

Ordinance No. 96-54

AN ORDINANCE AMENDING THE PARK CITY LAND MANAGEMENT CODE AS REPLACEMENT LEGISLATION FOR ORDINANCE 96-27, THE PARKING TEMPORARY ZONING ORDINANCE, INCLUDING AMENDMENTS REGARDING OFF-STREET PARKING REQUIREMENTS TO CHAPTER 7.2 (HCB ZONING REGULATIONS) AND CHAPTER 13 (OFF-STREET PARKING)

WHEREAS the City is in the process of reviewing all aspects of parking and traffic in the Main Street area; and

WHEREAS the City intends to implement a paid-parking system in certain City-owned parking areas; and

WHEREAS the City intends to utilize attendant parking in certain City-owned parking areas; and

WHEREAS the City Council has expressed a desire to mitigate the parking issues created by the development of building in the Historic Commercial Business District; and

WHEREAS a public hearing concerning these proposed Amendments has been held before the Park City Planning Commission;

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

SECTION 1. FINDINGS: The Council finds that:

1. A mixed use business district is necessary for desirable commercial activity in the Historic Commercial Business District;
2. Large buildings or building additions create a need for vehicular parking for employees and customers;
3. Property owners have a right to the reasonable economic enjoyment of their property;
4. There is compelling public interest in protecting the HCB district from creation of excessive unmitigated parking demand.

SECTION 2. AMENDMENTS TO CHAPTER 7.2 OF THE LAND MANAGEMENT CODE. Chapter 7.2 of the Land Management Code is hereby amended as shown in the following complete copy of the referenced section:

7.2.

HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

7.2.1. **PURPOSE.** To allow the use of land for retail, service, commercial, recreational, and institutional purposes with customary accessory uses to enhance and foster the continuation of the visual character, scale, and vitality of the original Park City central business district, and to encourage the preservation of historic structures within the district.

7.2.2. **PERMITTED USES.** In the Historic Commercial Business District, no building or structure shall be erected which is arranged, intended, or designed to be used for other than one or more of the uses designated on the Use Table as a permitted use (shown by the letter "A" or a conditional use (shown by the letter "C")).

7.2.3. **PROHIBITED USES.** Any use not designated on the Use Table as permitted or conditional is a prohibited use.

7.2.4. **LOT SITE REGULATIONS.** Subject to the Uniform Building Code and the following:

- (a) **Sidewalk Provision.** Buildings shall be located so as to provide an unobstructed sidewalk at least 9 feet wide, such width being measured from the front face of curb to the front of the building. However, the alignment of new building fronts with adjacent historic fronts is encouraged and therefore where a narrower sidewalk may result from the alignment of building fronts, an exception to the minimum sidewalk width may be granted by the Planning Department. In no case may facade alignment or column placement be such as to create an unobstructed sidewalk of less than 7 feet in width.
- (b) **Canopies and Balconies.** Canopies and balconies attached to a building may extend into public right-of-way over the sidewalks and pedestrian ways only. Supports for canopies may not exceed 18 inches square and are permitted only within 36 inches of the front face of the curb. Canopies are allowed only on the second floor level. Canopies and balconies shall provide clearance of not less than 10 feet from the sidewalk. A canopy or balcony may not be enclosed. With reasonable notice, the City may require that canopies be removed from City property without compensating the building owner. No canopy shall be erected, enlarged, or altered over the Main Street sidewalk without the advance approval by the City Council.
 - 1. **Insurance Required.** No canopy or balcony projecting over City property shall be erected, re-erected, located or relocated, or enlarged or modified structurally or changed in ownership, without first receiving approval of the City Council, and submitting a certificate of insurance or a continuous bond protecting owner and City against all claims for personal injuries and/or property damage in the standard amount determined by City Council. Park City Municipal Corporation

must be named in the Certificate of Insurance as an Additional Insured. A 30 day written notice to Park City Municipal Corporation of cancellation or expiration must be included in the Insurance Certificate. The name of the owner of the canopy or balcony must be clearly identified on the application for a permit as an official corporation, partnership, or sole proprietorship with appropriate names of individuals involved.

7.2.5. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING. Unless expressly allowed in this district as a permitted or conditional use, all display of goods, including food, beverage and cigarette vending machines, shall be within a completely enclosed building. This section does not preclude temporary sales in conjunction with a master festival, sidewalk sales, or seasonal plant sales as permitted under Title 4 of the Municipal Code.

Unless expressly allowed in this district as a permitted or conditional use, all uses shall be within a completely enclosed building. The following outdoor uses may be permitted by the Community Development Department upon the issuance of an administrative permit:

(a) Outdoor Dining: Outdoor Dining may be permitted in the Historic Commercial Business District subject to all requirements of this code, including:

1. The area of the proposed seating is located on private property and not on public rights-of-way, nor in areas of required parking.
2. The proposed seating area does not impede pedestrian circulation.
3. The proposed furniture is compatible with the streetscape.
4. No additional signage is installed.
5. No outdoor speakers are installed.
6. Outdoor dining areas shall not be used after 10:00 p.m.
7. Outdoor dining capacity shall not increase the total seating capacity of the restaurant without adequate mitigation of the increased parking demand.
8. Outdoor grills and/or beverage service stations may be permitted subject to the following criteria:
 - (1) The use is located on private property
 - (2) The use is for no service other than the sale of food or beverages in a form

suitied for immediate consumption.

- (3) The use is compatible with the aesthetics, site design, and architectural character of the neighborhood.
- (4) The use complies with all applicable Uniform Building Code and Health Code regulations.

(b) Outdoor Storage of Bicycles, Kayaks and Canoes: The outdoor storage of bicycles, kayaks and canoes may be permitted in the Historic Commercial Business District subject to all requirements of this code, including:

1. The area of the proposed bicycle storage is located on private property and not on public rights-of-way, areas of required parking or landscaped planting beds.
2. Bicycles may be hung on historic buildings if sufficient site area is not available, provided the such display does not destroy or alter the historic fabric of the structure.
3. No additional signage is installed.
4. No more than a total of 15 pieces of equipment may be displayed; no more than three of which may be kayaks or canoes.

7.2.6. FLOOR AREA RATIO. To encourage variety in building height, a floor area to ground area ratio shall be used to calculate maximum buildable area. The maximum floor area ratio (FAR) shall be 4.0 measured as: Floor area divided by total lot area equals 4.0. Note that this is the potential maximum, and is not to be considered the minimum buildable area. Buildings of lesser square footage are encouraged.

7.2.7. HEIGHT AND BULK PLANE. A maximum building envelope shall be defined by a plane that rises vertically at the front lot line to a height of 30 feet measured above the natural grade and then proceeds at a 45 degree angle toward the rear of the property until it intersects with a point 45 feet above the natural grade. No part of a building shall be erected to a height greater than 45 feet, measured from natural grade at the building site. Similarly, the rear portion of the bulk plane shall be defined by a plane that rises vertically at the rear lot line to a height of 30 feet measured above the average natural grade and then proceeds at a 45 degree angle toward the front of the property until it intersects with a point 45 feet above the natural grade of the building site. This provision shall not be construed to encourage solid roofing to follow the 45 degree set back plane.

7.2.8. LOADING AREAS. Each new structure shall include an off-street loading and trash storage area, with the exception of structures on the west side of Main Street.

~~7.2.9. **MAIN STREET ACCESS.** Vehicular access across Main Street sidewalks is prohibited in this zone.~~

~~7.2.10. **OFF-STREET PARKING.** Each new structure shall provide off-street parking spaces, as provided in Chapter 13, with these exceptions:~~

- ~~(a) Structures designated as historic buildings by the Historic District Commission and renovations of those structures are exempt from off-street parking requirements.~~
- ~~(b) In new construction, not including remodels to existing historic buildings, no off-street parking is required for two floor levels. Any additional floor area shall provide off-street parking as provided in Chapter 13 according to the intended uses of the space. The space will be presumed to be commercial, unless from the building plans and specifications it is clear that residential or transient lodging purposes are intended. Parking is only required for that space in excess of two levels and not for the entire structure. Parking may be provided on site, provided however, that entrances and exits for vehicles shall not cross the Main Street sidewalks (except at existing public streets). Parking may be provided off site by paying a sum equal to the estimated construction cost of parking spaces in a public parking facility to the City. This fee shall be established by the Developer Fee Schedule Ordinance, and adjusted annually to reflect the approximate actual construction costs of the structure.~~

~~This exception from the regular Land Management Code required off-street parking requirement only applies to those structures or properties which paid the assessment to the Main Street Parking Special Improvement District in full prior to January 1, 1984. All other properties must provide parking in full compliance with Chapter 13. It is the obligation of the property owner to establish that payment was made. All other property within the HCB zone must provide parking for all space in compliance with the provisions of Chapter 13 of this Code.~~

7.2.9 OFF-STREET PARKING. Structures or properties which paid in full their assessment to the Main Street Parking Special Improvement District prior to January 1, 1984, are granted by this zone an exemption from parking requirements for a floor area ratio (FAR) of 1.500. Buildings which exist at a size larger than an FAR of 1.500 are to be regarded by Park City as non-conforming buildings and treated as such in conformance with this Code. Additions to buildings and construction of new buildings which result in a total FAR greater than 1.500 shall provide parking as necessary to meet the excess requirement. The parking shall be provided on-site in accordance with this Code or provided off-site by paying a sum (the "in-lieu fee") equal to the estimated construction cost of parking spaces in a public parking facility to the City, or as a combination of these two methods of providing parking. The in-lieu fee shall be established by a fee schedule adopted or amended from time to time by the City Council by resolution. The calculation of parking spaces shall be determined within the HCB district according to whether the use is residential or non-residential, in the following manner:

(a) **Residential uses.** Residential uses shall have their parking calculated based on the rates shown in Chapter 13 of this Code.

(b) **Non-residential uses.** Non-residential uses shall provide parking at the rate of six (6) spaces per 1,000 square feet of building area, not including true mechanical and storage spaces. Mechanical and storage spaces must be compartmentalized in accordance with UBC requirements in order to be subtracted from the building area; it is the intent of this Code that closets, shelves in occupied spaces, and other incidental storage spaces be included in the measured area for the parking requirement .

It is the obligation of the property owner to establish that payment was made to the Main Street Parking Special Improvement District in full prior to January 1, 1984, in order to claim the parking exemption for the 1.500 FAR building area. Otherwise parking shall be provided for all construction and additions. Nothing in this Code shall require a parking calculation higher than the minimum calculated amount for any space, but the exempt area shall be agglomerated rather than unreasonably scattered throughout a building or addition.

Property owners who elect to provide parking on-site in accordance with this Code shall avoid installing a driveway across the Main Street sidewalk unless there is no reasonable option, and only after approval of the Historic District Commission for the design of the building and the site. The HDC may attach reasonable conditions to its approval requiring reconstruction of adjacent portions of the Main Street sidewalk in an effort to render the driveway crossing as convenient to pedestrians and wheelchairs as possible. The reconstruction shall include lighting and landscaping.

Appeals from the City staff's measurements of square footage and parking demand shall be made to the Board of Adjustment in accordance with Chapter 5 of this Code after the applicant has exhausted his administrative appeals.

(c)

The Community Development Department may recommend to the Board of Adjustment that new additions to historic structures be exempt from a portion of all parking requirements where the preservation of the historic structure has been guaranteed through covenant or easement donation to a responsible public or private non-profit agency engaged in promoting historic preservation.

(d)

Fully enclosed parking spaces and associated maneuvering space required to satisfy ordinance requirements for the structure in which the spaces are located shall not count as floor area in this zone.

7.2.1+0. **MECHANICAL SERVICE.** All mechanical equipment to be installed on the roofs or walls of buildings must be shown on the plans prepared for architectural review by the Historic District Commission, and the HDC must approve the location, screening or painting of such equipment as part of the architectural review process. Screening and mechanical

equipment shall not exceed the maximum height limitation for the zone, except as allowed by this Code for architectural details such as chimneys, steeples and cornices. All structures in the HCB zone must provide a means of storing refuse generated by the structure's occupants and such refuse service area shall be on the site and accessible from Main Street for structures on the west side of Main Street, or from either Main Street or Swede Alley for structures on the east side of Main Street. Other areas of the HCB zone shall provide service access from the rear of the structure where alleys and service yards exist. Refuse service areas shall be fully enclosed and properly ventilated so that the enclosed trash does not become a nuisance due to odor or unsanitary conditions.

7.2.121. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines prepared by the Historic District Commission and adopted by resolution of the Council as a supplement to this Ordinance. Appeals of departmental actions on architectural compliance are heard by the Historic District Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Property within this zone may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants. In addition, no structure within the zone may be painted or repainted without review and approval of the exterior color scheme by the Community Development Department.

SECTION 3. AMENDMENT TO CHAPTER 13 OF THE LAND MANAGEMENT CODE. Chapter 13 of the Land Management Code is hereby amended as shown in the following complete copy of the referenced section:

13. OFF STREET PARKING

13.1. REQUIREMENT. Except as may be provided elsewhere in this Code, there shall be provided at the time of erection of any building or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provisions for independent ingress and egress by standard size automobiles. If any land, structure, or use is changed from one use to another which requires more off-street parking spaces, there shall be provided such additional off-street parking for the new use as is required by this chapter. Required parking must be provided on the same lot as the main building.

13.2. PARKING LOT CHARACTERISTICS. Each parcel of land developed for off-street parking in response to the requirements of this section shall provide the following characteristics:

- (a) **Surfacing.** Each lot shall be hard surfaced and be maintained in good condition and kept clear and in an unobstructed and usable condition at all times. Responsibility for maintenance of the lot shall rest with the property owner. The lot shall provide adequate access to a street or alley.

- (b) **Grading.** Parking lots shall be graded for proper drainage with surface water diverted in such a way as to keep the parking area free of accumulated water or ice. Adequate control curbs shall be installed to control drainage and direct vehicle movement. Parking lot drainage shall be controlled on site and channeled to storm drain or gutter as approved by the City.

Maximum driveway access grades shall not exceed 10% in slope, and if serving more than a single family residence, and shall provide a minimum 20 foot staging or transition area at no greater than 2% slope beginning at the back of the curb where existing, or as otherwise approved by the City Engineer in anticipation of future street improvements.

- (c) **Lighting.** Lots shall be illuminated with standards arranged so as to reflect light away from any adjoining residential buildings .

- (d) **Size of Spaces.** Structured parking: Parking within a fully enclosed parking structure where the weather does not affect the availability of spaces; shall require the following:

- (1) 9 feet x 18 feet minimum parking space dimensions;
- (2) 24 foot minimum aisle width (for 90° layout);
- (3) any reduction proposed in stall length (no width reductions allowed) ~~require~~ **requires** conditional use approval; and
- (4) in addition to the specification of minimum stall dimensions, all parking structures shall be reviewed for provision of adequate circulation and to ensure that each required space is readily accessible as well as usable. Column and wall locations shall be specifically addressed in terms of maneuvering and where automobile doors will swing open.

Outside Parking: Each parking space not within a fully enclosed parking structure shall measure at least nine feet wide by eighteen feet long.

Outside Parking Lots: Where parking availability will be affected by weather conditions and snow removal is of concern, the above design criteria shall apply in addition to the following:

- (1) adequate, non-hard surfaced and landscaped snow storage areas shall be provided adjacent to each surface lot in a usable, readily accessible location.
- (2) said snow storage areas shall be on-site and the equivalent of 15% of the total hard surfaced area; including, parking spaces, aisles, driveways, curbing, gutters, and sidewalks. Reductions below the 15% requirement outlined shall be treated as conditional uses and reviewed on a case-by-case basis.

- (3) required landscaping shall be designed so as to accommodate snow removal and storage on-site.

Single Garages: In single family homes, single car garages shall have a minimum interior dimension of 11 feet x 20 feet to ensure their usability. Double car garages shall be at least 20 feet wide by 20 feet deep. Garage doors may be of reduced widths as approved by the Community Development Department.

- (e) Design of Parking Areas for Use by More than Four Automobiles. The design of parking areas for use by five or more standard sized automobiles shall provide adequate ingress and egress. The design of parking facilities shall not necessitate backing cars onto adjoining public sidewalks, parking strips, or roadways in conducting parking and unparking operations. The spaces shall be independently accessible so that the access of any required space may not be obstructed by any other required space. All parking lots shall maintain the required front yard and side yard setback as would be required for a structure on the property. Wherever a parking lot or driveway to a parking lot abuts a residential use, a substantial light-tight fence constructed of natural materials not less than four or more than six feet high shall be constructed and maintained along the property line up to the building setback line. An earth berm may be substituted for the fence where adequate area exists. Driveways must not exceed 30 feet in width ~~were~~ where they cross a sidewalk, adjacent driveways must be separated by an island of the following widths: single-family residential- minimum width 10 feet, residential, multi-family - minimum width 18 feet, commercial - minimum width 24 feet; and driveways must be at least ten feet from the property line of any intersecting street.
- (f) Street Access. Off-street parking areas shall have unobstructed access to a street or alley.
 - (1) Driveways: The following width dimensions are required. Please also note additional driveway standards for the Historic District as outlined in the Land Management Code Section 7.1.4(d).

<u>Use</u>	<u>Width/Feet</u>		
	<u>Minimum</u>	<u>Recommended</u>	<u>Maximum</u>
Single Family, Residential	10	15	27
Residential, Multi Family	18	25	30
Commercial	24	30 27	30

Spacing is defined as the distance between the closer edges of adjoining driveways or driveways and right-of-way lines of intersecting streets. Access drives shall be spaced according to the following:

<u>Street Type</u>	<u>Minimum Spacing</u>	<u>Minimum Distance From Intersection</u>

Local	15 feet	25 feet
Collector	50 feet	75 feet
Arterial	75 feet	150 feet

A minimum of 75 feet spacing between major commercial driveways is recommended. Joint use of commercial drives is strongly recommended. The center line of intersections of the driveways of major traffic generators entering from opposite sides of roadway shall be either perfectly aligned or offset by a minimum of 150 feet.

- (g) Tandem Spaces. Parking designs which necessitate parking one vehicle behind another are only permitted for single family and duplex dwellings within the Historic District.
- (h) Clear View of Intersecting Streets. In all zones, no obstruction will be permitted to the view of drivers and pedestrians ingressing and egressing in excess of two feet in height above road grade on any corner lot within a the largest triangular area formed by the streets at property lines and a line connecting them at points twenty-five feet from the intersection of the property lines street right-of-way lines , except a reasonable number of trees pruned high enough to permit automobile drivers and pedestrians an unobstructed view.

13.3. SPECIFIC REQUIREMENT FOR EACH LAND USE.

- (a) Except as may be provided elsewhere in this Code, off-street parking shall be provided for each land use as listed in this section. Multi-family structure uses are shown on the Multi-Family Parking Requirement Table. When applying the table, the parking requirements stated for each use, or combination of uses applies to each dwelling unit within the structure within the zone as shown. In some zones, the parking requirement may vary depending on the size of the project and its proximity to major destinations within the City, where experience has shown a greater or lesser demand for parking. Other specific uses, and the parking requirement that applies are shown below:

Accessory apartments	One space per bedroom (see Chapter 8.19)
Lock-out unit (HR-1 and HRL Zones)	One space per bedroom
Single family dwelling:	Two spaces
Duplex:	Two spaces per unit (4)
Triplex:	Two spaces per unit (6)
Multi-Family structures larger than triplex structures	See table

Dormitory: One space per 200 square feet of area devoted to accommodations

- (b) Any time the required parking for a residential use is greater than six parking spaces, the parking must be provided in an enclosed structure with internal vehicle circulation. Special requirements for parking structures in the HR-1 and HTO Zones are described in Chapter 7.
- (c) Non-Residential Requirements. In projects which are non-residential in nature, or for non-residential space associated with primarily residential structures, the following parking requirements shall apply to the non-residential space:

Golf course, tennis court and similar recreation areas:

Determined by specific review by Community Development Department based on hourly capacity and the location of the facility with respect to the anticipated users' living accommodations.

Hotel, motel, lodge, boarding house and similar uses:

In addition to the parking required under the Multi-Family Parking Requirement Table, one space per 200 square feet of restaurant, banquet, assembly, meeting or similar space, subject to specific review by the Community Development Department for reduction based on site specific mitigating factors.

Intensive retail, commercial shops selling directly to public:

Three spaces for each 1,000 square feet of shop space.

Less intensive retail or commercial such as furniture, appliance, lumber and hardware stores:

One space for each 1,000 square feet of commercial space

Offices, personal services,

One space for each 500 square

medical and dental clinics:	feet of space plus one space per employee per shift, or one space per 200 feet of net usable office space, whichever is greater.
Restaurants, bars, dining rooms:	One space for every 100 square feet, including kitchen areas.
Churches, auditoriums, assembly halls:	One space for every five seats.
Industrial and wholesale establishments:	One space for every two employees in the largest shift plus one space for each vehicle used in conducting the business
Hospitals, schools, civic buildings:	Determined by the Community Development Department on a site specific review, based on numbers of employees, numbers of patrons, and or visitors that can be reasonably anticipated.
Shopping centers or complexes of multi-tenant retail spaces:	At least 3.5 parking spaces per 1,000 square feet of rentable floor area, excluding corridors.
Child day care:	Specific parking requirements for various types of child day care are specified in Chapter 14 - Child Care Regulations

- (d) Parking in Master Planned Developments. In Master Planned Developments, the initial parking requirement is determined by referring to the requirements for the use and the underlying zone as stated in this section. This initial parking requirement may be adjusted or reduced within the project based upon a demonstration that parking uses may overlap, commercial spaces within the project will serve those residing within the project rather than the general public, or other factors that support the conclusion that the occupants of the project are likely to require and have fewer cars within the project than would normally be

the case. **Developments requiring eight or fewer parking spaces shall not be granted any reduction in parking required.**

- (e) **Bicycles.** Additions to existing, and construction of new commercial, multi-family and industrial developments may be required to provide bicycle racks or bicycle parking facilities for the temporary storage of bicycles. Exemption: These standards shall not apply to existing structures that have been built with zero setbacks or when such facilities would negatively impact access, circulation, or snow removal efforts.

MULTI-FAMILY PARKING REQUIREMENT TABLE

Square Feet	Hotel Room/Suite	Studio Apt.	One Bedroom		Two Bedroom		Apt. in Excess of
			Apt.	Bedroom	Or Other	Apt.	
	650	1,000	1,000	1,500	1,500	2,000	2,500
HR-1	1	1	2	2	2	2	3
HRL	1	1	2	2	2	2	3
R-1	1	1	2	2	2	2	3
Estate	1	1	2	2	2	2	3
RD	1	1	2	2	2	2	3
RDM	1	1	2	2	2	2	3
GC	1	1	2	2	2	2	3
HCB	.66	1	2	2	2	2	3
RC ¹	1	1	2	2	2	2	3
RC ²	1	1	1	1.5	2	2	2
RC ³	.66	.66	.66	1	1.5	1.5	2
RM ⁴	1	1	2	2	2	2	3
RM ⁵	1	1	1	1.5	1.5	1.5	2
RM ⁶	.66	.66	.66	1	1	1	2
LI	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ROS	N/A	N/A	N/A	N/A	N/A	N/A	N/A

¹Projects having 1 through 17 development credits.

²Projects having more than 17 development credits and less than 24.

³Projects having 24 or more development credits.

⁴Projects located south of 12th Street, or those projects north of 12th Street having fewer than 5 units.

⁵Projects north of 12th Street having more than 4 but fewer than 16 units.

⁶Projects north of 12th Street having more than 16 or more units.

13.4. CALCULATION OF SPACES. When calculating the number of parking spaces required for a given project, and a dwelling unit or commercial space could be classified as more than one kind of use, the classification resulting in the higher number of parking spaces shall be applied, so that, for example, a two bedroom apartment of 800 square feet would be required to provide two parking spaces, while a studio apartment of the same size would be required to provide only one parking space in most zones. A two dwelling unit structure consisting of a large unit of 2,000 square feet, and a small studio unit of 800 square feet is treated as a duplex, and must provide four parking spaces, rather than as independent apartments which would provide two and one space respectively. Whenever the calculation results in a fractional number, the number of spaces required shall be rounded up to the next whole number.

~~13.5. PARKING IN MASTER PLANNED DEVELOPMENTS. Parking in Master Planned Developments shall be provided according to the table and formulas provided above. Commercial spaces within the Master Planned Development shall provide parking as required by this chapter. The Planning Commission may, in the approval of the Master Plan, upon good showing that these formulas result in a surplus of parking, reduce the overall parking requirement. Evidence that the parking demand from various uses within the development can be satisfied by overlapping use shall be required. Developments requiring eight or fewer parking spaces shall not be granted any reduction in parking required.~~

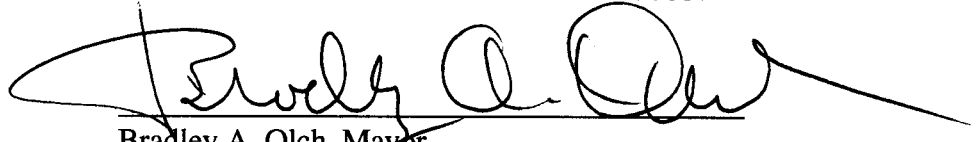
13.6.5. PARKING REQUIREMENT VARIANCE. If the developer believes the requirements listed above to be unreasonable, he may seek a variance by ~~meeting with~~ applying to the Board of Adjustment. The Board will consider the request and all of its ramifications granting a variance only if they have determined that by doing so the public will be protected and better served ~~and that a hardship exists.~~

13.76. OFF-STREET LOADING SPACE. On the same premises with every building or structure which is erected or increased in capacity which is to be used for any purpose which involves the receipt or distribution of materials or merchandise by vehicle, there shall be provided and maintained adequate space for standing, loading, or unloading services off the street. All such loading areas or berths shall be so located that no vehicle loading or unloading merchandise or other material shall be parked in any required front yard or in any street or alley or other public way. When any required or permitted loading dock or area is constructed adjoining a residentially zoned district, said loading dock or area shall be screened from the adjoining property by completely landscaping the required side yard area and the construction of a substantial light-tight fence or wall constructed of natural materials not over six feet or under four feet in height on the common boundary line. This regulation shall not apply to structures within the Historic Commercial Business (HCB) District located to the south of Heber Avenue.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon adoption.

Passed and adopted this 19th day of December, 1996.

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. 96-53

**AN ORDINANCE APPROVING AN AMENDMENT TO 1800 PROSPECTOR SQUARE,
LOT 30, OF THE PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT,
PARK CITY, UTAH**

WHEREAS, the owners of the property known as 1800 Prospector Square, Lot 30 petitioned the City Council for approval of a amendment to the final plat; and

WHEREAS, proper notice was sent and the Planning Commission and City Council held respective public hearings to receive input on the proposed amendment on November 20, 1996 and December 19, 1996; 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 minimizes 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 Prospector Square Subdivision, Supplemental Amended Plat, is approved as shown on the attached Exhibit A with the following findings, conclusions and conditions:

Findings:

1. The property is located in the General Commercial zone and Prospector Square Overlay zone.
2. Sewer service is available only from the privately owned sewer system in the adjacent parking lot.
3. The building on the newly created parcel will be separated by less than 20 feet from the existing structure on the east side of the Lot and will require special mitigation in order to comply with the Uniform Building Code.
4. Public improvements, such as water, will need to be created on the newly created parcel.
5. Two parcels will create less square footage than an addition to the existing building.

Conclusions of Law:

1. There is good cause for the revision as a smaller structure will be created through this structure which will help to mitigate the buildings impact on parking in Lot H.
2. Neither the public nor any person will be materially injured by the proposed plat revision.

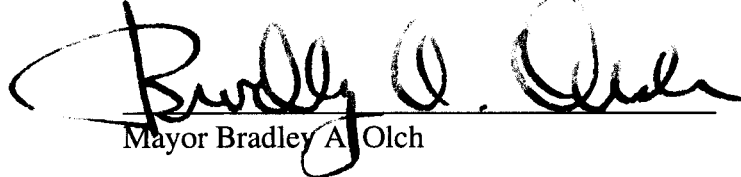
Conditions:

1. Any building proposed for the lots shall not exceed a Floor Area Ratio of 2.0.
2. The final plat shall show language in a manner to be approved by the City Engineer that indicates that public sewer service is currently not available to the project and that private arrangements for such service must be negotiated with the Prospector Square Owners Association.
3. The building plans must be reviewed by the Chief Building Official and Fire Marshal for compliance with the special fire code provisions that apply to building separations of less than 20 feet. The following improvements that are listed, but not limited to, may occur and are subject to final review and approval by the Chief Building Official: Windows on the existing building shall be retrofitted with wire and existing walls may need to be replaced with fire rated materials. The existing storage shed on site will need to be removed.
4. 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.
5. If the amendment is not recorded within one year of this approval date this approval shall become null and void.
6. Prior to plat recordation a public improvements security shall be established in an amount to be determined by the City Engineer for water installation and other public improvements.

SECTION 2. This ordinance shall take effect upon publication.

DATED this 19th day of December, 1996.

PARK CITY MUNICIPAL CORPORATION


Mayor Bradley A. Olch

Attest:

Jan Scott
Jan Scott, City Recorder

Approved as to form:

Mark D. Harrington
Mark Harrington, Assistant City Attorney



ALLIANT ENGINEERING INC.
 212 MAIN STREET
 PARK CITY, UTAH 84302
 (407) 521-4229

SUBMITTED TO THE PLANNING DEPARTMENT
 REVIEWED FOR COMPLIANCE TO SUBDIVISION MAP ACT
 DIVISION OF PLANNING AND ZONING
 DATE: _____ BY: _____

PLANNING COMMISSION
 APPROVED BY THE PARK CITY
 COMMISSION ON _____
 DATE: _____ BY: _____

ENGINEERS CERTIFICATE
 ACCORDANCE WITH PROVISIONS OF
 THE UTAH SUBDIVISION MAP ACT
 DIVISION OF PLANNING AND ZONING
 DATE: _____ BY: _____

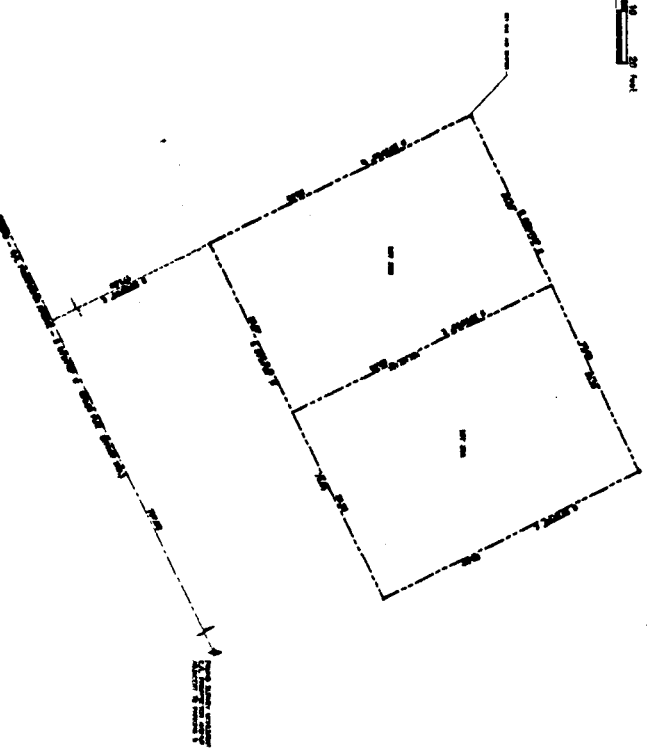
APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS
 DATE: _____ BY: _____

CERTIFICATE OF ATTEST
 I CERTIFY THAT THIS MAP
 WAS FILED IN ACCORDANCE WITH
 THE UTAH SUBDIVISION MAP ACT
 DIVISION OF PLANNING AND ZONING
 DATE: _____ BY: _____

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVED AND ACCEPTED BY THE PARK CITY
 COUNCIL ON _____
 DATE: _____ BY: _____

RECORDED
 DATE OF RECORDING: _____
 BOOK: _____ PAGE: _____

BETHKE SUBDIVISION
 A SUBDIVISION OF LOT 30, PROSPECTOR SQUARE AMENDED PLAT
 SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH



I, the undersigned, being a duly licensed Professional Engineer in the State of Utah, do hereby certify that this 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.

 DATE: _____

I, the undersigned, being a duly licensed Professional Engineer in the State of Utah, do hereby certify that this 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.

 DATE: _____

RECEIVED
 AUG 15 1996
 PARK CITY
 PLANNING DEPT.

Ordinance No. 96-52

**AN ORDINANCE APPROVING A CONDOMINIUM PLAT FOR
THE 2179 SUNRISE CIRCLE CONDOMINIUMS
LOCATED AT 2179 SUNRISE CIRCLE, PARK CITY, UTAH**

WHEREAS, the owners of the property located 2179 Sunrise Circle have petitioned the City Council for approval of a condominium plat for a condominium conversion of an existing duplex to be known as the 2179 Sunrise Circle 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 duplex located at 2179 Sunrise Circle;

WHEREAS, the proposal is consistent with both the Park City Land Management Code requirements for the SF-N 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 November 20, 1996, to receive input on the proposed condominium plat;

WHEREAS, the Planning Commission, on November 20, 1996, 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 2179 Sunrise Circle 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 proposed record of survey plat changes the type of ownership to condominium.
2. The proposal is consistent with both the Park City Land Management Code and the Comprehensive Plan in that the SF-N zoning district allows duplex structures on approved lots, such as Lot 69, when all minimum setbacks, heights, parking, and lot width

requirements are met.

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 lot is located in the area subject to the Prospector Landscaping/Soils Ordinance.

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 requirements.

SECTION 3. PLAT APPROVAL. The condominium plat, known as the 2179 Sunrise Circle Condominiums, Park City, Utah, is approved as shown on the attached Exhibit A with the following conditions:

1. The City Engineer and City Attorney shall review and approve of the condominium plat, for compliance with the State law, Land Management Code and conditions of approval, prior to recording the plat.
2. All Standard Project Conditions shall apply.
3. To ensure compliance with the Prospector Landscaping/Soils Ordinance proof of a certificate of occupancy and a certificate of compliance are conditions precedent to execution and recording of the plat.
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 12th day of December, 1996


PARK CITY MUNICIPAL CORPORATION

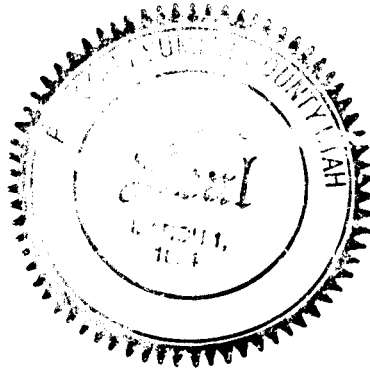

Mayor Bradley A. Olch

Attest:


Janet M. Scott, Deputy City Recorder

Approved as to form:


Mark D. Harrington, Assistant City Attorney



Ordinance No. 96-51

**AN ORDINANCE APPROVING A FINAL PLAT FOR
THE FOXGLOVE MASTER PLANNED DEVELOPMENT,
LOCATED AT 690 DEER VALLEY DRIVE, PARK CITY, UTAH**

WHEREAS, the owners, Foxglove Ventures, L.L.C., of the property located 690 Deer Valley Drive have petitioned the City Council for approval of a final PUD subdivision plat; 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 RM District and the Comprehensive Plan;

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

WHEREAS, on December 4, 1996, the Planning Commission held a public hearing to receive input on the proposed plat;

WHEREAS, the Planning Commission, on December 4, 1996, forwarded a positive recommendation to the City Council and;

WHEREAS, it is in the best interest of Park City, Utah to approve the final PUD subdivision plat, known as the Foxglove Cottages, a Planned Unit Development;

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 plat is consistent with the Park City Land Management Code.
2. The plat is consistent with the Planning Commission approval of the 15 unit Foxglove Master Planned Development.
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 individual ownership of

the units and Homeowner's Association ownership of the common areas and open space.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat, 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 Comprehensive Plan.

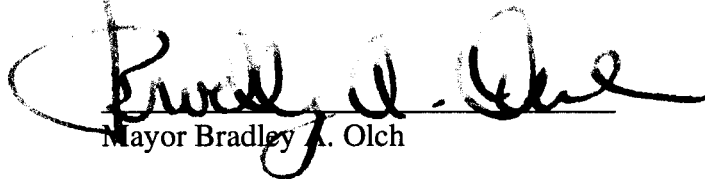
SECTION 3. PLAT APPROVAL. The plat, known as the Foxglove Cottages Planned Unit Development, Park City, Utah, is approved as shown on the attached Exhibit A with the following conditions:

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 for the Foxglove MPD shall apply, including restrictions placed on the open space, stream, and wetland areas.
3. All standard project conditions shall apply.
4. A financial guarantee, for the value of all public improvements 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 PUD 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 12th day of December, 1996

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. 96-50

AN ORDINANCE APPROVING THE SECOND AMENDMENT THE MILLSITE RESERVATION LOTS 14, 15, 30, 31, 32, AND 33, BLOCK 77 LOCATED AT 135 SAMPSON DRIVE, PARK CITY, UTAH

WHEREAS, the owners of the property known as Lots 14, 15, 30, 31, 32, and 33, Block 77, 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, on November 7, 1996, 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. Dedication of a five (5) foot non-exclusive snow storage and utility easement along King Road is necessary to provide adequate utility and snow removal services.
2. Dedication of a ten (10) foot non-exclusive snow storage and utility easement along Sampson Avenue is necessary to provide adequate utility and snow removal services.
3. Dedication of the Sampson Avenue right-of-way along the western edge of Lots 32 and 33 is necessary to provide access to these lots.
4. The proposed plat amendment corrects the legal description of the applicant's property on which an existing residence exists.
5. The proposed plat amendment creates a net reduction in potential density over the six (6) lots.

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.

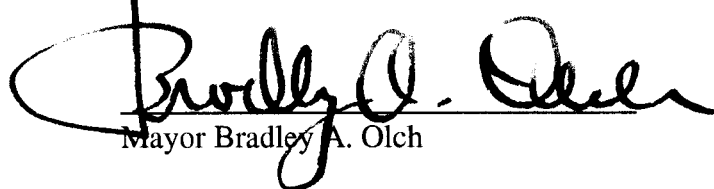
SECTION 3. PLAT APPROVAL. The amendment to the Park City Survey for Lots 14, 15, 30, 31, 32 and 33, Block 77, Millsite Reservation is approved as shown on Exhibit A, with the following conditions:

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. 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. A five (5) foot non-exclusive snow storage and utility easement along King Road shall be dedicated on the plat.
5. A ten (10) foot non-exclusive snow storage and utility easement along Sampson Avenue shall be dedicated on the plat.
6. Sampson Avenue right-of-way along the western edge of Lots 32 and 33 shall be dedicated on the plat.
7. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.

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

PASSED AND ADOPTED this 7th day of November, 1996 .

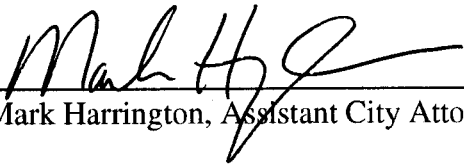
PARK CITY MUNICIPAL CORPORATION


Mayor Bradley A. Olch

Attest:

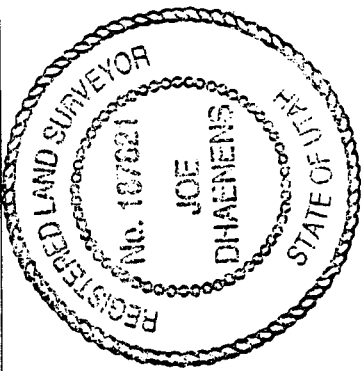
Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark Harrington, Assistant City Attorney

EXHIBIT A - Proposed Plat



OWNER'S CONSENT TO RECORD
 I, THE UNDERSIGNED, JOE DHAVERNIS, REGISTERED LAND SURVEYOR, NO. 187021, STATE OF UTAH, DO HEREBY CERTIFY THAT I HAVE CAREFULLY EXAMINED THE RECORD DESCRIBED PROPERTY, CERTIFY THAT I HAVE CONSENTED TO THE RECORDATION OF THIS PLAT, AND I HAVE CONSENTED TO THE RECORDATION OF THIS PLAT, AND I HAVE CONSENTED TO THE RECORDATION OF THIS PLAT, AND I HAVE CONSENTED TO THE RECORDATION OF THIS PLAT.

ROBERT SUTTA

ACKNOWLEDGEMENT

STATE OF _____
 COUNTY OF _____
 ON THIS _____ DAY OF _____, 1996, PERSONALLY APPEARED BEFORE ME, JOE DHAVERNIS, REGISTERED LAND SURVEYOR, NO. 187021, STATE OF UTAH, ROBERT SUTTA, WHO AT THAT TIME WAS KNOWN AND ACKNOWLEDGED TO ME THAT HE IS THE OWNER OF THE RECORD DESCRIBED PROPERTY, AND THAT HE HAS READ AND UNDERSTANDS THE CONTENTS OF THE SAID PLAT, AND THAT HE HAS VOLUNTARILY AND WITHOUT COERCION, UNLAWFUL INFLUENCE, AND WITHOUT ANY UNLAWFUL INDUCEMENT, CONSENTED TO THE RECORDATION OF THIS PLAT, AND I HAVE CONSENTED TO THE RECORDATION OF THIS PLAT.

NOTARY PUBLIC
 BY COMMISSION EXPIRES: _____
 RESIDING AT: _____

SURVEYOR'S CERTIFICATE

1. THE BASE OF SURVEY FOR THIS SURVEY IS AS SHOWN.
2. THE PURPOSE OF THIS SURVEY IS FOR PLAT AMENDMENT AND BOUNDARY.
3. LOCATION: _____
4. THIS SURVEY WAS PERFORMED IN JUNE, 1996.
5. THE PLAT IS THE PROPERTY OF THE SURVEYOR.
6. THE SURVEYOR HAS FOUND NO EVIDENCE OF FALSIFICATION, FRAUD, OR UNLAWFUL INFLUENCE.
7. TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THE SURVEYOR HAS CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE UTAH SURVEYING ACT, CHAPTER 2, TITLE 48, UTAH CODE ANNOTATED.
8. ALTERNATION OF ANY SURVEY DATA SHOWN HEREON WITHOUT THE SURVEYOR'S CONSENT VIOLATES UTAH STATUTE 48-2-10.

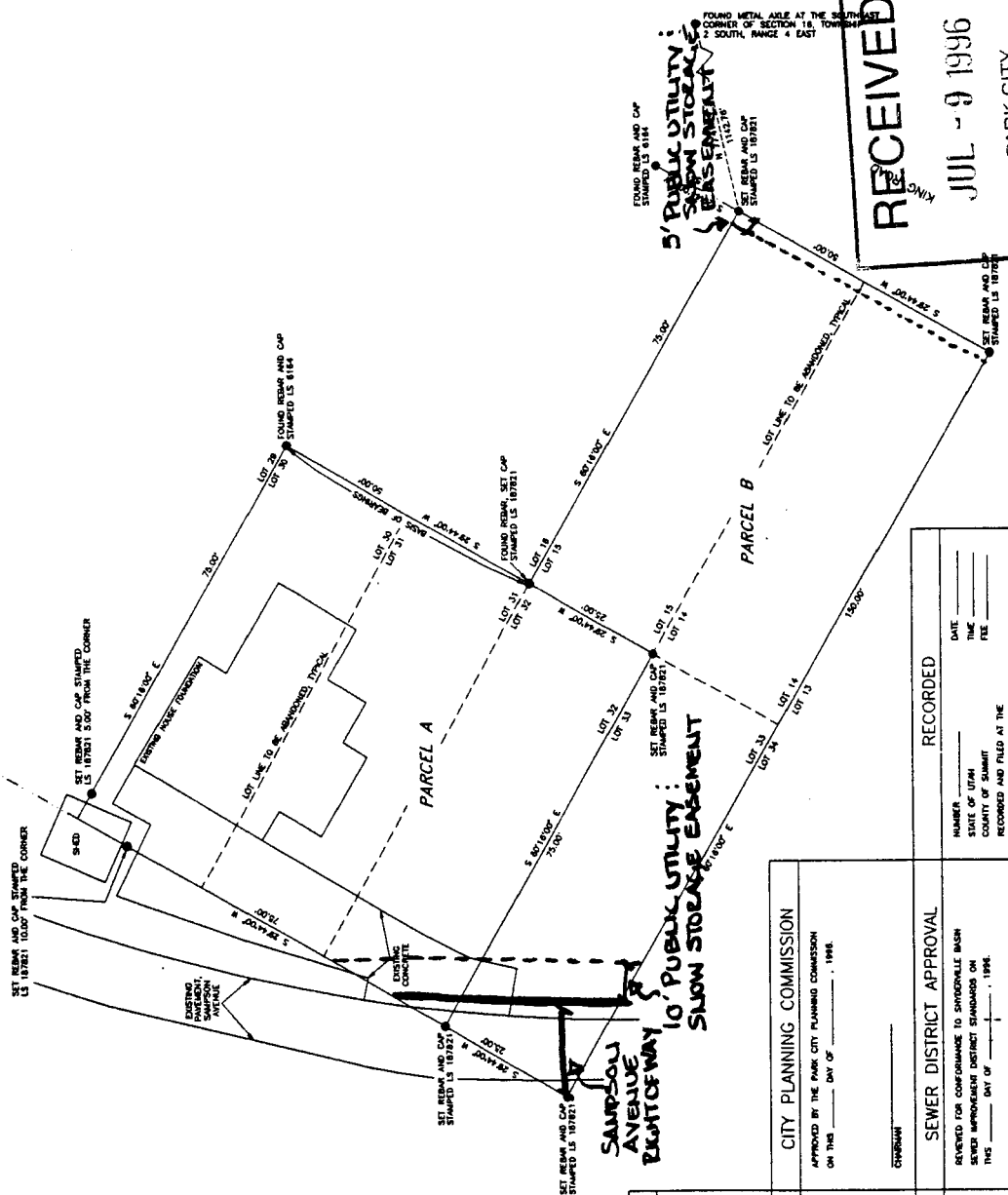
LEGAL DESCRIPTIONS

PARCELS 14, 15, 30, 31, AND 32 OF BLOCK 77 OF THE PARK CITY SURVEY, LOCATED IN SECTION 24, TOWNSHIP 8 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MOUNTAIN PARK CITY UTILITY DISTRICT, PARK CITY, UTAH, PARCELS A CONTAINS 0.13 ACRES.
 PARCEL B: ALL OF LOTS 14, 15, AND 32 OF BLOCK 77 OF THE PARK CITY SURVEY, LOCATED IN SECTION 24, TOWNSHIP 8 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MOUNTAIN PARK CITY UTILITY DISTRICT, PARK CITY, UTAH, PARCELS A CONTAINS 0.13 ACRES.

DUPLICATE

DATE: 6-27-96
 JOE DHAVERNIS

PRELIM.
 PLAT AMENDMENT
 AND
 RECORD OF SURVEY
 LOTS 14, 15, 30, 31, 32, AND 33, BLOCK 77, PARK CITY



RECEIVED
 JUL - 9 1996
 PARK CITY
 PLANNING DEPT.

SURVEYED BY: ON THE MAP LAND SURVEYING S. JONES UT 8400 P. 1995	CITY COUNCIL APPROVED BY THE PARK CITY COUNCIL ON THIS _____ DAY OF _____, 1996. MAYOR _____ CITY RECORDER _____	CITY ENGINEER APPROVED BY THE PARK CITY ENGINEER ON THIS _____ DAY OF _____, 1996. CITY ENGINEER _____	CITY ATTORNEY APPROVED AS TO FORM BY THE PARK CITY ATTORNEY ON THIS _____ DAY OF _____, 1996. CITY ATTORNEY _____
	CITY PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____, 1996. CHAIRMAN _____	SEWER DISTRICT APPROVAL REVIEWED FOR CONFORMANCE TO SPODOVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS _____ DAY OF _____, 1996. ENGINEER _____	RECORDED NUMBER _____ DATE _____ STATE OF UTAH TIME _____ COUNTY OF SUMMIT FEE _____ RECORDED AND FILED AT THE REQUEST OF _____ COUNTY RECORDER _____

Ordinance No. 96-49

**AN ORDINANCE APPROVING AN AMENDMENT TO LOT 20 AND
ONE HALF OF LOT 19, BLOCK 6 OF THE SNYDERS ADDITION
KNOWN AS 1277 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as 1277 Park Avenue petitioned the City Council for approval of an 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 October 24, 1996; and

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

WHEREAS, there is good cause for the revision as the reconfiguration does not 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 Park City, Utah as follows:

SECTION 1. The amendment to Park City Survey, Lot 20 and one half of Lot 19, Block 6 is approved as shown on the attached Exhibit A with the following findings, conclusions and conditions:

Findings:

1. The revision will combine the lots in compliance with State law and allow for the construction of a single family residence on the site.
2. A ten foot snow storage easement across the front of the parcel will allow for safe storage of snow removed from the City sidewalk.
3. There are no other impacts resulting from the amendment other than the remaining south half of Lot 19 which will have to be combined with another parcel. There is currently a single family dwelling in the south half of Lot 19 and Lot 18.

Conclusions of Law:

1. There is good cause for the revision.
2. Neither the public nor any person will be materially injured by the proposed plat revision.

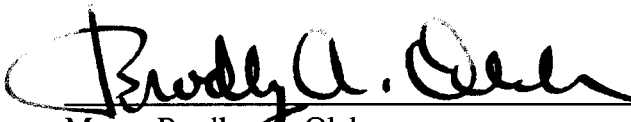
Conditions:

1. The City Attorney and City Engineer will review and approve the amended plat for compliance with the Land Management Code, Utah State Code and these final conditions of approval is a condition precedent to plat recordation.
2. If the amendment is not recorded within one year of this approval date, this approval shall become null and void.
3. A ten foot snow storage easement shall be dedicated to the City and shall be shown on the final plat.
4. The remnant half of Lot 19 is not a separately buildable lot.

SECTION 2. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 24th day of October, 1996.

