

Ordinance No. 03-50

AN ORDINANCE AMENDING TITLE 11, BUILDING AND BUILDING REGULATIONS, CHAPTER 15, PARK CITY LANDSCAPING AND MAINTENANCE OF SOIL COVER, OF THE MUNICIPAL CODE OF PARK CITY

WHEREAS, the presence of residential soils impacted with heavy metal constituents originating from historic mine tailings have been a cause for study and testing in regard to public health and environment; and

WHEREAS, the City, Environmental Protection Agency (EPA), and Utah Department of Environmental Quality (UDEQ) developed a series of scientific studies that focused on air, water, and health resulting with two EPA letters written in 1988 giving qualified approval of PCMC proposal for a local ordinance and the subsequent enacting of the ordinance; and

WHEREAS, the EPA has identified the existence of mine tailings with heavy metal constituents in the Prospector area of Park City and has made specific recommendations for mitigating any potential public health and environmental concerns; and

WHEREAS, the City Council of Park City, Utah, desires to take every reasonable and practical step to protect the health of its residents by implementing the EPA's recommendations to assure the continued health, safety, and welfare of the residents within park City.

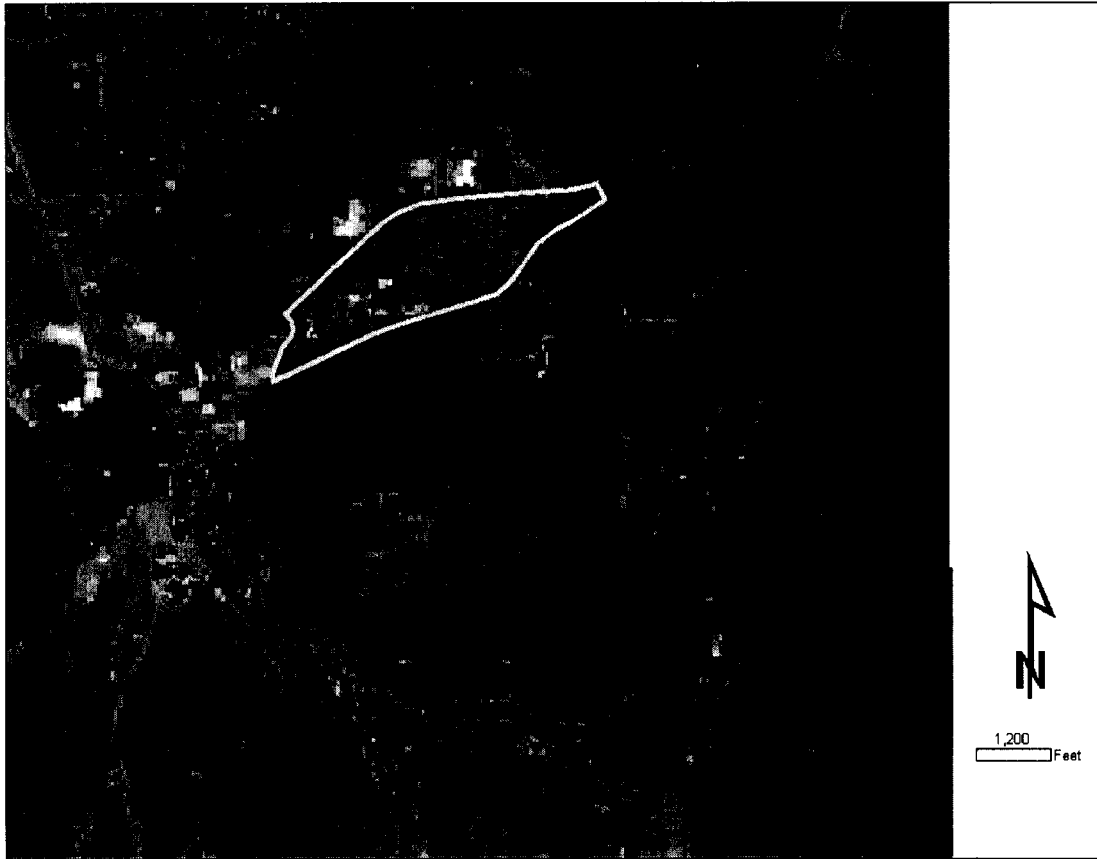
NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

Section I. Amendment. Title 11, Chapter 15 of the Municipal Code of Park City is hereby amended as follows:

CHAPTER 15 - PARK CITY LANDSCAPING AND MAINTENANCE OF SOIL COVER

11-15- 1. AREA.

This Chapter shall be in full force and effect only in that area of Park City, Utah, which depicted in the map below and accompany legal description, hereinafter referred to as the Soils Ordinance Boundary.



MAP OF AREA SUBJECT TO LANDSCAPING AND TOPSOIL REQUIREMENTS
(ORIGINAL MAP ON FILE IN THE CITY RECORDER'S OFFICE) and as described
as follows:

Beginning at the West 1/4 Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base & Meridian; running thence east along the center section line to the center of Section 10, T2S, R4E; thence north along the center section line to a point on the easterly Park City limit line, said point being South 00°04'16" West 564.84 feet from the north 1/4 Corner of Section 10 T2S, R4E; thence along the easterly Park City limit line for the following thirteen (13) courses: North 60°11'00" East 508.36'; thence North 62°56' East 1500.00'; thence North 41°00' West 30.60 feet; thence North 75°55' East 1431.27'; thence North 78°12'40" East 44.69 feet; thence North 53°45'47" East 917.79 feet; thence South 89°18'31" East 47.22 feet; thence North 00°01'06" East 1324.11 feet; thence North 89°49'09" West 195.80 feet; thence South 22°00'47" West 432.52'; thence South 89°40'28" West 829.07 feet; thence North 00°09'00" West 199.12 feet; thence West 154.34 feet to a point on the west line of Section 2 T2S, R4E; thence south on the section line to the southerly right-of-way line of State Route 248; thence westerly along said southerly right-of-way line to the easterly right-of-way line of State Route 224, also known as Park Avenue; thence southerly along the easterly line of Park Avenue to the west line of Main Street; thence southerly along the westerly line of Main Street to the northerly

line of Hillside Avenue; thence easterly along the northerly line of Hillside Avenue to the westerly line of Marsac Avenue, also known as State Route 224; thence northerly along the westerly line of Marsac Avenue to the westerly line of Deer Valley Drive; thence northerly along the westerly line of Deer Valley Drive, also known as State Route 224, to the southerly line of Section 9, T2S, R4E; thence easterly to the west line of Section 10, T2S, R4E; thence northerly to the point of beginning.

EXCEPTING THEREFROM all lots and parcels platted as Chatham Crossing Subdivision, Hearthstone Subdivision, Aerie Subdivision and Aerie Subdivision Phase 2, according to the official plats thereof recorded in the office of the Summit County Recorder.

11-15- 2. MINIMUM COVERAGE WITH TOPSOIL OR OTHER ACCEPTABLE MEDIA.

- (A) All real property within the Soils Ordinance Boundary must be covered and maintained with a minimum cover of six inches (6") of Approved Topsoil and acceptable cover described in Section 11-15-3 over soils exceeding the lead levels specified in Section 11-15-7, except where such real property is covered by asphalt, concrete, or permanent structures or paving materials.
- (B) AS USED IN THIS CHAPTER, "APPROVED TOPSOIL" IS SOIL THAT DOES NOT EXCEED 200 MG/KG (TOTAL) LEAD, REPRESENTATIVELY SAMPLED AND ANALYZED UNDER METHOD SW-846 6010.

11-15- 3. ~~VEGETATION~~ACCEPTABLE COVER.

~~All areas in the Area where real property is covered with six inches (6") or more of approved topsoil must be vegetated with plant material suitable to prevent erosion of topsoil.~~

- (A) All areas within the Soils Ordinance Boundary where real property is covered with six inches (6") or more of "Approved Topsoil" defined in Section 11-15-2 (B) must be vegetated with grass or other suitable vegetation to prevent erosion of the 6" topsoil layer as determined by the Building Department.
- (B) Owners that practice Xeriscape are allowed to employ a weed barrier fabric if the property is covered with six inches (6") of rock or bark and maintained to prevent soil break through.
- (C) AS USED IN THIS CHAPTER, "SOIL BREAK THROUGH" IS DEFINED AS SOIL MIGRATING THROUGH THE FABRIC AND COVER IN A MANNER THAT EXPOSES THE PUBLIC AND SHALL BE DEEMED IN VIOLATION OF THIS CHAPTER.
- (D) AS USED IN THIS CHAPTER, "XERISCAPE" IS DEFINED AS A

LANDSCAPING PRACTICE THAT USES PLANTS THAT GROW SUCCESSFULLY IN ARID CLIMATES AND A LANDSCAPING DESIGN INTENDED TO CONSERVE CITY WATER RESOURCES.

11-15- 4. ADDITIONAL LANDSCAPING REQUIREMENTS.

In addition to the minimum coverage of topsoil requirements set forth in Section 11-15-2 and the vegetation requirements set forth in Section 11-15-3, the following additional requirements shall apply:

(A) **FLOWER OR VEGETABLE PLANTING BED AT GRADE.** All flower or vegetable planting beds at grade shall be clearly defined with edging material to prevent edge drift and shall have a minimum depth of twenty-four inches (24") of approved topsoil so that tailings are not mixed with the soil through normal tilling procedures. Such topsoil shall extend twelve inches (12") beyond the edge of the flower or vegetable planting bed.

(B) **FLOWER OR VEGETABLE PLANTING BED ABOVE GRADE.** All flower or vegetable planting beds above grade shall extend a minimum of sixteen inches (16") above the grade of the six inches (6") of approved topsoil cover and shall contain only approved topsoil.

(C) **SHRUBS AND TREES.** All shrubs planted after the passage of this Chapter shall be surrounded by approved topsoil for an area, which is three times bigger than the rootball and extends six inches (6") below the lowest root of the shrub at planting. All trees planted after the passage of this Chapter shall have a minimum of eighteen inches (18") of approved topsoil around the rootball with a minimum of twelve inches (12") of approved topsoil below the lowest root of the tree.

11-15- 5. DISPOSAL OR REMOVAL OF AREA SOIL.

~~All soil disturbed or removed from Area, unless a representative sample tested at a State certified laboratory determines the soil is not a hazardous waste, shall be disposed of only at a facility approved by the Utah State Department of Health, or covered on site with six inches (6") of approved topsoil and re-vegetated as required by this Chapter.~~

(A) Following any work causing the disturbance of soils within the Soils Ordinance Boundary, such as digging, landscaping, and tilling soils, all disturbed soils must be collected and reintroduced onsite by either onsite soil capping specified in Section 11-15-2 or off-site disposal as required by this Chapter and/or State and/or Federal law.

(B) All soil generated from within the Soils Ordinance Boundary that cannot be reintroduced within the Soils Ordinance Boundary and are destined for off-site disposal must be sampled and characterized with representative sampling and

tested at a State Certified Laboratory.

(C) Soils exhibiting a hazardous characteristic exceeding the following Toxic Characteristic Leaching Procedure (TCLP) standards, must be managed as a hazardous waste and disposed of within a Utah Department of Environmental Quality permitted facility:

Arsenic – 5.0 mg/L (TCLP) Method 6010 B

Lead – 5.0 mg/L (TCLP) Method 6010 B

(D) Soils not failing the TCLP standards be disposed within a non-hazardous landfill facility providing a "Disposal Acceptance Letter" to the Building Department by the disposal facility.

(E) No soils generated within the Soils Ordinance Boundary are allowed to be exported for use as fill outside the Soils Ordinance Boundary.

(F) Reuse of generated soils within the Soils Ordinance Boundary is acceptable provided the receiving property is covered with six inches (6") of clean topsoil or covered with an acceptable media, (i.e. vegetation, bark, rock,) as required by this Chapter.

(G) Soils that are relocated within the Soils Ordinance Boundary must be pre-approved by the Building Department before being relocated and reused.

11-15- 6. DUST CONTROL.

Contractor or owner is responsible for controlling dust during the time between beginning of construction activity and the establishment of plant growth sufficient to control the emissions of dust from any site. Due care shall be taken by the contractor or owner, to protect workmen while working within the site from any exposure to dust emissions during construction activity by providing suitable breathing apparatus or other appropriate control.

11-15- 7. CERTIFICATE OF COMPLIANCE.

(A) Upon application by the owner of record or agent to the Park City Building Department and payment of the fee established by the department, the Park City Building Department shall inspect the applicant's property for compliance with this Chapter. When the property inspected complies with this Chapter, a Certificate of Compliance shall be issued to the owner by the Park City Building Department:

(B) Verifying soil cap depth and representative samples results that are equal to or below the following standards will result in full compliance and eligibility for the certificate:

Occupied Property – Lead 200 mg/Kg (Total) Method SW-846 6010

Vacant Property – Lead 1000 mg/Kg (Total) Method SW-846 6010

11-15- 8. ~~DISPOSAL~~ TRANSIT CENTER DISTURBANCE.

~~Any work that produces excess tailings not contained on the site, according to the standards set forth in this Chapter, must have a representative sample of the soil to be transported off the site tested by a State certified laboratory to determine if it is hazardous waste. If the excess soil is determined to be a hazardous waste, it must be transported to a disposal facility approved by the Utah State Health Department. Any work causing tailings to possibly be regenerated to the surface, such as digging, must collect and properly dispose of the tailings, either on site according to the standards set forth in this Chapter or off site as required by this Chapter and state and federal law.~~

All construction activity, utility modification, and landscaping that results in the breach of the installed protective cap or the generation of soils must be conducted in accordance to the implemented Site Management Plan, which is retained within the Building Department.

11-15- 9. ~~ENFORCEMENT~~ PROPERTY WITH KNOWN NON-COMPLIANT LEVELS OF LEAD

~~With the exception of new construction, which shall be inspected and required to comply in accordance with other City permitting and inspections, this Chapter shall be enforced through voluntary requests for inspections to obtain Certificates of Compliance. If a request is made for the Certificate of Compliance as set forth in Section 11-15-7, then the owner of the property shall be required to comply with the standards set forth in this Chapter.~~

(A) Property exceeding the lead levels defined in Section 11-15-7 that have been representatively sampled and have not been capped per Section 11-15-2 are required to comply with this Chapter by December 31st, 2004.

(B) Non-compliant lots exceeding the criteria within Section 11-15-7 will be sent two (2) warning notices in an effort to correct the non-compliance issue.

11-15-10. WELLS

All wells for culinary irrigation or stock watering use are prohibited in the Area.

11-15-11 NON-SAMPLED AND UNCHARACTERIZED LOTS.

(A) Lots that have not been characterized through representative sampling and are within the Original Soils Ordinance Boundary are required to be sampled by the year 2006.

(B) After the property has been sampled, lots exceeding the lead levels within Section 11-15-7 are required to comply with this Chapter within 12-month period.

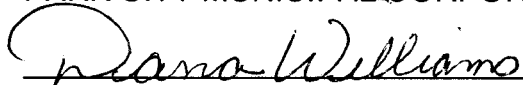
11-15-12. FAILURE TO COMPLY WITH CHAPTER.

Any person failing to landscape, maintain landscaping, control dust or dispose of tailings as required by this Chapter and/or to comply with the provisions of this Chapter shall be guilty of a Class B misdemeanor. Any person failing to comply with the provisions of this Chapter may be found to have caused a public nuisance as determined by the City Council of Park City, and appropriate legal action may be taken against that person.

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

PASSED AND ADOPTED this 11th day of December, 2003.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

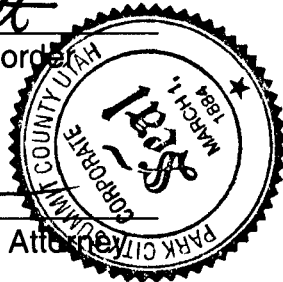


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 03-49

AN ORDINANCE APPROVING A PLAT AMENDMENT TO COMBINE TWO OLD TOWN LOTS (LOTS 15 AND 16, BLOCK 19 OF THE SNYDER'S ADDITION) AND AN ADJACENT PORTION OF VACATED (1987) NORFOLK AVENUE INTO A SINGLE LOT OF RECORD AT 1360 EMPIRE AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 1360 Empire Avenue 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 November 12, 2003, to receive input on the plat amendment;

WHEREAS, the Planning Commission, on November 12, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on December 4, 2003 the City Council approved the plat amendment; 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. 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 1360 Empire Avenue in the Recreation Commercial (RC) zoning district.
2. The property consists of two platted Old Town lots and a portion of adjacent vacated Norfolk Avenue.
3. Norfolk Avenue was vacated in 1987.
4. The amendment will combine all of said lots into a single lot of record. No remnant lots are created.
5. The applicant has agreed to dedicate the right-of-way as requested by the City Engineer.
6. The property is improved with an existing historic house and detached garage.
7. The plat amendment will not increase density on the lot.

8. The Planning Commission reviewed this application at its regular meeting of November 12, 2003, and forwards a positive recommendation.

Conclusions of Law:

1. There is good cause for the plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

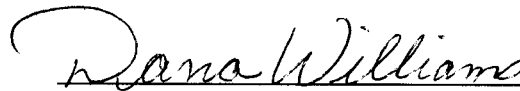
Conditions of Approval:

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 recordation.
2. Dedication of Empire Avenue right-of-way in conformance with the Park City Streets Master Plan is required. The front lot line will move to the right-of-way line as shown on the plat.
3. This approval shall expire one year from the date of City Council approval, unless this subdivision is recorded prior to that date.

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

PASSED AND ADOPTED this 4th day of December, 2003.

PARK CITY MUNICIPAL CORPORATION

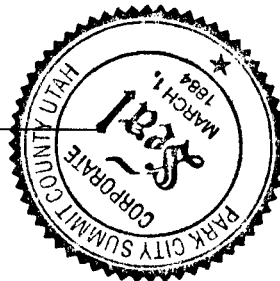


Dana Williams, MAYOR

ATTEST:



Janet M. Scott, City Recorder



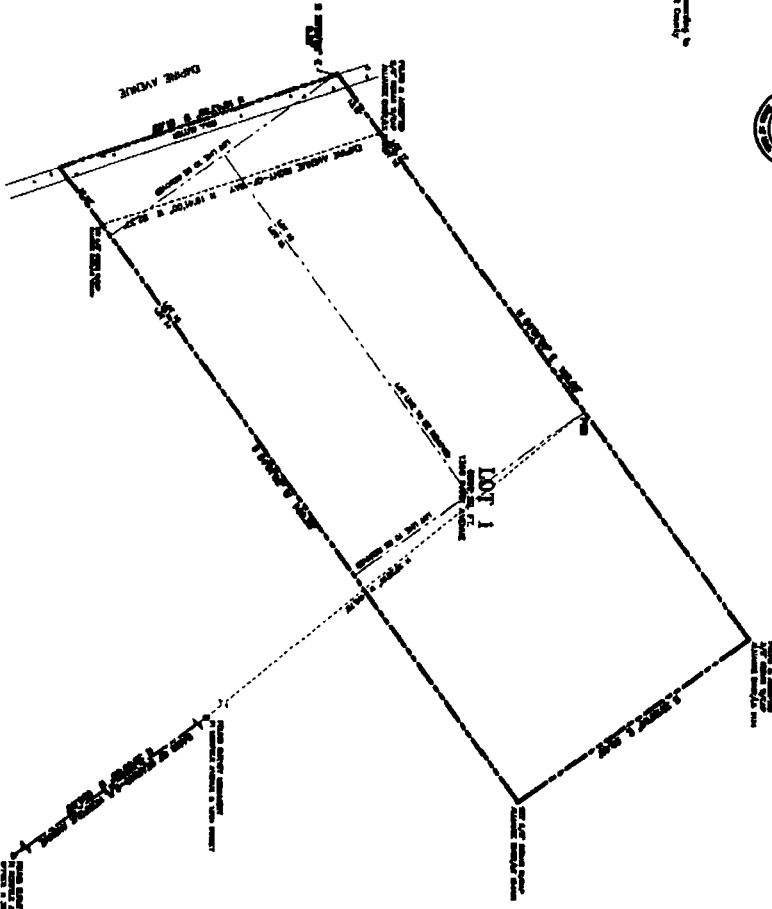
APPROVED AS TO FORM:



Mark Harrington, City Attorney

1. This Ordinance, when read in conjunction with the Ordinance of the City of Park City, Utah, relating to the subdivision of land, shall be construed to read as if the following provisions were included in the Ordinance of the City of Park City, Utah, relating to the subdivision of land:

SECTION 1. The City of Park City, Utah, hereby ordains, enacts, and passes the following Ordinance, to be known as the Ordinance of the City of Park City, Utah, relating to the subdivision of land:



1360 EMPIRE AVENUE SUBDIVISION

A PARCEL CONSOLIDATION PLAN

LOCATED IN BLOCK 18, SECTION 4, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASIN AND UTAH TERRITORY, PARK CITY, SARASOT COUNTY, UTAH

OWNER'S DECLARATION AND CONSENT TO RECORD

I, the undersigned, being the owner of the above described land, do hereby certify that I am the owner of the same and that I have no interest therein other than that which is herein declared. I hereby consent to the recording of this plan and the subdivision of the land into the lots hereinafter described, and I hereby authorize the recording of this plan and the subdivision of the land into the lots hereinafter described.

Executed on this _____ day of _____, 2003.

 My Signature

ABSTRACT

State of _____
 County of _____

Abstract of _____

Abstract of _____



AUG 15 2003

| | | | | |
|--|---|---|--|--|
| <p>APPROVED FOR RECORD</p> <p>RECORDED BY THE COUNTY CLERK OF SARASOT COUNTY, FLORIDA</p> <p>DATE OF RECORDING: _____</p> <p>BOOK AND PAGE: _____</p> | <p>APPROVED AS TO FORM</p> <p>APPROVED AS TO FORM THE _____</p> <p>DATE OF _____ 2003 A.D.</p> <p>BY _____</p> | <p>CERTIFICATE OF ATTORNEY</p> <p>I CERTIFY THAT THE SIGNATURE OF SAID PARTY HAS NOT BEEN VERIFIED BY THE CLERK OF SARASOT COUNTY, FLORIDA.</p> <p>DATE OF _____ 2003 A.D.</p> <p>BY _____</p> | <p>CONCURRENCE, APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE OF THE PARK CITY COUNCIL:</p> <p>DATE OF _____ 2003 A.D.</p> <p>BY _____</p> | <p>RECEIVED</p> <p>STATE OF UTAH, COUNTY OF SARASOT, AND THIS</p> <p>DATE OF _____ 2003</p> <p>BY _____</p> |
|--|---|---|--|--|

EXHIBIT A

Ordinance No. 03-48

**AN ORDINANCE APPROVING A FINAL SUBDIVISION FOR EAGLE POINTE IV,
PARK CITY, UTAH.**

WHEREAS, the owners of the property known as Eagle Pointe IV have petitioned the City Council for approval of the subdivision; 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 12, 2003, to receive input on the plat amendment;

WHEREAS, the Planning Commission, on November 12, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on December 4, 2003 the City Council approved the plat amendment; 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. 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 along Meadows Drive and is also known as the North Slope of the Quarry Mountain Master Planned Development (MPD). The property is zoned Residential Development - RD-MPD. The property is vacant.
2. On April 28, 1994, the Quarry Mountain MPD was approved along with the North Slope Preliminary Plat.
3. The April 28, 1994 preliminary plat approved 19 lots. The June 25, 2003 amended preliminary plat is for 16 development lots and two open space lots that will be dedicated to Park City Municipal Corporation.
4. The Planning Commission approved the amended preliminary plat on June 25, 2003.
5. Access from Meadows Drive is on a single road terminating in two cul-de-sacs. These streets will be dedicated to the City.
6. The streets exceed the recommended 650 foot length.

7. The decrease in the amount of grading and visual impact with the changed road configuration and fire sprinkling to a modified 13-D standard mitigates the over-length street.
8. Vehicular access to four adjoining property owners is granted by deed. A 20-foot wide easement is dedicated for abutting property owners.
9. Building pad sites are situated so that a standard height house for the zone (33 feet with a pitched roof) will not break the ridgeline from the designated vantage point.
10. Open Space Parcels One and Two are proposed to be dedicated to the City.
11. The Planning Commission reviewed this application at its regular meeting of November 12, 2003, and forwards a positive recommendation.

Conclusions of Law:

1. There is good cause for the subdivision.
2. Neither the public nor any person will be materially injured by the proposed subdivision.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.
4. The proposed final subdivision plat is consistent with the preliminary plat approved by the Planning Commission on June 25, 2003.

Conditions of Approval:


1. City Attorney and City Engineer review and approval of the subdivision for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. This approval shall expire one year from the date of City Council approval, unless this subdivision is recorded prior to that date.
3. A note shall be added to the plat requiring all homes to be fire sprinklered to the Modified 13-D standard.
4. The Conditions of Approval for the Quarry Mountain Master Planned Development remain in full force and effect.
5. Lots 58, 59, and 60 are to have a shared driveway.
6. Access to the four adjacent properties is by 20-foot wide easements. Access to the Desimone property shall closely follow the historical access in a manner acceptable to the City Engineer and Fire Marshall.

All trails identified in the Quarry Mountain MPD are required to be installed or financially secured for installation prior to first building permit of this last phase of the MPD.

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

PASSED AND ADOPTED this 4th day of December, 2003.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, MAYOR

ATTEST:



Janet M. Scott, City Recorder

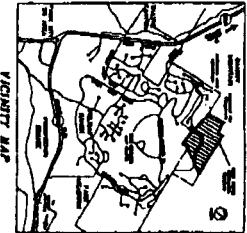
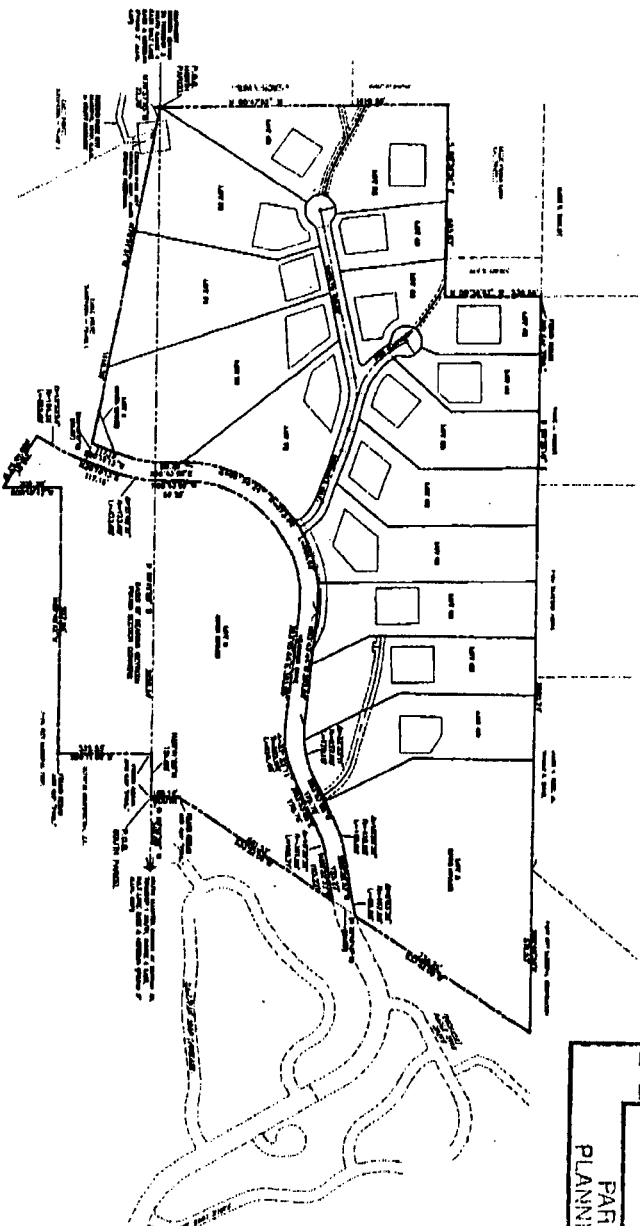


APPROVED AS TO FORM:



Mark D. Harrington, City Attorney

RECEIVED
 AUG 20 1960
 PARK CITY
 PLANNING DEPT.



NATURAL SURFACE STUDY
 EXHIBIT A

| NO. | DATE | BY | REMARKS |
|-----|---------|-----------|---------|
| 1 | 7/15/60 | J. H. ... | ... |
| 2 | 7/15/60 | J. H. ... | ... |
| 3 | 7/15/60 | J. H. ... | ... |
| 4 | 7/15/60 | J. H. ... | ... |
| 5 | 7/15/60 | J. H. ... | ... |
| 6 | 7/15/60 | J. H. ... | ... |
| 7 | 7/15/60 | J. H. ... | ... |
| 8 | 7/15/60 | J. H. ... | ... |
| 9 | 7/15/60 | J. H. ... | ... |
| 10 | 7/15/60 | J. H. ... | ... |

NOTES:

1. The subdivision is shown on the attached map and is subject to the following conditions:
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GENERAL NOTES:

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10. The subdivision is shown on the attached map and is subject to the following conditions:

REMARKS:

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REMARKS:

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EAGLE POINTE SUBDIVISION
PHASE IV

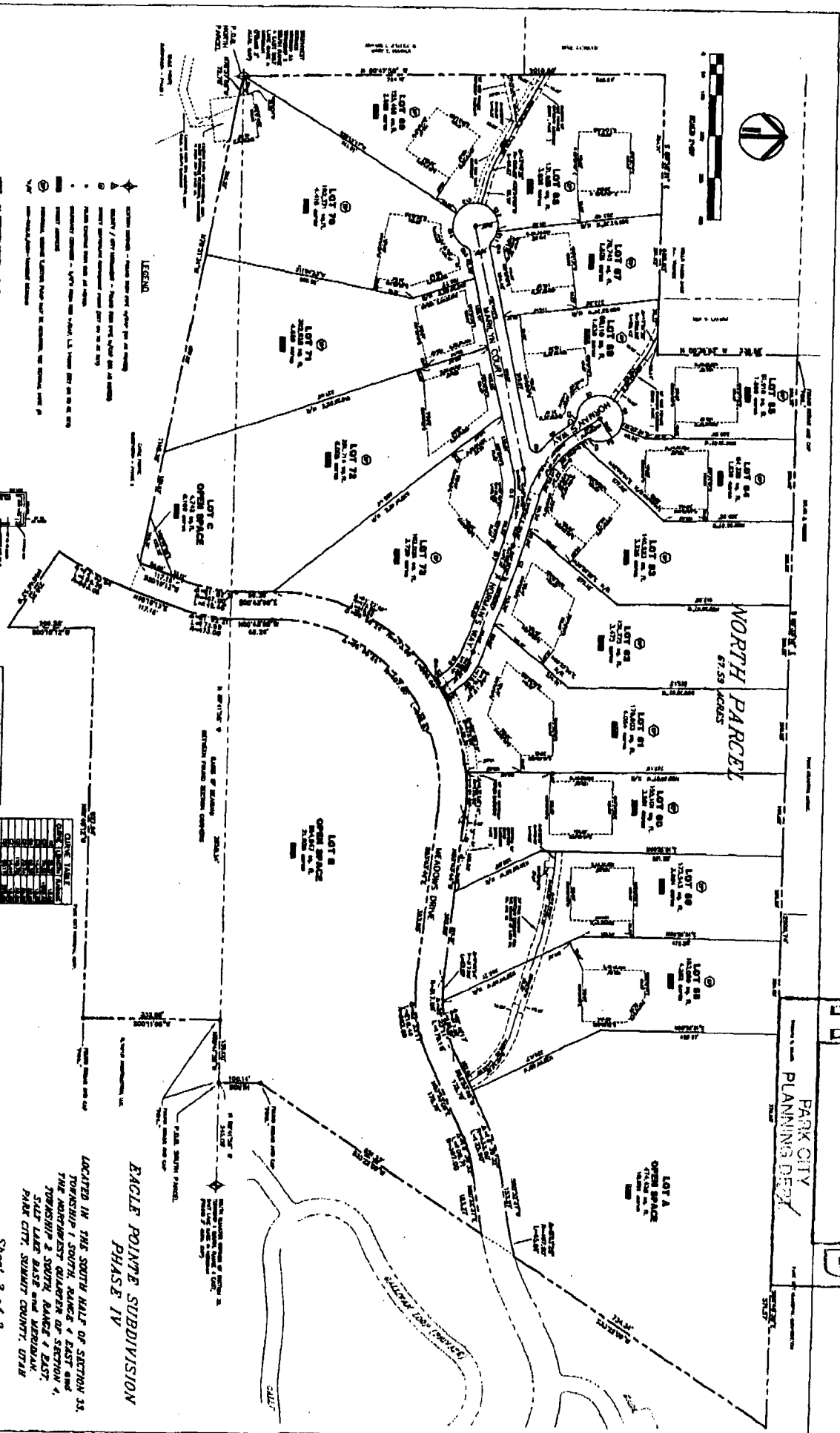
LOCATED IN THE SOUTH HALF OF SECTION 32,
 TOWNSHIP 1 SOUTH, RANGE 4 EAST, and
 THE NORTHWEST QUARTER OF SECTION 4,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST,
 SALT LAKE BASIN and MERIDIAN,
 PARK CITY, SOUTHWEST COUNTY, UTAH

Sheet 1 of 2

| | | | | | | |
|--|---------------------------------|-----------------------------------|----------------------|---------------------|----------------------------|-----------------|
| CITY ASSESSOR | CITY PLANNING COMMISSION | WATER RECLAMATION DISTRICT | CITY ENGINEER | CITY COUNCIL | APPROVAL AS TO FORM | RECORDED |
| | | | | | | |
| <p>JACK JOHNSON COMPANY</p> <p>PLANNING ENGINEERS</p> | | | | | | |

EXHIBIT A

RECEIVED
 APR 29 1968
 PARK CITY PLANNING DEPT.



| LOT | AREA | USE |
|--------|------------|-------------|
| LOT 70 | 1.50 AC. ± | OPEN SPACE |
| LOT 71 | 0.75 AC. ± | RESIDENTIAL |
| LOT 72 | 1.50 AC. ± | OPEN SPACE |
| LOT 73 | 0.75 AC. ± | RESIDENTIAL |
| LOT 74 | 1.50 AC. ± | OPEN SPACE |
| LOT 75 | 0.75 AC. ± | RESIDENTIAL |
| LOT 76 | 1.50 AC. ± | OPEN SPACE |
| LOT 77 | 0.75 AC. ± | RESIDENTIAL |
| LOT 78 | 1.50 AC. ± | OPEN SPACE |
| LOT 79 | 0.75 AC. ± | RESIDENTIAL |
| LOT 80 | 1.50 AC. ± | OPEN SPACE |

| LOT | AREA | USE |
|--------|------------|-------------|
| LOT 70 | 1.50 AC. ± | OPEN SPACE |
| LOT 71 | 0.75 AC. ± | RESIDENTIAL |
| LOT 72 | 1.50 AC. ± | OPEN SPACE |
| LOT 73 | 0.75 AC. ± | RESIDENTIAL |
| LOT 74 | 1.50 AC. ± | OPEN SPACE |
| LOT 75 | 0.75 AC. ± | RESIDENTIAL |
| LOT 76 | 1.50 AC. ± | OPEN SPACE |
| LOT 77 | 0.75 AC. ± | RESIDENTIAL |
| LOT 78 | 1.50 AC. ± | OPEN SPACE |
| LOT 79 | 0.75 AC. ± | RESIDENTIAL |
| LOT 80 | 1.50 AC. ± | OPEN SPACE |

**EAGLE POINTE SUBDIVISION
 PHASE IV**
 LOCATED IN THE SOUTH HALF OF SECTION 35,
 TOWNSHIP 4 SOUTH, RANGE 4 EAST AND
 THE ADVANCEMENT OF SECTION 4,
 TOWNSHIP 3 SOUTH, RANGE 4 EAST,
 SLIP LANE 152E AND 152W,
 PARK CITY, SURET COUNTY, UTAH

Sheet 2 of 2

RECORDED

JACK JOHNSON COMPANY

PLANNING DEPARTMENT

Ordinance No. 03-47

**AN ORDINANCE AMENDING TITLE 9, PARKING CODE, SECTION 9-2-4,
PARKING FOR CERTAIN PURPOSES PROHIBITED, OF THE MUNICIPAL
CODE OF PARK CITY**

WHEREAS, similar sections have been struck down as unconstitutional;
and

WHEREAS, most other jurisdictions in Utah have repealed similarly
worded sections; and

WHEREAS, improper use of public parking facilities may be regulated by
other parking regulations.

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

Section I. Amendment. Title 9 Parking Code, Section 9-2-4, of the Municipal
Code of Park City is hereby amended as follows:

9-2-4. PARKING FOR CERTAIN PURPOSES PROHIBITED.

It shall be unlawful to park a vehicle on any street or within any public parking
facility for the following purposes.

~~(A)~~ Displaying the vehicle for sale;

~~(B)~~(A) Greasing, servicing, or repairing the vehicle, except to the extent
necessary under emergency conditions to move a disabled vehicle;

~~(C)~~ Displaying of advertising, or any commercial promotional activity, whether
free or for charge, such as real estate or timeshare information, merchandise or
art display, or display of movies, videos, or DVDs within or on a vehicle;

~~(D)~~(B) Selling food or other merchandise, or soliciting orders for food or
merchandise, except when properly licensed by Park City to do so.

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

PASSED AND ADOPTED this day of **December, 2003.**

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. 03-46

**AN ORDINANCE APPROVING A PLAT AMENDMENT TO COMBINE ALL OF LOTS
31 AND 32, BLOCK 55 OF THE PARK CITY SURVEY
LOCATED AT 405 ONTARIO AVENUE**

WHEREAS, the owner of the property known as 405 Ontario 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 November 12, 2003 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 larger contemporary residences and smaller historic homes.
3. The plat amendment will combine all of Lots 31 and 32 of Block 55 of the Park City Survey into one lot of record.
4. The purpose of the plat is to allow construction of an addition to the existing historic home on the site.
5. The plat amendment will create a lot of 3,750 square feet.
6. In addition to the historic home on the site, a contemporary single-family structure also exists. The Kincaid Family owns both homes. A condominium conversion would be required if the Kincaid's ever wished to sell either structure separately.
7. Access to the contemporary home is from Ontario Avenue. Access is provided to the historic structure via the 4th Street Stairs. It has no parking or legal access to an improved City street.
8. The certified survey of the land shows a minor encroachment onto the site near the northwest corner in the form of a concrete walkway. The applicant is encroaching to the south onto the 4th Street right-of-way with stairs to the front

- porch, and also with a few small retaining walls.
9. No remnant lots will be created as a result of this application.
 10. The Planning Commission forwarded a unanimous recommendation to approve this plat amendment at their November 12, 2003 meeting

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.

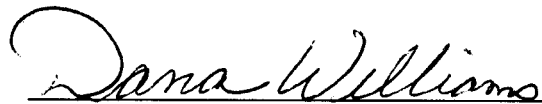
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

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. 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. Any existing or future encroachments will require an encroachment permit prior to issuance of full building permits.
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 November, 2003.

PARK CITY MUNICIPAL CORPORATION

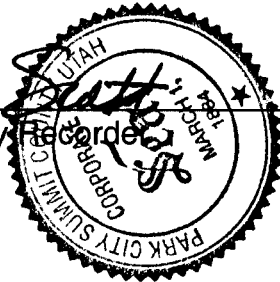


Dana Williams, Mayor

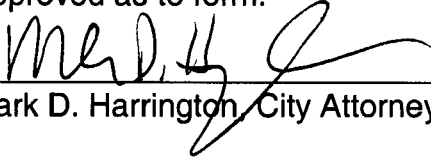
Attest



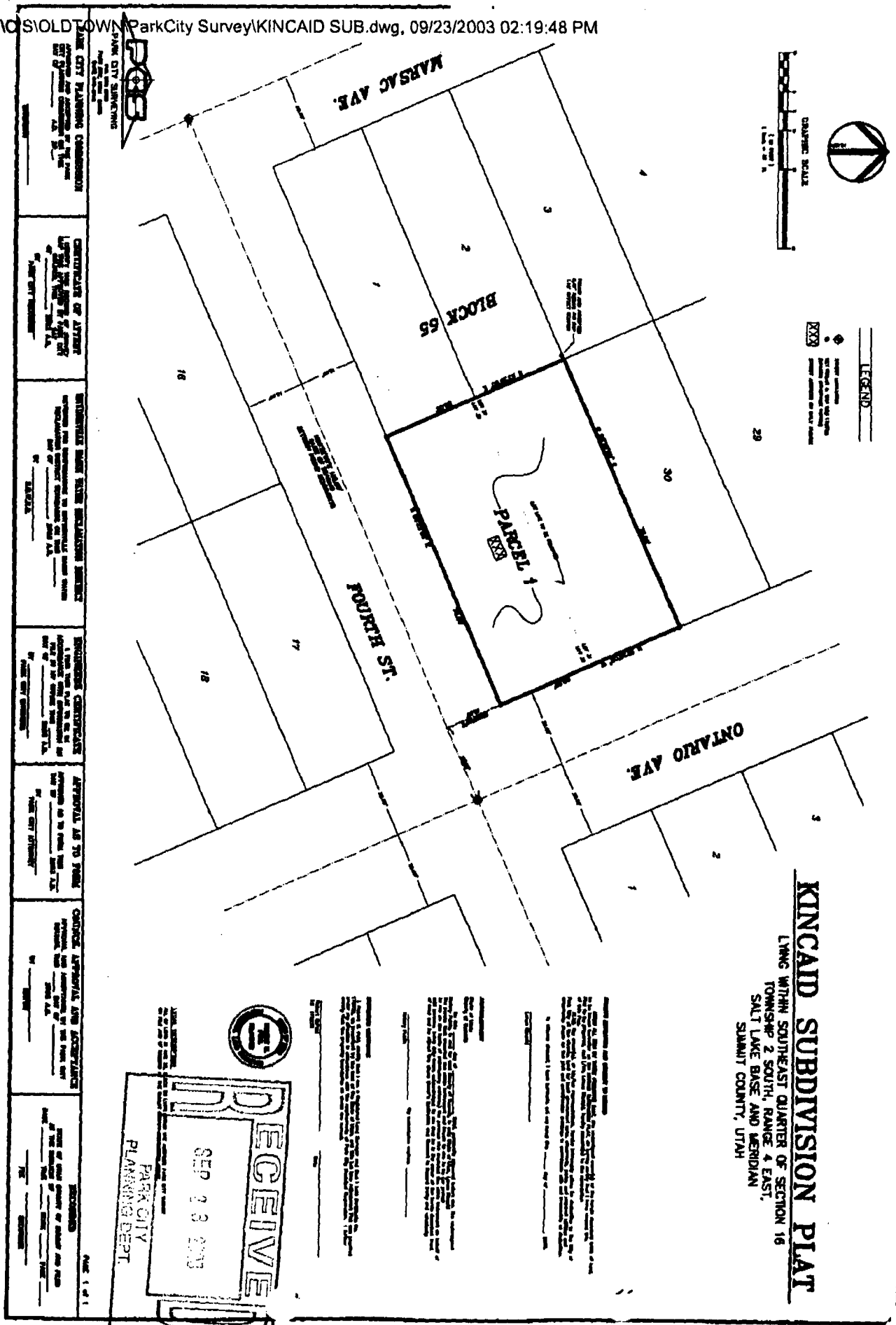
Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney



LEGEND

- ◆ Survey boundary
- Center of curve
- XXX Proposed subdivision

KINCAID SUBDIVISION PLAT
 LYING WITHIN SOUTHEAST QUARTER OF SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST,
 SALT LAKE BASE AND MERIDIAN
 SUMMIT COUNTY, UTAH

PARK CITY PLANNING COMMISSION
 APPROVAL AS TO PLANNING AND ZONING
 I, _____, Mayor of Park City, Utah, do hereby certify that the above described subdivision complies with the provisions of the Park City Planning Ordinance, Chapter 10, and the provisions of the Utah Subdivision Map Act, Chapter 67, and the provisions of the Utah State Constitution, Article 10, Section 20.

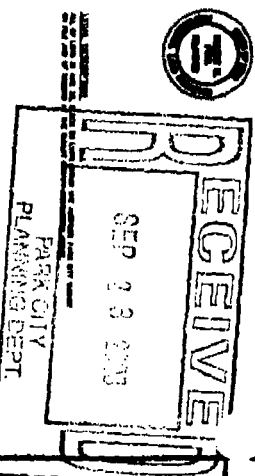
CERTIFICATE OF ATTENT
 I, _____, City Engineer of Park City, Utah, do hereby certify that the above described subdivision complies with the provisions of the Park City Planning Ordinance, Chapter 10, and the provisions of the Utah Subdivision Map Act, Chapter 67, and the provisions of the Utah State Constitution, Article 10, Section 20.

APPROVAL AS TO PUBLIC UTILITIES
 I, _____, City Engineer of Park City, Utah, do hereby certify that the above described subdivision complies with the provisions of the Park City Planning Ordinance, Chapter 10, and the provisions of the Utah Subdivision Map Act, Chapter 67, and the provisions of the Utah State Constitution, Article 10, Section 20.

APPROVAL AS TO PUBLIC UTILITIES
 I, _____, City Engineer of Park City, Utah, do hereby certify that the above described subdivision complies with the provisions of the Park City Planning Ordinance, Chapter 10, and the provisions of the Utah Subdivision Map Act, Chapter 67, and the provisions of the Utah State Constitution, Article 10, Section 20.

APPROVAL AS TO PUBLIC UTILITIES
 I, _____, City Engineer of Park City, Utah, do hereby certify that the above described subdivision complies with the provisions of the Park City Planning Ordinance, Chapter 10, and the provisions of the Utah Subdivision Map Act, Chapter 67, and the provisions of the Utah State Constitution, Article 10, Section 20.

APPROVAL AS TO PUBLIC UTILITIES
 I, _____, City Engineer of Park City, Utah, do hereby certify that the above described subdivision complies with the provisions of the Park City Planning Ordinance, Chapter 10, and the provisions of the Utah Subdivision Map Act, Chapter 67, and the provisions of the Utah State Constitution, Article 10, Section 20.



Ordinance No. 03-45

AN ORDINANCE APPROVING A PLAT AMNEDMENT TO COMBINE THREE OLD TOWN LOTS (29, 30, and 31 of Block 76 Millsite Reservation) AT 85 KING ROAD, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 85 King Road 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 September 24, 2003, to receive input on the plat amendment;

WHEREAS, the Planning Commission, on September 24, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 9, 2003 the City Council approved the plat amendment; 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. 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 findings discussed in the analysis section of this report are incorporated herein.
2. The property is located at 85 King Road (platted Sampson Ave) in the Historic Residential Low density (HRL) zone.
3. The property consists of three platted, non-conforming Old Town lots.
4. The amendment will combine all of said lots into a single lot of record to allow for the proposed development of the property. No remnant lots are created.
5. The total square footage of the subject property is 4,079 square feet.
6. The required side yard setback for a lot in the HRL zone having a width greater than 75 feet is a minimum 10 feet and a total of 24 feet.
7. The proposed project will also require Conditional Use Permit (for development on steep slope), and Historic District Design review and approval pending the outcome of

of this plat amendment request.

8. The plat amendment will not increase density on the lot.
9. The Planning Commission heard this application at its regular meeting of September 24, 2003 and forwards a positive recommendation.

Conclusions of Law:

1. There is good cause for the plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

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 recordation.
2. Construction of the proposed dwelling (as submitted concurrently by the applicant under the pending CUP/Development on a Steep Slope application shall require the necessary approvals by the City prior to the issuance of any building permits.
3. A note shall be added to the plat stating all setback requirements for the newly created lot as stipulated by the LMC.
4. If an accessory apartment is desired, a separate Conditional Use Permit is required.
5. This approval shall expire one year from the date of City Council approval, unless this Plat Amendment is recorded prior to that date.
6. A ten-foot (10') snow storage easement is required along King Road.

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

PASSED AND ADOPTED this 9th day of October, 2003.

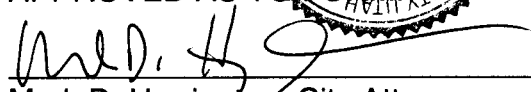
PARK CITY MUNICIPAL CORPORATION

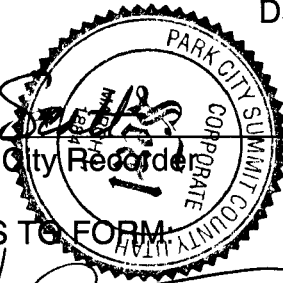

Dana Williams, MAYOR

ATTEST:


Janet M. Scott, City Recorder

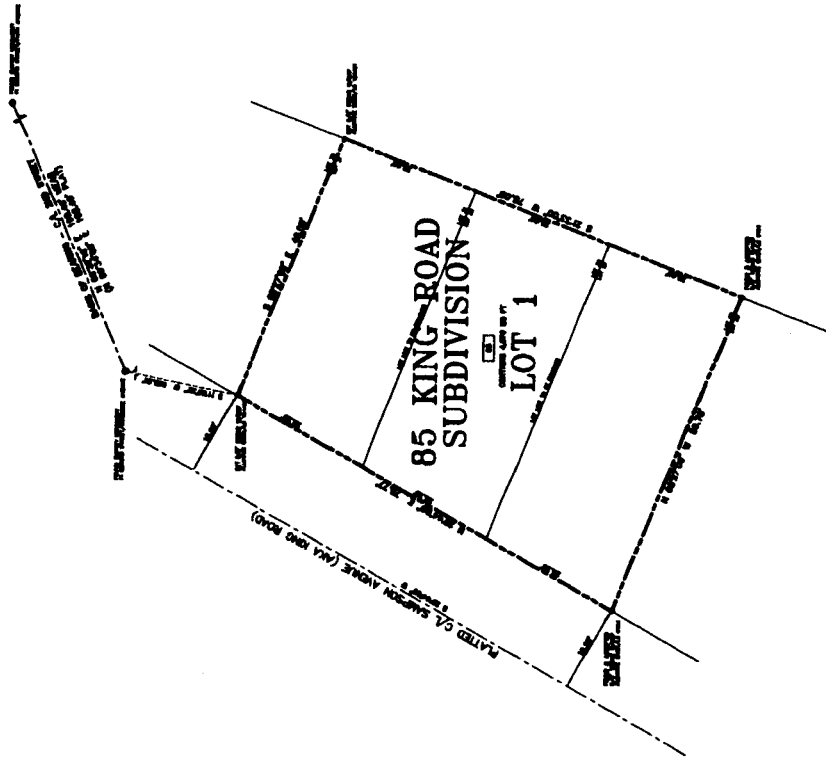
APPROVED AS TO FORM


Mark D. Harrington, City Attorney





DIVISION OF LAND
 STATE OF UTAH
 DEPARTMENT OF HERITAGE AND ARTS
 DIVISION OF LAND
 260 WEST CENTER STREET, SUITE 200
 SALT LAKE CITY, UTAH 84103
 (801) 536-8700



A LOT COMBINATION PLAN
 A COMBINATION OF LOTS 29-31 IN BLOCK 76, PARK CITY SURVEY

85 KING ROAD SUBDIVISION

LOCATED IN SECTION 18
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERRIDIAN
 PARK CITY, SAMMIT COUNTY, UTAH

OWNER'S DEDICATION AND CONSENT TO RECORD

I, the undersigned, do hereby certify that I am the owner of the above described land and that I own the same in fee simple and unencumbered. I do hereby dedicate and consent to record the above described land for the use and benefit of the public as shown on the attached plat, and I do hereby consent to the recording of the same in the public records of the State of Utah.

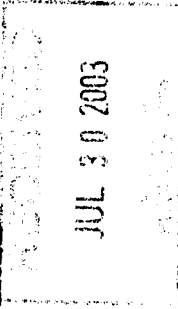
By _____

ACKNOWLEDGMENT

Before me, the undersigned authority, on this _____ day of _____, 2003, the within and foregoing instrument was acknowledged to me by _____, 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.

My commission expires _____

NOTE: [] Record information on this form



| | | | | | | | |
|--|---|--|---|--|--|--|-----------------------------|
| 85 KING ROAD SUBDIVISION RECORDED STATE OF UTAH, COUNTY OF SAMMIT, AND FILED AT THE OFFICE OF THE CLERK OF THE COURT DATE _____ TIME _____ BOOK _____ PAGE _____ | COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ 2003 A.D. BY _____ | CERTIFICATE OF ATTEST I HEREBY CERTIFY THAT THE ABOVE DESCRIBED INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE COURT ON _____ DAY OF _____ 2003 A.D. BY _____ | APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____ 2003 A.D. BY _____ | ENGINEER'S CERTIFICATE I FIND THE PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____ 2003 A.D. BY _____ | PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____ 2003 A.D. BY _____ | BUTTERVILLE DAM WATER RECLAMATION DISTRICT REVERSED FOR COMPLIANCE TO BUTTERVILLE DAM WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ 2003 A.D. BY _____ | _____ _____ _____ |
|--|---|--|---|--|--|--|-----------------------------|

When recorded return to:
PCMC
Attn: City Recorder
PO Box 1480
Park City UT 84060

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

ORDINANCE NO. 03-44

**AN ORDINANCE ACCEPTING THE PUBLIC IMPROVEMENTS
AT EAGLE POINTE PHASE 3 SUBDIVISION, THE COVE AT EAGLE MOUNTAIN
PHASE 2 SUBDIVISION, AND A PORTION OF MEADOWS DRIVE**

WHEREAS, Eagle Pointe Phase 3 was approved by the Park City Council on September 2, 1999; The Cove at Eagle Mountain Phase 2 was approved by Council on January 11, 2001; and a portion of Meadows Drive was approved by Council on March 22, 2001; and

WHEREAS, construction of the public improvements has been accomplished by the developer, including the public streets known as Eagle Landing Court and Meadows Drive; and

WHEREAS, Park City has adopted Land Management Code Section 15-7.2-3, which provides for the City Council to accept (by Ordinance) those public improvements which are dedicated and built in accordance with the requirements of Title 15 Chapter 7 of the Land Management Code; and

WHEREAS, the public improvements within the developments described above were installed in accordance with the ordinances in effect at the time of plat recordation, and have been duly inspected by the City Engineer.

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

SECTION 1. PUBLIC IMPROVEMENTS. The City hereby accepts from the developer all public improvements at Eagle Pointe Phase 3, The Cove at Eagle Mountain Phase 2, and Meadows Drive, which were intended for City Ownership, subject to the developer's warranty of these improvements for one year following the adoption of this ordinance. A financial guarantee shall remain in place for the one-year guarantee period as follows: Eagle Pointe Phase 3, \$60,825.00; The Cove at Eagle Mountain Phase 2, \$149,675.00; and Meadows Drive, \$140,400.00. The form of the financial guarantee shall be acceptable to the City Attorney.

SECTION 2. SNOWPLOWING AND LANDSCAPE MAINTENANCE. The City shall plow snow within Eagle Landing Court only when 50% of the lots contain legally occupied houses, and only as a Third Priority. The City shall not plow or otherwise maintain any private roads.

