public utilities, as defined by U.C.A. 54, 1953, shall not be obligated to determine the place or places within any municipality where public utility services are rendered, but the place of sale or the sales tax revenues arising from such service allocable to the City shall be determined by the State Tax Commission pursuant to an appropriate formula and other rules and regulations prescribed and adopted by the Commission for the application of the general sales tax.~~

4-11- 45. COLLECTION AND PAYMENT OF TAX.

The tax imposed by this ordinance is in addition to and not in lieu of the general sales tax imposed under the provisions of the local sales and use tax ordinance adopted by Park City, and the state sales tax under U.C.A. 59-12. The procedure for collection and payment of this tax shall be identical to the procedure prescribed by U.C.A. Sections 59-12-401(2) and 59-12-402(2) and the State Tax Commission Regulations adopted under that Chapter.

4-11- 56. STATE STATUTES APPLICABLE. (A) Except as hereinafter provided, and except as they are inconsistent with the provisions of the Local Sales Tax Law of Utah, all other provisions of U.C.A. 59-12 pertaining to sales tax as in force at the effective date of this Ordinance, and as thereafter amended, are hereby adopted in full and made a part of this ordinance as though fully set forth herein, except for the provisions stating the rate of the tax applied.

(B) Wherever, and to the extent that in U.C.A. 59-12, the State of Utah is named or referred to as the taxing agency, the name of Park City shall be substituted therefore. Nothing in this paragraph shall be deemed to require substitution of the name of the municipality for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of Utah, nor shall the name of the municipality be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the City or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this ordinance.

(C) If an annual license has been issued to a retailer under U.C.A. 59-12, an additional license shall not be required by reason of this section.

4-11-67. EXCLUSIONS.

As provided in U.C.A. Section 59-12-401, the resort communities tax imposed under this section shall not apply to the sale of:

(A) a motor vehicle;

(B) an aircraft;

(C) a watercraft;

(D) a modular home;

(E) a manufactured home;

(F) a mobile home; or

(G) the sales and uses described in U.C.A. Section 59-12-104 to the extent the sales and uses are exempt from taxation under that section.

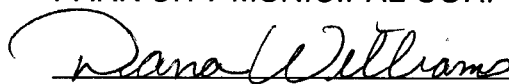
~~This local option sales tax shall not apply to the following sales or kinds of sales:~~

~~(A) Sales of a single item for a total consideration, before adjustment for trade-in allowances, of \$2,500 or more;~~

~~(B) Wholesale sales as defined in this ordinance;~~

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon adoption.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

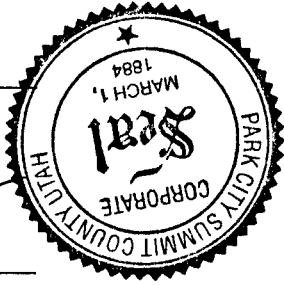
Janet M. Scott

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington

Mark D. Harrington, City Attorney





Ordinance No. 04-21

AN ORDINANCE APPROVING AN AMENDMENT TO SUBDIVIDE ALL OF LOTS 26, 27 AND 28 OF BLOCK 9 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO TWO LOTS OF RECORD, LOCATED AT 1024 AND 1030 NORFOLK AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 1024 and 1030 Norfolk Avenue, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on May 26, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to combine three lots of record creating two lots of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes.
3. The amendment will divide lots 26, 27 and 28, Block 9 of the Snyder's Addition to the Park City Survey into two 37.5' wide lots of record.
4. Each proposed lot would be 2,812 square feet in size.
5. The lots have 37.5 feet of frontage on Norfolk Avenue.
6. Portions of the lot exceed 30% slope, which requires a Steep Slope CUP.
7. There are no existing easements on the property.
8. No remnant lots will be created as a result of this application.
9. There is a remnant portion of a previously razed structure on the property.
10. The Planning Commission reviewed this application on May 26, 2004, where a positive recommendation was forwarded to the City Council.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable

State law.

3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

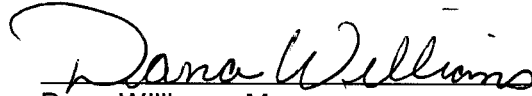
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 3rd day of June 2004.

PARK CITY MUNICIPAL CORPORATION

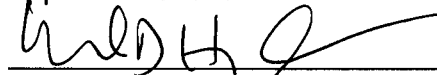

Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder



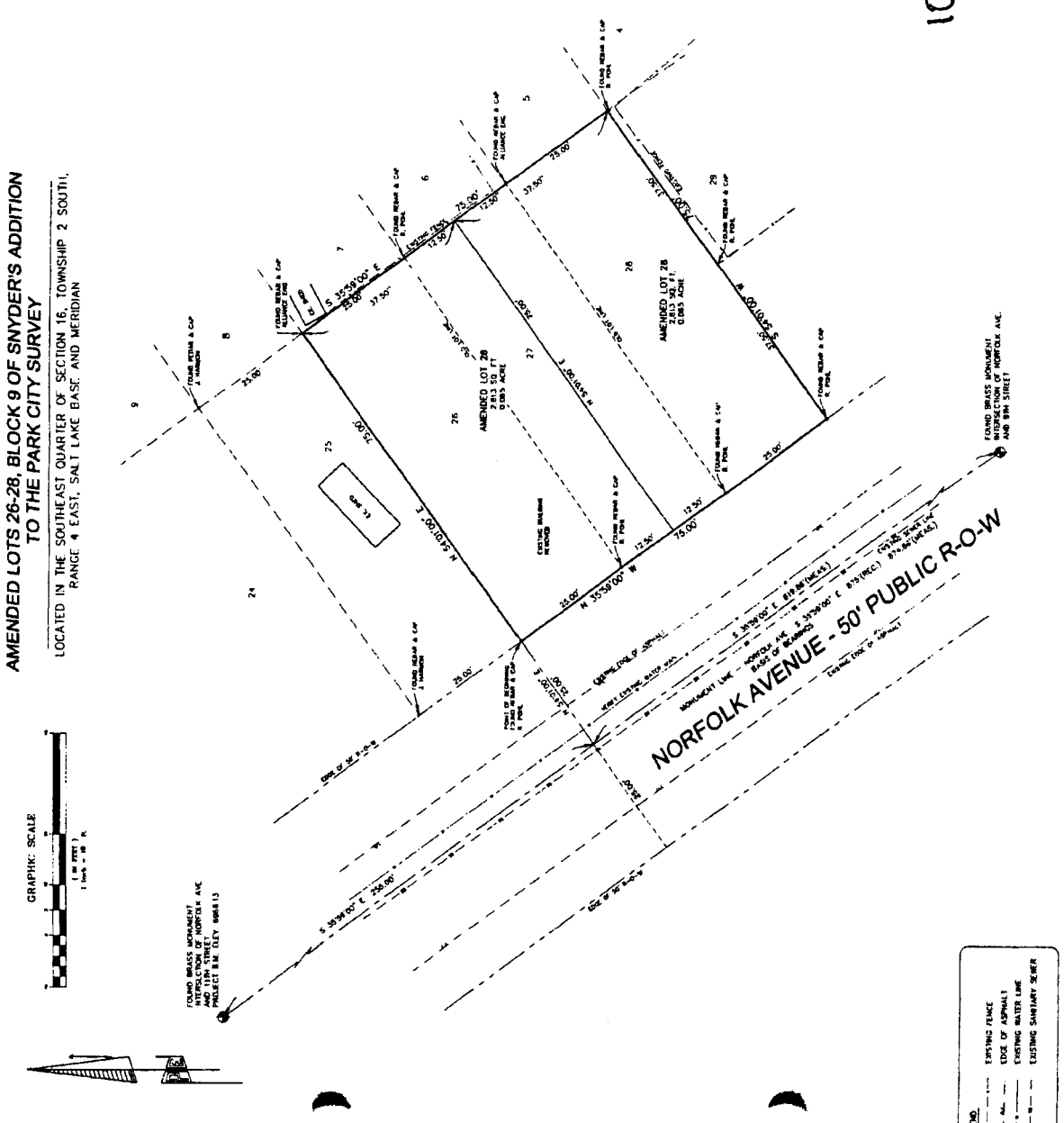
Approved as to form:


Mark D. Harrington, City Attorney

SURVEY PROJECT DESCRIPTION:
 This is a preliminary subdivision of Block 9 of Snyder's Addition to the Park City Survey in the west half of the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The subdivision is shown on the attached plan. The subdivision is shown on the attached plan. The subdivision is shown on the attached plan.

SURVEYORS CERTIFICATION:
 I, the undersigned, being a duly qualified and licensed land surveyor, have surveyed the above described premises and the same are shown on the attached plan. I certify that the same are correctly and truthfully shown on the attached plan. I have caused the same to be measured and the same are shown on the attached plan. I have caused the same to be measured and the same are shown on the attached plan. I have caused the same to be measured and the same are shown on the attached plan.

HABERATIVE:
 This survey was requested by the Board of Trustees of Mayflower Construction for the purpose of subdividing the above described premises. The Board of Trustees of Mayflower Construction is a corporation organized under the laws of the State of Utah. The Board of Trustees of Mayflower Construction is a corporation organized under the laws of the State of Utah. The Board of Trustees of Mayflower Construction is a corporation organized under the laws of the State of Utah.



1024 & 1030 Norfolk

MAR 25 2004

Ordinance No. 04-20

AN ORDINANCE APPROVING AN AMENDMENT TO SUBDIVIDE A METES AND BOUNDS PARCEL INTO TWO LOTS OF RECORD, LOCATED AT 601 DEER VALLEY DRIVE PARK CITY, UTAH

WHEREAS, the owner of the property known as 601 Deer Valley Drive, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on May 26, 2004 the Planning Commission held a public hearing to receive public input on the proposed subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed subdivision allows the property owner to create two lots of record from a metes and bounds parcel; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Residential Medium Density (RM) zone.
2. The RM zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The subdivision will divide a metes and bounds parcel into two lots of record.
4. The applicant is proposing a duplex structure on both lots.
5. Section 15-2.15 of the LMC establishes that duplex structures are an allowed use in the RM zone provided they are built on a lot of 3,750 square feet or greater.
6. The applicant is proposing two lots of approximately 7,100 square feet each.
7. Buildable lots in the RM zone must have a lot width of at least 37.5 feet measured 15 feet back from the property line.
8. The proposed lots are approximately 50 feet wide measured 15 feet back from the front property line.
9. Section 15-3-3(H)(2) of the LMC requires that all driveways accessing a collector street must be spaced at least 75 feet from the edge of the intersection to the centerline of the driveway.

10. The edge of proposed parcel 2 is approximately 100 feet from the curb line of the Deer Valley Drive Sunnyside Drive intersection.
11. The edge of proposed Parcel 1 is approximately 50 feet from the curb line of the intersection of Deer Valley Drive and Sunnyside Drive.
12. 15-7.3-3(E)(2) of the LMC authorizes the Planning Commission to combine driveway access to lots in situations where access is necessary from a collector street.
13. Deer Valley Drive is a collector Street.
14. Sunnyside Drive is a local street.
15. The lot has no frontage on Sunnyside Drive.
16. No remnant lots will be created as a result of this application.
17. The Planning Commission reviewed this application at its May 26, 2004 meeting and forwarded a positive recommendation to the City Council.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this subdivision.
2. The proposed subdivision as conditioned is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. As conditioned the subdivision is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Because of the limited access to the property from Deer Valley Drive, the maximum number of units allowable on each lot is 2 units.
3. Pursuant to LMC Section 15-7.3-3(E)(2), access to both lots shall be by a single combined access drive. The driveway shall be designed consistent with the requirements of Sections 15-7.3-3(E)(2) and 15-3-3 of the LMC
4. Substantial turn around area shall be provided on site to ensure that automobiles do not back onto Deer Valley Drive.
5. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
6. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 3rd day of June 2004.

PARK CITY MUNICIPAL CORPORATION

Dana Williams
Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder



Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney

ORDINANCE 04-19

AN ORDINANCE AMENDING TITLE 4, CHAPTER 5 SECTION 3 AND TITLE 4, CHAPTER 6 SECTION 6 OF THE MUNICIPAL CODE OF PARK CITY REGULATING TEMPORARY BEER LICENSES AND SPECIAL EVENT LIQUOR LICENSES

WHEREAS, UCA § 10-8-84 allows the City to pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by Chapter 8 of UCA Title 10 which are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort and convenience of the City and its inhabitants, and for the protection of property in the city; and

WHEREAS, UCA § 32A-7-101 authorizes the Alcoholic Beverage Control Commission to issue a maximum of four (4) single event liquor permits to a single eligible person or entity in any one calendar year and Park City wishes to amend the Municipal Code of Park City to be consistent with this provision of state law; and

WHEREAS, UCA § 32A-10-301(3)(b) authorizes the Alcoholic Beverage Control Commission to issue a series of temporary special event beer permits totaling a maximum of 90 days to a single eligible person or entity in any one calendar year and Park City wishes to amend the Municipal Code of Park City to be consistent with this provision of state law; and

WHEREAS, the City desires to amend the Municipal Code of Park City in a manner consistent with state law and to maintain flexibility to grant temporary licenses for special events;

SECTION 1. FINDINGS. The recitals above are incorporated herein as findings by the City Council, the legislative body of Park City.

SECTION 2. AMENDMENT. Section 4-5-3(C) of the Municipal Code of Park City is hereby amended as follows:

4-5-3

(C) **SPECIAL EVENT TEMPORARY BEER LICENSE.** A special event temporary beer license shall carry the privileges of either an on-premise or off-premise license. A special event temporary beer license shall authorize the storage, sale, service and consumption of Beer ~~beer for a period not to exceed seventy-two (72) consecutive hours~~ in conjunction with a Master Festival, Special Event, convention, civic or community event and pursuant to the Utah Alcoholic Beverage Control Act, Alcoholic Beverage Control Commission Rules and Regulations, and the ordinances of Park City.

~~No person, individual or association shall be licensed for more than four (4) special event temporary beer licenses in any one calendar year.~~ No person under the age of twenty-one (21) shall sell or serve Beer ~~beer~~ under this license. Special Event temporary beer licenses shall be valid only if the licensee has been granted a temporary special event beer permit by the Utah Alcoholic Beverage Control Commission pursuant to U.C.A. Sections 32A-10-301 to 306, as amended, for the same Master Festival, Special Event, or other convention, civic or community event. Special event temporary beer licenses must provide the City with proof of State licensure not less than ten (10) business days prior to the Master Festival, Special Event, or other convention, civic or community event for which the City license has been issued. All licensees must notify the City immediately if their State license is denied, revoked, or suspended for any reason. ~~Persons holding a special event license issued by Park City are not required to have a State on-premise beer license.~~ The sale of Beer under a series of small-scale and/or large-scale special event temporary beer licenses issued to the same Person may not exceed a total of ninety (90) days in a calendar year.

(1) **SMALL-SCALE SPECIAL EVENT TEMPORARY BEER LICENSE.** A small-scale special event temporary beer license shall authorize the storage, sale, service and consumption of Beer ~~beer~~ for a period not to exceed seventy-two (72) consecutive hours in conjunction with a Master Festival, Special Event, or other convention, civic or community event. ~~No person, individual or association~~ Person shall be licensed for more than four (4) small-scale Special Event temporary beer licenses in any ~~one~~ calendar year, unless otherwise approved by the City Council.

(2) **LARGE-SCALE SPECIAL EVENT TEMPORARY BEER LICENSE.** A large-scale ~~Special-Event~~ special event temporary beer license shall authorize the storage, sale, service and consumption of Beer ~~beer~~ for a period not to exceed thirty (30) ~~consecutive~~ days. Large-scale ~~Special-Event~~ special event temporary beer licenses shall be issued only in conjunction with a duly licensed Master Festival having a ~~continuous~~ duration of four (4) days or greater, and shall be limited in duration to match the term of the Master Festival license. ~~No person, individual or association~~ Person shall be licensed for more than ~~one (1)~~ three (3) large-scale special event temporary beer licenses in any ~~one (1)~~ calendar year.

SECTION 3. AMENDMENT. Section 4-6-5 of the Municipal Code of Park City is hereby amended as follows:

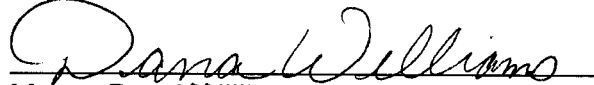
4- 6- 5. SPECIAL EVENT LIQUOR LICENSE.

A Special Event liquor license shall authorize for a period not to exceed seventy-two (72) consecutive hours the storage, sale, service and consumption of liquor at an event sponsored by a bona fide association, corporation, church or political organization or a recognized lodge, chapter or other local unit that is conducting a convention, civic or community enterprise. The City may not issue more than ~~two (2)~~ four (4) Special Event liquor licenses in any one (1) calendar year to the same association, church, or political organization, chapter, lodge or unit thereof.

SECTION 4. SEVERABILITY. If any phrase, clause, sentence, paragraph, or section of this Ordinance is declared unlawful by a Court of competent jurisdiction, such decision shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

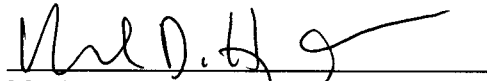
Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 04-18

AN ORDINANCE APPROVING THE SUBDIVISION OF THE PROPERTY KNOWN AS THE R. J. LONG SUBDIVISION LOCATED AT 1483 PARK AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 1483 Park Avenue, has petitioned the City Council for approval of a subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on May 12, 2004 the Planning Commission held a public hearing to receive public input on the proposed subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed subdivision allows the property owner to subdivide one lot of record into two lots of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the subdivision.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Residential Historic Medium Density (HRM) zone.
2. The HRM zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The subdivision will subdivide an existing one-lot subdivision into two lots of record.
4. The applicant is proposing a duplex structure on both lots.
5. Per LMC Section 15-2.4-4(A), an 8,876 square foot lot could accommodate up to seven units.
6. Section 15-2.4 of the LMC establishes that duplex structures are an allowed use in the HRM zone provided they are built on a lot of 3,750 square feet or greater.
7. The applicant is proposing two lots of approximately 4,438 square feet each.
8. Lots in the HRM zone must have a lot width of at least 37.5 feet measured 15 feet back from the property line.
9. The proposed lots are approximately 71 and 73 feet wide measured 15 feet back from the front property line.
10. Access for Parcel A will come from Park Avenue.
11. Access for Parcel B will come from Woodside Avenue.
12. There is an existing 10-foot snow storage easement along both Park and Woodside Avenues. These easements shall remain as part of this approval.
13. An application for a four-plex was approved but not built.
14. There is no net increase in the overall density of the project from the proposed

subdivision.

15. No remnant lots will be created as a result of this application.
16. Utilities are desirable to serve new construction with utility services.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this subdivision.
2. The proposed subdivision as conditioned is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. As conditioned the subdivision is consistent with the Park City General Plan.

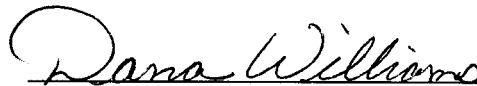
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer shall review and approve the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The existing 10-foot snow storage easements on Woodside and Park Avenues shall remain in place, and be dedicated on the final plat. The easement shall also be dedicated as a non-exclusive utility easement.
3. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 20th day of May 2004.

PARK CITY MUNICIPAL CORPORATION



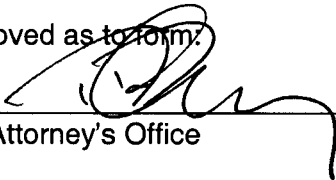
Dana Williams, Mayor

Attest:

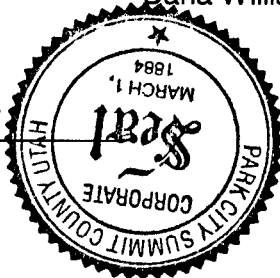


Janet M. Scott, City Recorder

Approved as to form:

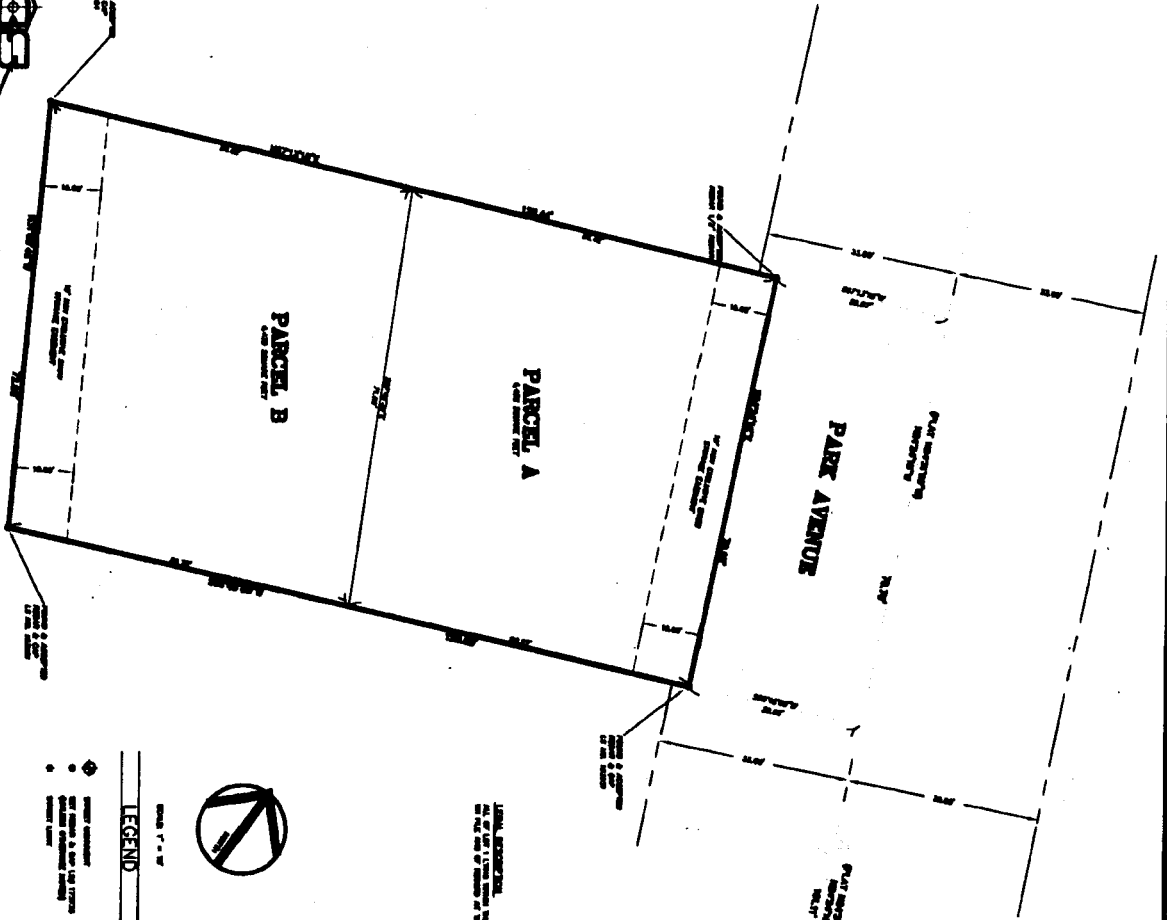


City Attorney's Office



R. J. LONG SUBDIVISION

LYING WITHIN SECTION 9
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SCALE 1" = 40'

LEGEND

- EASEMENT AREA
- EASEMENT AREA
- EASEMENT AREA
- EASEMENT AREA

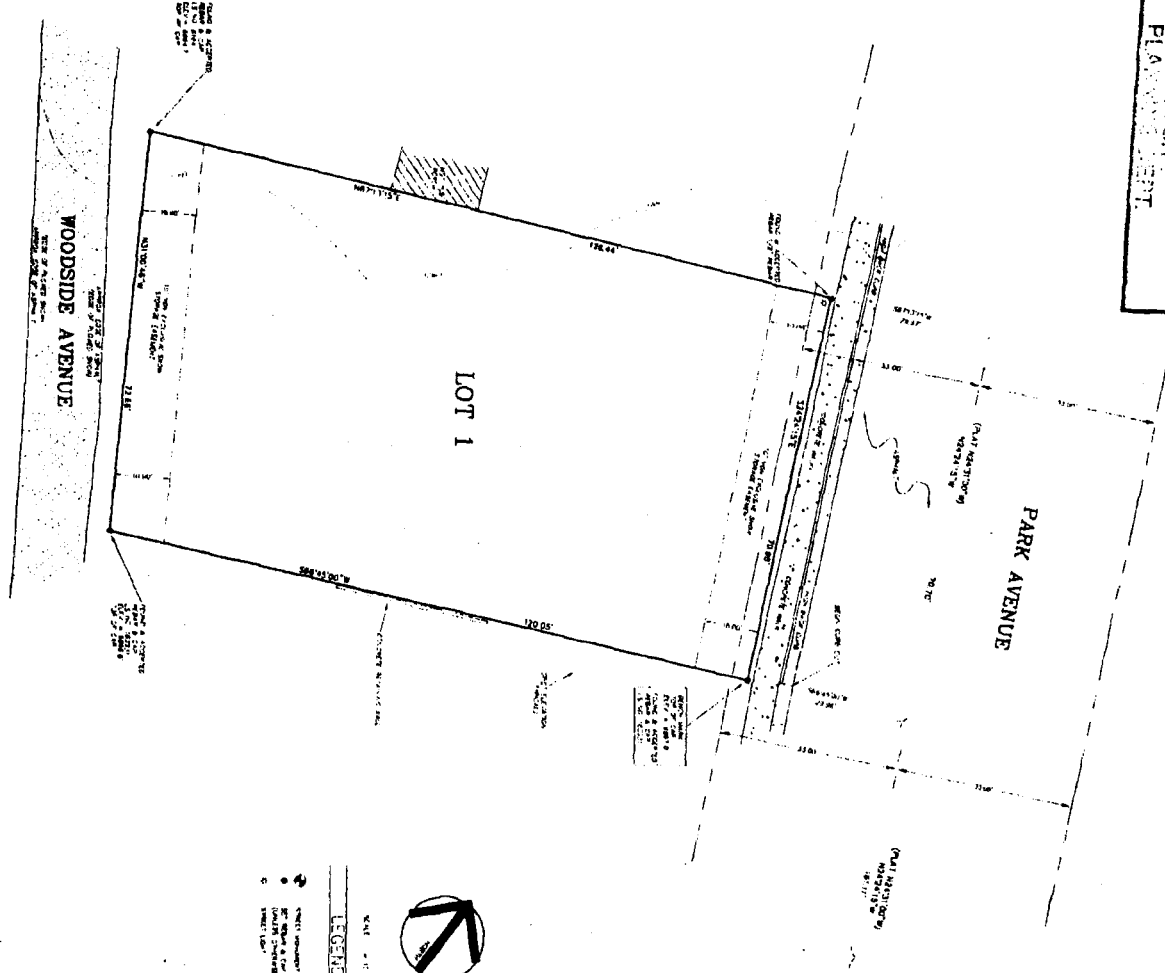


CONTRACT DOCUMENTS
This contract is made this 1st day of August, 1980, between R. J. Long, the undersigned, and the City of Park City, Utah, for the purpose of providing professional engineering services for the subdivision of land in Park City, Utah, as shown on the attached plans and specifications. The undersigned hereby certifies that he is a duly licensed Professional Engineer in the State of Utah, License No. 12345.

CONTRACT TERMS AND CONDITIONS
1. The undersigned shall provide professional engineering services for the subdivision of land in Park City, Utah, as shown on the attached plans and specifications. The undersigned shall be responsible for the accuracy of the plans and specifications and shall be liable for any errors or omissions therein. The undersigned shall not be responsible for any delays or interruptions in the work caused by the City or any other party. The undersigned shall be entitled to a fee of \$10,000.00 for the services rendered, payable in three installments of \$3,333.33 each, upon the execution of this contract, the completion of the plans and specifications, and the final approval of the subdivision by the City. The undersigned shall retain all rights in the plans and specifications unless otherwise stated in writing. The undersigned shall not be bound by any conditions, printed or otherwise, on any contract, order, or invoice when such conditions conflict with the terms and conditions of this contract. The undersigned shall be entitled to a refund of the fee if the City fails to approve the subdivision within a reasonable time after the completion of the plans and specifications. The undersigned shall be entitled to a refund of the fee if the City fails to pay the fee within a reasonable time after the completion of the plans and specifications. The undersigned shall be entitled to a refund of the fee if the City fails to provide the necessary information for the subdivision within a reasonable time after the completion of the plans and specifications. The undersigned shall be entitled to a refund of the fee if the City fails to provide the necessary information for the subdivision within a reasonable time after the completion of the plans and specifications.

<p>PARK CITY PLANNING COMMISSION APPROVED AND ADOPTED AS RESOLUTION NO. 12345 ON THE _____ DAY OF _____, 1980, BY THE COMMISSIONERS OF THE CITY OF PARK CITY, UTAH.</p>	<p>CITY ENGINEER APPROVED AS TO THE TECHNICAL ASPECTS OF THE SUBDIVISION PLANS AND SPECIFICATIONS.</p>	<p>ENGINEER APPROVED AS TO THE TECHNICAL ASPECTS OF THE SUBDIVISION PLANS AND SPECIFICATIONS.</p>	<p>APPROVAL AS TO THE TECHNICAL ASPECTS OF THE SUBDIVISION PLANS AND SPECIFICATIONS.</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVED AND ADOPTED AS RESOLUTION NO. 12345 ON THE _____ DAY OF _____, 1980, BY THE COMMISSIONERS OF THE CITY OF PARK CITY, UTAH.</p>	<p>ENGINEER APPROVED AS TO THE TECHNICAL ASPECTS OF THE SUBDIVISION PLANS AND SPECIFICATIONS.</p>
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RECEIVED
 MAR 22 2004
 PARK CITY
 PLANNING DEPARTMENT



RECORD OF SURVEY & TOPOGRAPHIC MAP
 LOT 1 OF THE RICHTER PLAT SUBDIVISION
 LYING WITHIN
 SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASE & MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH



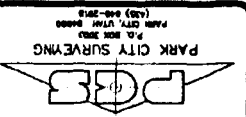
- LEGEND**
- 1. ELEVATION
 - 2. DRAINAGE
 - 3. PROPERTY BOUNDARY
 - 4. STREETS
 - 5. UNDEVELOPED LAND

NOTICE
 THE SURVEY AND TOPOGRAPHIC MAP OF LOT 1 OF THE RICHTER PLAT SUBDIVISION, LYING WITHIN SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH, WAS MADE AND PREPARED BY THE SURVEYOR AND TOPOGRAPHER, ROBERT J. LONG, ON MARCH 3, 2004. THE SURVEY AND TOPOGRAPHIC MAP WAS MADE AND PREPARED IN ACCORDANCE WITH THE UTAH SURVEYING ACT, UTAH CODE ANNOTATED, TITLE 73B, CHAPTER 2, PART 1, AND THE UTAH TOPOGRAPHIC MAP ACT, UTAH CODE ANNOTATED, TITLE 73B, CHAPTER 2, PART 2. THE SURVEY AND TOPOGRAPHIC MAP WAS MADE AND PREPARED IN ACCORDANCE WITH THE UTAH SURVEYING ACT, UTAH CODE ANNOTATED, TITLE 73B, CHAPTER 2, PART 1, AND THE UTAH TOPOGRAPHIC MAP ACT, UTAH CODE ANNOTATED, TITLE 73B, CHAPTER 2, PART 2. THE SURVEY AND TOPOGRAPHIC MAP WAS MADE AND PREPARED IN ACCORDANCE WITH THE UTAH SURVEYING ACT, UTAH CODE ANNOTATED, TITLE 73B, CHAPTER 2, PART 1, AND THE UTAH TOPOGRAPHIC MAP ACT, UTAH CODE ANNOTATED, TITLE 73B, CHAPTER 2, PART 2.

LEGAL DESCRIPTION
 LOT 1 OF THE RICHTER PLAT SUBDIVISION, LYING WITHIN SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH.

APPROVED AND AUTHORIZED FOR RECORDATION:

 Surveyor



DATE OF SURVEY
 MARCH 3, 2004

RECORD OF SURVEY & TOPOGRAPHIC MAP
 LOT 1 OF THE RICHTER PLAT SUBDIVISION
 ROBERT J. LONG
 (MCHTRVWUBAWD) 04-48

Ordinance No. 04-17

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE RELATING TO THE ENTRY CORRIDOR PROTECTION OVERLAY ZONE

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed change to the Land Management Code is necessary to provide trailhead parking along well-used trails within the City's entry corridors;

WHEREAS, it is in the best interest of the City to maintain Park City as a world class resort.

