

**AN ORDINANCE APPROVING A PLAT AMENDMENT TO THE SNYDER'S ADDITION TO THE PARK CITY SURVEY TO COMBINE LOTS 14-19, 26-31, AND THE SOUTH HALF OF LOTS 20 AND 25 OF BLOCK 57, LOCATED AT 1266 AND 1274 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as 1266 and 1274 Park Avenue petitioned the City Council for approval of a revision to the Snyder's Addition to the Park City Survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 8, 1997, to receive input on the proposed plat amendment; and

WHEREAS, the Planning Commission, on November 12, 1997, forwarded a positive recommendation to the City Council; and

WHEREAS, on December 18, 1997, 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 plat amendment as conditioned.

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 RM, Residential Medium Density, zoning district.
2. There are two existing structures on this property. The two structures at 1266 Park Avenue and 1274 Park Avenue were determined historically significant by the Historic District Commission on October 14, 1996. The two historic structures contribute to the historic street scape along Park Avenue, which is the entry corridor to the Park City Historic District.

3. Historic structures are a valuable asset which contribute to the distinct character of the Park City community. It is desirable for new construction in the vicinity of historic homes to be compatible with the mass, scale, and architecture of the Park City Historic District.
4. There are several significant trees on the property. There is a well vegetated open yard area between the two historic structures which contributes positively to the historic residential character of the Park Avenue street scape.
5. The proposed plat amendment will combine twelve platted lots and two platted half lots into one parcel for the purposes of construction of two additional structures to be commonly owned with the existing structures under one family, entity, or corporation. The property subject to this plat amendment consists of approximately 0.50 acres.
6. An existing shed encroaches on the far north property line behind the existing structure at 1274 Park Avenue.
7. The proposed plat amendment and associated development plans reduce the potential density on Park Avenue by creating one lot for five units instead of allowing potential development of the nine vacant lots, or the potential development of a total of 14 multi-family units under the RM District requirements.
8. This plat amendment is associated with specific development plans submitted for approval by the Planning Commission on November 12, 1997, including a site plan for unit layout, access and circulation; a utility plan for location of utilities; a construction mitigation plan for mitigation of construction disturbance and protection of existing vegetation during construction; and a preliminary landscape plan.
9. 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.
10. This property has frontage on platted Eastern Avenue, which is currently overlapped by Sullivan Road. Sullivan Road is an access driveway for the use of City Park. This property fronts onto Sullivan Road at the south end of City Park where daily recreational use is less intensive than the daily use of the central and north sections of City Park. The area of Sullivan Road adjacent to this property is paved with a sidewalk on the east side and striped for overflow parking for City Park and Park City Education Center activities.
11. The existing house at 1274 Park Avenue does not have a driveway to Park Avenue and has been allowed to use a driveway off of Sullivan Road for access.
12. The existing house at 1266 Park Avenue has used a driveway off of Park Avenue for historical access.

13. A paved public pedestrian connection between Sullivan Road and Park Avenue exists along the south property line of the property immediately adjacent to the south property line of subject property.
14. There is an existing 5' concrete paved sidewalk along the Park Avenue frontage which connects to 5' concrete paved sidewalks along the adjacent properties to the north and south.
15. Construction activity on this property will have impacts on Park Avenue, Sullivan Road, City Park, and the adjacent properties.
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 plat amendment, that neither the public nor any person will be materially injured by the proposed amendment and that the proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

**SECTION 3. PLAT APPROVAL.** The plat amendment to combine Lots 14-19, 26-31, and the south half of Lots 20 and 25, Block 57, Snyder's Addition to the Park City Survey, known as 1266 and 1274 Park Avenue Replat, is approved as shown on Exhibit A, with the following conditions:

1. City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval is a condition precedent to plat recordation.
2. All standard project conditions shall apply.
3. A financial guarantee, 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. All associated development plans, including the site plan, utility plan, and construction mitigation plan as submitted to and reviewed by the Planning Commission on November 12, 1997, shall be referred to, by note on the plat, as the development plans approved in association with the subject plat approval.
5. There shall be a note on the plat, and a Grant of Easement, in a form approved by the City Attorney and Community Development Department, granting facade easements for both 1266 and 1274 Park Avenue as a condition precedent to plat recordation.
6. Any future additions to the existing historic structures shall be consistent with requirements stated in the recorded facade easement and shall be reviewed and approved by the Historic

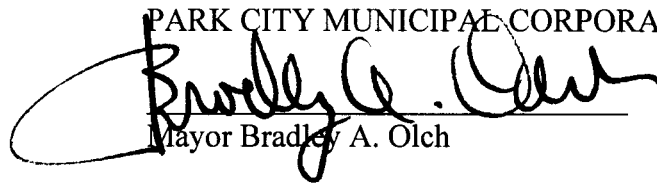
District Commission prior to issuance of any building permits. A note shall be added to the plat indicating the following: 1) All new construction shall be reviewed and approved by the Historic District Commission prior to issuance of any building permits. 2) All new construction shall be compatible with the design and character of the existing structures and the historic rhythm and scale of Park Avenue. 3) Porch elements facing Sullivan Road shall be incorporated into the designs to be reviewed by the Historic District Commission.

7. The shed encroachment behind the 1274 Park Avenue house shall be resolved by the applicant prior to recording of the plat, either by dedication of an easement, relocation of the shed, or by other means acceptable to the City Attorney.
8. Any significant changes to the development plans associated with this plat amendment, as determined by the Community Development Director, including the site plan, utility plan, and construction mitigation plan, shall be reviewed and approved by the Planning Commission. The construction mitigation plan must outline specific measures to be undertaken during construction to preserve all existing vegetation identified on the site plan.
9. The final 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 time frame, this approval and the plat shall be considered null and void.
10. A building permit for construction of new buildings or major renovations of the existing buildings on the subject property may not be issued until this plat amendment is recorded.
11. Prior to issuance of any building permits for the new buildings, including excavation permits, or major renovations of the existing buildings, the applicant shall submit to the City for review and approval a final landscape plan, consistent with the construction mitigation plan and utility plan, showing how the site will be re-vegetated and landscaped. A landscape guarantee will be collected at the time of building permit issuance in conformance with standard City requirements.
12. Prior to issuance of any building permits the applicant shall comply with all requirements of the UBC and Fire Codes in effect at the time of building permit application. A note shall be added to the plat indicating that modified 13-D residential fire sprinkler systems are required.
13. The City Engineer shall review and approve appropriate grading, utility, public improvements, and drainage plans for compliance with City Standards as a condition precedent to permit issuance.

**ACTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 18th day of December, 1997.

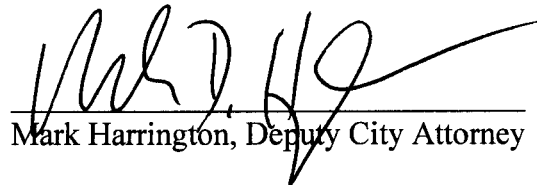
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

ATTEST:

  
\_\_\_\_\_  
Janet M. Scott Scott, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mark Harrington, Deputy City Attorney



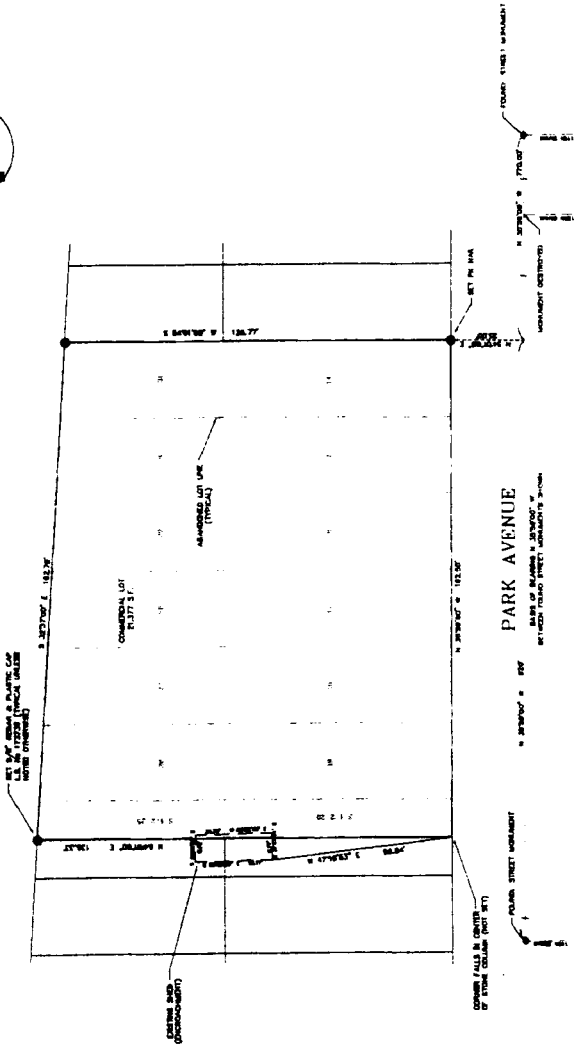
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# BOYLE PROPERTY PLAT AMENDMENT

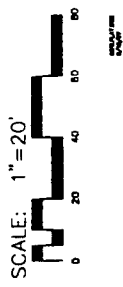
LOTS 14 THRU 19, 26 THRU 31 AND THE SOUTH HALF OF LOTS 20 & 23.  
 BLOCK 67, SYNDERS ADDITION TO PARK CITY  
 LYING WITHIN THE NORTHWEST QUARTER OF SECTION 16,  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN,  
 SUMMIT COUNTY, UTAH



**LEGAL DESCRIPTION**  
 ALL OF LOTS 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 AND THE SOUTH HALF OF LOTS 20 & 23, BLOCK 67, SYNDERS ADDITION TO PARK CITY, LYING WITHIN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, SUMMIT COUNTY, UTAH, AS SHOWN ON THE PLAT OF THE BOYLE PROPERTY PLAT AMENDMENT, AS FILED IN THE SUMMIT COUNTY RECORDERS OFFICE.



**NOTE:** THE BOUNDARY, DISTRICT AND THE CORNER STANDARDS ARE AS SHOWN ON THE SURVEY PLAT AND AS FILED IN THE SUMMIT COUNTY UTAH RECORDERS OFFICE AS FILED IN 5-1931 ON 3/27/96.



**RECEIVED**  
 DEC 15 2007  
 PARK CITY  
 PLANNING DEPT.

# EXHIBIT A

45

<b>CITY COUNCIL APPROVAL</b> PRESENTED TO THE BOARD OF CITY COUNCIL THIS _____ DAY OF _____ A.D. 19____ AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.	<b>CITY ENGINEER</b> APPROVED AND ACCEPTED BY THE CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____ A.D. 19____	<b>CITY PLANNING COMMISSION</b> APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ A.D. 19____	<b>SEWER DISTRICT APPROVAL</b> RECEIVED FOR CONFORMANCE TO SKYDIVER BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS _____ DAY OF _____ A.D.	<b>APPROVAL AS TO FORM</b> APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 19____	<b>RECORDED</b> STATE OF _____ COUNTY OF _____ RECORDED AND FILED AT THE REQUEST OF: _____ COUNTY RECORDER
MAYOR _____ CITY RECORDER _____	CITY ENGINEER _____	CHAIRMAN _____	S.B.S.I.D. _____	CITY ATTORNEY _____	COUNTY RECORDER _____

**THE JACK JOHNSON COMPANY**  
 1777 West Park Dr. • Park City, Utah 84302  
 (801) 466-3000 • Fax (801) 466-1000

**Ordinance No. 97-65**

**AN ORDINANCE APPROVING A PLAT AMENDMENT TO THE PARK CITY SURVEY LOTS 1, 2, 3, 4, 5, 6, 39, 40 AND THE EASTERLY SIXTY (60) FEET OF LOTS 43 AND 44, BLOCK 18, SNYDERS ADDITION LOCATED AT 1212 EMPIRE AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as Park City Survey Lots 1, 2, 3, 4, 5, 6, 39, 40 and the easterly sixty (60) feet of Lots 43 and 44, Block 18, Snyders Addition have 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 November 12, 1997, to receive input on the proposed condominium plat;

WHEREAS, the Planning Commission, on November 12, 1997, forwarded a positive recommendation to the City Council; and,

WHEREAS, on December 18, 1997, 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 Recreation Commercial (RC) District.
2. The proposed Plat Amendment will combine eight (8) lots and portions of two others into one (1) parcel in order to allow for the development of an eighteen (18) unit residential structure.
3. The parcel is located on a steep infill parcel in a built out area. Snow storage opportunities are limited in this area.
4. The owners currently owns only portions of Lots 43 and 44, Block 18, Snyders Addition to the Park City Survey.
5. A Small Scale Master Planned Development was approved for this parcel on November 12, 1997, by the Planning Commission.
6. The applicant stipulates to the conditions of approval

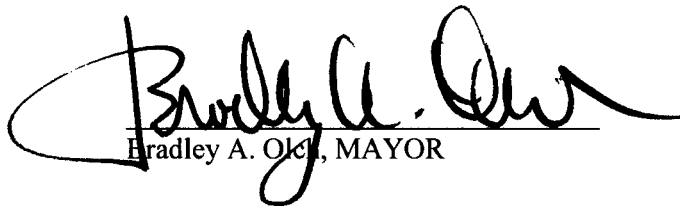
**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby concludes that there is good cause for the above-mentioned plat amendment, that neither the public nor any person will be materially injured by the proposed amendment and that the proposal is consistent with both the Park City Land Management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

**SECTION 3. PLAT APPROVAL.** The amendment to the Park City Survey for Lots 1, 2, 3, 4, 5, 6, 39, 40 and the easterly sixty (60) feet of Lots 43 and 44, Block 18, Snyders Addition, 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 these conditions of approval is a condition precedent to plat recordation.
2. A ten (10) foot non-exclusive snow storage easement along Norfolk Avenue and Empire Avenue shall be dedicated to the City on the plat.
3. All Standard Project Conditions shall apply (Please see Exhibit D - Standard Project Conditions).
4. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
5. A note shall be added to the Plat stating that no remanent lot created hereby is separately developable.
6. A Building Permit for 1212 Empire Avenue may not be issued until the Plat Amendment is recorded.
7. All MPD Conditions of Approval dated November 12, 1997, apply.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.  
PASSED AND ADOPTED this 18th day of December, 1997 .

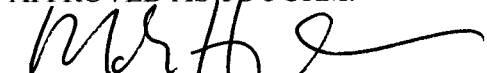
PARK CITY MUNICIPAL CORPORATION

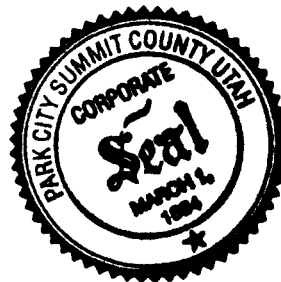
  
Bradley A. Old, MAYOR

ATTEST:

  
Janet M. Scott, City Recorder

APPROVED AS TO FORM:

  
Mark Harrington, Deputy City Attorney





**ENGINEERS CERTIFICATE**

I, the undersigned, being duly sworn, have examined the plat of the proposed plat of the above described land and find that the same is in accordance with the laws of the State of Utah and the provisions of the plat of the same and that the same is a true and correct copy of the original plat on file in the office of the County Clerk of Salt Lake County, Utah.

**DEED DESCRIPTION**

That certain lot or lots of land, situated in the City of Park City, Utah, in the County of Summit, State of Utah, as more fully described in the plat of the same on file in the office of the County Clerk of Salt Lake County, Utah.

**DEMANDS DESCRIPTION**

That certain lot or lots of land, situated in the City of Park City, Utah, in the County of Summit, State of Utah, as more fully described in the plat of the same on file in the office of the County Clerk of Salt Lake County, Utah, and as more fully described in the plat of the same on file in the office of the County Clerk of Salt Lake County, Utah.

**ENGINEERS DESCRIPTION AND CORRECTION TO RECORD**

That certain lot or lots of land, situated in the City of Park City, Utah, in the County of Summit, State of Utah, as more fully described in the plat of the same on file in the office of the County Clerk of Salt Lake County, Utah, and as more fully described in the plat of the same on file in the office of the County Clerk of Salt Lake County, Utah.

**ACKNOWLEDGMENT**

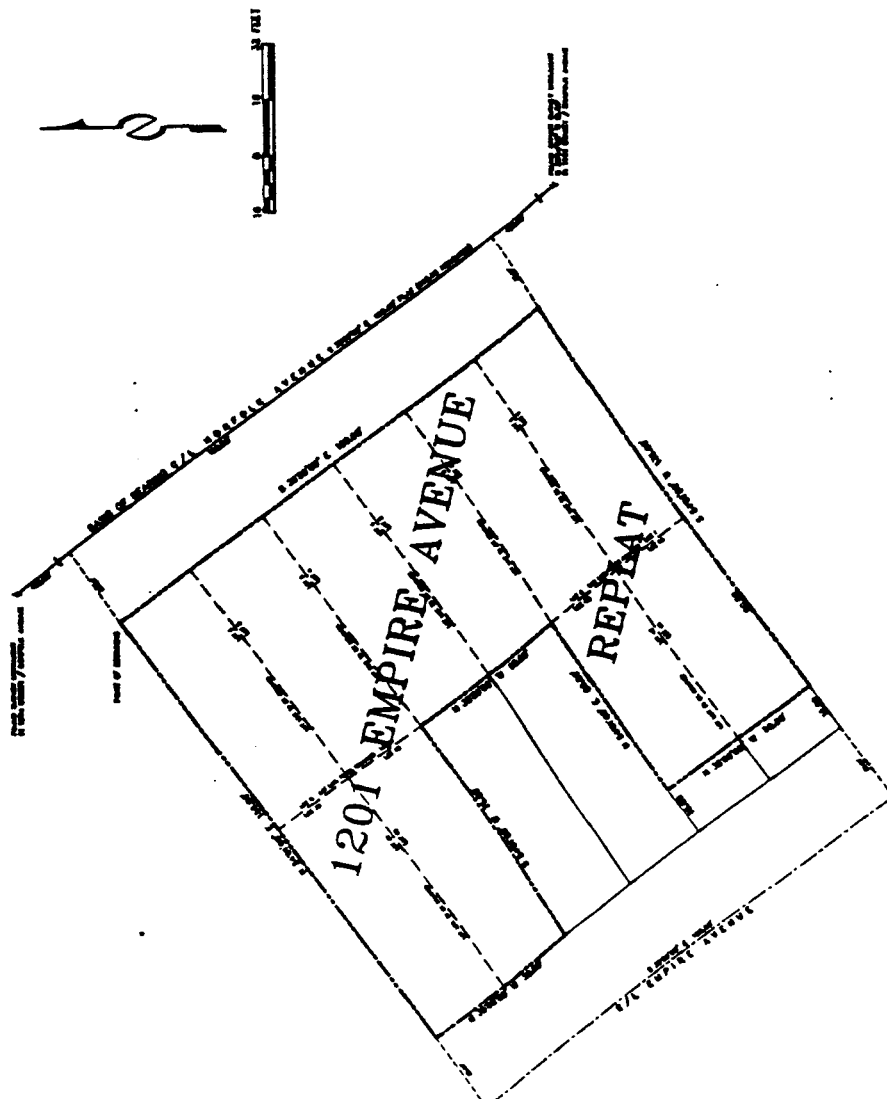
I, the undersigned, being duly sworn, have examined the plat of the proposed plat of the above described land and find that the same is in accordance with the laws of the State of Utah and the provisions of the plat of the same and that the same is a true and correct copy of the original plat on file in the office of the County Clerk of Salt Lake County, Utah.

NOTES  
1. The above plat of the proposed plat of the above described land is a true and correct copy of the original plat on file in the office of the County Clerk of Salt Lake County, Utah.  
2. Property owners who do not object to the above plat of the proposed plat of the above described land are hereby notified that they may file their objections with the County Clerk of Salt Lake County, Utah, within ten days of the date of the recording of this plat.

**RECEIVED**  
SEP 8 1997  
PARK CITY  
PLANNING DEPT.

**1201 EMPIRE AVENUE REPLAT**

LOCATED IN SECTION 18  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN  
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



PLANNING COMMISSION  
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF SEPTEMBER 1997 A.D.  
BY: CHAIRMAN

ENGINEERS CERTIFICATE  
I, the undersigned, being duly sworn, have examined the plat of the proposed plat of the above described land and find that the same is in accordance with the laws of the State of Utah and the provisions of the plat of the same and that the same is a true and correct copy of the original plat on file in the office of the County Clerk of Salt Lake County, Utah.  
DATE OF RECORDING: SEPTEMBER 1997 A.D.  
BY: ENGINEER

CERTIFICATE OF ATTEST  
I, the undersigned, being duly sworn, have examined the plat of the proposed plat of the above described land and find that the same is in accordance with the laws of the State of Utah and the provisions of the plat of the same and that the same is a true and correct copy of the original plat on file in the office of the County Clerk of Salt Lake County, Utah.  
DATE OF RECORDING: SEPTEMBER 1997 A.D.  
BY: CLERK

COUNCIL APPROVAL AND ACCEPTANCE  
APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS DAY OF SEPTEMBER 1997 A.D.  
BY: MAYOR

RECORDED  
FILED IN THE OFFICE OF THE COUNTY CLERK OF SALT LAKE COUNTY, UTAH, THIS DAY OF SEPTEMBER 1997 A.D.  
FILE NO. \_\_\_\_\_

Exhibit A - Plat Amendment

**AMENDMENT**

**ORDINANCE NO. 97-64**

**AN ORDINANCE APPROVING THE THIRD AMENDMENT  
TO THE TRAIL'S END AT DEER VALLEY RECORD OF SURVEY LOCATED AT 2100 DEER  
VALLEY DRIVE SOUTH, PARK CITY, UTAH**

WHEREAS, the owners of the property located 2100 Deer Valley Drive South have petitioned the City Council for approval of a revision to the final plat known as Trail's End; and

WHEREAS, the Trail's End project is located at 2100 Deer Valley Drive South and the property is zoned RD - MPD;

WHEREAS, the proposal is consistent with the Park City Land Management Code requirements for the RD District, the Comprehensive Plan, and the Master Planned Development Approval;

WHEREAS, the reconfiguration does not affect the intent nor the Final Conditions of Approval under the Master Planned Development for the project;

WHEREAS, the revision is necessary to reflect the actual building configuration;

WHEREAS, a financial guarantee is in place to ensure the completion of all public improvements and to protect the public from liability and physical harm if the developer or owner does not complete these improvements.

WHEREAS, the property was posted and legal notice published according to the requirements of the Land Management Code and proper notice was sent to all property owners within 300 feet of the property in question;

WHEREAS, the City Council held a public hearing on December 18, 1997 to receive input on the proposed amended Record of Survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Third Amended Record of Survey, known as Trail's End;

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are incorporated herein as Findings of Facts.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby concludes that there is good cause for the above-mentioned Amended Record of Survey and that neither the public nor any person will be materially injured by the proposed Amended Record of Survey.

**SECTION 3. PLAT APPROVAL.** The Third Amended Record of Survey, known as Trail's End, Park City, Utah, is approved as shown on the attached Exhibit A with the following conditions:

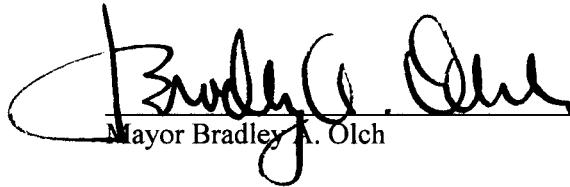
1. All prior Master Planned Development approvals, dated April 11, 1994 and April 5, 1991, are in full force and effect.

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 recording the Record of Survey.
3. The applicant must obtain the signatures of all unit owners of the project in a form approved by the City Attorney and County Recorder prior to plat recordation or otherwise satisfy the County Recorder as to recording requirements.
4. The applicant will record the Third Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within the one year's time, this approval and the plat will be void.

**SECTION 4. EFFECTIVE DATE.** This Ordinance will take effect upon publication.

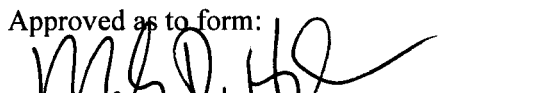
PASSED AND ADOPTED this 18th day of December 1997

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

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



ORDINANCE NO. 97-63

**AN ORDINANCE APPROVING AN AMENDMENT TO LOT 6, 7 AND 8, BLOCK 8, OF THE PARK CITY SURVEY KNOWN AS 625 MAIN STREET, PARK CITY, UTAH**

WHEREAS, the owners of the property known as 625 Main St. petitioned the City Council for approval of a amendment to the final plat; and

WHEREAS, proper notice was sent and the City Council held a public hearing to receive input on the proposed amendment on; and

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

WHEREAS, there is good cause for the revision as the reconfiguration does not affect the development parameters for site; and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat revision.

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

SECTION 1. The amendment to Park City Survey, Lots 6, 7, and 8, Block 8, is approved as shown on the attached Exhibit A with the following findings, conclusions and conditions:

Findings:

1. The parcel is located in the Historic Commercial Business (HCB) zoning district.
2. The property is located on the corner of two of Park City's busiest streets, Heber Avenue and Main Street. Pedestrian and vehicular traffic are heavy in this area. Construction staging and mitigation will need to be carefully handled on this site.
3. The revision will combine three lots into one parcel in order to allow one structure to be built on the site.
4. A 25' setback exists on the corner of Heber Ave. and Main St. to provide for and comply with the clear view of intersecting streets requirement outlined in the Land Management Code. This setback is identified on the proposed plat.
5. A ten foot public access easement is required on the northwest side of the building for

fire and safety purposes.

6. Access from the north side of the building will be provided by an easement on the adjacent property.
7. Any visual impacts resulting from this amendment will be mitigated through the Historic District Design review process.

Conclusions of Law:

1. The plat amendment is in compliance with Chapter 15 of the Land Management Code.
2. There is good cause for the revision as: 1) the corner portion of the property will remain open to pedestrian traffic; 2) a clear view will be provided for vehicular traffic on the corner and; 3) the design will provide for a uniform buildign theme on this prominent corner and entry to the Historic District.
3. Neither the public nor any person will be materially injured by the proposed plat revision.

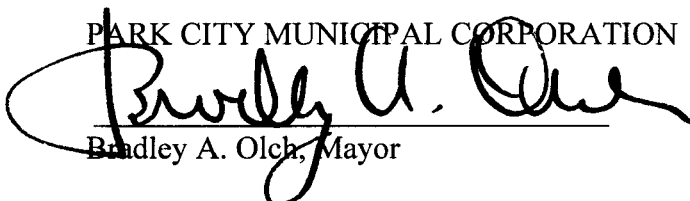
Conditions:

1. City Attorney and City Engineer review and approval of the amended plat for compliance with Land Management Code, Utah State Code and these Final Conditions of Approval is a condition precedent to plat recordation.
2. A ten-foot access easement for the northwest side of the building must be obtained and recorded concurrently with the plat. A note to this effect shall be added to the plat.
3. Approval of a construction mitigation plan is a condition precedent to the issuance of any building permit.
4. If the amendment is not recorded within one year of this approval date this approval shall become null and void.

SECTION 2. This ordinance shall take effect upon publication.

DATED this the 18<sup>th</sup> day of December 1997.

PARK CITY MUNICIPAL CORPORATION

  
Bradley A. Olch, Mayor

ATTEST:

Janet M. Scott  
Janet M. Scott, Deputy City Recorder

APPROVED AS TO FORM:

Mark Harrington, Deputy City Attorney





**AN ORDINANCE AMENDING TITLE 9, "PARKING CODE", OF THE MUNICIPAL CODE OF PARK CITY TO ADD PROVISIONS REGARDING PAID PARKING**

WHEREAS, the City is instituting a new paid parking program; and

WHEREAS, changes to the Municipal Code are necessary to implement the new program;  
and

WHEREAS, clear and current code provisions are a priority of the City Council;

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

**SECTION I. AMENDMENT.** Title 9 of the Municipal Code of Park City is hereby replaced in its entirety by the following:

**TITLE 9 - PARKING CODE**

**CHAPTER 1 - IN GENERAL**

**9- 1- 1. CITATION.**

This Title shall be referred to as the Park City Parking Code.

**9- 1- 2. APPLICATION OF THE CODE.**

This Title is applicable on all public ~~Streets and Public Parking Facilities~~ ways within Park City's corporate limits as now constituted or as subsequently amended by annexation or disconnection.

**9- 1- 3. DEFINITIONS.**

As used in this Title, the following terms shall have the meanings stated, unless the context clearly requires some other meaning:



(A) **DELIVERY VEHICLES.** Includes any Motor Vehicle being used for the purpose of loading or delivering goods or cargo to businesses or individuals.

(B) **DOUBLE PARKING.** Parking, standing, or stopping a Vehicle whether attended or unattended: (1) at the side of another Vehicle which is legally parallel Parked; or (2) behind a Parking space which is occupied by a legally Parked Vehicle.

(C) **NON-MOTORIZED EQUIPMENT.**

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

(D) **PARK OR PARKING.** Stopping, standing, or leaving a Motor Vehicle in a fixed spot or location on a Street or Public Parking Facility for any length of time, except when required to stop or stand because of the flow of traffic, or to yield to other traffic, or in compliance with the requirements of traffic control devices, flagman or police officers.

(E) **PUBLIC PARKING FACILITY.** Any public Parking lot, area, garage or structure that is owned, operated and/ or maintained by Park City, but not on-Street Parking.

(F) **STREET.** Every street, alley, roadway, right of way, or on-Street Parking lot space under the control and/or maintenance of Park City, whether on public or private property, including all streets shown as public streets on the Street Master Plan. The term Street shall not include private driveways, Parking lots, or private roadways.

(G) **VEHICLE OR MOTOR VEHICLE.** Any automobile, truck, motorcycle, trailer, backhoe, loader or other piece of construction machinery, and every other means of conveyance or persons or cargo included within the Utah Motor Vehicle Code.

#### **9- 1- 4. TOW ENFORCEMENT.**

Because unlawfully Parked cars Vehicles prevent access to large areas by emergency Vehicles as well as local residents, the Police Department is authorized to enforce this Title by towing or otherwise removing Vehicles Parked in violation of this Title without first having given notice to the owner of the Vehicle that it may be towed if not removed.

#### **9- 1- 5. REGULATION NOT EXCLUSIVE.**

The Parking regulations established by this Title are not all encompassing, and additional regulations may be established by posting permanent or seasonal signs stating the additional regulation imposed, or by police officers directing traffic during periods of heavy traffic volume or during periods of emergencies, or during special events as designated by the City Manager.

## **9- 1- 6. PRESUMPTION OF IDENTITY.**

The presence of For any Vehicle on any Street or Public Parking Facility which is Parked in violation of the regulations of this Title, it shall be presumed is prima facie evidence that the registered owner of the Vehicle Parked the Vehicle in violation of this Title, or permitted others to Park his Vehicle in violation of this Title and the registered owner is deemed responsible for the violation and for the fine or civil penalty imposed.

## **CHAPTER 2 - STANDARD PARKING REGULATIONS**

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

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

- (A) On or across a sidewalk ~~or across a sidewalk~~;
- (B) In front of, or within five (5) feet ~~on either side of a driveway~~ of a public or private driveway or alleyway;
- (C) Within an intersection, or within fifteen (15) feet of an intersection
- (D) In front of or within five (5) feet from a fire hydrant;
- (E) In or on a crosswalk;
- (F) Within twenty (20) feet of a crosswalk at an intersection;
- (G) Within thirty (30) feet from the approach to any flashing beacon or traffic control device, including stop signs controlling traffic on the same roadway as the approach;
- (H) Within fifty (50) feet of the nearest rails of any railroad crossing;
- (I) Within twenty (20) feet of the entrance to a fire station, or on the Street opposite of the entrance to a fire station if designated a No-Parking area by signs;
- (J) Along side any Street excavation or construction fence or barricade if Parking in that location would obstruct the free-flow of traffic on the Street;
- (K) On a bridge or other elevated portion of a Street or under an overpass;
- (L) At any place marked by signs as a No-Parking zone;

(M) In such a location or manner that the car is Parked opposite of the flow of traffic on the Street, except as provided in this Title;

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

(O) In accordance with Title 11, Chapter 15-2, Parking on pervious surfaces within the area outlined by Title 11, Chapter 15-1 is prohibited;

(P) In any Parking space designated "Handicapped", or otherwise for mobility disabled under the qualifications of the Americans with Disabilities Act, when not displaying proper distinguishing license plates or an official state-approved identifying placard indicating that the occupant of said Vehicle is mobility disabled under the qualifications of the Americans with Disabilities Act.

### **9- 2- 2. PARKING MAY NOT OBSTRUCT TRAFFIC.**

No person shall Park a Vehicle on a Street or Public Parking Facility in any manner that obstructs the Street, sidewalk, or driveways and impedes the free movement of vehicular or pedestrian traffic.

### **9- 2- 3. STOPPING OR PARKING ON STREETS.**

No person shall Park a Vehicle, whether attended or not attended, on the traveled portion of a Street when it is possible under the existing conditions to Park the Vehicle off the traveled portion of the Street. When stopping or Parking a Vehicle, it must be Parked in a manner that leaves an unobstructed width along the Vehicle for the passage of other Vehicles.

This section shall not apply to Vehicles which are Parked as a result of mechanical failures or otherwise disabled to an extent that the Vehicle cannot be moved out of the traffic lane. It is the duty of the owner or operator of the disabled Vehicle to activate warning lights on the Vehicle, and to open the hood in order to give notice to other Vehicles on the Street that traffic is blocked by a disabled Vehicle. It is also the duty of the owner or operator of a disabled Vehicle to obtain assistance as soon as possible under the circumstances to have the disabled Vehicle removed from the traffic lane.

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

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

(A) Displaying the Vehicle for sale;

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

(C) Displaying of advertising;

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

(E) Camping or other habitation.

#### **9-2-5. CONDITION OF UNATTENDED VEHICLES.**

It shall be unlawful for any person to Park a Vehicle on a Street or Public Parking lot Facility without stopping the engine, locking the ignition, and removing the key from the ignition, and if the Vehicle is Parked on a readily perceptible grade, the wheels must be turned toward the curb or edge of the road and the parking brake set.

#### **9-2-6. DOUBLE PARKING.**

~~(A) **VEHICLES OTHER THAN DELIVERY VEHICLES.** No person shall park a vehicle on a street at the side of another vehicle which is also parked, except while actually engaged in loading or unloading passengers or cargo, and except when complying with the instructions of a police officer, allowing an emergency vehicle to pass, or when necessary to avoid other traffic.~~

~~(B) **DELIVERY VEHICLES.** All delivery vehicles parked on Main Street or Swede Alley shall observe the following restrictions:~~

~~———— (1) No delivery vehicle, except those delivering construction materials to a construction site, shall park between the hours of 12:00 noon and 2:00 a.m. except between December 10 and December 31 when hours of allowed parking shall be extended to 1:00 p.m.~~

~~———— (2) No delivery vehicle delivering construction materials to a construction site shall park between the hours of 3:00 p.m. and 2:00 a.m.~~

~~———— (3) No delivery vehicle shall be parked in a manner which impedes the flow of traffic after the hour of 12:00 noon.~~

~~———— (4) No delivery vehicle shall park on the east side of Main Street or on the east side of Swede Alley.~~

~~———— Violation of any of the above restrictions shall constitute a class B misdemeanor.~~

No Vehicle shall be Double Parked nor shall be stopped upon the traveled portion of any Street except when complying with the instructions of a police officer or flagman, allowing an emergency Vehicle to pass, avoiding other traffic, or conducting commercial deliveries under the requirements of this Title.

#### **9- 2- 7. PARALLEL PARKING.**

Except where otherwise designated, it shall be unlawful to Park any Vehicle in a manner other than parallel with the curb or shoulder of the Street, with the front of the Vehicle facing the direction of traffic flow, with the right hand wheels (passenger side) not more than eighteen (18) inches from the curb, shoulder, or snow bank, whichever is nearer to the traffic lane.

On residential Streets south of 12th Street and west of Rossie Hill Drive, but including both of those Streets, Vehicles may be Parked on either side of the Street regardless of direction of traffic flow, so long as they are not Parked in a manner that violates site specific regulations on posted signs, or impedes or obstructs the flow of traffic on those Streets. This exception does not apply to Parking on Main Street, Park Avenue (north of Heber Avenue), Heber Avenue, or Swede Alley, except commercial Delivery Vehicles loading or unloading cargo on the west side of Swede Alley.

#### **9- 2- 8. ANGLE PARKING.**

Angle Parking is permitted only when designated by posted signs or in designated Public Parking Facilities, and then only when conditions are such that angle Parking does not result in obstructions obstruction of the driving lanes such that traffic has to deviate from its normal course to avoid the Parked Vehicle(s). Further, no Vehicle in excess of twenty (20) feet in length shall Park in an angle Parking place at any time.

#### **9- 2- 9. OVERNIGHT PARKING/CAMPING.**

It shall be unlawful to Park a Vehicle on a public Street, or within a Public Parking Facility lot, or within public parks, playing fields, or other areas for purposes of overnight camping, sleeping or other habitation.

#### **9- 2-10. PARKING ON NARROW ALLEYS AND STREETS PROHIBITED.**

It shall be unlawful for any person to Park a Vehicle on any Street or alley in a manner that obstructs the flow of traffic on that Street by failing to leave an unobstructed lane of at least twelve (12) feet in width for passing traffic. It shall be unlawful to Park opposite another Parked Vehicle so as to leave less than a twelve (12) foot wide traffic lane, or in any other manner to obstruct the free movement of traffic through the alley or narrow Street.

#### **9- 2- 11. LIGHTING REQUIREMENTS.**

The owner or operator of a Vehicle is not required to provide any warning lights on any lawfully Parked Vehicle. Any Vehicle that is Parked so as to obstruct the normal flow of traffic, whether illegally Parked or disabled in traffic, shall display one or more lights to the front and rear which are visible from a distance of five hundred (500) feet. The light shown to the front of the Vehicle shall be white or amber, the light shown to the rear of the Vehicle shall be red. If the headlights are left on, they shall be set on the dimmed setting. It shall be the duty of the owner or operator of a Vehicle so Parked to open the hood as an additional warning to other motorists, and to keep the lights free of snow, mud, or other obstructions so that the lights are clearly displayed.

#### **9-2-12. CONSTRUCTION SITE PARKING.**

Construction site Parking shall comply with the provisions of the Construction Mitigation Plan. Upon approval under the provisions of the Construction Mitigation Plan, the City may issue, upon payment of the prescribed fee, permits to occupy either pay or non-pay on-Street spaces or Public Parking Facility spaces in the direct vicinity of an approved construction project or as specifically specified on the permit.

#### **9-2-13. NON-MOTORIZED EQUIPMENT PARKING PROHIBITED.**

No person, except for construction equipment and materials allowed under the Construction Mitigation Plan and complying with Section 9-2-12, shall Park any Non-Motorized Equipment in any on-Street or Public Parking Facility, including uncoupled trailers and snowplows. Such equipment must be properly stored in private off-Street areas or commercial rental storage units. Equipment violating this section shall be subject to immediate impoundment.

#### **9-2-14. OVERSIZED VEHICLES.**

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

### **CHAPTER 3 - TIME LIMITATION**

#### **9-3-1. PARKING FOR MORE THAN SEVENTY-TWO (72) CONSECUTIVE HOURS ON PUBLIC STREETS.**

It shall be unlawful to leave a Vehicle Parked in any Street for more than seventy-two (72) consecutive hours. After 72 consecutive hours, the Vehicle is subject to impoundment.

#### **9-3-2. PARKING FOR MORE THAN TWENTY-FOUR (24) CONSECUTIVE HOURS IN PUBLIC PARKING LOTS AND GARAGES.**

It shall be unlawful to leave any Vehicle in any Public Parking Facility lot or garage for more than twenty-four (24) consecutive hours except where otherwise posted on official signs. Vehicles Parked longer than 24 consecutive hours are After 24 consecutive hours, the vehicle is subject to impoundment.

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

~~9-3-3. TIMED PARKING IN COMMERCIAL AREAS.~~

~~Public streets, but not parking lots, within commercial areas may be designated as having two (2) hour parking limitation, and it shall be unlawful to park a vehicle in an area so designated by posted signs for longer than two (2) hours. Public Streets and Public Parking Facilities within commercial areas may be designated with time limitations. It shall be unlawful to Park a Vehicle in an area so designated by posted signs or meter legends for longer than designated time limits. Vehicles Parked longer than posted time limits are subject to fine(s) and/or impoundment.~~

~~9-3-4. PARKING LOTS AND CLASSIFICATIONS.~~

~~9-3-4. PARKING AREAS AND CLASSIFICATIONS.~~

~~There shall be the following kinds and classifications of parking areas, which shall be designated by appropriate signage posted on the lots or along the streets; The City Manager, or designee, may establish general classifications of Parking areas and the effective periods of time, and shall so designate by posting appropriate signs posted along the Streets, within the facility, and/or at the appropriate entry points to the facility, and shall cause the classifications to be delineated on the Parking Area Map.~~

~~(A) **LONG TERM LOTS.** Long term parking lots are available for use by holders of Employee, Resident, or Hotel Guest passes for parking of vehicles with passes for periods of eleven (11) hours from 8:00 a.m. to 6:00 p.m. From 2:00 a.m. to 8:00 a.m. only cars with resident or hotel guest passes may remain in the lots.~~

~~(B) **SHORT TERM LOTS.** Short term parking lots are available for use by holders of Employee, Resident, or Hotel Guest permits, and by the general public without permits, for periods not to exceed four (4) hours between the hours of 8:00 a.m. to 6:00 p.m. From 6:00 p.m. through 2:00 a.m. of the following morning, there is no restriction on the use of these lots. From 2:00 a.m. to 8:00 a.m., there shall be no parking allowed in the short term lots to facilitate snow removal. Vehicles parked in short term lots for periods in excess of four (4) hours during the restricted parking periods, or parked in the lots between 2:00 a.m. and 8:00 a.m. will be subject to ticket and/or tow.~~

~~(C) **TIMED PARKING AREAS.** Holders of any class of parking permit, or persons without a parking permit may use the timed parking areas (which are primarily on-street parking areas of Main Street) for up to the allowed time. Between 8:00 a.m. and 6:00 p.m., the timed parking areas are limited to two (2) hours. Between 6:00 p.m. and 2:00 a.m. of the following morning, there is no restriction on the time a vehicle may be left parked in the timed parking areas. Between 2:00 a.m.~~

~~and 8:00 a.m., there shall be no parking in the timed parking areas, and vehicles left there are subject to ticket and/or tow enforcement.~~

~~(D) **NON-TIMED, ON-STREET, PARKING.** To preserve limited on-street parking for area residents' use, parking on any public street where parking is not prohibited entirely or regulated by timed parking regulations, it shall be unlawful to park any vehicle which does not have a resident permit attached to it on the street between the hours of 8:00 a.m. and 6:00 p.m. After 6:00 p.m. no permit is needed.~~

## **CHAPTER 4 - SEASONAL**

### **9- 4- 1. SPECIAL WINTER LIMITATIONS.**

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

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

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

(C) It shall be unlawful to Park any Vehicle ~~on Park Avenue between 12th Street and Heber Avenue, on Heber Avenue, 7th Street, 9th Street or, Main Street, or Swede Alley surface~~ Parking between the hours of 2:00 a.m. and 6:00 a.m. during the winter months. Additional Streets may be designated as no Parking areas during these periods as necessary to facilitate snow removal.

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

It shall be unlawful to Park any Vehicle in a manner that obstructs snow removal by failing to leave adequate room for passage of plows and other removal equipment, and Vehicles as Parked are subject to impoundment.

### **9- 4- 3. SNOW REMOVAL EMERGENCY ROUTES.**

In order to maintain a free flow of traffic during periods of ~~heavy snow four inches or more of snow accumulation~~, and immediately following ~~heavy snow said~~ storms, the Police Department may declare a snow removal emergency, during which time it shall be unlawful to Park any Vehicle on the following Streets:



~~Deer Valley Drive from the junction with Heber Avenue to the Snow Park Lodge, and Deer Valley Drive (& 224 Belt Route) south from the intersection with Park Avenue to Heber Avenue;~~  
~~Empire Avenue from Park Avenue to Silver King Drive;~~  
~~Heber Avenue;~~  
~~Holiday Ranch Loop Road from Park Avenue (U-224) to Little Kate Road;~~  
~~any Street which is on a Park City Transit bus route;~~  
~~Swede Alley~~  
~~Kearns Boulevard: U-248 to City limits;~~  
~~U-224 from Kearns Blvd. east to the City limits;~~  
~~Little Kate Road from Holiday Ranch Loop Road to Meadows Drive; Main Street from Heber Avenue south to King Road and Hillside;~~  
~~Marsac Avenue;~~  
~~Meadows Drive Lucky John Drive from Little Kate Road to Evening Star Drive;~~  
~~Monitor Drive from Kearns Boulevard (U-248) to Little Kate Road;~~  
~~Park Avenue from Heber Avenue north to the City limits;~~  
~~Payday Drive from Thaynes Canyon Drive to Park Avenue (U-224);~~  
~~Royal Street from Deer Valley Drive to the Silver Lake Lodge and the intersection with the Guardsman Pass Road;~~  
~~Sidewinder Drive from Kearns Boulevard (U-248) to Wyatt Earp Drive;~~  
~~Silver King Drive between Empire Avenue and Three Kings Drive;~~  
~~Thaynes Canyon Drive from Silver King Drive to Payday Drive;~~  
~~Three Kings Drive between Silver King Drive and Thaynes Canyon Drive;~~  
~~Wyatt Earp Drive to the intersection with Kearns Boulevard (U-248);~~  
~~Meadows- Evening Star To American Saddler;~~  
~~American Saddler- Meadows to Meadows~~  
~~Meadows -American Saddler to U-224; and~~

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

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

## **CHAPTER 5 - RESIDENT PERMIT PARKING**

### **9- 5- 1. PERMIT PARKING AREAS.**

The following area is hereby established as a permit parking area, and any vehicle parked in that area is subject to these regulations:

~~Anchor Avenue  
Coalition View Court  
Daly Avenue  
Deer Valley Loop/Olive Branch Road  
Easy Street  
Empire Avenue south of 12th Street  
Heber Avenue/Crescent Tram  
Hillside Avenue  
King Road  
Lowell Avenue south of 12th Street  
Main Street  
Marsac Avenue between the intersection of Hillside Avenue and Deer Valley Dr.  
McHenry Avenue  
Norfolk Avenue south of 12th Street  
Ontario Avenue  
Pacific Avenue  
Park Avenue south of 12th Street  
Prospect Avenue  
Rossie Hill Drive  
Sampson Avenue  
Sand Ridge Avenue  
Swede Alley  
Upper Norfolk  
Woodside Avenue south of 12th Street  
12th Street  
11th Street  
10th Street  
9th Street  
8th Street/Crescent Tram  
6th Street  
5th Street  
4th Street~~

~~The City Manager or designee shall determine which Streets or Public Parking Facilities would benefit by inclusion in a Permit Parking Zone (PPZ). The City Manager or designee shall designate the boundaries of each zone identifying each zone by letter, number or name, and cause a map to be published showing the zone boundaries (Parking Area Map).~~

~~If modification of an established Parking zone boundary or establishment of a new PPZ is determined to be in the public interest, the City Manager or designee shall designate the boundaries~~

thereof and give fourteen days notice of the same by publication twice in a newspaper of general circulation within the city.

~~9-5-2. SEASONAL REGULATIONS.~~

~~9-5-2. YEAR-ROUND REGULATIONS.~~

~~The parking regulations of this Title shall apply to the above-listed streets and parking areas from November 1st of each year through the winter months to May 1st of the following year. The Parking regulations of this Chapter shall apply to the zones designated on the current Parking Area Map on a year-round basis.~~

~~9-5-3. TYPES OF PERMITS.~~

~~There shall be the following kinds of parking permits: The following permit types are established and shall be issued by the City upon payment of the appropriate fee, if any, as designated in the Fee Resolution:~~

~~(A) **Resident Permit Parking.** A resident parking permit will be issued to residents or property owners having property on the above-listed streets. A resident parking pass will entitle the holder of the pass to park a vehicle on the public street, as space is available, and subject to the general provisions of this Title dealing with the manner of parking and snow removal. Resident parking passes will be issued to residents or to the owner of property that is used as a vacation home or nightly rental unit. Passes will only be issued to the extent that the number of vehicles registered at the dwelling exceeds the off-street parking available at that dwelling to encourage the use of all available off-street parking.~~

~~(B) **Employee Pass.** An employee pass will be issued to persons owning or employed in businesses located within the area defined above. The employee pass will entitle the holder to park only in designated long-term parking lots within the Swede Alley parking area. Employee passes do not entitle the holder to park in the long-term lots between the hours of 2:00 a.m. and 8:00 a.m.~~

~~(C) **Hotel Guest Pass.** The hotel guest pass will be available to the owners of hotel or transient lodging type facilities located within the defined area. Passes will be issued at the ratio of .66 parking passes per hotel room, rounded up to the next whole number. Passes will not be available for transient lodging units with available off-street parking for their guests and/or employees. Holders of hotel guest passes will be entitled to park in designated long-term parking lots within the Swede Alley area. Hotel guest passes entitle the holder to 24-hour a day parking at the designated lots.~~

~~(A) **Resident Permit.** One resident permit shall be issued for each Vehicle owned by a person residing within a Residential Permit Zone (RPZ). If more than two permits are requested for one residence, the owner(s) of the Vehicles of the residence must make a formal application to the City for additional permits. In no case shall the number of resident permits issued to one residence exceed five. Permits will only be issued to the extent that the number of Vehicles registered at the dwelling exceeds the off-Street Parking available at that dwelling to encourage the use of all~~

available off-Street Parking. An applicant for a permit shall present: (a) current Utah Motor Vehicle registration, (b) a current operator's license with the application, and (c) proof of residence; and shall certify the application with his or her signature.

No permit shall be issued in the event that either the registration or license shows an address not within the RPZ unless the applicant demonstrates to the satisfaction of the City Manager or designee that the applicant is, in fact, a resident of the RPZ and that the Vehicle is used primarily by the applicant.

The resident permits shall be valid: (a) until the expiration date shown on the permit, or (b) until the resident, business, or qualified non-profit organization relocates outside of the RPZ, or (c) until the permitted Vehicle is sold, whichever occurs first.

Resident permits shall be valid only in the same residential permit Parking zone in which the residence, business, or qualified institution is located.

**(B) Resident Guest Permit.** One resident guest permit shall be provided to each residential, business or qualified non-profit institution address receiving at least one resident permit within an RPZ, subject to the following conditions:

(1) Resident guest permits shall be issued for the exclusive use of resident permit holders' guests only during periods when the guests are actually visiting a resident permit holder's address. Resident guest permits shall display the host resident's resident permit number. Residents shall instruct their guests in the proper display and use of the guest permit.

(2) Resident guest permits issued to business or non-profit institution guests within an RPZ shall be valid only while the guest is actually engaged in business at a resident permit holder's business or institution address. Resident guest permits issued to businesses or institutions within an RPZ shall display the host business's or institution's resident permit number. Businesses or institutions shall instruct their guests in the proper display and use of the guest permit.

(3) Resident guest permits may also be issued directly to guests by the Transportation & Parking Department subject to reasonable conditions imposed by the City Manager or designee.

The resident guest permits shall be valid: (a) until the expiration date shown on the permit, or (b) until the holder of the host permit relocates outside of the RPZ, whichever occurs first.

The resident guest permit shall be valid only in the same residential permit Parking zone in which the host residence, business, or qualified institution is located.

**(C) Lodging Guest Permit.** Lodge guests permits shall be issued to, or approved for, lodges within a non-metered RPZ for the exclusive use of lodge guests during their period of stay at the lodge.

Lodge owners shall fill out the lodge guest permit completely, using permanent ink, and instruct their employees and guests in the proper display and use of the lodge guest permit. Passes shall not be available for transient lodging units with available off-Street Parking for their guests and/or employees, or for lodging units located within a metered Parking zone. Lodge guest permits may also be issued to individuals with unusual or special needs at the discretion of the City Manager or designee.

The lodge guest permit shall be valid either: (a) only during the guest's stay at the lodge, or (b) for seven (7) days from the date of issue to the guest, whichever is less.

The lodge guest permit shall be valid only in the same residential permit Parking zone in which the host lodge is located.

(D) **Employee Permit.** If the City Manager or designee deems necessary, employee permits may be made available upon payment of the prescribed fee, if any, to Main Street area businesses that have inadequate off-Street Parking for Parking in designated Public Parking Facilities.

(E) **Delivery Vehicle Permit.** Business Vehicle permits shall be made available to allow Delivery Vehicles to Park in designated loading zones in the Main Street core. Businesses shall be required to justify a Delivery Vehicle permit for business delivery use and adhere to strict regulations of this Title. Delivery Vehicles shall also be required to use the designated loading zones in the Main Street core before the hour of 12:00 a.m., or otherwise pay the hourly fee for Parking.

(F) **Service Vehicle Permit.** Service Vehicle permits shall be made available to allow building maintenance and cleaning functions for buildings in the resident permit zones. Applicants shall possess a valid Park City business license. Service Vehicles shall be required to use short-term zones, or Park in metered spaces and pay the hourly fee while conducting service calls in the metered parking areas (Main Street core).

#### **9- 5- 4. PERMITS DO NOT AFFECT GENERAL PARKING REGULATIONS.**

The provisions of this Chapter on permit Parking ~~are do not intended to~~ supersede any other provisions of the Park City Parking Code with respect to general Parking regulations such as Parking in a manner that obstructs driveways or traffic, Parking that interferes with snow removal, proximity to intersections, fire hydrants and other general Parking regulations. It is not a defense to any Parking violation that the violator had a Parking permit, unless alleged violation is Parking without the required permit.

#### **9- 5- 5. PERMIT DOES NOT GUARANTEE PARKING.**

The intent of this Chapter is to attempt to divide the limited pool of available Parking among the various classifications of Parking users on an equitable basis. The issuance of a permit does not guarantee a place to Park at all times.

#### **9- 5- 6. ISSUANCE OF PERMITS AND PERMIT FEES.**

Parking permits will be issued through the ~~Park City Police or Finance Departments~~ ~~Transportation & Parking Department~~. Permit fees for each permit type shall be determined by the City. ~~Permits will be valid for one season only, with permits to be reissued each season to eligible persons.~~ Proof of residence or employment eligibility within the permit Parking area and payment of the applicable fee will be required before a permit will be issued. All permits are valid only for their prescribed use and area.

#### **9- 5- 7. VALID PERMIT TO BE DISPLAYED.**

~~All parking permits, except Hotel Guest Permits, will be in the form of stickers which must be affixed to the permittees' vehicle as designated on the sticker, typically to the rear windshield or bumper. Hotel Guest Passes will be transferrable, and shall be placed on the dashboard or rear window shelf of the vehicle when the vehicle is parked. Permits will be valid through the date shown on the face of the permit. It shall be unlawful to display an expired permit while Parking in a permit area. Resident permits will be in the form of stickers, which shall be affixed to the permittee's Vehicle as designated on the sticker. All other permits will be in the form of hangtags that shall be suspended from the rearview mirror so as to face toward the front of the Vehicle.~~

#### **9- 5- 8. REPLACEMENT PERMIT.**

Replacement permits will be issued to replace permits that have been lost, destroyed, or in cases where there has been a change in Vehicles for a ~~replacement charge of fifty cents (\$.50) per permit.~~ handling charge as determined by the City. Upon issuance of a replacement permit, the original permit shall be void; and it shall be unlawful for any Vehicle to display the permit.

#### **9- 5- 9. SIGNAGE SIGNS.**

The City will designate the various Parking areas with signs at the entrance to the ~~affected parking lots~~Public Parking Facilities, or along the designated Streets ~~affected~~. In the absence of ~~signage signs~~, on-Street Parking is hereby designated as ~~a Resident Parking area~~ resident permit Parking and a resident Parking ~~pass~~ permit is required. The designations of Parking areas may be changed from time-to-time by relocation or redesignation of the signs to adapt to actual Parking demand experienced for that kind of Parking area.

#### **9- 5- 10. VIOLATIONS.**

Parking any Vehicle in a manner that is in conflict with the provisions of this Title is unlawful, and shall be punishable as an infraction as provided in the Park City Parking Code. In addition to enforcement by ticket, illegally Parked Vehicles are subject to towing.

#### **9- 5- 11. MULTIPLE PERMITS.**

Persons who are entitled to more than one classification of permit (such as persons residing and working in the permit parking area) shall be entitled to only one permit, which will be the resident permit or other permit which is the least restrictive available to which that person is entitled.

#### **9- 5- 12. PERMITS NON-TRANSFERABLE.**

Permits, except the residential guest permit, shall not be transferable, and may be revoked in the event the Transportation & Parking Department determines that the owner of the Vehicle or the Vehicle itself for which a permit has been issued no longer meets the eligibility requirements established by the Transportation & Parking Department. Upon no longer meeting the eligibility requirements, the holder of the permit shall surrender such permit to the Transportation & Parking Department.

#### **9- 5- 13. FALSELY OBTAINING PERMITS PROHIBITED; ALTERATION OR REPRODUCTION.**

It shall be unlawful to falsely represent oneself as eligible for a permit under this division or to furnish any false information in, or in conjunction with, an application for a residential Parking permit. It shall be unlawful to attempt or to reproduce or alter any permit issued by the City.

#### **9- 5- 14. HOURS OF ENFORCEMENT.**

The Parking restrictions stipulated in Chapter 5 of this Title shall be enforced according to official signs posted in the resident permit zones, unless otherwise specified.

#### **9- 5- 15. RESERVED PARKING AREAS.**

In any area designated as a permit zone, where Parking is prohibited with certain permits exempt, it shall be unlawful for any person to Park any Motor Vehicle on the Street between the posted hours unless there is affixed to the windshield of such Motor Vehicle a valid Parking permit corresponding to the permits which are posted as exempt.

#### **9- 5- 16. OFFICIAL VEHICLES.**

Emergency, government, and public utility Vehicles engaged in official business shall be exempt from permit and Chapter 7, Paid Parking, requirements.

### **CHAPTER 6 - PARKING SIGNAGE SIGNS**

#### **9- 6- 1. EMERGENCY TEMPORARY PARKING REGULATIONS ESTABLISHED BY ORDER OF POLICE.**

The Chief of Police, under the direction of the City Manager or designee shall have the authority to establish additional Parking regulations as necessary to provide for efficient traffic circulation and safe Parking areas. All areas that are closed to Parking shall be so designated by signs posted in the area, except for those regulations set forth in Chapter 2 which shall not require signs.

### **9- 6- 2. SIGNS.**

~~Signs setting forth parking regulations shall be mounted within the street right-of-way or on the shoulder of the roadway. Signs shall measure 10 inches by 12 inches.~~

~~(A) Signs pertaining to a permanent parking regulation shall be blue with white lettering in the Historic District and white with red lettering in all other areas, and shall state the nature of the regulations on the face of the sign. Signs shall be erected with in sufficient number to adequately inform the public of the parking regulation.~~

~~(B) Signs dealing with parking regulations that are seasonal in nature shall be white and green lettering and shall contain the words "Winter Regulations" on the face of the sign.~~

~~(C) Parking regulations for public parking lots shall be posted on the parking lot in a form that is of sufficient size to impart notice of the parking regulations applicable to that lot.~~

All signs shall be uniform as to type and location throughout the City. The location, type, and design of all Parking control signs shall be as determined by the City Manager or designee. All traffic control devices so erected shall be official signs and official traffic control devices. Signs shall be erected in sufficient number to adequately inform the public of the Parking regulation.

### **9- 6- 3. TRAFFIC CONTROL DEVICES.**

~~Uniform Department of Transportation Manual adopted with Park City amendment. The Department of Transportation shall adopt a manual and specifications for the uniform system of traffic control devices consistent with provisions of this Chapter for use upon highways within this state. Such uniform system set forth in the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" and other standards issued or endorsed by the Federal Highway Administrator and the Utah Department of Transportation. Except that in Park City, the color used to designate no parking zones shall be red.~~

## **CHAPTER 7 - PAID PARKING**

### **9- 7- 1. DEFINITION.**

The City shall have the authority to assess and collect fair and reasonable rates for any and all public Parking areas, including on-Street Parking spaces and Public Parking Facilities.



### **9- 7- 2. PARKING METER ZONES.**

Wherever Parking meter zones have been established on Streets or in Public Parking Facilities, the Parking of Vehicles at places, Streets or parts of Streets so designated shall be controlled by Parking meters between the hours and on the days and at the rates specified on authorized Parking meter signs or legends.

The City Manager or designee shall determine which Public Parking Facilities or areas would benefit by inclusion in a metered area, designate the boundaries of and sign requirements for each metered area, and cause the metered areas to be included in the Parking Area Map under the same guidelines as Section 9-5-1.

### **9- 7- 3. IN-CAR METERS IN METERED ZONES.**

The City may authorize the use of portable, in-vehicle meters for use in multiple space Parking meter zones. Such portable meters, when properly operated, may be used in lieu of receipts issued by multiple space Parking meters. Portable meters, when used, must be clearly visible, operating, and hanging from the rear view mirror of the Vehicle for which the meter is used. Unless otherwise authorized by the City, portable meters shall require the same rate of payment per unit of time as is applicable to the multiple space Parking meters regulating the Parking meter zone in which the portable meter is used.

### **9- 7- 4. PARKING METER SPACES.**

(a) Multiple space Parking meters. In zones regulated by multiple space Parking meters, Vehicles shall be Parked either parallel or perpendicular to the curb, as may be indicated by official signs or space markings. Vehicles Parked in a manner so that any portion of the Vehicle is within the zone regulated by the multiple space meter shall be required to pay the amount indicated by the meter for Parking in that zone.

(b) Except where prohibited by other provisions of this Code, Vehicles longer than twenty (20) feet and combination Vehicles shall be permitted to parallel Park in meter spaces only when coins, tokens or cards have been deposited in the Parking meter for each twenty (20) feet space so occupied as is required for the Parking of other Vehicles in such spaces. Vehicles longer than twenty (20) feet long may display multiple receipts, all of which must be valid and unexpired, to comply with this Section.

### **9- 7- 5. DEPOSIT OF COINS, TOKENS OR CARDS.**

No person shall Park a Vehicle in any multiple space Parking meter zone, as indicated by official signs, during the restricted and regulated times applicable to the multiple space Parking meter zone unless a coin or coins of United States currency or authorized tokens or cards of the appropriate denominations as shown on the meter legend shall have been deposited therein, a receipt therefor received from the multiple space Parking meter, and the receipt clearly displayed on the dashboard

indicating an unexpired interval of time; or, such Vehicle displays a validly issued and properly operated portable, in-vehicle meter; or, such Vehicle displays a validly issued permit. No person shall display more than one multiple space Parking meter receipt on the dashboard of any Vehicle at one time, except when complying with the provisions of Section 9-7-4 (b). Payments or receipts are not transferrable to other Vehicles or persons. Payments shall not be refunded or reduced for partial use of the time period for which has been purchased.

#### **9- 7- 6. TIME LIMITS.**

(a) No person shall permit a Vehicle to be Parked in any Parking meter space or Parking meter zone for a consecutive period of time longer than that limited period of time for which Parking is lawfully permitted in the Parking meter space or zone.

(b) No person shall permit a Vehicle within his control to be Parked in any Parking meter space or zone during the restricted and regulated time applicable to the Parking meter space or zone while the Parking meter for such space indicates by signal that the lawful Parking time in such space is expired, or in multiple space Parking meter zones, without displaying a valid multiple space Parking meter receipt. This provision shall not apply to the act of Parking or the necessary time which is required to deposit immediately thereafter coins, tokens or cards in such meter.

#### **9- 7- 7. SPECIAL DAYS.**

A Vehicle may be Parked in a Parking meter space or zone without operation of the meter on special days as designated by the City Manager, and during those hours of the day when the requirement to deposit coins, tokens, or cards does not apply, as determined from the Parking meter sign or legend.

#### **9- 7- 8. PAID PARKING PROVISIONS NOT EXCLUSIVE.**

The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this Code or official signs or Parking meter legends prohibiting or limiting the stopping, standing or Parking of Vehicles in specified places, at specified times, or in a specified manner.

#### **9- 7- 9. FOREIGN OBJECTS, DAMAGED COINS/TOKENS.**

No person shall deposit or attempt to deposit in any Parking meter any slug, button, or any other device or substance as substitutes for coins of United States currency, authorized tokens or cards, and no person shall deposit any lawful coin, token or card that is bent, cut, battered, or otherwise nonfunctional.

#### **9- 7- 10. RATES.**

Parking rates for each paid Parking area, Street, zone, lot or garage shall be determined by the City. Rates may be increased or decreased as deemed necessary by the City according to the Fee Resolution.

#### **9- 7- 11. CITY ASSUMES NO LIABILITY.**

Payments of meter fees are strictly for the purchase of time and space, and do not include or provide other services such as security of Vehicles. The City does not guard, assume care or accept liability for any Vehicle, its occupants or its contents, nor does it assume responsibility for damage while Parked in any paid or non-paid Parking area.

#### **9- 7- 12. PARKING PRIVILEGE FOR MOBILITY DISABLED PERSONS.**

A Vehicle with distinguishing license plates or an official state-approved identifying placard indicating that the occupant of said Vehicle is mobility disabled under the qualifications of the Americans with Disabilities Act may be Parked along public Streets or within a Public Parking Facility regardless of any time limitation or meter fee requirement imposed by official signs upon Parking in such area, except that such privilege shall not apply to zones in which:

- (1) Stopping, standing or Parking of all Vehicles is prohibited at all times;
- (2) Only Delivery Vehicles may be Parked; or
- (3) All Parking is prohibited during specific periods of the day in order to accommodate heavy traffic.

#### **9- 7- 13. CARPOOL EXEMPTION.**

In order to provide preferential Parking for carpool Vehicles, the City Manager or designee shall designate which Public Parking Facilities are exempt to carpool Vehicles, and shall identify carpool exempt areas on the Parking Area Map. Carpool permits shall be made available to individuals who register a carpool with the City and who maintain a carpool with three (3) or more Vehicle occupants. No person shall display a carpool permit with less than three (3) Vehicle occupants.

### **CHAPTER 8 - DELIVERIES AND SHORT-TERM USE.**

#### **9- 8- 1. DELIVERY AND SHORT-TERM SPACE DESIGNATIONS.**

The City Manager or designee shall designate, where necessary, curb loading zones and/or short-term zones.

#### **9- 8- 2. CURB LOADING ZONES.**

No person shall stop, stand, or Park a Vehicle for any purpose or length of time, other than for expeditious unloading and delivery, or pick-up and loading of materials, in any place marked as a curb loading zone, during the hours posted on curb loading zone signs. In no case shall the stop for loading and unloading of materials exceed the posted time limits. It shall be unlawful for any person to use the curb loading zones during the posted hours without properly displaying a delivery Vehicle permit.

### **9-8-3. SHORT-TERM ZONES.**

In any area designated as a short-term zone, it shall be unlawful for any person to Park any Vehicle longer than the posted time limit during the hours posted on designated signs.

### **9-8-4. DELIVERY VEHICLES IN THE MAIN STREET CORE.**

In addition to the curb loading zone requirements, all Delivery Vehicles Parked on Main Street or Swede Alley shall observe the following restrictions:

- (1) Delivery Vehicles shall utilize the 30 minute zones on the West side of Main Street during the hours from 9:00 a.m. to 12:00 noon, after which time no Delivery Vehicle shall be Parked on Main Street.
- (2) No Delivery Vehicle shall double Park on Main Street.
- (3) Delivery Vehicles shall utilize the loading zones on the west side of Swede Alley for deliveries to Main Street after the hour of 12:00 a.m.
- (4) No Delivery Vehicle shall Park on the east side of Swede Alley.
- (5) No Delivery Vehicle shall be Parked in such a manner to impede the flow of traffic.

## **CHAPTER 9 - COMPLIANCE REQUIRED/FINES, IMPOUNDMENT**

### **9-9-1. COMPLIANCE REQUIRED.**

Compliance with this Title is required when proper signs are posted or when the regulation is such that no sign is required under this Title. It shall be unlawful to Park any Vehicle in violation of the regulations established by this Title or in violation of regulations contained on posted signs.

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

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

### **9- 9- 3. NATURE OF VIOLATION.**

Violations of this Title are infractions, punishable by a fine, fee or civil penalty but not imprisonment.

### **9- 9- 4. PENALTIES FOR ILLEGAL PARKING.**

The owner or operator of a Vehicle cited for illegal Parking under this Title shall be required to pay the penalty in the amount set forth in the Fee Resolution for the violation, and if the illegal Parking is not contested, shall pay the fee according to the schedule set forth by resolution in lieu of trial on the infraction. In addition to the fee imposed for illegal Parking, the owner of the Vehicle is responsible for paying towing fees and impound fees for the release of the Vehicle. Towing fees may be levied against the violator or the owner of the Vehicle, or both.

### **9- 9- 5. ENFORCEMENT; PAYMENT.**

The City may employ private enforcement officer(s) to enforce this Title and issue Parking citations for violations thereof, including Parking illegally in handicapped spaces. All fees and penalties imposed pursuant to this Title shall be paid to Park City Municipal Corporation in the manner and by the means specified on the reverse side of the Parking citation. ~~by cash at the City offices by check mailed to the City's post office box (which shall be stated on all parking citations).~~

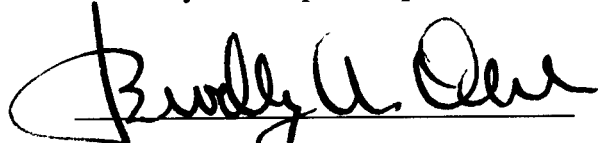
### **9- 9- 6. RELEASE OF IMPOUNDED VEHICLES.**

Impounded Vehicles will only be released to the owner thereof or the person legally entitled to possession under a rental or lease agreement. Impounded Vehicles shall be released under the regulations established by the Police Department or by ordinance for release and inventory of impounded Vehicles, and upon payment of the impound fees and towing fees.

**SECTION II. EFFECTIVE DATE.** This ordinance shall become effective upon publication, or January 1, 1998, whichever is sooner.

PASSED AND ADOPTED this 11th day of December, 1997.

Park City Municipal Corporation

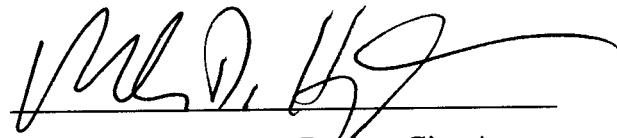
  
Bradley A. Oehl, Mayor

Attestation by:

  
Janet M. Scott, City Recorder



Approved as to Form:

  
Mark D. Harrington, Deputy City Attorney

**Ordinance No. 97-61**

**AN ORDINANCE AMENDING TITLE 4 OF  
THE MUNICIPAL CODE OF PARK CITY RELATING TO BUSINESS LICENSING TO  
REPLACE THE BUSINESS LICENSE REVENUE TAX WITH A REGULATORY FEE  
AND FEE ATTRIBUTED TO AN ENHANCED LEVEL OF SERVICE,  
AND REPEALING THAT SECTION OF RESOLUTION 97-2 RELATING TO SUCH  
BUSINESS LICENSE REVENUE TAXES**

**WHEREAS**, the state legislature amended Utah Code Ann. §10-1-201 to revise municipal authority with regard to revenue generation through business license fees;

**WHEREAS**, the state legislature identified transportation services as municipal services eligible for revenue generation by business license fees;

**WHEREAS**, the City wishes to timely comply with said legislation by amending its business license ordinances;

**WHEREAS**, the City's business license fee schedule had not been overhauled in over 10 years;

**WHEREAS**, a public hearing was held on November 20, 1997; and

**WHEREAS**, the following ordinance is deemed by the City Council to be in the best interest of the residents of Park City;

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

**SECTION I. PURPOSE.** The purpose of the new business license fees enacted hereby, the level of basic municipal services and an explanation of the amount of the fees reasonably related to the enhanced level of municipal services are explained in the Executive Study attached hereto as **Exhibit A** and incorporated herein by reference.

**SECTION II. AMENDMENT.** Chapter 1, Title 4 of the Municipal Code of Park City is hereby amended as follows:

The following definitions are hereby added to MCPC § 4-1-1 and the definitions are re-numbered

accordingly:

#### 4-1-1 DEFINITIONS.

**COMMERCIAL VEHICLES AND TRAILERS** - Businesses that utilize motor vehicles as their normal course of business, but do not transport people to, from and within Park City for a fee. Such Businesses include but are not limited to delivery trucking, commercial hauling, snow removal services, u-haul or other cargo rental vehicles, concrete trucks and dump trucks.

**EMPLOYEE BASED** - Businesses which lease or otherwise provided employees to other Businesses or any Person in return for consideration. Such Businesses include but are not limited to employment agencies and security firms.

**LICENSE FEE(S)** - includes the administrative fee and service enhancement fee as defined by the Business License Fee Schedule.

**SECTION III. AMENDMENT.** Chapter 2, Title 4 of the Municipal Code of Park City is hereby amended as follows:

#### 4- 2- 5. APPLICATION FEE.

Each license application shall be accompanied by the ~~revenue~~ business license tax fee required to be paid for the issuance of the license desired.

#### 4- 2- 6. REFUND OF FEE ~~AND TAX.~~

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

#### 4- 2- 7. INVESTIGATION.

~~Within five (5) days after receipt by the Director or his or her designee of a license application~~ Upon a reasonable belief that the applicant or Licensee has a fraud or felony conviction or prior criminal background or pending criminal proceeding, the Director ~~has the discretion to~~ may refer the application or Licensee for investigation to the Police Department. The Director or his or her designee may at any time inspect the business premises during normal business hours or request business documents maintained pursuant to 4-2-26 to verify a new application or existing Licensee.



#### **4-2-9. LICENSE DENIAL/REVOCAION.**

The Director or his or her designee may deny or revoke a license if the applicant:

(A) Has been convicted of a fraud or felony by any state or federal court within the past five (5) years or now has criminal proceedings pending against him in any state or federal court for fraud or a felony;

(B) Has obtained a license by fraud or deceit;

(C) Has failed to pay personal property taxes or other required taxes or fees imposed by the City;  
or

(D) Has violated the laws of the State of Utah, the United States Government, or the ordinances of Park City governing operation of the business for which the applicant is applying for the license.

#### **4-2-16. SEPARATE BUSINESSES, LICENSED PREMISES.**

Where two or more persons conduct separate businesses at the same location, each such person shall obtain a separate license for each such business and pay the required license ~~tax fee~~ for such business. Where a person is a licensee pursuant to provisions in the Beer and Liquor Licensing chapter of this Title, that person shall obtain a separate business license for each licensed premises.

#### **4-2-17. REGULATORY AND SERVICE ENHANCEMENT REVENUE TAX FEES IMPOSED.**

There is hereby imposed and levied an annual business license ~~revenue tax fee~~ on the types of businesses and in the amounts described below in the Business License Fee Schedule. ~~The rate of tax, if not otherwise stated, shall be the product achieved by multiplying the square footage of the place of business by the rate stated. The tax rates set forth in the Table appended to the fee resolution are incorporated herein.~~

(See Business License Fee Schedule Next Page)

## Business License Fee Schedule

	Service Enhancement Fee		Administrative Fee	
	Rate	Unit of Measure	Rate	Unit of Measure
Ski Resort	\$4.40	Uphill Capacity	\$46.00	Licensee
Lodging	\$15.40	Per Bedroom	\$46.00	Licensee
Restaurant /Retail				
Restaurant	\$0.185	Per Sq. Ft.	\$46.00	Licensee
Outdoor Dining	\$0.052	Per Sq. Ft.	\$46.00	Licensee
Retail	\$0.185	Per Sq. Ft.	\$46.00	Licensee
Large Retail (greater than 12,000 sq. ft.)	\$0.129	Per Sq. Ft.	\$46.00	Licensee
Office/Other				
Office, Service, Other	\$0.165	Per Sq. Ft.	\$46.00	Licensee
Warehouse	\$0.047	Per Sq. Ft.	\$46.00	Licensee
Resort and Amusement	\$0.828	Per User	\$46.00	Licensee
Miscellaneous				
Taxis, Buses and Limousine Services	\$30.00	Per Vehicle	\$46.00	Licensee
Other Commercial Vehicles and Trailers	\$6.00	Per Vehicle	\$46.00	Licensee
Employee Based	\$3.00	Per Employee	\$46.00	Licensee
Commercial Vending, Game and Laundry Machines	\$15.00	Per Machine	\$46.00	Licensee

#### 4-2-18. REGULATION OF SPECIFIC BUSINESSES

The minimum fee assessed for each business shall be as set forth in the rate tables as adopted by resolution 4-2-17 unless set forth specifically in the sections below.

