

**Ordinance No. 06-42**

**ORDINANCE ESTABLISHING COMPENSATION  
FOR THE MAYOR, CITY COUNCIL, AND STATUTORY OFFICERS  
FOR FISCAL YEAR 2006 – 2007 IN PARK CITY, UTAH**

WHEREAS, the City Council has the power to establish compensation schedules pursuant to UCA Section 10-3-818; and

WHEREAS, the number of duties for the Mayor and City Council is significant and each elected officer is required to devote considerable time and expense to public service and community affairs; and

WHEREAS, a public hearing was duly advertised and held on June 29, 2006;

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

**SECTION 1. REPEALER:** All previous compensation ordinances regarding elected and statutory officers hereby are repealed.

**SECTION 2. COMPENSATION FOR MAYOR, CITY COUNCIL, AND STATUTORY OFFICERS ADOPTED:** The following salary levels are hereby adopted:

	<u>FY 2006-2007</u>
Mayor	\$1,879.67 per month
City Council	\$ 950.42 per month
City Manager	\$105,070 - \$120,360 per year
City Attorney	\$91,692 - \$107,100 per year
City Treasurer	\$55,080 - \$79,508 per year
City Engineer	\$66,300 - \$87,394 per year
City Recorder	\$25,459 - \$39,059 per year

**SECTION 3. BENEFITS:** The Mayor and each member of the City Council shall receive family medical insurance. This benefit may be received as cash in lieu of the insurance coverage. The Mayor shall also receive \$250 per month in car allowance. In addition, the Mayor and Mayor Pro-Term shall receive \$100 per wedding performed. Statutory officers are eligible for all benefits available to regular FTE, unless otherwise determined by the Mayor and City Council.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall become effective on July 1, 2006.

PASSED AND ADOPTED this 29<sup>th</sup> day of June, 2006.

PARK CITY MUNICIPAL CORPORATION

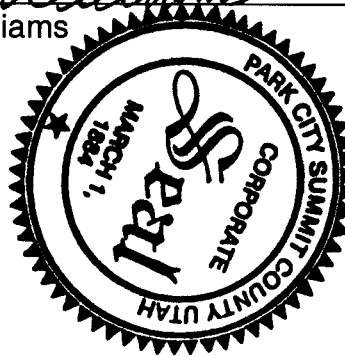
*Dana Williams*  
Mayor Dana Williams

Attest

*Janet M. Scott*  
Janet M. Scott, City Recorder

Approved as to form:

*Mark D. Harrington*  
Mark D. Harrington, City Attorney



STATE OF UTAH  
County of Summit

I, Holly VanDenAmeele, Holly VanDenAmeele, being first duly sworn, depose and say that I am the Office Manager & Receptionist of The Park Record, a bi-Weekly newspaper of general circulation, in Park City, Utah, Summit County. The notice attached hereto and which is a/an:

"ORDINANCE NO. 06-42 COMPENSATION"

Was published in said newspaper (The Park Record), for 1 consecutive issue(s), the first publication having been the 5 day of July 2006, and the last on the 5 day of July 2006, that said notice was published in the regular and entire issue of every number of the paper during the period of times of publication and the same was published in the newspaper and not in any supplement. Total cost for this Legal is:

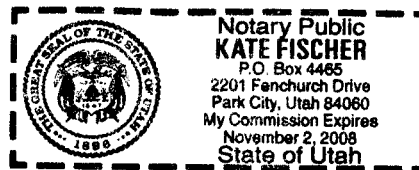
\$ 21.60 Reference Billing Number: 02575193

Subscribed and sworn to me this 11 day of July 2006.

**ORDINANCE NO. 06-42  
COMPENSATION**

**PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah at its meeting on June 29, 2006, adopted an Ordinance establishing compensation for the Mayor, City Council and Statutory Officers for Fiscal Year 2006-2007, Park City, Utah. The Ordinance becomes effective upon publication and can be obtained at the City Recorder's Office, 445 Marsac Avenue, during regular business hours. PUBLISHED IN THE PARK RECORD ON WEDNESDAY, JULY 5, 2006**

Kate Fischer



**Ordinance No. 06-41**

**AN ORDINANCE ADOPTING A REVISED BUDGET FOR FY 2005-06 AND A BUDGET FOR 2006-07 FOR PARK CITY MUNICIPAL CORPORATION AND ITS RELATED AGENCIES.**

WHEREAS, the Utah State law requires that city budgets be adopted by resolution or ordinance: and;

WHEREAS, a public hearing was held on May 4, May 18, May 25, June 1, June 8, and June 15, 2006 at the City Council's regularly scheduled meetings, complying with State law;

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

SECTION 1. REVISED BUDGET ADOPTED. The budget as outlined in the City Manager's Recommended Budget presented on May 4, 2006 and with changes as summarized in the Attachments to this ordinance is hereby adopted as the Revised 2005-06 Operating Budget for Park City Municipal Corporation and its related agencies.

SECTION 2. BUDGET ADOPTED. The budget as outlined in the City Manager's Recommended budget presented on May 4, 2006 and with changes as summarized in the Attachments to this ordinance is hereby adopted as the budget for FY 2006-07 for Park City Municipal Corporation and its related agencies.

SECTION 3. CERTIFIED PROPERTY TAX RATE. The City's Budget, Debt and Grants Manager is authorized to compute and file the City's Certified Property Tax rate for FY 2006-07 at a "no tax increase rate". This ordinance hereby adopts the Certified Property Tax rate for FY 2006-07. The Budget, Debt, and Grants Manager is also authorized to compute the City's Certified Property Tax rate for the issuance of General Obligation Bonds as approved by voters in November of 2001 and 2002.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect June 15, 2006 for the FY 2005-06 revised budget and July 1, 2006 for the FY 2006-07 budget.

PASSED AND ADOPTED this 15<sup>th</sup> day of June, 2006.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

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

Approved as to form:



Mark D. Harrington, City Attorney

## Budget Summary

### Resources & Requirements - All Funds Combined

Description	2003 Actual	2004 Actual	2005 Actual	2006 Adjusted	2007 Budget	Change - 2006 to 2007	
						Increase (reduction)	%
<b>RESOURCES</b>							
Sales Tax	8,343,874	8,779,184	10,502,700	10,700,000	10,255,000	(445,000)	-4%
Planning Building & Engineering Fees	2,437,924	2,685,083	4,722,865	3,910,756	3,473,256	(437,500)	-11%
Charges for Services	3,809,242	3,980,151	4,807,943	6,547,050	6,706,050	159,000	2%
Intergovernmental Revenue	1,906,597	1,222,720	2,995,292	4,156,047	3,296,229	(859,818)	-21%
Franchise Tax	1,702,577	1,854,982	2,309,090	2,120,000	2,230,000	110,000	5%
Property Taxes	10,229,887	11,274,336	12,608,114	12,783,316	12,576,909	(206,407)	-2%
General Government	0	0	0	123,200	349,500	226,300	184%
Other	7,927,167	5,785,068	10,273,182	7,468,768	5,891,676	(1,577,092)	-21%
<b>Total</b>	<b>\$36,357,268</b>	<b>\$35,581,524</b>	<b>\$48,219,186</b>	<b>\$47,809,137</b>	<b>\$44,778,620</b>	<b>(\$3,030,517)</b>	<b>-6%</b>
<b>REQUIREMENTS (by function)</b>							
Executive	1,711,619	5,434,054	5,572,099	6,943,125	7,390,088	446,963	6%
Police	2,344,546	2,861,278	3,072,085	3,232,364	3,164,203	(68,161)	-2%
Public Works	6,281,828	8,786,720	9,823,068	10,914,882	11,857,744	942,862	9%
Library & Recreation	4,873,884	2,662,157	2,562,285	2,691,073	2,747,883	56,810	2%
Non-Departmental	1,553,528	1,534,620	1,620,742	2,108,136	2,095,007	(13,129)	-1%
Grants	344,385	347,555	327,519	400,000	400,000	0	0%
Contingency	298,426	22,515	0	412,114	575,000	162,886	40%
Capital Improvs. (dept. operations)	678,265	217,741	222,697	769,422	723,022	(46,400)	-6%
Community Development	2,008,129	0	0	0	0	0	0%
Administrative Services	1,731,325	0	0	0	0	0	0%
<b>Total</b>	<b>\$21,825,935</b>	<b>\$21,866,640</b>	<b>\$23,200,495</b>	<b>\$27,471,116</b>	<b>\$28,952,947</b>	<b>\$1,481,831</b>	<b>5%</b>
<b>REQUIREMENTS (by type)</b>							
Personnel	13,153,282	13,885,319	14,551,594	15,448,504	16,751,661	1,303,157	8%
Materials, Supplies & Services	7,695,962	7,741,065	8,426,204	10,841,076	10,903,264	62,188	1%
Contingency	298,426	22,515	0	412,114	575,000	162,886	40%
Capital Improvs. (dept. operations)	678,265	217,741	222,697	769,422	723,022	(46,400)	-6%
<b>Total</b>	<b>\$21,825,935</b>	<b>\$21,866,640</b>	<b>\$23,200,495</b>	<b>\$27,471,116</b>	<b>\$28,952,947</b>	<b>\$1,481,831</b>	<b>5%</b>
<b>EXCESS (deficiency) OF RESOURCES OVER REQUIREMENTS</b>							
	\$14,531,333	\$13,714,884	\$25,018,691	\$20,338,021	\$15,825,673	(\$4,512,348)	-22%
<b>OTHER FINANCING SOURCES (uses)</b>							
Bond Proceeds	0	5,024,109	29,173,975	6,017,506	2,867,000	(3,150,506)	-52%
Debt Service	(8,490,187)	(6,613,755)	(13,943,135)	(6,538,355)	(6,216,651)	321,704	-5%
Interfund Transfers In	11,906,096	14,054,357	29,203,184	29,115,806	9,440,285	(19,675,521)	-68%
Interfund Transfers Out	(11,906,096)	(14,054,357)	(29,203,184)	(29,115,806)	(9,440,285)	19,675,521	-68%
Capital Improvement Projects	(6,549,246)	(12,013,165)	(15,738,247)	(74,691,399)	(12,527,734)	62,163,665	-83%
<b>Total</b>	<b>(\$15,039,433)</b>	<b>(\$13,602,809)</b>	<b>(\$507,407)</b>	<b>(\$75,212,248)</b>	<b>(\$15,877,385)</b>	<b>\$59,334,863</b>	<b>-79%</b>
<b>EXCESS (deficiency) OF RESOURCES OVER REQUIREMENTS AND OTHER SOURCES (uses)</b>							
	(\$508,100)	\$112,075	\$24,511,284	(\$54,874,227)	(\$51,712)	\$54,822,515	100%
Beginning Balance	\$51,092,711	\$52,323,633	\$54,810,573	\$79,674,717	\$24,800,489	(\$54,874,228)	-69%
Ending Balance	\$50,584,608	\$52,435,708	\$79,321,857	\$24,800,489	\$24,748,776	(\$51,713)	0%

## Budget Summary

Description	Budget (FY2006)				Budget (FY2007)		% Change
	Original	Adjusted	Change from Original Total	% of Total	Plan	Budget	
<b>RESOURCES</b>							
Sales Tax	8,375,000	10,700,000	2,325,000	28%	8,375,000	10,255,000	22%
Planning Building & Engineering Fees	2,967,456	3,910,756	943,300	32%	3,267,456	3,473,256	6%
Charges for Services	5,605,182	6,547,050	941,868	17%	6,400,182	6,706,050	5%
Intergovernmental Revenue	3,317,000	4,156,047	839,047	25%	2,281,000	3,296,229	45%
Franchise Tax	1,583,375	2,120,000	536,625	34%	1,583,375	2,230,000	41%
Property Taxes	12,576,909	12,783,316	206,407	2%	12,576,909	12,576,909	0%
Bond Proceeds	8,143,278	6,017,506	(2,125,772)	-26%	1,736,000	2,867,000	65%
Other	6,027,307	7,591,968	1,564,661	26%	5,495,405	6,241,176	14%
<b>Sub-Total</b>	<b>\$48,595,507</b>	<b>\$53,826,643</b>	<b>\$5,231,136</b>	<b>11%</b>	<b>\$41,715,327</b>	<b>\$47,645,620</b>	<b>14%</b>
Interfund Transactions	22,098,649	29,115,806	7,017,157	32%	7,476,156	9,440,285	26%
Beginning Balance	\$40,871,229	\$79,674,717	38,803,488	95%	23,126,495	\$24,800,489	7%
<b>Total</b>	<b>\$111,565,383</b>	<b>\$162,617,166</b>	<b>\$51,051,781</b>	<b>46%</b>	<b>\$72,317,978</b>	<b>\$81,886,394</b>	<b>13%</b>
<b>REQUIREMENTS</b>							
Executive	6,920,837	6,943,125	22,288	0%	7,194,578	7,390,088	3%
Police	3,119,478	3,232,364	112,886	4%	3,155,053	3,164,203	0%
Public Works	10,575,124	10,914,882	339,758	3%	11,298,484	11,857,744	5%
Library & Recreation	2,607,304	2,691,073	83,769	3%	2,625,645	2,747,883	5%
Non-Departmental	2,095,007	2,108,136	13,129	1%	2,095,007	2,095,007	0%
Grants	400,000	400,000	0	0%	400,000	400,000	0%
Contingency	575,000	412,114	(162,886)	-28%	575,000	575,000	0%
Debt Service	6,526,355	6,538,355	12,000	0%	6,204,651	6,216,651	0%
<b>Sub-Total</b>	<b>\$32,819,105</b>	<b>\$33,240,049</b>	<b>\$420,944</b>	<b>1%</b>	<b>\$33,548,418</b>	<b>\$34,446,576</b>	<b>3%</b>
Capital Improvements	33,521,134	75,460,821	41,939,687	125%	9,962,853	13,250,756	33%
Interfund Transactions	22,098,649	29,115,806	7,017,157	32%	7,476,156	9,440,285	26%
Ending Balance	\$23,126,495	25,655,581	2,529,086	11%	21,330,550	25,771,483	21%
<b>Total</b>	<b>\$111,565,383</b>	<b>\$163,472,257</b>	<b>\$51,906,874</b>	<b>47%</b>	<b>\$72,317,977</b>	<b>\$82,909,100</b>	<b>15%</b>
<b>REQUIREMENTS</b>							
Personnel	15,249,823	15,448,504	198,681	1%	15,634,405	16,751,661	7%
Materials, Supplies & Services	10,467,927	10,841,076	373,149	4%	11,134,362	10,903,264	-2%
Contingency	575,000	412,114	(162,886)	-28%	575,000	575,000	0%
<b>Sub-Total</b>	<b>\$26,292,750</b>	<b>\$26,701,694</b>	<b>\$408,944</b>	<b>2%</b>	<b>\$27,343,767</b>	<b>\$28,229,925</b>	<b>3%</b>
Capital Improvement Projects	32,766,984	74,691,399	41,924,415	128%	9,235,903	12,527,734	36%
Capital Improvs. (dept. operations)	754,150	769,422	15,272	2%	726,950	723,022	-1%
Debt Service	6,526,355	6,538,355	12,000	0%	6,204,651	6,216,651	0%
<b>Sub-Total</b>	<b>\$40,047,489</b>	<b>\$81,999,176</b>	<b>\$41,951,687</b>	<b>105%</b>	<b>\$16,167,504</b>	<b>\$19,467,407</b>	<b>20%</b>
Interfund Transactions	22,098,649	29,115,806	7,017,157	32%	7,476,156	9,440,285	26%
Ending Balance	23,126,495	25,655,581	2,529,086	11%	21,330,550	25,771,483	21%
<b>Total</b>	<b>\$111,565,383</b>	<b>\$163,472,257</b>	<b>\$51,906,874</b>	<b>47%</b>	<b>\$72,317,977</b>	<b>\$82,909,100</b>	<b>15%</b>

## Budget Summary

<b>Expenditure Summary by Fund and Unit</b>		
Expenditures	Budget (FY2006)	Budget (FY2007)

<b>Park City Municipal Corp</b>		
11 General Fund	25,500,291	21,628,306
12 Quinns Recreation Complex	284,185	279,986
21 Police Special Revenue Fund	18,272	0
31 Capital Improvement Fund	61,335,070	15,161,517
38 Equipment Replacement CIP	3,243,098	847,331
51 Water Fund	16,421,399	6,931,417
54 Recreation Fund	(1)	(1)
55 Golf Course Fund	1,469,391	1,397,812
57 Transportation & Parking Fund	13,463,242	12,361,094
62 Fleet Services Fund	1,866,576	1,831,157
64 Self Insurance Fund	3,678,970	3,525,898
71 Debt Service Fund	2,902,787	2,655,638
70 Sales Tax Rev Bonds Debt Svc F/T	18,097,242	3,744,131
<b>Park City Redevelopment Agency</b>		
33 Redevelopment Agency Lower Prk	6,861,541	5,120,756
34 Redevelopment Agency Main St	2,621,092	2,586,885
72 RDA Main Street Debt Service	1,011,652	104,152
76 RDA Lower PK Ave Debt Service	2,367,836	2,326,836
<b>Municipal Building Authority</b>		
35 Building Authority	1,330,940	1,329,933
73 MBA Debt Service Fund	81,999	0
<b>Housing Authority</b>		
36 Park City Housing Authority	61,583	53,545
<b>TOTAL</b>	<u>\$162,617,165</u>	<u>\$81,886,393</u>
Interfund Transfer	(29,115,806)	(9,440,285)
Ending Balance	(24,800,489)	(24,748,776)
<b>Operating Total</b>	<b>\$108,700,870</b>	<b>\$47,697,332</b>



## Budget Summary

### Expenditure Summary by Fund and Major Object (FY 2006)

Expenditures	Operating Budget		Capital	Debt Service	Contingency	Sub-Total	Interfund Transfer	Total
	Personnel	Mat. Suppl. Services						
Park City Municipal Corp								
11 General Fund	11,085,181	5,163,058	470,825	0	412,114	17,131,178	8,080,151	25,500,291
12 Quinns Recreation Complex	251,199	173,500	4,000	0	0	428,699	(144,514)	284,185
21 Police Special Revenue Fund	0	0	18,272	0	0	18,272	0	18,272
31 Capital Improvement Fund	0	0	52,197,874	0	0	52,197,874	628,302	61,335,070
38 Equipment Replacement	0	0	3,095,767	0	0	3,095,767	0	3,243,098
51 Water Fund	900,945	1,535,580	11,925,211	809,000	0	15,170,736	1,237,046	16,421,399
54 Recreation Fund	(1)	0	0	0	0	(1)	0	(1)
55 Golf Course Fund	402,286	421,112	350,604	7,000	0	1,181,002	137,585	1,469,391
57 Transportation & Parking Fund	2,237,954	586,910	3,887,839	0	0	6,712,703	2,022,367	13,463,242
62 Fleet Services Fund	570,940	1,163,397	5,000	0	0	1,739,337	0	1,866,376
63 Equipment Replacement	0	0	0	0	0	0	0	0
64 Self Insurance Fund	0	674,390	0	0	0	674,390	0	3,004,580
71 Debt Service Fund	0	0	0	2,190,000	0	2,190,000	269,058	2,902,787
70 Sales Tax Rev Bonds Debt Svc F/T	0	0	0	1,983,855	0	1,983,855	14,867,667	18,097,242
<b>Park City Municipal Corp Total</b>	<b>\$15,448,504</b>	<b>\$9,717,947</b>	<b>\$71,955,392</b>	<b>\$4,989,855</b>	<b>\$412,114</b>	<b>\$102,523,812</b>	<b>\$27,242,176</b>	<b>\$148,280,522</b>
Park City Redevelopment Agency								
33 Redevelopment Agency Lower Prk	0	708,129	2,562,656	0	0	3,270,785	670,000	6,861,541
34 Redevelopment Agency Main ST	0	415,000	901,728	0	0	1,316,728	1,121,631	2,621,092
72 RDA Main Street Debt Service	0	0	0	907,500	0	907,500	0	1,011,652
76 RDA Lower PK Ave Debt Service	0	0	0	641,000	0	641,000	0	2,367,836
<b>Park City Redevelopment Agency Total</b>	<b>\$0</b>	<b>\$1,123,129</b>	<b>\$3,464,384</b>	<b>\$1,548,500</b>	<b>\$0</b>	<b>\$6,136,013</b>	<b>\$1,791,631</b>	<b>\$12,862,121</b>
Municipal Building Authority								
35 Building Authority	0	0	33,007	0	0	33,007	0	1,330,940
73 MBA Debt Service Fund	0	0	0	0	0	0	81,999	81,999
<b>Municipal Building Authority Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$33,007</b>	<b>\$0</b>	<b>\$0</b>	<b>\$33,007</b>	<b>\$81,999</b>	<b>\$1,412,939</b>
Housing Authority								
36 Park City Housing Authority	0	0	8,038	0	0	8,038	0	53,545
<b>Housing Authority Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,038</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,038</b>	<b>\$0</b>	<b>\$61,583</b>
<b>TOTAL</b>	<b>\$15,448,504</b>	<b>\$10,841,076</b>	<b>\$75,460,821</b>	<b>\$6,538,355</b>	<b>\$412,114</b>	<b>\$108,700,870</b>	<b>\$29,115,806</b>	<b>\$162,617,165</b>

## Budget Summary

### Expenditure Summary by Fund and Major Object (FY 2007)

Expenditures	Operating Budget		Capital	Debt Service	Contingency	Sub-Total	Interfund Transfer	Total
	Personnel	Mat. Suppls, Services						
<b>Park City Municipal Corp</b>								
11 General Fund	11,487,643	5,067,985	413,697	0	575,000	17,544,325	3,080,327	21,628,306
12 Quinns Recreation Complex	391,450	333,875	33,000	0	0	758,325	8,625	279,986
21 Police Special Revenue Fund	0	0	0	0	0	0	0	0
31 Capital Improvement Fund	0	0	5,520,722	0	0	5,520,722	631,607	15,161,517
38 Equip. Replacement Fund	0	0	700,000	0	0	700,000	0	847,331
51 Water Fund	979,877	1,676,857	2,215,508	809,000	0	5,681,242	1,237,574	6,931,417
54 Recreation Fund	(1)	0	0	0	0	(1)	0	(1)
55 Golf Course Fund	404,304	421,077	270,000	7,000	0	1,102,381	138,085	1,397,812
57 Transportation & Parking Fund	2,908,393	428,690	2,610,829	0	0	5,947,912	2,167,501	12,361,094
62 Fleet Services Fund	579,995	1,190,390	5,000	0	0	1,775,385	0	1,831,157
63 Equip. Replacement Fund	0	0	0	0	0	0	0	0
64 Self Insurance Fund	0	674,390	0	0	0	674,390	0	3,525,898
71 Debt Service Fund	0	0	0	2,189,000	0	2,189,000	0	2,655,638
70 Sales Tax Rev Bonds Debt Svc F/T	0	0	0	2,612,651	0	2,612,651	492,414	3,744,131
<b>Park City Municipal Corp Total</b>	<b>\$16,751,661</b>	<b>\$9,793,264</b>	<b>\$11,768,756</b>	<b>\$5,617,651</b>	<b>\$575,000</b>	<b>\$44,506,332</b>	<b>\$7,756,133</b>	<b>\$70,364,286</b>
<b>Park City Redevelopment Agency</b>								
33 Redevelopment Agency Lower Prk	0	695,000	400,000	0	0	1,095,000	630,000	5,120,756
34 Redevelopment Agency Main ST	0	415,000	1,050,000	0	0	1,465,000	950,000	2,586,885
72 RDA Main Street Debt Service	0	0	0	0	0	0	104,152	104,152
76 RDA Lower Pk Ave Debt Service	0	0	0	599,000	0	599,000	0	2,326,836
<b>Park City Redevelopment Agency Total</b>	<b>\$0</b>	<b>\$1,110,000</b>	<b>\$1,450,000</b>	<b>\$599,000</b>	<b>\$0</b>	<b>\$3,159,000</b>	<b>\$1,684,152</b>	<b>\$10,138,629</b>
<b>Municipal Building Authority</b>								
35 Building Authority	0	0	32,000	0	0	32,000	0	1,329,933
73 MBA Debt Service Fund	0	0	0	0	0	0	0	0
<b>Municipal Building Authority Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$32,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$32,000</b>	<b>\$0</b>	<b>\$1,329,933</b>
<b>Housing Authority</b>								
36 Park City Housing Authority	0	0	0	0	0	0	0	53,545
<b>Housing Authority Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$53,545</b>
<b>TOTAL</b>	<b>\$16,751,661</b>	<b>\$10,903,264</b>	<b>\$13,250,756</b>	<b>\$6,216,651</b>	<b>\$575,000</b>	<b>\$47,697,332</b>	<b>\$9,440,285</b>	<b>\$81,886,393</b>

## Budget Summary

All Funds Combined	2003		2004		2005		2006 Budget		2007	
			(actual)				(original)	(adj)	(budget & % of total)	
Revenue										
Property Taxes	10,229,887	11,274,336	12,608,114	12,576,909	12,783,316	12,576,909	12,783,316	12,576,909	15%	
Sales Tax	8,343,874	8,779,184	10,502,700	8,375,000	10,700,000	8,375,000	10,700,000	10,255,000	13%	
Franchise Tax	1,702,577	1,854,982	2,309,090	1,583,375	2,120,000	1,583,375	2,120,000	2,230,000	3%	
Licenses	659,705	684,000	783,428	628,500	718,500	628,500	718,500	765,500	1%	
Planning Building & Engineering Fees	2,437,924	2,685,083	4,722,865	2,967,456	3,910,756	2,967,456	3,910,756	3,473,256	4%	
Other Fees	2,500	1,058	19,216	20,500	0	20,500	0	0	0%	
Intergovernmental Revenue	1,906,597	1,222,720	2,995,292	3,317,000	4,156,047	3,317,000	4,156,047	3,296,229	4%	
Charges for Services	3,809,242	3,980,151	4,807,943	5,605,182	6,547,050	5,605,182	6,547,050	6,706,050	8%	
Recreation	2,191,444	2,226,045	2,172,131	2,186,450	2,255,950	2,186,450	2,255,950	2,219,950	3%	
Other Service Revenue	51,654	76,503	102,708	50,000	50,000	50,000	50,000	50,000	0%	
Fines & Forfeitures	640,806	570,477	767,958	606,254	677,500	606,254	677,500	752,500	1%	
Misc. Revenue	2,472,537	1,754,068	2,907,255	2,214,041	2,427,453	2,214,041	2,427,453	2,031,726	2%	
Interfund Transactions	11,906,096	14,054,357	29,203,184	22,098,649	29,115,806	22,098,649	29,115,806	9,440,285	12%	
Special Revenue & Resources	1,908,521	5,497,026	32,694,461	8,341,640	7,356,871	8,341,640	7,356,871	2,939,000	4%	
General Government	0	0	0	123,200	123,200	123,200	123,200	349,500	0%	
Beginning Balance	51,092,711	52,323,633	54,810,573	40,871,229	79,674,717	40,871,229	79,674,717	24,800,489	30%	
<b>TOTAL</b>	<b>99,356,075</b>	<b>106,983,623</b>	<b>161,406,918</b>	<b>111,565,385</b>	<b>162,617,166</b>	<b>111,565,385</b>	<b>162,617,166</b>	<b>81,886,394</b>	<b>100%</b>	

# Budget Summary

All Funds Combined	2003		2004		2005		2006 Budget		2007	
	(actual)						(original)		(budget & % of total)	
<b>Expenditures</b>										
<b>Park City Municipal Corp</b>										
11 General Fund	19,987,571	21,918,792	26,003,596	20,157,430	25,500,291	21,628,306	26%			
12 Quinns Recreation Complex	0	0	0	198,199	284,185	279,986	0.34%			
21 Police Special Revenue Fund	12,590	15,372	16,522	0	18,272	0	0%			
31 Capital Improvement Fund	25,407,585	32,565,190	44,203,174	27,020,077	61,335,070	15,161,517	19%			
38 Equipment Replacement CIP	3,028,758	2,768,481	3,194,702	831,266	3,243,098	847,331	1%			
51 Water Fund	9,279,592	7,020,984	9,630,665	16,205,344	16,421,399	6,931,417	8%			
54 Recreation Fund	2,166,997	269,647	0	(1)	(1)	(1)	0%			
55 Golf Course Fund	1,476,801	1,371,676	1,313,435	1,362,117	1,469,391	1,397,812	2%			
57 Transportation & Parking Fund	10,328,263	9,715,280	13,354,464	7,674,251	13,463,242	12,361,094	15%			
62 Fleet Services Fund	1,184,533	1,295,111	1,523,393	1,643,664	1,866,576	1,831,157	2%			
63 Equipment Replacement Fund	2,710,528	0	0	0	0	0	0%			
64 Self Insurance Fund	3,472,500	3,437,700	3,598,351	3,445,279	3,678,970	3,525,898	4%			
71 Debt Service Fund	1,781,705	7,340,095	11,204,533	2,680,964	2,902,787	2,655,638	3%			
70 Sales Tax Rev Bonds Debt Svc F/T	0	0	22,169,151	18,048,620	18,097,242	3,744,131	4.57%			
<b>Park City Municipal Corp Total</b>	<b>80,837,423</b>	<b>87,718,328</b>	<b>136,211,986</b>	<b>99,267,210</b>	<b>148,280,522</b>	<b>70,364,286</b>	<b>86%</b>			
<b>Housing Authority</b>										
36 Park City Housing Authority	59,393	60,329	61,583	52,291	61,583	53,545	0%			
<b>Housing Authority Total</b>	<b>59,393</b>	<b>60,329</b>	<b>61,583</b>	<b>52,291</b>	<b>61,583</b>	<b>53,545</b>	<b>0%</b>			
<b>Municipal Building Authority</b>										
35 Building Authority	1,738,214	1,737,505	1,937,337	1,277,356	1,330,940	1,329,933	2%			
73 MBA Debt Service Fund	5,453,046	5,500,280	10,595,839	32,727	81,999	0	0%			
<b>Municipal Building Authority Total</b>	<b>7,191,260</b>	<b>7,237,785</b>	<b>12,533,176</b>	<b>1,310,083</b>	<b>1,412,939</b>	<b>1,329,933</b>	<b>2%</b>			
<b>Park City Redevelopment Agency</b>										
33 Redevelopment Agency Lower Prk	5,243,528	5,889,725	6,408,643	4,887,927	6,861,541	5,120,756	6%			
34 Redevelopment Agency Main St	2,656,517	2,518,254	2,561,905	2,712,847	2,621,092	2,586,885	3%			
72 RDA Main Street Debt Service	1,300,749	1,474,835	1,264,904	1,000,996	1,011,652	104,152	0%			
76 RDA Lower PK Ave Debt Service	2,067,205	2,084,367	2,364,721	2,334,029	2,367,836	2,326,836	3%			
<b>Park City Redevelopment Agency Total</b>	<b>11,267,999</b>	<b>11,967,181</b>	<b>12,600,173</b>	<b>10,935,799</b>	<b>12,862,121</b>	<b>10,138,629</b>	<b>12%</b>			
<b>TOTAL</b>	<b>99,356,075</b>	<b>106,983,623</b>	<b>161,406,918</b>	<b>111,565,383</b>	<b>162,617,165</b>	<b>81,886,393</b>	<b>100%</b>			

## Budget Summary

All Funds Combined	2003		2004		2005		2006 Budget		2007	
			(actual)			(original)		(adj)		(budget & % of total)
Expenditures										
Personnel	13,220,378	13,900,853	14,557,489	15,249,823	15,448,504	16,751,661	20%			
Materials, Supplies & Services	7,855,397	7,985,878	8,687,590	10,467,927	10,841,076	10,903,264	13%			
Capital Outlay	7,000,983	12,049,935	15,957,858	33,521,134	75,460,821	13,250,756	16%			
Debt Service	8,490,187	6,534,377	13,678,940	6,526,355	6,538,355	6,216,651	8%			
Contingency	298,426	22,515	0	575,000	412,114	575,000	1%			
<b>Sub-Total</b>	<b><u>\$36,865,371</u></b>	<b><u>\$40,493,558</u></b>	<b><u>\$52,881,877</u></b>	<b><u>\$66,340,239</u></b>	<b><u>\$108,700,870</u></b>	<b><u>\$47,697,332</u></b>	<b><u>58%</u></b>			
Interfund Transfer	11,906,096	14,054,357	29,203,184	22,098,649	29,115,806	9,440,285	12%			
Ending Balance	50,584,608	52,435,708	79,321,857	23,126,495	24,800,489	24,748,776	30%			
<b>TOTAL</b>	<b><u>\$99,356,075</u></b>	<b><u>\$106,983,623</u></b>	<b><u>\$161,406,918</u></b>	<b><u>\$111,565,383</u></b>	<b><u>\$162,617,165</u></b>	<b><u>\$81,886,393</u></b>	<b><u>100%</u></b>			

**Ordinance No. 06-40**

**AN ORDINANCE APPROVING THE 'ROTH FAMILY SUBDIVISION'  
COMBINING LOT 34 AND LOT 35 OF THE AERIE SUBDIVISION, PHASE 1,  
PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 1560 and 1566 Aerie Circle, has petitioned the City Council for approval of a Subdivision; and

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

**WHEREAS**, on April 26, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, on June 15, 2006 the City Council held a public hearing on the proposed subdivision; and

**WHEREAS**, the proposed Subdivision allows the property owner to establish 1 lot of record; and

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

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

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

1. The property is addressed as 1560 and 1566 Aerie Circle.
2. The subject lots are Lot 34 and Lot 35 of the Aerie Subdivision, Phase 1.
3. There is an existing house on Lot 35 with a footprint of approximately two thousand three hundred and forty six (2,346) square feet.
4. The plat amendment adjustment will result in the combination of Lot 34 and Lot 35 of the Aerie Subdivision, Phase 1.
5. The plat amendment will not leave any parcel of land remnant.
6. The Roth Family Subdivision will contain an area of thirty thousand twenty six point seven (30,026.7) square feet.
7. The lot will be accessed from Aerie Circle.
8. The existing house sits twenty eight (28) feet from the front property line, twenty (20) feet to the west property line, and fifty six (56) feet to the rear property line.
9. The existing side yard on the east is approximately fifteen (15) feet to the property line (between Lot 34 and Lot 35).
10. This lot combination would result in an east side yard of about one hundred and eighty five (185) feet.
11. Front yard setback requirements of thirty (30) feet for the main building and

- thirty seven point five (37.5) feet for front facing garages, will apply for all future site development.
12. Side yard setbacks will be eighteen (18) feet.
  13. Rear yard setbacks will be twenty two point five (22.5) feet.

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

1. There is good cause for this plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. As conditioned the plat amendment is consistent with the Park City General Plan.

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

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code, Conditions of Approval and state law regarding subdivisions is a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. A note will be added to the plat restricting above grade house size to six thousand (6,000) square feet. A garage of six hundred (600) square feet is exempt from the maximum house size limitation.

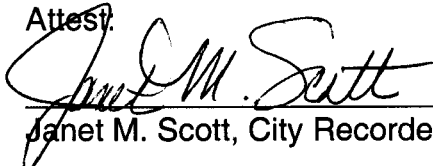
**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_ 2006.

PARK CITY MUNICIPAL CORPORATION

  
Dana Williams, Mayor

Attest:

  
Janet M. Scott, City Recorder

Approved as to form:

  
Mark D. Harrington, City Attorney







**AN ORDINANCE ADOPTING AMENDMENTS TO TITLE 11, BUILDING AND BUILDING REGULATIONS, OF THE MUNICIPAL CODE OF PARK CITY, CREATING THE ADMINISTRATIVE CODE ENFORCEMENT HEARING PROGRAM.**

**WHEREAS**, the enforcement of Park City's Building and Building Regulations of the Municipal Code, are written and adopted to protect the general health, safety, and welfare of Park City's citizen's and property owners; and

**WHEREAS**, such enforcement is critical to the economic and cultural goals of the City as defined in the General Plan, the City Council's annual Vision Statement to be a World Class, Multi-Seasonal Destination Resort Community, and Principles 1, 3, 6 and 7; and

**WHEREAS**, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on June 15, 2006;

**WHEREAS**, the clarifications herein are necessary to ensure clear and fair application of the regulations herein and simplify enforcement; and

**WHEREAS**, it is in the best interest of the residents of Park City, Utah to amend the Municipal Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

**Section I.** Findings. The recitals above and the Analysis section of the Staff Report dated June 15, 2006 are incorporated herein as findings in support of this ordinance.

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

**Section III.** Amendment. Building and Building Regulations, Chapter 11-19 of the Municipal Code of Park City is hereby created as follows:

**TITLE 11- BUILDING AND BUILDING REGULATIONS  
CHAPTER 11-19-ADMINISTRATIVE CODE ENFORCEMENT HEARING PROGRAM**

- 11-19-1. General Provisions and Definitions.
- 11-19-1.1. Short Title.
  - 11-19-1.2. Purpose.
  - 11-19-1.3. Scope.
  - 11-19-1.4. Existing Law Continued.
  - 11-19-1.5. Criminal Prosecution Right.
  - 11-19-1.6. Effect of Heading.
  - 11-19-1.7. Validity of Title – Severability.
  - 11-19-1.8. No Mandatory Duty – Civil Liability.
  - 11-19-1.9. General Rules of Interpretation.

- 11-19-1.10. Definitions Applicable to Chapter Generally.
- 11-19-1.11. Acts Include Causing, Aiding, and Abetting.
- 11-19-1.12. Service Requirements- Service of Process.
- 11-19-1.13. Constructive Notice of Recorded Documents.
- 11-19-1.14. General Enforcement Authority.
- 11-19-1.15. Adoption of Policy and Procedures.
- 11-19-1.16. Authority to Inspect.
- 11-19-1.17. False Information or Refusal Prohibited.
- 11-19-1.18. Failure to Obey a Subpoena.

11-19-2. Administrative Code Enforcement Procedures.

- 11-19-2.1. Authority.
- 11-19-2.2. Notice of Violation.
- 11-19-2.3. Failure to Bring Property into Compliance.
- 11-19-2.4. Inspections.
- 11-19-2.5. Emergency Abatement- Authority.
- 11-19-2.6. Emergency Abatement- Procedures and Notice.
- 11-19-2.7. Demolitions- Authority.
- 11-19-2.8. Demolitions- Procedures.
- 11-19-2.9. Administrative Citations- Declaration of Purpose.
- 11-19-2.10. Administrative Citations- Authority.
- 11-19-2.11. Administrative Citations- Procedures.
- 11-19-2.12. Contents of Administrative Citation.
- 11-19-2.13. Civil Fees Assessed.
- 11-19-2.14. Administrative Code Enforcement Hearing Procedures- Declaration of Purpose.
- 11-19-2.15. Authority and Scope of Hearings.
- 11-19-2.16. Request for Administrative Code Enforcement Hearing.
- 11-19-2.17. Default Hearings and Administrative Code Enforcement Orders.
- 11-19-2.18. Appointment, Qualifications and Disqualification of Administrative Law Judge.
- 11-19-2.19. Powers of the Administrative Law Judge.
- 11-19-2.20. Procedures at Administrative Code Enforcement Hearing.
- 11-19-2.21. Failure to Attend Administrative Code Enforcement Hearing.
- 11-19-2.22. Administrative Code Enforcement Order.
- 11-19-2.23. Failure to Comply with Administrative Code Enforcement Order.
- 11-19-2.24. Appeal of Administrative Code Enforcement Hearing Decision.

11-19-3. Administrative and Judicial Remedies.

- 11-19-3.1. Recordation of Notices of Violation- Declaration of Purpose.
- 11-19-3.2. Recordation of Notices of Violation- Authority.
- 11-19-3.3. Recordation- Procedures.
- 11-19-3.4. Service of Notice of Recordation.
- 11-19-3.5. Failure to Request Hearing.
- 11-19-3.6. Failure to Correct Violation.
- 11-19-3.7. Notice of Compliance – Procedures.
- 11-19-3.8. Prohibition Against Issuance of Municipal Permits.
- 11-19-3.9. Cancellation of Recorded Notice of Violation.
- 11-19-3.10. Administrative Civil Fees- Authority.
- 11-19-3.11. Procedures for Assessing Civil Fees.
- 11-19-3.12. Determination of Civil Fees.
- 11-19-3.13. Modification of Civil Fees.
- 11-19-3.14. Failure to Pay Fees.
- 11-19-3.15. Abatement of Violation- Authority to Abate.
- 11-19-3.16. Abatement- Procedures.
- 11-19-3.17. Costs- Declaration of Purpose.
- 11-19-3.18. Costs- Authority.
- 11-19-3.19. Notification of Assessment of Re-inspection Fees.
- 11-19-3.20. Failure to Timely Pay Costs.
- 11-19-3.21. Administrative Fees.
- 11-19-3.22. Civil Violations – Injunctions.
- 11-19-3.23. Code Enforcement Performance Bond.

11-19-4. Recovery of Code Enforcement Fees and Costs.

- 11-19-4.1. Code Enforcement Tax Liens- Declaration of Purpose.
- 11-19-4.2. Assessment of Cost.
- 11-19-4.3. Failure to Timely Pay Costs.

- 11-19-4.4. Procedures and Cancellation for Code Enforcement Tax Lien.
- 11-19-4.5. Recovery of Costs by Writ of Execution or by Writ of Garnishment.

## **CHAPTER 11-19-1. GENERAL PROVISIONS AND DEFINITIONS.**

### **11-19-1.1. SHORT TITLE.**

This Chapter shall be known as the "Administrative Code Enforcement Hearing Program" or "ACE Program". This Chapter shall also be known as Chapter 11-19, of the Park City Municipal Code. It may be cited and pleaded under either designation.

### **11-19-1.2. PURPOSE.**

The City Council of Park City finds that the enforcement of the Park City Municipal Code and applicable state codes throughout the City is an important public service. Code enforcement is vital to the protection of the public's health, safety, and quality of life. The City Council recognizes that enforcement starts with the drafting of precise regulations that can be effectively applied in administrative code enforcement hearings and judicial proceedings. The City Council further finds that a comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gain compliance with these regulations. Failure to comply with an administrative code enforcement order may require the City to file a judicial or civil action to gain compliance.

### **11-19-1.3. SCOPE.**

The provisions of this Chapter may be applied to all violations of the Park City Municipal Code and applicable state codes. It has been designed as an additional remedy for the City to use in achieving compliance of its ordinances.

### **11-19-1.4. EXISTING LAW CONTINUED.**

The provisions of this Chapter do not invalidate any other Chapter or ordinance, but shall be read in conjunction with those Chapters and ordinances as an additional remedy available for enforcement of those ordinances.

### **11-19-1.5. CRIMINAL PROSECUTION RIGHT.**

The City has sole discretion in deciding whether to file a civil or criminal judicial case or pursue an administrative enforcement action for the violation of any of its ordinances or applicable state code requirements. The City may choose to file both, or one or the other. The enactment of this administrative remedy shall in no way interfere with the City's right to prosecute City ordinance violations as criminal offenses. The City may use any of the remedies available under the law in both civil and criminal prosecution. If the City chooses to file both civil and criminal charges for the same day of violation, no civil fees may be assessed, but all other remedies are available.

The criminal prosecution will be pursued as set forth in the Park City Municipal Code. Any violations of this Chapter, if pursued criminally, shall be prosecuted as a class B misdemeanor.

### **11-19-1.6. EFFECT OF HEADING.**

Title, chapter, part and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any title, chapter, part or section hereof.

### **11-19-1.7. VALIDITY OF TITLE – SEVERABILITY.**

If any section, subsection, sentence, clause, phrase, portion, or provision of this Chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council of this City hereby declares that it would have adopted this Chapter and each section, subsection, sentence, clause, phrase, portion, or provision thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions, or provisions be declared invalid or unconstitutional. This Section shall apply to all amendments made to this Chapter.

### **11-19-1.8. NO MANDATORY DUTY – CIVIL LIABILITY.**

It is the intent of the City Council that in establishing performance standards or establishing an obligation to act by a city officer or employee, these standards shall not be construed as creating a mandatory duty for purposes of tort liability.

### **11-19-1.9. GENERAL RULES OF INTERPRETATION.**

For purposes of this Chapter:

- (1) Any gender includes the other gender.
- (2) "Shall" is mandatory; "may" is permissive.
- (3) The singular number includes the plural, and the plural the singular.
- (4) Words used in the present tense include the past and future tense, and vice versa.
- (5) Words and phrases used in this Chapter and not specifically defined shall be construed according to the context and approved usage of the language.

### **11-19-1.10. DEFINITIONS APPLICABLE TO CHAPTER GENERALLY.**

The following words and phrases, whenever used in this Chapter, shall be applied as defined in this section, unless a different meaning is specifically defined elsewhere in this Chapter and specifically stated to apply:

- (1) "Abatement" means any action the City may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation, including, but not limited to, demolition, removal, repair, boarding, securing or replacement of property.
- (2) "Administrative Citation" means a citation issued to a responsible person which gives reasonable notice of a violation.
- (3) "Administrative Code Enforcement Order" means an order issued by an Administrative Law Judge or enforcement official. The order may include an order to abate the violation, pay civil fees and administrative costs, or take any other action as authorized or required by this Chapter and applicable state codes.

- (4) "Administrative Code Enforcement Hearing" or "Hearing" means a hearing held pursuant to the procedures established by this Chapter and at the request of a responsible person charged with a violation or the enforcement official.
- (5) "Administrative Law Judge" means an individual appointed by the City Manager or his/her designee to preside over administrative code enforcement hearings.
- (6) "Building Official" means the Chief Building Official of Park City.
- (7) "City" means the area within the territorial city limits of Park City, and such territory outside of this City over which the City has jurisdiction or control by virtue of any constitutional or incorporation provisions or any law.
- (8) "City Code" means the Park City Municipal Code.
- (9) "City Council" means the City Council of Park City.
- (10) "City Manager" means the City Manager of Park City.
- (11) "Code Enforcement Tax Lien" means a lien recorded to collect outstanding civil fees, administrative fees and/or any other costs.
- (12) "Code Enforcement Performance Bond" means a bond posted by a responsible person to ensure compliance with the City Code, applicable state codes, a judicial action, or an administrative code enforcement order.
- (13) "Enforcement Official" means any person authorized to enforce violations of any applicable codes including, but not limited to, code enforcement officers, police officers, building inspectors, building officials and fire marshals.
- (14) "Financial Institution" means any person that holds a recorded mortgage or deed of trust on a property.
- (15) "Good Cause" means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; and acts of nature adverse to performing required acts.
- (16) "Imminent Life Safety Hazard" means any condition that creates a present, serious, and immediate danger to life, property, health, or public safety.
- (17) "Legal Interest" means any interest that is represented by a document, such as a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien, or other similar instrument that is recorded with the Summit County Recorder.
- (18) "Notice of Compliance" means a document issued by the City, representing that a property complies with the requirements outlined in the Notice of Violation, and that all outstanding civil fees and costs have been satisfied, (either by being paid in full, or a subsequent administrative or judicial decision has resolved the outstanding debt.)
- (19) "Notice of Violation" means a written notice prepared by an enforcement official that informs a responsible person of code violations and requires them to take certain steps to correct the violations.
- (20) "Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties.
- (21) "Property Owner" means the recorded owner of real property as shown on the records of the Summit County Recorder or Assessor.
- (22) "Public Nuisance" means any condition caused, maintained, or permitted to exist that constitutes a threat to the public's health, safety, and welfare, or that significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood or community by any considerable number of persons.
- (23) "Responsible Person" means any person who is responsible for causing or maintaining a violation of the City Code or applicable state codes. The property owner, tenant, person with a legal interest in the real property, or person in possession of the real property, or if a business, the business manager or owner, shall be liable for any violation maintained on the property. In all cases, the property owner shall be considered a responsible person.
- (24) "Written" includes handwritten, typewritten, photocopied, computer printed, or facsimile.

**11-19-1.11. ACTS INCLUDE CAUSING, AIDING, AND ABETTING.**

Whenever any act or omission is made unlawful in this Chapter, it shall include causing, permitting, aiding, or abetting such act or omission.

**11-19-1.12. SERVICE REQUIREMENTS- SERVICE OF PROCESS.**

- (1) Whenever notice is required to be given under this Chapter for enforcement purposes, the document shall be served by any of the following methods, unless different provisions are otherwise specifically stated to apply:
  - (a) Regular mail, postage prepaid, to the last known address of the property owner or other responsible person;
  - (b) Posting the notice conspicuously on or in front of the property. If not inhabited, the notice must also be mailed as in (a) above;
  - (c) Personal service; or
  - (d) Published in a newspaper of general circulation.
- (2) Service by regular mail in the manner set forth above shall be deemed served on the seventh (7<sup>th</sup>) calendar day after the date of mailing when mailed in the continental United States. Service by regular mail by all other addresses shall be deemed served on the tenth (10<sup>th</sup>) calendar day after the date of mailing.

(3) If service complies with the requirements of this Section, it shall be deemed a valid service even if a person claims not to have received the service and it shall not affect the validity of any proceedings taken under this Chapter.

(4) The failure to serve all responsible persons shall not affect the validity of any proceedings.

(5) It shall be unlawful for any unauthorized person to remove any type of notice from a property that is necessary due to an imminent life safety hazard.

**11-19-1.13. CONSTRUCTIVE NOTICE OF RECORDED DOCUMENTS.**

Whenever a document is recorded with the Summit County Recorder as authorized or required by this Chapter or applicable state codes, recordation shall provide constructive notice of the information contained in the recorded documents.

**11-19-1.14. GENERAL ENFORCEMENT AUTHORITY.**

Whenever an enforcement official determines that a violation of the City Code or applicable state codes has occurred or continues to exist, he or she may undertake any of the procedures herein. Any enforcement official has the authority and power necessary to gain compliance with the provisions of the City Code and applicable state codes. These powers include the power to issue Notices of Violation and administrative citations, inspect public and private property, abate public and private property, and to use any judicial and administrative remedies that are available under this Chapter, law, the City Code or applicable state codes.

**11-19-1.15. ADOPTION OF POLICY AND PROCEDURES.**

The Administrative Law Judge shall approve the policy relating to the hearing procedures, scope of hearings, subpoena powers, and other matters relating to the Administrative Code Enforcement Hearing Program. The City Manager shall approve the policy for the appointment of the Administrative Law Judges, and the use of the administrative procedures herein by enforcement officials.

**11-19-1.16. AUTHORITY TO INSPECT.**

Any enforcement official is hereby authorized, in accordance with applicable law, to enter upon any property or premises to ascertain whether the provisions of the City Code or applicable state codes are being obeyed and to make any reasonable and lawful examinations and surveys as may be necessary in the performance of the enforcement duties and determine compliance with the City Code. This may include the taking of photographs, samples, or other physical evidence. All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. If the property owner or responsible person refuses to allow the enforcement official to enter the property, the enforcement official shall obtain a search warrant before entering the property.

**11-19-1.17. FALSE INFORMATION OR REFUSAL PROHIBITED.**

It shall be unlawful for any person to make a false statement or refuse to give his or her name or address with intent to deceive or interfere with an enforcement official when in the performance of his or her official duties under the provisions of this Chapter. A violation of this Section may be prosecuted as a class B misdemeanor.

**11-19-1.18. FAILURE TO OBEY A SUBPOENA.**

It is unlawful for any person to refuse or fail to obey a subpoena issued for an administrative code enforcement hearing. Failure to obey a subpoena constitutes contempt and may be prosecuted as a class B misdemeanor.

**CHAPTER 11-19-2. ADMINISTRATIVE CODE ENFORCEMENT PROCEDURES.**

**11-19-2.1. AUTHORITY.**

Any condition caused, maintained, or permitted to exist in violation of any provisions of the City Code or applicable state codes may be abated by the City pursuant to the procedures set forth in this Chapter.

**11-19-2.2. NOTICE OF VIOLATION.**

(1) Whenever any enforcement official determines that a violation of the City Code or applicable state codes has occurred or continues to exist, the enforcement official may choose to proceed under the ACE Program as set forth in this Chapter. If this procedure is used, a Notice of Violation shall be issued to a responsible person. The Notice of Violation shall include the following information:

- (a) Name of property owner or responsible person;
- (b) Street address of violation;
- (c) Date the violation was observed;
- (d) All code sections violated and a description of the condition of the property or condition that violates the applicable codes;
- (e) A statement explaining the type of remedial action required to permanently correct the outstanding violations, which may include corrections, repairs, demolition, removal, or other appropriate action;
- (f) Specific date to correct the violations listed in the Notice of Violation;
- (g) Explanation of the consequences should the responsible person fail to comply with the terms and deadlines as prescribed in the Notice of Violation, (which may include, but is not limited to, criminal prosecution; civil fees; revocation of permits; recordation of the Notice of Violation; withholding of municipal permits; abatement of the violation; costs; administrative fees; and any other legal remedies);
- (h) The amount of any civil fees for each violation and a statement that the civil fees shall accrue daily, immediately upon expiration of the date to correct violations, until the violation is corrected;
- (i) That only one Notice of Violation is required for any 12-month period, and that civil fees begin immediately upon any subsequent violations of the notice, (The responsible person may request a hearing on the renewed violations by following the same procedure as provided for the original notice.); and

(j) Procedures to request a hearing as provided in Section 11-19-2.16, and consequences for failure to request one.

(2) The Notice of Violation shall be served by one of the methods of service listed in Section 11-19-1.12 of this Chapter.

(3) More than one Notice of Violation may be issued against the same responsible person, if it encompasses different dates, or different violations.

**11-19-2.3. FAILURE TO BRING PROPERTY INTO COMPLIANCE.**

(1) If a responsible person fails to bring a violation into compliance before the date given to correct the violation, civil fees shall be owed to the City for every day of each violation.

(2) Failure to comply with the Notice of Violation is a class B misdemeanor.

**11-19-2.4. INSPECTIONS.**

At the time that the Notice of Violation is issued, the enforcement official may require that the responsible person request a re-inspection when a violation is brought into compliance. If this is done, it shall be the duty of the responsible person served with the Notice of Violation to request the inspection when his or her property has been brought into compliance. It is *prima facie* evidence that the violation remains on the property if no inspection is requested. Civil fees accumulate daily until the property has been inspected and a Notice of Compliance is issued. Re-inspection fees may be assessed if more than one inspection is requested or necessary.

**11-19-2.5. EMERGENCY ABATEMENT- AUTHORITY.**

(1) Whenever an enforcement official determines that an imminent life safety hazard exists that requires immediate correction or elimination, the enforcement official may exercise the following powers without prior notice to the responsible person:

- (a) Order the immediate vacation of any occupants, and prohibit occupancy until all repairs are completed;
- (b) Post the premises as unsafe, substandard, or dangerous;
- (c) Board, fence, or secure the building or site;
- (d) Raze and grade that portion of the building or site to prevent further collapse, and remove any hazard to the general public;
- (e) Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or
- (f) Take any other action appropriate to eliminate the emergency.

(2) The enforcement official has the authority, based on cause, to enter the property without a search warrant or court order to accomplish the above listed acts.

(3) The responsible person shall be liable for all costs associated with the abatement of the imminent life safety hazard. Costs may be recovered pursuant to this Chapter.

**11-19-2.6. EMERGENCY ABATEMENT- PROCEDURES AND NOTICE.**

(1) The enforcement official shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard. Costs incurred by the City during the emergency abatement process may be assessed and recovered against the responsible person.

(2) The enforcement official may also pursue any other administrative or judicial remedy to abate any violations.

(3) After an emergency abatement, the City shall notify the property owner or responsible person of the abatement action taken. This notice shall be served subsequent to the completion of the abatement and include an itemized bill for costs.

(4) The responsible person has the right to an administrative code enforcement hearing concerning the itemized bill for costs. A request for such hearing shall be in writing and shall be filed within ten (10) calendar days from the date of service of the notice of itemized bill for costs. Failure to request an administrative code enforcement hearing as provided herein shall constitute a waiver to an administrative code enforcement hearing and a waiver to the right of appeal.

**11-19-2.7. DEMOLITIONS- AUTHORITY.**

Whenever the Building Official determines that a property or building requires demolition, he or she may demolish or remove the offending structure, or exercise any or all of the powers listed in Section 11-19-2.5 once appropriate notice has been given to a responsible person pursuant to the City Code and as required under state law. The responsible person shall be liable for all costs associated with the demolition. Costs may be recovered pursuant to this Chapter.

**11-19-2.8. DEMOLITIONS- PROCEDURES.**

Once the Building Official has complied with all of the notice requirements of the applicable laws, the property will be abated pursuant to the abatement remedy. Other applicable remedies may also be pursued.

**11-19-2.9. ADMINISTRATIVE CITATIONS- DECLARATION OF PURPOSE.**

The City Council finds that there is a need for an alternative method of enforcement for violations of the City Code and applicable state codes. The City Council further finds that an appropriate method of enforcement is an administrative citation program.

The procedures established in this Chapter shall be an alternative and in addition to criminal, civil, or any other legal remedy established by law or City Code that may be pursued to address violations of the City Code or applicable state codes.

**11-19-2.10. ADMINISTRATIVE CITATIONS- AUTHORITY.**

(1) Any person violating any provision of the City Code or applicable state codes may be issued an administrative citation by an enforcement official as provided in this Chapter.

(2) A civil fee shall be assessed by means of an administrative citation issued by the enforcement official, and shall be payable directly to the Park City Finance Department.

(3) Fees assessed by means of an administrative citation shall be collected in accordance with the procedures specified in Section 11-19-2.13.

**11-19-2.11. ADMINISTRATIVE CITATIONS- PROCEDURES.**

(1) Upon discovering any violation of the City Code or applicable state codes, an enforcement official may issue an administrative citation to a responsible person in the manner prescribed in this Chapter or as prescribed in Section 11-19-1.12. The administrative citation shall be issued on a form approved by the Administrative Law Judge.

(2) If the responsible person is a business, the enforcement official shall attempt to locate the business owner and issue an administrative citation to the business owner. If the enforcement official can only locate the manager of the business, the administrative citation may be given to the manager of the business. A copy of the administrative citation may also be mailed to the business owner or any other responsible person in the manner prescribed in Section 11-19-1.12 of this Chapter.

(3) Once the responsible person has been located, the enforcement official shall attempt to obtain the signature of that person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation and subsequent proceedings.

(4) If the enforcement official is unable to locate the responsible person for the violation, then the administrative citation may be mailed to the responsible person in the manner prescribed in Section 11-19-1.12 of this Chapter and may also be posted in a conspicuous place on or near the property.

(5) If no one can be located on the property, then the administrative citation may be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person in a manner prescribed in Section 11-19-1.12 of this Chapter.

(6) The administrative citation shall also contain the signature of the enforcement official.

(7) The failure of any person with a legal or other interest in the property to receive notice shall not affect the validity of any proceedings taken under this Chapter.

**11-19-2.12. CONTENTS OF ADMINISTRATIVE CITATION.**

(1) The administrative citation shall refer to the date and location of the violations and the approximate time the violations were observed.

(2) The administrative citation shall refer to the Code sections violated and the Chapters of those sections.

(3) The administrative citation shall state the amount of fee imposed for the violations.

(4) The administrative citation shall explain how the fee shall be paid, the time period by which the fee shall be paid, and the consequences of failure to pay the fee.

(5) The administrative citation shall identify the right and the procedures to request a hearing.

(6) The administrative citation shall contain the signature of the enforcement official and the signature of the responsible person, if he or she can be located, as outlined in Section 11-19-2.11 of this Chapter.

**11-19-2.13. CIVIL FEES ASSESSED.**

(1) The Building Official shall establish policies to assist in the assessment of civil fees for administrative citations.

(2) Civil fees shall be assessed immediately for each violation listed on the administrative citation. The fees shall be those established in the Civil Fee Schedule, found within policy, as approved by the City Manager.

(3) Payment of the fee shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by the City.

**11-19-2.14. ADMINISTRATIVE CODE ENFORCEMENT HEARING PROCEDURES- DECLARATION OF PURPOSE.**

The City Council finds that there is a need to establish uniform procedures for administrative code enforcement hearings conducted pursuant to the City Code. It is the purpose and intent of the City Council that any responsible person be afforded due process of law during the enforcement process. Due process of law includes notice, an opportunity to request and participate in the hearing, and an explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to efficiently, expeditiously, and fairly resolve issues raised in any administrative code enforcement action while providing due process.

**11-19-2.15. AUTHORITY AND SCOPE OF HEARINGS.**

The Administrative Law Judge shall approve a policy to regulate the hearing process for any violation of the City Code and applicable state codes that are handled pursuant to this Chapter.

**11-19-2.16. REQUEST FOR ADMINISTRATIVE CODE ENFORCEMENT HEARING.**

(1) A responsible person served with one of the following documents or notices has the right to request an administrative code enforcement hearing if the hearing request is filed within ten (10) calendar days from the date of service of one of the following notices:

- (a) Notice of Violation;
- (b) Notice of itemized bill for costs;
- (c) Administrative citation;
- (d) Notice of emergency abatement or demolition;

(2) The request for a hearing shall be made in writing and filed with the Administrative Law Judge. The request shall contain the complaint file number, the address of the violation, and the signature of the responsible person.

(3) As soon as practicable after receiving the written request for a hearing, the Administrative Law Judge shall schedule a date, time, and place for the hearing. The Administrative Law Judge shall notify the responsible person, enforcement official and any other applicable parties of the date, time and place of the hearing by any of the methods listed in 11-19-1.12 at least seven (7) calendar days prior to the date of the hearing.

(4) Failure to request a hearing within ten (10) calendar days from the date of service of any of the notices in subsection (1) of this section shall constitute a waiver of the right to a hearing.

(5) If a responsible person fails to request a hearing after being issued a Notice of Violation as provided herein, such failure to request a hearing shall be considered a waiver by the responsible person of their right to said hearing and the following actions may be taken:

(a) the corrective action detailed on the Notice of Violation may be considered the administrative code enforcement order pursuant to Section 11-19-2.22 of this Chapter; or

(b) a default may enter against the responsible person and the City may seek to have an administrative code enforcement order issued by the Administrative Law Judge without further notice to the responsible person; or

(c) The enforcement official may request a default hearing.

(6) An emergency hearing may be requested by the enforcement official or responsible person during Special Events and on occasions that time is of particular essence and it is necessary to hold a hearing as soon as possible in order to address the concern or hold the responsible person accountable. Emergency hearings shall be held as soon as practicable upon receipt of an emergency hearing request. A request for such a hearing must specifically state that an emergency hearing is required.

#### **11-19-2.17. DEFAULT HEARINGS AND ADMINISTRATIVE CODE ENFORCEMENT ORDERS.**

(1) A default hearing may be requested by the enforcement official at any time in the enforcement process. If a default hearing is requested by the enforcement official, the Administrative Law Judge shall schedule the default hearing as soon as practicable and shall notify the responsible person, enforcement official and any other applicable parties of the date, time and place of the hearing by any of the methods listed in 11-19-1.12 at least seven (7) calendar days prior to the date of the hearing.

(2) A default hearing may be scheduled for any case that has outstanding or unpaid civil fees or costs due to the City, outstanding violations, or the enforcement official has any outstanding concerns.

(3) At the default hearing, the responsible person shall have the opportunity to present evidence to show that good cause exists, as defined in this Chapter, to do one or more of the following:

(a) waive or reduce the civil fees which have accumulated; or

(b) postpone an abatement action by the City; or

(c) excuse the responsible person's failure to request a hearing within the ten (10) calendar day period.

(4) If the responsible person fails to establish good cause to take one or more of the actions set forth in subsection (3) of this section, the Administrative Law Judge shall review the Notice of Violation and any other relevant information included in the case file. The Administrative Law Judge shall not accept any other evidence. If the evidence shows that the violations existed, the Administrative Law Judge shall enter an administrative code enforcement order requiring abatement of the violations, the payment of all fees and any additional action. Civil fees shall run until the City issues a Notice of Compliance stating when the violations were actually abated.

#### **11-19-2.18. APPOINTMENT, QUALIFICATIONS AND DISQUALIFICATION OF ADMINISTRATIVE LAW JUDGE.**

The City Manager shall appoint the Administrative Law Judges to preside at administrative code enforcement hearings. An Administrative Law Judge shall have no personal, financial or other conflict of interest in the matter for which the hearing is being held.

The Administrative Law Judge is subject to disqualification for bias, prejudice, interest, or any other reason for which a judge may be disqualified in a court of law. The policy for disqualification and replacement shall be approved by the Administrative Law Judge.

#### **11-19-2.19. POWERS OF THE ADMINISTRATIVE LAW JUDGE.**

(1) The Administrative Law Judge has the authority to hold hearings, determine if violations of City codes exist, order compliance with City Codes, and enforce compliance on any matter as provided in this Chapter.

(2) If a responsible person is found to be in violation through an administrative code enforcement hearing process, the Administrative Law Judge has the ability to require the responsible person to provide the City with applicable civil fees, restitution, community service, abatement, revocation or suspension of a business license and any other fees incurred by the City during the enforcement process.

(3) The Administrative Law Judge may continue a hearing based on good cause shown by one of the parties to the hearing or if the Administrative Law Judge independently determines that due process has not been adequately afforded to any party to the hearing. The Administrative Law Judge must enter on the record the good cause on which a continuance is granted.

(4) The Administrative Law Judge, at the request of any party to the hearing, may sign subpoenas for witnesses, documents, and other evidence where the attendance of the witness or the admission of evidence is deemed helpful or necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. The Administrative Law Judge shall approve the policy relating to the issuance of subpoenas in administrative code enforcement hearings, including the form of the subpoena and related costs.

(5) The Administrative Law Judge has continuing jurisdiction over the subject matter of an administrative code enforcement hearing for the purposes of granting a continuance; ordering compliance by issuing an



administrative code enforcement order; ensuring compliance of that administrative code enforcement order, which includes the right to authorize the City to enter and abate a violation; modifying an administrative code enforcement order; or, where extraordinary circumstances exist, granting a new hearing.

(6) The Administrative Law Judge has the authority to require a responsible person to post a code enforcement performance bond to ensure compliance with an administrative code enforcement order, but only if agreed to by the enforcement official handling the matter for the City.

(7) An Administrative Law Judge shall not make determinations as to the existence of legal nonconforming rights. If a responsible person claims a legal nonconforming right as a defense, the Administrative Law Judge shall continue the administrative code enforcement hearing and shall refer the matter to the Park City Board of Adjustment for a determination as to the existence of the nonconforming right. The decision shall be binding on the Administrative Law Judge. The responsible person shall bear the costs of the appeal.

#### **11-19-2.20. PROCEDURES AT ADMINISTRATIVE CODE ENFORCEMENT HEARING.**

(1) Administrative code enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply; however, an informal exchange of discovery may be required. The request must be in writing. Failure to request discovery shall not be a basis for a continuance. Complainant information is protected and shall not be required to be disclosed or released unless the complainant is a witness at the hearing. The policy and format of the hearing shall be approved by the Administrative Law Judge.

(2) The City bears the burden of proof at an administrative code enforcement hearing to establish the existence of a violation of the City Code or applicable state codes.

(3) The standard of proof to be used by the Administrative Law Judge in deciding the issues at an administrative code enforcement hearing is whether the preponderance of the evidence shows that the violation exists or existed.

(4) Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance. Testimony may be given by telephone or other electronic means.

(5) All hearings shall be open to the public, and shall be recorded as determined by the Building Official. At the discretion of the Administrative Law Judge, hearings may be held at the location of the violation.

(6) The responsible person has a right to be represented by an attorney. If an attorney will be representing the responsible person at the hearing, written notice of the attorney's name, address, and telephone number must be given to the City at least two (2) calendar days prior to the hearing. If such notice is not given, the hearing may be continued at the City's request, and all costs of the continuance shall be assessed to the responsible person.

(7) No new hearing shall be granted, unless the Administrative Law Judge determines that extraordinary circumstances exist which justify a new hearing.

(8) The burden to prove any raised defenses shall be upon the party raising any such defense.

(9) After all applicable evidence, testimony and defense is presented, the enforcement official may present a request on behalf of the City regarding the type of fee or enforcement action that is appropriate, should the responsible person be found guilty of the violation. This request may include, but is not limited to, civil fees, restitution, community service, abatement, revocation, suspension or conditioning of a business license and any other fees incurred by the City during the enforcement process.

#### **11-19-2.21. FAILURE TO ATTEND ADMINISTRATIVE CODE ENFORCEMENT HEARING.**

A responsible person who fails to appear at the administrative code enforcement hearing is deemed to waive the right to such hearing, and will result in a default judgment for the City, provided that proper notice of the hearing has been provided.

#### **11-19-2.22. ADMINISTRATIVE CODE ENFORCEMENT ORDER.**

(1) The responsible person and the City may enter into a stipulated agreement, which must be signed by both parties. This agreement shall be entered as the administrative code enforcement order. Entry of this agreement shall constitute a waiver of the right to a hearing and the right to appeal.

(2) Subsequent to all evidence and testimony being presented at the administrative code enforcement hearing, the Administrative Law Judge shall issue a written administrative code enforcement order that affirms, modifies or rejects the Notice of Violation or administrative citation. The Administrative Law Judge shall issue the administrative code enforcement order and notify all parties by any of the methods listed in Section 11-19-1.12 of this Chapter within ten (10) calendar days of the hearing. The Administrative Law Judge may increase or decrease the total amount of civil fees and costs that are due pursuant to the City Fee Schedule and the procedures set forth in this Chapter.

(3) An Administrative Law Judge may issue an administrative code enforcement order that requires a responsible person to cease and desist from violating the City Code or applicable state codes and take any necessary corrective action. This administrative code enforcement order may also include, but is not limited to, civil fees, restitution, community service, abatement, revocation, suspension or conditioning of a business license and any other fees incurred by the City during the enforcement process.

(4) The Administrative Law Judge may issue an administrative code enforcement order for the City to enter the property and abate all violations.

(5) As part of the administrative code enforcement order, the Administrative Law Judge may establish specific deadlines for the payment of fees and costs and condition the total or partial assessment of civil fees on the responsible person's ability to complete compliance by specified deadlines.

(6) As part of the administrative code enforcement order, the Administrative Law Judge may revoke, suspend or condition a Park City Business License, (including, but not limited to nightly rental licenses, taxi licenses, liquor license, convention sales, sidewalk sales, film permit, special event and solicitor licenses.)

(7) An Administrative Law Judge may issue an administrative code enforcement order imposing civil fees in accordance with Section 11-19-3.10. Such fees shall continue to accrue until the responsible person complies with the administrative code enforcement order and corrects the violation.

(8) The Administrative Law Judge may schedule subsequent review hearings as may be necessary or as requested by the City to ensure compliance with the administrative code enforcement order.

(9) The Administrative Law Judge may require the responsible person to post a code enforcement performance bond to ensure compliance with an administrative code enforcement order, but only if agreed to by the enforcement official handling the matter for the City.

(10) The administrative code enforcement order shall become final on the date of the signing by the Administrative Law Judge.

(11) A copy of the administrative code enforcement order shall be served by the Administrative Law Judge on all parties by any one of the methods listed in Section 11-19-1.12. When required by this Chapter, the enforcement official shall record the administrative code enforcement order with the Summit County Recorder's Office.

#### **11-19-2.23. FAILURE TO COMPLY WITH ADMINISTRATIVE CODE ENFORCEMENT ORDER.**

(1) Upon the failure of the responsible person to comply with the terms and deadlines set forth in the administrative code enforcement order or Notice of Violation, the City may use all appropriate legal means to recover the civil fees and administrative costs to obtain compliance. The failure of a responsible person to comply with the administrative code enforcement order shall be a class B misdemeanor.

(2) After the Administrative Law Judge issues an administrative code enforcement order, the Administrative Law Judge or the enforcement official shall monitor the violations and determine compliance.

#### **11-19-2.24. APPEAL OF ADMINISTRATIVE CODE ENFORCEMENT HEARING DECISION.**

(1) Any person adversely affected by an administrative code enforcement order made in the exercise of the provisions of this Chapter may file a petition for review by the district court within thirty (30) calendar days after the decision is final.

(2) No person may challenge in district court an Administrative Law Judge's decision until that person has exhausted his or her administrative remedies.

(3) In the petition, the plaintiff may only allege that the administrative code enforcement order was arbitrary or capricious.

(4) (a) Within one-hundred twenty (120) calendar days after submitting the petition, the party petitioning for appeal shall request a copy of the record of the proceedings, including findings, orders, and, if available, transcripts of hearings when necessary. If the proceeding was tape recorded, a transcript of such tape recordings shall be deemed a true and correct transcript for purposes of this Chapter. The Administrative Law Judge and the enforcement official shall not submit copies of files or transcripts to the reviewing court until the party petitioning for appeal has paid all required costs. The petitioning party's failure to properly arrange for copies of the record, or to pay the full costs for the record, within one-hundred eighty (180) calendar days after the petition for review was filed shall be grounds for dismissal of the petition.

(b) If a transcript of a hearing cannot be prepared because the tape recording is incomplete or unintelligible, the district court may, in its discretion, remand the matter to the Administrative Law Judge for a supplemental proceeding to complete the record. The district court may limit the scope of the supplemental proceeding to issues that, in the court's opinion, need to be clarified.

(5) The district court's review is limited to the record of the administrative decision that is being appealed. The court shall not accept nor consider any evidence that is not part of the record of that decision unless that evidence was offered to the Administrative Law Judge and the district court determines that it was improperly excluded.

(6) The courts shall:

(a) Presume that the Administrative Law Judge's decision and administrative code enforcement orders are valid;

(b) Review the record to determine whether or not the decision was arbitrary, capricious, or illegal; and

(c) Affirm the administrative code enforcement order if it is supported by evidence.

(7) The filing of a petition does not stay execution of an administrative code enforcement order. Before filing a petition, a responsible person may request the Administrative Law Judge to stay an administrative code enforcement order. Upon receipt of a request to stay, the Administrative Law Judge may require the administrative code enforcement order to be stayed pending district court review.

### **CHAPTER 11-19-3. ADMINISTRATIVE AND JUDICIAL REMEDIES.**

#### **11-19-3.1. RECORDATION OF NOTICES OF VIOLATION- DECLARATION OF PURPOSE.**

The City Council finds that there is a need for alternative methods of enforcement for violations of the City Code and applicable state codes that are found to exist on real property. The City Council further finds that an appropriate method of enforcement for these types of violations is the issuance and recordation of Notices of Violation.

The procedures established in this Chapter shall be in addition to criminal, civil, or any other remedy established by law that may be pursued to address the violation of the City Code or applicable state codes.

**11-19-3.2. RECORDATION OF NOICES OF VIOLATION- AUTHORITY.**

Whenever the enforcement official determines that a property or violation has not been brought into compliance as required in this Chapter, the enforcement official may record the Notice of Violation or administrative code enforcement order with the Summit County Recorder's Office.

**11-19-3.3. RECORDATION- PROCEDURES.**

(1) Once the enforcement official has issued a Notice of Violation to a responsible person, and the property remains in violation after the deadline established in the Notice of Violation, and no request for a hearing has been filed, the enforcement official may record a Notice of Violation with the Summit County Recorder's Office.

(2) If a hearing is held, and an administrative code enforcement order is issued in the City's favor, the enforcement official may record the administrative code enforcement order with the Summit County Recorder's Office.

(3) The recordation shall include the name of the property owner or responsible person, the parcel number, the legal description of the parcel, and a copy of the Notice of Violation or administrative code enforcement order.

(4) The recordation does not encumber the property, but merely places future interested parties on notice of any continuing violation found upon the property.

**11-19-3.4. SERVICE OF NOTICE OF RECORDATION.**

A notice of the recordation shall be served on the responsible person or property owner pursuant to any of the methods of service set forth in Section 11-19-1.12 of this Chapter.

**11-19-3.5. FAILURE TO REQUEST HEARING.**

The failure of any person to file a request for an administrative code enforcement hearing within ten (10) calendar days of being served with a Notice of Violation shall constitute a waiver of the right to a hearing and a waiver of the right to appeal and shall not affect the validity of the recorded Notice of Violation.

**11-19-3.6. FAILURE TO CORRECT VIOLATION.**

It shall be unlawful for any responsible person to fail to comply with the terms and deadlines set forth in a Notice of Violation. A violation of this section shall be a class B misdemeanor.

**11-19-3.7. NOTICE OF COMPLIANCE – PROCEDURES.**

(1) If a re-inspection is required by the enforcement official, it shall be the duty of the responsible person to request a re-inspection from the enforcement official.

(2) Upon receipt of a request for inspection, the enforcement official shall re-inspect the property as soon as practicable to determine whether the violations have been corrected, whether all necessary permits have been issued and final inspections have been performed as required by applicable code.

(3) The enforcement official shall serve a Notice of Compliance to the responsible person in the manner provided in Section 11-19-1.12 of this Chapter, if the enforcement official determines that:

(a) All violations listed in the recorded Notice of Violation or administrative code enforcement order have been corrected;

(b) All necessary permits have been issued;

(c) All assessed civil fees have been paid or satisfied; and

(d) All assessed administrative fees and costs have been paid or satisfied.

(4) If the enforcement official denies a request to issue a Notice of Compliance, the enforcement official shall serve the responsible person with a written explanation setting forth the reasons for the denial. The written explanation shall be served by any of the methods of service listed in Section 11-19-1.12 of this Chapter.

**11-19-3.8. PROHIBITION AGAINST ISSUANCE OF MUNICIPAL PERMITS.**

From the time that any Notice of Violation is given, the City may withhold permits for any alteration, repair or construction, which pertains to any existing or new structures or signs on the property or any permits pertaining to the use and development of the real property or the structure where a violation is located. The City may withhold permits until a Notice of Compliance has been issued by the enforcement official. The City may not withhold permits that are necessary to obtain a Notice of Compliance or that are necessary to correct serious health and safety violations.

**11-19-3.9. CANCELLATION OF RECORDED NOTICE OF VIOLATION.**

The enforcement official or responsible person shall record the Notice of Compliance with the Summit County Recorder's Office if a Notice of Violation was previously recorded. Recordation of the Notice of Compliance shall have the affect of canceling the recorded Notice of Violation.

**11-19-3.10. ADMINISTRATIVE CIVIL FEES- AUTHORITY.**

(1) If a responsible person fails to correct a violation by the correction date listed in a Notice of Violation or in an administrative code enforcement order, civil fees shall be owed to the City as determined through policy and approved by the City Manager.

(2) Any person violating any provision of the City Code or applicable state codes may be subject to the assessment of civil fees for each violation and each day that the violations existed.

(3) Civil fees cannot be assessed when a criminal case has been filed for the same date and violation, because fines will be assessed with the criminal case. However, civil fees may be assessed where the criminal violation arises out of a violation of this Chapter.

(4) Interest may be assessed on all outstanding civil fee balances until the case has been paid in full.

(5) Payment of any civil fee shall not excuse any failure to correct a violation or the reoccurrence of the violation, nor shall it bar further enforcement action by the City.

(6) Civil fees and any other assessed fees shall be paid to the Park City Finance Department.

**11-19-3.11. PROCEDURES FOR ASSESSING CIVIL FEES.**

(1) If a responsible person fails to bring a violation into compliance within the allotted time from service of the Notice of Violation, civil fees shall be owed to the City for each subsequent violation and each day that each violation existed.

(2) Civil fees are assessed and owing immediately for any violation of the City Code or applicable state codes for an administrative citation.

**11-19-3.12. DETERMINATION OF CIVIL FEES.**

(1) Civil fees shall be assessed per violation per day pursuant to the City Fee Schedule, as determined through policy.

(2) Civil fees shall continue to accrue until the violations have been brought into compliance with the City Code or applicable state codes.

**11-19-3.13. MODIFICATION OF CIVIL FEES.**

The Administrative Law Judge or Building Official may modify the civil fees on a finding of cause.

**11-19-3.14. FAILURE TO PAY FEES.**

If fees are assessed, a specified date may be given by the Administrative Law Judge or the enforcement official, to the responsible person to have the fees paid. The failure of any person to pay civil fees assessed within the specified time may result in the enforcement official pursuing any legal remedy to collect the civil fees.

**11-19-3.15. ABATEMENT OF VIOLATION- AUTHORITY TO ABATE.**

The enforcement official is authorized to enter upon any property or premises to abate the violation of the City Code and applicable state codes. The enforcement official must notify the property owner of the pending abatement action and provide a minimum of ten (10) days for the responsible person to abate the violation. The notice shall be served by any of the methods of service listed in Section 11-19-1.12 of this Chapter.

The enforcement official is authorized to assess all costs for the abatement to the responsible person and use any remedy available under the law to collect the costs. If additional abatements stemming from prior violations are necessary within two years, reoccurrence costs may be assessed against the responsible person(s) for any abatement and enforcement activity.

**11-19-3.16. ABATEMENT- PROCEDURES.**

(1) Violations may be abated by City personnel or by a private contractor acting under the direction of the City.

(2) City personnel or a private contractor may enter upon private property in a reasonable manner to abate the ordinance violation as specified in the Notice of Violation or administrative code enforcement order.

(3) If the responsible person abates the violation before the City performs the actual abatement, the enforcement official may still assess all costs incurred by the City against the responsible person.

(4) When the abatement is completed, a report describing the work performed and an itemized bill for costs, including the total abatement costs shall be prepared by the enforcement official. The report shall contain the name and address of the responsible person.

(5) The enforcement official shall serve the notice of itemized bill for costs by certified mail to the last known address of the responsible person. The notice may demand full payment within thirty (30) calendar days to the Park City Finance Department.

(6) The responsible person shall have a right to an administrative code enforcement hearing to contest the notice of itemized bill for costs. A request for such hearing shall be in writing and shall be filed within ten (10) calendar days of the date of service of the notice of itemized bill for costs. Failure to request an administrative code enforcement hearing as provided in this Chapter shall constitute a waiver to such hearing and a waiver of the right to appeal.

**11-19-3.17. COSTS- DECLARATION OF PURPOSE.**

(1) The City Council finds that there is a need to recover costs incurred by enforcement officials and other City personnel who spend considerable time inspecting and re-inspecting properties throughout the City in an effort to ensure compliance with the City Code or applicable state codes.

(2) The City Council further finds that the assessment of costs is an appropriate method to recover expenses incurred for actual costs of abating violations, re-inspections, administrative time, Administrative Law Judge fees, title searches, and any additional actual costs incurred by the City for each individual case. The assessment and collection of costs shall not preclude the imposition of any administrative or judicial fees or fines for violations of the City Code or applicable state codes.

**11-19-3.18. COSTS- AUTHORITY.**

(1) Whenever actual costs are incurred by the City on a property to obtain compliance with the City Code and applicable state codes, the enforcement official may assess costs against the responsible person.

(2) Once a Notice of Violation has been issued, the property will be inspected one time. Any additional inspections shall be subject to re-inspection fees pursuant to the City Fee Schedule, as determined through policy and approved by the City Manager.

**11-19-3.19. NOTIFICATION OF ASSESSMENT OF RE-INSPECTION FEES.**

(1) Notification of re-inspection fees shall be provided on the to the responsible person(s).

(2) Re-inspection fees assessed or collected pursuant to this Chapter shall not be included in any other costs assessed.

(3) The failure of any responsible person to receive notice of the re-inspection fees shall not affect the validity of any other fees imposed under this Chapter.

**11-19-3.20. FAILURE TO TIMELY PAY COSTS.**

The failure of any person to pay assessed costs by the deadline specified in the invoice may result in a late fee pursuant to City policy, as approved by the City Manager.

**11-19-3.21. ADMINISTRATIVE FEES.**

The enforcement official, Building Official or Administrative Law Judge has the authority to assess administrative fees for costs incurred in the administration of this program, such as investigation of violations, preparation for hearings, attendance of hearings, abatements and the collection process. The fees assessed shall be the amount set forth through policy and approved by the City Manager.

**11-19-3.22. CIVIL VIOLATIONS – INJUNCTIONS.**

In addition to any other remedy provided under the City Code or applicable state codes, including criminal prosecution or administrative remedies, any provision of the City Code may be enforced by injunction issued in the Third District Court upon a suit brought by the City.

**11-19-3.23. CODE ENFORCEMENT PERFORMANCE BOND.**

(1) As part of any notice, administrative code enforcement order, or action, the Administrative Law Judge has the authority to require the responsible person to post a code enforcement performance bond to ensure compliance with the City Code, applicable state codes, or any judicial action, (if agreed to by the enforcement official handling the matter for the City).

(2) If the responsible person fails to comply with the notice, administrative code enforcement order, or action, the bond will be forfeited to the City. The bond will not be used to offset the other outstanding costs and fees associated with the case.

**CHAPTER 11-19-4. RECOVERY OF CODE ENFORCEMENT FEES AND COSTS.**

**11-19-4.1. CODE ENFORCEMENT TAX LIENS- DECLARATION OF PURPOSE.**

The City Council finds that costs incurred by enforcement officials and other city personnel to enforce or abate violations should be recovered from the responsible person.

The City Council finds that recordation of code enforcement tax liens will assist in the collection of civil fees, actual costs of abating violations, re-inspections fees, Administrative Law Judge fee, administrative costs, and any other fees incurred by the City, assessed by the administrative code enforcement hearing program or judicial orders. The City Council further finds that collection of civil fees, costs, and fees assessed for code enforcement violations is important in deterring future violations and maintaining the integrity of the City's code enforcement system. The procedures established in this Chapter shall be used to complement existing administrative or judicial remedies that may be pursued to address violations of the City Code or applicable state codes.

**11-19-4.2. ASSESSMENT OF COST.**

(1) Whenever actual costs are incurred by the City to enforce the City Code and applicable state codes, such costs may be assessed against the responsible person.

(2) The enforcement official shall serve the responsible person with a notice of itemized bill for costs if a notice has not already been provided to the responsible person providing such information. The notice may be provided to the responsible person by any of the methods listed in Section 11-19-1.12, and will include procedures set forth in timed deadline for payment.

(3) The responsible person shall have a right to an administrative code enforcement hearing. A request for such hearing shall be in writing and shall be filed within ten (10) calendar days from the date of service of the notice of itemized bill for costs. Failure to request an administrative code enforcement hearing as provided shall constitute a waiver to an administrative code enforcement hearing and a waiver of the right to appeal.

**11-19-4.3. FAILURE TO TIMELY PAY COSTS.**

The failure of any person to pay assessed costs by the deadline specified in an invoice may result in a late fee as determined through policy. Additionally, procedures for a code enforcement tax lien may be initiated as stated below.

**11-19-4.4. PROCEDURES AND CANCELLATION FOR CODE ENFORCEMENT TAX LIEN.**

Once a judgment has been obtained from the appropriate court assessing costs against the responsible person, the enforcement official may record a code enforcement tax lien against any real property owned by the responsible person.

Once payment in full is received for the outstanding civil fees and costs, or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the enforcement official shall either record a Notice of Compliance of judgment, or provide the property owner or financial institution with the Notice of Compliance of judgment so that it can record this notice with the Summit County Recorder's Office. The Notice of Compliance of judgment shall include the same information as provided in the original code enforcement tax lien. Such Notice of Compliance of judgment shall cancel the code enforcement tax lien.

**11-19-4.5. RECOVERY OF COSTS BY WRIT OF EXECUTION OR BY WRIT OF GARNISHMENT.**

After obtaining a judgment, the enforcement official may collect the obligation by use of all appropriate legal means. This may include the execution on personal property owned by the responsible person by filing a writ of execution with the applicable court or the garnishment of paychecks, financial accounts and other income or financial assets by filing a writ of garnishment with the applicable court

PASSED AND ADOPTED this 15<sup>th</sup> day of June 2006

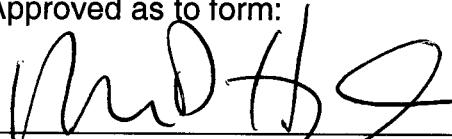
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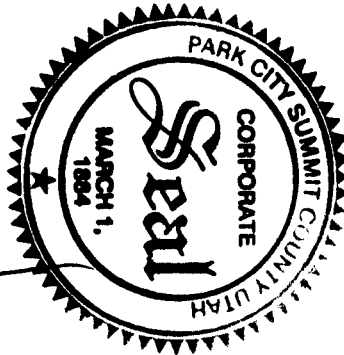
  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

  
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Janet M. Scott, City Recorder

Approved as to form:

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



**Ordinance No. 06-38**

**AN ORDINANCE ADOPTING AMENDMENTS TO LAND MANAGEMENT CODE  
CHAPTER 15-14-5, ZONING ADMINISTRATION PENALTIES AND ENFORCEMENT,  
OF THE MUNICIPAL CODE OF PARK CITY.**

**WHEREAS**, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

**WHEREAS**, such enforcement is critical to the economic and cultural goals of the City as defined in the General Plan, the City Council's annual Vision Statement to be a World Class, Multi-Seasonal Destination Resort Community, and Principles 1, 3, 6 and 7; and

**WHEREAS**, the Planning Commission duly noticed and conducted public hearing at its regularly scheduled meeting on June 14, 2006 and forwarded to City Council a positive recommendation;

**WHEREAS**, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on June 15, 2006;

**WHEREAS**, the clarifications herein are necessary to ensure clear and fair application of the regulations herein and simplify enforcement; and

**WHEREAS**, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

**Section I.** Findings. The recitals above and the Analysis section of the Staff Report dated June 14, 2006 are incorporated herein as findings in support of this ordinance.

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

**Section III.** Amendment. Land Management Code Chapter 15-14-5, of the Municipal Code of Park City is hereby amended as follows:

15-14-5.

**PENALTIES/ENFORCEMENT.**

The City has sole discretion in deciding whether to file a civil or criminal judicial case or pursue an administrative enforcement action for the violation of any of its ordinances or the provisions of this Code. The City may choose to file both, or one or the other. The enactment of this administrative remedy shall in no way interfere with the City's right to prosecute City ordinance violations as criminal offenses. The City may use any of the remedies available under the law including administratively, civilly and criminally. If the City chooses to file both civil and criminal charges for the same occurrence of violation, no civil penalties may be assessed, but all other remedies are available.

The provisions of this Code may be enforced by either civil or criminal actions in courts of appropriate and competent jurisdiction or by an administrative enforcement action. ~~Suit~~ Action may be brought by the City, or by affected Property Owners in the manner set forth below:

(A) **CRIMINAL CITATIONS.** The Building Official and other designated City officials may, when there is probably cause to believe that construction has occurred in violation of this ordinance or in violation of the Park City Municipal Code, issue a citation and swear out criminal complaints against the appropriate individuals and Business entities. Specific approval from the City Council for such misdemeanor citations is not required.

(B) **CIVIL ACTIONS.** The City, ~~with the authorization of the City Council,~~ may bring actions for civil and equitable relief, including enjoining specific land Uses and affirmative injunctions. The Building Official, Planning ~~Department~~ Director and other designated City Officials may recommend such actions at any time to the Council, or initiate an administrative enforcement action as set forth in the Park City Municipal Code, provided that no civil proceeding other than an administrative enforcement action shall be commenced without the specific authorization of the Council.

(C) **THIRD PARTY ACTIONS.** Individuals affected by zoning violations within Park City shall have the right to maintain private actions to enforce the Code without joining the City as a party.

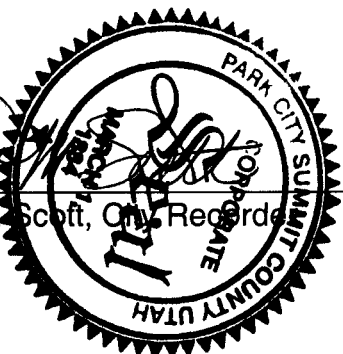
PASSED AND ADOPTED this 15<sup>th</sup> day of June 2006

PARK CITY MUNICIPAL CORPORATION

  
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Mayor Dana Williams

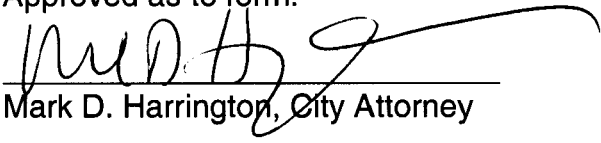
Attest:

  
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Janet M. Scott, City Recorder





Approved as to form:



Mark D. Harrington, City Attorney

**PARK CITY MUNICIPAL CODE**  
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**TITLE 15 - LAND MANAGEMENT CODE**

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 9 - NON-CONFORMING USES AND NON-COMPLYING STRUCTURES**

Chapter adopted by Ordinance No. 00-25

**CHAPTER 9 - NON-CONFORMING USES AND NON-COMPLYING STRUCTURES.**

**15-9-1. PURPOSE.**

This Chapter regulates the continued existence of Non-Conforming Uses and Non-Complying Structures as defined in Chapter 15. While Non-Conforming Uses, Non-Complying Structures and improvements may continue, this Chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the Development standards prescribed by this Code. In addition, Applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the Structure and site through such measures as landscaping, Building design, or the improved function of the Use in relation to other Uses.

**15-9-2. DETERMINATION OF NON-CONFORMING STATUS.**

(A) **BURDEN ON OWNER TO ESTABLISH LEGALITY.** The Owner bears the burden of establishing that any Non-Conforming Use or Non-Complying Structure lawfully exists.

(B) **DETERMINATION OF STATUS.** The Planning Director shall determine the Non-Conforming or Non-Complying status of Properties. Any decision of the Planning Director may be appealed within ten (10) calendar days of the decision to the Board of Adjustment. Upon appeal, the Board of Adjustment shall conduct a hearing and shall review the matter under de novo standard of review.

**15-9-3. AUTHORITY TO CONTINUE.**

(A) **CONTINUATION OF NON-CONFORMING USE.** A lawful Non-Conforming Use may continue subject to the standards and limitations of this Chapter.

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(B) **CONTINUATION OF NON-COMPLYING STRUCTURE.** A Non-Complying Structure that was lawfully constructed with a permit prior to a contrary change in this Code, may be used and maintained, subject to the standards and limitations of this Chapter.

**15-9-4. ABANDONMENT OR LOSS OF NON-CONFORMING USE.**

(A) **ABANDONMENT OF NON-CONFORMING USE.** A Non-Conforming Use that is discontinued for a continuous period of one (1) year is presumed abandoned and shall not thereafter be reestablished or resumed. Abandonment may also be presumed to have occurred if a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the municipality regarding an extension of the nonconforming use; or the primary structure associated with the nonconforming use remains vacant for a period of one year.

Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.

Any subsequent Use of the Building, Structure, or land must conform with the regulations for the Zoning District in which it is located

(B) **REBUTTABLE PRESUMPTION OF ABANDONMENT.** The presumption of abandonment may be rebutted upon a showing that during such period:

(1) any period of discontinued Use caused by governmental actions or an Act of God without any contributing fault by the Owner and the Owner did not intend to discontinue the Use; or

(2) the Owner has been actively and continuously marketing the Building, Structure, or land for sale or lease with the Use and the Owner has been maintaining the Building, Structure, or land in accordance with the Uniform Building Code; or

(3) the Owner can demonstrate no abandonment of the Use.

The property owner shall have the burden of establishing that any claimed abandonment has not in fact occurred

Comment [p3]: 10-9a-511(4)(d)

**15-9-5. MOVING, ENLARGING, OR ALTERING NON-CONFORMING USES.**

No Non-Conforming Use may be moved, enlarged, altered, or occupy additional land, except as provided in this Section.

Comment [p1]: 10-9a-511(4)(c)

(A) **ENLARGEMENT.** A Non-Conforming Use may not be enlarged, expanded, or extended to occupy all or a part of another Structure or site that it did not occupy on the date on which the Use became non-conforming. A Non-Conforming Use may be extended through the same Building or Structure provided no structural alteration of the Building or Structure is proposed or made for the purpose of the extension and the parking demand is not increased.

Comment [p2]: 10-9a-511(4)(b)

**(B) EXTERIOR OR INTERIOR REMODELING OR IMPROVEMENTS TO BUILDING OR STRUCTURE.**

Exterior or interior remodeling or improvements to a Structure containing a Non-Conforming Use shall be allowed provided there is no expansion of the area of the Non-Conforming Use.

**(C) RELOCATION OF BUILDING OR STRUCTURE.** A Building or Structure containing a Non-Conforming Use may not be moved unless the Use shall thereafter conform to the regulations of the Zoning District into which the Building or Structure is moved.

**(D) CHANGE OF NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE OR A CONFORMING USE.** Except as provided in Section 15-9-5.(E) below, no Non-Conforming Use may be changed to another Non-Conforming Use. Whenever any Non-Conforming Use is changed to a conforming Use, such Use shall not later be changed to any Non-Conforming Use.

**(E) HISTORICALLY SIGNIFICANT BUILDINGS EXCEPTION: CHANGE OF NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE OF SIMILAR OR LESS-INTENSIVE LAND USE TYPE.** Subject to the criteria below, a Non-Conforming Use located within a Building or Structure designated as historically significant pursuant to LMC Section 4.13 may be changed to another Non-Conforming Use of a similar or less intensive land Use type. A Non-Conforming

Use, which satisfies the criteria provided in Section 16-9-5(E)(4) herein shall be considered a similar or less intensive land Use type.

**(1) APPLICATION.** Application for any Non-Conforming Use must be made upon forms provided by the Planning Department. Upon filing of a Complete Application, the City shall post the Property indicating that an Application for modification of a Non-Conforming Use has been filed and that more detailed information may be obtained from the City.

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**(2) NOTIFICATION OF ABUTTING PROPERTY OWNERS.** Notice shall be provided pursuant to the Notice Matrix in Chapter 1. (See Section 15-1-19)

**(3) BOARD OF ADJUSTMENT HEARING.** Within thirty (30) working days of the Planning Department's receipt of a Complete Application, and after giving public notice, the Board of Adjustment shall hold a public hearing on the Non-Conforming Use Application. The Board of Adjustment shall either grant the Application in whole or in part, with or without modifications or conditions, or deny the Application. The Board of Adjustment's decision shall be made pursuant to criteria provided in Section 15-9-5(E)(4) below.

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(4) **CRITERIA.** The Board of Adjustment shall approve an Application to change a Non-Conforming Use to another Non-Conforming Use if the Applicant proves the following criteria:

(a) All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the Non-Conforming Use or Building upon abutting Properties or in the neighborhood;

(b) All changes, additions, or expansions comply with all current laws except as to Use;

(c) The new Use will provide for enclosed storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage; and

(d) The new Use does not increase the parking requirement; or if there is an increase, the site plan meets the parking requirement and the Board of Adjustment finds that adjoining Properties and the neighborhood will not be adversely impacted by the increased parking demand.

(F) **DAMAGE OR DESTRUCTION OF BUILDING OR STRUCTURE WITH NON-CONFORMING USE.** If a Building or Structure that contains a Non-Conforming Use is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the Structure is uninhabitable and that the Nonconforming use will be lost if the Structure is not repaired or restored within six months; or the property owner has voluntarily demolished a majority of the building that houses the Nonconforming use; or if a Building or Structure that contains a Non-Conforming Use is destroyed fifty percent (50%) or more by fire or natural calamity, is voluntarily razed, or is required by law to be razed, the Non-Conforming Use shall not be resumed, and the Building or Structure shall not be restored unless it is restored to accommodate a conforming Use within a complying Structure. If a Building or Structure that contains a Non-Conforming Use is involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned, damaged less than fifty percent (50%) by fire or natural calamity; the Non-Conforming Use may be resumed and the Building or Structure may be restored to the condition prior to the destruction, provided such work is started within six months of such calamity, is completed within eighteen (18) months of work commencement, and the intensity of Use and degree of non-conformance is neither increased nor changed. ~~The extent of damage or destruction shall be the ratio of the estimated cost of restoring the Building or Structure to its condition before the damage or~~

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Comment [p4]: 10-9a-511(3)(b)

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Comment [p5]: 10-9a-511(3)(a)

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~~destruction to the estimated cost of duplicating the entire Building or Structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of A Building Standards@ published by the International Conference of Building Officials (I.C.B.O.).~~

15-9-6. NON-COMPLYING STRUCTURES.

No Non-Complying Structure may be moved, enlarged, or altered, except in the manner provided in this Section or unless required by law.

(A) REPAIR, MAINTENANCE, ALTERATION, AND ENLARGEMENT.

Any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.

(B) MOVING. A Non-Complying Structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire Structure shall thereafter conform to the regulations of the Zone in which it will be located.

(C) DAMAGE OR DESTRUCTION OF NON-COMPLYING STRUCTURE.

If a Non-Complying Structure is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six months after written

~~notice to the property owner that the Structure is uninhabitable and that the Non-complying Structure will be lost if the structure is not repaired or restored within six months; or the property owner has voluntarily demolished a majority of the Non-complying Structure or the building that houses a Non-complying structure .is destroyed fifty percent (50%) or greater by fire or natural calamity, or is voluntarily razed or is required by law to be razed, the Structure shall not be restored unless it is restored to comply with the regulations of the Zone in which it is located. If a Non-Complying Structure is involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned. damaged less than fifty percent (50%) by fire or natural calamity, the Structure may be restored to its original condition, provided such work is started within six months of such calamity, completed within eighteen (18) months of work commencement, and the intensity of Use is not increased. The extent of damage or destruction shall be the ratio of the estimated cost of restoring the Structure to its condition before the damage or destruction to the estimated cost of duplication the entire Structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of A Building Standards@ published by the International Conference of Building Officials (I.C.B.O.).~~

15-9-7. ORDINARY REPAIR AND MAINTENANCE AND STRUCTURAL SAFETY.

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The Owner may complete normal maintenance and incidental repair on a complying Structure that contains a Non-Conforming Use or on a Non-Complying Structure. This Section shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a Structure in accordance with an order of the Building Official who declares a Structure to be unsafe and orders its restoration to a safe condition.

**15-9-8. APPEALS.**

Appeal from a Board of Adjustment decision made pursuant to this Chapter shall be made to the district court and not to City Council. Any person applying to the district court for review of any decision made under the terms of this Chapter shall apply for review within thirty (30) days after the date the decision is filed with the City Recorder as prescribed by state statute.



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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 10 - BOARD OF ADJUSTMENT**

*Chapter adopted by Ordinance No. 01-17*

**15-10-1. ESTABLISHMENT OF BOARD.**

In order to avail the City of the powers provided in Chapter 9 of Title 10 of the Utah Code (1953, as amended), there is hereby created a Board of Adjustment, which shall consist of five (5) members. There shall also be one non-voting alternate to vote when a regular member is absent. Members shall be appointed by the Mayor with the advice and consent of the City Council. The Council may fix per diem compensation for the members of the Board of Adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended. All members of the Board of Adjustment shall reside within the City limits, and are deemed to have resigned if they move their residence from the City limits.

**15-10-2. TERM OF OFFICE.**

Each member of the Board of Adjustment shall serve for a term of five (5) years or until his successor is appointed and qualified provided that the term of the members of the first Board so appointed shall be such that

the term of one member shall expire each year. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term.

**15-10-3. POWERS AND DUTIES.**

(A) The Board of Adjustment shall hear and decide:

- (1) Appeals from zoning decisions applying Title 15, Land Management Code;
- (2) Special exceptions to the terms of the Land Management Code; and
- (3) Variances from the terms of the Land Management Code.

(B) The Board of Adjustment shall make determinations regarding the modification of Non-Conforming uses and shall hear appeals on the determination of Non-Conforming or Non-Complying status by the Director of the Planning Department, as provided in Title 15, Chapter 9.

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**15-10-4. GROUNDS FOR REMOVAL.**

Any Board member who is absent for two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per year may be called before the City Council and asked to resign or be removed for cause by the Mayor, with the advice and consent of City Council. Additionally, the Mayor, with the advice and consent of City Council, may remove any member of the Board of Adjustment for cause if written charges are filed with the Mayor, against the member. The Mayor shall provide the member with a public hearing if the member requests one.

**15-10-5. ORGANIZATION.**

(A) **CHAIRMAN.** The Board of Adjustment shall elect a Chairman and may adopt such rules for its own proceedings as are deemed necessary.

(B) **QUORUM.** No business shall be conducted unless at least three (3) members of the Board, not counting the alternate, are present.

**15-10-6. MEETINGS.**

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.

(A) **WITNESSES.** The Chairman of the Board of Adjustment or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall comply

with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

(B) **MINUTES.** Written minutes shall be kept of all Board meetings. Such minutes shall include:

- (1) The date, time and place of the meeting.
- (2) The names of members present and absent.
- (3) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken.
- (4) The names of all citizens who appeared and the substance in brief of their testimony.
- (5) Any other information that any member requests be entered in the minutes.

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The minutes are public records and shall be available within a reasonable time after the meeting.

**15-10-7. APPEALS.**

*See also 15-1-18*

The Board shall hear and decide appeals from an Applicant or any other Person or entity, including any officer or board of the City, adversely affected by a final decision administering or interpreting the Land Management Code which alleges that there is an error in any order, requirement,

decision or determination of the Land Management Code.

The appeal must be made in writing and submitted to the Planning Department within ten (10) days of the decision. The Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken. The Person or entity making the appeal has the burden of proving that an error has been made.

A Person may not appeal, and the Board of Adjustment may not consider, any amendments to the Land Management Code, or appeals of Conditional Use permits or Master Planned Developments, which shall be appealed to the City Council. Appeals may not be used to waive or modify the terms or requirements of the Land Management Code. Appeals shall be considered by the Board of Adjustment only on the record made before the Historic Preservation Board or Planning Commission.

**15-10-8. SPECIAL EXCEPTIONS.**

The Board may hear Applications for special exceptions to the terms of the Land Management Code, which apply to variances, modifications of Non-Conforming Uses, appeals and other matters upon which the Board is required to pass judgment. Applications for special

exceptions must be filed with the Planning Department, and the required fee paid in advance. No Application for a special exception shall be approved unless the Board of Adjustment shall determine that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below:

(A) The proposed Use and Development will be in harmony with the general and specific purposes for which the Land Management Code was enacted and for which the regulations of the district were established.

(B) The proposed Use and Development will not substantially diminish or impair the value of the Property within the neighborhood in which it is located.

(C) The proposed Use and Development will not have a material adverse effect upon the character of the Area or the public health, safety, and general welfare.

(D) The proposed special exception will be constructed, arranged and operated so as to be Compatible with the Use and Development of neighboring Property in accordance with the applicable district regulations.

(E) The proposed Use and Development will not result in the destruction, loss or damage to natural, scenic or historic features of significant importance.

(F) The proposed Use and Development will not cause material air, water, soil or

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noise pollution or other types of pollution.

The Board of Adjustment may impose conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other Property and other improvements in the vicinity of the special exception or upon public facilities and services. These conditions may include but are not limited to: conditions concerning Use, construction, operation, character, location, landscaping, Screening and other matters relating to the purposes and objectives of the Land Management Code. Such conditions shall be expressly set forth in the motion granting the special exception. Violation of any such condition or limitation shall be a violation of this section and shall constitute grounds for revocation of the special exception.

**15-10-9. VARIANCE.**

(A) Any Person or entity desiring a waiver or modification of the requirements of the Land Management Code as applied to a Parcel or Property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Land Management Code.

(B) An Application for variance review must be filed with the Planning Department, and the required fee paid in advance. The Application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any Building Permit or Conditional Use approval, the Application shall so state, and all documents on file

concerning the matter shall be forwarded to the Board for review as a part of the request.

The Applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.

(C) Variances shall be granted only if all of the following conditions are found to exist:

(1) Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code;

(2) There are special circumstances attached to the Property that do not generally apply to other Properties in the same [~~district~~] zone;

(3) Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same [~~district~~] zone;

(4) The variance will not substantially affect the General Plan and will not be contrary to the public interest; and

(5) The spirit of the Land Management Code is observed and substantial justice done.

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(D) (1) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.

(2) In determining whether or not enforcement of the Land Management Code would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

(E) In determining whether or not there are special circumstances attached to the Property under Subsection 15-10-9(C)(2), the Board of Adjustment may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of privileges granted other Properties in the same [district] zone.

The Applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(F) Variances run with the land.

(G) The Board of Adjustment may condition a variance by requiring the Owner to obtain a Building or other necessary permit within one (1) year of issuance of the variance, or the variance shall be null and void.

(H) The Board of Adjustment and any other body may not grant a use [variances] variance.

(I) In granting a variance, the Board of Adjustment may impose additional requirements on the Applicant that will:

(1) mitigate any harmful affects of the variance; or

(2) serve the purpose of the standard or requirement that is waived or modified.

**15-10-10. PERSONS ENTITLED TO APPEAR.**

At the hearing on any matter before the Board of Adjustment, any Person aggrieved or interested in the matter may appear in person or through his attorney to testify on the matter. The Applicant shall have the right to respond to testimony offered in opposition to the application.

**15-10-11. DECISION.**

Decisions of the Board of Adjustment become effective at the meeting in which the Board adopts written findings of fact, conclusions of law and conditions of approval, unless a different time is specifically designated by the Board.

**15-10-12. VOTE NECESSARY.**

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official, board, or commission, or to decide in favor of the Applicant.

**15-10-13. JUDICIAL REVIEW OF BOARD DECISION.**

The City or any Person adversely affected by any decision of the Board of Adjustment may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Board of Adjustment's decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within thirty (30) days after the Board of Adjustment's decision is filed with the City Recorder.

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 11 - HISTORIC PRESERVATION**

*Chapter adopted by Ord. No. 02-07;  
Chapter Amended in Entirety by Ord. No.  
03-34*

**CHAPTER 11 – HISTORIC  
PRESERVATION**

**15-11-1. ESTABLISHMENT OF  
BOARD.**

Pursuant to the Historic District Act, Section 11-18-1, et seq. of the Utah Code, 1953, and other applicable power, there is hereby created a Park City Historic Preservation Board (HPB). The HPB shall be composed of five (5) members.

**15-11-2. TERMS AND  
QUALIFICATIONS OF MEMBERS.**

Members of the HPB shall serve terms of three (3) years. No member may serve more than two (2) consecutive terms. The terms shall be staggered. Terms may expire on May 1, however, members of the HPB shall continue to serve until their successors are appointed and qualified.

(A) The Mayor shall appoint a new HPB member to fill vacancies that might arise and

such appointments shall be to the end of the vacating member's term.

(B) It is the first priority of the City Council that the HPB have technical representation in Historic preservation, therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect, or other professional having substantial experience in rehabilitation-type construction, serving on the HPB, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two (2) nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the Application process.

(C) In addition, the HPB should include members with the following qualifications, or representing the following interests:

- (1) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.

(2) A member living in the Historic District with demonstrated interest and knowledge of Historic preservation.

(3) A member appointed at large from Park City with demonstrated interest and knowledge of Historic preservation.

(4) A member associated with Main Street Business and commercial interests.

**15-11-3. ORGANIZATION.**

(A) **CHAIRMAN.** The HPB shall elect one of its members to serve as Chairman for a term of one (1) year at its first meeting in March. The Chairman may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms.

(B) **QUORUM.** No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by three (3) of the appointed members, including the Chairman.

(C) **VOTING.** All actions of the HPB shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken shall approve any action taken. The Chairman may vote at the meetings.

**15-11-4. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL.**

Any HPB member who is absent from two (2) consecutive regularly scheduled Board meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. Members of the HPB are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

**15-11-5. PURPOSES.**

The purposes of the HPB are:

(A) To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history and to encourage complimentary, contemporary design and construction through the creation of comprehensive Historic District Design Guidelines, and update as necessary;

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(B) To protect and enhance the City's Historic appeal to tourists and visitors;

(C) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;

(D) To provide input to City Council towards safeguarding the heritage of the City in protecting Buildings of Significance and Contributing Buildings, Structures, Sites/Areas or Objects;

(E) To promote the private and public Use of Buildings of Significance and Contributing Buildings, Structures, Sites/Areas or Objects;

(F) To make recommendations to the City Council on policies and ordinances that may encourage Historic preservation;

(G) To communicate and promote the benefits of Historic preservation for the education, prosperity, and general welfare of the people;

(H) To provide input to staff, Planning Commission, and City Council on matters concerning the overall Development of the City's Historic preservation program;

(I) To make recommendations to the City Council on the Development of, and to administer, all City-sponsored preservation incentive programs;

(J) To review all appeals on action taken by the Planning Department regarding compliance with the Historic District Design Guidelines; and

(K) To review and take action on all determination of Historic preservation Applications submitted to the City.

**15-11-6. ADDITIONAL DUTIES.**

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

(A) Participate in the design review of any City-owned projects located within the designated Historic District.

(B) Recommend to the City Council the purchase of interests in Property for

purposes of preserving the City's cultural resources.

(C) Investigate and report to the City Council on the Use of Federal, State, local, or private funding sources and mechanisms available to promote the preservation of the City's cultural resources.

(D) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(E) Recommend to the Planning Commission and the City Council changes to the Park City Land Management Code to reinforce the purpose of Historic preservation.

(F) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, and Property within the Historic District, or neighboring Property within a two (2) block radius of the Historic District.

**15-11-7. LIMITATIONS.**

The HPB has no authority to waive or increase any requirement of any ordinance of the City.

**15-11-8. STAFF ASSISTANCE.**

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

- (A) Utah Heritage Foundation.
- (B) National Trust for Historic Preservation.
- (C) Utah State Division of History.
- (D) Park City Historical Society.
- (E) American Institute of Architects  
(AIA)

**15-11-9. PRESERVATION POLICY.**

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of the remaining Buildings, Structures and Site of Historic or community Significance is required based on the level of Significance. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

**15-11-10. HISTORIC DISTRICT DESIGN GUIDELINES.**

The HPB shall promulgate and update as necessary Historic District Design Guidelines for Use in the Historic District zones. These guidelines shall, upon adoption by resolution or ordinance by the City Council, be used by the Planning Department staff in reviewing Historic District design review Applications. The Historic District Design Guidelines shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. From time to time, the HPB may recommend changes in the Historic District Design Guidelines to the Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the City Council.

**15-11-11. HISTORIC DISTRICT DESIGN REVIEW.**

(A) The Planning Department shall review and approve or deny, all Historic District design review Applications associated with a Building Permit to build, locate, construct, remodel, alter or modify any Building, Structure, Site, or other visible element, including but not limited to, signs, lighting fixtures, and Fences located within the Park City Historic District.

- (1) The Owner and/or Applicant for any Property shall be required to submit an Historic District design review Application for proposed work requiring a Building Permit in order to complete the work.

(2) Planning Department staff shall review all Historic District design review Applications, including those associated with an Allowed or Conditional Use, which upon determining compliance with the guidelines, shall be approved by the department staff without HPB review or hearing.

(B) **NOTICE.** Prior to taking action on any Historic District design review Application, the Planning staff shall provide notice pursuant to Section 15-1-20 of this Code.

(C) **DECISION.** Upon taking action on the Application, the Planning Department staff shall make written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(D) **APPEALS.** The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department staff decision made on a Historic District design review Application to the Planning Director. All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-20 of this Code. The scope of review by the Director shall be the same as the scope of review at the staff level.

(1) In those cases, the Director shall either approve, approve with conditions, or disapprove the proposal based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(2) Any Director decision may be appealed to the HPB. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Director's decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. The scope of review by the HPB shall be the same as the scope of review by the Director.

(3) Any HPB decision may be appealed to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the HPB decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.

**15-11-12. DETERMINATION OF HISTORICAL SIGNIFICANCE.**

The HPB is the official body to review matters concerning the historical designation of Buildings, Structures and Sites within Park City, and to make this information

available to all interested citizens. It is hereby declared that all Buildings, Structures and Sites within Park City, which substantially comply with the standards of review found in Section 15-11-13(A), are determined to be Significant for the purposes of this Chapter.

The Planning Department shall maintain a list of Significant Properties. Any Owner of a Building, Structure or Site may apply for a hearing before the HPB to ascertain Significance of said Property. The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving an Application for a determination of historical Significance, the Planning staff shall schedule a hearing on the HPB agenda within thirty (30) days. Notice of the hearing shall be posted on the Property and published at least once prior to the hearing. At the hearing, the Applicant shall have an opportunity to present testimony and evidence to demonstrate the historical Significance, or insignificance of the Building, Structure or Site.

(A) **STANDARDS OF REVIEW.** In determining the Historic Significance of the Property at the hearing, the HPB shall evaluate whether the Building, Structure or Site demonstrates a quality of Significance in local, regional, state or national history, architecture, archaeology, engineering or culture, and integrity of location, design, setting, materials, and workmanship according to the following criteria:

(1) The Building, Structure or Site is associated with events or lives

of Persons significant to our past; and/or

(2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or

(3) The architectural or historical value or Significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or

(4) The Building, Structure or Site is at least fifty (50) years old, or has achieved Significance within the past fifty (50) years if the Property is of exceptional importance to the community; and/or

(5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or

(6) Any other factors, including aesthetic, which may be relevant to the historical or architectural aspects of the Building, Structure or Site.

(B) **NOTICE.** Prior to taking action on any determination of historical Significance Application, the Planning staff shall provide public notice pursuant to Section 15-1-20 of this Code.

(C) **DECISION.** If the HPB finds that the Building, Structure or Site is insignificant pursuant to Section 15-11-13(A), it shall immediately be removed from the list, if any, of historically Significant Properties. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(D) **APPEAL.** The Applicant or any party participating in the hearing may appeal the HPB decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the HPB decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.

**15-11-13. DEMOLITION AND REMOVAL OF HISTORIC BUILDINGS, STRUCTURES AND SITES.**

It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on Demolition and removal of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The Demolition or removal of Historic Buildings, Structures and Sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation,

renovation, adaptive reuse and relocation within the Historic District. It is recognized, however, that Structural deterioration, economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary Demolition or removal of a Historic Building, Structure or Site.

All Applications for Demolition of any Building, Structure, or Site within the City shall be initially reviewed by the Planning staff for Significance pursuant to Section 15-11-13(A) herein, and forwarded with a recommendation for action to the HPB.

(A) **DETERMINATION OF INSIGNIFICANCE.** If upon review, the HPB concludes that the Building, Structure or Site sought to be Demolished or removed is insignificant, the Planning staff may sign-off on the issuance of a Demolition permit.

(B) **DETERMINATION OF SIGNIFICANCE.** If upon review, the HPB concludes that the Building, Structure or Site sought to be Demolished or removed does possess Significance, the Applicant shall be required to submit a CAD Application pursuant to Sections 15-11-15 through 15-11-17, as appropriate.

(C) **REMOVAL OR REPAIR OF HAZARDOUS BUILDINGS.** If, upon review, the Chief Building Official determines the subject Building, Structure or Site to be structurally unsound, and a hazardous or dangerous Building, pursuant to Section 115.1 of the International Building Code, the Chief Building Official may order its removal or repair.

(D) **REQUIREMENT FOR STAY OF DEMOLITION.** In the absence of a finding either of insignificance or of public hazard, the Application for Demolition or removal shall be stayed for 180 days.

**15-11-14. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).**

With the exception of any Building or Structure falling under the purview of Section 15.1 of the International Building Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be Significant, pursuant to the standards of review set forth in Section 15-11-13(A) herein, may be Demolished or removed without the issuance of a Certificate of Appropriateness *for Demolition* (CAD) by an independent CAD Hearing Board appointed by the City. Application for a CAD shall be made on forms prescribed by the City and shall be submitted to the Planning Department.

**15-11-15. PRE-HEARING APPLICATION REQUIREMENTS.**

Upon submittal of a CAD Application to the Planning Department, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is "threatened." Said sign shall be at least three feet by two feet (3'X2'), readable from a point of public Access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the

Owner shall conduct negotiations with the City for the sale or lease of the Property or take action to facilitate proceedings for the City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

At the end of the forty-five (45) days, the Application will be scheduled for a hearing before the CAD Hearing Board, upon showing that the above requirements have been met and all economic hardship information required has been submitted. The Applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Planning Department staff shall notify the Owner if any additional information is needed to complete the Application.

(A) **CAD HEARING BOARD.** Upon confirmation of receipt of a complete CAD Application, the City shall appoint an independent CAD Hearing Board, consisting of three (3) members, for the purpose of reviewing and taking action upon the Application. The City Manager shall appoint the CAD Board as the need might arise, solely for the purpose of reviewing and taking final action on all CAD Applications.

It is the first priority of the City that the CAD Board has substantial experience in finance, real estate, and commercial business interests. Hence, the Board should possess the following qualifications, or represent the following interests:

- (1) A member appointed at large from Park City with demonstrated



knowledge of economics, accounting and finance;

(2) A member appointed at large from Park City who is an attorney at law; and

(3) A member appointed from the Board of Adjustment.

**15-11-16. CAD HEARING.**

At the hearing, the CAD Hearing Board will review the Application pursuant to the economic hardship criteria set forth in Section 15-11-17(A) herein, and consider public input. The CAD Hearing Board may only approve Demolition or removal of a Significant Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the CAD Application.

(A) **ECONOMIC HARDSHIP CRITERIA.** In order to sustain a claim of unreasonable economic hardship, the Owner shall provide information pertaining to whether the Property is capable of producing a reasonable rate of return for the Owner or incapable of beneficial Use. The City shall adopt by resolution separate standards for investment or income producing and non-income producing Properties, as recommended by the HPB. Non-income Properties shall consist of Owner occupied Single-Family Dwellings and non-income producing institutional Properties. The information required by the City may include, but not be limited to the following:

- (1) Purchase date, price and financing arrangements;
- (2) Current market value;
- (3) Form of ownership;
- (4) Type of occupancy;
- (5) Cost estimates of Demolition and post-Demolition plans;
- (6) Maintenance and operating costs;
- (7) Costs and engineering feasibility of rehabilitation;
- (8) Property tax information; and
- (9) Rental rates and gross income from the Property.

The CAD Hearing Board, upon review of the CAD Application, may request additional information as deemed appropriate.