00680917 Bk01584 Pg00295-00296
ALAN SPRIGGS, SUMMIT CO RECORDER
2003 NOV 21 14:09 PM FEE \$.00 BY DMG
REQUEST: PARK CITY MUNICIPAL CORP

BK1584 PG0295

SECTION 3. EFFECTIVE DATE. This ordinance shall be effective upon adoption by Council and publication.

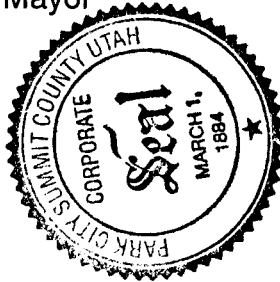
PASSED AND ADOPTED THIS 6th day of November, 2003.

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. 03-43

AN ORDINANCE APPROVING AN AMENDMENT TO THE LITTLE BELLE CONDOMINIUMS RECORD OF SURVEY PLAT TO EXPAND THE PRIVATE OWNERSHIP AREA OF UNIT 20 OF THE LITTLE BELLE CONDOMINIUMS

WHEREAS, the owner, of Unit 20 of the property known as Little Belle Condominiums, have petitioned the City Council for approval of a subdivision plat; 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 22, 2003, 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 owners to expand the private ownership area of unit 20; 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 condominium units known as Units 20 of the Little Belle Condominiums is located at 7160 Little Belle Court which is zoned RD-MPD.
2. The proposed amended record of survey adds private living space and changes limited common and common area to private ownership.
3. A vote exceeding 66.66% for approval of the amendment was received by the members of the Homeowners association; record of this vote has been received by the Planning Department.
4. The Planning Commission reviewed this application request and forwarded a positive recommendation to the City Council at their October 22, 2003 meeting.
5. The addition will not encroach into the required setbacks for the project.
6. The addition will not leave the project below the required 60% open space for an MPD.
7. The number of bedrooms does not increase.
8. No additional parking is required as a result of this floor area expansion.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following 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.

SECTION 3. CONDITIONS OF APPROVAL. The proposed subdivision plat attached as Exhibit A is hereby adopted with 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 recording 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 of approval date, this approval and the plat will be void.
3. All other conditions of approval of the Little Belle Condominiums MPD apply.

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

PASSED AND ADOPTED this 30th day of October, 2003.

PARK CITY MUNICIPAL CORPORATION



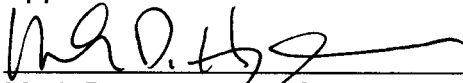
Mayor Dana Williams

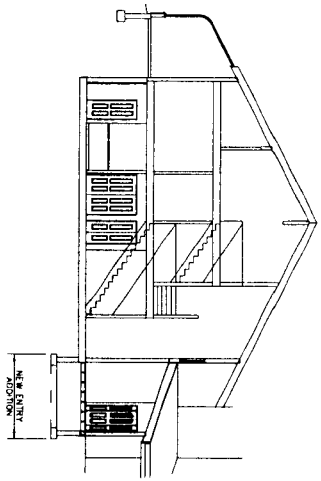
Attest:


Janet M. Scott, City Recorder

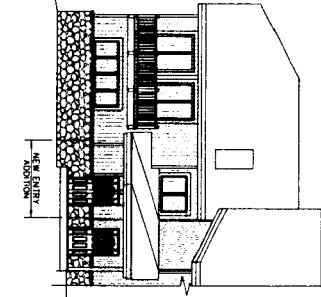


Approved as to form:

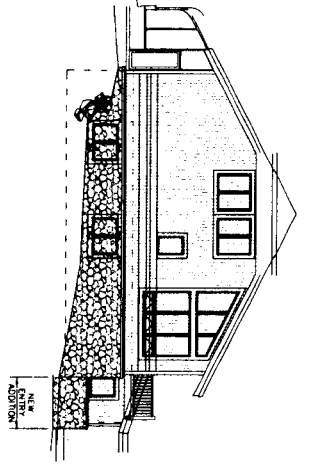

Mark D. Harrington, City Attorney



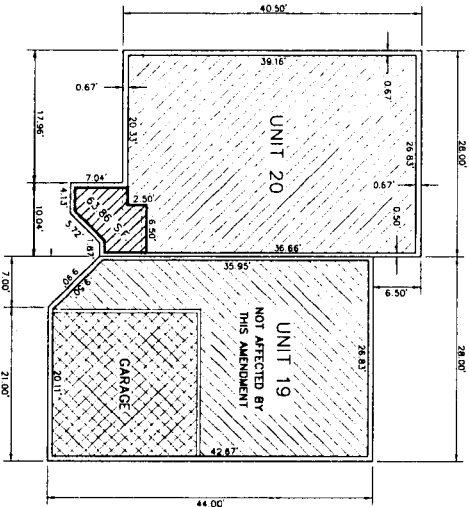
SECTION - LOOKING SOUTH
SCALE 1/8"=1'-0"



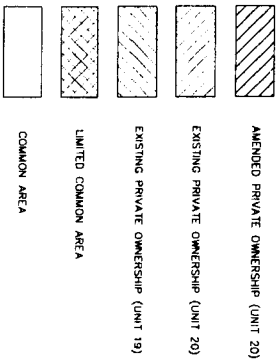
WEST ELEVATION
SCALE 1/8"=1'-0"



NORTH ELEVATION
SCALE 1/8"=1'-0"



LOWER LEVEL FLOOR PLAN
SCALE 1/8"=1'-0"



AMENDED UNIT No. 20
LITTLE BELLE CONDOMINIUMS
A Utah Condominium Project
LOCATED IN NORTHEAST QUARTER OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASIN AND MERRIDIAN
PARK CITY, SOUMTH COUNTY, UTAH

SHEET 1 OF 1

PROJECT DESCRIPTION:
The Little Belle Condominiums, located in December 21, 1981, as shown on the plat of the Little Belle Condominiums, recorded in Salt Lake County Records 1-1894, and its amended version.

AMENDMENT NOTE:
The purpose of this amendment is to amend the Declaration of Condominiums for the Little Belle Condominiums, recorded in Salt Lake County Records 1-1894, as amended, to provide for the addition of Unit 20 to the Little Belle Condominiums. The amendment is effective as of the date of recording of this amendment in Salt Lake County Records.

AMENDMENT CERTIFICATE:
I, David J. Johnson, as the duly authorized attorney-in-fact for the Little Belle Condominiums, do hereby certify that I am the owner of the Little Belle Condominiums, as shown on the plat of the Little Belle Condominiums, recorded in Salt Lake County Records 1-1894, as amended, and that the amendment described herein is a valid and enforceable amendment to the Declaration of Condominiums for the Little Belle Condominiums.

CONSENT TO RECORD:
I, David J. Johnson, as the duly authorized attorney-in-fact for the Little Belle Condominiums, do hereby consent to the recording of this amendment in Salt Lake County Records. I understand that the recording of this amendment is a public act and that it will be a part of the public records of Salt Lake County, Utah.

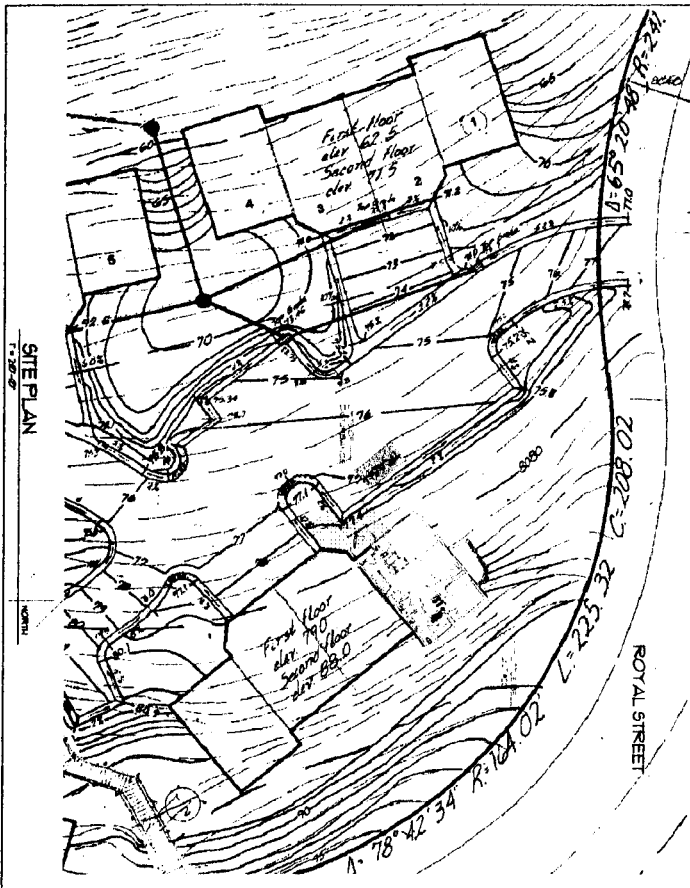
ACKNOWLEDGEMENT:
I, David J. Johnson, as the duly authorized attorney-in-fact for the Little Belle Condominiums, do hereby acknowledge that I have read and understand the contents of this amendment and that I have signed this amendment voluntarily and without any duress, coercion, or undue influence.

CONSENT TO RECORD:
The undersigned, David S. Gentry and Tim Gentry, jointly and severally, as the owners of Unit 20, do hereby consent to the recording of this amendment in Salt Lake County Records. I understand that the recording of this amendment is a public act and that it will be a part of the public records of Salt Lake County, Utah.

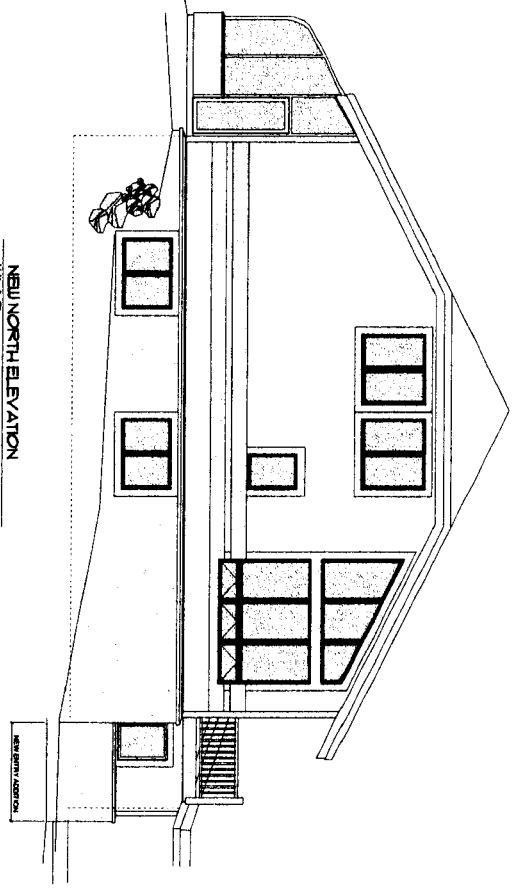
ACKNOWLEDGEMENT:
I, David S. Gentry and Tim Gentry, as the owners of Unit 20, do hereby acknowledge that I have read and understand the contents of this amendment and that I have signed this amendment voluntarily and without any duress, coercion, or undue influence.

| | | | | | |
|---|--|--|--|---|---|
| <p>CITY PLANNING COMMISSION</p> <p>APPROVED AND ACCEPTED BY THE PLANNING COMMISSION ON THIS DATE OF _____ 2003</p> | <p>WATER RECLAMATION DISTRICT</p> <p>REQUIRED FOR COMPLIANCE TO MINIMUM WATER RECLAMATION DISTRICT STANDARDS ON THIS DATE OF _____ 2003</p> | <p>CITY ENGINEER</p> <p>REQUIRED FOR COMPLIANCE WITH MINIMUM STANDARDS IN THE PLANNING COMMISSION DEPARTMENT ON THIS DATE OF _____ 2003</p> | <p>CITY COUNCIL</p> <p>REQUIRED TO THE PLANNING COMMISSION DATE OF _____ 2003</p> | <p>APPROVAL AS TO FORM</p> <p>DATE OF _____ 2003</p> | <p>RECORDED</p> <p>ENTERED IN BOOK _____ COUNTY OF _____ DATE _____ RECORDED AND FILED AT THE REQUEST OF COUNTY RECORDER</p> |
| <p>_____ CITY PLANNING COMMISSION</p> | <p>_____ WATER RECLAMATION DISTRICT</p> | <p>_____ CITY ENGINEER</p> | <p>_____ CITY COUNCIL</p> | <p>_____ APPROVAL AS TO FORM</p> | <p>_____ RECORDED</p> |

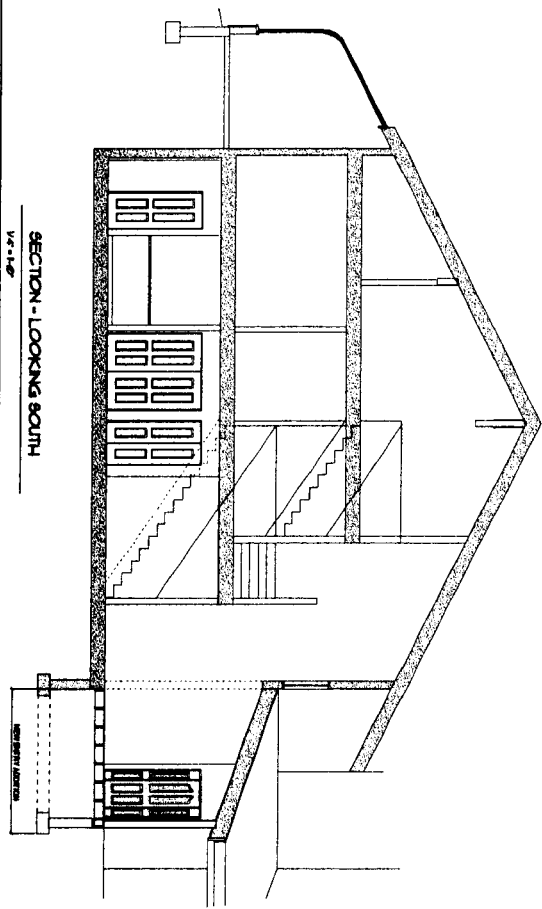
JACK JOHNSON COMPANY
1100 South Main Street, Suite 200
Salt Lake City, Utah 84143
Tel: (801) 521-1100



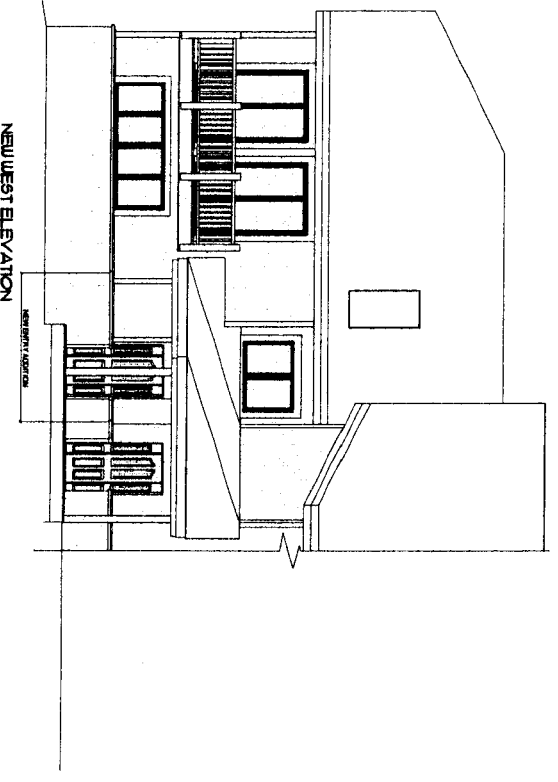
SITE PLAN
1/8" = 1'-0"



NEW NORTH ELEVATION
1/8" = 1'-0"



SECTION - LOOKING SOUTH
1/8" = 1'-0"



NEW WEST ELEVATION
1/8" = 1'-0"

RECEIVED
AUG 27 2003
PLANNING DEPT.



Ordinance No. 03-42

AN ORDINANCE APPROVING A PLAT AMENDMENT TO COMBINE ALL OF LOTS 13 AND 20 IN BLOCK 10 OF THE PARK CITY SURVEY, ALSO KNOWN AS 447 MAIN AND 450 PARK AVENUE, INTO ONE LOT OF RECORD.

WHEREAS, the owner of the property known as 447 Main and 450 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 September 24, 2003 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 two lots into 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 both the Historic Residential (HR-2) and the Historic Commercial Business (HCB) zones.
2. The HR-2 District is a transitional zone between the HCB commercial zone and the HR-1 residential zone characterized by a mix of small historic structures and larger contemporary residences.
3. A mix of small historic commercial structures characterizes the HCB zone with larger contemporary commercial structures with retail, office and nightly rental uses.
4. The amendment will combine all of lots 13 and 20 in Block 10 of the Park City Survey into one (1) platted lot.
5. The proposed lot size is 3,750 square feet.
6. The rear 75 feet of the property is located in the HR-2 zone.
7. The front 75 feet of the property is located in the HCB zone.
8. There is an existing historic commercial structure on Lot 13.
9. There is an existing historic single family home on Lot 20.
10. The existing historic commercial structure on Lot 13 encroaches 10 feet into the HR-2 zone.
11. The Planning Commission reviewed this application at its September 24, 2003 meeting. The Commission forwarded a positive recommendation to the City Council.
12. No remnant lots will be created as a result of this application.
13. Minimal construction staging area is available along Main Street and Park Avenue.

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 plat amendments.
3. Neither the public nor any person will be materially injured by the proposed amended plat.
4. The proposed use is consistent with the Park City General Plan.

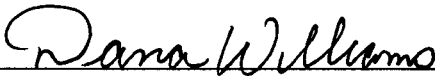
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

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 exterior work, or an addition, the applicant shall submit an application for review for compliance with applicable Land Management Code provisions and 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. No pedestrian access, unless required by the Chief Building Official, for the No Name Saloon is allowed off of Park Avenue.

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

PASSED AND ADOPTED this 9th day of October, 2003.

PARK CITY MUNICIPAL CORPORATION

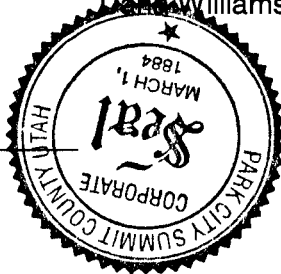


Dana Williams, Mayor

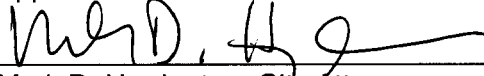
Attest:



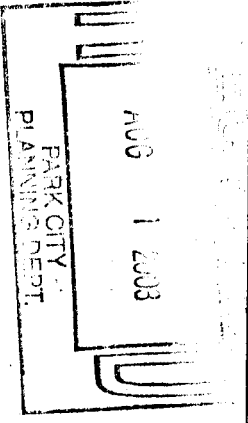
Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney



OWNER'S DEDICATION AND CONSENT TO RECORD

OWNER ALL, JOHN BY THESE PRESENTS has been to the State of Utah, a public utility, and by authority of the Board of Directors of the City of Park City, Utah, has caused to be prepared and recorded in the records of the County of Summit, Utah, this plat of the 447 MAIN STREET PLAT and the plat boundary description thereon. ALSO, the owner of the property hereby irrevocably and exclusively dedicates to the City of Park City, Utah, the plat boundary description thereon for the use and enjoyment of the public as a public street and for the purposes of the plat boundary description thereon as hereinafter set forth.

By: John S. Stamer, Trustee

ACKNOWLEDGMENT

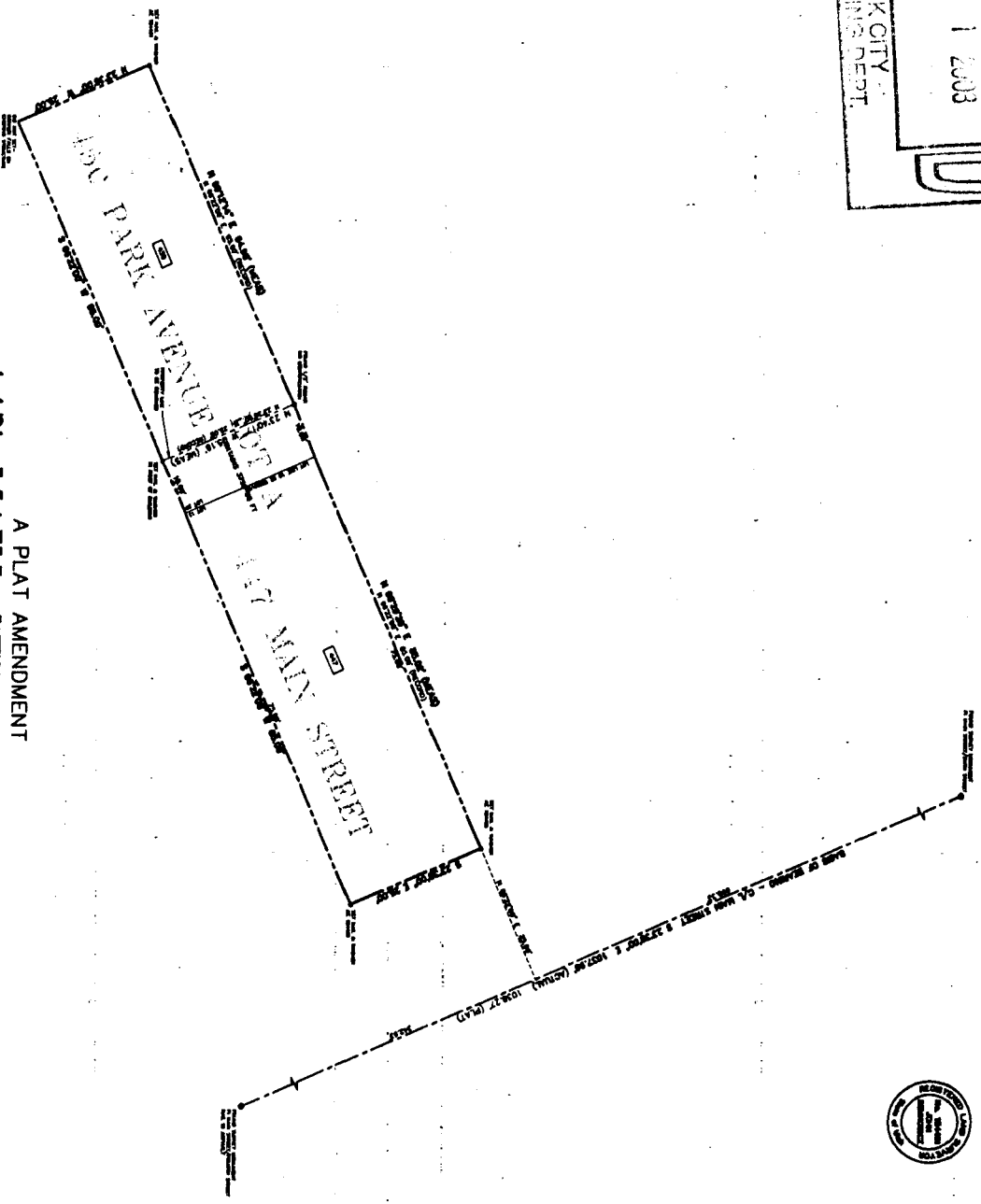
State of _____

County of _____

On this _____ day of _____, 2003, John S. Stamer, Trustee of the City of Park City, Utah, being duly sworn, depose and say that he is the owner of the property described in the plat of the 447 MAIN STREET PLAT and that he has caused the same to be prepared and recorded in the records of the County of Summit, Utah, as hereinafter set forth.

Witness my hand and the seal of the City of Park City, Utah, this _____ day of _____, 2003.

John S. Stamer, Trustee



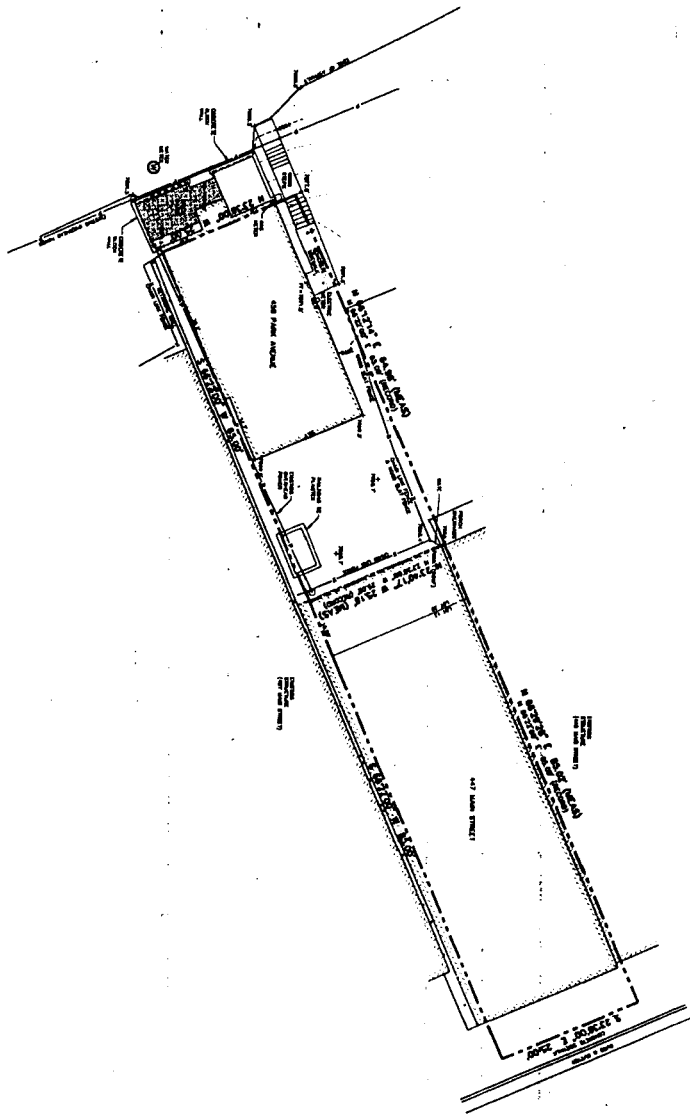
447 MAIN STREET PLAT
 A PLAT AMENDMENT
 LOCATED IN SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH



| | | | | | | | |
|---|--|--|--|--|--|---|---|
| <p>NOTICE</p> <p>(2003 04-01-001)</p> <p>THIS PLAT IS SUBJECT TO THE PLAT ACT, UTAH CODE ANN. § 17-2-101 THROUGH § 17-2-105.</p> | <p>SMOKEVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REMOVED FOR COMPLIANCE TO SMOKEVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THE _____ DAY OF _____, 2003 A.D.</p> <p>BY: _____</p> | <p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION ON THE _____ DAY OF _____, 2003 A.D.</p> <p>BY: _____</p> | <p>ENGINEER'S CERTIFICATE</p> <p>I, _____, ENGINEER, DO HEREBY CERTIFY THAT THIS PLAT IS IN ACCORDANCE WITH THE PLAT ACT AND THE PLAT ACT RULES AND REGULATIONS ON THE _____ DAY OF _____, 2003 A.D.</p> <p>BY: _____</p> | <p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM BY THE PARK CITY ATTORNEY ON THE _____ DAY OF _____, 2003 A.D.</p> <p>BY: _____</p> | <p>CERTIFICATE OF ATTEST</p> <p>I, _____, CLERK OF THE PARK CITY COUNCIL, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THE _____ DAY OF _____, 2003 A.D.</p> <p>BY: _____</p> | <p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL ON THE _____ DAY OF _____, 2003 A.D.</p> <p>BY: _____</p> | <p>DOI REG. 1-3-02 FILE NUMBER: _____</p> <p>RECORDED</p> <p>STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ BOOK _____ PAGE _____</p> <p>DATE _____ TIME _____</p> <p>BY: _____</p> |
|---|--|--|--|--|--|---|---|

Exhibit B

RECEIVED
 PARK CITY
 PLANNING DEPT.



PROJECT INFORMATION: See Appendix 1
 EXHIBIT: 100-100-100-100

- NOTES
1. Project boundaries, lot in square
 2. The architect is responsible for verifying building setbacks, zoning requirements and building heights
 3. This topographic map is based on a field survey performed on April 24, 2003.
 4. Property corners were set as shown.



| | |
|-----------------------|---|
| | (Call for more info) |
| | STAFF: CIVIL ENGINEER SURVEYOR LANDSCAPE ARCHITECT |
| DATE: 5/15/03 | EXISTING CONDITIONS 450 PARK AVENUE & 447 MAIN STREET LOTS 13 & 20, BLK 10, PARK CITY SURVEY FROM: J.M. INC. JOB NO.: 1-0-03 FILE: 100-100-100-100 |
| SHEET 1 OF 1 | |

Exhibit C



Ordinance No. 03-41

AN ORDINANCE APPROVING THE RECORD OF SURVEY FOR THE CONDOMINIUM CONVERSION OF THE EXISTING OFFICE BUILDING AT 614 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owner of the property known as 614 Main Street, has petitioned the City Council for approval of 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 23, 2003 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 condominium conversion allows the property owner to sell the commercial tenant spaces individually; and

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

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 within the General Commercial Zone.
2. The proposed plat changes the type of ownership of this property to condominium ownership.
3. 614 Main Street was built on 2 standard old town lots in 1981. It is a 4 story, 13,450 square foot building that has 11,436 s.f of net leasable area. The proposed condo plat will separate the building by floor into 4 individual tenant spaces.
4. The building has access from Main Street and from the rear of the building across a utility and pedestrian easement dedicated with the "Main Street Entrance Parking Condominiums" in 1985.
5. 614 Main Street is substandard for exiting. Egress to the east is on to a public access and utility easement not associated with 614 Main Street. The 10' public access and utility easement was recorded in September 1985 with the Main Street Entrance Parking Condominiums plat.
6. The building has been assessed and paid into the Main Street Parking District. There is no on-site or other private parking associated with the building.
7. Both the Park City Land Management Code and the General Plan allow condominium conversions to commercial buildings in the GC zone when all minimum code requirements are met.
8. Bay windows and a deck and columns encroach on to property not associated with 614 Main Street.
9. The applicant has agreed to the conditions of approval.

Conclusions of Law:

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

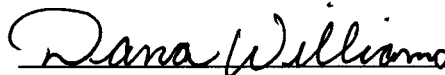
Conditions of Approval:

1. The City Attorney and City Engineer shall review and approve the condominium plat for compliance with the Land Management Code and conditions of approval, as a condition precedent to recording the plat.
2. All standard project conditions shall apply.
3. An encroachment agreement between the applicant and Park City allowing the encroachments into the Main Street right-of-way to remain in place must be executed prior to recordation of this condominium conversion.
4. Maintenance of the 10' access and utility easement on the southwest portion of the Main Street Entrance Parking Condominium is required by the owners of 614 Main Street as necessary for their required ingress and egress. A note shall be added to the plat containing this wording as modified as necessary by the Building Official and with said language contained within the declaration of condominium.
5. The final condominium plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year of City Council's approval, this approval and the plat shall be void.

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

PASSED AND ADOPTED this 9th day of October, 2003.

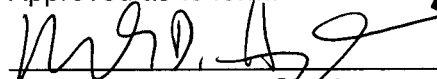
PARK CITY MUNICIPAL CORPORATION


Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



SURVEYOR'S CERTIFICATE

I, John Demme, do hereby certify that I am a Registered Land Surveyor and that I have conducted the survey as required by the laws of the State of Utah and that the same is correct and true to the best of my ability and to the best of my knowledge. I have also caused to be filed in the office of the County Clerk of the County of Summit, Utah, a true and correct copy of this plat of survey and the plat of survey to be filed in the office of the County Clerk of the County of Summit, Utah, in accordance with the provisions of the Utah Condominium Act.

JOHN DEMME, L.S. #15489 DATE _____

OWNER'S DESIGNATION AND CONSENT TO RECORD

I, the undersigned, do hereby certify that I am a Registered Land Surveyor and that I have conducted the survey as required by the laws of the State of Utah and that the same is correct and true to the best of my ability and to the best of my knowledge. I have also caused to be filed in the office of the County Clerk of the County of Summit, Utah, a true and correct copy of this plat of survey and the plat of survey to be filed in the office of the County Clerk of the County of Summit, Utah, in accordance with the provisions of the Utah Condominium Act.

JOHN DEMME, L.S. #15489 DATE _____

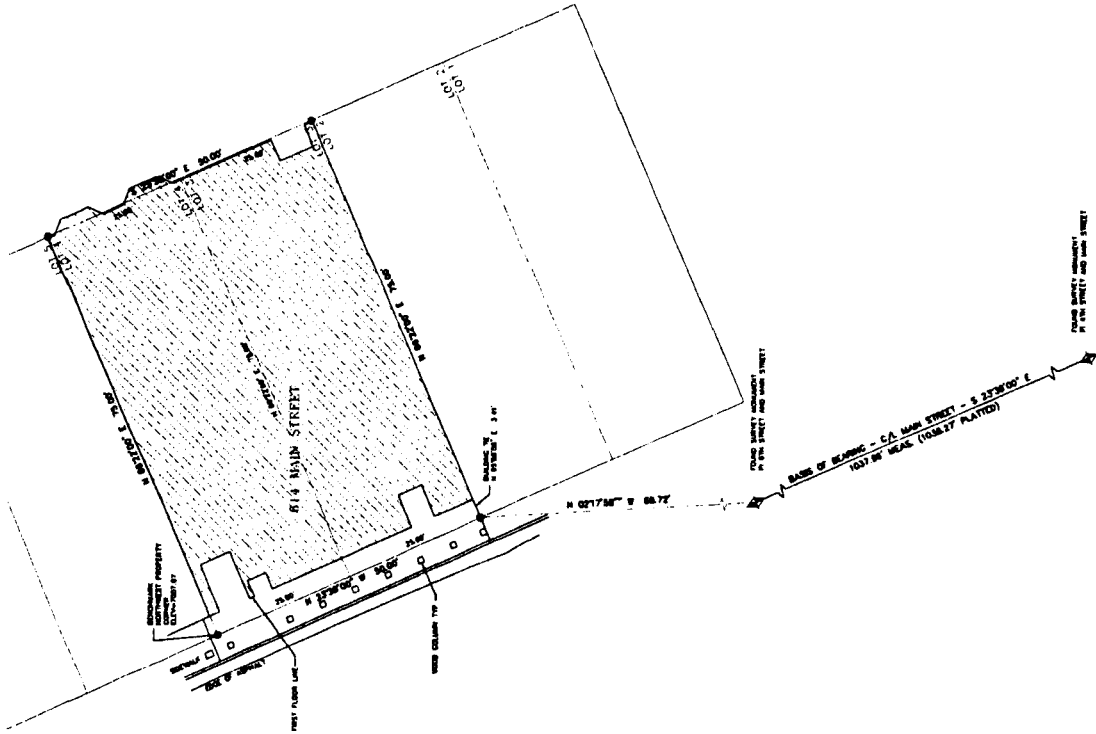
ACKNOWLEDGMENT

State of _____)
 County of _____)
 On this _____ day of _____, 2003,
 I, _____, do hereby certify that I am a Registered Land Surveyor and that I have conducted the survey as required by the laws of the State of Utah and that the same is correct and true to the best of my ability and to the best of my knowledge. I have also caused to be filed in the office of the County Clerk of the County of Summit, Utah, a true and correct copy of this plat of survey and the plat of survey to be filed in the office of the County Clerk of the County of Summit, Utah, in accordance with the provisions of the Utah Condominium Act.

JOHN DEMME, L.S. #15489 DATE _____

BOUNDARY DESCRIPTION

Lots 3 and 4, Block 25, Park City Survey, according to the official plat thereof, as the same are shown on the Summit County Recorder's Office



RECORD OF SURVEY MAP
614 MAIN STREET

A UTAH CONDOMINIUM PROJECT
 LOCATED IN BLOCK 25, PARK CITY SURVEY,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST,
 S.18 N. W. 4

AUG 20 2003

PAGE 1 OF 4

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE OFFICE OF THE COUNTY CLERK
 DATE _____ TIME _____ BOOK _____ PAGE _____
 BY _____ RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVAL AND ACCEPTANCE BY THE PARK CITY
 COUNCIL, THIS _____ DAY OF _____,
 2003 A.D.
 BY _____ MAYOR

CERTIFICATE OF ATTEST
 I CERTIFY THIS RECORD OF SURVEY
 WAS FILED IN THE OFFICE OF THE COUNTY CLERK
 OF _____ COUNTY, UTAH, ON _____ DAY OF _____,
 2003 A.D.
 BY _____ PARK CITY RECORDER

APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS _____ DAY OF _____,
 2003 A.D.
 BY _____ PARK CITY ATTORNEY

ENGINEER'S CERTIFICATE
 I FIND THIS PLAT TO BE IN
 ACCORDANCE WITH THE REQUIREMENTS OF
 THE UTAH CONDOMINIUM ACT, AND I
 FILED IN MY OFFICE THIS _____ DAY OF _____,
 2003 A.D.
 BY _____ PARK CITY ENGINEER

PLANNING COMMISSION
 APPROVED BY THE PARK CITY
 PLANNING COMMISSION THIS _____ DAY OF _____,
 2003 A.D.
 BY _____ CHAIRMAN

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
 RECLAMATION DISTRICT STANDARDS THIS _____ DAY OF _____,
 2003 A.D.
 BY _____ S.W.B.D.

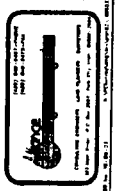
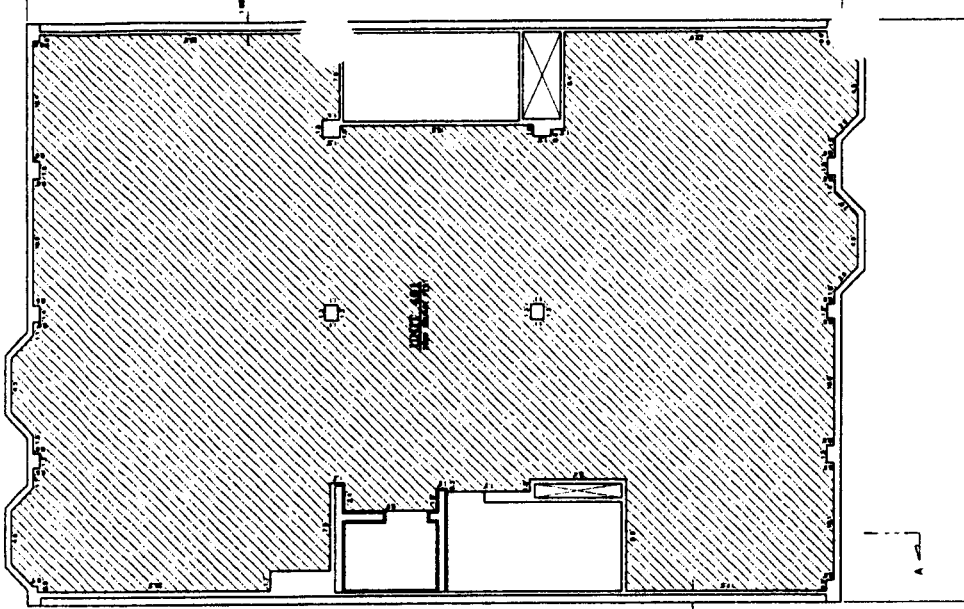


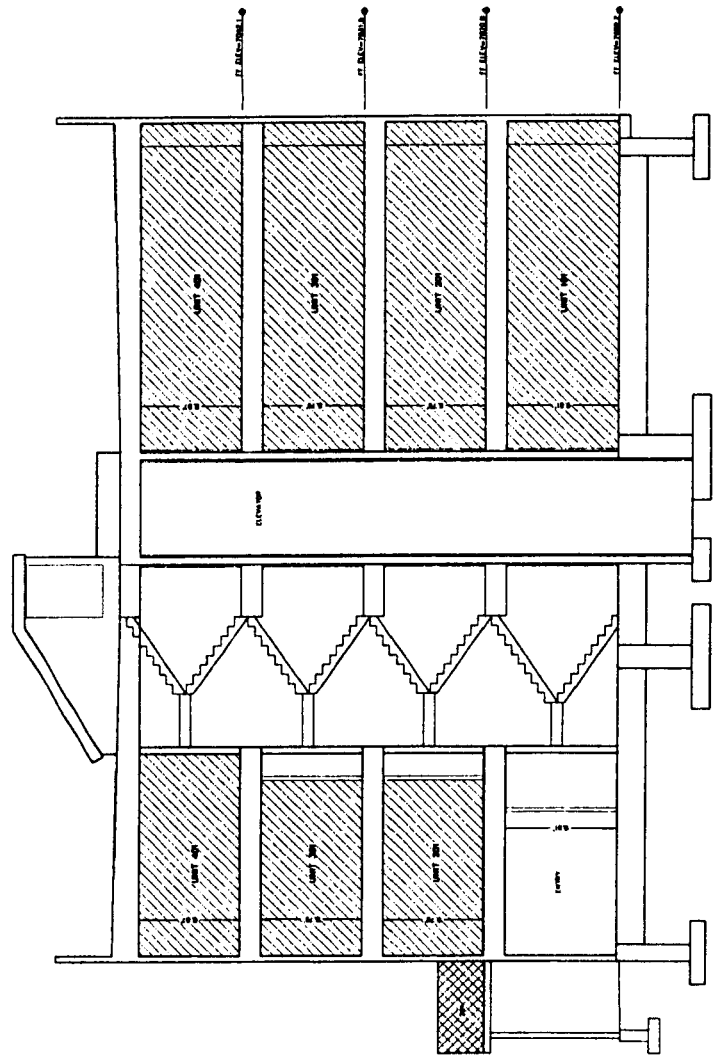
EXHIBIT B



FOURTH FLOOR PLAN
SCALE: 1"=3'

AUG 29 2003

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT AND
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____
PAGE _____

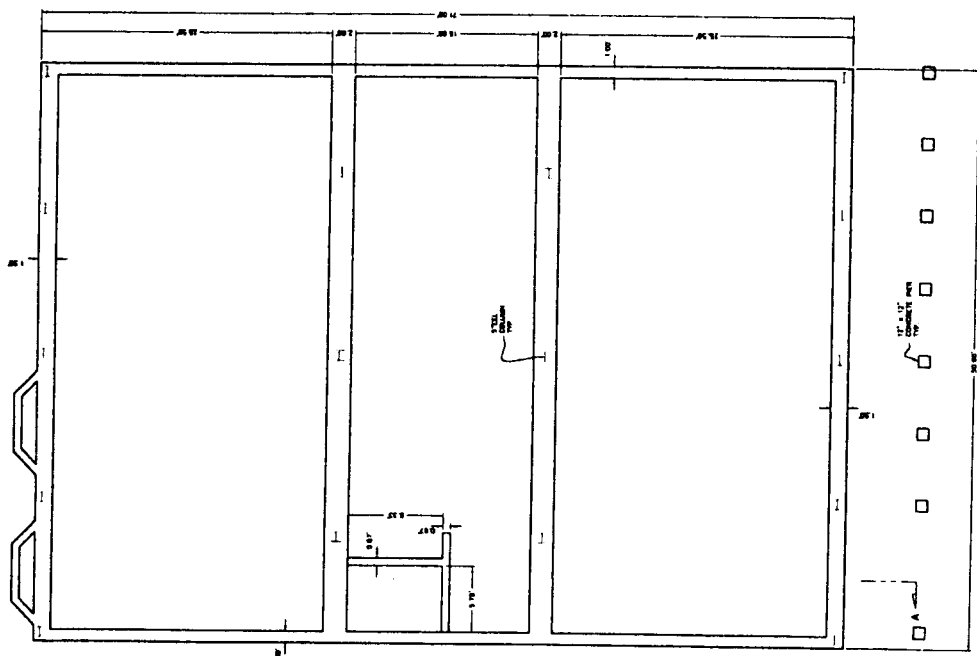


SECTION A
SCALE: 1"=3'

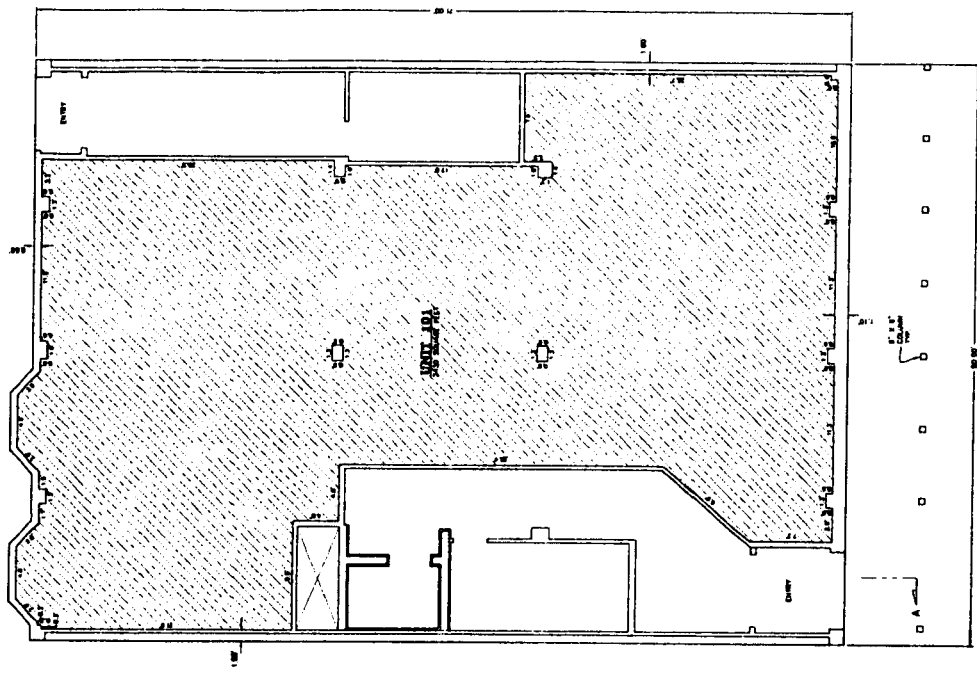


RECORD OF SURVEY MAP
614 MAIN STREET

A UTAH CONDOMINIUM PROJECT
LOCATED IN BLOCK 25, PARK CITY SURVEY,
SECTION 16, TOWNSHIP 4 NORTH,
RANGE 3 EAST.



CRAD SPACE PLAN
SCALE 1"=5'



FIRST FLOOR PLAN
SCALE 1"=5'

PROPERTY UTILIZATION

| | |
|------------|------------|
| CRAD SPACE | CRAD SPACE |
| CRAD SPACE | CRAD SPACE |
| CRAD SPACE | CRAD SPACE |
| CRAD SPACE | CRAD SPACE |



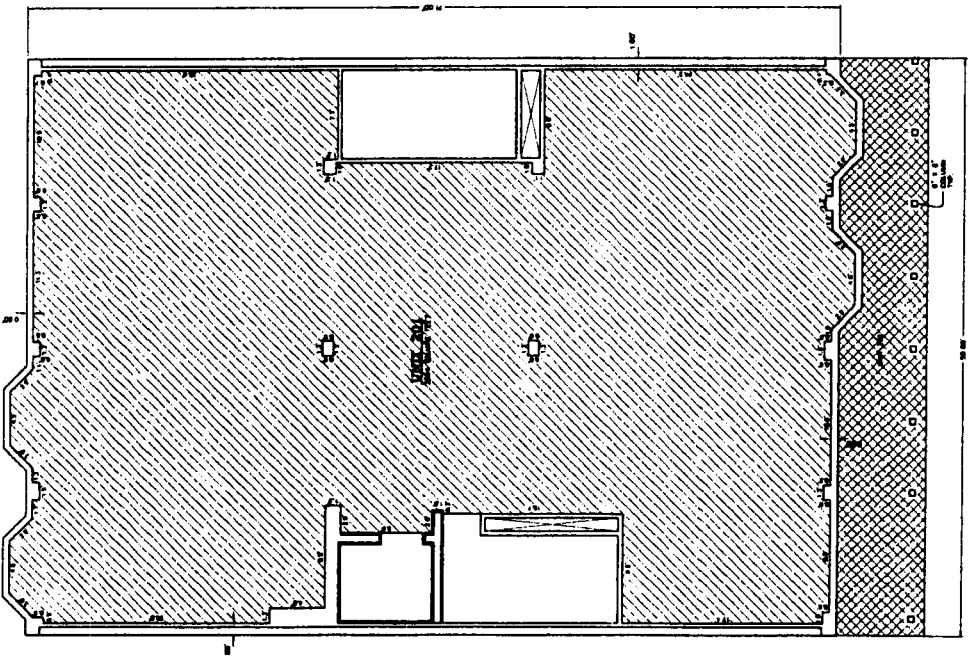
RECORD OF SURVEY MAP

614 MAIN STREET

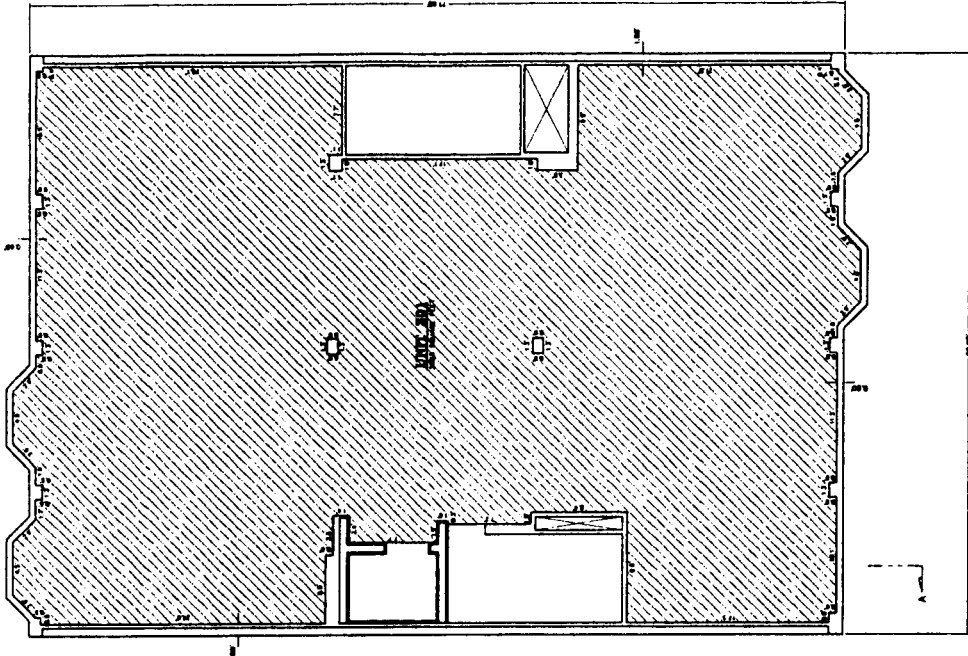
A UTAH CONDOMINIUM PROJECT
 LOCATED IN BLOCK 23, PARK CITY DISTRICT,
 SECTION 18,
 TOWNSHIP 7 S, R. 8 E, S. 8 E.

AUG 20 2003

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND I
 DATE _____ TIME _____ PAGE _____
 BOOK _____ PAGE _____
 RECORDER _____



SECOND FLOOR PLAN
SCALE 1/8" = 1'-0"



THIRD FLOOR PLAN
SCALE 1/8" = 1'-0"

CONCRETE REINFORCEMENT

| | |
|----------|---------------|
| [Symbol] | GRADE BEARING |
| [Symbol] | GRADE BEARING |
| [Symbol] | GRADE BEARING |



RECORD OF SURVEY MAP

614 MAIN STREET

A UTAH CONDOMINIUM PROJECT
 LOCATED IN BLOCK 22, PARK CITY SURVEY,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST,
 51.9 N. M.

AUG 20 2005

FOR INFO: 10-18-03 REC'D & FILED IN 2005
RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT AND
 AT THE REQUEST OF _____
 DATE _____ TIME _____ BOOK _____ P. _____
 FEE _____
 RECORDER _____



Ordinance No. 03-40

AN ORDINANCE APPROVING A PLAT AMENDMENT FOR THE PROPERTY LOCATED ON PORTIONS OF LOTS 12 AND 14 AND ALL OF LOT 13 OF BLOCK 3 OF THE PARK CITY SURVEY, ALSO KNOWN AS 351 PARK AVENUE

WHEREAS, the owner of the property known as 351 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 August 27, 2003 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 interior lot lines from his property 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 amend portions of lots 12 and 14 and all of lot 13 of Block 3 of the Park City Survey to create one lot of record.
4. The proposed lot would consist of 4,387 square feet.
5. There is an existing historic home on the property.
6. The lot has 58 feet of frontage on Park Avenue.
7. There are no existing easements 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.

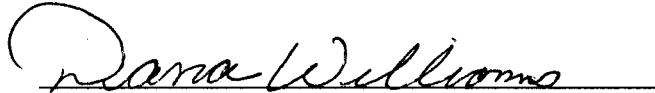
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

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. 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 11th day of September, 2003.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder

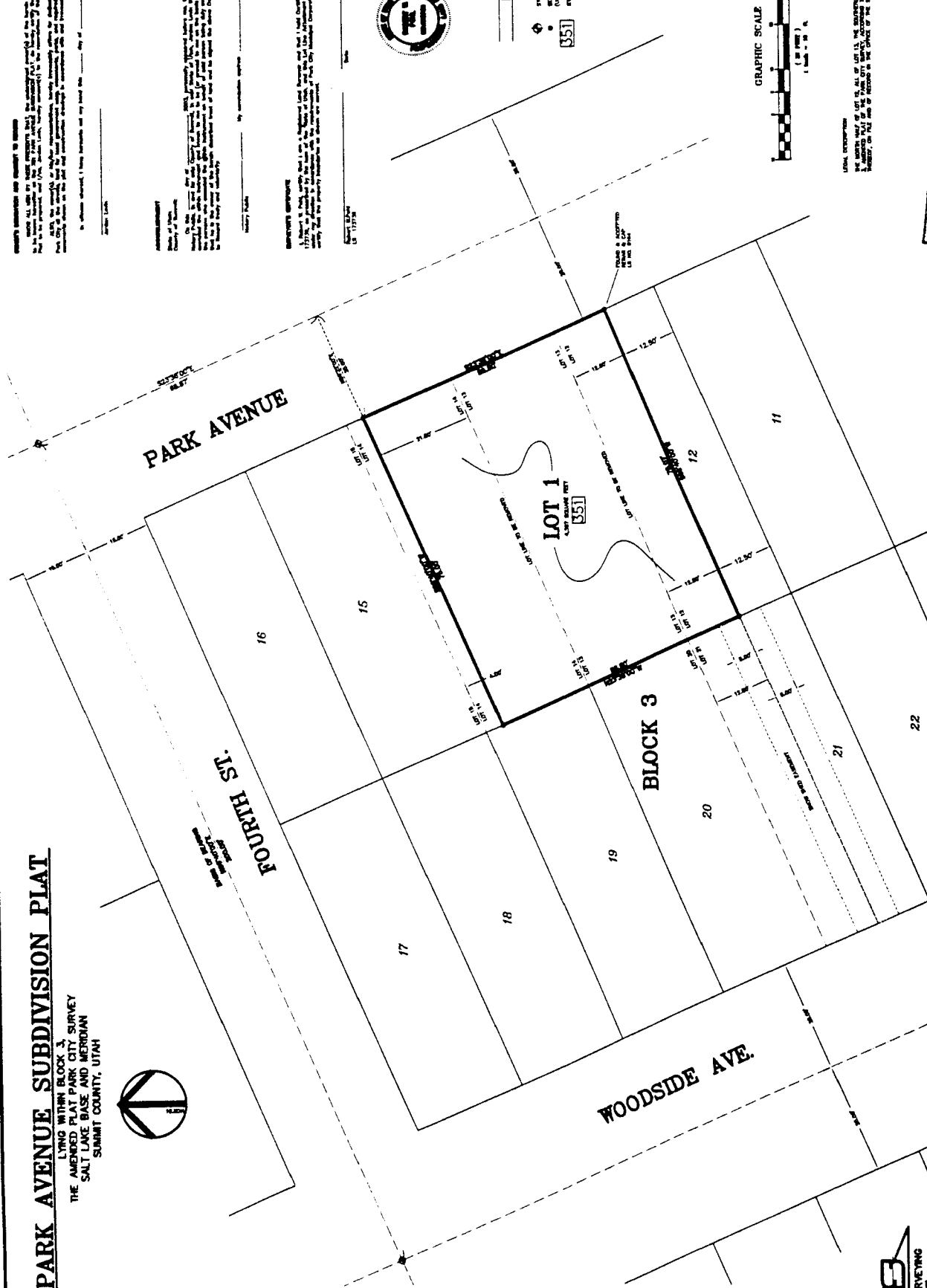


Approved as to form:


Mark D. Harrington, City Attorney

351 PARK AVENUE SUBDIVISION PLAT

LIVING WITHIN BLOCK 3,
THE AMENDED PLAT PARK CITY SURVEY
SALT LAKE BASE AND MERIDIAN
SUMMIT COUNTY, UTAH



OWNER'S CERTIFICATE AND WARRANTY TO BUYER
I, the undersigned, being the owner of the above described property, do hereby certify that the same is as shown on the attached plat, and that the same is subject to the covenants, conditions and restrictions hereon set forth, and that the same is not subject to any other covenants, conditions and restrictions of which I have knowledge at the time of this plat.