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

SECTION 1. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.20-5 – ENTRY CORRIDOR PROTECTION OVERLAY (ECPO). 15-2.20-5(M) Trailhead Parking. Trailhead parking of less than 25 parking spaces is allowed within the setback area but at least thirty feet (30') outside of the UDOT right-of-way. Parking must be adequately screened with berms and/or landscaping to a height of at least three feet (3') above the surface of the lot unless said landscaping/berming is discouraged by UDOT for sight/safety reasons. Vehicular access to Trailhead Parking lots is to be by City streets if possible or by permission of UDOT if from a State Highway. Any structure, wayfinding sign or use is subject to the Conditional Use Permit review.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 20th day of May 2004.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



City Attorney's Office



Ordinance No. 04-16

AN ORDINANCE APPROVING THE FIRST AMENDED CONDOMINIUM PLAT OF SNOW FLOWER CONDOMINIUMS

WHEREAS, the owner of the property known as 401 Silver King Drive – Unit 80 Snow Flower Condominiums, has petitioned the City Council for an amended record of survey; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on May 12, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed record of survey amendment will acknowledge an interior loft area; and

WHEREAS, it is in the best interest of Park City Utah to approve the amended record of survey.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The Planning Commission reviewed this at their May 12, 2004 meeting. A public hearing was held, and a unanimous vote was forwarded to the Council to approve the application.
2. The condominium project known as Snow Flower is located at 401 Silver King Drive. It is zoned Recreation Commercial.
3. Snow Flower Condominiums is an 82-unit project.
4. The record of survey (ROS) for Unit #80 does not accurately reflect the existing building configuration. A loft area exists, that is not shown on the plat.
5. The applicant has received written permission from the Owners Association to pursue this application.
6. The amendment has gone before a written vote of the rest of the owners.
7. The consent of 66.66% or more of the Unit Owners is required and has been obtained.
8. If the record of survey is amended as requested, it will have no effect on the amount of open space in the Snow Flower project.
9. The amended ROS will acknowledge that unit 80 is approximately 60 square feet larger than the existing plat indicates.
10. The new overall size of the unit will be 655 square feet, and increases the parking requirement by 0.5.
11. Snow Flower has 168 total spaces available, and is required to provide only 148. A surplus of 20 parking spaces exists.
12. The increase in the parking requirement resulting from this application will not exceed the existing surplus.
13. An inspection has been conducted by Park City to verify the unit is compliant with the International Building Code and the Park City Land Management Code.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

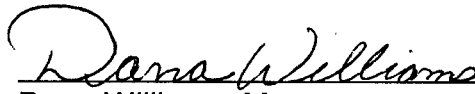
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat amendment will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 20th day of May, 2004.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, Mayor

Attest:

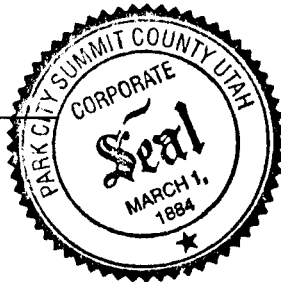


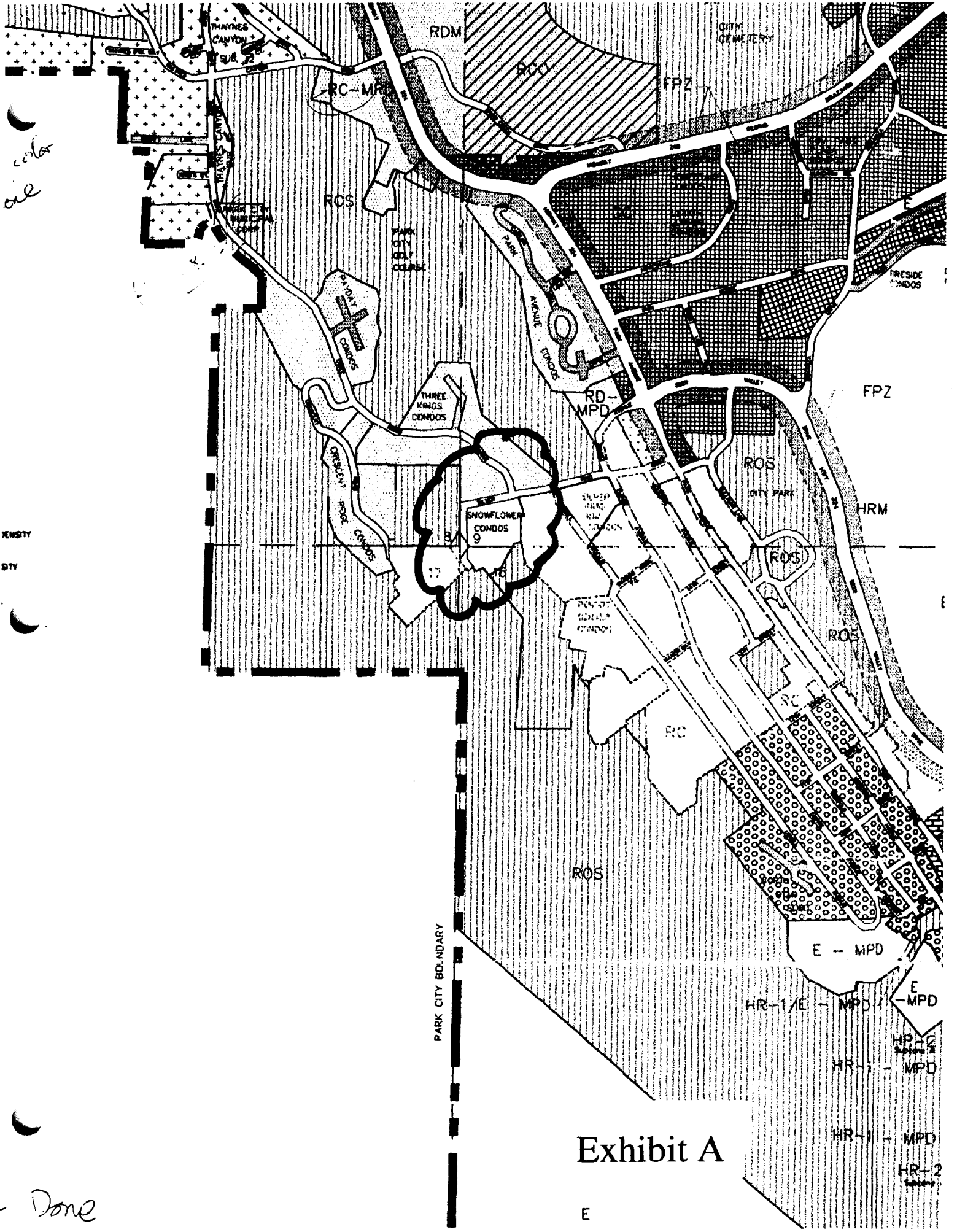
Janet M. Scott, City Recorder

Approved as to form



City Attorney's Office





*color
all*

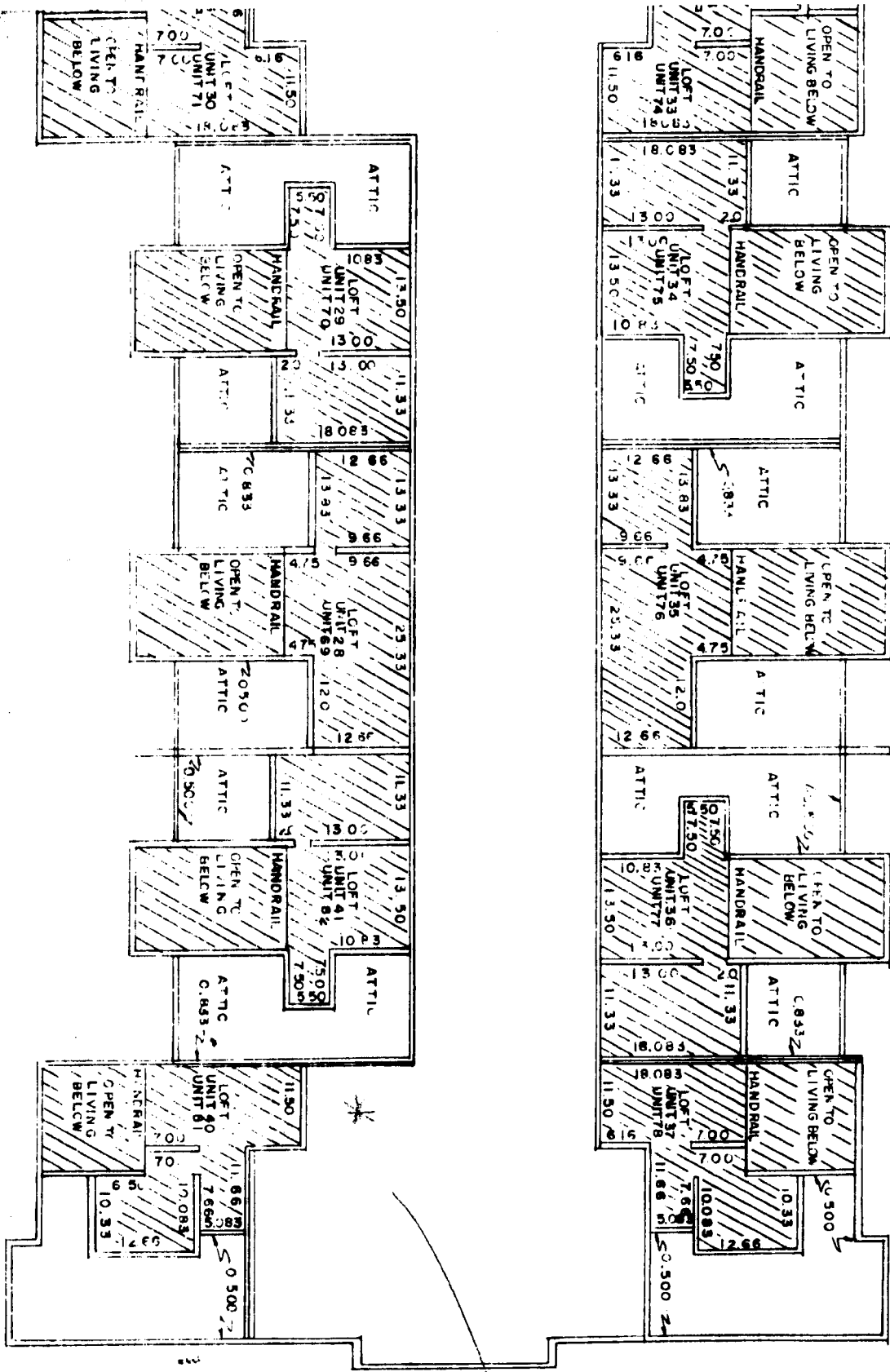
DENSITY
CITY

Exhibit A

E

- Done

FLOOR PLAN



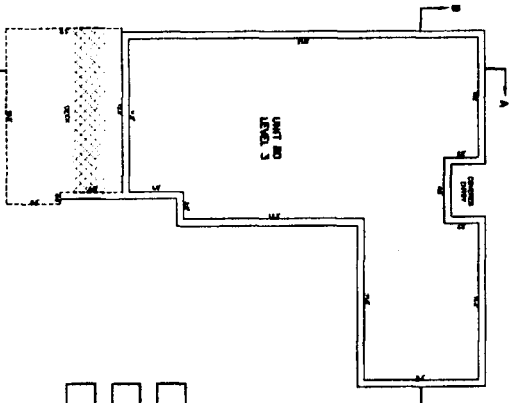
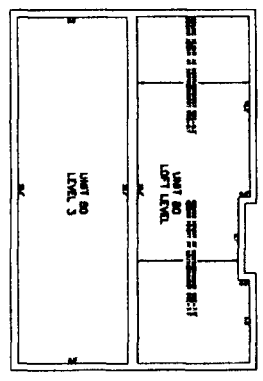
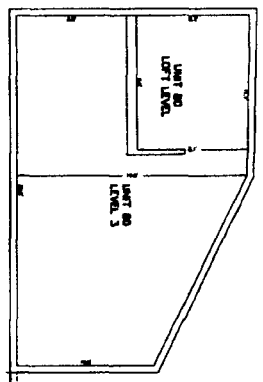
EXISTING LOFT AREA FOR UNIT #80 SHOULD BE INDICATED HERE.

EXISTING SNOW FLOWER ROS

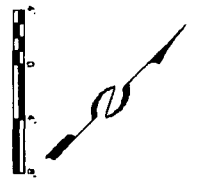
Exhibit B



WARNING: CONTRACTOR
 I, the undersigned, do hereby certify that, on a separate sheet attached to this Certificate, I have prepared a set of plans for the proposed construction of the above described project, and that I am a duly licensed Professional Engineer in the State of Utah.



- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP
- COMMON OWNERSHIP



SNOW FLOWER CONDOMINIUMS

FIRST AMENDED CONDOMINIUM PLAT OF
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SARAH COUNTY, UTAH

NOTES

- The Proposed Report of Condominium Plat reflects the properties of proposed 1.
- The complete description and dimensions of other units and common areas, other than the units and common areas of the Snow Flower Condominiums, are shown on the separate plat for the Snow Flower Condominiums.
- All other plat conditions of the Snow Flower Condominiums Plat remain in full force and effect.

UNIT 80

APPROVED FOR CONSTRUCTION BY THE PLANNING COMMISSION AND THE BOARD OF HEALTH AND ZONING OF THE CITY OF PARK CITY, UTAH, ON THIS _____ DAY OF _____, 2004 A.D.

APPROVED AS TO FORM BY THE CITY ATTORNEY _____

CERTIFICATE OF ATTEST
 I, _____, City Clerk of the City of Park City, Utah, do hereby certify that the foregoing is a true and correct copy of the original as recorded in the City Clerk's Office.

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL, THIS _____ DAY OF _____, 2004 A.D.

RECORDED
 STATE OF UTAH, COUNTY OF SARAH, AND FILED AT THE OFFICE OF THE COUNTY CLERK, ON THIS _____ DAY OF _____, 2004.

Exhibit C

APPROVED FOR CONSTRUCTION BY THE PLANNING COMMISSION AND THE BOARD OF HEALTH AND ZONING OF THE CITY OF PARK CITY, UTAH, ON THIS _____ DAY OF _____, 2004 A.D.

RECEIVED
 MAR 02 2004
 PARK CITY PLANNING DEPT.

Ordinance No. 04-15

AN ORDINANCE APPROVING THE 501 WOODSIDE SUBDIVISION WHICH WILL COMBINE LOT ONE OF BLOCK 28 OF THE PARK CITY SURVERY AND A THREE FOOT SECTION OF VACATED FIFTH STREET CITY RIGHT-OF-WAY INTO ONE LOT OF RECORD.

WHEREAS, the owner of the property known as 501 Woodside Avenue and a vacated three foot section of the Fifth Street Right-of-Way,

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on May 12, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to combine the vacated portion of Right-of-Way and existing lot one block 28 of the Park City Survey; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The Planning Commission reviewed this at their May 12, 2004 meeting. A public hearing was held, and a unanimous vote was forwarded to the Council to approve the application.
2. The property is located in the Historic Residential (HR-1) zone.
3. The HR-1 zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes.
4. The amendment will combine lot 1 Block 28 and the vacated northern 3 feet of the Fifth Street right-of-way in the Park City Survey.
5. In March of 1992, the City Council approved the vacation of the northern 3 feet of the Fifth Street right-of-way.
6. There is an existing stairwell and entry porch to 501 Woodside in the Fifth Street right-of-way.
7. The proposed lot size is 2,100 square feet.
8. There is an existing historic home on the property.
9. The lot has 28 feet of frontage on Woodside Avenue.
10. There are no existing easements on the property.
11. No remnant lots will be created as a result of this application.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
4. The removal of the dilapidated stairs and porch in the 5th Street right-of-way is a condition precedent to the issue of a building permit.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

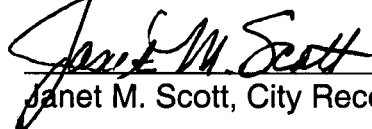
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 20th day of May, 2004.

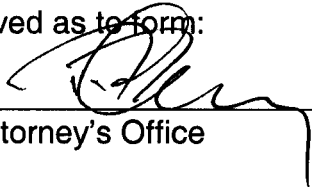
PARK CITY MUNICIPAL CORPORATION

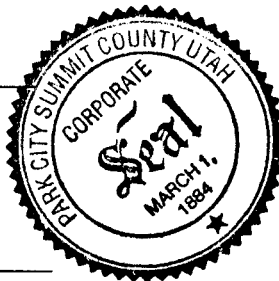

Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder

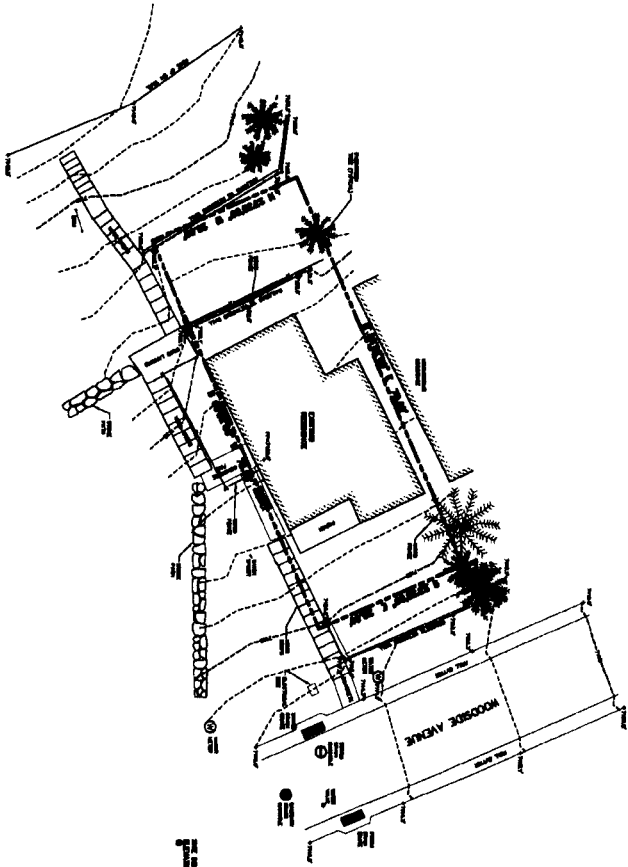
Approved as to form:


City Attorney's Office



- NOTES**
1. The boundaries of the site are shown.
 2. The conditions shown are for existing buildings, existing improvements and existing utilities.
 3. The topographic map is based on a field survey performed on October 10, 2004.
 4. Property owners name not shown.

March 31 2004



	<p>PROJECT: EXISTING CONDITIONS 501 WOODSIDE AVENUE</p>	<p>DATE: 10/10/04</p> <p>SCALE: AS SHOWN</p> <p>PROJECT: 1</p>
--	--	---

Ordinance No. 04-14

AN ORDINANCE APPROVING AN AMENDED RECORD OF SURVEY FOR STAG LODGE CONDOMINIUMS PHASES I, II, AND III, LOCATED AT 8200 ROYAL STREET EAST, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 8200 Royal Street East have petitioned the City Council for approval of an amended Record of Survey plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on May 12, 2004, to receive input on the proposed record of survey plat;

WHEREAS, the Planning Commission, on May 12, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 20, 2004, the City Council held a public hearing and approved the proposed record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey plat.

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

SECTION 1. APPROVAL. The Record of Survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

- 1 The condominium project known as the Stag Lodge Phases One through Four is located at 8200 Royal Street East and is zoned RD-MPD. The original Stag Lodge Condominium plat was recorded on March 4, 1985. The amended record of survey plat was recorded on January 17, 2003.
- 2 The existing decks are situated in areas classified as Limited Common area. The applicant desires to convert some of these deck areas to Private ownership. Other areas being converted to Private are currently Common.
- 3 Consistent with the Condominium Ownership Act, Staff has prohibited any conversions to private ownership of these Limited Common and Common areas, without an amendment to the record of survey to allow these conversions.
- 4 The proposed amended record of survey changes the type of ownership of Limited Common and Common areas to private ownership.
- 5 Consent of 66.66% or more of the Unit Owners for this record of survey amendment is required and has been obtained. The Stag Lodge HOA President has confirmed the required unit owner consent in a letter to PCMC dated March 9, 2004.
- 6 This application is to amend sheets 4 and 5 (of 6) of Phase One, sheets 2, 3, and 4 (of 5) of Phase Two, and sheet 3 (of 4) of Phase Three of the Stag Lodge Record of Survey.
- 7 The expansion of the Private areas will add approximately 200-300 square feet to each affected unit.
- 8 No additional bedrooms will be created, and the additional square footage does not

- create a demand for new parking.
- 9 If the Private areas are enclosed, more than 60% of open space for the entire project will still be maintained, as required by the Master Planned Development.
- 10 On May 12, 2004, the Planning Commission conducted a public hearing on this proposal. No public input was offered and the Commission voted to forward to the City Council a positive recommendation as conditioned in the staff report.

Conclusions of Law:

- 1 There is good cause for this amended record of survey.
- 2 The amended record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
- 3 Neither the public nor any person will be materially injured by the proposed amended record of survey.
- 4 Approval of the amended record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended record of survey plats at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat amendment will be void.
3. All other conditions of approval of the Stag Lodge Condominiums Phases I,II, and III continue to apply.
4. Detailed construction plans, including a certified survey, are required as part of the building permit submittal. No construction will commence without a building permit, issued by the City.
5. Converted private area cannot be used to create a lockout unit.

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

PASSED AND ADOPTED this 20th day of May, 2004.

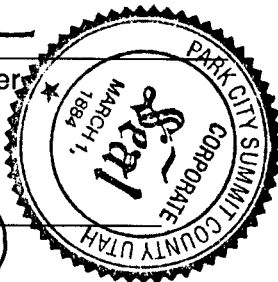
PARK CITY MUNICIPAL CORPORATION
Dana Williams
Dana Williams, MAYOR

ATTEST:

Janet M. Scott
Janet M. Scott, City Recorder

APPROVED AS TO FORM:

[Signature]
City Attorney's Office



OWNER'S CERTIFICATE

I, John D. Smith, owner of the above described land, hereby certify that the information herein is true and correct to the best of my knowledge and belief, and that I have not been notified of any other proceedings in connection with the construction of the above described project. I have reviewed the plans and specifications and have approved them for construction. I have also reviewed the records of the project and have approved them for construction. I have also reviewed the records of the project and have approved them for construction.

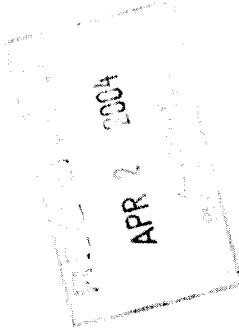
DATE: _____
 SIGNATURE: _____
 TITLE: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

I, the undersigned, hereby dedicate and consent to record the above described land for the use and benefit of the public, and I have not been notified of any other proceedings in connection with the construction of the above described project. I have reviewed the plans and specifications and have approved them for construction. I have also reviewed the records of the project and have approved them for construction.

ACKNOWLEDGMENT

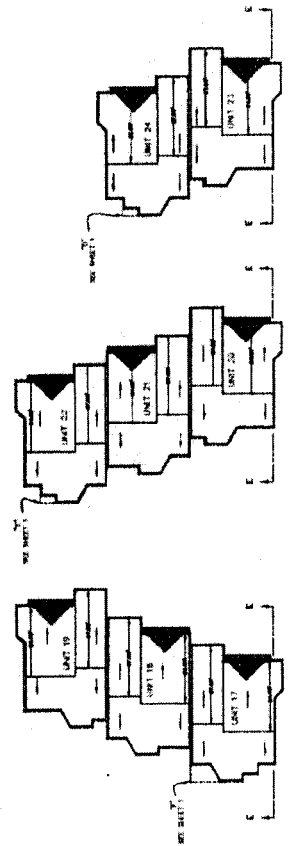
On this day of _____, 2004, before me, the undersigned, a Notary Public in and for the State of Utah, appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.



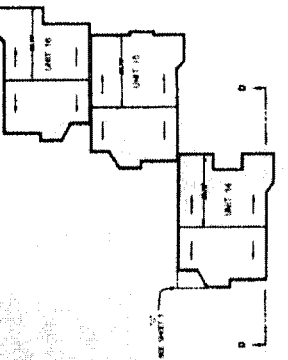
SECOND AMENDED
 RECORD OF SURVEY MAP

STAG LODGE PHASE I

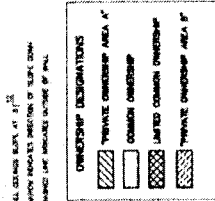
A UTILITY CONSTRUCTION PROJECT
 EDWARDS 2 SOUTH RANGE 4 EAST
 S.L.B. & M.
 PARK CITY, SUMMIT COUNTY, UTAH



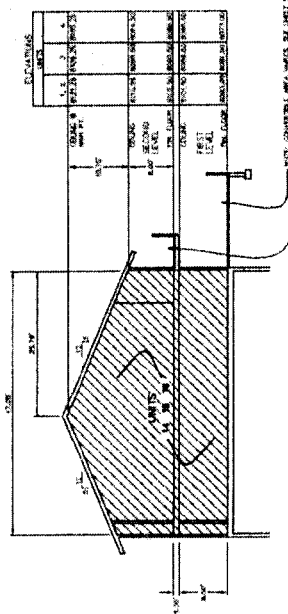
SECOND LEVEL CEILING PLAN - UNITS 14 - 24



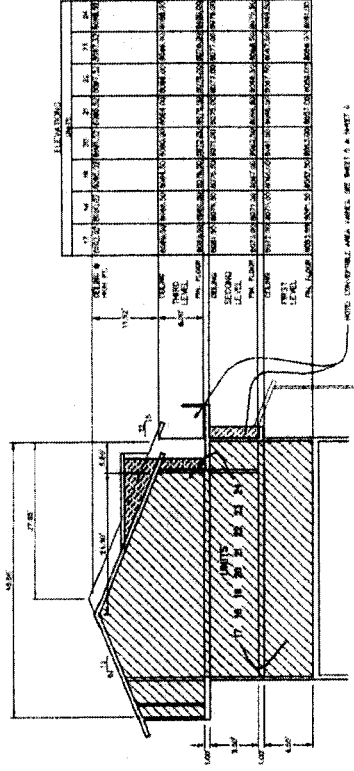
THIRD LEVEL CEILING PLAN - UNITS 17 - 24



ALL OTHERS SHALL BE
 UNITS INDICATED BY SHADING
 UNITS NOT INDICATED BY SHADING

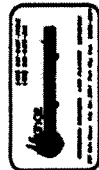


SECTION B-B - TYPICAL UNITS 14 - 16



SECTION E-E - TYPICAL UNITS 17 - 24

- NOTES:
- The Second Amended Record of Survey Map is an Amendment to Survey Map 4 of the Park Amended Stag Lodge Project, as recorded in the Office of the County Clerk, Summit County, Utah, on _____, 2004, and is hereby incorporated by reference into this Record of Survey Map.
 - All other conditions of approval of the Stag Lodge Condominium Project continue to apply.
 - Shaded areas shown on the plans are areas of Private Ownership Area A and shall be conveyed to the Unit Owners of the Stag Lodge Condominium as indicated on the Record of Survey Map and shall be subject to the provisions of the Declaration of Condominium Ownership.
 - The Stag Lodge Condominium Project is a project of the Stag Lodge Condominium Association, Inc., a Utah corporation, and shall be subject to the provisions of the Declaration of Condominium Ownership.
 - The Stag Lodge Condominium Project is a project of the Stag Lodge Condominium Association, Inc., a Utah corporation, and shall be subject to the provisions of the Declaration of Condominium Ownership.
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SMYTHEVILLE BASIN WATER RECLAMATION DISTRICT
 RECEIVED FOR COMPLIANCE TO SMOKEVILLE BASIN WATER RECLAMATION DISTRICT TRANSMISSION 2004 A.S.
 DATE OF _____ 2004 A.S.
 BY: _____

PLANNING COMMISSION
 APPROVED BY THE PARK CITY PLANNING COMMISSION 2004 A.S.
 DATE OF _____ 2004 A.S.
 BY: _____

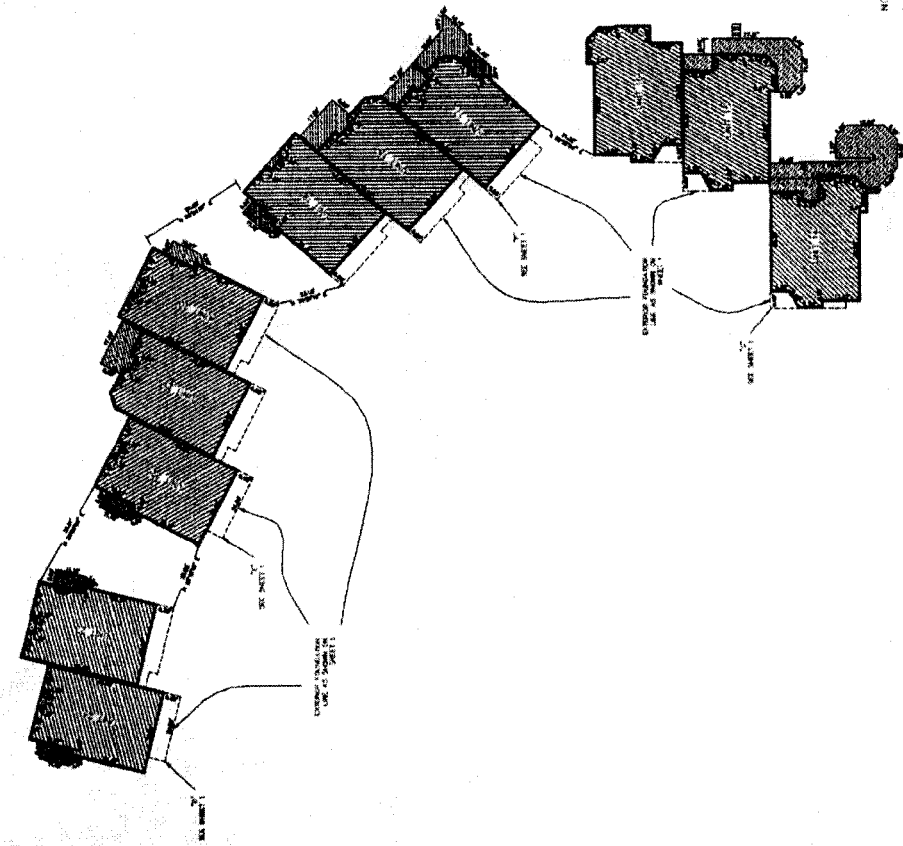
ENGINEER'S CERTIFICATE
 I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF _____ 2004 A.S.
 BY: _____

APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS DAY OF _____ 2004 A.S.
 BY: _____

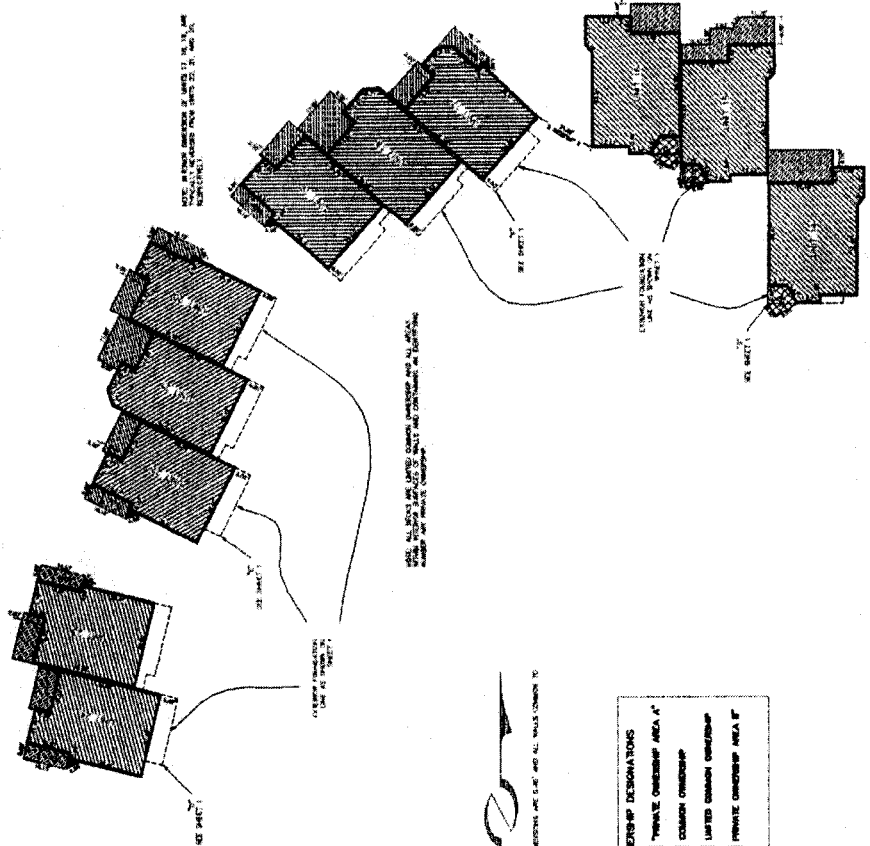
CERTIFICATE OF ATTEST
 I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ 2004 A.S.
 BY: _____

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS _____ 2004 A.S.
 BY: _____

RECORDED
 STATE OF UTAH COUNTY OF SUMMIT, AND FILED AT THE RECORDS CLERK'S OFFICE THIS _____ 2004 A.S.
 BY: _____



LEVEL 1 FLOOR PLAN



LEVEL 2 FLOOR PLAN

SECOND AMENDED
RECORD OF SURVEY MAP

STAG LODGE PHASE I

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
S11B, A, M
PARK CITY, SUMMIT COUNTY, UTAH



PAGE 5 of 8

OWNERSHIP DESIGNATIONS

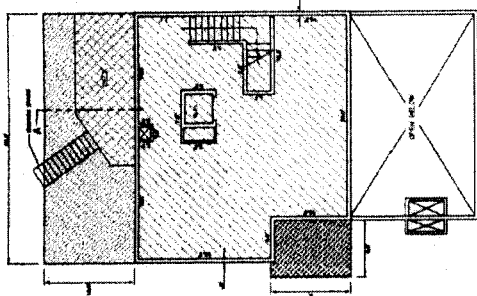
	PRIVATE OWNERSHIP AREA A'
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP
	PRIVATE OWNERSHIP AREA B'



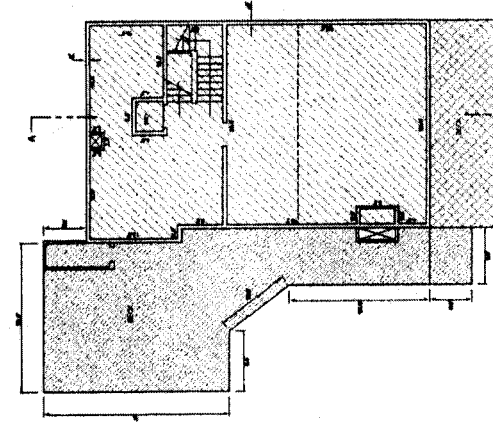
- NOTES:**
- The Second Amended Record of Survey Map is in accordance with the provisions of the Utah Condominium Act, Title 66, Chapter 2, Part 2, and the provisions of the Utah Condominium Act, Title 66, Chapter 2, Part 2, and the provisions of the Utah Condominium Act, Title 66, Chapter 2, Part 2.
 - All other conditions of approval of the Stag Lodge Condominium project continue to apply.
 - Should a unit owner be unable to obtain an agreement to the Condominium Declaration, the unit owner shall be deemed to have accepted the Condominium Declaration and shall be deemed to have agreed to the terms and conditions of the Declaration and to have agreed to the terms and conditions of the Declaration and to have agreed to the terms and conditions of the Declaration.
 - The boundaries of the private ownership areas shown on this map are based on the boundaries shown on the Record of Survey Map of Stag Lodge Condominium Unit 1. The unit boundaries shown on this map are based on the boundaries shown on the Record of Survey Map of Stag Lodge Condominium Unit 1.

RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE OFFICE OF THE
DATE _____ TIME _____ PAGE _____
BY _____ BOOK _____ PAGE _____
FILE _____ RECORDER _____

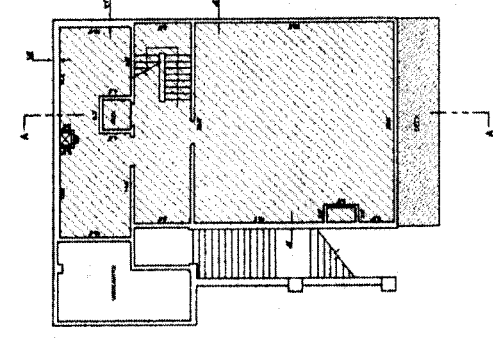
4-2-04 12:30 PM (10/10) (10/10) (10/10) (10/10) (10/10)



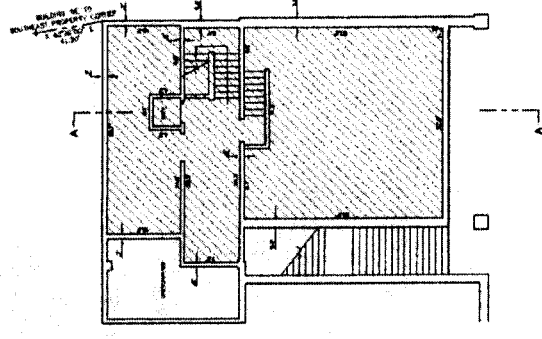
UPPER LEVEL



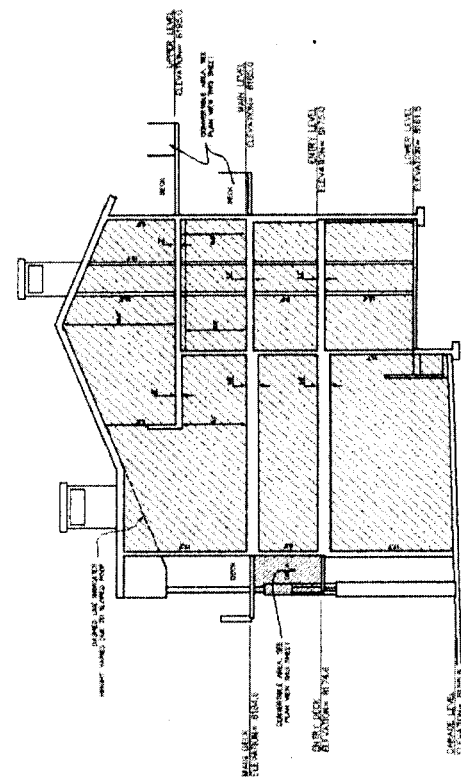
MAIN LEVEL



ENTRY LEVEL



GARAGE LEVEL



SECTION A-A

UNIT 35

- NOTES:**
1. INTERIOR FINISHES SHOWN ARE TO FINISH SURFACE.
 2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
 3. ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN ARE DESIGNATED AS COMMON AREAS.
 4. REFLECT TO SPECIFICATION OF CONCRETE FOR COMPLETE SPECIFICATION OF FINISHES.
 5. DIMENSIONS: SEE SHEET 1 OF 4 FOR DIMENSIONS AND ELEVATIONS.

CONCRETE REINFORCEMENT

[Symbol]	PRECAST CONCRETE WALL, 4"
[Symbol]	CONCRETE WALL, 8"
[Symbol]	CONCRETE WALL, 12"
[Symbol]	PRECAST CONCRETE WALL, 4"

SECOND AMENDED
RECORD OF SURVEY MAP

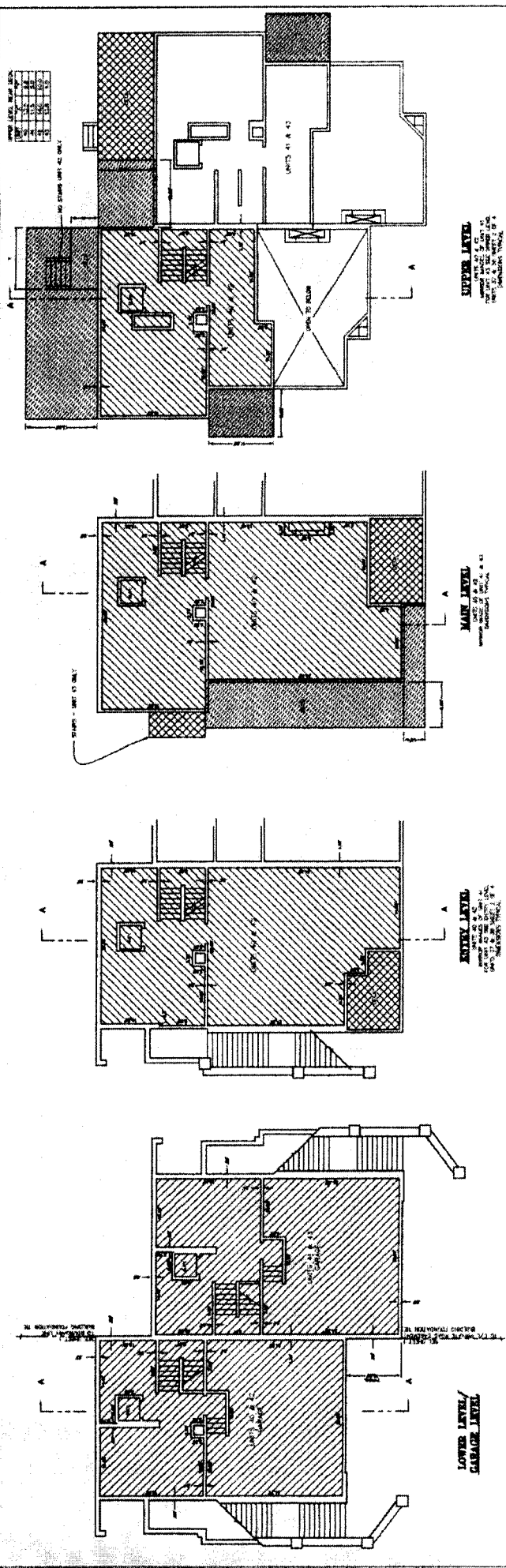
STAG LODGE PHASE II

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22
TOWNSHIP 2 S, RANGE 4 E
PARK CITY, SUMMIT COUNTY, UTAH



RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF _____ PAGE _____
DATE _____ TIME _____ BOOK _____
FEE _____ RECORDER _____

- NOTES:**
1. The Second Amended Record of Survey Map is in accordance with Section 11, 12, and 4 of the Utah Condominium Act, UTAH CODE ANN. § 33-1-11, 12, and 4. The Stag Lodge Phase II Condominium Project is located in Section 22, Township 2 S, Range 4 E, Park City, Summit County, Utah.
 2. All other conditions of approval of the Stag Lodge Condominium Project continue to apply.
 3. The Stag Lodge Phase II Condominium Project is located in Section 22, Township 2 S, Range 4 E, Park City, Summit County, Utah. The Stag Lodge Phase II Condominium Project is located in Section 22, Township 2 S, Range 4 E, Park City, Summit County, Utah. The Stag Lodge Phase II Condominium Project is located in Section 22, Township 2 S, Range 4 E, Park City, Summit County, Utah.
 4. The dimensions of the private and common areas are shown on the Record of Survey Map. The Stag Lodge Phase II Condominium Project is located in Section 22, Township 2 S, Range 4 E, Park City, Summit County, Utah. The Stag Lodge Phase II Condominium Project is located in Section 22, Township 2 S, Range 4 E, Park City, Summit County, Utah.



UNITS 40, 41, 42, & 43

- NOTE:**
1. INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
 2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
 3. ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN ARE DESCRIBED AS COMMON AREAS.
 4. REFER TO DESCRIPTION OF COMMON AREAS FOR COMPLETE DESCRIPTION OF COMMON AREAS.
 5. DIMENSIONS: SEE SHEET 1 OF 4 FOR LOCATION AND ELEVATION.

FLOOR AREA/FLOOR ELEVATION TABLE

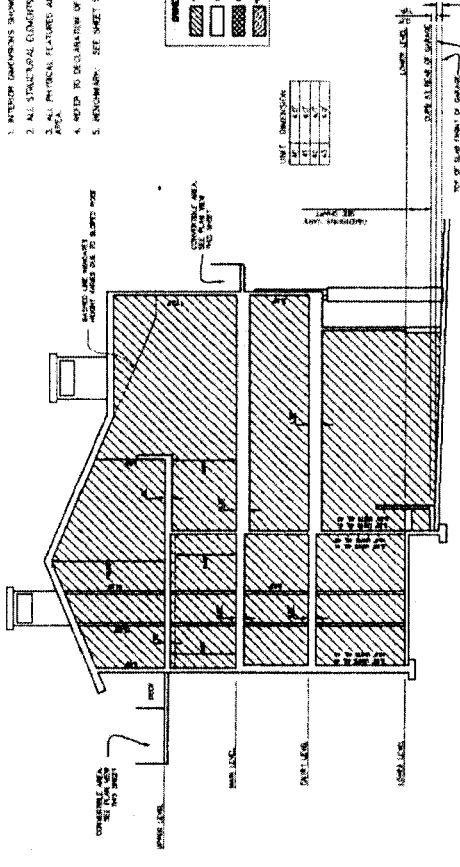
FLOOR	UNIT NO.	AREA (SQ. FT.)	ELEVATION (FEET)
UPPER LEVEL	40	1,200	10.00
	41	1,200	10.00
	42	1,200	10.00
	43	1,200	10.00
MAIN LEVEL	40	1,200	9.00
	41	1,200	9.00
	42	1,200	9.00
	43	1,200	9.00
ENTRY LEVEL	40	1,200	8.00
	41	1,200	8.00
	42	1,200	8.00
	43	1,200	8.00
LOWER LEVEL/CARAGE LEVEL	40	1,200	7.00
	41	1,200	7.00
	42	1,200	7.00
	43	1,200	7.00

FINISHES

FINISH	DESCRIPTION
1	Concrete floor
2	Carpet
3	Paint
4	Plaster

UNIT DIMENSIONS

UNIT NO.	WIDTH (FEET)	DEPTH (FEET)	TOTAL AREA (SQ. FT.)
40	12.00	10.00	1,200
41	12.00	10.00	1,200
42	12.00	10.00	1,200
43	12.00	10.00	1,200



STAG LODGE PHASE III

THIRD AMENDED
RECORD OF SURVEY MAP
A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST
PLATEAU COUNTY, UTAH



RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE OFFICE OF THE COUNTY CLERK
DATE _____ TIME _____ BOOK _____ PAGE _____
FEE _____ RECORDER _____

SECTION A

ORDINANCE 04-13

AN ORDINANCE AMENDING TITLE 4, CHAPTER 8 OF THE MUNICIPAL CODE OF PARK CITY REGULATING MASTER FESTIVAL LICENSING; BY AMENDING SUB-CHAPTER 8A REGULATING PUBLIC OUTDOOR MUSIC PLAZAS

WHEREAS, Utah Code Annotated (“UCA”) § 10-8-73 and 10-8-76 give the City the power to regulate and prohibit public demonstrations, processions and other street or otherwise public performances which may interfere with public order or otherwise create a noise nuisance; and

WHEREAS, UCA § 10-8-84 allows the City to pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by Chapter 8 of UCA Title 10 which are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort and convenience of the City and its inhabitants, and for the protection of property in the city; and

WHEREAS, UCA § 10-8-60 gives the City the right to declare what constitutes a public nuisance, and provide for the abatement of the same, and impose fines upon persons who may create, continue or suffer nuisances to exist; and

WHEREAS, the City Council received a petition supporting outdoor music, but also heard from several area residents who objected to amplified music; and

WHEREAS, the City Council received recommendations based upon the findings and experiences of a volunteer citizen committee, and a University of Utah class concerning the effects and regulation of noise and the construction of sound mitigating stages, to properly set forth reasonable regulations and time limits to substantially mitigate the effects of such music upon neighboring residents and businesses; and

WHEREAS, the Community Development Department recommended the restrictions herein based upon the Department’s noise measurements around the neighborhood and other parts of the City; and

WHEREAS, in 2000 the City commissioned an independent noise study by Spectrum Acoustical Engineers along Park Avenue and the study concluded that music performed pursuant to the restrictions herein should be compatible with the existing background and traffic noise of the neighborhood; and

WHEREAS, the plaza authorized herein are within the Historic Commercial Business (“HCB”) zoning district, where noisy commercial operations, businesses and public master festivals/parades are common; and

WHEREAS, licensing and zoning are legitimate and reasonable means of time, place and manner regulations to ensure that outdoor music performers comply with reasonable regulations and to ensure that performers do not knowingly allow their music to become a nuisance to nearby residences and businesses, nor create public disorder; and

WHEREAS, the City Council received convincing testimony that outdoor music performances, because of their very nature, have a positive effect on both the existing businesses around them and the community at large, causing enhanced resort atmosphere and business patronage; and

WHEREAS, as a result of these findings and testimony, the City Council finds that public outdoor music in the specified plazas is not a nuisance per se, but if performed consistently with the regulations contained herein, is reasonably within the standard of comfort prevailing in the areas of and adjacent to the plazas defined herein, promotes the arts and cultural enhancement in the community; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby preserve the property and character of surrounding neighborhoods, deter unreasonably large pedestrian crowds, protect the citizens from increased noise, preserve the quality of life, and protect the health, safety and welfare of the citizenry; and

WHEREAS, the time, place and manner restrictions of this ordinance are required to protect legitimate and important governmental interests and are reasonably related to achieve the protection of those interests with the minimum interference necessary to rights protected by state and federal constitutional provisions; and

WHEREAS, this ordinance does not prohibit other programming entities;
and

WHEREAS, the City Council has reviewed the 2003 season's compliance with the regulations set forth in § 4-8A-5 and have conducted a public hearing and found no neighborhood impacts; and

WHEREAS, the City Council has received an update on the analysis provided in 2001 by Spectrum Engineering and the analysis is based upon the addition of a third stage in the Lower Main Street area; and

WHEREAS, the update provided by Spectrum Engineering in July of 2003 states that the addition of a third stage does not increase the impact to the adjacent residential neighborhood.

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

SECTION 1. FINDINGS. The recitals above are incorporated herein as findings by the City Council, the legislative body of Park City.

SECTION 2. AMENDMENT. The Municipal Code of Park City is hereby amended by adding the following Chapter 8a to Title 4:

CHAPTER 8A - PUBLIC OUTDOOR MUSIC PLAZAS

4-8A- 1. TITLE FOR CITATION.

This section shall be known and may be referred to as the Public Outdoor Music Plaza Ordinance.

4-8A- 2. PURPOSE: REASONABLE LICENSING PROCEDURES.

It is the purpose and object of this Chapter that the City establish reasonable and uniform regulations governing the licensing and manner of operations of Public Outdoor Music Plazas in Park City. This Chapter shall be construed to protect the legitimate and important governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. The purpose of these regulations is to provide for the regulation and licensing of Public Outdoor Music Plazas within the City in a manner which will protect the property values of surrounding businesses and neighborhoods, and residents from the potential adverse secondary effects, while providing to those who desire to perform in and patronize Public Outdoor Music Plazas the opportunity to do so. The purpose of this Chapter is to prevent and control the adverse effects of Public Outdoor Music Plazas and thereby to protect the health, safety, and welfare of the citizens and guests of Park City, protect the citizens from increased noise, preserve the quality of life, and preserve the property values and character of the surrounding neighborhoods.

4-8A- 3. APPLICATION OF PROVISIONS.

This Chapter imposes regulatory standards and license requirements on certain activities, which are characterized as "Public Outdoor Music Plazas." It is not the intent of this Chapter to suppress any speech activities protected by the First and Fourteenth Amendments to the United States Constitution and the Constitution of the State of Utah, but to impose content-neutral regulations which address the adverse secondary effects of Public Outdoor Music Plazas. This Chapter is intended to supersede any other related ordinances including, but not limited to, Title 6 Chapter 3, Noise, and Title 15, Land Management Code, of the Municipal Code.

4-8A- 4. DEFINITIONS.

For the purpose of this Chapter, the following words shall have the following meanings:

(A) **AMPLIFIED EVENT OR MUSIC.** An event or music utilizing an amplifier or other input of power so as to obtain an output of greater magnitude or volume through speakers or other electronic devices.

(B) **STAGES.** The raised and semi-enclosed platforms that are designed to attenuate sound, or as otherwise approved by Special Events staff.

4-8A- 5. MASTER FESTIVAL LICENSE, REVIEW PROCEDURE.

~~The City Council hereby grants Master Festival Licenses for each of the Public Outdoor Music Plazas in Section 6. The Licenses shall be subject to all regulations and conditions of this Chapter. The Licenses shall be valid as of June 15, 2003 and shall expire September 15, 2003, unless renewed by the City Council. The City Council may not renew said licenses until after a public hearing and receipt of a staff evaluation of the prior year's compliance with this Chapter. Renewal shall be granted in the sole judgment of the City Council based upon compliance with the regulations herein, community impacts, and so long as such decision is not arbitrary and capricious. The Public Outdoor Music Plazas identified at Section 4-8A-6 herein may be programmed for public performances and outdoor music, subject to the regulations and conditions of this Chapter and subject to Master Festival Licensing review pursuant to Title 4, Chapter 8, Master Festival License. No licensee nor performer shall accrue any vested rights under this revocable license.~~

4-8A- 6. PUBLIC OUTDOOR MUSIC PLAZAS.

The following locations, dates, and times may be programmed ~~by Mountain Town Stages~~ for public performances and outdoor music:

(A) LOWER SUMMIT WATCH PLAZA PARTY ON THE PLAZA:

(1) **LOCATION.** On the north end of Summit Watch Plaza Approved plans are on file with the Special Events Department.

(2) **OPERATION DAYS/HOURS/MONTHS.** This Stage may be programmed a maximum of three (3) days per week from June 1st through Labor Day ~~Tuesdays, Fridays, and Saturdays from 5:30 PM to 8:30 PM from June 17th through August 24th.~~ Programming is limited to a maximum of three (3) hours per day and shall begin no earlier than 12:00 Noon and conclude no later than 8:30pm. A timer device must be installed that shuts the power of the stage and sound system off at 8:30 PM.

(3) **TYPE OF MUSIC.** Amplified and acoustic with prerecorded music allowed during breaks. For amplified events or music on Lower Summit Watch Plaza, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty five feet (25') in front of the stage.

~~(4) **SPECIAL EVENTS.** This Public Outdoor Music Plaza may also be programmed for a maximum of four (4) additional week-nights during the summer for special events from 5:30 PM to 8:30 PM, provided these special events do not conflict with any City-sponsored or duly licensed Master Festival as approved by the Special Events Department.~~

(B) MINERS PLAZA.

(1) **LOCATION.** 415 Main Street.

(2) **OPERATION DAYS/HOURS/MONTHS.** This Stage may be programmed a maximum of two (2) days per week from June 1st through Labor Day ~~Saturdays and Sundays from 3:00 PM to 6:00 PM, from June 28th through August 24th, excluding August 2nd and 3rd due to other approved Master Festival Licenses.~~ Programming is limited to a maximum of three (3) hours per day and shall begin no earlier than 12:00 Noon and conclude no later than 8:30pm. Programming of this stage shall not conflict with any City-sponsored or duly licensed Master Festival as approved by the Special Events Department, including but not limited to dates reserved for the Park City Arts Festival. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 PM.

(3) **TYPE OF MUSIC.** Solo and Duo acts with microphones for vocal, with prerecorded music during breaks. For amplified events, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty five feet (25') in front of the stage.

~~(4) **SPECIAL EVENTS.** This Public Outdoor Music Plaza may be programmed for a maximum of four (4) additional week-nights during the summer for special events from Noon to 6:00 PM, provided these special events do not conflict with any City-sponsored or duly licensed Master Festival as approved by the Special Events Department.~~

~~(5) **CONCESSION SALES.** This approval grants the applicant to apply to the State of Utah for a permit to allow for the sale of beer. The City further grants this right provided that the following conditions are met.~~

~~(a) Dedicated personnel at the ingress and egress of the area to prevent any beer from leaving the designated area as well as at the water fountain area;~~

~~(b) Placement of three feet (3') or higher barricades along the edge of the park to designate the service area; and~~

~~(c) Placement of the concessions along the eastern edge of the park to help maintain the barrier between the park and the sidewalk. Concessions may only be sold to people within the park.~~

(C) TOWN LIFT PLAZA.

(1) **LOCATION.** 825 Main Street.

(2) **OPERATION DAYS/HOURS/MONTHS.** This Stage may be programmed a maximum of three (3) days per week from June 1st through Labor Day ~~Fridays, Saturdays and Sundays from 12:00 PM to 8:30 PM, from June 15th through September 15th, excluding August 2nd and 3rd due to other approved Master Festival Licenses.~~ The maximum duration of programming per day shall not exceed four (4) hours and shall begin no earlier than 12:00 Noon and must conclude no later than 8:30pm. Programming of this stage shall not conflict with any City-sponsored or duly licensed Master Festival as approved by the Special Events Department, including but not limited to dates reserved for the Park City Arts Festival. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 PM.

(3) **TYPE OF MUSIC.** Amplified and Acoustic acts ~~with microphones for vocal,~~ with prerecorded music during breaks. For amplified events, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90 ~~85~~, as measured twenty five feet (25') in front of the stage.

~~(4) **SPECIAL EVENTS.** This Public Outdoor Music Plaza may also be programmed for a maximum of four (4) additional week-nights during the summer for special events from Noon to 6:00 PM, provided these special events do not conflict with any City-sponsored or duly licensed Master Festival as approved by the Special Events Department.~~

(D) UPPER SUMMIT WATCH PLAZA ~~LA CASITA AT SUMMIT WATCH PLAZA.~~

(1) **LOCATION.** On the south end of Summit Watch Plaza ~~at LaCasita Restaurant.~~ Approved plans are on file with the Special Events Department.

(2) **OPERATION DAYS/HOURS/MONTHS.** This Stage may be programmed a maximum of three (3) days per week from June 1st through Labor Day ~~Fridays and Saturdays from 5:30 PM to 8:30 PM and Sundays from 12:00 PM to 3:00 PM from July 18th through August 24th.~~ Programming is limited to a maximum of three (3) hours per day and shall begin no earlier than 12:00 Noon and must conclude no later than 8:30pm. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 PM.

(3) **TYPE OF MUSIC.** Amplified and acoustic with prerecorded music allowed during breaks. For amplified events or music ~~at LaCasita~~ on Upper Summit Watch Plaza, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty five feet (25') in front of the stage.

~~(4) **SPECIAL EVENTS.** This Public Outdoor Music Plaza may also be programmed for a maximum of four (4) additional week-nights during the summer for special events from 5:30 PM to 8:30 PM, provided these special events do not conflict with any City-sponsored or duly licensed Master Festival as approved by the Special Events Department.~~

~~(E) **ADDITIONAL LOCATIONS; ADMINISTRATIVE REVIEW.** Additional Public Outdoor Music Plaza locations may be administratively approved by the Special Events Department for programming by Mountain Town Stages (MTS) of public performances and outdoor music pursuant to the criteria set forth herein. No additional Public Outdoor Music Plaza location shall be administratively approved unless the proposal fully complies with all of the following criteria:~~

~~(1) No more than two (2) additional Public Outdoor Music Plaza locations may be administratively approved;~~

~~(2) No proposed location may occupy or otherwise compromise any public parking space(s), whether for use by performers, attendees, or other amenities directly connected to programming pursuant to this Chapter;~~

~~(3) The proposed location must include sufficient area to accommodate performers, MTS staff, and anticipated attendees without interfering with pedestrian or vehicular traffic or otherwise impairing any public right of way;~~

~~(4) No proposed location shall be approved unless located within the HRC, HCB, RC, RCO, GC, or LI Districts, and in no case shall a proposed location be approved within one hundred feet (100') of a residential neighborhood;~~

~~(5) No additional Public Outdoor Music Plaza location shall be programmed prior to June 1, nor after September 30, 2002;~~

~~(6) Additional Public Outdoor Music Plaza locations may be programmed no more than three (3) days or evenings per week; and~~

~~(7) No additional Public Outdoor Music Plaza location may be programmed for more than five (5) hours in any day, and in no event shall programming commence prior to 11:30 AM nor end later than 8:30 PM.~~

4-8A- 7. GENERAL REGULATIONS.

(A) The program manager, or his/her designee, shall provide on-site management for each event.

(B) A sound technician shall provide on-site monitoring for each event with music, amplified or otherwise, and any amplified event.

(C) Except as otherwise provided at Subsection 6(A) herein, for amplified events or music, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage. The data currently available to the City indicates that a maximum decibel level of 90 satisfies the purpose of this ordinance. The City may amend this ordinance consistent with newly acquired data.

(D) All events shall be open to the public and free of charge.

(E) No event shall exceed 250 people at one time unless a separate Master Festival License is granted for that event.

(F) The Police Department or other proper City official shall have access at all times to all Public Outdoor Music Plazas under this Chapter, and may make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.

(G) All events shall take place only on authorized Stages and shall have clean-up services directly following each event so as to leave the plazas in a clean and litter free manner.

4-8A- 8. ALCOHOL.

It is unlawful for the licensee or any person or business to allow the sale, storage, supply, or consumption of alcoholic beverages at the Public Outdoor Music Plazas, unless licensed pursuant to Chapters 4-6 of Title 4, as applicable.

4-8A- 9. LICENSE HOLDER, PROGRAM BOARD.

(A) ~~Mountain Town Stages (MTS) will be the licensee of the events and will own the Stages, except for 825 Main Street location, which licensee will be Sweeney Bros' Town Lift Café (TLC). MTS or TLC~~ The Licensee(s) will hire a program manager, approved by the City, said approval not to be unreasonably withheld. The program manager will be responsible for general management of each Public Outdoor Music Plaza and on-site oversight for each event. Agreements with the individual property owners will be provided to the City Special Events Department by the program manager.

(B) ~~Mountain Town Stages or TLC~~ The Licensee(s) shall schedule events in accordance with the regulations set forth in this Chapter. Nothing herein shall allow the City to regulate the content or otherwise censor plaza productions or speech. ~~Mountain Town Stages or TLC~~ The Licensee(s) shall at all times hold the City harmless and indemnify the City from all claims, actions and liability arising from ~~Mountain Town Stage's or TLC's~~ Licensee(s)' use of the Public Outdoor Music Plazas. ~~Mountain Town Stages or TLC~~ Licensee(s) shall maintain ~~its~~ their own liability insurance, with the City listed as an additional insured in a form approved by the City Attorney.

(C) Nothing in this Chapter shall be interpreted to create a contract or implied-contract between the City and any performer, or Public Outdoor Music Plaza owner.

4-8A-10. ON-GOING COMPLIANCE EVALUATION.

~~(A) The Special Events Department will appoint an independent neighborhood review group of at least three (3) area residents which will be contacted weekly by the City Special Events staff and the program manager to receive comments and concerns. A Licensee(s) shall post a phone number will also be available at each venue so that individuals may phone in comments. Based upon such comments, the Special Events staff may issue additional conditions consistent with the intent of this Chapter to the program manager, including decreasing DB levels in 3 DB increments with at least 3 days between each reduction. A summary of, and recommended response to comments will be forwarded to the City Council within seven (7) days of the end of each month of operation, or sooner if requested by the program manager to resolve any issue. At the end of the season, the Special Events staff will forward a final recommendation to the City Council, with proposed changes, if any, prior to renewal of the licenses granted herein.~~

(B) The Police Chief, or his/her designee, may suspend the licenses granted herein and schedule a revocation hearing before the City Council at the next regularly scheduled City Council meeting for any of the following causes:

(1) Any violation of this Chapter as evidenced by a citation issued by the Police Department.

(2) Any violation of law or City ordinance.

(3) Upon any other evidence that the program manager or entertainer constitutes a hazard or nuisance to the health, safety, or welfare of the community.

4-8A-11. TRANSFER LIMITATIONS.

The Master Festival Licenses granted under this Chapter are not transferable without the written consent of the Mayor. It is unlawful for an individual to transfer a Public Outdoor Music Plaza Master Festival License without City approval as provided herein. If any transfer of the controlling interest in a Public Outdoor Music Plaza license occurs without City approval, the license is immediately null and void and the Public Outdoor Music Plaza shall not operate until a separate new license has been properly issued by the City as herein provided. The City will not unreasonably withhold consent of transfer provided the proposed Licensee is a non-profit organization within Park City, meets all the criteria of this Chapter, and demonstrates experience managing special events.

4-8A-12. PLAZA LICENSES IN LIEU OF ADMINISTRATIVE PERMITS FOR OUTDOOR MUSIC AND OUTDOOR SPEAKERS.

The Master Festival Licenses granted under this Chapter are in lieu of any Administrative Conditional Use Permit (CUP) for outdoor music, including outdoor speakers, pursuant to Title 15 of the Municipal Code, Land Management Code. The ~~Community Development~~ Planning Department shall not issue any outdoor music permits in the Historic Commercial Business (HCB) zoning district north of Heber Avenue. The City may still issue outdoor music permits in conjunction with an approved Master Festival License.

SECTION 3. SEVERABILITY. If any phrase, clause, sentence, paragraph, or section of this Ordinance is declared unlawful by a Court of competent jurisdiction, such decision shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 29th day of April, 2004.

PARK CITY MUNICIPAL CORPORATION

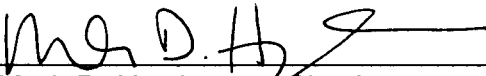

Dana Williams, Mayor

Attestation by:


Janet M. Scott, City Recorder



Approved as to Form:


Mark D. Harrington, City Attorney

Ordinance No. 04-12

AN ORDINANCE APPROVING THE DEER CREST HOTEL SUBDIVISION PLAT, BEING A PLAT AMENDMENT FOR THE ROOSEVELT GAP SUBDIVISION TO COMBINE WITH THE ROOSEVELT GAP AND SNOW PARK DEVELOPMENT PARCELS OF THE 1995 DEER CREST SETTLEMENT AGREEMENT, AS AMENDED, A PORTION OF AN ADJACENT STATE TRUST LANDS PARCEL, AND OTHER MINOR AMENDMENTS TO EASEMENTS AND PLAT NOTES. LOCATED AT 2300 DEER VALLEY DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 2300 Deer Valley Drive have petitioned the City Council for approval of the plat amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 25, 2004, March 10th, 2004 and March 24th, 2004, to receive input on the plat amendment;

WHEREAS, the Planning Commission, on March 24, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 15, 2004, the City Council held a public hearing and approved the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment as conditioned.

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

SECTION 1. APPROVAL. The plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 2300 Deer Valley Drive, also known as Roosevelt Gap at Deer Crest. The property is zoned RC-MPD, Resort Commercial (Roosevelt Gap parcel) and RD-MPD, Residential Development (Snow Park parcel), and ROS (Recreational Open Space). The property is subject to the Deer Crest MPD and 1995 Deer Crest Settlement Agreement, as amended. The property is currently vacant. The property has no frontage on any City street.