(B) **CONDUCT OF OWNER EXCLUDED.** Demonstration of economic hardship by the Owner shall not be based on conditions resulting from:

- (1) willful or negligent acts by the Owner; or
- (2) purchasing the Property for substantially more than market value at the time of purchase; or

(3) failure to perform normal maintenance and repairs; or

(4) failure to diligently solicit and retain tenants; or

(5) failure to provide normal tenants improvements.

(D) **DECISION.** The CAD Hearing Board shall make written findings supporting the decision made. The CAD Hearing Board may determine that unreasonable economic hardship exists and approve the issuance of a CAD if one of the following conditions exists:

(1) For income producing Properties, the Building, Structure or Site cannot be feasibly used or rented at a reasonable rate or return in its present condition or if rehabilitated and denial of the Application would deprive the Owner of all reasonable Use of the Property; or

(2) For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and

(3) The Building, Structure or Site cannot be feasibly moved or relocated.

(D) **APPROVAL.** If the CAD Hearing Board approves the Application, the Owner may apply for a Demolition permit with the Building Department and proceed to Demolish the Building, Structure or Site in compliance with other regulations as they may apply. The City may, as a condition of approval, require the Owner to provide documentation of the Demolished Building, Structure or Site according to the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey or other information as specified. The City may also require the Owner to incorporate an appropriate memorializing of the Building, Structure or Site, such as a photo display or plaque, into the proposed replacement project of the Property. Approval of a CAD shall be valid for one (1) year.

(E) **DENIAL.** If the CAD Hearing Board denies the Application, the Owner shall not Demolish the Building, Structure or Site, and may not re-apply for a CAD for a period of three (3) years from the date of the CAD Hearing Board's final decision, unless substantial changes in circumstances have occurred other than the re-sale of the Property or those caused by the negligence or intentional acts of the Owner. It shall be the responsibility of the Owner to stabilize and maintain the Property so as not to create a structurally unsound, hazardous, or dangerous Building, as identified in Section 115.1 of the International Building Code. The City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available.

(F) **APPEAL.** The City or any Persons adversely affected by any decision of the CAD Hearing Board may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Officer's decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within thirty (30) days after the date of the CAD Hearing Board's decision.

**PARK CITY MUNICIPAL CODE**  
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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 12 - PLANNING COMMISSION**

*Chapter adopted by Ordinance No. 01-17*

**15-12-1. PLANNING COMMISSION CREATED.**

There is hereby created a City Planning Commission to consist of seven (7) members. Members shall be appointed by the Mayor with advice and consent of the Council. Alternate members may also be appointed, which the Mayor may appoint with advice and consent of the Council.

**15-12-2. TERMS AND ELIGIBILITY OF MEMBERS.**

Members of the Planning Commission shall serve terms of four (4) years. Terms shall be staggered and expire on the second Monday in February. Members shall continue to serve until their successors are appointed and qualified. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term. Members of the Planning Commission shall be residents of Park City, and have resided within the City for at least ninety (90) days prior to being appointed. Members are deemed to have

resigned when they move their residences outside the City limits.

**15-12-3. GROUNDS FOR REMOVAL.**

Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year, or who violates Title 3, Ethics, may be called before the City Council and asked to resign or be removed for cause by the Council.

**Comment [p1]:** (10-9a-301(1)(b)(i))

**15-12-4. COMMUNITY REPRESENTATION.**

Appointments to the Planning Commission shall be made on a basis which fairly represents the interests of all residents of the community.

**15-12-5. AUTHORITY.**

The Planning Commission shall have all necessary authority conferred on Planning Commissions pursuant to Chapter 9a of Title 10, Utah Code Annotated, 1953, as amended, and such other powers as are conferred on it by the City Council.

**Comment [p2]:** Note change

**15-12-6. CHAIRMAN.**

The Planning Commission shall on or before the second Wednesday in March each year elect a Chairman who shall serve a term of one (1) year, but may be re-elected for one (1) succeeding consecutive term. A Person may not serve more than two (2) consecutive terms as Chairman of the Planning Commission. The Chairman may participate in discussions, but shall have no vote except in case of a tie vote by the members of the Commission.

**15-12-7. STAFF.**

The Planning Department shall assist the Commission with technical matters. In order to assist the Planning Commission in carrying out its duties, the Planning Commission may request the assistance of other employees or agents of the City.

**15-12-8. ALLOWANCE.**

The Planning Commission members shall receive an allowance for each meeting attended, as established by the City Council.

**15-12-9. PURPOSE.**

The Planning Commission shall act as a non-political, long range planning body for the City. Review of specific projects shall be limited to those matters specifically requiring their consideration, and to the monitoring and reviewing of decisions of the Planning Department. The Planning Commission shall review those matters designated in Section 15-12-15 herein.

**15-12-10. HEARINGS.**

The Planning Commission shall establish procedures for its own hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues. Notice for all agenda items pending action shall be according to the Notice Matrix as stated in Section 15-1-21.

**15-12-11. MINUTES.**

The Planning Commission shall keep official minutes of its meetings, which shall be permanently stored with the City Recorder. All meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

Written minutes shall be kept of all Commission meetings. Such minutes shall include:

- (A) The date, time and place of the meeting;
- (B) The names of members present and absent;
- (C) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
- (D) The names of all citizens who appeared and the substance in brief of their testimony; and
- (E) Any other information that any member requests be entered in the minutes.

Deleted: Community Development

The minutes are public record and shall be available within a reasonable time after the meeting.

**15-12-12. DECISIONS.**

All decisions of the Planning Commission shall be included in the minutes. Where written findings are required, the findings may be prepared separately, but shall be incorporated into the minutes.

**15-12-13. QUORUM REQUIREMENT.**

The Commission shall not conduct any business at a meeting unless a quorum is present. A quorum shall consist of a majority of the appointed members of the Commission, including the Chairman for computation purposes.

**15-12-14. VOTING.**

Actions of the Commission pass by majority vote. A majority is a simple majority of those members present at the meeting and entitled to vote on the matter under consideration. The vote of the Chairman shall be counted only when he or she votes in order to break a tie vote of the other Commission members. The Commissioner elected Chairman Pro Tem shall, at all times, be entitled to cast his or her vote as a member of the Commission, including those occasions on which he or she is acting as Chairman Pro Tem. Voting to remove an item of business from the consent agenda shall require an affirmative vote of two-thirds of the members present to pass. Other votes shall be a simple majority.

**15-12-15. REVIEW BY PLANNING COMMISSION.**

(A) General planning and review of specific Development projects by the Planning Commission shall be divided into the following functions:

- (1) City General Plan and General Plan amendments review and recommendation to City Council;
- (2) Annexation review with recommendation to City Council;
- (3) Land Management Code and zoning review with recommendation to City Council;
- (4) Subdivision approval with recommendation to City Council;
- (5) Large scale Master Planned Development approval;
- (6) Conditional Use permit ratification of findings of fact, conclusions of law and conditions of approval, if applicable;
- (7) Consent agenda items;
- (8) Review of appeals of Planning Director's interpretation of the Land Management Code and decisions;
- (9) Subdivision and record of survey plat and plat amendment

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review with recommendation to City Council;

(10) Termination of inactive applications; and

(11) Sensitive Lands review

(B) The scope of review for each of these functions is as follows:

(1) **CITY GENERAL PLAN REVIEW.** The Planning Commission shall have the primary responsibility to initiate and update the City's General Plan, including planning for adequate Streets and utilities, parks, trails, recreation facilities, housing, and open space. The Commission shall consider long-range zoning and land use objectives, protection of Sensitive Lands, and shall conduct periodic review of existing plans to keep them current.

(2) **ANNEXATION REVIEW.** The Commission shall review all annexation requests according to the Utah State Code regarding annexations, including Section 10-2-401.5, regarding adoption of an annexation policy plan, and shall make a recommendation to City Council for action. The Commission shall recommend zoning on land to be annexed.

(3) **LAND MANAGEMENT CODE AND ZONING REVIEW.**

The Commission shall initiate or recommend zone changes and review the Land Management Code Development standards within zones. The Commission shall hear all requests for zone changes and forward a recommendation to City Council for action. The Commission shall have the primary responsibility to review amendments to the Land Management Code and shall forward a recommendation to the City Council.

(4) **SUBDIVISION APPROVAL.** The Planning Commission shall review all applications for Subdivisions under the provisions of the Park City Subdivision Control Ordinance in Section 15, Chapter 7.

(5) **LARGE SCALE MASTER PLANNED DEVELOPMENT APPROVAL.** All proposals for large scale Master Planned Development approval shall be reviewed by the Planning Commission. In reviewing requests for large scale Master Planned Development approval, the Commission shall consider the purpose statements and MPD requirements as stated in Section 15-6-1 and Section 15-6-5. All Master Planned Developments shall be processed by the Planning Department and the Planning Commission as outlined in Section 15-6-4.

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**(6) RATIFICATION OF CONDITIONAL USE PERMITS.**

The Planning Commission has the authority to review and ratify or overturn all actions of the Planning Department regarding Conditional Use permits. In reviewing requests for Conditional Use permits, the Commission shall consider the Conditional Use process and review criteria as stated in Section 15-1-10. In approving or denying a Conditional Use permit the Commission shall ratify and include in the minutes of record the findings of fact, conclusions of law, and conditions of approval, if applicable, upon which the decision to approve or deny was based.

**(7) CONSENT AGENDA ITEMS.** The following items may be placed on the consent agenda, unless a public hearing is otherwise required, or if a public hearing has already been conducted and has been closed by formal action of the Planning Commission:

- (a) Conditional Use permits, including Steep Slope Conditional Use Permits;
- (b) Plat approvals;
- (c) Requests for time extensions of Conditional Use permit, Master Planned

Development, and plat approvals.

(d) Other items of a perfunctory nature, which the Chairman directs the Department to place on the consent agenda for action.

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All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. Motions to remove specific items from the consent agenda shall state the reasons for the removal, referring to specific planning issues or Code sections, which the Commissioner making the motion does not think have been satisfactorily resolved or complied with. Motions to remove items from the consent agenda shall be passed by a vote of two-thirds of the Commission members present and voting on the issue. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the Developer requests the item be tabled in order to prepare additional information to respond to the Commission's concerns.

**(8) REVIEW OF APPEALS OF THE PLANNING DIRECTOR'S INTERPRETATION OF THE LAND MANAGEMENT CODE.**

At any time, the Owner, Applicant, or any non-Owner with standing as

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defined in Section 15-1-18(D) of this Code may request that Staff actions on a project be reviewed by the Planning Commission. The scope of review by the Planning Commission shall be the same as the scope of review at the Staff level.

**(9) SUBDIVISION AND RECORD OF SURVEY PLAT AND PLAT AMENDMENT**

**REVIEW.** The Commission shall review all plats affecting land within the City limits or annexations to the City, according to Section 15-7. The scope of review on plat approval is limited to finding substantial compliance with the provisions of the state statute on recording of plats, and that all previously imposed conditions of approval, whether imposed by the Staff or the Commission have been satisfied.

Upon finding that the plat is in compliance with the state statute, and that conditions of approval have been satisfied, the plat must be approved. The City Engineer, City Attorney, City Recorder, City Council, and Mayor shall all review the plat as required by statute before recording. Plats may be approved on the consent agenda.

**(10) TERMINATION OF INACTIVE APPLICATIONS.** See Termination of Projects, Section 15-1-13.

**(11) SENSITIVE LANDS REVIEW.** Any project falling within the Sensitive Lands Area Overlay Zone is subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations, Section 15-2.21.

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**PARK CITY MUNICIPAL CODE  
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 14 - ZONING ADMINISTRATION AND ENFORCEMENT

Chapter adopted by Ordinance No. 02-07

CHAPTER 14 - ZONING ADMINISTRATION AND ENFORCEMENT.

15-14-1. ADMINISTRATION AND ENFORCEMENT.

The provisions of this Ordinance shall be administered by the Planning, Engineering, and Building Departments under the supervision of the City Manager, or the Mayor, in the absence of the City Manager. The Planning Director, City Engineer, or Chief Building Official shall, when deemed appropriate, recommend legal action to the City Council in order to enforce this Code or other land Use related ordinances or regulations. The Planning Director, City Engineer, or Chief Building Official, under the supervision of the City Manager or the Mayor, in the absence of the City Manager, shall determine when violations exist, when a Development is in substantial compliance with this Code, or other enforcement actions taken. The failure of any Person to properly interpret or apply this Code or any provision of it shall not operate to waive or estop the City from subsequent enforcement action.

Permits issued in violation of this ordinance shall have no force or effect and Persons knowingly or negligently Building under improperly issued permits do so at their own risk.

15-14-2. OCCUPANCY PERMIT.

Land, Buildings, or premises in any Zoning District shall hereafter be used only for a purpose permitted in such a District and in accordance with the appropriate regulations. A Certificate of Occupancy shall be issued by the Building Official to the effect that the Use, Building, or premises conform to provisions of this and all related ordinances, regulations, and requirements prior to occupancy, for any Building erected, enlarged or altered structurally for the occupancy or Use of any land. Such a certificate is needed whenever Use or character of any Building or land is to be changed.

15-14-3. INSPECTION.

The City, through its designated officials, shall have the right of Access to any premises at any reasonable hour for the purpose of inspecting all Buildings and

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Structures during the course of their construction, modification, or repair; to inspect land Uses to determine compliance with the provisions of this Code; and to make examinations and surveys pertinent to the preparation of the General Plan or preparation or enforcement of this Code.

**15-14-4. TIME LIMIT.**

Unless there is actual construction and a permit issued within a period of 180 days from the date of plan approval by the Planning, Engineering, and Building Departments, the plan approval for a permitted Use shall expire.

**15-14-5. PENALTIES/ ENFORCEMENT.**

The provisions of this Code may be enforced by either civil or criminal actions in courts of appropriate and competent jurisdiction. A suit may be brought by the City, or by affected Property Owners, in the manner set forth below:

(A) **CRIMINAL CITATIONS.** The Building Official and other designated City officials may, when there is probable cause to believe that Construction Activity has occurred in violation of this ordinance, issue a citation and swear out criminal complaints against the appropriate individuals and Business entities. Specific approval from the City Council for such misdemeanor citations is not required.

(B) **CIVIL ACTIONS.** The City, with the authorization of the City Council, may bring actions for civil and equitable relief,

including enjoining specific land Uses and affirmative injunctions. The Building Official, Planning Department and other designated City Officials may recommend such actions at any time to the Council, provided that no civil proceeding shall be commenced without the specific authorization of the Council.

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(C) **THIRD PARTY ACTIONS.**

Individuals affected by zoning violations within Park City shall have the right to maintain private actions to enforce the Code without joining the City as a party.

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**15-14-6. VIOLATIONS.**

Violations of this Code are Class B misdemeanors, and are punishable by a fine and/or imprisonment described in the current Park City Criminal Code. The officers and directors of a corporation shall be responsible for the acts committed by that corporation. Corporations and individuals shall be responsible for the acts of their agents committed in violation of this ordinance if they had knowledge of the act committed, and the Owner of the Property and improvements made to it. Each day that a violation occurs shall constitute a separate offense.

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MOTION: Commissioner Volkman moved to forward a POSITIVE recommendation to the City Council for the amendments on Chapters 9, 10, 11, 12 and 14 according to the Staff report. Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

Chair Barth called for discussion on Chapter 15-2.2-3(d). He noted that the focus is on one specific subdivision and felt they should stay within conformity with that subdivision. Planner Whetstone clarified that the Staff's intent is to draft language that would apply to any existing large platted lot. Chair Barth wanted to know the specific areas involved if they address this on a broader scale.

Commissioner Wintzer asked if the North Star CC&R's specify house sizes. He was told that the CC&R's only specify the minimum size which is 1800 square feet.

Commissioner Volkman supported the Staff's recommendation and believed it was appropriate. He agreed that the scale of the homes at North Star would impact Old Town and he wanted to see the repercussions for other areas that might be applicable. Planner Whetstone offered to provide that information at the next meeting.

Commissioner O'Hara suggested that they look at a mechanism similar to a CUP on lots larger than a certain size. Commissioner Volkman felt they could adjust the scale to what is being proposed for the maximum at 5,000 and then have it flat line from that point. Chair Barth requested legal input on defensibility.

Ordinance No. 37-06

**AN ORDNANCE AMENDING TITLE 4 CHAPTER 2 OF THE MUNICIPAL CODE,  
REGULATING LICENSING OF BUSINESSES**

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

WHEREAS, Park City wishes to protect the right of businesses to operate in Park City, and

WHEREAS, proper inspection and licensing of businesses promotes the public health, safety, and welfare as well as better business practices, and

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

WHEREAS, Utah Code Annotated ("U.C.A.") Section 10-1-203 gives the City power to collect a license fee on businesses for which the municipality provides an enhanced level of municipal service, and

WHEREAS, Transit and Festival Facilitation are considered enhanced levels of municipal services.

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

SECTION 1. FINDINGS: The Council finds that:

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

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

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

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

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

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

For the period beginning July 1, 2006 until June 30, 2007:

#### PARK CITY BUSINESS LICENSE FEE SCHEDULE

	<u>Transit Service Enhancement Fee</u>		<u>Festival Facilitation Service Enhancement Fee</u>		<u>Enhanced Enforcement Fee</u>		<u>Administrative Fee</u>	
	<u>Rate</u>	<u>Unit of Measure</u>	<u>Rate</u>	<u>Unit of Measure</u>	<u>Rate</u>	<u>Unit of Measure</u>	<u>Rate</u>	<u>Unit of Measure</u>
<u>Ski Resort</u>	\$0.221	Skier Day	\$0.013	Skier Day	-	-	\$46.00	License
<u>Lodging</u>	\$16.170	Per Bedroom	\$2.488	Per Bedroom	-	-	\$46.00	License
<u>Restaurant</u>	\$0.194	Per Sq. Ft.	\$0.103	Per Sq. Ft.	-	-	\$46.00	License
<u>Outdoor Dining</u>	\$0.053	Per Sq. Ft.	\$0.029	Per Sq. Ft.	-	-	\$46.00	License
<u>Retail</u>	\$0.194	Per Sq. Ft.	\$0.103	Per Sq. Ft.	-	-	\$46.00	License
<u>Large Retail (&gt; 12,000 sq. ft.)</u>	\$0.135	Per Sq. Ft.	\$0.072	Per Sq. Ft.	-	-	\$46.00	License
<u>Office, Service, Other</u>	\$0.173	Per Sq. Ft.	\$0.013	Per Sq. Ft.	-	-	\$46.00	License
<u>Warehouse</u>	\$0.049	Per Sq. Ft.	\$0.002	Per Sq. Ft.	-	-	\$46.00	License
<u>Resort and Amusement</u>	\$0.869	Per User	\$0.048	Per User	-	-	\$46.00	License
<u>For-Hire Vehicles</u>	\$31.500	Per Vehicle	\$1.751	Per Vehicle	\$45.58	Per Vehicle	\$71.83	License
<u>Other Commercial Vehicles and Trailers</u>	\$6.300	Per Vehicle	\$0.292	Per Vehicle	-	-	\$46.00	License
<u>Employee Based</u>	\$3.150	Per Employee	\$0.146	Per Employee	-	-	\$46.00	License
<u>Commercial Vending, Game and Laundry Machines</u>	\$15.750	Per Machine	\$0.730	Per Machine	-	-	\$46.00	License
<u>Escort Services</u>	\$3.150	Per Employee	\$0.150	Per Employee	\$46.19	Per Employee	\$46.00	License



For the period beginning July 1, 2007 until June 30, 2008:

PARK CITY BUSINESS LICENSE FEE SCHEDULE								
	Transit Service Enhancement Fee		Festival Facilitation Service Enhancement Fee		Enhanced Enforcement Fee		Administrative Fee	
	Rate	Unit of Measure	Rate	Unit of Measure	Rate	Unit of Measure	Rate	Unit of Measure
<u>Ski Resort</u>	\$0.242	Skier Day	\$0.013	Skier Day	-	-	\$46.00	License
<u>Lodging</u>	\$17.710	Per Bedroom	\$9.488	Per Bedroom	-	-	\$46.00	License
<u>Restaurant</u>	\$0.213	Per Sq. Ft.	\$0.103	Per Sq. Ft.	-	-	\$46.00	License
<u>Outdoor Dining</u>	\$0.058	Per Sq. Ft.	\$0.029	Per Sq. Ft.	-	-	\$46.00	License
<u>Retail</u>	\$0.213	Per Sq. Ft.	\$0.103	Per Sq. Ft.	-	-	\$46.00	License
<u>Large Retail (&gt; 12,000 sq. ft.)</u>	\$0.148	Per Sq. Ft.	\$0.072	Per Sq. Ft.	-	-	\$46.00	License
<u>Office, Service, Other</u>	\$0.190	Per Sq. Ft.	\$0.013	Per Sq. Ft.	-	-	\$46.00	License
<u>Warehouse</u>	\$0.054	Per Sq. Ft.	\$0.002	Per Sq. Ft.	-	-	\$46.00	License
<u>Resort and Amusement</u>	\$0.952	Per User	\$0.048	Per User	-	-	\$46.00	License
<u>For-Hire Vehicles</u>	\$34.500	Per Vehicle	\$1.751	Per Vehicle	\$45.58	Per Vehicle	\$71.83	License
<u>Other Commercial Vehicles and Trailers</u>	\$6.900	Per Vehicle	\$0.292	Per Vehicle	-	-	\$46.00	License
<u>Employee Based</u>	\$3.450	Per Employee	\$0.146	Per Employee	-	-	\$46.00	License
<u>Commercial Vending, Game and Laundry Machines</u>	\$17.250	Per Machine	\$0.730	Per Machine	-	-	\$46.00	License
<u>Escort Services</u>	\$3.450	Per Employee	\$0.150	Per Employee	\$46.19	Per Employee	\$46.00	License

For the period beginning July 1, 2008 and thereafter:

PARK CITY BUSINESS LICENSE FEE SCHEDULE								
	Transit Service Enhancement Fee		Festival Facilitation Service Enhancement Fee		Enhanced Enforcement Fee		Administrative Fee	
	Rate	Unit of Measure	Rate	Unit of Measure	Rate	Unit of Measure	Rate	Unit of Measure
<u>Ski Resort</u>	\$0.263	Skier Day	\$0.013	Skier Day	-	-	\$46.00	License
<u>Lodging</u>	\$19.250	Per Bedroom	\$9.488	Per Bedroom	-	-	\$46.00	License
<u>Restaurant</u>	\$0.231	Per Sq. Ft.	\$0.103	Per Sq. Ft.	-	-	\$46.00	License
<u>Outdoor Dining</u>	\$0.063	Per Sq. Ft.	\$0.029	Per Sq. Ft.	-	-	\$46.00	License
<u>Retail</u>	\$0.231	Per Sq. Ft.	\$0.103	Per Sq. Ft.	-	-	\$46.00	License
<u>Large Retail (&gt; 12,000 sq. ft.)</u>	\$0.161	Per Sq. Ft.	\$0.072	Per Sq. Ft.	-	-	\$46.00	License
<u>Office, Service, Other</u>	\$0.206	Per Sq. Ft.	\$0.013	Per Sq. Ft.	-	-	\$46.00	License
<u>Warehouse</u>	\$0.059	Per Sq. Ft.	\$0.002	Per Sq. Ft.	-	-	\$46.00	License
<u>Resort and Amusement</u>	\$1.035	Per User	\$0.048	Per User	-	-	\$46.00	License
<u>For-Hire Vehicles</u>	\$37.500	Per Vehicle	\$1.751	Per Vehicle	\$45.58	Per Vehicle	\$71.83	License
<u>Other Commercial Vehicles and Trailers</u>	\$7.500	Per Vehicle	\$0.292	Per Vehicle	-	-	\$46.00	License
<u>Employee Based</u>	\$3.750	Per Employee	\$0.146	Per Employee	-	-	\$46.00	License
<u>Commercial Vending, Game and Laundry Machines</u>	\$18.750	Per Machine	\$0.730	Per Machine	-	-	\$46.00	License
<u>Escort Services</u>	\$3.750	Per Employee	\$0.150	Per Employee	\$46.19	Per Employee	\$46.00	License

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

PASSED AND ADOPTED this 8<sup>th</sup> day of June, 2006.

PARK CITY MUNICIPAL CORPORATION

Dana Williams  
Mayor Dana Williams

Attest:

Janet M. Scott  
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington  
Mark D. Harrington, City Attorney



MEMO

DATE: 5/22/06  
TO: Gary Hill  
  
FROM: Bob Rosenthal  
RE: **DRAFT** – 2006 Escort Service Enhanced Regulation and Enforcement Fee

This describes a plan for providing *Enhanced Regulation* of Escort Services licensed in Park City.

The estimated cost of service to provide enhanced regulation is \$1,327, or \$49.16 per licensee per year (as shown in Figure 1 on the following page). It is anticipated that owner or managers of each business will be licensed, as well as staff, for a total of 27 licensees. (There are 18 licensed escort services in 2006.)

There are three elements proposed for the program, including *Enhanced Regulation*, *Enhanced Enforcement*, and implementation of a formal *Hearings Process* to review violations. These elements include the following tasks:

Enhanced Regulation

1. Issue photo identification card.
2. Conduct Police background check
3. Verify physical address of business
4. Annual regulatory meeting for all licensees conducted by Chief of Police.

Cost for this element is shown in Figure 1 on the following page

Enhanced Enforcement

5. Police enforcement

No added cost to PCMC is anticipated for this element. This will be undertaken as part of regular Police activities.

Hearings Process

6. Conduct license violation hearings

No added cost to PCMC is anticipated for this element. Cost of the hearing will be paid by licensee.

Figure 1

**ESCORT SERVICE ENHANCED REGULATION**

**Annual Cost of Service**

Number of Licensees	18
Active business Licenses (2006)	18
Number of Business Owner/Managers	0.5
Assumed Average Staff per Account	27.0
Estimated Total Licensees	

Task Description	PCMC Staff		Number of Licensees	Per Unit Resource Demand		Cost of Service		
	Employee Class	Employee Cost (\$ per hr.)		Staff (hours)	Materials	Staff	Materials	Total
Enhanced Regulation								
1 - Photo ID								
Payment Processing (Finance)	Accounting Clerk 2	\$25.25	27	0.25		\$170		\$170
Application Processing (Code Enforcement)	Planning Tech	\$28.45	27	0.25		\$192		\$192
Issue Photo ID (Customer Service)	Office Assistant 3	\$23.75	27	0.10		\$64		\$64
ID blank, photograph, & printing		\$0.00	27		\$10.00		\$270	\$270
2 - Background Check (PCMC Police)	Police Records Clerk	\$23.48	27	0.50		\$317		\$317
3 - Verify Physical Address (Code Enforcement)	Planning Tech	\$28.45	27	0.25		\$192		\$192
4 - Annual Regulatory Refresher	Chief of Police	\$60.88				\$122		\$122
Enhanced Enforcement								\$0
5 - Police Enforcement - No added cost of service; part of regular police activities								\$0
Hearings Process								\$0
6 - Hearings - No added cost of service; hearing cost paid by applicant								\$0
<b>ESTIMATED TOTAL COST</b>								<b>\$1,327</b>
Number of Licensee								27
Average Cost Per Licensee (annual cost of service, and as needed for new mid-year employees)								<b>\$49.16</b>

PARK CITY MUNICIPAL CORPORATION

*DRAFT (for discussion purposes only)*

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MEMO

DATE: 5/19/06  
TO: Gary Hill  
  
FROM: Bob Rosenthal  
RE: **DRAFT** – 2007 Business License Fee Update

This memo discusses the trend in business license revenue since 1997, and illustrates the decline in license revenue as a share of the cost of bus system operations, with the intention of giving context to a proposed 2007 rate increase.

Business license revenue is assessed to support provision of a fare-free bus system (as an enhanced service under business license regulations). The purpose of the bus system is to enhance marketability of the Park City resort, and in so doing to increase visitation and thereby increase sales for local merchants and businesses.

Business license fees as implemented in 1997 were intended to offset only a part of the cost of bus service – fee revenue then paid about 26% of operations expense. Since 1997 there have been no fee increases, and by 2007 (the upcoming renewal year) the share paid by the business community will have dropped by more than 1/4, to 18% of cost<sup>1</sup>.

The City's funding plan for the bus system has been to assess beneficiaries (local businesses) only a part of total cost and to seek other sources to make up the difference, in order to minimize the impact and maximize benefit, for local business. That business pays a share of cost for a service expressly intended for its benefit is important not only as a way of managing the expense, but also as a way of establishing a defensible relationship between beneficiary and cost of service, which contributes to an appearance of equity and helps justify provision of the service.

The 2007 increase will renew this diminishing "balance. It not only will support provision of a well funded, high quality bus service but also will strengthen a "rational nexus" between assessment (fee rates) and benefit (improved resort competitiveness, increased visitation and increased private sector sales). The 2007 increase is proposed as a 25% across the board rate increase – equal for each licensee. This will yield a 25% increase in revenue, which means that business will support about 23% of the cost of service – lower than the 1997 cost share of 26% but still higher than the 2007 share (given no change in rates) of 18%.

The trend in revenue and cost of service since 1997, and the proposed change in total fee revenue, are illustrated on the following page.

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<sup>1</sup> Cost includes in-city bus operations expense only. Cost does not include County bus routes.

Figure 1 shows the trend in business license revenue as a share of bus system operations expense.

Figure 1

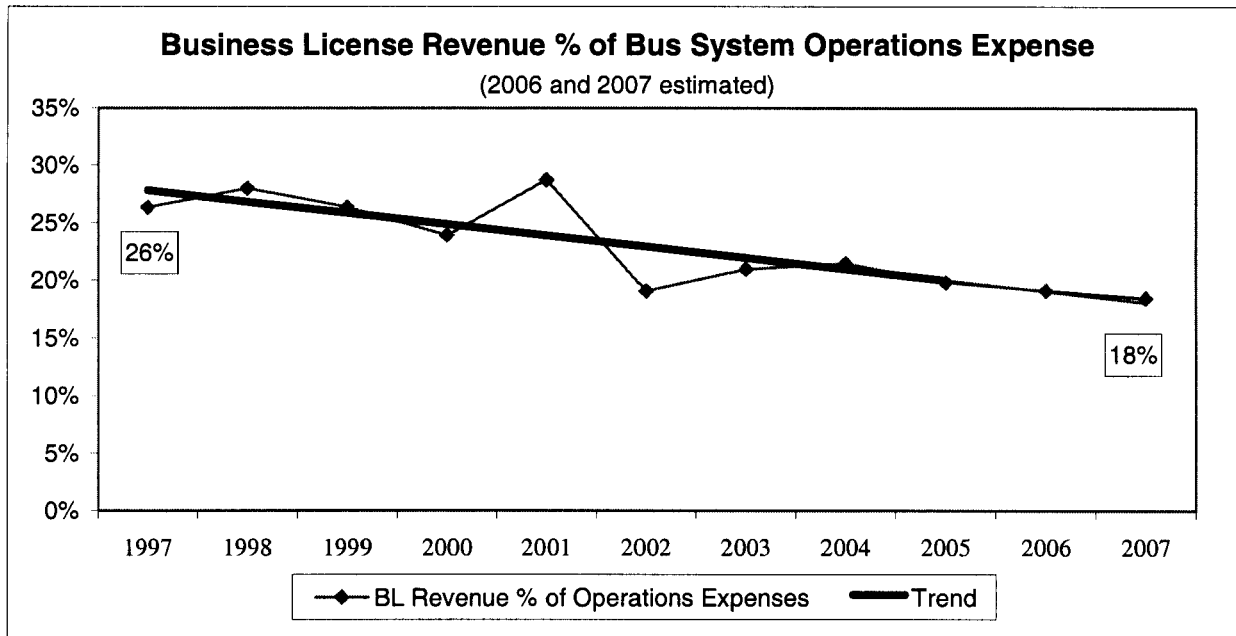
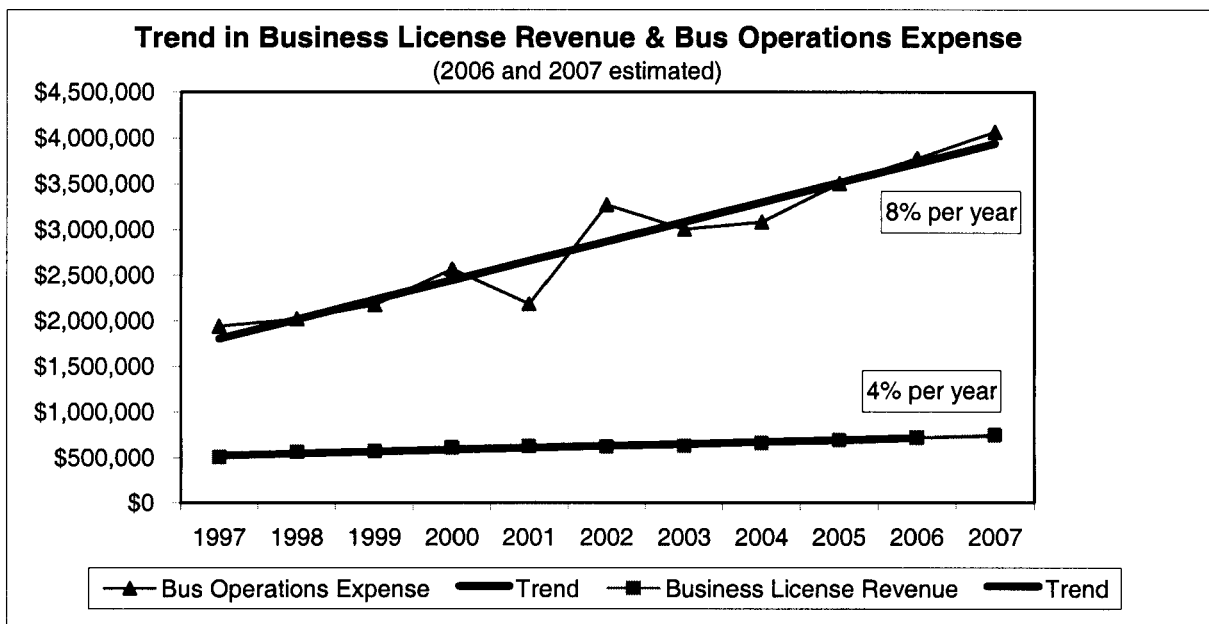


Figure 2 shows a comparison of the change between 1997 and 2007 in cost of operations for the bus system and revenue attributable to the business community.

Figure 2



MEMO

DATE: 10/10/05  
TO: Gary Hill  
  
FROM: Bob Rosenthal  
RE: **DRAFT** - Festival Facilitation Cost Share Analysis

Park City Municipal Corporation (PCMC) provides services to facilitate 48 special events per year.<sup>1</sup> The intent of the event series is to promote Park City as a destination resort (particularly important in an increasingly competitive market with shifting market share and expectations for little or no overall growth) and in this way increase name recognition, visitation, and taxable sales, so as to enhance the local business climate.

As part of a de facto plan to promote the series – to increase both the number and notoriety of events – the City has for a number of years subsidized the public sector cost of festival operations (cost for Police, crowd control, traffic control, clean up, permitting and enforcement, etc). In FY 2005 Park City Municipal Corp. (PCMC) paid about 78% of the public sector cost of operations – \$462,000 out of a total of \$593,000 .

Staff perceives that the series is now well established and because of that Council has determined to reduce the subsidy and implement a program by which beneficiaries – namely, festivals licensees and the business community – pay a larger share of cost.

The purpose of this report is to summarize the cost of service, illustrate methodology by which cost is assigned to each class of beneficiary and proportionate share fees calculated, and to summarize proposed changes to the existing revenue and cost structure.

The new assessment system is based on a plan under which local businesses will pay a part of total cost (28%). Part will be paid by festival licensees (24%), and the remainder (48%) will be paid by PCMC. Cost attributable to festival licensees and local businesses is heavily discounted – nearly 50% compared to attributable cost. That discount is the share funded by PCMC.

**COST OF SERVICE**

Projected cost of service (Figure 1) consists of personnel, material, supplies, services, pre-event planning and logistical support, the cost of PCMC internal "overhead", and cost for a (proposed) new overcrowding permit.

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<sup>1</sup> This analysis is based on number of events, cost of service and total revenue for FY 2005.

Figure 1

<b>PCMC SPECIAL EVENTS FACILITATION</b>	
<i>Total Cost of Service</i>	
	Total
Special Events (direct bill to licensees - FY 2005 actual)	\$312,772
Planning & Logistics (PCMC staff - estimate FY2005)	\$206,512
Overcrowding Permit Review (projected FY 2006)	\$10,054
Indirect Cost (14% of total)	\$74,716
<b>Total</b>	<b>\$604,054</b>

*Source – Special Events from cost summary by PCMC Special Events Department. Planning & Logistics estimated as shown in Figure 11. Overcrowding Permit projected as shown in Figure 13. Indirect Cost is from PCMC Indirect Cost Analysis (April, 2004)*

- *Special Events* is the PCMC cost of “on-the-street” staff, services, materials, and contract labor, along with Planning and Building Department permit review.
- *Planning, & Logistics* is PCMC staff cost for pre-event planning and logistical support for Police, Transportation, Snow Removal, Beautification, and Traffic Control, provided by Police, Public Works, Engineering, Recreation, Finance, and Legal departments.
- *Overcrowding Permit* is the cost of review and approval for a planned new permit which will be required of the numerous film festivals which occur concurrently with the Sundance Film Festival.
- *Indirect Cost* is the cost of PCMC internal “overhead” – cost for support services, including management oversight, legal, accounting and human resource costs associated with personnel, vehicles, fuel, liability and property insurance, etc. Indirect cost is calculated based on PCMC direct expenses excluding contract labor and other contract services. The aggregate indirect cost rate is 14% – 22% for General Fund items and 11% for the Transportation Fund.

**COST BY CLASS OF BENEFICIARY**

In FY 2005 festival licensees paid about 22% of cost (\$131,014 ) and PCMC paid 78% (\$462,000 ). In future years cost is proposed to be shared among beneficiaries (Figure 2) – 24% by licensees, 28% by local business and the balance, 48%, paid by PCMC. This arrangement, which allocates only about 1/2 of cost to direct beneficiaries, is intended as a way to minimize impact on licensees and local businesses and at the same time provide adequate revenue for the continued operation of a successful and high-quality event series.



Figure 2

<b>PCMC SPECIAL EVENTS FACILITATION</b>				
<i>Allocated Cost of Service</i>				
	Total Cost	Discount	Net Cost	%Total
Local Businesses (enhanced service fee)	\$317,286	149,129	\$168,157	28%
Event Licensees	\$286,768	138,913	\$147,855	24%
PCMC	\$0		\$288,042	48%
<b>Total</b>	<b>\$604,054</b>	<b>\$288,042</b>	<b>\$604,054</b>	

- Cost to business and festival licensees is discounted about \$288,000 – which is the amount of the continuing public subsidy for the event series.

Cost is assigned by class of beneficiary, based on methodology defined by Utah Code and by PCMC past practice.

- The share of cost attributable to local business will be assessed by means of a business license enhanced service fee (as defined by U.C.A 10-1-203), which limits reimbursable costs to certain specific categories of service – Police, Transportation, Snow Removal, Beautification, and Traffic Control.
- Cost to festival licensees will be assessed based on PCMC past practice and includes permitting (review, inspection, and enforcement), facility rental, equipment and supplies, and a part of pre-event planning and logistical support.

Cost allocation is detailed in Figure 3.

Figure 3

<b>PCMC SPECIAL EVENTS FACILITATION</b>			
<i>FY 2006 Pro Forma Cost of Service &amp; Total Fee Revenue</i>			
	Business License Enhanced Service Fee	Special Event Fees (festival licensees)	Total
<b>ESTIMATED COST OF SERVICE</b>			
Police	\$69,420		
Bus	\$78,036		
Snow Removal	\$200		
Beautification (parks labor)	\$30,405		
Traffic Control (signs)	\$13,061		
Logistics - Police, Traffic Control	\$81,082		
Application Fee		\$3,360	
Building Rental		\$48,346	
Crowd Control/Barricades		\$20,802	
Dumpster & Trash Containers		\$2,900	
Equip/Supplies/Services		\$14,646	
Field Rental		\$5,485	
Parking Rental		\$26,898	
Inspections/Code Enforc./Permits		\$10,832	
Planning, Review & Approval		\$13,309	
Finance/Legal		\$3,311	
Logistics - Police, Traffic Control		\$97,190	
Overcrowding Permit - Review & Approval		\$10,054	
Sub-Total	\$272,203	\$257,135	\$529,338
Indirect Cost (14%)	\$45,083	\$29,633	\$74,716
Total Cost	\$317,286	\$286,768	\$604,054
<b>ESTIMATED TOTAL FEE REVENUE</b>			
Service Provision Discount (47% and 47%)	(\$149,129)	(\$134,785)	(\$283,915)
City Events (exempt)	\$0	(\$4,128)	(\$4,128)
Projected Total Revenue	\$168,157	\$147,855	\$316,012
FY2005 Actual (paid)	\$0	\$131,014	\$131,014
Increase (FY 2006)	\$168,157	\$16,841	\$184,998

Source – Cost of service cost from Figure 1. FY 2005 fee revenue from PCMC Special Events Department.

- *Logistics* is assigned in part to local businesses and in part to festival licensees. The business license component is for that part of pre-event planning and logistical support during events, attributable to Police, Transportation, Snow Removal, Beautification, and Traffic Control. The remainder – primarily event specific costs – is assigned to festival licensees. The allocated cost of logistics is derived as shown in Figure 11 based on analysis by the PCMC Special Events Department (Figure 12).
- Certain *City Events* are exempt from the payment of event fees. These exemptions reduce total revenue by about \$4,128 (exempt events are listed in Figure 14).

- Note in Figure 3 that *Total Revenue* is slightly understated, compared to expected actual. This is because an existing contract with the Triple Crown series (which expires in 2007), is for a higher amount than that planned under the new fee structure.

**BUSINESS LICENSE ENHANCED SERVICE FEE CALCULATION**

The enhanced service fee (assessed according to the requirements of U.C.A 10-1-203) is apportioned among classes of business according to relative benefit estimated to accrue from the enhanced service – i.e., the amount of the fee is proportionate to the relative increase in sales estimated to accrue to each class of beneficiary during the festival season (May to October). Marginal sales are estimated based on local sales tax revenue for the period 2001 to 2003 (the most recent years for which data is available).

The *Proposed Festival Facilitation Fee* is summarized as follows, along with the amount of the current enhanced service fee (for a part of the cost of the free bus system):

Figure 4

<b>BUSINESS LICENSE FEE FOR FESTIVAL FACILITATION</b>			
<i>Proposed Change in Enhanced Service Fee by Business License Category</i>			
Business License Category	Current Enhanced Service Fee (transit)	Proposed Festival Facilitation Fee	Increase
	(per unit)		
Skiing	\$205,455	\$11,992	6%
Lodging (per bedroom)	\$15.40	\$9.49	62%
Restaurant/Retail (per sq. ft.)	\$0.19	\$0.10	56%
Office (per sq. ft.)	\$0.17	\$0.01	5%
Warehouse (per sq. ft.)	\$0.05	\$0.00	5%
Taxis, Buses, Limousine (per vehicle)	\$75.58	\$4.41	6%
Outdoor Dining (per sq. ft.)	\$0.05	\$0.03	56%
Large Retail (greater than 12,000 sq. ft.) (per sq. ft.)	\$0.13	\$0.07	56%
Amusement (per user)	\$0.83	\$0.05	6%
Other Commercial Vehicles and Trailers (per vehicle)	\$6.00	\$0.29	5%
Employee Based (per employee)	\$3.00	\$0.15	5%
Commercial Vending, Game, Laundry Machines (per machine)	\$15.00	\$0.73	5%
Liquor (per license)	\$50.00	\$27.93	56%

Fee calculation methodology is summarized in Figure 5 on the following page.

Figure 5

**PROPOSED BUSINESS LICENSE ENHANCED SERVICE FEE FOR FESTIVAL FACILITATION**

**Fee Calculation**

Business License Category	Estimated Benefit Share	Proposed Festival Facilitation Fee			Proposed Fee per Unit	Current Enhanced Service Fee (per unit)	Cost Burden (increase)
		Allocated Cost of Service (FY 2005)		Number of Units (2005)			
		% of Total	Total				
<b>Benefit Share</b>							
Amusement	7%	\$11,992	7%	\$9.49 (per bedroom)	\$205,455	6%	
Lodging	37%	\$61,465	37%	\$0.103 (per sq. ft.)	\$15,400	62%	
Restaurant/Retail	53%	\$89,102	53%	\$0.008 (per sq. ft.)	\$0.185	56%	
Office	2%	\$4,060	2%	\$0.008 (per sq. ft.)	\$0.165	5%	
<b>Total</b>		<b>\$166,619</b>					
<b>Enhanced Service Fee</b>							
Skiing		\$11,992		\$11,992	\$205,455	6%	
Lodging		\$61,465		\$9.49 (per bedroom)	\$15,400	62%	
Restaurant/Retail		\$69,328		\$0.103 (per sq. ft.)	\$0.19	56%	
Office		\$4,060		\$0.008 (per sq. ft.)	\$0.17	5%	
Warehouse		\$76		\$0.002 (per sq. ft.)	\$0.047	5%	
Taxis, Buses, Limousine		\$1,372		\$4.41 (per vehicle)	\$75,580	6%	
Outdoor Dining		\$913		\$0.029 (per sq. ft.)	\$0.052	56%	
Large Retail (greater than 12,000 sq. ft.)		\$11,523		\$0.072 (per sq. ft.)	\$0.129	56%	
Amusement		\$47		\$0.048 (per user)	\$0.828	6%	
Other Commercial Vehicles and Trailers		\$149		\$0.292 (per vehicle)	\$6.00	5%	
Employee Based		\$14		\$0.146 (per employee)	\$3.00	5%	
Commercial Vending, Game, Laundry Machines		\$123		\$0.73 (per machine)	\$15.00	5%	
Liquor		\$7,094		\$27.93 (per license)	\$50.00	56%	
<b>TOTAL</b>		<b>\$168,157</b>					

Share of "off season" (2001 to 2003) gross taxable sales estimated to be generated by visitors

7%  
37%  
53%  
2%

Amusement  
Lodging  
Rest/Retail  
Office  
Office  
Amusement  
Rest/Retail  
Rest/Retail  
Amusement  
Office  
Office  
Office  
Rest/Retail

Benefit attributable to each business license category is not specifically quantifiable - enhanced service fee is assigned based on relative cost burden equal to:

Source – Current Enhanced Service Fee and Number of Units from PCMC Budget, Debts, and Grants Department. Cost of service from Figure 2. Marginal increase in event season sales ('Benefit Share') estimated as shown in Figure 15.

The assignment of benefit assumes that the effect of festival promotion is best measured in terms of gross taxable sales and further, that businesses with a greater share of the marginal increase attributable to events realize relatively greater benefit. Estimation of new revenue attributable to events is based on the May to October (off-season) increase in sales, citywide, and assumes that all, or in equal proportion, most, of that increase is attributable to event promotion. Marginal sales can be estimated in this way for four broad categories of business – amusement, lodging, restaurant/retail, and office – each of which show an average share of 7%, 37%, 53%, and 2%, respectively.

Because benefit cannot be estimated directly for the majority of business license categories, the amount of the enhanced service fee is calculated based on cost burden demonstrated by the most closely related benefit class. In this way proportionate increase is taken as the most equitable measure of benefit, meaning that like businesses bear an equal burden and therefore each, an equitable share of cost.

*Benefit Share* in Figure 5 is the proportion of event-season sales estimated to be attributable to visitors – calculated as the difference between actual total sales and that part attributable to regional and local, year-round residents. Figure 15 in the Technical Reference shows the structure of estimating methodology. Because sales are estimated based on sales tax revenue, and because tax information is both confidential and proprietary, Figure 15 does not show underlying data or calculations.

Estimation of visitor driven "marginal sales" depends in particular on the correct alignment of sales tax categories, and business types as enumerated in the business license system (the accuracy of estimated benefit share is constrained by the different structure of these two data sources). The assignment of business type by tax category is illustrated in Figure 17 of the Technical Reference.

**CHANGE TO EXISTING REVENUE & COST STRUCTURE**

Fees proposed in this analysis will reduce (but not eliminate) the subsidy provided by PCMC, add a new fee supported by local businesses, and change the cost of a license for each festival.

Average change by type of festival is estimated as follows:

Figure 6

<b>PCMC SPECIAL EVENTS FACILITATION</b>				
<i>Average Special Event Fee</i>				
	Sundance	Large Festivals (10)	Small Festivals (38)	Overcrowding Permits
	(average per festival)			
Average Fee				
Proposed (FY 2006)	\$63,594	\$7,523	\$51	\$561
Current (FY 2005)	\$63,594	\$6,179	\$148	NA
Increase (decrease)	\$0	\$1,344	(\$97)	NA
Average Direct Cost of Service (FY 2006)	\$127,950	\$9,899	\$1,279	\$561
Discount	(\$64,355)	(\$2,376)	(\$1,228)	\$0

Source – FY 2005 fee revenue from Park City Special Events Department.

The ten largest festivals will experience a small increase (about \$1,340 each). The 38 small festivals (those for which cost of service is less than \$1,000) will see a minor reduction (about \$97 each).

PARK CITY MUNICIPAL CORPORATION

*DRAFT Festival Facilitation Cost Share Analysis (for discussion purposes only)*

All festivals are planned to continue to receive substantial discounts – about \$2,376 and \$1,228 each, for large and small festivals, respectively.

Large festivals, of which there are 10, generate most of the fee revenue, as follows:

Figure 7

<b>PCMC SPECIAL EVENTS FACILITATION</b>				
<i>Total Special Event Fee Revenue</i>				
	Sundance	Large Festivals (10)	Small Festivals (38)	Total
Total Revenue (FY 2005)	\$63,594	\$61,793	\$5,627	\$131,014
% of Total	49%	47%	4%	

Source – FY 2005 fee revenue from Park City Special Events Department.

The proposed change in fees for each of the large events is estimated to be roughly as follows. (Specific charges for each festival depend on the structure of billable costs for the FY 2006 season, which will be determined by the Special Events Department.)

Figure 8

<b>PCMC SPECIAL EVENTS FACILITATION</b>			
<i>Comparative Special Event Fee Revenue - 10 Largest Events</i>			
	FY 2005 (actual)	Proposed (FY 2006)	Change
4th of July	\$7	\$6,388	\$6,381
Arts Festival	\$18,421	\$23,497	\$5,076
DV Freestyle World Cup	\$1,500	\$4,237	\$2,737
Fidelity Investments Park City Jazz Festival	\$2,250	\$3,793	\$1,543
Friends of the Farm Events	\$0	\$0	\$0
Miners Day	\$0	\$4,155	\$4,155
Park City Cycling Festival	\$17,598	\$4,883	(\$12,714)
Pedigree Sled Dog	\$2,860	\$5,571	\$2,711
Triple Crown Championships	\$19,157	\$12,205	(\$6,952)
Rugby Nationals	\$0	\$6,528	\$6,528
<b>TOTAL</b>	<b>\$61,793</b>	<b>\$71,256</b>	

- *Friends of the Farm* is an exempt event, sponsored by the City and therefore pays no fees.
- *Triple Crown* will remain at its (higher) 2005 rate until the expiration of the current contract, in FY 2007.

**TECHNICAL REFERENCE**

Cost of Service

Figure 9 shows FY 2005 actual cost of service. Figure 10 shows cost by event. Planning and Logistics cost is estimated as shown in Figure 11. Figure 13 shows cost for the proposed new Overcrowding Permit (for film festivals concurrent with the Sundance festival). Figure 14 shows a list of PCMC sponsored events which do not pay fees.

Business License Fee Calculation Methodology

The increase in gross sales attributable to the event series is estimated as shown in Figure 15 and Figure 16. Figure 17 shows a comparison of business license categories and sales tax reporting categories – the basis for estimating benefit share.

Exhibits

Figure 9

<b>PCMC SPECIAL EVENTS FACILITATION</b>	
<i>Special Event Direct Bill (FY 2005, actual)</i>	
Service Type	Total Cost
Police	\$69,420
Bus	\$78,036
Snow Removal	\$200
Beautification (parks labor)	\$27,355
Traffic Control (signs)	\$13,061
Application Fee	\$3,360
Building Rental	\$48,346
CrowdControl/Barricades	\$16,281
Dumpster & Trash Containers	\$1,911
Equipt/Supplies/Services	\$11,587
Field Rental	\$5,485
Parking Rental	\$26,898
Inspections/Code Enforc./Permits	\$10,832
<b>TOTAL</b>	<b>\$312,772</b>

PARK CITY MUNICIPAL CORPORATION

*DRAFT Festival Facilitation Cost Share Analysis (for discussion purposes only)*

Figure 10

<b>PCMC SPECIAL EVENTS FACILITATION</b>				
<i>FY 2005 Special Events</i>				
	Event Type	Total Cost	Paid	Waived
Sundance Film Festival	Sundance	\$158,753	\$63,594	\$95,159
Arts Festival	Large	\$65,665	\$18,421	\$47,244
Triple Crown Championships	Large	\$29,938	\$19,157	\$10,781
Park City Cycling Festival	Large	\$21,298	\$17,598	\$3,700
4th of July	Large	\$13,830	\$7	\$13,823
Rugby Nationals	Large	\$3,903	\$0	\$3,903
Pedigree Sled Dog	Large	\$2,860	\$2,860	\$0
Fidelity Investments Park City Jazz Festival	Large	\$2,836	\$2,250	\$586
DV Freestyle World Cup	Large	\$2,406	\$1,500	\$906
Friends of the Farm Events	Large	\$1,336	\$0	\$1,336
Miners Day	Large	\$1,239	\$0	\$1,239
USC Rally	Small	\$949	\$949	\$0
John Fogerty Concert	Small	\$610	\$610	\$0
Light the Night	Small	\$520	\$0	\$520
Children's Fair	Small	\$511	\$0	\$511
Christmas in the Park	Small	\$450	\$0	\$450
Antique Show	Small	\$418	\$418	\$0
Halloween on Main Street	Small	\$416	\$0	\$416
Roxy Snowboard	Small	\$400	\$400	\$0
Notre Dame Rally	Small	\$379	\$379	\$0
Intermountain Mustang	Small	\$371	\$191	\$180
World Superpipe-PCMR	Small	\$350	\$350	\$0
PCMR Snowmobile Exh.	Small	\$350	\$200	\$150
Holiday on Main	Small	\$303	\$70	\$233
Park City Marathon	Small	\$290	\$290	\$0
Mountain Town Stages	Small	\$251	\$0	\$251
NASTAR Nationals	Small	\$250	\$250	\$0
Movies in the Park	Small	\$170	\$0	\$170
Relay for Life	Small	\$150	\$150	\$0
Mtn. Challenge Run, Steeple Chase and Tour de Suds	Small	\$150	\$150	\$0
Real Salt Lake	Small	\$115	\$115	\$0
Heber Valley Olympic Century	Small	\$100	\$100	\$0
Peace House Fundraiser	Small	\$100	\$100	\$0
E100	Small	\$100	\$100	\$0
Arte Latino	Small	\$100	\$100	\$0
Bald Mountain Challenge	Small	\$100	\$100	\$0
Soccer Sprint 5K	Small	\$100	\$0	\$100
Park City Moto Jazz Fest and Rally	Small	\$100	\$100	\$0
Kick-Off Announcement	Small	\$100	\$100	\$0
Wasatch Back Relay	Small	\$55	\$55	\$0
Park City Skate Series	Small	\$50	\$0	\$50
RoadDance	Small	\$50	\$50	\$0
Deer Valley Celebrity Ski	Small	\$50	\$50	\$0
Rail Trail Snowshoe	Small	\$50	\$50	\$0
Rail Trail 1/2 Marathon	Small	\$50	\$50	\$0
Village at the Lift	Small	\$50	\$50	\$0
Royal St. Hillclimb	Small	\$50	\$50	\$0
Wells Fargo Concerts - 2005	Small	\$50	\$0	\$50
Frontier Days	Small	\$50	\$50	\$0
<b>TOTAL</b>		<b>\$312,772</b>	<b>\$131,014</b>	<b>\$181,758</b>



Figure 11

**PCMC SPECIAL EVENTS FACILITATION**  
**PCMC Planning & Logistics - Annual Cost of Service**

Sundance	Estimated Total (FY 2005)										Total Cost	
	Large Festivals			Small Festivals			Total				Enhanced Service	Festival Licensees
	# Permits	Hrs Ea	Total Hrs	# Permits	Hrs Ea	Total Hrs	Total Hrs	Total Hrs	Total Hrs			
Allocation of Effort by Department/Function												
Planning Department	130	10	7.50	75	38	0.50	19	224		\$0	\$9,416	
Building Department Staff	40	10	5.00	50	38	0.50	19	109		\$0	\$3,894	
Special Events Manager	600	10	35.00	350	38	12.00	456	1,406		\$14,160	\$56,640	
Special Events Coordinator	550	10	55.00	550	38	14.00	532	1,632		\$10,138	\$40,551	
Contract	300	10	15.00	150	38	1.50	57	507		\$21,929	\$0	
Transit	276	10	7.00	70	38	0.50	19	365		\$17,049	\$0	
Police	162	10	7.00	70	38	0.75	29	261		\$16,240	\$0	
Park Department	2	10	5.00	50	38	0.50	19	71		\$3,050	\$0	
Streets Department	10	10	7.00	70	38	0.50	19	99		\$0	\$4,521	
Recreation	0	10	1.00	10	38	0.50	19	29		\$0	\$989	
Parking	10	10	7.00	70	38	0.25	10	90		\$0	\$3,059	
Finance	6	10	1.00	10	38	0.25	10	26		\$0	\$697	
Engineering	6	10	1.00	10	38	0.25	10	26		\$1,565	\$0	
Legal	12	10	2.00	20	38	0.50	19	51		\$0	\$2,614	
<b>TOTAL</b>	<b>2,104</b>			<b>1,555</b>			<b>1,235</b>	<b>4,894</b>		<b>\$84,132</b>	<b>\$122,380</b>	
Cost by Type												
Enhanced Service	\$45,881			\$23,825			\$14,426			\$84,132		
Festival Licensees	\$46,308			\$39,933			\$36,140				\$122,380	
<b>TOTAL</b>	<b>\$92,188</b>			<b>\$63,757</b>			<b>\$50,566</b>			<b>\$84,132</b>	<b>\$206,512</b>	
Cost by Service Type												
Planning, Permit Review & Approval										\$0	\$13,309	
Logistics - Police, Traffic Control										\$81,082	\$97,190	
Beautification (parks labor)										\$3,050	\$0	
Crowd Control/Barriades										\$0	\$4,521	
Field Rental										\$0	\$989	
Parking Rental										\$0	\$3,059	
Finance/Legal										\$0	\$3,311	
<b>TOTAL</b>										<b>\$84,132</b>	<b>\$122,380</b>	

Source - Allocation of Effort by Department/Function from PCMC Special Events Department

In Figure 11 hours and cost are allocated by service type and beneficiary (as an enhanced service or as a service billed to each event licensee) based on the extent to which each function contributes to logistical support for provision of the enhanced service. That allocation is summarized as follows:

*Figure 12*

<b>PCMC SPECIAL EVENTS FACILITATION</b>		
<i>Enhanced Service - Pre-Event Planning and Logistics for Police &amp; Traffic Control</i>		
Department/Function	Service Type	% Enhanced Service
Planning Department	Planning, Permit Review & Approval	0%
Building Department Staff	Planning, Permit Review & Approval	0%
Special Events Manager	Logistics - Police, Traffic Control	20%
Special Events Coordinator	Logistics - Police, Traffic Control	20%
Contract	Logistics - Police, Traffic Control	100%
Transit	Logistics - Police, Traffic Control	100%
Police	Logistics - Police, Traffic Control	100%
Park Department	Beautification (parks labor)	100%
Streets Department	CrowdControl/Barricades	0%
Recreation	Field Rental	0%
Parking	Parking Rental	0%
Finance	Finance/Legal	0%
Engineering	Logistics - Police, Traffic Control	100%
Legal	Finance/Legal	

*Source – PCMC Special Events Department*

- *% Enhanced Service* is the share of each function attributable to pre-event planning and logistical support for Police, traffic control, transit, and beautification, provided by the Police, Public Works, Engineering, Recreation, Finance, and Legal Departments

PARK CITY MUNICIPAL CORPORATION

*DRAFT Festival Facilitation Cost Share Analysis (for discussion purposes only)*

Cost of service for the proposed new overcrowding permit, planned for FY 2006, is estimated as follows.

The permit is intended to formalize a process of review and approval for the many film festivals which occur concurrently with the Sundance festival. There are expected to be about 20 such reviews during FY 2006.

Figure 13

<b>PCMC SPECIAL EVENTS FACILITATION</b>						
<i>Proposed Overcrowding Permit -</i>						
<i>Estimated Annual Cost of Service (FY 2006)</i>						
		# Permits	Hrs Ea	Total Hrs	Total Cost	
		(FY2006 estimate)				
Planning Department	CUP & OC review	20	5.00	100		
Chief Building Official	CUP & OC review	20	1.00	20		
Building Department Staff	CUP & OC review	20	5.00	100		
Special Events Department	CUP & OC review	20	2.00	40		
<b>TOTAL</b>				<b>260</b>	<b>\$10,054</b>	<i>Source --</i>

*PCMC Special Events Department*

City sponsored – exempt from the payment of event fees – are as follows:

Figure 14

<b>PCMC SPECIAL EVENTS FACILITATION</b>		
<i>City Sponsored Events - Exempt</i>		
	Event Type	Calculated Fee (FY 2006)
Friends of the Farm Events	Large	\$3,974
Christmas in the Park	Small	\$51
Movies in the Park	Small	\$51
Park City Skate Series	Small	\$51
<b>TOTAL</b>		<b>\$4,128</b>

Increased sales attributable to visitors during the “off-season” (May to October) are taken to be representative of relative benefit that derives from the event series. Relative benefit is the basis for estimating fee rates by business license category.

Benefit is estimated based on “off-season” sales (May to October) so as to exclude the influence of ski season.

The share of off-season sales attributable to visitors between 2001 and 2003 (the most recent years for which data is available) is summarized as follows:

Figure 15

<b>PROPOSED FESTIVAL FACILITATION FEE</b>				
<i>Benefit Allocation</i>				
Share of Local Sales Tax Revenue Estimated to be Attributable to "Off-Season" Visitors (May to October - 2001 to 2003)				
	Amusement	Lodging	Restaurant/Retail	Office
Total				
Attrib. to Local Residents (estimate)				
Attributable to Visitors				
Share	7%	37%	53%	2%

Source – Sales Tax revenue from PCMC Budget, Debt & Grants Department.

- Figure 15 shows the share of the three year average of sales attributable to visitors
- Total sales are calculated based on the local share of sales tax revenue. Tax information is confidential and can not be shown.

For each class of business in Figure 15, sales attributable to visitors are estimated under the assumption that some part of total annual sales is attributable to in-City and regional, year-round residents (a sales “base”) and that the remainder is attributable to visitors.

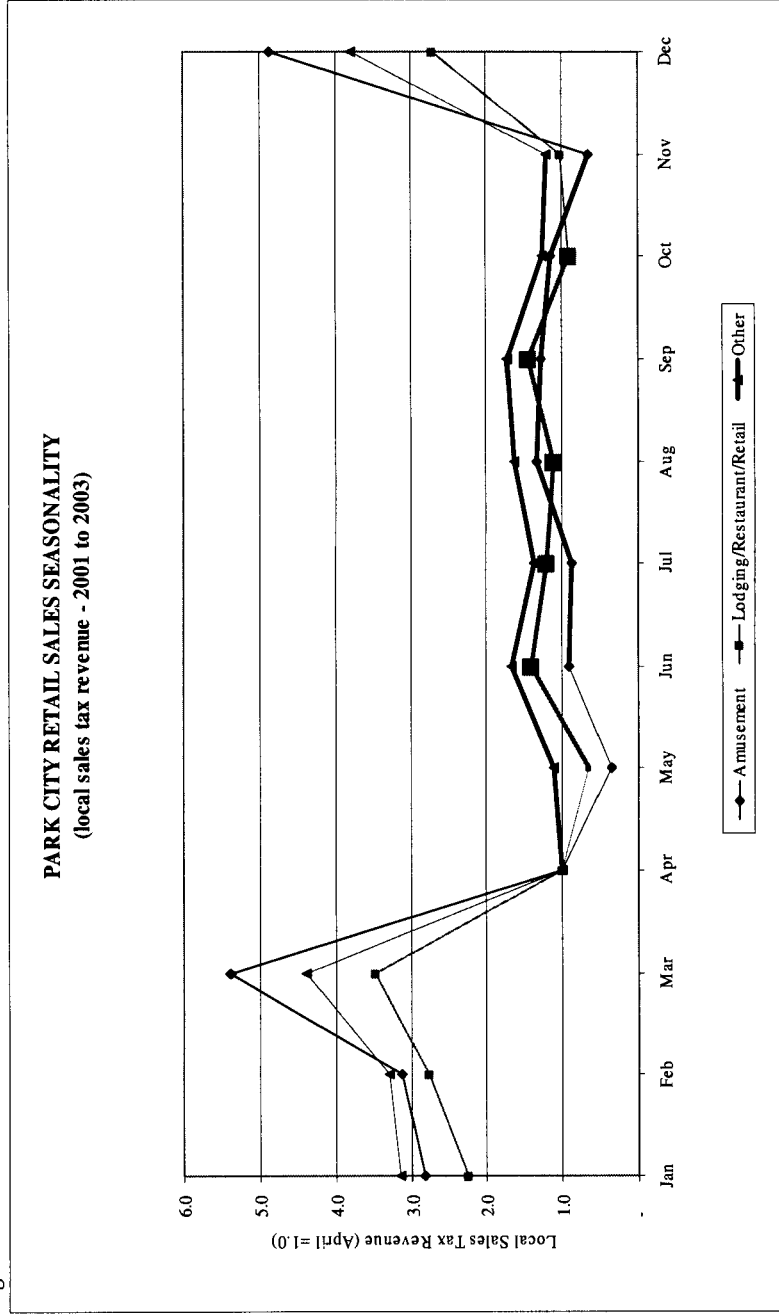
The sales “base” is estimated as the average of sales for two months, defined for each class to be those largely free of visitor impact. Base months for each class are as follows:

- Amusement – June and November.
- Restaurant/Retail – May and October.
- Office – April and November.
- Lodging – lodging is different, in that all revenue is assumed to be attributable to visitors.

The difference between total sales and “base sales” for the six month “off-season” is the visitor “margin”.

“Base” months for each class generally match the trend in sales seasonality, which is summarized as follows:

Figure 16



- “Off-season” for tourist related sectors (lodging, restaurant, and retail) runs from May until October.
- “Off-season” for other sectors (those driven only indirectly by tourism) is from April until November.
- The month of May for the Ski industry – which comprises most of the Amusement class – is anomalous. Although 3-year sales show an increase, resorts are closed, and much of resort staff is furloughed... For this reason, the off-season for Amusement is considered to begin in June.

Figure 17 shows a comparison of business license categories and sales tax reporting categories -- the basis for calculating relative sales tax, and benefit allocation by fee analysis category.

Figure 17

FEE ANALYSIS CATEGORY COMPARISON		
Fee Analysis Category	Business License Category	Local Sales Reporting Tax Reporting Category
Skiing Lodging	Skiing Nightly Rental	Amusement & Recreation Hotels & Lodging
Restaurant/Retail	Restaurant/Retail	Apparel & Accessory - Auto & Misc. Repair - Building & Garden - Eating & Drinking - Food Stores - Furniture - General Merchandise
Office	Office/Other	Business, Ed, Legal, Social, Health, Finance, Insurance
Warehouse	Warehouse	Real estate
Taxis, Buses, Limousine	Vehicles For Hire	
Outdoor Dining	Restaurant - Outdoor Dining	
Large Retail (greater than 12,000 sq. ft.)	Large Retail	
Amusement	Amusement	
Other Commercial Vehicles and Trailers	Vehicles - Commercial	
Employee Based	Employee Based	
Commercial Vending, Game, Laundry Machines	Vending	
Liquor	Liquor Liquor - minimum fee Liquor Banquet Liquor Package Agency Off Premises Beer On Premises Beer Private Club Restaurant Liquor Limited Restaurant Liquor Seasonal Restaurant Liquor	
Not Used	Admin Fee Admin-Nightly Rental Vehicles For Hire - Admin Franchise Business Inspection Nightly Rental Inspection Liquor Scientific Use Penalty	Agriculture, Forestry & Fishing Communications Construction Durable Goods Electric & Gas Manufacturing Mining Miscellaneous Motor Vehicle Dealer Nondurable Goods Personal Public Administration Transportation

**ORDINANCE APPROVING THE MCHUGH REPLAT WHICH WILL COMBINE LOT 7 AND THE NORTHERLY HALF OF LOT 6, BLOCK 30 OF SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO ONE LOT OF RECORD**

**WHEREAS**, the owners of Lot 7 and the northerly half of lot 6, Block 30 of the Snyder's Addition to the Park City Survey, known as 841 Empire Avenue, have petitioned the City Council for approval of a plat amendment; and

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

**WHEREAS**, the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a recommendation to the City Council; and

**WHEREAS**, on June 8, 2006 the City Council held a public hearing to receive public input on the proposed plat amendment and voted to approve the application; and

**WHEREAS**, the proposed plat amendment allows the property owner to remove one lot line and create one legal lot of record; and

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

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

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

1. The property is located in the Historic Residential (HR-1).
2. The applicant proposes to combine lot 7 and the northerly half of lot 6, Block 30 of the Park City Survey into one lot of approximately 2,812.5 square feet.
3. The property has an existing historic home which exists along the lot line between lots 7 and 6. A portion of the house encroaches approximately 4.5' into the 9<sup>th</sup> Street right of way to the north. The existing house also has stairs and retaining walls encroaching four to five feet into the Empire Avenue right-of-way. The garage also encroaches into 9<sup>th</sup> Street (approximately 5') and the Empire Avenue right-of-way to the east (approximately 7').
4. The 9<sup>th</sup> Street right-of-way is not built as a city street. The Yellow Slicker Condominiums have an encroachment agreement with the City that allows a private driveway in this location. The driveway is 11' north of the northerly lot line of lot 7. The house does not encroach into this driveway.
5. The proposed plat creates a lot of approximately 2,812.5 square feet. The current home has a footprint of approximately 1048 s.f. The maximum footprint allowed for a 2,812.5 square foot lot is 1,201.
6. The applicant has submitted plans to renovate the existing home. This proposal includes removal of the garage, relocation of the historic home, and new addition - all of which will be built to meet current HR-1 setbacks and remove existing encroachments.
7. The request was discussed at a Staff Review Meetings on August 23, 2005,

December 13, 2005, and April 25, 2006 where representatives from local utilities and City Staff were in attendance. The applicant's initial proposals did not include relocating of the existing encroachments into Empire Avenue and 9<sup>th</sup> Street rights-of-way. This proposal references the most recent submittal, as discussed during the April 25, 2006 meeting.

8. The Planning Commission reviewed this item at the May 24, 2006 meeting. A Public hearing was held.
9. The City Council reviewed this item at the June 8, 2006 meeting. A public hearing was held. The City Council voted to approve the plat amendment.
10. The increased building footprint created by this amendment is consistent is consistent with the build out on the street and in the HR-1 District.
11. Staff finds good cause to support this proposal in that it: eliminates a lot line which a building straddles; allows the existing historic home to comply with setbacks on a newly created lot, and allows the applicant to restore an existing historic home.
12. The applicant submitted the application on July 19, 2005. The application was determined to be complete on July 26, 2005.
13. The Planning Commission reviewed this item at the May 24, 2006 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council.

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

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

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

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. Prior to plat recordation, the house must be moved to its proposed, code-compliant location.
4. A note shall be added to the plat stating that no remnant lot is separately developable.



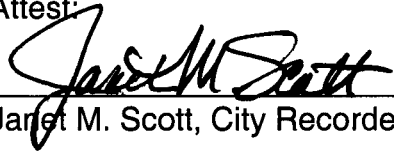
**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 8<sup>th</sup> Day of June, 2006.

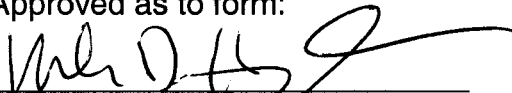
PARK CITY MUNICIPAL CORPORATION

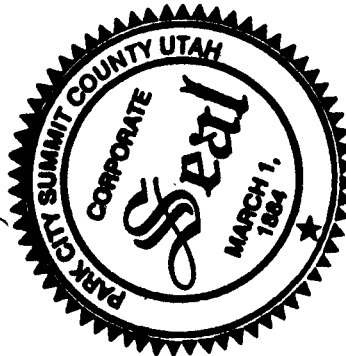
  
\_\_\_\_\_  
Mayor Dana Williams

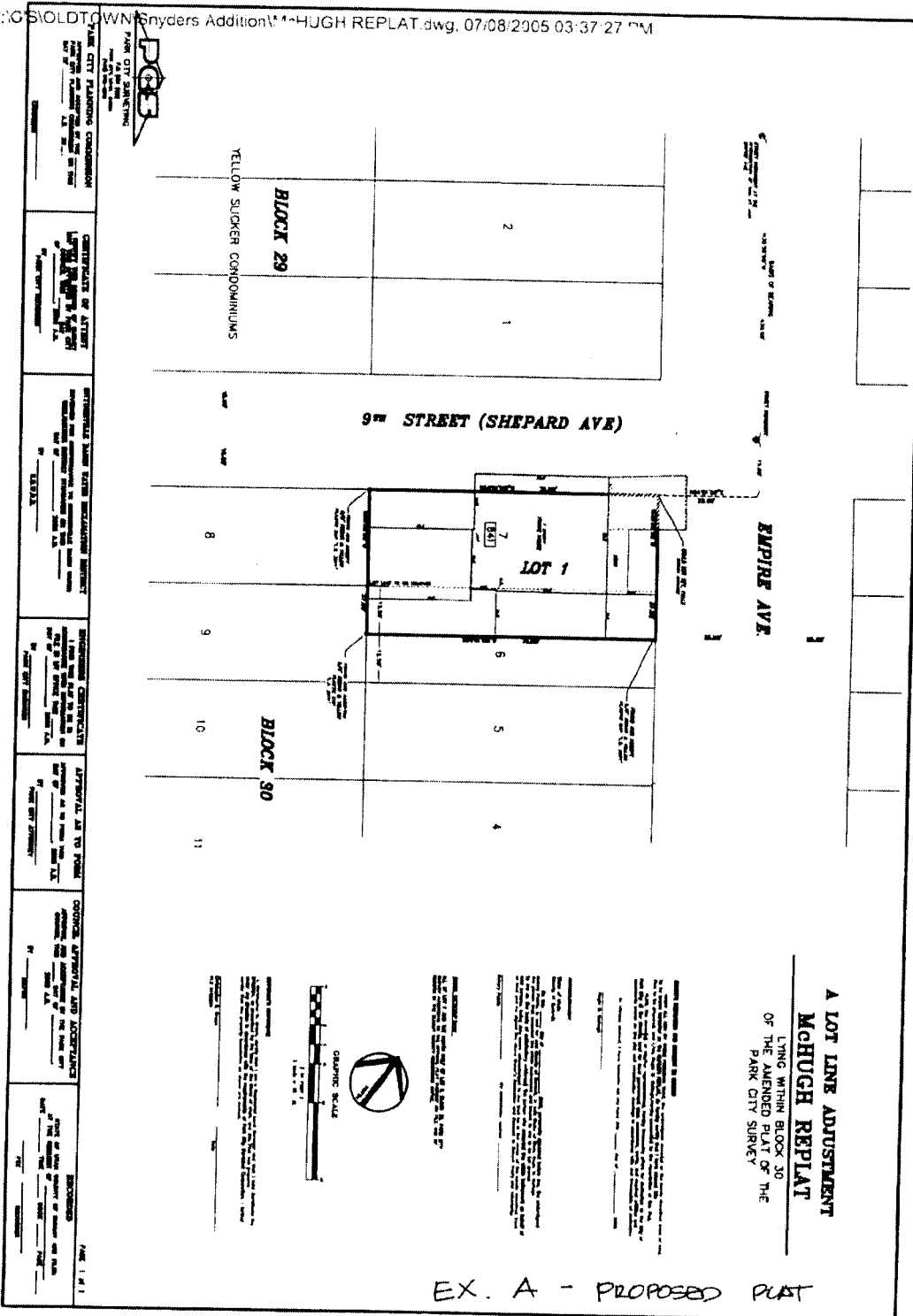
Attest:

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

Approved as to form:

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





EX. A - PROPOSED PLAT

**PARK CITY PLANNING COMMISSION**  
 APPROVED FOR THE CITY OF PARK CITY ON \_\_\_\_\_ AT \_\_\_\_\_  
 BY \_\_\_\_\_

**CITY OF PARK CITY**  
 APPROVED FOR THE CITY OF PARK CITY ON \_\_\_\_\_ AT \_\_\_\_\_  
 BY \_\_\_\_\_

**PLANNING COMMISSION**  
 APPROVED FOR THE CITY OF PARK CITY ON \_\_\_\_\_ AT \_\_\_\_\_  
 BY \_\_\_\_\_

**CITY ENGINEER**  
 APPROVED FOR THE CITY OF PARK CITY ON \_\_\_\_\_ AT \_\_\_\_\_  
 BY \_\_\_\_\_

**DEPUTY CITY ENGINEER**  
 APPROVED FOR THE CITY OF PARK CITY ON \_\_\_\_\_ AT \_\_\_\_\_  
 BY \_\_\_\_\_

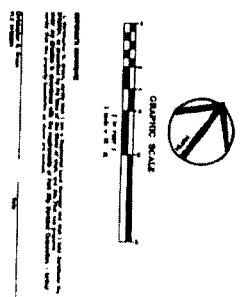
**PLAT**  
 APPROVED FOR THE CITY OF PARK CITY ON \_\_\_\_\_ AT \_\_\_\_\_  
 BY \_\_\_\_\_

**RECORDS**  
 APPROVED FOR THE CITY OF PARK CITY ON \_\_\_\_\_ AT \_\_\_\_\_  
 BY \_\_\_\_\_

FILE 141



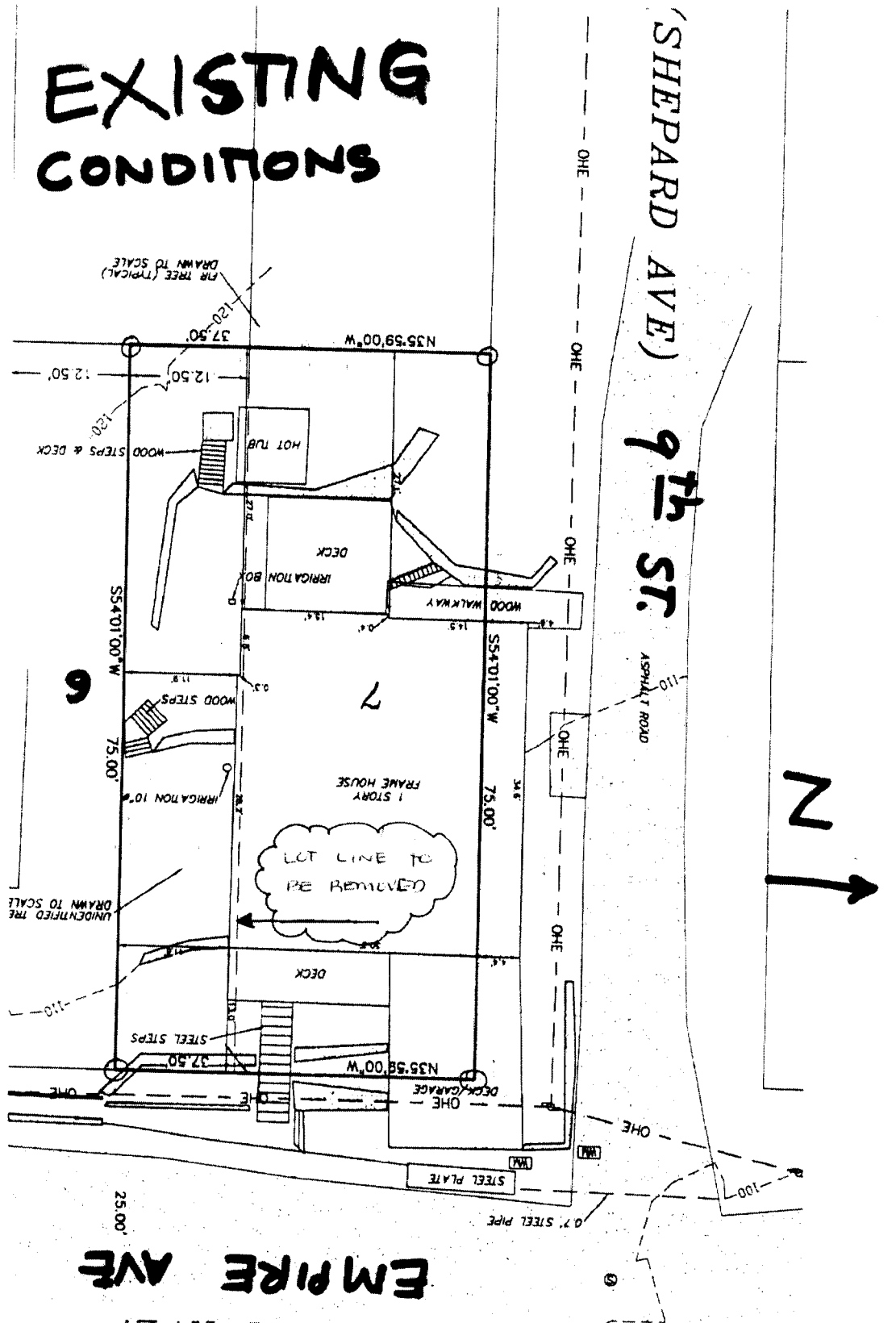
PARK CITY SURVEY



**NOTICE TO THE PUBLIC**  
 THIS PLAT IS SUBJECT TO THE CITY OF PARK CITY ZONING ORDINANCES AND THE CITY ENGINEER'S REVIEW. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAT AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAT AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

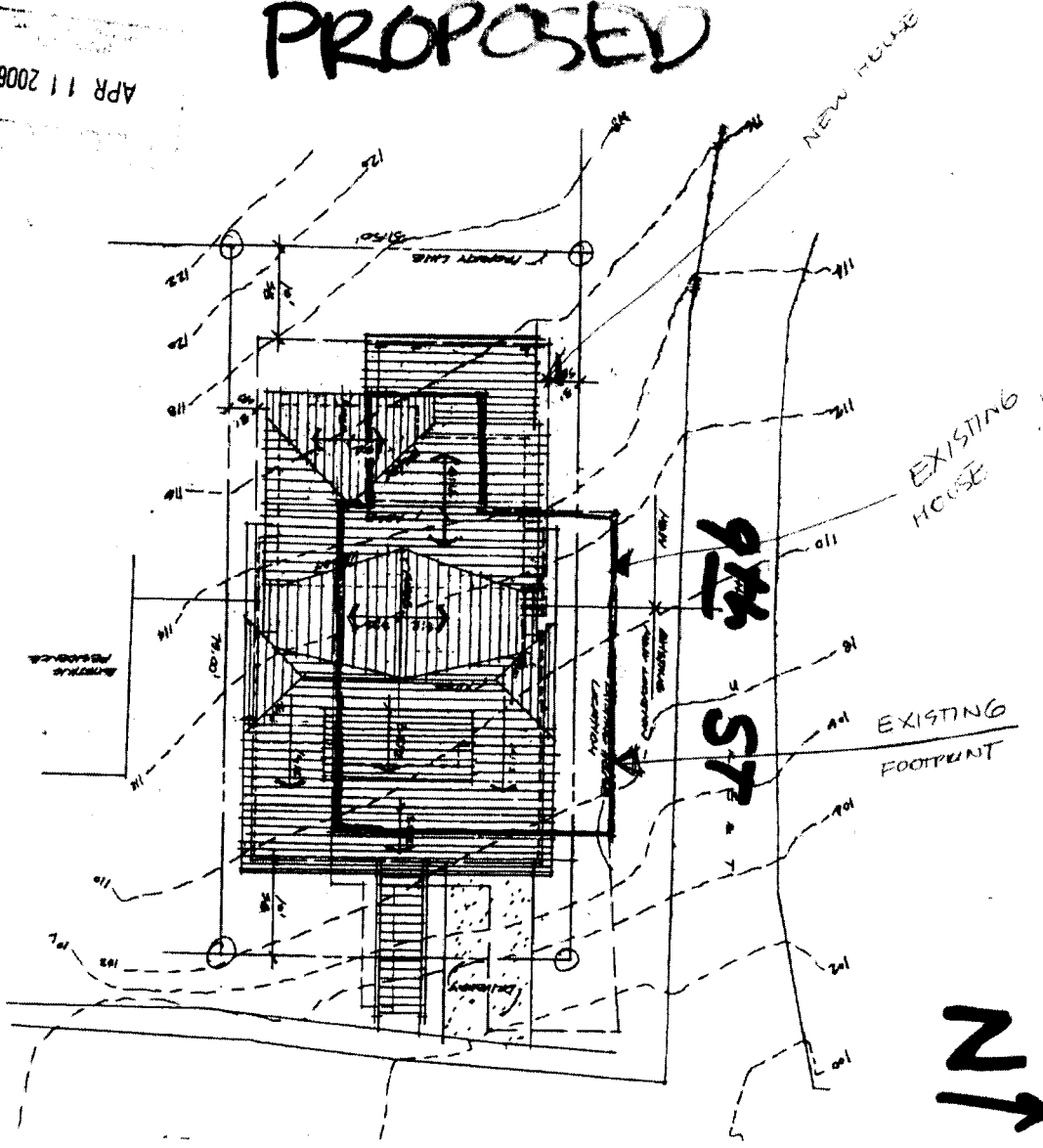
**A LOT LINE ADJUSTMENT**  
**MCHUGH REPIAT**  
 LYING WITHIN BLOCK 30  
 OF THE AMENDED PLAT OF THE  
 PARK CITY SURVEY

# EXISTING CONDITIONS



# PROPOSED

APR 11 2006



← **EMPIRE AVE.** →



MCGOUGH RESIDENCE  
 941 EMPIRE AVENUE, PARK CITY, UTAH  
 HISTORIC RENOVATION AND ADDITION

**Ordinance No. 06-35**

**AN ORDINANCE APPROVING AMENDMENTS TO  
THE LAND MANAGEMENT CODE  
OF PARK CITY, UTAH, TO REFLECT RE-ORGANIZATION OF THE COMMUNITY  
DEVELOPMENT DEPARTMENT, TO COMPORT WITH REVISIONS TO THE UTAH CODE,  
AND TO ADDRESS SUBSTANTIVE AMENDMENTS,  
FOR THE FOLLOWING CHAPTERS:  
CHAPTER 9- NON-CONFORMING USES AND NON-CONFORMING STRUCTURES,  
CHAPTER 10- BOARD OF ADJUSTMENT, CHAPTER 11- HISTORIC PRESERVATION  
BOARD, CHAPTER 12- PLANNING COMMISSION, AND CHAPTER 14- PLANNING AND  
ZONING ADMINISTRATION**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City is in the process of preparing amendments to the entire Land Management Code to address reorganization of the Community Development Department and to ensure that the Park City Land Management Code comports with revisions to the Utah Code in 2005;

WHEREAS, approval of these amendments to the Land Management Code serve to implement amendments to the City's General Plan and to address substantive amendments to the Land Management Code related to abandonment of Non-conforming Uses associated with demolition, deterioration, or destruction by fire or natural calamity. Voluntary damage or destruction of buildings or structures containing a Non-conforming Use render Use to be considered abandoned. Use may not continue if Structure is allowed to deteriorate and if not repaired within 6 months after written notice by the City that the Structure is not habitable. Allows Non-conforming Structures to be rebuilt and Uses to be resumed if involuntarily destroyed in whole or part by fire or natural calamity to original condition, without increasing the degree of non-conformity, and allow for the Mayor and Council to appoint alternative members to the Planning Commission.

WHEREAS, the Planning Commission duly noticed and conducted public hearing at its regularly scheduled meeting on April 26, 2006 and forwarded to City Council a positive recommendation on Chapters 9, 10, 11, 12, and 14;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on June 8, 2006; and

WHEREAS there is good cause and it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO CHAPTER 9 OF THE LAND MANAGEMENT CODE. Chapter 9 is hereby amended as attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 9 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 10 OF THE LAND MANAGEMENT CODE. Chapter 10 is hereby amended as attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 10 shall be resolved by the Planning Director.

SECTION 3. AMENDMENTS TO CHAPTER 11 OF THE LAND MANAGEMENT CODE. Chapter 11 is hereby amended as attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapter 11 shall be resolved by the Planning Director.

SECTION 4. AMENDMENTS TO CHAPTER 12 OF THE LAND MANAGEMENT CODE. Chapter 12 is hereby amended as attached hereto as Exhibit D. Any conflicts or cross references from other provisions in the LMC to Chapter 12 shall be resolved by the Planning Director.

SECTION 5. AMENDMENTS TO CHAPTER 14 OF THE LAND MANAGEMENT CODE. Chapter 14 is hereby amended as attached hereto as Exhibit E. Any conflicts or cross references from other provisions in the LMC to Chapter 7 shall be resolved by the Planning Director.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 8<sup>th</sup> day of June, 2006.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

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

Approved as to form:

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



**PARK CITY MUNICIPAL CODE**  
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**TITLE 15 - LAND MANAGEMENT CODE**

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 9 - NON-CONFORMING USES AND NON-COMPLYING STRUCTURES

Chapter adopted by Ordinance No. 00-25

CHAPTER 9 - NON-CONFORMING USES AND NON-COMPLYING STRUCTURES.

15-9-1. PURPOSE.

This Chapter regulates the continued existence of Non-Conforming Uses and Non-Complying Structures as defined in Chapter 15. While Non-Conforming Uses, Non-Complying Structures and improvements may continue, this Chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the Development standards prescribed by this Code. In addition, Applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the Structure and site through such measures as landscaping, Building design, or the improved function of the Use in relation to other Uses.

15-9-2. DETERMINATION OF NON-CONFORMING STATUS.

(B) CONTINUATION OF NON-COMPLYING STRUCTURE. A Non-

(A) BURDEN ON OWNER TO ESTABLISH LEGALITY. The Owner bears the burden of establishing that any Non-Conforming Use or Non-Complying Structure lawfully exists.

(B) DETERMINATION OF STATUS.

The Planning Director shall determine the Non-Conforming or Non-Complying status of Properties. Any decision of the Planning Director may be appealed within ten (10) calendar days of the decision to the Board of Adjustment. Upon appeal, the Board of Adjustment shall conduct a hearing and shall review the matter under de novo standard of review.

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15-9-3. AUTHORITY TO CONTINUE.

(A) CONTINUATION OF NON-CONFORMING USE. A lawful Non-Conforming Use may continue subject to the standards and limitations of this Chapter.

Complying Structure that was lawfully constructed with a permit prior to a contrary



change in this Code, may be used and maintained, subject to the standards and limitations of this Chapter.

15-9-4. ABANDONMENT OR LOSS OF NON-CONFORMING USE.

(A) ABANDONMENT OF NON-CONFORMING USE. A Non-Conforming Use that is discontinued for a continuous period of one (1) year is presumed abandoned and shall not thereafter be reestablished or resumed. Abandonment may also be presumed to have occurred if a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the municipality regarding an extension of the nonconforming use; or the primary structure associated with the nonconforming use remains vacant for a period of one year.

Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.

Any subsequent Use of the Building, Structure, or land must conform with the regulations for the Zoning District in which it is located

(B) REBUTTABLE PRESUMPTION OF ABANDONMENT. The presumption of abandonment may be rebutted upon a showing that during such period:

- (1) any period of discontinued Use caused by governmental actions or an Act of God without any contributing fault by the Owner and

the Owner did not intend to discontinue the Use; or

- (2) the Owner has been actively and continuously marketing the Building, Structure, or land for sale or lease with the Use and the Owner has been maintaining the Building, Structure, or land in accordance with the Uniform Building Code; or

- (3) the Owner can demonstrate no abandonment of the Use.

The property owner shall have the burden of establishing that any claimed abandonment has not in fact occurred

Comment [p3]: 10-9a-511(4)(d)

15-9-5. MOVING, ENLARGING, OR ALTERING NON-CONFORMING USES.

No Non-Conforming Use may be moved, enlarged, altered, or occupy additional land, except as provided in this Section.

Comment [p1]: 10-9a-511(4)(c)

(A) ENLARGEMENT. A Non-Conforming Use may not be enlarged, expanded, or extended to occupy all or a part of another Structure or site that it did not occupy on the date on which the Use became non-conforming. A Non-Conforming Use may be extended through the same Building or Structure provided no structural alteration of the Building or Structure is proposed or made for the purpose of the extension and the parking demand is not increased.

Comment [p2]: 10-9a-511(4)(b)

(B) EXTERIOR OR INTERIOR REMODELING OR IMPROVEMENTS TO BUILDING OR STRUCTURE.

Exterior or interior remodeling or improvements to a Structure containing a Non-Conforming Use shall be allowed provided there is no expansion of the area of the Non-Conforming Use.

(C) **RELOCATION OF BUILDING OR STRUCTURE.** A Building or Structure containing a Non-Conforming Use may not be moved unless the Use shall thereafter conform to the regulations of the Zoning District into which the Building or Structure is moved.

(D) **CHANGE OF NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE OR A CONFORMING USE.** Except as provided in Section 15-9-5.(E) below, no Non-Conforming Use may be changed to another Non-Conforming Use. Whenever any Non-Conforming Use is changed to a conforming Use, such Use shall not later be changed to any Non-Conforming Use.

(E) **HISTORICALLY SIGNIFICANT BUILDINGS EXCEPTION: CHANGE OF NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE OF SIMILAR OR LESS-INTENSIVE LAND USE TYPE.** Subject to the criteria below, a Non-Conforming Use located within a Building or Structure designated as historically significant pursuant to LMC Section 4.13 may be changed to another Non-Conforming Use of a similar or less intensive land Use type. A Non-Conforming Use, which satisfies the criteria provided in Section 16-9-5(E)(4) herein shall be considered a similar or less intensive land Use type.

(1) **APPLICATION.** Application for any Non-Conforming Use must be made upon forms provided by the Planning Department. Upon filing of a Complete Application, the City shall post the Property indicating that an Application for modification of a Non-Conforming Use has been filed and that more detailed information may be obtained from the City.

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(2) **NOTIFICATION OF ABUTTING PROPERTY OWNERS.** Notice shall be provided pursuant to the Notice Matrix in Chapter 1. (See Section 15-1-19)

(3) **BOARD OF ADJUSTMENT HEARING.** Within thirty (30) working days of the Planning Department's receipt of a Complete Application, and after giving public notice, the Board of Adjustment shall hold a public hearing on the Non-Conforming Use Application. The Board of Adjustment shall either grant the Application in whole or in part, with or without modifications or conditions, or deny the Application. The Board of Adjustment's decision shall be made pursuant to criteria provided in Section 15-9-5(E)(4) below.

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(4) **CRITERIA.** The Board of Adjustment shall approve an Application to change a Non-Conforming Use to another Non-

Conforming Use if the Applicant proves the following criteria:

(a) All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the Non-Conforming Use or Building upon abutting Properties or in the neighborhood;

(b) All changes, additions, or expansions comply with all current laws except as to Use;

(c) The new Use will provide for enclosed storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage; and

(d) The new Use does not increase the parking requirement; or if there is an increase, the site plan meets the parking requirement and the Board of Adjustment finds that adjoining Properties and the neighborhood will not be adversely impacted by the increased parking demand.

(F) **DAMAGE OR DESTRUCTION OF BUILDING OR STRUCTURE WITH NON-CONFORMING USE.** If a Building or Structure that contains a Non-Conforming Use is allowed to deteriorate to a condition

that the Structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the Structure is uninhabitable and that the Nonconforming use will be lost if the Structure is not repaired or restored within six months; or the property owner has voluntarily demolished a majority of the building that houses the Nonconforming use; or if a Building or Structure that contains a Non-Conforming Use, is destroyed fifty percent (50%) or more by fire or natural calamity, is voluntarily razed, or is required by law to be razed, the Non-Conforming Use shall not be resumed, and the Building or Structure shall not be restored unless it is restored to accommodate a conforming Use within a complying Structure. If a Building or Structure that contains a Non-Conforming Use is involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned, damaged less than fifty percent (50%) by fire or natural calamity, the Non-Conforming Use may be resumed and the Building or Structure may be restored to the condition prior to the destruction, provided such work is started within six months of such calamity, is completed within eighteen (18) months of work commencement, and the intensity of Use and degree of non-conformance is neither increased nor changed. The extent of damage or destruction shall be the ratio of the estimated cost of restoring the Building or Structure to its condition before the damage or destruction to the estimated cost of duplicating the entire Building or Structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of A Building Standards@

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Comment [p4]: 10-9a-511(3)(b)

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Comment [p5]: 10-9a-511(3)(a)

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published by the International Conference of Building Officials (I.C.B.O.);

15-9-6. NON-COMPLYING STRUCTURES.

No Non-Complying Structure may be moved, enlarged, or altered, except in the manner provided in this Section or unless required by law.

(A) REPAIR, MAINTENANCE, ALTERATION, AND ENLARGEMENT.

Any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.

(B) MOVING. A Non-Complying Structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire Structure shall thereafter conform to the regulations of the Zone in which it will be located.

(C) DAMAGE OR DESTRUCTION OF NON-COMPLYING STRUCTURE.

If a Non-Complying Structure is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the Structure is uninhabitable and that the Non-complying Structure will be lost if the structure is not repaired or restored within six months; or the property owner has voluntarily demolished a majority of the

Non-complying Structure or the building that houses a Non-complying structure is destroyed fifty percent (50%) or greater by fire or natural calamity, or is voluntarily razed or is required by law to be razed, the Structure shall not be restored unless it is restored to comply with the regulations of the Zone in which it is located. If a Non-Complying Structure is involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned, damaged less than fifty percent (50%) by fire or natural calamity, the Structure may be restored to its original condition, provided such work is started within six months of such calamity, completed within eighteen (18) months of work commencement, and the intensity of Use is not increased. The extent of damage or destruction shall be the ratio of the estimated cost of restoring the Structure to its condition before the damage or destruction to the estimated cost of duplication the entire Structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of A Building Standards published by the International Conference of Building Officials (I.C.B.O.);

15-9-7. ORDINARY REPAIR AND MAINTENANCE AND STRUCTURAL SAFETY.

The Owner may complete normal maintenance and incidental repair on a complying Structure that contains a Non-Conforming Use or on a Non-Complying Structure. This Section shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a Structure

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in accordance with an order of the Building Official who declares a Structure to be unsafe and orders its restoration to a safe condition.

**15-9-8. APPEALS.**

Appeal from a Board of Adjustment decision made pursuant to this Chapter shall be made to the district court and not to City Council. Any person applying to the district court for review of any decision made under the terms of this Chapter shall apply for review within thirty (30) days after the date the decision is filed with the City Recorder as prescribed by state statute.

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 10 - BOARD OF ADJUSTMENT**

*Chapter adopted by Ordinance No. 01-17*

**15-10-1. ESTABLISHMENT OF BOARD.**

In order to avail the City of the powers provided in Chapter 9 of Title 10 of the Utah Code (1953, as amended), there is hereby created a Board of Adjustment, which shall consist of five (5) members. There shall also be one non-voting alternate to vote when a regular member is absent. Members shall be appointed by the Mayor with the advice and consent of the City Council. The Council may fix per diem compensation for the members of the Board of Adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended. All members of the Board of Adjustment shall reside within the City limits, and are deemed to have resigned if they move their residence from the City limits.

**15-10-2. TERM OF OFFICE.**

Each member of the Board of Adjustment shall serve for a term of five (5) years or until his successor is appointed and qualified provided that the term of the members of the first Board so appointed shall be such that the term of one member shall expire each

year. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term.

**15-10-3. POWERS AND DUTIES.**

(A) The Board of Adjustment shall hear and decide:

- (1) Appeals from zoning decisions applying Title 15, Land Management Code;
- (2) Special exceptions to the terms of the Land Management Code; and
- (3) Variances from the terms of the Land Management Code.

(B) The Board of Adjustment shall make determinations regarding the modification of Non-Conforming uses and shall hear appeals on the determination of Non-Conforming or Non-Complying status by the Director of the Planning Department, as provided in Title 15, Chapter 9.

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**15-10-4. GROUNDS FOR REMOVAL.**

Any Board member who is absent for two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per year may be called before the City Council and asked to resign or be removed for cause by the Mayor, with the advice and consent of City Council. Additionally, the Mayor, with the advice and consent of City Council, may remove any member of the Board of Adjustment for cause if written charges are filed with the Mayor, against the member. The Mayor shall provide the member with a public hearing if the member requests one.

**15-10-5. ORGANIZATION.**

(A) **CHAIRMAN.** The Board of Adjustment shall elect a Chairman and may adopt such rules for its own proceedings as are deemed necessary.

(B) **QUORUM.** No business shall be conducted unless at least three (3) members of the Board, not counting the alternate, are present.

**15-10-6. MEETINGS.**

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.

(A) **WITNESSES.** The Chairman of the Board of Adjustment or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

(B) **MINUTES.** Written minutes shall be kept of all Board meetings. Such minutes shall include:

- (1) The date, time and place of the meeting.
- (2) The names of members present and absent.
- (3) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken.
- (4) The names of all citizens who appeared and the substance in brief of their testimony.
- (5) Any other information that any member requests be entered in the minutes.

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The minutes are public records and shall be available within a reasonable time after the meeting.

**15-10-7. APPEALS.**

*See also 15-1-18*

The Board shall hear and decide appeals from an Applicant or any other Person or entity, including any officer or board of the City, adversely affected by a final decision administering or interpreting the Land Management Code which alleges that there is an error in any order, requirement, decision or determination of the Land Management Code.

The appeal must be made in writing and submitted to the Planning Department

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within ten (10) days of the decision. The Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken. The Person or entity making the appeal has the burden of proving that an error has been made.

A Person may not appeal, and the Board of Adjustment may not consider, any amendments to the Land Management Code, or appeals of Conditional Use permits or Master Planned Developments, which shall be appealed to the City Council. Appeals may not be used to waive or modify the terms or requirements of the Land Management Code. Appeals shall be considered by the Board of Adjustment only on the record made before the Historic Preservation Board or Planning Commission.

**15-10-8. SPECIAL EXCEPTIONS.**

The Board may hear Applications for special exceptions to the terms of the Land Management Code, which apply to variances, modifications of Non-Conforming Uses, appeals and other matters upon which the Board is required to pass judgment. Applications for special exceptions must be filed with the Planning Department, and the required fee paid in advance. No Application for a special exception shall be approved unless the

Board of Adjustment shall determine that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below:

(A) The proposed Use and Development will be in harmony with the general and specific purposes for which the Land Management Code was enacted and for which the regulations of the district were established.

(B) The proposed Use and Development will not substantially diminish or impair the value of the Property within the neighborhood in which it is located.

(C) The proposed Use and Development will not have a material adverse effect upon the character of the Area or the public health, safety, and general welfare.

(D) The proposed special exception will be constructed, arranged and operated so as to be Compatible with the Use and Development of neighboring Property in accordance with the applicable district regulations.

(E) The proposed Use and Development will not result in the destruction, loss or damage to natural, scenic or historic features of significant importance.

(F) The proposed Use and Development will not cause material air, water, soil or noise pollution or other types of pollution.

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The Board of Adjustment may impose conditions and limitations as may be

necessary or appropriate to prevent or minimize adverse effects upon other Property and other improvements in the vicinity of the special exception or upon public facilities and services. These conditions may include but are not limited to: conditions concerning Use, construction, operation, character, location, landscaping, Screening and other matters relating to the purposes and objectives of the Land Management Code. Such conditions shall be expressly set forth in the motion granting the special exception. Violation of any such condition or limitation shall be a violation of this section and shall constitute grounds for revocation of the special exception.

**15-10-9. VARIANCE.**

(A) Any Person or entity desiring a waiver or modification of the requirements of the Land Management Code as applied to a Parcel or Property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Land Management Code.

(B) An Application for variance review must be filed with the Planning Department, and the required fee paid in advance. The Application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any Building Permit or Conditional Use approval, the Application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for review as a part of the request. The Applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.

(C) Variances shall be granted only if all of the following conditions are found to exist:

(1) Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code;

(2) There are special circumstances attached to the Property that do not generally apply to other Properties in the same [~~district~~] zone;

(3) Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same [~~district~~] zone;

(4) The variance will not substantially affect the General Plan and will not be contrary to the public interest; and

(5) The spirit of the Land Management Code is observed and substantial justice done.

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(D) (1) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment

may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.

(2) In determining whether or not enforcement of the Land Management Code would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

(E) In determining whether or not there are special circumstances attached to the Property under Subsection 15-10-9(C)(2), the Board of Adjustment may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of privileges granted other Properties in the same [~~district~~] zone.

The Applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(F) Variances run with the land.

(G) The Board of Adjustment may condition a variance by requiring the Owner to obtain a Building or other necessary permit within one (1) year of issuance of the variance, or the variance shall be null and void.

(H) The Board of Adjustment and any other body may not grant a use [~~variances~~] variance.

(I) In granting a variance, the Board of Adjustment may impose additional requirements on the Applicant that will:

(1) mitigate any harmful affects of the variance; or

(2) serve the purpose of the standard or requirement that is waived or modified.

**15-10-10. PERSONS ENTITLED TO APPEAR.**

At the hearing on any matter before the Board of Adjustment, any Person aggrieved or interested in the matter may appear in person or through his attorney to testify on the matter. The Applicant shall have the right to respond to testimony offered in opposition to the application.

**15-10-11. DECISION.**

Decisions of the Board of Adjustment become effective at the meeting in which the Board adopts written findings of fact, conclusions of law and conditions of approval, unless a different time is specifically designated by the Board.

**15-10-12. VOTE NECESSARY.**

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official, board, or commission, or to decide in favor of the Applicant.

**15-10-13. JUDICIAL REVIEW OF  
BOARD DECISION.**

The City or any Person adversely affected by any decision of the Board of Adjustment may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Board of Adjustment's decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within thirty (30) days after the Board of Adjustment's decision is filed with the City Recorder.

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 11 - HISTORIC PRESERVATION**

*Chapter adopted by Ord. No. 02-07;  
Chapter Amended in Entirety by Ord. No.  
03-34*

**CHAPTER 11 – HISTORIC  
PRESERVATION**

**15-11-1. ESTABLISHMENT OF  
BOARD.**

Pursuant to the Historic District Act, Section 11-18-1, et seq. of the Utah Code, 1953, and other applicable power, there is hereby created a Park City Historic Preservation Board (HPB). The HPB shall be composed of five (5) members.

**15-11-2. TERMS AND  
QUALIFICATIONS OF MEMBERS.**

Members of the HPB shall serve terms of three (3) years. No member may serve more than two (2) consecutive terms. The terms shall be staggered. Terms may expire on May 1, however, members of the HPB shall continue to serve until their successors are appointed and qualified.

(A) The Mayor shall appoint a new HPB member to fill vacancies that might arise and such appointments shall be to the end of the vacating member’s term.

(B) It is the first priority of the City Council that the HPB have technical representation in Historic preservation, therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect, or other professional having substantial experience in rehabilitation-type construction, serving on the HPB, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two (2) nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the Application process.

(C) In addition, the HPB should include members with the following qualifications, or representing the following interests:

(1) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.

(2) A member living in the Historic District with demonstrated

interest and knowledge of Historic preservation.

(3) A member appointed at large from Park City with demonstrated interest and knowledge of Historic preservation.

(4) A member associated with Main Street Business and commercial interests.

**15-11-3. ORGANIZATION.**

(A) **CHAIRMAN.** The HPB shall elect one of its members to serve as Chairman for a term of one (1) year at its first meeting in March. The Chairman may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms.

(B) **QUORUM.** No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by three (3) of the appointed members, including the Chairman.

(C) **VOTING.** All actions of the HPB shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken shall approve any action taken. The Chairman may vote at the meetings.

**15-11-4. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL.**

Any HPB member who is absent from two (2) consecutive regularly scheduled Board meetings, or a total of four (4) regularly

scheduled meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. Members of the HPB are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

**15-11-5. PURPOSES.**

The purposes of the HPB are:

(A) To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City’s history and to encourage complimentary, contemporary design and construction through the creation of comprehensive Historic District Design Guidelines, and update, as necessary;

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(B) To protect and enhance the City’s Historic appeal to tourists and visitors;

(C) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;

(D) To provide input to City Council towards safeguarding the heritage of the City in protecting Buildings of Significance and Contributing Buildings, Structures, Sites/Areas or Objects;

(E) To promote the private and public Use of Buildings of Significance and Contributing Buildings, Structures, Sites/Areas or Objects;

(F) To make recommendations to the City Council on policies and ordinances that may encourage Historic preservation;

(G) To communicate and promote the benefits of Historic preservation for the education, prosperity, and general welfare of the people;

(H) To provide input to staff, Planning Commission, and City Council on matters concerning the overall Development of the City's Historic preservation program;

(I) To make recommendations to the City Council on the Development of, and to administer, all City-sponsored preservation incentive programs;

(J) To review all appeals on action taken by the Planning Department regarding compliance with the Historic District Design Guidelines; and

(K) To review and take action on all determination of Historic preservation Applications submitted to the City.

**15-11-6. ADDITIONAL DUTIES.**

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

(A) Participate in the design review of any City-owned projects located within the designated Historic District.

(B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City's cultural resources.

(C) Investigate and report to the City Council on the Use of Federal, State, local, or private funding sources and mechanisms

available to promote the preservation of the City's cultural resources.

(D) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(E) Recommend to the Planning Commission and the City Council changes to the Park City Land Management Code to reinforce the purpose of Historic preservation.

(F) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, and Property within the Historic District, or neighboring Property within a two (2) block radius of the Historic District.

**15-11-7. LIMITATIONS.**

The HPB has no authority to waive or increase any requirement of any ordinance of the City.

**15-11-8. STAFF ASSISTANCE.**

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

(A) Utah Heritage Foundation.



- (B) National Trust for Historic Preservation.
- (C) Utah State Division of History.
- (D) Park City Historical Society.
- (E) American Institute of Architects (AIA)

**15-11-9. PRESERVATION POLICY.**

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of the remaining Buildings, Structures and Site of Historic or community Significance is required based on the level of Significance. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

**15-11-10. HISTORIC DISTRICT DESIGN GUIDELINES.**

The HPB shall promulgate and update as necessary Historic District Design Guidelines for Use in the Historic District zones. These guidelines shall, upon adoption by resolution or ordinance by the

City Council, be used by the Planning Department staff in reviewing Historic District design review Applications. The Historic District Design Guidelines shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. From time to time, the HPB may recommend changes in the Historic District Design Guidelines to the Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the City Council.

**15-11-11. HISTORIC DISTRICT DESIGN REVIEW.**

(A) The Planning Department shall review and approve or deny, all Historic District design review Applications associated with a Building Permit to build, locate, construct, remodel, alter or modify any Building, Structure, Site, or other visible element, including but not limited to, signs, lighting fixtures, and Fences located within the Park City Historic District.

(1) The Owner and/or Applicant for any Property shall be required to submit an Historic District design review Application for proposed work requiring a Building Permit in order to complete the work.

(2) Planning Department staff shall review all Historic District design review Applications, including those associated with an Allowed or Conditional Use, which upon determining compliance with

the guidelines, shall be approved by the department staff without HPB review or hearing.

(B) **NOTICE.** Prior to taking action on any Historic District design review Application, the Planning staff shall provide notice pursuant to Section 15-1-20 of this Code.

(C) **DECISION.** Upon taking action on the Application, the Planning Department staff shall make written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(D) **APPEALS.** The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department staff decision made on a Historic District design review Application to the Planning Director. All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-20 of this Code. The scope of review by the Director shall be the same as the scope of review at the staff level.

(1) In those cases, the Director shall either approve, approve with conditions, or disapprove the proposal based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(2) Any Director decision may be appealed to the HPB. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Director's decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. The scope of review by the HPB shall be the same as the scope of review by the Director.

(3) Any HPB decision may be appealed to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the HPB decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.

**15-11-12. DETERMINATION OF HISTORICAL SIGNIFICANCE.**

The HPB is the official body to review matters concerning the historical designation of Buildings, Structures and Sites within Park City, and to make this information available to all interested citizens. It is hereby declared that all Buildings, Structures and Sites within Park City, which substantially comply with the standards of review found in Section 15-11-13(A), are determined to be Significant for the purposes of this Chapter.

The Planning Department shall maintain a list of Significant Properties. Any Owner of

a Building, Structure or Site may apply for a hearing before the HPB to ascertain Significance of said Property. The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving an Application for a determination of historical Significance, the Planning staff shall schedule a hearing on the HPB agenda within thirty (30) days. Notice of the hearing shall be posted on the Property and published at least once prior to the hearing. At the hearing, the Applicant shall have an opportunity to present testimony and evidence to demonstrate the historical Significance, or insignificance of the Building, Structure or Site.

(A) **STANDARDS OF REVIEW.** In determining the Historic Significance of the Property at the hearing, the HPB shall evaluate whether the Building, Structure or Site demonstrates a quality of Significance in local, regional, state or national history, architecture, archaeology, engineering or culture, and integrity of location, design, setting, materials, and workmanship according to the following criteria:

- (1) The Building, Structure or Site is associated with events or lives of Persons significant to our past; and/or
- (2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or

(3) The architectural or historical value or Significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or

(4) The Building, Structure or Site is at least fifty (50) years old, or has achieved Significance within the past fifty (50) years if the Property is of exceptional importance to the community; and/or

(5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or

(6) Any other factors, including aesthetic, which may be relevant to the historical or architectural aspects of the Building, Structure or Site.

(B) **NOTICE.** Prior to taking action on any determination of historical Significance Application, the Planning staff shall provide public notice pursuant to Section 15-1-20 of this Code.

(C) **DECISION.** If the HPB finds that the Building, Structure or Site is insignificant pursuant to Section 15-11-13(A), it shall immediately be removed from the list, if any, of historically Significant Properties. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(D) **APPEAL.** The Applicant or any party participating in the hearing may appeal the HPB decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the HPB decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.

**15-11-13. DEMOLITION AND REMOVAL OF HISTORIC BUILDINGS, STRUCTURES AND SITES.**

It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on Demolition and removal of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The Demolition or removal of Historic Buildings, Structures and Sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse and relocation within the Historic District. It is recognized, however, that Structural deterioration, economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary Demolition or removal of a Historic Building, Structure or Site. All Applications for Demolition of any Building, Structure, or Site within the City shall be initially reviewed by the Planning staff for Significance pursuant to Section

15-11-13(A) herein, and forwarded with a recommendation for action to the HPB.

(A) **DETERMINATION OF INSIGNIFICANCE.** If upon review, the HPB concludes that the Building, Structure or Site sought to be Demolished or removed is insignificant, the Planning staff may sign-off on the issuance of a Demolition permit.

(B) **DETERMINATION OF SIGNIFICANCE.** If upon review, the HPB concludes that the Building, Structure or Site sought to be Demolished or removed does possess Significance, the Applicant shall be required to submit a CAD Application pursuant to Sections 15-11-15 through 15-11-17, as appropriate.

(C) **REMOVAL OR REPAIR OF HAZARDOUS BUILDINGS.** If, upon review, the Chief Building Official determines the subject Building, Structure or Site to be structurally unsound, and a hazardous or dangerous Building, pursuant to Section 115.1 of the International Building Code, the Chief Building Official may order its removal or repair.

(D) **REQUIREMENT FOR STAY OF DEMOLITION.** In the absence of a finding either of insignificance or of public hazard, the Application for Demolition or removal shall be stayed for 180 days.

**15-11-14. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).**

With the exception of any Building or Structure falling under the purview of Section 115.1 of the International Building

Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be Significant, pursuant to the standards of review set forth in Section 15-11-13(A) herein, may be Demolished or removed without the issuance of a Certificate of Appropriateness *for Demolition* (CAD) by an independent CAD Hearing Board appointed by the City. Application for a CAD shall be made on forms prescribed by the City and shall be submitted to the Planning Department.

**15-11-15. PRE-HEARING APPLICATION REQUIREMENTS.**

Upon submittal of a CAD Application to the Planning Department, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is “threatened.” Said sign shall be at least three feet by two feet (3’X2’), readable from a point of public Access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the Owner shall conduct negotiations with the City for the sale or lease of the Property or take action to facilitate proceedings for the City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

At the end of the forty-five (45) days, the Application will be scheduled for a hearing before the CAD Hearing Board, upon showing that the above requirements have been met and all economic hardship information required has been submitted. The Applicant must also submit fees in

accordance with the Park City Municipal fee schedule. The Planning Department staff shall notify the Owner if any additional information is needed to complete the Application.

(A) **CAD HEARING BOARD.** Upon confirmation of receipt of a complete CAD Application, the City shall appoint an independent CAD Hearing Board, consisting of three (3) members, for the purpose of reviewing and taking action upon the Application. The City Manager shall appoint the CAD Board as the need might arise, solely for the purpose of reviewing and taking final action on all CAD Applications.

It is the first priority of the City that the CAD Board has substantial experience in finance, real estate, and commercial business interests. Hence, the Board should possess the following qualifications, or represent the following interests:

- (1) A member appointed at large from Park City with demonstrated knowledge of economics, accounting and finance;
- (2) A member appointed at large from Park City who is an attorney at law; and
- (3) A member appointed from the Board of Adjustment.

**15-11-16. CAD HEARING.**

At the hearing, the CAD Hearing Board will review the Application pursuant to the economic hardship criteria set forth in

Section 15-11-17(A) herein, and consider public input. The CAD Hearing Board may only approve Demolition or removal of a Significant Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the CAD Application.

(A) **ECONOMIC HARDSHIP CRITERIA.** In order to sustain a claim of unreasonable economic hardship, the Owner shall provide information pertaining to whether the Property is capable of producing a reasonable rate of return for the Owner or incapable of beneficial Use. The City shall adopt by resolution separate standards for investment or income producing and non-income producing Properties, as recommended by the HPB. Non-income Properties shall consist of Owner occupied Single-Family Dwellings and non-income producing institutional Properties. The information required by the City may include, but not be limited to the following:

- (1) Purchase date, price and financing arrangements;
- (2) Current market value;
- (3) Form of ownership;
- (4) Type of occupancy;
- (5) Cost estimates of Demolition and post-Demolition plans;
- (6) Maintenance and operating costs;

- (7) Costs and engineering feasibility of rehabilitation;
- (8) Property tax information; and
- (9) Rental rates and gross income from the Property.

The CAD Hearing Board, upon review of the CAD Application, may request additional information as deemed appropriate.

(B) **CONDUCT OF OWNER EXCLUDED.** Demonstration of economic hardship by the Owner shall not be based on conditions resulting from:

- (1) willful or negligent acts by the Owner; or
- (2) purchasing the Property for substantially more than market value at the time of purchase; or
- (3) failure to perform normal maintenance and repairs; or
- (4) failure to diligently solicit and retain tenants; or
- (5) failure to provide normal tenants improvements.

(D) **DECISION.** The CAD Hearing Board shall make written findings supporting the decision made. The CAD Hearing Board may determine that unreasonable economic hardship exists and approve the issuance of a CAD if one of the following conditions exists:

(1) For income producing Properties, the Building, Structure or Site cannot be feasibly used or rented at a reasonable rate or return in its present condition or if rehabilitated and denial of the Application would deprive the Owner of all reasonable Use of the Property; or

(2) For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and

(3) The Building, Structure or Site cannot be feasibly moved or relocated.

(D) **APPROVAL.** If the CAD Hearing Board approves the Application, the Owner may apply for a Demolition permit with the Building Department and proceed to Demolish the Building, Structure or Site in compliance with other regulations as they may apply. The City may, as a condition of approval, require the Owner to provide documentation of the Demolished Building, Structure or Site according to the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey or other information as specified. The City may also require the Owner to incorporate an appropriate memorializing of the Building, Structure or Site, such as a photo display or

plaque, into the proposed replacement project of the Property. Approval of a CAD shall be valid for one (1) year.

(E) **DENIAL.** If the CAD Hearing Board denies the Application, the Owner shall not Demolish the Building, Structure or Site, and may not re-apply for a CAD for a period of three (3) years from the date of the CAD Hearing Board's final decision, unless substantial changes in circumstances have occurred other than the re-sale of the Property or those caused by the negligence or intentional acts of the Owner. It shall be the responsibility of the Owner to stabilize and maintain the Property so as not to create a structurally unsound, hazardous, or dangerous Building, as identified in Section 115.1 of the International Building Code. The City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available.

(F) **APPEAL.** The City or any Persons adversely affected by any decision of the CAD Hearing Board may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Officer's decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within thirty (30) days after the date of the CAD Hearing Board's decision.





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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 12 - PLANNING COMMISSION**

*Chapter adopted by Ordinance No. 01-17*

**15-12-1. PLANNING COMMISSION CREATED.**

There is hereby created a City Planning Commission to consist of seven (7) members. Members shall be appointed by the Mayor with advice and consent of the Council. Alternate members may also be appointed, which the Mayor may appoint with advice and consent of the Council.