DEVELOPER'S APPROVAL
I, the undersigned, being the developer of the above described property, do hereby certify that the same is as shown on the attached plat, and that the same is subject to the covenants, conditions and restrictions hereon set forth, and that the same is not subject to any other covenants, conditions and restrictions of which I have knowledge at the time of this plat.

RECORDING INFORMATION
This plat is subject to the covenants, conditions and restrictions hereon set forth, and that the same is not subject to any other covenants, conditions and restrictions of which I have knowledge at the time of this plat.

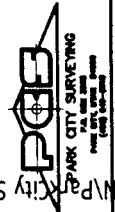


LEGEND

- STREET IMPROVEMENT
- PUBLIC UTILITY
- EXISTING RECORD OF PARK 351



LEGAL DESCRIPTION
THE ABOVE MAP IS ONE OF A SET OF MAPS, THE COMPLETE SET OF WHICH IS FILED IN THE OFFICE OF THE COUNTY CLERK OF SUMMIT COUNTY, UTAH, AND IS SUBJECT TO THE RECORDS OF THE COUNTY CLERK.



PARK CITY SURVEYING
INC.
SALT LAKE CITY, UTAH

CERTIFICATE OF ATTEST
I, the undersigned, being the clerk of the Park City Council, do hereby certify that the above described plat is a true and correct copy of the original as filed in my office on _____ A.D. 2003.

UTAHVILLE WATER RECLAMATION DISTRICT
I, the undersigned, being the engineer of the Utahville Water Reclamation District, do hereby certify that the above described plat is in accordance with the standards of the Utahville Water Reclamation District, and that the same is not subject to any other covenants, conditions and restrictions of which I have knowledge at the time of this plat.

ENGINEER'S CERTIFICATE
I, the undersigned, being the engineer of the above described property, do hereby certify that the above described plat is in accordance with the standards of the Utahville Water Reclamation District, and that the same is not subject to any other covenants, conditions and restrictions of which I have knowledge at the time of this plat.

APPROVAL AS TO FORM
I, the undersigned, being the attorney at law for the Park City Council, do hereby certify that the above described plat is in accordance with the standards of the Utahville Water Reclamation District, and that the same is not subject to any other covenants, conditions and restrictions of which I have knowledge at the time of this plat.

COUNCIL APPROVAL AND RECORDING
APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 2003.

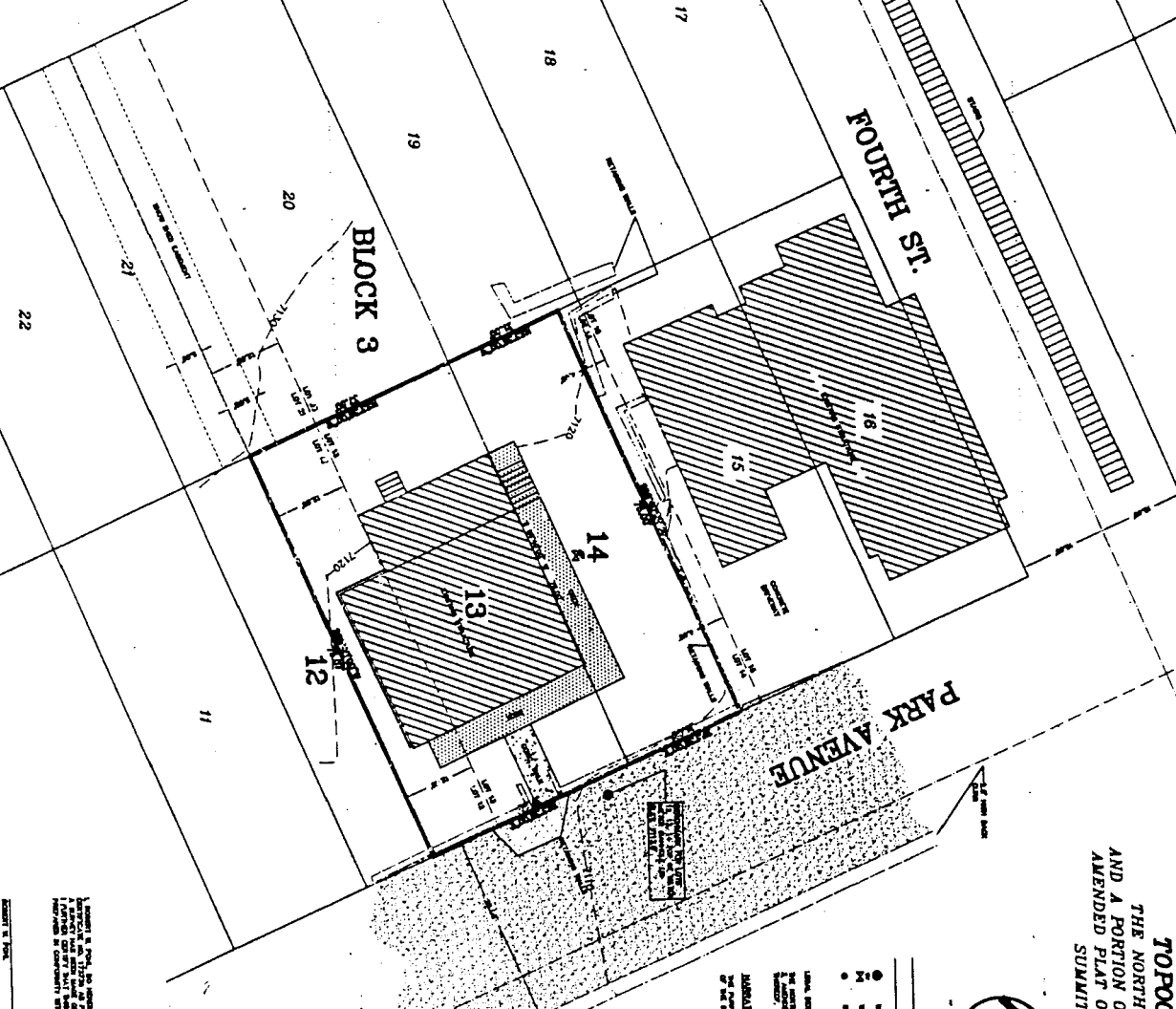
RECORDED
JUL 03 2003
PARK CITY PLANNING DEPT.

WOODSIDE AVE

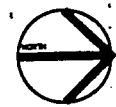
FOURTH ST.

PARK AVENUE

BLOCK 3



TOPOGRAPHIC MAP
 THE NORTH HALF OF LOT 12, 13,
 AND A PORTION OF LOT 14, BLOCK 3 OF THE
 AMENDED PLAT OF THE PARK CITY SURVEY
 SUMMIT COUNTY, UTAH



LEGEND

- EXISTING BUILDING
- EXISTING LOT
- EXISTING LOT
- EXISTING LOT

NOTES:
 1. THIS MAP IS A REPRODUCTION OF THE ORIGINAL SURVEY MAP AND DOES NOT REPRESENT THE CURRENT STATE OF THE LAND OR THE LOCATION OF ANY BUILDINGS OR OTHER STRUCTURES.
 2. THE SURVEYOR'S OFFICE HAS CONDUCTED A VISUAL INSPECTION OF THE ORIGINAL SURVEY MAP AND HAS FOUND IT TO BE A TRUE AND CORRECT REPRESENTATION OF THE ORIGINAL SURVEY MAP.
 3. THE SURVEYOR'S OFFICE HAS CONDUCTED A VISUAL INSPECTION OF THE ORIGINAL SURVEY MAP AND HAS FOUND IT TO BE A TRUE AND CORRECT REPRESENTATION OF THE ORIGINAL SURVEY MAP.

RECEIVED
 JUL 03 2003
 PARK CITY
 PLANNING DEPT.

Park City Surveying
 1000 N. 1000 E. SUITE 200
 PARK CITY, UT 84302
 (435) 799-8888

TOPOGRAPHIC MAP
 THE N. HALF OF LOT 12, 13, AND A PORTION
 OF LOT 14, BLOCK 3 OF THE AMENDED PLAT
 OF THE PARK CITY SURVEY

JORDAN LEVIN
 03-158

DATE: 10/1

DATE: JUNE 2003

SCALE: 1" = 40'

When recorded return to:
PCMC
Attn: City Recorder
PO Box 1480
Park City UT 84060

Fee Exempt per Utah 2-1-1
Annotated 1999 2-1-1

Ordinance No. 03-39

**AN ORDINANCE ACCEPTING THE PUBLIC IMPROVEMENTS
AT CHATHAM CROSSING SUBDIVISION**

WHEREAS, Chatham Crossing Subdivision was approved by the Park City Council on April 30, 1981; and

WHEREAS, construction of the public improvements has been accomplished by the developer, including the public streets known as Paddington Drive, High Street, Euston Drive, Waterloo Circle, and Victoria Circle; and

WHEREAS, Park City has adopted Land Management Code Section 15-7.2-3, which provides for the City Council to accept (by Ordinance) those public improvements which are dedicated and built in accordance with the requirements of Title 15 Chapter 7 of the Land Management Code; and

WHEREAS, the public improvements within Chatham Crossing Subdivision were installed reasonably in accordance with the ordinances in effect at the time of plat recordation and subsequently, and have been duly inspected by the City Engineer.

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

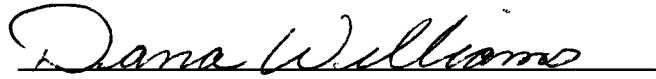
SECTION 1. PUBLIC IMPROVEMENTS. The City hereby accepts from the developer all public improvements at Chatham Crossing which were intended for City ownership, subject to the developer's warranty of these improvements for one year following the adoption of this ordinance. A financial guarantee of \$100,000.00 shall remain in place for the one-year guarantee period. This guarantee will be used for any necessary repairs to the public improvements if the developer fails to make such repairs. The \$100,000.00 financial guarantee shall not earn any interest. The developer may substitute an escrow or letter of credit in this amount, subject to approval by the City Attorney as to the form and content of the substitute guarantee.

SECTION 2. SNOWPLOWING AND LANDSCAPE MAINTENANCE. The City shall plow snow on the streets within Chatham Crossing as Third Priority streets and shall not plow any private condominium roads nor any streets that do not have any legally occupied structures fronting said street. The City will not provide landscape maintenance of the raised medians within the streets in and near Chatham Crossing.

SECTION 3. EFFECTIVE DATE This ordinance shall be effective upon publication.

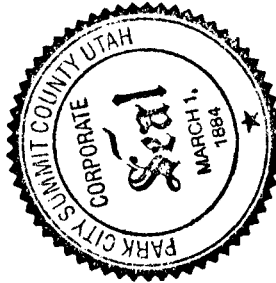
PASSED AND ADOPTED THIS 11th day of September, 2003.

PARK CITY MUNICIPAL CORPORATION

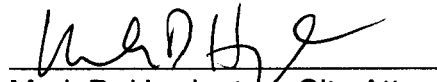

Dana Williams, Mayor

ATTEST:


Janet M. Scott, City Recorder

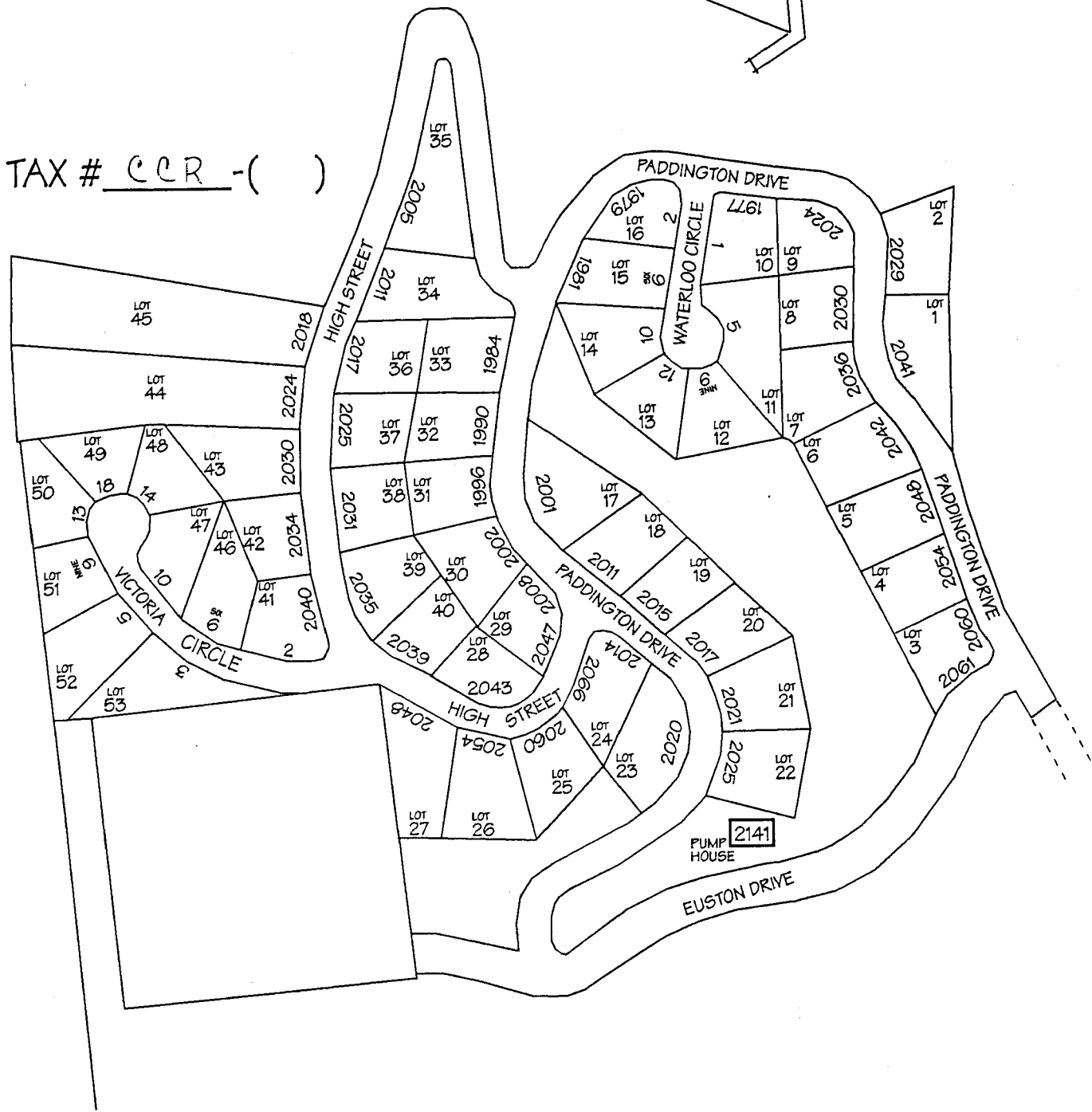


Approved as to Form:


Mark D. Harrington, City Attorney

NORTH

TAX # CCR - ()



ASAY 1/98

CHATHAM CROSSING SUBDIVISION

RD

An Ordinance Approving a Plat Amendment to Combine the Southerly 12' of Lot 32, Block 76 Millsite Reservation, with Lot 3 of Anchor Development Second Amended Plat, and Approving a Right-of-Way Vacation of Approximately 211 square feet of Platted, Unbuilt Ridge Avenue and Combining said 211 square feet with above Described Lots, located at 83 King Road in Park City, Utah.

PC-701 ANCH-#'S

WHEREAS, the owner of property located at 83 King Road have petitioned the City Council for approval of a plat amendment and have petitioned for a limited vacation of approximately 211 sq. ft. of platted, unbuilt Ridge Avenue right-of-way; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 28, 2003, to receive input on the proposed plat amendment; and

WHEREAS, the Planning Commission, on July 9, 2003, further discussed the plat amendment and limited right-of-way vacation and forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 17, 2003, the City Council held a public hearing and approved the proposed plat amendment and limited right-of-way vacation; and

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

WHEREAS, the vacation request is consistent with the City's vacation of right-of-way policy and Resolution No. 8-98.

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

SECTION 1. APPROVAL. The plat amendment and limited right-of-way vacation, as shown in Exhibit A, are approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property at 83 King Road is located in the HRL, Historic Residential Low Density zoning district.
2. The site is currently undeveloped.
3. The proposed amendment to the Anchor Development plat will add approximately 1,000 sf to Lot 3, which is currently 6,251 sf. in area. Lot 1 is 7,305 sf, Lot 2 is 11,963 sf, and Lot 4 is 4,643 sf in area.

00673019 BK01569 P600127-00131
ALAN SPRIGGS, SUMMIT CO RECORDER
2003 SEP 15 09:41 AM FEE \$1.00 BY DMG
REQUEST: PARK CITY MUNICIPAL CORP

BK1569 PG0127

4. The application for plat amendment also includes a request to vacate and combine with Lot 3, a 211 sq. ft. portion of platted, un-built Ridge Avenue.
5. The proposed plat amendment and vacation neither increases or decreases the potential density along King Road as the existing plat restrictions are not proposed to change with this plat amendment. As restricted on the Anchor Development Second Amended plat, one single family house may be constructed on Lot 3 with an above ground floor area of 2,165 square feet, not including the garage, with further setback and height restrictions as stated on the plat. All previous notes and restrictions will continue to apply.
6. Because of previous plat restrictions and conditions on Lot 3, a Steep Slope CUP will not be required for development on Lot 3, per LMC section 15-2.1-6 (C) Exception.
7. The Park City Council has approved a budget including approximately \$9 million for relocation of utilities in Old Town to underground locations. The design work for this project has not been completed. At this time Park City does not know which rights-of-way will be needed for underground utilities in the future.
8. The right-of-way vacation criteria are as follows:
 - (a) There is no increase in density as a result of the vacation of the Ridge Avenue right-of-way;
 - (b) The volumetric constraints regarding floor area and height restrictions on Lot 3 and the requirement for design review against the Historic District design guidelines will ensure compatibility of the future home on lot 3 with the surrounding neighborhood;
 - (c) Compensation for the loss of right-of-way shall be addressed by the City Council at a public hearing.
 - (d) The area of vacated right-of-way is not currently used for public utilities nor planned for such use in the future.
9. Dedication of a ten (10) foot non-exclusive public utility and snow storage easement along King Road is necessary to ensure neighborhood compatibility for future development on Lot 3 and potential future utility location.
10. The corresponding 12' (east ½) of platted Ridge Avenue abutting the proposed vacation parcel has already been vacated and is part of Lot 3, per the second amended Anchor Development plat approval.
11. The applicant stipulates to the conditions of approval.
12. On May 28, 2003 the Planning Commission held a public hearing and discussed the proposed plat amendment and right-of-way vacation request.
13. On July 9, 2003, the Planning Commission forwarded a positive recommendation to the City Council regarding this application.
14. On July 17, 2003, the City Council held a public hearing on the plat amendment and limited vacation of ROW request.

Conclusions of Law

1. There is good cause for the amendment as there is no increase in density and setbacks, height and volumetric restrictions remain on the lot as previously platted.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

3. The proposal is consistent with both the Park City Land Management Code and applicable State law regarding plat amendments.
4. The limited right-of-way vacation is consistent with the City's vacation of right-of-way policies and Resolution No. 8-98.

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 recordation.
2. A ten (10) foot non-exclusive public utilities and snow storage easement along King Road shall be dedicated to the City on the plat.
3. One single family home is permitted on Lot 3 with an above ground floor area of 2,165 square feet, excluding the garage.
4. Construction of the single family residence on Lot 3 shall comply with all height, setback, and volumetric restrictions as stated on the Anchor Development Second Amended Plat and the conditions of approval of the Anchor Development Second Amended Plat shall continue in full force and effect.
5. Design of the proposed single family residence requires review and approval by the Planning Department, for compliance with the Historic Design Guidelines, prior to issuance of a building permit.
6. The plat shall be recorded within one year of the date of City Council approval and shall be recorded prior to issuance of a building permit for construction that involves the amended portion of Lot 3.
7. All standard project conditions shall apply.
8. City Council approval of the ROW vacation request described above is a condition precedent to approval of this plat amendment application as proposed.
9. Payment of the compensation value, determined by the City Council at \$400, of the vacated parcel of Ridge Avenue, shall be made to the City by the applicant prior to recordation of the amended plat. The City shall retain a non-exclusive public utility easement over the entirety of the vacated parcel.
10. Construction staging for Lot 3 shall not occur on the private driveway easement for Lots 1 and 2, unless specifically allowed in writing by the adjacent property owners.
11. A construction mitigation plan, submitted to and approved by the Planning, Building, and Engineering Departments, is a condition precedent to any construction activity on Lot 3.
12. All previous notes and restrictions will continue to apply and shall be placed on the Anchor Development Third Amended plat prior to recordation.

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

PASSED AND ADOPTED this 17th day of July, 2003.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

BK1569 PG0129

Attest:

Janet M. Scott

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington

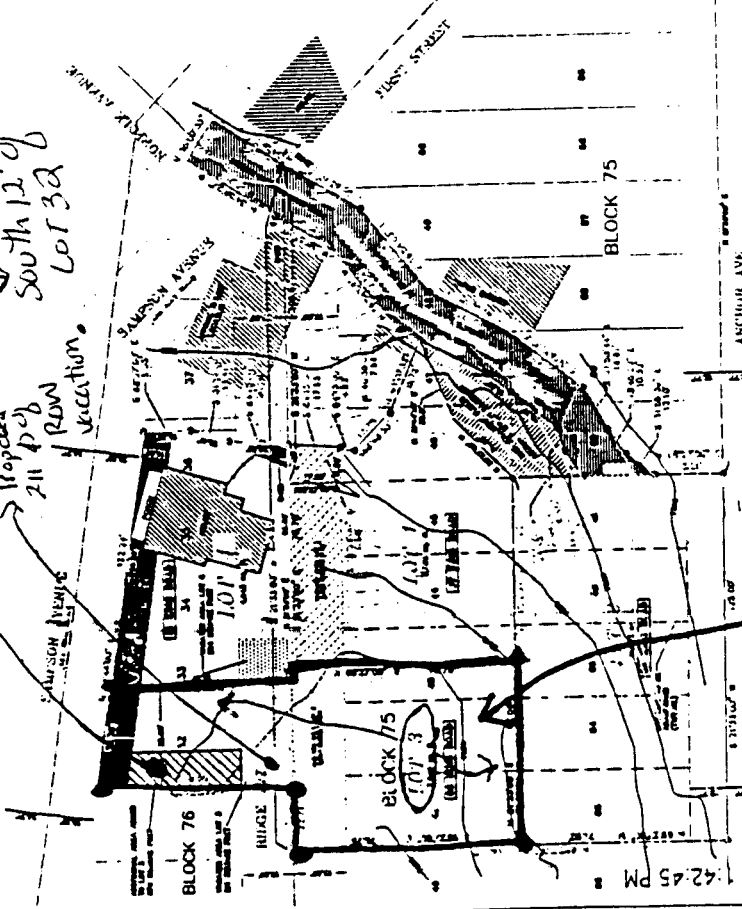
Mark D. Harrington, City Attorney



BK1569 PG0130

ANCHOR DEVELOPMENT THIRD AMENDED PLAT
 SUTHER RESERVATION SUBDIVISION NO. 1
 INCLUDING LOTS 41 THROUGH 47 & LOTS 80 THROUGH 86, BLOCK 76
 & LOTS 88 THROUGH 94, BLOCK 78
 LOTS WITHIN THE NORTHEAST QUARTER OF
 SECTION 21, TOWNSHIP 3 SOUTH, RANGE 7 EAST
 SALT LAKE BASIN & MERIDIAN, SUMMIT COUNTY, UTAH

MAY 12 2003
 PARK CITY PLANNING DEPT.



Proposed
 211' x 90'
 ROW
 vacation.
 south 12' of
 Lot 32

Proposed Lot 3.

BY ORDER OF THE BOARD OF SURVEYORS AND MAPPING ENGINEERS
 STATE OF UTAH
 SURVEYOR
 NAME
 ADDRESS
 CITY
 STATE
 ZIP

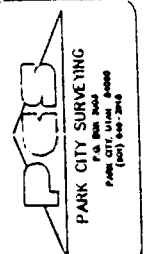


GRAPHIC SCALE
 1" = 100.00'

OFFICIAL RECORDS
 DEPARTMENT OF HERITAGE AND ARTS
 160 WEST 100 SOUTH
 SALT LAKE CITY, UTAH 84143

EXHIBIT B
 2-1050LDT0
 02.dwg 5/9/2003 1:42:45 PM

| | | | | | |
|--|---|--|--|--|--|
| <p>JNCL APPROVAL TO THE BOARD OF PARK CITY ON THIS _____ DAY OF _____ AT WHICH THE RES OF MARKET WAS APPROVED.</p> <p>BY: _____ CITY RECORDS</p> | <p>CITY ENGINEER APPROVED AND ACCEPTED BY THE CITY ENGINEER ON THIS _____ DAY OF _____ A.D. 20__</p> <p>BY: _____ CITY ENGINEER</p> | <p>CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ A.D. 20__</p> <p>BY: _____ CHAIRMAN</p> | <p>SEWER DISTRICT APPROVAL REVIEWED FOR COMPLIANCE TO SHOREVILLE SEWER SYSTEM IMPROVEMENT DISTRICT STANDARDS BY _____ DAY OF _____ A.D. _____</p> <p>\$9810</p> | <p>APPROVAL AS TO FORM APPROVED AS TO FORM IN THIS COUNTY OF _____ DAY OF _____ A.D. 20__</p> <p>BY: _____ COUNTY RECORDS</p> | <p>RECORDED COUNTY RECORDS</p> |
|--|---|--|--|--|--|



PARK CITY SURVEYING
 P.O. Box 200
 Park City, Utah 84302
 (435) 734-2888

BK1569 PG0131

Ordinance No. 03-37

**AN ORDINANCE APPROVING A SINGLE LOT SUBDIVISION AT 445 KING ROAD,
PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 445 King 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 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; 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:

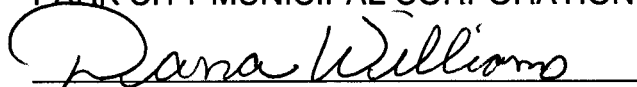
1. The Conditions of Approval for the Sweeney Properties Master Planned Development remain in full force and effect.
2. The design of the Main House and any Guest House will follow the Conditional Use Permit process in accordance with the Sweeney Properties Master Plan (SPMP).
3. All standard project conditions shall apply.
4. The Building Pad is 29,084 square feet in which all construction activity must take place, excepting the driveway and utility construction.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. Final details of the Fire Protection plan are required to be approved prior to plat recordation.
11. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans.
12. 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.
13. Re-vegetation of the disturbed areas, including utility installation areas, shall be done with native species acceptable to the Planning Department Landscape Architect.
 14. The applicant will record the 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.

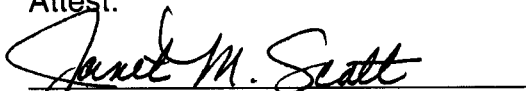
PASSED AND ADOPTED this 31st day of July, 2003.

PARK CITY MUNICIPAL CORPORATION



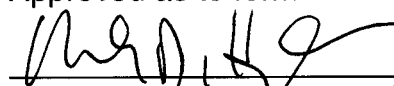
Mayor Dana Williams

Attest:

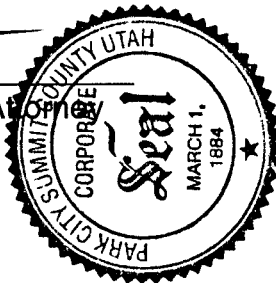


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Auditor



Ordinance No. 03-36

AN ORDINANCE APPROVING A ZONE CHANGE FROM RECREATIONAL OPEN SPACE (ROS) TO ESTATE (E) AT 445 KING ROAD, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 445 King Road have petitioned the City Council for approval of the zone change; 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 zone change;

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 zone change; and

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

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

SECTION 1. APPROVAL. The zone change on the lot 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.
2. The property is currently zoned Recreation Open Space - ROS-MPD. The 11.9 acre property is unimproved.
3. 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.
4. The underlying zoning of the Hillside Parcels, including this one, at the time of MPD approval was Estate.
5. The SPMP approval designated this development parcel as being subject to Estate-MPD approval.
6. The purpose of the Estate zone is to allow very low density, environmentally sensitive residential development which preserves ridge tops, meadows, and visible hillsides, preserves large, cohesive, unbroken Areas of Open Space and undeveloped land, preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development, mitigates geologic and flood

hazards, protects views along the City's entry corridors, and decreases fire risk by keeping Development out of sensitive wild land interface Areas, incorporates pedestrian trail linkages between and through neighborhoods; and encourages comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

7. The entire lot will be zoned Estate. The area outside of the Building Pad will be subject to a Conservation or Open Space Easement.
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. The development of this lot is consistent with the E District purpose statements.
2. The change from ROS to E-MPD Zoning is consistent with the Park City General Plan and the Sweeney Properties Master Plan.
3. The rezone from ROS to E is in the best interest of the community.

Conditions of Approval:

1. This zone change is contingent upon the recordation of the plat approved concurrently herein.

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

PASSED AND ADOPTED this 31st day of July, 2003.

PARK CITY MUNICIPAL CORPORATION



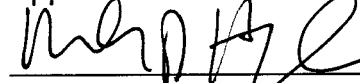
Mayor Dana Williams

Attest:

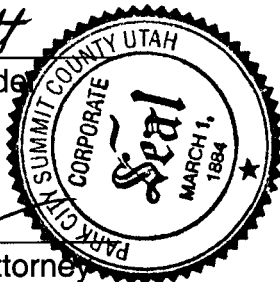


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



ORDINANCE 03-35

**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 2002 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 will receive 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 approval will be conditioned upon staff approval of an update to be provided by Spectrum Engineering by July 18, 2003, stating 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. 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) 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 Tuesdays, Fridays, and Saturdays from 5:30 PM to 8:30 PM from June 17th through August 24th. 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 on 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 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.

(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 ~~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.

(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 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.

(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 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) 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 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. 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 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) ~~(D)~~ 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 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 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 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 use of the Public Outdoor Music Plazas. Mountain Town Stages or TLC 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 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 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. STAGE APPROVAL. Staff approval of the stage for Town Lift Plaza is a condition precedent to any music event on the plaza.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 17th day of July, 2003.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder



Approved as to form:

Mark D. Harrington, City Attorney

Ordinance No. 03-33

AN ORDINANCE APPROVING THE M.R. BRUGGE PLAT AMENDMENT TO COMBINE THE SOUTHERLY FIVE FEET OF LOT 23, AND ALL OF LOTS 24 & 25 IN BLOCK 10 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, INTO TWO LOTS OF RECORD LOCATED AT 932 AND 936 NORFOLK AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the southerly five feet of Lot 23, and all of Lots 24 & 25 in Block 10 of the Snyder's Addition to the Park City Survey, has petitioned the City Council for approval of a revision to the final 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 11, 2003, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on June 11, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 10, 2003, the City Council held a public hearing to receive input on the proposed subdivision; and

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

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The property consists of the southerly five feet of Lot 23, and all of Lots 24 & 25 in Block 10 of the Snyder's Addition to the Park City Survey, and is located in the Historic Residential District (HR-1).
2. The existing property is currently vacant.
3. The amendment will combine the southerly five feet of Lot 23, and all of Lots 24 & 25 in Block 10 of the Snyder's Addition to the Park City Survey, into two separate lots of record to allow for future development to the property. No remnant lots are created.
4. The plat amendment will not increase density on the lot.

5. Each proposed lot will consist of approximately 2,062.5 square feet.
6. The maximum building footprint permitted for each proposed lot is 918 square feet.
7. Each of the existing lots contains a slope of 30% or greater.
8. The neighborhood is characterized by a mix of historic and non-historic dwellings.
9. This portion of Norfolk Avenue is a congested and heavily used street. Parking, snow storage, and construction staging is problematic in this neighborhood.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat amendment, that neither the public nor any person will be materially injured by the proposed plat amendment and that the proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. PLAT AMENDMENT APPROVAL. The plat amendment to combine the southerly five feet of Lot 23, and all of Lots 24 & 25 in Block 10 of the Snyder's Addition to the Park City Survey, known as the M.R. Brugge Plat Amendment, is approved as shown on Exhibit E, with the following conditions:

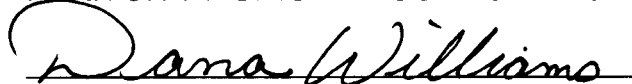
1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. Design of any future single-family dwellings requires approval of a Conditional Use Permit/Development on a Steep Slope application by the Planning Commission prior to the issuance of any building permits. During this review, the applicant will work with the Chief Building Official to mitigate any negative potential drainage problems onto adjacent lots generated as a result of development on this property.
3. Design of any future single-family dwellings requires approval of an Historic District Design Review application for compliance with the Historic District Design Guidelines prior to the issuance of any building permits.
4. A note shall be added to the plat stating that no accessory apartment(s) shall be permitted as part of any single-family dwellings associated with these lots because of the congested and heavily used relative to parking, snow storage, and construction staging in this neighborhood.
5. The City Engineer shall review the slope, configuration and drainage pattern of the proposed driveway fronting Norfolk Avenue, as well as the utility plan for the future building(s). No construction, grading, or construction staging is permitted within the Norfolk Avenue right-of-way without prior approval of the City Engineer.

6. A ten (10) foot non-exclusive snow storage easement along Norfolk Avenue shall be dedicated to the City on the plat.
7. This approval shall expire one year from the date of City Council approval, unless this Plat Amendment is recorded prior to that date.

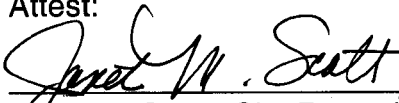
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

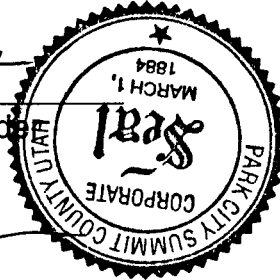
PASSED AND ADOPTED this 10th day of July, 2003.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

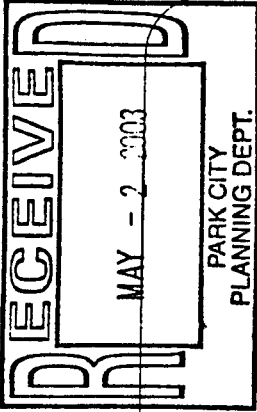
Attest:


Janet M. Scott, City Recorder

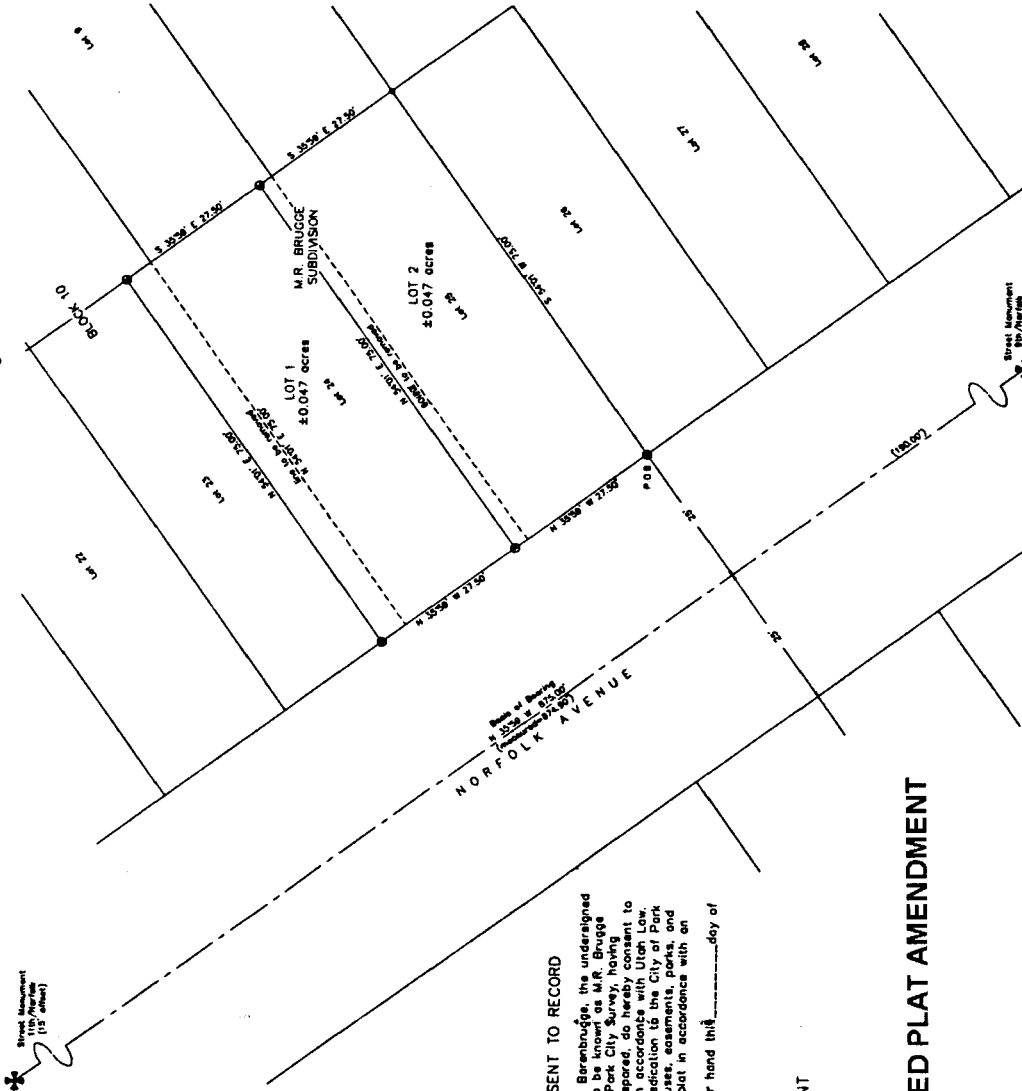


Approved as to form:

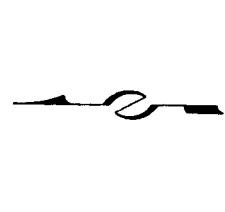

Mark D. Harrington, City Attorney



M.R. Brugge Subdivision, Snyder's Addition to the Park City Survey Lot Line Adjustment



Street Monument
 110' (10' offset)



SCALE: 1" = 8 FEET

OWNER'S DEDICATION AND CONSENT TO RECORD

I, Michael Barenbrugge, the undersigned owner of the herein described tract of land, do hereby cause this Lot Line Amendment Plat to be prepared, do hereby, having to the recordation of this Record of Survey Map in accordance with Utah Law. Also, the owner, hereby irrevocably offers for dedication to the City of Park City the streets, land for local government uses, easements, parks, and utilities and easements shown on the plat in accordance with an act of dedication.

In witness whereof, the undersigned set their hand this _____ day of _____, 2003.

By: _____
 Michael Barenbrugge

ACKNOWLEDGEMENT

I, J.D. Galey, a Registered Land Surveyor as prescribed by the laws of the State of Utah, having been duly sworn, do hereby certify that I have personally surveyed the herein described property and that this plat is a true representation of said survey.

Date: _____
 J.D. Galey R.S. 9358005

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2003 A.D.

BY: _____
 CHAIRMAN

ENGINEER'S CERTIFICATE

I AND THE PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILED IN MY OFFICE THIS _____ DAY OF _____, 2003 A.D.

BY: _____
 PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____ DAY OF _____, 2003 A.D.

BY: _____
 PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY WAS FILED BY _____ DAY OF _____, 2003 A.D.

BY: _____
 PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2003 A.D.

BY: _____ MAYOR

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____

NARRATIVE

- Survey requested by Michael Barenbrugge.
- Purpose of survey: Lot Line Adjustment.
- Basils of survey: Found Street Monument as shown. Block dimensions from the Amended Park City Monument Central Map by Summit County, Inc. Recorded as Entry No. 197785 in the office of the Summit County Recorder. Subdivision of Block 10 from the Map of Park City by Caldwell & Richards Engineers, traced from the original map July, 1927.
- Date of survey: April 8, 2003.
- Property corners set or found as shown.
- Section in the Northwest Quarter of Section 16, T2S, R4E, S18&M.
- Survey conducted in the presence of the Park City Surveyor for other possible easements and encroachments.
- The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.
- For previous surveys in the immediate area see Survey File No. S-1086 and S-3862, on file in the office of the Summit County Recorder.

LEGAL DESCRIPTION

Lot 1
 Commencing at the northwesterly corner of Lot 26, Block 10, Snyder's Addition to the Park City Survey, according to the official plat thereof, on file on record in the office of the Summit County Recorder, said point also being on the eastern right of way line of Norfolk Avenue, and running thence N 35°59' W, along said right of way line of Norfolk Avenue, 27.50 feet to the true point of beginning; thence N 35°59' W, along said right of way line of Norfolk Avenue, 27.50 feet; thence S 54°01' E, 75.00 feet to the point of beginning; containing 0.047 acres, more or less.

Lot 2
 Beginning at the northwesterly corner of Lot 26, Block 10, Snyder's Addition to the Park City Survey, according to the official plat thereof, on file on record in the office of the Summit County Recorder, said point also being on the eastern right of way line of Norfolk Avenue, and running thence N 35°59' W, along said right of way line of Norfolk Avenue, 27.50 feet; thence S 54°01' E, 75.00 feet to the point of beginning; containing 0.047 acres, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Galey, a Registered Land Surveyor as prescribed by the laws of the State of Utah, having been duly sworn, do hereby certify that I have personally surveyed the herein described property and that this plat is a true representation of said survey.

EXHIBIT A - PROPOSED PLAT AMENDMENT

Alpine Survey, Inc.
 Prospector Dr.
 Park City, Utah 84080
 (435) 635-8016

SNYDERVILLE BASIN
 WATER RECORDING DISTRICT
 WATER RIGHTS DIVISION
 1100 WEST 1000 SOUTH, PARK CITY, UTAH 84080

PLANNING COMMISSION
 APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2003 A.D.

ENGINEER'S CERTIFICATE
 I AND THE PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILED IN MY OFFICE THIS _____ DAY OF _____, 2003 A.D.

APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS _____ DAY OF _____, 2003 A.D.

CERTIFICATE OF ATTEST
 I CERTIFY THIS RECORD OF SURVEY WAS FILED BY _____ DAY OF _____, 2003 A.D.

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2003 A.D.

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____

Ordinance No. 03-32

AN ORDINANCE APPROVING STANTON PLAT AMENDMENT TO COMBINE ALL OF LOTS 2, 3, 4, 16, 17 & 18 IN BLOCK 19 OF THE AMENDED PARK CITY SURVEY, INTO ONE LOT OF RECORD LOCATED AT 9 HILLSIDE AVENUE, PARK CITY, UTAH

WHEREAS, the owner of all of Lots 2, 3, 4, 16, 17 & 18 in Block 19 of the Amended Park City Survey, has petitioned the City Council for approval of a revision to the final 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 25, 2003, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on June 25, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 10, 2003, the City Council held a public hearing to receive input on the proposed subdivision; and

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

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The property is located in the Historic Residential (HR-1) zone.
2. The existing dwelling and adjacent barn are considered to be historically significant.
3. The property consists of all of Lots 2, 3, 4, 16, 17 & 18 in Block 19 of the Park City Survey.
4. The total square footage of the proposed lot is 8,207 square feet.
5. The amendment will combine all of said lots into a single lot of record to allow for the proposed development of the property. No remnant lots are created.
6. The plat amendment will not increase density on the lot.

7. The existing barn currently maintains a zero foot front yard setback along Prospect Avenue, and is considered an existing non-complying structure.
8. The required yard setback for a lot of this size in the HR-1 zone is 10' front yard setback from Prospect Avenue, 10' front yard setback from the intersection of Hillside and Prospect Avenues, a rear yard setback of 10' fronting Hillside Avenue, and a 12' side yard setback adjacent to the adjacent properties to the south.
9. An existing non-historic deck (located to the southeast) belonging to an adjacent property owner at 14 Prospect Avenue encroaches onto the subject property.
10. An existing masonry retaining wall is located along the west side of the entire property.
11. The applicant is proposing to record two (2) separate easements as part of this plat amendment to accommodate the encroachment of an existing deck and masonry wall.
12. The proposed project will require a Historic District Design review and approval.
13. The neighborhood is characterized by a mix of historic and non-historic dwellings.
14. Several neighbors and adjoining property owners have contacted Staff via telephone regarding the initially proposed plat, but have not voiced any concerns or objection to the revised project nor the newly created lot.
15. Parking, snow storage, and construction staging is problematic in this neighborhood.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat amendment, that neither the public nor any person will be materially injured by the proposed plat amendment and that the proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. PLAT AMENDMENT APPROVAL. The plat amendment to combine all of Lots 2, 3, 4, 16, 17 & 18 in Block 19 of the Park City Survey, known as the Stanton Plat Amendment, is approved as shown on Exhibit B, with the following conditions:


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 recordation.
2. The rehabilitation of the existing historic dwelling and adjacent barn shall require the necessary review and approval of a CUP/Development on Steep Slope and Historic District Design Review applications prior to the issuance of any building permits.

3. The City Engineer shall review the slope, configuration and drainage pattern of any proposed driveway, as well as the utility plan for the property. No construction, grading, or construction staging is permitted within the Hillside Avenue, Prospect Avenue, or Marsac Avenue rights-of-way without prior approval of the City Engineer.
4. A ten (10) foot non-exclusive snow storage easement along Prospect Avenue shall be dedicated to the City on the plat.
5. A note shall be added to the plat identifying the existing encroachments and any easements associated with the existing encroachments on to the subject property.
6. A note shall be added to the plat stating that no accessory apartment(s) shall be permitted as part of any single-family dwelling associated with this lot because of the congested and heavily used streets relative to parking, snow storage, and construction staging in this neighborhood.
7. This approval shall expire one year from the date of City Council approval, unless this Plat Amendment is recorded prior to that date.

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

PASSED AND ADOPTED this 10th day of July, 2003.

PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances: including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of

disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.

9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

December 1, 1999

ORDINANCE 03-31

**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 2002 season's compliance with the regulations set forth in § 4-8A-5 and have conducted a public hearing and found no neighborhood impacts; and

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 ~~August 25, 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. 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) 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 Tuesdays, Fridays, and Saturdays from 5:30 PM to 8:30 PM from June 17th through August 24th. 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 on 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 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.

(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 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.

(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 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.

(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 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.

~~(E)~~ (D) **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 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 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 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 use of the Public Outdoor Music Plazas. Mountain Town Stages or TLC 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 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 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.

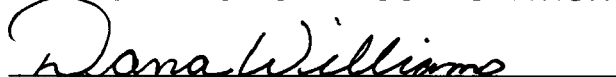
SECTION 3. SEVERABILITY. If any phrase, clause, sentence, paragraph, or section of this Ordinance is declared unlawful by a Court of competent jurisdiction, such decision shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance.

SECTION 4. STAGE APPROVAL. Staff approval of the stage for Town Lift Plaza is a condition precedent to any music event on the plaza.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 19th day of June, 2003.

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. 03-30

ORDINANCE AMENDING TITLE 9, PARKING CODE OF THE PARK CITY MUNICIPAL CODE

WHEREAS, it is necessary to update Title 9, Parking Code, to reflect modifications to the parking program and to better clarify provisions in the section; and

WHEREAS, the City Council held a duly advertised public hearing on June 19, 2003 and deems it appropriate and in the public's best to amend the Municipal Code;

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

SECTION 1. AMENDMENT. The following amendments are hereby made to Title 1, Parking Code of the Park City Municipal Code:

9- 1- 3. DEFINITIONS.

(D) NON-MOTORIZED EQUIPMENT. Any equipment that is non-motorized and is so designed as to require a Motorized Vehicle for mobility, including but not limited to uncoupled trailers, detached snowplows, dumpsters, and other non-motorized items.

9- 2- 1. PARKING PROHIBITED IN CERTAIN PLACES.

It shall be unlawful and a violation of this Title for any person to Park a Vehicle, or to permit others to Park a Vehicle in any of the following places on a Street or Public Parking Facility:

(N) In such a location or manner so as to occupy two or more marked Parking spaces; ~~unless the Vehicle is in a paid parking area and all spaces have been paid for;~~

~~(O) In accordance with Section 11-15-2, parking on pervious surfaces with the area outlined by Section 11-15-1 is prohibited. [Editor's note - Strikeout area moved to newly created section 9- 2- 16]~~

(O) At any place marked with a red curb.

9- 2- 15. FIRE ACCESS WAYS.

It shall be unlawful and a violation of this Title for any person to Park a Vehicle, or to permit others to Park a Vehicle in any marked fire lane, emergency access road, or vehicle thruway which is designated and approved for fire access by the City Fire Marshall or his/her designee, whether on public or private property.

9- 2- 16. PARKING ON PERVIOUS SURFACES IN SOIL COVERAGE AREAS PROHIBITED.

[Editor's note - Moved from 9-2-1 (O)] In accordance with Section 11-15-2, parking on

pervious surfaces with the area outlined by Section 11-15-1 is prohibited whether on public or private property.

9- 2- 4. PARKING FOR CERTAIN PURPOSES PROHIBITED.

It shall be unlawful to Park a Vehicle on any Street or within any Public Parking Facility for the following purposes.

~~(E) Camping or other habitation.~~ [Editor's note - This is a duplication of 9-2-9]

9- 2-14. OVERSIZED VEHICLES.

No person shall Park a Vehicle that is over eight feet (8') in width in a Public Parking Facility, ~~unless the Vehicle is properly Parked in a designated oversize Vehicle area or space.~~

No person shall Park a Vehicle that is over 26 feet in length or over 8 feet in height on Main Street. The following exceptions apply:

(A) Vehicles allowed under the Construction Mitigation Plan and complying with Section 9-2-12;

(B) commercial delivery Vehicles complying with Chapter 8 of this Title;

(C) Vehicles permitted under a Special Use of Public Parking Application,

(D) City, Fire, and Public Utility Vehicles or equipment engaged in official business.

9- 3- 3. ~~TWO HOUR~~ TIME-LIMITED PARKING IN COMMERCIAL AREAS.

Public Streets and Public Parking Facilities within commercial areas may be designated with time limitations. It shall be unlawful to Park a Vehicle in any area so designated by posting signs or meter legends for longer than designated time limits. Vehicles Parked longer than posted time limits are subject to fine(s) and/or impoundment.

9- 6- 3. ADDITIONAL MARKINGS APPROVED.

The City adopts the marking and sign requirements of the Manual of Uniform Traffic Control Devices (MUTCD) with the exception that the color red shall be adopted as a supplemental curb marking color to indicate general no parking zones, fire hydrant no parking zones, and fire lanes. In accordance with the MUTCD, signs shall supplement curb markings for parking except for the general restrictions outlined in Chapter 2 Section 9-2-1 Items A through H of this Title.

9- 9- 2. OBLIGATION OF OWNER TO MOVE VEHICLE.

It is the obligation of the owner or operator of a Vehicle to remove that Vehicle when it is illegally Parked. When an officer finds an illegally Parked Vehicle that is impeding traffic or snow removal, the officer is authorized to move the Vehicle to the extent

necessary to remove the obstruction, including towing the Vehicle to the City impound yard or an impound facility of a private tow company designated by the City.

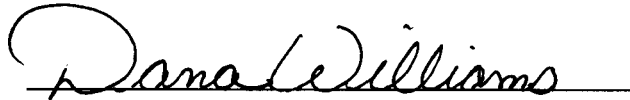
9- 9- 6. IMMOBILIZATION OF REPEAT OFFENDERS.

Any Vehicle or registered owner(s) with five or more outstanding Parking citations or an aggregate balance of \$300 or more due for Parking citations including all late fees and penalties, shall be subject to Immobilization. The Vehicle does not have to be parked illegally at the time the Immobilization device is attached, so long as proper notice procedures have been followed. Immobilization may be removed upon payment of \$35 the Immobilization Fee as established in the Fee Resolution and the total balance due to the City for all outstanding Parking citations. If the payment for the removal of the Immobilization device has not been received nor provided for within 24 hours of deployment, the Vehicle may be immediately towed and Impounded.

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

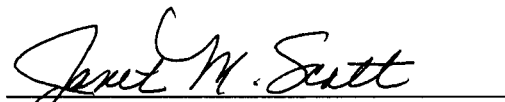
PASSED AND ADOPTED this 19th day of June, 2003.

PARK CITY MUNICIPAL CORPORATION



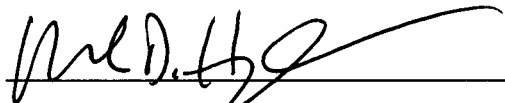
Mayor Dana Williams

Attest:

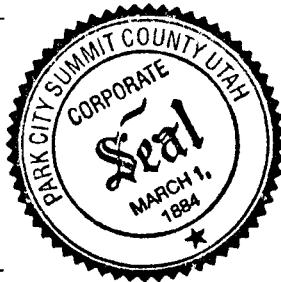


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



AN ORDINANCE APPROVING THE SUBDIVISION OF LOT 8, BLOCK 74 OF THE PARK CITY SURVEY INTO TWO LOTS OF RECORD LOCATED AT 57 DALY AVENUE.