(A) **VENDING MACHINES/MECHANICAL DEVICES** It shall be unlawful to install or permit to be installed, any kind of mechanical device operated by coin, token, or currency, which sells goods, merchandise, food, beverages, candy, or entertainment services without first having paid the applicable tax fee on that mechanical device. Further, it shall be unlawful for any person to permit ~~an untaxed~~ a machine to be placed on his premises or within his place of business any such mechanical device on which the tax fee has not been paid. The license for such a mechanical device, and the receipt showing payment of the license fee, shall take the form of a sticker to be placed in a visible location on the machine or device. The placement of a current sticker shall be prima facie evidence of payment of the license fees as far as the owner of the premises in which the machine is installed is concerned, and the owner of such premises or place of business shall be entitled to rely on the display of a current sticker as proof that the machine has been properly licensed. It is the duty of the owner of the machine to pay the tax fee, place the license sticker on the machine, and see that it is continuously displayed.

License certificate stickers on vending machines and electronic game machines shall be marked with the description of the machine, and designed so that the license sticker is not removable without destroying the sticker. There shall be a sticker on each machine. In the event a machine is replaced by another machine of a similar nature, the sticker on the machine to be replaced may be surrendered to the Division, and a new sticker issued for the replacement machine without additional charge.

~~A business which operates a fleet of food and/or beverage vending and video and/or amusement machines, meeting the criteria established in the definition of "arcade" defined in Chapter 1, may purchase a fleet license for all machines operated by that business at the rate established by the Rate Table per year in lieu of individually licensing all machines. A license sticker shall be issued for each machine in the fleet regardless of number. This fleet license shall not apply to video games, electronic entertainment devices, billiards or other similar devices not meeting the "arcade" definition criteria.~~

(B) **CONTRACTORS AND BUILDERS**. All general contractors and subcontractors, including but not limited to, builders, electricians, plumbers and back flow device technicians, with their principal place of business within Park City shall be assessed a regulatory license fee each year as set forth in the rate tables. Said fee must be paid and a business license issued prior to engaging in any construction within the City unless exempted from licensure under U.C.A. § 58-55-6(7) or Section 4-2-20 of this chapter.

No contractor shall be issued a business license under this section unless and until he has provided a certified statement that he is currently licensed with the State of Utah Department of Business Regulation, including the state license number(s) and date of expiration. If said state license expires

prior to December 31st of the year, each contractor must provide proof of renewal within ten (10) days of renewal or shall forfeit the City license for the balance of the year.

~~Contractors with their principal place of business within Park City engaged in excavating, hauling or concrete delivery are also assessed an additional fee under Section 4-2-18(H) based on the size and number of trucks.~~

~~Contractors with their principal place of business within Park City are required to obtain a separate office business license (Code C1521-10).~~

(C) **NIGHTLY RENTAL** All nightly rental units must be licensed before being offered for rent. Any persons offering to rent night rental units on behalf of an owner must hold a valid Utah real estate broker's license pursuant to § 61-2-1 of the Utah Code, or must be affiliated with a licensed broker. Owners may offer to rent only units in which they hold an ownership interest.

(1) **License Issuance.** The business license for rental of units under this section will be issued by the City upon payment of necessary fees and upon a finding by the staff that the review criteria established below have been satisfied.

(2) **Licensee.** The licensee for rentals under this section shall be both the local representative and the owner. The local representative shall be deemed the responsible party.

(3) **Application Procedure.** All new and renewal applications must contain the property manager's name, a sales tax collection and accounting number, the street address of each unit, the name and address of a local responsible party who is available by telephone 24 hours per day and all other information requested on the application forms. The application includes a cover form which contains information common to all units managed, and unit forms which contain information on each unit managed. It is the licensee's duty to supplement both forms as information changes or as units change from one manager to another.

(4) **Management Standards.** The lodging authorized under Section 4-1-17(D) must be properly managed. As a condition to holding a valid license, the licensee agrees to provide or arrange for adequate property management services. In the event an owner's association exists, it shall be responsible for property maintenance. In the event an owner agrees to be responsible for property maintenance, the licensee must present a statement to that effect signed by the owner. The minimum services required include:

(a) Snow removal during winter months to a level that allows safe access to the building over the normal pedestrian access to the unit.

(b) Snow removal service to off-street parking facilities associated with the rental property so that off-street parking is at all times available for use of the occupants.

(c) Summer yard maintenance, including landscaping, weed control, and irrigation

to a level that is consistent with the level of landscaping and maintenance on adjoining and nearby properties.

(d) Structural maintenance to preserve substantial code compliance as described above is required.

(e) Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties.

(f) Trash collection which insures that trash cans are not left at the curb for any period in excess of 24 hours and the property must be kept free from accumulated garbage and refuse.

(g) Housekeeping service as a part of hotel or property management company: included in property management license.

(5) **Noise and Occupancy Control.** The licensee and the owner of rentals under this section are responsible for regulating the occupancy of the unit and noise created by the occupants of the unit. Unreasonable noise levels, or unreasonable occupancy loads, failure to use designated off-street parking, toleration of illegal conduct or other abuses which rise to the level of public or private nuisance is a violation of the license and considered grounds for revocation under ~~\*\*\*\*Section 15~~. Failure to collect and deposit sales tax is also a violation of the license and grounds for revocation ~~under Section \*\*\*\*15~~.

(6) **Review Criteria.** In determining whether or not a business license for rental authorized under this Section shall be issued, the application shall be reviewed to see if, in addition to standards and conditions applicable to issuance of all business licenses, the following conditions and standards are met:

(a) The unit is located within a zone and subzone designated as allowing rentals for the period which the license is applied for.

(b) The Park City Building Department has reviewed the business license application for compliance with the Code for Abatement of Dangerous Buildings. Inspection of the unit may be required under Section 4-2-8. The applicant shall bear the cost of any such inspection and any reinspection which may be required. The cost shall be determined by the prevailing hourly rate of the Park City Building Department.

(c) The access to the rental unit and the layout of the unit is such that noise and physical trespass from the proposed rental unit is not likely to be a substantial intrusion to the adjoining properties. If the proposed rental units is a single family home or duplex and shares an access, hallway, common wall, or driveway with another dwelling, written consent of the owner of the other dwelling is required.

(d) The applicant must designate a responsible party. The responsible party must be a property management company, realtor, lawyer, owner, or other individual who resides within Summit County, or, in the case of a company, has offices in Summit County. The responsible party is personally liable for the failure to properly manage the rental. The responsible party must be available by telephone, or otherwise, 24 hours per day, and must be able to respond to telephone inquiries within twenty (20) minutes of receipt of such inquiries by that party's answering machine, paging device or answering service. The responsible party is also designated as the agent for receiving all official communications under this Title from Park City. If the licensee is a property management company or individual other than the owner, such company or individual must comply with applicable state law, including UCA 61-2-2, 1953, as amended, which requires those who receive valuable consideration to lease property to have a state license.

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

**(D) RESTAURANTS, FOOD SERVICE, TAVERNS, ETC.**

(1) Outdoor dining areas connected with any food service establishment shall be assessed at a rate lower than the rest of the establishment.

(2) Catering services shall be licensed at the rate established in the Rate Tables per year employee unless part of a full service restaurant or part of a restaurant operation, in which case catering is included in that license.

(3) Mobile vending trucks, serving construction sites only shall be assessed at the rate established in Business License Fee Schedule Rate Tables. ~~The license certificate shall be issued in the manner described in Section \*\*\*18.08.~~

**(E) BUILDING MATERIAL, HARDWARE, LUMBER.** Lumber stores shall be assessed at the retail rate by square foot of space under roof, including retail areas, lumber storage, and shop space, but shall not be assessed for uncovered yard space.

**(F) AUTOMOTIVE SERVICES.** Car rental businesses shall be assessed at a rate per car based in Park City for rental purposes as of January 1 of each license year, ~~but not less than the minimum dollar amount per rental agency~~, as established in the rate tables.

**(G) TRANSPORTATION SERVICE, PASSENGER AND FREIGHT, SERVICE AND DELIVERY TRUCKS.** License certificates shall take the form of a sticker to be placed on each licensed vehicle. The Division shall design stickers that are suitable for this use, and non-removable

without the sticker being destroyed. Various kinds of stickers may be used to show the term of a license if issued for less than one year. The sticker shall be displayed on all service, freight delivery, passenger service, and taxis at all times. If no sticker is displayed, it is prima facie evidence that no license was issued. Delivery and service vehicles with a business location in Park City, on which a license fee is issued on a square footage basis shall be exempt.

(1) Ready-mix concrete trucks, ore hauling trucks, dump trucks, drilling apparatus trucks, cranes, concrete pumping trucks, and other truck-based construction or excavation equipment shall be assessed ~~on the gross vehicle weight of the truck in question, up to a total charge~~ as set forth in the rate tables per business engaged in such business.

~~(2) Notwithstanding the provisions of the foregoing Section 18.08(B), businesses which operate a fleet of trucks and trailers may purchase a fleet license for all vehicles operated by that business at a rate as established by the rate tables per year, in lieu of individually licensing all vehicles. A license sticker shall be issued for each vehicle in the fleet, regardless of number.~~

(23) Businesses which utilize trucks in construction activity are subject to both the fee provisions of this section and also those ~~of Section 18.03~~ for contractors except that an unlimited number of trucks, not exceeding 9,000 pounds gross vehicle weight, may be used in the construction activity without any charge applied to the vehicle.

~~(H) Entertainment and Recreation Facilities. Ski resorts shall be assessed at a rate set forth in the Section 18.01 RATE TABLE multiplied by the hourly uphill user capacity of the resort (See Section 4-1-2 Definitions)~~

#### **4- 2-20. REVENUE MEASURE.**

The revenue license ~~tax fee~~ provided for in this Chapter is imposed ~~both to raise revenue for an enhanced level of municipal services and for regulatory purposes.~~ The fees are ~~but is~~ in addition to and not a substitute for other regulatory ordinances of Park City. The revenues raised through the revenue ~~tax fee~~ shall be used ~~primarily~~ to defray the costs incurred by the City in operating, maintaining, and replacing the City transit system.

#### **4- 2-21. EXCEPTIONS TO BUSINESS REVENUE LICENSE ~~TAX FEE~~.**

No business ~~revenue license tax fee~~ shall be imposed under this Chapter upon the following persons or businesses:

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

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

~~(H) Any contractor, builder, electrician, plumber, etc., licensed under U.C.A. § 58-55-1, et seq, with a principal place of business outside of Park City or as exempted by state law.~~

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

The annual business ~~revenue license tax~~ 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 due over a period of time not to exceed three (3) months from the due date, with interest on the unpaid balance at the rate of 18% per annum

Any previously licensed business cited for engaging in business in violation of this Title shall have five days from the date of citation to come into compliance with this Title. Failure of the licensee



to reach compliance within five days of the date of citation will subject the business to closure and the licensee to all applicable civil and criminal penalties.

If a licensed business enlarges its place of business or increases its capacity for conducting business (I. e., adding square footage, increasing number of vending machines, number of employees, bid limits, or increasing hourly user capacity), an additional ~~revenue~~ license ~~tax~~ 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 ~~tax~~ 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 ~~revenue~~-license ~~tax~~ fee for adding square footage shall be due and payable on the date the City issues the occupancy permit.

#### **4- 2-24. RENEWAL BILLING PROCEDURE.**

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

#### **4- 2-25. RENEWAL OF LICENSE CERTIFICATE.**

Upon receipt of the ~~revenue~~ license ~~tax~~ fee, the Division shall issue a license certificate valid through December 31 of the next year.

#### **4- 2-26. RECORDS TO BE MAINTAINED.**

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

#### **4- 2-27. ~~REVENUE TAX LICENSE FEE~~ ADJUSTMENT TO AVOID BURDENING INTERSTATE COMMERCE.**

The business ~~revenue~~ license ~~tax~~ fee imposed by this Title shall not be applied so as to place an undue burden on interstate commerce. In any case, where the ~~revenue~~ license ~~tax~~ fee is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce, such licensee or applicant may apply to the Director, or his or her designee, for an adjustment of the fee so as to relieve such burden. The licensee or applicant shall, by supporting other information as the Director, or his or her designee, may deem necessary in order to determine the extent, if any, of such undue burden. The Director, or his or her designee, shall then conduct an investigation, comparing the subject business with other businesses of like nature and shall make findings of fact from which he shall determine whether the ~~revenue~~ license ~~tax~~ fee is discriminatory, unreasonable or unfair as

to the licensee or applicant from the standpoint of its impact on interstate commerce and shall recommend to the City Council an appropriate revenue license tax fee under the circumstances and the City Council shall fix the revenue license tax fee in such amount. If the regular revenue license tax fee has already been paid, the City Council shall order a refund of any amount over and above the amount of the revenue license tax fee fixed, if any. In fixing the tax fee to be charged, the Director, or his or her designee, may use any method which will assure that the tax fee assessed shall be uniform with that assessed on business of like nature; provided, however, that the amount assessed shall in no event exceed the regular tax fee prescribed in this Title.

**SECTION IV. AMENDMENT.** Chapter 10, Title 4 of the Municipal Code of Park City is hereby amended as follows:

**CHAPTER 10 - FRANCHISED UTILITIES AND CABLE TELEVISION OPERATORS**

**4-10-1. BUSINESS LICENSE REQUIRED.**

All franchised utilities and cable television operators must obtain from the city a license to do business within the city. It shall be unlawful for a franchised utility or cable television operator to conduct business in Park City without a license. The City shall not charge any business license fee, but the fees for the Franchise License amount below and any Franchise Fee imposed by virtue of a Franchise Agreement must be timely paid to receive a business license.

**4-10-2. FRANCHISE LICENSE TAX.**

There is hereby imposed on all franchised utilities, except "Energy Suppliers" taxed pursuant to Chapter 13, Title 4, and cable television operators who conduct business within the city a Franchise License tax. ~~The Franchise License tax~~ shall be three and one-half percent (3.5%) of the gross revenue of the franchised utilities or cable television operator derived from the sale of its service or product within Park City's corporate limits. For purposes of this chapter, gross revenue shall include all revenue generated from the sale of the franchisee's product or service. The franchise fee imposed by other ordinances as a consideration for granting the franchises shall be excluded from the gross revenue.

**4-10-3. EXCLUSIONS.**

This ~~gross revenue tax~~ Franchise License fee shall not apply to "Energy Suppliers" taxed pursuant to Chapter 13, Title 4, or revenue derived from the sale of household appliances by a franchisee, service of appliances, or to the sale or rental of telephone switching equipment not included in "exchange access service".

**4-10-4. SCOPE OF TELEPHONE AND TELECOMMUNICATION SERVICES.**

For the purpose of determining gross revenue in accordance with Section 4-10-2 for telephone and telecommunication service, the following will apply:

"Telephone service" means those services which may lawfully be taxed under the provisions of U.C.A. § 11-26-1 (1993), or any successor provision, including: 1) exchange access service; 2) extended area service; 3) customer access line charges; and 4) any service for which a tax or other charges was being paid pursuant to Utah Code Section 11-26-1, this chapter or previous applicable ordinances as of January 1, 1992.

However, with respect to customer access line charges for Centron/Centrex services, the ~~tax fee~~ shall

be applied on a trunk equivalency basis or as though Centron/Centrex network access registers were PBX trunks on which customer access line charges would be assessed.

“Telephone service” does not include any customer access line charge or extended area service that is provided as part of the Utah Low Income Assistance Program as set forth in the “Lifeline” Rule of the Utah Public Service Commission.

“Exchange access service” means telephone exchange lines or channels, and services provided in connection with them, which are necessary to provide access from the premises of a subscriber to the local switched public telecommunications network of the public utility to effect communication or the transfer of information. “Exchange access service” does not include (1) private line service; (2) long distance toll service; (3) carrier access service; (4) telephone services that are not regulated by the Utah Public Service Commission; and (5) services that emulate functions available in customer premises equipment.

#### **4-10-5. PAYMENT OF TAXFEE.**

The ~~license tax fee~~ is payable in monthly installments which shall be due on or before the fifteenth (15th) day of the month following the billing cycle of the utility or cable television operator. The ~~tax fee~~ shall be paid on the basis of the preceding month’s actual collections. A service charge of one and a half percent (1.5%) per month of the total amount due may be imposed on late payments.

#### **4-10-6. PENALTY.**

The operation of a franchised utility or cable television business within Park City without paying the required ~~tax fee~~ shall be a Class “B” misdemeanor punishable by a fine of not more than two hundred and ninety-nine dollars for each day of each violation and imprisonment of the corporate officials responsible for the violation for not more than six months in the County jail for each day of each violation. These criminal penalties are in addition to, and not in lieu of a civil action to recover the license ~~tax fee~~ due, or a civil action to terminate the franchise. Each connection to the utility or cable television system through which service is provided by the franchisee is hereby deemed a separate transaction or sale, and each such sale, while unlicensed, shall constitute a separate violation.

#### **~~4-10-7. TAX ON THE GROSS REVENUES OF BUSINESSES IN COMPETITION WITH UTILITIES.~~**

~~Tax levied. There is hereby levied on the business of every person or company engaged in the business within this city, of supplying telephone services, gas, electric energy in competition with any public utility, an annual license tax based on the revenue derived from the sale and use of the service or equipment of such business from users located within the city limits of Park City.~~

~~(A) **DEFINITIONS.** As used in this Section:~~

- ~~(1) "In competition with public utilities" - to trade in products or services within the same market as a public utility taxed pursuant to §4-10-2.~~
- ~~(2) "Gross revenue" - all revenue generated from the sale of the person's product or service within Park City's corporate limits. Telephone and telecommunication services shall be treated the same as in § 4-10-4.~~
- ~~(3) Public utility service - the sale and use of electrical power and energy, natural gas and local exchange telephone services.~~

~~(B) **AMOUNT OF TAX.** The amount of the annual license tax hereby levied shall be equal to three and one-half percent of the gross revenue derived from the sale of services or equipment of all businesses in competition with public utilities from users located within Park City.~~

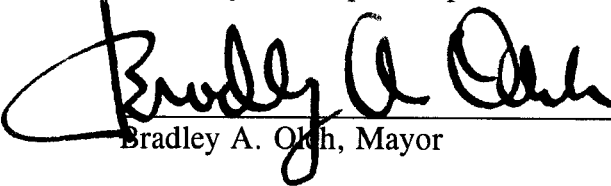
~~(C) **REPORTS AND PAYMENT OF TAX.** Within forty-five days after the close of each quarter in a calendar year, businesses in competition with public utilities shall file with the City Treasurer a report of its gross revenues derived from the sale and use of services and equipment which is in competition with the use of services and equipment provided by public utilities and taxed by the City. The report shall also contain a computation of the amount of the tax due the City. The business taxed pursuant to this ordinance shall be paid to the City Treasurer in the amount due at the same time the report is filed.~~

**SECTION IV. REPEALER.** Section 3 of Resolution 97-2 as it relates to the adoption of the Business License Fee Schedule is repealed. Beer and Liquor License fees shall remain in effect.

**SECTION V. EFFECTIVE DATE.** This ordinance shall become effective upon publication, but not later than January 1, 1998.

PASSED AND ADOPTED this 20th day of November, 1997.

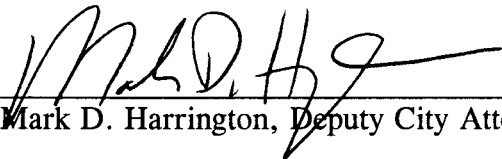
Park City Municipal Corporation

  
Bradley A. O'Leary, Mayor

Attestation by:

  
Janet M. Scott, City Recorder

Approved as to Form:

  
Mark D. Harrington, Deputy City Attorney



# Exhibit A

## **PARK CITY BUSINESS LICENSE FEE STUDY**

**EXECUTIVE STUDY**

**NOVEMBER 17, 1998**

**PREPARED BY**

**ROSENTHAL AND ASSOCIATES**

# INTRODUCTION AND EXECUTIVE SUMMARY

## INTRODUCTION

The state legislature enacted new legislation in 1997 which changes the way business license fees may be calculated and assessed. HB 98 and SB 96 limit business license fees to *cost recovery*. Fees now may be charged only for:

- The cost of regulation (an “administrative fee”)
- The cost of providing an *enhanced service*
- Recovery of *disproportionate costs* attributable to the provision of service for a given class of businesses

The *administrative fee* is intended to recover the direct and indirect costs of operating the licensing system. The *service enhancement fee* is intended to offset the cost of providing an added service, or service at a level higher than the city standard. The fee for disproportionate costs is intended to offset added cost from difficult to serve business types. Fees for an enhanced service or for “disproportionate costs” must be calculated in a way estimated to be reasonably related to the benefit.

Park City has a long history of using business license revenue to support an enhanced service—provision of a municipal transit system. The city has not charged for “disproportionate costs” and, until now, has paid administrative costs through an interfund transfer from the Transportation Fund.

The new legislation the City has determined to re-structure its business license rates. This study summarizes analysis, decisions, criteria and conclusions which underlie calculation of the new rates.

## BACKGROUND

No other municipality in the state of Utah provides a free public transit system. Therefore, there is no basic service level provided to business, regarding public transit. Park City implemented a free public transit system at the request of the business community in the early 1980's and has operated it as a service enhancement for the benefit business, since that time.

Exclusive of grants, about 1/5 of the current cost of operating the transit system is funded by the business community through business licenses revenue. About 4/5's of the cost of the system is funded by other sources, primarily sales taxes. Initially, business license rates were set for each class of business to be generally proportionate to estimated benefit from the transit system. Since commencing transit service, business license revenues have been dedicated entirely to expenses associated with operating the transit system.

Over the years, as the local economy diversified, categories were added to the licensing system and fee rates were selectively modified, complicating the system and diluting the relationship between transit system benefit and licensing rates. So while the current system still retain its basic relationship to the enhanced service, changes to the local economy, shifts in transit usage and selective modifications to the fee structure suggest that it is time to revisit the original assumptions. This study is intended to re-establish and strengthen the relationship between



transit system benefit and licensing rates. It summarizes analysis used to update the proportionate allocation of cost to each class of business and redefines licensing categories to formalize a simplified and more uniform method of assessment.

## BUSINESS LICENSE FEE SCHEDULE

The city has chosen to assess only administrative and service enhancement fees—an administrative fee to recover the cost of regulation and a service enhancement fee to cover a small part of the cost of operating the transit system. The administrative fee is charged as a flat rate, to each licensee. The service enhancement fee is charged as a variable rate, different for each class and size of business, so that the amount charged is proportionate and reasonably related to estimated benefit.

Proposed changes to the licensing system are *revenue neutral*—the total amount of money collected under the new system will be about the same as under the current system. However, for each business, fees charged under the new system *will be different* compared to the old system, because administrative costs are separately calculated and because of the updated “proportionate share analysis”—the current estimate of proportionate transit system benefit attributable to each class of business.

Proportionate share analysis is intended to account for *average impacts* represented by a class of businesses rather than a specific business entity. The new system includes fewer, more broadly defined licensing categories. Ridership information from the transit department, used to guide the analysis of benefit, suggests the breakdown of business categories and proportional share of benefit and cost shown in Figure 1.

*Figure 1*

<b>Business License Category</b>	<b>Benefit Share (Percent)</b>	<b>Share of Total Cost (Percent)</b>
Ski Resort	33	7.25
Lodging	18	3.96
Restaurant / Retail	30	6.53
Office/Other	16	3.47
Miscellaneous	3	0.64
<b>Total</b>	<b>100</b>	<b>21.85</b>

The *service enhancement fee* could be charged up to the full cost of operating the transit system. The city has elected to charge businesses less than this *maximum fee* amount because it has identified additional revenue sources to fund the transit system. The *actual fee*, the reduced amount charged to businesses, is about 22 percent of the allowable maximum. The *Share of Total Cost* shown in Figure 1 is derived from the calculation of the total cost of the service enhancement illustrated in Figure 2.

Figure 2

<b>Business License Fee Analysis</b>		
<i>Cost of Service Enhancement</i>		
	Annual Total Cost	% of Total
Bus System Operations Expense (FY 1997)		
Fund 57 - Transportation & Parking	\$2,201,686	
Less - Parking Customer Service	(36,747)	
Less - Paid Parking Contract	(235,000)	
Net Cost of Bus Operations	\$1,929,939	
Capital Equipment - Depreciation	\$404,503	
Estimated Collection Loss	\$10,000	
<b>Total Annual Cost</b>	<b>\$2,344,442</b>	
Components of Revenue		
Transit Sales Tax	\$850,970	36.30%
Resort Sales Tax	796,208	33.96%
Other (grants, charge for services, etc.)	185,119	7.90%
Business License Revenue	512,145	21.85%
<b>Total Revenue</b>	<b>\$2,344,442</b>	

The administrative and regulatory fee is based upon the cost to the City of establishing, implementing, administering and enforcing the business license system (Figure 3). Included in the total cost is the amortized cost of the computer and software system, administrative personnel, supervisory personnel, the consultant's enhanced service study, and enforcement. New businesses are charged an additional \$15 to cover the cost of inspecting the business. This fee is not factored into the revenue calculation. Moderate additional costs for enforcement of the business license ordinance are included the calculation of the administrative fee.

Figure 3

<b>Business License Fee Analysis</b>			
<i>Administrative Expense</i>			
	Total Cost	Useful Life	Annual Cost
System Startup (amortized at 6%)			
Software	\$20,000	5	\$4,748
Hardware	20,000	5	4,748
Fee Study	5,000	2	2,727
Annual Operations			
Administrative Clerk (.5 FTE)			18,250
Enforcement/Review			15,640
Sub-Total Operations & Start-up			\$46,113
Indirect Costs (overhead)			12,675
Annual Total Administrative Expense			\$58,788
Cost per License			
Total Licenses (1996)			1,278
Cost per License			\$46.00

While total business license revenue remains about the same, there are shifts among business categories. Figure 4 shows the average shift among categories. Ski resorts, lodging, restaurants and retail on average increased their share of total costs. Office and other businesses on average went down or stayed the same to reflect the results of the enhanced service analysis.

Figure 4

<b>Business License Fee Analysis</b>			
<i>Change in Cost Allocation</i>			
Class	Current System	New System	% Change
Ski Resorts	\$154,392	\$169,923	10%
Lodging	\$87,033	\$92,876	7%
Restaurant/Retail	\$146,207	\$153,136	5%
Office & Other	\$105,869	\$81,372	(23%)
Miscellaneous	\$18,645	\$14,837	(20%)
Total	\$512,145	\$512,145	

## BUSINESS LICENSE FEE SCHEDULE

Business license fees, calculated as the sum of service enhancement fee and administrative fee, are the culmination of the study (Figure 5).

Figure 5

<b>Business License Fee Schedule</b>				
	<b>Service Enhancement Fee</b>		<b>Administrative Fee</b>	
	<b>Rate</b>	<b>Unit of Measure</b>	<b>Rate</b>	<b>Unit of Measure</b>
Ski Resort	\$4.40	Uphill Capacity	\$46.00	Licensee
Lodging	\$15.40	Per Bedroom	\$46.00	Licensee
Restaurant /Retail				
Restaurant	\$0.185	Per Sq. Ft.	\$46.00	Licensee
Outdoor Dining	\$0.052	Per Sq. Ft.	\$46.00	Licensee
Retail	\$0.185	Per Sq. Ft.	\$46.00	Licensee
Large Retail (greater than 12,000 sq. ft.)	\$0.129	Per Sq. Ft.	\$46.00	Licensee
Office/Other				
Office, Service, Other	\$0.165	Per Sq. Ft.	\$46.00	Licensee
Warehouse	\$0.047	Per Sq. Ft.	\$46.00	Licensee
Resort and Amusement	\$0.828	Per User	\$46.00	Licensee
Miscellaneous				
Taxies, Buses and Limousine Services	\$30.00	Per Vehicle	\$46.00	Licensee
Other Commercial Vehicles and Trailers	\$6.00	Per Vehicle	\$46.00	Licensee
Employee Based	\$3.00	Per Employee	\$46.00	Licensee
Commercial Vending, Game and Laundry Machines	\$15.00	Per Machine	\$46.00	Licensee

Fee rates are rounded down.

# **PARK CITY BUSINESS LICENSE FEE STUDY**

**TECHNICAL REPORT**

**NOVEMBER 17, 1998**

**PREPARED BY**

**ROSENTHAL AND ASSOCIATES**

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**II.ASSUMPTIONS AND APPROACH**

**III.BUSINESS LICENSE ORDINANCE**

**IV.STATE LAW**

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Business License Revenue	512,145	21.85%
Total Revenue	\$2,344,442	

The administrative and regulatory fee is based upon the cost to the City of establishing, implementing, administering and enforcing the business license system (Figure 3). Included in the total cost is the amortized cost of the computer and software system, administrative personnel, supervisory personnel, the consultant's enhanced service study, and enforcement. New businesses are charged an additional \$15 to cover the cost of inspecting the business. This fee is not factored into the revenue calculation. Moderate additional costs for enforcement of the business license ordinance are included the calculation of the administrative fee.

Figure 3

**Business License Fee Analysis**

*Administrative Expense*

	Total Cost	Useful Life	Annual Cost
<b>System Startup (amortized at 6%)</b>			
Software	\$20,000	5	\$4,748
Hardware	20,000	5	4,748
Fee Study	5,000	2	2,727
<b>Annual Operations</b>			
Administrative Clerk (.5 FTE)			18,250
Enforcement/Review			15,640
<b>Sub-Total Operations &amp; Start-up</b>			<b>\$46,113</b>
Indirect Costs (overhead)			12,675
<b>Annual Total Administrative Expense</b>			<b>\$58,788</b>
<b>Cost per License</b>			
Total Licenses (1996)			1,278
Cost per License			\$46.00

While total business license revenue remains about the same, there are shifts among business categories. Figure 4 shows the average shift among categories. Ski resorts, lodging, restaurants and retail on average increased their share of total costs. Office and other businesses on average went down or stayed the same to reflect the results of the enhanced service analysis.

Figure 4

**Business License Fee Analysis**

*Change in Cost Allocation*

Class	Current System	New System	% Change
Ski Resorts	\$154,392	\$169,923	10%
Lodging	\$87,033	\$92,876	7%
Restaurant/Retail	\$146,207	\$153,136	5%
Office & Other	\$105,869	\$81,372	(23%)
Miscellaneous	\$18,645	\$14,837	(20%)
<b>Total</b>	<b>\$512,145</b>	<b>\$512,145</b>	

## CONCLUSIONS

Business license fees, calculated as the sum of service enhancement fee and administrative fee, are the culmination of the study (Figure 5).

Figure 5

	Service Enhancement Fee		Administrative Fee	
	Rate	Unit of Measure	Rate	Unit of Measure
Ski Resort	\$4.40	Uphill Capacity	\$46.00	Licensee
Lodging	\$15.40	Per Bedroom	\$46.00	Licensee
Restaurant /Retail				
Restaurant	\$0.185	Per Sq. Ft.	\$46.00	Licensee
Outdoor Dining	\$0.052	Per Sq. Ft.	\$46.00	Licensee
Retail	\$0.185	Per Sq. Ft.	\$46.00	Licensee
Large Retail (greater than 12,000 sq. ft.)	\$0.129	Per Sq. Ft.	\$46.00	Licensee
Office/Other				
Office, Service, Other	\$0.165	Per Sq. Ft.	\$46.00	Licensee
Warehouse	\$0.047	Per Sq. Ft.	\$46.00	Licensee
Resort and Amusement	\$0.828	Per User	\$46.00	Licensee
Miscellaneous				
Taxis, Buses and Limousine Services	\$30.00	Per Vehicle	\$46.00	Licensee
Other Commercial Vehicles and Trailers	\$6.00	Per Vehicle	\$46.00	Licensee
Employee Based	\$3.00	Per Employee	\$46.00	Licensee
Commercial Vending, Game and Laundry Machines	\$15.00	Per Machine	\$46.00	Licensee

## II. ASSUMPTIONS AND APPROACH

History of City Business Licenses. The Park City Municipal Corporation started charging a business license fee during the early 1980's. The creation of the fee as a revenue source coincided with the start-up of the City's transit system. The business license and nightly rental fees have been dedicated to the transit system and the Transportation Fund (an enterprise fund). The Transportation Fund is also funded by resort City sales tax and transit sales tax revenues. The transit sales tax must be dedicated to transit operation. In FY 1995-96 transit sales tax represented about 38.7 percent of all revenue. The one-quarter cent of the resort city sales tax is dedicated to transit operation by policy. This is general fund revenue that could be used for any purpose. In FY 1995-96 resort city sales tax represented about 38 percent of all revenue. The business license and nightly rental fees represented about 23.5 percent of all revenue. That share is projected to decline to 22.5 percent based on the 1997-98 budget. The proportional contribution of the business license has declined. For example, for FY 1988-89 business license

revenue represented 31.5 percent and the sales taxes represented 68.4 percent. At the outset of the transit fund the three major revenue sources were about equal; since that time sales tax has grown more quickly than business license revenues.

The shift away from business license revenue is not surprising. While there have been numerous administrative adjustments to the system, there has not been a comprehensive revision to the business license ordinance since 1982. The City has never significantly increased the rate; there were some adjustments roughly 10 years ago. Documentation of the current system and of the many changes is not available.

New Business License Computer system. The City's current business license system is approximately 10 years old. The business license module is the last component of the City's financial computer system to be converted to the new finance software. The City is in the final stages of that conversion process. Business license notifications or bills for calendar year 1998 should be sent by December 1, 1997 to comply with the Municipal Code. The business license bills for the upcoming year will be processed using the new computer system.

Changes in State Law and Impact to the City. As part of the 1997 legislative session, the State of Utah changed the powers of cities and towns to charge business license fees by adopting HB 98 (Local Taxing Authority) and SB 96 (Authority over Certain Rental Rates). Prior to the change in law, cities had the general authority to charge a business license fee for both regulatory and revenue purposes. The new law, effective January 1, 1998, allows only regulatory business license fees unless the fees fall under one of six "revenue" exceptions. The exception that is most relevant to the City is the one that states that revenues may be raised from a business license by "imposing a business license fee on businesses in order to provide an 'enhanced level' of municipal services in an amount that is reasonably related to the services provided." A transit system that is free to the users is an enhanced level of service for City businesses. Therefore, Park City must show a connection between business license fees and the transit system.

Business License Fee Analysis. Park City decided to take a comprehensive look at the business license system and rate structure for the following reasons: 1) it had been years since the business license fee system had been reviewed and checked for accuracy; 2) the computer system conversion requires in-depth review to ensure accuracy; and 3) the changes in the State law require a connection between enhanced service levels and business license fee. Park City retained Rosenthal and Associates (Consultant) to assist with this study, particularly as it pertained to the State law changes. The Consultant has assisted Park City in the past with impact fee studies that are similar to this study.

New Business License Fees and Ordinance. The Consultant worked with City staff to establish assumptions and concepts that guide the development of new business license fee system and ordinance.

1) Revenue neutral: Assuming 1997 units of measure, the new fees will be designed to be revenue neutral. This means that if we simply used the old business license fee data from last year, approximately \$512,000 would still be collected. This also means that if additional businesses were added or if there were increases in units of measure (uphill capacity), then

revenues would increase. This is not the same as freezing the fee. Holding variables constant, our goal was to generate about the same revenues in 1998 as we would have under the old system.

This assumption does not adjust for the extraordinary set up costs of the new system. While these costs are fully recognized in the Administrative fee, total revenue is not adjusted upward. Therefore, it is possible that net revenue available for transit operations after subtracting the administrative fee could be slightly less than last year. Interfund transfers will be adjusted to reflect the direct payment of the administrative fee to the General Fund.

2) Simplify rates: The business license system has roughly 1,200 customers and hundreds of business licence codes (types). Each business type has different units of measure and rates. Based upon preliminary analysis of the license system and transit data, the Consultant and staff determined to create the following five business categories for the new system: 1) Ski Resorts; 2) Lodging/Nightly rental; 3) Restaurant/Retail; 4) Office/Other; and 5) Miscellaneous.

3) Category Descriptions: The categories proposed under the new ordinance and fee schedule are described briefly below:

**Ski Resorts:** Two businesses (Deer Valley & Park City Mountain Resort) fall into this category. The ski resorts are the biggest beneficiaries from the transit system. Depending on the approach, the ski areas get 30-35 percent of the benefit. Since the outset of the business license system *uphill capacity* has been used as the unit of measure for ski resorts. Deer Valley has questioned the appropriateness of using uphill capacity to calculate the business license amount for each resort. Staff discussed this issue with a representative from Deer Valley who agreed that uphill capacity should be used as the unit of measurement for 1998 provided that we review this issue again prior to next year's business license. Other possible measures include sales tax, skier days, service cost or some combination.

**Lodging/Nightly rental:** Most trips on the bus system originate or end at visitor bed base. Consequently, lodging and nightly rental businesses were also identified as a major beneficiaries of the bus system. This category applies to hotel rooms, condominiums and time share units. The unit of measure for this category is "bedroom." This unit of measure is fairly easy to verify with records from the Park City Chamber of Commerce and the Lodging Association.

**Restaurant/Retail:** The benefits derived by restaurant and retail businesses from the transit system are about the same and impossible to distinguish with the available. Most commercial centers intermix restaurant and retail uses and many customers patronize both uses on a single transit trip. The unit of measure that is recommended is area in square feet. Under the old system, there was a multitude of different sub-categories within this category. The new system provides for the following four sub-categories: 1) Restaurant; 2) Retail; 3) Outdoor Dining; and 4) Large retail. The outdoor dining sub-category was needed for the restaurants that have outdoor dining. The per square foot rate for outdoor dining is roughly  $\frac{1}{4}$  of the rate for restaurants. A sub-category for large retail was needed to more accurately reflect the enhanced service component of the fee for businesses such as Albertsons, Dan's and Pay Less.

**Office/Other:** This category under the old system was a sort of "catch-all" for all other

businesses. In addition, offices were required to calculate their business licenses using different fees depending upon the type of their office space (front office, service, back office, etc.). Under the new system, one rate for square footage is used. The majority of businesses in this category will see a straight percentage reduction in their business license amount from last year based on analysis of the enhanced service.

The recommended fee schedule delineates the following three sub-categories for this category: 1) Office, Service, other; 2) Warehouse; and 3) Resort Based. A warehouse category is needed to address enhanced service level issues. Resort based services such as snowmobile rides, and balloon rides required a separate category to reflect the impact per user of these businesses.

Miscellaneous: This category includes uses that do not conveniently fit within the other categories. The new system provides for the following four sub-categories: 1) Taxis, Buses and Limousine Services; 2) Commercial Vehicles and Trailers; 3) Commercial Vending, Game and Laundry Machines; and 4) Employee Based Businesses.

A few businesses use vehicles as the unit of measure. Two separate sub-categories for these businesses are used to ensure accuracy of the system.

- Businesses that transport people to, from and within Park City or rent them a vehicle in Park City (the *Taxis, Buses and Limousine Services* sub-category) derive a direct benefit from a free bus system. The fee for this sub-category should reflect those benefits according to the findings of the consultant's study.
- Businesses that just use vehicles in their normal course of business (the *Commercial Vehicles and Trailers* sub-category) derive less substantial and direct benefit from a free bus system. The fee for this sub-category is correspondingly lower.

Staff and the Consultant established a sub-category of *Employee Based Businesses* (rather than creating a separate unit of measure) to reflect the relationship between employees and the potential for use of the transit system. Businesses that own or lease machines (the *Commercial Vending, Game and Laundry Machines* sub-category) use the number of machines as the unit of measure and had to be defined separately. These businesses are charged an administrative/regulatory fee and a small enhanced service fee per machine.

4) Proposed Business License Fee components: The Business License fee itself is broken down into the following components:

Administrative & Regulatory. The administrative and regulatory fee is based upon the cost to the City of establishing, implementing, administering and enforcing the business license system. Included in the total cost is the amortized cost of the computer and software system, administrative personnel, supervisory personnel, the consultant's enhanced service study, and enforcement. New businesses are charged an additional \$15 to cover the cost of inspecting the business. As a result of comments from the November 13th meeting, staff has included additional costs for enforcement of the business license ordinance. These costs include enforcement personnel and integration of the business license system with the City's sales tax

monitoring system. This computer enhancement will allow the City to cross-reference business license data with businesses that are paying sales taxes.

Enhanced Service Level: The enhanced service fee is based on the share of the costs assigned to business licenses for the operation of the transit system and the proportional benefit of that system received by the various categories of businesses. For example, business licenses accounted for about 21.8 percent of the revenue used for the operation of the transit system in fiscal year 1996-97 (legally the entire system could be paid for from business licenses which would increase almost five times). Ski Resorts received about 33 percent of the benefit of the transit operation. Therefore, Ski Resorts, as a category, should have a business license fee that would generate about seven percent of the annual cost of transit service. Benefit is estimated based on ridership information from the transit department, and on interviews with the transit supervisor. Peak season passengers disembarking at ski areas during the 1996-1997 season were about 33 percent of total riders. Passengers to nightly rentals were about 18 percent (based on an estimate of average riders per room at three hotel stops, and assuming that only about 1/6 of disembarking passengers are actually attributable to lodging). The balance of system usage is not specifically attributable to other categories. Restaurant and retail are assigned the same share (about 30 percent) as under the current system. Office and other uses are assigned the remainder. This maintains the current level of enhanced service provision provided these business types, and is consistent with the proportionate assignment of costs calculated by the current system. The findings of the consultant regarding use of and access to transit services translate into average benefit analysis, by category; and not an analysis specific to each business.

General Benefit of the Enhanced Service. Resort and related activities provide about two thirds of the economic base of Park City. The free transit system is an integral part of what makes Park City an attractive resort destination and popular place to live. The transit system carries 1.1 million riders annually. The system is so extensive that few businesses are more than a quarter of a mile from service. Without the service, parking and traffic congestion would make Park City a less attractive place to live, work and conduct business. Some businesses such as resorts, retail and lodging benefit directly from the transit system. Others benefit indirectly because of the higher level of economic activity, improved circulation and more available parking afforded by the transit system. All categories of the business license system benefit from the transit system to some extent.

5) Category shifts in fees: While total revenue remains about the same, there are shifts among business categories. The "Summary Business License Change" table below shows the average shift among categories. Ski resorts, lodging, restaurants and retail on average increased. Office and other businesses on average went down or stayed the same to reflect the enhanced service analysis.

## Summary Business License Change Table

<u>Category</u>	<u>New System Revenue</u>	<u>% Increase (Decrease) Old vs New System</u>	<u>Unit of Measure</u>
Office Other	81,372	(23%)	Various
Ski Resorts	169,923	10%	Uphill Capacity
Restaurant/Retail	153,136	5%	Square Foot
Overnight Lodging	92876	7%	Bedroom
Miscellaneous	14837	(20%)	Various
Total*	512,144	* Differs slightly from what was shown on 11/13/97	

A specific business in the nightly rental category would have its license calculated as follows:

<u>Old Qty</u>	<u>Old Price</u>	<u>Old Total</u>	<u>New Qty</u>	<u>Enhanced Svc. Price</u>	<u>New Admin. Reg. Fee</u>	<u>New Total</u>
100	15	\$1,500	100	15.40	46.00	\$1,586

This example represents about a 6.00% increase for this business. The cost of an individual license for a particular business may have gone up or down, within each category, depending on estimated benefit, and on the current licensing rate.

Conservative Approach. The fees recommended in the business license schedule are based on conservative assumptions. These fees are significantly below the levels that are justified, and which could be assessed. The following summarizes factors that support this conclusion.

1. Business license revenue is less than  $\frac{1}{4}$  ( 21.85%) of the revenue required to operate the enhanced service. The transit system could be entirely funded with business license revenue. A *service enhancement fee* could be charged, up to the full cost of operating the system. The City has elected to charge less than this *maximum fee* amount because it has identified additional revenue sources to fund the transit system. This *actual fee* (and hence the amount charged each business) is a small fraction of the allowable maximum.
2. The new system is designed to generate no more revenue than the old system would have generated—it is *revenue neutral*.
3. Set up costs for the new system do not increase the revenue target. While these costs are included in the Administrative fee, total revenue from business licenses is not adjusted upward to offset this added and extraordinary expense. This means that net revenue for transit operations, after subtracting these one time costs, could be slightly less than last year.
4. Rates are rounded down. When rounding is required, rates are rounded down to the nearest 10 cents for rates over one dollar, and to the nearest 1/10 cent for rates under one dollar.



### III. BUSINESS LICENSE ORDINANCE

Ordinance No. 97-\_\_

**AN ORDINANCE AMENDING TITLE 4 OF  
THE MUNICIPAL CODE OF PARK CITY RELATING TO BUSINESS LICENSING TO  
REPLACE THE BUSINESS LICENSE REVENUE TAX WITH A REGULATORY FEE  
AND FEE ATTRIBUTED TO AN ENHANCED LEVEL OF SERVICE,  
AND REPEALING THAT SECTION OF RESOLUTION 97-2 RELATING TO SUCH  
BUSINESS LICENSE REVENUE TAXES**

**WHEREAS**, the state legislature amended Utah Code Ann. §10-1-201 to revise municipal authority with regard to revenue generation through business license fees;

**WHEREAS**, the state legislature identified transportation services as municipal services eligible for revenue generation by business license fees;

**WHEREAS**, the City wishes to timely comply with said legislation by amending its business license ordinances;

**WHEREAS**, the City's business license fee schedule had not been overhauled in over 10 years;

**WHEREAS**, a public hearing was held on November 20, 1997; and

**WHEREAS**, the following ordinance is deemed by the City Council to be in the best interest of the residents of Park City;

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

**SECTION I. PURPOSE.** The purpose of the new business license fees enacted hereby, the level of basic municipal services and an explanation of the amount of the fees reasonably related to the enhanced level of municipal services are explained in the Executive Study attached hereto as **Exhibit A** and incorporated herein by reference.

**SECTION II. AMENDMENT.** Chapter 1, Title 4 of the Municipal Code of Park City is hereby amended as follows:

The following definitions are hereby added to MCPC § 4-1-1 and the definitions are re-numbered accordingly:

**4-1-1 DEFINITIONS.**

**COMMERCIAL VEHICLES AND TRAILERS** - Businesses that utilize motor vehicles as their normal course of business, but do not transport people to, from and within Park City for a fee. Such Businesses include but are not limited to delivery trucking, commercial hauling, snow removal services, u-haul or other cargo rental vehicles, concrete trucks and dump trucks.

**EMPLOYEE BASED** - Businesses which lease or otherwise provided employees to other Businesses or any Person in return for consideration. Such Businesses include but are not limited to employment agencies and security firms.

**LICENSE FEE(S)** - includes the administrative fee and service enhancement fee as defined by the Business License Fee Schedule.

**SECTION III. AMENDMENT.** Chapter 2, Title 4 of the Municipal Code of Park City is hereby amended as follows:

**4- 2- 5. APPLICATION FEE.**

Each license application shall be accompanied by the ~~revenue~~ business license tax fee required to be paid for the issuance of the license desired.

**4- 2- 6. REFUND OF FEE ~~AND TAX.~~**

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

**4- 2- 7. INVESTIGATION.**

~~Within five (5) days after receipt by the Director or his or her designee of a license application~~ Upon a reasonable belief that the applicant or Licensee has a fraud or felony conviction or prior criminal background or pending criminal proceeding, the Director ~~has the discretion to~~ may refer the application or Licensee for investigation to the Police Department. The Director or his or her designee may at any time inspect the business premises during normal business hours or request business documents maintained pursuant to 4-2-26 to verify a new application or existing Licensee.

**4- 2- 9. LICENSE DENIAL/REVOCATION.**

The Director or his or her designee may deny or revoke a license if the applicant:

(A) Has been convicted of a fraud or felony by any state or federal court within the past five (5) years or now has criminal proceedings pending against him in any state or federal court for fraud or a felony;

(B) Has obtained a license by fraud or deceit;

(C) Has failed to pay personal property taxes or other required taxes or fees imposed by the City;  
or

(D) Has violated the laws of the State of Utah, the United States Government, or the ordinances of Park City governing operation of the business for which the applicant is applying for the license.

#### **4- 2-16. SEPARATE BUSINESSES, LICENSED PREMISES.**

Where two or more persons conduct separate businesses at the same location, each such person shall obtain a separate license for each such business and pay the required license tax fee for such business. Where a person is a licensee pursuant to provisions in the Beer and Liquor Licensing chapter of this Title, that person shall obtain a separate business license for each licensed premises.

#### **4- 2-17. REGULATORY AND SERVICE ENHANCEMENT ~~REVENUE TAX FEES~~ IMPOSED.**

There is hereby imposed and levied an annual business license ~~revenue tax~~ fee on the types of businesses and in the amounts described below in the Business License Fee Schedule. ~~The rate of tax, if not otherwise stated, shall be the product achieved by multiplying the square footage of the place of business by the rate stated. The tax rates set forth in the Table appended to the fee resolution are incorporated herein.~~

(See Business License Fee Schedule Next Page)

## Business License Fee Schedule

	Service Enhancement Fee		Administrative Fee	
	Rate	Unit of Measure	Rate	Unit of Measure
Ski Resort	\$4.40	Uphill Capacity	\$46.00	Licensee
Lodging	\$15.40	Per Bedroom	\$46.00	Licensee
<b>Restaurant /Retail</b>				
Restaurant	\$0.185	Per Sq. Ft.	\$46.00	Licensee
Outdoor Dining	\$0.052	Per Sq. Ft.	\$46.00	Licensee
Retail	\$0.185	Per Sq. Ft.	\$46.00	Licensee
Large Retail (greater than 12,000 sq. ft.)	\$0.129	Per Sq. Ft.	\$46.00	Licensee
<b>Office/Other</b>				
Office, Service, Other	\$0.165	Per Sq. Ft.	\$46.00	Licensee
Warehouse	\$0.047	Per Sq. Ft.	\$46.00	Licensee
Resort and Amusement	\$0.828	Per User	\$46.00	Licensee
<b>Miscellaneous</b>				
Taxies, Buses and Limousine Services	\$30.00	Per Vehicle	\$46.00	Licensee
Other Commercial Vehicles and Trailers	\$6.00	Per Vehicle	\$46.00	Licensee
Employee Based	\$3.00	Per Employee	\$46.00	Licensee
Commercial Vending, Game and Laundry Machines	\$15.00	Per Machine	\$46.00	Licensee

#### 4-2-18. REGULATION OF SPECIFIC BUSINESSES

The minimum fee assessed for each business shall be as set forth in the rate tables as adopted by resolution 4-2-17 unless set forth specifically in the sections below.

(A) **VENDING MACHINES/MECHANICAL DEVICES** It shall be unlawful to install or permit to be installed, any kind of mechanical device operated by coin, token, or currency, which sells goods, merchandise, food, beverages, candy, or entertainment services without first having paid the applicable tax fee on that mechanical device. Further, it shall be unlawful for any person to permit ~~an untaxed~~ a machine to be placed on his premises or within his place of business any such mechanical device on which the tax fee has not been paid. The license for such a mechanical device, and the receipt showing payment of the license fee, shall take the form of a sticker to be placed in a visible location on the machine or device. The placement of a current sticker shall be prima facie evidence of payment of the license fees as far as the owner of the premises in which the machine is installed is concerned, and the owner of such premises or place of business shall be entitled to rely on the display of a current sticker as proof that the machine has been properly licensed. It is the duty of the owner of the machine to pay the tax fee, place the license sticker on the machine, and see that it is continuously displayed.

License certificate stickers on vending machines and electronic game machines shall be marked with the description of the machine, and designed so that the license sticker is not removable without destroying the sticker. There shall be a sticker on each machine. In the event a machine is replaced by another machine of a similar nature, the sticker on the machine to be replaced may be surrendered to the Division, and a new sticker issued for the replacement machine without additional charge.

~~A business which operates a fleet of food and/or beverage vending and video and/or amusement machines, meeting the criteria established in the definition of "arcade" defined in Chapter 1, may purchase a fleet license for all machines operated by that business at the rate established by the Rate Table per year in lieu of individually licensing all machines. A license sticker shall be issued for each machine in the fleet regardless of number. This fleet license shall not apply to video games, electronic entertainment devices, billiards or other similar devices not meeting the "arcade" definition criteria.~~

(B) **CONTRACTORS AND BUILDERS**. All general contractors and subcontractors, including but not limited to, builders, electricians, plumbers and back flow device technicians, with their principal place of business within Park City shall be assessed a regulatory license fee each year as set forth in the rate tables. Said fee must be paid and a business license issued prior to engaging in any construction within the City unless exempted from licensure under U.C.A. § 58-55-6(7) or Section 4-2-20 of this chapter.

No contractor shall be issued a business license under this section unless and until he has provided a certified statement that he is currently licensed with the State of Utah Department of Business Regulation, including the state license number(s) and date of expiration. If said state license expires prior to December 31st of the year, each contractor must provide proof of renewal within ten (10) days of renewal or shall forfeit the City license for the balance of the year.

~~Contractors with their principal place of business within Park City engaged in excavating, hauling~~

~~or concrete delivery are also assessed an additional fee under Section 4-2-18(H) based on the size and number of trucks.~~

~~Contractors with their principal place of business within Park City are required to obtain a separate office business license (Code C1521-10).~~

(C) **NIGHTLY RENTAL** All nightly rental units must be licensed before being offered for rent. Any persons offering to rent night rental units on behalf of an owner must hold a valid Utah real estate broker's license pursuant to § 61-2-1 of the Utah Code, or must be affiliated with a licensed broker. Owners may offer to rent only units in which they hold an ownership interest.

(1) **License Issuance**. The business license for rental of units under this section will be issued by the City upon payment of necessary fees and upon a finding by the staff that the review criteria established below have been satisfied.

(2) **Licensee**. The licensee for rentals under this section shall be both the local representative and the owner. The local representative shall be deemed the responsible party.

(3) **Application Procedure**. All new and renewal applications must contain the property manager's name, a sales tax collection and accounting number, the street address of each unit, the name and address of a local responsible party who is available by telephone 24 hours per day and all other information requested on the application forms. The application includes a cover form which contains information common to all units managed, and unit forms which contain information on each unit managed. It is the licensee's duty to supplement both forms as information changes or as units change from one manager to another.

(4) **Management Standards**. The lodging authorized under Section 4-1-17(D) must be properly managed. As a condition to holding a valid license, the licensee agrees to provide or arrange for adequate property management services. In the event an owner's association exists, it shall be responsible for property maintenance. In the event an owner agrees to be responsible for property maintenance, the licensee must present a statement to that effect signed by the owner. The minimum services required include:

(a) Snow removal during winter months to a level that allows safe access to the building over the normal pedestrian access to the unit.

(b) Snow removal service to off-street parking facilities associated with the rental property so that off-street parking is at all times available for use of the occupants.

(c) Summer yard maintenance, including landscaping, weed control, and irrigation to a level that is consistent with the level of landscaping and maintenance on adjoining and nearby properties.

(d) Structural maintenance to preserve substantial code compliance as described above is required.

(e) Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties.

(f) Trash collection which insures that trash cans are not left at the curb for any period in excess of 24 hours and the property must be kept free from accumulated garbage and refuse.

(g) Housekeeping service as a part of hotel or property management company: included in property management license.

(5) **Noise and Occupancy Control**. The licensee and the owner of rentals under this section are responsible for regulating the occupancy of the unit and noise created by the occupants of the unit. Unreasonable noise levels, or unreasonable occupancy loads, failure to use designated off-street parking, toleration of illegal conduct or other abuses which rise to the level of public or private nuisance is a violation of the license and considered grounds for revocation under ~~\*\*\*\*Section 15~~. Failure to collect and deposit sales tax is also a violation of the license and grounds for revocation under ~~Section \*\*\*\*15~~.

(6) **Review Criteria**. In determining whether or not a business license for rental authorized under this Section shall be issued, the application shall be reviewed to see if, in addition to standards and conditions applicable to issuance of all business licenses, the following conditions and standards are met:

(a) The unit is located within a zone and subzone designated as allowing rentals for the period which the license is applied for.

(b) The Park City Building Department has reviewed the business license application for compliance with the Code for Abatement of Dangerous Buildings. Inspection of the unit may be required under Section 4-2-8. The applicant shall bear the cost of any such inspection and any reinspection which may be required. The cost shall be determined by the prevailing hourly rate of the Park City Building Department.

(c) The access to the rental unit and the layout of the unit is such that noise and physical trespass from the proposed rental unit is not likely to be a substantial intrusion to the adjoining properties. If the proposed rental units is a single family home or duplex and shares an access, hallway, common wall, or driveway with another dwelling, written consent of the owner of the other dwelling is required.

(d) The applicant must designate a responsible party. The responsible party must be a property management company, realtor, lawyer, owner, or other individual who resides within Summit County, or, in the case of a company, has offices in Summit County. The responsible party is personally liable for the failure to properly manage the rental. The responsible party must be available by telephone, or otherwise, 24 hours per day, and must be able to respond to telephone inquiries within twenty (20) minutes of receipt of such inquiries by that party's answering machine, paging device or answering service. The responsible party is also designated as the agent for receiving all official communications under this Title from Park City. If the licensee is a property management company or individual other than the owner, such company or individual must comply with applicable state law, including UCA 61-2-2, 1953, as amended, which requires those who receive valuable consideration to lease property to have a state license.

(e) The application must bear a sales tax collection and accounting number for the rental

operation. This number may be the sales tax accounting number used by the property management company responsible for that unit, or may be specific to the unit, but no license will be effective until the sales tax number is provided.

**(D) RESTAURANTS, FOOD SERVICE, TAVERNS, ETC.**

(1) Outdoor dining areas connected with any food service establishment shall be assessed at a rate lower than the rest of the establishment.

(2) Catering services shall be licensed at the rate established in the Rate Tables per year employee unless part of a full service restaurant or part of a restaurant operation, in which case catering is included in that license.

(3) Mobile vending trucks, serving construction sites only shall be assessed at the rate established in Business License Fee Schedule Rate Tables. ~~The license certificate shall be issued in the manner described in Section \*\*\*18.08.~~

**(E) BUILDING MATERIAL, HARDWARE, LUMBER.** Lumber stores shall be assessed at the retail rate by square foot of space under roof, including retail areas, lumber storage, and shop space, but shall not be assessed for uncovered yard space.

**(F) AUTOMOTIVE SERVICES.** Car rental businesses shall be assessed at a rate per car based in Park City for rental purposes as of January 1 of each license year, ~~but not less than the minimum dollar amount per rental agency,~~ as established in the rate tables.

**(G) TRANSPORTATION SERVICE, PASSENGER AND FREIGHT, SERVICE AND DELIVERY TRUCKS.** License certificates shall take the form of a sticker to be placed on each licensed vehicle. The Division shall design stickers that are suitable for this use, and non-removable without the sticker being destroyed. Various kinds of stickers may be used to show the term of a license if issued for less than one year. The sticker shall be displayed on all service, freight delivery, passenger service, and taxis at all times. If no sticker is displayed, it is prima facie evidence that no license was issued. Delivery and service vehicles with a business location in Park City, on which a license fee is issued on a square footage basis shall be exempt.

(1) Ready-mix concrete trucks, ore hauling trucks, dump trucks, drilling apparatus trucks, cranes, concrete pumping trucks, and other truck-based construction or excavation equipment shall be assessed on the ~~gross vehicle weight of the truck in question,~~ up to a total charge as set forth in the rate tables per business engaged in such business.

(2) ~~Notwithstanding the provisions of the foregoing Section 18.08(B), businesses which operate a fleet of trucks and trailers may purchase a fleet license for all vehicles operated by that business at a rate as established by the rate tables per year, in lieu of individually licensing all vehicles. A license sticker shall be issued for each vehicle in the fleet, regardless of number.~~

(23) Businesses which utilize trucks in construction activity are subject to both the fee provisions of this section and also those of ~~Section 18.03~~ for contractors except that an unlimited number of trucks, not exceeding 9,000 pounds gross vehicle weight, may be used in the construction activity



without any charge applied to the vehicle.

~~(H) **Entertainment and Recreation Facilities.** Ski resorts shall be assessed at a rate set forth in the Section 18.01 RATE TABLE multiplied by the hourly uphill user capacity of the resort (See Section 4-1-2 Definitions)~~

#### **4- 2-20. REVENUE MEASURE.**

The revenue license tax fee provided for in this Chapter is imposed both to raise revenue for an enhanced level of municipal services and for regulatory purposes. The fees are but is in addition to and not a substitute for other regulatory ordinances of Park City. The revenues raised through the revenue tax fee shall be used primarily to defray the costs incurred by the City in operating, maintaining, and replacing the City transit system.

#### **4- 2-21. EXCEPTIONS TO BUSINESS REVENUE LICENSE TAX FEE.**

No business revenue license tax fee shall be imposed under this Chapter upon the following persons or businesses:

(A) Any person engaged in business for solely religious, charitable, eleemosynary, or other types of strictly non-profit purposes who is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any revenue license tax fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah; nor shall any revenue license tax be imposed on any non-profit corporation duly incorporated according to the provisions of the Utah Non-Profit Corporation and Cooperative Association Act; nor shall any revenue license tax be imposed upon any person not maintaining a place of business within Park City who has paid a like or similar revenue license tax or fee to some other taxing unit within the State of Utah, and which taxing unit exempts from its license tax or fee, by reciprocal agreement or otherwise, business domiciled in Park City and doing business in such taxing unit;

~~(H) Any contractor, builder, electrician, plumber, etc., licensed under U.C.A. § 58-55-1, et seq, with a principal place of business outside of Park City or as exempted by state law.~~

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

The annual business revenue license tax 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 due over a period of time not to exceed three (3) months from the due date, with interest on the unpaid balance at the rate of 18% per annum

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

If a licensed business enlarges its place of business or increases its capacity for conducting business (I. e., adding square footage, increasing number of vending machines, number of employees, bid limits, or increasing hourly user capacity), an additional ~~revenue~~ license tax 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 tax 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 ~~revenue~~ license tax fee for adding square footage shall be due and payable on the date the City issues the occupancy permit.

#### **4- 2-24. RENEWAL BILLING PROCEDURE.**

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

#### **4- 2-25. RENEWAL OF LICENSE CERTIFICATE.**

Upon receipt of the ~~revenue~~ license tax fee, the Division shall issue a license certificate valid through December 31 of the next year.

#### **4- 2-26. RECORDS TO BE MAINTAINED.**

It shall be the duty of every person liable for the payment of any ~~revenue~~ license tax fee imposed by this Title to keep and preserve for a period of three (3) years such books and records as will accurately reflect the factors used in determining the amount of the ~~revenue~~ license tax fee for which

he may be liable under this Title.

**4- 2-27. ~~REVENUE TAX~~ LICENSE FEE ADJUSTMENT TO AVOID BURDENING INTERSTATE COMMERCE.**

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

**SECTION IV. AMENDMENT.** Chapter 10, Title 4 of the Municipal Code of Park City is hereby amended as follows:

## **CHAPTER 10 - FRANCHISED UTILITIES AND CABLE TELEVISION OPERATORS**

### **4-10-1. BUSINESS LICENSE REQUIRED.**

All franchised utilities and cable television operators must obtain from the city a license to do business within the city. It shall be unlawful for a franchised utility or cable television operator to conduct business in Park City without a license. The City shall not charge any business license fee, but the fees for the Franchise License amount below and any Franchise Fee imposed by virtue of a Franchise Agreement must be timely paid to receive a business license.

### **4-10-2. FRANCHISE LICENSE TAX.**

There is hereby imposed on all franchised utilities, except "Energy Suppliers" taxed pursuant to Chapter 13, Title 4, and cable television operators who conduct business within the city a Franchise License ~~license tax~~. The Franchise License ~~license tax~~ shall be three and one-half percent (3.5%) of the gross revenue of the franchised utilities or cable television operator derived from the sale of its service or product within Park City's corporate limits. For purposes of this chapter, gross revenue shall include all revenue generated from the sale of the franchisee's product or service. The franchise fee imposed by other ordinances as a consideration for granting the franchises shall be excluded from the gross revenue.

### **4-10-3. EXCLUSIONS.**

This ~~gross revenue tax~~ Franchise License fee shall not apply to "Energy Suppliers" taxed pursuant to Chapter 13, Title 4, or revenue derived from the sale of household appliances by a franchisee, service of appliances, or to the sale or rental of telephone switching equipment not included in "exchange access service".

### **4-10-4. SCOPE OF TELEPHONE AND TELECOMMUNICATION SERVICES.**

For the purpose of determining gross revenue in accordance with Section 4-10-2 for telephone and telecommunication service, the following will apply:

"Telephone service" means those services which may lawfully be taxed under the provisions of U.C.A. § 11-26-1 (1993), or any successor provision, including: 1) exchange access service; 2) extended area service; 3) customer access line charges; and 4) any service for which a tax or other charges was being paid pursuant to Utah Code Section 11-26-1, this chapter or previous applicable ordinances as of January 1, 1992.

However, with respect to customer access line charges for Centron/Centrex services, the tax fee shall be applied on a trunk equivalency basis or as though Centron/Centrex network access registers were PBX trunks on which customer access line charges would be assessed.

"Telephone service" does not include any customer access line charge or extended area service that

is provided as part of the Utah Low Income Assistance Program as set forth in the "Lifeline" Rule of the Utah Public Service Commission.

"Exchange access service" means telephone exchange lines or channels, and services provided in connection with them, which are necessary to provide access from the premises of a subscriber to the local switched public telecommunications network of the public utility to effect communication or the transfer of information. "Exchange access service" does not include (1) private line service; (2) long distance toll service; (3) carrier access service; (4) telephone services that are not regulated by the Utah Public Service Commission; and (5) services that emulate functions available in customer premises equipment.

#### **4-10-5. PAYMENT OF TAX FEE.**

The ~~license tax~~ fee is payable in monthly installments which shall be due on or before the fifteenth (15th) day of the month following the billing cycle of the utility or cable television operator. The ~~tax~~ fee shall be paid on the basis of the preceding month's actual collections. A service charge of one and a half percent (1.5%) per month of the total amount due may be imposed on late payments.

#### **4-10-6. PENALTY.**

The operation of a franchised utility or cable television business within Park City without paying the required ~~tax~~ fee shall be a Class "B" misdemeanor punishable by a fine of not more than two hundred and ninety-nine dollars for each day of each violation and imprisonment of the corporate officials responsible for the violation for not more than six months in the County jail for each day of each violation. These criminal penalties are in addition to, and not in lieu of a civil action to recover the ~~license tax~~ fee due, or a civil action to terminate the franchise. Each connection to the utility or cable television system through which service is provided by the franchisee is hereby deemed a separate transaction or sale, and each such sale, while unlicensed, shall constitute a separate violation.

#### **~~4-10-7. TAX ON THE GROSS REVENUES OF BUSINESSES IN COMPETITION WITH UTILITIES.~~**

~~Tax levied. There is hereby levied on the business of every person or company engaged in the business within this city, of supplying telephone services, gas, electric energy in competition with any public utility, an annual license tax based on the revenue derived from the sale and use of the service or equipment of such business from users located within the city limits of Park City.~~

~~(A) DEFINITIONS. As used in this Section:~~

~~(1) "In competition with public utilities" - to trade in products or services within the same market as a public utility taxed pursuant to §4-10-2.~~

~~(2) "Gross revenue" - all revenue generated from the sale of the person's product or service within Park City's corporate limits. Telephone and telecommunication services shall be treated the same as in § 4-10-4.~~

~~(3) Public utility service - the sale and use of electrical power and energy, natural gas and local exchange telephone services.~~

~~(B) **AMOUNT OF TAX.** The amount of the annual license tax hereby levied shall be equal to three and one-half percent of the gross revenue derived from the sale of services or equipment of all businesses in competition with public utilities from users located within Park City.~~

~~(C) **REPORTS AND PAYMENT OF TAX.** Within forty-five days after the close of each quarter in a calendar year, businesses in competition with public utilities shall file with the City Treasurer a report of its gross revenues derived from the sale and use of services and equipment which is in competition with the use of services and equipment provided by public utilities and taxed by the City. The report shall also contain a computation of the amount of the tax due the City. The business taxed pursuant to this ordinance shall be paid to the City Treasurer in the amount due at the same time the report is filed.~~

**SECTION IV. REPEALER.** Section 3 of Resolution 97-2 as it relates to the adoption of the Business License Fee Schedule is repealed. Beer and Liquor License fees shall remain in effect.

**SECTION V. EFFECTIVE DATE.** This ordinance shall become effective upon publication, but not later than January 1, 1998.

PASSED AND ADOPTED this 20th day of November, 1997.

Park City Municipal Corporation

\_\_\_\_\_  
Bradley A. Olch, Mayor

Attestation by:

\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to Form:

\_\_\_\_\_  
Mark D. Harrington, Deputy City Attorney

## IV. STATE LAW

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CITIES AND TOWNS

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(5) Except as provided in Subsection (2)(b) and Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act, this section may not be construed to enhance, diminish, or otherwise alter the taxing power of municipalities existing prior to the effective date of Chapter 144, Laws of Utah 1988.

### **License fees and taxes — Application information to be transmitted to the county auditor [Effective January 1, 1988].**

(1) For the purpose of this section, "business" means any enterprise carried on for the purpose of gain or economic profit, except that the acts of employees rendering services to employers are not included in this definition.

(2) Except as provided in Subsections (3) through (5), the governing body of a municipality may license for the purpose of regulation and revenue any business within the limits of the municipality and may regulate that business by ordinance.

(3) (a) The governing body of a municipality may raise revenue by levying and collecting a municipal energy sales or use tax as provided in Part 3, Municipal Energy Sales and Use Tax Act, except a municipality may not levy or collect a franchise tax or fee as defined in Subsection 10-1-303(7) on an energy supplier other than the municipal energy sales and use tax provided in Part 3, Municipal Energy Sales and Use Tax Act.

(b) (i) Subsection (3)(a) does not affect the validity of a franchise agreement as defined in Subsection 10-1-303(6), that is in effect on July 1, 1997, or a future franchise.

(ii) A franchise agreement as defined in Subsection 10-1-303(6) in effect on January 1, 1997, or a future franchise shall remain in full force and effect.

(c) A municipality that collects a contractual franchise fee pursuant to a franchise agreement as defined in Subsection 10-1-303(6) with an energy supplier that is in effect on July 1, 1997, may continue to collect that fee as provided in Subsection 10-1-310(2).

(d) (i) Subject to the requirements of Subsection (3)(d)(ii), a franchise agreement as defined in Subsection 10-1-303(6) between a municipality and an energy supplier may contain a provision that:

(A) requires the energy supplier by agreement to pay a contractual franchise fee that is otherwise prohibited under Part 3, Municipal Energy Sales and Use Tax Act; and

(B) imposes the contractual franchise fee on or after the day on which Part 3, Municipal Energy Sales and Use Tax is:

(I) repealed, invalidated, or the maximum allowable rate provided in Section 10-1-305 is reduced; and

(II) is not superseded by a law imposing a substantially equivalent tax.

(ii) A municipality may not charge a contractual franchise fee under the provisions permitted by Subsection (3)(b)(i) unless the municipality charges an equal contractual franchise fee or a tax on all energy suppliers.

(4) Subject to the provisions of Title 11, Chapter 26, Local Taxation of Utilities Limitation, a municipality may impose upon, charge, or collect from a public utility engaged in the business of supplying telephone service or other person or entity engaged in the business of supplying telephone service any tax, license, fee, license fee, license tax, or similar charge, or any combination



of any of these, based upon the gross revenues of the utility, person, or entity derived from sales or use or both sales and use of the telephone service within the municipality.

(5) (a) The governing body of a municipality may by ordinance raise revenue by levying and collecting a license fee or tax on the following:

(i) a parking service business in an amount that is less than or equal to:

(A) \$1 per vehicle that parks at the parking service business; or

(B) 2% of the gross receipts of the parking service business;

(ii) a public assembly facility in an amount that is less than or equal to \$1 per ticket purchased from the public assembly facility; and

(iii) subject to the limitations of Subsections (5)(c) and (d), a business that causes disproportionate costs of municipal services or for which the municipality provides an enhanced level of municipal services in an amount that is reasonably related to the costs of the municipal services provided by the municipality.

(b) For purposes of this Subsection (5):

(i) "Parking service business" means a business:

(A) that primarily provides off-street parking services for a public facility that is wholly or partially funded by public moneys;

(B) that provides parking for one or more vehicles; and

(C) that charges a fee for parking.

(ii) "Public assembly facility" means a business operating an assembly facility that:

(A) is wholly or partially funded by public moneys; and

(B) requires a person attending an event at the assembly facility to purchase a ticket.

(iii) "Municipal services" include:

(A) public utilities; or

(B) services for:

(I) police;

(II) fire;

(III) storm water runoff;

(IV) traffic control;

(V) parking;

(VI) transportation;

(VII) beautification; or

(VIII) snow removal.

(c) Before the governing body of a municipality imposes a license fee or tax on a business that causes disproportionate costs of municipal services under Subsection (5)(a)(iii), the governing body of the municipality shall adopt an ordinance defining for purposes of the tax under Subsection (5)(a)(iii) what constitutes disproportionate costs and what amounts are reasonably related to the costs of the municipal services provided by the municipality.

(d) Before the governing body of a municipality imposes a license fee or tax on a business for which it provides an enhanced level of municipal services under Subsection (5)(a)(iii), the governing body of the municipality shall adopt an ordinance defining for purposes of the tax under Subsection (5)(a)(iii) what constitutes the basic level of municipal services in the municipality and what amounts are reasonably related to the costs of providing an enhanced level of municipal services in the municipality.

**Ordinance 97-60**

**AN ORDINANCE ENACTING A NEW CHAPTER 14 OF TITLE 4 OF THE  
MUNICIPAL CODE OF PARK CITY RELATING TO FRANCHISING  
TELECOMMUNICATIONS WITHIN THE CITY'S RIGHTS-OF-WAY**

WHEREAS, Rights-of-Way are critical to the travel and transport of persons and property in the business and social life of the City;

WHEREAS, Rights-of-Way are intended for public uses and must be managed and controlled consistent with that intent;

WHEREAS, Rights-of-Way can be partially occupied by the facilities of utilities and other public service entities delivering utility and public services rendered for profit, to the enhancement of the health, welfare, and general economic well-being of the City and its citizens;

WHEREAS, Rights-of-Way are a unique and physically limited resource requiring proper management to maximize the efficiency and to minimize the costs to the taxpayers of the foregoing uses and to minimize the inconvenience to and negative effects upon the public from such facilities' construction, placement, relocation, and maintenance in the Rights-of-Way;

WHEREAS, the City should receive fair and reasonable compensation for use of the Rights-of-Way;

WHEREAS, the City finds that while Telecommunications Systems are in part an extension of interstate commerce, their operations also involve Rights-of-Way, municipal franchising, and vital business and community service, which are of local concern;

WHEREAS, the City finds that it is in the best interests of its taxpayers and citizens to promote the rapid development of Telecommunications Services, on a nondiscrimination basis, responsive to community and public interest, and to assure availability for municipal, educational and community services;

WHEREAS, the City finds that it is in the interests of the public to Franchise and to establish standards for franchising Providers in a manner that:

- (a) fairly and reasonably compensates the City on a competitively neutral and non-discriminatory basis as provided herein;
- (b) encourages competition by establishing terms and conditions under which Providers may use the Rights-of-Way to serve the public;
- (c) fully protects the public *interests* and the City from any harm that

may flow from such commercial use of Rights-of-Way;

(d) protects the police powers and Rights-of-Way management authority of the City, in a manner consistent with federal and state law;

(e) otherwise protects the public interests in the development and use of the City infrastructure;

(f) protects the public's investment in improvements in the Rights-of-Way; and

(g) ensures that no barriers to entry of Telecommunications Providers are created and that such franchising is accomplished in a manner that does not prohibit or have the effect of prohibiting Telecommunication Services, within the meaning of the Telecommunications Act of 1996 ("Act") [P.L. No. 104-104].