**15-12-2. TERMS AND ELIGIBILITY OF MEMBERS.**

Members of the Planning Commission shall serve terms of four (4) years. Terms shall be staggered and expire on the second Monday in February. Members shall continue to serve until their successors are appointed and qualified. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term. Members of the Planning Commission shall be residents of Park City, and have resided within the City for at least ninety (90) days prior to being appointed. Members are deemed to have resigned when they move their residences outside the City limits.

**15-12-3. GROUNDS FOR REMOVAL.**

Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year, or who violates Title 3, Ethics, may be called before the City Council and asked to resign or be removed for cause by the Council.

**Comment [p1]:** (10-9a-301(1)(b)(i))

**15-12-4. COMMUNITY REPRESENTATION.**

Appointments to the Planning Commission shall be made on a basis which fairly represents the interests of all residents of the community.

**15-12-5. AUTHORITY.**

The Planning Commission shall have all necessary authority conferred on Planning Commissions pursuant to Chapter 9a of Title 10, Utah Code Annotated, 1953, as amended, and such other powers as are conferred on it by the City Council.

**Comment [p2]:** Note change

**15-12-6. CHAIRMAN.**

The Planning Commission shall on or before the second Wednesday in March each year elect a Chairman who shall serve a term of one (1) year, but may be re-elected for one (1) succeeding consecutive term. A Person may not serve more than two (2) consecutive terms as Chairman of the Planning Commission. The Chairman may participate in discussions, but shall have no vote except in case of a tie vote by the members of the Commission.

**15-12-7. STAFF.**

The Planning Department shall assist the Commission with technical matters. In order to assist the Planning Commission in carrying out its duties, the Planning Commission may request the assistance of other employees or agents of the City.

**15-12-8. ALLOWANCE.**

The Planning Commission members shall receive an allowance for each meeting attended, as established by the City Council.

**15-12-9. PURPOSE.**

The Planning Commission shall act as a non-political, long range planning body for the City. Review of specific projects shall be limited to those matters specifically requiring their consideration, and to the monitoring and reviewing of decisions of the Planning Department. The Planning Commission shall review those matters designated in Section 15-12-15 herein.

**15-12-10. HEARINGS.**

The Planning Commission shall establish procedures for its own hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues. Notice for all agenda items pending action shall be according to the Notice Matrix as stated in Section 15-1-21.

**15-12-11. MINUTES.**

The Planning Commission shall keep official minutes of its meetings, which shall be permanently stored with the City Recorder. All meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

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Written minutes shall be kept of all Commission meetings. Such minutes shall include:

- (A) The date, time and place of the meeting;
- (B) The names of members present and absent;
- (C) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
- (D) The names of all citizens who appeared and the substance in brief of their testimony; and
- (E) Any other information that any member requests be entered in the minutes. The minutes are public record and shall be available within a reasonable time after the meeting.

**15-12-12. DECISIONS.**

All decisions of the Planning Commission shall be included in the minutes. Where written findings are required, the findings may be prepared separately, but shall be incorporated into the minutes.

**15-12-13. QUORUM REQUIREMENT.**

The Commission shall not conduct any business at a meeting unless a quorum is present. A quorum shall consist of a majority of the appointed members of the Commission, including the Chairman for computation purposes.

**15-12-14. VOTING.**

Actions of the Commission pass by majority vote. A majority is a simple majority of those members present at the meeting and entitled to vote on the matter under consideration. The vote of the Chairman shall be counted only when he or she votes in order to break a tie vote of the other Commission members. The Commissioner elected Chairman Pro Tem shall, at all times, be entitled to cast his or her vote as a member of the Commission, including those occasions on which he or she is acting as Chairman Pro Tem. Voting to remove an item of business from the consent agenda shall require an affirmative vote of two-thirds of the members present to pass. Other votes shall be a simple majority.

**15-12-15. REVIEW BY PLANNING COMMISSION.**

(A) General planning and review of specific Development projects by the Planning Commission shall be divided into the following functions:

- (1) City General Plan and General Plan amendments review and recommendation to City Council;
- (2) Annexation review with recommendation to City Council;
- (3) Land Management Code and zoning review with recommendation to City Council;
- (4) Subdivision approval with recommendation to City Council;
- (5) Large scale Master Planned Development approval;
- (6) Conditional Use permit ratification of findings of fact, conclusions of law and conditions of approval, if applicable;
- (7) Consent agenda items;
- (8) Review of appeals of Planning Director's interpretation of the Land Management Code and decisions;
- (9) Subdivision and record of survey plat and plat amendment review with recommendation to City Council;
- (10) Termination of inactive applications; and

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(11) Sensitive Lands review

(B) The scope of review for each of these functions is as follows:

(1) **CITY GENERAL PLAN REVIEW.** The Planning Commission shall have the primary responsibility to initiate and update the City's General Plan, including planning for adequate Streets and utilities, parks, trails, recreation facilities, housing, and open space. The Commission shall consider long-range zoning and land use objectives, protection of Sensitive Lands, and shall conduct periodic review of existing plans to keep them current.

(2) **ANNEXATION REVIEW.** The Commission shall review all annexation requests according to the Utah State Code regarding annexations, including Section 10-2-401.5, regarding adoption of an annexation policy plan, and shall make a recommendation to City Council for action. The Commission shall recommend zoning on land to be annexed.

(3) **LAND MANAGEMENT CODE AND ZONING REVIEW.** The Commission shall initiate or recommend zone changes and review the Land Management Code Development standards within zones. The Commission shall hear all requests for zone changes and forward a recommendation to City

Council for action. The Commission shall have the primary responsibility to review amendments to the Land Management Code and shall forward a recommendation to the City Council.

(4) **SUBDIVISION APPROVAL.** The Planning Commission shall review all applications for Subdivisions under the provisions of the Park City Subdivision Control Ordinance in Section 15, Chapter 7.

(5) **LARGE SCALE MASTER PLANNED DEVELOPMENT APPROVAL.** All proposals for large scale Master Planned Development approval shall be reviewed by the Planning Commission. In reviewing requests for large scale Master Planned Development approval, the Commission shall consider the purpose statements and MPD requirements as stated in Section 15-6-1 and Section 15-6-5. All Master Planned Developments shall be processed by the Planning Department and the Planning Commission as outlined in Section 15-6-4.

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(6) **RATIFICATION OF CONDITIONAL USE PERMITS.** The Planning Commission has the authority to review and ratify or overturn all actions of the Planning Department regarding Conditional Use permits. In reviewing requests for Conditional Use permits, the

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Commission shall consider the Conditional Use process and review criteria as stated in Section 15-1-10. In approving or denying a Conditional Use permit the Commission shall ratify and include in the minutes of record the findings of fact, conclusions of law, and conditions of approval, if applicable, upon which the decision to approve or deny was based.

(7) **CONSENT AGENDA ITEMS.** The following items may be placed on the consent agenda, unless a public hearing is otherwise required, or if a public hearing has already been conducted and has been closed by formal action of the Planning Commission:

- (a) Conditional Use permits, including Steep Slope Conditional Use Permits;
- (b) Plat approvals;
- (c) Requests for time extensions of Conditional Use permit, Master Planned Development, and plat approvals.
- (d) Other items of a perfunctory nature, which the Chairman directs the Department to place on the consent agenda for action.

All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. Motions to remove specific items from the consent agenda shall state the reasons for the removal, referring to specific planning issues or Code sections, which the Commissioner making the motion does not think have been satisfactorily resolved or complied with. Motions to remove items from the consent agenda shall be passed by a vote of two-thirds of the Commission members present and voting on the issue. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the Developer requests the item be tabled in order to prepare additional information to respond to the Commission's concerns.

(8) **REVIEW OF APPEALS OF THE PLANNING DIRECTOR'S INTERPRETATION OF THE LAND MANAGEMENT CODE,**

At any time, the Owner, Applicant, or any non-Owner with standing as defined in Section 15-1-18(D) of this Code may request that Staff actions on a project be reviewed by the Planning Commission. The scope of review by the Planning Commission shall be the same as the scope of review at the Staff level.

(9) **SUBDIVISION AND RECORD OF SURVEY PLAT**

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**AND PLAT AMENDMENT**

**REVIEW.** The Commission shall review all plats affecting land within the City limits or annexations to the City, according to Section 15-7. The scope of review on plat approval is limited to finding substantial compliance with the provisions of the state statute on recording of plats, and that all previously imposed conditions of approval, whether imposed by the Staff or the Commission have been satisfied.

Upon finding that the plat is in compliance with the state statute, and that conditions of approval have been satisfied, the plat must be approved. The City Engineer, City Attorney, City Recorder, City Council, and Mayor shall all review the plat as required by statute before recording. Plats may be approved on the consent agenda.

(10) **TERMINATION OF INACTIVE APPLICATIONS.** See Termination of Projects, Section 15-1-13.

(11) **SENSITIVE LANDS REVIEW.** Any project falling within the Sensitive Lands Area Overlay Zone is subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations, Section 15-2.21.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 14 - ZONING ADMINISTRATION AND ENFORCEMENT

Chapter adopted by Ordinance No. 02-07

CHAPTER 14 - ZONING ADMINISTRATION AND ENFORCEMENT.

15-14-1. ADMINISTRATION AND ENFORCEMENT.

The provisions of this Ordinance shall be administered by the Planning, Engineering, and Building Departments under the supervision of the City Manager, or the Mayor, in the absence of the City Manager. The Planning Director, City Engineer, or Chief Building Official, shall, when deemed appropriate, recommend legal action to the City Council in order to enforce this Code or other land Use related ordinances or regulations. The Planning Director, City Engineer, or Chief Building Official, under the supervision of the City Manager or the Mayor, in the absence of the City Manager, shall determine when violations exist, when a Development is in substantial compliance with this Code, or other enforcement actions taken. The failure of any Person to properly interpret or apply this Code or any provision of it shall not operate to waive or estop the City from subsequent enforcement action. Permits issued in violation of this ordinance

shall have no force or effect and Persons knowingly or negligently Building under improperly issued permits do so at their own risk.

15-14-2. OCCUPANCY PERMIT.

Land, Buildings, or premises in any Zoning District shall hereafter be used only for a purpose permitted in such a District and in accordance with the appropriate regulations. A Certificate of Occupancy shall be issued by the Building Official to the effect that the Use, Building, or premises conform to provisions of this and all related ordinances, regulations, and requirements prior to occupancy, for any Building erected, enlarged or altered structurally for the occupancy or Use of any land. Such a certificate is needed whenever Use or character of any Building or land is to be changed.

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15-14-3. INSPECTION.

The City, through its designated officials, shall have the right of Access to any premises at any reasonable hour for the purpose of inspecting all Buildings and Structures during the course of their construction, modification, or repair, to

Deleted: , upon presentation of evidence of his authority,

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inspect land Uses to determine compliance with the provisions of this Code; and to make examinations and surveys pertinent to the preparation of the General Plan or preparation or enforcement of this Code.

**15-14-4. TIME LIMIT.**

Unless there is actual construction and a permit issued within a period of 180 days from the date of plan approval by the Planning, Engineering, and Building Departments, the plan approval for a permitted Use shall expire.

**15-14-5. PENALTIES/ ENFORCEMENT.**

The provisions of this Code may be enforced by either civil or criminal actions in courts of appropriate and competent jurisdiction. A suit may be brought by the City, or by affected Property Owners, in the manner set forth below:

(A) **CRIMINAL CITATIONS.** The Building Official and other designated City officials may, when there is probable cause to believe that Construction Activity has occurred in violation of this ordinance, issue a citation and swear out criminal complaints against the appropriate individuals and Business entities. Specific approval from the City Council for such misdemeanor citations is not required.

(B) **CIVIL ACTIONS.** The City, with the authorization of the City Council, may bring actions for civil and equitable relief, including enjoining specific land Uses and affirmative injunctions. The Building Official, Planning Department and other

designated City Officials may recommend such actions at any time to the Council, provided that no civil proceeding shall be commenced without the specific authorization of the Council.

(C) **THIRD PARTY ACTIONS.**

Individuals affected by zoning violations within Park City shall have the right to maintain private actions to enforce the Code without joining the City as a party.

**15-14-6. VIOLATIONS.**

Violations of this Code are Class B misdemeanors, and are punishable by a fine and/or imprisonment described in the current Park City Criminal Code. The officers and directors of a corporation shall be responsible for the acts committed by that corporation. Corporations and individuals shall be responsible for the acts of their agents committed in violation of this ordinance if they had knowledge of the act committed, and the Owner of the Property and improvements made to it. Each day that a violation occurs shall constitute a separate offense.

psmkaw

Deleted: Zoning Administrator,

**Ordinance No. 06-34**

**AN ORDINANCE APPROVING THE LOT 11 OF THE IRON CANYON SUBDIVISION PLAT AMENDMENT, LOCATED AT 2425 IRON CANYON DRIVE, PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 2425 Iron Canyon Drive, has petitioned the City Council for approval of a Plat Amendment; and

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

**WHEREAS**, on May 24, 2006 the Planning Commission held a public hearing to receive public input on the proposed Plat Amendment and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, on June 14, 2006 the City Council held a public hearing on the proposed Plat Amendment; and

**WHEREAS**, the proposed Plat Amendment allows the property owner to relocate and adjust the lot building pad; and

**WHEREAS**, it is in the best interest of Park City Utah to approve the Plat Amendment.

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

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

1. The property is located in the Residential Development (RD) zone.
2. The RD zone is a residential zone characterized by a mix of contemporary residences.
3. The lot is located within the Iron Canyon Subdivision.
4. There is a platted building pad on the lot.
5. The existing home was built outside of the platted building pad.
6. The applicant seeks to make an addition onto the home.
7. The amendment will adjust the platted building pad of the residence.
8. The proposed building pad does not exceed the size of the original building pad.
9. The proposed building pad complies with the setback requirements.

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

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code

- and applicable State law.
- Neither the public nor any person will be materially injured by the proposed plat amendment.
  - As conditioned the plat amendment is consistent with the Park City General Plan.

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

- City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
- No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
- The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

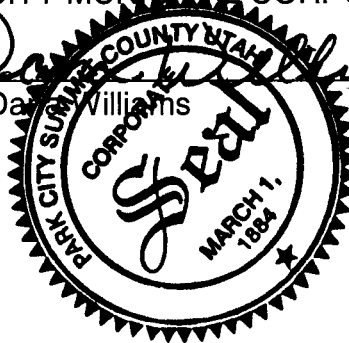
PASSED AND ADOPTED this 1<sup>st</sup> day of June, 2006.

PARK CITY MUNICIPAL CORPORATION

  
Mayor Dan Williams

Attest:

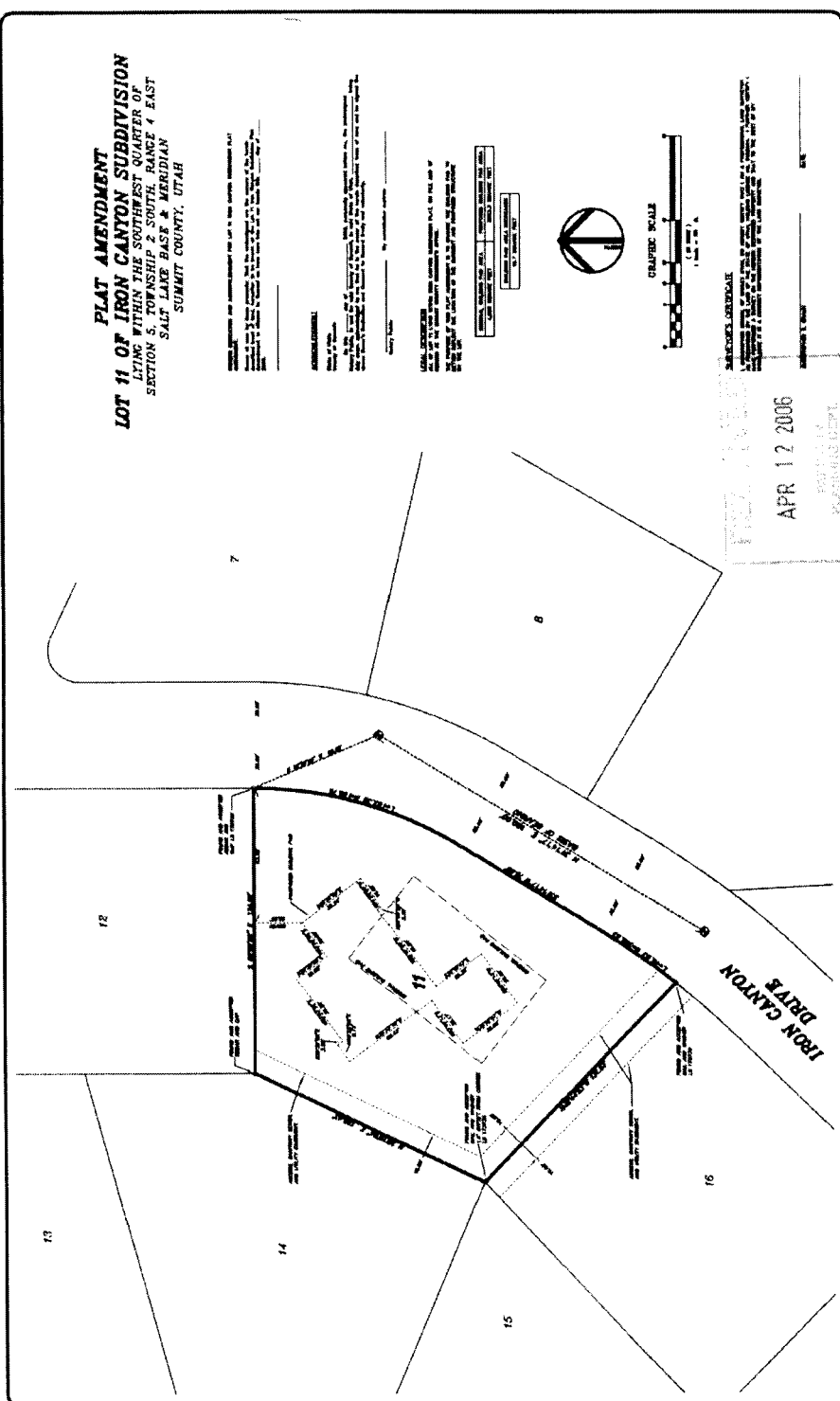
  
Janet M. Scott, City Recorder



Approved as to form:

  
Mark D. Harrington, City Attorney

**PLAT AMENDMENT**  
**LOT 11 OF IRON CANTON SUBDIVISION**  
 LYING WITHIN THE SOUTHWEST QUARTER OF  
 SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4, EAST  
 SALT LAKE BASE & MERIDIAN  
 SUMMIT COUNTY, UTAH



**LEGAL DESCRIPTION**  
 The following is a legal description of the land shown on this plat:  
 [Detailed description of the land parcels and easements]

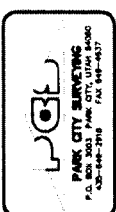
**LOCAL ORDINANCES**  
 This plat complies with all applicable local ordinances, including but not limited to:  
 - Subdivision Map Act  
 - Platting Act  
 - [Other relevant ordinances]



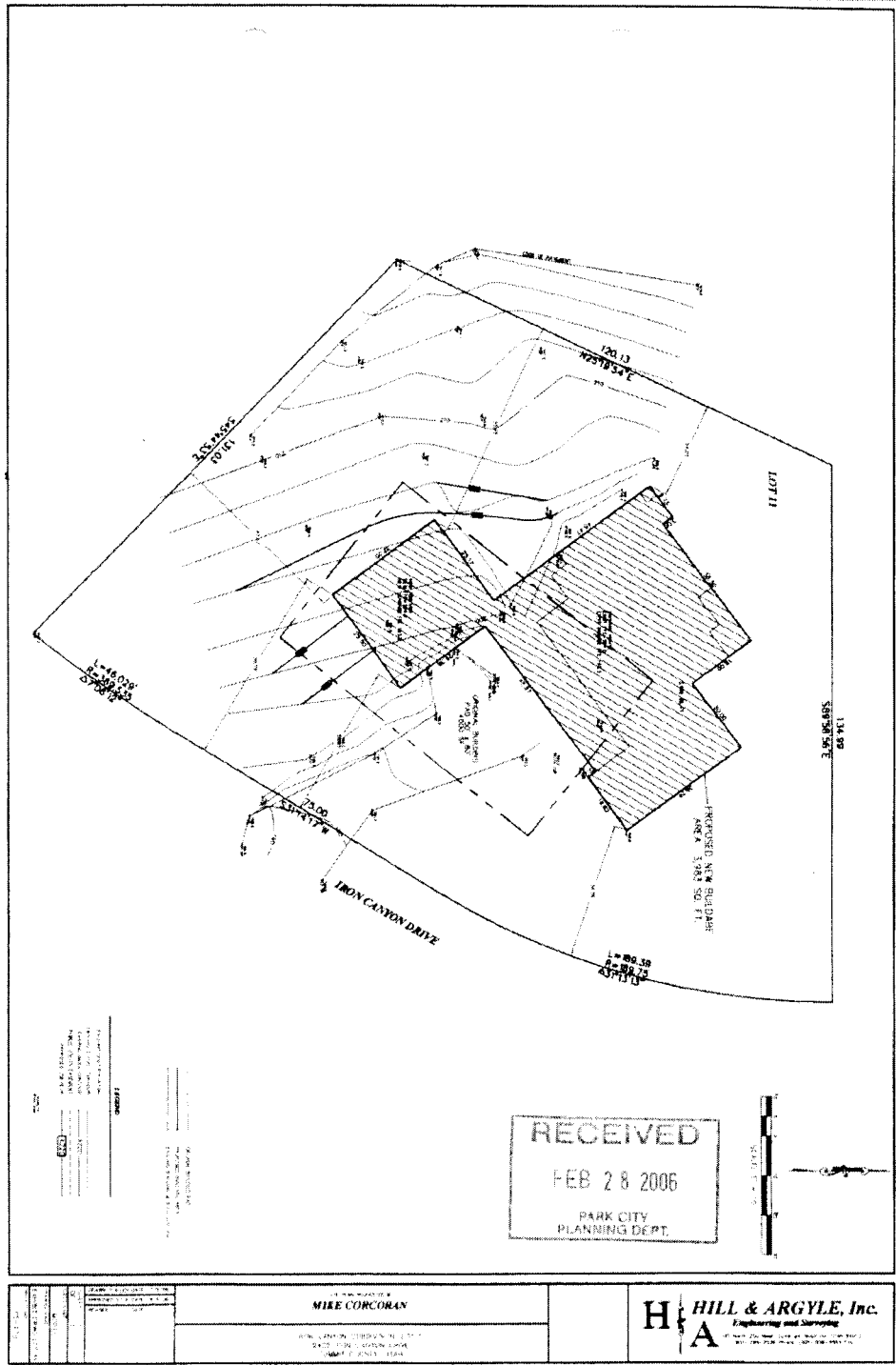
**SERVICES ORDER**  
 This plat was prepared by [Name] and is subject to the terms and conditions of the contract between the parties.

APR 12 2006

<b>CITY COUNCIL APPROVAL</b> PRESENTED TO THE BOARD OF PARK CITY CITY, U.T. ON THE _____ DAY OF _____ RECORD OF SUBJECT AND APPROVAL: _____ BY: _____ CITY CLERK	<b>CITY ENGINEER</b> APPROVED BY THE CITY ENGINEER CITY ENGINEER ON THE _____ DAY OF _____ A.S. D.L. _____ CITY ENGINEER	<b>CITY PLANNING COMMISSION</b> CITY PLANNING COMMISSION ON THE _____ DAY OF _____ A.S. D.L. _____ CHAIRMAN	<b>SEWER DISTRICT APPROVAL</b> APPROVED BY THE SEWER DISTRICT SEWER DISTRICT ON THE _____ DAY OF _____ A.S. D.L. _____ CHAIRMAN	<b>APPROVAL AS TO FORM</b> APPROVED AS TO FORM ON THE DAY OF _____ A.S. D.L. _____ CITY ATTORNEY	<b>RECORDED</b> STATE OF _____ COUNTY OF _____ RECORDED AND PAID AT THE REQUEST OF: _____ COUNTY RECORDS
---	---	---	--	--	---



4:\05-179\EXHIBIT 1\RMV LOT 11 AND ADDL 27:107 2006 11:42:25 AM 1:45:29Z



RECEIVED  
 FEB 28 2006  
 PARK CITY  
 PLANNING DEPT.



NO.	REVISION	DATE
1	ISSUED FOR PERMIT	2/28/06
2	REVISED PER CITY COMMENTS	3/1/06
3	REVISED PER CITY COMMENTS	3/1/06
4	REVISED PER CITY COMMENTS	3/1/06
5	REVISED PER CITY COMMENTS	3/1/06
6	REVISED PER CITY COMMENTS	3/1/06
7	REVISED PER CITY COMMENTS	3/1/06
8	REVISED PER CITY COMMENTS	3/1/06
9	REVISED PER CITY COMMENTS	3/1/06
10	REVISED PER CITY COMMENTS	3/1/06

DATE: 2/28/06	BY: MJC
CHECKED: MJC	DATE: 2/28/06
APPROVED: MJC	DATE: 2/28/06

FOR THE RECORD OF  
**MIKE CORCORAN**  
 CIVIL ENGINEER, LICENSE NO. 11117  
 2420 SOUTH GARDEN LANE  
 PARK CITY, UTAH

**H & A HILL & ARGYLE, Inc.**  
 Engineering and Surveying  
 100 WEST 100 SOUTH, SUITE 200, PARK CITY, UTAH 84302  
 (435) 765-1111 FAX (435) 765-1112

**Ordinance No. 06-33**

**AN ORDINANCE APPROVING THE BUSH REPLAT COMBINING LOTS 8 AND 9 BLOCK 55, OF THE PARK CITY SURVEY, LOCATED AT 148 MAIN STREET, PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 148 Main Street, has petitioned the City Council for approval of a plat amendment; and

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

**WHEREAS**, on May 24, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, on June 1, 2006 the City Council held a public hearing on the proposed subdivision; and

**WHEREAS**, the proposed plat amendment allows the property owner to combine two lots into one lot of record; and

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

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

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

1. The property is located in the Historic Residential (HR-2) zone.
2. The HR-2 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will combine two lots into one lot of record.
4. There is an existing historic single family home behind the property.
5. This historic home will be moved onto the lot and incorporated into the development of the lot.
6. Access to the property is from Main Street.
7. The proposed lot measures 50' x 53' (average depth).
8. The proposed lot is 2,663 square feet in size.
9. The minimum lot size for a single family home in the HR-2 zone is 1,875 square feet.
10. The maximum building footprint for the proposed lot is 1,156.
11. The maximum height limit in the HR-2 zone is 27 feet above existing grade.
12. Setbacks for the house are 5' on the sides, and 10' in the front and rear.
13. Minimal construction staging area is available along Main Street.
14. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

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

1. There is good cause for this plat amendment.

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

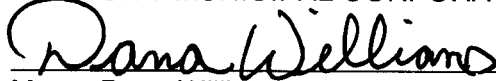
**SECTION 3. CONDITIONS OF APPROVAL.** The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. A ten-foot-wide public snow storage easement shall be dedicated along the Main Street frontage of the lot.

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

PASSED AND ADOPTED this 1<sup>st</sup> day of June, 2006.

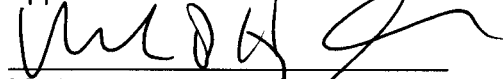
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

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

Approved as to form:

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





**THE BUSH REPORT**

LOT LIFT COLLEMBENT

LANE MAIN STREET  
 PARK CITY, UTAH - SONGIC  
 FOUNDATION SECTION 8, T4S  
 SALT LAKE MERIDIAN AND 6E  
 SOUTHERN COUNTY, UTAH

**LANDWORKS CONSULTING**

WE CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED LOT LIFT COLLEMBENT PROJECT AND FOUND THAT THE PROJECT IS IN CONFORMANCE WITH THE ZONING REGULATIONS OF THE CITY OF PARK CITY, UTAH. THE PROJECT IS LOCATED IN AN AREA ZONED FOR RESIDENTIAL USE AND THE PROPOSED LOT LIFT COLLEMBENT IS CONSISTENT WITH THE ZONING REGULATIONS OF THE CITY OF PARK CITY, UTAH.

**LANDWORKS CONSULTING**



**SONIC DESIGN**  
 LANDWORKS CONSULTING  
 1000 WEST MAIN STREET  
 SALT LAKE CITY, UTAH 84111

DATE OF SURVEY: 10/15/2014  
 PROJECT: LOT LIFT COLLEMBENT  
 CLIENT: SONIC DESIGN  
 SURVEYOR: [Name]

**GENERAL NOTES**

1. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE UTAH SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, UTAH. THE SURVEY WAS CONDUCTED USING THE FOLLOWING METHODS AND EQUIPMENT:  
 - METHOD: ELECTRONIC DISTANCE MEASUREMENT (EDM)  
 - EQUIPMENT: SOKKIA TOTAL STATION  
 - DATE: 10/15/2014

**ADDITIONAL NOTES**

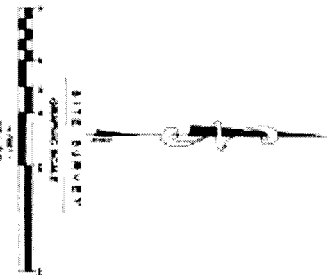
1. THE PROPOSED LOT LIFT COLLEMBENT IS LOCATED ON THE EAST SIDE OF LANE MAIN STREET, BETWEEN PARK CITY, UTAH - SONGIC FOUNDATION SECTION 8, T4S SALT LAKE MERIDIAN AND 6E SOUTHERN COUNTY, UTAH AND THE WEST SIDE OF LANE MAIN STREET, BETWEEN PARK CITY, UTAH - SONGIC FOUNDATION SECTION 8, T4S SALT LAKE MERIDIAN AND 6E SOUTHERN COUNTY, UTAH.

**ADDITIONAL NOTES**

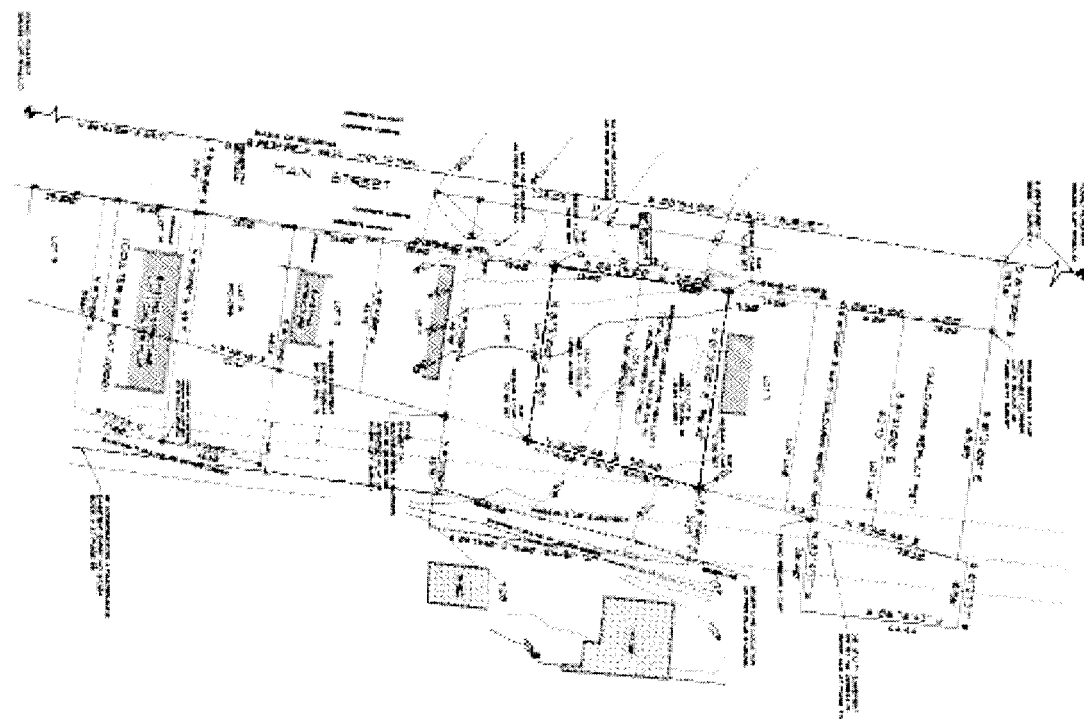
1. THE PROPOSED LOT LIFT COLLEMBENT IS LOCATED ON THE EAST SIDE OF LANE MAIN STREET, BETWEEN PARK CITY, UTAH - SONGIC FOUNDATION SECTION 8, T4S SALT LAKE MERIDIAN AND 6E SOUTHERN COUNTY, UTAH AND THE WEST SIDE OF LANE MAIN STREET, BETWEEN PARK CITY, UTAH - SONGIC FOUNDATION SECTION 8, T4S SALT LAKE MERIDIAN AND 6E SOUTHERN COUNTY, UTAH.

**ADDITIONAL NOTES**

1. THE PROPOSED LOT LIFT COLLEMBENT IS LOCATED ON THE EAST SIDE OF LANE MAIN STREET, BETWEEN PARK CITY, UTAH - SONGIC FOUNDATION SECTION 8, T4S SALT LAKE MERIDIAN AND 6E SOUTHERN COUNTY, UTAH AND THE WEST SIDE OF LANE MAIN STREET, BETWEEN PARK CITY, UTAH - SONGIC FOUNDATION SECTION 8, T4S SALT LAKE MERIDIAN AND 6E SOUTHERN COUNTY, UTAH.



**ADDITIONAL NOTES**  
 1. THE PROPOSED LOT LIFT COLLEMBENT IS LOCATED ON THE EAST SIDE OF LANE MAIN STREET, BETWEEN PARK CITY, UTAH - SONGIC FOUNDATION SECTION 8, T4S SALT LAKE MERIDIAN AND 6E SOUTHERN COUNTY, UTAH AND THE WEST SIDE OF LANE MAIN STREET, BETWEEN PARK CITY, UTAH - SONGIC FOUNDATION SECTION 8, T4S SALT LAKE MERIDIAN AND 6E SOUTHERN COUNTY, UTAH.



<p>LANDWORKS CONSULTING                  1000 WEST MAIN STREET                  SALT LAKE CITY, UTAH 84111                  TEL: 801-462-1111                  FAX: 801-462-1112                  WWW.LANDWORKSUTAH.COM</p>	<p>PROJECT: LOT LIFT COLLEMBENT                  CLIENT: SONIC DESIGN                  DATE: 10/15/2014</p>	<p>DATE: 10/15/2014</p>	<p>PROJECT: LOT LIFT COLLEMBENT                  CLIENT: SONIC DESIGN                  DATE: 10/15/2014</p>	<p>PROJECT: LOT LIFT COLLEMBENT                  CLIENT: SONIC DESIGN                  DATE: 10/15/2014</p>	<p>PROJECT: LOT LIFT COLLEMBENT                  CLIENT: SONIC DESIGN                  DATE: 10/15/2014</p>	<p>PROJECT: LOT LIFT COLLEMBENT                  CLIENT: SONIC DESIGN                  DATE: 10/15/2014</p>	<p>PROJECT: LOT LIFT COLLEMBENT                  CLIENT: SONIC DESIGN                  DATE: 10/15/2014</p>
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LANDWORKS CONSULTING  
 1000 WEST MAIN STREET  
 SALT LAKE CITY, UTAH 84111  
 TEL: 801-462-1111  
 FAX: 801-462-1112  
 WWW.LANDWORKSUTAH.COM

**Ordinance No. 06-32**

**AN ORDINANCE APPROVING THE 402 MARSAC AVENUE REPLAT COMBINING LOTS 1 AND 2 BLOCK 55, OF THE PARK CITY SURVEY, PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 402 Marsac Avenue, has petitioned the City Council for approval of a plat amendment; and

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

**WHEREAS**, on May 24, 2006 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, on June 1, 2006 the City Council held a public hearing on the proposed plat amendment and voted to approve the application; and

**WHEREAS**, the proposed plat amendment allows the property owner to combine two lots into one lot of record; and

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

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

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

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will combine two lots into one lot of record.
4. There is an existing historic single family home on the property.
5. Access to the property is from Marsac Avenue.
6. The proposed lot measures 50' x 75'.
7. The proposed lot is 3,750 square feet in size.
8. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
9. The maximum building footprint for the proposed lot is 1,519 square feet.
10. The maximum height limit in the HR-1 zone is 27 feet above existing grade.
11. Setbacks for the lot are 5' on the sides, and 10' in the front and rear.
12. Minimal construction staging area is available along Marsac Avenue.
13. Historic access to the house at 413 Ontario crosses the easterly five feet of the site.
14. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

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

1. There is good cause for this plat amendment.

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

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

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. A five-foot-wide public snow storage easement shall be dedicated along the Marsac Avenue frontage of the lot.
5. A five-foot-wide access easement shall be dedicated at the eastern most edge of the property.

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

PASSED AND ADOPTED this 1<sup>st</sup> day of June, 2006.

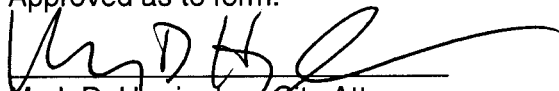
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

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

Approved as to form:

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



**Ordinance No. 06-31**

**AN ORDINANCE APPROVING THE SECOND AMENDED RECORD OF SURVEY  
CONDOMINIUM PLAT OF SNOW FLOWER CONDOMINIUMS**

WHEREAS, the owner of the property known as 401 Silver King Drive – Unit 72 Snow Flower Condominiums, has petitioned the City Council for an amended record of survey; and

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

WHEREAS, on May 24, 2006 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed record of survey amendment will acknowledge an interior loft area; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended record of survey to accurately reflect the existing condition of the unit.

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

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

1. The Planning Commission reviewed this application at their May 24, 2006 meeting. A public hearing was held, and the Commission voted to forward to the Council a positive recommendation to approve the application.
2. The condominium project known as Snow Flower is located at 401 Silver King Drive. The property is zoned Recreation Commercial.
3. Snow Flower Condominiums is an 82-unit project.
4. The record of survey (ROS) for Unit #72 does not accurately reflect the existing building configuration. A loft area exists that is not shown on the plat.
5. The applicant has received written permission from the Owners Association to pursue this application.
6. The amendment has gone before a written vote of the rest of the owners.
7. The consent of 66.66% or more of the Unit Owners is required under the Association's CC &Rs and this has been obtained.
8. If the record of survey is amended as requested, it will not affect on the amount of open space in the Snow Flower project.
9. The amended ROS will acknowledge that unit 72 is approximately 60 square feet larger than the existing plat indicates. This area is located in the loft area, with in the existing walls of the existing unit.
10. The new overall size of the unit will be 655 square feet, and increases the parking requirement by 0.5. There is no increase in the number of units.
11. Snow Flower has 168 total spaces available, and is required to provide only 148. A surplus of 20 parking spaces exists.
12. The increase in the parking requirement resulting from this application will not exceed the existing surplus.

13. An inspection has been conducted by Park City to verify the unit is compliant with the International Building Code and the Park City Land Management Code.

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

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

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

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

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

PASSED AND ADOPTED this 1<sup>st</sup> day of June, 2006.

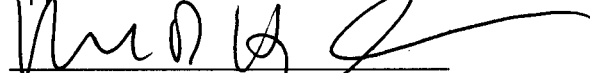
PARK CITY MUNICIPAL CORPORATION

  
Mayor Dana Williams

Attest

  
Janet M. Scott, City Recorder

Approved as to form:

  
Mark D. Harrington, City Attorney





SECTION 1.1: [Illegible text]

SECTION 1.2: [Illegible text]

SECTION 1.3: [Illegible text]

SECTION 1.4: [Illegible text]

SECTION 1.5: [Illegible text]

SECTION 1.6: [Illegible text]

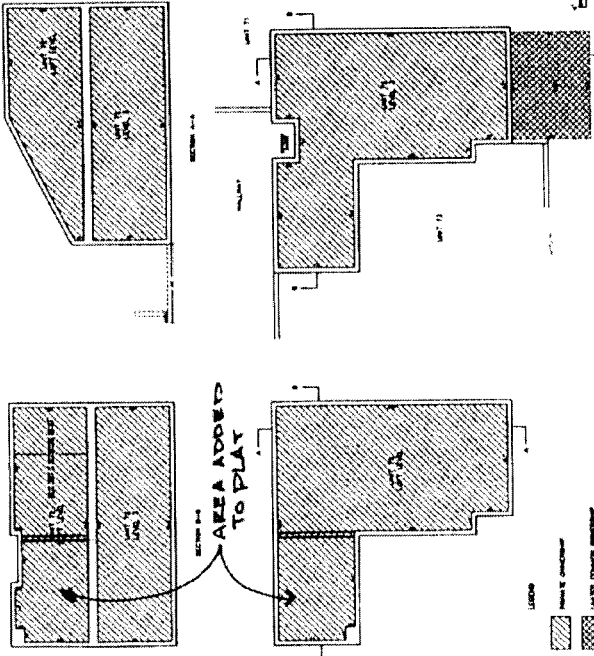
SECTION 1.7: [Illegible text]

SECTION 1.8: [Illegible text]

SECTION 1.9: [Illegible text]

SECTION 1.10: [Illegible text]

MAR 16 2006



SECOND AMENDED CONDOMINIUM PLAT OF  
**SNOW FLOWER CONDOMINIUMS**  
 PLAT OF THE COUNTY OF SUTTER, STATE OF CALIFORNIA  
 NUMBER 1, 2006, 12/15/06, 12/15/06, 12/15/06

<p>PLANNING COMMISSION</p> <p>APPROVAL AS TO FORM</p> <p>DATE: _____</p>	<p>ENGINEER'S CERTIFICATE</p> <p>APPROVAL AS TO PLAN</p> <p>DATE: _____</p>	<p>CERTIFICATE OF TITLE</p> <p>APPROVAL AS TO TITLE</p> <p>DATE: _____</p>	<p>CONTRACT APPROVAL FOR ACCEPTANCE</p> <p>DATE: _____</p>
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X / pages 12 / snowflower 2 plat



**Ordinance No. 06-30**

**AN ORDINANCE APPROVING A RECORD OF SURVEY PLAT FOR THE JUPITER INN CONDOMINIUMS, LOCATED AT 2260 PARK AVENUE, PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as Jupiter Inn Condominiums, has petitioned the City Council for approval of the record of survey; and

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

**WHEREAS**, on May 10, 2006 the Planning Commission held a public hearing to receive public input on the proposed record of survey and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, on May 25, 2006 the City Council held a public hearing on the proposed record of survey; and

**WHEREAS**, the proposed record of survey plat allows the property owner to create an 23 unit condominium project; and

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

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

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

1. The property is located in the Residential Density Medium (RDM) zone.
2. The purpose of the RDM zone is to allow the continuation of medium density residential and resort related housing in the newer areas of Park City.
3. The RDM zone is characterized by a mix of contemporary multi-unit condominium residences and single family homes.
4. On April 26, 2006 the Planning Commission approved a Master Planned Development application for the project.
5. The location and design of the proposed structures is consistent with the approved MPD site plan and design.
6. The property is located within the Frontage Protection Zone (FPZ).
7. The purpose of the FPZ is to provide a significant landscaped buffer between development and highway uses.
8. The applicant is proposing 23 units totaling 21,081 square feet of residential floor area.
9. No substantive changes to the exterior of either of the two buildings are proposed.
10. No additional units are created by this record of survey amendment.
11. The applicant stipulates to the conditions of approval.

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

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey, as conditioned.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The proposed record of survey plat is consistent with the approved 2260 Park Avenue MPD.

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

1. The City Attorney and City Engineer will review and approve the final form and content of the amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, as a condition subsequent to plat recordation.
2. The City Attorney will review and approve the final form of the Condominium Declaration and CCR's, as a condition subsequent to plat recordation.
3. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
4. All conditions of approval of the 2260 Park Avenue MPD continue to apply.


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

PASSED AND ADOPTED this 25<sup>th</sup> day of May 2006.

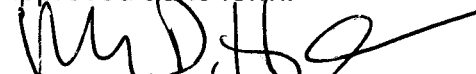
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

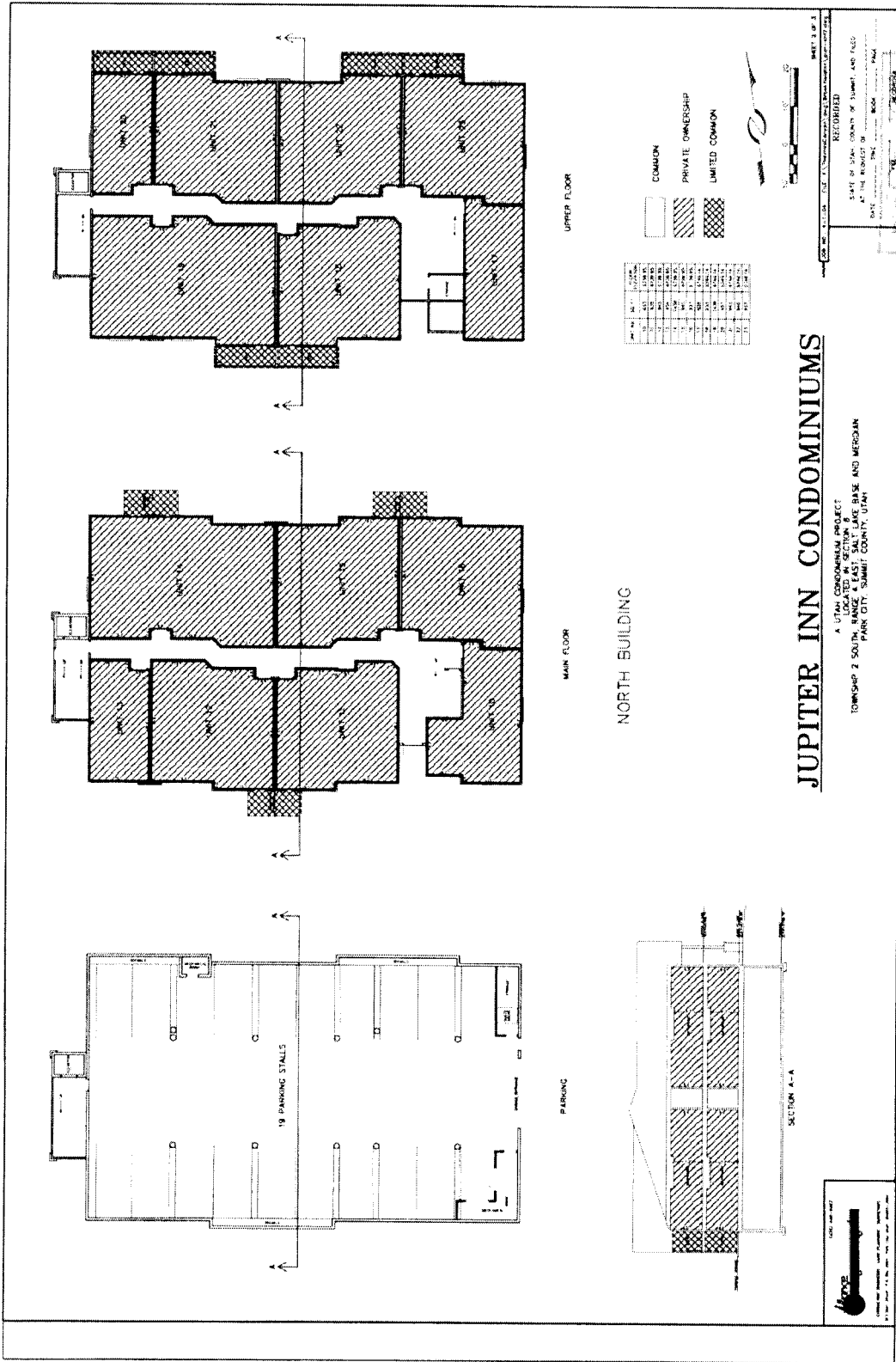
  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

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







UNIT NO.	OWNER	DATE	TYPE	STATUS
101	...	...	...	...
102	...	...	...	...
103	...	...	...	...
104	...	...	...	...
105	...	...	...	...
106	...	...	...	...
107	...	...	...	...
108	...	...	...	...
109	...	...	...	...
110	...	...	...	...
111	...	...	...	...
112	...	...	...	...
113	...	...	...	...
114	...	...	...	...
115	...	...	...	...
116	...	...	...	...
117	...	...	...	...
118	...	...	...	...
119	...	...	...	...
120	...	...	...	...

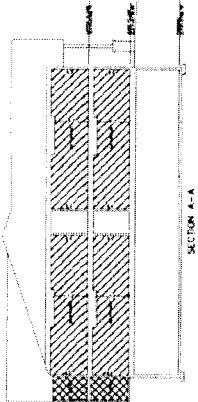
COMMON  
PRIVATE OWNERSHIP  
LIMITED COMMON

RECORDED  
STATE OF UTAH, COUNTY OF SUMMIT AND FILED  
AT THE REQUEST OF  
DATE: APR 10 2006  
BY: [Signature]  
BOOK: [Number]  
PAGE: [Number]

# JUPITER INN CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

APR 10 2006



UPPER FLOOR

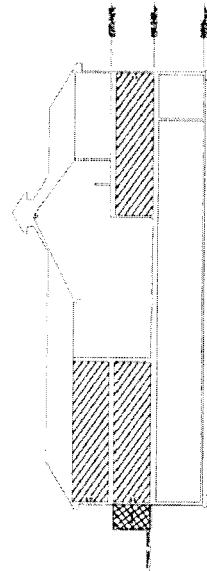
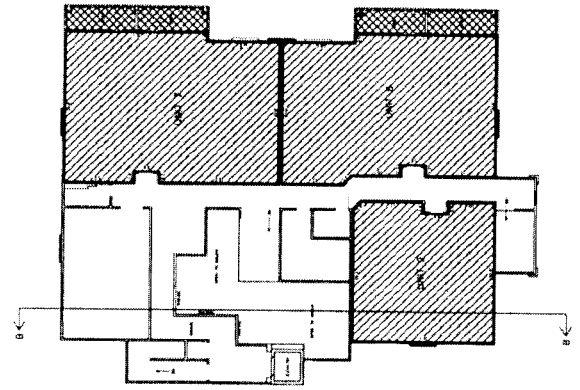
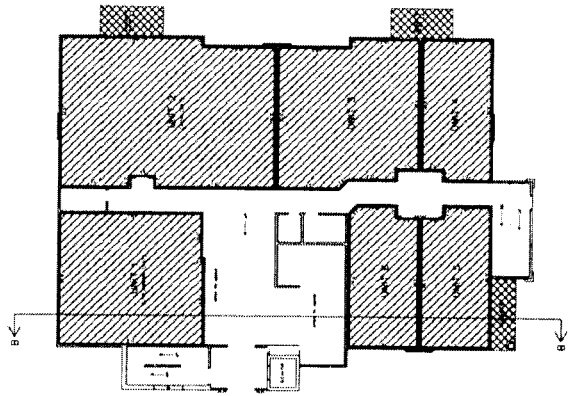
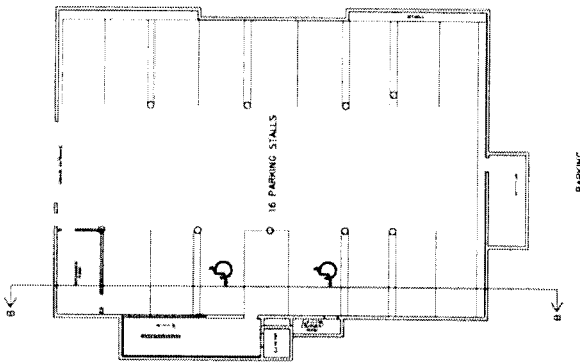
MAIN FLOOR

NORTH BUILDING

PARKING

19 PARKING STALLS

SECTION A-A



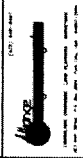
SOUTH BUILDING

NO.	AREA	AREA	AREA	AREA	AREA	AREA	AREA
1	UNIT 101	UNIT 102	UNIT 103	UNIT 104	UNIT 105	UNIT 106	UNIT 107
2	UNIT 201	UNIT 202	UNIT 203	UNIT 204	UNIT 205	UNIT 206	UNIT 207
3	UNIT 301	UNIT 302	UNIT 303	UNIT 304	UNIT 305	UNIT 306	UNIT 307
4	UNIT 401	UNIT 402	UNIT 403	UNIT 404	UNIT 405	UNIT 406	UNIT 407
5	UNIT 501	UNIT 502	UNIT 503	UNIT 504	UNIT 505	UNIT 506	UNIT 507
6	UNIT 601	UNIT 602	UNIT 603	UNIT 604	UNIT 605	UNIT 606	UNIT 607
7	UNIT 701	UNIT 702	UNIT 703	UNIT 704	UNIT 705	UNIT 706	UNIT 707
8	UNIT 801	UNIT 802	UNIT 803	UNIT 804	UNIT 805	UNIT 806	UNIT 807
9	UNIT 901	UNIT 902	UNIT 903	UNIT 904	UNIT 905	UNIT 906	UNIT 907
10	UNIT 1001	UNIT 1002	UNIT 1003	UNIT 1004	UNIT 1005	UNIT 1006	UNIT 1007
11	UNIT 1101	UNIT 1102	UNIT 1103	UNIT 1104	UNIT 1105	UNIT 1106	UNIT 1107
12	UNIT 1201	UNIT 1202	UNIT 1203	UNIT 1204	UNIT 1205	UNIT 1206	UNIT 1207
13	UNIT 1301	UNIT 1302	UNIT 1303	UNIT 1304	UNIT 1305	UNIT 1306	UNIT 1307
14	UNIT 1401	UNIT 1402	UNIT 1403	UNIT 1404	UNIT 1405	UNIT 1406	UNIT 1407
15	UNIT 1501	UNIT 1502	UNIT 1503	UNIT 1504	UNIT 1505	UNIT 1506	UNIT 1507
16	UNIT 1601	UNIT 1602	UNIT 1603	UNIT 1604	UNIT 1605	UNIT 1606	UNIT 1607
17	UNIT 1701	UNIT 1702	UNIT 1703	UNIT 1704	UNIT 1705	UNIT 1706	UNIT 1707
18	UNIT 1801	UNIT 1802	UNIT 1803	UNIT 1804	UNIT 1805	UNIT 1806	UNIT 1807
19	UNIT 1901	UNIT 1902	UNIT 1903	UNIT 1904	UNIT 1905	UNIT 1906	UNIT 1907
20	UNIT 2001	UNIT 2002	UNIT 2003	UNIT 2004	UNIT 2005	UNIT 2006	UNIT 2007

- COMMON
- PRIVATE OWNERSHIP
- LIMITED COMMON

### JUPITER INN CONDOMINIUMS

A UTILITY CONDOMINIUM PROJECT  
 LOCATED IN SECTION 8  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, CAL LAKE BASE AND MERIDIAN  
 PALM CITY, SOUTHERN COUNTY, FLORIDA



DATE OF PLAN: 04/10/2006  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 TITLE: ARCHITECT

APR 10 2006

Ordinance No. 06-29

**AN ORDINANCE APPROVING THE CREEKSIDE SUBDIVISION  
WHICH WILL CREATE A TWO LOT SUBDIVISION  
OUT OF A 8.45 ACRE METES AND BOUNDS PARCEL**

**WHEREAS**, Park City Municipal Corporation, owners of the 8.45 acre parcel, have petitioned the City Council for approval of a subdivision; and

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

**WHEREAS**, on April 26, 2006 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, the proposed subdivision allows the property owner to create a 2 lot subdivision; and

**WHEREAS**, lot 1 of the subdivision will be sold to the Park City Fire District in order that they build a new fire station providing better fire protection and emergency medical services in the northern portion of Park City; and

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

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

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

1. Park City Municipal Corporation filed a subdivision application for the Creekside Subdivision on November 1, 2005. That application was deemed complete on November 1, 2005. The Creekside Subdivision creates two lots of the metes and bounds parcel known as the Old Sewer Treatment Site. Lot 1 will be approx 1.74 acres. Lot 2 will be 6.71.
2. The City has agreed to sell Lot1 to the Park City Fire District in order for them to build a fire station. A finalized Real Estate Purchase Contract will be a condition of approval prior to recordation of the Plat.
3. The Parcel is zoned ROS. A fire station is a Public/Quasi Public Institution/ Essential Public Utility Use/Facility and is a Conditional Use in the zone. A concurrent application is being processed for the Conditional Use Permit.
4. Immediately to the west is Parkview condominiums, zoned RD; to the east is Holiday Ranchettes Subdivision, zoned SF; across the street to the north is Mcleod Creek Subdivision, also zoned SF.

5. Currently the City has a 2 year Conditional Use Permit for a dirt jump park at the rear of the site. The CUP expires after the 2006 summer season. Construction of a fire station on this site will not conflict with the dirt jump park.
6. Access is provided via a 50' wide road easement dedicated on the plat, located directly across from McLeod Creek Drive. This easement will include access and utility easements. The new road shall remain a private driveway for the Fire District. All maintenance of this road shall be the Fire District's responsibility. Should development occur at the rear of the lot it is anticipated that the City would accept a dedication of the easement as a public right-of-way and accept maintenance of it.
7. The City Engineer has determined that an intersection alignment opposite Creek Drive is the best alternative location for a driveway to Lots 1 and 2 of the Creekside Subdivision.
8. All utilities necessary for development on the site are currently located adjacent to the site. A line extension agreement with SBWRD is necessary to complete sewer service.
9. So as not to preclude future development on Lot 2 a preliminary civil plan has been developed that will extend utilities at the rear edge of this new driveway during construction of the Fire Station. At this time the City has not programmed any specific land use or project for Lot 2. The City's strategic plan for City-owned parcels, adopted by resolution on September 22, 2005, identifies this location as a possible site for the following land uses: Fire Station, Park, Water Treatment Plant and infrastructure, Affordable Housing, or a Public works expansion.
10. The lot arrangement, building site, square footage, lot dimension, access, and road design are consistent with the Land Management Code, Section 15.7.3-3: Subdivisions—General Lot Design Requirements.
11. Water downstream from the Mount Air Headgates currently runs through the site. The site survey indicates a further diversion of one of the site water sources, Thiriot Spring Creek which enters the parcel at the southern edge of the property, approximately 137' west of the easterly property line. Based on the State's 1920's Hydroplat, the easterly split is known as the Bates Snyder & Dorrity Ditch (Dorrity Ditch), approximately 240' of which is located within a culvert.
12. The westerly split is identified by the Hydroplat as a portion of East Canyon Creek. Staff finds that the original development on the lot of the old water treatment plant has diverted this platted portion of East Canyon Creek to the west into what is now known as McLeod Creek (tributary to East Canyon Creek), which runs south to north along the westerly boundary of the lot. Staff finds that this westerly split is a ditch that collects overflow and leakage from the Dorrity Ditch and McLeod Creek. Within Lot 1 this ditch will be put in a culvert. This culvert in Lot 1 would not disturb any existing water conveyance. There is an existing Stream Alteration Permit for East Canyon Creek that would allow construction in this area provided existing conveyance of any water is not disturbed.
13. A Wetland Delineation for the site was accepted by The US Army Corps of Engineers on October 4, 2002. It identifies 1.8 acres of waters that are tributary to McCleod Creek, and .05 acres that is the result of an irrigation diversion. The

site plan that is attached (Exhibit C) is the preferred alternative of the Corps of Engineers. Wise Earth Wetlands/Soil Consultants have prepared a Mitigation Plan for Wetland Impacts that was permitted by the Army Corps on April 18, 2006. The Mitigation Plan from that permit is attached as Exhibit D.

14. The State Division of Drinking Water identifies Well Head Source Protection Zones. Zone 1 is a 100' radius from any wellhead. Zone 2 is a 300' radius from any wellhead. State requirements prohibit construction within the wellhead protection zones without a special exception permit. Development of the road for the fire station will occur within the Zone 1 Source Protection Zone for the City's Divide and Park Meadows Wells. Development of the fire station building will occur within Zone 2. If special construction precautions are met, the State Division of Drinking water can issue a special exception permit to allow construction in the Source Protection Zones. Preliminary construction documents and utility plans have been designed to meet these standards. The City's water department has applied to the State for a Special Exception Permit.

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

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

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

1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. A finalized Real Estate Purchase Contract will be a condition of approval prior to recordation of the Plat.
3. All maintenance of the road including upkeep, snow removal, etc. will be the Fire District's responsibility, until such time that all development and infrastructure on Lot 2 is completed and accepted by the City. The road shall be built to City specifications (30' asphalt width, 7" asphalt depth, and 21" of road base).
4. Confirmation from the State Engineer's office that this project will not alter conveyance of any water in this location shall occur prior to issuance of any building permit.
5. If recordation of this subdivision plat has not occurred within one year's time from the date of City Council approval, this approval and the plat will be void.
6. A line extension agreement with SBWRD is necessary prior to plat recordation.
7. Issuance of a special exception permit from the State Division of Drinking water is required for construction in the well head protection zones prior to issuance of any building permits.



8. A financial guarantee for public improvements in an amount approved by the City Engineer in a form approved by the City Attorney must be in place prior to recordation of the plat.
9. A plat note shall be added recognizing the wetlands and Sensitive Lands Overlay regulations

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

PARK CITY MUNICIPAL CORPORATION

*Dana Williams*

Mayor Dana Williams

Attest:

*Janet M. Scott*

Janet M. Scott, City Recorder

Approved as to form:

*Polly S. McLean*

Polly Samuels McLean, Assistant City Attorney



PRELIMINARY PLAT

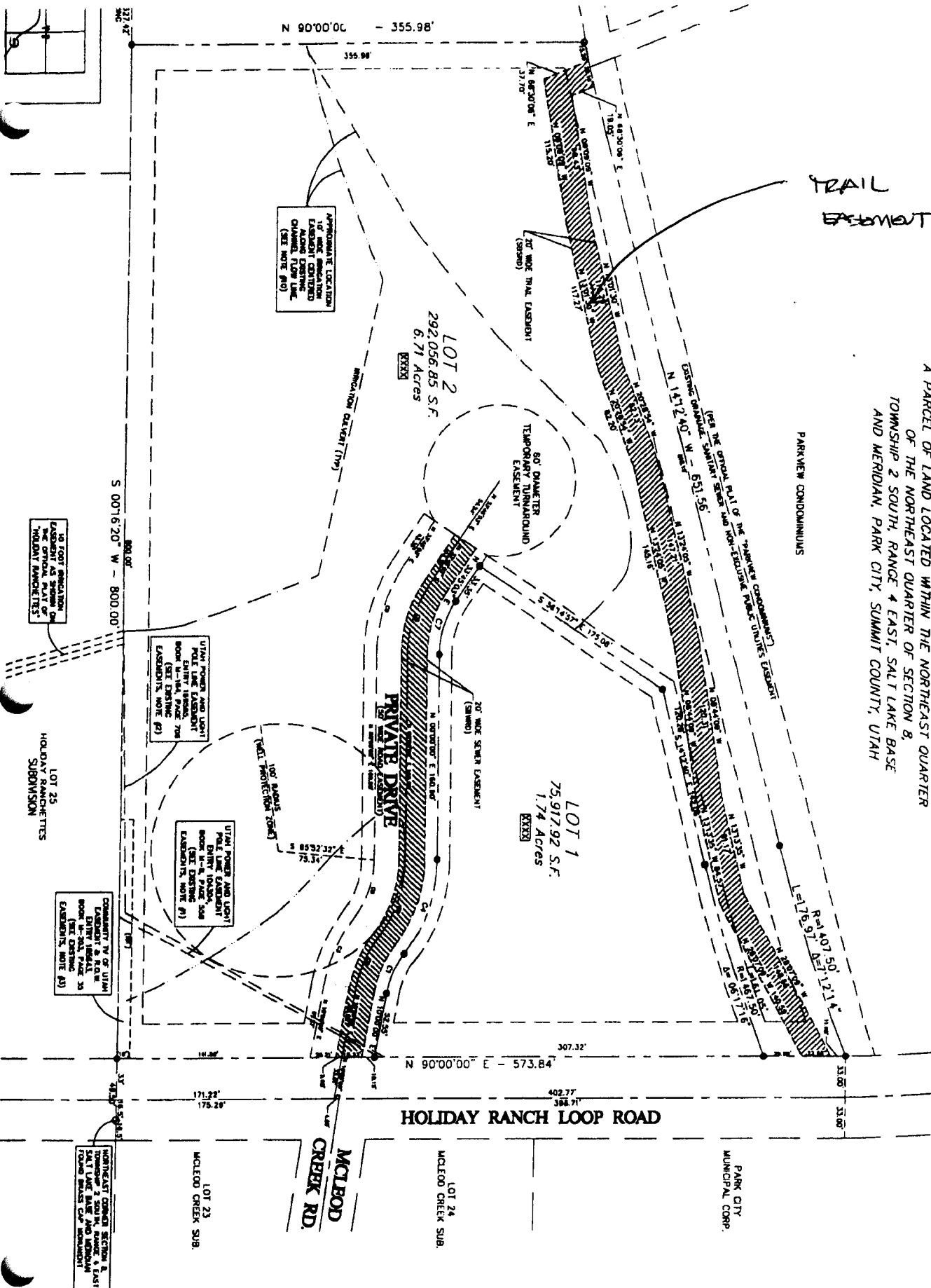
- A 2 LOT SUBDIVISION -

# SUBDIVISION

A PARCEL OF LAND LOCATED WITHIN THE NORTHEAST QUARTER  
OF THE NORTHEAST QUARTER OF SECTION 8,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE  
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PARKVIEW CONDOMINIUMS

TRAIL  
EASEMENT



## Ex. 30 - SUBDIVISION

**Ordinance No. 06-28**

**AN ORDINANCE APPROVING A STREET VACATION AND PLAT AMENDMENT FOR THE CHRISTIANS REPLAT DESCRIBED AS LOTS 28-30 AND A PORTION OF LOT 27 OF BLOCK 72 OF THE PARK CITY SURVEY, ALSO KNOWN AS 130 SANDRIDGE AVENUE PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 130 Sandridge Avenue, has petitioned the City Council for approval of a Plat Amendment; and

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

**WHEREAS**, on March 22, 2006 the Planning Commission held a public hearing on the proposed Plat Amendment and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, on May 18, 2006 the City Council held a public hearing on the proposed Plat Amendment; and

**WHEREAS**, the proposed Plat Amendment allows the property owner to combine three lots and a portion of one other into one lot of record; and

**WHEREAS**, it is in the best interest of Park City Utah to approve the Plat Amendment.

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

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

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The applicant is the owner of lots 28-30 and a portion of Lot 27 of Block 72 of the Park City Survey.
4. There is an existing historic single family home on the property that encroaches onto platted Chambers Street.
5. There is an existing detached garage on the property that encroaches onto the City owned Sandridge parking lot.
6. Existing Sandridge Avenue bisects the property between the single family home and the garage (outside of the platted r-o-w).
7. There is an existing City water line under existing Sandridge Avenue. The applicant is proposing that the City vacate the section of platted Chambers Street encroached upon by the existing home in exchange for a right-of-way dedication of existing Sandridge Avenue.

8. The applicant is proposing no increase in the density currently allowed on the property by the HR-1 zone regulations.
9. The plat amendment would create a lot of approximately 3,699 square feet, and a possible building footprint of 1,381 square feet at 147 Ridge Avenue.
10. Calculations for the building footprint are based on the existing platted lots not including the proposed vacation property.
11. The HR-1 zone requires a minimum lot size of 1,875 square feet.
12. This plat amendment enables an exchange of property between the City and the applicant that would compensate the City for the loss of square footage by conveying the prescriptive Sandridge Avenue r-o-w.
13. As proposed, the applicant would receive approximately 2,149 square feet of platted Chambers Street in exchange for 1,541 square feet of the platted lots between the Sandridge parking lots and the single family home. Part of the vacated area is beyond the center line, but the City is the adjacent owner.
14. The 1984 Streets Master Plan lists the platted Chambers Street r-o-w as "excess R-O-W" meaning it is not of significant value to the City.
15. The proposed Sandridge Avenue R-O-W would range from 26.55 feet in width to 16.01 feet with approximately 11 feet of pavement running through it.
16. The City Engineer has reviewed the proposed vacation, and found that the unique circumstance of the historic building encroachments into the existing r-o-w, and the continued accessibility to adjacent properties the reduced r-o-w configuration is appropriate for the property.
17. The vacation will continue to provide access to property owners farther to the north and south on Sandridge Avenue.

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

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

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

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

3. A note shall be added to the plat establishing the maximum footprint for 130 Sandridge Avenue at 1,381 square feet.
4. An easement shall be dedicated allowing the owner of the property to use, and maintain the existing garage in perpetuity as long as it is in existence. If the garage is removed from the property, the easement will no longer be in effect.
5. The City shall execute a quit claim deed for the vacated area beyond the center line of the r-o-w.

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

PASSED AND ADOPTED this 18<sup>th</sup> day of May 2006.

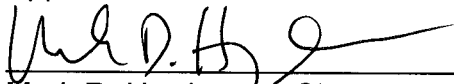
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

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

Approved as to form:

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



SECTION 1: INTRODUCTION

The purpose of this report is to provide a detailed description of the proposed development and to ensure that all necessary conditions are met for the issuance of a building permit.

SECTION 2: SITE DESCRIPTION

The site is located at the intersection of [Street Name] and [Street Name]. The total area of the site is approximately [Area] square feet. The site is currently zoned [Zoning Code].

SECTION 3: EXISTING CONDITIONS

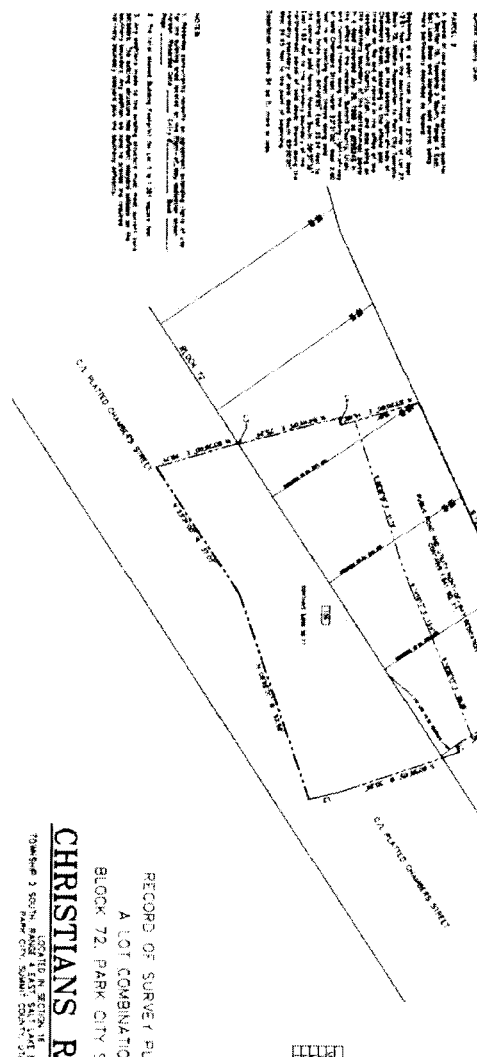
The existing conditions on the site include [Description of Existing Conditions]. The site is currently vacant and has no existing structures or utilities.

SECTION 4: PROPOSED DEVELOPMENT

The proposed development consists of [Description of Proposed Development]. The development includes [List of Features].

SECTION 5: CONCLUSIONS

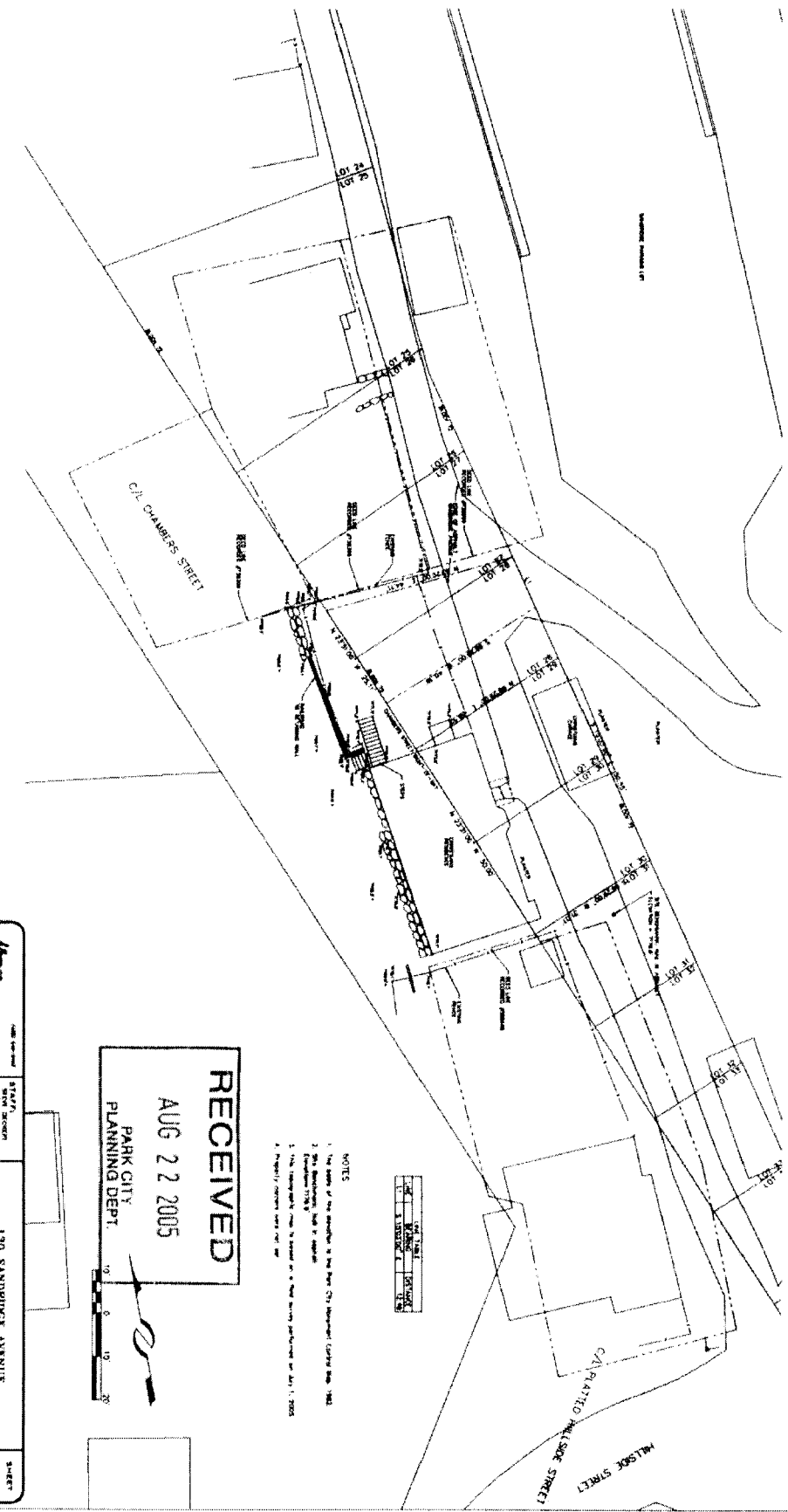
Based on the information provided, the proposed development is in compliance with all applicable codes and regulations. It is recommended that a building permit be issued for the proposed development.



RECORD OF SURVEY PLAT OF  
 A LOT COMBINATION  
 BLOCK 72, PARK CITY SURVEY  
**CHRISTIANS REPLAT**  
 LOCATED IN SECTION 16  
 TOWNSHIP 3 SOUTH, RANGE 68 EAST AND MERION  
 PLATS 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

RECEIVED  
 MAR 14 2006  
 PARK CITY  
 PLANNING DEPT.

SUBMITTED BY: [Name] PROJECT: [Project Name] DATE: [Date]	ENGINEER'S CERTIFICATE I, the undersigned, being a duly Licensed Professional Engineer in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original as shown to me.	APPROVAL AS TO PLAN I, the undersigned, being a duly Licensed Professional Engineer in the State of Utah, do hereby approve the foregoing as to plan.	CERTIFICATE OF ATTEST I, the undersigned, being a duly Licensed Professional Engineer in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original as shown to me.	COUNCIL APPROVAL AND ACCEPTANCE I, the undersigned, being a duly Licensed Professional Engineer in the State of Utah, do hereby approve the foregoing as to plan.	FILED IN: [File Number] DATE: [Date]
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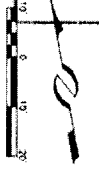
STATE OF UTAH  
 COUNTY OF KANE  
 CITY OF PARK CITY

NOTE: A. Reference to the original plat, map, or other record of the same shall be made in the original plat, map, or other record of the same. B. The original plat, map, or other record of the same shall be kept in the office of the City Clerk of the City of Park City, Utah, and shall be open to the inspection of all persons at all times. C. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. D. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. E. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. F. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. G. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. H. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. I. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. J. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. K. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. L. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. M. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. N. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. O. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. P. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. Q. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. R. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. S. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. T. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. U. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. V. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. W. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. X. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. Y. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same. Z. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same.

- NOTES
1. The name of the applicant is the Park City Improvement District No. 100.
  2. The boundaries, map or other record of the same shall be kept in the office of the City Clerk of the City of Park City, Utah, and shall be open to the inspection of all persons at all times.
  3. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same.
  4. The original plat, map, or other record of the same shall be subject to the provisions of the laws of the State of Utah relating to the same.

100'	50'	25'
1:1000	1:500	1:250

**RECEIVED**  
 AUG 22 2005  
 PARK CITY  
 PLANNING DEPT.



**Ordinance No. 06-27**

**AN ORDINANCE APPROVING THE 1135 PARK AVENUE REPLAT COMBINING LOT 9 AND PORTIONS OF LOTS 8 AND 10 OF BLOCK 5, OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 1135 Park Avenue, has petitioned the City Council for approval of a Subdivision; and

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

**WHEREAS**, on April 26, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, on May 18, 2006 the City Council held a public hearing on the proposed subdivision; and

**WHEREAS**, the proposed plat amendment allows the property owner to combine one lot and portions of two others into one lot of record; and

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

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

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

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will combine one lot and portions of two others into one lot of record.
4. There is an existing historic single family home on the property.
5. Access to the property is from Park Avenue.
6. The proposed lot measures 39.5' x 75'.
7. The proposed lot is 2,962 square feet in size.
8. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
9. The maximum building footprint for the proposed lot is 1,253 square feet.
10. The maximum height limit in the HR-1 zone is 27 feet above existing grade.
11. Setbacks for the lot are 5' on the sides, and 10' in the front and rear.
12. The applicant has submitted a CUP application for a reduction in the side yard setbacks from 5' to 3' pursuant to LMC Section 15-2.2-4(A).
13. Minimal construction staging area is available along Park Avenue.
14. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

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

1. There is good cause for this plat amendment.



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

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

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. Prior to the receipt of a building permit, the applicant shall submit a plan for flood protection that will be reviewed by the Building Department. A flood elevation certificate is required.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. A ten-foot-wide public snow storage easement shall be dedicated along the Park Avenue frontage of the lot.
6. No remnant lots are separately developable.

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

PASSED AND ADOPTED this 18<sup>th</sup> day of May 2006.


PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

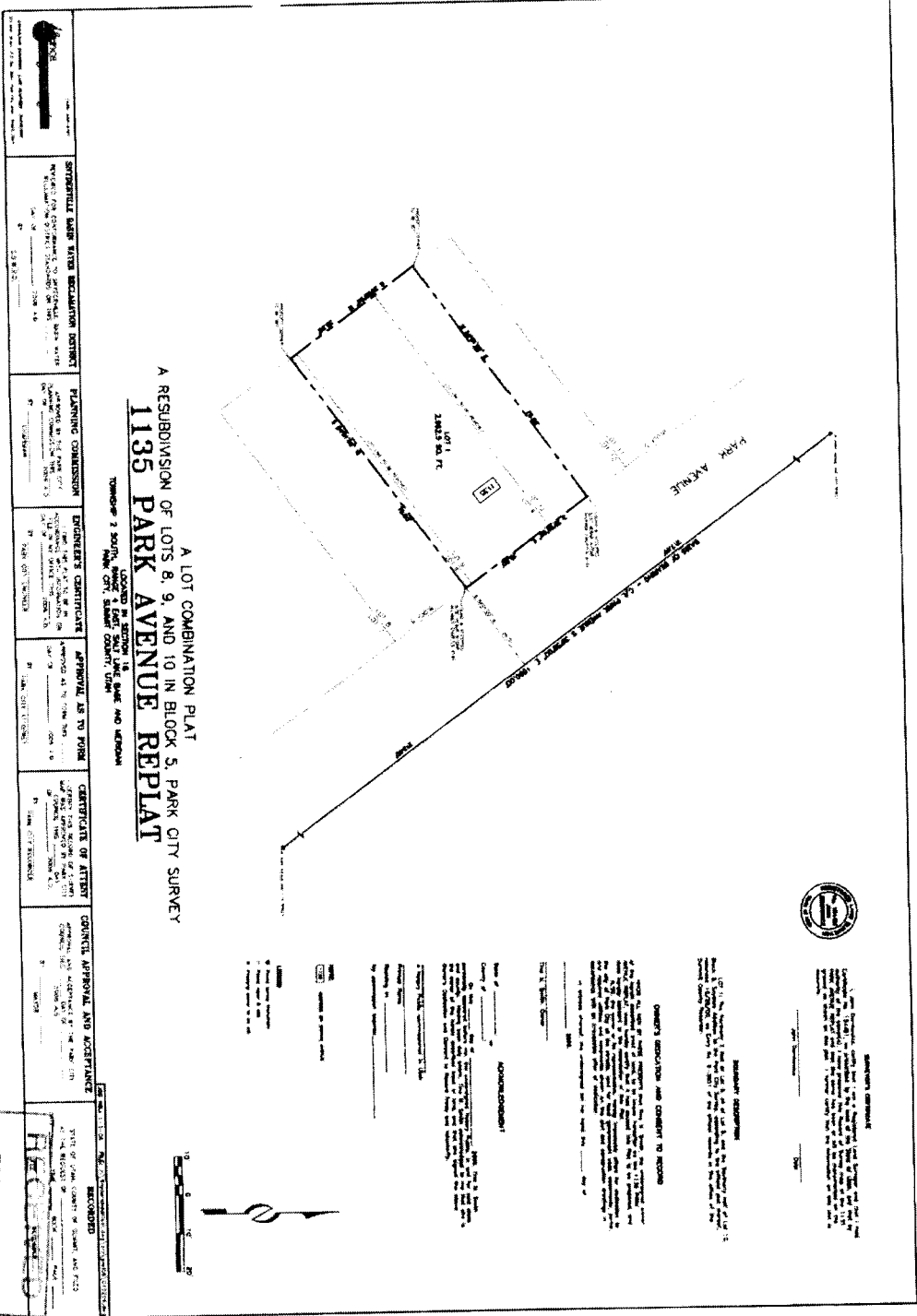
Attest:

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

Approved as to form:

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





**A LOT COMBINATION PLAT**  
**A RESUBDIVISION OF LOTS 8, 9, AND 10 IN BLOCK 5, PARK CITY SURVEY**  
**1135 PARK AVENUE REPLAT**

LOTS 8, 9, AND 10, SECTION 18,  
 TOWNSHIP 2 SOUTH, RANGE 2 EAST, CO. 10 WEST,  
 PARK CITY, SALT LAKE COUNTY, UTAH



I, the undersigned, being a duly Licensed Professional Engineer in the State of Utah, do hereby certify that the above is a true and correct copy of the original as filed in my office.

My Commission Expires: \_\_\_\_\_

**COMMENTS AND CONSENT TO RECORD**

This plat is a replat of the original lot combination plat for Lots 8, 9, and 10 in Block 5, Park City Survey, which was recorded in the County Clerk's Office of Salt Lake County, Utah, on \_\_\_\_\_, 2006. The original plat was recorded under the name of \_\_\_\_\_, and the original plat number was \_\_\_\_\_. The original plat was recorded under the name of \_\_\_\_\_, and the original plat number was \_\_\_\_\_. The original plat was recorded under the name of \_\_\_\_\_, and the original plat number was \_\_\_\_\_.

**ACKNOWLEDGMENT**

I, \_\_\_\_\_, the owner of the above described property, do hereby acknowledge that I have read and understand the contents of the above plat, and that I consent to the recording of the same.



<b>APPROVED</b> CITY CLERK OFFICE OF THE CITY CLERK 100 WEST CENTER STREET, SUITE 200 PARK CITY, UTAH 84301	<b>APPROVED</b> CITY CLERK OFFICE OF THE CITY CLERK 100 WEST CENTER STREET, SUITE 200 PARK CITY, UTAH 84301	<b>APPROVED</b> CITY CLERK OFFICE OF THE CITY CLERK 100 WEST CENTER STREET, SUITE 200 PARK CITY, UTAH 84301	<b>APPROVED</b> CITY CLERK OFFICE OF THE CITY CLERK 100 WEST CENTER STREET, SUITE 200 PARK CITY, UTAH 84301	<b>APPROVED</b> CITY CLERK OFFICE OF THE CITY CLERK 100 WEST CENTER STREET, SUITE 200 PARK CITY, UTAH 84301	<b>APPROVED</b> CITY CLERK OFFICE OF THE CITY CLERK 100 WEST CENTER STREET, SUITE 200 PARK CITY, UTAH 84301
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FEB 27 2006  
 PARK CITY  
 PLANNING DEPT.

**Ordinance No. 06-26**

**AN ORDINANCE APPROVING THE EMPIRE PARK SUBDIVISION (LOTS 1, 2, 3, 4, 5, 6, 43, and 44 OF BLOCK 18 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, LOCATED AT 1201 NORFOLK AVENUE PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 1201 Norfolk Avenue, has petitioned the City Council for approval of a Subdivision; and

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

**WHEREAS**, on April 26, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, on May 4, 2006 the City Council held a public hearing on the proposed subdivision; and

**WHEREAS**, the proposed Subdivision allows the property owner to establish four (4) lots of record; and

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

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

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

- 1) The property is within the RC zoning district.
- 2) The applicant owns Lot 1, 2, 3, 4, 5, 6, 39, 40, 41, 42, 43, and 44 of Block 18 of Snyder's Addition to the Park City Survey.
- 3) This plat amendment is with regard to Lots 1 through 6 of Block 18 of the Snyder's Addition to the Park City Survey.
- 4) The applicant is proposing to remove the lot lines between Lot 1 and Lot 2, Lot 2 and Lot 3, Lot 3 and Lot 4, Lot 4 and Lot 5, and Lot 5 and 6, Lot 44 and Lot 43 of Block 18, Snyder's Addition to the Park City Survey.
- 5) The applicant is proposing to create the Empire Park Subdivision which includes Lot A, B, C and D.
- 6) Lot A measures sixty two point five (62.5) feet along Norfolk Avenue and fifty (50) feet along Empire Avenue.
- 7) Lot A has a lot depth of one hundred and fifty (150) feet and a total area of eight thousand four hundred thirty seven (8,437.5) square feet.
- 8) Lot B and C measure twenty five (25) feet by seventy five (75) feet with total areas of eighteen hundred and seventy five (1875) square feet each.
- 9) Lot D measures thirty seven and a half (37.5) feet for a total area of two thousand eight hundred and twelve (2812) square feet.
- 10) All proposed lots meet the minimum lot size standards identified in the RC zoning district.
- 11) The resulting side yard setback between the existing structures on the proposed Lot A and Lot B is approximately twelve (12) feet.

- 12) Existing structures comply with the setback requirements of the RC zoning district.
- 13) Planning Commission forwarded a positive recommendation to City Council at the April 26, 2006 Planning Commission meeting.
- 14) All discussion within the Analysis section is incorporated herein.

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

- 1) There is good cause for this plat amendment.
- 2) Neither the public nor any person will be materially injured by the proposed plat amendment as there are no significant impacts associated with this proposal.
- 3) As conditioned the plat amendment is consistent with the Park City General Plan and Land Management Code, specifically as it relates to Land Use (Chapter V).

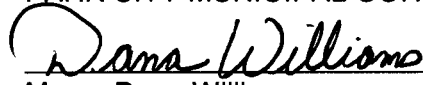
**SECTION 3. CONDITIONS OF APPROVAL.** The City Council hereby adopts the following Conditions of Approval:

- 1) The City Attorney and City Engineer will review and approve of the final form and content of the plat for compliance with the Land Management Code and conditions of approval are a condition precedent to recording the plat.
- 2) No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
- 3) The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
- 4) A financial guarantee for public improvements shall be satisfactorily in place prior to plat recordation, in an amount to be approved by the City Engineer and in a form to be approved by the City Attorney.
- 6) Fire protection deemed satisfactory by the Fire Chief is required prior to the issuance of building permits on Lots A, B, C, and D.

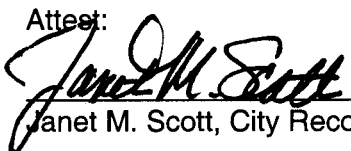
**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

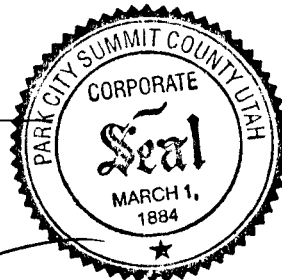
PASSED AND ADOPTED this 4<sup>th</sup> day of May, 2006.

PARK CITY MUNICIPAL CORPORATION

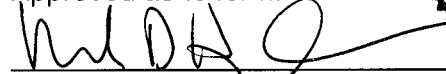
  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

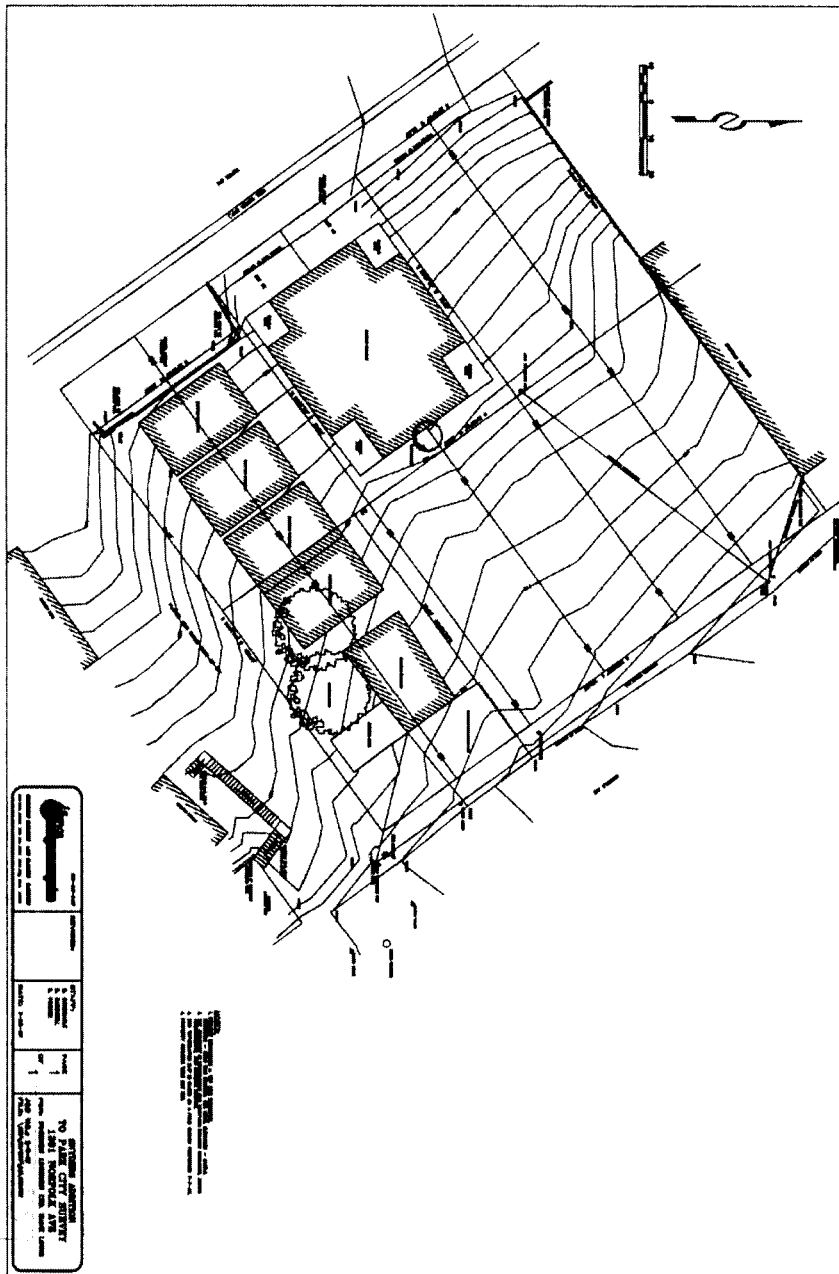
  
\_\_\_\_\_  
Janet M. Scott, City Recorder



Approved as to form:

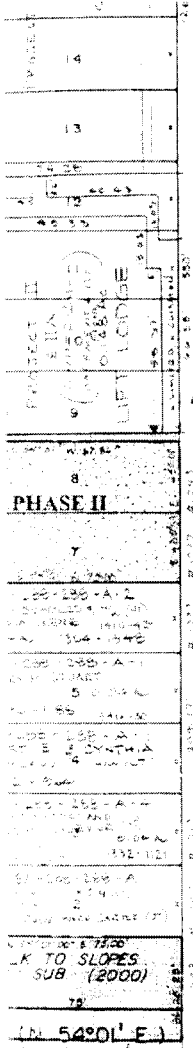
  
\_\_\_\_\_  
Mark D. Harrington, City Attorney

A:

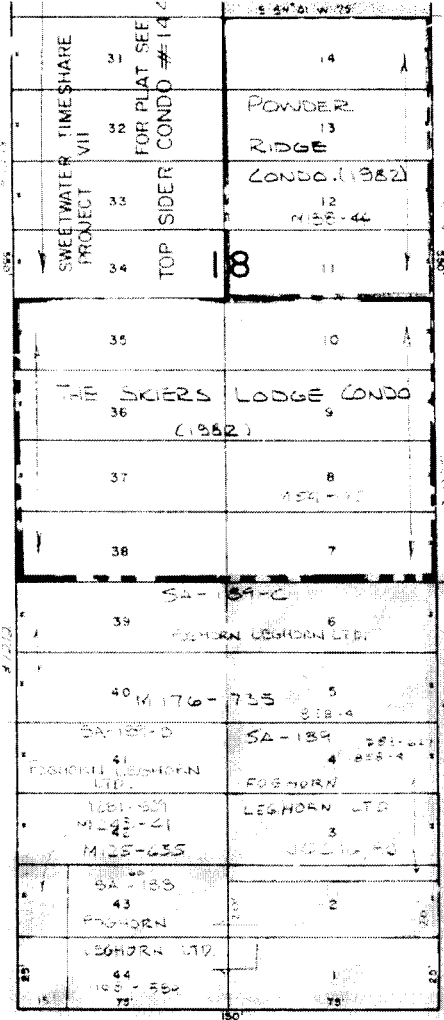




C:



EMPIRE AVENUE (N 35°59' W)



NORFOLK AVENUE (N 35°59' W)

T COUNTY, UTAH

SCALE  
ONE INCH 40 FEET  
BOOK PAGE

**Ordinance No. 06-25**

**AN ORDINANCE APPROVING A RECORD OF SURVEY PLAT FOR THE PARKWOOD PLACE CONDOMINIUMS, LOCATED AT 801-817 PARK AVENUE, PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as the Parkwood Place Condominiums, has petitioned the City Council for approval of the record of survey; and

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

**WHEREAS**, on April 26, 2006 the Planning Commission held a public hearing to receive public input on the proposed amended record of survey and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, on May 4, 2006 the City Council held a public hearing on the proposed amended record of survey; and

**WHEREAS**, the proposed record of survey plat allows the property owner to create an 8 unit condominium project; and

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

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

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

1. The property is located in the Historic Residential Commercial (HRC) and Historic Residential (HR-1) zones.
2. The HRC zone provides a transition in use and scale between the Commercial uses in the Historic Commercial Business zone and the HR-1 zone.
3. The HR-1 zone is characterized by a mix of contemporary residences and small historic homes.
4. The applicant is proposing an 8 unit development on a parcel 175' wide and ranging from 129' to 138' deep. Four units are proposed as commercial / residential facing Park Avenue in the HRC zone and four units are proposed as residential in the HR-1 zone.
5. The entire site is approximately 23,043 square feet in size.
6. On May 11, 2005 the Planning Commission approved a Master Planned Development application for the project.
7. On December 14, 2005, the Planning Commission approved a development agreement for the property.
8. The location and design of the proposed structures is consistent with the approved MPD site plan and design.
9. No additional units are created by this record of survey amendment.
10. The applicant stipulates to the conditions of approval.

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



1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey, as conditioned.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The proposed record of survey plat is consistent with the approved 801-817 Park Avenue MPD Development Agreement.

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

1. The City Attorney and City Engineer will review and approve the final form and content of the amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, as a condition subsequent to plat recordation.
2. The City Attorney will review and approve the final form of the Condominium Declaration and CCR's, as a condition subsequent to plat recordation.
3. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
4. All conditions of approval of the 801-817 Park Avenue MPD continue to apply.

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

PASSED AND ADOPTED this 4<sup>th</sup> day of May 2006.

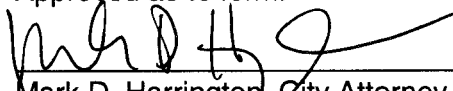
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

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

Approved as to form:

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



# PARKWOOD PLACE CONDOMINIUM

## AN EXPANDABLE CONDOMINIUM PROJECT

(CONTAINING A RESERVING CERTIFICATE, CONDOMINIUM PLAN AND SURVEY MAP OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 1 EAST, COUNTY OF ALER, AND AERIAL PHOTO, PLAN D-77, SHARED DRIVE, 2006)

**Evergreen Engineering, Inc.**  
1100 Evergreen Parkway, Suite 100, Grand Rapids, MI 49508  
Tel: 616.276.1234 Fax: 616.276.1235  
www.evergreen-engineering.com

**CITY ENGINEER**  
THIS PLAN IS IN CONFORMANCE WITH INFORMATION CONTAINED IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON 03/20/06  
DATE OF: 03/20/06

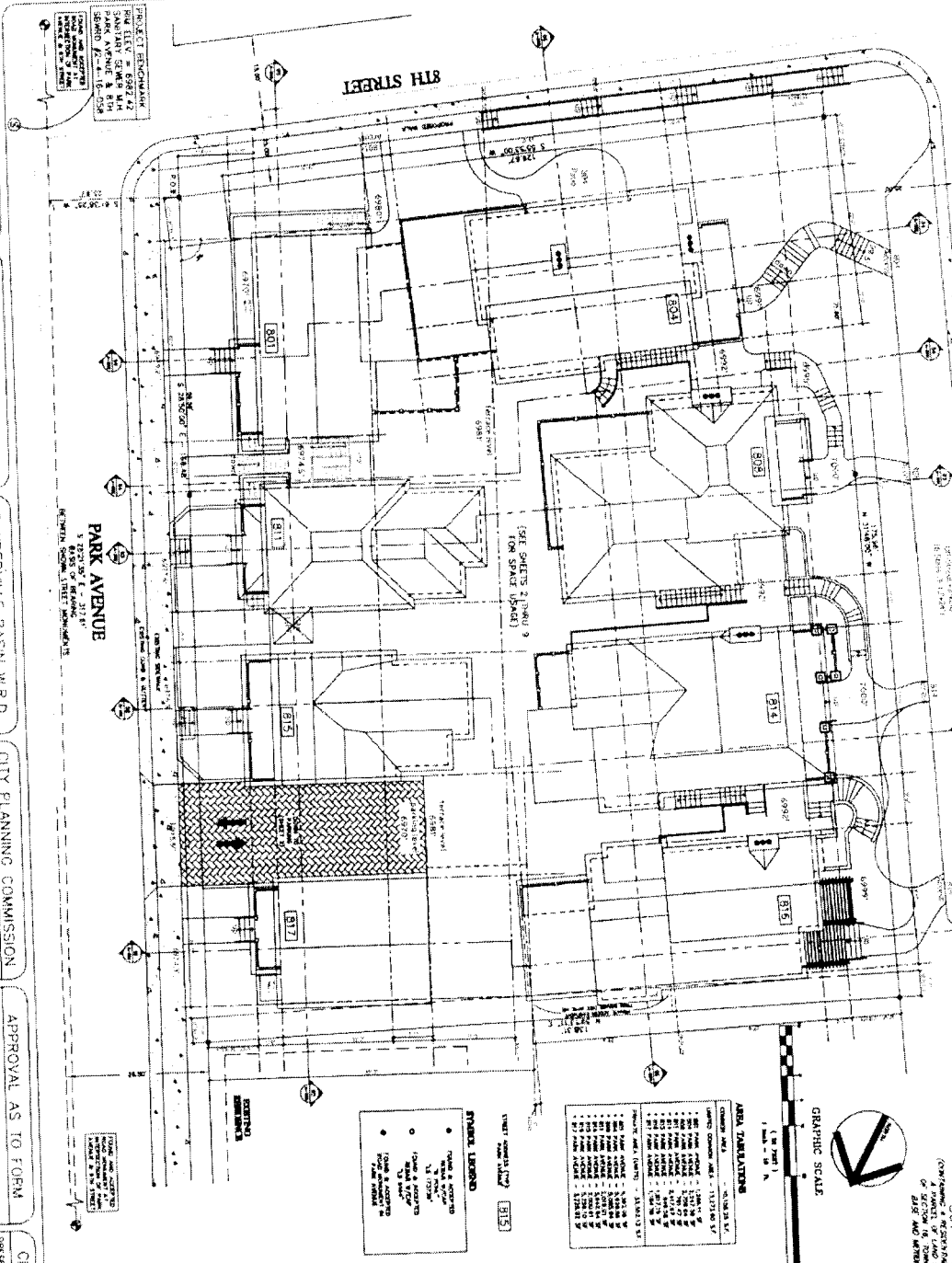
**SHADERVILLE BASIN W.P.D.**  
RECORDED FROM CONFORMANCE TO RECORDING STANDARDS ON THIS DAY OF 03/20/06  
BY: SHADERVILLE BASIN WATER

**CITY PLANNING COMMISSION**  
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION AND 2006  
DATE OF: 03/20/06

**APPROVAL AS TO FORM**  
APPROVED AS TO FORM ON THIS DATE OF 03/20/06  
CITY ATTORNEY

**CITY COUNCIL APPROVAL**  
PRESENTED TO THE BOARD OF CITY OF GRAND RAPIDS, MI A.D. 2006 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED  
DATE OF: 03/20/06  
CITY RECORDER

**STATE OF MICHIGAN**  
COUNTY OF GRAND RAPIDS  
RECORDED



**AREA TABULATIONS**

DESCRIPTION	AREA (SQ. FT.)
UNIT 801	1,100.00
UNIT 811	1,200.00
UNIT 813	1,150.00
UNIT 814	1,180.00
UNIT 815	1,220.00
UNIT 817	1,170.00
COMMON AREAS	1,500.00
TOTAL	10,520.00

**FINISH SCHEDULE**

ITEM	FINISH
FLOOR	CONCRETE
CEILING	AC
WALL	PANEL
DOOR	WOOD
WINDOW	ALUMINUM
STAIR	WOOD
ELEVATOR	WOOD

**NOTES**

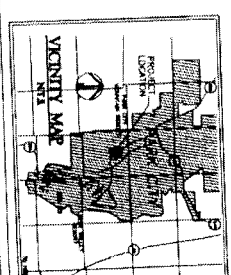
- SEE EXHIBIT A FOR THE PROJECT'S LOCATION AND BOUNDARIES.
- THIS PLAN IS SUBJECT TO THE CITY OF GRAND RAPIDS' ZONING ORDINANCES AND REGULATIONS.
- THE PROJECT IS SUBJECT TO THE CITY OF GRAND RAPIDS' CONDOMINIUM ACT.
- THE PROJECT IS SUBJECT TO THE CITY OF GRAND RAPIDS' PLANNING COMMISSION APPROVAL.
- THE PROJECT IS SUBJECT TO THE CITY OF GRAND RAPIDS' CITY COUNCIL APPROVAL.

**CONDOMINIUM RESERVING CERTIFICATE**

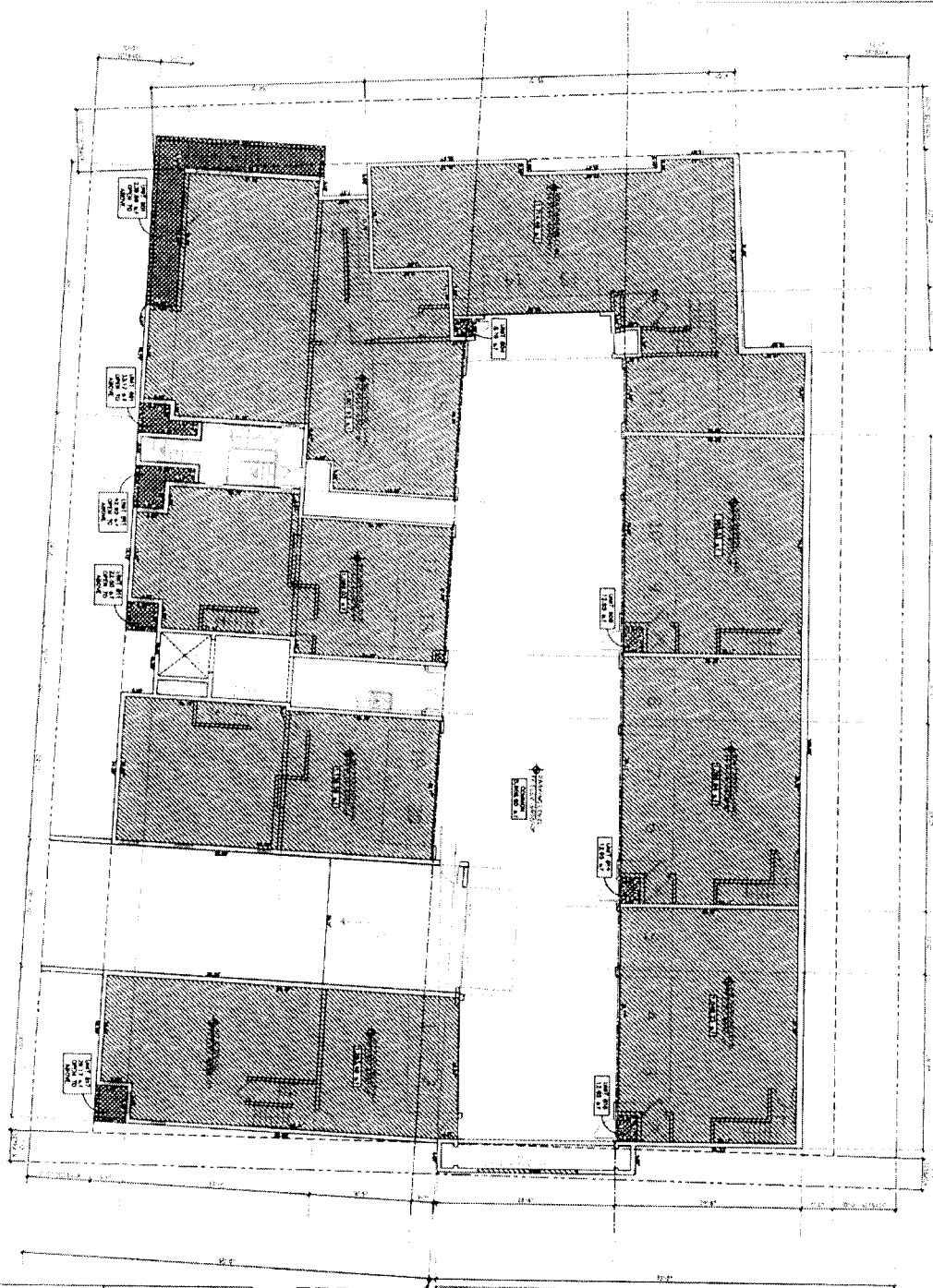
I, the undersigned, do hereby certify that the attached plan and survey map of Section 16, Township 2 South, Range 1 East, County of Aler, Michigan, show the boundaries and areas of the units and common areas of the Parkwood Place Condominium Project, and that the same are in compliance with the provisions of the Condominium Act of the State of Michigan.

DATED: 03/20/06

SIGNED: [Signature]



**PROJECT BENCHMARKS**  
BENCH MARK: 6987.12  
CORNERS: 6987.12, 6987.12  
ELEVATION: 100.00  
DATE: 03/20/06



**HATCHING LEGEND**

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

**AREA TABULATIONS**

AREA	AREA	AREA
COMMON AREA -	3,629.35 SF	
LIMITED COMMON -	413.58 SF	
UNIT 801 -	272.86 SF	
UNIT 802 -	12.45 SF	
UNIT 803 -	12.45 SF	
UNIT 804 -	95.42 SF	
UNIT 805 -	12.45 SF	
UNIT 806 -	12.45 SF	
UNIT 807 -	12.45 SF	
UNIT 808 -	12.45 SF	
UNIT 809 -	12.45 SF	
UNIT 810 -	12.45 SF	
UNIT 811 -	12.45 SF	
UNIT 812 -	12.45 SF	
UNIT 813 -	12.45 SF	
UNIT 814 -	12.45 SF	
UNIT 815 -	12.45 SF	
UNIT 816 -	12.45 SF	
UNIT 817 -	12.45 SF	
PRIVATE AREA -	10,000.33 SF	

RECEIVED  
 MAR 15 2006  
 PARK CITY  
 PLANNING DEPT.

A-100

**PARKWOOD PLACE CONDOMINIUMS  
 BUILDING FLOOR PLANS  
 PARKING LEVEL**

MR. DAVID BIELZ      027 A-BUILDING      027

DESIGNED BY  
 E.A. ANCH  
 DRAWN BY  
 JON/DAV

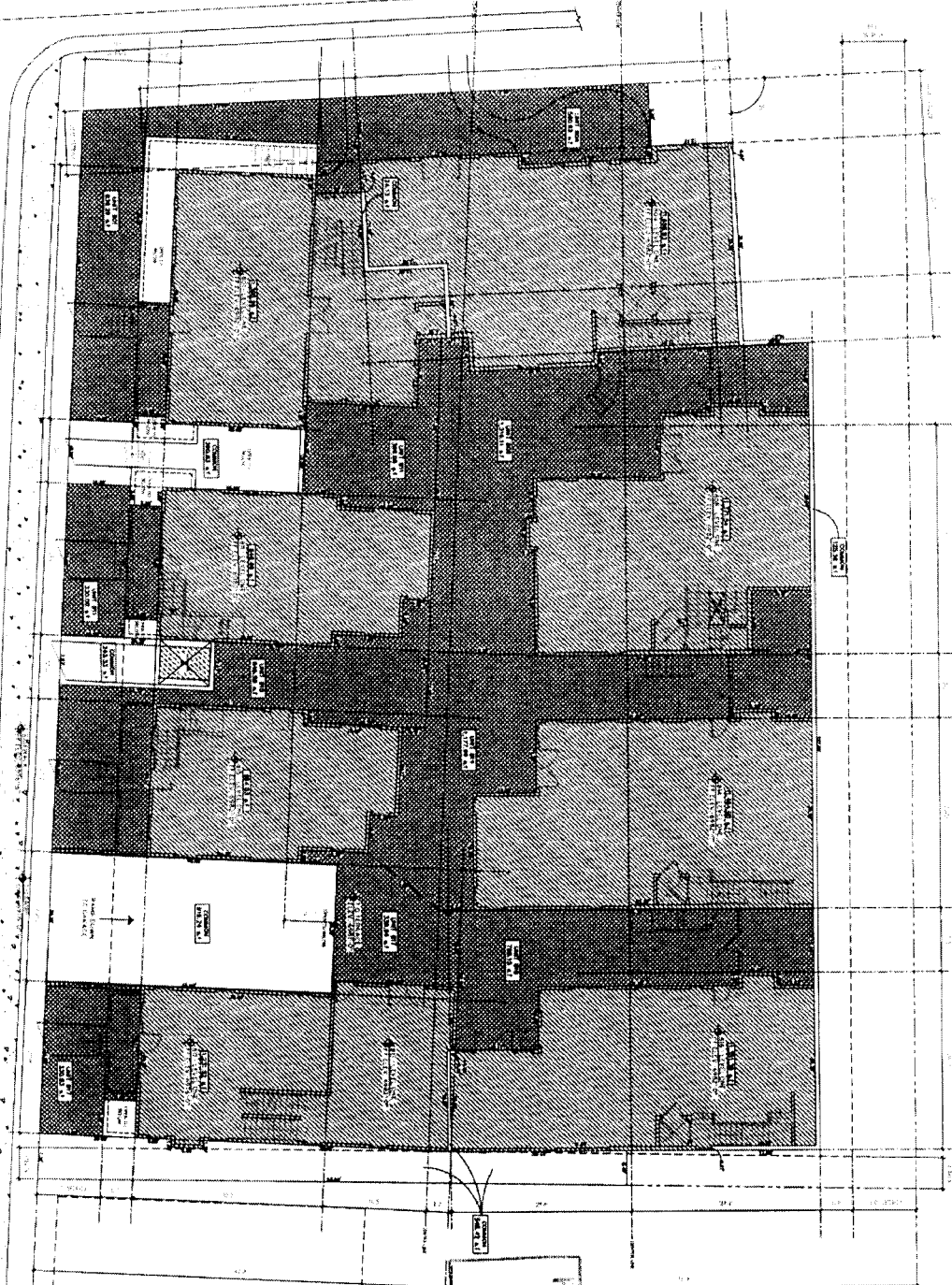


NO.	BY	DATE	REVISIONS

**Evergreen Engineering, Inc.**

Civil Engineering • Land Surveying • Land Planning  
 500 North 200 West • Suite 200  
 P.O. Box 2007 • Park City, UT 84302  
 Phone: 435-944-4407 • Fax: 435-944-4219  
 E-mail: info@evergreen-engineering.com

# 8th STREET



RECEIVED  
 MAR 15 2008  
 PARK CITY  
 PLANNING DEPT.

**HATCHING LEGEND**

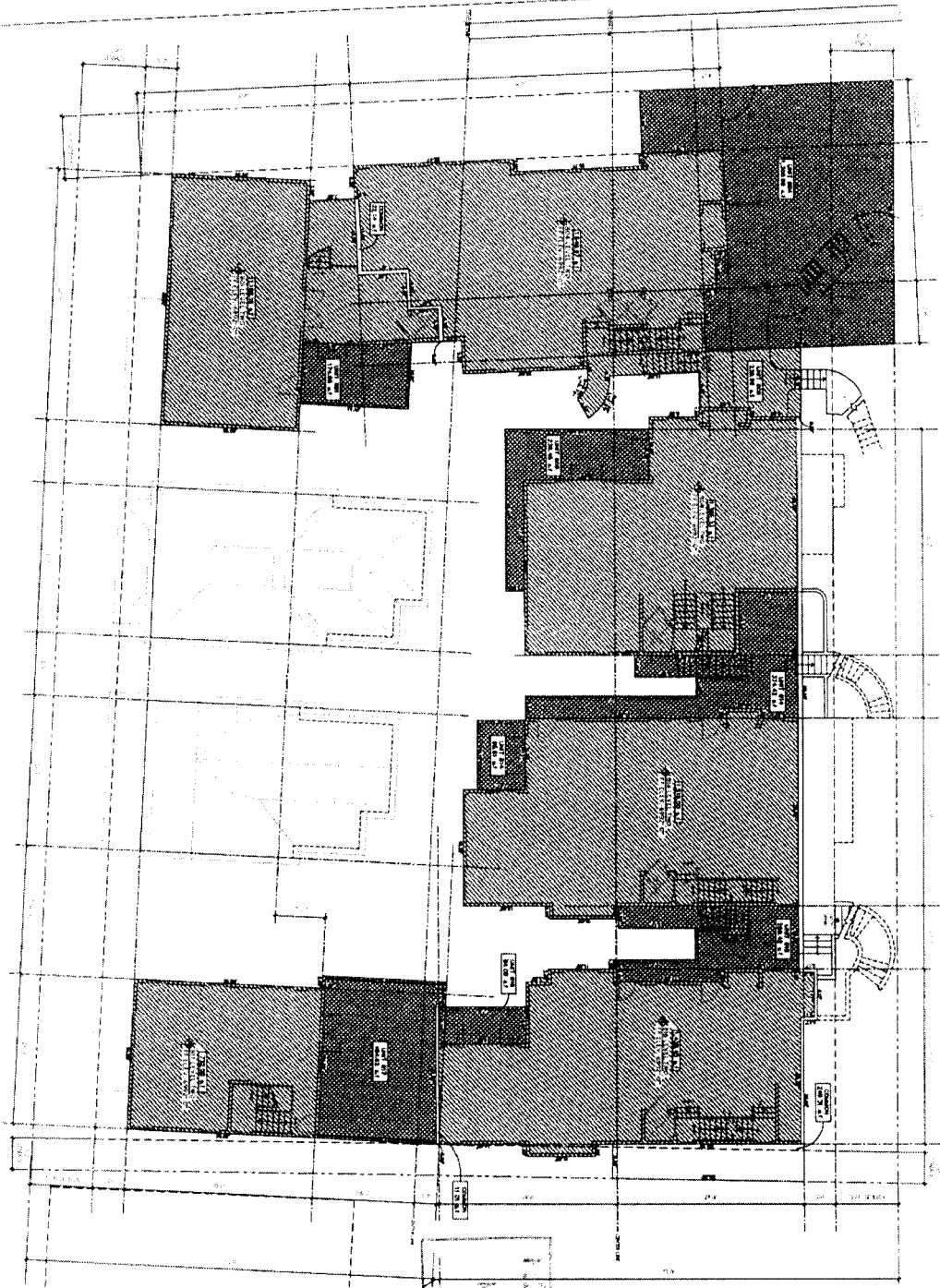
- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

**AREA TABULATIONS**

AREA	AREA	AREA
COMMON AREA	2,263.51	
LIMITED COMMON AREA	6,834.34	
PRIVATE AREA	10,317.24	
UNIT 801	838.76	
UNIT 802	506.82	
UNIT 803	1,316.11	
UNIT 804	1,272.99	
UNIT 805	848.24	
UNIT 806	850.17	
UNIT 807	1,338.96	
UNIT 808	1,371.54	
UNIT 809	549.96	
UNIT 810	1,464.12	
UNIT 811	1,351.28	
UNIT 812	1,231.22	

A-10

8th STREET



REVISIONS  
 MAR 15 2008  
 P. J. ...