WHEREAS, the owner of the property known as 57 Daly 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 June 11, 2003 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 subdivision allows the property owner to subdivide one platted lot into 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 District is a residential zone characterized by a mix of small historic structures and larger contemporary residences.
3. The property is located within zone A of the FEMA Flood Insurance Rate Map.
4. The amendment will subdivide Lot 8, Block 74 of the Park City Survey into two lots of record.
5. A historic single-family home at 61Daly Avenue encroaches approximately 1.5 feet onto lot B.
6. Access to the historic home at 61 Daly from proposed Lot B is necessary for exterior/ structural maintenance.
7. The minimum lot square footage for a single family home on a lot in the HR-1 zone is 1,875 square feet.
8. Lot A will consist of 2,760 square feet.
9. Lot B will consist of 2,960 square feet.
10. The minimum width of a lot for a single-family home in the HR-1 zone is 25 feet measured 15 feet from the front property line.
11. The minimum square footage for a duplex dwelling in the HR-1 zone is 3,750.
12. The front width of both lots exceeds 25 feet measured 15 feet from the front property line.
13. The depth of each lot will be 100 feet.
14. No remnant lots will be created as a result of this application.
15. Minimal construction staging area is available along Daly Avenue.
16. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.
17. The applicant has stipulated to the conditions of approval, including the grant of an encroachment/maintenance easement to 61 Daly Avenue.

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 subdivision 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 subdivision.

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 plan for flood protection that will be reviewed by the Building Department. A flood elevation certificate or flood-proofing certificate is required.
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. In order to ensure access for routine exterior/structural maintenance of the adjacent home at 61 Daly Avenue, a three-foot wide encroachment and maintenance easement shall be dedicated. A note shall be added to the plat explaining the grant of encroachment and maintenance easements to 61 Daly Avenue or identifying the easement separately recorded at the Summit County Recorder.
7. A 10-foot snow storage easement shall be dedicated to the City on the front of the two lots.

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

PASSED AND ADOPTED this 19th day of June, 2003.

PARK CITY MUNICIPAL CORPORATION

Dana Williams

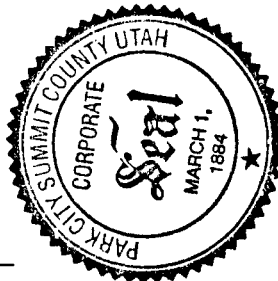
Dana Williams, Mayor

Attest:

Janet M. Scott
Janet M. Scott, City Recorder

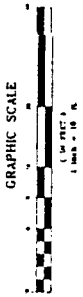
Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney



DALY NO. 8 SUBDIVISION PLAT

LYING WITHIN SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
SUMMIT COUNTY, UTAH



- LEGEND**
- EXISTING CORNER
 - EXISTING CORNER
 - NEW CORNER
 - NEW CORNER

OWNER'S DECLARATION AND CONSENT TO RECORD

I, the undersigned, being the owner of the above described land, do hereby certify that the plat hereon is a true and correct representation of the land as shown to me by the surveyor and that I have read and understand the contents of the same and consent to the recording of the same in the public records of the county in which the land is situated.

WITNESSED my hand and the seal of my office this _____ day of _____, 2003.

Daly No. 8 Subdivision, LLC

COMMISSIONER'S CERTIFICATE

I, the undersigned, being the County Clerk of Summit County, Utah, do hereby certify that the above described plat is a true and correct representation of the land as shown to me by the surveyor and that I have read and understand the contents of the same and consent to the recording of the same in the public records of the county in which the land is situated.

WITNESSED my hand and the seal of my office this _____ day of _____, 2003.

County Clerk

RECORDING INFORMATION

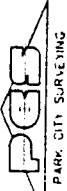
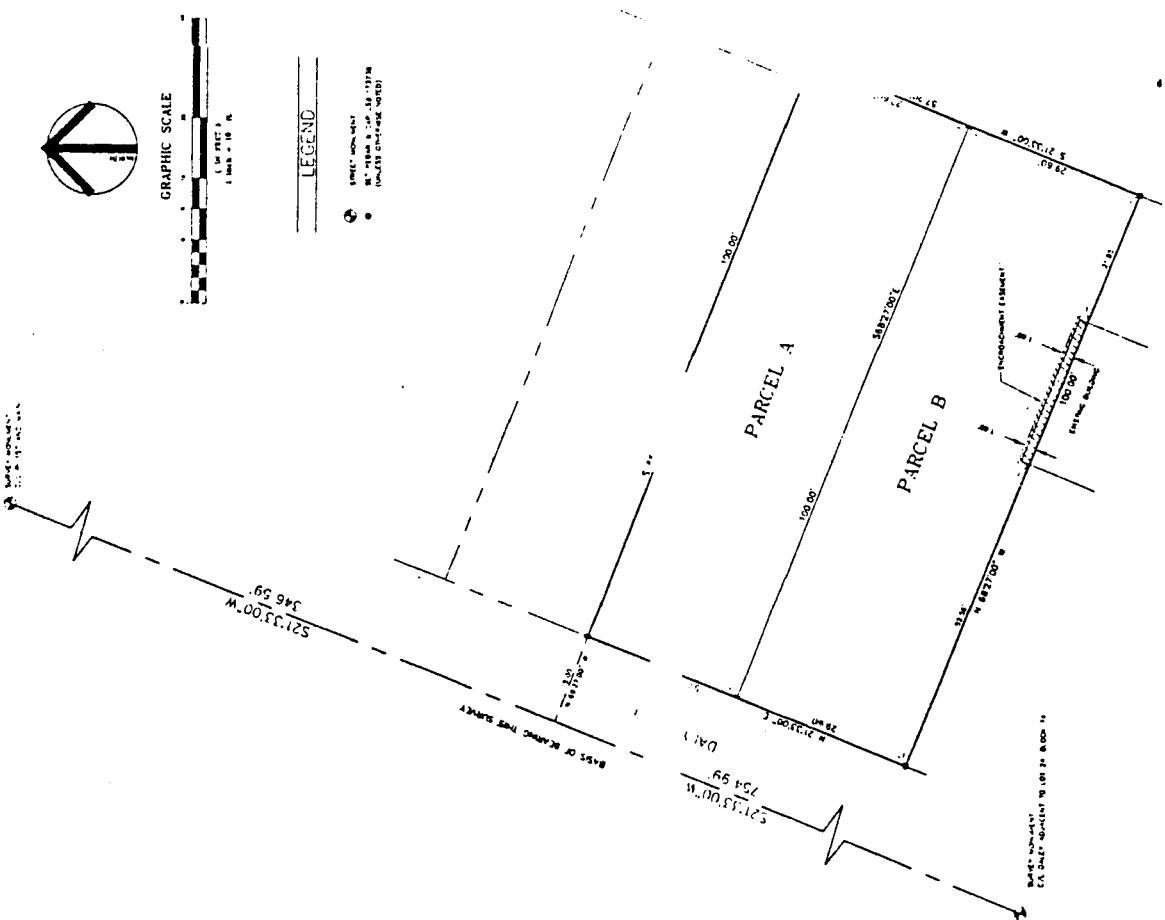
APPROVED AS TO FORM THIS _____ DAY OF _____, 2003 A.D.

BY _____
PARK CITY ATTORNEY



AS SURVEYED DESCRIPTION

Beginning at a point marked 'A' on the East side of the Salt Lake and Meridian Survey of 1833, 1/4 Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running North 89° 57' 00" West 120.00 feet to a point marked 'B'; thence North 89° 57' 00" West 120.00 feet to a point marked 'C'; thence North 0° 00' 00" East 120.00 feet to a point marked 'D'; thence South 89° 57' 00" East 120.00 feet to a point marked 'E'; thence South 0° 00' 00" East 120.00 feet to a point marked 'F'; thence North 89° 57' 00" West 120.00 feet to a point marked 'G'; thence North 89° 57' 00" West 120.00 feet to a point marked 'H'; thence North 89° 57' 00" West 120.00 feet to a point marked 'I'; thence North 89° 57' 00" West 120.00 feet to a point marked 'J'; thence North 89° 57' 00" West 120.00 feet to a point marked 'K'; thence North 89° 57' 00" West 120.00 feet to a point marked 'L'; thence North 89° 57' 00" West 120.00 feet to a point marked 'M'; thence North 89° 57' 00" West 120.00 feet to a point marked 'N'; thence North 89° 57' 00" West 120.00 feet to a point marked 'O'; thence North 89° 57' 00" West 120.00 feet to a point marked 'P'; thence North 89° 57' 00" West 120.00 feet to a point marked 'Q'; thence North 89° 57' 00" West 120.00 feet to a point marked 'R'; thence North 89° 57' 00" West 120.00 feet to a point marked 'S'; thence North 89° 57' 00" West 120.00 feet to a point marked 'T'; thence North 89° 57' 00" West 120.00 feet to a point marked 'U'; thence North 89° 57' 00" West 120.00 feet to a point marked 'V'; thence North 89° 57' 00" West 120.00 feet to a point marked 'W'; thence North 89° 57' 00" West 120.00 feet to a point marked 'X'; thence North 89° 57' 00" West 120.00 feet to a point marked 'Y'; thence North 89° 57' 00" West 120.00 feet to a point marked 'Z'; thence North 89° 57' 00" West 120.00 feet to a point marked 'A'.



COUNTY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE COUNTY PLANNING COMMISSION ON THIS _____ DAY OF _____, 2003 A.D.

BY _____
CHAIRMAN

CERTIFICATE OF ATTEST

I, the undersigned, being the County Clerk of Summit County, Utah, do hereby certify that the above described plat is a true and correct representation of the land as shown to me by the surveyor and that I have read and understand the contents of the same and consent to the recording of the same in the public records of the county in which the land is situated.

WITNESSED my hand and the seal of my office this _____ day of _____, 2003 A.D.

County Clerk

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON _____ DAY OF _____, 2003 A.D.

BY _____
S.B.W.R.D.

ENGINEER'S CERTIFICATE

I, the undersigned, being a duly licensed Professional Engineer in the State of Utah, do hereby certify that the above described plat is a true and correct representation of the land as shown to me by the surveyor and that I have read and understand the contents of the same and consent to the recording of the same in the public records of the county in which the land is situated.

WITNESSED my hand and the seal of my office this _____ day of _____, 2003 A.D.

ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____ DAY OF _____, 2003 A.D.

BY _____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2003 A.D.

BY _____
MAYOR

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ PAGE _____

DATE _____ TIME _____ ROOM _____



58
Exhibit A
56

Ordinance No. 03-28

AN ORDINANCE AMENDING TITLE 13, WATER CODE, OF THE MUNICIPAL CODE OF PARK CITY, UTAH TO ADD SECTION TO PROVIDE FOR REDUCED WATER CONSUMPTION DURING DROUGHT OR OTHER EMERGENCY

WHEREAS, Utah is entering the fifth 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 declaration of drought emergency and the imposition of mandatory water conservation measures are in the best interest of the citizens of Park City for the immediate preservation and protection of their health, safety, and welfare.

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

Section I. Amendment. Title 13 of the Municipal Code of Park City is hereby amended to add Section as follows:

Add new Paragraph 13-1-27 as follows:

13-1-27. WATER USE DURING PERIODS OF DROUGHT.

A. OBJECTIVE. The objective of this section is to establish authority, policy and procedure by which the Park City Water Service District and Park City Municipal Corporation will assure during periods of water shortages that the peak daily demand for water does not exceed 90% of available water source capacity.

B. STAGE ONE DROUGHT. Stage one of a drought shall exist when The Public Works Director, or his or her designee, determines that water demand has exceeded 90% of available water source capacity. During Stage One of a drought, The Public Works Director shall immediately implement the measures set forth the Stage I goals outlined in the City's "Water Conservation and Drought Management Plan".

C. STAGE TWO DROUGHT. Stage Two of a drought shall exist when the Public Works Director, or his or her designee, determines that water demand continues to exceed 85% of available water source capacity in spite of the implementation of Stage One measures. During Stage Two of a drought, the Park City Mayor,

or his or her designee, shall by executive order impose the following regulations.

- (1) Lawn and landscape irrigation shall be limited to 2 times per week. Houses with odd address numbers shall be allowed to use water for outdoor irrigation on Monday and Thursday. Houses with even address numbers shall be allowed to use water for outdoor irrigation on Tuesday and Friday. All other use of water for outdoor irrigation shall be prohibited.
- (2) Sidewalk and driveway washing shall be prohibited.
- (3) Car washing, unless done at a commercial car wash that recycles water, shall be prohibited.
- (4) The installation of additional lawn or landscaping, whether by seed or sod, shall be prohibited.

D. STAGE THREE DROUGHT. Stage Three of a drought shall exist when the Public Works Director, or his or her designee, determines that water demand continues to exceed 90% of available water source capacity in spite of the implementation of Stage Two measures. During Stage three of a drought, the Park City Mayor, or his or her designee, shall by executive order impose the following regulations.

- (1) All acts prohibited during Stage Two of a drought shall be prohibited during Stage Three of a drought.
- (2) All use of water for outdoor irrigation shall be prohibited.
- (3) Use of water in ornamental fountains, ponds, or other aesthetic water features shall be prohibited.
- (4) A moratorium prohibiting new or additional connections to the Park City Water Service District's water distribution system shall be prohibited.
- (5) All car washing shall be prohibited.
- (6) The use of water for filling or refilling all private and public swimming pools shall be prohibited.
- (7) The irrigation of all golf courses, whether public or private, shall be prohibited.

D. NOTICE. The Public Works Director in the case of a Stage One Drought and the Mayor in the case of a Stage Two or Stage Three Drought shall provide notice of his or her declaration of drought stage as follows:

- (1) Notice shall be published in a newspaper of general circulation in the Park City community at least once each week during the period of drought;
- (2) Public Service Announcements shall be made on a radio station broadcasting in the Park City community at least once each day during the period of drought; and
- (3) Written notice shall be posted at all government buildings.

F. ENFORCEMENT. Upon a first violation of this ordinance, in addition to any fine imposed pursuant to Section 28 of this Title, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to be responsible for the violation or its correction shall be provided with notice. Said notice shall describe the violation and order that it be corrected within such specified time as the Public Works Director determines is reasonable under the circumstances.

If the violation is not corrected within the proscribed time, the Public Works Director may order the disconnection of water service to the violating property subject to the following procedures:

- (1) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body or a City official designated as a hearing officer by the governing body;
- (2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
- (3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.

G. RECONNECTION. A fee of \$100 shall be paid for the reconnection of any water service terminated pursuant to subsection (A). In the event of subsequent violations, the reconnection fee shall be \$200 for the second reconnection and \$300 for any additional reconnections.

Modify existing paragraphs as follows:

13- 1-23. WATER EMERGENCIES.

The Mayor may declare by executive order, or the City Council may declare by resolution, a state of water emergency when it appears to the Mayor or the City Council that the City's water sources are incapable of producing sufficient water to

meet all the needs of the City's water users.

(A) During a declared water emergency, water service may be interrupted in any or all parts of the City in order to effect repairs, provide water for fire fighting, or for any other good cause. Upon the expiration of the emergency, water service shall be restored without charge.

(B) Upon such a declaration, and for the duration of the state of water emergency, it shall be unlawful to use Park City Municipal water supply water for outside irrigation, watering, or sprinkling uses, except as provided in Paragraph "(C)" of this section.

(C) The declaration of state of water emergency shall specify outside watering and irrigation schedules and may specify other water conservation measures appropriate to the circumstances of the emergency.

~~(D) Violations of this section are infractions punishable by a fine but not imprisonment. The maximum fine shall not exceed five hundred dollars (\$500.00) for each violation.~~

(E) (D) The owner or tenant of property cited for illegal watering or irrigation under this Title shall be required to pay a penalty in the amount set forth by resolution and, if the allegations in the citation are not contested, may forfeit the penalty in lieu of trying the charges.

(F) (E) Bail and/or fines shall be paid to Park City Municipal Corporation by cash or check to the City's post office box (which shall be stated on all citations) or at the City offices. Unpaid, uncontested bail forfeitures and fines may be debited against the municipal water account of the cited party and will be subject to collection pursuant to City water bill collection policies.

(G) (F) The provisions of this Title shall not apply insofar as the watering restrictions established herein are in conflict with any provision of the Park City Land Management Code.

13-1- 27 28 PENALTY.

All violations of this Title, ~~except those set forth in Sections 13-1-23,~~ shall be a Class B misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) and incarceration not exceeding six (6) months. Unauthorized taking of water is theft of services and may be a felony if the taking exceeds a value of one thousand dollars (\$1,000).

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

PASSED AND ADOPTED this 12th day of June 2003.

PARK CITY MUNICIPAL CORPORATION

Dana Williams

Mayor Dana Williams

Attest:

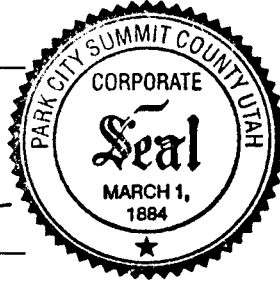
Janet M. Scott

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington

Mark D. Harrington, City Attorney



ORDINANCE NO. 03-27

**AN ORDINANCE REGULATING THE USE AND SALE OF FIREWORKS
WITHIN PARK CITY DURING THE 2003 FIRE SEASON**

WITNESSETH

WHEREAS, the City Council of Park City Municipal Corporation, Utah, (herein "City"), in conjunction with the Park City Fire Marshall, Park City Fire District, the South Summit Fire District and the North Summit Fire District, has a desire to reduce the threat of wild fires within and outside the City limits; and

WHEREAS, based on the forecasted drought, the fire risk for the year 2003 is expected to be high from June 1, 2003 through October 1, 2003; and

WHEREAS, early spring rains have combined with record high temperatures in May to produce a very high level of light fuels (grasses and other light vegetation) in the Park City area; and

WHEREAS, Park City and Summit County have the greatest amount of wildland/urban interface in the state of Utah, and

WHEREAS, the City and each of the fire districts desire to reduce the risk of wild fires which may cause extensive damage within the City and County areas; and

WHEREAS, the use of explosive and other fireworks within the City substantially increase the risk of fires; and

WHEREAS, the State of Utah has created the Utah Fireworks Act as found in U.C.A. Section 53-7-220 et. seq.

WHEREAS, pursuant to Sections 10-8-56 and -84 of the Utah Code, it is the intent of the City Council to adopt a valid, time, place and manner regulation on the display, sale, and use of fireworks that does not conflict with Sections 53-7-220 though 53-7-225 of the Utah Code; and

WHEREAS, this ordinance based on specific environmental factors identified by the Park City Fire Marshall as being ripe for wildfire and is effective for only one "fire season" and is not a general or permanent regulation in conflict with Sections 53-7-220 though 53-7-225 of the Utah Code

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

SECTION 1. The City hereby finds and determines that the fire season for the year 2003 shall be from June 1, 2003 through October 1, 2003.

SECTION 2. The use of any and all class "C" fireworks, shall be prohibited during the entirety of the 2003 fire season. Class "C" fireworks as defined by U.C.A. Section 53-7-202(7)(a) include:

- (a) a firecracker, cannon cracker, salute, cherry bomb, or other similar explosive;
- (b) a bottle rocket, skyrocket or any device other than a model rocket that uses combustible or explosive material and rises more than 15 feet when discharged;
- (c) a roman candle or other device that discharges balls of fire over 15 feet in height;
- (d) a tube or cone aerial firework that propels comets, shells, salutes, flash shells, or similar devices more than 15 feet into the air; and
- (e) a chaser, whistler, or other device that darts or travels more than ten feet laterally on a smooth surface or exceeds 15 feet in height when discharged.

SECTION 3. The sales, use and display of all other explosives or fireworks as defined in U.C.A. Section 53-7-202 (Utah Fire Prevention and Fireworks Act) shall be regulated as set forth in the Utah Code, except as set forth below:

3.1 Prohibited Sales: During the period between June 19, 2003 and July 27, 2003, the display, sale and use of all explosives and fireworks as defined in U.C.A. Section 53-7-202, shall be strictly prohibited.

SECTION 4. "Display operators" as defined by U.C.A. 53-7-202(9) may obtain permits for "display fireworks" from the Park City Fire Marshall as set forth by state law, and any display or use of fireworks in conjunction with such a permit and in accordance with state law, shall not be deemed a violation of this Ordinance.

SECTION 5. Pursuant to U.C.A. Section 53-7-226, violations of this Ordinance which incorporate portions of U.C.A. Section 53-7-220 et. seq., shall be deemed a Class B misdemeanor and shall be punishable by a fine not to exceed \$1,000 for persons or \$5,000 for corporations, and/or imprisonment for a term not to exceed six (6) months.

SECTION 6. All resolutions, ordinances, orders, and regulations or parts thereof heretofore adopted or passed which are in conflict with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 7. If any provision of this ordinance or the application of any provision of this ordinance is found invalid, the remainder of this ordinance shall be given effect without the invalid provision or application.

SECTION 8. This Ordinance shall become effective immediately upon its approval and passage.

PARK CITY MUNICIPAL CORPORATION



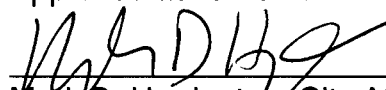
Dana Williams, Mayor

Attest:

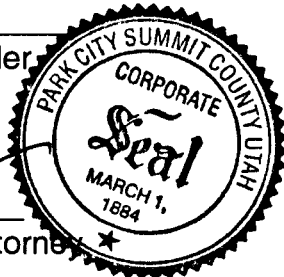


Janet M. Scott, City Recorder

Approved as to Form:



Mark D. Harrington, City Attorney



Ordinance No. 03-26

**ORDINANCE ESTABLISHING COMPENSATION
FOR THE MAYOR AND CITY COUNCIL FOR FISCAL YEAR 2003 – 2004 AND
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, a public hearing was duly advertised and held on June 19, 2003;

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

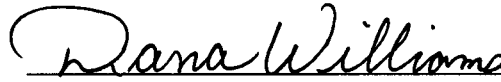
SECTION 1. COMPENSATION FOR MAYOR AND CITY COUNCIL ADOPTED: The following salary levels are hereby adopted:

| | <u>FY 2003-2004</u> | <u>FY 2004-2005</u> |
|--------------|---------------------|---------------------|
| Mayor | \$1,573 per month | \$1,604 per month |
| City Council | \$ 927 per month | \$ 945 per month |

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

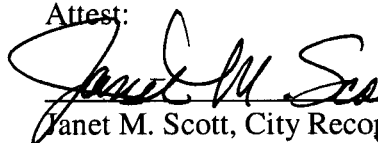
PASSED AND ADOPTED this 12th day of June, 2003

PARK CITY MUNICIPAL CORPORATION

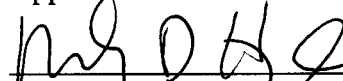


Mayor Dana Williams

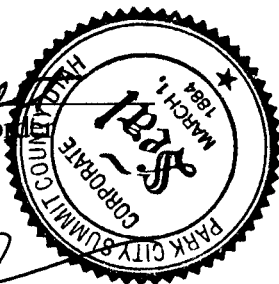
Attest:


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



AN ORDINANCE APPROVING AN AMENDMENT TO THE OFFRET RE-PLAT, LOTS 17 AND 18, BLOCK 19 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY LOCATED AT 1374 EMPIRE AVENUE.

WHEREAS, the owner of the property known as 1374 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 May 28, 2003 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 Commercial (RC) zone.
2. The RC District is a residential/commercial mix zone characterized by a mix of small historic structures, larger contemporary residences and commercial structures.
3. The amendment will remove the lot line between two existing lots of record, combining lots 17 and 18 of Block 19 of the Snyder's Addition to the Park City Survey.
4. There are no existing structures on the property.
5. The construction of a single-family home in the RC zone is an allowed use subject to the requirements of LMC Section 15-2.16.
6. The minimum lot square footage for a single-family home on a lot in the RC zone is 1,875.
7. The proposed lot will consist of 5,205 square feet.
8. No remnant lots will be created as a result of this application.
9. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

There is an existing 10-foot snow storage easement on the front of the property.

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

1. There is good cause for this re-plat.
2. The re-plat 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 re-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 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 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.
4. The existing 10-foot snow storage easement dedicated to the City on the front of the lot shall remain in place.

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

PASSED AND ADOPTED this 5th day of June, 2003.

PARK CITY MUNICIPAL CORPORATION

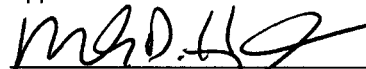


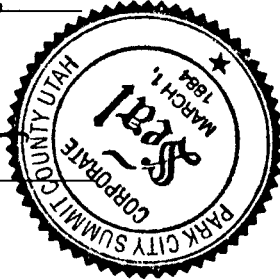
Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



SUBJECT PROPERTY

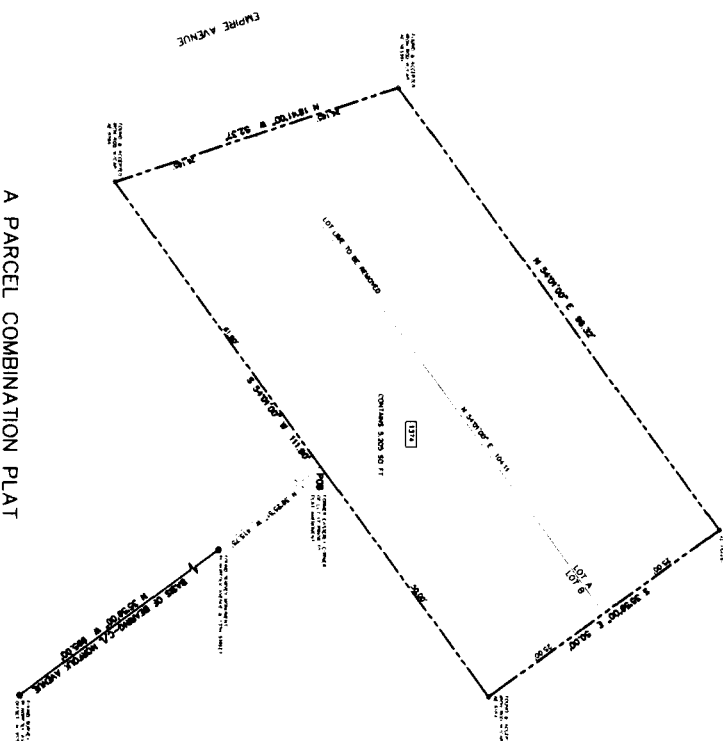
I, John Demery, do hereby certify that I am a registered land surveyor and that I hold a current license to practice as such in the State of Utah. I have prepared this plat of the subject property and I have prepared this record of survey map of the subject property and I have prepared this record of survey map of the subject property and I have prepared this record of survey map of the subject property.

John Demery
 Surveyor
 State of Utah



BOUNDARY DESCRIPTION

LOT "A" and "B" OFFICE REPLAT, commencing to Lot 17 and 18, Block 18, Snyder's Addition in Park City, Utah, according to the official plat thereof, on the one end of record in the office of the Summit County Recorder. Subject to certain Easement Right-of-Way and UTLI use as shown on the official plat of record in the office of the Summit County Recorder.



A PARCEL COMBINATION PLAT
 A RESUBDIVISION OF LOTS A & B IN BLOCK 19, SNYDER'S ADDITION
REDMOND REPLAT
 LOCATED IN SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

REDMOND REPLAT

LOCATED IN SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

OWNER'S DEDICATION AND CONSENT TO RECORD

I, JOHN DEMERY, do hereby certify that the undersigned owner of the above described parcel of land to be recorded in the office of the Summit County Recorder, do hereby consent to the recording of this plat of record and the recording of this record of survey map of the subject property in the office of the Summit County Recorder, and I have prepared this record of survey map of the subject property and I have prepared this record of survey map of the subject property and I have prepared this record of survey map of the subject property.

John Demery
 Owner

ACKNOWLEDGMENT

On this _____ day of _____, 2003, John Demery, personally appeared before me, the undersigned, a Notary Public in and for the State of Utah, and he acknowledged to me that he is the owner of the above described parcel of land and that he signed the above described record of survey map of the subject property and that he executed the same for the purposes and intentions herein expressed.

Notary Public
 My commission expires _____

NOTE
 [132] Survey address on Eureka Avenue

LEGEND
 1. Survey boundary
 2. Property owner to be set (to one end)
 3. The "X" mark within adjacent property lines
 4. The "X" mark of the

| | | | |
|--|--|---|---|
| <p>APPROVED AS TO FORM APPROVED AS TO FORM THIS DAY OF _____, 2003 A.D. BY: PARK CITY ATTORNEY</p> | <p>ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ENGINEERING ACT OF UTAH, AS AMENDED. DAY OF _____, 2003 A.D. BY: PARK CITY ENGINEER</p> | <p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF _____, 2003 A.D. BY: CHAIRMAN</p> | <p>SHIVERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SHIVERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF _____, 2003 A.D. BY: S.B.W.B.</p> |
| <p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP OF THE SUBJECT PROPERTY WAS FILED IN MY OFFICE THIS _____ DAY OF _____, 2003 A.D. BY: PARK CITY RECORDER</p> | <p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2003 A.D. BY: MAYOR</p> | <p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ THIS _____ DAY OF _____, 2003 IN BOOK _____ PAGE _____ FILED BY _____ RECORDER</p> | <p>PLAT NO. 1-2-03 FILE 13234567890102030405</p> |

SECTION 16 T2S R4E, S.L.B. 8M.

NOTE: REFER TO STREET ADDRESS

20

NORTH STREET (N 54°01' E) 50'

POWER POLE #138

1374 EMPIRE

1 SA-198 DANIEL AND JANET H. TRAMPER TRUSTEES
MB-334,5
M 171-719
21 M 181-617
335-671
335-672
1430-1419

RET SUBD (1996)
GALLACHER SUBD (1996)

OFFRET REPLAT SUBD (1996)

SA-102-E

224.74

EMPIRE AVE. M242-856
M242-856

SA-209

S. COLE, TR
407-524A
372-183-15
M268-128,130

SA-203-A 137.94'

CHARLES R. AND ILDA G. LEE (JT)
1302-8163

0.17 AC 13 M159-259
153.51' 1063-191

SA-202-A-1
12 MARYA LTD
1016-68
1078-380

19

SA-201
10 SKYLER LTD

1016-71
M155-480
M189-413

SA-201-A

SA-200

37 MARYA LTD

8 SKYLER, LTD

M 252-555

CLOSURE

STREET

SA-200-B
11 SKYLER LTD

0.116 AC.
1016-72,73

35°59' W)

6°59' W)



Ordinance No. 03-24

AN ORDINANCE APPROVING A PLAT AMENDMENT AT 735 MELLOW MOUNTAIN ROAD, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 735 Mellow Mountain Road have petitioned the City Council for approval of a 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 May 28, 2003, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on May 28, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 5, 2003, the City Council held a public hearing and approved the proposed plat amendment; 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. 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 at 735 Mellow Mountain Road is located in the Residential Development (RD) zone.
2. The property consists of Lot 3 of the April Mountain Subdivision plat and is subject to the approved April Mountain Master Planned Development.
3. The applicant has proposed a plat amendment to amend the ROS boundaries within the 1.355 acre lot to reduce the driveway grade from 14% to 10% grade and allow the house to be located lower on the lot.
4. The property has frontage onto Mellow Mountain Road. The topography of the lot restricts construction of code compliant access directly off of Mellow Mountain Road.
5. There is an existing water tank access road in an easement on Lot 3 along the northern property line. This area has been previously disturbed, yet it is designated as ROS land within Lot 3. There is a platted public access easement for a public trail within the water tank access road easement.

6. There is a portion of the lot along the southern property line that is designated for development that is being proposed with this amendment to be converted to ROS land within the lot.
7. At the time of approval of the April Mountain Subdivision it was anticipated that an ejector pump would be required for sewer service to the main in Mellow Mountain Road. At this time the developer has obtained an easement from adjacent property owners to provide rear lot sewer to Lots 1, 2, and 3 of the April Mountain Subdivision. If the proposed sewer alignment is approved on the amended utility plans, an ejector pump would no longer be required for these Lots. This should be reflected on the amended plat.
8. The facts discussed in the **Background** and **Analysis** sections of the Staff Report are incorporated herein.
9. The Planning Commission heard this application at its regular meeting of May 28, 2003, and forwards a positive recommendation to the City Council.

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 plat amendments.
3. Neither the public nor any person will be materially injured by the proposed amended plat.
4. The proposed amendment is consistent with the April Mountain Master Planned Development and the conditions of approval of the April Mountain subdivision plat.
5. The proposed use is consistent with the Park City General Plan.

Conditions of Approval

1. The City Attorney and the City Engineer will review 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 if rear lot sewer service is approved on the amended utility plans, then an ejector pump will not be required for Lots 1, 2, and 3.
3. All conditions of approval of the April Mountain Subdivision plat continue in full force and effect.
4. No full 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 existing easement for the public trail along the water tank access road is to remain on the plat and in the favor of the public. The trail will be maintained open to the public during construction.

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

PASSED AND ADOPTED this 5th day of June, 2003.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, MAYOR

ATTEST:



Jan Scott, City Recorder

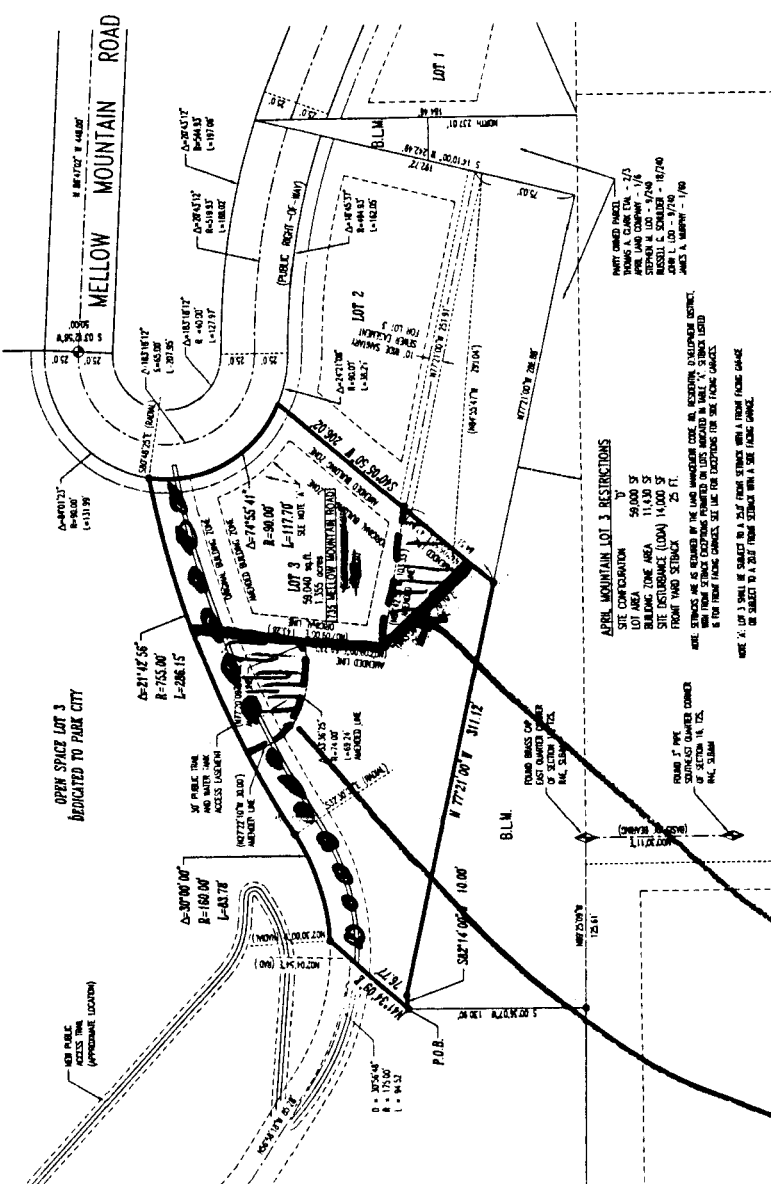
APPROVED AS TO FORM:



Mark Harrington, City Attorney

APRIL MOUNTAIN-Lot 3 AMENDED SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, & THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MERRION



APRIL MOUNTAIN LOT 3 RESTRICTIONS
 LOT AREA: 50,000 SF
 BUILDING ZONE AREA: 11,620 SF
 SITE DISTURBANCE (COM): 14,000 SF
 FRONT YARD SETBACK: 25 FT.
 SIDE SETBACKS ARE AS SHOWN BY THE LAND MANAGER'S COLE, INC. RECORDING DEVELOPER INSTRUMENT. WITH FRONT SETBACK EXPANSION, SETBACKS WILL BE 25 FT. FROM THE FRONT PROPERTY LINE.
 REAR YARD SETBACKS: 25 FT. FROM THE REAR PROPERTY LINE.
 SIDE YARD SETBACKS: 25 FT. FROM THE SIDE PROPERTY LINE.
 NOTE: LOT 3 SHALL BE SUBJECT TO A 25 FT. FRONT SETBACK WITH A FRONT FACING GARAGE OR SUBJECT TO A 20 FT. FRONT SETBACK WITH A SIDE FACING GARAGE.

- NOTES:**
- 1) A LANDSCAPE PLAN SHALL BE SUBMITTED FOR CITY REVIEW AND APPROVAL FOR EACH SIDE OF THE ROAD AND FOR EACH SIDE OF THE LOT. THE LANDSCAPE PLAN SHALL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL. THE LANDSCAPE PLAN SHALL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL. THE LANDSCAPE PLAN SHALL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL.
 - 2) EXISTING LOTTING SHALL CONFORM TO REQUIREMENTS OF THE CITY'S LOTTING ORDINANCE.
 - 3) ALL CONDITIONS OF APPROVAL OF THE AMENDED APRIL MOUNTAIN LOTS (JUNE 12, 2003) APPLY.
 - 4) ALL CONDITIONS OF APPROVAL OF THE AMENDED APRIL MOUNTAIN LOTS (JUNE 12, 2003) APPLY.
 - 5) APPROVED 15-0 RECORDING THE SYMBOLS ARE REQUIRED AND BE USED BEHIND 6 POINTS.
 - 6) DEVELOPMENT ON THESE LOTS IS SUBJECT TO THE APRIL MOUNTAIN RECORDING DEVELOPER INSTRUMENT (RECORDING DISTRICT APPROVAL) AND THE APRIL MOUNTAIN RECORDING DEVELOPER INSTRUMENT (RECORDING DISTRICT APPROVAL).
 - 7) 10' (10) FOOT SIDE SETBACKS ARE REQUIRED ALONG AND OUTSIDE THE PARADE.
 - 8) PROPERTY RECORDS ARE PROVIDED IN ACCORDANCE WITH THE RECORDS ORDERED AND BETWEEN THE APRIL MOUNTAIN DEVELOPERS, LLC AND THE APRIL MOUNTAIN RECORDING DEVELOPER INSTRUMENT (RECORDING DISTRICT APPROVAL).
 - 9) SETBACKS SHALL BE 25' FOR SIDE SETBACKS AND 25' FROM THE LOT LINE AS SHOWN ON THE RECORDING DEVELOPER INSTRUMENT (RECORDING DISTRICT APPROVAL).
- 10) If proposed sewer alignment is approved on the amended utility plans, an ejector pump will not be required for lots 1, 2, & 3.

EXHIBIT A.
 Existing platted ROS boundary
 Proposed amended ROS boundary
 water tank access road

SURVEYOR'S CERTIFICATE
 I, Kenneth A. Petty do hereby certify that I am a Licensed Professional Land Surveyor, and that I hold Certificate No. 36, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets hereafter to be known as:
APRIL MOUNTAIN-Lot 3 AMENDED SUBDIVISION
 and that the same has been correctly surveyed and stated on the ground as shown on this plat.
 BOUNDARY DESCRIPTION
 LOT 3 OF APRIL MOUNTAIN SUBDIVISION AS RECORDED WITH THE SALT LAKE COUNTY RECORDER'S OFFICE.
 BEGINNING AT A POINT NORTH 89°25'09" WEST ALONG THE CENTER OF SECTION 15, 125.61 FEET AND NORTH 00°36'07" EAST 130.90 FEET FROM THE EAST 1/4 CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MERRION; AND RUNNING THENCE NORTH 41°34'09" WEST 76.77 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE ALONG THE ARC OF A 180.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 02°30'00" WEST) THROUGH A CENTRAL ANGLE OF 30°00'00" A DISTANCE OF 63.78 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 725.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 32°30'00" EAST) THROUGH A CENTRAL ANGLE OF 21°42'56" A DISTANCE OF 286.15 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE ALONG THE ARC OF A 90.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 89°25'09" WEST) THROUGH A CENTRAL ANGLE OF 74°55'41" A DISTANCE OF 117.70 FEET; THENCE SOUTH 40°52'50" WEST 206.02 FEET; THENCE NORTH 77°21'00" 311.12 FEET TO THE POINT OF BEGINNING.
 CONTAINS 1.355 ACRES.
 (RECORDER'S PARCEL MAP NO. 3)

OWNER'S DEDICATION
 Know all men by these presents that _____, the undersigned owner(s) of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as the
APRIL MOUNTAIN-Lot 3 AMENDED SUBDIVISION
 do hereby offer for dedication to Park City and S.B.W.P.P. for perpetual use of the public all parcels of land shown on this plat, intended for Public use, in accordance with an irrevocable offer of dedication, in witness whereof _____ have hereunto set
 day of _____ A.D., 20____.

ACKNOWLEDGMENT
 STATE OF UTAH) S.S.
 Salt Lake County)
 Robert Schumacher
 (RECORDER'S PARCEL MAP NO. 3)

APPROVAL AS TO FORM
 APPROVED AS TO FORM ON THIS DAY OF _____ A.D., 20____
 CITY ENGINEER
 PARK CITY ENGINEERS

APPROVAL AS TO CONTENT
 APPROVED AS TO CONTENT ON THIS DAY OF _____ A.D., 20____
 CITY ENGINEER
 PARK CITY ENGINEERS

PLANNING COMMISSION
 AND ACCEPTED BY THE PLANNING COMMISSION ON THIS DAY OF _____ A.D., 20____

RECORDING DISTRICT APPROVAL
 APPROVED BY THE RECORDING DISTRICT APPROVAL ON THIS DAY OF _____ A.D., 20____

APRIL MOUNTAIN-Lot 3 AMENDED SUBDIVISION
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, & THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MERRION

RECORDED IN
 STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED IN THE REQUEST OF
 DATE _____
 PAGE 1 OF 1

McNEIL ENGINEERING AND LAND SURVEYING, L.C.
 PROFESSIONAL ENGINEERS AND LAND SURVEYORS
 4885 SOUTH 900 EAST, MOHAVE, UTAH 84047
 TEL: 801-225-1700 FAX: 801-225-8011 EMAIL: info@mcneileng.com

Ordinance No. 03-23

**AN ORDINANCE APPROVING THE FINAL SUBDIVISION PLAT FOR
555-577 DEER VALLEY DRIVE SUBDIVISION, PARK CITY, UTAH**

WHEREAS, the owners, Mountainlands Community Housing Trust, of the property at 555-577 Deer Valley Drive, Park City, Utah and to be known as 555-577 Deer Valley Drive, have petitioned the City Council for approval of a final 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 28, 2003, the Planning Commission held a public hearing to receive public input on the proposed final Subdivision 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, it is in the best interest of Park City, Utah to approve the final 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.

1. The property is located in the Residential Medium (RM) Density District.
2. The area consists of approximately .66 acres and is located parallel to Deer Valley Drive and south of the Sunny Side Up Subdivision.
3. The proposed Subdivision is for two metes and bounds parcels to create one single lot of record to accommodate the construction of 20 multi-family units and the rehabilitation of two (2) historic dwellings.
4. The proposal is for 22 moderate-income units ranging in size from 650 square feet to 1000 square feet.
5. The two metes and bounds parcels would be able to accommodate up to twenty-five (25) units.
6. The site is accessed off Deer Valley Drive and will provide thirty-one (31) on-site parking spaces.
7. The Planning Commission approved a Master Planned Development and Conditional Use Permit at their January 8, 2003 meeting.
8. The Planning Commission forwarded a positive recommendation to City Council at their May 28, 2003 meeting.

9. No remnant lots will be created as a result of this application.

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 subdivision.
2. The subdivision 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 subdivision.

SECTION 3. PLAT APPROVAL. The subdivision plat, known as 555-577 Deer Valley Drive, is hereby approved as shown on Exhibit A, with the following conditions:


1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with the Land Management Code and conditions of approval prior to recording the plat.
2. The Developer shall provide a detailed Construction Management Plan (CMP), prior to issuance of any building permits, that addresses at a minimum the following:
 - a.) A construction staging, storage, circulation and parking plan.
3. The developer shall instruct respective contractors that there is to be no wash out of concrete trucks on-site landscape areas. Further, the developer shall identify acceptable off-site dirt storage and disposal sites, obtain written permission by the owner and post a financial surety, to the satisfaction of the City, that will provide for the rehabilitation of the said storage and disposal site.
4. Any temporary parking signs, subject to Public Works Director and City Engineer approval, shall be addressed in the CMP.
5. The applicant shall comply with applicable Utah Air Quality standards, regarding dust mitigation, and with any applicable Utah Water Quality standards and shall provide any necessary permits or evidence of compliance prior to issuance of building construction. Park City does not guarantee or monitor compliance with these standards.
6. A utility and grading plan satisfactory to the City Engineer shall be submitted and approved. On-site storm runoff detention is required. All water lines, fire hydrants, and appurtenances behind the master water meter shall be the private maintenance responsibility of the property owners.

7. A financial guarantee, for the value of all public improvements, landscaping, and trails to be completed, shall be provided to the City prior to condominium plat recordation. All public improvements shall be completed according to City Standards and accepted by the City Engineer prior to release of this guarantee.
8. This approval shall expire within (12) twelve months from the date of Council approval, unless this plat amendment is recorded prior to the date.
9. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
10. All MPD & CUP conditions of approval shall apply.

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

PASSED AND ADOPTED this 5th day of June, 2003

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

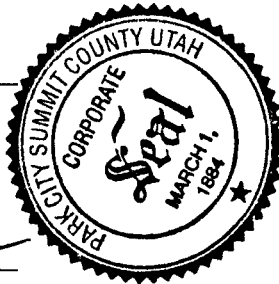


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



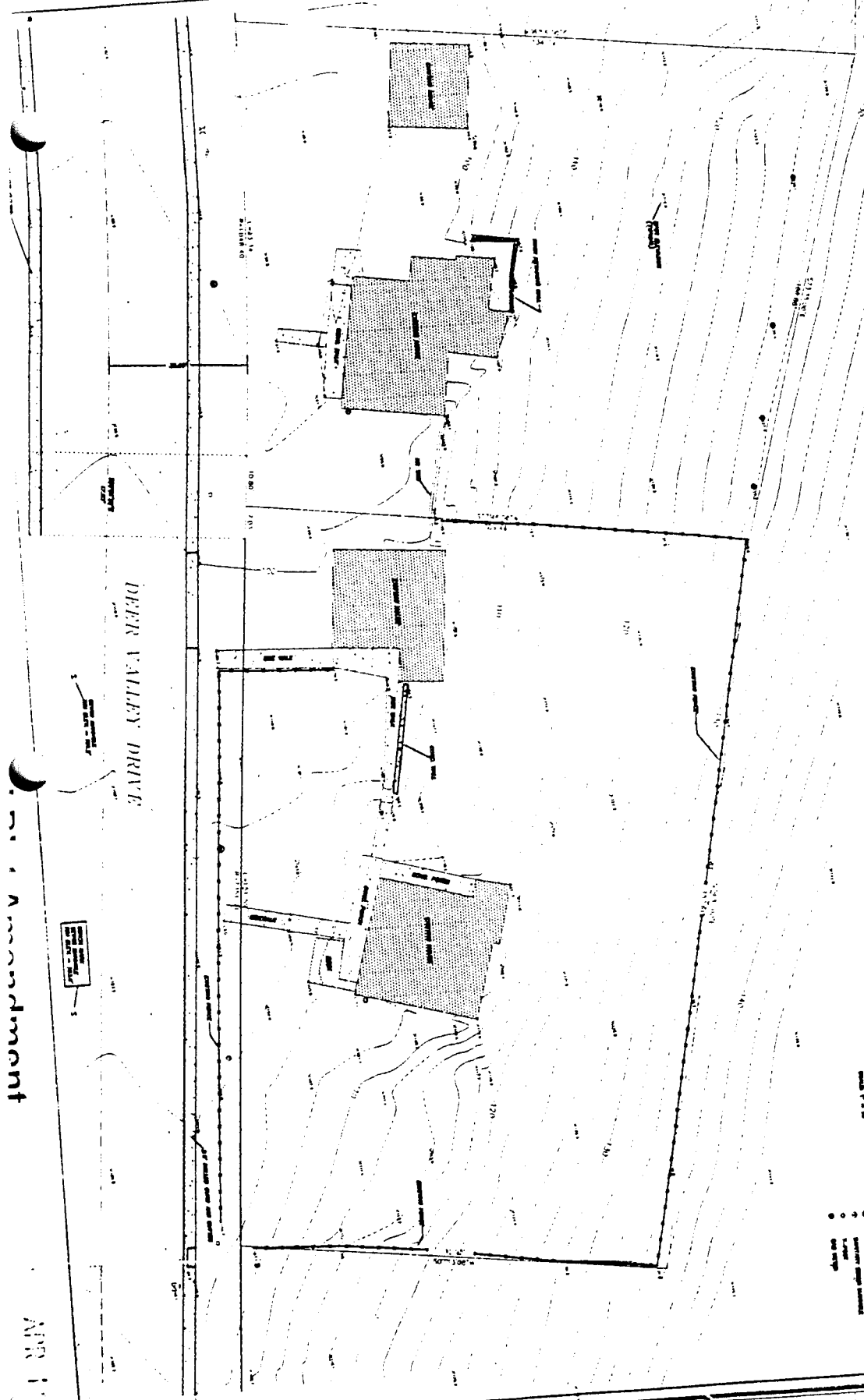
UNLESS OTHERWISE SPECIFIED, ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF. THE SCALE OF THIS MAP IS 1" = 400'. THE PROJECTION IS UTM ZONE 12N. THE DATUM IS NAD 83. THE ELEVATION IS IN FEET. THE BOUNDARIES OF THIS MAP ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE DATA. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR VERIFYING THE DATA FOR HIS OWN USE.

THE INFORMATION ON THIS MAP IS FOR GENERAL INFORMATION ONLY. IT IS NOT TO BE USED FOR ANY PURPOSE THAT MAY BE HARMFUL TO THE PUBLIC INTEREST. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR VERIFYING THE DATA FOR HIS OWN USE.

TOPOGRAPHIC MAP
STREET ADDRESSES 666 & 667 OF DEER VALLEY DRIVE
LYING WITHIN THE SOUTHEAST QUARTER OF
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASIN & MERIDIAN
SUMMIT COUNTY, UTAH



- LEGEND**
- Contour Interval
 - Spot Elevation
 - Building
 - ▭ Road
 - ▭ Fenced Area
 - ▭ Utility Line
 - ▭ Other



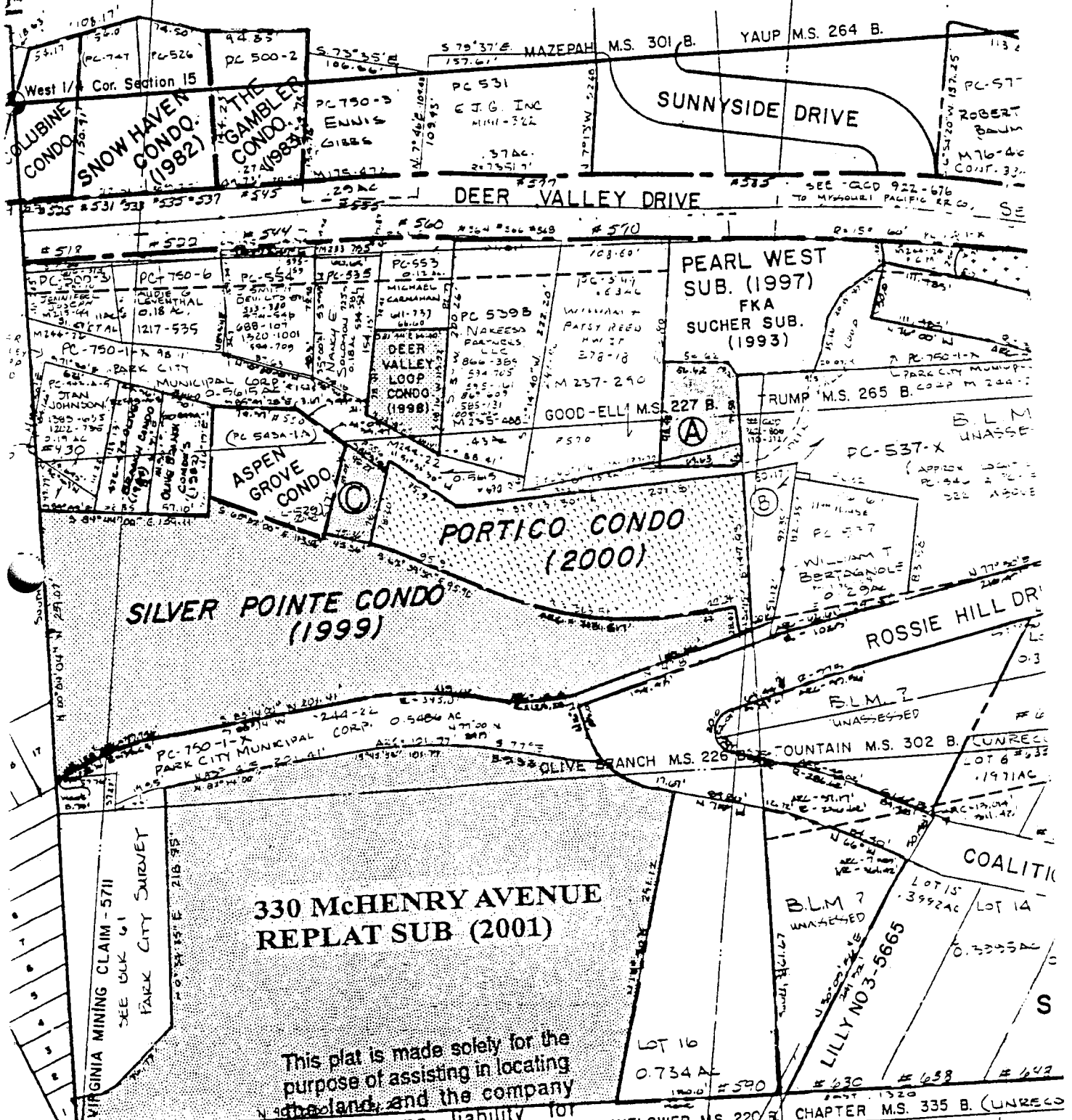
Amendment

APR 1 2003

555 & 667 OF DEER VALLEY DRIVE
TOPOGRAPHIC MAP
CHAIR MOUNTAIN
98-541
OCTOBER 2002
UTAH
SALT LAKE BASIN & MERIDIAN
SUMMIT COUNTY, UTAH

Note REFERS TO STREET ADDRESS
NW 1/4 SW 1/4 SEC. 15, T2S R.
S.L.B. & M.

157 M
PC-54
RICHARD
ETA-
725-11



This plat is made solely for the purpose of assisting in locating the land, and the company assumes no liability for variations, if any, with an actual survey.