2. The property is within Park City Municipal boundaries and lies in both Summit County and Wasatch County.
3. The proposed plat amendment includes the following:
 - a. Combines the Snow Park parcel of the Deer Crest Settlement Agreement with the existing and recorded Roosevelt Gap Subdivision plat to create a single development parcel for the Deer Crest Hotel Conditional Use Permit and incorporates all property associated with the Deer Crest Hotel CUP on one plat.
 - b. Identifies development parcels and open space parcels consistent with the Deer Crest Settlement Agreement and the amended Deer Crest Hotel Conditional Use Permit (February 28, 2001, amended March 24, 2004).
 - c. Adds to the Roosevelt Gap development parcel a portion of an adjacent State Trust Lands parcel (approximately 12,066 sf in area) that Deer Crest Associates is purchasing.
4. The proposed amendment narrows the access easement for the private drive, known as Deer Crest Estates Drive, for a length of 100' adjacent to the east facade of the hotel. The proposed easement width of 32' is sufficient for construction of the required curb, gutter, and street for this section of Deer Crest Estates Drive.
5. The property is subject to the Deer Crest Hotel CUP, approved on March 24, 2004, which amended the Rosewood CUP, approved on February 28, 2001, amended on July 25 of 2001.
6. On February 25, 2004 the Planning Commission held a public hearing. No input was received on the proposed plat amendment. On March 10th and March 24th public hearings were also conducted.
7. The proposed amendment resolves issues of development crossing lot lines and identifies those areas to be developed and those areas to be left as open space.
8. The Trust Lands Parcel is zoned RC and is included on the Deer Crest Settlement Agreement exhibits as part of the development area. The Trust Lands Parcel is under contract and will be conveyed to Deer Crest Associates upon approval of the Conditional Use Permit. The owner of this parcel is a signature, as affirmation of sufficient interest, on this plat amendment application.
9. The proposed plat amendment does not decrease the amount of open space associated with the Deer Crest Hotel CUP.

Conclusions of Law:

1. As conditioned, the amended subdivision plat is consistent with the Deer Crest Settlement Agreement, the Park City Land Management Code, the General Plan and applicable State law regarding subdivision plats.
2. As conditioned, neither the public nor any person will be materially injured by the proposed plat amendment.
3. As conditioned, approval of the amended subdivision plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. Conditions of Approval for the Deer Crest Hotel CUP, as amended and the 1995

- Deer Crest Settlement Agreement, as amended, remain in full force and effect.
2. The City Attorney and City Engineer will review and approve the final form and content of the amended subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
 3. The applicant will record the amended subdivision plat at both Summit and Wasatch Counties within one year of the date of the City Council approval. If plat recordation has not occurred within one year's time, this approval and the plat will be void.
 4. The amended subdivision plat shall be recorded as a condition precedent to issuance of a footing and foundation permit for development on these parcels.
 5. A note shall be added to the plat disclosing the fact that the parcel has no frontage on a City street.
 6. A revised title report shall be submitted to the City prior to plat recordation for verification of land ownership.
 7. Any outstanding issues regarding access for the hotel shall be resolved to the satisfaction of the City Engineer and City Attorney prior to recordation of the subdivision plat.

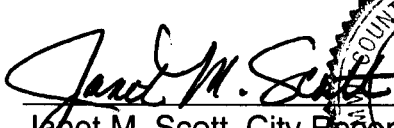
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

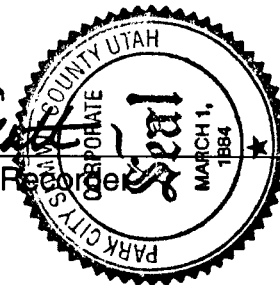
PASSED AND ADOPTED this 15th day of April, 2004.

PARK CITY MUNICIPAL CORPORATION


Dana Williams, MAYOR

ATTEST:


Janet M. Scott, City Recorder



APPROVED AS TO FORM:

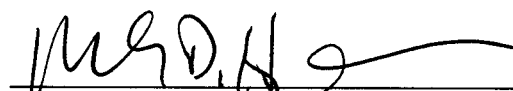
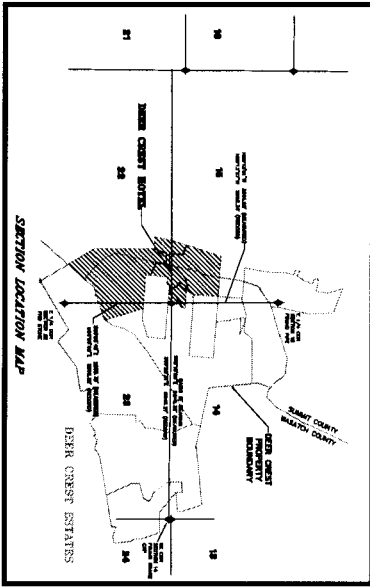
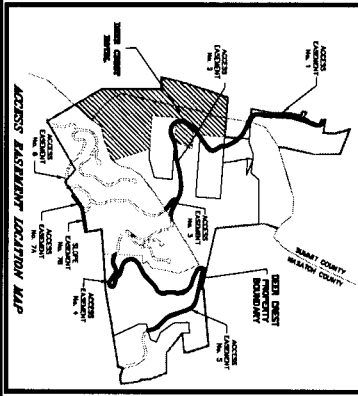
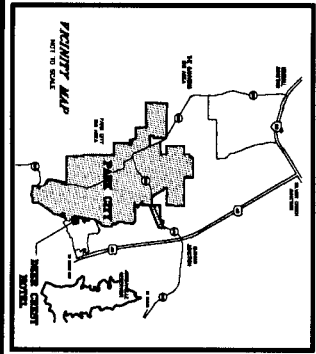

Mark D. Harrington, City Attorney

EXHIBIT A



GENERAL NOTES:

- The project is located in a State Designated Area, and the applicant is required to obtain a permit from the Utah Department of Environmental Quality (UDEQ) for the discharge of stormwater from the project.
- The applicant shall provide a stormwater management plan that meets the requirements of the UDEQ permit.
- The applicant shall provide a site plan that shows the location of all structures, parking areas, and other features on the site.
- The applicant shall provide a site plan that shows the location of all easements and other rights-of-way on the site.
- The applicant shall provide a site plan that shows the location of all utility lines on the site.
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<p>CITY PLANNING COMMISSION</p> <p>APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ 2004.</p> <p>STAMPAWA</p>	<p>WATER RECLAMATION DISTRICT</p> <p>APPROVED AND ACCEPTED THIS _____ DAY OF _____ 2004.</p> <p>BY: JORDANVILLE SPECIAL SERVICE DISTRICT AUTHORIZED REPRESENTATIVE</p>	<p>CITY ENGINEER</p> <p>REQUIRED FOR COMPLIANCE WITH PARK CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____ 2004.</p> <p>CITY ENGINEER</p>	<p>CITY COUNCIL</p> <p>PRESENTED TO THE PARK CITY COUNCIL ON THIS _____ DAY OF _____ 2004.</p> <p>AT WHICH TIME THIS PLAN WAS APPROVED.</p> <p>WATER</p> <p>CITY RECORDER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AND ACCEPTED THIS _____ DAY OF _____ 2004.</p> <p>BY: SALT LAKE COUNTY WATER RECLAMATION DISTRICT AUTHORIZED REPRESENTATIVE</p>	<p>RECORDED & FILED AT</p> <p>STATE OF UTAH, COUNTY OF _____</p> <p>DATE _____ TIME _____</p> <p>PAGE _____ FEES \$ _____</p> <p>COUNTY RECORDER</p>
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WATER RECLAMATION DISTRICT

APPROVED AND ACCEPTED THIS _____ DAY OF _____ 2004.

BY: JORDANVILLE SPECIAL SERVICE DISTRICT AUTHORIZED REPRESENTATIVE

DEER CREST HOTEL SUBDIVISION PLAT

LOCATED IN THE SOUTHWEST QUARTER SECTION 14, T17N, R10E, S10E, OF THE SOUTHWEST QUARTER SECTION 22 AND THE SOUTHWEST QUARTER SECTION 23, T17N, R10E, S10E, OF SALT LAKE BASIN AND MERRILL PARK CITY, SUBMIT AND VASATCH COUNTIES, UTAH SHEET 1 OF 2

PSOMAS

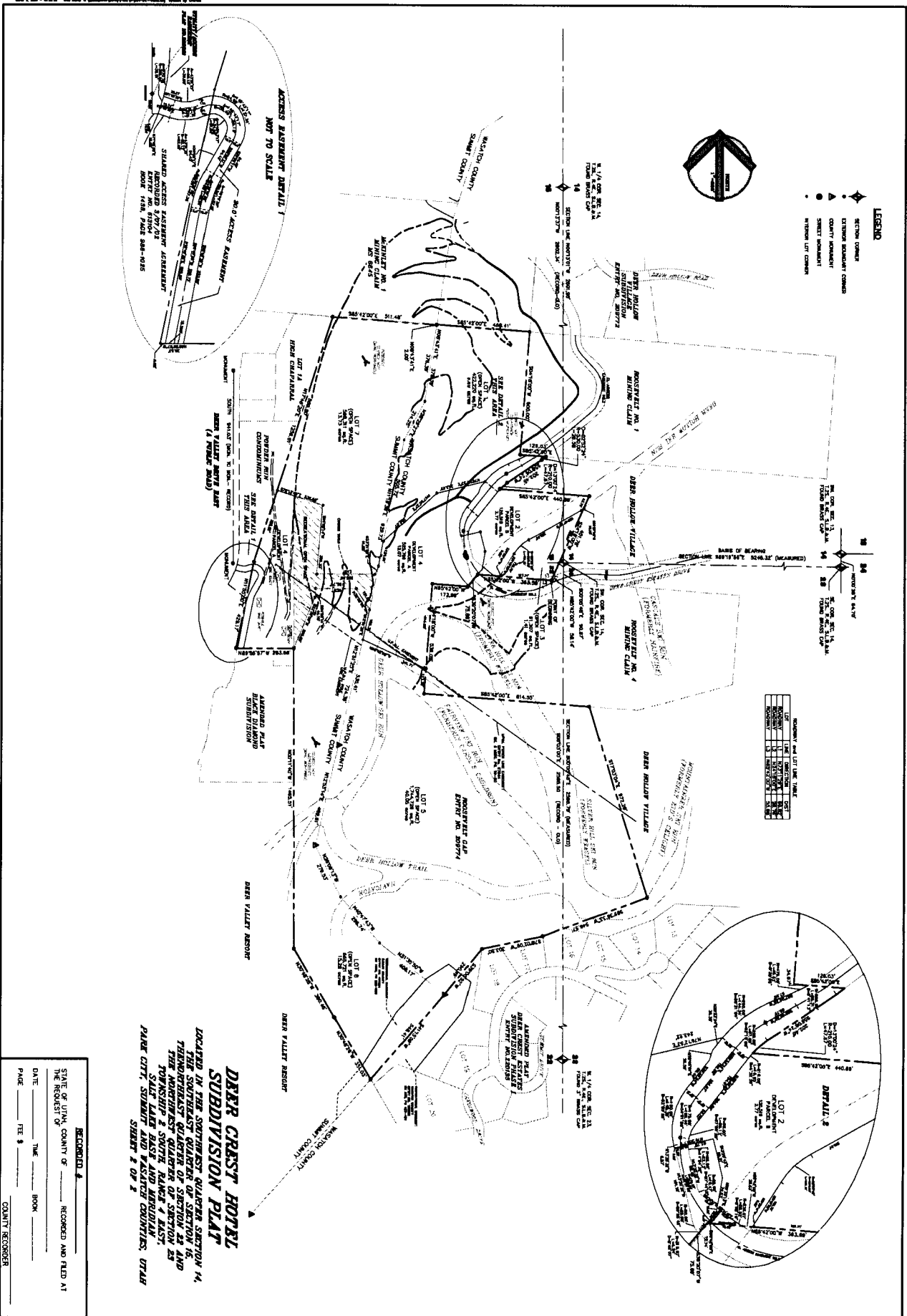
2825 East Cottonwood Parkway, Suite 120
Salt Lake City, Utah 84121
(801) 270-5777 (801) 270-5782 (FAX)

DEER CREST HOTEL SUBDIVISION PLAT

DATE: J-9-2004

SCALE: NTS

PROJECT NO: BDER020100



**DEER CREST HOTEL
SUBDIVISION PLAT**

LOCATED IN THE SOUTHWEST QUARTER SECTION 14,
TOWNSHIP 23 NORTH OF RANGE 18E AND
THE NORTHWEST QUARTER OF SECTION 23
TOWNSHIP 23 NORTH RANGE 18E EAST
SALT LAKE BASIN AND MOUNTAIN
PLATEAU CITY, SOMBERT AND WALKER COUNTIES, UTAH
SHEET 2 OF 2

RECORDED AT _____
STATE OF UTAH, COUNTY OF _____, RECORDED AND FILED AT
DATE _____ TIME _____ BOOK _____
PAGE _____ FILE # _____ COUNTY RECORDER

CEA
CEA
BDA

PSOMAS
2825 East Cottonwood Parkway, Suite 120
Salt Lake City, Utah 84111
(801) 270-5777 (801) 270-5782 (FAX)

**DEER CREST HOTEL
SUBDIVISION PLAT**

DATE 3-23-2004
SCALE 1" = 200'
PROJECT NO. BDR020100

EXHIBIT B

Ordinance No. 02-09

AN ORDINANCE APPROVING AMENDMENTS TO
THE FINAL SUBDIVISION PLAT KNOWN AS THE
ROOSEVELT GAP SUBDIVISION
LOCATED AT 2300 DEER VALLEY DRIVE,
PARK CITY, WASATCH COUNTY, UTAH

WHEREAS, the owners, Deer Crest Development, of the property generally located at 2300 Deer Valley Drive, Park City, Utah and known as the Roosevelt Gap Subdivision, have petitioned the City Council for approval of a final subdivision plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and state law; and

WHEREAS, on May 22, 2002, the Planning Commission held a public hearing to receive public input on the proposed subdivision plat amendments and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on June 6, 2002 the City Council held a public hearing and reviewed the proposed subdivision plat amendments; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed subdivision plat;

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

SECTION 1. FINDINGS OF FACT.

1. The property is located at 2300 Deer Valley Drive, also known as Roosevelt Gap at Deer Crest. The property is zoned RC-MPD, Resort Commercial subject to the Deer Crest MPD and 1995 Deer Crest Settlement Agreement. The property is currently vacant.
2. The property is within Park City Municipal boundaries and within Wasatch County.
3. The proposed plat amendment shifts the disturbance area north approximately 60' and shifts 450 sf of the building envelop 10' - 15' to the north. Shifting the development boundary transfers approximately 0.67 acres of open space to Development Parcel A.
4. The requested plat amendment does not increase the building footprint, density, building height, intensity of use, parking, or disturbance area from what was

- approved with the conditional use permit.
5. The plat amendment dedicates 1.39 acres of forested Development Parcel B as open space for a net increase of 0.72 acres of open space.
 6. The proposed amendment narrows the access easement for the private drive, known as Deer Crest Estates Drive, from 80' to 32' for a length of 100' adjacent to the east facade of the hotel. The proposed easement width of 32' is sufficient for construction of the required curb, gutter, and street for this section of Deer Crest Estates Drive.
 7. The property is subject to the Rosewood CUP, approved in February of 2001, amended on July 25, of 2001.
 8. On May 22, 2002 the Planning Commission held a public hearing. There was no public comment on the proposal. The Commission voted to forward to the City Council a positive recommendation to approve the plat amendment.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed plat. The plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats. The plat is consistent with the Deer Crest Settlement Agreement and Rosewood CUP.

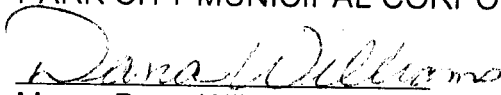
SECTION 3. PLAT APPROVAL. The plat amendments to the Roosevelt Gap Subdivision are hereby approved as shown on Exhibit A, with the following conditions:

1. Conditions of Approval for the Rosewood CUP and the Deer Crest Settlement Agreement remain in full force and effect.
2. Conditions of Approval and existing plat notes pertaining to the Roosevelt Gap subdivision plat remain in full force and effect. A note shall be added to the amended plat referring to all notes on the existing Roosevelt Gap plat.
3. The City Attorney and City Engineer will review and approve the final form and content of the amended subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval as a condition precedent to recordation of the plat.
4. The amended subdivision plat shall be recorded as a condition precedent to issuance of a footing and foundation permit for development on these parcels.
5. As a condition precedent to issuance of a footing and foundation permit for the hotel development on these parcels, the applicant shall verify (this may entail re-flying balloons) that the height and location of the roof ridge on the north-west elevation (the portion that is shifted with this plat amendment) comply with the findings of the conditional use permit and are consistent with the conditions of approval of the conditional use permit and the Deer Crest Settlement Agreement.
6. The subdivision plat shall be recorded at the County within one year of the date of City Council approval. If recordation has not occurred within the one year time frame this approval and the record of survey shall be considered null and void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 6th day of June 2002.

PARK CITY MUNICIPAL CORPORATION

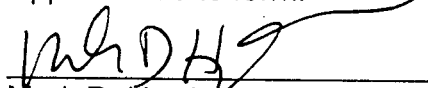

Mayor Dana Williams

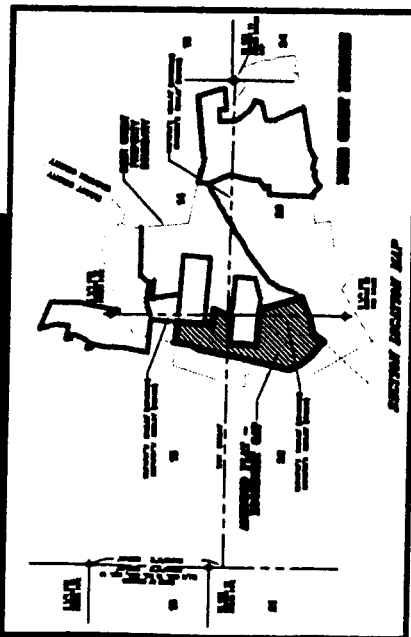
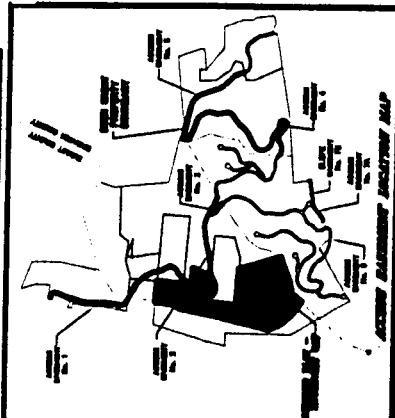
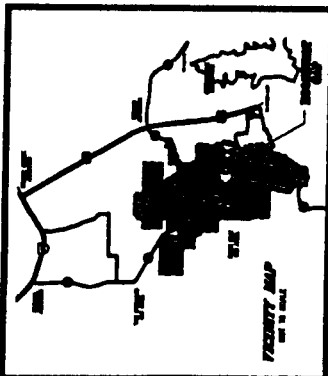
Attest:


Janet M. Scott, City Recorder



Approved as to form:


Mark D. Harrington, City Attorney



55 EXHIBIT A

THE CITY OF JACKSONVILLE

PLANNING AND ZONING DEPARTMENT

PLANNING COMMISSION

RESOLUTION NO. 12345

APPROVAL OF THE ZONING MAP

FOR THE AMENDED PLAT - ROOSEVELT GAP

LOCATED IN THE SOUTHWEST QUARTER SECTION 14,

THE SOUTHWEST QUARTER OF SECTION 16,

THE EAST HALF OF SECTION 18 AND

THE SOUTHWEST QUARTER OF SECTION 19

IN TOWNSHIP 15 NORTH, RANGE 1 EAST,

PLAT 12345, JACKSONVILLE, FLORIDA.

PLAT 12345, SHEET 1 OF 1

THE CITY OF JACKSONVILLE, FLORIDA

PLANNING COMMISSION

RESOLUTION NO. 12345

APPROVAL OF THE ZONING MAP

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THE CITY OF JACKSONVILLE, FLORIDA

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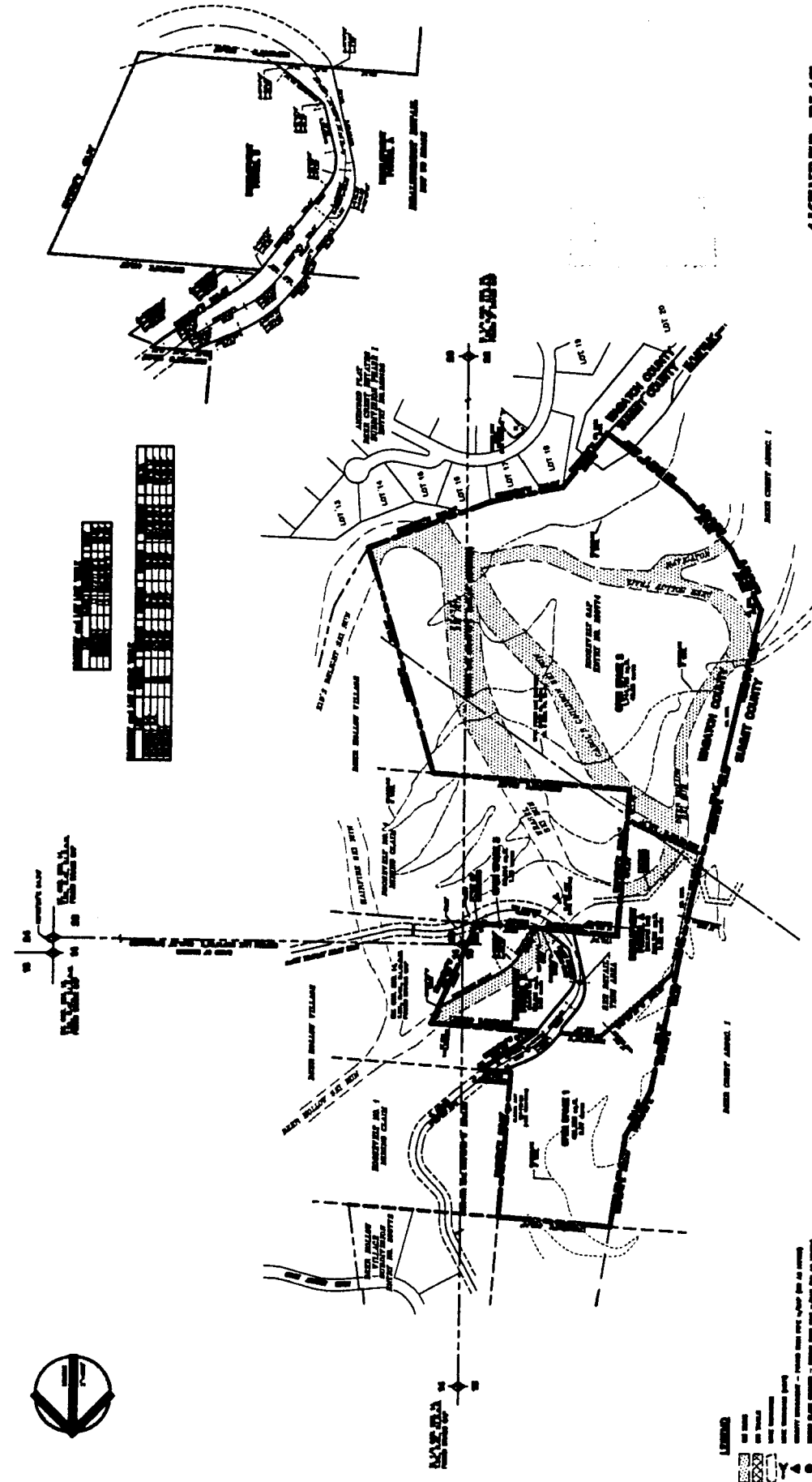
PLAT 12345, SHEET 1 OF 1

COUNTY ADDRESS PLANNING AND ZONING DEPARTMENT CITY OF JACKSONVILLE, FLORIDA	CITY ADDRESS PLANNING AND ZONING DEPARTMENT CITY OF JACKSONVILLE, FLORIDA	CITY ENGINEER PLANNING AND ZONING DEPARTMENT CITY OF JACKSONVILLE, FLORIDA	COUNTY COMMISSIONER PLANNING AND ZONING DEPARTMENT CITY OF JACKSONVILLE, FLORIDA	APPROVAL AS TO FORM PLANNING AND ZONING DEPARTMENT CITY OF JACKSONVILLE, FLORIDA	RECORDED PLANNING AND ZONING DEPARTMENT CITY OF JACKSONVILLE, FLORIDA
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JACK JOHNSON COMPANY

1111 North State Street, Jacksonville, Florida 32202

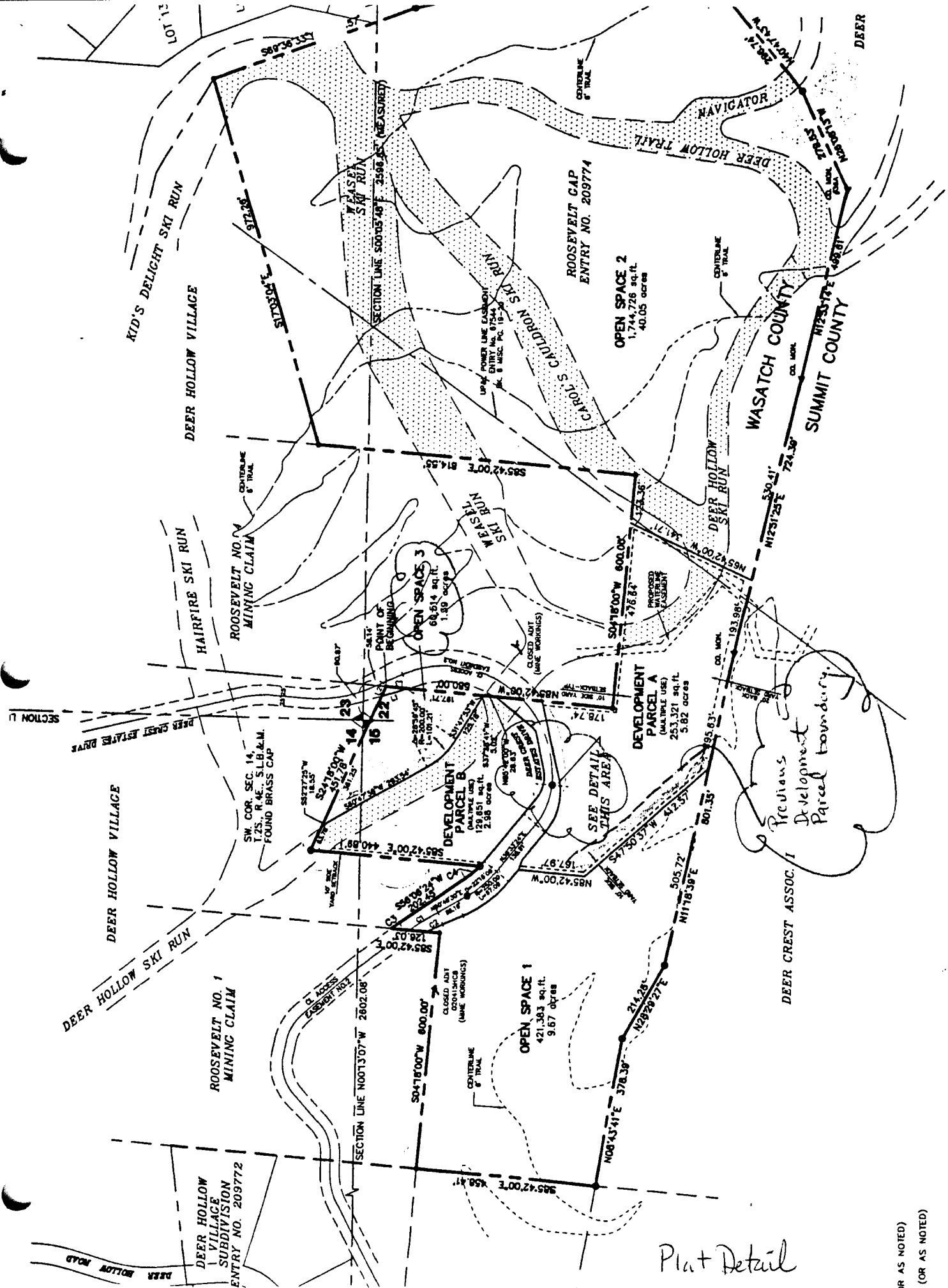


**AMENDED PLAT -
ROOSEVELT GAP**
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 THE SOUTHWEST QUARTER OF SECTION 16,
 THE EAST HALF OF SECTION 18 AND
 THE SOUTHWEST QUARTER OF SECTION 18
 TOWNSHIP 36 N., RANGE 120 E., COUNTY OF
 PARK COUNTY, MONTANA COUNTY, STATE
 OF MONTANA

THIS PLAN IS A TRUE AND CORRECT REPRESENTATION OF THE PROJECT AS
 APPROVED BY THE BOARD OF SUPERVISORS OF PARK COUNTY, MONTANA

- LEGEND**
- IMPROVED PLANT
 - EXISTING PLANT
 - 10' WIDE TRUCK TRAIL
 - 20' WIDE TRUCK TRAIL
 - 30' WIDE TRUCK TRAIL
 - 40' WIDE TRUCK TRAIL
 - 50' WIDE TRUCK TRAIL
 - 60' WIDE TRUCK TRAIL
 - 70' WIDE TRUCK TRAIL
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 - 180' WIDE TRUCK TRAIL
 - 190' WIDE TRUCK TRAIL
 - 200' WIDE TRUCK TRAIL

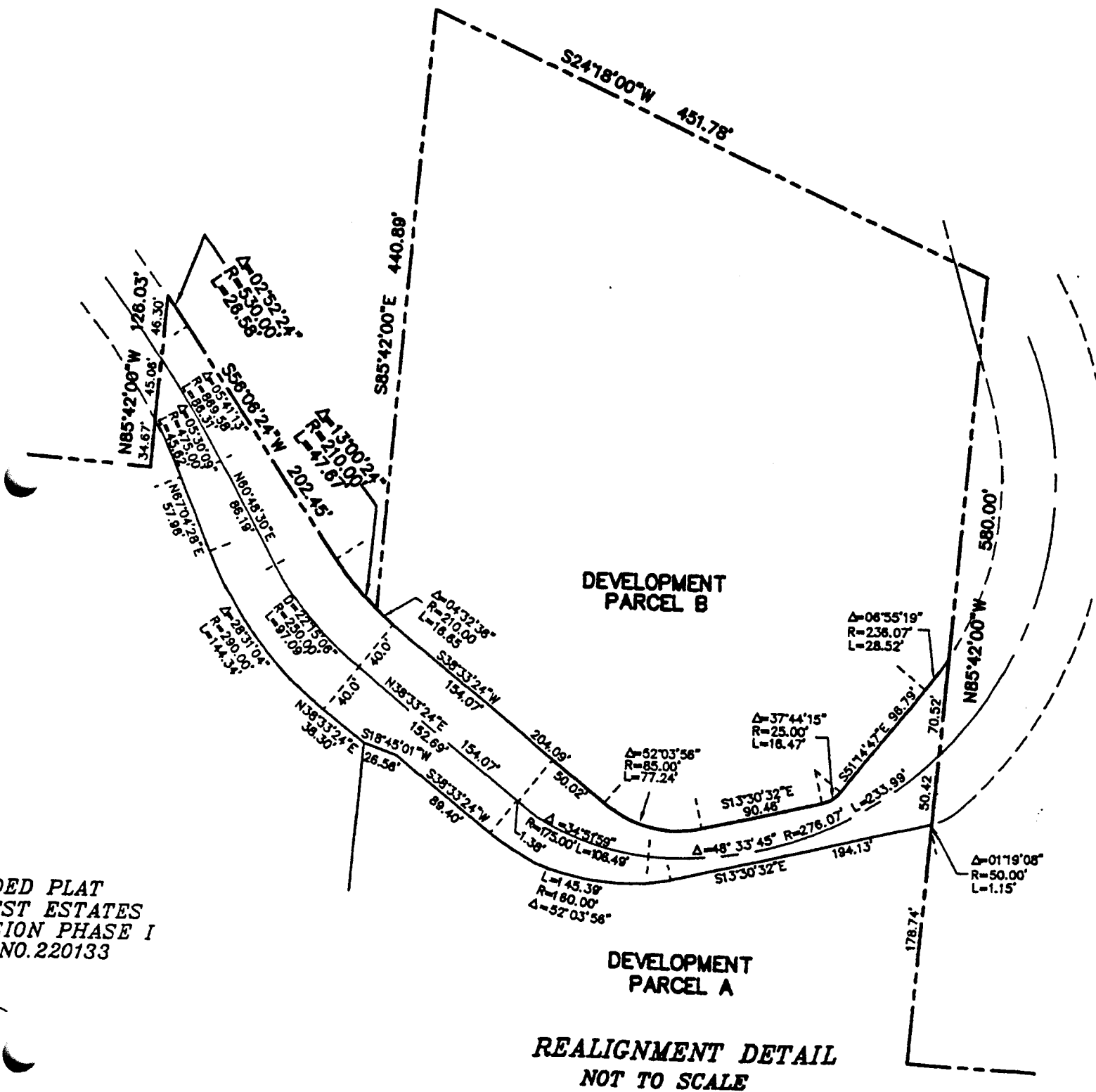
JACK JOHNSON COMPANY
 ENGINEERS AND ARCHITECTS
 1175 1/2 WEST 10TH AVENUE, DENVER, COLORADO 80202
 PHONE 733-8800
 TELETYPE 733-8800



Previous Development Parcel boundary.