**HATCHING LEGEND**

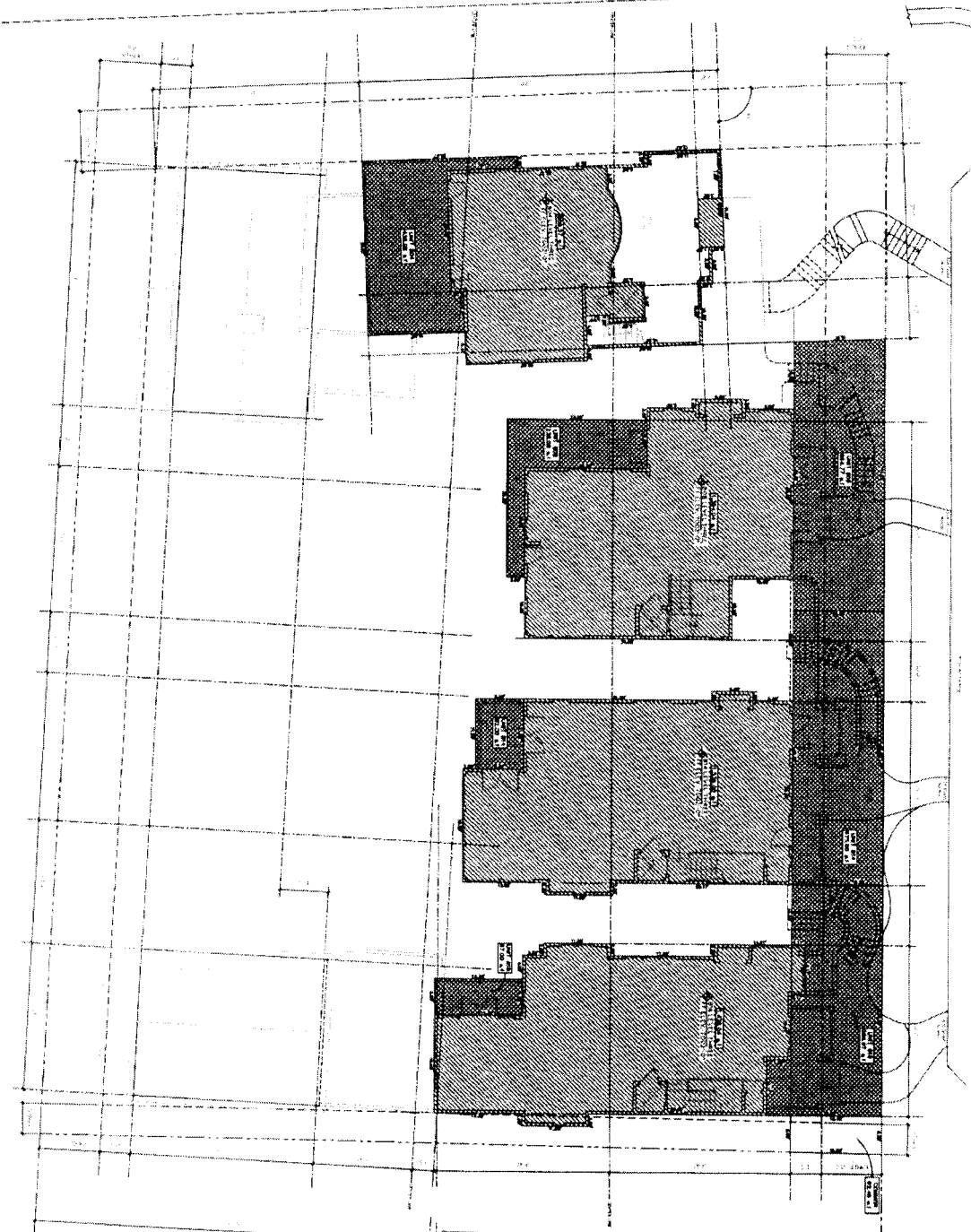
- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

**AREA TABULATIONS**

AREA	AREA	AREA
COMMON AREA	282.46 SF	
UNIT 801	1,184.16 SF	
UNIT 802	1,646.57 SF	
UNIT 803	1,265.53 SF	
UNIT 804	1,518.00 SF	
UNIT 805	1,539.45 SF	
UNIT 806	1,229.00 SF	
UNIT 807	1,724.96 SF	
UNIT 808	1,206.00 SF	
UNIT 809	1,206.00 SF	
UNIT 810	460.00 SF	
UNIT 811	460.00 SF	
UNIT 812	460.00 SF	
UNIT 813	460.00 SF	
UNIT 814	460.00 SF	
UNIT 815	460.00 SF	
UNIT 816	460.00 SF	
UNIT 817	460.00 SF	
PRIVATE AREA	7,888.91 SF	
UNIT 801	1,184.16 SF	
UNIT 802	1,646.57 SF	
UNIT 803	1,265.53 SF	
UNIT 804	1,518.00 SF	
UNIT 805	1,539.45 SF	
UNIT 806	1,229.00 SF	
UNIT 807	1,724.96 SF	
UNIT 808	1,206.00 SF	
UNIT 809	1,206.00 SF	
UNIT 810	460.00 SF	
UNIT 811	460.00 SF	
UNIT 812	460.00 SF	
UNIT 813	460.00 SF	
UNIT 814	460.00 SF	
UNIT 815	460.00 SF	
UNIT 816	460.00 SF	
UNIT 817	460.00 SF	

A-102

8th STREET



MAR 15 2001  
 PARK CITY  
 PLANNING DEPT

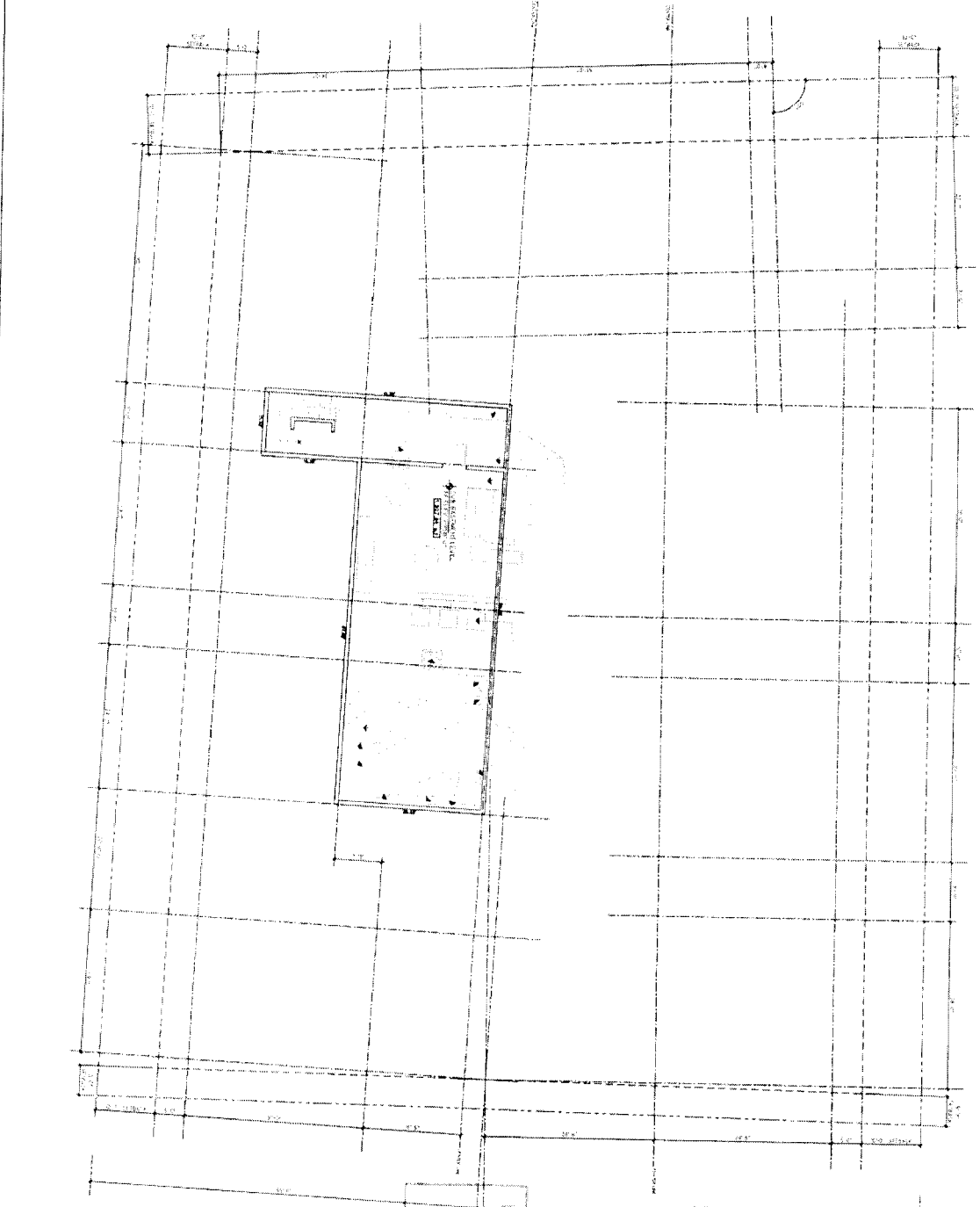
**HATCHING LEGEND**

- COMMON AREA
- ▨ LIMITED COMMON AREA
- ▩ PRIVATE AREA

**AREA TABULATIONS**

AREA	AREA	AREA
COMMON AREA	37.4	
LIMITED COMMON	27.831	
UNIT 801	438.06	
UNIT 802	502.77	
UNIT 803	783.06	
UNIT 804	675.97	
UNIT 805		
UNIT 806		
UNIT 807		
UNIT 808		
UNIT 809		
UNIT 810		
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UNIT 899		
UNIT 900		

A-10



19 2005  
 PRIVATE CITY

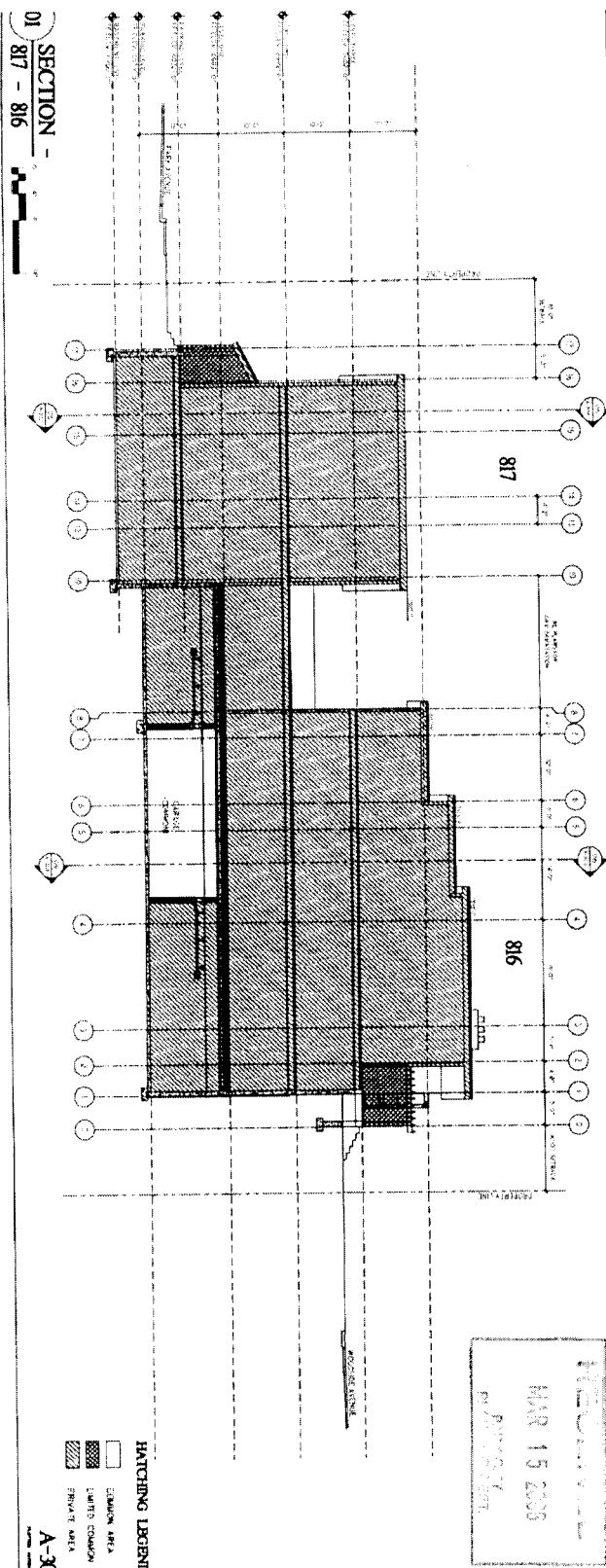
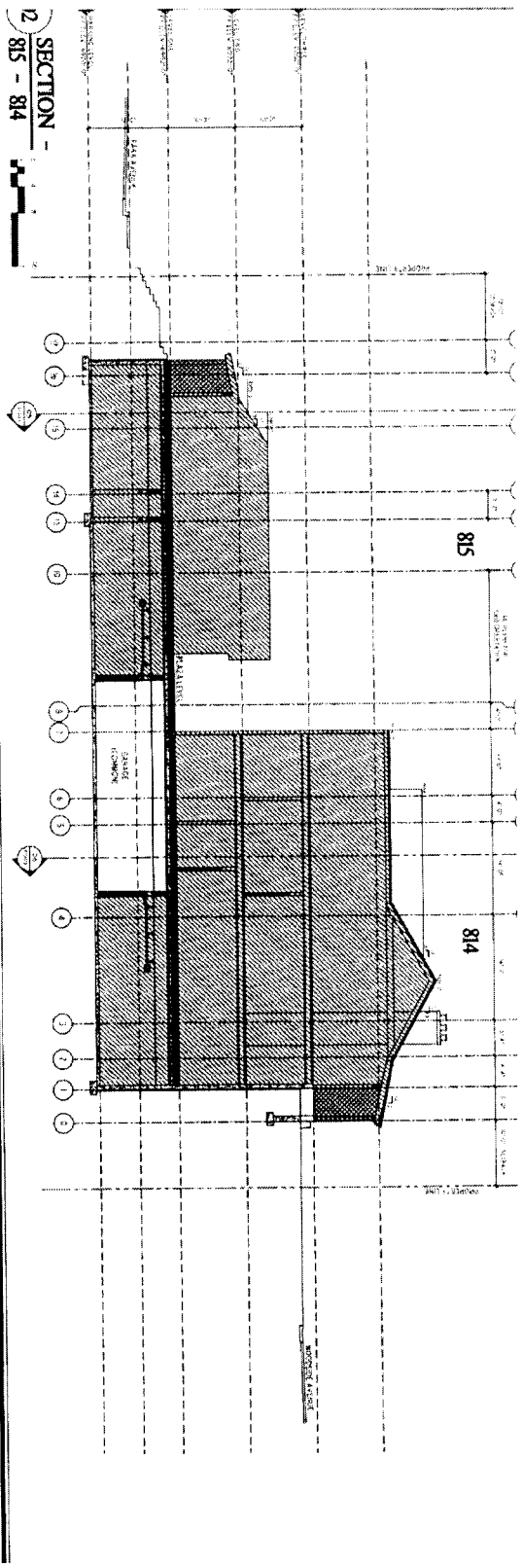
**HATCHING LEGEND**

[White box]	COMMON AREA
[Diagonal lines /]	LIMITED COMMON AREA
[Diagonal lines \]	PRIVATE AREA

**AREA TABULATIONS**

COMMON AREA	1,972.84
LIMITED COMMON	
PRIVATE AREA	

A-099  
 1" = 100'



MAR 15 2005  
PARKWOOD PLACE  
CONDOMINIUMS

**HATCHING LEGEND**

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

A-301

**PARKWOOD PLACE CONDOMINIUMS**  
**BUILDING SECTIONS**  
 816-814 AND 817-815

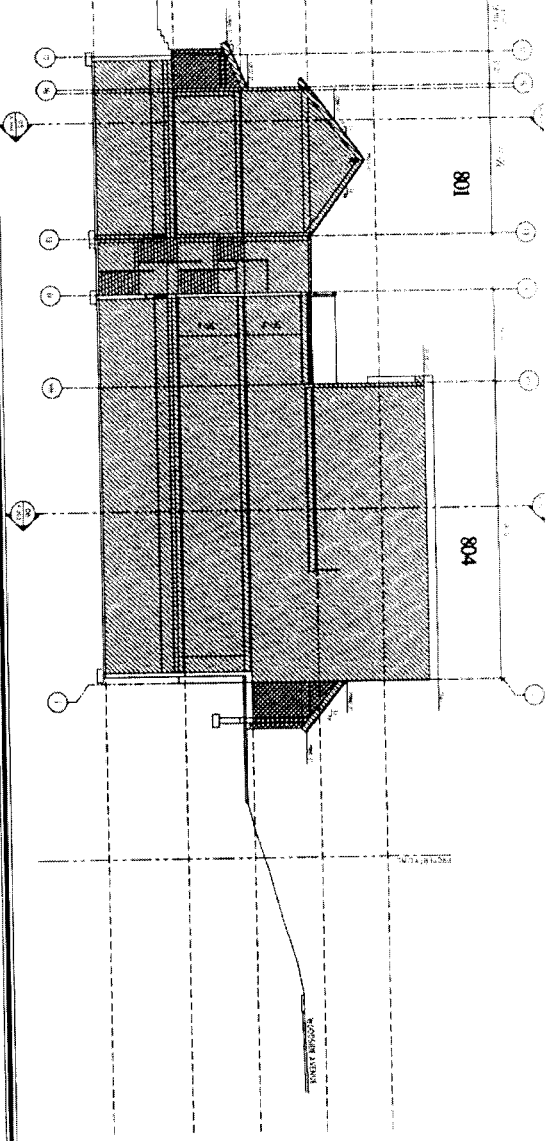


DATE	BY	REVISIONS

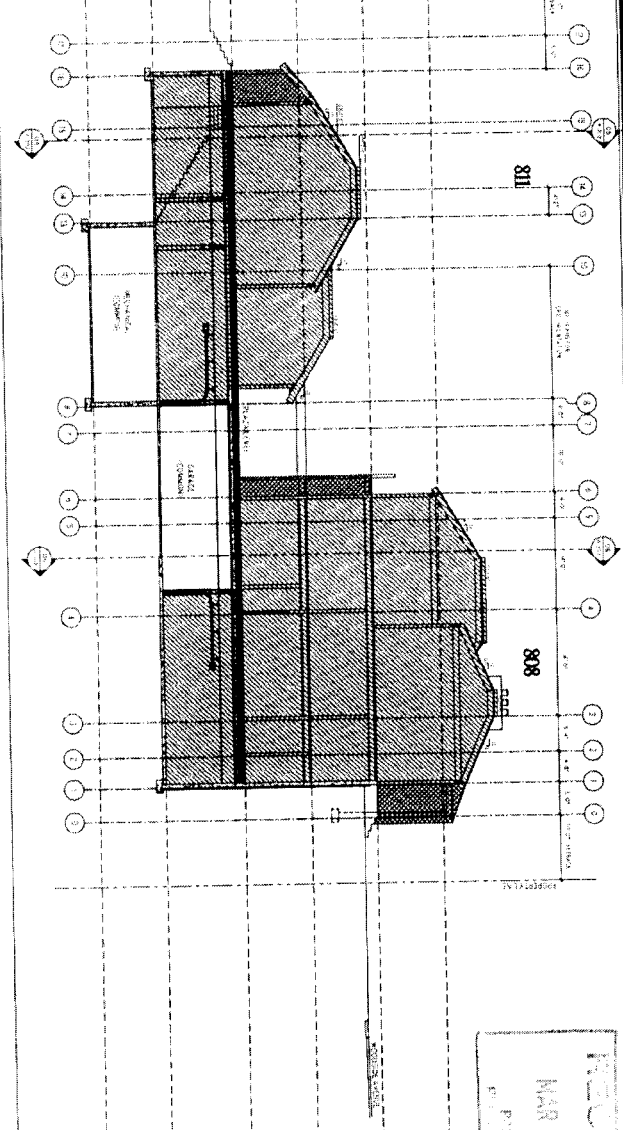
**Evergreen Engineering, Inc.**  
 Civil Engineering • Land Surveying • Cost Estimating  
 5000 1st Avenue, Suite 100 • Everett, WA 98203 • Tel: 425.336.1111



SECTION -  
04 801 - 804



SECTION -  
03 801 - 808



**HATCHING LEGEND**

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

A-302

RECORDED  
MAR 15 2005  
PROPERTY  
PLAT 10000000

**Ordinance No. 06-24**

**AN ORDINANCE APPROVING THE DONNELLY SUBDIVISION, COMBINING PORTIONS OF LOTS 48, 49, 50, 51 AND 52 OF BLOCK 78 OF THE MILLSITE RESERVATION TO THE PARK CITY SURVEY, LOCATED AT 41 SAMPSON AVENUE PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 41 Sampson Avenue, has petitioned the City Council for approval of a Subdivision; and

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

**WHEREAS**, on April 26, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, on May 4, 2006 the City Council held a public hearing on the proposed subdivision; and

**WHEREAS**, the proposed Subdivision allows the property owner to combine portions of five lots into one lot of record; and

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

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

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

1. The property is located in the Historic Residential Low Density (HRL) zone.
2. The HRL zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes.
3. The amendment will combine portions of lots 48, 49, 50, 51 and 52 of Block 78 of the Millsite Reservation to the Park City Survey into one lot of record.
4. There is an existing shed on the property.
5. There is a historically significant home on the property.
6. There is a retaining wall on the property that supports Sampson Avenue and provides the front foundation for the existing historic home.
7. In June of 2005, the Council appropriated \$55,000 to the capitol improvement fund to share in the rebuild of the wall.
8. The Sampson Avenue covers approximately 8 feet of the front of the site.
9. Access to the home is from Sampson Avenue.
10. The proposed lot size is 7,422 square feet.
11. The maximum building footprint for a 7,422 square foot lot is 2,447 square feet.

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

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

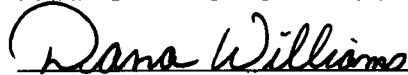
1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with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

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

1. City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. A non-exclusive public utility and public access easement shall be dedicated on the plat for the existing Sampson Avenue prescriptive right-of-way.
3. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines, and resolve any existing encroachment issues.
4. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
6. No remnant lots are developable.

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

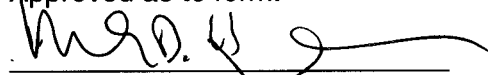
PARK CITY MUNICIPAL CORPORATION

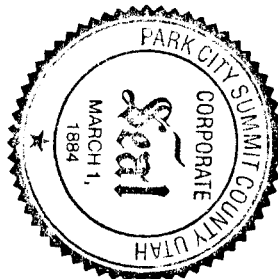
  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

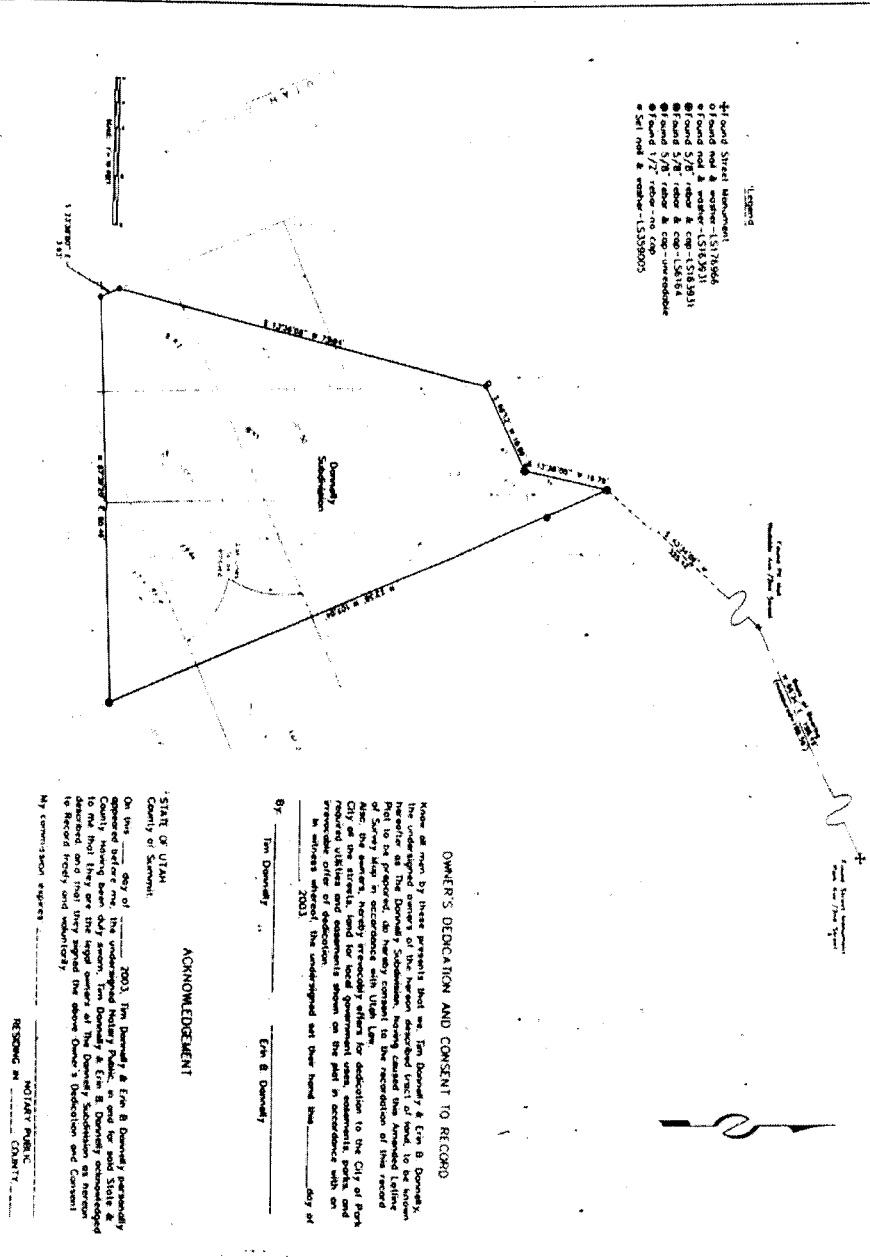
  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

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



JOURNALS OF THE BOARD OF PUBLIC WORKS  
 Milsite Reservation to  
 The Park City Survey



1. Section  
 of Found Street monument  
 of Found road & corner - (S17°28'00\"/>

**OWNER'S DEDICATION AND CONSENT TO RECORD**  
 Know all men by these presents that we, Tom Donnelly & Erin B. Donnelly, the undersigned owners of the herein described tract of land, do hereby dedicate and consent to the recordation of this plat to be prepared, do hereby consent to the recordation of this plat. Also, the owners, hereby irrevocably affirm that for dedication to the City of Park City of the streets, land for local government uses, sidewalks, parks, and required utilities and easements shown on the plat in accordance with an ordinance of the City of Park City, Utah, which ordinance is hereby referred to as Ordinance No. 2003-001.

By: Tom Donnelly  
 Erin B. Donnelly

**ACKNOWLEDGEMENT**

STATE OF UTAH  
 County of Summit  
 On this \_\_\_ day of \_\_\_\_\_, 2003, Tom Donnelly & Erin B. Donnelly, personally appeared before me, the undersigned Notary Public, in and for said State of Utah, the said Tom Donnelly & Erin B. Donnelly, who are the legal owners of the herein described and who have acknowledged to me that they are the same Tom Donnelly & Erin B. Donnelly and consent to Record freely and voluntarily.  
 My commission expires \_\_\_\_\_

RESIDING AT \_\_\_\_\_  
 COUNTY \_\_\_\_\_

- LEGAL DESCRIPTION**
1. Survey returned by Tom Donnelly & Erin B. Donnelly
  2. Date of survey June 27, 2003
  3. Date of survey June 27, 2003
  4. Property monuments set or found as shown
  5. Located in the Southeast Quarter of Section 16, Township 2 North, Range 12 East, T12N, R12E, S20E
  6. The corners of the monument are as follows: 1. A 1/4\"/>

Beginning of a point N 89°23'07\"/>

**SURVEYOR'S CERTIFICATE**

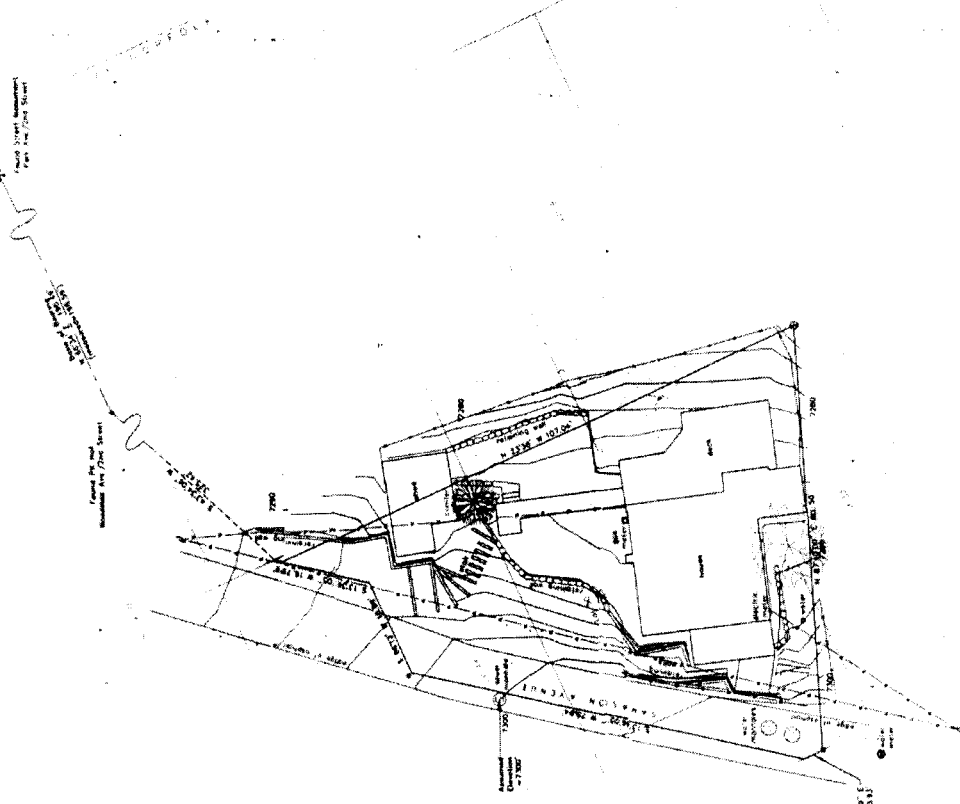
L. J.D. Gaddy, a Registered Land Surveyor as provided by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have examined a survey of the herein described property and that this plat is a true representation of said survey.

Date \_\_\_\_\_ 2003  
 L. J.D. Gaddy, NS359005

ALPINE SURVEY, INC. 18 PROSPECTOR DRIVE PARK CITY, UTAH 84302 (435) 635-8016	<b>WATER RECLAMATION DISTRICT</b> WATER RECLAMATION DISTRICT 18 PROSPECTOR DRIVE PARK CITY, UTAH 84302	<b>PLANNING COMMISSION</b> APPROVED BY THE PLANNING COMMISSION ON _____ 2003	<b>ENGINEER'S CERTIFICATE</b> APPROVED BY THE ENGINEER ON _____ 2003	<b>APPROVAL AS TO FORM</b> APPROVED AS TO FORM BY _____ ON _____ 2003	<b>CERTIFICATE OF ATTEST</b> I, _____, County Clerk of Summit County, Utah, do hereby certify that this is a true and correct copy of the original as recorded in my office.	<b>COUNCIL APPROVAL AND ACCEPTANCE</b> APPROVED AND ACCEPTED BY THE BOARD OF PUBLIC WORKS ON _____ 2003	<b>RECORDED</b> STATE OF UTAH, COUNTY OF SUMMIT, AND THIS PLAT IS HEREBY RECORDED IN BOOK _____ PAGE _____
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# A Portion of Lots 48 52, Block 78 Missile Reservation to The Park City Survey



- NOTES:**
- Survey requested by Tom Donnelly.
  - Purpose of survey: locate the monuments and the topographic relief, survey conducted with 1 foot of base over
  - Block of survey, found street monuments as shown.
  - Date of survey: 10/15/03.
  - Location: in the Southeast Quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
  - See the official plat of the Park City Survey for other possible easements and restrictions.
  - The owner of the property hereby waives all claims of any liens against the property that may appear in a title insurance report.
  - For the previous survey of the property see Record of Survey Recorder's Office, Summit County, Utah, File No. S-2534 on file in the office of the Summit County Recorder.
  - Recorded elevation of 7,500.00 feet was assigned to the sewer manhole lid west of the property as shown.

**LEGAL DESCRIPTION**

**Parcel 1**  
Beginning at a point N 86°07'50" W, 30.07 feet from the Eastern-most corner of Lot 7, Block 78, Missile Reservation to the Park City Survey, thence S 85°54'50" W, 51.35 feet to the corner of Lot 52, beginning said survey monument, thence N 86°07'50" W, 30.07 feet to the Northeast corner of Lot 48, thence S 66°34' W, 34.02 feet along the Northwest line of Lot 49, thence S 1°36'05" W, 67.73 feet to a point on the Southeast corner of Lot 48, thence along said Southeast corner of Lot 48, 100.50 feet to the west point of beginning, less and excepting herefrom:  
Beginning at a point which lies N 66°34' E, 40.89 feet from the most Southern corner of Lot 48, Block 78, Missile Reservation to the Park City Survey, thence S 85°54'50" W, 51.35 feet to the corner of Lot 52, thence N 13°36'05" W, 75.93 feet, thence N 23°38' W, 6.57 feet, thence N 13°36'05" E, 67.73 feet to the point of beginning.

**Parcel 2**  
Beginning at the Southeast corner of Lot 48, Block 78, Missile Reservation to the Park City Survey, as recorded in Summit County, and running thence S 66°34' W along the Southern line of Lot 48, a distance of 10.16 feet, thence leaving said Southern line and going N 13°36'05" E, 16.79 feet to the Eastern corner of Lot 48, thence S 23°38' E, along said Eastern line 13.46 feet to the point of beginning.

**SURVEYOR'S CERTIFICATE**

I, J.D. Galey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the herein described property and that this plat is a true representation of said survey.



Almed, 11/03 Date  
JD Galey 359005

Alpine Survey, Inc.  
19 Prospect Drive  
Park City, Utah 84060  
(435) 635-8016

**RECEIVED**

**Ordinance No. 06-23**

**AN ORDINANCE APPROVING THE AMENDMENT TO LOTS 1, 2, 3, AND 4 OF THE RED CLOUD SUBDIVISION, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as lots 1, 2, 3, and 4 of the Red Cloud subdivision have petitioned the City Council for approval of a plat amendment to said lots and the private road adjacent to said lots; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 26, 2006, to receive input on the amendment to lots 1, 2, 3, and 4 of the Red Cloud subdivision;

WHEREAS, the Planning Commission, on April 26, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 4, 2006, the City Council approved the amendment to lots 1, 2, 3, and 4 of the Red Cloud subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amendment to lots 1, 2, 3, and 4 of the Red Cloud subdivision.

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

**SECTION 1. APPROVAL.** The amendment to lots 1, 2, 3, and 4 of the Red Cloud subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Red Cloud Subdivision Plat is located in the Estate (E) zoning district as part of the Flagstaff Mountain Annexation and Master Planned Development (MPD).
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
4. On November 11, 2004, the City Council approved the Red Cloud subdivision for 30 single-family lots. Red Cloud was known as Pod D of the Flagstaff Mountain Annexation.

5. The City received on February 24, 2006, a completed application for a plat amendment affecting lots 1-4 and the private road adjacent to these lots. The developer, United Park City Mines Company, still retains ownership of all lands within the plat amendment.
6. The plat amendment revises the location of the private road, Red Cloud Trail, shifting it further north and away from the Wasatch County line (see Exhibit B). A one-foot protection strip is also platted along the property line with Wasatch County.
7. The four proposed lots range in size from 1.22 acres to 2.72 acres, which is similar to the previously approved lot sizes and the rest of the Red Cloud subdivision. The owner/developer retains two parcels (A and B) that are adjacent to Wasatch County.
8. Each building lot has a building pad that will be field located based on the requirements established in the Red Cloud subdivision. These lots are subject to the original plat notes of the Red Cloud subdivision.
9. The plat also designates the 30-foot setback from property lines as required within the Estate zone.
10. The proposed lot layout is in conformance with requisite Subdivision Code road requirements and designs inasmuch as access is by means a street designed to City standards; the proposed roads are designed to relate to the existing topography without need for excessive grading; and secondary access is provided.
11. The subject lots front Red Cloud Trail. No other streets in Summit County are named Red Cloud Trail, therefore confusion in street naming is not likely to occur.
12. The applicant stipulates to installing and maintaining all necessary street signs within the subdivision.
13. The applicant has stipulated to installing all necessary street lights within the subdivision.
14. Land Management Code Section 15-7-3-4(E) permits the creation of a protection strip adjacent to a proposed street in such a manner as to deny access from an adjacent property to such street. The 1-foot protection strip along the County line is proposed on the subdivision plant which restricts road access without the formal approval of both Park City and Wasatch County.
15. Staff finds the proposed plat amendment complies with the requirements of Land Management Code section 15-7 Subdivisions.

#### Conclusions of Law

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

#### Conditions of Approval

1. All original conditions and plat notes of the Red Cloud subdivision approved November 11, 2004, continue to apply.
2. City Engineer approval of a utility and infrastructure plan is a condition precedent to the plat recordation.
3. Both utility lines and ski trails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.

4. The proposed over-length cul de sac that is Red Cloud Trail will have a secondary emergency access from the end of Red Cloud Trail. The emergency access will continue as a minimum 20-foot wide all-weather surface road. This emergency access road and all connections and private road construction below SR-224 must be installed prior to building permit issuance for any of the single-family homes within the subdivision.
5. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Building Permit and for the Red Cloud Subdivision infrastructure.
6. A financial security to guarantee the installation of public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer. All street improvements are privately maintained.

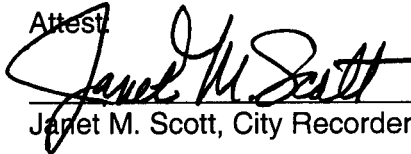
**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 4th day of May, 2006.

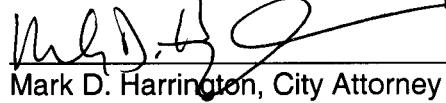
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest

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

Approved as to form:

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





**SUBMITTER'S CERTIFICATE**

I, the undersigned, do hereby certify that I am a Registered Land Surveyor and that I have surveyed the above described lots and boundaries and that the same are correct and true to the original survey and that I have no claim or interest in the same and that the same are not subject to any other claim or interest.

DATE: \_\_\_\_\_ BY: \_\_\_\_\_

**BOUNDARY RESOLUTIONS**

The purpose of this proposed subdivision is to divide the land shown on the attached plat into lots for residential purposes. The land is located in the SW/4 of Section 28, Township 3 North, Range 10 East, Salt Lake County, Utah. The land is owned by United Park City Water Company. The proposed subdivision is subject to the following boundary resolutions:

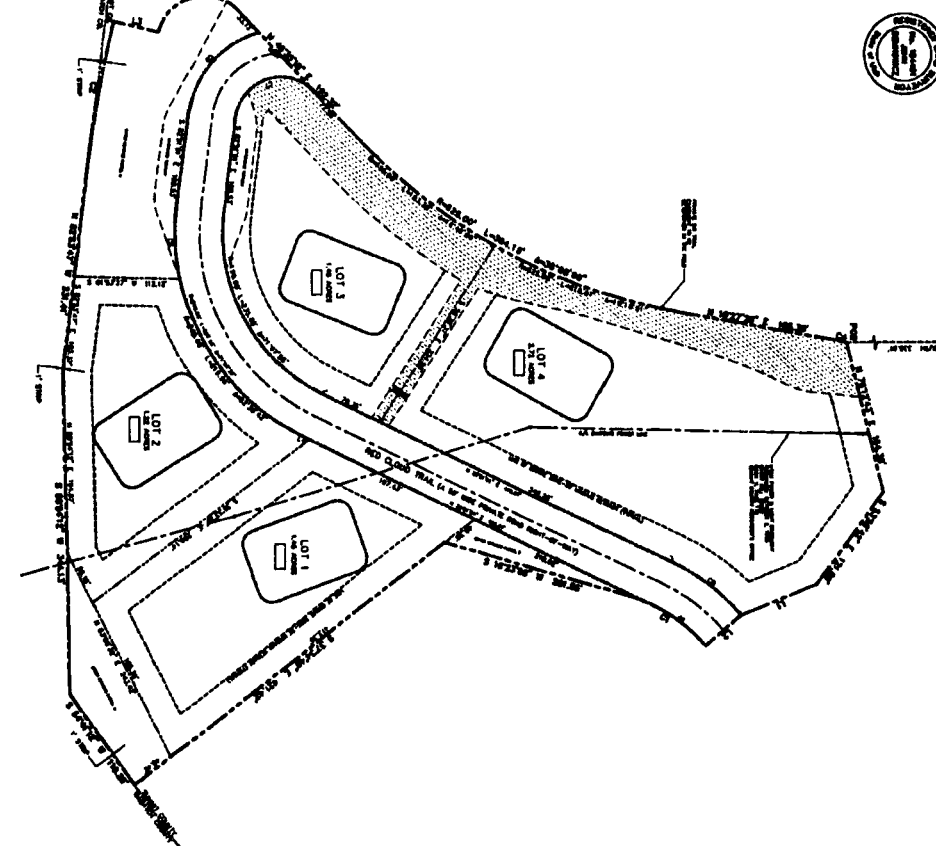
1. The boundaries shown on the attached plat are correct and true to the original survey.

2. The proposed subdivision is subject to the following boundary resolutions:

3. The proposed subdivision is subject to the following boundary resolutions:

**OWNER RETURNED PARCEL:**

A parcel of land located in the SW/4 of Section 28, Township 3 North, Range 10 East, Salt Lake County, Utah, was returned to the owner by the City of Park City on the date of the filing of this plat. The parcel is shown on the attached plat as Lot 1. The parcel is subject to the following boundary resolutions:



**AMENDMENT TO LOTS 1, 2, 3 & 4  
RED CLOUD SUBDIVISION**

A SINGLE PARCEL OF SUBDIVISION LOCATED IN SECTION 28 AND SECTION 33  
TOWNSHIP 3 SOUTH RANGE 10 EAST SALT LAKE COUNTY, UTAH

1. The purpose of this proposed subdivision is to divide the land shown on the attached plat into lots for residential purposes.

2. The proposed subdivision is subject to the following boundary resolutions:

3. The proposed subdivision is subject to the following boundary resolutions:

4. The proposed subdivision is subject to the following boundary resolutions:

5. The proposed subdivision is subject to the following boundary resolutions:

6. The proposed subdivision is subject to the following boundary resolutions:

7. The proposed subdivision is subject to the following boundary resolutions:

8. The proposed subdivision is subject to the following boundary resolutions:

9. The proposed subdivision is subject to the following boundary resolutions:

10. The proposed subdivision is subject to the following boundary resolutions:

**OWNER'S DECLARATION AND CONSENT TO RECORD**

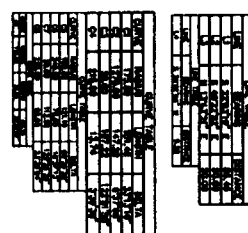
I, the undersigned, do hereby declare and consent to record this plat and the boundaries shown thereon. I am the owner of the land shown on the attached plat and I have no claim or interest in the same. I have no objection to the recording of this plat and the boundaries shown thereon.

DATE: \_\_\_\_\_ BY: \_\_\_\_\_

**ACKNOWLEDGMENT**

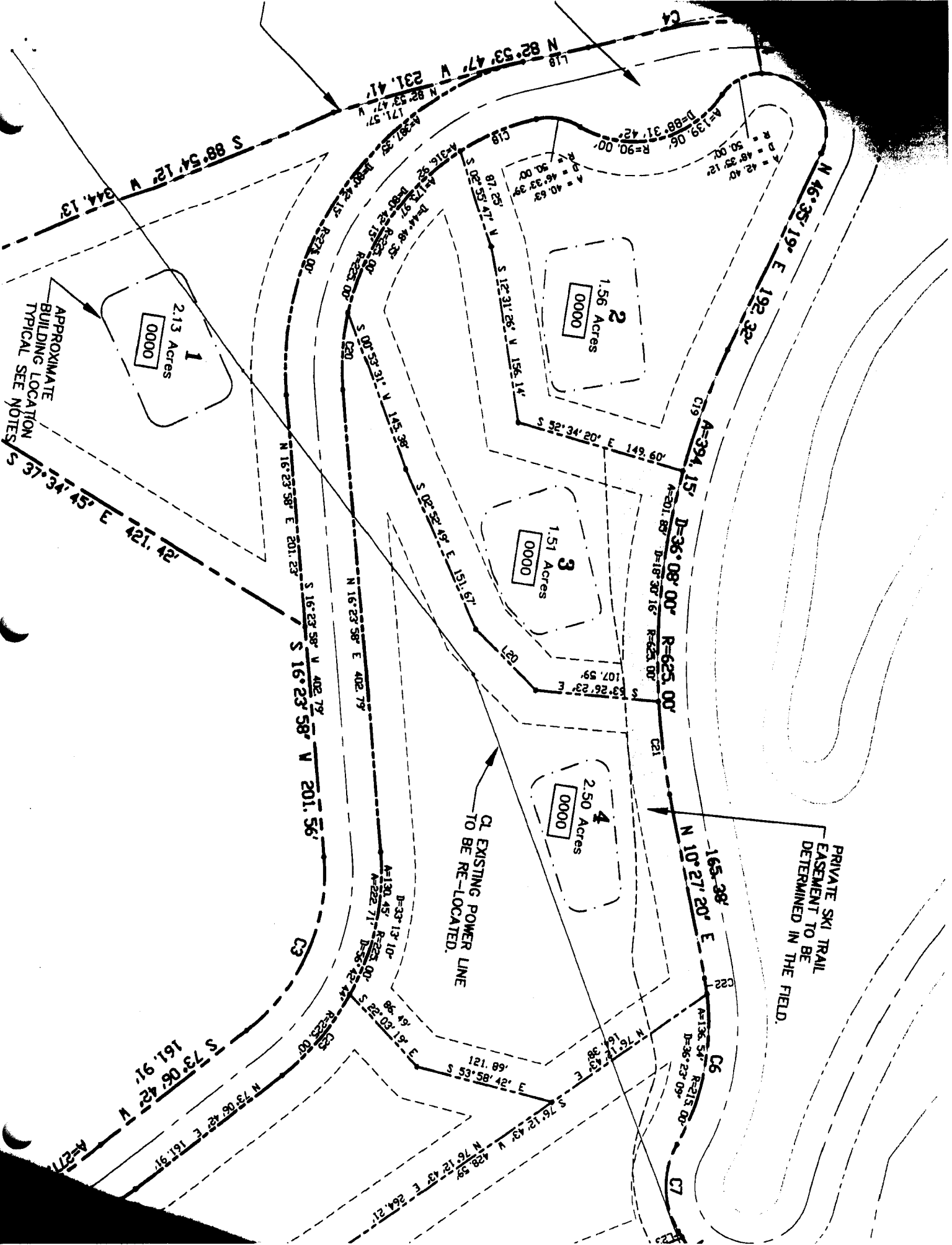
I, the undersigned, do hereby acknowledge the recording of this plat and the boundaries shown thereon. I am the owner of the land shown on the attached plat and I have no claim or interest in the same. I have no objection to the recording of this plat and the boundaries shown thereon.

DATE: \_\_\_\_\_ BY: \_\_\_\_\_



RECORDED  
APR 10 2006  
PARK CITY, UTAH

STATE OF UTAH, COUNTY OF STANLEY, AND TOWN OF  
RECORDED  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ PAGE: \_\_\_\_\_



2.13 Acres  
0000  
1

1.56 Acres  
0000  
2

1.51 Acres  
0000  
3

2.50 Acres  
0000  
4

APPROXIMATE  
BUILDING LOCATION  
TYPICAL SEE NOTES

CL EXISTING POWER LINE  
TO BE RE-LOCATED.

PRIVATE SKI TRAIL  
EASEMENT TO BE  
DETERMINED IN THE FIELD.

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S 88° 54' 12" W 344.13'  
N 16° 23' 58" E 201.23'  
S 16° 23' 58" E 402.79'  
S 16° 23' 58" V 201.56'  
N 16° 23' 58" E 402.79'  
S 16° 23' 58" E 201.23'  
S 73° 06' 42" V 161.91'  
S 73° 06' 42" E 161.31'  
N 76° 12' 43" V 438.58'  
N 76° 12' 43" E 264.21'  
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A=201.82' D=18° 30' 16" R=225.00'  
N 10° 27' 20" E 165.38'  
A=136.54' D=36° 23' 09" R=215.00'  
A=139.06' D=88° 31' 42" R=90.00'  
A=316.25' D=80° 42' 15" R=225.00'  
A=171.57' D=37° 13' 10" R=225.00'  
A=130.45' D=22° 23' 19" E R=225.00'  
A=222.71' D=36° 42' 44" R=225.00'  
A=171.57' D=37° 13' 10" R=225.00'  
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A=171.57' D=37° 13' 10" R=225.00'  
A=130.45' D=22° 23' 19" E R=225.00'  
A=222.71' D=36° 42' 44" R=225.00'

**AN ORDINANCE APPROVING AMENDMENTS TO  
THE LAND MANAGEMENT CODE  
OF PARK CITY, UTAH, TO REFLECT RE-ORGANIZATION OF THE COMMUNITY  
DEVELOPMENT DEPARTMENT, TO COMPORT WITH REVISIONS TO THE UTAH CODE,  
AND TO ADDRESS TECHNICAL CORRECTIONS AND SUSTANTIVE AMENDMENTS,  
FOR THE FOLLOWING CHAPTERS:  
CHAPTER 1- GENERAL PROVISIONS AND PROCEDURES  
CHAPTER 3- OFF-STREET PARKING,  
CHAPTER 4- SUPPLEMENTAL REGULATIONS,  
CHAPTER 6- MASTER PLANNED DEVELOPMENTS,  
CHAPTER 7- SUBDIVISION GENERAL PROVISIONS AND  
CHAPTER 8- ANNEXATION**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City is in the process of preparing amendments to the entire Land Management Code to address reorganization of the Community Development Department and to ensure that the Park City Land Management Code comports with revisions to the Utah Code in 2005;

WHEREAS, approval of these amendments to the Land Management Code serve to implement amendments to the City's General Plan and to address substantive amendments to the Land Management Code related to Conditional Use Permits, noticing, appeals and appeal authority, parking on paved surfaces, parking below grade within setbacks, walls and fences, size limitations for Guest Houses, telecommunications and antenna locations, increase occupants allowed in elderly group homes from 4 to 8, options for unit equivalent calculations, changes to subdivision ordinance regarding review and approval authority, and requirement for a zone to be assigned to annexed territory when annexed.

WHEREAS, the Planning Commission duly noticed and conducted public hearings at its regularly scheduled meetings, on December 14, 2005 and March 1, 2006 and forwarded to City Council a positive recommendation on amendments to Chapters 1, 3, 4, 6, 7, and 8;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on April 27, 2006; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO CHAPTER 1 OF THE LAND MANAGEMENT CODE. Chapter 1 is hereby amended as attached hereto as Exhibit A. Any conflicts or cross-

references from other provisions of the LMC to Chapter 1 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 3 OF THE LAND MANAGEMENT CODE. Chapter 3 is hereby amended as attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 3 shall be resolved by the Planning Director.

SECTION 3. AMENDMENTS TO CHAPTER 4 OF THE LAND MANAGEMENT CODE. Chapter 4 is hereby amended as attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapter 4 shall be resolved by the Planning Director.

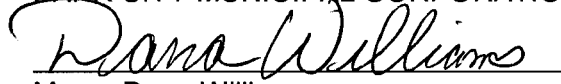
SECTION 4. AMENDMENTS TO CHAPTER 6 OF THE LAND MANAGEMENT CODE. Chapter 6 is hereby amended as attached hereto as Exhibit D. Any conflicts or cross references from other provisions in the LMC to Chapter 6 shall be resolved by the Planning Director.

SECTION 5. AMENDMENTS TO CHAPTER 7 OF THE LAND MANAGEMENT CODE. Chapter 7 is hereby amended as attached hereto as Exhibit E. Any conflicts or cross references from other provisions in the LMC to Chapter 7 shall be resolved by the Planning Director.

SECTION 6. AMENDMENT TO CHAPTER 8 OF THE LAND MANAGEMENT CODE. Chapter 8 is hereby amended as attached hereto as Exhibit F. Any conflicts or cross-references from other provisions of the LMC to Chapter 8 shall be resolved by the Planning Director.

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

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

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

Approved as to form:

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



## NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
<b>Zoning and Rezoning</b>	14 days prior to each hearing before the Planning Commission and City Council	14 days prior to each hearing to each Affected Entity * and to Owners within 300 ft.	Once 14 days prior to each hearing before the Planning Commission and City Council.
<b>LMC Amendments</b>	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each Affected Entity*	Once 14 days prior to each hearing before the Planning Commission and City Council.
<b>General Plan Amendments</b>	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each Affected Entity*	Once 14 days prior to each hearing before the Planning Commission and City Council.
<b>Master Planned Developments (MPD)</b>	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
<b>Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions, and including City Council Call-Up</b>	7 days prior to the date set for the appeal or call-up hearing.	To all parties who received mailed notice for the original Administrative, HPB, or Planning Commission hearing, per this Matrix, 7 days prior to the hearing.	Once 7 days before the date set for the appeal or call-up hearing.

<b>Administrative Conditional Use permits (Admin CUP)</b>	14 days prior to any hearing.	14 days prior to any hearing.	14 days prior to any hearing.
<b>Conditional Use Approval (CUP)</b>	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
<b>Timeshare Conversions</b>	Same as CUP	Same as CUP	Same as CUP
<b>Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment</b>	14 days prior to the hearing before the Board of Adjustment.	14 days prior to the hearing before the Board of Adjustment, to Owners within 300 ft.	Once 14 days prior to hearing before the Board of Adjustment.
<b>Certificate of Appropriateness for Demolition (CAD)</b>	45 days on the Property upon refusal of the City to issue a CAD; 14 days prior to the hearing before the Historic Preservation Board.	14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the hearing before the Historic Preservation Board.
<b>Determination of Historic Significance</b>	Once 7 days prior to hearing before the Historic Preservation Board.		Once 7 days prior to hearing before the Historic Preservation Board.
<b>Historic District Design Review</b>	For a 10 day period once Staff's preliminary determination of	To Owners of adjoining Property once Staff's preliminary determination of	Only required upon appeal of the Planning Director's decision.

	compliance has been reached.	compliance has been reached, establishing a 10 day period in which Staff's decision may be appealed.	See appeals from Planning Director, Historic Preservation Board, or Planning Commission, including City Council Call-Up.
<b>Annexations</b>	Varies, depending on number of Owners and current State law. Consult with the Legal Department.		
<b>Termination of Project Applications</b>	Mailed Notice: To Owner/Applicant and certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of files.		
<b>Lot Line Adjustments: Between 2 Lots without a plat amendment.</b>	To Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from adjacent Owners.		
<b>Preliminary and Final Subdivision Plat Applications</b>	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft...	Once 14 days prior to the hearing before the Planning Commission.
<b>Condominium Applications; Record of Survey Plats</b>	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.,	Once 14 days prior to the hearing before the Planning Commission.
<b>Record of Survey Amendments</b>	14 days prior to the hearing	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.

<b>Subdivision Plat Amendments</b>	14 days prior to the hearing	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior the hearing.
<b>Vacating or Changing a Street</b>	14 days prior to the hearing before the City Council, to Owners within 300 ft and to Affected Entities,		Once a week for 4 consecutive weeks prior to the hearing before the City Council.

Note: For all applications, notice will be given to the applicant of date, time, and place of the public hearing and public meeting to consider the application and of any final action on a pending application.

\*Affected entity is a defined term. See LMC Section 15-15.

Appendix A - Official Zoning Map (Refer to the Planning Department)



**PARK CITY MUNICIPAL CODE**  
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**TITLE 15 - LAND MANAGEMENT CODE**

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)  
CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES**

*Chapter adopted by Ordinance No. 00-25*

**CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES.**

**15-1 -1. SHORT TITLE.**

This Title shall be known as the Park City Land Management Code (LMC).

**15-1 -2. STATEMENT OF PURPOSE.**

The LMC is designed, enacted, restated and reorganized to implement the goals and policies of the Park City General Plan, and for the following purposes:

(A) To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City,

(B) To protect and enhance City's overall quality of life economic vitality and Historic, resort-based community, the vitality of the City's resort-based economy, the overall quality of life, the Historic character, and unique mountain town community;

(C) To protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,

(D) To protect the tax base and to secure economy in governmental expenditures,

(E) To allow Development in a manner that encourages the preservation of scenic vistas, environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,

(F) To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services, and

(G) To prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community.

(H) To protect and ensure access to sunlight for solar energy devices

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Comment [p1]: (UCA 10-9a 102(1))

(l) To protect or promote moderate income housing.

It is the intention of the City in adopting this LMC to fully exercise all of the powers granted to the City by the provisions of the Title 10, Chapter 9a of the Utah Municipal Land Use Development and Management Act. Utah Code Annotated, 1991, as amended, and all other powers granted by statute or by common law for the necessary regulation of the Use and Development of land within the City.

**15-1 -3. CONFLICT.**

The provisions of the LMC are in addition to all other City ordinances, the Laws of the State of Utah, the Laws of the United States, and applicable common law. The LMC shall not supersede any private land Use regulations in deeds or covenants, which are more restrictive than the LMC. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. The City does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein.

**15-1 -4. DEFINITIONS.**

All capitalized proper nouns in the text of the LMC are defined terms. Defined terms are located in LMC Chapter 15-15.

**15-1 -5. ZONING MAP ADOPTED.**

The zoning map for Park City as adopted by the City Council and executed by the Mayor is the Official Zoning Map for Park City. Upon amendment to the Official Zoning

Map, the Mayor shall execute a new map, or re-execute the existing map with the amendments noted thereon.

**15-1 -6. ZONE DISTRICTS AND ZONE MAP.**

In order to carry out the purposes of the LMC, Zoning Districts have been established as set forth in LMC Chapters 15-2 and as identified on the Official Zoning Map. In interpreting the Official Zoning Map, the following standards shall apply:

(A) The zoning boundary lines are intended to conform to existing Property boundary lines when not in a public Right-of-Way, or to follow the center line of public Rights-of-Way, including prescriptive Rights-of-Way, unless the lines are located by specific dimensions, in which case the dimensions shall control.

(B) Where the Zoning District lines appear to have intentionally divided a Lot or Parcel between two (2) or more districts, the applicable zoning for each portion of the Lot or Parcel must be determined by using the scale shown on the map.

(C) There is no minimum area or diversity of ownership requirement for a zone designation. Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.

Comment [p2]: 10-9a-505

**15-1 -7. AMENDMENTS TO THE LAND MANAGEMENT CODE AND ZONING MAP.**

All amendments to the LMC must be made in the following manner:

(A) **APPLICATION.** An Application must be filed first with the Planning Department on a form prescribed for that purpose. The Planning Department, upon its own initiative or at the direction of the City Council, Planning Commission, or Historic District Commission may initiate an amendment as provided below.

(B) **HEARINGS BEFORE PLANNING COMMISSION.** The Planning Commission shall hold a public hearing on all amendments to the LMC. Notice of amendment hearings before the Planning Commission shall be given by posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City. The notice must state generally the nature of the proposed amendment, land affected, and the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed.

(C) **ACTION BY PLANNING COMMISSION.** Following the hearing, the Planning Commission must adopt formal recommendation(s) to the City Council regarding the matter before it, approving, disapproving, or modifying the proposal. If the Planning Commission fails to take action within thirty (30) days of the public hearing, the City Council may consider the matter forwarded from the Planning Commission with a negative recommendation and may hear the matter.

(D) **HEARING BEFORE CITY COUNCIL.** The City Council must hold a public hearing on all amendments to the LMC. Notice of the hearings shall be given by providing actual notice or posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City. Once opened the hearing may be continued, if necessary, without republication of notice until the hearing is closed. Following the hearing, the Council must approve, disapprove, or modify and approve the proposal before it. Recommendations of the Planning Commission are advisory only.

(E) **JOINT HEARINGS.** At the option of the City Council, the hearings before the Planning Commission and the Council may be consolidated into a single hearing, provided however, that separate votes are taken by the Commission and the Council. The Commission vote shall be taken first. Notice for any joint hearing shall be given by posting notice in at least three (3) public places within the City and by providing at least fourteen (14) days published notice in a newspaper of general circulation within the City.

(F) **TEMPORARY OR EMERGENCY ZONING.** The City Council may, without a public hearing prior consideration of or recommendation from the planning commission, enact an ordinance establishing temporary zoning regulations for any part or all of the Area within the municipality if:

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(1) ~~The~~ City Council makes a finding of compelling, countervailing public interest; or

(2) ~~The~~ area is ~~unzoned~~ unregulated.

Those temporary zoning regulations may prohibit or regulate the erection, construction, reconstruction, or alteration of any Building or Structure or Subdivision approval. The City Council shall establish a period of limited effect for the ordinance, not to exceed six (6) months.

**15-1 -8. REVIEW PROCEDURE UNDER THE CODE.**

(A) No Building Permit shall be valid for any Building project unless the plans for the proposed Structure have been submitted to and have been approved by the Planning, Engineering and Building Departments.

(B) No new Use shall be valid on any Property within the City unless the Use is allowed.

(C) No Subdivision shall be valid without preliminary approval of the Planning Commission and final approval by the City Council with all conditions of approval completed.

(D) Proposals submitted to the Planning Department must be reviewed according to the type of Application filed. Unless otherwise provided for in this LMC, only one (1) Application at a time, per Property, will be accepted and processed.

(E) ~~The Planning, Engineering, and Building Departments~~ reviews all Allowed Uses, Administrative Lot Line Adjustments and Administrative Conditional Use permits.

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(F) Projects in the Historic District and Historic Structures outside the Historic District are subject to design review under the Historic District Guidelines.

(G) Conditional Uses and Master Planned Developments are initially reviewed by staff and submitted to the Planning Commission for review, final permitting and approval.

(H) Subdivisions and Plat Amendments are initially reviewed by the Planning Commission and submitted to the City Council for final approval.

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(I) Variances, Non-Conforming Uses and Non-Complying Structures are reviewed by the Board of Adjustment.

(J) No review may occur until all applicable fees have been paid. Final approval is not effective until all other ~~fees~~ including engineering fees have been paid, and following applicable staff review.

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REVIEW (y) and FINAL DECISION (X)					
	<u>Planning Director</u>	<u>HBP</u>	<u>Board of Adjustment</u>	<u>Planning Commission</u>	<u>City Council</u>
Allowed	yX				
Allowed-Historic	yX				
Allowed-Historic Appeal		X			
Conditional	y			X	
Conditional Admin.	yX				
MPD	y			X	
Non-Conforming	y		X		
Plat Amendment	y			y <u>Recommend to CC</u>	X
Variance	y		X		
Subdivision	y			y <u>Recommend to CC</u>	X
Zoning Appeal	y		X		
LMC Amendments	y			y <u>Recommend to CC</u>	X

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\*All Applications are filed with the Planning Department. If the Planning Department is not the reviewing body (y), a staff member will make a recommendation to the appropriate decision making body (X).

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15-1 -9. ALLOWED USE REVIEW PROCESS.

(A) An Applicant must file a Complete Application, using the forms established by the Planning Department, and include payment of all fees. On any Application to construct a Building or other Improvement to Property which is defined by this Code as an Allowed Use in the Zone in which the Building is proposed, the Planning Department must review the Application to determine whether the proposal:

- (1) is an Allowed Use within the zone for which it is proposed;
- (2) complies with all applicable Development requirements of that zone, including Building Height, Setback, Front, Side, and Rear Yards, and Lot coverage;
- (3) respects Lot Lines of a legally subdivided Lot;
- (4) meets the applicable parking requirements;
- (5) conforms to the Park City Architectural Design Guidelines and/or the Historic District Design Guidelines, and the architectural review process established for that zone;

(6) can be adequately serviced by roads, and existing or proposed utility systems or lines; and

(7) pertains to land in which all tax assessments have been paid.

(B) If approved by the Planning Department Planning Staff, the plans must be forwarded to the Engineering Department and Building Department. The plans shall be reviewed for Building Code compliance and permit issuance procedures. Approval of Allowed Uses must be noted by the issuance of a Building Permit in compliance with the provisions of the Uniform Building Code, as adopted by Park City.

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(C) If the Application does not comply with the requirements of the zone, the Planning Department shall notify the Owner of the project or his Agent, if any, stating specifically what requirements of the zone have not been satisfied, and also stating whether the project could be reviewed as submitted as a Conditional Use for that zone.

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(D) **DISCLAIMER.** No permit issued shall be valid if any of the criteria listed in this section has not been met.

15-1 -10. CONDITIONAL USE REVIEW PROCESS.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors,

or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

If the reasonable anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

The City must review all proposed Conditional Uses according to the following procedure, unless a subsequent provision of this LMC specifically sets forth an administrative approval process for a specific Conditional Use, in which case that section shall control:

(A) **PRE-APPLICATION CONFERENCE**. An Applicant may request a pre-Application conference with the Planning Department to discuss the proposed Conditional Use and the

conditions that the staff would recommend to mitigate proposed adverse impacts.

(B) **THE APPLICATION**. An Applicant must file a Complete Application on forms provided by the Planning Department for Conditional Uses.

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(C) **NOTICE/POSTING**. Upon receipt of a Complete Application, the Planning Department shall provide published notice once fourteen (14) days prior to the hearing and courtesy mailed notice to Owners of Property within three hundred feet (300') of the proposal. (See Section 15-1 -12. NOTICE.) The Planning Commission shall conduct a public hearing on the proposed Conditional Use permit and shall either approve, deny, or modify and approve the permit.

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(D) **STANDARDS FOR REVIEW**. The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

(1) the Application complies with all requirements of this LMC;

Comment [p4]: 10-9a-507

(2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;

(3) the Use is consistent with the Park City General Plan, as amended; and

(4) the effects of any differences in Use or scale have been mitigated through careful planning.

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(E) **REVIEW.** The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items;

- (1) size and location of the Site;
- (2) traffic considerations including capacity of the existing Streets in the Area;
- (3) utility capacity;
- (4) emergency vehicle Access;
- (5) location and amount of off-Street parking;
- (6) internal vehicular and pedestrian circulation system;
- (7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
- (8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
- (9) usable Open Space;
- (10) signs and lighting;
- (11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

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(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;

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(14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and

(15) within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

(F) **TRANSFERABILITY.** A Conditional Use permit is transferable with the title to the underlying Property so that an Applicant may convey or assign an approved project without losing the approval. The Applicant may not transfer the permit off the Site on which the approval was granted.

(G) **EXPIRATION.** Unless otherwise indicated, Conditional Use permits expire one (1) year from the date of Planning Commission approval, unless the Conditionally Allowed Use has commenced on the project. The Planning Commission may grant an extension of a Conditional Use permit for up to one (1) additional year when the Applicant is able to demonstrate no

change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the Conditional Use permit, noticed and processed with a public hearing the same as a normal Conditional Use permit.

(H) APPEALS. Appeals must be pursuant to Section 15-1-18 herein.

15-1-11. SPECIAL APPLICATIONS.

(A) MASTER PLANNED DEVELOPMENT (MPD) REVIEW PROCESS. Applications for MPDs shall be reviewed according to LMC Chapter 15-6.

(B) VARIANCES, EXCEPTIONS, AND NON-CONFORMING USES. The Board of Adjustment must review Applications for Variances, Special Exceptions and Non-Conforming Uses and Non-Complying Structures in accordance with the regulations set forth in LMC Chapter 15-9. Such approval must be obtained from the Board of Adjustment prior to the issuance of any Conditional Use permit or Master Planned Development, or other approval by the Planning Commission or Planning Department. All action on an Application shall be stayed upon the determination that a Board of Adjustment approval is required.

(C) PLAT AMENDMENTS/ SUBDIVISION. Plat Amendments and Subdivisions must be reviewed pursuant to LMC Chapter 15-7. No Building Permit may be issued prior to such an approval.

15-1-12. NOTICE.

Notice of a public hearing before the City Council, Planning Commission, Board of Adjustment, and Historic District Commission must be provided in accordance with this section. All notices, unless otherwise specified in this Code or State law, must describe the proposed action affecting the subject Property or modification to the Park City General Plan, and the time, place and date set for public hearing on the matter. Notice shall be given according to 15-1-20 Notice Matrix and as follows:

(A) POSTED NOTICES. The Planning Department must post notice on the Property affected by the Application and on the City's official website or in at least three public locations within the municipality.

(B) PUBLISHED NOTICE. Published notice shall be given by publication in a newspaper having general circulation in Park City.

(C) COURTESY NOTICE. As a courtesy to adjacent Property Owners, the Applicant must provide the Planning Department with stamped and pre-addressed envelopes for each Owner of record of each Parcel located entirely or partly within three hundred feet (300') from all Property Lines of the subject Property, together with a mailing list for those Owners. The addresses for adjacent Owners must be as shown on the most recently available Summit County tax assessment rolls. If the subject Property is a Condominium, the Owners Association is sufficient in lieu of the address for each unit Owner. Courtesy

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notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the City Council or any Board or Commission.

(D) APPLICANT NOTICE For each land use application, the Planning Department must notify the applicant of the date, time and place of each public hearing and public meeting to consider the application and of any final action on a pending application.

~~(D)~~ (E) EFFECT OF NOTICE. Proof that notice was given pursuant to subsections (A) and (B), above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within thirty (30) days from after the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper. Notice pursuant to subsections (C) and (F) is courtesy only.

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

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

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

Comment [p6]: 10-9a-202

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

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

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

- (a) the properly executed notice form, as approved by the City; or
- (b) a signed return receipt from a certified letter posted to the registered association

representative, with a copy of the notice form approved by the City.

(3) **CITY NOT PARTY TO DISPUTES.** The City is not the arbiter of disputes between an Applicant and an Owners association. Nothing herein shall be interpreted to require Owners Association consent prior to City Final Action.

(Amended by Ord. No. 02-57)

**15-1-13. COMPLETION OF SITE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY.**

(A) **POLICY.**

(1) **SECURITY REQUIRED.** In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities that may occur as a result of incomplete or inadequate Site improvements on private construction projects, it is the policy of the City to require that Developers either complete all Site improvements prior to occupancy, or if that is not possible, that adequate financial security for that completion, together with a right of entry to the Property to complete that work be granted to the City. It is specifically the intention of the City to require that storm drainage work, paving, curb and gutter, utility

facilities, soil retention Structure, and landscaping as needed to control erosion be completed according to standards adopted by the City, So that residents and taxpayers at large are not required to pay the costs of damage repair or disproportionately increased maintenance for roads, storm drainage, or other utility facilities. No plat will be approved, where required, and no Certificate of Occupancy granted unless and until adequate financial security is posted in accordance with this section.

(2) **NO THIRD PARTY BENEFICIARIES INTENDED.** It is the intention of the City that this financial security given by the Developer is limited to a contract between the City and the Developer for the express purpose of providing for the protection of City facilities and elimination of conditions which could become public nuisances. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of Property to correct construction flaws or defects, which are the fault of the Developer. In no event will the funds be used for purposes other than those stated in this section and the time and manner of the expenditure, and prioritization of work performed shall rest in the sole discretion of the Planning, Building, and Engineering Team.

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(B) **CONSTRUCTION ACCORDING TO APPROVED PLANS.**

All construction shall be completed according to the approved plans on which the Building permits were issued. The approved plans shall also include the Site improvements shown on the Site plan. For purposes of this Code, the term "Site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, Grades, walls, landscaping, planting, paving, paths and trails, and similar improvements as shown on the set of plans on which the final approval and Building permits are based. Deviations from the approved plans must be approved in advance by the Chief Building Official.

(C) **SECURITY FOR COMPLETION.**

No Certificate of Occupancy will be issued; nor any plat approved when plats are required by this Code, unless the Building and all required Site improvements are completed, or the Developer has provided adequate security to Guarantee completion of the Site improvements. When the Site improvements and the Building cannot be completed simultaneously due to weather conditions or other factors beyond the control of the Developer, excluding financial inability to complete the project, the City may grant plat approval for recording and/or issue Certificates of Occupancy for the project, provided the following conditions are met:

(1) The Building or Buildings, or portions thereof, on the Property to be platted or occupied have been constructed in accordance with the approved plans for those Buildings,

and are in full compliance with applicable Building and fire codes, and are completed to the extent that only exterior Site improvement work remains unfinished; and,

(2) The Building Official determines that occupancy of the Buildings, or portions thereof, prior to completion of required Site improvements is safe and that Access for emergency vehicles is adequate with the Site improvements unfinished; and,

(3) The Developer posts adequate security for the benefit of the City to insure completion of the Site improvements in full compliance with the approved plans within one (1) year from the date of plat approval, if required, or issuance of the Certificate of Occupancy, whichever occurs first.

(D) **AMOUNT OF SECURITY.** The amount of the security to be posted by the Applicant, shall be equal to 125% of the amount reasonably estimated by the Engineering Department as being necessary to complete remaining Site improvements as shown on the approved plans. In the event that the Developer disputes the cost estimate of the City, the Developer may prove a lower construction cost by providing binding contracts between the Developer and contractor or subcontractor appropriate to perform the required work as a stated, fixed price. These contracts must be supported by a 100% performance bond, insuring performance by the subcontractor or contractor. Bid proposals are not

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satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 125% of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

(E) **TERMS OF SECURITY.** The terms of any security arrangement offered to the City shall state a date certain by which the Developer agrees to have Site improvement work completed in accordance with the plans, and further provide that in the event that the Developer has not completed required Site improvement work by that date, the City may at its option and on its schedule, draw on the funds in escrow, or credit established, or such other security device by its own act, and shall not be required to obtain consent of Developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the Developer shall be reimbursed from the escrow or other security arrangements.

(F) **FORM OF SECURITY.** Security arrangements offered in lieu of simultaneous completion of Buildings and Site improvements shall be in an amount fixed under the terms of Section 15-1-13(D), and shall be in one or more of the following forms:

- (1) An irrevocable letter of credit from a bank authorized to do Business in the State of Utah,

naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and Guaranteeing the availability of funds for one (1) year, or,

- (2) A deposit of cash with a third party escrow, or,

(3) An Agreement with the construction lender providing that the lender will withhold funds in the construction loan in an amount equal to the amount calculated in Section 15-1-13(D), above, and will disburse those funds only with the written consent of the City, and only for the completion of Site improvements. As Site improvement work is completed, the City will consent to the disbursement of the funds set aside by the lender.

- (4) Some combination of the above as approved by the City.

(G) **RETAINED AMOUNT.** The amount in excess of the actual construction costs, but in no event more than twenty five percent (25%) of the actual construction cost, shall be held for a period of one (1) year following final inspection and approval of the Site improvement work by the City. No retained amount shall be held for landscaping improvements once the installation of the required materials has been approved by the City. The retained amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide new security instruments within thirty (30) days from the expiration of the security instruments

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provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that security to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate security, as provided in this Code, is posted by the Developer. The retained amount will be used to replace or repair any Site improvements, which fail or appear to be defective during the one (1) year period. The corrective work may be done by the City or the Developer. At the completion of that work, the retained amount, or so much of it remains, shall be released. Retained amounts may be drawn and applied to any outstanding fees owed by the Developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not contested by the Developer.

(H) **MODIFICATION OF PLANS.** A Developer may, at its option, request modifications to plans covering Site improvement work by submitting revised plans to the City for review and action. Until the revised plans have received approval by the City, the Developer shall be required to offer security for the performance of the Site improvement work as shown on the last set of plans to have received City approval. Upon acceptance of revised plans by the Departments, the City shall release any cash, credit or other security held, which is in excess of 125% of the completion cost, estimated, of work shown on the most recently revised plan. If the modification of the plans increases the cost of required Site improvements, additional security must be provided by the Developer to cover the increased costs.

(I) **PAYMENT OF INTEREST.** Any interest accruing on funds in escrow shall, unless expended for completion of Site improvements required, inure to the benefit of the Developer upon release and not to the City, and the City shall not be required to pay interest to the Developer on any funds in escrow for this purpose.

(J) **DETAILED SITE PLANS.** A detailed Site plan shall be presented, showing the location and nature of drainage works, Grade changes, retaining walls, and landscaping, together with any trails, paths, or walkways that may be included or required under other provisions of the Land Management Code.

(K) **SINGLE FAMILY HOMES.** This provision shall apply to all construction in Park City, including single family homes, provided, however, that the amount of security required for single family homes shall be the reasonably estimated cost to complete construction of any retained amount and drainage works on a labor and materials basis, and the estimated cost to complete landscaping, to the extent necessary to hold the soil in place, on the basis of materials only.

(L) **PHASED PROJECTS.** Site improvements applicable to each phase of a phased project or Development shall be completed or security for completion provided as each phase is constructed and either platted or occupied. Site improvements on other phases of the project shall be completed or security offered as those phases are completed.

(Amended by Ord. 02-07)

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15-1 -14. **TERMINATION OF PROJECTS FOR INACTION.**

Recognizing the length of the planning review process will vary with the size and complexity of each proposal, Applicants must move their projects either to approval or denial in a reasonably expeditious manner. The City may formally deny Applications, which remain inactive for long periods of time due to acts or omissions of the Applicant.

(A) **TERMINATION OF APPLICATIONS.** When the Planning Director finds an Application to be inactive, the Planning Director may deny the Application and close the files with respect to that project. No Application shall be denied on the basis of Inaction without giving fourteen (14) days written notice to the Applicant. Such notice must state the intent of the Planning Director to have the project denied because of Inaction and the right to contest said denial to the Planning Commission.

Delays occasioned by the City shall not constitute cause for terminating an Application.

(B) **REINSTATEMENT.** An Applicant may appeal the Planning Director's denial of a project for Inaction to the Planning Commission in the same manner as any other appeal. The Planning Commission may reinstate subject to payment of full or partial submission fees, reinstate subject to specific ordinance changes, or deny reinstatement. If reinstatement is denied, the Application is considered formally denied. If the Applicant desires to proceed with the

project, the Applicant must submit a new Application and pay new submission fees, and the new Application shall be subject to all ordinances then in effect.

15-1 -15. **PENALTIES.**

Any Person, firm, partnership, or corporation, and the principals or Agents thereof violating or causing the violation of this LMC shall be guilty of a Class "C" misdemeanor and punished upon conviction by a fine and/or imprisonment described in the current Park City Criminal Code. In addition, the City shall be entitled to bring a civil action to enjoin and/or abate the continuation of the violation.

Private citizens of Park City or Property Owners have the right to file actions to enjoin the continuation of a violation affecting their interests, provided that the plaintiff in such action gives notice of the action to the City Recorder prior to filing the action.

15-1 -16. **LICENSING.**

Licenses or permits issued in violation of this LMC are null and void.

15-1 -17. **VESTING OF ZONING RIGHTS.**

~~(A) Upon submittal of a Complete Application, the Application shall vest pursuant to the terms of the LMC and Zoning Map in effect at the time of filing the Complete Application.~~

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(B) ~~Vesting of all Permits and approvals terminates upon the expiration or termination of the permit or approval.~~

(C) ~~**EXCEPTIONS.** Applications shall not vest:~~

~~(1) when revisions to the LMC are pending at the time of Application which would prohibit or further condition the approval sought; or~~

~~(2) when there exist compelling and countervailing health, safety or welfare reasons for applying the pending standard.~~

(1) (a) An applicant is entitled to approval of a land use application if the application conforms to the requirements of an applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:

(i) the land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or

(ii) in the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.

(b) The municipality shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:

(i) 180 days have passed since the proceedings were initiated; and

(ii) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted.

(c) An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

(d) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

(2) A municipality is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

**15-1 -18. APPEALS AND RECONSIDERATION PROCESS.**

(A) **STAFF.** Any decision by the Planning Director regarding Application of this LMC to a Property may be appealed to the Planning Commission. Decisions regarding compliance with the Historic District Guidelines may be appealed to the Historic District Commission. The appeal must be filed with the Planning Department. There shall be no additional notice for appeal of the staff determination other than listing the matter on the agenda, unless notice of the staff review was provided in which case the same notice must be given for the appeal.

(B) **HISTORIC PRESERVATION BOARD (HPB).** Final Actions by the Historic Preservation Board may be appealed to the Board of Adjustment.

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(C) **PLANNING COMMISSION.**

Final Actions by the Planning Commission on staff appeals may be appealed to the Board of Adjustment. Final Action by the Planning Commission on Conditional Use permits and MPDs may be appealed to the City Council. Only those decisions in which the Planning Commission has applied a land use ordinance to a particular application, person, or parcel may be appealed to an appeal authority.

(D) **STANDING TO APPEAL.** The following has standing to appeal a Final Action:

- (1) Any Person who submitted written comment or testified on a proposal before the Planning Department, Historic Preservation Board, or Planning Commission;
- (2) The Owner of any Property within three hundred feet (300') of the boundary of the subject site;
- (3) Any City official, Board or Commission having jurisdiction over the matter; and
- (4) The Owner of the subject Property.

(E) **TIMING.** All appeals must be made within ten (10) calendar days of the Final Action. The reviewing body, with the consultation of the appellant, shall set a date for the appeal.

(F) **FORM OF APPEALS.** Appeals to the Planning Commission or Board of Adjustment must be filed with the Planning

Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The applicant shall pay the applicable fee established by resolution. The adversely affected party shall present to the appeal authority every theory of relief that it can raise in district court.

(G) **BURDEN OF PROOF AND STANDARD OF REVIEW.**

The appeal authority shall act in a quasi-judicial manner. The appellant has the burden of proving that the land use authority erred. Except for appeals to the Board of Adjustment, the appeal authority shall review factual matters de novo and it shall determine the correctness of a decision of the land use authority in its interpretation and application of a land use ordinance.

(H) **WRITTEN FINDINGS REQUIRED.**

The appellate body shall direct staff to prepare detailed written:

- (1) Findings of Fact, which explain and support the Staff decision;
- (2) Conclusions as to how a contrary decision would violate the provisions of this LMC, other City ordinances, or applicable state or federal laws or regulations.

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**(I) CITY COUNCIL ACTION ON APPEALS.**

- (1) The City Council, with the consultation of the appellant, shall set a date for the appeal.
- (2) The City Recorder shall notify the Owner of the appeal date. The City Recorder shall obtain the findings, conclusions and all other pertinent information from the Planning Department and shall transmit them to the Council.
- (3) The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.
- (4) Staff must prepare written findings within fifteen (15) working days of the City Council vote on the matter.

**(J) CITY COUNCIL CALL-UP.** Within fifteen (15) calendar days of Final Action on any project, the City Council, on its own motion, may call any Final Action taken by the Planning Commission or Planning Director up for review by the

Council. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Planning Commission and/or Planning Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Section 15-1-12 herein. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues, and need not take public input at the hearing. The City Council, with the consultation of the Applicant, shall set a date for the call-up. The City Recorder shall notify the Applicant of the call-up date. The City Recorder shall obtain the findings, and all other pertinent information and transmit them to the Council.

**(K) NOTICE.** Notice of all appeals to City Council or call-ups shall be given by:

- (1) Publishing the matter once at least seven (7) days prior to the hearing in a newspaper having general circulation in Park City; and
- (2) By mailing courtesy notice seven (7) days prior to the hearing to all parties who received mailed courtesy notice for the original action.

**(L) STAY OF APPROVAL PENDING REVIEW OF APPEAL.** Upon the filing of an appeal, any approval granted by the, Planning Commission will be suspended until the City Council has acted on the appeal.

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(M) **APPEAL FROM THE CITY COUNCIL.** The Applicant or any Person aggrieved by City action on the project may appeal from the Final Action by the City Council affecting the project to a court of competent jurisdiction. The decision of the Council stands, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.

(N) **FINALITY OF ACTION.** Final Action occurs when the deciding body has adopted and executed written findings of fact and conclusions of law.

(O) **RECONSIDERATION.** The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

(P) No participating member of the appeal panel may entertain an appeal in which he or she acted as the land use authority.

**15-1 -19. CONSTITUTIONAL TAKINGS REVIEW AND APPEAL.**

In order to promote the protection of private Property rights and to prevent the physical

taking or exaction of private Property without just compensation, the City Council and all Commissions and Boards shall adhere to the following before authorizing the seizure or exaction of Property:

(A) **TAKINGS REVIEW PROCEDURE.** Prior to any proposed action to exact or seize Property by the City, the City Attorney shall review the proposed action to determine if a constitutional taking requiring "just compensation" would occur. The City Attorney shall review all such matters pursuant to the guidelines established in subsection (B) below. Upon identifying a possible constitutional taking, the City Attorney shall, in a confidential, protected writing, inform the Council, commission or board of the possible consequences of its action. This opinion shall be advisory only. No liability shall be attributed to the City for failure to follow the recommendation of the City Attorney.

(B) **TAKINGS GUIDELINES.** The City Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under Article I, Section 22 of the Utah Constitution. The City Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The City Attorney shall also determine whether the action deprives the private Property Owner of all reasonable Use of the Property. These guidelines are advisory only and shall not expand nor limit

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the scope of the City's liability for a constitutional taking.

(C) **APPEAL.** Any Owner of private Property who believes that his/her Property is proposed to be "taken" by an otherwise Final Action of the City may appeal the City's decision to the Takings Appeal Board within thirty (30) days after the decision is made. The appeal must be filed in writing with the City Recorder. The Takings Appeal Board shall hear and approve and remand or reject the appeal within fourteen (14) calendar days after the appeal is filed. The Takings Appeal Board, with advice from the City Attorney, shall review the appeal pursuant to the guidelines in subsection (B) herein. The decision of the Takings Appeal Board shall be in writing and a copy given to the appellant and to the City Council, Commission or Board that took the initial action. The Takings Appeal Board's rejection of an Appeal constitutes exhaustion of administrative remedies rendering the matter suitable for appeal to a court of competent jurisdiction.

(D) **TAKINGS APPEAL BOARD.** There is hereby created a three (3) member Takings Appeal Board. The City Manager shall appoint three (3) current members of the Board of Adjustment to serve on the Takings Appeal Board. If, at any time, three (3) members of the Board of Adjustment cannot meet to satisfy the time requirements stated in subsection (C), the City Manager shall appoint a member or sufficient members to fill the vacancies.

**15-1 -20. EXACTIONS.**

Exaction or exactions may be imposed on development proposed in a land use application if:

(1) an essential link exists between a legitimate governmental interest and each exaction; and

(2) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

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**15-1 -2021. NOTICE MATRIX.**

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NOTICE MATRIX			
ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
<b>Zoning and Rezoning</b>	<u>14</u> days prior to each hearing before the Planning Commission and City Council	<u>14</u> days to each Affected Entity,	Once <u>14</u> days prior to each hearing before the Planning Commission and City Council.
<b>LMC Amendments</b>	<u>14</u> days prior to each hearing before the Planning Commission and City Council.	<u>14</u> days to each Affected Entity	Once <u>14</u> days prior to each hearing before the Planning Commission and City Council.
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<b>General Plan Amendments</b>	<u>14</u> days prior to each hearing before the Planning Commission and City Council.	<u>14</u> days to each Affected Entity	Once <u>14</u> days prior to each hearing before the Planning Commission and City Council.
<b>Master Planned Developments (MPD)</b>	14 days prior to the hearing before the Planning Commission.	<u>14</u> days prior to the hearing before the Planning Commission, to Owners within 300 ft.,	Once 14 days prior to the hearing before the Planning Commission
<b>Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions, and</b>	7 days prior to the date set for the appeal or call-up hearing.	To all parties who received mailed notice for the original Administrative or Planning Commission hearing, 7 days prior to the hearing.	Once 7 days before the date set for the appeal or call-up hearing.

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**Deleted:** To Owners of the Property and Owners within 300 ft. 14 days prior to each hearing before the Planning Commission and City Council, if individual Property.

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**PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures** **15-1-22**

including City Council Call-Up			
<b>Conditional Use Approval (CUP)</b>	14 days prior to the hearing before the Planning Commission.	<u>14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.</u>	Once 14 days prior to the hearing before the Planning Commission.
<b>Deleted:</b> To Owners within 300 ft., at least 14 days prior to the hearing before the Planning Commission.			
<b>Timeshare Conversions</b>	Same as CUP	Same as CUP	Same as CUP
<b>Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment</b>	14 days prior to the hearing before the Board of Adjustment.	<u>14 days prior to the hearing before the Board of Adjustment, to Owners within 300 ft.</u>	Once 14 days prior to hearing before the Board of Adjustment.
<b>Deleted:</b> To Owners within 300 ft., 14 days prior to the hearing before the Board of Adjustment.			
<b>Certificate of Appropriateness for Demolition (CAD)</b>	45 days on the Property upon refusal of the <u>City</u> , to issue a CAD; 14 days prior to the hearing before the Historic Preservation Board.	<u>14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.</u>	Once 14 days prior to the hearing before the <u>Historic Preservation Board.</u>
<b>Deleted:</b> To Owners within 300 ft. 14 days prior to the hearing before the Historic District Commission.			
<b>Deleted:</b> Community Development Dept			
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<b>Deleted:</b> District Commission.			
<b>Deleted:</b> District Commission			
<b>Determination of Historic Significance</b>	Once 7 days prior to hearing before the Historic <u>Preservation Board.</u>		Once 7 days prior to hearing before the <u>Historic Preservation Board.</u>
<b>Deleted:</b> District Commission			
<b>Deleted:</b> District Commission.			
<b>Historic District Design Review</b>	For a 10 day period once Staff's preliminary	To Owners of adjoining Property once Staff's	Only required upon appeal of the Planning
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	determination of compliance has been reached.	preliminary determination of compliance has been reached, establishing a 10 day period in which Staff's decision may be appealed.	Director's decision. See appeals from Planning Director, Historic Preservation Board, or Planning Commission, including City Council Call-Up.	Deleted: Staff=s Deleted: staff Deleted: =s Deleted: District Commissio Deleted: n.
<b>Annexations</b>	Varies, depending on number of Owners and current State law. Consult with the Legal Department.			
<b>Termination of Project Applications</b>		Mailed Notice: To <u>Owner/Applicant</u> and certified Agent by certified mail 14 days prior to the <u>Planning Director's</u> termination and closure of files.		Deleted: Developer Deleted: Community Development Deleted: =s
<b>Lot Line Adjustments: Between 2 Lots without a plat amendment.</b>		To Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the <u>Planning Department Application</u> form, from adjacent Owners.		Deleted: CDD Deleted: If Application is turned do then Applicant will be notified of right to appeal to Planning Commission and of right to file a plat amendment Application. Deleted: To Owners within 300 ft.
<b>Preliminary and Final Subdivision Plat Applications</b>	<u>14 days</u> prior to the hearing before the Planning Commission.	<u>14 days</u> prior to the hearing before the Planning Commission, to <u>Owners</u> within 300 ft.	Once <u>14 days</u> prior to the hearing before the Planning Commission.	Deleted: To Owners within 300 ft.
<b>Condominium Applications; Record of Survey Plats</b>	<u>14 days</u> prior to the hearing before the Planning Commission.	<u>14 days</u> prior to the hearing before the Planning Commission, to <u>Owners</u> within 300 ft.	Once <u>14 days</u> prior to the hearing before the Planning Commission.	Deleted: To Owners within 300 ft.
<b>Record of Survey Amendments</b>	<u>14 days</u> prior to the hearing	<u>14 days</u> prior to the hearing, to <u>Owners</u> within 300 ft.	Once <u>14 days</u> prior to the hearing.	Deleted: To Owners within 300 ft. Deleted: before the City Council Deleted:



**PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures** **15-1-24**

<p><u>Subdivision Plat Amendments</u>, <u>14 days prior to the hearing</u> <u>14 days prior to the hearing, to Owners within 300 ft.</u> <u>Once 14 days prior to the hearing,</u></p>	<p><b>Deleted:</b> See Notice Requirement listed in Appendix A.</p> <p><b>Deleted:</b> To Owners within 300ft. of the Subdivision</p> <p><b>Deleted:</b> before the Planning Commission</p> <p><b>Deleted:</b> (No public hearing before City Council necessary. Consent item only)</p> <p><b>Deleted:</b> Petition with consent of all Owners in Plat to Vacate or Change a Plat</p>
<p><u>Vacating or Changing a Street</u> <u>14 days prior to the hearing before the City Council, to Owners within 300 ft and to Affected Entities.</u> <u>Once a week for 4 consecutive weeks prior to the hearing before the City Council.</u></p>	<p><b>Deleted:</b> ¶ To Owners within 300 ft. 14 days prior to the hearing before the City Council.¶ ¶ See content Notice Requirement listed in Appendix A (below).</p> <p><b>Deleted:</b> Petition without Consent of all Owners to Vacate or Change a Plat; Vacating or Changing a Plat without a Petition when written objections are received.¶ (Plat Amendments)¶</p> <p><b>Deleted:</b> Once 14 days prior to the hearing before City Council.¶</p> <p><b>Formatted:</b> Body Text 2, Space After: 0 pt</p> <p><b>Formatted:</b> Space After: 0 pt</p>
	<p><b>Deleted:</b> -----Once 7 days prior to hearing.</p> <p><b>Deleted:</b> T</p> <p><b>Formatted:</b> Line spacing: single, Widow/Orphan control, Tabs: 0.7", Centered</p> <p><b>Deleted:</b> within 300 ft.</p> <p><b>Deleted:</b> 14 days prior to the hearing before the City Council.</p>
<p><u>Note: For all applications, notice will be given to the applicant of date, time, and place of the public hearing and public meeting to consider the application and of any final action on a pending application.</u></p>	<p><b>Deleted:</b> See content Notice Requirement listed in Appendix A (below).</p>
<p>Appendix <u>A</u>, - Official Zoning Map (Refer to the Planning Department)</p>	<p><b>Deleted:</b> Appendix A¶ ¶ Plat Amendment, Record of Survey Amendment, And Street Change Notice (mailed and published) shall include:¶</p>
<p><u>PSMkaw6</u></p>	<p>¶ 1. A statement that anyone objecting to the proposed plat must file a written objection to change within ten (10) days of the date of notice;¶ ¶ 2. A statement that if no objecti... [1]</p> <p><b>Deleted:</b> B</p>

# NOTICE MATRIX

<b>ACTION:</b>	<b>POSTED:</b>	<b>COURTESY MAILING:</b>	<b>PUBLISHED:</b>
<b>Zoning and Rezoning</b>	14 days prior to each hearing before the Planning Commission and City Council	14 days to each Affected Entity	Once 14 days prior to each hearing before the Planning Commission and City Council.
<b>LMC Amendments</b>	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each Affected Entity	Once 14 days prior to each hearing before the Planning Commission and City Council.
<b>General Plan Amendments</b>	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each Affected Entity	Once 14 days prior to each hearing before the Planning Commission and City Council.
<b>Master Planned Developments (MPD)</b>	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
<b>Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions, and including City Council Call-Up</b>	7 days prior to the date set for the appeal or call-up hearing.	To all parties who received mailed notice for the original Administrative or Planning Commission hearing, 7 days prior to the hearing.	Once 7 days before the date set for the appeal or call-up hearing.
<b>Conditional Use Approval (CUP)</b>	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners	Once 14 days prior to the hearing before the Planning Commission.

	within 300 ft.		
<b>Timeshare Conversions</b>	Same as <b>CUP</b>	Same as <b>CUP</b>	Same as <b>CUP</b>
<b>Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment</b>	14 days prior to the hearing before the Board of Adjustment.	14 days prior to the hearing before the Board of Adjustment, to Owners within 300 ft.	Once 14 days prior to hearing before the Board of Adjustment.
<b>Certificate of Appropriateness for Demolition (CAD)</b>	45 days on the Property upon refusal of the City to issue a <b>CAD</b> ; 14 days prior to the hearing before the Historic Preservation Board.	14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the hearing before the Historic Preservation Board.
<b>Determination of Historic Significance</b>	Once 7 days prior to hearing before the Historic Preservation Board.		Once 7 days prior to hearing before the Historic Preservation Board.
<b>Historic District Design Review</b>	For a 10 day period once Staff's preliminary determination of compliance has been reached.	To Owners of adjoining Property once Staff's preliminary determination of compliance has been reached, establishing a 10 day period in which Staff's decision may be appealed.	Only required upon appeal of the Planning Director's decision. See appeals from Planning Director, Historic Preservation Board, or Planning Commission, including City Council Call-Up.

<b>Annexations</b>	Varies, depending on number of Owners and current State law. Consult with the Legal Department.		
<b>Termination of Project Applications</b>	Mailed Notice: To Owner/Applicant and certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of files.		
<b>Lot Line Adjustments: Between 2 Lots without a plat amendment.</b>	To Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from adjacent Owners.		
<b>Preliminary and Final Subdivision Plat Applications</b>	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft..	Once 14 days prior to the hearing before the Planning Commission.
<b>Condominium Applications; Record of Survey Plats</b>	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.,	Once 14 days prior to the hearing before the Planning Commission.
<b>Record of Survey Amendments</b>	14 days prior to the hearing	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.
<b>Subdivision Plat Amendments</b>	14 days prior to the hearing	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.

**Vacating or  
Changing a  
Street**

14 days prior to the hearing  
before the City Council, to  
Owners within 300 ft and to  
Affected Entities,

Once a week for 4  
consecutive weeks  
prior to the hearing  
before the City  
Council.

Note: For all applications, notice will be given to the applicant of date, time, and place of the public hearing and public meeting to consider the application and of any final action on a pending application.

Appendix A - Official Zoning Map (Refer to the Planning Department)

PSMk

**PARK CITY MUNICIPAL CODE**  
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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 3 - OFF-STREET PARKING**

*Chapter adopted by Ordinance No. 00-25*

**CHAPTER 3 - OFF-STREET PARKING.**

**15-3 -1. PURPOSE.**

The purpose of this Chapter is to:

- (A) specify Parking Area and Access drive standards for all Development within the City;
- (B) specify Parking Ratio requirements for specific land Use categories to ensure adequate and not excessive parking is provided for the Use.
- (C) provide solutions to mitigate impacts of parking and vehicular oriented Development;
- (D) provide for safe and efficient parking for people with disabilities; and
- (E) provide for convenient and safe motorcycle and bicycle parking to encourage and facilitate alternative modes of transportation.

**15-3 -2. REQUIREMENT.**

An Applicant must provide required Off-Street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles at the time a Building is erected or enlarged.

If any land, Structure, or Use is changed to create more Off-Street parking demand, the Owner must provide such additional Off-Street parking for the new Use as is required by this Chapter. Required parking must be on-Site unless the Planning Commission allows such parking on adjacent or nearby deed restricted Lots.

**15-3 -3. GENERAL PARKING AREA AND DRIVEWAY STANDARDS.**

Off-Street parking shall meet the following standards:

**(A) GRADING AND DRAINAGE.**

- (1) Parking Areas must be Graded for proper drainage with surface water diverted to keep the Parking Area free of accumulated water and ice.

(2) Adequate control curbs must be installed to control drainage and direct vehicle movement.

(3) Parking Area drainage must be detained on Site, treated if required under NPDES (National Pollution Discharge Elimination Standards), and channeled to a storm drain or gutter as approved by the City Engineer.

(4) Driveways must not exceed a fourteen percent (14%) Slope.

(5) Drives serving more than one Single-Family Dwelling shall provide a minimum twenty foot (20') transition Area at no greater than two percent (2%) Slope beginning at the back of the curb, or as otherwise approved by the City Engineer, in anticipation of future Street improvements.

(B) **SURFACING.** Parking Areas and driveways must be Hard-Surfaced, maintained in good condition, and clear of obstructions at all times. See Required Yard Exceptions in Chapter 2 for further drive and parking requirements in specific Zoning Districts.

(C) **PARKING AREA LIGHTING.** Low-pressure or high pressure sodium light sources are the only allowed light sources for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to Buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum

light trespass off-Site by using cut-off Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.

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(1) **MAXIMUM LIGHT DISTRIBUTION.** For uniformity in lighting and prevention of shadows, an average horizontal Luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the maximum allowed.

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(2) **POLE HEIGHT/ WATTAGE/ DESIGN/ HEIGHT.** Luminaries mounting height must be, measured from the Parking Lot or driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Department and/or the Planning Commission. The maximum height shall only be allowed at the review and approval of the Planning Department with specific findings. The determination shall be based on:

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- (a) review of the Site plan,
- (b) proposed land Uses,
- (c) surrounding land Uses,
- (d) Parking Area size,
- (e) Building mass,

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(f) location of the Site with respect to other lighting sources,

(g) impacts on the adjacent Properties,

(h) topography of Site, and

(i) other Site features.

Light Poles higher than sixteen feet (16') are appropriate only for Parking Areas exceeding two hundred (200) stalls and not in close proximity to residential Areas.

**(3) PARKING AREA WATTAGE/DESIGN STANDARD.**

(a) Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.

(b) Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.

(c) Wood fixtures and fixtures mounted on wooden poles are encouraged. They must be naturally stained or painted in earth tones. If metal fixtures or poles are

used they should be black, dark brown or earth tone.

(d) The base of the pole shall be treated with paint, stain, stucco or another form of decorative cover. All attempts shall be made to place the base of light poles within landscape Areas.

**(4) UNDERGROUND PARKING GARAGE ENTRYWAYS.**

Light sources within the first thirty feet (30') of an open garage entryway must be high-pressure sodium light sources with partially shielded fixtures.

**(5) SUBMISSION REQUIREMENTS.** An Application for Development with Off-Street parking must contain the following:

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(a) plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details;

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(b) description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacturer catalog cuts and drawings, including section where required;

(c) photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the Site.

(6) **NON-CONFORMANCE.** All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The Applicant must bring such fixtures into compliance with this Code with any exterior Building Permit. On residential Structures, only new exterior fixtures on remodels or new additions must comply with these requirements.

(D) **PARKING AREA LANDSCAPING.** Landscaping for Parking Areas is considered Landscaped Open Space.

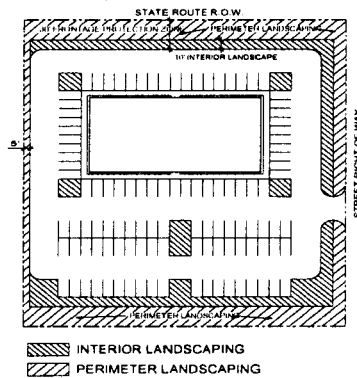
(1) **SIZE OF PARKING AREA.** For purposes of this Section, a Parking Area is defined as five spaces or more. Underground parking or Parking Structures are excluded from the provisions of this Section except Screening.

(2) **CALCULATION OF PARKING AREA.** The Parking Area includes all spaces, aisles, and drives, as defined by the top-back of curb or edge of pavement.

(3) **INTERIOR LANDSCAPING REQUIREMENTS IN THE GENERAL COMMERCIAL (GC), REGIONAL COMMERCIAL OVERLAY (RCO) AND LIGHT INDUSTRIAL (LI) ZONING DISTRICTS.** Each Parking Area in the GC, RCO and LI Districts must have an Interior Landscaped Area equivalent to twenty percent (20%) of the total Parking Area, including drive aisles. Parking Areas with fewer than fifty (50) spaces must have an Interior Landscaped Area equivalent to ten percent (10%) of the Parking Area. Ten feet (10') of Perimeter Landscaping may count towards the Interior Landscaped Area.

Landscaped Areas shall generally not be less than five feet (5') wide. A reduction in the landscape Area width may be granted by the Planning Director if the Applicant provides acceptable mitigation to vegetate and buffer the unenclosed Parking Area.

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Building Foundation Landscaping does not count towards Interior Landscaping Area.

**NON-CONFORMANCE.** All landscaping lawfully installed, that does not meet these requirements is considered non-conforming landscaping. The Applicant must bring such landscaping into compliance with this Code with any change in Use that increases the Parking Ratio requirements for the Site.

**(4) INTERIOR**

**LANDSCAPING.** Parking should generally be located to the rear of Buildings or Screened so it does not dominate the Streetscape. In the design of large Parking Areas, bays or stalls shall generally be separated by landscaping to break up the mass of Hard-Surface paving. The Parking Area must be designed to provide adequate snow storage in winter.

Landscaped Areas shall generally not be less than five feet (5') wide. A reduction in the landscape Area width may be granted by the Planning Director if the Applicant provides acceptable mitigation to vegetate and buffer the unenclosed Parking Area.

**(5) PERIMETER**

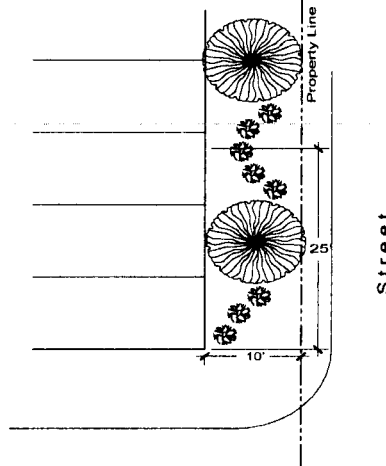
**LANDSCAPING.** Unless a driveway exception is used, unenclosed Parking Areas shall

generally include landscaping on all perimeter Property Lines. This provision shall not be required in zoning districts that allow zero Lot Line Development, or within the Historic District Zones, unless required as part of an approved Master Planned Development.

Landscaped Areas shall generally not be less than five feet (5') wide. A reduction in the Landscape Area width may be granted by the Planning Director if the Applicant provides acceptable mitigation to vegetate and buffer the unenclosed Parking Area.

The Applicant shall generally maintain a minimum of one (1) tree and five (5) shrubs per twenty-five linear feet (25') of Landscaped Area. Trees and shrubs may be clustered as part of good design.

The Frontage Protection Overlay Zone (FPZ) requires a minimum landscaped buffer of thirty feet (30') in width, abutting the Street.



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(6) **SNOW STORAGE.** Snow storage Areas may be included in the Interior or Perimeter Landscaped Areas if they are landscaped to accommodate snow storage.

(7) **STORM WATER DETENTION/ POLLUTION CONTROL.** Landscaped Areas used for storm water detention and pollution control may count towards the landscaping requirements.

(8) **CLEAR VIEW OF INTERSECTION.**

(a) Corner Lots. No landscape obstruction is allowed in excess of two feet (2') in height above Street Grade within the Sight Distance Triangle. A reasonable number of trees with lower branches pruned to six feet (6') to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by Administrative Permit.

(b) Driveway Access. The same criteria as used on corner Lots apply to driveway Access except that the triangular Area is defined by the intersection of the road Right-of-Way, the line extending from the point-of-curve at the top-back-of-curb, and a line connecting them at

points twenty-five feet (25') from their intersection.

(E) **SNOW STORAGE.** Where parking availability will be affected by weather conditions, the Owner must provide adequate non-Hard Surfaced and landscaped snow storage Areas. Said snow storage Areas must be on-Site and equivalent to fifteen percent (15%) of the total Hard-Surfaced Area; including, Parking Spaces, aisles, driveways, curbing, gutters, and sidewalks adjacent to each surface Lot in a usable, readily accessible location. Landscaping of these Areas shall accommodate snow removal and storage on-Site.

(F) **PARKING SPACE DIMENSIONS.**

(1) Parking Spaces must be nine feet (9') wide by eighteen feet (18') long. The City Engineer may approve minor variations in Parking Space dimensions.

(2) ADA Parking Space width requirements vary and shall be consistent with current Uniform Building Code standards.

(3) Compact spaces with dimensions of nine feet (9') wide by sixteen feet (16') long may be provided. These spaces are not Code spaces for the purpose of satisfying parking requirements.

(G) **STREET ACCESS AND CIRCULATION.** Off-Street Parking Areas

must have unobstructed Access to a Street or alley. The Parking Area design for five (5) or more vehicles must not necessitate backing cars onto adjoining public sidewalks, parking strips, or roadways. With the exception of permitted Tandem Parking, Parking Spaces shall be independently accessible and unobstructed.

Applicants for all Drive-up or Drive-through service windows or facilities must provide sufficient stacking space for vehicles waiting for service, to prevent vehicles from waiting in the Right-of-Way.

**(H) DRIVEWAY WIDTHS AND SPACING.**

**(1) DRIVEWAY WIDTHS.**

The following driveway width dimensions are required. Additional driveway standards for the Historic District are outlined in Section 15- 3 -8 of this Chapter. Minor variations in driveway widths may be approved by the City Engineer.

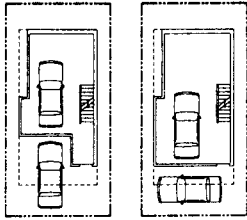
PROPOSED USE	MINIMUM WIDTH	MAXIMUM TOTAL WIDTH
<b>RESIDENTIAL Single-Family Duplex Shared Driveways</b>	10'	27'
<b>RESIDENTIAL Multi-Unit, 5 or more Parking Spaces</b>	18'	30'
<b>COMMERCIAL Requiring 5 or more Parking Spaces</b>	24'	30'
<b>COMMERCIAL Requiring 4 or fewer Parking Spaces</b>	18'	30'

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**(1) TANDEM SPACES.** Parking designs, which necessitate parking one vehicle directly behind another (not perpendicular to each other) are permitted only for Single Family Dwellings, Accessory Apartments, and Duplex Dwellings in all zoning districts. In any Zoning District where the Front Yard is twenty feet (20') or less, both Parking Spaces must be perpendicular to the Street, unless there is an adequate landscaped buffer between the Street and Parking pad, subject to review by the Planning Director.

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Yes No

(J) **CLEAR VIEW OF INTERSECTING STREETS.** In all Zoning Districts, no obstruction is allowed in excess of two feet (2') in height above Street Grade on any corner Lot within the Site Distance Triangle. See 15-3-3(D)(8)

A reasonable number of trees with lower branches pruned to six feet (6') to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by Administrative Permit.

(K) **SIGNS.** Refer to the Park City Sign Code, Title 12, for specific requirements for all signs associated with parking and drives.

**15-3-4. SPECIFIC PARKING AREA AND DRIVEWAY STANDARDS FOR SINGLE FAMILY RESIDENCES AND DUPLEXES, PARKING AREAS WITH 5 OR MORE SPACES, AND PARKING STRUCTURES.**

**(A) SINGLE FAMILY RESIDENCES AND DUPLEXES.**

(1) **SINGLE GARAGES.** In Single Family Dwellings, single car garages must have a minimum interior dimension of eleven feet

(11') wide by twenty feet (20') deep. Double car garages must be at least twenty feet (20') wide by twenty feet (20') deep.

All vehicles, boats, RVs, trailers, and similar wheeled vehicles must be parked on an approved paved surface. At no time shall a vehicle be parked on lawn or other landscaped areas.

(2) **CIRCULAR DRIVEWAYS.** Circular driveways are permitted for Single Family and Duplex Dwellings provided one leg leads directly to and from a legally located garage or carport, subject to the following conditions:

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- (a) Such drives shall be hard-surfaced.
- (b) Such drives shall be a minimum of fifteen feet (15'), and a maximum of twenty-four feet (24') in width.
- (c) There shall be a Landscaped Area at least fifteen feet (15') in depth from the Front Property Line to the inside of the drive.
- (d) Driveway Areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time, nor is the Area to be used for permanent parking of any

vehicle.

(e) Passenger automobiles may be parked on driveways serving private residences, provided the automobile is parking completely on private Property.

**(B) PARKING AREAS WITH FIVE (5) OR MORE SPACES.**

(1) All Parking Lots shall maintain the required Front and Side Yard as would be required for any Structure.

(2) Wherever a Parking Lot or driveway to a Parking Lot is proposed to abut a residential Use, the Applicant must Screen the Lot or drive.

(3) Adjacent driveways must be separated by an island of the following widths: Multi-Unit Dwelling a minimum width of eighteen feet (18'); Commercial a minimum width of twenty-four feet (24').

(4) Driveways must be at least ten feet (10') from any intersecting Right-of-Way.

The City Engineer may approve minor spacing and width deviations.

**(C) PARKING GARAGES AND STRUCTURES.**

(1) **STRUCTURED PARKING REQUIREMENTS.** Parking within a fully enclosed Parking Structure where the weather does not affect the availability of Spaces requires the following:

(a) Twenty-four foot (24') minimum aisle width, for 90 degree layout;

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(b) Adequate circulation to ensure that each required Space is readily accessible as well as usable. Column and wall locations must be specifically addressed in terms of automobile and pedestrian circulation and maneuvering.

(c) Light sources within the first thirty feet (30') of a Parking Structure opening must be high pressure sodium or compact fluorescent light sources with Partially Shielded fixtures.

**15-3 -5. DRIVEWAY STANDARDS FOR PRIVATE DRIVEWAYS WITHIN PLATTED, UNBUILT CITY STREETS.**

The following standards apply to driveways within platted but un-built Streets.

(A) The driveway shall not exceed ten percent (10%) Slope.

(B) Adequate snow storage Area along the downhill side and/or end of the driveway shall be provided.

(C) The driveway must be paved with asphalt or concrete.

(D) The driveway must not pre-empt any existing physical parking, which may occur in the platted Street. If the platted Street has been improved to provide Public Parking, then any driveway proposal must replace such parking with new Public Parking of equal or better convenience and construction.

(E) The driveway and related improvements such as retaining walls shall be designed and built to minimize present and future conflicts with public utilities and stairs.

(F) The driveway construction requires a Conditional Use permit, Section 15-1-10.

(G) An encroachment permit for the driveway is required.

(H) Private utilities, including snow melt devices, within the platted City Street require approval by the City Engineer.

**15-3 -6. PARKING RATIO REQUIREMENTS FOR SPECIFIC LAND USE CATEGORIES.**

(A) **RESIDENTIAL USES.** Off-Street parking shall be provided for each land Use as listed in this section, in the Parking Ratio Requirements tables. When applying the tables, the parking requirements stated for each Use, or combination of Uses, applies to each Dwelling Unit within the Structure. Specific Uses, and the related parking ratio

requirements are also shown below: Also refer to 15-15 Definitions for clarification of Uses.

RESIDENTIAL PARKING RATIO REQUIREMENTS		
USE	PARKING RATIO (NUMBER SPACES)	
Accessory Apartment	1 per bedroom	
Lockout Unit in Single Family and Duplex Dwellings	1 per bedroom	
Single Family Dwelling	2 per Dwelling Unit	
Duplex Dwelling	2 per Dwelling Unit (4 total)	
Triplex Dwelling	2 per Dwelling Unit (6 total)	
Multi-Unit Dwelling	Apartment/Condominium not greater than 650 sf floor Area	1 per Dwelling Unit
	Apartment/Condominium greater than 650 sf and less than 1000 sf floor Area	1.5 per Dwelling Unit

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	Apartment/ Condominium greater than 1,000 sf and less than 2,500 sf floor Area	2 per Dwelling Unit
	Apartment/ Condominium 2,500 sf floor Area or more	3 per Dwelling Unit
Dormitory	1 per 200 sf floor Area devoted to accommodations	
Boarding House, Hostel,	1 per 2 beds; and 1 per manager's unit	
Secondary Living Quarters	1 per bedroom in addition to requirements for primary residence	
Guest House	1 per Unit	

(B) **NON-RESIDENTIAL USES.** In non-residential projects, or for non-residential space associated with primarily residential Structures, the following parking requirements shall apply: Also refer to LMC Chapter 15-15, Definitions, for clarification of Uses.

<b>NON-RESIDENTIAL PARKING RATIO REQUIREMENTS</b>	
<b>USES</b>	<b>PARKING RATIO REQUIREMENT (NUMBER SPACES)</b>
Group Care Facility	1 per 2 bedrooms plus 1 per employee per shift, or 2 per 3 employees per shift, whichever is greater
Child Care Center	1 per on-duty staff per shift and 1 per 6 children

Public and Quasi- Public Institution, church and school; Public Utility Uses; and Cemetery	1 space per 5 seats, or 2 spaces per 3 employees, or 1 space per 1,000 sf of floor Area, whichever is greater
Auditorium and Assembly Hall	1 space per every 5 seats
Bed and Breakfast Inn	1 space per bedroom
Hotel, Minor and Major	1 space per room or suite, and 1 space per 200 sf of separately leasable commercial space
Offices, General	3 spaces per 1,000 sf of leasable floor Area
Offices, Intensive	5 spaces per 1,000 sf of leasable floor Area
Office and Clinic, Medical	5 spaces per 1,000 sf of leasable floor Area
Hospital, Limited Care	1 space per 2 beds
Hospital, General	3 spaces per bed
Automobile Sales/ Rental	1 space per vehicle plus one space per employee
Financial Institution, with and without drive-up	3 spaces per 1,000 sf of net leasable floor Area
Retail & Service Commercial, Minor, Personal Service	3 spaces for each 1,000 sf of net leasable floor Area
Retail & Service Commercial, Major	5 space for each 1,000 sf of net leasable floor Area
Retail & Service, outdoor storage	3 spaces per 1,000 sf of inside net leasable floor Area

Retail & Service, Auto Related and Gas Stations	5 spaces per 1,000 sf of net leasable floor Area
Shopping centers or complexes of multi-tenant retail spaces	3.5 spaces per 1,000 sf of leasable floor Area, excluding corridors and service Areas not related to individual tenant retail spaces
Convenience Store, Support Commercial Uses	5 spaces per 1,000 sf of net leasable floor Area
Cafe/Deli	3 spaces per 1,000 sf of net leasable floor Area
Restaurant, Standard and Bar	1 space for every 100 sf of net leasable floor Area, including kitchen Areas
Restaurant, Outdoor Dining	Based on Site specific review at the time of CUP
Restaurant, With Drive-up	15 per 1,000 sf of net leasable floor Area
Light Industrial and Wholesale establishments	1 for every 2 employees in the largest shift plus 1 space for each vehicle used in conducting the business and wholesale, storage uses at 1 per 1,000 sf of floor Area and light manufacturing at 2.5 per 1,000 sf of floor Area
Temporary Improvement	1 per employee plus 2 guest spaces
Tramway Station/Ski Base Facility	See Chapter 8.20
Recreation Facility, Private or HOA	Minimum of 1 space per 4 persons maximum rated capacity

Recreation Facility, Public	1 space per 4 seats or 5 spaces per 1,000 sf of floor Area, or 1 per 3 persons rated capacity depending on type of facility
Indoor Entertainment, Theater	1 space per 4 seats or 5 spaces per 1,000 sf of floor Area depending on type of facility
Commercial Outdoor Recreation and Stables, Riding Academy	1 space per 3 persons maximum rated capacity
Master Planned Developments	As determined by Planning Commission based on proposed Uses
Mining Operations	2 spaces per 3 employees
Airports/Heliports	As determined by the Planning Commission. based on traffic generation study

(C) **CALCULATION OF SPACES.** If a project incorporates two Uses, the Use requiring higher number of Parking Spaces shall govern. Whenever the calculation results in a fractional number, the number of spaces required must be rounded up to the next whole number.

**15-3 -7. PARKING IN MASTER PLANNED DEVELOPMENTS AND CONDITIONAL USE PERMITS.**

(A) In Master Planned Developments and in review of Conditional Use permits, the initial parking requirement is determined by referring to the requirements for the Use and the underlying zone. The Planning

Commission may reduce this initial parking requirement to prevent excessive parking and paving. The Applicant must prove by a parking study that the proposed parking is adequate. The parking study must analyze whether:

- (1) parking Uses will overlap,
- (2) commercial spaces within the project will serve those residing within the project rather than the general public,
- (3) or other factors that support the conclusion that the project will generate less parking than this Code would otherwise require.

(B) Master Planned Developments with a parking demand of eight (8) or fewer Parking Spaces may not reduce required parking under any circumstance.

(C) See LMC Chapter 10, Master Planned Developments, for Parking Area Landscaping Requirements for MPDs.

**15-3 -8. PARKING IN THE HISTORIC DISTRICT.**

(A) To encourage the location of parking in the Rear Yard and/or below Grade, the City allows common driveways along shared Side Yards to provide Access to parking if the Owner restricts the deeds to both Properties to preserve the shared drive in perpetuity.

(B) Common Parking Structures are allowed as a Conditional Use where it

facilitates:

(1) The Development of individual Buildings that more closely conform to the scale of Historic Structures in the district; and

(2) The reduction, mitigation or elimination of garage doors at the Street edge.

(C) A Parking Structure may occupy below Grade Yards between participating Developments if the Structure maintains all Setbacks above Grade and the area above Grade is properly landscaped., subject to Conditional Use Permit or Master Planned Development.

(D) Driveways between Structures are allowed in order to eliminate garage doors facing the street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.

(E) Turning radii are subject to review by the City Engineer as to function and design.

**15-3 -9. BICYCLE PARKING REQUIREMENTS.**

(A) New construction of, and additions to existing commercial or industrial Structures or Multi-Unit Dwellings must provide at least three (3) bicycle Parking Spaces or ten percent (10%) of the required off-Street Parking Spaces, whichever is greater, for the temporary storage of bicycles.

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(B) For Developments generating a parking demand of greater than fifteen (15) bicycle Parking Spaces, the number and location of bike racks and storage shall be determined by the Planning Department, based on the land Use and Site specific criteria such as Site design, parking layout, location of entrances, and proximity to public transit.

(C) **EXCEPTION.** 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.

(D) Bicycle spaces must accommodate bicycle storage medium security racks, in which both the bicycle frame and the wheels may be locked by the user. The spaces must be designed to prevent damage to the bicycle and to facilitate easy and secure storage without interference from or to adjacent bicycles. Bicycle racks or lockers must be anchored and be of solid construction, resistant to rust, corrosion, hammers and saws.

(E) Bicycle spaces must be Compatible in design and function with the surrounding Buildings and with surrounding Street furniture.

(F) Such facilities must be located in convenient, highly-visible, active, well-lighted Areas but shall not interfere with pedestrian movements and snow storage.

**15-3 -10. OFF-STREET LOADING SPACES.**

(A) Except in the Historic District Zones, every Structure that is to be used for any purpose which involves the receipt or distribution of materials or merchandise by vehicle, must provide and maintain adequate space for standing, loading, or unloading services Off-Street. All such loading Areas or berths shall be located so that no vehicle loading or unloading merchandise or other material shall be parked in any Front Yard or in any Street or Right-of-Way.

(B) Except in the Historic District Zones, loading docks and loading Areas must be Screened from adjoining Property and public Right-of-Way.

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**PARK CITY MUNICIPAL CODE**  
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**TITLE 15 - LAND MANAGEMENT CODE (LMC)  
CHAPTER 4 - SUPPLEMENTAL REGULATIONS**

Chapter adopted by Ordinance No. 02-07

**CHAPTER 4 - SUPPLEMENTAL REGULATIONS.**

**15-4 -1. PURPOSE.**

The regulations set forth in this chapter qualify or supplement, as the case may be, the regulations appearing elsewhere in this Code.

**15-4 -2. FENCES AND WALLS,  
(A) LOCATION.**

Fences and Walls may be erected or allowed within the buildable area, and as allowed in the Setback Exceptions in Chapter 2. Any Fence or Wall greater than six feet (6') in height requires an administrative Conditional Use permit approved by the Planning, Building and Engineering Departments, unless the Fence or Wall is approved as part of a Master Planned Development or Conditional Use Permit. Any Fence or Wall greater than six feet (6') in height requires a building permit.

Within any required Front Yard or Street Side Yard, Fences and Walls shall not exceed four feet (4') in height, measured

from Final Grade,

Fences and Walls shall not exceed six feet (6') in height measured from Final Grade within any required Rear Yard or Side Yard. Where a Fence or Wall occurs along a Property Line separating two (2) Lots and there is a difference in the Grade of the Properties, the Fence or wall may be erected or allowed to the maximum height permitted on either side of the Property Line.

The height of Walls in the Front Yard may exceed four feet (4'), measured from Final Grade, subject to approval by the Planning Director and City Engineer, and may exceed six feet (6') in height subject to approval of an administrative Conditional Use permit or as approved with a CUP.