Exhibit B - Plat

VIRGINIA M.C.
see SW FOR OWNER

PC-550-3

Ordinance No. 03-22

An Ordinance Approving an Expandable Record of Survey Condominium Plat for 8789 Marsac Avenue, Ironwood at Northside Village, Phase I.

WHEREAS, the owners of the property located at 8789 Marsac Avenue have petitioned the City Council for approval of the 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 14, 2003, to receive input on the proposed Record of Survey plat;

WHEREAS, the Planning Commission, on May 14, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 22, 2003, 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 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. 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 Planning Commission held a public hearing on May 14, 2003 and forwards a positive recommendation.
7. The proposed Record of Survey creates ten (10) private residential units in

- Phase I and additional Expandable Area for the rest of the project.
8. The residential units range in size from 3308 square feet to 4173 square feet (including garages).
 9. The proposed ownership for the single family units will be condominium through a record of survey plat.
 10. 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.
 11. Emergency secondary access is provided through Empire Canyon and as otherwise specified in the Emergency Response Plan Technical Report approved 12-12-01.
 12. The Emergency Response Plan specifies that an on-mountain Fire station/Police substation will be constructed in the Pod B-2 (Empire Canyon Lodge/Daly West) vicinity. The Plan further states that if the new station is not constructed and operational prior to vertical construction, the Park City Fire Service District will serve the resort on an interim basis from existing facilities.

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.

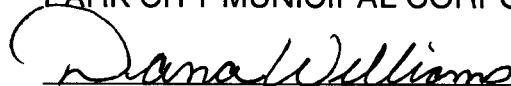
Conditions of Approval:

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.

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

PASSED AND ADOPTED this 22nd day of May, 2003.

PARK CITY MUNICIPAL CORPORATION

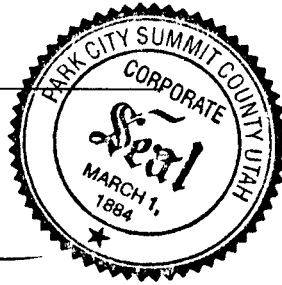


Dana Williams, MAYOR

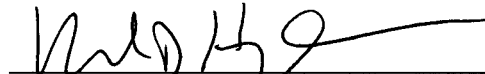
ATTEST:



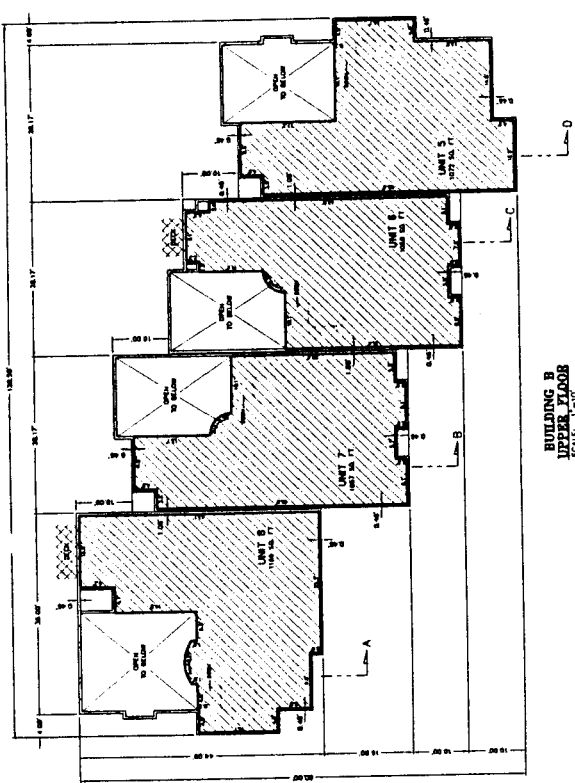
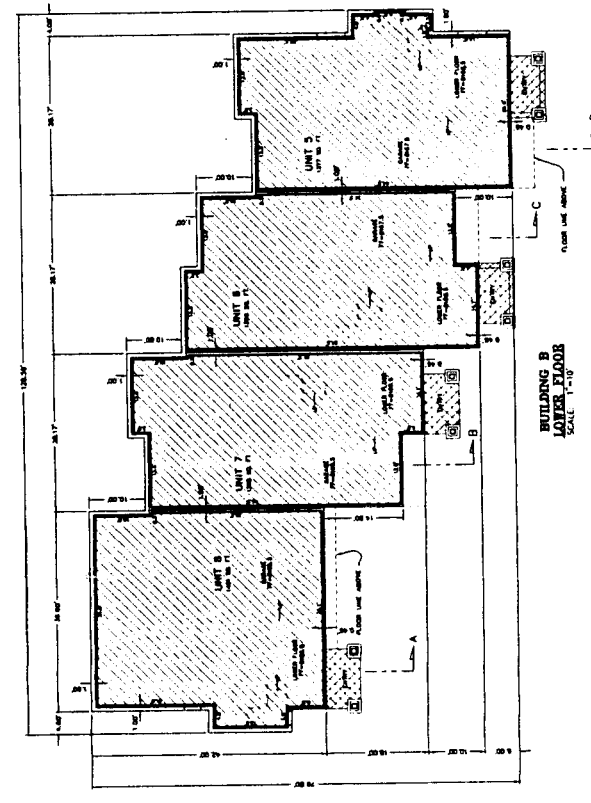
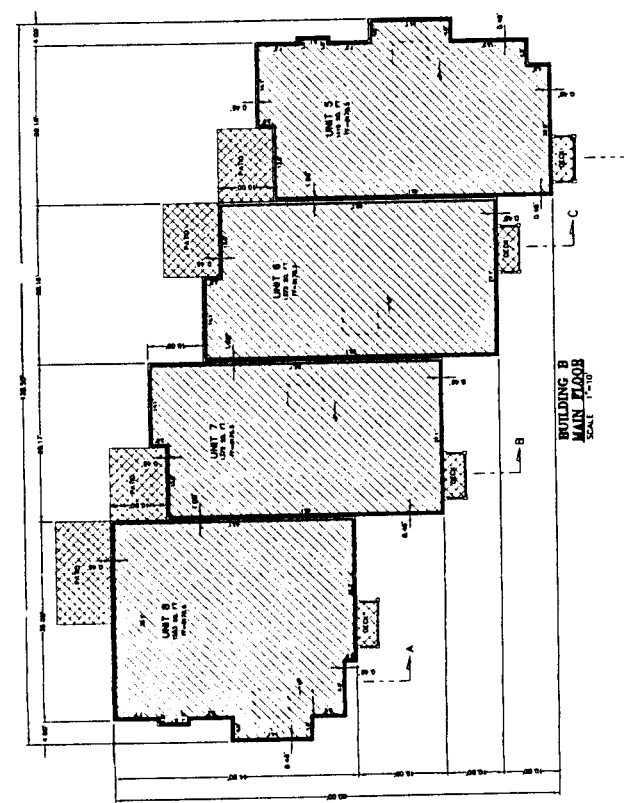
Janet M. Scott, City Recorder



APPROVED AS TO FORM:



Mark D. Harrington, City Attorney

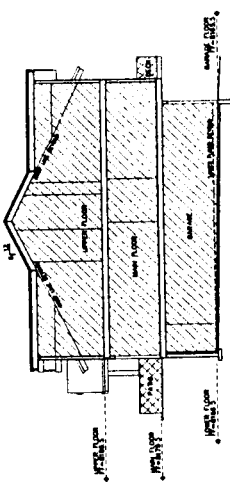


RECORD OF SURVEY MAP
IRONWOOD AT DEER VALLEY
 PHASE I

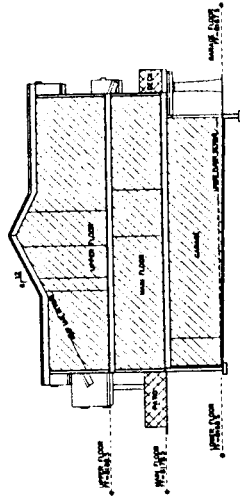
A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE COUNTY OF SUMMIT AND FELD
 TOWNSHIP 2 SOUTH, RANGE 3 EAST, S. 8, T. 2 N.

PAGE 2 OF 7
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 DATE _____ TIME _____ PAGE _____
 BOOK _____
 RECORDS

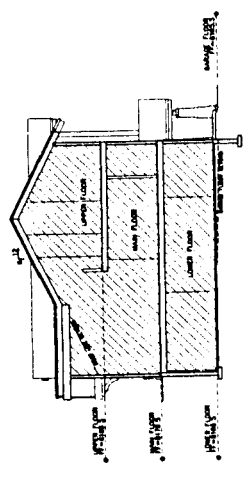
MAR 24 2003



BUILDING B-UNIT 7
SECTION B
SCALE 1/4\"/>



BUILDING B-UNIT 5
SECTION D
SCALE 1/4\"/>

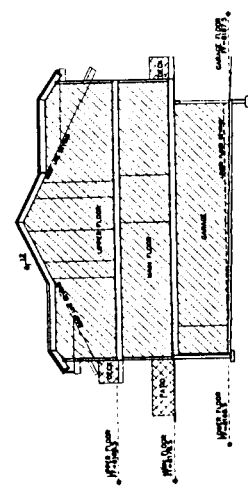


BUILDING B-UNIT 8
SECTION A
SCALE 1/4\"/>



CONCRETE DESIGNATIONS

| | |
|--------------------|----------------|
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| [Dotted pattern] | GRADE CONCRETE |
| [Horizontal lines] | LEVEL CONCRETE |



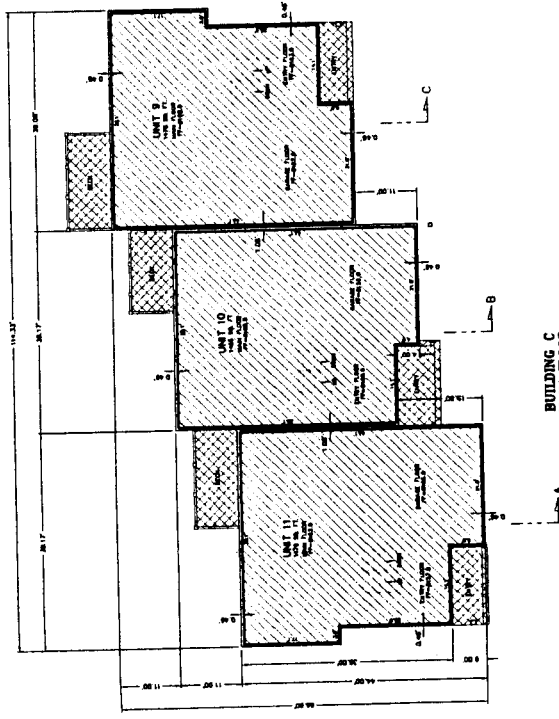
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SECTION C
SCALE 1/4\"/>

RECORD OF SURVEY MAP
IRONWOOD AT DEER VALLEY
PHASE I

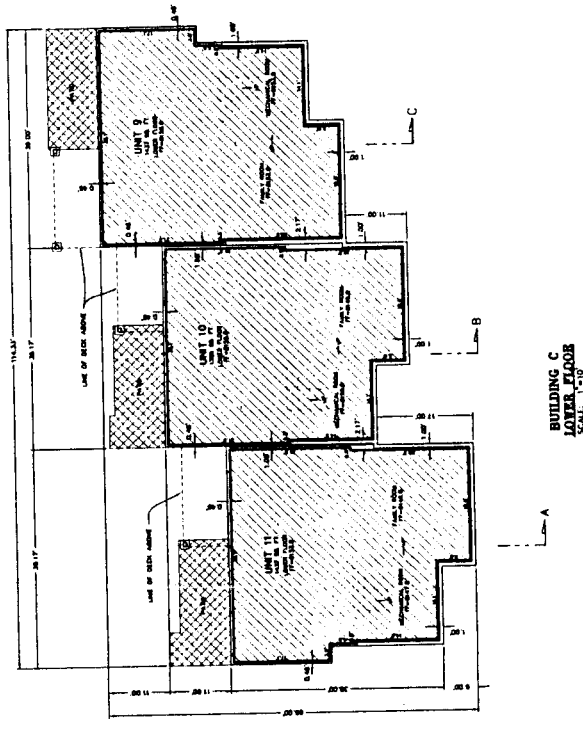
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LOCATED IN THE NORTHWEST QUARTER SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SLS. 8 & 9

PAGE 3 OF 3
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DATE 7-11-03 TIME 11:00 AM
BY [Signature] TELE [Signature]
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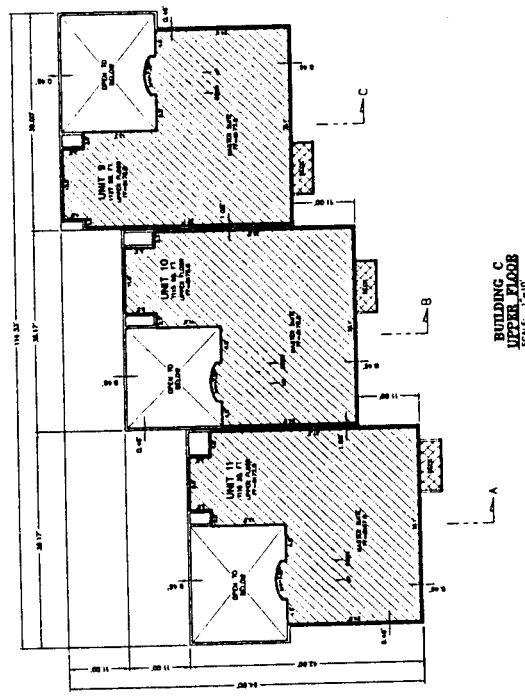
MAR 24 2003



BUILDING C
MAIN FLOOR
SCALE 1"=10'



BUILDING C
LOWER FLOOR
SCALE 1"=10'



BUILDING C
UPPER FLOOR
SCALE 1"=10'

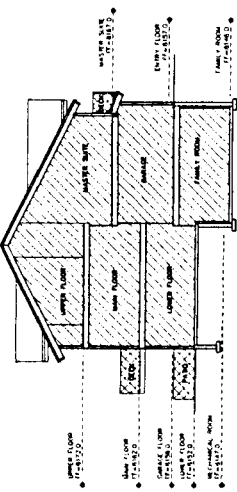
RECORD OF SURVEY MAP
IRONWOOD AT DEER VALLEY
PHASE I

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TOWNSHIP 2 SOUTH, RANGE 4 EAST, 10N 4E 22

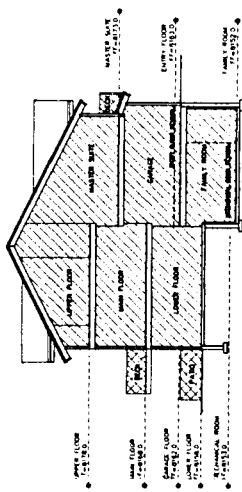
PAGE 4 OF 7

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STATE OF UTAH, COUNTY OF SUMMIT AND FILED
AT THE OFFICE OF THE CLERK OF COURTS
DATE: MAR 24 2003 PAGE 4
RECORDER

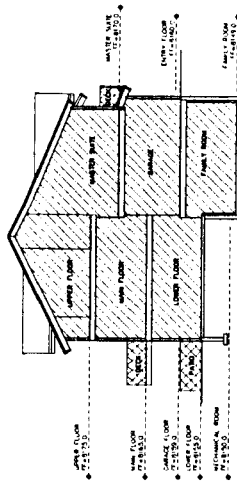
MAR 24 2003



BUILDING C-UNIT 11
SECTION B
SCALE 1/4"=1'-0"



BUILDING C-UNIT 9
SECTION B
SCALE 1/4"=1'-0"



BUILDING C-UNIT 10
SECTION B
SCALE 1/4"=1'-0"

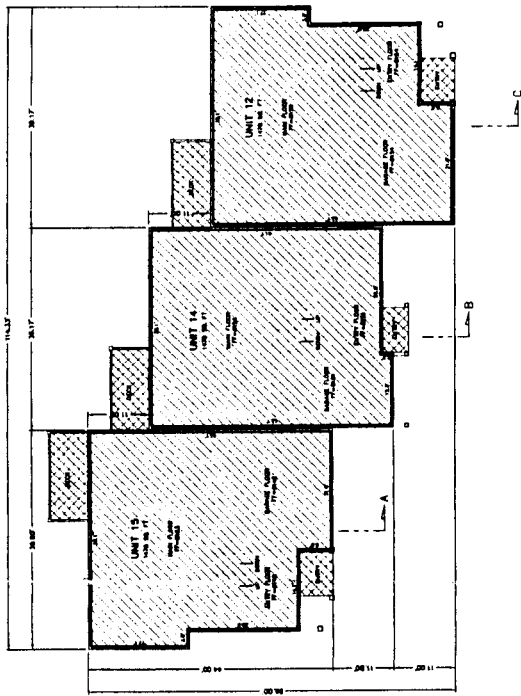


RECORD OF SURVEY MAP
IRONWOOD AT DEER VALLEY
PHASE I

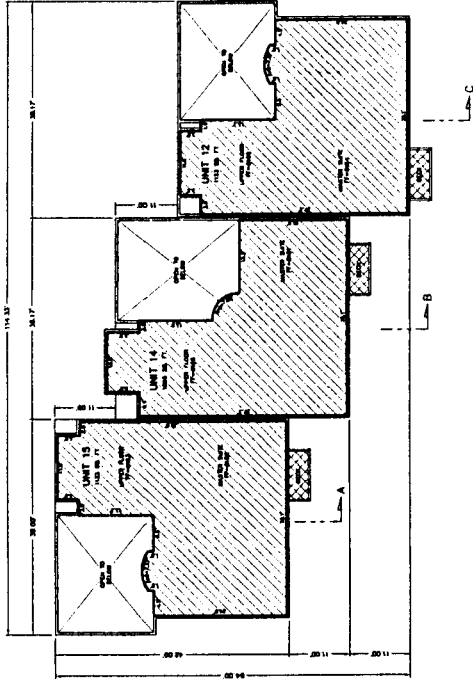
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LOCATED IN THE NORTHWEST QUARTER SECTION 24
TOWNSHIP 2 SOUTH, RANGE 4 EAST, S10E 2E

PLS NO. 7-12-02 FILED IN THE PUBLIC RECORDS AT SALT LAKE CITY, UTAH
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AT THE REQUEST OF _____ PAGE _____
DATE _____ FILE _____ RECORD # _____

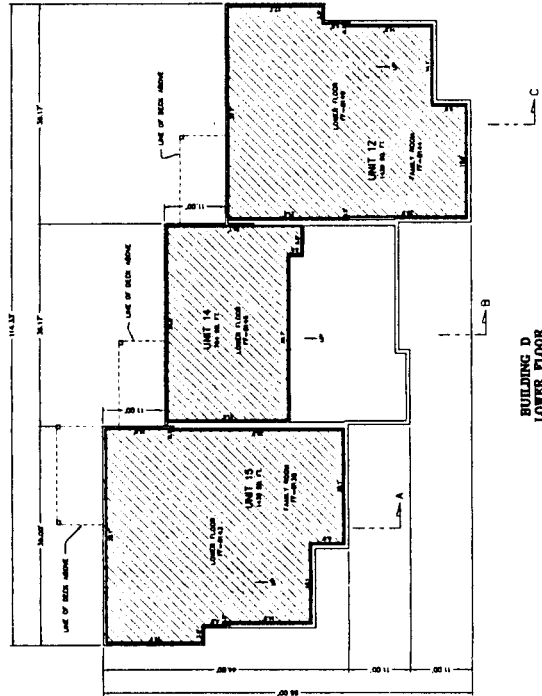
MAR 24 2003



BUILDING D
MAIN FLOOR
SCALE: 1"=10'



BUILDING D
UPPER FLOOR
SCALE: 1"=10'



BUILDING D
LOWER FLOOR
SCALE: 1"=10'

CONSTRUCTION EXPLANATIONS

| | |
|----------|----------------|
| [Symbol] | PRIVATE GARAGE |
| [Symbol] | COMMON GARAGE |
| [Symbol] | UNITED GARAGE |



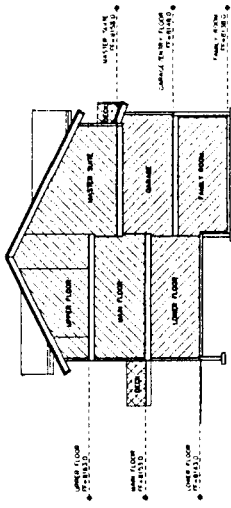
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IRONWOOD AT DEER VALLEY PHASE I

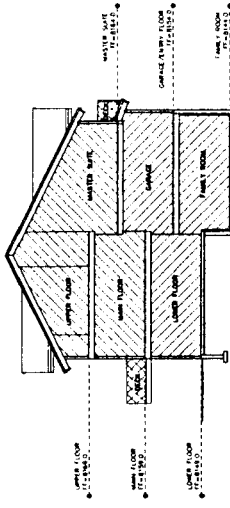
A UTAH CONDOMINIUM PROJECT
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TOWNSHIP 2 SOUTH, RANGE 4 EAST, S.1.E. 2 1/4

PAGE 8 OF
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AT THE REQUEST OF
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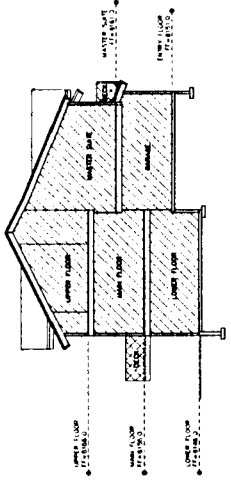
MAR 24 2003



BUILDING D-UNIT 15
SECTION A
SCALE 1/8"=1'-0"



BUILDING D-UNIT 12
SECTION C
SCALE 1/8"=1'-0"



BUILDING D-UNIT 14
SECTION B
SCALE 1/8"=1'-0"



RECORD OF SURVEY MAP
IRONWOOD AT DEER VALLEY
PHASE I

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE EAST QUARTER SECTION 24,
TOWNSHIP 3 SOUTH, RANGE 1 EAST, SLS 6 N 2 E.

FILED IN COUNTY BOOK 127-1000 PAGE 507-10
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
DATE: MAR 24 2003 TIME: 1:00 PM PAGE: 7
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MAR 24 2003

41

Ordinance No. 03-21

AN ORDINANCE REMOVING THE LOT LINE BETWEEN LOTS 86 AND 87 OF THE OAKS AT DEER VALLEY PLAT LOCATED AT 3255 SUNRIDGE COURT.

WHEREAS, the owner of the property known as 3255 Sunridge Court, 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 14, 2003 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 two lots of record into one; 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 Development Master Planned Development (RD-MPD) zone.
2. The RD-MPD District is a residential zone characterized by large contemporary single-family homes.
3. This plat amendment will combine lots 86 and 87 of the Oaks at Deer Valley Plat into one lot of record.
4. There are no existing structures on the property.
5. The construction of a single-family home in the RD-MPD zone is an approved use.
6. The maximum square footage allowed per lot in the Oaks at Deer Valley is 7,500 square feet.
7. 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.
8. As per Section 15-2.13-6(A) of the LMC, the applicant may construct a home with a maximum of 11,250 square feet if a formal request is made.
9. The property owner has requested an increase in the allowable square footage on the lot.
10. 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.
11. There is a limit of disturbance line traversing both lots.
12. No changes to the limit of disturbance line are proposed as part of this application.
13. The Oaks at Deer Valley plat requires that no more than 10,000 square feet of each lot be irrigated.
14. No more than 15,000 square feet of the combined lots will be irrigated.
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 regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.

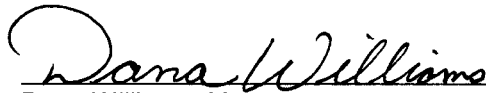
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

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. A note shall be added to the plat stating that a single-family home may be constructed on the combined lots with a maximum square footage of 11,250 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 up to a maximum of 150% of the required minimum setbacks.
4. The existing platted Limits of Disturbance line on the property shall remain unchanged.
5. All existing easements on the property shall remain unchanged.
6. A note shall be added to the plat stating that the maximum irrigable area on the property shall not exceed 15,000 square feet.
7. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
8. 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.
9. All conditions of approval for the Oaks at Deer Valley shall continue to apply.


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

PASSED AND ADOPTED this 22nd day of May, 2003.

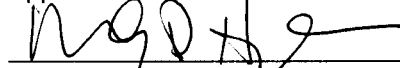
PARK CITY MUNICIPAL CORPORATION


Dana Williams, Mayor

Attest:

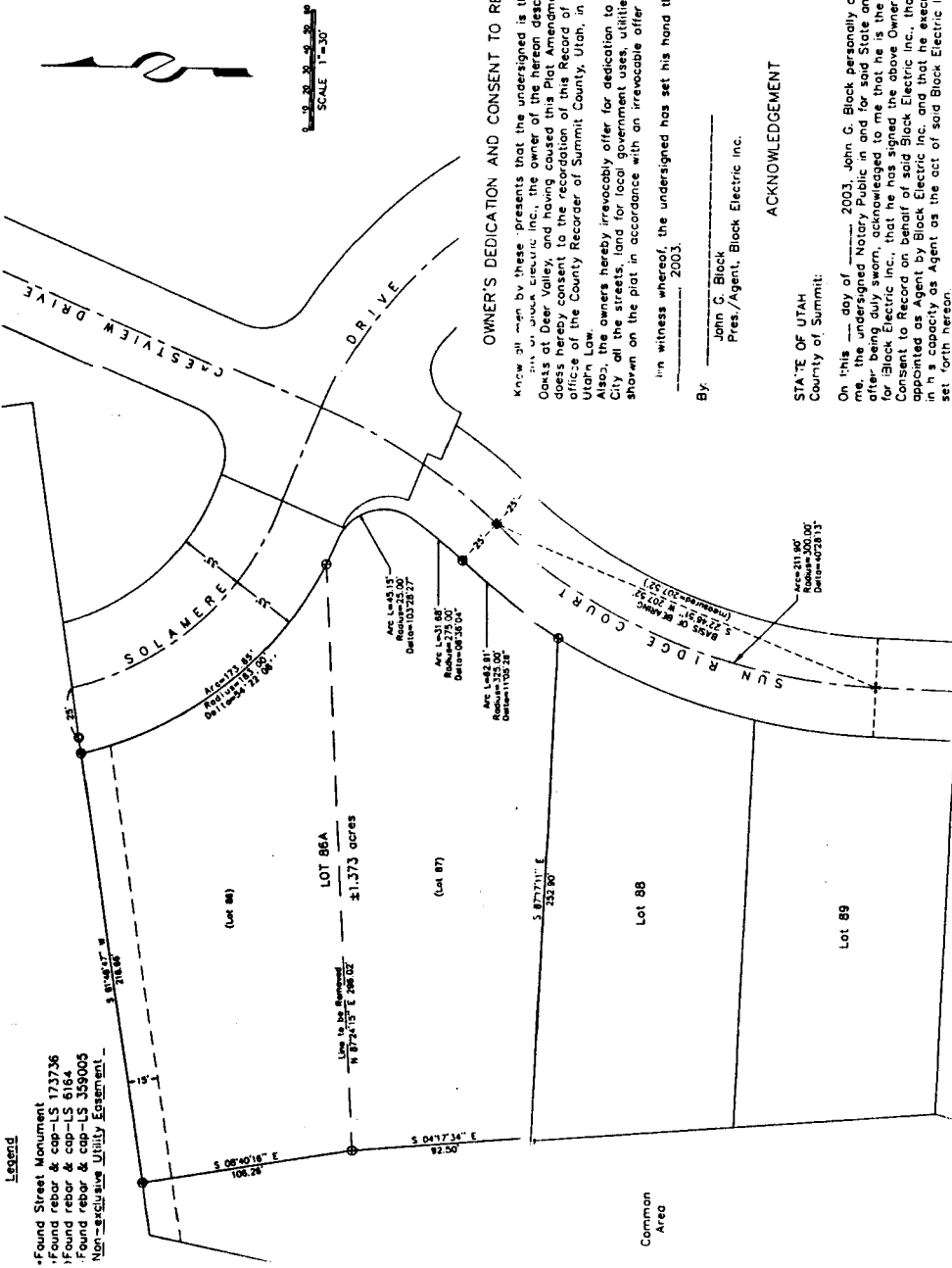

Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



The Oaks at Deer Valley Lot 86A Lot Line Adjustment



NARRATIVE

- Survey requested by: Block Electric Inc.
- Purpose of survey: Lot Line Adjustment between Lots 86 and 87.
- Date of survey: Found Street Monuments as shown.
- Property corners found on: 11/20/03.
- Located in the Southeast Quarter of Section 10, T2S, R4E, S1/4, Summit County, Utah.
- Non-exclusive utilities and drainage easements are reserved on the front and side 5.0 feet of each lot and the rear 10 feet of each lot.
- The owners of the property should be aware of all easements and other property that may appear in a title insurance policy.
- See the official plat of The Oaks at Deer Valley for other assessments, restrictions or setbacks.
- For previous surveys see Survey File No.'s S-2072 and S-39669 in the office of the Summit County Recorder.

LEGAL DESCRIPTION

Lot 86A

All of Lots 86 and 87, The Oaks at Deer Valley Subdivision, as described in the official plat thereof, on file and of record in the office of the Summit County Recorder, containing 1.373 acres, more or less. More particularly described as follows: Beginning at the corner of the Subdivision, according to the office of the Summit County Recorder, thence S 04°17'34" E, 92.50 feet to the center of the Sun Ridge Court, 62.91 feet through a central angle of 11°05'28", which bears N 37°28'15" E; thence, continuing along said right of way, 31.58 feet on the arc of a curve to the left with a radius of 275.00 feet, through a central angle of 8°36'04", the chord of which bears N 39°42'55" E; thence, continuing along said right of way of Solamere Drive, 298.00 feet on the arc of a curve to the left with a radius of 2500 feet, through a central angle of 11°03'38", the chord of which bears N 15°19'20" W; thence, continuing along the way of Solamere Drive, 173.65 feet through a central angle of 7°28'13", the chord of which bears N 39°52'30" W; thence, leaving said right of way, S 81°48'47" W, 218.66 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

I, John C. Black, President of Block Electric Inc., the owner of the herein described Lot 86A, The Oaks at Deer Valley, and having caused this Plat Amendment to be made and recorded in the office of the Summit County Recorder, Utah, in accordance with the laws of the State of Utah, do hereby irrevocably offer for dedication to the City of Park all the streets, land for local government use, utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned has set his hand this _____ day of _____, 2003.

By: _____
John C. Black
Pres./Agent, Block Electric Inc.

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:

On this _____ day of _____, 2003, John C. Black personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that he is the authorized Agent for Block Electric Inc., that he has signed the above Owner's Dedication and Consent to Record on behalf of said Block Electric Inc., that he has been duly appointed as Agent by Block Electric Inc. and that he executed this document in his capacity as Agent on the act of said Block Electric Inc. for the purpose set forth herein.

SURVEYOR'S CERTIFICATE

I, J.D. Galey, a Registered Land Surveyor, as prescribed by the laws of the State of Utah and holder of license number 355005, hereby certify that I have supervised a survey of the herein described property and that this plat is a true representation of said survey.

Ordinance No. 03-20

**AN ORDNANCE AMENDING TITLE 2, CHAPTER 3, OF THE SECTION 15 OF
THE MUNICIPAL CODE OF PARK CITY, UTAH, TO ADD SECTION 15
REGULATING THE DISPOSAL OF SIGNIFICANT PARCELS OF REAL PROPERTY**

WHEREAS, Utah House Bill 122 "Local Government Amendments," enrolled on March 18, 2003, and codified as Section 10-8-2 of the Utah Code Annotated, 1953, as amended (hereinafter "Local Government Amendments") eliminated the requirement of planning commission review and recommendation prior to any further action of a municipality when selling, leasing, or otherwise conveying city-owned property; and

WHEREAS, Park City wishes to comply with the Local Government Amendments by adopting appropriate definitions of "Significant Parcel of Real Property" and "dispose of," and applying the definitions when selling, leasing, or otherwise conveying certain city-owned property; and

WHEREAS, the City Council wishes to comply with the Local Government Amendments by setting adopting appropriate definitions to streamline and make clear the process by which the City may dispose of Significant Parcels of Real Property; and

WHEREAS, the Park City wishes to comply with all applicable local, state, and federal laws affecting the conveyance of city-owned Significant Parcels of Real Property; 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 the Local Government Amendments, a new provision should be added to address the scope and standard of review for disposals of city-owned property.
2. The new section is appropriately placed under Title 2, Chapter 3, Section 15 as "Review of Disposals of Significant Parcels of Real Property."
3. The new Title 2, Chapter 3, Section 15 shall provide that the City Council shall review all proposals for Disposals of Significant Parcels of Real Property, and prior to the proposed disposition, the City Council shall provide at least 14 days reasonable notice before the opportunity for public comment on the proposed disposition. After such reasonable notice and public comment, the City Council may dispose of the Significant Parcel of Real Property.
4. The new Title 2, Chapter 3, Section 15 shall also define "Significant Parcels of Real Property" as parcels within the City's corporate limits, and with an appraised value of equal to or greater than Two Hundred Fifty Thousand Dollars (\$250,000) or a

lease valued at Fifty Thousand Dollars (\$50,000) per annum, in order to streamline the review process.

5. The new Title 2, Chapter 3, Section 15 shall further define "dispose of" to mean to transfer to the control of City-owned property to another by any means of a sale, lease, or conveyance of such property."
6. The public interest in adding Title 2, Chapter 3, Section 15 includes maintaining consistency and compliance with the recently amended Section 10-8-2 of the Utah Code Annotated, 1953, as amended, and provides public hearing and noticing requirements for disposals of Significant Parcels of Real Property.

SECTION 2. AMENDMENT TO TITLE 2 OF THE MUNICIPAL CODE. Title 2 is hereby amended by adding Chapter 3, Section 15 Review of Disposals of Significant Parcels of Real Property:

2-3-15. REVIEW OF DISPOSALS OF SIGNIFICANT PARCELS OF REAL PROPERTY.


The City Council shall review all proposals for Disposals of Significant Parcels of Real Property. Prior to the proposed disposition, the City Council shall provide at least 14 days reasonable notice before the opportunity for public comment on the proposed disposition. After such reasonable notice and public comment, the City Council may take action on the proposed disposition.

- (A) "Dispose of" shall mean to transfer control of City-owned property to another by any means, including sale, lease, or other type of conveyance of such property.
- (B) "Reasonable Notice" shall mean posting on or about the property in a conspicuous location and publication in a newspaper having general circulation in Park City.
- (C) "Significant Parcel of Real Property" shall mean a parcel of real property owned by the City with an appraised value equal to or greater than Two Hundred Fifty Thousand Dollars (\$250,000) or a lease valued at equal to or greater than Fifty Thousand Dollars (\$50,000) per annum.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon adoption.

PASSED AND ADOPTED this 22nd day of May, 2003.

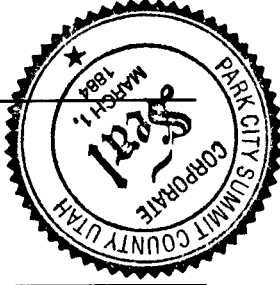
PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder



Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney

**AN ORDINANCE AMENDING TITLE 4-3-8(C)(3) OF THE MUNICIPAL CODE, REGULATING
LIMITATION ON LOCATIONS FOR STREET VENDORS**

WHEREAS, the City Council has executed a franchise agreement to sell ice cream from the public right-of-way; and

WHEREAS, if properly regulated, street vending in Historic Residential areas can be of a public benefit to the residents and visitors of Park City; and

WHEREAS, Park City has an interest in promoting vibrancy and activity;

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

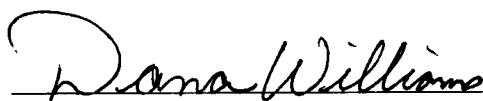
SECTION 1. AMENDMENT. Section 4-3-8(C)(3) of the Municipal Code of Park City is hereby amended to read as follows:

4-3-8(C)(3). LIMITATION ON LOCATIONS. Vending from motor vehicles, which shall include any motorized means of conveyance that is required to be licensed by the State Department of Motor Vehicles, shall be restricted to the sale of food at construction sites or, if a franchise has been obtained from the City, in the Single Family Zone, and the RD-MPD Zones within Park Meadows, all Historic Residential Zones (HR-1, HR-2, HRC, HRM), and Sullivan Lane, as designated on the Official Zoning Map of Park City. Street Vending is prohibited in locations included in any Master Festival or Special Event boundary. Street Vending on City rights-of-way during construction or other situations creating a public health or safety concern may be prohibited by the City Engineer or Chief of Police. The City will inform any franchise holder of these limitations and the duration of their effect.


SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon adoption.

PASSED AND ADOPTED this 22nd day of May, 2003.

PARK CITY MUNICIPAL CORPORATION

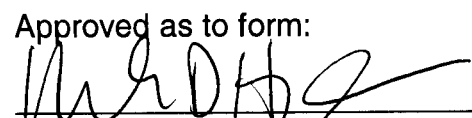


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder



Approved as to form:


Mark D. Harrington, City Attorney

ORDINANCE 03-18

**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 (UCA10-8-73 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, the City Council has reviewed the 2002 season's compliance with the regulations set forth in ' 4-8A-5 and have conducted a public hearing and found no neighborhood impacts; and

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, 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~~ ~~June 15, 2002~~ and shall expire ~~August 25, 2003~~ ~~September 15, 2002~~, 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. Neither 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) PARTY ON THE PLAZA:

(1) **LOCATION.** On the north end of the Summit Watch Plaza ~~between Dynamite Dom's and Picasso's~~. Approved plans are on file with the Special Events Department.

(2) **OPERATION DAYS/HOURS/MONTHS.** This Stage may be programmed Tuesdays, Fridays, and Saturdays from 5:30 PM to 8:30 PM from June ~~17th~~ through August ~~24th~~ ~~September 15th~~. 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 live music and pre-recorded music during breaks. For amplified events or music on 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 July 4th from 1:00 PM until 8:30 PM, August 3rd and 4th from 6:00 PM until 8:30 PM, August 10th from 1:00 PM until 8:30 PM, August 17th from 1:00 PM until 8:30 PM, and September 2nd from 1:00 PM until 6:00 PM.~~ 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 Saturdays and Sundays from 3:00 PM to 6:00 PM, from June ~~23th~~ ~~July 4th~~ through August ~~24th~~ ~~September 9th~~, excluding August 3rd 2nd and 3rd 4th and ~~August 17th~~ due to other approved Master Festival Licenses.

(3) **TYPE OF MUSIC.** ~~Acoustic Solo and Duo~~ acts with microphones for vocal and pre-recorded 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 July 4th from 1:00 PM until 6:00 PM, and September 2nd from 1:00 PM until 6:00 PM.~~ 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.

(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.

~~(6) **STAGE.** The applicant has been granted the ability to construct a temporary stage in the south end of Miners Park to accommodate the performers. Final stage design shall be reviewed by the Parks Department and must receive approval by the Building Department.~~

(C) **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~~ **95**, as measured ~~thirty~~~~twenty-five~~ feet (~~35'~~) (**25'**) in front of the stage. The data currently available to the City indicates that a maximum decibel level of ~~90~~ **95** 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. MTS 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 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 shall at all times hold the City harmless and indemnify the City from all claims, actions and liability arising from Mountain Town Stage's use of the Public Outdoor Music Plazas. Mountain Town Stages shall maintain its 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 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. 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.

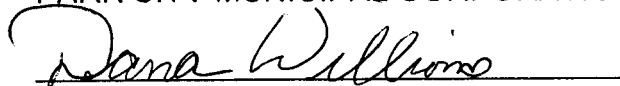
The Master Festival Licenses granted under this Chapter are in lieu of any Administrative Conditional Use Permit (CUP) for outdoor music, including outdoor speakers, pursuant to Title 15 of the Municipal Code, Land Management Code. The Community Development Department shall not issue any outdoor music 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 8th day of May, 2003.

PARK CITY MUNICIPAL CORPORATION



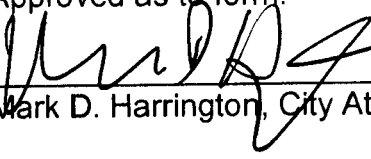
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 03-17

AN ORDINANCE APPROVING A PLAT AMENDMENT FOR THE PROPERTY LOCATED 325 DALY AVENUE.

WHEREAS, the owner of the property known as 325 Daly 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 April 23, 2003 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 subdivision allows the property owner to subdivide two metes and bounds parcels into 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 District is a residential zone characterized by a mix of small historic structures and larger contemporary residences.
3. The property is located within zone A of the FEMA Flood Insurance Rate Map.
4. The amendment will adjust boundary lines between two metes and bounds parcels to create two lots of record.
5. There are no existing structures on the property.
6. The construction of a duplex in the HR-1 zone is a conditional use subject to review by the Planning Commission.
7. The minimum lot square footage for a duplex on a lot in the HR-1 zone is 3,750.
8. Each proposed lot will consist of 7,217 square feet.
9. The minimum width of a lot for a duplex in the HR-1 zone is 25 feet measured 15 feet from the front property line.
10. The front width of both lots will be 42 feet, measured 15 feet from the front property line.
11. The depth of each lot will be 164 feet.
12. No remnant lots will be created as a result of this application.
13. Minimal construction staging area is available along Daly Avenue.
14. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

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 subdivision 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 subdivision.

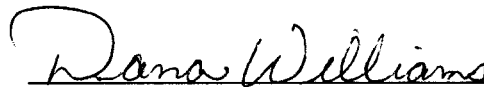
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

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 plan for flood protection that will be reviewed by the Building Department. A flood elevation certificate or flood-proofing certificate is required.
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. A 10-foot snow storage easement shall be dedicated to the City on the front of the two lots.

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


PASSED AND ADOPTED this 1st day of May, 2003.

PARK CITY MUNICIPAL CORPORATION




Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



P&S
 PARK CITY SURVEYING
 100 West Center Street
 Park City, Utah 84302
 Phone: 435.768.1111
 Fax: 435.768.1112
 E-mail: info@pands.com

CERTIFICATE OF ATTORNEY
 I, _____, Attorney at Law, do hereby certify that the above described plat was prepared by _____, a duly Licensed Surveyor, State of Utah, and that the same is a true and correct copy of the original as shown to me.

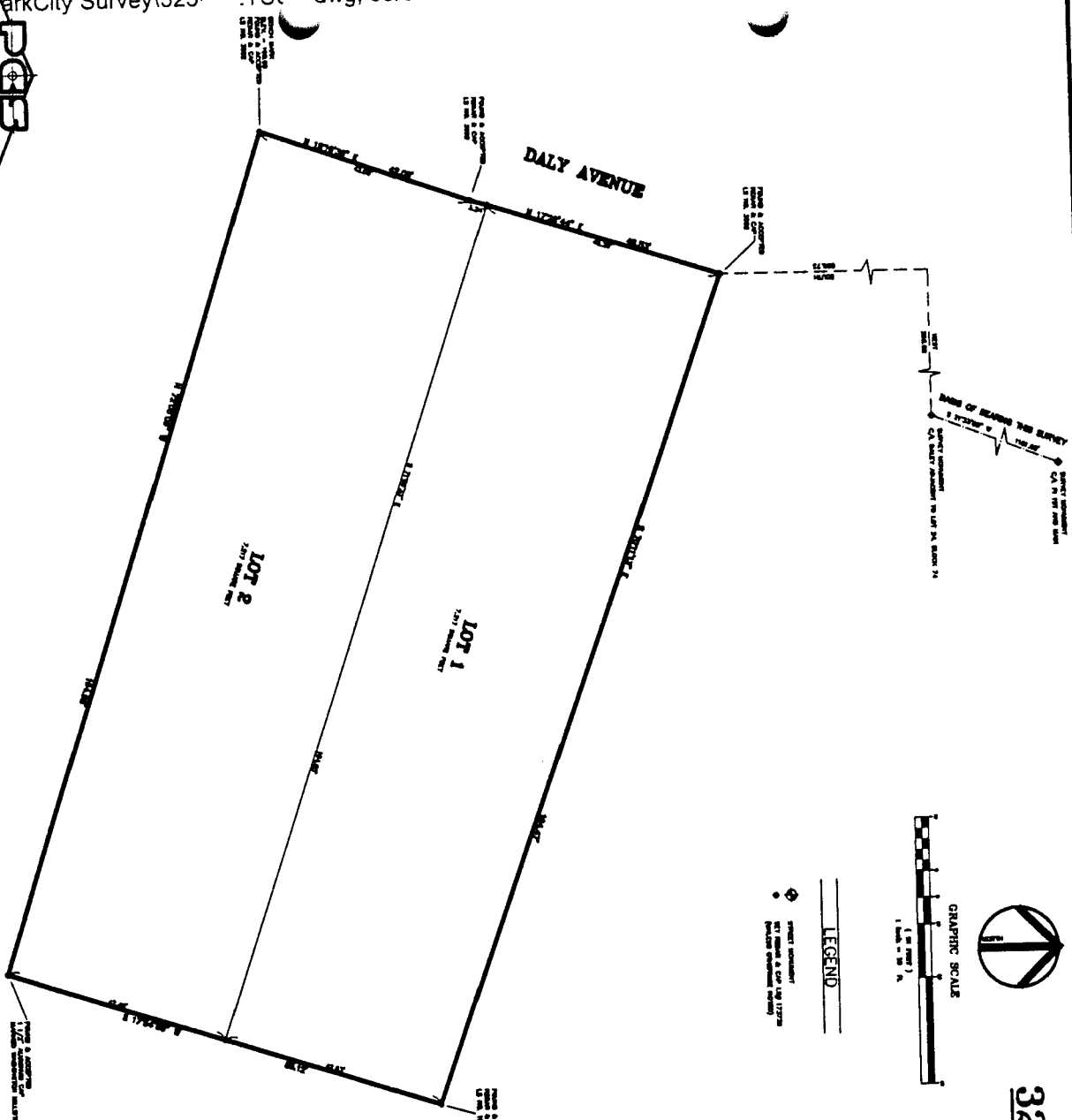
ENTIRETILE PLAIN STATE DECLARATION
 I, _____, Surveyor, do hereby declare that I am a duly Licensed Surveyor, State of Utah, and that the above described plat was prepared by me, and that the same is a true and correct copy of the original as shown to me.

ENGINEER'S CERTIFICATE
 I, _____, Engineer, do hereby certify that the above described plat was prepared by _____, a duly Licensed Surveyor, State of Utah, and that the same is a true and correct copy of the original as shown to me.

APPROVAL AS TO FORM
 I, _____, Clerk of the City, do hereby approve the form of the above described plat as shown to me.

COUNCIL APPROVAL AND ACCEPTANCE
 I, _____, Mayor, do hereby approve and accept the above described plat as shown to me.

RECORDED
 I, _____, Recorder, do hereby record the above described plat as shown to me.



325 DALY SUBDIVISION PLAT
 LYING WITHIN SECTION 21
 TOWNSHIP 2 SOUTH, RANGE 4 EAST,
 SALT LAKE BASE AND MERIDIAN
 SUMMIT COUNTY, UTAH

LEGAL DESCRIPTION
 The above described plat is a true and correct copy of the original as shown to me.

RECORDING INFORMATION
 This plat was recorded on _____, 2003.

PLAT NUMBER

DATE OF RECORDING

RECORDED
 I, _____, Recorder, do hereby record the above described plat as shown to me.

29

Ordinance No. 03-16

AN ORDINANCE APPROVING FIRST AMENDED MALACH REPLAT TO ADJUST THE INTERMEDIATE LOT LINE BETWEEN LOTS A & B OF THE MALACH PLAT IN BLOCK 32 OF THE AMENDED PARK CITY SURVEY, LOCATED AT 139 & 145 WOODSIDE AVENUE, PARK CITY, UTAH

WHEREAS, the owner of all of Lots A and B of the Malach Plat in Block 32 of the Park City Survey, has petitioned the City Council for approval of a revision to the final 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 April 23, 2003, to receive input on the proposed subdivision;

WHEREAS, the Planning Commission, on April 23, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 1, 2003, the City Council held a public hearing to receive input on the proposed subdivision; and

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

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The findings discussed in the analysis section of this report are incorporated herein.
2. The property is located in the Historic Residential (HR-1) zone.
3. The property consists of Lot A and Lot B of the Malach Plat in Block 32 of the Park City Survey, having approximately 3,004.5 and 2,612.5 square feet total, respectively.
4. The existing building on Lot A is historically significant, and currently maintains non-conforming side yard setbacks.
5. Lot B is currently vacant.

6. Bot Lot A & Lot B are under the ownership of the applicant.
7. The applicant is proposing to adjust the existing interior lot line between Lot A & B. The proposed amendment will result in a reduction of Lot A from 3,004.5 square feet to 2,812.5 square feet, and the increase of Lot B from 2,612.5 square feet to 2,812.5 square feet.
8. The applicant is proposing to make necessary structural improvements to the existing historic dwelling, thereby centering the house on the lot, and bringing it into conformance with the LMC required side yard setbacks.
9. The applicant received administrative approval of a Historic District Design review application on March 19, 2003, for the proposed improvements.
10. A specific condition of approval for the Historic District Design Review application states that no building permit will be issued for the project until a plat amendment has been reviewed & approved by the City, adjusting the intermediate lot line in order to accommodate the relocation of the existing historic house on Lot A.
11. No remnant lots are created.
12. The neighborhood is characterized by a mix of historic and non-historic dwellings.
13. The neighbor at 149 Woodside Avenue has expressed concern about future physical impacts upon her historic house (which maintains a zero lot line side yard setback to the north of Lot B).
14. The existing historic dwelling located at 149 Woodside Avenue currently maintains a legal non-complying zero-to-one foot side yard setback adjacent to Lot B of the Malach Replat.
15. Access to a utility crawlspace under 149 Woodside Avenue is found on the south side of the dwelling, within the legal non-complying zero-to-one foot side yard setback adjacent to Lot B of the Malach Replat.
16. Note #3 from the original plat regarding an existing retaining wall and future development on Lot B has been carried over to the proposed replat.
17. The title report for the original Malach Replat, dated March 18, 2003, does not report any specific easements on Lot B benefitting 149 Woodside Avenue (Lot 13 in Block 32 of the Park City Survey).
18. The applicant agrees to providing the neighbor at 149 Woodside Avenue a maintenance, snowshed, and drainage easement within the 3' LMC required side yard setback for Lot B, in exchange for not having to increase the LMC required 3' minimum side yard setback for development proposed on Lot B.

19. The Planning Commission forwarded a positive recommendation on this plat amendment to the City Council on April 23, 2003.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision, that neither the public nor any person will be materially injured by the proposed subdivision and that the proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

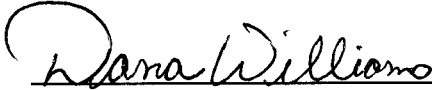
SECTION 3. SUBDIVISION APPROVAL. The plat amendment to adjust the intermediate lot line separating Lots A & B, of the Malach Replat, in Block 32 of the Park City Survey, known as the First Amended Malach Replat, is approved as shown on Exhibit B, with the following conditions:

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 recordation.
2. No building permits may be issued for the administratively approved Historic District Design Review application until the plat amendment has been approved by the City, and duly recorded by the Summit County Recorder's office.
3. All previous and applicable plat notes found on the original Malach Replat shall be reflected on the First Amended Malach Replat.
4. A note shall be added to the plat stating that no accessory apartment(s) shall be permitted as part of any dwelling located on Lot A or B.
5. The City Engineer shall review the utility plan, slope, configuration and drainage pattern of any development proposed for Lot A and/or B. No construction, grading, or construction staging is permitted within the Woodside Avenue right-of-way without prior approval of the City Engineer.
6. A ten (10) foot non-exclusive snow storage easement along Woodside Avenue shall be dedicated to the City on the plat.
7. A note shall be added to the plat stating that a maintenance, snowshed, and drainage easement be created within the LMC required 3' minimum side yard setback for Lot B, for the purpose of providing access to the utility crawlspace for 149 Woodside Avenue.
8. This approval shall expire one year from the date of City Council approval, unless this Plat Amendment is recorded prior to that date.

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

PASSED AND ADOPTED this 1st day of May, 2003.

PARK CITY MUNICIPAL CORPORATION

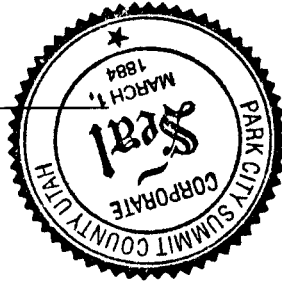


Mayor Dana Williams

Attest:



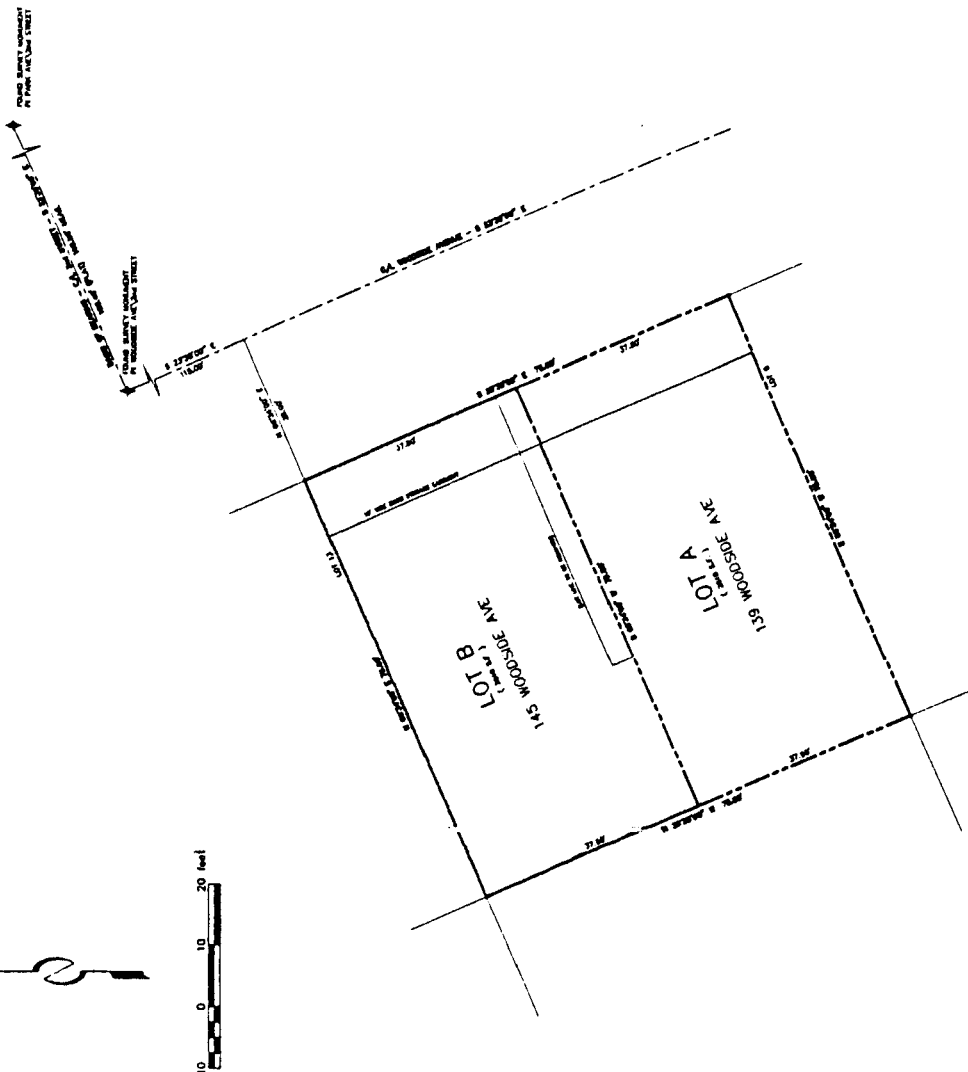
Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney



MINUTE CERTIFICATE

I, the undersigned, being duly qualified as a Notary Public for the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Summit, Utah, and that the same is a true and correct copy of the original as the same appears in the records of the County of Summit, Utah, and that the same is a true and correct copy of the original as the same appears in the records of the County of Summit, Utah.