PARK CITY MUNICIPAL CORPORATION

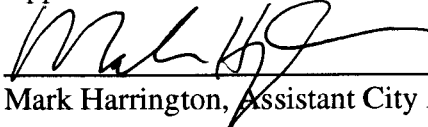


Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark Harrington, Assistant City Attorney

SURVEYORS CERTIFICATE
 I, John Demme, certify that I am a Registered Land Surveyor and that I hold Certificate No. 14333, State of Utah, and that the above described plat was prepared in accordance with the requirements of the Park City Municipal Corporation.
 John Demme Date _____
DEED DESCRIPTION
 ALL OF LOT 20 AND THE NORTH HALF OF LOT 19 OF BLOCK 6 OF OWNER'S ADDITION TO PARK CITY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

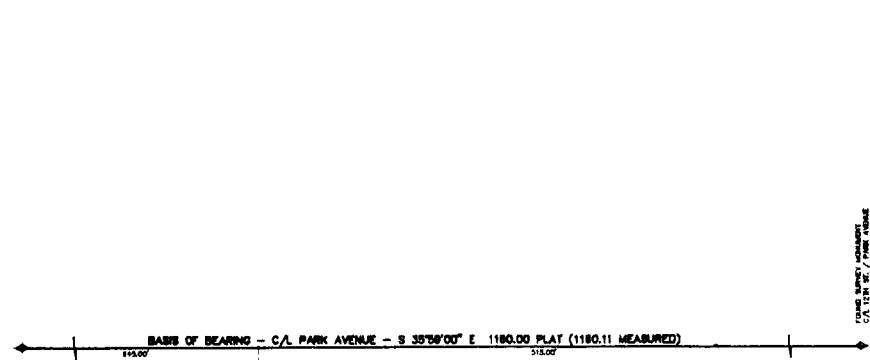
OWNERS DEDICATION AND CONSENT TO RECORD
 KNOW ALL MEN BY THESE PRESENTS that Gary Dowe and Fred Dowe, both of the County of Salt Lake, State of Utah, do hereby certify that we have caused this Lot Line Adjustment Plat to be prepared, Gary Dowe and Fred Dowe hereby consent to the recording of this plat in the office of the Park City Clerk, the streets, lots for local government, water easements, parks, and regulated utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.
 I, _____ IN WITNESS WHEREOF, the undersigned set his hand this _____ day of _____, 19____
 Gary Dowe _____
 Fred Dowe _____

ACKNOWLEDGEMENT
 State of _____
 County of _____
 On this _____ day of _____, 19____, personally appeared before me, the undersigned Notary Public in and for said state and county, Gary Dowe and Fred Dowe being duly sworn, acknowledged to me that they are 50% owners of the herein described tract of land and they signed the above Owners Dedication and Consent to Record herby and voluntarily.
 Notary Public _____
 Commission expires: _____

OWNERS DEDICATION AND CONSENT TO RECORD
 KNOW ALL MEN BY THESE PRESENTS that Blake W. Lytton, the undersigned 50% owner of the herein described tract of land to be known hereafter as DAVIS REPLAT, certify that I have caused this survey to be prepared, Blake W. Lytton hereby consent to the recording of this plat in the office of the Park City Clerk, the streets, lots for local government, water easements, parks, and regulated utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.
 I, _____ IN WITNESS WHEREOF, the undersigned set his hand this _____ day of _____, 19____
 Blake W. Lytton _____
 Commission expires: _____

ACKNOWLEDGEMENT
 State of _____
 County of _____
 On this _____ day of _____, 19____, personally appeared before me, the undersigned Notary Public in and for said state and county, Blake W. Lytton, certify that he is a 50% owner of the herein described tract of land and he signed the above Owners Dedication and Consent to Record herby and voluntarily.
 Notary Public _____
 Commission expires: _____

NOTES
 1. The street address of the property is _____
 2. See record of survey 8-1874, recorded Summit County Utah, for record of survey plat.



LOT LINE ADJUSTMENT
DAVIS REPLAT

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



APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS _____ DAY OF _____, 19____ A.D.
 BY PARK CITY ATTORNEY _____

ENGINEERS CERTIFICATE
 I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 19____ A.D.
 BY PARK CITY ENGINEER _____

ALLIANCE ENGINEERING INC.
 P.O. BOX 2644
 323 MAIN STREET
 PARK CITY, UTAH 84090
 (801) 635-1467

RECEIVED
 RECORDED
 STATE OF UTAH COUNTY OF SALT
 FILED IN MY OFFICE THIS _____ DAY OF _____, 19____ A.D.
 AU _____
 CLERK
 PARK CITY, UTAH
 RECEIVED
 PLANNING DEPT.

**AN ORDINANCE ACCEPTING THE PUBLIC IMPROVEMENTS
AT HEARTHSTONE SUBDIVISION**

WHEREAS, Hearthstone Subdivision was approved by the Park City City Council on October 7, 1993; and

WHEREAS, construction of the public improvements has been accomplished by the developer, including trails and utilities within, adjacent to, and connecting to Aerie Drive; and

WHEREAS, Park City has adopted Land Management Code 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 Land Management Code; and

WHEREAS, the public improvements within Hearthstone Subdivision were installed in accordance with the Land Management Code in effect at the time of plat recordation and have been duly inspected by the City Engineer.

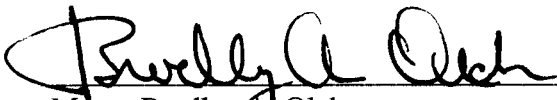
NOW THEREFORE BE IT ORDAINED by the Park City Council as follows:

SECTION 1. PUBLIC IMPROVEMENTS. The City hereby accepts from the developer all public improvements at Hearthstone 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. A financial guarantee of \$16,541.25 shall remain in place for the one-year guarantee period.

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

PASSED AND ADOPTED THIS 10th day of October, 1996.

PARK CITY MUNICIPAL CORPORATION



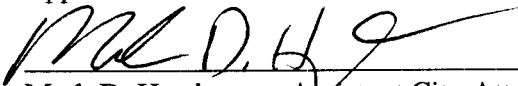
Mayor Bradley A. Olch

Attest:



Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Assistant City Attorney



Ordinance No. 96-47

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

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

WHEREAS, proper notice was sent and the City Council held a public hearing to receive input on the proposed conversion on October 10, 1996; 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 intent or Final Conditions of Approval under the Master Planned Development for the project; 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 First Amendment to the Trail's End at Deer Valley Record of Survey is approved as shown on the attached Exhibit A with the following Findings, Conclusion and Conditions:

Findings:

1. The reconfiguration does not affect the intent nor the Final Conditions of Approval under the Master Planned Development for the project.
2. The revision is necessary to reflect the actual building location and to accurately define the areas under common area.
3. The applicant has not yet obtained the signatures of all the owners within the project.

Conclusions of Law:

1. There is good cause for the revision.
2. Neither the public nor any person will be materially injured by the proposed plat revision.

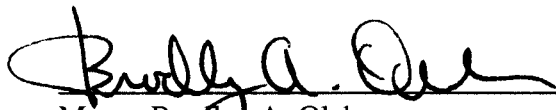
Conditions:

1. All prior Master Planned Development approvals, dated April 11, 1994 and April 5, 1991 are in full force and effect.
2. City Attorney and City Engineer review and approval of the final Record of Survey for compliance with State law and the Land Management Code is a condition precedent to plat recordation.
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. If the Record of Survey is not recorded within one year of the date of this approval this approval is null and void.

SECTION 2. This ordinance shall take effect upon publication.

PASSED AND ADOPTED this 10th day of October, 1996.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

Attest:

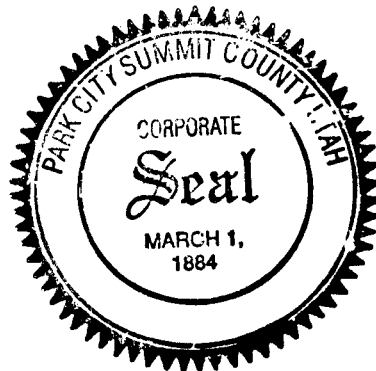


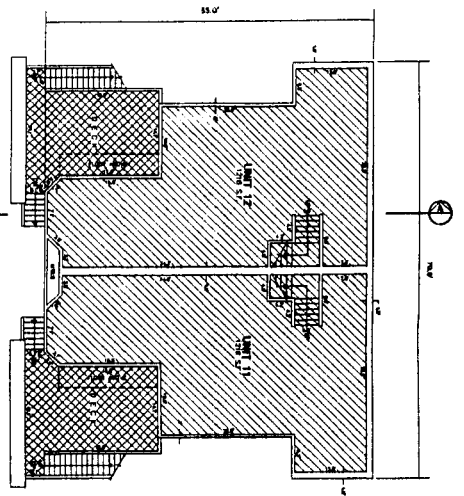
Janet M. Scott, Deputy City Recorder

Approved as to form::

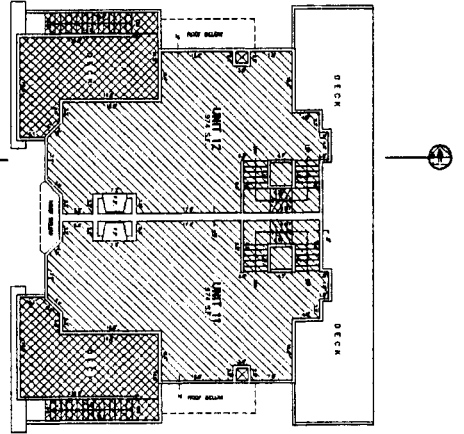


Mark Harrington, Assistant City Attorney

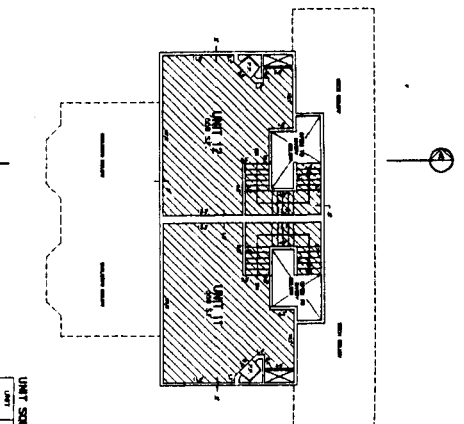




SECTION 'X' UNITS 11 & 12 TYPICAL
LEVEL ONE



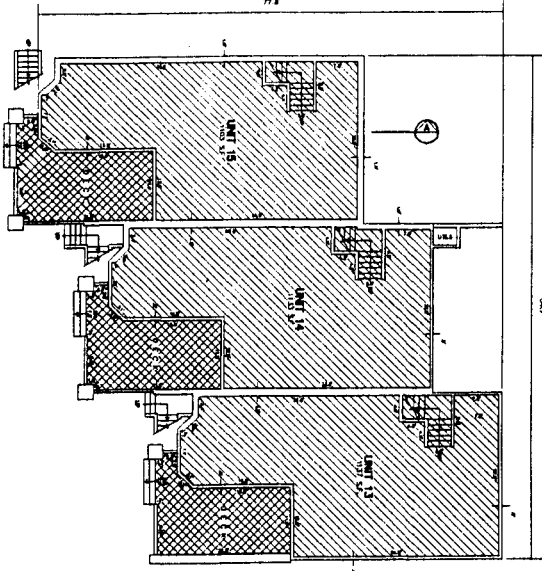
SECTION 'X' UNITS 11 & 12 TYPICAL
LEVEL TWO



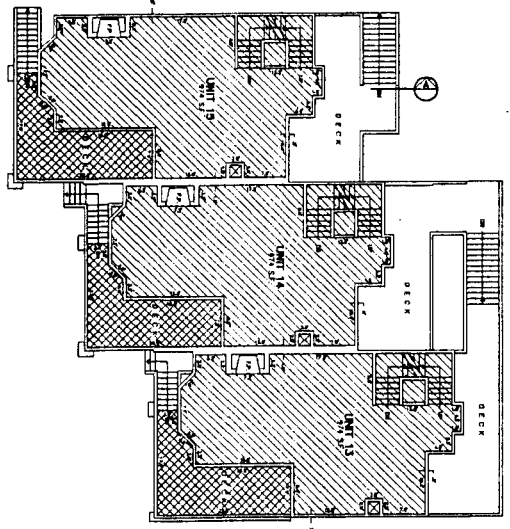
SECTION 'X' UNITS 11 & 12 TYPICAL
LEVEL THREE

UNIT SQUARE FOOTAGE TABLE

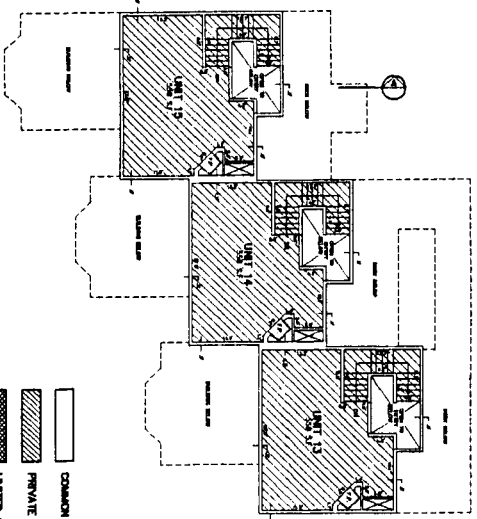
UNIT	LEVEL ONE	LEVEL TWO	LEVEL THREE	TOTAL
11	1728	974	508	2710
12	1728	974	508	2710
13	1127	974	508	2609
14	1127	974	508	2609
15	1127	974	508	2609



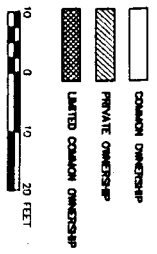
SECTION 'Y' UNITS 13-15 TYPICAL
LEVEL ONE



SECTION 'Y' UNITS 13-15 TYPICAL
LEVEL TWO



SECTION 'Y' UNITS 13-15 TYPICAL
LEVEL THREE

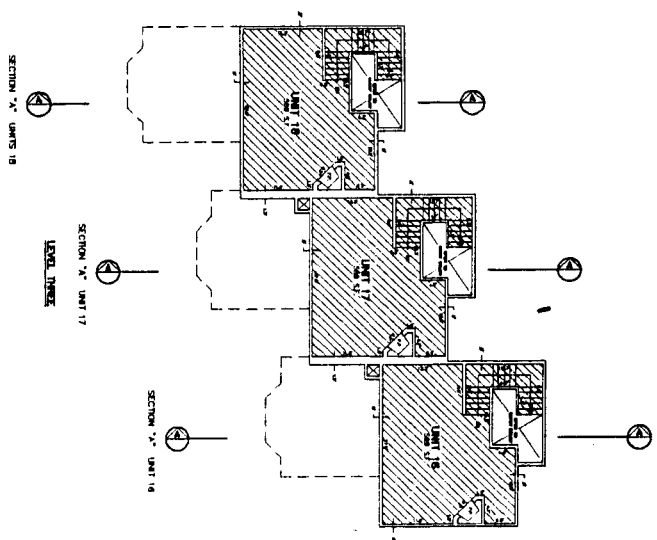
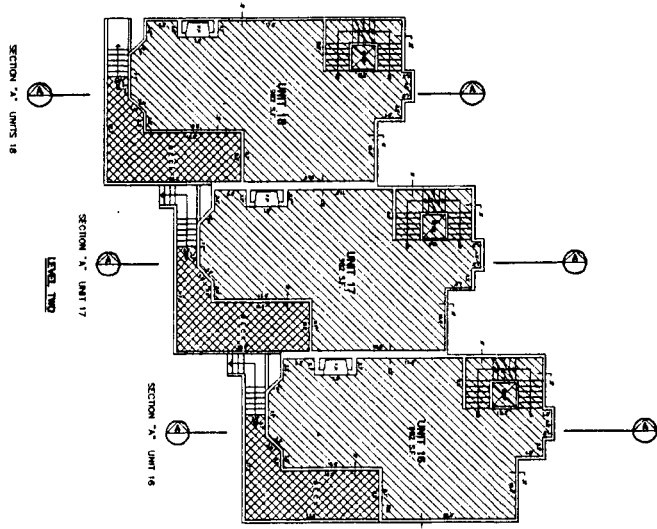
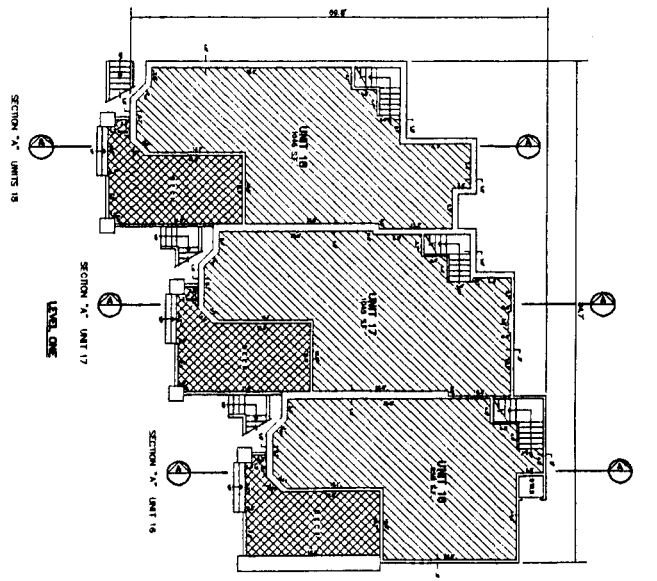


SECOND AMENDMENT TO
TRAIL'S END AT DEER VALLEY
AN AMENDMENT AND EXPANSION OF THE RECORD OF SURVEY MAP OF
PINE INN

A UTILITY ESTABLISHMENT CONSTRUCTION PROJECT LOCATED IN
SECTION 13, T4S, R10E, NE1/4, SALT LAKE COUNTY, UTAH.

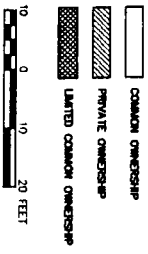
JOB NO. 2-2-81 T41N13E10W2E2

RECORDED
STATE OF UTAH COUNTY OF SALT LAKE AND FILED
AT THE REQUEST OF _____ BOOK _____ PAGE _____
DATE _____ TIME _____
FEE _____ RECORDER _____



UNIT SQUARE FOOTAGE TABLE

UNIT	LEVEL ONE	LEVEL TWO	LEVEL THREE	TOTAL
16	624	642	549	1815
17	1045	642	549	2236
18	1045	642	549	2236

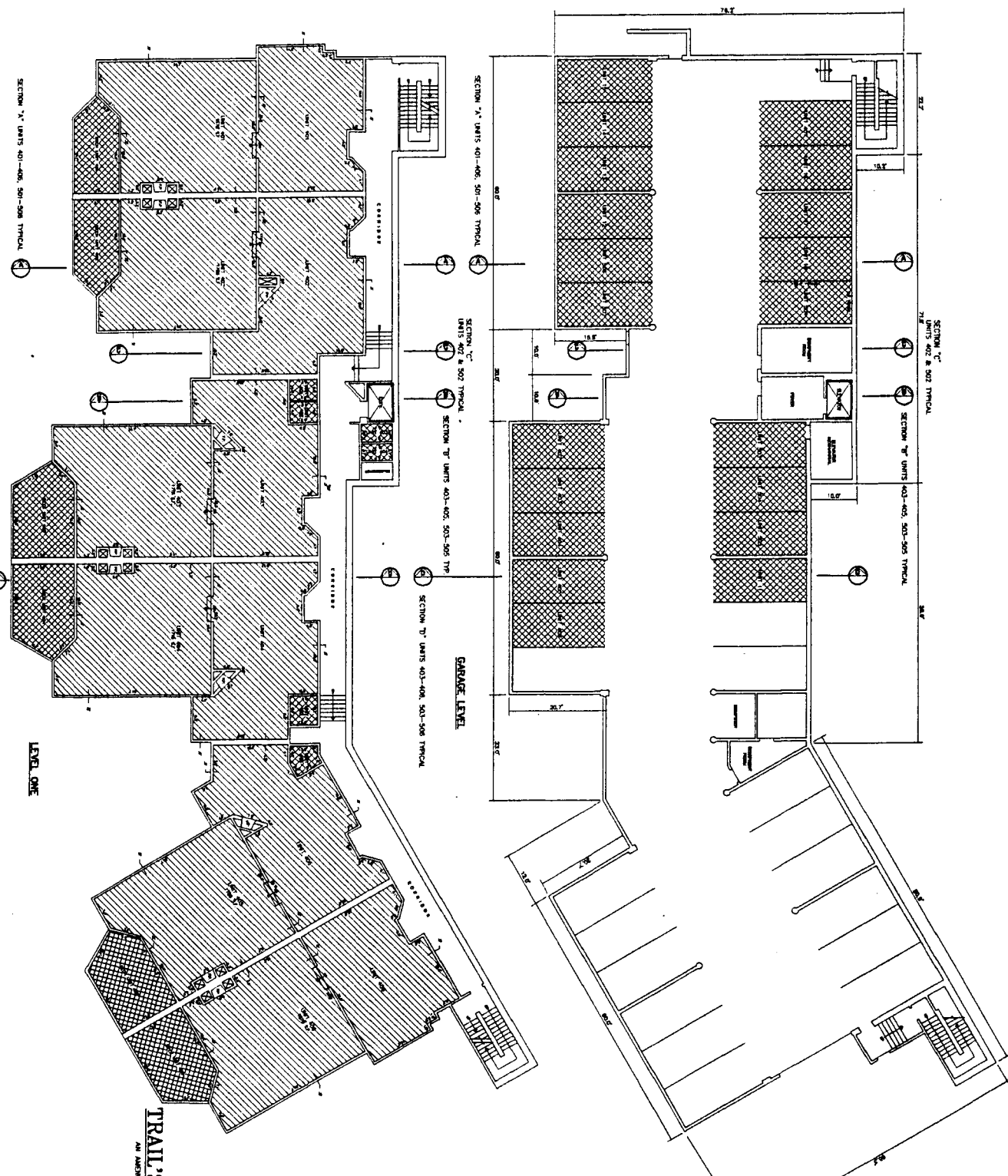


**SECOND AMENDMENT TO
TRAIL'S END AT DEER VALLEY**
AN AMENDMENT AND EXPANSION OF THE RECORD OF SALES MAP OF
PINE INN

A LITTLE SPRAWLING COMMUNITY IS BEING LOCATED IN
SECTION 27 & 28, TOWNSHIP 7 NORTH, RANGE 1 WEST,
SOUTH SLOPE AND SHERMAN COUNTY, OREGON

JOB NO. 2-2-91 TRV/CA/VD/93

RECORDED
STATE OF OREGON COUNTY OF SHASTA AND FILED
AT THE REQUEST OF _____ BOOK _____ PAGE _____
DATE _____ TIME _____ FILE _____ RECORDED _____



SECTION 'A' UNITS 401-406, 501-506 TYPICAL

SECTION 'B' UNITS 403-406, 503-506 TYPICAL

SECTION 'A' UNITS 401-406, 501-506 TYPICAL

SECTION 'C' UNITS 407 & 507 TYPICAL

SECTION 'D' UNITS 403-406, 503-506 TYPICAL

SECTION 'E' UNITS 403-406, 503-506 TYPICAL

SECTION 'J' UNITS 403-406, 503-506 TYPICAL

SECTION 'K' UNITS 403-406, 503-506 TYPICAL

SECTION 'L' UNITS 403-406, 503-506 TYPICAL

SECTION 'M' UNITS 403-406, 503-506 TYPICAL

SECTION 'N' UNITS 403-406, 503-506 TYPICAL

SECTION 'O' UNITS 403-406, 503-506 TYPICAL

SECTION 'P' UNITS 403-406, 503-506 TYPICAL

SECTION 'Q' UNITS 403-406, 503-506 TYPICAL

SECTION 'R' UNITS 403-406, 503-506 TYPICAL

SECTION 'S' UNITS 403-406, 503-506 TYPICAL

SECTION 'T' UNITS 403-406, 503-506 TYPICAL

LEVEL ONE

GARAGE LEVEL

JOB NO. Z-2-81

STATE OF UTAH COUNTY OF SALT LAKE
 DATE _____ TIME _____ BOOK _____ PAGE _____
 RECORDED
 FILE _____ RECEIVED _____

PAGE 4 OF 8

**SECOND AMENDMENT TO
 TRAIL'S END AT DEER VALLEY
 AN AMENDMENT AND EXPANSION OF THE RECORD OF SURVEY MAP OF
 PINE INN**

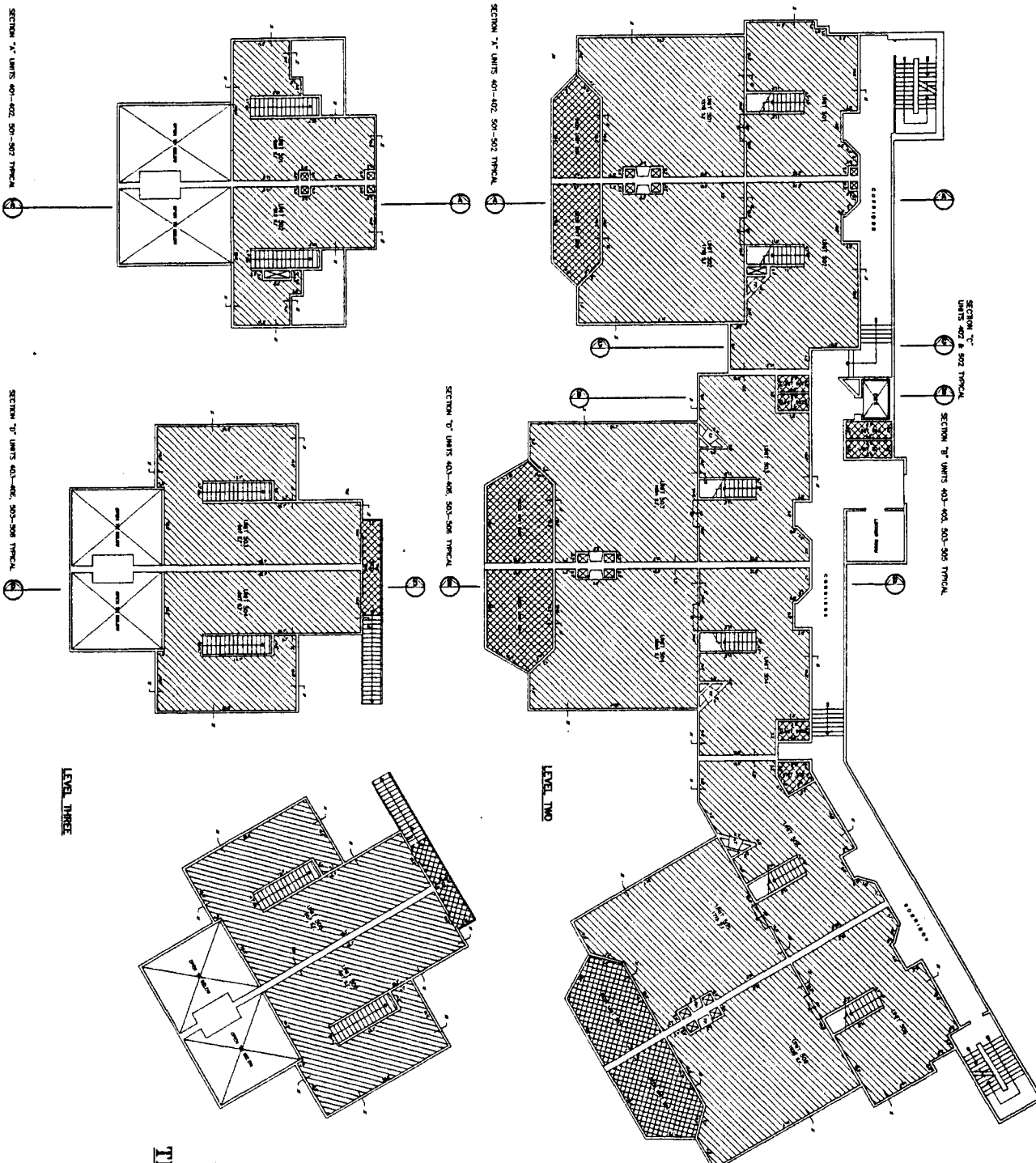
A UTAH GENERAL CONDOMINIUM PROJECT LOCATED IN
 SALT LAKE COUNTY, UTAH

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP



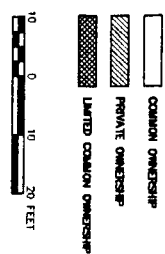
UNIT SQUARE FOOTAGE TABLE

UNIT NO.	UNIT TYPE	SQ. FT.
401	1-BED	1,100
402	1-BED	1,100
403	1-BED	1,100
404	1-BED	1,100
405	1-BED	1,100
406	1-BED	1,100
501	1-BED	1,100
502	1-BED	1,100
503	1-BED	1,100
504	1-BED	1,100
505	1-BED	1,100
506	1-BED	1,100



UNIT SQUARE FOOTAGE TABLE

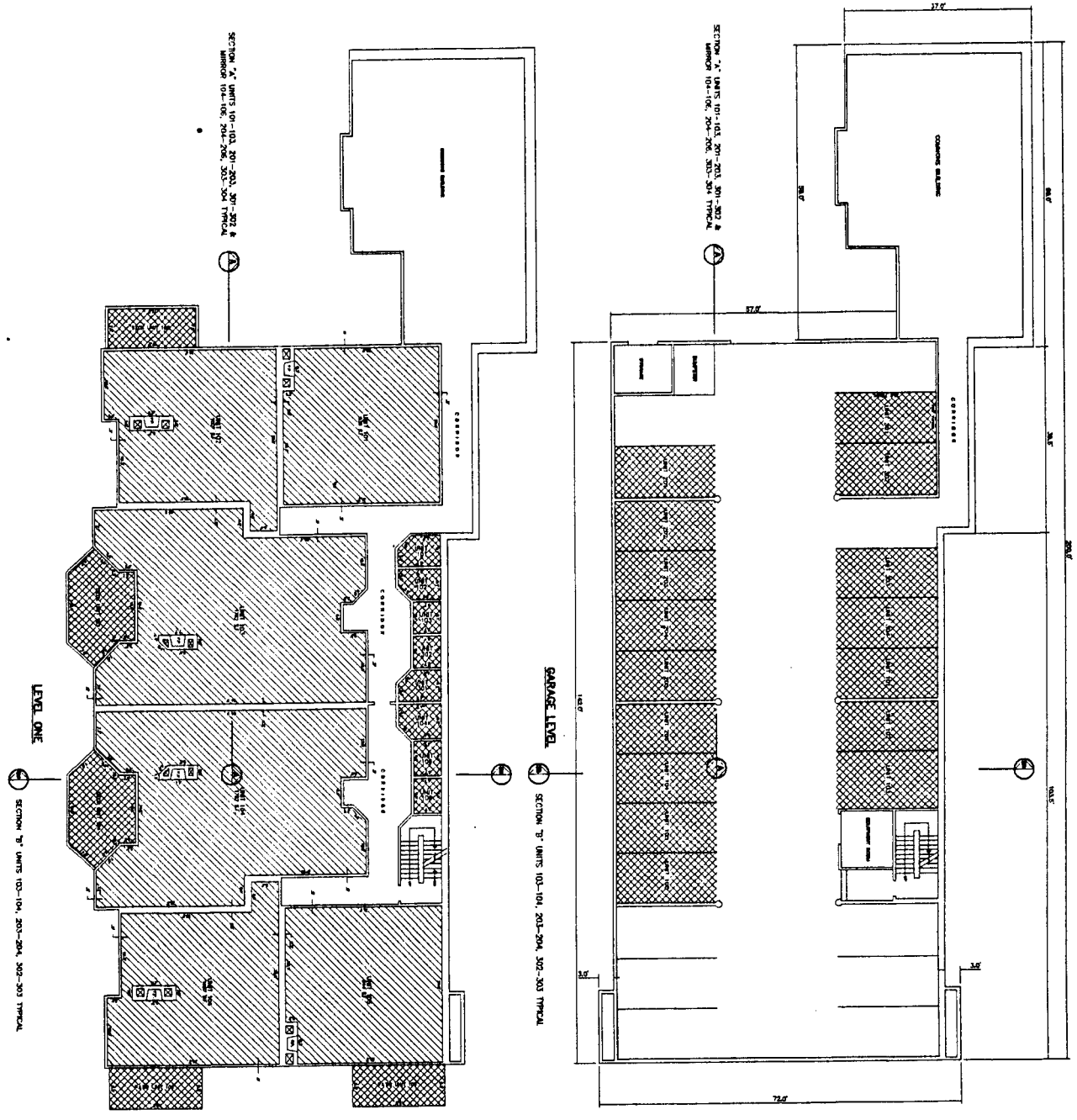
UNIT NO.	UNIT TYPE	UNIT AREA	TOTAL
101	1170	502	5088
102	1170	502	5088
103	1170	502	5088
104	1170	502	5088
105	1170	502	5088
106	1170	502	5088
107	1170	502	5088
108	1170	502	5088
109	1170	502	5088
110	1170	502	5088
111	1170	502	5088
112	1170	502	5088
113	1170	502	5088
114	1170	502	5088
115	1170	502	5088
116	1170	502	5088
117	1170	502	5088
118	1170	502	5088
119	1170	502	5088
120	1170	502	5088



**SECOND AMENDMENT TO
TRAIL'S END AT DEER VALLEY
PINE INN**

JOB NO. 2-2-81 T.V.P.21.PINZ

RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
DATE _____ TIME _____ BOOK _____ PAGE _____
FILE _____ RECORDER _____



SECTION "A" UNITS 101-103, 201-203, 301-303 & 401-403
 UNITS 104-106, 204-206, 304-306, 404-406 TYPICAL

SECTION "B" UNITS 101-103, 201-203, 301-303 & 401-403
 UNITS 104-106, 204-206, 304-306, 404-406 TYPICAL

LEVEL ONE
 SECTION "A" UNITS 101-103, 201-203, 301-303 & 401-403
 UNITS 104-106, 204-206, 304-306, 404-406 TYPICAL

GARAGE LEVEL
 SECTION "B" UNITS 101-103, 201-203, 301-303 & 401-403
 UNITS 104-106, 204-206, 304-306, 404-406 TYPICAL

UNIT SQUARE FOOTAGE TABLE

UNIT	LEVEL	NET	TOTAL
101	101	838	838
102	101	1027	1027
103	101	1742	1742
104	101	1742	1742
105	101	844	844
106	101	1027	1027

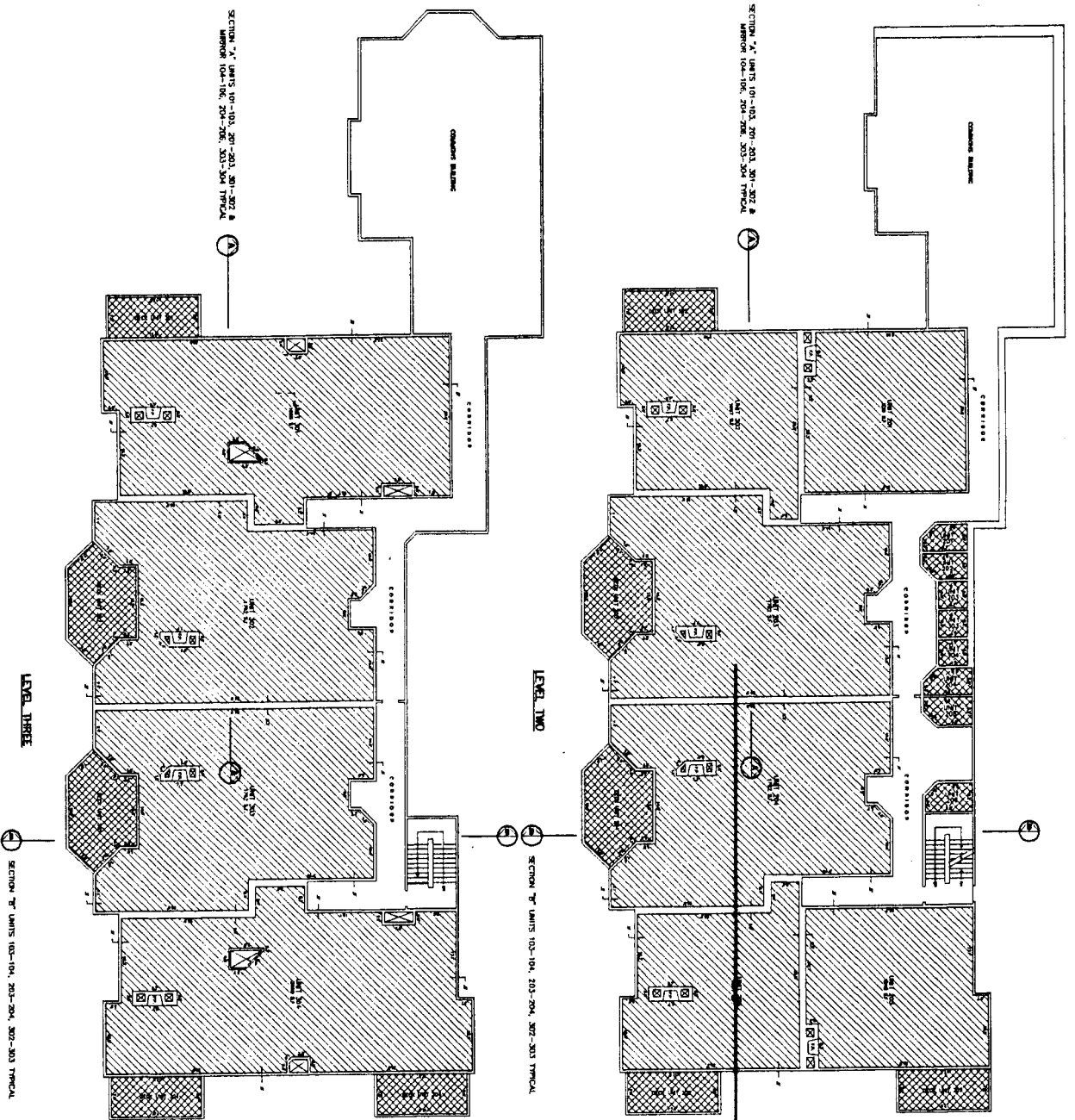
- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP



SECOND AMENDMENT TO
TRAIL'S END AT DEER VALLEY
 AN AMENDMENT AND EXPANSION OF THE RECORD OF SURVEY MAP OF
PINE INN

A FINAL EXPANSION, CORRECTIVE PROJECT LOCATED IN
 SECTION 10, T12N, R10E, S10E, DEER VALLEY, DEER COUNTY, OHIO

RECORDED
 STATE OF OHIO COUNTY OF SUMMIT AND FIELD
 DATE _____ TIME _____ BOOK _____ PAGE _____
 FILE _____



SECTION "A" UNITS 101-103, 201-203, 301-303 & 401-403 TYPICAL

SECTION "B" UNITS 104-106, 204-206, 304-306 & 404-406 TYPICAL

LEVEL TWO

LEVEL THREE

UNIT SQUARE FOOTAGE TABLE

UNIT	LEVEL	TOTAL
101	2ND	829
102	2ND	1007
103	2ND	1782
201	2ND	1782
202	2ND	1782
203	2ND	1007
301	3RD	829
302	3RD	1007
303	3RD	1782
401	3RD	829
402	3RD	1007
403	3RD	1782

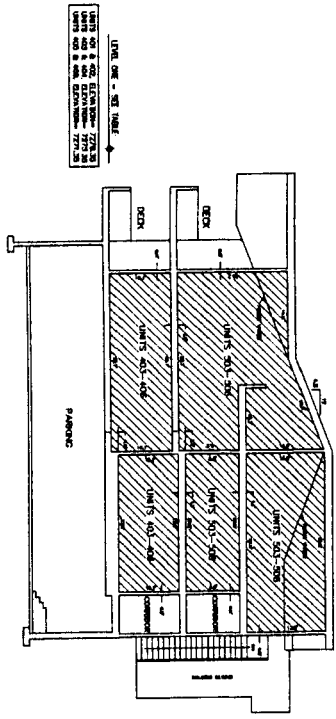
- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP



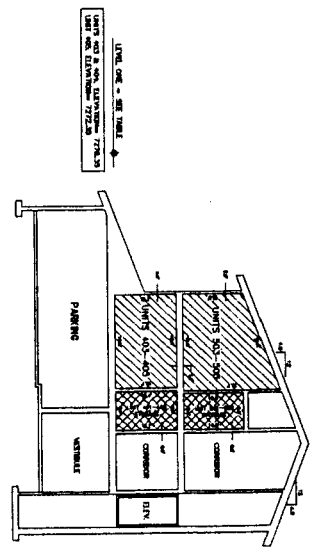
**SECOND AMENDMENT TO
TRAIL'S END AT DEER VALLEY**
AN AMENDMENT AND EXPANSION OF THE RECORD OF SURVEY MAP OF
PINE INN

A UNIT DEVELOPMENT CONFORMANCE PROJECT LOCATED IN
SECTION 104-106, 204-206, 304-306, 404-406 TYPICAL

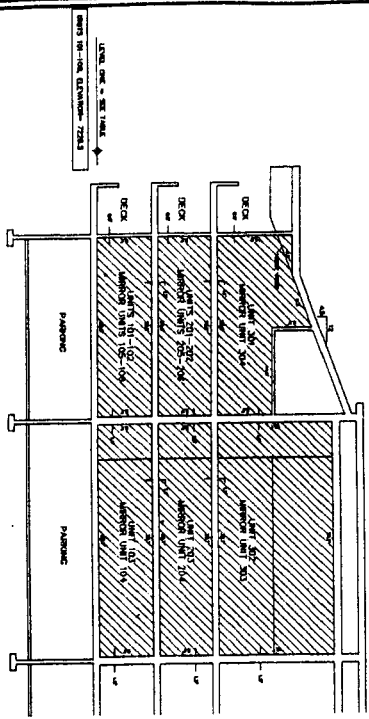
RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
DATE _____ TIME _____ BOOK _____ PAGE _____



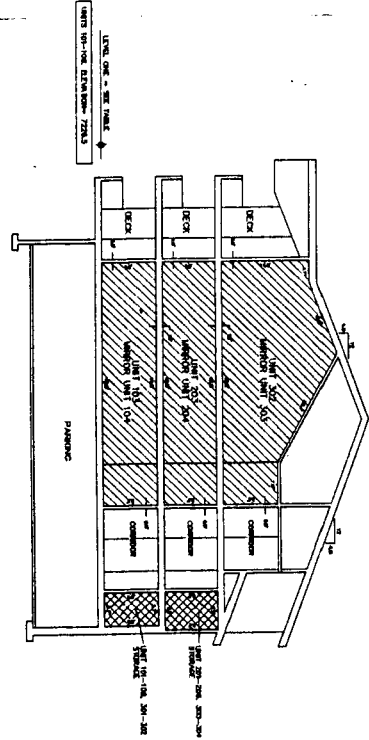
SECTION "D" UNITS 403-406, 503-506






SECTION "B" UNITS 403-406, 503-506



SECTION "A" UNITS 101-106, 201-206, 301-304



SECTION "B" UNITS 103-104, 203-204, 302-303

-  COMMON OWNERSHIP
-  PRIVATE OWNERSHIP
-  LIMITED COMMON OWNERSHIP



JOB NO. 2-2-81 TOWN PLANNERS

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

SECOND AMENDMENT TO
 TRAIL'S END AT DEER VALLE

AN AMENDMENT AND EXPANSION OF THE RECORD OF SURVEY MAP OF
 PINE INN
 A UTAH ENVIRONMENTAL CONSERVATION PROJECT LOCATED IN
 SECTION 16, T. 36 N., R. 10 E., AND SEVERAL OTHER SECTIONS, TOWNSHIP 36 NORTH, RANGE 10 EAST, COUNTY OF SUMMIT, UTAH

Ordinance No. 96-46

**AN ORDINANCE APPROVING AN AMENDMENT TO LOT 2, BLOCK 24
OF THE PARK CITY SURVEY KNOWN AS
508 MAN STREET, PARK CITY, UTAH**

WHEREAS, the owners of the property known as 508 Main Street petitioned the City Council for approval of an 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 conversion on October 10, 1996; and

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

WHEREAS, there is good cause for the revision as the reconfiguration does not 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 Park City, Utah as follows:

SECTION 1. The amendment to Park City Survey, Lot 2, Block 24 is approved as shown on the attached Exhibit A with the following findings, conclusions and conditions:

Findings:

1. The revision is necessary to combine the lots under the existing building location to comply with state law.
2. There are no other impacts resulting from the amendment.

Conclusions of Law:

1. There is good cause for the revision.
2. Neither the public nor any person will be materially injured by the proposed plat revision.

Conditions:

1. The City Attorney and City Engineer review and approve the amended plat for compliance

**AN ORDINANCE APPROVING A
CONDOMINIUM PLAT FOR THE 587 DEER VALLEY LOOP CONDOMINIUMS
LOCATED AT 587 DEER VALLEY LOOP, PARK CITY, UTAH**

WHEREAS, the owners of the property located 587 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 587 Deer Valley Loop 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 duplex located at 587 Deer Valley Loop;

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 City Council held a public hearing on August 28, 1996 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 587 Deer Valley Loop Condominiums;

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 587 Deer Valley Loop Condominiums, Park City, Utah, is approved as shown on the attached Exhibit A with the following conditions:

1. City Attorney and City Engineer review and approval of the final plat and CC&R's for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.

2. All Standard Project Conditions shall apply.
3. Approval of the condominium plat shall expire in one year from the approval date if the condominium plat is not recorded.

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

PASSED AND ADOPTED this 19th day of September, 1996

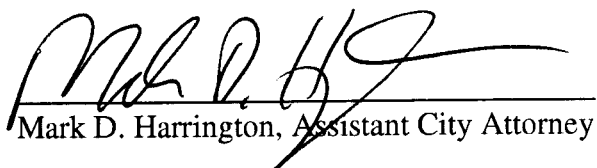
PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

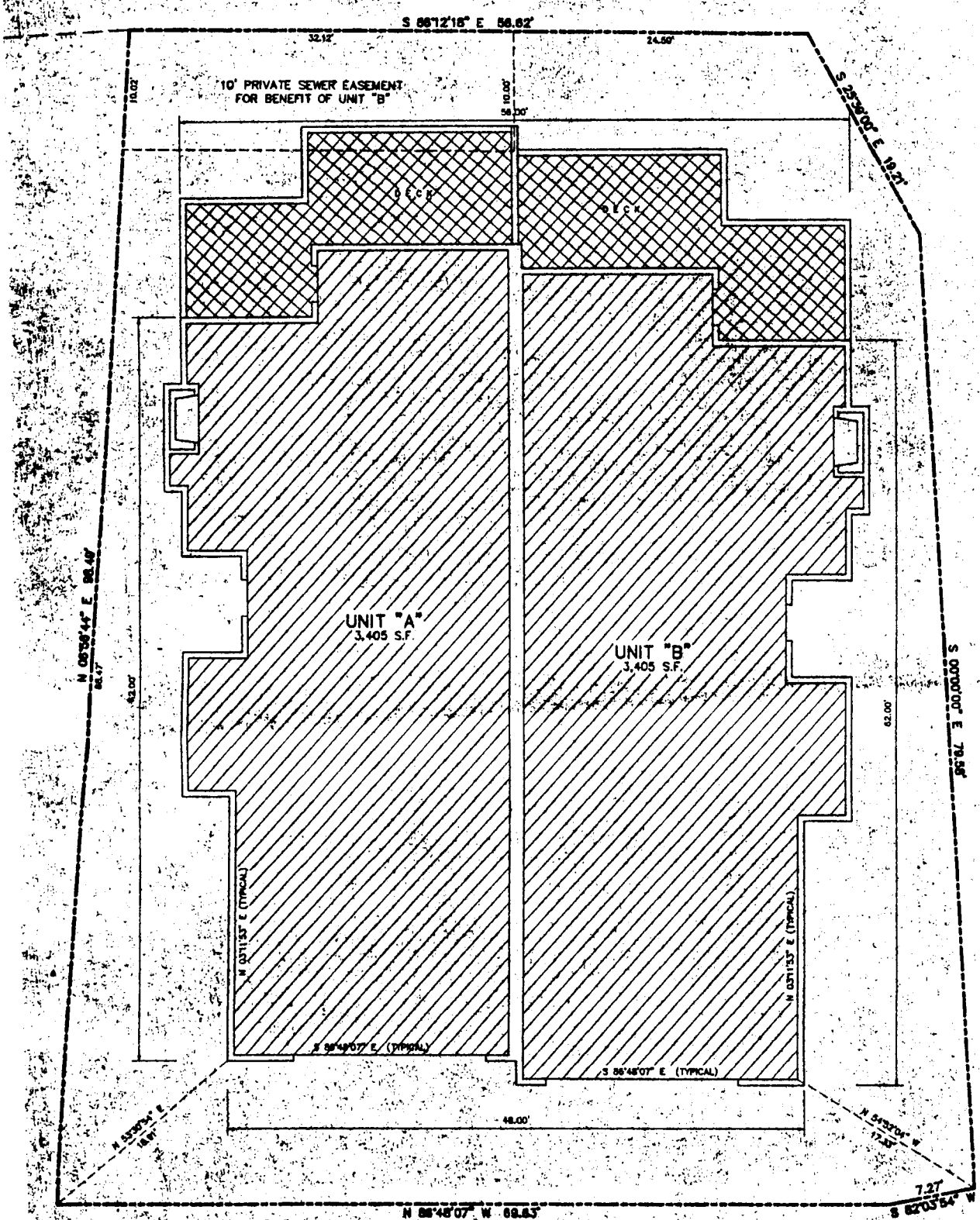
Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Assistant City Attorney



DEER VALLEY LOOP

EXHIBIT A

Ordinance No. 96-44

**AN ORDINANCE APPROVING AN AMENDMENT TO THE MILLSITE
RESERVATION SUBDIVISION NO.1, BLOCK 75, LOTS 43-47 AND LOTS 60-65,
LOCATED AT 55-57 KING ROAD TO BE KNOWN AS THE 55-57 KING ROAD PLAT
AMENDMENT, PARK CITY, UTAH**

WHEREAS, the owners of the property known as the Millsite Reservation Subdivision No. 1, Block 75, Lots 43-47 and Lots 60-65 have 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; and

WHEREAS, the City Council held a public hearing on August 22, 1996 to receive input on the proposed amendment; and

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

WHEREAS, the AGREEMENT TO PROVIDE EMERGENCY ACCESS AT BLOCK 75, PARK CITY SURVEY, dated April 1985, allows access for the development of two houses on applicants' property subject to certain driveway and fire mitigation improvements;

WHEREAS, The proposed plat amendment will limit the development of the property to two (2) single-family lots;

WHEREAS, the proposed lots sizes meet the minimum standards for buildable lots in the HR-1 District;

WHEREAS, the proposed lots are substantially larger than the standard 25 ft. x 75 ft. platted lots in the HR-1 District. Due to the large lot sizes and existing HR-1 District floor area ratios, the maximum permitted house sizes on the proposed lots would be substantially larger than residences constructed on standard platted HR-1 lots;

WHEREAS, the Planning Department has evaluated the neighborhood and finds that building sizes in the immediate vicinity of the property ranging from approximately 1000 square feet in the case of historic residences and over 4000 square feet in the case larger, non-conforming structures. To insure development of the property that is compatible with the scale of historic structures within the neighborhood and consistent with the inherent constraints of the property's hillside topography and driveway access, Staff recommends that above-ground square footage limitations be established for the proposed lots;

WHEREAS, the root cellar of an adjacent historic residence extends under the applicants' proposed driveway. Without proper the consideration of a methodology to mitigate construction impacts, the structural integrity of the historic structure may be jeopardized. It is in the public interest to preserve historic residences in the Historic District; and

WHEREAS, an historic shed is located in close proximity to the applicants' property line which may be impacted as a result of the proposed driveway construction.