The height of Walls in the Side or Rear Yards may exceed six feet (6'), measured from Final Grade, subject to approval of an administrative Conditional Use permit or as approved with a CUP.

**(B) RESTRICTIONS ON MATERIALS.** Chain link Fences are prohibited in all zones with the following

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exceptions, which must be approved by the Planning Director.

(1) For recreational facilities such as tennis courts,

(2) As temporary limits of disturbance fencing during construction as approved by the Planning Department.

(3) Chain link Fences within the required Yard areas may be permitted in other circumstances by the Planning Director when it is found that the Fence is necessary in the interest of security or public safety, and when the Fencing needs cannot be reasonably met with any other type of Fencing .

(C) **BERMS**

Berms within the required Yard Area may be constructed subject to the following:

(1) Landscaping shall be incorporated into the design of the berm and shall extend its entire length.

(2) Berms shall be designed with sufficient undulation to provide visual relief and shall meander for the entire length.

(3) Within Front Yard areas berms may not be constructed to interfere with required Sight Distance and may not obstruct driver's line of sight from streets and roads.

**15-4 - 3. HOME OCCUPATION.**

A Home Occupation is a permitted Accessory Use, conducted and carried on entirely within a dwelling by Persons residing in the dwelling, which Use is clearly incidental and secondary to the Use of the dwelling for dwelling purposes and does not change the residential character thereof. .

Only those Persons making the home their primary residence may be employed in a Business operated from that home.

A Home Occupation shall not include the on-Site sale of goods or merchandise except those, which are produced on the premises, or those that are clearly Incidental Retail Sales, and shall not involve the Use of any outdoor yard space to conduct the Business, with the exception of permitted agricultural and horticultural products. Activity outside of the Buildings, related to the Home Occupation that is not normally associated with a residential Use is not permitted.

The Use of mechanical equipment shall be limited to small tools whose Use shall not generate noise, vibration, smoke, dust, heat, glare, or odors perceptible beyond the premises of the dwelling.

The total Area used for the Home Occupation shall be limited to no more than one-half ( 1/2 ) of the floor Area of the first floor and shall not change the residential character of the Building. This does not require the Home Occupation to occupy only the first floor.

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Outdoor storage of equipment, materials, and supplies associated with a Home Occupation is prohibited. Storage of equipment, materials, and supplies associated with a Home Occupation, within a garage, shall not displace required Off-Street parking.

There shall be no exterior advertising of Home Occupation Businesses on the premises by window displays or signs.

No traffic may be generated by such Home Occupation in a volume that creates a need for parking greater than that which can be accommodated on the Site consistent with the residential parking requirements or which is inconsistent with the normal parking usage of the district.

(A) A Home Occupation may include, but is not limited to, the following, provided that all requirements contained herein are met:

- (1) arts and crafts studio;
- (2) culinary products Kitchen or studio;
- (3) dress-making or millinery work;
- (4) professional office;
- (5) home office for insurance or real estate sales or telemarketing; or
- (6) teaching and tutoring.

(B) A Home Occupation shall not be

interpreted to include the following:

- (1) animal hospital;
- (2) long-term care facility;
- (3) restaurants, bars, cafes, shops and other general commercial retail Uses;
- (4) Bed and Breakfast Inns; or
- (5) Child Care or Group Care Facilities.

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**15-4 - 4. SECONDARY LIVING QUARTERS.**

Secondary living quarters are a permitted Accessory Use in all districts except the HRL, HR-1, HR-2, and ROS, unless previously approved by a Master Planned Development. Any request for secondary living quarters within residential dwellings shall be reviewed and approved by the Planning Department. The following criteria must be established prior to issuance of Building Permit or Certificate of Occupancy.

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(A) **SIZE.** The maximum size for secondary living quarters shall be 1,000 square feet. This amount shall be included in the total Building Floor Area square footage calculations for all Structures.

(B) **PARKING.** One (1) on-Site Parking Space for each Secondary Living Quarter shall be provided in addition to the underlying parking requirement. Tandem Parking is allowed.



(C) **SINGLE UTILITY METERS.**

The main dwelling and the Secondary Living Quarters shall be on the same utility meters.

(D) **KITCHENS.** Secondary Living Quarters shall not contain full Kitchens, as defined by this Code.

(E) **ACCESS.** The secondary quarters shall be designed to have direct Access into the main dwelling.

(F) **NO SEPARATE LEASES.** The secondary quarters shall not be rented or leased separately from the main dwelling. Nightly Rentals and other seasonal rentals are prohibited. Secondary living quarters are for the Use of the Owner of the main dwelling for guests, household help, relatives, and other similar persons.

**15-4-5. LOCKOUT UNITS.**

Lockout Units are a Conditional Use in the HRL District and are an Allowed Use in all other Zoning Districts, except in the ROS, POS, SF, and LI Districts where they are not permitted. A Lockout Unit is an Area of a dwelling with a separate exterior Access and toilet facilities but does not contain a Kitchen. Lockout Units are limited to a maximum Floor Area of 1,000 square feet.

Nightly Rental of Lockout Units is a Conditional Use in all Districts where Lockout Units are an Allowed or Conditional Use.

**15-4-6. GUEST HOUSES.**

Guest Houses are a Conditional Use in Zoning Districts where they are permitted and must be reviewed against the Conditional Use permit regulations in LMC Chapter 15-1-10. Guest Houses are only permitted on Lots of one (1) acre or greater. Guest Houses are not allowed in the HRL, HR-2, HCB, ROS, POS, RCO, GC, or LI Zoning Districts.

Guest Houses may be no larger than one third (1/3) of the size of the Main Dwelling, in terms of Floor Area and shall be limited to a maximum Floor Area of 1,500 square feet, unless additional Floor Area is approved by the Planning Commission during a Master Planned Development approval. A Guest House may not increase the Floor Area or Building Foot Print as specified in the Land Management Code or any specific Subdivision approval.

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Guest Houses may be attached or detached from the main house and may not be sold or leased separate from the main house. Prior to Building Permit or Certificate of Occupancy issuance, a deed restriction "Notice to Purchaser" stating that the Guest House may not be sold or leased separate from the main house, shall be recorded at the County Recorders Office.

**15-4-7. ACCESSORY APARTMENTS.**

Accessory Apartments are subject to the following criteria:

- (A) **CRITERIA FOR USE.**
  - (1) **SIZE.** Accessory

Deleted: The intent and purpose of this section is to encourage Accessory Apartments as an Affordable Housing opportunity while protecting the existing quality of life found in single family zones throughout the community. While preservation of the single family zone is of paramount importance, increasing Affordable Housing opportunities will benefit the community in its entirety.

Apartments may be no more than one third (1/3) of the dwelling size, shall be limited to a maximum Floor Area of 1,000 square feet, and shall be no less than 400 square feet with no more than two (2) Bedrooms. An Accessory Apartment may not increase the Floor Area of a Structure over the maximum Floor Area as specified in the Land Management Code or Subdivision approval.

(2) **PARKING.** One (1) Parking Space per Bedroom must be provided in addition to the existing requirement for the primary residence. Parking Spaces for Accessory Apartments need not be covered and may be provided in tandem subject to one of the following criteria:

(a) One (1) Parking Space for an Accessory Apartment may be provided in tandem if the existing driveway length equals or exceeds twenty-five feet (25') as measured from the Property Line. Parking is permitted only within approved garages and on paved driveways.

(b) One (1) Parking Space for an Accessory Apartment may be provided in tandem in an effort to preserve existing Significant Vegetation and when all other parking alternatives are

undesirable.

(c) **Historic District Zones.** One (1) tandem Parking Space (parking one vehicle behind another) for an Accessory Apartment proposed in any residential Historic District Zone may be provided when the Applicant has secured a Conditional Use permit and the Planning Commission has made the following findings:

(i) Tandem Parking will not create an undue hardship for the neighborhood.

(ii) Other parking options are less desirable than the proposed tandem space.

(iii) Reasonable efforts, such as automatic garage door openers, lease provisions and/or limitation of garage storage, have been made to encourage the Use of all Off-Street Parking.

(3) **APARTMENTS PER LOT.** No more than one (1) Accessory Apartment may be located on a Lot.

(4) **REQUIREMENTS FOR REVIEW.** The Applicant for an Accessory Apartment must submit a floor plan, architectural elevations, and Site plan showing any proposed changes to the Structure or Site.

(5) **DENSITY LIMITS.** A permit for an Accessory Apartment may not be granted if more than three (3) of the homes within three hundred feet (300') of the Applicant's Property boundary contain other established Accessory Apartments. There may be no more than four (4) Accessory Apartments within a three hundred foot (300') radius.

(6) **OWNERSHIP.** One (1) unit, either the main Dwelling Unit or the Accessory Apartment shall be occupied by the Owner of the Structure and the Accessory Apartment shall not be sold separately.

(7) **DEED RESTRICTION.** A deed restriction "Notice to Purchaser" must be filed with the County Recorder, which states:

"A permit for an Accessory Apartment was issued to \_\_\_\_\_, the current Owner of this Property on \_\_\_\_\_. This permit does not run with the land and is automatically invalidated by the sale or

transfer of this Property. Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the other must be occupied by the Owner".

Prospective purchasers who intend to reside in one of the units on the Property may apply with the Planning Department for an Accessory Apartment permit. If the Apartment already exists and all of the conditions required by zoning continue to be met, a new permit will typically be granted. The Owner shall strictly adhere to the prohibition of the Use of the accessory Structure as a Nightly Rental.

(8) **NIGHTLY RENTALS.** Accessory Apartments are intended for long term rental of thirty (30) days or more and may not be used for Nightly Rentals.

(9) **HOMEOWNERS ASSOCIATION REGISTRATION AND NOTIFICATION.** All Accessory Apartments shall be subject to the Homeowners Association and notification requirements established in LMC Chapter 15-1-12 (E).

(B) **REGULATED USE REVIEW.** The Planning Department shall review Accessory Apartments in those zones where the Apartments are a Regulated Use. This includes all Zoning Districts where Accessory Apartments are an Allowed Use and not a Conditional Use. After

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submission of a complete Application and payment of the Application fee as established by the fee schedule, the Planning Department shall approve a permit if the requested Accessory Apartment complies with the criteria for Use in Section 15-4-7 (A), established herein. The Regulated Use permit shall be subject to the one (1) year review outlined in Section 15-4-7(D).

(1) **PERMIT REVOCATION.**

The Accessory Apartment permit may be revoked by the Planning Department for non-compliance with the criteria of this Chapter. The permittee may appeal the determination to the Board of Adjustment, which will evaluate the Planning Department's determination of permit non-compliance and decide if permit revocation should occur.

(C) **CONDITIONAL USE REVIEW.**

In those zones where Accessory Apartments are subject to a Conditional Use permit, the Planning Commission shall review the requested Use. After submission of a complete Application and payment of the Application fee as established by the fee schedule, the Planning Commission shall approve a permit if the requested Accessory Apartment complies with the criteria established in Section 15-4-7 (A) herein. In addition, prior to issuance of a Conditional Use permit, the Planning Commission shall determine that parking and other impacts as outlined in LMC Chapter 15-1-10 have been mitigated. The Conditional Use permit shall be subject to the one (1) year review outlined in Section 15-4-7(D).

(1) **PERMIT REVOCATION.**

The Accessory Apartment permit may be revoked by the Planning Department for non-compliance with the criteria of this Chapter and any additional conditions of approval. The permittee may appeal the determination to the Board of Adjustment, which will evaluate the Planning Department's determination of permit non-compliance and decide if permit revocation should occur.

(D) **ONE YEAR REVIEW.**

Both regulated Use permits and Conditional Use permits for Accessory Apartments shall be subject to a one (1) year review by the Planning Department. The review shall occur one (1) year after issuance of the Accessory Apartment permit. If no complaints have been filed and the Planning Department finds that the Owner and tenants are complying with the conditions of the permit, then the permit may be extended until ownership of the Property is transferred. If complaints have been filed, the Planning Department shall ensure that the Owner of the Property is complying with the requirements of the Accessory Apartment permit.

(E) **EXISTING NON-CONFORMING ACCESSORY APARTMENTS.**

Existing non-conforming Accessory Apartments may be approved by the Planning Department provided that the Accessory Apartment meets all of the criteria outlined in Section 15-4-7 (A). If the existing Accessory Apartment does not meet the criteria as specified, the Planning Commission shall review the Use. Permits for non-conforming Accessory Apartments shall be subject to the

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one (1) year review provisions of Section 15-4-7 (D). The Planning Commission shall approve the request only if the following findings can be made:

- (1) The Apartment contains no more than two (2) Bedrooms;
- (2) One (1) Parking Space per Bedroom is provided for Use by the Accessory Apartment occupants. On-Street parking shall not be counted to fulfill parking requirements;
- (3) One (1) unit is Owner-occupied; and
- (4) Impacts of the Use can be mitigated.

**15-4-8. GROUP CARE FACILITIES.**

(A) **PURPOSE.** To ensure that Group Care Facilities do not have an adverse impact on the character of adjacent neighborhoods and to ensure that issues of public safety, traffic and parking are mitigated, permitting of these facilities is governed by the following regulations. The intent of these regulations is to locate such Group Care Facilities where the adjacent Street system is sufficient to accommodate the traffic impacts generated by the Group Care Facilities; where the Site can accommodate adequate Off-Street parking; where the Structures are designed to be Compatible with the character of the adjacent neighborhood; and where the type of Use, activities, and services provided by

the Group Care Facility are substantially consistent with the activities otherwise permitted in the district.

(B) **PERMIT REQUIRED.** All Group Care Facilities require a Conditional Use permit prior to occupancy. A business license and Certificate of Occupancy for the Group Care Facility is also required. No Certificate of Occupancy will be issued by the City for a Group Care Facility until the Applicant has submitted a valid license, or other appropriate authorization, or copy thereof, from a governmental agency having proper jurisdiction.

Family foster homes are exempt from these regulations.

Child Care homes and facilities are regulated in Section 15-4-9.

Elder care homes are exempt from these regulations, provided that the maximum number of elderly Persons receiving care, protection and supervision in any such home shall not exceed eight (8) at any given time.

Dependent on the review criteria herein, the maximum permissible number of residents, excluding supervisors, is eight (8) in the R-1, HRC and HCB Zoning Districts; twelve (12) in the RCO, GC, and LI Zoning Districts; and six (6) in all other Districts where Group Care Facilities are a Conditional Use.

The minimum separation requirement between any other Group Care Facility shall be 750 feet. The Planning Commission may permit two (2) such facilities to be

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located closer than 750 feet if they are separated by a physical barrier, including without limitation an arterial Street or State Highway, a commercial district, or a topographic feature that avoids the need for dispersal. Reduction in the separation requirement shall be allowed only after the Commission has determined that the barrier and the resulting separation are adequate to protect the City and neighborhood from any detrimental impacts resulting from an excessive concentration of Group Care facilities in any one (1) vicinity. The Planning Department maintains a map and notebook showing the location of such Group Care Facilities.

(C) **REVIEW CRITERIA.** The Planning Department shall review all Group Care Facilities Applications and forward them to the Planning Commission. The Planning Commission shall consider the following criteria, in addition to all criteria listed in LMC Chapter 15-1-10, Conditional Use permit review:

- (1) Whether the adjacent Street system is sufficient to accommodate the traffic impacts generated by the Group Care Facility.
- (2) Whether the Group Care Facility has made on-Site accommodations for all parking and circulation requirements.
- (3) Whether the architectural design of the facility is Compatible with the character of the adjacent neighborhood.

(4) Whether the types of treatment activities or the rendering of services proposed to be conducted upon the premises are substantially consistent with the activities otherwise permitted in the district. No Person shall make a Group Care Facility available to an individual whose tenancy would constitute a direct threat to the health and safety of other individuals or whose tenancy would result in substantial physical damage to the Property of others. This determination that an individual poses a direct threat to the health and safety of others or a risk of substantial physical damage to Property must be based on a history of overt acts or current conduct of that individual and must not be based on general assumptions or fears about a class of disabled Persons.

(5) Whether there are other such facilities located within 750 feet of the proposed location.

(D) **NOTICE.** A notice of any Group Care Facility Conditional Use permit granted by the City, and any conditions imposed upon such facility, shall be duly recorded by the City with the County Clerk and Recorder, showing the description of the Property upon which the Group Care Facility is permitted.

(E) **PROHIBITED.** Group Care Facilities are prohibited in the HRL, POS, and ROS Zoning Districts.

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15-4-9. CHILD CARE AND

**CHILD CARE FACILITIES.**

(A) **POLICY AND PURPOSE.** It is the intent of Park City to encourage the provision of Child Care, which meets the fluctuating needs and demands of the City's residents, employees, and employers. Health and safety, convenience, compatibility, affordability, and adaptability are of primary importance in the regulation of Child Care facilities. Accordingly, the City has adopted the following definitions and regulations that reflect state and national demographic and social trends while also reflecting the unique characteristics of Park City's population and economy.

(B) **IN-HOME BABYSITTING.** In-home babysitting includes the provision of Child Care for four (4) or fewer children within a dwelling, and within commercial Buildings outside of residential zones. In-home babysitting shall be permitted in all Zoning Districts. In-home babysitting shall not be regulated by any other Child Care provisions contained herein and shall be considered a permitted Accessory Use. Standard Building and zoning regulations shall be complied with.

(C) **FAMILY CHILD CARE.** Family Child Care is a small scale Child Care home which includes the provision of Child Care for up to eight (8) children within the provider's primary residence and shall include in the total the provider's own children under the age of eighteen (18) if they are cared for in the same Area of the Structure as that designated for Family Child Care.

Family Child Care is regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play Area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

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(1) **PERMITS REQUIRED.**

Family Child Care homes shall be permitted in all Zoning Districts subject to issuance of a Certificate of Occupancy for the home, by the Chief Building Official, and either an Administrative Permit issued by the City Planning Director or a Conditional Use Permit issued by the Planning Commission. Family Child Care in single family homes and duplexes is an Allowed Use requiring an Administrative Permit issued by the Planning Department. Family Child Care in Multi-Unit Dwellings, such as Apartments, Condominiums, and townhouses, requires a Conditional Use Permit issued by the Planning Commission. Family Child Care requires a Conditional Use Permit in the ROS and POS Zoning Districts and is restricted to existing Structures and Buildings that are the primary residence of the care provider.

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(2) **REVIEW CRITERIA.**

Prior to the issuance of either an Administrative Permit or a Conditional Use Permit, all Family Child Care homes are subject to the following requirements:

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(a) **Parking.** One (1) Off-Street Parking Space is required for each non-resident or non-family member employee in addition to the underlying parking requirements for residential dwellings. The residential driveway may be used for this purpose provided that parking is not within the side Setbacks established for that zone and the driveway is not required for a drop-off/pick-up Area as required herein.

(b) **Drop-off/Pick-up Area.** Two (2) drop-off/pick-up Parking Spaces must be provided. These spaces can be Street Parking Spaces provided that they are located within fifty feet (50') of the Property and can be reached without crossing the Street. The driveway may be used for drop-off/pick-up if it is not required for employee or resident parking as required herein.

(c) **Arterial Street.** If located on an arterial Street or State Highway, an Off-Street drop-off/pick-up Area is required.

(d) **Play Area Size and Location.** Minimum indoor and outdoor play areas are

regulated by the State, but in no case shall there be a structured play area measuring less than 240 square feet. Play Structures and equipment shall meet Consumer Product Safety Commission guidelines.

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(e) **Signs.** All signs must conform to the Park City Sign Code requirements of the specific Zoning District. In single family zones, no signs will be permitted for a Family Child Care home.

(f) **Primary Residence.** If Child Care is provided in a residential Structure, the Structure must be the primary residence of the primary care provider and the residential character of the house and its Lot shall be maintained. If required by the State, a second care provider, who is not a resident of the home, may be employed at the residence.

(g) **Multi-Unit Dwellings.** Family Child Care in Multi-Unit Dwellings is a Conditional Use, subject to the review criteria for Conditional Use Permits stated in LMC Chapter 15-1-10 with review and approval by the Planning Commission.

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Family Child Care will not be approved for Multi-Unit Dwellings unless it can be shown that playground Areas are on private Property and not within Common Areas, or unless the Applicant receives approval from the Home Owner's Association for Use of the Common Area, or unless the project was designed to accommodate a Child Care facility.

**(D) FAMILY GROUP CHILD CARE.**

Family Group Child Care is a medium scale Child Care home which includes the provision of Child Care for nine (9) to sixteen (16), inclusive. Family Group Child Care must be provided within the provider's primary residence and shall include the provider's own children under the age of eighteen (18) if they are cared for in the same Area of the Structure as that designated for Family Group Child Care.

Family Group Child Care is regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play Area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

All Child Care that does not take place in the primary residence of the primary care provider is considered by the State to be a Child Care Center or an hourly Child Care Center. Therefore, all Family Child Care and Family Group Child Care by the

definitions herein, shall occur within the primary residence of the primary care provider. All other Child Care is regulated as a Child Care Center, including all Child Care in commercial Businesses, etc.

**(1) PERMITS REQUIRED.**

Family Group Child Care homes require a Conditional Use Permit in all residential Districts and require an Administrative Permit issued by the Planning Department in all other Zoning Districts. Family Group Child Care within Multi-Unit Dwellings, that are not within residential Zoning Districts, also require a Conditional Use Permit. Family Group Child Care homes are subject to issuance of a Certificate of Occupancy for the home by the Chief Building Official.

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Family Group Child Care requires a Conditional Use Permit in the ROS and POS Zoning Districts and is restricted to existing Structures and Buildings that are the primary residence of the care provider.

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**(2) REVIEW CRITERIA.**

Prior to the issuance of either an Administrative Permit or a Conditional Use Permit, all Family Group Child Care homes are subject to the following requirements:

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- (a) **Parking.** One (1) Off-Street Parking Space is required for each non-resident or non-family member employee in addition

to the underlying parking requirements for residential dwellings. The residential driveway may be used for this purpose provided that parking is not within the side Setbacks established for that zone and the driveway is not required for a drop-off/pick-up Area as required herein.

(b) **Drop-off/Pick-up Area.** Four (4) drop-off/pick-up spaces must be provided. For Family Group Child Care homes with ten (10) or fewer children, not including the care providers own children, three (3) drop-off/pick-up spaces may be provided. These spaces can be Street Parking Spaces provided that they are located within fifty feet (50') of the Property and can be reached without crossing the Street. The driveway may be used for drop-off/pick-up if it is not required for employee or resident parking as required herein.

(c) **Arterial Street.** If located on an arterial Street or State Highway, an Off-Street drop-off/pick-up Area is required.

(d) **Density.** No more than one (1) Family Group Child Care home may be

permitted on any one (1) Street or within any 300 foot radius, whichever Area is less, and no more than two (2) Family Group Child Care homes may be located in any one (1) 500 foot radius Area. Family Child Care homes and other Child Care operations, which are not regulated shall not be included in these Density calculations. Also, Family Group Child Care homes in commercial zones, such as the RCO, GC, LI, HRC, HCB shall not be subject to these Density restrictions.

(e) **Play Area Size and Location.** An outdoor play area of at least 360 square feet shall be provided on-Site, with an additional 40 square feet for each additional child over a minimum of nine (9). Additional indoor play areas are regulated by the State. Play Structures and equipment shall meet Consumer Product Safety Commission guidelines.

(f) **Screening.** Screening for all play areas in residential zones is required. Screening may consist of an opaque Fence, berm, dense shrubbery, or similar, subject to Planning Department

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approval.

(g) **Structure Inspection Required.** The Structure shall conform to JBC requirements and shall be inspected and approved by the Park City Building Department. Prior to inspection, the Applicant must notify the Building Department of the number of children that will be cared for in the facility. Additional requirements may be required before a Family Group Child Care permit can be issued.

(h) **Neighborhood Meeting.** Prior to permit issuance for a Family Group Child Care home in a residential zone, a neighborhood meeting, under the direction of the Planning Department, shall be held to discuss the proposed facility with Property Owners within 300 feet of the subject Parcel, subject to standard notification requirements. The hearing gives the Child Care provider an opportunity to understand neighborhood concerns and to consider operational policies or make reasonable modifications to the Site plan to mitigate impacts of the Use.

(i) **One Year Review.**

All Conditional Use Permits for Family Group Child Care homes may receive a one (1) time review by the Planning Commission one (1) year following permit issuance. The review request shall be placed on the Consent Agenda of the Planning Commission. However, the staff may determine to place the item under new business if it is determined that there have been excessive problems related to this Use which justify further discussion by the Planning Commission. Such decision shall be based on staff observation and/or public input received during the past year of operation alleging the following:

(i) The Use consistently generates more parking demand than can be handled within fifty feet (50') of the Property on the same side of the Street.

(ii) The Use has generated noise levels exceeding that allowed by the City's noise and nuisance ordinance.

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Family Group Care home have consistently violated traffic laws.

(iv) The Family Group Child Care home does not conform to Code defined standards.

If the Planning Commission finds that the Family Group Child Care home meets all Code defined standards and that there have been no excessive problems related to its Use, the Use shall receive final approval with no further review required. Otherwise, the Planning Commission may either deny continued operation or advise the Applicant of specific concerns and require a second review in one (1) year.

(j) **Multi-Unit Dwelling.** Family Group Child Care in a Multi-Unit Dwelling is a Conditional Use and must receive Planning Commission approval. Family Group Child Care will not be approved for Multi-Unit Dwellings unless it can be shown that playground areas are on private Property and not within Common Areas, or unless the Applicant receives approval from 100% of the Owners for Use of the Common

Area, or unless the project was designed to accommodate a Child Care facility.

(E) **CHILD CARE CENTER.** A Child Care Center is a Child Care facility in which the provision of Child Care for five (5) or more children occurs in a place other than the care provider's primary residence and for less than 24 hours per day. Child Care may be provided on a regularly scheduled, on-going enrollment basis or on an hourly, drop-in basis. See previous sections for regulation of Child Care provided within a care provider's primary residence, such as Family Child Care and Family Group Child Care.

Child Care Centers, including hourly Child Care Centers, are regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

A Child Care Center is an Allowed Use in all non-residential Districts except the Recreation Open Space (ROS), Protected Open Space (POS), Estate (E), Estate-40 (E-40), and the Regional Commercial Overlay (RCO) Districts. In these Districts a Conditional Use Permit is required. A Child Care Center may be located within a residential District with a Conditional Use Permit, pursuant to LMC Chapter 15-1-10.

A Site designated and planned for a Child Care Center may be required for all new

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single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

The Planning Commission shall consider, as part of the Conditional Use Permit review, in addition to the criteria stated in LMC Chapter 15-1-10, the architectural Compatibility of the proposed Child Care Center and shall also consider the following location criteria and Site requirements during the review process.

(1) **LOCATION CRITERIA.**

For projects within a residential neighborhood, the Planning Commission shall consider the following guidelines for locating Child Care Centers.

(a) Traffic onto local roads within a Subdivision is discouraged. Location of Child Care Centers is encouraged such that the Center can be conveniently accessed from existing arterial and Collector Roads.

(b) Location on the periphery of the Subdivision or neighborhood is preferable to location within the center of the Subdivision.

(c) The Child Care Center is adjacent to a school, library, house of worship, or other traditional neighborhood facility with

large landscaped Areas or playing fields.

(d) The Child Care Center is conveniently accessed by public transportation.

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(e) The Subdivision or multi-family project was designed to accommodate a Child Care Center.

(2) **SITE REQUIREMENTS.**

(a) **Parking.** At least one (1) Parking Space shall be provided for each on-duty staff person per shift and one (1) space for every six (6) children cared for.

(b) **Circulation.** An on-Site vehicle turnaround, or separate entrance and exit points, and passenger loading Area must be provided.

(c) **Fencing.** An opaque Fence six feet (6') in height must be installed around all designated play areas. Dense shrubbery may compensate for Fencing requirements provided that the Lot is secured according to State regulations. If the Lot is adjacent to open fields or playgrounds, a less opaque Fencing material may be used with Planning Commission

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approval, but chain link Fencing shall not be used.

(d) **Play Areas.** No structured area for active play or play Structures may be located in a Front Yard. Play Structures and equipment shall meet Consumer Product Safety Commission guidelines.

(e) **Density.** No more than one (1) Child Care Center shall be permitted in any one (1) residential Subdivision or multi-family project. If the Center is in a residential zone, it shall be no closer than 300 feet (300') to a Family Group Child Care home within the same neighborhood. Family Child Care homes and other child care operations which are not regulated shall not be included in Density calculations.

(f) **Lot Size and Configuration.** The minimum Lot Area for a Child Care center with more than sixteen (16) children shall be 12,000 square feet. The Lot shall be reasonably standard in its configuration so that all portions are easily developed for Child Care Use. The Planning Commission may, at its

discretion, deny a Child Care Center on a Lot which is usually narrow or which does not allow for usable play areas, which are contiguous to the Structure.

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(g) **Setbacks.** Standard Setbacks shall be observed except that Child Care Centers located in residential Districts shall provide at least eighteen foot (18') Side Yards and twenty-five foot (25') rear yards.

(h) **Play Area within Setbacks.** No more than fifty percent (50%) of the State Code required play area may be within the standard Setback Area of the Lot as defined in the underlying zone unless the Setback Area is adjacent to perpetual open space or playing fields.

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(i) **Signs.** One (1) small sign, either free-standing or wall mounted, may be permitted for a Child Care Center. The sign must be no larger than six square feet (6 sq. ft.) Setback at least ten feet (10') from the Property Line and must conform to all other criteria of the Park City Sign Code.

(j) **Exceptions.** The Planning Commission may

grant an exception to these Site requirements if it can be shown that the impact of the Child Care Center on traffic circulation or on adjacent Properties will not be increased if the exception is granted.

15-4 -10. TIMESHARE PROJECTS.

(A) **INFORMATION TO BE FILED WITH TIMESHARE PROJECT APPLICATIONS.** The Developer of any Timeshare Project other than a Timeshare Conversion shall file with the Planning Department the following information as part of a Building Permit Application:

- (1) The proposed duration of Timeshare Intervals.
- (2) Identification of the Timeshare Interval as a Timeshare Estate or Timeshare Use.
- (3) Any restrictions on the Use, occupancy, alteration or alienation of Timeshare Intervals.
- (4) A copy of the proposed Timeshare Instruments whereby the Timeshare Project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants; Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and Proprietary Lease; Vacation Club

Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance of the Timeshare Project and/or units.

(5) The name, address, and phone number of the managing Agent of the project having authority to act on behalf of the Developer and/or the Owners' association in emergency situations. Any change in name, address or phone number of the managing Agent shall be filed with the Planning Department and the Park City Business Licensing Division.

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(6) The name, address and phone number of the central contact Persons for the Developer and/or the Timeshare Project for Business license, tax and utility service payments, who will be responsible for making such payments on behalf of the Developer as provided by the Timeshare Instrument. Any change in name, address or phone number of the central contact Persons shall be filed with the Planning Department and the Park City Business Licensing Division.

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(7) Whether the Developer plans to offer resale assistance and/or exchange program affiliation to Timeshare Interval purchasers.

(8) A description of the methods to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the Timeshare Project.

(9) Any other information that the Developer or Planning Department deems reasonably necessary to the consideration of the project.

(B) **DENIAL OF NEW TIMESHARE PROJECTS.** The creation of new Timeshare Projects is a Conditional Use. The Planning Commission and other City departments shall review the project according to the standards of review set forth in LMC Chapter 15-1-10, as well as specific criteria stated in Section 15-4-11, Timeshare Conversion, except that the consent of the unit Owners is required only in the case of a conversion of an existing Structure.

The Applicant shall also demonstrate that there are no adverse effects on City services, or City finances through the loss of sales tax revenue, or adverse affect on the Use of convention and meeting space.

**15-4 -11. TIMESHARE CONVERSION.**

(A) **TIMESHARE CONVERSION.** Developers of Timeshare Conversions shall file with the Planning Department the following information as part of a Conditional Use permit Application:

(1) The proposed duration of Timeshare Intervals, which shall not be less than seven (7) days.

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(2) Identification of the Timeshare Interval as a Timeshare Estate or Timeshare Use.

(3) Any restrictions on the Use, occupancy, alteration or alienation of Timeshare Intervals.

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(4) A copy of the proposed Timeshare Instruments whereby the Timeshare Project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants, Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance and operation of the Timeshare Project and/or Timeshare Units.

(5) The name, address and phone number of the managing Agent of the project having authority to act on behalf of the Developer and/or the Owners' Association in emergency situations. Any change in name,

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address or phone number of the managing Agent shall be filed with the Planning Department and the Park City Business Licensing Division.

(6) The name, address and phone number of the central contact Persons for the Developer and/or the Timeshare Project for Business license, tax and utility service payments, who will be responsible for making such payments on behalf of the Developer as provided by the Timeshare Instrument. Any change in name, address or phone number of the central contact Persons shall be filed with the Planning Department and the Park City Business Licensing Division.

(7) A list of all Owners of the Property being converted, or if the Property has previously been divided into separately owned units, Dwelling Units or Lots, a list of all Owners of such units, Dwelling Units or Lots. This list shall be prepared by a title company or licensed abstractor.

(8) A plan showing in reasonable detail the means by which the Timeshare Conversion will comply with the Park City parking requirements for Timeshare Projects, including the purchase of any necessary additional Property.

(9) Evidence of a review and approval by the appropriate sewer

district and the Park City Water Department regarding anticipated increases in sewer flows and water Use resulting from the change in Use.

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(10) For the conversion of any units in any Condominium project or Dwelling Units in any Planned Unit Development project, the written statements from not less than sixty five percent (65%) of the Owners of all existing units or Dwelling Units in the project indicating their unconditional approval of the Timeshare Conversion signed by such Owners not more than ninety (90) days prior to the date of the Application for a Conditional Use permit.

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(11) Any other information that the Developer or Planning Department deems reasonably necessary to the consideration of the project.

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(B) **CONDITIONS FOR CONVERSION APPROVAL.**

In determining whether, and under what conditions, to issue a Conditional Use permit for Timeshare Conversions, the City shall review the following conditions and considerations and approve the project if:

(1) Timeshare Conversion will have no serious adverse effect on present and future City services, including loss of sales tax revenue due to Timeshare Uses being exempt

from sales tax. The cumulative effect of the subject project and other Timeshare Projects may be considered.

(2) Timeshare Conversion will have no serious adverse effect on traffic circulation and parking.

(3) The Applicant's ability to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the Timeshare Conversion.

(4) Whether an office of the managing Agent or agency is located locally or within the Timeshare Conversion and the impact that may cause.

(5) Timeshare Conversion will have no serious adverse effect on meeting space, convention Business and Nightly Rentals within the City. The cumulative effect on the proposed conversion and other existing projects may be considered.

(6) Compliance with this Code, parking requirements, Park City Planning Commission policies, the City's Comprehensive Plan, and other applicable City ordinances and guidelines in force at the time of Application.

(7) Compliance with the Park City Uniform Building Code and other Park City Building Department

regulations in force at the time of Application.

(8) Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the Timeshare Conversion.

(9) For the conversion of any units in any Condominium project or Dwelling Units in any Planned Unit Development project, the written statements of not less than Owners of sixty five percent (65%) of all existing units or Dwelling Units in the project indicating their unconditional approval of the Timeshare Conversion signed by such Owners not more than ninety (90) days prior to the date of the Application for a Conditional Use permit.

(10) The Structure proposed for conversion is in substantial compliance with the Building Codes and fire Codes adopted by Park City.

(C) **DENIAL OR APPROVAL**. The City may approve or deny the request for Timeshare Conversion of a project on the basis of its findings on the above-listed matters. Any action to approve or deny by either the Planning Department, subject to ratification by the Planning Commission, or the City Council shall give written findings on the matter, and state specifically the reasons for the denial.

(D) **OFF-PREMISES TIMESHARE**

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**CONTACTING LOCATIONS PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.**

In determining whether, and under what conditions to issue a Conditional Use Permit for an off-premises timeshare contacting location, the Planning Department may consider:

- (1) The impact the off-premises contacting location may have on pedestrian and vehicular traffic circulation in the Area.
- (2) The proximity of the off-premise contacting location to other off-premises contacting locations servicing the same Timeshare Project.
- (3) Whether the off-premise contacting can be confined to a completely enclosed Building.
- (4) Compliance with this Code and Park City Planning Commission policies, the City's Comprehensive Plan and other applicable City ordinances and guidelines in force at the time of Application, and compliance with the Business licensing provisions of Park City.
- (5) Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the off-premises contacting location. This provision shall not apply to licensed solicitors, soliciting on behalf of timeshare companies in the fully enclosed

premises of another Person with the consent of that Person. No Conditional Use Permit is required under these circumstances.

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**(E) TIMESHARE CONVERSIONS.**

Existing projects, Properties or units, including, without limitation, those presently owned and operated as Condominiums, Planned Unit Developments, Hotels and Motels, shall not be converted to Timeshare Projects as defined in LMC Chapter 15-15-1 without first obtaining a Conditional Use Permit as required by this Chapter. A Conditional Use Permit must be obtained for the conversion of each separate project or Property being converted.

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**15-4 -12. CONDOMINIUM CONVERSION.**

Existing Structures shall not be converted to Condominium ownership without first receiving the review and recommendation of the Planning, Engineering, and Building Departments, City Attorney, and record of survey plat approval from the City. Required Public Improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance. The Structure must be brought into substantial compliance with the Building code as a condition precedent to plat approval.

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**15-4 -13. PLACEMENT OF SATELLITE RECEIVING ANTENNAS.**

**(A) PURPOSE.** To ensure that Satellite Receiving Stations do not have an adverse impact on aesthetic values and public safety

in residential, commercial and industrial Areas, and the Historic District, installation of these devices is governed by the following regulations. The intent of these requirements is to locate such Antenna and equipment where they are least visible from Public Streets and public Areas and, to the extent possible, provide Screening from adjacent Property Owners.

(B) **PERMIT REQUIRED.** The installation of Satellite Receiving Stations, unless otherwise provided in this ordinance, shall be deemed a permitted Use. It shall be unlawful to install any Satellite Receiving Station greater than two feet (2') in diameter without first having obtained a Building Permit from the City. Plans of such Satellite Receiving Station shall be submitted with each Application for a Building Permit, which shall include a Site plan indicating the height, color, location, Setbacks, foundation detail, landscaping, and Screening and such plan shall be subject to approval by the Planning and Building Departments.

(C) **INSTALLATION STANDARDS.** The following standards apply to the installation of a Satellite Receiving Station that is greater than two feet (2') in diameter:

(1) **HEIGHT.** Ground-mounted receiving stations shall be limited to a maximum height of ten feet (10') above Grade. Height of the receiving station shall be measured from the highest point of the apparatus to the finished Grade beneath the apparatus, with the apparatus set in its operating

position. Finished Grade may not be raised to form mounds or berms to accommodate increased heights for receiving stations.

(2) **SETBACKS.** Satellite Receiving Stations installed on the ground must maintain all normal Building Setbacks applicable to the zone in which the station is located.

If Setbacks are not specified for the Development, Setbacks for the underlying zone must be met. The Planning Director may vary Setback requirements if the most effective Screening can be achieved by placing the station within one of the required Setbacks.

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(3) **LOCATION.** All ground based receiving stations shall be located behind the front facade of the Main Building on the Site. Stations may be allowed in the Front Yard Area if it can be shown that no other reasonable locations are available and that Site specific conditions including steep Grades, dense vegetation, or other natural features which serve to Screen the receiving station exist on the Site. A Satellite Receiving Station may be located in the Front Yard Area only upon written approval by the Planning Director.

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(4) **SCREENING.** Each Satellite Receiving Station mounted on the ground shall be Screened from ground view from Public Streets,

Rights-of-Way, parks and golf courses through the addition of vegetative and non-vegetative features and/or landscaping as shall be approved by the Planning Department. Screening may also be required for adjacent Property Owners. Screening shall consist of a combination of design elements involving a variety of sizes, shapes and textures that harmonize with the elements and characteristics of the Property. When initially installed, Screening shall include at least three (3) tall shrubs or trees the height of which is at least equal to the height of the Satellite Receiving Station, and low level Screening to protect the reception window such that the structural base is not visible from beyond the boundaries of the Site. A security shall be required to be posted to ensure installation of required Screening. The security shall be 125% of the estimated cost of the Screening.

(5) **MATERIALS AND COLOR.** All installations shall employ materials and colors that blend with the surroundings. All receiving stations shall be a neutral color and satellite dish Antennas shall be of a wire mesh material. Variations may be reviewed and approved by the Planning Director. Highly reflective materials shall not be permitted.

(6) **ROOF OR WALL-MOUNTED.** Roof or wall-mounted

Satellite Receiving Stations will be approved only if they do not extend above the ridge line of the roof or wall to which they are attached, are not located on the portion of the roof or wall fronting on any Public Street, and maintain normal Setbacks.

Satellite Receiving Stations on flat roofs may be approved if they are Screened by the addition of architectural features which integrate with the characteristics of the Structure and are not located on the portion of the roof fronting on any Public Street. The receiving station and Screening shall not exceed the maximum height limit for the zone, except as allowed by this Code for Architectural Details such as chimneys, vents, or similar Structures. Roof or wall-mounted receiving stations in the Historic, District may be approved by the Planning Director providing no other feasible location exists and the receiving stations meet the criteria of this section.

The Planning Department shall review all Applications for receiving stations and shall consider Screening materials, integration into the Structure, visibility, size of the receiving station and such other factors as deemed necessary by the Planning Director to achieve Compatibility of the receiving station with the architecture and aesthetics of the Historic District.

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(7) **CABLES TO BE UNDERGROUND.** All wires and/or cables necessary for the operation of the receiving station shall be placed underground rather than installed overhead. Wires or cables attached flush with the surface of a Building or the Structure of the receiving station are the only exceptions.

(8) **MULTI-FAMILY DEVELOPMENT.** One (1) Satellite Receiving Station greater than two feet (2') in diameter shall be allowed per project. A second receiving station may be allowed upon written approval by the Planning Director. A letter from the Owner's Association or Management Committee indicating consent to the location of the Satellite Receiving Station shall be required as part of the permit Application filed with the City.

(D) **SUBDIVISION AND CONDOMINIUM COVENANTS.** Many Subdivision and Condominium covenants may address the location of Satellite Receiving Stations within Condominium units and the Lots of a Subdivision. The City is not a party to those covenants, and no permit from the City shall have the effect of overriding or amending those covenants, which might be more restrictive than this ordinance. Applicants for permits for the installation of Satellite Receiving Stations are advised to determine what private land Use restrictions apply to their Site before applying for the permit from the City. If the

proposed installation is within the Common Area of a Condominium or Planned Unit Development, and the Application submitted is not in the name of the Owner's Association or Management Committee, the Applicant shall provide a letter from the Owner's Association or Management Committee indicating consent to the location of the Satellite Receiving Station within the Common Area has been granted as a part of the permit Application filed with the City.

(E) **PENALTY.** Violations of this ordinance are a Class "C" misdemeanor, and upon conviction, violators may be sentenced to a fine described in the current Park City Criminal Code. If the violator is a licensed contractor or vendor of Satellite Receiving Stations, the Business license of the contractor or vendor shall forfeit upon the second conviction within any one (1) calendar year, provided however, that a new license may be issued upon payment of the applicable license fee.

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**15-4 -14. TELECOMMUNICATION FACILITIES.**

The intent of this section is to ensure that Telecommunications Facilities are Compatible with the unique characteristics of each Zoning District of Park City, and that adverse impacts on community quality and safety in residential, commercial and industrial Areas, are mitigated. The intent of these requirements is to locate Telecommunications Facilities and related equipment where they are least visible from Public Streets, public Areas and designated view corridors and, to the best extent possible, provide Screening from adjacent

Property Owners. The installation of these devices is governed by the following regulations.

(A) **PERMIT REQUIRED.** The installation of Telecommunication Facilities, unless otherwise addressed in this Code, shall be deemed a Conditional Use and subject to the Park City Building Permit process. It shall be unlawful to install any Telecommunication Facility without first having a Conditional Use Permit and Building Permit from the City.

(B) **DEFINITIONS.** Move these to Chapter 15 Definitions.

(1) **ANTENNA.** A device that transmits and/or receives Telecommunications and/or radio signals for Telecommunications.

(2) **ANTENNA, DRIVE TEST.** A temporary Antenna used for field testing of Telecommunications signals and for possible locations for a permanent Antenna, but does not provide Telecommunications to customers.

(3) **ANTENNA, ENCLOSED.** An Antenna or series of individual Antennas entirely enclosed inside a Structure including but not limited to a cupola or wall of a Building or chimney.

(4) **ANTENNA, FREESTANDING.** An Antenna mounted on or within a stand alone support Structure including but not limited to a wooden pole, steel pole,

~~lattice tower, utility pole, lift tower, light standard, flag pole or other vertical support.~~

(5) **ANTENNA, ROOF MOUNTED.** ~~An Antenna or series of individual Antennas mounted on a roof of a Building.~~

(6) **ANTENNA, TEMPORARY.** ~~An Antenna used for a time period of less than thirty (30) days.~~

(7) **ANTENNA, WALL MOUNTED.** ~~An Antenna or series of individual Antennas mounted fully against the exterior face of a Building including on the face of a chimney or penthouse. A wall or face of a Building is defined as the entire Area of all exposed vertical surfaces of a Building that are above ground and facing approximately the same direction.~~

(8) **CO-LOCATION.** ~~The location of Telecommunication Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.~~

(9) **EQUIPMENT SHELTER.** ~~A cabinet or Building used to house equipment for Telecommunications Facilities.~~

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**TELECOMMUNICATIONS FACILITY.** A Telecommunications Facility, which is disguised as another object or otherwise concealed from public view.

~~(11) TELECOMMUNICATIONS.~~ The transmission, between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received.

~~(12) TELECOMMUNICATIONS FACILITY.~~ A Telecommunications Facility consists of Antenna, Equipment Shelters and related Structures used for transmitting and/or receiving Telecommunications and/or radio signals.

~~(13) TECHNICAL NECESSITY.~~ A particular design, placement, construction, or location of a Telecommunications Facility that is technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

**(C) SUBMITTAL REQUIREMENTS.**

A complete Application shall include all elements of the proposed Telecommunications Facility and shall produce all information required by the Telecommunications Facility Application. Applicants shall provide the following submittal requirements.

(1) Each Applicant shall present documentary evidence regarding the need for Telecommunications Facilities within the City. This information shall identify the Applicant's existing Telecommunications Facilities and coverage Areas to demonstrate the need for the proposed Telecommunications Facility within the City.

(2) An Applicant proposing to erect a new Telecommunications Facility shall provide documentary evidence that a legitimate attempt has been made to locate the new Telecommunications Facility on existing Buildings or Structures or as a co-location. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing Buildings or Structures or co-location Sites in the radio frequency coverage Area for the proposed Telecommunications Facility. Efforts to secure such locations shall be documented through correspondence between the Applicant and the Property Owner(s) of the existing Buildings, Structures or co-location Sites.

(3) Applicants proposing to construct new Telecommunications Facilities shall document the locations of all of the Applicant's existing Telecommunications Facilities that provide Telecommunications within the City,



as well as any changes proposed within the following twelve (12) month period, including plans to discontinue or replace such existing Telecommunications Facilities. Applicants shall provide competent testimony from a radio frequency engineer regarding the suitability of potential Telecommunications Facility locations in relation to the Applicant's existing Telecommunications Facilities.

(4) Each Application shall include a Site location alternative analysis describing the location of other Sites considered for the proposed Telecommunications Facility, the availability of those Sites, the extent to which other Sites do or do not meet the Applicant's Telecommunications needs and the reason why the subject Site was chosen for the proposed Telecommunications Facility. The analysis shall address the following issues:

(a) How the proposed location and Telecommunications Facility relate to the object of providing full Telecommunications services within the City Area;

(b) How the proposed Telecommunications Facilities relates to the location of the Applicant's existing Telecommunications

Facilities that provide Telecommunications within and near the City;

(c) How the proposed Telecommunications Facility relates to the Applicant's anticipated need for additional Telecommunications Facilities that provide Telecommunications within and near the City;

(d) If applicable, how the Applicant's plans specifically relate to, and are coordinated with, the needs of all other Telecommunications providers within and near the City.

(5) A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed Telecommunications Facility and indicating its view from at least five (5) locations around and within one (1) mile of the proposed Telecommunications Facility will be most visible.

(D) **COMPLIANCE WITH OTHER LAWS.** Telecommunications Facilities shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations available. Evidence of

substantial compliance must be submitted prior to the issuance of a Building Permit for a Telecommunications Facility.

**(E) NOT ESSENTIAL SERVICES.**

Telecommunications Facilities shall be regulated and permitted pursuant to this and other applicable sections of the Park City Land Management Code, General Plan and Sensitive Lands Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

**(F) CONDITIONAL USE REVIEW**

**PROCESS.** A Conditional Use Permit is required for all Telecommunications Facilities. The Planning Department shall review all Telecommunications Facility Applications and forward the Applications to the Planning Commission. The Planning Commission shall review an Application pursuant to Section 15-1-10 herein.

(1) **NOTICING.** Noticing of all Applications shall comply with LMC Chapter 15-1.10(c), which requires a published notice of not less than fourteen (14) days prior to the hearing and courtesy mailed notice to Owners of Property within three hundred feet (300') of the proposed Telecommunications Facility. If there are no occupied Properties within three hundred feet (300'), notice shall be given to the closest, registered home Owners association.

(2) **CONSENT AGENDA REVIEW.** Applications meeting the Consent Agenda Review criteria will

be placed on the Planning Commission's agenda and will not require a public hearing. Applications placed as a consent agenda item may be removed by the Planning Commission from the consent agenda and set as a public hearing on the same date or a later meeting of the Planning Commission at the Applicant's discretion.

**(3) PUBLIC HEARING.**

Applications requiring a public hearing shall be placed on the Planning Commission's regular agenda for review.

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**(G) SITE REQUIREMENTS.**

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(1) **SETBACKS.** The placement of Telecommunications Facilities on a Lot shall comply with the Setbacks of the underlying zone as stated herein. Telecommunications Facilities shall comply with the Setbacks for main Structures and shall not be determined accessory Structures.

(2) **HEIGHT.** The Telecommunications Facilities shall comply with the base height requirement, as stated in LMC Chapter 15-2, for the zone in which it is placed. The height shall be measured from the Grade or roof beneath to the top of the Antenna or mounting hardware whichever is higher. The following exemptions shall apply:

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(a) Roof Mounted Antenna, placed on a flat roof, may extend up to ten feet (10') above the existing Structure, provided that the Antenna Setback from the edge of the roof is a minimum distance equal to or greater than the height of the Antenna.

(b) Roof mounted Antenna, placed on a pitched roof, may extend a maximum of five feet (5') above the existing Structure.

(3) **USE OF PROPERTY.** The Telecommunications Facility shall be an ancillary Use on the Lot on which it is placed. The Lot shall contain a separate principal Use.

(4) **DESIGN.**

(a) Equipment Shelters located outside of an existing Building shall require a public hearing in front of the Planning Commission for compliance with the Architectural Design Guidelines if applicable, and Park City Design Guidelines.

(b) Antenna and associated equipment shall incorporate materials and colors present in the context of the surrounding Area. Stealth Telecommunications

Facilities shall be designed in a manner to blend with the existing and natural environment.

(c) Panel Antennas shall be no more than five square feet (5 sq. ft.) in Area per face.

(d) Freestanding Antennas and wall mounted Antennas shall be mounted a maximum of twelve inches (12") from the wall or pole.

(H) **SITE DISTURBANCE.** Any Application, temporary or permanent, which requires the removal of Significant Vegetation or proposes any new, or improvements to, driveways or roads for a length greater than twenty feet (20') and/or a width greater than ten feet (10') wide, shall require a public hearing before the Planning Commission. As used herein, "Significant Vegetation" includes trees six inch (6") in diameter or greater measured four feet six inches (4'6") above the ground, groves of small trees or clumps of oak and maple covering an Area of twenty square feet (20 sq. ft.) or more measured at the drip line. Plans must show all such trees within twenty feet (20') of a proposed Telecommunications Facility. The Planning Department shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation.

(I) **ZONING RESTRICTIONS.** Unless otherwise required within this Section, Applications for Antennas shall be

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permitted and reviewed as follows:

(1) **FREESTANDING ANTENNA.**

(a) **Prohibited.** Any Antenna located on Historic Structures and all freestanding Antenna located within the HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, RM, and POS zones. Freestanding Antenna on new Structures within the ROS zone are also prohibited.

(b) **Consent Agenda Review.** Freestanding Antenna located in RDM, GC, PUT, and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** Freestanding Antenna located in HRC, HCB, RD, and RC zones. Any freestanding Antenna located on existing poles in the ROS zone.

(2) **ROOF MOUNTED ANTENNA.**

(a) **Prohibited.** Any roof mounted Antenna located on a Historic or underground Structure or within the POS zone.

(b) **Consent Agenda Review.** Roof mounted Antenna within the RDM, RC, GC, PUT, and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** Roof mounted Antenna located in HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, and RM zones shall require a public hearing.

(3) **WALL MOUNTED ANTENNA.**

(a) **Prohibited.** Any wall mounted Antenna located on a Historic or underground Structure or within the POS zone.

(b) **Consent Agenda Review.** Wall mounted Antennas located within the RD, RDM, RC, GC, PUT, and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** All Wall Mounted Antennas located in HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, and RM zones shall require a public hearing with

approval granted by the Planning Commission.

(4) **ENCLOSED ANTENNA.**

(a) **Prohibited.** Any Enclosed Antenna located within a Historic Structure or within the POS zone, unless approved by the Planning Commission as a CUP, with a public hearing, and provided the antennas are enclosed within the Historic Structure, historic material is not removed, and the enclosure does not increase the building height or require any exterior wall modifications to the existing Structure.

(b) **Consent Agenda Review.** Enclosed Antennas located within the HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, RDM, RM, RC, GC, PUT, and LI may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** The location of any enclosed Antenna, which requires an increase in height or exterior wall modification to the existing Structure, shall require a public hearing.

(J) **TECHNICAL NECESSITY**

**EXCEPTION.** If the Application does not meet the criteria as stated in Section F, G, H and I, the Applicant may apply to the Board of Adjustment for a technical necessity exception. The Board of Adjustment shall review the Application as a Variance pursuant to LMC Chapter 15-10 and shall require the Applicant to provide any additional technical information in order to approve the variance including the following:

(1) A written explanation describing the surrounding topography, Structures, vegetation and other factors which make the proposed Telecommunications Facility technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

(K) **CO-LOCATION.** To discourage the proliferation Telecommunications Facilities co-location is both permitted and encouraged. Co-location on a Lot may be permitted by the Planning Commission if all Setbacks, design and landscape requirements are met for each Telecommunications Facility. The Application shall include any existing or approved, but un-built, Telecommunications Facility within the Telecommunications Area that may meet the needs of the Applicant. The supplied documentation shall evaluate the following factors:

(1) Structural capacity of the Antenna towers;

(2) Geographic Telecommunications Area

requirements;

(3) Mechanical or electrical incompatibilities;

(4) Inability or ability to locate equipment on existing Antenna towers; and

(5) Any restriction or limitation of the Federal Communication Commission that would preclude the shared Use of the Antenna tower.

(L) **SIGNS.** Signs shall only be permitted if they are related to the health and safety of the general public. All proposed signs shall be submitted with the Telecommunications Facility Application and subject to review by the Planning Department.

(M) **ABANDONMENT.** The Applicant, or the Applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused Telecommunications Facilities within twelve (12) months of abandonment of Use. If such tower is not removed by the Property Owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject Property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

(N) **SUBDIVISION AND CONDOMINIUM COVENANTS.** Many

Subdivision and Condominium covenants may address the location of Telecommunications Facilities within Condominium units and the Lots of a Subdivision. If the proposed installation is within the Common Area of a Condominium or Planned Unit Development, and the Application submitted is not in the name of the Home Owner's Association or management committee, the Applicant shall provide a letter from the home Owner's association or management committee indicating consent to the location of the Telecommunications Facilities within the Common Area has been granted as a part of the permit Application filed with the City.

(O) **TEMPORARY PERMITS.** A temporary permit may be approved for temporary Antennas only in conjunction with a special event licensed under Municipal Code Title 4, Chapter 8. A temporary Antenna permit Application must be submitted to the Planning Department. The Application will be administratively reviewed by the Planning Department based on the following criteria:

(1) **TIME.** Permits will be issued only for the duration of a licensed special event plus five (5) calendar days. In no case will a temporary Administrative Permit be issued for a period of greater than thirty (30) days.

(2) **HEIGHT.** The height of the temporary Antenna may not be greater than five feet (5') more than the zoning height for the specific zone where the Antenna is placed, as

**Deleted:** The City is not a party to those covenants, and no permit from the City shall effect the enforce ability of such covenants which might be more restrictive than this ordinance. Applicants for the installation of Telecommunications Facilities are advised to determine what private land Use restrictions apply to their Site before applying for the permit from the City.

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stated in the Land Management Code.

(3) **ZONING.** Temporary Antennas are permitted in the following zones: RCO, GC, HCB, HRC, RC, PUT, and LI.

(4) **PERMISSION.** Temporary Antenna permit Applications shall be accompanied by written permission from the Property Owner.

If the above criteria are met, the Planning Department shall grant a temporary Administrative Permit for the facility.

**(P) TEMPORARY ANTENNA FOR USE DURING DRIVE TESTS.**

Telecommunications companies wishing to perform drive tests shall submit notice to the Park City Planning Department stating the location and the date of the proposed test. Antennas in Use for a drive test shall not be left standing for a period greater than one (1) day. Drive tests shall be limited to testing functions only and shall not be used for Telecommunications services to customers. Drive tests on City Property also require Planning Department approval and execution of the City's standard drive test agreement.

*(Amended by Ord. No. 02-47)*

**15-4-15. OUTDOOR DISPLAY OF WORKS OF ART ON CITY-OWNED PROPERTY.**

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

(B) **REVIEW CRITERIA.** The outdoor display of works of art on City-owned Property shall be reviewed by the Planning, Engineering, and Building Departments for compliance with the following criteria:

(1) The outdoor display of works of art must comply with the height and Setback requirements of the Zoning District where it is located.

(2) Outdoor display of works of art that are displayed in excess of six (6) months must be designed and created with materials that will withstand the weather conditions and the elements.

(3) The outdoor display of works of art must comply with all applicable Building Codes;

(4) In cases where the City is not the Owner of record of the work of

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art displayed, the City accepts no liability in cases of damage or theft of the art.

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

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

(7) All lighting shall conform to the lighting regulations in Land Management Code Chapter 15-5-5(1) Lighting.

(C) **CITY COUNCIL REVIEW.** Upon compliance with all criteria set forth in this section, the City Council shall review and take final action on all requests for the outdoor display or works of art on City-owned Property. The City Council may seek a recommendation on requests for the outdoor display or works of art on City-owned Property from the Planning Commission, arts-related advisory boards, or a specific task force that may be appointed by the City Council prior to taking final action. The City and the Applicant shall

execute all necessary agreements prior to installing any approved public art on City-owned/public Property.

(Amended by Ord. No. 03-13)

**15-4-16. TEMPORARY STRUCTURES, TENTS, AND VENDORS.**

Prior to the issuance of a permit for any temporary Structure, tent, or vendor the following requirements shall be met:

(A) **APPLICATION.** An Application must be submitted to the Planning Department including the following information:

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(1) **GENERAL**

**DESCRIPTION.** An overview of the proposed activity. Include hours of operation, anticipated attendance, Use of speakers, any beer or liquor license, any sign or lighting plan, and any other applicable information.

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(2) **SITE PLAN.** The site plan shall be to scale indicating in detail how the proposal will comply with the International Building Code (IBC). It should indicate the location of the tent on the Property and distances from Property Lines and other Structures. A separate plan for the interior of any tent is required. This plan will indicate any chairs, tables, exits, sanitation, heating, food service/handling etc. A snow removal plan must be included.

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(3) **STRUCTURAL INFORMATION AND CALCULATIONS.**

For all temporary Structures greater than 200 square feet in Floor Area, structural calculations, wind load information, fire rating, etc. must be submitted.

(4) All applicable fees.

(B) **REVIEW CRITERIA- PUBLIC PROPERTY (OWNED BY THE CITY).**

(1) Lease agreement with Park City required.

(2) The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.

(3) The Use must meet all applicable International Building Code (IBC) requirements.

(4) The Applicant shall adhere to all applicable City and State licensing ordinances.

(C) **REVIEW CRITERIA-PRIVATE PROPERTY.**

(1) The proposed Use must be on private Property. The Applicant shall provide written notice of the Property Owner's permission.

(2) The proposed Use should not diminish existing parking. Any net

loss of parking shall be mitigated in the Applicant's plan.

(3) The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.

(4) The Use shall not violate the City Noise Ordinance.

(5) The Use and all signing shall comply with the Municipal Sign and Lighting Codes.

(6) The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.

(7) The Use shall not violate the Uniform Building Code (UBC).

(8) The Applicant shall adhere to all applicable City and State licensing ordinances.

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**15-4 -17. SETBACK REQUIREMENTS FOR UNUSUAL LOT CONFIGURATIONS.**

All Lots shall have a front, two (2) sides and a rear Setback with the following exceptions and clarifications.

(A) Development on Corner Lots shall have two (2) front Setbacks, unless otherwise excepted by this Code. The Rear Yard will be the side of the Property opposite the driveway Access from the Street. If it is not clear which boundary

should border the Rear Yard, the Planning Director may specify the Rear Yard.

(B) Lots with more than four (4) sides shall have a Side Yard on either side of the Front Yard. The third Side Yard and Rear Yard may be specified by the Planning Director.

(C) Lots with three (3) sides will have a front Setback, side Setback and rear Setback. In those cases where one (1) side is clearly opposite the front, the rear Setback must be opposite the front Setback. If it is not clear where side and rear Setbacks should be, the Planning Director may choose which is a Side Yard and which is a Rear Yard.

(D) On those Lots, which border a Street on both the back and front, both sides must have a front Setback, unless otherwise excepted by this Code.

(E) Any Lots, which are not specified in this section, shall have Setbacks determined by the Planning Director.

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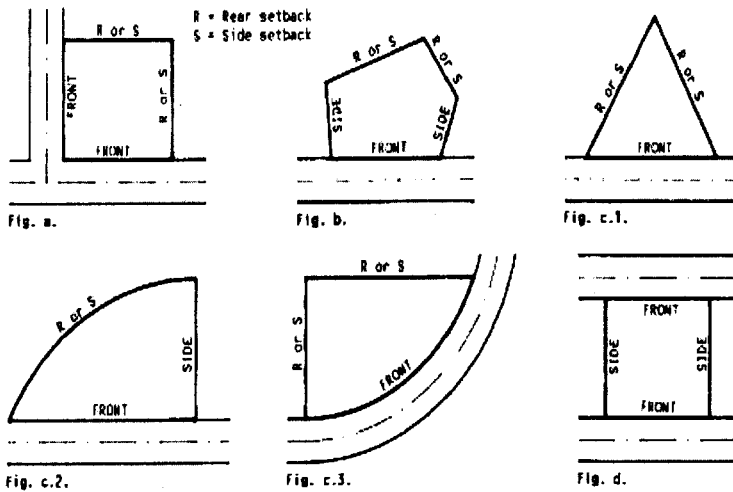
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**15-4-18. PASSENGER TRAMWAYS AND SKI BASE FACILITIES.**

(A) **CONDITIONAL USE.** The location and Use of a Passenger Tramway, including a ski tow or ski lift, is a Conditional Use. The location of base and terminal facilities for the Passenger Tramway is a Conditional Use in all zones where the Use may be considered.

(B) **CONDITIONAL USE REVIEW.** Conditional Use Permits under this section shall be issued only after public hearing before the Planning Commission, and upon the Planning Commission finding that all the following conditions can be met:

(1) **OWNERSHIP OF LIFTWAY.** The Applicant owns or

controls the Liftway necessary to construct and operate the Passenger Tramway. For the purpose of this section, ownership or control is established if the Applicant can demonstrate that he has title to the Property being crossed by the Liftway, or an easement over that Property, or options to acquire the Property or an easement or a leasehold interest in the Property, or an option to acquire a leasehold, of at least fifteen (15) years duration. Ownership or control of portions of the Liftway, which cross over Public Streets may be demonstrated by a written permit or license to cross the Street, signed by the governmental entity, which has jurisdiction over the Street crossed.

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Any combination of ownership and leasehold interests that gives the Applicant possession and control over the entire course of the Liftway, and over the land necessary for base and terminal facilities shall be sufficient to give the Applicant standing to apply for the Conditional Use.

(2) **WIDTH.** The Liftway shall extend a distance of at least ten feet (10') outward from the vertical plane established by the outermost surface of the Passenger Tramway, which generally is the outside edge of the chair or passenger compartment, on each side of the tramway's course excluding base and terminal Structures. Width is computed in this manner, rather than measuring from the center line of the Passenger Tramway or the cable in order to provide a minimum clearance of ten feet (10') on each side of the Liftway regardless of the configuration of the passenger-carrying elements.

(3) **BASE OR TERMINAL FACILITIES.** The Passenger Tramway must be constructed without the installation of base or terminal facilities within the HR-1 or HRL zones. Mid-loading and unloading points are allowed in the HR-1 and HRL zones.

(4) **CROSSING OF PUBLIC ROADS.** The Applicant must show that all components of the Passenger Tramway and any components of the

Liftway, such as safety netting provide a minimum clearance of eighteen feet (18') over major roads and fourteen feet (14') over residential Streets. In addition, the Applicant must show compliance or the ability to comply with any safety or height restrictions, which might be imposed by any governmental agency having jurisdiction over public roads crossed by the Liftway.

(5) **UTILITY CLEARANCE.** The Applicant must show all portions of the Passenger Tramway including any associated safety netting constructed with it provides a minimum clearance of ten feet (10') over any wires or utility line which it crosses, and that the Applicant has complied with or has the ability to comply with safety restrictions or regulations imposed by utilities having possession or control over wires that tramway crosses over.

(6) **PARKING AND TRAFFIC PLANS.** The Applicant must present a parking, traffic, and transportation plan pertaining to the Passenger Tramway for review and approval by the Planning Commission. The plan must address at least the following considerations: auto, bus, and pedestrian traffic, which could be generated by the Passenger Tramway, the impacts of this traffic on the adjoining landowners and the neighborhood in general, parking demand created by the Passenger Tramway and how that

parking would be provided.

The traffic and parking plan may be included in the neighborhood impact analysis. The parking requirements and impacts of a Passenger Tramway will vary within the zones depending upon the location and the ability of the Applicant to make use of existing public and private parking facilities; therefore, no specific requirement has been set. The Applicant is expected to show workable means of dealing with the traffic generated by the Passenger Tramway construction and operation, including such regulations as resident parking permits, Off-Site traffic controls and facilities, or similar means for controlling traffic and minimizing Off-Site impacts on adjoining Properties.

**(7) LIFTWAY SETBACK.**

The minimum Setback between the outermost surface or structure of the Liftway and any existing dwelling shall be ten feet (10'). This Setback may be waived with the written consent of the Owner of the affected dwelling, which consent shall be in a form suitable for recording with the County Recorder.

**(8) STATE REGULATION.**

Any Passenger Tramway constructed under a Conditional Use permit is subject to safety regulation by the Passenger Tramway Safety Committee of the State Department of Transportation. The Applicant is

expected to involve the State in the planning process to the extent necessary to inform the Commission of State requirements in order to avoid the imposition of inconsistent requirements by the State and the Planning Commission.

**(9) PUBLIC PURPOSE**

**SERVED.** The Planning Commission must find that the construction and operation of the tramway serves the overall community interest by accomplishing or furthering community goals such as reducing traffic congestion and volume between the downtown Area and the base facilities of the ski resorts, encouraging pedestrian traffic in the downtown neighborhood redevelopment Area, stabilizing the economic base of the Historic District, and mitigating the demand for parking in the Historic District, and that adequate controls on noise, mechanical equipment, smoking and safety aspects of the tramway have been provided to mitigate the effects of the Passenger Tramway on adjoining Properties.

**(C) STATUS OF LAND WITHIN**

**LIFTWAY.** Owners of Lots or other land, which is burdened by the easement for the Liftway are entitled to count the land within the Liftway for calculation of open space for improvement of that Property. Normal Setback and Side Yard requirements apply from the Lot Line or Property boundary.

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(D) **STRUCTURES WITHIN LIFTWAY**. Structures may be constructed within the Liftway, subject to the terms of the easement agreement between the Lot Owner and the owner of the Liftway. The Owner of a Lot or other Property, which is subject to the Liftway easement may build within the confines of the easement, provided however, that all construction within the easement is a Conditional Use, which requires review by the City, and approval will not be granted for construction which is inconsistent with the terms of the easement agreement.

(E) **PRESERVATION OF HISTORIC STRUCTURES**. It is the policy of the City to protect and preserve Historic Structures within the City. The Applicant for the Passenger Tramway must provide a study, which catalogues any Structures within the Liftway easement and identifies their Historic value, and indicates whether the Structure will be removed to accommodate the tram. The Applicant must also show what alternatives have been considered for the protection and preservation of those Structures, such as making improvements of structural or fire safety systems or relocation of the Structures.

**15-4 -19. REVIEW CRITERIA FOR VEHICLE CONTROL GATES.**

The Planning Commission may approve Vehicle Control Gates on private Streets, in the ROS, E-40, E, and RD zoning districts, as a Conditional Use. In order to approve a Conditional Use for a Vehicle Control Gate the Commission must find that all applicable findings and review standards as required for

a Conditional Use Permit in Section 15-1-10 are met. In addition, the Commission must find that the following review criteria for Vehicle Control Gates are met:

(A) The Applicants demonstrated a need for a Vehicle control Gate to effectively control an ongoing health, safety, and welfare situation or in unique circumstances, to mitigate traffic, parking congestion, or through traffic on Streets within a neighborhood.

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(B) The private Street is a cul-de-sac and not a through Street. The proposed Vehicle Control Gate does not impact traffic circulation through the neighborhood.

(C) The private Street serves primarily single family or duplex residences with individual or shared driveways.

(D) There is a major traffic or parking generator or Use, such as the ski area base at lower and upper Deer Valley Resort and Park City Mountain Resort, within a nine hundred foot (900') walking distance of the private Street entrance and there is evidence of spill over parking or other vehicular activity on a regular basis throughout the season.

(E) The Vehicle Control Gate is located outside of the City Right-of-Way and maintains all Setbacks of the zone.

(F) The Vehicle Control Gate does not impact existing utility easements.

(G) The Vehicle Control Gate is designed to permit unimpeded pedestrian,

bicycle and equestrian Access through the neighborhood and to existing public trails and walkways. A minimum gap of four feet (4') shall be allowed for these non-vehicular Uses.

(H) The Vehicle Control Gate is designed to be minimal in height, scale, and mass to accomplish the goal of preventing unauthorized vehicle traffic, parking, and/or other impacts on the neighborhood. There shall be a minimum bottom clearance of two feet (2') from the bottom of the gate rail to the road surface. A diagonal structural support may cross through the two foot (2') opening to provide additional structural strength for the cantilevered gate (see illustration) and keep the overall gate mass to a minimum. The gate shall be no more than thirty-six inches (36") in height from the bottom rail to the top rail, although allowance may be made for decorative elements. Design and materials shall result in a visually open gate. Any walls associated with the entry gate shall be pedestrian in scale and shall generally not exceed a height of five feet (5'). Column elements may be added for architectural interest, but these column elements shall not exceed a height of nine feet (9').

(I) The method of Access for emergency, service, and delivery vehicles shall meet all requirements of the Planning, Engineering, and Building Departments and the Fire Marshall prior to issuance of a Building Permit for the gate construction.

(J) Vehicle Control Gates on private Streets are not permitted in all zones. Gates on private Streets are allowed as a

Conditional Use in the following Zoning Districts: ROS, E-40, E, and RD.

(K) Any signs associated with the gate and/or walls are subject to the Park City Sign Code and require a separate sign permit.

(L) A Vehicle Control Gate management plan shall be submitted for Planning Commission approval to address times and situations when the gate will be closed. Applicants shall agree to leave the gate open at all times, except as specified in the approved management plan.

**15-4 -20. SPECIAL EVENTS  
OVERCROWDING ADMINISTRATIVE  
CONDITIONAL USE PERMIT.**

(A) **PURPOSE.** The intent of these regulations is to allow temporary overcrowding of events only if adverse impacts on the character of neighboring Property can be mitigated and issues of public safety, traffic and parking are provided for. Such Uses will be permitted where the adjacent Street system is sufficient to accommodate the traffic impacts generated by said overcrowding; where the Property can accommodate adequate Off-Street parking; where the Structures are designed to safely accommodate overcrowding; and where the type of Use, and impacts are Compatible with the Uses otherwise permitted in the zone.

(B) **DURATION.** An overcrowding permit allows the increase in occupancy for a total of fifteen (15) days per calendar year per Building. These days are not required to

be consecutive.

(C) **APPLICATION.** An Application must be submitted thirty (30) days prior to the Use, to the Planning Department including the following information:

(1) **GENERAL**

**DESCRIPTION.** A narrative and Site plan of the proposed Use, including hours of operation, maximum occupancy, private or public activity, number of invitations sent, if a private event, or estimate of overall attendance, crowd management plan, security, deliveries, music or sound plan, including use of speakers, any beer or liquor license, any sign or lighting plan, parking plan, and any other applicable information.

(2) **FLOOR PLAN.** To scale, indicating in detail how the proposal will comply with applicable sections of the International Building Code. This plan will indicate any chairs, tables, exits, sanitation, heating, food service/handling, etc.

(3) **ALL APPLICABLE FEES.** Refer to Fee Resolution.

(4) Any requested additional City or governmental services or equipment.

(D) **REVIEW CRITERIA.** In addition to the criteria and standards of review from LMC Chapter 15-1-10, staff must review the following:

(1) The Applicant shall provide written notice of the Property Owner's consent to the proposed event.

(2) The proposed Use shall not preclude Public Use of public Parking Spaces.

(3) An entrance plan, including patron waiting line capacity. Any Use of exterior space for wait list or lines must be mitigated through the Use of barricades and/or security. Pedestrian International Building Code compliant Access along the public Right-of-way must be maintained, unless otherwise approved by the Chief Building Official.

(4) The Use shall not violate Municipal Code Section 6-3-9(B), the City noise ordinance.

(5) The Application and all signing shall comply with the municipal sign and lighting codes.

(6) The Use shall comply with the Summit County Health code, the Fire Code, and State regulations on mass gathering.

(7) The Use shall not violate the International Building Code (IBC).

(8) Applicant shall submit a delivery plan in compliance with the delivery ordinance.

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(9) The Applicant shall adhere to all applicable City and State licensing ordinances.

(10) The Applicant must have an approved operational permit according to the requirements of the International Fire Code prior to the issue of a permit.

(11) No existing LMC or International Building Code violations are on the Property.

The Fire Marshall may conduct a Site inspection at any time during the event to ensure compliance with the above criteria.

*(Created by Ord. No. 05-57)*

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**PARK CITY MUNICIPAL CODE**  
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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 6 - MASTER PLANNED DEVELOPMENTS**

*Chapter adopted by Ordinance No. 02-07*

**CHAPTER 6 - MASTER PLANNED  
DEVELOPMENTS (MPD)**

**15-6 -1. PURPOSE.**

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, design theme and general Site planning criteria for larger projects. The goal of this section is to result in projects which:

- (A) compliment the natural features of the Site;
- (B) ensure neighborhood Compatibility;
- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;

(F) provide the highest value of open space for any given Site; and

(G) efficiently and cost effectively extend and provide infrastructure.

**15-6 -2. APPLICABILITY.**

(A) The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL), and Historic Residential - Medium Density (HRM) for the following:

- (1) Any residential project larger than ten (10) Lots or units.
- (2) All Hotel and lodging project with more than fifteen (15) Residential Unit Equivalents.
- (3) All new commercial or industrial projects greater than 10,000 square feet Gross Floor Area.

(B) The Master Planned Development process is allowed but not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC) and

Historic Residential (HR-1) zones, provided the subject property and proposed MPD meet the following criteria:

- (1) The Property is bisected by two (2) or more zoning designations, and
- (2) The Property has significant Historic Structures that either have been restored or are proposed to be rehabilitated as part of the MPD; and
- (3) The proposed Master Planned Development includes reduced surface parking via common underground parking.

(C) MPDs are allowed in Historic Residential (HR-1) zone only when:

- (1) HR-1 zoned parcels are combined with adjacent HRC or HCB zone Properties as part of an allowed MPD, see criteria above; or
- (2) Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for affordable housing MPDs consistent with Section 15-6-7 herein.

*(Amended by Ord. No. 04-08)*

**15-6 -3. USES.**

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is

located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15 and as stated in Section 15-6-8 herein.

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**15-6 -4. PROCESS.**

(A) **PRE-APPLICATION CONFERENCE**. A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

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(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE**. In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development,

all MPDs will be required to go through a pre-Application public meeting before the Planning Commission. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-20, Notice Matrix, of this Code.

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information for compliance with the General Plan and will make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application.

If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Commission may

waive the requirement for a pre-Application meeting, but the Commission shall make a finding at the time of approval that the project is consistent with the Large Scale MPD.

(C) **APPLICATION.** The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.

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(D) **PLANNING COMMISSION REVIEW.** The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING.** In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-19, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION**

**ACTION.** The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Any appeal of a Planning Commission action will be heard by the City Council in accordance with LMC Chapter 15-1-18.

(G) **DEVELOPMENT AGREEMENT**

Once the Planning Commission has approved Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;
- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans, landscape

plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;

(5) A description of all Developer exactions or agreed upon public dedications;

(6) The Developer's agreement to pay all specified impact fees; and

(7) The form of ownership anticipated for the project and a specific project phasing plan.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) **LENGTH OF APPROVAL**

Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning

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Commission review and reevaluation of the project at specified points in the Development of the project.

(I) **MPD MODIFICATIONS.**

Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

(J) **SITE SPECIFIC APPROVALS.**

Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a Conditional Use Permit, if so required by the Planning Commission at the time of the MPD approval.

The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review site specific plans, including site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting may be required by the Planning Director, at which time the Planning Commission will review the Application for

compliance with the large scale MPD approval.

**15-6 -5. MPD REQUIREMENTS.**

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts, if that transfer results in a project that better meets the goals set forth in Section 15-6-1. Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS.** The Planning Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

- (a) Donates open space in excess of the sixty percent (60%) requirement, either in

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fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Planning Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

(b) Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/ Affordable Housing consistent with the City's adopted employee/ Affordable Housing guidelines and requirements; or

(c) Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

**(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 DISTRICT.**

(1) The HR-1 District sets forth a Maximum Building Footprint for all Structures based on Lot Area. For

purposes of establishing the maximum Building Footprint for Master Planned Developments, which include Development in the HR-1 District, the maximum Building Footprint shall be calculated based on the Subdivision Plan and Lots of record at the time of complete Master Planned Development Application submittal. The Area of a common underground Parking Structures shall not count against the maximum Building Footprint.

(2) The maximum Building Footprint calculation for Properties within the Historic District do not apply to common underground Parking Structures approved as part of a Master Planned Development.

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(C) **SETBACKS.** The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation. The Planning Commission may reduce Setbacks within the project from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project



Density, and meets open space criteria set forth in Section 15-6-5(D).

**(D) OPEN SPACE.**

**(1) MINIMUM REQUIRED.** All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), and Historic Commercial Business (HCB) zones and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%).

For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages,

public art, and rehabilitation of Historic Structures.

**(2) TYPE OF OPEN SPACE.**

The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan.

**(E) OFF-STREET PARKING.**

**(1)** The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

(a) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.

(b) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.

(c) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

(d) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.

(e) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

(f) Provisions for overflow parking during peak periods.

The Planning Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

(2) The Planning Commission may permit an Applicant to pay an in-lieu parking fee in consideration for required on-site parking provided

that the Planning Commission determines that:

(a) Payment in-lieu of the on-Site parking requirement will prevent a loss of significant open space, yard Area, and/or public amenities and gathering Areas;

(b) Payment in-lieu of the on-Site parking requirement will result in preservation and rehabilitation of significant Historic Structures;

(c) Payment in-lieu of the on-Site parking requirement will not result in an increase project Density or intensity of Use; and

(d) The project is located along a public transit route and is within three (3) blocks of a municipal bus stop.

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The payment in-lieu fee for the required parking shall be subject to the provisions in the Park City Municipal Code Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.

(F) **BUILDING HEIGHT**. The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. Additional height will not be granted for

Master Planned Developments within the HR-1 zone unless said Property meets the criteria of Development on Steep Slopes, Section 15-2-6. The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation;

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

(4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable, and MPD's which include:

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(5) The additional Building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 9, Architectural Guidelines or Historic District Design Guidelines if within the Historic District;

(6) Structures within the HR-1 District which meet the standards of Development on Steep Slopes, may petition the Commission for additional height per criteria found in Section 15-2.2-6.

If and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) **SITE PLANNING.** An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet

the minimum emergency and safety requirements.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

(H) **LANDSCAPE AND STREET  
SCAPE.** To the extent possible, existing

Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Street-scapes will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

(I) **SENSITIVE LANDS COMPLIANCE.** All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions as described in LMC Section 15-2.21.

(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

(Amended by Ord. No. 04-08)

**15-6-6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.**

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The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

(A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;

(B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

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(C) The MPD, as conditioned, is consistent with the Park City General Plan;

(D) The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission;

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(E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;

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(F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

(G) The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility;

(H) The MPD provides amenities to the community so that there is no net loss of community amenities;

(I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

(J) The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this Code.

**15-6-7. MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT.**

(A) **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing.

Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

(B) **RENTAL OR SALES PROGRAM.** If a Developer seeks to exercise the increased Density allowance incentive by providing an Affordable Housing project, the Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

(C) **MIXED RENTAL AND OWNER/OCCUPANT PROJECTS.** When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing of the Development shall be specifically approved by the reviewing agency and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.

(D) **MPD REQUIREMENTS.** All of the MPD requirements and findings of this Section shall apply to Affordable Housing MPD projects.

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(E) **DENSITY BONUS.** The reviewing agency may increase the allowable Density up to twenty (20) Dwelling Units per acre. The Unit Equivalent formula will be applied.

(F) **PARKING.** Off-Street parking will be required at a rate of one (1) space per Bedroom.

(G) **OPEN SPACE.** A minimum of fifty percent (50%) of the Parcel shall be retained or developed as open space. A reduction in the percentage of open space, to not less than forty percent (40%), may be granted upon a finding by the Planning Commission that additional on or Off-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant landscaping, or other amenities will be provided above any that are required. Open space may be utilized for project amenities, such as tennis courts, swimming pools, recreational Buildings, pathways, plazas, etc. Open space may not be utilized for Streets, roads, or Parking Areas.

(H) **RENTAL RESTRICTIONS.** The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority as stated in the adopted Affordable Housing resolution in effect at the time of Application.

15-6-8. UNIT EQUIVALENTS.

Density of Development is a factor of both the Use and the size of the Structures built within a project. In order to allow for, and encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. One (1) Unit Equivalent equates to 2,000 square feet of residential Floor Area and 1,000 square feet of commercial Floor Area.

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Affordable housing units required as part of the MPD approval, and constructed on site do not count towards the residential unit equivalents of the Master Plan. Required ADA units count towards the residential unit equivalents.

~~For purposes of calculating residential Unit Equivalents, an Applicant may use the following table:~~

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Configuration	Unit Equivalent Value
Hotel Room or Studio Apartment not exceeding 600 square feet.	.25
Hotel Room or Suite, studio or one bedroom Apartment or Condominium not exceeding 750 square feet	.33
Condominium, Apartment or Hotel Suite not exceeding 1,000 square feet	.50
Condominium, Apartment or Hotel Suite not exceeding 1,500 square feet	.75
Condominium or Apartment not exceeding 2000 square feet	1.00
Condominium or Apartment not exceeding 2500 square feet	1.25
Condominium or Apartment not exceeding 3000 square feet	1.50
Condominium or Apartment not exceeding 3500 square feet	1.75
Condominium or Apartment in excess of 3500 square feet	2.00
Single Family Dwelling	1.00

(A) **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE.** Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways, common circulation and hotel use areas, such as lobbies, elevators, storage, and

other similar areas, will not be included. Outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, decks, porches, etc. do not require the Use of Unit Equivalents.

(B) **LOCKOUTS.** For purposes of calculating Unit Equivalents, Lockouts shall



be included in the overall square footage of a unit.

**(C) SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS.**

Within a Hotel or Nightly Rental Condominium project, up to five percent (5%) of the total Gross Floor Area may be dedicated to Support Commercial Uses which shall not count against any allotted commercial Unit Equivalents approved as part of the MPD. Any Support Commercial Uses in excess of five percent (5%) of the total Gross Floor Area will be required to use commercial Unit Equivalents, if approved as a part of the MPD. If no commercial allocation has been granted for an MPD, no more than five percent (5%) of the floor Area can be support Commercial Uses, and no other Commercial Uses will be allowed.

**(D) MEETING SPACE.** Within a Hotel or Condominium project, up to five percent (5%) of the total Gross Floor Area may be dedicated for meeting room space without the Use of Unit Equivalents. Meeting space in excess of five percent (5%) of the total Gross Floor Area will be counted as commercial Unit Equivalents. Any square footage, which is not used in the five percent (5%) support commercial allocation, can be used as meeting space. Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) allocation for support commercial shall be counted as commercial Unit Equivalents. Accessory meeting spaces, such as back of house, administrative areas, banquet offices, banquet preparation areas, and storage areas,

are spaces normally associated with and necessary to serve meeting and banquet activities and Uses. These accessory meeting spaces do not require the use of Unit Equivalents.

**(E) COMMERCIAL UNIT EQUIVALENTS.** Commercial spaces, approved as a part of a Master Planned Development, shall be calculated on the basis of one (1) Unit Equivalent per 1,000 square feet of Gross Floor Area, exclusive of common corridors, for each part of a 1,000 square foot interval. For example: 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.

**(F) RESIDENTIAL ACCESSORY USES.** Residential Accessory Uses include those facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project which are common to the residential project and are not inside the individual unit. Residential Accessory Uses do not require the use of Unit Equivalents and include such Uses as:

- Ski/Equipment lockers
- Lobbies
- Registration
- Concierge
- Bell stand/luggage storage
- Maintenance Areas
- Mechanical rooms
- Laundry facilities and storage
- Employee facilities
- Common pools, saunas and hot tubs not open to the public
- Telephone Areas
- Public restrooms

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Administrative offices  
Hallways and circulation  
Elevators and stairways  
Back of house Uses

(G) **RESORT ACCESSORY USES.**

The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include such Uses as:

Information  
Lost and found  
First Aid  
Mountain patrol  
Administration  
Maintenance and storage facilities  
Emergency medical facilities  
Public lockers  
Public restrooms  
Employee restrooms  
Ski school/day care facilities  
Instruction facilities  
Ticket sales  
Equipment/ski check  
Circulation and hallways

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**PARK CITY MUNICIPAL CODE  
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7 - SUBDIVISION GENERAL PROVISIONS

Chapter adopted by Ordinance No. 01-17

CHAPTER 7 - SUBDIVISION GENERAL PROVISIONS.

15-7-1. ENACTMENT.

In order that land may be subdivided, or Lot lines adjusted in accordance with these purposes and policy, these Subdivision regulations are hereby adopted.

15-7-2. PURPOSE.

The purpose of the Subdivision regulations is:

- (A) To protect and provide for the public health, safety, and general welfare of Park City.
(B) To guide the future growth and Development of Park City, in accordance with the General Plan.
(C) To provide for adequate light, air, and privacy, to secure safety from fire, flood, landslides and other geologic hazards, mine subsidence, mine tunnels, shafts, adits and dump Areas, and other danger, and to

prevent overcrowding of the land and undue congestion of population.

(D) To protect the character and the social and economic stability of all parts of Park City and to encourage the orderly and beneficial Development of all parts of the municipality.

(E) To protect and conserve the value of land throughout the municipality and the value of Buildings and improvements upon the land, and to minimize the conflicts among the Uses of land and Buildings.

(F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

(G) To provide the most beneficial relationship between the Uses of land and Buildings and the circulation of traffic, throughout the municipality, having particular regard to the avoidance of congestion in the Streets and highways, and the pedestrian traffic movements appropriate to the various Uses of land and Buildings, and to provide for the proper location and width of Streets and Building lines.

(H) To establish reasonable standards of design and procedures for Subdivisions, Re-subdivisions, and Lot Line Adjustments, in order to further the orderly layout and Use of land; and to insure proper legal descriptions and monumenting of subdivided land.

(I) To insure that public facilities are available and will have a sufficient capacity to serve the proposed Subdivision, Re-subdivision, or Lot Line Adjustment,

(J) To prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize Site disturbance, removal of native vegetation, and soil erosion; and to encourage the wise Use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land,

(K) To preserve the natural beauty and topography of Park City and to insure appropriate Development with regard to these natural features, and

(L) To provide for open spaces through the most efficient design and layout of the land, including the Use of flexible Density or cluster-type zoning in providing for minimum width and Area of Lots, while preserving the Density of land as established in the Land Management Code of Park City.

**15-7-3. POLICY.**

(A) It is hereby declared to be the policy of Park City to consider the Subdivision of land and the subsequent Development or

amendment of the Subdivision plat, or the adjustment of Lot lines therein, as subject to the control of Park City pursuant to the official General Plan of Park City for the orderly, planned, efficient, and economical Development of Park City.

(B) Land to be subdivided or re-subdivided, or Lot lines that shall be adjusted therein, shall be of such character that it can be used safely for Building purposes without danger to health or peril from fire, flood, landslide, mine subsidence, geologic hazards, or other menace, and land shall not be subdivided, re-subdivided, or adjusted until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

(C) The existing and proposed public improvements shall conform and be properly related to the proposals shown in the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and program of Park City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the adopted Uniform Building and Housing Codes, the Land Management Code, General Plan, Official Zoning Map, and capital budget and program of Park City.

**15-7-4. AUTHORITY.**

(A) By authority of ordinance of the City Council of Park City, hereinafter referred to as "City Council", adopted pursuant to the

powers and jurisdictions vested through ~~Chapter 5, Title 57 and Chapter 9, Title 10 Title 10, Chapters 3 and 9a and Title 17, Chapter 27a~~ of the Utah Code, Annotated (1953, as amended) and other applicable laws, statutes, ordinances, and regulations of the State of Utah, the City Council hereby exercise the power and authority to review, approve, and disapprove plats for subdividing land within the corporate limits of Park City which show Lots, blocks, or Sites with or without new Streets or highways.

(B) By the same authority, the City Council does hereby exercise the power and authority to pass and approve Development in Subdivisions, Re-subdivisions, or Lot Line Adjustments of land already recorded in the office of the County Recorder if such are entirely or partially undeveloped.

(C) The plat, Subdivision, Re-subdivision or Lot Line Adjustment shall be considered to be ~~entirely or partially undeveloped~~ void if:

(1) the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been recorded with the County Recorder's office without a prior approval by the City Council, or in the case of a Lot Line Adjustment, its designated responsible official, or

(2) the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been approved by the City Council where the approval has been granted more than three (3) years prior to granting a Building permit,

on the partially or entirely undeveloped land and the zoning regulations, either bulk or Use, for the district in which the Subdivision is located, have been changed subsequent to the original final plat, Subdivision, Re-subdivision, or Lot Line Adjustment approval.

(D) A transfer of land pursuant to a void plat is voidable.

**15-7-5. INTERPRETATION, CONFLICT, AND SEVERABILITY.**

(A) INTERPRETATION. In their interpretation and Application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

**(B) CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS.**

(1) PUBLIC PROVISIONS. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

**(2) PRIVATE PROVISIONS.**

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of the Planning Commission, City Council, or the municipality in approving a Subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations there-under, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the City does not enforce private covenants.

**(C) SEVERABILITY.** If any part or provision of these regulations or Application thereof to any Person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or Application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these

regulations or the Application thereof to other Persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or Application.

**15-7-6. CONDITIONS.**

Regulation of the Subdivision of land and the attachment of reasonable conditions to land Subdivision is an exercise of valid police power delegated by the state to this municipality. The Developer has the duty of compliance with reasonable conditions for design, dedication, improvement, and restrictive Use of the land so as to conform to the physical and economical Development of Park City and to the safety and general welfare of the future Lot Owners in the Subdivision and of the community at large.

**15-7-7. VACATION, ALTERATION, OR AMENDMENT OF PLATS.**

The City Council may, on its own motion, or pursuant to a petition, consider and resolve at a public hearing any proposed vacation, alteration or amendment of a Subdivision plat, or any Street, Lot, alley or public Use Area contained in a Subdivision plat, as provided in Section ~~10-9-808 through 10-9-810~~ 10-9a-608 through 10-9a-611 of the Utah Code Annotated (1953) as amended.

**15-7-8. VARIANCES.**

Refer to Section 15-10-9 herein regarding variance procedures.

**15-7-9. SAVING PROVISION.**

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any Person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any Person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

**15-7-10. ENFORCEMENT.**

It shall be the duty of the Planning Director to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.

(A) No Owner, or Agent of the Owner, of any Parcel of land located in a proposed Subdivision, shall transfer or sell any such Parcel before a plat of such Subdivision has been approved by the Planning Commission and City Council in accordance with the provisions of these regulations, and filed with the County Recorder.

(B) The Subdivision of any Lot or any Parcel of land, by the Use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. However, the City may approve metes and bounds descriptions for purposes of Lot Line Adjustments, resolving conflicting boundary

descriptions, and the recombination of historically platted Properties located within either the Park City/Millsite or Snyder's Addition surveys. All such described Subdivisions shall be subject to all of the requirements contained in these regulations.

(C) No Building Permit shall be issued for the construction of any Building or Structure located on a Lot or plat subdivided or sold in violation of the provisions of these regulations.

**15-7-11. VIOLATIONS AND PENALTIES.**

Any Person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a Class B misdemeanor.

~~Deleted: Community Development~~

(A) **CIVIL ENFORCEMENT.**

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a Building, structure or premises, and these remedies shall be in addition to the penalties described above.

**15-7-12. AMENDMENTS.**

For the purpose of providing the public health, safety, and general welfare, the City Council may from time to time amend the provisions imposed by the Subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and City Council in the manner



prescribed by law and outlined in the Land Management Code.

**15-7-13. RESERVATIONS AND APPEALS.**

Upon the effective date of these regulations according to law, any ordinances conflicting with the terms herein, including the Subdivision Ordinance of Park City, Utah, adopted September 20, 1979, as amended, are hereby repealed, except as to such sections expressly retained herein.

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 7.1 - SUBDIVISION PROCEDURES**

*Chapter adopted by Ordinance No. 01-17*

**CHAPTER 7.1 - SUBDIVISION  
PROCEDURES.**

**15-7.1-1. JURISDICTION.**

These Subdivision regulations shall apply to all Subdivisions or Re-subdivisions of land, and to Lot Line Adjustments, as defined herein, located within the corporate limits of Park City.

Whenever any Subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a Structure in such proposed Subdivision shall be granted, the subdividing Owner, or his authorized Agent, shall apply for and secure approval of such proposed Subdivision in accordance with the following procedure.

**15-7.1-2. PROCEDURE.**

No land shall be subdivided within the corporate limits of Park City until:

(A) The Owner, Applicant and/or Developer or his/her Agent submit an

Application for Subdivision to the Planning Commission through the Park City Planning Department;

~~(B)~~ The Planning Commission holds a public hearing and makes a final recommendation to the City Council; and

~~(B)~~ (C) Approval of the Subdivision is obtained by the Planning Commission and City Council, or approval by the Community Development Director under proper authority; and

~~(C)~~ (D) The approved Subdivision Plat is filed with the County Recorder.

**15-7.1-3. CLASSIFICATION OF  
SUBDIVISIONS.**

(A) **SUBDIVISION.** At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and/or Developer to combine the requirements of the Preliminary Plat and final Subdivision Plat into a single submittal.

(1) **MINOR SUBDIVISION.** A Subdivision containing not more

than three (3) Lots fronting on an existing Street, not involving any new Street or road, or the extension of municipal facilities, or the creation of public improvements.

(a) **Final Plat.** A Final Plat shall be approved in accordance with these regulations.

(2) **MAJOR SUBDIVISION.** A Subdivision of land into four (4) or more Lots, or any size Subdivision requiring any new Street.

(a) **Preliminary Plat.** A Preliminary Plat may be approved in accordance with these regulations.

(b) **Final Plat.** A Final Plat shall be approved in accordance with these regulations.

(B) **PLAT AMENDMENT.** The combining of existing subdivided Lots into one or more Lots.

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

(C) **RECORD OF SURVEY.**

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

(D) **LOT LINE ADJUSTMENT.** The relocation of the Property boundary line between two adjoining Lots.

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

15-7.1-4. **GENERAL PROCEDURE.**

(A) **OFFICIAL SUBMISSION DATES.** At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and Developer to combine the requirements of both preliminary and final Subdivision Plats into a single submittal. For the purpose of these regulations, for both major and minor Subdivisions, the date of the regular meetings of the Planning Commission at which the public hearings on final approval of the Subdivision Plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required for formal approval or disapproval of the plat shall commence to run.

(B) **PHASING PLAN REQUIRED.** All residential Subdivisions with more than twenty (20) Lots or Condominiums shall include a phasing plan, which specifies the timing of public improvements and residential construction.

(1) **PHASING PLAN REQUIREMENTS.** A phasing plan shall include:

(a) The number of units or Parcels to be developed in

each phase and the timing of each phase.

(b) The timing of construction of public improvements and Subdivision amenities to serve each phase.

(c) The relationship between the public improvements in the current Subdivision and contiguous land previously subdivided and yet to be subdivided.

(2) **MASTER PLANNED DEVELOPMENT.** If the Subdivision is in an Area covered by an approved Master Planned Development, which has a phasing plan, the phasing plan for the Subdivision shall be consistent with the phasing plan for the Master Planned Development.

(3) **REVISIONS.** An Applicant may request a revision of the phasing plan, which may be necessary due to such conditions as changing market conditions, inclement weather or other factors.

(C) **COORDINATION OF MULTIPLE APPLICATIONS.** It is the intent of these regulations that Subdivision review be carried out simultaneously with the review of Master Planned Developments. Required Applications shall be submitted in a form to satisfy both the requirements of the Subdivision regulations

and Master Planned Development provisions of the Land Management Code. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

**15-7.1-5. PRELIMINARY PLAT.**

(A) **PREAPPLICATION REQUIREMENTS.** Before preparing the Preliminary Plat for a Subdivision, the Applicant should arrange for a pre-Application conference with the Planning Department to discuss the procedure for approval of a Subdivision Plat and the requirements as to general layout of Streets and for reservations of land, Street improvements, drainage, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services. The Planning Department shall also advise the Applicant, where appropriate, to discuss the proposed Subdivision with those agencies who must eventually approve those aspects of the Subdivision coming within their jurisdiction; such as, the Snyderville Basin Sewer Improvement District, the Park City Fire Service District, the Park City School District, and the various utility service providers.

(B) **APPLICATION PROCEDURE AND REQUIREMENTS.** Prior to subdividing land in a manner, which requires a Preliminary Plat, an Owner of the land or his representative shall file an

Application for approval of a Preliminary Plat. The Application shall:

(1) Be made on a form available at the office of the Planning Department and determined complete. A complete Application shall include all elements of the Subdivision and shall produce all information required by the Subdivision Application.

(2) Include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application.

(C) **REVIEW OF PRELIMINARY PLAT.** The Staff shall consider and render a report to the next available regular meeting of the Planning Commission concerning the Preliminary Plat. The Planning Department

staff shall transmit the Preliminary Plat for review to appropriate officials or agencies of the local government, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. The Planning Department shall request that all officials and agencies, to whom a request for review has been made, submit their report to the Staff. The Staff will consider all the reports submitted by the officials and agencies concerning the Preliminary Plat and shall submit a report for proposed action to the Planning Commission for the next available regular meetings. Once an Application is received, the Staff will work diligently to review the Application, as quickly as time and workload allows. It is reasonable to expect that an Application will appear before the Planning Commission with a recommendation within ninety (90) days of receipt of a complete Application. The scale or complexity of a project or Staff workload may necessitate a longer processing period. In such cases, the Staff will notify the Applicant when an Application is filed as to the projected time frame.

(D) **PLANNING COMMISSION REVIEW OF PRELIMINARY PLAT.** The Planning Commission shall study the Preliminary Plat and the report of the Staff, taking into consideration the requirements of the Subdivision Ordinance and the best Use of the land being subdivided. Particular attention will be given to the arrangement, location and width of Streets, their relation to sewerage disposal, drainage, erosion,

location of mine or geologic hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet un-subdivided, and the requirements of the Official Zoning Map, General Plan, and Streets Master Plan, as adopted by the Planning Commission and City Council.

(E) **PUBLIC HEARINGS.** The Planning Commission shall hold a public hearing on the Preliminary Plat. Such hearings shall be advertised in accordance with the requirements of Section 15-1-12 of the Land Management Code and in the same manner as the subsequent public hearings of the final Subdivision Plat; except, however, that the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval.

(F) **PRELIMINARY APPROVAL.** After the Planning Commission has reviewed the Preliminary Plat and the report of the Staff including any municipal recommendations and testimony and exhibits submitted at the public hearing, the Applicant shall be advised of any required changes and/or additions. One copy of the proposed Preliminary Plat shall be returned to the Developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat.

(G) **PUBLIC IMPROVEMENTS.** The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final Subdivision Plat by the Chairman of the Planning Commission. If the Planning Commission elects not to require that all

public improvements be installed and dedicated prior to signing of the final Subdivision Plat by the Chairman of the Planning Commission, the amount of the Guarantee, in compliance with the requirements of the Land Management Code, shall be established by the Planning Commission based upon the recommendation of the City Engineer, which shall be submitted by the Applicant at the time of Application for final Subdivision Plat approval. The Planning Commission shall require the Applicant to indicate on both the Preliminary and Final Plat all roads and public improvements to be dedicated, all special districts for water, fire, and utility improvements which shall be required to be established or extended, all City approved Street names and addresses, and any other special requirements deemed necessary by the Planning Commission in order to conform the Subdivision Plat to the Official Zoning Map and the Master Plans of Park City.

(H) **EFFECTIVE PERIOD OF PRELIMINARY APPROVAL.** The approval of a Preliminary Plat shall be effective for a period of one (1) year at the end of which time final approval on the Subdivision must have been obtained from the Planning Commission, and the plat shall be signed and filed with the County Recorder within one (1) year of approval. Any plat not recorded within the period of time set forth herein shall be null and void, and the Developer shall be required to resubmit a new Application and plat for preliminary approval subject to all new review requirements, zoning restrictions and Subdivision regulations.

Applicants may request time extensions of the approval by submitting a request in writing to the Planning Department. The Planning Commission shall review all requests for time extensions of approvals.

(I) **ZONING REGULATIONS.** Every plat shall conform to existing zoning regulations and Subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Land Management Code rendering the plat nonconforming as to bulk or Use, provided the final approval is obtained within the one (1) year period.

**15-7.1-6. FINAL SUBDIVISION PLAT.**

(A) **APPLICATION PROCEDURE AND REQUIREMENTS.** Following approval of the Preliminary Plat, if necessary, the Applicant, if he wishes to proceed with the Subdivision, shall file with the Planning Department an Application for approval of a final Subdivision Plat. The Application shall:

- (1) Be made on forms available at the Planning Department and determined complete. A complete Application shall include all elements of the Subdivision and shall produce all information required by the Subdivision Application.
- (2) Include all contiguous holdings of the Owner, unless

specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application.

(3) Include the entire Subdivision, or section thereof, which derives access from an existing state, county or local government highway.

**(B) PLANNING COMMISSION AND CITY COUNCIL REVIEW.**

(1) The Planning Commission shall give notice pursuant to Section 15-1-20 of this Code and hold a public hearing on the proposed final Subdivision Plat before making its final recommendation on the final Subdivision Plat ordinance.

(2) After considering the final Subdivision Plat, the Planning Commission shall recommend approval or disapproval of the



Subdivision Application and proposed ordinance and set forth in detail any conditions to which the approval is subject, or the reasons for disapproval.

(3) The City Council may adopt or reject the ordinance either as proposed by the Planning Commission or by making any revision it considers appropriate.

(4) In the final resolution the City Council shall stipulate the period of time when the performance Guarantee shall be filed or the required improvements installed, whichever is applicable. Provided, however, that no plats will be approved or released for recording until necessary Guarantees have been established in accordance with the Land Management Code. In no event shall the period of time stipulated by the City Council for completion of required improvements exceed two (2) years from the date of the final ordinance.

(C) **SUBMISSION AND REVIEW.**

Subsequent to the resolution of the Planning Commission, one (1) paper copy of the construction plans, and one copy of the original Subdivision Plat on paper shall be submitted to the Planning Department for final review. No final approval shall be endorsed on the plat until the staff's review has indicated that all requirements of the ordinance have been met.

(D) **VESTED RIGHTS.** Vesting for purposes of zoning occurs upon the filing of a complete Application provided, however,

that no vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission and the Mayor of Park City. All requirements, conditions, or regulations adopted by the Planning Commission and City Council applicable to the Subdivision or to all Subdivisions generally shall be deemed a condition for any Subdivision prior to the time of the signing of the Final Plat by the Chairman of the Planning Commission and Mayor. Where the Planning Commission or Council has required the installation of improvements prior to signing of the Final Plat, the Planning Commission or Council shall not unreasonably modify the conditions set forth in the final approval.

(E) **LOT LINE ADJUSTMENTS.** The Planning Director may approve a Lot Line Adjustment between two (2) Lots without a plat amendment, within the corporate limits of Park City, if:

(1) the Owners of both Lots demonstrate, to the satisfaction of the Planning Director that:

(a) no new developable Lot or unit results from the Lot Line Adjustment;

(b) all Owners of Property contiguous to the adjusted Lot(s) or to Lots owned by the Applicant(s) which are contiguous to the adjusted Lot(s), including those separated by a public

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Right-of-Way, consent to the Lot Line Adjustment;

(c) the Lot Line Adjustment does not result in remnant land;

(d) the Lot Line Adjustment, and resulting Lots comply with LMC Section 15-7.3 and are compatible with existing lot sizes in the immediate neighborhood;

(e) the Lot Line Adjustment does not result in violation of applicable zoning requirements;

(f) neither of the original Lots were previously adjusted under this section;

(g) written notice was mailed to all Owners of Property within three hundred feet (300') and neither any Person nor the public will be materially harmed by the adjustment; and

(h) the City Engineer and Planning Director authorizes the execution and recording of an appropriate deed and Plat, to reflect that the City has approved the Lot Line Adjustment.

(2) If, based upon non-compliance with Subsection (1), the Planning Director denies the Lot Line Adjustment, the Director shall inform the Applicant(s) in writing of the reasons for denial, of the right to appeal the decision to the Planning Commission, and of the right to file a formal plat amendment Application

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**15-7.1-7. SIGNATURES AND RECORDING OF THE PLAT.**

**(1) SIGNING OF PLAT.**

(1) When a Guarantee is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after the Guarantee has been approved by the City Council, or its administrative designee and all the conditions of the ordinance pertaining to the plats have been satisfied.

(2) When installation of improvements prior to plat recordation is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after all conditions of the ordinance have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as shown by a certificate signed by the City Engineer and City Attorney that the necessary dedication of public

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lands and improvements has been accomplished.

(3) The plat shall be signed by the City Engineer, City Attorney and the City Recorder, if the plat meets the requirements herein.

(4) The plat shall conform to City ordinances and be approved by the culinary water authority and the sanitary sewer authority.

(5) The City may withhold an otherwise valid plat approval until the owner of the land provides the City Council with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(6) A subdivision plat recorded without the required signatures is void.

(2) **RECORDING OF PLAT.**

(1) It shall be the responsibility of the Developer's licensed title company to file the original mylar plat with the County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the City Attorney.

C) **SECTIONALIZING MAJOR SUBDIVISION PLATS.** Prior to granting final approval of a Major Subdivision Plat, the Planning Commission and City Council may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly Development of the plat. The Planning Commission and City Council may require that the performance Guarantee be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance Guarantee principal amount until the remaining sections of the plat are presented for filing. The Developer may also file irrevocable offers to dedicate Streets and public improvements only in those sections submitted to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any additional conditions imposed by the Planning Commission, and offers shall be granted concurrently with final approval of the balance of the plat. The approval of all remaining sections not filed with the County Recorder shall automatically expire unless such sections have been approved for filing by the Planning Commission, all fees paid, all instruments and offers of dedication submitted and performance Guarantees approved and actually filed with the County Recorder within one (1) year of the date of final Subdivision approval of the Subdivision Plat. See Section 15-7.1-6 of these regulations.

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**TITLE 15 - LAND MANAGEMENT CODE**

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 7.2 - ASSURANCE FOR COMPLETION AND**  
**MAINTENANCE OF IMPROVEMENTS**

*Chapter adopted by Ordinance No. 01-17*

**CHAPTER 7.2 - ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS.**

**15-7.2-1. IMPROVEMENTS.**

**(A) COSTS OF IMPROVEMENTS.**

All required improvements shall be made by the Applicant, at his expense, without reimbursement by the City or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

**(B) ESCROW DEPOSITS OR LETTERS OF CREDIT FOR LOT IMPROVEMENTS.**

**(1) ACCEPTANCE OF ESCROW FUNDS.** Whenever, by reason of the season of the year any Lot improvements required by the Subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a

cash escrow deposit or letter of credit in an amount to be determined by the City Engineer for the cost of said improvements. The performance Guarantee covering such Lot improvements shall remain in full force and effect.

**(2) PROCEDURES ON ESCROW FUND.** All required improvements for which escrow monies or letters of credit have been accepted by the Building Official at the time of issuance of a certificate of occupancy shall be installed by the Developer within a period of nine (9) months from the date of deposit and issuance of the temporary certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Building Official shall give two (2) weeks written notice to the Developer requiring him to install same, and in the event that same are not installed properly in the discretion of the Building Official, the Building Official may request the City Council to authorize the City to proceed to contract out

the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit or letter of credit. At the time of the issuance of the certificate of occupancy for which escrow monies/letters of credit are being deposited with the Building Official, the Applicant shall obtain and file with the Building Official prior to obtaining the certificate of occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the Building Official to install the improvements at the end of the nine (9) month period in the event that the same have not been duly installed by the Developer.

**(C) TEMPORARY**

**IMPROVEMENTS.** The Applicant shall build and pay for all costs of Temporary Improvements required by the Planning Commission or City Engineer and shall maintain same for the period specified. Prior to construction of any temporary facility or improvement, the Developer shall file with the City a separate suitable Guarantee, in accordance with the Land Management Code, for temporary facilities, which Guarantee shall insure that the temporary facilities will be properly constructed, maintained, and removed.

**(D) DEFERRAL OR WAIVER OF  
REQUIRED IMPROVEMENTS.**

(1) The Planning Commission may recommend that the City Council defer or waive at the time of

final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

(2) Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible Grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the Applicant shall pay his share of the costs of the future improvements to the City government prior to the signing of the final Subdivision Plat, or the Applicant may post a Guarantee insuring completion of said improvements upon demand of the municipality.

**(E) INSPECTION OF  
IMPROVEMENTS.**

(1) **GENERAL PROCEDURE AND FEES.** The Planning Commission in consultation with or upon the advice of the City Engineer or Planning Director, shall provide for inspection of required improvements during construction and insure their satisfactory completion. The Applicant shall, in accordance with the City's fee resolution, pay to the

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City an inspection fee and the Subdivision Plat shall not be signed by the Chairman of the Planning Commission or Mayor unless such fee has been paid. These fees shall be due and payable upon demand of the City and no Building permits or certificates of occupancy shall be issued until all fees are paid. If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the Applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance Guarantee, the Applicant and the issuing company shall be severally and jointly liable for completing the improvements according to specifications. Prior to commencement of construction on any public improvement or private improvement required to be built to public standards, the Developer shall first obtain a Notice to Proceed from the Planning Director or his designee.

**(F) MAINTENANCE OF IMPROVEMENTS.**

(1) The Applicant shall be required to maintain all improvements on the individual subdivided Lots and provide for snow removal on Streets and sidewalks until acceptance of said improvements by the City Council.

If there are any certificates of occupancy on a Street not dedicated to the City, the City may on twelve (12) hours notice plow the Street or effect emergency repairs and charge same to Applicant. The City will not normally accept water improvements or Street improvements or assume responsibility for either general maintenance or snow removal until over fifty percent (50%) of the Lots within the Subdivision are built upon.

(2) The Applicant shall be required to file a maintenance Guarantee with the City, prior to acceptance, in an amount considered adequate by the City Engineer and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all Lot improvements on the individual subdivided Lots for a period of one (1) year after the date of their acceptance by the City and dedication of same to the local municipality.

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**(G) COMPLETION OF IMPROVEMENTS.** Before the plat is signed by the Chairman of the Planning Commission and the Mayor, all Applicants shall be required to complete, in accordance with the Planning Commission's decision and to the satisfaction of the City Engineer, all the Street, sanitary sewer, and other improvements, i.e: storm drainage, trails, sidewalk, curb, gutter, Street signs, water lines, etc., including Lot improvements on

the individual Lots of the Subdivision as required, and as approved by the Planning Commission and the City Council, and to dedicate same to the local government, free and clear of all liens and encumbrances on the Property and public improvements thus dedicated.

**(H) CERTIFICATE OF SATISFACTORY COMPLETION.**

Subject to maintenance provisions contained in Section 15-7.2-1(F), the City will not accept dedication of required improvements, or release or reduce a performance Guarantee, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the Applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" survey plats of the Subdivision, indicating location, dimensions, materials, and other information required by the Planning Commission and City Engineer, that the layout of the line and Grade of all public improvements is in accordance with the City approved construction plans for the Subdivision and that a commitment for a title policy or other acceptable evidence has been furnished to the City Attorney and City Engineer indicating that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

**(I) FAILURE TO COMPLETE IMPROVEMENT.** For Subdivisions for which no performance Guarantee has been posted, if the improvements are not completed within the period specified by the Planning Commission and City Council in the Ordinance approving the plat, the approval shall be deemed to have expired. In those cases where a performance Guarantee has been posted and required improvements have not been installed within the terms of such performance Guarantee, the Planning Department may thereupon declare the Guarantee to be in default and require that all the improvements be installed regardless of the extent of the Building Development at the time the Guarantee is declared to be in default.

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**15-7.2-2. PERFORMANCE GUARANTEE.**

The City Council in its discretion may waive the requirement that the Applicant complete and dedicate all Public Improvements prior to the signing of the Subdivision Plat, and that, as an alternative, the Applicant may post an acceptable Guarantee, in accordance with Section 15-7.2-1(B) of the Land Management Code, at the time of application for final Subdivision approval in an amount estimated by the City Engineer and City Council as sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The posting of Guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or



mechanics liens or other unrelated obligations. The performance Guarantee shall also secure all Lot improvements on the individual Lots of the Subdivision as may be required. Such performance Guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in the Land Management Code. The period within which required improvements must be completed shall be specified by the Planning Commission and the City Council in the ordinance approving the final Subdivision Plat and shall be incorporated in the Guarantee and shall not in any event exceed two (2) years from date of final approval.

Such Guarantee shall be approved by the City Council with surety and conditions satisfactory to them. The Planning Director may, upon proof of difficulty, recommend to the City Council extension of the completion date set forth in such Guarantee for a maximum period of one (1) additional year. The City Council may at any time during the period of such Guarantee accept a substitution of principal or sureties.

**(A) PERFORMANCE GUARANTEE TO INCLUDE LOT IMPROVEMENTS.**

The performance Guarantee shall include an amount to Guarantee completion of all requirements contained in Section 15-7.2-2 of these regulations including, but not limited to, soil preservation, Final Grading, Lot drainage, landscaping, lawn-grass seeding, removal of debris and waste, Fencing, and all other Lot improvements required by the Planning Commission.

Whether or not a certificate of occupancy has been issued, at the expiration of the performance Guarantee, the City may enforce the provisions of the Guarantee where the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with.

**(B) REDUCTION OF PERFORMANCE GUARANTEE.**

A performance Guarantee may be reduced upon actual completion and/or acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the plat. In no event shall a performance Guarantee be reduced below twenty-five percent (25%) of the principal amount until completion.

**(C) GOVERNMENTAL UNITS.**

Governmental units to which these Guarantees and contract provisions apply may file in lieu of said contract or Guarantees a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Article.

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**(D) RECORDATION OF PLAT REQUIRED PRIOR TO GUARANTEE.**

In the event the Applicant's ability to post an acceptable Guarantee is dependent upon prior recordation of the plat due to requirements of the Interstate Land Sales Act or other federal law or regulations, the City Council may authorize plat approval and recordation upon receipt from the Applicant of an executed and acknowledged agreement signed by all Owners of fee, leasehold, contract and security interests in

the subject Property, in the form of a restrictive covenant that the Applicant will not sell, lease or otherwise convey any Lot, Parcel or portion of a Lot of the subject Property unless he shall first as a condition precedent thereto, satisfy the foregoing requirements of Section 15-7.2-1(B)(1) or 15-7.2-2. The agreement shall be in recordable form, shall specifically provide that the encumbrance created shall be deemed to be a covenant running with the land, binding on Applicant's successors and assigns, to install or Guarantee installation of all required improvements, and to pay all costs, including attorney's fees, which the City may incur in enforcing the terms and provisions of the agreement, and shall contain the express irrevocable consent of all signers to vacation of the recorded plat if the Guarantee requirements of Section 15-7.2-2 have not been complied with within one hundred twenty (120) days of the date of recordation of the plat. The encumbrance posed by the agreement shall only be released upon compliance by the Applicant or his successors with the provisions of Section 15-7.2-1(G) or 15-7.2-2 hereof.

**15-7.2-3. ACCEPTANCE OF DEDICATION OFFERS.**

Acceptance of formal offers of dedication of Streets, public Areas, easements, and parks shall be by ordinance of the City Council. The approval by the Planning Commission of a Subdivision Plat shall not be deemed to constitute or imply the acceptance by the City Council of any Street, easement, or park shown on said plat. The Planning Commission may require said plat to be

endorsed with appropriate notes to this effect.

**15-7.2-4. ISSUANCE OF BUILDING PERMITS AND CERTIFICATE OF OCCUPANCY.**

**(A) PERFORMANCE GUARANTEE.**

Where a performance Guarantee has been required for a Subdivision, no certificate of occupancy for any Building in the Subdivision shall be issued prior to the completion of the improvements and dedication of same to the City, as required in the Planning Commission's and City Council's final approval of the Subdivision Plat.

**(B) IMPROVEMENTS.**

(1) The extent of utilities and Street improvements shall be adequate for emergency response and vehicular Access by the prospective occupant and by police and fire equipment, prior to the issuance of any Building permit. The Developer shall at the time of the dedication submit monies in escrow or an acceptable letter of credit to the City in a sum determined by the City Engineer for the necessary final improvement of the Street.

(2) No Building permits shall be issued for the final ten percent (10%) of Lots in a Subdivision, or if ten percent (10%) be less than two (2) for the final two (2) Lots of a Subdivision, until all public improvements required by the

Planning Commission for the plat have been fully completed and dedicated to the local government.

**(C) CONSUMER PROTECTION  
LEGISLATION AND CONFLICTS OF  
INTEREST STATUTES.**

(1) No Building permit or certificate of occupancy shall be granted or issued if a Developer or his authorized Agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the Lot or Parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

(2) With respect to said Lot or Parcel of land, in the event a Building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the municipality until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

(3) Any violation of a federal, state, or local consumer protection law, including but not limited to: Postal Reorganization Act of 1970;

the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; state "Blue Sky" law; state Subdivision disclosure act or conflict of interest statute, law, or ordinance, shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in Section 15-1-14 hereof.

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 7.3 - REQUIREMENTS FOR IMPROVEMENTS,**  
**RESERVATIONS, AND DESIGN**

*Chapter adopted by Ordinance No. 01-17*

**CHAPTER 7.3 - REQUIREMENTS FOR  
IMPROVEMENTS, RESERVATIONS,  
AND DESIGN.**

**15-7.3-1. CONFORMANCE TO  
APPLICABLE RULES AND  
REGULATIONS.**

**(A) LAWS, RULES AND ADOPTED  
POLICY STATEMENTS.** In addition to  
the requirements established herein, all  
Subdivision Plats shall comply with the  
following law, rules, adopted policy  
statements and regulations, unless otherwise  
approved by City Council:

- (1) All applicable statutory provisions.
- (2) The Land Management Code, Sensitive Area Overlay Zone regulations, International Building and related Codes, and all other applicable laws of the appropriate jurisdictions.

(3) The Official Streets Master Plan, General Plan, Official Zone Map, Trails Master Plan, public utilities plans, and Capital Improvements Program of the local government, including all Streets, trails, drainage systems, and parks shown on the Official Map or Master Plan as adopted or amended for the Subdivision.

(4) The special requirements of these regulations and any rules of the Health Department, Park City Fire Service District, Snyderville Basin Sewer Improvement District (SBSID), and/or appropriate state agencies.

(5) The rules of the Utah Department of Transportation if the Subdivision or any Lot contained therein abuts a state highway or connection Street.

(6) The Park City Design Standards, Construction Specifications, and Standard Drawings and any other standards

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and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.

(7) All pertinent standards contained within the planning guides published by the Mountainlands Association of Governments.