Date: _____

LEGAL DESCRIPTION

Lot A and Lot B located in the _____

OWNER'S DECLARATION

I, the undersigned, being duly qualified as a Notary Public for the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Summit, Utah, and that the same is a true and correct copy of the original as the same appears in the records of the County of Summit, Utah, and that the same is a true and correct copy of the original as the same appears in the records of the County of Summit, Utah.

Date: _____

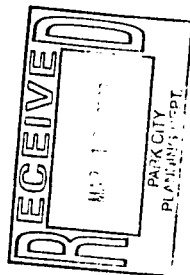
ACKNOWLEDGMENT

I, the undersigned, being duly qualified as a Notary Public for the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Summit, Utah, and that the same is a true and correct copy of the original as the same appears in the records of the County of Summit, Utah, and that the same is a true and correct copy of the original as the same appears in the records of the County of Summit, Utah.

Date: _____

NOTES

- The record number of the plat is 123456789.
- The record number of the plat is 123456789.
- The record number of the plat is 123456789.
- The record number of the plat is 123456789.
- The record number of the plat is 123456789.
- The record number of the plat is 123456789.



**FIRST AMENDED
M A L A C H R E P L A T**

LOT LINE ADJUSTMENT
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

Exhibit C - Proposed Amendment

| | | | | | | | | |
|---|--|---|---|--|---|--|--|--------------------|
| <p>Job No. 0-1-03 DATE: _____ TIME: _____</p> | <p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS DATE OF _____ 2003 A.D. BY: _____ PARK CITY ATTORNEY</p> | <p>ENGINEERS CERTIFICATE I AND THE ENGINEER SHALL TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DATE OF _____ 2003 A.D. BY: _____ PARK CITY ENGINEER</p> | <p>SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT REVISED FOR COMPLIANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS DATE OF _____ 2003 A.D. BY: _____ S.B.S.I.D.</p> | <p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DATE OF _____ 2003 A.D. BY: _____ CHAIRMAN</p> | <p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS FILED BY OF _____ 2003 A.D. BY: _____ PARK CITY RECORDER</p> | <p>ALLIANCE ENGINEERING INC. P.O. BOX 2464 313 MAIN STREET PARK CITY, UTAH 84066 (407) 948-940</p> | <p>RECORDED STATE OF NEW YORK COUNTY OF SUMMIT AND FILED AT THE OFFICE OF THE CLERK OF THE DATE: _____ TIME: _____</p> | <p>PAGE 1 OF 1</p> |
|---|--|---|---|--|---|--|--|--------------------|

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, paving, paths, trails, public utility signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of

December 1, 1999

- 9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.
- 10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
- 11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
- 12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
- 13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
- 14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
- 15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
- 16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
- 17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

Ordinance No. 03-15

AN ORDINANCE APPROVING THE AMENDED RECORD OF SURVEY FOR A PLAT AMENDMENT TO COMBINE ALL OF LOT 25 AND LOT 26 OF BLOCK 27, SNYDER'S ADDITION INTO ONE LOT OF RECORD LOCATED AT 1138 LOWELL AVENUE, PARK CITY, UTAH

WHEREAS, the owners, Daniel and Sherry Winarski, of the property at 1138 Lowell Avenue Park City, Utah have petitioned the City Council for approval for an amendment to the final Park City 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 April 23, 2003, 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 Snyder's Addition allows the owner to combine all of Lot 25 and Lot 26 of Block 27, Snyder's Addition 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 at 1138 Lowell Avenue in the Historic Residential (R-1) District.
2. The proposed plat creates a 3,750 square foot lot.
3. The Planning Commission forwarded a positive recommendation to the City Council at their April 23, 2003 meeting.
4. The applicant is proposing to construct an addition to the existing single-family dwelling.
5. The existing dwelling is located on lot 26.
6. The minimum lot size allowed for a single-family dwelling is 1,875 square feet.
7. The applicant's proposed use (single-family dwelling) is permitted in the HR-1 District pursuant to the LMC Section 15-2.2-2 (A) Allowed Uses.

8. The proposed plat amendment will combine all of lot 25 and lot 26 of Block 27, Snyder's Addition into one lot of record measuring 3,750 square feet.
9. The plat amendment will not increase density on the lot.
10. No remnant lot is created.
11. The lots exceed 30% slope.
12. The applicant is required to submit a conditional use permit for steep slope review.
13. The applicant is required to submit a Historic Design Review application for the proposed construction of the single-family dwelling.
14. The applicant stipulates to all conditions of approval.

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 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. RECORD OF SURVEY. The subdivision plat, known as 1030 Lowell Avenue, Block 28, Snyder's Addition to the Park City Survey, is hereby approved as shown on Exhibit A, with the following conditions:

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 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.
3. 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.
4. The applicant shall submit prior to building plans submittal, a Historic Design Review application and a conditional use permit for steep slope analysis for the addition that will be either approved/denied by the Planning Commission.

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

PASSED AND ADOPTED this 1st day of May, 2003

PARK CITY MUNICIPAL CORPORATION

Dana Williams
Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder

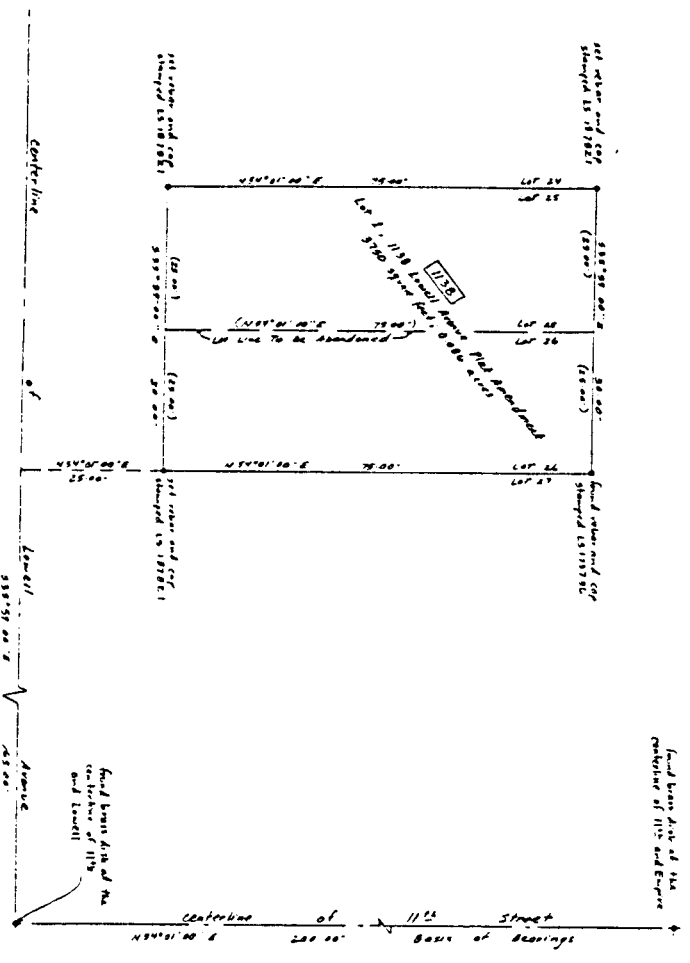
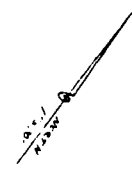
Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney



1138 Lowell Avenue Plat Amendment and Record of Survey
 Lot 25 and 26, Block 27, Snyder's Addition, First City

1138
 Howell



Found upon plat of this subdivision of lots and Blocks

Sworn before me by the parties that set out, Daniel G. Winward, and Steven D. Winward, are the owners of the above described property, hereinafter to be known as 1138 Lowell Avenue, and they have caused this survey to be made, and the plat to be prepared, and set do hereby consent to the recording of this survey and plat instrument.

Daniel G. Winward
 Steven D. Winward

Acknowledgments:

Subscribed and sworn to before me by the undersigned on this _____ day of _____, 2002, personally appeared before me the undersigned Walter J. Blevins, in and for said State and County, Daniel G. Winward, and Steven D. Winward, also after being duly sworn, acknowledged to me that they are the owners of the above described property, and that they signed the above instrument to record freely and voluntarily.

My Commission Expires _____ Retiring At _____

Surveyor's Certificate:
 I, the Recorder, find from number 113821, as provided 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 this survey order and legal description below.

Survey Order:

1. The basis of bearings is as shown.
2. This survey was requested by Daniel and Steven Winward.
3. Survey monuments were found as set out above.
4. [1138] is sound address on Lowell Avenue.

Legal Description:
 All of lots 25 and 26, Block 27, Snyder's Addition to First City, also being located in Snyder's Addition, Township 2 South, Range 4 East, Salt Lake Branch and Meridian, Second County, Utah.



City Council
 Approved by the First City Council on this _____ day of _____, 2002.

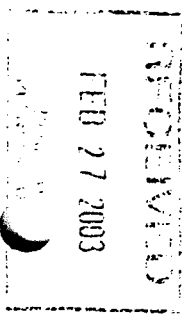
City Planning Commission
 Approved by the First City Planning Commission on this _____ day of _____, 2002.

City Recorder
 I find to be in accordance with the provisions of the act of the First City Engineer's Office on this _____ day of _____, 2002.

City Engineer
 I find to be in accordance with the provisions of the act of the First City Engineer's Office on this _____ day of _____, 2002.

City Attorney
 Approved on this _____ day of _____, 2002.

Sylvia B. Blevins, Recorder
 I find to be in accordance with the provisions of the act of the First City Engineer's Office on this _____ day of _____, 2002.



Surveyed by O. M. Wood Land Surveying
 P. O. Box 2804
 Salt Lake City, UT 84102
 801-488-8820

Ordinance No. 03-14

AN ORDINANCE APPROVING THE AMENDED RECORD OF SURVEY FOR A PLAT AMENDMENT TO COMBINE ALL OF LOT 24 AND LOT 25 OF BLOCK 28, SNYDER'S ADDITION INTO ONE LOT OF RECORD LOCATED AT 1030 LOWELL AVENUE, PARK CITY, UTAH

WHEREAS, the owner, David Hood, of the property at 1030 Lowell Avenue Park City, Utah have petitioned the City Council for approval for an amendment to the final Park City 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 April 23, 2003, 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 Snyder's Addition allows the owner to combine all of Lot 24 and Lot 25 of Block 28, Snyder's Addition 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 proposed application is to combine lots 24 and 25 in Block 28 of the Snyder's Addition into one 3,750 square foot lot.
2. The minimum lot size for the HR-1 zone is 1,875 square feet.
3. The Planning Commission forwarded a positive recommendation to the City Council at their April 23, 2003 meeting.
4. The minimum lot width for the HR-1 zone is 25 feet.
5. The proposed lot width is 50 feet.
6. The applicant's proposed use (single family dwelling) is permitted in the HR-1 District pursuant to the LMC Section 15-2.2-2 (A) Allowed Uses.
7. The lots are located on the east side of Lowell Avenue.
8. The plat amendment will not increase density on the lot.

9. No remnant lot is created.
10. The applicant stipulates to the conditions of approval.

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 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.

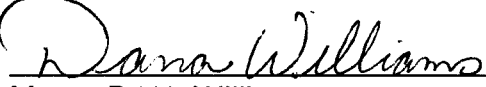
SECTION 3. RECORD OF SURVEY. The subdivision plat, known as 1030 Lowell Avenue, Block 28, Snyder's Addition to the Park City Survey, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer shall 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 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.

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

PASSED AND ADOPTED this 1st day of May, 2003

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

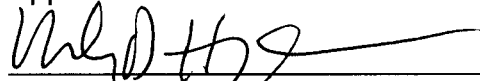
Attest:



Janet M. Scott, City Recorder



Approved as to form:

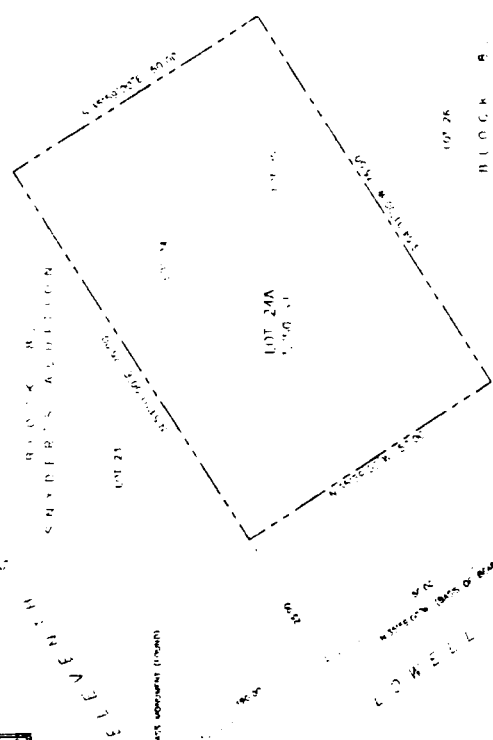
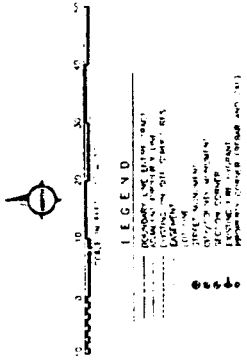
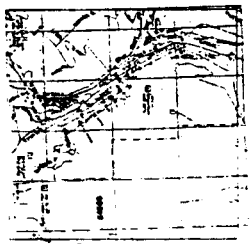


Mark D. Harrington, City Attorney

1/30
Dovell

62

PLAT AMENDING LOTS 24 AND 25, SNYDER'S ADDITION
 PARK CITY, UTAH
 PREPARED BY EILEEN M. HANSHURF 2 SOUTH, RANGE 4 EAST
 T4TH 1400 FACE AND MERIDIAN



SURVYOR'S CERTIFICATE

I, Patrick C. Arupp, do hereby certify that I am a Registered Professional Engineer, No. 1130, State of Utah, and that I have personally examined the plat, the lines of the plat, and the monuments, and that the same comply with the provisions of the Utah Platting Act, Chapter 2, South Range & East Range, 4 East Meridian, 14th Township, and that the description, correct description and other matters required herein, and that the description, correct description and other matters

BOUNDARY DESCRIPTION

All of Lots 24 and 25, Block 8, Snyder's Addition, Park City, Utah, according to the Official Plat on file in the office of the County Clerk, Summit County, Utah, within Section 16, Township 2 South, Range 4 East, Meridian 14th East and 14th West.

CERTIFICATE OF CONSENT TO RECORD

Whereas all maps by these parties that are in their files, copies of which are on file in the office of the County Clerk, Summit County, Utah, within Section 16, Township 2 South, Range 4 East, Meridian 14th East and 14th West, are in compliance with the provisions of the Utah Platting Act, Chapter 2, South Range & East Range, 4 East Meridian, 14th Township, and that the description, correct description and other matters required herein, and that the description, correct description and other matters

ACKNOWLEDGMENT

STATE OF UTAH
 COUNTY OF SUMMIT
 I, the undersigned, being the duly qualified and authorized officer of the County of Summit, State of Utah, do hereby certify that the foregoing plat was duly filed and recorded in the office of the County Clerk, Summit County, Utah, on this 1st day of January, A.D. 1913, and that the same is a true and correct copy of the original as the same appears from the records of the County Clerk, Summit County, Utah, and that I have not received any notice of any objection thereto.

CITY COUNCIL APPROVAL
 PRESENTED TO THE CITY COUNCIL OF PARK CITY, UTAH, ON THIS 1st DAY OF JANUARY, A.D. 1913, AND WAS APPROVED AS FOLLOWS:

CITY ENGINEER
 APPROVED AND SPECIFIED BY THE CITY ENGINEER, PARK CITY, UTAH, ON THIS 1st DAY OF JANUARY, A.D. 1913.

CITY PLANNING COMMISSION
 APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION, PARK CITY, UTAH, ON THIS 1st DAY OF JANUARY, A.D. 1913.

SEWER DISTRICT APPROVAL
 RECEIVED FOR COMPLIANCE TO THE REQUIREMENTS OF THE SEWER DISTRICT, PARK CITY, UTAH, ON THIS 1st DAY OF JANUARY, A.D. 1913.

APPROVAL AS TO FORM TO RECORD
 APPROVED AS TO FORM ON THIS 1st DAY OF JANUARY, A.D. 1913.

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT
 RECORDED AND FILED IN THE OFFICE OF THE COUNTY CLERK, SUMMIT COUNTY, UTAH, ON THIS 1st DAY OF JANUARY, A.D. 1913.
 BOOK PAGE

NOTARY PUBLIC

Ordinance No. 03-13

AN ORDINANCE AMENDING CHAPTER 15-4-15 OF THE LAND MANAGEMENT CODE

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

WHEREAS, it is in the best interest of the community to develop standards so that there is consistent criteria for review of applications for public display of works of art on public property and the community has clear notice of the Land Management Code standards; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to encourage and accommodate the placement and enjoyment of public works of art, to preserve the historic and resort nature of Park City, to safeguard and enhance property values, and to supplement existing zoning regulations;

WHEREAS, the Council has identified public displays of art as an important economic element in Park City;

WHEREAS, it is in the best interest of the City to maintain Park City as a world class resort, and;

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

SECTION 1. AMENDMENT TO CHAPTER 15-4-15 OF THE PARK CITY LAND

MANAGEMENT CODE The recitals above are hereby incorporated herein as findings of fact. Chapter 15-4-15 of the Land Management Code of Park City is hereby amended to read as follows:

~~15-4-15. OUTDOOR DISPLAY OF WORKS OF ART.~~

~~The intent of this section is to allow the display of art for the benefit of the public. Approved locations for such displays shall include, but not be limited to, public and private plazas, pocket parks, public Property and Buildings, and other locations where such art can be viewed by the public. Outdoor display of works of art is an Administrative Conditional Use permit subject to the criteria of this Section and the Conditional Use permit criteria of LMC Chapter 15-1-10 (E). Approved outdoor displays of works of art may be exempt from Municipal Code Section 12-9-1(r) provided such displays meet the following criteria:~~

~~(A) The location and work of art must be reviewed by the Community Development Department and any special review committee as may be appointed by the City Council. If the art display is located in the Historic District, it must also be reviewed by the Historic District Commission.~~

~~(B) The display must be of a permanent nature and able to withstand the elements if located outside.~~

~~(C) The City accepts no liability in case of damage or theft.~~

~~(D) No sale price may appear on the work of art, however the name of the artist and/or gallery may appear.~~

~~(E) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into the required sidewalk or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections:~~

~~(F) A Building Permit may be required in situations requiring installation of a base and/or electrical connections:~~

~~(G) In the case of the denial of a request for a display of a work of art, the Applicant may appeal to the City Council.~~

~~(H) All works of art shall meet the Setbacks and height limitations of the zone:~~

~~(I) Any illumination of the work of art shall be reviewed and approved by the Community Development Department prior to installation of such lighting. All lighting shall conform to the lighting regulations in LMC Chapter 15-5:~~

15-4-15 OUTDOOR DISPLAY OF WORKS OF ART ON PUBLIC/CITY-OWNED PROPERTY

(A) POLICY AND PURPOSE. It is the intent of Park City to encourage and accommodate the placement and enjoyment of outdoor public works of art. Therefore, certain Public/City-Owned properties are available for the display of art that promotes the visual interest, and economic vitality of Park City's Historic, a resort-based community; promotes aesthetic enhancement through artistic expression; and contributes to the festive nature of Park City's world class resort atmosphere. Accordingly, the City has adopted the following criteria:

(B) REVIEW CRITERIA. The Outdoor Display of Works of Art on City-Owned Property shall be reviewed by the Planning, Engineering, and Building Divisions for compliance to the following criteria.

(1) The display must comply with the height and setback requirements of the zoning district where it is located.

(2) Displays in excess of six (6) months must be designed and created with materials that will withstand the weather conditions and the elements.

(3) The display must comply with all applicable building codes.

(4) In cases where the City is not the owner of record of the work of art displayed, the City accepts no liability in cases of damage or theft of the art.

(5) No sale price may appear on the work of art, however the name of the artist, the name of a gallery sponsoring the art, the name of the art work, and/or a brief narrative specific to the work of art, not exceeding one (1) square foot, may be attached to the work or its support base.

(6) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public rights-of-way, including sidewalks, or pedestrian and vehicular areas; nor shall the display restrict vision at intersections.

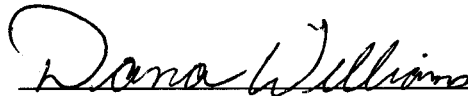
(7) All lighting shall conform to the lighting regulations in Land Management Code Chapter 15-5-5(l) Lighting.

(C) CITY COUNCIL REVIEW. Upon compliance with all criteria set forth in this section, the City Council shall review and take Final Action on all requests for the Outdoor Display of Works of Art on City-Owned Property. The City Council may seek a recommendation on requests for the Outdoor Display of Works of Art on City Owned Property from the Planning Commission, Arts-related advisory boards, or a specific task force that may be appointed by the City Council prior to taking Final Action. The City and the applicant shall execute all necessary agreements prior to installing any approved public art on City-owned/public property.

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

PASSED AND ADOPTED this 1st day of May, 2003.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 03-12

AN ORDINANCE APPROVING 10 DALY AVENUE 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 LOCATED AT 10 DALY AVENUE, PARK CITY, UTAH

WHEREAS, the owner of 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, has petitioned the City Council for approval of a revision to the final 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 April 9, 2003, to receive input on the proposed subdivision;

WHEREAS, the Planning Commission, on April 9, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 24, 2003, the City Council held a public hearing to receive input on the proposed subdivision; and

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

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The property is located in the Historic Residential (HR-1) zone.
2. The property consists of 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, all of which is under the ownership of the applicant.
3. The remaining 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, are under separate ownership, and not part of this application.
4. The proposed subdivision will create a lot that is approximately 10,990 square feet total, which is larger than any other lot or parcel in the immediate area.
5. The proposed subdivision complies with HR-1 District regulations as it relates to size and configuration.

6. The proposal does not increase the density on the lot.
7. No remnant lots are created.
8. The existing building is considered to be of local historical significance.
9. The existing building currently maintains a zero lot line side yard setback to the north, adjacent to the property located at 5 King Road.
10. The Chief Building Official has identified specific International Building Code issues which will be addressed under review of the CUP/Development on Steep Slope and Historic District Design Review applications.
11. There is an existing fire separation and snow shed problem among the subject property and the adjacent property located at 5 King Road.
12. The LMC required minimum front yard setback for a lot of the proposed size is fifteen feet (15') fronting Daly Avenue, and twelve feet (12') fronting King Road.
13. The purpose of the subdivision is to accommodate the rehabilitation and addition to the existing historic house.
14. The proposed project will also require approval of a Conditional Use Permit/Development on steep slope and Historic District Design Review application pending the outcome of this subdivision request.
15. The subdivision will not increase density on the lot.
16. The neighborhood is characterized by a mix of historic and non-historic dwellings.
17. The neighbor at 5 King Road has contacted Staff via telephone regarding the proposed development, but has not voiced any concerns or objection to the proposed newly created lot.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision, that neither the public nor any person will be materially injured by the proposed subdivision and that the proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. SUBDIVISION APPROVAL. The 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, known as the 10 Daly Avenue Subdivision, is approved as shown on Exhibit B, with the following conditions:

1. City Attorney and City Engineer review and approval of the subdivision for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. Construction of the proposed rehabilitation and addition to the existing historic house at 10 Daly Avenue (as submitted concurrently with this application by the applicant under the pending CUP/Development on a Steep Slope application dated 03/18/03), and forthcoming Historic District Design Review application, shall require the necessary approvals by the

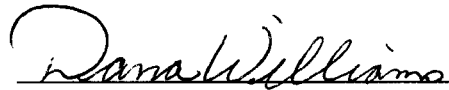
City prior to the issuance of any building permits.

3. A note shall be added to the subdivision plat stating that no accessory apartment(s) shall be permitted as part of the proposed rehabilitated existing historic dwelling located at 10 Daly Avenue.
4. The City Engineer shall review the slope, configuration and drainage pattern of the proposed driveway fronting King Road, as well as the utility plan for the future building. No construction, grading, or construction staging is permitted within the King Road and Daly Avenue rights-of-way without prior approval of the City Engineer.
5. This approval shall expire one year from the date of City Council approval, unless this Subdivision is recorded prior to that date.

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

PASSED AND ADOPTED this 24th day of April, 2003.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



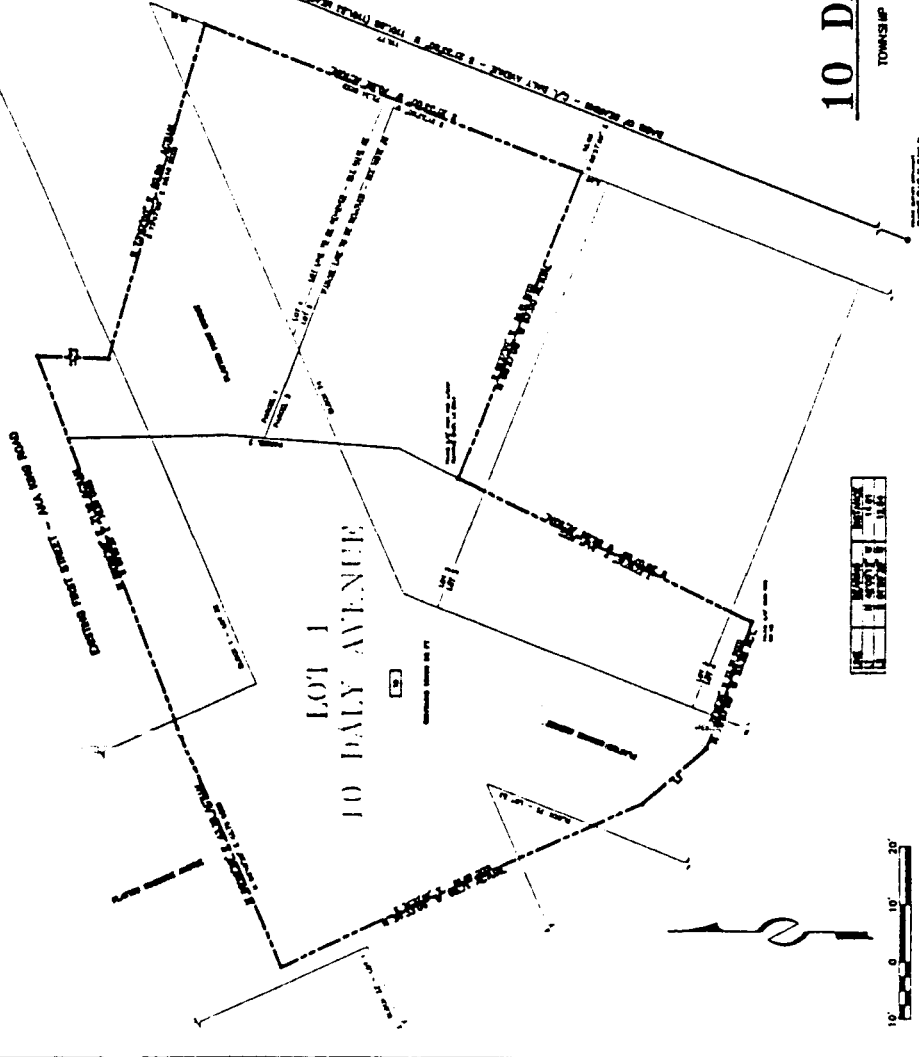
Mark D. Harrington, City Attorney



FEB 2 2003
PARK CITY
PLANNING DEPT.



LEGEND
 1) Street widening to 50 feet
 2) Street widening to 60 feet
 3) Street widening to 70 feet
 4) Street widening to 80 feet
 5) Street widening to 90 feet
 6) Street widening to 100 feet



SURVEY DESCRIPTION
 Begun as a well on the western edge of my lot of 64.75 acres South 21 West 37 1/2 East, Township 2 North, Range 4 East, Salt Lake Base and Meridian, Park City, Utah, containing the following described parcels:
 1) Parcel 1: 64.75 acres, more or less, as shown on the attached plan.
 2) Parcel 2: 1.50 acres, more or less, as shown on the attached plan.
 3) Parcel 3: 1.50 acres, more or less, as shown on the attached plan.
 4) Parcel 4: 1.50 acres, more or less, as shown on the attached plan.
 5) Parcel 5: 1.50 acres, more or less, as shown on the attached plan.
 6) Parcel 6: 1.50 acres, more or less, as shown on the attached plan.
 7) Parcel 7: 1.50 acres, more or less, as shown on the attached plan.
 8) Parcel 8: 1.50 acres, more or less, as shown on the attached plan.
 9) Parcel 9: 1.50 acres, more or less, as shown on the attached plan.
 10) Parcel 10: 1.50 acres, more or less, as shown on the attached plan.

DEED DESCRIPTION
PARCEL 1
 Parcel 1 is a well on the western edge of my lot of 64.75 acres South 21 West 37 1/2 East, Township 2 North, Range 4 East, Salt Lake Base and Meridian, Park City, Utah, containing the following described parcels:
 1) Parcel 1: 64.75 acres, more or less, as shown on the attached plan.
 2) Parcel 2: 1.50 acres, more or less, as shown on the attached plan.
 3) Parcel 3: 1.50 acres, more or less, as shown on the attached plan.
 4) Parcel 4: 1.50 acres, more or less, as shown on the attached plan.
 5) Parcel 5: 1.50 acres, more or less, as shown on the attached plan.
 6) Parcel 6: 1.50 acres, more or less, as shown on the attached plan.
 7) Parcel 7: 1.50 acres, more or less, as shown on the attached plan.
 8) Parcel 8: 1.50 acres, more or less, as shown on the attached plan.
 9) Parcel 9: 1.50 acres, more or less, as shown on the attached plan.
 10) Parcel 10: 1.50 acres, more or less, as shown on the attached plan.

A PLAT AMENDMENT

10 DALY AVENUE PLAT

LOCATED IN SECTIONS 18 AND 21
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

DRAWN BY: [Name]

OWNER'S DECLARATION AND CONSENT TO RECORD
 I, the undersigned, being the owner of the land hereinafter described, do hereby certify that the plat hereon is a true and correct representation of the facts as shown on the ground, and that the same has been prepared by a person qualified to prepare such plats, and that the same has been examined by me, and that I am satisfied with its contents, and that I consent to its being recorded.

ACKNOWLEDGMENT
 My commission expires _____
 My commission expires _____

PLAT NO. 2003-113-25
 PREPARED BY: [Name]
 DATE: [Date]

| | |
|--|---|
| STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FILE _____ RECORD # _____ | RECORDING STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FILE _____ RECORD # _____ |
| | COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2003 A.D. BY: _____ MAYOR |
| | CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY WAS FILED BY PARK CITY DATE OF _____, 2003 A.D. BY: _____ PARK CITY RECORDER |
| | APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DATE OF _____, 2003 A.D. BY: _____ PARK CITY ATTORNEY |
| | ENGINEER'S CERTIFICATE I AND THE PLAT TO ME IN ATTENDANCE AT THE DAY OF _____, 2003 A.D. BY: _____ ENGINEER |
| | PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DATE OF _____, 2003 A.D. BY: _____ COMMISSIONER |
| SHIVERSVILLE SLURRY WATER RECLAMATION DISTRICT REVIEWED FOR COMPLIANCE TO SHIVERSVILLE SLURRY WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DATE OF _____, 2003 A.D. BY: _____ | |

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of

disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.

9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

Ordinance No. 03-11

**AN ORDINANCE APPROVING A FOUR PARCEL METES AND BOUNDS
SUBDIVISION AT FLAGSTAFF MOUNTAIN VILLAGE, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at Flagstaff Mountain Village have petitioned the City Council for approval of the 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 March 26, 2003, to receive input on the proposed metes and bounds subdivision;

WHEREAS, the Planning Commission, on March 26, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 17, 2003, the City Council held a public hearing and approved the proposed metes and bounds subdivision; and

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

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

SECTION 1. APPROVAL. The metes and bounds 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 within the Flagstaff Mountain Annexation at Pod A, also known as the Flagstaff Mountain Village. The property is zoned Residential Development - RD-MPD. The property is vacant.
2. The subdivision is for less than ten lots. The subdivision creates four metes and bounds parcels as described in the attachments to the 2/19/03 application letter.
3. No density is assigned to any parcel and no uses or other development rights are vested in the applicant by virtue of this approval.
4. The Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 approved on June 24, 1999 and the Land Management Code govern the development parameters of the parcels.
5. There are streets proposed in the parcels but they are private. There are also future dedications required, particularly utility easements and other

reasonable dedications that will be required in the MPD and future subdivision, that this approval does not effect.

6. The parcels meet the zoning requirements of the RD-MPD zone, subject to the conditions of approval.
7. The Planning Commission conducted a public hearing and forwarded a positive recommendation to the City Council on March 26, 2003.

Conclusions of Law:

1. There is good cause for this subdivision.
2. As conditioned, the subdivision is consistent with the Park City Land Management Code, the General Plan and Utah Code Section 10-9-806.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. Approval of the subdivision, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

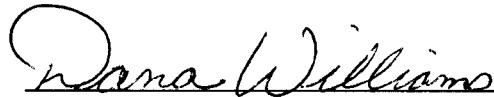
1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the subdivision.
2. The applicant will record the metes and bounds subdivision at 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 subdivision will be void.
3. The City is not waiving any ability to require reasonable and legal dedications, including those for public purposes, prior to approving any development on the parcels, and that all requirements of the Development Agreement, large scale MPD with associated Technical Reports, and applicable zoning and subdivision requirements of the Land Management Code remain in full effect
4. No construction will be allowed on the preliminary lots without subsequent MPD approval and final subdivision plat approval.
5. The applicant shall disclose these conditions to any subsequent purchaser or holder of any security instrument on the parcels.
6. The City Attorney shall prepare a Certificate of Approval reflecting these Findings, Conclusions and Conditions of Approval.
7. Except as provided below in this paragraph, all of Lots L-1, L-3 and L-4 (as identified on the recorded metes and bounds subdivision approval for the subdivision) shall be owned by the same owner or group of owners, and as such Lots L-1, L-3 and L-4 are conveyed, any such conveyance shall convey all such three Lots to the same owner or group of owners. The foregoing restriction with respect to the common ownership of Lots L-1, L-3 and L-4 shall continue until, with respect to any such Lot, subsequent MPD approval and final subdivision plat approval for any such Lot is obtained from the City. At such time as MPD approval and final subdivision plat approval is

collectively (or as otherwise specified by a City approved phasing plan) obtained from the City with respect to all of Lots L-1, L-3 and L-4, then the new individual Lots may be conveyed and owned separately.

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

PASSED AND ADOPTED this 17th day of April, 2003.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, MAYOR

ATTEST:

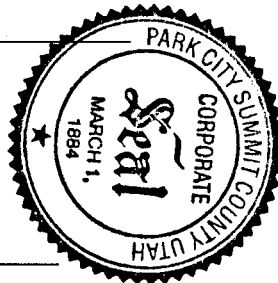


Jan Scott, City Recorder

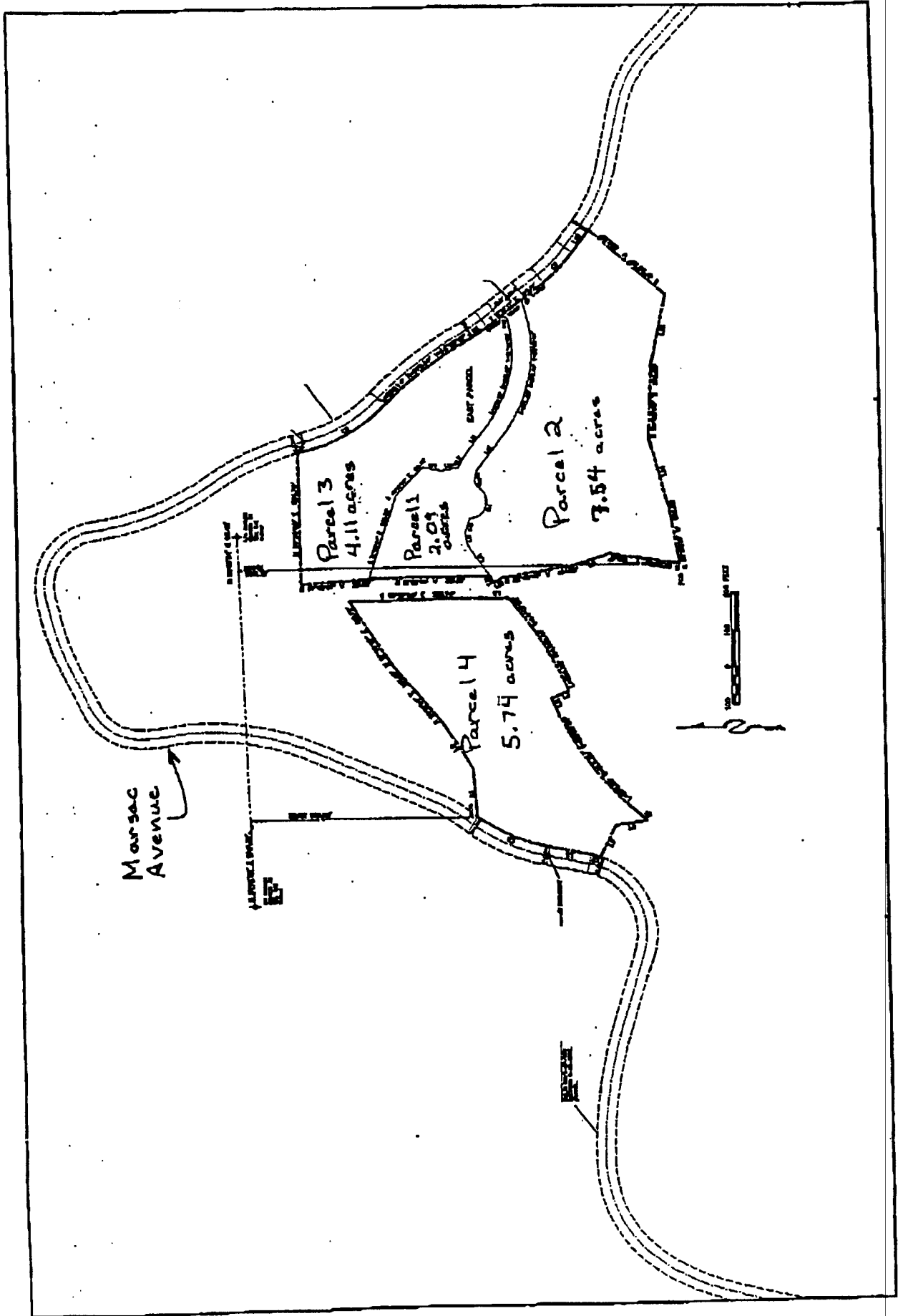
APPROVED AS TO FORM:



Mark Harrington, City Attorney



ATTACHMENT A



Ordinance No. 03-10

AN ORDINANCE APPROVING 502 WOODSIDE AVENUE PLAT AMENDMENT TO COMBINE ALL OF LOT OF LOT 46, AND THE SOUTHERLY 21 FEET OF LOT 45 IN BLOCK 5 OF THE AMENDED PARK CITY SURVEY, INTO ONE LOT OF RECORD LOCATED AT 502 WOODSIDE AVENUE, PARK CITY, UTAH

WHEREAS, the owner of all of Lot 46, and the southerly 21 feet of Lot 45 in Block 5 of the Park City Survey, has petitioned the City Council for approval of a revision to the final 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 March 26, 2003, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on March 26, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 17, 2003, the City Council held a public hearing to receive input on the proposed subdivision; and

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

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The findings discussed in the analysis section of this report are incorporated herein.
2. The property is located in the Historic Residential (HR-1) zone.
3. The existing building is historically significant.
4. The existing building was formerly used as a Triplex, which is not a permitted use within the zone.
5. The property consists of 21' of platted Lot 45, and 28' of platted Lot 46. The existing platted width of Lot 46 is larger than standard Old Town platted lots.
6. The remaining 4' of Lot 45 is under separate ownership, prior to the purchase of the subject property by the applicant.
7. The existing building currently maintains an 8' front yard setback, and even encroaches into the Woodside Avenue right-of way (by approximately 2') because of an existing non-historic deck and detached garage.

8. The required front yard setback for a lot in the HR-1 zone having a depth of 75', is ten feet (10').
9. The applicant is anticipating approval from the Board of Adjustment on April 15, 2003, for a variance from the provision of the Land Management Code which requires a ten foot (10') minimum front yard setback for lots having a depth of seventy-five feet (75').
10. The applicant is anticipating approval from the Board of Adjustment on April 15, 2003, is pending for a variance from the provision of the Land Management Code which requires a minimum lot size of 3,750 square feet for duplex uses in the HR-1 zone.
11. The total square footage of the subject property is 3,722 square feet.
12. The proposed project received approval on a Conditional Use Permit (Development on steep slope and for a Duplex use) from the Planning Commission on March 26, 2003.
13. The Planning Commission forwarded a positive recommendation on this plat amendment to the City Council on March 26, 2003.
14. The proposed project will require Historic District Design review and approval pending the outcome of this plat amendment request.
15. The existing detached non-historic garage and front deck (which currently encroach into the Woodside Avenue right-of-way) will be demolished prior to construction.
16. The amendment will combine all of said lots into a single lot of record to allow for the proposed development of the property. No remnant lots are created.
17. The plat amendment will not increase density on the lot.
18. The neighborhood is characterized by a mix of historic and non-historic dwellings.
19. Several neighbors and adjoining property owners have contacted Staff via telephone regarding the proposed development, but have not voiced any concerns or objection to the project nor the newly created lot.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat amendment, that neither the public nor any person will be materially injured by the proposed plat amendment and that the proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. PLAT AMENDMENT APPROVAL. The plat amendment to combine all of Lot 46, and the southerly 21 feet of Lot 45 in Block 5 of the Park City Survey, known as the 502 Woodside Avenue Plat Amendment, is approved as shown on Exhibit A, with the following conditions:

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 recordation.

SH

2. Construction of the proposed Duplex Dwelling (as submitted concurrently by the applicant under the pending Plat Amendment application dated 02/19/03; CUP and CUP/Development on a Steep Slope application dated 02/19/03; Variance application dated 02/10/03), including forthcoming Historic District Design Review application, shall require the necessary approvals by the City prior to the issuance of any building permits.
3. A note shall be added to the plat identifying all variances granted by the Board of Adjustment.
4. A note shall be added to the plat stating that no accessory apartment(s) shall be permitted as part of the proposed Duplex dwelling.
5. The City Engineer shall review the slope, configuration and drainage pattern of the proposed driveway fronting Woodside Avenue, as well as the utility plan for the future building. No construction, grading, or construction staging is permitted within the Fifth Street right-of-way without prior approval of the City Engineer.
6. This approval shall expire one year from the date of City Council approval, unless this Plat Amendment is recorded prior to that date.

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

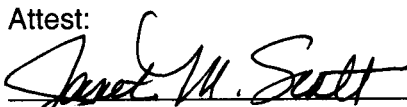
PASSED AND ADOPTED this 17th day of April, 2003.

PARK CITY MUNICIPAL CORPORATION



 Mayor Dana Williams

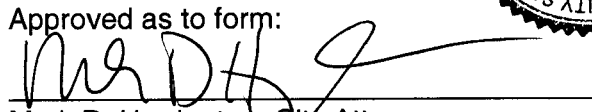
Attest:



 Janet M. Scott, City Recorder

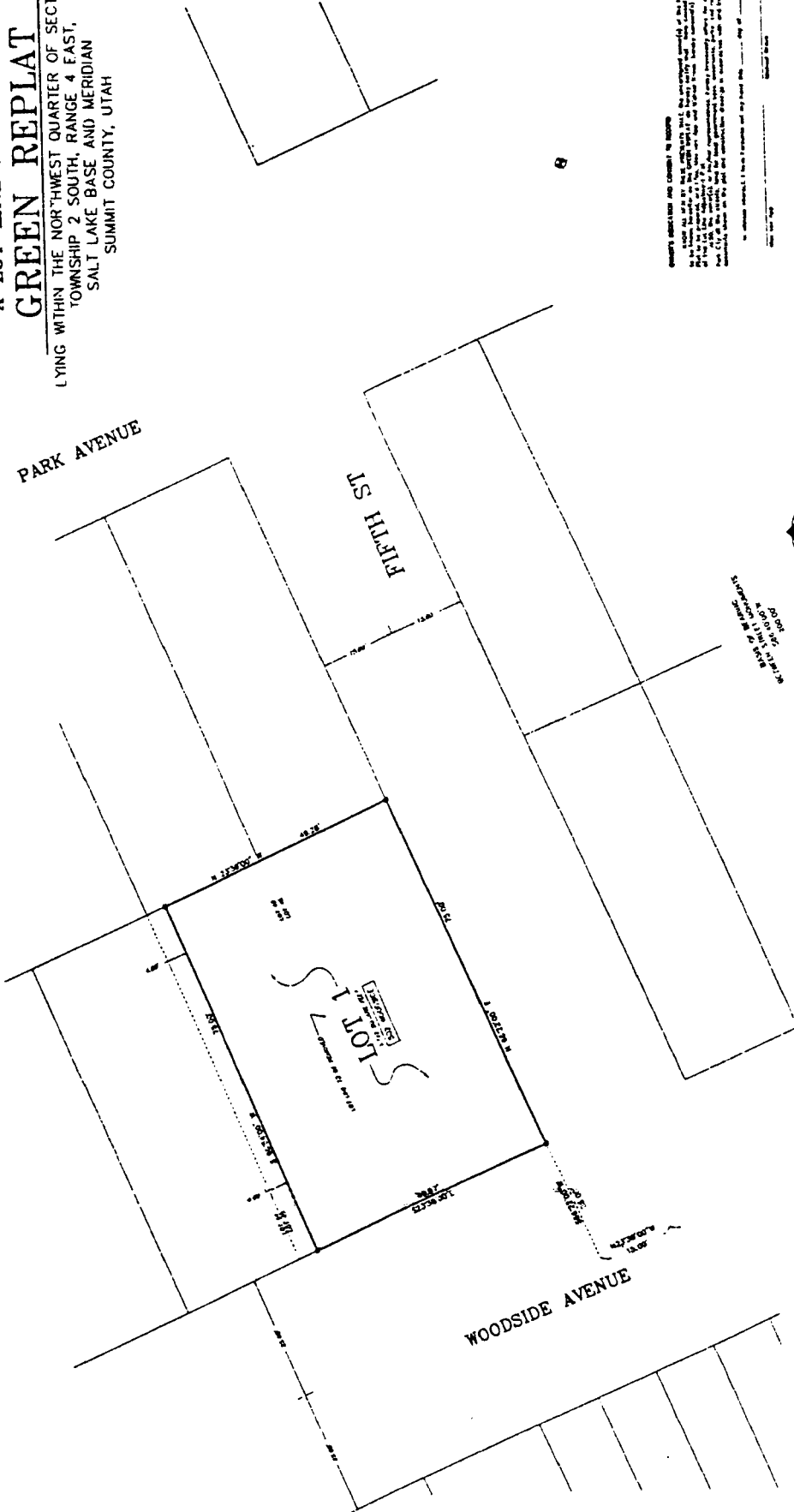


Approved as to form:



 Mark D. Harrington, City Attorney

**A LOT LINE ADJUSTMENT
GREEN REPLAT**
LYING WITHIN THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
SUMMIT COUNTY, UTAH



FOURTH ST

FIFTH ST

PARK AVENUE

WOODSIDE AVENUE

LOT 1

LEGEND

SWEET'S SYMBOLS
M. J. BROWN & CO. INC. 1373 N.
FULTON ST. SALT LAKE CITY, UTAH

ENGINEER'S CERTIFICATE
I, the undersigned, being a duly licensed Professional Engineer in the State of Utah, do hereby certify that the above plat was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Utah. My commission expires on the 31st day of December, 1933 A.D.

LEGAL DESCRIPTION
THE QUARTER SECTION OF THE PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE IN SALT LAKE CITY, UTAH, AND TO BE IN ACCORDANCE WITH THE PLAT THEREON.

EXHIBIT A - PROPOSED PLAT



PARK CITY SURVEYING
P.O. BOX 200
PARK CITY, UTAH

COUNTY PLANNING COMMISSION
APPROVED BY THE COUNTY PLANNING COMMISSION ON THIS DAY OF _____, 1933 A.D.

CERTIFICATE OF ATTEST
I, the undersigned, being a duly licensed Professional Engineer in the State of Utah, do hereby certify that the above plat was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Utah. My commission expires on the 31st day of December, 1933 A.D.

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS 1903 A.D.
DAY OF _____, 1933 A.D.

ENGINEERS CERTIFICATE
I, the undersigned, being a duly licensed Professional Engineer in the State of Utah, do hereby certify that the above plat was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Utah. My commission expires on the 31st day of December, 1933 A.D.

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS DAY OF _____, 1933 A.D.
BY _____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVED BY THE PARK CITY COUNCIL THIS DAY OF _____, 1933 A.D.
BY _____
MAYOR

RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____
DATE _____ THIS _____ BOOK _____ PAGE _____
BY _____
RECORDER



PAGE 1 OF 1

PARK CITY SURVEYING
 P.O. BOX 2003
 PARK CITY, UTAH 84002
 (435) 798-2700

STATE OF UTAH
 PROFESSIONAL ENGINEER
 JANUARY 28, 2003

RECORD OF SURVEY
 LOT 46 AND THE SOUTHERLY 21 FEET OF LOT 45.
 BLOCK 4, PARK CITY SURVEY
 MAX VONCAPP
 BK15LOT46.DWG
 03-10

RECEIVED
 FEB 10 2003
 PARK CITY
 PLANNING DEPARTMENT

NOTICE: PARK CITY
 THE ABOVE MAP IS THE PROPERTY OF THE ENGINEER.
 IT IS THE RESPONSIBILITY OF THE ENGINEER TO
 MAINTAIN THE ACCURACY OF THE MAP AND TO
 BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.
 THE CITY OF PARK CITY DOES NOT WARRANT THE
 ACCURACY OF THIS MAP OR THE INFORMATION
 CONTAINED THEREIN.

1. THE ENGINEER HAS CONDUCTED A VISUAL
 INSPECTION OF THE SITE AND HAS FOUND
 THAT THE INFORMATION ON THIS MAP IS
 TRUE AND CORRECT TO THE BEST OF HIS
 KNOWLEDGE AND BELIEF.

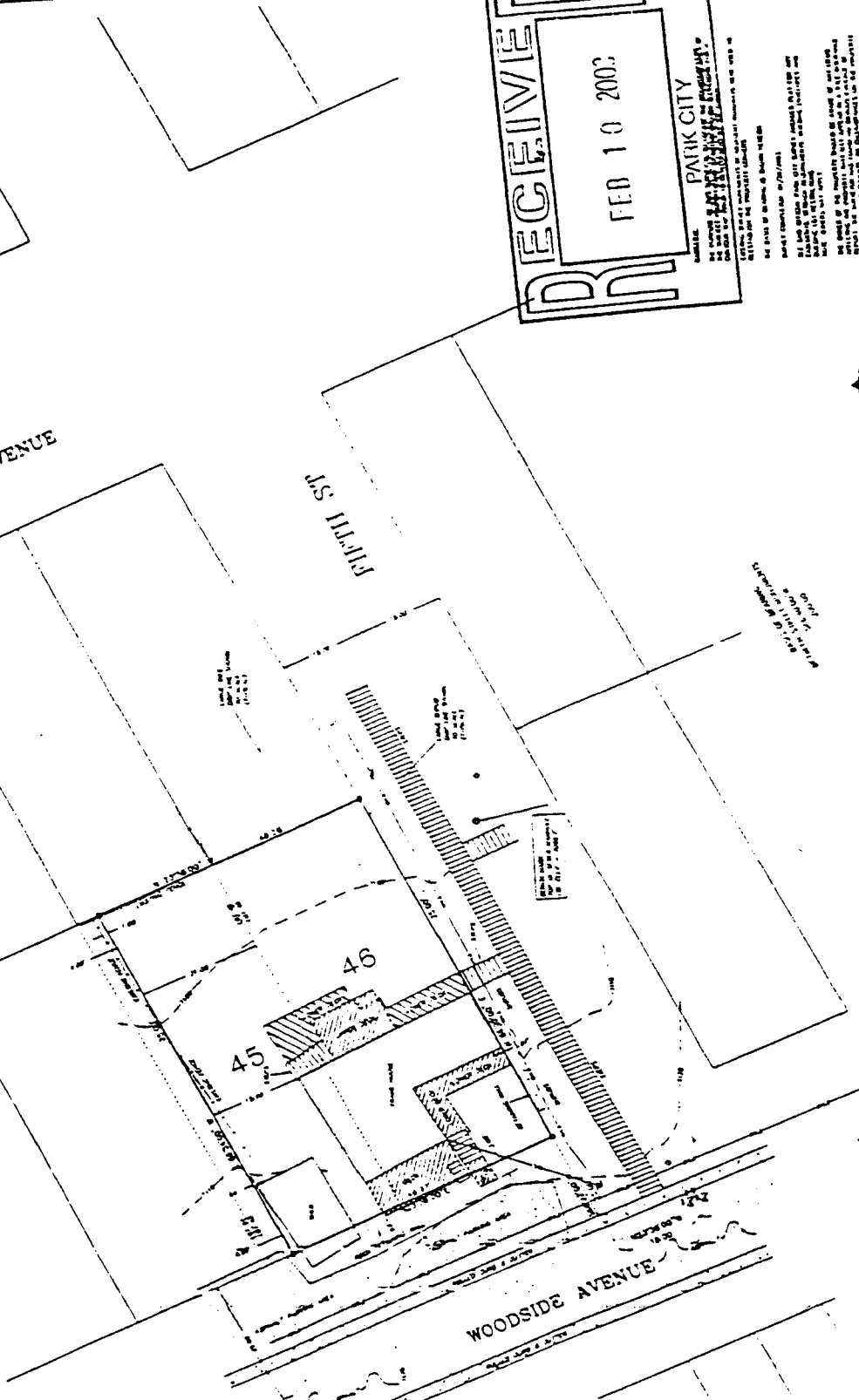
RECORD OF SURVEY & TOPOGRAPHIC MAP
 LOT 46 & THE SOUTHERLY 21 FEET OF LOT 45, BLOCK 5, PARK CITY SURVEY
 LYING WITHIN THE NORTHWEST QUARTER OF
 SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASE & MERIDIAN
 SUMMIT COUNTY, UTAH

PARK AVENUE

FIFTH ST

SIXTH ST

WOODSIDE AVENUE



1. THE ENGINEER HAS CONDUCTED A VISUAL
 INSPECTION OF THE SITE AND HAS FOUND
 THAT THE INFORMATION ON THIS MAP IS
 TRUE AND CORRECT TO THE BEST OF HIS
 KNOWLEDGE AND BELIEF.