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

**SECTION I. FINDINGS.** The City Council hereby adopts the above recitals as Findings of Fact.

**SECTION II. ENACTMENT.** Chapter 14 of Title 4 of the Municipal Code is hereby enacted pursuant to the City's power to manage the Rights-of-Way, to common law, the Utah Constitution and statutory authority, and pursuant to the City's authority to receive fair and reasonable compensation for the use of Rights-of-Way by Providers as expressly set forth by Section 253 of the Act:

## **CHAPTER 14- TELECOMMUNICATIONS AND RIGHTS-OF-WAY**

### **4-14-1. SCOPE OF ORDINANCE.**

This Ordinance shall provide the basic local scheme for Providers of Telecommunications Services and Systems that require the use of the Rights-of-Way, including Providers of both the System and Service, those Providers of the System only, and those Providers who do not build the System but who only provide Services. This Ordinance shall apply to all future Providers and to all Providers in the City prior to the effective date of this Ordinance, whether operating with or without a Franchise as set forth in Section 4-14-12.2. This Ordinance shall not apply to cable television operators otherwise regulated by a Franchise granted by the City, nor Personal Wireless Service Facilities. Providers excused by other law that prohibits the City from requiring a Franchise shall not be required to obtain a Franchise, but all of the requirements imposed by this Ordinance through the exercise of the City's police power and not preempted by other law shall be applicable.

#### 4-14-2. DEFINED TERMS

(A) **APPLICATION** - the process by which a Provider submits a request and indicates a desire to be granted a Franchise to utilize the Rights-of-Way of all, or a part, of the City. An Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by a Provider to the City concerning: the construction of a Telecommunications System over, under, on or through the Rights-of-Way; the Telecommunications Services proposed to be provided in the City by a Provider; and any other matter pertaining to a proposed System or Service.

(B) **CITY**- Park City, Utah.

(C) **COMPLETION DATE** - the date that a Provider begins providing Services to customers in the City.

(D) **CONSTRUCTION COSTS** - all costs of constructing a System, including make ready costs, other than engineering fees, attorneys or accountants fees, or other consulting fees.

(E) **CONTROL OR CONTROLLING INTEREST** - actual working control in whatever manner exercised, including, without limitation, working control through ownership, management, debt instruments or negative control, as the case may be, of the System or of a Provider. A rebuttable presumption of the existence of Control or a Controlling Interest shall arise from the beneficial ownership, directly or indirectly, by any Person, or group of Persons acting in concert, of more than twenty-five percent (25%) of any Provider (which Person or group of Persons is hereinafter referred to as "Controlling Person"). "Control" or "Controlling Interest" as used herein may be held simultaneously by more than one Person or group of Persons.

(F) **FCC** - the Federal Communications Commission, or any successor thereto.

(G) **FRANCHISE** - the rights and obligation extended by the City to a Provider to own, lease, construct, maintain, use or operate a System in the Rights-of-Way within the boundaries of the City. Any such authorization, in whatever form granted, shall not mean or include: (i) any other permit or authorization required for the privilege of transacting and carrying on a business within the City required by the ordinances and laws of the City; (ii) any other permit, agreement or authorization required in connection with operations on Rights-of-Way or public property including, without limitation, permits and agreements for placing devices on or in poles, conduits or other structures, whether owned by the City or a private entity, or for excavating or performing other work in or along the Rights-of-Way.

(H) **FRANCHISE AGREEMENT** - a contract entered into in accordance with the provisions of this Ordinance between the City and a Franchisee that sets forth, subject to this Ordinance, the terms and conditions under which a Franchise will be exercised.

(I) **GROSS REVENUE** - includes all revenues of a Provider that may be included as gross revenue within the meaning of Chapter 26, Title 11 Utah Code annotated, 1953, as amended.

(J) **INFRASTRUCTURE PROVIDER** - a Person providing to another, for the purpose of providing Telecommunication Services to customers, all or part of the necessary System which uses the Rights-Of-Way.

(K) **OPEN VIDEO SERVICE** - any video programming services provided to any Person through the use of Rights-of-Way, by a Provider that is certified by the FCC to operate an Open Video System pursuant to sections 651, *et seq.*, of the Telecommunications Act (to be codified at 47 U.S.C. Title VI, Part V), regardless of the System used.

(L) **OPEN VIDEO SYSTEM** - the system of cables, wires, lines, towers, wave guides, optic fiber, microwave, laser beams, and any associated converters, equipment, or facilities designed and constructed for the purpose of producing, receiving, amplifying or distributing Open Video Services to or from subscribers or locations within the City.

(M) **OPERATOR** - any Person who provides Service over a Telecommunications System and directly or through one or more Persons owns a Controlling Interest in such System, or who otherwise controls or is responsible for the operation of such a System.

(N) **ORDINANCE** or **TELECOMMUNICATIONS ORDINANCE** - this Telecommunications Ordinance concerning the granting of Franchises in and by the City for the construction, ownership, operation, use or maintenance of a Telecommunications System.

(O) **PERSON** - includes any individual, corporation, partnership, association, joint stock company, trust, or any other legal entity, but not the City.

(P) **PERSONAL WIRELESS SERVICES FACILITIES** - has the same meaning as provided in Section 704 of the Act (47 U.S.C. 332(c)(7)(c)), which includes what is commonly known as cellular and PCS Services that do not install any System or portion of a System in the Rights-of-Way.

(Q) **PROVIDER** - an Operator, Infrastructure Provider, Resaler, or System Lessee.

(R) **PSC** - the Public Service Commission, or any successor thereto.

(S) **RESALER** - any Person that provides local exchange service over a System for which a separate charge is made, where that Person does not own or lease the underlying System used for the transmission.

(T) **RIGHTS-OF-WAY** - the surface of and the space above and below any public street, sidewalk, alley, or other public way of any type whatsoever, now or hereafter existing, and owned by or otherwise dedicated to the City.

(U) **SIGNAL** - any transmission or reception of electronic, electrical, light or laser or radio frequency energy or optical information in either analog or digital format.

(V) **SYSTEM OR TELECOMMUNICATIONS SYSTEM** - all conduits, manholes, poles,

antennas, transceivers, amplifiers and all other electronic devices, equipment, Wire and appurtenances owned, leased, or used by a Provider, located in the Rights-of-Way and utilized in the provision of Services, including fully digital or analog, voice, data and video imaging and other enhanced Telecommunications Services. Telecommunications System or Systems also includes an Open Video System.

(W) **SYSTEM LESSEE** - any Person that leases a System or a specific portion of a System to provide Services.

(X) **TELECOMMUNICATIONS** - the transmission, between or among points specified by the user, of information of the user's choosing (*e.g.*, data, video, and voice), without change in the form or content of the information sent and received.

(Y) **TELECOMMUNICATIONS SERVICES OR SERVICES** - any telecommunications services provided by a Provider within the City that the Provider is authorized to provide under federal, state and local law, and any equipment and/or facilities required for and integrated with the Services provided within the City, except that these terms do not include "cable service" as defined in the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992 (47 U.S.C. § 521, *et seq.*), and the Telecommunications Act of 1996. Telecommunications System or Systems also includes an Open Video System.

(Z) **WIRE** - fiber optic Telecommunications cable, wire, coaxial cable, or other transmission medium that may be used in lieu thereof for similar purposes.

#### **4-14-3. FRANCHISE REQUIRED**

4-14-3.1 Non-Exclusive Franchise. The City is empowered and authorized to issue non-exclusive Franchises governing the installation, construction, and maintenance of Systems in the City's Rights-of-Way, in accordance with the provisions of this Ordinance. The Franchise is granted through a Franchise Agreement entered into between the City and Provider.

4-14-3.2 Every Provider Must Obtain. Except to the extent preempted by federal or state law, as ultimately interpreted by a court of competent jurisdiction, including any appeals, every Provider must obtain a Franchise prior to constructing a Telecommunications System or providing Telecommunications Services using the Rights-of-Way, and every Provider must obtain a Franchise before constructing an Open Video System or providing Open Video Services via an Open Video System. Any Open Video System or Service shall be subject to the customer service and consumer protection provisions applicable to the Cable TV companies to the extent the City is not preempted or permitted as ultimately interpreted by a court of competent jurisdiction, including any appeals. The fact that particular Telecommunications Systems may be used for multiple purposes does not obviate the need to obtain a Franchise for other purposes. By way of illustration and not limitation, a cable operator of a cable system must obtain a cable franchise, and, should it intend to provide Telecommunications Services over the same System, must also obtain a Telecommunications Franchise.

4-14-3.3 Nature of Grant. A Franchise shall not convey title, equitable or legal, in the Rights-of-Way. A Franchise is only the right to occupy Rights-of-Way on a non-exclusive basis for the limited purposes and for the limited period stated in the Franchise; the right may not be subdivided, assigned, or subleased. A Franchise does not excuse a Provider from obtaining appropriate access or pole attachment agreements before collocating its System on the property of others, including the City's property. The Franchise Agreement may impose additional limitations upon the Provider, such as location of utilities. This section shall not be construed to prohibit a Provider from leasing conduit to another Provider, so long as the Lessee has obtained a Franchise from the City.

4-14-3.4 Current Providers. Except to the extent exempted by federal or state law, any Provider acting without a Franchise on the effective date of this Ordinance shall request issuance of a Franchise from the City within 90 days of the effective date of this Ordinance. If such request is made, the Provider may continue providing service during the course of negotiations. If a timely request is not made, or if negotiations cease and a Franchise is not granted, the Provider shall comply with the provisions of Section 4-14- 9.4.

4-14-3.5 Nature of Franchise. The Franchise granted by the City under the provisions of this Ordinance shall be a nonexclusive Franchise providing the right and consent to install, repair, maintain, remove and replace its System on, over and under the Rights-of-Way in order to provide Services, unless otherwise specified by the Franchise Agreement.

4-14-3.6 Regulatory Approval Needed. Before offering or providing any Services pursuant to the Franchise, a Provider shall obtain any and all regulatory approvals, permits, authorizations or licenses for the offering or provision of such Services from the appropriate federal, state and local authorities, if required, and shall submit to the City upon the written request of the City evidence of all such approvals, permits, authorizations or licenses.

4-14-3.7 Term. No Franchise issued pursuant to this Ordinance shall have a term of less than five (5) years or greater than fifteen (15) years. Each Franchise shall be granted in a nondiscriminatory manner.

#### **4-14-4. COMPENSATION AND OTHER PAYMENTS**

4-14-4.1 Compensation. As fair and reasonable compensation for any Franchise granted pursuant to this Ordinance, a Provider shall have the following obligations:

4-14-4.1.1 Application Fee. In order to offset the cost to the City to review an Application for a Franchise and in addition to all other fees, permits or charges, a Provider shall pay to the City, at the time of Application, \$500 as a non-refundable Application fee.

4-14-4.1.2 Franchise Fees. The Franchise fee, if any, shall be set forth in the Franchise Agreement. The obligation to pay a Franchise fee shall commence on the Completion Date. The combination of the Franchise Fee and any other business license fee or franchise license fee enacted by the City shall not in total exceed the state limitation on franchise fees (currently 6% of gross

revenue), as amended.

4-14-4.1 Excavation Permits. The Provider shall also pay fees required for an excavation permit as provided in the City's Fee Resolution or applicable code.

4-14-4.2 Timing. Unless otherwise agreed to in the Franchise Agreement, all Franchise Fees shall be paid on a monthly basis within forty-five (45) days of the close of each calendar month.

4-14-4.3 Fee Statement and Certification. Unless a Franchise Agreement provides otherwise, each fee payment shall be accompanied by a statement showing the manner in which the fee was calculated and shall be certified as to its accuracy.

4-14-4.4 Future Costs. A Provider shall pay to the City or to third parties, at the direction of the City, an amount equal to the reasonable costs and reasonable expenses that the City incurs for the services of third parties (including but not limited to attorneys and other consultants) in connection with any renewal or Provider-initiated renegotiation, or amendment of this Ordinance or a Franchise, provided, however, that the parties shall agree upon a reasonable financial cap at the outset of negotiations. In the event the parties are unable to agree, either party may submit the issue to binding arbitration in accordance with the rules and procedures of the American Arbitration Association.

4-14-4.5 Taxes and Assessments. To the extent taxes or other assessments are imposed by taxing authorities, other than the City on the use of the City property as a result of a Provider's use or occupation of the Rights-of-Way, the Provider shall be responsible for payment of its pro rata share of such taxes, payable annually unless otherwise required by the taxing authority. Such payments shall be in addition to any other fees payable pursuant to this Ordinance.

4-14-4.6 Interest on Late Payments. In the event that any payment is not actually received by the City on or before the applicable date fixed in the Franchise, interest thereon shall accrue from such date until received at the rate charged for delinquent state taxes.

4-14-4.7 No Accord and Satisfaction. No acceptance by the City of any fee shall be construed as an accord that the amount paid is in fact the correct amount, nor shall such acceptance of such fee payment be construed as a release of any claim the City may have for additional sums payable.

4-14-4.8 Not in Lieu of Other Taxes or Fees. The fee payment is not a payment in lieu of any tax, fee or other assessment except as specifically provided in this Ordinance, or as required by applicable law. By way of example, and not limitation, excavation permit fees and fees to obtain space on the City owned or leased poles are not waived and remain applicable.

4-14-4.9 Continuing Obligation and Holdover. In the event a Provider continues to operate all or any part of the System after the Term of the Franchise, such operator shall continue to comply with all applicable provisions of this Ordinance and the Franchise, including, without limitation, all compensation and other payment provisions throughout the period of such continued operation, provided that any such continued operation shall in no way be construed as a renewal or other



extension of the Franchise, nor as a limitation on the remedies, if any, available to the City as a result of such continued operation after the term, including, but not limited to, damages and restitution.

4-14-4.10 Costs of Publication. A Provider shall assume any publication costs associated with its Franchise that may be required by law.

#### **4-14- 5. FRANCHISE APPLICATIONS**

4-14-5.1 Franchise Application. To obtain a Franchise to construct, own, maintain or provide Services through any System within the City, to obtain a renewal of a Franchise granted pursuant to this Ordinance, or to obtain the City approval of a transfer of a Franchise, as provided in Subsection 4-14-7.1.2, granted pursuant to this Ordinance, an Application must be filed with City. The Application form may be changed by the City Manager so long as such changes request information that is consistent with this Ordinance.

4-14-5.2 Application Criteria. In making a determination as to an Application filed pursuant to this Ordinance, the City may, but shall not be limited to, request the following from the Provider:

(a) A copy of the order from the PSC granting a Certificate of Convenience and Necessity.

(b) Certification of the Provider's financial ability to compensate the City for Provider's intrusion, maintenance and use of the Rights-of-Way during the Franchise term proposed by the Provider;

(c) Provider' s agreement to comply with the requirements of Section 4-14-6 of this Ordinance.

4-14-5.3 Franchise Determination. The City, in its discretion, shall determine the award of any Franchise on the basis of these and other considerations relevant to the use of the Rights-of-Way, without competitive bidding.

#### **4-14- 6. CONSTRUCTION AND TECHNICAL REQUIREMENTS**

4-14-6.1 General Requirement. No Provider shall receive a Franchise unless it agrees to comply with each of the terms set forth in this Section governing construction and technical requirements for its System, in addition to any other reasonable requirements or procedures specified by the City or the Franchise, including requirements regarding locating and sharing in the cost of locating portions of the System with other Systems or with City utilities. A Provider shall obtain an excavation permit before commencing any work in the Rights-of-Way.

4-14-6.2 Quality. All work involved in the construction, maintenance, repair, upgrade and removal of the System shall be performed in a safe, thorough and reliable manner using materials

of good and durable quality, and in accordance with the City's Design Standards, Construction Specifications, and Standard Drawings (latest edition). If, at any time, it is determined by the FCC or any other agency granted authority by federal law or the FCC to make such determination, that any part of the System, including, without limitation, any means used to distribute Signals over or within the System, is harmful to the public health, safety or welfare, or quality of service or reliability, then a Provider shall, at its own cost and expense, promptly correct all such conditions.

4-14-6.3 Licenses and Permits. A Provider shall have the sole responsibility for diligently obtaining, at its own cost and expense, all permits, licenses or other forms of approval or authorization necessary to construct, maintain, upgrade or repair the System, including but not limited to any necessary approvals from Persons and/or the City to use private property, easements, poles and conduits. A Provider shall obtain any required permit, license, approval or authorization, including but not limited to excavation permits, pole attachment agreements, etc., prior to the commencement of the activity for which the permit, license, approval or authorization is required.

4-14-6.4 Relocation of the System.

4-14-6.4.1 New Grades or Lines. If the grades or lines of any Rights-of-Way are changed at any time in a manner affecting the System, then a Provider shall comply with the requirements of the excavation ordinance or other applicable City regulation.

4-14-6.4.2 The City Authority to Move System in case of an Emergency. The City may, at any time, in case of fire, disaster or other emergency, as determined by the City in its reasonable discretion, cut or move any parts of the System and appurtenances on, over or under the Rights-of-Way of the City, in which event the City shall not be liable therefor to a Provider. The City shall notify a Provider in writing prior to, if practicable, but in any event as soon as possible and in no case later than the next business day following any action taken under this Section. Notice shall be given as provided in Section 11.4.

4-14-6.4.3 A Provider Required to Temporarily Move System for Third Party. A Provider shall, upon prior reasonable written notice by the City or any Person holding a permit to move any structure, and within the time that is reasonable under the circumstances, temporarily move any part of its System to permit the moving of said structure. A Provider may impose a reasonable charge on any Person other than the City for any such movement of its Systems.

4-14-6.4.4 Rights-of-Way Change - Obligation to Move System. When the City is changing a Rights-of-Way and makes a written request, a Provider is required to move or remove its System from the Rights-of-Way, without cost to the City, to the extent provided in the excavation ordinance. This obligation does not apply to Systems originally located on private property pursuant to a private easement, which property was later incorporated into the Rights-of-Way, if that private easement grants a superior vested right. This obligation exists whether or not the Provider has obtained an excavation permit.

4-14-6.5 Protect Structures. In connection with the construction, maintenance, repair, upgrade or removal of the System, a Provider shall, at its own cost and expense, protect any and all existing

structures belonging to the City and any historically significant structure or building, as designated by the Historic District Commission. A Provider shall obtain the prior written consent of the City to alter any water main, power facility, sewerage or drainage system, or any other municipal structure on, over or under the Rights-of-Way of the City required because of the presence of the System. Any such alteration shall be made by the City or its designee on a reimbursable basis. A Provider agrees that it shall be liable for the costs incurred by the City to replace or repair and restore to its prior condition in a manner as may be reasonably specified by the City, any municipal structure or any other Rights-of-Way of the City involved in the construction, maintenance, repair, upgrade or removal of the System that may become disturbed or damaged as a result of any work thereon by or on behalf of a Provider pursuant to the Franchise.

4-14-6.6 No Obstruction. In connection with the construction, maintenance, upgrade, repair or removal of the System, a Provider shall not unreasonably obstruct the Rights-of-Way of fixed guide way systems, railways, passenger travel, or other traffic to, from or within the City without the prior consent of the appropriate authorities.

4-14-6.7 Safety Precautions. A Provider shall, at its own cost and expense, undertake all necessary and appropriate efforts to prevent accidents at its work sites, including the placing and maintenance of proper guards, fences, barricades, security personnel and suitable and sufficient lighting, and such other requirements prescribed by OSHA and Utah OSHA. A Provider shall comply with all applicable federal, state and local requirements including but not limited to the National Electric Safety Code.

4-14-6.8 Repair. After written reasonable notice to the Provider, unless, in the sole determination of the City, an imminent danger exists, any Rights-of-Way within the City which are disturbed or damaged during the construction, maintenance or reconstruction by a Provider of its System may be repaired by the City at the Provider's expense, to a condition as good as that prevailing before such work was commenced. Upon doing so, the City shall submit to such a Provider an itemized statement of the cost for repairing and restoring the Rights-of-Ways intruded upon. The Provider shall, within thirty (30) days after receipt of the statement, pay to the City the entire amount thereof.

4-14-6.9 System Maintenance. A Provider shall:

(a) Install and maintain all parts of its System in a non-dangerous condition throughout the entire period of its Franchise.

(b) Install and maintain its System in accordance with standard prudent engineering practices and shall conform, when applicable, with the National Electrical Safety Code and all applicable other federal, state and local laws or regulations.

(c) At all reasonable times, permit examination by any duly authorized representative of the City of the System and its effect on the Rights-of-Way.

4-14-6.10 Trimming of Trees. A Provider shall have the authority to trim trees, in accordance

with all applicable utility restrictions, ordinance and easement restrictions, upon and hanging over Rights-of-Way so as to prevent the branches of such trees from coming in contact with its System. (See Title 14)

#### **4-14- 7. FRANCHISE AND LICENSE NON-TRANSFERRABLE**

##### **4-14-7.1 Notification of Sale.**

4-14-7.1.1 Notification and Election. When a Provider is the subject of a sale, transfer, lease, assignment, sublease or disposed of, in whole or in part, either by forced or involuntary sale, or by ordinary sale, consolidation or otherwise, such that it or its successor entity is obligated to inform or seek the approval of the PSC, the Provider or its successor entity shall promptly notify the City of the nature of the transaction. The notification shall include either:

- (a) the successor entity's certification that the successor entity unequivocally agrees to all of the terms of the original Provider's Franchise Agreement, or
- (b) the successor entity's Application in compliance with Section 4-14-5 of this Ordinance.

4-14-7.1.2 Transfer of Franchise. Upon receipt of a notification and certification in accordance with Subsection 4-14-7.1.1(a), the City designee, as provided in Subsection 4-14-9.1.1, shall send notice affirming the transfer of the Franchise to the successor entity. If the City has good cause to believe that the successor entity may not comply with this Ordinance or the Franchise Agreement, it may require an Application for the transfer. The Application shall comply with Section 4-14-5.

4-14-7.1.3 If PSC Approval No Longer Required. If the PSC no longer exists, or if its regulations or state law no longer require approval of transactions described in Section 4-14-7.1, and the City has good cause to believe that the successor entity may not comply with this Ordinance or the Franchise Agreement, it may require an Application. The Application shall comply with Section 4-14-5.

4-14-7.2 Events of Sale. The following events shall be deemed to be a sale, assignment or other transfer of the Franchise requiring compliance with subsection 7.1: (i) the sale, assignment or other transfer of all or a majority of a Provider's assets to another Person; (ii) the sale, assignment or other transfer of capital stock or partnership, membership or other equity interests in a Provider by one or more of its existing shareholders, partners, members or other equity owners so as to create a new Controlling Interest in a Provider; (iii) the issuance of additional capital stock or partnership, membership or other equity interest by a Provider so as to create a new Controlling Interest in such a Provider; or (iv) the entry by a Provider into an agreement with respect to the management or operation of such Provider or its System.

#### **4-14- 8. OVERSIGHT AND REGULATION**

4-14-8.1 Insurance, Indemnity, and Security. Prior to the execution of a Franchise, a Provider will deposit with the City an irrevocable, unconditional letter of credit as required by the terms of

the Franchise, and shall obtain and provide proof of the insurance coverage required by the Franchise. A Provider shall also indemnify the City as set forth in the Franchise.

4-14-8.2 Oversight. The City shall have the right to oversee, regulate and inspect periodically the construction, maintenance, and upgrade of the System, and any part thereof, in accordance with the provisions of the Franchise and applicable law. A Provider shall establish and maintain managerial and operational records, standards, procedures and controls to enable a Provider to prove, in reasonable detail, to the satisfaction of the City at all times throughout the Term, that a Provider is in compliance with the Franchise. A Provider shall retain such records for not less than the applicable statute of limitations.

4-14-8.3 Maintain Records. A Provider shall at all times maintain:

(a) On file with the City, a full and complete set of plans, records and "as-built" hard copy maps and, to the extent the maps are placed in an electronic format, they shall be made in electronic format compatible with the City's existing GIS system, of all existing and proposed installations and the types of equipment and Systems installed or constructed in the Rights-of-Way, properly identified and described as to the types of equipment and facility by appropriate symbols and marks which shall include annotations of all Rights-of-Ways where work will be undertaken. As used herein, "as-built" maps includes file construction prints. Maps shall be drawn to scale. "As-built" maps, including the compatible electronic format, as provided above, shall be submitted within 30 days of completion of work or within 30 days after completion of modification and repairs. "As-built" maps are not required of the Provider who is the incumbent local exchange carrier for the existing System to the extent they do not exist.

(b) Throughout the term of the Franchise, a Provider shall maintain complete and accurate books of account and records of the business, ownership, and operations of a Provider with respect to the System in a manner that allows the City at all times to determine whether a Provider is in compliance with the Franchise. Should the City reasonably determine that the records are not being maintained in such a manner, a Provider shall alter the manner in which the books and/or records are maintained so that a Provider comes into compliance with this Section. All financial books and records which are maintained in accordance with the regulations of the FCC and any governmental entity that regulates utilities in the State of Utah, and generally accepted accounting principles shall be deemed to be acceptable under this Section.

4-14-8.4 Confidentiality. If the information required to be submitted is proprietary in nature or must be kept confidential by federal, state or local law, upon proper request by a Provider, such information shall be classified as a Protected Record within the meaning of the Utah Government Records Access and Management Act ("GRAMA"), making it available only to those who must have access to perform their duties on behalf of the City, provided that a Provider notifies the City of, and clearly labels the information which a Provider deems to be confidential, proprietary information. Such notification and labeling shall be the sole responsibility of the Provider.

4-14-8.5 Provider's Expense. All reports and records required under this Ordinance shall be furnished at the sole expense of a Provider, except as otherwise provided in this Ordinance or a

Franchise.

4-14-8.6 Right of Inspection. For the purpose of verifying the correct amount of the franchise fee, the books and records of the Provider pertaining thereto shall be open to inspection or audit by duly authorized representatives of the City at all reasonable times, upon giving reasonable notice of the intention to inspect or audit the books and records, provided that the City shall not audit the books and records of the Provider more often than annually. The Provider agrees to reimburse the City the reasonable costs of an audit if the audit discloses that the Provider has paid ninety-five percent (95%) or less of the compensation due the City for the period of such audit. In the event the accounting rendered to the City by the Provider herein is found to be incorrect, then payment shall be made on the corrected amount within thirty (30) calendar days of written notice, it being agreed that the City may accept any amount offered by the Provider, but the acceptance thereof by the City shall not be deemed a settlement of such item if the amount is in dispute or is later found to be incorrect.

#### **4-14-9. RIGHTS OF CITY**

4-14-9.1 Enforcement and Remedies.

4-14-9.1.1 Enforcement - City Designee. The City is responsible for enforcing and administering this Ordinance, and the City or its designee, as appointed by the City Manager, is authorized to give any notice required by law or under any Franchise Agreement.

4-14-9.1.2 Enforcement Provision. Any Franchise granted pursuant to this Ordinance shall contain appropriate provisions for enforcement, compensation, and protection of the public, consistent with the other provisions of this Ordinance, including, but not limited to, defining events of default, procedures for accessing the Bond/Security Fund, and rights of termination or revocation.

4-14-9.2 Force Majeure. In the event a Provider's performance of any of the terms, conditions or obligations required by this Ordinance or a Franchise is prevented by a cause or event not within a Provider's control, such inability to perform shall be deemed excused and no penalties or sanctions shall be imposed as a result thereof. For the purpose of this section, causes or events not within the control of a Provider shall include, without limitation, acts of God, strikes, sabotage, riots or civil disturbances, failure or loss of utilities, explosions, acts of public enemies, and natural disasters such as floods, earthquakes, landslides, and fires.

4-14-9.3 Extended Operation and Continuity of Services.

4-14-9.3.1 Continuation After Expiration. Upon either expiration or revocation of a Franchise granted pursuant to this Ordinance, the City shall have discretion to permit a Provider to continue to operate its System or provide Services for an extended period of time not to exceed six (6) months from the date of such expiration or revocation. A Provider shall continue to operate its System under the terms and conditions of this Ordinance and the Franchise granted pursuant to this Ordinance.

4-14-9.3.2 Continuation by Incumbent Local Exchange Carrier. If the Provider is the incumbent

local exchange carrier, it shall be permitted to continue to operate its System and provide Services without regard to revocation or expiration, but shall be obligated to negotiate a renewal in good faith.

#### 4-14-9.4 Removal or Abandonment of Franchise Property.

4-14-9.4.1 Abandoned System. In the event that (1) the use of any portion of the System is discontinued for a continuous period of twelve (12) months, and thirty (30) days after no response to written notice from the City to the last known address of Provider; (2) any System has been installed in the Rights-of-Way without complying with the requirements of this Ordinance or Franchise; or (3) the provisions of Section 3.5 are applicable and no Franchise is granted, a Provider, except the Provider who is an incumbent local exchange carrier, shall be deemed to have abandoned such System.

4-14-9.4.2 Removal of Abandoned System. The City, upon such terms as it may impose, may give a Provider written permission to abandon, without removing, any System, or portion thereof, directly constructed, operated or maintained under a Franchise. Unless such permission is granted or unless otherwise provided in this Ordinance, a Provider shall remove within a reasonable time the abandoned System and shall restore, using prudent construction standards, any affected Rights-of-Way to their former state at the time such System was installed, so as not to impair their usefulness. In removing its plant, structures and equipment, a Provider shall refill, at its own expense, any excavation necessarily made by it and shall leave all Rights-of-Way in as good condition as that prevailing prior to such removal without materially interfering with any electrical or telephone cable or other utility wires, poles or attachments. The City shall have the right to inspect and approve the condition of the Rights-of-Way cables, wires, attachments and poles prior to and after removal. The liability, indemnity and insurance provisions of this Ordinance and any security fund provided in a Franchise shall continue in full force and effect during the period of removal and until full compliance by a Provider with the terms and conditions of this Section.

4-14-9.4.3 Transfer of Abandoned System to City. Upon abandonment of any System in place, a Provider, if required by the City, shall submit to the City a written instrument, satisfactory in form to the City, transferring to the City the ownership of the abandoned System.

4-14-9.4.4 Removal of Above-Ground System. At the expiration of the term for which a Franchise is granted, or upon its revocation or earlier expiration, as provided for by this Ordinance, in any such case without renewal, extension or transfer, the City shall have the right to require a Provider to remove, at its expense, all above-ground portions of a System from the Rights-of-Way within a reasonable period of time, which shall not be less than one hundred eighty (180) days. If the Provider is the incumbent local exchange carrier, it shall not be required to remove its System, but shall negotiate a renewal in good faith, unless otherwise provided for in the Franchise Agreement.

4-14-9.4.5 Leaving Underground System. Notwithstanding anything to the contrary set forth in this Ordinance, a Provider may abandon any underground System in place so long as it does not materially interfere with the use of the Rights-of-Way or with the use thereof by any public utility, cable operator or other Person, unless otherwise provided for in the Franchise Agreement.

#### **4-14-10. OBLIGATION TO NOTIFY**

4-14-10.1 Publicizing Work. Before entering onto any private property, a Provider shall make a good faith attempt to contact the property owners in advance, and describe the work to be performed. Nothing herein authorizes the Provider to trespass.

#### **4-14- 11. GENERAL PROVISIONS**

4-14-11.1 Conflicts. In the event of a conflict between any provision of this Ordinance and a Franchise entered pursuant to it, the provisions of this Ordinance in effect at the time the Franchise is entered into shall control.

4-14-11.2 Severability. If any provision of this Ordinance is held by any federal, state or local court of competent jurisdiction, to be invalid as conflicting with any federal or state statute, or is ordered by a court to be modified in any way in order to conform to the requirements of any such law and all appellate remedies with regard to the validity of the Ordinance provisions in question are exhausted, such provision shall be considered a separate, distinct, and independent part of this Ordinance, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law is subsequently repealed, rescinded, amended or otherwise changed, so that the provision which had been held invalid or modified is no longer in conflict with such law the provision in question shall return to full force and effect and shall again be binding on the City and the Provider, provided that the City shall give the Provider thirty (30) days, or a longer period of time as may be reasonably required for a Provider to comply with such a rejuvenated provision, written notice of the change before requiring compliance with such provision.

4-14-11.3 New Developments. It shall be the policy of the City to liberally amend this Ordinance, upon Application of a Provider, when necessary to enable the Provider to take advantage of any developments in the field of Telecommunications which will afford the Provider an opportunity to more effectively, efficiently, or economically serve itself or the public.

4-14-11.4 Notices. All notices from a Provider to the City required under this Ordinance or pursuant to a Franchise granted pursuant to this Ordinance shall be directed to the officer as designated by the City Manager. A Provider shall provide in any Application for a Franchise the identity, address and phone number to receive notices from the City. A Provider shall immediately notify the City of any change in its name, address, or telephone number.

4-14-11.5 Exercise of Police Power. To the full extent permitted by applicable law either now or in the future, the City reserves the right to adopt or issue such rules, regulations, orders, or other directives that it finds necessary or appropriate in the lawful exercise of its police powers.

#### **4-14-12. FEDERAL, STATE AND CITY JURISDICTION**



4-14-12.1 Construction. This Ordinance shall be construed in a manner consistent with all applicable federal and state statutes.

4-14-12.2 Ordinance Applicability. This Ordinance shall apply to all Franchises granted or renewed after the effective date of this Ordinance. This Ordinance shall further apply, to the extent permitted by applicable federal or state law to all existing Franchises granted prior to the effective date of this Ordinance and to a Provider providing Services, without a Franchise, prior to the effective date of this Ordinance.

4-14-12.3 Other Applicable Ordinances. A Provider's rights are subject to the police powers of the City to adopt and enforce ordinances necessary to the health, safety and welfare of the public. A Provider shall comply with all applicable general laws and ordinances enacted by the City pursuant to its police powers. In particular, all Providers shall comply with the City zoning and other land use requirements.

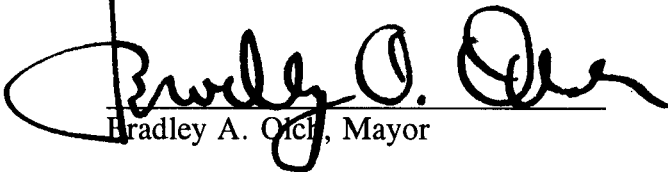
4-14-12.4 City Failure to Enforce. A Provider shall not be relieved of its obligation to comply with any of the provisions of this Ordinance or any Franchise granted pursuant to this Ordinance by reason of any failure of the City to enforce prompt compliance.

4-14-12.5 Construed According to Utah Law. This Ordinance and any Franchise granted pursuant to this Ordinance shall be construed and enforced in accordance with the substantive laws of the State of Utah.

**SECTION III. EFFECTIVE DATE.** This ordinance shall become effective upon publication.

PASSED, APPROVED, AND ADOPTED this 20th day of November, 1997.

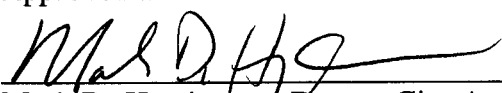
Park City Municipal Corporation

  
Bradley A. Oick, Mayor

Attestation by:

  
Janet M. Scott, City Recorder

Approved as to Form:

  
Mark D. Harrington, Deputy City Attorney



**Ordinance No. 97-59**

**AN ORDINANCE AMENDING CHAPTERS 7 AND 8 OF THE LAND MANAGEMENT CODE OF PARK CITY REGARDING THE REGULATION OF TELECOMMUNICATION FACILITIES IN ALL ZONING DISTRICTS**

WHEREAS, recent advancements in the technology of telecommunications have made it imperative that Park City Municipal Corporation address the issue of the compatibility of telecommunication facilities with the quality of life of residents; and

WHEREAS, many of our citizens rely on these facilities in their daily business, social and family lives, resulting in a burgeoning demand for telecommunication services within Park City; and

WHEREAS, Park City has the desire to permit cellular and personal wireless towers and facilities; and

WHEREAS, these regulations are not addressing effect of non-ionizing delectromagnetic radiation; and

WHEREAS, the City recognizes the need to put in place laws and regulations that effectively balances the aesthetic and safety effects of telecommunication facilities on our landscapes, out citizen's demands for these services and accommodation of the needs of the service providers by enacting the minimum regulations necessary; and

WHEREAS, legal notice was duly published and public hearings were held before the Planning Commission on September 24, 1997, and before the City Council on November 20, 1997;

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

**SECTION 1. AMENDMENT TO CHAPTER 7 OF THE LAND MANAGEMENT CODE.**

The Land Use Tables are hereby amended to include Telecommunication Facilities<sup>1</sup>.

**REFERENCE NOTES:**

<sup>15</sup> These uses are conditional and shall be reviewed under the criteria as stated in Section 8.30 herein.

**SECTION 2. AMENDMENT TO CHAPTER 8 OF THE LAND MANAGEMENT CODE.** Chapter 8 is hereby amended to add a new Section 8.30 which reads as follows:

8.30 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 public health and safety in residential, commercial and industrial areas, are mitigated. The intent of these requirements is to locate such facilities and related equipment where they are least visible from public streets, public areas and designated view corridors and,

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<sup>1</sup> Please note that the Land Use Table is attached at the end of this ordinance.

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 Building Permit from the City. Plans of such facility shall be submitted with each Telecommunications Application.
- (b) **Definitions.**
  - 1. **Antenna.** Transmitting or receiving device used in telecommunications that radiates or captures radio signals.
  - 2. **Co-location.** The location of wireless communication facility on an existing structure, tower or building in a manner that precludes the need for that wireless communications facility to be located on a free-standing structure of its own.
  - 3. **Roof Mounted Antenna.** An Antenna or series of individual Antennas mounted on a roof, mechanical room or penthouse of a building.
  - 4. **Wall Mounted Antenna.** An Antenna or series of individual Antennas mounted against the vertical face of a building or chimney. A wall of 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.
- (c) **Submittal Requirements.** A complete application shall include the requirements as stated within the Telecommunication Facility Application available in the Community Development Department.
- (d) **Compliance with other Laws.** Such structures shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations. Evidence of compliance must be submitted prior to the issuance of a Building Permit for tower construction.
- (e) **Conditional Use Review.** The Community Development Department shall review applications administratively pursuant to Sections (f) and (m) below.
  - 1. **Exemption for Towers Located on City Land.** Towers located on City owned land shall pay fair compensations in an amount determined by the City Council. No Planning Commission review shall be necessary but a building permit must be obtained and the criteria in Section (f) or Section 1.13 followed.
- (f) **Administrative Conditional Use Standards**
  - 1. **Freestanding Antennae.**
    - I) **Zoning.** Free Standing Towers are prohibited in E, SF, SF-N, RD, RDM, R-1, HR-1, HR-2, HRL, ROS and RM zones.
    - ii) **Height.** The proposed height of the facility shall be within the height requirement for the zoning district in which it is placed.

iii) Setbacks. Any part of an Antenna tower shall be setback from the street line or any other lot line of the lot on which it is located a distance of not less than the height of such tower.

iv) Location. Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation shall be preserved or improved, and disturbance of the existing topography of the site shall be minimized, unless such disturbance would result in less visual impact of the site and surrounding area. The effectiveness of visual mitigation shall be evaluated by the Planning Department, taking into consideration the site as built.

v) Fences. Fences in conjunction with a telecommunication site shall be reviewed under the same guidelines as fences constructed within Park City under the Land Management Code. There will be no exceptions to fence materials permitted within the zone. If the application proposes the use of a fence, the Planning Department will require landscaping to mitigate the visual impacts.

vi) Design, Materials and Color. The towers shall be designed in such a manner as to carry gravity loads and resist the effects of earthquakes per the regulations stated in the adopted building code. The towers and associated equipment shall incorporate materials and colors present in the context of the surrounding area. The intent of this provision is to minimize, to the greatest extent possible, the visual contrast between the towers and the existing built and natural environment.

Unless otherwise required by the F.C.C. and the F.A.A., towers shall be light gray in color. The pole, where appropriate, shall be earthtone colors in keeping with the Park City Design Guidelines. Camouflaged towers shall be designed in a manner to blend with the existing built and natural environment.

vii) Lighting. No artificial light shall be installed unless required by the Federal Aviation Administration. If such lighting is required, it shall be partially shielded, unless otherwise required by the FAA. Partially shielded means no more than ten (10) percent of the light rays are emitted by the installed fixtures at angles above the horizontal plane as certified by a photometric test report. These fixtures shall be equipped with high pressure sodium light sources and shall not exceed 70 watts.

## 2. **Roof or Wall Mounted Antennae.**

i) Zoning. Roof or Wall Mounted Antennae are permitted in all zones subject to the criteria herein.

ii) Height. Antennas or similar structures may extend up to five (5) feet above the specified maximum height limit of the zoning district.

iii) Location. The Antennas shall be located on the structure in areas where such location would provide the least visual impacts from the street and adjacent properties.

iv) Design, Materials and Color. The towers shall be designed in such a manner as to carry gravity loads and resist the effects of earthquakes per the regulations stated in the adopted

building code. The Antennas attached to buildings or structures, where appropriate, shall match the color of the structure to which they are attached.

v) Lighting. No artificial light shall be installed unless required by the Federal Aviation Administration. If such lighting is required, it shall be partially shielded, unless otherwise required by the FAA. Partially shielded means no more than ten (10) percent of the light rays are emitted by the installed fixtures at angles above the horizontal plane as certified by a photometric test report. These fixtures shall be equipped with high pressure sodium light sources and shall not exceed 70 watts.

(g) Co-location. To discourage the proliferation of communication towers, shared use of tower structures is both permitted and encouraged. Placement of more than one (1) tower on a land site may be permitted if all setbacks, design and landscape requirements are met for each tower. The application shall include any existing or approved, but unbuilt, communication towers within the transmission area that may meet the needs of the applicant. The supplied documentation shall evaluate the following factors:

1. Structural capacity of the communication towers;
2. Geographic service area requirements;
3. Mechanical or electrical incompatibilities;
4. Inability or ability to locate equipment on existing communication towers; and ,
5. Any restriction or limitation of the Federal Communication Commission that would preclude the shared use of the communication tower.

(h) Accessory Buildings. The Planning Department shall review accessory building applications through the building permit process, along with the details for the construction of the tower. The accessory building shall comply with the guidelines stated in the Land Management Code and the Historic District Design Guidelines where applicable. Outdoor storage of materials is prohibited.

(i) Signs. Signs shall only be permitted if they are related to the health and safety of the general public.

(j) Abandonment. The property owner shall be responsible for the removal of unused communication towers within twelve (12) months of cessation 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.

(k) Subdivision and Condominium Covenants. Many subdivision and condominium covenants may address the location of telecommunications 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 effect the enforceability of such covenants which might be more restrictive than this ordinance. Applicants for the installation of wireless communication receivers 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 communication Antenna within the common area has been granted as a part of the permit application filed with the City.

- (l) Action. The Community Development Department shall respond, in writing, to a complete application within a reasonable period of time. A denial must be supported by substantial evidence from the written record.
- (m) Appeal of the Administrative Conditional Use Denial. If the applicant does not agree with the determination of the Community Development Director, the applicant may request Planning Commission review within ten (10) calendar days of the Community Development Department's decision. All actions of the Planning Commission are appealable to the City Council. Appeals shall be pursuant to Section 1.16 herein.
- (n) Technical Necessity Exception. If the application does not meet the criteria as stated in Section (e) the applicant may apply to the Planning Commission for a Technical Necessity Exception. The Planning Commission shall review the application as a Conditional Use Permit pursuant to Section 1.13 herein.

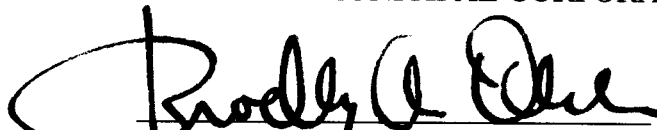
### **SECTION 3. FINDINGS OF FACT.**

1. Recent advancements in the technology of telecommunications have made it imperative that Park City Municipal Corporation address the issue of the compatibility of telecommunication facilities with the quality of life of residents; and
2. Many of our citizens rely on these facilities in their daily business, social and family lives, resulting in a burgeoning demand for telecommunication services within Park City; and
3. Park City has the desire to permit cellular and personal wireless towers and facilities; and
4. These regulations are not addressing effect of non-ionizing delectromagnetic radiation; and
5. The City recognizes the need to put in place laws and regulations that effectively balances the aesthetic and safety effects of telecommunication facilities on our landscapes, out citizen's demands for these services and accommodation of the needs of the service providers by enacting the minimum regulations necessary.

**SECTION 4. CONCLUSIONS OF LAW.** The City Council hereby concludes that the proposed amendment is consistent with the Park City Land Management Code, General Plan, and State and Federal requirements.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.  
PASSED AND ADOPTED this 20th day of November, 1997 .

PARK CITY MUNICIPAL CORPORATION


  
Bradley A. Olett, Mayor

ATTEST:

  
Janet M. Scott, City Recorder



APPROVED AS TO FORM:

  
Mark Harrington, Deputy City Attorney





**Ordinance 97-57**

**AN ORDINANCE APPROVING A RECORD OF SURVEY PLAT FOR THE  
LODGES AT DEER VALLEY, PHASE I, AT 2900 DEER VALLEY DRIVE,  
PARK CITY, UTAH.**

WHEREAS, the owners of the property known as 2900 Deer Valley Drive petitioned the City Council for approval of a amendment to the final plat; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing to receive input on the proposed amendment on August 27, 1997; and

WHEREAS, it is in the best interest of Park City to approve the Record of Survey, and

WHEREAS, there is good cause for the revision as the reconfiguration does not adversely affect the development parameters for site; and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat revision.

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

**SECTION 1. FINDINGS, CONCLUSIONS OF LAW, AND CONDITIONS**

**Findings:**

1. The property is located in the RD-MPD zoning district.
2. The project received an approval for a Conditional Use Permit on April 10, 1997 for the construction of 125 unit equivalents on this site.
3. The Record of Survey plat amendment will create 53 individually owned units and designated common area and amenities.
4. The restaurant in Building D was approved under the Conditional Use Permit as a non-commercial facility for use of the Lodge owners only.

**Conclusions of Law:**

1. There is good cause for the creation of a Record of Survey plat at this location.

2. Neither the public nor any person will be materially injured by the proposed plat.
3. The proposed plat complies with the Utah Condominium Ownership Act.

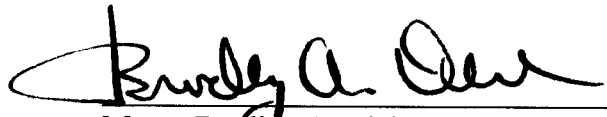
Conditions:

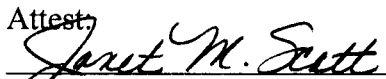
1. The City Attorney and City Engineer's approval of the Record of Survey and CC&R's for compliance with State law, the Land Management Code and these conditions of approval, is a condition precedent to plat recordation.
2. All Conditions of Approval, dated April 10, 1996 are in full force and effect. A note to this effect shall be added to the plat.
3. The restaurant in Building D shall be non-commercial and for the sole use of the Lodge owners only. This shall be reflected in the CC&R's for the project.
4. The Record of Survey plat must be recorded within one year of this approval or this approval is null and void.

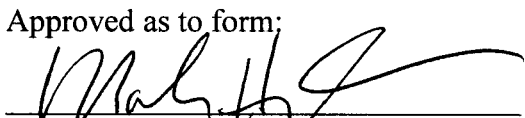
SECTION 2. EFFECTIVE DATE. This ordinance shall take effect upon publication.

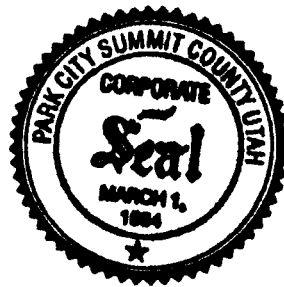
PASSED AND ADOPTED this the 6<sup>th</sup> day November of 1997.

PARK CITY MUNICIPAL CORPORATION

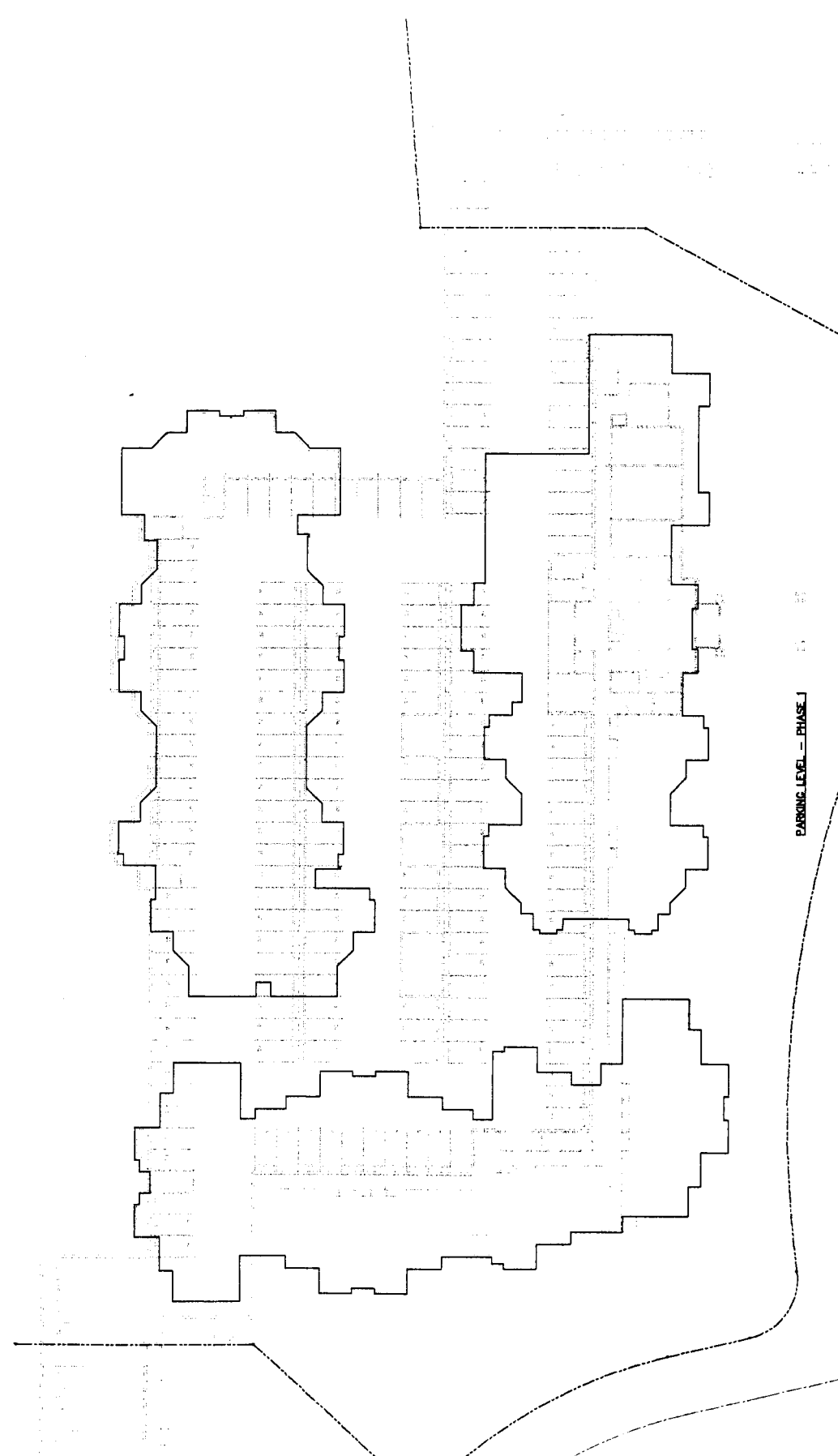
  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:  
  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:  
  
\_\_\_\_\_  
Mark Harrington, Assistant City Attorney







RECORD OF SURVEY MAP  
**THE LODGE AT DEER VALLEY**

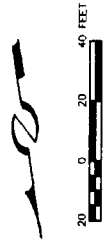
**P H A S E O N E**

**A UTAH EXPANDABLE CONDOMINIUM PROJECT**

LOCATED IN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN SURVEY, SALT LAKE COUNTY, UTAH  
 Recorded concurrently herewith is an Amendment to the Declaration of Condominium Ownership and Regulations for  
 The Lodge at Deer Valley, An Expandable Condominium Project located in the County of Summit, State of Utah.

**RECEIVED**

COMMON OWNERSHIP  
 PRIVATE OWNERSHIP  
 LIMITED COMMON OWNERSHIP



RECORDED  
 COUNTY OF SUMMIT AND FILED  
 JUN 15 1994  
 DATE  
 BOOK  
 PAGE

JOB NO. 1 TO 95 LDK/GRITZ PARK CITY, UTAH  
 PLANNING DEPT.

49

## EXHIBIT C - Final conditions of approval 4/10/96

Planning Commission Meeting  
Minutes of April 10, 1996  
Page 12

Chair Erickson asked that the recommendation by Commissioner O'Hara be included in the Standard Conditions of Approval.

VOTE: The motion passed 5 to 1, with Commissioner Zimney abstaining from the vote.

### Conditions of Approval - Wintergreen Lodge

1. Once construction has commenced on one lot, no construction shall commence on the other until the two lots currently used to form the overall development parcel are combined by plat amendment/lot combination or a condominium plat. Notwithstanding, the lot combination shall occur no later than four months after issuance of the full building permit for the project.
2. All open space areas identified as above 30% slope on the approved site plans dated April 1, 1996 and all wetlands, after mitigation, shall be identified as Open Space (OS) and shall be recorded as such during the platting stage. The approximately 140' landscape buffer, as depicted on the site plan between the northernmost property line and Building A shall be designated and platted as unbuildable at the time the platting for the project occurs.
3. The developer shall submit conditions, covenants and restrictions for the entire project to the City Attorney's office for review and approval in accordance with these conditions of approval and the Land Management Code at the time of the platting stage.
4. All residential units shall use gas burning fireplaces, and the project will be limited to wood burning devices as an allowed use only in the two separate lobby areas.
5. The project is limited to two project identification signs, one at each entry as specified and outlined in the City's Municipal Sign Code. These signs shall be submitted for approval under a separate permit in accordance with the Sign Code.
6. Lighting plans shall be reviewed and approved by the Community Development Department with respect to location, light type, fixtures, wattage, light distribution, purpose, and other features of lighting that may be appropriate with each phase of the project.
7. The developer shall dedicate a 10-foot easement and construct an eight-foot concrete trail with a minimum 10' separation

- from the street, constructed along Deer Valley Drive from the south property line to the applicant's property line along Queen Esther Drive, with the first phase of the project. A four-foot back country trail easement will be designed and negotiated at the time of platting for this project.
8. All units platted and approved using the unit equivalency multiplier, and respective unit size commitment, shall be constructed within the respective size constraint and shall not be subdivided into smaller units as a further application of the unit equivalency multiplier.
  9. All on-site recreational rooms, meeting rooms, athletic equipment, gymnasiums, or other similar common features are to be used only by the owners or renters and their guests and are not to be used in any commercial or retail way. Further, no private units may be used in any commercial or retail way except for nightly suite rental.
  10. Finished garage floor elevations shall not be lower than the back of existing gutters and adjacent City streets.
  11. The Developer shall provide a detailed Construction Management Plan (CMP) prior to the issuance of any building permits that address at a minimum:
    - a. Each phase of the project shall be designed in order to construct those portions of the on-site circulation system necessary to provide adequate automobile and emergency equipment circulation to the extent required by the Community Development Department.
    - b. All underground pumping systems that would be proposed to be used by the applicants for any underground structures shall be reviewed and approved by the City Engineer and Building Inspector. Pumped water may not be discharged onto public rights-of-way without approval by the Park City Engineer.
    - c. The developer shall instruct the respective contractors that there is to be no wash out of concrete trucks on on-site landscape areas or off site with the construction of this project. Further, the developer shall identify any off-site dirt storage site with the respective phase, obtain written permission by the owner, and post a financial surety to the satisfaction of the City that will provide for the rehabilitation of the storage site.
    - d. Landscaping, particularly along the northernmost section of the property, shall be installed and addressed prior to or in conjunction with any construction.
    - e. Any parking signage, subject to the Public Works Director approval, shall be addressed in the CMP.

- f. The applicant shall comply with Utah Air Quality standards regarding dust mitigation and Utah Water Quality Standards and shall provide permits or evidence of compliance prior to issuance of building permit.
  - g. The Construction Management Plan shall be reviewed in accordance with these Conditions of Approval and all applicable City Codes and approved by the Chief Building Official and City Engineer prior to building permit issuance.
12. All Park City Municipal Corporation Standard Project Review Requirements shall apply.
13. The site plans, elevations, and survey submitted on April 5 and dated April 1, 1996, are the approved site plans referred to in these Conditions of Approval for the Wintergreen Condominium project. An existing conditions survey that identifies and determines the existing grade shall be conducted by the applicant and submitted prior to issuance of a footing and foundation permit. This existing conditions survey shall become part of the final site plans for this project and shall assist the Community Development Department in determining the grade for measurement of height of this project as defined in the Land Management Code.

**5. Municipal Sign Code Revisions**

The revisions were presented in detail to the Planning Commission during the work session.

Chair Jones opened the public hearing.

Bill Coleman expressed appreciation of the work involved to reach the final stage of the sign ordinance, but he had concerns with some of the issues. He felt that the biggest problem was that the ordinance is written to cover the entire City in one ordinance. When the original ordinance was written in 1970, it was written for Main Street, because that was all that existed at the time. There was no consideration for larger properties, properties in different speed zones, or properties with other kinds of requirements to draw attention for directional or advertising purposes. He felt they were ignored in the re-write, and he asked the Planning Commission to relook at the plan in general and take care of several items. He did not favor a reduction in sign size and did not think the City could expect full compliance without major problems. He felt the greatest problem was the requirement for everyone to replace their signs within two years. He felt the sign ordinance had a larger impact on small businesses than the sprinkler ordinance has on Main Street. He could see the reason for sprinklers, but not a

**Ordinance No. 97-56**

**AN ORDINANCE APPROVING THE HENNEY REPLAT, A PLAT AMENDMENT THE PARK CITY SURVEY LOT 16 AND LOT 17 OF BLOCK 77 OF THE MILLSITE RESERVATION LOCATED AT 80 KING ROAD, PARK CITY, UTAH**

WHEREAS, the owners of the property known as Park City Survey Lot 16 and Lot 17 of Block 77 of the Millsite Reservation have 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 October 22, 1997, to receive input on the proposed condominium plat;

WHEREAS, the Planning Commission, on October 22, 1997, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 6, 1997, 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 HRL District.
2. A structure exists on the site.
3. The proposed Plat Amendment will combine two (2) lots to allow for the construction of a single family residence.
4. The proposed plat amendment reduces the potential density on King Road by creating one lot for a single family home instead of allowing the development of a single family home on each lot.



5. Dedication of a ten (10) foot non-exclusive snow storage easement along King Road is necessary to provide adequate snow removal services.
6. A retaining wall encroaches into the City right-of-way.
7. A retaining wall and stairway encroaches into the northern end of Lot 17.
8. Adequate ingress and egress needs to be provided for the adjacent structure on Lot 18.
9. The applicant agrees with the conditions of approval

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

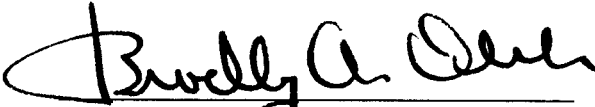
**SECTION 3. PLAT APPROVAL.** The amendment to the Park City Survey for Lot 16 and Lot 17 of Block 77 of the Millsite Reservation, to be known as the Henney Replat, is approved as shown on Exhibit A, with the following conditions:

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. A ten (10) foot non-exclusive snow storage easement along King Road shall be dedicated to the City on the plat.
3. A seven (7) foot easement, for the benefit of Lot 18 shall be added to the north east side of the plat allowing for proper egress from the adjacent structure.
4. The execution of an encroachment permit is needed prior to the issuance of a building permit, for the retaining wall which encroaches into the City's right-of-way.
5. All Standard Project Conditions shall apply (Please see Exhibit B - Standard Project Conditions).
6. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
7. A Building Permit for 80 King Road may not be issued until the Plat Amendment is recorded.
8. Only one (1) single-family home is permitted on the newly-created lot.

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

PASSED AND ADOPTED this 6th day of November, 1997 .

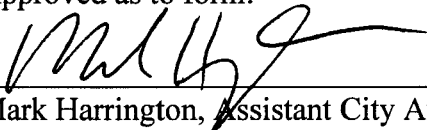
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

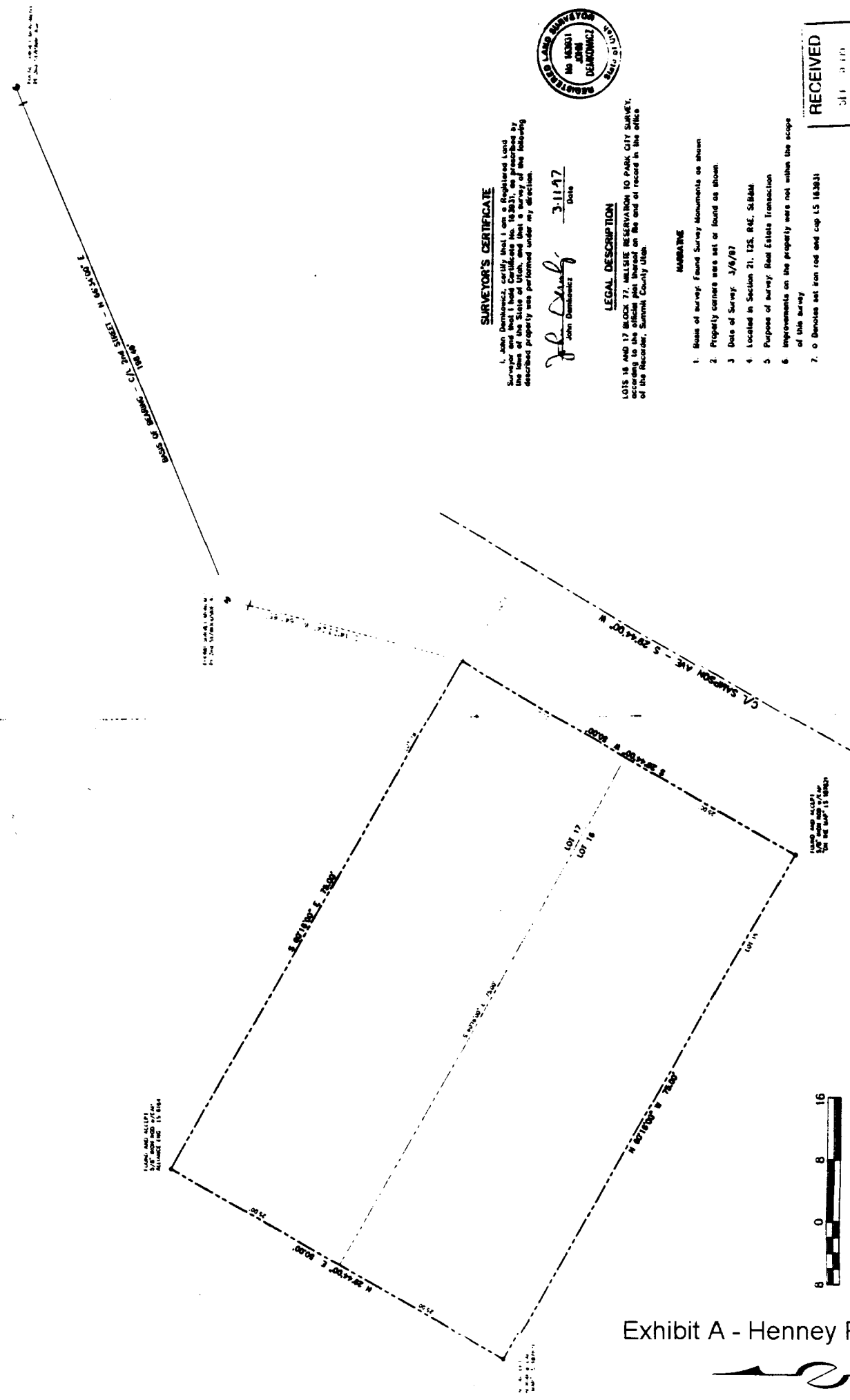
Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark Harrington, Assistant City Attorney





**SURVEYOR'S CERTIFICATE**

I, John Demonicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163831, as prescribed by the laws of Utah, and that the survey of the following described property was performed under my direction.

*John Demonicz*  
John Demonicz      3-11-97  
Date

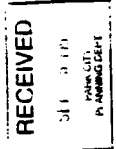


**LEGAL DESCRIPTION**

LOTS 16 AND 17 BLOCK 77, MILLSIE RESERVATION 10 PARK CITY SURVEY, according to the official plat thereof on file and of record in the office of the Recorder, Summit County Utah.

**MARRIAGE**

1. Basis of survey: Found Survey Monuments as shown
2. Property corners were set or found as shown.
3. Date of Survey: 3/6/97
4. Located in Section 21, T2S, R4E, S8M4
5. Purpose of survey: Real Estate Transaction
6. Improvements on the property were not within the scope of this survey
7. 0 Denotes set iron rod and cap LS 163831




 <p>801-640-9467 CONSULTING ENGINEER, LAND PLANNING, SURVEYING 301 Main Street, Park City, Utah 84302</p>		<p>REVISER:</p>	<p>STAFF: D. CONSTABLE M. MORRISON</p>	<p>PAGE 1 OF 1</p>	<p>LOTS 16 &amp; 17, BLOCK 77 MILLSIE RESERVATION PARK CITY SURVEY FOR: TIM HENNEY JOB NO.: 11-2-97 FILE: YASBA\SRV97\PCS\110287</p>
		<p>DATE: 3-10-97</p>			

Exhibit A - Henney Replat

PARK CITY MUNICIPAL CORPORATION  
STANDARD PROJECT CONDITIONS

1. 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; the Park City Design Standards, Construction Specifications, and Standard Drawings; and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
2. All modifications to plans as specified by conditions, and all final design details, such as material and color samples, shall be submitted to and approved by the Community Development Department prior to issuance of any building permits.
3. The applicant is responsible for compliance with all conditions of project approval.
4. 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.
5. 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.
6. Construction staging areas shall also be clearly defined and approved by the Community Development Department, and shall be placed so as to minimize site disturbance. The landscape plans shall include plans for revegetation of all areas disturbed during construction.
7. Final grading, drainage, utility, erosion control and revegetation 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.
8. 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.
9. All construction shall be completed according to the approved plans on which building permits are issued. The approved plans include all site improvements shown on the site plan. "Site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grades, walls, landscaping, lighting, planting, paving, paths, and trails, and similar improvements, as shown on the set of plans on which final approval and building permits are based.
10. Any desired modifications to approved plans, after the issuance of a building permit, must be specifically requested and approved in writing prior to execution.
11. Plans shall conform to all design standards for persons with disabilities as required by any applicable federal, state and local laws.
12. 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.
13. The required utility easements along street frontages shall include language to allow for these areas to be used for snow storage. Typically, a 10-foot snow storage easement is required above Deer Valley Drive (approximate elevation of 7,200 feet). A five foot easement is necessary below this elevation.
14. Lockout units are not permitted unless specifically approved.
15. The 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.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or termination of the permit as specifically conditioned.

*Mailed 11/14/97*

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

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

**Ordinance no. 97-55**

**AN ORDINANCE ACCEPTING THE PUBLIC IMPROVEMENTS  
AT SUMMIT WATCH AT PARK CITY CONDOMINIUMS**

WHEREAS, Summit Watch at Park City Condominiums was approved by the Park City City Council on May 16, 1996; and

WHEREAS, construction of the public improvements has been accomplished by the developer, including a portion of Main Street, trails (both paved and soft-surface), storm drains, and a water distribution system; and

WHEREAS, Park City has adopted LMC Section 15.3.1(g), which provides for the City Council to accept (by Ordinance) those public improvements which are dedicated and built in accordance with the requirements of Chapter 15 of the Land Management Code; and

WHEREAS, the public improvements within Summit Watch at Park City Condominiums were installed in accordance with the ordinances in effect at the time of plat recordation and have been duly inspected by the City Engineer.

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

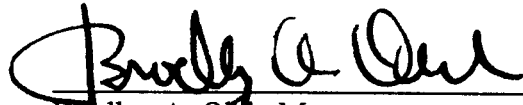
SECTION 1. PUBLIC IMPROVEMENTS. The City hereby accepts from the developer all public improvements at Summit Watch at Park City Condominiums which were intended for City ownership, subject to the developer's warranty of these improvements for one year following the adoption of this ordinance. Stabilization of all disturbed soil areas with revegetation shall have been achieved by the end of the one-year period commencing with the adoption of this ordinance. A financial guarantee of \$32,200 will be held for a one-year period.

SECTION 2. SNOWPLOWING. Main Street is hereby accepted for purposes of snowplowing because over 50% of the buildable lots within Summit Watch are built out.

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

PASSED AND ADOPTED this 6th day of November, 1997.

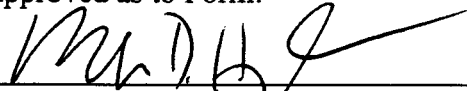
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Bradley A. Orr, Mayor

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to Form:

  
\_\_\_\_\_  
Mark D. Harrington, Assistant City Attorney



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

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

00492838 Bk01095 Pg00488-00489  
11-26-97  
ALAN SPRIGGS, SUMMIT COUNTY RECORDER  
1997 NOV 19 10:59 AM FEE \$1.00 BY MAT  
REQUEST: PARK CITY MUNICIPAL CORP

**Ordinance No. 97-54**

**AN ORDINANCE ACCEPTING THE PUBLIC IMPROVEMENTS  
AT SNOW CREEK CROSSING SUBDIVISION**

WHEREAS, Snow Creek Crossing subdivision was approved by the Park City City Council on September 7, 1995; and

WHEREAS, construction of the public improvements has been accomplished by the developer, including Snow Creek Drive, trails (both paved and soft-surface), storm drains, and a water distribution system; and

WHEREAS, Park City has adopted LMC Section 15.3.1(g), which provides for the City Council to accept (by Ordinance) those public improvements which are dedicated and built in accordance with the requirements of Chapter 15 of the Land Management Code; and

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

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

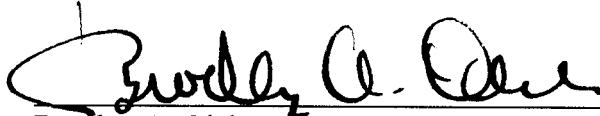
SECTION 1. PUBLIC IMPROVEMENTS. The City hereby accepts from the developer all public improvements at Snow Creek Crossing Subdivision which were intended for City ownership, subject to the developer's warranty of these improvements for one year following the adoption of this ordinance. Stabilization of all disturbed soil areas with revegetation shall have been achieved by the end of the one-year period commencing with the adoption of this ordinance.

SECTION 2. SNOWPLOWING. Snow Creek Drive is hereby accepted for purposes of snowplowing because over 50% of the buildable lots within Snow Creek Crossing are built out or are in progress.

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

PASSED AND ADOPTED this 6th day of November, 1997.

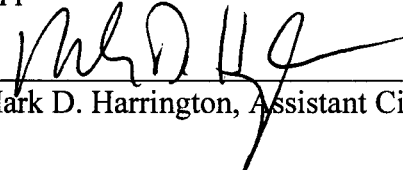
PARK CITY MUNICIPAL CORPORATION

  
Bradley A. Olch, Mayor

Attest:

  
Janet M. Scott, City Recorder

Approved as to Form:

  
Mark D. Harrington, Assistant City Attorney



00492838 Bk01095 Pg00489



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

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

00492839 Bk01095 Pg00490-00491  
11-288  
ALAN SPRIGGS, SUMMIT COUNTY RECORDER  
1997 NOV 19 10:59 AM FEE \$.00 BY MAT  
REQUEST: PARK CITY MUNICIPAL CORP

**Ordinance no. 97-55**

**AN ORDINANCE ACCEPTING THE PUBLIC IMPROVEMENTS  
AT SUMMIT WATCH AT PARK CITY CONDOMINIUMS**

WHEREAS, Summit Watch at Park City Condominiums was approved by the Park City City Council on May 16, 1996; and

WHEREAS, construction of the public improvements has been accomplished by the developer, including a portion of Main Street, trails (both paved and soft-surface), storm drains, and a water distribution system; and

WHEREAS, Park City has adopted LMC Section 15.3.1(g), which provides for the City Council to accept (by Ordinance) those public improvements which are dedicated and built in accordance with the requirements of Chapter 15 of the Land Management Code; and

WHEREAS, the public improvements within Summit Watch at Park City Condominiums were installed in accordance with the ordinances in effect at the time of plat recordation and have been duly inspected by the City Engineer.

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

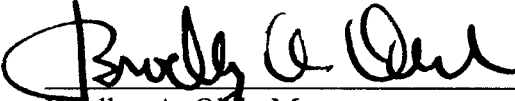
SECTION 1. PUBLIC IMPROVEMENTS. The City hereby accepts from the developer all public improvements at Summit Watch at Park City Condominiums which were intended for City ownership, subject to the developer's warranty of these improvements for one year following the adoption of this ordinance. Stabilization of all disturbed soil areas with revegetation shall have been achieved by the end of the one-year period commencing with the adoption of this ordinance. A financial guarantee of \$32,200 will be held for a one-year period.

SECTION 2. SNOWPLOWING. Main Street is hereby accepted for purposes of snowplowing because over 50% of the buildable lots within Summit Watch are built out.

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

PASSED AND ADOPTED this 6th day of November, 1997.

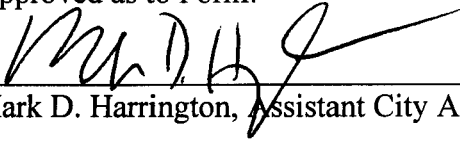
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Bradley A. Orr, Mayor

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to Form:

  
\_\_\_\_\_  
Mark D. Harrington, Assistant City Attorney



00492839 Bk01095 Pg00491

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

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

**Ordinance No. 97-53**

00492837 Bk01095 Pg00486-00487  
11-28-97  
ALAN SPRIGGS, SUMMIT COUNTY RECORDER  
1997 NOV 19 10:58 AM FEE \$.00 BY MAT  
REQUEST: PARK CITY MUNICIPAL CORP

**AN ORDINANCE ACCEPTING THE PUBLIC IMPROVEMENTS  
AT "IN THE TREES" PLANNED UNIT DEVELOPMENT**

WHEREAS, In The Trees planned unit development was approved by the Park City City Council on October 26, 1995; and

WHEREAS, construction of the public improvements has been accomplished by the developer, including a sidewalk along Deer Valley Drive and a water distribution system under Potter Lane, the private road within In The Trees; and

WHEREAS, Park City has adopted LMC Section 15.3.1(g), which provides for the City Council to accept (by Ordinance) those public improvements which are dedicated and built in accordance with the requirements of Chapter 15 of the Land Management Code; and

WHEREAS, the public improvements within In The Trees planned unit development were installed in accordance with the ordinances in effect at the time of plat recordation and have been duly inspected by the City Engineer.

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

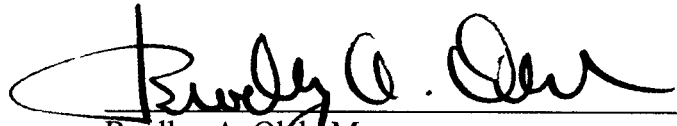
SECTION 1. PUBLIC IMPROVEMENTS. The City hereby accepts from the developer all public improvements at In the Trees planned unit development which were intended for City ownership, subject to the developer's warranty of these improvements for one year following the adoption of this ordinance. Stabilization of all disturbed soil areas with revegetation shall have been achieved by the end of the one-year period commencing with the adoption of this ordinance.

SECTION 2. PRIVATE ROAD. Potter Lane, the private driveway within In the Trees, is not affected by his ordinance and shall remain privately owned and maintained.

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

PASSED AND ADOPTED this 6th day of November, 1997

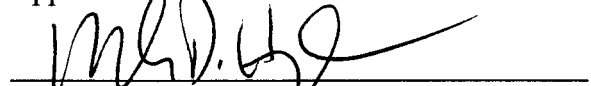
PARK CITY MUNICIPAL CORPORATION

  
Bradley A. Olch Mayor

Attest:

  
Janet M. Scott, City Recorder

Approved as to Form:

  
Mark D. Harrington, Assistant City Attorney



00492837 Bk01095 Pg00487

When recorded return to:

PCMC

Attn: City Recorder

PO Box 1480

Park City UT 84060

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

Ordinance No. 97-52

**AN ORDINANCE VACATING A PARCEL OF  
LAND IN SWEDE ALLEY AND AUTHORIZING THE MAYOR  
TO EXECUTE A DEED TO BAHEYMA, LLC, FOR SAID PARCEL**

WHEREAS, Park City Municipal Corporation owns irregularly-shaped parcels of land in the vicinity of Swede Alley; and

WHEREAS, the City owns the parcels in fee and only a portion of said parcels are used for vital public purposes such as streets, sidewalks, utilities, landscaping, and open space; and

WHEREAS, the building at 570 Main Street was built with a finished wall which extends 0.10 feet onto City property; and

WHEREAS, Baheyma, LLC, the owners of the property abutting the proposed area to be vacated, petitioned the City Council to vacate the area subject to the encroachment; and

WHEREAS, Baheyma, LLC, agrees to reimburse Park City for its direct costs and for reasonable administrative costs arising from the Council's consideration of this item;

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

SECTION 1. FINDINGS. The City Council hereby determines that there is good cause for the vacating and that the vacating will not be detrimental to the public interest.