(B) **PLATS STRADDLING MUNICIPAL BOUNDARIES.** Whenever a Subdivision is proposed across land under county jurisdiction, the Planning Commission shall require the annexation of the Property involved. In general, neither Lot Lines nor roads shall be laid out so as to cross municipal boundary lines.

(C) **SELF-IMPOSED RESTRICTIONS.** If the Owner places restrictions on any of the land contained in the Subdivision greater than those required by the Land Management Code or these regulations, such restrictions or reference thereto may be required to be indicated on the Subdivision Plat, or the Planning Commission may require that restrictive covenants be recorded with the County Recorder in form to be approved by the City Attorney.

(D) **RESTRICTIONS DUE TO CHARACTER OF THE LAND.** Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, mine hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other

features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.

(E) **PLAT APPROVAL WITHHELD.** Plat approval may be withheld if a Subdivision is not in conformity with the above guides or policy and purposes of these regulations established in Section 15-7 of this Code.

**15-7.3-2. GENERAL SUBDIVISION REQUIREMENTS.**

(A) **SUBDIVISION NAME.** The proposed name of the Subdivision and all roadways contained therein shall not duplicate, or too closely approximate, the name of any other Subdivision or Street in the Area covered by these regulations or in Summit County, Utah. The City Council shall have final authority to designate the name of the Subdivision and to select Street names.

(B) **MONUMENTS.** The Applicant shall place permanent reference monuments in the Subdivision as required herein or as otherwise approved by the City Engineer.

(1) Monuments shall be constructed in accordance with the Park City Design Standards, Construction Specifications, and Standard Drawings.

(2) All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time the Planning Commission recommends approval of the Final Plat unless a performance Guarantee is established in accordance with the provisions of this Code.

(C) **LIMITS OF DISTURBANCE/VEGETATION PROTECTION.** A separate plan, which addresses Limits of Disturbance and vegetation protection during construction and re-vegetation of disturbed Areas will be required. This shall include construction necessary for all project improvements such as roads and utilities.

(D) **RIDGE LINE DEVELOPMENT.** Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City.

(E) **OPEN SPACE.** Units should be clustered in the most developable and least visually sensitive portions of the Site with common open space corridors separating clusters. This applies to both multi-family and single family projects. The open space corridors should be designed to coincide with Significant Vegetation and in many cases, should be left in the natural state.

Open space Areas will be the maintenance responsibility of the homeowners.

(F) **ROADS AND UTILITY LINES.** Roads and utility lines should be designed to work with the Existing Grade and cut and fill Slopes should be minimized. Roads and utilities should be placed so that disturbance of Significant Vegetation is minimized.

(G) **DRAINAGE WAYS.** Existing natural drainage ways should be maintained, enhanced and designed around Structures

(H) **SOIL CONDITIONS.** Consideration must be given to soil conditions and ground water existence and may include appropriate Setbacks or restrictions.

(I) **TRAILS AND SIDEWALKS.** Trails and sidewalks should be provided to allow efficient internal circulation as well as links to adjacent trail systems on other Properties. Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian, bicycle, or equestrian circulation. Construction of new trails will be required concurrently with the installation of other public improvements.

Although required trails may not link to adjacent trails immediately, each trail is a vital part of an overall master plan. In most cases, the homeowners are required to maintain the trails.

(J) **LIMITS OF DISTURBANCE/VEGETATION PROTECTION.** Limits of Disturbance or Building Pad lines shall be

shown on the Preliminary and Final Plats if the staff determines that there is Significant Vegetation on the Site or if it is important to clearly designate future Building locations. "Significant Vegetation" includes large trees of six inch (6") caliper or greater, groves of five (5) or more smaller trees, or clumps of oak or maple covering an Area of fifty square feet (50 sq. ft.) to the drip lines. Limits of Disturbance or Building Pad lines with definitions as approved by the Staff must be reflected on the Final Plat. Because Limits of Disturbance or Building Pad lines are sometimes varied by the Planning Director, the plat will not reflect the final location of the limits.

(K) **TOP SOIL PRESERVATION AND FINAL GRADING.** No certificate of occupancy shall be issued until Final Grading has been completed in accordance with the approved final Subdivision Plat and the Lots recovered with top soil with an average depth of at least six inches (6") which shall contain no particles over two inches (2") in diameter over the entire Area of the Lot, except that portion covered by Buildings or included in Streets, or where the Grade has not been changed or natural vegetation damaged. Topsoil shall not be removed from residential Lots or used as spoil, but shall be redistributed so as to provide at least six inches (6") of cover on the Lots and at least four inches (4") of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting. Also see Section 15-7.2. Slope stabilization and erosion control, as determined necessary by the City Engineer, will also be required to be installed according to the approved specification.

(L) **ARCHITECTURAL STANDARDS.** Architectural standards will be required to be developed which will address Building design and finish materials. Guidelines should include consistency of roof pitch, roofing materials, siding materials, colors, porch details, window types and similar provisions.

(M) **WATER-BODIES AND WATER-COURSES.** If a tract being subdivided contains a water body, or portion thereof, Lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent Lots. The Planning Commission upon the recommendation of the Planning Director may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a City responsibility. No more than twenty-five percent (25%) of the minimum Area of a Lot required under the Land Management Code may be satisfied by land, which is under water. Where a watercourse separates the buildable Area of a Lot from the Street by which it has Access, provisions shall be made for installations of a culvert or other Structure, of a design approved by the City Engineer.

(N) **FIRE SPRINKLING.** Interior and exterior fire sprinkler systems may be required of all projects, whether single family or multi-family. This determination is based upon an analysis of the size of Structures, vegetation surrounding the Structures and location of the project as it relates to Fire District response time.

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**15-7.3-3. GENERAL LOT DESIGN REQUIREMENTS.**

(A) **LOT ARRANGEMENT.** The Lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing Building Permits to build on all Lots in compliance with the International Building Code, the Land Management Code, and in providing reasonable driveway Access to Buildings on such Lots from an approved Street.

(B) **BUILDING SITES.** Building Sites or envelopes shall be designed which minimize disturbance of existing vegetation. In designating Building envelopes, consideration should be given to minimum separations between Structures.

(C) **SQUARE FOOTAGE.** Maximum dwelling or unit square footage may be required. Limited Building Heights may also be required for visually sensitive Areas.

(D) **LOT DIMENSIONS.** In general, Side Lot Lines shall be at right angles to Street lines, or radial to curving Street lines, unless a variation from this rule will give a better Street or Lot plan. Dimensions of Corner Lots shall be large enough to allow for erection of Buildings, observing the minimum Front Yard Setback from both Streets. Depth and width of Properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the Off-Street parking and loading facilities required for the type of Use and Development

contemplated, as established in the Land Management Code.

(E) **DOUBLE FRONTAGE LOTS AND ACCESS TO LOTS.**

(1) **DOUBLE FRONTAGE LOTS.** Lots fronting two (2) Streets, except a Corner Lot, shall be avoided.

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(2) **ACCESS FROM MAJOR AND SECONDARY ARTERIAL STREETS.** Lots shall not, in general, derive Access exclusively from an arterial or collector Street as defined in the Streets Master Plan. Where driveway Access from an arterial or collector Street may be necessary for several adjoining Lots, the Planning Commission may require that such Lots be served by a combined Access drive in order to limit possible traffic hazard on such Streets. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial or Collector Roads.

(F) **LOT DRAINAGE.** Lots shall be laid out so as to provide positive drainage away from all Buildings in accordance with the International Building Code and individual Lot drainage shall be coordinated with the general storm drainage pattern for the Area. Drainage shall be designed so as to avoid concentration of storm drainage water from any Lot to adjacent Lots.

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(G) **LANDSCAPING.** The amount of Area available for formal landscaping will be restricted. Outside irrigation creates a significant water demand and irrigated Areas may be limited.

(H) **LIMITS OF DISTURBANCE/VEGETATION PROTECTION.** A plan for vegetation protection during construction and revegetation after construction will also be required. A security will be required to be posted to ensure compliance with the Limits of Disturbance plan.

(1) All construction activity must be contained within the Limits of Disturbance line, with the balance of the Parcel remaining undisturbed. Access to the Limits of Disturbance Area should be along the planned driveway.

(2) Building Pad lines may be specified on some plats instead of Limits of Disturbance. If Building Pad lines are designated, no part of the new construction may lie outside of the Building Pad line; however, construction disturbance may extend as far as ten feet (10') beyond the Building Pad line. Access to the Building Pad should be along the planned driveway or utility corridors.

(3) The Planning Director has the authority to vary the platted Limits of Disturbance or Building Pad line if such a variation results in less visual impact or more effective preservation of mature trees. In no case, however, should a variation in

the Limits of Disturbance boundary result in an increase in the amount of buildable Area. Applications for a variation in the Limits of Disturbance or Building Pad line are available in the Planning Office.

(4) Limits of Disturbance must be designated in the field prior to commencement of excavation with snow fencing or other methods approved by the Building Department.

(I) **RE-VEGETATION, SEED AND SOD.** All disturbed Areas on Lots shall be covered with topsoil and re-vegetated in accordance with Section 15-7.3-2 of the Land Management Code. At a minimum, seed shall be sown at not less than four pounds (4 lbs.) to each one-thousand square feet (1000 sq. ft.) of land Area. In the spring, the seed shall be sown between March 15 and May 15; and in the fall, the seed shall be sown between August 15 and September 30. The seed shall be a native grass seed mix approved by the City. All seed shall have been tested for germination within one (1) year of the date of seeding, and the date of testing shall be on the label containing the seed analysis. All Lots shall be seeded from the roadside edge of the unpaved Right-of-Way back to a distance of twenty-five feet (25') behind the principal residence on the Lot. No certificate of occupancy shall be issued until re-spreading of soil and seeding of lawn has been completed; except that between October 15 and April 15, the Applicant shall submit an agreement in writing signed by the Developer and/or the Property Owner, with

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a copy to the Building Official, that re-spreading of soil and seeding of lawn will be done during the immediate following planting season as set forth in this section and leave a cash escrow or letter of credit for performance in such amount as shall be determined by the Building Official in accordance with the Land Management Code. Sod may be used to comply with any requirement of seeding set forth herein.

(J) **DEBRIS AND WASTE.** Unless otherwise approved by the City Engineer and Building Official, no cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any Lot or Street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any Certificate of Occupancy on a Subdivision, nor shall any be left or deposited in any Area of the Subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

(K) **FENCING.** Each Applicant and/or Developer shall be required to furnish and install Fences wherever the Planning Commission determines upon the recommendation of the Chief Building Official that a hazardous condition may exist. The Fences shall be constructed according to standards to be established by the City Engineer and shall be noted as to height and material on the Final Plat. No Certificate of Occupancy shall be issued until said Fence improvements have been duly installed.

**15-7.3-4. ROAD REQUIREMENTS AND DESIGN.**

(A) **LAYOUT REQUIREMENTS.**

(1) **GENERAL LAYOUT REQUIREMENTS.**

(a) Roads shall be graded and improved and conform to the Park City Design Standards, Construction Specifications, and Standard Drawings and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted prior to Final Plat approval. Prior to Final Plat approval the Public Works Director and the City Engineer shall make the determination as to whether each Street is to be public or private. Such status shall be shown on the plat.

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(b) The rigid rectangular gridiron Street pattern need not necessarily be adhered to, and the Use of curvilinear Streets, Cul-de-sacs, or U-shaped Streets shall be encouraged where such Use will result in a more desirable layout.

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(c) In Business and industrial Developments, the Streets and other Access

ways shall be planned in connection with the grouping of Buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering Areas, and walks and parking Areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

(d) Proposed Streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such an extension is not necessary for the coordination of the layout of the Subdivision with the existing layout or the most advantageous future Development of adjacent tracts.

**(2) FRONTAGE ON AND ARRANGEMENT TO IMPROVED ROADS.**

(a) No Subdivision shall be approved unless the Area to be subdivided has Frontage on and Access from an existing Street on the Streets Master Plan unless such Street is an existing state or county highway; or a Street shown upon a plat approved

by the Planning Commission and recorded in the County Recorder's office. Such Street or highway must be suitably improved as required by the highway rules, regulations, specifications, or orders, or be secured by a performance Guarantee required under these Subdivision regulations, with the width and Right-of-Way required by these Subdivision regulations or the Streets Master Plan.

Wherever the Area to be subdivided is to utilize existing road Frontage, such road shall be suitably improved as provided hereinabove.

(b) All Streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated Rights-of-Way as established in the Streets Master Plan.

(c) All thoroughfares shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing, proposed, and future land Uses.

**(3) ROAD ARRANGEMENT  
IN RELATION TO  
TOPOGRAPHY.**

(a) Roads shall be related appropriately to the topography. Local roads may be curved to avoid conformity of Lot appearance and to discourage through traffic. All Streets shall be arranged so as to obtain as many as possible of the Building Sites at, or above, the Grades of the Streets. Grades of Streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and re-vegetated. A combination of steep Grades and curves shall be avoided. Specific standards are contained in the Design Standards, Construction Specifications, and Standard Drawings.

(b) Minor or local Streets shall be laid out to conform as much as possible to the natural topography, to discourage Use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of Streets necessary to provide convenient and safe Access to Property.

**(4) ROAD DESIGN  
CONSIDERING BLOCKS.**

(a) Blocks shall have sufficient width to provide for two (2) tiers of Lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major Streets, railroads, or waterways.

(b) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of Development contemplated, but block lengths in residential Areas should not exceed one thousand two hundred feet (1,200') or twelve (12) times the minimum Lot Width required in the Zoning District, nor be less than four hundred feet (400') in length. Wherever practicable, blocks along major arterial and collector Streets shall be not less than one thousand feet (1,000') in length.

(c) In long blocks the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, and/or pedestrian traffic. Pedestrian ways or crosswalks, not less

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than ten feet (10') wide, may be required by the Planning Commission through the center of blocks more than eight hundred feet (800') long where deemed essential to provide circulation or Access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial Uses shall be of such length and width as may be determined suitable by the Planning Commission for the prospective Use.

**(5) ACCESS TO ARTERIAL OR COLLECTOR STREETS.**

Where a Subdivision borders on or contains an existing or proposed arterial or collector, the Planning Commission may require that Access to such Streets be limited by one of the following means:

(a) The Subdivision of Lots so as to back onto the arterial or collector and front onto a parallel local Street; no direct Access shall be provided from the primary arterial or collector, and Screening shall be provided in a strip of land along the rear Property Line of such Lots.

(b) A series of Cul-de-sacs, U-shaped Streets, or

short loops entered from and designed generally at right angles to such a parallel Street, with the rear lines of their terminal Lots backing onto the arterial or Collector Road.

**(6) CONSTRUCTION OF DEAD-END ROADS.**

The arrangement of Streets shall provide for the continuation of principal Streets between adjacent Properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the adjacent Property is undeveloped and the Street must be a dead-end Street temporarily, the Right-of-Way shall be extended to the Property Line. A temporary turnabout shall be provided on all temporary dead-end Streets, with the notation on the Subdivision Plat that land outside the normal Street Right-of-Way shall revert to ~~abutting property owners~~ whenever the Street is continued. The Planning Commission may limit the length of temporary dead-end Streets in accordance with the design standards of these regulations.

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(a) **Dead-End Roads, Permanent.** Where a road does not extend to the boundary of the Subdivision and its continuation is not required by the Planning

Commission for Access to adjoining Property, its terminus shall normally not be nearer to such boundary than fifty feet (50'). However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A Cul-de-sac turnaround shall be provided at the end of a permanent dead-end Street in accordance with the Design Standards, Construction Specifications, and Standard Drawings. For greater convenience to traffic and more effective police and fire protection, permanent dead-end Streets shall, in general, be limited in length to six hundred and fifty feet (650').

(B) **ROAD NAMES**. The Developer, upon consent of the Planning Commission and City Council, shall name all roads at the time of preliminary or final approval. The local postmaster shall be consulted prior to Planning Commission approval. Names shall be sufficiently different in sound and in spelling from other road names in Summit County, Utah so as not to cause confusion. A road, which is or is planned as a continuation of an existing road shall bear the same name.

(C) **ROAD REGULATORY SIGNS**. The Applicant shall erect or post acceptable Guarantees ensuring each road sign required

by the City Engineer at all road intersections. All road signs shall be installed before issuance of Certificates of Occupancy for any residence on the Streets approved.

Street name signs are to be placed at all intersections within or abutting the Subdivision, the type and location of which to be approved by the City Engineer. Street signs shall be designed according to Park City Design Standards, Construction Specifications, and Standard Drawings.

(D) **STREET LIGHTS**. Installation of Street lights shall be required and shall be placed by the Developer in accordance with Park City Design Standards, Construction Specifications, and Standard Drawings and shall be approved by the City Engineer.

(E) **RESERVE OR PROTECTION STRIPS**. The creation of reserve or protection strips may be permitted adjacent to a proposed Street in such a manner as to deny Access from adjacent Property to such Street, provided such a strip is clearly shown on both the preliminary and final Subdivision Plat and dedicated to the City.

(F) **ROAD DESIGN STANDARDS**.

(1) **GENERAL**. In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory Access to police, fire fighting, snow removal, sanitation, and road maintenance equipment, and to coordinate roads so as to compose a convenient

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system and avoid undue hardships to adjoining Properties, the design standards for roads are hereby required to be in compliance with the Park City Design Standards, Construction Specifications, and Standard Drawings, the Streets Master Plan, or as may otherwise be determined by the Planning Commission.

**(2) ROAD SURFACING AND IMPROVEMENTS.** After sewer and water utilities have been installed by the Developer, the Applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in the pertinent regulations. Said surfacing shall be of such character as is suitable for the expected traffic. Types of pavement shall be as determined by the City Engineer. Adequate provision shall be made for culverts, drains, and bridges.

All road pavement, shoulders, drainage improvements and Structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission, City Engineer, or City Council, and shall be incorporated into the construction plans required to be submitted by the Developer for plat approval.

**(3) EXCESS RIGHT-OF-WAY.** Right-of-Way widths in

excess of the standards referenced in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth Slopes. Such Slopes shall not be in excess of three (3) to one (1), unless specifically approved by the City Engineer.

**(G) INTERSECTION DESIGN STANDARDS.**

(1) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new Streets at an angle within ten degrees (10B) of perpendicular is required. An oblique Street should be curved approaching an intersection and should be approximately at right angles for at least one hundred feet (100') therefrom. Not more than two (2) Streets shall intersect at any one point unless specifically approved by the Planning Commission.

(2) Proposed new intersections along one side of an existing Street shall, wherever practicable, coincide with any existing intersections on the opposite side of such Street. Street jogs with center line offsets of less than one hundred and fifty feet (150') shall not be permitted, except where the intersected Street has separated dual drives without median breaks at either intersection. Where Streets intersect major Streets, i.e: arterial or collectors, their alignment shall be



continuous. Intersections of major Streets shall be at least eight-hundred feet (800') apart.

(3) Minimum curb radius at the intersection of two (2) local Streets shall be at least twenty feet (20'), and minimum curb radius at an intersection involving a collector Street shall be at least twenty-five feet (25'). Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

(4) Intersections shall be designed with a flat Grade wherever practical. In hilly or rolling Areas, at the approach to an intersection, a leveling Area shall be provided having not greater than a two percent (2%) Slope for a distance of sixty feet (60'), measured from the nearest Right-of-Way line of the intersecting Street.

(5) Where any Street intersection will involve earth banks or existing vegetation inside any Corner Lot, creating a traffic hazard by limiting visibility, the Developer shall cut such ground and/or vegetation, including trees, in connection with the Grading of the public Right-of-Way to the extent deemed necessary to provide an adequate sight distance.

(6) The cross Slopes on all Streets, including intersections, shall be three percent (3%) or less.

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(H) **BRIDGES.** Bridges of primary benefit to the Applicant, as determined by the Planning Commission, shall be constructed at the full expense of the Applicant without reimbursement from the City. The sharing of expense for the construction of bridges not of primary benefit to the Applicant as determined by the Planning Commission will be fixed by special agreement between the City Council and the Applicant.

(I) **ROAD DEDICATIONS AND RESERVATIONS.**

(1) **NEW PERIMETER STREETS.** Street systems in new Subdivisions shall be laid out so as to eliminate or avoid new perimeter half-Streets. The Planning Commission may authorize a new perimeter Street where the Applicant or Developer improves and dedicates the entire required Street Right-of-Way width.

(2) **WIDENING AND REALIGNMENT OF EXISTING ROADS.** Where a Subdivision borders an existing narrow road or when the Streets Master Plan indicates plans for realignment or widening a road that would require Use of some of the land in the Subdivision, the Applicant shall be required to improve and dedicate at his expense such Areas for widening

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or realignment of such roads. Such Frontage roads and Streets shall be improved and dedicated by the Applicant at his own expense to the full width as required by these Subdivision regulations. Land reserved for any road purposes may not be counted in satisfying yard or Area requirements contained in the Land Management Code.

**15-7.3-5. DRAINAGE AND STORM SEWERS.**

**(A) GENERAL REQUIREMENTS.**

The Planning Commission shall not recommend for approval any plat of Subdivision, which does not make adequate provision for storm or flood water runoff channels or catch basins. Plans shall be reviewed for compliance with the Park City Design Standards, Construction Specifications, and Standard Drawings. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method or other methods as approved by the City Engineer, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred feet (600') in the gutter. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every Lot and block. On-Site storm runoff detention is generally required.

**(B) NATURE OF STORM WATER FACILITIES.**

(1) **LOCATION.** The Applicant may be required by the Planning Commission, upon the recommendation of the City Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the Subdivision. Such drainage facilities shall be located in the road Right-of-Way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

**(2) ACCESSIBILITY TO PUBLIC STORM SEWERS.**

(a) Underground Storm Sewer systems shall be constructed throughout the Subdivision and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the City Engineer.

(b) If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer and the Planning Commission, the Developer shall make arrangements for future storm water disposal

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by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance Guarantee required for the Subdivision Plat.

(3) **ACCOMMODATION OF UPSTREAM DRAINAGE AREAS.** A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage Area, whether inside or outside the Subdivision. The Developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed Development permitted by the Land Management Code. The City Engineer must review and approve the design.

(4) **EFFECT ON DOWNSTREAM DRAINAGE AREAS.** The City Engineer shall also require the Developer's qualified engineer to study the effect of each Subdivision on existing downstream drainage facilities outside the Area of the Subdivision. City storm drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff

incident to the Development of the Subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the Subdivision until provision has been made for the improvement of said potential condition in such sum as the Planning Commission and City Engineer shall determine. No Subdivision shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility.

(5) **AREAS OF POOR DRAINAGE.** Whenever a plat is submitted for an Area which is subject to flooding, the Planning Commission upon recommendation of the City Engineer, may approve such Subdivision provided that the Applicant fills the affected Area of said Subdivision to an elevation sufficient to place the elevation of Streets and Lots at a minimum of twelve inches (12") above the elevation of the maximum probable flood, as determined by the City Engineer. The plat of such Subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width, which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any Structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the City Engineer.

Development in Areas of extremely poor drainage is discouraged.

(6) **FLOOD PLAIN AREAS.** The Planning Commission may, upon recommendation of the City Engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the Area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the Subdivision of any portion of the Property which lies within the flood plain of any stream or drainage course. These flood plain Areas should be preserved from any and all destruction or damage resulting from clearing, Grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission.

(C) **DEDICATION OF DRAINAGE EASEMENTS.**

(1) **GENERAL REQUIREMENTS.** Where a Subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage Right-of-Way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. The existing drainage will be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

(2) **DRAINAGE EASEMENTS.**

(a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road Rights-of-Way, perpetual unobstructed easements at least twenty feet (20') in width for such drainage facilities shall be provided across Property outside the road lines and with satisfactory Access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

(b) When a proposed drainage system will carry water across private land outside the Subdivision, appropriate drainage rights must be secured and indicated on the plat.

(c) The Applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses, to a distance to be determined by the Planning Commission and City Engineer.

(d) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in Areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of Lots to be utilized for average density procedure nor for computing the Area requirement of any Lot.

5-7.3-6. WATER FACILITIES.

(1) GENERAL REQUIREMENTS.

(1) Necessary action shall be taken by the Applicant to extend or create a water-supply system for the purpose of providing water-supply capable of providing domestic water Use and fire protection.

(2) Where a public water main is accessible, the Applicant and/or Developer shall install adequate water facilities, including fire hydrants, subject to the specifications of the State and City. All water mains shall be at least eight inches (8") in diameter.

(3) Water main extensions shall be approved by the City Engineer and the Public Works Director.

(4) To facilitate the above, the location of all fire hydrants, all water and storage supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance Guarantee to be furnished by the Developer.

(5) Prior to approval of the Subdivision Plat by the City Engineer, a determination shall be made by the Public Works Director and City Engineer as to the location and extent of facilities to be maintained by Park City. Private facilities may be required to be so noted on the plat.

(B) FIRE HYDRANTS. Fire hydrants shall be required for all Subdivisions. Fire hydrants shall be located no more than one thousand feet (1,000') apart and within one hundred and fifty feet (150') of any Structure and shall be approved by the City Fire Marshall and City Engineer in accordance with Uniform Fire Code. In some instances, the City and Fire District may determine that due to wild-land fire potential, hydrants will be required to be located no more than three hundred feet (300') apart. To eliminate future Street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a Street shown on the Subdivision Plat.

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**15.7.3-7. SEWER FACILITIES.**

**(A) GENERAL REQUIREMENTS.**

The Applicant shall install sanitary sewer facilities in manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD) construction standards and specifications. All plans shall be designed in accordance with their rules, regulations, and standards. Necessary action shall be taken by the Applicant to extend sanitary sewer service for the purpose of providing sanitary sewer facilities to the Subdivision.

**(B) RESIDENTIAL AND NONRESIDENTIAL SUBDIVISIONS.**

Sanitary sewer facilities shall connect with the public sanitary sewer at sizes required by the Water Reclamation District. No individual disposal system or treatment plants, private or group disposal systems, shall be permitted. Sanitary sewer facilities, including the installation of laterals in the Right-of-Way, shall be subject to the SBWRD's specifications, rules, regulations, and guidelines.

**15-7.3-8. SIDEWALKS, HIKING TRAILS, BIKE PATHS, AND HORSE TRAILS.**

**(A) REQUIRED IMPROVEMENTS.**

(1) Sidewalks shall be included within the dedicated non-pavement Right-of-Way of all roads unless an alternate location has been specifically approved by the Planning Commission. In many

Cases, pedestrian paths separate from the road Right-of-Way may be preferable due to snow removal concerns.

(2) Concrete curbs are required for all roads where sidewalks are required by these regulations or where required in the discretion of the Planning Commission.

(3) Sidewalks shall be improved as required in Section 15-7.3-4(F)(2) of these regulations.

(4) Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of Site disturbance, permit efficient drainage, and provide safe Access.

(5) Hiking trails, bike paths, and horse trails shall be provided by the Developer in accordance with the City Trails Master Plan and where otherwise necessary as determined by the Planning Commission. Trails should connect traffic generators such as schools, recreation facilities, commercial Areas, parks, and other significant natural features. Such trails shall be built to City specifications and easements shall be dedicated for such trails. The trails shall be constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case cash deposits shall be required pursuant to Section 15-7.2 of this Code.

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15-7.3-9. UTILITIES.

(A) LOCATION. Utility facilities including but not limited to gas, electric power, telephone, and cable TV, shall be located underground in new Subdivisions wherever underground location does not violate safety standards of the particular utility and where such underground location does not impose any potential additional maintenance burden on Park City's Streets and water personnel in the opinion of the Public Works Director, City Engineer, and Planning Director. Underground service connections for water and sewer shall be installed to the Street Property Line of each platted Lot at the expense of the Applicant and/or Developer, as shall casings or conduits for all other underground utilities as determined by the City Engineer.

(B) EASEMENTS.

(1) Easements centered on Rear Lot Lines shall be provided for private and municipal utilities; such easements shall be at least ten feet (10') wide. Proper coordination shall be established by the Applicant and/or Developer between the applicable utility companies for the establishment of utility facilities and easements to adjoining Properties.

(2) Where topographical or other conditions are such as to make impractical the inclusion of utilities within the Rear Lot Lines, perpetual unobstructed easements at least ten

feet (10') in width shall be provided along Side Lot Lines with satisfactory Access to the road or Rear Lot Lines. All easements shall be indicated on the plat.

(3) Where necessary to ensure proper Access and maintenance, easement widths shall be increased as required by the City Engineer. Easements for water lines shall be a minimum of thirty feet (30') wide.

15-7.3-10. PUBLIC USES.

(A) PARKS, PLAYGROUNDS, AND RECREATION AREAS.

(1) RECREATION STANDARDS. The Planning Commission, in its review of each Major or Minor Subdivision, shall require that land be reserved and improvements installed for parks and playgrounds or other recreation purposes in locations designated on the Master Plans or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate Access for the particular purposes envisioned by the Planning Commission. The Area shall be shown and marked on the plat, "Reserved for Park and/or Recreation Purposes." The Developer will also be required to install improvements to the recreation Areas. These

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improvements will be built to City specifications.

When recreation Areas are required, the Planning Commission shall determine the number of acres to be reserved from the following formula which has been prepared: providing one (1) acre of recreation Area for every one hundred (100) Single Family Dwelling units or commercial Lots and one (1) acre per two hundred (200) Multi-Unit Dwellings. This calculation equates to four hundred thirty seven square feet (437 sq. ft.) per Single Family Dwelling unit or commercial Lot and two hundred eighteen square feet (218 sq. ft.) per Multi-Unit Dwelling. The Planning Commission shall also determine the level of improvements required. All required improvements shall be built to City specifications. The Planning Commission may refer such proposed reservations to the City official or department in charge of parks and recreation for recommendation. The Developer shall dedicate all such recreation Areas and facilities to the City as a condition of final Subdivision Plat approval.

**(2) MINIMUM SIZE OF PARK AND PLAYGROUND RESERVATIONS.** In general, land reserved for recreation purposes shall have an Area of at least one (1) acre. When the percentages from the above formula would create less than one (1) acre, the Planning

Commission may require that the recreation Area be located at a suitable place on the edge of the Subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an Area of less than one-third (1/3) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its Area. This smaller amount will be accepted only when it is on the edge of the Subdivision or when the staff feels that the reduced size will result in a usable recreation Site. Where recreation land in any Subdivision is not reserved, or the land reserved is less than required in Section 15-7.3-10(A)(1) the provisions of Section 15-7.3-10(A)(4) shall be applicable.

**(3) RECREATION SITES.** Land reserved for recreation purposes shall be of a character and location suitable for Use as a playground, play field, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the Developer to the City standards required by the Planning Commission, which improvements shall be included in the performance Guarantee. The Planning Commission may refer any Subdivision proposed to contain a dedicated park to the City official or department in charge of parks and recreation for a recommendation. All land to be reserved for dedication



to the City for park purposes shall have prior approval of the City Council and shall be shown marked on the plat "Reserved for Park and/or Recreation Purposes."

**(4) ALTERNATIVE PROCEDURE FOR SUBDIVISIONS OF FEWER THAN 30 LOTS.** Subdivisions, including commercial Subdivisions, with fewer than thirty (30) Lots would result in a land Area of less than one-third (1/3) acre to be reserved for recreation facilities. In this case the Developer shall pay an "in lieu of" fee in those cases where the "in-lieu" fee is specifically approved by or required by the Planning Commission. Fees shall be paid on a per unit rate and be based upon fair market value as indicated in the Park City adopted Fee Schedule.

**(5) APPLICABILITY TO LAND UTILIZING AVERAGE DENSITY.** Any Subdivision Plat in which the principle of average density or flexible zoning has been utilized shall not be exempt from the provisions of this section, except as to such portion of land which is actually dedicated to the City for park and recreation purposes. If no further Area, other than the Area to be reserved through averaging, is required by the Planning Commission, the full fee shall be paid as required in Section 15-7.3-10(A)(4). If further land is required

for reservation, apart from that reserved by averaging, credit shall be given as provided by Section 15-7.3-10(A)(4).

**(6) OTHER RECREATION RESERVATIONS.** The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a Developer from reserving other land for recreation purposes in addition to the requirements of this section.

**(B) OTHER PUBLIC USES.**

**(1) PLAT TO PROVIDE FOR PUBLIC USES.** Except when an Applicant utilizes a Master Planned Development concept in which land is set aside by the Developer as required by the provision of the Land Management Code, whenever a tract to be subdivided includes a school, recreation Uses, or other public Use as indicated on the Master Plan or any portion thereof, such space shall be suitably incorporated by the Applicant into his Preliminary Plat. After proper determination of its necessity by the Planning Commission and the appropriate City official or other public agency involved in the acquisition and Use of each such Site and a determination has been made to acquire the Site by the public agency, the Site shall be suitably incorporated by the Applicant into the preliminary and Final Plats.

(2) **REFERRAL TO PUBLIC BODY.** The Planning Commission shall refer the Preliminary Plat to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternate Areas for such acquisition and shall allow the public body or agency thirty (30) days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and Area of the Parcel to be acquired and an estimate of the time required to complete the acquisition.

(3) **NOTICE OF PROPERTY OWNER.** Upon receipt of an affirmative report, the Planning Commission shall notify the Property Owner and shall designate on both the Preliminary and Final Plats that Area proposed to be acquired by the public body.

**15-7.3-11. PRESERVATION OF NATURAL FEATURES AND AMENITIES.**

(A) **GENERAL.** Existing features, which add value to the community, shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from Development, which would be visible on the sky line from prominent Areas in Park City. Existing vegetation should also be retained as much as possible. Vegetation protection shall be required during construction so that

disturbance is limited. Existing features such as water courses, wetlands, historic sites, critical meadowlands, important vistas, and other irreplaceable assets shall be preserved in the design of the Subdivision. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of Grade. The preliminary plat shall show the number, size, and location of existing trees as required by these regulations and shall further indicate all those marked for retention, and the location of all proposed trees along the Street side of each Lot. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

**15-7.3-12. NONRESIDENTIAL SUBDIVISIONS.**

(A) **GENERAL.** If a proposed Subdivision includes land that is zoned for commercial or industrial purposes, the layout of the Subdivision with respect to such land shall make such provision as the Planning Commission may require.

A nonresidential Subdivision shall also be subject to all the requirements of Site plan approval set forth in the Land Management Code. Site plan approval and nonresidential Subdivision Plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential Subdivision shall be subject to all the requirements of these regulations, as well as such additional standards as are required by

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the Planning Commission, and shall conform to the proposed land Use and standards established in the General Plan, Streets Master Plan, Land Management Code, and Park City Design Standards, Construction Specifications, and Standard Drawings.

(B) **STANDARDS.** In addition to the principles and standards in these regulations, which are appropriate to the planning of all Subdivisions, the Applicant shall demonstrate to the satisfaction of the Planning Commission that the Street, Parcel, and block pattern proposed is specifically adapted to the Uses anticipated and takes into account other Uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed industrial Parcels shall be suitable in Area and dimensions to the types of industrial Development anticipated.
- (2) Street Rights-of-Way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be placed thereupon.
- (3) Special requirements may be imposed by the City with respect to Street, curb, gutter, and sidewalk design and construction.
- (4) Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer, and storm water drainage.

- (5) Every effort shall be made to protect adjacent residential Areas from potential nuisance from a proposed commercial or industrial Subdivision, including the provision of extra depth in Parcels backing up on existing or potential residential Development and provisions for a permanently landscaped buffer strip when necessary.

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**PARK CITY MUNICIPAL CODE**  
**TABLE OF CONTENTS**  
**TITLE 15 LAND MANAGEMENT CODE - CHAPTER 7.4**

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**TITLE 15 - LAND MANAGEMENT CODE**

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 7.4 - SPECIFICATIONS FOR DOCUMENTS**  
**TO BE COMPLETED**

*Chapter adopted by Ordinance No. 01-17*

**CHAPTER 7.4 - SPECIFICATIONS FOR DOCUMENTS TO BE COMPLETED.**

**15-7.4-1. PRELIMINARY PLAT.**

The Preliminary Plat shall show the following:

(A) **GENERAL.** The Preliminary Plat shall be prepared by a licensed land surveyor at an engineers' scale not more than one inch (1") equals one hundred feet (100'), may be prepared in pen, or pen and pencil, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder, but shall not be larger than twenty-four inches by twenty-six inches (24" x 26"). It should be noted that the map prepared for the Preliminary Plat may also be used during the preparation of the final Subdivision Plat and, therefore, should be drawn on tracing cloth or reproducible mylar.

(B) **NAME.**

- (1) Name of Subdivision if Property is within an existing Subdivision.
- (2) Proposed name if not within a previously platted Subdivision. The proposed name shall not duplicate the name of any plat previously recorded in Summit County, Utah.
- (3) Name of Property if no Subdivision name has been chosen. This is commonly the name by which the Property is locally known.
- (4) Name, address, including telephone number, or the professional Person(s) responsible for Subdivision design, for the design of public improvements, and for surveys.
- (5) Names of new Streets, subject to the approval by the Planning Commission.

(C) **OWNERSHIP.** Name and address, including telephone number, of legal Owner or Agent of Property, a Property report, and citation of last instrument conveying title to each Parcel of Property involved in the proposed Subdivision, giving grantor, grantee, date, and land records reference.

- (1) Citation of any existing legal Rights-of-Way or easements affecting the Property.
- (2) Existing covenants on the Property, if any.
- (3) Name and address, including telephone number, of the professional Person(s) responsible for Subdivision design, for the design of public improvements, and for surveys.

(D) **DESCRIPTION.** Location of Property by government Lot, section, township, range and county, graphic scale, north arrow, and acres.

- (1) Location of Property Lines, existing easements, burial grounds, mine or known geologic hazards, railroad Rights-of-Way, water courses, and existing wooded Areas or trees six inches (6") or more in diameter, measured four feet (4') above ground level, groves of five (5) or more smaller trees, or clumps of oak or maple covering an Area of fifty square feet (50 sq. ft.) to the drip line; location, width, and names of all existing or platted Streets or other public ways within or

immediately adjacent to the tract; names of adjoining Property Owners from the latest assessment rolls within three hundred feet (300') of any perimeter boundary of the Subdivision.

- (2) Location, sizes, elevations, and Slopes of existing sewers, water mains, culverts, and other underground Structures within the tract and immediately adjacent thereto; existing permanent Building and utility poles on or immediately adjacent to the Site and utility Rights-of-Way.
- (3) Approximate topography, at the same scale as the Preliminary Plat with at least five foot (5') contour intervals.
- (4) The approximate location and widths of proposed Streets.
- (5) Preliminary proposals for connection with existing municipal water supply and District sanitary sewer systems; preliminary provisions for collecting and discharging surface water drainage.
- (6) The approximate location, dimensions, and Areas of all proposed or existing Lots.
- (7) The approximate location, dimensions, and Areas of all Parcels of land proposed to be set aside for park or playground Use or other

public Use, or for the use of Property Owners in the proposed Subdivision.

(8) The location of temporary stakes to enable the Planning Commission to find and appraise features of the Preliminary Plat in the field.

(9) Whenever the Preliminary Plat covers only a part of an Applicant's contiguous holdings, the Applicant shall submit, at the scale of no more than two hundred feet (200') to the inch, a sketch in pen or pencil of the proposed Subdivision Area, together with its proposed Street and trail system, and an indication of the probable future Street and drainage system of the remaining portion of the tract.

(10) A vicinity map showing Streets and other general Development of the surrounding Area. The Preliminary Plat shall show all school and improvement district lines with the zones properly designated.

(11) A plan designating Limits of Disturbance for each Parcel and for Subdivision improvements, such as utilities and roads.

(E) **FEATURES.**

(1) The location of Property with respect to surrounding Property and Streets, the names of all adjoining Property Owners of record or the

names of adjoining Developments, the names of adjoining Streets.

(2) Citation of any existing legal Rights-of-Way or easements affect the Property.

(3) Existing covenants on the Property, if any.

(4) The location and dimensions of all boundary lines of the Property to be expressed in feet and decimals of a foot.

(5) The location of existing Streets, easements, water bodies, streams, and other pertinent features such as swamps, railroads, Buildings, parks, cemeteries, drainage ditches, or bridges.

(6) The location and width of all existing and proposed Streets and easements, alleys, trails, and other public ways, and easement and proposed Street Rights-of-Ways and Building Setback lines.

(7) The location, dimensions, and Areas of all proposed or existing Lots.

(8) The location and dimensions of all Property proposed to be set aside for park or playground Use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

(9) The name and address of the Owner or Owners of land to be subdivided, the name and address of the Applicant and/or Developer if other than the Owner, and the name of the land surveyor.

(10) The date of the map, approximate true north point, scale, and title of the Subdivision.

(11) Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground.

(12) Indication of the Use of any Lot, single family, two-family, multi-family, townhouse, and all use other than residential proposed by the Applicant.

(13) All Lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.

(14) The following notation shall also be shown:

- (a) Explanation of drainage easements, if any.
- (b) Explanation of Site easements, if any.
- (c) Explanation of reservations, if any.

(d) Owners dedication, if any and consent to record as required by State law.

(15) Any restrictions or requirements necessary to ensure solar Access shall be defined.

(16) All utility facilities existing and proposed throughout the Subdivision shall be shown on the Preliminary Plat or on accompanying engineering plans.

(17) A plan designating Limits of Disturbance or Building Pads and utilities corridors and connections for each Parcel and for Subdivision improvements, such as utilities and roads.

*(Amended by Ord. No. 04-11)*

#### **15-7.4-2. CONSTRUCTION PLANS.**

(A) **GENERAL.** Construction Plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than inch equals fifty feet (50'), and map sheets shall be of the same size as the Preliminary Plat. The following shall be shown:

- (1) Profiles showing existing and proposed elevations along left and right edge of road, and center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred feet (100') of the



intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all Streets.

(2) The Planning Commission may require, upon recommendation by the City Engineer, where Steep Slopes exist, that typical cross-sections of all proposed Streets be shown.

(3) Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitudes, Rights-of-Way, manholes, and catch basins; the locations of Street trees, Street lights, and Street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connections to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or Structures.

(4) Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing Streets, sewers, drains, water mains, easements, water bodies or impoundments, streams, and other pertinent features such as swamps, railroads, Buildings, features noted on the Official Zoning Map or Master Plans, at the point of connection to proposed facilities and utilities within the Subdivision, and

each tree with a diameter of six inches (6") or more, measured four feet (4') above ground level; groves of five (5) or more smaller trees, or clumps of oak or maple covering an Area of fifty square feet (50 sq. ft.) to the drip line. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high- and low-water elevations of such lakes or streams. All elevations shall be referred to the Park City Engineer's or U.S.G.S. datum plane. If the Subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty feet (20') back from the ordinary high-water mark of such water ways.

(5) Topography at the same scale as the Preliminary Plat with a contour interval of two feet (2'), referred to sea-level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.

(6) All other specifications, details, and references required by the Park City Design Standards, Construction Specifications, and Standard Drawings, including a Site-Grading plan for the entire Subdivision.

(7) Notation of approval as follows:

Owner	Date
-------	------

Public Works Director	Date
-----------------------	------

City Engineer	Date
---------------	------

(8) Title, name, address, signature, and seal of professional engineer, and date, including revision dates.

(9) A Limits of Disturbance and re-vegetation plan.

**15-7.4-3. FINAL SUBDIVISION PLAT.**

(A) **GENERAL.** The final Subdivision Plat shall be presented in India ink on tracing cloth or reproducible mylar at the same scale and contain the same information, except for any changes or additions required by resolution of the Planning Commission, as shown on the Preliminary Plat. The Preliminary Plat may be used as the final Subdivision Plat if it meets these requirements and is revised in accordance with the Planning Commission's resolution. All revision dates must be shown as well as the following:

(1) Notation of any self-imposed restrictions, and locations of any Building lines proposed to be established in this manner, if required by the Planning Commission in accordance with these regulations.

(2) All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

(3) Form for endorsements by the Planning Commission chair, Mayor, City Recorder, City Engineer, and City Attorney.

(B) **PREPARATION.** The final Subdivision Plat shall be prepared by a land surveyor licensed by the State of Utah. The surveyor shall certify that the survey of the property described on the plat is in accordance with Title 17, Chapter 23, Section 17 of the Utah Code, Annotated (1953, as amended) and has verified all measurements and has placed monuments as represented on the plat.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES

Chapter adopted by Ordinance No. 00-25

CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES

15-1-1. SHORT TITLE.

This Title shall be known as the Park City Land Management Code (LMC).

15-1-2. STATEMENT OF PURPOSE.

The LMC is designed, enacted, restated and reorganized to implement the goals and policies of the Park City General Plan, and for the following purposes:

- (A) to promote the general health, safety and welfare of the present and future inhabitants, businesses, and visitors of the City,
(B) to protect and enhance City's overall quality of life, economic vitality, and historic resort-based economy. The overall quality of life, the historic character, and unique mountain town community.

- (C) to protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,
(D) to protect the tax base and to secure economy in governmental expenditures,
(E) to allow Development in a manner that encourages the preservation of scenic vistas, environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,
(F) to provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services, and
(G) to prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community.
(H) To protect and ensure access to sunlight for solar energy devices.
(I) To protect or promote moderate income housing.

Summary of Comments on Microsoft Word - Imcamendments3-1-2006report.doc

Page: 1

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 12:02:28 PM
Notes for Polly.

There are all kinds of solar devices which require substantial space to generate electricity and heat water. The LMC does not specifically address this issue, size of solar arrays, types (such as tracking, flat panels, for heating water and generating electricity) locations such as on roofs, in yards, setbacks, number of allowable sq ft, etc., visibility. Given the current City Council sentiment about "clutter", they should know exactly what is allowed. What zones will solar energy devices be allowed in? Is the City Council going to allow them on Main Street Buildings? This could certainly become an eye sore and lower property values -- for a non economical energy source. Given many of PC's developable lands are in canyons between the hills and potential buildings certain properties could not be developed the way this reads. What are neighbors rights that are not interested in having solar in their neighborhoods because how solar panels look?

Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 7:16:24 PM -07'00'

Author: Treasure Hill PC
Subject: Highlight
Date: 3/16/2006 8:50:10 PM -07'00'

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 12:03:35 PM

Comments from page 1 continued on next page

Note for Policy.

"Moderate income housing" is not a defined term in the LMC, this might be changed to "Affordable Housing" which is defined in the LMC.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures 15-1-1



TITLE 15 - LAND MANAGEMENT CODE (LMC) CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES

Chapter adopted by Ordinance No. 00-25

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(A) to promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City,

(B) to protect and enhance ~~the City's overall quality of life, economic vitality and historic resort-based community~~ the vitality of the City's resort-based economy, the overall quality of life, the Historic character, and unique mountain town community.

(C) to protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,

(D) to protect the tax base and to secure economy in governmental expenditures,

(E) to allow Development in a manner that encourages the preservation of scenic vistas, environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,

(F) to provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services, and

(G) to prevent Development that adds to existing Geologic Hazard, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community.

(H) To protect and ensure access to sunlight for solar energy ~~development~~

(I) To protect or promote moderate income housing.

It is the intention of the City in adopting this LMC to fully exercise all of the powers granted to the City by the provisions of the Title 10, Chapter 2g of the Utah Municipal Land Use Development and Management Act, Utah Code Annotated, 1991, as amended, and all other powers granted by statute or by common law for the necessary regulation of the Use and Development of land within the City.

**15-1-3. CONFLICT.**

The provisions of the LMC are in addition to all other City ordinances, the Laws of the State of Utah, the Laws of the United States, and applicable common law. The LMC shall not supersede any private Land Use regulations in deeds or covenants, which are more restrictive than the LMC. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. The City does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein.

**15-1-4. DEFINITIONS.**

All capitalized proper nouns in the text of the LMC are defined terms. Defined terms are located in LMC Chapter 15-15.

**15-1-5. ZONING MAP ADOPTED.**

The zoning map for Park City as adopted by the City Council and executed by the Mayor is the Official Zoning Map for Park City. Upon amendment to the Official Zoning Map, the Mayor shall execute a new map, or re-execute the existing map with the amendments noted thereon.

**15-1-6. ZONE DISTRICTS AND ZONE MAP.**

In order to carry out the purposes of the LMC, Zoning Districts have been established as set forth in LMC Chapters 15-2 and as identified on the Official Zoning Map. In interpreting the Official Zoning Map, the following standards shall apply:

(A) The zoning boundary lines are intended to conform to existing Property boundary lines when not in a public Right-of-Way, or to follow the center line of public Rights-of-Way, including prescriptive Rights-of-Way, unless the lines are located by specific dimensions, in which case the dimensions shall control.

(B) Where the Zoning District lines appear to have intentionally divided a Lot or Parcel between two (2) or more districts, the applicable zoning for each portion of the Lot or Parcel must be determined by using the scale shown on the map.

(C) There is no minimum area or diversity of ownership requirement for a zone designation. Neither the size of a zoning district nor the number of landowners with the district may be used as evidence of the illegality of a zoning district or the invalidity of a municipal decision.

**15-1-7. AMENDMENTS TO THE LAND MANAGEMENT CODE AND ZONING MAP.**

All amendments to the LMC must be made in the following manner:

Author: Treasure Hill PC  
Subject: Highlight  
Date: 3/6/2006 8:51:35 PM -0700

Author: Mike Sweeney  
Subject: Note  
Date: 4/10/2006 6:27:29 AM  
Note for Polly.

I do not understand this language. Why is this being included in the LMC?

Underlined words have been added for clarity.

Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or the invalidity of a municipal decisions.

For APDs located in the Historic District and for APDs that include any Historic Structure:

15-1-9. ALLOWED USE REVIEW PROCESS.

(A) An Applicant must file a Complete Application, using the forms established by the Community-Development-Planning Department, and include payment of all fees. On any Application to construct a Building or other Improvement to Property which is defined by this Code as an Allowed Use in the Zone in which the Building is proposed, the Community-Development-Planning Department must review the Application to determine whether the proposal:

- (1) is an Allowed Use within the zone for which it is proposed;
- (2) complies with all applicable Development requirements of that zone, including Building Height, Setback, Front, Side, and Rear Yards, and Lot coverage;
- (3) respects Lot Lines of a legally subdivided Lot;
- (4) meets the applicable parking requirements;
- (5) conforms to the Park City Architectural Design Guidelines and/or the Historic District Design Guidelines, and the architectural review process established for that zone;
- (6) can be adequately serviced by roads, and existing or proposed utility systems or lines; and

- (7) pertains to land in which all tax assessments have been paid.
- (B) If approved by the Community-Development-Planning Department Planning Staff, the plans must be forwarded to the Engineering Department and Building Department. The plans shall be reviewed for Building Code compliance and permit issuance procedures. Approval of Allowed Uses must be noted by the issuance of a Building Permit in compliance with the provisions of the Uniform Building Code, as adopted by Park City.
- (C) If the Application does not comply with the requirements of the zone, the Community-Development-Planning Department shall notify the Owner of the project or his Agent, if any, stating specifically what requirements of the zone have not been satisfied, and also stating whether the project could be reviewed as submitted as a Conditional Use for that zone.
- (D) **DISCLAIMER.** No permit issued shall be valid if any of the criteria listed in this section has not been met.
- (E) **EXACTIONS.** Exaction or exactions may be imposed on development proposed in a land use application if:
  - (1) an essential link exists between a legitimate governmental interest and each exaction; and
  - (2) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

Author: Treasure Hill PC  
Subject: Highlight  
Date: 3/1/2006 7:38:12 PM -0700

Author: Treasure Hill PC  
Subject: Highlight  
Date: 3/1/2006 7:38:06 PM -0700

Author: Mike Sweeney  
Subject: Note  
Date: 3/22/2006 1:37:59 PM -0700  
Note for Polly.

Why is this now being included? Please give an example - what is an essential link?

EXCEPTION  
(1) That an applicant is entitled to approval of a land use application if the application conforms to the requirements of an applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:

- (i) the land use authority, on the record, finds that a compelling, countervailing public interest would be recognized by approving the application; or
- (ii) in the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted;
- (b) The municipality shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:
  - (1) 180 days have passed since the proceedings were initiated; and
  - (2) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted.
- (c) An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
- (d) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding with approval to implement the approval with reasonable diligence.
- (2) A municipality is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

**15-1-10. CONDITIONAL USE REVIEW PROCESS.**

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The ~~Government Development~~ Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

If the reasonable anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

The City must review all proposed Conditional Uses according to the following procedure, unless a subsequent provision of this LMC specifically sets forth an administrative approval process for a specific Conditional Use, in which case that section shall control:

Author: Mike Sweeney  
Subject: Note  
Date: 4/3/2006 12:04 PM  
Notes for Polly.

This reads like asking. It seems this gives the government officials (elected and not elected) too much authority to stop or delay a project without compensation.

Author: Treasure Hill PC  
Subject: Highlight  
Date: 3/1/2006 7:23:32 PM -0700

Author: Mike Sweeney  
Subject: Note  
Date: 3/22/2006 1:47:24 PM -0700  
Notes for Polly.

Who gets to make this subjective decision? There are no standards. This again sounds like a taking.

Please give me an example of how does this applies? Is this applicable to a Conditional Use subject to Master Plan Developments such as Treasure Hill?

Author: Mike Sweeney  
Subject: Note  
Date: 3/22/2006 1:48:46 PM -0700  
Notes for Polly.

Please provide an example of "reasonable diligence."

**PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures**  
15-1-8

- (A) **PRE-APPLICATION CONFERENCE.** An Applicant may request a pre-application conference with the Community-Development/Planning Department to discuss the proposed Conditional Use and the conditions that the staff would recommend to mitigate proposed adverse impacts.
- (B) **THE APPLICATION.** An Applicant must file a Complete Application on forms provided by the Community-Development/Planning Department for Conditional Uses.
- (C) **NOTICE/POSTING.** Upon receipt of a Complete Application, the Community-Development/Planning Department shall provide published notice once fourteen (14) days prior to the hearing and courtesy mailed notice to Owners of Property within three hundred feet (300') of the proposal. (See Section 15-1-12. NOTICE.) The Planning Commission shall conduct a public hearing on the proposed Conditional Use permit and shall either approve, deny, or modify and approve the permit.
- (D) **STANDARDS FOR REVIEW.** The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:
  - (1) the Application complies with all requirements of this LMC;
  - (2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;

- (3) the Use is consistent with the Park City General Plan, as amended; and
- (4) the effects of any differences in Use or scale have been mitigated through careful planning.
- (E) **REVIEW.** The Community-Development/Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:
  - (1) size and location of the Site;
  - (2) traffic considerations including capacity of the existing Streets in the Area;
  - (3) utility capacity;
  - (4) emergency vehicle Access;
  - (5) location and amount of off-street parking;
  - (6) internal vehicular and pedestrian circulation system;
  - (7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
  - (8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
  - (9) usable Open Space;

Page: 5

Author: Mike Sweeney  
Subject: Note  
Date: 3/22/2006 2:07:03 PM -0700  
Notes to Kirsten.

Does this mean only one published notice and one courtesy notice per CUP or does this mean a public notice and courtesy notice needs to be published for each meeting that is help for the CUP?

It is a real burdened on the applicant if the applicant is required to give a courtesy notice for each meeting.

Author: Mike Sweeney  
Subject: Underline  
Date: 3/22/2006 2:01:45 PM -0700

Author: Treasure Hill PC  
Subject: Highlight  
Date: 3/1/2006 7:50:24 PM -0700

Author: Mike Sweeney  
Subject: Note  
Date: 3/22/2006 2:11:00 PM -0700  
Notes to Kirsten.

How does this work when a Master Plan Development is in place with findings of facts and conclusions of law and is not necessarily driven by the LMC?

Author: Treasure Hill PC  
Subject: Highlight  
Date: 3/1/2006 7:50:21 PM -0700

Author: Mike Sweeney  
Subject: Note  
Date: 4/3/2006 11:00:09 AM  
Notes for Kirsten. This should not apply for an approved Master Plan which has findings of facts and conclusion of law.



Author: Treasure Hill PC  
Subject: Highlight  
Date: 3/1/2006 7:41:26 PM -07'00'

Author: Mike Sweeney  
Subject: Note  
Date: 3/22/2006 2:28:44 PM -07'00'

Note to Kirsten.  
How many times does a applicant have to provide a Courtesy Notice?

**PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures**  
15-1-10

entirely or partly within three hundred feet (300') from all Property Lines of the subject Property, together with a mailing list for those Owners. The addresses for adjacent Owners must be as shown on the most recently available Summit County tax assessment rolls. If the subject Property is a Condominium, the Owners Association is sufficient in lieu of the address for each unit Owner. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the City Council or any Board or Commission.

(D) APPLICANT NOTICE. For each land use application, the Planning Department must notify the applicant of the date, time and place of each public hearing and public meeting to consider the application and of any final action on a pending application.

(E) EFFECT OF NOTICE. Proof that notice was given pursuant to subsections (A) and (B) above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within thirty (30) days from after the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper. Notice pursuant to subsections (C) and (F) is courtesy only.

~~(F)~~ OWNERS ASSOCIATION REGISTRATION AND NOTIFICATION

(1) REGISTRATION. Owners associations desiring notice of requests for Building Permits within

shall be stayed upon the determination that a Board of Adjustment approval is required.

(C) PLAT AMENDMENTS/ SUBDIVISION. Plat Amendments and Subdivisions must be reviewed pursuant to LMC Chapter 15-7(p). No Building Permit may be issued prior to such an approval.

**15-1-12. NOTICE.**

Notice of a public hearing before the City Council, Planning Commission, Board of Adjustment, and Historic District Commission must be provided in accordance with this section. All notices, unless otherwise specified in this Code or State law, must describe the proposed action affecting the subject Property or modification to the Park City General Plan, and the time, place and date set for public hearing on the matter. Notice shall be given according to 15-1-20 Notice Matrix and as follows:

(A) POSTED NOTICES. The Community Development Planning Department must post notice on the Property affected by the Application and on the City's official website or in at least three public locations within the municipality.

(B) PUBLISHED NOTICE. Published notice shall be given by publication in a newspaper having general circulation in Park City.

(C) COURTESY NOTICE. As a courtesy to adjacent Property Owners, the Applicant must provide the Community Development Planning Department with stamped and pre-addressed envelopes for each Owner of record of each Parcel located

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures 15-1-17

(C) **PLANNING COMMISSION.** Final Actions by the Planning Commission on staff appeals may be appealed to the Board of Adjustment. Final Action by the Planning Commission on Conditional Use permits and MPDs may be appealed to the City Council. Only those decisions in which the Planning Commission has applied a land use ordinance to a particular application, person, or parcel may be appealed to an appeal authority.

(D) **STANDING TO APPEAL.** The following has standing to appeal a Final Action:

- (1) Any Person who submitted written comment or testified on a proposal before the Community Development/Planning Department, Historic District Commission/Preservation Board, or Planning Commission;
- (2) The Owner of any Property within three hundred feet (300') of the boundary of the subject site;
- (3) Any City official, Board or Commission having jurisdiction over the matter; and
- (4) The Owner of the subject Property.

(E) **TIMING.** All appeals must be made within ten (10) calendar days of the Final Action. The reviewing body, with the consultation of the appellant, shall set a date for the appeal.

(F) **FORM OF APPEALS.** Appeals to the Planning Commission or Board of Community Development/Planning Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner, his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The adversely affected party shall present to the appeal authority every theory of relief that it can raise in district court.

(G) **BURDEN OF PROOF AND STANDARD OF REVIEW.** The appeal authority shall act in a quasi-judicial manner. The appellant has the burden of proving that the land use authority erred. Except for appeals to the Board of Adjustment, the appeal authority shall review factual matters de novo and it shall determine the correctness of a decision of the land use authority in its interpretation and application of a land use ordinance.

(H) **WRITTEN FINDINGS REQUIRED.** The appellate body shall direct staff to prepare detailed written:

- (1) Findings of Fact, which explain and support the Staff decision;
- (2) Conclusions as to how a contrary decision would violate the provisions of this LMC, other City

Author: Treasure Hill PC  
Subject: Highlight  
Date: 3/1/2006 7:56:18 PM -0700

Author: Mike Sweeney  
Subject: Note  
Date: 4/3/2006 11:01:52 AM  
Note to Polly.

Please give an example of how this works. If I am an "Owner of Property", a "Person" who submitted written comment or testified on a proposal.

Author: Mike Sweeney  
Subject: Highlight  
Date: 3/22/2006 2:16:42 PM -0700

Author: Mike Sweeney  
Subject: Highlight  
Date: 3/22/2006 2:21:16 PM -0700

Author: Mike Sweeney  
Subject: Note  
Date: 3/22/2006 2:30:23 PM -0700  
Note to Polly.

How does this work? Why was this included? Please give an example of how this applies?

ordinances, or applicable state or federal laws or regulations.

(H) CITY COUNCIL ACTION ON APPEALS

(1) The City Council, with the consultation of the appellant, shall set a date for the appeal.

(2) The City Recorder shall notify the Owner of the appeal date. The City Recorder shall obtain the findings, conclusions and all other pertinent information from the Community Development Planning Department and shall transmit them to the Council.

(3) The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission or Historic District Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.

(4) Staff must prepare written findings within fifteen (15) working days of the City Council vote on the matter.

(I) CITY COUNCIL CALL-UP Within fifteen (15) calendar days of Final

Action on any project, the City Council, on its own motion, may call any Final Action taken by the Planning Commission or Historic District Commission or Community Development Planning Department Director up for review by the Council. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Planning Commission and/or Community Development Planning Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Section 15-1-12 herein. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues, and need not take public input at the hearing. The City Council, with the consultation of the Applicant, shall set a date for the call-up. The City Recorder shall notify the Applicant of the call-up date. The City Recorder shall obtain the findings, and all other pertinent information and transmit them to the Council.

(JK) NOTICE. Notice of all appeals to City Council or call-ups shall be given by:

- (1) Publishing the matter once at least seven (7) days prior to the hearing in a newspaper having general circulation in Park City; and
- (2) By mailing courtesy notice seven (7) days prior to the hearing to all parties who received mailed courtesy notice for the original action.

(KL) STAY OF APPROVAL PENDING REVIEW OF APPEAL. Upon the filing of an appeal, any approval granted by the

Author: Mike Sweeney

Subject: Note

Date: 4/3/2006 11:45:28 AM

Note to Mark and Polly.

What are the standards for City Council to call-up a CUP if the CUP is subject to an approved MPD and the CUP is in conformance with MPD and the MPD is in compliance with the General Plan and zoning?

Author: Mike Sweeney  
Subject: Note  
Date: 3/22/2008 3:54:15 PM -0700  
Notes to Polly.

Please give an example.

Author: Treasure Hill PC  
Subject: Highlight  
Date: 3/6/2008 8:10:32 PM -0700

**15-1-19. CONSTITUTIONAL TAKINGS REVIEW AND APPEAL.**

In order to promote the protection of private Property rights and to prevent the physical taking or exaction of private Property without just compensation, the City Council and all Commissions and Boards shall adhere to the following before authorizing the seizure or exaction of Property:

**(A) TAKINGS REVIEW PROCEDURE.**

Prior to any proposed action to exact or seize Property by the City, the City Attorney shall review the proposed action to determine if a constitutional taking requiring "just compensation" would occur. The City Attorney shall review all such matters pursuant to the guidelines established in subsection (B) below. Upon identifying a possible constitutional taking, the City Attorney shall, in a confidential, protected writing, inform the Council, commission or board of the possible consequences of any action. This opinion shall be advisory only. No liability shall be attributed to the City for failure to follow the recommendation of the City Attorney.

**(B) TAKINGS GUIDELINES.**

The City Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under Article I, Section 22 of the Utah Constitution. The City Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The City Attorney shall also determine whether the action

~~Historic District Commission or the Planning Commission will be suspended until the City Council has acted on the appeal.~~

**(-M) APPEAL FROM THE CITY COUNCIL.**

The Applicant or any Person aggrieved by City action on the project may appeal from the Final Action by the City Council affecting the project to a court of competent jurisdiction. The decision of the Council stands, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.

**(MN) FINALITY OF ACTION.**

Final Action occurs when the deciding body has adopted and executed written findings of fact and conclusions of law.

**(-N) RECONSIDERATION.**

The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

**(OP)** No participating member of the appeal panel may entertain an appeal in which he or she acted as the land use authority.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures 15-1-23

Master Planned Developments (MPD)	14 days prior to the hearing before the Planning Commission.	To Owners within 300 ft. 14 days prior to the hearing before the Planning Commission.	Once 14 days prior to the hearing before the Planning Commission.
Appeals from Planning Director Staff, Historic District Commission, Historic Preservation Board, or Planning Commission decisions, and including City Council Call-Up	7 days prior to the date set for the appeal or call-up meeting.	To all parties who received mailed notice for the original hearing meeting, 7 days prior to the City Council meeting.	Once 7 days before the date set for the appeal or call-up meeting.
Conditional Use Approval (CUP)	14 days prior to the hearing before the Planning Commission.	To Owners within 300 ft., at least 14 days prior to the hearing before the Planning Commission.	Once 14 days prior to the hearing before the Planning Commission.
Timeshare Conversions	Same as CUP	Same as CUP	Same as CUP
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	14 days prior to the hearing before the Board of Adjustment.	To Owners within 300 ft., 14 days prior to the hearing before the Board of Adjustment.	Once 14 days prior to the hearing before the Board of Adjustment.
Certificate of Appropriateness	45 days on the Property upon refusal of the	To Owners within 300 ft. 14 days prior to the hearing	Once 14 days prior to the hearing before the

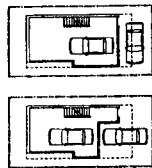
Page: 10

Author: Mike Sweeney  
 Subject: Note  
 Date: 4/3/2006 11:03:02 AM  
 Note to Kirsten.

How often does the Courtesy Notice need to be done? This is a burden to the Applicant -- suggest it should not be more than once a year.

Author: Treasure Hill PC  
 Subject: Highlight  
 Date: 3/6/2006 9:11:12 PM -07'00'

Author: Treasure Hill PC  
 Subject: Highlight  
 Date: 3/13/2006 10:22:01 PM -07'00'



**(J) CLEAR VIEW OF INTERSECTING STREETS.** In all Zoning Districts, no obstruction is allowed in excess of two feet (2') in height above Street Grade on any corner Lot within the Site Distance Triangle. See 15-3-3(D)(8)

A reasonable number of trees with lower branches pruned to six feet (6') to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by Administrative Permit.

**(K) SIGNS.** Refer to the Park City Sign Code, Title 12, for specific requirements for all signs associated with parking and drives.

**15-3-4. SPECIFIC PARKING AREA AND DRIVEWAY STANDARDS FOR SINGLE FAMILY RESIDENCES AND DUPLEXES, PARKING AREAS WITH 5 OR MORE SPACES, AND PARKING STRUCTURES.**

**(A) SINGLE FAMILY RESIDENCES AND DUPLEXES**

- (1) **SINGLE GARAGES.** In Single Family Dwellings, single car garages must have a minimum interior dimension of eleven feet

(11') wide by twenty feet (20') deep. Double car garages must be at least twenty feet (20') wide by twenty feet (20') deep.

All vehicles, boats, RVs, trailers, and similar wheeled vehicles must be parked on an approved paved surface. At no time shall a vehicle be parked on lawn or other landscaped areas.

**(2) CIRCULAR DRIVEWAYS.** Circular driveways are permitted for Single Family and Duplex Dwellings provided they one leg leads directly to and from a legally located garage or carport, subject to the following conditions:

- (a) Such drives shall be hard-surfaced.
- (b) Such drives shall be a minimum of fifteen feet (15') and a maximum of twenty-four feet (24') in width.
- (c) There shall be a Landscaped Area at least fifteen feet (15') in depth from the Front Property Line to the inside of the drive.
- (d) Driveway Areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time, nor is the Area to be used for permanent parking of any vehicle.

Author: Treasure Hill PC  
Subject: Highlight  
Date: 3/17/2006 8:08:12 PM -0700

Author: Mike Sweeney  
Subject: Note  
Date: 4/3/2006 12:07:46 PM  
Note to Kirstan.

This is too restrictive - what if you want to wash your boat and water the lawn at the same time. What if you have a motor bike, scooter and live in a wooded or more rural area of the city? This will be very hard to enforce. If it isn't in the CC&R's of a development why should the City want to take on this responsibility?



**TITLE 15 - LAND MANAGEMENT CODE (LMC)  
CHAPTER 4 - SUPPLEMENTAL REGULATIONS**

Chapter adopted by Ordinance No. 02-07

**CHAPTER 4 - SUPPLEMENTAL REGULATIONS**

**15-4-1. PURPOSE.**

The regulations set forth in this chapter qualify or supplement, as the case may be, the regulations appearing elsewhere in this Code.

**15-4-2. FENCES, AND WALLS, BERMES, AND/OR HEDGES.**

(A) **LOCATION.** Fences and Walls, berms and hedges may be erected or allowed within the buildable Area. Any Fence or retaining Wall greater than six feet (6') in height requires an administrative Conditional Use permit approved by the Planning, Building and Engineering Departments and a Building Permit, unless the Fence or Wall is approved as part of a Master Planned Development or Conditional Use Permit. Any Fence or retaining Wall greater than six feet (6') in height requires a building permit.

Within any required Front Yard or Street Side Yard, Fences and Walls, berms, and

hedges shall not exceed four feet (4') in height, measured from Final Grade, within any required Front Yard.

Fences and Walls, Street Side Yard, and shall not exceed six feet (6') in height measured from Final Grade, within any required Rear Yard or interior-Side Yard. Where a Fence or Wall occurs along a Property Line separating two (2) Lots and there is a difference in the Grade of the Properties, the Fence or wall may be erected or allowed to the maximum height permitted on either side of the Property Line.

The height of retaining Walls in the Front Yard may exceed four feet (4'), measured from Final Grade, subject to approval by the Planning Director and City Engineer, and may exceed six feet (6') in height subject to approval of an administrative Conditional Use permit.

The height of retaining Walls in the Side or Rear Yards may exceed six feet (6'), measured from Final Grade, subject to approval of an administrative Conditional Use permit.

**(B) RESTRICTIONS ON**

Page: 12

Author: Treasure Hill PC  
Subject: Highlight  
Date: 3/16/2006 9:39:03 AM -0700'

Author: Treasure Hill PC  
Subject: Highlight  
Date: 3/16/2006 9:38:56 AM -0700'

Author: Mike Sweeney  
Subject: Note  
Date: 3/22/2006 4:03:10 PM -0700'  
Note to Kirsten.

Can Treasure Hill put up fences to ensure the stopping of prescriptive easements?

Author: Mike Sweeney  
Subject: Note  
Date: 3/22/2006 4:12:40 PM -0700  
Note to Kirsten.

Why was this change made? The 1/3 floor area ratio for the Guest House should not be capped. I think you might want to focus on foot print, so that the main house and guest house are in an acceptable proportion, i.e. the Guest House is not too small or too big.

Author: Mike Sweeney  
Subject: Note  
Date: 4/3/2006 12:09:08 PM  
Note to Kirsten.

Why was this deleted? I think you might want this left in.

underlying parking requirement. Tandem Parking is allowed.

**(C) SINGLE UTILITY METERS**

The main dwelling and the Secondary Living Quarters shall be on the same utility meters.

**(D) KITCHENS.** Secondary Living Quarters shall not contain full Kitchens, as defined by this Code.

**(E) ACCESS.** The secondary quarters shall be designed to have direct Access into the main dwelling.

**(F) NO SEPARATE LEASES.** The secondary quarters shall not be rented or leased separately from the main dwelling. Nightly Rentals and other seasonal rentals are prohibited. Secondary living quarters are for the Use of the Owner of the main dwelling for guests, household help, relatives, and other similar persons.

**15-4-5. LOCKOUT UNITS.**

Lockout Units are a Conditional Use in the HRL District and are an Allowed Use in all other Zoning Districts, except in the ROS, POS, SF, and LI Districts where they are not permitted. A Lockout Unit is an Area of a dwelling with a separate exterior Access and toilet facilities but does not contain a Kitchen. Lockout Units are limited to a maximum Floor Area of 1,000 square feet.

Nightly Rental of Lockout Units is a Conditional Use in all Districts where Lockout Units are an Allowed or Conditional Use.

**15-4-6. GUEST HOUSES.**

Guest Houses are a Conditional Use in Zoning Districts where they are permitted and must be reviewed against the Conditional Use permit regulations in LMC Chapter 15-1-10. Guest Houses are only permitted on Lots of one (1) acre or greater. Guest Houses are not allowed in the HRL, HR-2, HCB, ROS, POS, RCO, GC, or LI Zoning Districts.

Guest Houses may be no larger than one third (1/3) of the dwelling size in terms of Floor Area and shall be limited to a maximum Floor Area of 1,500 square feet, unless additional Floor Area is approved by the Planning Commission during a Master Planned Development approval. A Guest House may not increase the Floor Area or Building Foot Print as specified in the Land Management Code or any specific Subdivision approval.

Guest Houses may be attached or detached from the main house and may not be sold or leased separate from the main house. Prior to Building Permit or Certificate of Occupancy issuance, a deed restriction "Notice to Purchaser" stating that the Guest House may not be sold or leased separate from the main house, shall be recorded at the County Records Office.

**15-4-7. ACCESSORY APARTMENTS.**

The intent and purpose of this section is to encourage Accessory Apartments as an Affordable Housing opportunity while protecting the existing quality of life found in single family zones throughout the



community. While preservation of the single-family zone is of paramount importance, increasing Affordable Housing opportunities will benefit the community in its entirety. Accessory Apartments are subject to the following criteria:

(A) **CRITERIA FOR USE.**

(1) **SIZE.** Accessory Apartments may be no more than one third (1/3) of the dwelling size, shall be limited to a maximum Floor Area of 1,000 square feet, and shall be no less than 400 square feet with no more than two (2) Bedrooms. An Accessory Apartment may not increase the Floor Area of a Structure over the maximum Floor Area as specified in the Land Management Code or Subdivision approval.

(2) **PARKING.** One (1) Parking Space per Bedroom must be provided in addition to the existing requirement for the primary residence. Parking Spaces for Accessory Apartments need not be covered and may be provided in tandem subject to one of the following criteria:

- (a) One (1) Parking Space for an Accessory Apartment may be provided in tandem if the existing driveway length equals or exceeds twenty-five feet (25') as measured from the Property Line. Parking is permitted only within approved garages and on

paved driveways.

(b) One (1) Parking Space for an Accessory Apartment may be provided in tandem in an effort to preserve existing Significant Vegetation and when all other parking alternatives are undesirable.

(c) **Historic District Zones.** One (1) tandem Parking Space (parking one vehicle behind another) for an Accessory Apartment proposed in any residential Historic District Zone may be provided when the Applicant has secured a Conditional Use permit and the Planning Commission has made the following findings:

(i) Tandem Parking will not create an undue hardship for the neighborhood.

(ii) Other parking options are less desirable than the proposed tandem space.

(iii) Reasonable efforts, such as automatic garage door openers, lease provisions and/or limitation of garage

Need to change numbering or do not delete (i).

Author: Mike Sweeney  
Subject: Note  
Date: 4/3/2006 11:12:50 AM  
Note to Kirsten.

Why Delete?

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 4 - Supplemental Regulations  
15-4-33

requirements are met for each Telecommunications Facility. The Application shall include any existing or approved, but un-built, Telecommunications Facility within the Telecommunications Area that may meet the needs of the Applicant. The supplied documentation shall evaluate the following factors:

- (1) Structural capacity of the Antenna towers;
- (2) Geographic Telecommunications Area requirements;
- (3) Mechanical or electrical incompatibilities;
- (4) Inability or ability to locate equipment on existing Antenna towers; and
- (5) Any restriction or limitation of the Federal Communication Commission that would preclude the shared Use of the Antenna tower.

(L) **SIGNS.** Signs shall only be permitted if they are related to the health and safety of the general public. All proposed signs shall be submitted with the Telecommunications Facility Application and subject to review by the Planning Department.

(M) **ABANDONMENT.** The Applicant, or the Applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused Telecommunications Facilities within twelve (12) months of abandonment of Use. If such tower is not removed by the Property Owner, then the

City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject Property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

(N) **SUBDIVISION AND CONDOMINIUM COVENANTS.** Many Subdivision and Condominium covenants may address the location of Telecommunications Facilities within Condominium units and the Lots of a Subdivision. The City is not a party to these covenants, and no permit from the City shall effect the enforceability of such covenants which might be more restrictive than this ordinance. Applicants for the installation of Telecommunications Facilities are advised to determine what private land Use restrictions apply to their Site before applying for the permit from the City. If the proposed installation is within the Common Area of a Condominium or Planned Unit Development, and the Application submitted is not in the name of the Home Owner's Association or management committee, the Applicant shall provide a letter from the home Owner's association or management committee indicating consent to the location of the Telecommunications Facilities within the Common Area has been granted as a part of the permit Application filed with the City.

(O) **TEMPORARY PERMITS.** A temporary permit may be approved for temporary Antennas only in conjunction with a special event licensed under Municipal Code Title 4, Chapter 8. A

which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

**15-6-4(J) SITE SPECIFIC APPROVALS.** Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a will be processed as a Conditional Use Permit, if so required by the Planning Commission at the time of the MPD approval.

At this time, The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review site specific plans, including site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting will may be required by the Planning Director, at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

**15-6-5. MPD REQUIREMENTS.**

All Master Planned Developments shall contain the following minimum

requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts, if that transfer results in a project which that better meets the goals set forth in Section 15-6-1. Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS.** The Community Development Planning Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

- (a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a

Author: Mike Sweeney  
Subject: Note  
Date: 4/3/2006 11:25:46 AM  
Notes to Kirsten.

How much time does the Planning Commission have to hear an approval? This should state what a timely review period is.

Author: Mike Sweeney  
Subject: Highlight  
Date: 4/3/2006 11:27:19 AM

Author: Mike Sweeney  
Subject: Note  
Date: 4/3/2006 11:27:45 AM  
Note to Polly.

What does this mean? Why was this added?

(1953, as amended) and other applicable laws, statutes, ordinances, and regulations of the State of Utah, the City Council hereby exercise the power and authority to review, approve, and disapprove plats for subdividing land within the corporate limits of Park City which show Lots, blocks, or Sites with or without new Streets or highways.

(B) By the same authority, the City Council does hereby exercise the power and authority to pass and approve Development in Subdivisions, Re-subdivisions, or Lot Line Adjustments of land already recorded in the office of the County Recorder if such are entirely or partially undeveloped.

(C) The plat, Subdivision, Re-subdivision or Lot Line Adjustment shall be considered to be [entirely or partially undeveloped] void, if:

(1) the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been recorded with the County Recorder's office without a prior approval by the City Council, or in the case of a Lot Line Adjustment, its designated responsible official, or

(2) the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been approved by the City Council where the approval has been granted more than three (3) years prior to granting a Building permit, on the partially or entirely undeveloped land and the zoning regulations, either bulk or Use, for the district in which the Subdivision is located, have been changed

subsequent to the original final plat, Subdivision, Re-subdivision, or Lot Line Adjustment approval.

(D) A transfer of land pursuant to a void plat is voidable.

**15-7-5. INTERPRETATION, CONFLICT, AND SEVERABILITY.**

(A) **INTERPRETATION.** In their interpretation and Application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

**(B) CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS.**

(1) **PUBLIC PROVISIONS.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(2) **PRIVATE PROVISIONS.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher

standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of the Planning Commission, City Council, or the municipality in approving a Subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations there-under, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the City does not enforce private covenants.

(C) **SEVERABILITY.** If any part or provision of these regulations or Application thereof to any Person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or Application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the Application thereof to other Persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or Application.

15-7-4. CONDITIONS.

Regulation of the Subdivision of land and the attachment of reasonable conditions to land Subdivision is an exercise of valid police power delegated by the state to this municipality. The Developer has the duty of compliance with reasonable conditions for design, dedication, improvement, and restrictive Use of the land so as to conform to the physical and economical Development of Park City and to the safety and general welfare of the future Lot Owners in the Subdivision and of the community at large.

15-7-7. VACATION, ALTERATION, OR AMENDMENT OF PLATS.

The City Council may, on its own motion, or pursuant to a petition, consider and resolve at a public hearing any proposed vacation, alteration or amendment of a Subdivision plat, or any Street, Lot, alley or public Use Area contained in a Subdivision plat, as provided in Section 10-9-908 through 10-9-910, 10-9a-608 through 10-9a-611, of the Utah Code Annotated (1953) as amended.

(Note: See attached copy of 10-9a-608.)

~~Section 57, Section 10-9a-608, which is renumbered from Section 10-9-574, is renumbered and amended to read:~~  
~~11-9-908. 11-9a-608. Vacating or changing a subdivision plat. (1) For subject to subsection (2), the legislative body of a municipality or city or other officer that the legislative body and provided that notice has been given~~

Author: Mike Sweeney  
Subject: Note  
Date: 4/3/2006 11:30:32 AM  
Note to Polly.

Why is this deleted?

**Ordinance No. 06-21**

**AN ORDINANCE APPROVING THE LARKSPUR TOWNHOMES 5, UNITS 27-32,  
CONDOMINIUM RECORD OF SURVEY PLAT, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Larkspur Townhomes 5, Units 27-32, located on Lot 17 of the Empire Pass West Side subdivision plat have petitioned the City Council for approval of the Larkspur Townhomes 5, Units 27-32, condominium record of survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 12, 2006, to receive input on the Larkspur Townhomes 5, Units 27-32, condominium record of survey;

WHEREAS, the Planning Commission, on April 12, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 27, 2006 the City Council approved the Larkspur Townhomes 5, Units 27-32, condominium record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Larkspur Townhomes 5, Units 27-32, condominium record of survey.

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

**SECTION 1. APPROVAL.** The Larkspur Townhomes 5, Units 27-32, condominium record of survey as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The Larkspur Townhomes 5, Units 27-32, is located in the RD-MPD zoning district.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A.
4. On May 26, 2005 the City Council approved a Final Subdivision Plat for the Village at Empire Pass, West Side. Larkspur 5, Units 27-32 is located on lot 17.
5. The proposed is consistent with the approved Master Planned Development for the Village at Empire Pass.
6. The 6 condominium units range in size from 3430 square feet to 3616 square feet with garages under 600 square feet (516 sf).

7. These six units consume **20,957 square feet** and **10.5 Unit Equivalents**.
8. Two parking spaces are provided for each unit.
9. The building conforms to the 28+5 foot height requirement of the RD zone.

Conclusions of Law:

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

Conditions of Approval:

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

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

PASSED AND ADOPTED this 27th day of April, 2006.


PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

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

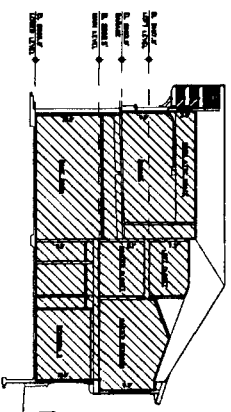
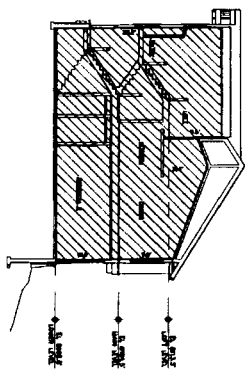
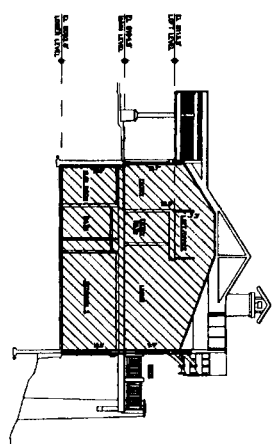
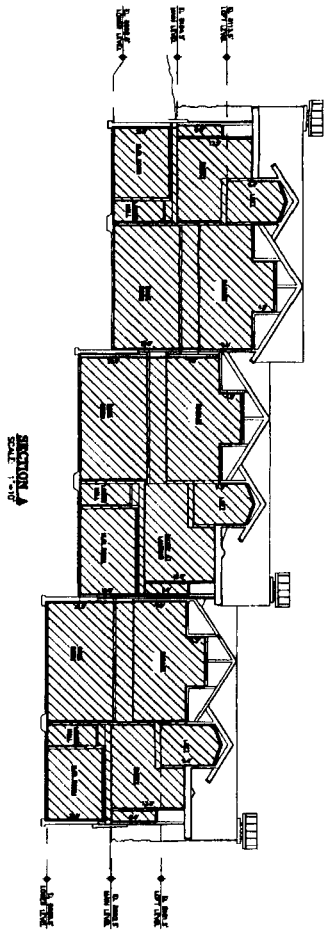
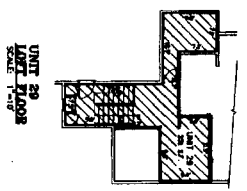
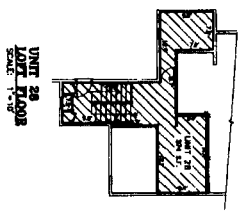
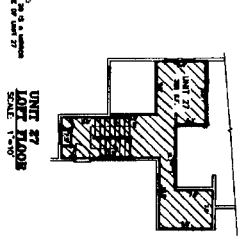
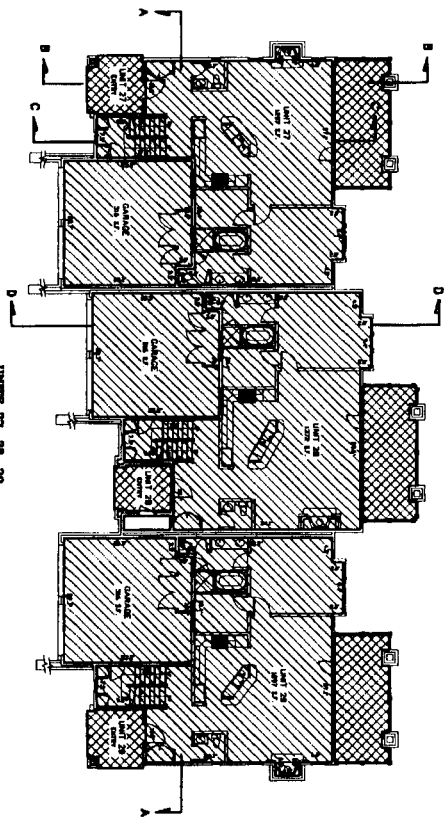
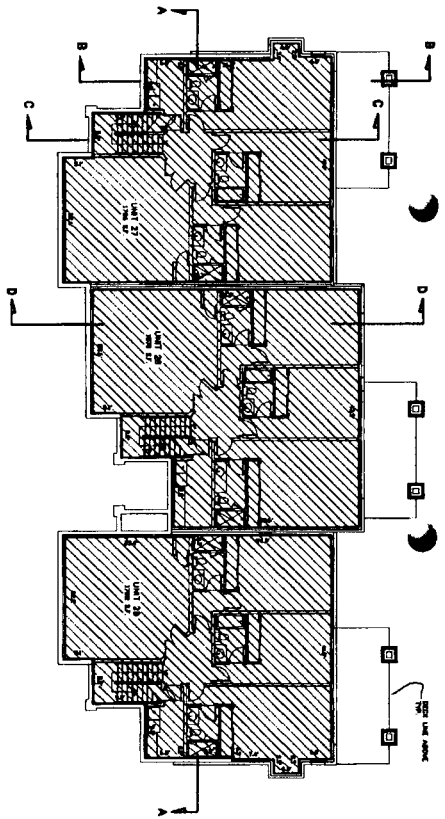
Approved as to form:

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









**LARKSPUR TOWNHOMES 5**  
A UTAH EXPANDABLE CONDOMINIUM PROJECT  
CONDOMINIUM PLAT  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERRIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

RECEIVED  
FEB 28 2006  
PARK CITY  
PLANNING DEPT.

STAIRING FOOTING TABLE

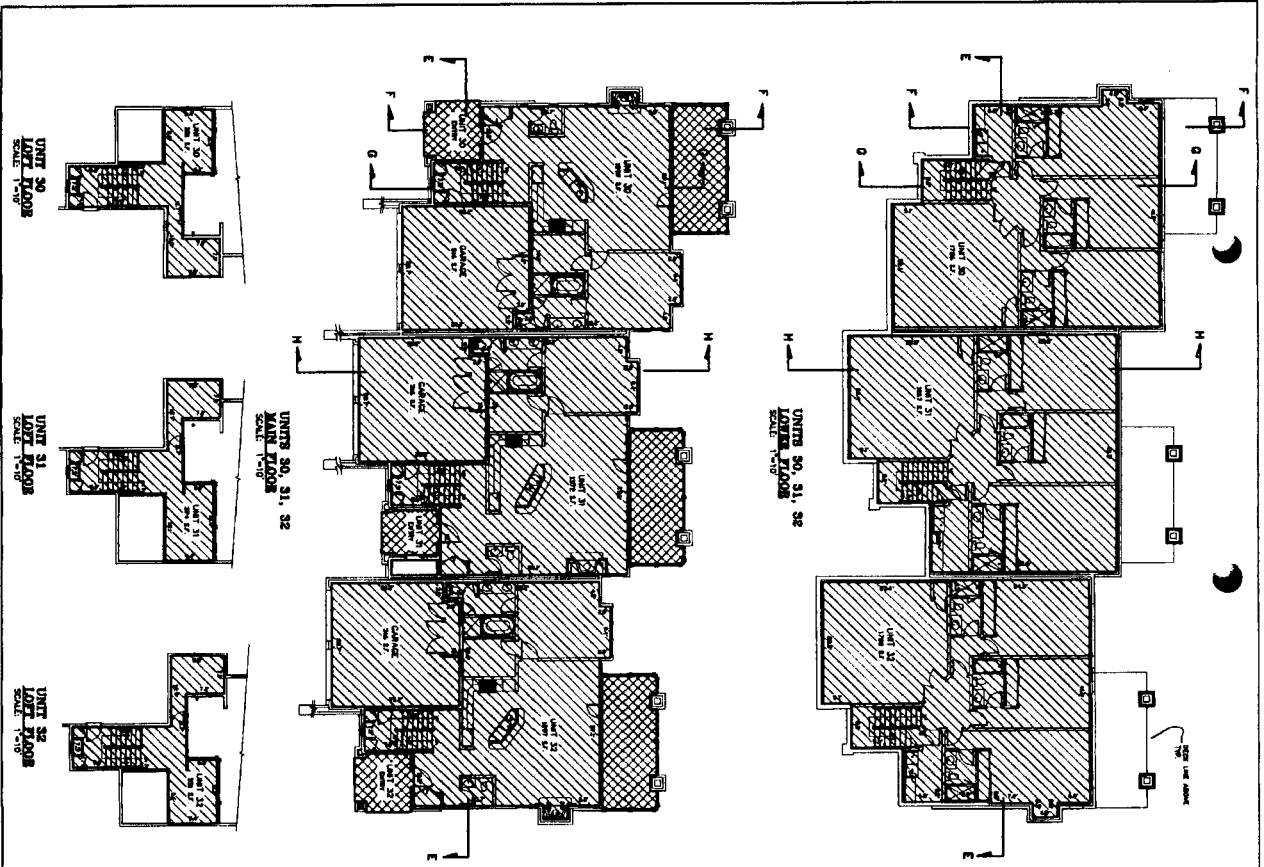
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28	1	100	100	4	
29	1	100	100	4	

REBAR TABLE

UNIT NO.	REBAR	AREA	PERIMETER	DEPTH	REMARKS
27	1	100	100	4	
28	1	100	100	4	
29	1	100	100	4	



STATE OF UTAH  
COUNTY OF SUMMIT  
RECORDED  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
FEE: \_\_\_\_\_ RECORDER: \_\_\_\_\_



UNIT 30  
MAIN FLOOR  
SCALE 1/8"=1'-0"

UNIT 31  
MAIN FLOOR  
SCALE 1/8"=1'-0"

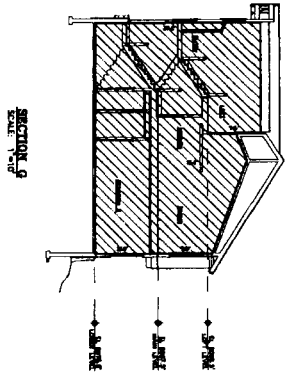
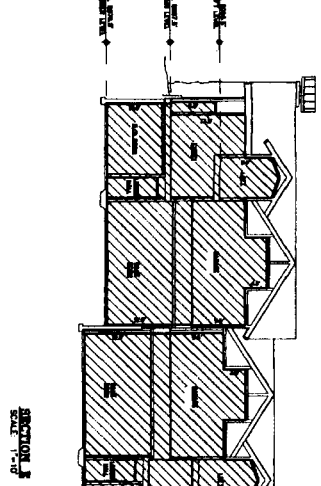
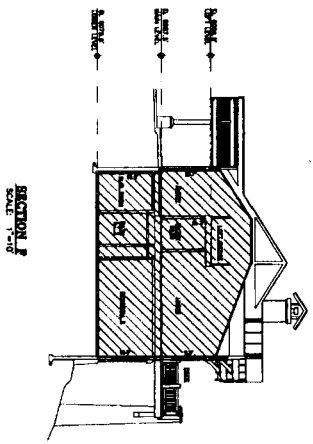
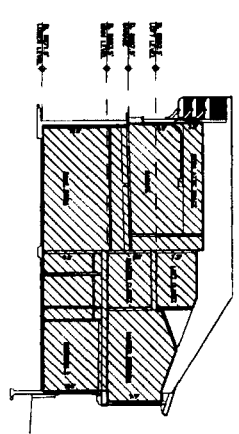
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MAIN FLOOR  
SCALE 1/8"=1'-0"

UNITS 30, 31, 32  
MAIN FLOOR  
SCALE 1/8"=1'-0"

UNITS 30, 31, 32  
LOWER FLOOR  
SCALE 1/8"=1'-0"

# LARKSPUR TOWNHOMES 5

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



**RECEIVED**  
FEB 28 2006  
PARK CITY  
PLANNING DEPT.



DETAILED EXISTENCE TABLE

NO.	DESCRIPTION	DATE	BY	REVISION
1	EXISTING	1/10/06	...	...
2	...	...	...	...
3	...	...	...	...
4	...	...	...	...
5	...	...	...	...
6	...	...	...	...
7	...	...	...	...
8	...	...	...	...
9	...	...	...	...
10	...	...	...	...

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

**Ordinance No. 06-20**

**AN ORDINANCE APPROVING THE LARKSPUR TOWNHOMES 4, UNITS 21-26,  
CONDOMINIUM RECORD OF SURVEY PLAT, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Larkspur Townhomes 4, Units 21-26, located on Lot 18 of the Empire Pass West Side subdivision plat have petitioned the City Council for approval of the Larkspur 4, Units 21-26, condominium record of survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 12, 2006, to receive input on the Larkspur Townhomes 4, Units 21-26, condominium record of survey;

WHEREAS, the Planning Commission, on April 12, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 27, 2006 the City Council approved the Larkspur Townhomes 4, Units 21-26, condominium record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Larkspur Townhomes 4, Units 21-26, condominium record of survey.

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

**SECTION 1. APPROVAL.** The Larkspur Townhomes 4, Units 21-26, condominium record of survey as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The Larkspur Townhomes 4, Units 21-26, is located in the RD-MPD zoning district.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A.

4. On May 26, 2005 the City Council approved a Final Subdivision Plat for the Village at Empire Pass, West Side. Larkspur 4, Units 21-26 is located on lot 18.
5. The proposed is consistent with the approved Master Planned Development for the Village at Empire Pass.
6. The 6 condominium units range in size from 2870 square feet to 3603 square feet with garages under 600 square feet (516 sf).
7. These six units consume **20,316 square feet** and **10.2 Unit Equivalents**.
8. Two parking spaces are provided for each unit.
9. The building conforms to the 28+5 foot height requirement of the RD zone.

Conclusions of Law:


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

Conditions of Approval:

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

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


PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

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

Approved as to form:

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





**SURVEYOR'S CERTIFICATE**

I, the undersigned, being a duly Licensed Surveyor of the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner or his agent, and that the same conforms to the requirements of the Surveying Act of the State of Utah, and that the same is a true and correct copy of the original survey as shown to me by the owner or his agent, and that the same conforms to the requirements of the Surveying Act of the State of Utah.

**BOUNDARY DESCRIPTIONS**

As shown on the plat, the boundary of the subject property is as follows: ...

**OWNER'S DECLARATION AND CONSENT TO RECORD**

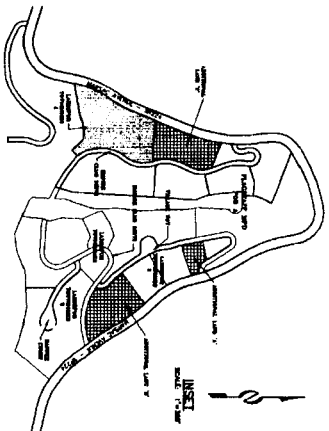
I, the undersigned, being the owner of the above described property, do hereby declare that the foregoing is a true and correct copy of the original survey as shown to me by the owner or his agent, and that the same conforms to the requirements of the Surveying Act of the State of Utah.

**ACKNOWLEDGMENT**

Noted and acknowledged before me this 28th day of February, 2006, by the undersigned, David M. Smith, a duly Licensed Surveyor of the State of Utah, License No. 12345.

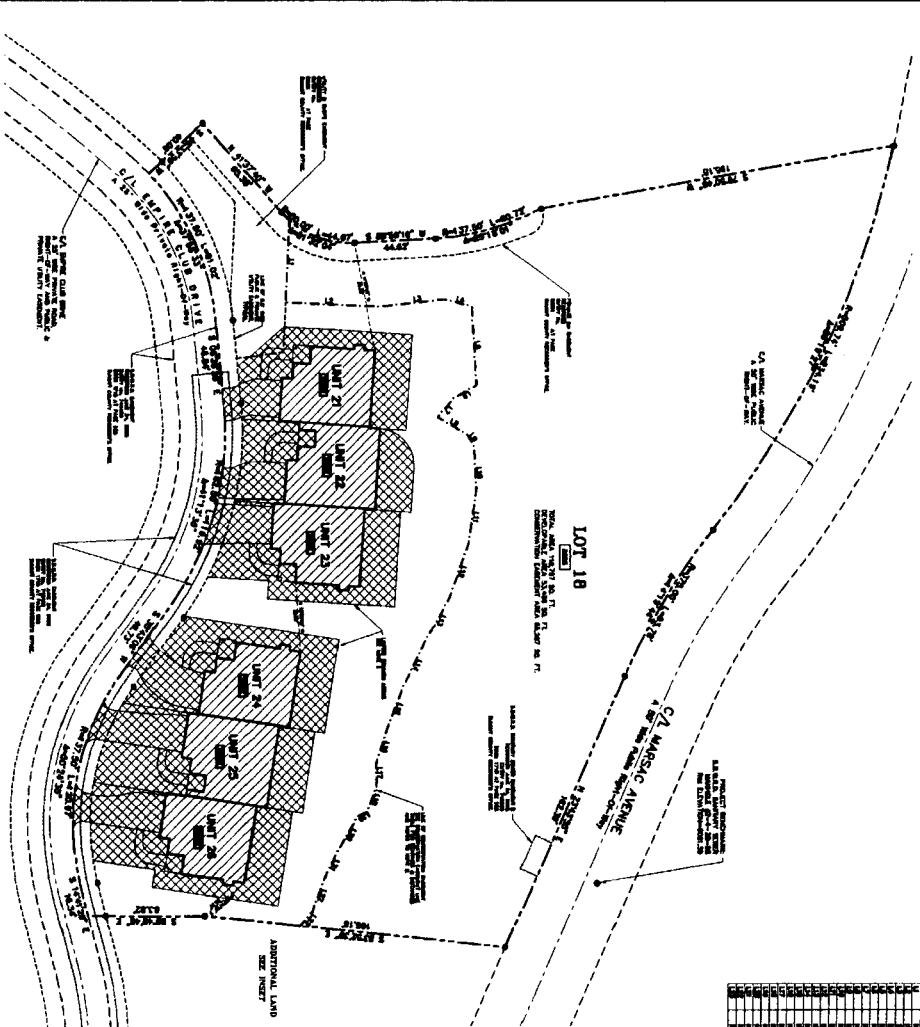
**CONSERVATION EASEMENT**

Table with 2 columns: Description, Area (sq. ft.).



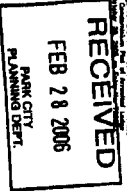
**NOTES**

- 1. The boundaries of the subject property are as shown on the plat.
- 2. The survey was conducted in accordance with the Surveying Act of the State of Utah.
- 3. The survey was conducted on the 28th day of February, 2006.

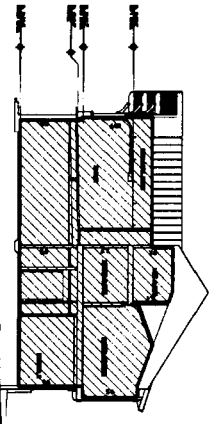
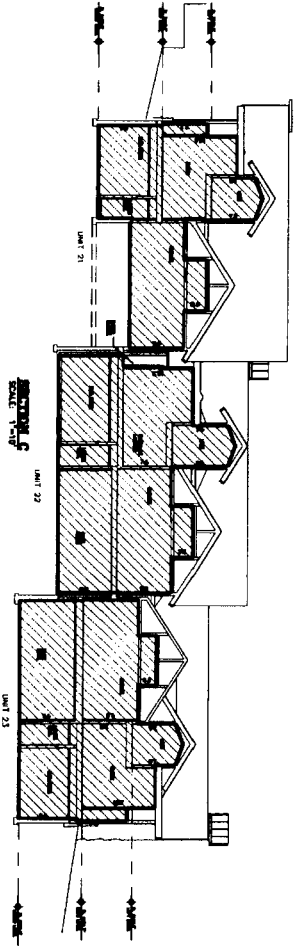
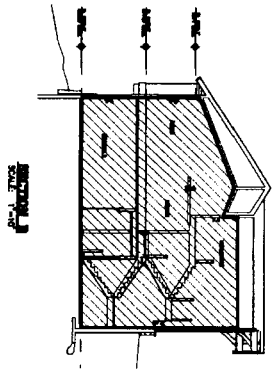
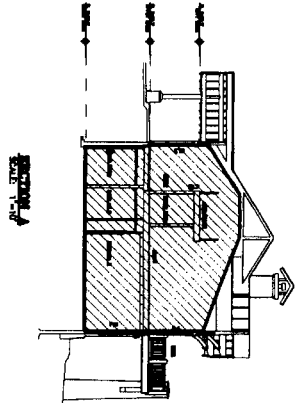
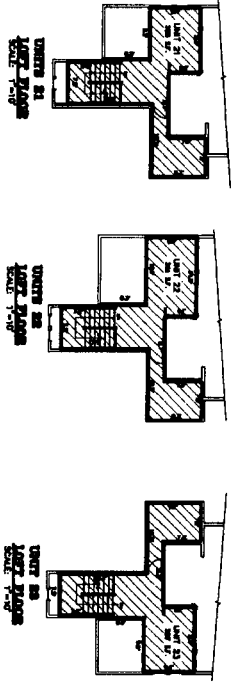
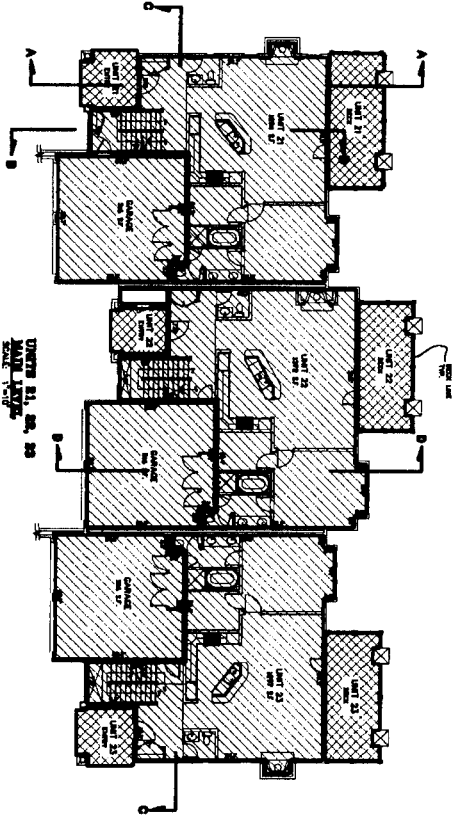
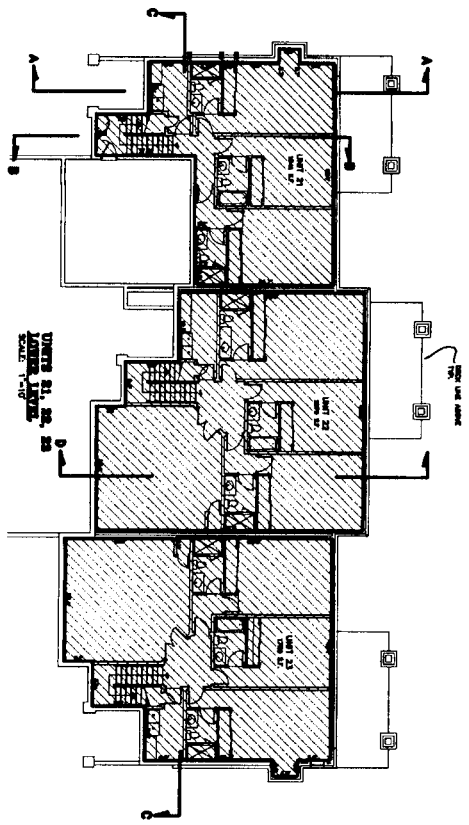


**LARKSPUR TOWNHOMES 4**

A UTAH EXPANDABLE CONDOMINIUM PROJECT  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 28  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE AND BERGMAN  
PARK CITY, SUMMIT COUNTY, UTAH



SYDNEYVILLE BASIN WATER RECLAMATION DISTRICT  
PLANNING COMMISSION  
ENGINEER'S CERTIFICATE  
APPROVAL AS TO FORM  
CERTIFICATE OF ATTEST  
COUNCIL APPROVAL AND ACCEPTANCE  
RECORDED  
STATE OF UTAH, COUNTY OF SUMMIT, AND FIELD



**LARKSPUR TOWNHOMES 4**  
 A UTAH EXPANDABLE CONDOMINIUM PROJECT  
 CONDOMINIUM PLAT  
 LOCATED IN SECTION 28  
 TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN  
 PARK CITY, SHERIDAN COUNTY, UTAH

**RECEIVED**  
 FEB 28 2006  
 PARK CITY  
 PLANNING DEPT.

**SHARED FINISHED TABLE**

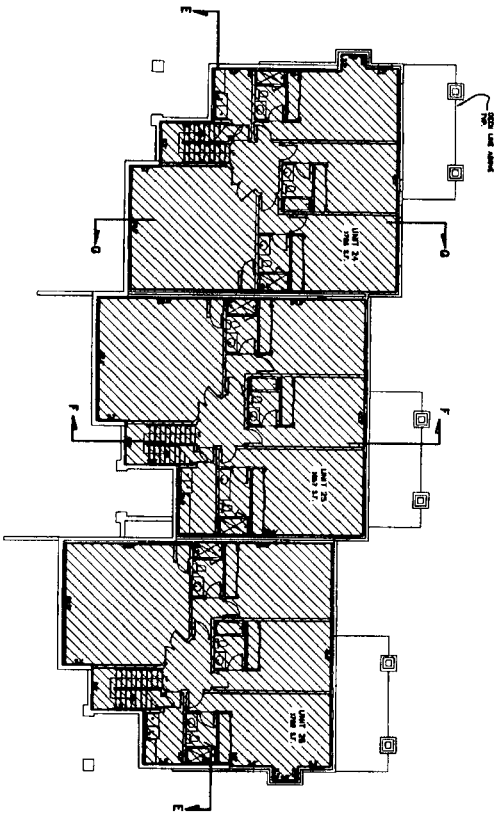
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22	1000	1000	1000	1000
23	1000	1000	1000	1000

**SHARED FINISHED TABLE**

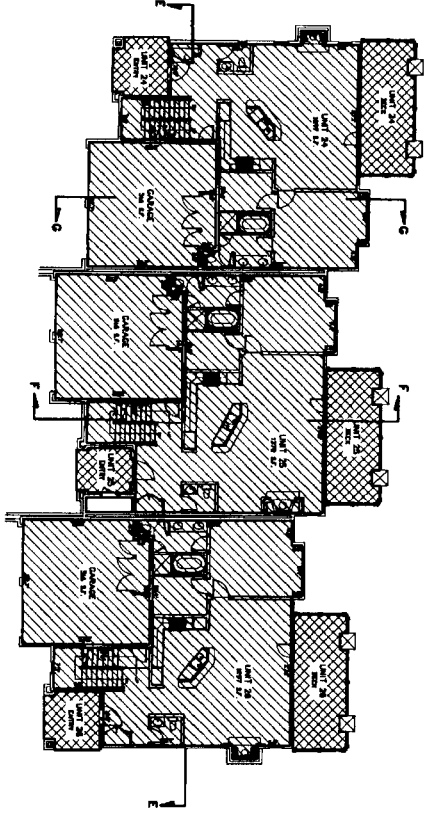
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23	1000	1000	1000	1000



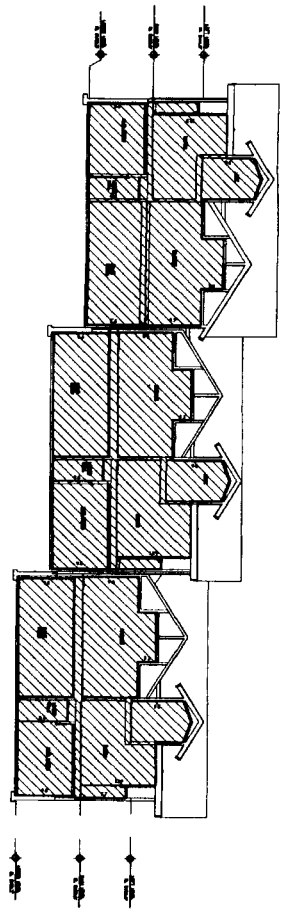
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 AT THE OFFICE OF THE COUNTY CLERK  
 PARK CITY, UTAH  
 FEB 28 2006  
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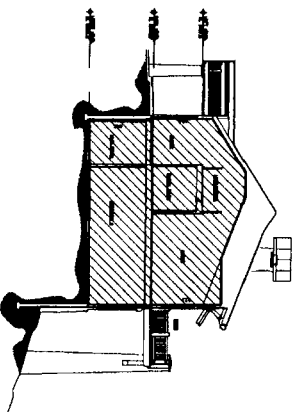
UNITS 24, 25, 26, 27, 28  
LAYER PLANS  
SCALE: 1/4" = 1'-0"



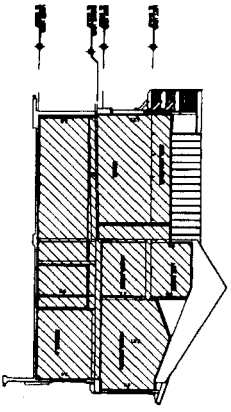
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LAYER PLANS  
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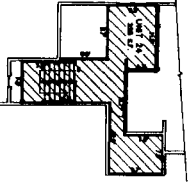
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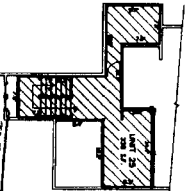
SECTION B - UNIT 24, 25  
SCALE: 1/4" = 1'-0"



SECTION C - UNIT 24, 25  
SCALE: 1/4" = 1'-0"



UNIT 24  
LAYER PLANS  
SCALE: 1/8" = 1'-0"



UNIT 25  
LAYER PLANS  
SCALE: 1/8" = 1'-0"

SECTION A - UNITS 24, 25, 26

SCALE: 1/4" = 1'-0"

NO.	DESCRIPTION	AMOUNT	UNIT	TOTAL
1	CONCRETE	100	CU YD	100
2	STEEL	50	TONS	50
3	BRICK	100	SQ YD	100
4	PAINT	100	SQ YD	100
5	GLASS	100	SQ YD	100
6	ROOFING	100	SQ YD	100
7	MECHANICAL	100	SQ YD	100
8	ELECTRICAL	100	SQ YD	100
9	PLUMBING	100	SQ YD	100
10	LANDSCAPE	100	SQ YD	100
11	INTERIORS	100	SQ YD	100
12	EXTERIORS	100	SQ YD	100
13	UTILITIES	100	SQ YD	100
14	FINISHES	100	SQ YD	100
15	MECHANICAL	100	SQ YD	100
16	ELECTRICAL	100	SQ YD	100
17	PLUMBING	100	SQ YD	100
18	LANDSCAPE	100	SQ YD	100
19	INTERIORS	100	SQ YD	100
20	EXTERIORS	100	SQ YD	100
21	UTILITIES	100	SQ YD	100
22	FINISHES	100	SQ YD	100

RECEIVED  
PARK CITY  
PLANNING DEPT.  
FEB 28 2006

LARKSPUR TOWNHOMES 4  
A UTAH EXPANDABLE CONDOMINIUM PROJECT  
CONDOMINIUM PLAT  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

STATE OF UTAH, COUNTY OF SUMMIT, AND FIELD  
DATE \_\_\_\_\_ FILE NO. \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
FILE \_\_\_\_\_ RECORDER \_\_\_\_\_

**Ordinance No. 06-20**

**AN ORDINANCE APPROVING AMENDMENTS TO  
THE LAND MANAGEMENT CODE  
OF PARK CITY, UTAH, TO REFLECT RE-ORGANIZATION OF THE COMMUNITY  
DEVELOPMENT DEPARTMENT, TO COMPORT WITH REVISIONS TO THE UTAH CODE,  
AND TO ADDRESS SUBSTANTIVE AMENDMENTS,  
FOR THE FOLLOWING CHAPTERS:  
CHAPTER 9- NON-CONFORMING USES AND NON-CONFORMING STRUCTURES,  
CHAPTER 10- BOARD OF ADJUSTMENT, CHAPTER 11- HISTORIC PRESERVATION  
BOARD, CHAPTER 12- PLANNING COMMISSION, AND CHAPTER 14- PLANNING AND  
ZONING ADMINISTRATION**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City is in the process of preparing amendments to the entire Land Management Code to address reorganization of the Community Development Department and to ensure that the Park City Land Management Code comports with revisions to the Utah Code in 2005;

WHEREAS, approval of these amendments to the Land Management Code serve to implement amendments to the City's General Plan and to address substantive amendments to the Land Management Code related to abandonment of Non-conforming Uses associated with demolition, deterioration, or destruction by fire or natural calamity. Voluntary damage or destruction of buildings or structures containing a Non-conforming Use render Use to be considered abandoned. Use may not continue if Structure is allowed to deteriorate and if not repaired within 6 months after written notice by the City that the Structure is not habitable. Allows Non-conforming Structures to be rebuilt and Uses to be resumed if involuntarily destroyed in whole or part by fire or natural calamity to original condition, without increasing the degree of non-conformity, and allow for the Mayor and Council to appoint alternative members to the Planning Commission.

WHEREAS, the Planning Commission duly noticed and conducted public hearing at its regularly scheduled meeting on April 26, 2006 and forwarded to City Council a positive recommendation on Chapters 9, 10, 11, 12, and 14;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on June 8, 2006; and

WHEREAS there is good cause and it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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



SECTION 1. AMENDMENTS TO CHAPTER 9 OF THE LAND MANAGEMENT CODE. Chapter 9 is hereby amended as attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 9 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 10 OF THE LAND MANAGEMENT CODE. Chapter 10 is hereby amended as attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 10 shall be resolved by the Planning Director.

SECTION 3. AMENDMENTS TO CHAPTER 11 OF THE LAND MANAGEMENT CODE. Chapter 11 is hereby amended as attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapter 11 shall be resolved by the Planning Director.

SECTION 4. AMENDMENTS TO CHAPTER 12 OF THE LAND MANAGEMENT CODE. Chapter 12 is hereby amended as attached hereto as Exhibit D. Any conflicts or cross references from other provisions in the LMC to Chapter 12 shall be resolved by the Planning Director.

SECTION 5. AMENDMENTS TO CHAPTER 14 OF THE LAND MANAGEMENT CODE. Chapter 14 is hereby amended as attached hereto as Exhibit E. Any conflicts or cross references from other provisions in the LMC to Chapter 7 shall be resolved by the Planning Director.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest

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

Approved as to form:

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



**PARK CITY MUNICIPAL CODE**  
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**TITLE 15 - LAND MANAGEMENT CODE**

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 9 - NON-CONFORMING USES AND NON-COMPLYING STRUCTURES

Chapter adopted by Ordinance No. 00-25

CHAPTER 9 - NON-CONFORMING USES AND NON-COMPLYING STRUCTURES.

15-9-1. PURPOSE.

This Chapter regulates the continued existence of Non-Conforming Uses and Non-Complying Structures as defined in Chapter 15. While Non-Conforming Uses, Non-Complying Structures and improvements may continue, this Chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the Development standards prescribed by this Code. In addition, Applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the Structure and site through such measures as landscaping, Building design, or the improved function of the Use in relation to other Uses.

15-9-2. DETERMINATION OF NON-CONFORMING STATUS.

(A) BURDEN ON OWNER TO ESTABLISH LEGALITY. The Owner bears the burden of establishing that any Non-Conforming Use or Non-Complying Structure lawfully exists.

(B) DETERMINATION OF STATUS. The Planning Director shall determine the Non-Conforming or Non-Complying status of Properties. Any decision of the Planning Director may be appealed within ten (10) calendar days of the decision to the Board of Adjustment. Upon appeal, the Board of Adjustment shall conduct a hearing and shall review the matter under de novo standard of review.

15-9-3. AUTHORITY TO CONTINUE.

(A) CONTINUATION OF NON-CONFORMING USE. A lawful Non-Conforming Use may continue subject to the standards and limitations of this Chapter.

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(B) **CONTINUATION OF NON-COMPLYING STRUCTURE.** A Non-Complying Structure that was lawfully constructed with a permit prior to a contrary change in this Code, may be used and maintained, subject to the standards and limitations of this Chapter.

**15-9-4. ABANDONMENT OR LOSS OF NON-CONFORMING USE.**

(A) **ABANDONMENT OF NON-CONFORMING USE.** A Non-Conforming Use that is discontinued for a continuous period of one (1) year is presumed abandoned and shall not thereafter be reestablished or resumed. Abandonment may also be presumed to have occurred if a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the municipality regarding an extension of the nonconforming use; or the primary structure associated with the nonconforming use remains vacant for a period of one year.

Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.

Any subsequent Use of the Building, Structure, or land must conform with the regulations for the Zoning District in which it is located

(B) **REBUTTABLE PRESUMPTION OF ABANDONMENT.** The presumption of abandonment may be rebutted upon a showing that during such period:

(1) any period of discontinued Use caused by governmental actions or an Act of God without any contributing fault by the Owner and the Owner did not intend to discontinue the Use; or

(2) the Owner has been actively and continuously marketing the Building, Structure, or land for sale or lease with the Use and the Owner has been maintaining the Building, Structure, or land in accordance with the Uniform Building Code; or

(3) the Owner can demonstrate no abandonment of the Use.

The property owner shall have the burden of establishing that any claimed abandonment has not in fact occurred

Comment [p3]: 10-9a-511(4)(d)

**15-9-5. MOVING, ENLARGING, OR ALTERING NON-CONFORMING USES.**

No Non-Conforming Use may be moved, enlarged, altered, or occupy additional land, except as provided in this Section.

Comment [p1]: 10-9a-511(4)(c)

(A) **ENLARGEMENT.** A Non-Conforming Use may not be enlarged, expanded, or extended to occupy all or a part of another Structure or site that it did not occupy on the date on which the Use became non-conforming. A Non-Conforming Use may be extended through the same Building or Structure provided no structural alteration of the Building or Structure is proposed or made for the purpose of the extension and the parking demand is not increased.

Comment [p2]: 10-9a-511(4)(b)

**(B) EXTERIOR OR INTERIOR REMODELING OR IMPROVEMENTS TO BUILDING OR STRUCTURE.**

Exterior or interior remodeling or improvements to a Structure containing a Non-Conforming Use shall be allowed provided there is no expansion of the area of the Non-Conforming Use.

**(C) RELOCATION OF BUILDING OR STRUCTURE.** A Building or Structure containing a Non-Conforming Use may not be moved unless the Use shall thereafter conform to the regulations of the Zoning District into which the Building or Structure is moved.

**(D) CHANGE OF NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE OR A CONFORMING USE.** Except as provided in Section 15-9-5.(E) below, no Non-Conforming Use may be changed to another Non-Conforming Use. Whenever any Non-Conforming Use is changed to a conforming Use, such Use shall not later be changed to any Non-Conforming Use.

**(E) HISTORICALLY SIGNIFICANT BUILDINGS EXCEPTION: CHANGE OF NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE OF SIMILAR OR LESS-INTENSIVE LAND USE TYPE.** Subject to the criteria below, a Non-Conforming Use located within a Building or Structure designated as historically significant pursuant to LMC Section 4.13 may be changed to another Non-Conforming Use of a similar or less intensive land Use type. A Non-Conforming

Use, which satisfies the criteria provided in Section 16-9-5(E)(4) herein shall be considered a similar or less intensive land Use type.

**(1) APPLICATION.** Application for any Non-Conforming Use must be made upon forms provided by the Planning Department. Upon filing of a Complete Application, the City shall post the Property indicating that an Application for modification of a Non-Conforming Use has been filed and that more detailed information may be obtained from the City.