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

SECTION 1. FINDING. The above recitals are hereby incorporated as Finding of Fact.

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 amendment.

SECTION 3. PLAT APPROVAL. The amendment of the Millsite Reservation Subdivision No. 1, Block 75, Lots 43-47 and Lots 60-65 is approved as shown on the attached Exhibit A with the following conditions:

1. The City Engineer and City Attorney's approval of the form and substance of the amended plat is a condition precedent prior to recording the plat.
2. All Standard Project Conditions shall apply.
3. The addition of a plat note specifying that further subdivision and/or the development of additional units beyond the two units shall be prohibited is a condition precedent to recording the plat.
4. The addition of a plat note specifying that:

the maximum above-ground square footage for Lot 1 not exceed 2400 square feet (*not including garage*) and 3400 square feet (not including garage) for Lot 2 . In recognition of sloping lots, above-ground square footages are considered to be the floor area of the building that is 80% or more above finished grade. Above-ground square footage does not include the floor area associated with a true basement or crawl space.

The addition of the plat note is a condition precedent to the recording of the plat.

5. City approval of an Engineer's plan or similar methodology intended to insure that the structural integrity of the Scipione residence and shed are protected during any construction

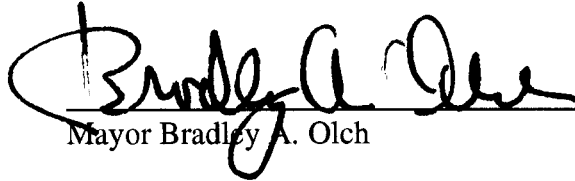
on the applicants' property or improvements to the driveway is a condition precedent to the issuance of a building permit.

6. Approval of a Certificate of Appropriateness of Demolition for the shed located directly west of the applicants' driveway is a condition precedent to any demolition, damage or relocation of the shed in conjunction with the construction of the driveway.
7. City approval of a plan for, and construction of, a 16 foot wide paved driveway constructed to the front property line of the Lot 2 is a condition precedent to the issuance of any building permit on the property.
8. Installation and City approval of fire sprinklers using the modified 13D standard on any residence constructed on the property is a condition precedent to any issuance of a Certificate of Occupancy.
9. The City Engineer's review and approval of a subdivision utility plan is a condition precedent to recording the plat.
10. Submittal of an up-to-date title report for the property is a condition precedent to recording the plat.
11. The plat shall contain a note referencing the 1985 Agreement To Provide Emergency Access.

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

PASSED AND ADOPTED this 5th day of September, 1996.

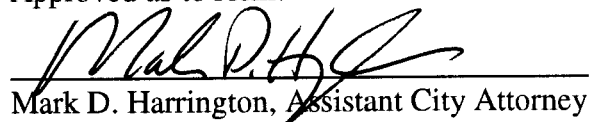
PARK CITY MUNICIPAL CORPORATION


Mayor Bradley A. Olch

Attest:

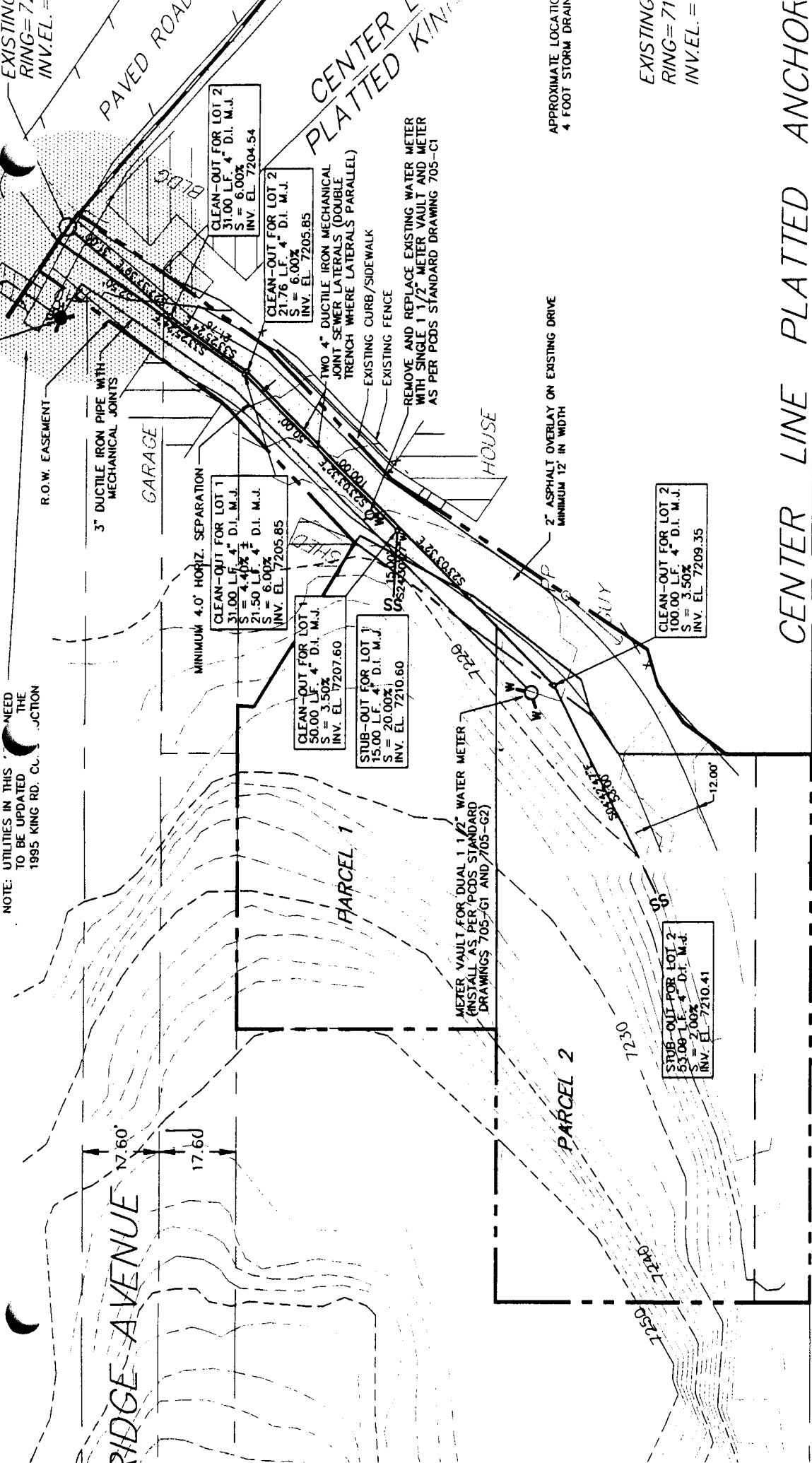
Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Assistant City Attorney

NOTE: UTILITIES IN THIS AREA NEED TO BE UPDATED TO THE 1995 KING RD. CO. SECTION



CENTER LINE PLATTED ANCHOR

101.87

AVENUE BASIS OF BEARING 1101.56

"EXHIBIT A"

Ordinance No. 96-43

AN ORDINANCE APPROVING A SUBDIVISION TO BE KNOWN AS THE CANYON SUBDIVISION, A PART OF WASHINGTON MILLSITE RESERVATION, LOCATED AT 332 DALY AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property known as the Canyon Subdivision has petitioned the City Council for approval of a subdivision amendment to the Washington Millsite Reservation; and

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

WHEREAS, the Planning Commission held a public hearing on July 10, 1996; and

WHEREAS, the City Council held a public hearing on September 5, 1996 to receive public input on the proposed Subdivision;

WHEREAS, Staff has evaluated the neighborhood and finds that a mix of building types, including historic single-family and duplex units exist in the immediate vicinity of the property. Two single-family residences on two 3,700 square foot lots are compatible with the context of the immediate area, therefore, the impacts to the neighborhood are not significant; and

WHEREAS,

1. The proposed plat amendment for two (2) single-family lots will create a need for additional public improvements, including utilities and fire protection.
2. The subdivision limits the lots to single family structures and will reduce the allowable maximum area for the site, resulting in smaller structures nearer in scale and compatibility to the existing historic homes. Staff has evaluated the neighborhood and finds that a mix of building types, including historic single-family and newer duplexes exists in the immediate vicinity of the property. Single-family residences are compatible with the context of the immediate area, therefore, the impacts to the neighborhood are not significant.
3. The net cumulative increase in the sideyard setbacks will also provide for an increase in open space.
4. Snow storage area is required to ensure the safety of the applicant's property and the general public in the surrounding neighborhood.
5. The proposed subdivision, as conditioned, will maintain the original character and density in the neighborhood. Duplex structures would increase the mass and density on the site and would negatively impact the aesthetic nature, scale and character of the Daly Canyon neighborhood
6. The new structures are located more than 150 feet from a fire hydrant and will require fire sprinkling at the direction of the Chief Building Official in order to provide adequate and fire code compliant structures.
7. A portion of the existing Daly Avenue crosses the applicants property; and

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 Park City, Utah as follows:

SECTION 1. FINDINGS. The above recitals are hereby incorporated as findings of fact.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes 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.

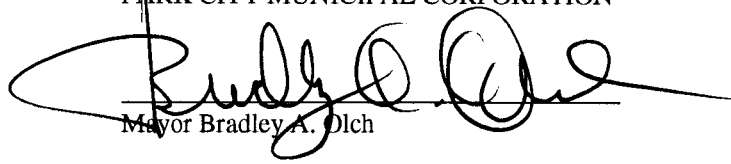
SECTION 3. PLAT APPROVAL. The Canyon Subdivision is approved as shown on the attached Exhibit A with the following conditions:

1. **Only single family structures shall be permitted to be constructed on each lot.**
2. **The owner shall install necessary public improvements in a manner approved by the City Engineer including but not limited to the following: water meter box assembly for two units and sewer and water laterals.**
3. **A ten-foot snow storage easement shall be dedicated to the City along Daly Ave. beyond the edge of asphalt which shall be dedicated to the City as a public street right- of-way.**
4. **A reciprocal fifteen-foot snow shed easement/agreement shall be designated on the plat along the shared border of the two newly created lots.**
5. **Snyderville Basin Sewer Improvement District shall have approved the plat prior to recordation.**
6. **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.**
7. **The plat must be recorded prior to issuance of any building permits.**
8. **The plat must be recorded within one year of the date of this approval or this approval is null and void.**
9. **Fire Sprinklers are required in each home in accordance with the Uniform Building Code Section 13d as modified for Park City.**
10. **Dedication of a the public trail on the westerly edge of the parcel shall be shown on the plat.**
11. **A current and correct title report shall be submitted prior to any further staff review on this project.**
12. **The final plat shall delineate and dedicate that portion of existing Daly Ave. that crosses the applicant's property to the City as a public street right-of-way.**
13. **The Floor Area Ratio for the single family structures shall not include the portion of Daly Ave. that has been dedicated to the City.**


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

PASSED AND ADOPTED this 5th day of September, 1996.

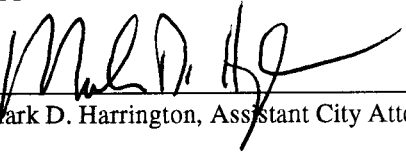
PARK CITY MUNICIPAL CORPORATION


Mayor Bradley A. Ditch

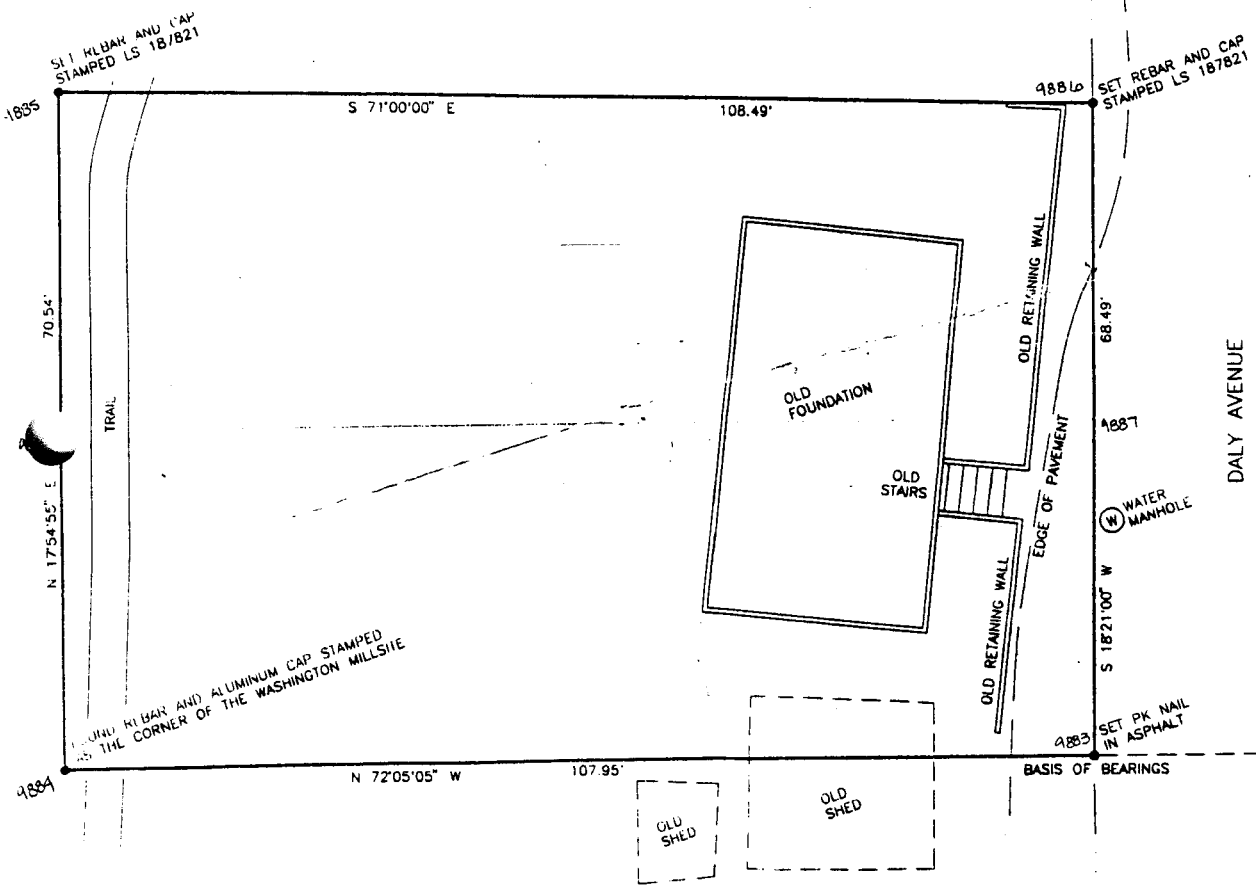
Attest:


Janet M. Scott, Deputy City Recorder

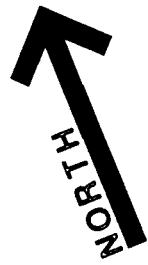
Approved as to form:


Mark D. Harrington, Assistant City Attorney





EASTERLY RIGHT-OF-WAY OF DALY AVENUE AS DEFINED BY FOUND SURVEY MONUMENTS AT THE EASTERLY SIDE OF THE GUTTER



AN ORDINANCE AMENDING TITLE 11, CHAPTER 14, SECTION 4 OF THE MUNICIPAL CODE TO REQUIRE TEMPORARY TOILET FACILITIES AT CONSTRUCTION SITES

WHEREAS, the City Council has determined that temporary toilet facilities at construction sites safeguard the health, safety, and property of the community; and

WHEREAS, improperly disposed waste breeds disease, offensive odors, and undesirable animals and insects; and

WHEREAS, construction site workers should have accessible and sanitary restroom facilities at their place of employment;

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 of Fact.

SECTION II. AMENDMENT. Section 11-14-4 of the Municipal Code of Park City ("MCPC") is hereby amended to read as follows:

11-14- 4. TOILET FACILITIES AND CONTAINERIZED TRASH SERVICE REQUIRED.

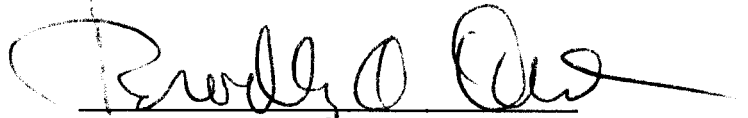
(A) All construction sites, including duplexes, single family homes and remodeling projects, shall be required to obtain and maintain on the site a container of suitable size and design to hold and confine trash, scraps, and other construction related refuse created or accumulated on the site. All such construction refuse shall be maintained in a closed container at all times, until transferred to the landfill. Containers may be placed in setback areas, provided that the placement of the container does not obstruct the view of motorists on adjoining streets and thereby create traffic hazards. It shall be unlawful to permit accumulated debris, litter, or trash on any construction site to blow or scatter onto adjoining properties, including the public street or to accumulate on the site outside of the container, or on transit to the landfill or dump. The owner or contractor shall service the container as frequently as needed to prevent trash from over-flowing.

(B) All construction sites shall have permanent toilets, or an approved temporary toilet facility positioned in a location approved by the Building Department, at the rate of one toilet per fifteen on-site employees (1-15 employees = one toilet, 16-30 employees = two toilets, and so on).

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

PASSED AND ADOPTED this 22nd day of August, 1996.

Park City Municipal Corporation



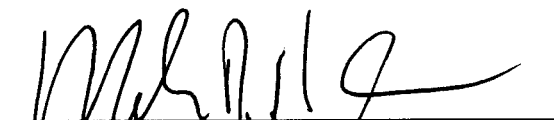
Bradley A. Olch, Mayor

Attestation by:

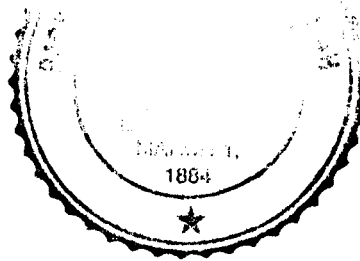


Janet M. Scott, Deputy City Recorder

Approved as to Form:



Mark D. Harrington, Asst. City Attorney



**AN ORDINANCE ACCEPTING THE PUBLIC IMPROVEMENTS
AT SILVER MEADOWS ESTATES SUBDIVISION**

WHEREAS, Silver Meadows Estates Subdivision was approved by the Park City City Council on August 25, 1994; and

WHEREAS, construction of the public improvements has been accomplished by the developer, including the public streets known as Cooke Drive and Stryker Avenue; 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 Silver Meadows Estates 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:

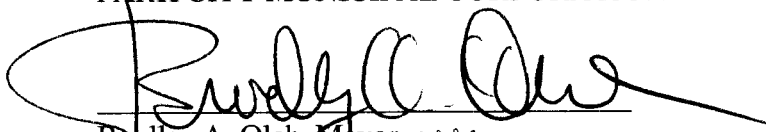
SECTION 1. PUBLIC IMPROVEMENTS. The City hereby accepts from the developer all public improvements at Silver Meadows Estates which were intended for City ownership, subject to the developer's warranty of these improvements for one year following the adoption of this ordinance. A financial guarantee of \$38,764.75 shall remain in place for the one-year guarantee period.

SECTION 2. SNOWPLOWING SERVICES. Because the homes are complete, the City hereby accepts responsibility for snowplowing on Cooke Drive and Stryker Avenue.

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

PASSED AND ADOPTED this 15th day of August, 1996.

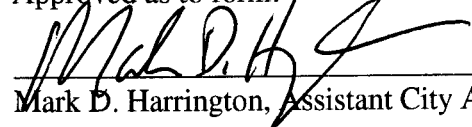
PARK CITY MUNICIPAL CORPORATION

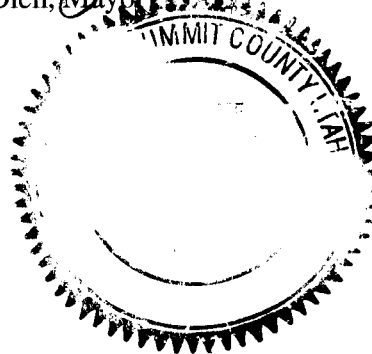

Bradley A. Olch, Mayor

Attest:


Janet M. Scott, Deputy City Recorder

Approved as to form:


Mark D. Harrington, Assistant City Attorney



**AN ORDINANCE ACCEPTING THE PUBLIC IMPROVEMENTS
AT HIDDEN MEADOW SUBDIVISION**

WHEREAS, Hidden Meadow Subdivision was approved by the Park City City Council on May 11, 1995; and

WHEREAS, construction of the public improvements has been accomplished by the developer, including the public streets known as Solamere Drive, Fox Glen Circle, Hidden Court, Foxwood Court, and Fox Tail Trail; 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 Hidden Meadow 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:

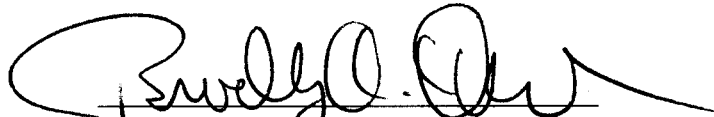
SECTION 1. PUBLIC IMPROVEMENTS. The City hereby accepts from the developer all public improvements at Hidden Meadow Subdivision which were intended for City ownership, subject to the developer's warranty of these improvements for one year following the adoption of this ordinance. The developer will be required to repair the asphalt paving at Hidden Meadows wherever the asphalt has settled or deteriorated within one year from the adoption of this ordinance. Appropriate repair will include patching followed by an overlay as approved by the City Engineer. 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 \$383,102 shall remain in place for the one-year guarantee period. This guarantee will be used for 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 15th day of August, 1996.

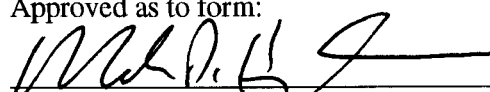
PARK CITY MUNICIPAL CORPORATION

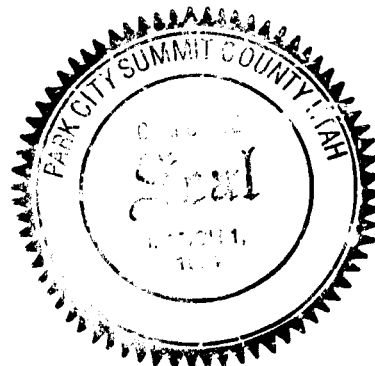

Bradley A. Olch, Mayor

Attest:


Janet M. Scott, Deputy City Recorder

Approved as to form:


Mark D. Harrington, Assistant City Attorney



Ordinance No. 96-39

**AN ORDINANCE VACATING A NON-DEDICATED
RIGHT-OF-WAY IN PARK CITY KNOWN AS
KEETLEY ROAD**

WHEREAS, the owners of parcels of land within Park City have petitioned for the vacation of the public's right (if any) to motorized vehicular use of a portion of Keetley Road which serves said parcels; and

WHEREAS, the Utah Code provides for the vacation of public roads through a process of petition and public hearing; and

WHEREAS, Park City is concerned about traffic and the impact of traffic on the health, safety, and welfare of its residents and visitors; and

WHEREAS, as a result of this vacation, the public will maintain the right to use the road for pedestrian, horseback and non-motorized vehicular use and for emergency vehicle use and utility easements; and

WHEREAS, it is in the best interest of Park City to vacate the public right (if any) to motorized vehicular use of the road known as Keetley Road;

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

SECTION 1. Park City hereby vacates any and all public interest (if any) in motorized vehicular use of that portion of Keetley Road between the Park City limits and the easterly right-of-way of Queen Esther Drive. Park City retains a public trail easement over the unpaved trail which roughly parallels Keetley Road between the City limits and Queen Esther Drive and over the Keetley Road, which trail easement allows the public use of such road and trail for pedestrian, horseback and non-motorized vehicular use. Park City also reserves or conditions this action on the property owner's acquiescence in the public's right to use the Keetley Road for emergency vehicles responding to a condition of emergency.

SECTION 2. This Ordinance does not affect valid utility easements which might exist in all or a portion of Keetley Road, and Park City hereby retains an access easement for purposes of emergency such as wildland fire, or any other emergency which, in the sole opinion of Park City, necessitates a vehicular response.

SECTION 3. It is the specific intent of the Park City Council that Park City shall perform no road maintenance such as (but not limited to) snowplowing, debris removal, or guardrail

repair on Keetley Road.

SECTION 4. This Ordinance shall take effect when Wasatch County has approved the amended density determination and also when any Wasatch County conditions of abandonment of the Wasatch County portion of the Keetley Road have been met by the Telemark Park (Deer Crest) developer.


PASSED AND ADOPTED this first day of August, 1996.

PARK CITY MUNICIPAL CORPORATION



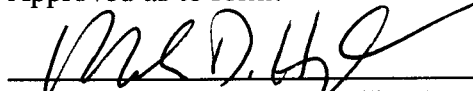
Bradley A. Olch, Mayor

Attest:

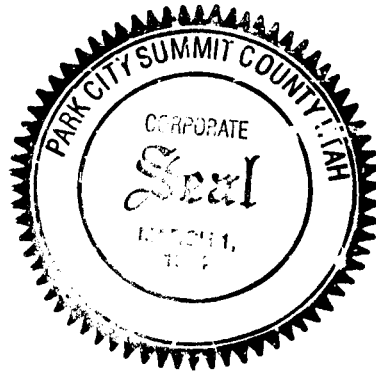


Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Asst. City Attorney

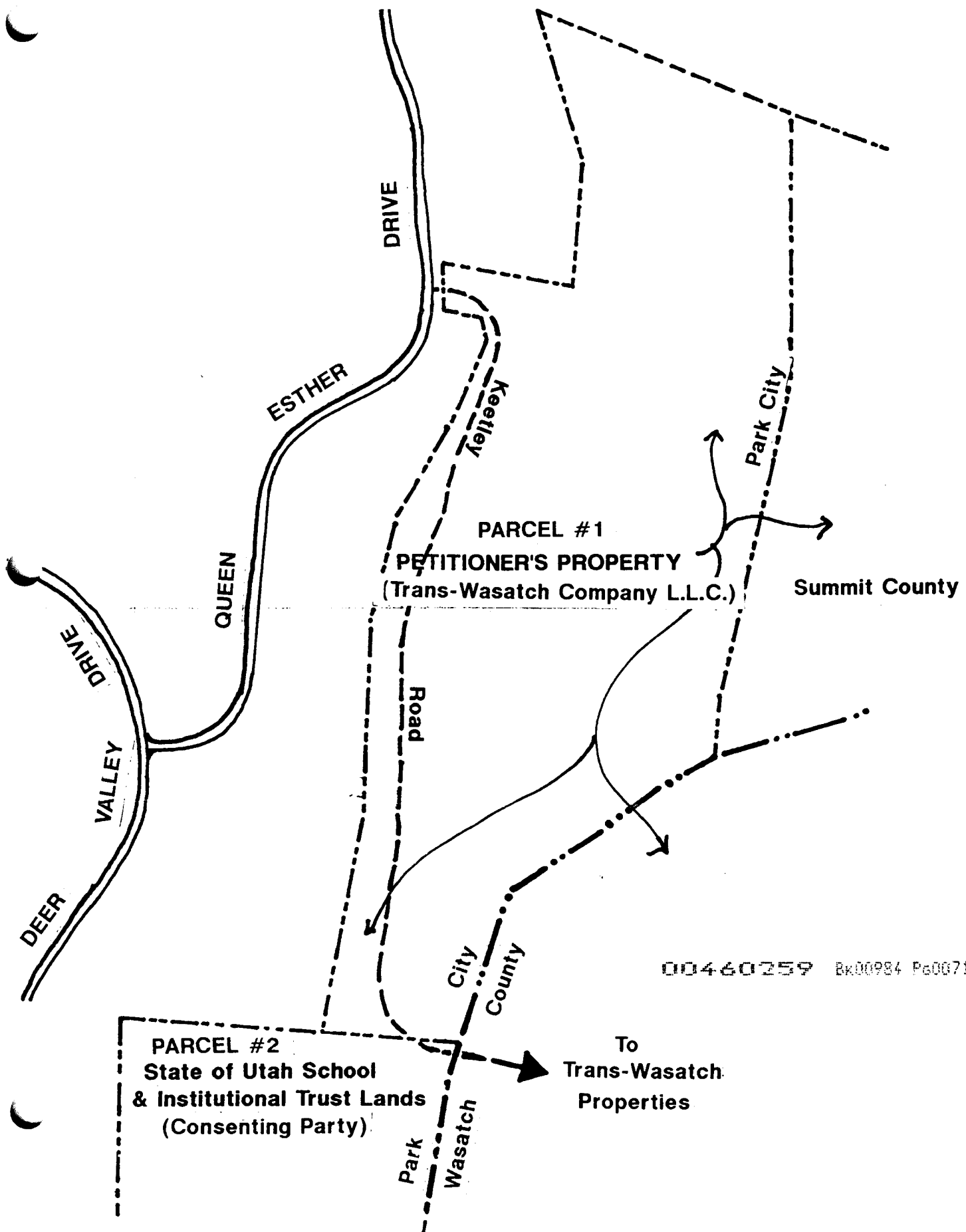


00460259 Bk00984 Pg00716

EXHIBIT "A"

KEETLEY ROAD VACATION

PARCEL & ROADWAY LOCATION EXHIBIT



00460259 Bk00984 Pg00717

EXHIBIT "B"

LEGAL DESCRIPTIONS OF PARCELS

KEETLEY ROAD VACATION.

1. PARCEL #1, TRANS-WASATCH COMPANY LAND WITHIN PARK CITY CONTAINING KEETLEY ROAD:

Beginning at a point on the Summit-Wasatch County line; said point being South 0°30'11" West 529.16 feet along the section line and East 5719.73 feet from the East quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the county line the following 3 courses 1) South 61°48'14" West 133.55 feet; thence 2) South 55°24'54" West 454.52 feet; thence 3) South 17°33'57" West 370.98 feet more or less; thence along the North line of the McKinley mining claim (MS 6645) North 85°42'00" West 328.95 feet more or less; thence North 10°11'15" East 539.77 feet more or less; thence North 1°37'00" East 432.66 feet; thence North 14°00'00" East 258.00 feet; thence along the boundary line of the Nordic Village PUD Parcel B the following 4 courses: 1) North 29°36'17" East 266.20 feet; thence 2) North 23°00'00" East 189.00 feet; thence 3) North 8°00'00" West 55.58 feet; thence 4) North 80°00'00" West 97.00 feet to a point on a 275.00 foot curve to the left, whose radius point bears North 83°13'29" West; thence along the arc of said curve and along the Queen Esther Drive right-of-way line 54.92 feet thru a central angle of 11°26'31"; thence along the Queen Esther Drive right-of-way line North 4°40'00" West 57.72 feet; thence along the boundary line of the Nordic Village PUD Parcel A the following 3 courses; 1) South 80°00'00" East 315.23 feet; thence 2) North 4°00'00" East 303.94 feet; thence 3) North 17°00'00" West 360.40 thence along the South line of the Weary Willie and the Republican Mining Claims South 68°19'00" East 649.62 feet more or less; thence South 0°40'51" East 620.11 feet; thence South 12°19'16" West 761.76 feet; thence South 4°33'29" West 142.89 feet to the point of beginning.

PARCEL #2. STATE OF UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS WITHIN PARK CITY CONTAINING KEETLEY ROAD:

TOWNSHIP 2 SOUTH, RANGE 4 EAST, SLB&M

Section 15: In SE4 as follows:

00460259 Bk000984 Pg00718

MCKINLEY PARCEL 1B

Beginning at a point on the North line of the McKinley mining claim (MS 6645). Said point being N 85°42'00" W 920.24 feet from the northeast corner of said claim and N 30°06'04" W 2071.89 feet more or less from the southeast corner of Section 15, Township 2 South, Range 4 East, SLB&M; and running thence along the North line of the McKinley mining claim S 85°42'00" E 520.00 feet; thence along the Wasatch-Summit County line S 17°33'57" W 75.94 feet; thence along the Summit-Wasatch County line S 8°43'41" W 527.66 feet; thence along the South line of the McKinley mining claim N 85°42'00" W 705.05 feet; thence N 0°11'40" W 90.00 feet; thence N 30°25'32" E 568.34 feet to the point of beginning.

Contains 8.67 acres

Ordinance No. 96-38

**AN ORDINANCE APPROVING THE AMENDED PLAT
FOR THE KNOLL AT SILVERLAKE, A UTAH CONDOMINIUM PROJECT,
LOCATED AT 7915 ROYAL STREET EAST IN SECTION 22,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN
PARK CITY, UTAH**

WHEREAS, the owners of the property at 7915 Royal Street East, known as the Knoll at Silver Lake, have petitioned the City Council for approval of an amendment to the condominium plat; and

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

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

WHEREAS, on June 26, 1996 the Planning Commission held a public hearing to receive public input on the amendment to the Condominium plat; and

WHEREAS, on June 26, 1996 the Planning Commission forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on August 1, 1996 the City Council held a public hearing to receive input on the proposed amended Condominium plat; 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 above recitals are hereby incorporated as findings of fact.
2. In order to serve the site and surrounding lots with adequate utilities, a 10' non-exclusive utility easement is required along the Royal Street East 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 Royal Street East frontage.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned amendment to The Knoll at Silver Lake Condominium plat and that neither the public nor any person will be materially injured by the proposed amendment.

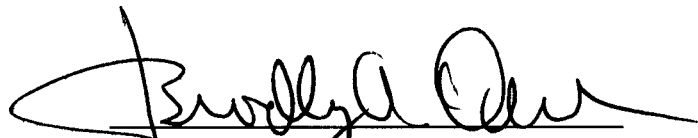
SECTION 3. PLAT APPROVAL. The amended plat is hereby approved as shown on Exhibit A , with the following conditions:

1. The City Attorney and City Engineer's approval of the amended plat, for compliance with State law, the Land Management Code, and conditions of this approval, is a condition precedent to plat recordation.
2. All standard project conditions apply.
3. A 10' non-exclusive utility and snow storage easement along Royal Street East shall be dedicated on the plat.
4. Approval of this plat amendment shall be null and void if the plat is not recorded within one year from the date of City Council approval.

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


PASSED AND ADOPTED this 1st day of August, 1996.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

Attest:



Janet M. Scott, Deputy City Recorder

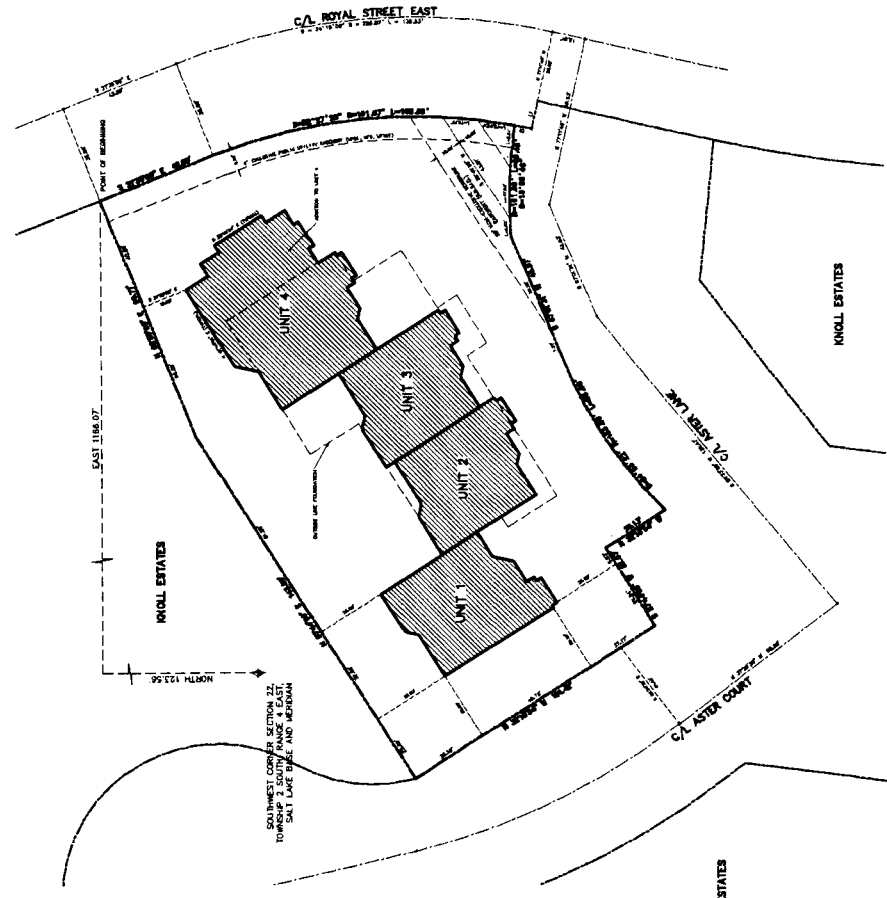
Approved as to form:



Mark D. Harrington, Assistant City Attorney



EXHIBIT A



SURVEYOR'S CERTIFICATE
 I, JOHN DANKOWICZ, a Licensed Land Surveyor and a duly qualified Surveyor under the laws of the State of Utah, I herewith certify that by authority of the State of Utah, I have surveyed and laid out the above described land at Silver Lake in accordance with Utah Code Section 20-2-1.2.

JOHN DANKOWICZ, L.S. #13333 DATE _____
BOUNDARY DESCRIPTION
 THE KNOLL AT SILVER LAKE PHASE 1, a Utah Condominium Project, according to the official plat filed on on _____, the _____ Office of the Summit County Recorder, recorded on 10/27, 1988, at 8:18 AM.

CONSENT TO RECORD
 The Management Committee of The Knoll at Silver Lake, a Utah condominium, consent to the recording of this amended record of Survey Map for The Knoll at Silver Lake.
 Dated this _____ day of _____, 1996
 The Knoll at Silver Lake
 Management Committee
 By: Richard W. Andrews, President

ACKNOWLEDGMENT
 STATE OF CALIFORNIA)
 COUNTY OF _____)
 I, _____, do hereby certify that the foregoing instrument was acknowledged before me this _____ day of _____, 1996 by Richard W. Andrews in his capacity as President of the Management Committee of The Knoll at Silver Lake, a Utah condominium, with proper authority.
 Notary Public
 My Commission Expires _____

NOTES:
 1. THIS AMENDED RECORD OF SURVEY MAP PLAT REFLECTS THE EXPANSION OF THE UNIT COMMON AREAS AND FACILITIES AS SHOWN ON THIS PLAT; NO OTHER UNITS ARE CHANGED.
 2. FOR COMPLETE DESCRIPTION AND DIMENSIONS OF UNITS 1-4 AND THE CHANGE SPACES, REFER TO THE RECORD OF SURVEY MAP OF THE CONDOMINIUM PROJECT PHASE 1, RECORDED NO. 190071 IN THE SUMMIT COUNTY RECORDS OFFICE.

RECEIVED
 JUN 21 1996
 PARK CITY PLANNING DEPT.

THE KNOLL AT SILVER LAKE
 FIRST AMENDED RECORD OF SURVEY MAP
 A UTAH CONDOMINIUM PROJECT LOCATED IN THE SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

JOB NO. 7-3-86 FILE \DV\VP-86P1
ALLIANCE ENGINEERING INC.
 P.O. BOX 2884
 PARK CITY, UTAH 84040
 (801) 542-5487

PLANNING COMMISSION
 APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 19__ A.D.
 BY: _____ CHAIRMAN

ENGINEERS CERTIFICATE
 I FIND THIS PLAT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH CONSTITUTION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 19__ A.D.
 BY: _____ PARK CITY ENGINEER

APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS _____ DAY OF _____, 19__ A.D.
 BY: _____ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
 I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 19__ A.D.
 BY: _____ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 19__ A.D.
 BY: _____ MAYOR

RECORDED
 STATE OF UTAH COUNTY OF SUMMIT AND FILED
 A TRUE COPY OF THIS RECORD OF SURVEY MAP
 DATE _____ TIME _____ BOOK _____ PAGE _____
 FEE _____ RECORDER _____

PAGE 1 OF 3

Ordinance No. 96-37

**AN ORDINANCE APPROVING A FINAL CONDOMINIUM PLAT
FOR THE STERLING LODGE AT DEER VALLEY, A UTAH CONDOMINIUM
PROJECT AT 7660 ROYAL STREET EAST,
LOCATED IN SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN,
PARK CITY, UTAH**

WHEREAS, the owners, Richmond Realty Corporation, of the property at 7660 Royal Street East, located in the Section 22, Township 2 South, Range 4 East, Park City, Utah and to be known as the Sterling Lodge at Deer Valley 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 July 10, 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, 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 plat.

SECTION 3. PLAT APPROVAL. The condominium plat, known as the Sterling


Lodge at Deer Valley Condominium plat, at 7660 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 Sterling Lodge 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 1st day of August, 1996.

PARK CITY MUNICIPAL CORPORATION


Mayor Bradley A. Olch

Attest:


Janet M. Scott, Deputy City Recorder

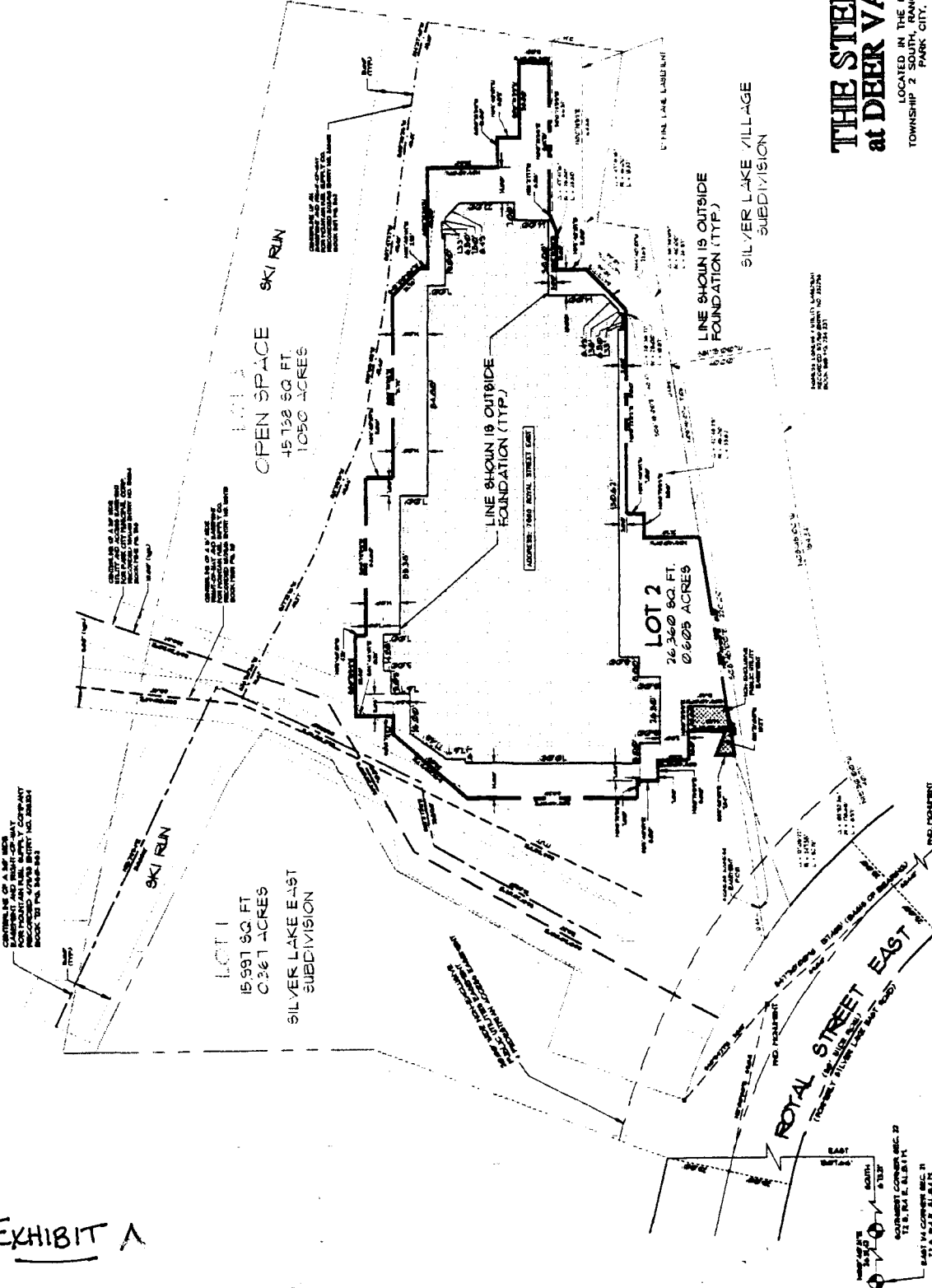
Approved as to form:


Mark D. Harrington, Assistant City Attorney



EXHIBIT A

CHARTER OF THE CITY OF DEER VALLEY, MONTANA, AS AMENDED TO DATE OF FEBRUARY 19, 1975, IS HEREBY REFERRED TO AS THE CHARTER.



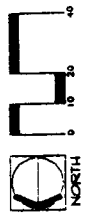
SURVEYOR'S CERTIFICATE
 I, the undersigned, being duly sworn, depose and say that I am the duly qualified and licensed Surveyor of the State of Montana, and that I am the author of the foregoing plat, and that the same is a true and correct copy of the original on file in my office, and that I am not aware of any other copies of the same.

LEGAL DESCRIPTION
 The above described premises are located in the Northwest 1/4 of Section 27, Township 2 South, Range 4 East, Salt Lake Base & Meridian Park City, Summit County, Utah.

OWNER'S INTENTION AND PURPOSE TO RECORD
 The above described premises are being recorded for the purpose of establishing the boundaries of the same, and the same are being recorded for the purpose of establishing the boundaries of the same, and the same are being recorded for the purpose of establishing the boundaries of the same.

ACKNOWLEDGEMENT
 I, the undersigned, being duly sworn, depose and say that I am the duly qualified and licensed Surveyor of the State of Montana, and that I am the author of the foregoing plat, and that the same is a true and correct copy of the original on file in my office, and that I am not aware of any other copies of the same.

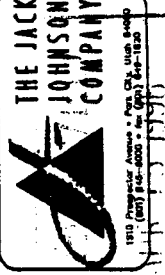
RECORDING INFORMATION
 The above described premises are being recorded for the purpose of establishing the boundaries of the same, and the same are being recorded for the purpose of establishing the boundaries of the same, and the same are being recorded for the purpose of establishing the boundaries of the same.



**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
 PARK CITY, SUMMIT COUNTY, UTAH

PLATTED MAP



1810 Provo Place • Provo, UT, Utah 84606
 (801) 764-1800 • Fax (801) 764-1820

RECORDED
 STATE OF _____
 COUNTY OF _____
 RECORDED AND FILED AT THE REQUEST OF: _____
 COUNTY RECORDER

APPROVAL AS TO FORM
 APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 19____
 CITY ATTORNEY

SEWER DISTRICT APPROVAL
 REVIEWED FOR CONFORMANCE TO SPOKANE
 STANDARDS BY _____ DISTRICT
 DAY OF _____ A.D. _____
 S.B.S.I.D.

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 _____ A.D. 19____ AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED
 MAYOR
 CITY RECORDER

**AN ORDINANCE AMENDING THE PARK CITY
LAND MANAGEMENT CODE TO ZONE SEXUALLY ORIENTED
BUSINESSES AS CONDITIONAL USES IN THE GENERAL COMMERCIAL
ZONE, SECTION 7.9, AND TO REGULATE THE LOCATION OF
SEXUALLY ORIENTED BUSINESSES**

WHEREAS, The General Commercial Zone allows for professional, retail, hotel and general business uses, and;

WHEREAS, the City wishes to minimize the secondary effects of Sexually Oriented Businesses by establishing a 300' buffer radius from day care, religious, educational, park, cemetery and package liquor store uses in the zone;

NOW, THEREFORE, be it ordained by the City Council of Park City, Utah, as follows:

SECTION 1. AMENDMENT. The following section 7.9, of the Park City Land Management Code, is hereby amended to read as follows:

7.9.7 SEXUALLY ORIENTED BUSINESSES. The purpose and objective of this Section is to establish reasonable and uniform regulations to prevent the concentration of Sexually Oriented Businesses or their location in areas deleterious to the City, and prevent inappropriate exposure of such businesses to the community. This Section is to be construed as a regulation of time, place, and manner of the operation of these businesses, consistent with the United States and Utah Constitutions.

(a) **Location of Businesses - Restrictions.** Sexually Oriented Businesses, shall be conditional uses in areas zoned General Commercial (GC) under this Title, subject to the following additional restrictions:

(1) No Sexually Oriented Business shall be located:

(i) within 300 feet of any school, day care facility, cemetery, public park, library, or religious institution;

(ii) within 300 feet of any residential zoning boundary; or

(iii) within 300 feet of any liquor store or other Sexually Oriented Business.

(b) Measurement of Distances. For the purposes of this Chapter, distances shall be measured as follows:

(1) The distance between any two Sexually Oriented Businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(2) The distance between Sexually Oriented Businesses and any school, day care facility, public park, library, cemetery or religious institution shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the Sexually Oriented Business is located, to the nearest property line of the premises of the school, day care facility, public park, library, cemetery, or religious institution.

(3) The distance between Sexually Oriented Businesses and any residential zoning boundary shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the Sexually Oriented Business is located, to the nearest property line of the residential zone.

(c) Definitions - Terms involving Sexually Oriented Businesses which are not defined in this chapter shall have the meanings set forth in the Municipal Code of Park City, § 4-9-4.

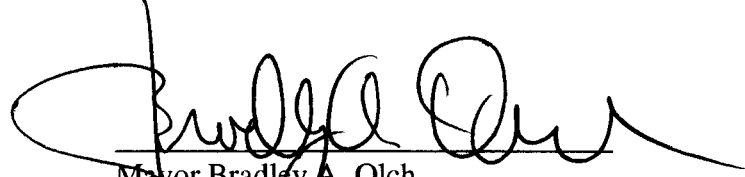
SECTION 2. LAND USE TABLE AMENDMENT. The Land Use Table located in Section 7.19 of the Park City Land Management Code is hereby amended to include a new line for Sexually Oriented Businesses as follows:

	<u>GC</u>	<u>(all other zones)</u>
Sexually Oriented Business	C ⁴	"*"

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

PASSED AND ADOPTED this first day of August, 1996.