SECTION 2. VACATION. That parcel of land described in Exhibit "A" attached, entitled "LEGAL DESCRIPTION ENCROACHMENT PARCEL", which description contains 0.4 square feet of City property, is hereby declared vacated.

SECTION 3. DEED. The Mayor of Park City is hereby authorized to execute a quit-claim deed to convey said parcel to Baheyma, LLC, upon payment to Park City of all direct costs in this action, such as but not limited to the cost of advertising this ordinance and its related public hearing, together with reasonable administrative costs.

00492836 Bk01095 Pg00483-00485  
11:30 am  
ALAN SPRIGGS, SUMMIT COUNTY RECORDER  
1997 NOV 19 10:57 AM FEE \$ .00 BY MAT  
REQUEST: PARK CITY MUNICIPAL CORP

SECTION 4. EFFECTIVE DATE This ordinance shall be effective upon publication.

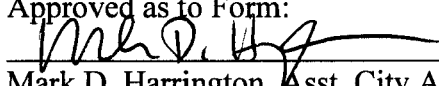
PASSED AND ADOPTED this 30th day of October, 1997.

PARK CITY MUNICIPAL CORPORATION

  
Bradley A. Olch, Mayor

Attest:

  
Janet M. Scott, City Recorder

Approved as to Form:  
  
Mark D. Harrington, Asst. City Attorney



00492836 Bk01095 Pg00484

## EXHIBIT "A"

## LEGAL DESCRIPTION

## ENCROACHMENT PARCEL

Beginning at a point N 66°22'00" E 0.10 feet from the southeast corner of Lot 18, Block 24, Park City Survey, according to the official plat thereof on file and of record in the office of the recorder; Summit County Utah, said point also being the southeasterly corner of an existing structure located at 570 Main Street, and running thence along the easterly face of said structure N 24°21'00" W 8.00 feet to a point on the east line of said Lot 18; thence along the east line S 23°38'00" E 8.00 feet to the southeast corner of said Lot 18, said point also being on the southerly exterior face of said structure; thence along said southerly face S 66°22'00" E 0.10 feet to the to the Point of Beginning.

Description contains 0.4 square feet

Y:\pcs\docs\burgiel2.wpd.

00492836 Bk01095 Pg00485

mailed 11/19/97

WHEN RECORDED, MAIL TO:

**Bruce H. Shapiro, P.C.**  
**3760 Highland Drive, Suite 500**  
**Salt Lake City, Utah 84106**

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

## QUIT CLAIM DEED

**PARK CITY MUNICIPAL CORPORATION, Grantor**, for Ten Dollars and other consideration, the sufficiency of which is acknowledged, hereby quit claims to **Baheyma, LLC, Grantee**, the following-described tract of land in Summit County, State of Utah.

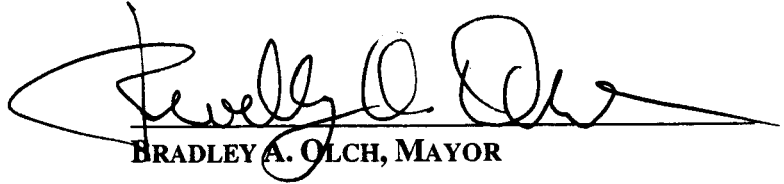
Beginning at a point N 66° 22'00" E 0.10 feet from the southeast corner of Lot 18, Block 24, Park City Survey, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, said point also being the southeasterly corner of an existing structure located at 570 Main Street, and running thence along the easterly face of said structure N 24° 21'00" W 8.00 feet to a point on the east line of said Lot 18; thence along the east line S 23° 38'00" E 8.00 feet to the southeast corner of said Lot 18; said point also being on the southerly exterior face of said structure; thence along said southerly face S 66° 22'00" E 0.10 feet to the Point of Beginning.

Description contains 0.4 square feet.

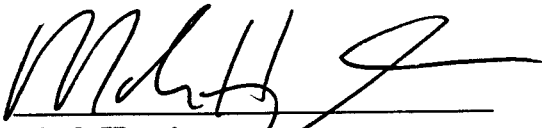
Subject to all easements and rights-of-way of record and subject to all prescriptive easements and rights-of-way, if any, which are enforceable at law.

WITNESS, the hand of said **Grantor**, this 21 day of November, 1997.

**GRANTOR**  
**PARK CITY MUNICIPAL CORPORATION**

  
**BRADLEY A. OLCH, MAYOR**

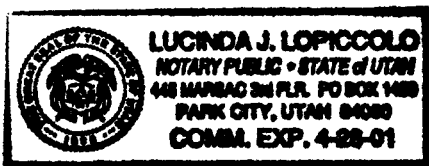
APPROVED AS TO FORM:

  
**Mark Harrington**  
**Deputy City Attorney**



STATE OF UTAH            )  
  )ss  
COUNTY OF SUMMIT    )

The above **Quit Claim Deed** was acknowledged before me this   30   day of November, 1997, by **BRADLEY A. OLCHE**, who is the Mayor of Park City Municipal Corporation and said **BRADLEY A. OLCHE** did acknowledge to me that the foregoing Quit Claim Deed was executed on behalf of Park City Municipal Corporation and duly authorized by the City Council of Park City.



*Lucinda J. Lopiccio*  
\_\_\_\_\_  
Notary Public, County of Summit  
Residing in Park City, Utah



**Ordinance No. 97-50**

**AN ORDINANCE APPROVING A CONDOMINIUM PLAT FOR  
THE 504 AND 506 ONTARIO AVENUE CONDOMINIUMS  
LOCATED AT 504 AND 506 ONTARIO AVENUE,  
PARK CITY, UTAH**

WHEREAS, the owners of the property located at 504 and 506 Ontario Avenue have petitioned the City Council for approval of a condominium plat for a condominium conversion of two existing duplexes to be known as 504 and 506 Ontario Avenue Condominiums; and

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

WHEREAS, the proposed condominium plat will allow the applicant to separately sell the individual units in the duplexes located at 504 and 506 Ontario Avenue;

WHEREAS, the proposal is consistent with both the Park City Land Management Code requirements for the R-1 District and the Comprehensive Plan;

WHEREAS, the property was posted and legal notice published according to the requirements of the Land Management Code and proper notice was sent to all property owners within 300 feet of the property in question;

WHEREAS, the Planning Commission held a public hearing on September 24, 1997, to receive input on the proposed condominium plat;

WHEREAS, the Planning Commission, on September 24, 1997, forwarded a positive recommendation to the City Council; and

WHEREAS, it is in the best interest of Park City, Utah to approve the condominium plat, known as the 504 and 506 Ontario Avenue Condominiums;

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 R-1 zoning district.
2. The Record of Survey plat amendment will create four individually owned units and common area.
3. Because of the steep grade of the proposed condominium lots, the narrowness of Ontario Avenue, and the amount of snow fall that occurs in the Park City area, proper snow removal is difficult. Therefore, it is necessary to create a ten foot easement on the Record of Survey plat for the purpose of snow storage during the winter months.

**SECTION 2. CONCLUSIONS OF LAW.**

1. There is good cause for the plat.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal complies with the Utah Condominium Ownership Act and the Land Management Code.

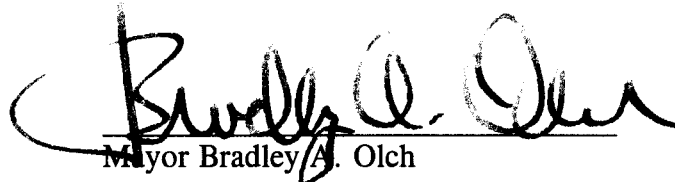
**SECTION 3. PLAT APPROVAL.**

1. The City Attorney and City Engineer's review and approval of the CC+Rs, declarations and compliance with State law, the Land Management Code and these conditions of approval, are a condition precedent to plat recordation.
2. The dedication of a ten foot snow storage easement to Park City shall be reflected on the Record of Survey plat.
3. The plat must be recorded within one year of this approval, or this approval becomes null and void.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon adoption.

PASSED AND ADOPTED this 9th day of October, 1997

PARK CITY MUNICIPAL CORPORATION

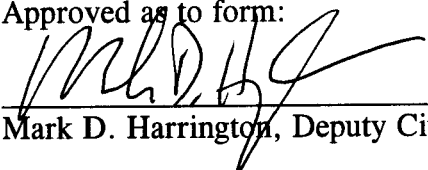
  
Mayor Bradley A. Olch

Attest:

---

Janet M. Scott, City Recorder

Approved as to form:



---

Mark D. Harrington, Deputy City Attorney



**Ordinance No. 97-49**

**AN ORDINANCE APPROVING A CONDOMINIUM PLAT FOR  
AN EXISTING DUPLEX AT 2177 MONARCH DRIVE,  
PARK CITY, UTAH**

WHEREAS, the owners of the property at 2177 Monarch Drive have petitioned the City Council for approval of a condominium plat for a condominium conversion of an existing duplex to be known as 2177 Monarch Drive condominiums; 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 10, 1997, the Planning Commission held a public hearing to receive public input on the proposed condominium plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat changes the type of ownership of this property to condominium ownership.

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

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are hereby incorporated as findings of fact.

1. The proposed record of survey plat changes the type of ownership to a condominium.
2. The proposal is consistent with both the Park City Land Management Code and the General Plan in that the SF-N zoning district allows duplex structures on approved lots, such as Lot 82, when all minimum setbacks, heights, parking, and lot width requirements are met.

3. The condominium owners association assures an efficient mechanism for maintenance of common area.
4. The subject duplex structure complies with all minimum setback, height, parking requirements of the SF-N District.
5. The subject Lot, Lot 82 Prospector Village complies with all requisite Lot standards of the SF-N District.
6. 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 condominium plat and that neither the public nor any person will be materially injured by the proposed condominium plat.

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

**SECTION 3. PLAT APPROVAL.** The condominium plat, known as 2177 Monarch Drive Condominium plat, is hereby approved as shown on Exhibit A, with the following conditions:

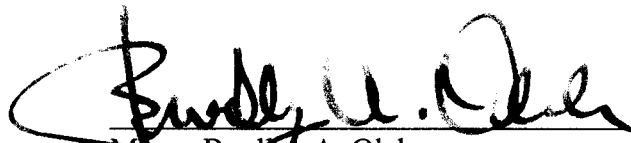
1. The City Engineer and City Attorney's review and approval of the condominium plat, for compliance with the Land Management Code and conditions of approval, is a condition precedent to recording the plat.
2. All Standard Project Conditions shall apply.
3. To ensure compliance with the Prospector Soils Ordinance proof of a certificate of occupancy and a certificate of compliance are conditions precedent to execution and recording of the plat.
4. This approval shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year time, this approval shall be considered void.

5. All utilities shall be commonly metered unless otherwise approved by City Engineer.

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

PASSED AND ADOPTED this 9th day of October, 1997.

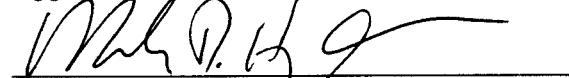
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, Deputy City Attorney



**Ordinance No. 97-48**

**AN ORDINANCE APPROVING THE FINAL RECORD OF SURVEY  
FOR BELLEMONT AT DEER VALLEY, A UTAH CONDOMINIUM PROJECT,  
LOCATED AT LOT 2A OF LOT 2 NORTH SILVER LAKE SUBDIVISION,  
PARK CITY, UTAH**

WHEREAS, the owners, BelleCorp, a Utah Corporation, of the property at Lot 2 of North Silver Lake Subdivision, Park City, Utah and to be known as Bellemont Subdivision at North Silver Lake, have petitioned the City Council for approval of 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 August 27, 1997 the Planning Commission held a public hearing to receive public input on the proposed final 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 final Record of Survey allows the owner to sell ownership interests to other parties;

WHEREAS, it is in the best interest of Park City, Utah to approve the final 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 condominium plat is for 12 units.



2. The plat configuration is consistent with the Planning Commission approval of the North Silver Lake MPD and the Deer Valley 7th Amended MPD, April 1993.
3. 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.
4. The proposed plat changes the type of ownership of this property to condominium ownership.
5. 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. The plat is substantially in compliance with the Park City Land Management Code and applicable State law regarding condominium plats.
2. Approval of the plat, subject to the conditions of approval, does not adversely affect the health, safety and welfare of the citizens of Park City.
3. Neither the public nor any person will be materially injured by approval of the plat, subject to the conditions of approval, does not adversely affect the health, safety and welfare of the citizens of Park City.
4. There is good cause for the plat.

**SECTION 3. PLAT APPROVAL.** The record of survey, known as the Bellemont at Deer Valley Condominiums, is hereby approved as shown on Exhibit A, with the following conditions:

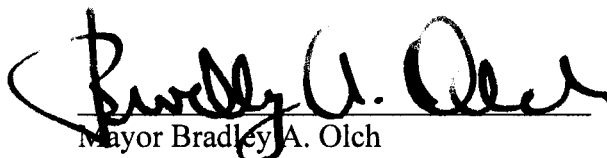
1. The City Attorney and City Engineer's review and approval of the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the plat.
2. All conditions of approval, including conditions of approval for Bellemont at North Silver Lake Deer Valley MPD shall apply.
3. All standard project conditions shall apply.

4. A financial guarantee, 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.
5. The final record of survey 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 time, this approval and the plat shall be considered void.
6. Lot 2 Subdivision plat shall be recorded prior to issuance of Building Permits for Bellemont at Deer Valley condominiums for Lot 2A of Lot 2 North Silver Lake Subdivision.

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

PASSED AND ADOPTED this 9th day of October, 1997.

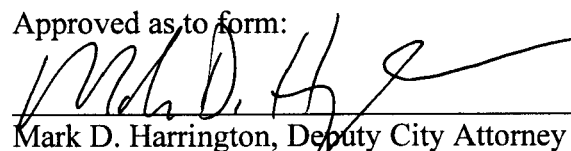
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, Deputy City Attorney



**Ordinance No. 97-47**

**AN ORDINANCE APPROVING A CONDOMINIUM PLAT  
FOR PARK CITY SURGICAL AND MEDICAL PLAZA  
AT 1820 AND 1850 SIDEWINDER DRIVE,  
LOCATED IN THE NORTHEAST QUARTER OF SECTION 9,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN,  
PARK CITY, UTAH**

WHEREAS, the owner of the property at 1820 and 1850 Sidewinder Drive, located in the Northeast Quarter of Section 9, Township 2 South, Range 4 East, Park City, Utah and known as the Park City Surgical and Medical Plaza, has petitioned the City Council for approval of a condominium 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 10, 1997 the Planning Commission held a public hearing to receive public input on the proposed condominium plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on October 9, 1997 the City Council reviewed the proposed condominium plat; and

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

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

**SECTION 1. FINDINGS OF FACT.**

1. The proposed plat changes the type of ownership of this property to private ownership, common ownership, convertible common space, and limited ownership.
2. A financial guarantee for all public improvements, landscaping, and pedestrian amenities is necessary to ensure completion of necessary improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

3. The project is located in the Prospector Square Subdivision which was approved with an overall parking plan for the Prospector commercial area.
4. The project is adjacent to one of Park City's entry corridors and a portion of the proposed Condominium Plat is located in the Frontage Protection Zone Overlay.
5. The project is located adjacent to an existing subdivision with insufficient parking to comply with the Land Management Code.
6. The proposed parking configuration defines a limited number of parking spaces and complies with the LMC requirements for 28,800 SF of professional office space, so long as the parking is common area and remains accessible to all visitors/invitees. Changes in use or unit configuration will require a new parking calculation.
7. The 100/200 building is constructed with the fire resistance capable of housing a surgical center and the 300/400 building is constructed with the fire resistance necessary to house professional office uses or similar occupants.

#### **SECTION 2. CONCLUSIONS OF LAW.**

1. There is good cause for this condominium plat.
2. Neither the public nor any person will be materially injured by the proposed condominium plat.
3. The proposal is consistent with the Land Management Code and the Utah Condominium Ownership Act.

**SECTION 3. PLAT APPROVAL.** The condominium plat, known as the Record of Survey Map Park City Surgical and Medical Plaza, at 1820 and 1850 Sidewinder Drive, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer shall review and approve the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and conditions of approval, prior to recording the plat.
2. All standard project conditions shall apply.
3. A financial guarantee, in a form and amount acceptable to the City, for the value of all landscaping, public improvements, and pedestrian amenities to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed

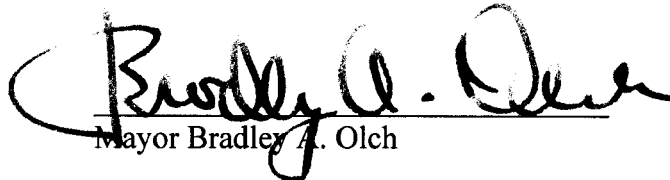
according to City standards and accepted by the City Engineer prior to release of this guarantee.

4. A parking agreement, in a form approved by the City Attorney, shall address future parking calculation and requirements. This parking agreement shall be recorded with the Plat and the C, C, & R's.
5. A landscape plan, reviewed and approved by the Community Development Department, will be required prior to the issuance of a Certificate of Occupancy for any part of the project.
6. The final condominium 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 plat shall be considered null and void.
7. All the parking spaces shall be platted common area and controlled by the Homeowners' Association.
8. The permitted uses for the project shall be limited to out-patient surgical care (or less restrictive use) for the 100/200 building and to professional offices (no surgery) for the 300/400 building.

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

PASSED AND ADOPTED this 9 th day of October, 1997.

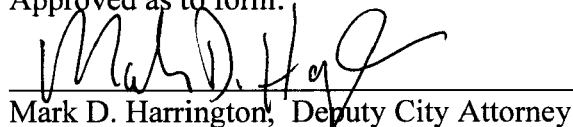
PARK CITY MUNICIPAL CORPORATION

  
Mayor Bradley A. Olch

Attest:

\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
Mark D. Harrington, Deputy City Attorney

**Ordinance No. 97-46**

**AN ORDINANCE APPROVING A CONDOMINIUM PLAT  
FOR THE SUMMIT WATCH AT PARK CITY AT 710-900 MAIN STREET,  
LOCATED IN THE NORTHEAST QUARTER OF SECTION 16,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN,  
PARK CITY, UTAH**

WHEREAS, the owner of the property at 710-900 Main Street, located in the Northeast Quarter of Section 16, Township 2 South, Range 4 East, Park City, Utah and known as the Summit Watch at Park City, has petitioned the City Council for approval of a condominium 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 13, 1997 the Planning Commission held a public hearing to receive public input on the proposed condominium plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on September 25, 1997 the City Council reviewed the proposed condominium plat; and

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

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

**SECTION 1. FINDINGS OF FACT.**

1. The proposed plat changes the type of ownership of this property to private ownership.
2. The condominiums are part of the Summit Watch at Park City and are subject to all of the prior conditions of approval from previous plats.
3. A financial guarantee for all public improvements, landscaping, and pedestrian amenities is necessary to ensure completion of necessary improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

**SECTION 2. CONCLUSIONS OF LAW.**

The City Council hereby concludes that there is good cause for the above-mentioned condominium 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 condominium plats.

**SECTION 3. PLAT APPROVAL.**

The condominium plat, known as the Fourth Supplemental Record of Survey Map Summit Watch at Park City, at 710-900 Main Street, is hereby approved as shown on Exhibit A, with the following conditions:

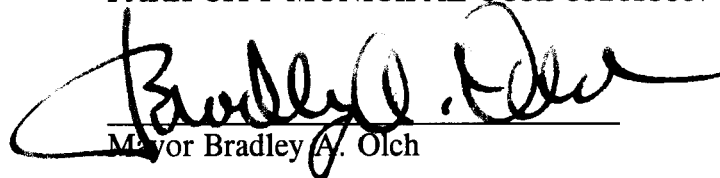
1. The City Attorney and City Engineer shall review and approve the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and conditions of approval, prior to recording the plat.
2. All conditions of approval for the Summit Watch at Park City plats shall apply.
3. All standard project conditions shall apply.
4. A financial guarantee, in a form and amount acceptable to the City, for the value of all landscaping, public improvements, and pedestrian amenities 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.
5. The final condominium 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 plat shall be considered null and void.



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

PASSED AND ADOPTED this 25 th day of September, 1997.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

\_\_\_\_\_  
Mark D. Harrington, Assistant City Attorney





**Ordinance No. 97-45**

**AN ORDINANCE APPROVING THE PARCEL 2 - AMENDED WALTER-DANIELS  
SUBDIVISION LOCATED AT 615 WOODSIDE AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as the Walter-Daniels Subdivision Parcel 2, have petitioned the City Council for approval of a subdivision of the Walter-Daniels Subdivision; and

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

WHEREAS, the City Council held a public hearing on September 25, 1997 to receive input on the proposed subdivision; and

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

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

**SECTION 1.** The Parcel 2- Amended Walter-Daniels Subdivision Plat is approved as shown on Exhibit A subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The proposed subdivision will create one 11,153 square foot lot and one 3,750 square foot lot in the HR-1 District.
2. Proposed Lot 1 (*11,153 square feet in area*) includes an historic Lodge of approximately 7000 square feet. The historic Lodge is exempt from the HR-1 Floor Area Ratio.
3. Lot 2 (*3,750 square feet in area*) includes an existing building foundation. Based on the current HR-1 Floor Area Ratio, the maximum allowed building *area (total building volume)* for Lot 2 is 2,650 (*2250 living and 400 garage*). The applicant's preliminary buildings plans are for a total building volume of approximately 1,900 square feet. The building volume will not expand beyond the proposed 1900 square feet.

4. On July 14, 1997, the applicant has obtained an Historic District Commission approval (*with conditions*) for a caretaker's residence with garage and off-street parking area on proposed Lot 2.
5. Any impacts resulting from this subdivision, including potential snow release issues, will be mitigated through the final Building Permit Application review.
6. The applicant has offered to dedicate to the City a deed restriction, equitable servitude or real covenant which ties off-street parking to use of the Old Miners' Lodge and which binds the use of the new structure (Lot 2) as a caretaker's unit for the Old Miner's Lodge so long as the Old Miners' Lodge remains a Lodging use.
7. The applicant stipulates to all conditions of approval.

Conclusions of Law:

1. There is good cause for the subdivision.
2. As conditioned neither the public nor any person will be materially injured by the subdivision.

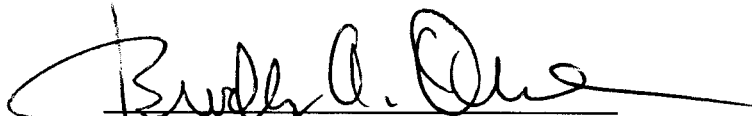
Conditions of Approval:

1. The City Attorney and City Engineer's review and approval of the subdivision plat for compliance with Land Management Code, Utah State Code and the final conditions of approval is a condition precedent to plat recordation.
2. The City Building Official's review and approval of a building and or roof plan to address potential snow release issues is a condition precedent to the issuance of a Building Permit for any structure on Lot 2.
3. The applicant shall dedicate to the City a deed restriction, equitable servitude or real covenant which ties off-street parking to use of the Old Miners' Lodge and which binds the use of the new structure (Lot 2) as a caretaker's unit for the Old Miner's Lodge so long as the Old Miners' Lodge remains a lodging use.
4. The total building volume on Lot 2 shall not exceed 1900 square feet
5. If the subdivision is not recorded within one year of the City Council's approval this action shall be null and void.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall take effect upon adoption.

PASSED AND ADOPTED this 25th day of September 1997

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Jodi Hoffman, City Attorney





**Ordinance No. 97- 44**

**AN ORDINANCE APPROVING A RECORD OF SURVEY, ARROWOOD  
CONDOMINIUMS, AT GILT EDGE CIRCLE , PARK CITY, UTAH**

WHEREAS, the owners of the property known as Arrowood Condominiums petitioned the City Council for approval of a Record of Survey plat; and

WHEREAS, proper notice was sent and the City Council held a public hearing to receive input on the proposed amendment on February 13, 1997; and

WHEREAS, it is in the best interest of Park City to approve the Record of Survey, as a large portion of the lot remains in open space, and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat.

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

SECTION 1. The Record of Survey plat is approved as shown on the attached Exhibit A with the following findings, conclusions and conditions:

Findings of Fact:

1. The project is located in the RD Zoning District.
2. The condominium plat will result in three detached condominium units with shared recreational amenities. Living area is approximately 2,850 square feet for each unit. This use is permitted under the Residential Development District and meets all Land Management Code requirements concerning heights and setbacks.
3. Gilt Edge Circle is a private road, over which the applicant has an easement.
4. An open space buffer to the North has been offered by the applicant to be restricted as unbuildable. This restriction will prohibit any future development on this portion of the applicant's property and provide significant open space on the site.
5. The property has two significant sewer easements that traverse the site. A fifty foot easement runs through the northern section of the parcel and a twenty foot easement runs through the center of the parcel. Due to the site's physical constraints and the restricted open space parcel, careful construction planning on this site will be necessary.

Conclusions of Law:

1. There is good cause for the Record of Survey, as a significant portion of the property will remain unbuildable.
2. The proposed Record of Survey is consistent with the Park City Land Management Code, Section 7.5 and the State Condominium Ownership Act requirements.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions:

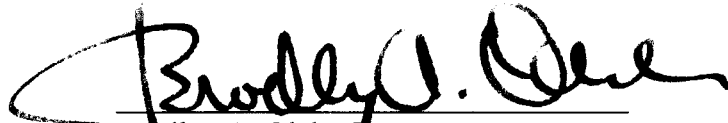
1. The final Record of Survey and CC& R's shall be reviewed and approved by the City Engineer and City Attorney for compliance with State law, the Land Management Code and these conditions of approval as a condition precedent to plat recordation.
2. The preliminary plat site plan as submitted on January 31, 1997 shall be in substantial form as the site plan that is approved under this process. Setbacks must conform to Chapter 7.5 of the Land Management Code. For the purpose of setback calculations, Gilt Edge Circle abuts the front of the parcel and the Solamere subdivision abuts the rear.
3. Signs for the project shall be limited to the building face of one structure and shall be governed in size and materials by the Municipal Sign Code.
4. All exterior security lighting, including the pool area, shall be high-pressure sodium light sources that are shielded and down directed.
5. The northernmost parcel of this property and the 50' wide sewer easement shall be restricted in a form acceptable to the City Attorney that delineates that area as unbuildable. A note indicating such shall be recorded on the Record of Survey plat.
6. Approval of a Construction Management Plan for the site, which details at a minimum staging, vehicle and material storage and Limits of Disturbance fencing, shall be submitted, by the Chief Building Official is a condition precedent to any building permit issuance on the site. The open space area shall be used for temporary construction staging, material or vehicular storage during construction only if no other location on site can be utilized. Any site disturbance in this area shall be revegetated to ensure that the site is returned to a passive, landscape area and sureties shall be posted to ensure this at time of the building permit issuance.
7. The plat shall be recorded within one year of the date of this approval or this approval is null and void.
8. If at any time the easement for access over Gilt Edge Circle is judicially invalidated or otherwise reconveyed and access is not provided the Certificate of Occupancy, or building permits if still under construction, shall immediately be revoked by the City for all units until access can be provided.

SECTION 2. This ordinance shall take effect upon publication.

DATED this 25th day of September 1997.



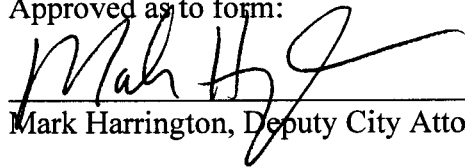
PARK CITY MUNICIPAL CORPORATION

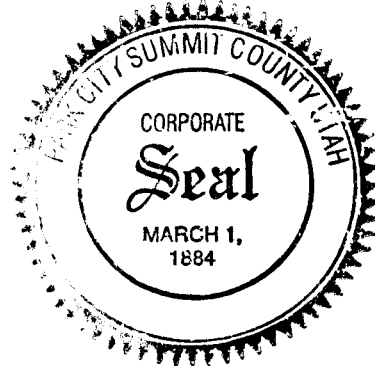
  
\_\_\_\_\_  
Bradley A. Olch, Mayor

Attest:

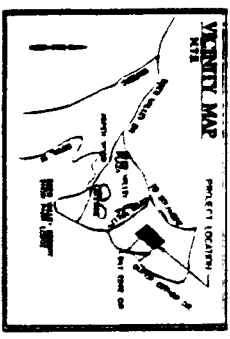
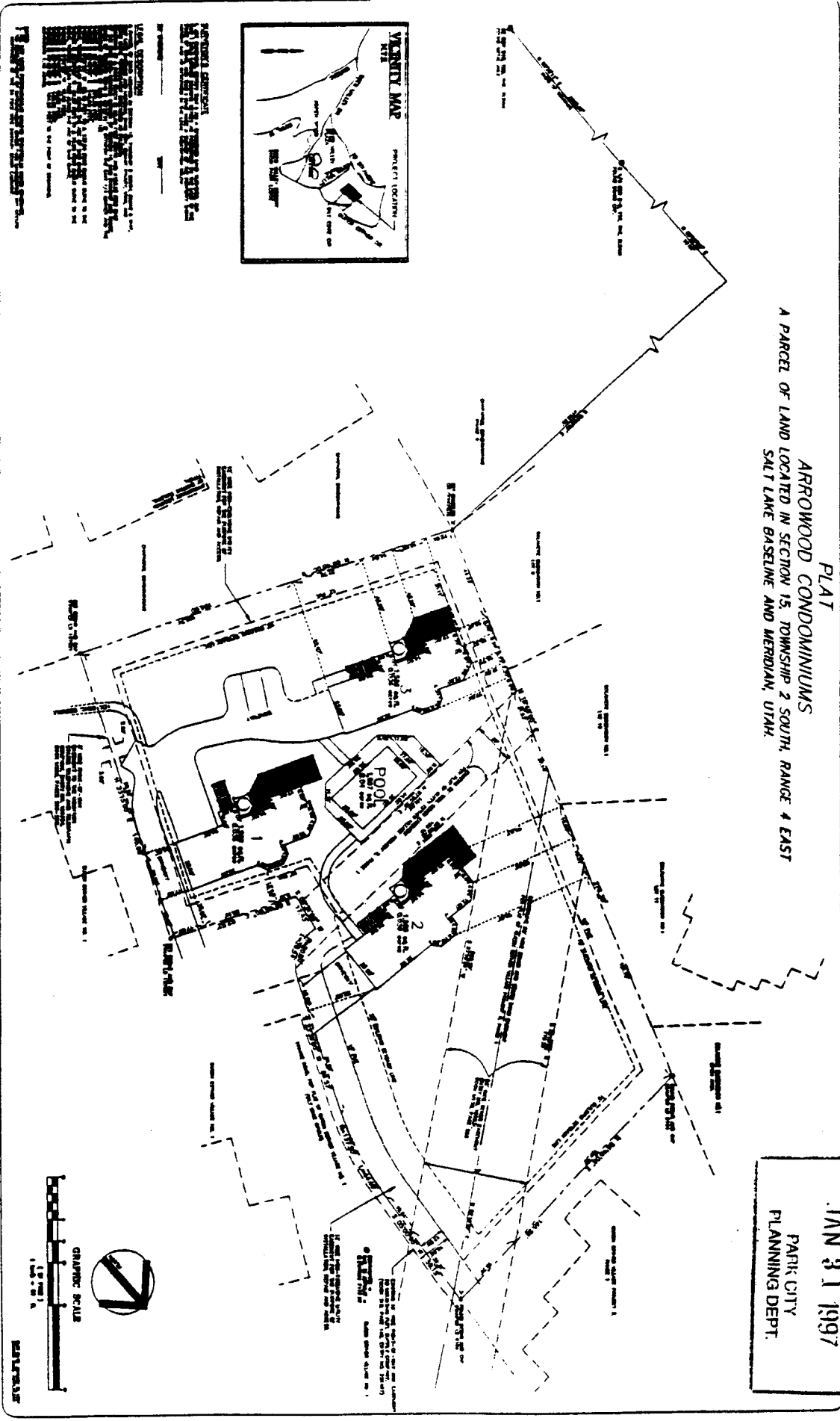
  
\_\_\_\_\_  
Janet M. Scott, Deputy City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark Harrington, Deputy City Attorney



PLAT  
ARROWOOD CONDOMINIUMS  
A PARCEL OF LAND LOCATED IN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST  
SALT LAKE BASELINE AND MERIDIAN, UTAH.



RECORDING INFORMATION  
THIS PLAT IS TO BE RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF KANE, UTAH, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 1997.  
BY: \_\_\_\_\_

CITY COUNCIL APPROVAL  
RESOLVED TO BE RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF KANE, UTAH, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 1997.  
BY: \_\_\_\_\_

CITY ENGINEER  
APPROVED AND ACCEPTED BY THE CITY ENGINEERING DEPARTMENT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 19\_\_.

CITY PLANNING COMMISSION  
APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 19\_\_.

APPROVAL AS TO FORM  
APPROVED AS TO FORM ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 19\_\_.

RECORDED  
IN STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_ RECORDS AND FILED AT THE REQUEST OF \_\_\_\_\_ COUNTY RECORDS.

Engstrom Engineering, Inc.  
1000 West 1000 South, Suite 1000, Salt Lake City, Utah 84119  
Tel: (801) 466-1111

RECEIVED  
JAN 31 1997  
PARK CITY  
PLANNING DEPT.

**Ordinance No. 97-43**

**AN ORDINANCE APPROVING THE PLAT AMENDMENT  
AT 222 NORFOLK AVENUE, CONSOLIDATING LOT 24, 25, 26, 27,  
AND THE NORTHERLY HALF OF LOT 28, IN BLOCK 31  
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN,  
PARK CITY, UTAH**

WHEREAS, the owner's agent, Richard Gallacher, of the property at 222 Norfolk Avenue, located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Park City, Utah, have petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on August 13, 1997 the Planning Commission held a public hearing to receive public input on the proposed condominium plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on September 25, 1997 the City Council reviewed the proposed plat amendment and held a public hearing; 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.**

1. The property is located in the Historic Residential (HR-1) District.
2. The plat amendment combines four and one-half 25'-0" x 75'-0" lots into three 37'-6" x 75'-0" lots.
3. The proposed lot size, 37'-6" x 75'-0", is consistent with the existing ownership patterns in the surrounding area. The new lots will allow a structure to be constructed which is compatible in mass and scale with the surrounding structures.
4. Dedication of a ten foot (10'-0") non-exclusive snow storage easement, along Norfolk Avenue, is necessary to provide adequate snow removal services.

5. The project is located on Norfolk Avenue with constricted access and with minimal construction staging area. A Construction Mitigation Plan is necessary to mitigate any adverse impacts on the neighboring properties.
6. A financial guarantee is necessary to ensure completion of public improvements.
7. The Applicant has agreed to a 13'-0" front yard setback for 214 Norfolk Avenue, a 15'-0" front yard setback for 220 Norfolk Avenue, and a 13'-0" front yard setback for 226 Norfolk Avenue.

## **SECTION 2. CONCLUSIONS OF LAW.**

The City Council hereby concludes that there is good cause for the above-mentioned plat amendment 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.

## **SECTION 3. PLAT APPROVAL.**

The plat amendment located at 222 Norfolk Avenue, is hereby approved as shown on Exhibit A, with the following conditions:

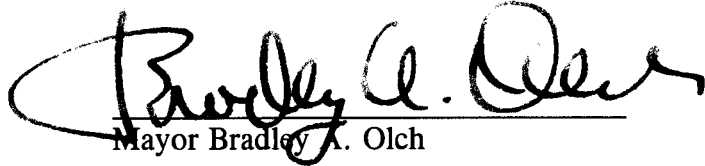
1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat for compliance with the Land Management Code and conditions of approval.
2. All Standard Project Conditions and Land Management Codes shall apply.
3. A financial guarantee, for the value of all public improvements (including any road and/or retaining wall) 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 plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.
5. A Construction Mitigation Plan, approved by the Community Development Department, will be required from the applicant prior to any construction on the newly created parcels.
6. A ten foot (10'-0") non-exclusive snow storage easement along Norfolk Avenue shall be dedicated to the City on the amended plat.
7. Front yard setbacks shall be 13'-0" front yard setback for 214 Norfolk Avenue, 15'-0" front yard setback for 220 Norfolk Avenue, 13'-0" front yard setback for 226 Norfolk

Avenue.

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

PASSED AND ADOPTED this 25 th day of September, 1997.

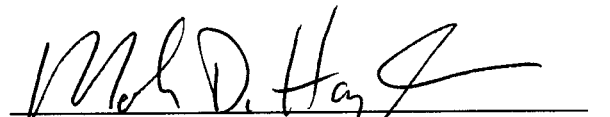
PARK CITY MUNICIPAL CORPORATION

  
Mayor Bradley A. Olch

Attest:

  
Janet M. Scott, Deputy City Recorder

Approved as to form:

  
Mark D. Harrington, Assistant City Attorney



K:\LEGAL\ORD\97\97-43

N 66°12'00" E  
25.00'

N 66°12'00" E 75.00'

LOT 23  
LOT 24

37.50'

37.50'

S 66°12'00" W - LOT LINE TO BE REMOVED  
75.00'

LOT 24  
LOT 25

N 23°38'00" W

N 88°12'00" E - LOT LINE TO BE ADDED  
75.00'

S 23°38'00" E

S 66°12'00" W - LOT LINE TO BE REMOVED  
75.00'

LOT 25  
LOT 26

37.50'

37.50'

S 66°12'00" W  
75.00'

LOT 26  
LOT 27

112.50'

112.50'

37.50'

37.50'

S 66°12'00" W - LOT LINE TO BE REMOVED  
75.00'

LOT 27  
LOT 28

S 66°12'00" W  
25.00'

S 66°12'00" W 75.00'

C/L NORFOLK AVENUE - N 23°38'00" W  
112.50'  
30.24' PLAT

# EXHIBIT "A"

C/L SECOND STREET - S 66°12'00" W  
200.00' PLAT

**Ordinance No. 97-42**

**AN ORDINANCE APPROVING A RECORD OF SURVEY PLAT  
FOR PARK AVENUE CONDOMINIUMS  
AT 1465 PARK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as 1465 Park Avenue petitioned the City Council for approval of a Record of Survey plat; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing to receive input on the proposed Record of Survey on August 13, 1997; and

WHEREAS, it is in the best interest of Park City to approve the Record of Survey, and

WHEREAS, there is good cause for and neither the public nor any person will be materially injured by the proposed Record of Survey;

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

SECTION 1.

Findings:

1. The property is located in the RM zoning district.
2. The Record of Survey plat amendment will create eight individual owned units and common area.
3. Master Deed Restrictions in regards to affordability exist on the eight units.
4. Because the front property line runs into Park Avenue, the actual front yard setback from back of curb is approximately ten feet. The front yard setback for the zone is 20 feet.
5. Curb, gutter and sidewalk improvements were approved under the building permit.

Conclusions of Law:

1. There is good cause for the plat.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

3. The proposed Record of Survey plat complies with the State Condominium Ownership Act and the Land Management Code.

Conditions:

1. The City Attorney and City Engineer's approval of the Record of Survey for compliance with State law, the Land Management Code and these conditions of approval, is a condition precedent to plat recordation.

2. The Master Deed Restrictions as recorded 8/30/96, as entry No. 00464278 in Book 997 at pages 625-640, Summit County Recorder's Office shall be reflected on the plat.

3. A landscape plan for the property shall be submitted and approved prior to plat recordation

4. All curb and gutter and sidewalk improvements along Woodside Avenue, as approved under the building permit, shall be completed prior to recordation of this plat.

5. The plat must be recorded within one year of this approval or this approval is null and void.

SECTION 2. This ordinance shall take effect upon publication.

PASSED AND ADOPTED this the 18th day of September 1997.


PARK CITY MUNICIPAL CORPORATION

  
Bradley A. Olch, Mayor

Attest:

  
Janet M. Scott, City Recorder

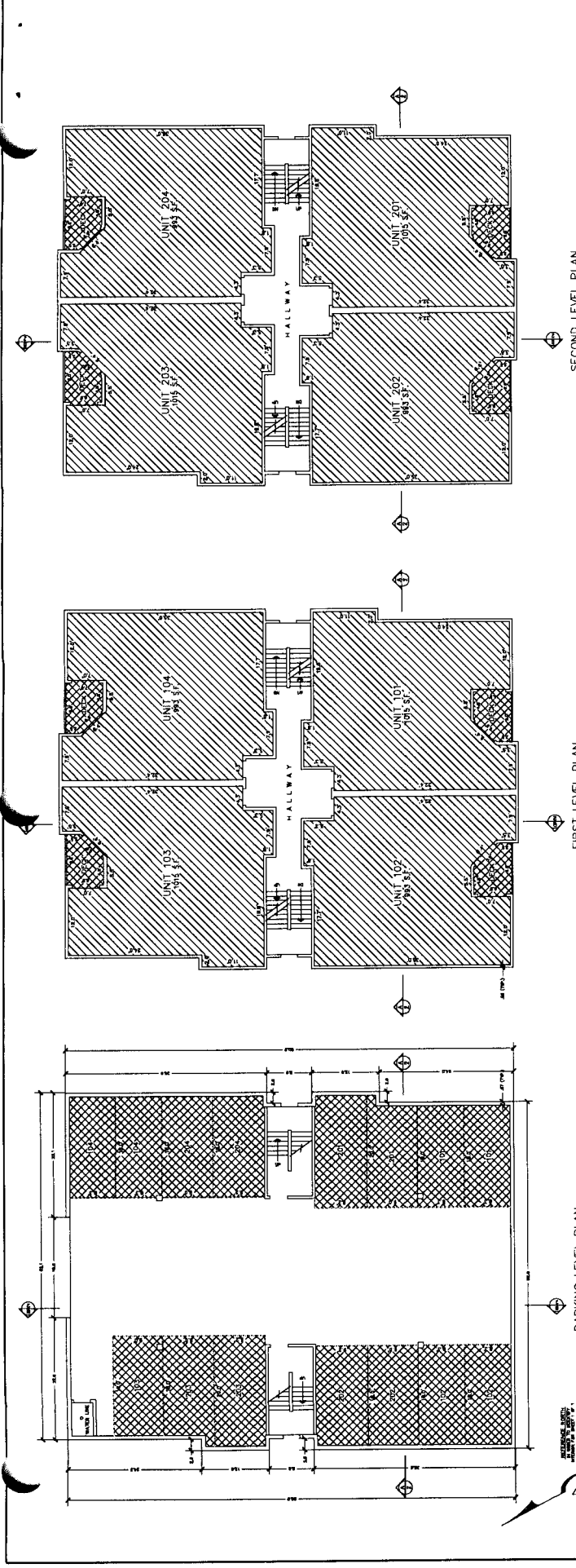
Approved as to form:

  
Mark Harrington, Deputy City Attorney









- NOTES:
1. PLANS AND DIMENSIONS SHOWN ON THIS PLAN WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY PAUL ARCHITECTURE.
  2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
  3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
  4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
  5. SEE RECORDED SURVEY NO. 8-1974, SUMMIT COUNTY RECORDER'S OFFICE, UTAH FOR RECORD OF SURVEY.
  6. SEE PLANS AND NOTES FOR 1465 PARK AVENUE CONDOMINIUMS IS.
  7. S.E. REPRESENTS SQUARE FEET.
  8. [---] REPRESENTS THE STREET ADDRESS.

# 1465 PARK AVENUE CONDOMINIUMS

RECORD OF SURVEY MAP  
 A CONDOMINIUM PROJECT  
 LOCATED IN SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
 SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

RECORDED  
 STATE OF UTAH COUNTY OF SUMMIT AND FILED  
 AT THE OFFICE OF THE CLERK OF THE DISTRICT COURT  
 DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

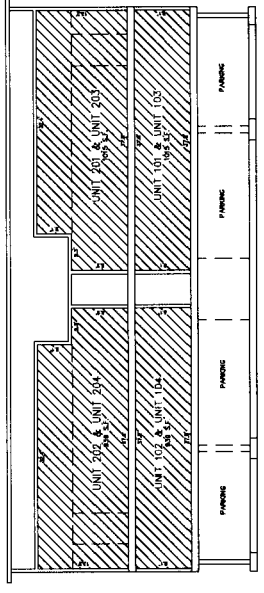
JOB NO. 10-2-97 \ SA\U\PHAVEN\10297-B

**RECEIVED**  
 JUL 25 1997  
 PARK CITY  
 PLANNING DEPT.

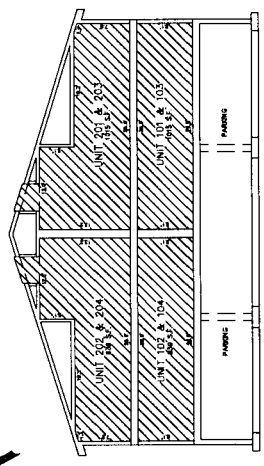
FIRST LEVEL PLAN

SECOND LEVEL PLAN

PARKING LEVEL PLAN



SECTION "B"



SECTION "A"

- LEGEND
- COMMON OWNERSHIP
  - PRIVATE OWNERSHIP
  - LIMITED COMMON OWNERSHIP

**Ordinance No. 97-41**

**AN ORDINANCE APPROVING AN AMENDMENT TO THE PARK CITY SURVEY FOR THE NORTH HALF OF LOT 2 AND LOT 3 IN BLOCK 58 LOCATED AT 410 ONTARIO AVENUE, PARK CITY, UTAH**

WHEREAS, the owners, Gary & Sandra Wohlfarth, of the property known as the north half of Lot 2 and 3 of Block 58, Park City Survey, has petitioned the City Council for approval of an amendment to the amended Park City 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 13, 1997 the Planning Commission held a public hearing to receive public input on the proposed plat amendment 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 plat amendment combines the north half of Lot 2 and Lot 3 into one parcel of record;

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.

1. The plat amendment combines 1-1/2 lots into one 2,812 square foot lot.
2. The total square footage of the home, including the proposed addition will be approximately 1,950 square feet.
3. The addition to the non-historic structure does not exceed the floor area ratio.
4. The proposed lot size, 2,812 square feet, is consistent with the existing lot sizes in the surrounding area.

5. The project is on Ontario Avenue with dense residential uses. Minimal construction staging area is available along Ontario Avenue.
6. Dedication of a ten foot (10'-0") nonexclusive snow storage easement, along Ontario Avenue, is necessary to provide adequate snow removal services.
7. The property is in the HR-1 District.
8. 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 the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

**SECTION 3. PLAT APPROVAL.** The plat amendment for the north half of Lot 2 and Lot 3 , Block 58, Park City Survey, is hereby 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 these conditions of approval, is a condition precedent to plat recordation.
2. All Standard Project Conditions and Land Management Codes shall apply.
3. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.
4. A ten foot (10'-0") non-exclusive snow storage easement along Ontario Avenue shall be dedicated to the City on the amended plat.
5. 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

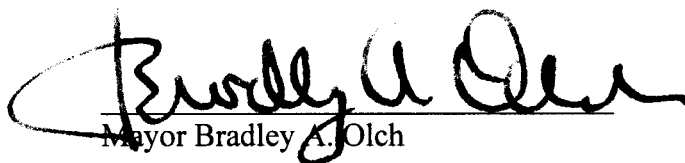
address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction-related details to the satisfaction of the Community Development Department.

6. Any remnant portion of Lot 2 is not separately developable unless combined with another piece of property to create a lot conforming to minimum lot size.

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

PASSED AND ADOPTED this 18th day of September, 1997.

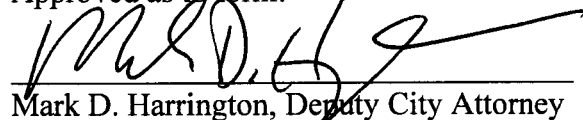
PARK CITY MUNICIPAL CORPORATION

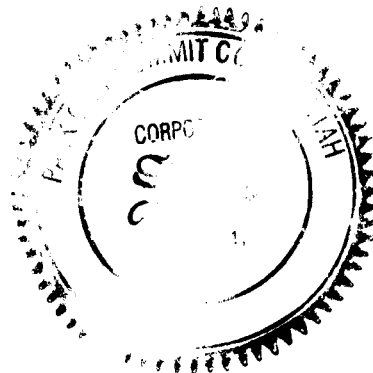
  
Mayor Bradley A. Olch

Attest:

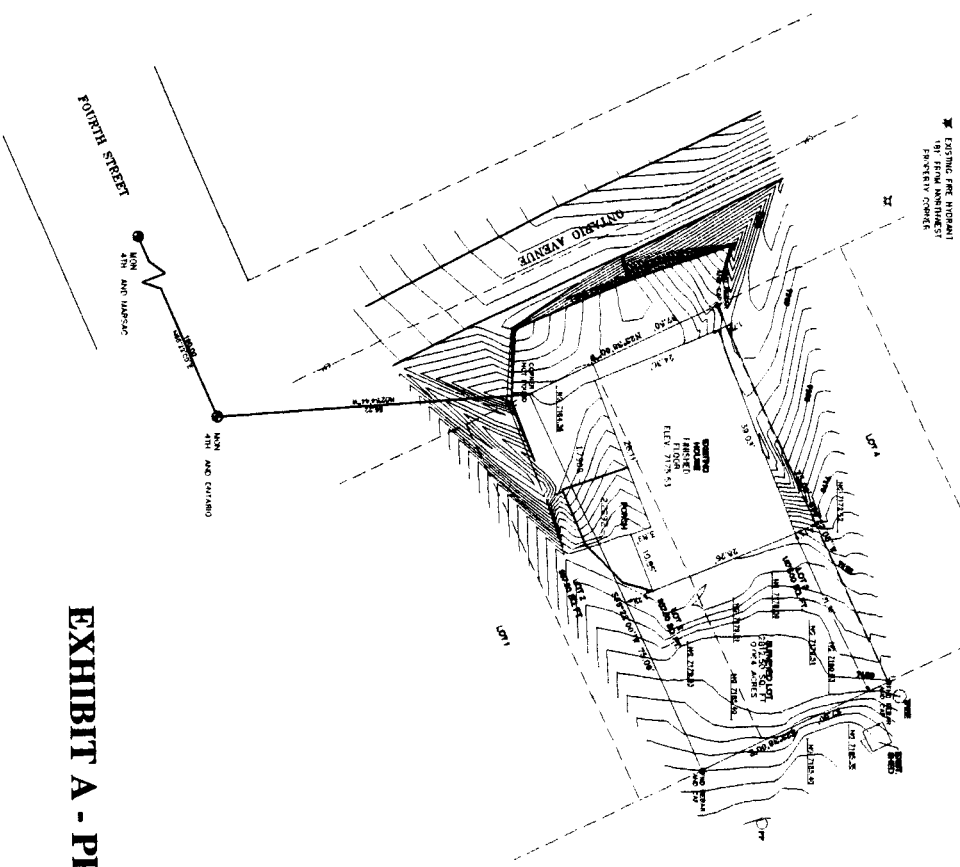
  
Janet M. Scott, City Recorder

Approved as to form:

  
Mark D. Harrington, Deputy City Attorney



# TOPOGRAPHY SURVEY 410 ONTARIO AVE.



★ EXISTING FIRE HYDRANT  
181' FROM NORTHWEST  
CORNER OF CORNER

**LEGEND**  
FOUND BAY  
AND 7/24  
SPOT ELEVATION  
PROPERTY LINE

**STODOLSKA JAMES SERIES**  
REVISION FOR COMPLIANCE TO SUBMITTAL REQUIREMENTS FOR CONFORMANCE WITH THE SUBMITTAL REQUIREMENTS OF THE CITY OF PARK CITY, UTAH  
DATE: 11/17/10  
BY: JAMES STODOLSKA

**ENGINEER CERTIFICATE**  
I, JAMES STODOLSKA, REGISTERED PROFESSIONAL ENGINEER, NO. 1190, DO HEREBY CERTIFY THAT THE SURVEY AND MAP HEREON WERE MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY COMPLY WITH THE REQUIREMENTS OF THE CITY OF PARK CITY, UTAH.  
DATE: 11/17/10  
BY: JAMES STODOLSKA

**APPROVAL AS TO FORM**  
APPROVED AS TO FORM AND CONTENTS  
DATE: 11/17/10  
BY: JAMES STODOLSKA

**CERTIFICATE OF ATTEST**  
I, JAMES STODOLSKA, REGISTERED PROFESSIONAL ENGINEER, NO. 1190, DO HEREBY CERTIFY THAT THE SURVEY AND MAP HEREON WERE MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY COMPLY WITH THE REQUIREMENTS OF THE CITY OF PARK CITY, UTAH.  
DATE: 11/17/10  
BY: JAMES STODOLSKA

**PARK CITY COUNCIL**  
APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL  
DATE: 11/17/10  
BY: JAMES STODOLSKA

**RECORDED**  
DATE: 11/17/10  
BY: JAMES STODOLSKA

DATE	BY	REVISION
11/17/10	JAMES STODOLSKA	FINAL DESIGN

**TOPOGRAPHY SURVEY**  
410 ONTARIO AVENUE  
PARK CITY, UTAH

**UTAH SURVEYS**  
Serving Park City and the surrounding area  
4222 East 2500 South, Suite 200, Park City, UT 84303  
Phone: 435-266-7777  
Fax: 435-266-7778

**UTAH SURVEYS**  
Serving Park City and the surrounding area  
4222 East 2500 South, Suite 200, Park City, UT 84303  
Phone: 435-266-7777  
Fax: 435-266-7778

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4222 East 2500 South, Suite 200, Park City, UT 84303  
Phone: 435-266-7777  
Fax: 435-266-7778

**RECEIVED**  
JUL 11 1997  
PARK CITY  
PLANNING DEPT.

**SURVEYOR'S CERTIFICATE**  
I, JAMES STODOLSKA, REGISTERED PROFESSIONAL ENGINEER, NO. 1190, DO HEREBY CERTIFY THAT THE SURVEY AND MAP HEREON WERE MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY COMPLY WITH THE REQUIREMENTS OF THE CITY OF PARK CITY, UTAH.  
DATE: 11/17/10  
BY: JAMES STODOLSKA

**NARRATIVE**  
A PHOTOGRAMMETRIC SURVEY WAS PERFORMED FROM THE AIR BY THE SURVEYOR TO OBTAIN SPOT ELEVATIONS FOR THE SURVEY.  
PROPERTY DESCRIPTION  
ALL OF LOT 4, AND THE WESTERN CORNER OF LOT 4, AS SHOWN ON THE SUBDIVISION MAP FOR CONFORMANCE.  
LEGEND NO. 17-74

**Ordinance No. 97-40**

**AN ORDINANCE APPROVING AN AMENDMENT TO THE  
WILLOW RANCH SUBDIVISION PLAT FOR HORSE USE ON LOTS 4 AND 5,  
AT 2704 MEADOW CREEK DRIVE,  
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN,  
PARK CITY, UTAH**

WHEREAS, the owners of the property at 2704 Meadow Creek Drive, and the Willow Ranch Subdivision Homeowner's Association, have petitioned the City Council for approval of an amendment to a final subdivision plat to allow up to two horses on combined Lots 4 and 5; 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 15, 1997 the Planning Commission held a public hearing to receive public input on the proposed plat; and

WHEREAS, on August 27, 1997 the Planning Commission voted to forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on September 11, 1997 the City Council reviewed the proposed plat amendment and held a public hearing; and

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

**SECTION 1. FINDINGS OF FACT.**

1. Lots 4 and 5 of the Willow Ranch Subdivision are located in the E, Estate, zoning district.
2. The combined lot area of Lots 4 and 5 amounts to 1.58 acres.
3. The Land Management Code allows horses as a permitted use in the E, Estate, zoning district, provided that a minimum of 1 acre is provided for each 2 horses.

4. If a structure is built on Lot 5, the lot area for horses would be less than the minimum required by the LMC.
5. An animal management plan will prevent environmental degradation of the area and decrease the potential for neighborhood nuisances by providing a grazing rotation schedule, an animal waste management plan, and fencing requirements.
6. Large haystacks, feed lots, or other feed storage sites, horse trailers, boats, motor vehicles, farm machinery or other equipment are incompatible with the surrounding single family homes, because of the visual blight, odor, and noise.
7. Lots 4 and 5 are smaller than a typical E zoned lot and are more similar in size to an SF, RD, or RDM lot. Horse use on these lots requires a Conditional Use permit which requires a one year review period after approval to determine whether the conditions of approval provide the necessary mitigation, whether additional conditions are warranted, or whether the use should cease. It is appropriate to review this proposal with the criteria for Conditional Use permits.

## **SECTION 2. CONCLUSIONS OF LAW.**

1. The proposal complies with all requirements of the Land Management Code regarding horses.
2. The use, as conditioned, is compatible with surrounding structures in use, scale, mass and circulation.
3. The use is consistent with the Park City General Plan.
4. Any adverse impacts have been mitigated by conditions and careful planning.

The City Council hereby concludes that there is good cause for the above-mentioned plat amendment and that neither the public nor any person will be materially injured by the proposed amendment.

**SECTION 3. PLAT APPROVAL.** The plat note amendment for Willow Ranch Subdivision Lots 4 and 5, known as the 2704 Meadow Creek Drive, 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 final form and content of the plat and the Conditions, Covenants and Restrictions




(CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the plat.

2. All conditions of approval for the Willow Ranch MPD continue to apply in full force and effect.
3. All standard project conditions shall apply.
4. Conditions of Approval:
5. The approval is for 2 horses only.
6. No haystacks, feed lots, or other feed storage sites may be placed on the property. No horse trailers, boats, motor vehicles, farm machinery, or other equipment may be stored on the property, except when in an enclosed structure.
7. Lots 4 and 5 of the Willow Ranch Subdivision are subject to the Animal Management Plan and Maintenance Covenant dated February 24, 1993 entered into by and among Park City Municipal Corporation, Willow Ranch Development Company, and Willow Ranch HOA.
8. The approval shall be reviewed by the Planning Staff one year from the date of approval to evaluate neighborhood impacts. If the Planning staff believes that additional conditions are necessary to further mitigate impacts, the item will be scheduled for Planning Commission review.
9. A note shall be added to the plat stating that at such time as a house is constructed on Lot 5, all horse use on Lots 4 and 5 shall cease.
10. The new plat notes shall be recorded within one year of the date of approval or this approval shall be null and void.

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

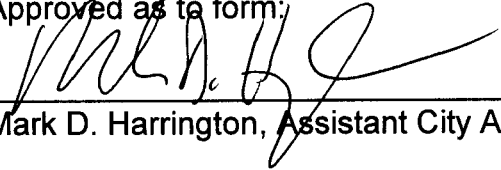
PASSED AND ADOPTED this 11 th day of September, 1997.

PARK CITY MUNICIPAL CORPORATION  
  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, Assistant City Attorney



**AN ORDINANCE APPROVING THE LANDMARK REPLAT, A PLAT AMENDMENT  
THE PARK CITY SURVEY LOT 14 AND A PORTION OF LOT 13 OF BLOCK 73 OF  
THE MILLSITE RESERVATION, ALONG WITH A QUIT CLAIM PARCEL  
LOCATED AT 97 DALY AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as Park City Survey Lot 14 and a portion of Lot 13 of Block 73 of the Millsite Reservation, along with a quit claim parcel have 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 13, 1997, to receive input on the proposed condominium plat;

WHEREAS, the Planning Commission, on August 13, 1997, forwarded a positive recommendation to the City Council; and,

WHEREAS, on August 28, 1997, 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 proposed Plat Amendment will combine one (1) lot and a portion of another into one (1) along with a quit claim parcel in order to allow for an addition to an historic structure.
2. The proposed plat amendment rectifies the existing non-conforming condition of a structure that crosses property lines.
3. The Plat Amendment will allow for an addition and renovation to an historic home.

4. Dedication of a ten (10) foot non-exclusive snow storage easement along Daly Avenue is necessary to provide adequate snow removal services.
5. The property is located in the HR-1 District.
6. The applicant agrees with the conditions of approval

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

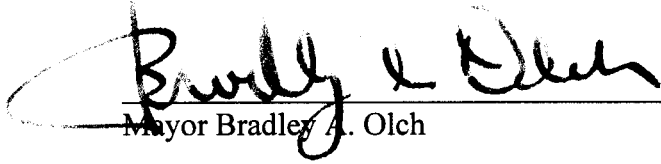
**SECTION 3. PLAT APPROVAL.** The amendment to the Park City Survey for Lot 14 and a portion of Lot 13 of Block 73 of the Millsite Reservation, along with a quit claim parcel, to be known as the Landmark Replat, is approved as shown on Exhibit A, with the following conditions:

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. A ten (10) foot non-exclusive snow storage easement along Daly Avenue shall be dedicated to the City on the plat.
3. A note referencing the historical preservation easement shall be added to the plat.
4. All Standard Project Conditions shall apply (Please see Exhibit B - Standard Project Conditions).
5. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
6. A Building Permit for 97 Daly Avenue may not be issued until the Plat Amendment is recorded.
7. Only one (1) single-family home is permitted on the newly-created lot.

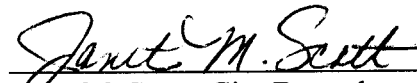
**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 21st day of August, 1997 .

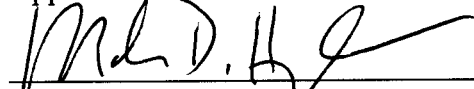
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, Asst. City Attorney

**DEVELOPER CERTIFICATION**  
 I, the undersigned, do hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I am the owner of the property described herein, or that I am authorized to execute this plat on behalf of the owner.

**DEVELOPER'S RESOLUTION**  
 WHEREAS, the undersigned, the owner of the property described herein, has caused this plat to be prepared and recorded for the purpose of adjusting the boundaries of the property described herein, and

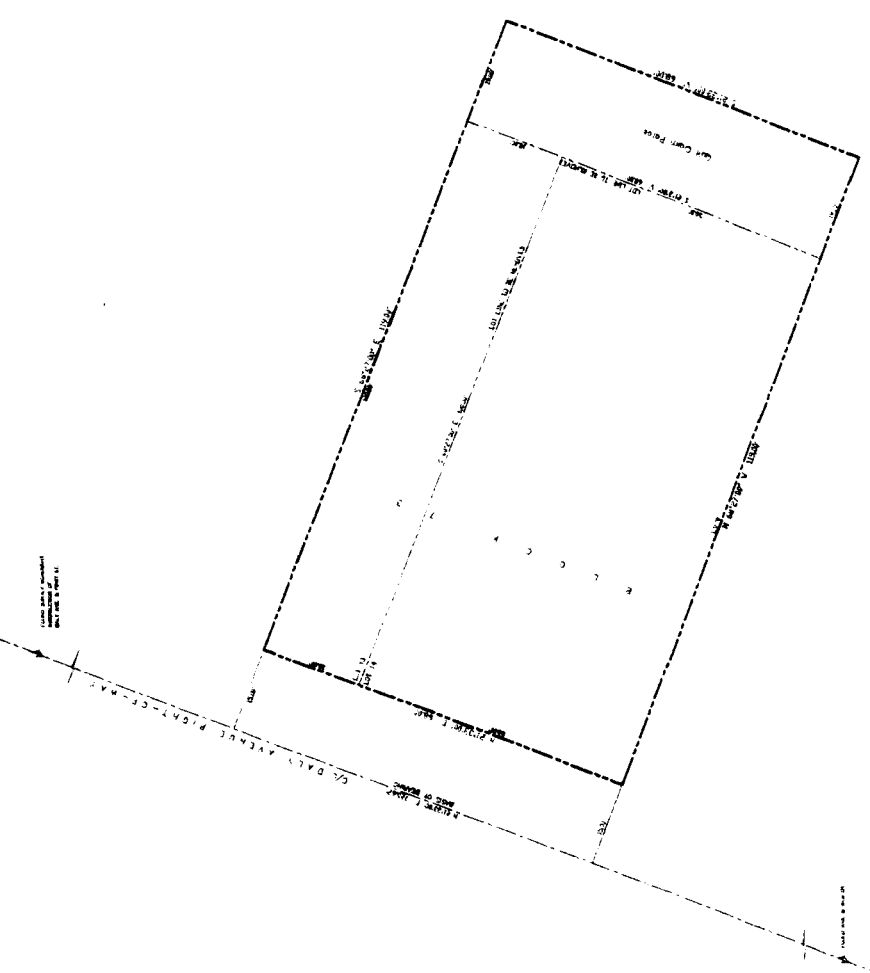
**COMMISSIONER'S RESOLUTION**  
 WHEREAS, the undersigned, the Commissioner of the State of Utah, has caused this plat to be prepared and recorded for the purpose of adjusting the boundaries of the property described herein, and

**ACKNOWLEDGMENT**  
 I, the undersigned, do hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I am the owner of the property described herein, or that I am authorized to execute this plat on behalf of the owner.



**LOT LINE ADJUSTMENT  
 LANDMARK REPLAT**

LOCATED IN THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN, THE MUNICIPAL PARK CITY, SHERIDAN COUNTY, UTAH



ALLIANCE ENGINEERING INC.  
 P.O. BOX 2844  
 323 MAIN STREET  
 (801) 619-3467

BY: \_\_\_\_\_ SRESID.

BY: \_\_\_\_\_ PARK CITY ENGINEER

BY: \_\_\_\_\_ PARK CITY ATTORNEY

BY: \_\_\_\_\_ PARK CITY RECORDER

BY: \_\_\_\_\_ MAYOR

RECEIVED FOR COMPLIANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS DATE OF \_\_\_\_\_ 1987 A.D.

ENGINEERS CERTIFICATE  
 I FIND THIS PLAT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH PLAT ACT OF 1957 A.D.

APPROVAL AS TO FORM  
 APPROVED AS TO FORM THIS DATE OF \_\_\_\_\_ 1987 A.D.

CERTIFICATE OF ATTEST  
 I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE THIS DATE OF \_\_\_\_\_ 1987 A.D.

COUNCIL APPROVAL AND ACCEPTANCE  
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DATE OF \_\_\_\_\_ 1987 A.D.

RECORDED  
 STATE OF UTAH COUNTY OF SNYDER AND FILED IN THE PUBLIC RECORDS OF THE COUNTY OF SNYDER UTAH DATE \_\_\_\_\_ 1987

**RECEIVED**

Exhibit A - Proposed Plat

PARK CITY MUNICIPAL CORPORATION  
STANDARD PROJECT CONDITIONS

1. 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; the Park City Design Standards, Construction Specifications, and Standard Drawings; and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
2. All modifications to plans as specified by conditions, and all final design details, such as material and color samples, shall be submitted to and approved by the Community Development Department prior to issuance of any building permits.
3. The applicant is responsible for compliance with all conditions of project approval.
4. 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.
5. 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.
6. Construction staging areas shall also be clearly defined and approved by the Community Development Department, and shall be placed so as to minimize site disturbance. The landscape plans shall include plans for revegetation of all areas disturbed during construction.
7. Final grading, drainage, utility, erosion control and revegetation 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.
8. 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.
9. All construction shall be completed according to the approved plans on which building permits are issued. The approved plans include all site improvements shown on the site plan. "Site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grades, walls, landscaping, lighting, planting, paving, paths, and trails, and similar improvements, as shown on the set of plans on which final approval and building permits are based.
10. Any desired modifications to approved plans, after the issuance of a building permit, must be specifically requested and approved in writing prior to execution.
11. Plans shall conform to all design standards for persons with disabilities as required by any applicable federal, state and local laws.
12. 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.
13. The required utility easements along street frontages shall include language to allow for these areas to be used for snow storage. Typically, a 10-foot snow storage easement is required above Deer Valley Drive (approximate elevation of 7,200 feet). A five feet easement is necessary below this elevation.
14. Lockout units are not permitted unless specifically approved.
15. The 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.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or termination of the permit as specifically conditioned.



**Ordinance No. 97-38**

**AN ORDINANCE APPROVING THE PLAT AMENDMENT  
AT 528 WOODSIDE AVENUE, COMBINING LOT 39 AND THE NORTH HALF OF  
LOT 40 OF THE PARK CITY SURVEY,  
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN,  
PARK CITY, UTAH**

WHEREAS, the owners, Deffenbach Limited Partnership, of the property at 528 Woodside Avenue, located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Park City, Utah, have petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on August 21, 1997 the City Council reviewed the proposed plat amendment and held a public hearing; 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.**

1. The plat amendment combines two lots into one 2,812 SF lot.
2. The proposed lot size, 2,812 square feet, is consistent with the existing ownership patterns in the surrounding area.
3. The project is located on Woodside Avenue with high intensity residential uses and with minimal construction staging area.
4. Dedication of a ten foot (10'-0") non-exclusive snow storage easement, along Woodside Avenue, is necessary to provide adequate snow removal services.
5. There is a portion of the building on the remanent portion of Lot 40.

**SECTION 2. CONCLUSIONS OF LAW.**

The City Council hereby concludes that there is good cause for the above-mentioned plat amendment 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.

**SECTION 3. PLAT APPROVAL.**

The plat amendment located at 528 Woodside Avenue, is hereby approved as shown on Exhibit A, with the following conditions:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat for compliance with the Land Management Code and conditions of approval.
2. All Standard Project Conditions and Land Management Codes shall apply.
3. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.
4. A Construction Mitigation Plan will be required from the applicant prior to any construction on the newly created parcels.
5. A ten foot (10'-0") non-exclusive snow storage easement along Woodside Avenue shall be dedicated to the City on the amended plat.
6. The remnant half of Lot 40 created by this combination is not separately developable.

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

PASSED AND ADOPTED this 21 th day of August, 1997.

PARK CITY MUNICIPAL CORPORATION

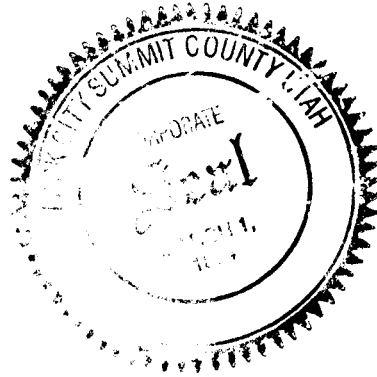
  
Mayor Bradley A. Olch

Attest:

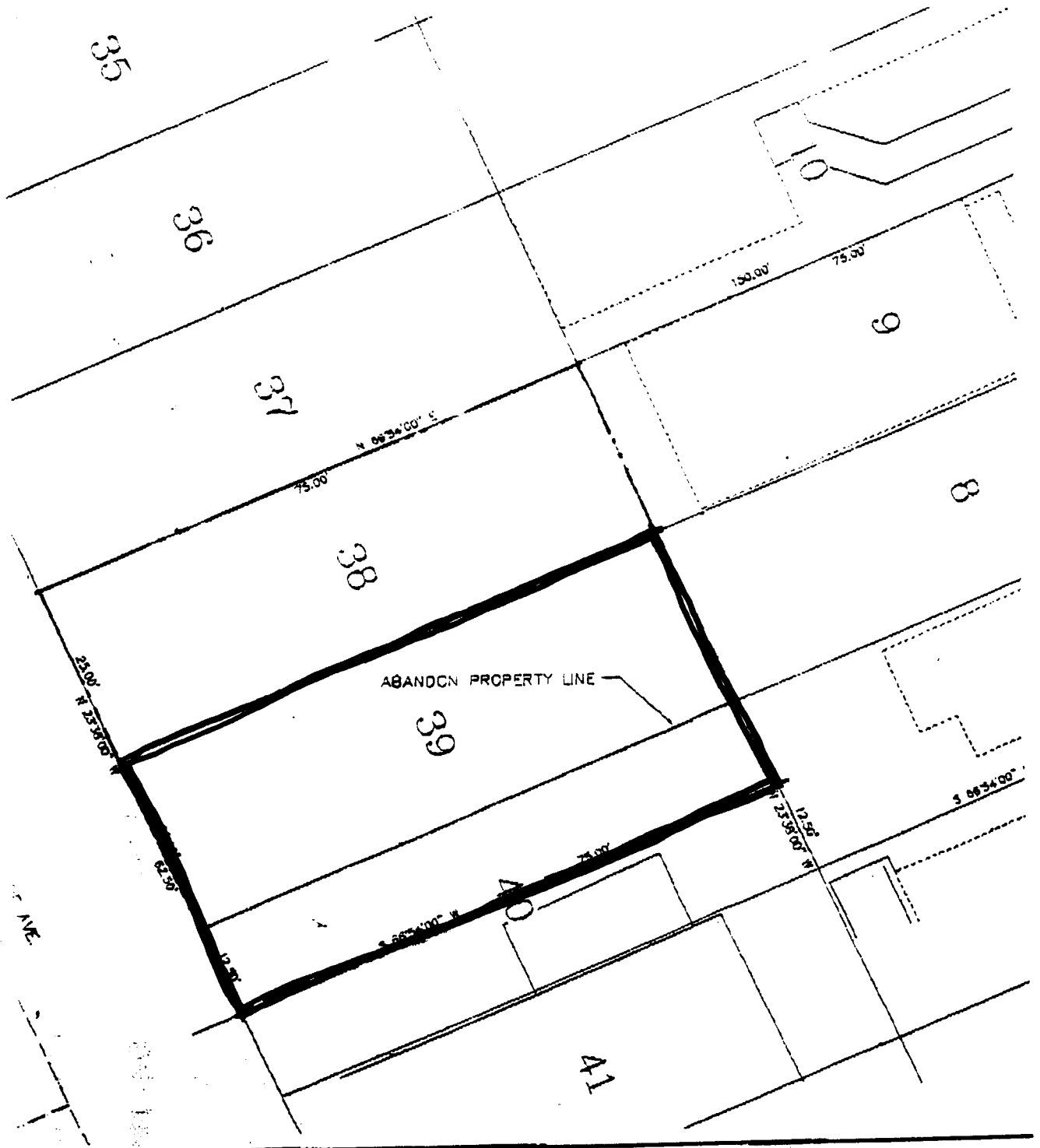
Janet M. Scott  
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington  
Mark D. Harrington, Assistant City Attorney



K:\LEGAL\ORD\97\97-38



**RECORD OF SURVEY & TOPOGRAPHIC MAP**  
 ALL OF LOTS 7, 8, 9, 38, 39 AND THE NORTH 1/2 OF LOT 10  
 LYING WITHIN BLOCK 5 OF THE PARK CITY SURVEY  
 SUMMIT COUNTY, UTAH

**RECEIVED**  
 10-14-07  
 PARK CITY  
 PLANNING DEPT.

528 WOODSIDE AVENUE

**EXHIBIT "A"**

**Ordinance No. 97-37**

**AN ORDINANCE APPROVING THE 949 PARK AVENUE REPLAT, A PLAT AMENDMENT THE PARK CITY SURVEY LOTS 13 AND THE NORTH HALF OF LOT 12, BLOCK 3, SNYDERS ADDITION LOCATED AT 949 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as Lots 13 and the north half of Lot 12, Block 3, Snyders Addition to the Park City Survey, have 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 23, 1997, to receive input on the proposed condominium plat;

WHEREAS, the Planning Commission, on July 23, 1997, forwarded a positive recommendation to the City Council; and,

WHEREAS, on August 21, 1997, 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 proposed Plat Amendment will combine one and a half (1½) lots into one (1) lot in order to allow for an addition to an historic structure.
2. The proposed plat amendment rectifies the existing non-conforming condition of a structure that crosses property lines.
3. The Plat Amendment will allow for an addition and renovation to an historic home.
4. Dedication of a ten (10) foot non-exclusive snow storage easement along Park Avenue is necessary to provide adequate snow removal services.
5. The property is located in the HR-1 District.

6. The applicant agrees with the conditions of approval.

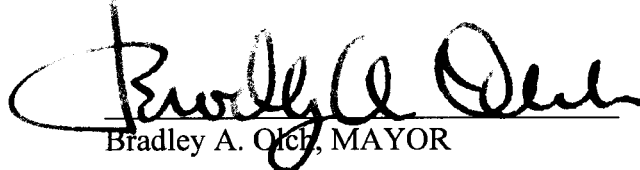
**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby concludes that there is good cause for the above-mentioned plat amendment, that neither the public nor any person will be materially injured by the proposed amendment and that the proposal is consistent with both the Park City Land Management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

**SECTION 3. PLAT APPROVAL.** The amendment to the Park City Survey for Lots 13 and the north half of Lot 12, Block 3, Snyders Addition to the Park City Survey, to be known as the 949 Park Avenue Replat, 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. A ten (10) foot non-exclusive snow storage easement along Park Avenue shall be dedicated to the City on the plat.
3. All Standard Project Conditions shall apply (Please see Exhibit B - Standard Project Conditions).
4. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
5. A note shall be added to the Plat stating that no remanent lot created hereby is separately developable.
6. A Building Permit for 949 Park Avenue may not be issued until the Plat Amendment is recorded.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.  
PASSED AND ADOPTED this 21st day of August, 1997 .