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**(2) NOTIFICATION OF ABUTTING PROPERTY OWNERS.** Notice shall be provided pursuant to the Notice Matrix in Chapter 1. (See Section 15-1-19)

**(3) BOARD OF ADJUSTMENT HEARING.** Within thirty (30) working days of the Planning Department's receipt of a Complete Application, and after giving public notice, the Board of Adjustment shall hold a public hearing on the Non-Conforming Use Application. The Board of Adjustment shall either grant the Application in whole or in part, with or without modifications or conditions, or deny the Application. The Board of Adjustment's decision shall be made pursuant to criteria provided in Section 15-9-5(E)(4) below.

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(4) **CRITERIA.** The Board of Adjustment shall approve an Application to change a Non-Conforming Use to another Non-Conforming Use if the Applicant proves the following criteria:

(a) All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the Non-Conforming Use or Building upon abutting Properties or in the neighborhood;

(b) All changes, additions, or expansions comply with all current laws except as to Use;

(c) The new Use will provide for enclosed storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage; and

(d) The new Use does not increase the parking requirement; or if there is an increase, the site plan meets the parking requirement and the Board of Adjustment finds that adjoining Properties and the neighborhood will not be adversely impacted by the increased parking demand.

(F) **DAMAGE OR DESTRUCTION OF BUILDING OR STRUCTURE WITH NON-CONFORMING USE.** If a Building or Structure that contains a Non-Conforming Use is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the Structure is uninhabitable and that the Nonconforming use will be lost if the Structure is not repaired or restored within six months; or the property owner has voluntarily demolished a majority of the building that houses the Nonconforming use; or if a Building or Structure that contains a Non-Conforming Use, is destroyed fifty percent (50%) or more by fire or natural calamity, is voluntarily razed, or is required by law to be razed, the Non-Conforming Use shall not be resumed, and the Building or Structure shall not be restored unless it is restored to accommodate a conforming Use within a complying Structure. If a Building or Structure that contains a Non-Conforming Use is involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned, damaged less than fifty percent (50%) by fire or natural calamity, the Non-Conforming Use may be resumed and the Building or Structure may be restored to the condition prior to the destruction, provided such work is started within six months of such calamity, is completed within eighteen (18) months of work commencement, and the intensity of Use and degree of non-conformance is neither increased nor changed. ~~The extent of damage or destruction shall be the ratio of the estimated cost of restoring the Building or Structure to its condition before the damage or~~

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Comment [p4]: 10-9a-511(3)(b)

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Comment [p5]: 10-9a-511(3)(a)

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~~destruction to the estimated cost of duplicating the entire Building or Structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of A Building Standards@ published by the International Conference of Building Officials (I.C.B.O.).~~

**15-9-6. NON-COMPLYING STRUCTURES.**

No Non-Complying Structure may be moved, enlarged, or altered, except in the manner provided in this Section or unless required by law.

**(A) REPAIR, MAINTENANCE, ALTERATION, AND ENLARGEMENT.**

Any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.

**(B) MOVING.** A Non-Complying Structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire Structure shall thereafter conform to the regulations of the Zone in which it will be located.

**(C) DAMAGE OR DESTRUCTION OF NON-COMPLYING STRUCTURE.**

If a Non-Complying Structure is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six months after written

notice to the property owner that the Structure is uninhabitable and that the Non-complying Structure will be lost if the structure is not repaired or restored within six months; or the property owner has voluntarily demolished a majority of the Non-complying Structure or the building that houses a Non-complying structure is destroyed fifty percent (50%) or greater by fire or natural calamity, or is voluntarily razed or is required by law to be razed, the Structure shall not be restored unless it is restored to comply with the regulations of the Zone in which it is located. If a Non-Complying Structure is involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned. damaged less than fifty percent (50%) by fire or natural calamity, the Structure may be restored to its original condition, provided such work is started within six months of such calamity, completed within eighteen (18) months of work commencement, and the intensity of Use is not increased. The extent of damage or destruction shall be the ratio of the estimated cost of restoring the Structure to its condition before the damage or destruction to the estimated cost of duplication the entire Structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of A Building Standards@ published by the International Conference of Building Officials (I.C.B.O.).

**15-9-7. ORDINARY REPAIR AND MAINTENANCE AND STRUCTURAL SAFETY.**

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The Owner may complete normal maintenance and incidental repair on a complying Structure that contains a Non-Conforming Use or on a Non-Complying Structure. This Section shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a Structure in accordance with an order of the Building Official who declares a Structure to be unsafe and orders its restoration to a safe condition.

**15-9-8. APPEALS.**

Appeal from a Board of Adjustment decision made pursuant to this Chapter shall be made to the district court and not to City Council. Any person applying to the district court for review of any decision made under the terms of this Chapter shall apply for review within thirty (30) days after the date the decision is filed with the City Recorder as prescribed by state statute.



**PARK CITY MUNICIPAL CODE**  
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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 10 - BOARD OF ADJUSTMENT**

*Chapter adopted by Ordinance No. 01-17*

**15-10-1. ESTABLISHMENT OF BOARD.**

In order to avail the City of the powers provided in Chapter 9 of Title 10 of the Utah Code (1953, as amended), there is hereby created a Board of Adjustment, which shall consist of five (5) members. There shall also be one non-voting alternate to vote when a regular member is absent. Members shall be appointed by the Mayor with the advice and consent of the City Council. The Council may fix per diem compensation for the members of the Board of Adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended. All members of the Board of Adjustment shall reside within the City limits, and are deemed to have resigned if they move their residence from the City limits.

**15-10-2. TERM OF OFFICE.**

Each member of the Board of Adjustment shall serve for a term of five (5) years or until his successor is appointed and qualified provided that the term of the members of the first Board so appointed shall be such that

the term of one member shall expire each year. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term.

**15-10-3. POWERS AND DUTIES.**

(A) The Board of Adjustment shall hear and decide:

- (1) Appeals from zoning decisions applying Title 15, Land Management Code;
- (2) Special exceptions to the terms of the Land Management Code; and
- (3) Variances from the terms of the Land Management Code.

(B) The Board of Adjustment shall make determinations regarding the modification of Non-Conforming uses and shall hear appeals on the determination of Non-Conforming or Non-Complying status by the Director of the Planning Department, as provided in Title 15, Chapter 9.

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**15-10-4. GROUNDS FOR REMOVAL.**

Any Board member who is absent for two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per year may be called before the City Council and asked to resign or be removed for cause by the Mayor, with the advice and consent of City Council. Additionally, the Mayor, with the advice and consent of City Council, may remove any member of the Board of Adjustment for cause if written charges are filed with the Mayor, against the member. The Mayor shall provide the member with a public hearing if the member requests one.

**15-10-5. ORGANIZATION.**

(A) **CHAIRMAN.** The Board of Adjustment shall elect a Chairman and may adopt such rules for its own proceedings as are deemed necessary.

(B) **QUORUM.** No business shall be conducted unless at least three (3) members of the Board, not counting the alternate, are present.

**15-10-6. MEETINGS.**

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.

(A) **WITNESSES.** The Chairman of the Board of Adjustment or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall comply

with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

(B) **MINUTES.** Written minutes shall be kept of all Board meetings. Such minutes shall include:

- (1) The date, time and place of the meeting.
- (2) The names of members present and absent.
- (3) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken.
- (4) The names of all citizens who appeared and the substance in brief of their testimony.
- (5) Any other information that any member requests be entered in the minutes.

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The minutes are public records and shall be available within a reasonable time after the meeting.

**15-10-7. APPEALS.**

*See also 15-1-18*

The Board shall hear and decide appeals from an Applicant or any other Person or entity, including any officer or board of the City, adversely affected by a final decision administering or interpreting the Land Management Code which alleges that there is an error in any order, requirement,

decision or determination of the Land Management Code.

The appeal must be made in writing and submitted to the Planning Department within ten (10) days of the decision. The Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken. The Person or entity making the appeal has the burden of proving that an error has been made.

A Person may not appeal, and the Board of Adjustment may not consider, any amendments to the Land Management Code, or appeals of Conditional Use permits or Master Planned Developments, which shall be appealed to the City Council. Appeals may not be used to waive or modify the terms or requirements of the Land Management Code. Appeals shall be considered by the Board of Adjustment only on the record made before the Historic Preservation Board or Planning Commission.

**15-10-8. SPECIAL EXCEPTIONS.**

The Board may hear Applications for special exceptions to the terms of the Land Management Code, which apply to variances, modifications of Non-Conforming Uses, appeals and other matters upon which the Board is required to pass judgment. Applications for special

exceptions must be filed with the Planning Department, and the required fee paid in advance. No Application for a special exception shall be approved unless the Board of Adjustment shall determine that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below:

(A) The proposed Use and Development will be in harmony with the general and specific purposes for which the Land Management Code was enacted and for which the regulations of the district were established.

(B) The proposed Use and Development will not substantially diminish or impair the value of the Property within the neighborhood in which it is located.

(C) The proposed Use and Development will not have a material adverse effect upon the character of the Area or the public health, safety, and general welfare.

(D) The proposed special exception will be constructed, arranged and operated so as to be Compatible with the Use and Development of neighboring Property in accordance with the applicable district regulations.

(E) The proposed Use and Development will not result in the destruction, loss or damage to natural, scenic or historic features of significant importance.

(F) The proposed Use and Development will not cause material air, water, soil or

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noise pollution or other types of pollution.

The Board of Adjustment may impose conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other Property and other improvements in the vicinity of the special exception or upon public facilities and services. These conditions may include but are not limited to: conditions concerning Use, construction, operation, character, location, landscaping, Screening and other matters relating to the purposes and objectives of the Land Management Code. Such conditions shall be expressly set forth in the motion granting the special exception. Violation of any such condition or limitation shall be a violation of this section and shall constitute grounds for revocation of the special exception.

**15-10-9. VARIANCE.**

(A) Any Person or entity desiring a waiver or modification of the requirements of the Land Management Code as applied to a Parcel or Property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Land Management Code.

(B) An Application for variance review must be filed with the Planning Department, and the required fee paid in advance. The Application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any Building Permit or Conditional Use approval, the Application shall so state, and all documents on file

concerning the matter shall be forwarded to the Board for review as a part of the request.

The Applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.

(C) Variances shall be granted only if all of the following conditions are found to exist:

(1) Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code;

(2) There are special circumstances attached to the Property that do not generally apply to other Properties in the same ~~[district]~~ zone;

(3) Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same ~~[district]~~ zone;

(4) The variance will not substantially affect the General Plan and will not be contrary to the public interest; and

(5) The spirit of the Land Management Code is observed and substantial justice done.

Deleted: Community Development

(D) (1) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.

(2) In determining whether or not enforcement of the Land Management Code would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

(E) In determining whether or not there are special circumstances attached to the Property under Subsection 15-10-9(C)(2), the Board of Adjustment may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of privileges granted other Properties in the same [district] zone.

The Applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(F) Variances run with the land.

(G) The Board of Adjustment may condition a variance by requiring the Owner to obtain a Building or other necessary permit within one (1) year of issuance of the variance, or the variance shall be null and void.

(H) The Board of Adjustment and any other body may not grant a use [~~variances~~] variance.

(I) In granting a variance, the Board of Adjustment may impose additional requirements on the Applicant that will:

(1) mitigate any harmful affects of the variance; or

(2) serve the purpose of the standard or requirement that is waived or modified.

**15-10-10. PERSONS ENTITLED TO APPEAR.**

At the hearing on any matter before the Board of Adjustment, any Person aggrieved or interested in the matter may appear in person or through his attorney to testify on the matter. The Applicant shall have the right to respond to testimony offered in opposition to the application.

**15-10-11. DECISION.**

Decisions of the Board of Adjustment become effective at the meeting in which the Board adopts written findings of fact, conclusions of law and conditions of approval, unless a different time is specifically designated by the Board.

**15-10-12. VOTE NECESSARY.**

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official, board, or commission, or to decide in favor of the Applicant.

**15-10-13. JUDICIAL REVIEW OF BOARD DECISION.**

The City or any Person adversely affected by any decision of the Board of Adjustment may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Board of Adjustment's decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within thirty (30) days after the Board of Adjustment's decision is filed with the City Recorder.

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 11 - HISTORIC PRESERVATION**

*Chapter adopted by Ord. No. 02-07;  
Chapter Amended in Entirety by Ord. No.  
03-34*

**CHAPTER 11 – HISTORIC  
PRESERVATION**

**15-11-1. ESTABLISHMENT OF  
BOARD.**

Pursuant to the Historic District Act, Section 11-18-1, et seq. of the Utah Code, 1953, and other applicable power, there is hereby created a Park City Historic Preservation Board (HPB). The HPB shall be composed of five (5) members.

**15-11-2. TERMS AND  
QUALIFICATIONS OF MEMBERS.**

Members of the HPB shall serve terms of three (3) years. No member may serve more than two (2) consecutive terms. The terms shall be staggered. Terms may expire on May 1, however, members of the HPB shall continue to serve until their successors are appointed and qualified.

(A) The Mayor shall appoint a new HPB member to fill vacancies that might arise and

such appointments shall be to the end of the vacating member's term.

(B) It is the first priority of the City Council that the HPB have technical representation in Historic preservation, therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect, or other professional having substantial experience in rehabilitation-type construction, serving on the HPB, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two (2) nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the Application process.

(C) In addition, the HPB should include members with the following qualifications, or representing the following interests:

- (1) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.

(2) A member living in the Historic District with demonstrated interest and knowledge of Historic preservation.

(3) A member appointed at large from Park City with demonstrated interest and knowledge of Historic preservation.

(4) A member associated with Main Street Business and commercial interests.

**15-11-3. ORGANIZATION.**

(A) **CHAIRMAN.** The HPB shall elect one of its members to serve as Chairman for a term of one (1) year at its first meeting in March. The Chairman may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms.

(B) **QUORUM.** No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by three (3) of the appointed members, including the Chairman.

(C) **VOTING.** All actions of the HPB shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken shall approve any action taken. The Chairman may vote at the meetings.

**15-11-4. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL.**

Any HPB member who is absent from two (2) consecutive regularly scheduled Board meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. Members of the HPB are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

**15-11-5. PURPOSES.**

The purposes of the HPB are:

(A) To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history and to encourage complimentary, contemporary design and construction through the creation of comprehensive Historic District Design Guidelines, and update as necessary;

Deleted: upset

(B) To protect and enhance the City's Historic appeal to tourists and visitors;

(C) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;

(D) To provide input to City Council towards safeguarding the heritage of the City in protecting Buildings of Significance and Contributing Buildings, Structures, Sites/Areas or Objects;

(E) To promote the private and public Use of Buildings of Significance and Contributing Buildings, Structures, Sites/Areas or Objects;

(F) To make recommendations to the City Council on policies and ordinances that may encourage Historic preservation;

(G) To communicate and promote the benefits of Historic preservation for the education, prosperity, and general welfare of the people;

(H) To provide input to staff, Planning Commission, and City Council on matters concerning the overall Development of the City's Historic preservation program;

(I) To make recommendations to the City Council on the Development of, and to administer, all City-sponsored preservation incentive programs;

(J) To review all appeals on action taken by the Planning Department regarding compliance with the Historic District Design Guidelines; and

(K) To review and take action on all determination of Historic preservation Applications submitted to the City.

**15-11-6. ADDITIONAL DUTIES.**

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

(A) Participate in the design review of any City-owned projects located within the designated Historic District.

(B) Recommend to the City Council the purchase of interests in Property for

purposes of preserving the City's cultural resources.

(C) Investigate and report to the City Council on the Use of Federal, State, local, or private funding sources and mechanisms available to promote the preservation of the City's cultural resources.

(D) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(E) Recommend to the Planning Commission and the City Council changes to the Park City Land Management Code to reinforce the purpose of Historic preservation.

(F) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, and Property within the Historic District, or neighboring Property within a two (2) block radius of the Historic District.

**15-11-7. LIMITATIONS.**

The HPB has no authority to waive or increase any requirement of any ordinance of the City.

**15-11-8. STAFF ASSISTANCE.**

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

- (A) Utah Heritage Foundation.
- (B) National Trust for Historic Preservation.
- (C) Utah State Division of History.
- (D) Park City Historical Society.
- (E) American Institute of Architects  
(AIA)

**15-11-9. PRESERVATION POLICY.**

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of the remaining Buildings, Structures and Site of Historic or community Significance is required based on the level of Significance. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

**15-11-10. HISTORIC DISTRICT DESIGN GUIDELINES.**

The HPB shall promulgate and update as necessary Historic District Design Guidelines for Use in the Historic District zones. These guidelines shall, upon adoption by resolution or ordinance by the City Council, be used by the Planning Department staff in reviewing Historic District design review Applications. The Historic District Design Guidelines shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. From time to time, the HPB may recommend changes in the Historic District Design Guidelines to the Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the City Council.

**15-11-11. HISTORIC DISTRICT DESIGN REVIEW.**

(A) The Planning Department shall review and approve or deny, all Historic District design review Applications associated with a Building Permit to build, locate, construct, remodel, alter or modify any Building, Structure, Site, or other visible element, including but not limited to, signs, lighting fixtures, and Fences located within the Park City Historic District.

- (1) The Owner and/or Applicant for any Property shall be required to submit an Historic District design review Application for proposed work requiring a Building Permit in order to complete the work.

(2) Planning Department staff shall review all Historic District design review Applications, including those associated with an Allowed or Conditional Use, which upon determining compliance with the guidelines, shall be approved by the department staff without HPB review or hearing.

(B) **NOTICE.** Prior to taking action on any Historic District design review Application, the Planning staff shall provide notice pursuant to Section 15-1-20 of this Code.

(C) **DECISION.** Upon taking action on the Application, the Planning Department staff shall make written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(D) **APPEALS.** The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department staff decision made on a Historic District design review Application to the Planning Director. All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-20 of this Code. The scope of review by the Director shall be the same as the scope of review at the staff level.

(1) In those cases, the Director shall either approve, approve with conditions, or disapprove the proposal based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(2) Any Director decision may be appealed to the HPB. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Director's decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. The scope of review by the HPB shall be the same as the scope of review by the Director.

(3) Any HPB decision may be appealed to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the HPB decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.

**15-11-12. DETERMINATION OF HISTORICAL SIGNIFICANCE.**

The HPB is the official body to review matters concerning the historical designation of Buildings, Structures and Sites within Park City, and to make this information

available to all interested citizens. It is hereby declared that all Buildings, Structures and Sites within Park City, which substantially comply with the standards of review found in Section 15-11-13(A), are determined to be Significant for the purposes of this Chapter.

The Planning Department shall maintain a list of Significant Properties. Any Owner of a Building, Structure or Site may apply for a hearing before the HPB to ascertain Significance of said Property. The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving an Application for a determination of historical Significance, the Planning staff shall schedule a hearing on the HPB agenda within thirty (30) days. Notice of the hearing shall be posted on the Property and published at least once prior to the hearing. At the hearing, the Applicant shall have an opportunity to present testimony and evidence to demonstrate the historical Significance, or insignificance of the Building, Structure or Site.

(A) **STANDARDS OF REVIEW.** In determining the Historic Significance of the Property at the hearing, the HPB shall evaluate whether the Building, Structure or Site demonstrates a quality of Significance in local, regional, state or national history, architecture, archaeology, engineering or culture, and integrity of location, design, setting, materials, and workmanship according to the following criteria:

(1) The Building, Structure or Site is associated with events or lives

of Persons significant to our past; and/or

(2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or

(3) The architectural or historical value or Significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or

(4) The Building, Structure or Site is at least fifty (50) years old, or has achieved Significance within the past fifty (50) years if the Property is of exceptional importance to the community; and/or

(5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or

(6) Any other factors, including aesthetic, which may be relevant to the historical or architectural aspects of the Building, Structure or Site.

(B) **NOTICE.** Prior to taking action on any determination of historical Significance Application, the Planning staff shall provide public notice pursuant to Section 15-1-20 of this Code.

(C) **DECISION**. If the HPB finds that the Building, Structure or Site is insignificant pursuant to Section 15-11-13(A), it shall immediately be removed from the list, if any, of historically Significant Properties. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(D) **APPEAL**. The Applicant or any party participating in the hearing may appeal the HPB decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the HPB decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.

**15-11-13. DEMOLITION AND REMOVAL OF HISTORIC BUILDINGS, STRUCTURES AND SITES.**

It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on Demolition and removal of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The Demolition or removal of Historic Buildings, Structures and Sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation,

renovation, adaptive reuse and relocation within the Historic District. It is recognized, however, that Structural deterioration, economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary Demolition or removal of a Historic Building, Structure or Site.

All Applications for Demolition of any Building, Structure, or Site within the City shall be initially reviewed by the Planning staff for Significance pursuant to Section 15-11-13(A) herein, and forwarded with a recommendation for action to the HPB.

(A) **DETERMINATION OF INSIGNIFICANCE**. If upon review, the HPB concludes that the Building, Structure or Site sought to be Demolished or removed is insignificant, the Planning staff may sign-off on the issuance of a Demolition permit.

(B) **DETERMINATION OF SIGNIFICANCE**. If upon review, the HPB concludes that the Building, Structure or Site sought to be Demolished or removed does possess Significance, the Applicant shall be required to submit a CAD Application pursuant to Sections 15-11-15 through 15-11-17, as appropriate.

(C) **REMOVAL OR REPAIR OF HAZARDOUS BUILDINGS**. If, upon review, the Chief Building Official determines the subject Building, Structure or Site to be structurally unsound, and a hazardous or dangerous Building, pursuant to Section 115.1 of the International Building Code, the Chief Building Official may order its removal or repair.

(D) **REQUIREMENT FOR STAY OF DEMOLITION.** In the absence of a finding either of insignificance or of public hazard, the Application for Demolition or removal shall be stayed for 180 days.

**15-11-14. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).**

With the exception of any Building or Structure falling under the purview of Section 115.1 of the International Building Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be Significant, pursuant to the standards of review set forth in Section 15-11-13(A) herein, may be Demolished or removed without the issuance of a Certificate of Appropriateness for Demolition (CAD) by an independent CAD Hearing Board appointed by the City. Application for a CAD shall be made on forms prescribed by the City and shall be submitted to the Planning Department.

**15-11-15. PRE-HEARING APPLICATION REQUIREMENTS.**

Upon submittal of a CAD Application to the Planning Department, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is "threatened." Said sign shall be at least three feet by two feet (3'X2'), readable from a point of public Access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the

Owner shall conduct negotiations with the City for the sale or lease of the Property or take action to facilitate proceedings for the City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

At the end of the forty-five (45) days, the Application will be scheduled for a hearing before the CAD Hearing Board, upon showing that the above requirements have been met and all economic hardship information required has been submitted. The Applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Planning Department staff shall notify the Owner if any additional information is needed to complete the Application.

(A) **CAD HEARING BOARD.** Upon confirmation of receipt of a complete CAD Application, the City shall appoint an independent CAD Hearing Board, consisting of three (3) members, for the purpose of reviewing and taking action upon the Application. The City Manager shall appoint the CAD Board as the need might arise, solely for the purpose of reviewing and taking final action on all CAD Applications.

It is the first priority of the City that the CAD Board has substantial experience in finance, real estate, and commercial business interests. Hence, the Board should possess the following qualifications, or represent the following interests:

- (1) A member appointed at large from Park City with demonstrated



knowledge of economics, accounting and finance;

(2) A member appointed at large from Park City who is an attorney at law; and

(3) A member appointed from the Board of Adjustment.

**15-11-16. CAD HEARING.**

At the hearing, the CAD Hearing Board will review the Application pursuant to the economic hardship criteria set forth in Section 15-11-17(A) herein, and consider public input. The CAD Hearing Board may only approve Demolition or removal of a Significant Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the CAD Application.

(A) **ECONOMIC HARDSHIP CRITERIA.** In order to sustain a claim of unreasonable economic hardship, the Owner shall provide information pertaining to whether the Property is capable of producing a reasonable rate of return for the Owner or incapable of beneficial Use. The City shall adopt by resolution separate standards for investment or income producing and non-income producing Properties, as recommended by the HPB. Non-income Properties shall consist of Owner occupied Single-Family Dwellings and non-income producing institutional Properties. The information required by the City may include, but not be limited to the following:

- (1) Purchase date, price and financing arrangements;
- (2) Current market value;
- (3) Form of ownership;
- (4) Type of occupancy;
- (5) Cost estimates of Demolition and post-Demolition plans;
- (6) Maintenance and operating costs;
- (7) Costs and engineering feasibility of rehabilitation;
- (8) Property tax information; and
- (9) Rental rates and gross income from the Property.

The CAD Hearing Board, upon review of the CAD Application, may request additional information as deemed appropriate.

(B) **CONDUCT OF OWNER EXCLUDED.** Demonstration of economic hardship by the Owner shall not be based on conditions resulting from:

- (1) willful or negligent acts by the Owner; or
- (2) purchasing the Property for substantially more than market value at the time of purchase; or

- (3) failure to perform normal maintenance and repairs; or
- (4) failure to diligently solicit and retain tenants; or
- (5) failure to provide normal tenants improvements.

(D) **DECISION.** The CAD Hearing Board shall make written findings supporting the decision made. The CAD Hearing Board may determine that unreasonable economic hardship exists and approve the issuance of a CAD if one of the following conditions exists:

- (1) For income producing Properties, the Building, Structure or Site cannot be feasibly used or rented at a reasonable rate or return in its present condition or if rehabilitated and denial of the Application would deprive the Owner of all reasonable Use of the Property; or
- (2) For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and
- (3) The Building, Structure or Site cannot be feasibly moved or relocated.

(D) **APPROVAL.** If the CAD Hearing Board approves the Application, the Owner may apply for a Demolition permit with the Building Department and proceed to Demolish the Building, Structure or Site in compliance with other regulations as they may apply. The City may, as a condition of approval, require the Owner to provide documentation of the Demolished Building, Structure or Site according to the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey or other information as specified. The City may also require the Owner to incorporate an appropriate memorializing of the Building, Structure or Site, such as a photo display or plaque, into the proposed replacement project of the Property. Approval of a CAD shall be valid for one (1) year.

(E) **DENIAL.** If the CAD Hearing Board denies the Application, the Owner shall not Demolish the Building, Structure or Site, and may not re-apply for a CAD for a period of three (3) years from the date of the CAD Hearing Board's final decision, unless substantial changes in circumstances have occurred other than the re-sale of the Property or those caused by the negligence or intentional acts of the Owner. It shall be the responsibility of the Owner to stabilize and maintain the Property so as not to create a structurally unsound, hazardous, or dangerous Building, as identified in Section 115.1 of the International Building Code. The City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available.

(F) **APPEAL.** The City or any Persons adversely affected by any decision of the CAD Hearing Board may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Officer's decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within thirty (30) days after the date of the CAD Hearing Board's decision.

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 12 - PLANNING COMMISSION**

*Chapter adopted by Ordinance No. 01-17*

**15-12-1. PLANNING COMMISSION CREATED.**

There is hereby created a City Planning Commission to consist of seven (7) members. Members shall be appointed by the Mayor with advice and consent of the Council. Alternate members may also be appointed, which the Mayor may appoint with advice and consent of the Council.

**15-12-2. TERMS AND ELIGIBILITY OF MEMBERS.**

Members of the Planning Commission shall serve terms of four (4) years. Terms shall be staggered and expire on the second Monday in February. Members shall continue to serve until their successors are appointed and qualified. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term. Members of the Planning Commission shall be residents of Park City, and have resided within the City for at least ninety (90) days prior to being appointed. Members are deemed to have

resigned when they move their residences outside the City limits.

**15-12-3. GROUNDS FOR REMOVAL.**

Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year, or who violates Title 3, Ethics, may be called before the City Council and asked to resign or be removed for cause by the Council.

Comment [p1]: (10-9a-301)(1)(b)(i)

**15-12-4. COMMUNITY REPRESENTATION.**

Appointments to the Planning Commission shall be made on a basis which fairly represents the interests of all residents of the community.

**15-12-5. AUTHORITY.**

The Planning Commission shall have all necessary authority conferred on Planning Commissions pursuant to Chapter 9a of Title 10, Utah Code Annotated, 1953, as amended, and such other powers as are conferred on it by the City Council.

Comment [p2]: Note change

**15-12-6. CHAIRMAN.**

The Planning Commission shall on or before the second Wednesday in March each year elect a Chairman who shall serve a term of one (1) year, but may be re-elected for one (1) succeeding consecutive term. A Person may not serve more than two (2) consecutive terms as Chairman of the Planning Commission. The Chairman may participate in discussions, but shall have no vote except in case of a tie vote by the members of the Commission.

**15-12-7. STAFF.**

The Planning Department shall assist the Commission with technical matters. In order to assist the Planning Commission in carrying out its duties, the Planning Commission may request the assistance of other employees or agents of the City.

**15-12-8. ALLOWANCE.**

The Planning Commission members shall receive an allowance for each meeting attended, as established by the City Council.

**15-12-9. PURPOSE.**

The Planning Commission shall act as a non-political, long range planning body for the City. Review of specific projects shall be limited to those matters specifically requiring their consideration, and to the monitoring and reviewing of decisions of the Planning Department. The Planning Commission shall review those matters designated in Section 15-12-15 herein.

**15-12-10. HEARINGS.**

The Planning Commission shall establish procedures for its own hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues. Notice for all agenda items pending action shall be according to the Notice Matrix as stated in Section 15-1-21.

**15-12-11. MINUTES.**

The Planning Commission shall keep official minutes of its meetings, which shall be permanently stored with the City Recorder. All meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

Written minutes shall be kept of all Commission meetings. Such minutes shall include:

- (A) The date, time and place of the meeting;
- (B) The names of members present and absent;
- (C) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
- (D) The names of all citizens who appeared and the substance in brief of their testimony; and
- (E) Any other information that any member requests be entered in the minutes.

Deleted: Community Development

The minutes are public record and shall be available within a reasonable time after the meeting.

**15-12-12. DECISIONS.**

All decisions of the Planning Commission shall be included in the minutes. Where written findings are required, the findings may be prepared separately, but shall be incorporated into the minutes.

**15-12-13. QUORUM REQUIREMENT.**

The Commission shall not conduct any business at a meeting unless a quorum is present. A quorum shall consist of a majority of the appointed members of the Commission, including the Chairman for computation purposes.

**15-12-14. VOTING.**

Actions of the Commission pass by majority vote. A majority is a simple majority of those members present at the meeting and entitled to vote on the matter under consideration. The vote of the Chairman shall be counted only when he or she votes in order to break a tie vote of the other Commission members. The Commissioner elected Chairman Pro Tem shall, at all times, be entitled to cast his or her vote as a member of the Commission, including those occasions on which he or she is acting as Chairman Pro Tem. Voting to remove an item of business from the consent agenda shall require an affirmative vote of two-thirds of the members present to pass. Other votes shall be a simple majority.

**15-12-15. REVIEW BY PLANNING COMMISSION.**

(A) General planning and review of specific Development projects by the Planning Commission shall be divided into the following functions:

- (1) City General Plan and General Plan amendments review and recommendation to City Council;
- (2) Annexation review with recommendation to City Council;
- (3) Land Management Code and zoning review with recommendation to City Council;
- (4) Subdivision approval with recommendation to City Council;
- (5) Large scale Master Planned Development approval;
- (6) Conditional Use permit ratification of findings of fact, conclusions of law and conditions of approval, if applicable;
- (7) Consent agenda items;
- (8) Review of appeals of Planning Director's interpretation of the Land Management Code and decisions;
- (9) Subdivision and record of survey plat and plat amendment

Deleted: Community Development

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review with recommendation to City Council;

(10) Termination of inactive applications; and

(11) Sensitive Lands review

(B) The scope of review for each of these functions is as follows:

(1) **CITY GENERAL PLAN REVIEW.** The Planning Commission shall have the primary responsibility to initiate and update the City's General Plan, including planning for adequate Streets and utilities, parks, trails, recreation facilities, housing, and open space. The Commission shall consider long-range zoning and land use objectives, protection of Sensitive Lands, and shall conduct periodic review of existing plans to keep them current.

(2) **ANNEXATION REVIEW.** The Commission shall review all annexation requests according to the Utah State Code regarding annexations, including Section 10-2-401.5, regarding adoption of an annexation policy plan, and shall make a recommendation to City Council for action. The Commission shall recommend zoning on land to be annexed.

(3) **LAND MANAGEMENT CODE AND ZONING REVIEW.**

The Commission shall initiate or recommend zone changes and review the Land Management Code Development standards within zones. The Commission shall hear all requests for zone changes and forward a recommendation to City Council for action. The Commission shall have the primary responsibility to review amendments to the Land Management Code and shall forward a recommendation to the City Council.

(4) **SUBDIVISION APPROVAL.** The Planning Commission shall review all applications for Subdivisions under the provisions of the Park City Subdivision Control Ordinance in Section 15, Chapter 7.

(5) **LARGE SCALE MASTER PLANNED DEVELOPMENT APPROVAL.** All proposals for large scale Master Planned Development approval shall be reviewed by the Planning Commission. In reviewing requests for large scale Master Planned Development approval, the Commission shall consider the purpose statements and MPD requirements as stated in Section 15-6-1 and Section 15-6-5. All Master Planned Developments shall be processed by the Planning Department and the Planning Commission as outlined in Section 15-6-4.

Deleted: Community Development



**(6) RATIFICATION OF CONDITIONAL USE PERMITS.**

The Planning Commission has the authority to review and ratify or overturn all actions of the Planning Department regarding Conditional Use permits. In reviewing requests for Conditional Use permits, the Commission shall consider the Conditional Use process and review criteria as stated in Section 15-1-10. In approving or denying a Conditional Use permit the Commission shall ratify and include in the minutes of record the findings of fact, conclusions of law, and conditions of approval, if applicable, upon which the decision to approve or deny was based.

**(7) CONSENT AGENDA ITEMS.** The following items may be placed on the consent agenda, unless a public hearing is otherwise required, or if a public hearing has already been conducted and has been closed by formal action of the Planning Commission:

- (a) Conditional Use permits, including Steep Slope Conditional Use Permits;
- (b) Plat approvals;
- (c) Requests for time extensions of Conditional Use permit, Master Planned

Development, and plat approvals.

(d) Other items of a perfunctory nature, which the Chairman directs the Department to place on the consent agenda for action.

Deleted: Community Development

All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. Motions to remove specific items from the consent agenda shall state the reasons for the removal, referring to specific planning issues or Code sections, which the Commissioner making the motion does not think have been satisfactorily resolved or complied with. Motions to remove items from the consent agenda shall be passed by a vote of two-thirds of the Commission members present and voting on the issue. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the Developer requests the item be tabled in order to prepare additional information to respond to the Commission's concerns.

**(8) REVIEW OF APPEALS OF THE PLANNING DIRECTOR'S INTERPRETATION OF THE LAND MANAGEMENT CODE.**

At any time, the Owner, Applicant, or any non-Owner with standing as

Deleted: COMMUNITY DEVELOPMENT

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defined in Section 15-1-18(D) of this Code may request that Staff actions on a project be reviewed by the Planning Commission. The scope of review by the Planning Commission shall be the same as the scope of review at the Staff level.

**(9) SUBDIVISION AND RECORD OF SURVEY PLAT AND PLAT AMENDMENT**

**REVIEW.** The Commission shall review all plats affecting land within the City limits or annexations to the City, according to Section 15-7. The scope of review on plat approval is limited to finding substantial compliance with the provisions of the state statute on recording of plats, and that all previously imposed conditions of approval, whether imposed by the Staff or the Commission have been satisfied.

Upon finding that the plat is in compliance with the state statute, and that conditions of approval have been satisfied, the plat must be approved. The City Engineer, City Attorney, City Recorder, City Council, and Mayor shall all review the plat as required by statute before recording. Plats may be approved on the consent agenda.

**(10) TERMINATION OF INACTIVE APPLICATIONS.** See Termination of Projects, Section 15-1-13.

**(11) SENSITIVE LANDS REVIEW.** Any project falling within the Sensitive Lands Area Overlay Zone is subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations, Section 15-2.21.

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**PARK CITY MUNICIPAL CODE**  
**TABLE OF CONTENTS**  
**TITLE 15 LAND MANAGEMENT CODE - CHAPTER 14**

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**TITLE 15 - LAND MANAGEMENT CODE**

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 14 - ZONING ADMINISTRATION AND ENFORCEMENT

Chapter adopted by Ordinance No. 02-07

CHAPTER 14 - ZONING ADMINISTRATION AND ENFORCEMENT.

15-14-1. ADMINISTRATION AND ENFORCEMENT.

The provisions of this Ordinance shall be administered by the Planning, Engineering, and Building Departments under the supervision of the City Manager, or the Mayor, in the absence of the City Manager. The Planning Director, City Engineer, or Chief Building Official shall, when deemed appropriate, recommend legal action to the City Council in order to enforce this Code or other land Use related ordinances or regulations. The Planning Director, City Engineer, or Chief Building Official, under the supervision of the City Manager or the Mayor, in the absence of the City Manager, shall determine when violations exist, when a Development is in substantial compliance with this Code, or other enforcement actions taken. The failure of any Person to properly interpret or apply this Code or any provision of it shall not operate to waive or estop the City from subsequent enforcement action.

Permits issued in violation of this ordinance shall have no force or effect and Persons knowingly or negligently Building under improperly issued permits do so at their own risk.

15-14-2. OCCUPANCY PERMIT.

Land, Buildings, or premises in any Zoning District shall hereafter be used only for a purpose permitted in such a District and in accordance with the appropriate regulations. A Certificate of Occupancy shall be issued by the Building Official to the effect that the Use, Building, or premises conform to provisions of this and all related ordinances, regulations, and requirements prior to occupancy, for any Building erected, enlarged or altered structurally for the occupancy or Use of any land. Such a certificate is needed whenever Use or character of any Building or land is to be changed.

15-14-3. INSPECTION.

The City, through its designated officials, shall have the right of Access to any premises at any reasonable hour for the purpose of inspecting all Buildings and

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Structures during the course of their construction, modification, or repair; to inspect land Uses to determine compliance with the provisions of this Code; and to make examinations and surveys pertinent to the preparation of the General Plan or preparation or enforcement of this Code.

**15-14-4. TIME LIMIT.**

Unless there is actual construction and a permit issued within a period of 180 days from the date of plan approval by the Planning, Engineering, and Building Departments, the plan approval for a permitted Use shall expire.

**15-14-5. PENALTIES/ ENFORCEMENT.**

The provisions of this Code may be enforced by either civil or criminal actions in courts of appropriate and competent jurisdiction. A suit may be brought by the City, or by affected Property Owners, in the manner set forth below:

(A) **CRIMINAL CITATIONS.** The Building Official and other designated City officials may, when there is probable cause to believe that Construction Activity has occurred in violation of this ordinance, issue a citation and swear out criminal complaints against the appropriate individuals and Business entities. Specific approval from the City Council for such misdemeanor citations is not required.

(B) **CIVIL ACTIONS.** The City, with the authorization of the City Council, may bring actions for civil and equitable relief,

including enjoining specific land Uses and affirmative injunctions. The Building Official, Planning Department and other designated City Officials may recommend such actions at any time to the Council, provided that no civil proceeding shall be commenced without the specific authorization of the Council.

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(C) **THIRD PARTY ACTIONS.**

Individuals affected by zoning violations within Park City shall have the right to maintain private actions to enforce the Code without joining the City as a party.

Deleted: Zoning Administrator,

**15-14-6. VIOLATIONS.**

Violations of this Code are Class B misdemeanors, and are punishable by a fine and/or imprisonment described in the current Park City Criminal Code. The officers and directors of a corporation shall be responsible for the acts committed by that corporation. Corporations and individuals shall be responsible for the acts of their agents committed in violation of this ordinance if they had knowledge of the act committed, and the Owner of the Property and improvements made to it. Each day that a violation occurs shall constitute a separate offense.

psmkaw

**Ordinance No. 06-19**

**AN ORDINANCE APPROVING THE '438 ONTARIO REPLAT' COMBINING LOT 11 & HALF OF LOT 12 OF BLOCK 58 OF THE AMENDED PLAT OF PARK CITY, LOCATED AT 438 ONTARIO AVENUE PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 438 Ontario Avenue, has petitioned the City Council for approval of a Subdivision; and

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

**WHEREAS**, on April 12, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, on April 27, 2006 the City Council held a public hearing on the proposed subdivision; and

**WHEREAS**, the proposed Subdivision allows the property owner to establish 1 lot of record; and

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

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

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

1. The property is addressed as 438 Ontario Avenue.
2. The property is located within the HR-1 zoning district.
3. There is an existing non-historic house on the subject property.
4. The plat amendment adjustment will result in the combination of Lot 11 and the south half of Lot 12, Block 58 of the amended Park City Survey.
5. The legal lot of record resulting from this plat amendment will measure 37.5 feet by 75 feet.
6. The lot will be accessed from Ontario Avenue.
7. Planning Commission forwarded a positive recommendation to Council regarding the approval of this project, on April 12, 2006.

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

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

3. As conditioned the plat amendment is consistent with the Park City General Plan.

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

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code, Conditions of Approval and state law regarding subdivisions is a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. A note shall be added to this plat stating that the remnant half of Lot 12 is not rendered separately developable by this plat.

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

PASSED AND ADOPTED this 27<sup>th</sup> day of April, 2006.

PARK CITY MUNICIPAL CORPORATION

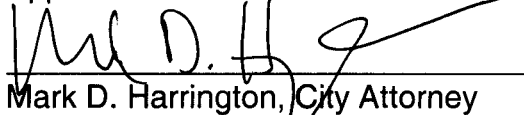
  
Dana Williams, Mayor

Attest:

  
Janet M. Scott, City Recorder



Approved as to form:

  
Mark D. Harrington, City Attorney

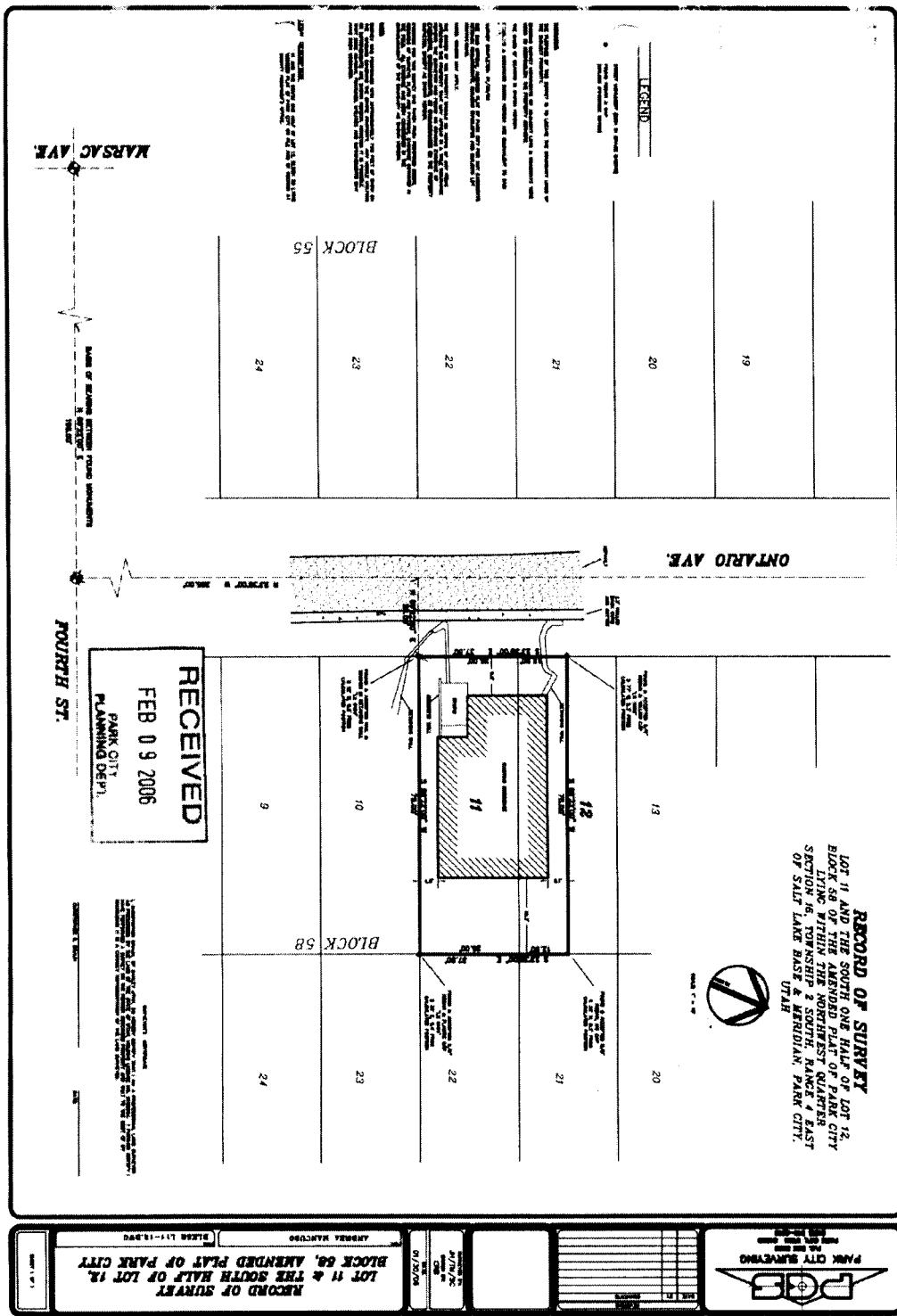


Exhibit A: Existing Conditions



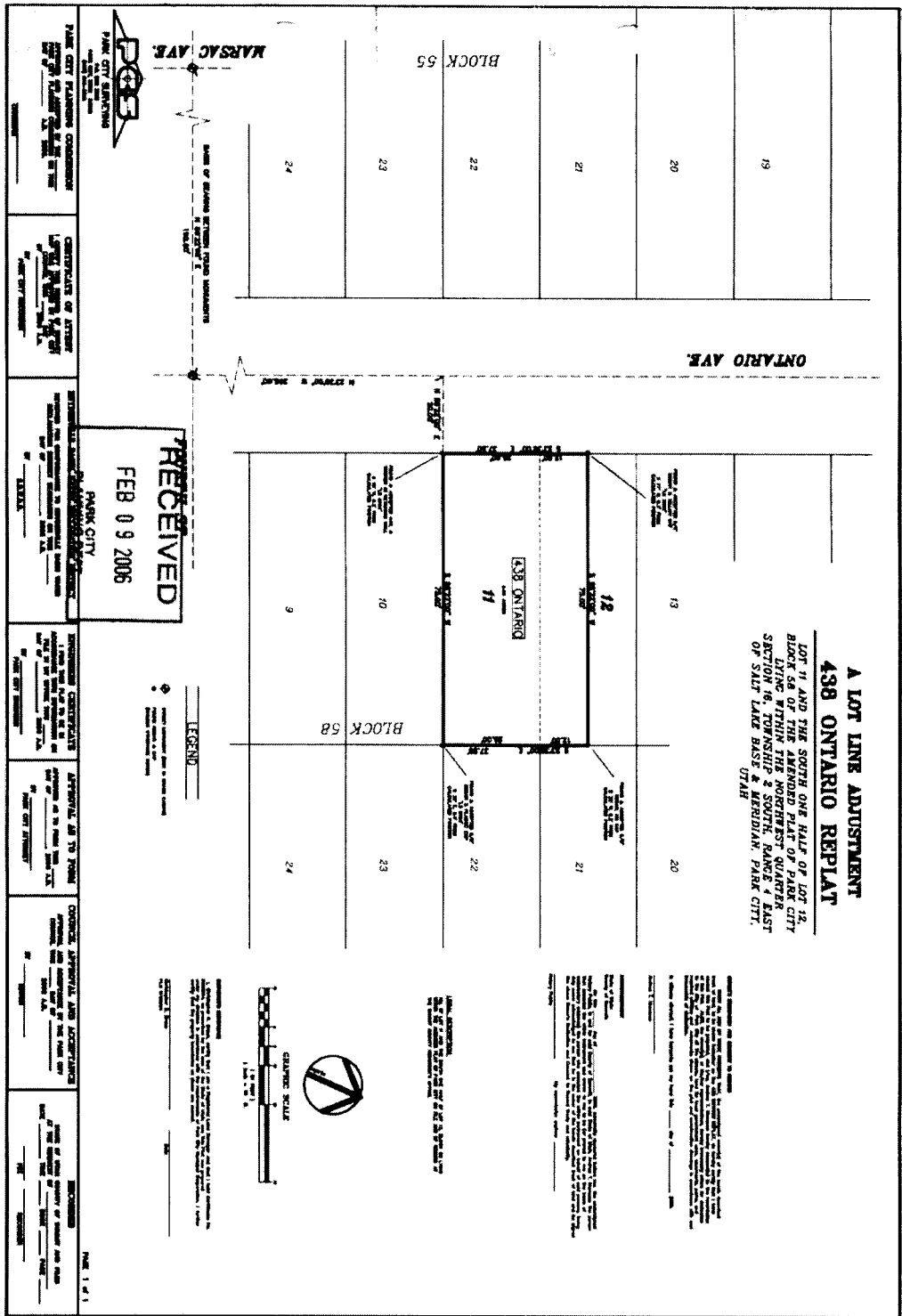


Exhibit B: Proposed Plat

**Ordinance No. 06-18**

**AN ORDINANCE APPROVING THE 'EMPIRE SUBDIVISION LOT 1' OF BLOCK 29 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, 911 EMPIRE AVENUE, PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 911 Empire, has petitioned the City Council for approval of a Subdivision; and

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

**WHEREAS**, on April 12, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, on April 27, 2006 the City Council held a public hearing on the proposed subdivision; and

**WHEREAS**, the proposed Subdivision allows the property owner to establish 1 lot of record; and

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

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

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

1. The property is addressed as 911 Empire Avenue.
2. The property is located within the HR-1 zoning district.
3. There is an existing historic house on the property.
4. The plat amendment will result in the combination of Lot 3 and part of Lot 4 (west of the Crescent Tram) of Block 29 of the Snyder's Addition to the Park City Survey.
5. The plat amendment will not leave any parcel of land remnant.
6. The legal lot of record resulting from this plat amendment will measure thirty seven and a half (37.5) feet along Empire Avenue and fifty (50) feet at the rear.
7. The depth of the proposed lot is seventy five (75) feet.
8. The property will continue to be accessed from Empire Avenue.
9. The setbacks of the historic house are two and a half feet (2.5) feet on the south side, three (3) feet on the north side, between a quarter (0.25) of a foot and one (1) foot at the front, and twenty seven (27) feet at the rear.
10. The existing historic house is considered complying as per LMC 15-2.2-4 (Existing Historic Structures).

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

1. There is good cause for this plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. As conditioned the plat amendment is consistent with the Park City General Plan.

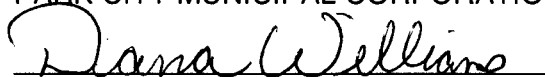
**SECTION 3. CONDITIONS OF APPROVAL.** The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code, Conditions of Approval and state law regarding subdivisions is a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. No remnant parcels of land shall be separately developable as a result of this plat amendment.

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

PASSED AND ADOPTED this 27<sup>th</sup> day of April, 2006.


PARK CITY MUNICIPAL CORPORATION

  
Mayor Dana Williams

Attest:

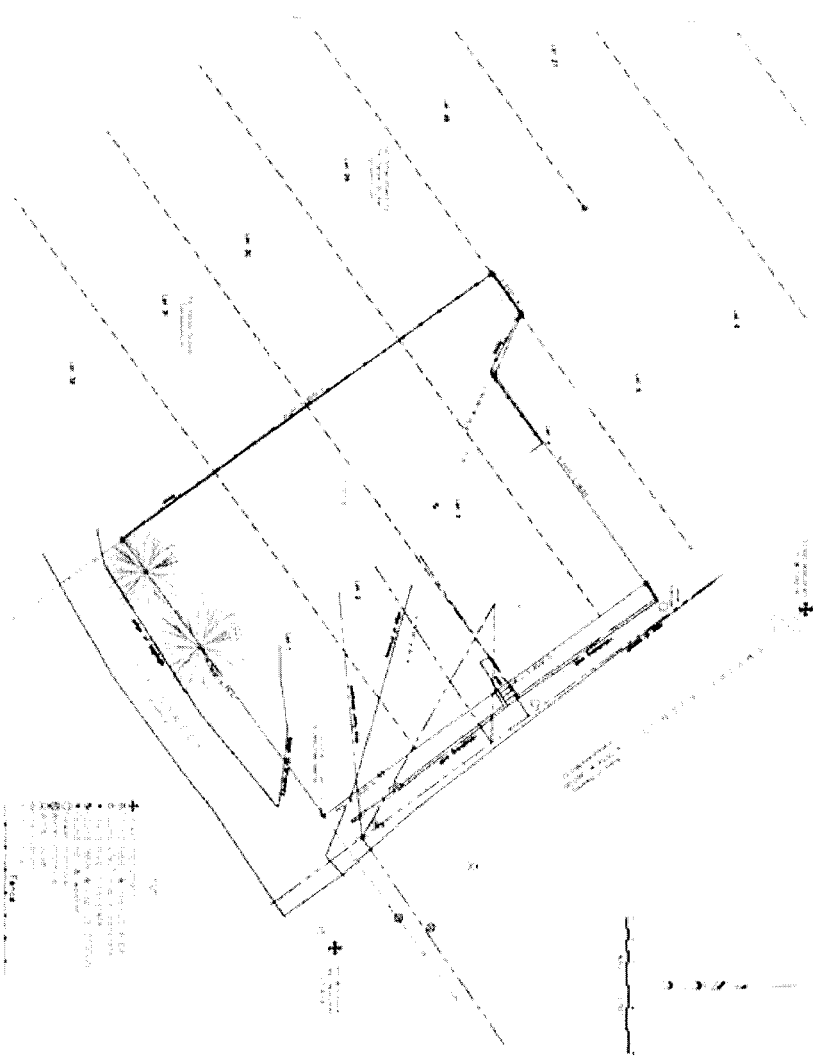
  
Janet M. Scott, City Recorder

Approved as to form:

  
Mark D. Harrington, City Attorney



*Snyder's Addition to the Park City Survey  
Block 29, Lots 1, 2, 3 and a portion of lot 4*



+ 1/4 Section 29  
 + 1/4 Section 30  
 + 1/4 Section 31  
 + 1/4 Section 32  
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 + 1/4 Section 100

This plat shows the addition of a portion of lot 4 to the Park City Survey Block 29, Lots 1, 2, 3 and a portion of lot 4. The addition is shown by solid lines and is bounded by bearings and distances. The original lot boundaries are shown by dashed lines. The survey was conducted by the undersigned on the 25th day of January, 2006.

I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the original survey plat as the same appears in my files and records.

Witness my hand and the seal of my office this 25th day of January, 2006.

Notary Public for the State of Utah

Snyder's Addition  
 Block 29, Lots 1, 2, 3 and a portion of lot 4

JAN 25 2006



**Ordinance No. 06-17**

**AN ORDINANCE APPROVING THE SUBDIVISION '1021 NORFOLK AVENUE' (LOTS 7, 8, 9, 10, 11 & ONE HALF OF LOT 12 AND PORTIONS OF LOTS 21, 22, 23, 24, 25, AND 26 OF BLOCK 16 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY), LOCATED AT 1021 PARK AVENUE PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 1021 Norfolk Avenue, has petitioned the City Council for approval of a Subdivision; and

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

**WHEREAS**, on March 8, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a negative recommendation to the City Council; and

**WHEREAS**, on March 30, 2006 and April 20, 2006 the City Council held a public hearing on the proposed subdivision; and

**WHEREAS**, the proposed Subdivision allows the property owner to establish 5 lots of record; and

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

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

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

1. The property is located within the HR-1 zoning district.
2. The dimensions of the entire property are approximately 137.5' x 80' for a total of 10,800 sq. ft.
3. The applicant is proposing to create 5 legal lots of records (Lots 1 to 5).
4. Lots 2 through 5 are proposed to have 25' of frontage along Norfolk Avenue.
5. Lot 1 is proposed to have 37.5' of width and 78.30' of depth.
6. There is an existing non-historic garage located on what will be Lot 1.
7. The garage is to be demolished as part of The site redevelopment.
8. There is an existing historic house on the property that will be relocated to Lot 1.
9. The proposed relocation of the historic house meets all LMC requirements for the HR-1 zone.
10. The relocation of the historic house to Lot 1 is in compliance with the maximum footprint dictated by LMC 12-2.2-3(d).
11. The owner of the property agrees to sign a snow shed easement agreement with the owner of 1019 Norfolk Avenue.
12. The discussion in the Analysis section of the staff report and attached density analysis are incorporated herein.
13. The proposed lot sizes will result in building volumes and massing that is appropriate for the neighborhood.
14. City Council directed Staff to return with Findings of Facts that supported the '1021 Norfolk Avenue' Plat Amendment on March 30, 2006.

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

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

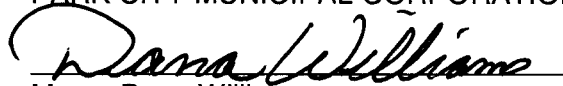
**SECTION 3. CONDITIONS OF APPROVAL.** The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve of the final form and content of the plat for compliance with the Land Management Code and conditions of approval are a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant will move the existing historic house from its current location to the proposed Lot 1.
4. The relocation of the existing historic house will meet all setback, and footprint restrictions found in the LMC, Chapter 15-2.2.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
6. A financial guarantee for public improvements shall be satisfactorily in place prior to plat recordation, in an amount to be approved by the City Engineer and in a form to be approved by the City Attorney.
7. Snow shed agreements for Lot 1 and 1019 Norfolk Avenue in a form approved by the Chief Building Official must be recorded with the plat.
8. No remnant lot is separately developable.

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

PASSED AND ADOPTED this 20<sup>th</sup> day of April, 2006.


PARK CITY MUNICIPAL CORPORATION

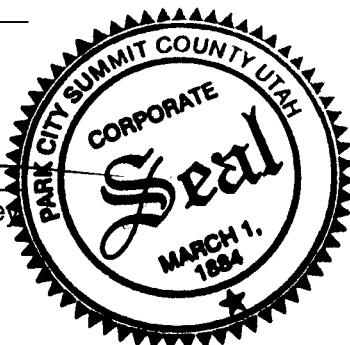
  
Mayor Dana Williams

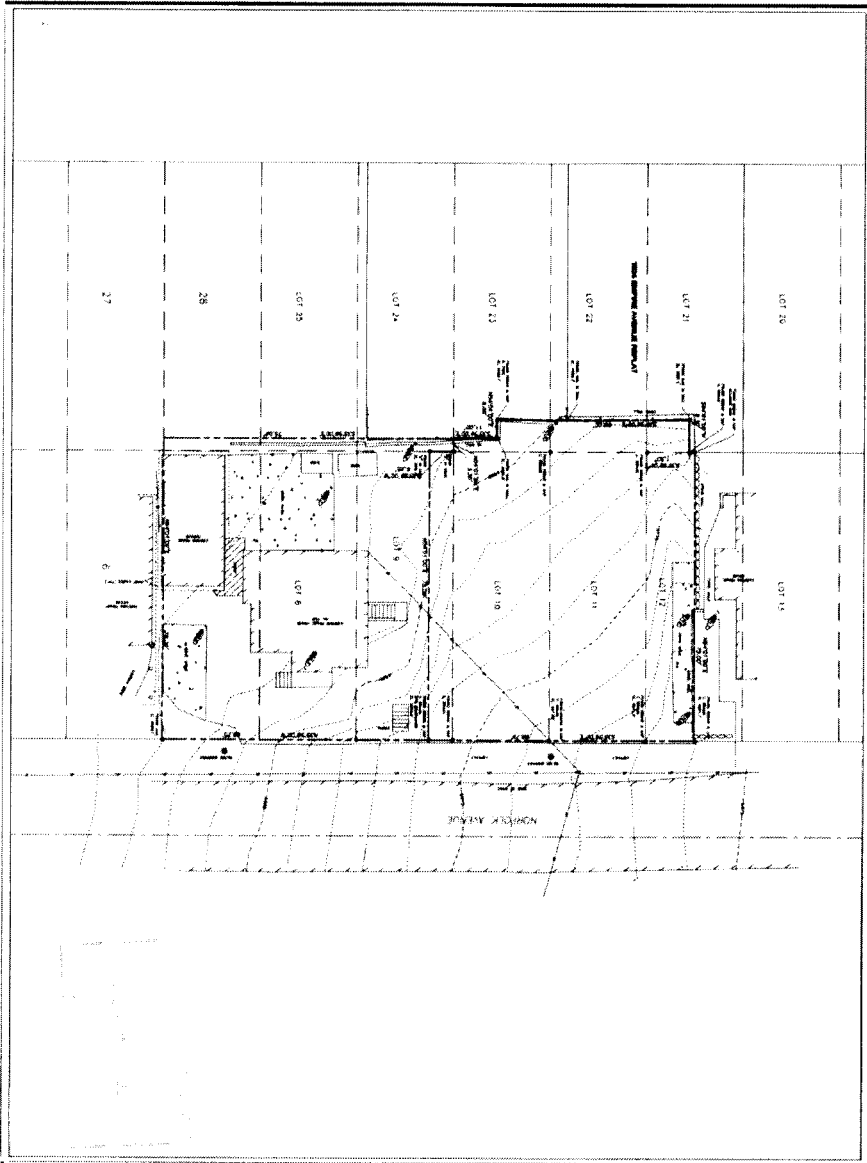
Attest:

  
Janet M. Scott, City Recorder

Approved as to form:

  
Mark D. Harrington, City Attorney





NORFOLK AVENUE

**EC1**

**1021 NORFOLK AVENUE**

**Norfolk Investments LLC**

**1021 NORFOLK AVENUE**

**PLANNING**

**1021 NORFOLK AVENUE**

**NORFOLK INVESTMENTS LLC**

**1021 NORFOLK AVENUE**

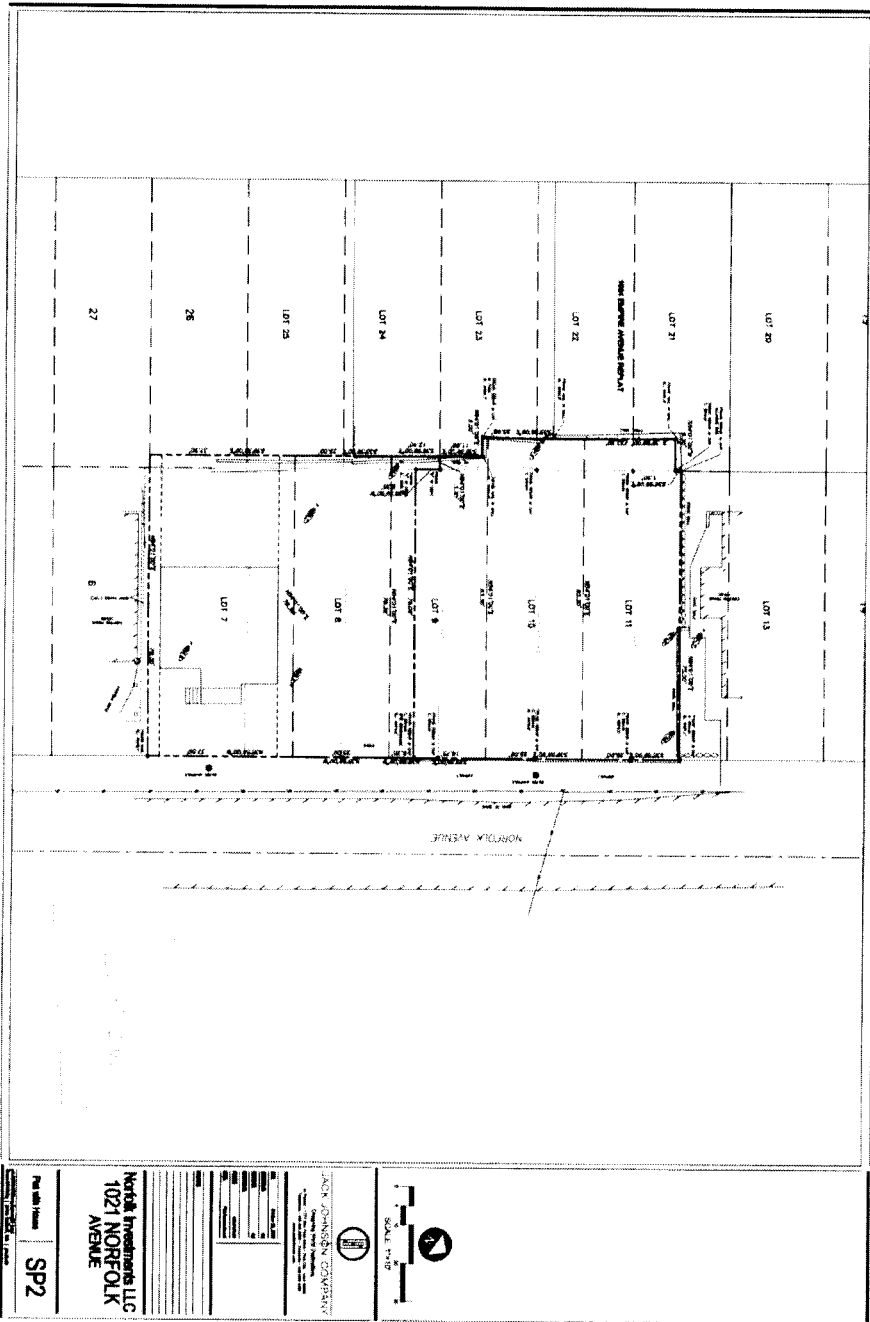
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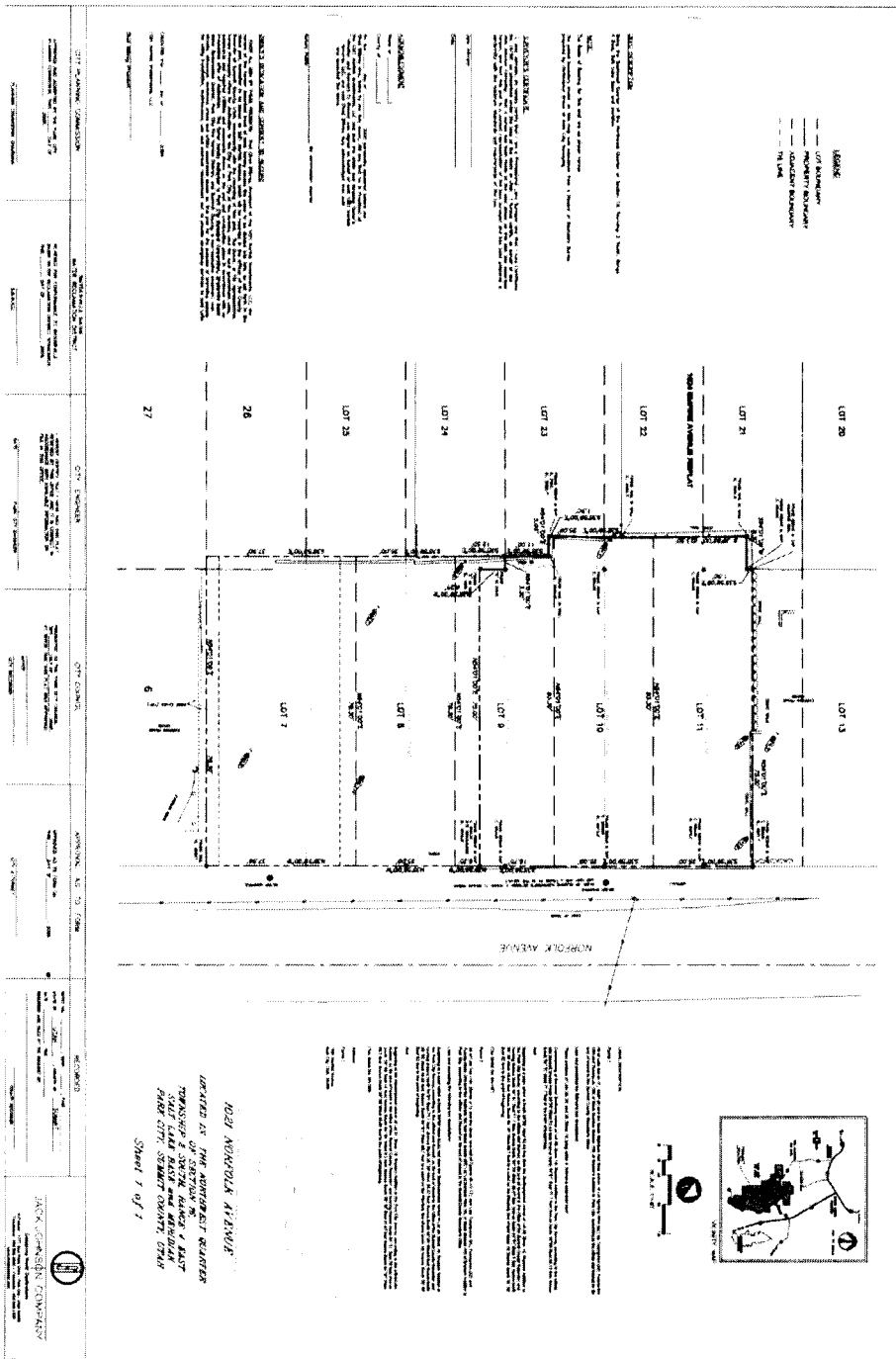
**1021 NORFOLK AVENUE**

**NORFOLK INVESTMENTS LLC**

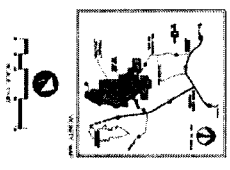
**1021 NORFOLK AVENUE**







1021 NEWBOLD AVENUE  
 LOCATED IN THE ADJACENT PLAT  
 TOWNSHIP OF SEYMOUR, MO. & PART  
 OF THE CITY OF SEYMOUR, MO.  
 SHEET 1 OF 1



CITY PLANNING COMMISSION CITY ENGINEER CITY CLERK APPROVED, AT 10:00 A.M. RECORDED JACK SPENCER COMPANY	CITY ENGINEER CITY CLERK APPROVED, AT 10:00 A.M. RECORDED	CITY ENGINEER CITY CLERK APPROVED, AT 10:00 A.M. RECORDED	CITY ENGINEER CITY CLERK APPROVED, AT 10:00 A.M. RECORDED	CITY ENGINEER CITY CLERK APPROVED, AT 10:00 A.M. RECORDED	CITY ENGINEER CITY CLERK APPROVED, AT 10:00 A.M. RECORDED
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**Ordinance No. 06-15**

**AN ORDINANCE APPROVING THE EDWARDS SUBDIVISION WHICH WILL COMBINE  
LOTS 29 AND THE SOUTHERLY HALF OF LOT 28, BLOCK 31 OF  
THE PARK CITY SURVEY INTO ONE LOT OF RECORD**

**WHEREAS**, the owners of Lot 29 and southerly half of lot 28 of Block 31 of the Snyder's Addition to the Park City Survey, known as 208 Norfolk Avenue, have petitioned the City Council for approval of a plat amendment; and

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

**WHEREAS**, on March 22, 2006 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a recommendation to the City Council; and

**WHEREAS**, on March 30, 2006 the City Council held a public hearing to receive public input on the proposed plat amendment and voted to approve the application; and

**WHEREAS**, the proposed plat amendment allows the property owner to remove one lot line and create one legal lot of record and

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

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

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

1. The property is located in the Historic Residential (HR-1).
2. There is an existing non-historic single family home on the property.
3. The applicant proposes to combine lot 29 and the southerly half of lot 28, Block 31 of the Park City Survey into one lot of approximately 2,812.5 square feet.
4. The property has an existing structure which exists along the lot line between lots 28 and 29.
5. The current home has a footprint of approximately 568 s.f. The maximum footprint allowed for a 2,812.5 square foot lot is approximately 1,201.
6. At this time the applicant has submitted plans to demolish the existing home and construct a new home on the vacant property.
7. A staircase from the property to the north half of lot 28 (214 Norfolk Avenue) encroaches onto the southerly half of lot 28. The applicant owns both pieces of property and will grant an encroachment agreement to allow the stairs across the new lot line. A condition of approval will reflect this.
8. The new home will probably require an excavation in Norfolk Avenue for a sanitary sewer lateral. This construction if it occurs will be inconvenient to the neighborhood.
9. The Planning Commission reviewed this item at the March 22, 2006 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council.
10. The City Council reviewed this item at the March 30, 2006 meeting. A public hearing was held. The City Council voted to approve the plat amendment.
11. The increased building footprint created by this amendment is consistent is

consistent with the build out on the street and in the HR-1 District.

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

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

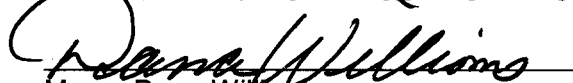
**SECTION 3. CONDITIONS OF APPROVAL.** The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. The owner of 208 Norfolk Avenue shall sign an encroachment agreement in a form approved by the City Engineer to the benefit of the owner of 214 Norfolk Avenue to resolve the encroachment of a stairway prior to plat recordation.
4. A note shall be added to the plat stating that no remnant lot is separately developable.

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

PASSED AND ADOPTED this 30<sup>th</sup> day of March, 2006.

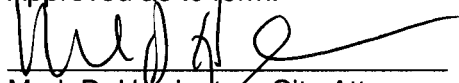
PARK CITY MUNICIPAL CORPORATION

  
Mayor Dana Williams

Attest:

  
Janet M. Scott, City Recorder

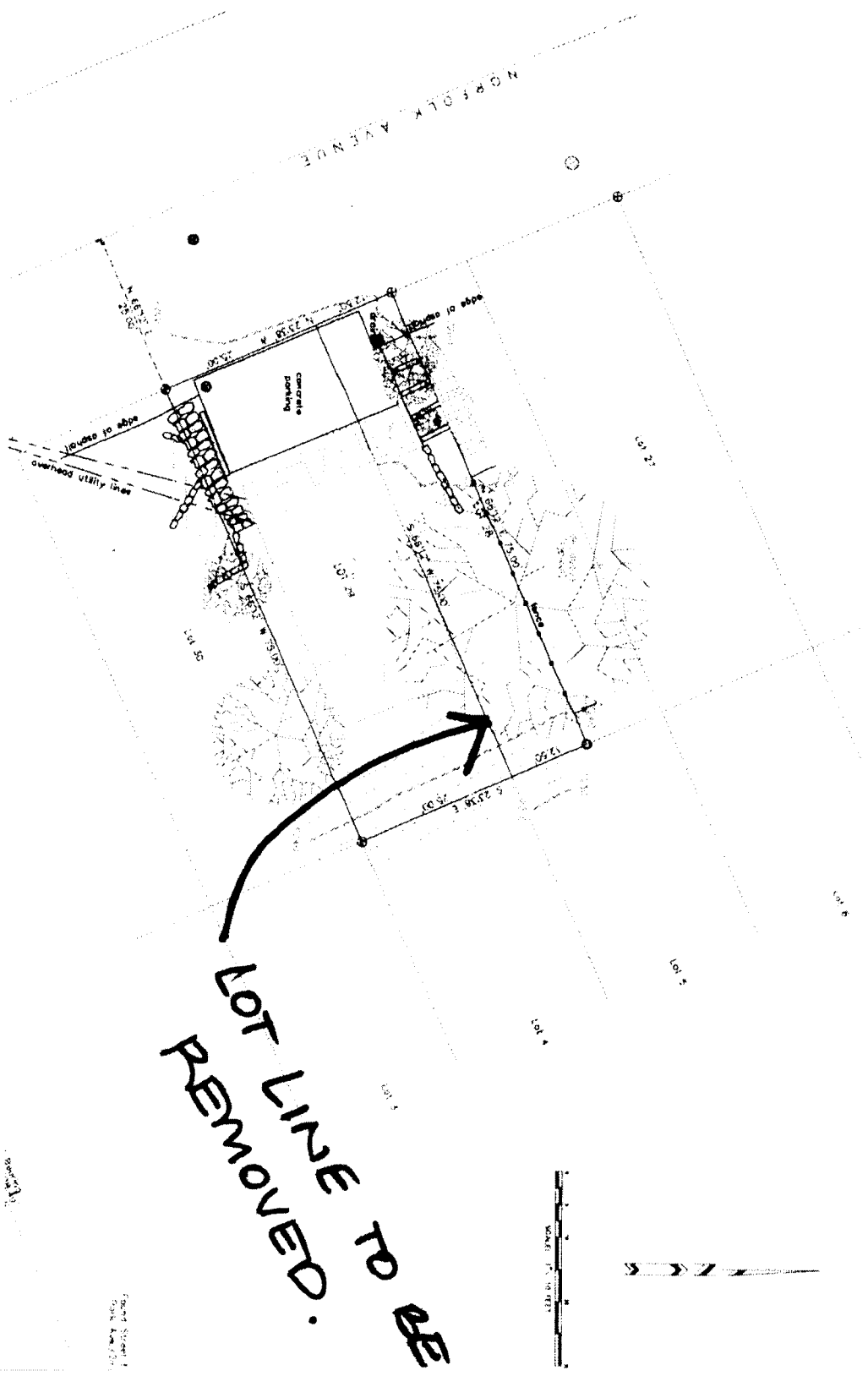
Approved as to form:

  
Mark D. Harrington, City Attorney



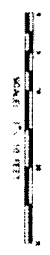


Park City Survey, Block 31,  
Lot 29 and the Southerly Half of Lot 2



NOT LINE TO BE  
REMOVED.

Detail



FRANK SHERMAN  
CIVIL ENGINEER

**Ordinance No. 06-14**

**AN ORDINANCE APPROVING THE NATIONAL GARAGE SUBDIVISION OF LOTS 16, 17, 18, 21, 22 AND A PORTION OF LOT 20 OF BLOCK 6 OF THE PARK CITY SURVEY AND THE SNYDERS ADDITION TO THE PARK CITY SURVEY, LOCATED AT 703 PARK AVENUE AND 664 WOODSIDE AVENUE PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 703 Park Avenue, and 664 Woodside Avenue has petitioned the City Council for approval of the National Garage Subdivision; and

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

**WHEREAS**, on March 8, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, on March 23, 2006 the City Council held a public hearing on the proposed subdivision; and

**WHEREAS**, the proposed Subdivision allows the property owner to combine five lots and a portion of another into two lots of record; and

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

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

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

1. Lot 1 is located in the Historic Residential Commercial (HRC) zone.
2. The HRC zone designed to provide a transition in scale and land uses between the HR-1 and HCB districts that retains the character of historic buildings in the area.
3. Lot 2 is located in the Historic Residential (HR-1) zone.
4. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
5. The amendment will subdivide five platted lots and a portion of another into two lots of record.
6. Lot 1 is accessed from Park Avenue; Lot 2 is accessed from Woodside Avenue.
7. Proposed Lot 1 would consist of approximately 8,520 square feet.
8. Proposed Lot 2 would consist of approximately 2,175 square feet.

9. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
10. There are two existing historic structures on Lot 1.
11. There is an existing historic single family home and an accessory building on Lot 2.
12. Minimal construction staging area is available along Park and Woodside Avenues.
13. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

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

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

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

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. A new sewer lateral and pump system to eject the wastewater up into Woodside shall be installed on Lot 2 as part of any future development plan.
4. A financial guarantee for public improvements including road repairs from utility installation shall be provided in a form acceptable to the City Attorney and in an amount acceptable to the City Engineer prior to plat recordation.
5. A ten-foot-wide snow storage easement shall be provided along the Park Avenue and Woodside Avenue frontage of both lots.
6. No remnant lot is separately developable.

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

PASSED AND ADOPTED this 23<sup>rd</sup> day of March 2006.



PARK CITY MUNICIPAL CORPORATION

*Dana Williams*

Mayor Dana Williams

Attest

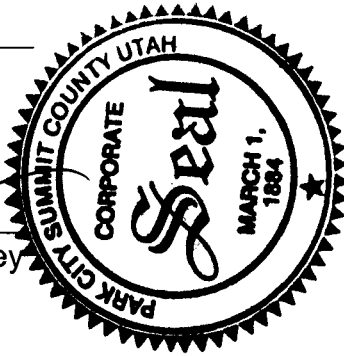
*Janet M. Scott*

Janet M. Scott, City Recorder

Approved as to form:

*Mark D. Harrington*

Mark D. Harrington, City Attorney



**SALEMAN'S CERTIFICATE**

I hereby certify that the above described premises are the property of the undersigned and that the same are being sold to the purchaser named herein for the purpose and consideration therein stated.

**DEED DESCRIPTION**

Lot 1, National Garage Subdivision, containing 0.1000 acres, more or less, situated in Section 20, Township 2 South, Range 10 East, Salt Lake and Meridian, Park City, Summit County, Utah.

Lot 2, National Garage Subdivision, containing 0.1000 acres, more or less, situated in Section 20, Township 2 South, Range 10 East, Salt Lake and Meridian, Park City, Summit County, Utah.

**MARKING**

The foregoing description is based on a survey made by me, the undersigned, on the 15th day of August, 1905, and is subject to the correction of any error therein.

**OWNER'S DECLARATION AND CONSENT TO RECORD**

I, the undersigned, do hereby declare that the above described premises are the property of the undersigned and that the same are being sold to the purchaser named herein for the purpose and consideration therein stated.

**ACKNOWLEDGMENT**

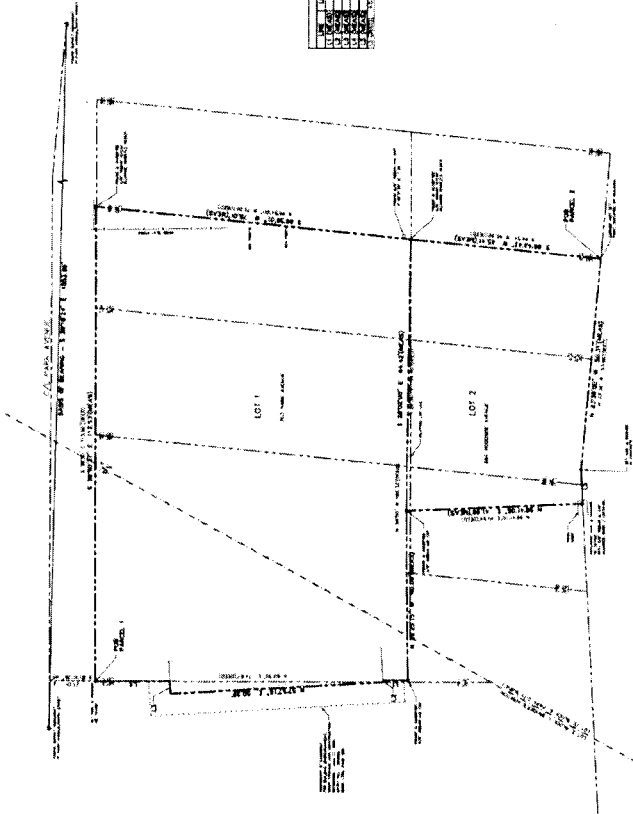
Subscribed and sworn to before me on the 15th day of August, 1905, at Park City, Summit County, Utah.

Notary Public, Commission Expires on the 15th day of August, 1906.

RECEIVED  
DEC 20 2005  
PARK CITY



1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100



**NATIONAL GARAGE SUBDIVISION**

SECTION 20, TOWNSHIP 2 SOUTH, RANGE 10 EAST, SALT LAKE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

INTERVILLE BANK WATER REGULATION DISTRICT REQUEST FOR CONTRACTS TO DEVELOPE MAIN WATER REGULATION DISTRICT STANDARD ON THE DISTRICT OF THE CITY OF PARK CITY, UTAH BY: [Signature]	PLANNING COMMISSION ENGINEER'S CERTIFICATE APPROVAL AS TO FORM APPROVED BY THE PLANNING COMMISSION ON THE 15th DAY OF AUGUST, 1905. BY: [Signature]	ENGINEER'S CERTIFICATE OF ATTEST I HEREBY CERTIFY THAT THE RECORD OF SAID MAP HAS BEEN FILED IN THE OFFICE OF THE COUNTY CLERK OF PARK CITY, UTAH, THIS 15th DAY OF AUGUST, 1905. BY: [Signature]	COUNCIL APPROVAL AND ACCEPTANCE APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL, THE SEVERAL MEMBERS WHEREOF HAVE HEREIN SIGNED THEIR NAMES. BY: [Signature]
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**Ordinance No. 06-13**

**AN ORDINANCE AMENDING TITLE 11, SECTION 11-15-1, AREA,  
BUILDING AND BUILDING REGULATIONS, CHAPTER 15,  
PARK CITY LANDSCAPING AND MAINTENANCE OF SOIL COVER,  
OF THE MUNICIPAL CODE OF PARK CITY TO EXPAND  
THE SOILS BOUNDARY AREA**

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

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

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

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

WHEREAS, a public hearing was duly noticed and held at the regularly scheduled City Council meeting on March 23, 2006 on the expansion of the Soils Boundary Area;

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

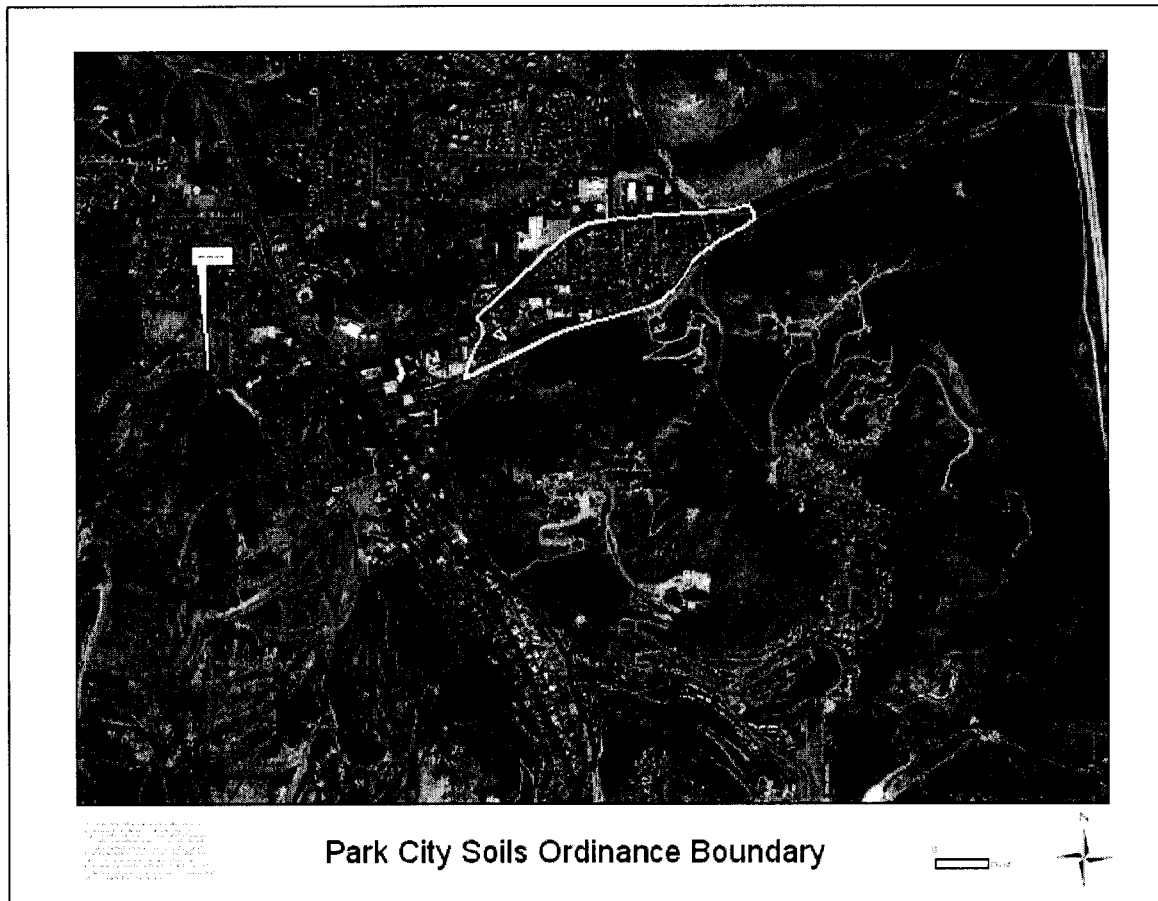
**Section 1.** Amendment. Title 11, Section 11-15-1, Chapter 15 of the Municipal Code of Park City is hereby amended as follows:

## CHAPTER 15 - PARK CITY LANDSCAPING AND MAINTENANCE OF SOIL COVER

### 11-15- 1. AREA.

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

*(Amended by Ord. No. 03-50)*



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

Beginning at the West 1/4 Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base & Meridian; running thence east along the center section line to the center of Section 10, T2S, R4E; thence north along the center section line to a point on the easterly Park City limit line, said point being South 00°04'16" West 564.84 feet from the north 1/4 corner of Section 10, T2S, R4E; thence along the easterly Park City limit line for the following thirteen (13) courses: North 60°11'00" East 508.36'; thence North 62°56' East

1500.00'; thence North 41°00' West 30.60 feet; thence North 75°55' East 1431.27'; thence North 78°12'40" East 44.69 feet; thence North 53°45'47" East 917.79 feet; thence South 89°18'31" East 47.22 feet; thence North 00°01'06" East 1324.11 feet; thence North 89°49'09" West 195.80 feet; thence South 22°00'47" West 432.52'; thence South 89°40'28" West 829.07 feet; thence North 00°09'00" West 199.12 feet; thence West 154.34 feet to a point on the west line of Section 2, T2S, R4E; thence south on the section line to the southerly right-of-way line of State Route 248; thence westerly along said southerly right-of-way line to the easterly right-of-way line of State Route 224, also known as Park Avenue; thence southerly along the easterly line of Park Avenue to the west line of Main Street; thence southerly along the westerly line of Main Street to the northerly line of Hillside Avenue; thence easterly along the northerly line of Hillside Avenue to the westerly line of Marsac Avenue, also known as State Route 224; thence northerly along the westerly line of Marsac Avenue to the westerly line of Deer Valley Drive; thence northerly along the westerly line of Deer Valley Drive, also known as State Route 224, to the southerly line of Section 9, T2S, R4E; thence easterly to the west line of Section 10, T2S, R4E; thence northerly to the point of beginning.

**Together with the following additional parcels:**

**Spiro Annexation Area Legal Description:**

A parcel of land located in Summit County, Utah, situated in the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point that is South 396.80 feet and West 1705.14 feet from the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being a 5/8" rebar on the westerly right-of-way line of Three Kings Drive, as described on the Arsenic Hall Annexation Plat, recorded no. 345954 in the office of the Summit County Recorder, said point also being on a curve to the left having a radius of 625.00 feet of which the radius point bears North 71°08'49" East; and running thence southeasterly along said right-of-way line the following three (3) courses: (1) southeasterly along the arc of said curve 352.91 feet through a central angle of 32°21'09"; thence (2) South 51°12'20" east 141.13 feet to a point on a curve to the right having a radius of 290.00 feet, of which the radius point bears South 38°47'40" West; thence (3) along the arc of said curve 70.86 feet through a central angle of 14°00'00"; thence along the southwesterly right-of-way line of Three Kings Drive and along the arc of a 680.00 foot radius curve to the left, of which the chord bears South 47°16'17" East 235.91 feet; thence along the westerly boundary of the Dedication Plat of Three Kings Drive and Crescent Road, recorded no. 116010 in the office of the Summit County Recorder, the following eight (8) courses: (1) South 57°12'20" east 39.07 feet to a point on a curve to the right having a radius of 495.00 feet, of which the radius point bears South 32°47'40" West; thence (2) along the arc of said curve 324.24 feet through a central angle of 37°31'50"; thence (3) South 19°40'30" East 385.45 feet to a point on a curve to the left having a radius of 439.15 feet, of which the radius point bears North 70°19'30" East; thence (4) along the arc of said curve 112.97 feet through a central angle of 14°44'21" to a point of reverse curve to the right having a radius of 15.00 feet, of

which the radius point bears South 55°35'09" West; thence (5) southerly along the arc of said curve 22.24 feet through a central angle of 84° 57'02" to a point of compound curve to the right having a radius of 54.94 feet, of which the radius point bears North 39°27'49" West; thence (6) westerly along the arc of said curve 115.99 feet through a central angle of 120°57'49"; thence (7) North 08°30'00" West 31.49 feet to a point on a curve to the left having a radius of 105.00 feet, of which the radius point bears South 81°30'00" West; thence (8) along the arc of said curve 378.43 feet through a central angle of 206°30'00" to a point on the easterly line of Park Properties, Inc. parcel, Entry no. 129128, Book M73, page 31, in the office of the Summit County Recorder; thence along the easterly boundary of said parcel the following five (5) courses: (1) North 42°30'00" West 220.00 feet; thence (2) North 11°00'00" West 235.00 feet; thence (3) North 21°32'29" West 149.57 feet (deed North 21°30'00" West 150.00 feet) to a 5/8" rebar; thence (4) North 42°30'49" West 195.18 feet (deed North 42°30'00" West 195.29 feet) to a 5/8" rebar; thence (5) North 89°57'46" West 225.95 feet (deed West 224.19 feet) to a 5/8" rebar; thence along a boundary of Park Properties, Inc. parcel, Entry no. 324886, Book 565, Page 717, in the office of the Summit County Recorder the following three (3) courses: (1) North 02°45'19" East 99.92 feet (deed North 100.20 feet) to a 5/8" rebar; thence (2) North 89°51'20" West 496.04 feet to a 5/8" rebar; thence (3) North 89°35'52" West 481.94 feet (deed North 89°45'00" West 992.17 feet for courses (2) and (3) to a point on the west line of the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Basin and Meridian; thence along said quarter section line North 00°15'24" West 407.62 feet to a point on the Bernolfo Family Limited Partnership parcel, Entry no. 470116, Book 1017, Page 262, in the office of the Summit County Recorder, thence North 89°59'54" East 482.91 feet (deed East 493.92 feet) to a point on the Vince D. Donile parcel, Entry no. 423999, Book 865, Page 287, in the office of the Summit County Recorder, said point being a 5/8" rebar and cap; thence along said parcel the following five (5) courses: (1) South 89°59'49" East 358.30 feet (deed East 358.35 feet) to a point on a non tangent curve to the right having a radius of 110.00 feet, of which the radius point bears South 88°41'47" East (deed South 88°44'18" East); thence (2) northerly along the arc of said curve 24.32 feet (deed 24.14 feet) through a central angle of 12°39'58" to a 5/8" rebar cap; thence (3) North 13°46'17" East 49.98 feet (deed North 13°50'00" East 50.00 feet) to a 5/8" rebar and cap on a curve to the right having a radius of 60.00 feet (chord bears North 27°16'47" East 28.00 feet); thence (4) northeasterly along the arc of said curve 28.26 feet (deed 28.27 feet) through a central angle of 26°59'09" to a 5/8" rebar and cap; thence (5) North 40°46'38" East 83.23 feet (deed North 40°50'00" East 83.24 feet) to the point of beginning.

The basis for bearing for the above description is South 00°16'20" West 2627.35 feet between the Northeast corner of Section 8, and the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base & Meridian. TAX SERIAL NOS. PP-25-A AND PCA-1002-C-1

To be combined with a parcel of land located in Summit County, Utah, situated in the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point that is West 1727.82 feet and South 310.72 feet from the East quarter

corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the westerly right-of-way of Three Kings Drive and running thence West 417.99 feet; thence South 246.59 feet; thence East 358.35 feet to a point on a curve to the right, the radius point of which bears South 88°44'18" east 110.00 feet; thence northeasterly along the arc of said curve 24.14 feet to the point of tangency; thence North 13°50'00" East 50.00 feet to the point of a 60.00 foot radius curve to the right; thence northeasterly along the arc of said curve 28.27 feet to the point of tangency; thence North 40°50'00" East 83.24 feet to a point on the westerly right-of-way of Three Kings Drive, said point being on a curve to the right, the radius point of which bears North 71°07'38" East 625 feet; thence northwesterly along the arc of said curve and along the right-of-way 89.33 feet to the point of beginning. TAX SERIAL NOS. PCA-1002-F

Also including the Park City High School and Elementary School properties identified as Tax Serial Numbers (PCA-2-2300-X, PCA-2-2300-A-1-X, PCA-2-2101-6-A-X, PCA-2-2101-6-X).

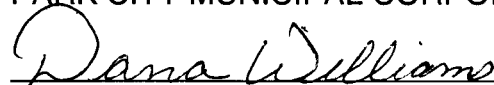
EXCEPTING THEREFROM all lots and parcels platted as Chatham Crossing Subdivision, Hearthstone Subdivision, Aerie Subdivision and Aerie Subdivision Phase 2, according to the official plats thereof recorded in the office of the Summit County Recorder.

*(Amended by Ord. No. 03-50)*

**Section 2. Effective Date.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 23<sup>rd</sup> day of March, 2006.

PARK CITY MUNICIPAL CORPORATION

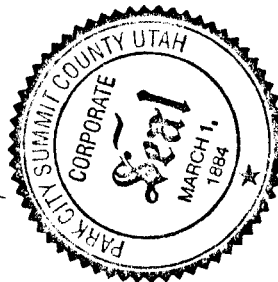
  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

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

Approved as to form:

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



**Ordinance No. 06-12**

**AN ORDINANCE APPROVING THE SNOW TOP SUBDIVISION PLAT AMENDMENT TO AMEND PLAT NOTES #4 AND #5 REGARDING LOCATION OF BUILDING PADS AND LIMITS OF DISTURBANCE ON ALL LOTS WITHIN THE SUBDIVISION, LOCATED AT SNOW TOP COURT, PARK CITY, UTAH.**

WHEREAS, Georg Lingenbrink, the owner of Lots 135, 137, 138, 139, and 141 of the Snow Top Subdivision, petitioned the City Council, through his agent, Spectrum Development Corporation, for approval of a plat amendment to amend plat notes #4 and #5 regarding the location of building pads and limits of disturbance as described below, 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, letters of consent regarding the amendments were received by the City from all property owners within the fifteen lot subdivision;

WHEREAS, the Planning Commission held a public hearing on January 11, 2006, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on March 1, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 16, 2006, the City Council held a public hearing and approved the proposed plat amendment; and

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

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

SECTION 1. APPROVAL. The plat amendment as described below is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is located in the Estate (E) zone, subject to the Deer Crest Settlement Agreement.
2. The E zone is a residential zone characterized by large lot single family homes.
3. The applicant is requesting a modification to plat notes #4 and #5 of the Snow Top Subdivision to clarify language regarding location of building pads and limits of disturbance.



4. Snow Top Subdivision was approved by the Wasatch County Commission on December 15, 1998 and was recorded at Wasatch County. The subdivision was annexed to Park City with the Deer Crest Annexation on December 17, 1998.
5. The Planning Department staff report for the Deer Crest Annexation indicates that the building envelope areas in Snow Top will be zoned Estate and the areas outside the building areas will be zoned ROS.
6. The Zoning map indicates the entire lot area of the 15 Snow Top Subdivision lots are zoned Estate and the open space parcels around the lots, within the subdivision are zoned ROS.
7. The applicant is requesting amendments to plat notes #4 and #5 to clarify language regarding the location of building pads on the 15 lots, as well as to allow limits of disturbance to extend to 20' from the face of the building, with minor exceptions allowed to be approved by the Planning Director. The requested language is as follows:

**Add to Note #4:**

*The Building envelope may be relocated from the illustrated location provided:*

- a) *The structure will not encroach on any ridge site lines, as more particularly described in the governing documents (See Deer Crest Settlement Agreement, Section 5.3.9, referring to visibility of structures from the Stew Pot deck).*
- b) *The location is approved by the Master HOA Design Review Committee for Deer Crest.*
- c) *The location is approved by the Park City Planning Department prior to issuance of a building permit.*

**Proposed Note #5**

*The limits of disturbance on each lot shall be minimized; however, the disturbed area shall not exceed 20' from the outside of the building envelope. Some exceptions to this requirement may be approved by the Planning Director, if necessary, due to unique characteristics of the lot, including very steep topography and significant vegetation. Additional limits of disturbance shall be allowed for construction related to the approved driveway access and utility installation to the building pad from the street. In addition, significant clusters of vegetation and large tree specimens shall be preserved where possible or where required by the Design Review Committee. Such clusters of vegetation and large trees shall be identified on the preliminary landscaped plan which shall be submitted to the Design Review Committee with the first submittal of proposed improvement plans.*

8. No changes are proposed to change any lot lines, maximum dwelling coverage areas, maximum impervious area, maximum floor area, size of the building envelope, or size of the limits of disturbance area.
9. All lot owners have provided letters of consent in support of the proposed amendments.
10. The applicant, Spectrum Development, represents Georg Lingenbrink, property owner of Lots 135, 137, 138, 139, and 141.

**Conclusions of Law:**

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

**Conditions of Approval:**

1. City Attorney and City Engineer review and approval of the final form and content of the plat amendment instrument for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat amendment instrument.
2. All other conditions of approval and platted requirements of the Snow Top Subdivision will continue to apply.
3. The applicant will record the plat amendment instrument at Wasatch County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval will be void.

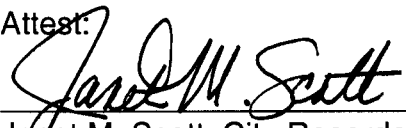
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 16th day of March, 2006.

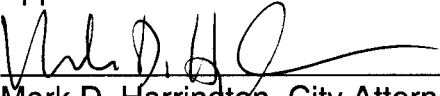
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

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

Approved as to form:

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



**Ordinance No. 06-11**

**AN ORDINANCE APPROVING THE COMBINATION OF LOTS 4 AND 5 OF THE  
WALTER DANIELS SUBDIVISION, LOCATED AT 633 WOODSIDE AVENUE,  
PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 633 Woodside Avenue, has petitioned the City Council for approval of a lot combination; and

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

**WHEREAS**, on March 1, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, on March 16, 2006 the City Council held a public hearing on the proposed subdivision; and

**WHEREAS**, the proposed lot combination allows the property owner to combine two lots into one lot of record; and

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

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

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

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is primarily a residential zone characterized by historic and contemporary single-family residences.
3. The amendment will combine parcels 4 and 5 of the of the Walter Daniels subdivision creating one 35' x 150' lot of record.
4. The applicant is the owner of both parcels 4 and 5.
5. The lot will be approximately 5,250 square feet in size.
6. The maximum building footprint for a 5,250 square foot lot is 1,954 square feet.
7. The setback requirements for a 35' x 150' lot in the HR-1 zone are 3' on the sides, and 15 feet in the front and rear.
8. There is an existing historic single family home on Parcel 4.
9. The historic home does not meet any of the required setbacks for the HR-1 zone.
10. LMC Section 15-2.2-4 that states, "Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures" the historic building will be permitted to remain in its

current location.

11. The proposed addition to the historic home meets the required setbacks, height and footprint for a new structure in the HR-1 zone.
12. The owner received an administrative lot line adjustment approval to combine parcels 4 and 5 of the Walter Daniels subdivision from the Planning Director and City Engineer on January 20, 2004.
13. The January 20, 2004 approval expired on January 20, 2005, without being recorded at the County Recorder's office.
14. The proposed lot line adjustment combines two platted lots for the purpose of expanding a single-family home.
15. No new developable lot or unit will result from this lot line adjustment.
16. The lot line adjustment will not result in additional remnant land.
17. The lot line adjustment will not result in a violation of applicable zoning requirements.
18. Notice of the proposed lot line adjustment was sent to adjacent property owners on February 8, 2006.
19. Access to the lot shall be from Woodside Avenue.
20. The applicant stipulates to the conditions of approval.

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

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

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

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

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

PASSED AND ADOPTED this 16<sup>th</sup> day of March 2006.

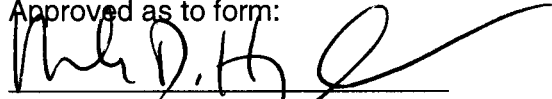
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

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

Approved as to form:

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

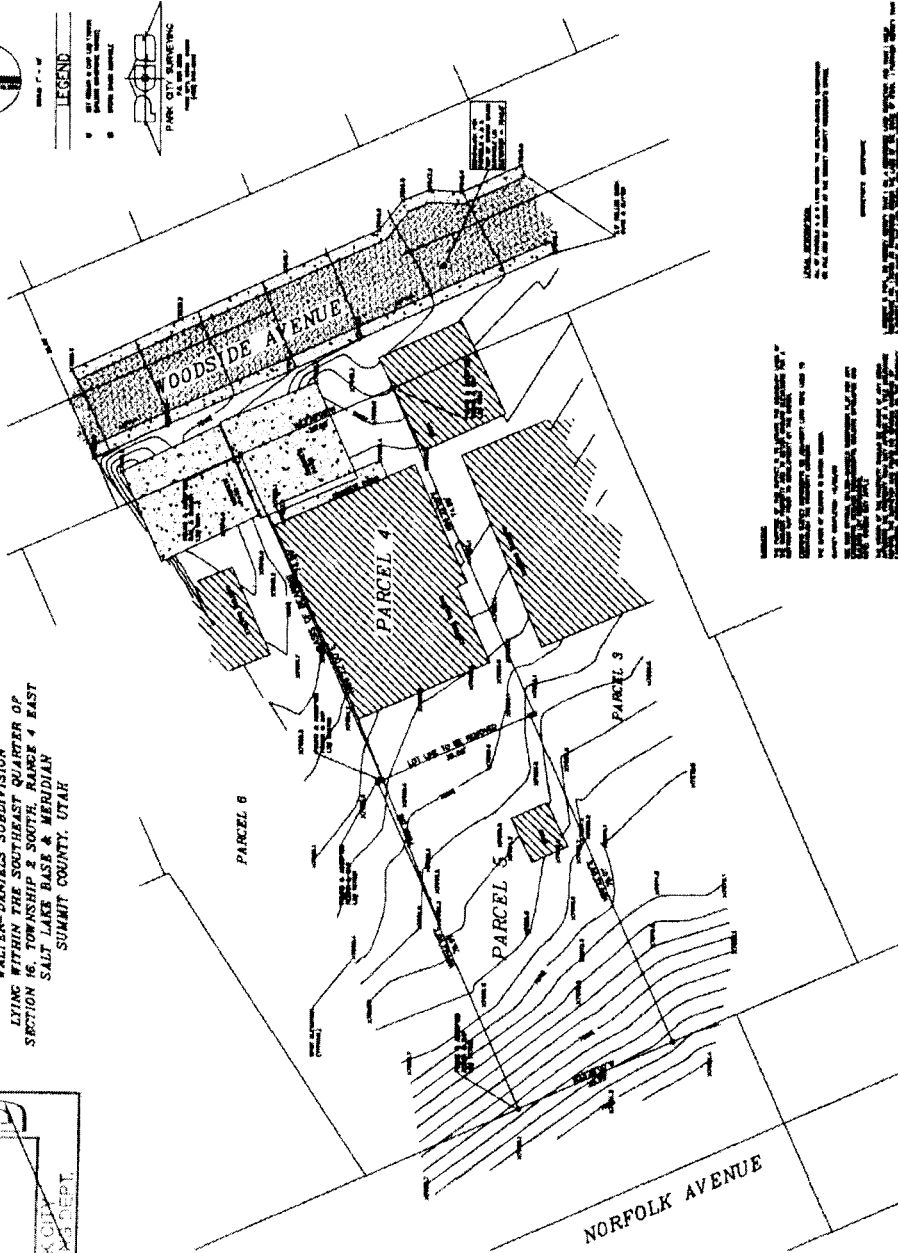
**RECEIVED**  
 OCT 2 1954  
 PARK CITY PLANNING DEPT.

**RECORD OF SURVEY & TOPOGRAPHIC MAP**  
 ALL OF PARCELS 4 & 6 OF THE  
 WALTER-DANIELS SUBDIVISION  
 LYING WITHIN THE SOUTHEAST QUARTER OF  
 SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST  
 SALT LAKE BASE & MERIDIAN  
 SUMMIT COUNTY, UTAH

**LEGEND**

1. BOUNDARY LINE  
 2. EASEMENT  
 3. EGRESS DRIVEWAY  
 4. EGRESS DRIVEWAY

**PARK CITY PLANNING DEPT.**  
 100 WEST MAIN STREET  
 PARK CITY, UTAH



**NOTICE**  
 THIS MAP WAS PREPARED BY THE PLANNING DEPARTMENT OF THE CITY OF PARK CITY, UTAH, UNDER THE AUTHORITY OF THE CITY COMMISSIONERS. THE CITY COMMISSIONERS ARE NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA OR THE CORRECTNESS OF THE INFORMATION CONTAINED HEREIN. THE CITY COMMISSIONERS ARE NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA OR THE CORRECTNESS OF THE INFORMATION CONTAINED HEREIN. THE CITY COMMISSIONERS ARE NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA OR THE CORRECTNESS OF THE INFORMATION CONTAINED HEREIN.

**Ordinance No. 06-10**

**AN ORDINANCE APPROVING THE 827 WOODSIDE REPLAT WHICH WILL COMBINE LOT 7 AND THE SOUTHERLY HALF OF LOT 8, BLOCK 11 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO ONE LOT OF RECORD.**

**WHEREAS**, the owners of Lot 7 and southerly half of lot 8 of Block 11 of the Snyder's Addition to the Park City Survey, known as 827 Woodside Avenue, have petitioned the City Council for approval of a plat amendment; and

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

**WHEREAS**, on March 1, 2006 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation to the City Council; and

**WHEREAS**, on March 16, 2006 the City Council held a public hearing to receive public input on the proposed plat amendment and voted to approve the application; and

**WHEREAS**, the proposed plat amendment allows the property owner to remove one lot line and create one legal lot of record and

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

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

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

1. The property is located in the Historic Residential (HR-1).
2. The HR-1 District is characterized by a mix of small historic structures and larger contemporary residences.
3. There is an existing historic single family home on the property.
4. The existing historic single family home straddles lots 7 and 8 of block 11 the Park City Survey
5. The applicant proposes to combine lot 7 and the southerly half of lot 8, Block 11 of the Snyder's Addition to the Park City Survey into one lot of approximately 2626 square feet (Exhibit A). The property has an existing historic structure which straddles the lot line between lots 7 and 8.
6. The current home has a footprint of approximately 1,000s.f. The maximum footprint allowed for a 2626 square foot lot is approximately 1133 square feet.
7. The Planning Commission reviewed this item at the March 1, 2006 meeting. A Public hearing was held. The Planning Commission voted to forward a recommendation to approve the plat amendment.
8. The City Council reviewed this item at the March 16, 2006 meeting. A public

hearing was held. The City Council voted to approve the plat amendment.

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

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

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

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. The remnant half of lot 8 (north) is not separately developable by virtue of this amendment.

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

PASSED AND ADOPTED this 16<sup>th</sup> day of March, 2006.

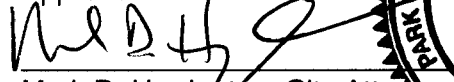
PARK CITY MUNICIPAL CORPORATION

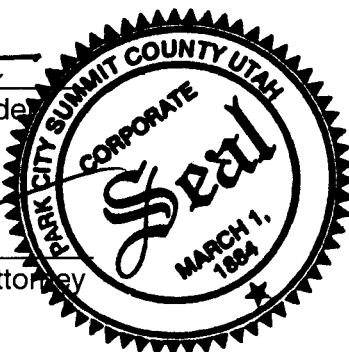
  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

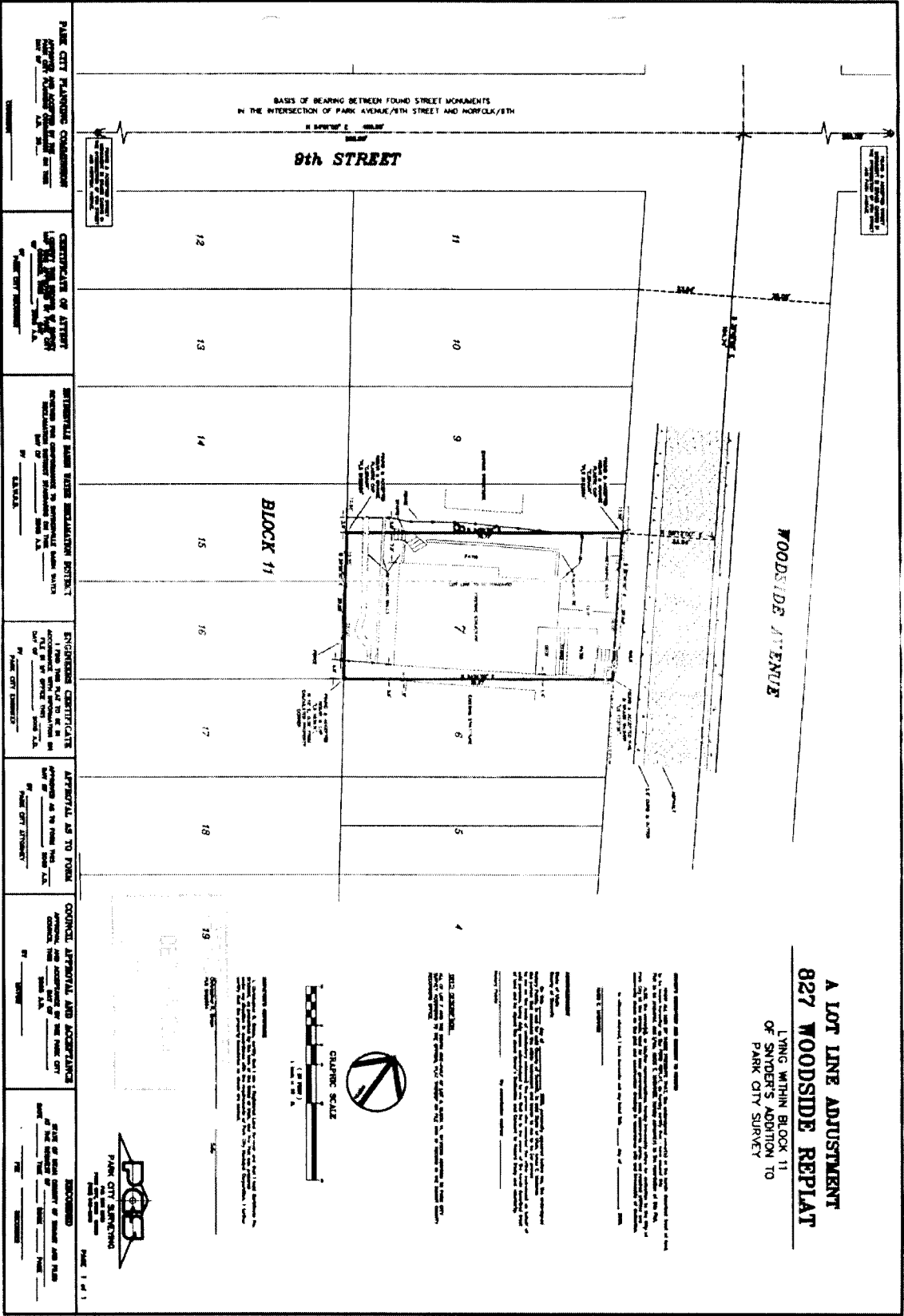
  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

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







BASIS OF BEARING BETWEEN FOUND STREET MONUMENTS  
IN THE INTERSECTION OF PARK AVENUE/8TH STREET AND NORFOLK/8TH  
IS S 89° 07' 12" W 100.00 FT

8th STREET

WOODSIDE AVENUE

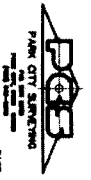
BLOCK 11

**A LOT LINE ADJUSTMENT  
827 WOODSIDE REPLAT**

LIVING WITHIN BLOCK 11  
OF SANDER'S ADDITION TO  
PARK CITY SURVEY

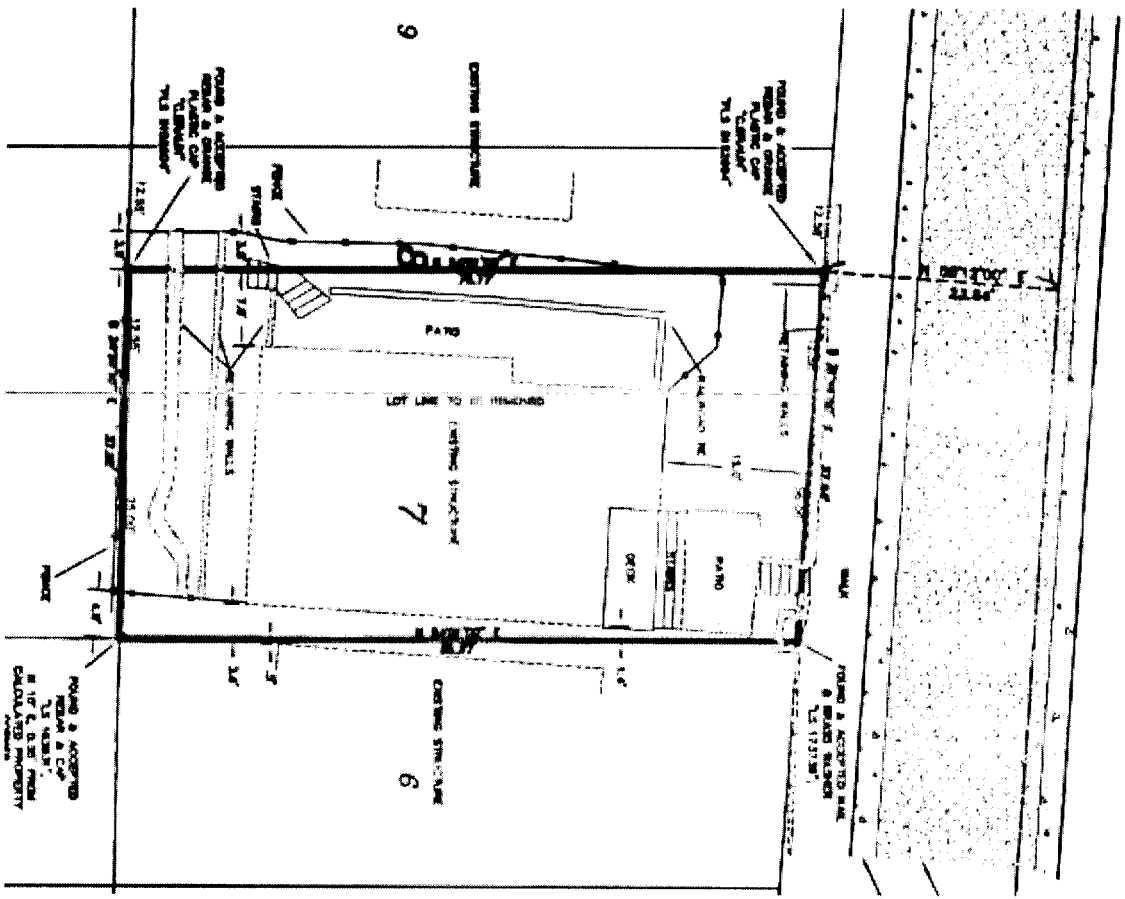


**DEPARTMENT OF PUBLIC WORKS**  
CITY OF PARK CITY



<p>PARK CITY PLANNING COMMISSION APPROVED AND ORDERED AS TO THE CORRECTNESS OF THE SURVEY AND THE NECESSITY THEREOF BY _____</p>	<p>CERTIFICATE OF ATTORNEY L. BRUCE SANDER, ATTORNEY AT LAW, PARK CITY, UTAH BY _____</p>	<p>STANDARD PLAN BEING SUBMITTED FOR THE RECORDATION OF THE CITY RECORDS BY _____</p>	<p>ENGINEERING CERTIFICATE I HEREBY CERTIFY THAT THE PLAT IS A TRUE AND CORRECT REPLACEMENT OF THE ORIGINAL BY _____</p>	<p>APPROVAL AS TO FORM BY _____</p>	<p>CONCISE APPROVAL AND ACCEPTANCE BY _____</p>	<p>RECORDED BY _____</p>
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# WOODSIDE AVENUE



Detail

**Ordinance No. 06-09**

**AN ORDINANCE APPROVING A SUBDIVISION OF LOTS 4, 27, 28, 29 AND PORTIONS OF LOTS 5 AND 6 OF BLOCK 3, OF THE PARK CITY SURVEY, LOCATED AT 315 PARK AVENUE, PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 315 Park Avenue, has petitioned the City Council for approval of a Subdivision; and

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

**WHEREAS**, on March 1, 2006 the Planning Commission held a public hearing on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, on March 16, 2006 the City Council held a public hearing on the proposed subdivision; and

**WHEREAS**, the proposed Subdivision allows the property owner to combine four lots and portions of two others into three lots of record; and

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

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

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

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will subdivide four platted lots and portions of two others into three lots of record.
4. Lot A is accessed from Park Avenue, Lots B and C are accessed from Woodside Avenue.
5. Proposed Lot A would consist of approximately 3,162 square feet.
6. Proposed Lot B would consist of approximately 1,875 square feet.
7. Proposed Lot C would consist of approximately 3,750 square feet.
8. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
9. There is an existing historic single family home and an accessory building on the property.
10. In its current location, the historic home and accessory building would not respect the newly created lot lines and could not meet the required HR-1 setbacks for proposed lots.
11. No other applications have been filed with the Planning Department with regard to this application.
12. Minimal construction staging area is available along Park and Woodside Avenues.
13. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

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

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

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

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the recordation of the plat, the historic residence shall be moved and inspected for building code compliance to a final location that is compliant with all applicable LMC setback requirements in the HR-1 zone.
3. Prior to recordation of the plat, a reciprocal snow shed easement shall be recorded between Lots B and C.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. A financial guarantee for public improvements including road repairs from utility installation shall be provided in a form acceptable to the City Attorney and in an amount acceptable to the City Engineer prior to plat recordation.
6. A ten-foot-wide public snow storage easement shall be dedicated along the Park Avenue and Woodside Avenue frontage of all lots.