Plat Detail

VDED PLAT
 REST ESTATES
 ISSION PHASE I
 NO.220133



REALIGNMENT DETAIL
 NOT TO SCALE

Ordinance No. 04-11

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE
SECTION 15-2.18-3 LOT AND SITE REQUIREMENTS (D)10 AND (F)11 ALLOWING
SETBACK EXCEPTIONS IN THE REAR AND SIDE YARDS OF THE GENERAL
COMMERCIAL DISTRICT, AND AMENDING SECTION 15-7.4-1 (PRELIMINARY
PLAT) TO INSERT LANGUAGE THAT WAS PREVIOUSLY DELETED**

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to provide design flexibility for desired architectural interest and variation;

WHEREAS, the City Council finds it is in the City's best interest to amend the Land Management Code to enhance the economic viability of the Commercial Districts and to facilitate expansion or redevelopment of existing commercial buildings that are abutting or adjoining designated open space or public plazas;

WHEREAS, the City Council finds it is in the City's best interest to approve an amendment to the Subdivision Regulations to include language that was previously deleted and reinsert the original language.

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

SECTION 1. AMENDMENTS. The recitals above are incorporated herein as findings of fact. The Land Management Code, Title 15 of the Municipal Code of Park City, is hereby amended as follows:


Section 15-2.18-3. Lot and Site Requirements (D)10 and (F)11 allowing setback exceptions on the side or rear yards of the General Commercial District. Section 15-2.18-3 (D)10 and (F)11 are added as redlined on the attached Exhibit A.

Section 15-7.4-1(E)(14)(d) Owners dedication, if any, and consent to record as required by applicable state law. Section 15-7.4-1(E)(14)(d) is added as redlined on the attached Exhibit B.

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

PASSED AND ADOPTED this 15th day of April, 2004.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

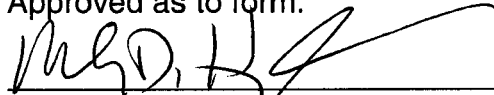
Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

EXHIBIT A
LMC Section 15-2.18-3(D)

Grade, provided it is located at least five feet (5') from the Rear Lot Line.

(10) An unenclosed porch (includes a roof and open on three sides), or similar structure not more than nine (9') feet into the Rear Yard provided the adjoining property is dedicated as natural or landscaped open space and meet minimum Uniform Building Code and Fire Code requirements.

(E) SIDE YARD.

(1) The minimum Side Yard is ten feet (10').

(2) Side Yards between connected Structures are not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(3) The minimum Side Yard for a Detached Accessory Building not greater than eighteen feet (18') in Height, located at least five feet (5') behind the front facade of the Main Building must be one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Yard must be three feet (3').

(4) On Corner Lots, the Side Yard that faces a Street is considered a Front Yard and the Setback must not be less than twenty feet (20').

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

(1) A Bay Window or a chimney not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard. (2) A window well or light well projecting not more than four feet (4') into the Side Yard.

(3) A roof overhang or eave projecting not more than three feet (3') into the Side Yard.

(4) A window sill, belt course, cornice, trim, and other ornamental feature projecting not more than six inches (6") into the Side Yard.

(5) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Grade, provided there is at least one foot (1') Setback from the Side Lot Line.

(6) An awning over a doorway or window extending not more than three feet (3') into the Side Yard.

(7) A Fence or wall not more than six feet (6') in height. A retaining wall may

have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹²

(8) A driveway leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Paths or steps connecting to a City stairway, trail, or path.

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

(11) An unenclosed porch (includes a roof and open on three sides), or similar structure not more than nine (9') feet into the Side Yard provided the adjoining property is dedicated as natural or landscaped open space and meet minimum Uniform Building Code and Fire Code requirements.

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

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

(I) **PROSPECTOR OVERLAY ESTABLISHING A MAXIMUM FLOOR AREA FOR DEVELOPMENT**. The following requirements apply to specific Lots in the Prospector Square Subdivision:

(1) **AFFECTED LOTS**. Lots 2A through Lot 49D, except Lots 40, 41, 42, 43, 45, and 46, and parking Lots A through K as shown on the Prospector Square Subdivision Plat.

(2) **MAXIMUM FLOOR AREA RATIO (FAR)**. The FAR must not exceed 2.0. All Uses within a Building, except enclosed Parking Areas, are subject to the Floor Area Ratio. Parking Lots A - K must have no Use other than parking and related Uses such as snow plowing, striping, repaving and landscaping.

(3) **REDUCED SITE REQUIREMENTS**. In the Prospector Square Subdivision, Lots 2 to 38, Front, Side and Rear Yards may be reduced to zero feet (0') except for commercial Lots within the Frontage Protection Zone.

¹²A Fence greater than six feet (6') in height requires a Conditional Use permit.

EXHIBIT B
LMC Section 15-7.4-1(D)

- (9) The name and address of the Owner or Owners of land to be subdivided, the name and address of the Applicant and/or Developer if other than the Owner, and the name of the land surveyor.
- (10) The date of the map, approximate true north point, scale, and title of the Subdivision.
- (11) 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.
- (12) Indication of the Use of any Lot, single family, two-family, multi-family, townhouse, and all use other than residential proposed by the Applicant.
- (13) All Lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.
- (14) The following notation shall also be shown:
- (a) Explanation of drainage easements, if any.
 - (b) Explanation of Site easements, if any.
 - (c) Explanation of reservations, if any.
 - (d) Owners dedication, if any, and Consent to Record as required by State Law.
- (15) Any restrictions or requirements necessary to ensure solar Access shall be defined.
- (16) All utility facilities existing and proposed throughout the Subdivision shall be shown on the Preliminary Plat or on accompanying engineering plans.
- (17) A plan designating Limits of Disturbance or Building Pads and utilities corridors and connections for each Parcel and for Subdivision improvements, such as utilities and roads.

Ordinance No. 04-10

**AN ORDINANCE ADDING TITLE 4, CHAPTER 3A, SECTION 7
TO THE MUNICIPAL CODE, REGULATING VENDING BY ARTISTS ON PUBLIC
PROPERTY, AND ADDING "ACOUSTIC AND UNAMPLIFIED" TO TITLE 4,
CHAPTER 3, SECTION 7 OF THE MUNICIPAL CODE, CONCERNING STREET
MUSICIANS.**

WHEREAS, Park City desires to partner with artists who wish to exhibit and sell their artwork on public property by providing an opportunity to do so at a designated area that directly advances an artist's interest for exhibit space and which also contributes to the overall sense of community in terms of a gathering space and resort experience; and

WHEREAS, the area is designated with the intent that participants will self-manage their exhibits and compliance with the agreed-upon standards set forth below; and

WHEREAS, in establishing this area for artists to exhibit and sell their artwork on public property, Park City wishes to narrowly tailor applicable content neutral regulations in a manner that minimally impact an artists ability to exhibit, and yet still protect its and its citizens' significant and important governmental interests, such as: public access and use of open space, preventing visual blight, addressing aesthetic concerns, allowing reasonable access and sight easements to businesses and residences, allowing for the free flow of traffic, both pedestrian and vehicular, and preventing and limiting the exposure of Park City's citizens to unwanted, unwelcome, and unsolicited messages, without an avenue of escape; and

WHEREAS, Park City acknowledges that these strong compelling governmental interests, although certainly shared by the artists, compete with equally important private interests of artists and other citizens, including but not limited to freedom of expression, access to limited public space, and the right to engage in truthful commercial activity/speech; and

WHEREAS, Park City wishes to balance these competing interests in a manner consistent with the constitutional protections of the United States and Utah Constitutions; and

WHEREAS, pursuant to U.C.A § 10-8-29, Park City desires, in reasonable time, place, and manner regulations codified herein, to balance those interests, and thereby protect the health, safety, and welfare of the citizens and guests of Park City, preserve the quality of life, preserve the property values and character of the neighborhoods surrounding City-owned property, as well as provide artists with the opportunity to exercise their constitutional rights; and

WHEREAS, Park City further desires to makes it laws clear and concise, and therefore wishes to add “acoustic and unamplified” before “musical instruments” in Section 4-3-7 of the Park City Municipal Code to clarify what type of music a street musician may perform when granted a street musician license; and

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

SECTION 1. FINDINGS: The Council finds that:

1. Under Park City’s Licensing code, a new provision should be added to address the process for obtaining registration to exhibit artwork for sale on Available City Property;
2. The new section is appropriately added as Title 4, Chapter 3A, Section 7 as “Art Exhibit for Sale on Public Property”;
3. The new Title 4, Chapter 3A, Section shall provide the process by which an Artist may apply for and obtain registration to exhibit his or her Artwork, as defined therein, on Available City Property, as defined therein;
4. In Title 4, Chapter 3, Section 7 “Street Musicians,” the words “acoustic and unamplified” shall be inserted before “musical instruments” to clarify for the public and for street musician applicants that only acoustic and unamplified music is covered under a street musician license.
5. The recitals above are hereby incorporated as findings by the legislative body of Park City.

SECTION 2. AMENDMENTS TO TITLE 4 OF THE MUNICIPAL CODE. Title 4 is hereby amended by adding Chapter 3A, Section 7 “Art Exhibit for Sale on Public Property,” and by adding “acoustic and unamplified” before “musical instruments” in Chapter 3, Section 7, “Street Musicians”; as follows:

4-3-7. Street Musicians. Persons playing acoustic and nonamplified musical instruments, performing pantomime, magic, dancing, or any other visual or audible performances with the intent or expectation to receive valuable consideration therefore shall be licensed by the City as street musicians before any such performance. The Finance Department may issue such a license upon payment of the license fee set forth in the Fee Resolution and no license shall be granted for more than ten (10) consecutive days at a time.

4-3A-7. Art Exhibit For Sale on Public Property

It is the purpose and object of this Chapter that the City establishes reasonable and uniform regulations governing the registrations and manner of operations of Artists using Available City Property in Park City. This Chapter shall be construed to protect

the legitimate and important governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. The purpose of these regulations is to provide for the regulation and registration of Artists within the City in a manner which will protect the property values of surrounding businesses and neighborhoods, and residents from adverse secondary effects, while providing to those who desire to exhibit their works of art for sale the opportunity to do so. This Chapter also aims to prevent and control the adverse effects of Artists who exhibit their artistry in public places, including without limitation, creating visual blight and aesthetic concerns; blocking reasonable access and sight easements to businesses; preventing the free flow of vehicular and pedestrian traffic in the city's narrow, historic Main Street sidewalks; and forcing citizens to be exposed to unwanted and unwelcome messages, with no avenue of escape. These strong substantial and compelling governmental interests compete with public and private interests in freedom of expression and the private commercial interests of artists and the interests of the public. Therefore, the City desires, in reasonable time, place, and manner regulations which are content neutral, to balance those interests, and thereby protect the health, safety, and welfare of the citizens and guests of Park City, preserve the quality of life, and preserve the property values and character of the surrounding neighborhoods.

(A) **Definitions.** For the purpose of this Chapter, the following words shall have the following meanings:

(1) "Art" means original works of fine art, graphic art and aesthetic objects produced by the Artist. It shall not include (1) any artwork produced by any person other than the Artist displaying the artwork; (2) any artwork purchased or taken on consignment and held for resale; or (3) any clothing.

(2) "Artist" means the creator of the Art who exhibits his or her own Art for sale. Artist does not include Street Musician licensed under Section 4-3-7.

(3) "Available City Property" means the green space directly north of the City Library which is situated on 1255 Park Avenue, Park City, Utah, owned and operated by the City, and alternatively pursuant to subsection H(1) below, City Park.

(4) "Exhibit" means display for sale (including taking future orders) or with the intent or expectation to receive valuable consideration.

(B) **Exhibit for Sale on Sidewalks Prohibited.**

No Artist may Exhibit for sale his or her Art on public streets, sidewalks, or public property other than specifically designated Available City Property as set forth in this Chapter. It is unlawful to Exhibit Art for sale on publicly owned sidewalks. Furthermore, it is unlawful to Exhibit Art for sale without a license under this Chapter or Chapter 8, in park strip areas, pocket parks, and City-operated or otherwise public parks.

(C) **Terms and Conditions.**

(1) **Registration Required.**

Any person or groups of person intending or expecting to receive valuable consideration for the Exhibition of Art shall be registered with the City as an Art Vendor before such

Exhibit. The registration shall be valid each weekend Friday thru Sunday, and all holidays or Special Events or Master Festivals as approved by the Special Events Department, for a trial season from May 28, 2004 until October 1, 2004. The Special Events Manager may shorten or extend the season due to weather by giving notice to the registered Artists and the City Council.

(2) Application for Registration.

An application for registration to use Available City Property for the Exhibit of Art for sale shall be filed with the Finance Department upon a form provided by the Finance Department, which shall include the following information:

- _____ (a) The name, address, and telephone number of the applicant;
- _____ (b) The names, address, and telephone number of a responsible person whom the City may notify or contact at any time concerning the applicant's Art;
- _____ (c) A brief description of the type of Art to be displayed for sale.

(3) Application Fee.

The City Council hereby waives all fees for the one season trial period.

(4) Registration List. The Finance Department shall forward the registration to the Special Events manager. Use of space by a licensee within Available City Property shall be subject to the designation of the City's Planning and Zoning Administrator in accordance with the standards set forth in Section 4-3a-7(H).

(5) Denial/Revocation. In addition to the reasons set forth in Section 4-2-9 of the Park City Municipal Code, the Finance Department may revoke or deny an Artist Vendor registration for failure to meet any of the conditions or requirements herein.

(6) Appeals of Denial. denial by the Finance Department may be appealed with five (5) days to the City Manager or the City Manager's designee by written notice of appeal. The notice of appeal shall be filed with the City Recorder. The City Manager or his designee may consider the appeal based upon the written submissions. However, for good cause shown, the City Manager or his designee may also hear oral evidence and argument. The City Manager or his designee shall consider the matter using an error of law standard of review.

(D) Use of Property/Hold Harmless.

By way of application to the City, all Artists accept the Available City Property "as is" and the City makes no representations regarding fitness for particular purpose or otherwise regarding the suitability of said property. Anyone using Available City Property for Art Exhibit shall indemnify, defend, and hold the City and its officers and employees harmless for any loss or damage, including attorney's fees, arising out of the use of such property. This obligation shall not extend to any claims for loss, damages, or injury sustained by any person or persons, to damage to property, or to expenses.

including reasonable attorney's fees, incurred thereby, resulting from actions or omissions not within the artist's reasonable control or to the acts or omissions to act by the City, its officers and employees, or other third persons.

(E) Number and Spacing of Artists Per Available City Property.

The maximum number of Exhibit areas for artists that may Exhibit at the same time on any Available City Property is thirty (30), unless otherwise determined by the Special Events manager upon a finding of no harm or interference with the open space nature of the area, and upon giving notice to the City Council.

(F) Location Restrictions.

The Planning and Zoning Administrator, in designating areas within Available City Property, shall take into consideration the interests (i) of providing artists reasonable opportunities for self-expression, (ii) of providing reasonable opportunities for the public to experience the artists' work, iii) of the public to peaceably enjoy the intended open space of the City's parks, and (iv) of adequately maintaining park vegetation and properties. No Artist may Exhibit Art for sale within Available City Property except within areas designated by the Planning and Zoning Administrator.

(1) Special Events. No Artist shall Exhibit Art for sale within one hundred feet (100') of the boundary of a location in a Special Event or Master Festival License issued by the City under Title 4, Chapter 8 of the Park City Municipal Code. However, during Special Event or Master Festivals, Artists may Exhibit at a location included in a Special Event or Master Festival License if the Special Event or Master Festival Licensee grants written permission. Furthermore, the City expressly reserves the right to relocate Artists in a manner that does not diminish exhibit capacity to other Available City Property during the period of a Special Event or Master Festival.

(2) Exception. The restrictions of this Chapter notwithstanding, nothing herein shall prohibit the City from authorizing persons to temporarily Exhibit Art for sale, or conduct outdoor sales on public property, or other such areas as the City may deem appropriate, pursuant to Park City Municipal Code Section 4-3-10, or during Special Events or Master Festivals. Special Event and Master Festival vendors shall not be governed by this section, but shall be governed by Title 4, Chapter 8 of the Park City Municipal Code.

(G) Space Restrictions. No Artist may Exhibit Artwork for sale directly on the surface of any City facility or structure, including sidewalks or on top of a trash receptacle. No Artist's Exhibit may exceed ten feet in height from the ground or ten feet by ten feet in area, including a tent or other structure. Exhibits should be off the ground in a manner so as not to damage the lawn, vegetation, or other public property. No artist shall use any area other than the area immediately beneath the surface of the display area for the storage of items for Exhibit. Artists may have a container for gratuity. Set-up shall not begin prior to 8:00 a.m. each day. All Artwork, stands, and

other equipment, associated debris and structures shall be removed from Available City Property no later than 6:00 p.m. each night. All Artists should park their cars across the street in the old Mahwinney lot, or City Park. Upon finding parking conflicts, the Special Events manager may temporarily designate and/or prohibit parking at certain locations.

(H) **Rights Granted.** The approval of any location for use by Artists shall not be construed as granting the user any property right or interest to or in any property owned by the City. The rights granted by this Chapter are subject to the provisions of this chapter and other applicable law. Artists exhibiting their art shall be present at all times when on Exhibit. No agent, employee, or other representative shall sell any artwork of an Artist.

(I) **Violaton/Removal.** If at any time the City determined that an Artist's use of Available City Property or the Exhibit placed thereon is not in compliance with the requirements of this Chapter or other applicable law, a civil notice of such violation shall be issued to the artist by an authorized City official. If, after receipt of such citation, an Artist fails or refused to remove any such Exhibit in violation, the City may, after consultation with the City Attorney or his/her designee, impound such Exhibit. Although prior notice of such impoundment shall not be required, the City shall take reasonable efforts to promptly notify the Artist following impoundment. The owner of any impounded Exhibit shall be responsible for the expense of removal and storage of such Exhibit. If the owner fails to reclaim the impounded Exhibit and pay the expenses of removal and storage within thirty (30) days after notice of impoundment, the Exhibit may be deemed unclaimed property and may be disposed of pursuant to law.

(J) **Emergency Removal.** In the event that a City official or the City police or Fire department determines that an Artist's use of Available City Property or the Exhibit placed thereon constitutes an immediate physical threat to public life, safety, or health, the Exhibit may be removed from the City property immediately, without any prior notice or hearing. This provision shall not be enforced in any way related to the content or expression of the material exhibited by the Artist. The City shall use reasonable care not to damage the Art.

(1) **Notice and Hearing.** In the event of such emergency removal, the City shall immediately contact the Artist or his/her representative if the Artist has filed with the City's Finance Department the name, address, and telephone number of the Artist's representative whom the City may notify or contact at any time regarding the Artist's Exhibit. The City shall inform the Artist or his/her representative of the removal and the reason(s) therefore. If requested by the Artist or his/her representative, the City shall hold an expedited hearing before the City Manager or his/her designee to determine whether the removed Exhibit constituted an immediate threat to the public's life, safety, or health. In the event that the City Manager or his/her designee determines that the Exhibit did not constitute such an immediate threat, the City shall forthwith, at its own expense, replace the Exhibit at its location.

(2) Appeal. The Artist or his/her representative may appeal any decision or order to the Mayor or the Mayor's designee. Any appeal shall be filed in writing within ten (10) days of the decision with the City Recorder and shall specify the basis for appeal. The Mayor or the Mayor's designee may consider the appeal based on written submissions; however, for good cause shown, the Mayor or the Mayor's designee may also hear oral evidence and argument.

(K) Penalties. Any violation of this Chapter shall constitute a civil violation and may subject the Artist to revocation, suspension, or non-renewal of a rights granted hereunder by the City. Three or more violations within a one-year period shall constitute a Class "B" misdemeanor.

(L) Sales Tax. All Artists are responsible for individually filing all necessary reporting forms and sales tax, if any, in accordance with state law.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 15th day of April, 2004.

PARK CITY MUNICIPAL CORPORATION

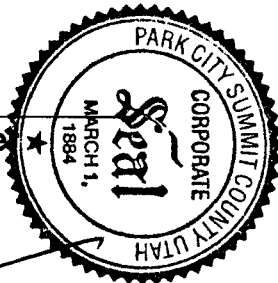


Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

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

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

Ordinance No. 04-09

**AN ORDINANCE AMENDING ORDINANCE 90-28 AND THE RISNER RIDGE II
SUBDIVISION PLAT LIMITING MAXIMUM HOUSE SIZES, PARK CITY, UTAH.**

WHEREAS, the Homeowners Association of the Risner Ridge Subdivision have petitioned the City Council for approval of the amendment to Ordinance 90-28; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 25, 2004, to receive input on the amendment to Ordinance 90-28;

WHEREAS, the Planning Commission, on February 25, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 18, 2004 the City Council approved the amendment to Ordinance 90-28; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amendment to Ordinance 90-28.

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

SECTION 1. APPROVAL. The amendment to Ordinance 90-28 as shown in Exhibit A is approved subject to the following Findings of Facts and Conclusions of Law:

Findings of Fact:

1. The project is located on Ashley Avenue and is known as Phase II of the Risner Ridge Subdivision.
2. The zoning is Residential Development.
3. Ordinance 90-28 currently applies only to Phase I of Risner Ridge.
4. Ordinance 90-28 limits the maximum size of houses and defines how that size is determined.
5. The Risner Ridge Homeowners Association requests that the Ordinance 90-28 apply to both phases as the CC&Rs incorporate both phases into one association.
6. The Planning Commission held a public hearing, at which there was no public input, at the regular meeting of February 25, 2004. A positive recommendation is forwarded to the City Council.

Conclusions of Law:

00695368 Bk01612 Pg01788-01792
ALAN SPRIGGS, SUMMIT CO RECORDER
2004 APR 16 10:52 AM FEE \$1.00 BY GGB
REQUEST: PARK CITY MUNICIPAL CORP

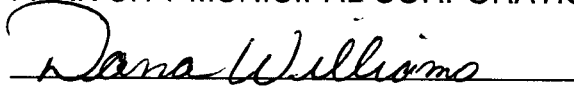
BK1612 PG1788

1. There is good cause for amending this Ordinance.
2. The amended Ordinance is consistent with the Park City Land Management Code and General Plan.
3. Neither the public nor any person will be materially injured by the amended Ordinance.
4. Approval of the amended Ordinance, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

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

PASSED AND ADOPTED this 18th day of March, 2004.


PARK CITY MUNICIPAL CORPORATION


Dana Williams, MAYOR

ATTEST:


Janet M. Scott, City Recorder

APPROVED AS TO FORM:


Mark D. Harrington, City Attorney

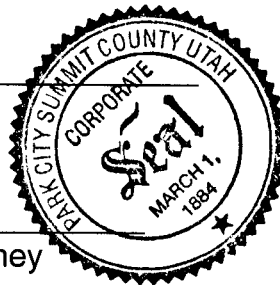


EXHIBIT A
AMENDED ORDINANCE 90-28
(added language in **Bold**)

AN ORDINANCE ADDING PREVIOUSLY APPROVED LANGUAGE TO THE RISNER
RIDGE **AND RISNER RIDGE NO. 2** SUBDIVISION PLATS LIMITING SQUARE
FOOTAGE OF HOUSES

WHEREAS, the Planning Commission and City Council did approve the Risner Ridge **and Risner Ridge No. 2** Subdivision Plats recorded in Summit County, Utah as Entries 290977 and 306172, respectively; and

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

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

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

WHEREAS, the minutes from the 1988-90 Planning Commission and City Council meetings and hearings clearly show that the intent of the Risner Ridge Homeowners' Association, Planning Commission, and City Council was to apply the requested language equally to both Risner Ridge and Risner Ridge No. 2 subdivisions; and,

WHEREAS, after holding a public hearing on October 4, 1990, to receive input on amending the Risner Ridge **and Risner Ridge No. 2** subdivision plats, the City Council of Park City approved language to be added to the plats; and

WHEREAS, the resulting Ordinance 90-28 inadvertently addressed only the Risner Ridge subdivision and did not clearly include the Risner Ridge No. 2 subdivision; and

WHEREAS, after holding a public hearing on March 18, 2004, to receive input on amending Ordinance 90-28, the City Council approved amended Ordinance 90-28.

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

- 1) **SECTION 1. APPROVAL.** The following language shall be an additional condition of approval attaching to **both** the Risner Ridge Subdivision Plat (formerly known as Park Meadows #4 Subdivision) **and the Risner Ridge No. 2 plat**(formerly known

as Interior parcel #7 in the Park Meadows Master Plan) and incorporated therein by this reference:

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

Attn: City Recorder

ORDINANCE NO. 90-28

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

For Printed on that Date
Amended 1990 21-7-2

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

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

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

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

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

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

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

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

passage.

DATED this 10th day of October, 1990.

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olson
BRADLEY A. OLSON, MAYOR

ATTEST:

Anita L. Sheldon
ANITA L. SHELDON, CITY RECORDER



REC'D BY Dg
ALAN SPRINGS
SUMMIT COUNTY RECORDER
90 OCT 16 AM 10:16
331508
Park City Municipal Corp

BOOK 582 PAGE 812
BK1612 PG1792

Ordinance No. 04-08

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE
Chapters 15-6, 15-4, 15-2.3-2(B), 15-2.7-6, 15.2.9-8, 15-2.10-8, 15-2.13-10**

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to provide design flexibility for infill projects in the Historic District; to preserve the historic and resort nature of Park City; to facilitate economically viable developments that include common structured parking, mixed commercial and residential uses, rehabilitated historic structures and features; and to enable development of properties within multiple zoning districts;

WHEREAS, the City Council finds it is in the City's best interest to amend the Land Management Code to enhance the economic viability of Old Town and to facilitate expansion of businesses on Main Street into the HR-2 District, as necessary, to meet Fire and Building Codes and to provide adequate and safe emergency egress and ADA compliance;

WHEREAS, it is in the best interest of the City to maintain Park City as a world class resort, and;

WHEREAS, the City Council finds it is in the City's best interest to protect Park City's residential neighborhoods from resort related traffic and parking impacts by amending the Land Management Code to supplement existing zoning regulations with specific review criteria for Vehicular Control Gates on private roads.

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

SECTION 1. AMENDMENT TO TITLE 15- Land Management Code, Chapter 6- Master Planned Developments. The recitals above are incorporated herein as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENT TO TITLE 15- Land Management Code, Chapter 4- Supplemental Regulations. The recitals above are incorporated herein as findings of fact. Chapter 4 of the Land Management Code of Park City is hereby amended as

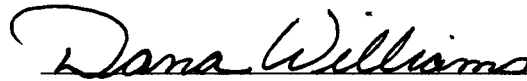
redlined and Chapters 15-2.7-6, 15.2.9-8, 15-2.10-8, 15-2.13-10 are hereby amended pursuant to Exhibit B (see Exhibit B).

SECTION 3. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2- Section 15-2.3-82. (B) Conditional Uses. The recitals above are incorporated herein as findings of fact. Chapter 2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 4th day of March 2004.

PARK CITY MUNICIPAL CORPORATION




Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS 1

15-6-1. PURPOSE..... 1

15-6-2. APPLICABILITY 1

15-6-3. USES. 2

15-6-4. PROCESS..... 2

15-6-5. MPD REQUIREMENTS 5

15-6-6. REQUIRED FINDINGS/CONCLUSIONS OF LAW 9

15-6-7. MASTER PLANNED AFFORDABLE HOUSING
DEVELOPMENT 10

15-6-8. UNIT EQUIVALENTS



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, design theme and general Site planning criteria for larger projects. The goal of this section is to result in projects which:

- (A) compliment the natural features of the Site;
- (B) ensure neighborhood Compatibility;
- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;

(F) provide the highest value of open space for any given Site; and

(G) efficiently and cost effectively extend and provide infrastructure.

15-6 -2. APPLICABILITY.

The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL) and ~~Historic Commercial Business (HCB)~~, Historic Residential - Medium Density (HRM) and ~~Historic Recreation Commercial (HRC)~~ for the following:

- (A) Any residential project larger than ten (10) Lots or units.
- (B) All Hotel and lodging project with more than fifteen (15) Residential Unit Equivalents.
- (C) All new commercial or industrial projects greater than 10,000 square feet Gross Floor Area.

The Master Planned Development process is allowed but not required in the Historic Commercial Business (HCB) and Historic Recreation

Commercial (HRC) and Historic Residential (HR-1) zones, provided the subject property and proposed MPD meet the following criteria:

(A) The property is bisected by two or more zoning designations, and

(B) The property has significant historic structures that either have been restored or is proposed to be rehabilitated as part of the MPD; and

(C) The proposed Master Planned Development includes reduced surface parking via common underground parking.

MPDs are allowed in Historic Residential (HR-1) Zone only when:

(1) HR-1 zoned parcels are combined with adjacent HRC or HCB zone properties as part of an allowed MPD (see criteria above); or

(2) Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for Affordable Housing MPDs consistent with Section 15-6-7 herein.

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site

Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15.

15-6 -4. PROCESS.

(A) **PRE-APPLICATION CONFERENCE.** A pre-Application conference shall be held with the Community Development Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Community Development Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE.** In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission. A pre-

Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-19, Notice Matrix, of this Code.

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development.

This preliminary review will focus on General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparing an Application for an MPD.

The Planning Commission shall review the preliminary information for compliance with the General Plan and will make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Commission may waive the requirement

for a pre-Application meeting, but the Commission shall make a finding at the time of approval that the project is consistent with the Large Scale MPD.

(C) **APPLICATION**. The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.

(D) **PLANNING COMMISSION REVIEW**. The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING**. In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-19, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION ACTION.** The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Any appeal of a Planning Commission action will be heard by the City Council in accordance with LMC Chapter 15-1-17.

(G) **DEVELOPMENT AGREEMENT.** Once the Planning Commission has approved Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;
- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans,

landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;

(5) A description of all Developer exactions or agreed upon public dedications;

(6) The Developer=s agreement to pay all specified impact fees; and

(7) The form of ownership anticipated for the project and a specific project phasing plan.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be recorded within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) **LENGTH OF APPROVAL.** Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the

Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

(I) **MPD MODIFICATIONS.**

Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

(J) **SITE SPECIFIC APPROVALS.**

Any portion of an approved Master Planned Development will be processed as a Conditional Use. At this time, the Planning Commission will review specific plans including architecture and landscaping. The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting will be required at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the

requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1. Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS.** The Community Development Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

(a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be

granted upon a finding by the Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

(b) Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/ Affordable Housing consistent with the City=s adopted employee/ Affordable Housing guidelines and requirements; or

(c) Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

(B) Maximum Allowed Building Footprint For Master Planned Developments within the HR-1 District:

The HR-1 District sets forth a Maximum Building Footprint for all structures based on lot area. For purposes of establishing the Maximum Building Footprint for Master Planned Developments which include development in the HR-1 District, the Maximum Building Footprint shall be calculated based on the Subdivision Plat and lots of record at the time of complete Master

Planned Development application submittal. The area of a common underground parking structures shall not count against the maximum building footprint.

(1) The maximum building footprint calculation for properties within the Historic District do not apply to common underground parking structures approved as part of a Master Planned Development.

(C) SETBACKS. The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation. The Planning Commission may reduce setbacks within the project from those otherwise required in the zone to match an abutting zone setback, provided the project meet minimum Uniform Building Code and Fire Code requirements; does not increase project density; and meets open space criteria set forth in Section 15-6-5(D).

(D) OPEN SPACE.

(1) MINIMUM REQUIRED. All Master Planned Developments shall contain a minimum of sixty

percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential (HRC) Commercial and Historic Commercial (HCB) Business zones and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%). For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/ trail linkages, and public art;

rehabilitation of historic structures.

(2) **TYPE OF OPEN SPACE.**

The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan.

(E) **OFF-STREET PARKING.** The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

(1) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.

(2) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.

(3) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

(4) An analysis of time periods of Use for each of the Uses in the

project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.

(5) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

(6) Provisions for overflow parking during peak periods.

The Community Development Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

The Planning Commission may permit an Applicant to pay an in-lieu parking fee in consideration for required on-site parking provided that the Planning Commission determines that:

- (1) Payment in-lieu of the on-site parking requirement will prevent a loss of significant open space, yard area, and/or public amenities and gathering areas;
- (2) Payment in-lieu of the on-site parking requirement will result in preservation and rehabilitation of significant historic structures;

- (3) Payment in-lieu of the on-site parking requirement will not result in an increase project density or intensity of use; and
- (4) The project is located along a public transit route and is within 3 blocks of a Municipal bus stop.

The payment in-lieu fee for the required parking shall be subject to the provisions in the Park City Municipal Code Section 11-12-16 and the fee set forth in Resolution No.2-97 or as amended.

(F) **BUILDING HEIGHT.** The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. Additional height will not be granted for Master Planned Developments within the HR-1 zone unless said property meets the criteria of Development on Steep Slopes, Section 15-2-6. The Applicant will be required to request a Site specific determination and bears the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

- (1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and

Density, including requirements for facade variation and design, but rather provides desired architectural variation;

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated to the extent possible as defined by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed; and

(4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable, and MPD's which include;

(5) The additional building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 9 Architectural Guidelines or Historic District Guidelines if within the Historic District.

(6) Structures within the HR-1 District which meets the

standards of development on Steep Slopes, may petition the Commission for additional height per criteria found in Section 15-2-2.6.

If and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) **SITE PLANNING.** An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/ bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be

stored on Site and not removed to an Off-Site location.