PARK CITY MUNICIPAL CORPORATION

  
Bradley A. Oick, MAYOR

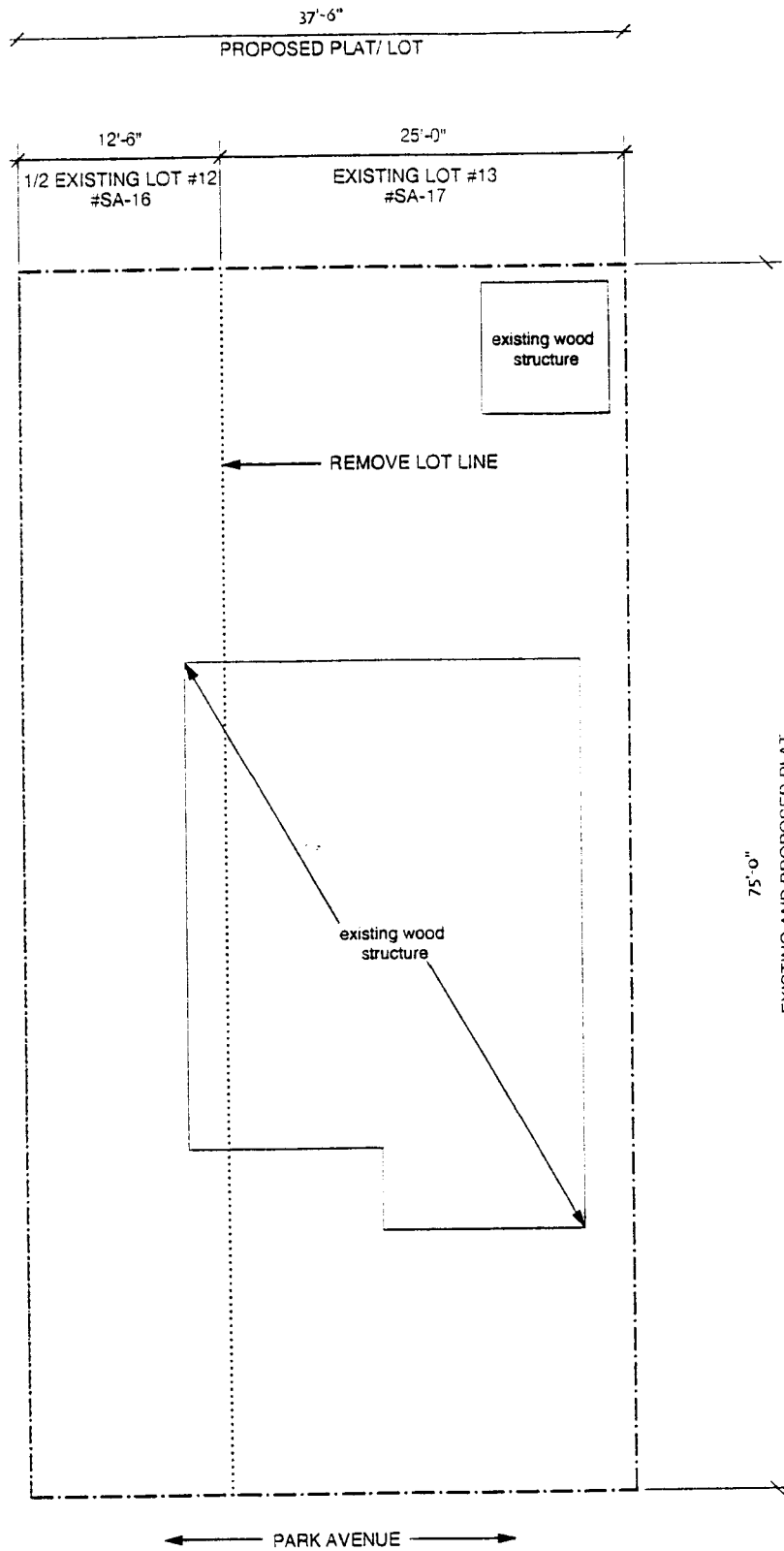
ATTEST:

Jan Scott  
Jan Scott, City Recorder

APPROVED AS TO FORM:


Mark Harrington  
Mark Harrington, Deputy City Attorney





**PROPOSED PLAT AMENDMENT**  
**@ 949 Park Avenue, Park City, Utah**

NORTH



**RECEIVED**

APR 10 1997

PARK CITY  
PLANNING DEPT.

**E**      **Exhibit A - Proposed Plat**

**Proposed Plat**



PARK CITY MUNICIPAL CORPORATION  
STANDARD PROJECT CONDITIONS

1. 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; the Park City Design Standards, Construction Specifications, and Standard Drawings; and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
2. All modifications to plans as specified by conditions, and all final design details, such as material and color samples, shall be submitted to and approved by the Community Development Department prior to issuance of any building permits.
3. The applicant is responsible for compliance with all conditions of project approval.
4. 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.
5. 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.
6. Construction staging areas shall also be clearly defined and approved by the Community Development Department, and shall be placed so as to minimize site disturbance. The landscape plans shall include plans for revegetation of all areas disturbed during construction.
7. Final grading, drainage, utility, erosion control and revegetation 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.
8. 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.
9. All construction shall be completed according to the approved plans on which building permits are issued. The approved plans include all site improvements shown on the site plan. "Site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grades, walls, landscaping, lighting, planting, paving, paths, and trails, and similar improvements, as shown on the set of plans on which final approval and building permits are based.
10. Any desired modifications to approved plans, after the issuance of a building permit, must be specifically requested and approved in writing prior to execution.
11. Plans shall conform to all design standards for persons with disabilities as required by any applicable federal, state and local laws.
12. 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.
13. The required utility easements along street frontages shall include language to allow for these areas to be used for snow storage. Typically, a 10-foot snow storage easement is required above Deer Valley Drive (approximate elevation of 7,200 feet). A five feet easement is necessary below this elevation.
14. Lockout units are not permitted unless specifically approved.
15. The 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.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or termination of the permit as specifically conditioned.

**Ordinance No. 97-36**

**AN ORDINANCE APPROVING THE 363 PARK AVENUE REPLAT, A PLAT AMENDMENT THE PARK CITY SURVEY LOTS 16, 15 AND A PORTION OF LOT 14, BLOCK 3 LOCATED AT 363 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as Lots 16, 15 and a portion of Lot 14 of Block 3, Park City Survey, have 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 23, 1997, to receive input on the proposed condominium plat;

WHEREAS, the Planning Commission, on July 23, 1997, forwarded a positive recommendation to the City Council; and,

WHEREAS, on August 21, 1997, 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 proposed Plat Amendment will combine two (2) lots and a portion of another into one (1) lot in order to allow for an addition to an historic structure.
2. The proposed plat amendment rectifies the existing non-conforming condition of a structure that crosses property lines.
3. Dedication of a ten (10) foot non-exclusive snow storage easement along Park Avenue is necessary to provide adequate snow removal services.
4. The property is located in the HR-1 District.
5. The Plat Amendment will allow for an addition and renovation to an historic home.

6. The applicant agrees with the conditions of approval.

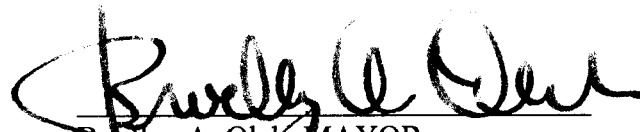
**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby concludes that there is good cause for the above-mentioned plat amendment, that neither the public nor any person will be materially injured by the proposed amendment and that the proposal is consistent with both the Park City Land Management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

**SECTION 3. PLAT APPROVAL.** The amendment to the Park City Survey for Lots 16, 15 and a portion of Lot 14 of Block 3, Park City Survey, to be known as the 363 Park Avenue Replat, 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. A ten (10) foot non-exclusive snow storage easement along Park Avenue shall be dedicated to the City on the plat.
3. All Standard Project Conditions shall apply (Please see Exhibit B - Standard Project Conditions).
4. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
5. A Building Permit may not be issued for 363 Park Avenue until the Plat Amendment is recorded.
6. The owner will execute an Encroachment Permit, for the encroachment onto 4th Street, on a form approved by the City Engineer prior to Plat Recordation.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.  
PASSED AND ADOPTED this 21st day of August, 1997 .

PARK CITY MUNICIPAL CORPORATION

  
Bradley A. Olch, MAYOR

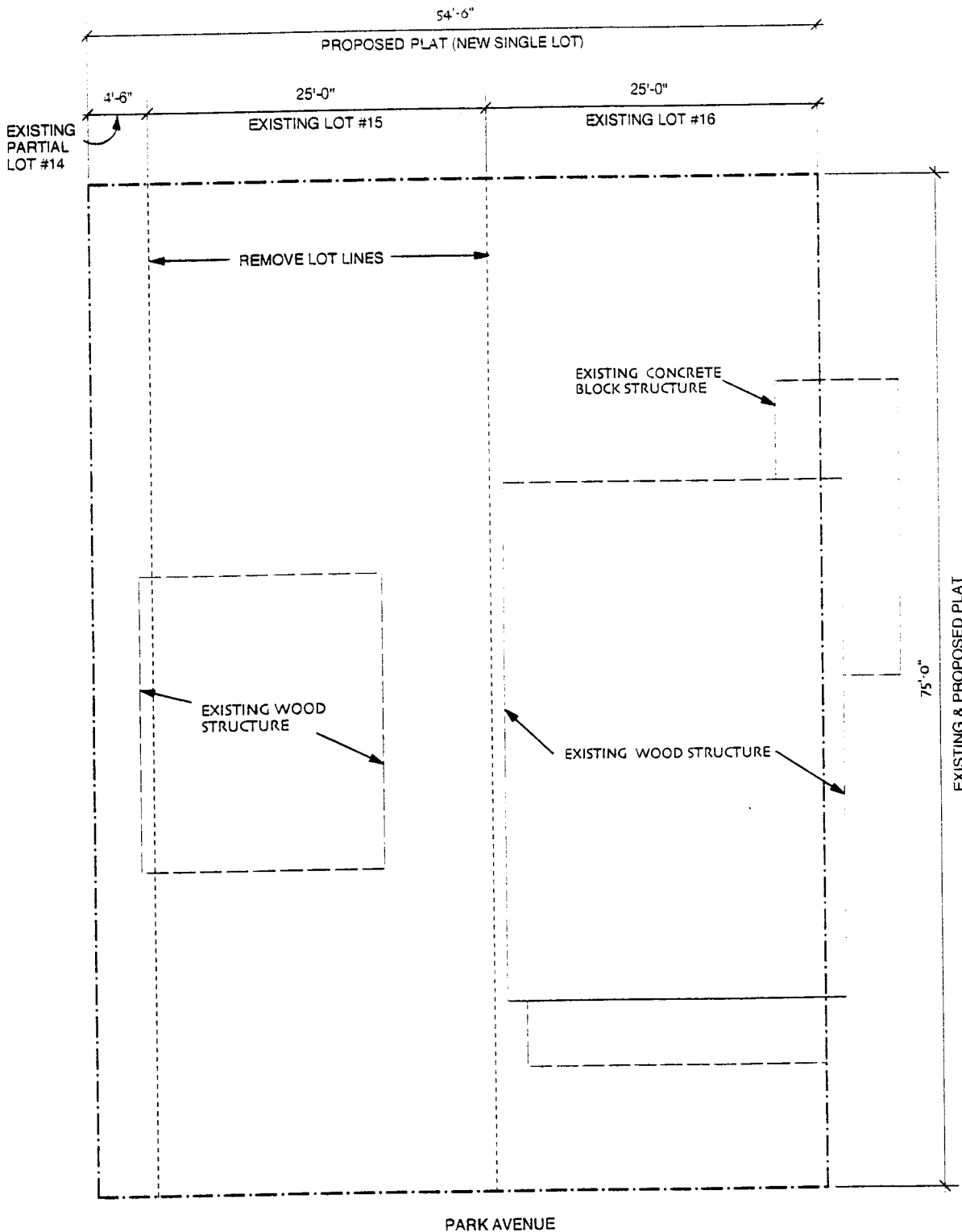
ATTEST:

Jan Scott  
Jan Scott, City Recorder

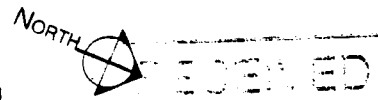
APPROVED AS TO FORM:

Mark Harrington  
Mark Harrington, Deputy City Attorney





**PROPOSED PLAT AMENDMENT  
@ 363 PARK AVENUE, PARK CITY, UTAH**



Ex

Exhibit A - Proposed Plat

t

PARK CITY MUNICIPAL CORPORATION  
STANDARD PROJECT CONDITIONS

1. 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; the Park City Design Standards, Construction Specifications, and Standard Drawings; and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
2. All modifications to plans as specified by conditions, and all final design details, such as material and color samples, shall be submitted to and approved by the Community Development Department prior to issuance of any building permits.
3. The applicant is responsible for compliance with all conditions of project approval.
4. 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.
5. 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.
6. Construction staging areas shall also be clearly defined and approved by the Community Development Department, and shall be placed so as to minimize site disturbance. The landscape plans shall include plans for revegetation of all areas disturbed during construction.
7. Final grading, drainage, utility, erosion control and revegetation 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.
8. 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.
9. All construction shall be completed according to the approved plans on which building permits are issued. The approved plans include all site improvements shown on the site plan. "Site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grades, walls, landscaping, lighting, planting, paving, paths, and trails, and similar improvements, as shown on the set of plans on which final approval and building permits are based.
10. Any desired modifications to approved plans, after the issuance of a building permit, must be specifically requested and approved in writing prior to execution.
11. Plans shall conform to all design standards for persons with disabilities as required by any applicable federal, state and local laws.
12. 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.
13. The required utility easements along street frontages shall include language to allow for these areas to be used for snow storage. Typically, a 10-foot snow storage easement is required above Deer Valley Drive (approximate elevation of 7,200 feet). A five feet easement is necessary below this elevation.
14. Lockout units are not permitted unless specifically approved.
15. The 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.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or termination of the permit as specifically conditioned.

**AN ORDINANCE APPROVING AN AMENDMENT TO THE RECORD OF SURVEY  
FOR THE STERLING LODGE CONDOMINIUMS PLAT AT 7660 ROYAL STREET,  
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN,  
PARK CITY, UTAH**

WHEREAS, the owner of the property at 7660 Royal Street, located in the Southwest Quarter of Section 22, Township 2 South, Range 4 East, Park City, Utah and known as the Sterling Lodge Condominiums, have petitioned the City Council for approval of an amendment to a final condominium plat to change approximately 100 square feet of floor area from common to limited common ownership; 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 23, 1997 the Planning Commission held a public hearing to receive public input on the proposed plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on August 14, 1997 the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 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 amendment changes the type of ownership of approximately 100 square feet of space located behind Unit 12 of the Sterling Lodge Condominiums. This space is located at the top of the external stairs for Unit 12.
2. The space in question is currently platted as common area on the recorded Sterling Lodge

Condominium plat. The space is used as a storage area for skis, etc.

3. The Homeowner's Association authorized this request to change the space in question to limited common ownership.
4. The Park City Council held a public hearing on this item on August 14, 1997.
5. Notice of this amendment request and public hearing before the City Council was published in the Park City Record, posted on the property, and sent to property owners within 300' of and within the plat.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby concludes that there is good cause for the above-mentioned plat amendment and that neither the public nor any person will be materially injured by the proposed amendment. The plat is consistent with the Park City Land Management Code and with the Planning Commission approval of the Sterling Lodge MPD.

**SECTION 3. PLAT APPROVAL.** The condominium plat amendment, known as the Sterling Lodge Condominium plat, at 7660 Royal Street, is hereby approved as shown on Exhibit A, with the following conditions:

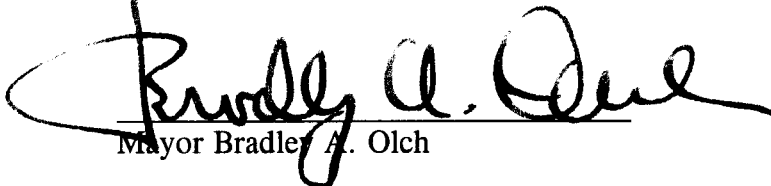
1. The City Attorney and City Engineer's review and approval of the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the plat.
2. All conditions of approval, including conditions of approval for the Sterling Lodge MPD and Sterling Lodge Condominium plat, shall apply.
3. All standard project conditions shall apply.
4. The final mylar for this condominium plat amendment 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 time frame, this approval and the plat shall be considered null and void.



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

PASSED AND ADOPTED this 14 th day of August, 1997.

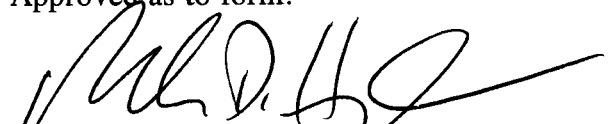
PARK CITY MUNICIPAL CORPORATION

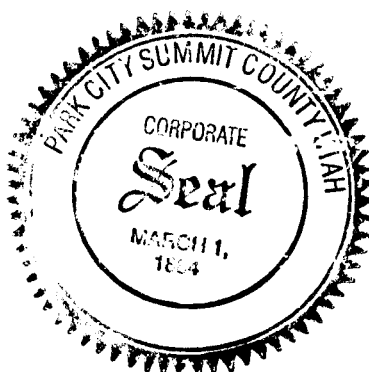
  
Mayor Bradley A. Olch

Attest:

  
Janet M. Scott, City Recorder

Approved as to form:

  
Mark D. Harrington, Assistant City Attorney



RECEIVED

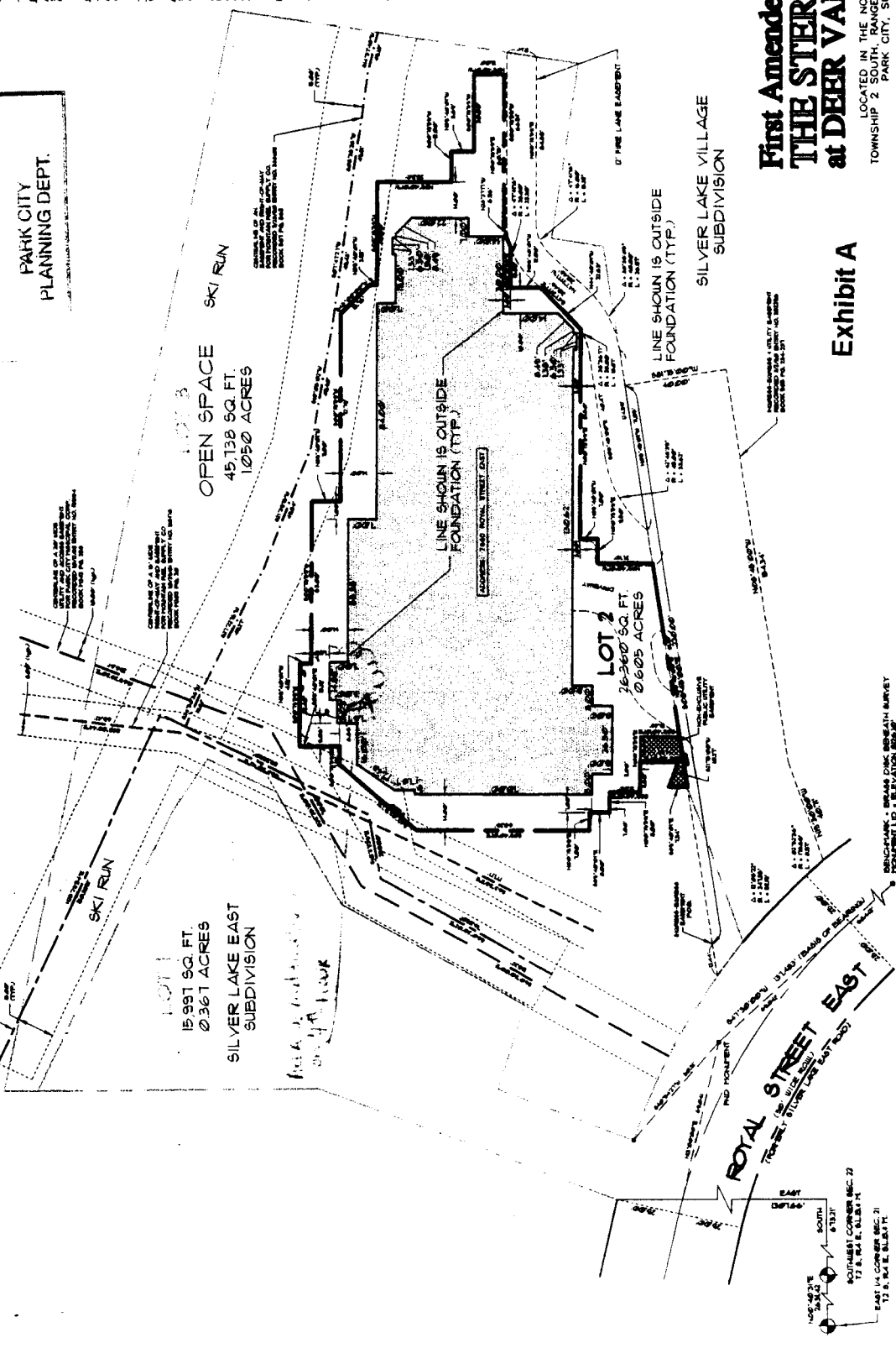
PARK CITY  
PLANNING DEPT.

CENTERS OF A.P. ACE  
FOR TOWN/ANAL. SUPPLY COMPANY  
RECORDED 42948 SURVEY NO. 38854  
BOOK 25 P. 100-101

LOT 1  
15,991 SQ. FT.  
0.361 ACRES  
SILVER LAKE EAST  
SUBDIVISION

LOT 2  
26,340 SQ. FT.  
0.605 ACRES

OPEN SPACE  
45,138 SQ. FT.  
1.025 ACRES



**First Amended  
THE STERLING LODGE  
at DEER VALLEY**

LOCATED IN THE NORTHWEST 1/4 OF SECTION 27,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN  
TOWNSHIP 2 PARK CITY, SUMMIT COUNTY, UTAH

Exhibit A

**SUBMITTER'S CERTIFICATE**  
I, the undersigned, hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I am the owner of the property described herein, or that I am authorized to execute this certificate on behalf of the owner.

Date: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**LEGAL DESCRIPTION**  
The property described in this certificate is located in the Northwest 1/4 of Section 27, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Summit County, Utah. The property is described as follows: \_\_\_\_\_

**OWNER'S CONSENT TO RECORD**  
I, the undersigned, hereby consent to the recording of this certificate and the recording of the First Amended Declaration of the Sterling Lodge at Deer Valley.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**ACKNOWLEDGMENT**  
I, the undersigned, hereby acknowledge the recording of this certificate and the recording of the First Amended Declaration of the Sterling Lodge at Deer Valley.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**OWNER'S CONSENT TO RECORD**  
I, the undersigned, hereby consent to the recording of this certificate and the recording of the First Amended Declaration of the Sterling Lodge at Deer Valley.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**ACKNOWLEDGMENT**  
I, the undersigned, hereby acknowledge the recording of this certificate and the recording of the First Amended Declaration of the Sterling Lodge at Deer Valley.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**OWNER'S CONSENT TO RECORD**  
I, the undersigned, hereby consent to the recording of this certificate and the recording of the First Amended Declaration of the Sterling Lodge at Deer Valley.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**ACKNOWLEDGMENT**  
I, the undersigned, hereby acknowledge the recording of this certificate and the recording of the First Amended Declaration of the Sterling Lodge at Deer Valley.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**OWNER'S CONSENT TO RECORD**  
I, the undersigned, hereby consent to the recording of this certificate and the recording of the First Amended Declaration of the Sterling Lodge at Deer Valley.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**ACKNOWLEDGMENT**  
I, the undersigned, hereby acknowledge the recording of this certificate and the recording of the First Amended Declaration of the Sterling Lodge at Deer Valley.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**OWNER'S CONSENT TO RECORD**  
I, the undersigned, hereby consent to the recording of this certificate and the recording of the First Amended Declaration of the Sterling Lodge at Deer Valley.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**ACKNOWLEDGMENT**  
I, the undersigned, hereby acknowledge the recording of this certificate and the recording of the First Amended Declaration of the Sterling Lodge at Deer Valley.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_



**RECORDED**  
APPROVED AS TO FORM ON THIS DAY OF \_\_\_\_\_ A.D. 19\_\_\_\_  
RECORDED AND FILED AT THE REQUEST OF:  
\_\_\_\_\_  
COUNTY RECORDER

**APPROVAL AS TO FORM**  
APPROVED AS TO FORM ON THIS DAY OF \_\_\_\_\_ A.D. 19\_\_\_\_  
RECORDED AND FILED AT THE REQUEST OF:  
\_\_\_\_\_  
CITY ATTORNEY

**CITY PLANNING COMMISSION**  
APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS DAY OF \_\_\_\_\_ A.D. 19\_\_\_\_  
CHAIRMAN

**CITY ENGINEER**  
APPROVED AND ACCEPTED BY THE CITY ENGINEERING DEPARTMENT ON THIS DAY OF \_\_\_\_\_ A.D. 19\_\_\_\_  
CITY ENGINEER

**CITY COUNCIL APPROVAL**  
PRESENTED TO THE BOARD OF CITY COUNCIL THIS DAY OF \_\_\_\_\_ AT \_\_\_\_\_ O'CLOCK P.M. THIS RECORD OF SURVEY WAS APPROVED.  
MAYOR  
CITY RECORDER

**SEWER DISTRICT APPROVAL**  
REVIEWED FOR CONFORMANCE TO SINDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS DAY OF \_\_\_\_\_ A.D. 19\_\_\_\_  
S.D. S.D.

**RECORDED**  
APPROVED AS TO FORM ON THIS DAY OF \_\_\_\_\_ A.D. 19\_\_\_\_  
RECORDED AND FILED AT THE REQUEST OF:  
\_\_\_\_\_  
COUNTY RECORDER

**APPROVAL AS TO FORM**  
APPROVED AS TO FORM ON THIS DAY OF \_\_\_\_\_ A.D. 19\_\_\_\_  
RECORDED AND FILED AT THE REQUEST OF:  
\_\_\_\_\_  
COUNTY RECORDER

**RECORDED**  
APPROVED AS TO FORM ON THIS DAY OF \_\_\_\_\_ A.D. 19\_\_\_\_  
RECORDED AND FILED AT THE REQUEST OF:  
\_\_\_\_\_  
COUNTY RECORDER

**RECORDED**  
APPROVED AS TO FORM ON THIS DAY OF \_\_\_\_\_ A.D. 19\_\_\_\_  
RECORDED AND FILED AT THE REQUEST OF:  
\_\_\_\_\_  
COUNTY RECORDER

**RECORDED**  
APPROVED AS TO FORM ON THIS DAY OF \_\_\_\_\_ A.D. 19\_\_\_\_  
RECORDED AND FILED AT THE REQUEST OF:  
\_\_\_\_\_  
COUNTY RECORDER

**RECORDED**  
APPROVED AS TO FORM ON THIS DAY OF \_\_\_\_\_ A.D. 19\_\_\_\_  
RECORDED AND FILED AT THE REQUEST OF:  
\_\_\_\_\_  
COUNTY RECORDER

**THE JACK JOHNSON COMPANY**  
1910 Progress Ave., Park City, Utah 84060  
(801) 645-9000 • Fax (801) 644-1600

**ORDINANCE NO. 97-34**

**AN ORDINANCE APPROVING AN AMENDMENT TO LOT 5 AND THE  
NORTHERLY 16' OF LOT 6, BLOCK 20 OF THE PARK CITY SURVEY AND  
ONE METES AND BOUND PARCEL KNOWN AS 158 MAIN STREET,  
PARK CITY, UTAH**

WHEREAS, the owners of the property known as 158 Main Street petitioned the City Council for approval of an amendment to the final plat; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing to receive input on the proposed amendment on June 25, 1997; and

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

WHEREAS, there is good cause for the revision as the reconfiguration does not adversely affect the development parameters for the site; and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat revision.

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

**SECTION 1.** The amendment to Park City Survey, Lot 5 and the northerly 16' of Lot 6, Block 20 and a metes and bound parcel, is approved as shown on the attached Exhibit A with the following findings, conclusions and conditions:

**Findings:**

1. The property is located in the HR-1 zoning district.
2. The plat amendment will combine the existing two parcels and one contiguous metes and bounds parcel into one lot.
3. A historic home exists on the site.
4. A utility easement with the Snyderville Sewer Improvement District exists on the rear of the metes and bounds parcel.

**Conclusions of Law:**

1. There is good cause for the amendment as the combination will allow for an addition to a historic home and will correct the legal description of the lots.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

**Conditions:**

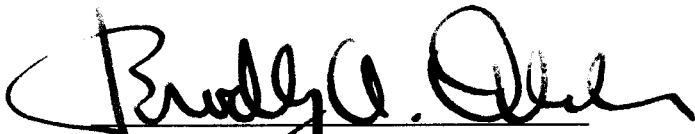
1. The City Attorney and City Engineer's approval of the subdivision for compliance with State law, the Land Management Code and these conditions of approval, is a condition precedent to plat recordation.
2. The utility easement as recorded 8/2/83, as entry No. 209044 in Book 268 at page 372, Summit County Recorder's Office with the Snyderville Sewer Improvement District shall be reflected on the plat.

3. The plat must be recorded prior to issuance of a final building permit for the historic structure on the site.
4. The plat must be recorded within one year of this approval or this approval is null and void.
5. No remnant portion of a lot or parcel created by this lot combination is a separately buildable lot.

SECTION 2. This ordinance shall take effect upon publication.

DATED this 31st day of July, 1997.

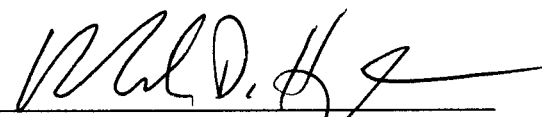
**PARK CITY MUNICIPAL CORPORATION**

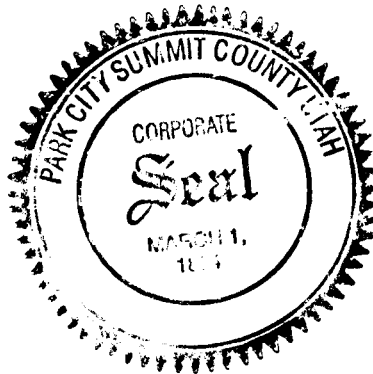
  
\_\_\_\_\_  
Bradley A. Olch, Mayor

ATTEST:

  
\_\_\_\_\_  
Jan Scott, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mark Harrington, Assistant City Attorney





**Ordinance No. 97-33**

**AN ORDINANCE AMENDING SECTION 11-13-2,  
ASSESSMENT AND CALCULATION OF IMPACT FEES,  
OF THE MUNICIPAL CODE OF PARK CITY, UTAH**

WHEREAS, during the 1996-97 Utah Legislative session, law-makers established new standards for collecting impact fees and terminated local authority to collect school facilities impact fees without specific authorization from the Legislature; and

WHEREAS, July, 1997 is the deadline established by the Utah Legislature for local entities to eliminate fees which no longer fit the criteria established by the Legislature; and

WHEREAS, last winter Park City commissioned Rosenthal and Associates to prepare a capital facilities plan and to perform an impact fee analysis to assess the proportionate share attributable to growth of the costs of capital facilities to maintain the current level of service in three authorized categories: parks, public safety and roads;

WHEREAS, the study is based on conservative assumptions regarding growth and capital facilities acquisition;

WHEREAS, the Council has further recommended that staff prepare a schedule of impact fees which fairly and clearly differentiate between fees for new construction activities and fees for significant additions to existing construction and which assess to growth 90% of the proportion costs of the capital facilities required by growth;

WHEREAS, the Council has reviewed administrative policies promulgated to create better community understanding of, and customer satisfaction with, the administration of impact fees;

WHEREAS, the Council conformed to and exceeded the statutory publication requirements for imposing impact fees and held a public hearing on the proposed impact fees on June 26 and again on July 3, 1997; and

WHEREAS, it is in the best interests of the citizens of Park City to impose impact fees for parks, public safety, and roads which fairly apportion the costs of those facilities required by growth;

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

**SECTION 1.** The City Council hereby adopts and herein incorporates the attached Five Year New Development Capital Facilities Plan and Impact Fee Analysis.

**SECTION 2. AMENDMENTS TO SECTION 11- 13-2 OF THE MUNICIPAL CODE OF PARK CITY, UTAH.** Section 11-13-2 of the Municipal Code is hereby amended to read as follows:

**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, Public Safety and Roads Impact Fees for New Construction:

<b>Development Type</b>	<b>Parks</b>	<b>Police</b>	<b>Roads</b>
<b>Single Family</b>			
Standard Unit (3001-5000 square feet)	\$3,855.00	\$445.00	\$315.00
Less than 3000 square feet	\$1,925.00	\$220.00	\$155.00
More than 5000 square feet	\$5,780.00	\$670.00	\$470.00
<b>Duplex and Multi Family</b>			
Standard Unit (2001-4000 square feet)	\$2,775.00	\$320.00	\$255.00
Less than 2000 square feet	\$1,400.00	\$165.00	\$145.00
More than 4000 square feet	\$4,285.00	\$495.00	\$435.00
<b>Hotel Room</b>			
Standard Unit (751-2000 square feet)	\$1,850.00	\$195.00	\$170.00
Less than 751 square feet	\$925.00	\$95.00	\$85.00
More than 2000 square feet	\$2,775.00	\$320.00	\$255.00
<b>Commercial</b> (per 1000 square feet)	\$0.00	\$460.00	\$405.00
<b>Light Industrial</b> (per 1000 square feet)	\$0.00	\$370.00	\$320.00

## (2) Parks, Public Safety and Roads Impact Fees for Additions to Existing Construction:

<b>Development Type</b>	<b>Parks</b>	<b>Police</b>	<b>Roads</b>
<b>Single Family</b>			
0-500 square feet	\$0.00	\$0.00	\$0.00
501-1500 square feet	\$480.00	\$55.00	\$35.00
1501-3000square feet	\$960.00	\$110.00	\$75.00
3001-5000 square feet	\$1,925.00	\$220.00	\$155.00
more than 5000 square feet	\$3,850.00	\$440.00	\$310.00
<b>Duplex and Multi Family</b>			
0-500 square feet	\$0.00	\$0.00	\$0.00
501-1000 square feet	\$350.00	\$40.00	\$35.00
1001-2000square feet	\$700.00	\$80.00	\$70.00
2001-4000 square feet	\$1,400.00	\$165.00	\$145.00
more than 4000 square feet	\$2,800.00	\$330.00	\$290.00
<b>Hotel Room</b>			
0-200 square feet	\$0.00	\$0.00	\$0.00
201-750 square feet	\$350.00	\$40.00	\$35.00
751-2000 square feet	\$700.00	\$80.00	\$70.00
more than 2000 square feet	\$1,400.00	\$165.00	\$145.00
<b>Commercial</b>	\$0.00	\$0.46/sf	\$0.40/sf
<b>Light Industrial</b>	\$0.00	\$0.37/sf	\$0.32/sf



(3) **Water Connection Impact Fee:** The sum of the applicable indoor and outdoor fees established as follows:

Size (sf)	Up to 1000	1001-1500	1501-3000	3001-4500	4501-6000	6000+
Bedrooms	2	3	4	5	6	7+
ERU	.50	.75	1.00	1.25	1.50	1.75
Charge	\$150	\$225	\$300	\$375	\$450	\$525

Indoor (Commercial) <sup>1</sup>	
USE	ERU
Industrial or warehousing	0.05 per 1000 sf
Laundry	1.05 per machine
Theater or auditorium	0.08 per 10 seats
Office	0.20 per 1000 sf
Restaurant	0.05 per seat
School	0.03 per occupant
Retail Shops	0.35 per 1000 sf
Service Commercial or large retail <sup>2</sup>	0.20 per 1000 sf
Hotel or motel	0.03 per room
Taverns or bars	0.03 per seat

Outdoor						
Irrigated Area (sf)	0-2000	2001-4000	4001-6000	6001-8000	8001-10000	10000+
Charge	\$70	\$210	\$350	\$490	\$630	\$630+x <sup>3</sup>

<sup>1</sup> Uses not in the commercial table shall be computed by the Public Works Director as follows: The Public Works Director shall estimate the annual indoor use in gallons; shall divide that number by 100,000 gallons; and shall round that quotient down to the nearest 0.05 ERU. (1 ERU = \$300.00)

<sup>2</sup> 10,000 sf or greater

<sup>3</sup> x=\$70.00 for each 1000 square feet of irrigated area over 10,000 square feet

(4) **Water Development Impact Fee:** The sum of the indoor and outdoor fees established as follows:

Indoor (Residential):						
Size (sf)	0-1000	1001-1500	1500-3000	3001-4500	4501-6000	6000+
Bedrooms	2	3	4	5	6	7+
ERU	.50	.75	1.00	1.25	1.50	1.75
Charge	\$850	\$1275	\$1700	\$2125	\$2550	\$3000

Indoor (Commercial) <sup>4</sup>	
USE	ERU
Industrial	0.05 per 1000 sf
Laundry	1.05 per machine
Theater or auditorium	0.08 per 10 seats
Office	0.20 per 1000 sf
Restaurant	0.05 per seat
School	0.03 per occupant
Retail Shops	0.35 per 1000 sf
Service Commercial or large retail <sup>5</sup>	0.20 per 1000 sf
hotel or motel	0.03 per room
Taverns or bars	0.03 per seat

Outdoor						
Irrigated Area (sf)	0-2000	2001-4000	4001-6000	6001-8000	8001-10000	10000+
Charge	\$400	\$1200	\$2000	\$2800	\$3600	\$3600+x <sup>6</sup>

<sup>4</sup> Uses not in the commercial table shall be computed by the Public Works Director as follows: The Public Works Director shall estimate the annual indoor use in gallons; shall divide that number by 100,000 gallons; and shall round that quotient down to the nearest 0.05 ERU. (1 ERU = \$1700.00)

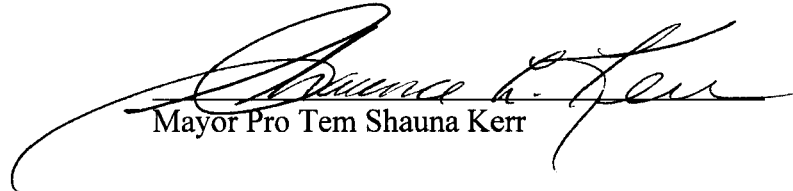
<sup>5</sup> 10,000 sf or greater

<sup>6</sup> x=\$400.00 for each 1000 square feet of irrigated area over 10,000 square feet

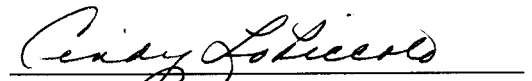
**SECTION 3. EFFECTIVE DATE.** This Ordinance shall take effect immediately.

PASSED AND ADOPTED this 3rd day of July, 1997

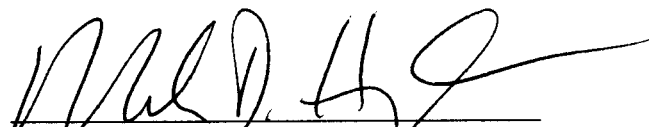
PARK CITY MUNICIPAL CORPORATION

  
Mayor Pro Tem Shauna Kerr

Attest:

  
Cindy LoPiccolo, Deputy City Recorder

Approved as to form:

  
Mark Harrington, Deputy City Attorney

---

Park City Municipal Corporation

Five Year New development  
Capital Facilities Plan  
and  
Impact Fee Analysis

Addendum:

**The Rate and Structure of Impact Fees**

June 17, 1997

which allows accessory rental units in many residential zones.

## **Criteria, Assumptions and Conclusions**

1. The floor area calculations are assumed to the *gross enclosed area under roof*. All buildings would be counted regardless of their intended use. For example, garages and enclosed decks would counted in the area calculation to determine the impact fee size category.
2. The fee calculation for commercial and light industrial is to the nearest 500 square feet always rounding down for new construction and to the nearest square foot for additions.
3. The fees apply to any building application certified complete after the effective date of the ordinance. The previous fee schedule would apply to any building application certified complete before July 1, 1997.
4. A hotel unit is any unit that is designed to be operated primarily for short-term occupancy regardless of ownership characteristics. The existence of a check-in/reception desk and facilities for housekeeping services are indications that the unit is designed to be operated primarily for short-term occupancy.
5. Fees are calculated conservatively:
  - All impact fees are reduced at least 10 percent from the calculated fees.
  - Impact fees are rounded down.
  - Multi-family fees are lowered to match hotel fees in some instances.
  - No impact fee is charged for small additions.
  - The Capital Facilities Plan recognizes other sources of revenue for capital projects such as grants and reduces the CFP Cost appropriately.
  - The fee calculation approach reduces the calculated fee for past and future contributions made by the owners of the property to capital facilities.

Proposed impact fee schedule are summarized on the following pages. Before these fees can take effect, the fee rates must be adopted by the City Council following a public hearing.

# Park City Impact Fee Analysis

*Figure 2, Intermediate Fee Schedule*

<b>Development Type</b>	<b>Parks</b>	<b>Police</b>	<b>Roads</b>	<b>Total</b>
<b>Single Family</b>				
Standard Unit (3001-5000 square feet)	\$3,855.60	\$447.30	\$315.00	\$4,617.90
Less than 3000 square feet	\$1,927.80	\$223.20	\$157.50	\$2,308.50
More than 5000 square feet	\$5,782.00	\$670.50	\$472.50	\$6,925.00
<b>Duplex and Multi Family</b>				
Standard Unit (2001-4000 square feet)	\$2,859.30	\$331.20	\$292.50	\$3,483.00
Less than 2000 square feet	\$1,403.10	\$165.60	\$145.80	\$1,714.50
More than 4000 square feet	\$4,289.40	\$497.70	\$438.30	\$5,225.40
<b>Hotel Room</b>				
Standard Unit (751-2000 square feet)	\$1,853.10	\$196.20	\$171.90	\$2,221.20
Less than 751 square feet	\$926.10	\$98.10	\$86.40	\$1,110.60
More than 2000 square feet	\$2,779.20	\$322.20	\$258.30	\$3,359.70
<b>Commercial (per 1000 square feet)</b>	\$0.00	\$463.50	\$408.60	\$872.10
<b>Light Industrial (per 1000 square feet)</b>	\$0.00	\$373.50	\$324.00	\$697.50

# Park City Impact Fee Analysis

*Figure 4, Calculated Fee Schedule For Additions*

Development Type	Parks	Police	Roads	Total
<b>Single Family</b>				
0-500 square feet	\$0.00	\$0.00	\$0.00	\$0.00
501-1500 square feet	\$535.00	\$62.00	\$43.00	\$640.00
1501-3000square feet	\$1,071.00	\$124.00	\$87.00	\$1,282.00
3001-5000 square feet	\$2,142.00	\$248.00	\$175.00	\$2,565.00
more than 5000 square feet	\$4,284.00	\$497.00	\$350.00	\$5,131.00
<b>Duplex and Multi Family</b>				
0-500 square feet	\$0.00	\$0.00	\$0.00	\$0.00
501-1000 square feet	\$397.25	\$46.00	\$40.50	\$483.75
1001-2000square feet	\$794.50	\$92.00	\$81.00	\$967.50
2001-4000 square feet	\$1,589.00	\$184.00	\$162.00	\$1,935.00
more than 4000 square feet	\$3,177.00	\$368.00	\$324.00	\$3,869.00
<b>Hotel Room</b>				
0-200 square feet	\$0.00	\$0.00	\$0.00	\$0.00
201-750 square feet	\$514.50	\$59.50	\$48.00	\$622.00
751-2000square feet	\$1,029.00	\$119.00	\$96.00	\$1,244.00
more than 2000 square feet	\$2,058.00	\$238.00	\$192.00	\$2,488.00
<b>Commercial</b>	\$0.00	\$0.51/sf	\$0.45/sf	NA
<b>Light Industrial</b>	\$0.00	\$0.41/sf	\$0.36/sf	NA

# Park City Impact Fee Analysis

*Figure 6, Actual Fee Schedule For Additions*

<b>Development Type</b>	<b>Parks</b>	<b>Police</b>	<b>Roads</b>	<b>Total</b>
<b>Single Family</b>				
0-500 square feet	\$0.00	\$0.00	\$0.00	\$0.00
501-1500 square feet	\$480.00	\$55.00	\$35.00	\$570.00
1501-3000square feet	\$960.00	\$110.00	\$75.00	\$1,145.00
3001-5000 square feet	\$1,925.00	\$220.00	\$155.00	\$2,300.00
more than 5000 square feet	\$3,855.00	\$445.00	\$315.00	\$4,615.00
<b>Duplex and Multi Family</b>				
0-500 square feet	\$0.00	\$0.00	\$0.00	\$0.00
501-1000 square feet	\$355.00	\$40.00	\$35.00	\$430.00
1001-2000square feet	\$715.00	\$80.00	\$70.00	\$865.00
2001-4000 square feet	\$1,430.00	\$165.00	\$145.00	\$1,740.00
more than 4000 square feet	\$2,800.00	\$330.00	\$290.00	\$3,420.00
<b>Hotel Room</b>				
0-200 square feet	\$0.00	\$0.00	\$0.00	\$0.00
201-750 square feet	\$355.00	\$40.00	\$35.00	\$430.00
751-2000square feet	\$715.00	\$80.00	\$70.00	\$865.00
more than 2000 square feet	\$1,430.00	\$165.00	\$145.00	\$1,740.00
<b>Commercial</b>	\$0.00	\$0.46/sf	\$0.40/sf	NA
<b>Light Industrial</b>	\$0.00	\$0.37/sf	\$0.32/sf	NA



Ordinance No. 97-

AN ORDINANCE AMENDING SECTION 11-13-2.  
ASSESSMENT AND CALCULATION OF IMPACT FEES.  
OF THE MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, during the 1996-97 Utah Legislative session, law-makers established new standards for collecting impact fees and terminated local authority to collect school facilities impact fees without specific authorization from the Legislature; and

WHEREAS, July, 1997 is the deadline established by the Utah Legislature for local entities to eliminate fees which no longer fit the criteria established by the Legislature; and

WHEREAS, last winter Park City commissioned Rosenthal and Associates to prepare a capital facilities plan and to perform an impact fee analysis to assess the proportionate share attributable to growth of the costs of capital facilities to maintain the current level of service in three authorized categories: parks, public safety and roads;

WHEREAS, the study is based on conservative assumptions regarding growth and capital facilities acquisition;

WHEREAS, the Council has further recommended that staff prepare a schedule of impact fees which fairly and clearly differentiate between fees for new construction activities and fees for significant additions to existing construction and which assess to growth 90% of the proportion costs of the capital facilities required by growth;

WHEREAS, the Council has reviewed administrative policies promulgated to create better community understanding of, and customer satisfaction with, the administration of impact fees;

WHEREAS, the Council conformed to and exceeded the statutory publication requirements for imposing impact fees and held a public hearing on the proposed impact fees on June 26 and again on July 3, 1997; and

WHEREAS, it is in the best interests of the citizens of Park City to impose impact fees for parks, public safety, and roads which fairly apportion the costs of those facilities required by growth;

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

**SECTION 1.** The City Council hereby adopts and herein incorporates the attached Five Year New Development Capital Facilities Plan and Impact Fee Analysis.

SECTION 2. AMENDMENTS TO SECTION 11-13-2 OF THE MUNICIPAL CODE OF PARK CITY, UTAH. Section 11-13-2 of the Municipal Code is hereby amended to read as follows:

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.~~

(1) Parks, Public Safety and Roads Impact Fees for New Construction:

*New*

Development Type	Parks	Police	Roads
<b>Single Family</b>			
Standard Unit (3001-5000 square feet)	\$3,855.00	\$445.00	\$315.00
Less than 3000 square feet	\$1,925.00	\$220.00	\$155.00
More than 5000 square feet	\$5,780.00	\$670.00	\$470.00
<b>Duplex and Multi Family</b>			
Standard Unit (2001-4000 square feet)	\$2,775.00	\$320.00	\$255.00
Less than 2000 square feet	\$1,400.00	\$165.00	\$145.00
More than 4000 square feet	\$4,285.00	\$495.00	\$435.00
<b>Hotel Room</b>			
Standard Unit (751-2000 square feet)	\$1,850.00	\$195.00	\$170.00
Less than 751 square feet	\$925.00	\$95.00	\$85.00
More than 2000 square feet	\$2,775.00	\$320.00	\$255.00
<b>Commercial</b> (per 1000 square feet)	\$0.00	\$460.00	\$405.00
<b>Light Industrial</b> (per 1000 square feet)	\$0.00	\$370.00	\$320.00

*new*

(2) Parks, Public Safety and Roads Impact Fees for Additions to Existing Construction:

Development Type	Parks	Police	Roads
<b>Single Family</b>			
0-500 square feet	\$0.00	\$0.00	\$0.00
501-1500 square feet	\$480.00	\$55.00	\$35.00
1501-3000square feet	\$960.00	\$110.00	\$75.00
3001-5000 square feet	\$1,925.00	\$220.00	\$155.00
more than 5000 square feet	\$3,850.00	\$440.00	\$310.00
<b>Duplex and Multi Family</b>			
0-500 square feet	\$0.00	\$0.00	\$0.00
501-1000 square feet	\$350.00	\$40.00	\$35.00
1001-2000square feet	\$700.00	\$80.00	\$70.00
2001-4000 square feet	\$1,400.00	\$165.00	\$145.00
more than 4000 square feet	\$2,800.00	\$330.00	\$290.00
<b>Hotel Room</b>			
0-200 square feet	\$0.00	\$0.00	\$0.00
201-750 square feet	\$350.00	\$40.00	\$35.00
751-2000square feet	\$700.00	\$80.00	\$70.00
more than 2000 square feet	\$1,400.00	\$165.00	\$145.00
<b>Commercial</b>	\$0.00	\$0.46/sf	\$0.40/sf
<b>Eight Industrial</b>	\$0.00	\$0.37/sf	\$0.32/sf

(+) (3) **Water Connection Impact Fee:** The sum of the applicable indoor and outdoor fees established as follows:

Size (sf)	Up to 1000	1001-1500	1501-3000	3001-4500	4501-6000	6000-
Bedrooms	2	3	4	5	6	7+
ERU	.50	.75	1.00	1.25	1.50	1.75
Charge	\$150	\$225	\$300	\$375	\$450	\$525

Indoor (Commercial)<sup>1</sup>

USE	ERU
Industrial or warehousing	0.05 per 1000 sf
Laundry	1.05 per machine
Theater or auditorium	0.08 per 10 seats
Office	0.20 per 1000 sf
Restaurant	0.05 per seat
School	0.03 per occupant
Retail Shops	0.35 per 1000 sf
Service Commercial or large retail <sup>2</sup>	0.20 per 1000 sf
Hotel or motel	0.03 per room
Taverns or bars	0.03 per seat

Outdoor

Irrigated Area (sf)	0-2000	2001-4000	4001-6000	6001-8000	8001-10000	10000+
Charge	\$70	\$210	\$350	\$490	\$630	\$630+x <sup>3</sup>

<sup>1</sup> Uses not in the commercial table shall be computed by the Public Works Director as follows: The Public Works Director shall estimate the annual indoor use in gallons; shall divide that number by 100,000 gallons; and shall round that quotient down to the nearest 0.05 ERU. (1 ERU = \$300.00)

<sup>2</sup> 10,000 sf or greater

<sup>3</sup> x=\$70.00 for each 1000 square feet of irrigated area over 10,000 square feet

(6) (4) **Water Development Impact Fee:** The sum of the indoor and outdoor fees established as follows:

Indoor (Residential):						
Size (sf)	0-1000	1001-1500	1500-3000	3001-4500	4501-6000	6000+
Bedrooms	2	3	4	5	6	7+
ERU	.50	.75	1.00	1.25	1.50	1.75
Charge	\$850	\$1275	\$1700	\$2125	\$2550	\$3000

Indoor (Commercial) <sup>4</sup>	
USE	ERU
Industrial	0.05 per 1000 sf
Laundry	1.05 per machine
Theater or auditorium	0.08 per 10 seats
Office	0.20 per 1000 sf
Restaurant	0.05 per seat
School	0.03 per occupant
Retail Shops	0.35 per 1000 sf
Service Commercial or large retail <sup>5</sup>	0.20 per 1000 sf
hotel or motel	0.03 per room
Taverns or bars	0.03 per seat

Outdoor						
Irrigated Area (sf)	0-2000	2001-4000	4001-6000	6001-8000	8001-10000	10000+
Charge	\$400	\$1200	\$2000	\$2800	\$3600	\$3600+x <sup>6</sup>

<sup>4</sup> Uses not in the commercial table shall be computed by the Public Works Director as follows: The Public Works Director shall estimate the annual indoor use in gallons; shall divide that number by 100,000 gallons; and shall round that quotient down to the nearest 0.05 ERU. (1 ERU = \$1700.00)

<sup>5</sup> 10,000 sf or greater

<sup>6</sup> x=\$400.00 for each 1000 square feet of irrigated area over 10,000 square feet

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect immediately.

PASSED AND ADOPTED this 3rd day of July, 1997

PARK CITY MUNICIPAL CORPORATION

SS/ORIGINAL SIGNED

\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

SS/ORIGINAL SIGNED

\_\_\_\_\_  
Jan Scott, City Recorder

Approved as to form:

SS/ORIGINAL SIGNED

\_\_\_\_\_  
Jodi Hoffman, City Attorney

**Ordinance No. 97-32**

**AN ORDINANCE ENACTING CHAPTER 13 TITLE 4 OF  
THE MUNICIPAL CODE OF PARK CITY RELATING TO THE  
IMPOSITION OF A MUNICIPAL ENERGY SALES AND USE  
TAX TO REPLACE THE UTILITY FRANCHISE LICENSE TAX,  
AND AMENDING CHAPTER 10 TITLE 4 OF THE  
MUNICIPAL CODE RELATING TO SUCH TAXES**

**WHEREAS**, it is the intent of Park City Municipal Corporation to provide both a stable revenue source and create a more competitive environment for the energy industry by repealing its utility franchise license tax as applied to energy suppliers Municipal Code of Park City §4-10-2 and adopting the municipal energy tax pursuant to, and in conformance with, Utah Code Ann. §10-1-301 et seq. "The Municipal Energy Sales and Use Tax Act"; and

**WHEREAS**, a public hearing was held on June 12, 1997; and

**WHEREAS**, the following ordinance is deemed by the City Council to be in the best interest of the residents of Park City;

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

**SECTION I. Adoption.** Chapter 13, Title 4 of the Municipal Code of Park City is hereby enacted as follows:

**4-13-1 DEFINITIONS.**

Those definitions contained under Utah Code Ann. §10-1-303, as amended, are hereby incorporated by reference.

**4-13-2 TAX IMPOSED.**

There is imposed on every sale or use of taxable energy made within Park City Municipal Corporation a tax of six percent (6%) of the delivered value of taxable energy to the consumer.

**4-13-3 EXEMPTIONS FROM THE TAX.**

No tax under this ordinance is imposed on the sale or use of taxable energy which is exempt from taxation pursuant to Utah Code Ann. §10-1-305 or its successor sections, which are incorporated by reference herein.

#### **4-13-4 NO EFFECT ON EXISTING FRANCHISE AGREEMENTS; TAX CREDITS.**

There is allowed a credit against the tax due under this ordinance for any contractual franchise fee paid where:

- a. the taxpayer's energy supplier pays a contractual franchise fee to Park City Municipal Corporation pursuant to a franchise agreement in effect on July 1, 1997;
- b. the contractual franchise is passed through by the energy supplier to the taxpayer as a separately itemized charge; and
- c. the energy supplier has accepted the franchise.

#### **4-13-5 TAX COLLECTION.**

This ordinance incorporates by reference the tax collection provisions of the Title 59, Chapter 12, Par. 1, Tax Collection, and any amendments thereto, for the purpose of levying and collecting the tax imposed by this ordinance. The Finance Director is hereby authorized to contract, in a form approved by the City Attorney, with the State Tax Commission effective July 1, 1997 and thereafter, to have the Commission perform all functions relative to administration or operation of this ordinance, except an energy supplier which estimates that the municipal energy sales and use tax collected annually by it from its Utah customers equals \$1 million or more shall pay the tax imposed by this ordinance directly to Park City Municipal Corporation. In such case, the energy supplier may retain that percentage of the tax authorized under Subsection 59-12-108(3) for the energy supplier's costs of collecting and remitting the tax. The energy supplier shall remit the tax no later than 45 days after the end of the month in which the tax was collected.

**SECTION II.**        **Amendment.** Chapter 10, Title 4 of the Municipal Code of Park City is hereby amended as follows:

### **CHAPTER 10 - FRANCHISED UTILITIES AND CABLE TELEVISION OPERATORS**

#### **4-10-1.        BUSINESS LICENSE REQUIRED.**

All franchised utilities and cable television operators must obtain from the city a license to do business within the city. It shall be unlawful for a franchised utility or cable television operator to conduct business in Park City without a license.



#### **4-10-2. LICENSE TAX.**

There is hereby imposed on all franchised utilities, except "Energy Suppliers" taxed pursuant to Chapter 13, Title 4, and cable television operators who conduct business within the city a license tax. The license tax shall be three and one-half percent (3.5%) of the gross revenue of the franchised utilities or cable television operator derived from the sale of its service or product within Park City's corporate limits. For purposes of this chapter, gross revenue shall include all revenue generated from the sale of the franchisee's product or service. The franchise fee imposed by other ordinances as a consideration for granting the franchises shall be excluded from the gross revenue.

#### **4-10-3. EXCLUSIONS.**

This gross revenue tax shall not apply to "Energy Suppliers" taxed pursuant to Chapter 13, Title 4, or revenue derived from the sale of household appliances by a franchisee, service of appliances, or to the sale or rental of telephone switching equipment not included in "exchange access service".

#### **4-10-4. SCOPE OF TELEPHONE AND TELECOMMUNICATION SERVICES.**

For the purpose of determining gross revenue in accordance with Section 4-9-2 for telephone and telecommunication service, the following will apply:

"Telephone service" means those services which may lawfully be taxed under the provisions of U.C.A. § 11-26-1 (1993), or any successor provision, including: 1) exchange access service; 2) extended area service; 3) customer access line charges; and 4) any service for which a tax or other charges was being paid pursuant to Utah Code Section 11-26-1, this chapter or previous applicable ordinances as of January 1, 1992.

However, with respect to customer access line charges for Centron/Centrex services, the tax shall be applied on a trunk equivalency basis or as though Centron/Centrex network access registers were PBX trunks on which customer access line charges would be assessed.

"Telephone service" does not include any customer access line charge or extended area service that is provided as part of the Utah Low Income Assistance Program as set forth in the "Lifeline" Rule of the Utah Public Service Commission.

"Exchange access service" means telephone exchange lines or channels, and services provided in connection with them, which are necessary to provide access from the premises of a subscriber to the local switched public telecommunications network of the public utility to effect communication or the transfer of information. "Exchange access service" does not include (1) private line service; (2) long distance toll service; (3) carrier access service; (4) telephone services that are not regulated by the Utah Public Service Commission; and (5) services that emulate functions available in customer premises equipment.

**4-10-5. PAYMENT OF TAX.**

The license tax is payable in monthly installments which shall be due on or before the fifteenth (15th) day of the month following the billing cycle of the utility or cable television operator. The tax shall be paid on the basis of the preceding month's actual collections. A service charge of one and a half percent (1.5%) per month of the total amount due may be imposed on late payments.

**4-10-6. PENALTY.**

The operation of a franchised utility or cable television business within Park City without paying the required tax shall be a Class "B" misdemeanor punishable by a fine of not more than two hundred and ninety-nine dollars for each day of each violation and imprisonment of the corporate officials responsible for the violation for not more than six months in the County jail for each day of each violation. These criminal penalties are in addition to, and not in lieu of a civil action to recover the license tax due, or a civil action to terminate the franchise. Each connection to the utility or cable television system through which service is provided by the franchisee is hereby deemed a separate transaction or sale, and each such sale, while unlicensed, shall constitute a separate violation.

**4-10-7. TAX ON THE GROSS REVENUES OF BUSINESSES IN COMPETITION WITH UTILITIES.**

Tax levied. There is hereby levied on the business of every person or company engaged in the business within this city, of supplying telephone services, gas, electric energy in competition with any public utility, an annual license tax based on the revenue derived from the sale and use of the service or equipment of such business from users located with the city limits of Park City.

(A) **DEFINITIONS.** As used in this Section:

(1) "In competition with public utilities" - to trade in products or services within the same market as a public utility taxed pursuant to §4-10-2.

(2) "Gross revenue" - all revenue generated from the sale of the person's product or service within Park City's corporate limits. Telephone and telecommunication services shall be treated the same as in § 4-10-4.

(3) Public utility service - the sale and use of electrical power and energy, natural gas and local exchange telephone services.

(B) **AMOUNT OF TAX.** The amount of the annual license tax hereby levied shall be equal to three and one-half percent of the gross revenue derived from the sale of services or equipment of all businesses in competition with public utilities from users located within Park City.

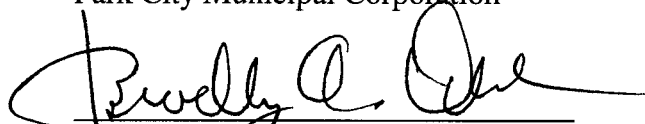
(C) **REPORTS AND PAYMENT OF TAX.** Within forty-five days after the close of each

quarter in a calendar year, businesses in competition with public utilities shall file with the City Treasurer a report of its gross revenues derived from the sale and use of services and equipment which is in competition with the use of services and equipment provided by public utilities and taxed by the City. The report shall also contain a computation of the amount of the tax due the City. The business taxed pursuant to this ordinance shall be paid to the City Treasurer in the amount due at the same time the report is filed.

**SECTION III. EFFECTIVE DATE.** This ordinance shall become effective upon June 30, 1997. The tax imposed in Section I herein is effective July 1, 1997, and thereafter.

PASSED AND ADOPTED this 26th day of June, 1997.


Park City Municipal Corporation

  
Bradley A. Olson, Mayor

Attestation by:

  
Janet M. Scott, City Recorder

Approved as to Form:

  
Mark D. Harrington, Asst. City Attorney



**Ordinance No. 97-31**

**AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR LOT 2 OF NORTH SILVER LAKE SUBDIVISION AT DEER VALLEY, A UTAH CORPORATION PROJECT LOCATED AT NORTH SILVER LAKE OF LOT 2 AMENDED DEER VALLEY MASTER PLANNED DEVELOPMENT, PARK CITY, UTAH**

WHEREAS, the owners, BellCorp, a Utah Corporation, of the property at Lot 2 of North Silver Lake Subdivision, Park City, Utah and to be known as Bellemont Subdivision at North Silver Lake, 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 14, 1997 the Planning Commission held a public hearing to receive public input on the proposed Subdivision plat 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 subdivision plat subdivides Lot 2 into four parcels of record;

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. FINDINGS OF FACT.** The above recitals are hereby incorporated as findings of fact.

1. The subdivision of Lot 2 into 4 lots of record, to correspond with the four remaining development parcels of the North Silver Lake MPD.
2. A financial guarantee for all public improvements including utilities, trails, and landscaping 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.

3. On May 14, 1997 the Planning Commission held a public hearing and voted to forward a positive recommendation to City Council to approve the final subdivision plat to subdivide Lot 2 into four parcels of record.
4. The proposal is consistent with both Park City Land Management Code and State Subdivision requirements.
5. 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 subdivision plat.
2. Neither the public nor any person will be materially injured by the proposed subdivision plat.
3. Approval of the subdivision plat, subject to the conditions of approval, does not adversely affect the health, safety and welfare of the citizens of Park City.
4. The subdivision plat is consistent with Chapter 5 of the Park City Land Management Code and applicable State Subdivision Requirements.
5. The subdivision plat is consistent with the Planning Commission approval of May 14, 1997 for the North Silver Lake MPD and the April 14, 1993 Deer Valley 7th amended MPD.

**SECTION 3. PLAT APPROVAL.** The subdivision plat, known as the Bellemont Subdivision at Lot 2, North Silver Lake, is hereby approved as shown on Exhibit A, with the following conditions:

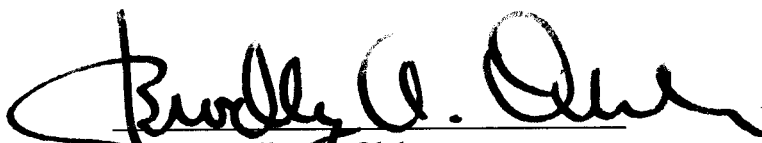
1. The City Attorney and City Engineer's review and approval of the final form and content of the plat and the Conditions, Covenants, and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the plat.
2. All conditions of approval, including conditions of approval for the Bellemont Subdivision MPD shall apply.
3. All Standard Project Conditions shall apply.

4. A financial guarantee in an amount acceptable to the City Engineer, for the value of all public improvements including utilities, trails, and landscaping 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.
5. The final subdivision 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 time frame, this approval and the plat shall be considered null and void.

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

PASSED AND ADOPTED this 26th day of June, 1997.


PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, Assistant City Attorney



**Ordinance No. 97-30**

**AN ORDINANCE APPROVING THE FINAL SUBDIVISION PLAT  
FOR SANDSTONE COVE LOCATED IN  
PARK CITY, UTAH**

WHEREAS, Sandstone Cove was recently annexed to Park City by recordation of an Annexation Plat and associated Annexation Agreement which outlined acceptable development parameters on the property; and

WHEREAS, the applicant is now requesting final plat approval consistent with that annexation; and

WHEREAS, a properly noticed public hearing was held before the Planning Commission on June 11, 1997 and the Planning Commission forwarded a positive recommendation to the City Council at that time; and

WHEREAS, the plat is consistent with the terms of the MPD Approval and Annexation Agreement for Sandstone Cove;

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

**SECTION 1. FINDINGS OF FACT.**

1. The Sandstone Cove MPD and sketch plat was approved by the Planning Commission and the Sandstone Cove annexation was approved by the City Council subject to an Annexation Agreement, and the proposed final plat, as conditioned, is consistent with those approvals.
2. The subdivision is located on a visually sensitive hillside and analysis has been done to minimize the negative visual impacts as required by the Park City Sensitive Lands Ordinance.
3. The subdivision is located on a visually sensitive hillside which is difficult to access with two points of access that special design criteria are necessary to meet required Fire Codes.
4. The applicant and the City have negotiated, through the Annexation Process, that the applicant is required to construct an additional water tank and appurtenances to serve this subdivision and has an obligation to provide water rights.
5. Water consumption is a growing concern in Park City and conservation measures are vital to address those concerns.



- 6. The project will create a demand for additional employees in Park City and the City’s Annexation Policy allows for an exaction to offset that demand.
- 7. The Sandstone Cove Property includes some significant visual open space that is being preserved through the terms of the Annexation and the conditions of this subdivision approval.
- 8. The applicant has reviewed and stipulated to the conditions of approval.

**SECTION 2. CONCLUSIONS OF LAW.**

- 1. The final plat, as conditioned, is consistent with the Park City Land Management Code and Annexation Agreement for Sandstone Cove.
- 2. The size and configuration of the parcels and resulting homes are consistent with adjacent developments.
- 3. House size limitations, limits of disturbance and building height restrictions are necessary for compliance with the Park City Sensitive Lands Ordinance.
- 4. Special subdivision and dwelling design conditions are necessary to provide adequate fire protection.
- 5. The final plat, as conditioned, will not be detrimental to the health, safety and general welfare of the citizens of Park City and is consistent with Chapter 15 of the Land Management Code.

**SECTION 3. CONDITIONS OF APPROVAL.**

- 1. **Trails.** The developer shall dedicate a trail easement to the City in a location approved by staff, consistent with the Annexation Agreement and Trails Master Plan. The trail will connect Sandstone Cove to both Eagle Pointe and to Mountain Ridge and shall be put it at the expense of the developer. When practical, a 50 foot easement will be dedicated to accommodate the trail. The trail will be a back country, soft surface trail which shall be located within the easement so as to avoid significant vegetation and minimize necessary grading. Final field location of the trail and specifications for construction shall be approved by the City prior to construction commencing on the public improvements for the subdivision. Some trail connection will be required to be maintained throughout construction of the subdivision and during construction on individual home sites.
- 2. **Open Space.** Sandstone Cove shall feature an expanse of open space as shown on Exhibits A and B of the Annexation Agreement which shall be preserved as follows:

A. City Ownership. Petitioners shall transfer by statutory warranty deed satisfactory to the City approximately 30.52 acres of Sandstone Cove to the City in fee simple (the City Open Space parcel) prior to or concurrent with recordation of the final plat. The City Open Space Parcel is more accurately described and depicted as Parcel 1 on Exhibit A of the Annexation Agreement and is zoned ROS.

B. Use Restrictions and Preservation. The remainder of the property zoned ROS within Sandstone Cove (the Private Open Space) shall be subject to deed restrictions, in addition to the ROS zoning, which will ensure the perpetual preservation of the open space and shall restrict the uses of the Private Open Space Parcel (including a restriction on fencing). The use restrictions shall be drafted and recorded to the satisfaction of the City and shall be included on the final plat prior to recordation. Sandstone Cove CC&R's shall further restrict the use of the Private Open Space.

C. Maintenance. Open space shall be maintained by the entity holding fee title to the property.

3. Fire Prevention Measures. Because of the Petitioners' inability to provide two points of emergency access, the Petitioner agrees to implement the following mitigation plan for each dwelling unit, all to the reasonable satisfaction of the Fire Marshall:

a) Exterior building materials shall be constructed of flame retardant or non-combustible materials;

b) All structures shall have exterior and interior fire sprinklers;

c) No wood burning devices (interior or exterior);

d) All structures shall be surrounded by defensible space which includes a primary zone of twenty-five feet from the structure in which plant materials must be irrigated and a secondary zone of an additional fifty feet in which dead or unhealthy plant material must be cleared at all times; and

e) Adequate fire flow for this project supplied by a new underground 250,000 gallon water tank, easements, and appurtenances all dedicated on site, at the elevation of approximately 7200 feet.

Items 3(a) through (d), inclusive, shall be shown on the final plat.

4. Affordable Housing. The Petitioner shall convey to the City 1 unit of affordable housing, or, at the discretion of the City, shall pay a fee in lieu of its obligation to construct 1.6 units of affordable housing (on site) in an amount that is consistent with City policy at the time

the Final Plat is approved. If the City chooses to accept a fee in lieu of its affordable housing obligation, the Petitioner agrees to pay such fee prior to final plat recordation.

5. **Construction Staging.** Submission and approval of a construction staging and mitigation plan is a condition precedent to approval of any building permits.
6. **Roads and Road Design.** All streets, roads and trails within Sandstone Cove shall be public and public access may not be obstructed without the prior approval of the City. Sandstone Cove is benefitted by road improvements scheduled for completion in the Eagle Pointe Subdivision. The developer has entered into and shall honor a proportionate share reimbursement for road and sewer improvements with the developer of the Eagle Pointe Subdivision. The City recognizes that there will be an above-ground water pump station in an island in the middle of the road. That pump station will be required to meet the lighting and design standards for the subdivision.
7. **Dedication of Water Rights. Dedication of Water Rights.** Prior to, or concurrent with, final plat recordation, the developer shall dedicate to the City adequate water rights for the development and such additional water rights as are necessary to achieve the equivalent of 100% conversion of 22.77 acre feet of Weber River Decreed Right #450 and 1.23 acre feet of Weber River Decreed Right #437 (priority of 1875 or earlier, from a source with an equivalent low flow volume right). The Petitioner, with the cooperation of the City, shall undertake the burden and expense of converting the dedicated water rights to the City's year-round municipal use and for changing the points of diversion, type of use, and place of use of those rights to the City's Park Meadows and Treasure Mountain Middle School Wells or as designated by Park City, at its sole discretion. Petitioner shall be responsible for the administrative and legal expenses incurred in making such changes.

Formal State Engineer approval of the change of 100% of the equivalent of 22.77 acre feet of Weber River Decreed Right #450 and 1.23 acre feet of Weber River Decreed Right #437 (as described above) to the City's Park Meadows and TMMS Wells would constitute full satisfaction of the water development fees the City would otherwise collect from the owners of lots within the annexed area at the time of building permits. However, State Engineer approval of this Change Application could take a long time, and is not likely to occur before Sandstone Cove lot owners would like to connect to the City's water system. Therefore, Park City will collect all normal water development fees from Sandstone Cove lot owners as the lots develop. When the State Engineer approves the Petitioners' conversion of a 100% of 24 acre feet of water rights as described above, the City will reimburse to Black Diamond Partnership the actual water development fees the City has collected from lot owners within Sandstone Cove.

8. **Water Connection and Other Water System Costs.** The developer shall construct and dedicate a 250,000 gallon water tank and all necessary easements and appurtenances including an above-ground pump station at a site and to specifications approved by the City Engineer. Upon completion of the tank, easements and appurtenances all to the satisfaction of the City Engineer, the developer shall dedicate the easements and water facilities to the City. As each building permit is obtained for each dwelling unit within the subdivision, the lot owner shall pay the Park City Water Connection fees as provided by the Park City ordinance in effect at the time of application for building permits. The parties agree that no Sandstone Cove lot owner shall be entitled to an offset (in whole or in part) of the Park City Water Connection Fee as a result of the Petitioner's successful completion of this condition. Exterior maintenance of the above-ground pump station will be the responsibility of the property owners in the subdivision.
9. **Fencing.** All fencing is prohibited within the ROS Zone. Fencing of the perimeter of any lot, or of the entire Estate Zone within a lot, is prohibited. Within the Estate Zone of a lot, certain limited fencing to prevent trespass, protect children, control animals, and/or enhance the landscape plan may be permitted.
10. **Home Size Limitation.** Home sizes shall be limited as follows:
- 6,000 sq ft on the 2 parcels from .5 to 1.0 acres
  - 7,000 sq ft on the 6 parcels from 1.0 to 2.0
  - 8,500 sq ft on the 8 parcels in excess of 2.0 acres
11. **Building Height** Limitation. Dwellings built on Lots #2, #3, #4, #12, #13 and #14 may have limited visual impacts on abutting Lots and off-site neighbors. To minimize any such impacts, the Declarant seeks to suppress roof heights, to lengthen and vary building elevations to reflect the gentle, underlying topography, and to require substantial landscaping on the most visible elevations. Dwellings to be built on these specified Lots shall conform to the following special requirements:
- (a) **Maximum Height.** The maximum dwelling height shall be twenty-five (25) feet above natural grade. All relevant definitions and the manner of measurement shall be as set forth in Park City's Land Management Code.
  - (b) **Maximum Ridgeline.** The maximum height of a dwelling's ridgeline shall be thirty (30) feet. No more than fifty (50) percent of the dwelling's total ridgeline measurement shall be at or within three (3) feet of this height. All relevant definitions and the manner of measurement shall be as set forth in Park City's Land Management Code.
  - (c) **Maximum Upper Floor Area.** The area of a top or intermediate floor template shall not exceed 50% of area of the floor template directly beneath it.

12. **Architectural Specifications.**

(a) **Limits on Other Floor Areas.** The floor area template directly above the lowest floor level template, shall not exceed 85% of the area of the floor template directly beneath it, whether such lowest floor level template is finished, unfinished, or crawl space.

(b) **Garage Loft Space.** Loft-space above a garage may be developed as living space provided that such development shall not result in raising of the garage exterior wall height or eave line above that necessary to contain the actual garage area volume.

(c) **Maximum Exterior Wall Height.** No exterior wall may exceed 23' in height when measured from the eave overhang line to the lesser in elevations of either natural grade or finished grade.

(d) **Maximum Exterior Wall Length.** No single, continuous exterior wall plane shall measure more than thirty (30) feet in length before a change in depth of at least three (3) feet.

(e) **Maximum Garage Door Wall Length.** No single or continuous exterior wall plane containing one or more garage doors shall measure more than twenty-four (24) feet in length before a change in depth of at least three (3) feet.