PARK CITY MUNICIPAL CORPORATION



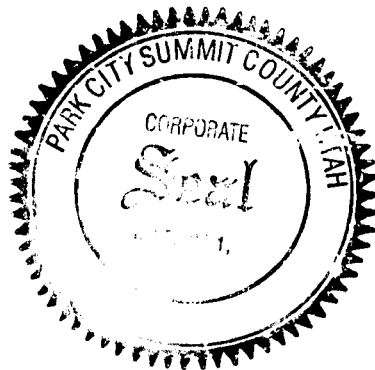
Mayor Bradley A. Olch

Attest:

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

Approved as to Form:

Mark Harrington
Mark Harrington, Asst. City Attorney



LAND USE TABLE (Continued)

Sexually oriented businesses

E SF SF-N RD RDM RCO R-1 HR-1 HR-2 RM GC HCB HRC RC LI ROS HRL
* * * * * C⁴ * * * * *

ORDINANCE 96-35

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 9 OF THE
MUNICIPAL CODE OF PARK CITY REGULATING SEXUALLY ORIENTED
BUSINESSES; BY CLARIFYING THE PURPOSE, APPEAL PROCEDURE,
AND DEFINITIONS WITHIN THE CHAPTER; AND AMENDING SECTION 8-4-20,
OF THE CRIMINAL CODE BY CREATING A DRAMATIC WORKS EXCEPTION
TO LEWDNESS**

WHEREAS, Section 10-8-41, Utah Code Annotated ("UCA") gives the City the power to suppress and prohibit the keeping of disorderly houses, houses of ill fame or houses kept by, maintained for, or resorted to or used by, one or more persons for acts of perversion, lewdness or prostitution and also empowers the City to make it unlawful for lewdness or moral perversion or for any person to secure, induce, procure, offer or transport to any place within the City any person for the purposes of committing an act of sexual intercourse for hire, lewdness or moral perversion or for any person to receive or direct or offer or agree to receive or direct any person into any place or building within the City for the purposes of committing an act of sexual intercourse for hire, lewdness or moral perversion or for any person to aid, abet or participate in the commission of any of the foregoing and further prohibit the sale, distribution or exhibition of obscene or lewd publications, prints, pictures or illustrations; and

WHEREAS, Section 10-8-84 UCA allows the City to pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by Chapter 8 of Title 10 UCA which are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort and convenience of the City and its inhabitants; and

WHEREAS, Section 76-10-1210 UCA gives the City the right to regulate pornographic materials by ordinances relating to zoning, licensing, public nuisances, or relating to specific types of businesses; and

WHEREAS, the City Council has relied on the findings and experiences of cities including Salt Lake City, Sandy City, West Valley City and others concerning the effects and regulation of Sexually Oriented Businesses; and

WHEREAS, as a result of these findings and experiences, the City Council finds that Sexually Oriented Businesses are frequently used for unlawful sexual activity; and

WHEREAS, licensing and zoning are legitimate and

reasonable means of time, place and manner regulations to ensure that operators of Sexually Oriented Businesses comply with reasonable regulations and to ensure that Operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

WHEREAS, there is convincing documented evidence that Sexually Oriented Businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and residential areas adjacent to them, causing increased crime and the degrading of property values; and

WHEREAS, the City Council finds that it is recognized that Sexually Oriented Businesses, due to their nature, have serious objectionable operational characteristics particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent areas; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby preserve the property and character of surrounding neighborhoods, deter the spread of urban blight, protect the citizens from increased crime, preserve the quality of life, and protect the health, safety and welfare of the citizenry; and

WHEREAS, the City Council desires to protect the patrons of Sexually Oriented Businesses from dangerous conditions and to protect the youth of the City from exposure to inappropriate material; and

WHEREAS, many City residents are offended by Sexually Oriented Businesses and harbor fears about their own safety and the well-being of their children and families if exposed to such businesses and the persons who patronize them and these residents should have their rights of travel and association accommodated, if reasonable; and

WHEREAS, the time, place and manner restrictions of this ordinance are required to protect important governmental interests and are reasonably related to achieve the protection of those interests with the minimum interference necessary to rights protected by state and federal constitutional provisions,

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

SECTION 1. AMENDMENT. THE MUNICIPAL CODE OF PARK CITY is hereby amended by adding the following Chapter 9 to Title 4.

CHAPTER 9 - SEXUALLY ORIENTED BUSINESSES

4- 9- 2. **PURPOSE: REASONABLE LICENSING PROCEDURES.** It is the purpose and object of this section that the City establish reasonable and uniform regulations governing the time, place licensing and manner of operations of Sexually Oriented Businesses and their employees in Park City. This section shall be construed to protect the governmental interests recognized by this section in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. The purpose of these regulations is to provide for the regulation and licensing of Sexually Oriented Businesses within the City in a manner which will protect: (1) the property values of surrounding businesses and neighborhoods; and (2) residents from the potential adverse secondary effects of Sexually Oriented Businesses, while providing to those who desire to patronize Sexually Oriented Businesses the opportunity to do so. Sexually Oriented Businesses are frequently used for unlawful sexual activities, including prostitution. Licensing of Sexually Oriented Businesses is a legitimate and reasonable means of ensuring that Operators of Sexually Oriented Businesses comply with reasonable regulations and that operators do not knowingly allow their businesses to be used for illegal sexual activity or solicitation. There is convincing documented evidence that Sexually Oriented Businesses, because of their nature, have a deleterious effect on both the existing neighboring businesses and surrounding residential areas, causing increased crime and downgrading of property values. The purpose of this Chapter is to control the adverse effects of Sexually Oriented Businesses and thereby to protect the health, safety, and welfare of the citizens and guests of Park City, protect the citizens from increased crime, preserve the quality of life, preserve the property values and character of the surrounding neighborhoods, and deter the spread of urban blight.

4- 9- 3. **APPLICATION OF PROVISIONS.** This section imposes regulatory standards and license requirements on certain business activities, which are characterized as "Sexually Oriented Businesses". It is not the intent of this Chapter to suppress any speech activities protected by the First and Fourteenth Amendments to the United States Constitution and the Constitution of the State of Utah, but to impose content-neutral regulations which address the adverse secondary effects of Sexually Oriented Businesses. ~~Nothing in this Chapter is intended to Except where the context of specific provisions require, this section does not supersede or nullify any other related ordinances including, but not limited to, the Municipal Code of Park City, Utah, or the Park City Land Management Code.~~

4- 9 -4. **DEFINITIONS.** For the purpose of this section the following words shall have the following meanings:

(A) **ADULT BUSINESS** - an Adult Theater, Adult Motion Picture Theater, Adult Bookstore or Adult Video store.

(B) **ADULT BOOKSTORE** or **ADULT VIDEO STORE** - a Business commercial establishment which:

(1) Holds itself out ~~as to be~~ such a business; or

(2) ~~Excludes minors from~~ For more than thirty (30%) percent of the retail floor or shelf space of the premises; ~~or~~

(3) ~~Which as one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations the central theme of which depicts or describes "Specified Sexual Activities" or "Specified Anatomical Areas", or instruments, devices or paraphernalia which are designated for use in connection with "Specified Sexual Activities", except for legitimate medically-recognized contraceptives.~~

(C) **ADULT MOTION PICTURE THEATER** - a Business commercial establishment which:

(1) Holds itself out as such a business; or

(2) As its principal business, regularly shows films, motion pictures, video cassettes, slides or similar photographic reproductions which are primarily characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

(2) ~~Excludes minors from the showing of two consecutive exhibitions (repeated showings of any single presentation shall not be considered a consecutive exhibition); or~~

(3) ~~As its principal business, shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".~~

(D) **ADULT THEATER** - a theater, concert hall, auditorium,

~~or similar Business commercial establishment which:~~

(1) Holds itself out as such a business; or

(2) Regularly features persons who appear in a State of Nudity or live performances which are primarily characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities.

~~(2) Excludes minors from the showing of two consecutive exhibitions (repeated performances of the same presentation shall not be considered a consecutive exhibition); or~~

~~(3) As its principal business, features persons who appear in live performance in a state of nudity or which are characterized by the exposure of specified anatomical areas, or by specified sexual activities.~~

(E) **NUDITY** or **STATE OF NUDITY** - A state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of Semi-Nude.

(F) **OBSCENE** - Any material or performance is Obscene if:

(1) The average person, applying contemporary community standards, finds that, taken as a whole, it appeals to prurient interest in sex;

(2) It is patently offensive in the description or depiction of Nudity, sexual conduct, sexual excitement, sado-masochistic abuse, or excretion; and

(3) Taken as a whole, it does not have serious literary, artistic, political or scientific value.

(G) **OPERATOR** - the manager or other natural person principally in charge of a ~~Ssexually Oriented=b~~ Business.

(H) **SEMI-NUDE** - a state of dress in which a person wears opaque clothing covering (1) only the male or female genitals, pubic region, anus, by an opaque cover that is four inches wide in the front and five inches wide in the back tapering to one inch at the narrowest point; and if applicable, or (2) the nipple and areola of the female breast, by an opaque cover that is four inches wide in the front and five inches wide in the back tapering to one inch at the narrowest point.

(I) **SEMI-NUDE DANCING AGENCY** - any person, agency, firm,

~~corporation, partnership, or any other entity or individual which furnishes, books, or otherwise engages or offers to furnish, book or otherwise engage the service of a professional dancer licensed pursuant to this section for performance or appearance at a business licensed for adult theaters.~~

(I) **SEMI-NUDE ENTERTAINMENT BUSINESS** - a business, including an Adult Theater, where employees perform or appear in the presence of patrons of the business in a state of semi-nudity. A business shall also be presumed to be a Semi-Nude Entertainment Business if the business holds itself out as such a business.

(J) **SEXUALLY ORIENTED BUSINESS** - Semi-Nude Entertainment Businesses, Adult Businesses, and Semi-Nude Dancing Agencies as defined by this Chapter.

(K) **SPECIFIED ANATOMICAL AREAS** - the human male or female pubic area or anus with less than a full opaque covering, or the human female breast from the beginning of the areola, papilla or nipple to the end thereof with less than full opaque covering.

(L) **SPECIFIED SEXUAL ACTIVITIES** means:

(1) Acts of:

- (a) Masturbation;
- (b) Human sexual intercourse; or
- (c) Sodomy

(2) Manipulating, caressing or fondling by any person of:

- (a) The genitals of a human;
- (b) The pubic area of a human; or
- (c) The breast or breasts of a human female.

(3) Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.

4- 9- 5. **OBSCENITY AND LEWDNESS - STATUTORY PROVISIONS.** Notwithstanding anything contained in this section, nothing in this section shall be deemed to permit or allow the showing or display of any matter which is contrary to applicable federal or state statutes prohibiting obscenity.

Notwithstanding anything contained in this section, nothing in this section shall be deemed to permit or allow conduct or the showing or display of any matter which is contrary to the provisions of the

Criminal Code, Section 8-4-20 "Lewdness". Provided, however, that for the purpose of Sexually-Oriented Businesses, the definition of "private parts" shall be construed to mean "Nudity" as defined in this section.

~~4-9-6. **LOCATION AND ZONING RESTRICTIONS.** It shall be unlawful for any Sexually Oriented Business to do business at any location within the City not zoned for such business. Sexually Oriented Businesses licensed pursuant to this Chapter shall only be allowed in areas zoned for their use pursuant to Chapter 7 of the Park City Land Management Code.~~

4-9-67. **BUSINESS LICENSE REQUIRED, APPEAL PROCEDURE.** It shall be unlawful for any person to operate a Sexually Oriented Business, as specified herein, without first obtaining a Sexually Oriented Business license. The business license shall specify the type of Sexually Oriented Business for which it is obtained. Any applicant denied a Sexually Oriented Business license may appeal to the City Council pursuant to Section 4-2-11, provided such request is filed within ten (10) days after receipt of notice of denial.

4-9-78. **EXEMPTIONS FROM LICENSE REQUIREMENTS.** The provisions of this Chapter shall not apply to any sex therapist or similar individual licensed by the State of Utah to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the State of Utah for activities in the classroom.

4-9-89. **ARTISTIC MODELING.** The City does not intend to unreasonably or improperly prohibit legitimate modeling or exhibitions which may occur in a State of Nudity for purposes protected by the First Amendment or similar state protections.

4-9-910. **BUSINESS CATEGORIES; SINGLE LICENSE.** It is unlawful for any business premises to operate or be licensed for more than one category of Sexually Oriented Business. The categories of Sexually Oriented Businesses are:

- (A) Adult Bookstore or Adult Video Store Adult Businesses.
- (B) Adult Motion Picture Theater
- (C) Adult Theater
- (DB) Semi-Nude Entertainment Businesses.
- ~~(C) Semi-Nude Dancing Agency.~~

4-9-1011. **LICENSE APPLICATION; DISCLOSURE.** Before any

applicant may be licensed to operate a Sexually Oriented Business pursuant to this Chapter, the applicant shall submit, on a form to be supplied by the Park City Business License Officer, the following:

(A) The correct legal name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name.

(B) If the applicant is a corporation, partnership or limited partnership or individual or entity doing business under an assumed name the information required below for individual applicants shall be submitted for each partner and each principal of an applicant and for each officer or director. Any holding company, or any entity holding more than ten percent of an applicant, shall be considered an applicant for purposes of disclosure under this chapter.

(C) All corporations, partnerships or non-corporate entities included on the application shall also identify each individual authorized by the corporation, partnership or non-corporate entity to sign the checks for such corporation, partnership or non-corporate entity.

(D) For all applicants the application must also state:

- (1) any other names or aliases used by the individual;
 - (2) present business address and telephone number;
 - (3) present residence and telephone number;
 - (4) Utah drivers license or identification number;
- and
- (5) Social security number.

(E) Acceptable written proof that any individual is at least 21 years of age;

~~(F) The applicant's fingerprints on a form provided by the Park City Police Department. For persons not residing in Park City, the fingerprints shall be on a form from the law enforcement jurisdiction where the person resides. Fees for the fingerprints shall be paid by the applicant directly to the issuing agency.~~

(F) A statement detailing the license or permit history of the applicant for the five year period immediately preceding the date of the filing of the application, including whether such applicant possessed or previously possessed any liquor licenses. The statement shall list all other jurisdictions in which the applicant owned or operated a Sexually Oriented Business. The statement shall also state whether the applicant has ever had

a license, permit, or authorization to do business denied, revoked or suspended in this or any other county, city state, or territory. In the event of any such denial, revocation or suspension, state the date, the name or issuing or denying jurisdiction and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.

(GH) All criminal convictions or pleas of nolo contendere, except those which have been expunged, and the disposition of all such arrests for the applicant, individual or entity subject to disclosure under this chapter for five years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor traffic offense); stating the date, place, nature of each conviction and plea of nolo contendere and sentence of each conviction or other disposition; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers. Application for a Sexually Oriented Business shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the business or employee license;

(HI) In the event the applicant is not the owner of record of the real property upon which the business or proposed business is or is to be located, the application must be accompanied by a notarized statement from the legal or equitable owner of the possessory interest in the property specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish the name, address and phone number of the owner of record of the property, as well as the copy of the lease or rental agreement pertaining to the premises in which the service is or will be located;

(IJ) A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee and any rules, regulations or employment guidelines under or by which the Sexually Oriented Business intends to operate. This description shall also include:

- (1) the hours that the business or service will be open to the public and the methods of promoting the health and safety of employees and patrons and preventing them from engaging in illegal activity;
- (2) the methods of supervision preventing the employees from engaging in acts of prostitution or

other related criminal activities;

(3) the methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees for services or acts prohibited by this Chapter or other statutes or ordinances;

(4) the methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease, and prevent the commission of acts of prostitution or other criminal activity.

(J) It is unlawful to knowingly submit false or materially misleading information on or with a Sexually-Oriented Business license application or to fail to disclose or omit information for the purpose of obtaining a Sexually-Oriented Business license.

4- 9-~~11~~12 **LICENSE FEES.** Each applicant for a Sexually Oriented Business license shall be required to pay regulatory license fee pursuant to the schedule established by resolution of the Park City City Council.

4- 9-~~12~~13. **SINGLE LOCATION AND NAME.**

(A) It is unlawful to conduct business under a license issued pursuant to this Chapter at any location other than the licensed premises.

(B) It is unlawful for any Sexually Oriented Business to do business under any name other than the business name specified in the application.

4- 9-~~13~~14. **LICENSE - ISSUANCE CONDITIONS.** The Police Chief or his designee shall approve or deny the issuance of a license to the applicant within thirty days of receipt of a completed application. The Police Chief shall not deny the issuance of a license pursuant to this Chapter unless the official he/she finds one or more of the following:

(A) The applicant is under twenty-one years of age;

(B) The applicant is overdue in payment to the City of taxes, fees, fines, or penalties assessed against the applicant or imposed upon the applicant in relation to a Sexually Oriented Business;

(C) The applicant has falsely answered a material question or request for information as authorized by this Chapter;

(D) The applicant has violated a provision of this Chapter or similar provisions found in statutes or ordinances from any jurisdiction within two years immediately preceding the application. A criminal conviction for a violation of a provision of this chapter or similar provisions from any jurisdiction, whether or not being appealed, is conclusive evidence of a violation, but a conviction is not necessary to prove a violation;

(E) The premises to be used for the business have has been disapproved by the Summit County Health Department, the Fire Department, the Police Department, the building officials, or the zoning officials as not being in compliance with applicable laws and ordinances of the City. If any of the foregoing reviewing agencies cannot complete their review within the thirty-day approval or denial period, the agency or department may obtain an extension of time of no more than fifteen days for its their review. The total time for the city to approve or deny a license shall not exceed forty-five days from the receipt of a completed application and payment of all fees.

(F) The required license fees have not been paid;

(G) All applicable sales and use taxes have not been paid;

(H) An applicant for the proposed business is in violation of or not in compliance with this Chapter or similar provisions found in state statutes or ordinances from any other jurisdiction;

(I) An applicant has been convicted or pled nolo contendere to a crime involving:

(1) Prostitution; exploitation of prostitution; aggravated promotion of prostitution; aggravated exploitation of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution, or display of material harmful to minors; sexual performance by minors; possession of child pornography; lewdness; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense; for which:

(i) Less than two years have elapsed from the date of conviction, if the conviction is of a misdemeanor offense, or less than five years if the

convictions are of two or more misdemeanors within the five years; or

(ii) Less than five years have elapsed from the date of conviction if the offense is a felony;

(2) The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this Chapter.

4- 9-~~14~~15. **CHANGES IN INFORMATION.** Any change in the information required to be submitted under this Chapter for a Sexually Oriented Business license shall be given, in writing, to the Police Department, within fourteen days after such change.

4- 9-~~15~~16. **TRANSFER LIMITATIONS.** Sexually Oriented Business licenses granted under this chapter are not transferable. It is unlawful for an individual to transfer a Sexually Oriented Business license. It shall be unlawful for a Sexually Oriented Business license held by a corporation, partnership or other non-corporate entity to transfer any part in excess of 10% thereof, without filing a new application and obtaining prior City approval. If any transfer of the controlling interest in a Sexually Oriented Business licensee occurs, the license is immediately null and void and the Sexually Oriented Business shall not operate until a separate new license has been properly issued by the City as herein provided.

4- 9-~~16~~17. **GENERAL REGULATIONS.** It is unlawful for any Sexually Oriented Business to:

(A) Allow persons under the age of eighteen years, ~~or the age of twenty-one years if required by applicable alcoholic beverage ordinance,~~ on the licensed premises, except that in Adult Businesses which exclude minors from less than all of the business premises, minors shall not be permitted in excluded areas;

(B) Allow, offer or agree to allow any alcohol being stored, used or consumed on or in the licensed premises;

(C) Allow the outside door to the premises to be locked while any customer is in the premises;

(D) Allow, offer or agree to gambling on the licensed premises;

(E) Allow, offer or agree to any employee of a Sexually Oriented Business touching any patron or customer;

(F) Allow, offer or agree to illegal possession, use, sale or distribution of controlled substances on the licensed

premises;

(G) Allow Sexually Oriented Business employees to possess, use, sell or distribute controlled substances, while engaged in the activities of the business;

(H) Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor or committing activities harmful to a minor to occur on the licensed premises;

(I) Allow, offer, commit or agree to any Specified Sexual Activity ~~as validly defined by Park City ordinances or state statute~~ in the presence of any customer or patron;

(J) Allow, offer or agree to allow a patron or customer to masturbate in the presence of an employee or on the premises of a Sexually Oriented Business;

(K) Allow, offer, or agree to commit an act of lewdness as defined in Section 8-4-20 of this Code; or

(L) Not permit the Police Department or other ~~proper~~ City official to have access at all times to all premises licensed or applying for a license under this chapter, or to make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.

4- 9-~~1718~~. **ADULT BUSINESS, DESIGN OF PREMISES.**

(A) In addition to the general requirements of disclosure for a Sexually Oriented Business, any applicant for a license as an Adult Business shall also submit a diagram, drawn to scale, of the premises of the license. The design and construction, prior to granting a license or opening for business shall conform to the following:

(1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms;

(2) Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one person be allowed in the restroom per stall and only one person in any stall at a time and requiring that patrons shall not be allowed access to manager's station areas;

(3) For businesses which exclude minors from the entire premises all windows, doors and other apertures to the

premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses which exclude minors from less than all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded;

(4) ~~The diagram required shall not necessarily be a professional engineer's or architect's blueprint; however, the diagram must show marked internal dimensions, all overhead lighting fixtures and ratings for illumination capacity.~~

(B) It shall be the duty of licensee and licensee's employees to insure that the views from the manager's station of all areas specified in section (1) above remain unobstructed by any doors, walls, merchandise, display racks or any other materials, at all times that any patron is present in the premises, and to insure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

(C) The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one footcandle measured at floor level. It shall be the duty of licensee and licensee's employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present in the premises.

4-9-1819. **SEMI-NUDE ENTERTAINMENT BUSINESS; INTERIOR DESIGN**
Adult Theaters shall require that the performance area shall be separated from the patrons by a minimum of three feet, which separation shall be delineated by a physical barrier at least three feet high. It is unlawful for business premises licensed for Semi-Nude Entertainment to:

(A) Permit a bed, sofa, mattress or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an Adult Theater such items may be on the stage as part of a performance;

(B) Allow any door on any room used for the business, except for the door to an office to which patrons shall not be admitted, outside doors and restroom doors to be lockable from the inside;

(C) Provide any room in which the employee or employees and the patron or patrons are alone together without a separation

by a solid physical barrier at least three feet high and six inches wide. The patron or patrons shall remain on one side of the barrier and the employee or employees shall remain on the other side of the barrier;

4 - 9-1920. **ALCOHOL PROHIBITED.** It is unlawful for any business licensed pursuant to this Chapter to allow the sale, storage, supply, or consumption of alcoholic beverages on the premises. It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any Sexually Oriented Business.

~~4-9-21. **SEMI-NUDE DANCING AGENCY.**~~

~~(A) It is unlawful for any individual or entity to furnish, book or otherwise engage the services of a professional dancer, model or performer to appear in a state of semi-nudity for pecuniary compensation in, or for, any Semi-Nude Entertainment Business or Adult Theater licensed pursuant to this chapter unless such agency is licensed pursuant to this Chapter.~~

~~(B) It is unlawful for any individual or entity to furnish, book or otherwise engage or permit any person to perform as a professional dancer, model or performer in a state of semi-nudity either gratuitously or for compensation, in, or for, any business licensed pursuant to this chapter unless such person is employed by a Semi-Nude Dancing Agency licensed pursuant to this chapter.~~

~~4-9-22. **NUDITY - DEFENSE TO PROSECUTION.** It is a defense to prosecution or violation under this Chapter that a person appearing in a state of nudity did so in a modeling class operated:~~

~~(A) By a proprietary school licensed by the State of Utah or a college, junior college or university supported entirely or partly by taxation;~~

~~(B) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.~~

SECTION II. AMENDMENT. SECTION 8-4-20 OF THE MUNICIPAL CODE OF PARK CITY is hereby amended to read as follows:

8-4-20. LEWDNESS. A person is guilty of lewdness if in a public place or place open to public view, he or she performs an act of sexual intercourse or sodomy, makes an intentional exposure of his or her genitals, pubic area, buttocks, or the female breast, engages in trespassing voyeurism, urinates or defecates, or performs any other act of lewdness under circumstances which he or she should know will likely cause affront or alarm. As used in

this section, public place means any place to which the public or a substantial group of the public has access. It includes commercial establishments and anyplace to which admission is gained by payment or a membership or admission fee, however designated, notwithstanding its designation as a private club or by words of like import. Exposure of genitals, pubic area or buttocks means less than a fully opaque covering, or a showing of the female breast below a point immediately above the top of the areola.

DRAMATIC WORKS EXCEPTION. This section shall not be construed to prohibit:

(A) Plays, operas, musicals, or other dramatic works which are not Obscene;

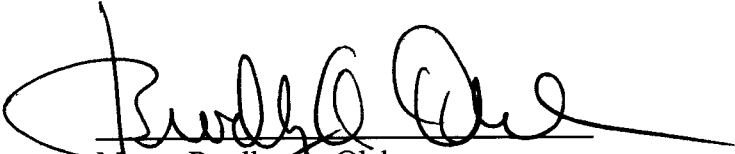
(B) Classes, seminars, and lectures held for serious scientific or educational purposes; or

(C) Exhibitions or dances which are not Obscene.

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

PASSED AND ADOPTED this first day of August, 1996.

PARK CITY MUNICIPAL CORPORATION



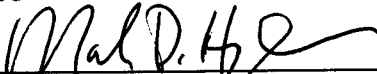
Mayor Bradley A. Olch

Attest:

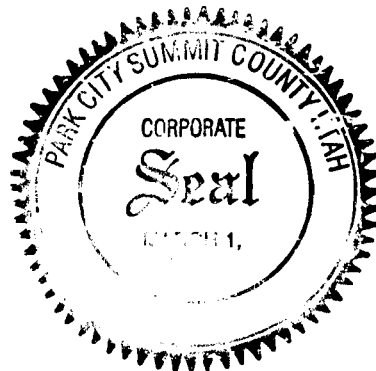


Janet M. Scott, Deputy City Recorder

Approved as to Form:



Mark D. Harrington, Asst. City Attorney



Ordinance No. 96-34

**AN ORDINANCE APPROVING AN AMENDMENT TO THE
THAYNES CANYON SUBDIVISION
FOR LOTS 84 AND 84A, PORTIONS OF LOTS 83 AND 83A,
AND A PARCEL OF LAND LOCATED IN SECTION 8, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
TO BE KNOWN AS THE ERIKSEN REPLAT
LOCATED AT 13 HIDDEN SPLENDOR COURT
PARK CITY, UTAH**

WHEREAS, owners of the property at 13 Hidden Splendor Court, being Lots 84 and 84A and portions of Lot 83 and 83A in the Thaynes Canyon Subdivision, including a sliver parcel of land located adjacent and to the south, to be known as the Eriksen Replat, have petitioned the City Council for approval of an amendment to the Thaynes Canyon Subdivision Park City, Utah; and

WHEREAS, the area of the amendment is subject to a March 23, 1977 Agreement between Royal Street Land Company and the City, as stated in the document recorded as entry 137582 in Book M93 at the Summit County Recorder's Office; and

WHEREAS, the Thaynes Canyon Subdivision plat was approved by City Council in July of 1971, and an addition to this plat, to add Lots 65A- 84A, was approved in February of 1977. The added land was a remnant "inlet" of City owned golf course land that was not utilized or maintained by the golf course. This land was subdivided and deeded to the adjacent lot owners in Thaynes Canyon for their private use; and

WHEREAS, the property was properly noticed and posted according to requirements of the Land Management Code and Utah State law; and proper legal notice was sent to all affected property owners; and

WHEREAS, on July 25, 1996 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 amended plat to combine these commonly owned parcels into one lot;

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 plat amendment and that neither the public nor any person will be materially injured by the proposed plats.

SECTION 3. PLAT APPROVAL. The amendment to the Thaynes Canyon Subdivision for Lots 84 and 84A, portions of Lots 83 and 83A, and the addition of a 0.03 acre adjacent parcel, all under the common ownership by the Eriksens, is approved as shown on Exhibit A, with the following conditions:

1. The City Attorney's and City Engineer's approval of the final plat for compliance with State law, the Land Management Code, and conditions of approval is a condition precedent to plat recordation.
2. Prior to plat recordation a note shall be added to the plat stating that all conditions of the March 23, 1977 Agreement between Royal Street Land Company and the City, as stated in the document recorded as entry 137582 in Book M93 at the Summit County Recorder's Office, shall apply. The area affected by the Agreement shall be cross-hatched on the plat prior to recordation.
3. All Standard Project Conditions shall apply.
4. This approval shall expire one year from the date of City Council approval, unless the plat is recorded prior to that date.

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

PASSED AND ADOPTED this 25th day of July, 1996.

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

**AN ORDINANCE APPROVING AN AMENDMENT TO THE
SNYDER'S ADDITION TO THE PARK CITY SURVEY
FOR PORTIONS OF LOTS 17 AND 18, BLOCK 19,
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN,
TO BE KNOWN AS THE OFFRET REPLAT
LOCATED AT 1372 EMPIRE AVENUE
PARK CITY, UTAH**

WHEREAS, owners of property at 1372 Empire Avenue, being portions of Lots 17 and 18, and a portion of the adjacent vacated Norfolk Avenue right-of-way in Block 19 of the Snyder's Addition, known as the Offret Replat, have petitioned the City Council for approval of an amendment to the Snyder's Addition to the Park City Survey subdivision plat; and

WHEREAS, this plat amendment and amendments for 1376 and 1378 Empire Avenue combine portions of Lots 17-20 with adjacent parcels of abandoned Norfolk Avenue. These lots and parcels are under common ownership due to an exchange with the City for Empire Avenue ROW and subsequent sale of lots and parcels by the original owner; and

WHEREAS, the proposed lot configuration is consistent with the existing ownership patterns in the surrounding area; and

WHEREAS, if these plat amendments are not recorded simultaneously, land locked remnant parcels of property may be created by this process; and

WHEREAS, the property was properly noticed and posted according to requirements of the Land Management Code and Utah State law, and proper legal notice was sent to all affected property owners; and

WHEREAS, on July 25, 1996 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 amended 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 plat amendment and that neither the public nor any person will be materially injured by the proposed plat.

SECTION 3. PLAT APPROVAL. The amendment to the Snyder's Addition plat for Lots 17 and 18 and the 2500 square foot vacated Norfolk right-of-way parcel adjacent to the east and under common ownership, is approved as shown on Exhibit A, with the following conditions:

1. The City Attorney's and City Engineer's approval of the final plat for compliance with State law, the Land Management Code, and conditions of approval is a condition precedent to plat recordation.
2. All Standard Project Conditions shall apply.
3. A ten foot non-exclusive snow storage and public utility easement along Empire Avenue shall be dedicated on the plat.
4. This plat shall be recorded simultaneously with the plat amendments for 1) 1376 Empire Avenue, known as the Gallacher Subdivision, and 2) 1378 Empire Avenue, known as the REI Subdivision.
5. This approval shall expire one year from the date of City Council approval, unless the subdivision plat is recorded prior to that date.

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

PASSED AND ADOPTED this 25th day of July, 1996.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

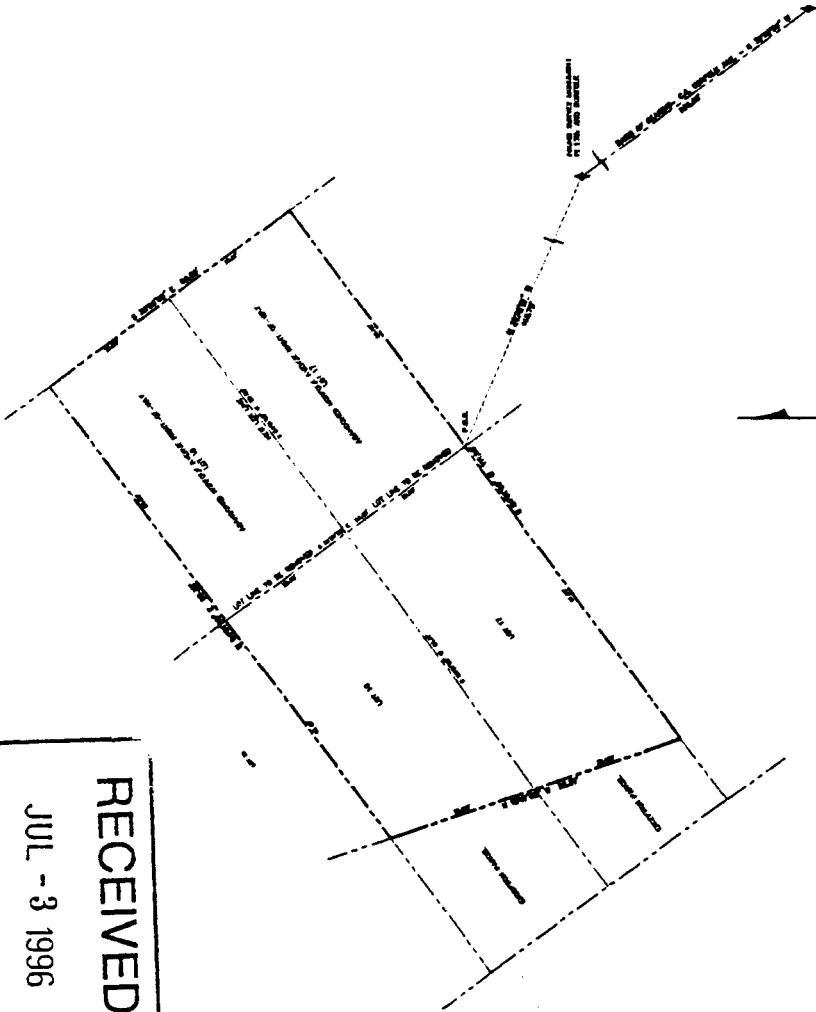
Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney

RECEIVED
 JUL - 3 1996
 PARK CITY
 PLANNING DEPT.



SUMMARY STATEMENT
 I, the undersigned, being duly qualified to practice law in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County Clerk of Summit County, Utah.

DEED DESCRIPTION
 All that certain lot or lots of land, together with all appurtenances thereto, situated in the County of Summit, State of Utah, as more fully described in the deed or deeds of record in the office of the County Clerk of Summit County, Utah, bearing record number or numbers _____.

OWNER'S DESCRIPTION AND COMMENT TO RECORD
 I, the undersigned, being duly qualified to practice law in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County Clerk of Summit County, Utah, bearing record number or numbers _____.

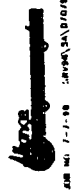
APPROVAL STATEMENT
 I, the undersigned, being duly qualified to practice law in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County Clerk of Summit County, Utah, bearing record number or numbers _____.

NOTES
 1. The record address of the property is _____.
 2. The record of survey is _____.

OFFER REPLAT

LOT LINE ADJUSTMENT
 SECTION 16, 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 REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FILE _____ IN COUNTY _____	COMMUNITY DEVELOPMENT DIRECTOR I AND THIS FIRM HAVE PAID TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____ 19__ A.D. BY _____ DEVELOPMENT DIRECTOR	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____ 19__ A.D. BY _____ PARK CITY ATTORNEY	ENGINEER'S CERTIFICATE I AND THIS FIRM HAVE PAID TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____ 19__ A.D. BY _____ PARK CITY ENGINEER	ALLIANCE ENGINEERING INC. P.O. BOX 2446 250 WEST MAIN STREET PARK CITY, UTAH 84302 (801) 548-8187
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Ordinance No. 96-32

**AN ORDINANCE APPROVING AN AMENDMENT TO THE
SNYDER'S ADDITION TO THE PARK CITY SURVEY
FOR PORTIONS OF LOT 19 AND A PARCEL OF VACATED
NORFOLK AVENUE IN BLOCK 19,
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN,
TO BE KNOWN AS THE GALLACHER SUBDIVISION
LOCATED AT 1376 EMPIRE AVENUE
PARK CITY, UTAH**

WHEREAS, the owner of property at 1376 Empire Avenue, being portions of Lot 19 and the adjacent vacated Norfolk Avenue right-of-way in Block 19 of the Snyder's Addition, known as the Gallacher Subdivision, have petitioned the City Council for approval of an amendment to the Snyder's Addition to the Park City Survey subdivision plat; and

WHEREAS, this plat amendment and amendments for 1372 and 1378 Empire Avenue combine portions of Lots 17-20 with adjacent parcels of abandoned Norfolk Avenue. These lots and parcels are under common ownership due to an exchange with the City for Empire Avenue ROW and subsequent sale of lots and parcels by the original owner; and

WHEREAS, the proposed lot configuration is consistent with the existing ownership patterns in the surrounding area; and

WHEREAS, if these plat amendments are not recorded simultaneously, land locked remnant parcels of property may be created by this process; and

WHEREAS, the property was properly noticed and posted according to requirements of the Land Management Code and Utah State law, and proper legal notice was sent to all affected property owners; and

WHEREAS, on July 25, 1996 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 amended 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 plat amendment and that neither the public nor any person will be materially injured by the proposed plat.

SECTION 3. PLAT APPROVAL. The amendment to the Snyder's Addition plat for Lot 19 and the 1,250 square foot vacated Norfolk right-of-way parcel, adjacent to the east and under common ownership, is approved as shown on Exhibit A, with the following conditions:

1. The City Attorney's and City Engineer's approval of the final plat for compliance with State law, the Land Management Code, and conditions of approval is a condition precedent to plat recordation.
2. All Standard Project Conditions shall apply.
3. A ten foot non-exclusive snow storage and public utility easement along Empire Avenue shall be dedicated on the plat.
4. This plat shall be recorded simultaneously with the plat amendments for 1) 1372 Empire Avenue, known as the Offert Replat, and 2) 1378 Empire Avenue, known as the REI Subdivision.
5. This approval shall expire one year from the date of City Council approval, unless the subdivision plat is recorded prior to that date.

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

PASSED AND ADOPTED this 25th day of July, 1996.

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. 96-31

**AN ORDINANCE APPROVING AN AMENDMENT TO THE
SNYDER'S ADDITION TO THE PARK CITY SURVEY
FOR PORTIONS OF LOT 20 AND A PARCEL OF VACATED
NORFOLK AVENUE IN BLOCK 19,
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN,
TO BE KNOWN AS THE REI SUBDIVISION
LOCATED AT 1378 EMPIRE AVENUE
PARK CITY, UTAH**

WHEREAS, the owner of property at 1378 Empire Avenue, being portions of Lot 209 and the adjacent vacated Norfolk Avenue right-of-way in Block 19 of the Snyder's Addition, known as the REI Subdivision, have petitioned the City Council for approval of an amendment to the Snyder's Addition to the Park City Survey subdivision plat; and

WHEREAS, this plat amendment and amendments for 1372 and 1376 Empire Avenue combine portions of Lots 17-20 with adjacent parcels of abandoned Norfolk Avenue. These lots and parcels are under common ownership due to an exchange with the City for Empire Avenue ROW and subsequent sale of lots and parcels by the original owner; and

WHEREAS, the proposed lot configuration is consistent with the existing ownership patterns in the surrounding area; and

WHEREAS, if these plat amendments are not recorded simultaneously, land locked remnant parcels of property may be created by this process; and

WHEREAS, the property was properly noticed and posted according to requirements of the Land Management Code and Utah State law, and proper legal notice was sent to all affected property owners; and

WHEREAS, on July 25, 1996 the City Council held a public hearing to receive input on the proposed plat amendment; and

WHEREAS, the applicant has offered to dedicate snow storage and public utility easements to the City; and

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 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 plat amendment and that neither the public nor any person will be materially injured by the proposed plat.

SECTION 3. PLAT APPROVAL. The amendment to the Snyder's Addition plat for Lot 20 and the 1,250 square foot vacated Norfolk right-of-way parcel, adjacent to the east and under common ownership, is approved as shown on Exhibit A, with the following conditions:

1. The City Attorney's and City Engineer's approval of the final plat for compliance with State law, the Land Management Code, and conditions of approval is a condition precedent to plat recordation.
2. All Standard Project Conditions shall apply.
3. A ten foot non-exclusive snow storage and public utility easement along Empire Avenue shall be dedicated on the plat.
4. This plat shall be recorded simultaneously with the plat amendments for 1) 1372 Empire Avenue, known as the Offert Replat, and 2) 1376 Empire Avenue, known as the Gallacher Subdivision.
5. This approval shall expire one year from the date of City Council approval, unless the subdivision plat is recorded prior to that date.

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

PASSED AND ADOPTED this 25th day of July, 1996.

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. 96-30

**AN ORDINANCE APPROVING THE AMENDMENT TO THE PARK CITY SURVEY
FOR LOTS 5, 6 AND 7, BLOCK 79 TO BE KNOWN AS
THE BREWSTERS AMENDMENT
PARK CITY, UTAH**

WHEREAS, the owner of the property indicated above, Kevin and Charlene Brewster, petitioned the City Council for approval of the amendment to the Millsite Reservation; and

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

WHEREAS, on July 18, 1996 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 amended plat;

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 amendment and that neither the public nor any person will be materially injured by the proposed plat amendment.

SECTION 2. PLAT APPROVAL The amendment to the Park City Survey Plat, 60 Sampson Avenue is approved as shown on Attachment A with the following conditions:

1. The City Attorney's and City Engineer's approval of the final plat for compliance with State law, the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. All Standard Project Conditions shall apply.
3. This approval shall expire one year from the date of City Council approval, unless the subdivision is recorded prior to that date.
4. A ten foot snow storage easement shall be dedicated to the City along Sampson excluding the area of the existing house.

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

PASSED AND ADOPTED this 18th day of July, 1996

PARK CITY MUNICIPAL CORPORATION

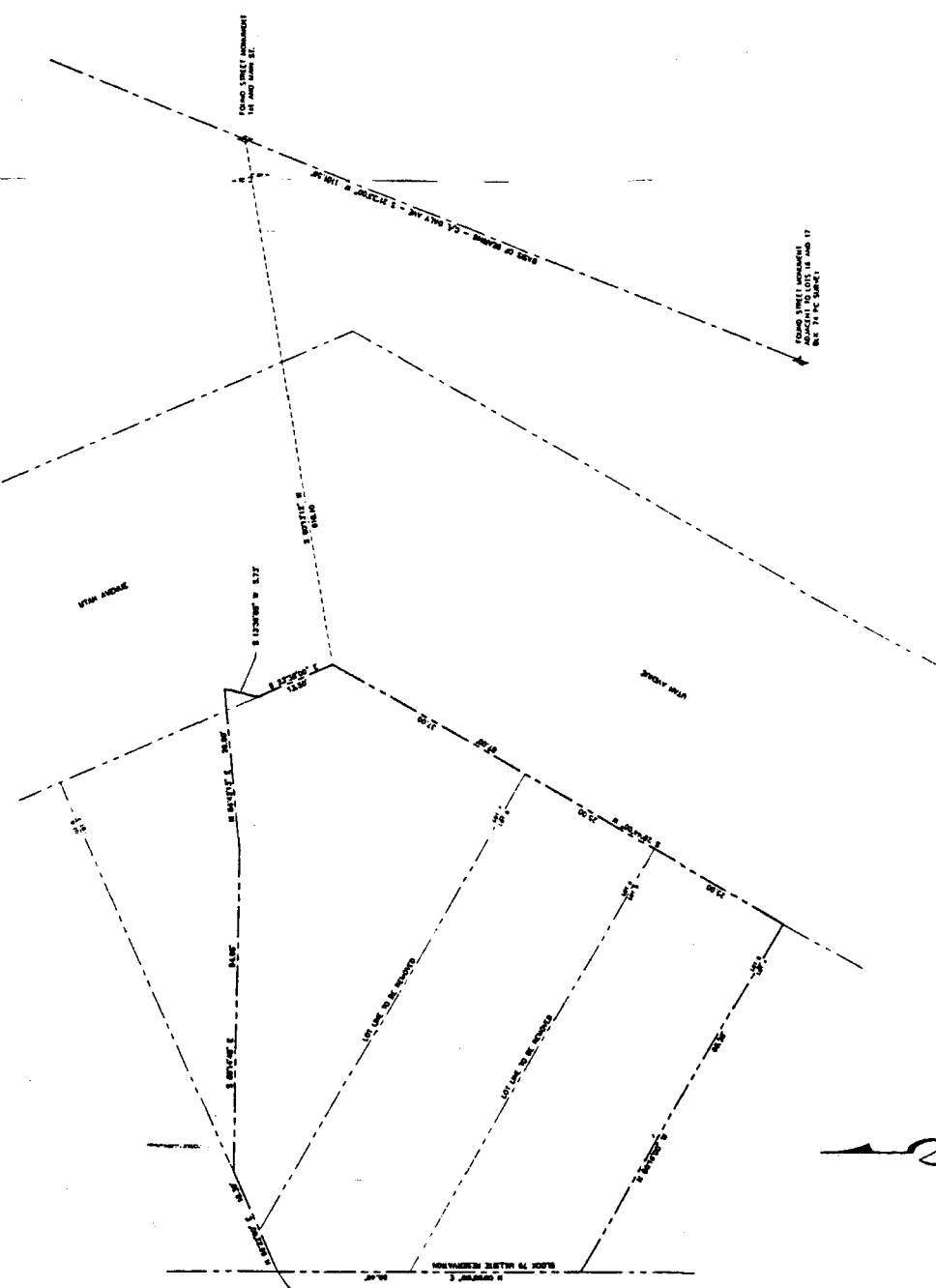
Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney



ENGINEERS CERTIFICATE

I, the undersigned, certify that I am a Registered Land Surveyor and that I, as such, am qualified by the laws of the State of Utah, and that I am duly sworn to perform my duties in conformity with the requirements of the said laws.

John Brewsters
Date: _____

RESOLUTION AND CONSENT TO RECORD

BEFORE AT THE CORNER BACK CORNER OF LOT 1, AND A BEING 1/4, 1/2, 3/4, AND 1/4, OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, UTAH, AS RECORDED IN SUMMIT COUNTY, AND PARK CITY, UTAH, IN THE RECORD OF SURVEY MAP NO. 17, IN THE FILE OF THE PLANNING DEPARTMENT, PARK CITY, UTAH, I, the undersigned, Mayor of the City of Park City, Utah, do hereby certify that I have read the above described map and that I am satisfied that the same is correct and that the same is in accordance with the laws of the State of Utah, and that I do hereby consent to the recording of the same in the public records of the State of Utah.

ENGINEERS RESOLUTION AND CONSENT TO RECORD

I, the undersigned, certify that I am a Registered Land Surveyor and that I, as such, am qualified by the laws of the State of Utah, and that I am duly sworn to perform my duties in conformity with the requirements of the said laws.

State of _____
County of _____
City of _____

ADMINISTRATIVE

State of _____
County of _____
City of _____
Name: _____
Address: _____
City: _____
State: _____
Zip: _____
I, the undersigned, certify that I am a Registered Land Surveyor and that I, as such, am qualified by the laws of the State of Utah, and that I am duly sworn to perform my duties in conformity with the requirements of the said laws.

- 1. The street address of the property is _____
- 2. See record of survey # _____

BREWSTERS AMENDMENT

LOT LINE ADJUSTMENT
BLOCK 79, MILLSITE RESERVATION, PARK CITY, UTAH
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



<p>ALLIANCE ENGINEERING INC. P.O. BOX 2464 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9487</p>	<p>ENGINEERS CERTIFICATE I CERTIFY THAT THE INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 1998 A.D. BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM I APPROVE AS TO FORM THIS _____ DAY OF _____, 1998 A.D. BY _____ PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS FILED BY _____ DAY OF _____, 1998 A.D. BY _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE COUNCIL THIS _____ DAY OF _____, 1998 A.D. BY _____ MAYOR _____ RECORDER</p>
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RECEIVED
DATE: MAY 29 1996
PARK CITY PLANNING DEPT.

Attachment A

Ordinance No. 96-29

**AN ORDINANCE APPROVING THE FINAL SUBDIVISION PLAT
FOR EAGLE POINTE, PHASE II
LOCATED IN THE QUARRY MOUNTAIN MPD,
PARK CITY, UTAH**

WHEREAS, the owners of the property known as Eagle Pointe Subdivision (a.k.a. Quarry Mountain South Slope) have applied for final plat approval for phase II consisting of 17 single family parcels; and

WHEREAS, a properly noticed public hearing was held before the Planning Commission on June 26, 1996; and

WHEREAS, the Planning Commission forwarded a positive recommendation for conditional approval at the meeting of June 26, 1996; and

WHEREAS, the plat is consistent with the Large Scale MPD Approval for Quarry Mountain and with the preliminary plat approval; and

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

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

SECTION 1. FINDINGS OF FACT.

1. The Quarry Mountain MPD and Preliminary Plat were approved by the Planning Commission 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. The existing soil is in many areas solid bedrock which may dictate special utility design and the use of explosives during construction.
3. The applicant has offered to accommodate the relocation of certain water lines necessary to maintain private water service to the Mountain Top Subdivision and to dedicate trails consistent with the Trails Master Plan, as amended by the Planning Commission.
4. Water consumption is a growing concern in Park City and conservation measures are vital to address those concerns.
5. The project is located in an area which contains unusual grade conditions resulting from past

quarrying activities.

6. The current access to the Mountain Top subdivision runs through the proposed project and the project is adjacent to existing residential subdivisions and at least one proposed annexation area.

SECTION 2. CONCLUSIONS OF LAW.

1. The final plat, as conditioned, is consistent with the Park City Land Management Code.
2. The size and configuration of parcels 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. The final plat, as conditioned, will not be detrimental to health safety and general welfare of the citizens of Park City.

SECTION 3. CONDITIONS OF APPROVAL. The Final Plat for Phase II of the Eagle Pointe Subdivision, attached as Exhibit A, is hereby approved subject to the following conditions of approval:

1. The house size limitations shall be noted on the plat and shall be consistent with the Preliminary Plat approval as follows:

- 3900 sq.ft. for lots under .333 acres
- 4500 sq.ft. for lots from .334 to .500 acres
- 6000 sq.ft. for lots from .501 to 1.0 acre
- 7000 sq.ft. for lots larger than 1 acre

2. A note shall be added to the plat which shall require that limits of disturbance be required for each lot upon building permit application. Limits of disturbance (zone of no construction, excavation or vegetation removal) will be required on all site plans with areas of disturbance restricted to 15 feet on side yards, 20 feet on rear yards and 25 feet on front yards. The limits of disturbance can encroach into the setback area to the property line, if the building zone is within 15 feet of the property lines. Some exceptions to this standard may be considered if it is necessary due to utilities, or due to unique characteristics of the site and does not result in more disturbed area than would otherwise be allowed. The Park City Community Development Department will be required to review and approve all such exceptions.

3. The applicant shall be responsible for upgrading the water pump station to accommodate additional irrigation demands on the site. The pump station will be upgraded to a standard approved by the Public Works Director and City Engineer or alternative water system improvements installed. The maximum area on each lot which can be irrigated will be 10,000 sq. ft. and a note shall be

placed on the plat which so indicates. Within that 10,000 sq.ft. of irrigated area, a maximum of 7,000 sq.ft. of sod will be allowed. Mountain Top Lane, including all utilities and a 4 foot sidewalk, shall be built by the applicant to the north property line.

4. The plat shall be required to show public trail easements consistent with the Planning Commission Preliminary Plat approval. A 4 foot wide, concrete sidewalk shall be provided along Meadows Drive and a 25 foot wide trail easement for a soft surface trail to the north of the parcels which will connect to Golden Eagle Court. The construction drawings shall reflect the trails. Final location of the soft surface trail within a 25 foot easement shall be approved by the City staff prior to plat recordation.

5. Lots 28, 29, 30 and 31 shall have restricted building heights. The maximum heights for the corners of the building envelop shall be indicated on the plat.