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

(H) **LANDSCAPE AND STREET**

SCAPE. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Street scape will use native rock and

boulders. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

(I) **SENSITIVE LANDS COMPLIANCE.** All MPDs containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions, subject to the applicability as defined in LMC Chapter 15-15.

(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPDs shall submit a housing mitigation plan which must include employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

15- 6- 6. REQUIRED FINDINGS/CONCLUSIONS OF LAW.

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

(A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;

(B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

(C) The MPD, as conditioned, is consistent with the Park City General Plan;

(D) The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission;

(E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;

(F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

(G) The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility;

(H) The MPD provides amenities to the community so that there is no net loss of community amenities;

(I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

(J) The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this code.

15-6-7. MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT.

(A) **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing.

Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

(B) **RENTAL OR SALES PROGRAM.** If a Developer seeks to exercise the increased Density allowance incentive by providing an Affordable Housing project, the

Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

(C) **MIXED RENTAL AND OWNER/OCCUPANT PROJECTS.** When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing of the Development shall be specifically approved by the reviewing agency and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.

(D) **MPD REQUIREMENTS.** All of the MPD requirements and findings of this section shall apply to Affordable Housing projects, except for those listed below.

(E) **DENSITY BONUS.** The reviewing agency may increase the allowable Density up to twenty (20) Dwelling Units per acre. The Unit Equivalent formula will be applied.

(F) **PARKING.** Off-Street parking will be required at a rate of one (1) space per Bedroom.

(G) **OPEN SPACE.** A minimum of fifty percent (50%) of the Parcel shall be retained or developed as open space. A reduction in the percentage of open space, to not less than forty percent (40%), may be granted upon a finding by the Planning Commission that additional on or Off-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant

landscaping, or other amenities will be provided above any that are required. Open space may be utilized for project amenities, such as tennis courts, swimming pools, recreational Buildings, pathways, plazas, etc. Open space may not be utilized for Streets, roads, or Parking Areas.

(H) **RENTAL RESTRICTIONS.** The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

15-6-8. UNIT EQUIVALENTS.

Density of Development is a factor of both the Use and the size of the Structures built within a project. In order to allow for, and encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. In general, one (1) Unit Equivalent equates to 2000 square feet of residential floor Area and 1000 square feet of commercial floor Area. For purposes of calculating residential Unit Equivalents, the following table shall apply:

Configuration	Unit Equivalent Value

Hotel Room or Studio Apartment not exceeding 600 square feet.	.25
Hotel Room or Suite, studio or one bedroom Apartment or Condominium not exceeding 750 square feet	.33
Condominium, Apartment or Hotel Suite not exceeding 1,000 square feet	.50
Condominium, Apartment or Hotel Suite not exceeding 1,500 square feet	.75
Condominium or Apartment not exceeding 2000 square feet	1.00
Condominium or Apartment not exceeding 2500 square feet	1.25
Condominium or Apartment not exceeding 3000 square feet	1.50
Condominium or Apartment not exceeding 3500 square feet	1.75
Condominium or Apartment in excess of 3500 square feet	2.00
Single Family Dwelling	1.00

(A) **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE.** Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways will not be included. Outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, etc. do not require the Use of Unit Equivalents.

(B) **LOCKOUTS.** For purposes of calculating Unit Equivalents, Lockouts shall be included in the overall square footage of a unit.

(C) **SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS.** Within a Hotel or Nightly Rental Condominium project, up to five percent (5%) of the total floor Area may be dedicated to support Commercial Uses, see definition of Support Commercial Use, without the Use of a Unit Equivalent for commercial space. Any support Commercial Uses in excess of five percent (5%) of the total Gross Floor Area will be required to use commercial Unit Equivalents, if approved as a part of the MPD. If no commercial allocation has been granted for an MPD, no

more than five percent (5%) of the floor Area can be support Commercial Uses, and no other Commercial Uses will be allowed.

(D) **MEETING SPACE**. Within a Hotel or Condominium project, up to five percent (5%) of the total floor Area may be dedicated for meeting room space without the Use of Unit Equivalents. Meeting space in excess of five percent (5%) of the total floor Area will be counted as commercial Unit Equivalents. Any square footage, which is not used in the five percent (5%) support commercial allocation can be used as meeting space. Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) allocation for support commercial shall be counted as commercial Unit Equivalents. Accessory meeting Uses, such as back of house, administrative Uses, and banquet offices, are Uses normally associated and necessary to serve meeting and banquet space. These accessory meeting Uses do not require the use of Unit Equivalents.

(E) **COMMERCIAL UNIT EQUIVALENTS**. Commercial spaces, approved as a part of a Master Planned Development, shall be calculated on the basis of one (1) Unit Equivalent per 1000 square feet of Gross Floor Area, exclusive of common corridors, for each part of a 1,000 square foot interval. For example: 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.

(F) **RESIDENTIAL ACCESSORY USES**. Residential Accessory Uses include those facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project which are common to the residential project and are not inside the individual unit. Residential Accessory Uses do not require the use of Unit Equivalents and include such Uses as:

- Ski/Equipment lockers
- Lobbies
- Registration
- Concierge
- Bell stand/luggage storage
- Maintenance Areas
- Mechanical rooms
- Laundry facilities and storage
- Employee facilities
- Common pools, saunas and hot tubs not open to the public
- Telephone Areas
- Public restrooms
- Administrative offices
- Hallways and circulation
- Elevators and stairways
- Back of house Uses

(G) **RESORT ACCESSORY USES**. The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include such Uses as:

Information
Lost and found
First Aid
Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways

EXHIBIT A
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, design theme and general Site planning criteria for larger projects. The goal of this section is to result in projects which:

- (A) compliment the natural features of the Site;
- (B) ensure neighborhood Compatibility;
- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site; and
- (G) efficiently and cost effectively extend and provide infrastructure.

15-6 -2. APPLICABILITY.

The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL) and ~~Historic Commercial Business (HCB)~~, Historic Residential - Medium Density (HRM) and ~~Historic Recreation Commercial (HRC)~~ for the following:

- (A) Any residential project larger than ten (10) Lots or units.
- (B) All Hotel and lodging project with more than fifteen (15) Residential Unit Equivalents.
- (C) All new commercial or industrial projects greater than 10,000 square feet Gross Floor Area.

The Master Planned Development process is allowed but not required in the Historic Commercial Business (HCB) and Historic Recreation Commercial (HRC) and Historic Residential (HR-1) zones, provided the subject property and proposed MPD meet the following criteria:

(A) The property is bisected by two or more zoning designations, and

(B) The property has significant historic structures that either have been restored or is proposed to be rehabilitated as part of the MPD; and

(C) The proposed Master Planned Development includes reduced surface parking via common underground parking.

MPDs are allowed in Historic Residential (HR-1) Zone only when:

(3) HR-1 zoned parcels are combined with adjacent HRC or HCB zone properties as part of an allowed MPD (see criteria above); or

(4) Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for Affordable Housing MPDs consistent with Section 15-6-7 herein.

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15.

15-6 -4. PROCESS.

(A) **PRE-APPLICATION CONFERENCE.** A pre-Application conference shall be held with the Community Development Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Community Development Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE.** In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the

Planning Commission. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-19, Notice Matrix, of this Code.

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparing an Application for an MPD.

The Planning Commission shall review the preliminary information for compliance with the General Plan and will make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD. For MPDs that are vested as part of Large Scale MPDs the Planning Commission may waive the requirement for a pre-Application meeting, but the Commission shall make a finding at the time of approval that the project is consistent with the Large Scale MPD.

(C) **APPLICATION.** The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.

(D) **PLANNING COMMISSION REVIEW.** The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING.** In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-19, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION ACTION.** The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The

Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Any appeal of a Planning Commission action will be heard by the City Council in accordance with LMC Chapter 15-1-17.

(G) **DEVELOPMENT AGREEMENT**. Once the Planning Commission has approved Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;
- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;
- (5) A description of all Developer exactions or agreed upon public dedications;
- (6) The Developer=s agreement to pay all specified impact fees; and
- (7) The form of ownership anticipated for the project and a specific project phasing plan.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be recorded within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) **LENGTH OF APPROVAL**. Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain

valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

(I) **MPD MODIFICATIONS.** Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

(J) **SITE SPECIFIC APPROVALS.**

Any portion of an approved Master Planned Development will be processed as a Conditional Use. At this time, the Planning Commission will review specific plans including architecture and landscaping. The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting will be required at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1. Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS.** The Community Development Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

(a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization

approved by the City. Such Density bonus shall only be granted upon a finding by the Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

(b) Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/ Affordable Housing consistent with the City=s adopted employee/ Affordable Housing guidelines and requirements; or

(c) Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

(B) Maximum Allowed Building Footprint For Master Planned Developments within the HR-1 District:

The HR-1 District sets forth a Maximum Building Footprint for all structures based on lot area. For purposes of establishing the Maximum Building Footprint for Master Planned Developments which include development in the HR-1 District, the Maximum Building Footprint shall be calculated based on the Subdivision Plat and lots of record at the time of complete Master Planned Development application submittal. The area of a common underground parking structures shall not count against the maximum building footprint.

(1) The maximum building footprint calculation for properties within the Historic District do not apply to common underground parking structures approved as part of a Master Planned Development.

(C) **SETBACKS.** The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation. The Planning Commission may reduce setbacks within the project from those otherwise required in the zone **to match an abutting zone setback**, provided the project meet minimum Uniform Building Code **and Fire Code** requirements; does not increase project density; and meets open space criteria set forth in Section 15-6-5(D).

(D) OPEN SPACE.

MINIMUM REQUIRED. All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, **Historic Residential**

(HRC) Commercial and Historic Commercial (HCB) Business zones and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%). For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/ trail linkages, public art; rehabilitation of historic structures.(2)

TYPE OF OPEN SPACE. The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan.

(E) **OFF-STREET PARKING.** The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

- (1) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.
- (2) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.
- (3) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.
- (4) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.
- (5) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.
- (6) Provisions for overflow parking during peak periods.

The Community Development Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during

review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

The Planning Commission may permit an Applicant to pay an in-lieu parking fee in consideration for required on-site parking provided that the Planning Commission determines that:

- (7) Payment in-lieu of the on-site parking requirement will prevent a loss of significant open space, yard area, and/or public amenities and gathering areas;
- (8) Payment in-lieu of the on-site parking requirement will result in preservation and rehabilitation of significant historic structures;
- (9) Payment in-lieu of the on-site parking requirement will not result in an increase project density or intensity of use; and
- (10) The project is located along a public transit route and is within 3 blocks of a Municipal bus stop.

The payment in-lieu fee for the required parking shall be subject to the provisions in the Park City Municipal Code Section 11-12-16 and the fee set forth in Resolution No.2-97 or as amended.

(F) **BUILDING HEIGHT**. The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. Additional height will not be granted for Master Planned Developments within the HR-1 zone unless said property meets the criteria of Development on Steep Slopes, Section 15-2-6. The Applicant will be required to request a Site specific determination and bears the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

- (1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation;
- (2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;
- (3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed; and

(4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable, and MPD's which include;

(11) The additional building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 9 Architectural Guidelines or Historic District Guidelines if within the Historic District.

(12) Structures within the HR-1 District which meets the standards of development on Steep Slopes, may petition the Commission for additional height per criteria found in Section 15-2-2.6.

If and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) **SITE PLANNING**. An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/ bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely

from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

(H) **LANDSCAPE AND STREET SCAPE.** To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Street scape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

(I) **SENSITIVE LANDS COMPLIANCE.** All MPDs containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions, subject to the applicability as defined in LMC Chapter 15-15.

(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPDs shall submit a housing mitigation plan which must include employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

15- 6- 6. REQUIRED FINDINGS/CONCLUSIONS OF LAW.

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

- (A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;
- (B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
- (C) The MPD, as conditioned, is consistent with the Park City General Plan;
- (D) The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission;
- (E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;
- (F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- (G) The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility;
- (H) The MPD provides amenities to the community so that there is no net loss of community amenities;
- (I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
- (J) The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;
- (K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and
- (L) The MPD has been noticed and public hearing held in accordance with this code.

15-6-7. MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT.

(A) **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing.

Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

(B) **RENTAL OR SALES PROGRAM.** If a Developer seeks to exercise the increased Density allowance incentive by providing an Affordable Housing project, the Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

(C) **MIXED RENTAL AND OWNER/ OCCUPANT PROJECTS.** When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing of the Development shall be specifically approved by the reviewing agency and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.

(D) **MPD REQUIREMENTS.** All of the MPD requirements and finding of this section shall apply to Affordable Housing projects, except for those listed below.

(E) **DENSITY BONUS.** The reviewing agency may increase the allowable Density up to twenty (20) Dwelling Units per acre. The Unit Equivalent formula will be applied.

(F) **PARKING.** Off-Street parking will be required at a rate of one (1) space per Bedroom.

(G) **OPEN SPACE.** A minimum of fifty percent (50%) of the Parcel shall be retained or developed as open space. A reduction in the percentage of open space, to not less than forty percent (40%), may be granted upon a finding by the Planning Commission that additional on or Off-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant landscaping, or other amenities will be provided above any that are required. Open space may be utilized for project amenities, such as tennis courts, swimming pools, recreational Buildings, pathways, plazas, etc. Open space may not be utilized for Streets, roads, or Parking Areas.

(H) **RENTAL RESTRICTIONS.** The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

15-6-8. UNIT EQUIVALENTS.

Density of Development is a factor of both the Use and the size of the Structures built within a project. In order to allow for, and encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. In general, one (1) Unit Equivalent equates to 2000 square feet of residential floor Area and 1000 square feet of commercial floor Area. For purposes of calculating residential Unit Equivalents, the following table shall apply:

Configuration	Unit Equivalent Value
Hotel Room or Studio Apartment not exceeding 600 square feet.	.25
Hotel Room or Suite, studio or one bedroom Apartment or Condominium not exceeding 750 square feet	.33
Condominium, Apartment or Hotel Suite not exceeding 1,000 square feet	.50
Condominium, Apartment or Hotel Suite not exceeding 1,500 square feet	.75
Condominium or Apartment not exceeding 2000 square feet	1.00
Condominium or Apartment not exceeding 2500 square feet	1.25
Condominium or Apartment not exceeding 3000 square feet	1.50
Condominium or Apartment not exceeding 3500 square feet	1.75
Condominium or Apartment in excess of 3500 square feet	2.00

Single Family Dwelling	1.00
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(A) **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE**. Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways will not be included. Outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, etc. do not require the Use of Unit Equivalents.

(B) **LOCKOUTS**. For purposes of calculating Unit Equivalents, Lockouts shall be included in the overall square footage of a unit.

(C) **SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS**. Within a Hotel or Nightly Rental Condominium project, up to five percent (5%) of the total floor Area may be dedicated to support Commercial Uses, see definition of Support Commercial Use, without the Use of a Unit Equivalent for commercial space. Any support Commercial Uses in excess of five percent (5%) of the total Gross Floor Area will be required to use commercial Unit Equivalents, if approved as a part of the MPD. If no commercial allocation has been granted for an MPD, no more than five percent (5%) of the floor Area can be support Commercial Uses, and no other Commercial Uses will be allowed.

(D) **MEETING SPACE**. Within a Hotel or Condominium project, up to five percent (5%) of the total floor Area may be dedicated for meeting room space without the Use of Unit Equivalents. Meeting space in excess of five percent (5%) of the total floor Area will be counted as commercial Unit Equivalents. Any square footage, which is not used in the five percent (5%) support commercial allocation can be used as meeting space. Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) allocation for support commercial shall be counted as commercial Unit Equivalents. Accessory meeting Uses, such as back of house, administrative Uses, and banquet offices, are Uses normally associated and necessary to serve meeting and banquet space. These accessory meeting Uses do not require the use of Unit Equivalents.

(E) **COMMERCIAL UNIT EQUIVALENTS**. Commercial spaces, approved as a part of a Master Planned Development, shall be calculated on the basis of one (1) Unit Equivalent per 1000 square feet of Gross Floor Area, exclusive of common corridors, for each part of a 1,000 square foot interval. For example: 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.

(F) **RESIDENTIAL ACCESSORY USES**. Residential Accessory Uses include those facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project which are common to the residential

project and are not inside the individual unit. Residential Accessory Uses do not require the use of Unit Equivalents and include such Uses as:

Ski/Equipment lockers
Lobbies
Registration
Concierge
Bell stand/luggage storage
Maintenance Areas
Mechanical rooms
Laundry facilities and storage
Employee facilities
Common pools, saunas and hot tubs not open to the public
Telephone Areas
Public restrooms
Administrative offices
Hallways and circulation
Elevators and stairways
Back of house Uses

(G) **RESORT ACCESSORY USES**. The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include such Uses as:

Information
Lost and found
First Aid
Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways

EXHIBIT B

1. Delete Section 15-2.7-6, Section 15-2.9-8, Section 15-2.10-8, and Section 15-2.13-10 (Criteria for Vehicle Control Access Gates in the ROS, E-40, E, and RD Districts respectively) that read as follows:

Entry gates on Private Streets may be approved as a Conditional Use by the Planning Commission. In order to approve a Conditional Use Permit (CUP) for a vehicular Access control gate, making a determination whether an entry gate is appropriate, the Planning Commission must find that all applicable findings and review standards as required for a Conditional Use Permit in Section 15-1-10 are met.

2. Add the following review criteria to Chapter 4- Supplemental Regulations:

15-4-19. REVIEW CRITERIA FOR VEHICLE CONTROL GATES.

The Planning Commission may approve Vehicle Control Gates on private Streets, in the ROS, E-40, E, and RD zoning districts, as a Conditional Use. In order to approve a Conditional Use for a Vehicle Control Gate the Commission must find that all applicable findings and review standards as required for a Conditional Use Permit in Section 15-1-10 are met. In addition, the Commission must find that the following review criteria for Vehicle Control Gates are met.

- A. The applicants have demonstrated a need for a Vehicle Control Gate~~entry gate~~ to effectively control an ongoing health, safety, and welfare situation or in unique circumstances, to mitigate traffic, parking congestion, or through traffic, on streets within a neighborhood.
- B. The Private ~~Street~~street is a cul-de-sac and not a through street. The proposed Vehicle Control Gate does not impact traffic~~and traffic~~ circulation through the neighborhood.
- C. The Private ~~Street~~ serves primarily single family or duplex residences with individual or shared driveways.
- D. There is a major traffic or parking generator or use (such as the ski area base at Lower and Upper Deer Valley Resort and Park City Mountain Resort) within a 900' walking distance of the Private Street entrance and there is evidence of spill over parking or other vehicular activity on a regular basis throughout the season.
- E. The ~~entry Vehicle Control Gate~~gate is located outside of the City right-of-way and maintains all setbacks of the zone.
- F. The Vehicle Control Gate does not impact existing utility easements.
- F.G. The Vehicle Control Gate~~entry gate~~ is is designed to permit unimpeded

pedestrian, bicycle and equestrian access through the neighborhood and to existing public trails and walkways. A minimum gap of four feet (4') shall be allowed for these non-vehicular uses.

- ~~G.H.~~ The Vehicle Control Gate~~entry gate~~ is designed to be minimal in height, scale, and mass to accomplish the goal of preventing unauthorized vehicle traffic, parking, and/or other impacts on the neighborhood. There shall be a minimum bottom clearance of 2', from the bottom of the gate rail to the road surface. A diagonal structural support may cross through the 2' opening to provide additional structural strength for the cantilevered gate (see illustration) and keep the overall gate mass to a minimum. The gate shall be no more than 3' (36") in height from the bottom rail to the top rail, although allowance may be made for decorative elements. Design and materials shall result in a visually open gate. Any walls associated with the entry gate shall be pedestrian in scale and shall generally not exceed a height of 5'. Column elements may be added for architectural interest, but these column elements shall not exceed a height of 9'.
- ~~H.I.~~ The method of access for emergency, service, and delivery vehicles shall meet all requirements of the Planning, Engineering, and Building Departments and the Fire Marshall prior to issuance of a building permit for the gate construction.
- ~~H.J.~~ Vehicle Control Gates~~Entry gates on Private Streets~~ are not permitted in all zones. ~~Gates~~Entry gates on Private Streets are allowed as a Conditional Use in the following Zoning Districts: ROS, E-40, E, and RD.
- ~~J.K.~~ Any signs associated with the gate~~entry gate~~ and/or walls are subject to the Park City Sign Code and require a separate sign permit ~~permit granted by the Planning and Building Departments.~~
- L. A Vehicle Control Gate management plan shall be submitted for Planning Commission approval to address times and situations when the gate will be closed. Applicants shall agree to leave the gate open at all times, except as specified in the approved management plan.

3. Change land use from Vehicular Access Control Gates to Vehicle Control Gates, consistent with Chapter 15- Definitions, and add a footnote, to the land use lists in the ROS, E-40, E and RD zoning district sections, that states the following:

See Section 15-4-19 for specific review criteria for gates.

EXHIBIT C

In Section 15-2.3-2. (B) Conditional Uses, add the following language:

(28) Limited Commercial Expansion necessary for compliance with Building/Fire Code egress and accessibility requirements. ¹⁰

Footnote 10 shall read:

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

Ordinance No. 04-07

AN ORDINANCE APPROVING THE FLODEN SUBDIVISION WHICH WILL COMBINE LOTS 14, 15, AND 16, BLOCK 28 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO TWO LOTS OF RECORD.

WHEREAS, the owner of the property known as 1063 Empire Avenue, and the vacant lot adjacent to the south has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on February 25, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove two lot lines and create one lot line, thereby reducing three legal lots into two legal lots of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. This plat amendment will combine lots 14, 15, and 16, block 28 of the Snyder's addition to the Park City Survey into two lots of record.
4. One lot will accommodate the existing single-family home located at 1063 Empire Avenue. The other will be a vacant lot, allowing for a new single-family home to be built.
5. The plat amendment will create two lots of approximately 2,812.5 square feet.
6. The anticipated construction on the vacant lot is allowed in the zone, provided it meets the criteria in LMC Chapter 15-2.2, and the Historic District Design Guidelines.
7. The proposed lots comply with all required LMC lot size, lot arrangement, lot dimension and access requirements.
8. The existing home at 1063 Empire Avenue is historic. LMC Section 15-2.2-4 exempts it from off-street parking requirements (not including lockouts and accessory apartments).
9. A certified survey reflects an at-grade deck and staircase associated with the existing home at 1063 Empire. This structure encroaches 4" over the originally proposed lot line. A new plat will be created to meet the stipulations of the Land Management Code. This modification to the original plat is submitted as Exhibit B.
10. The applicant shall submit a new draft plat referencing this modification prior to review by the City Engineer and Legal Department.
11. Lot 2 will be 36'-2" at the front and 38'-10" at the rear, while Lot 1 will be 38'-10" at the front and 36'-2" at the rear. The lot line will have a 2'-8" horizontal jog at the midpoint of the lot.
12. Additionally, a small shed found at the rear of the house at 1063 Empire encroaches into the required side yard from the 11th Street right-of-way (north). This is a legal, non-conforming structure.
13. No remnant lots will be created as a result of this application.
14. Five large pine trees are located on the subject property, near the south lot line of lot 14 (lot 2 of the proposed subdivision). These trees meet the LMC definition of Significant Vegetation". Any

excavation on the lot will likely require the removal of these trees. The applicant has stipulated that they will mitigate for the loss of this vegetation during the design review process, to the satisfaction of staff's Landscape Arborist.

15. The maximum footprint for a 2813 square foot lot is 1201 square feet.
16. The Planning Commission reviewed this at their February 25, 2004 meeting. A public hearing was held, and a unanimous vote was forwarded to the Council to approve the application.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

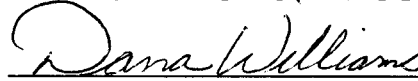
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for any new construction on the vacant lot, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. The Floden subdivision plat will not be reviewed for recordation without submission of a new draft referencing the modifications as referenced in Exhibit **A**

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 5th day of March, 2004.

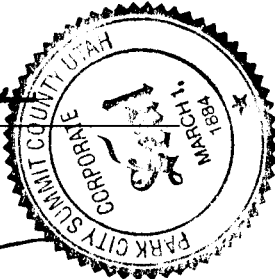
PARK CITY MUNICIPAL CORPORATION



Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder



Approved as to form:


Mark D. Harrington, City Attorney

Ordinance No 04-06

AN ORDINANCE APPROVING AN AMENDMENT TO ALL OF LOT 27 AND A PORTION OF LOT 26 IN BLOCK 2 OF THE PARK CITY SURVEY, LOCATED AT 224 WOODSIDE AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 224 Woodside Avenue, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on February 25, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove one lot line between two lots of record creating one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will combine a portion of lot 26 and all of lot 27 of Block 2 of the Park City Survey to create one lot of record.
4. The proposed lot would consist of 2,812 square feet.
5. The Snyderville Basin Water Reclamation District requires a sewer line through the rear section of the property.
6. The Planning Commission reviewed this application on February 25, 2004. The Commission forwarded a positive recommendation to the City Council.
7. The lot has 37 feet of frontage on Woodside Avenue.
8. Portions of the lot exceed 30% slope, which requires a Steep Slope CUP.
9. The applicant has submitted a Steep Slope CUP application for review by the Planning Commission.
10. No remnant lots will be created as a result of this application.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

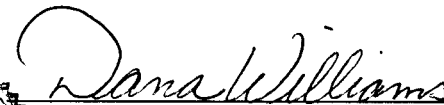
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. A sewer easement consistent with the requirements established by the Snyderville Basin Water Reclamation District will be dedicated on the plat.
3. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
4. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

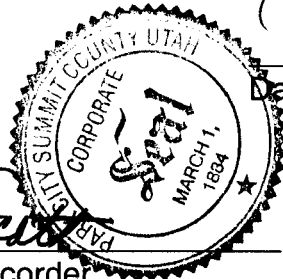
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 4th day of March 2004.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, Mayor



Attest:



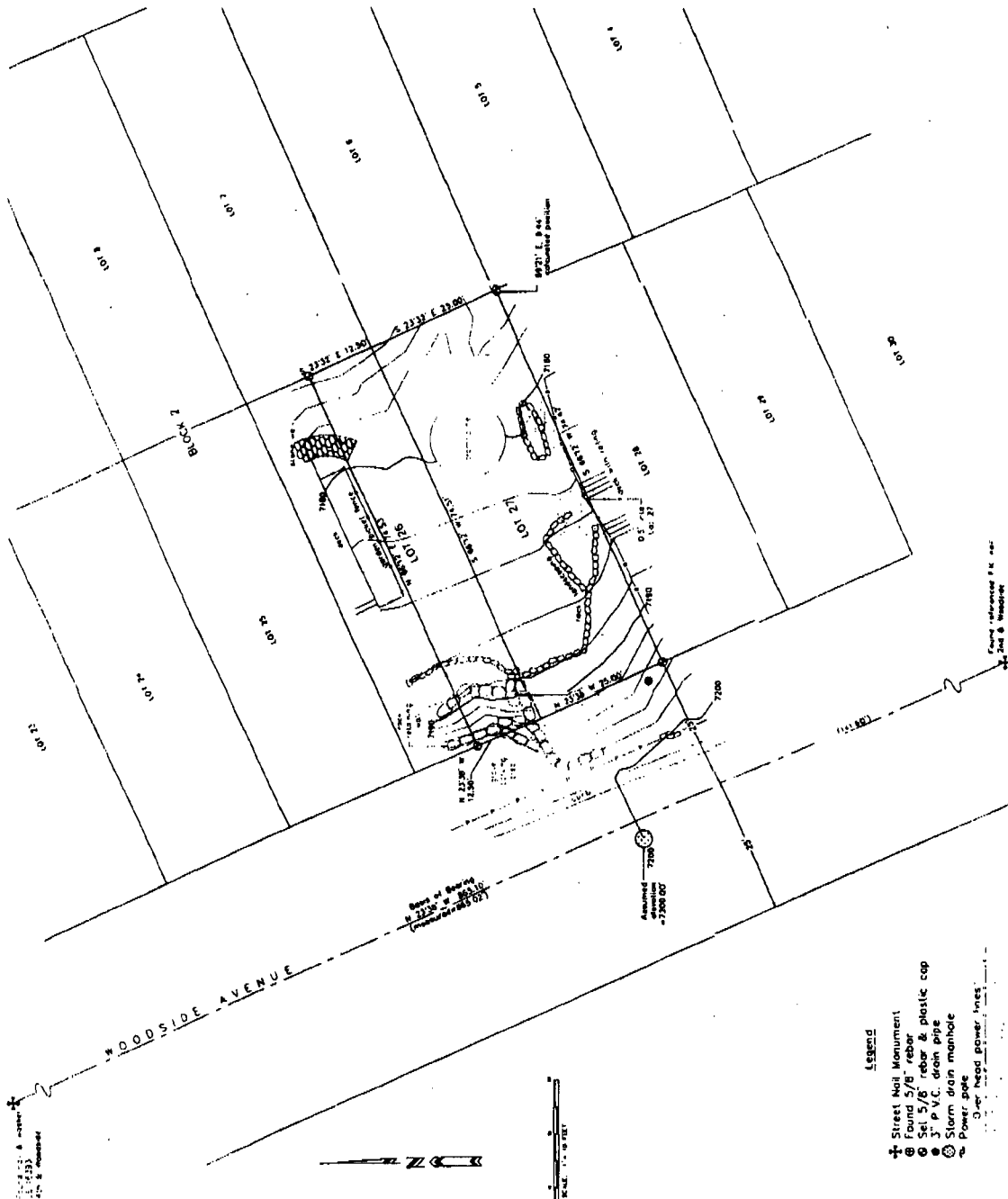
Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

Park City Survey, Block 2. Lot 27 & Part of Lot 26



NARRATIVE

1. Survey requested by David Gill.
2. Purpose of survey, locate the deed description and the geographic relief.
3. Basis of survey, found street monuments as shown Block 2 monuments from the Amended Park City Monument Central Map by Bush & Gudgeon, Inc., recorded as Entry No. 199887 in the office of the Summit County Recorder. Subdivision of Block 2 from the map of Park City by Caldwell & Richards, Engineers, traced from the original map July, 1977.
4. Date of survey, September 25, 2003.
5. Location of monuments set found as shown.
6. Location of monuments set found as shown.
7. See the official plats of the Park City Survey for other easements and restrictions.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. An assumed elevation of 7200.00 feet was assigned to the center of the storm drain manhole lid, as shown.

DEED DESCRIPTION

All of Lot 27, and beginning of the southerly most corner of Lot 26, Block 2, Park City Survey of Building Lots and running thence North 23°38' West 12.5 feet; thence North 66°12' East 74 feet more or less; thence South 23°28' East 12.5 feet; thence South 66°12' West 75 feet more or less to the place of beginning.

SURVEYOR'S CERTIFICATE

I, J.D. Galey, a Registered Land Surveyor as prescribed by the laws of the State of Utah, holding license #339005, do hereby certify that I have supervised the making of the described property and that this plat is a true representation of said survey.



Sept 20, 2003
Date

J.D. Galey #339005

Alpine Survey, Inc.
119 Prospect Drive
Park City, Utah 84302
(435) 655-8016

- Legend**
- ⊕ Street Nail Monument
 - ⊙ Found 5/8" rebar
 - ⊙ Set 5/8" rebar & plastic cap
 - ⊙ 3" P.V.C. drain pipe
 - ⊙ Storm drain manhole
 - ⊙ Power pole
 - ⊙ User head power lines
 - ⊙ User head power lines

JAN - 5 2004

Ordinance No. 04-05

**AN ORDINANCE APPROVING A CONDOMINIUM PLAT FOR PAINTBRUSH HOMES
AT THE VILLAGE AT EMPIRE PASS, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Village at Empire Pass have petitioned the City Council for approval of the condominium plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 25, 2004, to receive input on the condominium plat;

WHEREAS, the Planning Commission, on February 25, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 4, 2004 the City Council approved the condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the condominium plat.

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

SECTION 1. APPROVAL. The condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The project is located in Pod A of the Flagstaff Mountain Annexation.
2. The zoning is Residential Development as part of the Flagstaff Mountain Resort Master Plan (RD-MPD).
3. The property uses adjacent to the proposed project are ski terrain and proposed residential.
4. The Planning Commission approved a Master Planned Development (MPD) for Phase IA October 22, 2003.
5. The Planning Commission approved a Conditional Use Permit (CUP) for Phase IA on November 12, 2003.
6. The Development Agreement is the controlling document for Unit Equivalents within the Flagstaff Annexation Area.
7. The Development Agreement stipulates that each PUD structure shall consume

- one (1) Unit Equivalent for each 2000 square feet.
8. The Planning Commission determined on February 11, 2004, that the best application of the definition is by gross square footage for each product type rather than quarterly incremental steps for each unit.
 9. Gross square footage will be aggregated then divided by 2000 and rounded up to the nearest tenth to reflect the Unit Equivalent count.
 10. The following unit count and Unit Equivalents were assigned at the MPD phase:
 - a. A duplex townhouse (counts towards the 60 PUD maximum); 2 units, 3 UE's
 - b. A tri-plex of townhomes; 3 units, 4.5 UE's
 - c. Three stand-alone PUD units; 3 units, 4.5 UE's
 - d. Four stand-alone PUD units; 4 units, 6 UE's

Total: 12 units utilizing 18 unit equivalents.
 11. The total number of Unit Equivalents for this project was modified by the action of the Planning Commission on February 11, 2004.
 12. The proposed condominium plat creates seven (7) PUD-style condominium residential units in Phase IA and additional Expandable Area for the rest of the project.
 13. The seven units are called Paintbrush Homes. These residential units range in size from 4777 to 5372 square feet in size with each garage over the 600 square foot exception. The square footage in the garage over the 600sf exception is included as floor area for UE calculations. These units consume 36,139 square feet with a **total of these units of 18.1 UEs.**
 14. Access to the units is not available by public street, only via private roads owned and maintained by the Master Homeowners Association.
 15. The Planning Commission held a public hearing on February 25, 2004, and forwarded a positive recommendation to the City Council.