13. **Impact and Building Fees.** Sandstone Cove lot owners shall pay all generally-applicable impact, building permit, and plan check fees due for construction on the annexed land at the time of application for building permits.

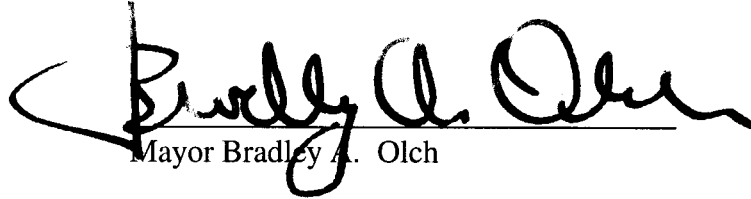
14. **Acceptance of Public Improvements.** Petitioner shall offer to Park City title to roads, water tank, storm drainage improvements, easements and appurtenances, upon Petitioner's fulfillment of all Code requirements and Park City's final approval of the infrastructure construction.

15. **Snow Removal and Storage.** Park City is not obligated to remove snow from public streets within Sandstone Cove until 50% (8 out of the 16 lots) have been improved by the construction of houses on those lots as evidenced by Park City's issuance of a minimum of eight (8) certificates of occupancy for dwelling units within Sandstone Cove. Since Sandstone Cove is being accessed from a subdivision (Eagle Pointe Phase I and II) which is under construction, the City will not be obligated to provide snow removal to Sandstone Cove until snow removal is provided to Eagle Pointe.

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

PASSED AND ADOPTED this 26th day of June, 1997.

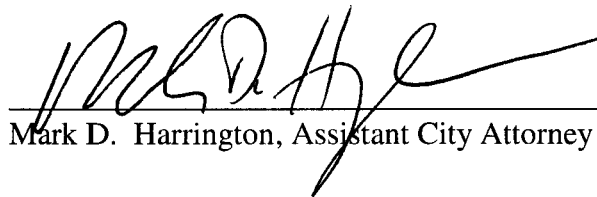
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved As to Form:

  
\_\_\_\_\_  
Mark D. Harrington, Assistant City Attorney



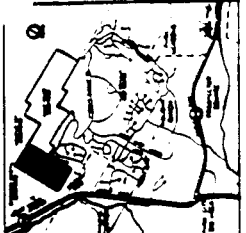
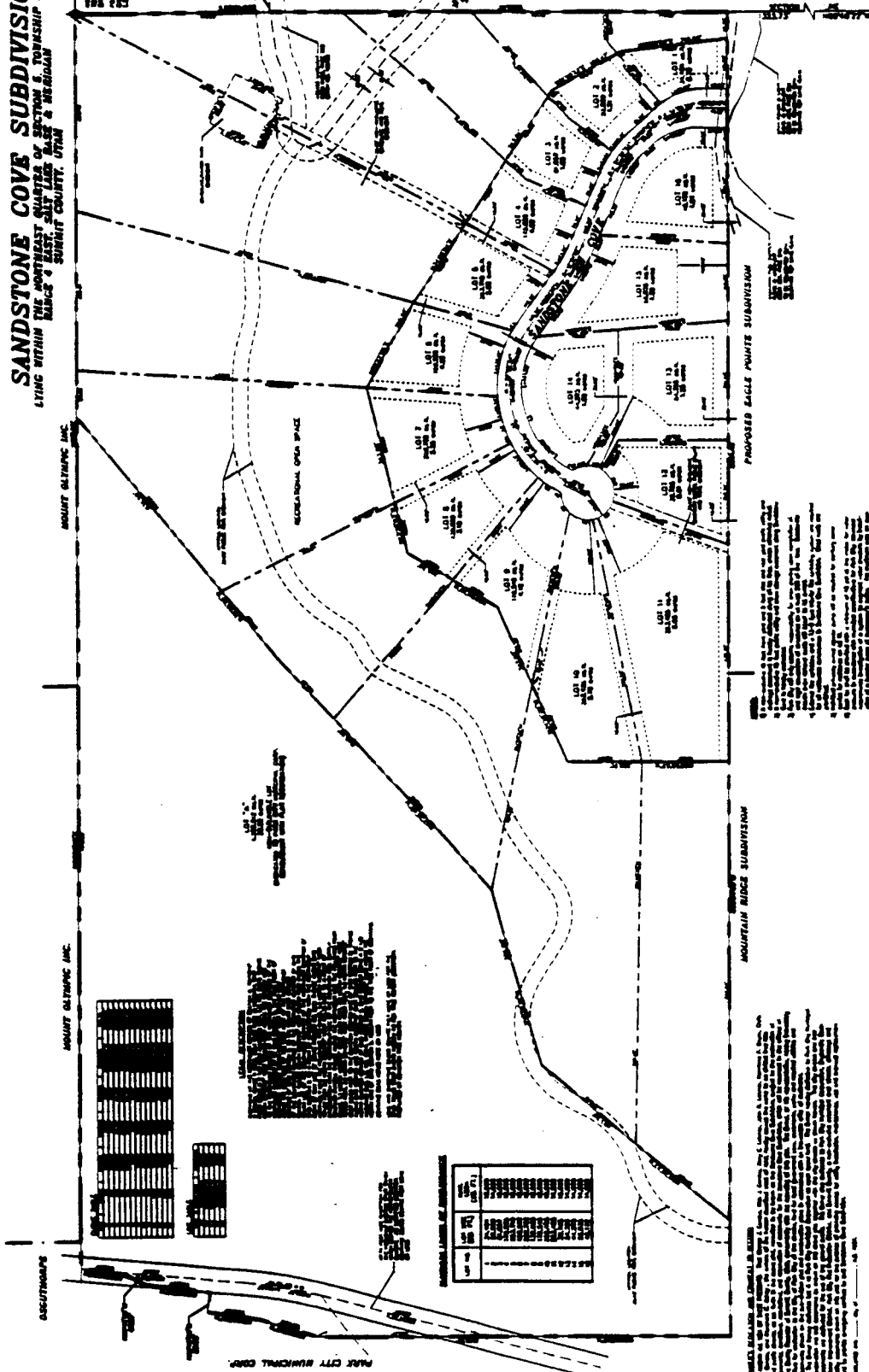


**SANDSTONE COVE SUBDIVISION**  
 Lying within the Northwest Quarter of Township 8 South,  
 Range 4 East, Summit County, Utah

SCALE: 1" = 100'  
 DATE: 11/15/2011  
 DRAWN BY: [Name]

MARQUILLA PROPERTY

PARC CITY MUNICIPAL CORP.



PROPOSED SAGE POINTE SUBDIVISION  
 MOUNTAIN RIDGE SUBDIVISION

**RECREATIONAL OPEN SPACE**  
 The area shown on this plan is dedicated to the use of recreational open space. It shall be maintained as such and shall not be used for any other purpose. The area shall be subject to the rules and regulations of the City of Parc City, Utah.

Lot No.	Area (Sq. Ft.)	Area (Acres)
1	10,000	0.23
2	10,000	0.23
3	10,000	0.23
4	10,000	0.23
5	10,000	0.23
6	10,000	0.23
7	10,000	0.23
8	10,000	0.23
9	10,000	0.23
10	10,000	0.23
11	10,000	0.23
12	10,000	0.23
13	10,000	0.23
14	10,000	0.23
15	10,000	0.23
16	10,000	0.23

**SEWER DISTRICT APPROVAL**  
 The sewer system shown on this plan is proposed to be installed and operated by the [Name] Sewer District. The sewer system shall be subject to the rules and regulations of the [Name] Sewer District. The sewer system shall be installed and operated in accordance with the rules and regulations of the [Name] Sewer District.

**CITY COUNCIL APPROVAL**  
 PRESENTED TO THE BOARD OF CITY COUNCIL BY [Name] AT [Time] ON THIS [Day] DAY OF [Month], A.D. 19[Year].  
 ACCORD TO [Name] CITY ENGINEER

**CITY ENGINEER**  
 APPROVED AND ACCEPTED BY THE CITY ENGINEER DEPARTMENT ON THIS [Day] DAY OF [Month], A.D. 19[Year].

**CITY PLANNING COMMISSION**  
 APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS [Day] DAY OF [Month], A.D. 19[Year].

**SEWER DISTRICT APPROVAL**  
 REVIEWED FOR COMPLIANCE TO APPLICABLE STATE SEWER ADOPTED DISTRICT ORDINANCES AND [Day] DAY OF [Month], A.D. 19[Year].

**APPROVAL AS TO FORM**  
 APPROVED AS TO FORM ON THIS [Day] DAY OF [Month], A.D. 19[Year].

**RECORDED**  
 BY [Name] COUNTY CLERK RECORDED AND FILED AT THE REQUEST OF [Name]

**THE JACK JOHNSON COMPANY**

**Ordinance No. 97-29**

**AN ORDINANCE APPROVING THE PLAT AMENDMENT  
AT 105 NORFOLK AVENUE, CONSOLIDATING FIVE FRAGMENT LOTS, IN  
BLOCK 77 & 78 OF THE PARK CITY SURVEY,  
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN,  
PARK CITY, UTAH**

WHEREAS, the owners, Jonathan F. DeGray and Patricia A. Lindsey, of the property at 105 Norfolk Avenue, located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Park City, Utah, have petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on June 26, 1997 the City Council reviewed the proposed plat amendment and held a public hearing; 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.**

1. The plat amendment combines five fragment lots, of varying size, into one 5,800 SF lot.
2. The proposed lot size, 5,800 square feet, is consistent with the existing ownership patterns in the surrounding area.
3. The project is located on Norfolk Avenue with constricted access and with minimal construction staging area. A Construction Mitigation is necessary to mitigate any adverse impacts on the neighboring properties.
4. A portion of the lot fragments are currently used as Norfolk/Sampson Avenue and have been used as public access for several decades.

**SECTION 2. CONCLUSIONS OF LAW.**



The City Council hereby concludes that there is good cause for the above-mentioned plat amendment 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.

**SECTION 3. PLAT APPROVAL.**

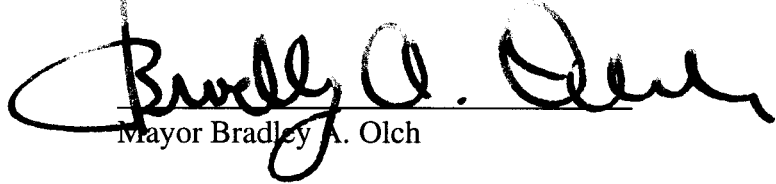
The plat amendment located at 105 Norfolk Avenue, is hereby approved as shown on Exhibit A, with the following conditions:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat for compliance with the Land Management Code and conditions of approval.
2. All Standard Project Conditions and Land Management Codes shall apply.
3. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.
4. A Construction Mitigation Plan will be required from the applicant prior to any construction on the newly created parcels.
5. The applicant shall dedicate ownership of the portion of Norfolk/Sampson Avenue currently used for public access to the City per the approval of the City Engineer.

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

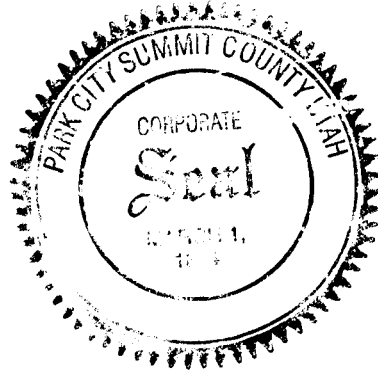
PASSED AND ADOPTED this 26 th day of June, 1997.

PARK CITY MUNICIPAL CORPORATION

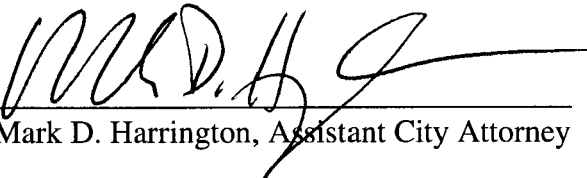
  
Mayor Bradley A. Olch

Attest:

  
Janet M. Scott, ~~Deputy~~ City Recorder



Approved as to form:

  
Mark D. Harrington, Assistant City Attorney





**Ordinance No. 97-28**

**AN ORDINANCE ADOPTING THE EMPLOYEE PAY PLAN FOR 1998 AND 1999 AND ESTABLISHING THE SALARIES OF ELECTIVE AND STATUTORY OFFICERS**

WHEREAS, the City Council has the power to establish compensation schedules pursuant to U.C.A. Section 10-3-818; and

WHEREAS, the City Council held a public hearing on this matter on June 12, 1997; and

WHEREAS, the City Council recognizes the importance of maintaining a high quality work force and has repeatedly acknowledged the contributions of its employees; and

WHEREAS, the salary increases reflected herein are generally consistent with a survey of comparable municipalities;

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

**SECTION 1. PAY PLAN ADOPTED.** The Pay Plans for 1998 and 1999, as attached as "Exhibit A" are hereby adopted.

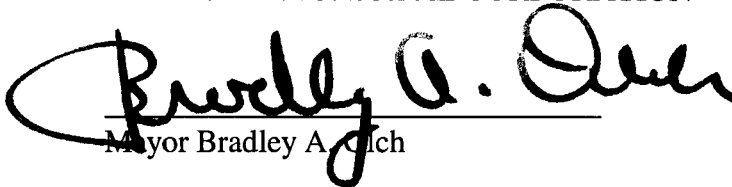
**SECTION 2. SALARIES ADOPTED.** The following salary levels are hereby adopted:

	<u>FY1998</u>
Mayor	\$16,680
City Council	9,825
City Manager	87,000
City Attorney	70,000

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

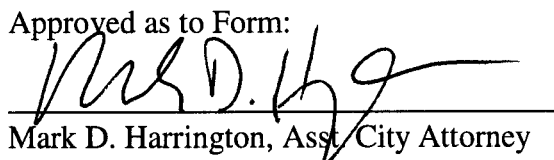
PASSED AND ADOPTED this 16 day of June, 1997.

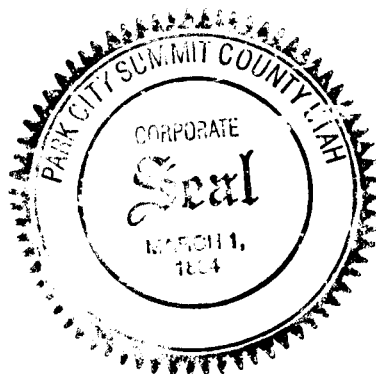
PARK CITY MUNICIPAL CORPORATION

  
Mayor Bradley A. O'Leary

Attest:

  
Janet M. Scott, City Recorder

Approved as to Form:  
  
Mark D. Harrington, Asst. City Attorney



# EXHIBIT "A"

## Exempt

1997-98

<u>Grade</u>	<u>Title</u>	<u>Salary Range</u>
1	Information Systems Coordinator I Librarian	\$25,000 - \$30,600
2	Administrative Assistant Associate Planner City Recorder/Administrative Assistant Facilities Manager Information Systems Coordinator II Landscape Architect	\$27,750 - \$33,966
3	Assistant Water Superintendent Assistant to the City Engineer Attorney I Public Works Inspector	\$30,000 - \$37,740
4	Accountant Attorney II Building Inspector Supervisor Detective Sergeant Fleet Maintenance Manager Golf & Parks Superintendent Human Resources Manager Library Director Plan Check Coordinator Planner Project Administrator Senior Landscape Architect	\$34,000 - \$42,840
5	Attorney III Accounting Manager Recreation Services Manager Systems Engineer Senior Planner	\$38,500 - \$47,124
6	Chief Building Official Technical Services Manager Transportation Director Deputy Chief of Police Planning & Zoning Director	\$43,000 - \$52,632
7	City Engineer	\$46,000 - \$56,100

- 7 Finance Manager  
Deputy City Attorney  
Public Affairs Director  
Water & Streets Superintendent
- 8 Administrative Services Director \$50,000 - \$62,220  
Chief of Police  
Community Development Director  
Leisure Services Director  
Public Works Director  
Director of Olympic Planning, Facilities & Special Events

**Non-Exempt**

**1997-98**

<u>Grade</u>	<u>Title</u>	<u>Salary Range</u>
1	Custodian Clerk General Office Grounds Maintenance Worker I Library Clerk Recreation Program Assistant	\$6.45 - \$8.06
2	Building Maintenance I Grounds Maintenance II Library Assistant Streets Maintenance I	\$7.25 - \$8.95
3	Accounting Clerk I Circuit Court Clerk Front Desk Clerk Senior Library Assistant Tennis Secretary	\$8.00 - \$9.94
4	Accounting Clerk II Audio Visual Specialist Building Maintenance II Bus Driver I Grounds Maintenance III Secretary I	\$8.85 - \$11.03
5	Circulation Services Supervisor Dispatcher Landscape Gardener Secretary II	\$9.50 - \$11.96

	Bus Driver II Streets Maintenance II Transit Day Shift Lead Worker	
6	Building Maintenance Supervisor Customer Service Coordinator Community Services Officer Dispatch Supervisor Irrigation Specialist Mechanic Police Officer I Police Records Coordinator Streets Maintenance III Transit Night Shift Lead Worker Water Worker II	\$10.50 - \$13.27
7	Accounting Clerk III Administrative Secretary Golf Course Supervisor Human Resources Assistant Planning Technician Police Officer II Senior Mechanic Water Worker III	\$11.50 - \$14.57
8	Analyst Building Inspector Circuit Court Supervisor Detective Mechanic Supervisor Paralegal Parking Supervisor Parks Supervisor Police Officer III Recreation Coordinator Streets Supervisor Transit Supervisor	\$12.00 - \$16.65
9	Reserve Police Officer Coordinator Senior Building Inspector	\$13.00 - \$18.21
10	Police Sergeant	\$16.00 - \$19.77



**Exempt****1998-99**

<u>Grade</u>	<u>Title</u>	<u>Salary Range</u>
1	Information Systems Coordinator I Librarian	\$25,000 - \$31,212
2	Administrative Assistant Associate Planner City Recorder/Administrative Assistant Facilities Manager Information Systems Coordinator II Landscape Architect	\$27,750 - \$34,645
3	Assistant Water Superintendent Assistant to the City Engineer Attorney I Public Works Inspector	\$30,000 - \$38,495
4	Accountant Attorney II Building Inspector Supervisor Detective Sergeant Fleet Maintenance Manager Golf & Parks Superintendent Human Resources Manager Library Director Plan Check Coordinator Planner Project Administrator Senior Landscape Architect	\$34,000 - \$43,697
5	Attorney III Accounting Manager Recreation Services Manager Systems Engineer Senior Planner	\$38,500 - \$48,066
6	Chief Building Official Technical Services Manager Transportation Director Deputy Chief of Police Planning & Zoning Director	\$43,000 - \$53,685
7	City Engineer	\$46,000 - \$57,222

Finance Manager  
 Deputy City Attorney  
 Public Affairs Director  
 Water & Streets Superintendent

8      Administrative Services Director      \$50,000 - \$63,464  
 Chief of Police  
 Community Development Director  
 Leisure Services Director  
 Public Works Director  
 Director of Olympic Planning, Facilities & Special Events

**Non-Exempt                      1998-99**

<u>Grade</u>	<u>Title</u>	<u>Salary Range</u>
1	Custodian Clerk General Office Grounds Maintenance Worker I Library Clerk Recreation Program Assistant	\$6.45 - \$8.22
2	Building Maintenance I Grounds Maintenance II Library Assistant Streets Maintenance I	\$7.25 - \$9.13
3	Accounting Clerk I Circuit Court Clerk Front Desk Clerk Senior Library Assistant	\$8.00 - \$10.13
4	Accounting Clerk II Audio Visual Specialist Building Maintenance II Bus Driver I Grounds Maintenance III Secretary I	\$8.85 - \$11.25
5	Circulation Services Supervisor Dispatcher Landscape Gardener Secretary II Bus Driver II	\$9.50 - \$12.20

	Streets Maintenance II Transit Day Shift Lead Worker	
6	Building Maintenance Supervisor Customer Service Coordinator Community Services Officer Dispatch Supervisor Irrigation Specialist Mechanic Police Officer I Police Records Coordinator Streets Maintenance III Transit Night Shift Lead Worker Water Worker II	\$10.50 - \$13.53
7	Accounting Clerk III Administrative Secretary Golf Course Supervisor Planning Technician Police Officer II Senior Mechanic Water Worker III	\$11.50 - \$14.86
8	Analyst Building Inspector Circuit Court Supervisor Detective Mechanic Supervisor Paralegal Parking Supervisor Parks Supervisor Police Officer III Recreation Coordinator Streets Supervisor Transit Supervisor	\$12.00 - \$16.98
9	Reserve Police Officer Coordinator Senior Building Inspector	\$13.00 - \$18.57
10	Police Sergeant	\$16.00 - \$20.16

**ORDINANCE 97-27**

**AN ORDINANCE AMENDING CHAPTER 1, SECTION 13 OF THE LAND MANAGEMENT CODE TO CLARIFY THE CONDITIONAL USE REVIEW PROCESS; AMENDING CHAPTER 1, SECTION 15 OF THE LAND MANAGEMENT CODE TO CHANGE MINIMUM NOTICE REQUIREMENTS; AMENDING CHAPTER 1, SECTION 16 OF THE LAND MANAGEMENT CODE TO CLARIFY THE FINALITY OF ACTION AND APPEALS REVIEW PROCESS; AND AMENDING CHAPTER 5 OF THE LAND MANAGEMENT CODE TO CLARIFY AND UPDATE THE DUTIES AND PROCEDURES OF THE BOARD OF ADJUSTMENT**

WHEREAS, the City Council has determined that a clearer, more accurate description of the conditional use review process will benefit Park City; and

WHEREAS, the City Council has determined that a clearer, more accurate description of the notice requirements and finality of City action will benefit the residents of Park City; and

WHEREAS, the City Council has determined that Chapter 5 of the Land Management Code will clarify the duties and procedures of the board of adjustment; and

WHEREAS, Park City must comply with relevant state law; and

WHEREAS, the City Council has determined that the Board of Adjustment needs to make decisions based on proper standards and guidelines.

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

**SECTION I. Amendment.** Section 1.13 of the Park City Land Management Code ("LMC") is hereby amended to read as follows:

**1.13 CONDITIONAL USE REVIEW PROCESS.** Although each zone district is an attempt to segregate predominant land uses within identified residential, commercial, resort lodging, and similar districts, there will be proposals that are generally compatible in land use with other permitted uses in the zone, ~~and~~. If properly and carefully planned, these uses, which are different from the predominant use, or more intensive than permitted uses in the same zone, may become compatible and appropriate for the zone in question. For example, the location and nature of the proposed use, the character of surrounding development, ~~the~~ traffic capacities of adjacent and feeder streets, ~~the~~ environmental factors such as drainage, erosion, and soil stability, all may dictate circumstances where a more intensive use may or may not be appropriate for the zone. The conditional use procedure is intended to provide greater flexibility in land uses while at the same time, preserving the neighborhood characters and assuring compatibility between the

conditional uses, the uses on adjoining properties, and the City at large. ~~The Community Development Department will review all proposed conditional uses and may impose conditions of approval to preserve Development of conditional uses will be subject to review by the Community Development Department, and may be allowed subject to conditions imposed for the purpose of preserving~~ the character of the zone district, and ~~mitigating~~ to mitigate potential adverse effects of the conditional use. Where the City and applicant cannot devise conditions that conditions to the use cannot be devised to satisfactorily mitigate the adverse effects of the conditional use, the City shall deny application for the conditional use permit shall be denied. Any land use that is defined in this Code as a conditional use for the zone in which it is proposed shall be reviewed The City shall review all proposed conditional uses according to the following procedure, unless a subsequent provision of this Code specifically sets forth an administrative approval process, in which case that section shall control:

- (a) **Pre-Application Conference.** ~~A pre-application conference may be held~~ An applicant may request a pre-application conference with the Community Development Department to determine discuss the nature of the proposed conditional use and the general nature of conditions that the City might be imposed. At the pre-application conference, the Department and applicant shall review the application form, the materials and information needed to complete the form, and the procedures used in reviewing the conditional use.
- (b) **The Application.** ~~A conditional use application shall be filed on a form prepared by the Community Development Department, and shall be supported and accompanied by the following information (seven sets are required)~~ An applicant shall file seven copies of a completed conditional use application and seven copies of the following information:
  - (1) a map of the site showing the existing conditions prior to the demolition of any existing structures and any grading, showing north arrow and scale;
  - (2) a map identifying the subject site in relation to adjoining public streets and the neighborhood in which it is located with north arrow and scale;
  - (3) the boundaries of the site, and any easements of record or known prescriptive easements;
  - (4) topography with contours shown at intervals of not more than five feet;
  - (5) vegetation type and location;
  - (6) soil type and load carrying capacity information;

- (7) 100 year flood plain and high ground water areas, known spring and seep areas and ditches or canals;
  - (8) all existing roads, fences, irrigation ditches, and drainage facilities;
  - (9) location of public utility facilities and easements;
  - (10) site plan of the proposed conditional use showing building locations;
  - (11) proposed road locations and other circulation features;
  - (12) proposed finish grade;
  - (13) proposed drainage, drainage works, retaining walls, and erosion control plans;
  - (14) proposed location of all site improvements such as plazas, tennis courts, pools, and similar improvements;
  - (15) proposed easements for new utility services or relocated utility services;
  - (16) proposed landscaping;
  - (17) designations of proposed ownership of areas shown on site plan as being part of a condominium unit, common area, dedicated open space;
  - (18) proposed intersections with existing public streets;
  - (19) general architectural concept drawings of proposed buildings;
  - (20) lighting plans, if any;
  - (21) signage plans, if any;
  - (22) proposed location of a common satellite receiving station; and
  - (23) other information as may be useful or necessary for the meaningful review of the project. ~~Additional information may be requested~~ The Community Development Department may request additional information at the pre-application conference ~~based on the nature of the project or the site.~~
- (c) **Written Statement.** ~~A written statement shall be submitted~~ An applicant shall submit a written statement containing the following information:

- (1) a preliminary title report showing the title to the property vested in the applicant(s), and listing all the encumbrances, covenants, easements, and other matters affecting the title, and a the legal description of the site;
  - (2) copies of any covenants or easements which are referred to mentioned in the title report;
  - (3) a development schedule indicating phased development, if any, and the estimated completion date for the project;
  - (4) stamped and addressed envelopes for all property owners within three hundred (300) feet of any boundary of the subject property of the perimeter of the site with their current mailing addresses as shown from the most recently available county assessment rolls, provided except that if the subject property is a condominium which has an owners association, that the name and address of the registered agent for a condominium project owners association is sufficient in lieu of each owner;
  - (5) a general description of the project, the prospective tenants or types of tenants of occupants, whether condominium ownership, time share ownership, or nightly rental uses are proposed, and the proposed property management structure for timeshare or nightly rental;
  - (6) and other information that might be helpful to the Department in reviewing the proposed use.
- (d) **Notice/Posting.** Upon receipt of the a complete conditional use application and payment of all applicable fees, the Community Development Department shall ~~cause provide~~ notice to be given to the public in accordance with the provisions of Section 1.15 of the Code.
- ~~(e) **Public Comment.** The posted, mailed, and published notice shall advise the public that a conditional use application has been filed on the site, and shall state that interested persons may review the application at the Community Development Department office during normal business hours. The notice shall provide a public comment period for not less than 15 days during which written comments may be submitted for staff consideration while reviewing the project. Comments filed after the close of the comment period may be considered or disregarded by the Department. All persons who have submitted written comments shall receive notice of the approval or denial of the application and the conditions imposed.~~
- (e) **Department Action.** Once an application is received the Community Development Department receives a complete application, the staff will work diligently to review the application as quickly as time and workload allows. ~~It is reasonable to expect that an~~

application will appear before the Planning Commission with a recommendation within 90 days of receipt of the application, if the developer has been diligent in responding to requests for additional information required to process the application. The scale or complexity of a project or staff workload may necessitate a longer processing period. In such cases, the staff will notify the applicant when an application is filed as to the projected processing time frame. The Community Development Department and other appropriate City departments or officials shall review the project and propose a conditional use permit encompassing all conditions of development and approval. The permit shall incorporate the site plans and architectural plans for the project. The conditional use permit shall be subject to a public hearing and shall be either approved, denied, or modified by the Planning Commission. The Planning Commission shall conduct a public hearing on the proposed conditional use permit and shall either approve, deny, or modify the permit. Upon Planning Commission approval, the City shall issue building permits. After action by the Commission has become final, building permits are to be issued as provided in the Building Code and this Code, unless otherwise conditioned.

If the Community Development Department has not acted on an application which it has administrative authority to approve or has not indicated to the developer what aspects of the plan are not acceptable as proposed within 45 working days after of the application's complete submission, the developer shall have the right of review by the Planning Commission. The developer may, at any time in within 10 days of completion of the administrative review process, request that the Planning Commission review of the Community Development Department's decision and/or specific conditions of approval by the Commission.

- (f) **Standards for Review.** No conditional use permit shall be issued. The City shall not issue a conditional use permit unless the Community Development Department or Planning Commission finds that the application complies with all requirements of this Code; that the use will be compatible with surrounding structures in use, scale, mass and circulation; that the use is consistent with the Park City Comprehensive General Plan, as amended; and that the effects of any differences in use or scale have been mitigated through careful planning. The Department shall review each of the following items when considering a conditional use permit:

- (1) size and location of the site;
- (2) traffic considerations including capacity of the existing streets in the area;
- (3) utility capacity;
- (4) emergency vehicle access;



- (5) location and amount of off-street parking;
  - (6) internal circulation system;
  - (7) fencing, screening, and landscaping to separate the use from adjoining uses;
  - (8) building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;
  - (9) usable open space;
  - (10) signage and lighting;
  - (11) physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing;
  - (12) noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site;
  - (13) control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas;
  - (14) expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies;
- (g) **Architectural Review.** ~~All conditional uses are subject to architectural review by the Community Development Department subject to a right of review by the Planning Commission for all zones, except those in the Historic District, where architectural review shall be by the Historic District Commission. The Historic District Commission shall conduct an architectural review of all proposed conditional uses in the Historic District. Within the Historic District, Such proposed conditional uses and permitted uses shall be subject to must comply with the Historic District Commission architectural guidelines promulgated by the Historic District Commission and adopted by the Council by resolution as a provided in a supplement to this Code. The Community Development Department shall conduct an architectural review of all proposed conditional uses in the zones outside the Historic District. Outside the Historic District, Such proposed conditional uses are subject to must comply with the General Architectural Guidelines adopted as a part of this Code in Chapter 9. Compliance with the architectural criteria is a condition of approval of all conditional use permits. The Planning Commission shall review all architectural review appeals.~~
- (h) **Sensitive Lands Review.** If a proposed conditional use approval is located within the Sensitive Area Overlay Zone, additional requirements and regulations may shall apply.

See the Sensitive Lands Provisions.

- (i) **Plat Approval.** When a conditional use requires the recording of a ~~econdominium record~~ of survey, planned unit development, or subdivision plat, ~~the final plat shall be taken to an applicant shall take the final plat to the Planning Commission for plat approval only.~~ The scope of review for plat approval is limited as set forth below in Section 1.24(e). ~~Plat approval may be granted~~ The Planning Commission may forward a recommendation to the City Council at the same time as the conditional use approval.
- (j) **Transferability.** A conditional use permit is transferrable with the title to the underlying property so that ~~an approved project may be conveyed or assigned by the applicant to others~~ an applicant may convey or assign an approved project without losing the approval. ~~The permit cannot be transferred~~ The applicant cannot transfer the permit off the site on which the approval was granted.
- (k) **Expiration.** Conditional use permits shall expire one year from the date of the Planning Commission approval ~~of the conditional use~~, unless substantial construction activity has commenced on the project. Substantial construction activity is ~~shall be~~ evidenced by the developer obtaining building permits for the project (or for the first phase of a phased project). ~~Permits may be issued in stages, but t~~The issuance of a footing and foundation permit is not evidence of substantial construction activity, unless the permits for the remainder of the structure (or remainder of the phase, in phased projects) are paid for within six months of the issuance of the footings and foundation permit. Demolition permits do not evidence substantial construction activity ~~work for purposes of extending a conditional use permit~~. Whether construction has commenced or not, the Planning Commission may grant an extension of the conditional use permits for up to one additional year when the applicant is able to demonstrate a legitimate need to delay the start of construction, such as inclement weather, delays in financing, or similar factors. ~~Extension requests shall be noticed and processed with a public hearing the same as a normal conditional use permit (CUP).~~
- (l) **Appeals.** Appeals of approval or denial of conditional use permits shall be to the City Council pursuant to Section 1.16 herein.

**SECTION II. Amendment.** Chapter 1, Section 15 of the Park City Land Management Code (“LMC”) is hereby amended to read as follows:

~~1.15. **NOTICE.** Notice of hearings before the City Council, Planning Commission, Board of Adjustment, and Historic District Commission concerning amendments to the comprehensive plan, zoning and zone changes, substantive amendments to the Land Management Code, preliminary and final subdivision and condominium plat approvals, master planned development approvals, certificates of appropriateness for demolitions, appeals and variances shall be provided in accordance with this section. Notice of amendments to the comprehensive plan and zoning actions shall be given at least fourteen (14) days before the date set for hearing. Notice of amendment or vacation of subdivision plats, when required, shall be given in accordance with State law. All other notice required herein shall be given at least ten (10) days before the date set for hearing. All notice required under this section shall be given as follows:~~

**1.15. NOTICE.** Notice of amendments to the general plan, substantive amendments to the Land Management Code and zoning actions shall be given at least fourteen (14) days before the date set for hearing. Notice of amendment or vacation of subdivision plats, amendment of a record of survey, or of vacating or changing a street, when required, shall be given in accordance with State law. Notice of hearings before the City Council, Planning Commission, Board of Adjustment, and Historic District Commission shall be provided in accordance with this section and the attached Notice Matrix. All notice required by this section, unless otherwise specified in this Code, shall be given at least seven (7) days before the date set for hearing and shall be given as follows:<sup>1</sup>

- (a) **Posted Notice.** The Community Development Department shall post notice on the property affected by the application and in at least three other public places within the City, stating that an application concerning the development of that subject property has been filed, and stating that more detailed information concerning the application is available from the Community Development Department.
- (b) **Published Notice.** Published notice shall be given by publication in a newspaper having general circulation in Park City. Published notice shall describe the action state than an application has been filed affecting the subject property, or than an appeal or call-up has been made, the nature of the application or action, and the time, place and date set for public hearing on the matter.
- (c) **Courtesy Notice.** As a courtesy to property owners, the applicant shall provide the Community Development Department with stamped and pre-addressed envelopes for

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<sup>1</sup>Consult the “Notice Matrix” at the end of this section for the various notice requirements.

each owner of record of each parcel located entirely or partly within 300 feet from any boundary of the subject property ~~subject to the application~~, together with a mailing list for those owners. The addresses for adjacent owners shall be as shown on the most recently available Summit county tax assessment rolls, ~~except if the subject property is a condominium which has an owner's association, that the name and address of the registered agent for a condominium project owner's association is sufficient in lieu of the address for each unit owner.~~ The courtesy notice shall state that an application has been filed affecting the subject property, ~~or that an appeal or call-up has been made, the nature of the application or action,~~ and the time, place and date set for public hearing on the matter. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the City Council or any board or commission.

Proof that notice was given pursuant to either subsection (a) or (b), above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within 30 days from the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper.

(d) **HomeOwners Associations Registration and Notification:**

- (1) **Registration.** HomeOwners 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). This registration shall be due by January 31 of each year.

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

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

- (2) **Notice.** Beginning January 31, 1990 prior to application for a building permit for all new construction or major alterations, additions or repairs, variances, conditional use permits or expansion of non-conforming uses in subdivision or condominium developments registered with the City, the applicant shall file with the City evidence of notification to the appropriate registered homeowners association. Acceptable evidence of notification shall be the following: (a) properly executed approval from the homeowners associations; (b) a signed return receipt from a certified letter posted to the proper association representative; and/or (c) the properly executed notice form, as approved by the City.

- (3) **No Notice Required.** Minor alterations, additions or repairs, as defined by the Land Management Code Section 12.3(b), shall not require notice to the homeowners association prior to permit issuance.

Minor changes to projects after permit issuance shall not require further notice to the homeowners association.

Associations not registered with the City will not be included in the published list of homeowners associations and may not receive notice of building permit requests prior to their issuance.

- (4) **City Not Party to Disputes.** The City shall not become a party to disputes between the permit applicant and the homeowners association and shall not delay the City's permitting process because of such dispute.

**SECTION III. Amendment.** Chapter 1, Section 16 of the Park City Land Management Code ("LMC") is hereby amended to read as follows:

1.16. **APPEALS, REVIEW RECONSIDERATION AND CALL-UP PROCESS.**

Decisions by the Historic District Commission on architectural review in the Historic District may be appealed to the City Council. Decisions by the Planning Commission regarding conditional uses, including small or large scale Master Planned Developments, may be appealed to the City Council. Any person who submitted written comment on a proposal before the Historic District Commission or Planning Commission, the owner of any property within three hundred (300) feet of the boundary of the subject site, any City official, board or commission having jurisdiction over the matter and the owner of the subject property shall have standing to appeal a decision of the any Board or Commissions, except the Board of Adjustment, to the City Council within ten (10) calendar days of the final action. Appeals from Commission actions shall be by letter or petition to the City Recorder, to contain the name, address, and telephone number of the petitioner, his or her relationship to the project or subject property, and must have a comprehensive statement of all the reasons for the appeal requesting review, including specific provisions of the law this Code, if known, that are alleged to be violated by the action taken.

- (a) **Written Findings Required.** The City Council, Planning Commission or Historic District Commission (whichever has acted) shall prepare detailed written findings on any application or appeal that it denies or approves. These findings shall state the reasons for denial or approval, and the provisions of this Code or other City ordinances, or guidelines, or applicable state or federal laws or regulations that would be violated by approval, and/or the proposed conditions of approval to be imposed and the reasons why those conditions were thought necessary. When deciding an appeal, the City Council shall adopt the written findings within fifteen (15) working days of its vote on the matter, unless there is no City Council meeting scheduled within the third week (10-15 days), in which case the Council shall adopt the findings at its next regularly scheduled meeting.
- (b) **Non-owner Petitions.** Any person who submitted written comment on a proposal before the Planning Commission or Historic District Commission, and the owner of any property within three hundred (300) feet of the boundary of the subject site has the right to appeal to the City Council any final decision of the Planning Commission or Historic District Commission. The petition must be filed in writing with the City Recorder within ten (10) calendar days of final action project approval. The petition for the appeal shall state the name, address, and telephone number of the petitioner and his agent, if any, the name of the project, and a comprehensive statement of all the grounds for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The City Council, with the consultation of the appellant, shall set a date for the appeal, which shall be no more than thirty (30) calendar days from the date the notice of appeal is filed with the Recorder. The City Recorder shall notify the petitioner and the owner of the project of the appeal date. The City Recorder shall obtain the findings from

the Community Development Department, and all other pertinent information and transmit them to the Council.

- (c) **Petitions by the Owner.** The owner of any project has the right to appeal to the City Council any final decision of the Planning Commission or Historic District Commission affecting that project. The petition must be filed in writing with the City Recorder within ten (10) calendar days of final action ~~project approval~~. The petition for the appeal shall state the name, address, and telephone number of the owner and his agent, if any, the name of the project, and a comprehensive statement of all the grounds for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The City Council, with the consultation of the appellant, shall set a date for the appeal, ~~which shall be no more than thirty (30) calendar days from the date the notice of appeal is filed with the City Recorder~~. The City Recorder shall notify the owner of the project of the appeal date. The City Recorder shall obtain the findings from the Community Development Department, and all other pertinent information and transmit them to the Council.
- (d) **Action on Petitions.** The City Council may affirm, reverse, or affirm in part and reverse in part any decision of the Planning Commission or Historic District Commission. The City Council may remand the matter to the appropriate commission with directions for specific areas of review or clarification. Council review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.
- (e) **City Council Call-up.** Within fifteen (15) calendar days of final action on any project, the City Council, on its own motion, may call any final action taken by the Planning Commission or Historic District Commission or Community Development Department up for review by the Council. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Commission and/or Community Development Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Section 1.15 of this Code. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues, and need not take public input at the hearing. ~~The City Council shall act on the matter within thirty (30) days of the call-up, or the prior action is deemed approved.~~ The City Council, with the consultation of the applicant, shall set a date for the call-up. The City Recorder shall notify the applicant of the project of the call-up date. The City Recorder shall obtain the findings, and all other pertinent information and transmit them to the Council.
- (f) **Stay of Approval Pending Review or Appeal.** Upon the filing of a non-owner petition or a petition by the owner for review by the City Council of a Historic District Commission or Planning Commission decision, any approval granted by the Historic District Commission or the Planning Commission will be suspended until the City

Council has acted on the appeal. In the event the City Council votes to call-up an action taken by the Historic District Commission, Planning Commission or Community Development Department, any approvals granted by those entities shall be suspended until the Council has acted on the call-up.

- (g) **Appeal from the City Council.** The owner of any project, or any person aggrieved by the approval of any project may appeal from the final action by the City Council affecting the project by filing a civil action in a court of competent jurisdiction. The decision of the Council shall stand, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order stating the effectiveness of that decision.
- (h) **Finality of Action.** Final Action shall occur when the deciding body has adopted and executed written findings of fact, conclusions of law, and when applicable, conditions of approval. If no appeal or call-up has been taken at the end of fifteen (15) days from the date of final action by the Planning Commission, Community Development Department or Historic District Commission, the action is final.
- (i) **Reconsideration.** The City Council, and any board or commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any board or commission, may reconsider any issue or matters of consideration of an appeal or quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action, as defined above. Any action taken by the deciding body shall not be reconsidered or rescinded at any special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.



**SECTION IV. Amendment.** Chapter 5 of the Park City Land Management Code (“LMC”) is hereby amended to read as follows:

**5.1 ESTABLISHMENT OF BOARD.** In order to avail the City of the powers provided in Chapter 9 of Title 10 of the Utah Code (1953, as amended), there is hereby created a Board of Adjustment, which shall consist of five (5) members, one member of which shall be a member of the Planning Commission. There shall also be one non-voting alternate to vote when a regular member is absent. Members shall be appointed by the Mayor with the advice and consent of the City Council. The Council may fix per diem compensation for the members of the Board of Adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended. All members of the Board of Adjustment shall reside within the City limits, and are deemed to have resigned if they move their residence from the City limits.

**5.2. TERM OF OFFICE.** Each member of the Board of Adjustment shall serve for a term of five (5) years or until his successor is appointed and qualified provided that the term of the members of the first Board so appointed shall be such that the term of one member shall expire each year. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term.

**5.3 ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL.** Any Board member who is absent for two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per year may be called before the City Council and asked to resign or be removed for cause by the Council Mayor, with the advice and consent of City Council. Additionally, the Mayor, with the advice and consent of City Council, may remove any member of the Board of Adjustment for cause if written charges are filed against the member with the Mayor. The Mayor shall provide the member with a public hearing if the member requests one.

**5.4. ORGANIZATION.**

- (a) **Chairman.** The Board of Adjustment shall elect a Chairman and may adopt such rules for its own proceedings as are deemed necessary.
- (b) **Quorum.** No business shall be conducted unless at least three members of the Board, not counting the alternate, are present.

**5.5. MEETINGS.** Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman of the Board of Adjustment or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall be open to the public. The Board shall keep minutes of its proceedings showing the roll call of votes upon all questions or, if a member is absent or fails to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of said Board and shall be public record.

**5.6. HEARINGS BEFORE THE BOARD.** The Board of Adjustments is created to hear four (4) classifications of cases as follows:

- (a) **Variance Applications.** ~~Whenever any application or permit has been stayed or denied by the Planning Commission or City staff on the basis that approval of the requested permit or application would violate the provisions of this code relating to set back; building height, side yard, lot size, site requirements, parking requirements, or some similar provision of the Code that has the effect of depriving the applicant of the reasonable use of his property, when others similarly situated are entitled to make such use of their property, the Board may hear the matter, and grant a variance from the strict enforcement of this Code. Pursuant to Section 5.7 of this Code, the Board shall have the power to grant a variance from the provisions of this Code whenever a strict or literal application of the provisions of this Code would create a hardship on the owner of the subject property that is unique to that property.~~
- (b) **Modifications of Non-Conforming Uses.** The Board shall have the power to rule on all requests for enlargements, modifications, or changes in the character of any non-conforming use, and to have hearings to determine whether the use in question is in fact a non-conforming use, as opposed to a violation of the ordinance or an allowable use within the zone. Non-conforming uses are addressed in Chapter 12 of this Code.
- (c) **Appeals.** ~~The Board shall hear and decide appeals where any party with standing as defined in Section 1-17 of this Code alleges from an applicant or any other person or entity, including any officer or board of the City, adversely affected by a final decision administering or interpreting a zoning ordinance which allege that there is an error in any order, requirement, decision or determination of the zoning ordinance. made by the Community Development Department in the enforcement of Article 1, Chapter 9, Title 10 of the Utah Code (1953, as amended), or any City ordinance adopted pursuant thereto. The appeal must be made within ten days of the decision. The Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken. The person or entity making the appeal has the burden of proving that an error has been made. Only final decisions of the Community Development Department applying the zoning ordinance may be appealed to the Board of Adjustment. A person may not appeal, and the Board of Adjustment may not consider, any zoning ordinance amendments, or appeals of conditional use permits or Master Planned Developments which shall be to the City Council. Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance.~~
- (d) **Special Exceptions.** The Board may hear applications for special exceptions to the terms of this Code which apply to variances, modifications of non-conforming uses, appeals

and other matters upon which the Board is required to pass judgment under this Code. No application for a special exception shall be approved unless the Board of Adjustment shall determine that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below:

- (1) The proposed use and development will be in harmony with the general and specific purposes for which the Land Management Code was enacted and for which the regulations of the district were established.
- (2) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.
- (3) The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety, and general welfare.
- (4) The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.
- (5) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.
- (6) The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.

The Board of Adjustment may impose conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other property and other improvements in the vicinity of the special exception or upon public facilities and services. These conditions may include but are not limited to: conditions concerning use, construction, operation, character, location, landscaping, screening and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the motion granting the special exception. Violation of any such condition or limitation shall be a violation of this section and shall constitute grounds for revocation of the special exception.

**5.7. VARIANCE.** Variances from the provisions of the Code may be granted by the Board whenever a strict or literal application of the provisions of this Code would create a hardship on the owner of the subject property that is unique to that property. Because of the historical development of Park City, which has resulted in a number of irregular lots, encroachments by public streets, and the access problems inherent in the area because of these misplaced streets and steep grades, the Board shall exercise broad discretion in acting on variances to assure the public and the owners of property on which variances are requested that substantial equity results from Board actions.

- (a) Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the zoning ordinance.
- (b) An application for variance review must be filed with the City, and the required fee paid in advance. The application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any building permit or conditional use approval, the application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for review as a part of the request. The applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.
- (c) Variances shall be granted only if all of the following conditions are found to exist:
  - (1) literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;
  - (2) there are special circumstances attached to the property that do not generally apply to other properties in the same district;
  - (3) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
  - (4) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
  - (5) the spirit of the zoning ordinance is observed and substantial justice done.
- (d)
  - (1) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection (c), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
  - (2) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection (c), the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.
- (e) In determining whether or not there are special circumstances attached to the property under Subsection (c), the Board of Adjustment may find that special circumstances exist

only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted other properties in the same district.

- (f) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- (g) Variances run with the land. However, the Board of Adjustment may condition a variance by requiring the owner to obtain a building or other necessary permit within one year of issuance of the variance, or the variance shall be null and void.
- (h) The Board of Adjustment and any other body may not grant use variances.
- (i) In granting a variance, the Board of Adjustment may impose additional requirements on the applicant that will:
  - (1) mitigate any harmful affects of the variance; or
  - (2) serve the purpose of the standard or requirement that is waived or modified.

~~**5.8. APPLICATION FOR VARIANCE REVIEW.** An application for variance review must be filed with the City, and the required fee paid in advance. The application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any building permit or conditional use approval, the application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for review as a part of the request. The applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.~~

~~**5.9. HEARING.** The Board shall, upon receipt of the application for a variance, schedule a date for hearing on the matter. The hearing date shall be no less than fifteen (15) days, nor more than thirty (30) days from the date of application. Notice shall be given to adjoining land owners in the manner described in Chapter 1 of this Code, and in addition, notice of hearing shall be published at least once prior to the date of the hearing in a newspaper having general circulation in the city.~~

~~**5.10 5.8. PERSONS ENTITLED TO APPEAR.** At the hearing on any matter before the Board of Adjustment, any person aggrieved or interested in the matter may appear in person or through his attorney to testify on the matter. The applicant shall have the right to respond to testimony offered in opposition to the application.~~

~~**5.11 5.9. DECISION.** In exercising the above-mentioned powers the Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the~~

~~powers of the official or board from whom the appeal is taken. Decisions of the Board of Adjustment become effective at the meeting in which the Board adopts written findings of fact, conclusions of law and conditions of approval, unless a different time is specifically designated by the Board.~~

~~**5.12 5.10. VOTE NECESSARY FOR REVERSAL.** The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official or board, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance grant a variance or special exception.~~

~~**5.13. LIBERAL CONSTRUCTION.** Because of the unique historical factors in the platting of the older portions of Park City, and the fact that many times existing public streets encroach on platted lots, or that platted lots may be adjacent to platted but unopened street rights-of-way, the powers of the Board shall be liberally construed to grant the flexibility reasonably necessary to enable the owners of property within the affected parts of the City reasonable opportunities to develop that property to the same extent as others similarly situated within the zone, but without the unique site constraints affecting the applicant's site.~~

~~**5.14 5.11 JUDICIAL REVIEW OF BOARD DECISION.** The City or any person aggrieved by any decision of the Board of Adjustment may have and maintain a plenary action for relief therefrom in the District Court in Summit County provided petition for such relief is presented to the court within thirty (30) days after the filing of such decision with the City Recorder.~~

## NOTICE MATRIX

ACTION:	POSTED:	MAILED:	PUBLISHED:
<b>Zoning and Rezoning</b>	14 days prior to the hearing before the Planning Commission. and City Council	To owners of the property and owners within 300 ft. 14 days prior to the hearing before the Planning Commission and City Council (if individual property).	Once 14 days prior to each hearing before the Planning Commission and City Council.
<b>Substantive Amendments to LMC</b>	14 days prior to the hearing before the Planning Commission and City Council.	-----	Once 14 days prior to the hearing before the Planning Commission and City Council.
<b>Procedural Amendments to LMC</b>	-----	-----	Once 7 days prior to the hearing before City Council.
<b>Amendments to General Plan</b>	14 days prior to the hearing before the Planning Commission and City Council.	-----	Once 14 days prior to the hearing before the Planning Commission and City Council.
<b>Master Planned Developments</b>	14 days prior to the hearing before the Planning Commission.	To owners within 300 ft. 14 days prior to the hearing before the Planning Commission.	Once 14 days prior to the hearing before the Planning Commission.
<b>Appeals from Historic District Commission or Planning Commission, including City Council Call-Up.</b>	7 days prior to the date set for the appeal or call-up.	To all parties who received mailed notice for the original Historic District Commission or Planning Commission meeting 7 days prior to the City Council meeting.	Once 7 days before the date set for the appeal or call-up.

ACTION:	POSTED:	MAILED:	PUBLISHED:
<b>Conditional Use Approval</b>	14 days prior to the hearing before the Planning Commission.	To owners within 300 ft., at least 14 days prior to the hearing before the Planning Commission.	Once 14 days prior to the hearing before the Planning Commission.
<b>Timeshare Conversions</b>	Same as CUP	Same as CUP	Same as CUP
<b>Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment.</b>	14 days prior to the hearing before the Board of Adjustment.	To owners within 300 ft., 14 days prior to the hearing before the Board of Adjustment. (within 100 ft. if non-conforming use)	Once 14 days prior to hearing before the Board of Adjustment.
<b>Certificate of Appropriateness of Demolition (CAD)</b>	45 days on the property upon refusal of the Community Development Dept. to issue a CAD; 14 days prior to the hearing before the Historic District Commission.	To owners within 300 ft. 14 days prior to the hearing before the Historic District Commission.	Once 14 days prior to the hearing before the Historic District Commission.
<b>Determination of Historic Significance</b>	Once 7 days prior to hearing.	-----	Once 7 days prior to hearing.
<b>Historic District Design Review</b>	Once 7 days prior to hearing.	To owners of adjoining property 7 days prior to hearing.	Once 7 days prior to hearing.
<b>Annexations</b>	Varies, Depending on Number of Owners and Whether Amending the Policy Declaration so Verify with the Legal Department.		



ACTION:	POSTED:	MAILED:	PUBLISHED:
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<p><b>Termination of Project Applications</b></p>	<p>-----</p>	<p>Mailed Notice: To developer and certified agent by certified mail 60 days prior to hearing before the Planning Commission.</p>	<p>-----</p>
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<p><b>Lot Lines: Between two lots without a plat amendment.</b></p> <p>If application is turned down, then applicant will be notified of right to appeal to Planning Commission and of right to file a formal plat amendment application.</p>	<p>-----</p>	<p>To owners within 300 ft. at time of initial application for lot line adjustment. Need consent letters from adjacent owners.</p>	<p>-----</p>
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<p><b>Preliminary and Final Subdivision Plat Applications.</b></p>	<p>7 days prior to the hearing before the Planning Commission.</p>	<p>To owners within 300 ft. 7 days prior to the hearing before the Planning Commission.</p>	<p>Once 7 days prior to the hearing before the Planning Commission.</p>
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<p><b>Condominium Applications; Record of Survey</b></p>	<p>7 days prior to the hearing before the Planning Commission</p>	<p>To owners within 300 ft. 7 days prior to the hearing before the Planning Commission.</p>	<p>Once 7 days prior to the hearing before the Planning Commission.</p>
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<p><b>Record of Survey Amendments</b></p>	<p>-----</p>	<p>To owners within 300 ft. 7 days prior to the hearing before the City Council. See Notice Requirement listed in Appendix A.</p>	<p>-----</p>
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ACTION:	POSTED:	MAILED:	PUBLISHED:
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<b>Petition with consent of all Owners in Plat to Vacate or Change a Plat</b>	<p>-----</p>	<p>-----</p>	<p>-----</p>
<p>(No public hearing before City Council necessary. Consent item only)</p>			

<b>Petition without Consent of all Owners to Vacate or Change a Plat; Vacating or Changing a Plat without a Petition when written objections are received.</b>	<p>-----</p>	<p>To owners within 300 ft. 14 days prior to the hearing before the City Council.</p> <p><b>See content Notice Requirement listed in Appendix A (below).</b></p>	<p>Once 14 days prior to the hearing before City Council.</p>
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<b>Vacating or Changing a Street</b>	<p>-----</p>	<p>To owners within 300 ft. 14 days prior to the hearing before the City Council.</p> <p><b>See content Notice Requirement listed in Appendix A. (below).</b></p>	<p>Once a week for 4 consecutive weeks prior to the hearing before the City Council.</p>
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**Appendix A**

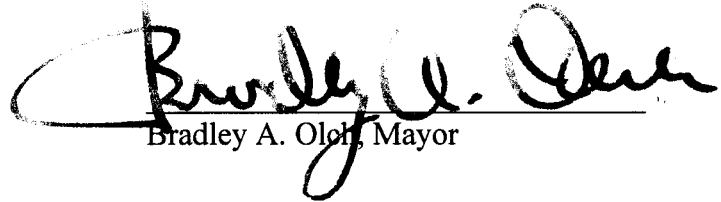
Plat Amendment, Record of Survey Amendment, and Street Change Notice (mailed and published) shall include:

1. a statement that anyone objecting to the proposed plat must file a written objection to change within 10 days of the date of notice;
2. a statement that if no objection is filed, no public hearing will be held; *AND*
3. the date, time and place of the public hearing if objections are filed.

**SECTION VI. EFFECTIVE DATE.** This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 12 day of JUNE, 1997.

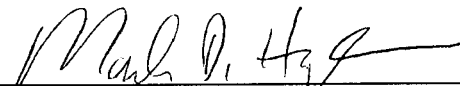
Park City Municipal Corporation

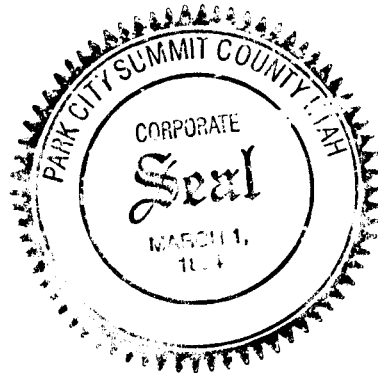
  
Bradley A. Oloh, Mayor

Attestation by:

  
Jan Scott, City Recorder

Approved as to Form:

  
Mark D. Harrington, Asst. City Attorney



**AN ORDINANCE APPROVING THE PLAT AMENDMENT  
TO THE THAYNES CANYON SUBDIVISION #8  
LOCATED IN THE NORTHEAST QUARTER OF SECTION 8,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN,  
PARK CITY, UTAH**

WHEREAS, the owner, Robert Raymond, of the property at 77 Thaynes Canyon Drive, located in the Northeast Quarter of Section 8, Township 2 South, Range 4 East, Park City, Utah, has petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on May 14, 1997 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, on June 5, 1997 the City Council reviewed 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. FINDINGS OF FACT.**

1. The plat amendment affects lots #1 and #2 of the Thaynes Canyon Subdivision No. 8.
2. The proposed plat amendment increases the maximum house size from 3,500 square feet to 4,100 square feet.
3. Significant public input in regards to visual impact has been received at the public hearing and the applicant has agreed to specific conditions to mitigate any adverse impact to the surrounding neighbors.
4. The new plat shall be known as the First Amended Thaynes Canyon Subdivision #8 (Exhibit "A").
5. The applicant has stipulated to the conditions of approval (Exhibit "B").

## **SECTION 2. CONCLUSIONS OF LAW.**

1. There is good cause for the amendment in that the proposed maximum house size will result in a size compatible with the surrounding houses, and any visual impacts will be mitigated through additional landscaping.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

## **SECTION 3. PLAT APPROVAL.**

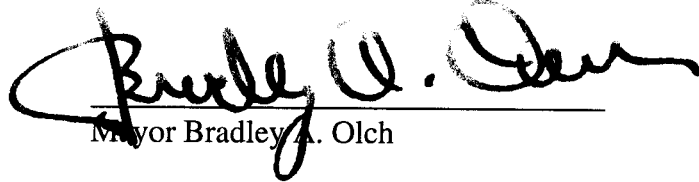
The plat amendment known as the First Amended Thaynes Canyon Subdivision #8, is hereby approved as shown on Exhibit A, with the following conditions:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat for compliance with the Land Management Code and conditions of approval.
2. All Standard Project Conditions and Land Management Codes shall apply.
3. The proposed roof ridge line will be sloped downward at the same slope as the existing roof on the East facing portion of the main structure.
4. Windows on the West side of the new garage shall be shuttered to restrict light emission during hours of darkness.
5. Additional landscaping shall be provided behind the new structure and installed within 30 days of completion of the new garage and no later than the summer of 1997. Letters of consent will be required from the two neighbors identified in Exhibit "B" prior to Certificate of Occupancy is issued.
6. This approval is valid one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval shall be considered null and void.

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

PASSED AND ADOPTED this 5th day of June, 1997.

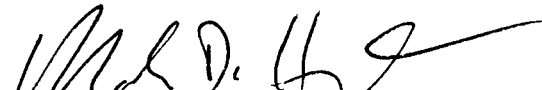
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Janet M. Scott, Deputy City Recorder

Approved as to form:

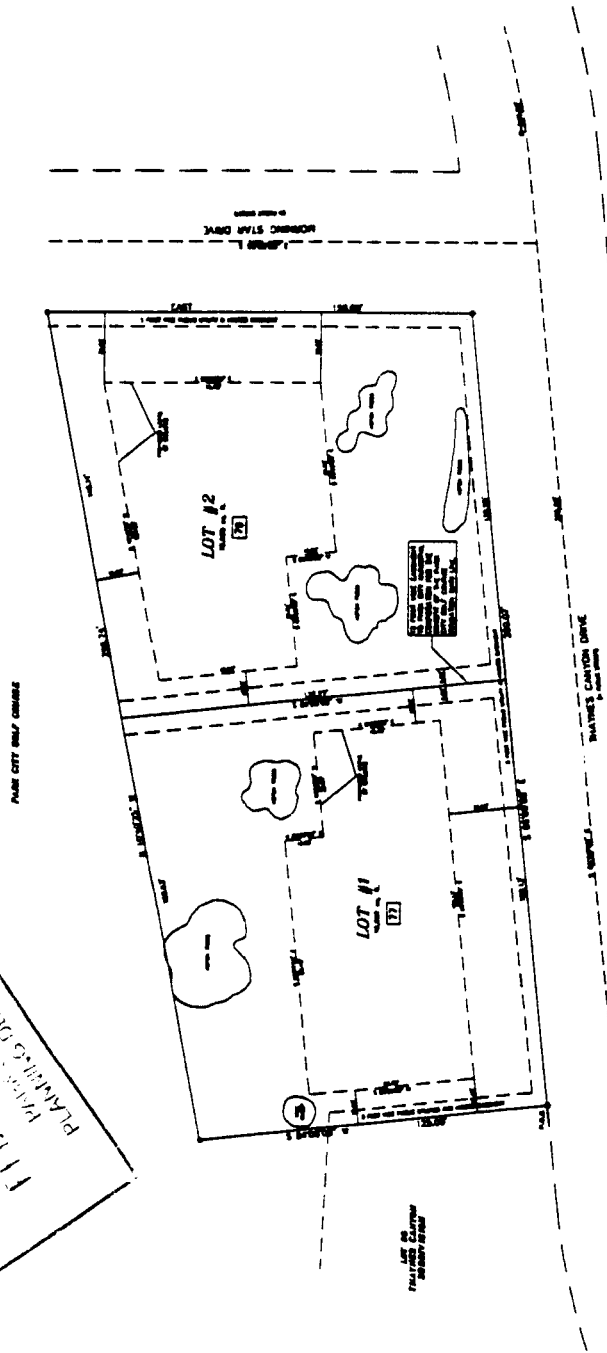
  
\_\_\_\_\_  
Mark D. Harrington, Assistant City Attorney



## FIRST AMENDED THAYNES CANYON SUBDIVISION NO. 8

A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 EAST, 84TH MERIDIAN, PARK COUNTY, COLORADO.

RECEIVED  
11/27/2017  
PLANNING DEPT



GRAPHIC SCALE  
1" = 100'



THESE DIMENSIONS AND BEARINGS WERE OBTAINED BY MEANS OF A SURVEY MADE BY THE SURVEYOR ON THE DATE INDICATED HEREON.

### EXPLANATION

ALL DIMENSIONS AND BEARINGS WERE OBTAINED BY MEANS OF A SURVEY MADE BY THE SURVEYOR ON THE DATE INDICATED HEREON.

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ALL DIMENSIONS AND BEARINGS WERE OBTAINED BY MEANS OF A SURVEY MADE BY THE SURVEYOR ON THE DATE INDICATED HEREON.

### LEGEND

(D) DRAINAGE

(S) SURFACE

### CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 19\_\_\_\_ AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.

CITY ENGINEER \_\_\_\_\_

### CITY ENGINEER

APPROVED AND ACCEPTED BY THE CITY ENGINEER ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 19\_\_\_\_

CITY ENGINEER \_\_\_\_\_

### CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 19\_\_\_\_

CHAIRMAN \_\_\_\_\_

### APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 19\_\_\_\_

CITY ATTORNEY \_\_\_\_\_

### RECORDED

NO. \_\_\_\_\_ STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_ RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_

COUNTY RECORDER \_\_\_\_\_



THE JACK JOHNSON COMPANY

1000 17th Street, Denver, CO 80202

# EXHIBIT "B"

April 9, 1997

Park City Planning Department  
445 Marsac Avenue, P.O. Box 1480  
Park City, Utah

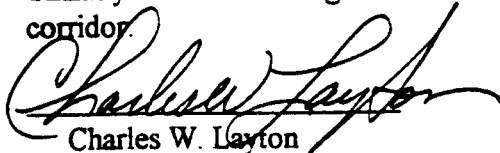
Re: Request to increase maximum house size

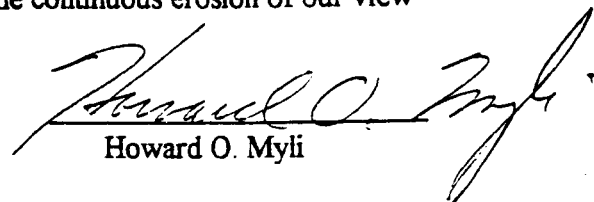
Thank you for the notification of Mr. Raymond's request for permission to make modifications to his home at 77 Thaynes Canyon Drive that exceed the maximum size agreed on in July 1992. This request would increase maximum house size by over 17% and maximum garage size by 50%. If approved as requested, it would further reduce our remaining view corridor by approximately 60%.

In the event this project is approved, it is requested that the following conditions be imposed:

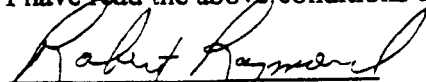
1. The north half of the new garage ridgeline be slanted downward at the same pitch as the east-facing portion of the main structure, as portrayed by Mr. Raymond's revised drawings.
2. Windows on the fairway (west) side of the new garage and the converted previous garage be shuttered to restrict light emission during hours of darkness.
3. The backyard area behind the new structure be screened from view by mature landscaping with evergreens of minimum 7-8 foot height. Such landscaping must be suitable to cross-fairway neighbors, exercising reasonable judgment and fairness, and be in place within 30 days of completion of the new garage and no later than the summer of 1997.

Thank you for addressing our concern about the continuous erosion of our view corridor.

  
Charles W. Layton

  
Howard O. Myli

I have read the above conditions and agree to conform to them.

  
Robert Raymond





**Ordinance No. 97-25**

**AN ORDINANCE APPROVING THE MALACH REPLAT, A PLAT AMENDMENT  
THE PARK CITY SURVEY LOTS 10, 11, AND 12, BLOCK 32 LOCATED AT 139  
WOODSIDE AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as Lots 10, 11, and 12, Block 32, Park City Survey have petitioned the City Council for approval of a revision to the final plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 23, 1997, to receive input on the proposed condominium plat;

WHEREAS, the Planning Commission, on April 23, 1997, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 22, 1997, 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 proposed Plat Amendment will combine three (3) lots into two (2) lots in order to allow for an addition to an historic structure and the future construction of one single family dwelling.
2. The proposed plat amendment rectifies the existing non-conforming condition of a structure that crosses property lines.

3. Dedication of a ten (10) foot non-exclusive snow storage easement along Sampson Avenue is necessary to provide adequate snow removal services.
4. A rock retaining wall exists on Lot B of the Malach Replat and extends onto Lot 13. The applicant agrees to a condition that prior to the issuance of a Building Permit on Lot B of the Malach Replat, the owner shall provide the Chief Building Official and City Attorney with sufficient information and/or all plans necessary to demonstrate that any impacts or reconstruction of the existing rock wall on Lot B of the Malach Replat and Lot 13 of the Park City Survey, will not adversely affect slope retention on said lots, nor the structural integrity of the adjacent historic house on Lot 13.
5. The property is located in the HR-1 District.
6. The applicant stipulates to all the conditions of approval

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

**SECTION 3. PLAT APPROVAL.** The amendment to the Park City Survey for Lots 10, 11, and 12, Block 32, to be known as the Malach Replat, 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. The non-historic addition located on the north side of the existing home, located at 139 Woodside Avenue shall be removed within one year from the effective date of this Ordinance in order for the existing home to comply with the current side yard setbacks.
3. A note shall be added to the plat stating that prior to the issuance of a building permit on Lot 2 of the Malach Replat the owner shall provide the Chief Building Official and City Attorney with sufficient information and/or all plans necessary to demonstrate that any impacts or reconstruction of the existing rock retaining wall on Lot B of the Malach Replat and Lot 13 of the Park City Survey will not adversely affect slope retention on said lots, nor the structural integrity of the adjacent historic house on Lot 13.
4. A ten (10) foot non-exclusive snow storage easement along Woodside Avenue shall be dedicated to the City on the plat.

5. Execution and Recordation of the plat is a condition precedent to the issuance of a building permit for the addition.
6. All Standard Project Conditions shall apply (Please see Exhibit B - 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.
8. The applicant shall notify, in writing, the property owner of Lot 13 at the time any application for development, including Historic District Commission Design Review or Building Permits, on Lot B of the Malach Replat is filed.

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

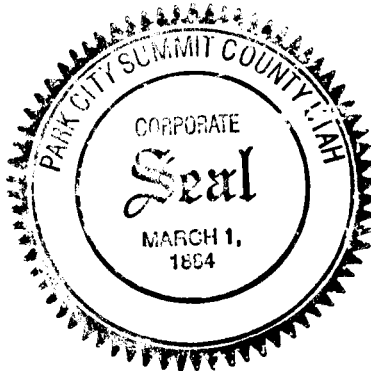
PASSED AND ADOPTED this 22nd day of May, 1997 .

PARK CITY MUNICIPAL CORPORATION

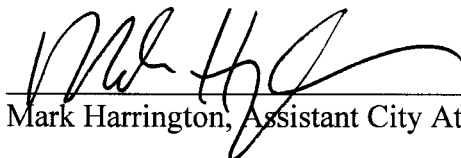
  
Bradley A. Olsh, MAYOR

Attest:

  
Janet M. Scott, City Recorder



Approved as to form:

  
Mark Harrington, Assistant City Attorney



PARK CITY MUNICIPAL CORPORATION  
STANDARD PROJECT CONDITIONS

1. 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; the Park City Design Standards, Construction Specifications, and Standard Drawings; and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
2. All modifications to plans as specified by conditions, and all final design details, such as material and color samples, shall be submitted to and approved by the Community Development Department prior to issuance of any building permits.
3. The applicant is responsible for compliance with all conditions of project approval.
4. 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.
5. 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.
6. Construction staging areas shall also be clearly defined and approved by the Community Development Department, and shall be placed so as to minimize site disturbance. The landscape plans shall include plans for revegetation of all areas disturbed during construction.
7. Final grading, drainage, utility, erosion control and revegetation 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.
8. 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.
9. All construction shall be completed according to the approved plans on which building permits are issued. The approved plans include all site improvements shown on the site plan. "Site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grades, walls, landscaping, lighting, planting, paving, paths, and trails, and similar improvements, as shown on the set of plans on which final approval and building permits are based.
10. Any desired modifications to approved plans, after the issuance of a building permit, must be specifically requested and approved in writing prior to execution.
11. Plans shall conform to all design standards for persons with disabilities as required by any applicable federal, state and local laws.
12. 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.
13. The required utility easements along street frontages shall include language to allow for these areas to be used for snow storage. Typically, a 10-foot snow storage easement is required above Deer Valley Drive (approximate elevation of 7,200 feet). A five feet easement is necessary below this elevation.
14. Lockout units are not permitted unless specifically approved.
15. The 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.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or termination of the permit as specifically conditioned.

**Ordinance No. 97-24**

**AN ORDINANCE APPROVING A CONDOMINIUM PLAT FOR  
AN EXISTING DUPLEX AT 563 DEER VALLEY LOOP,  
PARK CITY, UTAH**

WHEREAS, the owners of the property at 563 Deer Valley Loop have petitioned the City Council for approval of a condominium plat for a condominium conversion of an existing duplex to be known as the Deer Valley Loop condominiums; and

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

WHEREAS, on April 23, 1997, the Planning Commission held a public hearing to receive public input on the proposed condominium plat 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 plat changes the type of ownership of this property to condominium ownership.

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

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are hereby incorporated as findings of fact.

1. The proposed plat changes the type of ownership of this property to condominium ownership.
2. The proposal is consistent with both the Park City Land Management Code and the General Plan in that the RM zone allows duplex structures on approved lots, when all minimum code requirements are met.

3. Demand for snow plowing generally increases when a new dwelling unit and their driveways are built. The applicant agrees to provide a 10 foot snow storage easement adjacent to Deer Valley Loop.
4. The applicant has agreed to the conditions of approval.
5. On April 23, 1997, the Planning Commission held a public hearing and voted to forward a positive recommendation to City Council to approve the condominium conversion for 563 Deer Valley Loop.
6. 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 condominium plat and that neither the public nor any person will be materially injured by the proposed condominium plat.

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

**SECTION 3. PLAT APPROVAL.** The condominium plat, known as Deer Valley Loop Condominium plat, is hereby approved as shown on Exhibit A, with the following conditions:

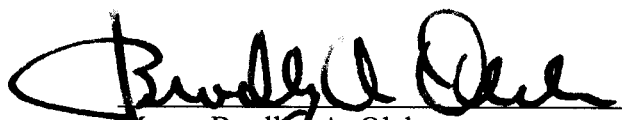
1. The City Attorney and City Engineer's review and approval of the condominium plat, for compliance with the Land Management Code and conditions of approval, is a condition precedent to recording the plat.
2. All standard project conditions shall apply.
3. A financial guarantee in an amount acceptable 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 shown on the plat adjacent to Deer Valley Loop.

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

PASSED AND ADOPTED this 15th day of May, 1997.


PARK CITY MUNICIPAL CORPORATION

  
Mayor Bradley A. Olch

Attest:

  
Janet M. Scott, City Recorder

Approved as to form:

  
Mark D. Harrington, Assistant City Attorney



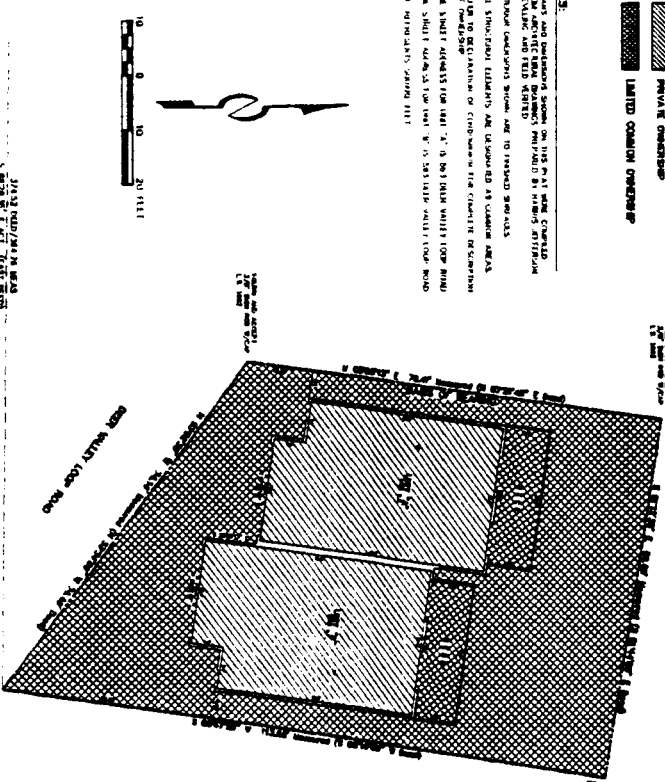


1/2" = 1' SCALE  
 1/4" = 1' SCALE  
 1/8" = 1' SCALE

**STATIONARY CERTIFICATE**  
 The Stationary Certificate, as per the provisions of the Utah Condominium Act, Chapter 101, Section 101-1-1, is hereby issued by the Utah State Office of Consumer Affairs, Salt Lake City, Utah, on this 15th day of August, 1987, in accordance with the provisions of the Utah Condominium Act, Chapter 101, Section 101-1-1.

- LEGEND**
- COMMON OWNERSHIP
  - PRIVATE OWNERSHIP
  - LIMITED COMMON OWNERSHIP

- NOTES:**
1. Plans and dimensions shown on this map were prepared from a survey conducted by the Surveyor General of Utah, Salt Lake City, Utah, on this 15th day of August, 1987.
  2. All structural elements are designed in accordance with the Utah Building Code, Chapter 201, Section 201-1-1.
  3. All structural elements are designed in accordance with the Utah Building Code, Chapter 201, Section 201-1-1.
  4. The subject address shown hereon is for information only and does not constitute a warranty of any kind.
  5. The subject address shown hereon is for information only and does not constitute a warranty of any kind.
  6. The subject address shown hereon is for information only and does not constitute a warranty of any kind.
  7. The subject address shown hereon is for information only and does not constitute a warranty of any kind.