6. The City Engineer shall review and approve construction drawings prior to plat recordation. The construction documents shall include a construction mitigation and staging plan to minimize construction impact on adjacent neighborhoods to the extent possible. The applicant will be required to post a security for all public improvements prior to plat recordation. A 15 foot non-exclusive utility easement shall be dedicated to Park City along the entire frontage of both sides of Meadows Drive.

7. The City Engineer, City Attorney and Community Development Staff must review and approve the final plat, CC&R's and Design Guidelines as a conditions precedent to plat recordation.

8. Access to the Mountain Top subdivision shall be maintained throughout construction of this subdivision.

9. All homes shall have external fire sprinklers and will be required to be fire sprinkled with a modified 13-D type interior sprinkler system. Meadows Drive shall be graded to a width determined satisfactory by the Fire Marshall. This must occur prior to building permit issuance on any structure in this phase.

10. The parcel of "future development" indicated between lot 24 and the Ridgeview Subdivision contains a future density range of 0 to 2 lots. The "future development" parcel along Mountain Top Lane shall have a maximum density of 5, unless the number of parcels on the other future development parcel is decreased below 2.

11. Lot B is to be dedicated to the City in a manner approved by the City Attorney concurrent with plat recordation.

12. Owner shall execute an irrevocable offer to dedicate a public right-of-way satisfactory to the City Attorney and the City Engineer which the City may accept to provide public access from Mountain Top Road to the property presently proposed for annexation known as Sandstone Cove.

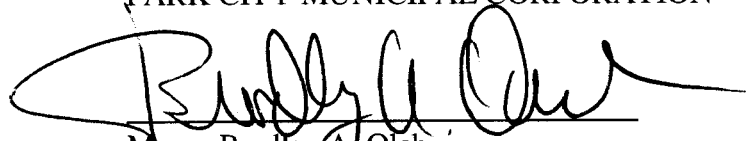
13. Owner shall execute and acknowledge its commitment to relocate the Mountain Top Subdivision culinary water line, all as provided in the attached July 17, 1996 letter from the owner's contractor, Brown and Chris, and counsel for Mountain Top Homeowners Association, Gordon Strachan.

14. This approval shall be null and void if the plat is not recorded within 1 year of City Council approval.

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

PASSED AND ADOPTED this 18th day of July, 1996

PARK CITY MUNICIPAL CORPORATION



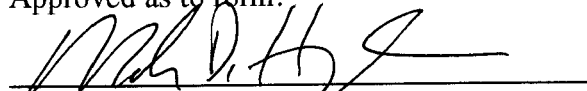
Mayor Bradley A. Olch

Attest:

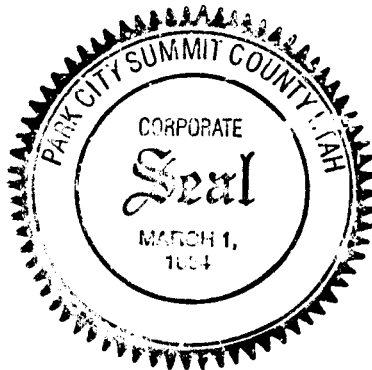


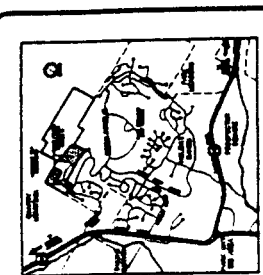
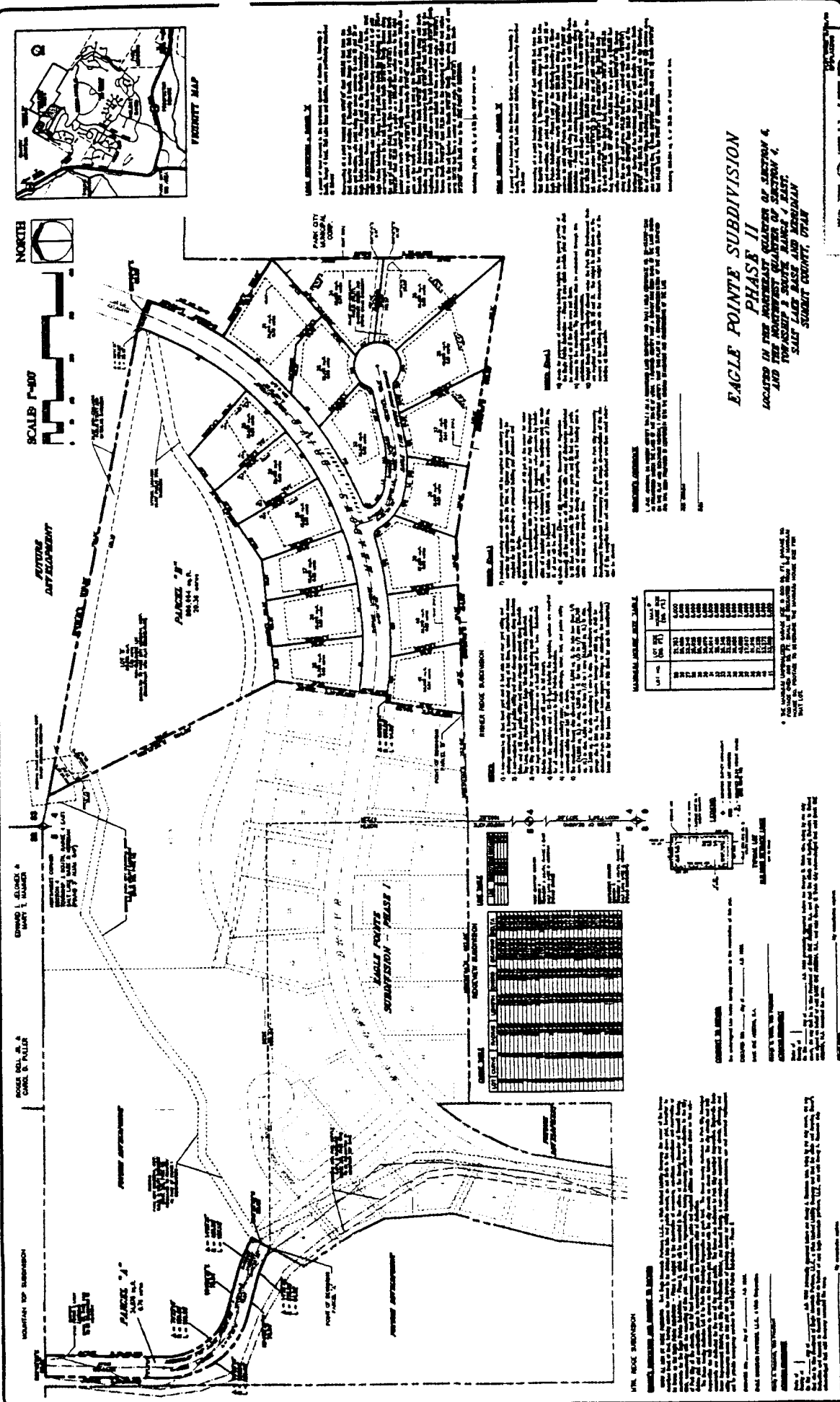
Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Assistant City Attorney





GENERAL NOTES:

- The lot lines shown on this plan are based on the survey of the land shown on the plat of the subdivision recorded in the public records of the State of Mississippi.
- The lot areas shown on this plan are based on the survey of the land shown on the plat of the subdivision recorded in the public records of the State of Mississippi.
- The lot lines shown on this plan are based on the survey of the land shown on the plat of the subdivision recorded in the public records of the State of Mississippi.
- The lot areas shown on this plan are based on the survey of the land shown on the plat of the subdivision recorded in the public records of the State of Mississippi.

APPROVALS:

CITY COUNCIL APPROVAL
 PRESENTED TO THE BOARD OF THE CITY OF JACKSON, MISSISSIPPI, AT A PUBLIC HEARING HELD ON THIS DAY OF _____ A.D. 19____.

CITY ENGINEER
 APPROVED AND ACCEPTED BY THE CITY ENGINEER OF THE CITY OF JACKSON, MISSISSIPPI, ON THIS DAY OF _____ A.D. 19____.

CITY PLANNING COMMISSION
 APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS DAY OF _____ A.D. 19____.

SEWER DISTRICT APPROVAL
 REVIEWED FOR CONFORMANCE TO SNYGOFFVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS DAY OF _____ A.D. 19____.

APPROVAL AS TO FORM
 APPROVED AS TO FORM ON THIS DAY OF _____ A.D. 19____.

RECORDED
 RECORDED AND FILED AT THE REQUEST OF _____ COUNTY RECORDER _____ CITY ATTORNEY _____

**EAGLE POINTE SUBDIVISION
 PHASE II**
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 4,
 AND THE NORTHWEST QUARTER OF SECTION 4,
 TOWNSHIP 3 SOUTH, RANGE 7 EAST,
 SALT LAKE BASE AND MERIDIAN
 SUMMIT COUNTY, UTAH

MINIMUM LOT AREA TABLE

LOT AREA (SQ. FT.)	MIN. LOT AREA (SQ. FT.)	MIN. LOT AREA (SQ. FT.)
10,000	10,000	10,000
15,000	15,000	15,000
20,000	20,000	20,000
25,000	25,000	25,000
30,000	30,000	30,000
35,000	35,000	35,000
40,000	40,000	40,000
45,000	45,000	45,000
50,000	50,000	50,000
55,000	55,000	55,000
60,000	60,000	60,000
65,000	65,000	65,000
70,000	70,000	70,000
75,000	75,000	75,000
80,000	80,000	80,000
85,000	85,000	85,000
90,000	90,000	90,000
95,000	95,000	95,000
100,000	100,000	100,000

RECORDED

THE JACK JOHNSON COMPANY
 1966

PLANNING DEPT.

CITY COUNCIL APPROVAL
 PRESENTED TO THE BOARD OF THE CITY OF JACKSON, MISSISSIPPI, AT A PUBLIC HEARING HELD ON THIS DAY OF _____ A.D. 19____.

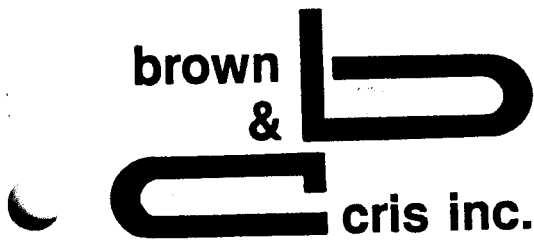
CITY ENGINEER
 APPROVED AND ACCEPTED BY THE CITY ENGINEER OF THE CITY OF JACKSON, MISSISSIPPI, ON THIS DAY OF _____ A.D. 19____.

CITY PLANNING COMMISSION
 APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS DAY OF _____ A.D. 19____.

SEWER DISTRICT APPROVAL
 REVIEWED FOR CONFORMANCE TO SNYGOFFVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS DAY OF _____ A.D. 19____.

APPROVAL AS TO FORM
 APPROVED AS TO FORM ON THIS DAY OF _____ A.D. 19____.

RECORDED
 RECORDED AND FILED AT THE REQUEST OF _____ COUNTY RECORDER _____ CITY ATTORNEY _____



July 17, 1996

Gordon Strachan, Esq.
Joan Edwards, Esq.
Vince Donile
Gordon Strachan Law Office
528 Main St.
Park City, UT 84060

COPY

Wayne E. Brown
Gregory W. Brown
Michael H. DeVine
Bradley K. Cosby
Allan Gavle
Fred E. Glanz
Dale R. Meyer
Andrew W. Armstrong

Dear Mr. Strachan:

As the general contractor, contractually obligated to both PCMC and Eagle Mountain Partners to timely complete the subdivision improvements in Eagle Pointe Phase I (which includes the relocation of the existing Mountain Top Waterline), I find myself in an untenable position. It is not my place to judge who is right and who is wrong in this matter it is only my responsibility to get the job done on time and within budget.

I am obligated by contract to the developers of Eagle Mountain and by bond to the PCMC to relocate the existing Mountain Top waterline into the easements as recorded on the plat of Phase I of Eagle Pointe Subdivision. My contract obligates our Company to do this as expeditiously as possible with as little inconvenience to the residents of Mountain Top Subdivision as possible. I do not want to involve myself or my company in any legal fights or problems. I just want to fulfill my contractual obligations to the City and to the developer.

I intend to accomplish the waterline relocation of the Mountain Top Waterline through Eagle Pointe Phase I, prior to tying into your line at the north boundary of Ridge View Subdivision and at the north boundary of Phase I of Eagle Pointe, so as to cause the least disruption of service as possible. The new connection would be made between noon and 4:00 p.m. with at least 48 hours notice to all affected residents. The work will be done at the expense of our company, Brown & Cris.

I would be happy to keep you closely advised as we proceed and you or your representative is welcome and encouraged to be present when we connect the new line in the new easement to your existing lines.

Please signify your agreement to this new line relocation and thereafter, (once it is installed), the abandonment of the existing line where same presently exists in the Phase I of Eagle Pointe, so that I can maintain my construction schedule. As a result of the controversy between the parties, Brown and Cris is several weeks behind schedule and will suffer monetary damages if this job is not completed expeditiously.

Your cooperation with this plan is sincerely appreciated.

Sincerely,

Bradley K. Cosby,
Exec. Vice President
Brown and Cris, Inc.

cc: Eric Dehaan, PCMC; Norman Rossman, Eagle Mountain Partners

MINNESOTA
19740 Kenrick Ave.
Lakeville, MN 55044
612-469-2121 • 800-470-4884
Fax 612-469-2463

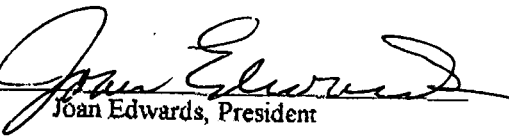
ARIZONA
8040 E. Morgan Trail #1
Scottsdale, AZ 85258
602-483-0248
Fax 602-483-0356

UTAH
P. O. Box 1891
Park City, UT 84060
801-649-6863
Fax 801-649-6989



We agree to the relocation of the Mountain Top Waterline through through Phase I within the easement as shown on the plat and in conformance with the plans approved by Park City Municipal Corporation and agree that the existing line will be abandoned once the new line and connections are made.

Mountain Top Subdivision Home Owners Association

By: 
Joan Edwards, President

**AN ORDINANCE ACCEPTING THE PUBLIC IMPROVEMENTS
AT PHASE 2 OF ASPEN SPRINGS RANCH SUBDIVISION**

WHEREAS, Phase 2 of Aspen Springs Ranch Subdivision was approved by the Park City City Council on May 28, 1992; and

WHEREAS, construction of the public improvements has been accomplished by the developer, including the public streets known as Canyon Court, Ruminant Road, and Aspen Springs Drive; and

WHEREAS, Park City has adopted Ordinance 87-13 on October 22, 1987, which provides for the City Council to accept (by Ordinance) [ref. LMC Sec. 15.3.1(g)] those public improvements which are dedicated and built in accordance with Ordinance 87-13; and

WHEREAS, the public improvements within Aspen Springs Ranch Phase 2 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:

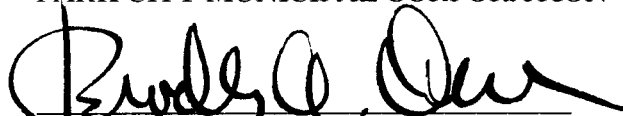
SECTION 1. PUBLIC IMPROVEMENTS. The City hereby accepts from the developer all public improvements at Aspen Springs Ranch Phase 2 which were intended for City ownership, subject to the developer's warranty of these improvements for one year following the adoption of this ordinance. The developer must demonstrate approval by the Army Corps of Engineers that his wetland mitigation plan has been accomplished. A financial guarantee of \$50,000 shall remain in place for the one-year guarantee period.

SECTION 2. SNOWPLOWING SERVICES. Snowplowing responsibilities still lie with the developer until such time as 50% of the lots are occupied.

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

PASSED AND ADOPTED THIS 18th day of July, 1996.

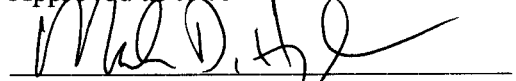
PARK CITY MUNICIPAL CORPORATION

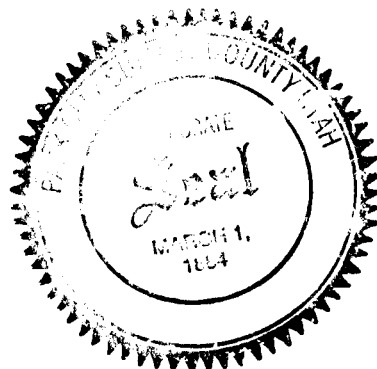

Bradley A. Olch, Mayor

Attest:


Janet M. Scott, Deputy City Recorder

Approved as to form:


Mark D. Harrington, Asst. City Attorney



Ordinance No. 96-27

AN ORDINANCE ADOPTING TEMPORARY ZONING REGULATIONS FOR THE HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT TO ESTABLISH INTERIM ZONING STANDARDS PENDING REVIEW OF A PARKING MANAGEMENT PLAN AND REVISIONS OF THE LAND MANAGEMENT CODE OF PARK CITY, UTAH.

WHEREAS, the City is in the process of reviewing a parking management plan prepared by Wilbur Smith and Associates which proposes programs to mitigate the limited availability of parking in the historic core including amendments to provisions of the Land Management Code to mitigate parking problems in the Historic Commercial Business (HCB) district;

WHEREAS, the existing code (LMC 7.2.10) exempts certain development in the HCB district from the requirement to provide off-street parking;

WHEREAS, the Council has expressed a desire to mitigate the parking issues created by the development or remodeling of buildings and changes to uses with more intensive parking demand;

WHEREAS, to prevent a rush to develop under the present zoning regulations while this matter is under consideration, the state legislature has enabled cities to adopt Temporary Zoning Regulations, without a formal public hearing, for a period not to exceed six (6) months (Utah State Code, Section 10-9-404); and

WHEREAS, it is in the best interest of Park City and for the protection of health, safety and the general welfare of its citizens to prevent creation of excessive unmitigated parking demand in the City's HCB district;

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

SECTION 1. FINDINGS: The Council finds that:

1. The Historic Commercial Business (HCB) district is presently zoned in a manner that allows certain development without providing off-street parking or otherwise mitigating the parking demand of new or changed uses;
2. The City has provided notice of specific proposals to require off-street parking or otherwise mitigating the parking demand of new or changed uses;
3. Without the full public review of parking proposals, alternatives and recommendations, it is premature to adopt permanent rezoning within the HCB district;

4. The parking review can be completed, with implementing zoning enacted, within six months;
5. Temporary zoning enacted hereby preserves a reasonable opportunity to develop within the HCB district while mitigating some of the impacts of parking;
6. The HCB district is vital to the economic health and general welfare of the community and its guests; and
7. There is a compelling, countervailing public interest in protecting the HCB district from creation of excessive unmitigated parking demand.

SECTION 2. AMENDMENTS TO CHAPTER 7 OF THE LAND MANAGEMENT CODE. Chapter 7 is hereby amended as follows:

Section 7.2 Historic Commercial Business (HCB) District

7.2.10. OFF-STREET PARKING. Each new structure, ~~change in use, or addition to a structure~~ shall provide off-street parking spaces, as provided in Chapter 13, with these exceptions:

- ~~(a) Structures designated as historic buildings by the Historic District Commission and renovations of those structures are exempt from off-street parking requirements.~~
- (b)(a) ~~In new~~ Any construction not including remodels or renovation to existing historic buildings which does not increase the floor area or which does not change the use to a use which requires more parking, no off-street parking is required for two floor levels. Any additional floor area shall provide off street parking as provided in Chapter 13 according to the intended uses of the space. The space will be presumed to be commercial, unless from the building plans and specifications it is clear that residential or transient lodging purposes are intended. Parking is only required for that space in excess of two levels and not for the entire structure. Parking may be provided on site, provided however, that entrances and exits for vehicles shall not cross the Main Street sidewalks (except at existing public streets). Parking may be provided off site by paying a sum equal to the estimated construction cost of parking spaces in a public parking facility to the City. This fee shall be established by the Developer Fee Schedule Ordinance, and adjusted annually to reflect the approximate actual construction costs of the structure.

~~This exception from the regular Land Management Code required off-street parking requirement only applies to those structures or properties which paid the assessment to the Main Street Parking Special Improvement District in full prior to January 1, 1984. All other properties must provide parking in full compliance with Chapter 13. It is the obligation of the property owner to establish that payment was made. All other property within the HCB zone must provide parking for all space in compliance with the provisions of Chapter 13 of this Code.~~

Renumber the remaining subsections accordingly.

SECTION 3. AMENDMENTS TO CHAPTER 13 OF THE LAND MANAGEMENT CODE. Chapter 13 is hereby amended to add new section 13.8 as follows:

13.8. HCB PARKING

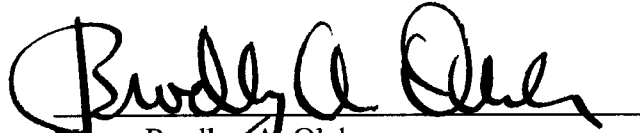
Parking within the HCB district may be provided on site, provided however, that entrances and exits for vehicles shall not cross the Main Street sidewalks (except at existing public streets). Parking may be provided off site by paying a sum equal to the estimated construction cost of parking spaces in a public parking facility to the City. This fee shall be established by resolution to reflect the approximate actual construction costs of the structure.

SECTION 4. PERIOD OF LIMITED EFFECT. This temporary zoning ordinance shall be effective, pursuant to U.C.A. Section 10-9-404, for a period of six months.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon adoption.

PASSED AND ADOPTED this 18th day of July, 1996

PARK CITY MUNICIPAL CORPORATION



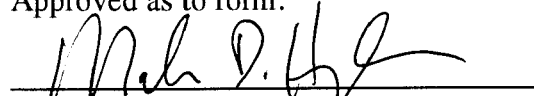
Mayor Bradley A. Olch

Attest:

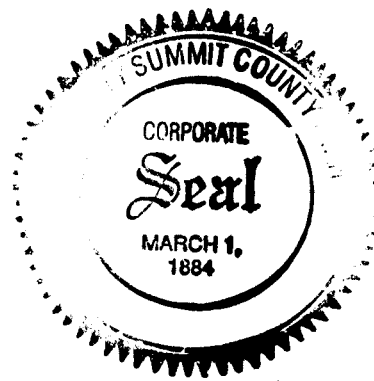


Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Asst. City Attorney



Ordinance No. 96-26

AN ORDINANCE AMENDING CHAPTER 7 OF THE LAND MANAGEMENT CODE OF PARK CITY, UTAH TO CLARIFY PROHIBITIONS ON THE OUTDOOR DISPLAY OF MERCHANDISE AND STORAGE AND TO ALLOW THE ADMINISTRATIVE APPROVAL OF OUTDOOR DINING AREAS AND STORAGE OF BICYCLES, KAYAKS AND CANOES IN THE HCB, HRC, HR-2, AND RCO ZONES.

WHEREAS, the Land Management Code places limitations on the outdoor display of merchandise, outdoor storage and outdoor dining uses; and

WHEREAS, the City Council finds that it is in the public interest to regulate the outdoor display of merchandise, outdoor storage, and outdoor dining uses in certain pedestrian-oriented commercial districts in order to reduce visual clutter, protect and preserve the unique aesthetic character of the City, and enhance the community's economic viability; and

WHEREAS, public hearings were duly held before the Planning Commission on March 13, 1996, and before the City Council on May 2, 1996; and

WHEREAS, public notice and opportunity to comment were provided, pursuant to the Land Management Code; and

WHEREAS, the City Council finds and determines that, subject to certain criteria, outdoor dining uses can enhance the pedestrian appeal and vitality of certain commercial areas; and

WHEREAS, the City Council finds and determines that, subject to certain criteria, the outdoor storage of bicycles, kayaks, and canoes promotes alternative modes of transportation and strengthens the outdoor recreation character of the City; and

WHEREAS, the City Council finds the proposed amendments in the best interest of the residents of Park City;

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

SECTION I. FINDINGS. The above-recitals are hereby incorporated herein as findings.

SECTION II. AMENDMENT. Chapter 7 of the Land Management Code is amended to read as follows:

7.2.5 (A)

HISTORIC COMMERCIAL BUSINESS DISTRICT: USES GOODS TO BE WITHIN ENCLOSED BUILDING. ~~All uses, except outdoor dining shall be conducted within a completely enclosed building except that the Planning Commission may permit limited outdoor uses which it determines are in the best interest of the Historic Commercial Business District. All storage shall be within a completely enclosed building.~~ Unless expressly allowed in this district as a permitted or conditional use, all display of goods, including food, beverage and cigarette vending machines, shall be within a completely enclosed building. This section does not preclude temporary sales in conjunction with a master festival, sidewalk sales, or seasonal plant sales as permitted under Title 4 of the Municipal Code.

7.2.5 (B)

HISTORIC COMMERCIAL BUSINESS DISTRICT: USES TO BE WITHIN AN ENCLOSED BUILDING. Unless expressly allowed in this district as a permitted or conditional use, all uses shall be within a completely enclosed building. The following outdoor uses may be permitted by the Community Development Department upon the issuance of an administrative permit:

(a) **Outdoor Dining:** Outdoor Dining may be permitted in the Historic Commercial Business District subject to all requirements of this code, including:

1. The area of the proposed seating is located on private property and not on public rights-of-way, nor in areas of required parking.
2. The proposed seating area does not impede pedestrian circulation.
3. The proposed furniture is compatible with the streetscape.
4. No additional signage is installed.
5. No outdoor speakers are installed.
6. Outdoor dining areas shall not be used after 10:00 p.m.
7. Outdoor dining capacity shall not increase the total seating capacity of the restaurant without adequate mitigation of the increased parking demand.
8. Outdoor grills and/or beverage service stations may be permitted subject to the following criteria:

- I. The use is located on private property

- II. The use is for no service other than the sale of food or beverages in a form suited for immediate consumption.
- III. The use is compatible with the aesthetics, site design, and architectural character of the neighborhood.
- IV. The use complies with all applicable Uniform Building Code and Health Code regulations.

(b) Outdoor Storage of Bicycles, Kayaks and Canoes: The outdoor storage of bicycles, kayaks and canoes may be permitted in the Historic Commercial Business District subject to all requirements of this code, including:

- 1. The area of the proposed bicycle storage is located on private property and not on public rights-of-way, areas of required parking or landscaped planting beds.
- 2. Bicycles may be hung on historic buildings if sufficient site area is not available, provided the such display does not destroy or alter the historic fabric of the structure.
- 3. No additional signage is installed.
- 4. No more than a total of 15 pieces of equipment may be displayed; no more than three of which may be kayaks or canoes.

7.3.10 (A)

HISTORIC RECREATION COMMERCIAL DISTRICT: USES GOODS TO BE WITHIN ENCLOSED BUILDING. All land uses, whether conditional or permitted, are to be located within a fully enclosed building, with the exception of the operation of approved ski lifts. The Planning Commission may authorize the extension of the allowable uses into outside areas when it finds that the development of the outdoor use is in the best interest of the HRC Zone, and does not adversely impact adjoining properties due to noise, light or visual conditions. Unless expressly allowed in this district as a permitted or conditional use, all goods, including food, beverage and cigarette vending machines, shall be within a completely enclosed building. This section does not apply to ski lifts and does not preclude temporary sales in conjunction with a master festival, sidewalk sales, or seasonal plant sales as permitted under Title 4 of the Municipal Code.

7.3.10 (B)

HISTORIC RECREATION COMMERCIAL DISTRICT: USES TO BE WITHIN AN ENCLOSED BUILDING. Unless expressly allowed in this district as a permitted or conditional use, all uses shall be within a completely enclosed

building. The following outdoor uses may be permitted by the Community Development Department upon the issuance of an administrative permit:

(a) **Outdoor Dining:** Outdoor Dining may be permitted in the Historic Recreation Commercial District subject to all requirements of this code, including:

1. The area of the proposed seating is located on private property and not on public rights-of-way, nor in areas of required parking.

2. The proposed seating area does not impede pedestrian circulation.

3. The proposed furniture is compatible with the streetscape.

4. No additional signage is installed.

5. No outdoor speakers are installed.

6. Outdoor dining areas shall not be used after 10:00 p.m.

7. Outdoor dining capacity shall not increase the total seating capacity of the restaurant without adequate mitigation of the increased parking demand.

8. Outdoor grills and/or beverage service stations may be permitted subject to the following criteria:

I. The use is located on private property

II. The use is for no service other than the sale of food or beverages in a form suited for immediate consumption.

III. The use compatible with the aesthetics, site design, and architectural character of the neighborhood.

IV. The use complies with all applicable Uniform Building Code and Health Code regulations.

(b) **Outdoor Storage Bicycles, Kayaks, and Canoes:** The outdoor storage of bicycles, kayaks, and canoes may be permitted in the Historic Recreation Commercial District subject to all requirements of this code, including:

1. The area of the proposed bicycle storage is located on private property and not on public rights-of-way, areas of required parking or landscaped planting beds.

2. Bicycles may be hung on historic buildings if sufficient site area is not available, provided the such display does not destroy or alter the historic fabric of the structure.

3. No additional signage is installed.

4. No more than a total of 15 pieces of equipment may be displayed; no more than three of which may kayaks or canoes.

7.9.5 (A)

GENERAL COMMERCIAL DISTRICT: USES GOODS TO BE WITHIN ENCLOSED BUILDING. All uses, except outdoor dining shall be conducted within a completely enclosed building except that the Planning Commission may permit limited outdoor uses which it determines are in the best interest of the General Commercial (GC) District. All storage shall be within a completely enclosed building. Unless expressly allowed in this district as a permitted or conditional use, all goods, including food, beverage and cigarette vending machines, shall be within a completely enclosed building. This section does not preclude temporary sales in conjunction with a master festival, sidewalk sales, or seasonal plant sales as permitted under Title 4 of the Municipal Code.

7.9.5 (B)

GENERAL COMMERCIAL: USES TO BE WITHIN AN ENCLOSED BUILDING. Unless expressly allowed in this district as a permitted or conditional use, all uses shall be within a completely enclosed building. The following outdoor uses may be permitted by the Community Development Department upon the issuance of an administrative permit:

(a) **Outdoor Dining:** Outdoor Dining may be permitted in the General Commercial District subject to all requirements of this code, including:

1. The area of the proposed seating is located on private property and not on public rights-of-way, nor in areas of required parking.

2. The proposed seating area does not impede pedestrian circulation.

3. The proposed furniture is compatible with the streetscape.

4. No additional signage is installed.

5. No outdoor speakers are installed.

6. Outdoor dining areas shall not be used after 10:00 p.m.

7. Outdoor dining capacity shall not increase the total seating capacity of the restaurant without adequate mitigation of the increased parking demand.

8. Outdoor grills and/or beverage service stations may be permitted subject to the following criteria:

I. The use is located on private property

II. The use is for no service other than the sale of food or beverages in a form suited for immediate consumption.

III. The use compatible with the aesthetics, site design, and architectural character of the neighborhood.

IV. The use complies with all applicable Uniform Building Code and Health Code regulations.

(b) Outdoor Storage of Bicycles, Kayaks, and Canoes: The outdoor storage of bicycles, kayaks, and canoes may be permitted in the General Commercial District subject to all requirements of this code, including:

1. The area of the proposed bicycle storage is located on private property and not on public rights-of-way, areas of required parking or landscaped planting beds.

2. Bicycles may be hung on historic buildings if sufficient site area is not available, provided the such display does not destroy or alter the historic fabric of the structure.

3. No additional signage is installed.

4. No more than a total of 15 pieces of equipment may be displayed; nor more than three of which may be kayaks or canoes.

7.17.7 (A)

HISTORIC RESIDENTIAL - LOW INTENSITY COMMERCIAL OVERLAY (HR-2) DISTRICT: USES GOODS TO BE WITHIN ENCLOSED BUILDING. ~~All uses, except outdoor dining shall be conducted within a completely enclosed building except that the Planning Commission may permit limited outdoor uses which it determines are in the best interest of the Historic District. All storage shall be within a completely enclosed building. Unless expressly allowed in this~~

district as a permitted or conditional use, all goods, including food, beverage and cigarette vending machines, shall be within a completely enclosed building. This section does not preclude temporary sales in conjunction with a master festival, sidewalk sales, or seasonal plant sales as permitted under Title 4 of the Municipal Code.

7.17.17 (B)

HISTORIC RESIDENTIAL - LOW INTENSITY COMMERCIAL OVERLAY (HR-2) DISTRICT: USES TO BE WITHIN AN ENCLOSED BUILDING.

Unless expressly allowed in this district as a permitted or conditional use, all uses shall be within a completely enclosed building. The following outdoor uses may be permitted by the Community Development Department upon the issuance of an administrative permit:

(a) **Outdoor Dining:** Outdoor Dining may be permitted in the HR-2 District subject to all requirements of this code, including:

1. The area of the proposed seating is located on private property and not on public rights-of-way, nor in areas of required parking or landscaped planting beds.

2. The proposed seating area does not impede pedestrian circulation.

3. The proposed furniture is compatible with the streetscape.

4. No additional signage is installed.

5. No outdoor speakers are installed.

6. Outdoor dining areas shall not be used after 10:00 p.m.

7. Outdoor dining capacity shall not increase the total seating capacity of the restaurant without adequate mitigation of the increased parking demand.

8. Outdoor grills and/or beverage service stations may be permitted subject to the following criteria:

I. The use is located on private property

II. The use is for no service other than the sale of food or beverages in a form suited for immediate consumption.

III. The use compatible with the aesthetics, site design, and architectural character of the neighborhood.

IV. The use complies with all applicable Uniform Building Code and Health Code regulations.

(b) Outdoor Storage of Bicycles, Kayaks, and Canoes: The outdoor storage of bicycles, kayaks, and canoes may be permitted in the HR-2 District subject to all requirements of this code, including:

1. The area of the proposed bicycle storage is located on private property and not on public rights-of-way, areas of required parking or landscaped planting beds.

2. Bicycles may be hung on historic buildings if sufficient site area is not available, provided the such display does not destroy or alter the historic fabric of the structure.

3. No additional signage is installed.

4. No more than a total of 15 pieces of equipment may be displayed, no more of than three of which may be kayaks or canoes.

7.18.3 (m) **REGIONAL COMMERCIAL OVERLAY ZONE (RCO): CRITERIA:** ~~Outdoor storage and display of merchandise is not permitted except as allowed for temporary sales under Ordinance No. 82-27.~~

1. Goods To Be Within an Enclosed Building: Unless expressly allowed in this district as a permitted or conditional use, all goods, including food, beverage and cigarette vending machines, shall be within a completely enclosed building. This section does not preclude temporary sales in conjunction with a master festival, sidewalk sales, or seasonal plant sales as permitted under Title 4 of the Municipal Code.

2. Uses To Be Within an Enclosed Building: Unless expressly allowed in this district as a permitted or conditional use, all uses shall be within a completely enclosed building. The following outdoor uses may be permitted by the Community Development Department upon the issuance of an administrative permit:

(a) Outdoor Dining: Outdoor Dining may be permitted in the RCO District subject to all requirements of this code, including:

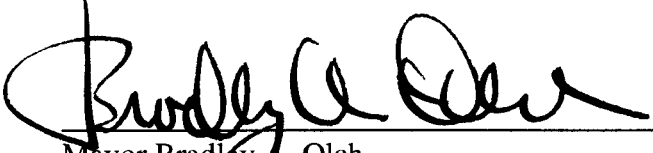
1. The area of the proposed seating is located on private property and not on public rights-of-way, nor in areas of required parking.

2. The proposed seating area does not impede pedestrian circulation.
 3. The proposed furniture is compatible with the streetscape.
 4. No additional signage is installed.
 5. No outdoor speakers are installed.
 6. Outdoor dining areas shall not be used after 10:00 p.m.
 7. Outdoor dining capacity shall not increase the total seating capacity of the restaurant without adequate mitigation of the increased parking demand.
 8. Outdoor grills and/or beverage service stations may be permitted subject to the following criteria:
 - I. The use is located on private property
 - II. The use is for no service other than the sale of food or beverages in a form suited for immediate consumption.
 - III. The use compatible with the aesthetics, site design, and architectural character of the neighborhood.
 - IV. The use complies with all applicable Uniform Building Code and Health Code regulations.
- (b) Outdoor Storage of Bicycles, Kayaks, and Canoes: The outdoor storage of bicycles, kayaks, and canoes may be permitted in the RCO District subject to all requirements of this code, including:
1. The area of the proposed bicycle storage is located on private property and not on public rights-of-way, areas of required parking or landscaped planting beds.
 2. Bicycles may be hung on historic buildings if sufficient site area is not available, provided the such display does not destroy or alter the historic fabric of the structure.
 3. No additional signage is installed.
 4. No more than a total of 15 pieces of equipment may be displayed; no more than three of which may be kayaks or canoes.

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

PASSED AND ADOPTED this 11th day of July, 1996

PARK CITY MUNICIPAL CORPORATION



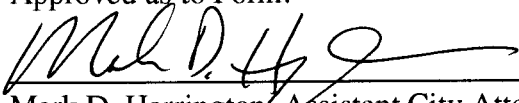
Mayor Bradley A. Olch

Attest:

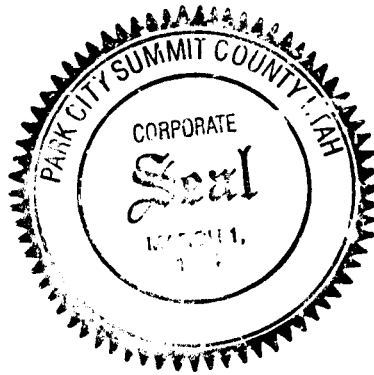


Janet M. Scott, Deputy City Recorder

Approved as to Form:



Mark D. Harrington, Assistant City Attorney



TITLE
AN ORDINANCE AMENDING CHAPTER 11 OF THE MUNICIPAL CODE
TO UPDATE THE EFFECTIVE EDITIONS OF BUILDING CODES

WHEREAS, the City Council has determined that updated building rules and regulations safeguard the health, safety, and property of the community; and

WHEREAS, updating the building codes facilitates customer service and the community's general knowledge of the law;

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

SECTION I. Amendment. Section 11-3-1 of the Municipal Code of Park City ("MCPC") is hereby amended to read as follows:

11-3-1. UNIFORM BUILDING CODE ADOPTED. The Uniform Building Code, ~~1994 edition~~ 1991 edition, establishing rules and regulations for the design, construction quality of materials, use and occupancy, location and maintenance of building and structures, as adopted by the International Conference of Building Officials, is hereby adopted as the Building Code of Park City, together with the following amendments.

(A) ~~Chapters 11, Divisions 1 and 2, Chapters 12, Division 2, Chapters 13, Chapters 15, Chapters 16, Division 1, Chapters 23, Divisions 1 and 4, and Chapters 30, 31, 32, 33, 35, 51, 53, and 70~~ located in the appendix of the Uniform Building Code are adopted and incorporated herein.

(B) Section ~~107.1 304(a)~~ of the Uniform Building Code is amended as follows:
SECTION 107.1 304(a) BUILDING PERMIT FEES. A fee for each building permit shall be paid to the Building Official as set forth by fee resolution as adopted by the Park City Council.

(C) Section ~~904.2.1 3802(a)~~ AUTOMATIC FIRE EXTINGUISHING SYSTEMS is hereby amended as follows:

~~PURPOSE. The purpose of this section is to establish minimum standards to safeguard life, health, property, public welfare and to protect the owners and occupants of structures within Park City by regulating and controlling the design and construction of buildings and structures.~~

SECTION II. Amendment. Section 11-3-2 of the MCPC is hereby amended as follows:

11-3-2. AUTOMATIC FIRE EXTINGUISHING SYSTEMS. The following newly constructed structures of buildings used for or to be used for human occupancy shall have an automatic fire extinguishing system installed in conformity with the requirements of the Uniform

Building Code Standard 9-1, 9-2, and 9-3 ~~38-1-91~~:

- (A) All new construction having more than 6,000 square feet on any floor, except R-3 occupancy.
- (B) All new construction having more than two stories except R-3 occupancy.
- (C) All new construction having four or more dwelling units, including units rented or leased, and including condominiums or other separate ownership.
- (D) All new construction in the Historic Commercial Business zone district, regardless of occupancy.
- (E) All new construction and buildings in the General Commercial zone where there are no side-yard setbacks or where one or more of the side yard setbacks are less than two and one-half feet per story of height.
- (F) All existing buildings within the Historic Commercial Business District shall be required to be protected with a fire sprinkling system, in compliance with the Uniform Building Code Standards by August 15, 1996.

All newly constructed structures used as dwelling units in a multi-unit structure shall have at least a one hour fire resistive separation between units.

SECTION III. Amendment. Section 11-4-1 of the MCPC is hereby amended as follows:

11-4-1. MECHANICAL CODE. The Uniform Building Code, ~~1994 edition~~ ~~1991 edition~~, establishing rules and regulations for the design, construction quality of materials, use and occupancy, location and maintenance of building and structures, as adopted by the International Conference of Building Officials is hereby adopted as the Mechanical Code of Park City.

SECTION IV. Amendment. Section 11-5-1 of the MCPC is hereby amended as follows:

11-5-1. HOUSING CODE. The Uniform Housing Code, ~~1994 edition~~ ~~1991 edition~~, printed as code in book form, and adopted by the International Conference of Building Officials (providing minimum requirements for the protection of life, limb, health, safety and welfare of the general public and the owners and occupants of residential buildings) is hereby adopted as the Housing Code of Park City.

- (A) **Application.** The provisions of the Housing Code shall apply to all buildings or portions thereof used, or designed for or intended to be used for human habitation. Occupancies in existing buildings may be continued as provided in Section 104(c) of the Uniform Building Code, except as to those structures found to be substandard as defined in the Housing Code.
- (B) **Violations.** It shall be unlawful for any person, firm or corporation whether as owner, lessee, sublessee, or occupant to erect, construct, enlarge, alter, repair, move, improve, remove, demolish,

equip, use, occupy, or maintain any building or premises or cause or permit the same to be done, contrary to or in violation of any of the provisions of Housing Code or any order issued by the Building Official pursuant thereto.

(C) **Permits and Inspections.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or cause or permit the same to be done, without first obtaining a separate building permit for each such building or structure from the Building Official in the manner and according to the applicable conditions prescribed in the Housing Code.

SECTION V. Amendment. Section 11-6-1 of the MCPC is hereby amended as follows:

11-6-1. ADOPTION OF A CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS. The "Uniform Code for the Abatement of Dangerous Buildings, ~~1994 edition~~ ~~1991 edition~~," printed as a code in book form and adopted by the International Conference of Building Officials (providing for a just, equitable and practicable method whereby buildings or structure which from any cause endanger the life, limb, health, morals property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished) is hereby adopted as the Abatement of Dangerous Buildings Code for Park City.

SECTION VI. Amendment. Section 11-8-1 of the MCPC is hereby amended as follows:

11-8-1. ADOPTION OF ELECTRICAL CODE. The National Electrical Code, ~~1993 edition~~ ~~1990 edition~~, as adopted by the National Fire Protection Association and the American Standards Association and printed as a code in book form is hereby approved and adopted as the electrical code of this City, including all Park City and state amendments which are incorporated herein by this reference.

(A) **Electrical Inspection.** The Building Official shall perform all functions of electrical inspection and shall, among other things, inspect the construction, installation, and repair of all electrical light or power wiring, fixtures, appliances or apparatus installed within the limits of this municipality and shall require that they conform to the provisions of the Electrical Code. The Building Official shall follow as to electrical work the procedures relating to enforcement and safety as are established by the Uniform Building Code.

(B) **Permits, Inspections and Fees.** No alterations or additions shall be made in existing wiring, nor shall any new wiring be installed or any apparatus which generates, transmits, transforms or utilizes any electricity be installed without first obtaining a permit therefor. Applications for such permit, describing such work, shall be made in writing and shall conform to the requirements set forth in the Uniform Building Code as to extent of information disclosed. No permit shall be required for the use of approved lamps, lights, appliances, tools, or equipment connected to permanently installed wiring by means of a receptacle or fixture. The fee for electrical permits shall be as set forth in Park City Fee Resolutions.

SECTION VII. Amendments. Section 11-9-1 of the MCPC is hereby amended as follows:

11-9-1. UNIFORM FIRE CODE. The "Uniform Fire Code", ~~1994 edition~~ ~~1991 edition~~, as adopted by the International Conference of Building Officials and the Western Fire Chiefs Association and printed as codes in book form is hereby adopted as the Fire Code of Park City with the following amendments:

(A) **Removal of debris** All debris created from a fire shall be removed and the property restored to normal condition within ninety (90) days after the fire or as soon as the property is released by the State Fire Marshal, the Park City Building Official, or insurance adjuster, whichever is later. In the event the debris is not cleared, such debris shall be declared a nuisance and removed by the City at the expense of the property owner.

(B) **Administration and Enforcement.** The Building Official shall be responsible for the administration and enforcement of the Fire Code and shall, among other things, enforce all state statutes and local ordinances and/or regulations pertaining to:

(1) the prevention of fires;

(2) the suppression or extinguishing of dangerous or hazardous fires;

(3) the storage, use and handling of explosives flammable, toxic, corrosive, and other hazardous gaseous, solid and liquid materials;

(4) the installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment;

(5) the maintenance and regulations of fire escapes;

(6) the maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures, and other property including those under construction;

(7) the means and adequacy of each exit in the event of fire, from factories, school, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters, and all other places in which people work, live or congregate from time to time for any purposes; and

(8) the investigation of the cause, origin and circumstances of fire.

(C) **Required Permits.** All applications for permits required by the Fire Code shall be made to the Building Official in such form and detail as he shall prescribe. All applications for permits shall be accompanied by such plans as required by the Building Official and fees paid as per the Fee Resolution.

SECTION VIII. Amendment. Section 11-10-1 of the MCPC is hereby amended as follows:


11-10-1. UNIFORM SIGN CODE. The Uniform Sign Code, ~~1994 edition~~ ~~1991 edition~~,

as adopted by the International Conference of Building Officials and printed as a code in book form is hereby approved and adopted as the Uniform Sign Code of this City.

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

PASSED AND ADOPTED this 18th day of January, 1996.

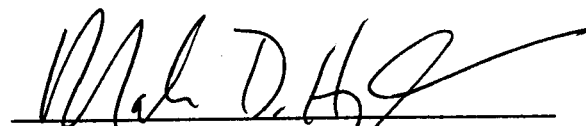
Park City Municipal Corporation


Bradley A. Olsen, Mayor

Attestation by:


Anita Sheldon, City Recorder

Approved as to Form:


Mark D. Harrington, Asst. City Attorney

Ordinance No. 96-24

**AN ORDINANCE APPROVING A CONDOMINIUM PLAT
FOR THE GREYHAWK CONDOMINIUMS AT 675 DEER VALLEY DRIVE
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN,
PARK CITY, UTAH**

WHEREAS, the owners, Greyhawke L.L.C., of the property at 675 Deer Valley Drive, located in the Southwest Quarter of Section 15, Township 2 South, Range 4 East, Park City, Utah and to be known as the Greyhawk 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 June 12, 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 June 20, 1996 the City Council held a public hearing 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;

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 plat.

SECTION 2. PLAT APPROVAL. The condominium plat, known as the Greyhawk Condominium plat, at 675 Deer Valley Drive, is hereby approved as shown on Exhibit A, with the following conditions:

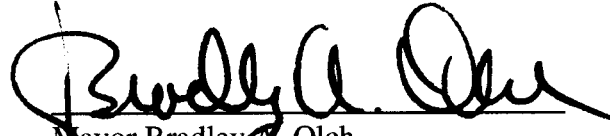
1. The City Attorney and City Engineer's review and approval of the final form and content of the plat and the Conditions, Covenants, and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the plat.

2. All conditions of approval, including amended conditions of approval, for the Songbird CUP 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.
6. A 10' snow storage and utility easement along Deer Valley Drive shall be dedicated on the plat.


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

PASSED AND ADOPTED this 20 th day of June, 1996.

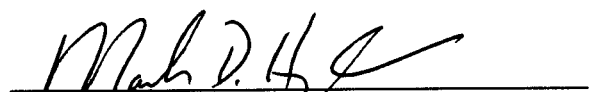
PARK CITY MUNICIPAL CORPORATION


Mayor Bradley A. Olch

Attest:


Janet M. Scott, Deputy City Recorder

Approved as to form:


Mark D. Harrington, Assistant City Attorney

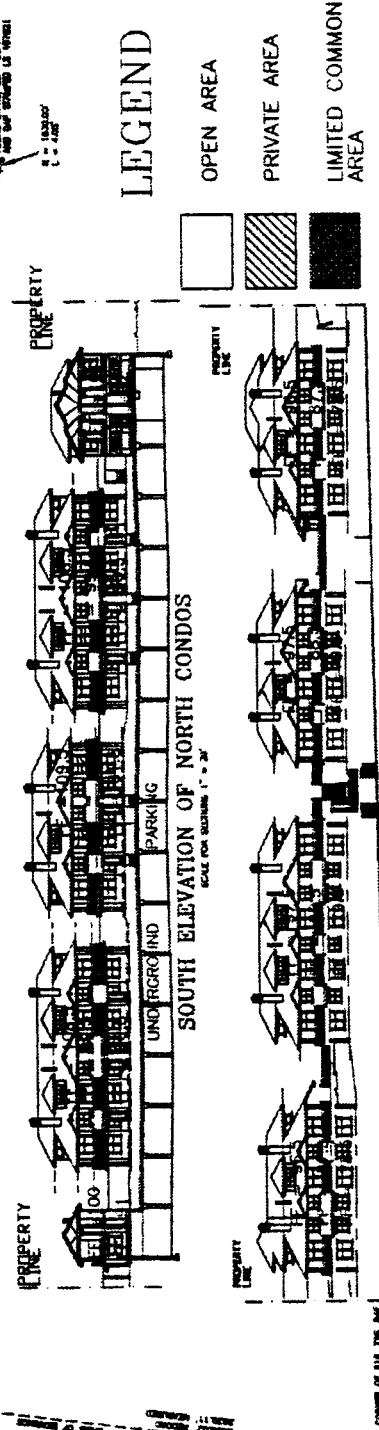
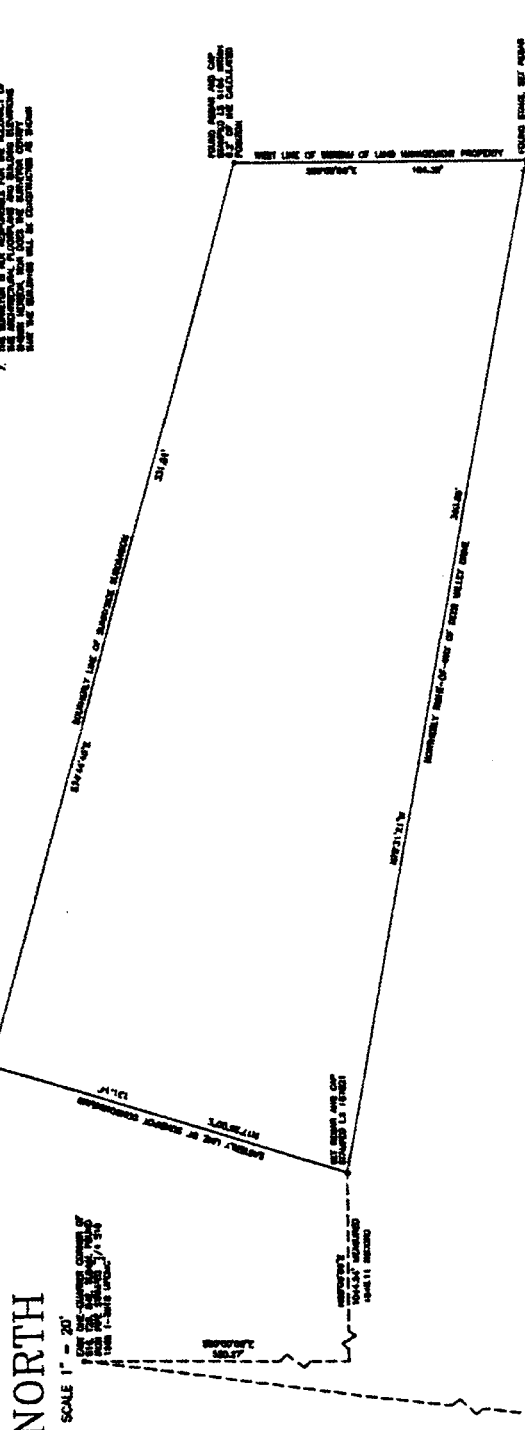
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PARK CITY
PLANNING DEPT

GREY HAWK CONDOMINIUMS

- NOTES**
1. THE PLANS OF THIS PROJECT ARE SUBJECT TO THE APPROVAL OF THE PLANNING COMMISSION AND THE CITY ENGINEER.
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LEGEND

- OPEN AREA
- PRIVATE AREA
- LIMITED COMMON AREA

SURVEYORS CERTIFICATE

BOUNDARY DESCRIPTION

OWNERS DEDICATION

PLANNING COMMISSION APPROVAL

CERTIFICATE OF ATTEST

ENGINEERS CERTIFICATE

APPROVAL AS TO FORM

RECORDED

GREY HAWK CONDOMINIUMS

PARK CITY, SUMMIT COUNTY, STATE OF UTAH

SHEET 1 OF 3

Ordinance No. 96-23

AN ORDINANCE AMENDING THE GENERAL COMMERCIAL DISTRICT ZONING REGULATIONS OF THE LAND MANAGEMENT CODE OF PARK CITY AND AMENDING THE OFFICIAL ZONING MAP OF PARK CITY, UTAH TO ESTABLISH THE PROSPECTOR SQUARE OVERLAY ZONE WHICH ESTABLISHES FLOOR AREA RATIO BUILDING STANDARDS.

WHEREAS, the City desires to mitigate the mass and scale of new development in the Prospector Square Subdivision and;

WHEREAS, meetings on the rezone have been held with the Prospector Square property Owner's Association and before the Planning Commission on this amendment within the General Commercial District and;

WHEREAS, the Council has expressed a desire to balance the commercial needs of the city with adequate parking facilities and to maintain a scale of retail businesses within the Prospector General Commercial District;

WHEREAS, the Prospector Square Owners Association supports the implementation of Floor Area ratio standards for properties under their authority; and

WHEREAS, it is in the best interest of Park City and for the protection of health, safety and the general welfare of its citizens to mitigate traffic congestion and to provide adequate parking facilities in near proximity to commercial developments and to ensure reasonable economic viability of the City's General Commercial District in the Prospector area;

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

SECTION 1. FINDINGS: The Council finds that:

1. The lots under the authority of the Prospector Property Owners association in the General Commercial District are presently zoned in a manner that allows development at a scale and intensity that does not comply with Land Management Code Parking Standards, Chapter 13, and does not provide for adequate on site parking and the creation of three floors is not presently reflected in the current development pattern and its environs;
2. The City has provided notice of this specific proposal to amend the General Commercial District by published notices, public meetings and individual notice. This proposed amendment is intended to establish a limit on development within a specific area of the zone, Prospector Square Property Owners Lots 2A - 49D

(except 40,41,42,43,45, and 46) and Parking Lots A - K, that allows for development along with adequate parking provisions;

3. There is a compelling, countervailing public interest in preserving and providing adequate parking within the General Commercial District.
4. The health, safety, and welfare of the general public is contingent upon parking lots A-K remaining open for parking in perpetuity.

Conclusions Of Law:

1. The proposed ordinance is consistent with the Comprehensive Plan.
2. The purpose of the parking overlay zone is in keeping with the provisions for parking that are enforced on all development projects within the City.
3. There is good cause for the parking overlay zone as it mitigates parking congestion and provides for reasonable development in conjunction with parking.

SECTION 2. AMENDMENTS TO CHAPTER 7 OF THE LAND MANAGEMENT CODE. Chapter 7 is hereby amended to read as follows:

CHAPTER 7. DISTRICTS AND REGULATIONS

7.9. GENERAL COMMERCIAL DISTRICT (GC)

7.9.1. **PURPOSE.** To allow those trades and service uses that may not necessarily be compatible in scale or use with the historic central business district to locate in an area that is convenient to major traffic access, the resort area, and emerging population centers. All uses are required to orient away from major traffic thoroughfares in order to avoid strip commercial development and traffic congestion. Environmentally compatible light manufacturing and light industrial uses are allowed.

7.9.2. **USES.** Uses within the zone are limited to those uses shown on the land use tables as either permitted or conditional uses for the zone. All other uses are prohibited.

7.9.3. LOT AND SITE REGULATIONS.

- (a) **Side Yard.** There shall be a minimum of a ten foot side yard and on corner lots the side yard which faces a street shall not be less than 20 feet.
- (b) **Front Yard.** The minimum front yard shall be 20 feet.

(c) Rear Yard. There shall be a ten foot rear yard.

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

7.9.5. USES TO BE WITHIN ENCLOSED BUILDING. All uses except outdoor dining shall be conducted wholly within a completely enclosed building except that the Planning Commission may permit outdoor uses which it determines are in the best interest of the General Commercial (GC) District.

7.9.6. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for neighborhood compatibility in keeping with the architectural design guidelines adopted as Chapter 9 of this Code. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences in this zone are not subject to design review by the City, but may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants.

7.9.7. PROSPECTOR OVERLAY ESTABLISHING A MAXIMUM FLOOR AREA FOR DEVELOPMENT.

A) Affected Lots: Lot 2A through Lot 49D (except 40,41,42,43,45, and 46) and Parking Lots A - K under the authority of the Prospector Square Property Owners Association.

B) Maximum Floor Area Ratio (FAR): The FAR in this area, as defined above, shall not exceed 2.0. The FAR is calculated by determining the gross building square footage divided by the total surface square footage of the building lot. All uses, except structures solely devoted to parking, are subject to the floor area ratio. Parking Lots A-K shall have no use other than parking and related uses such as snowplowing, striping, repaving and landscape buffering.

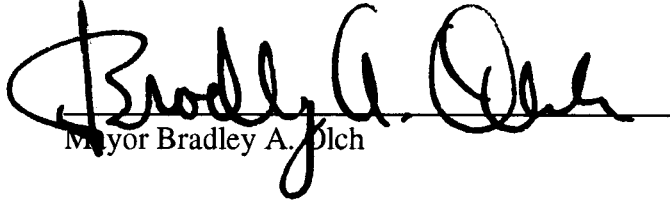
C) Reduced Site Requirements: In the Prospector Square Commercial Subdivision, Lots 2 to 38 in the General Commercial zone, front, side and rear yards may be reduced to zero feet except for commercial lots which front on state highways. This section is not intended to conflict with Subsection 8.9 nor shall it be interpreted as taking precedence over the requirements of Subsection 8.9.

SECTION 3. ZONING MAP AMENDED The Official Zoning Map of Park City is hereby amended to reflect the zoning change described herein.

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

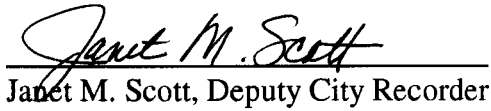
PASSED AND ADOPTED this 20th day of June, 1996

PARK CITY MUNICIPAL CORPORATION



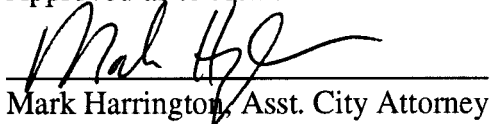
Mayor Bradley A. Olch

Attest:

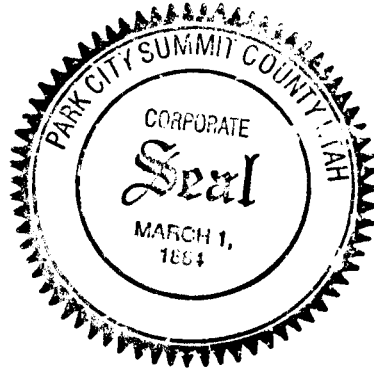


Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark Harrington, Asst. City Attorney



Ordinance No. 96-22

**AN ORDINANCE APPROVING THE AMENDMENT TO THE PARK CITY SURVEY
FOR LOTS 17 AND 18, BLOCK 13 TO BE KNOWN AS THE LOT 17A, BLOCK 13
AMENDED PLAT AT 124 PARK AVENUE
PARK CITY, UTAH**

WHEREAS, the owner of the property indicated above, LBJ Holdings, petitioned the City Council for approval of the amendment to the Park City Survey Plat; and

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

WHEREAS, on June 20, 1996 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 amended plat;

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 amendment and that neither the public nor any person will be materially injured by the proposed plat amendment.

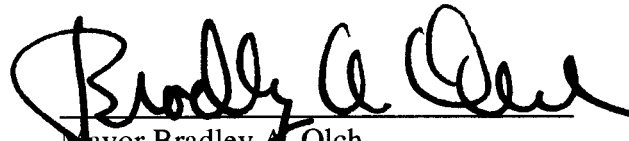
SECTION 2. PLAT APPROVAL The amendment to the Park City Survey Plat, 124 Park Avenue is approved as shown on Attachment A with the following conditions:

1. The City Attorney's and City Engineer's approval of the final plat for compliance with State law, the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. All Standard Project Conditions shall apply.
3. This approval shall expire one year from the date of City Council approval, unless the subdivision is recorded prior to that date.

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

PASSED AND ADOPTED this 20th day of June, 1996

PARK CITY MUNICIPAL CORPORATION



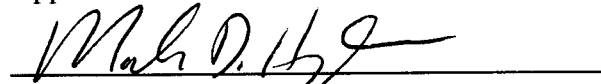
Mayor Bradley A. Olch

Attest:

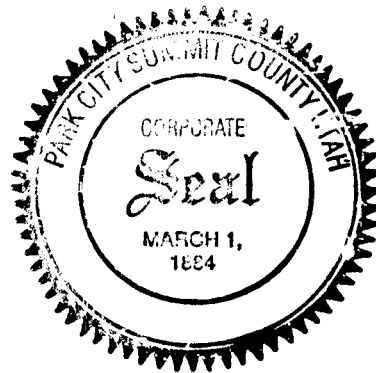


Janet M. Scott, Deputy City Recorder

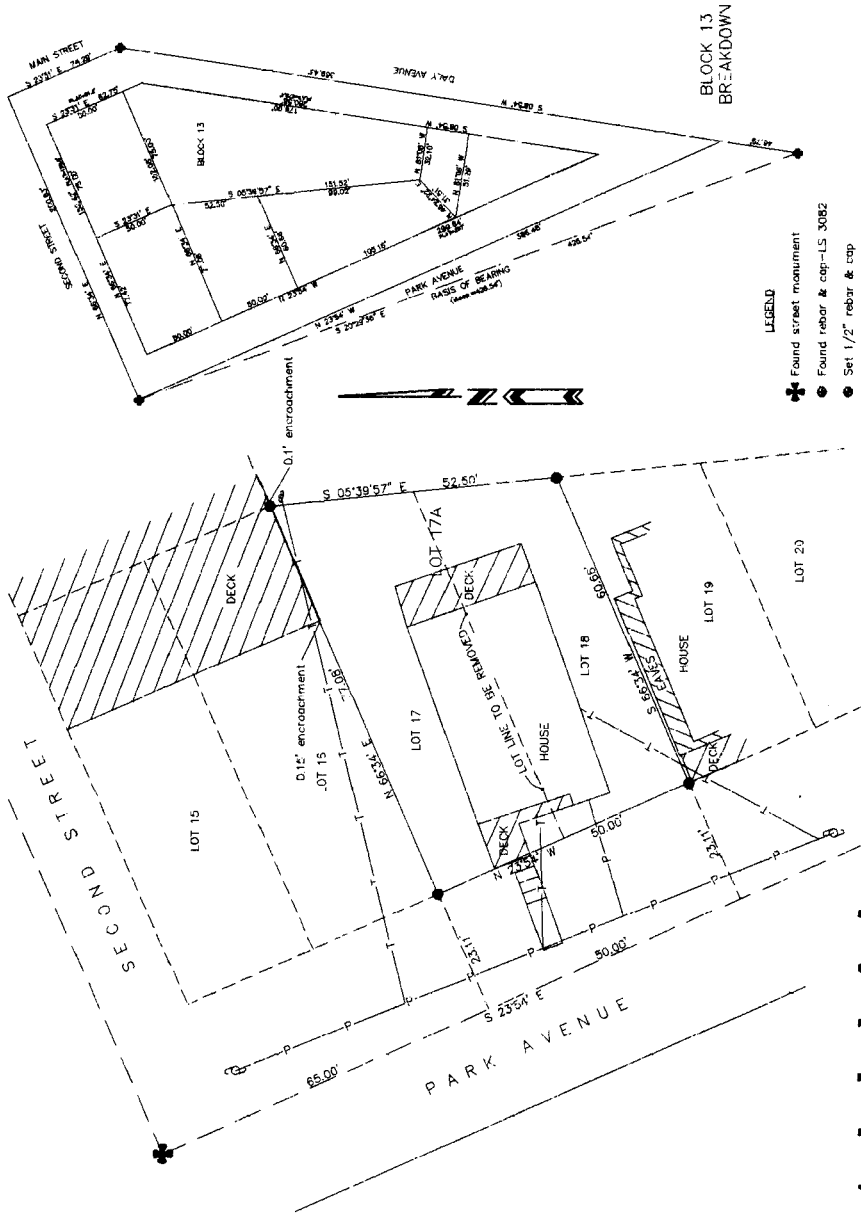
Approved as to form:



Mark D. Harrington, Assistant City Attorney



LOT 17A, BLOCK 13, AMENDED PLAT
 AMENDING LOTS 17 & 18, BLOCK 13,
 PARK CITY SURVEY



NARRATIVE

1. Survey requested by L.B.J. Holdings
2. Purpose of survey: Subdividing addition.
3. Date of survey: 4/12/96.
4. Date of survey: 4/12/96.
5. Property corners set or found as shown.
6. Located in Section 16, T2S, R4E, S1B & M.
7. Block 13 breakdown as per survey file numbers S-2, S-412, and S-413.
8. By Alliance Eng. Inc., on record at the Summit County Records Office.
9. The eastern line of the survey is the eastern line of the eastern lots due to the dubious nature of the R.C.M. official on Park Avenue from the Park City Monument Central Map, Amended Sheet # 3.

LEGAL DESCRIPTION

All of Lots 17 and 18, Block 13, Park City Survey, more particularly described as follows:
 Beginning at a point on the eastern line of Park Avenue Right of Way, sold south by S 23°54' E, along said Park Avenue centerline 65.00 feet and N 66°34' E, 23.11 feet; from a Park City Monument at the intersection of said Park Avenue and Second Street; thence N 66°34' E, 77.08 feet; thence S 05°39'57" E, 52.50 feet; thence S 66°34' W, 60.66 feet to said easterly Right of Way line of Park Avenue; thence N 22°54' W along said easterly Right of Way line, 50.00 feet to the Point of Beginning; being 1.3443 ac. ±.

OWNER'S DEDICATION

Know all men by these presents that _____ the _____ undersigned owner(s) of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as

LOT 17A, BLOCK 13, AMENDED PLAT PARK CITY SURVEY

do hereby dedicate for perpetual use of the public all parcels of land shown on the attached plat and for public use _____ this _____ day of _____ 19____ in witness whereof _____ have hereunto set _____

ACKNOWLEDGEMENT

STATE OF UTAH _____ S.S.
 County of _____
 On the _____ day of _____ 19____ personally appeared before me, the undersigned Notary Public, in and for said County of _____ in said State of Utah, the signor(s) of the above Owner's Dedication, _____ signed number, who duly acknowledged to me that _____ signed it freely and voluntarily and for the uses and purposes therein mentioned. My commission expires: _____ NOTARY PUBLIC _____ COUNTY, _____ RESIDING IN _____

SURVEYOR'S CERTIFICATE

I, Robert Hujie, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License Number 162058, do hereby certify that I have supervised a survey of the hereon described property and that this is a true and correct representation of said survey.

Date _____ Robert Hujie RLS#162058

SURVEY INK 42 EAST 100 SOUTH HYRUM, UTAH 84319 (801) 245-7717	SEWER DISTRICT APPROVAL RECEIVED FOR CONFORMANCE TO SUBDIVISION DESIGN STANDARDS THIS _____ DAY OF _____ 19____	CITY COUNCIL APPROVAL PRESENTED TO THE BOARD OF THE PARK CITY CITY ENGINEER HAS REVIEWED THIS MAP AND APPROVATION AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.	CITY ENGINEER I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS MAP AND APPROVATION IN ACCORDANCE WITH THE PROVISIONS OF THE UTAH PLAT ACT.	APPROVAL AS TO FORM APPROVED THIS _____ DAY OF _____ 19____	CITY PLANNING COMMISSION PRESENTED TO THE BOARD OF THE PARK CITY PLANNING COMMISSION AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, RECORD AND FILED AT THE RECORDS OFFICE DATE: _____ TIME: _____
	SESS.D.	MAYOR	DATE	CITY ENGINEER	CHIEF	RECORDED

JUN 12 1996
 PARK CITY
 PLANNING DEPT.

Attachment A

Ordinance No. 96-21

AN ORDINANCE APPROVING THE AMENDMENT TO THE PARK CITY SURVEY FOR LOT 10 AND A PORTION OF LOT 11, BLOCK 19 TO BE KNOWN AS THE BLUEJAY PARCEL LOCATED AT 45 HILLSIDE AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property indicated above, Gail Marie Roesinger, petitioned the City Council for approval of the amendment to the Park City Survey Plat; and

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

WHEREAS, on June 20, 1996 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 amended plat;

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 amendment and that neither the public nor any person will be materially injured by the proposed plat amendment.

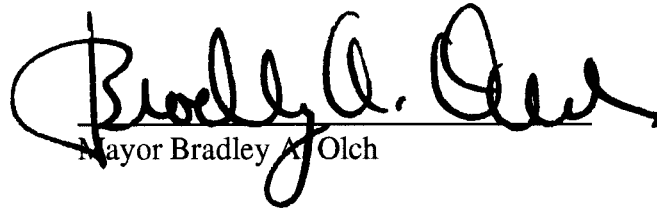
SECTION 2. PLAT APPROVAL The amendment to the Park City Survey Plat, 45 Hillside Avenue is approved as shown on Attachment A with the following conditions:

1. The City Attorney's and City Engineer's approval of the final plat for compliance with State law, the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. All Standard Project Conditions shall apply.
3. This approval shall expire one year from the date of City Council approval, unless the subdivision is recorded prior to that date.

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

PASSED AND ADOPTED this 20th day of June, 1996

PARK CITY MUNICIPAL CORPORATION



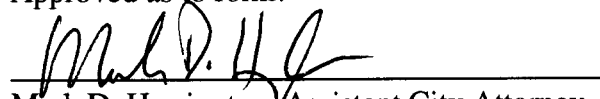
Mayor Bradley A. Olch

Attest:



Janet M. Scott, Deputy City Recorder

Approved as to form:



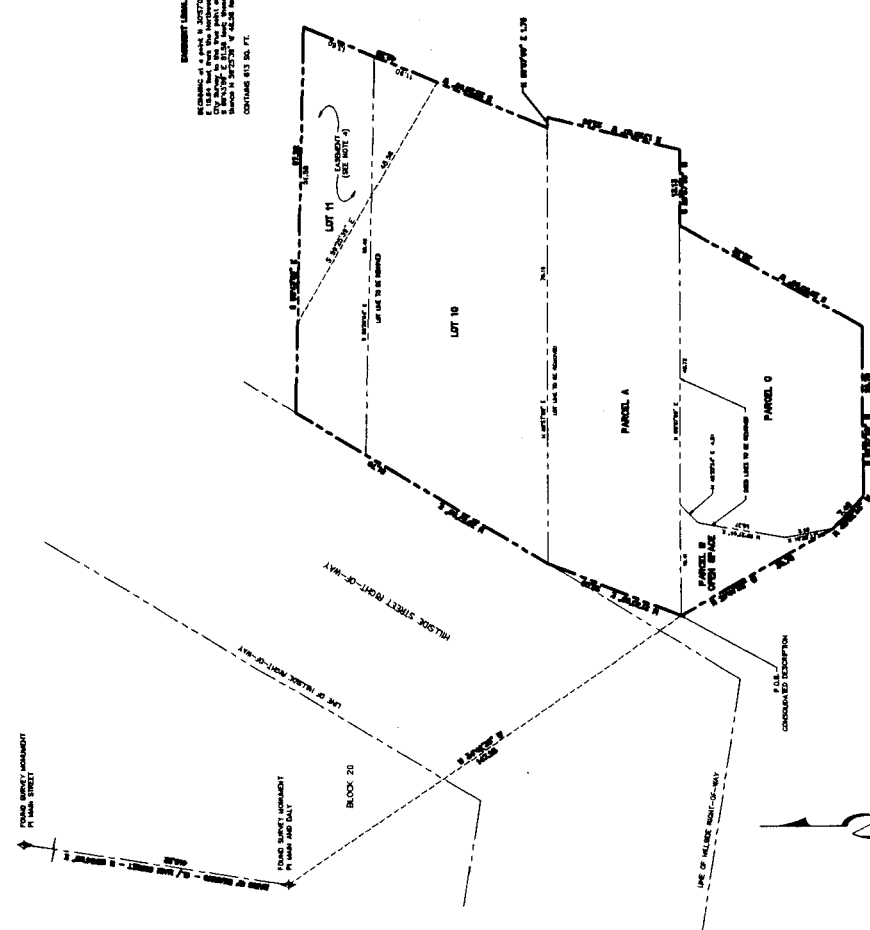
Mark D. Harrington, Assistant City Attorney



RECEIVED

MAY 21 1986

PARK CITY PLANNING DEPT.



ENGINEERS CERTIFICATE
 I, the undersigned, being duly licensed as a Professional Engineer under the laws of the State of Utah, and being duly sworn, do hereby certify that the above described plat was prepared under my supervision and to the requirements of the Utah Engineering Board.

DATE _____

BY _____

STATE OF UTAH
 COUNTY OF SUMMIT

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

APPROVAL AS TO FORM
 I, _____, Park City Attorney, do hereby certify that this plat was approved as to form by the Park City Council on this _____ day of _____, 1986 A.D.

APPROVAL AND ACCEPTANCE
 I, _____, Mayor, do hereby certify that this plat was approved and accepted by the Park City Council on this _____ day of _____, 1986 A.D.

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

THE BLUEJAY PARCEL

LOT LINE ADJUSTMENT

Attachment A

ALLIANCE ENGINEERING INC.
 P.O. BOX 2644
 323 MAIN STREET
 PARK CITY, UTAH 84090
 (801) 639-8497

BY _____ PARK CITY ENGINEER

BY _____ PARK CITY ATTORNEY

BY _____ PARK CITY RECORDER

BY _____ MAYOR

RECORDED

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

JOB NO. 08-12-85 FILE: SKYRA/MSA/081285

PROOF OF PUBLICATION

STATE OF UTAH,
County of Summit

I, Beverly Robison, *Beverly Robison*
being first duly sworn, depose and say that I am the office secretary of
The Park Record, a weekly newspaper of general circulation, in Park City,
Utah. The notice attached hereto and which is a (an):

Ordinance No. 96-21

was published in said newspaper for 1 consecutive issue (s), the
first publication having been made on the 26 day of
June, 1996, and the last on the 26 day of
June, 1996, that said notice was published in the regular
and entire issue of every number of the paper during the period and times
of publication and the same was published in the newspaper proper and not
in any supplement.

Subscribed and sworn to before me this 27 day of
June, 1996.

ORDINANCE NO.
96-21
45 HILLSIDE
AVENUE

Public notice is here-
by given that at its
regularly scheduled
meeting of June 20,
1996, the City
Council adopted an

Kimberly Dudley
Kimberly Dudley
Notary Public
My commission expires: June 12, 1998

**AN ORDINANCE APPROVING AN AMENDMENT TO THE SUCHER SUBDIVISION
TO BE KNOWN AS THE PEARL WEST SUBDIVISION,
LOCATED AT 595-601 DEER VALLEY LOOP, PARK CITY, UTAH**

WHEREAS, the owner of the property known as the Sucher Subdivision 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; and

WHEREAS, the City Council held a public hearing on June 6, 1996 to receive public input on the proposed amendment;

WHEREAS, Staff has evaluated the neighborhood and finds that a mix of building types, including single-family, duplex, and multiple-family, exists in the immediate vicinity of the property. Two duplexes and two single-family residences on 0.42 acres are compatible with the context of the immediate area, therefore, the impacts to the neighborhood are not significant.

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 Park City, Utah as follows:

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby concludes 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 Sucher Subdivision, to be known as the Pearl West Subdivision, is approved as shown on the attached Exhibit A with the following conditions:

1. The City Engineer and City Attorney's approval of the form and substance of the amended plat is a condition precedent prior to recording the plat.

Ordinance No. 96-19

**AN ORDINANCE APPROVING AN AMENDMENT TO THE PARK CITY SURVEY,
LOTS 15 AND 16, BLOCK 22 AND LOT 16, BLOCK 69,
TO BE KNOWN AS THE 368 MAIN STREET RESUBDIVISION,
LOCATED AT 368 MAIN STREET, PARK CITY, UTAH**

WHEREAS, the owner of the property known as Lots 15 and 16, Block 22 and Lot 16, 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; and

WHEREAS, the City Council held a public hearing on June 6, 1996 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 Park City, Utah as follows:

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby concludes 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 Lot 16, Block 69, Park City Survey is approved as shown on the attached Exhibit B with the following condition:

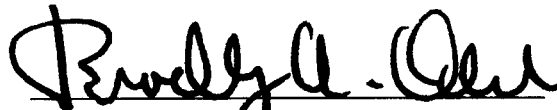
1. The City Attorney and City Engineer's review and approval of the final form and content of the amended plat is a condition precedent to recording the plat.
2. Execution and Recordation of the plat is a condition precedent to the issuance of a building permit for the addition.
3. A note shall be added 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. A sidewalk easement between the Main Street building frontage and the Main Street right-of-way shall be dedicated on the plat.

5. Execution and recordation of an encroachment agreement for a balcony encroachment on the Main Street facade of the proposed building addition is a condition precedent to recording the plat.
6. All Standard Project Conditions shall apply.
7. Approval of the plat amendment shall be null and void if the plat is not recorded by June 6, 1997.

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

PASSED AND ADOPTED this 6th day of June, 1996.

PARK CITY MUNICIPAL CORPORATION



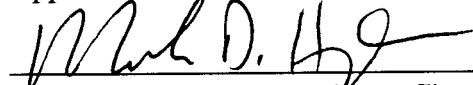
Mayor Bradley A. Olch

Attest:

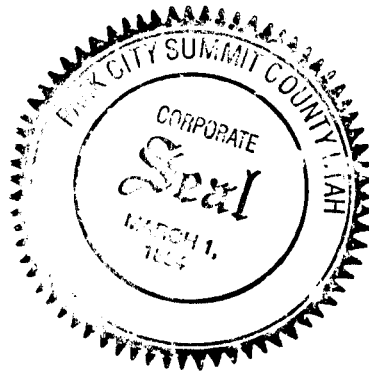


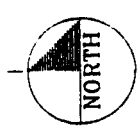
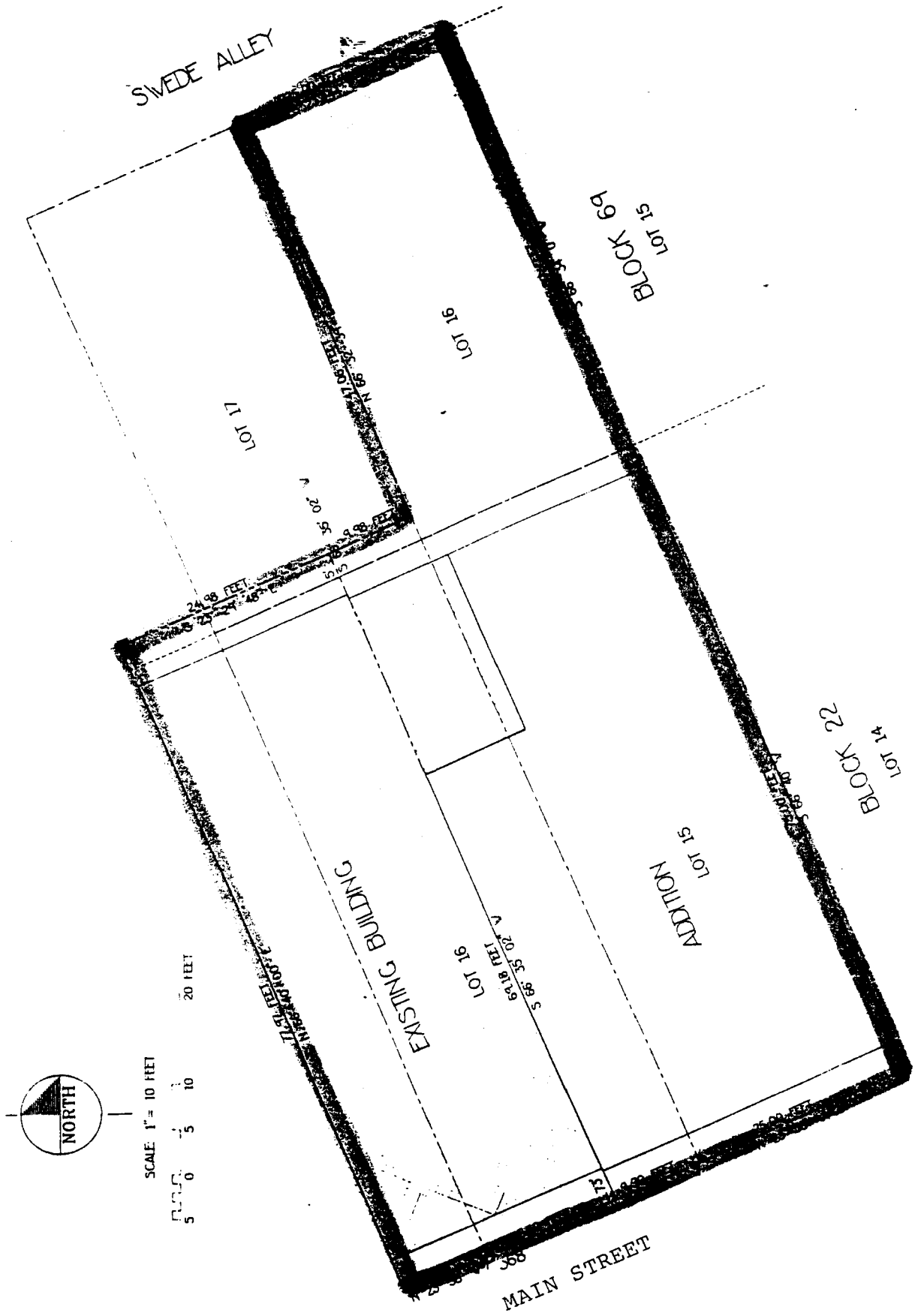
Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Assistant City Attorney





SCALE 1" = 10 FEET
 0 5 10 20 FEET

EXHIBIT A: Existing Plat

LEGAL

COMBINING
 PARCEL 1:
 BEGINNING AT
 10.00 FEET
 SURVEY; AN
 EAST 77.97
 24.98 FEET;
 TO THE SOU
 FACE OF SA
 69.18 FEET
 66 DEGREE
 RIGHT OF W
 OF WAY LIN
 TO THE PON
 PARCEL 2:
 BEGINNING A
 SAID POINT
 FROM THE N
 RUNNING THE
 ALONG THE
 35 MINUTE
 AND SAID B
 24 MINUTE
 48 SECON
 THENCE SOU
 EASTERLY L
 45 SECON
 THENCE SOU
 EXISTING BUI
 BEGINNING
 LESS AND E
 A PARCEL C
 PARK CITY
 BEGINNING AT
 AND RUNNING
 MINUTE 30
 SOUTH 23 DE
 SOUTH LINE
 THENCE SOU
 THE OUTSIDE
 DEGREES 35
 OF LOT 13 A
 FEET TO THE
 ALSO LESS A
 LOT 15, BLOC

SURVE

AND THAT
 OF UTAH
 SURVEY OF
 HAS BEEN
 DATE

THE AREA OF THE PLAT COMPRISING THE PREVIOUSLY
 PLATTED LOT LEGALLY DESCRIBED AS LOT 16, BLOCK 69, PARK CITY
 SURVEY IS SUBJECT TO A RESTRICTIVE COVENANT DATED FEB. 28, 1986
 RECORDED BY THE SUMMIT COUNTY RECORDER BK 375, PG. 384

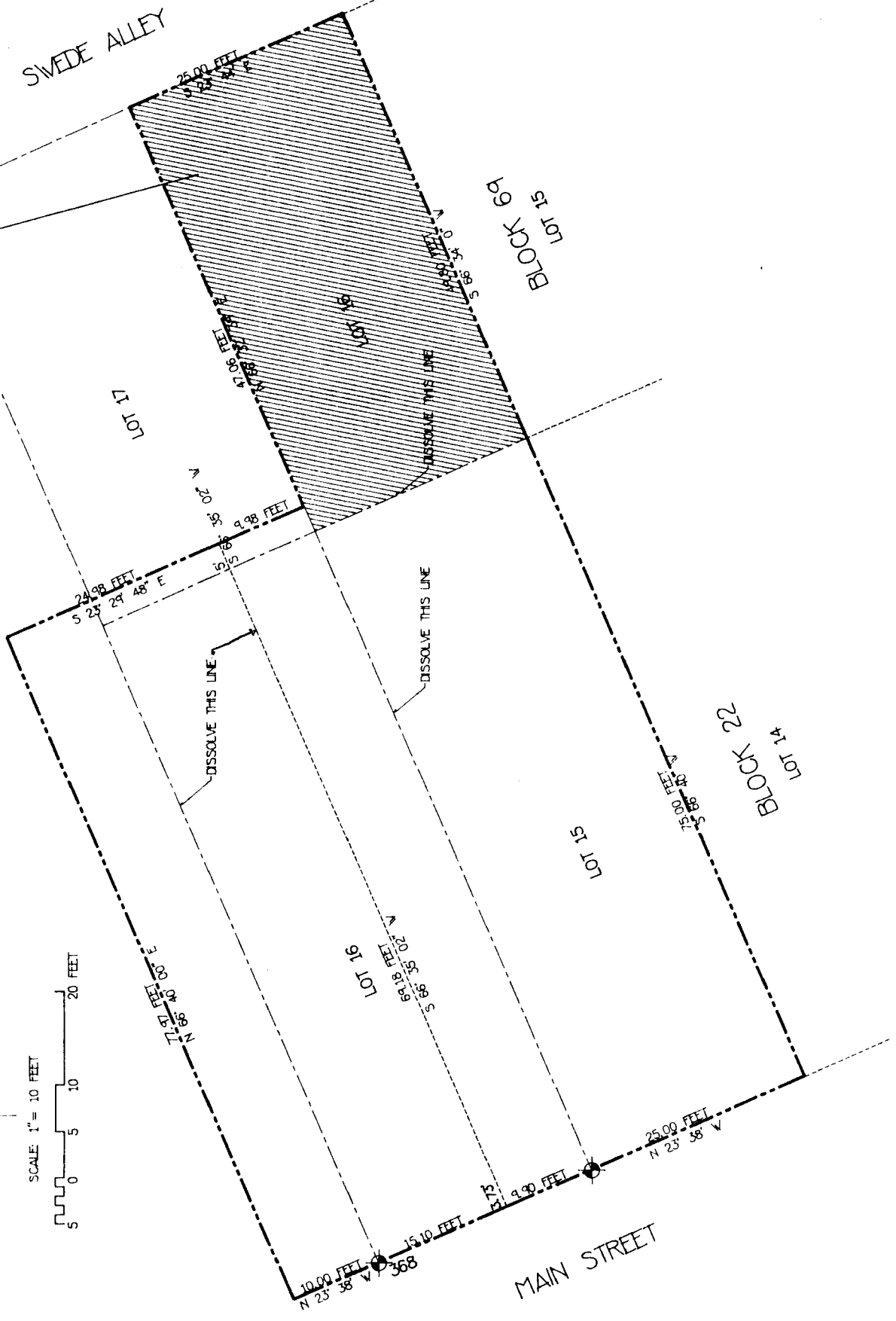
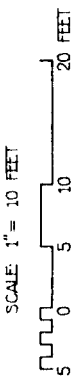
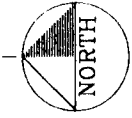


EXHIBIT B: PROPOSED PLAT

Ordinance No. 96-18

**AN ORDINANCE APPROVING THE AMENDED PLAT
FOR THE LA MACONNERIE PLANNED UNIT DEVELOPMENT
LOCATED AT 3130 ROYAL STREET EAST IN SECTIONS 15 AND 22,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN
PARK CITY, UTAH**

WHEREAS, the owners of property at 3130 Royal Street East, known as the La Maconnerie PUD, have petitioned City Council for approval of an amendment to the PUD plat to convert approximately 290 square feet of common area to private ownership for unit 11; and

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

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

WHEREAS, the proposal is consistent with the Land Management Code and is in substantial conformance with the La Maconnerie PUD approval; and

WHEREAS, on May 8, 1996 the Planning Commission held a public hearing to receive public input on the amendment to the PUD plat; and

WHEREAS, on May 8, 1996 the Planning Commission forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on June 6, 1996 the City Council held a public hearing to receive input on the proposed amended PUD plat; 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. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned amendment to the PUD plat and that neither the public nor any person will be materially injured by the proposed amendment.

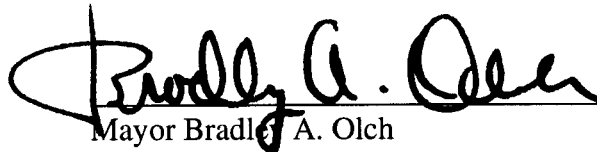
SECTION 2. PLAT APPROVAL. The amended Record of Survey for the Planned Unit Development project, known as La Maconnerie PUD, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer's approval of the amended PUD plat, for compliance with State law, the Land Management Code, and these conditions of approval is a condition precedent to plat recordation.
2. All Standard Project Conditions shall apply.
3. The amended 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, the plat amendment shall be considered null and void.

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

PASSED AND ADOPTED this 6th day of June, 1996.

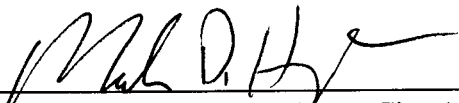
PARK CITY MUNICIPAL CORPORATION

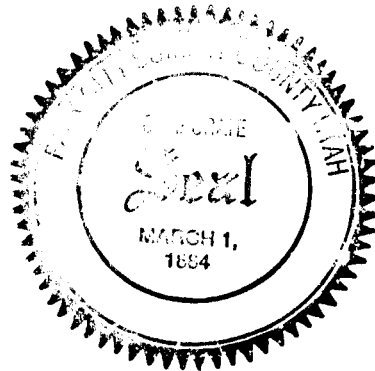

Mayor Bradley A. Olch

Attest:


Janet M. Scott, Deputy City Recorder

Approved as to form:


Mark D. Harrington, Assistant City Attorney



Ordinance No. 96-17

**AN ORDINANCE APPROVING AN AMENDMENT TO THE
MILLSITE RESERVATION FOR
A PORTION OF LOT 24 AND LOTS 25, 26, AND 27, BLOCK 77
TO BE KNOWN AS THE GATCH RESUBDIVISION
LOCATED AT 131 SAMPSON AVENUE
PARK CITY, UTAH**

WHEREAS, owners of the property at 131 Sampson Avenue, being a portion of Lot 24 and Lots 25, 26, and 27, Block 77 of the Millsite Reservation, and known as the Gatch Resubdivision, have petitioned the City Council for approval of an amendment to the Millsite Reservation plat in Park City, Utah; and

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

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

WHEREAS, on May 8, 1996 the Planning Commission held a public hearing to receive public input on the proposed plat amendment; and

WHEREAS, on May 8, 1996 the Planning Commission forwarded a positive recommendation of approval to the City Council with conditions; and

WHEREAS, on June 6, 1996 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 amended plat;

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 plat amendment and that neither the public nor any person will be materially injured by the proposed plats.

SECTION 2. PLAT APPROVAL. The amendment to the Millsite Reservation plat for a portion of Lot 24 and Lots 25, 26, and 27, Block 77, is approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer's approval of the final plat, for compliance with State

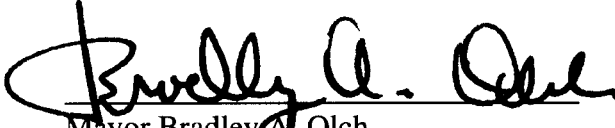
law, the Land Management Code, and conditions of approval is a condition precedent to plat recordation.

2. Prior to plat recordation, a note shall be added to the plat stating that all conditions of the April 2, 1996 Board of Adjustment variance approval apply.
3. Prior to plat recordation, a note shall be added to the plat stating that any construction in the City ROW, including the driveway access off of Sampson which crosses Utah Street ROW, shall require an encroachment permit from the City Engineer. Existing trees in the City ROW shall not be removed without the prior written consent of the City.
4. Prior to plat recordation, a note shall be added to the plat stating that a residential fire sprinkler system, approved by the Park City Chief Building official and Fire Marshall, is required to be installed in any dwelling constructed on this property.
5. All Standard Project Conditions shall apply.
6. This approval shall expire one year from the date of City Council approval, unless the subdivision plat is recorded prior to that date.

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

PASSED AND ADOPTED this 6th day of June, 1996.

PARK CITY MUNICIPAL CORPORATION



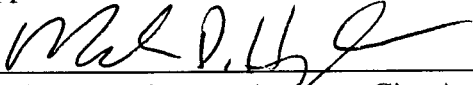
Mayor Bradley A. Olch

Attest:

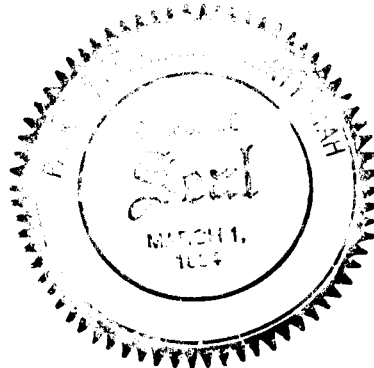


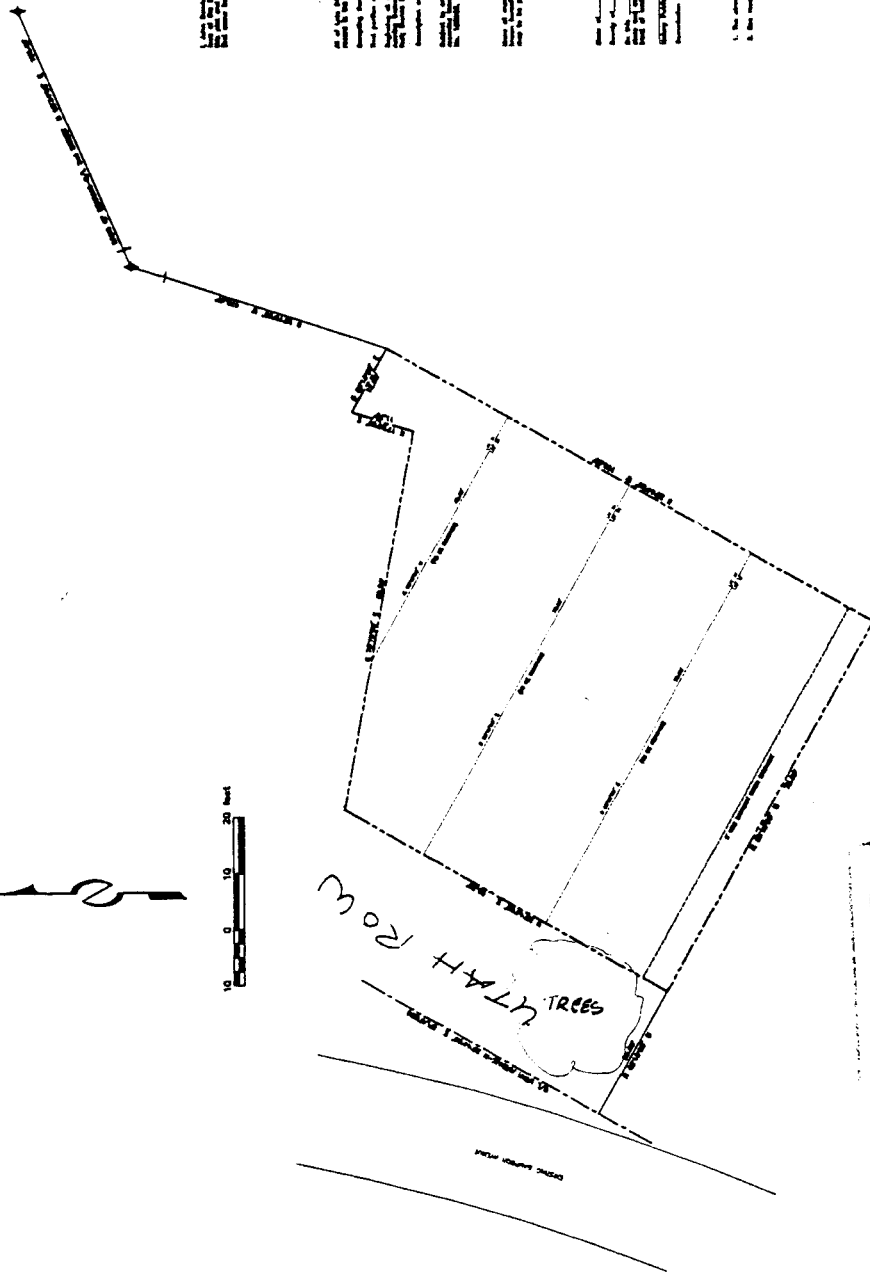
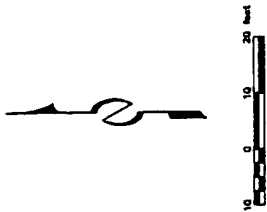
Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Assistant City Attorney





SECTION 1
 The first section of the property is ...
SECTION 2
 The second section of the property is ...
SECTION 3
 The third section of the property is ...
SECTION 4
 The fourth section of the property is ...
SECTION 5
 The fifth section of the property is ...

THE GATCH PARCEL

A LOT LINE RE-PLATTING
 LOCATED IN SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
 SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

RECEIVED
 MAR 27 1996
 PARK CITY
 PLANNING DEPT

<p>ALLIANCE ENGINEERING INC. P.O. BOX 3584 523 MAIN STREET PARK CITY, UTAH 84060 (801) 845-1447</p>	<p>ENGINEERS CERTIFICATE ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF ... 1995 A.D. BY PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS DAY OF ... 1995 A.D. BY PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST I HEREBY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ... DAY OF ... 1995 A.D. BY PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE OF THE PARK CITY COUNCIL THIS ... DAY OF ... 1995 A.D. BY MAYOR 91</p>	<p>RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REGISTER OF DEEDS OFFICE DATE ... TIME ... BOOK ... PAGE ... (SEE RECORD)</p>
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JOB NO. 8-17-95 FILE NO. 845-1447

Ordinance No. 96-16

AN ORDINANCE APPROVING AN AMENDMENT TO THE MILLSITE RESERVATION, LOTS 7 AND 8, BLOCK 74, AND THE EASTERLY ONE-HALF OF VACATED ANCHOR AVENUE WEST OF LOTS 7 AND 8, TO BE KNOWN AS THE 62 DALY AVENUE REPLAT, LOCATED AT 62 DALY AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property known as Lots 7 and 8, Block 74, Millsite Reservation and the easterly one-half of vacated Anchor Avenue west of Lots 7 and 8, 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; and

WHEREAS, the City Council held a public hearing on June 6, 1996 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 Park City, Utah as follows:

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby concludes 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 7 and 8, Block 74, Millsite Reservation and the easterly one-half of vacated Anchor Avenue west of Lots 7 and 8 is approved as shown on the attached Exhibit A with the following conditions:

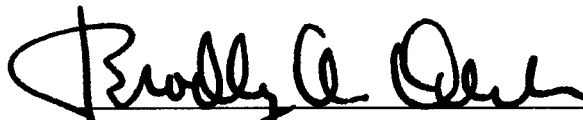
1. The City Attorney and City Engineer's review and approval of the final form and content of the amended plat is a condition precedent to recording the plat.
2. Execution and Recordation of the plat is a condition precedent to the issuance of a building permit for the addition.
3. A minimum 4 foot wide reciprocal staircase easement for the proposed common staircase shall be added to the plat.

4. A 10 foot wide public snow storage easement along the property's Daly Avenue frontage shall be dedicated on the plat
5. All Standard Project Conditions shall apply.
6. Approval of the plat amendment shall be null and void if the plat is not recorded by June 6, 1997.
7. A common-wall maintenance covenant in a form approved by the Chief Building official and City Attorney shall be recorded simultaneously with the plat

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


PASSED AND ADOPTED this 6th day of June, 1996.

PARK CITY MUNICIPAL CORPORATION



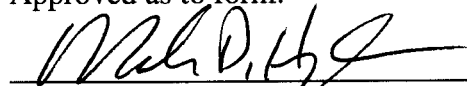
Mayor Bradley A. Olch

Attest:

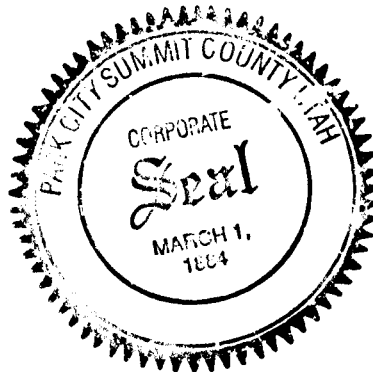


Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Assistant City Attorney



Ordinance No. 96-15

**AN ORDINANCE APPROVING A CONDOMINIUM PLAT
FOR PHASES 3 AND 3A OF THE SUMMIT WATCH AT PARK CITY,
AN EXPANDABLE UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, PARK CITY, UTAH**

WHEREAS, the owners of the property indicated above, Summit Watch of Park City, petitioned the Planning Commission for approval of a condominium plat for a phase of a Master Planned Development known as Summit Watch, or the Town Lift Project, consisting of buildings A5 and A6 of the Summit Watch Project located at 890 and 900 Main Street , Park City, Utah; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing on April 24, 1996; and

WHEREAS, on April 24, 1996, the Planning Commission forwarded a positive recommendation for approval to the City Council; and

WHEREAS, the plat is consistent with the revised Large Scale Master Plan approved by the Planning Commission on November 30, 1994 and the Conditional Use Approval for this phase of the project granted on February 14, 1996; and

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

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 plat is a third supplemental record of survey for the Summit Watch Project which condominiumizes Buildings A5 and A6.
2. The plat is consistent with the Planning Commission Conditional Use Approval dated February 14, 1996.
3. The project contains some plaza area of common ownership which has not been approved for outdoor uses.

SECTION 2. CONCLUSIONS OF LAW

1. The plat is consistent with the Park City Land Management Code and the Utah Code.
2. The approval of the plat does not adversely affect the health, safety and welfare of the citizens of Park City.

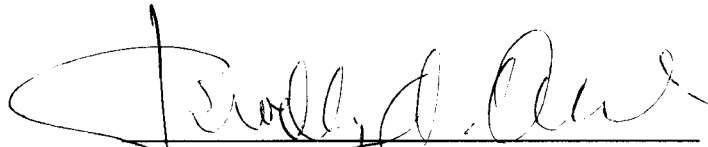
SECTION 3. CONDITIONS OF APPROVAL. The Third Supplemental Record of Survey for Phases 3 and 3a of Summit Watch at Park City, attached as exhibit A, is hereby approved subject to the following conditions:

1. The City Engineer and City Attorney shall review and approve the plat and Conditions, Covenants and Restrictions prior to recordation for compliance with the Land Management Code, the Utah Condominium Ownership Act and conditions of approval.
2. Any uses on the plaza will require a separate conditional use permit.
3. All conditions of approval for the Planning Commission's Conditional Use approval for Phase 4 attached hereto remain in full force and effect.
4. An affordable housing agreement, or adequate security in a form approved by the City Attorney, that guarantees the satisfaction of the obligation of the Summit Watch Project under the terms of the 1992 amendment to the 1982 agreement shall be executed prior to plat recordation.
5. Extended Main Street connecting to Deer Valley Drive must be completed and dedicated to the City by October 15, 1997.
6. A Financial Security, in an amount and form approved by the City Engineer, must be posted prior to recordation of this plat guaranteeing the installation of public improvements including Main Street by October 15, 1997.

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

PASSED AND ADOPTED this 16th day of May, 1996.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

Attest:

Janet M. Scott

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington

Mark D. Harrington, Assistant City Attorney





PLANNING COMMISSION REPORT

DATE: ~~April 18, 1996~~ Feb 9, 1996
DEPARTMENT: Planning Department
AUTHOR: Nora L. Seltenrich
TITLE: Summit Watch Phase 4
TYPE OF ITEM: Conditional Use Request

SUMMARY RECOMMENDATIONS: Conditional approval

DESCRIPTION:

A. Topic.

PROJECT STATISTICS:

Applicant: Marriott Ownership Resorts, Inc. (MORI)
McIntosh Mill, LTD. (MML)
Location: 890 and 900 Main Street
Zoning: HCB/HRC
Adjacent Land Uses: Mixed Use Tourist Residential and Commercial
Date of Application: November 29, 1996
Project Planner: Nora Seltenrich
Staff Recommendation: Conditional approval

B. Background.

In November of 1994, the Planning Commission approved a revised MPD for the Summit Watch Project (aka Town Lift Project). Phases 2 and 3 subsequently received conditional use approvals and are under construction. The final phase, phase 4 is now requesting conditional use approval. The Town Lift Design Review Task Force granted final design approval for the phase in January, 1996.

Phase 4 of the Summit Watch project consists of the last 2 structures to be built on the east side of Main Street. Buildings A5 and A6. Building A5 fronts Main Street and Building A6 fronts Deer Valley Drive. Between the structures is a continuation of the pedestrian plaza. Building A5 contains commercial at the plaza level with 2 levels of residential above and continues the Main Street Theme. Building A6 contains plaza level commercial with 3 levels of residential above and is more of a mining theme. The two buildings contain 53 units of about 1250 sq ft (33.13 unit equivalents) and 17369 of gross commercial space (or about 14,000 sq ft of net commercial). The residential units will be interval ownership units managed by MORI. The total residential unit number for the Summit Watch Project is 135 units and approximately 41,000 sq ft of net commercial space. Please refer to plans you received with your last packet.

C. Analysis

Consistency with MPD

The proposed phase is consistent with the MPD approved in November of 1994. The applicants intent to proceed with construction of these two structures as soon as weather permits. Construction staging will be especially critical with this phase since it is the final phase. A detailed staging plan will be required prior to construction commencing on the phase.

Parking

The total number of spaces required for the project are 3 spaces/1000 sq ft of net leasable space and 1 space per 1000 sq ft of residential unit. This phase is adding 114 spaces which brings the total number of spaces for the project to 316. The total number of spaces required is 292.

Employee Housing

According to the 1992 amendment to the 1982 agreement relating to this property, the applicant has an obligation to provide employee housing. The housing requirement is based upon the buildout of the square footage of the project. The total obligation would be 6.75 units for the residential component and 3.28 for the commercial for a total obligation of 10 units. The developer is only obligated to provide the housing if the City is able to provide a site for the housing. The City has been negotiating with several property owners in the vicinity which would result in the construction of 8 employee housing units which would be applied toward this developer's obligation. The City Council has decided to move forward with the negotiation.

Plaza and landscape improvements

The applicant has submitted plazascap and landscape plans for areas associated with this last phase. They are generally consistent with the level of improvements for the balance of the project. The applicant is requesting that these requirements be decreased (see associated staff report on requested revisions).

Design

A copy of reduced plans is included in your packet for review. As mentioned, the Town Lift Design Review Task Force approved these plans. The applicant will be present at the work session with full scale, colored drawings for your review. The task force and staff spent quite a bit of time with the applicant to refine the plans. Building A6 is especially critical since it will serve as the entry to Main Street and the Summit Watch Project.

D. Recommendation

The staff recommends **APPROVAL** of the conditional use request for Phase 4 of the Summit Watch Project based upon the following:

Findings of Fact:

1. Phase 4 of the Summit Watch Project consists of the final two buildings, Buildings A5 and A6 and associated site improvements.
2. The parking requirement for the entire project will be satisfied with completion of this phase.
3. Upon completion of this phase, the bike path and stream channel improvements will be completed.

Conclusions of Law:

1. Phase 4 is consistent with the Master Plan Approval for the Summit Watch Project.
2. The Town Lift Design Review Task Force reviewed and approved the design for buildings A5 and A6.
3. This approval does not detrimentally affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The Community Development Staff shall review and approve the final landscape, plaza, stream and bike path improvements. A security to ensure completion of all of these improvements shall be required to be posted.
2. Prior to occupancy of Building A5 or A6, the negotiations providing employee housing shall be complete, or an alternative negotiated.
3. A detailed staging plan shall be reviewed and approved prior to any permit issuance on this phase.

4. The standard conditions of approval shall apply.

Ordinance No. 96-14

AN ORDINANCE APPROVING AN AMENDMENT TO THE AMENDED PARK CITY SURVEY, LOTS 15, 16, 17 AND 18, BLOCK 53 AND A PORTION OF VACATED THIRD STREET RIGHT-OF-WAY, TO BE KNOWN AS THE 265/275 ONTARIO AVENUE PLAT AMENDMENT, LOCATED AT 265 AND 275 ONTARIO AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property known as Lots 15, 16, 17, 18, Block 53 of the amended Park City Survey and a portion of vacated Third Street Right-of-Way, have 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; and

WHEREAS, the Planning Commission held a public hearing on March 27, 1996 to receive public input on the proposed plat amendment and forwarded a positive recommendation to City Council ;

WHEREAS, the City Council held a public hearing on May 2, 1996 to receive public input on the proposed amendment; and

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 Park City, Utah as follows:

SECTION 1. 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 amendment.

SECTION 2. PLAT APPROVAL. The amendment of the amended Park City Survey plat for Lots 15, 16, 17, 18, Block 53 of the amended Park City Survey and a portion of vacated Third Street Right-of-Way is approved as shown on the attached Attachment A with the following condition:

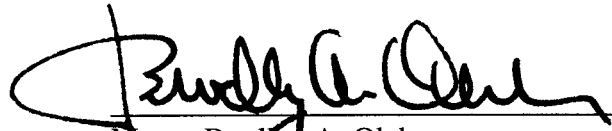
1. The City Engineer and City Attorney's approval of the form and substance of the amended plat is a condition precedent prior to recording the plat.
2. All Standard Project Conditions shall apply.

3. The addition of a plat note specifying that wood shingle roofs are prohibited and the houses are to be constructed with fire sprinkler systems is a condition precedent to recording the plat.
4. Ten (10) foot wide snow-storage easements on the property along Ontario and Marsac Avenues shall be dedicated on the plat.
5. The addition of a plat note prohibiting any access off of Marsac Avenue is a condition precedent to recording the plat.
6. The applicants' resolution of the landscaping improvements encroaching onto the northeast corner of the applicants' property is a condition precedent to recording the plat. Resolution of this matter shall in a manner satisfactory to the City Attorney.
7. The applicants shall dedicate the remnant portion of the property located directly east of Ontario Avenue as public right-of-way on the plat.

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


PASSED AND ADOPTED this 2nd day of May, 1996.

PARK CITY MUNICIPAL CORPORATION



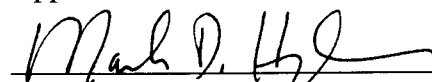
Mayor Bradley A. Olch

Attest:



Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Assistant City Attorney



Ordinance No. 96-13

AN ORDINANCE APPROVING AN AMENDMENT TO THE AMENDED PARK CITY SURVEY, PORTIONS OF LOTS 2 AND 3, BLOCK 23, TO BE KNOWN AS THE FUEGI RESUBDIVISION, LOCATED AT 408 MAIN STREET, PARK CITY, UTAH

WHEREAS, the owner of the property known as Lots 2 and 3, Block 23 of the amended 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; and

WHEREAS, the City Council held a public hearing on May 2, 1996 to receive public input on the proposed amendment;

WHEREAS, Park City Municipal Corporation will determine its interests, if any, in that portion of the Millsite Reservation area east of Block 23, of the Amended Plat of the Park City Survey, which is incorporated into this plat;

WHEREAS, maintaining historic building facades on Main Street is important to the residents, merchants, and visitors to Park City. The applicant has agreed to record a facade easement for the Main Street facade for the historic structure located at 408 Main Street prior to the issuance of a building permit; and

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 Park City, Utah as follows:

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby concludes 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.

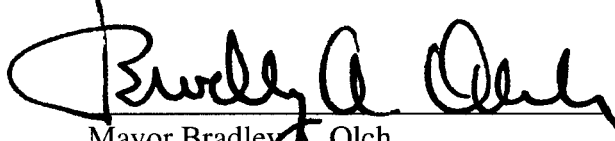
SECTION 2. PLAT APPROVAL. The plat amendment for Lots 2 and 3, Block 23 of the Amended Park City Survey is approved as shown on the attached Exhibit A with the following condition:

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 City Engineer shall determine the City's interest, if any, in the strip of land approximately 2 feet in width along the southerly side of the Swede Alley portion of the subdivision. The applicant shall cause the strip to be marked by a registered Land Surveyor in the State of Utah. If the strip contains existing landscaping, such landscaping shall not be disturbed by the applicant. If damage to the landscaping occurs, said landscaping shall be replaced in size and quantity by the applicant.
3. Execution and Recordation of the plat is a condition precedent to the issuance of a building permit for the addition.
4. Execution and recordation of a facade easement for the Main Street facade of the historic structure located at 408 Main Street is a condition precedent to the recording of the plat
5. All Standard Project Conditions shall apply.


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

PASSED AND ADOPTED this 2nd day of May, 1996.


PARK CITY MUNICIPAL CORPORATION

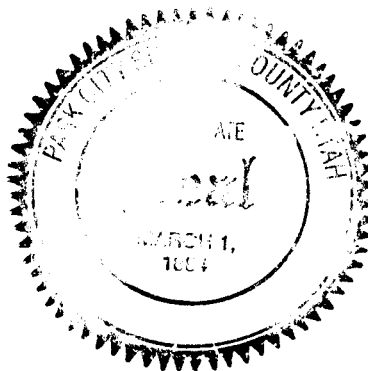

Mayor Bradley A. Olch

Attest:


Janet M. Scott, Deputy City Recorder

Approved as to form:


Mark D. Harrington, Assistant City Attorney



SWEDE ALLEY

DEDICATED STRIP

POCKET PARK

N 23°38'00" W 27.02'
25.00'

DEED TIME TO BE REPORTED
N 23°38'00" W 2.02'

50.00'

S 23°38'00" E 1.22'

125.00'

N 23°38'00" W 25.00'
16.00'
9.00'

125.02'

LOT LINES TO BE REPORTED
N 87°10' E
S 89°27'00" W 16.00'

408 MAIN STREET

COWS

MILITIA'S

S 89°27'00" W 16.00'

S 89°27'00" W 16.00'

SET CORNER DETAIL BELOW

16.00'
25.02'
S 23°38'00" E
MAIN ST.

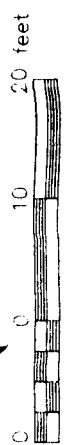
CONSOLIDATED DESCRIPTION
P. 8 B
N 87°27'00" E 25.00'

LOT 2

S 23°38'00" E 25.02'

FOUND SURVEY MONUMENT
P. 411 AND MAIN

1038.27 PLAT (1037.96 MEA.)



SWEDDE ALLEY

"EXHIBIT B"

CITY POCKET PARK

ADDITION

NORTH

SHEPHERD

115'-115"

125'-0"

MILITARY

JOE MANN

SPROCKETS (COWS)

30

MAIN STREET

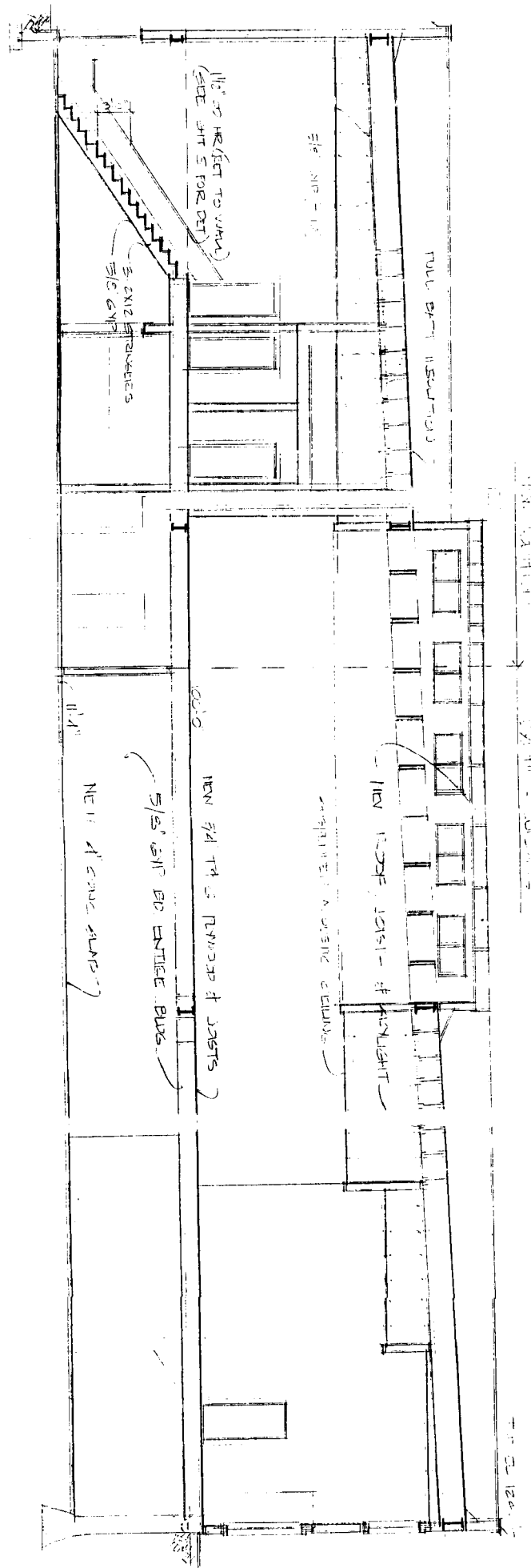


EXHIBIT "B₂"
 PROPOSED BUILDING
 SECTION

Ordinance No. 96-12

**AN ORDINANCE AMENDING TITLE 11, CHAPTER 13,
BUILDINGS AND BUILDING REGULATIONS - IMPACT FEES
OF THE MUNICIPAL CODE OF PARK CITY, UTAH
TO CEASE THE COLLECTION OF SCHOOL IMPACT FEES**

WHEREAS, in June 1995, Park City, Park City School District, and Summit County entered into an interlocal agreement, and the City and County enacted legislation authorizing the collection of school facilities impact fees for new residential development; and

WHEREAS, during the 1995-96 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, May 1, 1996 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, on March 28, 1996 the City Council adopted a joint resolution of Summit County, Park City, and the Park City School District to amend the interlocal agreement to cease the collection of school impact fees effective March 31, 1996 and to schedule public meetings regarding the disposition of school facilities impact fees;

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

SECTION 1. AMENDMENTS TO TITLE 11, CHAPTER 13 OF THE MUNICIPAL CODE OF PARK CITY, UTAH ADOPTED. Title 11, Chapter 13 of the Municipal Code is hereby amended to read as follows:

**TITLE 11 - BUILDING AND BUILDING
REGULATIONS**

CHAPTER 13 - IMPACT FEES.

11-13- 1. DEFINITIONS.

The following words and terms shall have the following meanings for the purposes of this chapter, unless the context clearly requires otherwise:

(A) **BUILDING PERMIT** - the permit required for any Development Activity, as defined herein, and pursuant to Chapter 11-3 et seq. of the Municipal Code of Park City, Utah.

(B) **CONSTRUCTION VALUE** - the value of construction per square foot used by the Park City Building Department to determine plan check and Building Permit fees, multiplied by the area of Development Activity

(C) **DEPARTMENT** - the Community Development Department.

(D) **DEVELOPMENT ACTIVITY** - any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, which is accompanied by a request for a Building Permit.

(E) **DIRECTOR** - the Director of Community Development or his/her designee.

~~(F) **DWELLING UNITS** - any Primary or Secondary Residential Unit, including, but not limited to single-family detached, duplex, condominium unit, town-house, apartment unit, multifamily unit or mobile home, but excluding hotels, motels, and time-shares, or other similar forms of periodic ownership.~~

~~(G)~~(F) **ENCUMBER** - to reserve, set aside or otherwise earmark, the Impact Fees in order to pay for commitments, contractual obligations or other liabilities incurred for Public Facilities.

~~(H)~~(G) **IMPACT FEE** - Any fee levied pursuant to this chapter as a condition of issuance of a Building Permit. "Impact Fee" does not include fees imposed under Title 11, Chapter 12 of the Municipal Code.

~~(I)~~(H) **INDEPENDENT FEE CALCULATION** - an impact fee calculation prepared by a fee payer to support assessment of an Impact fee different from any fee set forth herein.

~~(J)~~(I) **OWNER** - the owner of record of real property, or a person with an unrestricted written option to purchase property; provided that, if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the Owner of the real property.

~~(K)~~(J) **PARKS, TRAILS AND OPEN SPACE IMPACT FEE** - the impact fee imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, acquisition, financing and construction of City-owned parks, trails and open space

~~(L)~~ **PRIMARY DWELLING UNIT** - any Dwelling Unit used as a full-time residence and taxed as such pursuant to U.C.A. Chapter 59-2 et. seq.

~~(M)~~(K) **PROJECT IMPROVEMENT** - site improvements and facilities that are planned and designed to provide service for the Development Activity and are necessary for the use and convenience of the users of the development resulting from the Development Activity.

~~(N)~~(L) **PUBLIC FACILITY** - any structure built by or for, or maintained by, a governmental entity.

~~(O)~~(M) **PUBLIC SAFETY FACILITIES IMPACT FEE** - the impact fee imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, acquisition, engineering, financing and construction of public safety facilities.

~~(P)~~ **QUALIFIED SECONDARY DWELLING UNIT** - a Dwelling Unit that the Director determines is intended for use as a Secondary Dwelling Unit for a period of no less than one (1) year from certificate of occupancy. The Director shall determine whether a Dwelling Unit is a Qualified Secondary Dwelling Unit based on all of the facts and circumstances, including but not limited to the design and location of the Dwelling Unit and an Owner declaration, sworn under oath and penalty of perjury, that the Dwelling Unit is intended to be occupied as a Secondary Dwelling Unit for a period of no less than one (1) year.

~~(Q)~~ **SCHOOL FACILITIES IMPACT FEE** - the impact fee imposed as a condition precedent to a Dwelling Unit Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering and construction of improvements of Park City School District schools, associated park, recreation, and sports facilities, parking, lighting, landscaping, access roads, internal streets and all other improvements on the school site; legal, appraisal and all other costs associated with the acquisition of land; financing and development costs; site preparation costs; and costs associated with preparation and updating of the District Capital Improvements Plan; and costs associated with implementing a School Facilities Impact Fee program. School Facilities Impact Fees include charges to mitigate the cost of constructing elementary, middle and high schools, but do not include the cost of creating School District administrative space or storage facilities.

~~(R)~~ **SCHOOL FACILITIES CAPITAL IMPROVEMENT PROGRAM** - the Long Range Capital Facilities Improvement Program prepared for the Park City School District and adopted by the Board of Education of the Park City School District, Park City, which is incorporated herein by reference, and is on file with the City Recorder, with any subsequent amendments. For the purpose of this Chapter, the School Facilities Capital Improvement Program and attendant School Facilities Impact Fees, apply only to those properties within Park City that lie within the Park City School District.

~~(S)~~ **SECONDARY DWELLING UNIT** - any residential Dwelling Unit used for a purpose other than as a full-time residence and taxed as such pursuant to U.C.A. Chapter 59-2 et. seq., for a period of no less than one (1) year from the City's issuance of a certificate of occupancy.

~~(T)~~(N) **STREETS AND STORM WATER IMPACT FEE** - the impact fee imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, acquisition, financing and construction of additional street and storm water management facilities.

~~(U)~~(O) **System Improvement** - Public Facilities identified in the 1995 Capital Facilities Plan and Impact Fee Analysis, or the 1995 Water Capital Facilities Plan and Analysis, ~~or the 1993 School Facilities Capital Improvement Program, that are not Project Improvements:~~

~~(V)~~(P) **WATER CONNECTION IMPACT FEE** - the impact fee, calculated as an expression of new equivalent residential units (ERUs) (to assess the impact of indoor Development Activity) and increased area of irrigated landscape (to assess the impact of outdoor Development Activity), imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, acquisition, financing and construction of water delivery systems.

~~(X)~~(Q) **WATER DEVELOPMENT IMPACT FEE** - the impact fee, calculated as an expression of new equivalent residential units (ERUs) (to assess the impact of indoor Development Activity) and increased area of irrigated landscape (to assess the impact of outdoor Development Activity), imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the acquisition and transfer of water rights and points of diversion and the planning, design, engineering, acquisition, financing and construction of physical sources to realize those water rights.

11-13- 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) **School Facilities Impact Fee:** \$ 3393 per Primary Dwelling Unit, \$ 848 per Qualified Secondary Dwelling Unit~~

~~(4)~~(3) **Streets and Storm Water Facilities Impact Fee:** 0.60 % of Construction Value.

~~(5)~~(4) **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) ¹	
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 ²	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 ³

(6) **Water Development Impact Fee:** The sum of the indoor and outdoor fees established as follows:

¹ 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)

² 10,000 sf or greater

³ x=\$70.00 for each 1000 square feet of irrigated area over 10,000 square feet

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) ⁴	
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 ⁵	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 ⁶

⁴ 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)

⁵ 10,000 sf or greater

⁶ x=\$400.00 for each 1000 square feet of irrigated area over 10,000 square feet

(B) **COLLECTION.** Impact Fees shall be collected ~~form~~ from the fee applicant prior to issuing the Building Permit, using the Impact fees in effect on the date of filing a complete application for the Building Permit.

~~(C) **CALCULATION.** Upon receipt of an application for Development Activity, the Director shall determine:~~

- ~~—— (1) whether the proposed Development Activity is residential or non-residential;~~
- ~~—— (2) if residential, the number of Dwelling Units applied for; and~~
- ~~—— (3) whether the Dwelling Units are Primary or Secondary~~

~~(D) Secondary Dwelling Units. Qualified Secondary Dwelling Unit Owners shall pay a portion of the School Facilities Impact Fee imposed on a Primary Dwelling Unit, and shall execute a promissory note and lien on the property (or such other adequate security interest approved by the City Attorney) on behalf of the City for the remainder of the School Facilities Impact Fee, as a condition precedent to receipt of a Building Permit. The City shall forgive such note, and shall release such lien or security interest, if the Owner later demonstrates that the property has been taxed as a secondary residence for a period of one (1) year from the date of the certificate of occupancy.~~

11-13- 3. EXEMPTIONS FROM SCHOOL FACILITIES IMPACT FEES.

~~(A) The following Development Activities shall be exempt from the payment of Impact Fees:~~

- ~~—— (1) Replacement of a habitable structure with a new structure of the same use at the same site or lot when such replacement occurs within twelve (12) months of the demolition or destruction of the structure and does not result in the construction of an additional Dwelling Unit or a change in use.~~
- ~~—— (2) Alterations to, or expansion, enlargement, remodeling, rehabilitation, or conversion of an existing Dwelling Unit where no additional dwelling Unit is created, or alteration to, or remodeling or rehabilitation of an existing Development Activity that does not result in expansion of the existing use.~~
- ~~—— (3) For School Facilities Impact Fees only, the construction of an accessory apartment, pursuant to Section 8-19 of the Land Management Code.~~

~~(B) The Director shall determine whether a particular Dwelling Unit falls within an exemption identified in this section or any other section. Determinations of the Director shall be reduced to a writing, which shall state the basis therefore, and shall be subject to the appeals procedures set forth in Section 11-13-6 below.~~

1-13-3. OFFSETS.

(A) A fee payer can request that an offset or offsets be awarded to him/her for the value of a required System Improvement identified in the Capital Facilities Plan and Impact Fee Analysis, or the Water Capital Facilities Plan and Analysis, ~~or the School Facilities Capital Improvement Program.~~

(B) For each request for an offset or offsets, unless otherwise agreed, the fee payer shall retain an appraiser approved by the Department to determine the value of the System Improvement provided by the fee payer.

(C) The fee payer shall pay the cost of the appraisal.

(D) After receiving the appraisal, the Director shall provide the applicant with a letter or certificate setting forth the dollar amount of the offset, the reason for the offset, where applicable, the legal description of the site donated, and the legal description or other adequate description of the project or development to which the offset may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the Director before the Impact Fee offset will be awarded. The failure of the applicant to sign, date, and return such document within sixty (60) days shall nullify the offset.

(E) Any claim for offset must be made not later than the time of application for Building Permit. Any claim not so made shall be deemed waived.

(F) Determinations made by the Director pursuant to this section shall be subject to the appeals procedure set forth in Section 11-13-6 below.

11-13- 4. WAIVER

The City Council may waive Impact Fees for:

(A) Construction of Affordable Housing (up to \$5,000 per unit);

(B) Construction of a Public Facility.

11-13- 5. APPEALS.

(A) A fee payer may appeal the Impact Fees imposed or other determinations which the Director is authorized to make pursuant to this Chapter. However, no appeal shall be permitted unless and until the Impact Fees at issue have been paid.

(B) Appeals shall be taken within ten (10) days of the Director's issuance of a written determination, by filing with the Department a notice of appeal specifying the grounds for the appeal, and depositing the necessary fee, which is set forth in the existing fee resolution for appeals of land use decisions.

(C) The Department shall fix a time for the hearing of the appeal and give notice to the parties in interest. At the hearing, any party may appear in person or by agent or attorney.

(D) The Hearing Officer is authorized to make findings of fact regarding the applicability of the Impact Fees to a given Development Activity, the availability or amount of the offset, or the accuracy or applicability of an Independent Fee Calculation. The decision of the Hearing Officer shall be final, and may be appealed to the Third Judicial District Court for Summit County.

(E) The Hearing Officer may, so long as such action is in conformance with the provisions of this Chapter, reverse or affirm, in whole or in part, or may modify the determinations of the Director with respect to the amount of the Impact Fees imposed or the offset awarded upon a determination that it is proper to do so based on principles of fairness, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have the powers which have been granted to the Director by this Chapter.

(F) Where the Hearing Officer determines that there is a flaw in the Impact Fee program or that a specific exemption or offset should be awarded on a consistent basis or that the principles of fairness require amendments to this Chapter, the Hearing Officer shall advise the City Attorney as to any question or questions that the Hearing Officer believes should be reviewed and/or amended.

11-13- 6. ESTABLISHMENT OF IMPACT FEES ACCOUNTS.

(A) Impact Fees shall be earmarked specifically and deposited in special interest-bearing Accounts. The fees received shall be prudently invested in a manner consistent with the investment policies of the City.

(B) Funds withdrawn from these Accounts must be used in accordance with the provisions of Section 11-13-9 below. Interest earned on the Impact Fees shall be retained in each of the Accounts and expended for the purposes for which the Impact Fees were collected. Money in these Accounts shall not be commingled with other funds.

(C) Impact Fees shall be disbursed, expended, or encumbered within six (6) years of receipt, unless the Council identifies in written findings an extraordinary and compelling reason or reasons for the City to hold the fees beyond the six-year period. Under such circumstances, the Council shall establish the period of time within which Impact Fees shall be expended or encumbered.

11-13- 7. REFUNDS.

(A) If the City fails to disburse, expend, or Encumber the Impact Fees within six (6) years of when the fees were paid, or where extraordinary or compelling reasons exist, such other time periods as established pursuant to Section 11-13-7(C) above, the current Owner of the property on which the Impact Fees have been paid may request a refund of such fees. In determining whether Impact Fees have been disbursed, expended, or Encumbered, such fees shall be considered disbursed, expended, or Encumbered on a first in, first out basis.

(B) Owners seeking a refund of Impact Fees must submit a written request for a refund of the fees to the Director within 180 days of the date that the right to claim the refund arises.

(C) Any Impact Fees for which no application for a refund has been made within this 180 day period shall be retained by the City and expended on type of Public Facilities.

(D) Refunds of Impact Fees under this section shall include any interest earned on the Impact Fees.

(E) When the City seeks to terminate any or all components of the Impact Fee program, any funds not disbursed, expended, or Encumbered from any terminated component or components, including interest earned shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination, and the availability of refunds, in a newspaper of general circulation at least two (2) times. All funds available for refund shall be retained for a period of 180 days. At the end of the 180 day period, any remaining funds shall be retained by the City, but must be expended on the type of Public Facilities for which they were collected.

(F) The City shall refund to the current Owner of property for which Impact Fees have been paid all Impact Fees paid, including interest earned on the Impact Fees attributable to the particular Development Activity, within one (1) year of the date that right to claim the refund arises, if the Development Activity for which the Impact Fees were imposed did not occur, no impact resulted, and the Owner makes written request for a refund within 180 days of the expiration or abandonment of the permit for the Development Activity.

11-13- 8. USE OF FUNDS

(A) Pursuant to this Chapter, Impact Fees:

- (1) Shall be used for Public Facilities that reasonably benefit the new development; and
- (2) Shall not be imposed to make up for deficiencies in Public Facilities serving existing developments; and
- (3) Shall not be used for maintenance or operation of Public Facilities.

~~(B) School Facilities Impact Fees may be spent for school facilities within the Park City School District, including but not limited to, construction of facilities, and/or the expansion of existing facilities, and auxiliary facilities, such as cafeterias and principals' offices, including the cost of land, design, structures, equipment and furniture, site improvements, and legal and administrative costs associated with collection and disbursement of the fees and the construction of such facilities.~~

~~(E)~~(B) Impact Fees may be used to recoup costs of designing, constructing and/or acquiring Public Facilities previously incurred in anticipation of new growth and development to the extent that the Development Activity will be served by the previously constructed improvements or the incurred costs.

~~(D)~~(C) In the event that bonds or similar debt instruments are or have been issued for the advanced provision of Public Facilities for which Impact Fees may be expended, Impact Fees may be used to pay debt service on such bonds, or similar debt instruments, to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the Development Activity.

11-13-9. INDEPENDENT FEE CALCULATIONS.

(A) If a fee payer believes that a fee should be charged, other than the Impact Fees determined according to this Chapter, then the fee payer shall prepare and submit to the Director an Independent Fee Calculation for the Impact Fee(s) associated with the Development Activity for which a Building Permit is sought. The documentation submitted shall show the basis upon which the Independent Fee Calculation was made. The Director is not required to accept any documentation which the Director reasonably deems to be inaccurate, unsubstantiated, or unreliable and may require the fee payer to submit additional or different documentation prior to the Director's consideration of an Independent Fee Calculation.

(B) Any fee payer submitting an Independent Fee Calculation shall pay an administrative processing fee, per calculation, of \$100.

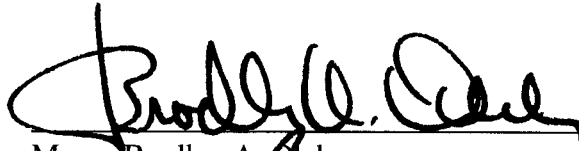
(C) Based on the information within the Director's possession, the Director may recommend, and the City Manager is authorized to adjust, the Impact Fee to the specific characteristics of the Development Activity, and/or according to principles of fairness. Such adjustment shall be preceded by written findings justifying the fee.

(D) Determinations made by the Director pursuant to this section may be appealed subject to the procedures set forth herein.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect immediately.


PASSED AND ADOPTED this 18th day of April, 1996

PARK CITY MUNICIPAL CORPORATION



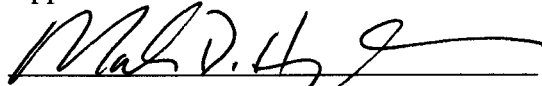
Mayor Bradley A. Rich

Attest:

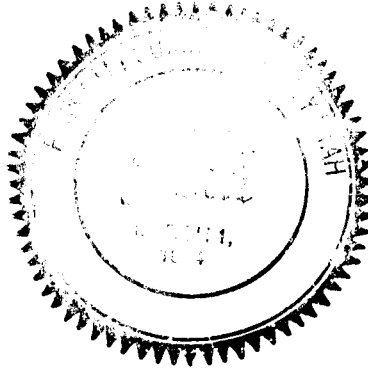


Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Asst. City Attorney



Ordinance No. 96-11

**AN ORDINANCE APPROVING AN AMENDMENT TO THE
SNYDER'S ADDITION TO THE PARK CITY SURVEY,
PORTIONS OF LOTS 24, 25, 26, AND 27, BLOCK 29,
TO BE KNOWN AS THE WILSON RESUBDIVISION
LOCATED AT 934 LOWELL AVENUE
PARK CITY, UTAH**

WHEREAS, owners of the property at 934 Lowell Avenue, being portions of Lots 24, 25, 26, and 27, Block 29 of the Snyder's Addition to the Park City Survey, and known as the Wilson Resubdivision, have petitioned the City Council for approval of an amendment to the Snyder's Addition to the Park City Survey subdivision plat; and

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

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

WHEREAS, on March 27, 1996 the Planning Commission held a public hearing to receive public input on the proposed plat amendment; and

WHEREAS, on March 27, 1996 the Planning Commission forwarded a positive recommendation of approval to the City Council with conditions regarding easements; and

WHEREAS, on April 18, 1996 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 amended plat;

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 plat amendment and that neither the public nor any person will be materially injured by this plat amendment.

SECTION 2. PLAT APPROVAL. The amendment to the Snyder's Addition to the Park City Survey for portions of Lots 24, 25, 26, and 27, Block 29, is 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

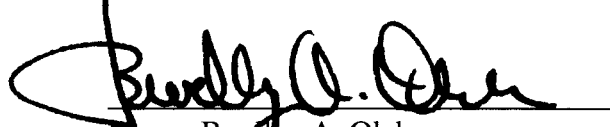
final plat for compliance with the Land Management Code and conditions of approval.

2. All Standard Project Conditions shall apply.
3. A ten foot non-exclusive snow storage and public utility easement along Lowell Avenue shall be dedicated on the plat.
4. A note shall be added to the plat stating that this re-subdivision does not create separately developable lots, as a result of leaving portions of adjacent remnant lots.

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

PASSED AND ADOPTED this 18th day of April, 1996.

PARK CITY MUNICIPAL CORPORATION



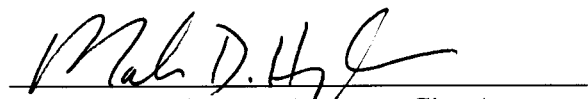
Mayor Bradley A. Olch

Attest:

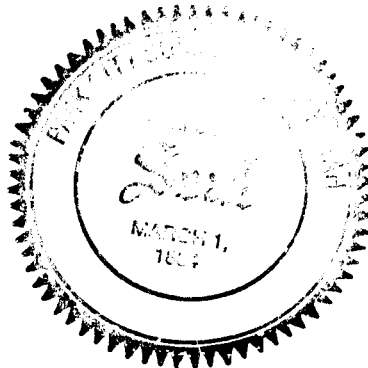


Janet M. Scott, Deputy City Recorder

Approved as to form:

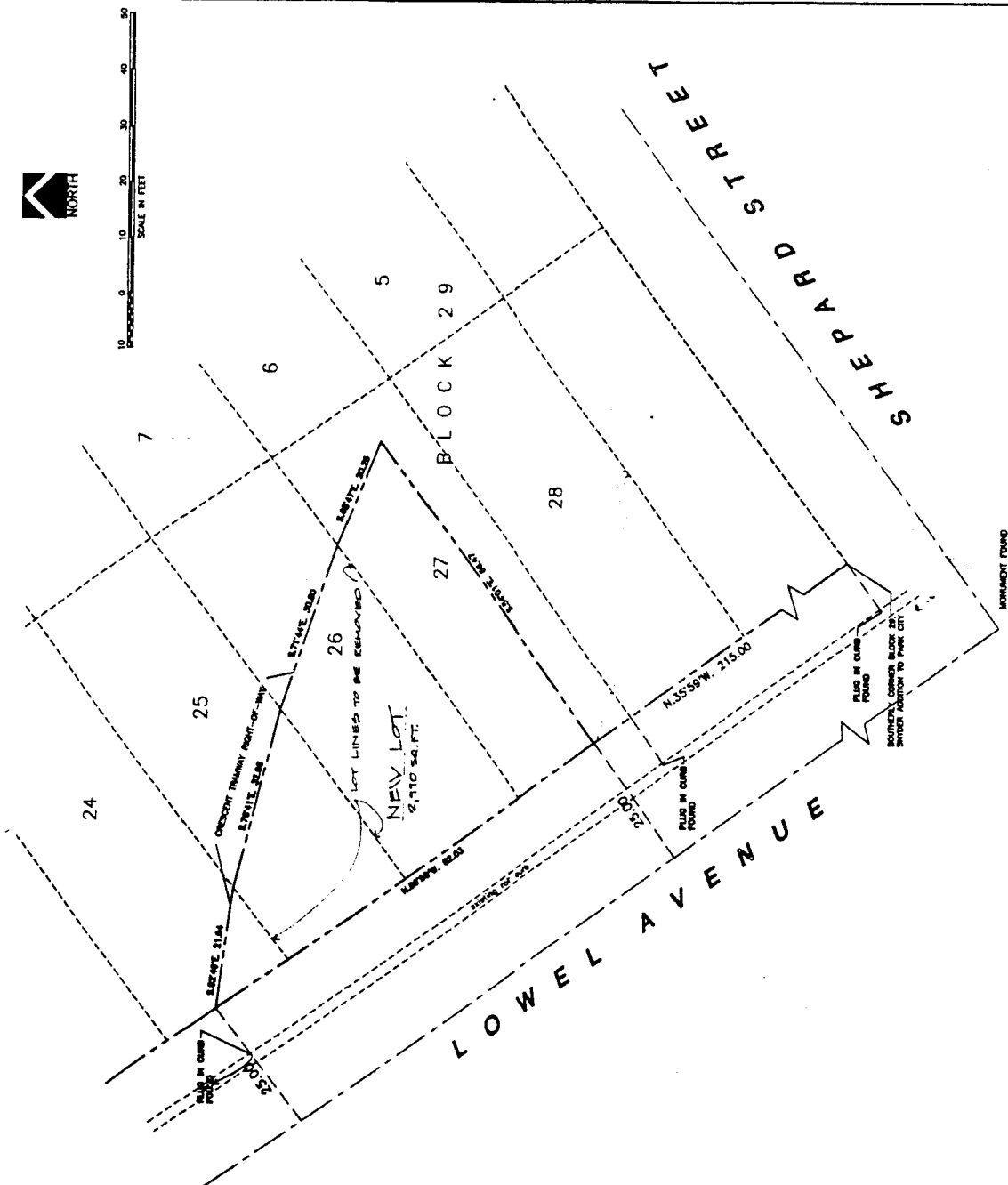
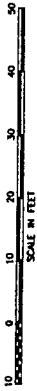


Mark D. Harrington, Assistant City Attorney



AMENDED PLAT PARK CITY SURVEY

AMENDING LOTS 24, 25, 26 AND 27 OF BLOCK 29, PARK CITY SURVEY



SURVEYOR'S CERTIFICATE

I, Patrick C. Atsop, do hereby certify that I am a Registered Civil Engineer and Land Surveyor, and that I hold Certificate No. 4609 as prescribed under the Laws of the State of Utah. I further certify that by authority of the State of Utah, I have made a survey of the tract of land shown on this plat and shown on this map, and that the description correctly describes the land surface upon which there has been recorded PLAT PARK CITY SURVEY. I further certify that the same has been surveyed and staked on the ground as shown on this map.

COURSE	DIST	REMARKS
S 87.40° E	21.94	FEET; THENCE
S 76.41° E	31.80	FEET; THENCE
S 71.44° E	30.80	FEET; THENCE
S 68.47° E	20.25	FEET; THENCE
S 54.01° E	66.47	FEET; THENCE
N 89.59° W	82.03	FEET TO THE POINT OF BEGINNING



Patrick C. Atsop
DATE

OWNER'S DEDICATION

Know all men by these presents that as the undersigned Owners of the above described tract of land have caused some to be subdivided into lots, and have caused the same to be recorded in the Public Records of the County of Salt Lake, Utah, I do hereby dedicate for public use the strip of land shown in this plat as intended for public use.

In witness whereof we have hereunto set our hands this _____ day of _____ 19____ A.D.

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF SALT LAKE }

ON THE _____ DAY OF _____ A.D. 1981 PERSONALLY

AMENDED PLAT PARK CITY SURVEY
AMENDING LOTS 24, 25, 26 AND 27 OF BLOCK 29, PARK CITY SURVEY

PREPARED BY VANWAGONER AND ASSOCIATES, INC. 3000 SOUTH WEST TEMPLE SALT LAKE CITY, UTAH	CITY COUNCIL APPROVAL APPROVED THIS _____ DAY OF _____ A.D. 19____ BY THE BOARD OF THE PARK CITY COUNCIL MAYOR _____ CITY RECORDER _____	SEWER DISTRICT APPROVAL APPROVED THIS _____ DAY OF _____ A.D. 19____ BY THE SOUTHWEST BAY AREA SEWER IMPROVEMENT DISTRICT DATE _____ DIST. ENGINEER _____	ENGINEER'S CERTIFICATE I HEREBY CERTIFY THAT THIS OFFICE HAS REVIEWED THIS PLAT AND THAT IT IS IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE. DATE _____ DIST. ENGINEER _____	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____ A.D. 19____ BY _____ CITY ATTORNEY _____	CITY PLANNING COMMISSION PRESENTED TO THE BOARD OF PARK CITY PLANNING COMMISSION AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED CHAIRMAN _____	RECORDED NO. _____ STATE OF UTAH, COUNTY OF SALT LAKE, RECORDER HAS FILED IN THE REQUEST OF DATE _____ TIME _____ BOOK _____ PAGE _____ SEE _____ SALT LAKE COUNTY RECORDER
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EXHIBIT A.

Ordinance No. 96-10

**AN ORDINANCE APPROVING A RECORD OF SURVEY
FOR THE MOUNTAINVIEW CONDOMINIUMS
AND AMENDING THE AMENDED PARK CITY SURVEY,
LOTS 5, 6, 24, AND 25, BLOCK 66,
LOCATED AT 267 AND 269 DEER VALLEY DRIVE
PARK CITY, UTAH**

WHEREAS, the owners of the property at 267 and 269 Deer Valley Drive, Lots 4, 5, 24, and 25, Block 66 of the Amended Park City Survey, to be known as the Mountainview Condominiums, have petitioned the City Council for approval of a condominium plat for a condominium conversion of an existing duplex; and

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

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

WHEREAS, on March 27, 1996 the Planning Commission held a public hearing to receive public input on the record of survey; and

WHEREAS, on March 27, 1996 the Planning Commission forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on April 18, 1996 the City Council held a public hearing to receive input on the proposed record of survey; 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. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned record of survey and plat amendment and that neither the public nor any person will be materially injured by the proposed plats.

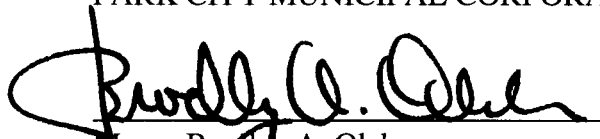
SECTION 2. PLAT APPROVAL. The record of survey for the condominium project, known as Mountainview Condominiums, and the amendment to the Amended Park City Survey for Lots 5, 6, 24, and 25, Block 66, are approved as shown on Exhibit A, with the following conditions:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat and CC&R's for compliance with the Land Management Code and conditions of approval.
2. All Standard Project Conditions shall apply.

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

PASSED AND ADOPTED this 18th day of April, 1996.

PARK CITY MUNICIPAL CORPORATION



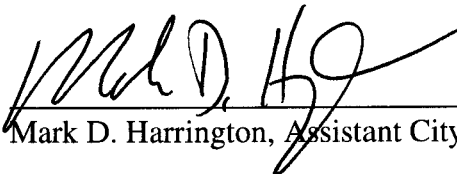
Mayor Bradley A. Olch

Attest:

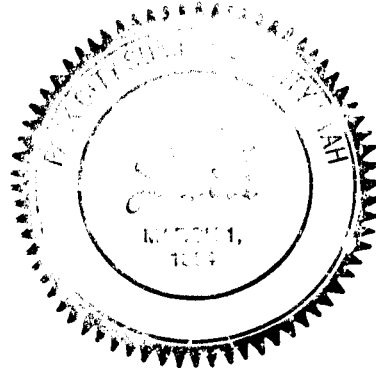


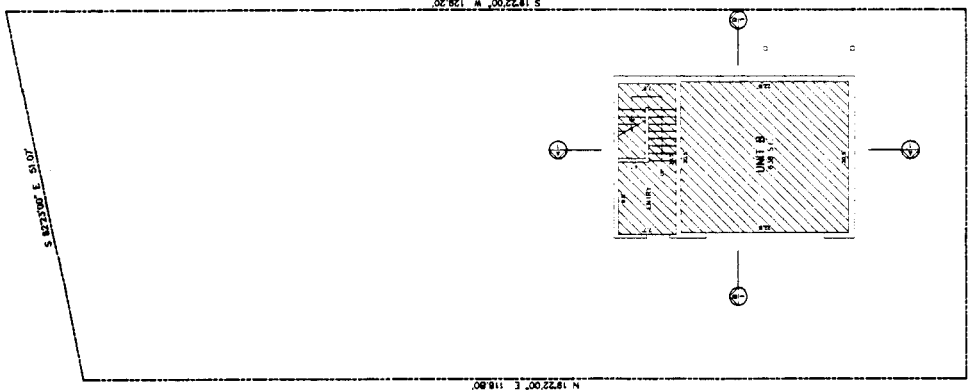
Janet M. Scott, Deputy City Recorder

Approved as to form:

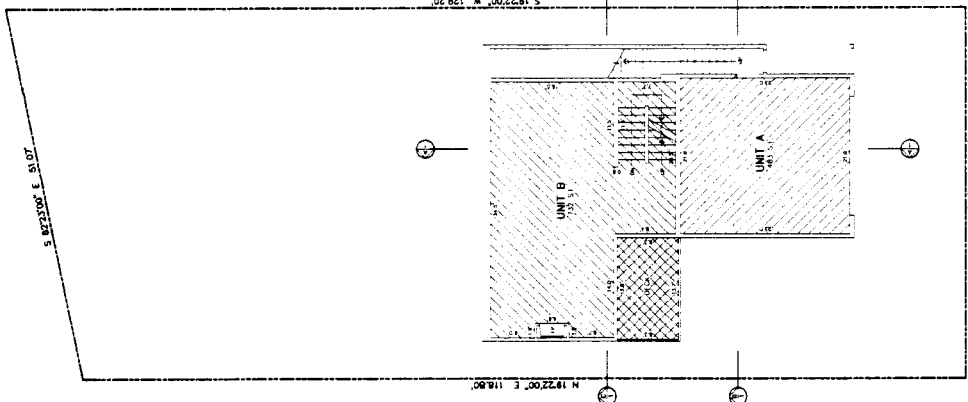


Mark D. Harrington, Assistant City Attorney

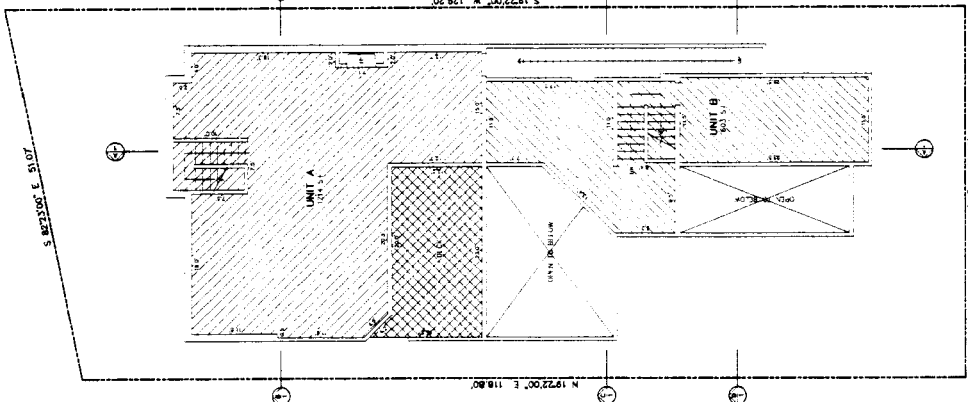




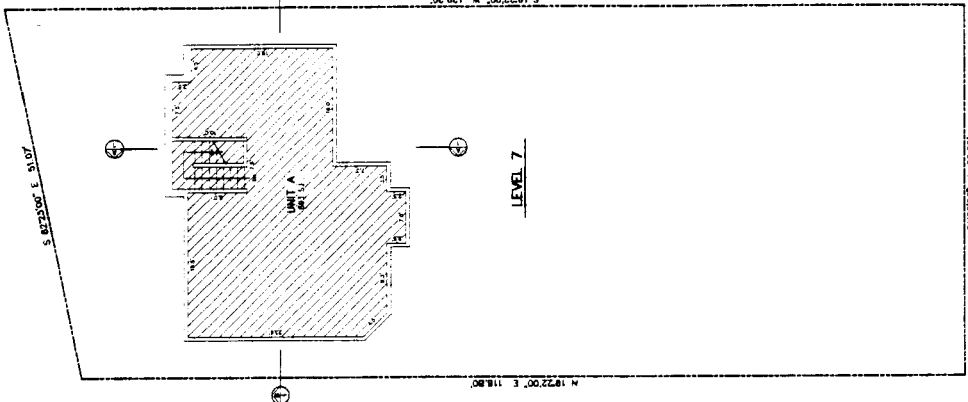
LEVEL 1 & 2







LEVEL 3 & 4



LEVEL 5 & 6



LEVEL 7

-  COMMON AREA
-  UNIT A (PRIVATE OWNERSHIP)
-  UNIT B (PRIVATE OWNERSHIP)
-  LIMITED COMMON AREA



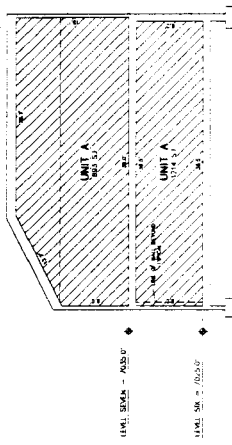
MOUNTAIN VIEW CONDOMINIUM

RECORD OF SURVEY

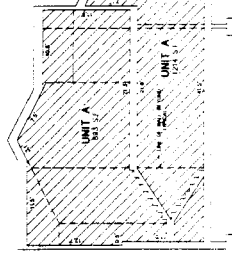
LOCATED IN SECTION 18,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALL LAKE BASIN
AND BERKSHIRE PARK CITY, SUMMIT COUNTY, UTAH

RECORDED	FILE	RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FIELD		
DATE	TIME	PAGE

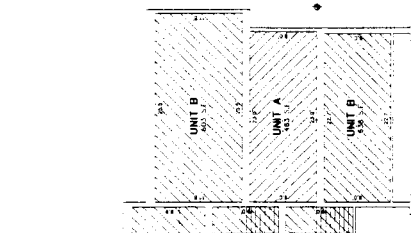
JOB NO. B-11-35 PCS P/AM/UM/2



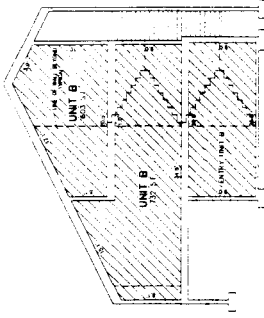
SECTION B1



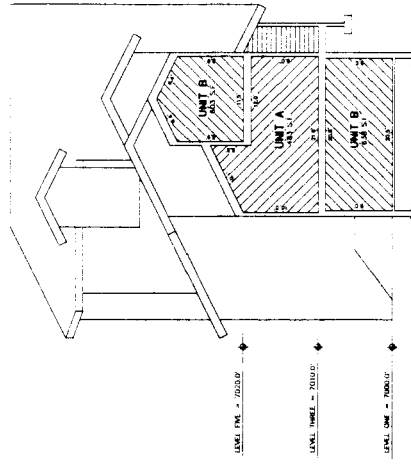
SECTION A1



SECTION C1



- COMMON AREA
- UNIT A (PRIVATE OWNERSHIP)
- UNIT B (PRIVATE OWNERSHIP)
- LIMITED COMMON AREA



SECTION D1

RECORD OF SURVEY

MOUNTAIN VIEW CONDOMINIUM

LOCATED IN SECTION 16
TOWNSHIP 3 SOUTH, RANGE 12 EAST, LAKE BASIN
AND MERRIAM, PARK CITY, SUMMIT COUNTY, UTAH



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

Ordinance No. 96-9

**AN ORDINANCE APPROVING THE AMENDED RECORD OF SURVEY PLAT
OF STEIN ERIKSEN LODGE, LOCATED AT 7700 STEIN WAY,
PARK CITY, UTAH**

WHEREAS, the owners of property known as Stein Eriksen Lodge petitioned the City Council for approval of an amendment to the Record of Survey Plat; and

WHEREAS, proper notice was sent and the City Council held a public hearing to receive input on the proposed conversion on March 21, 1996; and

WHEREAS, on March 21, 1996, the City Council approved the amended Record of Survey Plat attached hereto as Exhibit A; and

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

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

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby finds that there is good cause for the revision, as no physical changes are proposed and; neither the public nor any person will be materially injured by the proposed plat revision.

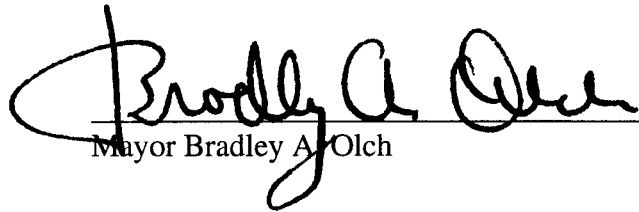
SECTION 2. CONDITION OF APPROVAL. The Stein Eriksen Lodge Record of Survey Plat is approved as shown on the attached Exhibit A with the following condition:

Prior to plat recordation, the City Attorney and City Engineer shall review and approve the amended Record of Survey Plat for compliance with the Land Management Code and any application Utah State codes.

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

PASSED AND ADOPTED this 21st day of March, 1996.

PARK CITY MUNICIPAL CORPORATION



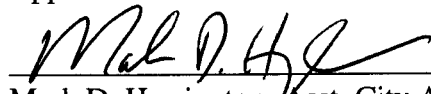
Mayor Bradley A. Olch

Attest:

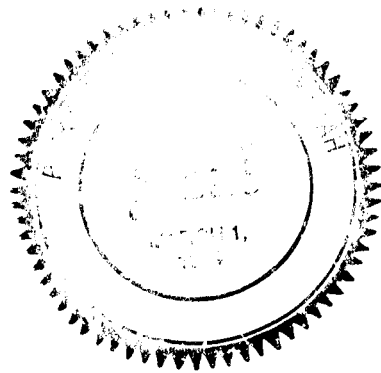


Janet M. Scott, Deputy City Recorder

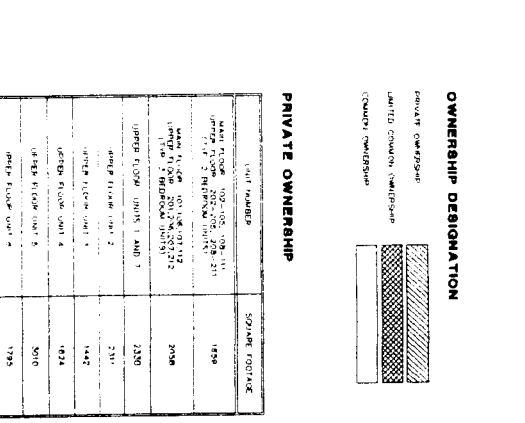
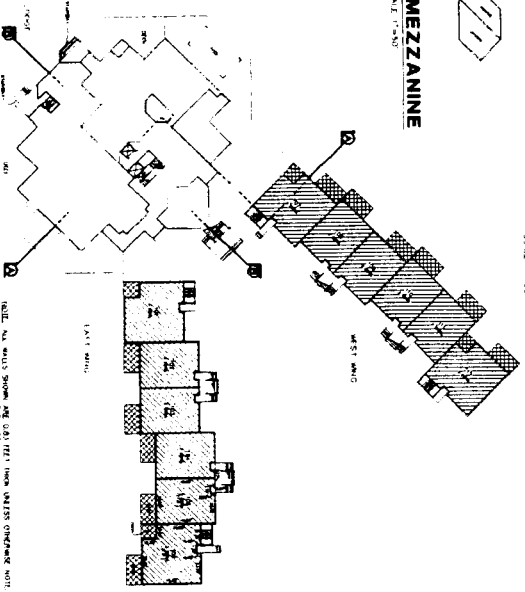
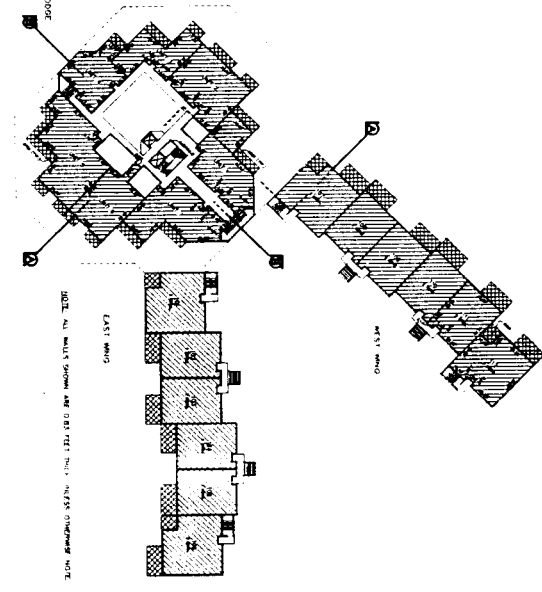
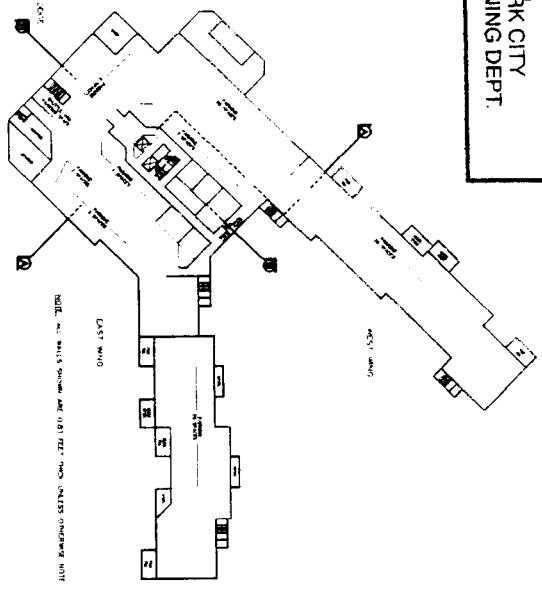
Approved as to form:



Mark D. Harrington, Asst. City Attorney



RECEIVED
 JAN 30 1998
 PARK CITY
 PLANNING DEPT.



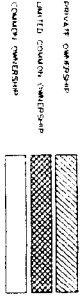
LOWER MEZZANINE
 SCALE 1/8"=1'-0"

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

UPPER FLOOR
 SCALE 1/8"=1'-0"

MAIN FLOOR
 SCALE 1/8"=1'-0"

OWNERSHIP DESIGNATION



PRIVATE OWNERSHIP

UNIT NUMBER	SPACE FOOTAGE
MAIN FLOOR UNIT 101	1850
UPPER FLOOR UNIT 201	2058
UPPER FLOOR UNIT 202	2120
UPPER FLOOR UNIT 203	2142
UPPER FLOOR UNIT 204	1824
UPPER FLOOR UNIT 205	5010
UPPER FLOOR UNIT 206	1720

NOTE: SQUARE FOOTAGE OF PRIVATE OWNERSHIP REFERENCED BY THIS PLAN IS BASED ON THE 1986 SURVEY OF THE STEIN, ERIKSEN LODGE BY THE STEIN, ERIKSEN LODGE, A VITA COMMUNITARIUM PROJECT SPACES.

OWNERS CERTIFICATION AND CONSENT TO RECORD

On this _____ day of January, 1988, Stein Eriksen Lodge Owner's Association, Inc. a Utah corporation, hereby certifies that the foregoing represents the building specifications of the Stein Eriksen Lodge, a Utah condominium project as shown on the Amended Record of Survey, Sheet 2 of 3, recorded on the amended sheet 2 of 3 recorded January 5, 1982 in Entry No. 200131.

ACKNOWLEDGEMENT

I, _____, Secretary of the Stein Eriksen Lodge Owner's Association, Inc., do hereby certify that the foregoing represents the building specifications of the Stein Eriksen Lodge, a Utah condominium project as shown on the Amended Record of Survey, Sheet 2 of 3, recorded on the amended sheet 2 of 3 recorded January 5, 1982 in Entry No. 200131.

**2nd AMENDED
 STEIN, ERIKSEN LODGE
 SHEET 2 OF 3**

This second amended sheet 2 of 3 of the record of survey was for the STEIN, ERIKSEN LODGE, A VITA COMMUNITARIUM PROJECT SPACES. THIS WAS RECORDED ON JANUARY 5, 1982, AS ENTRY NO. 200131.

Exhibit A - Amended Record of Survey - 7700 Royal St. East

COUNCIL APPROVAL
 THE CITY OF PARK CITY HAS REVIEWED THIS PLAN AND HAS APPROVED IT AS SHOWN.

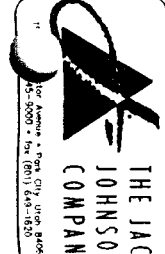
CITY ENGINEER
 APPROVED AND ACCEPTED BY THE CITY ENGINEER:

CITY PLANNING COMMISSION
 APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION:

SEWER DISTRICT APPROVAL
 REQUESTED FOR CONFORMANCE TO SANITARIUM STANDARDS THIS DATE OF _____ A.D. _____

APPROVAL AS TO FORM
 APPROVED AS TO FORM ON THIS DATE OF _____ A.D. _____

RECORDED
 IN _____ STATE OF _____ COUNTY OF _____ RETURNED AND FILED AT THE REQUEST OF _____ COUNTY RECORDER _____



NO. 121 5/7/88
 1/30/88

Ordinance No. 96-8

**AN ORDINANCE APPROVING THE GADDIS RESUBDIVISION AMENDING THE
PARK CITY SURVEY FOR LOTS 20, 21, 22, 26, 27, AND A PORTION OF LOTS 19
AND 28, BLOCK 9 LOCATED AT 577 MAIN, 578 AND 584 PARK AVENUE
PARK CITY, UTAH**

WHEREAS, the owner of the property indicated above, Jim Gaddis, petitioned the City Council for approval of the amendment to the Park City Survey Plat; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing on March 13, 1996 and the City Council conducted a public hearing on March 21, 1996 to receive testimony on the proposed plat amendment; and

WHEREAS, on March 13, 1996 the Planning Commission forwarded a positive recommendation of approval to the City Council, with conditions regarding easements; and

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 Park City, Utah as follows:

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned amendment and that neither the public nor any person will be materially injured by the proposed plat amendment.

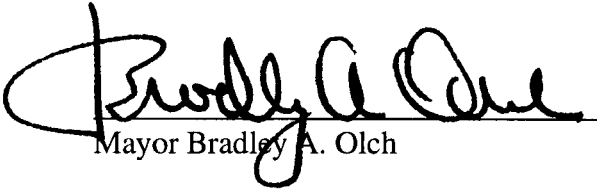
SECTION 2. PLAT APPROVAL. The amendment to the Park City Survey for Lots 20, 21, 22, 26, 27 and a portion of Lots 19 and 28, Block 9, is approved as shown on Attachment A with the following conditions:

1. Prior to plat recordation, the City Council, 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 shall apply.
3. A ten foot public snow storage easement shall be provided along Park Avenue.
4. The applicant shall execute the required easement agreements to provide public access from Park Avenue to the rear of the commercial structure prior to final plat recordation.

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

PASSED AND ADOPTED this 21th day of March, 1996

PARK CITY MUNICIPAL CORPORATION



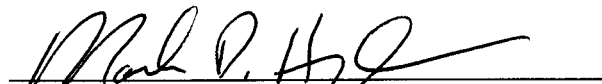
Mayor Bradley A. Olch

Attest:

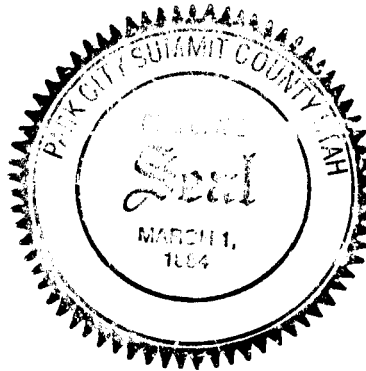


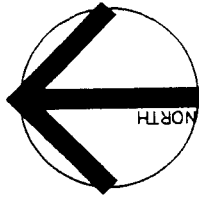
Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Assistant City Attorney





SCALE: 1" = 20'

LEGAL DESCRIPTION

THE NORTHERLY 6.00 FEET OF LC AND ALL OF LOT 28 EXCEPT THE 20.00 FEET THEREOF, BLOCK 9, F OFFICIAL PLAT THEREOF, ON FILE RECORDER'S OFFICE, SUMMIT COU

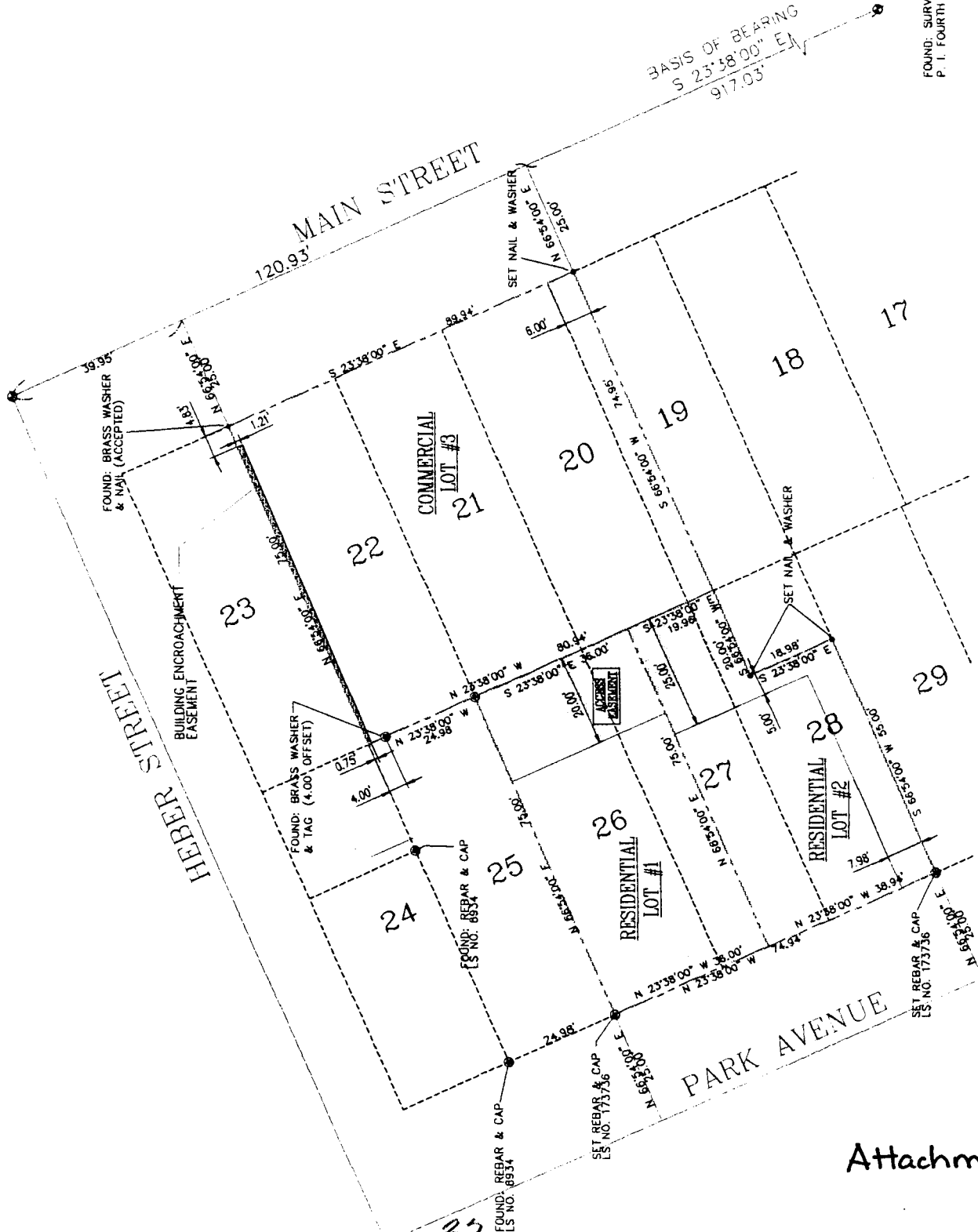
FOUND: SURVEY MONUMENT
P. I. FOURTH & MAIN STREET

RECEIVED

MAP

PARK CITY
PLANNING DEPT

FOUND: SURVEY MONUMENT



Attachment A

Ordinance No. 96-7

**AN ORDINANCE APPROVING THE RE-SUBDIVISION OF LOTS #7 AND #8,
BLOCK 30 OF THE PARK CITY SURVEY, (327 WOODSIDE AVENUE)
PARK CITY, UTAH**

WHEREAS, the owners of the property known as Lots #7 and #8, Block 30, Park City Survey have petitioned the City Council for approval of the amendment to final plat; and

WHEREAS, proper notice was sent and the City Council held a public hearing to receive input on the proposed amendment on March 21, 1996; and

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

SECTION 1. CONCLUSIONS OF LAW.

1. It is in the best interest of Park City to approve the amended plat.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

SECTION 2. CONDITIONS OF APPROVAL. The amendment of the final plat of The Park City Survey, Lots 7 and 8, Block 30, is approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat in accordance with the Final Conditions of Approval and the Land Management Code.
2. The plat must be recorded prior to issuance of any building permits.

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

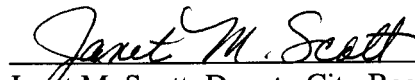
PASSED AND ADOPTED this 21st day of March, 1996.

PARK CITY MUNICIPAL CORPORATION



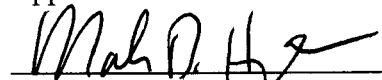
Mayor Bradley A. Olch

Attest:

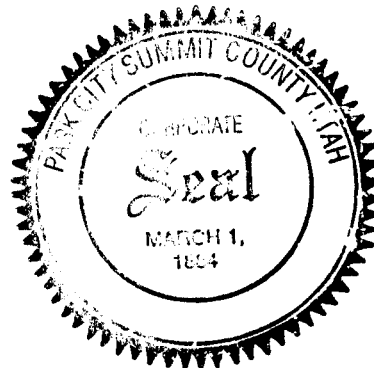


Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Assistant City Attorney



**AN ORDINANCE APPROVING A CONDOMINIUM PLAT
FOR BRISTLECONE CONDOMINIUMS
PARK CITY, UTAH**

WHEREAS, Bristlecone Development has requested a final condominium plat for the Bristlecone Condominiums; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing on February 14, 1996 to receive testimony on the proposed record of survey; and

WHEREAS, on February 14, 1996 the Planning Commission forwarded a positive recommendation of approval to the City Council, with conditions; and

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 Park City, Utah as follows:

SECTION 1. CONCLUSIONS OF LAW.

1. The plat is consistent with Chapter 15 of the Land Management Code.
2. The condominium plat is consistent with the approved MPD.
3. The plat is not detrimental to the health, safety and welfare of the citizens of Park City, Utah.

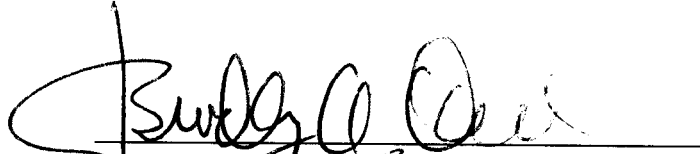
SECTION 2. PLAT APPROVAL. The record of survey for the Bristlecone Condominiums, as attached as Exhibit A, is hereby approved, with the following conditions:

1. The City Attorney and City Engineer shall be required to review and approve the condominium plat and associated covenants and title report in accordance with the conditions of approval and the Land Management Code prior to plat recordation.
2. The applicant shall be required to install an eight foot hard-surfaced, two foot soft surfaced trail along the frontage of the property to match the trail which the City installed last summer. The specifications for that trail shall be consistent with the Trails Master Plan and shall be approved by the Community Development Department prior to construction.
3. A final landscape plan shall be approved prior to certificate of occupancy being issued on the project. A security guaranteeing the installation of the trail and landscaping will be required to be posted prior to plat recordation. The landscaping and berm shall be consistent with the landscaping

on the adjacent property. The berm shall be designed to undulate.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective immediately.

PARK CITY MUNICIPAL CORPORATION



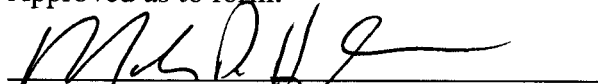
Mayor Bradley A. Olch

Attest:

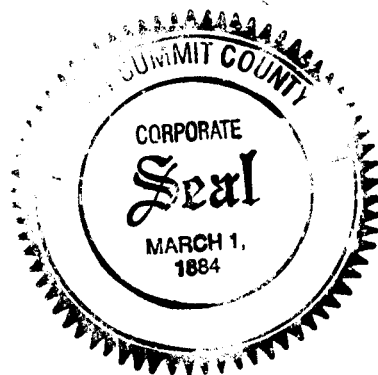


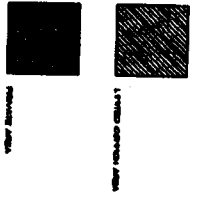
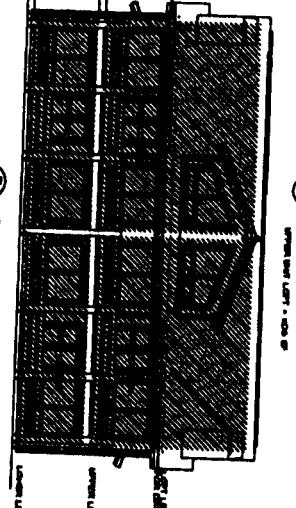
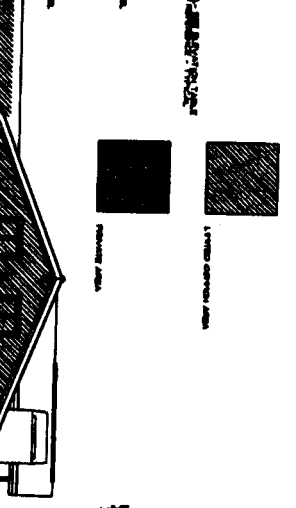
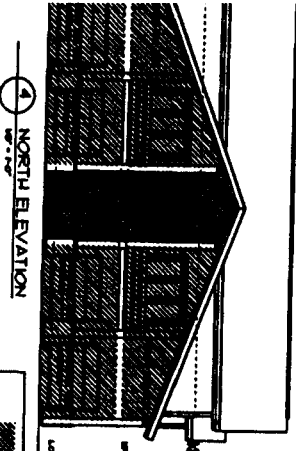
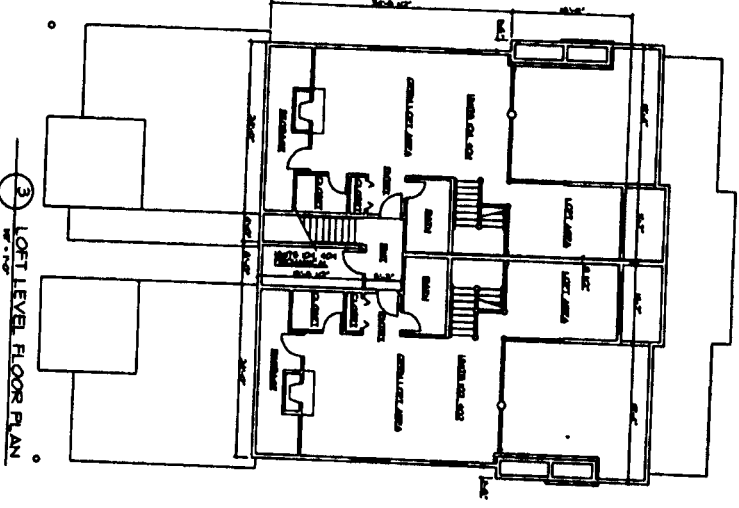
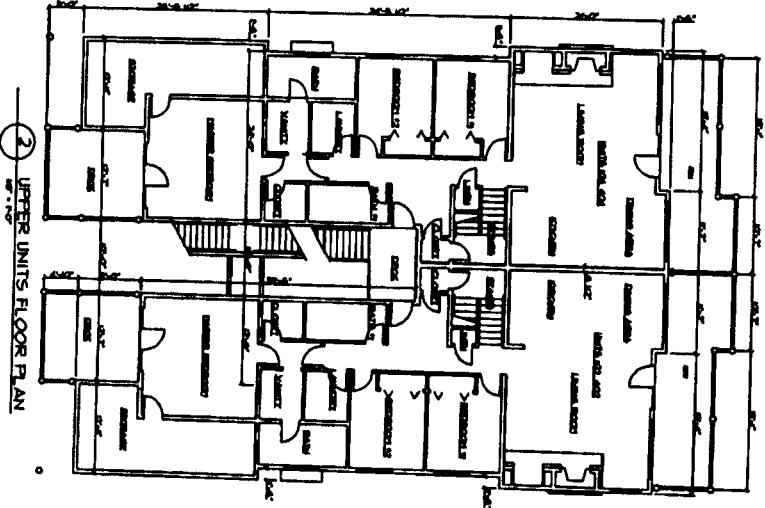
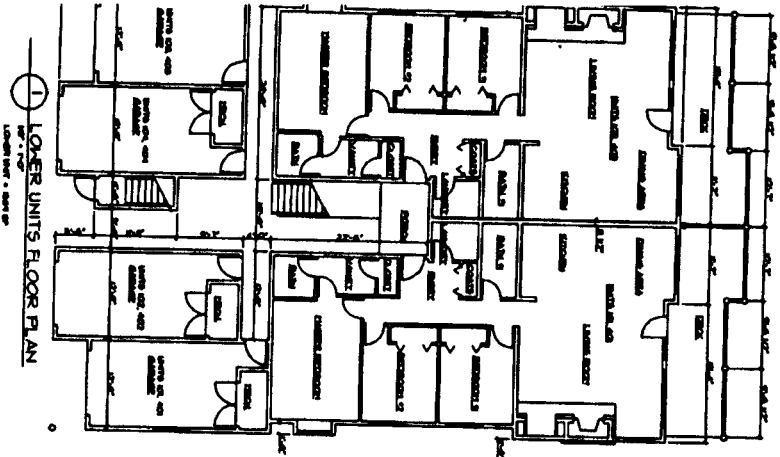
Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Assistant City Attorney





RECEIVED

JAN 18 1996

PARK CITY
 PLANNING DEPT

Ordinance No. 96-5

AN ORDINANCE ADOPTING TEMPORARY ZONING REGULATIONS FOR THE HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT AND THE HISTORIC TRANSITIONAL OVERLAY (HTO) ZONE DISTRICT, TO ESTABLISH INTERIM ZONING STANDARDS PENDING THE ADOPTION OF THE UPDATED GENERAL PLAN AND REVISIONS OF THE LAND MANAGEMENT CODE OF PARK CITY, UTAH.

WHEREAS, the City is in the process of updating the Community's General Plan which is proposed to result in amendments to provisions of the Land Management Code to mitigate the mass and scale of new development in the Historic Districts;

WHEREAS, public meetings on the General Plan have telegraphed to the development community that a rezone within the Historic Commercial Districts is likely within the next six months;

WHEREAS, the Council has expressed a desire to preserve the unique scale of retail businesses within the Historic Commercial Districts;

WHEREAS, to prevent a rush to develop under the present zoning regulations while this matter is under consideration, the state legislature has enabled cities to adopt Temporary Zoning Regulations, without a formal public hearing, for a period not to exceed six (6) months (Utah State Code, Section 10-9-404); and

WHEREAS, it is in the best interest of Park City and for the protection of health, safety and the general welfare of its citizens to preserve the historic integrity and economic viability of the City's Historic Commercial Districts; and

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

SECTION 1. FINDINGS: The Council finds that:

1. The Historic Commercial Districts are presently zoned in a manner that allows development at a scale and intensity that is not presently reflected in the current development pattern on Main Street and its environs;
2. The City has provided notice of specific proposals to rezone the Historic Commercial Districts within public meetings to develop the Growth Management and Community Character elements of the Community's General Plan. This proposed rezoning is

intended to establish a limit on development within the rezone that more closely resembles the historic development pattern;

3. Notice of the proposed rezoning, coupled with the recent and dramatic increase in property values on Main Street, and a new impetus to develop spurred by the International Olympic Committee's award of the 2002 Winter Olympics to Salt Lake City (with Park City venues) has created an unprecedented incentive toward excessive development and redevelopment within the Historic Commercial Districts under the present zoning. Unchecked, this development pressure could forever destroy the ambiance of Main Street.
4. Without the Growth Management and Community Character Elements of the General Plan adopted, it is premature to adopt permanent rezoning within the Historic Commercial Districts;
5. The Growth Management and Community Character elements of the General Plan can be completed, with implementing zoning enacted, within six months;
6. Temporary zoning enacted hereby preserves a reasonable opportunity to develop on an historic scale within the Historic Commercial Districts;
7. The Historic Districts are the crown jewels of the City and are vital to the economic health and general welfare of the community and its guests; and
8. There is a compelling, countervailing public interest in preserving the status quo within the Historic Commercial Districts pending implementation of the General Plan.

SECTION 2. AMENDMENTS TO CHAPTER 7 OF THE LAND MANAGEMENT CODE. Chapter 7 is hereby amended as follows:

Section 7.2 Historic Commercial Business (HCB) District

~~7.2.7 BUILDING HEIGHT AND BULK PLANE. A maximum building envelope shall be defined by a plane that rises vertically at the front lot line to a height of 30 feet measured above the natural grade and then proceeds at a 45 degree angle toward the rear of the property until it intersects with a point 45 feet above the natural grade. No part of a building shall be erected to a height greater than 45 feet, measured from natural grade at the building site. Similarly, the rear portion of the bulk plane shall be defined by a plane that rises vertically at the rear lot line to a height of 30 feet measured above the average natural grade and then proceeds at a 45 degree angle toward the front of the property until it intersects with a point 45 feet above the natural grade of the building site. This provision shall not be construed to encourage solid roofing to follow the 45 degree set back plane. Structures shall be erected to a height no greater than 27 feet, as defined in Section 8.17.~~

New Subsection:

7.2.13 Maximum Area Per Tenant on Ground Floor. In order to preserve the historic character and to ensure compatibility between commercial uses within the Historic Commercial Business District, the maximum allowable area for any one tenant or land use on the ground floor of structures shall be limited to 2800 square feet.

Section 7.4: Historic Transitional Overlay (HTO) District

7.4.2 (a) Relationship to Underlying Zone Districts. Those portions of the project located within the HCB District must comply with the provisions of all ordinances for that district. Those portions of the project located in the HR-1 District must comply with the provisions of all ordinances for that district, except as modified by this section. Under this ordinance, commercial development within HR-1 Zone is permitted, subject to the provisions of this section. Such development must maintain a set back of at least 50 feet from residential streets. The height of such commercial uses shall be coordinated with the site planning and building design of the HR-1 parcels in such manner that the impact of the commercial structures is minimized, however, in no case may the height exceed ~~28 feet above natural grade~~ 27 feet, as defined in Section 8.17.

New Subsection:

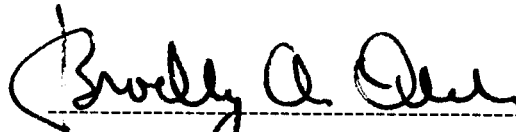
7.4.7 Maximum Area Per Tenant on Ground Floor. In order to preserve the historic character and to ensure compatibility between commercial uses within the Historic Transitional Overlay District, the maximum allowable area for any one tenant or land use on the ground floor of any structure shall be limited to 2800 square feet.

SECTION 3. PERIOD OF LIMITED EFFECT. This temporary zoning ordinance shall be effective, pursuant to U.C.A. Section 10-9-404, for a period of six months.

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

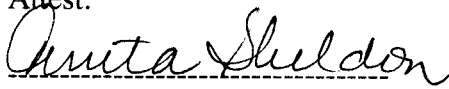
PASSED AND ADOPTED this 22ND day of February, 1996

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

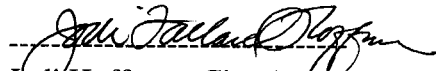
Attest:



Anita Sheldon, City Recorder



Approved as to form:



Judi Hoffman, City Attorney

k:\admin\shared\tzo.001

Ordinance No. 96-4

**AN ORDINANCE APPROVING THE CONVERSION TO CONDOMINIUM
OWNERSHIP AT 210 DALY AVENUE
PARK CITY, UTAH**

WHEREAS, the owner of the property indicated above, Donald E. Armstrong petitioned the City Council for approval of the Condominium Conversion; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing on January 24, 1996 and the City Council conducted a public hearing on February 1, 1996 to receive testimony on the proposed record of survey; and

WHEREAS, on January 24, 1996 the Planning Commission forwarded a positive recommendation of approval to the City Council, with conditions regarding snow storage and public utility easements; and

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 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 conversion and that neither the public nor any person will be materially injured by the proposed plat amendment.

SECTION 2. EFFECTIVE DATE This ordinance shall become effective immediately.

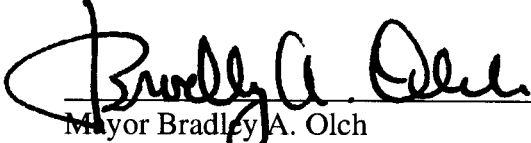
SECTION 3. PLAT APPROVAL The amendment to the Millsite Reservation of the Park City Survey for Lot 29, Block 74, is approved as shown on Attachment A with the following conditions:

1. Prior to plat recordation, the City Council, 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 shall apply.
3. A ten foot non-exclusive public snow storage and utility easement shall be dedicated by the applicant along Daly Avenue.
4. A non-exclusive snow storage and public utility easement from the rear of the building to the edge of asphalt on Ridge Avenue shall be dedicated by the applicant.

PASSED AND ADOPTED this 1st day of February, 1996

PARK CITY MUNICIPAL CORPORATION

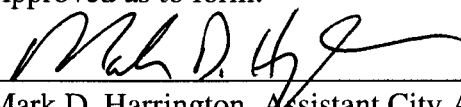


Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

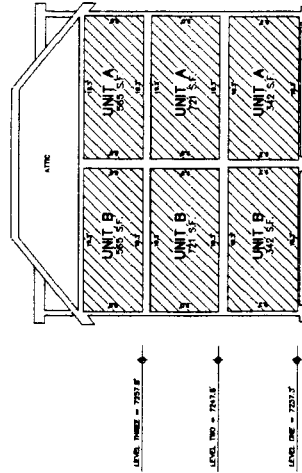
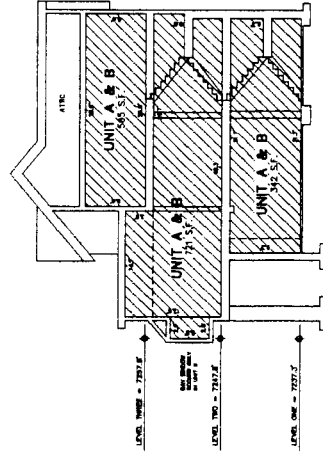
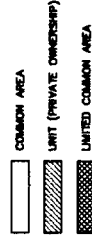
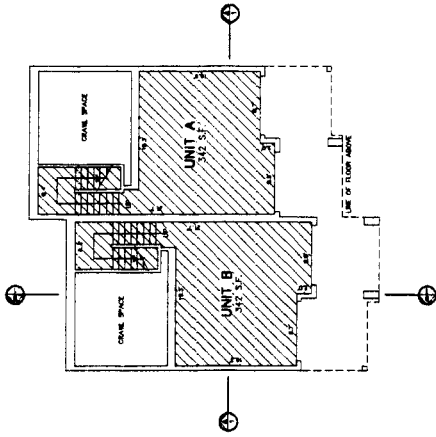
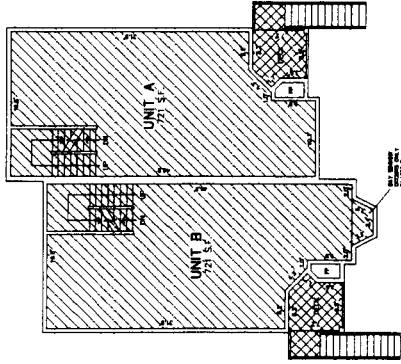
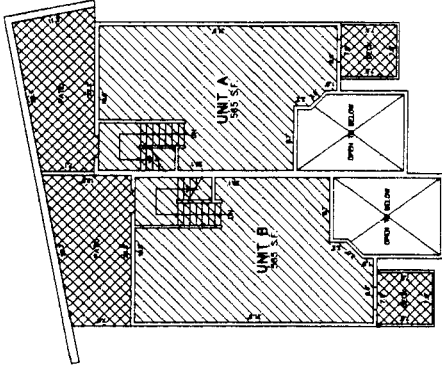
Approved as to form:



Mark D. Harrington, Assistant City Attorney

RECEIVED

PARK CITY
PLANNING DEPT.



RECORD OF SURVEY
210 DALY CONDOMINIUM

LOCATED IN SECTION 11
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND
AT THE REQUEST OF _____ BOOK _____
DATE _____ TIME _____
FEE _____ RECORDER _____

Ordinance No. 96-3

**AN ORDINANCE APPROVING THE AMENDMENT TO LOT #5
OF THE MORNING STAR ESTATES SUBDIVISION PLAT, PARK CITY, UTAH**

WHEREAS, the owners of the property known as Lot #5 Morning Star Estates Subdivision have petitioned the City Council for approval of the amendment to final plat; and

WHEREAS, proper notice was sent and the City Council held a public hearing to receive input on the proposed amendment on February 1, 1996; and

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

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

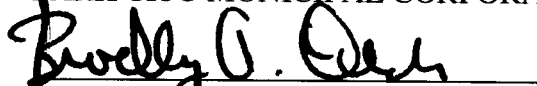
NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Park City, Utah as follows:

SECTION 1. Plat Amendment. The amendment of the final plat of Morning Star Estates Subdivision, Lot 5 is approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat in accordance with the Final Conditions of Approval and the Land Management Code.
2. All Standard Project Conditions shall apply as approved on July 2, 1992.
3. The aggregate size of the revised building zone will be no greater than the existing building zone.

PASSED AND ADOPTED this 1st day of February, 1996.

PARK CITY MUNICIPAL CORPORATION

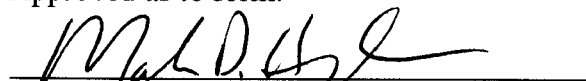


Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Assistant City Attorney

**AN ORDINANCE APPROVING AN AMENDMENT TO THE COPPERBOTTOM INN
CONDOMINIUM APARTMENT HOMES CONDOMINIUM PLAT AT 1637
SHORTLINE ROAD, PARK CITY, UTAH**

WHEREAS, the owners of the Copperbottom Inn Condominium Apartment Homes, have petitioned the City Council for approval of an amendment to the Copperbottom Inn Condominium Apartment Homes Condominium Plat; and

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

WHEREAS, the City Council held a public hearing on January 11, 1996 to receive input on the proposed amendment; and

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 Park City, Utah as follows:

SECTION 1. 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 amendment.

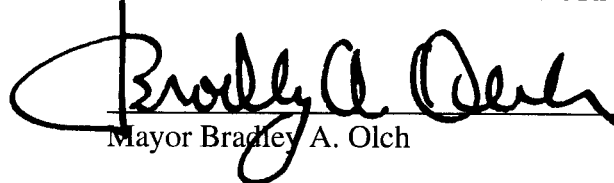
SECTION 2. PLAT APPROVAL. The amendment of the Copperbottom Inn Condominium Apartment Homes Condominium Plat is approved as shown on the attached Exhibit A with the following condition:

Prior to plat recordation, the City Attorney and City Engineer shall review and approve the amended condominium plat.

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

PASSED AND ADOPTED this 11th day of January, 1996.

PARK CITY MUNICIPAL CORPORATION

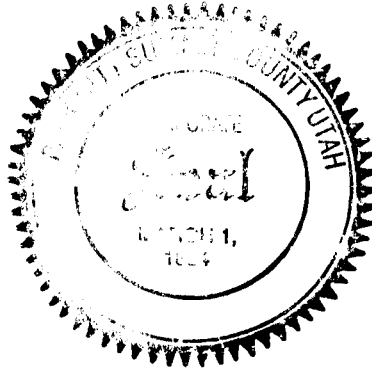

Mayor Bradley A. Olch

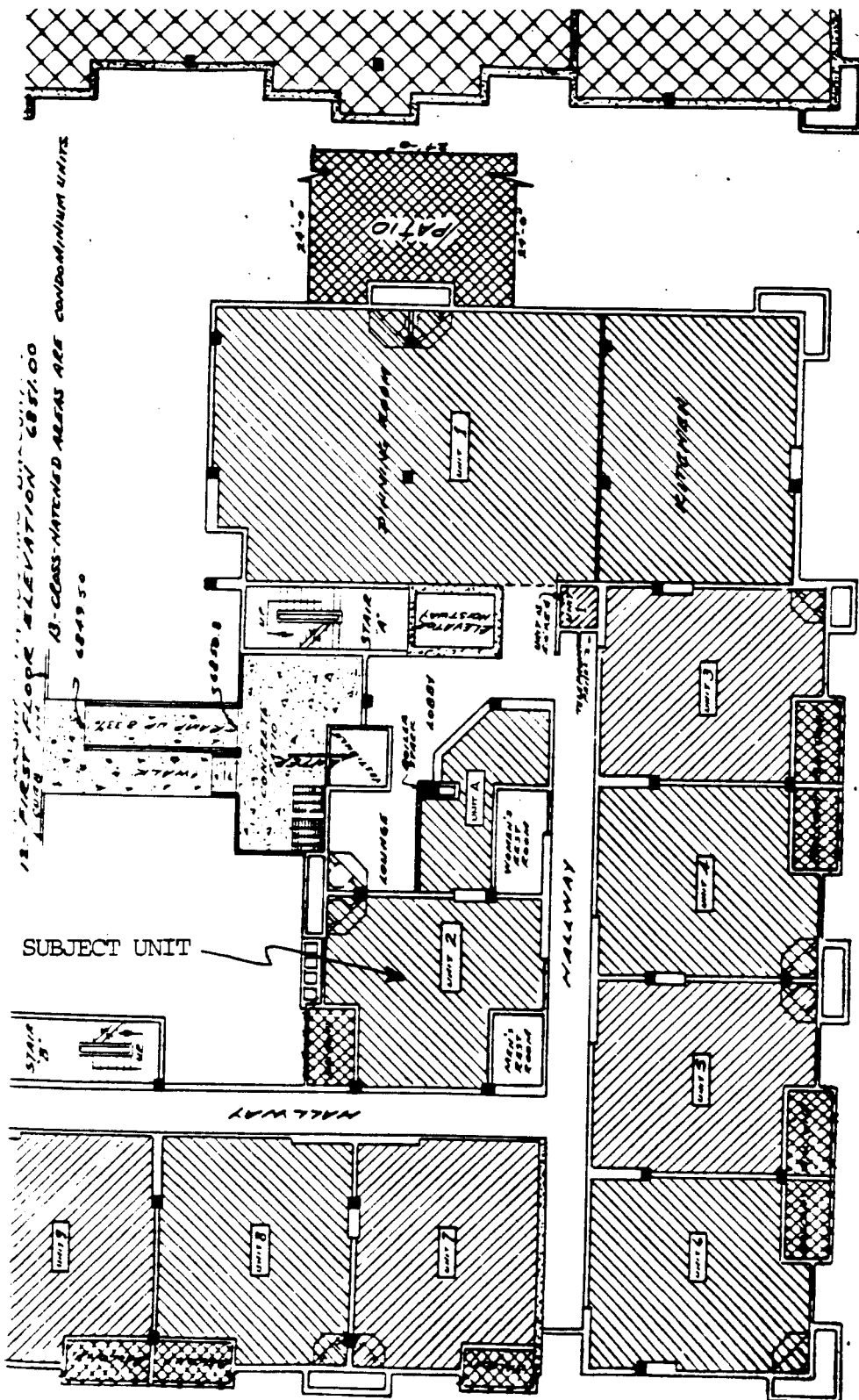
Attest:

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

Approved as to form:

Mark D. Harrington
Mark D. Harrington, Assistant City Attorney





12. FIRST FLOOR ELEVATION 6851.00
 13. CLASS-MATCHED AREAS ARE CONDOMINIUM UNITS 6849.50

SUBJECT UNIT

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

PROPOSED PLAN

Ordinance No. 96-1

**AN ORDINANCE APPROVING THE AMENDMENT TO THE PARK CITY SURVEY
FOR LOTS 20 AND 21, BLOCK 13, LOCATED AT 108 PARK AVENUE
PARK CITY, UTAH**

WHEREAS, the owner of the property indicated above, David Morrison, petitioned the City Council for approval of the amendment to the Park City Survey Plat; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing on December 13, 1995 and the City Council conducted a public hearing on January 11, 1996 to receive testimony on the proposed plat amendment; and

WHEREAS, on December 13, 1995 the Planning Commission forwarded a positive recommendation of approval to the City Council, with conditions regarding building separation; and

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 Park City, Utah as follows:

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned amendment and that neither the public nor any person will be materially injured by the proposed plat amendment.

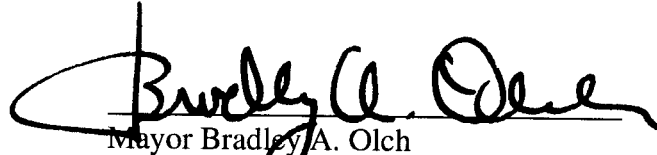
SECTION 2. EFFECTIVE DATE This ordinance shall become effective immediately.

SECTION 3. PLAT APPROVAL The amendment to the Park City Survey for Lots 20 AND 21, Block 13, is approved as shown on Attachment A with the following conditions:

1. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat.
2. All Standard Project Conditions shall apply.
3. A note shall be placed upon the plat which states that the minimum separation from the building on the adjoining property to the north shall be 6 feet.

PASSED AND ADOPTED this 11th day of January, 1996

PARK CITY MUNICIPAL CORPORATION



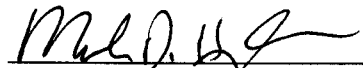
Mayor Bradley A. Olch

Attest:



Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Assistant City Attorney