Conclusions of Law:

1. There is good cause for this condominium plat.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat.
4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one

- year's time, this approval for the plat will be void.
3. All conditions of approval of the Phase IA Master Planned Development and Conditional Use Permit shall continue to apply.
 4. No further piecemeal approvals will occur until a Village MPD is approved.
 5. A note shall be added to the plat stating, "Access to the units is by private roads and is not warranted by Park City."

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


PASSED AND ADOPTED this 4th day of March, 2004.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, MAYOR

ATTEST:

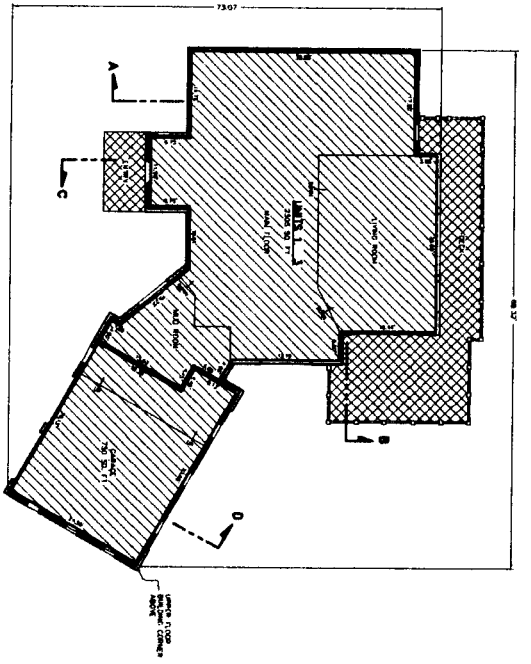


Jan Scott, City Recorder

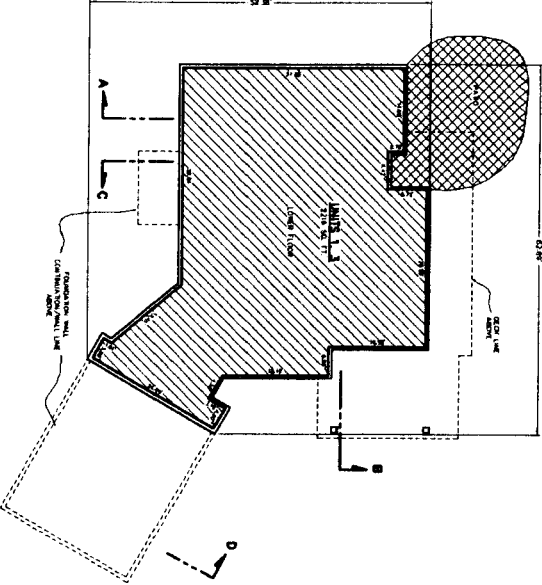
APPROVED AS TO FORM:



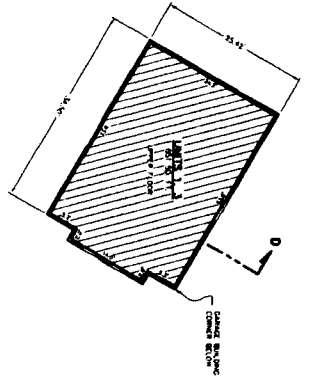
Mark Harrington, City Attorney



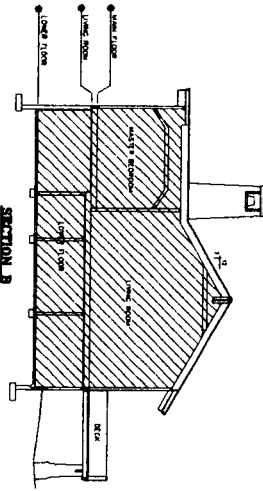
UNITS 1, 2, 3
MAIN FLOOR
SCALE: 1/4" = 1'-0"



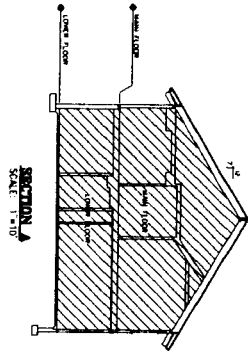
UNITS 1, 2, 3
UPPER FLOOR
SCALE: 1/4" = 1'-0"



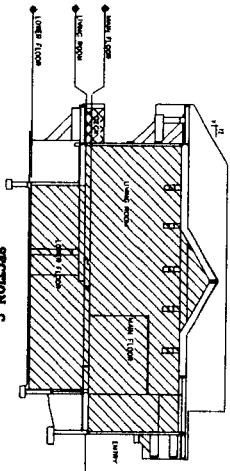
SECTION A
SCALE: 1/4" = 1'-0"



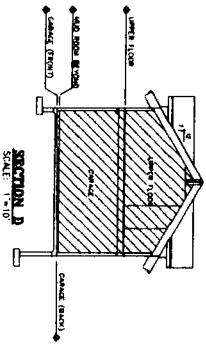
SECTION B
SCALE: 1/4" = 1'-0"



SECTION C
SCALE: 1/4" = 1'-0"



SECTION D
SCALE: 1/4" = 1'-0"



SECTION E
SCALE: 1/4" = 1'-0"

CONCRETE DESIGNATIONS

Diagonal Hatching	Structural Concrete
Horizontal Hatching	Formwork Concrete
Vertical Hatching	Other Concrete



SPACE FOOTING TABLE

UNIT	FOOTING	AREA	PERIMETER	VOLUME	WEIGHT
1	20" x 20" x 12"	80	160	320	280
2	20" x 20" x 12"	80	160	320	280
3	20" x 20" x 12"	80	160	320	280

EXTRACTION TABLE

UNIT	EXTRACTION	AREA	PERIMETER	VOLUME	WEIGHT
1	20" x 20" x 12"	80	160	320	280
2	20" x 20" x 12"	80	160	320	280
3	20" x 20" x 12"	80	160	320	280

CONDOMINIUM PLAT
PAINTBRUSH HOMES
 A UTAH EXPANDABLE CONDOMINIUM PROJECT
 LOCATED IN SECTION 28
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

FIG. 2 OF 4

FILE NO. 1-12-02 FILED IN _____

STATE OF UTAH COUNTY OF SUMMIT, AND FILED

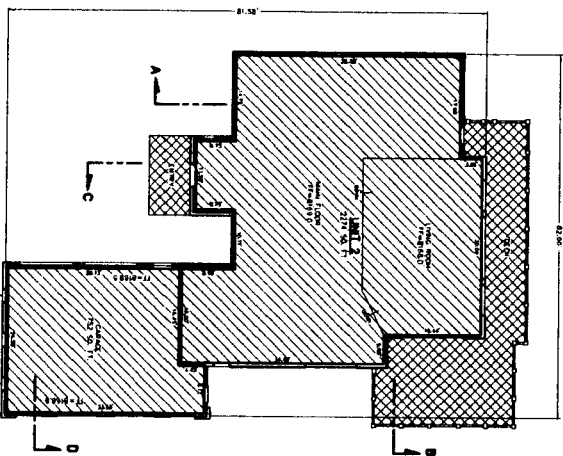
AT THE REQUEST OF _____

DATE _____ TIME _____

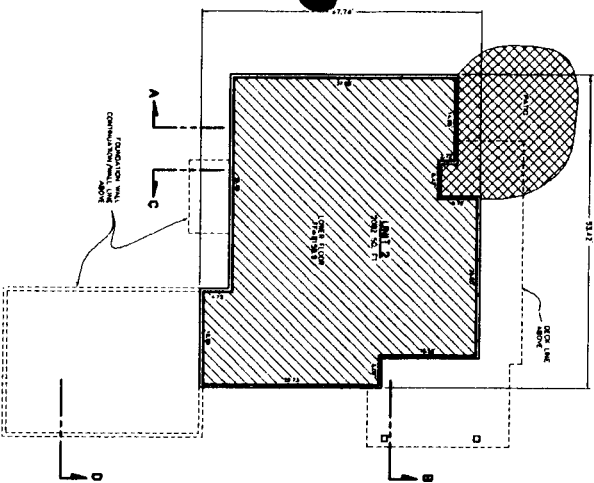
RECORDED

BY _____

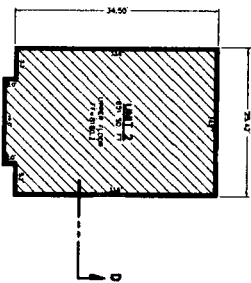
RECEIVED
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 PARK CITY



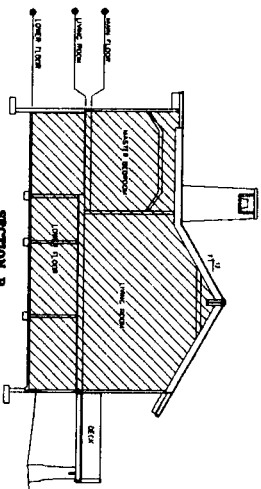
UNIT 2
MAIN FLOOR
SCALE: 1"=10'



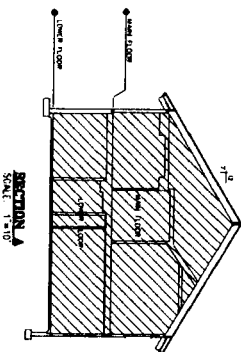
UNIT 2
LOWER FLOOR
SCALE: 1"=10'



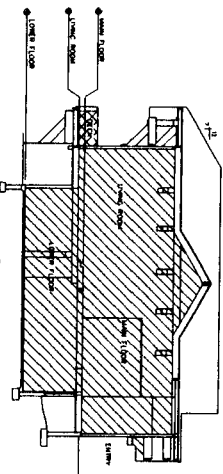
UNIT 2
UPPER FLOOR
SCALE: 1"=10'



SECTION B
SCALE: 1"=10'



SECTION A
SCALE: 1"=10'



SECTION C
SCALE: 1"=10'



CONCRETE FINISHING

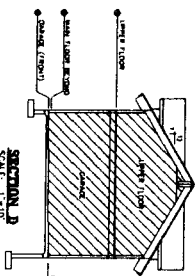
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[Symbol]	FORM CONCRETE
[Symbol]	UNIT 2 FINISH CONCRETE

SHIELD FINISHING TABLE

NO.	TYPE	FINISH	THICK.	GRADE
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2	CONCRETE	SMOOTH	4"	FINISH

SLAB FINISH TABLE

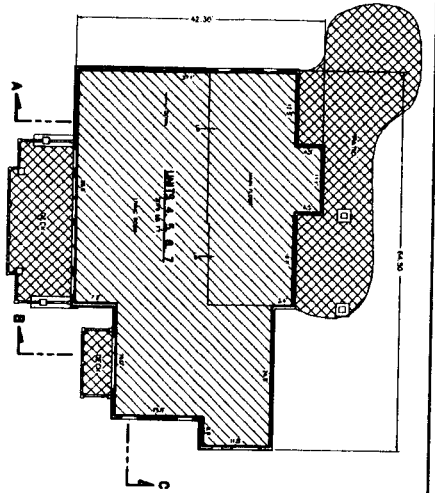
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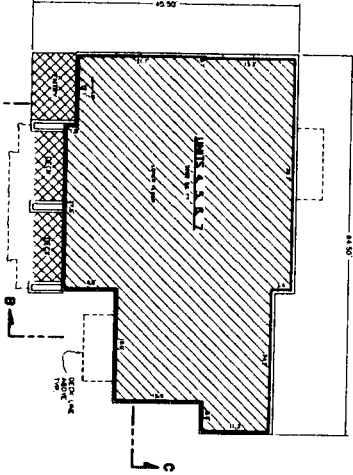
SECTION D
SCALE: 1"=10'

CONDOMINIUM PLAT
PAINTBRUSH HOMES
A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

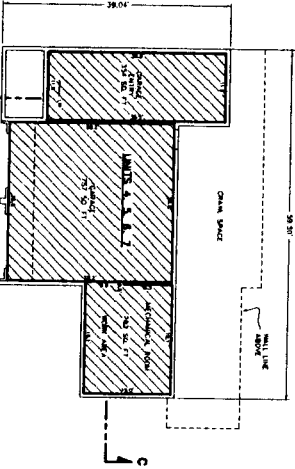
RECORDED
FEB 18 2004
PLANNING DEPT.
OFFICE OF THE CLERK
STATE OF UTAH
COUNTY OF SUMMIT
RECORDED
DATE AT THE REQUEST OF
TIME OF THE BOOK PAGE
BY RECORDER



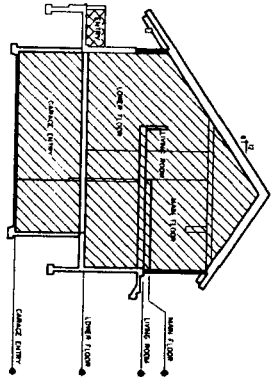
UNITS 4, 5, 6, 7
MAIN FLOOR
 SCALE: 1/4"=10'
 (Units 4, 5, 6 and common areas of Units 4 & 5)



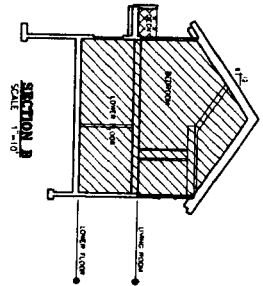
UNITS 4, 5, 6, 7
MAIN FLOOR
 SCALE: 1/4"=10'
 (Units 4, 5, 6 and common areas of Units 4 & 5)



UNITS 4, 5, 6, 7
MAIN FLOOR
 SCALE: 1/4"=10'
 (Units 4, 5, 6 and common areas of Units 4 & 5)



SECTION A
 SCALE: 1/4"=10'



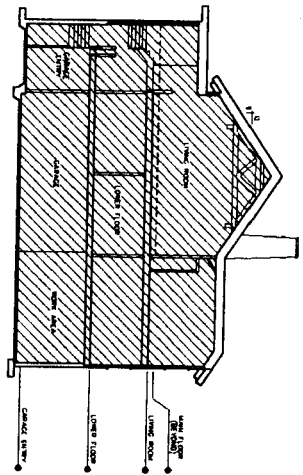
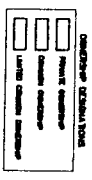
SECTION B
 SCALE: 1/4"=10'

SQUARE FOOTAGE TABLE

UNIT	COMMON AREA	TOTAL
4	1,200	1,200
5	1,200	1,200
6	1,200	1,200
7	1,200	1,200
TOTAL	4,800	4,800

ELEVATION TABLE

UNIT	COMMON AREA	TOTAL
4	1,200	1,200
5	1,200	1,200
6	1,200	1,200
7	1,200	1,200
TOTAL	4,800	4,800



SECTION C
 SCALE: 1/4"=10'

PAINTBRUSH HOMES
 A UTAH EXPANDABLE CONDOMINIUM PROJECT
 CONDOMINIUM PLAT
 LOCATED IN SECTION 28
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

RECORDED
FEB 18 2004
 PLANNING

STATE OF UTAH COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF _____

 RECORDER

Ordinance No. 04-04

AN ORDINANCE APPROVING A CONDOMINIUM PLAT FOR LARKSPUR TOWNHOMES AT THE VILLAGE AT EMPIRE PASS, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Village at Empire Pass have petitioned the City Council for approval of the condominium plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 25, 2004, to receive input on the condominium plat;

WHEREAS, the Planning Commission, on February 25, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 4, 2004 the City Council approved the condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the condominium plat.

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

SECTION 1. APPROVAL. The condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The project is located in Pod A of the Flagstaff Mountain Annexation.
2. The zoning is Residential Development as part of the Flagstaff Mountain Resort Master Plan (RD-MPD).
3. The property uses adjacent to the proposed project are ski terrain and proposed residential.
4. The Planning Commission approved a Master Planned Development (MPD) for Phase IA October 22, 2003.
5. The Planning Commission approved a Conditional Use Permit (CUP) for Phase IA on November 12, 2003.
6. The Development Agreement is the controlling document for Unit Equivalents within the Flagstaff Annexation Area.
7. The Development Agreement stipulates that each PUD structure shall consume

- one (1) Unit Equivalent for each 2000 square feet.
8. The Planning Commission determined on February 11, 2004, that the best application of the definition is by gross square footage for each product type rather than quarterly incremental steps for each unit.
 9. Gross square footage will be aggregated then divided by 2000 and rounded up to the nearest tenth to reflect the Unit Equivalent count.
 10. The following unit count and Unit Equivalents were assigned at the MPD phase:
 - a. A duplex townhouse (counts towards the 60 PUD maximum); 2 units, 3 UE's
 - b. A tri-plex of townhomes; 3 units, 4.5 UE's
 - c. Three stand-alone PUD units; 3 units, 4.5 UE's
 - d. Four stand-alone PUD units; 4 units, 6 UE's

Total: 12 units utilizing 18 unit equivalents.
 11. The total number of Unit Equivalents of the project was modified by the action of the Planning Commission on February 11, 2004.
 12. The proposed condominium plat creates five (5) townhouse condominium residential units in Phase IA and additional Expandable Area for the rest of the project.
 13. The five units are in two buildings, a triplex and a duplex, and are called Larkspur Townhomes. These residential units range in size from 2776 to 2917 square feet in size with each garage under the 600 square foot exception. These units consume 14, 052 square feet with a **total of these units of 7.1 UEs.**
 14. Access to the units is not available by public street, only via private roads owned and maintained by the Master Homeowners Association.
 15. The Planning Commission held a public hearing on February 25, 2004, and forwarded a positive recommendation to the City Council.

Conclusions of Law:

1. There is good cause for this condominium plat.
2. The condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat.
4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat and CC&Rs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

3. All conditions of approval of the Phase IA Master Planned Development and Conditional Use Permit shall continue to apply.
4. No further piecemeal approvals will occur until a Village MPD is approved.
5. A note shall be added to the plat stating, "Access to the units is by private roads and is not warranted by Park City."

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

PASSED AND ADOPTED this 4th day of March, 2004.

PARK CITY MUNICIPAL CORPORATION

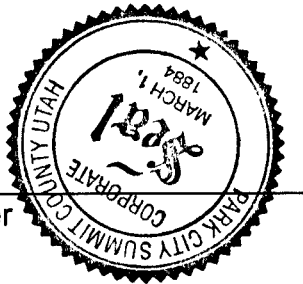


Dana Williams, MAYOR


ATTEST:



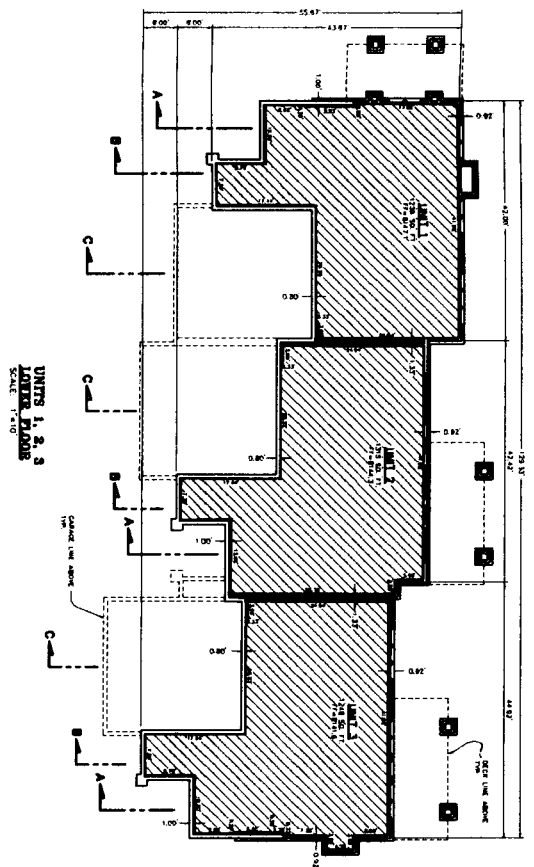
Jen Scott, City Recorder



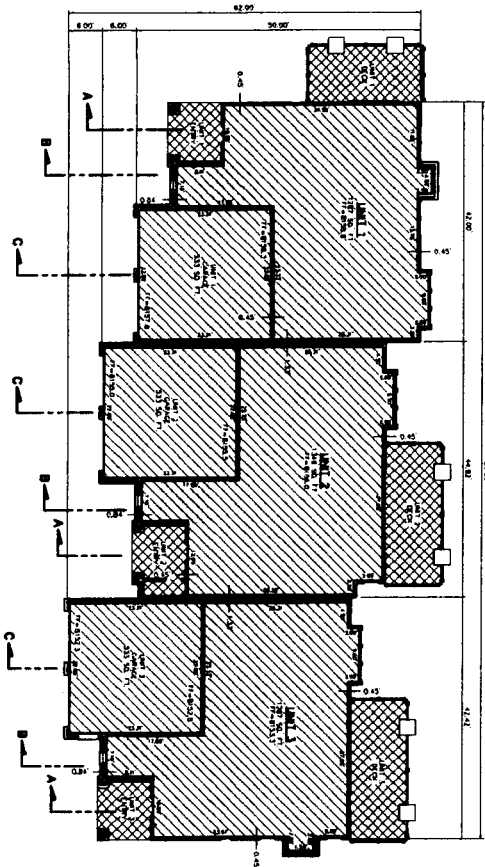
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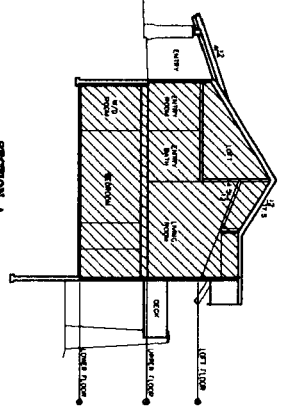
Mark Harrington, City Attorney



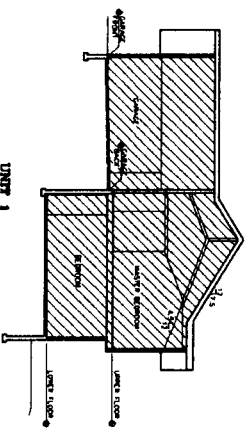
UNITS 1, 2, & 3
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SCALE: 1"=10'



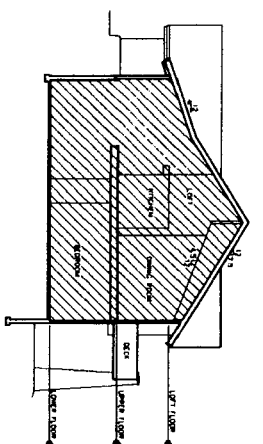
UNITS 1, 2, & 3
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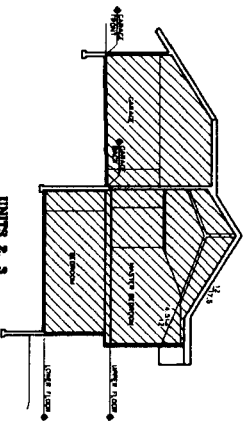
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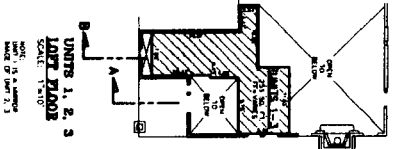
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SECTION C
SCALE: 1"=10'



SECTION B
SCALE: 1"=10'



UNITS 2, 3
SECTION C
SCALE: 1"=10'



UNITS 1, 2, & 3
LOWER FLOORS
SCALE: 1"=10'

RECEIVED
 FEB 18 2004
 PLANNING DEPT.
 PARK CITY, UTAH

LARKSPUR TOWNHOMES
 A UTAH EXPANDABLE CONDOMINIUM PROJECT
 CONDOMINIUM PLAT
 LOCATED IN SECTION 28
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

SQUARE FOOTAGE TABLE

UNIT NO.	FLOOR	UNIT AREA	COMMON AREA	TOTAL AREA
1	UPPER	1,234	250	1,484
2	UPPER	1,234	250	1,484
3	UPPER	1,234	250	1,484
1	LOWER	1,234	250	1,484
2	LOWER	1,234	250	1,484
3	LOWER	1,234	250	1,484

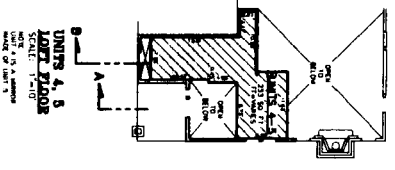
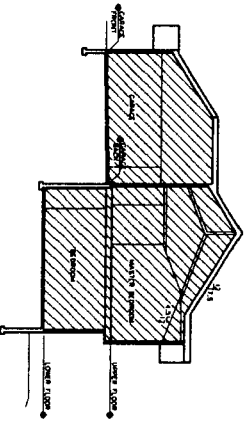
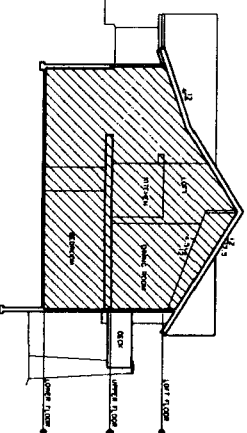
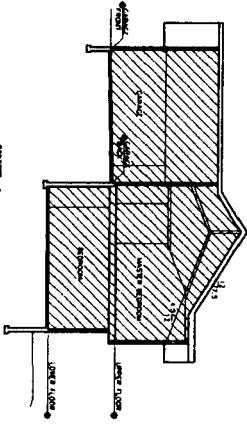
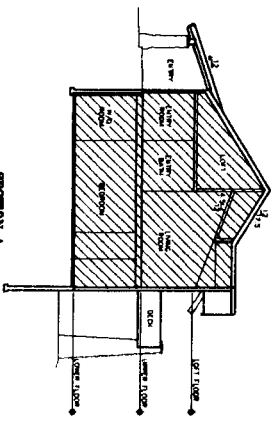
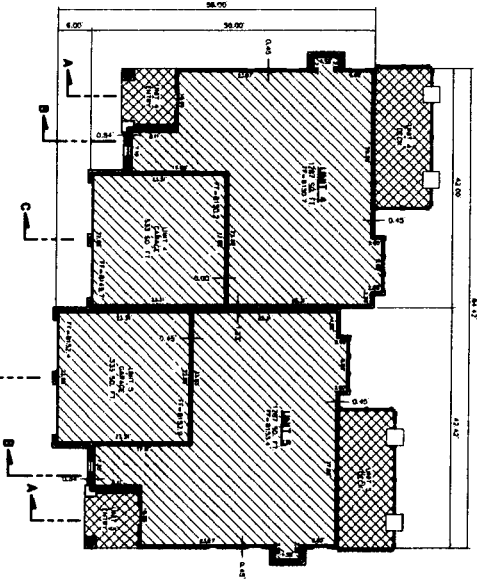
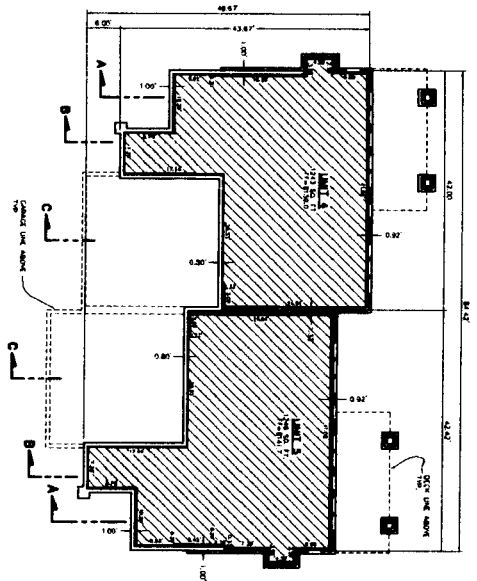
DIMENSION TABLE

UNIT NO.	FLOOR	UNIT DIMENSIONS	COMMON DIMENSIONS
1	UPPER	30' x 40'	30' x 40'
2	UPPER	30' x 40'	30' x 40'
3	UPPER	30' x 40'	30' x 40'
1	LOWER	30' x 40'	30' x 40'
2	LOWER	30' x 40'	30' x 40'
3	LOWER	30' x 40'	30' x 40'



PAGE 3 OF 3

JOB NO. S-2-2-03 FILE NO. 2003-0003-0003
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF _____ BOOK _____ PAGE _____
 DATE _____ TIME _____
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 FILE _____
 RECORDED _____

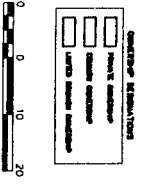


SPACE PARTIAL TABLE

UNIT NO.	FLOOR	AREA	PERCENT	NET AREA	PERCENT
4	4	2,024	231	2,794	331
5	4	2,024	231	2,794	331

REVISION TABLE

NO.	DATE	BY	DESCRIPTION
1	10.15.11	JK	ISSUED FOR PERMIT
2	10.15.11	JK	REVISED PER COMMENTS



LARKSPUR TOWNHOMES
 A UTAH EXPANDABLE CONDOMINIUM PROJECT
 CONDOMINIUM PLAT
 LOCATED IN SECTION 28
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

RECEIVED
 FEB 18 2014
 PARK CITY
 PLANNING DEPT.

JOB NO. S-17-22 FILE NO. 2013-001
 STATE OF UTAH COUNTY OF SUMMIT AND FILED
 DATE _____ TIME _____ ROOM _____ PAGE _____
 RECORDED
 FILE 1 OF 1

Ordinance No. 04-03

AN ORDINANCE APPROVING A RECORD OF SURVEY MAP FOR EMPIRE CLUB DRIVE, A PRIVATE ROAD, AT THE VILLAGE AT EMPIRE PASS, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Village at Empire Pass have petitioned the City Council for approval of the record of survey; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 25, 2004, to receive input on the record of survey;

WHEREAS, the Planning Commission, on February 25, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 4, 2004 the City Council approved the record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey.

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

SECTION 1. APPROVAL. The Record of Survey Map as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The project is located in Pod A of the Flagstaff Mountain Annexation.
2. The zoning is Residential Development as part of the Flagstaff Mountain Resort Master Plan (RD-MPD).
3. The property uses adjacent to the proposed project are ski terrain and proposed residential.
4. The Planning Commission approved a Master Planned Development (MPD) for Phase IA October 22, 2003.
5. The Planning Commission approved a Conditional Use Permit (CUP) for Phase IA on November 12, 2003.
6. The proposed Record of Survey creates a private, 25-foot wide road and utility easement in Phase IA dedicated to the Master Homeowners Association.

7. The Planning Commission held a public hearing on February 25, 2004, and forwarded a positive recommendation to the City Council.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey Map for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Phase IA Master Planned Development and Conditional Use Permit shall continue to apply.
4. Prior to plat recordation and approved Maintenance Agreement shall be recorded.

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

PASSED AND ADOPTED this 4th day of March, 2004.

PARK CITY MUNICIPAL CORPORATION

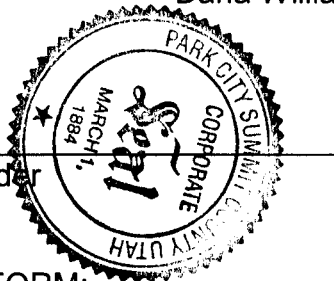


Dana Williams, MAYOR

ATTEST:



Jan Scott, City Recorder



APPROVED AS TO FORM:



Mark Harrington, City Attorney

Ordinance No. 04-02

AN ORDINANCE APPROVING A RECORD OF SURVEY CONDOMINIUM PLAT FOR 8789 MARSAC AVE, IRONWOOD AT DEER VALLEY, PARK CITY, UTAH.

WHEREAS, the owners of the property known as 8789 Marsac Avenue, Ironwood at Deer Valley, have petitioned the City Council for approval of the record of survey; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 25, 2004, to receive input on the record of survey;

WHEREAS, the Planning Commission, on February 25, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 4, 2004 the City Council approved the record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey.

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

SECTION 1. APPROVAL. The plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The project is located at 8789 Marsac Avenue, Lot C of Northside Village Subdivision II, Phase II.
2. The zoning is Residential Development as part of the Flagstaff Mountain Resort Master Plan (RD-MPD).
3. The property uses adjacent to the proposed project are ski terrain and proposed residential. There is a reclaimed mine shaft on the site.
4. On January 22, 2003 the Planning Commission approved a Conditional Use permit for a multi-unit townhouse project consisting of twenty-four (24) units.
5. The Record of Survey is consistent with the Flagstaff Annexation, Northside Village subdivision, and the Ironwood Conditional Use Permit Conditions of Approval.
6. The proposed Record of Survey creates fourteen (14) private residential units, an ADA unit platted as common area, and a restricted Employee Housing Unit in Phase

- II, utilizing 21 Unit Equivalents as defined in the Flagstaff Development Agreement.
7. The residential units range in size from 2495 square feet to 3479 square feet.
 8. The proposed ownership for the single family units will be condominium through a record of survey plat.
 9. Maximum height of the buildings will be 28 feet, plus 5 feet for a pitched roof. Setbacks are 20 feet in the front yards, 25 feet in the rear yards and 12 feet in the side yards.
 10. Emergency secondary access is provided through Empire Canyon and as otherwise specified in the Emergency Response Plan Technical Report approved 12-12-01.
 11. The Planning Commission adopted a revised and updated Construction Mitigation Plan Technical Report on February 25, 2004.
 12. On February 25, 2004, the Planning Commission held a public hearing and forwarded a positive recommendation to the City Council.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Ironwood at Northside Village January 22, 2003 Conditional Use Permit shall continue to apply.
4. The final plat shall indicate the building area relative to the reclaimed mine shaft consistent with previous plats.
5. A Construction Mitigation Plan in conformance with the Flagstaff CMP Technical Report is required prior to issuance of any Building Permits.