# DEER VALLEY LOOP CONDOMINIUMS

A CONDOMINIUM PROJECT LOCATED IN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SALT LAKE COUNTY, UTAH

RECORD OF SURVEY MAP

**LEGAL DESCRIPTION**

Parcel 1: A certain lot of land, more or less, situated in the County of Salt Lake, State of Utah, and being a portion of the land described in the plat of the Deer Valley Loop Condominiums, as shown on the attached map, and being more particularly described as follows: ...

**OWNER'S DEDICATION AND CONSENT TO RECORD**

I, the undersigned, being the owner of the above described land, do hereby dedicate and consent to the recording of the foregoing map and plan, and the same shall be a part of the public records of the County of Salt Lake, State of Utah, and shall be binding on me and my heirs, assigns and legal representatives.

**ACKNOWLEDGMENT**

I, the undersigned, being the owner of the above described land, do hereby acknowledge that I have read the foregoing map and plan, and I understand the contents thereof, and I consent to the recording of the same.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

I, the undersigned, being the owner of the above described land, do hereby dedicate and consent to the recording of the foregoing map and plan, and the same shall be a part of the public records of the County of Salt Lake, State of Utah, and shall be binding on me and my heirs, assigns and legal representatives.

**ACKNOWLEDGMENT**

I, the undersigned, being the owner of the above described land, do hereby acknowledge that I have read the foregoing map and plan, and I understand the contents thereof, and I consent to the recording of the same.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

I, the undersigned, being the owner of the above described land, do hereby dedicate and consent to the recording of the foregoing map and plan, and the same shall be a part of the public records of the County of Salt Lake, State of Utah, and shall be binding on me and my heirs, assigns and legal representatives.

**ACKNOWLEDGMENT**

I, the undersigned, being the owner of the above described land, do hereby acknowledge that I have read the foregoing map and plan, and I understand the contents thereof, and I consent to the recording of the same.

**ACKNOWLEDGMENT**

I, the undersigned, being the owner of the above described land, do hereby acknowledge that I have read the foregoing map and plan, and I understand the contents thereof, and I consent to the recording of the same.

**ACKNOWLEDGMENT**

I, the undersigned, being the owner of the above described land, do hereby acknowledge that I have read the foregoing map and plan, and I understand the contents thereof, and I consent to the recording of the same.

ALLIANCE ENGINEERING INC.  
 111-418 DOWNEY-14-141  
 910 S. MAIN STREET  
 PARK CITY, UTAH 84302  
 (801) 528-9487

ENGINEERING DESIGN SERVICES DEPARTMENT DISTRICT  
 REVIEW FOR COMPLIANCE TO MINIMUM STATE STANDARDS  
 DATE OF REVIEW: 1987 AUG 15  
 BY: [Signature]

PLANNING COMMISSION  
 APPROVED BY THE PARK CITY PLANNING COMMISSION  
 DATE OF APPROVAL: 1987 AUG 15  
 BY: [Signature]

ENGINEERS CERTIFICATE  
 I HAVE THIS DAY RECORDED THIS MAP AND PLAN IN MY OFFICE  
 DATE OF RECORDING: 1987 AUG 15  
 BY: [Signature]

APPROVAL AS TO FORM  
 APPROVED AS TO FORM BY THE CITY ATTORNEY  
 DATE OF APPROVAL: 1987 AUG 15  
 BY: [Signature]

CERTIFICATE OF ATTEST  
 I HEREBY CERTIFY THAT THIS MAP AND PLAN WAS RECORDED IN MY OFFICE  
 DATE OF RECORDING: 1987 AUG 15  
 BY: [Signature]

COUNCIL APPROVAL  
 APPROVED AND ACCEPTED BY THE CITY COUNCIL  
 DATE OF APPROVAL: 1987 AUG 15  
 BY: [Signature]

Exhibit A

**Ordinance No. 97-23**

**AN ORDINANCE APPROVING A  
PLAT AMENDMENT FOR LOT 92 OF THE OAKS SUBDIVISION LOCATED AT 3155  
SUN RIDGE COURT, PARK CITY, UTAH**

WHEREAS, the owners of the property located 3155 Sun Ridge Court have petitioned the City Council for approval of a subdivision plat amendment; and

WHEREAS, the proposal is consistent with both the Park City Land Management Code requirements for the RD-MPD District and Comprehensive Plan;

WHEREAS, the property was posted and legal notice published according to the requirements of the Land Management Code and proper notice was sent to all property owners within 300 feet of the property in question;

WHEREAS, there has been no objections from the neighboring property owners;

WHEREAS, the amendment revises the Limits of Disturbance without a net increase in disturbed area and a cluster of oaks is preserved;

WHEREAS, it is in the best interest of Park City, Utah to approve the subdivision plat amendment, known as lot 92 of the Oaks subdivision;

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are incorporated herein as Findings of Facts.

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

**SECTION 3. PLAT APPROVAL.** The plat, known as The Oaks, Park City, Utah, is approved as shown on the attached Exhibit A with the following conditions:

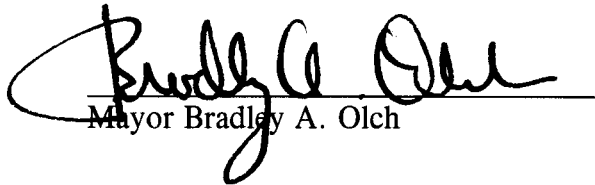
1. Prior to plat recordation, the City Attorney and the City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code and conditions of approval.

2. All conditions of approval for the Oaks subdivision apply.
3. All Standard Project Conditions shall apply.
4. The landscape plan shall be specifically reviewed by the Planning Commission and staff to mitigate views of the retaining walls from the street.
5. The owners will record the final plat at the County within one year from the date of City Council approval. If recordation has not occurred within the one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 8th day of May, 1997

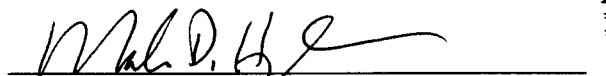
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

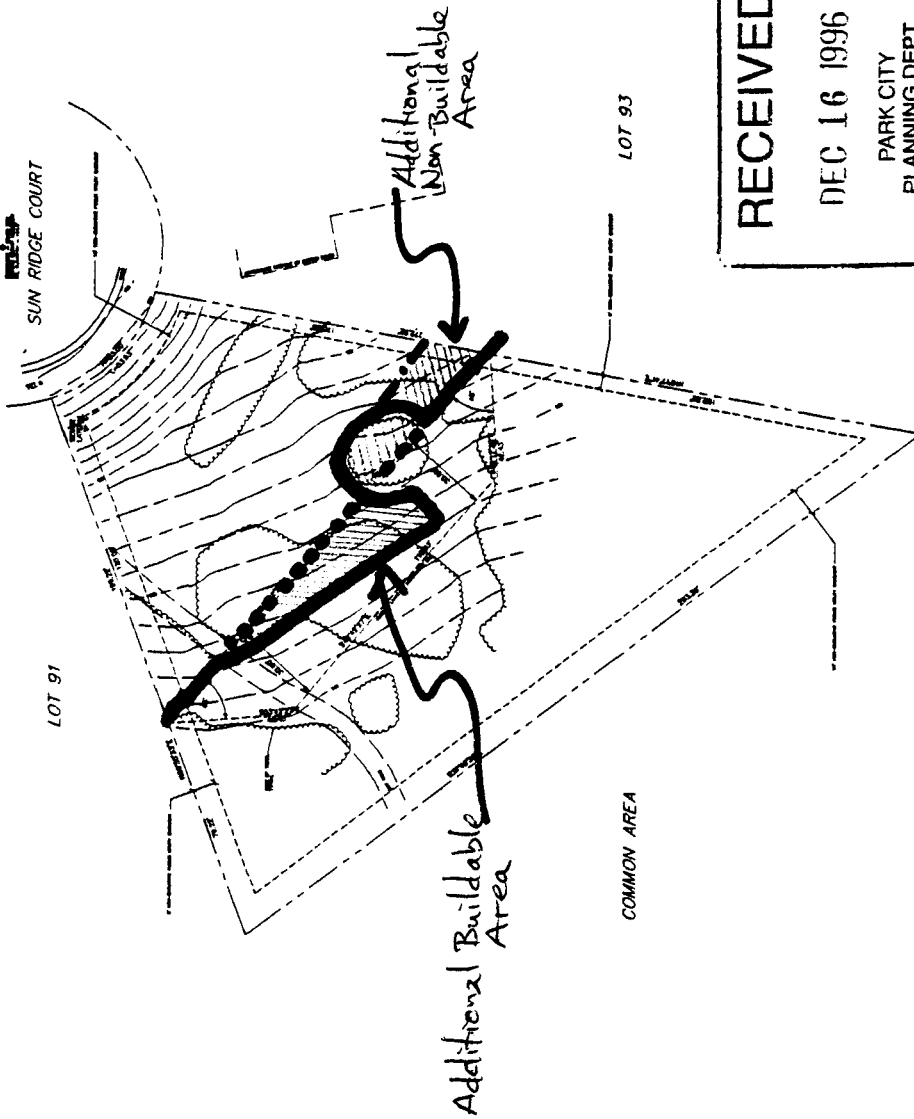
Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, Assistant City Attorney



AMENDED PLAT

LOT 92 of THE OAKS AT DEER VALLEY  
 A PARCEL OF LAND LOCATED IN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST  
 SALT LAKE BASELINE AND MERIDIAN, UTAH.



..... Platted L.O.D.  
 — As shown at  
 T.C. Worksession  
 - - - - - New L.O.D.

SURVEYORS CERTIFICATE

THIS SURVEY IS INTENDED FOR THE RELOCATION OF THE LIMITS OF DISTURBANCE ONLY, AND NOT A BOUNDARY SURVEY.

JOE DIMENUS LS NO. 187821 DATE

RECEIVED  
 DEC 16 1996  
 PARK CITY  
 PLANNING DEPT.



CITY COUNCIL APPROVAL  
 PRESENTED TO THE BOARD OF  
 CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
 A.D. 19 \_\_\_\_ AT WHICH TIME THIS  
 RECORD OF SURVEY WAS APPROVED.  
 MAYOR \_\_\_\_\_  
 CITY RECORDER \_\_\_\_\_

CITY ENGINEER  
 APPROVED AND ACCEPTED BY THE  
 CITY PLANNING COMMISSION OF THIS  
 DAY OF \_\_\_\_\_ A.D. 19 \_\_\_\_  
 CITY ENGINEER \_\_\_\_\_  
 CITY ENGINEER \_\_\_\_\_

CITY PLANNING COMMISSION  
 APPROVED AND ACCEPTED BY THE  
 CITY PLANNING COMMISSION OF THIS  
 DAY OF \_\_\_\_\_ A.D. 19 \_\_\_\_  
 CHAIRMAN \_\_\_\_\_

APPROVAL AS TO FORM  
 APPROVED AS TO FORM ON THIS  
 DAY OF \_\_\_\_\_ A.D. 19 \_\_\_\_  
 CITY ATTORNEY \_\_\_\_\_

RECORDED  
 FILED IN \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_  
 RECORDED AND FILED AT THE REQUEST OF:  
 COUNTY RECORDER \_\_\_\_\_

**Evergreen Engineering, Inc.**  
 1000 N. 1000 E. SUITE 200  
 SALT LAKE CITY, UT 84143  
 (801) 488-8888

Exhibit A

ORDINANCE NO.

97-22

**AN ORDINANCE AMENDING THE ZONING MAP OF PARK CITY  
TO INCLUDE THE SANDSTONE COVE ANNEXATION  
LOCATED ADJACENT TO THE CURRENT CORPORATE BOUNDARIES  
OF PARK CITY, UTAH**

WHEREAS, Black Diamond Partners, with consent of the owners of approximately 80 of 82 acres of the subject annexation plat (Petitioner), petitioned to annex to the City, pursuant to an annexation agreement, background zoning and master planned development approval;

WHEREAS, the proposed annexation is included within the City's Specific Annexation Policy Declaration and Annexation Boundary area and is more particularly on the attached Annexation and Zoning Plat, Exhibit A (Property) to include approximately 64.20 acres of Recreation Open Space (ROS)-zoned property and approximately 17.78 acres of Estate (E)-zoned property;

WHEREAS, the City has been working with Petitioner for over a year on a master planned development for 80 of 82 acres of the Property to allow limited development within background zoning and to enhance the City's entry corridor;

WHEREAS, on February 22, 1996, March 7, 1996, and April 4, 1996, April 3, 1997, and May 1, 1997 the City Council reviewed the matter in open public session;

WHEREAS, on March 7, 1996, April 4, 1996 and May 1, 1997 after proper notice, the City Council conducted public hearings and took public testimony on the matter;

WHEREAS, it is in the best interest of Park City to amend the Official Zoning Map of the City to include the property within the City's regulatory boundary.

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

SECTION 1. Zoning Map Amended. The Zoning Map of Park City is hereby amended to include the Sandstone Cove Annexation as depicted in Exhibit A.


SECTION 2. Effective Date. This ordinance shall take effect upon publication.

DATED this 1st day of May, 1997.

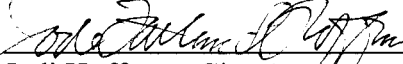
PARK CITY MUNICIPAL CORPORATION

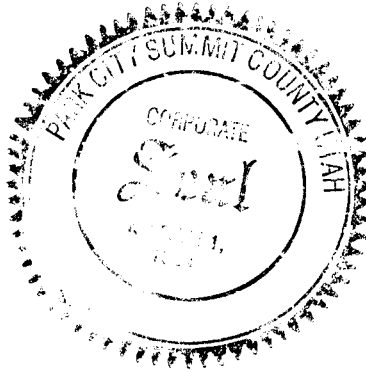
  
BRADLEY A. OLCH, MAYOR

ATTEST:

  
\_\_\_\_\_  
Jan Scott, City Recorder

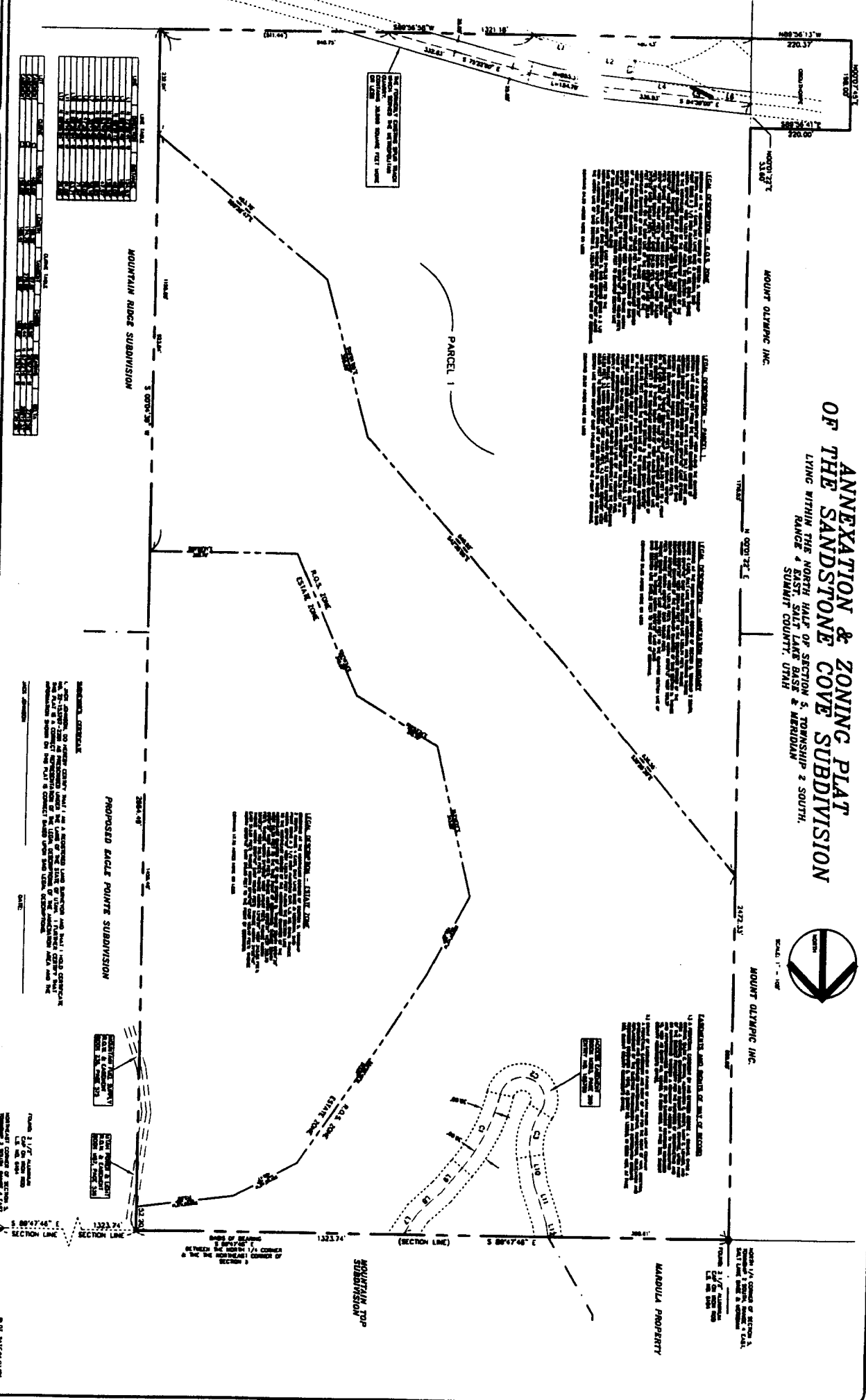
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jodi Hoffman, City Attorney



# ANNEXATION & ZONING PLAT OF THE SANDSTONE COVE SUBDIVISION

LYING WITHIN THE NORTH HALF OF SECTION 5, TOWNSHIP 2 SOUTH,  
RANGE 4 EAST, SALT LAKE BASIN & MERIDIAN  
SUMMIT COUNTY, UTAH



**CITY COUNCIL APPROVAL**

PRESENTED TO THE BOARD OF  
CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
A.D. 19\_\_\_\_ AT WHICH TIME THIS  
RECORD OF SURVEY WAS APPROVED.

MAYOR \_\_\_\_\_  
CITY RECORDER \_\_\_\_\_

**CITY ENGINEER**

APPROVED AND ACCEPTED BY THE  
CITY ENGINEERING DEPARTMENT  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
A.D. 19\_\_\_\_

CITY ENGINEER \_\_\_\_\_

**APPROVAL AS TO FORM**

APPROVED AS TO FORM ON THIS  
DAY OF \_\_\_\_\_ A.D. 19\_\_\_\_

CITY ATTORNEY \_\_\_\_\_

**RECORDED**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
RECORDED AND FILED AT THE REQUEST OF:

COUNTY RECORDER \_\_\_\_\_

**THE JACK JOHNSON COMPANY**

1810 Provo  
Utah 84606  
(801) 443-0000 • Fax: (801) 443-1800

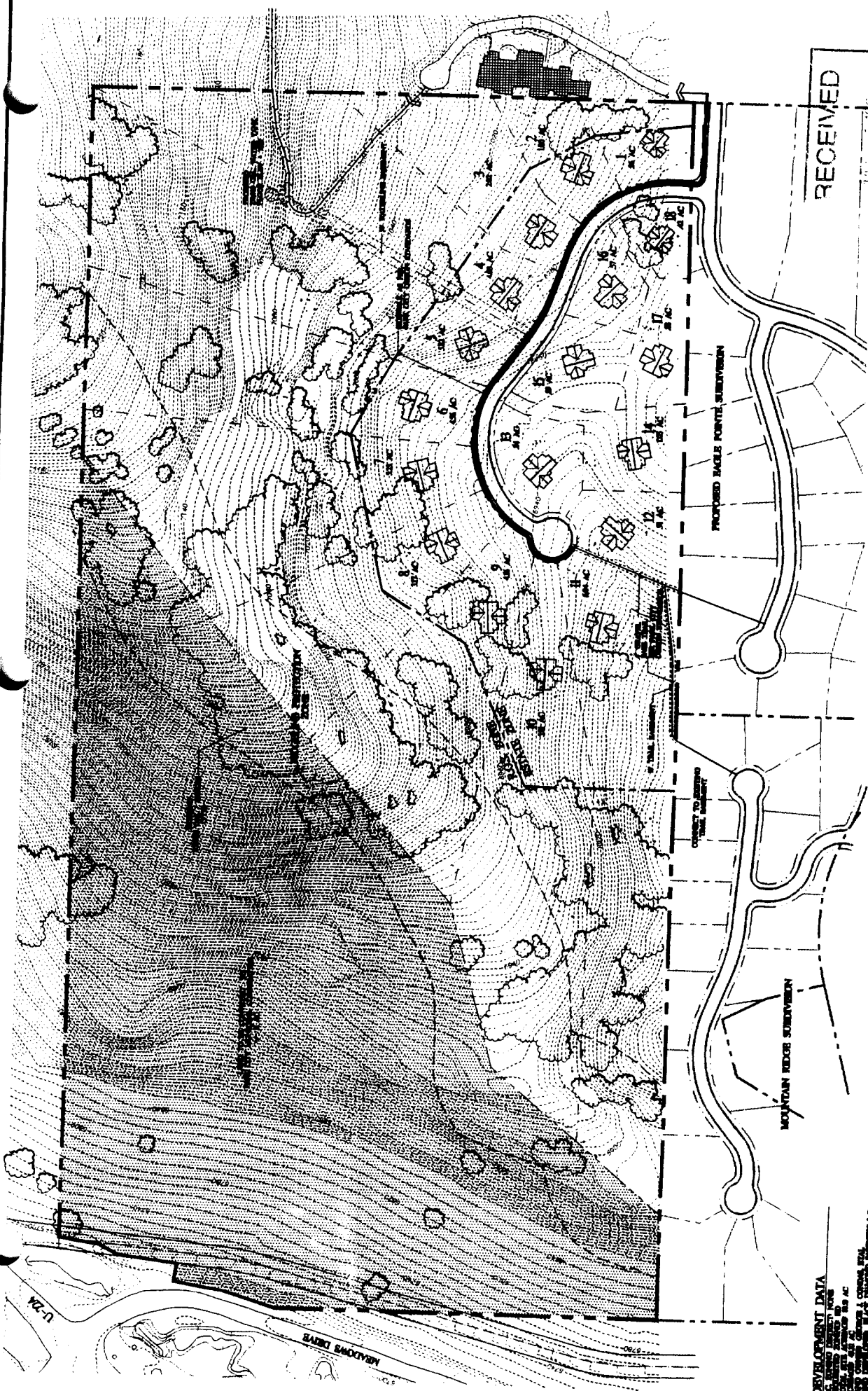
## EXHIBIT B

### LEGAL DESCRIPTION - ANNEXATION BOUNDARY

Beginning at the north quarter corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South  $89^{\circ}47'46''$  East along section line 1323.74 feet; thence South  $00^{\circ}04'39''$  West 2664.49 feet to the Southeast corner of the Southwest quarter of the Northeast quarter of said Section 5; thence South  $89^{\circ}56'58''$  West 1321.18 feet; thence North  $89^{\circ}56'13''$  West 220.37 feet; thence North  $00^{\circ}07'45''$  East 198.00 feet; thence South  $89^{\circ}56'41''$  East 220.00 feet to the Quarter section line of said Section 5; thence North  $00^{\circ}01'22''$  East along said section line 2472.33 feet to the point of beginning.

Contains 81.98 acres more or less.





RECEIVED

NORTH PARK CITY  
PLANNING DEPT

SCALE:



PREPARED BY  
THE JACK  
JOHNSON  
CORP

PREPARED FOR  
BLACK DIAMOND PARTNERS  
P.O. BOX 1000  
PARK CITY, UTAH 84002  
801-637-7344

DEVELOPMENT DATA  
 1.5 AC. SANDSTONE COVE M.P.D.  
 1.5 AC. SANDSTONE COVE M.P.D.  
 1.5 AC. SANDSTONE COVE M.P.D.  
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 1.5 AC. SANDSTONE COVE M.P.D.

# SANDSTONE COVE M.P.D.

ILLUSTRATIVE SITE PLAN - 2

Exhibit C



**Ordinance No. 97-21**

**AN ORDINANCE APPROVING A FINAL CONDOMINIUM PLAT FOR  
THE BLACK BEAR LODGE AT DEER VALLEY,  
A UTAH CONDOMINIUM PROJECT LOCATED AT 7447 ROYAL STREET EAST,  
OF LOT 22 AMENDED DEER VALLEY CLUB ESTATES SUBDIVISION,  
PARK CITY, UTAH**

WHEREAS, the owners, Black Bear Association, LTD, of the property at 7447 Royal Street East, lot 22, Amended Deer Valley Club Estates Subdivision, Park City, Utah and to be known as the Black Bear Lodge at Deer Valley, have petitioned the City Council for approval of a condominium 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 26, 1997 the Planning Commission held a public hearing to receive public input on the proposed condominium plat 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 plat changes the type of ownership of this property to condominium ownership.

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

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are hereby incorporated as findings of fact.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby concludes that there is good cause for the above-mentioned condominium plat and that neither the public nor any person will be materially injured by the proposed condominium plat.

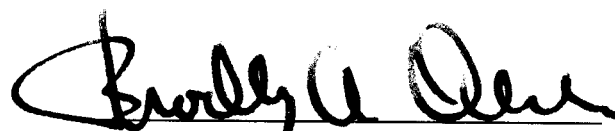
**SECTION 3. PLAT APPROVAL.** The condominium plat, known as the Black Bear Lodge at Deer Valley Condominium plat, at 7447 Royal Street East, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer's review and approval of the final form and content of the plat and the Conditions, Covenants, and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the plat.
2. All conditions of approval, including conditions of approval for the Black Bear Lodge MPD shall apply.
3. All Standard Project Conditions shall apply.
4. 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.
5. The final condominium plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.
6. The loft space created by the vaulted ceiling above the central core of Units 306, 402, 403, 404, 407, 408, 430, 431, 450, 451, is not habitable space, and may not be occupied or further improved. This language shall be placed on the plat as a note prior to recordation.

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

PASSED AND ADOPTED this 17th day of April, 1997.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

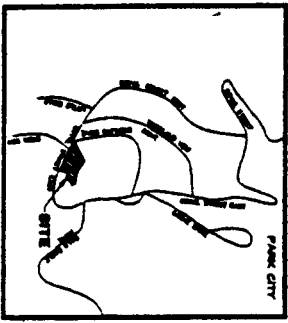
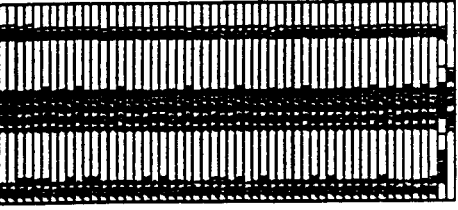
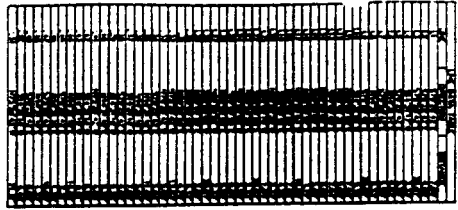
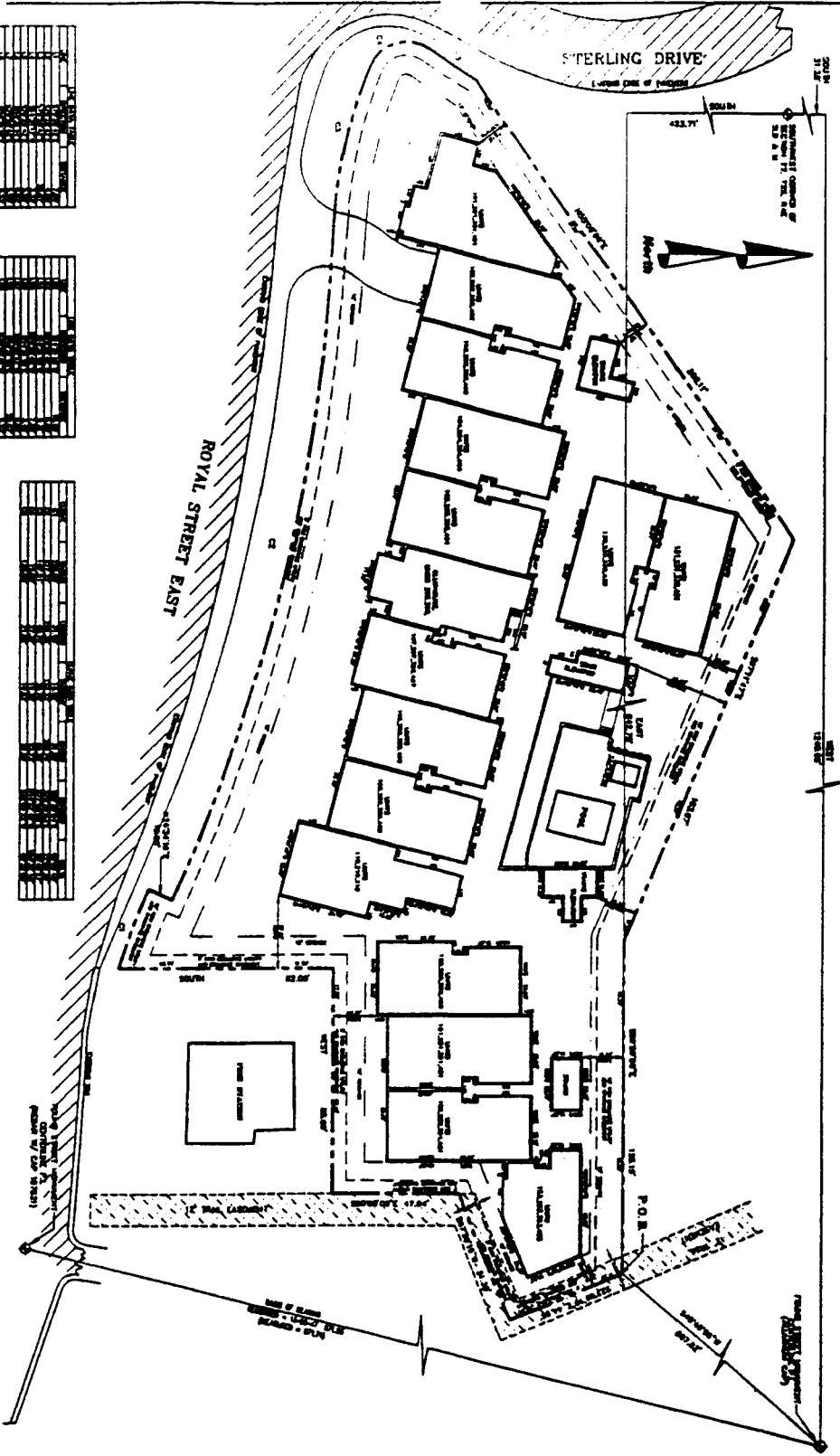
Attest:

Janet M. Scott  
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington  
Mark D. Harrington, Assistant City Attorney





VICINITY MAP

<p>OWNER'S REPRESENTATIVE</p> <p>NAME AND ADDRESS OF GENERAL CONTRACTOR</p> <p>NAME AND ADDRESS OF ARCHITECT</p>	<p>DATE OF SURVEY</p> <p>DATE OF RECORDING</p>
--	--

**RECORD OF SURVEY MAP**  
**BLACK BEAR CONDOMINIUMS**

THIS MAP IS A PART OF THE RECORD OF SURVEY MAP FOR THE BLACK BEAR CONDOMINIUMS, PLAT NO. \_\_\_\_\_, COUNTY OF \_\_\_\_\_, STATE OF UTAH, AND IS SUBJECT TO THE TERMS AND CONDITIONS OF SAID RECORD OF SURVEY MAP.

THESE CONDOMINIUMS ARE CREATED BY THE SEVERAL UNITS SHOWN ON THIS MAP, WHICH ARE DESCRIBED AS FOLLOWS:

UNIT NO.	AREA (SQ. FT.)	OWNER'S NAME
1		
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DATE OF SURVEY: \_\_\_\_\_

DATE OF RECORDING: \_\_\_\_\_

OWNER'S REPRESENTATIVE: \_\_\_\_\_

GENERAL CONTRACTOR: \_\_\_\_\_

ARCHITECT: \_\_\_\_\_

PLAT NO. \_\_\_\_\_

COUNTY OF \_\_\_\_\_

STATE OF UTAH



**AN ORDINANCE APPROVING A FINAL PUD SUBDIVISION PLAT  
FOR THE COVE AT EAGLE MOUNTAIN PHASE 1,  
LOCATED WITHIN THE SOUTH HALF OF SECTION 33,  
TOWNSHIP 1 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN,  
PARK CITY, UTAH**

WHEREAS, the owner of the property located within the South half of Section 33, Township 1 South, Range 4 East, Park City, Utah and known as the Cove at Eagle Mountain Phase I, have petitioned the City Council for approval of a final PUD 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 26, 1997, the Planning Commission held a public hearing to receive public input on the proposed plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on April 17, 1997 the City Council reviewed the proposed plat; and

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

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

**SECTION 1. FINDINGS OF FACT.**

1. The project is part of the Master Planned Development approved as Quarry Mountain, approved by the Planning Commission April 28, 1994.
2. The Cove at Eagle Mountain is in an area which has been identified as having soil stability problems.
3. The property was posted and legal notice published according to requirements of the Land

Management Code. Proper notice was sent to all property owners within 300 feet of the property in question.

4. The Forsey parcel has no platted access.
5. On March 26, 1997, the Planning Commission voted to forward a positive recommendation to City Council to approve the Cove at Eagle Mountain Phase I Final Plat with attached conditions of approval.

### **SECTION 2. CONCLUSIONS OF LAW.**

1. The final plat for the Cove at Eagle Mountain Phase I is consistent with the Quarry Mountain MPD, April 28, 1994.
2. The proposal, as conditioned, will be consistent with the Park City Comprehensive Plan and the Land Management Code, including Chapter 15.
3. Given the orderly relationship between the Forsey parcel and the street layout of the Cove, it is appropriate for the Cove at Eagle Mountain to provide access to the Forsey Parcel.
4. There is good cause for the proposed plat.
5. Neither the public nor any person will be materially injured by the proposed plat.

**SECTION 3. PLAT APPROVAL.** The subdivision plat, known as the Cove at Eagle Mountain Phase 1 Subdivision PUD plat is hereby approved as shown on Exhibit A, with the following conditions:

1. All Standard Project Conditions shall apply.
2. The Cove at Eagle Mountain Phase I amenities, including the public sidewalk and all private recreation facilities, will be completed by September 1, 1998 or shall be completed through a financially secured construction contract.
3. The Cove at Eagle Mountain Phase I Final Plat shall meet all applicable conditions of approval from the Quarry Mountain MPD approval of April 28, 1994 and the East Cove Preliminary Plat approval of November 8, 1995.
4. A 40-foot wide access easement adjacent to the Forsey Parcel shall be delineated on the Cove at Eagle Mountain final plat.
5. A financial security for completion of the trails and amenities, in the amount and form

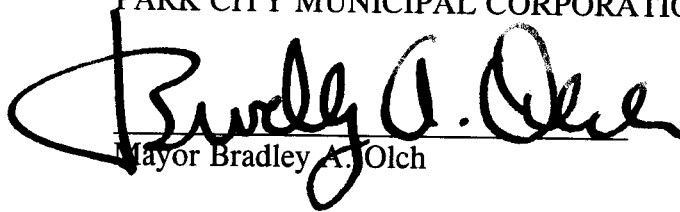
satisfactory to the City Engineer and City Attorney, is a condition precedent to plat recordation.

6. The applicant shall comply with applicable Utah Air Quality standards regarding dust mitigation and with any applicable Utah Water Quality standards and shall provide any necessary permits or evidence of compliance prior to issuance of building construction. Park City does not guarantee or monitor compliance with these standards.
7. The applicant will record the final plat with the County within one year from the date of City Council approval. If recordation has not occurred within this one year time frame, this approval and the plat will be void.
8. City Engineer and City Attorney review and approval of the plat for compliance with the Land Management Code, Utah State Code and these conditions of approval is a condition precedent to plat recordation.

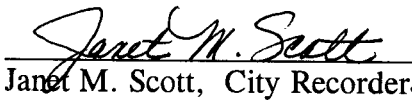
**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 17th day of April, 1997.

PARK CITY MUNICIPAL CORPORATION

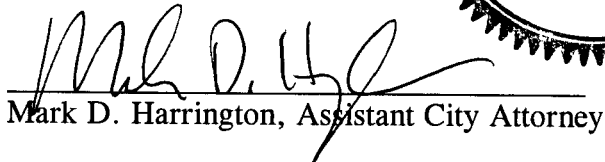
  
Mayor Bradley A. Olch

Attest:

  
Janet M. Scott, City Recorder



Approved as to form:

  
Mark D. Harrington, Assistant City Attorney



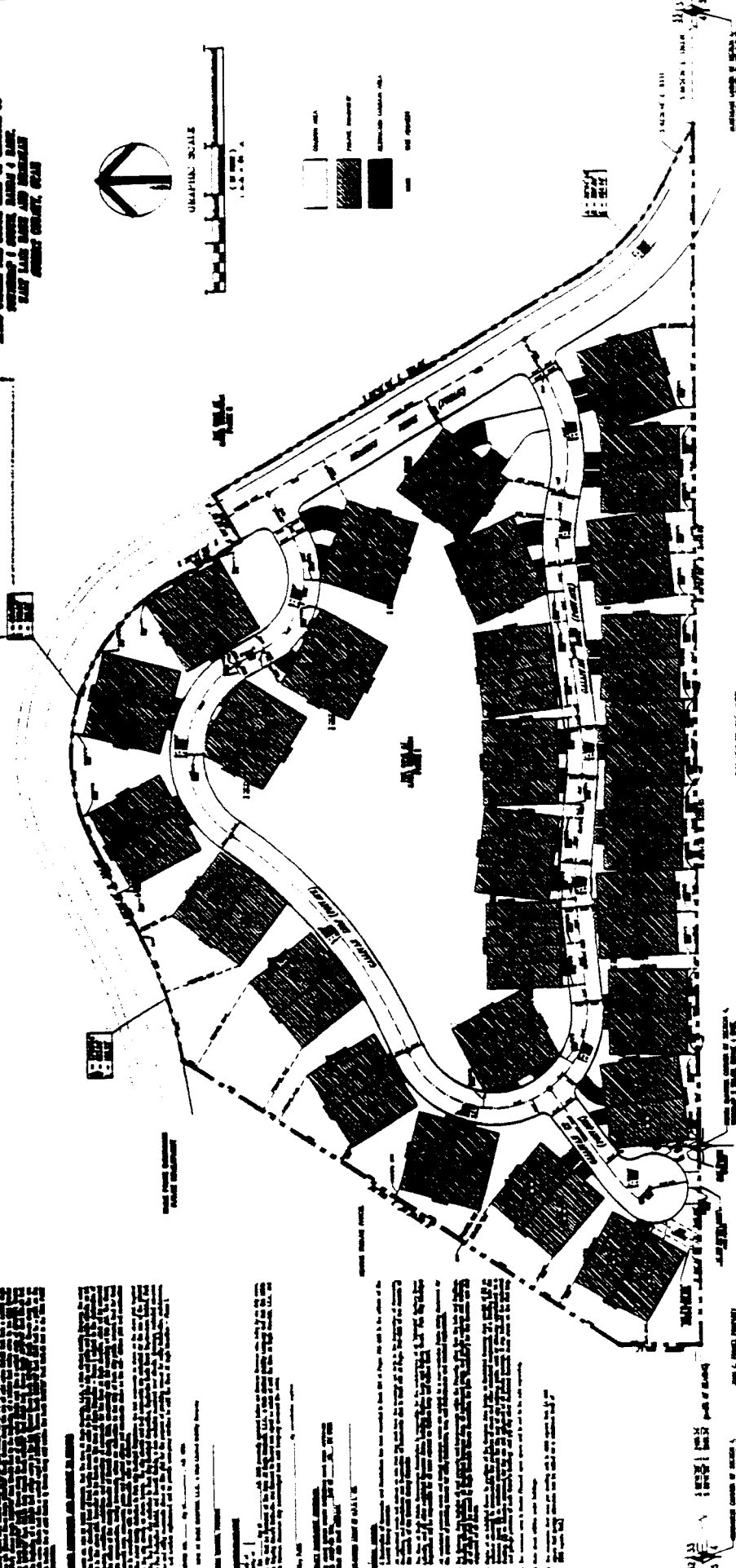
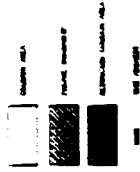
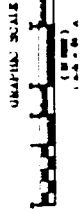
# Exhibit A

RECEIVED

MAR 19 1997

PLANNING DEPT.

THE COVE AT EAGLE MOUNTAIN  
 PHASE I  
 A PLANNED UNIT DEVELOPMENT  
 WITH THE ADDITION OF 100 UNITS  
 TO THE EXISTING 100 UNITS  
 AT THE COVE AT EAGLE MOUNTAIN  
 PHASE I DEVELOPMENT  
 PROJECT NO. 97-001



**PLANNING DEPARTMENT**  
 APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 19\_\_

**CITY ENGINEER**  
 APPROVED AND ACCEPTED BY THE CITY ENGINEERING DEPARTMENT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 19\_\_

**CITY COUNCIL APPROVAL**  
 PRESENTED TO THE BOARD OF CITY COUNCIL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 19\_\_ AT WHICH TIME THE RECORD OF SURVEY WAS APPROVED.

**CITY ENGINEER**  
 \_\_\_\_\_  
 CITY ENGINEER

**CITY PLANNING COMMISSION**  
 APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 19\_\_

**CHAIRMAN**  
 \_\_\_\_\_  
 CHAIRMAN

**SEWER DISTRICT APPROVAL**  
 REVIEWED FOR CONFORMANCE TO CHILMARK SEWER DISTRICT STANDARDS AND SPECIFICATIONS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 19\_\_

**SEWER DISTRICT APPROVAL**  
 \_\_\_\_\_  
 SEWER DISTRICT APPROVAL

**APPROVAL AS TO FORM**  
 APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 19\_\_

**CITY ATTORNEY**  
 \_\_\_\_\_  
 CITY ATTORNEY

**RECORDED**  
 RECORDED IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF \_\_\_\_\_ VOLUME \_\_\_\_\_ OF THE RECORDS OF THE COUNTY OF \_\_\_\_\_ STATE OF \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 19\_\_

**COUNTY RECORDS**  
 \_\_\_\_\_  
 COUNTY RECORDS



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**Ordinance No. 97-19**

**AN ORDINANCE APPROVING AN AMENDMENT TO LOT 2 OF THE  
TREASURE HILL SUBDIVISION PLAT KNOWN AS 220 KING ROAD,  
PARK CITY, UTAH**

WHEREAS, the owners of the property known as 220 King Road petitioned the City Council for approval of a amendment to the final plat; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing to receive input on the proposed amendment on March 12, 1997 ; and

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

WHEREAS, there is good cause for the revision as the reconfiguration does not affect the development parameters for site; and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat revision.

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

SECTION 1. The amendment to the Treasure Hill Subdivision plat, Lot 2 is approved as shown on the attached Exhibit A with the following findings, conclusions and conditions:

**Findings:**

1. The proposed amendment will shift the building pad by approximately 5' to the west.
2. The proposed amendment will not significantly increase the visual location of the single family structure.
3. The proposed amendment will not significantly increase the impact to existing vegetation.

**Conclusions of Law:**

1. There is good cause for the amendment because no increase in visual impacts will occur through the building pad shift.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

**Conditions of Approval:**

1. The City Attorney and City Engineer's approval of the plat amendment for compliance with State law, the Land Management Code and these conditions of approval is a condition precedent to plat recordation.
2. The amended plat must be recorded prior to building permit issuance and must be recorded within one year of this approval or this approval is considered null and void.
3. The plat shall note that all conditions of approval, notes and restrictions of the Treasure Hill Subdivision are in full force and effect.

SECTION 2. This ordinance shall take effect upon publication.

PASSED AND ADOPTED this the 17 day of April, 1997.


PARK CITY MUNICIPAL CORPORATION

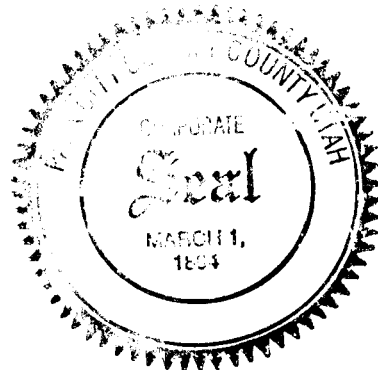
  
Bradley A. Olch, Mayor

Attest:

  
Janet M. Scott, City Recorder

Approved as to form:

  
Mark Harrington, Assistant City Attorney







**Ordinance No. 97-18**

**AN ORDINANCE APPROVING A PLAT AMENDMENT  
THAT COMBINES TWO PARCELS OF LAND INTO ONE  
LOCATED WITHIN SECTION 15,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN,  
PARK CITY, UTAH**

WHEREAS, the owner of the property located within Section 15, Township 2 South, Range 4 East, Park City, Utah and known as the Lodge at Deer Valley, has petitioned the City Council for approval of 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 March 26, 1997, the Planning Commission held a public hearing to receive public input on the proposed plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on April 17, 1997 the City Council reviewed the proposed plat; and

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

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

**SECTION 1. FINDINGS OF FACT.**

1. The plat will combine two parcels into one parcel of 12.63 acres.
2. The Lodge at Deer Valley Conditional Use Permit for a 125 unit multi-family was approved by the Planning Commission April 10, 1996.
3. The proposal complies with conditions of approval from the Lodge at Deer Valley Conditional Use Permit application, specifically conditions 1,2 and 7.

4. Any impacts resulting from this amendment will be mitigated through final building permit review process.
5. On March 26, 1997, the Planning Commission voted to forward a positive recommendation to City Council to approve the Cove at Eagle Mountain Phase I Final Plat with the conditions stated in this staff report.

### **SECTION 2. CONCLUSIONS OF LAW.**

1. There is good cause for the plat amendment as it complies with State law by enabling a single unified development to be built on a single unified parcel.
2. Neither the public nor any person will be materially injured by the proposed plat revision.

**SECTION 3. PLAT APPROVAL.** The subdivision plat is hereby approved as shown on Exhibit A, with the following conditions:

1. City Attorney and City Engineer review and approval of the plat for compliance with Land Management Code, Utah State Code and these Final Conditions of Approval is a condition precedent to plat recordation.
2. All open space areas, identified as above 30% slope on the approved site plans dated April 1, 1996 and all wetlands, after mitigation, shall be identified as Open Space (OS) and shall be recorded as such on the plat. The approximately 140' landscape buffer, between the northernmost property line and Building A, shall also be designated on the plat as open space and non-buildable.
3. A ten-foot public trail easement shall be delineated on the plat prior to plat recordation. The easement shall have a minimum 10' separation from the street and shall be constructed by the applicant along Deer Valley Drive from the south property line to the applicant's property line along Queen Esther Drive. A four-foot public back country trail easement will be delineated on the plat prior to recordation.
4. A financial security in the amount and form satisfactory to the City Engineer and City Attorney is a condition precedent to plat recordation.
5. All conditions of approval of the Lodge at Deer Valley CUP of April 10, 1996 shall remain in full force and effect.
6. The applicant will record the final plat with the County within one year from the date of City Council approval. If recordation has not occurred within this one year time frame, this approval and the plat will be void.

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

PASSED AND ADOPTED this 17th day of April, 1997.

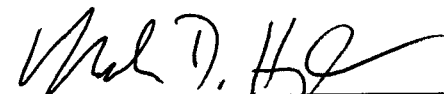
PARK CITY MUNICIPAL CORPORATION

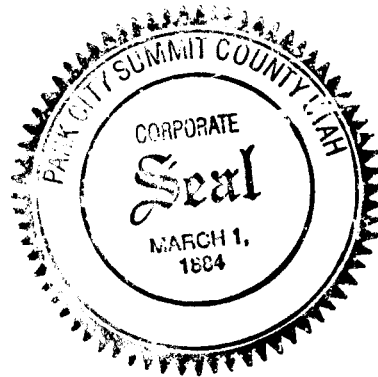
  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, Assistant City Attorney



K:\LEGAL\ORD\97\97-18





**Ordinance No. 97-17**

**AN ORDINANCE APPROVING A RECORD OF SURVEY,  
CRESCENT RIDGE CONDOMINIUMS, AT CRESCENT ROAD,  
PARK CITY, UTAH**

WHEREAS, the owners of the property known as Crescent Ridge Condominiums petitioned the City Council for approval of a Record of Survey plat; and

WHEREAS, consent letters from each affected condominium owner have been received; and

WHEREAS, it is in the best interest of Park City to approve the Record of Survey, and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat.

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

SECTION 1. The Record of Survey plat is approved as shown on the attached Exhibit A with the following findings, conclusions and conditions:

**Findings of Fact:**

1. The condominium plat amendment will result in the conversion of approximately 100 square feet of deck area at Unit 12 from common ownership to private ownership.
2. This use is permitted under the Residential Development District and meets all Land Management Code requirements.

**Conclusions of Law:**

1. There is good cause for the Record of Survey as no adverse impacts are created by this amendment.
2. The proposed Record of Survey is consistent with both the Park City Land Management Code, Section 7.5 and the State Condominium Ownership Act requirements.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.

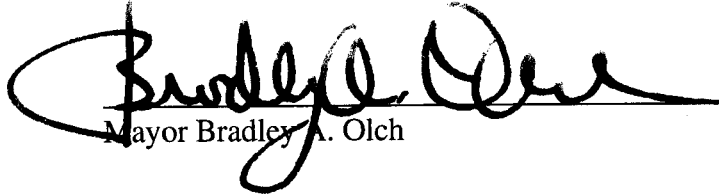
**Conditions:**

1. The final Record of Survey shall be reviewed by the City Engineer and City Attorney for compliance with State law, the Land Management Code and these conditions of approval as a condition precedent to plat recordation.
2. The plat shall be recorded within one year of the date of this approval or this approval is null and void.

SECTION 2. This ordinance shall take effect upon publication.

PASSED AND ADOPTED this 3rd day of April, 1997.

PARK CITY MUNICIPAL CORPORATION

  
Mayor Bradley A. Olch

Attest:

  
Janet M. Scott, City Recorder

Approved as to form:

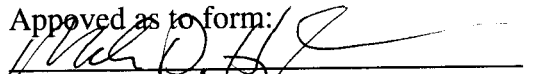
  
Mark Harrington, Assistant City Attorney

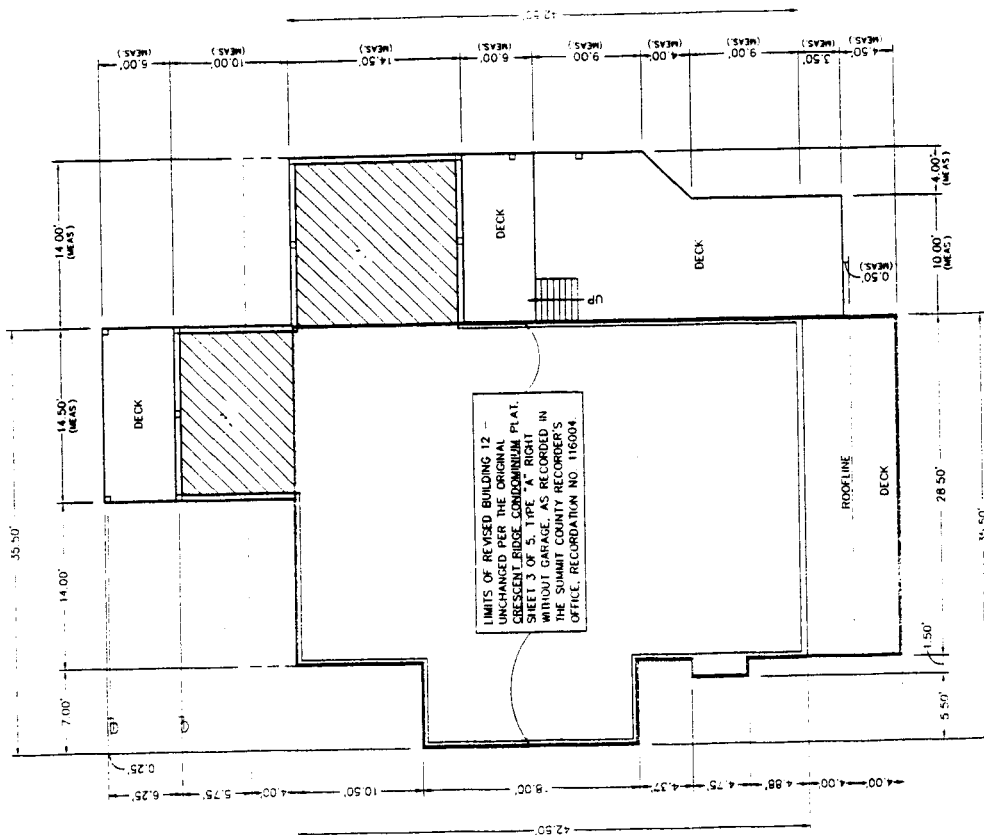


Exhibit A

CRESCENT RIDGE CONDOMINIUM  
SHEET 2 OF 2  
SOUTHEAST 1/4 OF SECTION 8 AND THE NORTHEAST 1/4 OF SECTION 9  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN 12 WEST

REVISED BUILDING 12 - LOWER

1/8" = 1'



**AN ORDINANCE ACCEPTING THE PUBLIC IMPROVEMENTS  
AT FAIRWAY HILLS ESTATES PHASE 2 SUBDIVISION**

WHEREAS, Fairway Hills Estates Phase 2 Subdivision was approved by the Park City City Council on April 22, 1993; and

WHEREAS, construction of the public improvements has been accomplished by the developer, including the public streets known as Silver Cloud Drive, Morning Sky Court, Fairway Hills Court, Round Valley Way, and Uintah Court; and

WHEREAS, Park City has adopted LMC Sec. 15.3.1(g), which provides for the City Council to accept (by Ordinance) those public improvements which are dedicated and built in accordance with the requirements of Chapter 15 of the Land Management Code; and

WHEREAS, the public improvements within Fairway Hills Estates Phase 2 Subdivision were installed in accordance with the ordinances in effect at the time of plat recordation and have been duly inspected by the City Engineer.

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


SECTION 1. PUBLIC IMPROVEMENTS. The City hereby accepts from the developer all public improvements at Fairway Hills Estates Phase 2 Subdivision which were intended for City ownership, subject to the developer's warranty of these improvements for one year following the adoption of this ordinance. Stabilization of all disturbed areas by revegetation shall have been achieved by the end of the one-year period commencing with the adoption of this ordinance. A financial guarantee of \$225,872.99 shall remain in place for the one-year guarantee period. This guarantee will be used for any necessary repairs to the public improvements if the developer fails to make such repairs.

SECTION 2. SNOWPLOWING SERVICES. Snowplowing responsibilities shall lie with the developer until such time as 50% of the lots obtain a certificate of occupancy.

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

PASSED AND ADOPTED this 27th day of March, 1997.

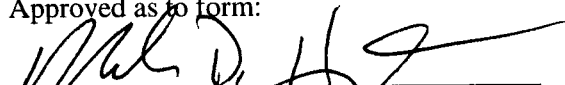
PARK CITY MUNICIPAL CORPORATION

  
Bradley A. Olch, Mayor

ATTEST:

  
Janet M. Scott, City Recorder

Approved as to form:

  
Mark D. Harrington, Assistant City Attorney



**Ordinance No. 97-15**

**AN ORDINANCE APPROVING AN AMENDMENT TO LOT 1 - 7 , BLOCK 50  
OF THE PARK CITY SURVEY AND ONE METES AND BOUND PARCEL  
KNOWN AS 255 HEBER AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as 255 Heber Avenue petitioned the City Council for approval of a amendment to the final plat; and

WHEREAS, proper notice was sent and the City Council held a public hearing to receive input on the proposed amendment on; and

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

WHEREAS, there is good cause for the revision as the reconfiguration does not affect the development parameters for site; and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat revision.

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

**SECTION 1.** The amendment to Park City Survey, Lots 1-7 , Block 50, is approved as shown on the attached Exhibit A with the following findings, conclusions and conditions:

**FINDINGS:**

1. The revision will combine seven lots and one metes and bound parcel into one lot in order to allow one structure to be built on the site that complies with State building codes.
2. The applicants have granted the City a bike path easement along the southern portion of their parcel.
3. Any impacts resulting from this amendment will be mitigated through the Historic District Design review process and the Planning Commission review for construction in the Frontage Protection Zone.

**CONCLUSIONS OF LAW:**

1. There is good cause for the revision as an easement for the City bike path is offered and as a compatible mixed use project can be constructed through this

- amendment.
2. Neither the public nor any person will be materially injured by the proposed plat revision.

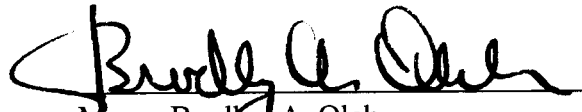
**CONDITIONS:**

1. City Attorney and City Engineer review and approval of the amended plat for compliance with Land Management Code, Utah State Code and these Final Conditions of Approval is a condition precedent to plat recordation.
2. The dedicated easement for the City bike path, of 5 and 10 feet, shall be depicted on the proposed plat, Exhibit A.
3. If the amendment is not recorded within one year of this approval date this approval shall become null and void.

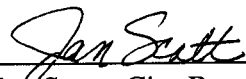
**SECTION 2.** This ordinance shall take effect upon publication.

DATED this the 27 day of March, 1997.

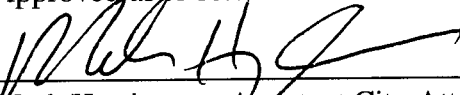
PARK CITY MUNICIPAL CORPORATION

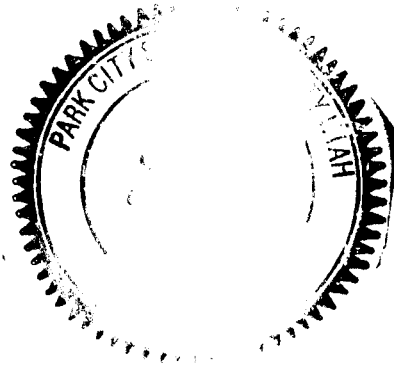
  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Jan Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark Harrington, Assistant City Attorney





**Ordinance No. 97-14**

**AN ORDINANCE AMENDING CHAPTER 4, SECTION 1 OF THE LAND MANAGEMENT CODE TO MAKE THE PLANNING COMMISSION MEMBER OF THE HISTORIC DISTRICT COMMISSION A LIASON AND PROVIDING FOR THE MAYOR TO APPOINT ANOTHER AT-LARGE MEMBER**

WHEREAS, the Planning Commission requested, and the City Council agreed, to make the Planning Commission member of the Historic District Commission ("HDC") a liaison member and to appoint another at-large member; and

WHEREAS, an additional at-large member on the HDC is in the best interests of the residents of Park City, Utah; and

WHEREAS, an additional at-large member on the HDC will reduce the likelihood of a conflict of interest upon consideration of applications before the Planning Commission that previously were reviewed by the HDC;

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

**SECTION I. FINDINGS.** The above recitals are hereby incorporated herein as findings.

**SECTION II. AMENDMENT.** Chapter 4, Section 1 of the Park City Land Management Code ("LMC") is hereby amended to read as follows:


**4.1. COMMISSION CREATED.** Pursuant to the Historic District Act (Section ~~11-18-1~~ 17A-3-1301, et seq, of the Utah Code, 1953 as amended) and other applicable powers, there is hereby created a Park City Historic District Commission (HDC). The HDC shall be composed of five (5) members appointed by the Mayor with the advice and consent of the City Council, and one of whom shall be a additional member of the from the Planning Commission who shall be a non-voting, liaison member.

**SECTION III. EFFECTIVE DATE.** This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 20th day of March, 1997.



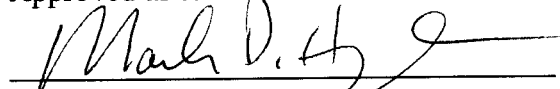
PARK CITY MUNICIPAL CORPORATION

  
Bradley A. Olch, Mayor

Attestation by:

  
Janet M. Scott, City Recorder

Approved as to Form:

  
Mark D. Harrington, Asst. City Attorney



**Ordinance No. 97-13**

**AN ORDINANCE CORRECTING A SCRIVENER'S ERROR TO CHAPTER 8 OF THE  
PARK CITY LAND MANAGEMENT CODE AND RESTORING A FIVE FOOT  
HEIGHT ALLOWANCE FOR GABLE AND SIMILAR PITCHED ROOFS TO ALL  
ZONES EXCEPT  
HR-1 AND HRL DISTRICTS**

WHEREAS, on December 7, 1995, the City Council adopted Ordinance 95-65 relating to heights in the HR-1 and HRL zoning districts; and

WHEREAS, Section 4 of Ordinance 95-65 contained a scrivener's error which mistakenly deleted the availability of a five foot allowance above maximum zone height for gable and similar pitched roofs in all zones except the HR-1 and HRL districts; and

WHEREAS, Ordinance 95-65 was not noticed as, nor intended to be, a general zoning amendment and the scrivener's error is not enforceable in the other zones; and

WHEREAS, the City Council now wishes to correct the scrivener's error; and

WHEREAS, this correction is a technical (procedural) amendment, not a substantive Land Management Code amendment;

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

**SECTION I. AMENDMENT.** Land Management Code § 8.17 is hereby amended to read as follows:

8.17. **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 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 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:

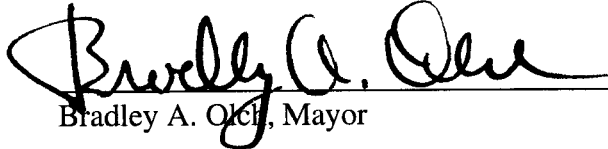
- (a) In all but the HR-1 and HRL Districts, the ridge of a gable, hip, gambrel or similarly pitched roof may extend up to five feet above the specific maximum height limit for the zone.

- (ba) Antennas, chimneys, flues, vents, or similar structures may extend up to five feet above the specified maximum height limit for the zone.
- (cb) Water towers and mechanical equipment may extend up to five feet above the specified maximum height limit.
- (dc) 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 50% of the height limit, but shall not contain any habitable spaces above the maximum zone height stated.
- (ed) 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 18 feet 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 34 feet 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.
- (fe) 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 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.)*

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

PASSED AND ADOPTED this 20th day of March, 1997.

PARK CITY MUNICIPAL CORPORATION

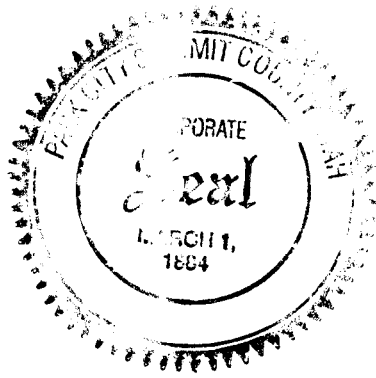
  
Bradley A. Old, Mayor

Attestation by:

Janet M. Scott  
Janet M. Scott, City Recorder

Approved as to Form:

Mark D. Harrington  
Mark D. Harrington, Asst. City Attorney



**Ordinance No. 97-12**

**AN ORDINANCE APPROVING AN AMENDMENT TO THE PARK CITY SURVEY, LOTS 11 AND 12, AND A PORTION OF LOT 10, BLOCK 22 AND LOTS 12 & 13, AND A PORTION OF LOT 11, BLOCK 69, TO BE KNOWN AS THE 350 MAIN STREET RESUBDIVISION, LOCATED AT 350 MAIN STREET, PARK CITY, UTAH**

WHEREAS, the owners of the property known as Lots 11 and 12, and a portion of Lot 10, Block 22 and Lots 12 & 13, and a portion of Lot 11, Block 69, Park City Survey, has petitioned the City Council for approval of an amendment to the amended Park City Survey; and

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

WHEREAS, the City Council held a public hearing on March 6, 1997 to receive public input on the proposed amendment;

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

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

**SECTION 1. FINDINGS OF FACT.**

1. The proposal is consistent with both Park City Land Management Code and State Subdivision requirements.
2. The plat amendment is necessary to combine four lots into one lot of record.
3. The amendment results in several remnant lots under different ownership.
4. The applicant has agreed to provide a Construction Mitigation Plan prior to any construction on the subject property.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby concluded that:

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

**SECTION 3. PLAT APPROVAL.** The plat amendment for Lots 11 and 12, and a portion of Lot 10, Block 22 and Lots 12 & 13, and a portion of Lot 11, Block 69, Park City Survey is approved as shown on the attached Exhibit **(B)** with the following conditions:

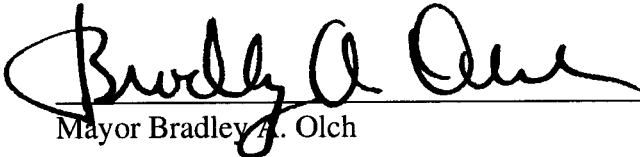
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1. The City Attorney and City Engineer's review and approval of the final form and content of the amended plat is a condition precedent to recording the plat.
2. Execution and Recordation of the plat is a condition precedent to the issuance of a building permit for the addition.
3. All Standard Project Conditions shall apply.
4. Approval of the plat amendment shall be void if the plat is not recorded by March 6, 1998.
5. No remnant lot or portion thereof created by this amendment is a separately developable lot.
6. A Construction Mitigation Plan, which will be coordinated with any other nearby M a i n Street construction projects will be required from the applicant prior to any construction on the newly created parcels.

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

PASSED AND ADOPTED this 6th day of March 1997.


PARK CITY MUNICIPAL CORPORATION

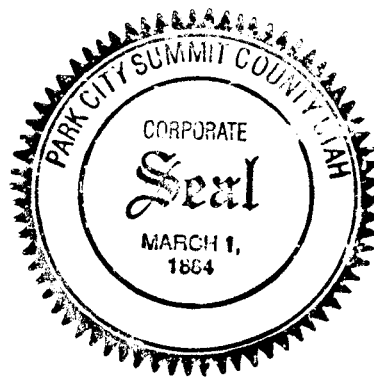
  
Mayor Bradley A. Olch

Attest:

  
Janet M. Scott, City Recorder

Approved as to form:

  
Mark Harrington, Assistant City Attorney





**Ordinance No. 97-11**

**AN ORDINANCE APPROVING A CONDOMINIUM PLAT  
FOR THE CALEDONIAN CONDOMINIUMS AT 751 MAIN STREET,  
BEING LOT B-1 OF THE TOWN LIFT PHASE B SUBDIVISION,  
LOCATED IN THE NORTHEAST QUARTER OF SECTION 16,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN,  
PARK CITY, UTAH**

WHEREAS, the owner of the property at 751 Main Street, located in the Northeast Quarter of Section 16, Township 2 South, Range 4 East, Park City, Utah and known as the Caledonian Condominiums, have petitioned the City Council for approval of a condominium 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 February 26, 1997 the Planning Commission held a public hearing to receive public input on the proposed condominium plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on March 6, 1997 the City Council reviewed the proposed condominium plat; and

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

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

**SECTION 1. FINDINGS OF FACT.**

1. The proposed plat changes the type of ownership of this property to condominium ownership.
2. The condominiums are part of the Sweeney Properties Large Scale MPD and the Town Lift Phase B Small Scale MPD and are subject to all of the prior conditions of approval for these MPDs.
3. A financial guarantee for all public improvements, landscaping, and pedestrian amenities 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.

4. A portion of the parking structure and skier plaza associated with the Town Lift Phase- B MPD are included in this condominium plat. The remainder of the parking structure and plaza are owned by another entity. A cross-easement agreement currently exists and is recorded at the County to describe ownership, access, and maintenance issues for these properties. An amended agreement is required to bring the agreement up to date on any changes in ownership, property description, and maintenance requirements.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby concludes that there is good cause for the above-mentioned condominium 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 condominium plats. The plat is consistent with the City Council approval of the Town Lift Phase B Subdivision plat.

**SECTION 3. PLAT APPROVAL.** The condominium plat, known as the Caledonian Condominiums plat, at 751 Main Street, is hereby approved as shown on Exhibit A, with the following conditions:

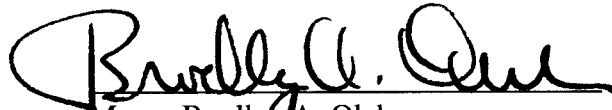
1. The City Attorney and City Engineer shall review and approve the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and these conditions of approval, prior to recording the plat.
2. All conditions of approval for the Sweeney Properties MPD(1986 , revised in 1987) and the Town Lift Phase- B MPD and subdivision plat (1995) shall apply.
3. All standard project conditions shall apply.
4. A financial guarantee, in a form and amount acceptable to the City, for the value of all landscaping, public improvements, and pedestrian amenities 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.
5. A maintenance agreement, in a form and content acceptable to the City, between the property owners of the B-1, B-2, and B-3 parcels of the Town Lift Phase B subdivision plat, addressing maintenance of area common to these three parcels, including the plaza, landscaping, and parking structure, shall be signed by the owners, and recorded at the County prior to recordation of the condominium plat.
6. The final condominium 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 plat shall be considered null and void.

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

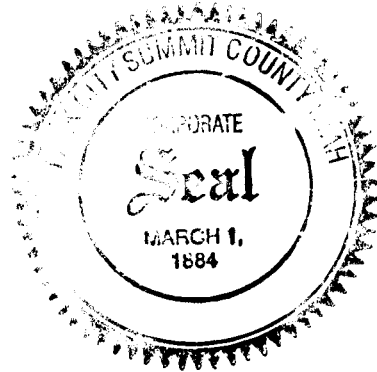
PASSED AND ADOPTED this 6th day of March, 1997.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder



Approved as to form:

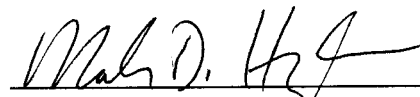
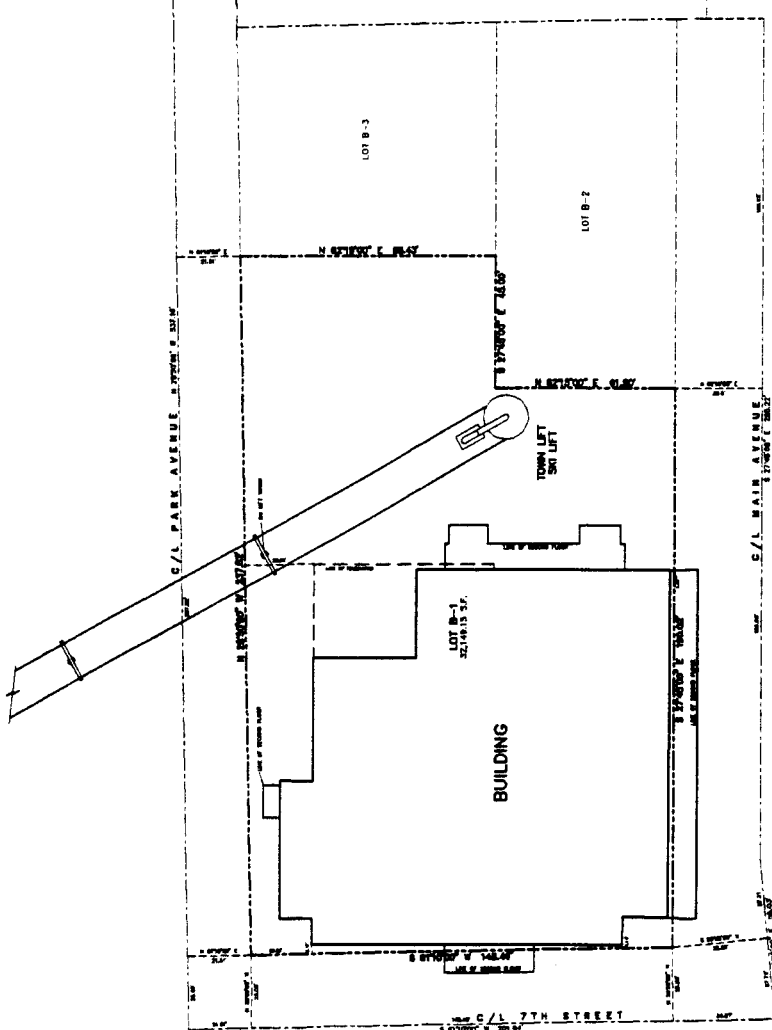
  
\_\_\_\_\_  
Mark D. Harrington, Assistant City Attorney

EXHIBIT A.

37



**LEGEND**  
 SF REPRESENTS SQUARE FEET  
 THE STREET ADDRESS FOR CALEDONIAN CONDOMINIUMS IS 731 MAIN STREET  
 ↓ INDICATES STREET MONUMENT

**SURVEYOR'S CERTIFICATE**

I, John Dumbadzic, certify that I am a Registered Land Surveyor and that I hold Certificate No. 182831 as provided by the terms of the Utah Condominium Act, Chapter 17, Part 2, Section 17-2-1, and by authority of the court(s) that Record of Survey Map of CALEDONIAN CONDOMINIUMS, A Utah Condominium Project in accordance with the provisions of Section 17-2-1(1) of the Utah Condominium Ownership Act.

John Dumbadzic, L.S. No. 182831 Date: \_\_\_\_\_

**BOUNDARY DESCRIPTION**

Lot B-1, Town Lift Subdivision, Plat B1-1, according to the official plat thereof in the office of the Summit County Recorder's office

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS THAT THE CALEDONIAN COMPANY, L.L.C. BY ITS MANAGER, JACK MANNERY, THE OWNER OF THE TRACT OF LAND DESCRIBED HEREIN, HAS HEREBY CONSENTED TO THE RECORDING OF THIS RECORD OF SURVEY MAP AND HAS CAUSED A SURVEY TO BE MADE AND THIS RECORD OF SURVEY MAP CONSISTING OF SHEETS TO BE FILED IN THE PUBLIC RECORDS OF THE COUNTY OF SUMMIT AND THE RECORD OF SURVEY MAP AND SHOWN THIS PROPERTY TO THE UTAH CONDOMINIUM OWNERSHIP ACT.

IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS CERTIFICATE AND DEDICATION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1997.

**ACKNOWLEDGEMENT**

STATE OF UTAH )  
 COUNTY OF SUMMIT ) SS.

WE, JACK MANNERY, MANAGER OF THE CALEDONIAN COMPANY, L.L.C. A UTAH LIMITED LIABILITY COMPANY, DO HEREBY PERSONALLY APPEAR AND BEING BY ME DULY SWORN, DO SAY THAT I AM THE MANAGER OF THE CALEDONIAN COMPANY, L.L.C. A UTAH LIMITED LIABILITY COMPANY, AND THAT I HAVE PERSONALLY REVIEWED AND CONSENTED TO THE RECORDING OF THIS RECORD OF SURVEY MAP AND THAT I HAVE CAUSED A SURVEY TO BE MADE AND THIS RECORD OF SURVEY MAP CONSISTING OF SHEETS TO BE FILED IN THE PUBLIC RECORDS OF THE COUNTY OF SUMMIT AND THE RECORD OF SURVEY MAP AND SHOWN THIS PROPERTY TO THE UTAH CONDOMINIUM OWNERSHIP ACT.

NOTARY PUBLIC \_\_\_\_\_  
 MY COMMISSION EXPIRES \_\_\_\_\_

**OWNER'S DEDICATION AND CONSENT TO RECORD**

THE UNDERSIGNED U.S. BANK OF UTAHA, A NATIONAL BANKING ASSOCIATION, HEREBY CONSENTS TO THE RECORDING OF THIS RECORD OF SURVEY MAP AND HAS CAUSED A SURVEY TO BE MADE AND THIS RECORD OF SURVEY MAP CONSISTING OF SHEETS TO BE FILED IN THE PUBLIC RECORDS OF THE COUNTY OF SUMMIT AND THE RECORD OF SURVEY MAP AND SHOWN THIS PROPERTY TO THE UTAH CONDOMINIUM OWNERSHIP ACT.

NOTARY PUBLIC \_\_\_\_\_  
 MY COMMISSION EXPIRES \_\_\_\_\_

**RECEIVED**  
 DEC 24 1996  
 PARK CITY  
 PLANNING DEPT.

**RECORD OF SURVEY MAP**  
**CALEDONIAN CONDOMINIUMS**

A UTAH CONDOMINIUM PROJECT  
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 18  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE  
 AND MERRIVAN, PARK CITY, SUMMIT COUNTY, UTAH

ALLIANCE ENGINEERING INC. P.O. BOX 2484 222 MAIN STREET PARK CITY, UTAH 84060 (407) 641-9487	JOB NO. 6-11-96 FILE: VULCAY-CAU1 SKYDERRVILLE BASIN SEWER IMPROVEMENT DISTRICT REVIEWED FOR CONFORMANCE TO SKYDERRVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS DATE OF _____, 1996 A.D. BY: S.B.S.I.O.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DATE OF _____, 1996 A.D. BY: CHAIRMAN	ENGINEERS CERTIFICATE ACCORDANCE WITH AN ORDINANCE ON FILE IN MY OFFICE THIS DATE OF _____, 1996 A.D. BY: PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS DATE OF _____, 1996 A.D. BY: PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS FILED BY PARK CITY COUNCIL THIS DATE OF _____, 1996 A.D. BY: PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DATE OF _____, 1996 A.D. BY: MAYOR	RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ BOOK _____ PAGE _____ DATE _____ TIME _____ RECORDER _____
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**Ordinance No. 97-10**

**AN ORDINANCE APPROVING A FINAL PUD SUBDIVISION PLAT  
FOR THE ASPEN HOLLOW PHASE 4 MPD AT 8165 ROYAL STREET,  
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN,  
PARK CITY, UTAH**

WHEREAS, the owner of the property at 8165 Royal Street, located in the Southwest Quarter of Section 22, Township 2 South, Range 4 East, Park City, Utah and known as the Aspen Hollow Phase 4- MPD, have petitioned the City Council for approval of a final PUD 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, 1996, the Planning Commission held a public hearing to receive public input on the proposed plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on March 6, 1997 the City Council reviewed the proposed plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 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 and is required in order to sell the individual units. The common area will be owned and maintained by the Aspen Hollow Homeowner's Association.
2. The property is part of the Aspen Hollow MPD and Aspen Hollow Phase 4 MPD and is subject to all prior conditions of approval for these MPDs.
3. A financial guarantee for all public improvements and landscaping 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.

4. A construction management and phasing plan is required to protect the existing units from construction disturbance and to minimize the impact of construction activity on the surrounding area.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby concludes that there is good cause for the above-mentioned 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 with the Planning Commission approval of the Aspen Hollow MPD.

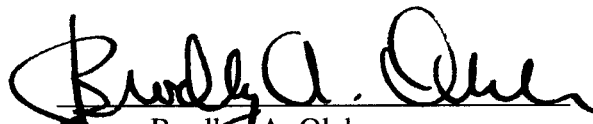
**SECTION 3. PLAT APPROVAL.** The subdivision plat, known as the Aspen Hollow Phase 4 Subdivision PUD plat, at 8165 Royal Street, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer shall review and approve the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with the Land Management Code and these conditions of approval, prior to recording the plat.
2. All conditions of approval for the Aspen Hollow MPD (1984, revised in 1986 and 1990) and the Aspen Hollow Phase 4 MPD (1996) shall apply.
3. All standard project conditions apply.
4. A financial guarantee, in a form and amount acceptable to the City, for the value of all landscaping and 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.
5. The final 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 time frame, this approval and the plat will be void.

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

PASSED AND ADOPTED this 6 th day of March, 1997.

PARK CITY MUNICIPAL CORPORATION

  
Mayor Bradley A. Olch

Attest:

*Janet M. Scott*  
Janet M. Scott, City Recorder

Approved as to form:

*Mark D. Harrington*  
Mark D. Harrington, Assistant City Attorney





**Ordinance No. 97-9**

**AN ORDINANCE AMENDING SECTION 4-3-8 OF THE MUNICIPAL CODE OF PARK CITY TO PROVIDE FOR THE AWARD OF NON-EXCLUSIVE FRANCHISES TO SELL FOOD WITHIN THE PUBLIC RIGHT-OF-WAY IN CERTAIN ZONES**

WHEREAS, the City Council has received a request to allow an ice cream truck to sell ice cream in residential neighborhoods; and

WHEREAS, street vending is currently prohibited within the City; and

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

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

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

**4- 3- 8. STREET VENDORS.**

It shall be unlawful to sell food, flowers, agricultural products, ice cream, candy, popcorn or other goods or merchandise from push carts, mobile wagons, or motor vehicles on private or public property except as authorized and licensed under this Chapter.

(A) **SALES AT CONSTRUCTION SITES.** At bona fide construction sites a license, as described in Section 4-2-18 of the this Title may be obtained to sell food from motor vehicles located on private property. Licensees must list the construction sites they intend to serve on the license application, and update the list as needed throughout the year. Licensees shall not remain at any one site for more than a two (2) hour period per day.

(B) **SALES WITHIN THE PUBLIC RIGHT-OF-WAY.** In order to ~~abate control~~ vending within any public right-of-way in Park City, except at construction sites, only those vendors who have ~~obtained the grant of a franchise from the City may obtain business licenses to operate such businesses continuously renewed their Street Vendors license since 1987, as grandfathered by the City Council pursuant to the minutes of the March 5, 1987 meeting may renew licenses to continue such business.~~ Absent such a ~~franchise license~~, vending within any public right-of-way is strictly prohibited.



(C) **TERMS AND CONDITIONS.** Licensed vendors shall be subject to the following terms and conditions:

(1) **License Fee.** The license fee for a street vendor's license shall be as set forth by resolution. Licenses shall expire on December 31 of the year of issuance. If the license is not granted, the City shall retain twenty five percent (25%) of the fee to help defray the costs of processing and refund the balance.

(2) **Health Department Approval.** All vendors serving food or garden produce for human consumption from any cart, wagon, or motor vehicle must have the means of preparing, keeping, and serving the foods approved by the Summit County Health Department. This approval, in writing, must be submitted as part of the license application. Withdrawal of Health Department approval for sanitary or health violations is grounds for revocation of the City license.

(3) **Limitation on Locations.** ~~Street vendors operating from carts or wagons that are powered by the operator (whether pushed, pulled, or peddled), or with a motor assist may be used on the sidewalks, but not in the streets in any commercial zone within the City. No cart or wagon with an assist motor larger than ten (10) horsepower shall be permitted to operate on the sidewalks.~~ Vending from motor vehicles (which shall include any motorized means of conveyance that is required to be licensed by the State Department of Motor Vehicles) shall be restricted to the sale of food at construction sites only, and all sales from motor vehicles shall occur on private property or, if a franchise has been obtained from the City, in the Single Family zone and the RD-MPD zones within Park Meadows, as designated on the Official Zoning Map of Park City.

(4) **Vendors required to move location.** It shall be unlawful for any street vendor to obstruct pedestrian or vehicular traffic on streets or sidewalks. It shall also be unlawful for any street vendor to remain in a fixed location ~~on public sidewalks~~ for more than one hour at a time. Vendors shall move a distance of at least fifty (50) feet from their prior location every hour during which they are conducting business. It shall be unlawful for any street vendor to conduct business in a location that impairs reasonable pedestrian or vehicular access to any adjoining building, alley, yard or other property.

(5) **Franchise Agreement.** The City, in its sole discretion, may determine the number of franchises to award based upon public necessity, demand of service, pedestrian and vehicular traffic compatibility, competition, and public safety. Any violation of the Franchise Agreement is grounds for business license revocation, in addition to any other remedy at law.

**SECTION 2. EFFECTIVE DATE.** This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 27th day of February, 1997.

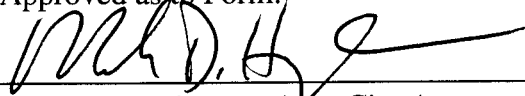
PARK CITY MUNICIPAL CORPORATION

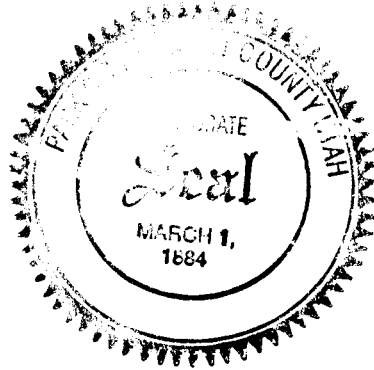
  
\_\_\_\_\_  
Mayor Bradley A. Ditch

Attestation by:

  
\_\_\_\_\_  
Jan Scott, City Recorder

Approved as to Form:

  
\_\_\_\_\_  
Mark D. Harrington, Asst. City Attorney



**Ordinance No. 97-8**

**AN ORDINANCE APPROVING THE PLAT AMENDMENT  
AT 545 MAIN STREET, CONSOLIDATING LOTS 13, 14, 15  
AND THE NORTHERLY 2.4' OF LOT 12,  
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN,  
PARK CITY, UTAH**

WHEREAS, the owner, the Bamberger Company, of the property at 545 Main Avenue, located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Park City, Utah, have petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on February 12, 1997 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, on February 27, 1997 the City Council reviewed 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. FINDINGS OF FACT.**

1. The newly formed parcel is located at 545 Main Street and the property is zoned HCB, Historic Commercial Business.
2. 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.
3. The proposed plat amendment will consolidate three 25' X 75' lots and a 2.34' X 75' remnant lot into one lot with frontage measuring 77.34' along Main Street and 75.0' deep.
4. Any construction on the consolidated lots will cause construction impacts along Main Street. A Construction Mitigation Plan is necessary to coordinate construction activities on Main

Street and to mitigate adverse impacts of construction in this area.

**SECTION 2. CONCLUSIONS OF LAW.**

The City Council hereby concludes that there is good cause for the above-mentioned plat amendment 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.

**SECTION 3. PLAT APPROVAL.**

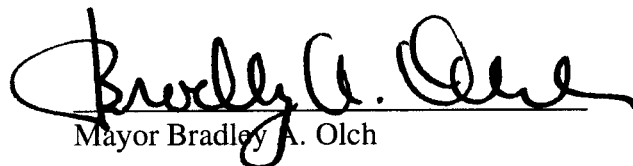
The plat amendment located at 545 Main Street, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer shall review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recording the plat.
2. All standard project conditions shall apply.
3. A financial guarantee, 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 plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.
5. A Construction Mitigation Plan will be required from the applicant prior to any construction on the newly created parcel. The applicant is responsible for coordination with other construction projects in the area and to mitigate any adverse impacts on the neighborhood.

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

PASSED AND ADOPTED this 27 th day of February, 1997.

PARK CITY MUNICIPAL CORPORATION

  
Mayor Bradley A. Olch

Attest:

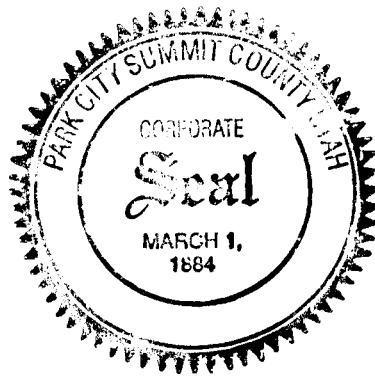
*Janet M. Scott*

Janet M. Scott, City Recorder

Approved as to form:

*Mark D. Harrington*

Mark D. Harrington, Assistant City Attorney



K:\LEGAL\ORD\97\97-8.



**Ordinance No. 97-7**

**AN ORDINANCE APPROVING A CONDOMINIUM PLAT  
FOR THE POTTER'S CORNER CONDOMINIUMS AT 220 AND 222 DALY AVENUE,  
BEING LOT 1 OF THE POTTER'S CORNER SUBDIVISION,  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 21,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN,  
PARK CITY, UTAH**

WHEREAS, the owner, Mountain Pacific Ventures Inc., of the property at 220 and 222 Daly Avenue, located in the Northwest Quarter of Section 21, Township 2 South, Range 4 East, Park City, Utah and known as the Potter's Corner Condominiums, have petitioned the City Council for approval of a condominium 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 January 22, 1997 the Planning Commission held a public hearing to receive public input on the proposed condominium plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on February 6, 1997 the City Council reviewed the proposed condominium plat; and

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

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

**SECTION 1. FINDINGS OF FACT.**

1. On August 3, 1995 the City Council approved a subdivision plat known as the Potter's Corner Subdivision to combine Lots 31 and 32, block 74 of the Millsite Reservation to the Park City Survey Plat, into a single lot for the purposes of construction of a duplex.
2. The condominiums are located in the Potter's Corner subdivision and are subject to all of the prior conditions of approval for that subdivision.

3. The Potter's Corner subdivision is located at 220 Daly Avenue and the property is zoned HR-1, Historic Residential.
4. 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.
5. The proposed plat changes the type of ownership of this property to condominium ownership.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby concludes that there is good cause for the above-mentioned condominium 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 condominium plats. The plat is consistent with the City Council approval of the Potter's Corner Subdivision plat.

**SECTION 3. PLAT APPROVAL.** The condominium plat, known as the Potter's Corner condominium plat, at 220 and 222 Daly Avenue, is hereby approved as shown on Exhibit A, with the following conditions:


1. The City Attorney and City Engineer shall review and approve the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, prior to recording the plat.
2. All conditions of approval of the Potter's Corner Subdivision shall apply.
3. All standard project conditions shall apply.
4. A financial guarantee, 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.
5. The final condominium plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.

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

PASSED AND ADOPTED this 6th day of February, 1997.



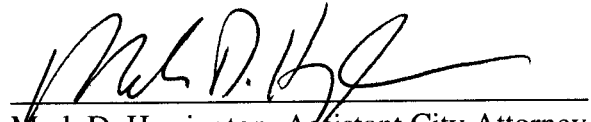
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, Assistant City Attorney



K:\LEGAL\ORD\97\97-7.

RECEIVED

PLANNING DEPT.

Exhibit A

**RECORDING CERTIFICATE**

This instrument is hereby recorded in the public records of the State of Utah, County of Salt Lake, on this 10th day of August, 1956, at 10:00 A.M. The recording fee is \$1.00. The instrument is recorded in the public records of the State of Utah, County of Salt Lake, in Book 10, Page 10.

BY \_\_\_\_\_

**LEGAL DESCRIPTION**

That certain lot 10, Block 10, within subdivision of the Park City, Utah, as shown on the plat of subdivision of the Park City, Utah, recorded in the public records of the State of Utah, County of Salt Lake, in Book 10, Page 10.

**CONVEYANCE AND CONVEYANCE TO RECORD**

This instrument is a conveyance of real property, and is subject to the provisions of the Utah Condominium Act, Chapter 10, Section 10-1, Utah Code Annotated, 1953, as amended.

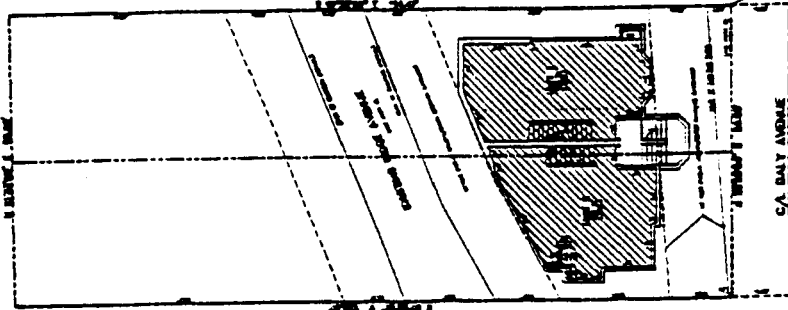
**ADMINISTRATIVE**

STATE OF UTAH  
COUNTY OF SALT LAKE

BY \_\_\_\_\_

- 1. The correct address of the property is 500 1st Avenue.
- 2. The correct address of the property is 500 1st Avenue.
- 3. The correct address of the property is 500 1st Avenue.
- 4. The correct address of the property is 500 1st Avenue.
- 5. The correct address of the property is 500 1st Avenue.
- 6. The correct address of the property is 500 1st Avenue.

*[Handwritten signature]*



**POTTER'S CORNER CONDOMINIUM**

RECORD OF SURVEY MAP  
A CONDOMINIUM PROJECT

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 4 EAST, MERIDIAN 11 WEST AND MEMORIAL PARK CITY, SALT LAKE COUNTY, UTAH

ALLIANCE ENGINEERING INC.  
P.O. BOX 1044  
111 MAIN STREET  
PARK CITY, UTAH 84040  
(407) 512-5117

<p><b>ENGINEERS CERTIFICATE</b></p> <p>I and the other engineers named herein are duly licensed professional engineers in the State of Utah, and we hereby certify that the above described project complies with the provisions of the Utah Condominium Act, Chapter 10, Section 10-1, Utah Code Annotated, 1953, as amended.</p> <p>DATE OF RECORDING: 8/10/56</p> <p>BY: _____</p>	<p><b>PLANNING COMMISSION</b></p> <p>APPROVED BY THE PLANNING COMMISSION OF THE CITY OF PARK CITY, UTAH, ON THIS DATE: 8/10/56</p> <p>BY: _____</p>	<p><b>STROMBERG BLANK SEVEN IMPROVEMENT DISTRICT</b></p> <p>APPROVED BY THE BOARD OF DISTRICT MANAGERS OF THE DISTRICT OF PARK CITY, UTAH, ON THIS DATE: 8/10/56</p> <p>BY: _____</p>	<p><b>CERTIFICATE OF ATTORNEY</b></p> <p>I hereby certify that the above described project complies with the provisions of the Utah Condominium Act, Chapter 10, Section 10-1, Utah Code Annotated, 1953, as amended.</p> <p>DATE OF RECORDING: 8/10/56</p> <p>BY: _____</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b></p> <p>APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL ON THIS DATE: 8/10/56</p> <p>BY: _____</p>	<p><b>RECORDED</b></p> <p>STATE OF UTAH COUNTY OF SALT LAKE AND 10 AT THE COUNTY CLERK'S OFFICE DATE: 8/10/56</p>
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**Ordinance No. 97-6**

**AN ORDINANCE APPROVING A  
CONDOMINIUM PLAT FOR THE SETTLERS RIDGE CONDOMINIUM LOCATED  
AT 564, 566, AND 568 DEER VALLEY DRIVE, PARK CITY, UTAH**

WHEREAS, the owners of the property located 564/566/568 Deer Valley Drive have petitioned the City Council for approval of a condominium plat for a condominium conversion of a ten unit project to be known as the Settlers Ridge; and

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

WHEREAS, the proposed condominium plat will allow the applicant to separately sell the individual units in the project located at 564/566/568 Deer Valley Drive;

WHEREAS, the proposal is consistent with both the Park City Land Management Code requirements for the RM District and Comprehensive Plan;

WHEREAS, the property was posted and legal notice published according to the requirements of the Land Management Code and proper notice was sent to all property owners within 300 feet of the property in question;

WHEREAS, the Planning Commission held a public hearing on January 22, 1997 to receive input on the proposed condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the condominium plat, known as Settlers Ridge;

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are incorporated herein as Findings of Facts.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby concludes that there is good cause for the above-mentioned condominium plat and that neither the public nor any person will be materially injured by the proposed condominium plat.

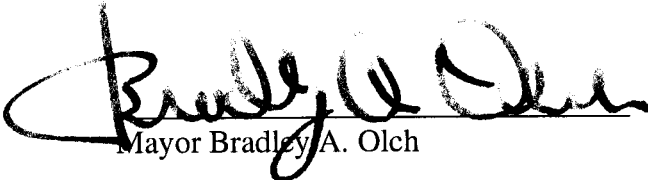
**SECTION 3. PLAT APPROVAL.** The condominium plat, known as Settlers Ridge, Park City, Utah, is approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation, the City Attorney and the City Engineer will review and approve the final form and content of the plat and CC&R's for compliance with State law, the Land Management Code and conditions of approval.
2. All conditions of approval for the Settlers Ridge C.U.P. apply.
3. All Standard Project Conditions shall apply.
4. The owners will record the final condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within the one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 6th day of February, 1997

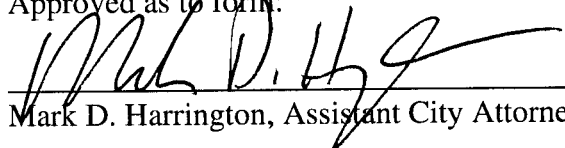
PARK CITY MUNICIPAL CORPORATION

  
Mayor Bradley A. Olch

Attest:

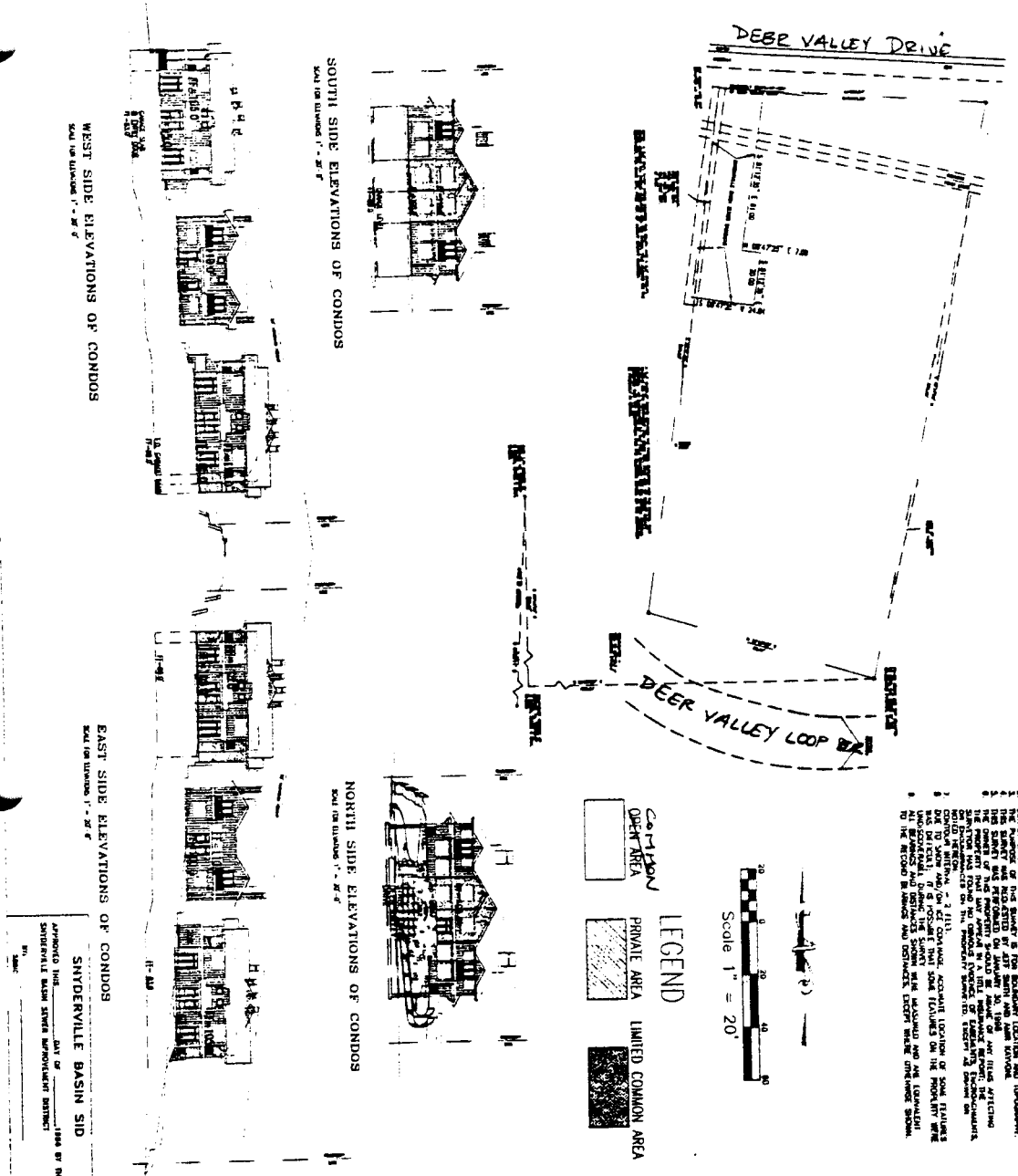
  
Janet M. Scott, City Recorder

Approved as to form:

  
Mark D. Harrington, Assistant City Attorney



# SETTLERS RIDGE CONDOMINIUMS



- NOTES**
1. THE PLAN OF SETTLERS RIDGE CONDOMINIUMS IS AS SHOWN.
  2. THE PLAN OF SETTLERS RIDGE CONDOMINIUMS IS AS SHOWN.
  3. THE PLAN OF SETTLERS RIDGE CONDOMINIUMS IS AS SHOWN.
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  7. THE PLAN OF SETTLERS RIDGE CONDOMINIUMS IS AS SHOWN.
  8. THE PLAN OF SETTLERS RIDGE CONDOMINIUMS IS AS SHOWN.
  9. THE PLAN OF SETTLERS RIDGE CONDOMINIUMS IS AS SHOWN.
  10. THE PLAN OF SETTLERS RIDGE CONDOMINIUMS IS AS SHOWN.



**RECEIVED**

JAN 13 1981

PLANNING DEPT.

**SURVEYOR'S CERTIFICATE**

I, the undersigned, being duly qualified and sworn, do hereby certify that the above described land is the property of the Settlers Ridge Condominiums, a limited liability company, organized under the laws of the State of Utah, and that the same is shown on the attached plan as filed in my office on this 13th day of January, 1981.

**LEGAL DESCRIPTION**

That certain lot 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, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

**OWNER'S DECLARATION**

I, the undersigned, being duly qualified and sworn, do hereby certify that the above described land is the property of the Settlers Ridge Condominiums, a limited liability company, organized under the laws of the State of Utah, and that the same is shown on the attached plan as filed in my office on this 13th day of January, 1981.

**ACKNOWLEDGMENT**

STATE OF UTAH ) ss.  
County of Salt Lake )  
On this 13th day of January, A.D. 1981, personally appeared before me, the undersigned, a Notary Public for the State of Utah, the above named Settlers Ridge Condominiums, a limited liability company, and its authorized representatives, who acknowledged to me that they executed the foregoing instrument for the purposes and in the capacity therein expressed, and that the same is a true and correct copy of the original thereof.

**PLANNING COMMISSION**

APPROVED THIS 13th DAY OF JANUARY, 1981 BY THE PARK CITY PLANNING COMMISSION

BY: \_\_\_\_\_, Chairman, Planning Commission

CERTIFICATE OF ATTEST

APPROVAL AND ACCEPTANCE BY THE PARK CITY COMMISSION

THIS 13th DAY OF JANUARY, 1981

**ENGINEERS CERTIFICATE**

I CERTIFY THAT THIS CONDOMINIUM PLAN IS IN ACCORDANCE WITH REGULATION ON FILE IN MY OFFICE THIS 13th DAY OF JANUARY, 1981

BY: \_\_\_\_\_, State Engineer

**APPROVAL AS TO FORM**

APPROVED AS TO FORM THIS 13th DAY OF JANUARY, 1981

BY: \_\_\_\_\_, State Notary Public

STATE OF UTAH, COUNTY OF SALT LAKE AND FILED AT THE REQUEST OF

**SETTLERS RIDGE CONDOMINIUMS**

PARK CITY, SALT LAKE COUNTY, STATE OF UTAH

**Ordinance No. 97-5**

**AN ORDINANCE APPROVING A  
PLAT AMENDMENT FOR LOT 1 OF THE ALTA VISTA SUBDIVISION LOCATED  
AT 7905 WOODLAND VIEW DRIVE, PARK CITY, UTAH**

WHEREAS, the owners of the property located 7905 Woodland View Drive have petitioned the City Council for approval of a subdivision plat amendment; and

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

WHEREAS, the proposal is consistent with both the Park City Land Management Code requirements for the RD-MPD District and Comprehensive Plan;

WHEREAS, the property was posted and legal notice published according to the requirements of the Land Management Code and proper notice was sent to all property owners within 300 feet of the property in question;

WHEREAS, the amendment shifts the building pad to the north and west and remains 6300 square feet;

WHEREAS, it is in the best interest of Park City, Utah to approve the subdivision plat amendment, known as lot 1 of Alta Vista;

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are incorporated herein as Findings of Facts.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby concludes that there is good cause for the above-mentioned condominium plat and that neither the public nor any person will be materially injured by the proposed condominium plat.

**SECTION 3. PLAT APPROVAL.** The condominium plat, known as Settlers Ridge, Park City, Utah, is approved as shown on the attached Exhibit A with the following conditions:

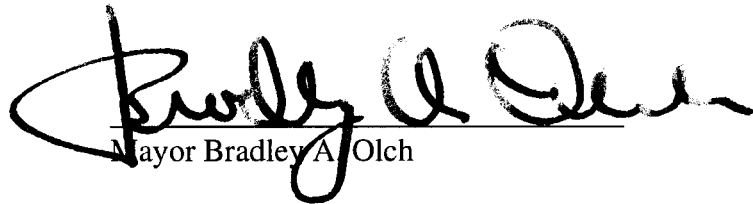
1. Prior to plat recordation, the City Attorney and the City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code and conditions of approval.

2. All conditions of approval for the Alta Vista subdivision apply.
3. All Standard Project Conditions shall apply.
4. The owners will record the final plat at the County within one year from the date of City Council approval. If recordation has not occurred within the one year's time , this approval and the plat will be void.

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

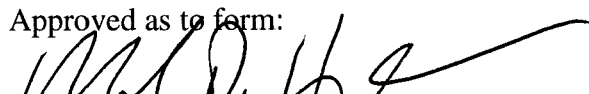
PASSED AND ADOPTED this 6th day of February, 1997

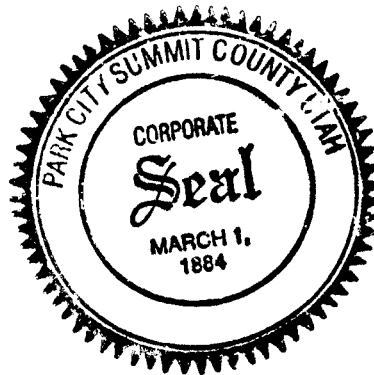
PARK CITY MUNICIPAL CORPORATION

  
Mayor Bradley A. Olch

Attest:

  
Janet M. Scott, City Recorder

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



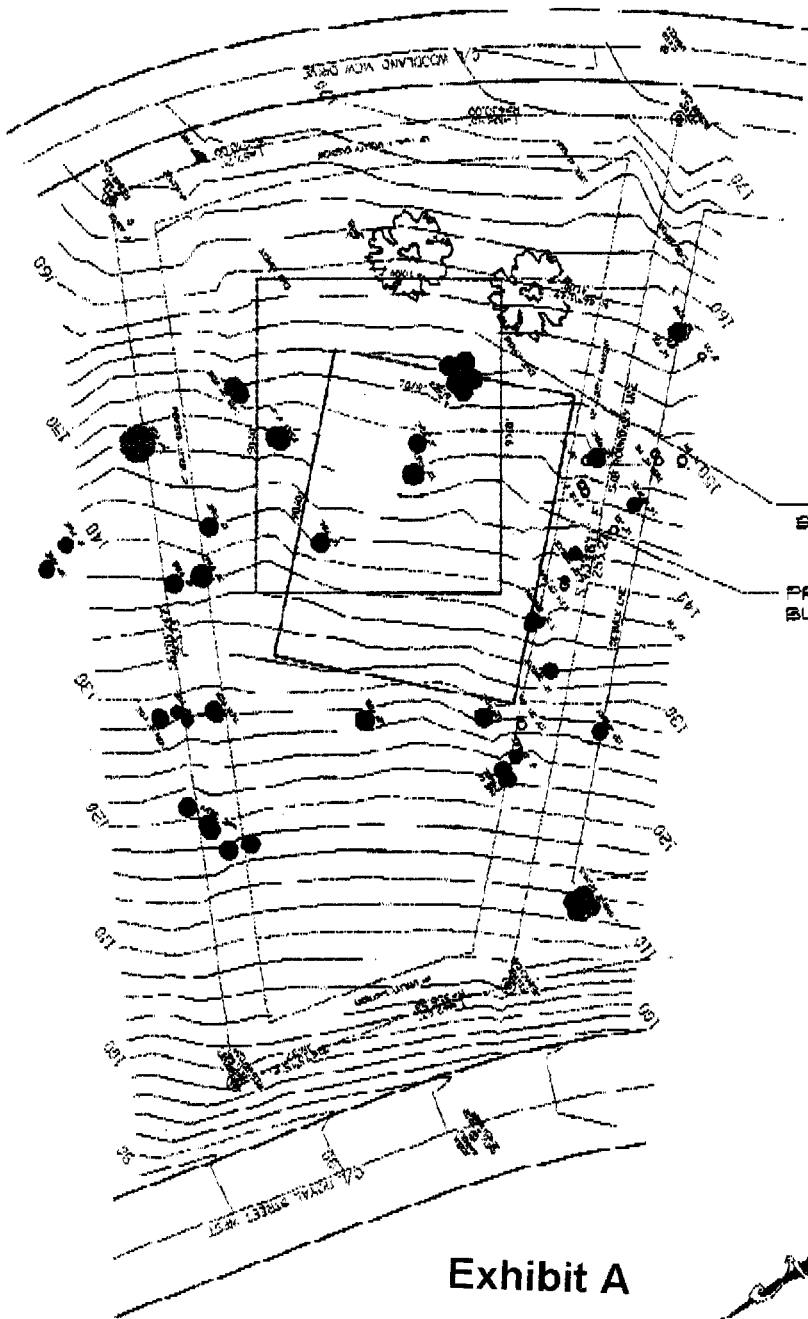


Exhibit A

**BABCOCK  
DESIGN  
GROUP.**  
ARCHITECTURE  
PLANNING  
INTERIORS

— PLOTTED  
BUILDING PAD

— PROPOSED REVISED  
BUILDING PAD

**GIEBLER  
RESIDENCE**

ALTA VISTA  
SUBDIVISION

PROJECT NUMBER: 05035

SHEET TITLE:

**SITE PLAN**  
SCALE = 1/32

SHEET NUMBER: **A11**

DATE: JANUARY 27, 1997



**Ordinance No. 97-4**

**AN ORDINANCE APPROVING AN AMENDMENT TO THE  
PARK CITY SURVEY, LOTS 15 AND 16, BLOCK 22 AND  
LOTS 16 & 17, BLOCK 69,  
TO BE KNOWN AS THE 368 MAIN STREET RESUBDIVISION,  
LOCATED AT 368 MAIN STREET, PARK CITY, UTAH**

WHEREAS, the owners of the property known as Lots 15 and 16, Block 22 and Lot 16 & 17, Block 69, Park City Survey, has petitioned the City Council for approval of an amendment to the amended Park City Survey; and

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

WHEREAS, the City Council held a public hearing on January 23, 1997 to receive public input on the proposed amendment;

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

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

**SECTION 1. CONCLUSIONS OF LAW.** The City Council hereby concluded that:

1. There is good cause for the amendment
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

**SECTION 2. PLAT APPROVAL.** The plat amendment for Lots 15 and 16, Block 22 and Lots 16 & 17, Block 69, Park City Survey is approved as shown on the attached Exhibit A with the following conditions:

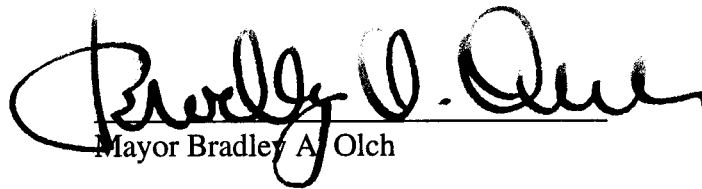
1. The City Attorney and City Engineer's review and approval of the final form and content of the amended plat is a condition precedent to recording the plat.
2. The owner agrees as a condition of approval for the proposed plat amendment for lot 15, Block 22 that the south facing wall of 368 Main Street be brought into compliance with all fire all requirements of the Uniform Building Code and Uniform Fire Code prior to issuance of any building permit on the resulting adjacent lot. Failure to comply with these requirements shall result in the revocation of the Certificate of Occupancy for 368 Main Street.

3. A note shall be added to the plat acknowledging the restrictive parking covenant, dated February 28, 1986, recorded at the Summit County Recorder's Office in Book 375, Page 384.
4. Dedication of a sidewalk easement between the Main Street building frontage and the Main Street right-of-way is a condition precedent to recording the plat.
5. All Standard Project Conditions shall apply.
6. Approval of the plat amendment shall be void if the plat is not recorded by January 23, 1998.

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

PASSED AND ADOPTED this 23rd day of January 1997.

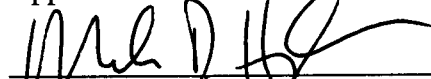
PARK CITY MUNICIPAL CORPORATION

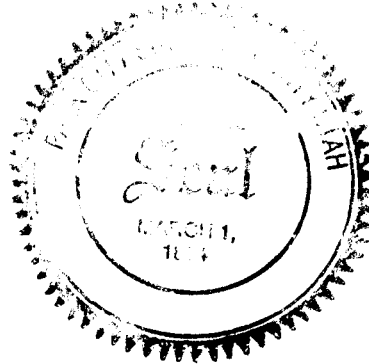
  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Ian Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark Harrington, Assistant City Attorney



THESE RECORDS ARE THE PROPERTY OF THE SURVEYOR AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACT OF 1978, CHAPTER 16, UTAH CODE ANNOTATED, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, UTAH DEPARTMENT OF HERITAGE AND ARTS.

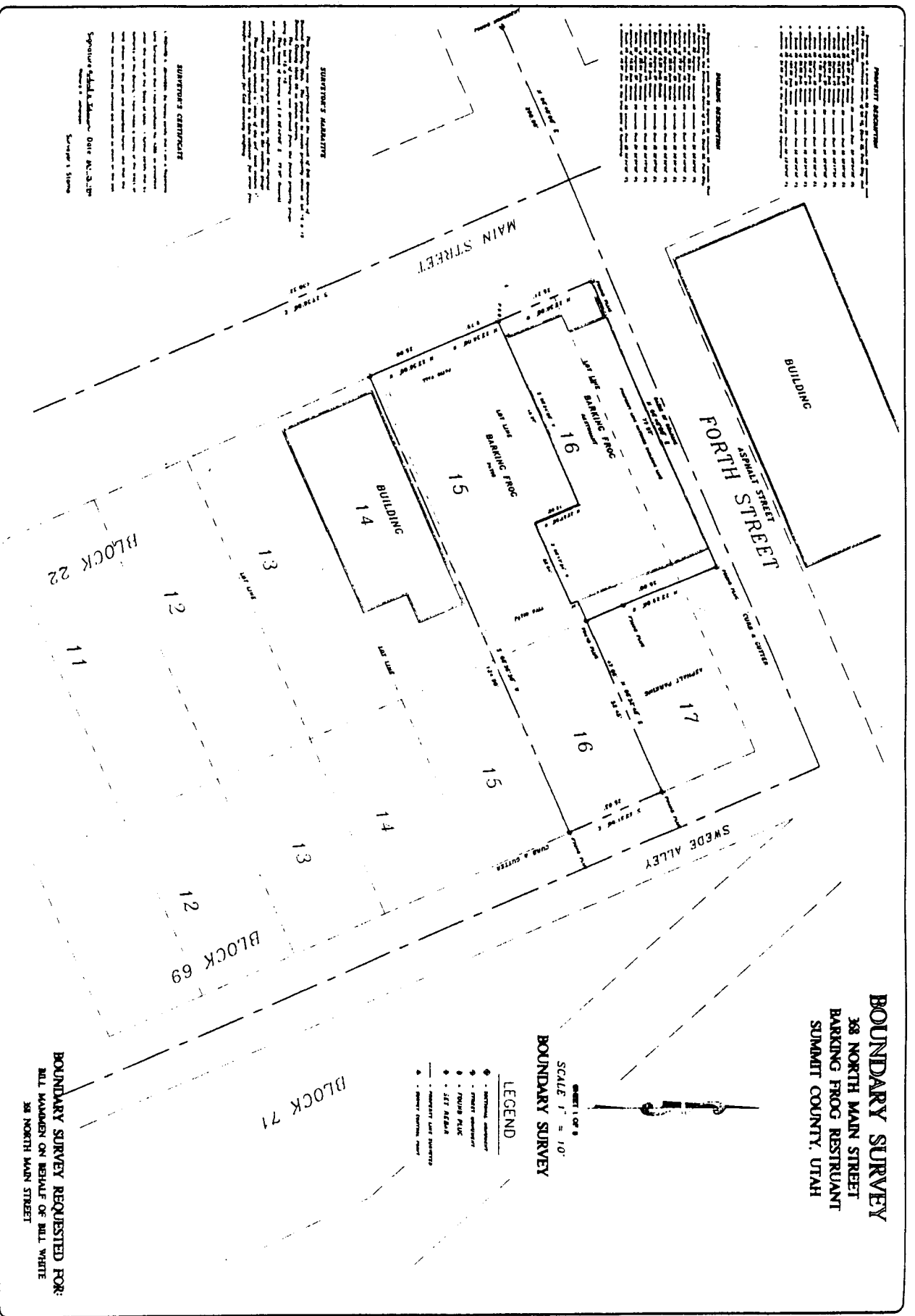
**SURVEYOR'S DECLARATION**

I, the undersigned, being a duly licensed Surveyor in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original records of this survey as the same appear in my office.

**SURVEYOR'S CERTIFICATE**

I, the undersigned, being a duly licensed Surveyor in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original records of this survey as the same appear in my office.

Date: 11/17/97  
Signature: [Signature]



**BOUNDARY SURVEY**  
388 NORTH MAIN STREET  
BARKING PROC RESTAURANT  
SUMMIT COUNTY, UTAH

SCALE 1" = 10'  
**BOUNDARY SURVEY**

**LEGEND**

- METRIC EQUIPMENT
- FRONT PROPERTY
- TRUSS PLAC
- SITE AREA
- PROPERTY LINE EASEMENT
- PROPERTY BOUNDARY LINE

**BOUNDARY SURVEY REQUESTED FOR:**  
BILL WARDEN ON BEHALF OF BILL WHITE  
388 NORTH MAIN STREET

**RECEIVED**

JAN 17 1997

PARK CITY  
PLANNING DEPT.

**EXHIBIT A**

<p><b>BOUNDARY SURVEY</b> BARKINGPROC RESTAURANT</p>	<p>DATE: 11/17/97</p>	<p>PROJECT: 388 NORTH MAIN STREET</p>	<p>NO. 1</p>	<p>NO. 2</p>	<p>NO. 3</p>	<p>NO. 4</p>	<p>NO. 5</p>	<p>NO. 6</p>	<p>NO. 7</p>	<p>NO. 8</p>	<p>NO. 9</p>	<p>NO. 10</p>
			<p>NO. 11</p>	<p>NO. 12</p>	<p>NO. 13</p>	<p>NO. 14</p>	<p>NO. 15</p>	<p>NO. 16</p>	<p>NO. 17</p>	<p>NO. 18</p>	<p>NO. 19</p>	<p>NO. 20</p>

LAND DESIGN & DEVELOPMENT  
P.O. BOX 708841  
SALT LAKE CITY, UTAH 84170  
(801) 968-9688

**AN ORDINANCE APPROVING A  
CONDOMINIUM PLAT FOR THE 13th STREET TOWNHOMES CONDOMINIUM  
LOCATED AT 1281 & 1285 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property located 1281/ 1285 Deer Valley Loop have petitioned the City Council for approval of a condominium plat for a condominium conversion of an existing duplex to be known as the 13th Street Townhomes Condominium; and

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

WHEREAS, the proposed condominium plat will allow the applicant to separately sell the individual units in the duplex located at 1281/ 1285 Park Avenue;

WHEREAS, the proposal is consistent with both the Park City Land Management Code requirements for the RC District and Comprehensive Plan;

WHEREAS, the property was posted and legal notice published according to the requirements of the Land Management Code and proper notice was sent to all property owners within 300 feet of the property in question;

WHEREAS, the Planning Commission held a public hearing on January 8, 1997 to receive input on the proposed condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the condominium plat, known as the 13th Street Townhomes Condominium;

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

**SECTION 1. CONCLUSIONS OF LAW.** The City Council hereby concludes that there is good cause for the above-mentioned condominium plat and that neither the public nor any person will be materially injured by the proposed condominium plat.

**SECTION 2. PLAT APPROVAL.** The condominium plat, known as the 13th Street Townhomes Condominium, Park City, Utah, is approved as shown on the attached Exhibit A with the following conditions:

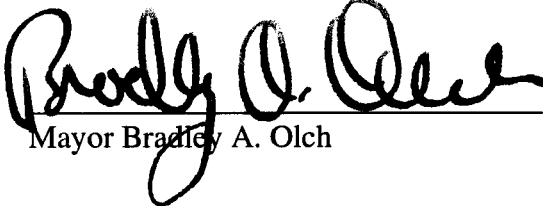
1. Prior to plat recordation, the City Attorney and the City Engineer shall review and approve the final plat and CC&R's for compliance with the Land Management Code and conditions of approval.

2. All Standard Project Conditions shall apply.
3. 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 this one year time frame, this approval and the plat shall be considered null and void.

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

PASSED AND ADOPTED this 23rd day of January, 1997

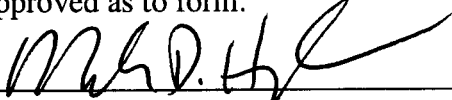
PARK CITY MUNICIPAL CORPORATION

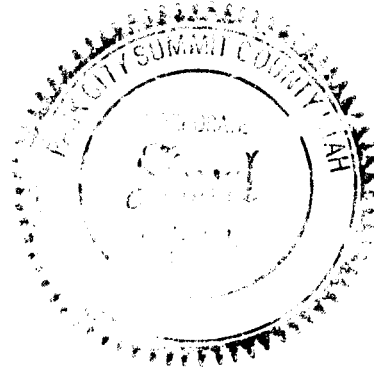
  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

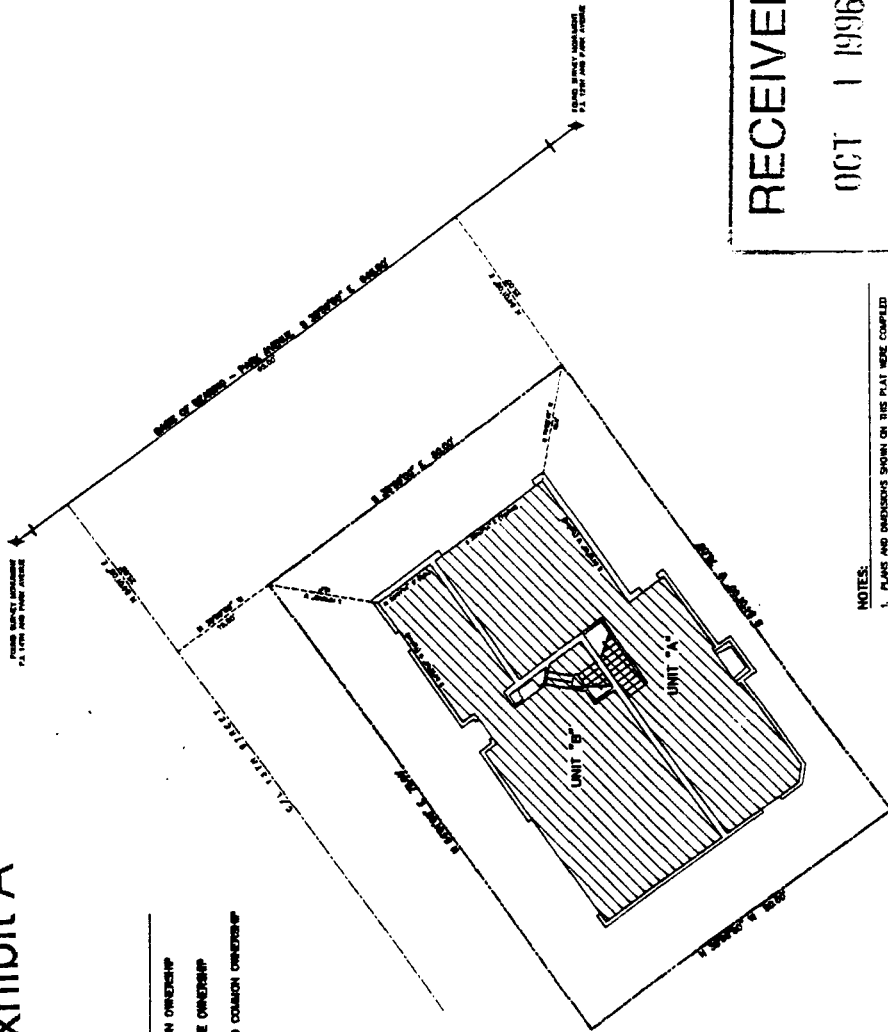
Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, Assistant City Attorney



# Exhibit A

- LEGEND**
- COMMON OWNERSHIP
  - PRIVATE OWNERSHIP
  - LIMITED COMMON OWNERSHIP



- NOTES:**
1. PLANS AND DIMENSIONS SHOWN ON THIS PLAN WERE COMPLETED BY THE ARCHITECT AND ENGINEER AND SHALL BE CONSIDERED AS SUCH UNLESS OTHERWISE NOTED.
  2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
  3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS OF OWNERSHIP.
  4. REFER TO DECLARATION OF CO-OWNERSHIP FOR COMPLETE DESCRIPTION OF OWNERSHIP.
  5. SEE RECORDED SURVEY NO. 9-1874, SALT COUNTY RECORDER'S OFFICE, UTM FOR RECORD OF SURVEY.
  6. THE STREET ADDRESS FOR UNIT "A" IS \_\_\_\_\_ PARK AVENUE.
  7. THE STREET ADDRESS FOR UNIT "B" IS \_\_\_\_\_ 13TH STREET.
  8. S.F. REPRESENTS SQUARE FEET.

**RECEIVED**  
 OCT 1 1996  
 PARK CITY  
 PLANNING DEPT.

**SURVEYORS CERTIFICATE**

I, John DeWolfe, do hereby certify that I am a Registered Land Surveyor and that I had Certificate No. 18389 as authorized by the State of Utah. I further certify that by authority of the owner/I have made a survey of the property shown on this plat and depicted therein and have not introduced therein any error or mistake and that I have not been convicted of any crime under the provisions of the Utah Code, Sections 91-9-11, 91-9-12, 91-9-13, 91-9-14, 91-9-15, 91-9-16, 91-9-17, 91-9-18, 91-9-19, 91-9-20, 91-9-21, 91-9-22, 91-9-23, 91-9-24, 91-9-25, 91-9-26, 91-9-27, 91-9-28, 91-9-29, 91-9-30, 91-9-31, 91-9-32, 91-9-33, 91-9-34, 91-9-35, 91-9-36, 91-9-37, 91-9-38, 91-9-39, 91-9-40, 91-9-41, 91-9-42, 91-9-43, 91-9-44, 91-9-45, 91-9-46, 91-9-47, 91-9-48, 91-9-49, 91-9-50, 91-9-51, 91-9-52, 91-9-53, 91-9-54, 91-9-55, 91-9-56, 91-9-57, 91-9-58, 91-9-59, 91-9-60, 91-9-61, 91-9-62, 91-9-63, 91-9-64, 91-9-65, 91-9-66, 91-9-67, 91-9-68, 91-9-69, 91-9-70, 91-9-71, 91-9-72, 91-9-73, 91-9-74, 91-9-75, 91-9-76, 91-9-77, 91-9-78, 91-9-79, 91-9-80, 91-9-81, 91-9-82, 91-9-83, 91-9-84, 91-9-85, 91-9-86, 91-9-87, 91-9-88, 91-9-89, 91-9-90, 91-9-91, 91-9-92, 91-9-93, 91-9-94, 91-9-95, 91-9-96, 91-9-97, 91-9-98, 91-9-99, 91-9-100.

JOHN DEWOLFE, L.S. 18389 DATE \_\_\_\_\_

**LEGAL DESCRIPTION**

All of Lots 21, A, 22, Block 5, Sycamore Addition to Park City, according to the official plat thereof on the end of record in the office of the Salt Lake County Recorder.

**OWNERS DEDICATION AND CONSENT TO RECORD**

WE, ALL THE SHAREHOLDERS of the undersigned Park Avenue Properties, L.L.C., the owner of 13TH STREET DUPLEX, hereby consent the entire lot to be divided into five private units, to wit: Units 1, 2, 3, 4, and 5, which shall be owned in common by the undersigned and shall be subject to the provisions of the Utah Condominium Act, Title 66, Chapter 2, of the Utah Code, which shall be applicable to the units and common areas of the project. The undersigned consent to the incorporation of the provisions of the Utah Condominium Act, Title 66, Chapter 2, of the Utah Code, which shall be applicable to the units and common areas of the project.

By: \_\_\_\_\_ PARK AVENUE PROPERTIES, L.L.C., a Utah limited liability company

By: \_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF UTAH )  
 COUNTY OF SALT LAKE ) ss.  
 I, \_\_\_\_\_, County Clerk of said County, do hereby certify that the foregoing instrument has been duly acknowledged to me by the undersigned and that the same is a true and correct copy of the original as the same appears from the records of said County.

On this \_\_\_\_\_ day of \_\_\_\_\_, 1996, personally appeared \_\_\_\_\_, a single male of legal age, who is the owner of the above described property, and he acknowledged to me that he signed the same.

WITNESSED BY ME, \_\_\_\_\_, County Clerk of said County, on this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

STATE OF UTAH )  
 COUNTY OF SALT LAKE ) ss.  
 I, \_\_\_\_\_, County Clerk of said County, do hereby certify that the foregoing instrument has been duly acknowledged to me by the undersigned and that the same is a true and correct copy of the original as the same appears from the records of said County.

On this \_\_\_\_\_ day of \_\_\_\_\_, 1996, personally appeared \_\_\_\_\_, a single male of legal age, who is the owner of the above described property, and he acknowledged to me that he signed the same.

WITNESSED BY ME, \_\_\_\_\_, County Clerk of said County, on this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

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

## 13TH STREET DUPLEX

A CONDOMINIUM PROJECT

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

PAGE 1 OF 2

APPROVAL AS TO FORM APPROVED AS TO FORM THIS DAY OF _____, 1996 A.D. BY: _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I HEREBY THIS RECORD OF SURVEY HAS BEEN APPROVED BY PARK CITY COUNCIL THIS _____, 1996 A.D. OF _____, 1996 A.D. BY: _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____, 1996 A.D. BY: _____ MAYOR	RECORDED STATE OF UTAH COUNTY OF SALT LAKE FILED AT THE OFFICE OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FILE _____ RECORDER
PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____, 1996 A.D. DAY OF _____, 1996 A.D. BY: _____ CHAIRMAN	ENGINEERS CERTIFICATE THIS ENGINEERING CERTIFICATE ACCORDANCE WITH MODIFICATION ON FILE IN MY OFFICE THIS _____, 1996 A.D. DAY OF _____, 1996 A.D. BY: _____ PARK CITY ENGINEER	SUTHERVILLE BASIN SEWER IMPROVEMENT DISTRICT REVIEWED FOR CONFORMANCE TO SUTHERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS _____, 1996 A.D. DAY OF _____, 1996 A.D. BY: _____ S.S.I.D.	ALLIANCE ENGINEERING INC. JOB NO. 05-12-95 FILE: 15A04P-51291 P.O. BOX 2444 PARK CITY, UTAH 84000 (801) 948-2447

**Ordinance No. 97-2**

**AN ORDINANCE APPROVING THE SUBDIVISION PLAT  
FOR THE HULBERT HOLLER SUBDIVISION LOCATED AT 1503 PARK AVENUE  
IN THE SOUTHWEST QUARTER OF SECTION 9  
TOWNSHIP 2 SOUTH, RANGE 4 EAST  
SALT LAKE BASE AND MERIDIAN  
PARK CITY, UTAH**

WHEREAS, the owners of property at 1503 Park Avenue, known as the Hulbert Holler Subdivision, have petitioned the City Council for approval of a subdivision plat for two lots;

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

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

WHEREAS, on December 18, 1996 the Planning Commission held a public hearing to receive public input on the subdivision plat; and

WHEREAS, on December 18, 1996 the Planning Commission forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on January 9, 1997 the City Council reviewed the proposed 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. FINDINGS OF FACT.**

1. The above recitals are hereby incorporated as findings of fact.
2. In order to serve the site and surrounding lots with adequate utilities, a 5' non-exclusive utility easement is required along the 15th Street frontage.
3. The location of this proposal is in an area of heavy winter snow fall. In order to provide adequate and efficient snow removal from public streets, a 10' non-exclusive snow storage easement is required along the Park Avenue and 15th Street frontages.

4. 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.
6. The 15th Street roadway has historically been used and enjoyed by vehicles and pedestrians for many decades. Without dedication of this roadway as a public right-of-way Lot 2 does not have required frontage on a public street.
7. The eastern portion of this property is located within the Park City Frontage Protection Zone and is subject to all conditions and restrictions stated in the Frontage Protection Ordinance and LMC, Section 8.8.
8. The existing structure at 1503 Park Avenue is an historically significant house which contributes to the historic street scape along Park Avenue.
9. Historic buildings are a valuable asset which contribute to the distinct character of the community. It is therefore desirable to encourage new construction of residential structures which are compatible with the mass and scale of the historic context.
10. The Hulbert Holler Subdivision is a two lot subdivision of a 16,074 square foot parcel located at the northwest corner of Park Avenue and unplatted 15th Street. The property is in the RM, Medium Density Residential, zoning district.
11. Lot one is 5,505 square feet and Lot two is 4,559 square feet in area. The remainder of the parcel (6,010 square feet) is dedicated as public right-of-way for 15th Street.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby concludes that there is good cause for the above-mentioned Hulbert Holler Subdivision and that neither the public nor any person will be materially injured by the proposed plat. Approval of the plat does not adversely affect the health, safety, and welfare of the citizens of Park City. The plat is consistent with Utah state subdivision law, the Park City Land Management Code, and the Park City Comprehensive Plan. No non-conforming uses or lots are created with this subdivision plat.

**SECTION 3. PLAT APPROVAL.** The Hulbert Holler subdivision plat is hereby approved as shown on Exhibit A , with the following conditions:

1. The City Attorney and City Engineer shall review and approve the final form and content of the plat and the dedication language for 15th Street, 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 shall apply.
3. A financial guarantee, 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



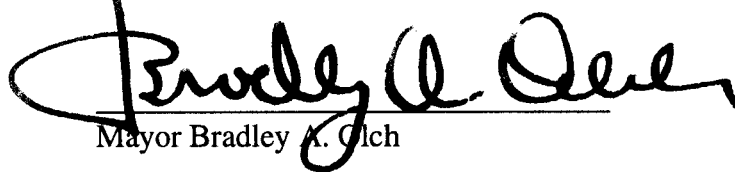
according to City standards and accepted by the City Engineer prior to release of this guarantee.

4. There shall be a note on the plat, and a Grant of Easement in a form approved by the City Attorney, granting a facade easement for the Park Avenue and 15th Street facades of the historic structure at 1503 Park Avenue. The facade easement agreement shall allow the owner flexibility to propose an historically sensitive and compatible addition to this structure, including dormers in the existing roof to utilize the attic area.
5. Any construction within the Frontage Protection Zone shall be regulated and restricted by the Frontage Protection Ordinance and Section 8.8 of the LMC.
6. Any future addition to the existing historic structure, and any structure constructed on Lot 2, shall be reviewed and approved by the Historic District Commission and shall be sensitive to and compatible with the design and character of the existing structure.
7. A 10' snow storage and a 5' non-exclusive utility easement, along the frontage of Park Avenue and 15th Street, shall be dedicated to the City and indicated on the plat.
8. The final subdivision 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 time frame, this approval and the plat shall be considered null and void.

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

PASSED AND ADOPTED this 9th day of January, 1997.


PARK CITY MUNICIPAL CORPORATION

  
Mayor Bradley A. Cich

Attest:

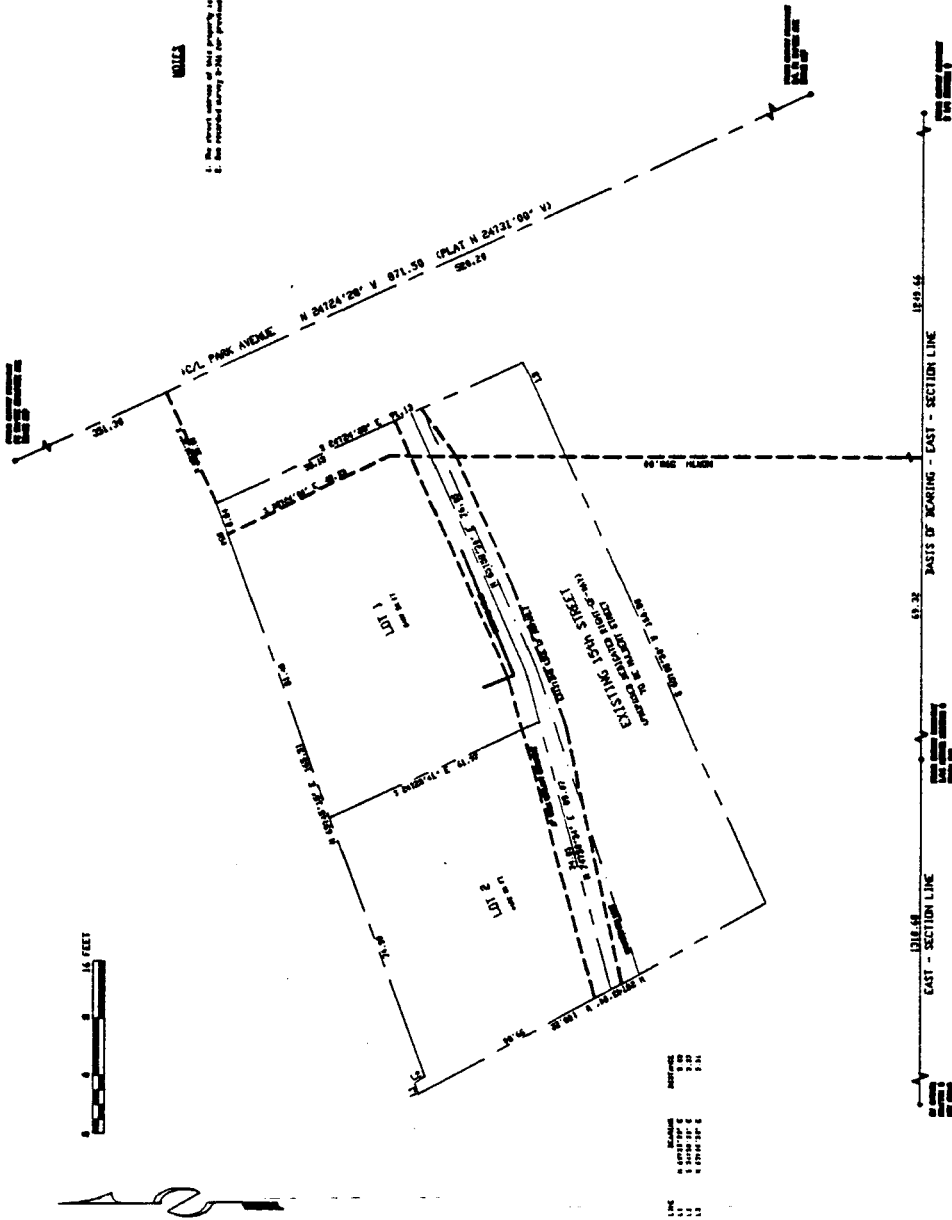
  
Janet M. Scott, City Recorder

Approved as to form:

  
Mark D. Harrington, Assistant City Attorney

K:\LEGAL\ORD97\97-2.

EXHIBIT A.



**ADVERSE CLAIMS**

There are no adverse claims known to the undersigned which are in violation of the provisions of the Utah Subdivision Map Act, Chapter 2, Title 2, Utah Code, and which are not shown on the map. The undersigned is not aware of any such claims.

**LEGAL DESCRIPTION**

The Hulbert Holler Subdivision is located in the Southwest Quarter of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Summit County, Utah. The subdivision is shown on the map as a rectangular area bounded by the following bearings and distances: North 04124°28' West 871.50 feet, East 295.24 feet, South 871.50 feet, and West 295.24 feet. The subdivision is divided into two lots, Lot 1 and Lot 2. The area is subject to the provisions of the Utah Subdivision Map Act, Chapter 2, Title 2, Utah Code.

**OTHER DESIGNATION AND CONSIDER TO BE NOTED**

There are no other designations or considerations to be noted on this map.

Surveyed by: **WALTER P. HULLER**  
 Date: **1996**

**ACKNOWLEDGEMENT**

I, the undersigned, being duly qualified and sworn, do hereby certify that the above and foregoing is a true and correct copy of the original map as shown to me by the applicant, and that the same conforms to the provisions of the Utah Subdivision Map Act, Chapter 2, Title 2, Utah Code.

Walter P. Huller  
 Surveyor

**RECORD OF SURVEY MAP**

**HULBERT HOLLER SUBDIVISION**  
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE  
 AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

RECEIVED  
 DEC 12 1996  
 PARK CITY  
 PLANNING DEPT.

LEGAL ADVERTISING IN

3589



**The Park Record**

1670 Bonanza Drive • P.O. 3688 • Park City, UT 84060 • (801)649-9014

RECEIVED  
 JAN 21 1997  
 ACCOUNTS PAYABLE

Order Date .....  
 Invoice Date .....  
 Cust. P.O. No. ....  
 Cash ..... Charge .....  
 Sold by .....

*Park City Municipal Corporation*  
*PO Box 1480*  
*Park City, UT 84060-1480*

Pub. Date	Advertising — Captioned	Special Handling	Lines of Type	Rate	Amount
1/15/97	Notice of Regular Meeting Date	N/A	65	.45	29 25
1/15/97	Ordinance No. 97-1 2260 Apts	N/A	34	.45	15 30
1/15/97	Ordinance No. 97-2 1503 Park	N/A	31	.45	13 95

THIS IS YOUR INVOICE — WE DO NOT ITEMIZE AGAIN.

**INVOICE NUMBER** No **L 6870**  
 PLEASE SPECIFY THIS INVOICE NUMBER WITH YOUR REMITTANCE.  
 MAIL TO: **THE PARK RECORD**  
 P.O. Box 3688  
 Park City, UT 84060

Accounts are due and payable 10th of month following date of invoice. A finance charge of 1½% per month, 18% per annum, will be charged on the unpaid balance 30 days or more past due. Customer agrees to pay a reasonable attorney's fee and other costs of collection after default and referral to an attorney.

	Sub Total	
	TOTAL	58 50

**Ordinance No. 97-1**

**AN ORDINANCE APPROVING A CONDOMINIUM PLAT  
FOR THE PARKVIEW CONDOMINIUMS AT 2260 JUPITER VIEW DRIVE,  
BEING LOT 2 OF THE PARKVIEW SUBDIVISION,  
LOCATED IN THE NORTHEAST QUARTER OF SECTION 8,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN,  
PARK CITY, UTAH**

WHEREAS, the owners, Parkview L.L.C, of the property at 2260 Jupiter View Drive, located in the Northeast Quarter of Section 8, Township 2 South, Range 4 East, Park City, Utah and known as the Parkview Condominiums, have petitioned the City Council for approval of a condominium 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 December 18, 1996 the Planning Commission held a public hearing to receive public input on the proposed condominium plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on January 9, 1997 the City Council reviewed the proposed condominium plat; and

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

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

**SECTION 1. FINDINGS OF FACT.**

1. On October 9, 1996 the Planning Commission approved a Master Planned Development for the 36 townhouse project known as the Parkview MPD.
2. The Parkview MPD is located at 2260 Jupiter View Drive and the property is zoned RDM, Medium Density Residential.

3. 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.

4. The proposed plat changes the type of ownership of this property to condominium ownership.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby concludes that there is good cause for the above-mentioned condominium 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 condominium plats. The plat is consistent with the Planning Commission approval of the Parkview Master Planned Development.

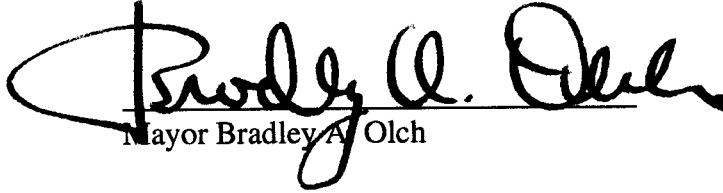
**SECTION 3. PLAT APPROVAL.** The condominium plat, known as the Parkview Condominium plat, at 2260 Jupiter View Drive, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer shall review and approve the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, prior to recording the plat.
2. All conditions of approval, including amended conditions of approval, for the Parkview MPD shall apply.
3. All standard project conditions shall apply.
4. A financial guarantee, 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.
5. The final condominium plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.

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

PASSED AND ADOPTED this 9th day of January 9, 1997.


PARK CITY MUNICIPAL CORPORATION

  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, Assistant City Attorney

K:\LEGAL\ORD\97\97-1

**SURVEYOR'S CERTIFICATE**

I, John DeMonez, do hereby certify that I am a registered Land Surveyor and that I have surveyed the above described land in accordance with the laws of the State of Utah and the rules and regulations of the Board of Land Surveyors of the State of Utah. I further certify that the above described land is not subject to any other claim or interest and that the same is being surveyed for the purpose of a condominium project. In accordance with Utah Code Section 71-2-13.

JOHN DEMONEZ DATE: \_\_\_\_\_

**LEGAL DESCRIPTION**

Lot 2, Parkview Subdivision, according to the official record and returned and on record as Entry No. 228248 in the Office of the Salt Lake County Recorder.

**LEGEND**

ST REPRESENTS SQUARE FEET  
PT REPRESENTS PERCENTAGE

- NOTES**
1. PLAN AND DIMENSIONS SHOWN ON THIS PLAN HAVE BEEN COVERED BY A SURVEYOR'S CERTIFICATE PREPARED BY JOHN C. BERRY.
  2. INTERIOR DIMENSIONS SHOWN ARE TO INTERIOR FINISHES.
  3. ALL STRUCTURAL ELEMENTS ARE DIMENSIONED AS COMMON AREAS.
  4. AREA TO OCCUPATION OF COMMON AREAS FOR COMPLETE OCCUPATION OF OWNERSHIP.
  5. DIMENSIONS: SEE SHEET 1 OF 2 FOR LOCATION AND ELEVATION.

**EASEMENT LINE TABLE**

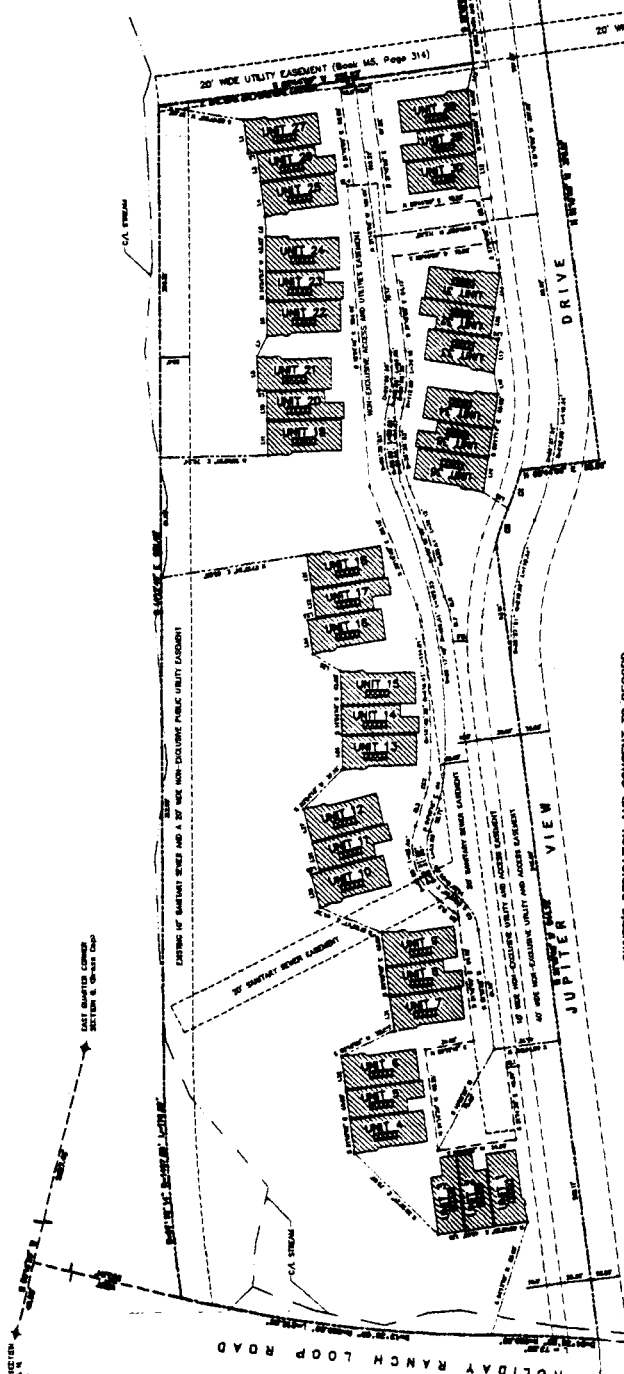
LINE	TYPE	WIDTH	START	END
1	UTILITY	20'	0+00	0+100
2	UTILITY	20'	0+100	0+200
3	UTILITY	20'	0+200	0+300
4	UTILITY	20'	0+300	0+400
5	UTILITY	20'	0+400	0+500

**EASEMENT CURVE TABLE**

LINE	TYPE	RADIUS	START	END
1	UTILITY	100'	0+00	0+100
2	UTILITY	100'	0+100	0+200
3	UTILITY	100'	0+200	0+300
4	UTILITY	100'	0+300	0+400
5	UTILITY	100'	0+400	0+500

**CURVE TABLE**

LINE	TYPE	RADIUS	START	END
1	UTILITY	100'	0+00	0+100
2	UTILITY	100'	0+100	0+200
3	UTILITY	100'	0+200	0+300
4	UTILITY	100'	0+300	0+400
5	UTILITY	100'	0+400	0+500



**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS that Park View, L.C., a Utah limited liability company, does hereby dedicate and consent to record the above described land in accordance with the laws of the State of Utah and the rules and regulations of the Board of Land Surveyors of the State of Utah. The above described land is being dedicated and consented to record for the purpose of a condominium project. In accordance with Utah Code Section 71-2-13.

IN WITNESS WHEREOF, the undersigned and the board this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

PARK VIEW, L.C., a Utah limited liability company

By \_\_\_\_\_

**ACKNOWLEDGEMENT**

State of \_\_\_\_\_

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 1996, personally appeared before me, \_\_\_\_\_, a Notary Public for the State of Utah, \_\_\_\_\_, who being duly sworn, acknowledged to me that he is the duly authorized officer of the above described Park View, L.C. in this matter and that he has signed the foregoing instrument and that the same represents the true intention and desire of the above described Park View, L.C. and that he has signed the above instrument in accordance with the laws of the State of Utah and the rules and regulations of the Board of Land Surveyors of the State of Utah.

Notary Public  
Commission expires \_\_\_\_\_

**LINE TABLE**

LINE	TYPE	WIDTH	START	END
1	UTILITY	20'	0+00	0+100
2	UTILITY	20'	0+100	0+200
3	UTILITY	20'	0+200	0+300
4	UTILITY	20'	0+300	0+400
5	UTILITY	20'	0+400	0+500

**PARK VIEW CONDOMINIUMS**

A CONDOMINIUM PROJECT  
LOCATED IN THE WESTERN DISTRICT OF THE CITY AND TOWNSHIP OF PARK VIEW, SALT LAKE COUNTY, UTAH

JOB NO. 9-4-96 FILE: P55A/06-P171

**ALLIANCE ENGINEERING INC.**

P.O. BOX 2444  
315 MAIN STREET  
PARK CITY, UTAH 84000  
(801) 608-9607

BY \_\_\_\_\_ S.E.S.I.O.

BY \_\_\_\_\_ CHAIRMAN

BY \_\_\_\_\_ PARK CITY ENGINEER

BY \_\_\_\_\_ PARK CITY ATTORNEY

BY \_\_\_\_\_ PARK CITY RECORDER

BY \_\_\_\_\_ MAYOR

APPROVAL AS TO FORM  
APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1996 A.D.

CERTIFICATE OF ATTEST  
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1996 A.D.

ENGINEERS CERTIFICATE  
I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1996 A.D.

PLANNING COMMISSION  
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1996 A.D.

BLISS STREET IMPROVEMENT DISTRICT  
APPROVED BY THE BLISS STREET IMPROVEMENT DISTRICT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1996 A.D.

COUNCIL APPROVAL AND ACCEPTANCE  
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1996 A.D.

APPROVED AND ACCEPTED BY THE BOARD OF LAND SURVEYORS OF THE STATE OF UTAH THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1996 A.D.

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

RECORDED

FILE \_\_\_\_\_ RECORDER \_\_\_\_\_

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

RECORDED