EXHIBIT B - EXISTING SURVEY

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of

- disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.
 10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
 11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
 12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
 13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
 14. The planning and infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
 15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
 16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
 17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

December 1, 1999

Ordinance No. 03-09

AN ORDINANCE AMENDING TITLE 2, CHAPTER 4, SECTION 17 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, UTAH TO DISSOLVE THE PARKS, RECREATION AND BEAUTIFICATION ADVISORY BOARD AND RE-WRITE SECTION 17 IN ITS ENTIRETY TO CREATE A NEW RECREATION ADVISORY BOARD WITH NEW TERMS, MEMBERSHIP, PURPOSE, DUTIES, PROCEDURES AND SUB-COMMITTEE RESPONSIBILITIES

WHEREAS, Utah Code Annotated ("UCA") § 11-2-1 gives the City the power to designate and acquire property for playgrounds and recreational facilities and UCA § 11-2-2 gives cities the authority to organize and play sports and other recreation activities ; 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

WHEREAS, the City Council wishes to reconstitute its advisory board on recreation matters with new terms and responsibilities to facilitate Council communication, goals and priorities; and

WHEREAS, this board is not intended to be a supervisory and maintenance Recreation Board as defined by UCA § 11-2-3, but the board is intended to provide policy input and public communication opportunities in support of recreation programs and facilities;

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. Title 2, Chapter 4, Section 17 of the Municipal Code of the City of Park City, Utah is hereby amended to read as follows:

2- 4-17. RECREATION ADVISORY BOARD CREATED.

There is hereby created a-Recreation-Advisory Board. The Board shall consist of up to seven (7) members, and-one additional representative from the City Council who is a non-voting member. Members shall be residents of Park City and shall serve without compensation.

(A) TERM OF SERVICE, REMOVAL AND VACANCIES. Members of the Recreation Advisory Board shall be appointed by the Mayor with the advice and consent of the City Council. Each Board member shall serve terms of three years, but shall serve until their successor is appointed. Initially, two appointments shall be made for one and two year terms, and three appointments shall be made for three year terms. Annually thereafter, appointments shall be made for three year terms. Board members shall serve not more than two full terms in succession, however the initial one year term holders may seek two additional terms. The Council shall appoint one of its members to serve as the non-voting member for a term not to succeed the member's City Council term of office. The Council may rotate its appointed member at any time. The terms shall begin on July 1 and end on June 30 of each year.

Any board member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or be removed for cause by the Council. Vacancies in the Board occasioned by removals, resignations, or otherwise, shall be filled for the un-expired term in the same manner as the original appointments. Ex-officio members may include a staff member or representative from public agencies, community organizations, or public at large. Ex-officio members serve at the invitation of the Council and have no vote.

(B) OFFICERS AND THEIR DUTIES. At its first meeting, and annually thereafter, the Board shall elect a Chairman, Vice-Chairman and any additional officers as necessary. The Chairman shall preside at all meetings, appoint all committees with the concurrence of the Board, call special meetings, and generally perform the duties of a presiding officer. The Chairman shall have the right to vote. The Vice-Chairman or a Board member designated by the Chairman shall preside when the Chairman is absent. The agenda for meetings shall be prepared by the Recreation Manager and the Chairman.

(C) PURPOSE AND DUTIES OF THE BOARD. The purpose and duties of the Park City Recreation Advisory Board are as follows:

- (1) To advise the City Council and staff on parks and recreation policy as requested by the City Council.
- ~~(2) To advise the City Council and Staff on parks, recreation and beautification projects as requested by the City Council.~~
- (3) To support and promote the policies and programs of the Library and Recreation Departments.
- (4) To advise and support staff on staff recommended budget priorities concerning parks, and recreation ~~and beautification~~ projects and programs.

(5) To serve as liaison between the community and public agencies on parks, and recreation ~~and beautification~~ issues within Park City.

(6) To stimulate, and initiate community involvement and support for City Council annual and long term goals and priorities, and all parks, recreation and beautification projects and programs.

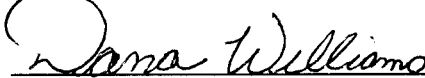
(D) MEETINGS AND PROCEDURES. The Board may adopt rules and regulations not inconsistent with the law applicable to public bodies for governing of its meeting. Special meetings may be called at the request of the Recreation Manager or Chairman of the Board. A quorum for the transaction of business shall be a simple majority of the Board members. When vacancies occur, a simple majority of the remaining Board members shall constitute a quorum. Minutes shall be kept at all meetings. Closed meetings may only be held for purposes authorized by U.C.A.52-4-5, as amended.

(E) COMMITTEES. Special committees for the study of particular issues ~~problems~~ may be appointed by the Chairman, with the advice and consent of Mayor and City Council to serve until they have completed the work for which they were appointed. Each committee shall meet goals and objectives, as delineated by the Chairman, with the advice and consent of Mayor and City Council. Recommendations of committees may be given directly to the City Council. The Chairman of the Recreation Advisory Board shall appoint a chairman for each committee. Nothing herein shall prevent the City Council from directly appointing special committees, which may include Recreation Advisory Board members. (Ord. 03-___; Ord. 99-50)

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

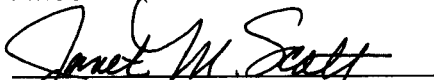
PASSED AND ADOPTED this 17th day of April, 2003.

PARK CITY MUNICIPAL CORPORATION

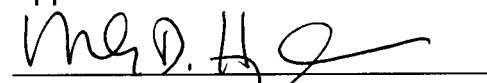


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



Ordinance No. 03-08

AN ORDINANCE APPROVING THE AMENDED RECORD OF SURVEY FOR A PLAT AMENDMENT TO COMBINE ALL OF LOT 21 AND LOT 24 PART OF LOTS 20 AND 25 OF BLOCK 57, SNYDER'S ADDITION INTO ONE LOT OF RECORD LOCATED AT 1280 PARK AVENUE, PARK CITY, UTAH

WHEREAS, the owner, Tim Lee, of the property at 1280 Park Avenue, Park City, Utah have petitioned the City Council for approval for an amendment to the final Park City 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 March 12, 2003, the Planning Commission held a public hearing to receive public input on the proposed amendment to the Park City Record of Survey 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 Snyder's Addition allows the owner to combine all of Lot 21 and Lots 25 and portions of Lots 20 and 25 of Block 57, 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 at 1280 Park Avenue is located in the Historic Residential Medium Density (HRM) zone.
2. The Planning Commission reviewed this application on March 12, 2003. The Commission forwarded a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval.
3. There is an existing historic residence on the property.
4. Duplex structures are allowed in the HRM zone.

5. The minimum lot size for a duplex structure in the HRM zone is 3,750 square feet.
6. If combined into one lot, the property at 1280 Park Avenue would be 5,154 square feet in size, sufficient square footage to accommodate a duplex structure.
7. The LMC requires a minimum lot width of 37.5 feet measured 15 feet from the front lot line.
8. The proposed lot will have a width of 37.5 feet measured 15 feet from the front lot line.
9. The proposed lot is located within zone AE of the FEMA Flood Insurance Rate Map.
10. The applicant received a Historic District Grant from the City to aid in the renovation of the existing historic residence.
11. The applicant has proposed a plat amendment to combine two old town lots and portions of two others into one lot.
12. The property has frontage onto Park Avenue and limited access onto Sullivan Road.
13. There is no fire hydrant or suitable water main in Sullivan Road to serve a house on Sullivan Road at this location with fire protection.
14. All utility services are proposed to originate from Park Avenue.
15. The facts discussed in the background and analysis sections are incorporated herein.

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 amended plat 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 amended plat.
4. The proposed use is consistent with the Park City General Plan.

SECTION 3. RECORD OF SURVEY. The subdivision plat, known as 1280 Park Avenue, Block 57, Snyder's Addition, 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 plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. If any access to any structure on the property is proposed off of Sullivan Road, the applicant shall submit an application for a Conditional Use Permit from the Planning Commission pursuant to Section 15-2.4-9 of the Land Management Code.
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 27th day of March, 2003

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

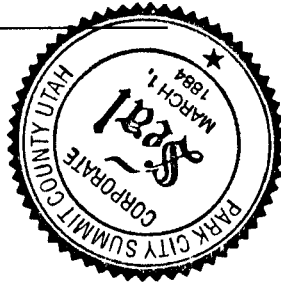


Janet M. Scott, City Recorder

Approved as to form:

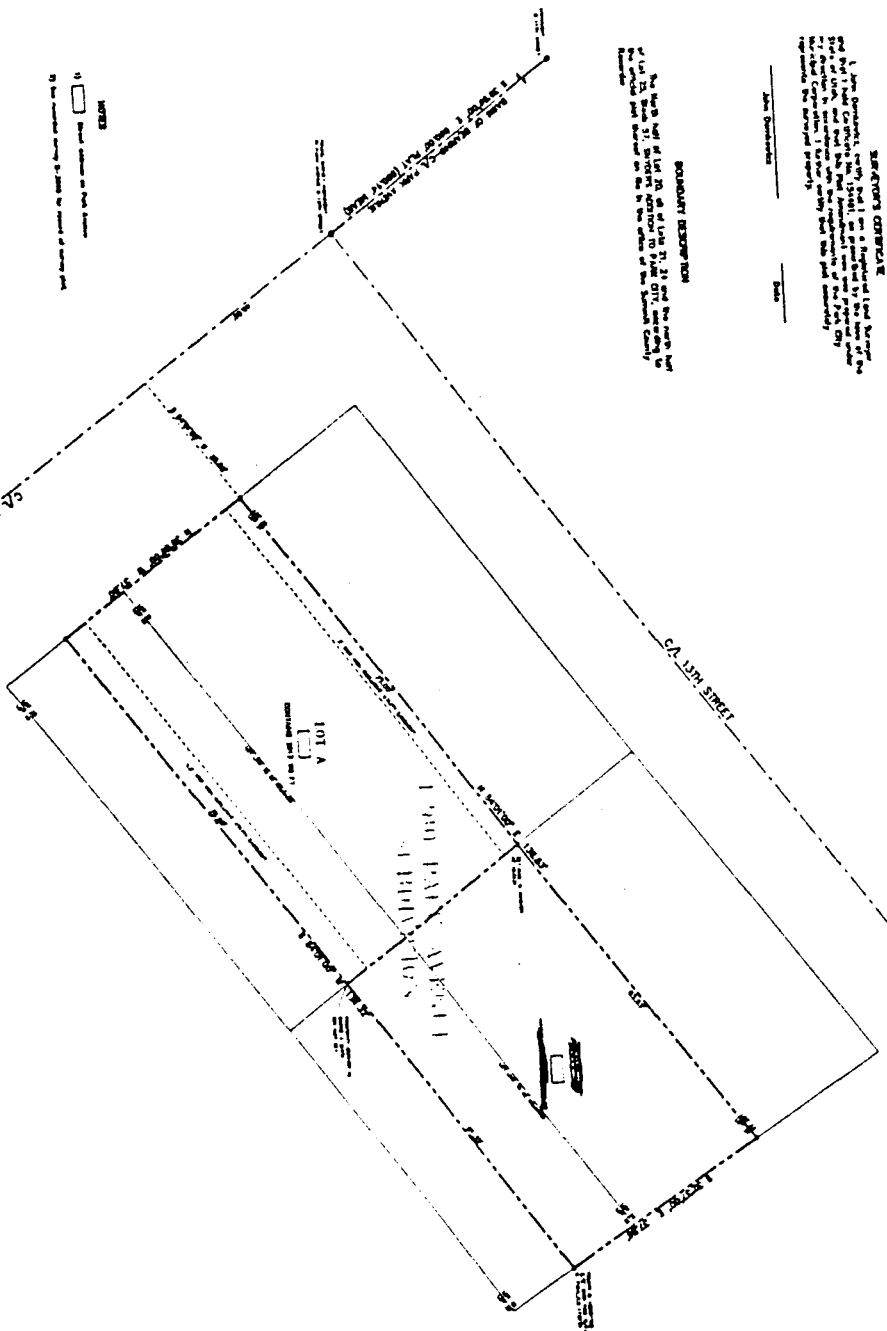


Mark D. Harrington, City Attorney

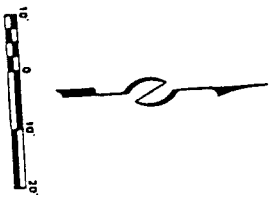


STATEMENT OF WORK
 The State of Utah, through the Department of Transportation, is providing the design and construction services for the proposed 1280 Park Avenue Subdivision. The project includes the design and construction of a 1.900-acre subdivision located in the City of Park City, Utah. The project includes the design and construction of a 1.900-acre subdivision located in the City of Park City, Utah. The project includes the design and construction of a 1.900-acre subdivision located in the City of Park City, Utah.

REGULATORY DESCRIPTION
 The State of Utah, through the Department of Transportation, is providing the design and construction services for the proposed 1280 Park Avenue Subdivision. The project includes the design and construction of a 1.900-acre subdivision located in the City of Park City, Utah. The project includes the design and construction of a 1.900-acre subdivision located in the City of Park City, Utah. The project includes the design and construction of a 1.900-acre subdivision located in the City of Park City, Utah.



A PLAT AMENDMENT
A RESUBDIVISION OF LOTS 20, 21, 24, 25 IN BLOCK 57, SNYDER'S ADDITION
1280 PARK AVENUE SUBDIVISION
 LOCATED IN SECTION 16,
 TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

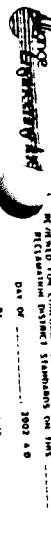


OWNER (REGULATION AND CONSENT TO RECORD)
 STATE OF UTAH
 COUNTY OF UTAH
 CITY OF PARK CITY
 APPROVED AS TO FORM AND CONTENT BY THE CITY ENGINEER ON THIS _____ DAY OF _____, 2002.
 BY _____ CITY ENGINEER

APPROVEMENT
 APPROVED AS TO FORM AND CONTENT BY THE CITY ENGINEER ON THIS _____ DAY OF _____, 2002.
 BY _____ CITY ENGINEER

RECORDING INFORMATION
 APPROVED AS TO FORM AND CONTENT BY THE CITY ENGINEER ON THIS _____ DAY OF _____, 2002.
 BY _____ CITY ENGINEER

| | | | | | |
|--|--|--|--|---|---|
| PLANNING COMMISSION APPROVED BY THE PLANNING COMMISSION ON THIS _____ DAY OF _____, 2002. BY _____ CHAIRMAN | ENGINEER'S CERTIFICATE I HAVE REVIEWED THIS PLAT AND FIND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH PLAT ACT. I HAVE REVIEWED THE PLAT AND FIND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH PLAT ACT. I HAVE REVIEWED THE PLAT AND FIND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH PLAT ACT. DATE OF REVIEW _____ 2002 A.D. BY _____ CITY ENGINEER | APPROVAL AS TO FORM APPROVED AS TO FORM AND CONTENT BY THE CITY ENGINEER ON THIS _____ DAY OF _____, 2002 A.D. BY _____ CITY ENGINEER | CERTIFICATE OF ATTEST I HEREBY THIS RECORD OF THIS PLAT AND FIND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH PLAT ACT. DATE OF RECORDING _____ 2002 A.D. BY _____ CITY ENGINEER | COUNCIL APPROVAL AND ACCEPTANCE APPROVED AND ACCEPTED BY THE CITY COUNCIL ON THIS _____ DAY OF _____, 2002 A.D. BY _____ MAYOR | RECORDED FILED IN THE OFFICE OF THE COUNTY CLERK OF SUMMIT COUNTY, UTAH ON THIS _____ DAY OF _____, 2002. BY _____ CLERK |
|--|--|--|--|---|---|



Ordinance No. 03-07

AN ORDINANCE APPROVING THE AMENDED RECORD OF SURVEY FOR 1048 & 1052 EMPIRE AVENUE LOCATED ON LOTS 19 AND 20 OF BLOCK 16 SNYDER'S ADDITION TO THE PARK CITY SURVEY, PARK CITY, UTAH

WHEREAS, the owner, Gordon Wilson Cummins Jr., of the property at 1048 & 1052 Empire Avenue, Park City, Utah, have petitioned the City Council for approval for an amendment to the final 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 March 12, 2003 the Planning Commission held a public hearing to receive public input on the proposed amendment to the Record of Survey 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 Record of Survey allows the owner to convert common area to private area;

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 HR-1 District.
2. The Planning Commission reviewed this application on March 12, 2003. The Commission forwarded a positive recommendation to the City Council based on the Findings of Facts, Conclusions of Law & Conditions of Approval set forth herein.
3. The new lot will consist of 3,750 square feet.
4. There is a non-historic duplex structure on the site that was originally constructed across lot lines.

5. The existing building has approximately 4,172 square feet of floor area.
6. The Land Management Code requires setbacks of ten feet in the front and rear and five feet on the sides for a structure on a lot of this size.
7. The existing building encroaches approximately two (2) feet into the rear yard setback for a setback of 8 feet.
8. There is no construction or expansion plan accompanying this application.
9. The plat will convert the existing duplex into two condominium units.
10. Summit County Treasurer records indicate that the applicant is current with all required property taxes.
11. The Land Management Code requires four parking spaces for a building of this type.
12. There are four parking spaces on the property and/or immediately adjacent to the front garage doors.
13. The condominium plat will allow the applicant to sell each unit separately.
14. The proposed action does not require the applicant to provide additional parking.

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 record of survey plat amendment.
2. The record of survey plat amendment is consistent with the Park City Land Management Code and applicable State law regarding record of survey plat amendments.
3. The proposed record of survey plat amendment will not materially injure either the public or any person.
4. The proposed use is consistent with the Park City General Plan.

SECTION 3. RECORD OF SURVEY. The subdivision plat, known as the 1048 & 1052 Empire Avenue, 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 plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. No plans for expansion of the existing structure shall be approved by the
3. Community Development Department until such time as the rear yard setback issue is resolved.
4. A note shall be added to the plat prohibiting accessory apartments and lockout units in both units.
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 will be void.

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

PASSED AND ADOPTED this 27th day of March, 2003

PARK CITY MUNICIPAL CORPORATION



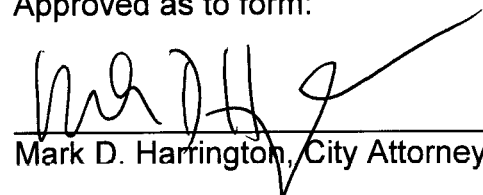
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

Lupine Condominium

RECORD OF SURVEY MAP
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE HIGHLAND QUARTER OF SECTION 16,
 TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASIN & MERIDIAN,
 PARK CITY, SUMMIT COUNTY, UTAH

NOTES

- Plans and dimensions shown on this plat were prepared from architectural drawings prepared by the Utah State Architect, on August 2nd, 1984 (from original drawings prepared by the land owner, architect) and are subject to amendment by the Utah State Architect, on behalf of the State of Utah, in the event of any change in the project.
- Each unit in this condominium is subject to a separate deed of conveyance for a common unitary area (staircase, common area, etc.)
- The address of the project was assigned to the Street Monument at the intersection of 20th Ave. & Forest St. from the Park City Monument intersection by Ship & Gurgall, Inc.
- Interior dimensions shown are to finished surfaces.

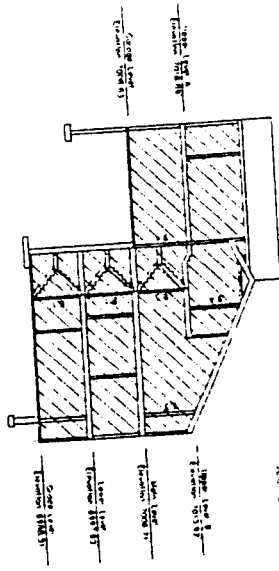
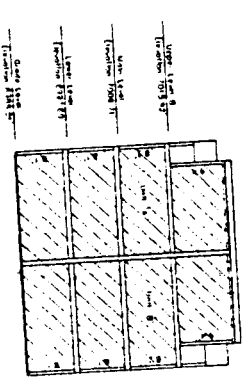
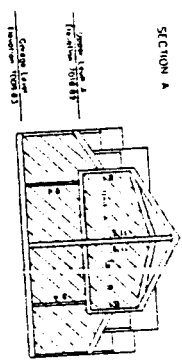
PROPERTY AREA
 PROJECT ADDRESS
 LAND RECORD DISTRICT
 12-22-2-2-15-2-1

UNIT SQUARE FOOTAGE TABLE

| UNIT # | UNIT # | UNIT # |
|--------------|-------------|-------------|
| Upper Level | 402 sq. ft. | 403 sq. ft. |
| Mid Level | 388 sq. ft. | 392 sq. ft. |
| Lower Level | 324 sq. ft. | 328 sq. ft. |
| Common Level | 27 sq. ft. | 27 sq. ft. |
| Garage | 212 sq. ft. | 212 sq. ft. |



Alpine Survey, Inc.
 19 Prospector Dr.
 Park City, Utah 84050
 (435) 655-8016



RECORDED
 STATE OF UTAH COUNTY OF SUMMIT AND FILED
 AT THE RECORDS OF DEEDS
 DATE 10-1-84 BY 8928
 SECTION 2

LOTS
BLOCK
PARK C

DUPLEX RESIDENCE

MAIN FLOOR ELEV. 102.33
UPPER FLOOR 111.25
LOWER LEVEL FLOOR 93.25
GRADE LEVEL FLOOR 84.17

GARAGES

FLOOR ELEV. 103.0

COVERED
PARKING
9x18

COVERED
PARKING
9x18

PORCH

PORCH

10'
REAR SETBACK

10'
FRONT SETBACK

N 54° 01' E 75'

75'
S 54° 01' W

N 35° 59' W. 50'
DRIVEWAY

EDGE OF EXISTING ASPHALT

EMPIRE AVENUE
102.53

103.87

51

Ordinance No. 03-06

AN ORDINANCE AMENDING TITLE 2, CHAPTER 4, SECTION 17 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, UTAH TO DISSOLVE THE PARKS, RECREATION AND BEAUTIFICATION ADVISORY BOARD AND RE-WRITE SECTION 17 IN ITS ENTIRETY TO CREATE A NEW RECREATION ADVISORY BOARD WITH NEW TERMS, MEMBERSHIP, PURPOSE, DUTIES, PROCEDURES AND SUB-COMMITTEE RESPONSIBILITIES

WHEREAS, Utah Code Annotated ("UCA") § 11-2-1 gives the City the power to designate and acquire property for playgrounds and recreational facilities and UCA § 11-2-2 gives cities the authority to organize and play sports and other recreation activities ; 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

WHEREAS, the City Council wishes to reconstitute its advisory board on recreation matters with new terms and responsibilities to facilitate Council communication, goals and priorities; and

WHEREAS, this board is not intended to be a supervisory and maintenance Recreation Board as defined by UCA § 11-2-3, but the board is intended to provide policy input and public communication opportunities in support of recreation programs and facilities;

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. Title 2, Chapter 4, Section 17 of the Municipal Code of the City of Park City, Utah is hereby amended to read as follows:

2-4-17. PARKS, RECREATION AND BEAUTIFICATION ADVISORY BOARD CREATED.

There is hereby created a ~~Parks, Recreation and Beautification~~ Advisory Board. The Board shall consist of ~~between eight (8) and twelve (12)~~ seven (7) members, and including

one additional representative from the City Council who is a non-voting member. Members shall be residents of Park City and shall serve without compensation.

(A) TERM OF SERVICE, REMOVAL AND VACANCIES. Members of the ~~Parks, Recreation and Beautification~~ Advisory Board shall be appointed by the Mayor with the advice and consent of the City Council. Each board member shall ~~and~~ serve a terms of three years, but shall serve until their successor is appointed. ~~The terms shall be staggered so that three (3) or four (4) members shall be appointed each year.~~ Initially, two appointments each shall be made for one and two year terms, and three appointments shall be made for three year terms. Annually thereafter, appointments shall be for three year terms. Board members shall serve not more than two full terms in succession, including initial terms. The Council shall appoint one of its members to serve as the non-voting member for a term not to exceed ~~consistent with the member's City Council term of office.~~ The Council may rotate its appointed member at any time. The terms shall begin on ~~January 15~~ July 1 and end on ~~January 14~~ June 30 of each year.

Any board member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or be removed for cause by the Council. Vacancies in the Board occasioned by removals, resignations, or otherwise, shall be filled for the unexpired term in the same manner as the original appointments. Ex-officio members may include a staff member or representative from public agencies, community organizations, or ~~City staff~~ public at large. Ex-officio members serve at the invitation of the Council ~~Board~~ and have no vote.

(B) OFFICERS AND THEIR DUTIES. At its ~~annual July~~ first meeting, and annually thereafter, the Board shall elect a Chairman, Vice-Chairman and any additional officers as necessary. The Chairman shall preside at all meetings, appoint all committees with the concurrence of the Board, call special meetings, and generally perform the duties of a presiding officer. The Chairman shall have the right to vote. The Vice-Chairman or a Board member designated by the Chairman shall preside when the Chairman is absent. The agenda for meetings shall be prepared by the Recreation Manager ~~Leisure Services Director~~ and the Chairman.

(C) PURPOSE AND DUTIES OF THE BOARD. The purpose and duties of the Park City ~~Parks, Recreation and Beautification~~ Board are as follows:

- (1) To advise ~~the Parks and Recreation staff and~~ the City Council and staff on parks and recreation policy as requested by the City Council.
- (2) To advise ~~the parks planning staff~~ the City Council and staff on parks, recreation and beautification projects as requested by the City Council.
- (3) To support and promote the policies and programs of the Parks ~~Library and Recreation Departments and parks planning department.~~

(4) To ~~work with~~ advise and support staff ~~toon~~ staff recommended and support budget priorities concerning parks, recreation and beautification projects and programs.

(5) To serve as liaison between the community and public agencies on parks, recreation and beautification issues within Park City.

~~(6) To initiate and promote parks, recreation and beautification planning and programs.~~

(76) To stimulate community involvement and support for City Council annual and long term goals and priorities, and all parks, recreation and beautification projects and programs.

(D) MEETINGS AND PROCEDURES. The Board ~~shall~~ may adopt rules and regulations not inconsistent with the law applicable to public bodies for governing of its meeting. ~~The Board shall meet a minimum of four times per year with the Board establishing a meeting time and place.~~ Special meetings may be called at the request of the Recreation Manager ~~Leisure Services Director~~ or Chairman of the Board. A quorum for the transaction of business shall be a simple majority of the Board members. When vacancies occur, a simple majority of the remaining Board members shall constitute a quorum. Minutes shall be kept at all meetings. Closed meetings may only be held for purposes authorized by U.C.A. 52-4-5, as amended.

(E) COMMITTEES. Special committees for the study of particular problems may be appointed by the Chairman, with the advice and consent of the Mayor and City Council, to serve until they have completed the work for which they were appointed. Each committee shall ~~develop its own~~ meet goals and objectives, as delineate by the Chairman, with the advice and consent of the Mayor and City Council ~~needed. These shall be reviewed by the full Board.~~ Recommendations of committees may be given directly to the City Council. The Chairman of the ~~Parks, Recreation and Beautification~~ Advisory Board shall appoint a chairman for each committee. Nothing herein shall prevent the City Council from directly appointing special committees, which may include Recreation Advisory Board members. (Ord. 03-___; Ord. 99-50)

SECTION 3. DISSOLUTION OF THE EXISTING PARKS, RECREATION AND BEAUTIFICATION ADVISORY BOARD AND RELATION TO OTHER LETTERS OF INTENT, CONTRACTS, RESOLUTIONS, OR ORDINANCES. The current Parks, Recreation and Beautification Advisory Board is hereby dissolved and the terms of all current members is hereby terminated. Any and all legal references to or requirements of the Parks, Recreation and Beautification Advisory Board in any contract, letter of intent, resolution, ordinance or other document shall be assumed and under the jurisdiction of the Recreation Advisory Board.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 13th day of March, 2003.

PARK CITY MUNICIPAL CORPORATION

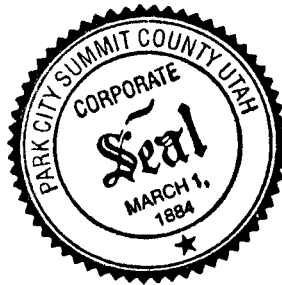
Dana Williams
Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney



Ordinance No. 03-05

**AN ORDINANCE AMENDING THE CAPITAL FACILITIES PLAN,
AN IMPACT FEE ANALYSIS, AND AMENDING TITLE 11, CHAPTER 13
OF THE MUNICIPAL CODE OF PARK CITY, UTAH SETTING
FORTH THE ASSESSMENT AND CALCULATION OF WATER IMPACT FEES**

WHEREAS, Park City Municipal Corporation is a political subdivision of the state of Utah, authorized and organized under the provisions of Utah law; and

WHEREAS, the City has created a Capital Facilities Plan and requires the payment of impact fees as a condition of development approval, so that development pays an equitable portion of the costs of facilities relating to growth; and

WHEREAS, the City Council has caused an Impact Fee Study and Analysis to be completed for the City and consistent with the Impact Fees Act Section 11, Chapter 36 Parts 101-401, Utah Code Ann.; and

WHEREAS, the Impact Fee Study contains an analysis and an executive summary that clearly defines the methodology by which the impact fees have been calculated and which identifies the impact upon the water system required by the development activity and demonstrates how those impacts on system improvements are reasonably related to the development activity; and

WHEREAS, a public hearing was duly noticed and held at the regular scheduled City Council meeting of March 6, 2003;

NOW THEREFORE BE IT ORDAINED:

SECTION 1. PURPOSE. This Impact Fee Ordinance is promulgated pursuant to the requirements of the Impact Fees Act, Utah Code Annotated §11-36-101-401 (the "Act"). The purpose of this ordinance is to provide for the generation of sufficient revenue to pay the costs of water capital projects, water rights and debt service on long-term debt issued to finance the cost of additions to the City's water system.

SECTION 2. CAPITAL FACILITIES PLAN ADOPTED. The Capital Facilities Plan dated January 2003 relating to water capital projects to be funded through impact fees is hereby adopted.

SECTION 3. IMPACT FEE ANALYSIS ADOPTED. The January 2003 Impact Fee Study and Analysis generated by the City pursuant to the Act is hereby adopted.

SECTION 4. AMENDMENTS TO THE MUNICIPAL CODE OF PARK CITY, UTAH ADOPTED -

- (A) **Amendment to 11-13.1, Definitions.** Section 11-13-1 (O) of the Municipal Code of Park City, Utah is hereby amended as follows:

Public Facilities identified in the 2003 Capital Facilities Plan and Impact Fee Analysis, the 2003 Water Capital Facilities Plan and Analysis that are not Project Improvements.

- (B) **Amendment to 11-13-2, Assessment and Calculation of Impact Fees.** Subsections (4) Water Connection Impact Fee and (5) Water Development Impact Fee of Section 11-13-2, are hereby repealed and replaced in their entirety by a new Subsection (4). Water Impact Fee Schedule as follows:

Residential Indoor Water Impact Fees

| | | | | | | |
|-----------|---------|-----------|-----------|-----------|-----------|---------|
| Size (sf) | ≤ 1000 | 1001-1500 | 1501-3000 | 3001-4500 | 4501-6000 | >6000 |
| # Bdrm | 2 | 3 | 4 | 5 | 6 | 7+ |
| Fee | \$2,058 | \$3,155 | \$4,253 | \$5,351 | \$6,448 | \$7,409 |

Outdoor (Landscaping) Water Impact Fee

| | | | | | | |
|---------------------|---------|-----------|-----------|-----------|-------------|----------------------------|
| Irrigated Area (sf) | 0-2000 | 2001-4000 | 4001-6000 | 6001-8000 | 8001-10,000 | >10,000 |
| Fee | \$1,650 | \$3,430 | \$5,076 | \$6,723 | \$8,369 | \$8,369 + \$825/1000 sq ft |

| SUMMARY OF FEE CALCULATIONS | |
|------------------------------------|---|
| Development Type | Fee |
| Residential | Residential Equivalent Unit per each (ERU) \$13,720 |
| Commercial/Industrial | \$13,720 x ERU per occupant |

Further calculation and presentation is included in the Impact Fee Analysis, Exhibit B.

INDOOR NON-RESIDENTIAL MULTIPLIERS
Based on IBC Table 1003.2.2.2

| OCCUPANCY | FLOOR AREA IN SQ. FT. PER OCCUPANT | ERU'S PER OCCUPANT |
|---|--|---|
| Assembly Bars Restaurants Theaters, Auditoriums, Churches ,etc. Others not listed | 15 15 15 or # of fixed seats per IBC Table 1003.2.2.2 | 0.012 0.021 0.003 Calculated at the time of application |
| Business/Office areas | 100 | 0.009 |
| Educational Classroom area Shops/Vocational areas | 20 50 | 0.015 |
| Exercise rooms | 50 | 0.015 |
| Hotels and Motels | 200 | 0.030 |
| Industrial areas | 100 | 0.021 |
| Institutional areas Inpatient treatment areas Outpatient areas Sleeping areas | 240 100 120 | 0.151 |
| Mercantile | per IBC Table 1003.2.2.2 | 0.007 |
| Skating rinks, swimming pools Rink and pool Decks | 50 15 | 0.006 |
| Warehouses | 500 | 0.021 |
| Parking garages, Carwash, Governmental uses | 200 | Calculated at the time of application |
| Library Reading rooms Stack areas | 50 100 | Calculated at the time of application |
| Uses not shown will be determined by the Public Works Director based on SBWRD estimated flows or other appropriate information. | | |

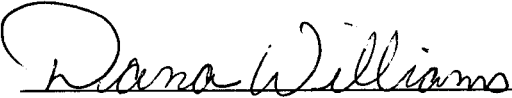
SECTION 5. REPEALER. This ordinance amends and repeals Title 11, Chapter 13, of the Municipal Code of Park City to the extent it is inconsistent with this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective March 10, 2003. All building permits issued after the date of publication of this Ordinance are subject to the fees set forth above. The Chief Building Official shall have

the discretion to charge projects for which plans have already been submitted to be charged the fees set forth in Ordinance 01-37.

PASSED AND ADOPTED this 6th day of March, 2003.

PARK CITY MUNICIPAL CORPORATION

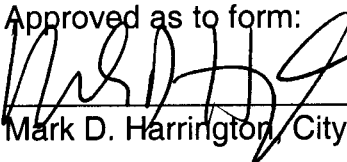


Mayor Dana Williams

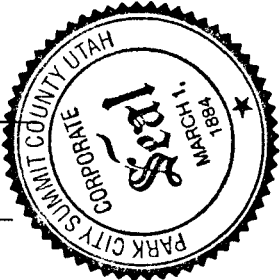
Attest:



Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attordney



2003 Park City Municipal Corporation
Water Impact Fee Update

Park City Municipal Corporation (the "City") has made the following documents available to the general public in compliance with the Impact Fees Act promulgated under Title 11 Chapter 36 Parts 1-5:

- Water Impact Fee Analysis Update
- Water Capital Facilities Plan
- Water Impact Fee Ordinance

Under the Impact Fees Act, copies of the Impact Fee Analysis, Capital Facilities Plan and Impact Fee Ordinance must be available to the public during the 14 day noticing period for review and inspection. A notice has been published in Park City's local newspaper to inform the public of the public hearing where the City may adopt, amend, or reject the proposed water impact fees. The 14 day noticing period begins Thursday, February 20, 2003, and the public hearing is scheduled for Thursday, March 6, 2003 at 6:00 pm at the Marsac Municipal Building (445 Marsac Avenue, Park City, Utah).

Any questions regarding the methodology used in the calculation of the proposed water impact fees or the analysis in general may be addressed to:

Jason Burningham
Lewis Young Robertson & Burningham, Inc.
136 E. South Temple, Suite 100
Salt Lake City, Utah 84111
Phone: (801) 596-0700

Any questions regarding the costs, construction timings, descriptions, etc. of the projects identified in the Capital Facilities Plan may be addressed to:

Jerry Gibbs
Public Works Department
PO Box 1480
Park City, Utah 84060
Phone: (435) 615-5310

Ordinance No. 03-04

**AN ORDINANCE AUTHORIZING AN EXTENSION TO RECORD
TREASURE HILL SUBDIVISION PHASE II, LOCATED AT 503 and 503 ½
WOODSIDE AVENUE, PARK CITY, UTAH APPROVED BY ORDINANCE NO. 00- 40
AND EXTENDED BY ORDINANCE 01-14.**

WHEREAS, the owners of Treasure Hill Subdivision Phase II, petitioned the City Council for approval of a final plat and received approval of a final subdivision plat on June 15, 2001 and received an extension to record on May 10, 2002 and

WHEREAS, the owners of the property have petitioned the City Council for an extension to record the subdivision plat until August 20, 2003.

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

SECTION 1. FINDINGS OF FACT

1. The owners are requesting an extension to record until August 20, 2003 to coincide with the expiration date of the HDC design approval of the private access drive and tunnel.
2. The owners received City Council approval of the Treasure Hill Subdivision Phase II plat at the June 15, 2000 meeting and an extension to record at the May 10, 2001 meeting.
3. The 1.719 acre property is part of the Sweeney Properties Master Plan and is located in the HR-1-MPD District.
4. The property is located to the west of the residences on the west side of the 500 Block of Woodside Avenue.
5. The property is currently vacant, although there are existing easements for ski runs, trails, and utilities which are preserved on the plat.
6. The plat subdivides the property creating two lots of record for two single family residences consistent with the Sweeney Property Master Plan and associated public ski run, trail, and utility easements.
7. Access to the property is via a private driveway off of Woodside Avenue, within the unbuilt Fifth Street right-of-way. The owner also proposes to construct a public staircase to City staircase standards within the Fifth Street ROW to provide public access to the ski run and trail system. Design for the driveway was approved by the Historic District Commission on August 20, 2001, with a two year expiration date to

August 20, 2003. An encroachment agreement for construction within the Fifth Street ROW will be executed prior to issuance of any building permits or recordation of this plat.

8. An extension request is reasonable given the complexity of the project, extent of improvements, location in the historic district, and conditions of approval regarding the driveway design, utilities, and construction mitigation.
9. The City Attorney and City Engineer have reviewed and approved as to form the proposed encroachment agreement for construction within the Fifth Street right-of-way.
10. The final plat is currently being prepared for recordation.
11. The applicant stipulates to the conditions of approval.

SECTION 2. CONCLUSIONS OF LAW:

1. There is good cause for the extension to record.
2. Neither the public nor any person will be materially injured by the proposed extension request.
3. The proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

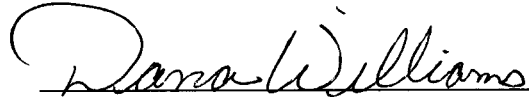
SECTION 3. CONDITIONS OF APPROVAL:

1. City Attorney and City Engineer review and approval of the subdivision plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Execution of an encroachment permit agreement in a form and manner acceptable to the City Engineer and City Attorney is a condition precedent to plat recordation.
3. All conditions of approval of the June 15, 2000 City Council approval of the subdivision plat and of the May 10, 2001 extension to record shall continue in full force and effect. A financial guarantee for the value of public improvements in an amount approved by the City Engineer and in a form approved by the City Attorney is a condition precedent to plat recordation.
4. This approval shall expire on August 20, 2003, unless this subdivision plat is recorded prior to that date.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

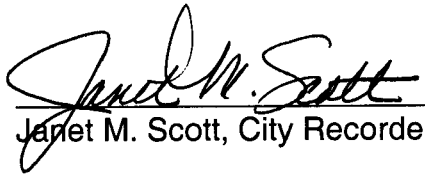
PASSED AND ADOPTED this 6th day of March, 2003.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

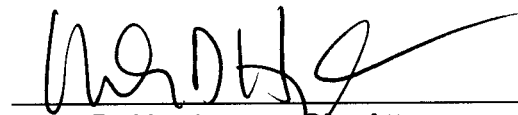
Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

**QUITTING TIME SUBDIVISION
PHASE II TREASURE HILL SUBDIVISION**
A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN
PARK CITY, UTAH
SUMMIT COUNTY

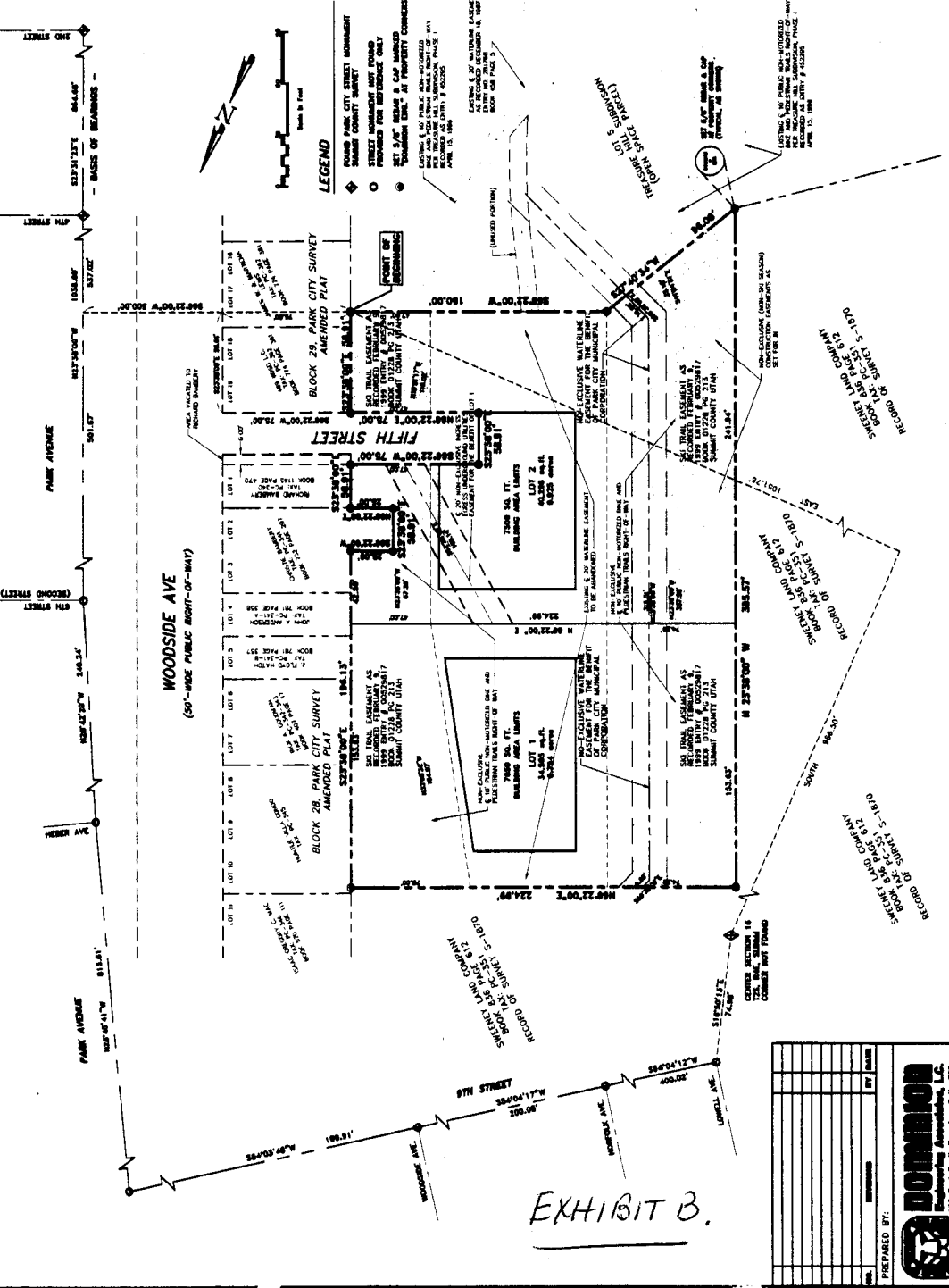


EXHIBIT B.

SURVEYOR'S CERTIFICATE
I, James T. ... have been duly qualified and sworn to as a Registered Land Surveyor, and I have ...
On this ... day of ... 2000, personally appeared before me the following persons, who being duly sworn, depose and testify that they are the true and correct owners of the above described premises, and that they authorize me to execute this certificate in accordance with their wishes, and that the same has been accordingly accepted and attested as hereinafter shown on this plat.
QUITTING TIME SUBDIVISION PHASE II TREASURE HILL SUBDIVISION
And that said plat has been accordingly accepted and attested as hereinafter shown on this plat.



LEGAL DESCRIPTION
A part of the Southeast Quarter of Section 16, Township 2 South, Range 4 West, Salt Lake Base and Meridian, Salt Lake Meridian, according to the Plat of Quitting Time Subdivision, Phase I, recorded in the Office of the County Clerk of Summit County, Utah, on the 19th day of March, 2000, and the Southeast Quarter of Section 16, Township 2 South, Range 4 West, Salt Lake Base and Meridian, Salt Lake Meridian, according to the Plat of Quitting Time Subdivision, Phase I, recorded in the Office of the County Clerk of Summit County, Utah, on the 19th day of March, 2000.

OWNERS OFFER OF DEDICATION
The owners of the above described premises, being the persons named in the list of owners on this plat, do hereby offer for dedication to the City of Park City, Utah, the streets, easements and other improvements shown on this plat, to the use of the public, and do hereby certify that the same are not necessary for the use of any individual person, and that the same are not subject to any claim or interest of any individual person, and that the same are not subject to any claim or interest of any individual person, and that the same are not subject to any claim or interest of any individual person.

ACKNOWLEDGEMENT
STATE OF UTAH)
COUNTY OF SUMMIT)
I, the undersigned, County Clerk of said County, do hereby certify that the above described plat has been duly recorded in the Office of the County Clerk of said County, Utah, on the 19th day of March, 2000, and that the same is a true and correct copy of the original filed in my office.

ACKNOWLEDGEMENT
STATE OF UTAH)
COUNTY OF SUMMIT)
I, the undersigned, County Clerk of said County, do hereby certify that the above described plat has been duly recorded in the Office of the County Clerk of said County, Utah, on the 19th day of March, 2000, and that the same is a true and correct copy of the original filed in my office.

PLANNING COMMISSION
APPROVED THIS _____ DAY OF _____ A.D. 2000 BY _____ CHAIRMAN

ENGINEERS' CERTIFICATE
I AND THE PLAT HEREON ARE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH SURVEYING ACT, CHAPTER 11, AS AMENDED.

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____ A.D. 2000 BY _____ PLANNING COMMISSION

CERTIFICATE OF ATTEST
I HEREBY CERTIFY THAT THE RECORD OF SURVEY MAP WAS APPROVED BY THE PLANNING COMMISSION ON _____ DAY OF _____ A.D. 2000.

PLANNING COMMISSION
APPROVED THIS _____ DAY OF _____ A.D. 2000 BY _____ CHAIRMAN

ENGINEERS' CERTIFICATE
I AND THE PLAT HEREON ARE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH SURVEYING ACT, CHAPTER 11, AS AMENDED.

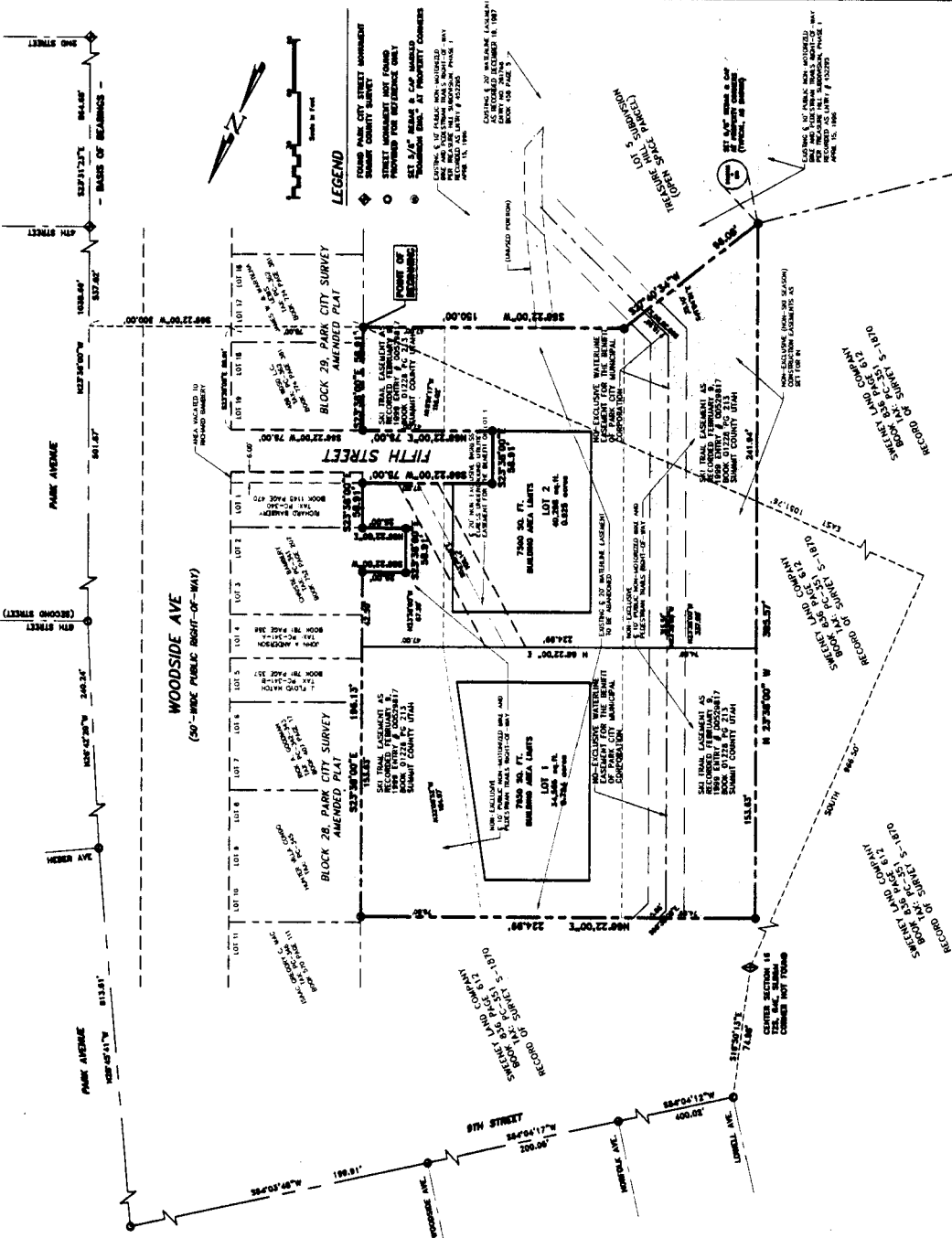
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____ A.D. 2000 BY _____ PLANNING COMMISSION

CERTIFICATE OF ATTEST
I HEREBY CERTIFY THAT THE RECORD OF SURVEY MAP WAS APPROVED BY THE PLANNING COMMISSION ON _____ DAY OF _____ A.D. 2000.

**QUITTING TIME SUBDIVISION
PHASE II TREASURE HILL SUBDIVISION**
A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN
PARK CITY, UTAH

RECEIVED
MAY 16 2000
PARK CITY PLANNING DEPT.

**CUTTING TIME SUBDIVISION
PHASE II TREASURE HILL SUBDIVISION**
A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN
PARK CITY, UTAH
SUMMIT COUNTY



1. FOOTNOTES: The measurements depicted, indicated from the middle line of each lot and the center line of each street, shall be taken from the center line of each lot and the center line of each street. The following plat has been recorded in the Public Records Office of Summit County, Utah, on May 18, 2000.

(c) Details which are open to all land from which they were taken shall be taken from the original plat or map from which they were taken, and shall be taken from the original plat or map from which they were taken, and shall be taken from the original plat or map from which they were taken.

2. UNLAWFUL AREA LIMIT: Improvements, including houses and home improvements, shall be limited to the area shown on the plat or map from which they were taken, and shall be taken from the original plat or map from which they were taken.

3. UNLAWFUL AREA LIMIT: Improvements, including houses and home improvements, shall be limited to the area shown on the plat or map from which they were taken, and shall be taken from the original plat or map from which they were taken.

4. UNLAWFUL AREA LIMIT: Improvements, including houses and home improvements, shall be limited to the area shown on the plat or map from which they were taken, and shall be taken from the original plat or map from which they were taken.

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7. UNLAWFUL AREA LIMIT: Improvements, including houses and home improvements, shall be limited to the area shown on the plat or map from which they were taken, and shall be taken from the original plat or map from which they were taken.

8. UNLAWFUL AREA LIMIT: Improvements, including houses and home improvements, shall be limited to the area shown on the plat or map from which they were taken, and shall be taken from the original plat or map from which they were taken.

9. UNLAWFUL AREA LIMIT: Improvements, including houses and home improvements, shall be limited to the area shown on the plat or map from which they were taken, and shall be taken from the original plat or map from which they were taken.

10. UNLAWFUL AREA LIMIT: Improvements, including houses and home improvements, shall be limited to the area shown on the plat or map from which they were taken, and shall be taken from the original plat or map from which they were taken.

**CUTTING TIME SUBDIVISION
PHASE II TREASURE HILL SUBDIVISION**
A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN
PARK CITY, UTAH
SUMMIT COUNTY

STATE OF UTAH
COUNTY OF SUMMIT
CITY OF PARK CITY

RECORDED IN THE PUBLIC RECORDS OF SUMMIT COUNTY, UTAH, ON MAY 18, 2000.

PREPARED BY: DOMINION

DOMINION
PLANNING & SURVEYING, L.L.C.
1000 East South Street, Suite 220
Park City, Utah 84302
Tel: 435-233-4111

PREPARED BY: DOMINION

DOMINION
PLANNING & SURVEYING, L.L.C.
1000 East South Street, Suite 220
Park City, Utah 84302
Tel: 435-233-4111

RECORDED IN THE PUBLIC RECORDS OF SUMMIT COUNTY, UTAH, ON MAY 18, 2000.

STATE OF UTAH
COUNTY OF SUMMIT
CITY OF PARK CITY

RECORDED IN THE PUBLIC RECORDS OF SUMMIT COUNTY, UTAH, ON MAY 18, 2000.

STATE OF UTAH
COUNTY OF SUMMIT
CITY OF PARK CITY

RECORDED IN THE PUBLIC RECORDS OF SUMMIT COUNTY, UTAH, ON MAY 18, 2000.

PAGE 3 OF 3

WHEN RECORDED, MAIL TO:

John R. Anderson
1939 South 300 West, Suite 200
Salt Lake City, Utah 84115

**ENCROACHMENT, UTILITY AND
ACCESS EASEMENT AGREEMENT**

THIS ENCROACHMENT, UTILITY AND ACCESS EASEMENT AGREEMENT is entered into as of the ____ day of _____, 2003 by, between and among PARK CITY MUNICIPAL CORPORATION, a political subdivision of the State of Utah ("Park City"), of 445 Marsac Avenue, Park City, Utah 84060-1480, and JOHN R. ANDERSON and CAROL LEE HATCH, individuals of 1939 South 300 West, Suite 200, Salt Lake City, Utah 84115 (collectively, "Owner").

Recitals

A. Owner owns the following described real property in Park City, Summit County, Utah ("Lots 6 and 7"):

Lots 6 and 7, Treasure Hill Subdivision Phase II, according to the official plat thereof recorded in the office of the Summit County Recorder.

(Part of Tax Serial Nos. PC-351 and PC-364-A.)

B. Park City owns the following described parcel of real property located in Park City, Summit County, Utah (the "Easement Parcel"):

A part of the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the Northeast corner of Block 29, Park City Survey, Amended Plat, as recorded in the office of the Summit County Recorder, said point of beginning also being 200.65 feet South 66°40'00" West and 594.88 feet North 23°38'00" West along the centerline of Woodside Avenue and 25.00 feet South 66°22'00" West from a Park City Monument at the intersection of Park Avenue and 4th Street (the basis of bearings being South 23°38'00" East 1038.69 feet along the centerline of Park Avenue between the street centerline monuments found marking the intersections of 6th Street and 4th Street), and running thence South 66°22'00" West 122.00 feet along the Northerly line of said Block 29; thence North 23°38'00" West 30.00 feet to the Southerly line of Block 28 of said

EXHIBIT C.

Park City Survey; thence North 66°22'00" East 47.00 feet along said extension to the Southwest corner of Lot 1 of said Block 28, said point also being the Northwest corner of a parcel described in Book 1145 at Page 471, as recorded in the office of the Summit County Recorder; thence along said parcel the following two (2) courses and distances: (1) South 23°38'00" East 3.00 feet; (2) North 66°52'00" East 75.00 feet to a point on the Westerly right-of-way line of said Woodside Avenue; thence South 23°38'00" East 26.35 feet along said line to the point of beginning. Containing 3410 square feet or 0.078 acre, more or less.

C. In connection with the approval, recording and development of Treasure Hill Subdivision Phase II, Owner desires to acquire, and Park City desires to grant to Owner, certain easements for access and utility purposes, subject to and in accordance with all of the terms and conditions hereof.

Agreement

NOW, THEREFORE, in consideration of the mutual promises and benefits contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. Grant of Easements. Subject to all of the terms and conditions hereof, Park City hereby grants to Owner, as the owner and for the benefit of Lots 6 and 7, the following perpetual easements (the "Easements") in, under, upon and across the Easement Parcel:

- a. A perpetual easement for pedestrian and vehicular access to Lots 6 and 7.
- b. A perpetual easement for the installation, maintenance, use, repair and replacement of underground utilities to serve Lots 6 and 7.
- c. A perpetual easement for the construction, maintenance, repair, replacement and exclusive use of a common underground driveway to provide access to and parking for Lots 6 and 7 (the "Access Tunnel").

2. Requirements for Access Tunnel.

- a. The minimum vertical clearance in the Access Tunnel shall be 14 feet.
- b. The Access Tunnel and the entrance to the Access Tunnel from Woodside Avenue shall be constructed in accordance with the design approved by the Park City Historic District Commission. Owner shall maintain the Access Tunnel in a safe and functional condition and shall indemnify and hold City harmless for any and all claims arising out of its construction, maintenance or use of the Access Tunnel, except such indemnification and hold harmless shall not apply to the intentional torts nor negligence of

the City. Nothing herein shall waive any limitation or defense of the Utah Government Immunity Act.

c. Owner shall construct a four-foot wide stairway as part of the construction of the Access Tunnel to provide pedestrian access between Woodside Avenue and the properties adjacent to the Easement Parcel, including the ski trail easements on Lots 6 and 7.

d. Owner shall obtain and keep in continuous effect a policy of combined general liability and property damage insurance for the Access Tunnel with a minimum limit of \$1,000,000 per occurrence. Proof of insurance must be provided to the City in the form of certificates of insurance and the City must be named as an additional insured, entitled to 30 days notice of cancellation.

3. Ownership of Improvements. Owner shall own and maintain the Access Tunnel and any utility lines placed by Owner in the Easement Parcel. From and after completion of construction, Park City shall own and maintain the pedestrian stairway described in Section 2(d).

4. Covenants Running with the Land. The parties hereby declare the rights, benefits and obligations contained herein to be covenants running with, benefiting and burdening the Easement Parcel and each of Lots 6 and 7. Upon the conveyance by Owner or any successor owner of Lot 6 or Lot 7 of all of such person's interest in either Lot 6 or Lot 7, the rights and obligations of the conveying owner shall automatically pass to and bind the new owner of the affected Lot.

5. Governing Law. This Agreement shall be construed in accordance with, and governed by the substantive laws of, the State of Utah, without reference to principles governing choice or conflicts of laws.

6. Successors and Assigns. This Agreement shall be binding on the parties hereto and on their respective successors and assigns as owners of the Easement Parcel and Lots 6 and 7.

7. Attorneys' Fees. Each party hereto agrees that should it default in any of the covenants or agreements contained herein, the defaulting party shall pay all costs and expenses, including reasonable attorneys' fees, which may arise or accrue from enforcing this Agreement, or in pursuing any remedy provided hereunder or by the statutes or other law of the State of Utah, whether such remedy is pursued by filing a suit or otherwise and whether such costs and expenses are incurred with or without suit or before or after judgment.

8. Waiver. A waiver by any party of a breach of any term or condition of this Agreement shall not constitute a waiver of any further breach of a term or condition.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

PARK CITY: PARK CITY MUNICIPAL CORPORATION

ATTEST:

By _____
Dana Williams, Mayor

Janet M. Scott, City Recorder

OWNER:

John R. Anderson

Carol Lee Hatch

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me on the ____ day of _____, 2003, by Dana Williams, the Mayor of Park City Municipal Corporation.

My Commission expires:

Notary Public
Residing at _____

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me on the ____ day of _____, 2003, by John R. Anderson.

My Commission expires:

Notary Public
Residing at _____

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me on the ____ day of _____, 2003, by Carol Lee Hatch.

My Commission expires:

Notary Public
Residing at _____

640471

AN ORDINANCE APPROVING 561 WOODSIDE AVENUE PLAT AMENDMENT TO COMBINE ALL OF LOTS OF LOTS 15, 17, AND 18 IN BLOCK 28 OF THE AMENDED PARK CITY SURVEY, INTO ONE LOT OF RECORD LOCATED AT 561 WOODSIDE AVENUE, PARK CITY, UTAH

WHEREAS, the owner of all of Lots 15, 17, and 18 in Block 28 of the Park City Survey, has petitioned the City Council for approval of a revision to the final 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 January 8, 2003, to receive input on the proposed subdivision;

WHEREAS, the Planning Commission, on January 8, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on January 30, 2003, the City Council held a public hearing to receive input on the proposed subdivision; and

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

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The property is located in the Historic Residential District (HR-1).
2. Each lot is an existing 25'x75' Old Town platted lot that is currently vacant.
3. Lots 17 and 18 will be physically inaccessible due to topographical & utility conditions if Lot 15 is sold and developed under separate ownership, as currently platted.
4. The amendment will combine all of Lots 15, 17, and 18 into a single lot to allow for future development to the property. No remnant lots are created.
5. The plat amendment will not increase density on the lot.

6. The proposed lot will consist of approximately 5,625 square feet.
7. The maximum building footprint permitted for the proposed lot is 2,053 square feet.
8. Each of the existing lots contain a slope of 30% or greater.
9. The neighborhood is characterized by a mix of historic and non-historic dwellings.
10. Several neighbors and adjoining property owners have contacted Staff via telephone to express their opposition of the development density proposed for the newly created lot.
11. Woodside Avenue is a congested and heavily used street. Parking, snow storage, and construction staging is problematic in this neighborhood.
12. The Planning Commission forwarded a positive recommendation on this plat amendment to the City Council on January 8, 2003.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision, that neither the public nor any person will be materially injured by the proposed subdivision and that the proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. SUBDIVISION APPROVAL. The plat amendment to combine all of Lots 15, 17, and 18 in Block 28 of the Park City Survey, known as the 561 Woodside Avenue Plat Amendment, is approved as shown on Exhibit A, with the following conditions:

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 recordation.
2. Design of the proposed single-family dwelling (as submitted concurrently under the CUP/Development on a Steep Slope application for this property by the applicant), requires approval by the Planning Commission prior to the issuance of any building permits.
3. Design of the proposed single-family dwelling (as submitted concurrently under the CUP/Development on a Steep Slope application for this property by the applicant), requires approval by the Historic District Commission for compliance with the Historic District Design Guidelines prior to the issuance of any building permits.
4. A note shall be added to the plat stating all setback requirements for the newly created lot as stipulated by the LMC, as well as any modifications to those stipulations as determined by the Planning Commission.

5. A note shall be added to the plat stating that no accessory apartment(s) shall be permitted as part of the single-family dwellings or the detached parking/common area structure.
6. The City Engineer shall review the slope, configuration and drainage pattern of the proposed driveway fronting Woodside Avenue, as well as the utility plan for the future building. No construction, grading, or construction staging is permitted within the Sixth Street right-of-way without prior approval of the City Engineer.
7. All Standard Project Conditions shall apply (Please see Exhibit B - Standard Project Conditions).
8. This approval shall expire one year from the date of approval, unless this Plat Amendment is recorded prior to that date.

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

PASSED AND ADOPTED this 30th day of January, 2003.

PARK CITY MUNICIPAL CORPORATION

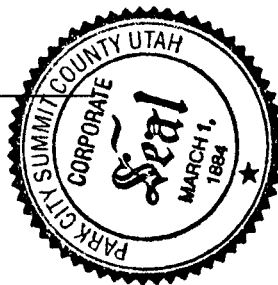


Mayor Dana Williams

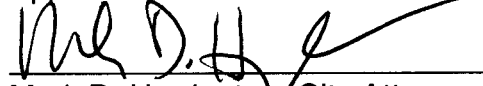
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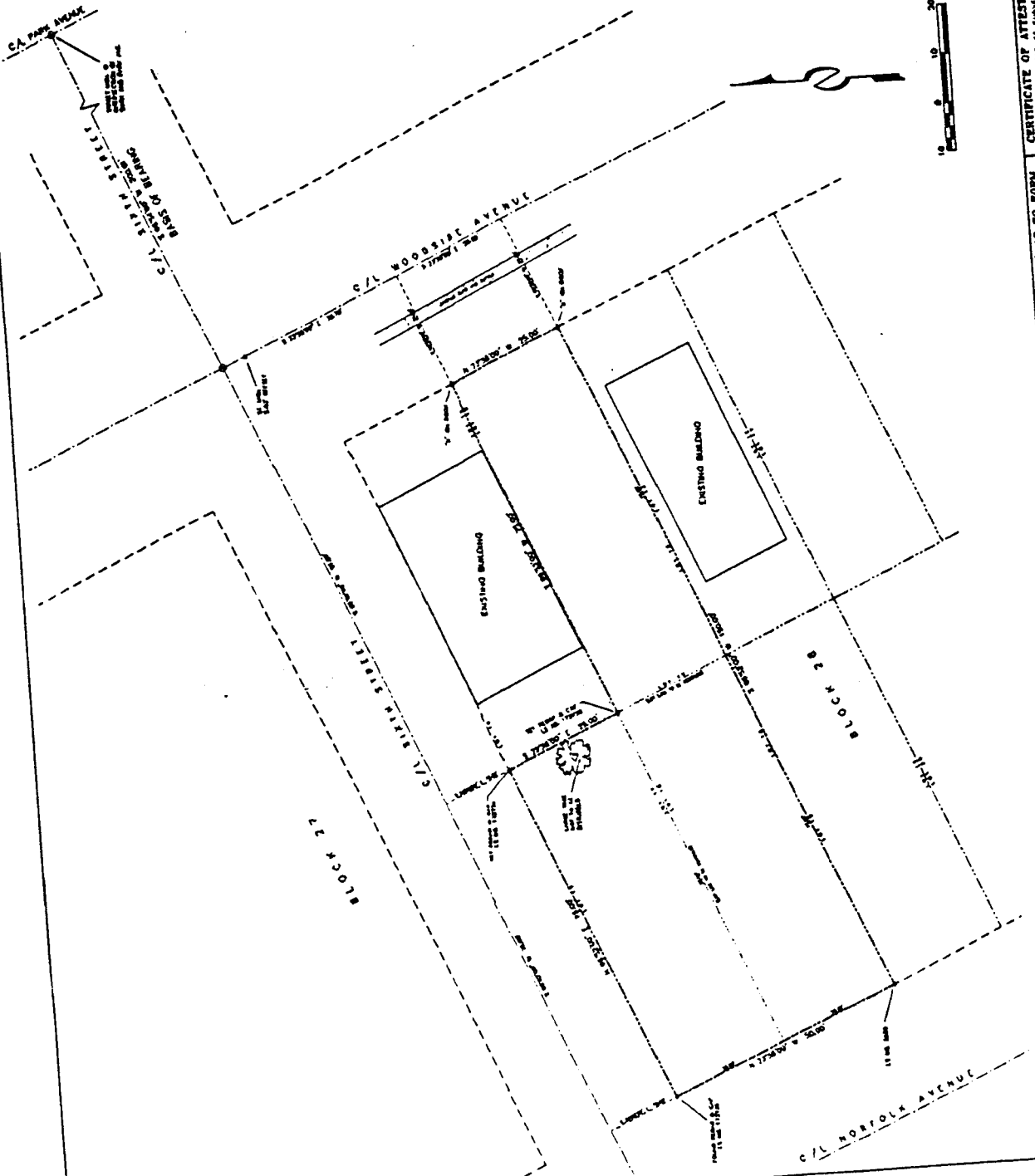
Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney



SURVEYOR'S CERTIFICATE

I, the undersigned, being duly sworn, do hereby certify that the foregoing is a true and correct copy of the original survey and plat as the same appears in my office, and that the same has been compared with the original and found to be a true and correct copy of the same.

Witness my hand and seal of office at Park City, Utah, this _____ day of _____, 2001.

BOUNDARY DESCRIPTION

That the land described in the foregoing plat is situated in the _____ Township, _____ Range, _____ East, _____ County, Utah, and is bounded as follows:

OWNER'S DECLARATION AND CONSENT TO RECORD

I, the undersigned, being duly sworn, do hereby declare that I am the owner of the land described in the foregoing plat, and that I have read the same and consent to its being recorded in the public records of the County of _____, Utah.

ACKNOWLEDGMENT

I, the undersigned, being duly sworn, do hereby acknowledge that I am the owner of the land described in the foregoing plat, and that I have read the same and consent to its being recorded in the public records of the County of _____, Utah.

RECEIVED
 SEP 05 2001
 RECORDS OF SURVEY AND PLATS
WOOD PROPERTY

AN AMENDMENT TO THE PARK CITY SURVEY PLAT
 IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 4 EAST,
 SALT LAKE BASIN AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



SHEET 1

| | |
|--|--|
| <p>RECORDED</p> <p>FILED IN THE COUNTY OF SUMMIT AND FIELD AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____</p> | |
| <p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2001 A.D.</p> <p>BY _____ MAYOR</p> | |
| <p>CERTIFICATE OF ATTEST</p> <p>I, the undersigned, being duly sworn, do hereby certify that the foregoing is a true and correct copy of the original survey and plat as the same appears in my office, and that the same has been compared with the original and found to be a true and correct copy of the same.</p> <p>BY _____ PARK CITY RECORDER</p> | |
| <p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2001 A.D.</p> <p>BY _____ PARK CITY ATTORNEY</p> | |
| <p>ENGINEERS CERTIFICATE</p> <p>I find this plat to be in accordance with the provisions of the Utah Professional Engineer Act, Chapter 106, Title 33, Utah Code, 2001 A.D.</p> <p>BY _____ PARK CITY ENGINEER</p> | |
| <p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2001 A.D.</p> <p>BY _____ CHAIRMAN</p> | |

Exhibit A - Proposed Plat Amendment

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of

- disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.
 10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
 11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
 12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
 13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
 14. The planning and infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
 15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
 16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
 17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

Ordinance No. 03-02

AN ORDINANCE AMENDING TITLE 4, CHAPTER 2 RELATING TO NIGHTLY RENTALS

WHEREAS, at the October 23, 2002 Planning Commission meeting, the Commission held discussions with staff representatives from the Planning, Building, Finance and Police Departments concerning public complaints, problems and possible solutions relating to nightly rentals.

WHEREAS, the Planning Commission held public meetings on October 23, November 13, and December 11, 2002;

WHEREAS, on December 11, 2002 the Planning Commission forwarded a positive recommendation to City Council for the proposed minor revisions to the Municipal Code's nightly rental regulations.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL of Park City, Utah that:

SECTION 1. AMENDMENT. Title 4 of the Municipal Code of Park City, Utah, Chapter 2 Regulation of Specific Businesses, is hereby amended to include issues relating to Nightly Rentals as follows:

PARK CITY MUNICIPAL CODE - TITLE 4 LICENSING

4- 2-18. REGULATION OF SPECIFIC BUSINESSES.

The minimum fee assessed for each business shall be as set forth in the rate tables as adopted by Section 4-2-17 unless set forth specifically in the sections below.

(A) **VENDING MACHINES/ MECHANICAL DEVICES.** It shall be unlawful to install or permit to be installed, any kind of mechanical device operated by coin, token, or currency, which sells goods, merchandise, food, beverages, candy, or entertainment services without first having paid the applicable fee on that mechanical device. Further, it shall be unlawful for any person to permit a machine to be placed on his premises or within his place of business any such mechanical device on which the fee has not been paid. The license for such a mechanical device, and the receipt showing payment of the license fee, shall take the form of a sticker to be placed in a visible location on the machine or device. The placement of a current sticker shall be prima facie evidence of payment of the license fees as far as the owner of the premises in which the machine is installed is concerned, and the owner of such premises or place of business shall be entitled to rely on the display of a current sticker as proof that the machine has been properly licensed. It is the duty of the owner of the machine to pay the fee, place the license sticker on the machine, and see that

it is continuously displayed.

License certificate stickers on vending machines and electronic game machines shall be marked with the description of the machine, and designed so that the license sticker is not removable without destroying the sticker. There shall be a sticker on each machine. In the event a machine is replaced by another machine of a similar nature, the sticker on the machine to be replaced may be surrendered to the Division, and a new sticker issued for the replacement machine without additional charge.

(B) **CONTRACTORS AND BUILDERS.** All general contractors and subcontractors, including but not limited to, builders, electricians, plumbers and back flow device technicians, with their principal place of business within Park City shall be assessed a regulatory license fee each year as set forth in the rate tables. Said fee must be paid and a business license issued prior to engaging in any construction within the City unless exempted from licensure under U.C.A. §58-55-305(7) or Section 4-2-20 of this chapter.

No contractor shall be issued a business license under this section unless and until he has provided a certified statement that he is currently licensed with the State of Utah Department of Business Regulation, including the state license number(s) and date of expiration. If said state license expires prior to December 31st of the year, each contractor must provide proof of renewal within ten (10) days of renewal or shall forfeit the City license for the balance of the year.

Contractors are required to obtain a separate office business license.

(C) **NIGHTLY RENTAL.** All nightly rental units must be licensed before being offered for rent. ~~Any persons offering to rent night rental units on behalf of an owner must hold a valid Utah real estate broker's license pursuant to U.C.A. §61-2-1, or must be affiliated with a licensed broker. Owners may offer to rent only units in which they hold an ownership interest.~~

(1) **LICENSE ISSUANCE.** The business license for rental of units under this section will be issued by the City upon payment of necessary fees and upon a finding by the staff that the review criteria established below have been satisfied.

(2) **LICENSEE.** The licensee for rentals under this section shall be both the local representative and the owner. The local representative shall be deemed the responsible party.

(3) **APPLICATION PROCEDURE.** All new and renewal applications must contain the property manager's name, a sales tax collection and accounting number, the street address of each unit, the name and address of a local responsible party who is available by telephone twenty four (24) hours per day and all other information requested on the application forms.

The application includes a cover form which contains information common to all units managed, and unit forms which contain information on each unit managed. It is the licensee's duty to supplement both forms as information changes or as units change from one manager to another.

(4) **MANAGEMENT STANDARDS.** The lodging authorized under Section 4-2-17 must be properly managed. As a condition to holding a valid license, the licensee agrees to provide or arrange for adequate property management services. In the event an owner's association exists, it shall be responsible for property maintenance. In the event an owner agrees to be responsible for property maintenance, the licensee must present a statement to that effect signed by the owner. The minimum services required include:

- (a) Snow removal during winter months to a level that allows safe access to the building over the normal pedestrian access to the unit.
- (b) Snow removal service to off-street parking facilities associated with the rental property so that off-street parking is at all times available for use of the occupants.
- (c) Summer yard maintenance, including landscaping, weed control, and irrigation to a level that is consistent with the level of landscaping and maintenance on adjoining and nearby properties.
- (d) Structural maintenance to preserve substantial code compliance as described above is required.
- (e) Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties.
- (f) Trash collection which insures that trash cans are not left at the curb for any period in excess of twenty-four (24) hours and the property must be kept free from accumulated garbage and refuse.
- (g) Housekeeping service as a part of hotel or property management company: included in property management license.
- (h) Parking. On-street parking for nightly rental uses shall not result in an obstruction to traffic and pedestrian circulation or public safety.
- (i) Outdoor displays of Goods and Merchandise. No outdoor display of goods and merchandise shall be permitted as part of any nightly rental use.
- (j) Signs. Unless expressly permitted under the Municipal Sign Code.

Title 12, no signs will be permitted for nightly rental uses.

(5) **NOISE AND OCCUPANCY CONTROL.** The licensee and the owner of rentals under this section are responsible for regulating the occupancy of the unit and noise created by the occupants of the unit. Unreasonable noise levels, or unreasonable occupancy loads, failure to use designated off-street parking, toleration of illegal conduct or other abuses which rise to the level of public or private nuisance is a violation of the license and considered grounds for revocation. Failure to collect and deposit sales tax is also a violation of the license and grounds for revocation.

(6) **REVIEW CRITERIA.** In determining whether or not a business license for rental authorized under this Section shall be issued, the application shall be reviewed to see if, in addition to standards and conditions applicable to issuance of all business licenses, the following conditions and standards are met:

(a) The unit is located within a zone and subzone designated as allowing rentals for the period which the license is applied for.

(b) The Park City Building Department has reviewed the business license application for compliance with the Code for Abatement of Dangerous Buildings. Inspection of the unit may be required under Section 4-2-8. The applicant shall bear the cost of any such inspection and any reinspection which may be required. The cost shall be determined by the prevailing hourly rate of the Park City Building Department.

(c) The access to the rental unit and the layout of the unit is such that noise and physical trespass from the proposed rental unit is not likely to be a substantial intrusion to the adjoining properties. If the proposed rental units is a single family home or duplex and shares an access, hallway, common wall, or driveway with another dwelling, written consent of the owner of the other dwelling is required.

(d) The applicant must designate a responsible party. The responsible party must be a property management company, realtor, lawyer, owner, or other individual who resides within Summit County, or, in the case of a company, has offices in Summit County. The responsible party is personally liable for the failure to properly manage the rental. The responsible party must be available by telephone, or otherwise, 24 hours per day, and must be able to respond to telephone inquiries within twenty (20) minutes of receipt of such inquiries by that party's answering machine, paging device or answering service. The responsible party is also designated as the agent for receiving all official communications under this Title from Park City. If the

licensee is a property management company or individual other than the owner, such company or individual must comply with applicable state law, including U.C.A. §61-2-2, as amended, which requires those who receive valuable consideration to lease property to have a state license.

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

(D) **RESTAURANTS, FOOD SERVICE, TAVERNS, ETC..**

(1) Outdoor dining areas connected with any food service establishment shall be assessed at a rate lower than the rest of the establishment.

(2) Catering services shall be licensed at the rate established in the Rate Tables per employee unless part of a full service restaurant or part of a restaurant operation, in which case catering is included in that license.

(3) Mobile vending trucks, serving construction sites only shall be assessed at the rate established in the Business License Fee Schedule.

(E) **BUILDING MATERIAL, HARDWARE, LUMBER.** Lumber stores shall be assessed at the retail rate by square foot of space under roof, including retail areas, lumber storage, and shop space, but shall not be assessed for uncovered yard space.

(F) **AUTOMOTIVE SERVICES.** Car rental businesses shall be assessed at a rate per car for rental purposes as of January 1 of each license year, as established in the rate tables.

(G) **TRANSPORTATION SERVICE, PASSENGER AND FREIGHT, SERVICE AND DELIVERY TRUCKS.** License certificates shall take the form of a sticker to be placed on each licensed vehicle. The Division shall design stickers that are suitable for this use, and non-removable without the sticker being destroyed. Various kinds of stickers may be used to show the term of a license if issued for less than one (1) year. The sticker shall be displayed on all service, freight delivery, passenger service, and taxis at all times. If no sticker is displayed, it is prima facie evidence that no license was issued. Delivery and service vehicles with a business location in Park City, on which a license fee is issued on a square footage basis shall be exempt.

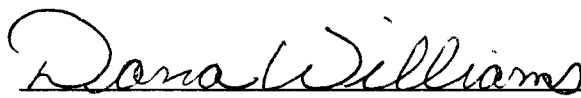
(1) Ready-mix concrete trucks, ore hauling trucks, dump trucks, drilling apparatus trucks, cranes, concrete pumping trucks, and other truck-based construction or excavation equipment shall be assessed as set forth in the rate tables per business engaged in such business.

(2) Businesses which utilize trucks in construction activity are subject to both the fee provisions of this section and also those for contractors except that an unlimited number of trucks, not exceeding nine thousand pounds gross vehicle weight (9,000 lbs. gw), may be used in the construction activity without any charge applied to the vehicle.

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

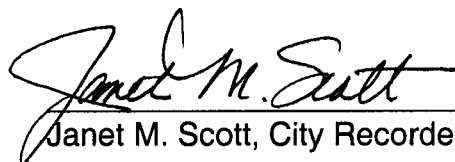
PASSED AND ADOPTED this 9th day of January, 2003.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

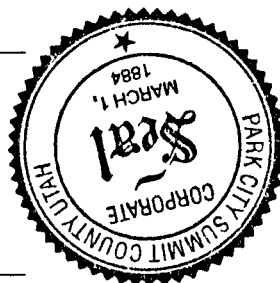


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 03-01

**AN ORDINANCE ADOPTING
THE PARK CITY ANNEXATION POLICY PLAN, INCLUDING
THE ANNEXATION EXPANSION AREA MAP,
TO BE INCLUDED IN THE PARK CITY MUNICIPAL CODE,
AS PART OF THE LAND MANAGEMENT CODE,
TO BE KNOWN AS TITLE 15, CHAPTER 8- ANNEXATIONS.**

WHEREAS, the Annexation Policy Plan is designed and enacted to help Park City plan for future expansion in conjunction with neighboring political entities; to guide decision making with specific criteria that further objectives of the Park City General Plan and City policies; and to abide by requirements of the Utah State Code relating to annexations for municipalities of Park City's size and class;

WHEREAS, the Annexation Policy Plan is designed and enacted to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, on December 16, 1993 the Park City Council adopted an annexation policy declaration and annexation declaration boundary;

WHEREAS, on December 16, 1996 the annexation policy declaration and annexation declaration boundary expired;

WHEREAS, in 2001 the Utah State Legislature enacted revised annexation language in the Utah State Code, specifically standards required and suggested by Sections 10-2-401.5 et. seq. of the Utah Code Annotated 1953, as amended;

WHEREAS, the Planning Commission duly noticed and conducted a public meeting on November 11, 2002 to introduce the proposed plan and to solicit comment from affected entities, as defined by the Utah State Code;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing on December 13, 2002 to receive additional public comment;

WHEREAS, on December 13, 2002 the Planning Commission voted to forward to the City Council a positive recommendation to adopt the Annexation Policy plan with specific amendments that have been included in the current document, dated 12/19/02;

WHEREAS, the City and Summit County are currently participating jointly in the Quinn's Junction Area Study, and the City intends to amend this Ordinance as necessary to be consistent with the final results of said study;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on December 19, 2002; and

WHEREAS it is in the best interest of the residents of Park City, Utah to adopt the Annexation Policy Plan by amending the Land Management Code; to abide by the Utah State Code; to be consistent with the General Plan and the values and identified goals of the Park City community; to protect health, safety, and to maintain the quality of life for its residents; and to preserve the community's unique character.


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

SECTION 1. AMENDMENT TO THE LAND MANAGEMENT CODE. The Annexation Policy Plan dated 12/19/02 and the Annexation Expansion area map dated 12/11/02, attached hereto as Exhibit A, are hereby included in the Land Management Code as part of the Municipal Code as Title 15, Chapter 8- Annexations. Any conflicts or cross-references from other provisions of the LMC to Chapter 8 shall be resolved by the Community Development Director.

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


PASSED AND ADOPTED this 9th day of January 2003

PARK CITY MUNICIPAL CORPORATION



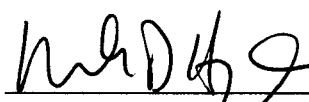
Mayor Dana Williams

Attest:

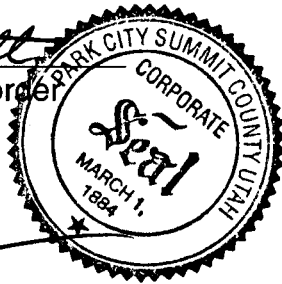


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



**PARK CITY MUNICIPAL CODE
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TITLE 15 LAND MANAGEMENT CODE - CHAPTER 8**

TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 8 - ANNEXATION

Chapter adopted by Ordinance No. 02-

CHAPTER 8 - ANNEXATION

15-8-1. PURPOSE.

The annexation requirements specified in this Chapter are intended to protect the general interests and character of the community; assure orderly growth and development of the Park City community in terms of utilities and public services; preserve open space, enhance parks and trails; ensure environmental quality; protect entry corridors, view sheds and environmentally sensitive lands; preserve historic and cultural resources; create buffer areas; protect public health, safety, and welfare and ensure that annexations are approved consistent with the Park City General Plan and Utah State law.

In meeting the goals of Park City's annexation policy plan, contained herein, the Community Development Department and City Council shall strive to avoid gaps between or overlaps with the expansion areas of other municipalities; consider the population growth projections for Park City and adjoining areas for the next twenty (20) years; consider current and projected costs

of infrastructure, urban services, and necessary public facilities; facilitate full development of areas within Park City; expand infrastructure, services, and facilities into the area being considered for inclusion in the expansion area when practical and feasible; consider, in conjunction with Park City's General Plan, the need over the next twenty (20) years for additional land suitable for residential, commercial, and industrial development; consider the reasons for including agricultural lands, forests, recreation areas, and wildlife management areas in Park City; and be guided by the following principals:

If practical and feasible, boundaries of an area proposed for annexation shall be drawn:

- (A) Along the boundaries of existing special districts for sewer, water, fire, and other services, along the boundaries of school districts whose boundaries follow city boundaries or school districts adjacent to school districts whose boundaries follow city boundaries, and along the boundaries of other taxing entities;

- (B) To eliminate islands and peninsulas of territory that is not receiving municipal type services;
- (C) To facilitate the consolidation of overlapping functions of local government;
- (D) To promote the efficient delivery of services; and
- (E) To encourage the equitable distribution of community resources and obligations.

It is the intent of this Chapter to ensure that property annexed to the City will contribute to the attractiveness of the community and will enhance the resort image which is critical for economic viability, and that the potential deficit of revenue against expense to the City is not unreasonable. This Chapter shall be considered Park City's annexation policy plan and declaration.

This Chapter hereby incorporates by reference all standards required and suggested by Sections 10-2-401 et. seq. of the Utah Code Annotated 1953, as amended.

15-8-2. GENERAL REQUIREMENTS.

The following specific requirements are hereby established for annexation to Park City.

- (A) Property under consideration of annexation must be considered a

- logical extension of the City boundaries.
- (B) Annexation of property to the City must be consistent with the intent and purpose of this Chapter and the Park City General Plan.
- (C) Every annexation shall include the greatest amount of property possible that is a contiguous area and that is contiguous to the City's municipal boundaries.
- (D) Piecemeal annexation of individual small properties shall be discouraged if larger contiguous parcels are available for annexation within a reasonable time frame in order to avoid repetitious annexations.
- (E) Islands of county jurisdiction shall not be left or created as a result of the annexation and peninsulas and irregular boundaries shall be avoided.
- (F) In addition to services provided by existing districts, such as sewer, fire protection, and public schools, the following urban level services, consistent with those normally provided in the rest of the incorporated boundaries will be provided to annexed areas:
 - (1) Police protection;
 - (2) Snow removal on public streets, subject to standard City snow removal policies;
 - (3) Street maintenance on existing streets, provided that such streets have been

constructed or re-constructed to City street standards or are acceptable to the City Engineer and City Council;

- (4) Planning, zoning, and code enforcement;
- (5) Availability of municipal sponsored parks and recreational activities and cultural events and facilities;
- (6) Water services as the area is developed. Existing water treatment and storage facilities may currently be inadequate to provide services to the annexed area. Developers of the annexed area are required to pay for the cost of improvements related to the extension of and connection with the City lines and systems as well as participate in additional improvements such as storage capacity and distribution as necessary for safe, reliable, and efficient water flows.

(G) If feasible and practical, water and sewer lines shall be extended to the area proposed for annexation. Expenses associated with such extension shall be the responsibility of the applicant(s). The City shall determine timing and capacity of extending water and sewer to the proposed annexation area.

(H) Before considering requests for annexation the City shall carefully analyze the impacts of annexation of an area, taking into consideration whether the area will create negative impacts on the City and considering whether the City can economically provide services to the annexed area. Community issues such as location and adequacy of schools and community facilities, traffic, fire protection (particularly in Wildfire/Wildland Interface Zones), usable open space and recreation areas, protection of sensitive lands, conservation of natural resources, protection of view corridors, protection and preservation of historic resources, affordable housing, balance of housing types and ownership, adequate water and sewer capacity to serve the future needs of the proposed annexation area shall also be considered.

(I) Situations may exist where it is in the public interest to preserve certain lands from development where there exist geologic hazards, excessive slopes, flood plains or where the need for preservation of community open space and/or agricultural lands is consistent with the General Plan. In such circumstances, annexations may occur as a means of retaining those lands in a natural state.

(J) The City shall consider annexation of unincorporated areas of Summit County that are within the

Annexation Expansion Area as defined by Exhibit A.

(K) In general, the City does not favor annexation of territory which should be located within another municipality nor does it favor the annexation of unincorporated territory solely for the purpose of acquiring municipal revenues, or for retarding the capacity of another municipality to annex.

(L) Annexations that expand the resort and/or tourist economy, provide second home or rental residential properties, preserve environmentally sensitive lands, and provide significant public open space and/or community facilities are preferred.

15-8-3. PROPERTY OWNER INITIATION OF ANNEXATION.

When initiated by a property Owner, the process for annexation shall be as follows:

(A) The property Owner or Owners shall submit to the City a petition for annexation. The petition shall meet the criteria and shall be in the form as established by the City and in compliance with State law as set forth in Sections 10-2-401, 402, and 403, Utah Code Annotated, 1953, as amended.

(1) The petition shall contain signatures of property Owners representing a

majority of the private land area and at least 1/3 of the value of all private real property within the area proposed for annexation.

(2) If the area is within an agriculture protection area created under state law Title 17, Chapter 41, Agriculture Protection Area, then the petition must cover 100% of the private land area within the area proposed for annexation.

(3) If the property is owned by a public entity other than the federal government, the petition shall be signed by the owner of all of the publicly owned property within the area proposed for annexation.

(4) Said petition shall designate up to five of the petitioners as sponsors, one of whom shall be designated as the contact sponsor. The mailing address of each sponsor shall be included in the petition.

(B) Attached to and as part of the petition shall be an accurate certified survey plat of the property to be annexed, prepared by a surveyor licensed to practice in Utah, accurately describing the existing City boundaries and each individual ownership sought to be annexed, including an accurate legal description of the property to be annexed.

- (C) There shall also be attached to the annexation petition a statement as to the anticipated timetable for development, if applicable, of the property being annexed.
- (D) If the proposed property is intended for development, the petition for annexation shall include complete applications for a Master Planned Development and a preliminary subdivision plat. The petition shall state the requested zoning designation(s), and shall show the proposed zoning district lines on the plans. Impact mitigation considerations in the annexation agreement will be based on the density permitted under the requested or applied zone requirements.
- (E) Except in the case of POS or ROS zoning, zoning requests are subject to review and consideration of the Planning Commission for a recommendation, with final approval by the City Council concurrent with public hearings on the proposed annexation.
- (F) There shall also be attached to the annexation petition a full disclosure statement of any and all waters owned or historically utilized on the property to be annexed, and a statement from the water owner(s) as to the estimated value of the water or the price at which he or she is willing to sell the said water to the City.
- (G) The annexation petition shall not propose annexation of any land area proposed for annexation to a municipality in a previously filed petition that has not been granted, denied, or rejected.
- (H) The annexation petition shall not propose annexation of any land area being considered for incorporation under Utah state law.
- (I) On the date of filing the annexation petition with the City Recorder, the petition sponsor(s) shall also deliver or mail a copy of the petition to the County Clerk of the county in which the property is located and to the chair of the Planning Commission which has review authority or jurisdiction over the said property.
- (J) There shall be attached to the petition a comprehensive review and analysis of surrounding property. (See 15-8-5(E)).

15-8-4. PROCEDURE FOR PETITION AND ANNEXATION PLATS.

The procedure for processing annexation petitions and plats shall be as follows:

- (A) A petition and proper plat certified by a licensed surveyor shall be submitted to the City Recorder in accordance with Section 10-2-403 (2)(C) Utah Code, Annotated, 1953, as amended), together with any other

information required by the City staff to enable the staff to prepare an annexation impact report.

- (B) Prior to City Council action on the petition, the petition and plat shall be reviewed by the Community Development Director, who shall determine the feasibility of expanding the annexation boundaries and who shall prepare a written recommendation for consideration by the City Council.
- (C) If the City Council accepts the annexation petition, the petition shall be delivered to the City Recorder for certification pursuant to Section 10-2-405 of the Utah Code, Annotated, 1953, as amended.
- (D) If the annexation petition is certified by the City Recorder, the City Council shall provide for public notice and shall set a hearing as set forth in Section 10-2-406, Utah Code, Annotated, 1953, as amended.
- (E) The Planning Commission, upon referral from the Community Development Director, shall hold a public hearing and make a recommendation on the annexation proposal, including the recommended zoning, to the City Council.

- (F) After receipt of the Planning Commission's recommendation and after giving notice pursuant to Section 10-2-406 of the Utah Code, Annotated, 1953, as amended, the City Council shall hold a public hearing on all proposed annexations. After closure of the public hearing, the City Council may either grant or deny the annexation petition; provided, however, that protests to an annexation petition shall be dealt with as set forth in Section 10-2-407, Utah Code, Annotated, 1953, as amended. Denial of or granting the petition under protest is subject to Section 10-2-408 Utah Code, Annotated 1953, as amended.
- (G) Once the City Council enacts an ordinance annexing an unincorporated area or adjusting a boundary all applicable zoning and Land Management Code sections shall apply to the annexed property.
- (H) Within thirty (30) days after enacting an ordinance annexing an unincorporated area or adjusting a boundary, the City shall:
 - (1) Record with the County Recorder a certified copy of the ordinance approving the annexation or boundary adjustment, together with the annexation plat or map prepared by a licensed surveyor and approved by the City, showing the new boundaries of the affected area.

(2) File with the Lieutenant Governor of the State of Utah the amended articles of incorporation reflecting the annexation or boundary adjustment, as provided in Section 10-1-117 Utah Code, Annotated, 1953, as amended.

(3) Comply with the notice requirements of Section 10-1-116, Utah Code, Annotated, 1953, as amended.

15-8-5. ANNEXATION PETITION REVIEW.

(A) STAFF REVIEW TEAM

After approval of the annexation petition by the City Council, general annexation procedure shall comply with Utah State law; provided, however, that the City Council shall not take final action on any petition until the same has been reviewed by the Park City Planning Commission and by the staff review team. For purposes of annexation petition review, the staff review team shall be composed of at least the following, or their designees:

- The Community Development Director
- The City Engineer
- The Planning and Zoning Administrator
- The Director of Public Works
- The Fire Marshall
- The Police Chief
- Representatives from Applicable Utility Providers
- Park City School District Superintendent

(B) ANNEXATION EVALUATION AND STAFF REPORT

The staff review team will review each annexation and zoning request. The Community Development Department will prepare a staff report with considerations and a staff recommendation to present to the Planning Commission. The staff report shall include an evaluation of the proposed annexation and shall include at least the following information:

- (1) The ability to meet the general annexation requirements as stated in Section 15-8-2.
- (2) An accurate map of the proposed annexation area showing the boundaries and property ownership within the area, the topography of the area and major natural features (e.g., drainage, channels, streams, wooded areas, areas of high water table, Very Steep Slopes, Sensitive Ridge Line Areas, Wildfire/Wildland Interface Zones, and other environmentally sensitive lands)
- (3) Current and potential population of the area and the current residential densities.
- (4) Land uses presently existing and those proposed.
- (5) Character and development of adjacent properties and neighborhoods.
- (6) Present zoning and proposed zoning.

- (7) A statement as to how the proposed area, and/or its potential land use will contribute to the achievement of the goals and policies of the Park City General Plan.
- (8) Assessed valuation of the current properties.
- (9) Potential demand for various municipal services and the need for land use regulation in the area (e.g. consideration of the distance from existing utility lines, special requirements for sensitive lands review and fire protection in Wildfire/Wildland Interface Zones, location within hazardous soils areas, and feasibility of snow removal from public streets).
- (10) The effect the annexation will have upon City boundaries and whether the annexation will ultimately create potential for future islands, undesirable boundaries, and difficult service areas.
- (11) A specific timetable for extending services to the area and how these services will be financed.
- (12) Potential revenue versus service costs.
- (13) An estimate of the tax consequences to residents of the area to be annexed.

- (14) Recommendations or comments of other local government jurisdictions regarding the annexation proposal and potential impact of the annexation on general county economic needs, goals, or objectives.
- (15) Location and description of any Historic or cultural resources.

(C) CONDITIONS OF ANNEXATION APPROVAL AND ANNEXATION AGREEMENT

The City has established the following conditions which must be met prior to completion of the annexation, unless the City Council finds that the circumstances of an annexation are such that a condition or conditions do not apply. These conditions shall be applied consistently for each property; however, unusual or unique circumstances may emerge from time to time where special conditions may be applied. The conditions of annexation approval shall be formalized as part of the written Annexation Agreement. The Annexation Agreement shall be in a form approved by the City Attorney. The Annexation Agreement shall be ratified by the Planning Commission, signed by the City Council and recorded with the Summit County Recorder. The Annexation Agreement shall include, but is not limited to the following conditions:

- (1) Transfer of usable water rights as established by City

- policy sufficient to serve the proposed development.
- (2) Additional improvements as necessary which may be required in order to improve the water system.
- (3) Dedication of necessary streets, trails, utilities, and rights of way consistent with the Subdivision standards of this Code.
- (4) Phasing of the project to insure adequacy of public facilities may be required.
- (5) Payment of park land acquisition fees, dedication of open space or conservation areas, and payment of development impact fees.
- (6) Provision of affordable housing in accordance with the Affordable Housing Resolution 17-99, as in effect at the time of petition.
- (7) Submittal of site plans and architectural plans for review.
- (8) Flood plain management or preservation of environmentally sensitive lands including compliance with the Sensitive Lands Overlay Section of the Code.
- (9) Analysis and survey of any Historic and cultural resources located on the property.

- (10) Analysis of the fiscal impacts of the development as determined necessary by the City. The fiscal impact analysis format, including the revenue and cost assumptions shall be approved by the City. If necessary, the City shall hire qualified experts to perform the fiscal impact analysis.
- (11) Fees paid in lieu of satisfying certain conditions, as approved by Council action.
- (12) Comprehensive review of surrounding property as described below in Section 15-8-5 (D).
- (13) Any other condition reasonably related to a health, safety, or welfare issue or negative impact of the project.
- (14) Annexations located within the Quinn's Junction Area Study (QJAS) shall be found to be consistent with the findings and conclusions of the QJAS. Any annexation petition filed prior to the final approval of the QJAS by the City will be stayed pending final action on the study.

(D) AMENDMENTS TO THE ANNEXATION AGREEMENT

Subsequent substantive amendments to the Annexation Agreement, are subject to review and approval by the Planning Commission and City Council with adequate

public notice and recordation with the Summit County Recorder.

(E) COMPREHENSIVE REVIEW AND ANALYSIS OF SURROUNDING PROPERTY.

A comprehensive land use review and analysis of property surrounding the proposed annexation must be completed and submitted with the annexation petition. This analysis of surrounding property shall be in sufficient detail for the City to determine the long term community impacts of the proposed annexation on these properties. This analysis must include, but is not limited to, all property within one-half mile of the boundaries of the proposed annexation. The Community Development Director may modify the study area of the one-half mile more or less to achieve a suitable and logical study area.

The review and analysis of surrounding property shall be performed by a qualified land use planner with assistance from other professionals, such as traffic engineers, civil engineers, wildlife biologists, hydrologists, and soils scientists. The City reserves the option of selecting the qualified professionals to perform this analysis with the cost to be paid by the applicant. The review and analysis shall include, but is not limited to a study of the following:

- (1) Slope, wetlands, vegetation, wildlife habitat, view corridors, existing Historic and cultural resources, and

- significant geological features.
- (2) Existing and proposed road systems.
- (3) Existing and proposed utilities and major utility extension plans.
- (4) Location of proposed open space, recreational areas, and trail systems.
- (5) Existing and proposed land uses including type and density of residential areas.
- (6) Existing and proposed locations of community facilities such as fire stations, schools, parks, recreation centers, etc.

15-8-6. MUNICIPAL INITIATION OF ANNEXATION.

It shall be the policy of the City to annex areas meeting all of the following criteria with or without receipt of a petition from the property owners:

- (A) The annexation is of an island within or a peninsula contiguous to the City;
- (B) The majority of each island or peninsula consists of residential or commercial development;
- (C) The area proposed for annexation requires the delivery of municipal-type services; and
- (D) The City has provided most or all of the municipal-type services to the area for more than one year.
- (E) Annexation of the area is supported by the goals of the Park City General Plan, including open space, land use,

affordable housing, recreation, growth management, and economic development.

Such annexations shall be processed as provided under Section 10-2-418, Utah Code, Annotated, 1953, as amended, including all noticing and public hearing requirements. This review shall be in addition to the review required in Section 15-8-5 herein.

If written protest to such annexation is timely filed and complies with Section 10-2-418 Subsection (3), Utah Code, Annotated, 1953, as amended, the City may not adopt an ordinance annexing the area proposed for annexation, and the annexation proceedings under this section shall be considered terminated.

15-8-7. EXPANSION AREA BOUNDARY MAP.

- (A) The Expansion Area Boundary Map is included as Exhibit A.
- (B) The following criteria were used as justification to exclude from the Expansion Area property considered by State definition to be Urban Development:
 - (1) topography and other physical constraints to efficient delivery of basic services.
 - (2) overlapping utility providers with services already being provided by others.

- (3) level of existing services and standards of existing roads are below City standards and require expensive upgrades.
- (4) other high fiscal implications to the City.
- (5) overlapping school districts, ie. not in Park City School District.
- (6) overlapping taxing entities and location in Wasatch County.






15-8-8. STATEMENTS FROM "AFFECTED ENTITIES".

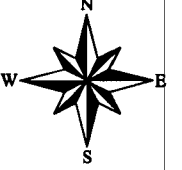
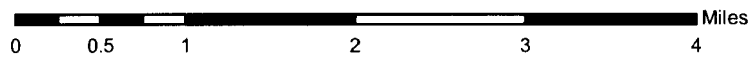
Statements from "Affected Entities" are included as Exhibit B.

Annexation Expansion Area Study Map



Legend

-  County Boundary
-  Park City Boundary
-  Proposed Boundary
-  Parcels
-  Edge of Roads



Park City
Technical/GIS Services
Dec 11, 2002



Department of Community Development and
Planning
60 North Main Coalville, UT 84017
(435) 336-3117 Fax (435) 336-3046
Michael Barille - Int. Comm. Development Dir.
mbarille@co.summit.ut.us

November 13, 2002

Rick Lewis
Park City Community Dev. Dir.
445 Marsac Ave.
Park City, UT 84068

Dear Mr. Lewis:

I would like to thank you and City Attorney, Mark Harrington for taking the time to inform me on the City's upcoming Annexation Policy Plan process. I understand the time constraints and requirements imposed by state statute. I would also commend the city for the proactive steps being taken to thoroughly investigate potential annexation issues and to involve the public in this process.

I would also like to forward a request for recognition of the other forward thinking and multi-jurisdictional planning efforts that are underway. I am speaking of the Quinn's Junction Area Study that both the City and Summit County have committed to pursuing together. You and I, in conjunction with the joint planning committee, have taken careful steps to build consensus for this project and develop a work program that includes strict provisions for public inclusion in a detailed planning process. It is my hope that the Park City Planning Commission and Council will find a way to formally recognize the Quinn's Junction Study in the Annexation Policy Plan. I would suggest that this could be done in the "Statement of specific criteria" section of the plan. Perhaps consistency with the findings of the completed Quinn's Junction Area Study could become one of the criteria on which future annexation proposals are evaluated. I hope that it will also be made clear that both the County and the City are legally prohibited from considering development proposals in the study area until the study is complete. Finally, if clear reasoning can be provided for an adjustment to the annexation expansion area through the Quinn's Junction Area Study process; I hope that the Park City Planning Staff, Commission and City Council will consider entertaining a process in the future to make the annexation expansion area boundary consistent with the findings of the Quinn's Junction Study. Thanks again for your communication and consideration regarding this important issue of mutual interest.

Very truly yours,


Michael Barille
Interim Director of Community Development

EXHIBIT B



25 North Main Street, Heber City, Utah 84032 • (435) 654-3211

BOARD OF COUNTY COMMISSIONERS

Michael L. Kohler

T. LaRen Provost, Chairman

Ralph L. Duke

November 20, 2002

Chris Larson
 Park City Planning Commission
 P.O. Box 1480
 Park City, Utah 84060

RE: Annexation Policy Plan

Dear Chairman Larson:

I attended the Park City Planning Commission meeting on November 13, 2002 where discussion of the proposed Annexation Policy Plan occurred. I applaud the Commission for moving forward with this important plan. Your Planning staff has been very helpful by providing me with the necessary information and documents to understand the plan.

After reviewing the plan and listening to the comments at your Planning Commission meeting, I want to provide the following comments:

- 1) Wasatch County supports the proposed plan, which includes the Annexation Expansion Area Map provided at the public meeting. This map identified that the future annexation for Park City will be maintained within the Summit County boundaries. I did not observe any potential annexation that would spill over to Wasatch County.
- 2) We are very concerned about Commissioner Jim Berth's comments to extend your Annexation Expansion boundary into Wasatch County to include the Bonanza Flats property. Wasatch County does not support this proposal! Any proposed annexation of Bonanza Flats would impact access and development of other properties in the vicinity. We recommend that you do not include any suggestion to extend the Park City Boundary into Wasatch County.

Thank you for the opportunity to comment on your proposed Annexation Policy Plan. It is my hope that you will take our comments into consideration when you adopt the proposed plan.

Sincerely,

WASATCH COUNTY PLANNING

Al Mickelson
 Al Mickelson
 Planning Director

EXHIBIT B



SAGE LAKE 2012



SOLDIER HOLLOW
 at Wasatch Mountain State Park

CLERK/AUDITOR
 Brenda T. Tinklen

RECORDER
 Elizabeth M. Parcel

SHERIFF
 Mike Spozak

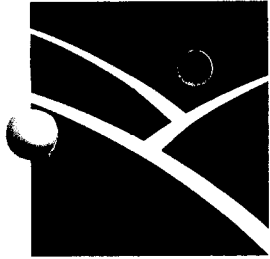
ASSESSOR
 Glen C. Burgenor

TREASURER
 Karilyn Wall

ATTORNEY
 Derek P. Pullan

JUSTICE COURT JUDGE
 Brian Hyton

B A S I N



RECREATION

P.O. Box 980127

Park City, UT 84098

December 11, 2002

Kirsten Whetstone, City Planner
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

RE: Park City Annexation Plan
Affected Entity Statement for Snyderville Basin Special Recreation District

Dear Kirsten:

This letter comes in response to the proposed Park City Annexation Expansion Area.

The Snyderville Basin Recreation District Board has reviewed the Annexation Expansion Area Study Map, and the Park City Land Management Code, Chapter 8. The District's attorney, Jerry Kinghorn, has advised the Board on the District's interests as they relate to Park City's Annexation Policy Plan, according to Utah Code Section 10-2-401.5.

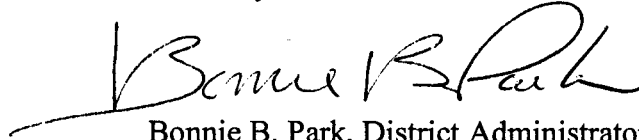
Please accept the following comments as the District's "affected entity" statement.

1. The District's rate for general obligation debt service cannot be changed. Properties within the proposed annexation area have been pledged to Recreation District property taxes to service the debt on bonds issued in 1996, 1997, and 2002. The property may also be subject to general obligation bond property tax levies associated with bonds authorized in November of 2001 for future bond issuance of up to \$4.5 million;
2. Annexed lands would not reduce the tax base for funding of Recreation District operations and maintenance because annexed lands would continue to be in the Recreation District after annexation by Park City.
3. Trails that currently exist, or that may be developed within the proposed annexation area, would continue to be the property of the District. The District generally holds trails in the form of perpetual easements although, on occasion, a license agreement is the form of conveyance.

4. Development impact fees currently paid to the Recreation District would continue to be paid to the District.

Thank you for the opportunity to review the plan. If you have questions about these comments, please contact me at the Recreation District office, 649-1564 x-11

Sincerely,

A handwritten signature in black ink, appearing to read "Bonnie B. Park". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Bonnie B. Park, District Administrator
Snyderville Basin Special Recreation District



**Department of Community Development
Engineering • Building Inspection • Planning**

January 15, 2003

**NOTICE OF ADOPTION
REGARDING ANNEXATION POLICY PLAN
FOR PARK CITY, UTAH**

The Park City Planning Department prepared an annexation policy plan and annexation expansion area map, known as Land Management Code Chapter 8- Annexations. The Planning Commission conducted a public meeting on November 13, 2002 and a public hearing on December 11, 2002. The Planning Commission forwarded a positive recommendation to the Park City Council. On December 19, 2002 the City Council held a public hearing on the proposed plan and adopted the plan on January 9, 2003.

As required by state law, I am enclosing a copy of the ordinance and the adopted annexation policy plan for your information. Please see that the county legislative body is aware of this action and plan. The policy plan will be available on the City's web site as well. Thank you for your comments received during the review process. Comments received from all affected entities are included as Exhibit B of the plan, as required.

If you have any questions or comments regarding the adopted annexation policy plan, please contact Kirsten Whetstone at the Park City Planning Department at (435) 615-5066.