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

PASSED AND ADOPTED this 4th day of March, 2004.

PARK CITY MUNICIPAL CORPORATION

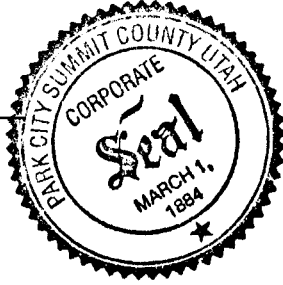


Dana Williams, MAYOR

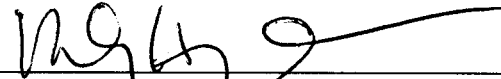
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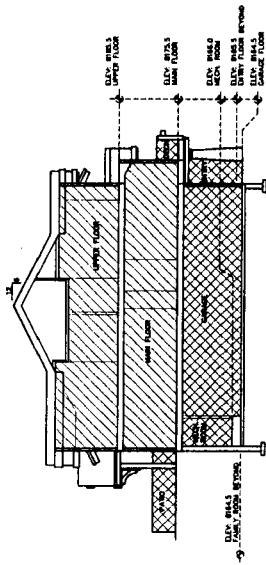
Jan Scott, City Recorder



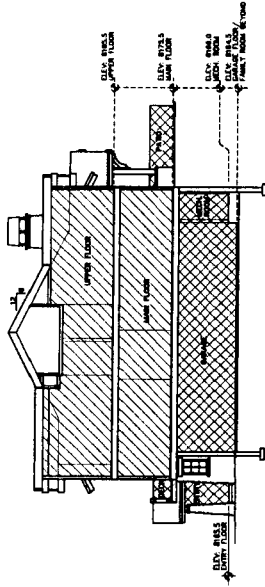
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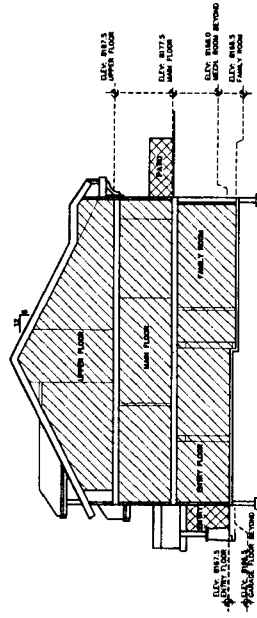
Mark Harrington, City Attorney



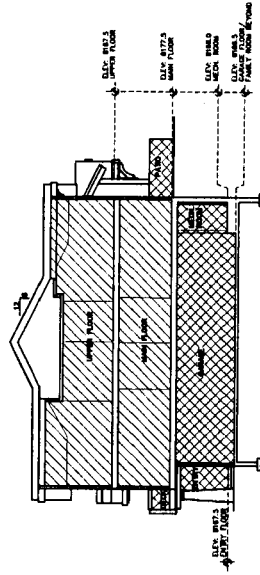
BUILDING A-UNIT 1
SECTION A
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BUILDING A-UNIT 2
SECTION B
SCALE: 1/4"=1'-0"



BUILDING A-UNIT 3
SECTION C
SCALE: 1/4"=1'-0"



BUILDING A-UNIT 4
SECTION D
SCALE: 1/4"=1'-0"

RECORD OF SURVEY MAP

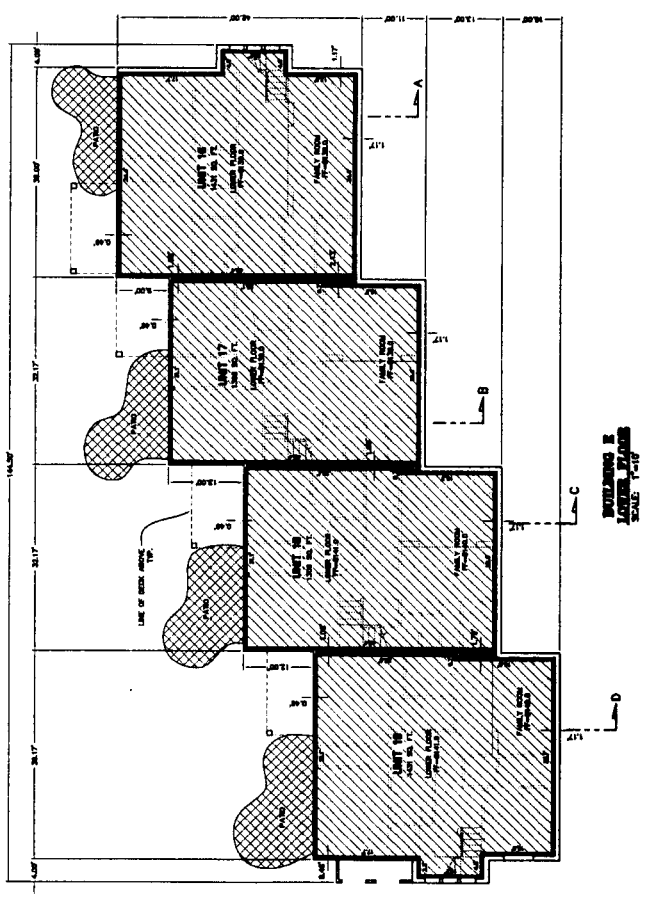
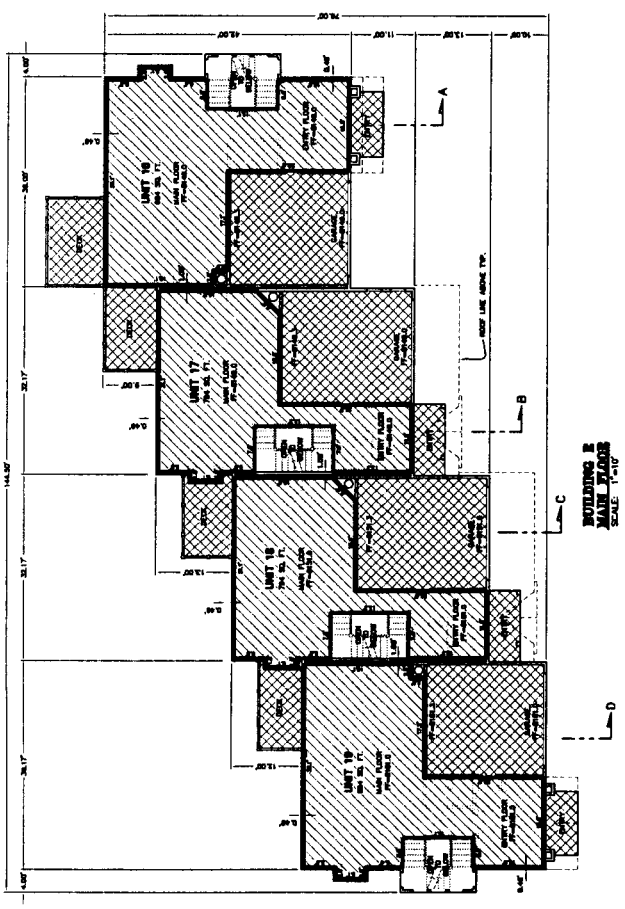
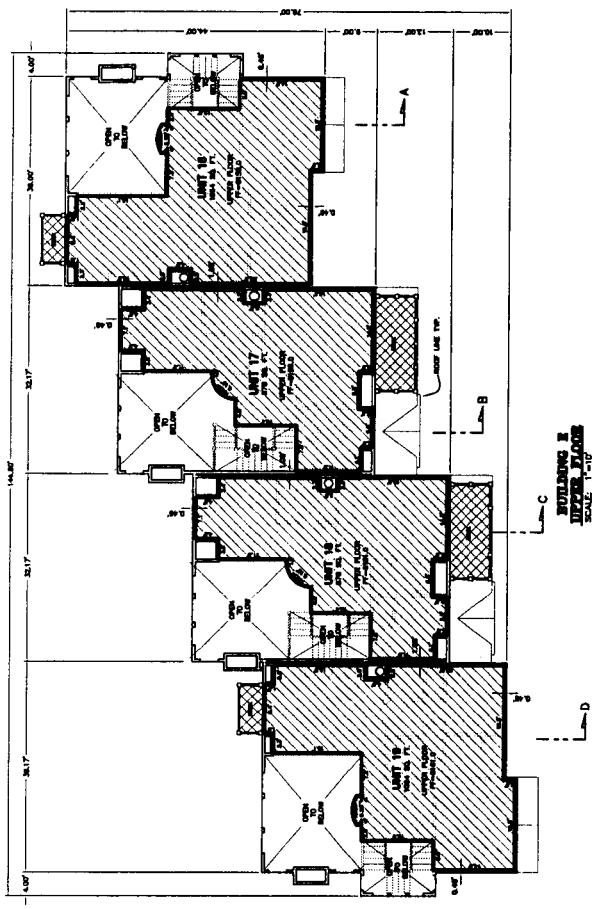
IRONWOOD AT DEER VALLEY PHASE II

A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN DEER VALLEY, UTAH, S.W. 1/4, T.12N. R.10E. S.2E.

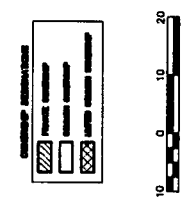
PAGE 3 OF 9

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DEC 23 2005
PARK CITY
PLANNING DEPT.

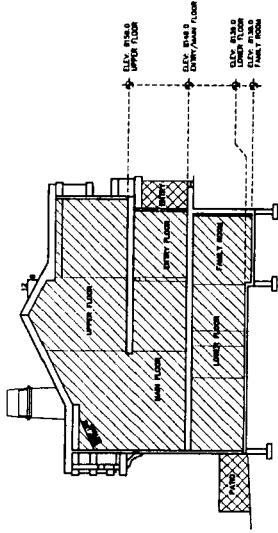


RECORD OF SURVEY MAP
IRONWOOD AT DEER VALLEY
PHASE II
 A UTAH EXPANDABLE CONDOMINIUM PROJECT
 LOCATED IN THE UNINCORPORATED AREA OF THE COUNTY OF SUMMIT, STATE OF UTAH,
 TOWNSHIP 2 SOUTH, RANGE 9 EAST, S.15, T.2N, R.9E

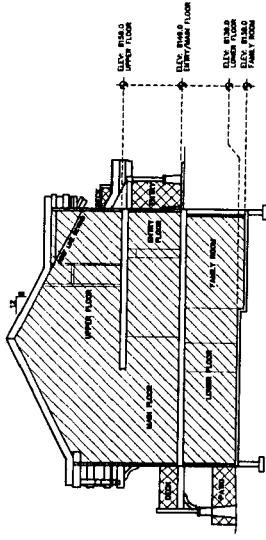


BOOK 2013-02 PAGE 1000
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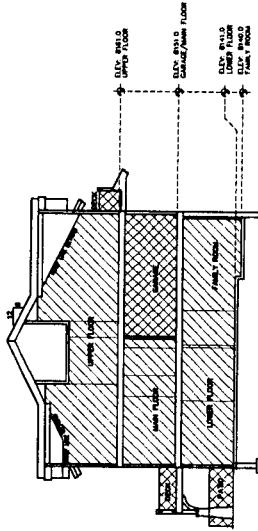
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 CITY PLANNING DEPT.



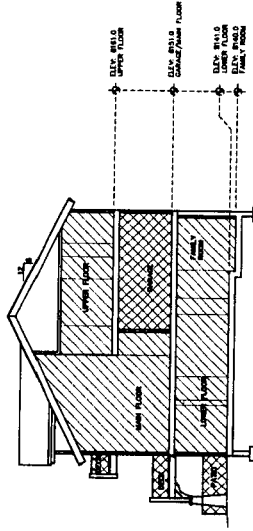
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BUILDING E-UNIT 17
SECTION B
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BUILDING E-UNIT 18
SECTION C
SCALE: 1/4"=1'-0"



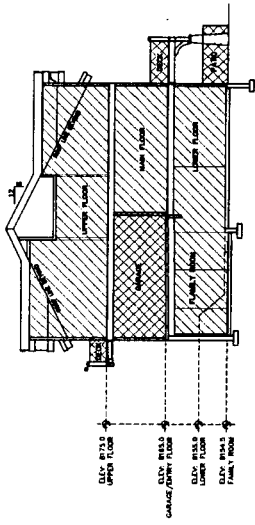
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RECORD OF SURVEY MAP
IRONWOOD AT DEER VALLEY
PHASE II

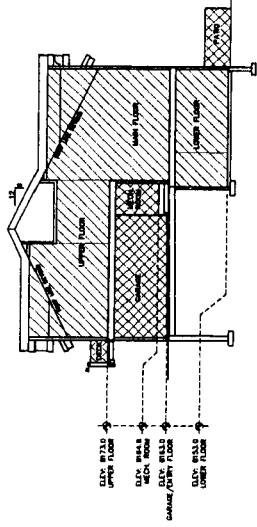
A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN THE NORTHWEST QUARTER SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, S.11. & 12.

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RECORDED _____
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED _____
AT THE REQUEST OF _____ BOOK _____ PAGE _____
DATE _____ TIME _____ FEE _____ RECORDER _____

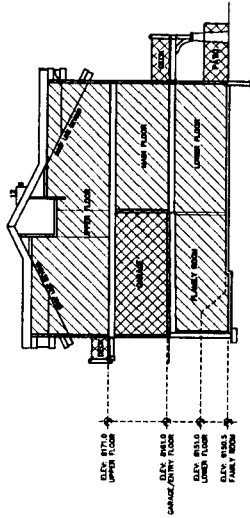
DEC 23 2003



BUILDING F-UNIT 20
SECTION A
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BUILDING F-UNIT 21
SECTION B
SCALE: 1/4"=1'-0"



BUILDING F-UNIT 22
SECTION C
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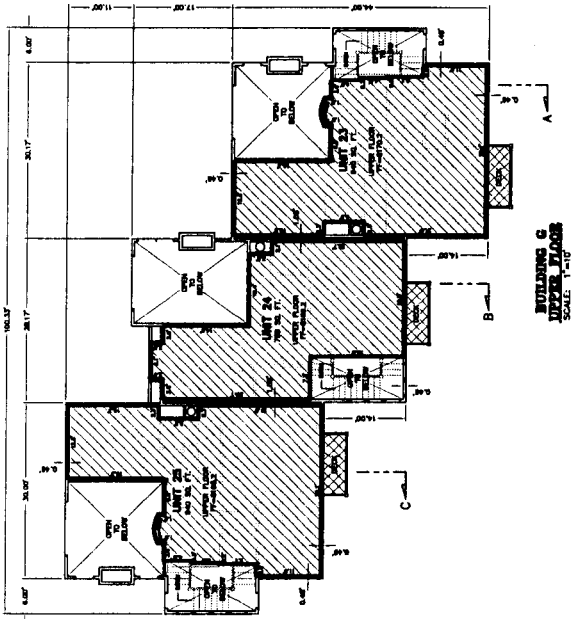
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IRONWOOD AT DEER VALLEY PHASE II

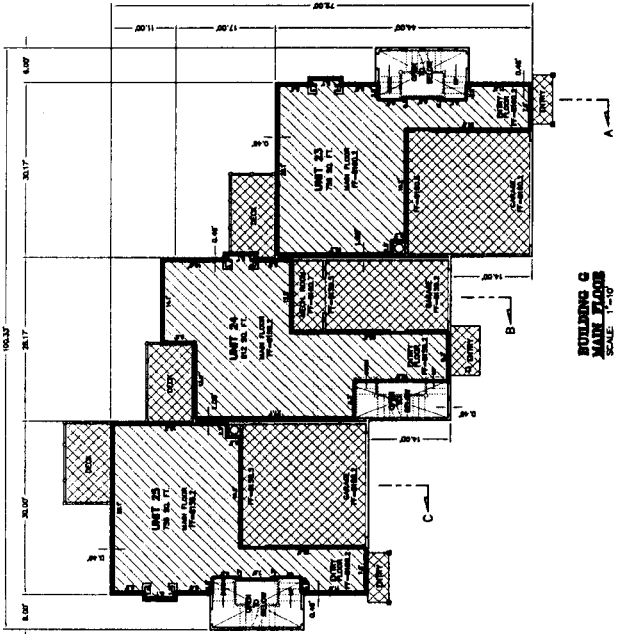
A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN SOUTHWEST QUARTER SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, S.21E, R.2E

DEC 23 2003

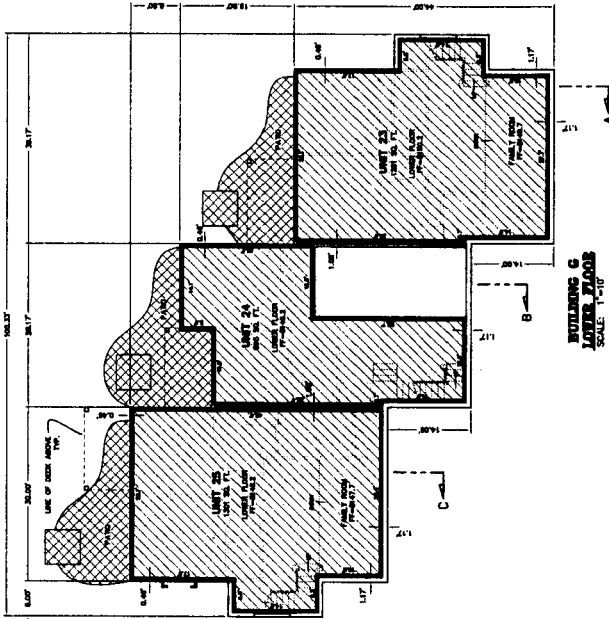
PAGE 7 OF 8
 FOR REC. 2003-02 FILED IN PUBLIC RECORDS SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST, S.21E, R.2E
 RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF _____ BOOK _____ PAGE _____
 DATE _____ TIME _____
 FEE _____ RECORDER _____



**BUILDING C
UPPER PHASE
SCALE: 1"=10'**



**BUILDING C
LOWER PHASE
SCALE: 1"=10'**



**BUILDING C
LOWER PHASE
SCALE: 1"=10'**



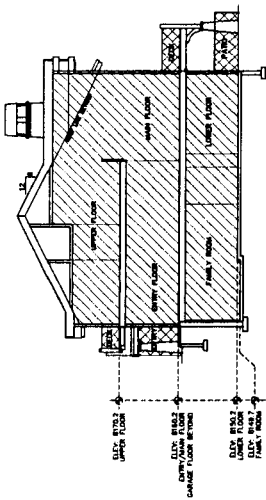
RECORD OF SURVEY MAP
**IRONWOOD AT DEER VALLEY
PHASE II**

A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN THE NORTHWEST QUARTER SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, S.L.B. N. W.

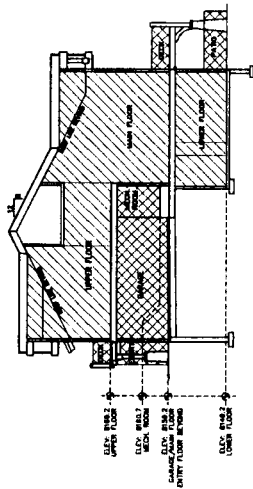
DEC 23 2003

BOOK 123 PAGE 45
FEE \$100.00
RECORDED

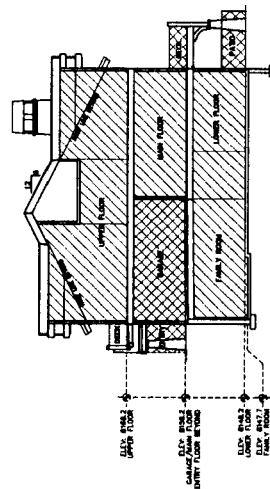
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DATE _____ TIME _____ PAGE _____
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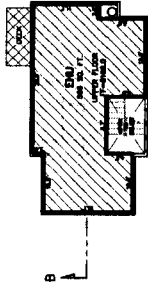
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SECTION A
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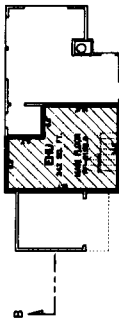
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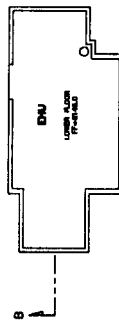
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SECTION C
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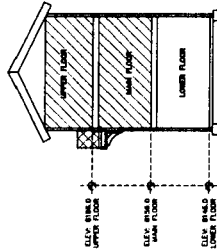
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UPPER FLOOR
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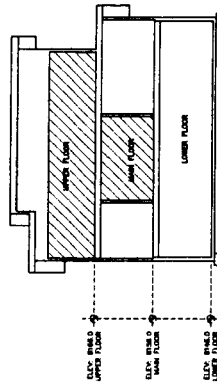
NEW SECTION B
MAIN FLOOR
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NEW SECTION C
LOWER FLOOR
SCALE: 1"=10'



NEW SECTION A
SCALE: 1"=10'



NEW SECTION B
SCALE: 1"=10'

RECORD OF SURVEY MAP
IRONWOOD AT DEER VALLEY
PHASE II

A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN THE UTAH COUNTY OF SUMMIT, STATE OF UTAH,
RANGE 2 SOUTH, RANGE 9 EAST, S.13, T.14 N.

DEC 23 2003

PAGE 8 OF 8

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
DATE _____ TIME _____ BOOK _____ PAGE _____
FEE _____ RECORDS _____

Ordinance No. 04-01

AN ORDINANCE AMENDING TITLE 12, SIGN CODE, CHAPTERS 1, 7, 8, 10, AND 12, AND ADDING A NEW CHAPTER 14, OF THE MUNICIPAL CODE OF PARK CITY CLARIFYING STANDARDS FOR PLAZA, MASTER FESTIVAL, AND SPECIAL EVENT MASTER SIGN PLANS, AND ADOPTING REGULATIONS FOR OUTDOOR DISPLAY OF VEHICLES.

WHEREAS, the City Council recognizes the significant need for temporary signs during Master Festivals and Special Events to ensure the success of such events, facilitate unusual pedestrian and vehicular traffic patterns, and secure necessary corporate sponsors; and

WHEREAS, such events are critical to the economic and cultural goals of the City as defined in the General Plan, the City Council's annual Vision Statement to be a World Class, Multi-Seasonal Destination Resort Community, and Principles 1, 3, 6 and 7; and

WHEREAS, the City has successfully and aggressively balanced the need for commercial signs and marks with the aesthetic beauty and charm of its historic districts and the mountain community generally, both of which are vital to the economic development and quality of life of the City; and

WHEREAS, the ski resorts and Master Festivals have special and unique needs to have sponsor vehicle displays and so long as such displays are conducted according to the standards and location criteria herein, the displays will not be contrary to the intent statement of Title 12, Sign Code, of the Municipal Code of Park City; and

WHEREAS, the City Council is adopting special, more-permissive regulations for Master Festivals and Special Events, but the City Council hereby finds that such signs must still be regulated to prevent visual clutter, ensure efficient pedestrian and vehicle traffic movements, and promote the resort character of the community.

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

Section I. Findings. The recitals above and the staff report are incorporated herein as findings in support of this ordinance.

Section II. Amendment. Title 12 Sign Code, of the Municipal Code of Park City is hereby amended as follows:

Chapter 1 – Definitions

(K) REPRODUCTION. An object that has been designed and built to resemble a product or service.

(V) PRIVATE PLAZA: Private property in excess of 1,000 square feet that generally serves as common area to adjoining commercial development and is free of structures, is hard surfaced and/or landscaped. Private plazas generally provide an area for pedestrian circulation, common amenities, and act as a gathering space for private or public purposes.

(W) SIGN. Sign shall mean and include every a display of an advertising message, usually written, including an announcement, declaration, demonstration, product reproduction display, illustration, insignia, surface or space erected or maintained in view of the observer thereof primarily for identification, advertisement, or promotion of the interest of any person, entity, product, or service, and visible from outdoors. The definition of a Sign shall also include the Sign structure, supports, lighting system, and any attachments, Flags, ornaments or other features used to draw the attention of observers.

Chapter 7 – Prohibited Signs

(E) REPRODUCTION. The use of an inanimate object that has been constructed to look like a smaller product or service for the purpose of advertisement or display is prohibited.

Chapter 8 – Signs Exempt From Permit Requirement.

(F) PRIVATE PLAZAS. Signs may be installed in Private Plazas pedestrian walkways may have signs without obtaining individual Sign Permits provided that such Signs on privately owned walls or installed on plazas that are so located as to be oriented internally to the plaza and not to public streets conform to an approved Master Sign Plan are not regulated, however building permits shall be required for installation and any necessary electrical service and lighting. mounting and wiring. Private plazas as part of a Master Planned Development must have an approved Master Sign Plan. Existing Signs in Private Plazas approved prior to March 19, 1998 do not need to come into conformance with the Sign Code and Master Sign Plan requirements, but all new Signs must be either individually approved or approved as an amendment to the Master Sign Plan. Signs oriented internally to the plaza and not to the public street or right of way shall not be subject to the limitations in Section 12-3-3(C).

Chapter 10 – Types of Temporary Signs

(A) BUSINESS NAME OF TENANT CHANGE SIGNS. Due to a change in business name or tenant, including temporary occupancy of an existing business by a convention sales license holder (pursuant to Section 4-3-9 of this Code) a temporary Sign is permitted as per the following regulations.

(1) **Size.** Business Name or Tenant Change Signs may occupy the same amount of area previously approved on a building or façade provided said area is consistent with this Title and the master sign plan for the property. ~~shall not exceed twenty-four square feet (24 sq. ft.) of area on the exposed Sign face~~ In no case shall Business Name or Tenant Change signs exceed the Sign area per Building Face when included within the Sign area calculation for all permanent Signs.

(2) **Height Limit.** All requirements as stated in this Title shall apply.

(3) **Number of Signs.** Persons seeking approval for Business Name or Temporary Change Signs are allowed the same number of signs previously approved on a building façade or through the Master Sign Plan. Additional Window Sign area may be used, but may not exceed the total Sign area allowed per Building Face.

(4) **Setback and Orientation.** Temporary Business Name or Tenant Change Signs are permitted in any district, provided that they comply with all size and setback requirements for the permanent Signs of similar nature.

(5) **Zoning Restrictions.** Temporary business Identification Signs are allowed in all Zoning Districts.

(6) **Design.** Temporary business Identification Signs materials shall be consistent with the requirements of Chapter 4-7 of this Title. ~~constructed of wood, metal, mounted on hardware of wood, painted metal or other similar material.~~ Sign mounting shall comply with the Uniform Sign Code's standards for installation.

(7) **Illumination.** Illumination of temporary business signs is prohibited unless lighting or other sources of illumination have been previously approved through an electrical permit.

Chapter 12 – Master Festival Sign Plan

CHAPTER 12. MASTER FESTIVAL AND SPECIAL EVENT SIGN PLAN.

12-12-1. SIGN PLAN REQUIRED. ~~Any person desiring permission to display temporary Banners and Signs related to an event on various dates at one location shall submit plans along with the application for a Master Festival License, which is issued by the City. Parameters and requirements are stated within the Master Festival License Application and shall be reviewed by the Planning Department prior to the issuance of a permit.~~

All Master Festival and Special Event Licensees desiring permission to display temporary Signs related to an approved Master Festival shall submit a Master Festival Sign Plan as part of the application for a Master Festival License. The Planning and Special Events and Facilities Departments shall review Master Festival Sign Plans for compliance with the standards below prior to permit issuance.

12-12-2. MASTER FESTIVAL BANNERS. The use of Banners identifying an event and/or Sponsor is allowed within the boundaries of the approved Master Festival Venue, subject to the following criteria:

- (1) **Size:** No individual Master Festival Banner may exceed 36 square feet in size.
- (2) **Number of Signs.** One Banner is allowed per Venue. Additionally, one Banner is allowed on the external façade of any building or structure within a Venue, including temporary structures. Staff may approve additional Banners within a Venue upon finding that the Banners contribute to the overall festival atmosphere or theme of the event consistent with the purpose and scope of Section 12-1-1, the design is consistent with Section 12-3-3(A) as applied to the event, and that any commercial advertising message is secondary to such look and feel design elements for the event. There is no limit on Banners within a fully enclosed structure.
- (3) **Setback and Orientation.** Master Festival Banners are allowed only on or within approved Venues.
- (4) **Zoning Restrictions.** Master Festival Banners are allowed within all zoning districts.
- (5) **Design.** Fluorescent colors and reflective surfaces are prohibited on Banners. Reflective colored materials that give the appearance of changing color are also prohibited. A matte or flat finish is required for all surfaces.
- (6) **Period of Display.** Master Festival Banners may be displayed only during the approved time of the Master Festival.
- (7) **Illumination.** Illumination of temporary business signs is prohibited.

12-12-3. SPECIAL EVENT BANNERS. The use of Banners is allowed within the boundaries of the approved Special Event Venue, subject to the following criteria:

- (1) **Size:** No individual Special Event Banner may exceed 36 square feet in size.
- (2) **Number of Signs.** One Banner is allowed per Venue. Additionally, one Banner is allowed on the external façade of any building or structure within a Venue, including temporary structures. Each Banner shall be consistent with Section 12-3-3(A) as applied to the event, and any commercial advertising message must be secondary to such look and feel design elements for the event.
- (3) **Setback and Orientation.** Special Event Banners are allowed to be oriented only within approved Venues.
- (4) **Zoning Restrictions.** Special Event Banners are allowed within all zoning districts.

- (5) **Design.** Fluorescent colors and reflective surfaces are prohibited on Banners. Reflective colored materials that give the appearance of changing color are also prohibited. A matte or flat finish is required for all surfaces.
- (6) **Period of Display.** Special Event Banners may be displayed only during the approved time of the Special Event.
- (7) **Illumination.** Illumination of temporary business signs is prohibited.

12-12-4. MASTER FESTIVAL DIRECTIONAL SIGNS. Municipal and/or event owned Directional signs in the form of Electronic Message Signs and Portable Signs, are allowed for the purpose of identifying and/or directing vehicular or pedestrian traffic to parking areas, transportation centers and venues.

12-12-5. MASTER FESTIVAL PROJECTION SIGNS. Temporary Projection Signs that are part of an approved Master Festival License may be allowed for the duration of the Master Festival permit, provided they are directed downward and the light source is shielded from any view but the intended mark of the Sign.

12-12-6. TEMPORARY SIGNS. Staff may approve Temporary Signs within a Master Festival or Special Event Venue upon finding that the Signs contribute to the overall resort atmosphere or theme of the event consistent with the purpose and scope of Section 12-1-1, the design is consistent with Section 12-3-3(A) as applied to the event, and that any commercial advertising message is secondary to such look and feel design elements for the event. There is no limit on Signs within a fully enclosed structure.

Chapter 14 – Outdoor Vehicle Displays

CHAPTER 14- OUTDOOR VEHICLE DISPLAYS

12-14-1. PURPOSE AND SCOPE. The City Council of Park City, Utah hereby finds that there is a substantial and compelling need to allow limited outdoor display of vehicles due to the unique relationship between vehicle sponsors of Master Festivals and the City's ski resorts. Such a need must be balanced with the City's aesthetic concerns as stated in section 12-1-1. Accordingly, the City shall only permit outdoor vehicle displays pursuant to the regulations stated herein. Such displays are not Signs and shall not count towards Sign square footage limitations, nor receive the benefit of Sign exemptions.

12-14-2. DISPLAY. Sponsor vehicles may be displayed subject to the following criteria:

- (1) The display is within: a) a Master Festival Venue; or b) a Ski Base Facility in the RC, RC-MPD or RD-MPD zones;
- (2) The display is consistent with the purpose and scope of Section 12-1-1, the design is consistent with Section 12-3-3(A) as applied to the orientation of the display which shall be generally to the interior of the Venue or Ski Base Facility, and that any commercial advertising message is secondary to such look and feel design elements for the event;

- (3) The display is only for the display of the vehicle; no additional solicitation or advertising is allowed as a consequence of the vehicle other than a Sign identifying the Sponsor not to exceed three square feet. The vehicle may be wrapped with additional design elements, ski team or athlete images so long as the wrap contributes to the overall resort atmosphere or theme of the ski area or event consistent with the purpose and scope of Section 12-1-1, the design is consistent with Section 12-3-3(A) as applied to the area or event, and that any commercial advertising message is secondary to such look and feel design elements;
- (4) The proposed vehicle display does not impede vehicular or pedestrian circulation;
- (5) The proposed vehicle display does not impede emergency Access or services.

Section III. Renumbering. Chapter 14 Appeals, of Title 12 of the Municipal Code of Park City is renumbered as Chapter 15 Appeals. All section headings for Definitions and any other section affected by the amendments herein shall be re-numbered accordingly.

Section IV Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 8th day of January, 2004.

PARK CITY MUNICIPAL CORPORATION



Dana Williams

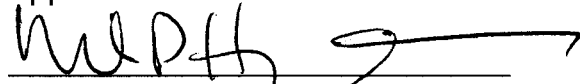
Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney