

Ordinance No. 02-60

AN ORDINANCE AMENDING CHAPTER 11 OF THE SIGN CODE, TITLE 12 OF THE MUNICIPAL CODE OF PARK CITY

WHEREAS, a uniform sign code and 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 sign applications and the community has clear notice of the Sign Code standards; and

WHEREAS, the City Council finds that the proposed changes to the Sign Code are necessary to prevent visual clutter, to aid tourists in easily identifying municipal boundaries, 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 special events as an important economic element in Park City;

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

WHEREAS, increased sponsorship of local events, provides non-profit master festival license holders an additional revenue source for funding programs within Park City, and;

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

SECTION 1. AMENDMENT TO TITLE 12 OF THE PARK CITY MUNICIPAL CODE The recitals above are hereby incorporated herein as findings of fact. Title 12 Chapter 11 of the Municipal Code of Park City is hereby amended to read as follows:

~~12-11-1. BANNERS ON CITY LIGHT STANDARDS.~~

~~The City Planning Department is authorized to administer the placement of banners on City light standards. Approval of all applications to display banners on City light standards, along Main Street and Empire Avenue, shall be given by the Planning Department only if all conditions in this section are met.~~

~~(A) **APPLICATIONS.** Applications shall be presented to the Planning Department in sufficient time to allow the termination of eligibility of the Sponsor, design review, fabrication of the banners and verification of the scheduling of their period of display. Sponsors will pay for the artwork, banner production, installation and dismantling of the banners.~~

~~Sponsors shall accept that the display period is contingent upon a workable arrangement within the overall schedule of other City banners as well as prior commitments to other outside sponsors. Prior commitments may preclude the desired display period of an otherwise acceptable sponsor's banner. Park City acknowledges that a sponsor's interest and ability to participate may be contingent upon a minimum period which would warrant the expense of the~~

fabrication of the banners. Banners can be displayed for no more than three (3) weeks at a time. The display period will be based on a first come basis.

~~(B) SIZE.~~ The Main Street Banners shall be 29" x 72"; unless otherwise approved by the Parks staff. Banners along Empire Avenue shall be 24" x 36".

~~(C) NUMBER OF BANNERS.~~ The number of banners to be hung for winter and summer shall be sixty-three (63) along Main Street and thirty (30) along Empire Avenue. Five (5) additional banners must be submitted for replacement.

~~(D) ELIGIBILITY.~~ Banners displayed in the Park City Main Street or Empire Avenue area shall be either: (a) those sponsored by, designed for and commissioned by, fabricated for, and installed by the direction of the Planning Department and Parks staff, or (b) those sponsored by outside entities (sponsors) that meet the terms and conditions set forth in this section:

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

(2) The design of banners must be presented to the Planning Department, or a designated committee thereof, for review and approval. Artwork should be of sufficient size and show actual colors and banner material in sufficient detail to adequately represent the proposed final product. Artwork should be approved at least two months prior to hanging date. A written permit will be issued by the Planning and Parks staff. Fabrication and colors are to be within color guidelines of the Planning Department and Historic District. The design must be on both sides, or as otherwise approved by the Parks Department.

~~(E) DESIGN OF BANNERS.~~ Fabrication of the banners must meet the minimum standards adopted by the Park staff, or a designated committee of Park City Municipal Corporation. Fabric must be of a durable material to withstand snow and heavy winds. One and one half inch (1½") brass grommets should be installed on both bottom corners.

Banners must be sewn for mounting on existing brackets. A three and one half to four inch by 29 inch (3½" to 4" X 29") wide sleeve, or twenty-four inch (24") sleeve for Empire Avenue banners, at the top of the banner is required to hang the banners on brackets. A sample will be provided by the Parks Department. Sponsors are required to contact the Parks Department for review of their proposal for compliance with the actual specifications.

~~(F) INSTALLATION AND REMOVAL.~~ Banners should be received by the Parks Department one week prior to the date of scheduled display. All banners on City light standards shall be hung by City personnel. The dates for the banners to be installed and dismantled will be arranged by the sponsor and the Parks staff. If the banner is not picked up from the Parks Department by the applicant or sponsor within ten (10) days after it has been taken down, the banner shall become the property of the City and will be disposed of.

The owner of a banner shall agree to assume full liability and indemnify the City for any damage to persons or property arising from the display of the banner by the City. The City is not responsible for any damage that may occur to the banner from any cause.

~~(G) FEE.~~ A fee shall be payed to the City when the application is presented to the Parks Department before the applicant's reservation commences to cover costs associated with the installation and removal of the banners. This fee shall be established by the Fee Resolution. Checks shall be made payable to the Park City Leisure Services Department and submitted

with the application.

CHAPTER 11 - BANNERS ON CITY LIGHT STANDARDS.

12-11-1. PURPOSE STATEMENT. Park City makes certain City Light Standards for the display of Banners in order to promote the visual interest and economic vitality of Park City's Historic resort-based community; to promote aesthetic enhancement through artistic expression; and to contribute to the festive nature of Park City's world class resort atmosphere.

12-11-2. ADMINISTRATION.

Banners on City Lights Standards shall be reviewed and administered by the Special Events Department, Planning Department, and Parks Department pursuant to the criteria set forth in this Chapter.

12-11-3. ELIGIBILITY. Persons eligible to apply for and display Banners on City Light Standards shall be limited to Park City Municipal Corporation and duly licensed Master Festival License holders.

12-11-4. DISPLAY LOCATIONS, BANNER ALLOTMENT. City Light Standards eligible to display Banners are those along Main Street, Kearns Boulevard, Park Avenue, and Empire Avenue. The number of banners to be hung shall be sixty-three (63) along Main Street, eighteen (18) along Kearns Boulevard, thirty (30) along Park Avenue, and thirty (30) along Empire Avenue. Approved Applicants must submit Five (5) additional banners for replacements.

12-11-5. APPLICATIONS. Applications for Banners on City Light Standards shall be submitted to the Special Events Department and shall be approved only if the interdepartmental review team finds compliance with all criteria set forth in this Chapter. Applications shall be submitted no later than ninety (90) days prior to the first date of the proposed display period. Applications shall at a minimum contain the following information:

- (A) Proof of eligibility per Section 12-11-3;
- (B) Requested display locations and dates, not to exceed a period of three (3) weeks; and
- (C) A colored rendering or scaled drawing of the proposed Banner, including facade dimensions and descriptions of materials and colors to be used.

If more than one application for Banners on City Light Standards is received for the same time period, the Special Events Director will determine which applicant receives priority status. Priority shall be determined on a first-come first-served basis, based on the date a completed application is received. Where competing applications are submitted by Master Festival License holders, display periods shall be limited to the actual event dates.

12-11-6. DESIGN. Banners for display on City Light Standards must satisfy the following design criteria:

- (A) SIZE. Unless otherwise approved by the Parks Department, banners shall be 29" x 72" along Main Street, 24" x 36" along Empire Avenue, 26" x 96" along Kearns Boulevard and 26" x

96" along Park Avenue:

(B) FABRICATION. Fabric must be of a durable material able to withstand the elements including snow and heavy winds, with one and one half inch (1½") brass grommets installed on both bottom corners. Additionally, banners must be sewn for mounting on existing brackets. A three and one half to four inch by 29 inch (3½" to 4" X 29") wide sleeve for Main Street, Kearns Boulevard and Park Avenue, or twenty-four inch (24") sleeve for Empire Avenue banners, at the top of the banner is required to hang the banners on brackets. Samples are available through the Parks Department. Applicants are encouraged to contact the Parks Department prior to submitting an Application in order to ensure compliance with actual specifications.

(C) SPONSORS. Duly licensed Master Festival License holders may include the name, logo, or imagery of a Sponsor (as defined at Section 4-1-1.48 of the Municipal Code) on the Banner, subject to the following criteria:

(1) The Sponsor's name, logo, or imagery shall occupy no more than five (5) percent of the total Banner area and must be within the bottom ten (10) percent of the banner area.

(2) The font and scale of the Sponsor's name, logo, or imagery must be either white or black in color, secondary to the Master Festival's name/logo/imagery and must be smaller than the font and scale of the Master Festival's name/logo/imagery.

(3) Multiple Sponsors are allowed for a single Master Festival, but only one Sponsor's name may be displayed on any Banner.

(4) If a Corporate Sponsor (as defined at Section 4-1-1.13 of the Municipal Code) is part of the official Master Festival's name, and that Corporate Sponsor's name, logo, or imagery is featured on the Banners, no additional Sponsors shall be displayed on the Banners.

(D) ARTWORK. Fluorescent colors and reflective surfaces are prohibited on banners. Reflective colored materials that give the appearance of changing color are also prohibited. A matte or flat finish is required for all surfaces.

Artwork should be approved at least two months prior to the proposed hanging date. The design must be on both sides of the banners, unless otherwise approved by the Parks Department.

(E) TEXT. Banner text shall be limited to the name of the permitted master festival, a festival sponsor and the dates of the event.

12-11-7. PERIOD OF DISPLAY. Banners may be displayed for no more than three (3) weeks at a time. Applicants shall accept that the display period is contingent upon a workable arrangement within the overall schedule of other City Banners as well as prior commitments to other outside sponsors. Prior commitments may preclude the desired display period of an otherwise acceptable applicant's banner. Where competing applications are submitted by Master Festival License holders, display periods shall be limited to the actual event dates.

12-11-8. INSTALLATION AND REMOVAL. Banners must be received by the Parks Department no later than one week prior to the first date of scheduled display. All Banners on

City Light Standards shall be installed by City personnel. Installation and removal dates will be arranged by the Applicant and the Parks staff. If the Banners are not retrieved from the Parks Department by the Applicant within ten (10) days after removal, the Banner shall become the property of the City and will be disposed of.

12-11-9. LIABILITY. The Applicant shall agree to assume full liability and indemnify the City for any damage to persons or property arising from the display of the Banners by the City. The City is not responsible for any damage that may occur to the Banners from any cause.

12-11-10. FEES.


(A) APPLICATION FEE. Banner applications shall be assessed a fee of twenty (20) dollars and twenty (20) cents. All application fees are due and payable upon submission of a completed application. Applications shall be considered incomplete unless and until the application fee is paid in full.

(B) INSTALLATION AND REMOVAL FEES. Upon receipt of a completed application, the Parks Department will provide the applicant with an estimate of fees based on estimated costs for City services arising from the installation and removal of the banners, including but not limited to the use of City personnel and/or equipment. A final assessment of City costs will occur upon completion of the Special Event, and installation and removal fees will be adjudged to reflect actual cost. Installation and Removal fees must be paid in full within thirty (30) days of the final assessment of City costs for the Master Festival or Special Event.

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

PASSED AND ADOPTED this 19th day of December, 2002.

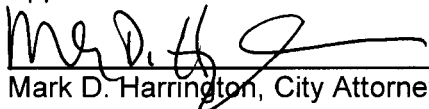
PARK CITY MUNICIPAL CORPORATION

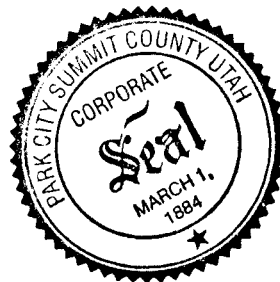

Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



Ordinance No. 02-59

AN ORDINANCE APPROVING AN AMENDED RECORD OF SURVEY FOR THREE KINGS CONDOMINIUMS, LOCATED AT 1420-1585 THREE KINGS DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 1420-1585 Three Kings have petitioned the City Council for approval of an amended Record of Survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on December 11, 2002, to receive input on the proposed record of survey plat;

WHEREAS, the Planning Commission, on December 11, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on December 19, 2002, 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 D is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Planning Commission heard this application at its regular meeting on December 11, 2002, and voted unanimously to forward a positive recommendation to the City Council to approve the application.
2. The condominium project known as the Three Kings Condominiums is located at 1420-1585 Three Kings Drive and is zoned RD-MPD.
3. Many different additions and alterations have been made to the deck and patio areas at the Three Kings Condos since the inception of the project in 1971.
4. The existing decks and patios are not indicated on the site plan (sheet 1) of the existing condominium record of survey plat but are situated in areas classified as common area.
5. Consistent with the Condominium Ownership Act, Staff has prohibited any further conversions to private ownership of these common areas without an amendment

- to the record of survey to allow these conversions.
6. On July 27, 2002, the City Council approved Ordinance 02-22 which allowed the amendment to the existing Three Kings Condominium Record of Survey to allow portions of existing decks and patios (at the rear of the buildings) that are under common ownership to be converted to "Private Ownership" and subsequently enclosed at the discretion of the individual condominium owner - subject to HOA approval. This amendment has not been recorded.
 7. The application currently being reviewed will void the July 27, 2002 approval and replace it entirely. This application will include both the deck areas at the rear of the buildings, and the newly proposed patio areas on the interior plazas. A condition of approval will address this.
 8. The proposed amended record of survey changes the type of ownership of common deck and patio areas to private ownership.
 9. A vote of 66.66% or more for approval of the amendment was received by the members of the Homeowners Association. A letter confirming this vote has been received by the Planning Department.
 10. This application is to amend sheets 2,3,4, and 5 of the Three Kings Condominiums. Sheet one shall remain intact.
 11. The existing decks and patios are not indicated on the site plan (sheet 1) of the existing condominium record of survey plat but are situated in areas classified as common area. Consequently, the site plan is lacking in sufficient detail to accurately describe all the existing improvements made to these areas.
 12. The existing units vary in size and average approximately 1,250s.f.. The conversions of all proposed common area to private ownership will add approximately 280 s.f. to each unit resulting in an average of 1,530 s.f. for each unit.
 13. The parking requirement for multi-unit dwellings stipulates that any unit between 1,000 - 2,499 s.f. requires two parking spaces per dwelling. The additional square footage does not trigger the need for expanded parking.
 14. If all the proposed deck and patio areas being converted to private space were actually enclosed, 75.8 % open space for the entire project would still be maintained.

Conclusions of Law:

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

Conditions of Approval:

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

2. The applicant will record the Amended Record of Survey 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. All other conditions of approval of the Three Kings Condominiums project continue to apply.
4. In all cases where necessary in the opinion of the Community Development Department, a certified survey will be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations.
5. Converted Private area cannot be used to create a lockout unit.
6. Approval of this proposal will render all approvals granted by Ordinance 02-22 null and void.

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

PASSED AND ADOPTED this 19th day of December, 2002.

PARK CITY MUNICIPAL CORPORATION

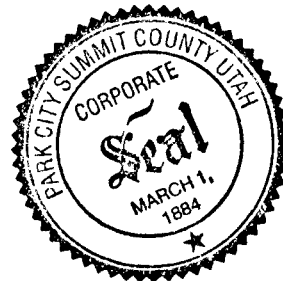

Dana Williams, MAYOR

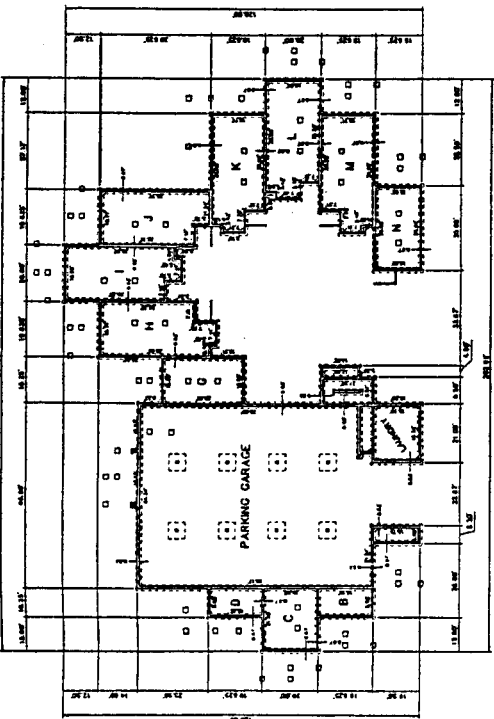
ATTEST:


Janet M. Scott, City Recorder

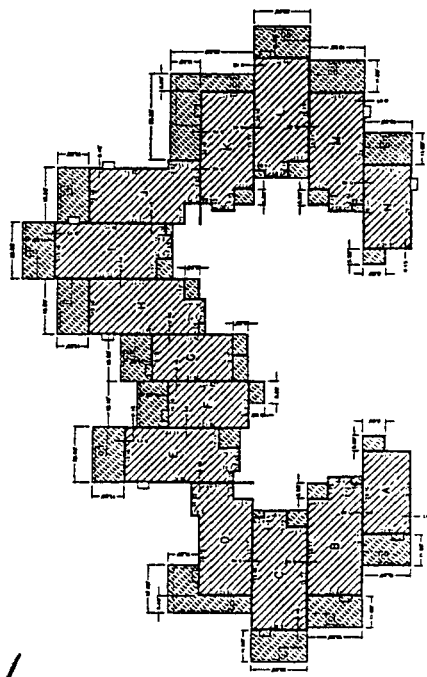
APPROVED AS TO FORM:


Mark Harrington, City Attorney

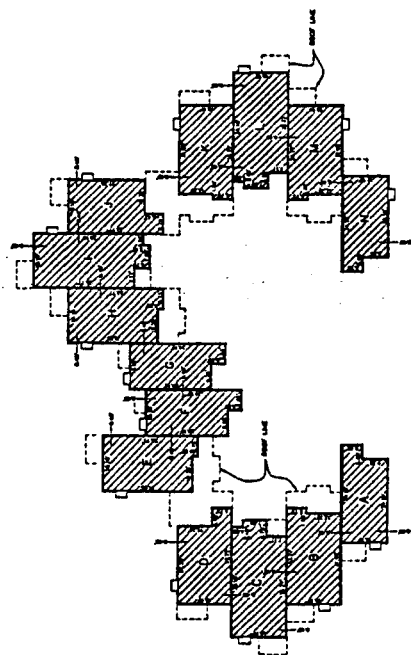




BUILDING # 1, 4, 5, 6, 7
EQUIPMENT PLAN



BUILDING # 1, 4, 5, 6, 7
FIRST FLOOR PLAN



BUILDING # 1, 4, 5, 6, 7
SECOND FLOOR PLAN

BUILDING NO. 1 ELEVATIONS

FLOOR	AREA	CEILING	FLOOR	AREA	CEILING
1	1000	1000	1	1000	1000
2	2000	2000	2	2000	2000
3	3000	3000	3	3000	3000
4	4000	4000	4	4000	4000
5	5000	5000	5	5000	5000
6	6000	6000	6	6000	6000
7	7000	7000	7	7000	7000
8	8000	8000	8	8000	8000
9	9000	9000	9	9000	9000
10	10000	10000	10	10000	10000

BUILDING NO. 4 ELEVATIONS

FLOOR	AREA	CEILING	FLOOR	AREA	CEILING
1	1000	1000	1	1000	1000
2	2000	2000	2	2000	2000
3	3000	3000	3	3000	3000
4	4000	4000	4	4000	4000
5	5000	5000	5	5000	5000
6	6000	6000	6	6000	6000
7	7000	7000	7	7000	7000
8	8000	8000	8	8000	8000
9	9000	9000	9	9000	9000
10	10000	10000	10	10000	10000

BUILDING NO. 5 ELEVATIONS

FLOOR	AREA	CEILING	FLOOR	AREA	CEILING
1	1000	1000	1	1000	1000
2	2000	2000	2	2000	2000
3	3000	3000	3	3000	3000
4	4000	4000	4	4000	4000
5	5000	5000	5	5000	5000
6	6000	6000	6	6000	6000
7	7000	7000	7	7000	7000
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9	9000	9000	9	9000	9000
10	10000	10000	10	10000	10000

BUILDING NO. 6 ELEVATIONS

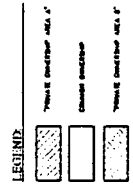
FLOOR	AREA	CEILING	FLOOR	AREA	CEILING
1	1000	1000	1	1000	1000
2	2000	2000	2	2000	2000
3	3000	3000	3	3000	3000
4	4000	4000	4	4000	4000
5	5000	5000	5	5000	5000
6	6000	6000	6	6000	6000
7	7000	7000	7	7000	7000
8	8000	8000	8	8000	8000
9	9000	9000	9	9000	9000
10	10000	10000	10	10000	10000

BUILDING NO. 7 ELEVATIONS

FLOOR	AREA	CEILING	FLOOR	AREA	CEILING
1	1000	1000	1	1000	1000
2	2000	2000	2	2000	2000
3	3000	3000	3	3000	3000
4	4000	4000	4	4000	4000
5	5000	5000	5	5000	5000
6	6000	6000	6	6000	6000
7	7000	7000	7	7000	7000
8	8000	8000	8	8000	8000
9	9000	9000	9	9000	9000
10	10000	10000	10	10000	10000

BUILDING NO. 8 ELEVATIONS

FLOOR	AREA	CEILING	FLOOR	AREA	CEILING
1	1000	1000	1	1000	1000
2	2000	2000	2	2000	2000
3	3000	3000	3	3000	3000
4	4000	4000	4	4000	4000
5	5000	5000	5	5000	5000
6	6000	6000	6	6000	6000
7	7000	7000	7	7000	7000
8	8000	8000	8	8000	8000
9	9000	9000	9	9000	9000
10	10000	10000	10	10000	10000



SHRIVER'S CERTIFICATE

I, the undersigned, being duly sworn, do hereby certify that the above described premises are situated in the City of Salt Lake City, Utah, and are subject to the provisions of the Utah Condominium Act, Chapter 10, Section 18, Utah Code Annotated, 1953, as amended, and that the same are being offered for sale as a condominium project.

Witness my hand and the seal of my office this _____ day of _____, 1967.

 State Surveyor

OWNER'S DECLARATION AND CONSENT TO RECORD

I, the undersigned, being duly sworn, do hereby declare that the above described premises are situated in the City of Salt Lake City, Utah, and are subject to the provisions of the Utah Condominium Act, Chapter 10, Section 18, Utah Code Annotated, 1953, as amended, and that the same are being offered for sale as a condominium project.

Witness my hand and the seal of my office this _____ day of _____, 1967.

 State Surveyor

NOTES

- The Assessor's Map of Salt Lake City, Utah, is an Assessor's Map of Salt Lake City, Utah, and is subject to the provisions of the Utah Assessor's Map Act, Chapter 10, Section 18, Utah Code Annotated, 1953, as amended.
- All other conditions of approval of the Utah State Condominium Act apply to this project.
- As shown on the Assessor's Map, the project is located in the City of Salt Lake City, Utah, and is subject to the provisions of the Utah Assessor's Map Act, Chapter 10, Section 18, Utah Code Annotated, 1953, as amended.

AMENDED RECORD OF SURVEY, MAP

THREE KINGS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT

LOCATED IN SE 1/4 OF SECTION 8 & SW 1/4 OF SECTION 9 T12, R1E, S18 & 19M

2092

SHRIVERVILLE BASIN WATER RECLAMATION DISTRICT

APPROVED FOR CONFORMANCE TO SHRIVERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DATE OF _____, 1967 A.D.

BY: _____

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DATE OF _____, 1967 A.D.

BY: CHAIRMAN _____

ENGINEER'S CERTIFICATE

I, the undersigned, being duly sworn, do hereby certify that the above described premises are situated in the City of Salt Lake City, Utah, and are subject to the provisions of the Utah Condominium Act, Chapter 10, Section 18, Utah Code Annotated, 1953, as amended, and that the same are being offered for sale as a condominium project.

Witness my hand and the seal of my office this _____ day of _____, 1967 A.D.

BY: _____

APPROVAL AS TO FORM

I, the undersigned, being duly sworn, do hereby certify that the above described premises are situated in the City of Salt Lake City, Utah, and are subject to the provisions of the Utah Condominium Act, Chapter 10, Section 18, Utah Code Annotated, 1953, as amended, and that the same are being offered for sale as a condominium project.

Witness my hand and the seal of my office this _____ day of _____, 1967 A.D.

BY: PARK CITY ATTORNEY _____

CERTIFICATE OF ATTEST

I, the undersigned, being duly sworn, do hereby certify that the above described premises are situated in the City of Salt Lake City, Utah, and are subject to the provisions of the Utah Condominium Act, Chapter 10, Section 18, Utah Code Annotated, 1953, as amended, and that the same are being offered for sale as a condominium project.

Witness my hand and the seal of my office this _____ day of _____, 1967 A.D.

BY: PARK CITY RECORDER _____

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DATE OF _____, 1967 A.D.

BY: MAYOR _____

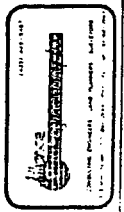
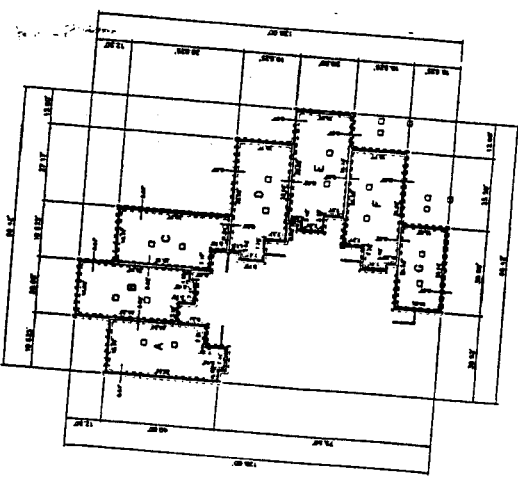
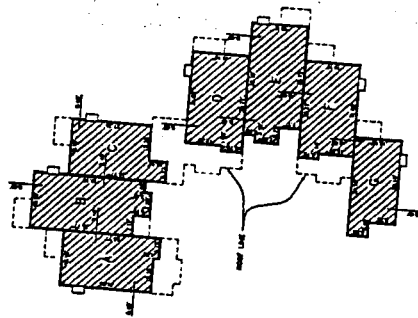


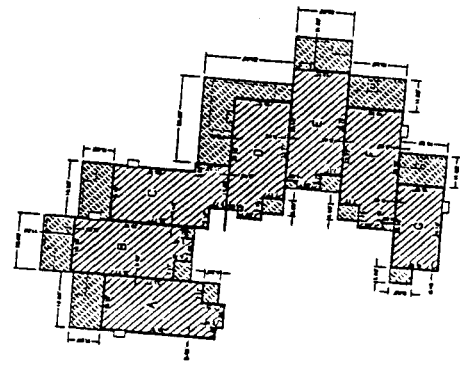
EXHIBIT D -



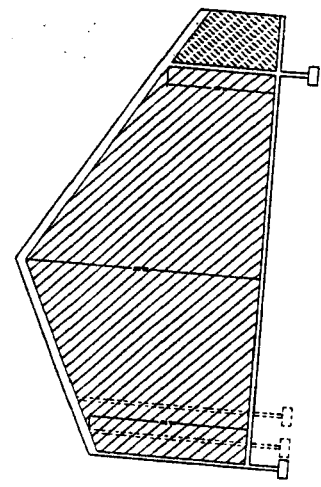
BUILDING # 8
FOUNDATION PLAN
SCALE 1/4" = 1'-0"



BUILDING # 8
SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"



BUILDING # 8
FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"



3 BEDROOM
TYPICAL ELEVATION
SCALE 1/4" = 1'-0"

LEGEND:

- Private Enclosure Area, A'
- Common Area
- Private Enclosure Area, B'

BUILDING # 8 ELEVATIONS

NO.	DESCRIPTION	AREA	PERCENTAGE
1	1st FLOOR	1,234.56	100%
2	2nd FLOOR	1,234.56	100%
3	3rd FLOOR	1,234.56	100%
4	4th FLOOR	1,234.56	100%
5	5th FLOOR	1,234.56	100%
6	6th FLOOR	1,234.56	100%
7	7th FLOOR	1,234.56	100%
8	8th FLOOR	1,234.56	100%
9	9th FLOOR	1,234.56	100%
10	10th FLOOR	1,234.56	100%
11	11th FLOOR	1,234.56	100%
12	12th FLOOR	1,234.56	100%
13	13th FLOOR	1,234.56	100%
14	14th FLOOR	1,234.56	100%
15	15th FLOOR	1,234.56	100%
16	16th FLOOR	1,234.56	100%
17	17th FLOOR	1,234.56	100%
18	18th FLOOR	1,234.56	100%
19	19th FLOOR	1,234.56	100%
20	20th FLOOR	1,234.56	100%
21	21st FLOOR	1,234.56	100%
22	22nd FLOOR	1,234.56	100%
23	23rd FLOOR	1,234.56	100%
24	24th FLOOR	1,234.56	100%
25	25th FLOOR	1,234.56	100%
26	26th FLOOR	1,234.56	100%
27	27th FLOOR	1,234.56	100%
28	28th FLOOR	1,234.56	100%
29	29th FLOOR	1,234.56	100%
30	30th FLOOR	1,234.56	100%
31	31st FLOOR	1,234.56	100%
32	32nd FLOOR	1,234.56	100%
33	33rd FLOOR	1,234.56	100%
34	34th FLOOR	1,234.56	100%
35	35th FLOOR	1,234.56	100%
36	36th FLOOR	1,234.56	100%
37	37th FLOOR	1,234.56	100%
38	38th FLOOR	1,234.56	100%
39	39th FLOOR	1,234.56	100%
40	40th FLOOR	1,234.56	100%
41	41st FLOOR	1,234.56	100%
42	42nd FLOOR	1,234.56	100%
43	43rd FLOOR	1,234.56	100%
44	44th FLOOR	1,234.56	100%
45	45th FLOOR	1,234.56	100%
46	46th FLOOR	1,234.56	100%
47	47th FLOOR	1,234.56	100%
48	48th FLOOR	1,234.56	100%
49	49th FLOOR	1,234.56	100%
50	50th FLOOR	1,234.56	100%

BUILDING # 8 ELEVATIONS

NO.	DESCRIPTION	AREA	PERCENTAGE
1	1st FLOOR	1,234.56	100%
2	2nd FLOOR	1,234.56	100%
3	3rd FLOOR	1,234.56	100%
4	4th FLOOR	1,234.56	100%
5	5th FLOOR	1,234.56	100%
6	6th FLOOR	1,234.56	100%
7	7th FLOOR	1,234.56	100%
8	8th FLOOR	1,234.56	100%
9	9th FLOOR	1,234.56	100%
10	10th FLOOR	1,234.56	100%
11	11th FLOOR	1,234.56	100%
12	12th FLOOR	1,234.56	100%
13	13th FLOOR	1,234.56	100%
14	14th FLOOR	1,234.56	100%
15	15th FLOOR	1,234.56	100%
16	16th FLOOR	1,234.56	100%
17	17th FLOOR	1,234.56	100%
18	18th FLOOR	1,234.56	100%
19	19th FLOOR	1,234.56	100%
20	20th FLOOR	1,234.56	100%
21	21st FLOOR	1,234.56	100%
22	22nd FLOOR	1,234.56	100%
23	23rd FLOOR	1,234.56	100%
24	24th FLOOR	1,234.56	100%
25	25th FLOOR	1,234.56	100%
26	26th FLOOR	1,234.56	100%
27	27th FLOOR	1,234.56	100%
28	28th FLOOR	1,234.56	100%
29	29th FLOOR	1,234.56	100%
30	30th FLOOR	1,234.56	100%
31	31st FLOOR	1,234.56	100%
32	32nd FLOOR	1,234.56	100%
33	33rd FLOOR	1,234.56	100%
34	34th FLOOR	1,234.56	100%
35	35th FLOOR	1,234.56	100%
36	36th FLOOR	1,234.56	100%
37	37th FLOOR	1,234.56	100%
38	38th FLOOR	1,234.56	100%
39	39th FLOOR	1,234.56	100%
40	40th FLOOR	1,234.56	100%
41	41st FLOOR	1,234.56	100%
42	42nd FLOOR	1,234.56	100%
43	43rd FLOOR	1,234.56	100%
44	44th FLOOR	1,234.56	100%
45	45th FLOOR	1,234.56	100%
46	46th FLOOR	1,234.56	100%
47	47th FLOOR	1,234.56	100%
48	48th FLOOR	1,234.56	100%
49	49th FLOOR	1,234.56	100%
50	50th FLOOR	1,234.56	100%

BUILDING # 8 ELEVATIONS

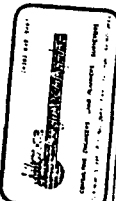
NO.	DESCRIPTION	AREA	PERCENTAGE
1	1st FLOOR	1,234.56	100%
2	2nd FLOOR	1,234.56	100%
3	3rd FLOOR	1,234.56	100%
4	4th FLOOR	1,234.56	100%
5	5th FLOOR	1,234.56	100%
6	6th FLOOR	1,234.56	100%
7	7th FLOOR	1,234.56	100%
8	8th FLOOR	1,234.56	100%
9	9th FLOOR	1,234.56	100%
10	10th FLOOR	1,234.56	100%
11	11th FLOOR	1,234.56	100%
12	12th FLOOR	1,234.56	100%
13	13th FLOOR	1,234.56	100%
14	14th FLOOR	1,234.56	100%
15	15th FLOOR	1,234.56	100%
16	16th FLOOR	1,234.56	100%
17	17th FLOOR	1,234.56	100%
18	18th FLOOR	1,234.56	100%
19	19th FLOOR	1,234.56	100%
20	20th FLOOR	1,234.56	100%
21	21st FLOOR	1,234.56	100%
22	22nd FLOOR	1,234.56	100%
23	23rd FLOOR	1,234.56	100%
24	24th FLOOR	1,234.56	100%
25	25th FLOOR	1,234.56	100%
26	26th FLOOR	1,234.56	100%
27	27th FLOOR	1,234.56	100%
28	28th FLOOR	1,234.56	100%
29	29th FLOOR	1,234.56	100%
30	30th FLOOR	1,234.56	100%
31	31st FLOOR	1,234.56	100%
32	32nd FLOOR	1,234.56	100%
33	33rd FLOOR	1,234.56	100%
34	34th FLOOR	1,234.56	100%
35	35th FLOOR	1,234.56	100%
36	36th FLOOR	1,234.56	100%
37	37th FLOOR	1,234.56	100%
38	38th FLOOR	1,234.56	100%
39	39th FLOOR	1,234.56	100%
40	40th FLOOR	1,234.56	100%
41	41st FLOOR	1,234.56	100%
42	42nd FLOOR	1,234.56	100%
43	43rd FLOOR	1,234.56	100%
44	44th FLOOR	1,234.56	100%
45	45th FLOOR	1,234.56	100%
46	46th FLOOR	1,234.56	100%
47	47th FLOOR	1,234.56	100%
48	48th FLOOR	1,234.56	100%
49	49th FLOOR	1,234.56	100%
50	50th FLOOR	1,234.56	100%

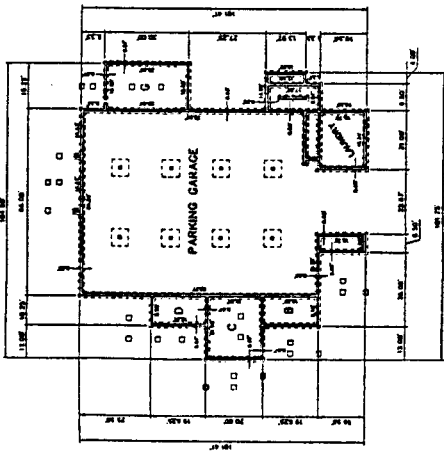
DEC 02 2002

AMENDED
RECORD OF SURVEY MAP
THREE KINGS CONDOMINIUMS
A WINE CONDOMINIUM PROJECT
LOCATED IN SE 1/4 SECTION 8 & SW 1/4 OF SECTION 9
T2S, R4E, S1B & M

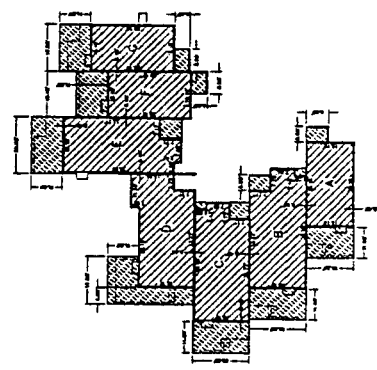
AMENDED SHEET 8 OF 8
RECORDED
STATE OF UTAH COUNTY OF SUMMIT, AND FILED
DATE _____ TIME _____ BOOK _____ PAGE _____
FEE _____ RECORDS _____

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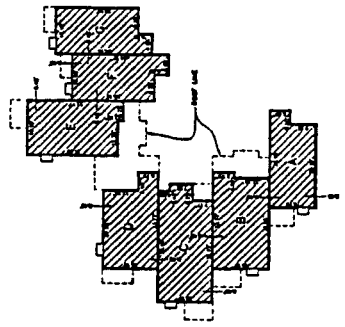




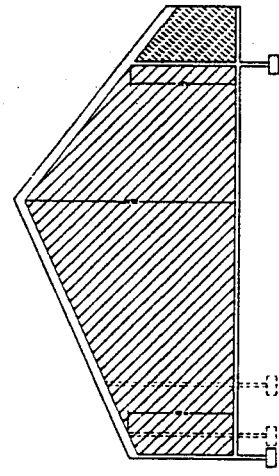
BUILDING # 8
FOUNDATION PLAN
SCALE: 1/8"



BUILDING # 8
FIRST FLOOR PLAN
SCALE: 1/8"



BUILDING # 8
SECOND FLOOR PLAN
SCALE: 1/8"



2 BEDROOM
TYPICAL ELEVATION
SCALE: 1/8"

- LEGEND:
- UNIT'S BOUNDARY AREA
 - COMMON BOUNDARY
 - UNIT'S BOUNDARY AREA

BUILDING # 8 ELEVATIONS

UNIT	FRONT	REAR	LEFT	RIGHT
1	10' 0"	10' 0"	10' 0"	10' 0"
2	10' 0"	10' 0"	10' 0"	10' 0"
3	10' 0"	10' 0"	10' 0"	10' 0"
4	10' 0"	10' 0"	10' 0"	10' 0"
5	10' 0"	10' 0"	10' 0"	10' 0"
6	10' 0"	10' 0"	10' 0"	10' 0"
7	10' 0"	10' 0"	10' 0"	10' 0"
8	10' 0"	10' 0"	10' 0"	10' 0"
9	10' 0"	10' 0"	10' 0"	10' 0"
10	10' 0"	10' 0"	10' 0"	10' 0"
11	10' 0"	10' 0"	10' 0"	10' 0"
12	10' 0"	10' 0"	10' 0"	10' 0"
13	10' 0"	10' 0"	10' 0"	10' 0"
14	10' 0"	10' 0"	10' 0"	10' 0"
15	10' 0"	10' 0"	10' 0"	10' 0"
16	10' 0"	10' 0"	10' 0"	10' 0"
17	10' 0"	10' 0"	10' 0"	10' 0"
18	10' 0"	10' 0"	10' 0"	10' 0"
19	10' 0"	10' 0"	10' 0"	10' 0"
20	10' 0"	10' 0"	10' 0"	10' 0"
21	10' 0"	10' 0"	10' 0"	10' 0"
22	10' 0"	10' 0"	10' 0"	10' 0"
23	10' 0"	10' 0"	10' 0"	10' 0"
24	10' 0"	10' 0"	10' 0"	10' 0"
25	10' 0"	10' 0"	10' 0"	10' 0"
26	10' 0"	10' 0"	10' 0"	10' 0"
27	10' 0"	10' 0"	10' 0"	10' 0"
28	10' 0"	10' 0"	10' 0"	10' 0"
29	10' 0"	10' 0"	10' 0"	10' 0"
30	10' 0"	10' 0"	10' 0"	10' 0"
31	10' 0"	10' 0"	10' 0"	10' 0"
32	10' 0"	10' 0"	10' 0"	10' 0"
33	10' 0"	10' 0"	10' 0"	10' 0"
34	10' 0"	10' 0"	10' 0"	10' 0"
35	10' 0"	10' 0"	10' 0"	10' 0"
36	10' 0"	10' 0"	10' 0"	10' 0"
37	10' 0"	10' 0"	10' 0"	10' 0"
38	10' 0"	10' 0"	10' 0"	10' 0"
39	10' 0"	10' 0"	10' 0"	10' 0"
40	10' 0"	10' 0"	10' 0"	10' 0"
41	10' 0"	10' 0"	10' 0"	10' 0"
42	10' 0"	10' 0"	10' 0"	10' 0"
43	10' 0"	10' 0"	10' 0"	10' 0"
44	10' 0"	10' 0"	10' 0"	10' 0"
45	10' 0"	10' 0"	10' 0"	10' 0"
46	10' 0"	10' 0"	10' 0"	10' 0"
47	10' 0"	10' 0"	10' 0"	10' 0"
48	10' 0"	10' 0"	10' 0"	10' 0"
49	10' 0"	10' 0"	10' 0"	10' 0"
50	10' 0"	10' 0"	10' 0"	10' 0"

BUILDING # 8 ELEVATIONS TABLE

UNIT	FRONT	REAR	LEFT	RIGHT
1	10' 0"	10' 0"	10' 0"	10' 0"
2	10' 0"	10' 0"	10' 0"	10' 0"
3	10' 0"	10' 0"	10' 0"	10' 0"
4	10' 0"	10' 0"	10' 0"	10' 0"
5	10' 0"	10' 0"	10' 0"	10' 0"
6	10' 0"	10' 0"	10' 0"	10' 0"
7	10' 0"	10' 0"	10' 0"	10' 0"
8	10' 0"	10' 0"	10' 0"	10' 0"
9	10' 0"	10' 0"	10' 0"	10' 0"
10	10' 0"	10' 0"	10' 0"	10' 0"
11	10' 0"	10' 0"	10' 0"	10' 0"
12	10' 0"	10' 0"	10' 0"	10' 0"
13	10' 0"	10' 0"	10' 0"	10' 0"
14	10' 0"	10' 0"	10' 0"	10' 0"
15	10' 0"	10' 0"	10' 0"	10' 0"
16	10' 0"	10' 0"	10' 0"	10' 0"
17	10' 0"	10' 0"	10' 0"	10' 0"
18	10' 0"	10' 0"	10' 0"	10' 0"
19	10' 0"	10' 0"	10' 0"	10' 0"
20	10' 0"	10' 0"	10' 0"	10' 0"
21	10' 0"	10' 0"	10' 0"	10' 0"
22	10' 0"	10' 0"	10' 0"	10' 0"
23	10' 0"	10' 0"	10' 0"	10' 0"
24	10' 0"	10' 0"	10' 0"	10' 0"
25	10' 0"	10' 0"	10' 0"	10' 0"
26	10' 0"	10' 0"	10' 0"	10' 0"
27	10' 0"	10' 0"	10' 0"	10' 0"
28	10' 0"	10' 0"	10' 0"	10' 0"
29	10' 0"	10' 0"	10' 0"	10' 0"
30	10' 0"	10' 0"	10' 0"	10' 0"
31	10' 0"	10' 0"	10' 0"	10' 0"
32	10' 0"	10' 0"	10' 0"	10' 0"
33	10' 0"	10' 0"	10' 0"	10' 0"
34	10' 0"	10' 0"	10' 0"	10' 0"
35	10' 0"	10' 0"	10' 0"	10' 0"
36	10' 0"	10' 0"	10' 0"	10' 0"
37	10' 0"	10' 0"	10' 0"	10' 0"
38	10' 0"	10' 0"	10' 0"	10' 0"
39	10' 0"	10' 0"	10' 0"	10' 0"
40	10' 0"	10' 0"	10' 0"	10' 0"
41	10' 0"	10' 0"	10' 0"	10' 0"
42	10' 0"	10' 0"	10' 0"	10' 0"
43	10' 0"	10' 0"	10' 0"	10' 0"
44	10' 0"	10' 0"	10' 0"	10' 0"
45	10' 0"	10' 0"	10' 0"	10' 0"
46	10' 0"	10' 0"	10' 0"	10' 0"
47	10' 0"	10' 0"	10' 0"	10' 0"
48	10' 0"	10' 0"	10' 0"	10' 0"
49	10' 0"	10' 0"	10' 0"	10' 0"
50	10' 0"	10' 0"	10' 0"	10' 0"

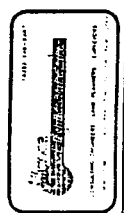
BUILDING # 8 ELEVATIONS TABLE

UNIT	FRONT	REAR	LEFT	RIGHT
1	10' 0"	10' 0"	10' 0"	10' 0"
2	10' 0"	10' 0"	10' 0"	10' 0"
3	10' 0"	10' 0"	10' 0"	10' 0"
4	10' 0"	10' 0"	10' 0"	10' 0"
5	10' 0"	10' 0"	10' 0"	10' 0"
6	10' 0"	10' 0"	10' 0"	10' 0"
7	10' 0"	10' 0"	10' 0"	10' 0"
8	10' 0"	10' 0"	10' 0"	10' 0"
9	10' 0"	10' 0"	10' 0"	10' 0"
10	10' 0"	10' 0"	10' 0"	10' 0"
11	10' 0"	10' 0"	10' 0"	10' 0"
12	10' 0"	10' 0"	10' 0"	10' 0"
13	10' 0"	10' 0"	10' 0"	10' 0"
14	10' 0"	10' 0"	10' 0"	10' 0"
15	10' 0"	10' 0"	10' 0"	10' 0"
16	10' 0"	10' 0"	10' 0"	10' 0"
17	10' 0"	10' 0"	10' 0"	10' 0"
18	10' 0"	10' 0"	10' 0"	10' 0"
19	10' 0"	10' 0"	10' 0"	10' 0"
20	10' 0"	10' 0"	10' 0"	10' 0"
21	10' 0"	10' 0"	10' 0"	10' 0"
22	10' 0"	10' 0"	10' 0"	10' 0"
23	10' 0"	10' 0"	10' 0"	10' 0"
24	10' 0"	10' 0"	10' 0"	10' 0"
25	10' 0"	10' 0"	10' 0"	10' 0"
26	10' 0"	10' 0"	10' 0"	10' 0"
27	10' 0"	10' 0"	10' 0"	10' 0"
28	10' 0"	10' 0"	10' 0"	10' 0"
29	10' 0"	10' 0"	10' 0"	10' 0"
30	10' 0"	10' 0"	10' 0"	10' 0"
31	10' 0"	10' 0"	10' 0"	10' 0"
32	10' 0"	10' 0"	10' 0"	10' 0"
33	10' 0"	10' 0"	10' 0"	10' 0"
34	10' 0"	10' 0"	10' 0"	10' 0"
35	10' 0"	10' 0"	10' 0"	10' 0"
36	10' 0"	10' 0"	10' 0"	10' 0"
37	10' 0"	10' 0"	10' 0"	10' 0"
38	10' 0"	10' 0"	10' 0"	10' 0"
39	10' 0"	10' 0"	10' 0"	10' 0"
40	10' 0"	10' 0"	10' 0"	10' 0"
41	10' 0"	10' 0"	10' 0"	10' 0"
42	10' 0"	10' 0"	10' 0"	10' 0"
43	10' 0"	10' 0"	10' 0"	10' 0"
44	10' 0"	10' 0"	10' 0"	10' 0"
45	10' 0"	10' 0"	10' 0"	10' 0"
46	10' 0"	10' 0"	10' 0"	10' 0"
47	10' 0"	10' 0"	10' 0"	10' 0"
48	10' 0"	10' 0"	10' 0"	10' 0"
49	10' 0"	10' 0"	10' 0"	10' 0"
50	10' 0"	10' 0"	10' 0"	10' 0"

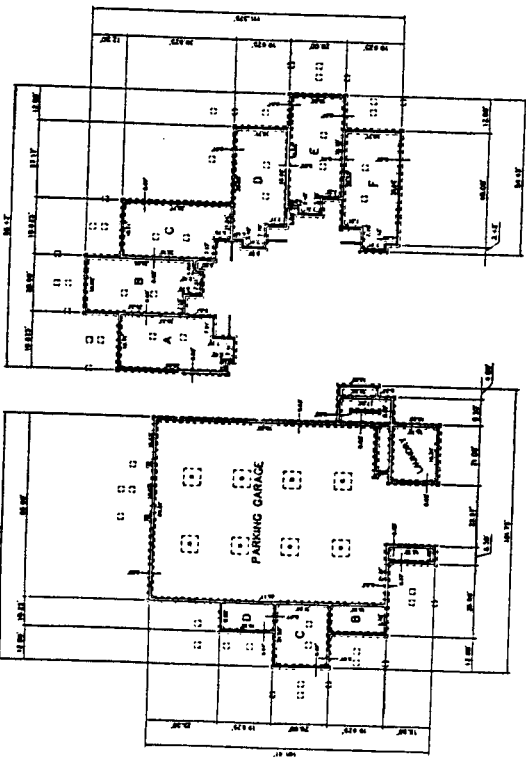
RECORDED
DEC 02 2002

AMENDED
RECORD OF SURVEY MAP
THREE KINGS CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT
LOCATED IN SE 1/4 OF SECTION 8 & SW 1/4 OF SECTION 9
T2S, R1E, S8&M

AMENDED SHEET 6 OF 8
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, HAS FILED
DATE _____ TITLE _____ BOOK _____ PAGE _____
FEE _____ RECORDER _____

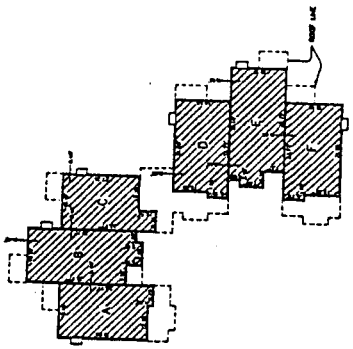


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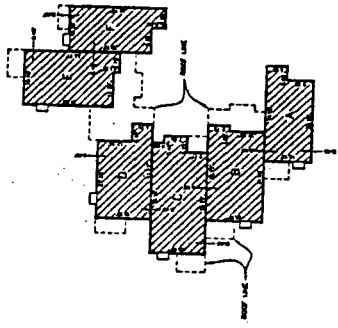


BUILDING # 2
EQUIPMENT PLAN

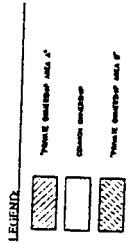
BUILDING # 3
EQUIPMENT PLAN



BUILDING # 3
SECOND FLOOR PLAN



BUILDING # 2
SECOND FLOOR PLAN



BUILDING NO. 2 ELEVATIONS

FLOOR	UNIT	AREA	CLING	BACKL	
FIRST FLOOR	A	1,100	100	100	
	B	1,100	100	100	
	C	1,100	100	100	
	D	1,100	100	100	
	E	1,100	100	100	
	F	1,100	100	100	
	SECOND FLOOR	A	1,100	100	100
		B	1,100	100	100
		C	1,100	100	100
		D	1,100	100	100
E		1,100	100	100	
F		1,100	100	100	

BUILDING NO. 3 ELEVATIONS

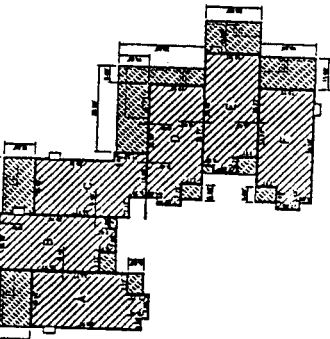
FLOOR	UNIT	AREA	CLING	BACKL	
FIRST FLOOR	A	1,100	100	100	
	B	1,100	100	100	
	C	1,100	100	100	
	D	1,100	100	100	
	E	1,100	100	100	
	F	1,100	100	100	
	SECOND FLOOR	A	1,100	100	100
		B	1,100	100	100
		C	1,100	100	100
		D	1,100	100	100
E		1,100	100	100	
F		1,100	100	100	

BUILDING # 2 SQUARE FOOTAGE TABLE
TOTAL AREA UNDER FLOOR

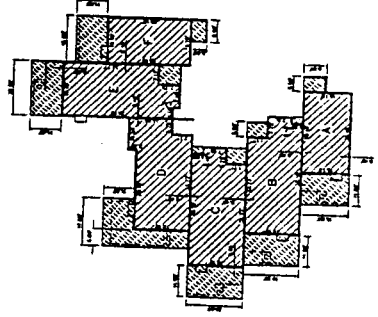
FLOOR	UNIT	AREA
FIRST FLOOR	A	1,100
	B	1,100
	C	1,100
	D	1,100
	E	1,100
	F	1,100
SECOND FLOOR	A	1,100
	B	1,100
	C	1,100
	D	1,100
	E	1,100
	F	1,100

BUILDING # 3 SQUARE FOOTAGE TABLE
TOTAL AREA UNDER FLOOR

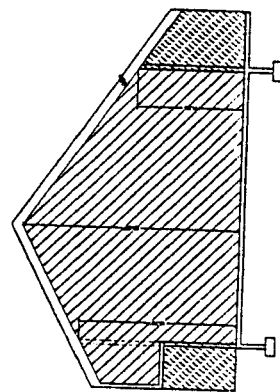
FLOOR	UNIT	AREA
FIRST FLOOR	A	1,100
	B	1,100
	C	1,100
	D	1,100
	E	1,100
	F	1,100
SECOND FLOOR	A	1,100
	B	1,100
	C	1,100
	D	1,100
	E	1,100
	F	1,100



BUILDING # 2
EAST FLOOR PLAN



BUILDING # 3
EAST FLOOR PLAN

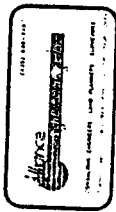


1 BEDROOM
TYPICAL ELEVATION

RECEIVED
DEC 02 2002

AMENDED
RECORD OF SURVEY MAP
THREE KINGS CONDOMINIUMS
A UTIH CONDOMINIUM PROJECT
LOCATED IN SE 1/4 OF SECTION 8 & SW 1/4 OF SECTION 9
T2S, R4E, S4B & M

AMENDED SHEET 3 OF 3
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
DATE _____ TIME _____ BOOK _____ PAGE _____
FILE _____ RECORDER _____



Ordinance No. 02-58

AN ORDINANCE APPROVING THE RECORD OF SURVEY FOR THE INN AT SILVER LAKE CONDOMINIUMS LOCATED AT 7560 ROYAL STREET EAST, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 7560 Royal Street East 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 December 11, 2002, to receive input on the proposed amended record of survey plat;

WHEREAS, the Planning Commission, on December 11, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on December 19, 2002, the City Council held a public hearing and approved the proposed amended 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 known as The Inn at Silver Lake is located at 7560 Royal Street East and is zoned Residential Development (RD). Access is from Sterling Court, a private road.
2. On June 26, 2002 the Planning Commission approved a Conditional Use permit for a multi-unit dwelling project consisting of eight residential units, one manager's unit and two commercial units.
3. The proposed Record of Survey creates eight private residential units, two private commercial units, and Limited Common and Common (including the Manager's Unit) areas.
4. The residential units range in size from 3223 square feet to 4116 square feet, the manager's unit is 772 square feet and the two commercial units are 819 and 1015 square feet.

5. The Planning Commission reviewed this application at its regular meeting of December 11, 2002, and forwards a positive recommendation to the City Council.
6. In order to protect the health, safety and welfare of the citizens of Park City, a financial guarantee is necessary to insure completion of public improvements.

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 Inn at Silver Lake June 26, 2002 Conditional Use Permit shall continue to apply.
4. A financial guarantee in amount and form to be approved by the City Engineer is required prior to recordation.


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

PASSED AND ADOPTED this 19th day of December, 2002.


PARK CITY MUNICIPAL CORPORATION


Dana Williams, MAYOR

ATTEST:


Janet M. Scott, City Recorder

APPROVED AS TO FORM:


Mark Harrington, City Attorney

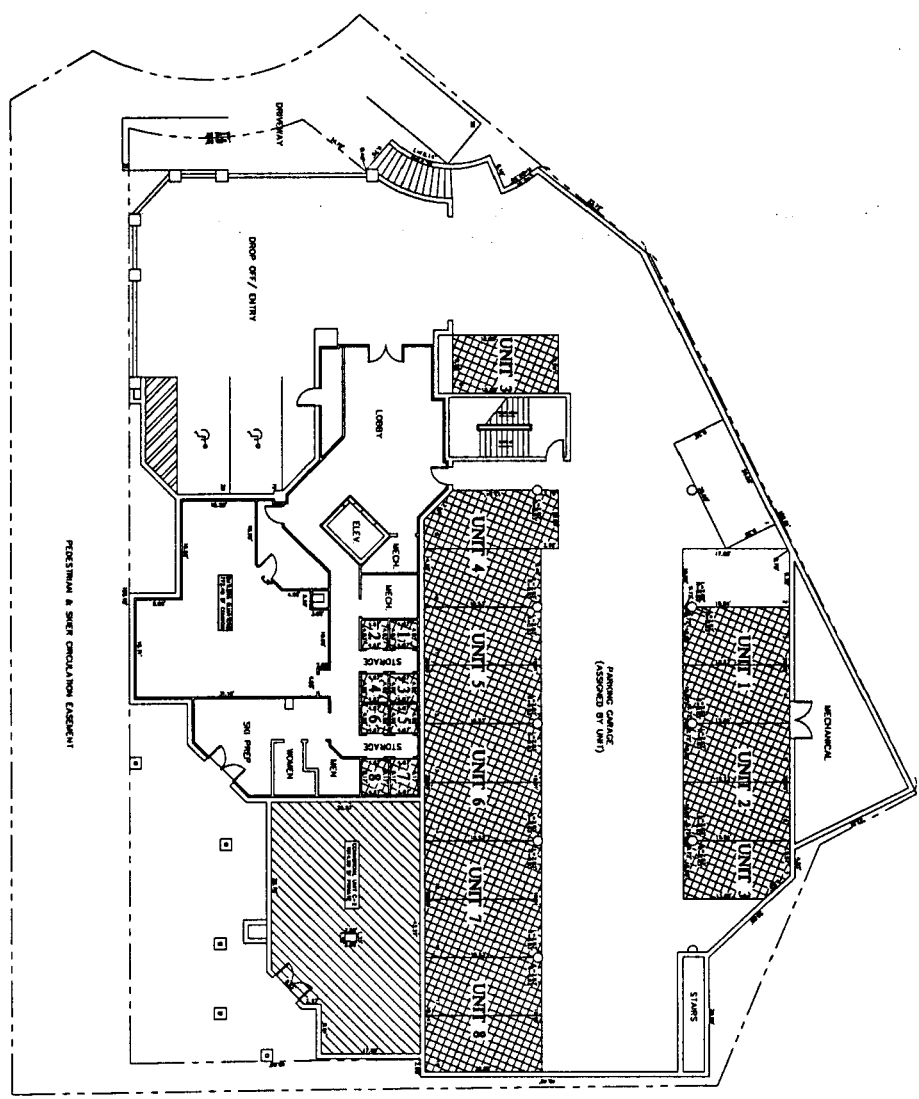


AREA TABULATIONS

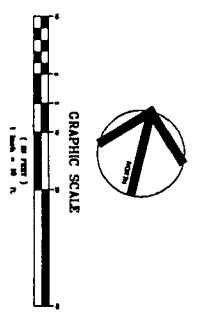
COMMON AREA -	12,534.83 SF
LIMITED COMMON AREA -	3,272.10 SF
PRIVATE AREA -	1014.99 SF
COMMERCIAL UNIT C-2 -	1014.99 SF

HATCHING LEGEND

□ COMMON AREA
 ▨ LIMITED COMMON AREA
 ▩ PRIVATE AREA



NO. _____
 DATE _____
 CITY _____
 RECORDED AT THE REQUEST OF _____
 CITY RECORDS



DEC 03 2002

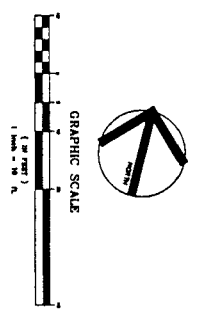
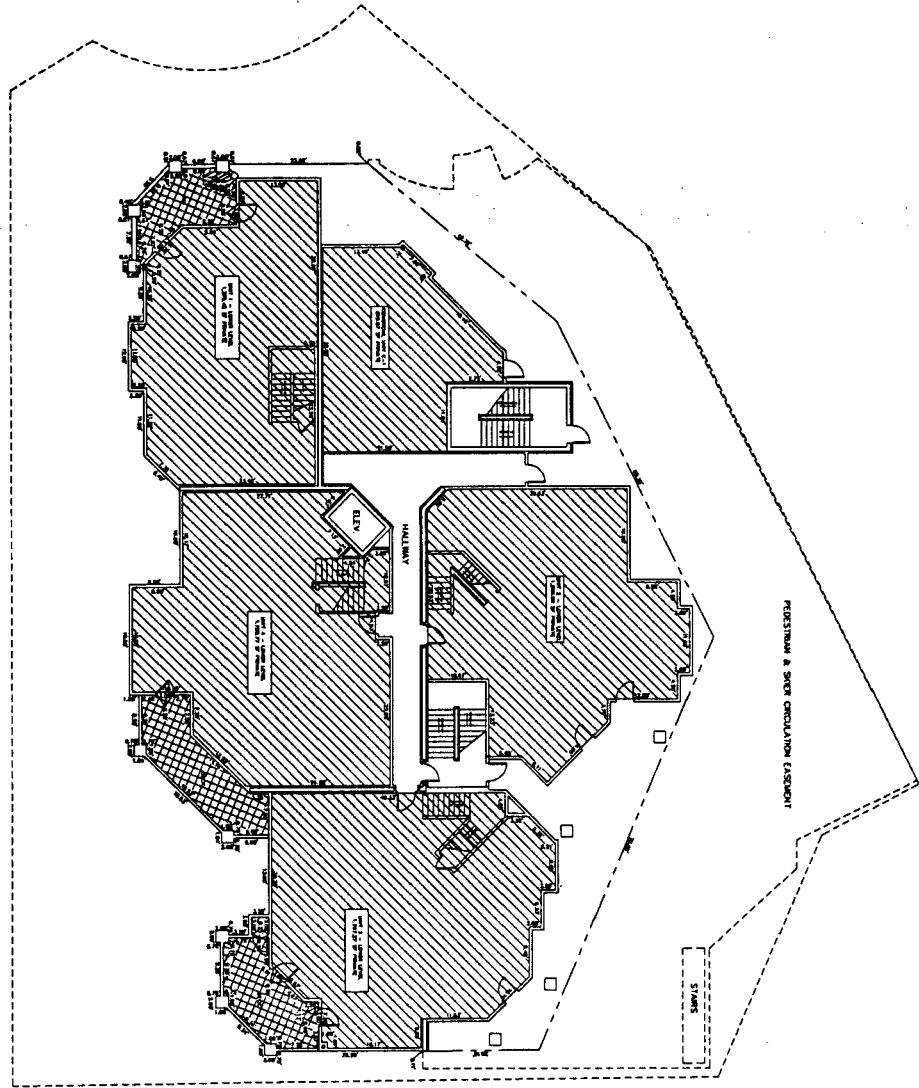
SHEET 1 OF 3 CROCKER PROPERTIES LLC CONDO-LEVELS 0247	THE INN AT SILVER LAKE CONDOMINIUM PLAT LEVEL 8116	75	REVISIONS DATE BY COMMENTS	Evergreen Engineering, Inc.
			2002 Evergreen Engineering, Inc.	

AREA TABULATIONS

COMMON AREA -	11184.00 SF
LIMITED COMMON AREA -	615.92 SF
PRIVATE AREA -	
COMMERCIAL UNIT C-2 -	819.67 SF
UNIT 1 -	1375.43 SF
UNIT 2 -	1280.99 SF
UNIT 3 -	1280.99 SF
UNIT 4 -	1726.77 SF

HATCHING LEGEND

	COMMON AREA
	LIMITED COMMON AREA
	PRIVATE AREA



NO. _____
 STATE OF _____
 COUNTY OF _____
 RECORDED AT THE REQUEST OF _____
 DATE _____




NOV 15 2002

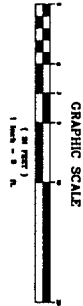
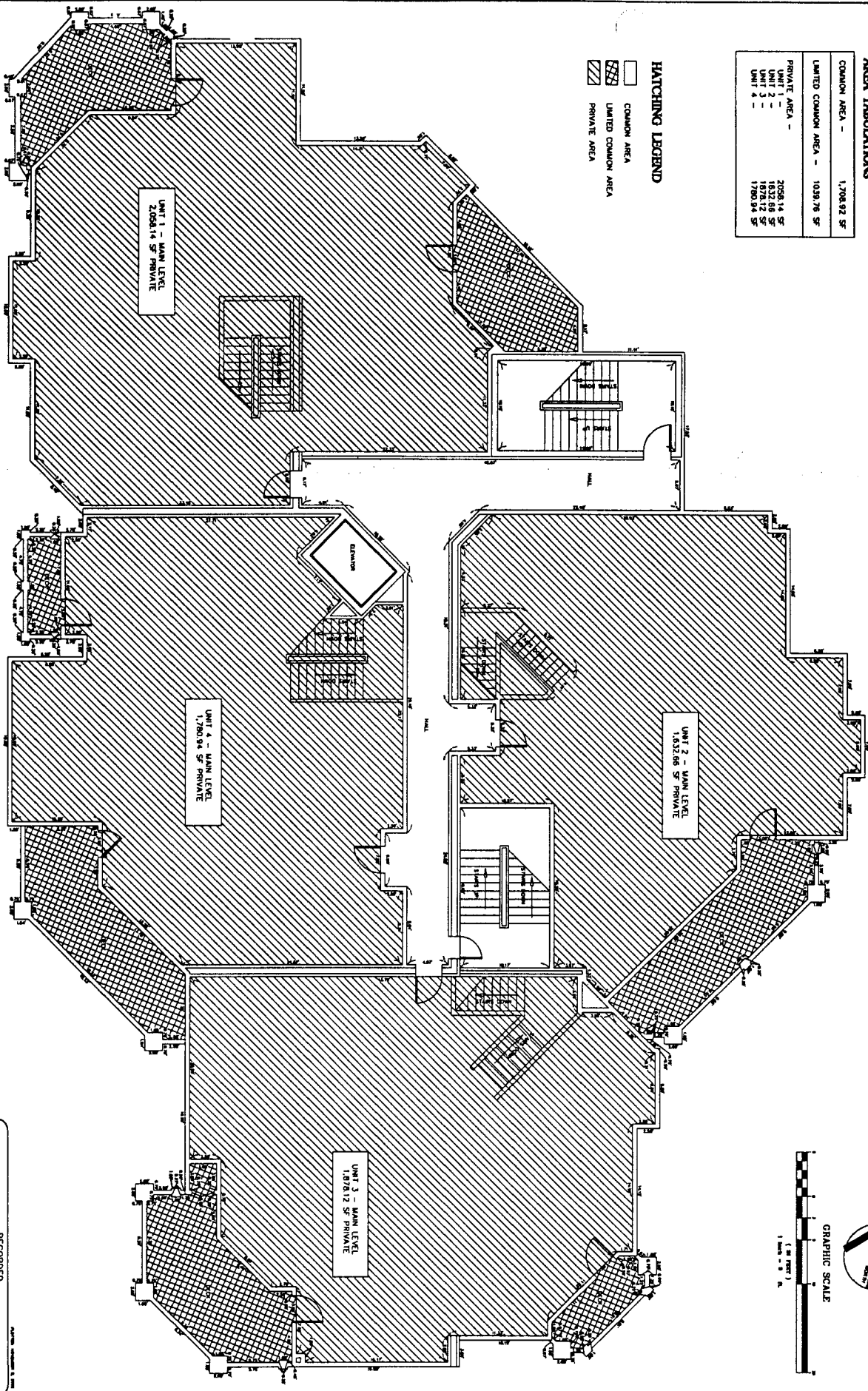
<p>THE INN AT SILVER LAKE CONDOMINIUM PLAT UNITS 1, 2, 3, 4 & COMMERCIAL UNIT 1-LEVEL 8128</p>			<p>76</p>	<table border="1"> <thead> <tr> <th>DATE</th> <th>BY</th> <th>REVISIONS/COMMENTS</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	DATE	BY	REVISIONS/COMMENTS													<p>Evergreen Engineering, Inc.</p> <p>Our Engineers • Land Surveyors • Land Planners 1144 S. Bascom • Suite 200 • P.O. Box 28 • San Jose, CA • 95128 (408) 644-6667 • Fax: (415) 644-9171 • www.evergreen-engineering.com</p>
DATE	BY	REVISIONS/COMMENTS																		
<p>PREPARED BY CROCKER PROPERTIES LLC</p>	<p>CONDO-LEVEL# 0247</p>	<p>DATE 11/15/02</p>	<p>SCALE AS SHOWN</p>	<p>PROJECT NO. 0247</p>	<p>DATE 11/15/02</p>															

AREA TABULATIONS

COMMON AREA -	1,708.92 SF
LIMITED COMMON AREA -	1039.76 SF
PRIVATE AREA -	
UNIT 1 -	2058.14 SF
UNIT 2 -	1832.66 SF
UNIT 3 -	1782.12 SF
UNIT 4 -	1780.94 SF

HATCHING LEGEND

-  COMMON AREA
-  LIMITED COMMON AREA
-  PRIVATE AREA



GRAPHIC SCALE
1" = 8'

RECORDED
NOV 15 2002

**THE INN AT SILVER LAKE
CONDOMINIUM PLAT
UNITS 1, 2, 3 & 4 - LEVEL 8139**

CROCKER PROPERTIES, LLC CONDO-LEVEL-8 DRAWING NO. 0247

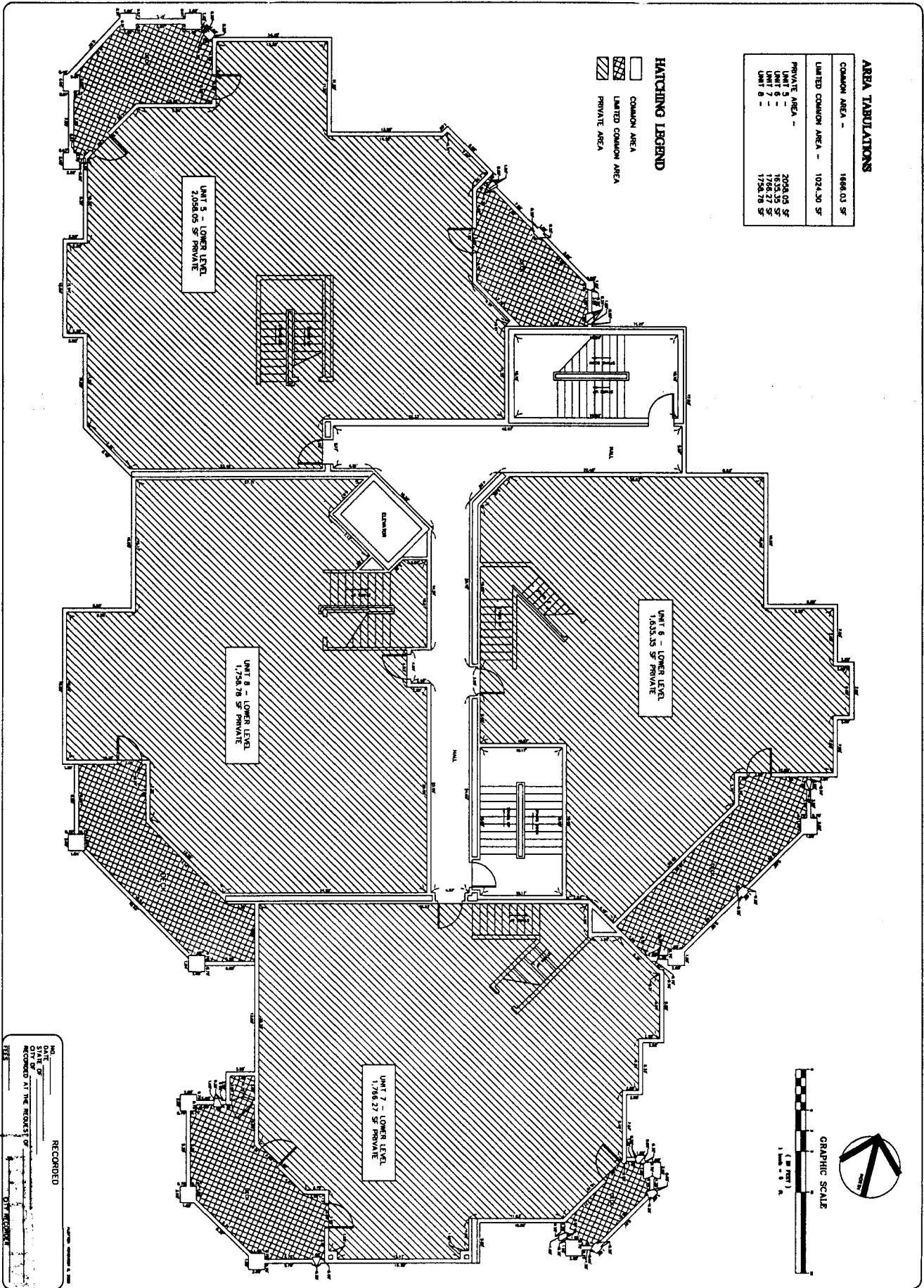
REVISIONS
DATE BY COMMENTS

77

Evergreen Engineering, Inc.



Civil Engineering • Land Surveying • Land Planning
121 Sandover • Suite 200 • P.O. Box 91 • Provo, UT • 84606
(435) 846-6647 • Fax: (435) 846-2718 • www.evergreeneng.com



**THE INN AT SILVER LAKE
CONDOMINIUM PLAT
UNITS 5, 6, 7 & 8 - LEVEL 8150**

CROCKER PROPERTIES, LLC CONDO-LEVELS 0267

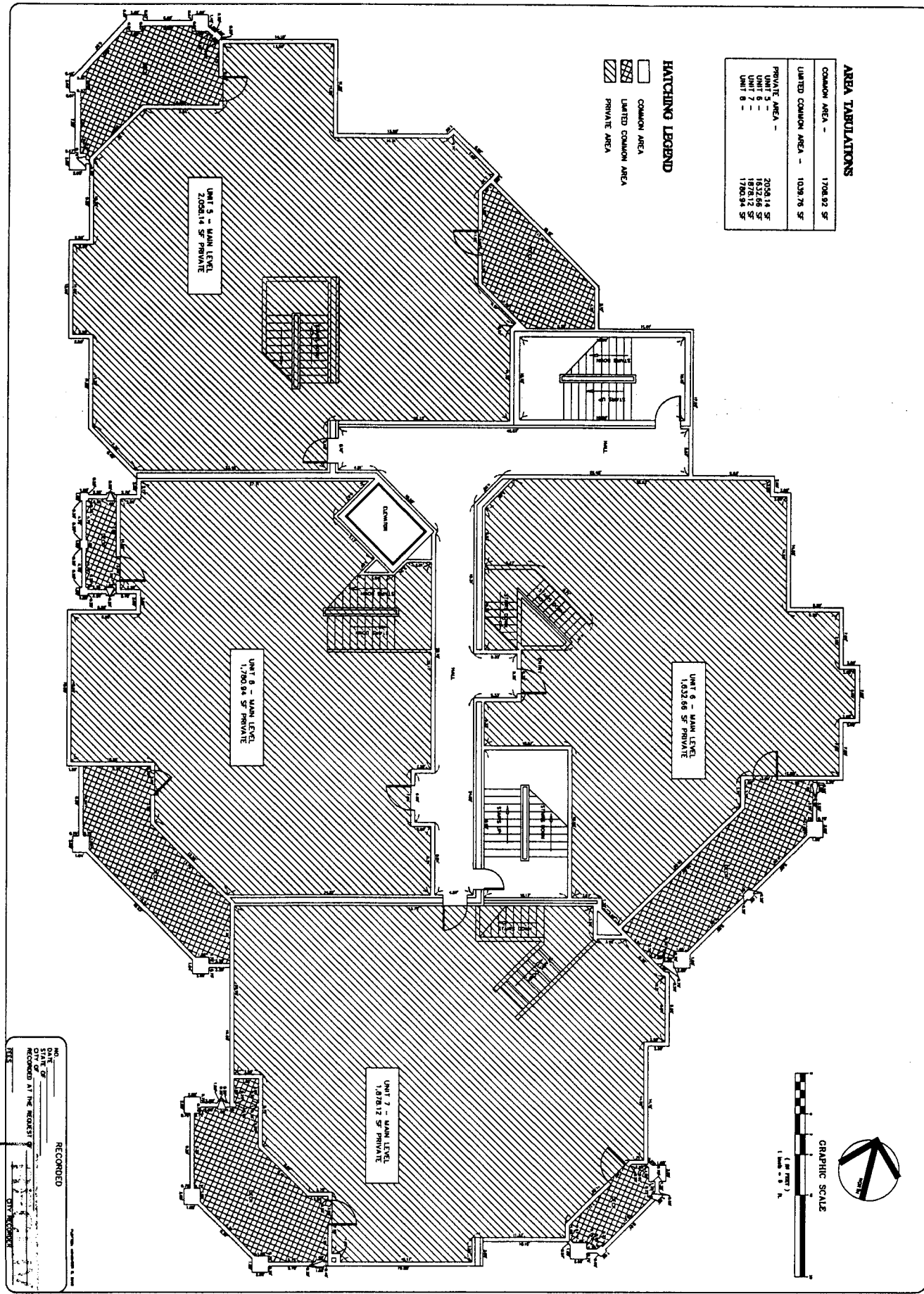
DESIGNED BY:
A/E/C
DRAWN BY:
CHECKED BY:
DATE:

78

DATE	BY	REVISION	COMMENTS

Evergreen Engineering, Inc.

Civil Engineering • Land Surveying • Land Planning
1741 S. Broadway • Suite 200 • P.O. Box 2811 • Park City • UT • 84066
(435) 948-4667 • Fax (435) 948-8218 • evergreeneng@earthlink.net



AREA TABULATIONS

COMMON AREA -	1708.82 SF
LIMITED COMMON AREA -	1038.76 SF
PRIVATE AREA -	
UNIT 5 -	2026.14 SF
UNIT 6 -	1726.94 SF
UNIT 7 -	1878.12 SF
UNIT 8 -	1780.54 SF

HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

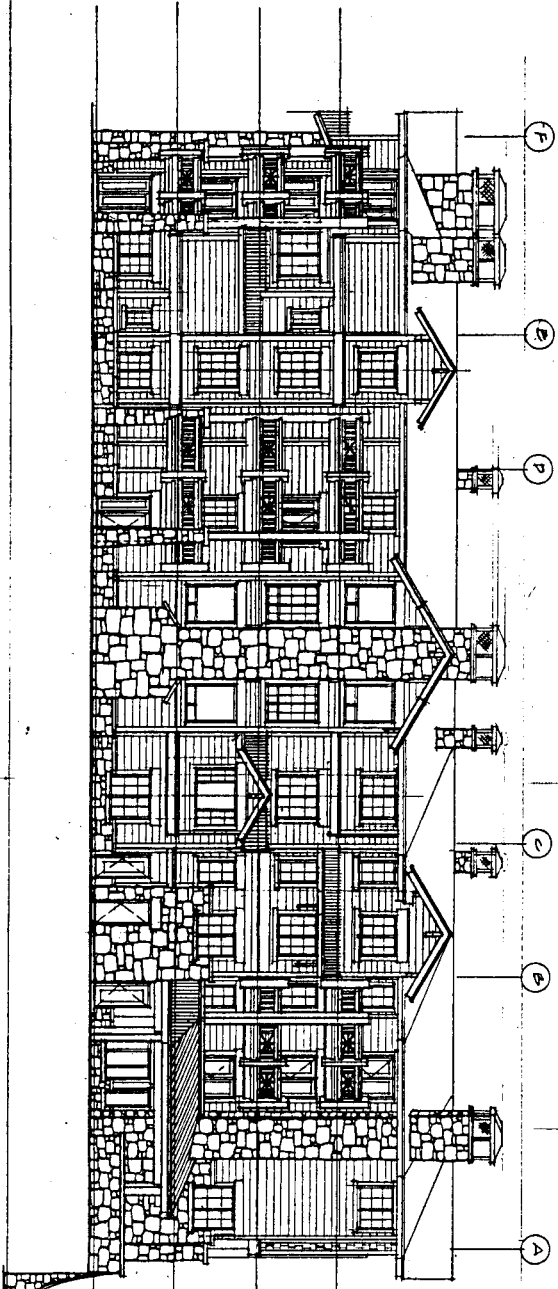
NO. _____
 DATE OF _____
 CITY OF _____
 RECORDED IN THE REGISTER _____
 RECORDED _____
 FILE NO. _____

NOV 15 2002

<p>THE INN AT SILVER LAKE CONDOMINIUM PLAT UNITS 5, 6, 7 & 8 - LEVEL 8161</p>			<p>NO. 79</p>	<p>REVISIONS</p> <table border="1"> <tr> <th>DATE</th> <th>BY</th> <th>REVISIONS</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	DATE	BY	REVISIONS							<p>Evergreen Engineering, Inc.</p> <p>224 Schenck Drive • Suite 200 • Ft. Collins, CO 80501 • Phone: (970) 225-1111 • Fax: (970) 225-1112</p>
DATE	BY	REVISIONS												
<p>OWNER: CROCKER PROPERTIES, LLC</p>	<p>PROJECT: CONDO-LEVEL 8161</p>	<p>DATE: 04/07</p>	<p>© 2002 Evergreen Engineering, Inc.</p>	<p> </p>										

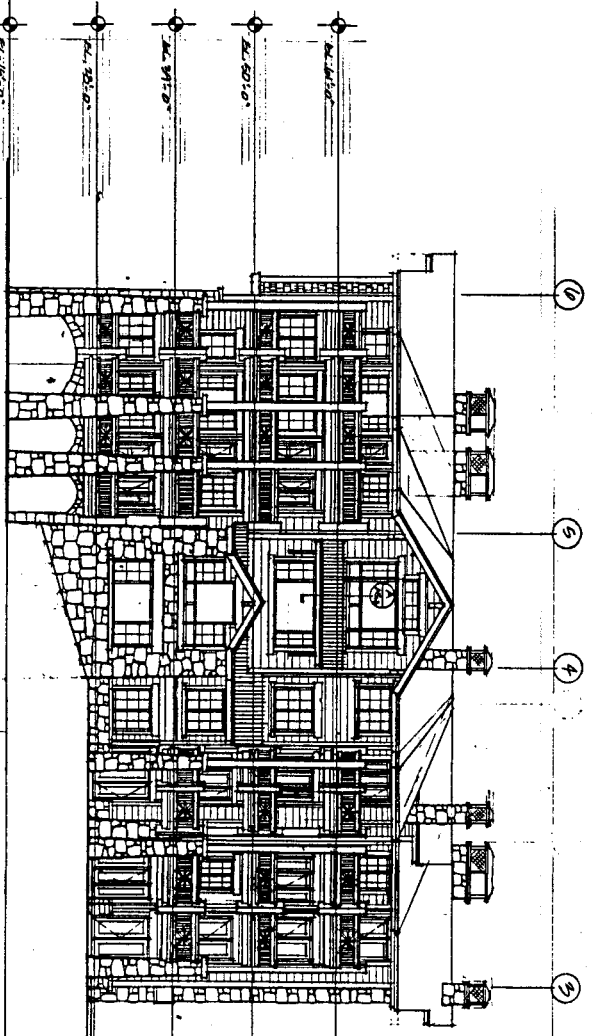
EAST ELEVATION

1/8" = 1'-0"



SOUTH ELEVATION

1/8" = 1'-0"



RECORDED

NO. _____ DATE OF RECORDING _____

CITY OF _____

RECORDED AT THE REQUEST OF _____

STATE OF _____

THE INN AT SILVER LAKE
CONDOMINIUM PLAT
SOUTH & EAST ELEVATIONS

CHOCKER PROPERTIES LLC CONDO-SLEVI 0347

NOT/AND
OR/AND
BY/AND
IN/AND
BY/AND
IN/AND

80

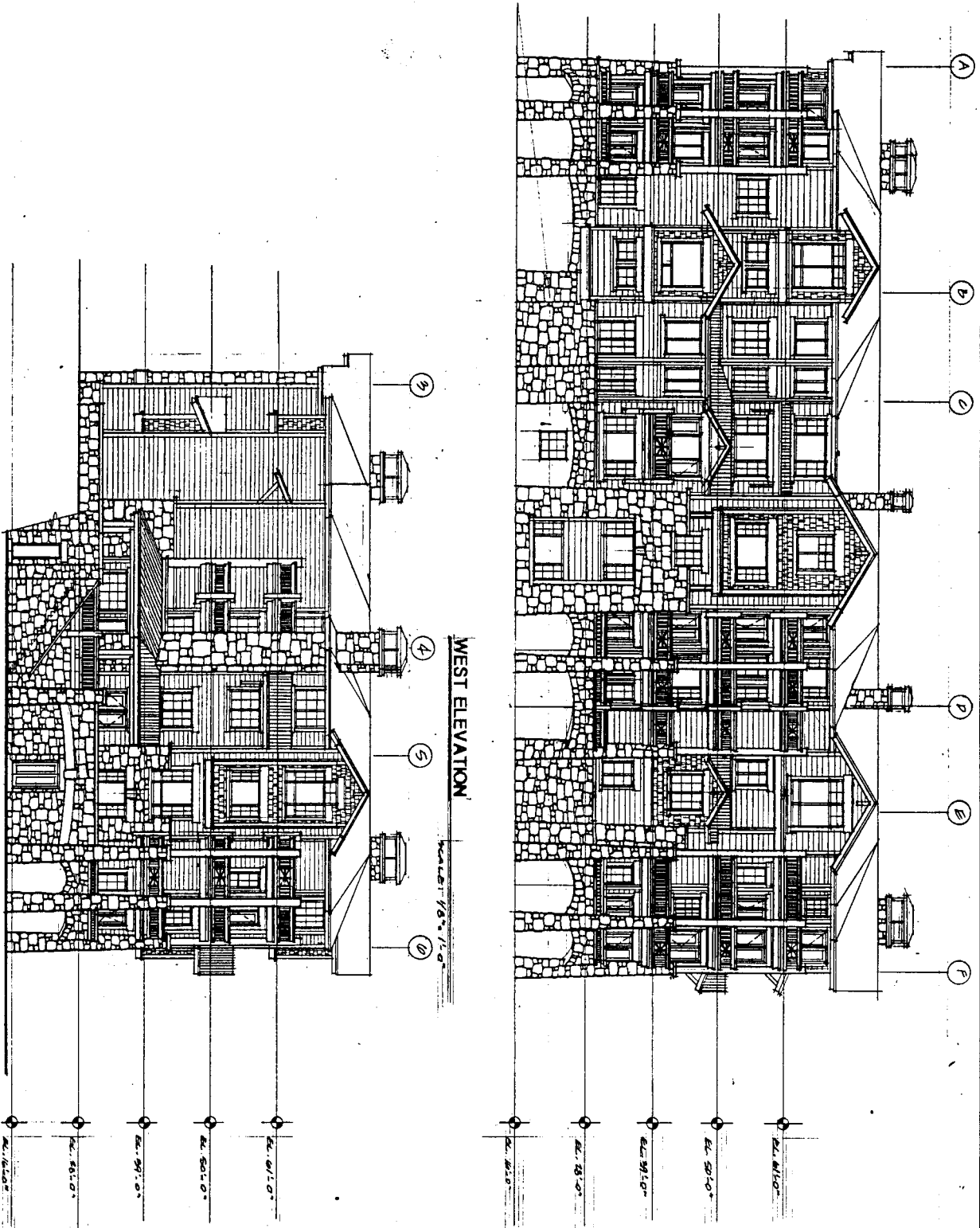
DATE	BY	REVISION

Evergreen
Engineering, Inc.



Civil Engineering • Land Surveying • Land Planning
7140 Silverdale • Suite 200 • P.O. Box 1000 • Buxton, NC • 28520
(252) 399-0077 • Fax (252) 399-0078 • www.evergreeneng.com

NOV 15 2002



NORTH ELEVATION

WEST ELEVATION

RECORDED

DATE: _____

STATE OF _____

BY: _____

RECORDED AT THE REQUEST OF _____

CITY/REGION: _____

NOV 15 2002

THE INN AT SILVER LAKE
 CONDOMINIUM PLAT
 NORTH & WEST ELEVATIONS


CHOCKER PROPERTIES LLC CONDO-ELEV2 0047

NOV/15/02

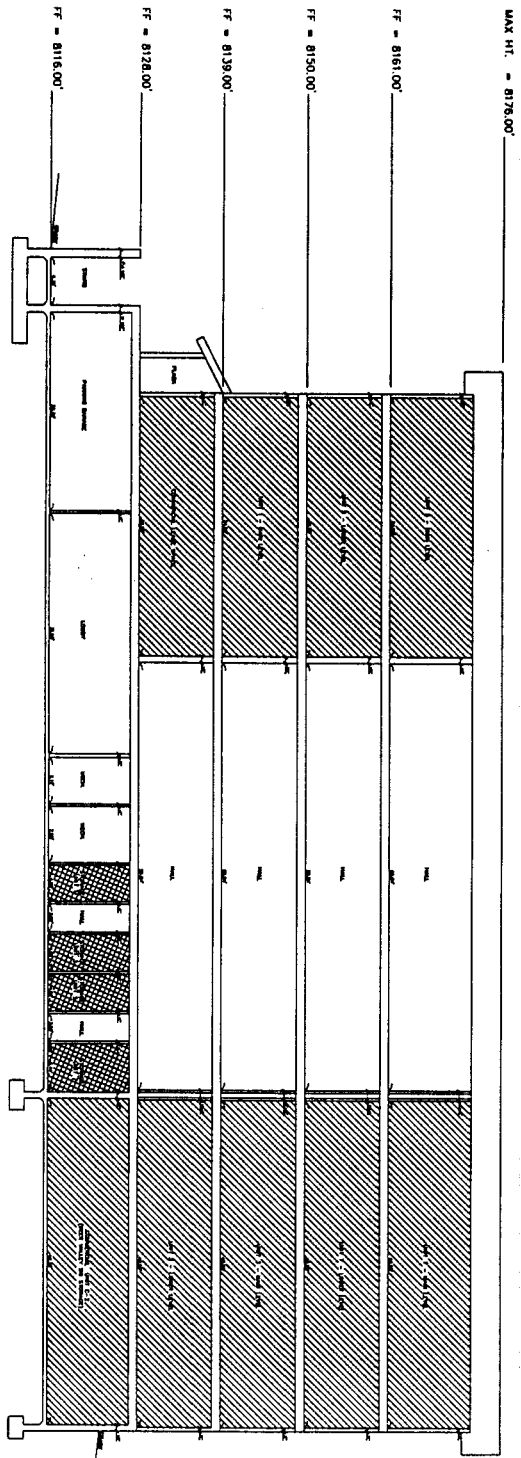
81

DATE	BY	REVISIONS/COMMENTS

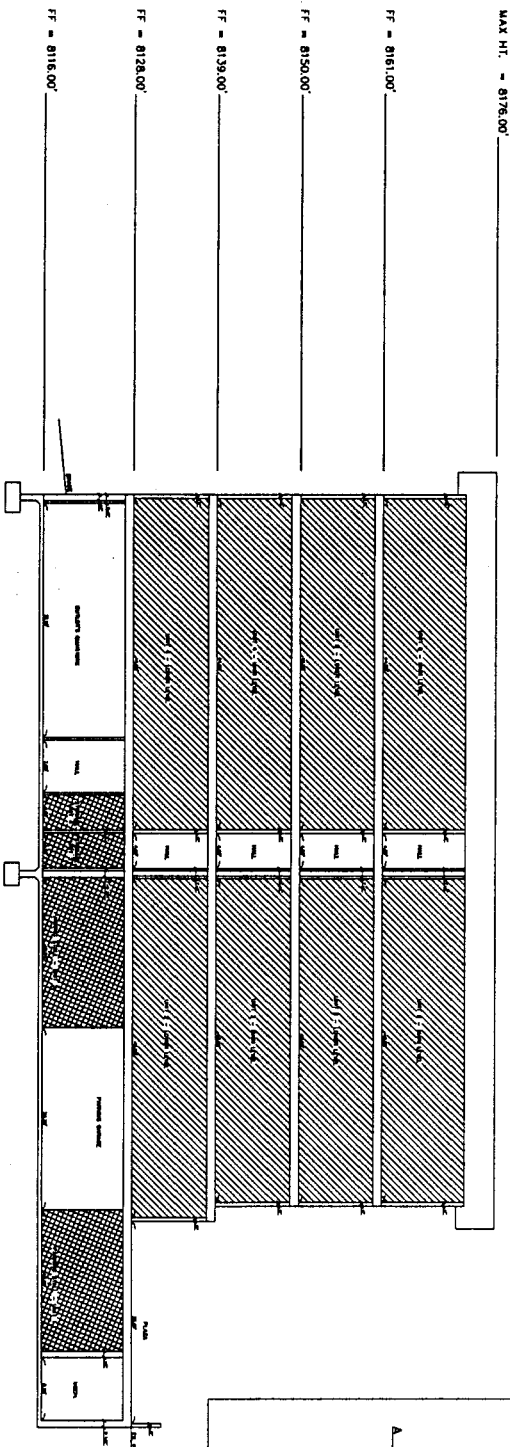
Evergreen Engineering, Inc.



Old Engineering • Land Surveying • Land Planning
 1745 Westchester • Suite 200 • P.O. Box 2091 • Park City • UT • 84060
 (435) 948-0877 • Fax (435) 948-0219 • evergreeneng@comcast.net

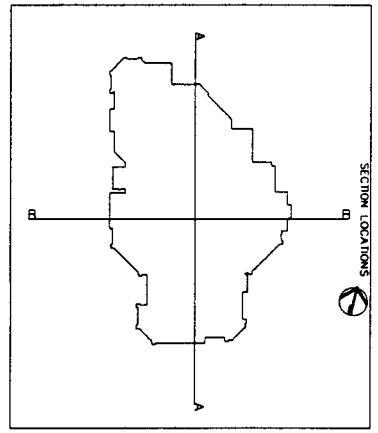


SECTION A-A
SCALE: 1/8" = 1'-0"



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

- HATCHING LEGEND**
- COMMON AREA
 - LIMITED COMMON AREA
 - PRIVATE AREA



NO. _____ RECORDED
 STATE OF _____
 DIV. OF _____
 RECORDED AT THE REQUEST OF _____
 DATE RECORDED _____

NOV 15 2002

**THE INN AT SILVER LAKE
 CONDOMINIUM PLAT
 SECTIONS A-A, B-B**

CROCKER PROPERTIES, LLC

CONDO-SECTION

0047

DESIGNED BY
 DRAWN BY
 CHECKED BY
 DATE

82

DATE	BY	REVISIONS

Evergreen Engineering, Inc.



Old Earthworks • Land Surveying • Land Planning
 1741 Seward • Suite 205 • P.O. Box 1881 • Park City • UT • 84060
 (435) 649-4657 • Fax: (435) 649-6214 • evergreeneng@earthlink.net

Ordinance 02-57

**AN ORDINANCE AMENDING LAND MANAGEMENT CODE SECTION 15-1-12(E)(2)
REGARDING OWNER ASSOCIATION NOTIFICATION**

WHEREAS, the City finds it appropriate to register and provide for notice to owner associations ("HOA") of applications for development activity; and

WHEREAS, while the City wishes to facilitate HOA notice, the City does not find it appropriate to pre-condition issuance of building permits on HOA approval; and

WHEREAS, this amendment increases the quality of the notice to HOAs and reduces the opportunity for deceit in the notice process.

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

SECTION I. AMENDMENT. Section 15-1-12 of the Land Management Code in the Park City Municipal Code is amended as redlined below:

15-1 -12. NOTICE.

(E) **OWNERS ASSOCIATION REGISTRATION AND NOTIFICATION.**

(1) **REGISTRATION.** Owners associations desiring notice of requests for Building Permits within their boundaries must file written registration annually with the Park City Building Department and pay an annual fee of fifty dollars (\$50.00).

The registration must consist of the name(s), addresses including post office box numbers, and telephone numbers of at least three (3) authorized representatives of the Owners association and a notarized statement certifying that these individuals are the authorized representatives of said association.

Associations not registered with the City will not be included in the published list of Owners associations and do not receive notice of Building Permit requests prior to their issuance.

Any change(s) in the above information must be forwarded in writing to the Building Department within ten (10) days of the change.

(2) **NOTICE.** Prior to, or at the time of, Application for a permit for any Development, the Applicant must file with the City evidence of notification to the appropriate registered Owners association(s).

Acceptable evidence of notification shall be the following:

~~(a) a signed return receipt from a certified letter posted to the proper association representative; and/or~~

~~(b) the properly executed notice form, as approved by the City; or~~

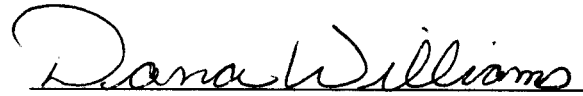
(b) a signed return receipt from a certified letter posted to the registered association representative, with a copy of the notice form approved by the City.

(3) **CITY NOT PARTY TO DISPUTES.** The City is not the arbiter of disputes between an Applicant and an Owners association.

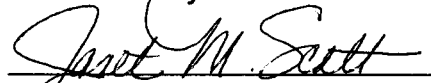
SECTION II. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 19th day of December, 2002.

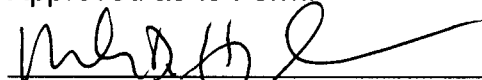
Park City Municipal Corporation

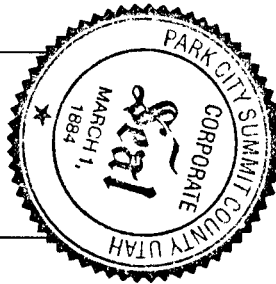

Dana Williams, Mayor

Attestation by:


Janet M. Scott, City Recorder

Approved as to Form:


Mark D. Harrington, City Attorney



Ordinance No. 02-56

AN ORDINANCE APPROVING THE THIRD AMENDED RECORD OF SURVEY FOR MARSAC MILL MANOR AND SILVER MILLHOUSE CONDOMINIUMS LOCATED AT 1335 LOWELL AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 1335 Lowell Avenue have petitioned the City Council for approval of the third amended Record of Survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on November 13, 2002, to receive input on the proposed amended record of survey plat;

WHEREAS, the Planning Commission, on November 13, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on December 12, 2002, the City Council held a public hearing and approved the proposed amended record of survey plat; and

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

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

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

Findings of Fact:

1. The condominium project known as the Marsac Mill Manor and Silver Mill House Condominiums is located at 1335 Lowell Avenue and is zoned Recreation Commercial (RC).
2. The proposed amended record of survey changes the unit configuration of the Ground Level and adds space leased from Greater Park City Company.
3. This application is to amend sheet 2 of the Marsac Mill Manor and Silver Mill House Condominiums Record of Survey. Other sheets shall remain intact.
4. No additional Floor Area is created by this amendment.
5. The Marsac Mill Manor and Silver Mill House Condominiums Association has obtained the necessary two-thirds approval of the conversion of Common Area to Private Space and Private Space to Common Area.
6. The Planning Commission reviewed this application at its regular meeting of

November 13, 2002, and forwards a positive recommendation.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat amendment will be void.
3. All other conditions of approval of the Marsac Mill Manor and Silver Mill House Condominiums project continue to apply.

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

PASSED AND ADOPTED this 12th day of December, 2002.

PARK CITY MUNICIPAL CORPORATION

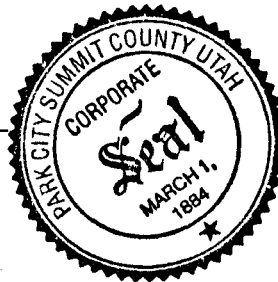

Dana Williams, MAYOR

ATTEST:


Janet M. Scott, City Recorder

APPROVED AS TO FORM:


Mark D. Harrington, City Attorney



SURVEYOR'S CERTIFICATE

I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the office of the Surveyor of the County of Salt Lake, State of Utah, and that the same has been duly recorded in the office of the County Clerk of said County, Utah, on this 15th day of August, 2007 A.D.

DESCRIPTION

That the above described premises are situated in the City of Salt Lake, County of Salt Lake, State of Utah, and are more particularly described in the accompanying plat, which is a part hereof, and is hereby incorporated by reference into this certificate. The above described premises are to be used for residential purposes, and are to be held in fee simple, subject to the provisions of the Utah Condominium Act, Chapter 10, Utah Code, 1993, and the provisions of the Declaration of Condominiums for the Silver Millhouse Condominiums, which is a part hereof, and is hereby incorporated by reference into this certificate.

OWNER'S DEDICATION AND CONSENT TO RECORD

I, the undersigned, do hereby dedicate and consent to the recording of the above described premises, and the same shall be held in fee simple, subject to the provisions of the Utah Condominium Act, Chapter 10, Utah Code, 1993, and the provisions of the Declaration of Condominiums for the Silver Millhouse Condominiums, which is a part hereof, and is hereby incorporated by reference into this certificate.

ACKNOWLEDGMENT

I, the undersigned, do hereby acknowledge the foregoing, and the same shall be held in fee simple, subject to the provisions of the Utah Condominium Act, Chapter 10, Utah Code, 1993, and the provisions of the Declaration of Condominiums for the Silver Millhouse Condominiums, which is a part hereof, and is hereby incorporated by reference into this certificate.

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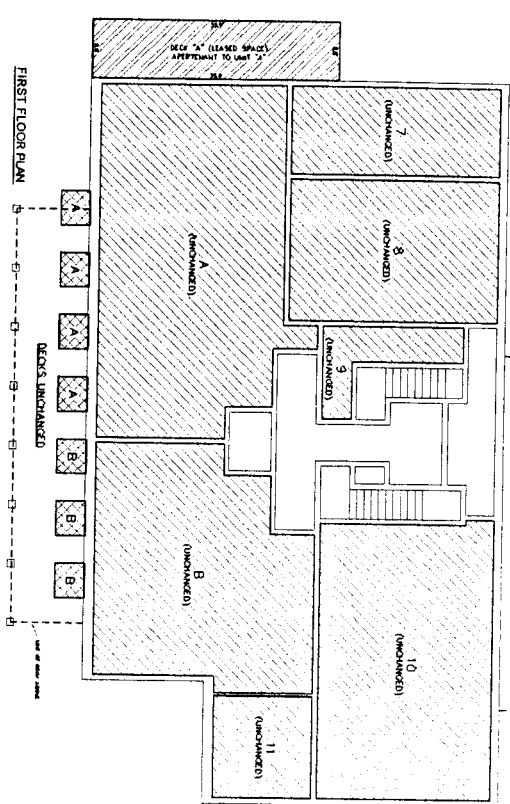
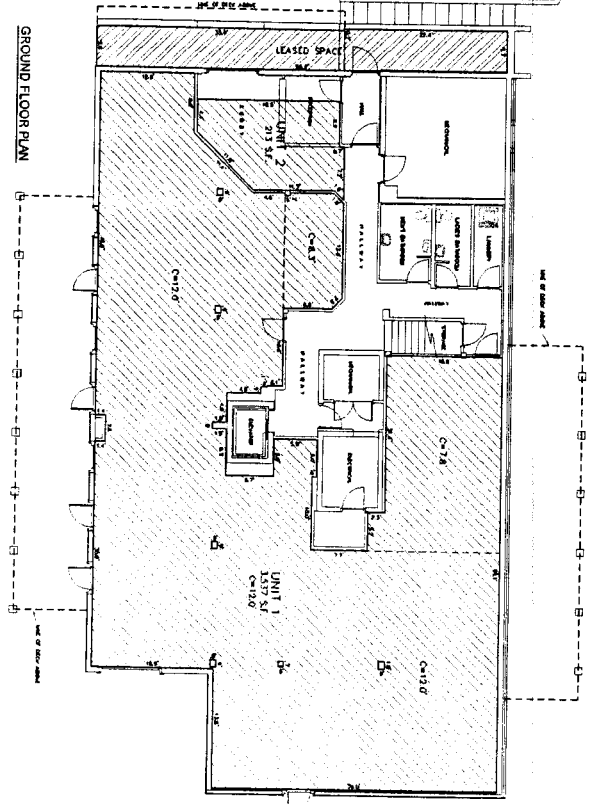
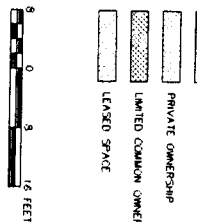
ACKNOWLEDGMENT

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ACKNOWLEDGMENT

- NOTES:**
1. This Third Amended Record of Survey is a continuation of the Original and First First Plans of the Silver Millhouse Condominiums, as recorded in the Office of the County Clerk of Salt Lake County, Utah, on this 15th day of August, 2007 A.D.
 2. With the completion of the construction of the Original and First Plans of the Silver Millhouse Condominiums, the Silver Millhouse Condominiums, as recorded in the Office of the County Clerk of Salt Lake County, Utah, on this 15th day of August, 2007 A.D., are hereby amended to conform to the provisions of the Utah Condominium Act, Chapter 10, Utah Code, 1993, and the provisions of the Declaration of Condominiums for the Silver Millhouse Condominiums, which is a part hereof, and is hereby incorporated by reference into this certificate.
 3. There are no encumbrances on the land shown depicted on this plan, other than those shown on the attached plat.
 4. The Silver Millhouse Condominiums are subject to the provisions of the Utah Condominium Act, Chapter 10, Utah Code, 1993, and the provisions of the Declaration of Condominiums for the Silver Millhouse Condominiums, which is a part hereof, and is hereby incorporated by reference into this certificate.
 5. The Silver Millhouse Condominiums are subject to the provisions of the Utah Condominium Act, Chapter 10, Utah Code, 1993, and the provisions of the Declaration of Condominiums for the Silver Millhouse Condominiums, which is a part hereof, and is hereby incorporated by reference into this certificate.
 6. The Silver Millhouse Condominiums are subject to the provisions of the Utah Condominium Act, Chapter 10, Utah Code, 1993, and the provisions of the Declaration of Condominiums for the Silver Millhouse Condominiums, which is a part hereof, and is hereby incorporated by reference into this certificate.
 7. The Silver Millhouse Condominiums are subject to the provisions of the Utah Condominium Act, Chapter 10, Utah Code, 1993, and the provisions of the Declaration of Condominiums for the Silver Millhouse Condominiums, which is a part hereof, and is hereby incorporated by reference into this certificate.
 8. All other conditions of approval of the Silver Millhouse Condominiums are hereby incorporated by reference into this certificate.

- LEGEND**
- EF APARTMENTS SQUARE FEET
 - CF APARTMENTS SQUARE FEET
 - COMMON OWNERSHIP
 - PRIVATE OWNERSHIP
 - LIMITED COMMON OWNERSHIP
 - LEASED SPACE



MARSAC MILL MANOR & SILVER MILHOUSE CONDOMINIUMS

THIRD AMENDED RECORD OF SURVEY MAP
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SALT LAKE COUNTY, UTAH

JOB NO. 3-8-07 FILE: MARSACULR1

PARK CITY SURVEYING, INC.
 1000 SOUTH 200 WEST
 PARK CITY, UTAH 84302
 (435) 648-2318

REVIEWED FOR COMPLIANCE TO SUDRESTATE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF _____ 2007 A.D. BY: S.W.R.D.

APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS DAY OF _____ 2007 A.D. BY: CHAIRMAN

ENGINEERS CERTIFICATE
 I, the undersigned, do hereby certify that the above described premises are situated in the City of Salt Lake, County of Salt Lake, State of Utah, and are more particularly described in the accompanying plat, which is a part hereof, and is hereby incorporated by reference into this certificate.

APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS DAY OF _____ 2007 A.D. BY: PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
 I CERTIFY THE RECORD OF SURVEY MAP COMPILED BY PARK CITY SURVEYING, INC. ON THIS DAY OF _____ 2007 A.D.

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVED AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DAY OF _____ 2007 A.D. BY: MAYOR

RECORDED
 FILED AT THE OFFICE OF THE COUNTY CLERK OF SALT LAKE COUNTY, UTAH, ON THIS DAY OF _____ 2007 A.D. BY: RECORDER

SHEET 1 OF 1

Ordinance No. 02-55

**AN ORDNANCE AMENDING TITLE 4, CHAPTER 2 OF THE MUNICIPAL CODE,
BUSINESS LICENSING IN GENERAL**

WHEREAS, the City Council of Park City has abandoned the establishment of the Old Town Business Improvement District (hereinafter "District") pursuant to §17A-3-408 of the Utah Parking and Business Improvement Act; and

WHEREAS, the abandonment of the District requires that certain sections of the Park City Municipal Code be amended to reflect changes to the City Business License Code;

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

SECTION 1. AMENDMENT TO TITLE 4, CHAPTER 2 OF THE MUNICIPAL CODE.
Title 4, Chapter 2 is hereby amended as follows:

CHAPTER 2 - BUSINESS LICENSING IN GENERAL

4- 2-23. FEE AND TAX PAYMENTS, RENEWALS AND PENALTY.

The annual business license fee provided in this Title shall be due and payable to the City on or before the first day of January of each year for renewals of licenses for businesses which were licensed the previous year. Business licenses for previously unlicensed businesses shall be issued for the unexpired portion of the calendar year in which issued unless issued between October 1 and December 31, in which case the license shall be valid until December 31 of the year following the issuance of the license, upon payment of 125% of the annual license fee, as set forth in Section 4-2-13 above.

If the renewal license fee is not paid on or before January 15 of the year in which the renewal license is due, there shall be a business license enforcement fee imposed of twenty-five percent (25%) of the license fee imposed by this Chapter or twenty-five dollars (\$25.00) whichever is greater.

If the renewal license fee is not paid in full on or before February 15th of the year in which the renewal fee is due, the business license enforcement fee shall be increased to fifty percent (50%) of the license fee imposed by this Chapter or twenty-five dollars (\$25) whichever is greater.

If the renewal license fee is not paid on or before March 1st of the year in which the renewal fee is due, the business license enforcement fee shall be increased to one-hundred percent (100%) of the license fee imposed by this Chapter.

Upon a proper showing that the business is of such a seasonal nature that business has not been conducted to date, the Director or his or her designee may waive the business license enforcement fee of said renewals.

Upon a showing of hardship acceptable to the Director or his or her designee, the licensed business may be allowed to pay the business license fees ~~and/or the Old Town~~

~~Business Improvement District tax~~ due over a period of time not to exceed three (3) months from the ~~January 15th~~ due date, with interest on the unpaid balance at the rate of eighteen percent (18%) per annum.

Any previously licensed business cited for engaging in business in violation of this Title shall have five (5) days from the date of citation to come into compliance with this Title. Failure of the licensee to reach compliance within 5 days of the date of citation will subject the business to closure and the licensee to all applicable civil and criminal penalties.

If a licensed business enlarges its place of business or increases its capacity for conducting business (i.e., adding square footage, increasing number of vending machines, number of employees, bid limits, or increasing hourly user capacity), an additional license fee shall be due and payable to the City and shall be prorated on the basis of one-twelfth (1/12th) of the total annual fee on the enlargement or increase for each month remaining in the unexpired portion of the calendar year, including the month in which such increase is accomplished. The additional license fee for adding square footage shall be due and payable on the date the City issues the occupancy permit.

~~If a business within the Old Town Business Improvement District (BID) does not pay the BID tax, a renewed license certificate shall not be issued or may be revoked pursuant to Section 4-2-9.~~

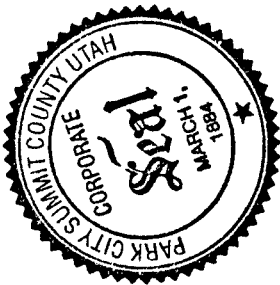
4- 2-25. RENEWAL OF LICENSE CERTIFICATE.

Upon receipt of the license fee ~~and Old Town Business Improvement District tax (if applicable)~~, the Division shall issue a license certificate valid through December 31 of the next year.

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

PASSED AND ADOPTED this 12th day of December, 2002.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

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. 02-54

AN ORDINANCE APPROVING AN AMENDMENT TO THE PARK CITY SURVEY TO COMBINE A PORTION OF LOT 13 OF BLOCK 22 OF THE PARK CITY SURVEY INTO THE 350 ½ MAIN STREET SUBDIVISION

WHEREAS, the owners of the property known as 350 ½ Main and 354 Main, have petitioned the City Council for approval of an amendment to the 350 ½ 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 November 13, 2002 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 consolidate a portion of one lot into the 350 ½ subdivision; 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 HCB District is characterized by a mix of historic commercial structures and larger contemporary commercial structures.
2. The amendment will absorb a 10' x 15' portion of lots 14 of Block 22 of the Park City Survey into the 350 ½ Main Street Plat.
3. On December 20, 2001 the City Council approved a plat amendment to absorb the same 10' x 15' from lot 14 of Block 22 of the Park City Survey into the 364 Main subdivision.
4. The December 20, 2001 City Council approval has not been recorded with the County Recorder.
5. The applicant has agreed to abandon the December 20, 2001 approval in favor of this application.
6. The amendment will provide secondary access to the residential units of both the 350 ½ and the 364 Main Street structures.
7. The owners of 350 ½, 354, and 364 Main have consented to this application.
8. An existing 8' wide access/utility easement exists from 354 Main through the 350 ½ subdivision of the Park City Survey.
9. There is an existing 8' wide access easement with a 6' wide utility easement overlay from 333 Main through 350 ½ Main to Swede Alley.
10. There is an existing 5' wide public sidewalk easement on the eastern side of the property running parallel to Swede Alley.
11. The proposed addition to 350 ½ Main Plat is approximately one hundred fifty square feet.
12. The plat amendment will not require additional parking for the 350 ½ Main structure.
13. The building meets all required setbacks for the HCB zone.
14. The application was reviewed by the Planning Commission on November 13, 2002, at

15. which time the Commission forwarded a positive recommendation to the City Council. The plat amendment will not create any remnant lots.

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

1. There is good cause for the amendment.
2. This approval as conditioned is consistent with the requirements of Section 15.7 of the Land Management Code as well as the General Plan.
3. This approval as conditioned does not adversely affect the health, safety, or welfare of the citizens of Park City.
4. Neither the public nor any person will be materially injured by this plat amendment.

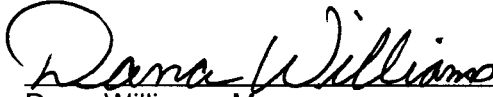
SECTION 3. CONDITIONS OF APPROVAL. The proposed subdivision plat attached as Exhibit A is hereby adopted with the following Conditions of Approval:

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. All easements recorded as part of the 350 ½ Main Subdivision shall remain in effect and unchanged.
3. The December 20, 2001 City Council approval to add this property into the 364 Main Subdivision is null and void.
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 further subdivision of the property is allowed.

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

PASSED AND ADOPTED this 21st day of November, 2002.


PARK CITY MUNICIPAL CORPORATION


Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



Ordinance No. 02-53

AN ORDINANCE APPROVING THE AMENDED RECORD OF SURVEY FOR A PLAT AMENDMENT TO COMBINE ALL OF LOT 18 AND PART OF LOTS 16, 17 AND 19 OF BLOCK 65, PARK CITY SURVEY INTO ONE LOT OF RECORD AT 345 DEER VALLEY DRIVE, PARK CITY, UTAH

WHEREAS, the owner, Michael Posner, of the property at 345 Deer Valley Drive 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 October 23, 2002 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 Park City Record of Survey allows the owner to combine all of Lot 18 and parts of Lots 16, 17 and 19 of Block 65, Park City Survey 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 345 Deer Valley Drive in the Residential (R-1) District.
2. The Planning Commission reviewed this application request at their October 23, 2002 meeting.
3. The proposed plat creates a 5,399 square foot lot.
4. The applicant is proposing a duplex.
5. The minimum lot size allowed for a duplex dwelling is 3,750 square feet.
6. The applicant's proposed use (duplex) is permitted in the R-1 District pursuant to the LMC Section 15-2.12-2 (A) Allowed Uses.
7. The proposed plat amendment will combine all of lot 18 and portions of lots 16, 18,

and 19 of Block 65, Park City Survey into one lot of record measuring 5,399 square feet.

8. The plat amendment will not increase density on the lot.
9. No remnant lot is created.
10. The lots exceed 40% slope.
11. 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 345 Deer Valley Drive, Block 65, 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 time, this approval and the plat will be void.
3. All standard Project Conditions shall apply and Land Management Codes shall apply.
4. 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.
5. A note shall be added to the plat requiring that all structures including decks in excess of 30 inches above grade, shall maintain 75-foot rear yard setback.

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

PASSED AND ADOPTED this 14th day of November, 2002.

PARK CITY MUNICIPAL CORPORATION

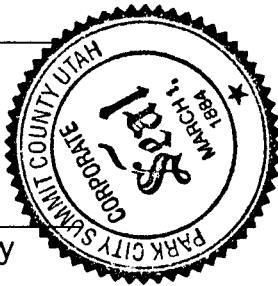
Dana Williams
Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney



Ordinance No. 02-52

AN ORDINANCE AMENDING TITLE 4, CHAPTER 15 OF THE MUNICIPAL CODE, REGULATING LICENSING OF FOR-HIRE VEHICLES

WHEREAS, Park City has an interest in promoting public health, safety, and welfare, and

WHEREAS, Park City wishes to protect the right of businesses to operate For-Hire Vehicle services in Park City, and

WHEREAS, proper inspection and licensing of For-Hire Vehicles promotes the public health, safety, and welfare as well as better business practices, and

WHEREAS, City Council has determined that amending the Municipal Code is necessary to ensure proper inspection and licensing,

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

SECTION 1. FINDINGS: The Council finds that:

I. It is in the best interest of the health, safety, and welfare of the citizens of Park City to regulate the licensing of For-Hire Vehicles operating within the City.

SECTION 2. AMENDMENT TO TITLE 4, CHAPTER 15 OF THE MUNICIPAL CODE. Title 4, Chapter 15 is hereby amended as follows:

CHAPTER 15 - FOR-HIRE VEHICLE LICENSING

4-15- 1. DEFINITIONS.

All words and phrases used in this Chapter shall have the following meanings unless a different meaning clearly appears from the context:

(A) **CERTIFICATE OF INSPECTION.** The form pursuant to §4-15-5 certifying the For-Hire Vehicle has passed all requirements established in the Park City Vehicle Inspection Checklist. Park City will accept a current Salt Lake City Vehicle Inspection Checklist in lieu of a Certificate of Inspection.

~~(B) **CONTINUING TRIP.** Any round trip service prepaid for the same calendar day originating outside of Park City limits.~~

(G)(B) **FARE.** The consideration or charge of a For-Hire Vehicle to provide service for a passenger within Park City. Consideration may include non-cash value such as participating in a commercial promotional activity such as viewing real estate or timeshare information, merchandise or art display, or display of movies, videos, or DVDs within or on a Vehicle in exchange for the passenger delivery.

~~(D)~~(C) **FOR-HIRE VEHICLE.** A vehicle used to transport passengers for a fee. For-Hire Vehicles include shuttles, taxicabs, limousines, or similar vehicles used for the purposes outlined in this chapter.

~~(E)~~(D) **FOR-HIRE VEHICLE BUSINESS LICENSE.** A Park City business license issued by Park City authorizing the licensee thereof to conduct a For-Hire Vehicle business.

~~(F)~~(E) **FOR-HIRE VEHICLE DRIVERS LICENSE.** The permission granted by the State through the issuance of a Z endorsement for a person to drive a For-Hire Vehicle having less than fifteen passengers including the driver.

~~(G)~~(F) **FOR-HIRE VEHICLE STICKER.** A Sticker issued by the City indicating that the owner of the vehicle has met all requirements to obtain a business license from the City to conduct a For-Hire Vehicle business.

~~(H)~~(G) **SHUTTLE.** A vehicle that travels between fixed locations for a set or predetermined Fare.

~~(I)~~(H) **TAXICAB.** A vehicle used to transport passengers for a Fare.

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

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

(B) No person shall operate or permit a For-Hire Vehicle owned or controlled by such person to be operated as a vehicle for hire upon the streets of Park City without first having obtained commercial transportation insurance coverage for at least \$1,500,000.00 per vehicle if the vehicle's seating capacity is fifteen (15) or less including the driver. If the vehicle seats sixteen (16) or more passengers, the owner is to provide proof of commercial transportation insurance coverage for at least \$5,000,000.00 per vehicle. Proof of this commercial insurance shall be required prior to the issuance of the For-Hire Vehicle permit.

(C) No person shall operate or permit a For-Hire Vehicle owned or controlled by such person to be operated as a vehicle for hire upon the streets of Park City without first having obtained a Certificate of Inspection.

(D) All vehicles that have been licensed by the City shall be issued a For-Hire Vehicle sticker that shall be used as an identifying marking. The For-Hire Vehicle sticker must be placed on the bottom left corner of the rear window of the vehicle on the drivers side. The For-Hire Vehicle sticker shall be issued by the City and the numbers on the sticker shall correspond to the numbers on the business license.

(E) All For-Hire Vehicles shall have in the driver's possession a copy of the current Certificate of Inspection or a Salt Lake City Corporation Vehicle Inspection

Checklist, a copy of the business license, proof of insurance as required in §4-15-2(B), and the driver shall have a "Z" or "P" Endorsement on their Utah State Driver's License. Failure to produce any of this information may result in the issuance of a citation.

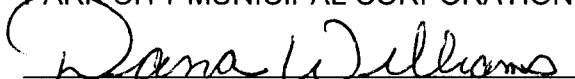
(F) For the purpose of this section, the term "operate for hire upon the streets of Park City" shall not include the transporting, by a For-Hire Vehicle properly licensed in a jurisdiction outside the corporate limits of the City, of a passenger or passengers for hire where a trip shall originate with the passenger or passengers being picked up outside the corporate limits of the City and where the destination is either within or beyond the City corporate limits. The term "operate for hire upon the streets of Park City" means and shall include the soliciting or picking up of a passenger or passengers within the corporate limits of the City, whether the destination is within or outside of the corporate limits of the City.

(G) All office space must comply with the Park City Land Management Code.

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


PASSED AND ADOPTED this 14th day of November, 2002.

PARK CITY MUNICIPAL CORPORATION



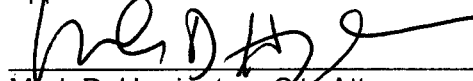
Mayor Dana Williams

Attest:

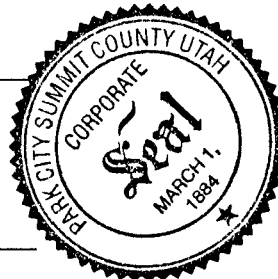


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 02-51

AN ORDINANCE AMENDING TITLE 4, CHAPTER 2 OF THE MUNICIPAL CODE, BUSINESS LICENSING IN GENERAL

WHEREAS, the City Council of Park City has established the Old Town Business Improvement District (hereinafter "District") pursuant to the Utah Parking and Business Improvement Act to promote business activity within the District; and

WHEREAS, the City will levy a tax on all businesses within the District, which tax shall be based on the Park City Business License Fee Schedule (Park City Municipal Code 4-2-17) in an amount not to exceed \$1,000 annually; and

WHEREAS, City Council has determined that non-payment of the District tax will result in the denial or revocation of the businesses license or prevent its renewal; and

WHEREAS, City Council has determined that certain businesses should, upon a showing of hardship, be allowed to defer payment of the District tax;

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

SECTION 1. AMENDMENT TO TITLE 4, CHAPTER 2 OF THE MUNICIPAL CODE.
Title 4, Chapter 2 is hereby amended as follows:

CHAPTER 2 - BUSINESS LICENSING IN GENERAL

4- 2-23. FEE AND TAX PAYMENTS, RENEWALS AND PENALTY.

The annual business license fee provided in this Title shall be due and payable to the City on or before the first day of January of each year for renewals of licenses for businesses which were licensed the previous year. Business licenses for previously unlicensed businesses shall be issued for the unexpired portion of the calendar year in which issued unless issued between October 1 and December 31, in which case the license shall be valid until December 31 of the year following the issuance of the license, upon payment of 125% of the annual license fee, as set forth in Section 4-2-13 above.

If the renewal license fee is not paid on or before January 15 of the year in which the renewal license is due, there shall be a business license enforcement fee imposed of twenty-five percent (25%) of the license fee imposed by this Chapter or twenty-five dollars (\$25.00) whichever is greater.

If the renewal license fee is not paid in full on or before February 15th of the year in which the renewal fee is due, the business license enforcement fee shall be increased to fifty percent (50%) of the license fee imposed by this Chapter or twenty-five dollars (\$25) whichever is greater.

If the renewal license fee is not paid on or before March 1st of the year in which the renewal fee is due, the business license enforcement fee shall be increased to one-hundred percent (100%) of the license fee imposed by this Chapter.

Upon a proper showing that the business is of such a seasonal nature that business has not been conducted to date, the Director or his or her designee may waive the business license enforcement fee of said renewals.

Upon a showing of hardship acceptable to the Director or his or her designee, the licensed business may be allowed to pay the business license fees ***and/or the Old Town Business Improvement District tax*** due over a period of time not to exceed three (3) months from the ***January 15th*** due date, with interest on the unpaid balance at the rate of eighteen percent (18%) per annum.

Any previously licensed business cited for engaging in business in violation of this Title shall have five (5) days from the date of citation to come into compliance with this Title. Failure of the licensee to reach compliance within 5 days of the date of citation will subject the business to closure and the licensee to all applicable civil and criminal penalties.

If a licensed business enlarges its place of business or increases its capacity for conducting business (i.e., adding square footage, increasing number of vending machines, number of employees, bid limits, or increasing hourly user capacity), an additional license fee shall be due and payable to the City and shall be prorated on the basis of one-twelfth (1/12th) of the total annual fee on the enlargement or increase for each month remaining in the unexpired portion of the calendar year, including the month in which such increase is accomplished. The additional license fee for adding square footage shall be due and payable on the date the City issues the occupancy permit.

If a business within the Old Town Business Improvement District (BID) does not pay the BID tax, a renewed license certificate shall not be issued or may be revoked pursuant to Section 4-2-9.

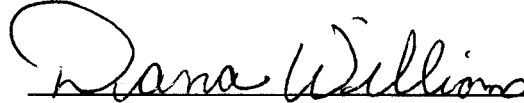
4- 2-25. RENEWAL OF LICENSE CERTIFICATE.

Upon receipt of the license fee ***and Old Town Business Improvement District tax (if applicable)***, the Division shall issue a license certificate valid through December 31 of the next year.

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

PASSED AND ADOPTED this 14th day of November, 2002.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

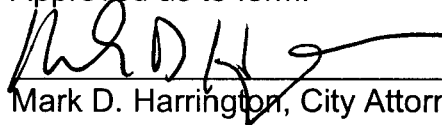
Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

Ordinance No. 02-50

AN ORDINANCE AMENDING THE SIGN CODE, TITLE 12 OF THE MUNICIPAL CODE OF PARK CITY

WHEREAS, a uniform sign code and 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 sign applications and the community has clear notice of the Sign Code standards; and

WHEREAS, the City Council finds that the proposed changes to the Sign Code are necessary to prevent visual clutter, to aid tourists in easily identifying municipal boundaries, to preserve the historic and resort nature of Park City, to safeguard and enhance property values, and to supplement existing zoning regulations; and

WHEREAS, the Planning Staff has considered standards in other resort communities and input from the Planning Commission and business community in recommending these changes to the Sign Code;

WHEREAS, the City Council viewed examples of six foot and three foot temporary signs and determined that the six foot signs are contrary to the goals identified above;

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

SECTION 1. AMENDMENT TO TITLE 12 OF THE PARK CITY MUNICIPAL CODE The recitals above are hereby incorporated herein as findings of fact. Title 12 Chapter 2-1 Paragraphs (SS) and (VV) of the Municipal Code of Park City are hereby amended to read as follows:

(SS) Neighborhood Information Sign: A sign located entirely on private property which is designed to provide information or notifications to local residents regarding neighborhood events, meetings, or issues.

(VV) Projection Sign. A sign which utilizes a beam of light to project a visual image or message onto a surface.

SECTION 2. AMENDMENT TO TITLE 12 OF THE PARK CITY MUNICIPAL CODE Title 12 Chapter 4-9(D) of the Municipal Code of Park City is hereby amended to read as follows:

Lights which flash or move in any manner are prohibited. ~~Colored lights are prohibited.~~

SECTION 3. AMENDMENT TO TITLE 12 OF THE PARK CITY MUNICIPAL CODE Title 12 Chapter 6-1 of the Municipal Code of Park City is hereby amended to read as follows:

12-6-1. Conformance Criteria for Non-Conforming Signs

All non-conforming signs, except billboards (see below), which have been lawfully erected shall

be deemed to be legal and lawful signs and may be maintained subject to the provisions of this chapter.

(A) When a non-conforming sign becomes deteriorated or dilapidated to the extent of over fifty percent (50%) of the physical value it would have if it had been maintained in good repair it must be removed within sixty (60) days after receiving notice from the Chief Building Official. Nonconforming signs which are damaged, other than by vandalism, to the extent of over fifty percent (50%) of their physical value must be removed within sixty (60) days of receiving such damage or brought into compliance with the provisions of this Ordinance. Non-conforming signs which are damaged by vandalism to the extent of over fifty percent (50%) of their physical value must be restored within sixty (60) days or be removed or brought into compliance with the provisions of this Ordinance.

(B) A non-conforming sign may not be relocated except when such relocation brings the sign into compliance with this Ordinance or does not increase the degree of the non-compliance of the sign. The City Engineer may approve the alteration of a non-conforming sign from its original location provided such alteration does not increase the degree of non-conformity. Once a non-Conforming sign is removed from the premises or otherwise taken down or moved (without City Engineer approval), said sign may only be replaced with a sign which is in conformance with the terms of this Ordinance.

(C) The face of a non-conforming sign may be altered if the sign face is not thereby enlarged. The message of a non-conforming sign may be changed so long as this does not create any new non-conformities.

(D) Minor repairs and maintenance of non-conforming signs necessary to keep a non-conforming sign for a particular use in sound condition are permitted so long as the non-conformity is not in any means increased.

SECTION 4. AMENDMENT TO TITLE 12 OF THE PARK CITY MUNICIPAL CODE Title 12 Chapter 7-1(J) of the Municipal Code of Park City is hereby amended to read as follows:

(J) **Projection Signs.** A sign which projects a visual image or message onto a surface is prohibited. Temporary projection signs that are part of an approved master festival license may be allowed for the duration of the festival permit, provided they are directed downward and the light source is shielded from any view but the intended mark of the sign.

SECTION 5. AMENDMENT TO TITLE 12 OF THE PARK CITY MUNICIPAL CODE Title 12 Chapter 10-2(F) of the Municipal Code of Park City is hereby amended to read as follows:

(F) **Neighborhood Information Signs:** Neighborhood Information Signs are exempt from obtaining a permit as long as the sign is in compliance with the regulations as stated below:

(1) **SIZE.** Neighborhood information signs shall not exceed three (3) square feet of area on the exposed sign face.

(2) **HEIGHT LIMIT.** No portion of the sign shall extend more than six feet (6') above natural grade or finished grade, whichever yields the lower sign. Mounting devices may extend above the sign by not more than six inches (6").

(3) NUMBER OF SIGNS. Only one (1) neighborhood information sign is permitted on any one parcel of property and must comply with the size, color, and placement standards of this Code.

(4) SETBACK AND ORIENTATION. Neighborhood information signs are permitted in any zone, provided that they are located a minimum of twenty feet (20') back from the edge of the curb, or edge of pavement where there is no curb, of the street on which the sign fronts. If this twenty foot (20') distance would be within a structure, the sign may be within three feet (3') of the front of the structure. Signs must be parallel to the street on which the building fronts, and placed in front of the front facade with the building as a backdrop. Signs may not be positioned in the side yard. Signs may be displayed through windows or other glass areas subject to the restrictions of Section 12-8-1(K) and 12-8-1(L). On vacant lots, where there is no structure, the sign shall maintain the twenty foot (20') setback from the street.

SECTION 6. AMENDMENT TO TITLE 12 OF THE PARK CITY MUNICIPAL CODE Title 12 Chapter 8-1(G) of the Municipal Code of Park City is hereby amended to read as follows:

Public Necessity Signs. Public necessity signs such as safety/instructional (for public facilities, and parks), warning, information kiosks at trail heads, bus stop, no parking, and street name signs installed by or with permission of Park City Municipal Corporation are exempt from permit requirements. Approval of the Public Works Director is required in order to insure safe placement and prevent unsightly or distracting sign placement.

SECTION 7. AMENDMENT TO TITLE 12 OF THE PARK CITY MUNICIPAL CODE Title 12 Chapter 9-1(G)(3) of the Municipal Code of Park City is hereby amended to read as follows:

(3) Number of Flags. No more than three (3) free-standing flag poles per property may be shown at any time if these poles are visible from a public right-of-way. Properties with right-of-way frontage greater than one hundred yards (100 yds.) may be allowed an additional three (3) Flags per additional one hundred yards (100 yds.) of street frontage. Flag poles are restricted to only flying one (1) Flag per pole.

No more than eight (8) building mounted flags per property may be shown at any time if these Flags are visible from a public right-of-way.

Flagpoles and Flags approved by City Council as Olympic Legacy Displays for permanent installation on City property, public rights-way and/or within Olympic venue areas at Park City Mountain Resort and Deer Valley Resort may exceed the allowed number of Flags and Flagpoles permitted in this Section.

SECTION 8. AMENDMENT TO TITLE 12 OF THE PARK CITY MUNICIPAL CODE Title 12 Chapter 10-2 Paragraphs (B)(1), (G)(1), (H)(1), and (I)(1) of the Municipal Code of Park City are hereby amended to read as follows:

(1) **SIZE.** Campaign signs shall not exceed three (3) square feet ~~six square feet (6 sq. ft.)~~ of area on the exposed sign face.

(1) **SIZE.** Real Estate signs shall not exceed three (3) square feet ~~six square feet (6 sq. ft.)~~ of area on the exposed sign face.

(1) **SIZE.** Special Purpose signs shall not exceed three (3) square feet ~~six square feet (6 sq.~~

ft.) of area on the exposed sign face.

(1) **SIZE.** Yard signs shall not exceed three (3) square feet ~~six square feet (6 sq. ft.)~~ of area on the exposed sign face.

SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect upon publication.


PASSED AND ADOPTED this 31st day of October, 2001.

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 A FINAL RECORD OF SURVEY PLAT
KNOWN AS THE APRIL MOUNTAIN CONDOMINIUMS RECORD OF SURVEY PLAT,
LOCATED EAST AND WEST OF MELLOW MOUNTAIN ROAD IN
THE NORTHWEST QUARTER OF SECTION 15 AND THE
NORTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH**

WHEREAS, the owners, April Mountain Development LLC, of the property generally located east and west of Mellow Mountain Road, located in the northwest Quarter of Section 15 and the Northeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah and known as the April Mountain Condominiums, have petitioned the City Council for approval of a final record of survey 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 23, 2002, the Planning Commission held a public hearing to receive public input on the proposed record of survey plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on October 31, 2002 the City Council reviewed the proposed subdivision plat; and

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

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

SECTION 1. FINDINGS OF FACT.

1. The property is located in the RD zoning district.
2. The property is subject to the April Mountain Master Planned Development Permit of June 12, 2002, and the April Mountain Subdivision plat (City Council approval on August 8, 2002). The City Council included a condition of approval that prohibits nightly rentals within the April Mountain Subdivision, including all lots and condominiums.
3. The property is subject to the June 26, 2002 April Mountain CUP approval (Planning Commission).
4. The proposed plat designates the type of ownership of this property as condominium

ownership and delineates private, common, and limited common areas.

5. A financial guarantee for all public improvements, including all public trails, sidewalks, re-vegetation, utilities, etc., is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.
6. On October 23, 2002 the Planning Commission held a public hearing on the record of survey plat. No public input was received. The Planning Commission voted to forward to City Council a positive recommendation to approve the April Mountain Condominiums record of survey plat.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned record of survey plat and that neither the public nor any person will be materially injured by the proposed plat. The plat is consistent with the Park City Land Management Code and applicable State law regarding record of survey plats. The plat is consistent with the April Mountain Master Planned Development approved by the Planning Commission on June 12, 2002.

SECTION 3. PLAT APPROVAL. The record of survey plat for the April Mountain Condominiums is hereby approved as shown on Exhibit A, with the following conditions:

1. City Attorney and City Engineer review and approval of the final form and content of the record of survey and the Declaration of Condominium and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the record of survey.
2. All conditions of approval for the April Mountain CUP, approved by the Planning Commission on June 26, 2002, continue to apply in full force and effect. All conditions of approval of the April Mountain Subdivision plat, approved by the City Council on August 8, 2002 continue to apply in full force and effect. This includes the prohibition of Nightly Rentals.
3. All Park City Standard Project Conditions shall apply.
4. All required financial guarantees, that have not already been posted, for the value of all public improvements to be completed, shall be provided to the City prior to record of survey recordation. All public improvements, including re-vegetation, public trails and sidewalks, shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
5. The final condominium record of survey shall be recorded at the County within one year of the date of City Council approval. If recordation has not occurred within the one year time frame this approval and the record of survey shall be considered null and void.
6. The CC&R's shall restrict all landscaping and irrigation of common areas shall be limited to the plant materials and water service as indicated on the City approved landscape and irrigation plans. All landscaping and irrigation must comply with the City approved plans.

These plans shall be approved prior to recordation of this plat.


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

PASSED AND ADOPTED this 31st day of October 2002.

PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:

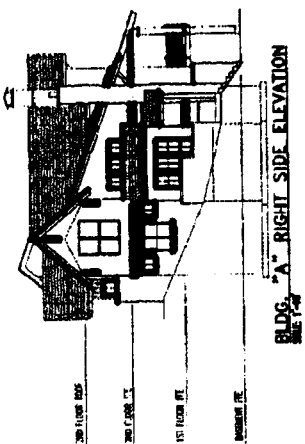



Mark D. Harrington, City Attorney

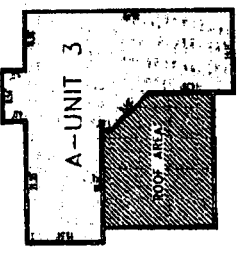


**MCNEIL ENGINEERING
AND LAND SURVEYING**
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
1001 W. UNIVERSITY BLVD., SUITE 100
HOUSTON, TEXAS 77005
713-261-1111

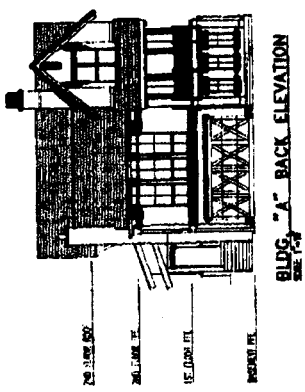
MOORE ENGINEERING & LAND SURVEYING, L.C. CONSULTING ENGINEERS, L.C. ENGINEERING & LAND SURVEYING, L.C. ENGINEERING & LAND SURVEYING, L.C.



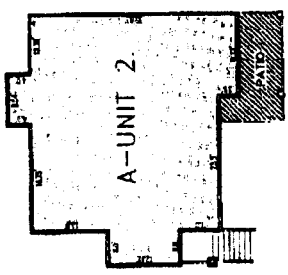
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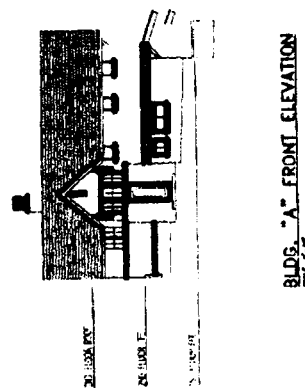
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SCALE 1/8" = 1'-0"



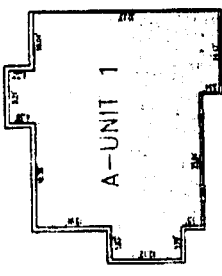
BLDG. "A" BACK ELEVATION
SCALE 1/8" = 1'-0"



FIRST FLOOR PLAN TYP. "A"
SCALE 1/8" = 1'-0"



BLDG. "A" FRONT ELEVATION
SCALE 1/8" = 1'-0"

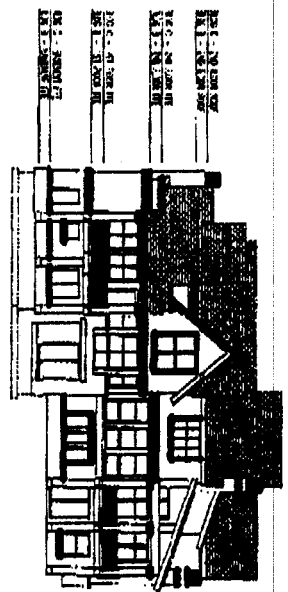


BASEMENT FLOOR PLAN TYP. "A"
SCALE 1/8" = 1'-0"

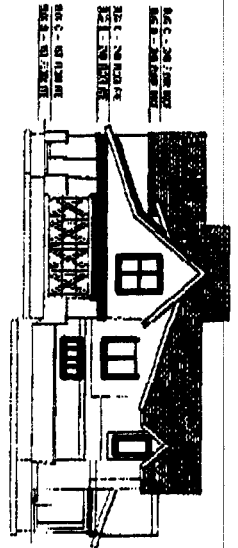
LEGEND

- PRIVATE AREA
- UNITED COMMON AREA

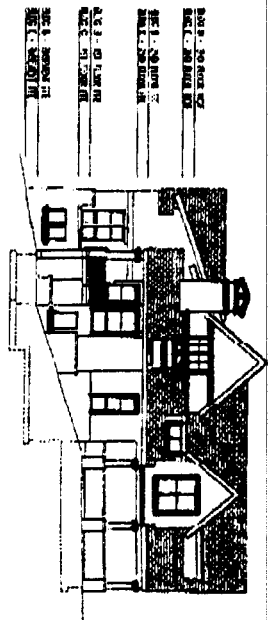
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5	1,000	100%	1,000
6	1,000	100%	1,000
7	1,000	100%	1,000
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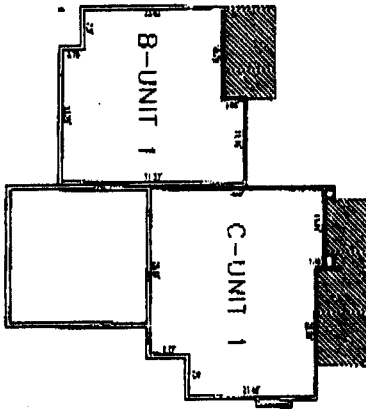
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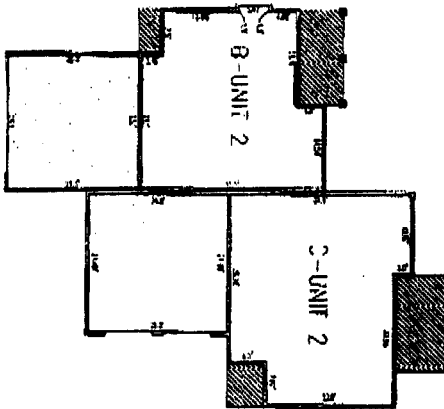
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SCALE: 1/8" = 1'-0"



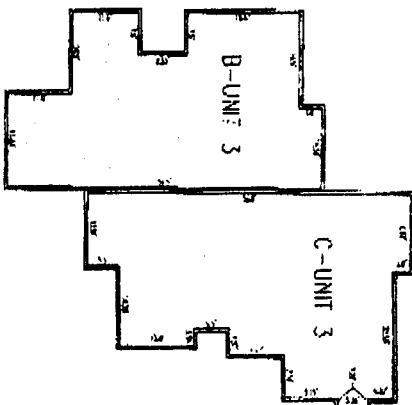
BLDG. "B" & "C" RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



BASEMENT FLOOR PLAN TYP. "B" & "C"
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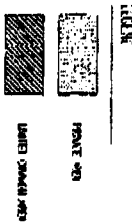
FIRST FLOOR PLAN TYP. "B" & "C"
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2ND FLOOR PLAN TYP. "B" & "C"
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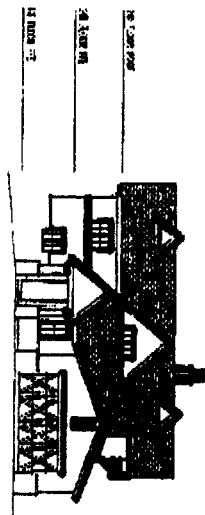
FINISH SCHEDULE

UNIT NO.	DESCRIPTION	FINISH
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6	WALL	PLASTER
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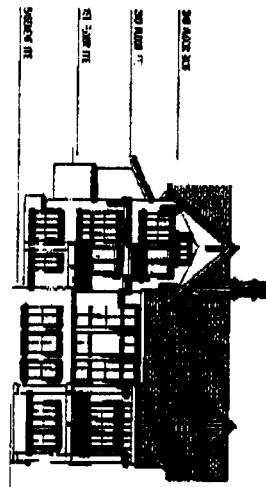


McNEIL ENGINEERING AND LAND SURVEYING
 1000 N. 1000 W. SALT LAKE CITY, UT 84119
 (801) 487-1111
 www.mcneil-engineering.com

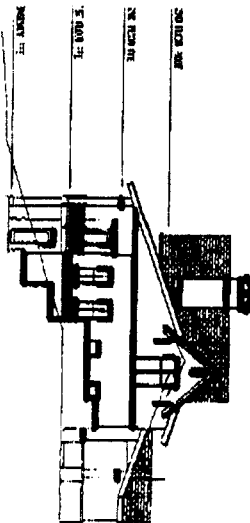
McNEIL ENGINEERING & LAND SURVEYING, L.C. CONSULTING ENGINEERS & LAND SURVEYORS, L.C. ENGINEERING STRUCTURAL, L.C.



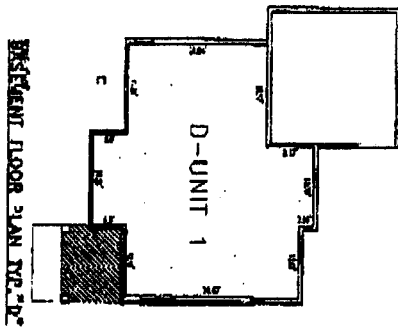
BLOG. "D" FRONT ELEVATION



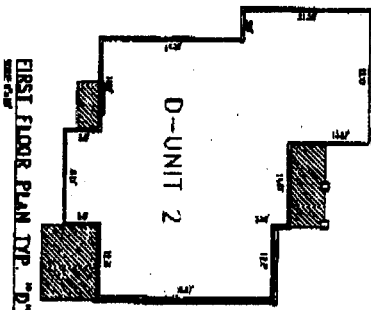
BLOG. "D" BACK ELEVATION



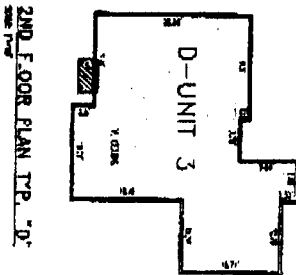
BLOG. "D" RIGHT SIDE ELEVATION



FIRST FLOOR PLAN TYP. "D"



FIRST FLOOR PLAN TYP. "D"



2ND FLOOR PLAN TYP. "D"

UNIT NO.	AREA (SQ. FT.)	PERCENTAGE
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2	1,200	33.33%
3	1,200	33.33%
TOTAL	3,600	100.00%

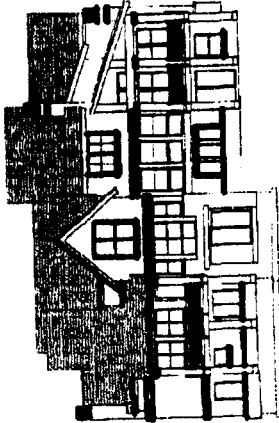
LEGEND

- UNIT COMMON AREA
- COMMON AREA

MONEIL ENGINEERING AND LAND SURVEYING

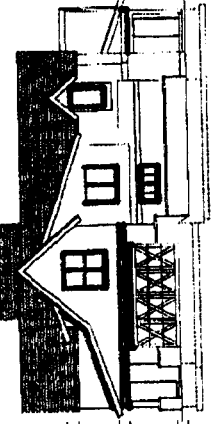
1400 S. 1000 E. SUITE 100
 OGDEN, UT 84403
 (801) 466-1111
 FAX (801) 466-1112
 WWW.MONEIL.COM

McNEIL ENGINEERING & LAND SURVEYING, L.C. CONSULTING ENGINEERING & LAND SURVEYING, L.C. McNEIL ENGINEERING & LAND SURVEYING, L.C.



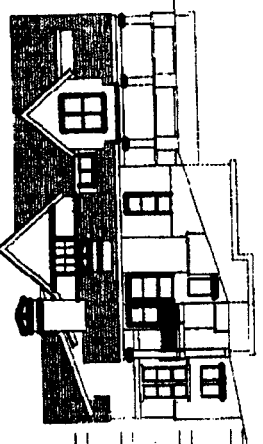
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 CHECKED BY: J. McNEIL
 PROJECT NO.: 02-001

BLDG. "B" & "C" FRONT ELEVATION
 SEE 1049



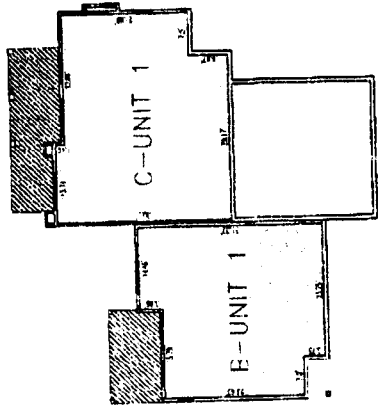
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 DRAWN BY: J. McNEIL
 CHECKED BY: J. McNEIL
 PROJECT NO.: 02-001

BLDG. "B" & "C" BACK ELEVATION
 SEE 1049

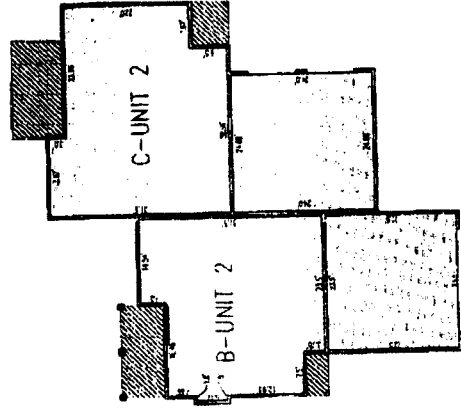


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 DATE: 10/20/02
 DRAWN BY: J. McNEIL
 CHECKED BY: J. McNEIL
 PROJECT NO.: 02-001

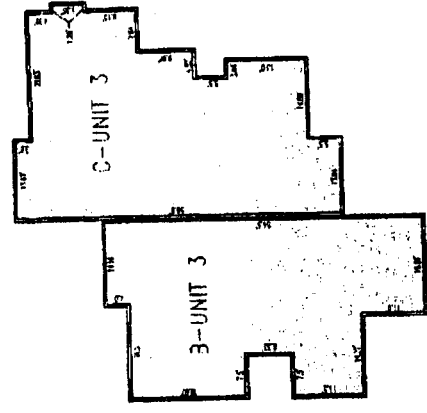
BLDG. "B" & "C" RIGHT SIDE ELEVATION
 SEE 1049



BASEMENT FLOOR PLAN TYP. "B" & "C"
 SEE 1049

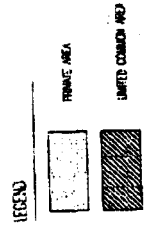


FIRST FLOOR PLAN TYP. "B" & "C"
 SEE 1049



2ND FLOOR PLAN TYP. "B" & "C"
 SEE 1049

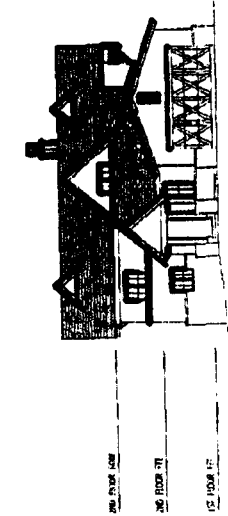
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9	1009	10/20/02	1009
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29	1029	10/20/02	1029
30	1030	10/20/02	1030



McNEIL ENGINEERING AND LAND SURVEYING
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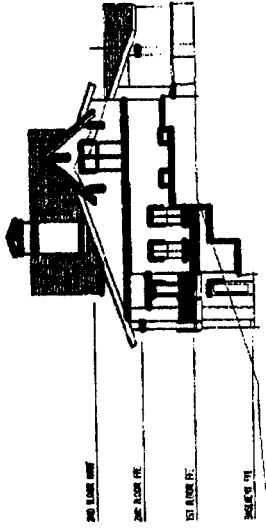
McNEIL ENGINEERING & LAND SURVEYING, L.C. CONSULTING ENGINEERS, L.C. McNEIL ENGINEERING & LAND SURVEYING, L.C. CONSULTING ENGINEERS, L.C.



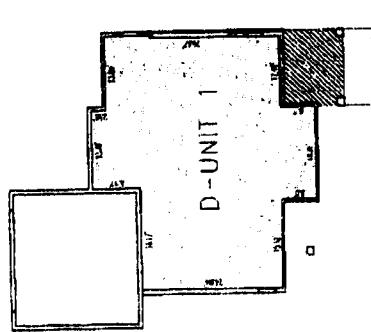
BLDG. "D" FRONT ELEVATION
SCALE 1/8" = 1'-0"



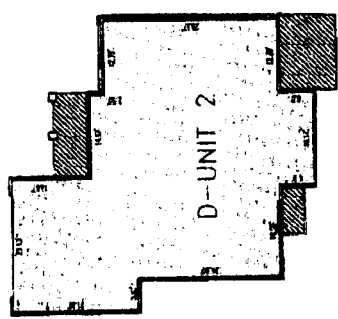
BLDG. "D" BACK ELEVATION
SCALE 1/8" = 1'-0"



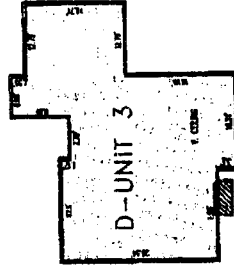
BLDG. "D" RIGHT SIDE ELEVATION
SCALE 1/8" = 1'-0"



BASEMENT FLOOR PLAN TYP. "D"

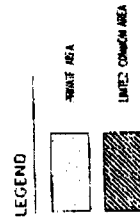


FIRST FLOOR PLAN TYP. "D"



2ND FLOOR PLAN TYP. "D"

UNIT NO.	FLOOR	FINISHED FLOOR ELEVATION	2ND FLOOR
1	1ST FLOOR	0.00	10.00
2	1ST FLOOR	0.00	10.00
3	1ST FLOOR	0.00	10.00
4	1ST FLOOR	0.00	10.00
5	1ST FLOOR	0.00	10.00
6	1ST FLOOR	0.00	10.00
7	1ST FLOOR	0.00	10.00
8	1ST FLOOR	0.00	10.00
9	1ST FLOOR	0.00	10.00
10	1ST FLOOR	0.00	10.00



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Ordinance No. 48-02

AN ORDINANCE AMENDING TITLE 4, CHAPTERS 2 AND 15 OF THE MUNICIPAL CODE, REGULATING FEES AND LICENSING OF FOR-HIRE VEHICLES

WHEREAS, Park City has an interest in promoting public health, safety, and welfare, and

WHEREAS, Park City wishes to protect the right of businesses to operate For-Hire Vehicle services in Park City, and

WHEREAS, proper inspection and licensing of For-Hire Vehicles promotes the public health, safety, and welfare as well as better business practices, and

WHEREAS, City Council has determined that amending the Municipal Code is necessary to ensure proper inspection and licensing,

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

SECTION 1. FINDINGS: The Council finds that:

I. It is in the best interest of the health, safety, and welfare of the citizens of Park City to regulate the licensing of For-Hire Vehicles operating within the City.

SECTION 2. AMENDMENT TO TITLE 4, CHAPTER 2 OF THE MUNICIPAL CODE. Title 4, Chapter 2 is hereby amended by modifying Section 17 as follows:

4- 2-17. REGULATORY AND SERVICE ENHANCEMENT FEES IMPOSED.

There is hereby imposed and levied an annual business license fee on the types of businesses and in the amounts described below in the Business License Fee Schedule:

PARK CITY BUSINESS LICENSE FEE SCHEDULE				
	Service Enhancement Fee		Administrative Fee	
	Rate	Unit of Measure	Rate	Unit of Measure
Ski Resort	\$0.210	Skier Day	\$46.00	License
Lodging	\$15.40	Per Bedroom	\$46.00	License
Restaurant/Retail				

Restaurant	\$0.185	Per Sq. Ft.	\$46.00	Licenses
Outdoor Dining	\$0.052	Per Sq. Ft.	\$46.00	Licenses
Retail	\$0.185	Per Sq. Ft.	\$46.00	Licenses
Large Retail (> 12,000 sq. ft.)	\$0.129	Per Sq. Ft.	\$46.00	Licenses
Office/Other				
Office, Service, Other	\$0.165	Per Sq. Ft.	\$46.00	Licenses
Warehouse	\$0.047	Per Sq. Ft.	\$46.00	Licenses
Resort and Amusement	\$0.828	Per User	\$46.00	Licenses
Miscellaneous				
Taxis, Shuttles, Buses and Limousine Services For-Hire Vehicles	\$30.00 \$75.58	Per Vehicle	\$46.00 \$71.83	Licenses
Other Commercial Vehicles and Trailers	\$6.00	Per Vehicle	\$46.00	Licenses
Employee Based	\$3.00	Per Employee	\$46.00	Licenses
Commercial Vending, Game and Laundry Machines	\$15.00	Per Machine	\$46.00	Licenses

SECTION 2. AMENDMENT TO TITLE 4, CHAPTER 15 OF THE MUNICIPAL CODE. Title 4, Chapter 15 is hereby amended as follows:

CHAPTER 15 - TAXICAB AND SHUTTLE FOR-HIRE VEHICLE LICENSING

4-15- 1. DEFINITIONS.

All words and phrases used in this Chapter shall have the following meanings unless a different meaning clearly appears from the context:

(A) **CERTIFICATE OF INSPECTION.** The form pursuant to §4-15-5 certifying the ~~taxicab or shuttle~~ For-Hire Vehicle has passed all requirements established in the Park City Vehicle Inspection Checklist. Park City will accept a current Salt Lake City Vehicle Inspection Checklist in lieu of a Certificate of Inspection.

(B) **CONTINUING TRIP.** Any round trip service prepaid for the same calendar day originating outside of Park City limits.

(C) **FARE.** The consideration or charge for hire of a ~~taxicab~~ For-Hire Vehicle to provide service for ~~deliver~~a passenger within Park City. ~~zones determined by each taxi company.~~ Consideration may include non-cash value such as participating in a commercial promotional activity such as viewing real estate or timeshare information, merchandise or art display, or display of movies, videos, or DVDs within or on a Vehicle in exchange for the passenger delivery. (Ord. 00-60)

~~(D) SHUTTLE. A vehicle that travels between fixed locations for a set or predetermined fare.~~

(D) **FOR-HIRE VEHICLE.** A vehicle used to transport passengers for a fee. For-Hire Vehicles include shuttles, taxicabs, limousines, or similar vehicles used for the purposes outlined in this chapter.

(E) **SHUTTLEFOR-HIRE VEHICLE BUSINESS LICENSE.** A Park City business license issued by Park City authorizing the licensee thereof to conduct a ~~shuttle~~For-Hire Vehicle business.

(F) **FOR-HIRE VEHICLE DRIVERS LICENSE.** The permission granted by the State through the issuance of a Z endorsement for a person to drive a For-Hire Vehicle having less than fifteen passengers including the driver.

(FG) **SHUTTLE FOR-HIRE VEHICLE STICKERS.** A Stickers issued by the City indicating that the owner of the vehicle has met all requirements to obtain a business license from the City to conduct a For-Hire Vehicle business.

~~(G) TAXICAB. A vehicle used to transport passengers for a Fare. These vehicles must meet the requirements of this Chapter. (Ord. 00-60)~~

~~(H) TAXICAB BUSINESS LICENSE. A Park City business license issued by Park City authorizing the licensee thereof to conduct a taxicab business.~~

~~(I) TAXICAB DRIVERS LICENSE. The permission granted by the State through the issuance of a Z endorsement for a person to drive a taxicab or shuttle having less than fifteen passengers including the driver.~~

~~(J) TAXICAB STICKERS. Stickers issued by the City indicating that the owner of the vehicle has met all requirements to obtain a business license from the City.~~

(H) **SHUTTLE.** A vehicle that travels between fixed locations for a set or predetermined Fare.

(I) **TAXICAB.** A vehicle used to transport passengers for a Fare.

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

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

(B) No person shall operate or permit a ~~taxicab~~ For-Hire Vehicle owned or controlled by such person to be operated as a vehicle for hire upon the streets of Park City without first having obtained commercial transportation insurance coverage for at least \$1,500,000.00 per vehicle. Proof of this commercial insurance shall be required ~~upon~~ prior to -the issuance of the ~~taxicab~~ For-Hire Vehicle -permit.

(C) No person shall operate or permit a ~~taxicab~~ For-Hire Vehicle ~~For-Hire Vehicle~~ owned or controlled by such person to be operated as a vehicle for hire upon the streets of Park City without first having obtained a eCertificate of inspection.

(D) All vehicles that have been licensed by the City shall be ~~issued~~ issued one ~~two~~ a For-Hire Vehicle stickers that shall be used as an identifying markings. ~~One of~~ ~~†The taxicab For-Hire Vehicle stickers is to~~ must be placed on the ~~back~~ bottom left corner of the rear widow of the vehicle on the drivers side., ~~below the window and above the bumper.~~ The ~~other taxicab sticker is to be placed in the center of the drivers door below the window.~~ These ~~stickers~~ For-Hire Vehicle sticker shall be issued by the City and the numbers on the sticker shall correspond to the numbers on the business license.

(E) All ~~taxicab~~ For-Hire Vehicles shall have in the driver's possession a copy of the current eCertificate of inspection or ~~AVI inspection certificate~~ a Salt Lake City Corporation Vehicle Inspection Checklist, a copy of the business license, proof of insurance as required in §4-15-2(B), and the driver shall have a "Z" of or "P" Endorsement on their Utah State drivers License. Failure to produce any of this information may result in the issuance of a citation.

(F) For the purpose of this section, the term "operate for hire upon the streets of Park City" shall not include the transporting, by a ~~taxicab~~ For-Hire Vehicle properly licensed in a jurisdiction outside the corporate limits of the City, of a passenger or passengers for hire where a trip shall originate with the passenger or passengers being picked up outside the corporate limits of the City and where the destination is either within or beyond the City corporate limits. The term "operate for hire upon the streets of Park City" means and shall include the soliciting or picking up of a passenger or passengers within the corporate limits of the City, whether the destination is within or outside of the corporate limits of the City.

(G) All office space must comply with the Park City Land Management Code.

4-15- 3. REQUIREMENTS FOR SHUTTLE OPERATION:

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

~~(B) No person shall operate or permit a shuttle owned or controlled by such person to be operated as a vehicle for hire upon the streets of Park City without first having obtained commercial transportation insurance coverage for at least \$1,500,000.00 per vehicle if the shuttle seating capacity is fifteen (15) or less including the driver. If the vehicle seats sixteen (16) or more passengers, the owner is to provide proof of commercial transportation insurance coverage for at least \$5,000,000.00 per vehicle. Proof of insurance shall be required upon the issuance of a shuttle business license.~~

~~(C) No person shall operate or permit a shuttle owned or controlled by such person to be operated as a vehicle for hire upon the streets of Park City without first having obtained a certificate of inspection.~~

~~(D) All vehicles that have been licensed by the City shall be issued one two stickers that shall be used as an identifying markings. One of tThe shuttle stickers is to be placed on the back of their vehicle, on the drivers side, below the window and above the bumper. The other shuttle sticker is to be placed in the center of the drivers door below the window. These stickers shall be issued by the City and the numbers on the sticker shall correspond to the numbers on the business license. If no sticker is displayed, it is prima facie evidence that no license was issued.~~

~~(E) All shuttle drivers shall have in the drivers possession a copy of the current certificate of inspection of AVI inspection certificate, a copy of the business license, proof of insurance as required in §4-15-3(B). Failure to produce any of this information may result in the issuance of a citation.~~

~~(F) For the purpose of this section, the term "operate for hire upon the street of Park City" shall not include the transporting, by a shuttle properly licensed in a jurisdiction outside the corporate limits of the City, of a passenger or passengers for hire where a trip shall originate with the passenger or passengers being picked up outside of the corporate limits of the City and where the destination is either within or beyond the City corporate limits. The term "operate for hire upon the streets of Park City" means and shall include the soliciting or picking up of a passenger or passengers within the corporate limits of the City, whether the destination is within or outside of the corporate limits of the City. This section allows a shuttle service to complete continuous trip service provided the service origination is outside of Park City Limits.~~

~~(G) All office space must comply with the Park City Land Management Code, Title 15.~~

4-15- 43. FEES.

No ~~taxicab or shuttle~~ For-Hire Vehicle business license shall be issued or continued in operation unless the licensee thereof has paid an annual business regulatory fee established by the Park City Fee Resolution. Such fees shall be in addition to any other fees or charges established by proper authority and applicable to the licensee of the vehicle or vehicles under the licensee's operation and control.

4-15- 54. TAXICAB AND SHUTTLE FOR-HIRE VEHICLE PERMITS FOR ALL VEHICLES AUTHORIZED UNDER BUSINESS.

(A) A licensee is required to have the total number of vehicles authorized under such licensee's business license to obtain the ~~taxicab and shuttle stickers~~ For-Hire Vehicle sticker required by §4-15-2 and ~~§ 4-15-3~~ of this title, or its successor, for each and every vehicle.

~~(B) Nothing contained herein shall prohibit a licensee from having vehicles in excess of the number authorized under such licensee's certificate for the purpose of replacement or substitution of an authorized vehicle under repair, maintenance or breakdown; provided, however, any such vehicle shall not be used as a taxicab or shuttle other than as a replacement or substitution as herein provided.~~

4-15- 65. VEHICLE INSPECTION PRIOR TO LICENSING.

(A) Prior to the use and operation of any vehicle under the provisions of this Chapter, the vehicle shall be thoroughly examined by a State Inspection Certified Mechanic and issued a eCertificate of Inspection by the City's Business License clerk.

~~(B) All taxicabs and shuttles~~ For-Hire Vehicles shall ~~have~~ pass an annual inspection by a State Inspection Certified Mechanic to insure the cleanliness and safety of each vehicle issued a taxicab or shuttle sticker.

(C) The inspection criteria shall be printed on the Vehicle Inspection Checklist and shall be completed by a State Inspection Certified Mechanic. The vehicle shall be thoroughly examined and upon successful completion of the inspection shall be issued a completed Certificate of Inspection by the City.

(D) A copy of a current ~~AVI inspection~~ Salt Lake City Corporation Vehicle Inspection Checklist shall fulfill the City's requirements for a eCertificate of Inspection.

4-15- 76. LICENSE REQUIRED FOR OPERATORS.

It is unlawful for any person to operate a ~~taxicab or shuttle for hire~~ For-Hire Vehicle upon the streets of the City without having first obtained and having then in force a valid taxicab driver's license endorsement or CDL class C driver's license with a P endorsement issued by the state, under the provisions of this Chapter.

4-15- 87. COMPLIANCE RESPONSIBILITY.

The licensee shall not be relieved of any responsibility for compliance with the provisions of this Chapter, whether the licensee leases or rents ~~or rents taxicabs or shuttles~~ For-Hire Vehicles to drivers, or whether the licensee pays salary, wages or any other form of compensation.

4-15- 98. UNLICENSED OPERATOR UNLAWFUL.

It is unlawful for any person to drive a ~~taxicab or shuttle~~ For-Hire Vehicle for a fee without a valid Utah State driver's license ~~issued~~ as required under the provisions of this Chapter.

4-15-109. STATE MOTOR VEHICLE ENDORSEMENT OR COMMERCIAL DRIVERS LICENSE REQUIRED.

(A) Before any application is finally passed upon by the Finance Manager, the applicant shall be required to show that such applicant has a current motor vehicle Z endorsement issued by the state authorizing the transportation of fifteen (15) or less passengers including the driver.

(B) A ~~shuttle~~ For-Hire Vehicle that seats sixteen (16) or more passengers shall require the driver to have a valid CDL license with a Class C or a P endorsement.

4-15-1110. COMPLIANCE WITH CITY, STATE AND FEDERAL LAWS.

Every driver licensed under this Chapter shall comply with all city, state and federal laws. Failure to do so may result in the suspension or revocation of a business license by the City.

4-15-1211. IDENTIFYING DESIGN.

(A) Each ~~taxicab and shuttle~~ For-Hire Vehicle shall bear on the outside of each rear or front door, in painted letters not less than five-sixteenths inch (5/16") stroke and more than two and one quarter inches (2¼") in height, the name of the licensee and the company number, which number shall also be painted or placed on the rear of the taxicab.

(B) The identifying design shall be permanent. The use of magnetic or removable signs is prohibited.

(C) A City representative will inspect each vehicle at the time of licensing or license renewal to ensure compliance with this section. The City representative will then witness the application of the For-Hire Vehicle sticker.

4-15-1312. DISPLAY OF ADDITIONAL CHARGES.

All rates to be charged for the use of a ~~taxicab or shuttle~~ For-Hire Vehicle shall be posted on the inside of the vehicle in such a manner as to be plainly visible to all passengers.

4-15-1413. RECEIPTS FOR PAYMENT OF FARE.

The driver of any ~~taxicab or shuttle~~ For-Hire Vehicle shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by specially prepared receipt, on which shall be the name of the owner, business license number, amount of charges, and date of transaction.

4-15-1514. HIRING VEHICLE WITH INTENT TO DEFRAUD.

It is unlawful to any person to hire any vehicle defined in this Chapter with intent to defraud the person from whom it is hired of the value of such service.

4-15-1615. REFUSING TO PAY LEGAL FARE.

It is unlawful for any person to refuse to pay immediately the legal fare of any of the vehicles mentioned in this Chapter after having the same.

4-15-1716. DIRECT ROUTE REQUIRED.

Any ~~taxicab~~ For-Hire Vehicle driver employed to carry a passenger to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his or her destination, unless otherwise directed by the passenger.

4-15-1817. PROHIBITED SOLICITATION PROCEDURES.

(A) No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

(B) The driver of any ~~taxicab or shuttle~~ For-Hire Vehicle shall remain in the driver's compartment or immediately adjacent to their vehicle at all times when such vehicle is upon the public streets. The driver of a ~~taxicab or shuttle~~ For-Hire Vehicle is permitted to leave the driver's compartment when actively aiding passengers in loading or unloading the vehicle.

4-15-1918. SOLICITATION OF HOTEL BUSINESS PROHIBITED.

It is a violation of this Chapter for any driver of a ~~taxicab~~ For-Hire Vehicle to solicit business for any hotel, motel or other nightly lodging business, or to attempt to divert patronage from one hotel, motel or other nightly lodging business to another.

4-15-2019. ENGAGING IN LIQUOR OR PROSTITUTION TRAFFIC PROHIBITED.

It is unlawful for any ~~taxicab or shuttle~~ For-Hire Vehicle driver to sell intoxicating liquor or to knowingly transport persons for the purpose of buying liquor unlawfully, or to solicit business for any house of ill repute or prostitute. It is also unlawful for any ~~taxicab~~ For-Hire Vehicle driver to permit any person to occupy or use his or her vehicle for the purpose of prostitution, lewdness or assignation, with knowledge or reasonable cause to know that the same is or is to be used for such purposes, or to direct, take or transport, or offer or agree to direct, take or transport any person to any building or place, or to any other person, with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation.

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

PASSED AND ADOPTED this 31st day of October, 2002.

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. 02-47

AN ORDINANCE AMENDING SECTION 15-4-14 OF THE LAND MANAGEMENT CODE, THE TELECOMMUNICATIONS ORDINANCE

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 telecommunications applications and the community has clear notice of the Telecommunications Ordinance standards; and

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

WHEREAS, the Planning Staff has considered standards in other resort communities and input from the Planning Commission and business community in recommending these changes to the Telecommunications Ordinance;

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

SECTION 1. AMENDMENT TO SECTION 15-4-14 OF THE PARK CITY MUNICIPAL CODE The language in Section 15-4-14(Q) of the Land Management Code is hereby eliminated:

~~(Q) **Olympic Telecommunications Facilities.** The regulations contained in this Subsection shall govern the use, installation, maintenance, and removal of temporary Telecommunications Facilities associated with the 2002 Olympic Winter Games. All applications for temporary Telecommunications Facilities not associated with the 2002 Olympic Winter Games shall be governed by Subsection 8.30(o).~~

~~1. **Purpose.** Park City recognizes that due to the influx of organizers, sponsors, competitors, and visitors associated with the 2002 Olympic Winter Games, Telecommunications companies require the use of temporary Telecommunications Facilities to meet increased demand. Park City also recognizes that the demand for increased coverage, as well as necessary set-up and take-down time, far exceeds the permitted time limit for temporary Telecommunications Facilities as described in Subsection 8.30(o). The purpose of this Subsection is to accommodate the unique increase in demand for Telecommunications associated with the 2002 Winter Olympic Games for a reasonable period of time, and to ensure that such temporary Telecommunications Facilities are compatible~~

with the unique characteristics of each zoning district of Park City. This Subsection further intends to ensure that any adverse impacts on community quality and safety are temporary and mitigated to the greatest extent possible.

2. **Definitions.** As used in this section, the following terms shall be defined as follows:
 - a. "Cell on Wheels," or "COW" means a mobile temporary Telecommunications Facility which is located on a trailer.
 - b. "City Park" means the City Park located at 1354 Park Avenue.
 - c. "Olympic Telecommunications Facility" means a temporary Telecommunications Facilities associated with the 2002 Winter Olympic Games.

3. **Submittal Requirements.** A complete application for an Olympic Telecommunications Facility shall include all requirements as stated within the Olympic Telecommunications Facility Application available in the Community Development Department, as well as the following:
 - a. Each applicant shall present documentary evidence regarding the need for additional capacity within the City. This information shall identify the applicant's existing Telecommunications Facilities and coverage areas to demonstrate the need for the proposed Telecommunications Facility within the City; and
 - b. A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed Telecommunications Facility and indicating its view from at least five locations around and within one mile of the proposed Telecommunications Facility will be most visible.

4. **Administrative Review.** All applications for Olympic Telecommunications Facilities shall be administratively reviewed and either approved or denied by Community Development Staff, subject to the criteria provided below. At the applicant's option, any application that is denied for noncompliance with the administrative review criteria may be reviewed by the Planning Commission pursuant to the Land Management Code Section 8.30.

5. **Administrative Review Criteria.** The intent of these criteria is to locate Olympic Telecommunications Facilities where they are least visible from public streets, public areas, and designated view corridors, and to the greatest extent possible, provide screening from adjacent property owners:
 - a. Rights of Way. No Olympic Telecommunications Facility shall be

located wholly or in part within any right of way, either public or private. No Olympic Telecommunications Facility shall be located in a manner that impedes vehicular, pedestrian, or other traffic in any way.

- ~~b. Setbacks. Olympic Telecommunications Facilities shall comply with the setbacks of the underlying zone as stated in the Land Management Code. Olympic Telecommunications Facilities shall comply with the setbacks for main structures and shall not be determined accessory structures.~~
- ~~c. Height. Olympic Telecommunications Facilities shall comply with the base height requirements, as stated in Title 15 of the Land Management Code, for the zone in which it is placed. The height shall be measured from the grade or roof beneath to the top of the Antenna or mounting hardware, whichever is higher. The following exemptions shall apply:
 - ~~i. Antenna, placed on a flat roof, may extend up to ten (10) feet above the existing structure, provided that the Antenna setback from the edge of the roof is a minimum distance equal to or greater than the height of the Antenna.~~
 - ~~ii. Roof Mounted Antenna, placed on a pitched roof, shall not extend up to five (5) feet above the existing structure.~~
 - ~~iii. Freestanding Antenna may exceed up to 30% of the base height of the zone when a majority of the facility and support structure is not visible from the right-of-ways by either existing vegetation or by the surrounding structures.~~~~
- ~~d. Design.
 - ~~i. Mechanical Equipment located outside of an existing building shall be secure and screened to prevent tampering. In cases where the Mechanical Equipment is visible from the right-of-ways or is adjacent to a pedestrian walkway, the equipment must be screened by a wood fence, or other appropriate material.~~
 - ~~ii. Antenna and associated equipment placed on existing structures shall incorporate materials and colors present in the context of the surrounding area.~~~~
- ~~e. Site Circulation. The location of the Temporary Facility shall not impede the traffic and/or pedestrian circulation of the site. The location of the Olympic Telecommunications Facility shall not cause the removal of any existing parking spaces, nor compromise parking, trash containers, deliveries or emergency access to adjacent structures or uses.~~

~~f. **Site Disturbance.** The Olympic Telecommunications Facility shall leave no lasting impacts on access to the site nor on the site where the facility was located, such as removal or disturbance of vegetation or soil. Upon removal of the Olympic Telecommunications Facility, the applicant shall return the site to its natural and/or original condition on the date of infrastructure permit approval.~~

~~g. **Zoning Restrictions.**~~

~~i. Olympic Telecommunications Facilities in the HRC, HGB, HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, RM, Frontage Protection Zone, and POS zones are required to be reviewed pursuant to Section 8.30(F) of the Land Management Code. Olympic Telecommunications Facility are additionally to be reviewed pursuant to Section 8.30(F) of the Land Management Code in the ROS zone, except for the south end of City Park.~~

~~ii. Olympic Telecommunications Facilities are permitted to be reviewed pursuant to Section 8.30(Q) within the RDM, GC, LI, RD and RC zones.~~

~~h. **Signs.** No signs may be attached to or associated with Olympic Telecommunications Facility except those relating to the health and safety of the general public.~~

~~6. **Exemptions.** Those Olympic Telecommunications Facilities located within the Olympic Venue areas at Deer Valley Resort and Park City Mountain Resort, which have received approval from the Salt Lake Organizing Committee (SLOC) regarding location within the venue fence, are permitted.~~

~~7. **Permits.** Approved Olympic Telecommunications Facility will receive three permits from the Community Development Department~~

~~a. **Conditional Use Permit.**~~

~~b. **Infrastructure Permit.** The infrastructure plan for the site shall be reviewed and approved or denied through an Engineering Department Permit prior to installation. Infrastructure permits shall specify a date not earlier than _____ upon which the applicant may begin infrastructure construction. This permit shall be separate and distinct from the Building Permit for the installation of the Antenna, Equipment Shelter, and any other non-infrastructure related components of the Olympic Telecommunications Facility~~

~~c. **Antenna Installation Permit.** No Antenna, Equipment Shelter, or any other non-infrastructure related components of the Olympic~~

Telecommunications Facility shall be installed without first receiving approval of a Building Permit. No antenna installation permit for Olympic Telecommunications Facilities shall be granted prior to October 1, 2001.

8. ~~**Olympic Telecommunications Facility Removal.** All conditional use permits for Olympic Telecommunications Facilities shall specify a date upon which the applicant must complete removal of the Olympic Telecommunications Facility, including infrastructure. The Community Development Department shall determine the removal date taking into consideration the location of the site and any possible environmental factors effecting the removal process. Removal of the Olympic Telecommunications Facility shall include returning the site to its natural and/or original condition at the date of infrastructure permit approval. The applicant shall be solely responsible for the removal of Olympic Telecommunications Facility by the date specified in the CUP. If such facility is not removed by the property owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the facility, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.~~

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

PASSED AND ADOPTED this 17th day of October, 2001.

PARK CITY MUNICIPAL CORPORATION




Mayor Dana Williams

Attest:

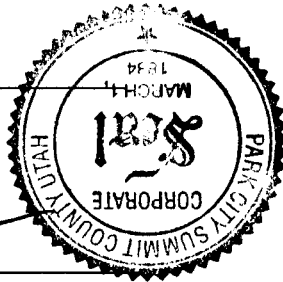


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 02-46

AN ORDINANCE APPROVING A PLAT AMENDMENT FOR THE PROPERTY LOCATED ON LOTS 13 AND 20 OF BLOCK 10 OF THE PARK CITY SURVEY, 447 MAIN STREET.

WHEREAS, the owner, Jessie Shelter, of the property known as 447 Main Street, has petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on October 9, 2002 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 one old town lot and a portion of another 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. The HCB zone is characterized by a mix of small historic commercial structures and larger contemporary commercial structures both types with retail, office and nightly rental uses.
4. The amendment will combine all of lot 13 and the easterly ten feet of lot 20 in Block 10 of the Park City Survey into one (1) platted lot.
5. The proposed lot size is 2,125 square feet.
6. The rear 10 feet of the property, the easterly ten feet of lot 20, is located in the HR-2 zone.
7. The front 75 feet of the property is located in the HCB zone.
8. The rear yard setback for any structure in the HR-2 zone is ten (10) feet.
9. The rear yard setback for any structure in the HCB zone is zero (0) feet.
10. There is an existing historic commercial structure on the property.
11. The existing historic structure straddles lots 13 and 20 of block 10 of the Park City Survey.
12. The existing historic structure is a legal non-complying structure as it does not

- meet the minimum rear yard setback requirements of the HR-2 zone.
13. Any addition to the historic structure within the HR-2 zone would constitute an enlargement of a legal non-complying structure and therefore, is prohibited by LMC chapter 9.
 14. The applicant has agreed not to increase the amount of non-conformance on the lot, by proposing that all construction be contained within the section of the building located in the HCB zone.
 15. No remnant lots will be created as a result of this application.
 16. Minimal construction staging area is available along Main Street.
 17. This application was reviewed by the Planning Commission on October 9, 2002.
 18. The Planning Commission forwarded a positive recommendation to the City Council on October 9, 2002.

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 proposed subdivision plat attached as Exhibit A is hereby adopted with 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 the Historic District Design Guidelines.
3. No plans for improvements to the existing structure shall be approved by the Community Development Department which increase the degree of existing non-compliance on the lot unless the applicant receives either a special exception or variance from the Board of Adjustment.
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 years time, this approval and the plat will be void.
6. A note shall be added to the plat stating that no public occupation of the expanded storage area shall be permitted as part of the historic structure renovation.
7. No pedestrian access unless required by the Chief Building Official, or employee

parking for the building is allowed off of Park Avenue.

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

PASSED AND ADOPTED this 17th day of October, 2002.

PARK CITY MUNICIPAL CORPORATION

Dana Williams

Dana Williams, Mayor

Attest:

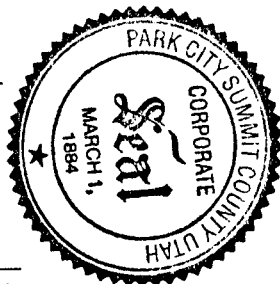
Janet M. Scott

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington

Mark D. Harrington, City Attorney



Ordinance No. 02-45

**AN ORDINANCE AMENDING THE RECORD OF SURVEY PLAT FOR THE LAKESIDE
CONDOMINIUMS LOCATED AT 1641 LAKESIDE DRIVE
PARK CITY, UTAH**

WHEREAS, the owner of the property known as 1641 Lakeside Drive, has petitioned the City Council for the approval of an amendment to record of survey 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 August 14, 2002 the Planning Commission held a public hearing to receive public input on the proposed amendment to the record of survey plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed amendment to the record of survey plat allows the property owner to convert existing common ownership area to private ownership; 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 project known as Lakeside Condominiums is located at 1641 Lakeside Circle and is zoned RD-MPD, and is identified as unit #1641.
2. The applicant is proposing to raise the roof of Unit #1641 by three (3) feet and convert the area from common ownership to private ownership.
3. The proposed amended record of survey changes the type of ownership of the area in question from common area to private area.
4. An approval letter for the amendment was received from the members of the Homeowners Association.
5. The existing unit is approximately 3,500 square feet in size.
6. The conversion of common area to private ownership will add approximately 150 square feet to the unit for a total of 3,650.
7. The proposed application will allow for the conversion of a storage area to livable space.
8. The parking requirement for multi-unit dwellings stipulates that any unit above 2,500 square feet requires three parking spaces.
9. The existing unit has three parking spaces.
10. The additional square footage will not require additional parking.
11. The proposal will not decrease the amount of open space on the property to a level below 60%.

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.
3. Neither the public nor any person will be materially injured by the proposed amendment to the record of survey.
4. Approval of the this application, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

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 recordation of the plat.
2. The applicant will record the application 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. All other conditions of approval of the Lakeside Condominium project continue to apply.
4. Converted Private area cannot be used to create a lockout unit.

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

PASSED AND ADOPTED this 3rd day of October, 2002.

PARK CITY MUNICIPAL CORPORATION



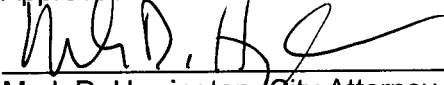
Dana Williams, Mayor

Attest:

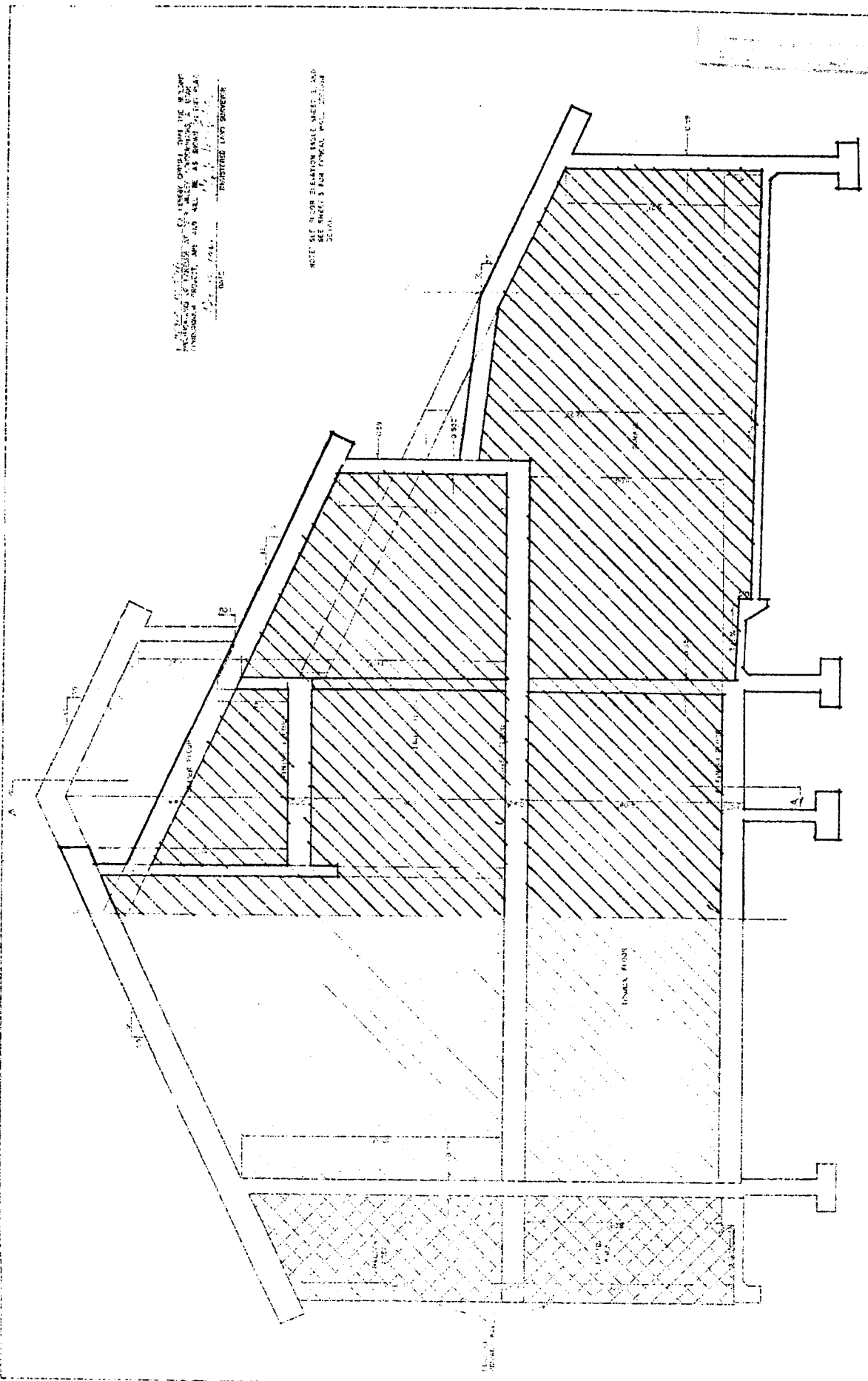


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



NOTE: SEE ROOM ELEVATION TABLE SHEET 1 AND
SEE SHEET 3 FOR FINISH WALL SECTION.

REGISTERED CIVIL ENGINEER

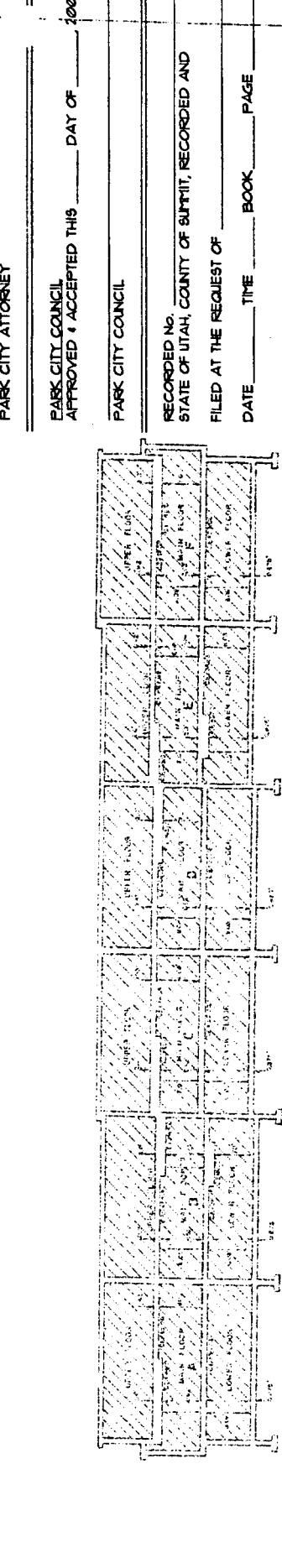
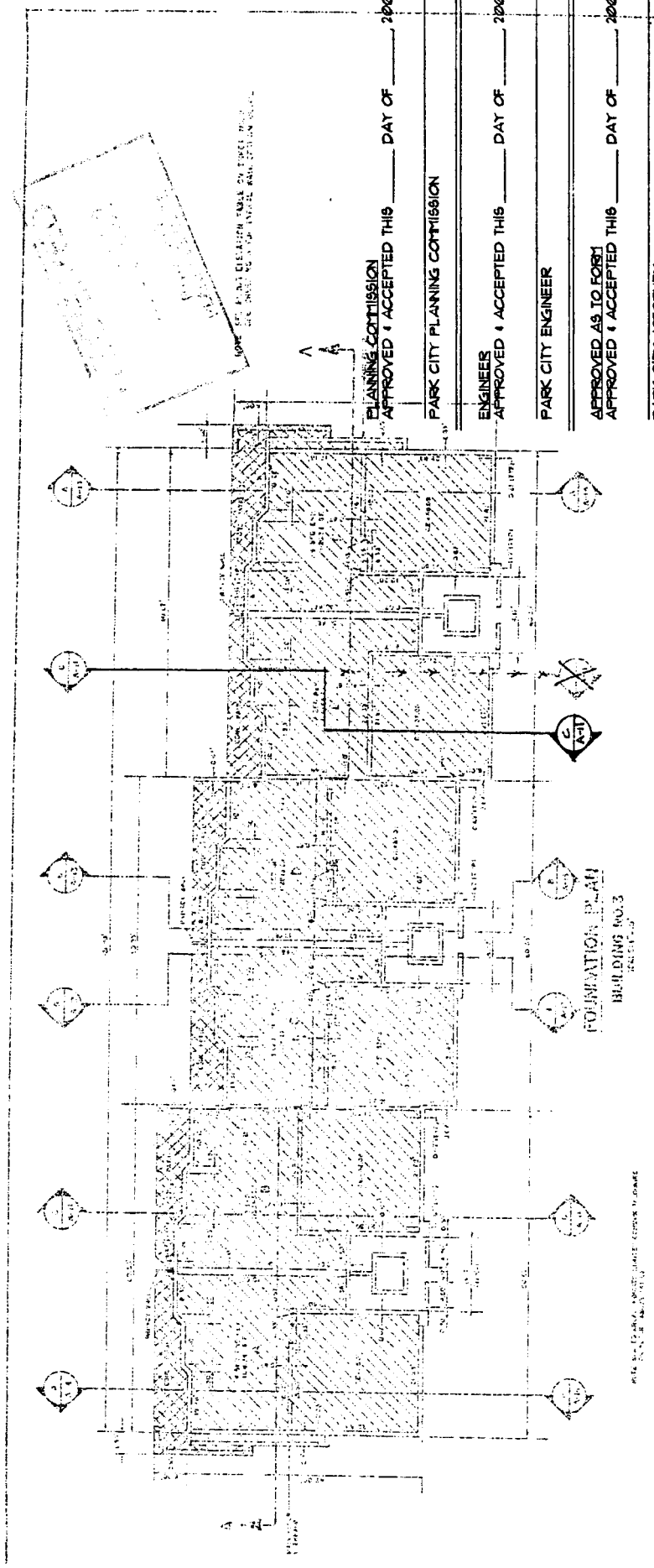
C BUILDING SECTION THRU TWO BEDROOMS UNIT
SCALE 1/8" = 1'-0"

P/S

P/S ASSOCIATES, INC.
ENGINEERS AND ARCHITECTS
300 WEST 10TH AVENUE
DENVER, COLORADO 80202

SHEET NO. 17
19

PROJECT NO. 159016
DATE: 10/15/78
DRAWN BY: [Signature]



PLANNING COMMISSION APPROVED & ACCEPTED THIS _____ DAY OF _____, 2002.

PARK CITY PLANNING COMMISSION

ENGINEERS APPROVED & ACCEPTED THIS _____ DAY OF _____, 2002.

PARK CITY ENGINEER

APPROVED AS TO FORM APPROVED & ACCEPTED THIS _____ DAY OF _____, 2002.

PARK CITY ATTORNEY

PARK CITY COUNCIL APPROVED & ACCEPTED THIS _____ DAY OF _____, 2002.

PARK CITY COUNCIL

RECORDED NO. _____ STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF _____

DATE _____ TIME _____ BOOK _____ PAGE _____

FEE \$ _____ SUMMIT COUNTY RECORDER

SECTION A-A

DATE: 10/15/02

BY: [Signature]

FOR: [Signature]

P/S ASSOCIATES, INC.
ENGINEERS AND ARCHITECTS
1000 WEST 1000 SOUTH
SALT LAKE CITY, UTAH 84119
TEL: 325-1111 FAX: 325-1112

PROJECT NO. 02-0016
DATE: 10/15/02
DRAWN BY: [Signature]

Ordinance No. 02-44

AN ORDINANCE APPROVING A PLAT AMENDMENT TO RELOCATE THE LOT LINE BETWEEN LOTS 100 AND 119 (2197 LITTLE BESSIE AVENUE) IN THE PROSPECTOR VILLAGE SUBDIVISION, IN PARK CITY, UTAH, FIFTEEN FEET (15') TO THE WEST.

WHEREAS, owners of the property known as 2197 Little Bessie Avenue, 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 September 25, 2002 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

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

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

SECTION 1. 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 applicants, owners of lot 119 in the Prospector Village Subdivision, propose to purchase a fifteen foot (15') section of land from their neighbor to the west (lot 100, Prospector Village Subdivision).
2. Homes exist on both lot 119 and lot 100. The house on lot 100 is currently 40' from the eastern lot line and 49' from the applicant's home.
3. The Park City Land Management Code requires a five foot (5') side yard setback in the Prospector Village Subdivision.
4. To prevent construction in this area, and to provide themselves with a larger side yard, the applicants would like to relocate the lot line between the two homes.
5. The new lot line, as proposed, will be located 25' from the house on lot 100 and 24' from the applicant's house.
6. A ten foot (10') non-exclusive utility easement exists along the original lot line (5' on each side). This easement will remain in place, and will prevent improvements in this area. The continuation of this easement will be included as a condition of approval and added as a note to the plat.
7. This application was reviewed by the Planning Commission on September 25, 2002, at which time a recommendation to approve the application was forwarded. A public hearing was held and no input was received.
8. Compliance with the Prospector Soils Covering and Landscape Maintenance Ordinance is necessary for the health, safety, and welfare of the general public.

Conclusions of Law:

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

Conditions of Approval:

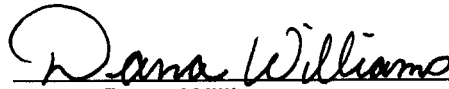
1. City Attorney and City Engineer review and approval of the final form and content of the plat

- for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The existing, platted ten foot (10') utility easement will be maintained in its current location. A note shall be shown on the amended prohibiting the owners from interfering with this easement in any way.
 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 years time, this approval and the plat will be void.
 4. Prior to plat recordation, the owners shall obtain a new certificate of compliance with the Prospector Soils Ordinance.

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

PASSED AND ADOPTED this 3rd day of September, 2002.

PARK CITY MUNICIPAL CORPORATION



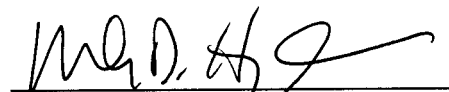
Mayor Dana Williams

Attest:

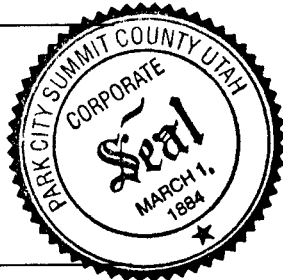


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 02-43

AN ORDINANCE APPROVING 201 HEBER AVENUE SUBDIVISION TO COMBINE A PORTION OF LOT 8, ALL OF LOTS 9 THROUGH 13, AND A PORTION OF LOT 14 OF BLOCK 50 OF THE PARK CITY SURVEY, INTO ONE (1) LOT OF RECORD LOCATED AT 201 HEBER AVENUE, PARK CITY, UTAH

WHEREAS, the owner of a portion of Lot 8, all of Lots 9 through 13, and a portion of Lot 14 of Block 50 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 September 11, 2002, to receive input on the proposed subdivision;

WHEREAS, the Planning Commission, on September 11, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 26, 2002, 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 Recreational Commercial (HRC), Heber Avenue Sub-zone.
3. An existing flume easement traverses Lots 8 & 9.
4. The existing building is a non-complying historic structure.
5. The maximum height of the dwelling is 27' at the highest ridge line above existing grade.
6. The proposed Maximum Building Footprint (MBF) is 4,940 square feet, and complies with the LMC required MBF for a lot in the HRC zone.
7. The existing metes and bounds portion of the original parcel is burdened by existing encroachments and a structurally compromised lumber shed of possible historical significance.

8. The applicant does not wish to combine the entire existing property (which would include the metes and bounds parcel) into one (1) lot at this time since the review process required to mitigate the aforementioned conditions and circumstances would prohibit the opening of the restaurant by this fall.
9. The applicant is requesting that the Planning Commission waive the requirement to include all contiguous holdings as part of this subdivision application.
10. Section 15-7.1-5(B)(2) of the LMC states that the Planning Department and Planning Commission may waive the applicant's requirement to include all contiguous holdings as part of this subdivision application. The Planning Commission granted the waiver on September 11, 2002.
11. The project is exempt from the LMC parking requirements of the HRC zone because it is located within the Heber Avenue Sub-zone, and because the existing structure is historic.
12. An existing drainage impairment exists at this location.
13. Utility access and snow storage is an important issue in this part of Old Town.
14. The current proposal does not reduce the current total parking on the site or on the spaces on Heber Avenue.
15. The review and approval of a Historic District Design Review (HDDR) Application and a Conditional Use Permit (CUP) for Outdoor Dining application were approved administratively on September 19, 2002.
16. The Subdivision application was reviewed by the Planning Commission and forwarded with a positive recommendation to City Council on September 11, 2002.
17. Additionally, the historic structure, including the proposed addition, which will not create a lockout unit or an accessory apartment, is exempt from the off-street parking requirements. The existing, historic building is non-complying and therefore exempt from building setbacks, height, and driveway location standards. However, the addition must comply with setback, driveway, height, and other LMC requirements.

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 a portion of Lot 8, all of Lots 9 through 13, and a portion of Lot 14 of Block 50 of the Park City Survey, known as the 201 Heber Avenue Subdivision, is approved as shown on Exhibit A, with the following conditions:

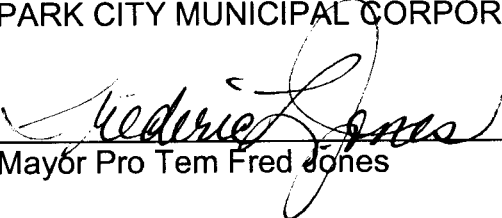
1. City Attorney and City Engineer review and approval of the subdivision for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. No remnant lot created is separately developable.
3. No building permits shall be issued for this project unless and until the Historic

- District Design Review, CUP/Outdoor Dining Permit, and Subdivision applications have been reviewed and approved for the project.
4. No building permit shall be issued for this project until the Subdivision has been duly recorded with the Summit County Recorder's Office.
 5. A note shall be added to the plat that no further subdivision of the property will be permitted unless a separate Subdivision and MPD for the proposed uses are reviewed and approved by the Planning Commission.
 6. The City Engineer shall review and approve the slope, configuration and drainage pattern of the proposed improvements to the proposed driveway fronting Heber Avenue right-of-way.
 7. A note shall be added to the plat dedicating to the City a five (5') foot utility and snow storage easement measured north from the existing Heber Avenue gutter.
 8. Any significant modification to the proposed design under the HDDR or CUP/Outdoor Dining application will be subject to re-review and possible re-subdivision of the property to accommodate the proposed changes.
 9. All Standard Project Conditions shall apply (Please see Exhibit D - Standard Project Conditions).
 10. This approval shall expire one year from the date of City Council approval, unless this Subdivision is recorded prior to that date.
 11. In consideration for the Planning Commission waiving Section 15-7.1-5(B)2, no further development shall be allowed on any remainder parcel until additional plans are submitted and approved.

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

PASSED AND ADOPTED this 26th day of September, 2002.

PARK CITY MUNICIPAL CORPORATION



Mayor Pro Tem Fred Jones

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.

Ordinance No. 02-42

AN ORDINANCE APPROVING A REZONE OF THE SUNNYSIDE SUBDIVISION FROM RESIDENTIAL DEVELOPMENT TO SINGLE FAMILY, EXCLUDING LOTS ONE, TWO, AND FOUR, AND AMENDING THE OFFICIAL PARK CITY ZONING MAP.

WHEREAS, on July 11, July 31, and September 11, 2002, the Planning Commission held public hearings to receive public input on the proposed rezone; and

WHEREAS, the Planning Commission forwarded to City Council a positive recommendation to rezone the Sunnyside Subdivision, but excluding lots one, two, and four; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on September 26, 2002; and

WHEREAS, 10 individual lot owners in the Sunnyside Subdivision have petitioned the City Council to rezone their Subdivision from Residential Development to Single Family; and

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

WHEREAS, the existing conditions in the Sunnyside Subdivision, excluding lots one, two, and four, are consistent with the Single Family District purpose statements; and

WHEREAS, the change from Residential Development to Single Family Zoning, excluding lots one, two, and four is consistent with the Park City General Plan; and

WHEREAS, it is in the best interest of Park City Utah to rezone the Sunnyside Subdivision, excluding lots one, two, and four from Residential Development to Single Family;

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

SECTION 1. REZONE OF THE SUNNYSIDE SUBDIVISION FROM RESIDENTIAL DEVELOPMENT TO SINGLE FAMILY, EXCLUDING LOTS ONE, TWO, AND FOUR. The property known as Sunnyside Subdivision, currently zoned Residential Development should be and is hereby rezoned to the Single Family District, with the exception of lots one, two, and four, which will remain Residential Development. The property subject to this zone change is described in Exhibit A, attached. The official zoning map is hereby amended to reflect this zone change.

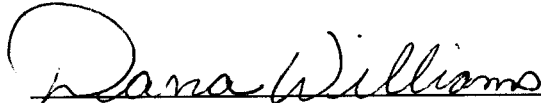
SECTION 2. FINDINGS OF FACT AND CONCLUSIONS OF LAW. The City

Council hereby adopts the findings of fact and conclusions of law attached as Exhibit B.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 26th day of September, 2002.

PARK CITY MUNICIPAL CORPORATION



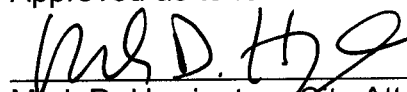
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



SUNNYSIDE SUBDIVISION

TAX#: SNS-(LOT#)



SUNNYSIDE = 18 LOTS

TOTAL FOR REZONE (✓)

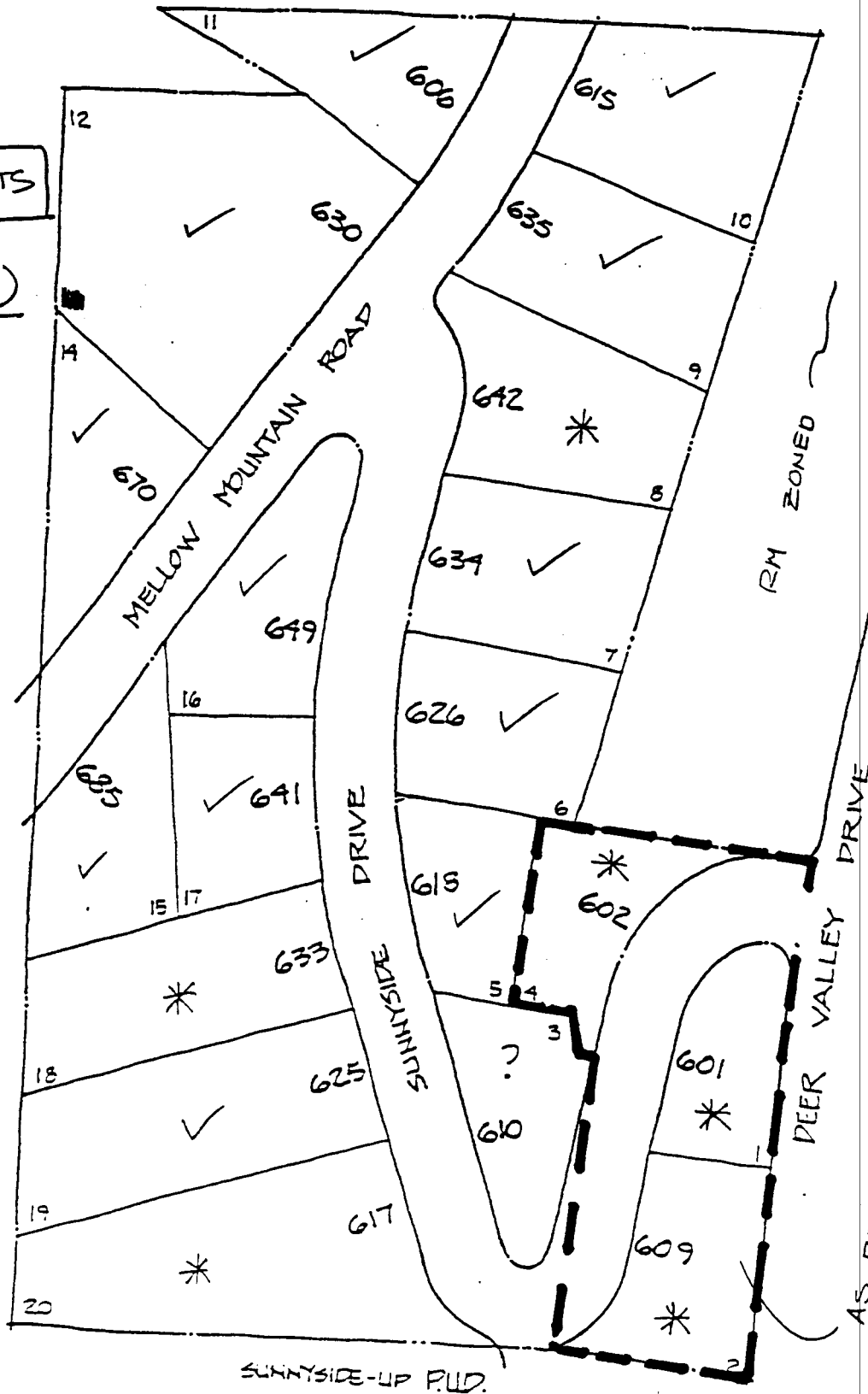
11 = 61%

TOTAL AGAINST (*)

6 = 33%

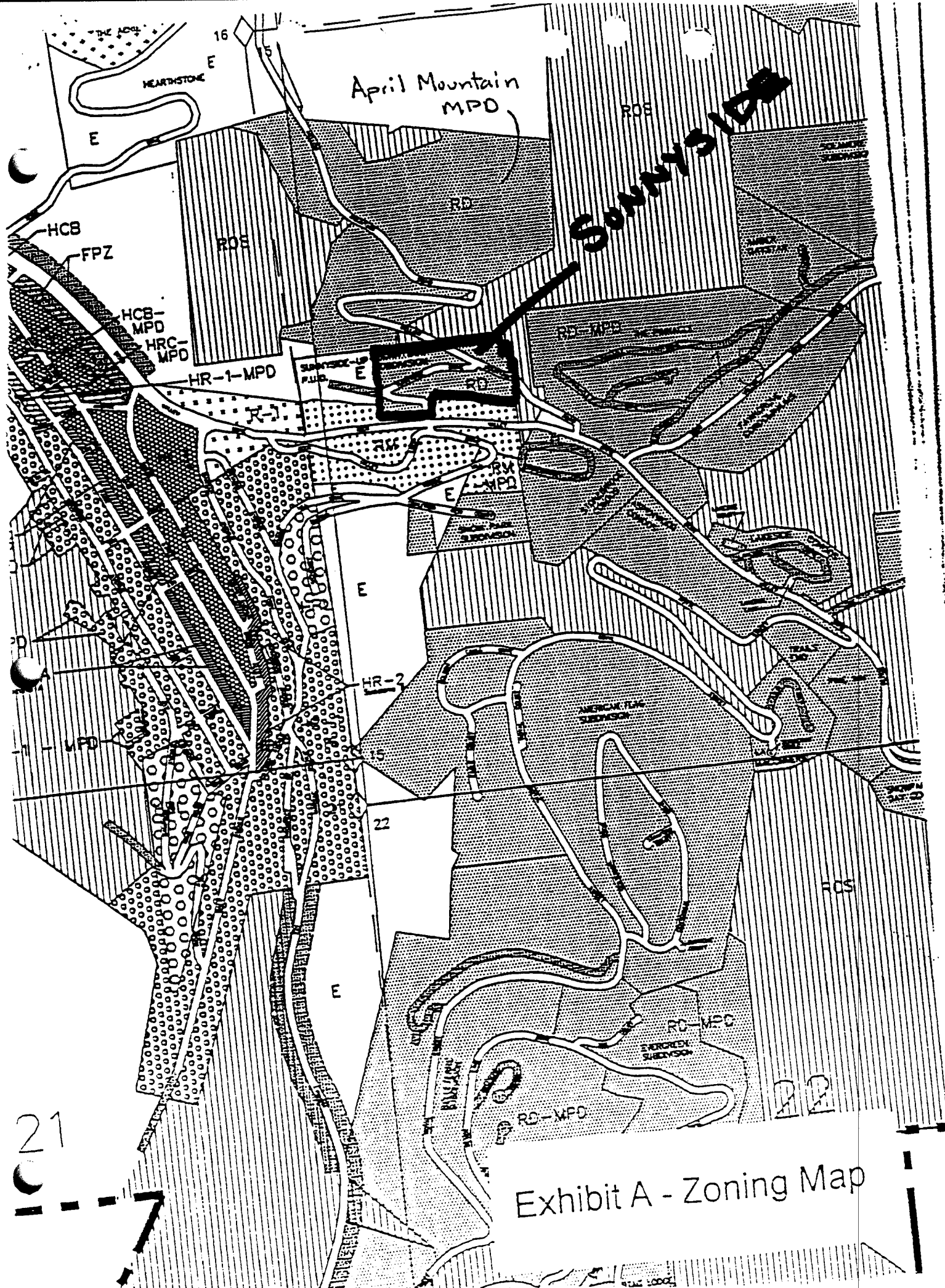
UNKNOWN (?)

1 = 6%



AS RECOMMENDED BY PLNG. COMM
ON 9/11/02, LOTS 1, 2, 4
TO REMAIN RD

RM ZONING
EXHIBIT A



April Mountain MPD

Sawtooth

Exhibit A - Zoning Map

21



Planning Commission Recommendation based on the following:

Findings of Fact:

1. On July 31, 2002, the Planning Commission recommended modifying the application to rezone the Sunnyside Subdivision application to exclude lots 1, 2, and 4. With this recommendation, three of the Sunnyside lot owners who have submitted written opposition to the application will be excluded. The application as modified would have a strong majority (12 lots out of 16 = 75%).
2. These lots were excluded because they are directly adjacent to Deer Valley Drive and will continue to be directly impacted by the existing, allowed nightly rentals in the area, while being prevented from enjoying the option of the benefits.
3. Sunnyside subdivision is not part of an underlying Master Planned Development that would allow commercial or mixed uses.
4. The character of the subdivision is generally that of long-term primary residents in that ten of the existing fourteen homes in the subdivision are considered primary residences by HdL companies, PCMC's tax consultants.
5. The size of the lots (ave = 13,250 s.f.) in Sunnyside are consistent with other neighborhoods that are zoned Single Family ie. Park Meadows or Thaynes Canyon.
6. The pattern of detached, single structure, single family residential, non-clustered development in Sunnyside is consistent with other typical single family neighborhoods (Park Meadows 1-5, Thaynes 1-8, Prospector Park, and Prospector Village).
7. Rezoning an 18 lot subdivision to prohibit nightly rentals would not have a significant impact on the City's resort economy.
8. On January 17, 2002, individual home owners from the Sunnyside Subdivision appeared at the City Council meeting and submitted a request petitioning the City Council to initiate a zone change for their subdivision from Residential Development (RD) to Single Family (SF).
9. On January 17, 2002 the City Council declined to initiate a rezone, but directed the property owners to file a rezone application on their own.
10. The applicants would like to eliminate nightly rentals in the subdivision. Nightly rentals are allowed in the RD District but prohibited in the SF District.
11. Sunnyside Subdivision was approved in 1980 as a 20 lot subdivision. Presently, it has 18 buildable lots. In 1994, lot 17 was deeded to the City as perpetual open space. In 1995, a plat amendment/lot combination resulted in the loss of a second lot of record.
12. At this time, there are 11 Property owners for rezone; 6 against the rezone; and 1 that staff has not received input from.
13. Based on tax records, fourteen lots are built on, four are unimproved. Ten residences are considered primary residences, while eight are considered non-primary residences.
14. According to Park City records, as of July 19, 2002, only one residence in the Sunnyside Subdivision is licensed to operate as a nightly rental. It is located at 642 Sunnyside Drive
15. There is no statutory minimum requirement for number or percentage of owners of a subdivision to apply for a zone change.
16. There is no official Homeowners Association for the subdivision. Owners of 10 of the 18 lots in the subdivision have submitted fees for an application to rezone and are considered the Applicants.

17. The applicants are concerned over the recurring use of certain residences for "quasi-commercial" purposes such as retreats and as a day-spa.
18. The City's Compliance Officer and Legal Staff have responded in the past to complaints about these uses. On January 9, 2002 complaint C-139-62 was responded to in writing to Scott and Joan Oldham of 642 Sunnyside Drive.
19. Impacts of nightly rentals (parking, noise, traffic) on the Sunnyside neighborhood typically increase during major events like Sundance.
20. The Sunnyside Subdivision is surrounded by many different zoning districts none of which are SF. To the south, exists a portion of originally platted Park City Survey, which is zoned Residential Medium-Density (RM). To the west is Sunnyside-Up Condominiums, which is a six unit multi-family Estate (E) Zoned project. Immediately to the north is a parcel of Recreation Open Space (ROS) and the April Mountain MPD which is zoned RD. To the east is a sliver of ROS, followed by the Pinnacle Condominiums, which is an 86 unit multi-family project zoned RD-MPD. Each of these zones allow nightly rentals.
21. The purpose of the Single Family District is to: maintain existing predominately Single Family detached residential neighborhoods; allow for Single Family Development Compatible with existing Developments; maintain the character of mountain resort neighborhoods with Compatible residential design; and require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.
22. The purpose of the Residential Development District is to: allow a variety of residential uses that are Compatible with the City's Development objectives, design standards, and growth capabilities; encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services; allow commercial and recreational activities that are in harmony with residential neighborhoods; minimize impacts of the automobile on architectural design; promote pedestrian connections within Developments and between adjacent Areas; and provide opportunities for variation in architectural design and housing types.
23. The primary differences between the RD and SF zoning districts is the prohibition of nightly rentals in the SF Zone, the prohibition of mixed use buildings, and the prohibition of building clustering.
24. The LMC prohibits commercial uses in both the RD and SF zones. The LMC allows support commercial in the RD zone with an underling MPD (RD-MPD, ie. Deer Valley).
25. If the Sunnyside Subdivision is rezoned from RD to SF, any residence with a valid, existing business license for Nightly Rentals will be allowed to continue the use pursuant to the LMC Chapter 9 Non-Conforming Uses.
26. The Land Use Element of the General Plan regarding neighborhoods declares, "Modification should be made to current zoning so that remaining development will be more consistent with community desires and expectations". With specific regard to Deer Valley as a neighborhood, the General Plan recognizes that, "As this area develops, it has become apparent that the zone's permitted density is resulting in more density and larger scale than the neighborhood is comfortable with. Increased traffic will also become an issue in this area."

27. The Growth Management Element of the General Plan offers LMC Adjustment Policies to reduce growth incentives and minimize the impacts of growth offers the policy that, "The zoning and subdivision regulations should be evaluated and amended to more closely reflect community expectations that the impacts and intensity of growth and development in Park City will be reduced."
28. The Economic Element of the General Plan identifies the challenge of "providing a quality living experience for residents while remaining competitive in the changing recreation market." In order for Park City to retain its Resort Community Status, its transient room capacity must be greater than or equal to 66% of the permanent census population.
29. A rezone to SF would prevent new nightly rental licenses from being issued in Sunnyside Subdivision.
30. The City's Office of Capitol Management and Budget conducted a limited study of homes with similar demographics to this subdivision and concluded each home that provides nightly rentals supplies between \$3000 - \$12,000 per year in city and county sales tax.
31. The City's Office of Capitol Management and Budget solicited average gross income estimates from three local property management companies. The estimates found city and county taxes to be between \$2,000 and \$4,000.
32. The City's Office of Capital Management and Budget finds merit in both numbers and considers them valid.

Conclusions of Law:

1. The existing conditions in the Sunnyside Subdivision, excluding lots one, two, and four, are consistent with the SF District purpose statements.
2. The change from RD to SF Zoning, excluding lots one, two, and four is consistent with the Park City General Plan.
3. The rezone from RD to SF is in the best interest of the community.

Ordinance No. 02-41

ORDINANCE REPEALING SUBSECTION (G) OF TITLE 4-3-5, LICENSING, OF THE MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, a Licensing Code was adopted in the Municipal Code of Park City, Utah by the City Council of Park City to establish guidelines for the issuance of licenses to solicitors of goods and services, accommodations, franchises, investments, or those with any interest in real property or time intervals in the use or ownership of property; and

WHEREAS, the intent of MCPC 4-3-5, Terms and Conditions of Solicitation Licenses, is to set standards by which solicitors of goods and services may conduct their business in harmony with the citizens, visitors and general public; and

WHEREAS, the language of MCPC 4-3-5(G) focuses on whether or not individuals who listen to a time share presentation are giving reasonable consideration for any gifts or premiums they may receive; and

WHEREAS, MCPC 4-3-5(G) may not survive a constitutional challenge;

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

SECTION 1. REPEAL OF SUBSECTION (G) OF TITLE 4, SECTION 3, CHAPTER 5, OF THE MUNICIPAL CODE OF PARK CITY Title 4, Section 3, Chapter 5(G) of the Municipal Code of Park City is hereby repealed, with Title 4, Section 3, Chapter 5 to read as follows:

4- 3- 5. TERMS AND CONDITIONS OF SOLICITATION LICENSES.

The Finance Department may issue a license to solicitors of goods and services, accommodations, franchises, investments, or any interest in real property or time intervals in the use or ownership of property, subject to the following terms and conditions:

- (A) The solicitor makes contact with the public at a location other than at the regular place of business at which the goods and services are actually sold or performed; and
- (B) The solicitor shall only contact the public on a door-to-door basis; and
- (C) No solicitation activities shall be conducted on public streets, sidewalks, or public property; and
- (D) The solicitor shall not enter any premises in which a "No Solicitors Allowed" sign, or the equivalent thereof, has been posted; and

(E) The solicitor may only carry goods or merchandise for display, not for sale, but the solicitor may deliver previously ordered goods or merchandise; and

(F) No solicitor shall give or pass handbills literature, or other printed matter to passersby or place them on cars, buildings, driveways, doorways or porches. The licensee, including the primary business signing the license application, shall be responsible for any littering caused by that licensee's handbills being discarded or not being picked up; and

~~(G) No solicitor shall attempt to entice the public to stop and engage in a promotional discussion or solicitation by means of offering candy, food, drink, toys, or any other kind of property without reasonable consideration being given for it; and~~

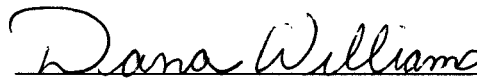
~~(H)~~(G) It shall be unlawful for any person to solicit from any motor vehicle by means of calling or hailing from inside or on the vehicle, or to use any sound amplification equipment to broadcast solicitations from the vehicle. Persons offering others free transportation in exchange for listening to a sales solicitation shall, by clearly printed signs (all lettering to be legible from at least ten feet (10') away by persons of 20/20 vision) attached to the outside of both sides of the vehicle, identify the vehicle as a point at which sales solicitations will be made and display the name of the business for which the solicitation will be made; and

~~(I)~~(H) The solicitor shall inform each buyer of the right to cancel a home solicitation sale pursuant to U.C.A § 70C-5-102 or any successor provision.

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

PASSED AND ADOPTED this 19th day of September, 2002.

PARK CITY MUNICIPAL CORPORATION

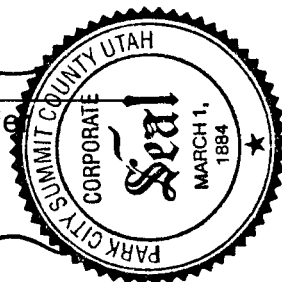


Mayor Dana Williams


Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

Ordinance No. 02-40

AN ORDINANCE APPROVING THE AMENDED RECORD OF SURVEY FOR A PLAT AMENDMENT TO COMBINE ALL OF LOT 33 AND PART OF LOTS 32 AND 34 OF BLOCK 73, MILLSITE RESERVATION TO THE PARK CITY SURVEY INTO ONE LOT OF RECORD LOCATED AT 199 DALY AVENUE, PARK CITY, UTAH

WHEREAS, the owner, Brad Boozier, of the property at 199 Daly 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 August 28, 2002 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 Park City Record of Survey allows the owner to combine all of Lot 33 and part of Lots 32 and 34 of Block 73, Millsite Reservation 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 199 Daly Avenue in the Historic Residential zone (HR-1).
2. The proposed plat creates a 5,750 square foot lot.
3. The minimum lot size allowed for a single family dwelling is 1,875 square feet.
4. A Historic home exists on portions of lots 33, 32 and 34.
5. Land Management Code Section 15-2.2-4: Existing historic structures allows for historic buildings to occupy non-complying setbacks.
6. Portions of the existing historic home encroach into the side yard setback.
7. A retaining wall and rock footing wall encroaches on adjacent lots.
8. The applicant has submitted consent letters from the adjacent property owners recognizing and consenting that the retaining wall and rock footing encroachments will remain as part of the Plat Amendment application.
9. The proposed plat amendment will combine all of lot 33 and part of lots 32 and 34 of Block 73, Millsite Reservation to the Park City Survey into one lot.
10. The plat amendment will not increase density on the lot.
11. No remnant lot is created.

12. The Planning Commission forwarded a positive recommendation to the City Council at their August 28, 2002 meeting.
13. 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 199 Daly Avenue, Block 73, Millsite Reservation 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. A note shall be added to the plat recognizing the rock footing encroachment onto adjacent Lot 34 and declaring that the owner(s) of the lot acknowledge and accept the continuance of said encroachment. A signature block for the record owner(s) of Lot 34 shall also be added to the plat.
3. The applicant shall record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one years time, this approval and the plat will be void.
4. A building addition to the existing historic structure shall require a Historic Design Review Application.
5. All standard Project Conditions shall apply and Land Management Codes shall apply.

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

PASSED AND ADOPTED this 19th day of September, 2002

PARK CITY MUNICIPAL CORPORATION

Dana Williams
Mayer Dana Williams



Attest:

Janet M. Scott
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington
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.

Ordinance No. 02-39

AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF A PLAT AMENDMENT TO LOTS 14, 15, AND 16 OF BLOCK 18 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY

WHEREAS, the owners of the property known as lots 14, 15, and 16 of Block 18 of the Snyder's Addition to the Park City Survey have petitioned the City Council for approval of an extension to a plat amendment; and

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

WHEREAS, on August 9, 2001, the City Council approved proposed plat amendment; and

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

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

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

Findings of Fact

1. The property located at 1259 Norfolk is located in the HR-1 zone.
2. The existing building is historically significant.
3. The applicant received approval for a subdivision plat amendment at 1259 Norfolk Avenue on August 9, 2001.
4. The approval expired on August 9, 2002.

Conclusions of Law

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

Conditions of Approval

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

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

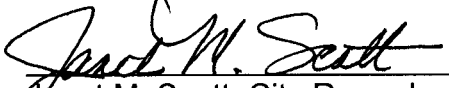
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.
PASSED AND ADOPTED this 19th day of September, 2002.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, Mayor

ATTEST:



Janet M. Scott, City Recorder

APPROVED AS TO FORM:



Mark D. Harrington, City Attorney





Ordinance No. 02-38

AN ORDINANCE AMENDING TITLE 15 OF THE MUNICIPAL CODE OF PARK CITY, UTAH, LAND MANAGEMENT CODE, CHAPTER 15 DEFINITIONS, CHAPTER 2.6 HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT, CHAPTER 2.13 RESIDENTIAL DEVELOPMENT (RD) DISTRICT, CHAPTER 2.14 RESIDENTIAL DEVELOPMENT-MEDIUM DENSITY (RDM) DISTRICT, CHAPTER 2.16 RECREATION COMMERCIAL (RC) DISTRICT, AND CHAPTER 2.17 REGIONAL COMMERCIAL OVERLAY (RCO) DISTRICT

WHEREAS, Park City served as an Official Olympic Venue City for the 2002 Olympic Winter Games;

WHEREAS, the City Council has noted that there are compelling governmental, economic, and aesthetic interests in providing for the ongoing commemoration of Park City's role in hosting the Olympics;

WHEREAS, a number of official exhibits from the 2002 Olympic Winter Games (including wayfinding towers, flagpoles, banner poles, and banners) were displayed in Park City throughout the Games at various Olympic venues, including Deer Valley Resort and Park City Mountain Resort;

WHEREAS, the City Council and Park City's residents and visitors believe such "Olympic Legacies" are a vital commemorative vehicle and desire to retain them;

WHEREAS, the Planning Commission held a public hearing on this matter on August 28, 2002, and recommended that Olympic Legacy Displays approved under the City's Olympic Services Agreement and Master Festival Licenses should be maintained in their existing locations as allowed uses and possibly relocated as conditional uses;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL of Park City, Utah that:

SECTION 1. AMENDMENT. Title 15 of the Municipal Code of Park City, Utah, Land Management Code, Chapter 15 Defined Terms, is hereby amended to include the term as shown on Exhibit A.

SECTION 2. AMENDMENT. Title 15 of the Municipal Code of Park City, Utah, Land Management Code, Chapter 2.6 Historic Commercial Business (HCB) District, is hereby amended to include sections and footnotes as shown on Exhibit B.

SECTION 3. AMENDMENT. Title 15 of the Municipal Code of Park City, Utah, Land Management Code, Chapter 2.13 Residential Development (RD) District, is hereby amended to include sections and footnotes as shown on Exhibit C.

SECTION 4. AMENDMENT. Title 15 of the Municipal Code of Park City, Utah, Land Management Code, Chapter 2.14 Residential Development-Medium Density (RDM) District, is hereby amended to include sections and footnotes as shown on Exhibit D.

SECTION 5. AMENDMENT. Title 15 of the Municipal Code of Park City, Utah, Land Management Code, Chapter 2.16 Recreation Commercial (RC) District, is hereby amended to include sections and footnotes as shown on Exhibit E.

SECTION 6. AMENDMENT. Title 15 of the Municipal Code of Park City, Utah, Land Management Code, Chapter 2.17 Region Commercial Overlay (RCO) District, is hereby amended to include sections and footnotes as shown on Exhibit F.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 12 day of September, 2002.

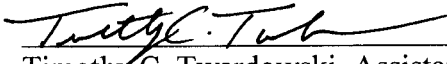
PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:



Timothy C. Twardowski, Assistant City Attorney

EXHIBIT A

15-15-1. DEFINITIONS.

15-15-1.190. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays. Official exhibits from the Salt Lake City 2002 Winter Olympic Games created and/or provided by the Salt Lake Organizing Committee (SLOC) as part of the SLOC/Park City Municipal Corporation Olympic Services agreement and/or Olympic Master Festival License and approved by the City Council for installation on City Property, public Rights-of-Way and/ or within the Areas that were Olympic venue Sites during the 2002 Winter Olympic Games at Park City Mountain Resort and Deer Valley Resort. Olympic Legacy Displays are specifically limited to Olympic way-finding towers, flagpoles, banner poles, and banners.

15-15-2. LIST OF DEFINED TERMS.

-S-

Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays

EXHIBIT B

15-2.6-2. USES.

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

(A) ALLOWED USES.

- (1) Single Family Dwelling
- (2) Multi-Unit Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group⁴
- (11) Child Care Center
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn⁵
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General
- (19) Office, Moderate Intensive
- (20) Office and Clinic, Medical
- (21) Financial Institution, without drive-up window
- (22) Commercial Retail and Service, Minor
- (23) Commercial Retail and Service, personal improvement
- (24) Commercial Neighborhood Convenience, without gasoline sales
- (25) Restaurant, Cafe or Deli
- (26) Restaurant, General
- (27) Bar

¹Nightly rental of Lock Units requires a Conditional Use Permit

²See LMC Chapter 8.19, Supplementary Regulations for Accessory Apartments

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

⁴See LMC Chapter 14 for Child Care Regulations

⁵Requires an Administrative Conditional Use Permit

- (27) Bar
- (28) Parking Lot, Public or Private with four (4) or fewer spaces
- (29) Entertainment Facility, Indoor
- (30) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁶

(B) **CONDITIONAL USES.**

- (1) Group Care Facility
- (2) Public and Quasi-Public Institution, Church, School
- (3) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (4) Telecommunication Antenna⁷
- (5) Satellite Dish, greater than thirty-nine inches (39") in diameter⁸
- (6) Plant and Nursery stock products and sales
- (7) Hotel, Major
- (8) Timeshare Projects and Conversions
- (9) Timeshare Sales Office, Off-Site within an enclosed Building
- (10) Commercial Retail and Service, Major
- (11) Office, Intensive
- (12) Restaurant, Outdoor Dining⁵
- (13) Outdoor Events
- (14) Hospital, Limited Care Facility
- (15) Parking Area or Structure for five (5) or more cars
- (16) Temporary Improvement
- (17) Passenger Tramway Station and Ski Base Facility
- (18) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (19) Recreation Facility, Public or Private
- (20) Recreation Facility, Commercial
- (21) Fences greater than six feet (6') in Height from Final Grade
- (22) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁹

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

⁷See LMC Chapter 8.30, Supplemental Regulations for Telecommunication Facilities

⁸See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

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

15-2.6-5(F) MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.

To allow for pitched roofs and to provide usable space within the Structure, the following exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.
- (2) An antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the Height of the Building.
- (4) A church spire, bell tower, and like architectural features, as allowed under the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Community Development Department.
- (5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.
- (6) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

EXHIBIT C

15-2.13-2. USES.

Uses in the RD District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single-Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group⁴
- (11) Accessory Building and Use
- (12) Conservation Activity
- (13) Agriculture
- (14) Parking Area or Structure with four (4) or fewer spaces
- (15) Recreation Facility, Private
- (16) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling⁶
- (2) Multi-Unit Dwelling⁶
- (3) Guest House

¹Nightly rental of Lockout Units requires a Conditional Use Permit

²See LMC Chapter 8.19, Supplemental Regulations for Accessory Apartments

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

⁴See LMC Chapter 14 for Child Care Regulations

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

⁶Subject to provisions of LMC Chapter 10, Master Planned Development

- (4) Group Care Facility
- (5) Child Care Center
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna⁷
- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁸
- (10) Raising, grazing of horses
- (11) Cemetery
- (12) Bed and Breakfast Inn
- (13) Hotel, Minor⁶
- (14) Hotel, Major⁶
- (15) Office, General^{6,9}
- (16) Office, Moderate Intensive^{6,8}
- (17) Office, Medical^{6,8}
- (18) Financial Institution without drive-up window^{6,8}
- (19) Commercial Retail and Service, Minor^{6,8}
- (20) Commercial Retail and Service, personal improvement^{6,8}
- (21) Commercial, Resort Support^{6,8}
- (22) Café or Deli^{6,8}
- (23) Restaurant, Standard^{6,8}
- (24) Restaurant, Outdoor Dining¹⁰
- (25) Outdoor Event⁹
- (26) Bar^{6,8}
- (27) Hospital, Limited Care Facility^{6,8}
- (28) Parking Area or Structure with five (5) or more spaces
- (29) Temporary Improvement⁹
- (30) Passenger Tramway Station and Ski Base Facility¹¹
- (31) Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹
- (32) Recreation Facility, Public
- (33) Recreation Facility, Commercial⁶
- (34) Entertainment Facility, Indoor^{6,8}

⁷See LMC Chapter 8.30, Supplemental Regulations for Telecommunications Facilities

⁸See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

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

¹⁰Requires an Administrative Conditional Use Permit.

¹¹As part of an approved Ski Area Master Plan

- (35) Commercial Stables, Riding Academy¹²
- (36) Master Planned Development with moderate income housing density bonus¹²
- (37) Master Planned Development with residential and transient lodging Uses only ¹²
- (38) Master Planned Development with Support Retail and Minor Service Commercial Uses¹²
- (39) Heliport¹²
- (40) Vehicular Access Control Gate on private property¹³
- (41) Fences greater than six feet (6') in Height from Final Grade
- (42) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁴

¹²Subject to provisions of LMC Chapter 10, Master Planned Development

¹³See Section 15-2.13-10 for specific review criteria for gates

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

15-2.13-4.(A) MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT

EXCEPTIONS. To allow for pitched roofs and to provide usable space within the Structure, the following exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.
- (2) An antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the Height of the Building.
- (4) A church spire, bell tower, and like architectural features subject to the Architectural Guidelines, LMC Chapter 9, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Community Development Department.
- (5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.
- (6) Ski lift or tramway towers may extend above the Zone Height subject to a visual analysis and administrative approval by the Community Development Department.
- (7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a Height of sixty-five feet (65').

EXHIBIT D

15-2.14-2. USES.

Uses in the RDM District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit¹
- (6) Accessory Apartment²
- (7) Nightly Rental³
- (8) Home Occupation
- (9) Child Care, In-Home Babysitting
- (10) Child Care, Family
- (11) Child Care, Family Group⁴
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Parking Area or Structure with four (4) or fewer spaces
- (16) Recreation Facility, Private
- (17) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling ⁶
- (2) Guest House

¹Nightly Rental of Lockout Units requires a Conditional Use Permit.

²See LMC Chapter 15-4, Accessory Apartments.

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

⁴See LMC Chapter 15-4, Child Care and Child Care Facilities.

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

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

- (3) Group Care Facility
- (4) Child Care Center
- (5) Public and Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (7) Telecommunication Antenna⁷
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁸
- (9) Raising grazing of horses
- (10) Cemetery
- (11) Bed and Breakfast Inn
- (12) Boarding House, Hotel
- (13) Hotel, Minor⁶
- (14) Hotel, Major⁶
- (15) Office, General^{6,9}
- (16) Office, Moderate Intensive^{6,10}
- (17) Office and Clinic, Medical^{6,10}
- (18) Financial Institution, without drive-up window^{6,10}
- (19) Commercial Retail and Service, Minor^{6,10}
- (20) Commercial Retail and Service, personal improvement^{6,10}
- (21) Commercial, Resort Support^{6,10}
- (22) Cafe or Deli^{6,10}
- (23) Restaurant, Standard^{6,10}
- (24) Restaurant, Outdoor Dining¹¹
- (25) Outdoor Event
- (26) Bar^{6,10}
- (27) Hospital, Limited Care Facility^{6,9}
- (28) Parking Area or Structure with five (5) or fewer spaces
- (29) Temporary Improvement¹¹
- (30) Passenger Tramway Station and Ski Base Facility¹²
- (31) Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹²
- (32) Recreation Facility, Public

⁷See LMC Chapter 15-4, Telecommunication Facilities.

⁸See LMC Chapter 15-4, Telecommunication Facilities, Satellite Receiving Antennas.

⁹General Offices are only permitted with an approved Master Planned Development of an existing Building. See LMC Chapter 15-2.14-6.

¹⁰Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Development.

¹¹Requires an Administrative Conditional Use Permit.

¹²As part of an approved Ski Area Master Plan.

- (33) Recreation Facility, Commercial⁶
- (34) Entertainment Facility, Indoor^{6,9}
- (35) Commercial Stables, Riding Academy^{6,9}
- (36) Master Planned Development with moderate income housing Density bonus⁶
- (37) Master Planned Development with residential and transient lodging Uses only⁶
- (38) Master Planned Development with Support Retail and Minor Service Commercial⁶
- (39) Fences greater than six feet (6') in Height from Final Grade
- (40) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹³

¹³Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

15-2.14-4.(A) MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT

EXCEPTIONS. To allow for pitched roofs and to provide usable space within the Structure, the following exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.
- (2) An Antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the Height of the Building.
- (4) A church spire, bell tower, and like architectural features subject to the Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Community Development Department.
- (5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.
- (6) Ski lift or tramway towers may extend above the Zone Height subject to a visual analysis and administrative approval by the Community Development Department.
- (7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers are permitted to a Height of sixty-five feet (65').

EXHIBIT E

15-2.16-2. USES.

Uses in the RC District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit¹
- (6) Accessory Apartment²
- (7) Nightly Rental³
- (8) Home Occupation
- (9) Child Care, In-Home
Babysitting
- (10) Child Care, Family
- (11) Child Care, Family Group⁴
- (12) Child Care Center
- (13) Accessory Building and Use
- (14) Conservation Activity
- (15) Agriculture
- (16) Bed & Breakfast Inn
- (17) Boarding House, Hostel
- (18) Hotel, Minor
- (19) Parking Area or Structure with four (4) or fewer spaces
- (20) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

¹Nightly Rental of Lockout Units requires a Conditional Use Permit

²See LMC Chapter 8.19, Supplemental Regulations for Accessory Apartments

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

⁴See LMC Chapter 14 for Child Care Regulations

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

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling
- (2) Group Care Facility
- (3) Public and Quasi-Public Institution, Church, and School
- (4) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (5) Telecommunications Antenna⁶
- (6) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
- (7) Raising, grazing of horses
- (8) Cemetery
- (9) Hotel, Major
- (10) Timeshare Project and Conversion
- (11) Timeshare Sales Office
- (12) Office, General⁸
- (13) Office, Moderate⁸
- (14) Office and Clinic, Medical⁸
- (15) Financial Institution without drive-up window⁸
- (16) Minor Retail and Service Commercial⁸
- (17) Retail and Service Commercial, personal improvement⁸
- (18) Transportation Service⁸
- (19) Neighborhood Market, without gasoline sales⁸
- (20) Cafe or Deli⁸
- (21) Restaurant, General⁸
- (22) Restaurant, Outdoor Dining^{8, 9}
- (23) Bar⁸
- (24) Hospital, Limited Care Facility⁸
- (25) Parking Area or Structure with five (5) or more spaces
- (26) Temporary Improvement¹⁰
- (27) Passenger Tramway Station and Ski Base Facility¹¹
- (28) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge¹¹
- (29) Outdoor Event¹⁰

⁶See LMC Chapt. 8.30, Supplemental Regulations for Telecommunication Facilities

⁷See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

⁸As support Use to primary Development or Use, subject to provisions of LMC Chapter 10, Master Planned Development

⁹Requires an Administrative Conditional Use Permit

¹⁰Subject to an Administrative Conditional Use Permit

¹¹As part of an approved Ski Area Master Plan

- (30) Recreation Facility, Public and Private¹²
- (31) Recreation Facility, Commercial¹²
- (32) Entertainment Facility, Indoor¹²
- (33) Commercial Stables, Riding Academy¹²
- (34) Master Planned Developments
- (35) Heliport¹²
- (36) Fences greater than six feet (6') in height from Final Grade
- (37) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹³

¹²As support Uses, subject to provisions of Chapter 10, Master Planned Development

¹³Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

15-2.16-4.(A) MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT

EXCEPTIONS. To allow for pitched roofs and to provide usable space within the Structure, the following exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.
- (2) An Antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the height of the Building.
- (4) A church spire, bell tower, and like architectural feature, subject to the Architectural Guidelines, LMC Chapter 9, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Community Development Department.
- (5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.
- (6) Ski Lift or Tramway towers may extend above the Zone Height subject to a visual analysis and administrative approval by the Community Development Department.
- (7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers are permitted to a height of sixty-five feet (65').

EXHIBIT F

15-2.17-2. USES.

Uses in the RCO District are limited to the following:

(A) **ALLOWED USES.**

- (1) Secondary Living Quarters
- (2) Lockout Unit¹
- (3) Accessory Apartment²
- (4) Nightly Rental
- (5) Home Occupation
- (6) Child Care, In-Home Babysitting
- (7) Child Care, Family
- (8) Child Care, Family Group³
- (9) Accessory Building and Use
- (10) Conservation Activity
- (11) Agriculture
- (12) Parking Area or Structure with four (4) or fewer spaces
- (13) Recreation Facility, Private
- (14) Allowed Uses in the Underlying Zoning District
- (15) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁴

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling⁵
- (2) Group Care Facility⁵
- (3) Child Care Center⁵
- (4) Public and Quasi-Public Institution, Church and School⁵
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure⁵

¹Nightly Rental of Lockout Units requires a Conditional Use Permit

²See LMC Chapter 8.19, Supplemental Regulations for Accessory Apartments

³See LMC Chapter 14 for Child Care Regulations

⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License

⁵Subject to provisions of Chapter 10, Master Planned Developments

- (6) Telecommunication Antenna⁶
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
- (8) Plant and Nursery stock products and sales⁵
- (9) Bed and Breakfast Inn⁵
- (10) Boarding House, Hostel⁵
- (11) Hotel, Minor⁵
- (12) Hotel, Major⁵
- (13) Timeshare Sales Office, off-site⁵
- (14) Office, General⁵
- (15) Office, Moderate Intensive⁵
- (16) Office, Intensive⁵
- (17) Office and Clinic, Medical⁵
- (18) Financial Institution, with and without drive-up window^{5, 8}
- (19) Retail and Service Commercial, Minor⁵
- (20) Retail and Service Commercial, personal improvement⁵
- (21) Retail and Service Commercial, Major⁵
- (22) Transportation Service⁵
- (23) Retail Drive-Up Window⁸
- (24) Neighborhood Convenience Commercial⁵
- (25) Commercial, Resort Support⁵
- (26) Gasoline Service Station⁵
- (27) Cafe, Deli⁵
- (28) Restaurant, General⁵
- (29) Restaurant, Outdoor Dining⁹
- (30) Outdoor Event⁹
- (31) Restaurant, Drive-up window⁸
- (32) Bar⁵
- (33) Hospital, Limited Care Facility⁵
- (34) Hospital, General⁵
- (35) Parking Area or Garage with five (5) or more spaces⁸
- (36) Temporary Improvement⁹
- (37) Passenger Tramway Station and Ski Base Facility⁵
- (38) Ski tow rope, ski lift, ski run, and ski bridge⁵
- (39) Recreation Facility, Public⁵
- (40) Recreation Facility, Commercial⁵
- (41) Entertainment, Indoor⁵
- (41) Master Planned Developments⁵

⁶See LMC Chapter 8.30, Supplemental Regulations for Telecommunication Facilities

⁷See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

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

⁹Requires an Administrative Conditional Use Permit

- (42) Heliport⁵
(43) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁰

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

EXHIBIT F

15-2.17-2. USES.

Uses in the RCO District are limited to the following:

(A) **ALLOWED USES.**

- (1) Secondary Living Quarters
- (2) Lockout Unit¹
- (3) Accessory Apartment²
- (4) Nightly Rental
- (5) Home Occupation
- (6) Child Care, In-Home Babysitting
- (7) Child Care, Family
- (8) Child Care, Family Group³
- (9) Accessory Building and Use
- (10) Conservation Activity
- (11) Agriculture
- (12) Parking Area or Structure with four (4) or fewer spaces
- (13) Recreation Facility, Private
- (14) Allowed Uses in the Underlying Zoning District
- (15) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁴

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling⁵
- (2) Group Care Facility⁴
- (3) Child Care Center⁴
- (4) Public and Quasi-Public Institution, Church and School⁴
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure⁴

¹Nightly Rental of Lockout Units requires a Conditional Use Permit

²See LMC Chapter 8.19, Supplemental Regulations for Accessory Apartments

³See LMC Chapter 14 for Child Care Regulations

⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in the original location set forth in the services agreement and/or Master Festival License

⁵Subject to provisions of Chapter 10, Master Planned Developments

- (6) Telecommunication Antenna⁶
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
- (8) Plant and Nursery stock products and sales⁴
- (9) Bed and Breakfast Inn⁴
- (10) Boarding House, Hostel⁴
- (11) Hotel, Minor⁴
- (12) Hotel, Major⁴
- (13) Timeshare Sales Office, off-site⁴
- (14) Office, General⁴
- (15) Office, Moderate Intensive⁴
- (16) Office, Intensive⁴
- (17) Office and Clinic, Medical⁴
- (18) Financial Institution, with and without drive-up window^{4, 8}
- (19) Retail and Service Commercial, Minor⁴
- (20) Retail and Service Commercial, personal improvement⁴
- (21) Retail and Service Commercial, Major⁴
- (22) Transportation Service⁴
- (23) Retail Drive-Up Window⁷
- (24) Neighborhood Convenience Commercial⁴
- (25) Commercial, Resort Support⁴
- (26) Gasoline Service Station⁴
- (27) Cafe, Deli⁴
- (28) Restaurant, General⁴
- (29) Restaurant, Outdoor Dining⁹
- (30) Outdoor Event⁸
- (31) Restaurant, Drive-up window⁷
- (32) Bar⁴
- (33) Hospital, Limited Care Facility⁴
- (34) Hospital, General⁴
- (35) Parking Area or Garage with five (5) or more spaces⁴
- (36) Temporary Improvement⁸
- (37) Passenger Tramway Station and Ski Base Facility⁴
- (38) Ski tow rope, ski lift, ski run, and ski bridge⁴
- (39) Recreation Facility, Public⁴
- (40) Recreation Facility, Commercial⁴
- (41) Entertainment, Indoor⁴
- (41) Master Planned Developments⁴

⁶See LMC Chapter 8.30, Supplemental Regulations for Telecommunication Facilities

⁷See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

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

⁹Requires an Administrative Conditional Use Permit

(42) Heliport⁴

(43) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁰

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

EXHIBIT D

15-2.14-2. USES.

Uses in the RDM District are limited to the following:

(A) ALLOWED USES.

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit¹
- (6) Accessory Apartment²
- (7) Nightly Rental³
- (8) Home Occupation
- (9) Child Care, In-Home Babysitting
- (10) Child Care, Family
- (11) Child Care, Family Group⁴
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Parking Area or Structure with four (4) or fewer spaces
- (16) Recreation Facility, Private
- (17) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

(B) CONDITIONAL USES.

- (1) Multi-Unit Dwelling⁶
- (2) Guest House

¹Nightly Rental of Lockout Units requires a Conditional Use Permit.

²See LMC Chapter 15-4, Accessory Apartments.

³Nightly Rentals do not include the Use of Dwellings for Commercial Use.

⁴See LMC Chapter 15-4, Child Care and Child Care Facilities.

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

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

- (3) Group Care Facility
- (4) Child Care Center
- (5) Public and Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (7) Telecommunication Antenna⁷
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁸
- (9) Raising grazing of horses
- (10) Cemetery
- (11) Bed and Breakfast Inn
- (12) Boarding House, Hotel
- (13) Hotel, Minor⁶
- (14) Hotel, Major⁶
- (15) Office, General^{6,9}
- (16) Office, Moderate Intensive^{6,9}
- (17) Office and Clinic, Medical^{6,9}
- (18) Financial Institution, without drive-up window^{6,9}
- (19) Commercial Retail and Service, Minor^{6,10}
- (20) Commercial Retail and Service, personal improvement^{6,10}
- (21) Commercial, Resort Support^{6,10}
- (22) Cafe or Deli^{6,10}
- (23) Restaurant, Standard^{6,10}
- (24) Restaurant, Outdoor Dining¹⁰
- (25) Outdoor Event
- (26) Bar^{6,10}
- (27) Hospital, Limited Care Facility^{6,10}
- (28) Parking Area or Structure with five (5) or fewer spaces
- (29) Temporary Improvement¹⁰
- (30) Passenger Tramway Station and Ski Base Facility¹¹
- (31) Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹
- (32) Recreation Facility, Public
- (33) Recreation Facility, Commercial⁶
- (34) Entertainment Facility, Indoor^{6,9}
- (35) Commercial Stables, Riding Academy^{6,9}
- (36) Master Planned Development with moderate income housing Density bonus⁶

⁷See LMC Chapter 15-4, Telecommunication Facilities.

⁸See LMC Chapter 15-4, Telecommunication Facilities, Satellite Receiving Antennas.

⁹General Offices are only permitted with an approved Master Planned Development of an existing Building. See LMC Chapter 15-2.14-6.

¹⁰Requires an Administrative Conditional Use Permit.

¹¹As part of an approved Ski Area Master Plan.

- (37) Master Planned Development with residential and transient lodging Uses only⁶
- (38) Master Planned Development with Support Retail and Minor Service Commercial⁶
- (39) Fences greater than six feet (6') in Height from Final Grade
- (40) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹²

¹²Olympic Legacy Display limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

15-2.14-4(A) BUILDING HEIGHT EXCEPTIONS. To allow for pitched roofs and to provide usable space within the Structure, the following Height exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.
- (2) An Antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the Height of the Building.
- (4) A church spire, bell tower, and like architectural features subject to the Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Community Development Department.
- (5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.
- (6) Ski lift or tramway towers may extend above the Zone Height subject to a visual analysis and administrative approval by the Community Development Department.
- (7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a Height of sixty-five feet (65').

EXHIBIT E

15-2.16-2. USES.

Uses in the RC District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit¹
- (6) Accessory Apartment²
- (7) Nightly Rental³
- (8) Home Occupation
- (9) Child Care, In-Home
Babysitting
- (10) Child Care, Family
- (11) Child Care, Family Group⁴
- (12) Child Care Center
- (13) Accessory Building and Use
- (14) Conservation Activity
- (15) Agriculture
- (16) Bed & Breakfast Inn
- (17) Boarding House, Hostel
- (18) Hotel, Minor
- (19) Parking Area or Structure with four (4) or fewer spaces
- (20) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

¹Nightly Rental of Lockout Units requires a Conditional Use Permit

²See LMC Chapter 8.19, Supplemental Regulations for Accessory Apartments

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

⁴See LMC Chapter 14 for Child Care Regulations

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

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling
- (2) Group Care Facility
- (3) Public and Quasi-Public Institution, Church, and School
- (4) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (5) Telecommunications Antenna⁶
- (6) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
- (7) Raising, grazing of horses
- (8) Cemetery
- (9) Hotel, Major
- (10) Timeshare Project and Conversion
- (11) Timeshare Sales Office
- (12) Office, General⁸
- (13) Office, Moderate⁸
- (14) Office and Clinic, Medical⁸
- (15) Financial Institution without drive-up window⁸
- (16) Minor Retail and Service Commercial⁸
- (17) Retail and Service Commercial, personal improvement⁸
- (18) Transportation Service⁸
- (19) Neighborhood Market, without gasoline sales⁸
- (20) Cafe or Deli⁸
- (21) Restaurant, General⁸
- (22) Restaurant, Outdoor Dining^{8, 9}
- (23) Bar⁸
- (24) Hospital, Limited Care Facility⁸
- (25) Parking Area or Structure with five (5) or more spaces
- (26) Temporary Improvement¹⁰
- (27) Passenger Tramway Station and Ski Base Facility¹¹
- (28) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge¹⁰
- (29) Outdoor Event⁹

⁶See LMC Chapt. 8.30, Supplemental Regulations for Telecommunication Facilities

⁷See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

⁸As support use to primary Development or use, subject to provisions of LMC Chapter 10, Master Planned Development

⁹Requires an Administrative Conditional Use Permit

¹⁰Subject to an Administrative Conditional Use Permit

¹¹As part of an approved Ski Area Master Plan

- (30) Recreation Facility, Public and Private¹²
- (31) Recreation Facility, Commercial¹²
- (32) Entertainment Facility, Indoor¹²
- (33) Commercial Stables, Riding Academy¹²
- (34) Master Planned Developments
- (35) Heliport¹²
- (36) Fences greater than six feet (6') in Height from Final Grade
- (37) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹³

¹²As support Uses, subject to provisions of Chapter 10, Master Planned Development

¹³Olympic Legacy Display limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

15-2.17-4(A) **BUILDING HEIGHT EXCEPTIONS.** To allow for pitched roofs and to provide usable space within the Structure, the following Height exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.
- (2) An Antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the Height of the Building.
- (4) A church spire, bell tower, and like architectural feature, subject to the Architectural Guidelines, LMC Chapter 9, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Community Development Department.
- (5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.
- (6) Ski Lift or Tramway towers may extend above the Zone Height subject to a visual analysis and administrative approval by the Community Development Department.
- (7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers are permitted to a Height of sixty-five feet (65').

EXHIBIT C

15-2.13-2. USES.

Uses in the RD District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single-Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group⁴
- (11) Accessory Building and Use
- (12) Conservation Activity
- (13) Agriculture
- (14) Parking Area or Structure with four (4) or fewer spaces
- (15) Recreation Facility, Private
- (16) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling⁶
- (2) Multi-Unit Dwelling⁶
- (3) Guest House

¹Nightly rental of Lockout Units requires a Conditional Use Permit

²See LMC Chapter 8.19, Supplemental Regulations for Accessory Apartments

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

⁴See LMC Chapter 14 for Child Care Regulations

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

⁶Subject to provisions of LMC Chapter 10, Master Planned Development

- (4) Group Care Facility
- (5) Child Care Center
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna⁷
- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁸
- (10) Raising, grazing of horses
- (11) Cemetery
- (12) Bed and Breakfast Inn
- (13) Hotel, Minor⁶
- (14) Hotel, Major⁶
- (15) Office, General^{6,9}
- (16) Office, Moderate Intensive^{6,9}
- (17) Office, Medical^{6,9}
- (18) Financial Institution without drive-up window^{6,9}
- (19) Commercial Retail and Service, Minor^{6,9}
- (20) Commercial Retail and Service, personal improvement^{6,9}
- (21) Commercial, Resort Support^{6,9}
- (22) Café or Deli^{6,9}
- (23) Restaurant, Standard^{6,9}
- (24) Restaurant, Outdoor Dining¹⁰
- (25) Outdoor Event¹⁰
- (26) Bar^{6,9}
- (27) Hospital, Limited Care Facility^{6,9}
- (28) Parking Area or Structure with five (5) or more spaces
- (29) Temporary Improvement¹⁰
- (30) Passenger Tramway Station and Ski Base Facility¹¹
- (31) Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹
- (32) Recreation Facility, Public
- (33) Recreation Facility, Commercial⁶
- (34) Entertainment Facility, Indoor^{6,9}

⁷See LMC Chapter 8.30, Supplemental Regulations for Telecommunications Facilities

⁸See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

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

¹⁰Requires an Administrative Conditional Use Permit.

¹¹As part of an approved Ski Area Master Plan

- (35) Commercial Stables, Riding Academy¹²
- (36) Master Planned Development with moderate income housing density bonus¹²
- (37) Master Planned Development with residential and transient lodging uses only ¹²
- (38) Master Planned Development with Support Retail and Minor Service Commercial Uses¹²
- (39) Heliport¹²
- (40) Vehicular Access Control Gate on private property¹³
- (41) Fences greater than six feet (6') in Height from Final Grade.
- (42) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁴

¹²Subject to provisions of LMC Chapter 10, Master Planned Development

¹³See Section 15-2.13-10 for specific review criteria for gates

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

15-2.13-4(A). BUILDING HEIGHT EXCEPTIONS. To allow for pitched roofs and to provide usable space within the Structure, the following Height exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.
- (2) An antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the Height of the Building.
- (4) A church spire, bell tower, and like architectural features subject to the Architectural Guidelines, LMC Chapter 9, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Community Development Department.
- (5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.
- (6) Ski lift or tramway towers may extend above the Zone Height subject to a visual analysis and administrative approval by the Community Development Department.
- (7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a Height of sixty-five feet (65').

Ordinance No. 02-37

AN ORDINANCE APPROVING A PLAT AMENDMENT FOR 15 EAGLE POINTE COURT, EAGLE POINTE III SUBDIVISION, PARK CITY, UTAH.

WHEREAS, the owners of lot 43 of the Eagle Pointe III Subdivision, located at 15 EaglePointe Court have petitioned the City Council for approval of 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 August 28, 2002, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on August 28, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 12, 2002, 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 is located at 15 Eagle Pointe Court, also known as lot 43 of the Eagle Pointe III subdivision. The property is zoned Residential Development - RD. The property is vacant.
2. Building Zones are located on each lot. The Building Pad for lot 43 is 19,603 square feet in size and is setback 25 feet from the front property line along Eagle Pointe Ct.
3. The proposed Building Zone is 18,922 feet in size and setback 75 feet from the front property line along Eagle Pointe Ct.
4. The plat amendment reduces the Building Pad by 3.5%.

5. There is an increase in the amount of existing vegetation preserved outside of the revised Building Pad.
6. A private driveway easement exists for the benefit of lot 43.
7. The platted turnaround of the private driveway is adjacent to lot 43.
8. The revised Building Pad does not extend north of the platted turnaround of the private driveway.
9. Lots 43-46 have access off of the private driveway. Additional fire access to lot 43 is provided from Eagle Pointe Court.
10. The Planning Commission, after holding a public hearing on August 28, 2002, forwarded a positive recommendation to the City Council.

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, the General Plan and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, 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 Eagle Pointe III subdivision remain in full force and effect.
2. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
3. The applicant will record the 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.
4. The eleven plat notes, the maximum house square footage table, and the typical lot building setback drawing from the Eagle Pointe III subdivision plat are required to be on the lot 43 plat amendment.
5. The revised Building Pad is not bisected by, or shifted across over the driveway easement.
6. The revised Building Pad will not extend north of the adjacent platted turnaround of the private driveway.
7. Approval is granted based on preliminary building plans and model presented to the Planning Commission on August 28, 2002. Substantial compliance with these building plans is required.

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

PASSED AND ADOPTED this 12th day of September, 2002 .

PARK CITY MUNICIPAL CORPORATION

Dana Williams
Dana Williams, MAYOR

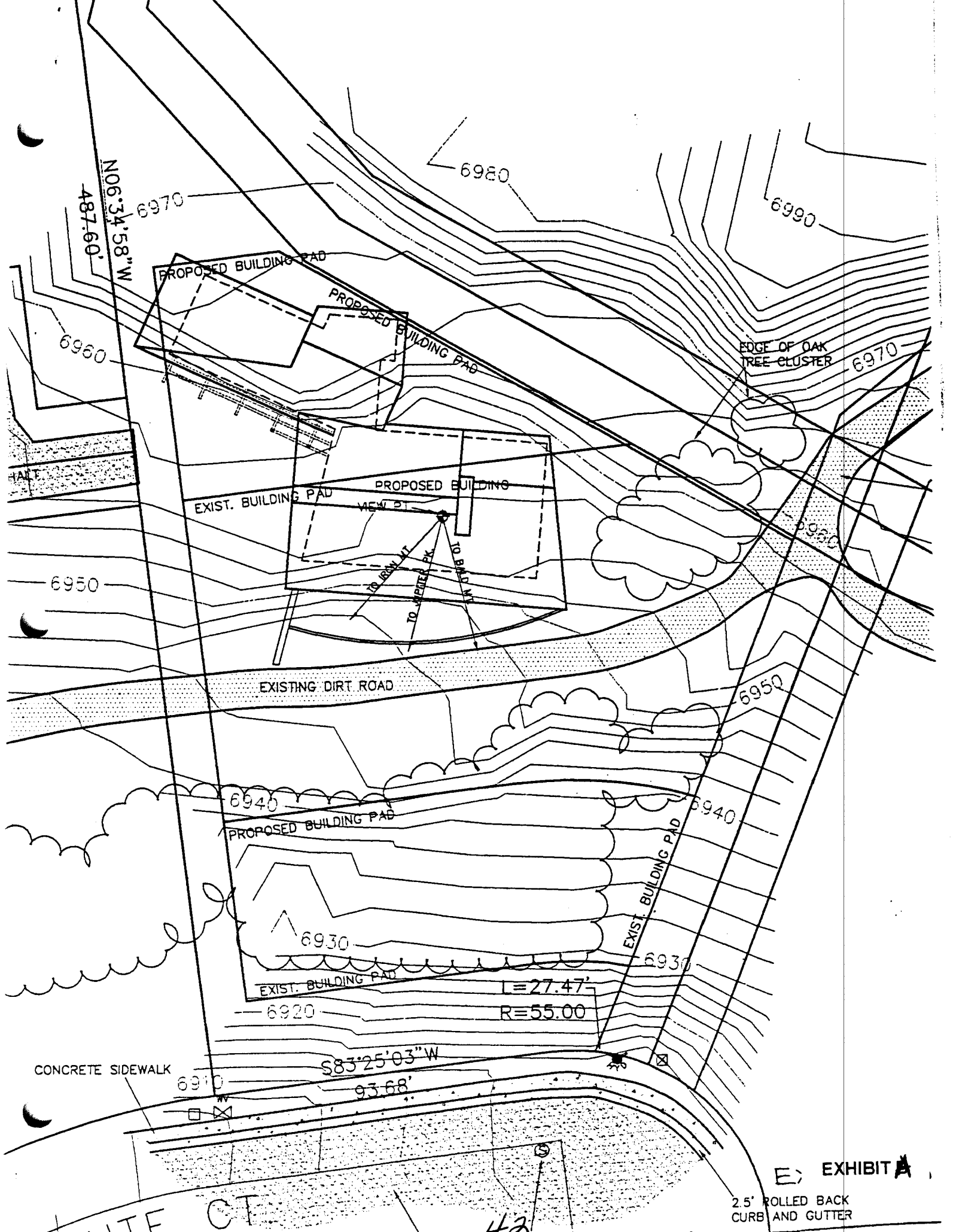
ATTEST:

Janet M. Scott
Janet M. Scott, City Recorder



APPROVED AS TO FORM:

Mark D. Harrington
Mark D. Harrington, City Attorney



E: EXHIBIT A

2.5' ROLLED BACK CURB AND GUTTER

42

CONCRETE CT

Ordinance No. 02-36

AN ORDINANCE APPROVING 186 MAIN STREET SUBDIVISION TO COMBINE TWO (2) METES AND BOUNDS PARCELS OF THE PARK CITY SURVEY, INTO ONE (1) LOT OF RECORD LOCATED AT 186 MAIN STREET, PARK CITY, UTAH

WHEREAS, the owner of two (2) metes and bounds parcels 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 August 28, 2002, to receive input on the proposed subdivision;

WHEREAS, the Planning Commission, on August 28, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 12, 2002, 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-2), sub-zone B.
3. The rear twenty feet (20') of the property is located within the Flood Plain Zone.
4. An existing trail and flume easement traverses the rear of the lot.
5. The existing building is historic, but significantly compromised physically necessitating its reconstruction.
6. The proposed Maximum Building Footprint (MBF) is 844 square feet, and complies with the LMC required MBF for a single platted Old Town lot in the HR-2 zone.
7. The maximum height of the dwelling is 27' at the highest ridge line above existing grade.

8. The HDC has reviewed the proposal, endorses it, and has remanded it to Staff for final action during their June 17, 2002, regularly scheduled meeting, pending the approval of the CUP, Special Exception/Variance, and Plat Amendment applications.
9. The Special Exception/Variance application (to maintain the existing non-complying front yard setbacks upon relocation and reconstruction of the historic building on the lot) was approved by the Board of Adjustment on August 20, 2002.
10. The CUP application for mixed-use (residential/retail & service commercial, minor) was reviewed and approved by the Planning Commission on August 28, 2002.
11. A Plat Amendment application (to combine the existing platted Lot with the adjacent parcel, into one platted) lot was reviewed and forwarded to the City Council with a positive recommendation by the Planning Commission on August 28, 2002.
12. The LMC parking requirements for this type of mixed use stipulates a minimum of five (5) on-site parking spaces. The property can physically accommodate up to 2 parking spaces. The applicant has agreed to pay \$14,000 per required parking space that is not provided on-site.
13. The applicant's intent is to maintain the original existing historic facade while developing towards the rear of the lot, away from Main Street.

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 two (2) metes and bounds parcels of the Park City Survey, known as the 186 Main Street Subdivision, 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. No remnant lot created is separately developable.
3. No building permits shall be issued for this project unless and until the Historic District Design Review Application, Plat Amendment and Special Exception/Variance applications have been reviewed and approved for the project.
4. No building permit shall be issued for this project until the plat amendment has been duly recorded with the Summit County Recorder's Office.
5. A note shall be added to the plat that no accessory apartment(s) will be permitted as part of this structure (in excess of the single residential unit proposed), unless a separate CUP for such use is approved by the Planning Commission.

6. The applicant shall pay the required \$42,000 parking in-lieu fee in full to the City prior to the issuance of the Full Building Permit.
7. A note shall be added to the plat that two (2) uncovered on-site parking stalls shall be constructed within the existing trail and flume easement traversing the rear of the lot. No other physical structure or improvements are permitted within this area on site.
8. The City Engineer shall review and approve the slope, configuration and drainage pattern of the proposed improvements to the proposed driveway fronting Swede Alley right-of-way.
9. All Standard Project Conditions shall apply (Please see Exhibit B - Standard Project Conditions).
10. 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 12th day of September, 2002.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

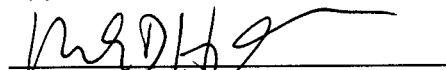
Attest:



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.

Ordinance No. 02-35

AN ORDINANCE APPROVING PLAT AMENDMENT TO RELOCATE AND RECONFIGURE THE BUILDING PAD LOCATED WITHIN LOT 1 OF THE MORNING STAR ESTATES SUBDIVISION (3701 RISING STAR LANE), IN PARK CITY, UTAH.

WHEREAS, owners of the property known as 3701 Rising Star lane, 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 August 28, 2002 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

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

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

SECTION 1. 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 building pads in the Morningstar Estates Subdivision were platted during the original annexation and subdivision plat in 1992. The building pads were zoned Residential Development (RD), while the rest of the lots were zoned Recreation Open Space (ROS) with the exception of one small residual parcel adjacent to lot seven zoned Estate (E).
2. On July 28, 1998, the Planning Commission reviewed and approved a plat amendment for the previous owners of this property (Steve & Susan Megur), to modify the existing building pad. The approved plat was not recorded, and the approval has expired.
3. The City Council approved Ordinance 96-3 on February 1, 1996 which was a plat amendment to relocate and reconfigure the building pad for lot five in Morning Star Estates Subdivision. This allowed for a larger landscape buffer between the building pad and the road.
4. The applicant is proposing to modify the configuration and location of the platted Building Pad within Lot 1 of the Morning Star Estates Subdivision (3701 Rising Star Lane). The purpose of the plat amendment is to preserve an existing, significant grove of mature aspen trees found near the front of the lot within the existing building pad. The applicants would like to maintain the trees as a buffer between their proposed residence and Rising Star Lane.
5. The original platted building pad is 25,878 s.f.. The proposed building pad is 24,395, a reduction of 1,483 s.f.. The proposed building pad will maintain the same amount of buildable area, while reducing the overall size of the envelope.
6. The proposed reconfiguration and relocation of the existing Building Pad will place it further north on the lot, away from the road, and into a gambel oak area.

7. According to the topography information submitted, the proposed Building Pad's highest elevation is 7506', while the highest elevation for the existing building pad is 7502'. The low point on the proposed building pad is 7460', while the low point on the existing pad is 7468'.
8. The relocation of the building pad will not result in a more visible, or significantly higher structure.
9. The proposal will not adversely impact any ridge lines or result in a structure inconsistent with other building placements in the subdivision.
10. Because of water pressure limitations, note 12 on the Morning Star Estates plat reads, "no residential structure may be constructed with a habitable floor elevation higher than 7537 feet above sea level...". The proposed building pad meets this plat note.
11. Lot 1 in the Morning Star Estates Subdivision has the following requirements per the recorded plat: Maximum house size of 10,000 s.f.; additional maximum area of irrigated landscape disturbance of 10,000 s.f.; 40' front yard setback from the Rising Star Lane right-of-way; and portions of a 20' waterline/ ingress/egress easement to a Water Tank Parcel located at the rear of lots two and three.
12. The proposed modification is supported by the Morning Star Subdivision Home Owners' Association, as well as by the adjacent property owners across the street (lot 12), and the property owner next door (lot 2).
13. This proposal does not increase the density on the lot.
14. The current Park City Zoning Map incorrectly identifies the building pads in the Morning Star Subdivision as Estate zoned instead of the correct Residential Development.
15. Neither of the previous applications to amend the building pads in this subdivision contemplated amending the zoning map to reflect the modifications.
16. It is staff's intent with to move forward with this application without a rezone, under the stipulation that staff updates the Park City Zoning Map to include the new building pads for this application (lot one), and lot five, to correctly label the zoning of the building pads to RD, and to correctly label the residual parcel adjacent to lot seven to E as adopted by the annexation agreement and final plat.
17. This application was reviewed by the Planning Commission on August 28, 2002, at which time a recommendation to approve the application was forwarded. A public hearing was held and no input was received.

Conclusions of Law:

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

Conditions of Approval:


1. The City Attorney and City Engineer review and approve the final form and content of the replat for compliance with the Land Management Code and conditions of approval prior to recordation.

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one years time, this approval and the plat will be void.
3. No building permit will be issued prior to recordation of the Plat Amendment.
4. Any snow storage and encroachment issues shall be resolved prior to the issuance of building permits for any addition or remodel.
5. The City Engineer shall review and approve the slope and drainage issues related to the proposed driveway having access off Rising Star Lane.
6. All plat notes and tables for the Morning Star Estates Subdivision shall be incorporated on this plat.

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

PASSED AND ADOPTED this 28th day of August, 2002.

PARK CITY MUNICIPAL CORPORATION



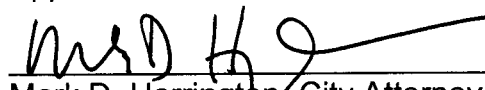
Mayor Dana Williams

Attest:



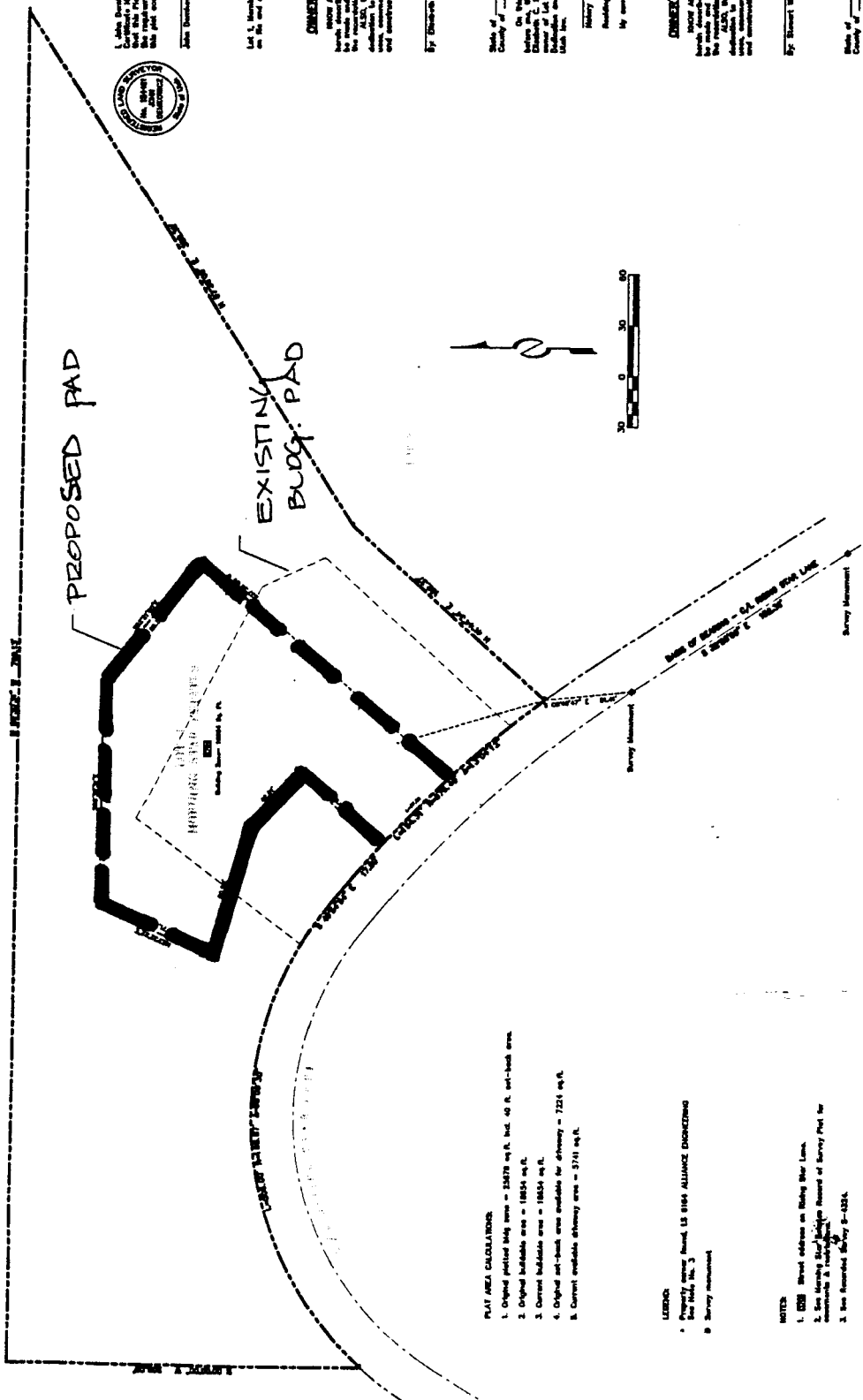
Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney





SURVEYOR'S CERTIFICATE

I, John P. [Name], being duly sworn, depose and say that I am a Licensed Professional Engineer in the State of Utah, and that I have prepared the foregoing plat in accordance with the provisions of the Utah Surveying Act, and that the same is a true and correct copy of the original plat on file in my office, and that I have not been furnished with any information which would require me to make any correction to the same.

Subscribed and sworn to before me on this _____ day of _____, 2002.

Notary Public

LEGAL DESCRIPTION

Lot 5, being that certain Subdivided, according to the plat and record in the office of the County Recorder of Salt Lake County, Utah.

OWNER'S DECLARATION AND CONSENT TO RECORD

I, [Name], being duly sworn, depose and say that I am the owner of the above described land, and that I have not been furnished with any information which would require me to make any correction to the same.

Subscribed and sworn to before me on this _____ day of _____, 2002.

Notary Public

ACKNOWLEDGMENT

State of _____

County of _____

Before me, the undersigned authority, on this _____ day of _____, 2002, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Notary Public

OWNER'S DECLARATION AND CONSENT TO RECORD

I, [Name], being duly sworn, depose and say that I am the owner of the above described land, and that I have not been furnished with any information which would require me to make any correction to the same.

Subscribed and sworn to before me on this _____ day of _____, 2002.

Notary Public

ACKNOWLEDGMENT

State of _____

County of _____

Before me, the undersigned authority, on this _____ day of _____, 2002, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Notary Public

A PLAT AMENDMENT
3701 RISING STAR LANE PLAT
 LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH
 RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

- PLAT AREA CALCULATIONS**
- Original parcel being area = 28878 sq. ft. Inc. 40 ft. set-back area.
 - Original buildable area = 18834 sq. ft.
 - Current buildable area = 18834 sq. ft.
 - Original set-back area available for driveway = 2721 sq. ft.
 - Current available driveway area = 2710 sq. ft.

LEGEND

- 1. E200 Surveying Bureau, U.S. 6160, ALLIANCE ENGINEERING
- 2. See Map No. 3
- 3. Survey instrument

NOTES

- E200 Street address on Rising Star Lane.
- See Map No. 3, Engineering Record of Survey Plat for details of this plat.
- See Resubmitted Survey 8-4224.

<p>FOR INFO ONLY - FILE UNDER CURRENT RECORD</p> <p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE OFFICE OF THE COUNTY CLERK</p> <p>DATE _____ TIME _____</p>	
<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2002.</p> <p>BY _____ MAYOR</p>	<p>CERTIFICATE OF ATTEST</p> <p>I, _____, being duly sworn, depose and say that I am the City Clerk of the Park City Council, and that the foregoing instrument was duly presented to and read and approved by the Park City Council on this _____ day of _____, 2002.</p> <p>BY _____ PARK CITY RECORDER</p>
<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____, 2002.</p> <p>BY _____ CHAIRMAN</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I find this plat to be in accordance with information on file in my office this _____ day of _____, 2002.</p> <p>BY _____ PARK CITY ENGINEER</p>
<p>SYDNEYVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR COMPLIANCE WITH THE DISTRICT'S RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2002.</p> <p>BY _____ S.E.W.R.D.</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2002.</p> <p>BY _____ PARK CITY ATTORNEY</p>



Ordinance No. 02-34

**AN ORDINANCE APPROVING AN AMENDED RECORD OF SURVEY FOR
STERLINGWOOD CONDOMINIUMS LOCATED AT 7800 ROYAL STREET EAST,
PARK CITY, UTAH**

WHEREAS, the owners of the property located at 7800 Royal Street East have petitioned the City Council for approval of an amended Record of Survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 12, 2002, to receive input on the proposed record of survey plat;

WHEREAS, the Planning Commission, on June 12, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 27, 2002, 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 Planning Commission heard this application at its regular meeting on August 14, 2002, held a public hearing at which they received no input, and forwarded a positive recommendation to the City Council.
2. This application is to amend the floor plan for units 1-6, 16 - 18.
3. Portions of existing deck area for these units are indicated on the existing condominium record of survey plat as "Common Area".
4. At this time the Homeowners Association proposes to amend the existing condominium record of survey plat to allow common deck areas to be converted to "Convertible Space" and subsequently converted to "private ownership" at the discretion of the individual owner subject to HOA approval.

5. Units 1-6, 17 and 18 are 2,443 s.f.. The conversions of all deck areas to private ownership will add 122 square feet to each unit resulting in 2,565 s.f. for each unit. Unit 16 is 2,566 s.f. This amendment potentially will add 275 s.f. to the unit.
6. The parking requirement for multi-unit dwellings stipulates that any unit over 2,500 s.f. requires three parking spaces. Each unit addressed in this application can provide at least three on-site parking spaces.
7. The applicant has provided confirmation of a home owners vote exceeding 2/3 majority to support this application.
8. If the convertible areas are privatized, the 66.6% open space for the entire project will still be maintained.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey and declaration of condominium for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All other conditions of approval of the Sterlingwood Condominiums project continue to apply.
4. Converted Private area cannot be used to create a lockout unit.
5. A note shall be added to the plat outlining the administrative process whereby building permits may be issued to unit owners desiring to construct additions in the convertible space created by this plat. The plat note shall provide that no building permits shall be issued for unit additions within the convertible space unless and until: (1) The Park City Community Development Department (CDD) has received a copy of the recorded Notice of Conversion described as plat note number 5; (2) The CDD has reviewed the application for compliance with any underlying Conditional Use Permit, Master Planned Development, or other conditions of approval; and (3) Notice of the application has been sent to all Sterlingwood unit owners stating that anyone objecting to the application may file written objection within ten days of the date of notice. Anyone filing such objection shall be entitled to an administrative hearing before the CDD director.

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

PASSED AND ADOPTED this 22th day of August, 2002.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, MAYOR

ATTEST:



Janet M. Scott, City Recorder

APPROVED AS TO FORM:



Mark D. Harrington, City Attorney



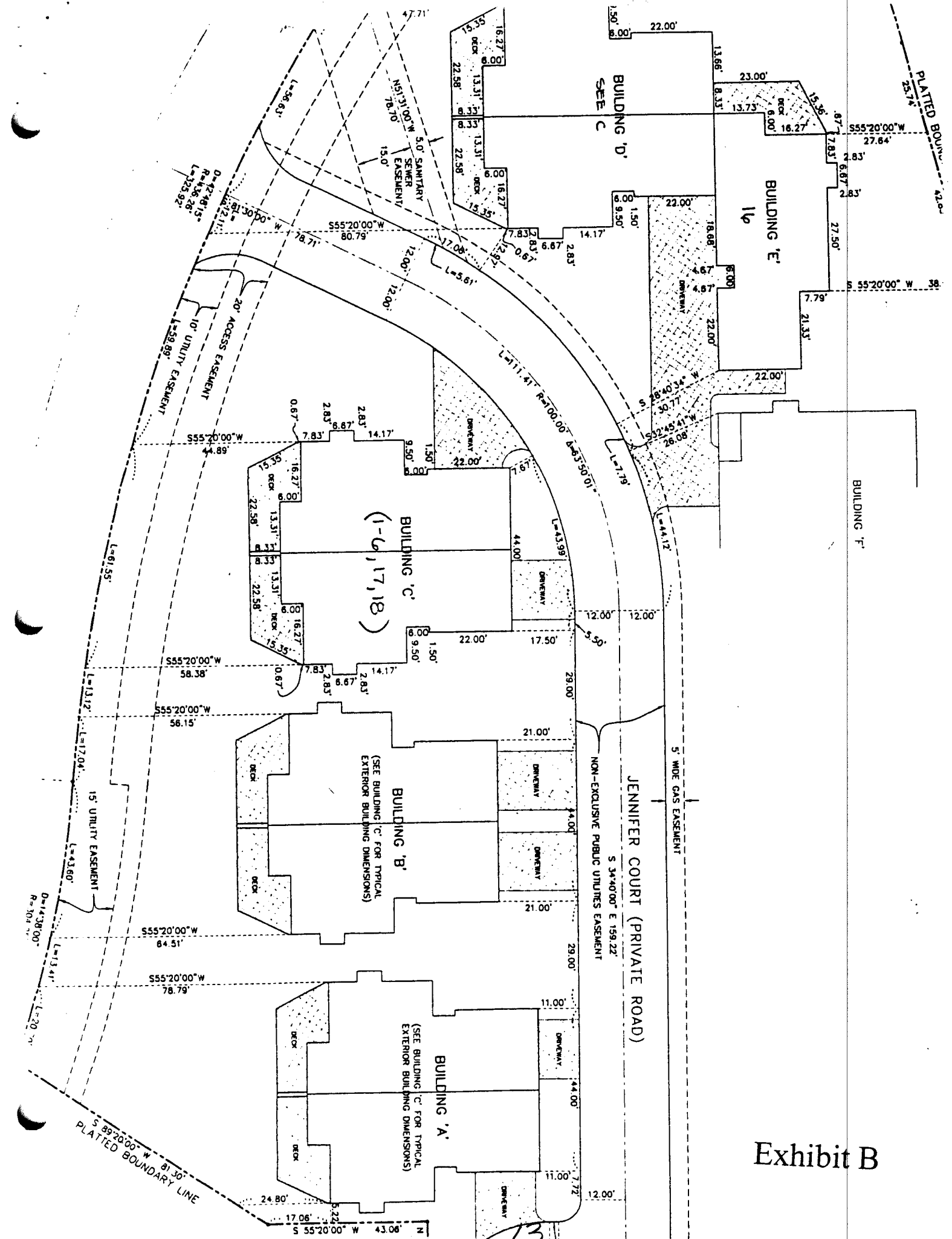
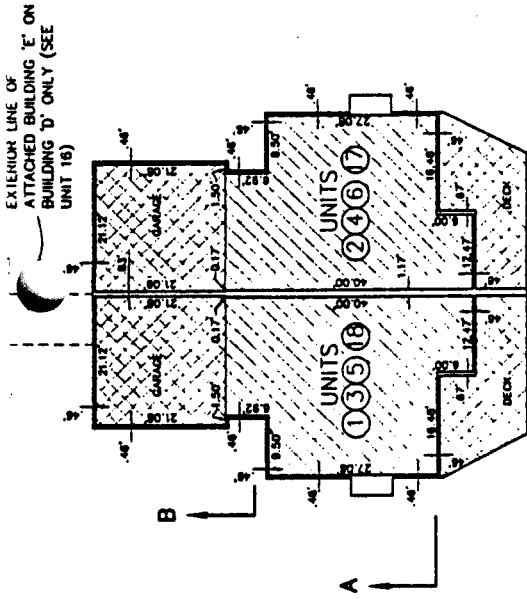


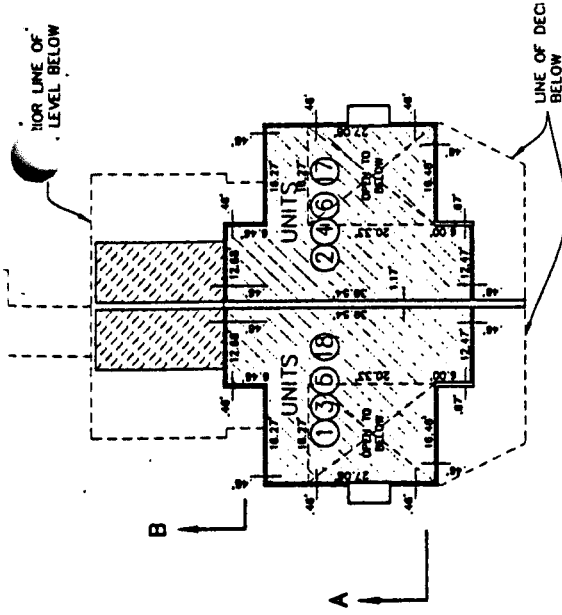
Exhibit B

13



AMENDED MAIN LEVEL
UNITS 1-6, 17 & 18

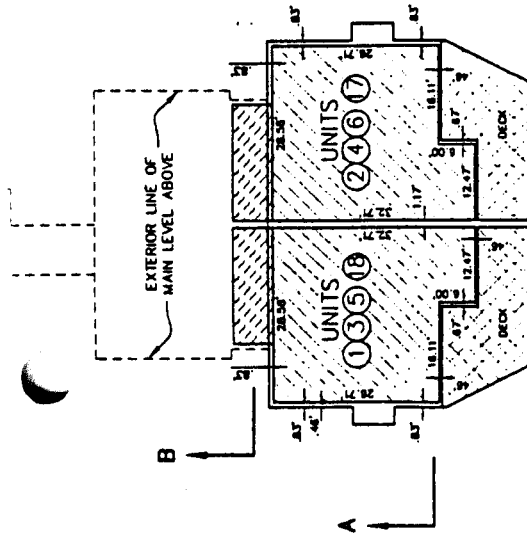
994 SQ. FT. / SIDE



AMENDED UPPER LEVEL
UNITS 1-6, 17 & 18

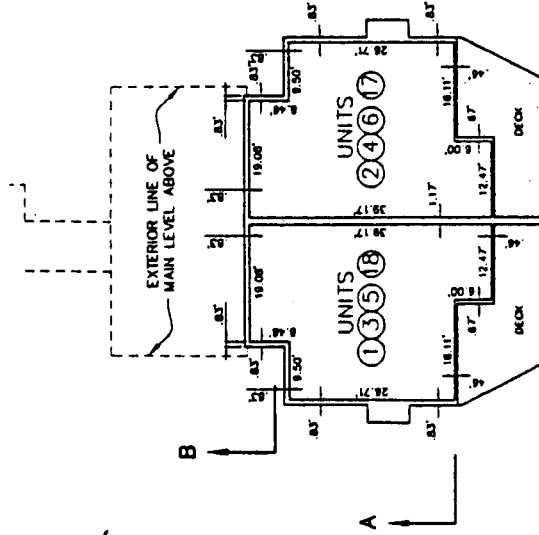
610 SQ. FT. / SIDE

FLOOR PLANS PROPOSED
UNITS 1-6, 17 & 18



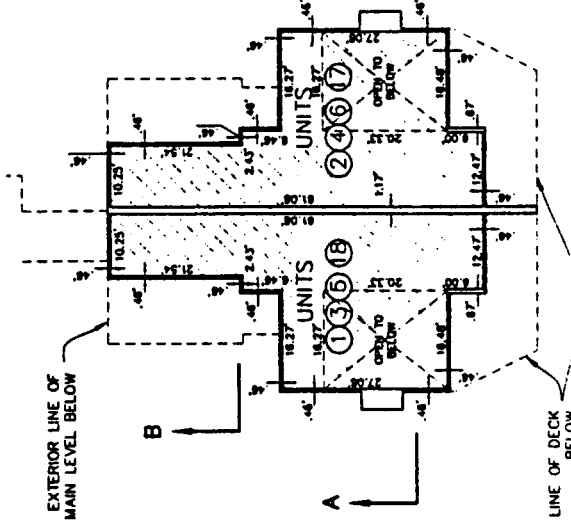
AMENDED LOWER LEVEL
UNITS 1-6, 17 & 18

836 SQ. FT. / SIDE



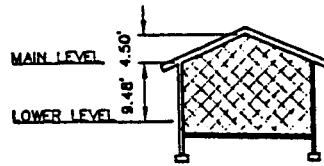
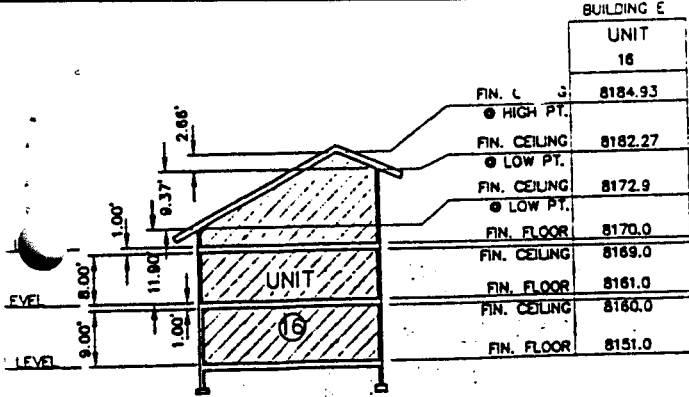
CONVERTED LOWER LEVEL
UNITS 1-6, 17 & 18

961 SQ. FT. / SIDE



CONVERTED UPPER LEVEL
UNITS 1-6, 17 & 18

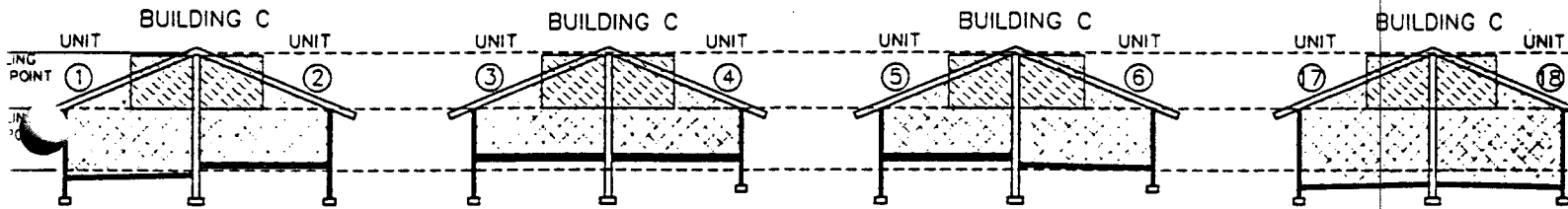
831 SQ. FT. / SIDE



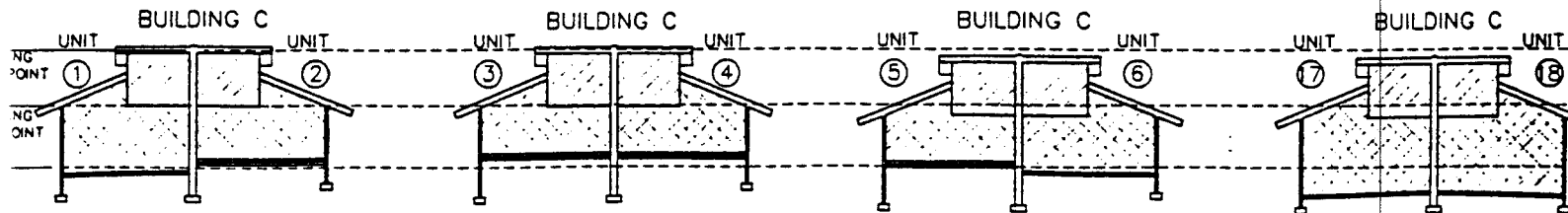
**AMENDED TYPICAL SECTION C
UNIT 16**

**AMENDED TYPICAL SECTION D
UNIT 16**

BUILDING C	BUILDING B	BUILDING A	BUILDING D
UNIT	UNIT	UNIT	UNIT
1	2	3	4
5	6	17	18



**AMENDED TYPICAL SECTION B
UNITS 1-6, 17 & 18**



**CONVERTED TYPICAL SECTION B
UNITS 1-6, 17 & 18**

ELEVATIONS - PROPOSED

Ordinance No. 02-33

AN ORDINANCE APPROVING A SIX MONTH TIME EXTENSION FOR THE VACATION OF A PORTION OF THE PLATTED MARSAC AVENUE BETWEEN PLATTED FIRST AND SECOND STREETS, ADJACENT TO LOTS 6 AND 7, BLOCK 52 OF THE PARK CITY SURVEY, PARK CITY, UTAH

WHEREAS, the owners of the property known as United Park City Mines Corporation, Leslie Miller, and Kay C. Calvert have petitioned the City Council for approval of a revision to Block 52 of the Park City Survey; and

WHEREAS, the City Council voted on June 21, 2001 to amend portions of Block 52 of the Park City Survey; and

WHEREAS, United Park City Mines Corporation, Leslie Miller, and Kay C. Calvert have petitioned the City Council for a vacation of 488 square feet of platted Marsac Avenue between platted First and Second Streets, adjacent to Lots 6 and 7, Block 52 of the Park City Survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 9, and May 23, 2001 to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on May 23, 2001 forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 21, 2001 the City Council held a public hearing to receive input on the proposed plat amendment and vacation; and

WHEREAS, on June 21, 2002 the City Council held a public hearing on an extension on the Block 52 Plat Amendment and granted an extension to December 21, 2002; and

WHEREAS, on August 22, 2002, the City Council held a public hearing on a request for an extension to the 488 square foot vacation of platted/unbuilt Marsac Avenue.

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

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

SECTION 1. FINDINGS OF FACT

1. The applicant is requesting a time extension of six months.
2. The applicant received Council approval for a Plat Amendment and 488 square feet vacation of platted/unbuilt Marsac Avenue at their June 21, 2001 meeting.
3. The 25,777 square feet (.59 acre) property is in the HR-L District.
4. The property is located to the south of the Ivers Replat and the 2nd Street right-of-way.
5. The property is currently vacant.
6. The plat amendment reconfigures 15 full and partial HR-L District lots in Block 52 of the Park City Survey into 3 lots of record.
7. Access to the applicants' property is via a proposed extension of a private driveway off of existing Ontario Avenue through the Ivers Replat.
8. The proposed private driveway extension crosses the 2nd Street right-of way and a portion of platted/unbuilt Marsac Avenue.
9. The 2nd Street and Marsac rights-of-way are an unbuilt City streets.
10. On June 21, 2001, the City Council adopted by Ordinance a Plat Amendment and Right-Of-Way Vacation.
11. The applicant proposes to dedicate the private driveway easement as a public pedestrian trail easement.
12. The lot sizes and maximum building footprints are:

	<u>Lot Size</u>	<u>Maximum Building Footprint</u>
Lot 1:	12,139 sq. ft.	3,068 sq. ft.
Lot 2:	5,719 sq. ft.	2,078 sq. ft.
Lot 3	7,919 sq. ft.	2,539 sq. ft.
13. The project is located in the Ontario Avenue/Thrill Hill Area. Minimal construction staging area is available in this neighborhood.

14. The physical constraints of the neighborhood including narrow prescriptive easements, unbuilt City rights-of-way on steep slopes, and extensive vegetation limit utility design alternatives for the project.
15. The property is located adjacent to the City-owned Virginia Claim open space.
16. The final plat is currently being prepared for recordation.
17. The applicant stipulates to all approved conditions of approval.

SECTION 2. CONCLUSIONS OF LAW:

1. There is good cause for the amendment and the extension.
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.
4. The proposal is consistent with the City's standards for right-of-way vacations set forth in Resolution 8-98.

SECTION 3. 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 recording the plat.
2. Execution of a private driveway easement in a form and manner acceptable to the City Engineer and City Attorney is a condition precedent to plat recordation.
3. An acceptable utility plan shall be submitted to and approved by the City Engineer. The power, phone, and cable TV lines may be overhead. A financial guarantee for the installation of public improvements is required.
4. The applicant shall dedicate 488 square feet of the subject property adjacent to the City-owned Virginia claim to the City for open space purposes.
5. This approval shall expire on December 21, 2002, unless the Block 52 plat amendment is recorded prior to that date.
6. All Standard Project Conditions shall apply.

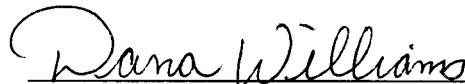
7. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction-related details to the satisfaction of the Community Development Department.

8. Modified 13-d sprinklers are required in each dwelling.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 22 day of August, 2002.

PARK CITY MUNICIPAL CORPORATION



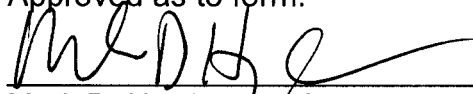
Dana Williams, Mayor

Attest:

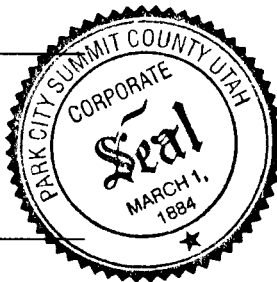


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



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TITLE 11 - BUILDING AND BUILDING REGULATIONS

CHAPTER 1 - DEFINITIONS.

11- 1- 1. DEFINITIONS.

(A) **APPEAL**. A request for a review of the Building Official's interpretation of any provision of this Title or a request for a variance.

(B) **APPROVED TOPSOIL**. New topsoil is required to be tested and cannot exceed the following: lead 200 ppm; as determined by testing a representative sample at a state certified laboratory using the method described in Section (Q), Mine Tailings, below. Results reported as received [not dry weight].

(C) **AREA OF SHALLOW FLOODING**. A designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

(D) **AREA OF SPECIAL FLOOD HAZARD**. The land in the flood plain within a community subject to a one percent

or greater chance of flooding in any given year.

(E) **BASE FLOOD**. The flood having a one percent chance of being equaled or exceeded in any given year.

(F) **CONSTRUCTION SITE**. The property, whether fenced or unfenced, involved in the construction of any building or structure as shown on the approved site plan, and such additional contiguous area owned or controlled by the owner of contractor of the project that is used for construction related work or activities such as staging, material storage, equipment storage, soil stock piling and similar activities.

(G) **CONSTRUCTION WORK**. The performance of any labor, delivery of any materials, operation of any power tool or motorized equipment on any construction site.

(H) **CONSTRUCTION MITIGATION PLAN**. A plan that is submitted to the Chief Building Official that includes mitigation details on site specific projects.

(I) **DEVELOPMENT**. Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

(J) **FLOOD OR FLOODING**. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

(K) **FLOOD INSURANCE RATE MAP**. The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(L) **FLOODWAY**. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

(M) **HAZARDOUS WASTE**. Any tailings, soil, or other material which exceeds the action level of lead at 1000 ppm for the purpose of this Title shall be considered hazardous waste. The testing to be done according to the method described in Section Q, Mine Tailings, below.

(N) **LOWEST FLOOR**. The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Title.

(O) **MANUFACTURED HOME**. A structure, transportable in one or more sections, which is built onto a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. The use of manufactured homes is controlled by the Land Management Code of Park City.

(P) **MANUFACTURED HOME PARK OR SUBDIVISION**. A parcel, or contiguous parcels, of land divided into two (2) or more manufactured home lots for rent or sale.

(Q) **MINE TAILINGS**. Any soil which has the following lead concentration: Lead 1000 parts per million (ppm) or greater, as determined by using the Standard Method 15th Edition 302 [Nitric Acid Digestion] analysis by Atomic Absorption Spectrometer Standard. Method 303. Results reported as dry weight.

(R) **MOBILE HOME**. A structure that is transportable in one or more sections,

built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The use of mobile homes is controlled by the Land Management Code of Park City.

(S) **NEW CONSTRUCTION.**

Structures for which the "start of construction" commenced on or after the effective date of this Title.

(T) **OWNER.** The individual, corporation, partnership or other entity who has requested or caused construction work to be performed on a construction site.

(U) **PERSON.** Every natural person, firm, co-partnership, association, or corporation.

(V) **PROSPECTOR.** That area of Park City described in Section ~~11-14-111-15-1~~.

(W) **START OF CONSTRUCTION.**

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading,

and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

(X) **SUBSTANTIAL**

IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

(1) before the improvement or repair is started; or

(2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure; the term does not, however, include either:

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

(b) any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places, or any alteration of a structure listed in the Mining Boom Era Thematic Nomination to the National Register of Historic Places.

(Y) **TYPES OF CONTRACTORS.** As an illustrative list of contractors subject to the provision of this Title, but not in limitation thereof, the following types of contractors, and all others engaged in related work are subject to the provisions of this Title: General contractors, specialty contractors of all kinds, such as, but not limited to those engaged in the business of installing, repairing, or otherwise performing services in connection with: Acoustical tile and roof decking; awnings, storm doors, and windows; air conditioning, dry-heating, sheet metal; boilers, steam fitting, carpentry; cement and concrete; ceramic tile; cabinet and millwork; composition floor, countertops, tile; carpet; drywall; elevator installation; electrical; excavating and grading; fencing; floor coverings; fire prevention (structural); furnaces and burners; glazing; industrial piping; iron and bronze (ornamental); insulation; landscaping; lathing, lawn sprinklers; masonry; mosaic tile and terrazzo; overhead doors; painting and paper hanging; pest control (structural); plastering; plumbing and wet-heating; roofing and siding; swimming pool; signs; stone masonry; sewer installation; steel reinforcing and erection; tanks (structural); waterproofing;

weatherstripping; welding; wrecking and demolition; wood floor laying and finishing.

(Z) **VARIANCE.** A grant of relief from the requirements of this Title which permits construction in a manner that would otherwise be prohibited by this Title.

CHAPTER 2 - IN GENERAL

11-2-1. COMMUNITY DEVELOPMENT DIRECTOR.

The Community Development Director, under the supervision of the City Manager, shall have responsibility for the enforcement, administration, application, and interpretation of the following codes:

- (A) — Uniform Building Code;
- (B) — All other building and mechanical codes, including fire, electrical, plumbing, and dangerous building codes, as adopted, or as subsequently amended or enacted;
- (C) — The Land Management Code, as adopted or as subsequently amended or enacted;
- (D) — Standard Engineering Specifications for Park City, as adopted or as subsequently amended or enacted;
- (E) — Park City Sign Code, Title 12 of the Municipal Code, as adopted or as subsequently amended or enacted.

11-2-2. SUBSTANTIAL COMPLIANCE PERMITTED.

To avoid unnecessary review by City agencies and disputes over the application of codes, whenever there are practical difficulties involved in strict application of the provisions of the codes listed above, the Community Development Director is granted the authority to make specific modifications to strict compliance with the

codes, provided that any such modification is granted on the basis of an identified site-specific reason that makes strict compliance impossible or impractical, that the standards of this Title are met, and that the modification results in substantial compliance with the intent of the code to which the modification is granted. Any time a modification of strict compliance is made, the Community Development Director shall note the modification and the specific reasons why it was granted. The Director shall maintain a file of all modifications granted. The Director may also document requests for modifications that were denied.

11-2-3. CONDITIONS FOR GRANTING MODIFICATION.

The Community Development Director may grant a modification to strict compliance with the codes listed above when:

- (A) the impact of the modification on adjoining properties is negligible or insignificant;
- (B) the net effect of requiring only substantial compliance provides a functionally or structurally equal structure, site plan, or improvement, both for the owner of the subject property and for the City as a whole;
- (C) there is no material increase in the burdens on City services created by granting the modification;
- (D) there is no material increase in any risks to health or safety created by granting the modification so that conditions relative to

health and safety are not materially worsened from the condition that would have existed had strict compliance been required;

(E) the modification serves to eliminate potentially dangerous or undesirable health, safety, traffic, structural, drainage, erosion control, architectural or similar conditions that would result from requiring strict compliance with the codes;

(F) there are incompatible code provisions affecting the same issue, that make strict compliance with all applicable provisions impossible due to unusual circumstances not within the contemplation of the code, or mutually exclusive provisions; or

(G) when situations arise that are not specifically addressed by the codes, but could be under the purview of one or more Code provisions and a ruling on which provisions apply is necessary to go forward.

11-2-4. SCOPE OF MODIFICATIONS.

Any modification granted under this Code may affect the requirements, provisions, or terms of any of the codes listed above, whether those provisions are specific in nature or require interpretation, and whether the provisions in question address substantive or procedural requirements. This Code, and modification granted under it, shall not be used to circumvent the clear intent of any ordinance or to grant rights or privileges to one property owner that are not generally available to owners of like property owners or like projects under the same general conditions or circumstances.

Modifications shall not be so broad as to exceed a standard of substantial compliance with the code or ordinance in question. Wherever modifications greater than substantial compliance are requested, the matter shall be referred to the appropriate Board of Adjustment, Board of Appeals, Commission or Council.

11-2-5. AMENDMENT OF OTHER CODES AND ORDINANCES.

To the extent the codes and ordinances listed above, or their successor provisions specifically vest administrative decision-making authority in persons other than the Community Development Director, those provisions are hereby amended to vest that discretion in the Community Development Director, or those officers or officials that he might delegate the authority to, provided that all decisions are subject to the supervision of the City Manager.

11-2-61. BUILDING INSPECTOR - APPOINTMENT AND REMOVAL.

There shall be a Chief Building Inspector who shall be appointed by the City Manager and shall serve under the direction of the Community Development Director.

11-2-72. BUILDING INSPECTOR - DUTIES.

The chief building inspector shall be responsible for the enforcement of the building code, mechanical code the electric code, plumbing code, housing code, abatement of dangerous building code, all special hazards codes which may now or

hereafter be adopted, and the zoning code of the City.

11- 2- 83. BUILDING INSPECTOR ADDITIONAL DUTIES.

The Building Official shall also be known as the Building Inspector and shall in addition to the provisions of the International Uniform Building Code have the duty of administering and enforcing the provisions of the Housing Code, Abatement of Dangerous Building Code, and Electrical Code, Uniform Plumbing Code, Uniform Sign Code, Uniform Mechanical Code and Uniform Fire Code. Additionally, he or she shall be charged with the inspection and enforcement of the provisions set forth with regard to all buildings and structures, in accordance with the manner provided for in each of the above adopted codes. Where necessary, properly appointed health officers acting in behalf of the City are hereby authorized to make such inspections as may be required to enforce the provisions of any of the applicable codes.

11- 2- 94. BUILDING INSPECTOR - STOP ORDERS.

Whenever any work is being done contrary to the provisions of this Code or of any code adopted by any provisions of this Code, the chief building inspector shall order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done. It shall be unlawful for any person to fail or refuse to obey such order.

CHAPTER 3 - UNIFORM BUILDING CODE

11- 3- 1. UNIFORM INTERNATIONAL BUILDING CODE ADOPTED.

The ~~Uniform-International~~ Building Code, ~~1997~~ 2000 edition, establishing rules and regulations for the design, construction quality of materials, use and occupancy, location and maintenance of building and structures, as adopted by the ~~International Conference of Building Officials~~ International Code Council, is hereby adopted as the Building Code of Park City, together with Rule R156-56 of the Utah Administrative Code, and the following~~the following Appendix Chapters and Amendments.~~

(A) Appendix Chapter 11, Divisions 1 and 2, Chapter 12, Chapter 15, Chapter 16, Division 1, Chapter 30, and Chapter 33, located in the appendix of the Uniform International Building Code are adopted and incorporated herein with an Amendment to ~~Section 3306.1~~ Appendix K as follows: Except as specified in ~~Section 3306.2~~ K1.3.1 of this section, no person shall do any grading or removing or grubbing existing vegetation without first having obtained a grading permit from the building official.

(B) ~~Section 107.1 of the Uniform Building Code is amended as follows:~~

SECTION 107.1 BUILDING PERMIT FEES. A fee for each building permit shall be paid to the Building Official as set forth by fee

resolution as adopted by the Park City Council.

(C) Section ~~904.2.1~~ 901.2 AUTOMATIC FIRE EXTINGUISHING SYSTEMS is hereby amended by ~~deleting~~ adding the following wording:

PURPOSE. The purpose of this section is to establish minimum standards to safeguard life, health, property, public welfare and to protect the owners and occupants of structures within Park City by regulating and controlling the design and construction of buildings and structures.

11- 3- 2. AUTOMATIC FIRE EXTINGUISHING SYSTEMS.

The following newly constructed structures of buildings used for or to be used for human occupancy shall have an automatic fire extinguishing system installed in conformity with the requirements of the ~~Uniform Building Code Standard 9-1, 9-2 and 9-3~~ International Fire Code Section 903.1 and the following amendments:

(A) All new construction having more than 6,000 square feet on any floor, except R-3 occupancy.

(B) All new construction having more than two stories except R-3 occupancy.

(C) All new construction having four or more dwelling units, including units rented or leased, and including condominiums or other separate ownership.

(D) All new construction in the Historic

Commercial Business zone district, regardless of occupancy.

(E) All new construction and buildings in the General Commercial zone where there are no side-yard setbacks or where one or more of the side yard setbacks are less than two and one-half feet per story of height.

~~(F) All existing buildings within the Historic Commercial Business District shall be required to be protected with a fire sprinkling system, in compliance with the Uniform Building Code Standards by August 15, 1996.~~

CHAPTER 4 - MECHANICAL CODE

11- 4- 1. MECHANICAL CODE.

The Uniform International Mechanical Code, 1997-2000 edition establishing rules and regulations for the design, construction quality of materials, use and occupancy, location and maintenance of building and structures, as adopted by the International Conference of Building Officials Code Council is hereby adopted as the Mechanical Code of Park City.

CHAPTER 5 - UNIFORM HOUSING CODE

11- 5- 1. HOUSING CODE.

The Uniform Housing Code, 1997 edition, printed as code in book form, and adopted by the International Conference of Building Officials, providing minimum requirements for the protection of life, limb, health, safety and welfare of the general public and the owners and occupants of residential buildings is hereby adopted as the Housing Code of Park City.

(A) **APPLICATION.** The provisions of the Housing Code shall apply to all buildings or portions thereof used, or designed for or intended to be used for human habitation. Occupancies in existing buildings may be continued as provided in Section 3401 3402 of the Uniform International Building Code, except as to those structures found to be substandard as defined in the Housing Code.

(B) **VIOLATIONS.** It shall be unlawful for any person, firm or corporation whether as owner, lessee, sublessee, or occupant to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises or cause or permit the same to be done, contrary to or in violation of any of the provisions of Housing Code or any order issued by the Building Official pursuant thereto.

(C) **PERMITS AND INSPECTIONS.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter,

repair, move, improve, remove, convert, or demolish any building or structure, or cause or permit the same to be done, without first obtaining a separate building permit for each such building or structure from the Building Official in the manner and according to the applicable conditions prescribed in the Housing Code.

**CHAPTER 6 - UNIFORM CODE FOR
THE ABATEMENT OF DANGEROUS
BUILDINGS**

**11- 6- 1. ADOPTION OF A CODE FOR
THE ABATEMENT OF DANGEROUS
BUILDINGS.**

The "Uniform Code for the Abatement of Dangerous Buildings, 1997 edition," printed as a code in book form and adopted by the International ~~Conference of Building Officials~~ Code Council, providing for a just, equitable and practicable method whereby buildings or structure which from any cause endanger the life, limb, health, morals property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished, is hereby adopted as the Abatement of Dangerous Buildings Code for Park City.

**CHAPTER 7 - UNIFORM PLUMBING
CODE**

**11- 7- 1. ADOPTION OF A
INTERNATIONAL PLUMBING CODE.**

The International Plumbing Code, ~~1997~~
2000 edition, as promulgated by the
International Code Council, is hereby
approved and adopted as the plumbing code
of Park City. Section 106.1 of the
International Plumbing Code is amended as
follows:

- (A) **PLUMBING PERMITS.** No new
construction, alterations, or additions to
existing plumbing shall be installed without
first obtaining a permit and a fee paid
according to Park City's fee resolution.
- (B) **PLUMBING INSPECTIONS.** The
Building Official shall perform all functions
of plumbing inspection and shall, among
other things, inspect the construction,
installation and repair of all plumbing
fixtures and appliances and apparatus
connected with a plumbing system which are
installed within the limits of Park City and
shall require that they conform to the
provisions of the Plumbing Code.

**CHAPTER 8 - NATIONAL
ELECTRICAL CODE**

**11- 8- 1. ADOPTION OF NATIONAL
ELECTRICAL CODE.**

The National Electrical Code, ~~1996~~ 1999
edition, as adopted by the National Fire
Protection Association printed as a code in
book form is hereby approved and adopted
as the electrical code of this City, including
all Park City and state amendments which
are incorporated herein by this reference.

- (A) **ELECTRICAL INSPECTION.**
The Building Official shall perform all
functions of electrical inspection and shall,
among other things, inspect the construction,
installation, and repair of all electrical light
or power wiring, fixtures, appliances or
apparatus installed within the limits of this
municipality and shall require that they
conform to the provisions of the Electrical
Code. The Building Official shall follow as
to electrical work the procedures relating to
enforcement and safety as are established by
the ~~Uniform~~ International Building Code.
- (B) **PERMITS, INSPECTIONS AND
FEES.** No alterations or additions shall be
made in existing wiring, nor shall any new
wiring be installed or any apparatus which
generates, transmits, transforms or utilizes
any electricity be installed without first
obtaining a permit therefor. Applications for
such permit, describing such work, shall be
made in writing ~~and shall conform to the
requirements set forth in the Uniform
Building Code as to extent of information
disclosed.~~ The fee for electrical permits is
set forth in Park City fee resolution.

CHAPTER 9 - UNIFORM FIRE CODE

11-9-1. UNIFORM INTERNATIONAL FIRE CODE.

The "Uniform International Fire Code", 1997 2000 edition as promulgated by the International Conference of Building Officials Code Council and the Western Fire Chiefs Association and printed as codes in book form is hereby adopted as the Fire Code of Park City with the following amendments to ~~Appendix Chapter III C~~ Section 304.1:

(A) **REMOVAL OF DEBRIS** All debris created from a fire shall be removed and the property restored to normal condition within ninety (90) days after the fire or as soon as the property is released by the State Fire Marshal, the Park City Building Official, or insurance adjuster, whichever is later. In the event the debris is not cleared, such debris shall be declared a nuisance and removed by the City at the expense of the property owner.

(B) **ADMINISTRATION AND ENFORCEMENT.** The Building Official shall be responsible for the administration and enforcement of the Fire Code and shall, among other things, enforce all state statutes and local ordinances and/or regulations pertaining to:

- (1) the prevention of fires;
- (2) the suppression or extinguishing of dangerous or hazardous fires;

(3) the storage, use and handling of explosives flammable, toxic, corrosive, and other hazardous gaseous, solid and liquid materials;

(4) the installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment;

(5) the maintenance and regulations of fire escapes;

(6) the maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures, and other property including those under construction;

(7) the means and adequacy of each exit in the event of fire, from factories, school, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheatres, and all other places in which people work, live or congregate from time to time for any purposes; and

(8) the investigation of the cause, origin and circumstances of fire.

(C) **REQUIRED PERMITS.** All applications for permits required by the Fire Code shall be made to the Building Official in such form and detail as he shall prescribe. All applications for permits shall be accompanied by such plans as required by the Building Official and fees paid as per the fee resolution.

**11-9-2. RESPONSIBILITY FOR
ADMINISTRATION AND
ENFORCEMENT.**

The Building Official shall be responsible for the administration and enforcement of the Fire Code and shall, among other things, enforce all state statutes and local ordinances and/or regulations pertaining to:

- (A) — the prevention of fires;
- (B) — the suppression or extinguishing of dangerous or hazardous fires;
- (C) — the storage, use and handling of explosives, flammable, toxic corrosive, and other hazardous gaseous, solid and liquid materials;
- (D) — the installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment;
- (E) — the maintenance and regulations of fire escapes;
- (F) — the maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures, and other property including those under construction;
- (G) — the means and adequacy of each exit, in the event of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters, and all other places in which people work, live or congregate from time to time for any purpose; and

(H) — the investigation of the cause, origin, and circumstances of fire.

**11-9-32. AUTHORITY AND DUTY OF
POLICE PERSONNEL TO ASSIST IN
ENFORCEMENT**

Whenever requested to do so by the Building Official, the Chief of Police shall assign such available police officers as in his discretion may be necessary to assist the Building Official in enforcing the provisions of this Code.

CHAPTER 10 - UNIFORM SIGN CODE

11-10- 1. UNIFORM SIGN CODE ADOPTED.

The Uniform Sign Code, 1997 edition, as adopted by the International Conference of Building Officials and printed as a code in book form is hereby approved and adopted with the following amendment to table 4-B as the Uniform Sign Code of this City:

TABLE 4-B - PROJECTION OF SIGNS

CLEARANCE (feet)	MAXIMUM PROJECTION (feet)
x 304.8 for mm	x 304.8 for mm
Less than 8	Not permitted
8	3
8 to 16	1 plus 0.5 for each foot of clearance in excess of 8
Over 16	5

CHAPTER 11 - RIGHT OF ENTRY

11-11- 1. RIGHT OF REASONABLE ENTRY.

Whenever necessary to make an inspection to enforce any of the provisions of any code adopted pursuant to this Title, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises unsafe, substandard, or dangerous, as defined in the applicable sections of the codes, any condition that makes such building or premises dangerous, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the Building Official, provided that:

- (A) If such building or premises be occupied, he shall first present proper credentials and demand entry; and
- (B) If such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

11-11- 2. FAILURE OR NEGLECT TO PROMPTLY PERMIT ENTRY PROHIBITED.

No owner or occupant or any other person having charge, care or control of any

building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the Building Official or his authorized representative for the purpose of inspection and examination pursuant to any provisions of any of the codes adopted pursuant to this Title.

CHAPTER 12 - FEES

11-12- 1. PAYMENT OF FEES.

Whenever a fee is required by this Title or any schedule or resolution adopted by the City pursuant to this Title, such fees shall be paid to the Finance Department.

11-12- 2. BUILDING PERMIT FEES.

A fee for each building permit, electrical permit, plumbing permit, mechanical permit, and fire permit shall be paid to the city in such amount as shall be established from time to time by resolution duly enacted by the governing body. ~~In the event that specific permit items are not covered by a fee resolution, the building permit fees set forth in Section 303 of the Uniform Building Code, as herein amended, shall be applicable. The administrative and enforcement provisions of the Uniform Building Code relating to building permit fees shall be deemed to apply to the electrical and plumbing permit fees, unless otherwise provided by resolution of the governing body.~~

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

11-12- 3. PLAN CHECK FEES.

A fee, as established by resolution, for the review and approval of building construction

plans by the Building Department shall be paid to the Building Official.

On buildings requiring plan checks at the time of building permit application, the applicant shall pay a deposit which is established by resolution. This deposit shall be credited against the plan check fee when the permit is issued. This deposit is non-refundable in the event permits are not issued.

11-12- 4. PROJECT APPLICATION OR RE-SUBMISSION FEES.

The Planning Department shall charge a fee for the review and consideration of all projects that require planning review under the Land Management Code. The fee shall be based on the number of unit equivalents applied for as defined in the Land Management Code, subdivision lots or commercial area applied for, provided, however, that payment of the fee based on a specific number of units or commercial area shall not guarantee approval of that number of units or that number of square feet upon completion of the review process. There shall be no refund of the difference in the fees paid if fewer units or less commercial space is approved than was applied for. Re-submission of projects on which a conditional use approval has lapsed shall be accepted only upon payment of a new application fee. The application and re-submission fees shall be as set forth by resolution.

11-12- 5. CONDOMINIUM CONVERSION, TIMESHARE.

The fees prescribed in this Title for Plan Check, Project Application Fees, and Water Development and Connection Fees shall not be assessed against projects which are before the Planning Department and Planning Commission for the sole purpose of obtaining plat approval to submit a previously approved structure to condominium ownership, or to convert an existing structure to a timeshare condominium, provided the following conditions are met:

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

The fee, as established by resolution, for plat review for this condominium or timeshare conversion shall be assessed per habitable dwelling unit within the proposed condominium, exclusive of units not

included within the conversion, for residential and transient lodging units, and per thousand square feet of non-residential or commercial space. All other fees prescribed by this Title shall apply as the service is required. Additional water connection fees shall be assessed if the meter capacity or water service to the building is increased as a result of the change in ownership. This Title shall not be construed as waiving the conditional use review process for timeshare conversions established by the Land Management Code.

11-12- 6. MODIFICATION OF PLANS.

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

11-12- 7. BOARD OF ADJUSTMENT.

All applications for consideration of any project by the Board of Adjustment shall be accompanied by a fee as established by resolution, to defray the costs of technical review, posting of notice and other administrative costs incurred in the application and review.

11-12- 8. STAFF REVIEW TEAM FEES.

For the technical review provided by the city staff of all development projects, a fee as established by resolution, for staff review team meetings shall be charged by the Planning Department and billed monthly to developers who have projects under review.

11-12-9. ENGINEERING AND ATTORNEY'S FEES.

Each developer of any building project, subdivision or other construction which the City deems to require the services of the City Engineer or the City Attorney, shall reimburse the City for the City's actual costs for such services.

11-12-10. OTHER PROFESSIONAL SERVICES.

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

11-12-11. CONSTRUCTION INSPECTION.

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

The fees listed above are for typical construction projects requiring typical inspections during normal City business hours. For projects which require extraordinary plan review and inspection services, the City, upon notice to the developer, may charge the developer a fee as set by resolution to recoup costs to the City above the fee charged. The City may also

charge an hourly rate re-inspections of work previously rejected.

11-12-12. ADDITIONAL FEES.

The fees described in this Title are in addition to building permit fees for plumbing, electrical, mechanical, grading and excavation, demolition, signs, street cuts, and other fees set by resolution.

11-12-13. EXCEPTIONS.

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

11-12-14. APPROVALS WITHHELD.

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

11-12-15. FEE ADJUSTMENTS.

The fees established in this Title may be amended, changed, adjusted, or waived from time to time by motion of the City Council. The City Manager is authorized to reduce or waive fees on public or non-profit projects, projects deemed to serve a beneficial public purpose, provided that no waiver or

reduction of fees totaling more than one hundred dollars (\$100) on any one project may be waived without City Council approval. Building related fees shall **not** be assessed against building projects owned by the City based on the contract.

11-12-16. PUBLIC PARKING FACILITY.

The payment for spaces in a publicly constructed parking facility, in lieu of providing on-site parking within the HCB and HRC zones shall be as set by resolution and charged per stall. The payments, together with interest earned thereon, shall be used by the City for the construction or acquisition of parking structures within the Swede Alley area between Hillside and Heber Avenues.

11-12-17. PENALTY.

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

(Amended by Ordinance 95-35)

CHAPTER 13 - IMPACT FEES

11-13- 1. DEFINITIONS.

The following words and terms shall have the following meanings for the purposes of this chapter, unless the context clearly requires otherwise:

(A) **BUILDING PERMIT.** The permit required for any Development Activity, as defined herein, and pursuant to Chapter 11-3 et seq. of the Municipal Code of Park City, Utah.

(B) **CONSTRUCTION VALUE.** The value of construction per square foot used by the Park City Building Department to determine plan check and Building Permit fees, multiplied by the area of Development Activity

(C) **DEPARTMENT.** The Community Development Department.

(D) **DEVELOPMENT ACTIVITY.** Any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, which is accompanied by a request for a Building Permit.

(E) **DIRECTOR.** The Director of Community Development or his/her designee.

(F) **ENCUMBER.** To reserve, set aside or otherwise earmark, the Impact Fees in order to pay for commitments, contractual obligations or other liabilities incurred for Public Facilities.

(G) **IMPACT FEE**. Any fee levied pursuant to this chapter as a condition of issuance of a Building Permit. "Impact Fee" does not include fees imposed under Section 11-12 of the Municipal Code.

(H) **INDEPENDENT FEE CALCULATION**. An impact fee calculation prepared by a fee payer to support assessment of an Impact fee different from any fee set forth herein.

(I) **OWNER**. The owner of record of real property, or a person with an unrestricted written option to purchase property; provided that, if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the Owner of the real property.

(J) **PARKS, TRAILS AND OPEN SPACE IMPACT FEE**. The impact fee imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, acquisition, financing and construction of City-owned parks, trails and open space

(K) **PROJECT IMPROVEMENT**. Site improvements and facilities that are planned and designed to provide service for the Development Activity and are necessary for the use and convenience of the users of the development resulting from the Development Activity.

(L) **PUBLIC FACILITY**. Any structure built by or for, or maintained by, a governmental entity.

(M) **PUBLIC SAFETY FACILITIES IMPACT FEE**. The impact fee imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, acquisition, engineering, financing and construction of public safety facilities.

(N) **STREETS AND STORM WATER IMPACT FEE**. The impact fee imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, acquisition, financing and construction of additional street and storm water management facilities.

(O) **SYSTEM IMPROVEMENT**. Public Facilities identified in the 1995 Capital Facilities Plan and Impact Fee Analysis, the 1995 Water Capital Facilities Plan and Analysis, or the 1993 School Facilities Capital Improvement Program, that are not Project Improvements.

(P) **WATER CONNECTION IMPACT FEE**. The impact fee, calculated as an expression of new equivalent residential units (ERUs), to assess the impact of indoor Development Activity, and increased area of irrigated landscape, to assess the impact of outdoor Development Activity, imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, acquisition, financing and construction of water delivery systems.

(Q) **WATER DEVELOPMENT IMPACT FEE.** The impact fee, calculated as an expression of new equivalent residential units (ERUs), to assess the impact of indoor Development Activity, and increased area of irrigated landscape, to assess the impact of outdoor Development Activity, imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the acquisition and transfer of water rights and points of diversion and the planning, design, engineering, acquisition, financing and construction of physical sources to realize those water rights.

(Ord. No. 95-35; 96-12; 01-37)

11-13- 2. ASSESSMENT AND CALCULATION OF IMPACT FEES.

(A) **ASSESSMENT OF IMPACT FEES.** The City shall collect the following Impact Fees from any applicant seeking a Building Permit:

- (1) **Parks, Trails, and Open Space Impact Fee:** 1.35% of Construction Value.
- (2) **Public Safety Facilities Impact Fee:** 0.05% of Construction Value.
- (3) **Streets and Storm Water Facilities Impact Fee:** 0.60% of Construction Value.
- (4) **Water Impact Fee Schedule:**

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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	\$1,510	\$2,270	\$3,025	\$3,780	\$4,540	\$5,300

OUTDOOR (LANDSCAPING) WATER IMPACT FEES:

Irrigated Area (sf)	0-2000	2001-4000	4001-6000	6001-8000	8001-10,000	>10,000
Fee	\$1,200	\$2,400	\$3,600	\$4,800	\$6,000	\$6,000+ \$633/1000 sf

WATER SYSTEM IMPROVEMENTS SUMMARY OF FEE CALCULATION:

Development Type	Fee
Residential per each Equivalent Residential Unit (ERU)	\$9,760.00
Commercial/Industrial	\$9,760 x equivalent user ratio

Further calculation and presentation is included in the Impact Fee Analysis (See Ord. No. 01-37, Exhibit B).

INDOOR NON-RESIDENTIAL MULTIPLIERS - Based on IBC Table 1003.2.2.2:

OCCUPANCY	FLOOR AREA IN SF PER OCCUPANT	EQUIVALENT ERU'S PER OCCUPANT
Assembly		
Bars	15	0.012
Restaurants	15	0.021
Theaters, Auditoriums, Churches, etc.	15 or # of fixed seats	0.003
Others not listed	Per IBC Table 1003.2.2.2	Calculated at the time of application
Business/Office areas	100	0.009

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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.		

(Ord. No. 96-12; 01-37)

11-13- 3. OFFSETS.

(A) A fee payer can request that an offset or offsets be awarded to him/her for the value of a required System Improvement identified in the Capital Facilities Plan and Impact Fee Analysis, the Water Capital Facilities Plan and Analysis.

(B) For each request for an offset or offsets, unless otherwise agreed, the fee payer shall retain an appraiser approved by the Department to determine the value of the System Improvement provided by the fee payer.

(C) The fee payer shall pay the cost of the appraisal.

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(D) After receiving the appraisal, the Director shall provide the applicant with a letter or certificate setting forth the dollar amount of the offset, the reason for the offset, where applicable, the legal description of the site donated, and the legal description or other adequate description of the project or development to which the offset may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the Director before the Impact Fee offset will be awarded. The failure of the applicant to sign, date, and return such document within sixty (60) days shall nullify the offset.

(E) Any claim for offset must be made not later than the time of application for Building Permit. Any claim not so made shall be deemed waived.

(F) Determinations made by the Director pursuant to this section shall be subject to the appeals procedure set forth in Section 11-13-6 below.

11-13- 4. WAIVER.

The City Council may waive Impact Fees for:

(A) Construction of Affordable Housing, up to \$5,000 per unit;

(B) Construction of a Public Facility.

11-13- 5. APPEALS.

(A) A fee payer may appeal the Impact

Fees imposed or other determinations which the Director is authorized to make pursuant to this Chapter. However, no appeal shall be permitted unless and until the Impact Fees at issue have been paid.

(B) Appeals shall be taken within ten (10) days of the Director's issuance of a written determination, by filing with the Department a notice of appeal specifying the grounds for the appeal, and depositing the necessary fee, which is set forth in the existing fee resolution for appeals of land use decisions.

(C) The Department shall fix a time for the hearing of the appeal and give notice to the parties in interest. At the hearing, any party may appear in person or by agent or attorney.

(D) The Hearing Officer is authorized to make findings of fact regarding the applicability of the Impact Fees to a given Development Activity, the availability or amount of the offset, or the accuracy or applicability of an Independent Fee Calculation. The decision of the Hearing Officer shall be final, and may be appealed to the Third Judicial District Court for Summit County.

(E) The Hearing Officer may, so long as such action is in conformance with the provisions of this Chapter, reverse or affirm, in whole or in part, or may modify the determinations of the Director with respect to the amount of the Impact Fees imposed or the offset awarded upon a determination that it is proper to do so based on principles of fairness, and may make such order,

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requirements, decision or determination as ought to be made, and to that end shall have the powers which have been granted to the Director by this Chapter.

(F) Where the Hearing Officer determines that there is a flaw in the Impact Fee program or that a specific exemption or offset should be awarded on a consistent basis or that the principles of fairness require amendments to this Chapter, the Hearing Officer shall advise the City Attorney as to any question or questions that the Hearing Officer believes should be reviewed and/or amended.

11-13- 6. ESTABLISHMENT OF IMPACT FEES ACCOUNTS.

(A) Impact Fees shall be earmarked specifically and deposited in special interest-bearing Accounts. The fees received shall be prudently invested in a manner consistent with the investment policies of the City.

(B) Funds withdrawn from these Accounts must be used in accordance with the provisions of Section ~~11-13-9~~ 11-13-8 below. Interest earned on the Impact Fees shall be retained in each of the Accounts and expended for the purposes for which the Impact Fees were collected. Money in these Accounts shall not be commingled with other funds.

(C) Impact Fees shall be disbursed, expended, or encumbered within six (6) years of receipt, unless the Council identifies in written findings an extraordinary and compelling reason or reasons for the City to hold the fees beyond the six-year period.

Under such circumstances, the Council shall establish the period of time within which Impact Fees shall be expended or encumbered.

11-13- 7. REFUNDS.

(A) If the City fails to disburse, expend, or Encumber the Impact Fees within six (6) years of when the fees were paid, or where extraordinary or compelling reasons exist, such other time periods as established pursuant to Section 11-13-7(C) below, the current Owner of the property on which the Impact Fees have been paid may request a refund of such fees. In determining whether Impact Fees have been disbursed, expended, or Encumbered, such fees shall be considered disbursed, expended, or Encumbered on a first in, first out basis.

(B) Owners seeking a refund of Impact Fees must submit a written request for a refund of the fees to the Director within 180 days of the date that the right to claim the refund arises.

(C) Any Impact Fees for which no application for a refund has been made within this 180 day period shall be retained by the City and expended on type of Public Facilities.

(D) Refunds of Impact Fees under this section shall include any interest earned on the Impact Fees.

(E) When the City seeks to terminate any or all components of the Impact Fee

program, any funds not disbursed, expended, or Encumbered from any terminated component or components, including interest earned shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination, and the availability of refunds, in a newspaper of general circulation at least two (2) times. All funds available for refund shall be retained for a period of 180 days. At the end of the 180 day period, any remaining funds shall be retained by the City, but must be expended on the type of Public Facilities for which they were collected.

(F) The City shall refund to the current Owner of property for which Impact Fees have been paid all Impact Fees paid, including interest earned on the Impact Fees attributable to the particular Development Activity, within one (1) year of the date that right to claim the refund arises, if the Development Activity for which the Impact Fees were imposed did not occur, no impact resulted, and the Owner makes written request for a refund within 180 days of the expiration or abandonment of the permit for the Development Activity.

11-13- 8. USE OF FUNDS.

(A) Pursuant to this Chapter, Impact Fees:

(1) Shall be used for Public Facilities that reasonably benefit the new development; and

(2) Shall not be imposed to make

up for deficiencies in Public Facilities serving existing developments; and

(3) Shall not be used for maintenance or operation of Public Facilities.

(B) Impact Fees may be used to recoup costs of designing, constructing and/or acquiring Public Facilities previously incurred in anticipation of new growth and development to the extent that the Development Activity will be served by the previously constructed improvements or the incurred costs.

(C) In the event that bonds or similar debt instruments are or have been issued for the advanced provision of Public Facilities for which Impact Fees may be expended, Impact Fees may be used to pay debt service on such bonds, or similar debt instruments, to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the Development Activity.

(Amended by Ordinance 96-12)

11-13-9. INDEPENDENT FEE CALCULATIONS.

(A) If a fee payer believes that a fee should be charged, other than the Impact Fees determined according to this Chapter, then the fee payer shall prepare and submit to the Director an Independent Fee Calculation for the Impact Fee(s) associated with the Development Activity for which a Building Permit is sought. The

documentation submitted shall show the basis upon which the Independent Fee Calculation was made. The Director is not required to accept any documentation which the Director reasonably deems to be inaccurate, unsubstantiated, or unreliable and may require the fee payer to submit additional or different documentation prior to the Director's consideration of an Independent Fee Calculation.

(B) Any fee payer submitting an Independent Fee Calculation shall pay an administrative processing fee, per calculation, of one hundred dollars (\$100).

(C) Based on the information within the Director's possession, the Director may recommend, and the City Manager is authorized to adjust, the Impact Fee to the specific characteristics of the Development Activity, and/or according to principles of fairness. Such adjustment shall be preceded by written findings justifying the fee.

(D) Determinations made by the Director pursuant to this section may be appealed subject to the procedures set forth herein.

CHAPTER 14 - REGULATING HOURS OF WORK AND STORAGE OF MATERIALS AND EQUIPMENT ON CONSTRUCTION SITES

11-14- 1. POLICY.

It is the policy of Park City to require construction activity on buildings to occur entirely within an approved space, including the storage of materials and equipment, and also accumulation and disposition of construction related refuse.

11-14- 2. FENCING OF PUBLIC RIGHT-OF-WAY.

In those zones which permit construction of buildings up to property lines or within five feet (5') of property lines, leaving a very limited or no setback area, the building official may permit construction fences to be built across sidewalk area where there are sidewalks, or into the parking lane of the street where there is no sidewalk. Where street width will permit, in the judgement of the building official, the construction fence shall also provide a temporary sidewalk area, which may be built in the parking lane of the street. Any sidewalk built as a part of a construction site fence must be covered with a structural roof which complies with ~~Chapter 44 of the 1991 Uniform Building Code as adopted, or its successor provisions in later editions of the Uniform Building Code Section 3306 of the International Building Code, as they are adopted by the City.~~ The Uniform International Building Code requirements for construction of a temporary sidewalk may be reduced or waived by the Building Official where

conditions will not permit the full four foot (4') width. The location of fencing within the public way and the determination of whether to require sidewalk shall be made by the Building Official, subject to review by the City Manager. In the event that changes in parking regulations are required by the construction of such a fence, the Police Chief is authorized to post signs prohibiting or otherwise regulating parking in the area adjoining the construction site.

11-14- 3. CONSTRUCTION CONFINED TO APPROVED AREA.

All construction work, including the storage of construction materials, supplies, temporary offices, tools, machinery, trash containers and construction vehicles shall be confined to the approved area at all times, except as follows:

(A) Delivery trucks may park outside the approved areas for a period not in excess of one hour for the purpose of loading or unloading materials and equipment. On Main Street, Heber Avenue and Swede alley delivery trucks are subject to the additional requirements of Title 9, Parking Code, which regulates delivery vehicles in these locations.

(B) Cranes, concrete pumps and similar equipment that cannot be placed within the approved area because of space or access limitations on the site, shall not block traffic lanes on the streets without first having given the Police Department twenty-four (24) hours written notice of the intent to block the street and receiving written permission to block the street from the

Police Chief or his designee. The notice of intent shall designate the duration of the blockage and its location. The Chief of Police has the authority to make temporary changes in parking regulations to keep traffic blockage to a minimum.

11-14- 4. CONSTRUCTION MANAGEMENT MITIGATION PLANS.

A Construction Mitigation Plan shall be required to be submitted and approved by the Community Development Department, for all building permits. The Community Development Department may waive this requirement for minor remodels, additions and interior construction where the impact on adjacent property is minimal. This plan shall be written and shall address, to the satisfaction of the Community Development Department:

(A) **HOURS AND DAYS OF OPERATION.** The Construction Mitigation plan shall specify the daily construction start and finish times. The hours of construction activity is regulated in Section 11-14-6 for normal construction activity. Construction activity occurring outside of the times specified in Section 11-14-6 may only be allowed by Special Permit issued by the Building Official or the City Engineer.

(B) **PARKING.** The Construction Mitigation Plan shall include a parking plan. Construction vehicle parking may be restricted to one side of the street at construction sites so as to not block reasonable public and safety vehicle access along streets and sidewalks. Construction

parking in paid or permit only parking areas require the Public Works Department review and approve a parking plan. The plan shall also include anticipated temporary parking, e.g. delivery vehicles, large equipment parking. Any street closures require an approved permit from the Building Department and the Police Department.

(C) **DELIVERIES.** The Construction Mitigation Plan shall identify proposed delivery locations and routes. Deliveries of construction materials and supplies including concrete may be regulated as to time and routing if such deliveries will cause unreasonable noise, parking, or access issues. In order to reduce the number of delivery trips to construction sites, the stockpiling of materials on or near the site may be required. In the case of multiple construction sites in close proximity, a common materials storage and staging site may be required.

(D) **CONSTRUCTION PHASING.** Due to the narrow streets, small lot configuration, topography, traffic circulation, weather, construction parking and material staging problems, projects in the Historic District and other areas of the City may be required to be phased if more than one project is under construction in close enough proximity to create public safety or nuisance problems. In cases where phasing is deemed necessary by the Community Development Department, the first project to receive a building permit shall have priority, however, the Building Official shall have the authority to phase projects as necessary to assure efficient, timely and safe construction.

(E) **TRASH MANAGEMENT AND RECYCLING.** Construction sites shall provide adequate storage and a program for trash removal.

(F) **CONTROL OF DUST AND MUD ON STREETS.** A program for the control of dust or other airborne debris shall be required. Provision must be made to eliminate the tracking of mud on streets and a program shall be required to remove any such mud daily.

(G) **NOISE.** Construction activity shall not exceed the noise standards as specified in Section 6-3-9 of this Code.

(H) **GRADING AND EXCAVATION.** Because of the truck hauling involved in grading and excavation, restrictions on trucking routes as well as the hours of operation may be necessary to mitigate the adverse impacts from such operations. Destination and total cubic yards of excavated material shall be noted.

(I) **EROSION CONTROL PRACTICES.** Because of Park City's implemented Storm Management Plan, construction projects will need to identify drainage areas and planned Best Management Practices ("BMPs") to control erosion and off-site migration of soils. Some common BMPs for controlling soil erosion include but are not limited to the following:

1. Installation of slit fences or straw bales within drainage channels.
2. Minimal soil disturbance within drainage areas.
3. Blown straw media within the

drainage.

4. Detention basins.
5. Retention ponds.

The intent of employing Erosion Control BMPs on a construction project is to protect water quality within Park City.

(H)(J) CONSTRUCTION SIGN REQUIREMENTS. A sign, indicating the name of the party responsible for the construction project shall be posted in a location where such sign is readable from the street or driveway to the construction site. The sign shall not exceed twelve square feet (12 sq. ft.) in size, six feet (6') in height and shall not exceed a letter type of four inches (4").

Information on the sign shall include, at a minimum:

- (1) Name, address and phone number of contractor.
- (2) Name, address, and phone number of person responsible for the project.
- (3) Phone number of party to call in case of emergency.

No additional fee is required for this sign.

(K) LIMITS OF DISTURBANCE FINANCIAL GUARANTEE. A financial guarantee established per policy to assure adequate vegetation and landscaping of areas within Limits of Disturbance ("LOD") shall be required prior to construction. The financial security shall be \$0.75 per square

foot of the site within the LOD, excluding the permitted structure, driveways, decks, and other hard surfaced areas of the approved site plan. The City Manager has the authority to exempt pre-existing disturbed areas per interest of the public to mitigate existing disturbance. The LOD financial guarantee shall be reimbursed with the approval of the final landscape inspection.

11-14- 5. TOILET FACILITIES AND CONTAINERIZED TRASH SERVICE REQUIRED.

(A) All construction sites, including duplexes, single family homes and remodeling projects, shall be required to obtain and maintain on the site a container of suitable size and design to hold and confine trash, scraps, and other construction related refuse created or accumulated on the site. All such construction refuse shall be maintained in a closed container at all times, until transferred to the landfill. Containers may be placed in setback areas, provided that the placement of the container does not obstruct the view of motorists on adjoining streets and thereby create traffic hazards. It shall be unlawful to permit accumulated debris, litter, or trash on any construction site to blow or scatter onto adjoining properties, including the public street or to accumulate on the site outside of the container, or on transit to the landfill or dump. The owner or contractor shall service the container as frequently as needed to prevent trash from over-flowing.

(B) All construction sites shall have permanent toilets, or an approved temporary

toilet facility positioned in a location approved by the Building Department, at the rate of one toilet per fifteen on-site employees (1-15 employees = one toilet, 16-30 employees= two toilets and so on).

11-14- 6. HOURS AND DAYS OF WORK.

(A) Unless otherwise specified in a Conditional Use Permit or Construction Mitigation Plan, in all zoning Districts throughout the City construction work shall be allowed between the hours 7 AM and 9 PM Monday through Saturday. Construction shall be allowed in all zoning districts throughout the City between the hours of 9 AM and 6 PM on Sundays. In individual Construction Mitigation Plans, the Building Official may further reduce the hours or days of work for Special Events or as other circumstances may reasonably warrant. When work is prohibited, no exterior construction, excavation or delivery of supplies and concrete are allowed. Interior work, however, may be allowed Monday through Sunday, with no limitation on hours for the following types of construction:

- (1) Interior work on individual single-family home construction or addition projects not involving materials or supply delivers.
- (2) Construction of decks, patios, landscape walls less than four feet (4') in height, and fences on individual single-family lots.
- (3) Non-mechanized exterior

painting on individual single-family residences.

(4) Non-mechanized landscaping on individual single-family residences.

(5) Survey work not involving grading or use of power equipment to cut vegetation.

(B) **EXTENDED HOURS SPECIAL PERMIT.** The Building Official may authorize extended hours for construction operations or procedures which, by their nature, require continuous operation or modify or waive the hours of work on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants. In such cases, the Building Official shall issue a Special Permit identifying the extended hours. The contractor shall display the special permit on site.

(C) **SPECIAL EVENT REGULATIONS.** The Building Official and/or Police Chief may, at their discretion, restrict construction activity, including governmental or special improvement agencies, in order to assure the public safety during special events within the City. Special events shall include, but not be limited to the Art Festival, Film Festival, ski events, and holiday events. ~~Construction sites and activity with the potential of impacting the preparation for the 2002 Winter Olympic events in the City will be restricted as necessary.~~

11-14-7. RELATIONSHIP TO UNIFORM INTERNATIONAL BUILDING CODE.

This Chapter shall be construed as being supplemental to the ~~Uniform~~International Building Code as adopted. The technical requirements of the Building Code are not altered by this Chapter and to the extent there is any conflicting provision between this Chapter and the ~~Uniform~~ International Building Code, the more restrictive provision shall apply. The Building Official shall have the authority to alter specific technical requirements of ~~Chapter 33~~ of the Uniform International Building Code (1997 2000 Edition) or the International Fire Code to suit unique circumstances which might arise within Park City due to site specific conditions or narrow or steep streets.

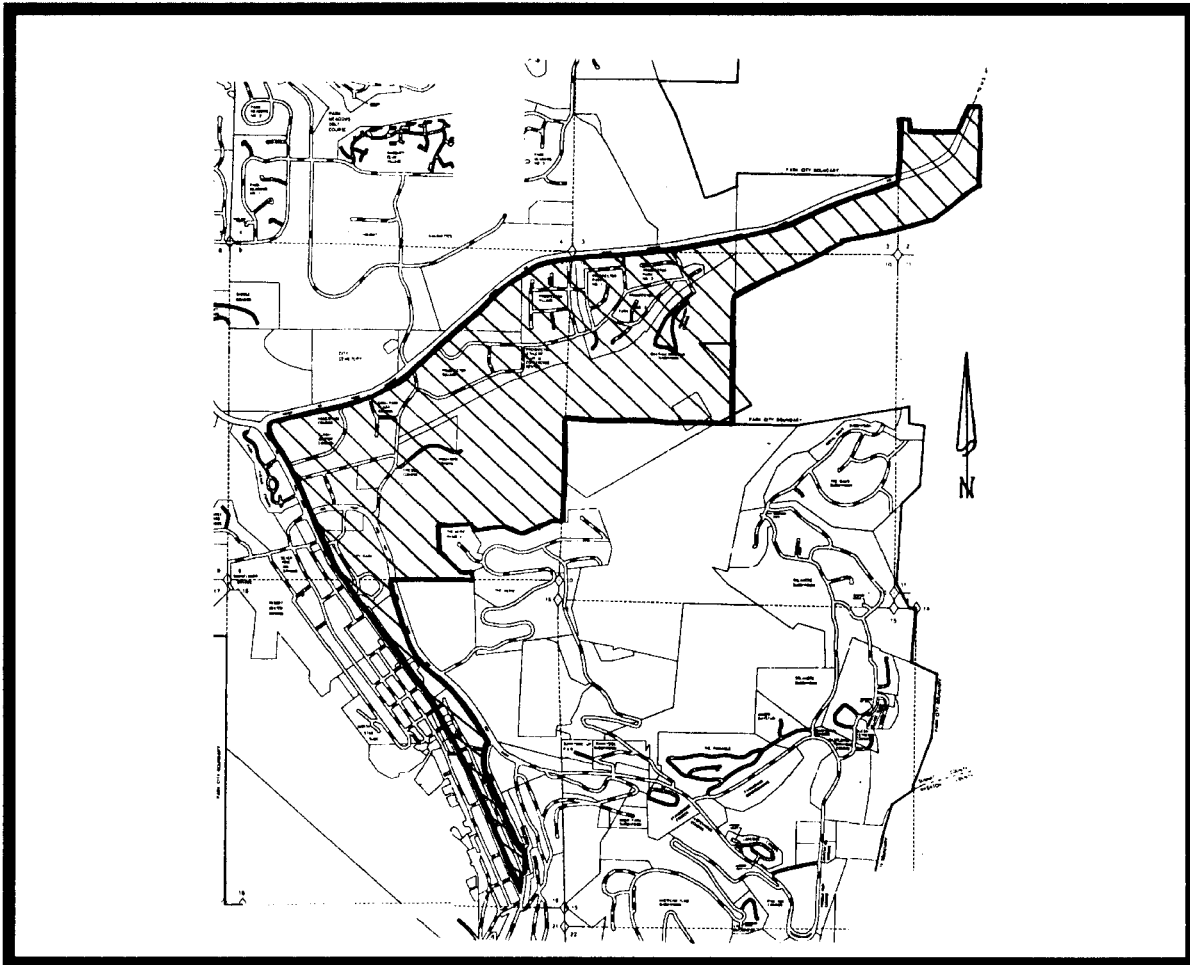
11-14- 8. ENFORCEMENT AND PENALTIES.

This Chapter shall be primarily enforced by the Building Official, with the assistance of the Police Department. When probable cause exists to believe a violation has been committed, the Building Official may issue a stop work order on any construction project until the violation is eliminated or the court finds that no violation exists. Persons violating this Chapter individually or through their employees are guilty of a Class "B" misdemeanor.

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 portion of Park City, Utah which is commonly known as that portion which is depicted in the map below.



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, T.2 South, R.4 East; 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, T.2S., R.4E.; thence along the easterly Park City limit line for the following fourteen (14) 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, T.2S., R.4E.; thence

south on the section line to the southerly right-of-way line of State Road 248; thence westerly along said southerly right-of-way line to the easterly right-of-way line of State Road 224, also known as Park Avenue; thence southerly along the easterly line of Park Avenue to the west line of Main Street; thence northerly along the westerly line of Main Street to the northerly line of 2nd Street (originally platted as 6th Street); thence easterly across Main Street to the westerly line of Swede Alley (originally platted as Farrell Alley, 6th Street, and Grant Avenue); thence northerly along the westerly line of Swede Alley to the westerly line of State Road 224, also known as Deer Valley Drive; thence northerly along the westerly line of State Road 224 to the southerly line of Section 9, T.2S., R.4E.; thence easterly to the west line of Section 10, T.2S., R.4E.; thence northerly to the point of beginning.

EXCEPTING THEREFROM all lots platted as 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.

All real property within the Area must be covered and maintained with a minimum cover of six inches (6") of approved topsoil over mine tailings except where such real property is covered by asphalt, concrete or permanent structures or paving materials. Parking shall be restricted to impervious surfaces.

11-15- 3. VEGETATION.

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.

11-15- 4. ADDITIONAL LANDSCAPING REQUIREMENTS.

In addition to the minimum coverage of topsoil requirements set forth in Section 2 above and the vegetation requirements set forth in Section 3 above, 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.

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.

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.

11-15- 8. DISPOSAL.

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.

11-15- 9. ENFORCEMENT.

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 ~~11-16-7~~ 11-15-7, then the owner of the property shall be required to comply with the standards set forth in this Chapter.

11-15-10. WELLS.

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

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

~~The failure to landscape, maintain landscaping, control dust or dispose of tailings as required by this Chapter shall constitute a public nuisance as determined by the City Council of Park City. 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 and on conviction therefor shall be punished by fine or by imprisonment for not more than six months or by both fine and imprisonment. 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.~~

CHAPTER 16 - FLOOD DAMAGE PREVENTION

11-16- 1. STATUTORY AUTHORIZATION.

The legislature of the state of Utah has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

11-16- 2. FINDINGS OF FACT.

The flood hazard areas of Park City are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

11-16- 3. STATEMENT OF PURPOSE.

It is the purpose of this Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (A) To protect human life and health;
- (B) To minimize expenditure of public money for costly flood control projects;
- (C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) To minimize prolonged business interruptions;

(E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;

(F) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

(G) To insure that potential buyers are notified that property is in an area of special flood hazard; and

(H) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

11-16- 4. METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purpose, this Chapter includes methods and provisions for:

(A) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(B) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(C) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(D) Controlling filling, grading, dredging, and other development which may increase flood damage; and

(E) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

11-16- 5. LANDS TO WHICH THIS CHAPTER APPLIES.

This Chapter shall apply to all areas of special flood hazard within the jurisdiction of Park City.

11-16- 6. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

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

11-16- 7. COMPLIANCE.

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

11-16- 8. ABROGATION AND GREATER RESTRICTIONS.

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and other Titles or Chapters of this Code, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

11-16- 9. INTERPRETATION.

In the interpretation and application of this Chapter, all provisions shall be:

- (A) considered as minimum requirement;
- (B) liberally construed in favor of the governing body; and
- (C) deemed neither to limit nor repeal any other powers granted under state statute.

11-16-10. WARNING AND DISCLAIMER OF LIABILITY.

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

the Federal Emergency Management Agency for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

11-16-11. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 11-16-6. Application for a Development Permit shall be made on forms furnished by the Building Official and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (A) Elevation, in relation to mean seal level, of the lowest floor, including basement, of all structures;
- (B) Elevation, in relation to mean sea level, to which any structure has been flood proofed;
- (C) Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in Section 11-16-14; and
- (D) Description of the extent to which any watercourse will be altered or relocated

as a result of proposed development.

11-16-12. DESIGNATION OF THE BUILDING OFFICIAL AS LOCAL ADMINISTRATOR.

The Building Official is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.

11-16-13. DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL.

Duties of the Building Official shall include, but not be limited to:

(A) PERMIT REVIEW.

- (1) Review all development permits to determine that the permit requirements of this Chapter have been satisfied.
- (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 11-16-11 are met.

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

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

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

(B) USE OF OTHER BASE FLOOD DATA. When base flood elevation data has not been provided in accordance with Section 11-16-6, the Building Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer Section 11-16-15 Specific Standards.

(C) INFORMATION TO BE OBTAINED AND MAINTAINED.

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

(in relation to mean sea level) to which the structure has been flood-proofed, maintain the flood-proofing certifications required in Section 11-16-11 (C) and maintain for public inspection all records pertaining to the provisions of this Chapter.

(D) **ALTERATION OF WATERCOURSES.** Notify adjacent communities and the State Division of Comprehensive Emergency Management prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Management Agency. The Building Official shall also require that maintenance is provided within the altered or relocated portion of said watercourse so that flood carrying capacity is not diminished.

(E) **INTERPRETATION OF FIRM BOUNDARIES.** Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards, for example, where there appears to be a conflict between a mapped boundary and actual field conditions.

(F) **VARIANCES.** Appeals and requests for variances from the requirements of this Chapter shall be heard in accordance with the established procedures of Park City. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

11-16-14. GENERAL STANDARDS.

In all areas of special flood hazards, the

following standards are required:

(A) **ANCHORING.** All new construction and substantial improvements including manufactured homes, which are controlled by the Land Management Code, shall be anchored to prevent floatation, collapse, or lateral movement of the structure. All manufactured homes must be elevated and anchored to resist floatation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

(1) Over-the-top ties at each of the four corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty feet (50') long requiring one (1) additional tie per side;

(2) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty feet (50') long requiring four additional ties per side;

(3) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(4) Any additions to the

manufactured home be similarly anchored.

(B) CONSTRUCTION MATERIALS AND METHODS.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(C) UTILITIES.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the

systems into flood waters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(D) SUBDIVISION PROPOSALS.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less.

11-16-15. SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 11-16-13 (B) the

following standards are required:

(A) **RESIDENTIAL CONSTRUCTION.** New construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to or above base flood elevation. Within any AO or AH zone on the FIRM, all new construction and substantial improvement of residential construction shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, at least two feet if no depth number is specified. Within any AO or AH zone, adequate drainage paths around structures shall be required to guide floodwater around and away from proposed structures.

(B) **NON-RESIDENTIAL CONSTRUCTION.** New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or together with attendant utility and sanitary facilities, shall:

- (1) Be flood-proofed so that below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water;
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (3) Be certified by a registered

professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Official as set forth in Section 11-16-13(C)(2).

(4) Within any AO or AH Zone on the FIRM, all new construction and substantial improvement of non-residential structures: (a) shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, at least two feet (2') if no depth number is specified; or (b) together with attendant utility and sanitary facilities be completely flood-proofed to that level to meet the flood-proofing standard specified in Section 11-16-15(B), above. Within any AO or AH Zone, adequate drainage paths around structures shall be required to guide floodwater around and away from proposed structures.

(C) **OPENINGS IN ENCLOSURES BELOW THE LOWEST FLOOR.** For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designated to automatically equalize the hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(1) A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(2) The bottom of all openings shall be no higher than one foot (1') above grade; and

(3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(D) MANUFACTURED HOMES.

Manufactured homes shall be anchored in accordance with Section 11-16-14 (A). All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system.

11-16-16. FLOODWAY.

Located within areas of special flood hazard established in Section 11-16-6 are areas designated as floodway. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered

professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(B) If Section 11-16-16(A) is satisfied, all new construction and substantial improvement shall comply with all applicable flood hazard reduction provisions of Section 11-16-14 and Section 11-16-15.

CHAPTER 17 - PENALTIES AND VIOLATIONS

11-17-1. VIOLATIONS.

No person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the applicable sections of the codes adopted pursuant to this Title or of any order issued by the Building Official hereunder.

11-17-2. PENALTY.

Any person failing to comply with the provisions of this Title, shall be guilty of a Class B misdemeanor and on conviction therefor shall be punished by fine or by imprisonment for not more than six months or by both fine and imprisonment.

11-17-3. CONTINUING OFFENSES DEEMED DAILY VIOLATION.

In all instances where the violation of this Title is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

CHAPTER 18 - GENERAL PROVISIONS

11-18- 1. REPEAL OF CONFLICTING ORDINANCES.

All previous adoptions of the ~~Uniform~~ Building, Housing, Fire, Abatement of Dangerous Building, Mechanical, Plumbing, Sign and Electrical Codes are hereby repealed and supplanted with the codes adopted herein.

11-18- 2. COPIES AVAILABLE FOR PUBLIC USE.

Copies of the ~~Uniform Building~~ International Building Code, International Residential Code, International Fuel Gas Code, International Energy Conservation Code, Housing, Fire, Abatement of Dangerous Buildings, Mechanical, Plumbing, Sign and Electrical Codes are on file in the office of the City Recorder for use and examination by the public.

11-18- 3. SEPARABILITY.

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

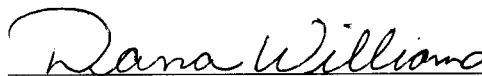
PARK CITY MUNICIPAL CODE - TITLE 11 BUILDINGS AND BUILDING
REGULATIONS

11-45

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


PASSED AND ADOPTED this 22 day of AUG, 2002.

PARK CITY MUNICIPAL CORPORATION

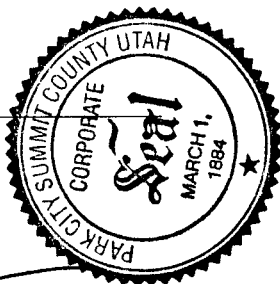


Mayor Dana Williams

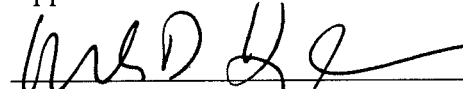
Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

Ordinance No. 02-31

AN ORDINANCE APPROVING AN AMENDED RECORD OF SURVEY FOR THE CACHE AT SILVER LAKE PLANNED UNIT DEVELOPMENT UNIT #3 LOCATED AT 7950 ROYAL STREET EAST, PARK CITY, UTAH.

WHEREAS, the owner of the property known as 7950-8150 Unit #3 Royal Street East, has petitioned the City Council for the approval of an amendment to record of survey 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 July 31, 2002 the Planning Commission held a public hearing to receive public input on the proposed amendment to the record of survey plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed amendment to the record of survey plat allows the property owner to convert existing common ownership area to private ownership; 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 Planned Unit Development known as The Cache @ Silver Lake is located at 7950-8150 Royal Street East and is zoned RD-MPD.
2. The applicant is proposing to convert 244 square feet of common area of Unit #3 of the Cache @ Silver Lake to private ownership.
3. The Planning Commission forwarded a positive recommendation to the City Council at its July 31, 2002 regular meeting.
4. The proposed amended record of survey changes the type of ownership of the area in question from common area to private area.
5. A vote of 66.66% or more for approval of the amendment was received by the members of the Homeowners Association.
6. The existing unit is approximately 4,000 square feet in size. The conversion of common area to private ownership will add approximately 244 square feet to the unit.
7. The parking requirement for multi-unit dwellings stipulates that any unit between above 2,500 square feet requires three parking spaces.

8. The existing unit has three parking spaces.
9. The additional square footage will not require additional parking.
10. The additional square footage will not decrease the amount of open space on the property to a level below 60%. requirements are met.

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.
3. Neither the public nor any person will be materially injured by the proposed Amended Record of Survey.
4. Approval of the Amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

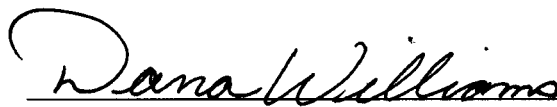
SECTION 3. CONDITIONS OF APPROVAL. The proposed subdivision plat attached as Exhibit A is hereby adopted with the following Conditions of Approval:

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 recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All other conditions of approval of the Cache @ Silver Lake Planned Unit Development project continue to apply.
4. Converted Private area cannot be used to create a lockout unit.
5. In all cases where necessary in the opinion of the Community Development Department, a certified survey will be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations.

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

PASSED AND ADOPTED this 8th day of August, 2002.

PARK CITY MUNICIPAL CORPORATION



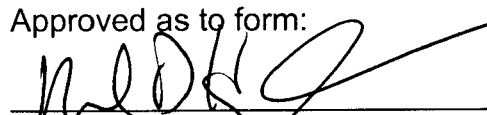
Dana Williams, Mayor

Attest:

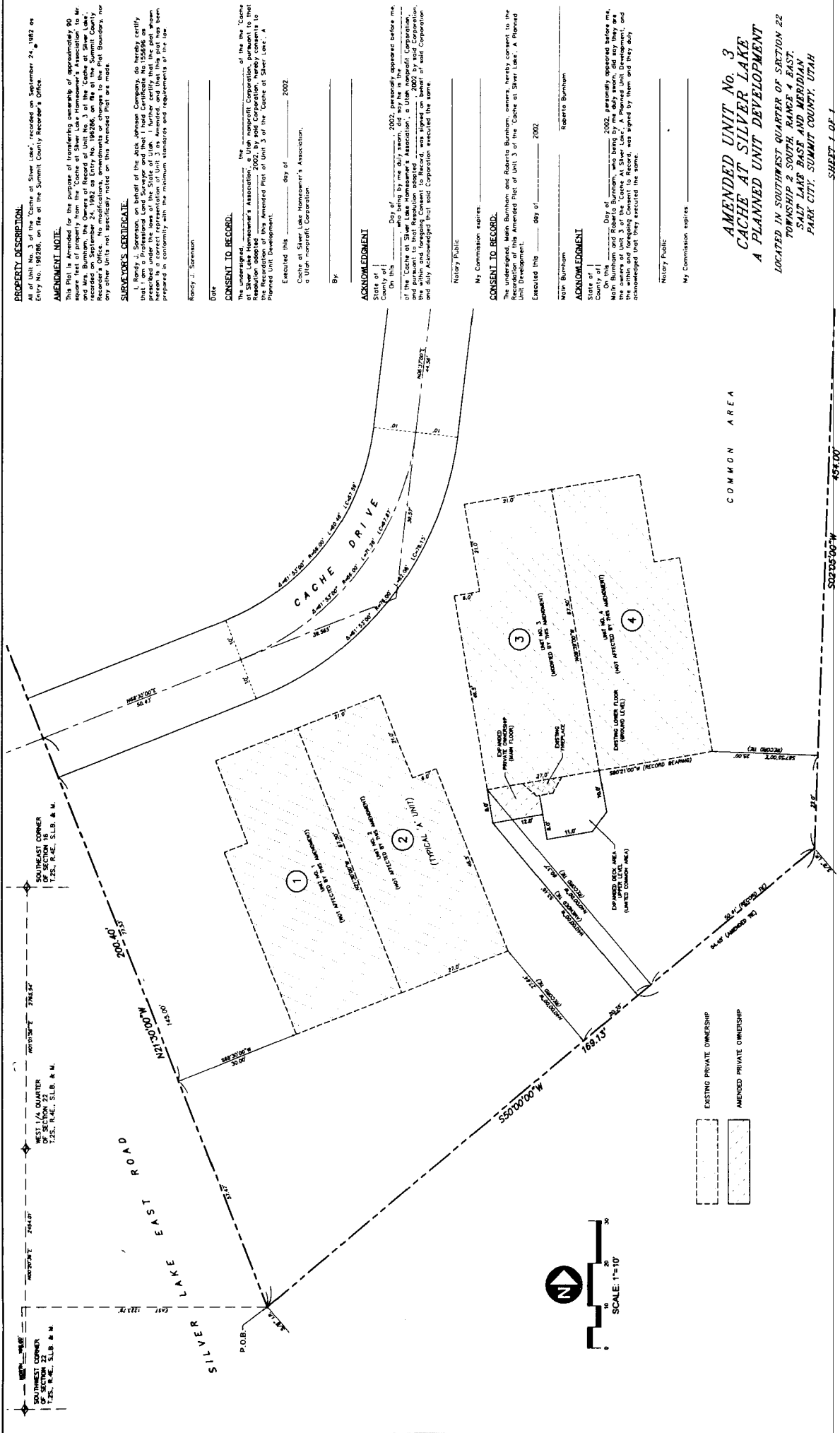


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



PROPERTY DESCRIPTION:
All of Unit No. 3 of the 'Cache at Silver Lake', recorded on September 24, 1982 as Entry No. 198208, on file at the Summit County Recorder's Office.

AMENDMENT NOTE:
This Plan is Amended for the purpose of transferring ownership of approximately 90 acres of land, more or less, to Main Burnham and Roberto Burnham, the Owners of Record of Unit No. 3 of the 'Cache at Silver Lake', recorded on September 24, 1982 as Entry No. 198208, on file at the Summit County Recorder's Office. The Amended Unit No. 3 is bounded and that this Plan has been prepared in conformity with the minimum standards and requirements of Utah law. No other units not specifically noted on this Amended Plan are made.

SURVEYOR'S CERTIFICATE:
I, Randy J. Sorenson, on behalf of the Jack Johnson Company, do hereby certify that the above described land is the same as that described in the plat herein and that the same is a correct representation of Unit 3 as amended, and that this Plan has been prepared in conformity with the minimum standards and requirements of Utah law.

Randy J. Sorenson _____
Date _____

CONSENT TO RECORD:
The undersigned, _____ of the 'Cache at Silver Lake Homeowner's Association', a Utah nonprofit Corporation, pursuant to that recorded on September 24, 1982 as Entry No. 198208, on file at the Summit County Recorder's Office, do hereby consent to the Recordation of this Amended Plat of Unit 3 of the 'Cache at Silver Lake', a Planned Unit Development.

Executed this _____ day of _____, 2002.
Cache at Silver Lake Homeowner's Association,
a Utah nonprofit Corporation.

By: _____

ACKNOWLEDGMENT:
I, _____ of _____ State of _____ County of _____, do hereby certify that on this _____ day of _____, 2002, personally appeared before me, _____ of the 'Cache at Silver Lake Homeowner's Association', a Utah nonprofit Corporation, and pursuant to that Resolution adopted by the Board of Directors of said Corporation, and duly acknowledged that said Corporation executed the same.

Notary Public _____
My Commission expires _____

CONSENT TO RECORD:
The undersigned, Main Burnham and Roberto Burnham, owners, hereby consent to the Recordation of this Amended Plat of Unit 3 of the 'Cache at Silver Lake', a Planned Unit Development.

Executed this _____ day of _____, 2002.

Main Burnham _____
Roberto Burnham _____

ACKNOWLEDGMENT:
I, _____ of _____ State of _____ County of _____, do hereby certify that on this _____ day of _____, 2002, personally appeared before me, _____ of the 'Cache at Silver Lake Homeowner's Association', a Utah nonprofit Corporation, and pursuant to that Resolution adopted by the Board of Directors of said Corporation, and duly acknowledged that said Corporation executed the same.

Notary Public _____
My Commission expires _____

CONSENT TO RECORD:
The undersigned, Main Burnham and Roberto Burnham, owners, hereby consent to the Recordation of this Amended Plat of Unit 3 of the 'Cache at Silver Lake', a Planned Unit Development.

Executed this _____ day of _____, 2002.

Main Burnham _____
Roberto Burnham _____

ACKNOWLEDGMENT:
I, _____ of _____ State of _____ County of _____, do hereby certify that on this _____ day of _____, 2002, personally appeared before me, _____ of the 'Cache at Silver Lake Homeowner's Association', a Utah nonprofit Corporation, and pursuant to that Resolution adopted by the Board of Directors of said Corporation, and duly acknowledged that they executed the same.

Notary Public _____
My Commission expires _____

CONSENT TO RECORD:
The undersigned, Main Burnham and Roberto Burnham, owners, hereby consent to the Recordation of this Amended Plat of Unit 3 of the 'Cache at Silver Lake', a Planned Unit Development.

Executed this _____ day of _____, 2002.

Main Burnham _____
Roberto Burnham _____

ACKNOWLEDGMENT:
I, _____ of _____ State of _____ County of _____, do hereby certify that on this _____ day of _____, 2002, personally appeared before me, _____ of the 'Cache at Silver Lake Homeowner's Association', a Utah nonprofit Corporation, and pursuant to that Resolution adopted by the Board of Directors of said Corporation, and duly acknowledged that they executed the same.

Notary Public _____
My Commission expires _____

CONSENT TO RECORD:
The undersigned, Main Burnham and Roberto Burnham, owners, hereby consent to the Recordation of this Amended Plat of Unit 3 of the 'Cache at Silver Lake', a Planned Unit Development.

Executed this _____ day of _____, 2002.

Main Burnham _____
Roberto Burnham _____

ACKNOWLEDGMENT:
I, _____ of _____ State of _____ County of _____, do hereby certify that on this _____ day of _____, 2002, personally appeared before me, _____ of the 'Cache at Silver Lake Homeowner's Association', a Utah nonprofit Corporation, and pursuant to that Resolution adopted by the Board of Directors of said Corporation, and duly acknowledged that they executed the same.

Notary Public _____
My Commission expires _____

CONSENT TO RECORD:
The undersigned, Main Burnham and Roberto Burnham, owners, hereby consent to the Recordation of this Amended Plat of Unit 3 of the 'Cache at Silver Lake', a Planned Unit Development.

Executed this _____ day of _____, 2002.

Main Burnham _____
Roberto Burnham _____

ACKNOWLEDGMENT:
I, _____ of _____ State of _____ County of _____, do hereby certify that on this _____ day of _____, 2002, personally appeared before me, _____ of the 'Cache at Silver Lake Homeowner's Association', a Utah nonprofit Corporation, and pursuant to that Resolution adopted by the Board of Directors of said Corporation, and duly acknowledged that they executed the same.

Notary Public _____
My Commission expires _____

CONSENT TO RECORD:
The undersigned, Main Burnham and Roberto Burnham, owners, hereby consent to the Recordation of this Amended Plat of Unit 3 of the 'Cache at Silver Lake', a Planned Unit Development.

Executed this _____ day of _____, 2002.

Main Burnham _____
Roberto Burnham _____

ACKNOWLEDGMENT:
I, _____ of _____ State of _____ County of _____, do hereby certify that on this _____ day of _____, 2002, personally appeared before me, _____ of the 'Cache at Silver Lake Homeowner's Association', a Utah nonprofit Corporation, and pursuant to that Resolution adopted by the Board of Directors of said Corporation, and duly acknowledged that they executed the same.

Notary Public _____
My Commission expires _____

AMENDED UNIT No. 3
CACHE AT SILVER LAKE
A PLANNED UNIT DEVELOPMENT

LOCATED IN SOUTHWEST QUARTER OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASIN AND MERRILLIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

<p>CITY PLANNING COMMISSION</p> <p>APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____, 2002.</p> <p>COMMISSIONER _____</p>	<p>SEWER DISTRICT</p> <p>REMOVED FOR COMPLIANCE WITH SUTHERLAND BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2002.</p> <p>SEWER DISTRICT REPRESENTATIVE _____</p>	<p>CITY ENGINEER</p> <p>REMOVED FOR COMPLIANCE WITH AVAILABLE INFORMATION IN THE PARK CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____, 2002.</p> <p>CITY ENGINEER _____</p>	<p>CITY COUNCIL</p> <p>PRESENTED TO THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2002.</p> <p>AT WHICH TIME THIS PLAN WAS APPROVED.</p> <p>WATION _____ CITY RECORDER _____</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM ON THIS _____ DAY OF _____, 2002.</p> <p>RECORDED AND FILED AT THE REQUEST OF _____</p> <p>COUNTY RECORDER _____</p>	<p>RECORDED</p> <p>ENTRY NO. _____ BOOK _____ PAGE(S) _____</p> <p>STATE OF _____ COUNTY OF _____</p> <p>DATE _____ TIME _____</p>
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JACK JOHNSON COMPANY
Developing World Destinations
1775 South Main Street, Suite 200, Salt Lake City, Utah 84143
Phone: (801) 464-1111 Fax: (801) 464-1112

**AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT
KNOWN AS THE APRIL MOUNTAIN SUBDIVISION,
LOCATED ON MELLOW MOUNTAIN ROAD, SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH**

WHEREAS, the owner, April Mountain Development LLC, of the property known as April Mountain MPD, located off of Mellow Mountain Road in Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah and also known as the April Mountain Subdivision, have petitioned the City Council for approval of a final subdivision plat; and

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

WHEREAS, on April 24 and June 26, 2002, the Planning Commission held public hearings to receive public input on the proposed subdivision plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on July 18, 2002 the City Council held a public hearing and reviewed the proposed subdivision plat; and

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

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

SECTION 1. FINDINGS OF FACT.

1. The property is located in the RD and ROS zoning districts.
2. On June 12, 2002 the Planning Commission approved the amended April Mountain MPD with conditions.
3. The property is subject to the amended April Mountain Master Planned Development (6/12/02).
4. A Development Agreement between the City and the Owner will be recorded prior to recordation of the plat, to memorialize the specific conditions of approval of the MPD.
5. The proposed subdivision plat includes 31 single family lots and 3 lots for development of 39 condominium units, in detached and attached (in pairs) single family units with private garages, in accordance with the amended April Mountain MPD (6/12/02).
6. The proposed subdivision plat provides to the City, a 50' access easement for public access

and utilities to the Gambel Oak park, contingent on the City's lease.

7. The proposed subdivision plat provides a 50' ROW access, as spelled out in the Development Agreement, to the adjacent parcel, known as the "Hope Parcel", with specific conditions of access agreed to by the City and spelled out in the Development Agreement. This ROW access reserves access to the public street system and utilities for the owner of the Hope Parcel.
8. A financial guarantee is necessary for all public improvements, including streets, utilities, trails, landscaping, etc. to protect the health, safety, and welfare of the general public.
9. The approved April Mountain MPD (June 12, 2002) allows Front Yard Setback reductions on specific lots, spelled out in the Lot Restrictions Table. The Lot Restrictions table is included on the plat.
10. On April 25th, 2001, the Planning Commission ratified the findings of fact and conditions of approval regarding the Sensitive Lands Analysis and the Density Determination for the April Mountain site.
11. The findings of the **Analysis** section of this report are included herein.
12. Public hearings were held by the Planning Commission on the proposed subdivision plat on April 24 and June 26, 2002.
13. Snow storage easements are required along the public ROW to provide additional snow storage area due to heavy winter snow fall in this location.
14. On June 26, 2002 the Planning Commission voted to forward to the City Council a positive recommendation to approve the April Mountain Subdivision plat with findings, conclusions of law, and conditions of approval as stated in the June 26, 2002 staff report.
15. On July 18, 2002 the City Council conducted a public hearing to receive input on the April Mountain Subdivision plat.
16. 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 plat. Approval of the subdivision plat, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City. The plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats. The plat is consistent with the April Mountain Master Plan approved on June 12, 2002.

SECTION 3. PLAT APPROVAL. The final plat for the April Mountain Subdivision is hereby approved as shown on Exhibit A, with the following conditions:

1. City Engineer and City Attorney review and approval of the final form and content of the

subdivision plat, for compliance with State subdivision laws, the Land Management Code, and the conditions of approval is a condition precedent to plat recordation.

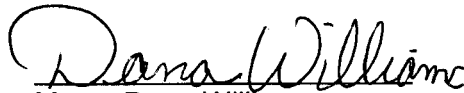
2. City Engineer approval of the project utility and drainage plan is a condition precedent to plat recordation.
3. A note shall be included on the plat indicating that all conditions of approval of the amended April Mountain MPD (June 12, 2002) apply.
4. Development of the condominium lots is subject to a conditional use permit, which will include conditions of approval specific to these lots.
5. Development of Lot 21 is subject to a conditional use permit with Land Management Code steep slope criteria from the HR-1 and HRL zoning districts used as additional review criteria.
6. Community Development Department approval of a construction mitigation plan (CMP) is a condition precedent to the issuance of any grading or building permits.
7. Modified 13-D residential fire sprinklers are required and no wood roofs are permitted.
8. The applicant shall record the subdivision plat within one (1) year from the date of the City Council approval. If recordation has not occurred within one year, this approval shall be void.
9. A financial guarantee for all public improvements, necessary to serve development of these lots, in an amount to be approved by the City Engineer, and in a form approved by the City Attorney, shall be in place prior to plat recordation.
10. The Development Agreement shall be signed and recorded prior to recordation of the plat.
11. A landscape plan shall be submitted for City review and approval for each single family lot, as a precedent to building permit issuance and a final landscape plan for the condominium units shall be reviewed and approved by the City as a precedent to building permit issuance.
12. The width and specific construction details of the trails shall be approved by the City trails coordinator prior to beginning construction of the trails and shall be consistent with the April Mountain MPD and Master Trail Plan. All trails shall be completed prior to issuance of a certificate of occupancy for any unit and/or a guarantee shall be posted to ensure completion of trails. **Six foot wide public pedestrian access easements shall be shown on the plat, over the public access easements to the Hope and Gambel Oak parcels that are subject to specific conditions of the Development Agreement. These public pedestrian access easements provide access until such time as the ROW to the Hope parcel is dedicated and provide continual pedestrian access to the Gambel Oak Parcel should the City's lease with the BLM expire.**
13. Ten (10') foot snow storage easements along and outside the public ROW are required.

14. City acceptance of the public streets for maintenance and snow plowing shall not occur until at least 50% of both single family houses and also the condominium units have received a Certificate of Occupancy. Specifically, 16 single-family houses and also 20 condominium units must be legally occupied prior to City acceptance of snow plowing responsibility.
15. In general, a single one-inch irrigation supply line is the maximum water source for each condominium parcel landscaped area.
16. **A note shall be added to the plat stating that no Nightly Rentals are allowed on lots or condominiums described by this plat or any future record of survey plat.**

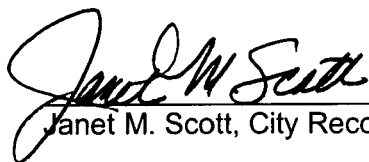
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 8th day of August 2002.

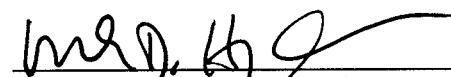
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



Ordinance No. 02-29

AN ORDINANCE AMENDING, TITLE 14, CHAPTER 6, SECTION 7 OF THE MUNICIPAL CODE, REGULATING NEWS RACK LOCATIONS WITHIN PARK CITY'S HISTORIC DISTRICT

WHEREAS, Park City has an interest in promoting pedestrian safety and reducing visual clutter within Park City's Historic District, and

WHEREAS, Park City wishes to protect the right to distribute information protected by the United States Constitution and the Constitution of Utah, and

WHEREAS, the City Council has determined to protect these interests through the installation and use of uniform News Racks within the Historic District, and

WHEREAS, Park City seeks to cooperate with Main Street business and visitors in providing convenient access to news racks, and

WHEREAS, the location of the News Racks is significant to business, visitors, and distributors,

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

SECTION 1. FINDINGS: The Council finds that:

1. In recognition of diverse interests including pedestrian safety, protection of Park City's Historic District, and cooperation with local businesses and distributors of newspapers and periodicals, the Main Street Mall provides a more suitable location for News Racks than the Public Parking Lot at the top of Main Street.
2. The pedestrian bulb-out at 560 is preferable to a location on private property near the Claimjumper Hotel.
3. Relocating News Racks to these locations does not adversely affect the public safety interest or the right to distribute information.
4. Distributors participating in Park City's News Rack program approve of the new locations

SECTION 2. AMENDMENT TO TITLE 14, CHAPTER 6 OF THE MUNICIPAL CODE. Title 14, Chapter 6 is hereby amended by modifying Section 7 as follows:

CHAPTER 6 - NEWS RACKS

14- 6- 7. CITY PERMITTED NEWS RACK LOCATIONS. News Racks shall be permitted and installed within the Special Distribution Area pursuant to this Chapter.

(A) NEWS RACK RECEIVING AREAS. The City shall provide pedestals and trays at the following locations for the installation of that number of News Racks specified below:

(1) Summit Watch, 780 Main Street - twelve (12) News Racks; along the stone walls within the four stepbacks.

(2) Kimball Art Center, 638 Park Avenue - twelve (12) News Racks; along the cement wall to the east of the building.

(3) ~~Claimjumper Hotel, 573 Main Street~~ *Main Street Bulb-Out, 560 Main Street* - six (6) News Racks; ~~along the building between the two windows on the south end of the facade between Main Street and the pedestrian walkway.~~

(4) Dolly's Bookstore walkway to Swede Alley, 510 Main Street - eight (8) News Racks; along the railing within the stepback towards the east end of the walkway.

(5) Post Office, 450 Main Street - sixteen (16) News Racks; along the wall on the south end of the entrance.

(6) Cafe Terigo walkway to Swede Alley, 424 Main Street - eight (8) News Racks; along the brick wall on the south end of the plaza on Swede Alley.

(7) South of Wasatch Brew Pub, 248 Main Street - twelve (12) News Racks; along the railing.

(8) ~~Wasatch Brew Pub Parking Lot, 249 Swede Alley~~ *Main Street Mall, 333 Main Street* - twelve (12) News Racks; ~~along the cement wall below the stairs outside the south entrance between the sidewalk and building.~~

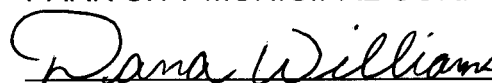
(9) China Bridge Parking Structure, 320 Swede Alley - eight (8) News Racks; outside of the west entrance along the sidewalk.

(10) Transit Center, 540 Swede Alley - six (6) News Racks; on the plaza level.

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

PASSED AND ADOPTED this 1st day of August, 2002.

PARK CITY MUNICIPAL CORPORATION

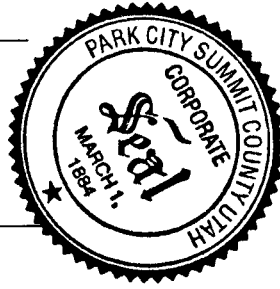


Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder

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



Ordinance No. 02-28

AN ORDINANCE APPROVING PLAT AMENDMENT TO COMBINE LOTS 4 AND 5 OF BLOCK 17 OF SNYDER'S ADDITION INTO ONE LOT.

WHEREAS, owners of the property known as 1117 Norfolk Avenue, 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 July 10, 2002 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

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

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

SECTION 1. 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. This application was reviewed by the Planning Commission on July 10, 2002, at which time a unanimous vote forwarded a recommendation to approve the application. A public hearing was held and no input was received.
2. The property is located in the Historic Residential (HR-1).
3. The HR-1 District is characterized by a mix of small historic structures and larger contemporary residences.
4. There is an existing non-historic single family home on the property.
5. The existing non-historic single family home straddles lots 4 and 5 of block 17 of Snyder's Addition to the Park City Survey
6. The amendment will combine lots 4 and 5 of Block 17 of the Snyder's Addition to the Park City Survey into one (1) platted lot.
7. The proposed lot will combine two standard 25' x 75' old town lots. The resulting lot size will be 3,750 square feet (50' x 75')
8. An existing fence and retaining wall encroach approximately two feet (2') onto the northern section of the property from lot 6 of Block 17 of the Snyder's Addition to the Park City Survey.
9. The required front yard setback in the HR-1 zone for a 75' deep lot is ten feet (10').
10. The existing non-historic structure encroaches into the front yard setback approximately one foot (1').
11. An existing deck on the second floor of the structure extends three feet (3') into the front yard setback.
12. The required side yard setback in the HR-1 zone for a 25' lot is three feet (3'). The required side yard setback for a 50' wide lot is five feet (5').
13. A second floor deck on the existing non-historic structure encroaches into the north

- side yard setback approximately two feet and six inches (2' - 6").
14. On June 10, 2002 the Building Department issued an interior demolition and remodel permit for the existing non-historic structure.
 15. No proposal has been made to increase the amount of non-compliance of the building, by encroaching further into the side or front yard setbacks.
 16. Minimal construction staging area is available along Norfolk Avenue.
 17. The project will be reviewed for compliance with the Historic District Design Review Guidelines prior to the issue of a building permit for any addition or exterior remodel.

Conclusions of Law:

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


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 for exterior work, or an addition, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. No plans for improvements to the existing structure shall be approved by the Community Development Department which increase the amount of existing non-compliance on the lot.
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 years time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 18th day of July, 2002.

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



Found 5/8" rebar
set plastic cap

NEPTON
AVENUE

Lot 6

S 54°01' W 75.00'

N 65°59' W 25.00'
25.00' wall
35°59' W 25.00'

LOT 5

House

Deck

S 54°01' W
75.00'

LOT 4

Basis of Bearing
N 54°01' E 75.00'
(measured=74.90')

Lot 3

S 35°59' E

25.00'

25.00'

conc.
wall

*To erase the line between
lots 4 & 5.

Lot 2

RECEIVED
JUN - 4 2002
PARK CITY
PLANNING DEPT.

EXHIBIT A

Ordinance No. 02-27

AN ORDINANCE APPROVING 157 PARK AVENUE LOT LINE ADJUSTMENT TO COMBINE THE SOUTHERLY TEN FEET OF LOT 15 AND ALL OF LOT 14 IN BLOCK 1 OF THE AMENDED PARK CITY SURVEY, INTO ONE (1) PLATTED LOT LOCATED AT 157 PARK AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the southerly ten feet (10') of Lot 15 and all of Lot 14 in Block 1 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 July 10, 2002, to receive input on the proposed lot line adjustment;

WHEREAS, the Planning Commission, on July 10, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 18, 2002, the City Council held a public hearing to receive input on the proposed lot line adjustment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey and lot line adjustment.

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. The lot line adjustment will combine the southerly ten feet (10') of Lot 15 and all of Lot 14 in Block 1 of the amended Park City Survey, into a single lot consisting of approximately 2,625 square feet, to allow for proposed improvement to the property.
3. The remaining northerly portion of Lot 15 is under separate ownership and tied to Lot 16.
4. The proposed lot line adjustment will maintain the historic dwelling's non-compliance with the LMC required HR-1 District Side Yard Setback of three feet

(3'), to the south. The existing southerly Side Yard Setback is one foot (1'). The proposed addition will comply with all required setbacks.

5. There is an existing non-historic shed to the rear of the subject property, which maintains a small physical existing encroachment onto the adjoining Lot 18. This shed will be demolished, and the encroachment will be resolved, as part of the proposed addition under the Historic District Design Review application.
6. The lot line adjustment will not increase density on the lot.
7. There is limited on-street parking in Old Town, so snow removal is very important.
8. The lot line adjustment is being processed through the Planning Commission and City Council procedure due to the fact that applicant was unable to secure the written consent of all Owners of Property contiguous to the adjusted subject Lot, per Section 15-7.1-6(E)(1)(b) of the LMC.
9. The applicant stipulates to the conditions of approval herein.
10. An Historic District Design application was submitted on June 28, 2002, and is pending an administrative review and possible action
11. On July 10, 2002, the Planning Commission reviewed this application, conducted a public hearing, and forwarded it to the City Council with a positive recommendation.

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

SECTION 3. LOT LINE ADJUSTMENT APPROVAL. The lot line adjustment to combine combine the southerly ten feet (10') of Lot 15 and all of Lot 14 in Block 1 of the amended Park City Survey, known as the 157 Park Avenue Lot Line Adjustment, is approved with the following conditions:

1. City Attorney and City Engineer review and approval of the lot line adjustment for compliance with the Land Management Code and conditions of approval is a condition precedent to recordation.
2. A note shall be added to the plat stating that no accessory apartment shall be permitted as part of the historic dwelling or future additions.
3. The City Engineer shall review and approve the slope, configuration and drainage

pattern of the proposed improvements to the existing driveway fronting Park Avenue.

4. A five foot (5') non-exclusive utility and snow storage easement shall be incorporated in the first five feet from the edge of asphalt of the existing built Park Avenue.
5. The existing non-historic shed to the rear of the subject property, which maintains a small physical existing encroachment onto the adjoining Lot 18, shall be removed and the encroachment shall be resolved, prior to the issuance of a full building permit for the proposed rear addition.
6. All Standard Project Conditions shall apply (Please see Standard Project Conditions).
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 18th day of July, 2002.

PARK CITY MUNICIPAL CORPORATION



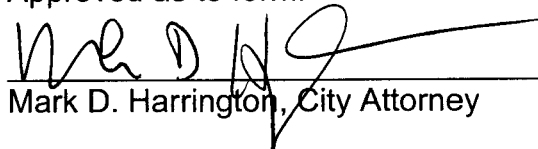
Mayor Dana Williams

Attest:



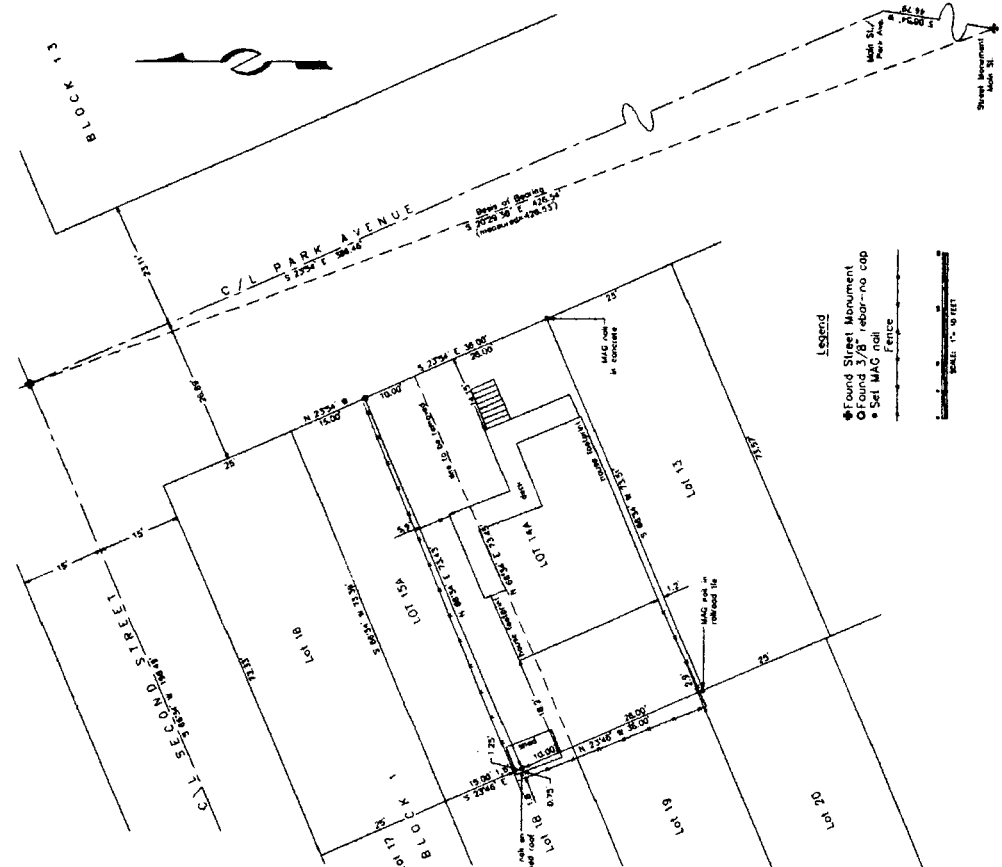
Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

Amended Lots 14A & 15A, Block 1, Park City Survey Lot Line Adjustment



OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that we, Amos & Anat Madanes, the undersigned owners of the herein described tract of land, to be known as Block 1, Park City Survey, having caused this Amended Lot Line Plat to be prepared, do hereby dedicate to the City of Park City, Utah, the herein described land for local government use, easements, parks, and required utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hand this _____ day of _____, 2002.

By: _____
Anat Madanes

ACKNOWLEDGEMENT

On this _____ day of _____, 2002, Amos and Anat Madanes personally appeared before me, the undersigned Notary Public, in and for said State of Utah. Having been duly sworn, Amos and Anat Madanes acknowledged to me that they are the legal owners of Amended Lot 14A, Block 1, Park City Survey as herein described, and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

My commission expires: _____

RESIDING IN _____ COUNTY, _____

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that we, Thomas E. & Barbara J. Hansen, the undersigned owners of the herein described tract of land, to be known as Amended Lot 15A, Block 1, Park City Survey, having caused this Amended Lot Line Plat to be prepared, do hereby dedicate to the City of Park City, Utah, the herein described land for local government use, easements, parks, and required utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hand this _____ day of _____, 2002.

By: _____
Barbara J. Hansen

ACKNOWLEDGEMENT

On this _____ day of _____, 2002, Thomas E. & Barbara J. Hansen, personally appeared before me, the undersigned Notary Public, in and for said State of Utah. Having been duly sworn, Thomas E. & Barbara J. Hansen acknowledged to me that they are the legal owners of Amended Lot 15A, Block 1, Park City Survey as herein described, and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

My commission expires: _____

RESIDING IN _____ COUNTY, _____

NARRATIVE

- Survey requested by Amos & Anat Madanes.
- Plat survey laid out and adjustment between Lot 14 and Lot 15.
- Block 1, Park City Survey, recorded in the office of the Summit County Recorder, 1500 East Main Street, Park City, Utah, under the name of Amos & Anat Madanes, Inc. Recorded as Entry No. 199887 in the office of the Summit County Recorder, Subdivision of Block 1 from the Map of Park City by Caldwell & Richards Engineers, traced from the original map July, 1927.
- Date of survey: February 21, 2001.
- Plat recorded as follows:
- Located in the Subdivision of Section 16, T2S, R4E, S18E4.
- See the official plats of the Park City Survey for other possible easements and restrictions.
- The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.

LEGAL DESCRIPTIONS

Amended Lot 14A
Beginning at the northeasterly corner of Lot 13, Block 1, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, 1500 East Main Street, Park City, Utah, under the name of Amos & Anat Madanes, Inc. Recorded as Entry No. 199887 in the office of the Summit County Recorder, Subdivision of Block 1 from the Map of Park City by Caldwell & Richards Engineers, traced from the original map July, 1927, thence N 23°46' W, along the line common to said Lot 13 and Amended Lot 14A, 73.51 feet to the corner common to said Lot 13 and Amended Lot 14A; thence N 23°46' W, along the line common to said Amended Lot 14A and Lot 20, Lot 18, Block 1, Park City Survey, 36.00 feet to the corner common to said Lot 18, Block 1, Park City Survey, 36.00 feet to the corner common to said Lot 14, Block 1, Park City Survey, thence N 66°34' E, along the line common to said Amended Lot 14A and Lot 15A, 73.43 feet to the corner common to said Amended Lot 14A and Lot 15A; thence S 23°54' E, along the easterly line of said Amended Lot 14A, 36.00 feet to the point of beginning; containing 0.061 acres, more or less.

Amended Lot 15A

Beginning at the southeasterly corner of Lot 16, Block 1, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, 1500 East Main Street, Park City, Utah, under the name of Amos & Anat Madanes, Inc. Recorded as Entry No. 199887 in the office of the Summit County Recorder, Subdivision of Block 1 from the Map of Park City by Caldwell & Richards Engineers, traced from the original map July, 1927, thence S 66°34' W, along the line common to said Lot 16 and Amended Lot 15A, 73.39 feet to the corner common to said Lot 16 and Amended Lot 15A, along the line common to said Lot 16 and Amended Lot 15A, 15.00 feet to the line common to said Lot 18 and Amended Lot 15A, 15.00 feet to the corner common to said Lot 18 and Amended Lot 15A, 15.00 feet to the corner common to said Lot 15A and Amended Lot 14A, Block 1, Park City Survey, thence N 66°34' E, along the line common to said Amended Lot 14A and Lot 15A, 73.43 feet to the corner common to said Amended Lot 14A and Lot 15A; thence N 23°54' W, along the easterly line of said Amended Lot 15A, 36.00 feet to the point of beginning; containing 0.025 acres, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Colley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 599005, do hereby certify that I have supervised a survey of the herein described property and that this plat is a true representation of said survey.

Date _____
J.D. Colley RLS599005

APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2002 A.D. BY: _____ PARK CITY ENGINEER		CERTIFICATE OF ATTEST I HEREBY FILE RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2002 A.D.		COUNCIL APPROVAL AND ACCEPTANCE APPROVED AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2002 A.D.		RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE OFFICE OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____	
ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE OF _____, 2002 A.D. BY: _____ PARK CITY ENGINEER		PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2002 A.D. BY: _____		UNDERTAKING BASIS WATER RIGHTS AND EASEMENTS SHALL BE AS SHOWN ON THIS PLAT AND SHALL BE SUBJECT TO THE RECORD OF SURVEY.		NOTARY PUBLIC RESIDING IN _____ COUNTY, _____	
Alpine Survey, Inc. 19 Prospector Dr. Park City, Utah 84060 (435) 655-8016							

EXHIBIT A - Proposed Plat

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

**EXHIBIT B - Standard
Conditions of Approval**

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. 02-26

AN ORDINANCE APPROVING A CONDOMINIUM CONVERSION FOR THE PROPERTY LOCATED AT 1765 SIDEWINDER DRIVE.

WHEREAS, the owner, Scott Rogers, of the property known as 1765 Sidewinder Drive, 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 June 26, 2002 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 condominium conversion allows the property owner to convert an existing building into ten (10) separate condominium units; 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 proposed condominium is located in the General Commercial Zone.
2. The structure was originally approved as a hotel which is an approved use in the GC zone, and received a building permit on September 28, 2000.
3. The Planning Commission granted a conditional use permit for a timeshare for the building on July 11, 2001
4. The Planning Commission forwarded a positive recommendation to the City Council for the Condominium Conversion on June 26, 2002.
5. The structure is a 9,031 square foot building constructed on a 4,550 square foot lot with 10 units.
6. Parking for the structure is provided by the Prospector Square Subdivision common parking lots.
7. The maximum height for the GC zone is 35 feet above grade.
8. The height of the existing structure is 35 feet above grade.
9. Building setbacks for the Prospector Square subdivision are zero (0).
10. The proposed plat changes the type of ownership of this property to condominium ownership.
11. The Park City Land Management Code and General Plan allow condominium conversions to commercial buildings in the GC zone when all minimum code requirements are met.
12. The applicant abandons the July 11, 2002 Planning Commission CUP approval for a timeshare use.
13. The applicant stipulates to all Conditions of Approval

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

1. This approval as conditioned is consistent with the requirements of Section 15.7 of the

- Land Management Code as well as the General Plan.
2. This approval as conditioned does not adversely affect the health, safety, or welfare of the citizens of Park City.
 3. Neither the public nor any person will be materially injured by this plat amendment.
 4. There is good cause for this condominium plat.
 5. The plat is consistent with the Park City Land Management Code and applicable State Laws regarding condominium plats.

SECTION 3. CONDITIONS OF APPROVAL. The proposed subdivision plat attached as Exhibit A is hereby adopted with the following Conditions of Approval:

1. All standard conditions of project approval shall apply to this project.
2. This approval shall render the July 11, 2001 CUP approval for a timeshare null and void.
3. No changes to the building (as approved by the Community Development Department on September 28, 2000) are approved as part of this application.
4. This condominium record of survey plat shall not be recorded until all issues pertaining to water, sewer, and other utilities are fully resolved with the City Engineer and Chief Building Official.
5. This approval shall expire one year from the date of City Council approval, unless this condominium plat is recorded prior to that date.
6. The City Attorney and City Engineer's review and approval of the condominium plat and CC+R's for compliance with the Land Management Code, State Law and conditions of approval, is a condition precedent to recording the plat.

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

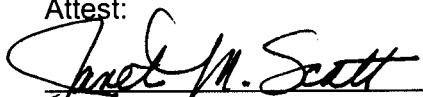
PASSED AND ADOPTED this 11th day of July, 2002.

PARK CITY MUNICIPAL CORPORATION



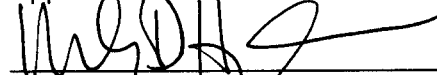
Dana Williams, Mayor

Attest:

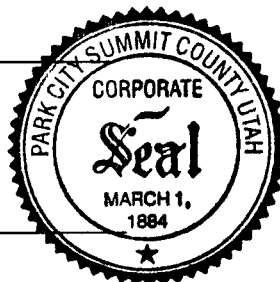


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



- COMMERCIAL AREA
- COMMON AREA / FACIL.
- PRIVATE OWNERSHIP

CLUB LESPI

**RECORD OF SURVEY MAP
CLUB LESPRI**

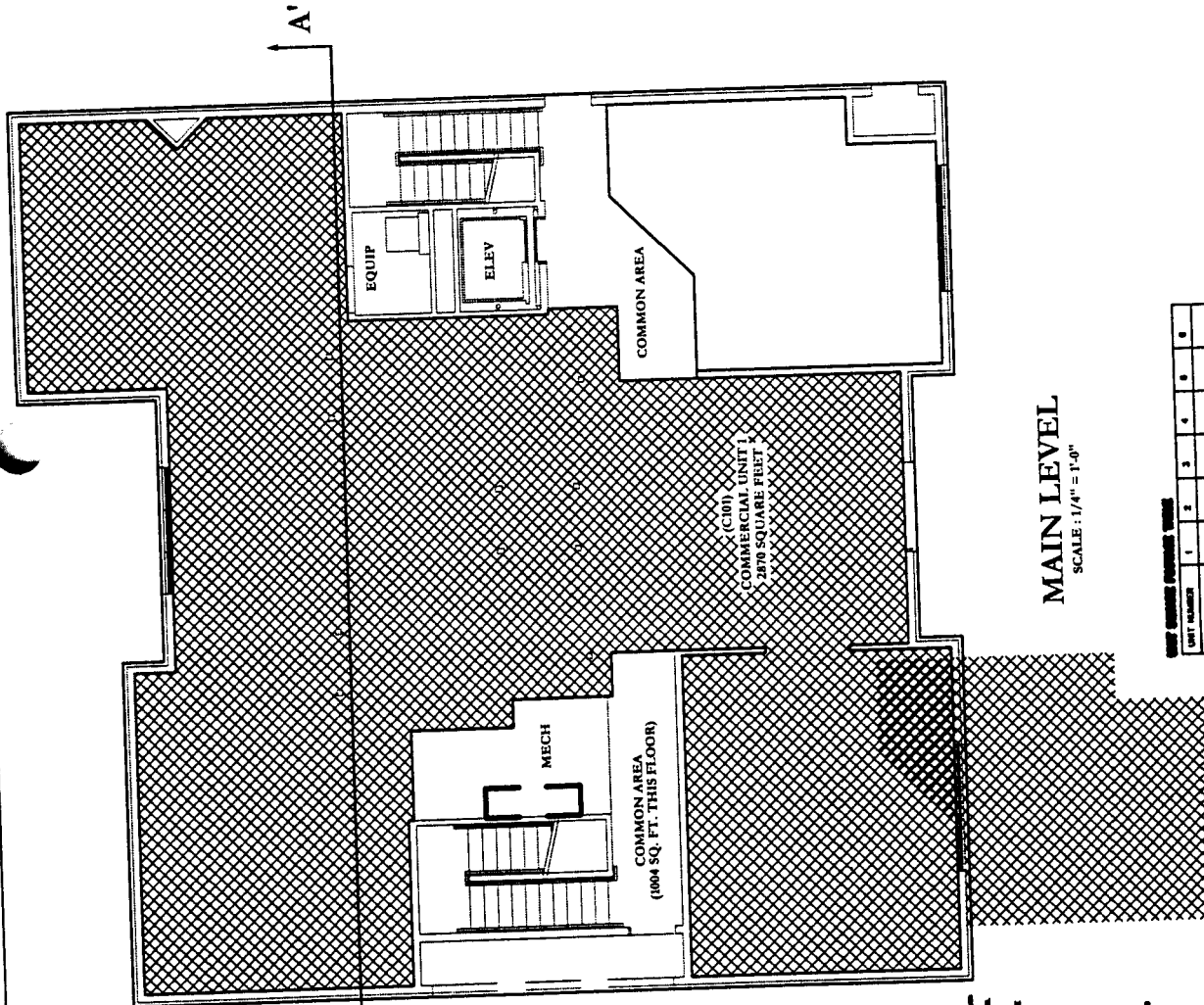
A UTM CONDOMINIUM PROJECT
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
 SALT LAKE BASIN AND NEIGHBORHOOD OF PARK CITY, SALT COUNTY, UTAH
 Recorded concurrently herewith to the Declaration of Condominium of Club Lespri.

PAGE 1 OF 1

RECORDED

STATE OF UTAH, COUNTY OF SALT AND FIELD
 AT THE DISTRICT OF _____ DATE _____ PAGE _____
 BY _____ TIME _____ BOOK _____ PAGE _____
 FILE _____ RECORD _____

ASB 008 3-2-01 11/11/01



MAIN LEVEL
 SCALE: 1/4" = 1'-0"

NET COMMON FLOOR AREA:

UNIT NUMBER	1	2	3	4	5	6
UPPER LEVEL						
MAIN LEVEL						
LOWER LEVEL						
TOTAL						

S.F. REPRESENTS SQUARE FEET.
 P.F. REPRESENTS PERCENTAGE.

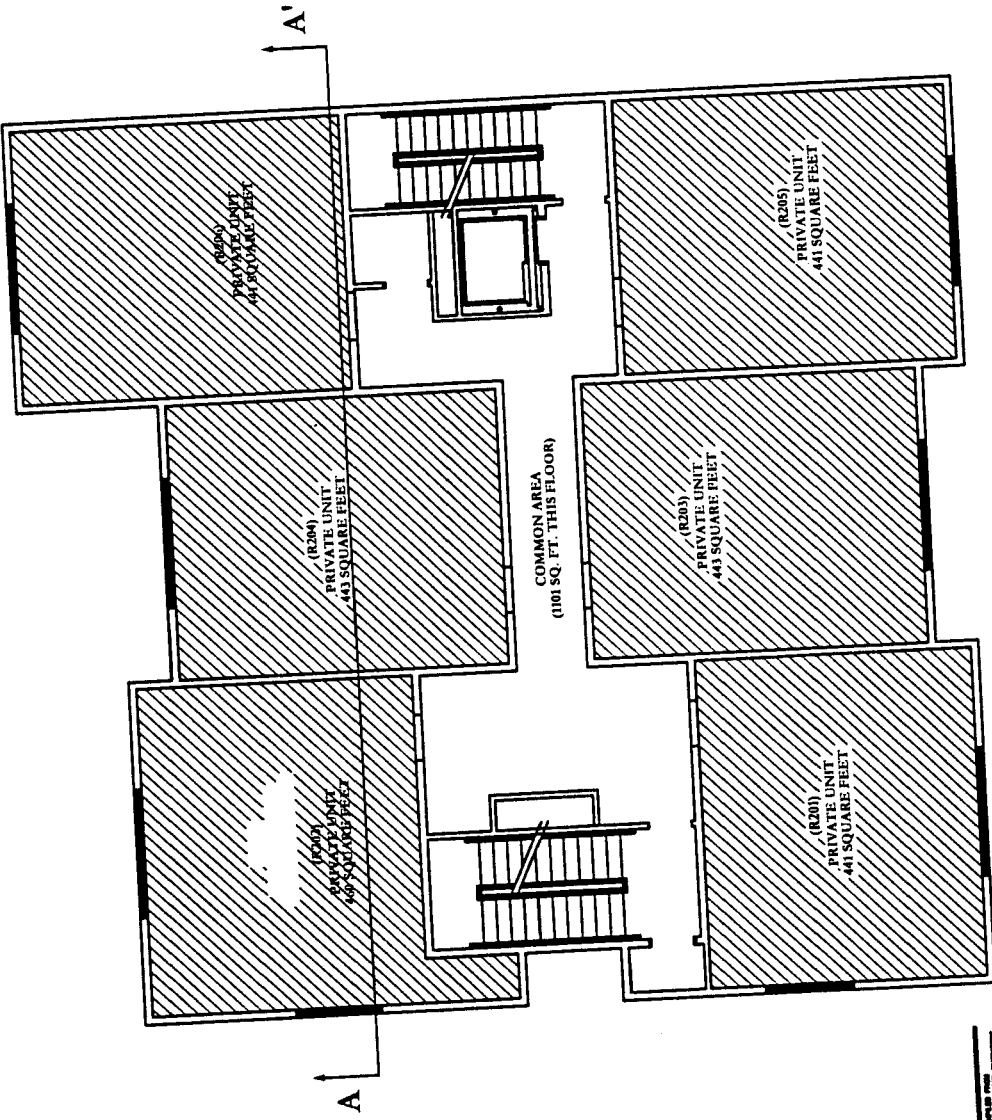
1. ALL AREAS AND DIMENSIONS SHOWN ON THIS PLAN ARE APPROXIMATE. THE EXACT AREAS AND DIMENSIONS SHALL BE DETERMINED BY THE SURVEYOR'S FIELD MEASUREMENTS.
2. ALL AREAS SHOWN ON THIS PLAN ARE APPROXIMATE. THE EXACT AREAS SHALL BE DETERMINED BY THE SURVEYOR'S FIELD MEASUREMENTS.
3. ALL DIMENSIONS, SQUARES AND CIRCLES ARE APPROXIMATE.
4. ALL DIMENSIONS OF CONSTRUCTION ARE APPROXIMATE.
5. DIMENSIONS ARE SHOWN TO THE CENTER OF THE WALLS AND COLUMNS.
6. ALL PLUMB, ELECTRIC AND MECH ARE APPROXIMATE.
7. ALL PLUMB, ELECTRIC AND MECH ARE APPROXIMATE.
8. ALL DIMENSIONS OF CONSTRUCTION ARE APPROXIMATE.
9. ALL DIMENSIONS OF CONSTRUCTION ARE APPROXIMATE.
10. CLUB LESPRI IS A UTM CONDOMINIUM PROJECT. THE CLUB LESPRI CONDOMINIUM PROJECT IS SUBJECT TO THE DECLARATION OF CONDOMINIUM OF CLUB LESPRI.

RECEIVED

NOV 19 2002

PARK CITY
 PLANNING DEPT.

- COMMERCIAL AREA
- COMMON AREA / FACILITIES
- PRIVATE OWNERSHIP



CLUB LESPRI

**RECORD OF SURVEY MAP
CLUB LESPRI**

A UTM CONSUMER PROJECT
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 2, SOUTH, RANGE 4 EAST,
 OF THE SALT LAKE BASE AND MERIDIAN, PARK CITY, SMOKE COUNTY, UTAH
 Recorded concurrently herewith is the Description of Condominium of Club Lespri.

PAGE 1 OF 1

RECORDED
 STATE OF UTAH, COUNTY OF SMITH AND FILED
 AT THE RECORDS OF DEEDS OFFICE
 DATE _____ TIME _____ PAGE _____
 BY _____ RECORDERS

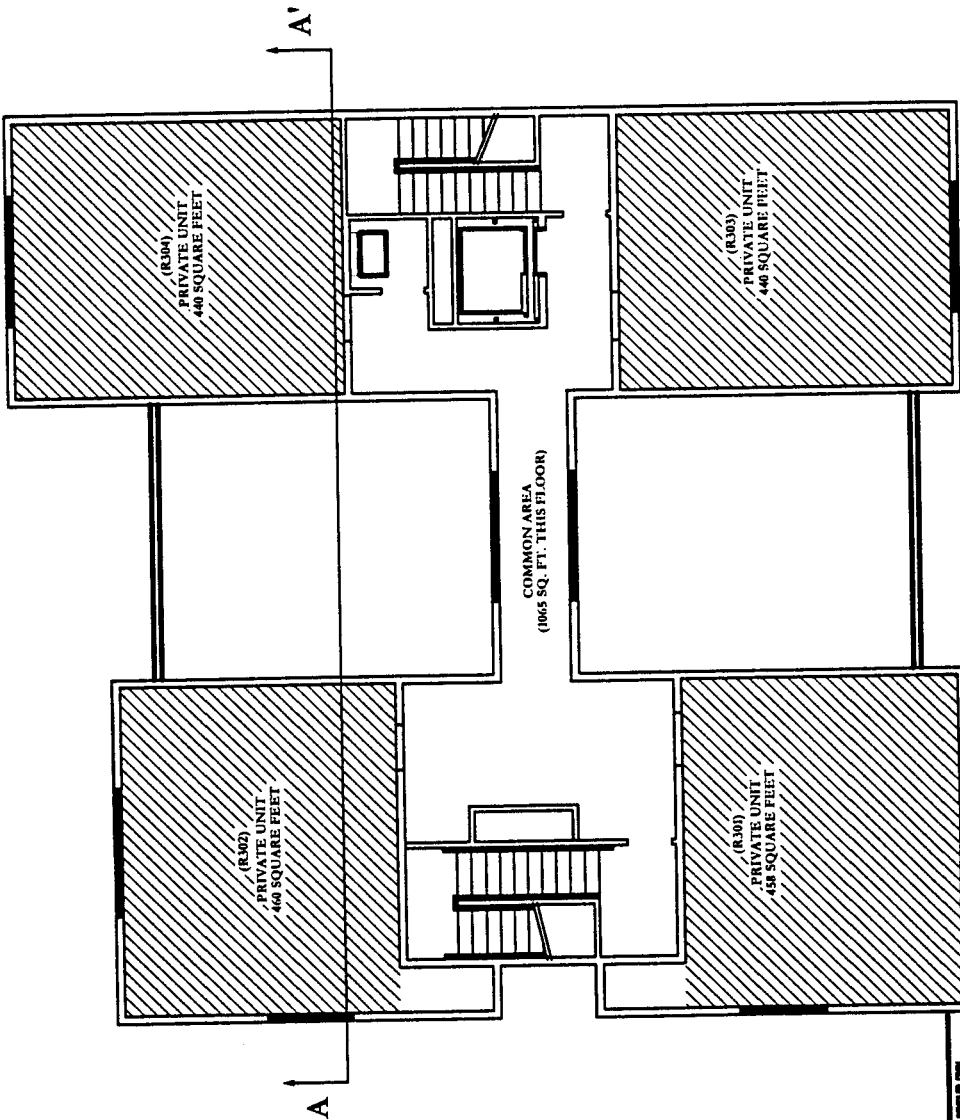
SECOND LEVEL
 SCALE: 1/4" = 1'-0"



UNIT NUMBER	1	2	3	4	5	6	7
UPPER LEVEL							
MID LEVEL							
LOWER LEVEL							
TOTAL							

- 1. ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN FEET AND INCHES.
- 2. ALL DIMENSIONS SHOWN ON THIS PLAN ARE TO THE CENTER OF THE WALLS UNLESS OTHERWISE NOTED.
- 3. ALL DIMENSIONS SHOWN ON THIS PLAN ARE TO THE CENTER OF THE WALLS UNLESS OTHERWISE NOTED.
- 4. ALL DIMENSIONS SHOWN ON THIS PLAN ARE TO THE CENTER OF THE WALLS UNLESS OTHERWISE NOTED.
- 5. ALL DIMENSIONS SHOWN ON THIS PLAN ARE TO THE CENTER OF THE WALLS UNLESS OTHERWISE NOTED.
- 6. ALL DIMENSIONS SHOWN ON THIS PLAN ARE TO THE CENTER OF THE WALLS UNLESS OTHERWISE NOTED.
- 7. ALL DIMENSIONS SHOWN ON THIS PLAN ARE TO THE CENTER OF THE WALLS UNLESS OTHERWISE NOTED.
- 8. ALL DIMENSIONS SHOWN ON THIS PLAN ARE TO THE CENTER OF THE WALLS UNLESS OTHERWISE NOTED.
- 9. ALL DIMENSIONS SHOWN ON THIS PLAN ARE TO THE CENTER OF THE WALLS UNLESS OTHERWISE NOTED.
- 10. ALL DIMENSIONS SHOWN ON THIS PLAN ARE TO THE CENTER OF THE WALLS UNLESS OTHERWISE NOTED.

RECEIVED
 JUN 3 2002
 PARK CITY
 PLANNING DEPT.

200 100 1-1-01 10/1/01



-  COMMERCIAL AREA
-  COMMON AREA
-  PRIVATE OWNERSHIP

CLUB LESPRI

RECORD OF SURVEY MAP CLUB LESPRI

A UTM CONDOMINIUM PROJECT
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
 SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
 Recorded continuously herewith is the Declaration of Condominium of Club LESPRI.

PAGE 3 OF 6

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

THIRD LEVEL

SCALE: 1/4" = 1'-0"

KEY CONCRETE FINISHES

UNIT NUMBER	1	2	3	4	5	6
UPPER LEVEL						
MID LEVEL						
LOWER LEVEL						
TOTAL						

S.F. REPRESENTS SQUARE FEET.
 P.F. REPRESENTS PERCENTAGE

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS SHOWN ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL WALL SYSTEMS SHALL BE 6.5 INCH THICK, ALL FINISH LEVEL SHALL BE 20 FEET HIGH.
4. ALL STRUCTURAL ELEMENTS ARE TO BE CONCRETE UNLESS OTHERWISE NOTED.
5. CONCRETE SHALL BE 4000 PSI COMPRESSIVE STRENGTH.
6. ALL FLOOR FINISHES ARE TO BE AS SHOWN.
7. ALL FLOOR FINISHES ARE TO BE AS SHOWN.
8. UNLESS OTHERWISE NOTED, ALL FINISHES ARE TO BE TO FINISH LINE AND NOT TO CENTER LINE.
9. UNLESS OTHERWISE NOTED, ALL FINISHES ARE TO BE TO FINISH LINE AND NOT TO CENTER LINE.
10. UNLESS OTHERWISE NOTED, ALL FINISHES ARE TO BE TO FINISH LINE AND NOT TO CENTER LINE.

RECEIVED
 APR 10 2000
 PARK CITY
 PLANNING DEPT.

Ordinance No. 20-25

AN ORDINANCE APPROVING A SIX MONTH EXTENSION OF A PLAT AMENDMENT TO ADD A METES AND BOUNDS PARCEL TO 3198 AMERICAN SADDLER DRIVE (LOT 4) AND ADD A METES AND BOUNDS PARCEL TO 3204 AMERICAN SADDLER DRIVE (LOT 3) AND AMEND THE RISNER RIDGE SUBDIVISION, PARK CITY, UTAH

WHEREAS, the owners of the property known as lots 3 and 4 of the Risner Ridge subdivision have petitioned the City Council for approval of an extension to record 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, on July 12, 2001, the City Council approved proposed plat amendment; and

WHEREAS, on July 11, 2002, the City Council approved a six-month extension to record the revision to the final plat,

WHEREAS, it is in the best interest of Park City, Utah to approve the six-month extension to record the plat amendment and addition to the Risner Ridge subdivision.

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

SECTION 1. APPROVAL. A six-month extension to record an amendment to the Risner Ridge subdivision plat is hereby granted subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The two properties are located at 3198 and 3204 American Saddler Drive, also known as lots 3 and 4 of the Risner Ridge subdivision.
2. The Risner Ridge subdivision is zoned Residential Development (RD).
3. The owners of lots 3 and 4 of the Risner Ridge subdivision each purchased adjoining metes and bounds parcels from neighboring Park Meadows Country Club without pursuing subdivision as required by statute.
4. The metes and bounds parcels are zoned Recreation Open Space (ROS).
5. The metes and bounds parcels were part of the Park Meadows Country Club development but were not being maintained by the golf course. These parcels were Quit-Claim deeded to the adjoining property owners.

6. The metes and bounds parcels are governed by the Restrictive Covenants for the Park Meadows Country Club. The Covenants restrict uses on the land to golf and golf related facilities.
7. A concrete sport court was recently (1999) built on the southwest corner of the metes and bounds parcel adjoining lot 4.
8. The court is situated less than twenty-five (25) feet from the parcel's boundary and the rock retaining walls encroach over the same boundary.
9. Water development fees have not been paid for the new graded areas of the metes and bounds parcels.
10. The setback required by LMC Section 15-2.7-3 for courts within the ROS zone is 25 feet from the zone boundary.
11. The new lot size of lot 3A is 19002 square feet; the new lot size of lot 4A is 23172 square feet.
12. The applicant is requesting a six month extension on time to record.
13. The applicant received City Council approval for the amended plat at the July 12, 2001 meeting (Ordinance 01-29).

Conclusions of Law:


1. There is good cause for this extension.
2. The amended plat is consistent with the Park City General Plan, the Land Management Code and applicable State law regarding plat amendments.
3. Neither the Public nor any person will be materially injured by the proposed plat amendment.
4. Approval of this plat amendment, 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 plat amendment for compliance with State law, the Park City Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within six months from the date of City Council approval. If recordation has not occurred within six month's time, this approval and the plat will be void.
3. Removal of the sport court from the new lot area lying within the ROS zone is a condition precedent to recording the plat. Removal is required in any case.
4. Appropriate water connection fees must be paid to the Building Department.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.
PASSED AND ADOPTED this 11th day of July, 2002.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, Mayor

ATTEST:


Janet M. Scott, City Recorder

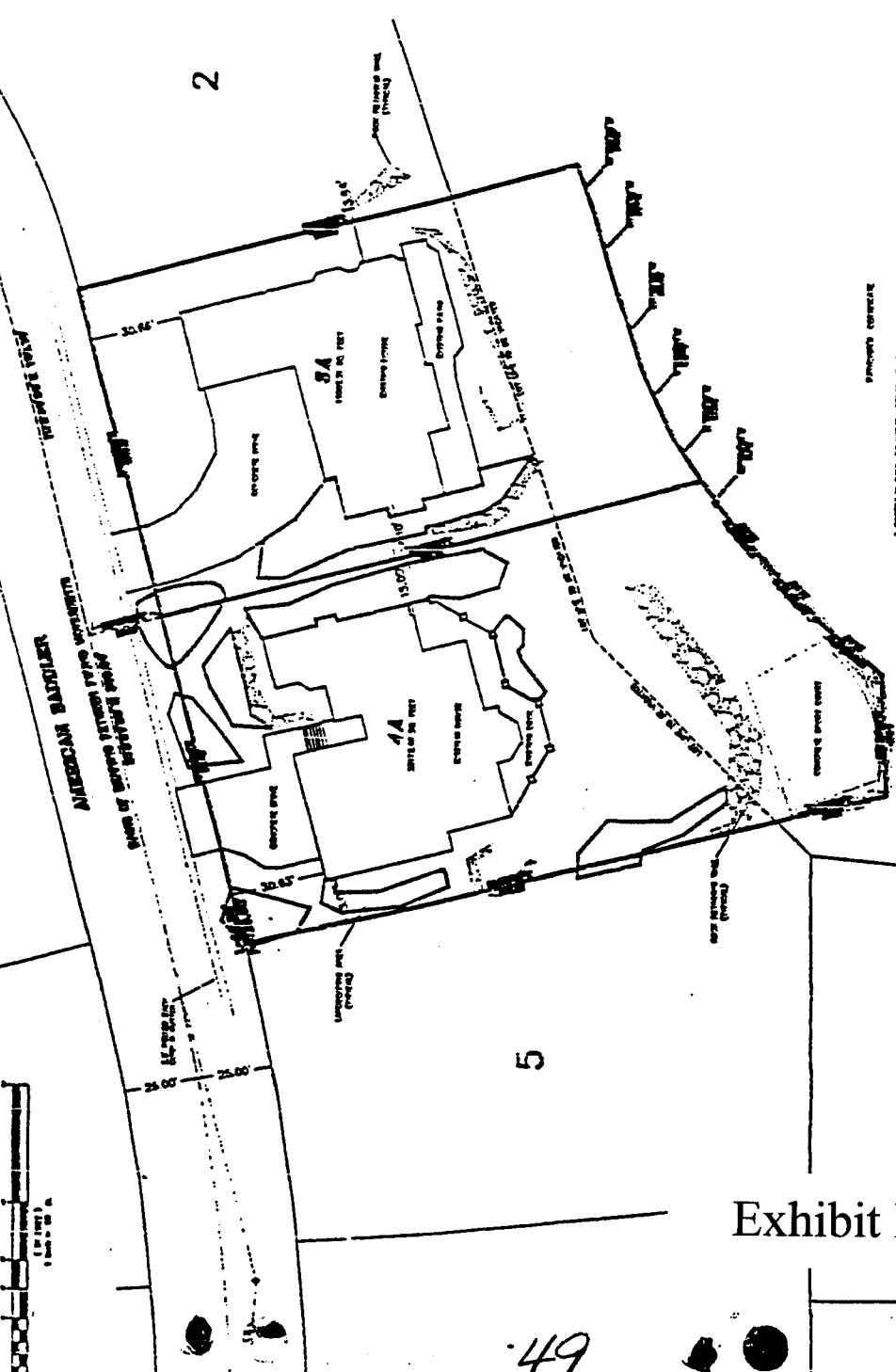


APPROVED AS TO FORM:


Mark D. Harrington, City Attorney

SHAPARD/TOLIBOOK PLAT
AMENDED PLAT OF RISNER RIDGE SUBDIVISION
 TWO LOTS
 LYING WITHIN THE RISNER RIDGE SUBDIVISION PLAT
 SUMMIT COUNTY, UTAH

GRAPHIC SCALE
 1" = 20'



PROPOSED CONCRETE

PROPERTY OWNER: [Name]
 ADDRESS: [Address]
 CITY: [City] STATE: [State] ZIP: [ZIP]

Exhibit B

LOCAL JURISDICTION

OWNER'S DECLARATION

PREPARED BY

LOCAL JURISDICTION

OWNER'S DECLARATION

PREPARED BY

RECEIVED
 NOV 10 2000
 PARK CITY
 PLANNING DEPARTMENT

<p>CITY COUNCIL APPROVAL APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS DAY OF _____ A.D. 20__</p>	<p>CITY ENGINEER APPROVED AND ACCEPTED BY THE CITY ENGINEERING DEPARTMENT ON THIS DAY OF _____ A.D. 20__</p>	<p>CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS DAY OF _____ A.D. 20__</p>	<p>SEWER DISTRICT APPROVAL REVIEWED FOR CONFORMANCE TO STANDARD 5000 SEWER APPROVAL DISTRICT STATUTES AND THIS DAY OF _____ A.D. 20__</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM OF THIS PLAT ON THIS DAY OF _____ A.D. 20__</p>	<p>RECORDED THIS PLAT WAS RECORDED AT THE OFFICE OF THE COUNTY CLERK OF SUMMIT COUNTY, UTAH ON THIS DAY OF _____ A.D. 20__</p>
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Ordinance No. 02-24

AN ORDINANCE APPROVING AN AMENDMENT TO THE LAND MANAGEMENT CODE AMENDING THE RESIDENTIAL DEVELOPMENT - MEDIUM DENSITY (RDM) DISTRICT APPROVING A ZONE CHANGE AMENDMENT TO CHAPTER 2.14, SECTION 15-2.14-1, PURPOSE STATEMENT(C) AND SECTION 15-2.14-2(B) CONDITIONAL USE NUMBER (15) ELIMINATING FOOTNOTE NUMBER 8 AND SUPPLEMENTING WITH FOOTNOTE NUMBER 11

WHEREAS, protecting the health, safety, and welfare of the Park City community and preserving the integrity in residential areas of the Residential Development-Medium Density (RDM) District are values of the community and identified goals of the City Council; and

WHEREAS, the Planning Commission duly noticed and conducted several public hearings at its regularly scheduled meetings, including May 8, May 22 and June 12, 2002.

WHEREAS, the Planning Commission duly noticed and conducted several public hearings at its regularly scheduled meetings, on May 8, 22 and June 12, 2002 and forwarded to City Council a negative recommendation on Chapter 2.14, Section 15-2.14-1(C) and 15-2.14-2(B);

WHEREAS, the Planning Commission forwarded a negative recommendation to the City Council on the re-zone amendment to the Residential Development - Medium Density (RDM) District.

WHEREAS, the City Council duly noticed and conducted public hearings at its regularly scheduled meetings on June 27, 2002 and finds it in the best interest of the residents of Park City, Utah to amend the RDM district and rezone the specified property at 2260 Park Avenue;

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the General Plan and the values and identified goals of the Park City community, to protect health and safety, 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:

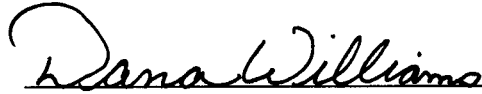
SECTION 1. AMENDMENT TO CHAPTER 2.14 OF THE LAND MANAGEMENT CODE.
Chapter 2.14, Section Section 15-2.14-1(C) and the reference to Footnote 8 in 15-2.14-2(B)(15); is hereby deleted and replaced with a new footnote attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 2.14 shall

be resolved by the Community Development Director.


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

PASSED AND ADOPTED this 27th day of June 2002

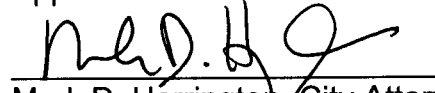
PARK CITY MUNICIPAL CORPORATION


Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney

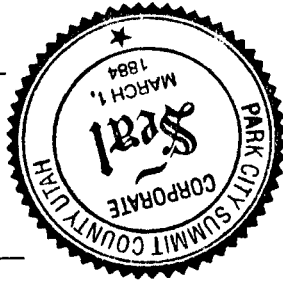


EXHIBIT A

The recommended change to Chapter 2.14, Purpose Statement (C) RDM District would read as follows:

(allow limited traffic generated business and recreational activities that are compatible with residential neighborhoods)

Section 15-2.14-2(B) Conditional Uses. Number 15 reference to Footnote 8 is deleted with and replaced footnote Number 11 that reads:

General Offices are only permitted with an approved Master Planned Development and may only be approved as the redevelopment of an existing building. In addition to meeting the necessary criteria in the Land Management Code, Chapter 6: MPD's, the Planning Commission must find that:

- (a) The redevelopment of an existing building to a General Office use will substantially advance the objectives of Economic Element of the General Plan or other more-specific neighborhood plans.
- (b) Has minimized/eliminated any potential detrimental impact on the resort and/or resort-residential character of the RDM District and the Frontage Protection Zone through careful planning and conditions of approval.
- (c) Will not result in an intensification of use incompatible with neighboring developments.
- (d) Will not result in substantial increase in the existing trip generations for services and deliveries.

Ordinance No. 02-23

**AN ORDINANCE AUTHORIZING AN EXTENSION TO RECORD
BLOCK 52, PARK CITY SURVEY PLAT AMENDMENT TO COMBINE 15 FULL
LOTS AND PARTIAL LOTS INTO 3 LOTS OF, LOCATED AT 128 -134 ONTARIO
AVENUE, PARK CITY, UTAH APPROVED BY ORDINANCE NO. 01-24**

WHEREAS, the owners of all of Lots 1,2,3, in Block 52 of the Park City Survey, have petitioned the City Council for approval of a revision to the final plat and received approval of a final subdivision plat on June 27, 2001; and

WHEREAS, the owners of the property have petitioned the City Council for an extension to record the subdivision plat.

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

SECTION 1. FINDINGS OF FACT

1. The applicant is requesting a time extension of six months.
2. The applicant received Council approval at their June 21, 2001 meeting.
3. The 25,777 square feet (.59 acre) property is in the HR-L District.
4. The property is located to the south of the Ivers Replat and the 2nd Street right-of-way.
5. The property is currently vacant.
6. The plat amendment reconfigures 15 full and partial HR-L District lots in Block 52 of the Park City Survey into 3 lots of record.
7. Access to the applicants' property is via a proposed extension of a private driveway off of existing Ontario Avenue through the Ivers Replat.
8. The proposed private driveway extension crosses the 2nd Street right-of-way and a portion of platted/unbuilt Marsac Avenue.
9. The 2nd Street and Marsac rights-of-way are an unbuilt City streets.
10. On June 21, 2001, the City Council adopted by Ordinance a Plat Amendment and Right-Of-Way Vacation.
11. The applicant proposes to dedicate the private driveway easement as a public pedestrian trail easement.

12. The lot sizes and maximum building footprints are:

	<u>Lot Size</u>	<u>Maximum Building Footprint</u>
Lot 1:	12,139 sq. ft.	3,068 sq. ft.
Lot 2:	5,719 sq. ft.	2,078 sq. ft.
Lot 3	7,919 sq. ft.	2,539 sq. ft.

13. The project is located in the Ontario Avenue/Thrill Hill Area. Minimal construction staging area is available in this neighborhood.

14. The physical constraints of the neighborhood including narrow prescriptive easements, unbuilt City rights-of-way on steep slopes, and extensive vegetation limit utility design alternatives for the project.

15. The property is located adjacent to the City-owned Virginia Claim open space.

16. The final plat is currently being prepared for recordation.

17. The applicant stipulates to all approved conditions of approval.

SECTION 2. CONCLUSIONS OF LAW:

1. There is good cause for the amendment and the extension.
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 2.1 and Chapter 15 and State subdivision requirements.

SECTION 3. 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 recording the plat.
2. Execution of a private driveway easement in a form and manner acceptable to the City Engineer and City Attorney is a condition precedent to plat recordation.
3. An acceptable utility plan shall be submitted to and approved by the City Engineer. The power, phone, and cable TV lines may be overhead. A financial guarantee for the installation of public improvements is required.
3. The applicant shall dedicate 488 square feet of the subject property adjacent to the City-owned Virginia claim to the City for open space purposes.

4. This approval shall expire on December 21, 2002, unless this plat amendment is recorded prior to that date.
5. All Standard Project Conditions shall apply.
6. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. 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.
7. Modified 13-d fire sprinklers are required in each dwelling.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 27 day of June, 2002.

PARK CITY MUNICIPAL CORPORATION

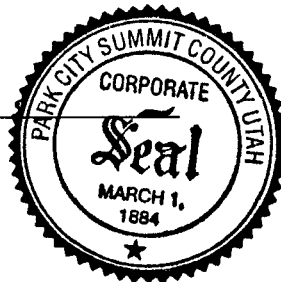


Mayor Dana Williams

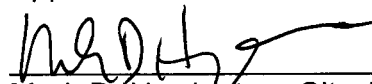
Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

OWNER'S CERTIFICATE

I, the undersigned, being the owner of the above described land, hereby certify that the same is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq., and that the same is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq., and that the same is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq.

LOCAL RESCRIPTION

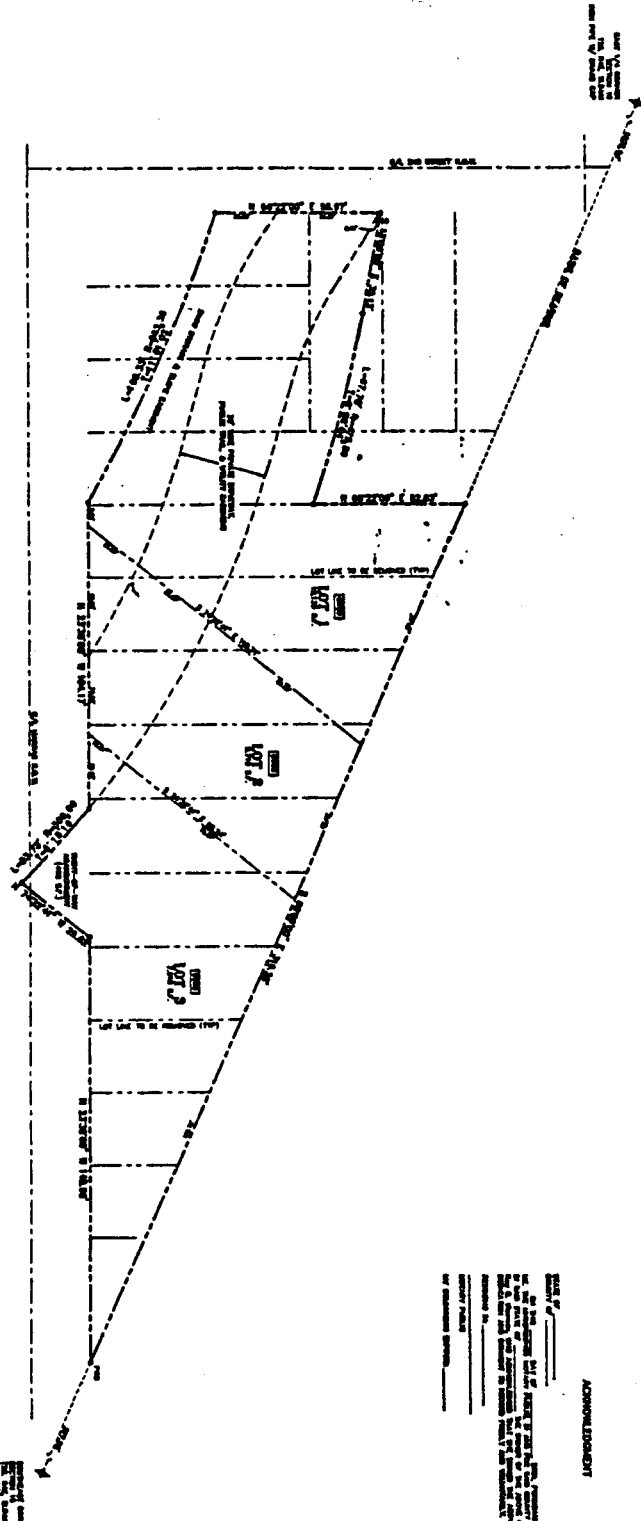
Reference is hereby made to the plat of the above described land, which is on file in the office of the County Clerk of the County of Summit, Utah, and to the plat of the above described land, which is on file in the office of the County Clerk of the County of Summit, Utah, and to the plat of the above described land, which is on file in the office of the County Clerk of the County of Summit, Utah.

ACKNOWLEDGMENT

I, the undersigned, being the owner of the above described land, hereby certify that the same is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq., and that the same is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq., and that the same is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq.

OWNER'S DECLARATION AND CONSENT TO RECORD

I, the undersigned, being the owner of the above described land, hereby declare that the same is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq., and that the same is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq., and that the same is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq.



OWNER'S DECLARATION AND CONSENT TO RECORD

I, the undersigned, being the owner of the above described land, hereby declare that the same is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq., and that the same is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq., and that the same is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq.

LEGEND

• Existing property owned by me or my heirs

• Existing property owned by others

NOTES

1. The above described land is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq., and that the same is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq., and that the same is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq.

BLOCK 52 REPLAT

LOT LINE ADJUSTMENT

SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

PARK CITY, SUMMIT COUNTY, UTAH

5-12-88 (Amended) (10/10/88)

LILLIANE ENGINEERING INC.

P.O. Box 1844
212 MAIN STREET
PARK CITY, UTAH 84302
(435) 798-8489

SPRINGVILLE BASIN STATE WATERSHED DISTRICT

APPROVED FOR CONFORMANCE TO SPRINGVILLE BASIN STATE WATERSHED DISTRICT STANDARDS ON THIS DATE OF 10/10/88 BY 38318

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DATE OF 10/10/88 BY CHAIRMAN

ENGINEER'S CERTIFICATE

I, the undersigned, being a duly licensed professional engineer in the State of Utah, do hereby certify that the above described land is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq., and that the same is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq., and that the same is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq.

DATE OF 10/10/88 BY PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS DATE OF 10/10/88 BY PARK CITY ATTORNEY

CERTIFICATE OF ATTORNEY

I, the undersigned, being a duly licensed attorney in the State of Utah, do hereby certify that the above described land is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq., and that the same is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq., and that the same is being offered for sale in accordance with the provisions of the Utah Real Estate Law, Chapter 10, Section 10-1, et seq.

DATE OF 10/10/88 BY PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS DATE OF 10/10/88 BY MAYOR

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE OFFICE OF THE COUNTY CLERK THIS DATE OF 10/10/88 BY RECORDER

Exhibit B - Proposed Plat

Ordinance No. 02-22

AN ORDINANCE APPROVING AN AMENDED RECORD OF SURVEY FOR THREE KINGS CONDOMINIUMS, LOCATED AT 1420-1585 THREE KINGS DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 1420-1585 Three Kings have petitioned the City Council for approval of an amended Record of Survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 12, 2002, to receive input on the proposed record of survey plat;

WHEREAS, the Planning Commission, on June 12, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 27, 2002, 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 Planning Commission heard this application at its regular meeting on June 12, 2002, and forwards a positive recommendation to the City Council.
2. The condominium project known as the Three Kings Condominiums is located at 1420-1585 Three Kings Drive and is zoned RD-MPD.
3. Many different additions and alterations have been made to the deck and patio areas at the Three Kings Condos since the inception of the project in 1971.
4. The existing decks and patios are not indicated on the site plan (sheet 1) of the existing condominium record of survey plat but are situated in areas classified as common area.

5. Consistent with the Condominium Ownership Act, Staff has prohibited any further conversions to private ownership of these common areas without an amendment to the record of survey to allow these conversions.
6. The proposed amended record of survey changes the type of ownership of common deck and patio areas to private ownership.
7. A vote of 66.66% or more for approval of the amendment was received by the members of the Homeowners Association. A letter confirming this vote has been received by the Planning Department.
8. This application is to amend sheets 2,3,4, and 5 of the Three Kings Condominiums. Sheet 1 shall remain intact.
9. The existing decks and patios are not indicated on the site plan (sheet 1) of the existing condominium record of survey plat but are situated in areas classified as common area. Consequently, the site plan is lacking in sufficient detail to accurately describe all the existing improvements made to these areas.
10. The existing units vary in size and average approximately 1,250s.f.. The conversions of common area to private ownership will add approximately 225 s.f. to each unit resulting in an average of 1,475 s.f. for each unit.
11. The parking requirement for multi-unit dwellings stipulates that any unit between 1,000 - 2,499 s.f. requires two parking spaces per dwelling. The additional square footage does not trigger the need for expanded parking.
12. If the deck and patio area for each unit is privatized, 73% open space for the entire project will still be maintained.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey 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. All other conditions of approval of the Three Kings Condominiums project continue to apply.
4. In all cases where necessary in the opinion of the Community Development Department, a certified survey will be required prior to issuance of a building

5. permit to verify setbacks or other Land Management Code Regulations.
Converted Private area cannot be used to create a lockout unit.

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

PASSED AND ADOPTED this 27th day of June, 2002.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, MAYOR

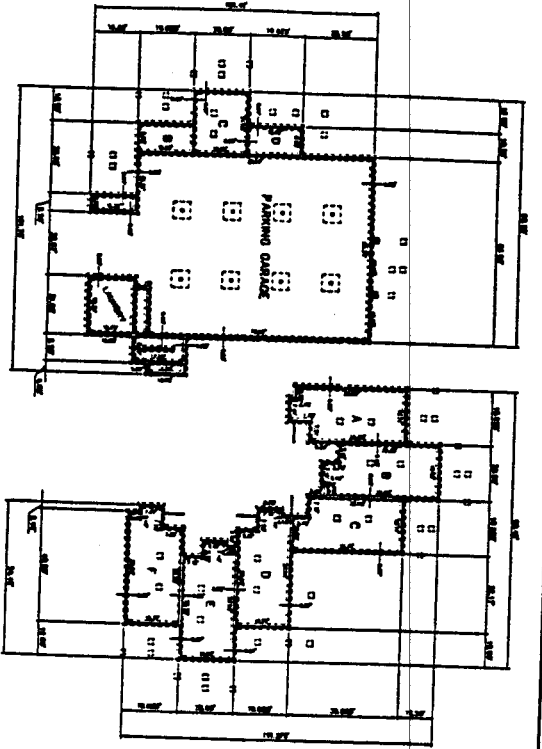
ATTEST:


Janet M. Scott, City Recorder



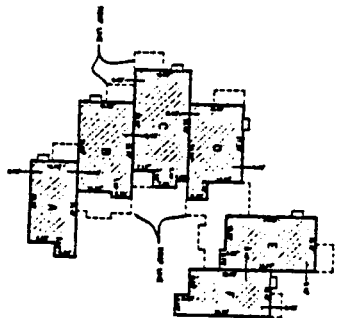
APPROVED AS TO FORM:


Mark D. Harrington, City Attorney

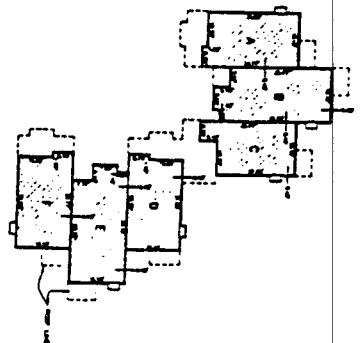


BUILDING # 2
PARKING GARAGE FLOOR PLAN

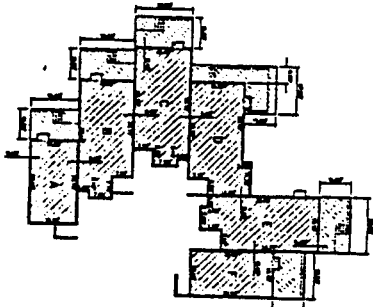
BUILDING # 2
EQUATION FLOOR PLAN



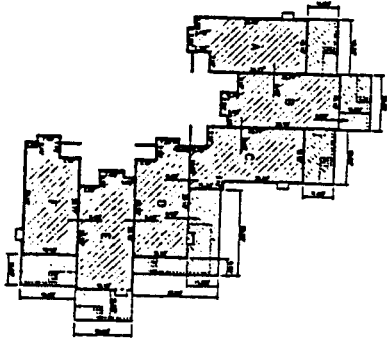
BUILDING # 3
SECOND FLOOR PLAN



BUILDING # 3
SECOND FLOOR PLAN



BUILDING # 3
FIRST FLOOR PLAN



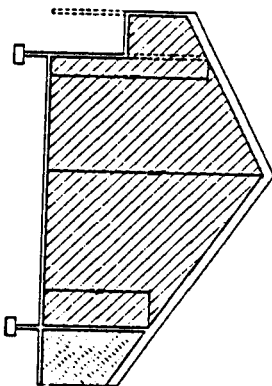
BUILDING # 3
FIRST FLOOR PLAN

SECTION No. 1 ELEVATION

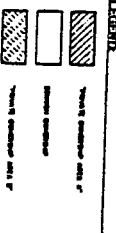
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SECTION No. 2 ELEVATION

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1 BEDROOM
TYPICAL ELEVATION

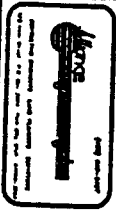


NOTES

- The proposed Building # 2, Building # 3, and Amended # 1, # 2, # 3, # 4, # 5, # 6, # 7, # 8, # 9, # 10, # 11, # 12, # 13, # 14, # 15, # 16, # 17, # 18, # 19, # 20, # 21, # 22, # 23, # 24, # 25, # 26, # 27, # 28, # 29, # 30, # 31, # 32, # 33, # 34, # 35, # 36, # 37, # 38, # 39, # 40, # 41, # 42, # 43, # 44, # 45, # 46, # 47, # 48, # 49, # 50, # 51, # 52, # 53, # 54, # 55, # 56, # 57, # 58, # 59, # 60, # 61, # 62, # 63, # 64, # 65, # 66, # 67, # 68, # 69, # 70, # 71, # 72, # 73, # 74, # 75, # 76, # 77, # 78, # 79, # 80, # 81, # 82, # 83, # 84, # 85, # 86, # 87, # 88, # 89, # 90, # 91, # 92, # 93, # 94, # 95, # 96, # 97, # 98, # 99, # 100, are located in the 1/4 of SECTION 6 & 1/4 of SECTION 9.
- The proposed Building # 2, Building # 3, and Amended # 1, # 2, # 3, # 4, # 5, # 6, # 7, # 8, # 9, # 10, # 11, # 12, # 13, # 14, # 15, # 16, # 17, # 18, # 19, # 20, # 21, # 22, # 23, # 24, # 25, # 26, # 27, # 28, # 29, # 30, # 31, # 32, # 33, # 34, # 35, # 36, # 37, # 38, # 39, # 40, # 41, # 42, # 43, # 44, # 45, # 46, # 47, # 48, # 49, # 50, # 51, # 52, # 53, # 54, # 55, # 56, # 57, # 58, # 59, # 60, # 61, # 62, # 63, # 64, # 65, # 66, # 67, # 68, # 69, # 70, # 71, # 72, # 73, # 74, # 75, # 76, # 77, # 78, # 79, # 80, # 81, # 82, # 83, # 84, # 85, # 86, # 87, # 88, # 89, # 90, # 91, # 92, # 93, # 94, # 95, # 96, # 97, # 98, # 99, # 100, are located in the 1/4 of SECTION 6 & 1/4 of SECTION 9.
- The proposed Building # 2, Building # 3, and Amended # 1, # 2, # 3, # 4, # 5, # 6, # 7, # 8, # 9, # 10, # 11, # 12, # 13, # 14, # 15, # 16, # 17, # 18, # 19, # 20, # 21, # 22, # 23, # 24, # 25, # 26, # 27, # 28, # 29, # 30, # 31, # 32, # 33, # 34, # 35, # 36, # 37, # 38, # 39, # 40, # 41, # 42, # 43, # 44, # 45, # 46, # 47, # 48, # 49, # 50, # 51, # 52, # 53, # 54, # 55, # 56, # 57, # 58, # 59, # 60, # 61, # 62, # 63, # 64, # 65, # 66, # 67, # 68, # 69, # 70, # 71, # 72, # 73, # 74, # 75, # 76, # 77, # 78, # 79, # 80, # 81, # 82, # 83, # 84, # 85, # 86, # 87, # 88, # 89, # 90, # 91, # 92, # 93, # 94, # 95, # 96, # 97, # 98, # 99, # 100, are located in the 1/4 of SECTION 6 & 1/4 of SECTION 9.

AMENDED
RECORD OF SURVEY MAP
THREE KINGS CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE 1/4 OF SECTION 6 & 1/4 OF SECTION 9
13th and 33rd S W

DATE: 11-11-83
FILED: 11-11-83
COUNTY: SALT LAKE
RECORDED
BY: [Signature]
INDEXED
BY: [Signature]



Ordinance No. 02-21

**AN ORDINANCE APPROVING AN AMENDED RECORD OF SURVEY FOR
STERLINGWOOD CONDOMINIUMS LOCATED AT 7800 ROYAL STREET EAST,
PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 7800 Royal Street East have petitioned the City Council for approval of an amended Record of Survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 12, 2002, to receive input on the proposed record of survey plat;

WHEREAS, the Planning Commission, on June 12, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 27, 2002, 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 Planning Commission heard this application at its regular meeting on June 12, 2002, and forwards a positive recommendation to the City Council.
2. Sterlingwood Condominiums consist of four different typical unit floor plans. This application is to amend the floor plan for units 10 - 15.
3. The existing deck area for units 10 - 15 are indicated on the existing condominium record of survey plat as "Limited Common" area on the main level and "Common Area" on the lower and upper levels.
4. Consistent with the Condominium Ownership Act, Staff has prohibited any further conversions to private ownership of these common areas without an amendment to the record of survey to allow these conversions.

5. At this time the applicant proposes to amend the existing condominium record of survey plat to allow the existing common deck area at the upper level and the existing limited common deck at the main level to be converted to "Convertible Space" and subsequently converted to private ownership at the discretion of the individual owner subject to HOA approval.
6. This application also proposes to amend the record of survey plat to allow the common deck area on the lower level to be converted directly to private ownership.
7. The existing units are 2,618 s.f.. The conversions of all deck areas to private ownership will add 400 square feet to each unit resulting in 3,018 s.f. for each unit.
8. The parking requirement for multi-unit dwellings stipulates that any unit over 2,500 s.f. requires three parking spaces. Each unit addressed in this application can provide at least four on-site parking spaces.
9. The applicant has provided confirmation of a home owners vote exceeding 2/3 majority to support this application.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey and declaration of condominium for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All other conditions of approval of the Sterlingwood Condominiums project continue to apply.
4. Converted Private area cannot be used to create a lockout unit.
5. A note shall be added to the plat outlining the administrative process whereby building permits may be issued to unit owners desiring to construct additions in the convertible space created by this plat. The plat note shall provide that no building permits shall be issued for unit additions within the convertible space unless and until: (1) The Park City Community Development Department (CDD) has received a copy of the recorded Notice of Conversion described as plat note number 5; (2) The CDD has reviewed the application for compliance with any underlying Conditional Use Permit, Master Planned Development, or other conditions of approval; and (3) Notice of the application has been sent to all Sterlingwood unit owners stating that anyone objecting to the application may file written objection

within ten days of the date of notice. Anyone filing such objection shall be entitled to an administrative hearing before the CDD director.

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

PASSED AND ADOPTED this 27th day of June, 2002.

PARK CITY MUNICIPAL CORPORATION


Dana Williams, MAYOR

ATTEST:


Janet M. Scott, City Recorder



APPROVED AS TO FORM:


Mark D. Harrington, City Attorney

Ordinance No. 02-20

**AN ORDINANCE APPROVING THE AMENDED RECORD OF SURVEY
FOR THE ROYAL PLAZA CONDOMINIUMS SUBDIVISION LOCATED
AT 7620 ROYAL STREET, PARK CITY, UTAH**

WHEREAS, the owner, Gary Cole, of the property at 7620 Royal Street (Royal Plaza Condominiums), Park City, Utah and to be known as Royal Plaza Subdivision at Silver Lake, 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 May 22, 2002 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. Cole Sport is located in unit 101 of the Royal Plaza Condominiums at Silver Lake Village. The area is zoned RD-MPD.
2. The proposed amended record of survey allows for the conversion of common area to private area.
3. A total of 1048 square feet of common area is to be converted to private area. The new private area will be added to unit 101.
4. The applicant has received 100% of the unit owners approval.
5. The State Condominium Act requires 2/3 unit owner approval.
6. The expansion will be used for additional storage area for Cole Sport.

7. There is sufficient parking to accommodate the proposed expansion.
8. Deer Valley contains 168 parking spaces apportioned by easements to Royal Plaza, Mt.Cervin.
9. The Planning Commission forwarded a positive recommendation to the City Council at their May 22, 2002 meeting.

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

SECTION 3. RECORD OF SURVEY. The subdivision plat, known as the Royal Plaza Condominiums at Silver Lake, 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 Amended Record of Survey and declaration of condominium for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. The applicant's proposal to construct a 1,048 square foot addition will require a Building Permit and approval from the Planning Department.

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

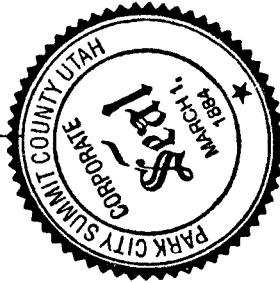
PASSED AND ADOPTED this 27th day of June, 2002

PARK CITY MUNICIPAL CORPORATION

Dana Williams
Mayor Dana Williams

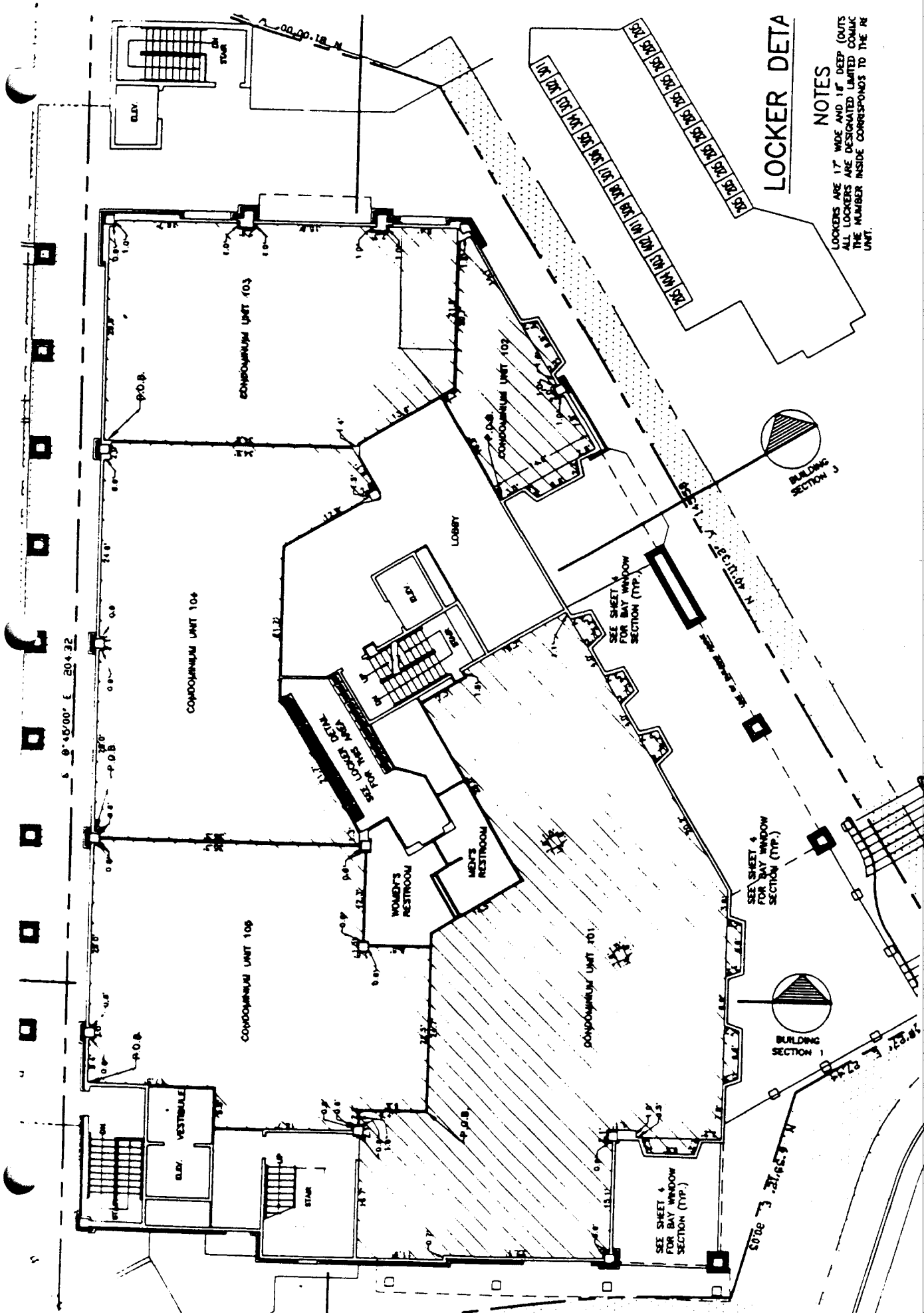
Attest:

Janet M. Scott
Janet M. Scott, City Recorder



Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney



NOTES
 LOCKERS ARE 17" WIDE AND 11" DEEP (OUTS)
 ALL LOCKERS ARE DESIGNATED LIMITED COMMING
 THE NUMBER INSIDE CORRESPONDS TO THE UNIT.

PLAZA LEVEL

UNIT	SQUARE FOOTAGE	FINISH FLOOR
UNIT 105	1,560 SQ. FT.	8127
UNIT 104	1,573 SQ. FT.	8127
UNIT 103	1,406 SQ. FT.	8127
UNIT 102	1,573 SQ. FT.	8127

Exhibit C - Proposed Amended Record of Survey

Ordinance No. 20-19

AN ORDINANCE APPROVING A TWO LOT SUBDIVISION PLAT FOR 1550 LOWER IRON HORSE LOOP, PARK CITY, UTAH.

WHEREAS, the owners of the metes and bounds parcel located at 1550 Lower Iron Horse Loop have petitioned the City Council for approval of a 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 May 22 and June 12, 2002, to receive input on the proposed subdivision plat;

WHEREAS, the Planning Commission, on June 12, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 27, 2002, the City Council held a public hearing to receive input on the proposed subdivision plat; and

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

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

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

Findings of Fact:

1. The subdivision project known as the Bonanza Place is located on the east side of Bonanza Drive at Iron Horse Loop and is zoned both Light Industrial and Estate with the Sensitive Lands Overlay on the Estate portion.
2. The property is a metes and bounds parcel. The proposed subdivision consists of 2 lots.
3. A Master Planned Development for the parcel was approved by the City Council on December 16, 1999. The approval subsequently expired due to failure to obtain a building permit within one year's time.
4. The Board of Adjustment approved a variance to the front setbacks to 20 feet along Bonanza Drive.
5. A sideyard setback of 10 feet applies along Lower Iron Horse Loop.
6. The Planning Commission held a public hearing and forwarded a positive recommendation from the regular meeting of June 12, 2002.

Conclusions of Law

1. There is good cause for this subdivision.
2. The subdivision 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.
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 plat.
2. All Standard Project Conditions of Approval apply to this project.
3. The recordation of a subdivision plat for the project site is required prior to the issuance of a building permit.
4. The subdivision plat will denote lot 2 as unbuildable open space.
5. The applicant will record the 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 plat will be void.

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

PASSED AND ADOPTED this 27th day of June, 2002 .


PARK CITY MUNICIPAL CORPORATION

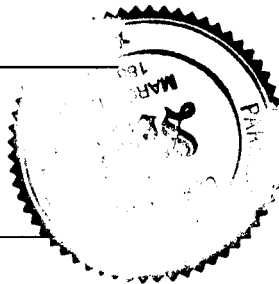

Dana Williams, MAYOR

ATTEST:


Janet M. Scott, City Recorder

APPROVED AS TO FORM:


Mark D. Harrington, City Attorney



Ordinance No. 02-18

**AN ORDINANCE APPROVING AN AMENDED RECORD OF SURVEY FOR STAG LODGE
LOCATED AT 8200 ROYAL STREET EAST, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 8200 Royal Street East have petitioned the City Council for approval of an amended Record of Survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 12, 2002, to receive input on the proposed record of survey plat;

WHEREAS, the Planning Commission, on June 12, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 27, 2002, the City Council held a public hearing and approved the proposed record of survey plat; and

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

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

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

Findings of Fact:

1. The condominium project known as the Stag Lodge Phases One through Four is located at 8200 Royal Street East and is zoned RD-MPD.
2. The existing decks are situated in areas classified as Limited Common area. Other areas being converted to Private are currently Common.
3. Consistent with the Condominium Ownership Act, Staff has prohibited any conversions to private ownership of these Limited Common and Common areas without an amendment to the record of survey to allow these conversions.
4. The proposed amended record of survey changes the type of ownership of Limited Common and Common areas to private ownership.
5. The consent of 66.66% or more of the Unit Owners is required and has been obtained.
6. This application is to amend sheets 2, 3, 4, 5, and 6 (of 6) of Phase One, sheets 2, 3, 4, and 5 (of 5) of Phase Two, sheets 2, 3, and 4 (of 4) of Phase Three, and sheets 2 and 3 (of 3) of Phase Four of the Stag Lodge Record of Survey. Sheet 1 of each Phase shall remain intact.
7. The expansion of the Private areas will add approximately 200-300 square feet to each unit.
8. No additional bedrooms will be created, and the additional square footage does not

- create a demand for new parking.
9. If the Private areas are enclosed, more than 60% of open space for the entire project will still be maintained.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat amendment will be void.
3. All other conditions of approval of the Stag Lodge Phases One through Four project continue to apply.
4. In all cases, a certified survey will be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations.
5. Converted Private area cannot be used to create a lockout unit.


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

PASSED AND ADOPTED this 6th day of June, 2002.

PARK CITY MUNICIPAL CORPORATION

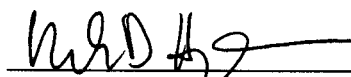

Dana Williams, MAYOR

ATTEST:


Janet M. Scott, City Recorder



APPROVED AS TO FORM:


Mark D. Harrington, City Attorney

Ordinance 02-17

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF PARK CITY, TITLE 8,
CHAPTER 2, CRIMINAL CODE, STALKING**

WHEREAS, Utah state criminal law concerning stalking has been updated; and

WHEREAS, Amendments made to the Utah Code Annotated (U.C.A.), Title 76, Section 76-5-106.5 (2001) requires an update of Title 8, Chapter 2, Section 8-2-2 of the Municipal Code of Park City to ensure compliance with state standards; and

WHEREAS, Text changes to Title 8 are mainly changes to ensure compliance with the updated language in the Utah Code;

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

SECTION I. Municipal Code Title 8, Chapter 2, Section 8-2-2 is hereby deleted and replaced by amended Title 8, Chapter 1, Section 8-2-2 attached hereto as Exhibit A.

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


PASSED AND ADOPTED this 27th day of June, 2002.

PARK CITY MUNICIPAL CORPORATION



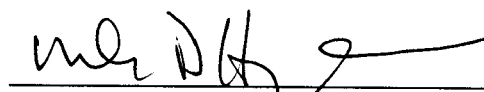
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

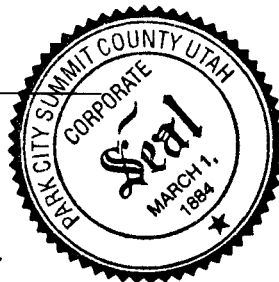


EXHIBIT A

8- 2-2. CRIME OF STALKING.

~~As used in this section "harasses" means a knowing and willful course of conduct directed at a specific person with the intent to seriously alarm, annoy or disturb the person. "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however, short, evidencing a continuity of purpose but serving no legitimate purpose. Constitutionally protected activity is not included within the meaning of "course of conduct". The course of conduct must cause a reasonable person to suffer severe emotional distress.~~

~~A person is guilty of stalking who repeatedly follows or harasses another person within Park City and makes a credible threat in a course of conduct against that person with the intent of placing that person in reasonable fear of bodily injury, harm to that person's family members, or damage to property of that person or another.~~

(A) As used in this section:

- (1) "Course of conduct" means repeatedly maintaining a visual or physical proximity to a person or repeatedly conveying verbal or written threats or threats implied by conduct or a combination thereof directed at or toward a person;
- (2) "Immediate family" means a spouse, parent, child, sibling, or any other person who regularly resides in the household or who regularly resided in the household within the prior six months;
- (3) "Repeatedly" means on two or more occasions.

(B) A person is guilty of stalking who:

- (1) intentionally or knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person:
 - (a) to fear bodily injury to himself or a member of his immediate family;
or
 - (b) to suffer emotional distress to himself or a member of his immediate family.
- (2) has knowledge or should have knowledge that the specific person:
 - (a) will be placed in reasonable fear of bodily injury to himself or a member of his immediate family; or
 - (b) will suffer emotional distress or a member of his immediate family

will suffer emotional distress; and

(3) whose conduct:

(a) induces fear in the specific person of bodily injury to himself or a member of his immediate family; or

(b) causes emotional distress in the specific person or member of his immediate family.

(C) A person is also guilty of stalking who intentionally or knowingly violates a stalking injunction issued pursuant to U.C.A. Title 77, Chapter 3a, Stalking Injunctions, or intentionally or knowingly violates a permanent criminal stalking injunction.

Ordinance 02-16

AN ORDINANCE AMENDING SECTION 13.1.1 AND SECTION 13.1.2 OF THE WATER CODE, OF THE MUNICIPAL CODE OF PARK CITY TO ADDRESS CHANGES IN WATER RATE BILLING

WHEREAS, the City is amending its water fee resolution and it is necessary to update the Water Code to reflect the changes and keep the two consistent; and

WHEREAS, the City Council finds it is in the best interest of the City to better address equity and conservation in the billing structure.

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

SECTION I. AMENDMENT. Title 13, Chapter 1, Section 1 and Section 2 of the Municipal Code of Park City is hereby amended as follows:

TITLE 13 - WATER CODE

CHAPTER 1 - CITY WATER SERVICE

13-1-1. METERED SERVICE.

~~A base /demand charge rate must be paid for will be charged to all water connections according to the size of the meter in use. The base /demand charges rate for all meter sizes shall be established by resolution: All water used from the City water system for household, domestic, irrigation, commercial, industrial, fire flows or any other use shall be metered, and water paid for according to the quantity used. A base/demand charge must be paid for all water connections according to the size of the meter in use. The base/demand charges for all meter sizes shall be established by resolution:~~

~~The base/demand charge shall entitle the water customer to service: the use of up to 5,000 gallons per month, per meter (and not per units served through that meter), excluding fire flow, without additional charge. All water delivered through each meter serving commercial customers in excess of 5,000 gallons per meter per month shall be charged at a rate as established by resolution. All water delivered to all other customers between October 1 and May 31 of each year in excess of 5,000 gallons per meter per month shall be charged at a rate as established by resolution. There shall be no right of carry-over from month to month if fewer than 5,000 gallons are used, so that each month is billed independently as far as the base/demand charge is applied. Unoccupied structures will be billed the base/demand charge applicable to set by resolution for the that meter used in the structure unless a service disconnect request has been received by the Water Department. When an oversized meter is required for fire sprinklers, the base charge will be adjusted downward to reflect the meter size that would have been used for the culinary and irrigation demand.~~

13- 1- 2. WATER CONSERVATION RATES.

All water delivered through each meter serving individually metered residential (single family, condo, townhouse) and through each meter serving multi-family residential and landscape irrigation customers ~~residential customers in excess of 5,000 gallons per meter per month~~ between June 1 and September 30 of each year shall be billed at the rate established by resolution.

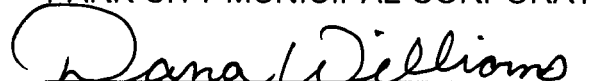
~~All water delivered through each meter serving multi-family residential and landscape irrigation customers in excess of 5,000 gallons per meter per month between June 1 and September 30 of each year shall be billed at the rate established by resolution.~~

The water conservation rates established by ~~this Title~~ said resolution are based on the City's cost of providing water service, which cost may change. ~~The rate set forth in both Sections 1 and 2 may be adjusted administratively by the City Manager to reflect the actual cost of service to the City upon recommendation by the Public Works Director. Administrative adjustments shall be reviewed by the City Council at least every three year intervals beginning in May 2003 May 1993, and may be ratified, modified or rescinded.~~ The City Manager may provide administrative relief up to a twenty percent (20%) reduction in any water billing following application to and recommendation by the Public Works Director in cases of hardship or unusual circumstances.

SECTION II. EFFECTIVE DATE. This ordinance shall become effective upon publication, or July 1, 2002 whichever is earlier.

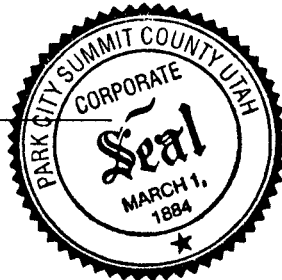
PASSED AND ADOPTED this 27th day of June, 2002.

PARK CITY MUNICIPAL CORPORATION


Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder



Approved as to Form:


Mark D. Harrington, City Attorney

Ordinance No. 02-15

AN ORDINANCE APPROVING 805 WOODSIDE AVENUE PLAT AMENDMENT TO COMBINE ALL OF LOT 1, AND THE SOUTHERLY HALF OF LOT 2 IN BLOCK 11 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, INTO ONE (1) PLATTED LOT LOCATED AT 805 WOODSIDE AVENUE, PARK CITY, UTAH

WHEREAS, the owner of all of Lot 1, and the southerly half of Lot 2 in Block 11 of the Snyder's Addition to 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 12, 2002, to receive input on the proposed plat;

WHEREAS, the Planning Commission, on June 12, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 20, 2002, the City Council held a public hearing to receive input on the proposed plat amendment; 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. The plat amendment will combine all of Lot 1, and the southerly half of Lot 2 in Block 11 of the Snyder's Addition to Park City Survey, into a single lot, to allow for proposed improvement to the property.
3. The proposed plat amendment will result in the historic dwelling complying with the necessary HR-1 District setbacks.
4. The plat amendment will not increase density on the lot.

5. Historic District Design Review approval for an addition to the existing historic dwelling was granted by the Planning Staff on March 15, 2002.
6. A small-scale local drainage impairment exists where the existing driveway will be improved.
7. On June 12, 2002, the Planning Commission reviewed this application, conducted a public hearing, and forwarded it to the City Council with a positive recommendation.

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 all of Lot 1, and the southerly half of Lot 2 in Block 11 of the Snyder's Addition to Park City Survey, known as the 805 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. No building permit shall be issued for this project until the plat amendment has been duly recorded with the Summit County Recorder's Office.
4. No remnant lot created is separately developable.
5. A note shall be added to the plat stating that no accessory apartment shall be permitted as part of the historic dwelling or rear addition.
6. The City Engineer shall review and approve the slope, configuration and drainage pattern of the proposed improvements to the existing driveway fronting 8th Street.
7. A ten foot (10') non-exclusive utility and snow storage easement shall be incorporated in the first ten feet off of Woodside Avenue and Eight Street.
8. All Standard Project Conditions shall apply (Please see Exhibit B - Standard Project Conditions).
9. This approval shall expire one year from the date of City Council approval, unless

this Plat Amendment is recorded prior to that date.

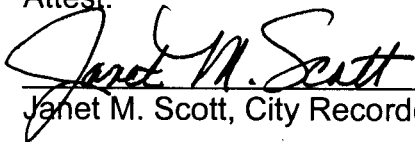
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

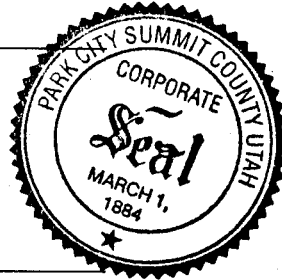
PASSED AND ADOPTED this 20th day of June, 2002.

PARK CITY MUNICIPAL CORPORATION

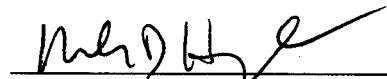

Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder



Approved as to form:


Mark D. Harrington, City Attorney

RECEIVED

805 WOODSIDE AVENUE PLAT AMENDMENT AND RECORD OF SURVEY

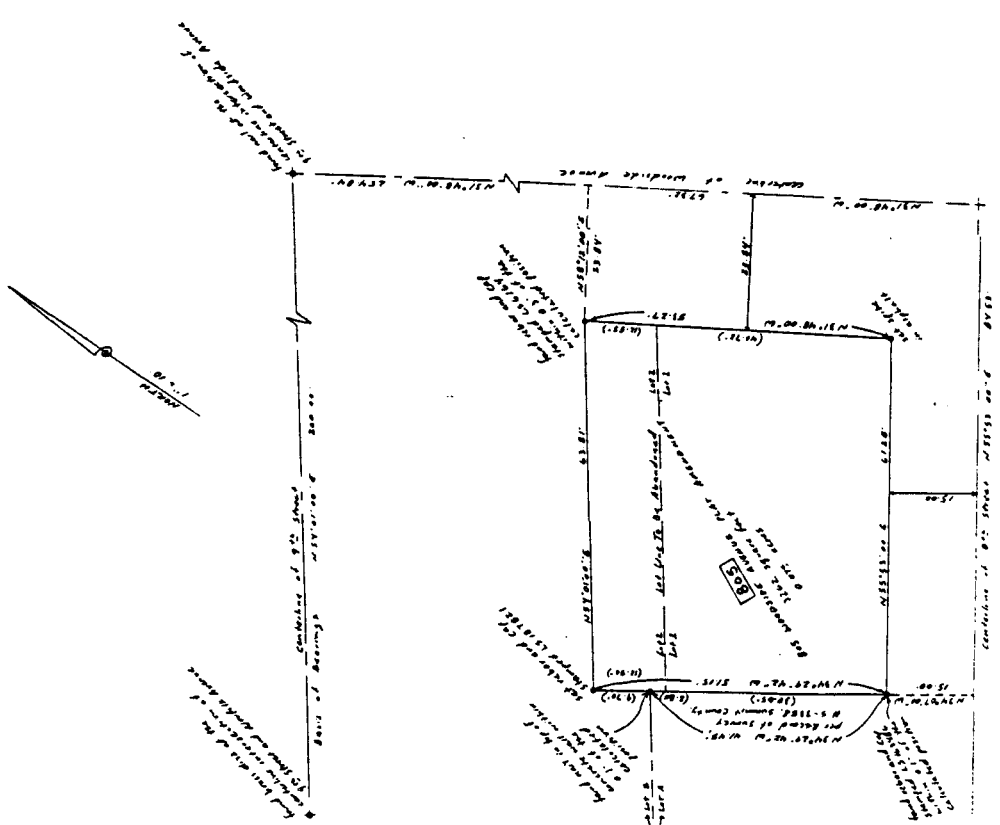


EXHIBIT A

Survey conducted on ground shown as to be shown. Philip Shuckman, the owner of the herein described lot, has caused this survey to be prepared, and I do hereby certify to the accuracy of this survey.

Philip Shuckman

Notary Public

Attest: My Commission Expires _____ Residing _____

Survey Notes:
 1. The owner of the herein described lot is Philip Shuckman, who after being duly sworn, admitted to record this survey and voluntarily
 2. The owner of the herein described lot is Philip Shuckman, who after being duly sworn, admitted to record this survey and voluntarily
 3. This survey was prepared by Philip Shuckman.
 4. [] - street address on Woodside Avenue.



Attest: My Commission Expires _____ Residing _____

Recorded in the Office of the County Recorder, Wake County, North Carolina, on this _____ day of _____, 1966.

City Engineer

City Engineer

City Engineer

City Engineer

City Engineer

City Engineer

Recorded on the City Land Records
 No. 445, 1966
 Paid City of \$100.00
 602 1966

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. 02-14

AN ORDINANCE APPROVING AN AMENDMENT TO THE PARK CITY PLAT TO COMBINE PORTIONS OF LOTS 21 AND 23 AND ALL OF LOT 22 OF BLOCK 10, OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO ONE LOT OF RECORD FOR USE AS A CONDOMINIUM AT 938/942 NORFOLK AVENUE

WHEREAS, the owner, John F. Mullin, of the property known as 938/942 Norfolk Avenue, has 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 June 12, 2002 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 consolidate one lot and a portion of another 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 the HR-1 District.
2. This condominium plat was reviewed by the Park City Planning Commission at its June 12, 2002 Meeting
3. At the June 12, 2002 Planning Commission meeting the Commission voted unanimously to forward a positive recommendation to the City Council.
4. The new lot will consist of approximately 4,275 square feet.
5. The Land Management Code requires setbacks of ten feet in the front and rear and five feet on the sides for a structure of this size.
6. A non-historic duplex structure exists on the site which was constructed across lot lines.
7. The proposed Lot Line Adjustment will combine portions of 2 lots and all of 1 lot into 1 lot to bring the existing building into conformance with regulations prohibiting structures that cross property boundaries.
8. The Land Management Code requires four on-site parking spaces for a building of this type.
9. There are four on-site parking spaces on the property.
10. The condominium plat will allow the applicant to sell each unit separately.
11. The proposed action does not require the applicant to provide additional parking.

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

1. There is good cause for the amendment as it brings an existing non conforming building

into compliance.

2. This approval as conditioned is consistent with the requirements of Section 15.7 of the Land Management Code as well as the General Plan.
3. This approval as conditioned does not adversely affect the health, safety, or welfare of the citizens of Park City.
4. Neither the public nor any person will be materially injured by this plat amendment.

SECTION 3. CONDITIONS OF APPROVAL. The proposed subdivision plat attached as Exhibit A is hereby adopted with the following Conditions of Approval:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recording
2. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.

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

PASSED AND ADOPTED this 20th day of June, 2002.

PARK CITY MUNICIPAL CORPORATION

Dana Williams

Dana Williams, Mayor

Attest:

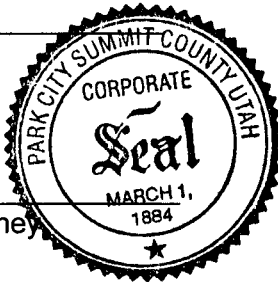
Janet M. Scott

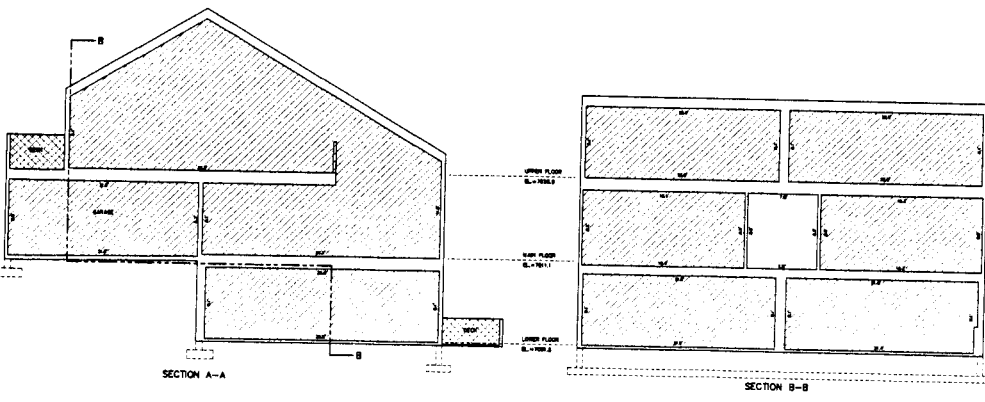
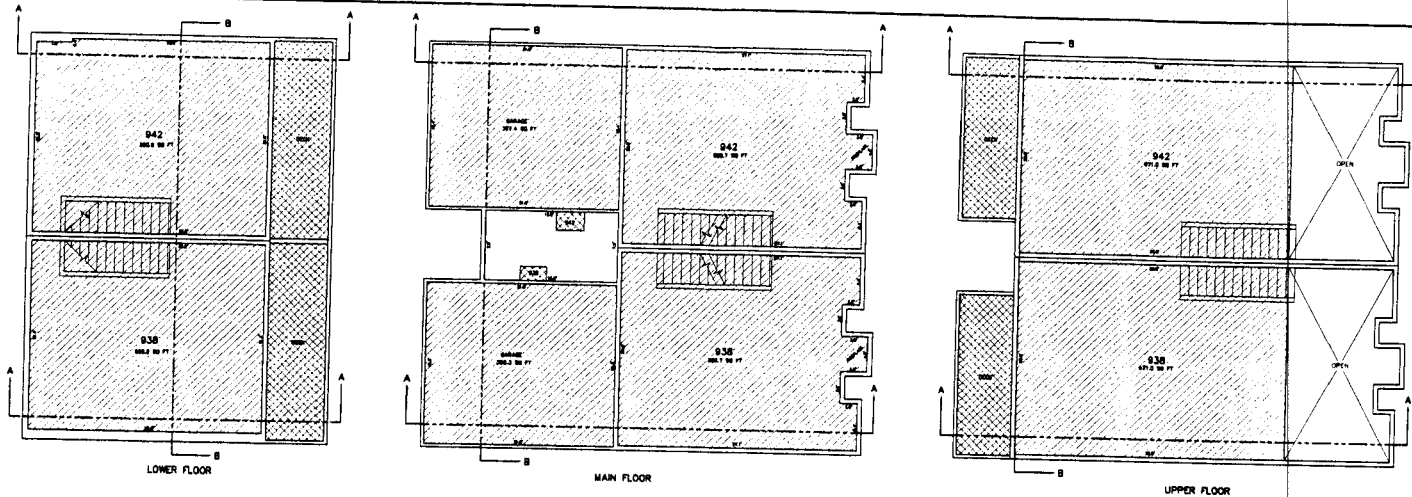
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington

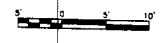
Mark D. Harrington, City Attorney





- LEGEND
- COMMON OWNERSHIP
 - LIMITED COMMON OWNERSHIP
 - PRIVATE OWNERSHIP

NOTE:
 THE DIMENSIONS OF THE COMMON OWNERSHIP SPACES ARE
 BASED UPON THE CENTERLINE OF THE PLAT
 DIMENSIONS. THE DIMENSIONS OF THE COMMON
 OWNERSHIP SPACES MAY VARY SLIGHTLY
 FROM THE DIMENSIONS SHOWN.



A PLAT AMENDMENT OF LOT 22 AND A PORTION OF LOTS 21 & 23 IN BLOCK 10, SNYDER'S ADDITION
938/942 NORFOLK AVENUE CONDOMINIUM/LOT COMBINATION PLAT
 LOCATED IN SECTION 16,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

FILE NO. 5-1-00 FILED 11/15/00 11:00 AM 11/15/00

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED

AT THE REQUEST OF

DATE TIME BOOK PAGE

REC'D RECORDED

SURVEYOR'S CERTIFICATE

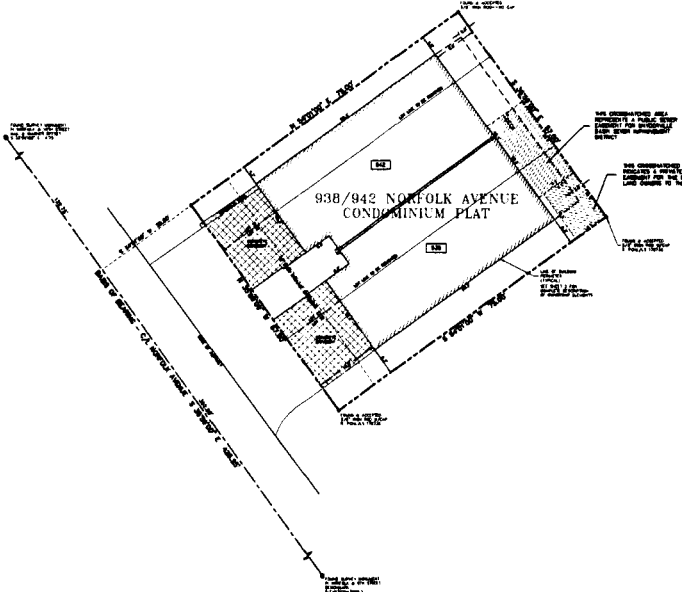
I, John Depewick, certify that I am a Registered Land Surveyor and that I have Certificate No. 183383, as provided by the laws of the State of Utah, and that by authority of the owner(s) I have prepared this Report of Survey map of the 938/942 NORFOLK AVENUE CONDOMINIUM PLAT, a Utah Condominium Project in accordance with the provisions of Sections 37-2-1 through 37-2-10 of the Utah Condominium Ownership Act. I further certify the information shown herein is accurate.

John Depewick Date

BOUNDARY DESCRIPTION

THE NORTHERLY 20.0 feet of Lot 22, all of Lot 22, and the southerly 12.5 feet of Lot 21, Block 10, Snyder's Addition to Park City, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

The above description contains 4,313 square feet.



OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the owner(s) of the herein described tract of land to be shown hereinafter as 938/942 NORFOLK AVENUE CONDOMINIUM, a Utah Condominium project, having received the Report of Survey of Condominium to be made hereby (shown) to the satisfaction of the Report of Survey Plat, (date, the several), hereby, irrevocably and exclusively, do dedicate to the City of Park City of the county, land for said government's use, interests, parks, and resource utilization and easements shown on the plat and administration drawings in accordance with an irrevocable offer of dedication.

IN WITNESS WHEREOF, the undersigned have set their hands this _____ day of _____, 2002.

JOHN F. MALLIN, TRUSTEE
Mallin Groupmaster II Trust
Dated September 28, 1998

DAVE L. MALLIN, TRUSTEE
Mallin Groupmaster II Trust
Dated September 28, 1998

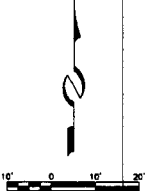
ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____

On this _____ day of _____, 2002, JOHN F. MALLIN and DAVE L. MALLIN personally appeared before me, the undersigned Notary Public, to and by said John and Dave, and after being duly sworn, acknowledged to me that they are the authorized TRUSTEES of the MALLIN GROUPMASTER II TRUST, dated September 28, 1998, that they have signed the above and foregoing Owner's Dedication and Consent to Record on behalf of said Trust, that they have been duly appointed as TRUSTEES by the Declaration of Trust, and that they executed this document in their capacity as TRUSTEES on the act of said Trust for the purpose and to legal intent.

Notary Public

By Commission Expires: _____



- LEGEND**
- COMMON OWNERSHIP
 - LIMITED COMMON OWNERSHIP
 - PRIVATE OWNERSHIP
- NOTE**
1. 938/942 NORFOLK AVENUE CONDOMINIUM PLAT
- LEGEND**
- © Patent survey instrument.
 - © Not a PLAT but not a PLAT. ALIENATE ORIGINALLY MADE.
 - © Patent not not a PLAT.

A PLAT AMENDMENT OF LOT 22 AND A PORTION OF LOTS 21 & 23 IN BLOCK 10, SNYDER'S ADDITION
938/942 NORFOLK AVENUE CONDOMINIUM/LOT COMBINATION PLAT
 LOCATED IN SECTION 16,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2002 A.D. BY: <u>SWISTE</u>	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2002 A.D. BY: _____ CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2002 A.D. BY: <u>PARK CITY ENGINEER</u>	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2002 A.D. BY: <u>PARK CITY ATTORNEY</u>	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2002 A.D. BY: <u>PARK CITY RECORDER</u>	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2002 A.D. BY: _____ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____
	2002-09-28 10:00 AM 10:00 AM 10:00 AM 10:00 AM 10:00 AM 10:00 AM						

Ordinance No. 02-13

**ORDINANCE ESTABLISHING COMPENSATION
FOR THE MAYOR AND CITY COUNCIL FOR FISCAL YEAR 2002 - 2003
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 20, 2002;

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 2002-2003</u>
Mayor	\$1,541.54 per month
City Council	\$ 907.97 per month

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

PASSED AND ADOPTED this 20th day of June, 2002.

PARK CITY MUNICIPAL CORPORATION



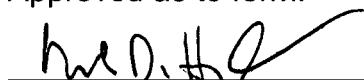
Mayor Dana Williams

Attest:

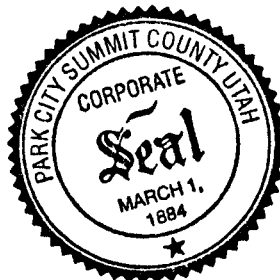


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



ORDINANCE 02-12

**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, the City Council has reviewed the 2001 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, 2002 ~~1, 2004~~ and shall expire September 15, 2002 ~~October 1, 2004~~, 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 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 15th 42th through September 15th 30th. 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. 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 be programmed for July 4th from 1:00pm until 8:30pm, August 3rd and 4th from 6:00pm until 8:30pm, August 10th from 1:00pm until 8:30pm, August 17th from 1:00pm until 8:30pm, and September 2nd from 1:00pm until 6:00pm. 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 July 4th through September 9th, excluding August 3rd and 4th and August 17th due to other approved Master Festival Licenses.
- (3) **TYPE OF MUSIC.** Acoustic with microphones for vocal. 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 1:00pm until 6:00pm, September 2nd from 1:00pm until 6:00pm. 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 12:00pm to 6:00pm, 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 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)~~ **DEER VALLEY NEAR MCHENRY'S GRILL.**

- ~~(1)~~ **LOCATION.** Deer Valley near McHenry's Grill. Approved plans are on file with the Special Events Department.
- ~~(2)~~ **OPERATION DAYS/HOURS/MONTHS.** This Stage may be programmed Wednesdays, Thursdays, Fridays, Saturdays, and Sundays from 11:30 AM to 2:30 PM, from June 27th through September 9th. A timer device will be installed that shuts the power of the stage and sound system off at 2:30 PM.
- ~~(3)~~ **TYPE OF MUSIC.** Amplified and acoustic.
- ~~(4)~~ **SPECIAL EVENTS.** This Public Outdoor Music Plaza may also be programmed for a maximum of four (4) additional weekdays 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)~~ **PARK CITY MOUNTAIN RESORT AT MOOSE'S PUB & GRILL.**

- ~~(1)~~ **LOCATION.** Park City Mountain Resort at Moose's Pub & Grill. Approved plans are on file with the Special Events Department.
- ~~(2)~~ **OPERATION DAYS/HOURS/MONTHS.** This Stage may be programmed Saturdays and Sundays from Noon to 6:00 PM, from June 30th through September 9th. A timer device will be installed that shuts the power of the stage and sound system off at 6:00 PM.
- ~~(3)~~ **TYPE OF MUSIC.** Amplified and acoustic.
- ~~(4)~~ **SPECIAL EVENTS.** This Public Outdoor Music Plaza may also be programmed for a maximum of four (4) additional weekdays 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.

~~(B)(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 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, 2001;
- (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 8:00 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 95, as measured thirty-five feet (35') in front of the stage. The data currently available to the City indicates that a maximum decibel level of 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 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. SUSPENSION AND REVOCATION.

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:

- (A) Any violation of this Chapter as evidenced by a citation issued by the Police Department.
- (B) Any violation of law or City ordinance.
- (C) 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.

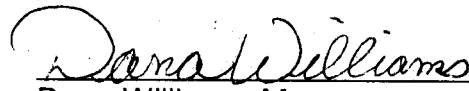
The Master Festival Licenses granted under this Chapter are in lieu of any Administrative Conditional Use Permit for outdoor music, including outdoor speakers, pursuant to Title 15 of the Municipal Code, Land Management Code. The City may still issue outdoor music permits in conjunction with an approved 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.

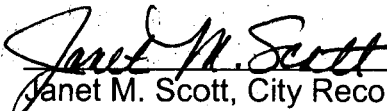
SECTION 4. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 6th day of June, 2002.

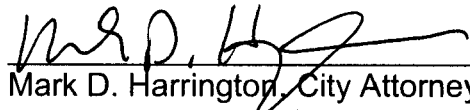
Park City Municipal Corporation


Dana Williams, Mayor

Attestation by:


Janet M. Scott, City Recorder

Approved as to Form:


Mark D. Harrington, City Attorney



Ordinance No. 02-11

AN ORDINANCE APPROVING A PLAT AMENDMENT TO COMBINE ALL OF LOTS 12, 13, 14, AND PORTIONS OF LOTS 11,15, AND 16 OF BLOCK 13 OF THE PARK CITY SURVEY INTO ONE LOT.

WHEREAS, owners of the property known as 147 and 151 Main Street, 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 May 22, 2002 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

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

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

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

1. The project site is located at 151 Main Street. A historic building exists on the property which currently is operated as the restaurant Grappa.
2. The applicant proposes to combine the two lots under existing building and patio area (lots 13&14) with the adjacent 1 1/2 lots to the south (11&12) and 2 adjacent 1/4 lots (15&16) to the west.
3. The applicant intends to expand the existing commercial use by installing a kitchen addition on the lots to the South, site of the temporary pocket park.
4. Lots 11,12,13 and 14 are zoned HCB, Historic Commercial Business. Lots 15 and 16 are zoned HR-2, Historic Residential - 2.
5. The proposed plat creates a 7,166 square foot (s.f.) lot, 5,916 s.f. of which is zoned HCB, 1,250 s.f. of which is HR-2.
6. The Floor Area Ratio that is proposed is 1.5. The existing building is 4493 s.f.. The allowable expansion for a 1.5 FAR is 4381 s.f. for a building maximum of 8,874 s.f..
7. This application was reviewed by the Planning Commission on May 22, 2002, at which time a unanimous vote forwarded a recommendation to approve the application. A public hearing was held and input was received from two adjoining property owners. Their concerns focused on mechanical noise and garbage issues. This project will undergo a Historic District Design Review process prior to any building permits being issued.
8. The easterly 25' of lots 15 and 16 are undeveloped except for only partially at grade decks and landscaping. They are used by Grappa for outdoor dining.
9. A Conditional Use Permit (CUP) was approved for Outdoor Dining at this location

in 1991, at which time Outdoor Dining was a conditional use for "historic structures only". In 1993, the applicant received an expansion to the existing CUP that allowed for expansion of the use from the second deck to the third and fourth decks at the rear of the building.

10. Under existing zoning regulations, Outdoor Dining is prohibited in the HR-2 Zone. The use continues as an Existing, Non-Conforming one. Section 15-9-5(B) of the LMC allows for exterior or interior improvements to a structure containing a non-conforming use to be allowed provided there is no expansion of the area of the non-conforming use.
11. Section 6-3-9(K) of the Park City Municipal Code incorporates regulations on noise. The existing CUP also has conditions regulating noise from outdoor speakers. Any complaints in regards to noise will be responded to on a complaint basis by the Park City Police Department.
12. In August 1998 the Redevelopment Agency of Park City (RDA) and Bill White entered into a 5 year renewable Public Recreation License Agreement to install a pocket park on portions of Mr. White's land (Exhibit A). This agreement may be terminated by the applicant with three months written notice and a building permit, at which point the RDA shall at its cost remove the existing improvements. The City, at this time has not received written notice of termination from the applicant.
13. The agreement with the RDA stipulated that the owner agrees that the RDA's costs of the improvements (\$30,000) will be amortized over a five year period using a straight line depreciation schedule, so that if the License is terminated during any of the first five years, the owner will pay the RDA remaining value of the improvements. The five year period is scheduled to end in August 2003. For every month prior to August 2003 that the agreement is ended, the applicant would owe \$500 to the RDA (approx. \$6000).
14. An addition on lots 11 and 12 is exempt from any parking requirement as the Main Street Parking Special Improvement District (MSPSID) fees for the lots have been paid into the MSPSID.

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

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

SECTION 3. CONDITIONS OF APPROVAL. The proposed subdivision plat attached as Exhibit B is hereby adopted with the following Conditions of Approval:

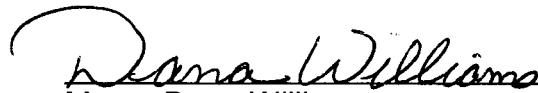
1. The City Attorney and City Engineer review and approve the final form and content of the replat for compliance with the Land Management Code and conditions of approval prior to recordation.

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one years time, this approval and the plat will be void.
3. No building permit will be issued prior to recordation of the Plat Amendment.
4. Outdoor Dining shall be allowed to continue under the stipulations of the existing approval, originally granted in 1991 and expanded in 1993.

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


PASSED AND ADOPTED this 6th day of June 2002

PARK CITY MUNICIPAL CORPORATION

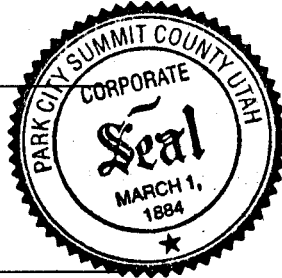


Mayor Dana Williams

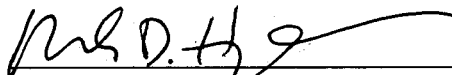
Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

PUBLIC RECREATION LICENSE AGREEMENT

WHEREAS, 151 Main Street Corporation, ("Owner") is the owner of certain rural, undeveloped real property located within the city limits of Park City; and

WHEREAS, the **Redevelopment Agency of Park City** ("RDA") desires to improve such undeveloped property within its city limits to allow public access for the purpose of picnicking, viewing historical buildings and other recreational purposes; and

WHEREAS, the property is appropriate for such recreational purposes and the public will not be charged an entry fee to enter the property; and

WHEREAS, the Owner and RDA have expressly relied upon the provisions and protections of the Utah Limitation of Landowner Liability- Public Recreation Act in opening the property up to public access.

Now therefore, in consideration of the mutual covenants and agreements hereof, the sufficiency and receipt of which are hereby acknowledged, Owner and RDA agree as follows:

1. Owner grants to RDA a License for an automatically renewable five year term to enter upon Owner's property, described as Lot 12 and southern 10 feet of Lot 11, Block 13, Park City Survey, Park City, Utah, for the purpose of removing debris and weeds and installing such landscaping, walkways, trails, benches and other improvements as RDA deems desirable for the recreational purposes (hereinafter "License"). The term shall automatically renew for subsequent five year terms, until terminated pursuant to Paragraph 2. Owner further grants the public an access easement to the property for purposes identified herein during the term of the License.
2. The License may be terminated at any time by either party by providing the other party with three months written notice. Regardless of the three month notice to terminate, Owner and RDA agree that the improvements installed pursuant to this License will remain in place until 151 Main Street Corporation, or any of its successors, agent or a bona fide purchaser decides to build on the parcel and has a set of city-approved building plans. The RDA shall at its cost remove all improvements installed pursuant to the License within 14 days of receipt of a copy of an approved Building Permit, or at the end of the three month termination notice, whichever is later. All such improvements are the property of the RDA. Owner agrees that at any time after the first five years, the RDA can determine that it no longer wishes to use or maintain the park by giving one months written notice to 151 Main Street Corporation. At the end of the month, the RDA shall remove all improvements.
3. Owner and RDA agree that RDA will have a first right of refusal to purchase the property if it is put up for sale.
4. Owner agrees that the RDA's costs of the improvements (\$30,000) will be amortized over

a 5-year period using a straight line depreciation schedule, so that if the License is terminated during any of the first five years, Owner will pay the RDA the remaining value of the improvements.

5. Owner and RDA agree that 151 Main Street Corporation will contribute a minimum of \$5,000 in cash or materials in addition to the RDA's \$30,000 investment to build and enhance the park.
6. Owner and RDA intend that the use of Owner's property be for a Recreational Purpose as defined in Section 57-14-2 of the Utah Code, and RDA agrees to indemnify and hold Owner harmless for all claims and damages arising out of public use of Owner's property. Nothing herein shall constitute the RDA's waiver of any portion of the Utah Government Immunity Act, the Utah Limitation of Landowner Liability- Public Recreation Act or defense arising there from.
7. Owner and RDA agree that the RDA will be responsible for the construction, operations and maintenance of the park, including utilities, and the improvements installed will remain the property of RDA, and that RDA may remove or replace them at its discretion.

DATED this 21ST day of August, 1998.

REDEVELOPMENT AGENCY OF PARK CITY

By:

Bradley A. Olch
Bradley A. Olch, Chairman

Attest:

Janet M. Scott, Secretary
Janet M. Scott, Secretary

Approved as to Form:

City Attorney's Office
City Attorney's Office

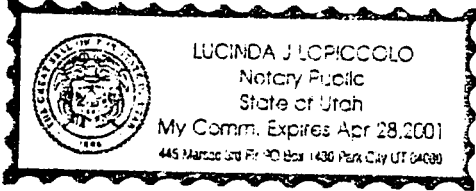


OWNER

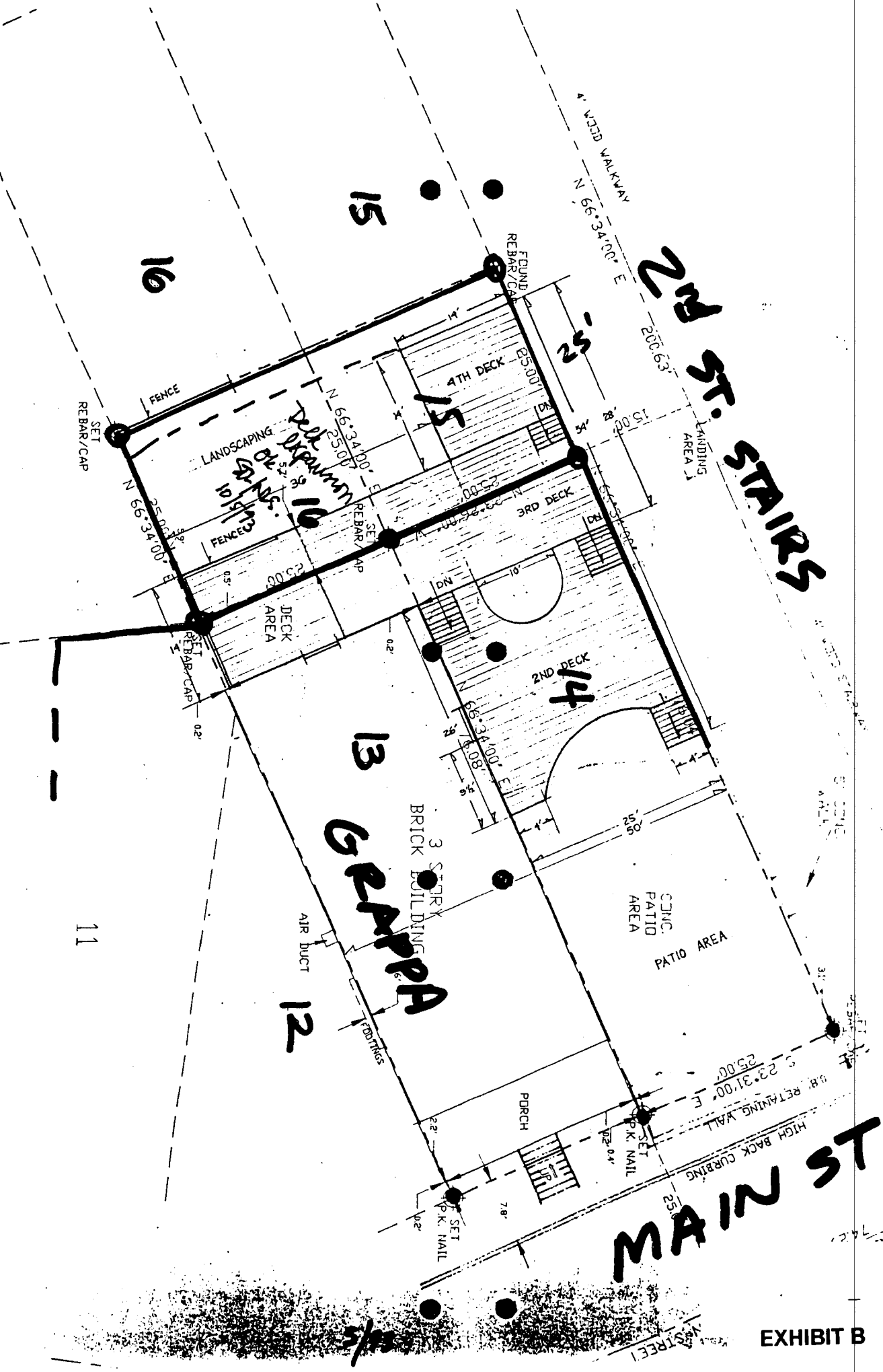
By: William B. White
(Type Name) _____

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

On this 15th day of AUGUST, 1998, personally appeared before me WILLIAM B WHITE, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is signed on the preceding Agreement, and acknowledged to me that he/she signed it voluntarily for its stated purpose.



Lucinda J. Lopiccio
NOTARY PUBLIC



16

15

2nd ST. STAIRS

14

13 GRAPPA

12

11

MAIN ST

EXHIBIT B

Ordinance No. 02-10

**AN ORDINANCE APPROVING A RECORD OF SURVEY FOR HOTEL PARK CITY
LOCATED AT 2001 PARK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 2001 Park Avenue have petitioned the City Council for approval of a 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 May 22, 2002, to receive input on the proposed record of survey plat;

WHEREAS, the Planning Commission, on May 22, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 6, 2002, 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 property is located at 2001 Park Avenue and is zoned Recreation Commercial with Master Planned Development (RC-MPD). The main hotel building is nearing completion.
2. The condominium creates residential units and units for the golf pro shop, spa, restaurant and hotel spaces.
3. An expandable area is created for the proposed cottages.
4. All parking is common to all owners, including the golf pro shop.
5. A subdivision approved by the Park City Council on August 9, 2001 created a single lot.
6. Condominiums are an allowed use in the RC zone.
7. The Planning Commission forwards a positive recommendation to the City

Council from the hearing on May 22, 2002.

Conclusions of Law:

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

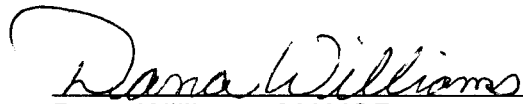
Conditions of Approval:

1. The Conditions of Approval for the Hotel Park City Master Plan Approval (Island Outpost), as amended, remain in full force and effect.
2. The 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.
3. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 6th day of June, 2002.

PARK CITY MUNICIPAL CORPORATION

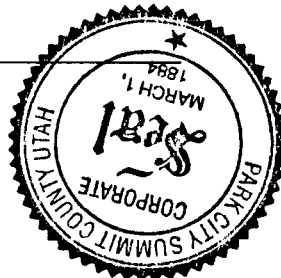


Dana Williams, MAYOR


ATTEST:



Janet M. Scott, City Recorder



APPROVED AS TO FORM:



Mark D. Harrington, City Attorney

Ordinance No. 02-09

**AN ORDINANCE APPROVING AMENDMENTS TO
THE FINAL SUBDIVISION PLAT KNOWN AS THE
ROOSEVELT GAP SUBDIVISION
LOCATED AT 2300 DEER VALLEY DRIVE,
PARK CITY, WASATCH COUNTY, UTAH**

WHEREAS, the owners, Deer Crest Development, of the property generally located at 2300 Deer Valley Drive, Park City, Utah and known as the Roosevelt Gap Subdivision, have petitioned the City Council for approval of a final subdivision plat amendment; and

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

WHEREAS, on May 22, 2002, the Planning Commission held a public hearing to receive public input on the proposed subdivision plat amendments and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on June 6, 2002 the City Council held a public hearing and reviewed the proposed subdivision plat amendments; and

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

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

SECTION 1. FINDINGS OF FACT.

1. The property is located at 2300 Deer Valley Drive, also known as Roosevelt Gap at Deer Crest. The property is zoned RC-MPD, Resort Commercial subject to the Deer Crest MPD and 1995 Deer Crest Settlement Agreement. The property is currently vacant.
2. The property is within Park City Municipal boundaries and within Wasatch County.
3. The proposed plat amendment shifts the disturbance area north approximately 60' and shifts 450 sf of the building envelop 10' - 15' to the north. Shifting the development boundary transfers approximately 0.67 acres of open space to Development Parcel A.
4. The requested plat amendment does not increase the building footprint, density, building height, intensity of use, parking, or disturbance area from what was

- approved with the conditional use permit.
5. The plat amendment dedicates 1.39 acres of forested Development Parcel B as open space for a net increase of 0.72 acres of open space.
 6. The proposed amendment narrows the access easement for the private drive, known as Deer Crest Estates Drive, from 80' to 32' for a length of 100' adjacent to the east facade of the hotel. The proposed easement width of 32' is sufficient for construction of the required curb, gutter, and street for this section of Deer Crest Estates Drive.
 7. The property is subject to the Rosewood CUP, approved in February of 2001, amended on July 25, of 2001.
 8. On May 22, 2002 the Planning Commission held a public hearing. There was no public comment on the proposal. The Commission voted to forward to the City Council a positive recommendation to approve the plat amendment.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed plat. The plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats. The plat is consistent with the Deer Crest Settlement Agreement and Rosewood CUP.

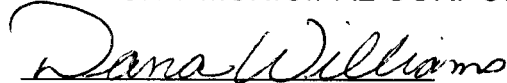
SECTION 3. PLAT APPROVAL. The plat amendments to the Roosevelt Gap Subdivision are hereby approved as shown on Exhibit A, with the following conditions:

1. Conditions of Approval for the Rosewood CUP and the Deer Crest Settlement Agreement remain in full force and effect.
2. Conditions of Approval and existing plat notes pertaining to the Roosevelt Gap subdivision plat remain in full force and effect. A note shall be added to the amended plat referring to all notes on the existing Roosevelt Gap plat.
3. The City Attorney and City Engineer will review and approve the final form and content of the amended subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval as a condition precedent to recordation of the plat.
4. The amended subdivision plat shall be recorded as a condition precedent to issuance of a footing and foundation permit for development on these parcels.
5. As a condition precedent to issuance of a footing and foundation permit for the hotel development on these parcels, the applicant shall verify (this may entail re-flying balloons) that the height and location of the roof ridge on the north-west elevation (the portion that is shifted with this plat amendment) comply with the findings of the conditional use permit and are consistent with the conditions of approval of the conditional use permit and the Deer Crest Settlement Agreement.
6. The subdivision plat shall be recorded at the County within one year of the date of City Council approval. If recordation has not occurred within the one year time frame this approval and the record of survey shall be considered null and void.

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

PASSED AND ADOPTED this 6th day of June 2002.

PARK CITY MUNICIPAL CORPORATION

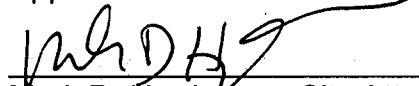

Mayor Dana Williams

Attest:

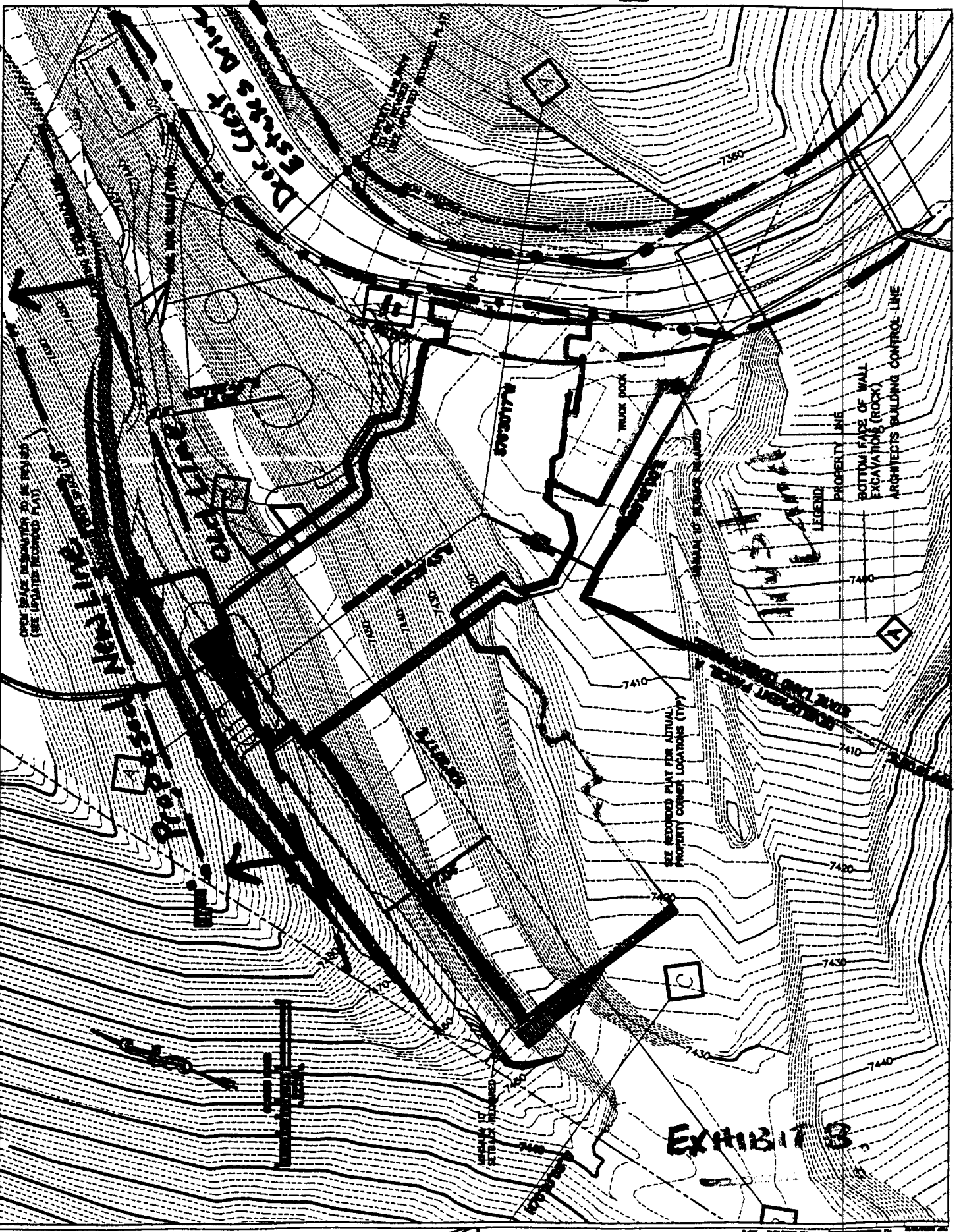

Janet M. Scott, City Recorder



Approved as to form:


Mark D. Harrington, City Attorney

450' building footprint (corner of building)



Ordinance No. 02-08

An Ordinance Approving the Flagstaff Mountain Resort Phase 1 Final Plats–Northside Subdivision; Northside Subdivision II; Parcel A, Empire Village Subdivision; Open Space Parcel No. 1; and the Marsac Avenue Right-of-Way, Park City, Utah

WHEREAS, the owners of the property known as United Park City Mines Corporation have petitioned the City Council for approval of four subdivision plats and the Marsac Avenue Right-of-Way 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 22, 2002 to receive input on the proposed plats;

WHEREAS, the Planning Commission, on May 22, 2002 forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 6, 2002 the City Council held a public hearing to receive input on the proposed plat amendment; and

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

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 subdivision plats are located in the RD-MPD and ROS-MPD Districts. The realigned Guardsman Road (now known as Marsac Avenue) right-of-way is located in the ROS-MPD District.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used

development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.

4. The Development Agreement limits development in Pods A, B-1, B-2 to:

- a. No more than 705 Unit Equivalents in no more than 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.
- b. no more than 75,000 square feet of resort support commercial; and
- c. a maximum 35,000 square foot day skier lodge in Pod B-2.

5. The Development Agreement required City review and approval of fourteen (14) technical reports/studies. The reports include details on the following information:

- Mine/Soil Hazard Mitigation
- Architectural Design Guidelines
- Transit
- Parking
- Open Space Management
- Historic Preservation
- Emergency Response
- Trails
- Private Road Access Limitations
- Construction Phasing
- Infrastructure and Public Improvement Design
- Utilities
- Wildlife Management
- Affordable Housing

6. The Planning Commission completed the review and approval process for the technical reports/studies on December 12, 2001.

7. The Construction and Phasing Development Plan, approved by the Planning Commission on December 12, 2001 specifies that:

No vertical construction shall begin in Pod D until the following items are completed:

- a. approval of the Mountain Village Master Planned Development (MPD) application (including, but not limited to, the Alpine Club Phase 1, pulse gondola, transit hub, village ski runs, and related landscaping) and all related conditional use permits;
- b. approval of the Pod D MPD and subdivision plat;

c. substantially complete, and bond for completion by December 25, 2004, the operation of the Alpine Club Phase 1 resort amenity package (including, at a minimum, a restaurant, bar, convenience store, landscaping, ski runs/pedestrian connections, and concierge's services operated by a management company. Phase 1 of the Alpine Club will consist of a minimum of 10,000 square feet of building area ;

d. substantially complete, and bond for completion by December 25, 2004, the first phase of Alpine Club multi-family units as approved in the Mountain Village MPD;

e. issuance of the building permit, and bond for completion by December 25, 2004, for the Mountain Village transit hub;

f. issuance of the building permit, and bond for completion by December 25, 2004, for the pulse gondola; and

g. issuance of a building permit for at least one multi-family building within the Mountain Village(as approved in the Mountain Village MPD) in addition to the Alpine Club multi-family units.

8. The 14 technical reports/studies, along with the Land Management Code and the Development Agreement (30-99) form the standards against which the subject Master Planned Development and Phase 1 preliminary/final plat are reviewed.

9. The proposed subdivision plat includes:

a. Right-of-Way Dedication Plats for the Guardsman Road/Marsac Avenue Re-alignment

b. Ten (10) Single-Family Lots

c. One (1) Empire Canyon Day-Lodge Lot

d. Three (3) Multi-Family Lots for the 3 multi-family sites in Pod B-1.

e. One (1) Lot Subdivision for the small Open Space parcel.

10. The realigned Guardsman Pass Road/Marsac Avenue right-of-way will be dedicated for public use. The applicant proposes a that a master homeowners association(MHOA) be formed and will, by contract, provide all road maintenance expenses in exchange for normal City or State costs, whoever has jurisdiction.

11. Exhibits "A" and "B" of the master planned development for the 10-lot subdivision/Northside Village Subdivision specifies lot size, maximum house size, maximum building footprint, maximum irrigated area, maximum disturbance for each lot. The massing, size and articulation of the single family houses have been restricted and

further modified by the MPD in exhibit "A" and "B" to require that buildings step down on the façade that faces the street. In addition the Design Guidelines for the project impose additional controls on façades, stepping and articulation over and above those that are required by the LMC.

12. Proposed Parcel A creates a lot of record for the Deer Valley Resort's Empire Day Lodge.

13. Proposed Lot B is 16.99 acres and is proposed for multi-family development. The maximum amount of density for Lot B is subject to a subsequent Master Planned Development approval by the Planning Commission.

14. Proposed Lot C is 3.63 acres and is proposed for multi-family development. The maximum amount of density for Lot C is subject to a subsequent Master Planned Development approval by the Planning Commission.

15. Proposed Lot D is 1.34 acres and is proposed for multi-family development. The maximum amount of density for Lot D is subject to a subsequent Master Planned Development approval by the Planning Commission. The building located on Lot D will be called "Building H."

16. Proposed Open Space Parcel No. 1 is 3.4 acres.

17. The Land Management/Subdivision Code requires that sidewalks be included within the dedicated non-pavement rights-of-way of all roads unless an alternative location has been specified by the Planning Commission.

18. At the April 20, 2002 meeting, the Planning Commission determined that the applicant's construction of the 8000-foot trail and the Tour de Suds trail through the subdivision are acceptable pedestrian enhancements in lieu of a sidewalks adjacent to Marsac Avenue, Hawkeye Place, and Northside Court (the cul de sacs for the proposed 10-lot subdivision).

19. The proposed subdivision includes easements for the 8000-foot trail and the Tour De Suds trail.

20. The Planning Commission reviewed the limits of disturbance for the proposed 10-lot subdivision/Northside Village Subdivision, realigned Guardsman Road, and project utilities corridors at the April 24, 2002 and May 8, 2002 meeting. The disturbance exhibits presented to the Planning Commission during the meetings of April 24th and May 8th and are on file at the Planning Department.

21. A financial guarantee for public improvements is necessary to protect the health, safety and welfare of the general public.

22. Public hearings were held on the proposed subdivision on March 27, 2002, April 10, 2002, April 24, 2002, and May 8, 2002.

23. The Development Agreement for Flagstaff Mountain/Annexation Resolution 99-30 specifies that the applicant shall quit claim the Sandridge Parking Lot to the City.

24. The Development Agreement for Flagstaff Mountain/Annexation Resolution 99-30 specifies that open space easements will be provided for specific property, including Prospect Ridge, Lady Morgan, Iron Mountain, and the balance of project land within the Deer Valley Ski Area.

25. The seasonal parking, which has previously been provided for the Brighton Estates homeowners along Guardsman Pass Road at the horse stables, is proposed to be temporarily relocated to where the new Guardsman Road connects to the existing Guardsman Road just above the new Deer Valley day lodge.

26. Essential municipal public utility buildings require conditional use permits in the RD and ROS Districts.

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, the Park City General Plan, and the Development Agreement for Flagstaff Mountain/Annexation Resolution 99-30.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. Approval of the subdivision, subject to the conditions below, does not adversely affect the health safety and welfare of the citizens of Park City.

SECTION 3. PLAT APPROVAL. The proposed plats are hereby approved with the following conditions:

1. City Engineer and the City Attorney review and approval of the final form and content of the subdivision for compliance with State subdivision laws, the Land Management Code, and the conditions of approval is a condition precedent to plat recordation.
2. City Engineer approval of the project utility and phasing plan is a condition precedent to plat recordation.
3. Community Development Department review and approval for the design and actual

construction of 8000-foot trail and Tour-de-Suds trail through the Subdivision for compliance with the approved Flagstaff Mountain Resort Trails Master Plan is a condition precedent to the issuance of any grading or building permits within the subdivision.

4. Construction of the 8000-foot trail and Tour-de-Suds trail through the Subdivision shall be completed by December 1, 2002.

5. A note shall be added to the Northside Village Subdivision plat indicating that Exhibits "A" and "B" of the master planned development for the 10-lot subdivision/Northside Village Subdivision, on file in the Planning Department, specifies lot size, maximum house size, maximum building footprint, maximum irrigated area, maximum disturbance, and building volumetrics for each lot.

6. No vertical construction shall begin in Pod D until the following items are completed:

a. approval of the Mountain Village Master Planned Development (MPD) application (including, but not limited to, the Alpine Club Phase 1, pulse gondola, transit hub, village ski runs, and related landscaping) and all related conditional use permits;

b. approval of the Pod D MPD and subdivision plat;

c. substantial completion, and bond for completion by December 25, 2004, the operation of the Alpine Club Phase 1 resort amenity package (including, at a minimum, a restaurant, bar, convenience store, landscaping, ski runs/pedestrian connections, and concierge's services operated by a management company. Phase 1 of the Alpine Club will consist of a minimum of 10,000 square feet of building area ;

d. substantial completion, and bond for completion by December 25, 2004, the first phase of Alpine Club multi-family units as approved in the Mountain Village MPD;

e. issuance of the building permit, and bond for completion by December 25, 2004, for the Mountain Village transit hub;

f. issuance of the building permit, and bond for completion by December 25, 2004, for the pulse gondola; and

g. issuance of a building permit for at least one multi-family building within the Mountain Village(as approved in the Mountain Village MPD) in addition to the Alpine Club multi-family units.

7. Community Development Department approval of a construction mitigation plan (CMP), including a site disturbance revegetation plan, is a condition precedent to the issuance of any grading or building permits.

8. The applicant shall record the subdivision plat within one (1) year from the date of the City Council approval. If recordation has not occurred within one year, this approval shall be void.

9. A financial guarantee for all public improvements necessary to serve all or any portion of the Northside Subdivision, in an amount to be approved by the City Engineer, and in a form approved by the City Attorney, shall be in place prior to plat recordation.

10. The applicant shall quit claim Sandridge Parking Lot to the City as required by the Development Agreement. Transfer of the property is a condition precedent to plat recordation.

11. City Attorney review and approval of any/all open space easements that are required by the Development Agreement is a condition precedent to plat recordation. An escrow instruction agreement which insures that the open space easements will be recorded, in a form and manner approved by the City Attorney, is a condition precedent to plat recordation. The area surrounding Pod D which is not owned by UPCMC shall be dedicated/restricted with the MPD for Pod D.

12. The applicant shall provide Brighton Estates homeowners seasonal parking for vehicles and snowmobile trailers in the general area of where the new Guardsman Road connects to the existing Guardsman Road just above the new Deer Valley day lodge. The proposed parking area replaces the parking area which was located along Guardsman Pass Road near the horse stables. The proposed parking area may be relocated at such time as all subsequent Master Planned Development and/or Conditional Use Permit approvals are obtained by the property owner.

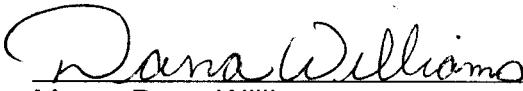
13. The plat shall include an irrevocable offer to dedicate the re-aligned SR224 to UDOT. The dedication shall not be accepted until the road is constructed in accordance to specifications approved by the City and UDOT. If UDOT transfers SR224 to the City prior to accepting dedication of the re-aligned section on the plat, the applicant shall dedicate re-aligned SR224 to the City in a manner approved by the City Attorney. A maintenance agreement for the roads within the project that are to be dedicated to the City and/or State, consistent with the requirements of the Development Agreement, and in a form acceptable to the City Attorney and City Engineer, is a condition precedent to plat recordation. If and when the realigned Guardsman road is dedicated or transferred to the City, the Developer will execute and encroachment agreement, in a form acceptable to the City Attorney and City Engineer for the private improvements (ski bridge and tunnel) within the rights-of-way.

14. All essential municipal public utility buildings, including but not limited to pump stations, associated with the utility plan for the subdivision require a conditional use permit.

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


PASSED AND ADOPTED this 6th day of June, 2002.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

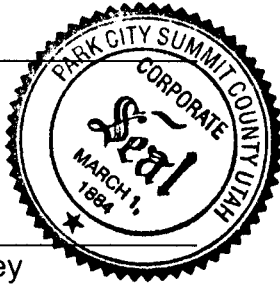
Attest:



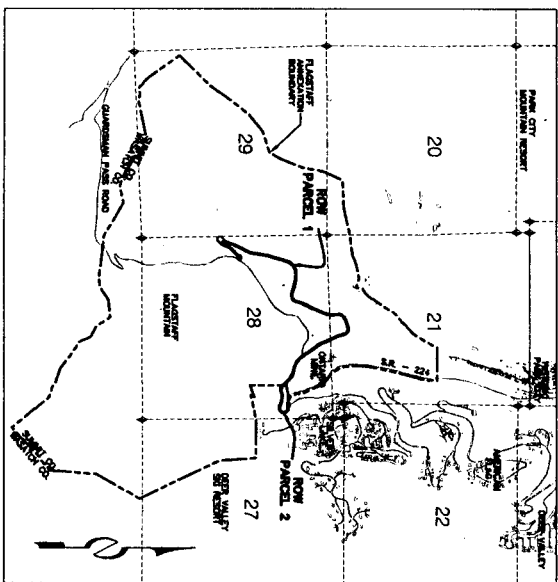
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney



IDENTITY / SECTION MAP



BOUNDARY DESCRIPTION - PARCEL 2

A parcel of land situated in the unincorporated portion of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The parcel is bounded on the north by the boundary of Section 20, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The parcel is bounded on the east by the boundary of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The parcel is bounded on the south by the boundary of Section 27, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The parcel is bounded on the west by the boundary of Section 29, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The parcel is bounded on the north by the boundary of Section 20, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The parcel is bounded on the east by the boundary of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The parcel is bounded on the south by the boundary of Section 27, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The parcel is bounded on the west by the boundary of Section 29, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

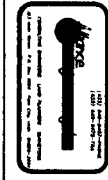
BOUNDARY DESCRIPTION - PARCEL 1

A parcel of land situated in the unincorporated portion of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The parcel is bounded on the north by the boundary of Section 20, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The parcel is bounded on the east by the boundary of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The parcel is bounded on the south by the boundary of Section 27, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The parcel is bounded on the west by the boundary of Section 29, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The parcel is bounded on the north by the boundary of Section 20, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The parcel is bounded on the east by the boundary of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The parcel is bounded on the south by the boundary of Section 27, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The parcel is bounded on the west by the boundary of Section 29, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

RECORD OF SURVEY MAP MARSAC AVENUE RIGHT OF WAY

LOCATED IN SOUTH HALF SECTION 21, SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REQUEST FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF _____ 2002 A.D. BY _____ S.W.M.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF _____ 2002 A.D. BY _____ CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON THE RECORD MAP OFFICE THIS 2002 A.D. BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS DAY OF _____ 2002 A.D. BY _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ 2002 A.D. BY _____ PARK CITY RECORDER	COUNCIL APPROVAL APPROVAL BY THE PARK CITY COUNCIL THIS _____ 2002 A.D. BY _____ MAYOR	STATE OF UTAH COUNTY OF SAMUHI AND FILED DATE _____ TIME _____ ROOM _____ FLOOR _____ BY _____ RECORDER
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OWNER'S CERTIFICATE

I, John D. Marsac, do hereby certify that I am a legal and beneficial owner of the parcel of land described in the foregoing plat and that I have the right to execute the same. I have read the plat and the description of the land and I have approved the same. I have also approved the plat and the description of the land and I have approved the same. I have also approved the plat and the description of the land and I have approved the same.

OWNER'S DECLARATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, John D. Marsac, do hereby declare that I am a legal and beneficial owner of the parcel of land described in the foregoing plat and that I have the right to execute the same. I have read the plat and the description of the land and I have approved the same. I have also approved the plat and the description of the land and I have approved the same. I have also approved the plat and the description of the land and I have approved the same.

STATE OF UTAH

COUNTY OF SAMUHI

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this _____ day of _____ 2002, by _____, the President of _____, a Utah Limited Partnership.

NOTARY PUBLIC

My Commission Expires _____

OWNER'S DECLARATION

KNOW ALL MEN BY THESE PRESENTS, that I, _____, do hereby declare that I am a legal and beneficial owner of the parcel of land described in the foregoing plat and that I have the right to execute the same. I have read the plat and the description of the land and I have approved the same. I have also approved the plat and the description of the land and I have approved the same. I have also approved the plat and the description of the land and I have approved the same.

STATE OF UTAH

COUNTY OF SAMUHI

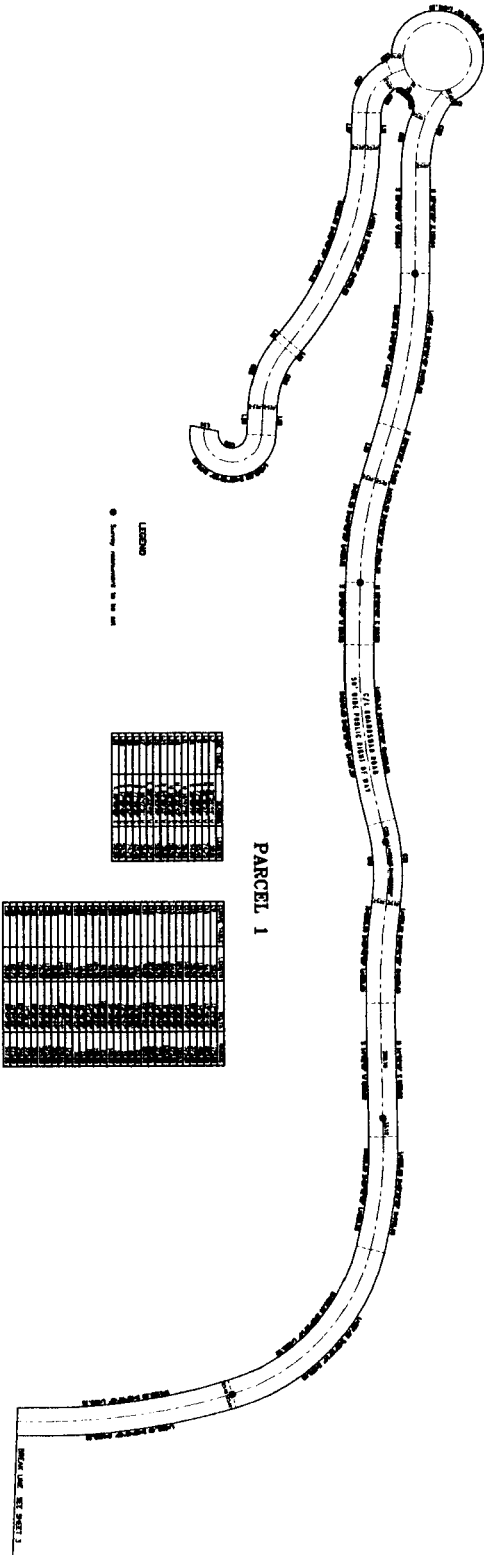
ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this _____ day of _____ 2002, by _____, the President of _____, a Utah Corporation.

NOTARY PUBLIC

My Commission Expires _____

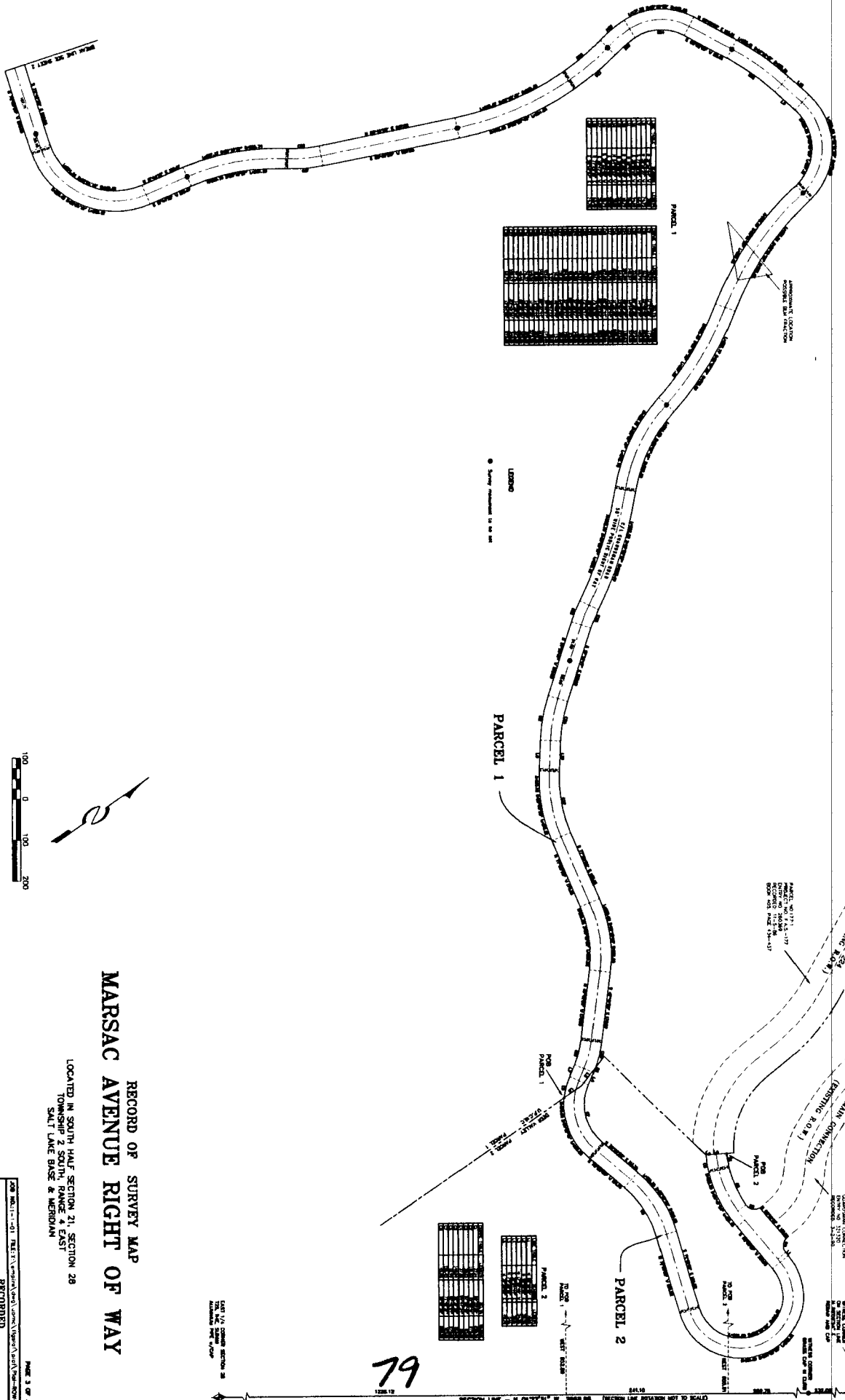
FILED IN _____ DATE _____ TIME _____ ROOM _____ FLOOR _____ BY _____ RECORDER



MARSAC AVENUE RIGHT OF WAY

LOCATED IN SOUTH HALF SECTION 21, SECTION 28
 TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASE & MERIDIAN

FILED IN PUBLIC RECORDS
 STATE OF UTAH, COUNTY OF SUMMIT, AND FIELD
 AT THE REQUEST OF _____
 DATE _____ HOUR _____ PAGE _____
 RECORDER



RECORD OF SURVEY MAP
MARSAC AVENUE RIGHT OF WAY

LOCATED IN SOUTH HALF SECTION 21, SECTION 28
TOWNSHIP 2 SOUTH RANGE 4 EAST
SALT LAKE BASE & MENDIAN



79

SECTION LINE - H ON 27/28

SCALE: 1" = 100'

RECORD OF SURVEY MAP

STATE OF UTAH, COUNTY OF SUMMIT, AND FIELD

DATE _____ TIME _____ BOOK _____ PAGE _____

RECORDED _____

RECORDER'S _____

FEE _____



SYDNEYVILLE BASIN WATER RECLAMATION DISTRICT
 REQUESTED FOR CONFORMANCE TO SYDNEYVILLE BASIN WATER
 RECLAMATION DISTRICT STANDARDS ON THIS
 DAY OF _____ 2002 A.D.
 BY _____ SIB M.R.D.

PLANNING COMMISSION
 APPROVED BY THE PLANNING
 COMMISSION THIS
 DAY OF _____ 2002 A.D.
 BY _____ CHAIRMAN

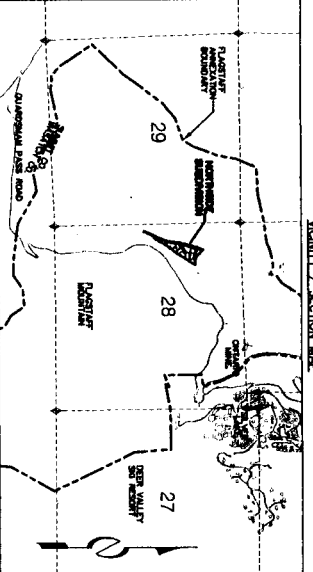
ENGINEER'S CERTIFICATE
 I FIND THIS PLAN TO BE IN
 ACCORDANCE WITH THE
 PLANNING COMMISSION THIS
 DAY OF _____ 2002 A.D.
 BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS
 DAY OF _____ 2002 A.D.
 BY _____ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
 I CERTIFY THIS RECORD OF SURVEY
 WAS FILED BY THE CITY
 OF _____ 2002 A.D.
 BY _____ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVAL AND ACCEPTANCE BY THE PARK CITY
 COUNCIL THIS
 DAY OF _____ 2002 A.D.
 BY _____ MAYOR

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE OFFICE OF THE BOOK
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 _____ RECORDER



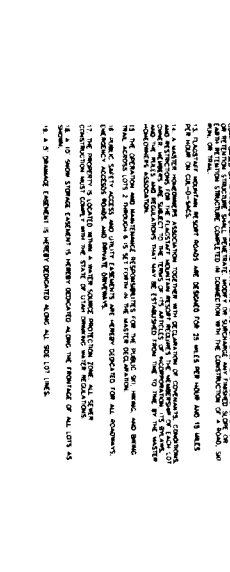
BOUNDARY DESCRIPTION
 The boundary description for the subdivision is as follows:
 1. The boundary of the subdivision is as shown and described in the plat of the subdivision.
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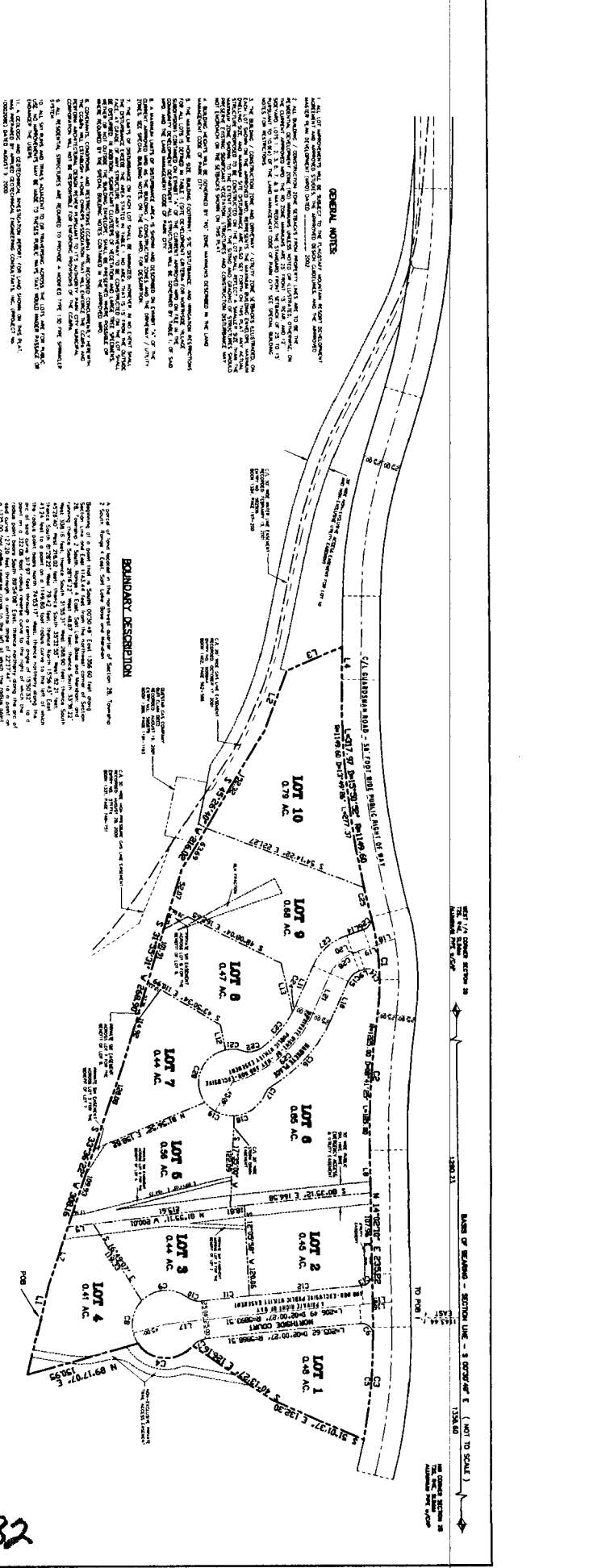
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EXHIBIT 7B
MASTER PLAN DEVELOPMENT
MOUNTAIN RESORT
A SMALL TRACT OF LAND LOCATED IN THE
TOWNSHIP OF SALT LAKE & KANE
COUNTY, UTAH

7B

Ordinance No. 02-07

**AN ORDINANCE APPROVING A COMPREHENSIVE
AND SUBSTANTIVE RE-WRITE OF THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, SPECIFICALLY FOR:
CHAPTER 4- HISTORIC DISTRICT COMMISSION
CHAPTER 6- PLANNING AND ZONING ADMINISTRATION,
CHAPTER 8- SUPPLEMENTAL REGULATIONS,
CHAPTER 10- MASTER PLANNED DEVELOPMENTS
CHAPTER 11- MASTER PLANNED DEVELOPMENTS- AFFORDABLE HOUSING
CHAPTER 14- DAYCARE REGULATIONS
TITLE 15, CHAPTER 1- GENERAL PROVISIONS
TITLE 15, CHAPTER 15- DEFINITIONS
AS RENUMBERED AND INCLUDED IN THE BODY OF THE
MUNICIPAL CODE AS FOLLOWS:
CHAPTER 6 BECOMES TITLE 15, CHAPTER 14
CHAPTERS 8 AND 14 ARE COMBINED TO BECOME TITLE 15, CHAPTER 4
CHAPTERS 10 AND 11 ARE COMBINED TO BECOME TITLE 15, CHAPTER 6
CHAPTER 4 BECOMES TITLE 15, CHAPTER 11
AND ADOPTING THE ZONING MAP OF PARK CITY DATED 5-01.**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; 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, in January of 1998 the City Council directed staff to undertake a comprehensive and substantive re-write of the Land Management Code;

WHEREAS, the City is in the process of a comprehensive rewrite of the entire Land Management Code to reorganize the document's structure, clarify and resolve inconsistencies, update regulations to be consistent with the General Plan, and provide self-contained and user-friendly Chapters;

WHEREAS, the Planning Commission duly noticed and conducted several public hearings at its regularly scheduled meetings, on January 24, February 28, June 13 and 22, and November 14, 2001 and forwarded to City Council a positive recommendation on Chapters 4, 6, 8, 10, 11, and 14, with additional changes to previously amended Chapters 15-1 and 15-15;

WHEREAS, the City Council duly noticed and conducted public hearings at its regularly scheduled meetings on November 29, 2001 and April 25 and May 23, 2002 ; and



WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code and adopt the most current zoning map, to be consistent with the General Plan and the values and identified goals of the Park City community, to protect health and safety, 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:

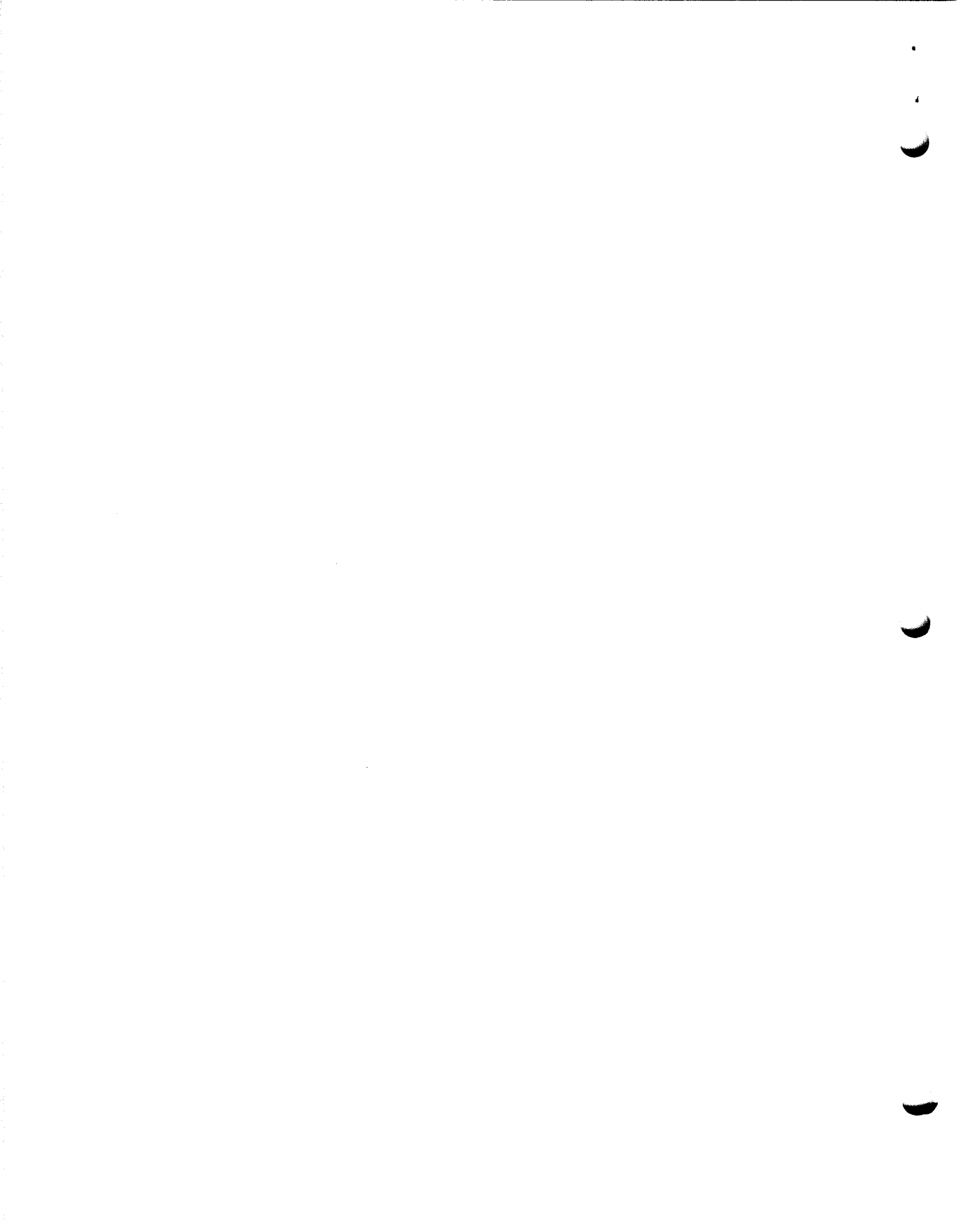
SECTION 1. AMENDMENT TO CHAPTER 6 OF THE LAND MANAGEMENT CODE. Chapter 6 is hereby deleted and replaced by LMC Title 15, Chapter 14 attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 6 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 14 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 2. AMENDMENT TO CHAPTERS 8 AND 14 OF THE LAND MANAGEMENT CODE. Chapters 8 and 14 are hereby deleted and replaced by LMC Title 15, Chapter 4 attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 8 and 14 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 4 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 3. AMENDMENT TO CHAPTERS 10 AND 11 OF THE LAND MANAGEMENT CODE. Chapters 10 and 11 are hereby deleted and replaced by LMC Title 15, Chapter 6 attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapters 10 and 11 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 6 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 4. AMENDMENTS TO TITLE 15, CHAPTER 1 OF THE REVISED LAND MANAGEMENT CODE. Title 15, Chapter 1- General Provisions, is hereby revised to include Section 15-1-13, Completion of Site Improvement Work Prior to the Approval of Plats or Issuance of Certificates of Occupancy, as stated on attached hereto Exhibit D and as deleted from Chapter 8. Any conflicts or cross references from other provisions in the LMC to Section 8.21 of Chapter 8 shall be resolved by the Community Development Director. Defined terms in Section 15-1-13 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 5. AMENDMENTS TO TITLE 15, CHAPTER 15 OF THE REVISED LAND MANAGEMENT CODE. Title 15, Chapter 15- Definitions, is hereby revised to include new definitions and revised definitions as stated on attached hereto Exhibit E.



SECTION 6. AMENDMENT TO CHAPTER 4 OF THE LAND MANAGEMENT CODE. Chapter 4 is hereby deleted and replaced by LMC Title 15, Chapter 11 attached hereto as Exhibit F. Any conflicts or cross-references from other provisions of the LMC to Chapter 4 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 11 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 7. ADOPTION OF THE ZONING MAP DATED 5-01. The Park City Zoning Map, dated May 2001, is hereby adopted as presented at the May 23, 2002 Council Meeting.

SECTION 8. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 23 rd day of May 2002

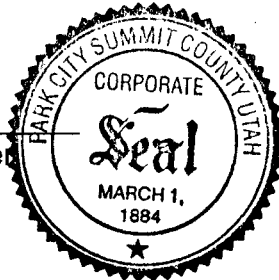
PARK CITY MUNICIPAL CORPORATION

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

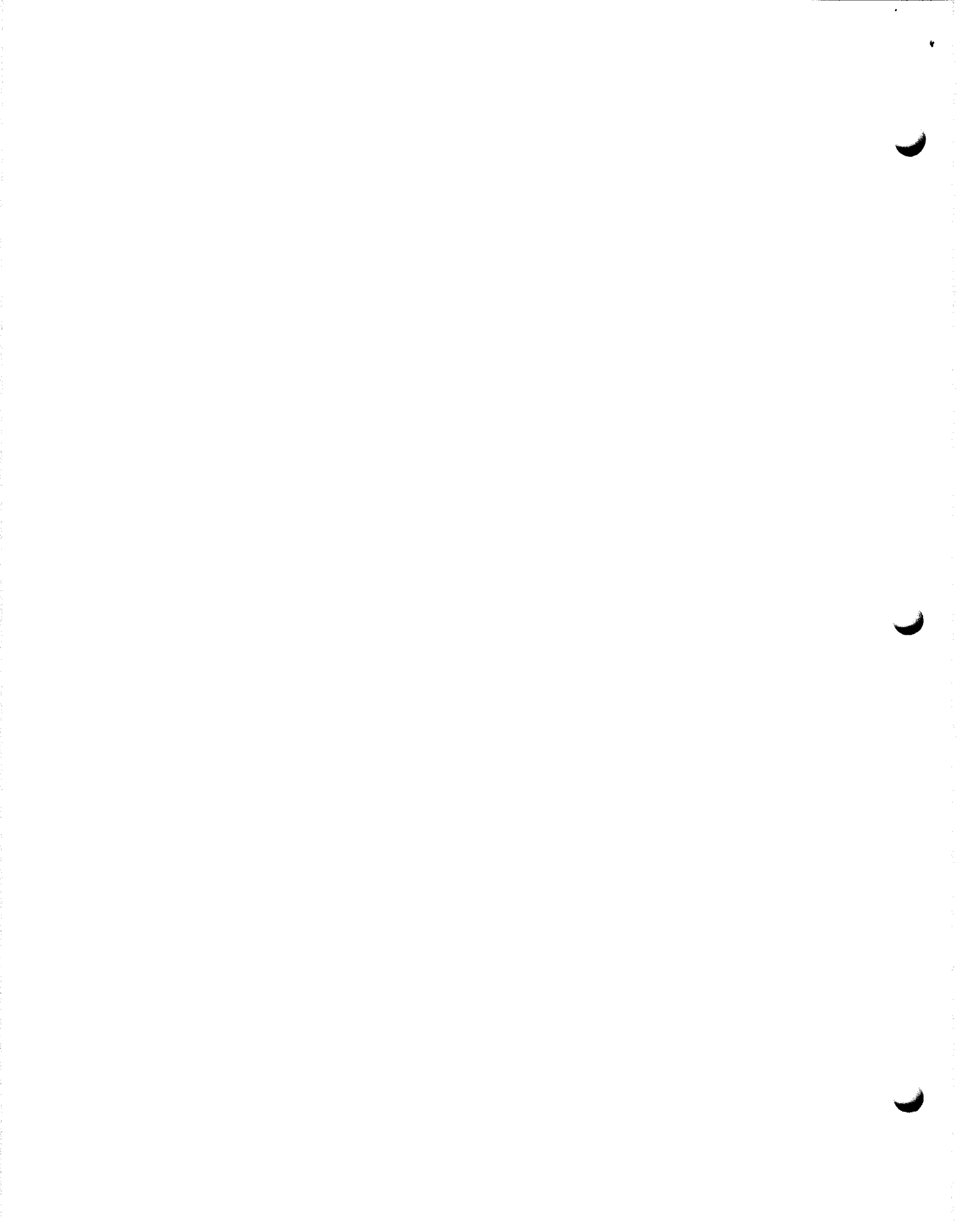


PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 14 - ZONING ADMINISTRATION AND
ENFORCEMENT

Chapter adopted by Ordinance No. 01-

**CHAPTER 14 - ZONING
ADMINISTRATION AND
ENFORCEMENT.**

**15-14-1. ADMINISTRATION AND
ENFORCEMENT.**

The provisions of this Ordinance shall be administered by the Community Development Department under the supervision of the City Manager, or the Mayor, in the absence of the City Manager. The Community Development Director shall, when deemed appropriate, recommend legal action to the City Council in order to enforce this Code or other land use related ordinances or regulations. The Community Development Director, under the supervision of the City Manager or the Mayor, in the absence of the City Manager, shall determine when violations exist, when a development is in substantial compliance with this Code, ~~or when strict compliance should be demanded or excused,~~ or other enforcement actions taken. The failure of any person to properly interpret or apply this code or any provision of it shall not operate

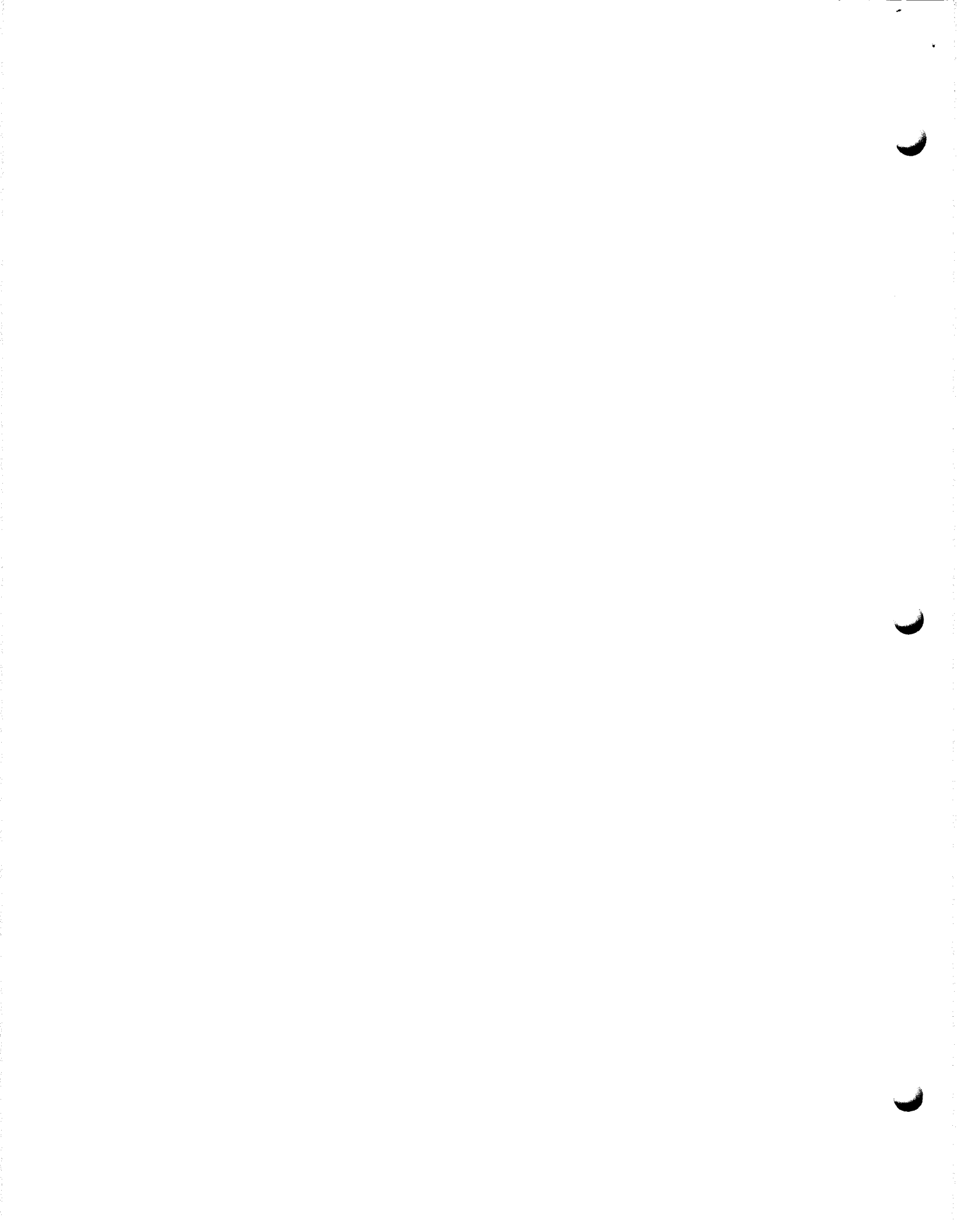
to waive or estop the City from subsequent enforcement action. Permits issued in violation of this Ordinance shall have no force or effect and persons knowingly or negligently building under improperly issued permits do so at their own risk.

~~**15-14-2. ZONING AND BUILDING
PERMITS.**~~

~~Construction, alteration, repair, or removal of any building or structure or any part thereof, as provided for or as restricted in this ordinance and the Uniform Building Code, shall not be commenced except upon clearance by the City staff for compliance with this Code and issuance of a building permit by the Building Official.~~

15-14-2. OCCUPANCY PERMIT.

Land, buildings, or premises in any district shall hereafter be used only for a purpose permitted in such a district and in accordance with the appropriate regulations. A permit certificate of occupancy shall be issued by the Building Official to the effect that the use, building, or premises conform to provisions of this and all related



ordinances, regulations, and requirements prior to occupancy, for any building erected, enlarged or altered structurally for the occupancy or use of any land. Such a permit certificate is needed whenever use or character of any building or land is to be changed.

15-14-3. INSPECTION.

The City, through its designated officials, shall, upon presentation of evidence of his authority, have the right of access to any premises at any reasonable hour for the purpose of inspecting all buildings and structures during the course of their construction, modification, or repair, and to inspect land uses to determine compliance with the provisions of this Code.

~~15-14-4. SITE PLAN REQUIRED:~~

~~A detailed site plan, drawn to scale, shall be filed with the City, as part of any application for a building permit for a permitted use. The site plan shall show where pertinent:~~

- ~~(A) — Scale and north arrow:~~
- ~~(B) — Lot lines and their dimensions:~~
- ~~(C) — Adjacent streets, roads, rights-of-way, and easements:~~
- ~~(D) — Location of all existing structures on subject property and adjoining properties; completely dimensioned, including utility lines, poles, fences, etc:~~

~~(E) — Existing utility line locations and sizes:~~

~~(F) — Existing and proposed grading, drainage, and landscaping plans:~~

~~(G) — Location of proposed construction and improvements, including location of all landscape elements retaining walls, drainage works, and signs:~~

~~(H) — Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk and trail location:~~

~~(I) — Necessary explanatory notes:~~

~~(J) — Name, address, and telephone number of builder and owner:~~

~~(K) — Other information which may be requested by the City or in this Code:~~

15-14-4. TIME LIMIT.

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

15-14-5. PENALTIES/ ENFORCEMENT.

The provisions of this Code may be enforced by either civil or criminal actions in courts of appropriate and competent jurisdiction. Suit may be brought by the City, or by



affected property owners in the manner set forth below:

(A) **CRIMINAL CITATIONS.** The Building Official and other designated City officials may, when there is probable cause to believe that construction has occurred in violation of this ordinance, issue a citation and swear out criminal complaints against the appropriate individuals and business entities. Specific approval from the City Council for such misdemeanor citations is not required.

(B) **CIVIL ACTIONS.** The City, with the authorization of the City Council, may bring actions for civil and equitable relief, including enjoining specific land uses and affirmative injunctions. The Building Official, Planning Department and other designated City Officials may recommend such actions at any time to the Council, provided that no civil proceeding shall be commenced without the specific authorization of the Council.

(C) **THIRD PARTY ACTIONS.** Individuals affected by zoning violations within Park City shall have the right to maintain private actions to enforce the Code without joining the City as a party.

15-14-6. VIOLATIONS.

Violations of this Code are Class "B" misdemeanors, and are punishable by a fine and/or imprisonment described in the current Park City Criminal Code. The officers and directors of a corporation shall be responsible for the acts committed by that

corporation. Corporations and individuals shall be responsible for the acts of their agents committed in violation of this ordinance if they had knowledge of the act committed, and the owner of the property and improvements made to it. Each day that a violation occurs shall constitute a separate offense.



OLD CHAPTERS 8 & 14.
for adoption 5/23/02

**PARK CITY MUNICIPAL CODE
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TITLE E 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 4 - SUPPLEMENTAL REGULATIONS

Chapter adopted by Ordinance No. 00-

**CHAPTER 4 - SUPPLEMENTAL
REGULATIONS.**

15-4 -1. PURPOSE.

The regulations set forth in this chapter qualify or supplement, as the case may be, the regulations appearing elsewhere in this Code.

~~15-4 -2. SUBSTANDARD LOTS.~~

~~Nothing in this Code shall be construed as preventing the division of approved and platted duplex Lots into separate ownership under the terms of either a Condominium ownership Structure, a Planned Unit Development ownership Structure, or a party-wall agreement. No new Lots may be platted or created by deed which do not comply with the minimum Lot size requirements established for that zone. *This language is now in individual zoning districts and in Chapter 15.*~~

**~~15-4 -3. REDUCED SITE
REQUIREMENTS.~~**

~~Any Lot under separate ownership of record prior to April 4, 1968, which has dimensions which would prevent Building because of the Front Yard, Rear Yard, and Side Yard set back required by the zone in which the Lot is located, and any Lot which has been approved by the City Council prior to the effective date of this Code which would prevent Building because of the Front Yard, Rear Yard, and Side Yard set backs required by the zone in which it is located, shall be deemed to comply with the requirements of the zone in which it is located. The standards of the Uniform Building Code for Development on construction on or near Lot lines must be met. *This has already been addressed in the non-conforming use chapter and with the BOA/variance procedure.*~~

~~(A) — Notwithstanding the above, in the HR-1 zone for single unit dwellings, the Side Yards shall be no less than three feet (3') and if reduced pursuant to this section, then no Side Yard exceptions as provided in Section 15-4-14 shall be permitted; and in the RD zone for single unit dwellings, namely in Thaynes Canyon Subdivision I and II, Prospector Village, the Front Yard for Main Buildings shall not be less than twenty feet (20'), and the Front Yard for garages shall~~

not be less than ten feet (10'), and the Side Yard shall be not less than five feet (5') except on Corner Lots. On Corner Lots, the Side Yards abutting the Street shall not be less than ten feet (10'), and the Rear Yard may be reduced to ten feet (10'). In the Prospector Square Commercial Subdivision, Lots 2 to 38 in the GC zone, front, side, and Rear Yards may be reduced to zero feet except for commercial Lots which front on state highways.

This language was incorporated into zoning districts.

(B) — This section is not intended to conflict with Subsection 15-4-9 nor shall it be interpreted as taking precedence over the requirements of Subsection 15-4-9.

This language was incorporated into the specific zoning districts.

15-4-4. — LOT STANDARDS:

Except as may otherwise be provided in this Code, no Building permit shall be issued for a Lot unless such Lot shall have Area, width, and depth as required by the regulations for the zone in which the Lot is located, and the Lot has Frontage on a Street shown as a City Street on the Official Streets Master Plan, or on private easements connecting the Lot to a Street shown on the Official Streets Master Plan.

This language was incorporated into the specific zoning districts.

15-4-5. — SALE OR LEASE OF REQUIRED SPACE:

No space needed to meet the width, yard Area, coverage, parking, or other requirements of this Code for Lot or Building may be sold or leased away from such Lot or Building. *This language has been deleted as it is duplicative.*

15-4-6. — SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS:

No Parcel of land which has less than the minimum width and Area requirements for the district in which it is located may be created from a larger Parcel of land for the purpose, whether immediate or future, of Building or Development as a Lot. *This language is in Chapter 1 and 15.*

15-4-27. FENCES, WALLS, BERMS, AND/OR HEDGES.

(A) Fences, walls, berms and hedges higher than six feet (6') may be erected or allowed within the buildable Area. provided that Any fence or wall greater than six feet (6') in height requires shall receive administrative conditional use approval and a Building permit. Fences, walls, berms, and hedges shall not exceed four feet (4') in height within any required Front Yard or side Street Side Yard and shall not exceed six feet (6') within any required Rear Yard or interior Side Yard. Where a Fence or wall occurs along a Property Line separating two Lots and there is a difference in the Grade of the properties, the Fence or wall or hedge

may be erected or allowed to the maximum height permitted on either side of the Property Line.

This language will be incorporated into The Design Chapter 9 at a later date.

(B) RESTRICTIONS ON

MATERIALS. Chain link Fences are prohibited in all zones with the following exceptions which must be approved by the Community Development Director.

- (1) For recreational facilities such as tennis courts,
- (2) As temporary vegetation protection during construction as directed by the Community Development Department.
- (3) Chain link Fences may be permitted in other circumstances by the Community Development Director when it is found that the Fence is necessary in the interest of security or public safety, and when the fencing needs cannot be reasonably met with any other type of fencing.

(C) Berms may be constructed no higher than six feet subject to the following:

- (1) Landscaping shall be incorporated into the design of the berm and shall extend its entire length.

- (2) Berms shall be designed with sufficient undulation to provide visual relief and shall meander their entire length.

This language will be incorporated into the Design Guidelines Chapter at a later date.

~~15-4-8. FRONTAGE PROTECTION, LIMITED ACCESS TO HIGHWAYS.~~

~~The Frontage along both sides of Park Avenue (SR 224) from 15th Street north to the north City limits, both sides of Marsac Avenue (SR 224) from its upper intersection with Prospect Avenue to the south City limits, both sides of Kearns Boulevard (SR 248) from Park Avenue east to the east City limits, and Deer Valley Drive from Park Avenue to Heber Avenue (U-224 Belt Route) are subject to special review for protection of the highway Frontage. These Areas are shown as a supplement to the zoning district map. Any Building proposal within a distance of one hundred feet (100') back from the nearest Right-of-Way line of these highways is subject to review by the Community Development Department. The highway Frontage review shall be limited to the following factors:~~

- ~~(A) To the extent possible to minimize Access points and driveways to the highways, Access shall be from existing City Streets that join with the highways rather than direct highway Access. Common driveways between adjoining projects shall be used when possible, and driveways that~~

are required in order to provide Access shall be placed where they create the least interference with through traffic on the highways:

(B) — The Department shall review proposals for pedestrian and bicycling pathways through the Frontage Property, proposals for open space, buffered Areas, and preservation of view corridors:

(C) — Regardless of the zone Setbacks in Chapter 7, no Structure shall be erected within thirty feet (30') of the nearest highway Right-of-Way line in order to preserve view corridors, buffer Areas, and allow for possible future improvements of the highway themselves. The Board of Adjustment may grant variances of this Setback:

(D) — All construction in the Setback Area between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way line is a conditional use, and subject to the conditional use review process, including design review, even when the occupancy is a permitted use elsewhere in the zone:

This language has been incorporated into Chapter 2.20 as the FPZ district.

15-4-9. — CLEAR VIEW OF INTERSECTING STREETS:

In all zones, no obstruction to view in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within a triangular Area formed by the Streets at

Property Line and a line connecting them at points twenty five feet (25') from the intersection of the Street lines, except a reasonable number of trees pruned low enough to permit automobile drivers an unobstructed view. This shall not require changes in the Natural Grade on the Site. *This language was incorporated into the individual zoning districts and Chapter 15-Subdivisions.*

15-4-10. — PUBLIC UTILITY STRUCTURES:

Public utility Structures may be permitted on less than the required size Lots in any district as approved by the Community Development Department. These facilities are conditional uses:

This language was incorporated into the zoning districts.

15-4-11. — ZERO SIDE YARD REQUIREMENTS:

In Subdivisions or Master Planned Developments where the arrangement and placement of Buildings are fixed and so designated on both the preliminary and Final Plats, the Planning Commission may, after review, approve the Subdivision or Planned Unit Development waiving one of the required Side Yards. In the Prospector Square Commercial Subdivision, Lots 2 through 38 in the GC Zone, the front, side, and Rear Yard set backs may be reduced to zero set back, except those Lots fronting on a state highway, if any, or if the set back is necessary to comply with Section 15-4-9 of

~~this Code. This reduction in the Prospector Square Commercial Subdivision is predicated on the preservation of the Common Areas, pedestrian malls, and common parking Lots. If those Common Areas do not exist for the use and benefit of a Lot on which Development is proposed, the normal GC Zone requirements shall apply.~~

This language was incorporated into the specific zoning districts.

15-4 -123. HOME OCCUPATION.

A Home Occupation is a lawful use permitted accessory use, conducted and carried on entirely within a dwelling by Persons residing in the dwelling, which use is clearly incidental and secondary to the use of the Dwelling for dwelling purposes and does not change the residential character thereof.

Only those Persons making the home their primary residence may be employed in a Business operated from that home.

A Home Occupation shall not include the on-site sale of goods or merchandise except those which are produced on the premises, or those that are clearly Incidental Retail Sales, and shall not involve the use of any outdoor yard space to conduct the business, with the exception of permitted agricultural and horticultural products. ~~or~~ A activity outside of the Buildings, related to the Home Occupation, that is not normally associated with a residential use is not permitted.

Incidental retail sales means the sale of common items not produced on the premises that might be sold along with a product that is, such as a picture frame for a photo, or a swatch of material or extra buttons for a item of clothing, etc.

The use of mechanical equipment shall be limited to small tools whose use shall not generate noise, vibration, smoke, dust, heat, glare, or odors perceptible beyond the premises of the dwelling.

The total area used for the Home Occupation shall be limited to no more than one-half (1/2) of the Floor Area of the first floor and shall not change the residential character of the building. This does not require the Home Occupation to occupy only the first floor.

Outdoor storage of equipment, materials, and supplies associated with a Home Occupation is prohibited. Storage of equipment, materials, and supplies associated with a Home Occupation, within a garage, shall not displace required off-street parking.

~~In all cases, There shall be no exterior advertising of said Home Occupation businesses on the premises by window displays or signs. , and no one outside of the immediate family may be employed.~~

This language conflicts with paragraph 2 and removing it allows roommates or others commonly living in a dwelling unit as their primary dwelling to have a home occupation in that dwelling, as currently allowed in the second paragraph.

No traffic may be generated by such Home Occupation in a volume that creates a need for parking greater than that which can be accommodated on the Site consistent with the residential parking requirements or which is inconsistent with the normal parking usage of the district.

Home Occupation will not allow a resident, professional or otherwise, to use the dwelling for his general practice when that practice is normally associated with some other zoning district. Home Occupation will, however, allow the use of the dwelling by a physician, dentist, lawyer, clergyman, engineer or the like for consultation or emergency treatment. Consultation shall include the use of a dwelling to receive mail and maintain a telephone or automatic answering device related to the Home Occupation, but shall not allow frequent or constant visitation to the residence by clients to transact Business.

This language is vague and has been confusing to applicants in the past, ie. can a professional engineer use his home as a home occupation when professional engineering offices are associated with general commercial zoning. The following language is recommended instead:

A Home Occupation may include, but is not limited to, the following, provided that all requirements contained herein are met:

- (A) arts and crafts studio;
- (B) culinary products kitchen or studio;
- (C) dressmaking or millinery work;
- (D) professional office;

- (E) home office for insurance or real estate sales or telemarketing; or
- (F) teaching and tutoring.

A Home Occupation shall not be interpreted to include the following:

- (A) animal hospital;
- (B) long term care facility;
- (C) restaurants, bars, cafes and other general commercial retail uses;
- (D) bed and breakfast inns; or
- (E) Child Care or Group Care Facilities.

Home Occupation shall include the care of fewer than three (3) children other than members of the family residing in the dwelling. *This language moved to Section xx-xx Child Care Regulations.*

15-4-14. — SIDE YARD EXCEPTIONS:

The Area of a required Side Yard shall be open and unobstructed except for the following and similar uses:

- (A) — The ordinary projections of window sills, belt courses, cornices, and other ornamental features to the extent of not more than four inches (4").
- (B) — The projection of an eave not more than two feet (2').
- (C) — The projection of a step not over two feet (2').

- (D) — Awnings projecting over doorways and windows not more than three feet (3').
- (E) — A Bay Window or chimney not over ten feet (10') long projecting not more than two feet (2'), provided such extension maintains the minimum Side Yard allowable for the smallest Side Yard in that district.
- (F) — A light or window well not over two feet (2') in width.
- (G) — Walls or Fences not more than six feet (6') in height.
- (H) — A driveway leading to a properly located garage or Parking Area; however, a Side Yard cannot be used for a Parking Area except as hereinafter provided, nor for storage, nor can it be hard surfaced in such a way as to make possible the parking of automobiles or other vehicles unless it is a driveway that leads to a garage or a properly located Parking Area in the Rear Yard.
- (I) — A detached garage may be located in a Side Yard provided said garage meets the requirements specified for the district in which it is located, and the requirements of the Building and Fire Codes for Buildings in close proximity to the Lot lines.
- (J) — Hot tubs, decks or similar uses at ground level shall be allowed in a Side Yard provided they are located at least ten feet (10') from a dwelling on an adjoining Lot or five feet (5') from Property Line.
Language incorporated in each zoning district.

15-4-15. REAR YARD EXCEPTIONS:

The Area of a required Rear Yard shall be open and unobstructed except for the following which are permitted:

- (A) — A Bay Window or chimney not over ten feet (10') long projecting not more than two feet (2').
- (B) — Window wells extending not more than four feet (4').
- (C) — The projection of an eave or cornice not more than two feet (2').
- (D) — Private swimming pools, tennis courts, and similar uses shall be allowed in a Rear Yard provided they are located at least thirty feet (30') from any dwelling on an adjoining Lot and at least ten feet (10') from any Property Line.
- (E) — Garages and other Accessory Buildings as hereinafter provided. Such Structures shall not cover over fifty percent (50%) of the Rear Yard Area.
- (F) — Hard surfaced Parking Areas subject to the same location requirements of a garage.
- (G) — Underground bomb or fallout shelters for emergency use only provided they are constructed at least four feet (4') from any Property Line and also that they conform to all requirements established by

the Civil Defense Agency for approved shelters.

(H) — Air conditioners.

(I) — Fences not over six feet (6') in height.

(J) — Hot tubs or similar uses shall be allowed in a Rear Yard provided they are located at least ten feet (10') from a dwelling on an adjoining Lot or five feet (5') from Property Line.

Language incorporated into zoning districts.

15-4-16. — FRONT YARD EXCEPTIONS:

The Area of a required Front Yard shall be open and unobstructed except for the following which are permitted:

(A) — A Fence or wall not more than four feet (4') in height; no Fence more than three feet (3') in height shall be allowed within thirty feet (30') of the intersection on any Corner Lot.

(B) — Uncovered steps leading to the Main Building; provided, however, that they are not more than four feet (4') in height and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection. Any portion of any steps, covered or uncovered, that are more than four feet (4') above Grade must maintain the required Setback line.

(C) — Eaves or cornices projecting not more than two feet (2').

(D) — A driveway leading to a properly located garage or Parking Area; provided, however, no portion of a Front Yard as required in this Code except for those approved driveways, shall be Hard-surfaced or graveled so as to encourage or make possible the parking of automobiles, nor shall the City allow any curb cuts or approve any driveways except for entrance and exit driveways leading to properly located Parking Areas. Hard-surfaced parking may be permitted in the Front Yard of HR-1 and R-1 properties subject to compliance with the zone district requirements. Such parking shall not be permitted in the required Side Yard extended forward to the Front Property Line.

(E) — Circular driveways shall be permitted in required Front Yard Areas of single-family dwellings leading to and from a properly located garage or carport on the Property subject to the following conditions:

— (1) — Such drives shall be Hard-surfaced.

- ~~(2) Such drives shall not be over sixteen feet (16') in width.~~
- ~~(3) There shall be an Area in landscaping at least fifteen feet (15') in depth from the Front Property Line to the inside of the drive.~~
- ~~(4) Driveway Areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time, nor is the Area to be used for permanent parking of any vehicle.~~
- ~~(5) Passenger automobiles may be parked on driveways serving private residences, provided the automobile is parking completely on private Property.~~

Language incorporated into zoning districts.

15-4-17. HEIGHT PROVISIONS.

The total height of the Building shall be measured as the vertical distance from Natural Grade or Final Grade, whichever yields the smaller shorter Building, at a point three feet (3') out from the foundation wall, as defined in this Code, to the highest point of a flat roof or to the deck line of a mansard roof or to the highest ridge of a hip or gable roof. In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen inches (18") above the deck line. Roofs not clearly fitting any of the above three classifications shall be classified by the Community Development Department in accordance with the roof

~~classification it most resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration. To allow for roof pitches and provide usable space within the Structure, the following exceptions apply:~~

~~(A) In all but the HR-1 and HRL Districts, the ridge of a gable, hip, gambrel or similarly pitched roof may extended up to five feet (5') above the specific maximum height limit for the zone.~~

~~(B) Antennas, chimneys, flues, vents, or similar Structures may extend up to five feet (5') above the specified maximum height limit for the zone.~~

~~(C) Water towers and mechanical equipment may extend up to five feet (5') above the specified maximum height limit.~~

~~(D) Church spires, bell towers, flag poles, and like architectural features as permitted under the Historic District Guidelines, may extend over the specified maximum height limit by up to fifty percent (50%) of the height limit, but shall not contain any Habitable Spaces above the maximum zone height stated.~~

~~(E) In order to accommodate a one-story element and pitched roof with a ridge design running perpendicular to the Street, the Community Development Department may permit a Building Height increase, not to exceed eighteen feet (18') to the ridge line when measured from the~~

~~midpoint of the front/Street-side Property Line. Additional Building Height, pursuant to this exception, shall not be permitted for portions of the Structure further back than thirty four feet (34') from the Street-Front Property Line. Prior to granting any additional Building Height, the Community Development Department shall find that the proposal complies with all requisite policies in the Historic District Design Guidelines and results in a better overall architectural design and neighborhood Compatibility.~~

~~(F) In order to accommodate a pitched roof running with a ridge design running perpendicular to the Street, the Community Development Department may grant additional Building Height provided that no more than twenty percent (20%) of the ridge line exceeds the height requirements. Prior to granting any additional Building Height, pursuant to this exception, the Community Development Department shall find that the proposal complies with all requisite policies in the Historic District Design Guidelines, results in a better overall architectural design, and does not substantially interfere with sight lines of adjacent properties. This is intended to promote more Historic roof forms and to prevent the proliferation of non-Historic, long-sloping roof forms that run parallel to the Slope.~~

Language incorporated into zoning districts or deleted during LMC Phase I amendments.

15-4 -184. REGULATION OF SECONDARY LIVING QUARTERS WITHIN RESIDENTIAL DWELLINGS.

Secondary Living Quarters are a permitted accessory use in all Districts except the HRL, HR-1, HR-2, and ROS, unless previously approved by a Master Planned Development. Any request for Secondary Living Quarters within residential dwellings shall be reviewed and approved by the Planning Department. The following criteria must be established prior to Building Permit or Certificate of Occupancy issuance:

(A) **SIZE.** The maximum size for Secondary Living Quarters shall be 800 1,000 square feet. This amount shall be included in the total Building Floor Area square footage calculations for all Structures.

(B) **PARKING.** One (1) on-Site Parking Space for each secondary living quarter shall be provided in addition to the underlying parking requirement. Tandem Parking is allowed.

(C) **SINGLE UTILITY METERS.** The main Dwelling and the Secondary Living Quarters shall be on the same utility meters.

(D) **KITCHENS.** Secondary Living Quarters shall not contain full Kitchens.

(E) **ACCESS.** The secondary quarters shall be designed to have direct Access into the main dwelling.

(F) **NO SEPARATE LEASES.** The secondary quarters shall not be rented or leased separately from the main Dwelling.

Nightly Rentals and other seasonal rentals are prohibited. Secondary Living Quarters are for the use of the Owner of the main Dwelling for guests, household help, relatives, and other similar uses.

~~(F) — **PROHIBITED IN HISTORIC DISTRICT.** Secondary living quarters will not be approved in the Historic District. See first paragraph.~~

15-4 -5. LOCKOUT UNITS.

Lockout Units are a Conditional Use in the HR-L District and are an Allowed Use in all other Zoning Districts, except in the ROS, SF, and LI Districts where they are not permitted. A Lock Out Unit is an area of a Dwelling with a separate exterior access and toilet facilities but does not contain a Kitchen. Lockout Units are limited to a maximum Floor Area of 1,000 square feet.

Nightly rental of Lockout Units is a Conditional Use in all Districts where Lockout Units are an Allowed or Conditional Use.

15-4-6. GUEST HOUSES.

Guest Houses are a Conditional Use in zoning Districts where they are permitted and must be reviewed against the Conditional Use Permit regulations in Section 15-1-10. Guest Houses are only permitted on lots of one acre or greater. Guest Houses are not allowed in the HRL, HR-2, HCB, ROS, RCO, GC, or LI zoning Districts. Guest Houses may be attached or detached from the Main House and may not

be sold or leased separate from the Main House. Prior to Building Permit or Certificate of Occupancy issuance a deed restriction stating that the Guest House may not be sold or leased separate from the Main House, shall be recorded at the County Recorders Office.

15-4 -197. — REGULATION OF ACCESSORY APARTMENTS.

The intent and purpose of this section is to encourage Accessory Apartments as an Affordable Housing opportunity while protecting the existing quality of life found in single family zones throughout the community. While preservation of the single family zone is of paramount importance, increasing Affordable Housing opportunities will benefit the community in its entirety. ~~The following provisions are intended to facilitate Accessory Apartments while minimizing land use conflicts and environmental degradation.~~ Accessory Apartments shall be are subject to the following criteria:

(A) **CRITERIA FOR USE.**

- (1) **SIZE.** Accessory Apartments may be no more than one ~~fourth~~ third of the dwelling size, shall be limited to a maximum Floor Area of ~~size of 800~~ 1,000 square feet and shall be no less than 400 square feet with no more than two (2) Bedrooms. An Accessory Apartment may not increase the size Floor Area of a

Structure over the maximum Floor Area as specified in the Land Management Code or Subdivision approval.

(2) **PARKING.** One (1) Parking Space per Bedroom must be provided in addition to the existing requirement for the primary residence. Parking Spaces for Accessory Apartments need not be covered and may be provided in tandem subject to one of the following criteria:

(a) One (1) Parking Space for an Accessory Apartment may be provided in tandem if the existing driveway length equals or exceeds ~~thirty~~ twenty-five feet (30/25') as measured from the Property Line. ~~No parking shall be permitted within the Front Yard Setback Area.~~ Parking is permitted only within approved garages and on paved driveways.

(b) One (1) Parking Space for an Accessory Apartment may be provided in tandem in an effort to preserve existing Significant Vegetation and when all other parking alternatives are undesirable. ~~Significant Vegetation is vegetation~~

~~which has a caliper (diameter) in excess of two inches (2") as measured four inches (4") above Grade or other vegetation providing desirable visual Screening between properties. Significant Vegetation is a defined term.~~

(c) **Historic District Zones.** One tandem (1) Parking Space for an Accessory Apartment proposed in any residential Historic District Zones may be provided when the Applicant has secured a Conditional Use Permit and the Planning Commission has made the following findings:

(i) Tandem Parking will not create an undue hardship for the neighborhood.

(ii) Other parking options are less desirable than the proposed tandem space.

(iii) Reasonable efforts, such as automatic garage

door openers, lease provisions and/or limitation of garage storage, have been made to encourage the use of all off-Street-parking.

(3) **APARTMENTS PER LOT.** No more than one (1) Accessory Apartment may be located on a Lot.

(4) **REQUIREMENTS FOR REVIEW.** The Applicant for an Accessory Apartment must submit a floor plan, architectural elevations, and Site plan showing any the proposed changes to the Structure or Site.

(5) **DENSITY LIMITS.** A permit for an Accessory Apartment may not be granted if more than three (3) of the homes within three hundred feet (300') of the Applicant's Property boundary contain other established Accessory Apartments. There maybe no more than four (4) Accessory Apartments within a 300' radius.

(6) **OWNERSHIP.** One (1) unit, either the main Dwelling Unit or the Accessory Apartment shall be occupied by the Owner of the Structure and the Accessory Apartment shall not be sold separately.

(7) **DEED RESTRICTION.** A deed restriction must be filed with the County Recorder which states:

"A permit for an Accessory Apartment was issued to

_____,
the current Owner of this Property on

_____. This permit does not run with the land and is automatically invalidated by the sale or transfer of this Property. Prospective purchasers should be advised that only one unit on the Property may be rented; the other must be occupied by the Owner. Prospective purchasers who intend to reside in one of the units on the Property may apply to the Planning Department for an Accessory Apartment permit. If the Apartment already exists and all of the conditions required by zoning continue to be met, a new permit will typically be granted. The Owner shall strictly adhere to the prohibition of the use of the accessory Structure as a Nightly Rental.

(8) **NIGHTLY RENTALS.**
Accessory Apartments are intended for long term rental of ~~six (6) months~~ thirty (30) days or more and may not be used for Nightly Rentals.

(9) **HOMEOWNERS ASSOCIATION REGISTRATION AND NOTIFICATION.** All Accessory Apartments shall be subject to the Homeowners Association and Notification requirements established in Section 15-1-12 (E). ~~Chapter 1, Section 1.15 (D).~~

(~~E~~) **REGULATED USE REVIEW.**
The Community Development Department shall review Accessory Apartments in those zones where the Apartments are a Regulated Use. This includes all zoning districts where Accessory Apartments are an Allowed Use and not a Conditional Use. After submission of a complete application and payment of the application fee as established by the Fee Schedule, the Community Development Department shall approve a permit if the requested ~~use~~ Accessory Apartment complies with the criteria for use in Section 15-4-7 (A), established herein. The Regulated Use permit shall be subject to the one-year review outlined in Section 15-4-7(D).

(1) **PERMIT REVOCATION.**
The Accessory Apartment permit may be revoked by the Community Development Department for non-compliance with the criteria of this

Chapter. The permittee may appeal the determination to the Board of Adjustment which will evaluate the Community Development Department's determination of permit non-compliance and decide if permit revocation should occur.

(~~D~~) **CONDITIONAL USE REVIEW.**
In those zones where Accessory Apartments are subject to a Conditional Use permit, the Planning Commission shall review the requested use. After submission of a complete application and payment of the application fee as established by the Fee Schedule, the Planning Commission shall approve a permit if the requested ~~use~~ Accessory Apartment complies with the criteria established in Section 15-4-7 (A) herein. In addition, prior to issuance of a Conditional Use permit, the Planning Commission shall determine that parking and other impacts as outlined in Section ~~1.13(j)~~ 15-1-10 have been mitigated. The Conditional Use permit shall be subject to the one-year review outlined in Section 15-4-7(D).

(1) **PERMIT REVOCATION.** The Accessory Apartment permit may be revoked by the Community Development Department for non-compliance with the criteria of this Chapter and any additional conditions of approval. The permittee may appeal the determination to the

Board of Adjustment which will evaluate the Community Development Department's determination of permit non-compliance and decide if permit revocation should occur.

(BD) **ONE-YEAR REVIEW.** Both regulated use permits and conditional use permits for Accessory Apartments shall be subject to a one-year review by the Community Development Department. The review shall occur one (1) year after issuance of the Accessory Apartment permit. If no complaints have been filed and the Community Development Department finds that the Owner and tenants are complying with the conditions of the permit, then the permit may be extended until ownership of the Property is transferred. If complaints have been filed, the Community Development Department shall ensure that the Owner of the Property is complying with the requirements of the Accessory Apartment permit.

(E) **EXISTING NON-CONFORMING ACCESSORY APARTMENTS.** Existing non-conforming Accessory Apartments may be approved by the Community Development Department provided that the Accessory Apartment meets all of the criteria outlined in Section 15-4-7 (A). If the existing Accessory Apartment does not meet the criteria as specified, the Planning Commission shall review the use. Permits for non-conforming Accessory Apartments shall be subject to the one-year review provisions of Sections 15-4-7 (D). The

Planning Commission shall approve the request only if the following findings can be made:

- (1) The Apartment contains no more than two (2) Bedrooms.
- (2) One (1) Parking Space per Bedroom is provided for use by the Accessory Apartment occupants. On-Street parking shall not be counted to fulfill parking requirements.
- (3) One (1) unit is Owner-occupied.
- (4) Impacts of the use can be mitigated.

15-4-8. GROUP CARE FACILITIES.

A) **PURPOSE.** To ensure that Group Care Facilities do not have an adverse impact on the character of adjacent neighborhoods and to ensure that issues of public safety, traffic and parking are mitigated, permitting of these Facilities is governed by the following regulations. The intent of these regulations is to locate such Group Care Facilities where the adjacent street system is sufficient to accommodate the traffic impacts generated by the Group Care Facilities; where the site can accommodate adequate off-street parking; where the structures are designed to be compatible with the character of the adjacent neighborhood; and where the type of use, activities, and services provided by

the Group Care Facility are substantially consistent with the activities otherwise permitted in the District.

(B) **PERMIT REQUIRED.** All Group Care Facilities require a Conditional Use Permit prior to occupancy. A business license and certificate of occupancy for the Group Care Facility is also required. No certificate of occupancy will be issued by the City for a Group Care Facility until the Applicant has submitted a valid license, or other appropriate authorization, or copy thereof, from a governmental agency having proper jurisdiction.

Family foster homes are exempt from these regulations, provided that the maximum number of foster children in any given home shall not exceed four (4).

Child Care homes and facilities are regulated in Section 15-4-9.

Elder care homes are exempt from these regulations, provided that the maximum number of elderly persons receiving care, protection and supervision in any such home shall not exceed four (4) at any given time.

Dependent on the review criteria herein, the maximum permissible number of residents, excluding supervisors, is eight (8) in the R-1, HRC and HCB zoning districts; twelve (12) in the RCO, GC, and LI zoning districts; and six (6) in all other Districts where Group Care Facilities are a Conditional Use.

The minimum separation requirement between any other Group Care Facility shall be 750 feet. The Planning Commission may permit two such facilities to be located closer than 750 feet if they are separated by a physical barrier, including without limitation an arterial street or State Highway, a commercial district, or a topographic feature that avoids the need for dispersal. Reduction in the separation requirement shall be allowed only after the Commission has determined that the barrier and the resulting separation are adequate to protect the City and neighborhood from any detrimental impacts resulting from an excessive concentration of Group Care facilities in any one (1) vicinity. The Planning Department maintains a map and notebook showing the location of such Group Care Facilities.

(C) **REVIEW CRITERIA.** The Community Development Department shall review all Group Care Facilities applications and forward them to the Planning Commission. The Planning Commission shall consider the following criteria, in addition to all criteria listed Section 15-1-10 (Conditional Use Permit review) herein:

(1) Whether the adjacent street system is sufficient to accommodate the traffic impacts generated by the Group Care Facility.

(2) Whether the Group Care Facility has made on-site accommodations for all parking and circulation requirements.

(3) Whether the architectural design of the Facility is compatible with the character of the adjacent neighborhood.

(4) Whether the types of treatment activities or the rendering of services proposed to be conducted upon the premises are substantially consistent with the activities otherwise permitted in the District. No person shall make a Group Care facility available to an individual whose tenancy would constitute a direct threat to the health and safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. This determination that an individual poses a direct threat to the health and safety of others or a risk of substantial physical damage to property must be based on a history of overt acts or current conduct of that individual and must not be based on general assumptions or fears about a class of disabled persons.

(5) Whether there are other such facilities located within 750 feet of the proposed location.

(D) **NOTICE.** A notice of any Group Care Facility Conditional Use Permit granted by the City, and any

conditions imposed upon such Facility, shall be duly recorded by the City with the County Clerk and Recorder, showing the description of the property upon which the Group Care Facility is permitted.

(E) **PROHIBITED.** Group Care Facilities are prohibited in the HRL, POS, and ROS Districts.

15-4-9. CHILD CARE AND CHILD CARE FACILITIES.
~~CHAPTER 14. CHILD CARE REGULATIONS~~

(A) **POLICY AND PURPOSE.** It is the intent of Park City to encourage ~~through the private sector~~ the provision of Child Care which meets the fluctuating needs and demands of the City's residents, employees, and employers. ~~The City has determined that~~ Health and safety, convenience, compatibility, afford ability, and adaptability are of primary importance in the regulation of Child Care facilities. Accordingly, the City has adopted the following definitions and regulations ~~which are believed to~~ that reflect state and national demographic and social trends while also reflecting the unique characteristics of Park City's population and economy.

(B) ~~14.2.~~ **IN-HOME BABY-SITTING.** In-Home Baby-Sitting includes the provision of Child Care for ~~fewer than~~ four or fewer children within a ~~private~~ home Dwelling, and within commercial buildings outside of residential zones. In-

Home Baby-Sitting shall be permitted in all zoning districts except for the Light Industrial (LI) and Recreation Open Space (ROS) zones, wherein in-home baby-sitting shall only be allowed if it is for employees of an approved business with the same business providing the child care service. In-Home Baby-Sitting shall not be regulated by any other Child Care provisions contained herein and shall be considered a permitted accessory use. Standard building and zoning regulations shall be complied with.

State licensing requirements start with 5 children in either family child care or child care centers, although there are different rules based on mixed ages and how many are under 2 years of age where licensing may kick in with fewer.

Staff recommends changes to the use tables for various zoning districts as a result of these changes in state requirements and subsequent LMC requirements, ie. changing certain Allowed uses to Conditional uses for the Family Group Child Care homes.

(C) 14.3. FAMILY DAY CHILD CARE.

Family Day Child Care is a small scale Child Care facility home which includes the provision of Child day Care for four to six up to eight (8) children. Family day Child Care in residential zones must be within the provider's primary residence and shall include in the total the provider's own children under the age of eighteen if they are cared for in the same area of the structure as that designated for Family Child day Care. Conformance to the criteria contained herein and all State Child Care Building Code requirements meet Park City requirements;

~~however, state licensing requirements for child care may be more restrictive.~~

~~State has changed numbers for this category from six to eight. To be consistent with State regulations for Family Child Care the LMC has been revised to increase the number from 6 to 8.~~

Family Child Care is regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

(1) PERMITS REQUIRED.

Family day Child Care homes shall be permitted in all other commercial and residential zoning Districts subject to issuance by the Chief Building Official, of a certificate of occupancy for the home, and either an administrative permit issued by the City Planning Director or a Conditional Use Permit issued by the Planning Commission, which shall be subject to the following conditions. Family Child Care in single family homes and duplexes is an Allowed Use requiring an Administrative Permit issued by the Community Development Department.

Family Child Care in Multi- Unit Dwellings, such as apartments, condominiums, and townhouses, requires a Conditional Use Permit issued by the Planning Commission.

Family Child Care requires a Conditional Use Permit in the ROS and POS zoning Districts and is restricted to existing Structures and Buildings that are the primary residence of the care provider.

(2) REVIEW CRITERIA.

Prior to the issuance of either an Administrative permit or a Conditional Use Permit, all Family Child Care homes are subject to the following requirements:

(a) **Parking.** One off-street parking space is provided required for each non-resident or non-family member employee in addition to the underlying parking requirements for residential dwellings. The residential driveway may be used for this purpose if provided that parking is not within the side setbacks established for that zone or if and the driveway is not required for a drop-off/pick-up area as required herein.

(b) **Drop-off/Pick-up Area.** Two drop off/pick-up parking spaces must be provided. These spaces can be street parking spaces provided that they are located within 50 feet of the property and can be reached without crossing the street. The driveway may be used for drop-off/pick-up if it

is not required for employee or resident parking as required herein.

(dc) **Arterial Street.** If located on an arterial street or State Highway, an off-street drop-off/pick-up area is required.

(ed) **Play Area Size and Location.** Minimum indoor and outdoor play areas are regulated by the State, but in no case shall there be a structured play area measuring less than of at least 240 square feet shall be provided on-site. No structured area for active play or play structures may be located in the front yard (*not capitalized!*) in residential zones. Play structures and equipment shall meet Consumer Product Safety Commission guidelines.

(e) **Signsage.** All signs must conform to the Park City Sign Code requirements of the specific zoning district. In single family zones, no signs will be permitted for a Family Day Child Care home.

(f) **Primary Residence.** If Child Care is provided in a residential structure, the structure must be the primary residence of the primary care provider and the residential character of the house and its lot shall be maintained. If required by the State, a second care provider, who is not a resident of the home, may be employed at the residence.

(g) **Multi-Unit Dwellings family Housing.** Family day Child Care in a Multi-Unit family Dwellings housing project (projects which are condominiumized) is a Conditional Use, subject to the review criteria for Conditional Use Permits stated in Section 15.1.10 with review and approval by the Planning Commission. Family day Child Care will not be approved for Multi-family Unit Dwellings housing projects unless it can be shown that playground areas are on private property and not within Common Areas, or unless the applicant receives approval from 100% of the owners for use of the Common Area, or unless the project was designed to accommodate a Child Care facility.

(D) 14.4. FAMILY GROUP CHILD CARE. Family Group Child Care is a medium scale facility Child Care home which includes the provision of Child Care for seven (7) to twelve (12) children nine (9) to sixteen (16), inclusive. Family Group Child Care in residential zones must be provided within the provider's primary residence and shall include the provider's own children under the age of 18 if they are cared for in the same area of the structure as that designated for Family Group Child Care.

Family Group Child Care is regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play area requirements, health and safety regulations, and other regulations as required

by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

A Family Group Care facility home shall not be permitted in the Light Industrial (LI) or Recreation Open Space (ROS) zone unless it is for the use of the employees of a business, with the same business operating the Child Care Facility.

All child care that does not take place in the primary residence of the primary care provider is considered by the State to be a Child Care Center or an hourly Child Care Center. Therefore all Family Child Care and Family Group Child Care by the definitions herein, shall occur within the primary residence of the primary care provider. All other Child Care is regulated as a Child Care Center, including all child care in commercial businesses, etc.

(1) PERMITS REQUIRED.

Family Group Child Care homes require a Conditional Use Permit in all residential Districts and require an Administrative permit issued by the Community Development Department in all other zoning Districts. Family Group Child Care within Multi-Unit Dwellings, that are not within residential zoning districts, also require a Conditional Use Permit. Family day Group Child Care homes are subject to issuance by the Chief Building Official, of a Certificate of Occupancy for the home. an

Administrative Permit issued by the City Planning Director

Family Group Child Care requires a Conditional Use Permit in the ROS and POS zoning Districts and is restricted to existing Structures and Buildings that are the primary residence of the care provider.

- homes shall be permitted in all other commercial and residential zoning districts subject to the issuance of an administrative permit by the City Planning Director and subject to the same conditions listed in Section 14.3. of this Chapter and subject to the following exceptions and additions:

(2) REVIEW CRITERIA.

Prior to the issuance of either an Administrative Permit or a Conditional Use Permit, all Family Group Child Care homes are subject to the following requirements:

(a) **Parking.** One off-street parking space is required for each non-resident or non-family member employee in addition to the underlying parking requirements for residential dwellings. The residential driveway may be used for this purpose provided that parking is not within the side setbacks established for that zone and the driveway is not required for a drop-off/pick-up area as required herein.

(ab) **Drop-off/Pick-up Area.** Four (4) drop-off/pick-up spaces must be provided. For Family Group Child

Care homes with ten (10) or fewer children, not including the care providers own children, three (3) drop-off/pick-up spaces may be provided. These spaces can be street parking spaces provided that they are located within 50 feet of the property and can be reached without crossing the street. The driveway may be used for drop-off/pick-up if it is not required for employee or resident parking as required herein.

shall be provided (rather than two) with two of the spaces being provided on the site. The driveway may be used for this purpose if the driveway is not necessary for employee or resident parking.

(dc) **Arterial Street.** If located on an arterial street or State Highway, an off-street drop-off/pick-up area is required.

(bd) **Density.** No more than one Family Group Child Care home may be permitted on any one street or within any 300 foot radius (whichever area is less), and no more than two Family Group Child Care homes may be located in any one 500 foot radius area. Family day Child Care homes and other family child care operations which are not regulated shall not be included in these density calculations. Also, Family Group Child Care homes in commercial zones, such as the RCO, GC, LI,

HRC, HCB shall not be subject to these density restrictions.

(ee) Play Area Size and Location. An outdoor play area of at least 480 360 square feet shall be provided on-site, with an additional 40 square feet for each additional child over a minimum of nine (9). Additional indoor play areas are regulated by the State. ~~No structured area for active play or play structures may be located in the front yard (not capitalized!) in residential zones.~~ Play structures and equipment shall meet Consumer Product Safety Commission guidelines.

(df) Screening. Screening for all play areas in residential zones is required. Screening may consist of an opaque fence, berm, dense shrubbery, or similar, subject to Community Development Department approval.

(eg) Structure Inspection Required. The structure shall conform to UBC requirements and shall be inspected and approved by the Park City Building Department. Prior to inspection, the applicant must notify the Building Department of the number of children that will be cared for in the facility. Additional requirements may be required before a Family Group Child Care permit can be issued ~~for more than ten children.~~

(fh) Neighborhood Meeting. Prior to permit issuance for a Family Group Child Care home facility in a residential zone, a neighborhood meeting, under the direction of the Community Development Department, shall be held to discuss the proposed facility with property owners within 300 feet of the subject parcel, subject to standard notification requirements. ~~Very often neighbors' concerns can be eased by explaining beforehand how the group care home shall be operated. moreover, T~~the hearing gives the child care provider an opportunity to understand the neighborhoods' concerns and ~~perhaps modify to consider~~ operational policies or make reasonable modifications to the site plan to ~~mitigate impacts of the use. in an effort to maintain a positive neighborhood relationship.~~

(gi) One Year Review. The All Conditional Use Permits for Family Group Child Care homes ~~administrative permit for a~~ shall receive a one time review by the Planning Commission one year following permit issuance. The review request shall be placed on the Consent Agenda of the Planning Commission. However, the staff may determine to place the item under New Business if it is determined that there have been excessive problems related to this

use which justify further discussion by the Planning Commission. Such decision shall be based on staff observation and/or public input received during the past year of operation alleging the following:

1. The facility use has consistently generated more parking demand than can be handled within 50 feet of the property parcel boundary on the same side of the street.
2. The facility use has generated noise levels exceeding that allowed by the City's noise and nuisance ordinance.
3. Patrons of the facility Family Group Care home have consistently violated traffic laws.
4. The facility Family Group Child Care home and uses or objects related to the facility does not conform to Code defined standards.

If the Planning Commission finds that the facility Family Group Child Care home meets all Code defined standards and that there have been no excessive problems related to its use, the use shall receive final approval with no further review required. Otherwise, the Planning Commission may either deny continued operation or advise the applicant of specific

concerns and require a second review in one year.

(hj) **Multi-family Unit Dwelling Housing:** Family Group Child Care in a Multi-family Unit Dwelling housing project is a Conditional Use and must receive Planning Commission approval. Family Group Child Care will not be approved for Multi-family Unit housing projects Dwellings unless it can be shown that playground areas are on private property and not within Common Areas, or unless the applicant receives approval from 100% of the owners for use of the Common Area, or unless the project was designed to accommodate a Child Care facility.

(E)14.5. CHILD CARE CENTER. A Child Care Center is a large-scale center based Child Care facility in which the provision of Child Care for 5-13 or more children occurs in a place other than the care providers primary residence and on a regular basis for less than 24 hours per day. Child Care may be provided on a regularly scheduled, on-going enrollment basis or on an hourly, drop-in basis. See previous sections for regulation of Child Care provided within a care providers primary residence, such as Family Child Care and Family Group Child Care.

Child Care Centers, including Hourly Child Care Centers, are regulated by the State of Utah. All required licenses,

certificates, child to caretaker ratios, play area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

A Child Care Center is an Allowed Use in all non-residential zones Districts except for the Recreation Open Space (ROS), Protected Open Space (POS), Estate (E), Estate -40 (E-40), and the Regional Commercial Overlay (RCO) zones Districts. In these Districts wherein a Conditional Use Permit is required, and in the Light Industrial (LI) zone where a child care center is not permitted unless it serves the employees of a business, with the business operating the facility, in which case a conditional use permit is required. A Child Care Center may be located within a residential zone District with a Conditional Use Permit approval, pursuant to Section 15-1-10.

A site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

The Planning Commission shall consider, as part of the Conditional Use Permit review, in addition to the criteria stated in Section 15-1-10, the proposed building for architectural compatibility of the proposed Child Care Center and shall also consider the following location at criteria guidelines and site requirements during the review process.

Draft - 11/29/01

(1) **LOCATION CRITERIA. Locational Guidelines.** For projects within a residential neighborhood, the Planning Commission shall consider the following locational guidelines for locating Child Care Centers .

(a) Traffic will not be encouraged onto local roads within a Subdivision is discouraged, and Location of Child Care Centers is encouraged such that the Center facility can be conveniently accessed by from existing collector or arterial roads.

(b) Location The facility is on the periphery of the subdivision or neighborhood is preferable to location within the center of the subdivision.

(c) The facility Child Care Center is adjacent to a school, library, house of worship, or other traditional neighborhood facility with large landscaped areas or playing fields.

(d) The facility Child Care Center is conveniently accessed by public transportation.

(e) The subdivision or multi-family project was designed to accommodate a Child Care Center.

(2) **SITE REQUIREMENTS. Site Requirements.** The following site requirements shall be observed.

(a) Parking. At least one parking space shall be provided for each on-duty staff person per shift and one space for every six children cared for.

(b) Circulation. An on-site vehicle turnaround, or separate entrance and exit points, and passenger loading area must be provided.

(c) Fencing. An opaque fence six feet in height must be installed around all designated play areas. Dense shrubbery may compensate for fencing requirements provided that the lot is secured according to State regulations. If the lot is adjacent to open fields or playgrounds, a less opaque fencing material may be used with Planning Commission approval, but chain link fencing shall not be used. ~~in any area of Park City.~~

(d) Play Areas. No structured area for active play or play structures may be located in a front yard. Play structures and equipment shall meet Consumer Product Safety Commission guidelines.

(e) Density. No more than one Child Care Center shall be permitted in any one residential subdivision or multi-family project. If the Center is in a residential zone, it shall be no closer than 300 feet to a Family Group Child Care home within the same neighborhood. Family Child Care homes and other family child care

operations which are not regulated shall not be included in density calculations.

(f) Lot Size and Configuration. The minimum Lot Area size for a Child Care center with more than sixteen children shall be 12,000 square feet. The lot shall be reasonably standard in its configuration so that all portions are easily developed for Child Care Use. The Planning Commission may, at its discretion, deny a Child Care Center on a Lot which is usually narrow or which does not allow for usable play areas which are contiguous to the structure.

(g) Setbacks. Standard setbacks shall be observed except that Child Care Centers facilities located in residential zones Districts shall provide at least 18 foot side yards and 25 foot rear yards.

(h) Play Area within Setbacks. No more than 50% of the State Code required play area may be within the standard setback area of the lot as defined in the underlying zone unless the setback area is adjacent to perpetual open space or playing fields.

(i) Signs. One small sign, either free-standing or wall mounted, may be permitted for a Child Care Center. The sign must be no larger than six square feet, setback at

least ten feet from the property line and must conform to all other criteria of the Park City Sign Code.

(j) **EXCEPTIONS.** The Planning Commission may grant an exception to these site requirements if it can be shown that the impact of the ~~facility~~ Child Care Center on traffic circulation or on adjacent properties will not be increased if the exception is granted.

15-4 -2310. TIMESHARE PROJECTS.

(A) INFORMATION TO BE FILED WITH TIMESHARE PROJECT

APPLICATIONS. The Developer of any Timeshare Project other than a Timeshare Conversion shall file with the Planning Department the following information as part of a Building permit application:

- (1) The proposed duration of Timeshare Intervals. ~~which shall not be less than seven (7) days.~~
- (2) Identification of the Timeshare Interval as a Timeshare Estate or Timeshare Use.
- (3) Any restrictions on the use, occupancy, alteration or alienation of Timeshare Intervals.
- (4) A copy of the proposed Timeshare Instruments whereby the Timeshare Project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium

Declaration; Covenants; Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance of the Timeshare Project and/or units.

(5) The name, address, and phone number of the managing Agent of the project having authority to act on behalf of the Developer and/or the Owners' Association in emergency situations. Any change in name, address or phone number of the managing Agent shall be filed with the Community Development Department and the Park City Business Licensing Division.

(6) The name, address and phone number of the central contact Persons for the Developer and/or the Timeshare Project for Business license, tax and utility service payments who will be responsible for making such payments on behalf of the Developer as provided by the Timeshare Instrument. Any change in name, address or phone number of the central contact Persons shall

be filed with the Community Development Department and the Park City Business Licensing Division.

(7) Whether the Developer plans to offer resale assistance and/or exchange program affiliation to Timeshare Interval purchasers.

(8) A description of the methods to Guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the Timeshare Project.

(9) Any other information that the Developer or Community Development Department deems reasonably necessary to the consideration of the project.

(B) DENIAL OF NEW TIMESHARE PROJECTS.

The creation of new Timeshare Projects is a Conditional Use. The Planning Commission and other City departments shall review the project according to the standards of review set forth in Section 15-1-10, as well as specific criteria stated in Section 15-4-11, Timeshare Conversion, except that the consent of the unit Owners is required only in the case of a conversion of an existing Structure.

Unless The Applicant has established that shall also demonstrate that there are is no seriously adverse effects on City services, or City finances through the loss of sales tax revenue, or adverse affect on the use of

convention and meeting space. ,the project's Conditional Use Permit will be denied.

(C) EXISTING PROJECTS- EFFECT OF TIMESHARE AMENDMENTS TO ORDINANCES.

~~Any Timeshare Project established by a Timeshare Instrument wherein Timeshare Intervals were sold or offered for sale on or before July 16, 1981, and the rights and obligations of all parties interested in any such existing Timeshare Project shall, to the extent that the Timeshare Instrument concerning such existing Timeshare Project is inconsistent with this and other ordinances relating to Timeshare Projects, be governed and controlled by the ordinances of the City as they existed prior to the adoption of the timeshare regulation ordinance and by the terms of such existing Timeshare Project's Timeshare Instrument to the extent that the terms of such Timeshare Instrument are consistent with applicable City ordinances other than these amendments; provided, that any expansion of an existing Timeshare Project or the creation of any additional Timeshare Intervals therein must fully comply with these amendments.~~

This language conflicts with the non-conforming use language and should be deleted.

15-4-24. SALE OF TIMESHARE UNITS.

~~(A) — PRESALE OF TIMESHARE INTERVALS. Prior to the time that a Building permit has been obtained for a Timeshare Project other than a Timeshare Conversion, or a Conditional Use Permit has been obtained for a Timeshare Conversion, a timeshare Developer may offer reservations to purchase Timeshare Intervals subject to the following requirements:~~

~~———— (1) ——— A reservation to purchase a Timeshare Interval shall be binding upon the timeshare Developer but shall provide that the reservation may be cancelled by the prospective purchaser at any time prior to the date that a Building permit has been obtained for the Timeshare Project if the project of which the Timeshare Interval is a part is a Timeshare Project other than a Timeshare Conversion, or a conditional use permit has been obtained for the Timeshare Project if the project of which the Timeshare Interval is part is a Timeshare Conversion.~~

~~———— (2) ——— The form of reservation agreement used by the timeshare Developer must call for execution of a final contract of purchase before the prospective purchaser is legally bound to purchase the Timeshare Interval, and execution of such final contract of purchase may not take place prior to the date that a Building permit has been obtained for the Timeshare Project if the project is a~~

~~Timeshare Project other than a Timeshare Conversion, or a Conditional Use Permit has been obtained for a Timeshare Project if the project is a Timeshare Conversion.~~

~~———— (3) ——— Any presale activity by a timeshare Developer, its Agents, employees or subcontractors must meet all requirements governing the offering or sale of Timeshare Intervals other than the requirement for project approval pursuant to a permitted use or conditional use application.~~

~~(B) — VIOLATIONS OF REQUIREMENTS. Any timeshare Developer who violates the requirements of this section in the reservation of Timeshare Intervals shall be guilty of a Class B misdemeanor and upon conviction thereof may be punished by a fine and/or imprisonment as described in the current Park City Criminal Code. Each sale or other violation shall be a separate offense. In addition to criminal penalties for violations of the provision of this Code relating to sales of Timeshare Intervals, the City Council may, upon hearing at which the timeshare Developer is permitted to state his position, rescind the conditional use approval, and vacate the platting of Timeshare Intervals or Timeshare Estates as to those units which are not sold as of the date of rescision.~~

Regulation of Timeshare sales is not a function of the LMC. Regulated elsewhere.

**15-4 -1122. TIMESHARE
CONVERSION ~~CONVERSION~~;
~~CONDITIONAL USE REQUESTS~~.**

(A) TIMESHARE CONVERSION.

Developers of Timeshare Conversions shall file with the Community Development Department the following information as part of a Conditional Use Permit application:

- (1) The proposed duration of Timeshare Intervals, which shall not be less than seven (7) days.
- (2) Identification of the Timeshare Interval as a Timeshare Estate or Timeshare Use.
- (3) Any restrictions on the Use, occupancy, alteration or alienation of Timeshare Intervals.
- (4) A copy of the proposed Timeshare Instruments whereby the Timeshare Project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants, Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and

Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance and operation of the Timeshare Project and/or Timeshare Units.

(5) The name, address and phone number of the managing Agent of the project having authority to act on behalf of the Developer and/or the Owners' Association in emergency situations. Any change in name, address or phone number of the managing Agent shall be filed with the Community Development Department and the Park City Business Licensing Division.

(6) The name, address and phone number of the central contact Persons for the Developer and/or the Timeshare Project for Business license, tax and utility service payments who will be responsible for making such payments on behalf of the Developer as provided by the Timeshare Instrument. Any change in name, address or phone number of the central contact Persons shall

be filed with the Community Development Department and the Park City Business Licensing Division.

(7) A list of all Owners of the Property being converted, or if the Property has previously been divided into separately owned units, Dwelling Units or Lots, a list of all Owners of such units, Dwelling Units or Lots. This list shall be prepared by a title company or licensed abstractor.

(8) A plan showing in reasonable detail the means by which the Timeshare Conversion will comply with the Park City parking requirements for Timeshare Projects, including the purchase of any necessary additional Property.

(9) Evidence of a review and approval by the appropriate sewer district and the Park City Water Department regarding anticipated increases in sewer flows and water use resulting from the change in use.

(10) For the conversion of any units in any Condominium project or Dwelling Units in any Planned Unit Development project, the written statements from not less than sixty five percent (65%) of the Owners of

all existing units or Dwelling Units in the project indicating their unconditional approval of the Timeshare Conversion signed by such Owners not more than ninety (90) days prior to the date of the application for a conditional use permit.

(11) Any other information that the Developer or Community Development Department deems reasonably necessary to the consideration of the project.

(B) **CONDITIONS FOR CONVERSION APPROVAL.** In determining whether, and under what conditions, to issue a Conditional Use Permit for Timeshare Conversions, the City shall review the following conditions and considerations and approve the project if:

(1) Timeshare Conversion will have no serious adverse effect on present and future City services, including loss of sales tax revenue due to time share uses being exempt from sales tax. The cumulative effect of the subject project and other Timeshare Projects may be considered.

(2) Timeshare Conversion will have no serious adverse effect on traffic circulation and parking.

(3) The Applicant's ability to Guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the Timeshare Conversion.

(4) Whether an office of the managing Agent or agency is located locally or within the Timeshare Conversion and the impact that may cause.

(5) Timeshare Conversion will have no serious adverse effect on meeting space, convention Business and Nightly Rentals within the City. The cumulative effect on the proposed conversion and other existing projects may be considered.

(6) Compliance with this Code, parking requirements, Park City Planning Commission policies, the City's Comprehensive Plan, and other applicable City ordinances and guidelines in force at the time of application.

(7) Compliance with the Park City Uniform Building Code and other Park City Building Department

regulations in force at the time of application.

(8) Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the Timeshare Conversion.

(9) For the conversion of any units in any Condominium project or Dwelling Units in any Planned Unit Development project, the written statements of not less than Owners of sixty five percent (65%) of all existing units or Dwelling Units in the project indicating their unconditional approval of the Timeshare Conversion signed by such Owners not more than ninety (90) days prior to the date of the application for a conditional use permit.

(10) The Structure proposed for conversion is in substantial compliance with the Building codes and fire codes adopted by Park City.

(C) **DENIAL OR APPROVAL.** The City may approve or deny the request for Timeshare Conversion of a project on the basis of its findings on the above-listed matters. Any action to approve or deny by either the Community Development

Department, subject to ratification by the Planning Commission, or the City Council shall give written findings on the matter, and state specifically the reasons for the denial.

(D) OFF-PREMISES TIMESHARE CONTACTING LOCATIONS PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

In determining whether, and under what conditions to issue a conditional use permit for an off-premises timeshare contacting location, the Community Development Department may consider:

- (1) The impact the off-premises contacting location may have on pedestrian and vehicular traffic circulation in the Area.
- (2) The proximity of the off-premise contacting location to other off-premises contacting locations servicing the same Timeshare Project.
- (3) Whether the off-premise contacting can be confined to a completely enclosed Building.
- (4) Compliance with this Code and Park City Planning Commission policies, the City's Comprehensive Plan and other applicable City ordinances and guidelines in force at the time of application, and

compliance with the Business licensing provisions of Park City.

(5) Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the off-premises contacting location. This provision shall not apply to licensed solicitors, soliciting on behalf of timeshare companies in the fully enclosed premises of another Person with the consent of that Person. No conditional use permit is required under these circumstances.

(E) TIMESHARE CONVERSIONS.

Existing projects, properties or units, including, without limitation, those presently owned and operated as Condominiums, Planned Unit Developments, Hotels and Motels, shall not be converted to Timeshare Projects as defined in ~~Section 15-15-1 Chapter 2~~ without first obtaining a Conditional Use Permit as required by this Chapter. A Conditional Use Permit must be obtained for the conversion of each separate project or Property being converted.

~~15-4-21. COMPLETION OF SITE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY.~~

~~(A) POLICY.~~

~~(1) **SECURITY REQUIRED.** In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities that may occur as a result of incomplete or inadequate Site improvements on private construction projects, it is the policy of the City to require that Developers either complete all Site improvements prior to occupancy, or if that is not possible, that adequate financial security for that completion, together with a right of entry to the Property to complete that work be granted to the City. It is specifically the intention of the City to require that storm drainage work, paving, curb and gutter, utility facilities, soil retention Structure, and landscaping as needed to control erosion be completed according to standards adopted by the City, so that residents and taxpayers at large are not required to pay the costs of damage repair or disproportionately increased maintenance for roads, storm drainage, or other utility facilities. No plat will be approved, where required, and no certificate of occupancy granted unless and until adequate financial security is posted in accordance with this section.~~

~~(2) **NO THIRD PARTY BENEFICIARIES INTENDED.** It is the intention of the City that this financial security given by the Developer be limited to a contract~~

~~between the City and the Developer for the express purpose of providing for the protection of City facilities and elimination of conditions which could become public nuisances. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of Property to correct construction flaws or defects which are the fault of the Developer. In no event will the funds be used for purposes other than those stated in this section and the time and manner of the expenditure, and prioritization of work performed shall rest in the sole discretion of the Community Development Director.~~

~~(B) **CONSTRUCTION ACCORDING TO APPROVED PLANS.** All construction shall be completed according to the approved plans on which the Building permits were issued. The approved plans shall also include the Site improvements shown on the Site plan. For purposes of this Code, the term "Site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, Grades, walls, landscaping, planting, paving, paths and trails, and similar improvements as shown on the set of plans on which the final approval and Building permits are based. Deviations from the approved plans must~~

be approved in advance by the Community Development Department.

~~(C) — SECURITY FOR COMPLETION.~~

~~No certificate of occupancy will be issued, nor any plat approved when plats are required by this Code, unless the Building and all required Site improvements are completed, or the Developer has provided adequate security to Guarantee completion of the Site improvements. When the Site improvements and the Building cannot be completed simultaneously due to weather conditions or other factors beyond the control of the Developer, excluding financial inability to complete the project, the City may grant plat approval for recording and/or issue Certificates of Occupancy for the project, provided the following conditions are met:~~

~~———— (1) — The Building or Buildings, or portions thereof, on the Property to be platted or occupied have been constructed in accordance with the approved plans for those Buildings, and are in full compliance with applicable Building and fire codes, and are completed to the extent that only exterior Site improvement work remains unfinished; and,~~

~~———— (2) — The Building Official determines that occupancy of the Buildings, or portions thereof, prior to completion of required Site improvements is safe and that Access~~

~~for emergency vehicles is adequate with the Site improvements unfinished; and,~~

~~———— (3) — The Developer posts adequate security for the benefit of the City to insure completion of the Site improvements in full compliance with the approved plans within one year from the date of plat approval, if required, or issuance of the certificate of occupancy, whichever occurs first.~~

~~(D) — AMOUNT OF SECURITY. The amount of the security to be posted by the Developer shall be determined by the Community Development Department, and shall be equal to 125% of the amount reasonably estimated by the Department as being necessary to complete remaining Site improvements as shown on the approved plans. In the event that the Developer disputes the cost estimate of the Department, the Developer may prove a lower construction cost by providing binding contracts between the Developer and contractor or subcontractor appropriate to perform the required work at a stated, fixed price. These contracts must be supported by a 100% performance bond, insuring performance by the subcontractor or contractor. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 125% of the total contract price of all such contracts submitted, plus the estimated~~

reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

(E) ~~TERMS OF SECURITY.~~ The terms of any security arrangement offered to the City shall state a date certain by which the Developer agrees to have Site improvement work completed in accordance with the plans, and further provide that in the event that the Developer has not completed required Site improvement work by that date, the City may at its option and on its schedule, draw on the funds in Escrow Eserowed, or credit established, or such other security device by its own act, and shall not be required to obtain consent of Developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the Developer shall be reimbursed from the Escrow or other security arrangements.

(F) ~~FORM OF SECURITY.~~ Security arrangements offered in lieu of simultaneous completion of Buildings and Site improvements shall be in an amount fixed under the terms of Section 15-1-13(D), and shall be in one or more of the following forms:

- (1) An irrevocable letter of credit from a bank authorized to do Business in the State of Utah;

naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and Guaranteeing the availability of funds for one year, or,

- (2) A deposit of cash with a third party Escrow, or,

- (3) An agreement with the construction lender providing that the lender will withhold funds in the construction loan in an amount equal to the amount calculated in Section 15-1-13(D), above, and will disburse those funds only with the written consent of the City, and only for the completion of Site improvements. As Site improvement work is completed, the City will consent to the disbursement of the funds set aside by the lender.

- (4) Some combination of the above as approved by the City.

(G) ~~RETAINED AMOUNT RETAINAGE.~~ The amount in excess of the actual construction costs, but in no event more than twenty five percent (25%) of the actual construction cost, shall be held for a period of one year following final inspection and approval of the Site improvement work by the City. No retained amount retainage shall be held for

landscaping improvements once the installation of the required materials has been approved by the City. The retained amount retainage amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide new security instruments within thirty (30) days from the expiration of the security instruments provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that security to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate security, as provided in this Code, is posted by the Developer. The retained amount retainage will be used to replace or repair any Site improvements which fail or appear to be defective during the one year period. The corrective work may be done by the City or the Developer. At the completion of that work, the retained amount retainage, or so much of it remains, shall be released. Retained amounts may be drawn and applied to any outstanding fees owed by the Developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not be contested by the Developer.

(H) — MODIFICATION OF PLANS. A Developer may, at its option, request modifications to plans covering Site improvement work by submitting revised plans to the Community Development Department for review and action. Until the revised plans have received approval by the Department, the Developer shall be required to offer security for the performance of the

Site improvement work as shown on the last set of plans to have received Department approval. Upon acceptance of revised plans by the Department, the City shall release any cash, credit or other security held, which is in excess of 125% of the completion cost, estimated, of work shown on the most recently revised plan. If the modification of the plans increases the cost of required Site improvements, additional security must be provided by the Developer to cover the increased costs.

(I) — PAYMENT OF INTEREST.

Any interest accruing on funds in Escrow shall, unless expended for completion of Site improvements required, inure to the benefit of the Developer upon release and not to the City, and the City shall not be required to pay interest to the Developer on any funds in Escrow Escrowed for this purpose.



~~required under other provisions of the Land Management Code.~~

~~(K) — **SINGLE FAMILY HOMES.** This provision shall apply to all construction in Park City, including single family homes, provided, however, that the amount of security required for single family homes shall be the reasonably estimated cost to complete construction of any retained amount and drainage works on a labor and materials basis, and the estimated cost to complete landscaping, to the extent necessary to hold the soil in place, on the basis of materials only.~~

~~(L) — **PHASED PROJECTS.** Site improvements applicable to each phase of a phased project or Development shall be completed or security for completion provided as each phase is constructed and either platted or occupied. Site improvements on other phases of the project shall be completed or security offered as those phases are completed.~~

This language has been moved to Chapter 1 as part of this revision. It will become Section

15-1-13 and the sections following it in Chapter 1 will be renumbered.. This will be reflected in the ordinance to adopt phase II.

15-4 -1213. CONDOMINIUM CONVERSION.

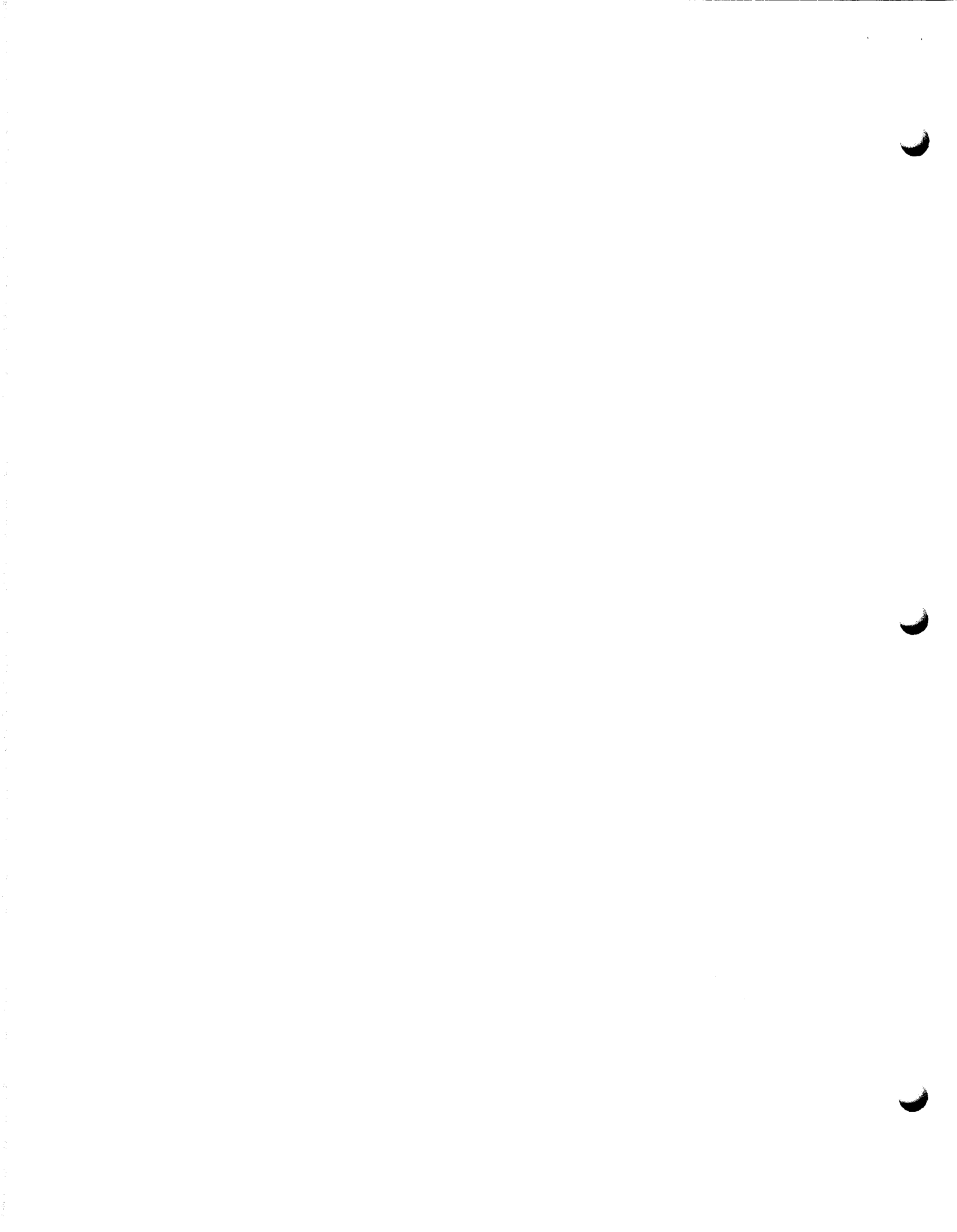
Existing Structures shall not be converted to Condominium ownership without first receiving the review and recommendation

of the Community Development Department, City Attorney, and record of survey plat approval from the City. Required Public Improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance. The Structure must be brought into substantial compliance with the Building code as a condition precedent to plat approval. ~~Timeshare Conversion is addressed in Section 15-4-21.??~~

15-4 -2513. REGULATION OF THE PLACEMENT OF SATELLITE RECEIVING ANTENNAS.

(A) **PURPOSE.** To ensure that Satellite Receiving Stations do not have an adverse impact on aesthetic values and public safety in residential, commercial and industrial Areas, and the Historic District, installation of these devices is governed by the following regulations. The intent of these requirements is to locate such Antenna and equipment where they are least visible from Public Streets and public Areas and, to the extent possible, provide Screening from adjacent Property Owners.

(B) **PERMIT REQUIRED.** The installation of Satellite Receiving Stations, unless otherwise provided in this ordinance, shall be deemed a permitted use. It shall be unlawful to install any Satellite Receiving Station greater than two feet (2') in diameter, without first having obtained a Building permit from the City. Plans of such Satellite Receiving Station shall be



~~shall be deemed a permitted use. It shall be unlawful to install any Satellite Receiving Station without first having obtained a Building permit from the City. Plans of such Satellite Receiving Station shall be~~ submitted with each application for a Building permit, which shall include a Site plan indicating the height, color, location, Setbacks, foundation detail, landscaping, and Screening and such plan shall be subject to approval by the Community Development Department.

(C) **INSTALLATION STANDARDS.**

The following standards apply to the installation of a Satellite Receiving Station that is greater than 2' in diameter:

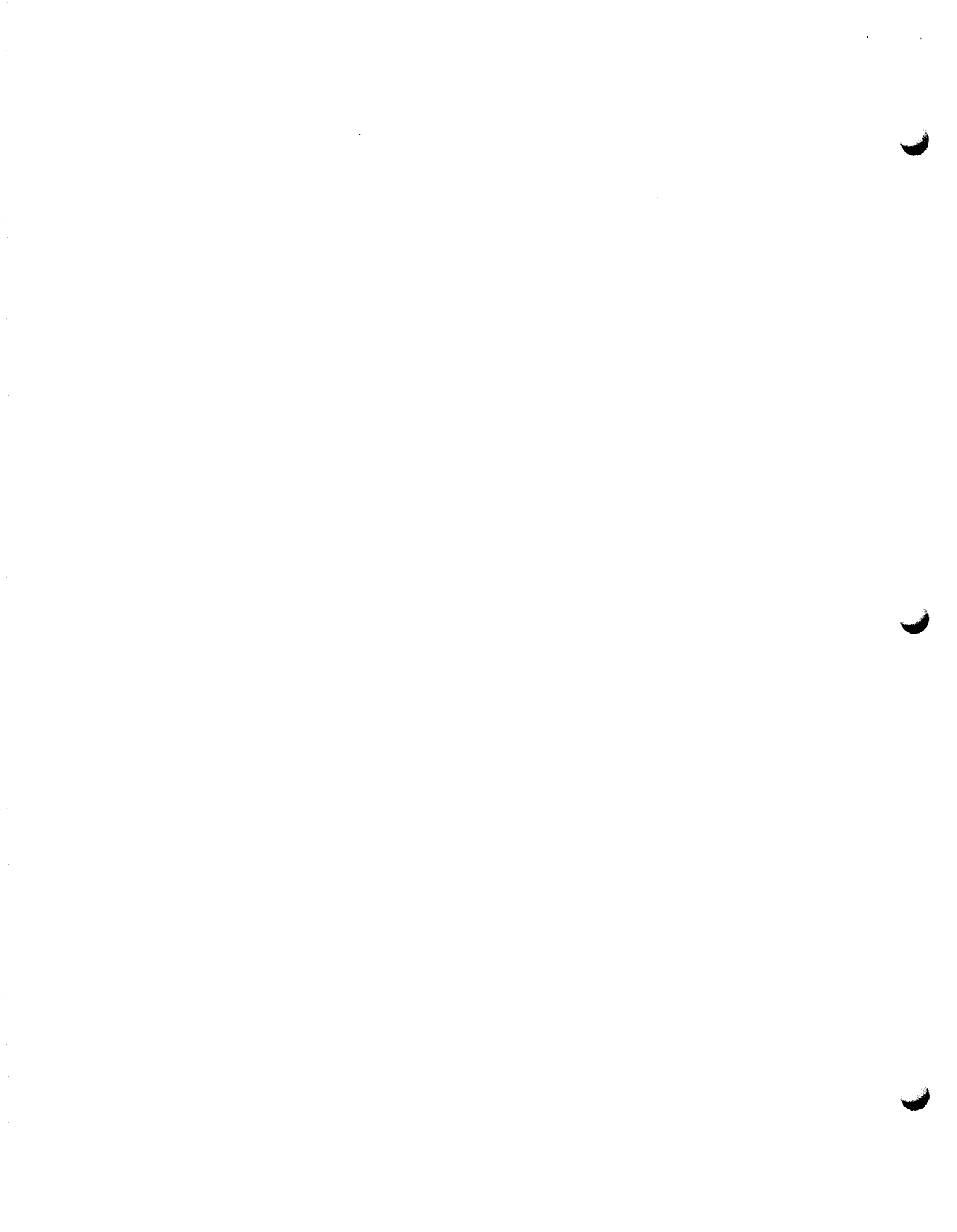
(1) **HEIGHT.** Ground-mounted receiving stations shall be limited to a maximum height of ten feet (10') above Grade. Height of the receiving station shall be measured from the highest point of the apparatus to the finished Grade beneath the apparatus, with the apparatus set in its operating position. Finished Grade may not be raised to form mounds or berms to accommodate increased heights for receiving stations.

(2) **SETBACKS.** Satellite Receiving Stations installed on the ground must maintain all normal Building Setbacks applicable to the zone in which the station is located.

If Setbacks are not specified for the Development, Setbacks for the underlying zone must be met. The Community Development Director may vary Setback requirements if the most effective Screening can be achieved by placing the station within one of the required Setbacks.

(3) **LOCATION.** All ground based receiving stations shall be located behind the front facade of the Main Building on the Site. Stations may be allowed in the Front Yard Area if it can be shown that no other reasonable locations are available and that Site specific conditions including steep Grades, dense vegetation, or other natural features which serve to Screen the receiving station exist on the Site. A Satellite Receiving Station may be located in the Front Yard Area only upon written approval by the Community Development Department Director.

(4) **SCREENING.** Each Satellite Receiving Station mounted on the ground shall be Screened from ground view from Public Streets, rights-of-way, parks and golf courses through the addition of vegetative and non-vegetative features and/or landscaping as shall be approved by the Planning Department. Screening may also be required for adjacent Property Owners. Screening shall consist of a combination of design



elements involving a variety of sizes, shapes and textures that harmonize with the elements and characteristics of the Property. When initially installed, Screening shall include at least three (3) tall shrubs or trees the height of which is at least equal to the height of the Satellite Receiving Station, and low level Screening to protect the reception window such that the structural base is not visible from beyond the boundaries of the Site. A security shall be required to be posted to ensure installation of required Screening. The security shall be 125% of the estimated cost of the Screening.

(5) **MATERIALS AND COLOR.** All installations shall employ materials and colors that blend with the surroundings. All receiving stations shall be a dark neutral color and satellite dish Antennas shall be of a wire mesh material. Variations may be reviewed by the Community Development Department. Highly reflective materials shall not be permitted.

(6) **ROOF OR WALL-MOUNTED.** Roof or wall-mounted Satellite Receiving Stations will be approved only if they do not extend above the ridge line of the roof or wall to which

they are attached, are not located on the portion of the roof or wall fronting on any Public Street, and maintain normal Setbacks. Satellite Receiving Stations on flat roofs may be approved if they are Screened by the addition of architectural features which integrate with the characteristics of the Structure and are not located on the portion of the roof fronting on any Public Street. The receiving station and Screening shall not exceed the maximum height limit for the zone, except as allowed by this Code for Architectural Details such as chimneys, vents, or similar Structures. Roof or wall-mounted receiving stations in the Historic District may be approved by the Historic District Commission providing no other feasible location exists and they meet the criteria of this section. The HDC shall review all applications for receiving stations and shall consider Screening materials, integration into the Structure, visibility, size of the receiving station and such other factors as deemed necessary by the HDC to achieve Compatibility of the receiving station with the architecture and aesthetics of the Historic District.

(7) **CABLES TO BE UNDERGROUND.** All wires and/or cables necessary for the operation of the receiving station shall be placed underground rather

than installed overhead. Wires or cables attached flush with the surface of a Building or the Structure of the receiving station are the only exceptions.

(8) **MULTI-FAMILY DEVELOPMENT.** One (1) Satellite Receiving Station shall be allowed per project. A second receiving station may be allowed upon written approval by the Community Development Department Director. A letter from the Owner's Association or Management Committee indicating consent to the location of the Satellite Receiving Station shall be required as part of the permit application filed with the City.

(D) **SUBDIVISION AND CONDOMINIUM COVENANTS.** Many Subdivision and Condominium covenants may address the location of Satellite Receiving Stations within Condominium units and the Lots of a Subdivision. The City is not a party to those covenants, and no permit from the City shall have the effect of overriding or amending those covenants which might be more restrictive than this ordinance. Applicants for permits for the installation of Satellite Receiving Stations are advised to determine what private land use restrictions apply to their Site before applying for the permit from the City. If the proposed installation is within the Common Area of a Condominium or

Planned Unit Development, and the application submitted is not in the name of the Owner's Association or Management Committee, the Applicant shall provide a letter from the Owner's Association or Management Committee indicating consent to the location of the Satellite Receiving Station within the Common Area has been granted as a part of the permit application filed with the City.

(E) **PENALTY.** Violations of this ordinance are a Class "C" misdemeanor, and upon conviction, violators may be sentenced to a fine described in the current Park City Criminal Code. If the violator is a licensed contractor or vendor of Satellite Receiving Stations, the Business license of the contractor or vendor shall forfeit upon the second conviction within any one calendar year, provided however, that a new license may be issued upon payment of the applicable license fee.

15-4 -3014. TELECOMMUNICATION FACILITIES.

The intent of this section is to ensure that telecommunications facilities are Compatible with the unique characteristics of each zoning district of Park City, and that adverse impacts on community quality and safety in residential, commercial and industrial Areas, are mitigated. The intent of these requirements is to locate Telecommunications facilities and related equipment where they are least visible from

Public Streets, public Areas and designated view corridors and, to the best extent possible, provide Screening from adjacent Property Owners. The installation of these devices is governed by the following regulations.

(A) **PERMIT REQUIRED.** The installation of telecommunication facilities, unless otherwise addressed in this Code, shall be deemed a conditional use and subject to the Park City Building Permit process. It shall be unlawful to install any telecommunication facility without first having a Conditional Use Permit and Building Permit from the City.

(B) **DEFINITIONS.**

(1) **ANTENNA.** A device that transmits and/or receives Telecommunications and/or radio signals for Telecommunications.

(2) **ANTENNA, DRIVE TEST.** A Temporary Antenna which is used for field testing of Telecommunications signals and possible locations but does not provide Telecommunications to customers.

(3) **ANTENNA, ENCLOSED.** An Antenna or series of individual Antennas entirely enclosed inside a Structure including but not limited

to a cupola or wall of a Building or chimney.

(4) **ANTENNA, FREESTANDING.** An Antenna mounted on or within a stand-alone support Structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole or other vertical support.

(5) **ANTENNA, ROOF MOUNTED.** An Antenna or series of individual Antennas mounted on a roof of a Building.

(6) **ANTENNA, TEMPORARY.** An Antenna used for a time period of less than thirty (30) days.

(7) **ANTENNA, WALL MOUNTED.** An Antenna or series of individual Antennas mounted fully against the exterior face of a Building including on the face of a chimney or penthouse. A wall or face of a Building is defined as the entire Area of all exposed vertical surfaces of a Building that are above ground and facing approximately the same direction.

(8) **CO-LOCATION.** The location of Telecommunication

facility on an existing Structure, tower or Building in a manner that precludes the need for that Telecommunications facility to be located on a free-standing Structure of its own.

(9) **EQUIPMENT SHELTER.** A cabinet or Building used to house equipment for Telecommunications Facilities.

(10) **STEALTH TELECOMMUNICATIONS FACILITY.** A Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

(11) **TELECOMMUNICATIONS.**

The transmission, between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received.

(12) **TELECOMMUNICATIONS FACILITY.** A Telecommunications Facility consists of Antenna, Equipment Shelters and related Structures used for transmitting and/or receiving

Telecommunications and/or radio signals.

(14) **TECHNICAL NECESSITY.** A particular design, placement, construction, or location of a Telecommunications Facility that is technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

(C) **SUBMITTAL REQUIREMENTS.**

A Complete Application shall include all elements of the proposed Telecommunications Facility and shall produce all information required by the Telecommunications Facility Application. Applicants shall provide the following submittal requirements.

(1) Each Applicant shall present documentary evidence regarding the need for Telecommunications Facilities within the City. This information shall identify the Applicant's existing Telecommunications Facilities and coverage Areas to demonstrate the need for the proposed Telecommunications Facility within the City.

(2) An Applicant proposing to erect a new Telecommunications Facility shall provide documentary

evidence that a legitimate attempt has been made to locate the new Telecommunications Facility on existing Buildings or Structures or as a co-location. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing Buildings or Structures or co-location Sites in the radio frequency coverage Area for the proposed Telecommunications Facility. Efforts to secure such locations shall be documented through correspondence between the Applicant and the Property Owner(s) of the existing Buildings, Structures or co-location Sites.

(3) Applicants proposing to construct new Telecommunications Facilities shall document the locations of all of the Applicant's existing Telecommunications Facilities that provide Telecommunications within the City, as well as any changes proposed within the following twelve-month period, including plans to discontinue or replace such existing Telecommunications Facilities. Applicants shall provide competent testimony from a radio frequency engineer regarding the suitability of potential Telecommunications Facility locations in relation to the Applicant's existing Telecommunications Facilities.

(4) Each application shall include a Site location alternative analysis describing the location of other Sites considered for the proposed Telecommunications Facility, the availability of those Sites, the extent to which other Sites do or do not meet the Applicant's Telecommunications needs and the reason why the subject Site was chosen for the proposed Telecommunications Facility. The analysis shall address the following issues:

(a) How the proposed location and Telecommunications Facility relate to the object of providing full Telecommunications services within the City Area;

(b) How the proposed Telecommunications Facilities relates to the location of the Applicant's existing Telecommunications Facilities that provide Telecommunications within and near the City;

(c) How the proposed Telecommunications Facility relates to the Applicant's anticipated need for additional

Telecommunications Facilities that provide Telecommunications within and near the City;

(d) If applicable, how the Applicant's plans specifically relate to, and are coordinated with, the needs of all other Telecommunications providers within and near the City.

(5) A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed Telecommunications Facility and indicating its view from at least five (5) locations around and within one mile of the proposed Telecommunications Facility will be most visible.

(D) **COMPLIANCE WITH OTHER LAWS.** Telecommunications Facilities shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations available. Evidence of substantial compliance must be submitted prior to the issuance of a Building Permit for a Telecommunications Facility.

(E) **NOT ESSENTIAL SERVICES.** Telecommunications Facilities shall be regulated and permitted pursuant to this and other applicable sections of the Park City Land Management Code, General Plan and Sensitive Lands Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

(F) **CONDITIONAL USE REVIEW PROCESS.** A Conditional Use Permit is required for all Telecommunications Facilities. The Community Development Department shall review all Telecommunications Facility Applications and forward the applications to the Planning Commission. The Planning Commission shall review an application pursuant to Section 15-1-10 herein.

(1) **NOTICING.** Noticing of all applications shall comply with Section 15-1.10(c) which requires a published notice of not less than fourteen (14) days prior to the hearing and courtesy mailed notice to Owners of Property within 300 feet of the proposed Telecommunications Facility. If there are no occupied properties within 300 feet, notice shall be given to the closest, registered Home Owners Association.

(2) **CONSENT AGENDA REVIEW.** Applications meeting the

Telecommunications Facilities that provide Telecommunications within and near the City;

(d) If applicable, how the Applicant's plans specifically relate to, and are coordinated with, the needs of all other Telecommunications providers within and near the City.

(5) A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed Telecommunications Facility and indicating its view from at least five (5) locations around and within one mile of the proposed Telecommunications Facility will be most visible.

(D) **COMPLIANCE WITH OTHER LAWS.** Telecommunications Facilities shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations available. Evidence of substantial compliance must be submitted prior to the issuance of a Building Permit for a Telecommunications Facility.

(E) **NOT ESSENTIAL SERVICES.** Telecommunications Facilities shall be regulated and permitted pursuant to this and other applicable sections of the Park City Land Management Code, General Plan and Sensitive Lands Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

(F) **CONDITIONAL USE REVIEW PROCESS.** A Conditional Use Permit is required for all Telecommunications Facilities. The Community Development Department shall review all Telecommunications Facility Applications and forward the applications to the Planning Commission. The Planning Commission shall review an application pursuant to Section 15-1-10 herein.

(1) **NOTICING.** Noticing of all applications shall comply with Section 15-1.10(c) which requires a published notice of not less than fourteen (14) days prior to the hearing and courtesy mailed notice to Owners of Property within 300 feet of the proposed Telecommunications Facility. If there are no occupied properties within 300 feet, notice shall be given to the closest, registered Home Owners Association.

(2) **CONSENT AGENDA REVIEW.** Applications meeting the

Consent Agenda Review criteria will be placed on the Planning Commission's agenda and will not require a public hearing. Applications placed as a consent agenda item may be removed by the Planning Commission from the consent agenda and set as a public hearing on the same date or a later meeting of the Planning Commission at the Applicant's discretion.

(3) **PUBLIC HEARING.** Applications requiring a public hearing shall be placed on the Planning Commission's regular agenda for review.

(G) **SITE REQUIREMENTS.**

(1) **SETBACKS.** The placement of Telecommunications Facilities on a Lot shall comply with the Setbacks of the underlying zone as stated herein. Telecommunications Facilities shall comply with the Setbacks for main Structures and shall not be determined accessory Structures.

(2) **HEIGHT.** The Telecommunications Facilities shall comply with the base height requirement, as stated in Title 15 of the Land Management Code, for the

zone in which it is placed. The height shall be measured from the Grade or roof beneath to the top of the Antenna or mounting hardware, whichever is higher. The following exemptions shall apply:

(a) **Roof Mounted Antenna,** placed on a flat roof, may extend up to ten feet (10') above the existing Structure, provided that the Antenna Setback from the edge of the roof is a minimum distance equal to or greater than the height of the Antenna.

(b) **Roof Mounted Antenna,** placed on a pitched roof, may extend a maximum of five feet (5') above the existing Structure.

(3) **Use of Property.** The Telecommunications Facility shall be an ancillary use on the Lot on which it is placed. The Lot shall contain a separate principal use.

(4) **DESIGN.**

(a) **Equipment Shelters** located outside of an existing Building shall require a public hearing in front of the

Planning Commission for compliance with the Architectural Design Guidelines if applicable, and Park City Design Guidelines.

(b) Antenna and associated equipment shall incorporate materials and colors present in the context of the surrounding Area. Stealth Telecommunications Facilities shall be designed in a manner to blend with the existing and natural environment.

(c) Panel Antennas shall be no more than five square feet (5 sq. ft.) in Area per face.

(d) Freestanding Antennas and Wall Mounted Antennas shall be mounted a maximum of twelve inches (12") from the wall or pole.

(H) **SITE DISTURBANCE**. Any application, temporary or permanent, which requires the removal of Significant Vegetation or proposes any new, or improvements to driveways or roads a length greater than twenty feet (20') and/or a width greater than ten feet (10') wide,

shall require a public hearing before the Planning Commission. As used herein, "Significant Vegetation" includes trees six inch (6") in diameter or greater measured four feet six inches (4'6") above the ground, groves of small trees or clumps of oak and maple covering an Area of twenty square feet (20 sq. ft.) or more measured at the drip line. Plans must show all such trees within twenty feet (20') of a proposed Telecommunications Facility. The Community Development Department shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in Chapter 9.

(I) **ZONING RESTRICTIONS**.

Unless otherwise required within this Section, applications for Antennas shall be permitted and reviewed as follows:

(1) **FREESTANDING ANTENNA**.

(a) **Prohibited**. Any Antenna located on Historic Structures and all Freestanding Antenna located within the HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, RM, and COS zones. Freestanding Antenna on new Structures within the ROS zone are also prohibited.

(b) **Consent Agenda Review.** Freestanding Antenna located in RDM, GC, and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** Freestanding Antenna located in HRC, HCB, RD, and RC zones. Any Freestanding Antenna located on existing poles in the ROS zone.

(2) **ROOF MOUNTED ANTENNA.**

(a) **Prohibited.** Any Roof Mounted Antenna located on a Historic or underground Structure or within the COS zone.

(b) **Consent Agenda Review.** Roof Mounted Antenna within the RDM, RC, GC, and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** Roof Mounted Antenna located in HRL,

HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, and RM zones.

(3) **WALL MOUNTED ANTENNA.**

(a) **Prohibited.** Any Wall Mounted Antenna located on a Historic or underground Structure or within the COS zone.

(b) **Consent Agenda Review.** Wall Mounted Antennas located within the RD, RDM, RC, GC, and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** All Wall Mounted Antennas located in HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, and RM zones.

(4) **Enclosed Antenna.**

(a) **Prohibited.** Any Enclosed Antenna located within a Historic Structure or within the COS zone.

(b) **Consent Agenda Review.** Enclosed Antennas located within the HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, RDM, RM, RC, GC, and LI may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** The location of Enclosed Antenna which require an increase in height or exterior wall modification to the existing Structure.

(J) **TECHNICAL NECESSITY EXCEPTION.** If the application does not meet the criteria as stated in Section F, G, H and I, the Applicant may apply to the Board of Adjustment for a Technical Necessity Exception. The Board of Adjustment shall review the application as a Variance pursuant to Chapter 5 and shall require the Applicant to provide any additional technical information in order to approve the variance including the following:

- (1) A written explanation describing the surrounding topography, Structures, vegetation and other factors which make the proposed Telecommunications Facility technically necessary for Telecommunications consistent

with the Federal Telecommunications Act of 1996, as amended.

(K) **CO-LOCATION.** To discourage the proliferation Telecommunications Facilities co-location is both permitted and encouraged. Co-location on a Lot may be permitted by the Planning Commission if all Setbacks, design and landscape requirements are met for each Telecommunications Facility. The application shall include any existing or approved, but unbuilt, Telecommunications Facility within the Telecommunications Area that may meet the needs of the Applicant. The supplied documentation shall evaluate the following factors:

- (1) Structural capacity of the Antenna towers;
- (2) Geographic Telecommunications Area requirements;
- (3) Mechanical or electrical incompatibilities;
- (4) Inability or ability to locate equipment on existing Antenna towers; and
- (5) Any restriction or limitation of the Federal Communication

Commission that would preclude the shared use of the Antenna tower.

(L) **SIGNS.** Signs shall only be permitted if they are related to the health and safety of the general public. All proposed signs shall be submitted with the Telecommunications Facility application and subject to review by the Planning Department.

(M) **ABANDONMENT.** The Applicant, or the Applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused Telecommunications Facilities within twelve (12) months of abandonment of use. If such tower is not removed by the Property Owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject Property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

(N) **SUBDIVISION AND CONDOMINIUM COVENANTS.** Many Subdivision and Condominium covenants may address the location of Telecommunications Facilities within Condominium units and the Lots of a Subdivision. The City is not a party to those covenants, and no permit from the City shall effect the enforce ability of such

covenants which might be more restrictive than this ordinance. Applicants for the installation of Telecommunications Facilities are advised to determine what private land use restrictions apply to their Site before applying for the permit from the City. If the proposed installation is within the Common Area of a Condominium or Planned Unit Development, and the application submitted is not in the name of the Home Owner's Association or management committee, the Applicant shall provide a letter from the Home Owner's Association or management committee indicating consent to the location of the Telecommunications Facilities within the Common Area has been granted as a part of the permit application filed with the City.

(O) **TEMPORARY PERMITS.** A temporary permit may be approved for Temporary Antennas only in conjunction with a special event licensed under Title 4, Chapter 8, of the Park City Municipal Code. A Temporary Antenna permit application must be submitted to the Community Development Department. The application will be administratively reviewed by the Community Development Department based on the following criteria:

(1) **TIME.** Permits will be issued only for the duration of a licensed special event plus five (5) calendar days. In no case will a temporary Administrative Permit be issued for a period of greater than thirty (30) days.

(2) **HEIGHT.** The height of the Temporary Antenna may not be greater than five feet (5') more than the zoning height for the specific zone where the Antenna is placed, as stated in the Park City Land Management Code.

(3) **ZONING.** Temporary Antennas are permitted in the following zones: RCO, GC, HCB, HRC, RC, and LI.

(4) **PERMISSION.** Temporary Antenna permit applications shall be accompanied by written permission from the Property Owner.

If the above criteria are met, the Planning Department shall grant a temporary Administrative Permit for the Facility.

(P) **TEMPORARY ANTENNA FOR USE DURING DRIVE TESTS.**

Telecommunications companies wishing to perform drive tests shall submit notice to the Park City Planning Department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period greater than one day. Drive tests shall be limited to testing functions only and shall not be used for Telecommunications services to customers. Drive tests on City Property

also require Planning Department approval and execution of the City's standard drive test agreement.

(Q) **OLYMPIC TELECOMMUNICATIONS FACILITIES.**

The regulations contained in this Subsection shall govern the use, installation, maintenance, and removal of temporary Telecommunications Facilities associated with the 2002 Olympic Winter Games. All applications for temporary Telecommunications Facilities not associated with the 2002 Olympic Winter Games shall be governed by ~~Subsection 8.30(o)~~ Section 15-4-14 (O).

1. **Purpose.** Park City recognizes that due to the influx of organizers, sponsors, competitors, and visitors associated with the 2002 Olympic Winter Games, Telecommunications companies require the use of temporary Telecommunications Facilities to meet increased demand. Park City also recognizes that the demand for increased coverage, as well as necessary set-up and take-down time, far exceeds the permitted time limit for temporary Telecommunications Facilities as described in Subsection 8.30(o). The

purpose of this Subsection is to accommodate the unique increase in demand for Telecommunications associated with the 2002 Winter Olympic Games for a reasonable period of time, and to ensure that such temporary Telecommunications Facilities are compatible with the unique characteristics of each zoning district of Park City. This Subsection further intends to ensure that any adverse impacts on community quality and safety are temporary and mitigated to the greatest extent possible.

2. **Definitions.** As used in this section, the following terms shall be defined as follows:
- a. "Cell on Wheels," or "COW" means a mobile temporary Telecommunications Facility which is located on a trailer.
 - b. "Olympic Telecommunications Facility" means a temporary Telecommunications Facility associated with the 2002

Olympic Winter Games.

3. **Submittal Requirements.** A complete application for an Olympic Telecommunications Facility shall include all requirements as stated within the Olympic Telecommunications Facility Application available in the Community Development Department, as well as the following:
- a. Each applicant shall present documentary evidence regarding the need for additional capacity within the City. This information shall identify the applicant's existing Telecommunications Facilities and coverage areas to demonstrate the need for the proposed Telecommunications Facility within the City; and
 - b. A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed

2. **Definitions.** As used in this section, the following terms shall be defined as follows:

a. "Cell on Wheels," or "COW" means a mobile temporary Telecommunications Facility which is located on a trailer:

b. "Olympic Telecommunications Facility" means a temporary Telecommunications Facility associated with the 2002 Olympic Winter Games:

3. **Submittal Requirements.** A complete application for an Olympic Telecommunications Facility shall include all requirements as stated within the Olympic Telecommunications Facility Application available in the Community Development Department, as well as the following:

a. Each applicant shall present documentary evidence regarding the need for additional capacity within the City. This information shall

identify the applicant's existing Telecommunications Facilities and coverage areas to demonstrate the need for the proposed Telecommunications Facility within the City; and

b. A visual impact study, graphically simulating through models, computer-enhanced graphics or similar techniques, the appearance of any proposed Telecommunications Facility and indicating its view from at least five locations around and within one mile of the proposed Telecommunications Facility where it will be most visible:

4. **Administrative Review.** All applications for Olympic Telecommunications Facilities shall be administratively reviewed and either approved or denied by Community Development Department Staff, pursuant to the criteria provided below. At the applicant's option, any application that is denied for



noncompliance with the administrative review criteria may be reviewed by the Planning Commission pursuant to the Land Management Code, Subsections 8.30(a-n).

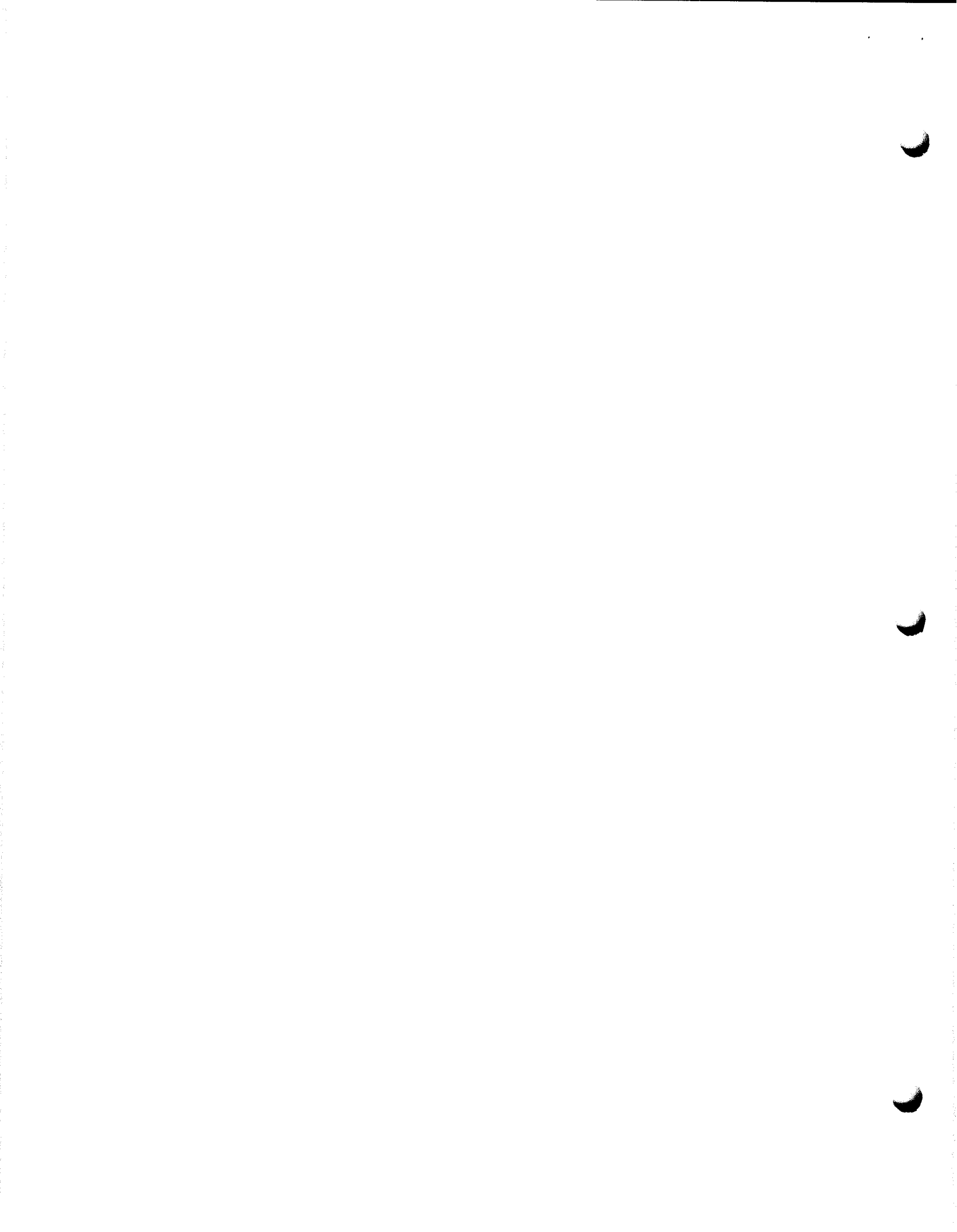
- a. ~~Noticing.~~ Notice of applications will be sent to all property owners within three-hundred (300) feet of the proposed Olympic Telecommunications Facility once Staff's preliminary determination of compliance has been reached, establishing a ten (10) calendar day period in which Staff's decision can be appealed to the Planning Commission.

- 5. **Administrative Review Criteria.** The intent of these criteria is to locate Olympic Telecommunications Facilities where they are least visible from public streets, public areas, and designated view corridors, and to the greatest extent

possible, provide screening from adjacent property owners. The Community Development Department shall not issue an administrative Conditional Use Permit for an Olympic Telecommunications Facility unless it finds that the application complies with all of the following criteria:

- a. ~~Rights of Way.~~ No Olympic Telecommunications Facility shall be located wholly or in part within any right of way, either public or private. No Olympic Telecommunications Facility shall be located in a manner that impedes vehicular, pedestrian, or other traffic in any way.

- b. ~~Setbacks.~~ Olympic Telecommunications Facilities shall comply with the setbacks of the underlying zone as stated in the Land Management Code. Olympic Telecommunications



Facilities shall comply with the setbacks for main structures and shall not be determined accessory structures.

c. ~~Height.~~ Olympic Telecommunications Facilities shall comply with the base height requirements, as stated in Title 15 of the Land Management Code, for the zone in which it is placed. The height shall be measured from the grade or roof beneath to the top of the Antenna or mounting hardware, whichever is higher. The following exemptions shall apply:

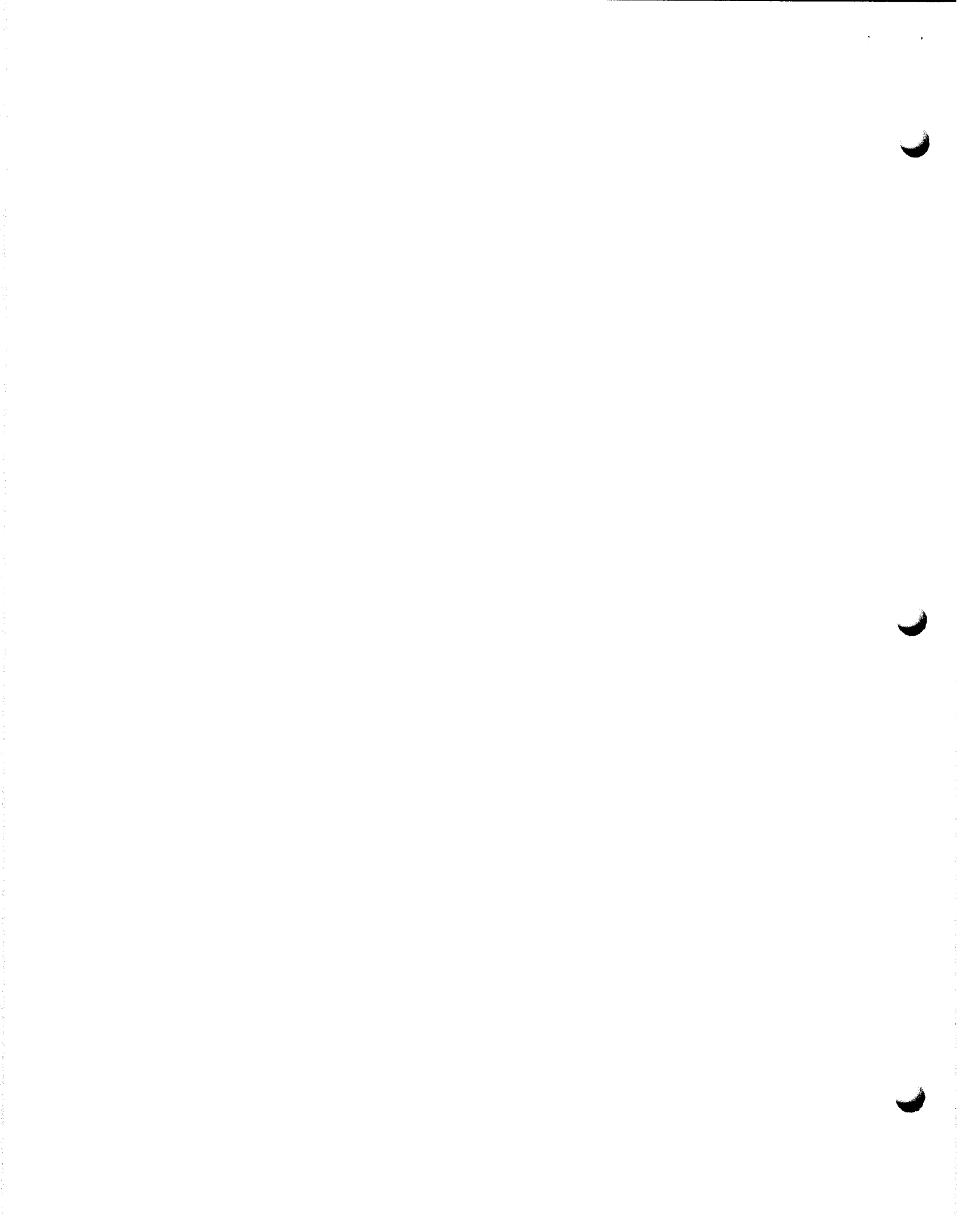
i. ~~Antenna,~~ placed on a flat roof, may extend up to ten (10) feet above the existing structure; provided that the Antenna setback from the edge of

the roof is a minimum distance equal to or greater than the height of the Antenna:

ii. ~~Roof Mounted Antenna,~~ placed on a pitched roof, may extend up to five (5) feet above the existing structure:

iii. ~~Freestanding Antenna~~ may exceed the base height of the zone by up to 30% when a majority of the facility and support structure is not visible from the right-of-ways due to either existing vegetation or the location of the surrounding structures.

d. ~~Design.~~



i. Mechanical Equipment located outside of an existing building shall be secure and screened to prevent tampering. In cases where the Mechanical Equipment is visible from a right-of-way or is adjacent to a pedestrian walkway, the equipment must be screened by a wood fence, or other appropriate material.

ii. Antenna and associated equipment placed on existing structures shall incorporate materials and colors present in the context of the

surrounding area.

e. Site Circulation. The location of the Olympic Telecommunications Facility shall not impede traffic and/or pedestrian circulation of the site. The location of the Olympic Telecommunications Facility shall not cause the removal of any existing parking spaces, nor compromise parking, trash containers, deliveries or emergency access to adjacent structures or uses.

f. Site Disturbance. The Olympic Telecommunications Facility shall leave no temporary and/or lasting impacts on access to the site nor on the site where the facility was located, such as removal or disturbance of significant vegetation. As used herein, "Significant



Vegetation²² means trees six inches (6") in diameter or greater measured four feet six inches (4'6") above the ground; groves of small trees or clumps of oak and maple covering an area of twenty (20) square feet or more measured at the drip line. Plans must show all trees within twenty feet (20') of a proposed Olympic Telecommunications Facility or within twenty (20) feet of any proposed access route thereto.

The Community Development Department will require, as a condition of approval, the mitigation of any site disturbance occurring during installation of the facility. This condition will need to be met prior to the site becoming operational.

Upon removal of the Olympic Telecommunications Facility, the applicant shall reasonably return the site to its natural and/or original condition on the date of infrastructure permit approval. The Community Development Department may require, as a condition to the approval, that the applicant adopt and comply with a re-vegetation plan for the site specifying vegetation type, size, location and grass seed mixture. The re-vegetation plan for the site shall be approved by Community Development Department Staff.

g. Zoning Restrictions.

- i. Olympic Telecommunications Facilities in the HRC; HCB, HRL, HR-1, HR-2, HRM, E-40; E, SF, R-1, RM, ROS;



FPZ, and POS zones are required to be reviewed pursuant to Section 8.30(f) of the Land Management Code. Olympic Telecommunications Facility are additionally to be reviewed pursuant to Subsections 8.30(a-n) of the Land Management Code.

ii. Olympic Telecommunications Facilities are permitted to be reviewed pursuant to Subsection 8.30(q) within the RDM, GC, LI, RCO, RD and RC zones.

h. Signs. No signs may be attached to or associated with any Olympic Telecommunications Facility except those relating to the health and safety of the general public.

i. Noise. The Olympic Telecommunications Facility must comply with any noise regulations applicable to the zone in which the facility is located.

6. Exemptions. Those Olympic Telecommunications Facilities located within the Olympic Sports Venues or Use Areas, which are reviewed and approved by the City as part of a an approved Master Festival License and/or City Services Agreement, are exempt.

7. Permits. Approved Olympic Telecommunications Facilities will receive three permits from the Community Development Department

a. Conditional Use Permit.



- b. ~~Infrastructure Permit.~~
The infrastructure plan for the site shall be reviewed and approved or denied through an Engineering Department Permit prior to installation. Infrastructure permits shall specify a date not earlier than April 15, 2001, upon which the applicant may begin infrastructure construction. This permit shall be separate and distinct from the Building Permit for the installation of the Antenna, Equipment Shelter, and any other non-infrastructure related components of the Olympic Telecommunications Facility
- c. ~~Antenna Installation Permit.~~ No Antenna, Equipment Shelter, or any other non-infrastructure related components of the Olympic Telecommunications Facility shall be installed without first

receiving approval of a Building Permit. Antenna Installation permits shall specify an installation date not earlier than October 1, 2001.

- 8. ~~Olympic Telecommunications Facility Removal.~~ All conditional use permits for Olympic Telecommunications Facilities shall specify a date upon which the applicant must complete removal of the Olympic Telecommunications Facility, including infrastructure. The Community Development Department shall determine the removal date taking into consideration the location of the site and any possible environmental factors effecting the removal process. Removal of the Olympic Telecommunications Facility shall include reasonably returning the site to its natural and/or original condition at the date of infrastructure permit approval. The applicant shall be solely responsible for the removal of Olympic Telecommunications Facility



~~by the date specified in the Conditional Use Permit. If such facility is not removed and/or the site is not returned to its natural condition pursuant to the re-vegetation plan by the applicant, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the facility, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.~~

Amended by Ordinance No. 99-51; 00-37; 01-03.

15-4 -2915. 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, ~~certain~~ 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 Chapter

15-1-10 (E). Approved outdoor displays of works of art may be exempt from Chapter 12-9-1(r) of the Park City Municipal Code provided such displays meet the following criteria:

(A) The location and work of art must be ~~approved~~ 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 ~~and approved~~ by the Historic District Commission.

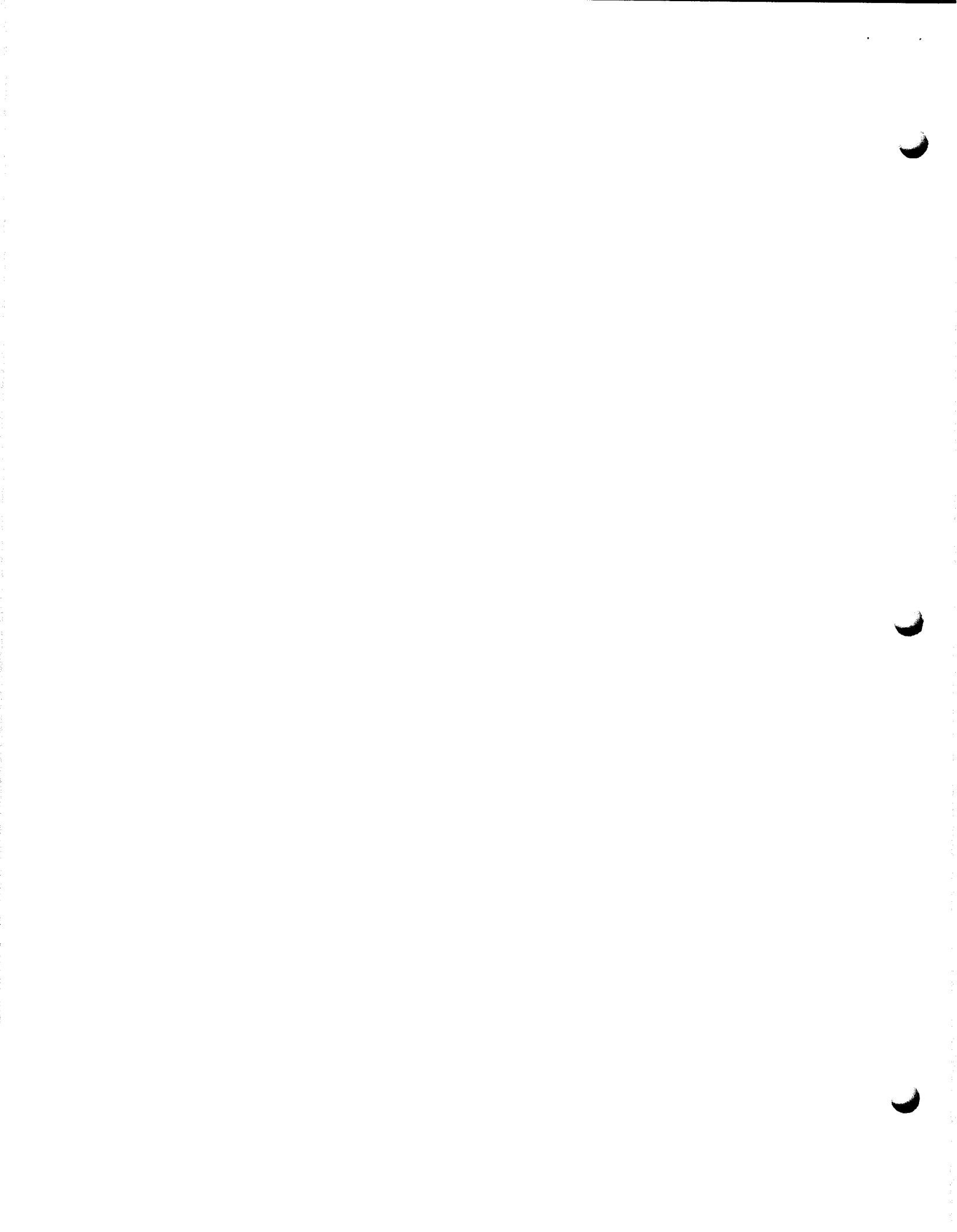
(B) The display must be of a permanent nature and able to withstand the elements if located outside.

(C) The City ~~shall~~ 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.



(C) The City shall accept 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 9.

**15-4-16. TEMPORARY
STRUCTURES, TENTS, AND
VENDORS.**

Prior to the issuance of a permit for any Temporary Structure, Tent, or Vendor the following requirements shall be met:

(A) APPLICATION. An application must be submitted to the Community Development Department including the following information:

- (1) General Description - Overview of proposed activity. Include hours of operation, anticipated attendance, use of speakers, any beer or liquor license, any sign or lighting plan, and any other applicable information.
- (2) Site plan - To scale indicating in detail how the proposal will comply with the UBC - should indicate the location of the tent on the property and distances from property lines and other structures. A separate plan for the interior of any tent is required. This plan will indicate any chairs, tables, exits, sanitation, heating, food service/handling etc. A snow removal plan will be included.
- (3) Structural Information/Calculations For all temporary structures greater than 200 square feet in Floor Area, structural calculations, wind load information, fire



rating, etc. must be submitted.

- (4) All applicable fees.

B. REVIEW CRITERIA- PUBLIC PROPERTY (OWNED BY THE CITY)

- (1) Lease Agreement with Park City Required.
- (2) The use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on Mass Gathering.
- (3) The use must meet all applicable Uniform Building Code (UBC) requirements.
- (4) The applicant shall adhere to all applicable City and State licensing ordinances.

C. REVIEW CRITERIA-PRIVATE PROPERTY:

- (1) The proposed use must be on private property. The applicant shall provide written notice of the property owner's permission.
- (2) The proposed use should not diminish existing parking. Any net loss of parking shall be mitigated in the applicant's plan.
- (3) The proposed use shall not impede pedestrian circulation, emergency

access, or any other public safety measure.

- (4) The use shall not violate the City Noise Ordinance.
- (5) The use and all signing shall comply with the Municipal Sign and Lighting Codes.
- (6) The use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on Mass Gathering.
- (7) The use shall not violate the Uniform Building Code (UBC).
- (8) The applicant shall adhere to all applicable City and State licensing ordinances.

15-4 -2617. SETBACK REQUIREMENTS FOR UNUSUAL LOT CONFIGURATIONS.

All Lots shall have a front, two sides and a rear Setback with the following exceptions and clarifications. See illustration at end of section.

- (A) Development on Corner Lots shall have two (2) front Setbacks. The Rear Yard will be the side of the Property opposite the driveway Access from the Street. If it is not clear which boundary should border the Rear Yard, the Owner or Developer may specify which is the Rear Yard.

(B) Lots with more than four (4) sides shall have a Side Yard on either side of the Front Yard. The third Side Yard and Rear Yard may be specified by the Developer or Owner.

(C) Lots with three (3) sides will have a front Setback, side Setback and rear Setback. In those cases where one side is clearly opposite the front, the rear Setback must be opposite the ~~driveway~~ front Setback. If it is not clear where side and rear Setbacks should be, the Developer or Owner may choose which is side and which is rear.

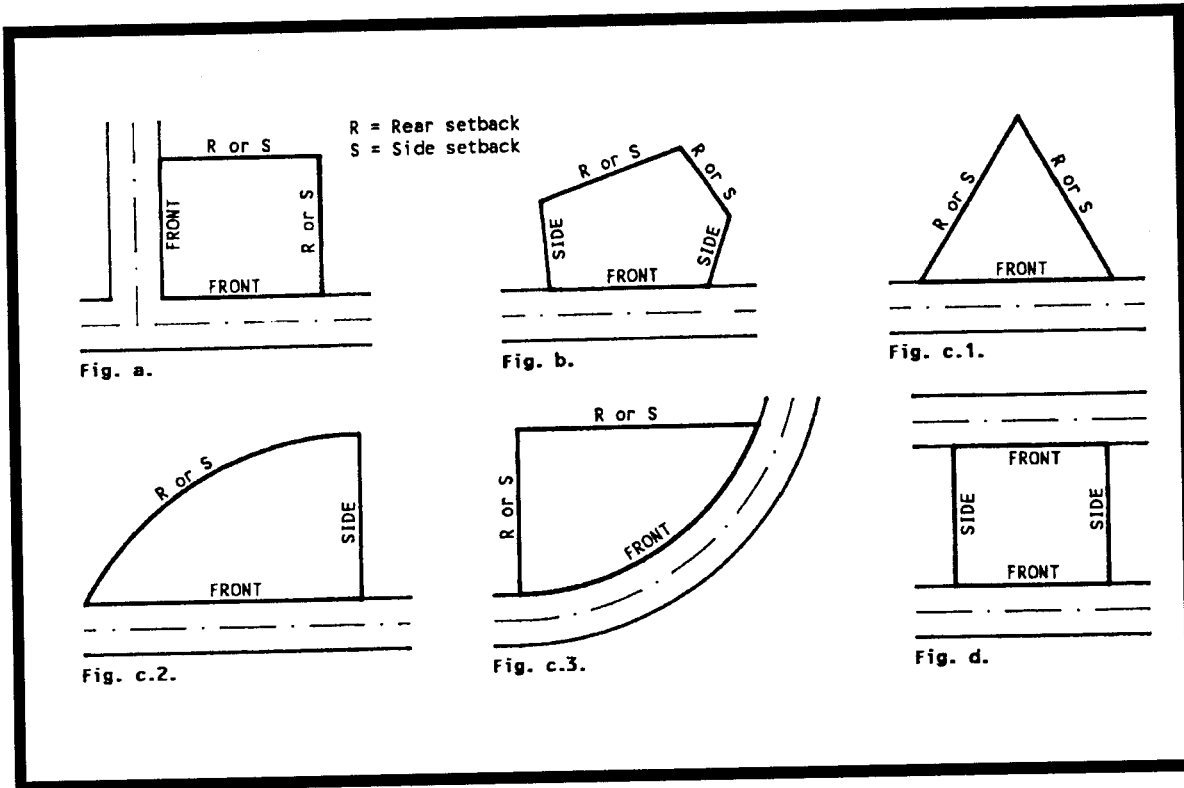
(D) On those Lots which border a Street on both the back and front, both sides must have a front Setback.

(E) Any Lots which are not specified in this section shall have Setbacks determined by the Community Development Department.

~~15-4-27. SENSITIVE LANDS REVIEW.~~

This language is now in the zoning sections under Sensitive Lands Review.

~~Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.~~



**15-4-28. — CRITERIA FOR
 CONDITIONAL USE REVIEW OF
 OUTDOOR SPEAKERS IN
 CONJUNCTION WITH OUTDOOR
 DINING:**

This language has been added to the zoning districts.

(A) — **CONDITIONAL USE REQUIRED.** The Planning Commission will consider, as a conditional use, the placement of outdoor speaker systems in conjunction with approved outdoor dining. In reviewing whether a conditional use should be granted, the Planning Commission shall consider adjacent land

uses. If outdoor music cannot be mitigated so as not to adversely impact adjacent uses, the request for a conditional use will be denied by the Planning Commission.

(B) — **CRITERIA.** The Planning Commission shall attach criteria and conditions appropriate to reduce any potential impact of outdoor speaker systems on adjacent properties. At a minimum, the following criteria shall be applied to all requests for the use of outdoor speakers:

~~(1) Music shall have hours limited to between 11:00 A.M. and 10:00 P.M.~~

~~(2) Sound levels of the music shall be kept at a volume so as not to be disruptive to adjacent Property and shall not be audible beyond the boundaries of the outdoor dining Area.~~

~~(3) Speakers shall be placed at table level or below and shall not be directed Off-Site.~~

~~(C) **REVIEW FOR COMPLIANCE.** All conditional use approvals for outdoor speaker systems shall be reviewed by the Community Development Staff for compliance with the conditions of approval after one (1) year. If the staff finds that conditions have been violated at any time before or after the one year review, the conditional use approval for outdoor speakers may be terminated.~~

15-4 -2018. SPECIAL REVIEW PROCESS FOR PASSENGER TRAMWAYS AND SKI BASE FACILITIES IN HR-1, HRL, HRC, AND HCB ZONES.

(A) **CONDITIONAL USE.** The location and use of a Passenger Tramway, including a ski tow or ski lift, is a Conditional Use . The location of base and

terminal facilities for the Passenger Tramway shall be is a Conditional Use in all zones where the use may be considered, the HRC and HCB zone. See land use table for Passenger Tramways in other zones.

(B) **CONDITIONAL USE REVIEW.** Conditional use permits under this section shall be issued only after public hearing before the Planning Commission, and upon the Planning Commission finding that all the following conditions can be met:

(1) **OWNERSHIP OF LIFTWAY.** The Applicant owns or controls the Liftway necessary to construct and operate the Passenger Tramway. For the purpose of this section, ownership or control is established if the Applicant can demonstrate that he has title to the Property being crossed by the Liftway, or an easement over that Property, or options to acquire the Property or an easement or a leasehold interest in the Property, or an option to acquire a leasehold, of at least fifteen (15) years duration. Ownership or control of portions of the Liftway which cross over Public Streets may be demonstrated by a written permit or license to cross the Street, signed by the governmental entity which has jurisdiction over the Street crossed. Any combination of ownership and leasehold interests that gives the Applicant possession and control over the entire course of

the Liftway, and over the land necessary for base and terminal facilities shall be sufficient to give the Applicant standing to apply for the Conditional Use.

(2) **WIDTH.** The Liftway shall extend a distance of at least ten feet (10') outward from the vertical plane established by the outermost surface of the Passenger Tramway, which generally is the outside edge of the chair or passenger compartment, on each side of the tramway's course excluding base and terminal Structures. Width is computed in this manner, rather than measuring from the center line of the Passenger Tramway or the cable in order to provide a minimum clearance of ten feet on each side of the Liftway regardless of the configuration of the passenger-carrying elements.

(3) **BASE OR TERMINAL FACILITIES.** The Passenger Tramway must be constructed without the installation of base or terminal facilities within the HR-1 or HRL Zones. Mid-loading and unloading points are allowed in the HR-1 and HRL Zones.

(4) **CROSSING OF PUBLIC ROADS.** The Applicant must show that all components of the Passenger Tramway and any components of the Liftway, such as safety netting

provide a minimum clearance of eighteen feet (18') over major roads and fourteen feet (14') over residential Streets. In addition, the Applicant must show compliance or the ability to comply with any safety or height restrictions which might be imposed by any governmental agency having jurisdiction over public roads crossed by the Liftway.

(5) **UTILITY CLEARANCE.** The Applicant must show all portions of the Passenger Tramway including any associated safety netting constructed with it provides a minimum clearance of ten feet (10') over any wires or utility lines which it crosses, and that the Applicant has complied with or has the ability to comply with safety restrictions or regulations imposed by utilities having possession or control over wires that tramway crosses over.

(6) **PARKING AND TRAFFIC PLANS.** The Applicant must present a parking, traffic, and transportation plan pertaining to the Passenger Tramway for the review and approval by of the Planning Commission. The plan must address at least the following considerations: auto, bus, and pedestrian traffic which could be generated by the Passenger Tramway, the impacts of this traffic

on the adjoining landowners and the neighborhood in general, parking demand created by the Passenger Tramway and how that parking would be provided. The traffic and parking plan may be included in the neighborhood Impact Analysis.

The parking requirements and impacts of a Passenger Tramway will vary within the zones depending upon the location and the ability of the Applicant to make use of existing public and private parking facilities; therefore, no specific requirement has been set. The Applicant is expected to show workable means of dealing with the traffic generated by the Passenger Tramway construction and operation, including such regulations as resident parking permits, Off-Site traffic controls and facilities, or similar means for controlling traffic and minimizing Off-Site impacts on adjoining properties .

(7) LIFTWAY SETBACK.
The minimum Setback between the Liftway and any existing dwelling shall be eight feet (8'), in addition to the width of the Liftway itself. This Setback may be waived with the written consent of the Owner of the affected dwelling, which consent shall be in a form suitable for recording with the County Recorder.

(8) STATE REGULATION.
Any Passenger Tramway constructed under a Conditional Use Permit is subject to safety regulation by the Passenger Tramway Safety Committee of the State Department of Transportation. The Applicant is expected to involve the State in the planning process to the extent necessary to inform the Commission of state requirements in order to avoid the imposition of inconsistent requirements by the State and the Planning Commission.

(9) PUBLIC PURPOSE SERVED. The Planning Commission must find that the construction and operation of the tramway serves the overall community interest by accomplishing or furthering community goals such as reducing traffic congestion and volume between the downtown Area and the base facilities of the ski resorts, encouraging pedestrian traffic in the downtown neighborhood redevelopment Area, stabilizing the economic base of the Historic District, and mitigating the demand for parking in the Historic District and that adequate controls on noise, mechanical equipment, smoking and safety aspects of the tramway have been provided to mitigate the effects of the Passenger Tramway on adjoining properties.

(C) **STATUS OF LAND WITHIN LIFTWAY.** Owners of Lots or other land which is burdened by the easement for the Liftway are entitled to count the land within the Liftway for calculation of open space for improvement of that Property. Normal Setback and Side Yard requirements apply from the Lot line or Property boundary.

(D) **STRUCTURES WITHIN LIFTWAY.** Structures may be constructed within the Liftway, subject to the terms of the easement agreement between the Lot Owner and the Owner of the Liftway. The Owner of a Lot or other Property which is subject to the Liftway easement may build within the confines of the easement, provided however that all construction within the easement is a Conditional Use which requires review by the City, and approval will not be granted for construction which is inconsistent with the terms of the easement agreement.

(E) **PRESERVATION OF HISTORIC STRUCTURES.** It is the policy of the City to protect and preserve Historic Structures within the City. ~~whenever it is economically reasonable to do so.~~ The Applicant for ~~proponent of the~~ Passenger Tramway must provide a study which catalogues any Structures within the Liftway easement and identifies their Historic value, and indicates whether the Structure will be removed to accommodate the tram. The Applicant ~~proponent~~ must also show what alternatives have been considered for the protection and

preservation of those Structures, such as making improvements of structural or fire safety systems or relocation of the Structures.

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments in Park City. The Master Planned Development provisions set forth Use, Density, height, design theme and general Site planning criteria for larger projects. The goal of this section is to result in projects which:

- (A) compliment the natural features of the Site;
- (B) ensure neighborhood Compatibility;
- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site; and

(G) efficiently and cost effectively extend and provide infrastructure.

15-6 -2. APPLICABILITY.

The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL) and Historic Commercial Business (HCB), Historic Residential - Medium Density (HRM) and Historic Recreation Commercial (HRC) for the following:

- (A) Any residential project larger than ten (10) Lots or units.
- (B) All Hotel and lodging project with more than fifteen (15) five (5) Unit Equivalents.
- (C) All new commercial or industrial projects greater than 10,000 square feet Gross Floor Area.

MPDs are not allowed in Historic Zones, with the exception of HR-1 zoned Parcels that are not part of the original Park City Survey, which may be considered for affordable housing MPDs consistent with Section 15-6-7.

15-6 -3. USES.

A Master Planned Development can only contain Uses which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When properties are in more than one Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1. Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-15.

15-6 -4. PROCESS.

(A) **PRE-APPLICATION CONFERENCE**. A pre-Application conference shall be held with the Community Development Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Community Development Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE**. In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with Sections 15-1-12 and 15-1-19, Notice Matrix, of this Code.

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparing an Application for an MPD.

The Planning Commission shall review the preliminary information for compliance with the General Plan and will make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified application or the General Plan would have to be modified prior to formal acceptance and processing of the Application.

For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Commission may waive the requirement for a pre-Application meeting, but the Commission shall make a finding at the time of approval that the project is consistent with the Large Scale MPD.

(C) **APPLICATION.** The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a complete Application.

(D) **PLANNING COMMISSION REVIEW.** The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING.** In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the

Planning Commission. The Public Hearing will be noticed in accordance with Sections 15-1-12 and 15-1-19, Notice Matrix, of this Code. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION ACTION.** The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6.

Any appeal of a Planning Commission action will be heard by the City Council in accordance with Section 15-1-17.

(G) **DEVELOPMENT AGREEMENT.** Once the Planning Commission has approved Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;

- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans which are a part of the Planning Commission approval;
- (5) A description of all Developer exactions or agreed upon public dedications;
- (6) The Developer's agreement to pay all specified impact fees; and
- (7) The form of ownership anticipated for the project and a specific project phasing plan.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be recorded within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) **LENGTH OF APPROVAL.** Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences,

the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

(I) **MPD MODIFICATIONS.** Changes in a Master Planned Development which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B).

(J) **SITE SPECIFIC APPROVALS.** Any portion of an approved Master Planned Development will be processed as a Conditional Use. At this time, the Planning Commission will review specific plans including architecture and landscaping. The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting will be required at which time the Planning Commission will review the Application for compliance with the Large Scale MPD approval.

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum

requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1. Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8.

(1) **EXCEPTIONS.** The Community Development Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

(a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a

finding by the Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

(b) Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/Affordable Housing consistent with the City's adopted employee/Affordable Housing guidelines and requirements; or

(c) Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

(B) **SETBACKS.** The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation.

Setbacks within the project may be varied from those otherwise required in the zone,

but must meet minimum Uniform Building Code requirements.

(C) **OPEN SPACE.**

(1) **MINIMUM REQUIRED.**

All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in Section 15-15 with the exception of the General Commercial (GC) District wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%). For applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan Sections or more specific area plans. Such project enhancements may include, but are not limited to, affordable housing, greater landscaping buffers along public ways and pedestrian Areas, increased landscape material sizes, transit improvement, pedestrian plazas, pedestrian way/trail linkages, and public art.

(2) **TYPE OF OPEN SPACE.**

The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the

guidance given in the Park City General Plan.

(D) **OFF-STREET PARKING.** The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

(1) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.

(2) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.

(3) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

(4) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is guaranteed by Use covenant and deed restriction.

(5) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

- (6) Provisions for overflow parking during peak periods.

The Community Development Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

(E) **BUILDING HEIGHT.** The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. The Applicant will be required to request a Site specific determination and bears the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

- (1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation;
- (2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss

of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;

- (3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed; and

- (4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable.

If and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(F) **SITE PLANNING.** An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

(G) **LANDSCAPE AND STREET SCAPE**. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought

tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) may be irrigated. Landscape and Street scape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 9.

(H) **SENSITIVE LANDS COMPLIANCE.** All MPDs containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conforms to the Sensitive Lands Provisions, subject to the applicability as defined in Section 15-15 of this Code.

(I) **EMPLOYEE/AFFORDABLE HOUSING.** MPDs shall submit a housing mitigation plan which must include employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

(J) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

15- 6- 6. REQUIRED FINDINGS/CONCLUSIONS OF LAW.

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

(A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;

(B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code;

(C) The MPD, as conditioned, is consistent with the Park City General Plan;

(D) The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission;

(E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;

(F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

(G) The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility;

(H) The MPD provides amenities to the community so that there is no net loss of community amenities;

(I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

(J) The MPD, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project

has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this Code.

15-6-7. MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT.

(A) **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing dwelling units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing.

Master Planned Developments which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

(B) **RENTAL OR SALES PROGRAM.** If a Developer seeks to exercise the increased Density allowance incentive by providing an Affordable Housing project, the Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted affordable housing resolution in effect at the time of Application.

(C) **MIXED RENTAL AND OWNER/OCCUPANT PROJECTS.** When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing of the Development shall be specifically approved by the reviewing agency and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.

(D) **MPD REQUIREMENTS.** All of the MPD requirements and finding of this section shall apply to Affordable Housing projects, except for those listed below.

(E) **DENSITY BONUS.** The reviewing agency may increase the allowable Density up to twenty (20) dwelling units per acre. The Unit Equivalent formula will be applied, provided that Hotel Rooms, Hotel Suites, Lockout, and other arrangements for transient lodging purposes are not permissible in taking advantage of the moderate income Density bonus.

(F) **PARKING.** Off-Street parking will be required at a rate of one (1) space per Bedroom.

(G) **OPEN SPACE**. A minimum of fifty percent (50%) of the Parcel shall be retained or developed as open space. A reduction in the percentage of open space, to not less than forty percent (40%), may be granted upon a finding by the Planning Commission that additional on or Off-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant landscaping, or other amenities will be provided above any that are required. Open space may be utilized for project amenities, such as tennis courts, swimming pools, recreational Buildings, pathways, plazas, etc. Open space may not be utilized for Streets, roads, or Parking Areas.

(H) **RENTAL RESTRICTIONS**. The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority in the adopted affordable housing resolution in effect at the time of Application.

15-6-8. UNIT EQUIVALENTS.

Density of Development is a factor of both the Use and the size of the Structures built within a project. In order to allow for, and encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. In general, one (1) Unit Equivalent equates to 2000 square feet of residential floor Area and 1000 square feet of commercial floor Area. For purposes of

calculating residential Unit Equivalents, the following table shall apply:

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15-6-12

Configuration	Unit Equivalent Value
Hotel Room or Studio Apartment not exceeding 600 square feet.	.25
Hotel Room or Suite, studio or One Bedroom Apartment or Condominium not exceeding 750 square feet	.33
Condominium, Apartment or Hotel Suite not exceeding 1,000 square feet	.50
Condominium, Apartment or Hotel Suite not exceeding 1,500 square feet	.75
Condominium or Apartment not exceeding 2000 square feet	1.00
Condominium or Apartment not exceeding 2500 square feet	1.25
Condominium or Apartment not exceeding 3000 square feet	1.50
Condominium or Apartment not exceeding 3500 square feet	1.75
Condominium or Apartment in excess of 3500 square feet	2.00
Single Family Residence	1.00

(A) **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE.** Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways will not be included. Outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, etc. do not require the Use of Unit Equivalents.

(B) **LOCKOUTS.** For purposes of calculating Unit Equivalents, Lockouts shall be included in the overall square footage of a unit.

(C) **SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS.** Within a Hotel or Nightly Rental Condominium project, up to five percent (5%) of the total floor Area may be dedicated to support Commercial Uses, see definition of Support Commercial Use, without the Use of a Unit

Equivalent for commercial space. Any support Commercial Uses in excess of five percent (5%) of the total Gross Floor Area will be required to use commercial Unit Equivalents, if approved as a part of the MPD. If no commercial allocation has been granted for an MPD, no more than five percent (5%) of the floor Area can be support Commercial Uses, and no other Commercial Uses will be allowed.

(D) **MEETING SPACE.** Within a Hotel or Condominium project, up to five percent (5%) of the total floor Area may be dedicated for meeting room space without the Use of Unit Equivalents. Meeting space in excess of five percent (5%) of the total floor Area will be counted as commercial Unit Equivalents. Any square footage which is not used in the five percent (5%) support commercial allocation can be used as meeting space. Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) allocation for support commercial shall be counted as commercial Unit Equivalents. Accessory meeting Uses, such as back of house, administrative Uses, and banquet offices, are Uses normally associated and necessary to serve meeting and banquet space. These accessory meeting Uses do not require the use of Unit Equivalents.

(E) **COMMERCIAL UNIT EQUIVALENTS.** Commercial spaces, approved as a part of a Master Planned Development, shall be calculated on the basis of one (1) Unit Equivalent per 1000 square feet of Gross Floor Area, exclusive of common corridors, for each part of a 1,000 square foot interval. For example: 2,460

square feet of commercial Area shall count as 2.46 Unit Equivalents.

(F) **RESIDENTIAL ACCESSORY USES.** Residential Accessory Uses include those facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project which are common to the residential project and are not inside the individual unit. Residential Accessory Uses do not require the use of Unit Equivalents and include such Uses as:

- Ski lockers
- Lobbies
- Registration
- Concierge
- Bell stand/luggage storage
- Maintenance Areas
- Mechanical rooms
- Laundry facilities and storage
- Employee facilities
- Common pools, saunas and hot tubs not open to the public
- Telephone Areas
- Public restrooms
- Administrative offices
- Hallways and circulation
- Elevators and stairways
- Back of house Uses

(G) **RESORT ACCESSORY USES.** The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or

winter resort do not require the use of a Unit Equivalent. These Uses include such Uses as:

- Information
- Lost and found
- Mountain patrol
- Mountain administration
- Mountain maintenance and storage facilities
- Emergency medical facilities
- Public lockers
- Public restrooms
- Employee restrooms
- Ski school/day care facilities
- Ticket sales
- Ski check
- Circulation and hallways

This language has been deleted from Chapter 8 (old) Supplemental Regulations and is recommend to be included in Chapter 1, as Section 15-1-13.

15-1-13. COMPLETION OF SITE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY.

(A) **POLICY.**

(1) **SECURITY REQUIRED.**
In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities that may occur as a result of incomplete or inadequate Site improvements on private construction projects, it is the policy of the City to require that Developers either complete all Site improvements prior to occupancy, or if that is not possible, that adequate financial security for that completion, together with a right of entry to the Property to complete that work be granted to the City. It is specifically the intention of the City to require that storm drainage work, paving, curb and gutter, utility facilities, soil retention Structure, and landscaping as needed to control erosion be completed according to standards adopted by the City, so that residents and taxpayers at large are not required to pay the costs of damage repair or disproportionately increased maintenance for roads, storm drainage, or other utility

facilities. No plat will be approved, where required, and no certificate of occupancy granted unless and until adequate financial security is posted in accordance with this section.

(2) **NO THIRD PARTY BENEFICIARIES INTENDED.** It is the intention of the City that this financial security given by the Developer be limited to a contract between the City and the Developer for the express purpose of providing for the protection of City facilities and elimination of conditions which could become public nuisances. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of Property to correct construction flaws of defects which are the fault of the Developer. In no event will the funds be used for purposes other than those stated in this section and the time and manner of the expenditure, and prioritization of work performed shall rest in the sole discretion of the Community Development Director.

(B) **CONSTRUCTION ACCORDING TO APPROVED PLANS.** All construction shall be completed according to the approved plans on which the Building permits were issued. The approved plans shall also include the Site improvements shown on the Site plan. For purposes of this Code, the term "Site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, Grades, walls, landscaping, planting, paving, paths and

trails, and similar improvements as shown on the set of plans on which the final approval and Building permits are based. Deviations from the approved plans must be approved in advance by the Community Development Department.

(C) **SECURITY FOR**

COMPLETION. No certificate of occupancy will be issued, nor any plat approved when plats are required by this Code, unless the Building and all required Site improvements are completed, or the Developer has provided adequate security to Guarantee completion of the Site improvements. When the Site improvements and the Building cannot be completed simultaneously due to weather conditions or other factors beyond the control of the Developer, excluding financial inability to complete the project, the City may grant plat approval for recording and/or issue Certificates of Occupancy for the project, provided the following conditions are met:

- (1) The Building or Buildings, or portions thereof, on the Property to be platted or occupied have been constructed in accordance with the approved plans for those Buildings, and are in full compliance with applicable Building and fire codes, and are completed to the extent that only exterior Site improvement work remains unfinished; and,
- (2) The Building Official determines that occupancy of the Buildings, or portions thereof, prior to completion of required Site improvements is safe and that Access for emergency vehicles is

adequate with the Site improvements unfinished; and,

(3) The Developer posts adequate security for the benefit of the City to insure completion of the Site improvements in full compliance with the approved plans within one year from the date of plat approval, if required, or issuance of the certificate of occupancy, whichever occurs first.

(D) **AMOUNT OF SECURITY.** The amount of the security to be posted by the Developer shall be determined by the Community Development Department, and shall be equal to 125% of the amount reasonably estimated by the Department as being necessary to complete remaining Site improvements as shown on the approved plans. In the event that the Developer disputes the cost estimate of the Department, the Developer may prove a lower construction cost by providing binding contracts between the Developer and contractor or subcontractor appropriate to perform the required work at a stated, fixed price. These contracts must be supported by a 100% performance bond, insuring performance by the subcontractor or contractor. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 125% of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

(E) **TERMS OF SECURITY.** The terms of any security arrangement offered to the City shall state a date certain by which the Developer agrees to have Site improvement work completed in accordance with the plans, and further provide that in the event that the Developer has not completed required Site improvement work by that date, the City may at its option and on its schedule, draw on the funds in Escrow ~~Escrowed~~, or credit established, or such other security device by its own act, and shall not be required to obtain consent of Developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the Developer shall be reimbursed from the Escrow or other security arrangements.

(F) **FORM OF SECURITY.** Security arrangements offered in lieu of simultaneous completion of Buildings and Site improvements shall be in an amount fixed under the terms of Section 15-1-13(D), and shall be in one or more of the following forms:

- (1) An irrevocable letter of credit from a bank authorized to do Business in the State of Utah, naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and Guaranteeing the availability of funds for one year, or,
- (2) A deposit of cash with a third party Escrow, or,
- (3) An agreement with the construction lender providing that

the lender will withhold funds in the construction loan in an amount equal to the amount calculated in Section 15-1-13(D), above, and will disburse those funds only with the written consent of the City, and only for the completion of Site improvements. As Site improvement work is completed, the City will consent to the disbursement of the funds set aside by the lender.

- (4) Some combination of the above as approved by the City.

(G) **RETAINED AMOUNT RETAINAGE.** The amount in excess of the actual construction costs, but in no event more than twenty five percent (25%) of the actual construction cost, shall be held for a period of one year following final inspection and approval of the Site improvement work by the City. No retained amount ~~retainage~~ shall be held for landscaping improvements once the installation of the required materials has been approved by the City. The retained amount ~~retainage~~ amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide new security instruments within thirty (30) days from the expiration of the security instruments provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that security to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate security, as provided in this Code, is posted by the Developer. The retained amount ~~retainage~~ will be used to replace or repair any Site improvements which fail or appear to be defective during the one year period. The corrective work may be done by the City or

the Developer. At the completion of that work, the retained amount ~~retained~~, or so much of it remains, shall be released. Retained amounts may be drawn and applied to any outstanding fees owed by the Developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not be contested by the Developer.

(H) **MODIFICATION OF PLANS.** A Developer may, at its option, request modifications to plans covering Site improvement work by submitting revised plans to the Community Development Department for review and action. Until the revised plans have received approval by the Department, the Developer shall be required to offer security for the performance of the Site improvement work as shown on the last set of plans to have received Department approval. Upon acceptance of revised plans by the Department, the City shall release any cash, credit or other security held, which is in excess of 125% of the completion cost, estimated, of work shown on the most recently revised plan. If the modification of the plans increases the cost of required Site improvements, additional security must be provided by the Developer to cover the increased costs.

(I) **PAYMENT OF INTEREST.** Any interest accruing on funds in Escrow shall, unless expended for completion of Site improvements required, inure to the benefit of the Developer upon release and not to the City, and the City shall not be required to pay interest to the Developer on any funds in Escrow ~~Escrowed~~ for this purpose.

(J) **DETAILED SITE PLANS.** A detailed Site plan shall be presented, showing the location and nature of drainage works, Grade changes, retaining walls, and landscaping, together with any trails, paths, or walkways that may be included or required under other provisions of the Land Management Code.

(K) **SINGLE FAMILY HOMES.** This provision shall apply to all construction in Park City, including single family homes, provided, however, that the amount of security required for single family homes shall be the reasonably estimated cost to complete construction of any retained amount and drainage works on a labor and materials basis, and the estimated cost to complete landscaping, to the extent necessary to hold the soil in place, on the basis of materials only.

(L) **PHASED PROJECTS.** Site improvements applicable to each phase of a phased project or Development shall be completed or security for completion provided as each phase is constructed and either platted or occupied. Site improvements on other phases of the project shall be completed or security offered as those phases are completed.

Draft 11/29/01

Proposed Amendments to Land Management Code, Chapter 15- Defined Terms
Text in redline (shaded) is new language.

Accessory Building.

- (D) Not including structures that do not require a building permit, such as sheds, less than 160 sf.

Agriculture. Use of land.... fur farms, livestock feeding operations, animal hospitals...

Allowed Use. A Use that is permitted in a Zoning District without a Conditional Use permit, not including Non-conforming Use.

Application. A written request, completed in a manner prescribed in this Code, for review, approval, or issuance of a development permit, including but not limited to Conditional Use Permits, Building permits, variances, annexation and re-zoning requests, Subdivision and Record of Survey plats, plat amendments, Code amendments, Design Review, and Administrative Permits.

Building Permit. A permit issued by the Chief Building Official authorizing Construction Activity on a Property or Lot.

Certificate of Occupancy. A certificate issued by the Chief Building Official authorizing occupancy of a Dwelling, Business, or any other Structure requiring a Building Permit.

Add under **Child Care.**

(A) **Child Care Center.** A Structure or Building, including outside play areas, used for the provision of Child Care for more than four children for less than 24 hours per day, meeting all State requirements for Child Care that is not also the primary residence of the care provider.

(~~A~~B) **Child Care, In-Home Babysitting.** The provision of Child Care for ~~three (3)~~ four (4) or fewer children within a Dwelling ~~Unit~~ and within commercial buildings outside of residential Zoning Districts.

(~~B~~C) **Child Care, Family.** The provision of Child Care for ~~four (4) to six (6)~~ up to eight (8) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

(~~C~~D) **Child Care, Family Group.** The provision of Child Care for ~~seven (7) to twelve (12)~~ nine (9) to sixteen (16) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

Code. The Land Management Code.

Commercial Uses. ~~An occupation, employment, or enterprise that is carried on to facilitate and exchange of goods, services, or ideas.~~ Retail business, service establishments, professional offices, and other enterprises that include commerce and/or trade and the buying and selling of goods and services.

Density. The intensity or number of non-residential and residential uses expressed in terms of unit equivalents per acre or Lot or units per acre. Density is a function of both number and type of Dwelling Units and/or non-residential units and the land Area.

Development Agreement. A contract or agreement between an Applicant or Property Owner and the City pursuant to the provisions in this Code and used as an implementation document for Master Planned Developments.

Incidental retail sales. The sale of common items associated with a home occupation and not produced on the premises that might be sold along with a product that is, such as a picture frame for a photo, or a swatch of material or extra buttons for a item of clothing, etc.

Change **Lockout RoomUnit.**

Lot Line. Any line defining the boundaries of a Lot.

Add the following to **Nightly Rental:** Nightly Rental does not include the use of Dwelling Units for Commercial Uses.

Outdoor Use. Any land use, business or activity that is not conducted entirely within an enclosed Building or Structure, not including outdoor recreation activities and those uses customarily associated with indoor uses, such as parking, drive-up windows, ATM's, gas pumps, playgrounds, and such. Outdoor Uses include outdoor dining; outdoor food and beverage service stations and carts; outdoor storage and display of bicycles, kayaks, and canoes; and outdoor events and music.

Add to **Passenger Tramway.** A mechanical device....as amended. Includes ski tows and ski lifts.

Property Owner. See **Owner.**

Regulated Use. A Use that is Allowed, subject to certain regulations and restrictions as prescribed in this Code.

Residential Use. Occupancy of a Dwelling as living quarters and all associated uses, but not including temporary structures such as tents, railroad cars, trailers, or similar units..

SBWRD. Snyderville Basin Water Reclamation District.

Sensitive Land Analysis. A comprehensive analysis performed by a Qualified Professional(s) that examines, identifies, and delineates on a map and in a written report all areas of a Property deemed to be environmentally and aesthetically important to the community as expressed in the Park City General Plan, including, but not limited to, Steep Slopes, Very Steep Slopes, Significant Ridge Line Areas, wetlands, streams and lakes, wildlife habitat areas, entry corridors, Vantage Points, Significant Vegetation, and Wildfire/Wildland Interface Zones.

Sexually Oriented Businesses. Businesses defined as such according to the Municipal Code of Park City, Section 4-9-4.

Significant Ridge Line Area. Ridge lines in areas deemed to be significant or sensitive as determined during the Sensitive Lands Analysis, the significance of these Ridge lines is to be determined during the sensitive lands visual analysis process.

Single Family Subdivision. A development consisting of primarily, although not exclusively, Single Family Dwellings.

Site Suitability Analysis. A comprehensive analysis of a Property or Site used in making a determination of appropriate density considering such factors as sensitive lands, existing and proposed utilities and transportation systems, and other community objectives as stated in the General Plan.

UDOT. Utah State Department of Transportation, an agency that maintains and regulates State Highways.

Use. The purpose or purposes for which land or structures are occupied, maintained, arranged, designed, or intended.

Zone Height. The base Building Height permitted in the Zoning District, prior to application of any allowable Height exceptions.

Zoning District. An area identified on the Official Zoning Map to which a uniform set of regulations applies as set forth herein, which districts are co-terminus with, and which are designed to implement the Park City General Plan.

**PARK CITY MUNICIPAL CODE
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EXHIBIT F

5/23/02 - Adoption



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 11 - HISTORIC DISTRICT COMMISSION

Chapter adopted by Ordinance No. 02-

**CHAPTER 11 - HISTORIC DISTRICT
COMMISSION.**

**15-11-1. COMMISSION
CREATED.**

Pursuant to the Historic District Act (Section 11-18-1, et seq. of the Utah Code, 1953) and other applicable power, there is hereby created a Park City Historic District Commission (HDC). The HDC shall be composed of five (5) members, one of whom shall be member of the Planning Commission.

**15-11-2. ABSENCE DEEMED
RESIGNATION OR GROUNDS FOR
REMOVAL.**

Any HDC member who is absent from two (2) consecutive regularly scheduled Commission 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 removed for cause by the Council. Members of the HDC are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

**15-11-3. TERMS AND
QUALIFICATIONS OF MEMBERS.**

Members of the HDC shall serve terms of two (2) years. The terms shall be staggered. Terms may expire on February 1 but members of the HDC shall continue to serve until their successors are appointed and qualified.

(A) The member appointed from the Planning Commission shall serve a term of two (2) years, but a vacancy shall occur in the event the Person ceases to be a member of the Planning Commission. The Mayor shall appoint a new HDC member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term.

(B) It is the first priority of the City Council that the HDC have technical representation in Historic renovation and preservation and secondly that it have cultural representation in Park City history. Therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect serving on the Board, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least

two (2) nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the Application process.

(C) In addition, the HDC should include members with the following qualifications, or representing the following interests:

- (1) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.
- (2) A member living in the Historic District with demonstrated interest and knowledge of Historic preservation.
- (3) A member appointed at large from Park City with demonstrated interest and knowledge of Historic preservation.
- (4) A member associated with Main Street business and commercial interests.

15-11-4. PURPOSES.

The purposes of the HDC are:

- (A) To preserve diverse and harmonious architectural styles and design preferences reflecting phrases of the City's history and to encourage complimentary, contemporary design and construction through comprehensive Design Guidelines;
- (B) To protect and enhance the City's attraction to tourists and visitors;

(C) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;

(D) To safeguard the heritage of the City by providing for the protection of Landmarks representing significant elements of its history, and to promote interest in preservation;

(E) To promote the private and public Use of Landmarks and the Landmark districts for the education, prosperity, and general welfare of the people;

(F) To make recommendations to the City Council on policies and ordinances that may encourage preservation.

15-11-5. PERMIT ISSUANCE, PROJECT APPROVAL.

(A) The Community Development Department shall review and approve, or deny, all Applications for Building Permits to build, locate, demolish, construct, remodel, alter or modify any facade on any Structure or Building or other visible element including but not limited to signs, lighting fixtures, and Fences located with the Park City Historic District.

(B) All Building projects within the Historic District shall be reviewed by the Community Development Department for compliance with the guidelines promulgated by the HDC and adopted by the City Council by resolution or ordinance. Those proposals for permitted or Conditional Uses which, after review by the Department are found to be in compliance shall be approved by the Department without the necessity of HDC

review or hearing. Appeals of Planning Department staff decisions may be made to the Community Development Director. In those cases where the Department Community Development Director finds the proposal is not in compliance, or where it is unable to make a determination at all, the proposal is submitted for review by the HDC, which shall either approve, approve with conditions, or disapprove the proposal. The HDC shall state specific reasons for disapproval so the Applicant has an opportunity to address those concerns. At any time in the review process, the Applicant, or any Person qualified to file a non-Owner petition pursuant to Section 15-1-13 of this Code, may request Historic District review of the Application. Actions of the HDC are subject to review by the City Council in the manner described in Chapter 1.

(C) In reviewing Applications for Building Permits, the Community Development Department (or HDC on review) shall approve each Application if it is determined that the Structure, construction, remodeling, modification, alteration, or Building complies with the Historic District Architectural Design Guidelines as adopted by the City Council by resolution or ordinance.

(D) Application for demolition permits are reviewed by the Community Development Department except on those Buildings which have been designated as "Landmarks" or "significant" Historic Buildings by the HDC in which case, the permit is to be reviewed by the HDC.

15-11-6. ADDITIONAL POWERS

In addition to the powers set forth in Section 15-11-5, the HDC shall:

(A) Recommend to the City Council for adoption standards to be used by the City or HDC in reviewing Applications for permits to construct, change, alter, modify, remodel, remove, or significantly affect any Building or visible element within the Historic District.

(B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City's cultural resources.

(C) Investigate and report to the City Council on the Use of Federal, State, local, or private funding sources and mechanisms available to promote the preservation of the City's cultural resources.

(D) Advise the City Council on Property Owner incentives to preserve designated Buildings in the district.

(E) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(F) Recommend to the Planning Commission and the City Council changes to the Park City Land Management Code to reinforce the purpose of the Historic District.

(G) Provide advice and guidance on request of the Property Owner or occupant on the restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, including Landmarks, Landmark Sites, Historic District, or neighboring Property within public view.

15-11-7. ORGANIZATION.

(A) **CHAIRMAN.** The HDC shall elect one of its members to serve as Chairman for a term of one (1) year at its first meeting in March. The Chairman may be elected to service for one (1) consecutive additional term, but not for more than two (2) successive terms.

(B) **QUORUM.** No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by a majority of the appointed members of the HDC, including the Chairman.

(C) **VOTING.** All actions of the HDC shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken, shall approve any action taken. The Chairman may vote at the meetings.

15-11-8. STAFF ASSISTANCE.

The City shall, subject to the approval of the City Manager, provide the HDC with such assistance as is reasonably necessary by the HDC, to provide assistance concerning matters related to their fields of expertise:

- (A) Utah Heritage Foundation.
- (B) National Trust for Historic Preservation.
- (C) Utah State Division of History.
- (D) Park City Historical Society.

15-11-9. LIMITATIONS.

The HDC has no authority to waive or increase any requirement of any ordinance of the City.

15-11-10. ARCHITECTURAL DESIGN STANDARDS.

The HDC shall promulgate Architectural Guidelines for Use in the Historic District zones. These guidelines shall, upon adoption by resolution or ordinance by the City Council, be the design standards applied by the City, and HDC on review, in reviewing specific Building proposals or reviewing City staff actions on appeal. The standards shall address renovation of existing Structures, additions to existing Structures, and the construction of new Structures. From time to time, the HDC may recommend changes in the Design Guidelines to the Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the Council.

The Design Guidelines shall apply in all zones within the Historic District, which are designated throughout this Code by the Use of the word "Historic" in the Zoning District name, or the letter "H" in the abbreviation of that name.

15-11-11. PRESERVATION OF HISTORIC BUILDINGS, STRUCTURES AND SITES.

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, demolition, expansion or change within the City, the preservation of the remaining Buildings, Structures and Site of Historic or community significance should be encouraged. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

15-11-12. REVIEW OF HISTORIC BUILDINGS, STRUCTURES, SITES AND PRESERVATION POLICY.

The HDC is the official body to review matters concerning designation and preservation of Historic Buildings, Structures and Sites within Park City, and may take appropriate action as may be necessary, as authorized by other sections of this Code to preserve Historic Buildings, Structures and Sites. The Historic District Commission is authorized to function as a committee on Historic Buildings, Structures and Sites and to designate significant Historic Buildings, Structures and Sites within the City which it considers to be of Historic significance and to make this

information available to all interested citizens.

15-11-13. SIGNIFICANT HISTORICAL BUILDINGS, STRUCTURES AND SITES.

It is hereby declared that all Buildings, Structures and Sites within Park City that are either located within the Historic District, listed in the most recent Park City Historic Survey, or are over fifty (50) years old are presumed historically "significant" for the purposes of this Chapter. The HDC may maintain a list of such significant Properties. Any Owner of a presumed historically significant Building, Structure or Site may apply for a hearing before the HDC to rebut the presumption of significance created herein. The Application shall be on forms as prescribed by the HDC and shall be filed with the Community Development Department (CDD). Upon receiving an Application for a determination of significance, the CDD staff shall schedule a hearing on the HDC agenda within thirty (30) days. Notice of the hearing shall be posted on the Property and published at least once prior to the hearing. At the hearing, the Applicant shall have an opportunity to present testimony and evidence to demonstrate the historical insignificance of the Building, Structure or Site.

(A) **STANDARDS OF REVIEW.** In determining the Historic significance of the Property at the hearing, the HDC shall evaluate whether the Building, Structure or Site demonstrates a quality of significance in local, regional, state or national history, architecture, archaeology, engineering or culture, and integrity of location, design,

setting, materials, and workmanship according to the following criteria:

(1) The Building, Structure or Site is associated with events or lives of Persons significant to our past; and/or

(2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or

(3) The architectural or historical value or significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or

(4) The Building, Structure or Site is at least fifty (50) years old, or has achieved significance within the past fifty (50) years if the Property is of exceptional importance to the community; and/or

(5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or

(6) Any other factors, including aesthetic, which may be relevant to the Historical or architectural aspects of the Building, Structure or Site.

(B) **DECISION**. The HDC shall determine that the Property is historically insignificant only if it finds that the

Building, Structure or Site is of no or minimal Historic significance because of its location, age, condition, modifications, relation to other Structures or Sites in the Area, or other factors demonstrate that the Property is inconsequential to the Historic value of the Area and to Park City as a whole. If the HDC finds that the Building, Structure or Site is insignificant it shall immediately be removed from the list, if any, of significant Properties. The HDC shall forward a copy of its written findings to the Owner and the Community Development Department. The Community Development Department shall maintain a list of Properties that the HDC has determined are historically insignificant.

(C) **APPEAL**. The Applicant or any party participating in the hearing may appeal the HDC decision to the City Council within ten (10) days of the decision.

15-11-14. DEMOLITION AND REMOVAL OF HISTORIC BUILDINGS, STRUCTURES AND SITES.

It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on demolition and removal of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The demolition or removal of Historic Buildings, Structures and Sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse and relocation within the Historic District. It is recognized,

however, that Structural deterioration, economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary demolition or removal of a Historic Building, Structure or Site.

15-11-15. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION.

With the exception of any Building or Structure falling under the purview of Section 203 of the Uniform Building Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be historically significant by the provisions of Section 15-11-13 may be demolished or removed without the prior issuance of a Certificate of Appropriateness (CAD) by the Community Development Department or the Historic District Commission (HDC). Application for a CAD shall be made on forms prescribed by the HDC and shall be made first to the Community Development Department.

(A) **DETERMINATION OF SIGNIFICANCE.** If, upon review of the Application, the Community Development Department concludes that the Building, Structure or Site sought to be demolished is significant according to the standards set forth in Section 15-11-13(a) herein, the Application shall be processed under Section 15-11-16 and 15-11-17 as appropriate. Upon making said determination of significance, the Community Development Department shall provide a written explanation of its findings to the Applicant. Any Applicant disagreeing with such

determination of significance, the Community Development Department shall provide a written explanation of its findings to the Applicant. Any Applicant disagreeing with such determination of significance may request a hearing pursuant to Section 15-11-13 within ten (10) days of being given notice of said determination. After the hearing, the Application shall be processed according to Section 15-11-16 and 15-11-17 as appropriate. If the HDC determines that the Building, Structure or Site is insignificant, the Community Development Director may issue the CAD after a waiting period as determined by subsection (B)(1) below.

(B) **DETERMINATION OF INSIGNIFICANCE.** If, upon review of the Application, the Community Development Department concludes that the Building, Structure or Site sought to be demolished or removed is not significant according to the standards set forth in Section 15-11-13 (A) herein, the Department may determine that issuance of a CAD is appropriate. If such a determination is made, the staff shall schedule the CAD as an informational item on the next available Historic District Commission agenda. The staff shall provide the Application, background information, and the findings supporting the staff determination.

(1) If the Historic District Commission concurs with the staff determination, the Community Development Director shall issue a CAD.

(2) If the Historic District Commission determines that the Building is significant, the Applicant shall be required to process the CAD application through the processes outlined under Section 15-11-16 and 15-11-17 as appropriate, unless the Applicant requests a hearing to contest the determination of significance pursuant to Section 15-11-13, in which case that section shall apply.

(C) **REMOVAL OF HAZARDOUS BUILDINGS.** If, upon review, the Chief Building Official determines the subject Building, Structure or Site to be structurally unsound, and a hazardous or dangerous Building, the Chief Building Official may issue a CAD.

(D) **REQUIREMENT FOR STAY OF DEMOLITION.** In the absence of a finding either of insignificance or of public hazard, the Application for demolition or removal shall be stayed for 180 days.

15-11-16. PRE-HEARING APPLICATION REQUIREMENTS.

Upon refusal of the Community Development Department to issue a CAD, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is "threatened." Said sign shall be at least 3'x2', readable from a point of public Access and state that more information may be obtained from the Community Development Department for the duration of the stay. In addition, the Owner shall

conduct negotiations with the City for the sale or lease of the Property or some interest in the Property such as a facade easement, or take action to facilitate proceedings for the City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

At the end of the forty-five (45) days, the Owner may request a hearing before the HDC upon showing that the above requirements have been met and all economic hardship information required by the HDC has been submitted. The Applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Department staff shall, within fourteen (14) days, notify the Owner if any additional information is needed to complete the Application. If the Department staff does not notify the Owner, the Application will be deemed complete. Within forty-five (45) days of receiving the completed Application, the Department staff shall schedule a hearing regarding the Application on the agenda of the HDC.

15-11-17. CAD HEARING FOR A SIGNIFICANT BUILDING, STRUCTURE OR SITE.

At the hearing, the HDC will only approve demolition or removal of an historically significant Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the demolition or removal Application.

(A) **ECONOMIC HARDSHIP CRITERIA.** In order to sustain a claim of unreasonable economic hardship, the HDC may require the Owner to provide information pertaining to whether the Property is capable of producing a reasonable rate of return for the Owner or incapable of beneficial Use. The HDC shall adopt by resolution separate standards for investment or income producing and non-income producing Properties. Non-income Properties shall consist of Owner occupied Single Family Dwellings and non-income producing institutional Properties. The information requested by the HDC may include, but not be limited to the following: Purchase date, price and financing arrangements; current market value; form of ownership; type of occupancy; cost estimates of demolition and post-demolition plans; maintenance and operating costs; costs and engineering feasibility of rehabilitation; property tax information; rental rates and gross income from the Property.

(B) **CONDUCT OF OWNER EXCLUDED.** Demonstration of economic hardship by the Owner shall not be based on conditions resulting from:

- (1) Willful or negligent acts by the Owner; or
- (2) Purchasing the Property for substantially more than market value at the time of purchase; or
- (3) Failure to perform normal maintenance and repairs; or

(4) Failure to diligently solicit and retain tenants; or

(5) Failure to provide normal tenant improvements.

(C) **WRITTEN FINDINGS.** The HDC shall make written findings supporting their decision in the matter. The HDC may determine that unreasonable economic hardship exists and issue a CAD if the Commission finds that:

(1) For income producing Properties, the Building, Structure or Site cannot be feasible used or rented at a reasonable rate of return in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; or

For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential Dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and

(2) The Building, Structure or Site cannot be feasibly moved or relocated.

(D) **FINAL DECISION.**

(1) **APPROVAL.** If the HDC approves the Application and issues the CAD, the Owner may apply for a demolition permit with the Building Department and proceed to demolish the Building, Structure or Site in compliance with other regulations as they may apply. The HDC may, as a condition of approval, require the Property Owner to provide the HDC with documentation of the Building, Structure or Site according to the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey or other information specified by the HDC. The HDC may also require the Owner to incorporate an appropriate memorialization of the Building, Structure or Site, such as a photo display or plaque, into the proposed replacement project of the Property. Approval of a CAD shall be valid for one (1) year.

(2) **DENIAL.** If the HDC denies the Application for demolition, the Owner shall not demolish the Building, Structure or Site and the City may provide the Owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available. The Owner may not re-apply for demolition for a period of three (3) years from the date of the HDC's final decision, unless the Building, Structure or Site is structurally

unsound or substantial changes in circumstances have occurred other than those caused by the negligence or intentional acts of the Owner, in which case the Owner may apply as conditions warrant.

(3) **APPEAL.** All final decisions of the HDC may be appealed to the City Council within ten (10) days.

15-11-18. NEW CONSTRUCTION.

New construction and exterior remodeling within the Historic District zones shall conform to architectural standards and regulations promulgated by the Historic District Commission and adopted by the City Council. These standards shall be applied by the staff and the Commission, subject to the review process.

Ordinance No. 02-06

AN ORDINANCE APPROVING A PLAT AMENDMENT FOR 6538 SILVER LAKE DRIVE, EVERGREEN SUBDIVISION, PARK CITY, UTAH.

WHEREAS, the owners of lot 23 of the Evergreen Subdivision, located at 6538 Silver Lake Drive have petitioned the City Council for approval of 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 April 24, 2002, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on April 24, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 23, 2002, 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 is located at 6538 Silver Lake Drive, also known as lot 23 of the Evergreen subdivision. The property is zoned Residential Development - RD within the Deer Valley Master Planned Development. The property is vacant.
2. A non-exclusive ski easement exists on the lot for the benefit of the owners in Evergreen.
3. The Evergreen Architectural Committee has given preliminary approval of the design and location of the house.
4. The Declarant, in a letter from Bob Wells of Deer Valley, has also given approval of this amendment.
5. The prior and current owners of lot 22 had notice of likely expansion of the building

- pad to the north via the April 1, 1994 letter from the HOA.
6. The Evergreen Codes, Covenants and Restrictions state that the Ski Easements shall not limit or restrict buildings on the lot in a manner permitted by the CC&Rs.
 7. Lot 22, although not having a ski easement on the lot, benefitted from an expansion of the building zone and limits of disturbance.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions of Approval:

1. The building pad and contiguous ski easement can be moved to distance similar to the extension granted to lot 22.
2. The Conditions of Approval for the Evergreen subdivision, as amended, remain in full force and effect.
3. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
4. The applicant will record the 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 23rd day of May, 2002 .

PARK CITY MUNICIPAL CORPORATION

Dana Williams

Mayor Dana Williams

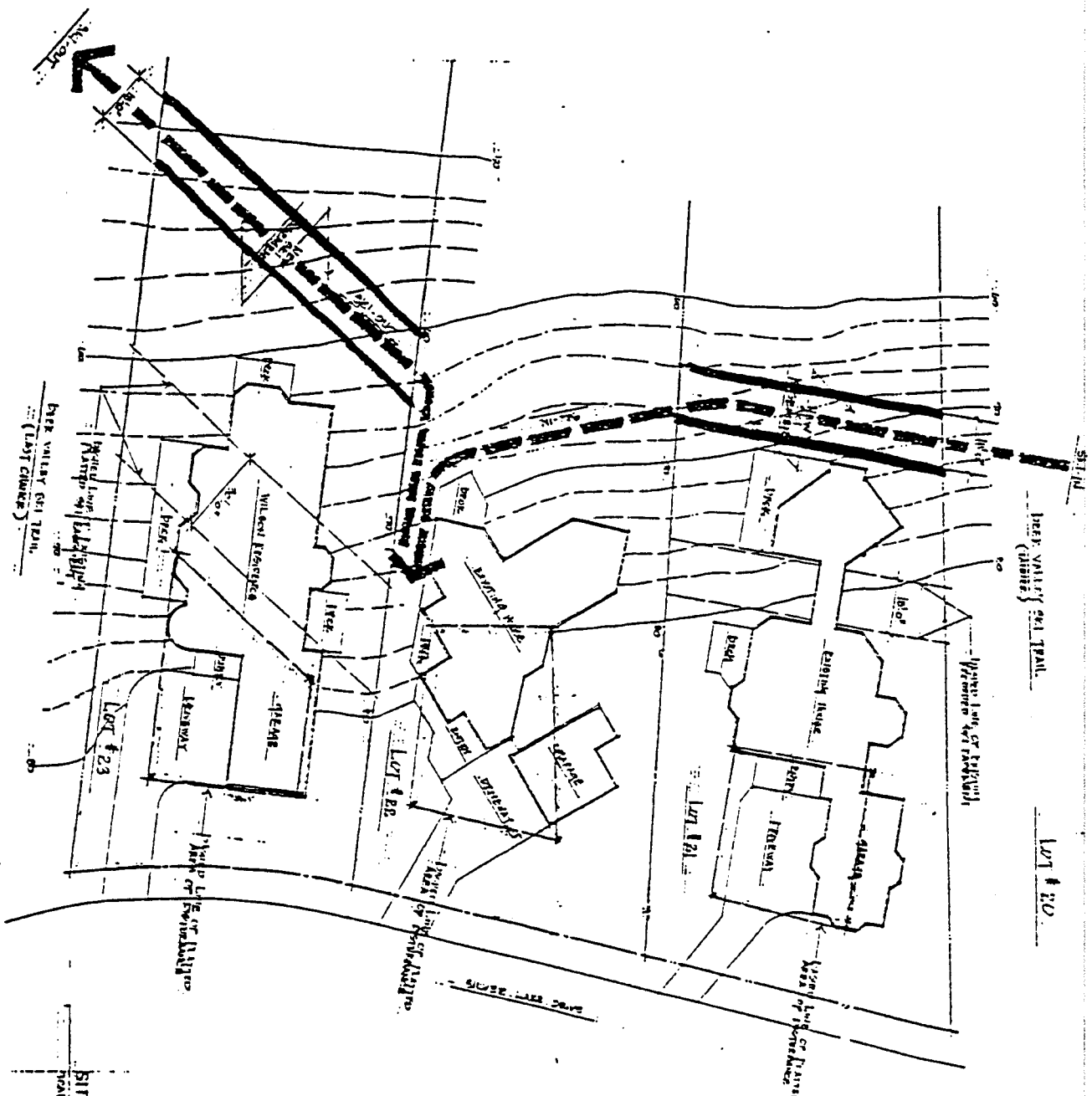
Attest:

Janet M. Scott
Janet M. Scott, City Recorder



Approved as to form:

Mark Harrington
Mark Harrington, City Attorney



SITE PLAN
 DATE: 12/3/2001
 DRAWN BY: [Signature]

ONE	WILSON RESIDENCE	OTTO WALKER architects
	LOT # 22 EVERGREEN	

Ordinance No. 02-05

AN ORDINANCE AMENDING ORDINANCE 01-26, PARK CITY MUNICIPAL CODE SECTION 3-3-5, ETHICS CODE; PROVIDING FOR DISQUALIFICATION OF A CANDIDATE FOR FAILURE TO FILE REQUIRED REPORTS

WHEREAS, an Ethics Code was adopted by the City Council of Park City, Utah, to establish guidelines for ethical standards of conduct for all City officers and employees, address disclosure of conflicts of interest, and establish campaign disclosure requirements; and

WHEREAS, the Utah State Legislature adopted Municipal Campaign Finance Amendments during the 2002 General Session providing for disqualification of a candidate for failure to file a required campaign financial statement; and

WHEREAS, the Legal Staff has amended the Ethics Code to conform with requirements of the Utah State Code and is recommending approval of this change; and

WHEREAS, the City Council finds that the proposed change to the Ethics Code necessary to incorporate the legislative requirements of the Utah State Code for municipalities in regard to campaign disclosure.

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

SECTION 1. AMENDMENT TO TITLE 3, SECTION 3-3-5 OF THE PARK CITY MUNICIPAL CODE Section 3-3-5 of the Municipal Code of Park City is hereby amended to read as follows:

3-3-5. CAMPAIGN CONTRIBUTIONS AND EXPENDITURES TO BE REPORTED.

Each candidate or election campaign committee must file a sworn campaign contribution and expenditure statement, as follows:

(A) **SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE STATEMENT - CONTENT**. The campaign statements shall include a detailed listing of each monetary and service contribution received and expenditure made, as follows:

(1) **Contributions.** A list of contributions more than fifty dollars (\$50.00) received by, or on behalf of, the candidate or his/her election committee, including:

- (a) the name and address of the contributor;
- (b) the date contribution was received;

(c) dollar amount contributed or fair market value of service contributed;
and

(f) a net balance of contributions for the period.

(2) **Contributions Fifty Dollars (\$50.00) or Less.**

(a) For all individual contributions or public service assistance \$50 or less, a single aggregate figure may be reported without separate detailed listings.

(b) Two (2) or more contributions from the same source that have an aggregate total more than \$50 may not be reported in the aggregate, but shall be reported separately per section (1) above.

(3) **Expenditures.** A list of expenditures made and obligations incurred as a part of the campaign effort shall include:

(a) the name and address of every recipient to whom disbursement was made;

(b) the amount expended or for each nonmonetary expenditure, the fair market value of the expenditure;

(c) the date of payment; and

(d) a net balance of expenditures for the period.

(4) **Statements Balances.** Each campaign statement shall include the net balance from the previous statement, if any, and show a net balance from the last statement plus all receipts minus all expenditures.

(B) **REPORTING FIRST SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE STATEMENT - DEADLINE.** Every candidate running for the office of Mayor or City Council shall file a first campaign statement with the election official at least seven (7) calendar days preceding the date of the primary election. See criteria outlined in Section (A) above.

(C) **REPORTING FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE STATEMENT FOR CANDIDATE ELIMINATED IN PRIMARY + DEADLINE.** Those candidates eliminated in the primary election must file a final campaign statement with the election officer within thirty (30) calendar days after the primary election. See Section (A) criteria above.

The final campaign statement shall contain a paragraph signed by the candidate certifying that, to the best of the candidate's knowledge, all receipts and all expenditures have been reported as of the date the statement is executed, and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Refer to Section 3-3-6 below concerning disposition of surplus campaign funds.

(D) **REPORTING SECOND SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE STATEMENT.** Following the primary election, every candidate still eligible for the office of Mayor or City Council in the general election shall file a second campaign statement with the election official at least seven (7) calendar days preceding the date of the general municipal election. See criteria of Section (A) above.

(E) **REPORTING FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE STATEMENT.** All candidates in the general election must file a final campaign statement with the election official within thirty (30) days after the general election. See criteria of Section (A) Above.

The final campaign statement shall contain a paragraph signed by the candidate certifying that, to the best of the candidate's knowledge, all receipts and all expenditures have been reported as of the date the statement is executed, and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Refer to Section 3-3-6 below concerning disposition of surplus campaign funds.

(F) **AMENDED FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE STATEMENT.** In the event a candidate or candidate's campaign committee receives a contribution or makes an expenditure after the candidate's final campaign statement has been submitted to the election officer, an amended final sworn campaign statement must be filed with the election official within five (5) days of receipt of the contribution.

(G) **FAILURE TO FILE A CAMPAIGN CONTRIBUTION AND EXPENDITURE STATEMENT.**

(1) If a candidate fails to file an election campaign contribution and expenditure statement due before the municipal general election, the election officer shall, after making a reasonable attempt to discover if the report was timely mailed, shall,

(a) if practicable, remove the name of the candidate by blacking out the candidate's name before the ballots are delivered to voters; or

(b) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(c) may not count any votes for that candidate.

(2) Notwithstanding Subsection (1) above, a candidate is not disqualified if:

(a) the candidate files the reports required by this section; and

(b) those reports are completed, detailing accurately and completely the information required by this section except for inadvertent omissions or insignificant errors or inaccuracies; and

(c) those omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(H) **CIVIL ACTION.**

(1) Any private party in interest may bring a civil action in district court to enforce the provisions of this section or any ordinance adopted under this section.

(2) In a civil action filed under Subsection (H)(1), the court may award costs and attorney's fees to the prevailing party.

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

PASSED AND ADOPTED this 9th day of May, 2002

PARK CITY MUNICIPAL CORPORATION

Dana Williams

Mayor Dana Williams

Attest:

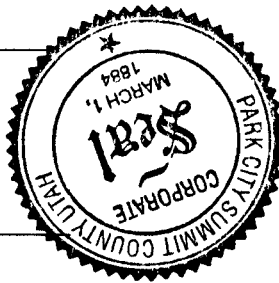
Janet M. Scott

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington

Mark D. Harrington, City Attorney



Ordinance No. 02-04

AN ORDINANCE APPROVING AN AMENDED RECORD OF SURVEY FOR UNIT 43 OF THE BALD EAGLE CLUB OF DEER VALLEY, LOCATED AT 7965 RED TAIL COURT, PARK CITY, UTAH.

WHEREAS, the owners of the metes and bounds parcel adjacent to Unit 43 of the Bald Eagle Club of Deer Valley, located at 7965 Red Tail Court have petitioned the City Council for approval of an amended Record of Survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 24, 2002, to receive input on the proposed amended Record of Survey plat;

WHEREAS, the Planning Commission, on April 24, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 9, 2002, the City Council held a public hearing and approved the proposed amended Record of Survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended 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 property is located at 7965 Red Tail Court, also known as Unit 43 of the Bald Eagle Club at Deer Valley. The property is zoned Residential Development - RD. The property is improved with a house.
2. Unit 43 is within Park City Municipal boundaries and within Wasatch County.
3. The proposed 30 by 310 foot strip to be added to Unit 43 is outside of Park City Municipal boundaries and in unincorporated Wasatch County.
4. An Interlocal Agreement with Wasatch County has been drafted to give Park City jurisdiction over building permits on the amended Unit 43.

5. The additional land for Unit 43 is for yard improvements only.
6. The Planning Commission heard this application at their regular meeting of April 24, 2002, and forwards a positive recommendation to the City Council.

Conclusions of Law:

1. There is good cause for this Amended Record of Survey for Unit 43, Bald Eagle Club at Deer Valley.
2. The Amended Record of Survey is consistent with the Park City Land Management Code, the General Plan and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Amended Record of Survey
4. Approval of the Amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The Conditions of Approval for the Bald Eagle Cub at Deer Valley remain in full force and effect.
2. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
3. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. The City Attorney will review the final form of the Interlocal Agreement with Wasatch County prior to recordation of the Amended Record of Survey.
5. Applicants must have written consent for this expansion of Unit 43 from the Bald Eagle Club Homeowners Association prior to plat recordation.
6. No additional dwelling area is allowed within the 30 by 310 foot expanded Unit area.
7. No Building Permits shall be issued for construction within the 30 foot amended area until the Amended Record of Survey has been recorded and the Interlocal Agreement between Park City and Wasatch County has been duly executed and recorded.

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

PASSED AND ADOPTED this 9th day of May, 2002 .

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. 02-03

AN ORDINANCE APPROVING PLAT AMENDMENT TO COMBINE ALL OF LOT 9 AND PART OF LOTS 8,10,14, AND 15 OF BLOCK 14, SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO ONE LOT - 835 NORFOLK AVENUE

WHEREAS, owners of the property known as 835 Norfolk Avenue, 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 March 27, 2002 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

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

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

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

1. The property is located at 835 Norfolk in the Historic Residential zone (HR-1).
2. The proposed plat amendment will combine all of lot 9 and part of lots 8,10,14, and 15 of Block 14, Snyder's Addition to the Park City Survey into one lot.
3. A Historic home exists on portions of lots 8, 9, and 10.
4. The minimum lot size allowed for a single family dwelling is 1,875 square feet. The proposed lot size will be 4,547 square feet. The maximum footprint allowed for a lot of this size is 1,760 square feet.
5. No remnant lot created is rendered separately buildable by this plat.
6. The historic, Crescent Tram Right-of-Way crosses through the western portion of the property (lots 14 and 15).
7. The City Engineer has requested the portion of the applicant's lots which exist in the historic Crescent Tram Right-of-Way be dedicated to the City based on the Streets Master Plan's required right-of-way width of 30.0 feet (page 2-9 of the Park City Streets Master Plan (1984)).
8. The City Engineer has asked for a 10' snow-storage easement from the historic Crescent Tram Right-of-Way.
9. The 10' snow-storage easement from Crescent Tram would be included within the required front yard setback for the lot.
10. This application was reviewed by the Planning Commission on March 27, 2002, at which time a unanimous vote forwarded a recommendation to approve the

application. A public hearing was held and no input was received.

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

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

SECTION 3. CONDITIONS OF APPROVAL. The proposed subdivision plat attached as Exhibit A is hereby adopted with the following Conditions of Approval:

1. The City Attorney and City Engineer review and approve the final form and content of the replat for compliance with the Land Management Code and conditions of approval prior to recordation.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one years time, this approval and the plat will be void.
3. No building permit will be issued prior to recordation of the Plat Amendment.
4. Any snow storage and encroachment issues shall be resolved prior to the issuance of building permits for any addition or remodel.
5. Public right-of-way for the existing Crescent Tram roadway improvements plus a ten (10) foot non-exclusive snow storage easement along Crescent Tram Right-of-Way shall be dedicated to the City on the plat.

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

PASSED AND ADOPTED this 18th day of April, 2002.

PARK CITY MUNICIPAL CORPORATION

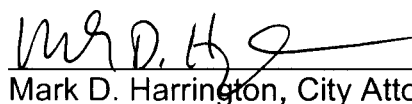


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



Ordinance No. 02-02

**AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT
KNOWN AS THE COALITION WEST SUBDIVISION,
LOCATED AT 777 PARK AVENUE, SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH**

WHEREAS, the owners, Powdr Corporation, of the property generally at 777 Park Avenue, located in Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah and known as the Coalition West Subdivision, have petitioned the City Council for approval of a final 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 March 27 and April 10, 2002, the Planning Commission held public hearings to receive public input on the proposed subdivision plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on April 18, 2002 the City Council reviewed the proposed subdivision plat; and

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

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

SECTION 1. FINDINGS OF FACT.

1. The property is located in the HRC-MPD, HR-1-MPD, and HCB-MPD zoning districts.
2. The property is subject to the Sweeney Properties Large Scale Master Planned Development Permit approved by the City Council on October 17, 1986 and as subsequently amended.
3. The proposed subdivision plat creates four legally subdivided lots from various metes and bounds parcels and includes Lots 1 and 2 for future development per the amended Sweeney Properties MPD, Lot 3 designated as open space to accommodate the Town Run ski run, and Lot B4 located on the east side of Park Avenue.
4. All development on these Lots is subject to the Sweeney Properties MPD as

amended, the Land Management Code, and the Historic District Design Guidelines.

5. An amended cross access and parking agreement was recorded in October of 1996 between the various property owners of the Coalition West and Coalition East properties.
6. Lot 1 is designated per the MPD for up to 5.5 u.e. of commercial uses and 2 u.e.'s of residential condominium uses (up to 4,000 sf of residential and 5,500 sf of commercial). Lot 2 is designated per the MPD as a single family lot with up to 3,500 sf, including a potential accessory unit, subject to the Historic District Design Guidelines and the Sweeney MPD. Lot 3 shall remain as open space. Lot B4 is designated per the Sweeney MPD as a potential development parcel with up to 1.6 u.e. of commercial uses at the street level with the plaza level remaining as open space as part of the plaza and to support the bridge and ramp structure.
7. Approval of the subdivision plat creates legally platted lots. Development requiring building permits on these lots is subject to the LMC, HDC Design Guidelines, and the conditions of approval of the MPD.
8. The proposed subdivision does not alter vehicular access to adjacent properties on Woodside Avenue.
9. On April 10, 2002 the Planning Commission forwarded to the City Council a positive recommendation to approve the Coalition West Subdivision plat with conditions as outlined below.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed plat. The plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats. The plat is consistent with the Sweeney Properties Master Plan.

SECTION 3. PLAT APPROVAL. The final plat for the Coalition West Subdivision is hereby approved as shown on Exhibit A, with the following conditions:

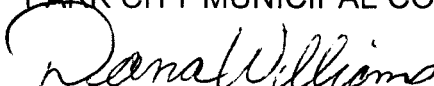
1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat, for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the plat.
2. All conditions of approval for the Sweeney Properties Master Plan, as amended, and approved by the City in November of 1996, continue to apply in full force and effect. A note shall be added to the plat to this effect.
3. All Park City Standard Project Conditions shall apply.

4. The skier plaza level of Lot B4 shall remain as open space as part of the plaza and to support the bridge and ramp, and shall not be developed with any other type of structure without an amendment to the Master Plan approved by the Commission. Lot 3 is designated as open space and Lots 1 and 2 are subject to the conditions of approval of the amended Sweeney MPD, the Land Management Code, and the Historic District Design Guidelines. A note shall be added to the plat to this effect.
5. As a condition precedent to plat recording, a note shall be added to the plat noting the recording information for relevant maintenance agreements and encroachment agreements that apply to these parcels and lots.
6. As a condition precedent to plat recording the applicant shall deed to Park City, per agreement between GPCC and the City related to the encroachment of the Town Bridge over Park Avenue, the land under that portion of the National Garage, located at 715 Park Avenue, which encroaches onto Lot 2 of the Coalition West Subdivision.
7. As a condition precedent to plat recording the applicant shall install pedestrian directional signs, upon approval by the Planning staff, to direct pedestrians across the ski run on dedicated easements. Pedestrian access easements shown on this plat are for the benefit of the public.
8. The subdivision plat shall be recorded at the County within one year of the date of City Council approval. If recordation has not occurred within the one year time frame this approval and the record of survey shall be considered null and void.

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

PASSED AND ADOPTED this 18th day of April 2002.

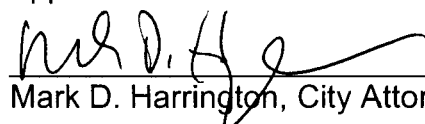
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



Ordinance No. 02-1

**AN ORDINANCE APPROVING A RECORD OF SURVEY PLAT
FOR A CONDOMINIUM CONVERSION, LOCATED AT 17/19 DALY AVENUE
IN PARK CITY, UTAH**

WHEREAS, the owner, Richard Moder, of the property at 17/19 Daly Avenue, Park City, Utah has petitioned the City Council for approval of a record of survey plat for a condominium conversion of a duplex; and

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

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

WHEREAS, on January 17, 2002 the City Council reviewed the proposed record of survey plat; and

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

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

SECTION 1. FINDINGS OF FACT.

1. The proposed plat changes the type of ownership of this property to condominium ownership.
2. The property is located in the HR-1 Zone, Historic Residential.
3. The proposal is consistent with the Park City Land Management Code, all pending sections of the Land Management Code, and the General Plan in that, HR-1 zone allows duplex structures on approved lots, when all minimum code requirements are met.
4. Two (2) existing dwelling units in a twin home configuration exist at 17/19 Daly Avenue.
5. Demand for snow plowing generally increases when a new dwelling(s) unit(s) and their driveway(s) are built.

6. The applicant has agreed to the conditions of approval.
7. The Planning Commission conducted a public hearing and forwarded a positive recommendation to the City Council at their December 12, 2001 meeting.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned record of survey and that neither the public nor any person will be materially injured by the proposed plat. The plat is consistent with the Park City Land Management Code and applicable State law regarding record of survey plats. The plat is consistent with the Planning Commission approval of the conditional use permit for the duplex and the Historic District Design Guidelines.

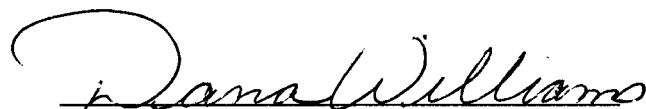
SECTION 3. PLAT APPROVAL. The record of survey plat, known 17/19 Daly Avenue, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer's review and approval of the condominium plat, for compliance with the Land Management Code and conditions of approval, is a condition precedent to recording the plat.
2. All standard project conditions shall apply.
3. A financial guarantee in an amount acceptable to the City Engineer for the value of all public improvements to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
4. 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 considered void.
5. A ten foot snow storage easement shall be dedicated to the city on the plat adjacent to Daly Avenue.

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

PASSED AND ADOPTED this 17th day of January 2002.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder

Approved as to form:

Mr D H
Mark D. Harrington, City Attorney