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

PASSED AND ADOPTED this 16<sup>th</sup> day of March 2006.

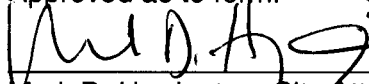
PARK CITY MUNICIPAL CORPORATION

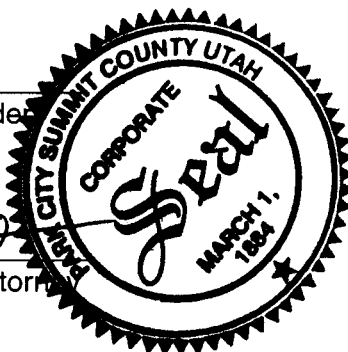
  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

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

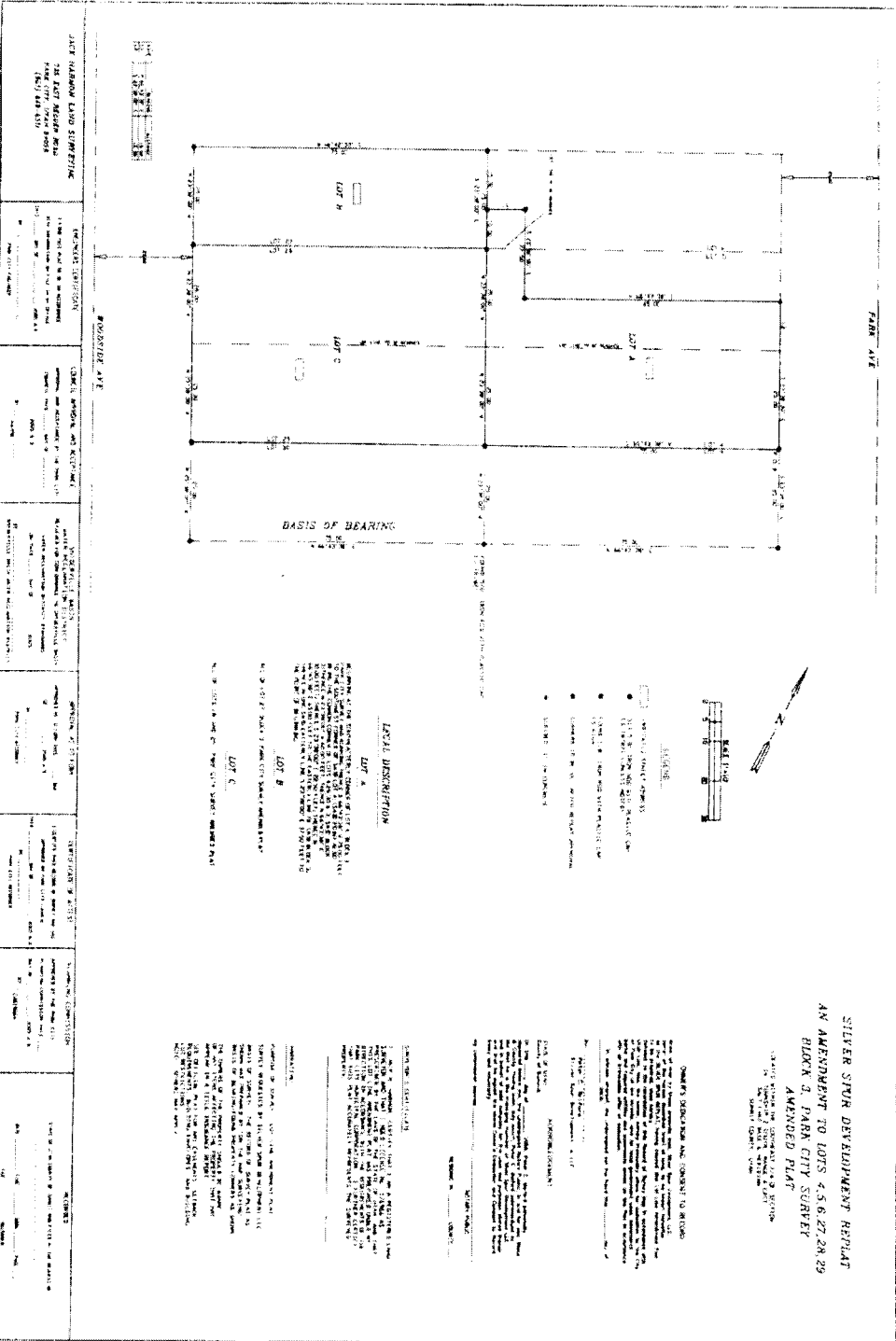
Approved as to form:

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



PARK AVE

ROOSTER AVE



**SILVER SMIR DEVELOPMENT APPRIAT**  
**AN AMENDMENT TO LOTS 4, 5, 6, 27, 28, 29**  
**BLOCK 1, PARK CITY SUBDIVISION**  
**AMENDED PLAN**

ASSETS: 1. 1/2 ACRES OF LAND IN BLOCK 1, PARK CITY SUBDIVISION, CITY OF PARK CITY, UTAH. 2. 1/2 ACRES OF LAND IN BLOCK 1, PARK CITY SUBDIVISION, CITY OF PARK CITY, UTAH.



- 1/2 ACRES OF LAND IN BLOCK 1, PARK CITY SUBDIVISION, CITY OF PARK CITY, UTAH.
- 1/2 ACRES OF LAND IN BLOCK 1, PARK CITY SUBDIVISION, CITY OF PARK CITY, UTAH.
- 1/2 ACRES OF LAND IN BLOCK 1, PARK CITY SUBDIVISION, CITY OF PARK CITY, UTAH.
- 1/2 ACRES OF LAND IN BLOCK 1, PARK CITY SUBDIVISION, CITY OF PARK CITY, UTAH.

**LEGAL DESCRIPTION**

**LOT A**  
 THAT PART OF THE TRACT OF LAND CONTAINED IN THE 1/2 ACRES OF LAND IN BLOCK 1, PARK CITY SUBDIVISION, CITY OF PARK CITY, UTAH, AS SHOWN ON THE AMENDED PLAN, BEING THE SOUTHWEST CORNER OF SAID TRACT, TOGETHER WITH THE EASEMENT THEREON AS SHOWN ON SAID PLAN.

**LOT B**  
 THAT PART OF THE TRACT OF LAND CONTAINED IN THE 1/2 ACRES OF LAND IN BLOCK 1, PARK CITY SUBDIVISION, CITY OF PARK CITY, UTAH, AS SHOWN ON THE AMENDED PLAN, BEING THE NORTHWEST CORNER OF SAID TRACT, TOGETHER WITH THE EASEMENT THEREON AS SHOWN ON SAID PLAN.

**LOT C**  
 THAT PART OF THE TRACT OF LAND CONTAINED IN THE 1/2 ACRES OF LAND IN BLOCK 1, PARK CITY SUBDIVISION, CITY OF PARK CITY, UTAH, AS SHOWN ON THE AMENDED PLAN, BEING THE SOUTHWEST CORNER OF SAID TRACT, TOGETHER WITH THE EASEMENT THEREON AS SHOWN ON SAID PLAN.

PLAT NUMBER AND DATE	APPLICANT	APPROVED BY	REMARKS
PLAT 123456789	ABC COMPANY	DEF OFFICIAL	INITIAL REVIEW
PLAT 123456789	ABC COMPANY	DEF OFFICIAL	FINAL REVIEW
PLAT 123456789	ABC COMPANY	DEF OFFICIAL	REVISIONS
PLAT 123456789	ABC COMPANY	DEF OFFICIAL	FINAL APPROVAL

**Ordinance No. 06-08**

**AN ORDINANCE APPROVING AN AMENDMENT TO THE RECORD OF SURVEY PLAT FOR THE LOOKOUT AT DEER VALLEY, LOCATED AT 6601 ROYAL STREET WEST PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as the Lookout At Deer Valley, has petitioned the City Council for approval of the first amended Lookout at Deer Valley Condominium record of survey; and

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

**WHEREAS**, on March 1, 2006 the Planning Commission held a public hearing to receive public input on the proposed amended record of survey and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, on March 16, 2006 the City Council held a public hearing on the proposed amended record of survey; and

**WHEREAS**, the proposed record of survey plat allows the property owner to create an International Building Code Compliant accessible unit for persons with disabilities within a 35 unit condominium project; and

**WHEREAS**, on December 13, 2005, the City Council approved the first amended Lookout at Deer Valley condominium record of survey; and

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

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

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

1. The property is located in the Residential Development (RD) zone.
2. The property is subject to the July 27, 2005 Lookout at Deer Valley MPD approval.
3. The amended record of survey is consistent with the Lookout at Deer Valley MPD, in terms of size and location of the building, proposed uses, and required parking.
4. The Lookout at Deer Valley MPD Development Agreement sets forth a maximum density of 35 units and a clubhouse building.
5. The Lookout at Deer Valley MPD consists of 35 residential units (22 duplex style units and 12 single family residence units and a clubhouse unit) on a total of 44.22 acres.
6. The project provides approximately 40 acres of Open Space, approximately 82% of the site.
7. The location of the proposed structures is consistent with MPD site planning criteria.
8. No commercial uses are allowed on the site.
9. The condominium plat modifies the platted clubhouse unit to allow for International Building Code compliant access for persons with disabilities.
10. No additional units are created by this record of survey amendment.
11. The applicant stipulates to the conditions of approval.

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

1. There is good cause for this amended Record of Survey.
2. The amended Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey, as conditioned.
4. Approval of the amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The proposed record of survey plat is consistent with the approved Lookout @ Deer Valley MPD Development Agreement.

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

1. The City Attorney and City Engineer will review and approve the final form and content of the amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, as a condition subsequent to plat recordation.
2. The City Attorney will review and approve the final form of the amended Condominium Declaration and CCR's, as a condition subsequent to plat recordation.
3. The applicant will record the amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
4. All conditions of approval of the Lookout @ Deer Valley MPD continue to apply.


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

PASSED AND ADOPTED this 16<sup>th</sup> day of March 2006.

PARK CITY MUNICIPAL CORPORATION

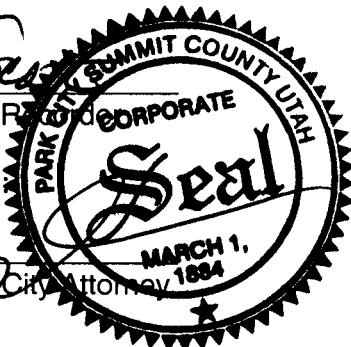
  
\_\_\_\_\_  
Mayor Dana Williams

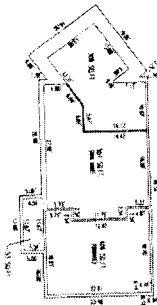
Attest:

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

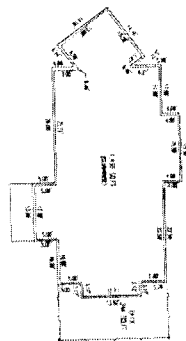
Approved as to form:

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





UNIT 'C' - LOWER LEVEL



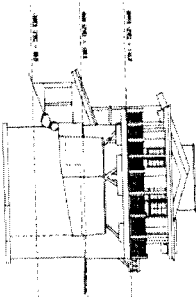
UNIT 'C' - MAIN LEVEL



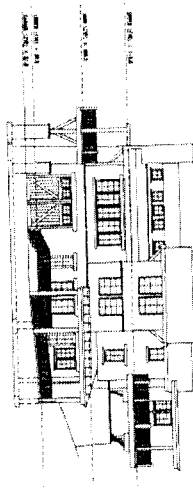
UNIT 'C' - UPPER LEVEL



LEGEND



CLUBHOUSE - SIDE ELEVATION



CLUBHOUSE - REAR ELEVATION

UNIT 'C' FINISHED FLOOR ELEVATIONS

ROOM	FINISHED FLOOR ELEVATION
CLUBHOUSE	1241.0
MECHANICAL	1241.0
STAIRS	1241.0
LOBBY	1241.0
OFFICE	1241.0
RESTROOM	1241.0
REAR PORCH	1241.0
FRONT PORCH	1241.0

**MCNEIL ENGINEERING AND LAND SURVEYING**

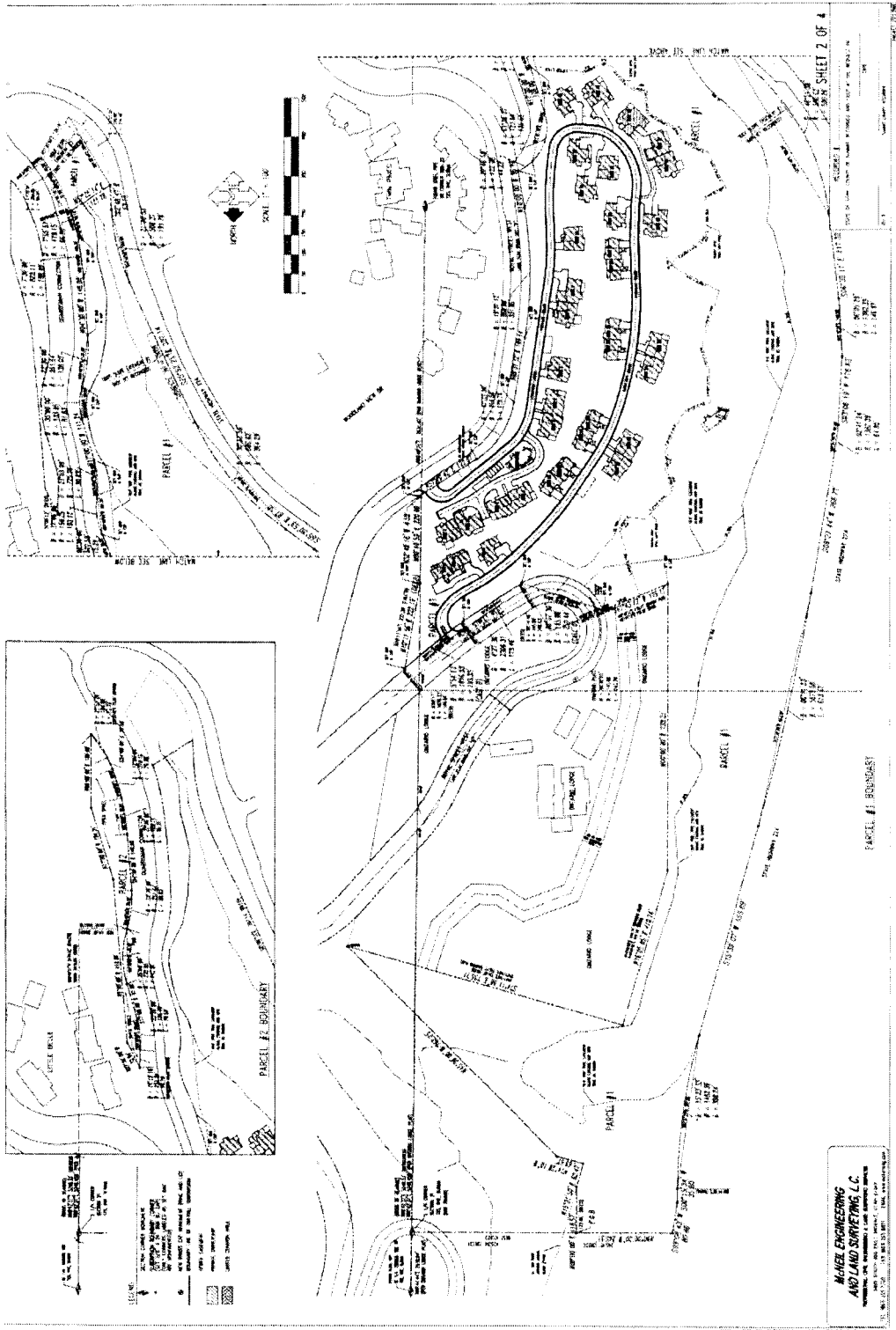
1000 W. 10th Street, Suite 100, Fort Worth, TX 76102  
 Phone: (817) 335-1111  
 Fax: (817) 335-1112  
 Website: www.mcneil-engineering.com

RECORD OF SURVEY MAP  
 LOOKOUT AT BEER VALLEY - CLUBHOUSE AMENDED  
 AMENDING LOOKOUT AT BEER VALLEY

DATE OF SURVEY: 1/11/2005  
 PROJECT NO.: 05-001  
 SHEET 1 OF 4

JAN - 8 2005





JAN - 6 2000



**Ordinance No. 06-07**

**AN ORDINANCE APPROVING A SUBDIVISION OF LOT 4 AND PORTIONS OF LOTS 5, 28 AND 29 OF BLOCK 3, OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, LOCATED AT 915 PARK AVENUE PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 915 Park Avenue, has petitioned the City Council for approval of a Subdivision; and

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

**WHEREAS**, on March 1, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, on March 16, 2006 the City Council held a public hearing on the proposed subdivision; and

**WHEREAS**, the proposed Subdivision allows the property owner to combine one lot and portions of three others into one lot of record; and

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

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

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

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will subdivide one platted lot and portions of three others into one lot of record.
4. Access to the property is from Park Avenue.
5. The proposed lot size is 3,937 square feet.
6. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
7. The maximum building footprint for a 3,937 square foot lot is 1,579 square feet.
8. The proposed lot measures 42' x 92.75'.
9. The front and rear yard setbacks for a lot 92.75 feet deep are a minimum of 12 feet for a total of 25 feet.
10. The side yard setbacks for a lot 42 feet wide are a minimum of 5 feet.

11. There is an existing historic single family home and an accessory building on the property.
12. The historic home adjacent to the property encroaches 2.5 feet onto the site, there is an existing shed that encroaches onto the adjacent property, and the applicant has a retaining wall and driveway that encroach onto the adjacent properties.
13. No other applications have been filed with the Planning Department with regard to this application.
14. Minimal construction staging area is available along Park Avenue.
15. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

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

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

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

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. Prior to the receipt of a building permit, the applicant shall submit a plan for flood protection that will be reviewed by the Building Department. A flood elevation certificate or flood-proofing certificate is required.
4. Encroachments shall be removed or an encroachment and/or maintenance easement in a form approved by the Chief Building Official and City Attorney resolving the encroaching historic home will be dedicated on the proposed plat prior to recordation with the County Recorder.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
6. A financial guarantee for public improvements including road repairs from utility installation shall be provided in a form acceptable to the City Attorney and in an amount acceptable to the City Engineer prior to plat recordation.

7. A ten-foot-wide public snow storage easement shall be dedicated along the Park Avenue frontage of the lot.

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

PASSED AND ADOPTED this 16<sup>th</sup> day of March 2006.

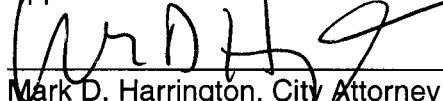
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

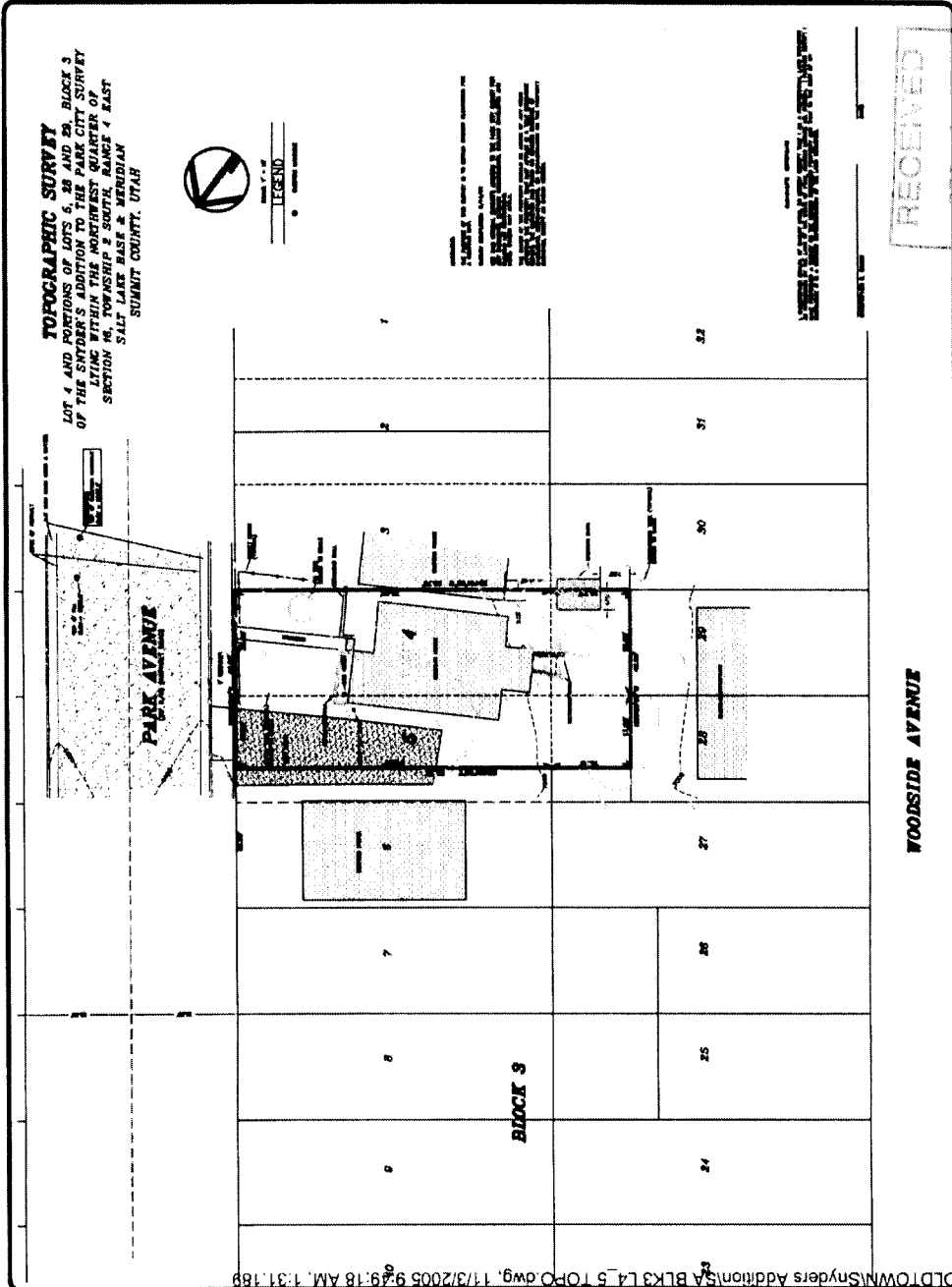
  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

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



**TOPOGRAPHIC SURVEY**  
 LOT 4 & PORTIONS OF LOTS 4, 25 & 26  
 BLOCK 3, SEYMOUR'S ADDITION TO PARK CITY SUBDIVISION  
 PETS SMITH



:\05.OLD\TOWN\Nyders Addition\A BLK3 L4\_5 TOP.dwg, 11/3/2005 9:49:18 AM, 1:31.188

# A LOT LINE ADJUSTMENT SMITH REPLAT

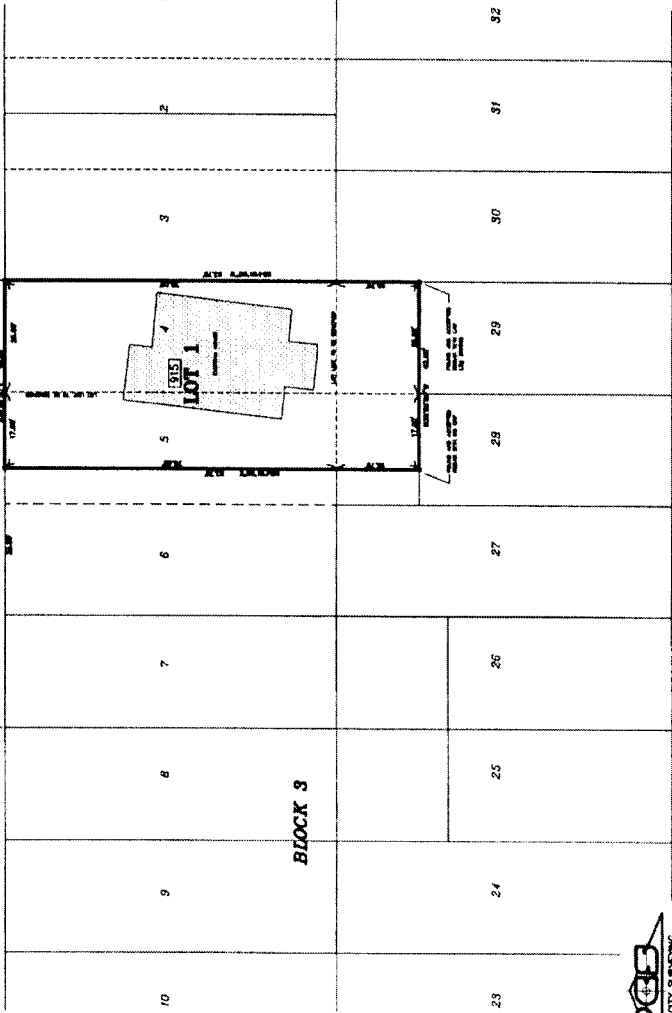
LIVING WITHIN BLOCK 3  
OF THE AMENDED PLAT OF THE  
PARK CITY SURVEY

**PARK AVENUE**

LINE OF RECORD  
BETWEEN PLATS OF RECORD  
S. 31° 00' 00" W. 100.00'  
T. 116.00'

10.00'  
10.00'  
10.00'

17.00'  
17.00'



THIS REPLAT IS A CORRECTION OF THE ORIGINAL PLAT OF THE PARK CITY SURVEY, AS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF KANE, ARIZONA, BOOK 11, PAGE 11. THE ORIGINAL PLAT WAS DATED AND RECORDED IN THE YEAR 1908. THE REASON FOR THIS CORRECTION IS THAT THE ORIGINAL PLAT CONTAINED SEVERAL ERRORS IN THE LINES AND ANGLES, WHICH HAVE BEEN CORRECTED IN THIS REPLAT. THE CORRECTIONS ARE AS FOLLOWS: ...

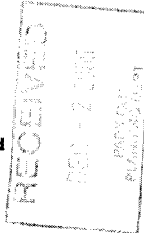
THESE CORRECTIONS DO NOT AFFECT THE RIGHTS OF ANY PARTY WHOSE INTERESTS ARE SHOWN IN THE ORIGINAL PLAT, NOR DO THEY AFFECT THE RIGHTS OF ANY PARTY WHOSE INTERESTS ARE SHOWN IN THIS REPLAT. THE ONLY EFFECT OF THIS REPLAT IS TO CORRECT THE ERRORS IN THE ORIGINAL PLAT, AND TO ESTABLISH THE TRUE AND CORRECT LINES AND ANGLES OF THE PLAT. THE REPLAT IS HEREBY DECLARED TO BE A TRUE AND CORRECT REPLAT OF THE ORIGINAL PLAT, AND IS HEREBY RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF KANE, ARIZONA, BOOK 11, PAGE 11.

PREPARED BY: ...



GRAPHIC SCALE  
1" = 100.00'

THIS REPLAT IS A CORRECTION OF THE ORIGINAL PLAT OF THE PARK CITY SURVEY, AS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF KANE, ARIZONA, BOOK 11, PAGE 11. THE ORIGINAL PLAT WAS DATED AND RECORDED IN THE YEAR 1908. THE REASON FOR THIS CORRECTION IS THAT THE ORIGINAL PLAT CONTAINED SEVERAL ERRORS IN THE LINES AND ANGLES, WHICH HAVE BEEN CORRECTED IN THIS REPLAT. THE CORRECTIONS ARE AS FOLLOWS: ...



**WOODSIDE AVENUE**

<p>PLANNING COMMISSION DATE CITY PLANNING COMMISSION APPROVED BY THE CITY PLANNING COMMISSION: ...</p>	<p>CITY CLERK DATE CITY CLERK APPROVED: ...</p>	<p>ENGINEERING CERTIFICATE I, THE ENGINEER, HAVE EXAMINED THE REPLAT AND FIND IT TO BE A TRUE AND CORRECT REPLAT OF THE ORIGINAL PLAT. I HEREBY CERTIFY THAT THE REPLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE ARIZONA PLAT ACT. ...</p>	<p>APPROVAL AS TO FURNISHING I, THE ENGINEER, HEREBY APPROVE AS TO FURNISHING THE REPLAT AS SHOWN ON THESE PLANS. ...</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE DATE CITY COUNCIL APPROVED: ...</p>
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**Ordinance No. 06-06**

**AN ORDINANCE APPROVING THE FIRST AMENDED COVE AT EAGLE MOUNTAIN  
PHASE II PLANNED UNIT DEVELOPMENT PLAT, 2691, 2695, 2683, and 2687 EAGLE  
COVE DRIVE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as The Cove Phase II (Last Sun) Planned Unit Development (PUD) located at 2691, 2695, 2683 and 2687 Eagle Cove Drive have petitioned the City Council for approval of the First Amended Cove Phase II Planned Unit Development (PUD) plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 8, 2006 to receive input on the First Amended Cove Phase II Planned Unit Development (PUD) plat;

WHEREAS, the Planning Commission, on March 8, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 16, 2006 the City Council approved the First Amended Cove Phase II Planned Unit Development (PUD) plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended Cove Phase II Planned Unit Development (PUD) plat.

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

**SECTION 1. APPROVAL.** The First Amended Cove Phase II Planned Unit Development (PUD) plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The Cove Phase II units to be amended is located at 2691, 2695, 2683 and 2687 Eagle Cove Drive in the RD-MPD zoning district.
2. The project has 42 Units in duplex configurations.
3. Units 70/71 is proposed to shift clockwise. The pad for Unit 71 maintains the existing square footage of 4628 square feet, while the pad for Unit 70 decreases from 4641 to 4516 square feet.
4. Units 108/109 are proposed to shift to the north across the private Eagle Cove Drive. The pad for Unit 108 decreases from 4628 to 4296 square feet while the pad for Unit 109 decreases from 4569 to 4536 square feet.
5. Each Dwelling Unit continues to be limited to 4,500 square feet.
6. A thirty-foot (30') utility and Trail Easement separates 108/109 from 110/111.
7. The Cove Phase II is located in an area of geologic instability as three landslides are identified within the platted area. An extensive underdrain system and limited irrigation has been incorporated into the building plans.



Conclusions of Law:

1. There is good cause for this Amended Planned Unit Development plat.
2. The Amended Planned Unit Development plat is consistent with the Park City Land Management Code, and the Quarry Mountain Master Planned Development.
3. Neither the public nor any person will be materially injured by the proposed Amended Planned Unit Development plat.
4. Approval of the Amended Planned Unit Development plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

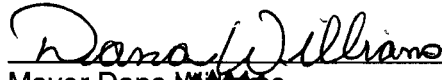
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Planned Unit Development plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Planned Unit Development plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. A driveway is allowed on the thirty-foot (30') Utility and Trail Easement. However, no retaining walls or snow melt system is allowed within the easement. A new trail easement will be surveyed and platted with the coordination of the Park City Trails Planner.
4. The revised locations, particularly units 108/109 will have to tie into the underdrain system as required by the Building Department.

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

PASSED AND ADOPTED this 16<sup>th</sup> day of March, 2006.

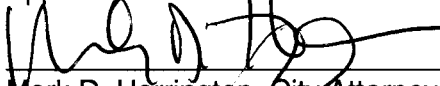
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

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

Approved as to form:

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



**PROJECT DESCRIPTION AND COMMENTS TO RECORD:**  
 The City of Park City, Utah, is hereby approving the development of the Cove at Eagle Mountain Phase II, a planned unit development (PUD) located in Section 33, Township 36N, Range 12E, Salt Lake County, Utah. The project consists of approximately 100 residential units, including single-family homes and townhomes, situated on a 100-acre site. The development is designed to provide a mix of housing options while maintaining the natural beauty and scenic views of the area. The project complies with all applicable zoning and subdivision regulations. The City Council has received and approved the necessary permits and conditions for the project.

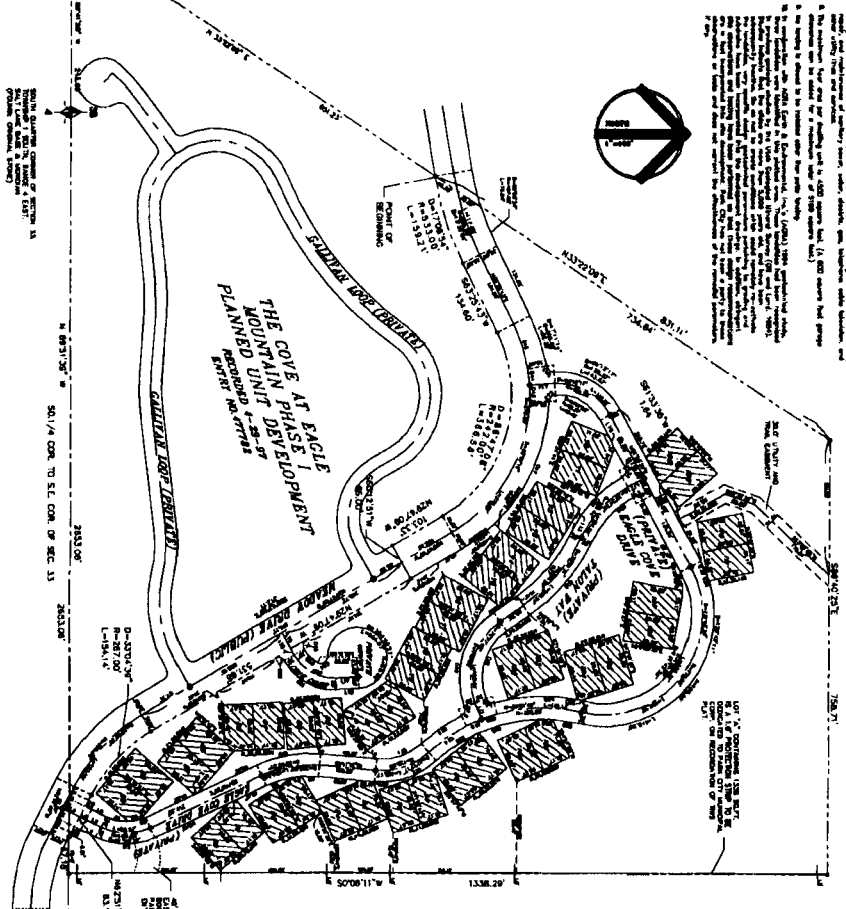
**APPROVALS:**  
 The project has been reviewed and approved by the following entities:  
 - City Council: Approved on \_\_\_\_\_ day of \_\_\_\_\_, 2005.  
 - City Engineer: Approved on \_\_\_\_\_ day of \_\_\_\_\_, 2005.  
 - City Planning Commission: Approved on \_\_\_\_\_ day of \_\_\_\_\_, 2005.  
 - Sewer District: Approved on \_\_\_\_\_ day of \_\_\_\_\_, 2005.  
 - City Attorney: Approved on \_\_\_\_\_ day of \_\_\_\_\_, 2005.

**LIABILITY ASSUMPTION APPROVAL:**  
 The City Council hereby assumes liability for the development of the Cove at Eagle Mountain Phase II, including the construction and maintenance of all public facilities, utilities, and infrastructure required for the project. This approval is contingent upon the completion of all necessary engineering and planning requirements.

**CITY COUNCIL:**  
 APPROVED AND ACCEPTED BY THE CITY ENGINEER \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.  
**CITY ENGINEER:**  
 APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.  
**CITY PLANNING COMMISSION:**  
 APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.  
**SEWER DISTRICT:**  
 APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.  
**CITY ATTORNEY:**  
 RECORDED \_\_\_\_\_ COUNTY RECORDER \_\_\_\_\_

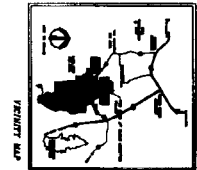
**GENERAL NOTES:**  
 1. The project is subject to all applicable zoning and subdivision regulations.  
 2. The project is designed to provide a mix of housing options while maintaining the natural beauty and scenic views of the area.  
 3. The project complies with all applicable zoning and subdivision regulations.  
 4. The City Council has received and approved the necessary permits and conditions for the project.

**CONTRACT DESCRIPTION AND COMMENTS TO RECORD:**  
 The City of Park City, Utah, is hereby approving the development of the Cove at Eagle Mountain Phase II, a planned unit development (PUD) located in Section 33, Township 36N, Range 12E, Salt Lake County, Utah. The project consists of approximately 100 residential units, including single-family homes and townhomes, situated on a 100-acre site. The development is designed to provide a mix of housing options while maintaining the natural beauty and scenic views of the area. The project complies with all applicable zoning and subdivision regulations. The City Council has received and approved the necessary permits and conditions for the project.



LOT NO.	ACRES	OWNER
1	0.25	...
2	0.25	...
3	0.25	...
4	0.25	...
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6	0.25	...
7	0.25	...
8	0.25	...
9	0.25	...
10	0.25	...

LOT NO.	ACRES	OWNER
11	0.25	...
12	0.25	...
13	0.25	...
14	0.25	...
15	0.25	...
16	0.25	...
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19	0.25	...
20	0.25	...



SECTION	TOWNSHIP	RANGE
33	36N	12E
34	36N	12E
35	36N	12E
36	36N	12E
37	36N	12E
38	36N	12E
39	36N	12E
40	36N	12E
41	36N	12E
42	36N	12E

**THE JACK JOHNSON**  
**VEDDAM**  
 1771 2nd Ave. S. • Park City, Utah 84303  
 (435) 768-2000 • Fax: (435) 768-1820  
**DEC 13 2005**  
 PARK CITY PLANNING DEPT.

74	4843	2631 TALON WAY	96	4213	2632 EAGLE COVE DR.
75	4581	2653 TALON WAY	97	4093	2636 EAGLE COVE DR.
76	4843	2649 TALON WAY	98	4213	2640 EAGLE COVE DR.
77	4828	2645 TALON WAY	99	4092	2644 EAGLE COVE DR.
78	4093	2642 COVE COURT	100	4213	2648 EAGLE COVE DR.
79	4213	2638 COVE COURT	101	4023	2652 EAGLE COVE DR.
80	4060	2634 COVE COURT	102	4843	2651 EAGLE COVE DR.
81	4213	2630 COVE COURT	103	4828	2655 EAGLE COVE DR.
82	4093	2626 COVE COURT	104	4631	2659 EAGLE COVE DR.
83	4213	2622 COVE COURT	105	4828	2663 EAGLE COVE DR.
84	4093	2618 COVE COURT	106	4628	2667 EAGLE COVE DR.
85	4102	2614 COVE COURT	107	4643	2671 EAGLE COVE DR.
86	4637	2613 EAGLE COVE DR.	108	4628	2683 EAGLE COVE DR.
87	4842	2609 EAGLE COVE DR.	109	4589	2687 EAGLE COVE DR.
88	4828	2605 EAGLE COVE DR.	110	4213	2684 EAGLE COVE DR.
89	4549	2601 EAGLE COVE DR.	111	4089	2680 EAGLE COVE DR.
90	4213	2608 EAGLE COVE DR.			

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ity Easement for the purpose

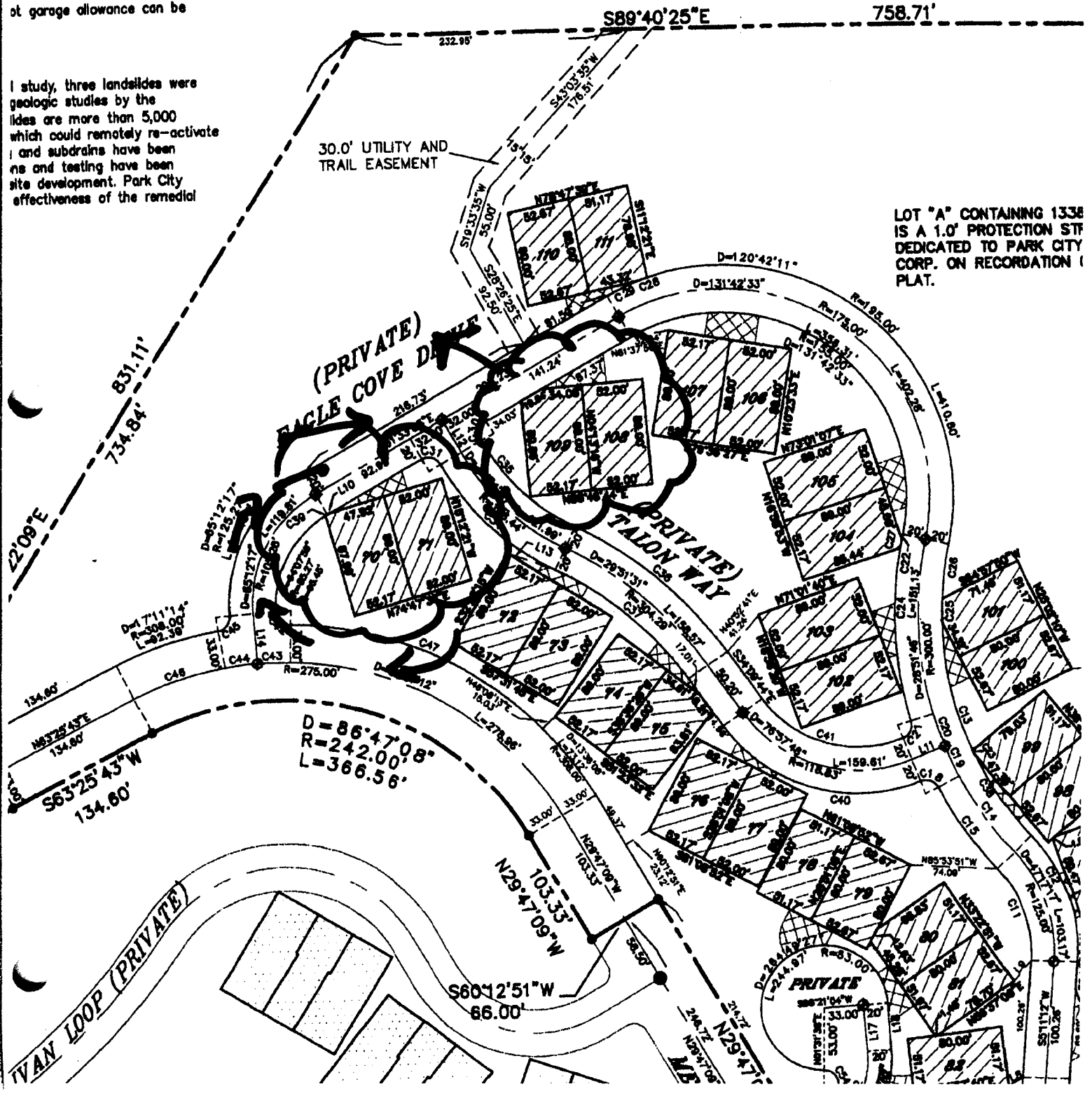
han the Lots and Dwellings,  
ste roadways and walkways,  
for the common use and

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driveway appurtenant to a  
any, between the residential  
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d other utility lines and services.

ot garage allowance can be

I study, three landslides were  
geologic studies by the  
lides are more than 5,000  
which could remotely re-activate  
and subdrains have been  
ne and testing have been  
site development. Park City  
effectiveness of the remedial



LOT "A" CONTAINING 1338  
IS A 1.0' PROTECTION STRIP  
DEDICATED TO PARK CITY  
CORP. ON RECORDATION  
PLAT.

**Ordinance No. 06-05**

**AN ORDINANCE APPROVING THE SETTLERS RIDGE CONDOMINIUM RECORD OF SURVEY PLAT, 564, 566, AND 568 DEER VALLEY DRIVE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as the Settlers Ridge located at 564, 566, and 568 Deer Valley Drive have petitioned the City Council for approval of the Settlers Ridge condominium record of survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 8, 2006, to receive input on the Settlers Ridge condominium record of survey;

WHEREAS, the Planning Commission, on March 6, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 23, 2006, the City Council approved the Settlers Ridge condominium record of survey; and

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

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

**SECTION 1. APPROVAL.** The Settlers Ridge condominium record of survey as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. Settlers Ridge is located at 564, 566, and 568 Deer valley Drive in the RM zoning district.
2. The project has three buildings located on 0.4 acres.
3. Two units are 1,115 square feet and the other eight units are 1,166 square feet.
4. The parking requirement for units this size is two spaces per unit.
5. Each unit has two parking spaces assigned by the record of survey.
6. Setbacks in the RM zone are as follows:
  - Front: 20 feet, a front facing garage is 25 feet
  - Rear: 15 feet
  - Side: 10 feet

The Settlers Ridge project meets the minimum setback requirements.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. The pullout area off of Deer Valley Loop that is signed for Settlers Ridge parking is almost entirely in the public right of way. The property owner may fence or otherwise define the property line but may not prohibit public access on the City right of way. Signs to the effect of limiting public use must be removed unless approved by the Public Works Director or his designee.

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

PASSED AND ADOPTED this 23rd day of March, 2006..

PARK CITY MUNICIPAL CORPORATION

*Dana Williams*

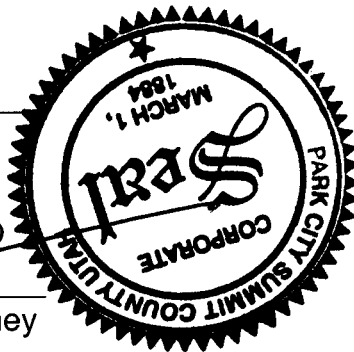
Mayor Dana Williams

Attest:

*Janet M. Scott*  
Janet M. Scott, City Recorder

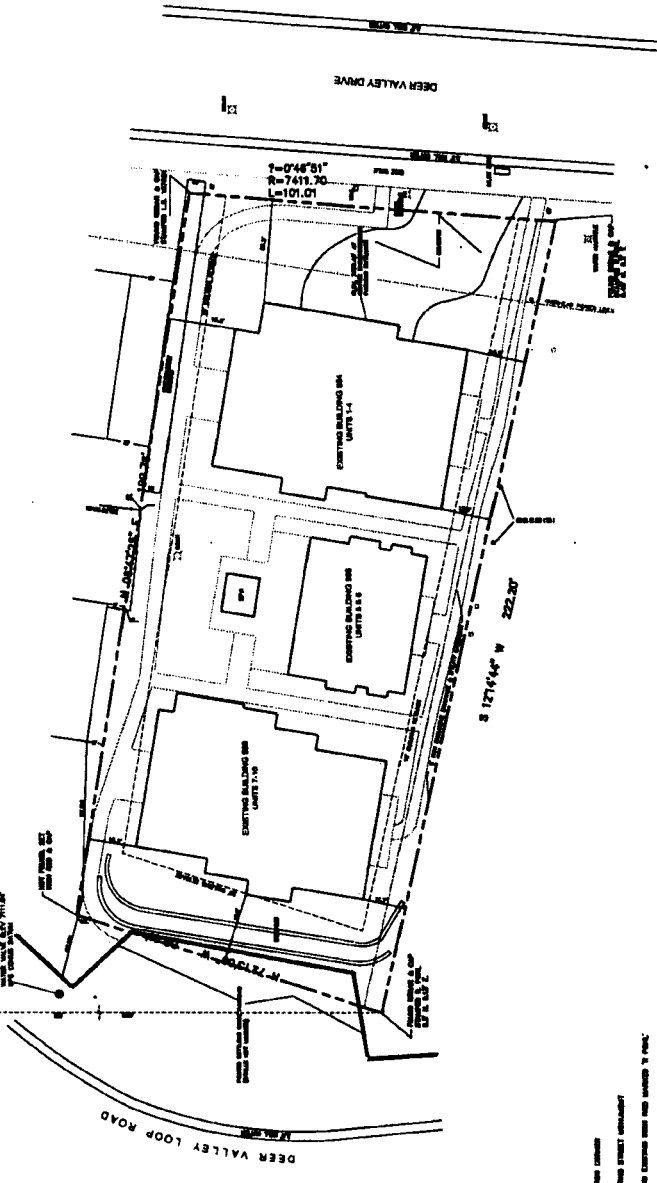
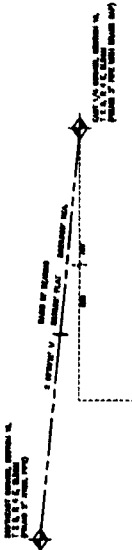
Approved as to form:

*Mark D. Harrington*  
Mark D. Harrington, City Attorney



**NOTES:**

1. The City Engineer's approval is required for all proposed street changes and for all proposed changes to the plat of a subdivision.
2. The City Engineer's approval is required for all proposed changes to the plat of a subdivision.
3. The City Engineer's approval is required for all proposed changes to the plat of a subdivision.
4. The City Engineer's approval is required for all proposed changes to the plat of a subdivision.
5. The City Engineer's approval is required for all proposed changes to the plat of a subdivision.
6. The City Engineer's approval is required for all proposed changes to the plat of a subdivision.



- LEGEND**
- EXISTING BUILDING
  - EXISTING STREET ALIGNMENT
  - PROPOSED STREET ALIGNMENT
  - PROPOSED STREET NAME AND WIDTH TO BE
  - STREET ADDRESS

**SUBMITTER CERTIFICATE:**

I, the undersigned, hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that the same has been prepared in accordance with the provisions of the Utah Subdivision Map Act, Chapter 67, Utah Code, and the rules and regulations of the Utah State Survey Board.

**ACQUAINTANCE DESCRIPTION:**

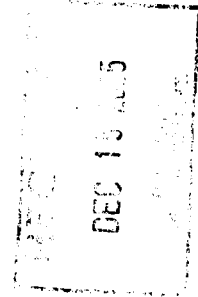
I am acquainted with the information furnished herein and believe it to be true and correct to the best of my knowledge and belief, and that the same has been prepared in accordance with the provisions of the Utah Subdivision Map Act, Chapter 67, Utah Code, and the rules and regulations of the Utah State Survey Board.

**CHECKS, DETERMINATION AND CONSENT TO RECORD:**

I have examined the information furnished herein and believe it to be true and correct to the best of my knowledge and belief, and that the same has been prepared in accordance with the provisions of the Utah Subdivision Map Act, Chapter 67, Utah Code, and the rules and regulations of the Utah State Survey Board.

**ACKNOWLEDGMENT:**

I, the undersigned, hereby acknowledge that the information furnished herein is true and correct to the best of my knowledge and belief, and that the same has been prepared in accordance with the provisions of the Utah Subdivision Map Act, Chapter 67, Utah Code, and the rules and regulations of the Utah State Survey Board.



**RECORD OF SURVEY MAP  
SETTLERS RIDGE CONDOMINIUMS**

PLAT OF THE SETTLEMENTS OF THE CONDOMINIUMS IN THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

DATE OF SURVEY	RECORDED
DATE OF PLAT	DATE OF PLAT
DATE OF RECORD	DATE OF RECORD

APPROVAL AS TO FORM	CITY COUNCIL
APPROVED AS TO FORM BY	APPROVED AS TO FORM BY
DATE	DATE

CITY ENGINEER	WATER RECLAMATION DISTRICT
APPROVED AS TO FORM BY	APPROVED AS TO FORM BY
DATE	DATE

CITY PLANNING COMMISSION	COUNTY ASSESSOR
APPROVED AS TO FORM BY	APPROVED AS TO FORM BY
DATE	DATE

CITY PLANNING COMMISSION	COUNTY ASSESSOR
APPROVED AS TO FORM BY	APPROVED AS TO FORM BY
DATE	DATE

CITY PLANNING COMMISSION	COUNTY ASSESSOR
APPROVED AS TO FORM BY	APPROVED AS TO FORM BY
DATE	DATE

CITY PLANNING COMMISSION	COUNTY ASSESSOR
APPROVED AS TO FORM BY	APPROVED AS TO FORM BY
DATE	DATE

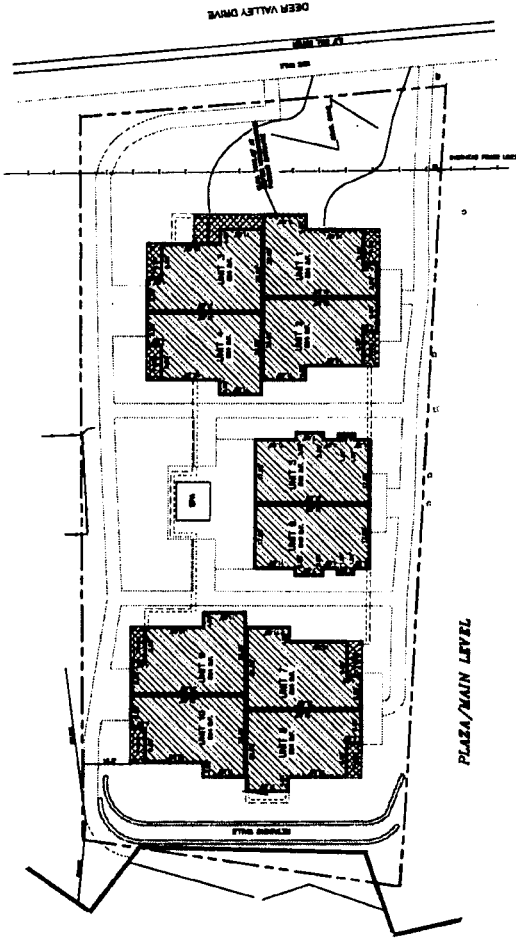
**CURTIS & ASSOCIATES, INC.**  
 1000 N. 1000 E.  
 PARK CITY, UTAH 84302  
 PHONE: (435) 798-1234  
 FAX: (435) 798-1234



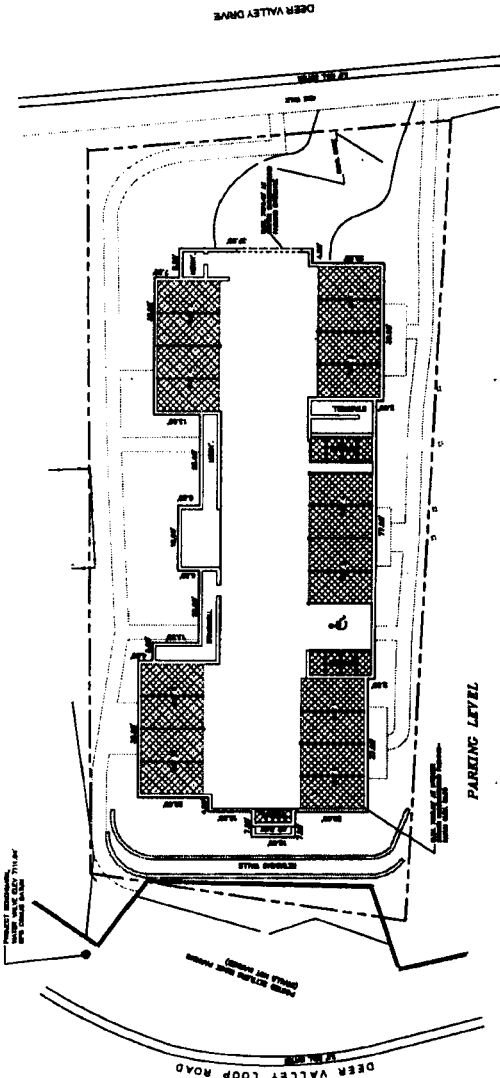
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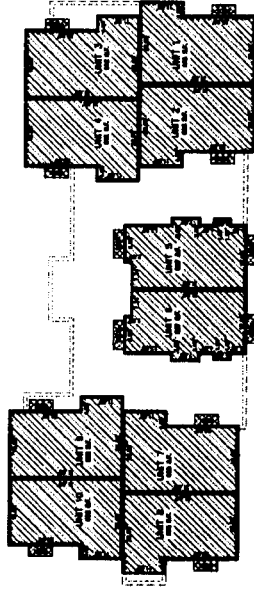
THIS PLAN IS A PART OF A SURVEY MAP. IT IS SUBJECT TO THE RECORD OF SURVEY MAP AND THE SURVEY MAP OF ALL THESE AREAS. THE SURVEY MAP IS FILED IN THE OFFICE OF THE COUNTY CLERK OF SALT LAKE COUNTY, UTAH. THE SURVEY MAP IS FILED IN THE OFFICE OF THE COUNTY CLERK OF SALT LAKE COUNTY, UTAH.



PLAZA/MAIN LEVEL



PARKING LEVEL



UPPER LEVEL

### RECORD OF SURVEY MAP SETTLERS RIDGE CONDOMINIUMS

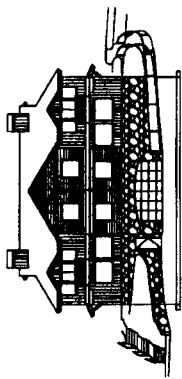
LOCATED AT 84-888 DEER VALLEY DRIVE,  
SALT LAKE COUNTY, UTAH, SECTION 16,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASIN AND MERRICK,  
PARK CITY, SALT LAKE COUNTY, UTAH

SHEET 2 OF 3

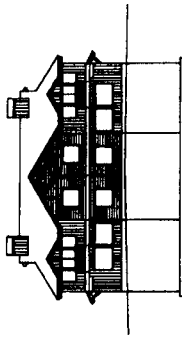
CUNIFF & ASSOCIATES, INC.  
PLANNERS  
1000 WEST 1000 SOUTH, SUITE 200  
SALT LAKE CITY, UTAH 84119  
PHONE 765-1111

RECORDED  
BY \_\_\_\_\_ DATE \_\_\_\_\_ PAGE \_\_\_\_\_  
BOOK OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
DATE RECORDED AND FILED AT THE CLERK'S OFFICE \_\_\_\_\_

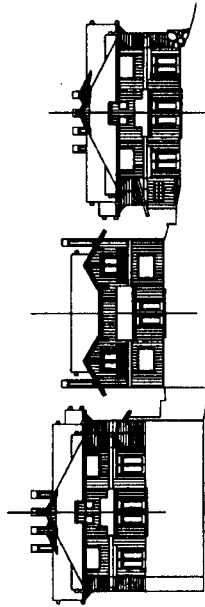
DEC 15 2000  
PLANNING DEPT.



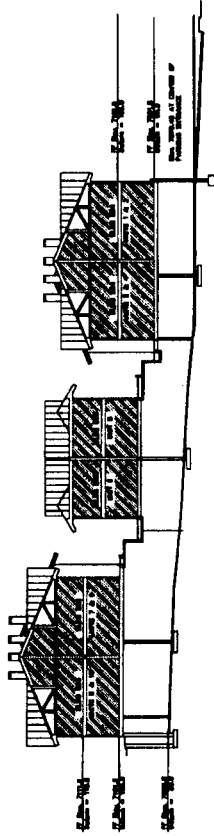
NORTH SIDE ELEVATIONS OF CONDOS



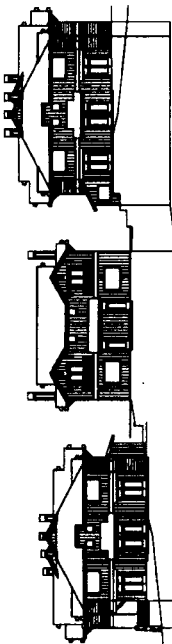
SOUTH SIDE ELEVATIONS OF CONDOS



EAST SIDE ELEVATIONS OF CONDOS



WEST SIDE ELEVATIONS OF CONDOS



EAST SIDE ELEVATIONS OF CONDOS



ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS SHOWN ON THIS MAP ARE FOR INFORMATION ONLY. THE ACTUAL DIMENSIONS OF THE PROPERTY MAY VARY FROM THOSE SHOWN ON THIS MAP. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

RECORDED  
DEC 19 2005  
PLANS

**RECORD OF SURVEY MAP**  
**SETTLERS RIDGE CONDOMINIUMS**  
LOCATED AT S. MAIN STREET, VALLEY VIEW, UTAH  
WITHIN THE SOUTHWEST QUARTER OF SECTION 16,  
TOWNSHIP 3 SOUTH, RANGE 4 EAST,  
SALT LAKE BASIN AND MERIDIAN,  
PARK CITY, SUMMIT COUNTY, UTAH

OWNER: CENTER & ASSOCIATES, INC.  
DRAWN BY: [Name]  
DATE: [Date]  
SCALE: [Scale]

RECORDED  
BY: [Name]  
DATE: [Date]  
SCALE: [Scale]

DATE: 1/15/06  
BY: [Name]  
FOR: [Name]



**Ordinance No. 06-04**

**AN ORDINANCE APPROVING A FINAL CONDOMINIUM RECORD OF SURVEY PLAT FOR THE MOOSE RESIDENCES LOCATED AT 1499 PARK AVENUE, PARK CITY, UTAH**

**WHEREAS**, the owners of the Henderson Subdivision located at 1499 Park Avenue, have petitioned the City Council for approval of a record of survey; and

**WHEREAS**, A Conditional Use Permit for a 10 unit multi –family dwelling was approved by the Planning Commission on July 13, 2005; and

**WHEREAS**, The applicant has submitted a Record of Survey, approval of which will allow the applicant the ability to convert each unit to private ownership; and

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

**WHEREAS**, on February 8, 2006 the Planning Commission held a public hearing to receive public input on the proposed record of survey and forwarded a positive recommendation of approval to the City Council; and

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

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

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

1. The property is located in the RC District at 1499 Park Avenue.
2. The findings discussed in the analysis section of this report are incorporated herein.
3. A Plat Amendment creating a 15,712 square foot lot out of a metes and bounds parcel was approved by the City Council on June 30, 2004.
4. A Conditional Use Permit for a 10 unit multi –family dwelling was approved by the Planning Commission on July 13, 2005.
5. A 20' non-exclusive public utility easement has been dedicated on the subdivision running east-west at the north end of the lot. A 10' snow storage and utility easement was dedicated on the west of the lot, running north – south.
6. Proper drainage, sidewalk, and utility installation is a public benefit.
7. The applicant has agreed to install a number of public improvements including: a new gutter along Woodside Avenue and 15<sup>th</sup> Street, a new sidewalk along 15<sup>th</sup> street between Park Avenue and Woodside Avenue, a new sidewalk along Woodside avenue, and sidewalk connections from the building to sidewalks at Park Avenue and 15<sup>th</sup> Street, an Accessible parking space, and van unloading area along 15<sup>th</sup> street.
8. Provision of a unit that meets ADA standards is a requirement of this development. A condition of approval will address this requirement.
9. The condominium plat will allow the applicant to sell each unit separately.
10. Separation between building eaves and power lines are required for purposes of public safety.
11. The Planning Commission reviewed this item at the February 8, 2006 meeting. A

Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council.

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

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

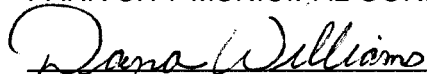
**SECTION 3. CONDITIONS OF APPROVAL.** The City Council hereby adopts the following Conditions of Approval:

1. City Attorney and City Engineer review and approval of the record of survey and CCnR's for compliance with the State Code, the Land Management Code, and conditions of approval is a condition precedent to plat recording
2. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded at the Summit County Recorder's office prior to that date.
3. The applicant is required to provide a financial guarantee in an amount approved by the City Engineer and in a form satisfactory to the City Attorney to satisfy obligations for public improvements such as sidewalks and utility installation.
4. The Owners association shall be obligated to maintain the accessible parking space and unloading area. This includes snow removal in the winter.
5. The Owners association shall be obligated to provide a unit that meets ADA standards in perpetuity as one of the 10 units.

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

PASSED AND ADOPTED this 15 day of February, 2006.

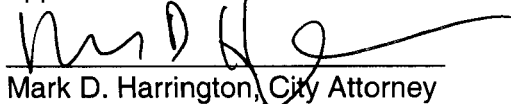
PARK CITY MUNICIPAL CORPORATION

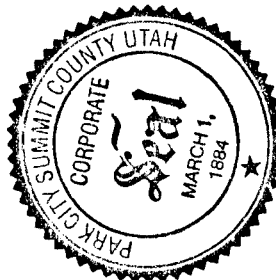
  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

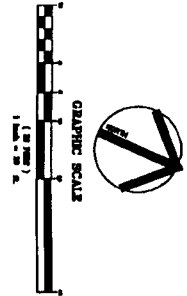
  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

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

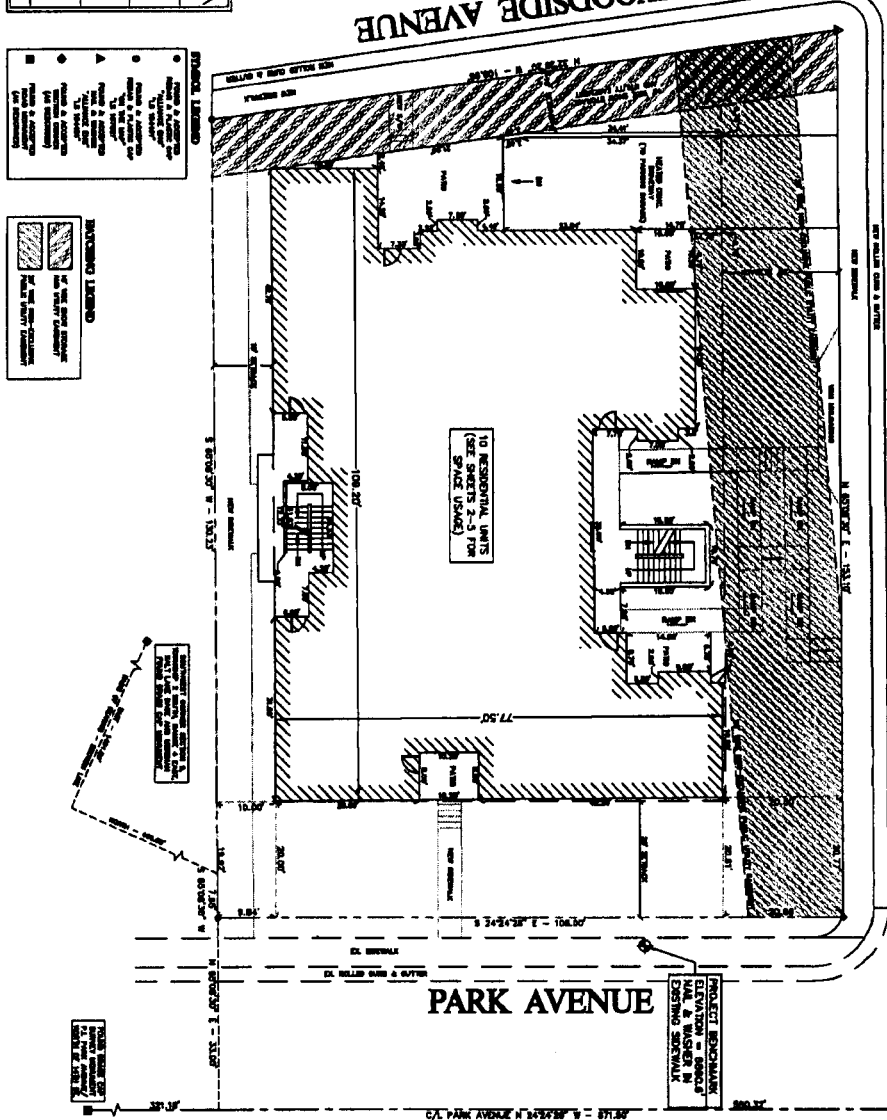
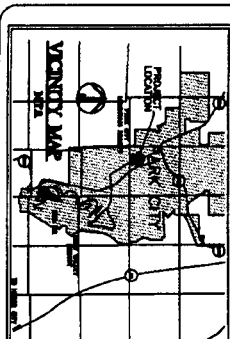


RECORD OF SURVEY MAP  
**MOOSE RESIDENCES**  
 - A 10 UNIT CONDOMINIUM PROJECT -  
 1439 PARK AVENUE  
 (CONTAINING 10 RESIDENTIAL UNITS)  
 A PARCEL OF LAND LOCATED IN SECTION 9, TOWNSHIP 2 SOUTH,  
 RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,  
 PARK CITY, SUMMIT COUNTY, UTAH



**OVERALL AREA VARIATIONS**

CONTRIBUTING AREA	AREA (SQ. FT.)	PERCENTAGE
RESIDENTIAL AREA	14,390.00	100.00%
DRIVEWAY AREA	1,200.00	8.33%
WALKWAY AREA	1,200.00	8.33%
LANDSCAPING AREA	1,200.00	8.33%
CONCRETE AREA	1,200.00	8.33%
ASPHALT AREA	1,200.00	8.33%
PAVED AREA	1,200.00	8.33%
GRAVEL AREA	1,200.00	8.33%
WOOD DECK AREA	1,200.00	8.33%
WOOD PATIO AREA	1,200.00	8.33%
WOOD PORCH AREA	1,200.00	8.33%
WOOD STAIR AREA	1,200.00	8.33%
WOOD FENCE AREA	1,200.00	8.33%
WOOD SIGN AREA	1,200.00	8.33%
WOOD TRAIL AREA	1,200.00	8.33%
WOOD FURNITURE AREA	1,200.00	8.33%
WOOD LIGHTING AREA	1,200.00	8.33%
WOOD DECOR AREA	1,200.00	8.33%
WOOD OTHER AREA	1,200.00	8.33%
WOOD TOTAL AREA	12,000.00	83.33%
ASPHALT DRIVEWAY AREA	1,200.00	8.33%
ASPHALT WALKWAY AREA	1,200.00	8.33%
ASPHALT LANDSCAPING AREA	1,200.00	8.33%
ASPHALT CONCRETE AREA	1,200.00	8.33%
ASPHALT PAVED AREA	1,200.00	8.33%
ASPHALT GRAVEL AREA	1,200.00	8.33%
ASPHALT WOOD DECK AREA	1,200.00	8.33%
ASPHALT WOOD PATIO AREA	1,200.00	8.33%
ASPHALT WOOD PORCH AREA	1,200.00	8.33%
ASPHALT WOOD STAIR AREA	1,200.00	8.33%
ASPHALT WOOD FENCE AREA	1,200.00	8.33%
ASPHALT WOOD SIGN AREA	1,200.00	8.33%
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ASPHALT WOOD FURNITURE AREA	1,200.00	8.33%
ASPHALT WOOD LIGHTING AREA	1,200.00	8.33%
ASPHALT WOOD DECOR AREA	1,200.00	8.33%
ASPHALT WOOD OTHER AREA	1,200.00	8.33%
ASPHALT TOTAL AREA	12,000.00	83.33%
TOTAL AREA	17,590.00	100.00%



**NOTES**

1. THE PROJECT IS SUBJECT TO THE CITY ENGINEER'S REVIEW AND APPROVAL. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PROJECT AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.
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**ACKNOWLEDGMENTS**

THE PROJECT WAS DESIGNED BY [NAME], ARCHITECT, AND CONSTRUCTION BY [NAME], CONTRACTOR. THE PROJECT WAS REVIEWED BY THE CITY ENGINEER, [NAME], AND THE CITY COUNCIL, [NAME].

**CONTRACTOR'S AND OWNER'S TO RECORD**

THE PROJECT WAS REVIEWED BY THE CITY ENGINEER, [NAME], AND THE CITY COUNCIL, [NAME].

**APPROVAL AS TO FORM**

APPROVED AS TO FORM ON THIS DAY OF [MONTH], 2006.

CITY ATTORNEY: [NAME]

**RECORDED**

IN THE STATE OF UTAH, COUNTY OF [COUNTY], RECORDED AND FILED AT THE REQUEST OF: [NAME]

JAN 24 2006

COUNTY RECORDER: [NAME]

**Engreen Engineering, Inc.**  
 One Engineering Lane, Springville, Utah 84606  
 Phone: 435-766-4444 Fax: 435-766-4444  
 Email: info@engreen.com Website: www.engreen.com

**SYNDERVILLE BASIN W.R.D.**  
 REFERRED FOR COMPLIANCE TO SYNDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF [DATE], 2006.  
 BY: [NAME], SYNDERVILLE BASIN WATER RECLAMATION DISTRICT

**CITY PLANNING COMMISSION**  
 APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS DAY OF [DATE], A.D. 2006.  
 CHAIRMAN: [NAME]

**CITY ENGINEER**  
 THIS PLAN IS IN COMPLIANCE WITH REGULATIONS ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS DAY OF [DATE], A.D. 2006.  
 CITY ENGINEER: [NAME]

**CITY COUNCIL APPROVAL**  
 PRESENTED TO THE BOARD OF [NAME] CITY COUNCIL THIS [DATE], AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.  
 MAYOR: [NAME] CITY RECORDER: [NAME]

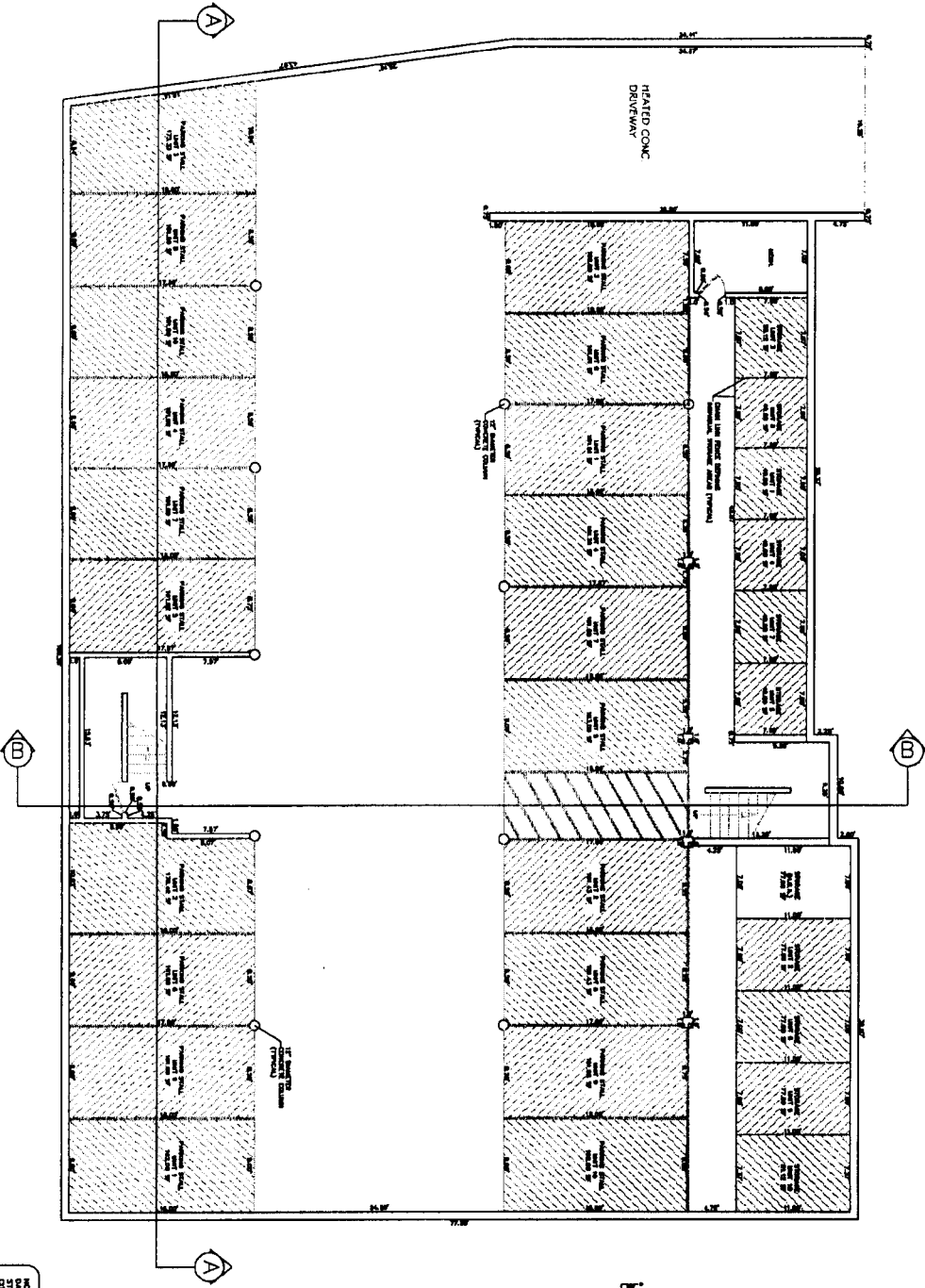
**APPROVAL AS TO FORM**  
 APPROVED AS TO FORM ON THIS DAY OF [DATE], 2006.

**RECORDED**  
 IN THE STATE OF UTAH, COUNTY OF [COUNTY], RECORDED AND FILED AT THE REQUEST OF: [NAME]

JAN 24 2006

COUNTY RECORDER: [NAME]

# PARKING LEVEL PLAN



**AREA TABLE**

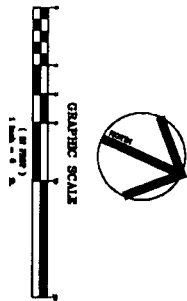
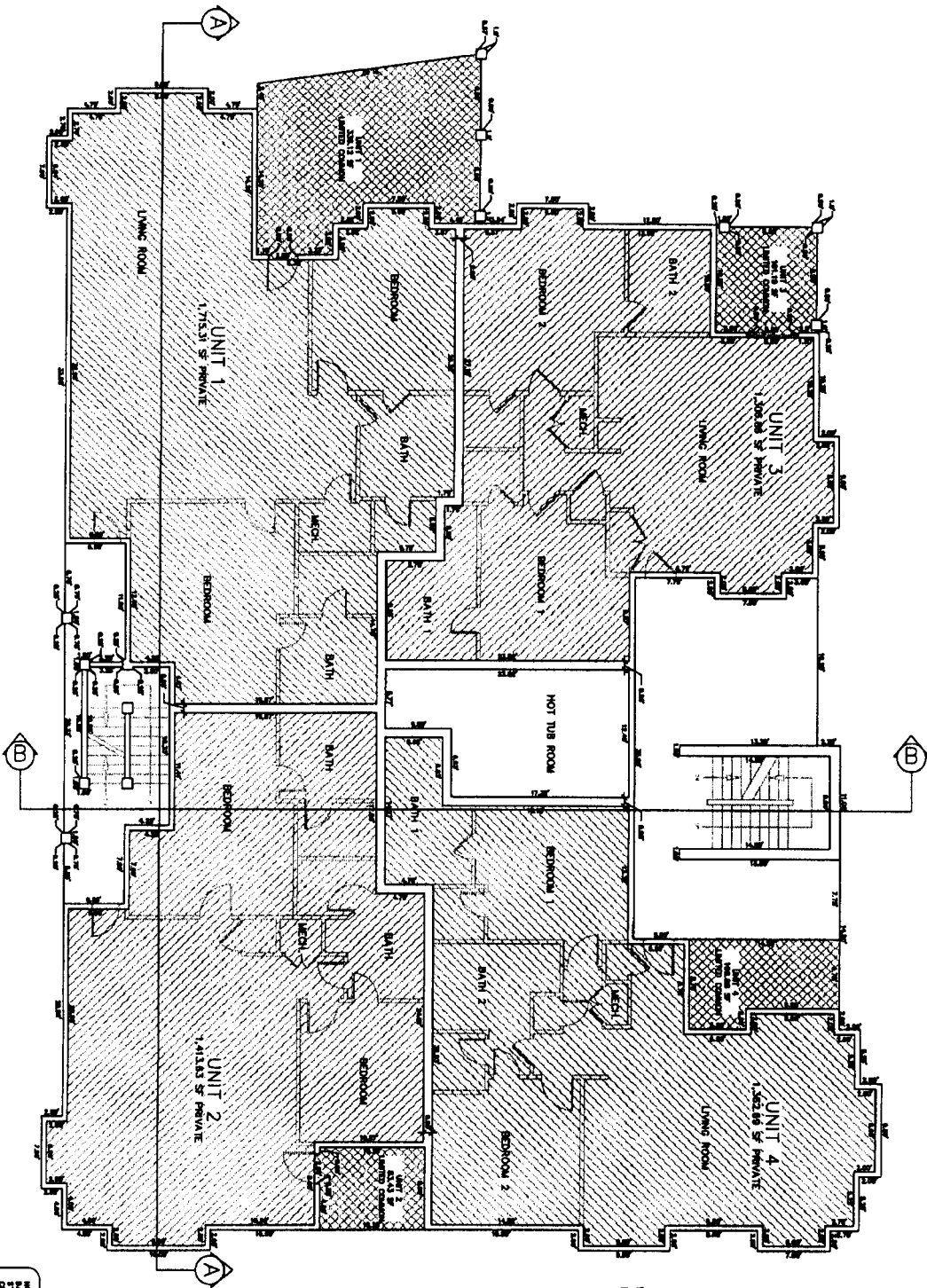
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5	CONCRETE DRIVEWAY	1,200
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98	CONCRETE DRIVEWAY	1,200
99	CONCRETE DRIVEWAY	1,200
100	CONCRETE DRIVEWAY	1,200

DATE OF RECORDING IN THE COUNTY OF \_\_\_\_\_  
 CITY OF \_\_\_\_\_  
 RECORDED

**RECEIVED**  
 DEC 16 2005  
 PARK CITY  
 PLANNING DE.

<p>MOOSE RESIDENCES PARKING LEVEL PLAN</p>	<p>DAVID L. WHITE ARCHITECT 1000 S. MAIN ST. SALT LAKE CITY, UT 84143 TEL: (801) 466-1000</p>	<p>PROJECT NO. _____          SHEET NO. _____</p>	<p>DATE: _____</p>	<p><b>Evergreen Engineering, Inc.</b>          101 West 100th Street, Suite 200          Salt Lake City, UT 84114          Phone: (801) 466-1000 Fax: (801) 466-1001          www.evergreeneng.com</p>
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GROUND FLOOR PLAN



CONCRETE FINISHES

POURED CONCRETE	POURED CONCRETE
FORMER CONCRETE	FORMER CONCRETE
EXISTING CONCRETE	EXISTING CONCRETE
EXISTING CONCRETE	EXISTING CONCRETE

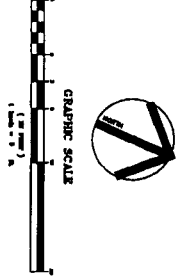
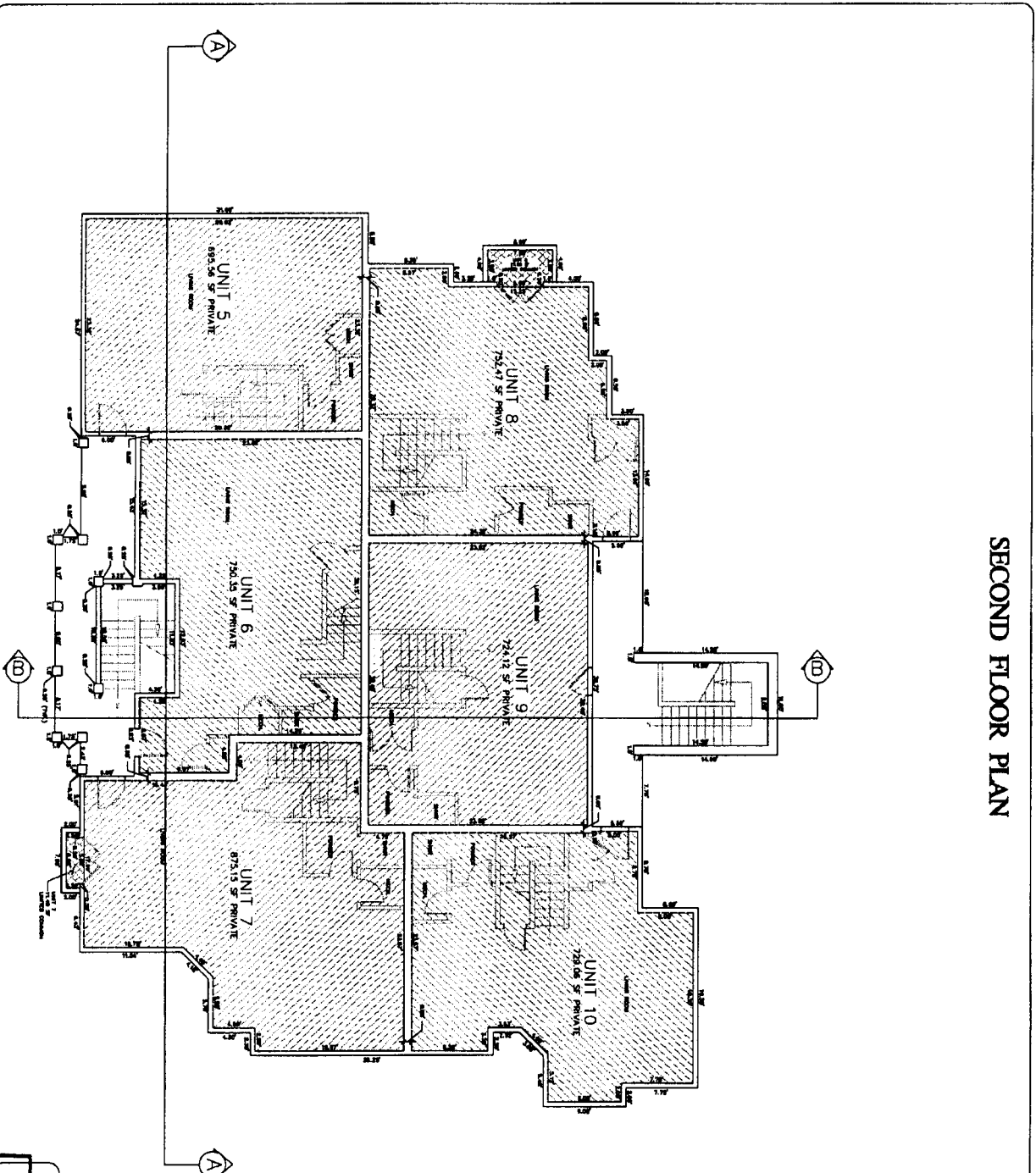
AREA DESCRIPTIONS

AREA	DESCRIPTION	DATE
1	...	...
2	...	...
3	...	...
4	...	...
5	...	...
6	...	...
7	...	...
8	...	...
9	...	...
10	...	...

RECORDED  
 DATE OF RECORDING AT THE REGISTRY 24-2006  
 CITY REGISTRY

<p>MOOSE RESIDENCES GROUND LEVEL PLAN</p>	<p>DATE OF ISSUE 24-2006</p>	<p>PROJECT NO. MOOSE-11-11010</p>	<p>SCALE AS SHOWN</p>	

SECOND FLOOR PLAN



**REVISIONS**

NO.	DATE	DESCRIPTION

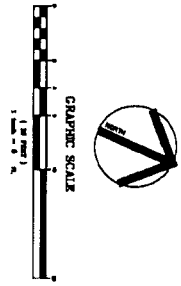
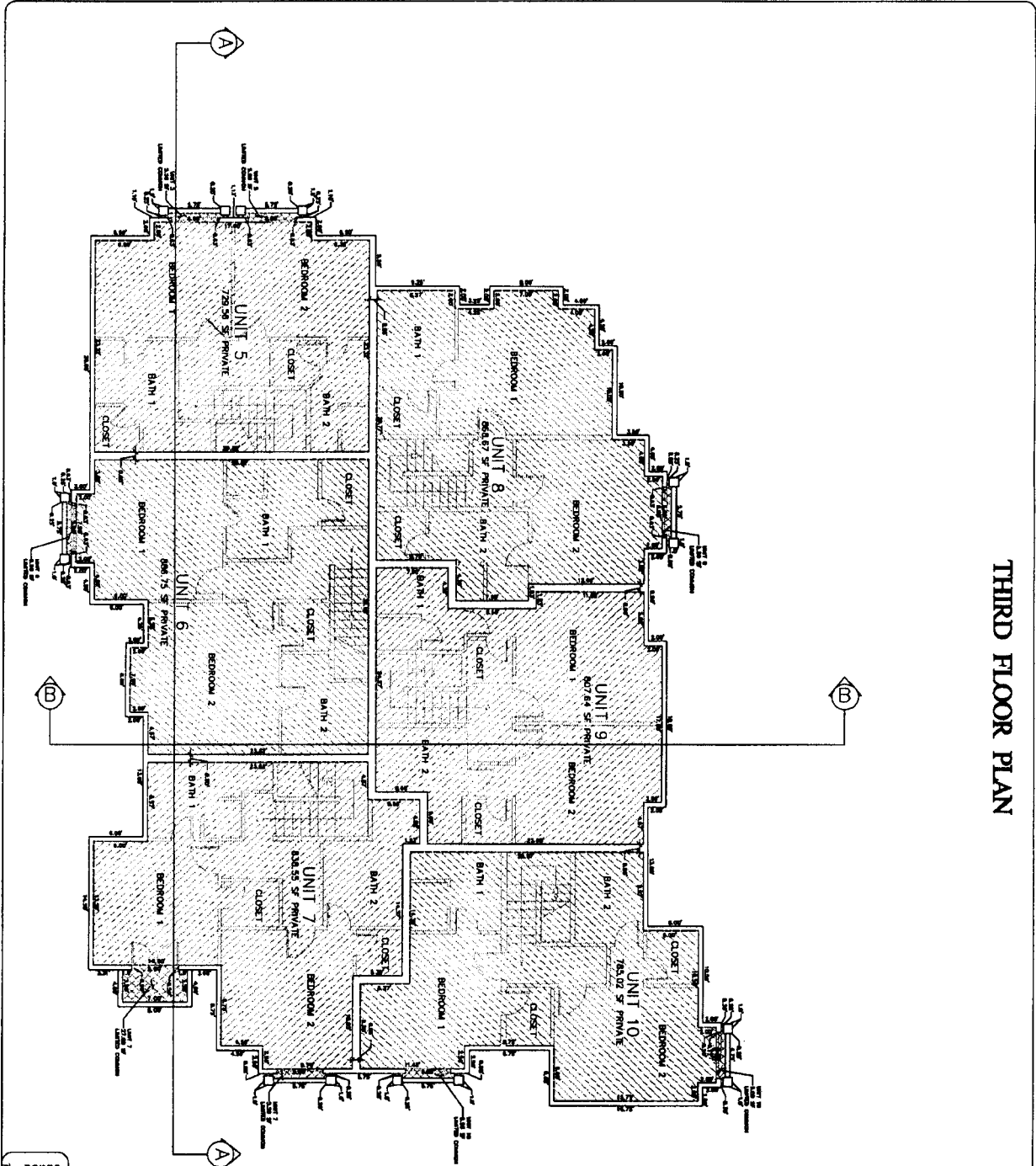
**AREA CALCULATIONS**

UNIT 5	893.56
UNIT 6	756.55
UNIT 7	875.15
UNIT 8	754.77
UNIT 9	724.72
UNIT 10	759.06
<b>TOTAL</b>	<b>5133.71</b>

RECORDED  
**RECEIVED**  
 DEC 16 2005  
 PARK CITY  
 PLANNING DEPT.

<p><b>MOOSE RESIDENCES PARKING LEVEL PLAN</b></p>	<p>DESIGNED BY <b>DAVID G. WHITE</b></p> <p>DRAWN BY <b>DAVID G. WHITE</b></p> <p>CHECKED BY <b>DAVID G. WHITE</b></p>	<p>DATE: 11/11/05</p> <p>PROJECT: MOOSE RESIDENCES</p>	<p><b>Evergreen Engineering, Inc.</b></p> <p>2000 Engineering, 1 Local Agency, 1 Local Agency          500 Park Street, Suite 1000, Park City, Utah 84302          P.O. Box 1000, Park City, Utah 84302          Phone: (435) 688-1987 Fax: (435) 688-1988          Email: info@evergreen-eng.com</p>
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THIRD FLOOR PLAN



**ENCLOSURE LEGEND**

[Hatched Pattern]	Private Area
[Dotted Pattern]	Common Area
[Diagonal Lines]	Common Area

**AREA CALCULATIONS**

NO.	DESCRIPTION	AREA (SQ FT)	TOTAL
1	UNIT 5	1,234	
2	UNIT 6	1,234	
3	UNIT 7	1,234	
4	UNIT 8	1,234	
5	UNIT 10	1,234	
TOTAL		5,166	5,166

RECORDED

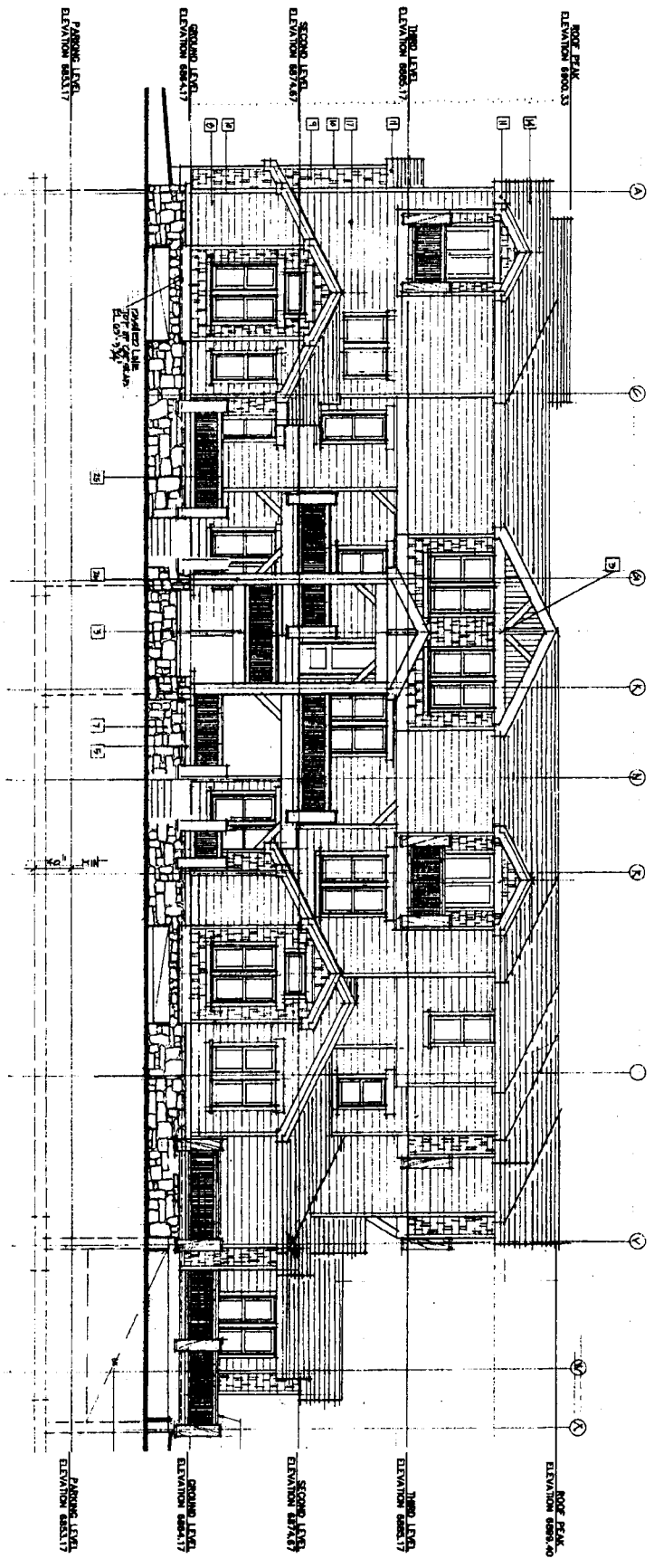
**RECEIVED**

DATE: DEC 16 2005

BY: PARK CITY PLANNING DEPT.

<b>MOOSE RESIDENCES PARKING LEVEL PLAN</b>		DRAWN BY: [Name] CHECKED BY: [Name] DATE: [Date]		PROJECT NO.: [Number] SHEET NO.: [Number]	<b>Evergreen Engineering, Inc.</b> 2000 Evergreen Engineering, Inc. 2000 Evergreen Engineering, Inc. 2000 Evergreen Engineering, Inc.
--	--	--	--	--	--

FIFTEENTH STREET / NORTH ELEVATION



RECORDED  
 RECEIVED  
 DEC 16 2005  
 PARK CITY  
 PLANNING DEPT.

**MOOSE RESIDENCES**  
**FIFTEENTH STREET / NORTH ELEVATION**

BLAKE HENDERSON  
 MOOSE-BLVD-100

DESIGNED BY  
 DAVID G. SWARTZ  
 ARCHITECT  
 1000 W. 1000 S.  
 SALT LAKE CITY, UT 84143

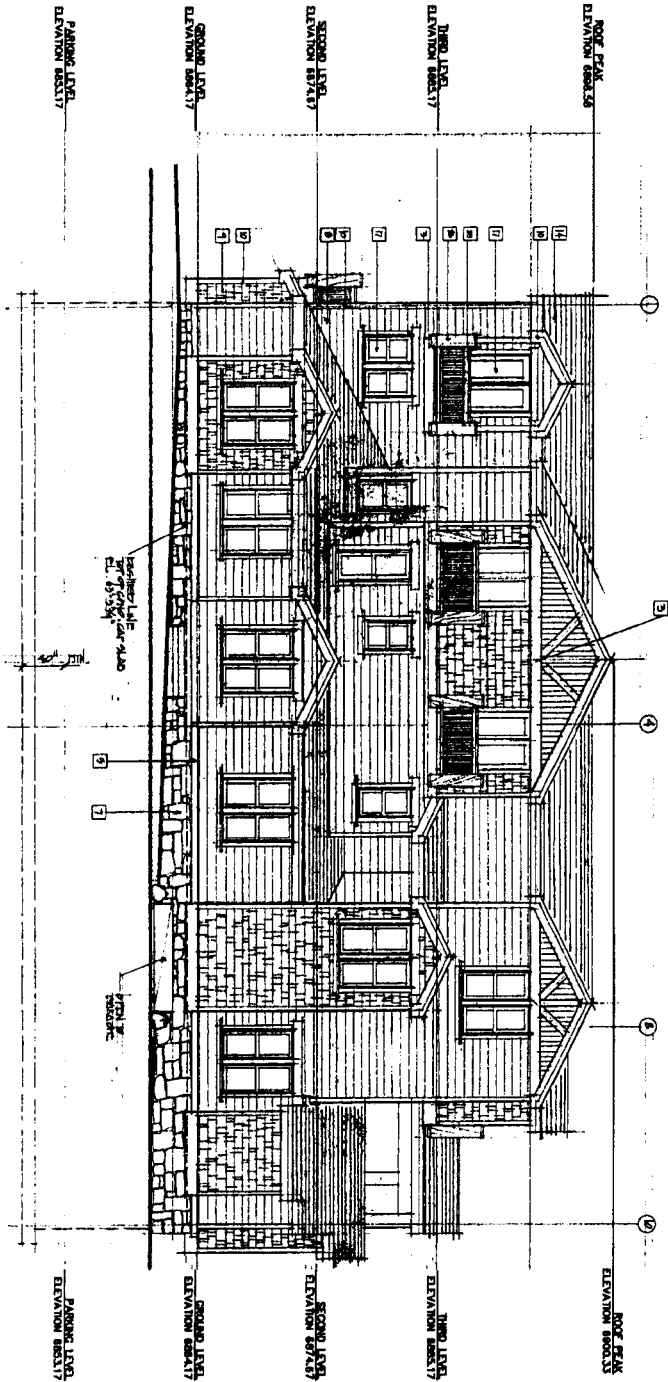
NO.	DATE	DESCRIPTION

**Evergreen Engineering, Inc.**

2200 Engineering • Land Planning • Land Mapping  
 200 South Main Street • Salt Lake City, Utah 84111  
 P.O. Box 1000 • Park City, Utah 84302  
 Phone: (801) 499-4947 Fax: (801) 499-4948  
 Email: info@evergreen-eng.com



PARK AVENUE / EAST ELEVATION



RECORDED  
 DATE OF RECORDING  
 CITY OF  
 RECEIVED  
 CITY ASSessor

DEC 16 2005  
 PARK CITY  
 PLANNING DEPT.

**MOOSE RESIDENCES**  
**PARK AVENUE / EAST ELEVATION**

BLAKE HENDERSON  
 MOOSE-BLVD/DRW

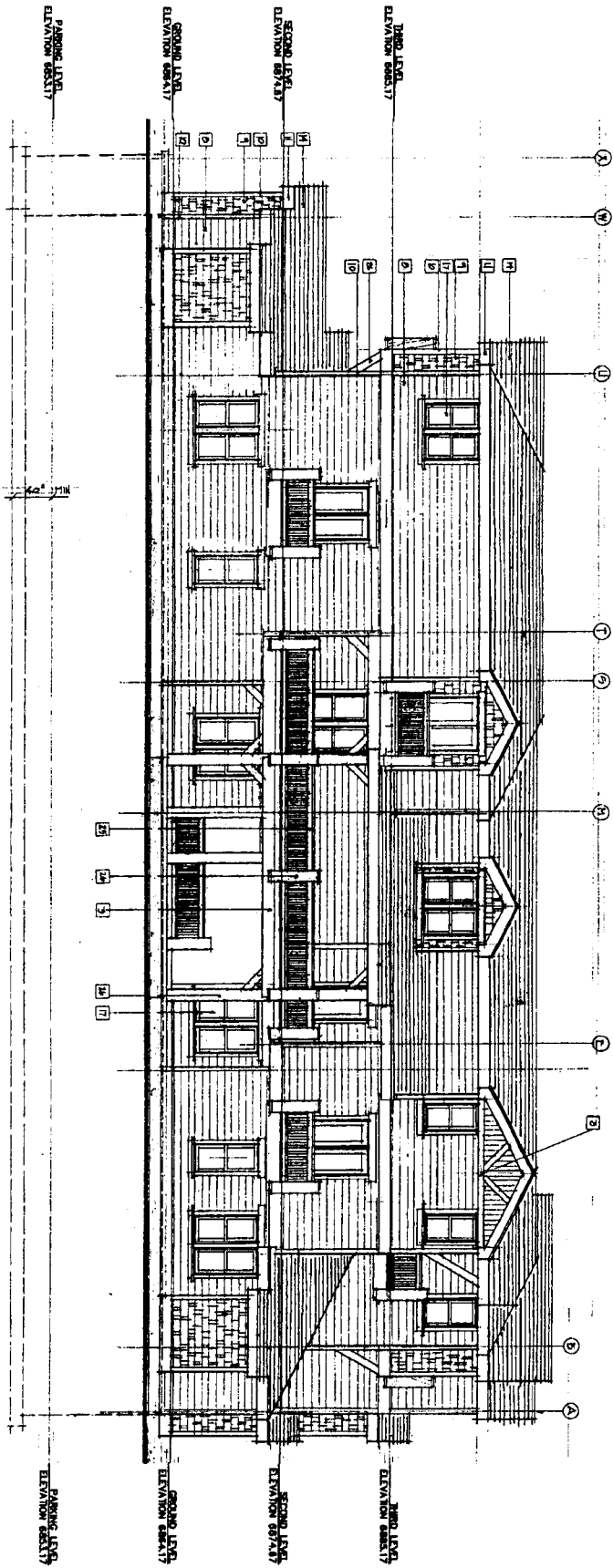
DESIGNED BY  
 DAVID G. WHITE  
 ARCHITECT  
 400 W. 1000 S.  
 SALT LAKE CITY, UT 84143

DATE	BY	REVISION


**Evergreen Engineering, Inc.**

Old Engineering • Land Surveying • Land Planning  
 2700 South Main Street • Suite 200  
 Salt Lake City, UT 84143  
 Phone: (801) 464-1827 • Fax: (801) 464-1828  
 Email: info@evergreeneng.com

SOUTH ELEVATION

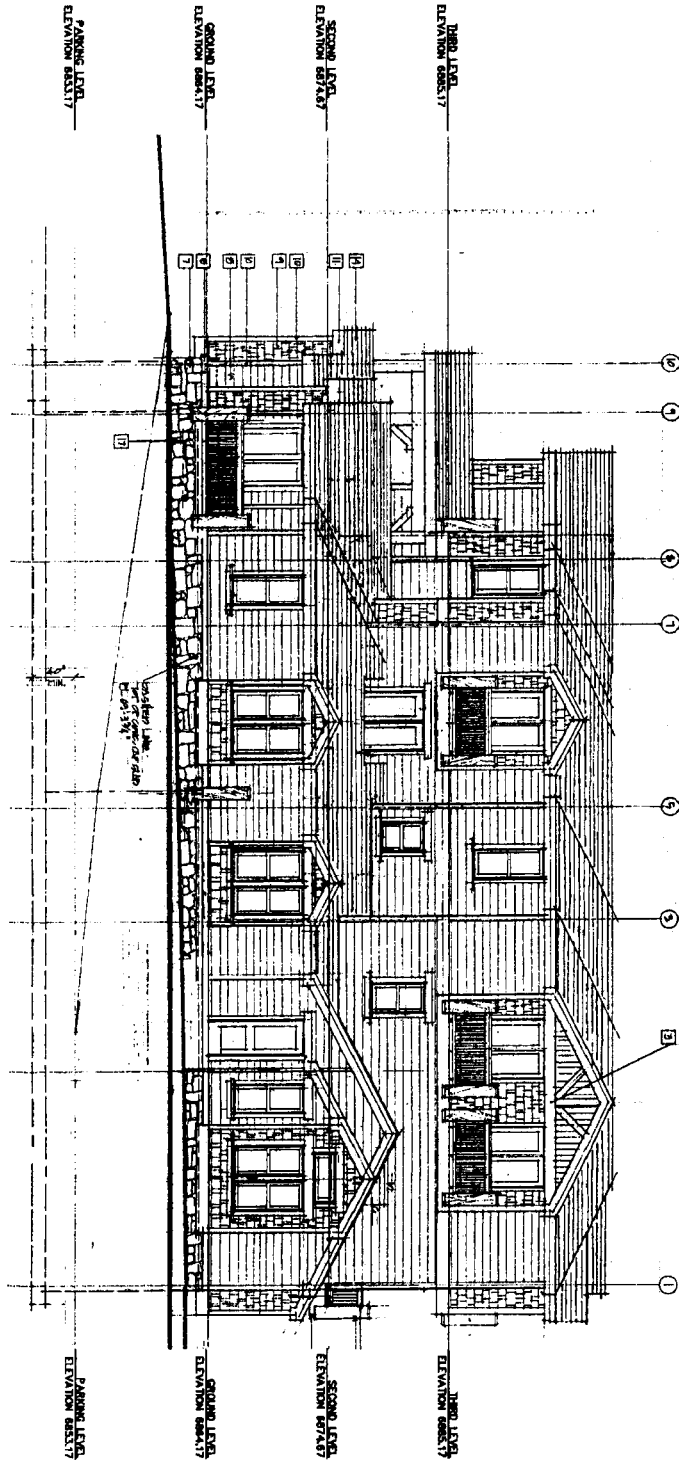


RECORDED  
**RECEIVED**  
 PARK CITY  
 PLANNING DEPT.

DEC 16 2005  
 PARK CITY  
 PLANNING DEPT.

SHEET 8 OF 11	<b>MOOSE RESIDENCES</b> <b>SOUTH ELEVATION</b>	DRAWN BY: [Name] CHECKED BY: [Name] DATE: [Date]	PROJECT NO. [Number]	<table border="1"> <thead> <tr> <th>NO.</th> <th>REV.</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	REV.	DESCRIPTION							<b>Evergreen Engineering, Inc.</b> Civil Engineering • Land Surveying • Land Planning 300 Boulder Street • Suite 100 • Park City, Utah 84302 Phone (435) 644-4077 • Fax (435) 644-4076 Email: office@evergreen-eng.com
NO.	REV.	DESCRIPTION												

WOODSIDE AVENUE / WEST ELEVATION



RECORDED  
 RECEIVED  
 DEC 16 2005  
 PARK CITY  
 PLANNING DEPT.

**MOOSE RESIDENCES**  
**WOODSIDE AVENUE / WEST ELEVATION**

BLAKE HENDERSON  
 MICHAEL HENDERSON

DESIGNED BY  
 DRAWN BY  
 CHECKED BY  
 DATE

REVISIONS

NO.	DATE	BY	REVISIONS

**Evergreen Engineering, Inc.**

2540 Engineering • Land Planning • Land Surveying  
 2200 Shoshone Street • Suite 100 • Park City, UT 84302  
 P.O. Box 2025 • Park City • UT • 84302  
 Phone: (435) 644-4447 • Fax: (435) 644-4449  
 Email: info@evergreen-engineering.com

**Ordinance No. 06-03**

**AN ORDINANCE AMENDING TITLE 11, BUILDING AND BUILDING REGULATIONS CODE, SECTION 11-16-6, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, OF THE MUNICIPAL CODE OF PARK CITY**

WHEREAS, the Federal Emergency Management Agency updated its Flood Insurance Study and the Flood Insurance Rate Map; and

WHEREAS, to comply with federal regulations to receive flood insurance coverage those updates must be reflected;

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

**Section I.** Amendment. Title 11, Building and Building Regulations Code, Section 11-16-6, Basis For Establishing the Areas of Special Flood Hazard, of the Municipal Code of Park City is hereby amended as follows:

**11- 16- 6. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated ~~July 16, 1987~~ March 16, 2006, with accompanying Flood Insurance Rate Map (FIRM) dated March 16, 2006, is adopted by reference and declared to be a part of this Chapter. The study and FIRM are on file at the Park City Planning Office, 445 Marsac Avenue, Park City, Utah. The City may, from time to time, adopt additional or updated maps prepared by FEMA, which maps would then further define the areas of special flood hazard.

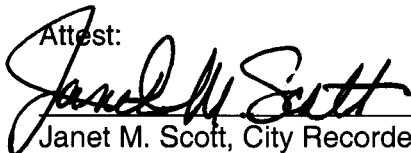
**Section II.** Effective Date. This Ordinance shall become effective upon publication.

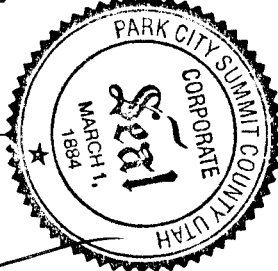
PASSED AND ADOPTED this 16<sup>th</sup> day of February, 2006.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

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



Approved as to form:

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

**Ordinance No. 06-02**

**AN ORDINANCE APPROVING THE AMENDMENT TO THE 'SECOND AMENDED LARREMORE SUBDIVISION PLAT LOCATED AT 730 & 733 WOODSIDE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as 730 & 733 Woodside Avenue have petitioned the City Council for approval of the amendment to the 'Second Amended Larremore Subdivision plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on January 25, 2006, to receive input on the amendment to the 'Second Amended Larremore Subdivision;

WHEREAS, the Planning Commission, on January 25, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 9, 2006 the City Council approved the amendment to the 'Second Amended Larremore Subdivision'; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amendment to the 'Second Amended Larremore Subdivision'.

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

**SECTION 1. APPROVAL.** The amendment to the 'Second Amendment Larremore Subdivision', as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

- 1) The property is located within the HR-1 zoning district.
- 2) The proposal is to create Lot 2A and Lot 2B of the Second Amended Larremore Plat.
- 3) Lot 2A is proposed to have an area of 5123 sq. ft. and fronts on Woodside Avenue.
- 4) Lot 2B is proposed to have an area of 2354.4 sq. ft and fronts 8<sup>th</sup> Street.
- 5) The setbacks for Lot 2A meet the requirements of LMC 15-2.2-3(D) and (E).
- 6) The side setback for the east side of Lot 2B meets the requirements of LMC 15-2.2-3(D), however the west side yard setback does not.

- 7) The front and rear setbacks for the historic structure known as 'Ted's Barn' (Lot 2B) are not in compliance with the LMC requirements.
- 8) The applicant has applied for a Conditional Use Permit pertaining to LMC 15-2.2-4(A), with respect to allowing the enclosure of a staircase which does not meet the HR-1 setback requirements.
- 9) 'Ted's Barn' is a historic structure.
- 10) No additional density will result from this plat amendment.
- 11) Existing historic that do not comply with building setbacks, off-street parking, and driveway location standards are valid complying structures (LMC 15-2.2-4).
- 12) The proposed plat amendment does not increase the degree of non-compliance.
- 13) There is a non complying hot tub on each of the proposed lots.

**Conclusions of Law:**

- 1) There is good cause for this plat amendment.
- 2) Neither the public nor any person will be materially injured by the proposed plat amendment.
- 3) As conditioned the plat amendment is consistent with the Park City General Plan.

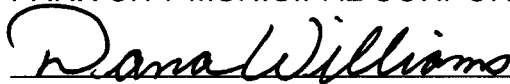
**Conditions of Approval:**

- 1) The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
- 2) No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
- 3) The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
- 4) The existing hot tubs, located on both proposed Lot 2A and 2B must be removed or relocated to satisfy HR-1 setback requirements.

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

PASSED AND ADOPTED this 9<sup>th</sup> day of February, 2006.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

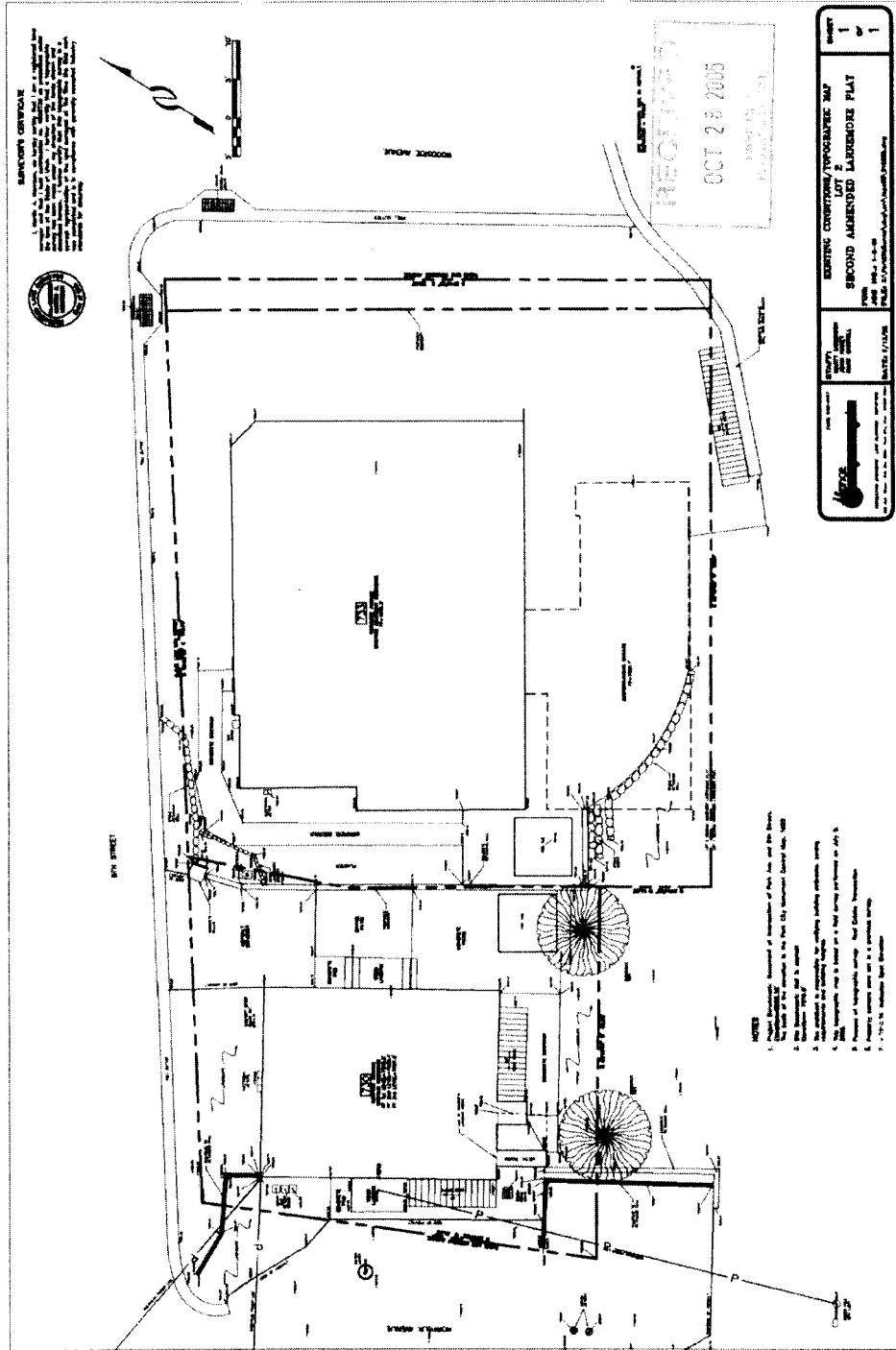
Janet M. Scott  
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington  
Mark D. Harrington, City Attorney



Exhibit A – Proposed Plat Amendment





**Ordinance No. 06-01**

**AN ORDINANCE APPROVING THE AMENDED UNION SQUARE CONDOMINIUM  
RECORD OF SURVEY PLAT, LOCATED AT 201 HEBER AVENUE,  
PARK CITY, UTAH**

WHEREAS, the owner of the property located at 201 Heber Avenue, has petitioned the City Council for approval of an amended condominium record of survey plat for the Union Square master planned development project; and

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

WHEREAS, the Planning Commission held a public hearing on January 11, 2006, to receive input on the amended Union Square condominium record of survey;

WHEREAS, the Planning Commission, January 11, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 9, 2006 the City Council approved the amended Union Square condominium record of survey; and

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

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

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

1. The Union Square/Sky Lodge project is located at 201 Heber Avenue and is within the Historic Recreation Commercial (HRC—Heber Avenue Sub-Zone) and Historic Commercial Business (HCB) Zoning Districts.
2. The project site is an infill parcel within HRC and HCB Districts.
3. The property is located within a federally designated Flood Zone.
4. Recorded access, utility, and drainage easements cross the subject property. Portions of these easement areas conflict with proposed building areas. Said easements need to be relocated, and dedicated for public use.
5. The project site includes three (3) historic buildings—the Union Pacific Depot (Zoom restaurant), Utah Coal and Lumber building (Easy Street Restaurant), and the “Tack” building (Salon Rouge).

6. The Union Square Master Planned Development, a Multi-Dwelling Unit hotel project for a maximum of 23 residential units, was approved by the Planning Commission on November 10, 2004 and affirmed by City Council pursuant to call-up proceedings on January 13, 2005.
7. The approved Master Planned Development included up to 23 unit Multi-Unit Dwellings to be operated as a hotel and a new kitchen addition to the north end of the Zoom Restaurant. The size of the Union Square building is 71,104 square feet (not including under-building parking garage area). The overall square footage for the 1.13 acre property as submitted by the applicant is 85,524 square feet. Unit sizes range from 1,266 square feet to 2,788 square feet. Each unit is proposed to include no more than one (1) Lock-Out Unit.
8. The Development Agreement for the Union Square/Sky Lodge was reviewed by the Planning Commission on March 23, 2005 and ratified by the City Council on May 12, 2005.
9. The plat amendment application resolves historic plat issues and creates one 1.13 acre lot of record.
10. The proposed condominium plat creates 22 residential units and 25,495 square feet of gross commercial area (19,514 square feet net commercial area).
11. The subject condominium plat affects the three existing historic buildings. Zoom, Easy Street Brasserie, and Salon Rouge are identified as commercial units. The plat also designates all other private, common, limited common, commercial limited common area, public easements, and utility easements.
12. The parking requirement for the project is 46 spaces. The project includes 46 spaces in an under-building/underground parking garage. No tandem spaces are proposed as part the parking plan. The parking is intended for use by guests and patrons of the development. No fee is intended for the use of said parking.
13. Access to the parking garage is by way of a 20 foot wide private driveway on the east side of the property via Heber Avenue.
14. The project plan includes a redevelopment of the Easy Street pedestrian walkway which includes enhanced landscaping and public gathering spaces. The Easy Street pedestrian walkway will be dedicated as a non-motorized, public pedestrian easement.
15. The zone height in the HRC zone is 32 feet from existing grade, plus an additional 5 feet pitched roofs (37 feet total). The zone height in the HCB zone is 45 feet from existing grade, plus 5 feet for pitched roof (50 feet total).

16. The proposed build design includes 4 primary roof planes ranging in building height above existing grade in the following approximate steps—12-17 feet, 35-37 feet, 53-55 feet, and 59-62 feet. Roof planes which exceed base zone height for the HRC and HCB Districts have been reviewed by the Planning Commission for a height exception pursuant to Section 15-6-5(F) of the Land Management Code. Said building height exceptions are specifically limited to the proposed roof planes approved by the Planning Commission on November 10, 2004.
17. Staging construction in Old Town and within the Main Street/Heber Avenue neighborhood is difficult due to limited site area, parking, and vehicular and pedestrian traffic.

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

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

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

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. A utility, grading and drainage plan shall be submitted to the City Engineer for review and approval prior to the issue of a building permit.
3. This approval will expire one year from the date of final approval if no building permit has been issued.
4. The existing recorded access, drainage, and utility which cross the subject property shall be relocated/rededicated on the plat in a location and form approved by the City Engineer and City Attorney prior to plat recordation. Dedication on the plat of any additional necessary public utility and drainage easements as specified by the City Engineer is a condition precedent to plat recordation.
5. Dedication on the plat of the Easy Street pedestrian walkway and all other public pedestrian ways as non-motorized, public pedestrian trail easements in a form acceptable to the City Attorney and City Engineer is condition precedent to plat recordation.
6. The applicant will record the amended Record of Survey plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

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

publication.

PASSED AND ADOPTED this 9<sup>th</sup> day of February 2006.

PARK CITY MUNICIPAL CORPORATION

Dana Williams  
Mayor Dana Williams

Attest

Janet M. Scott  
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington  
Mark D. Harrington, City Attorney



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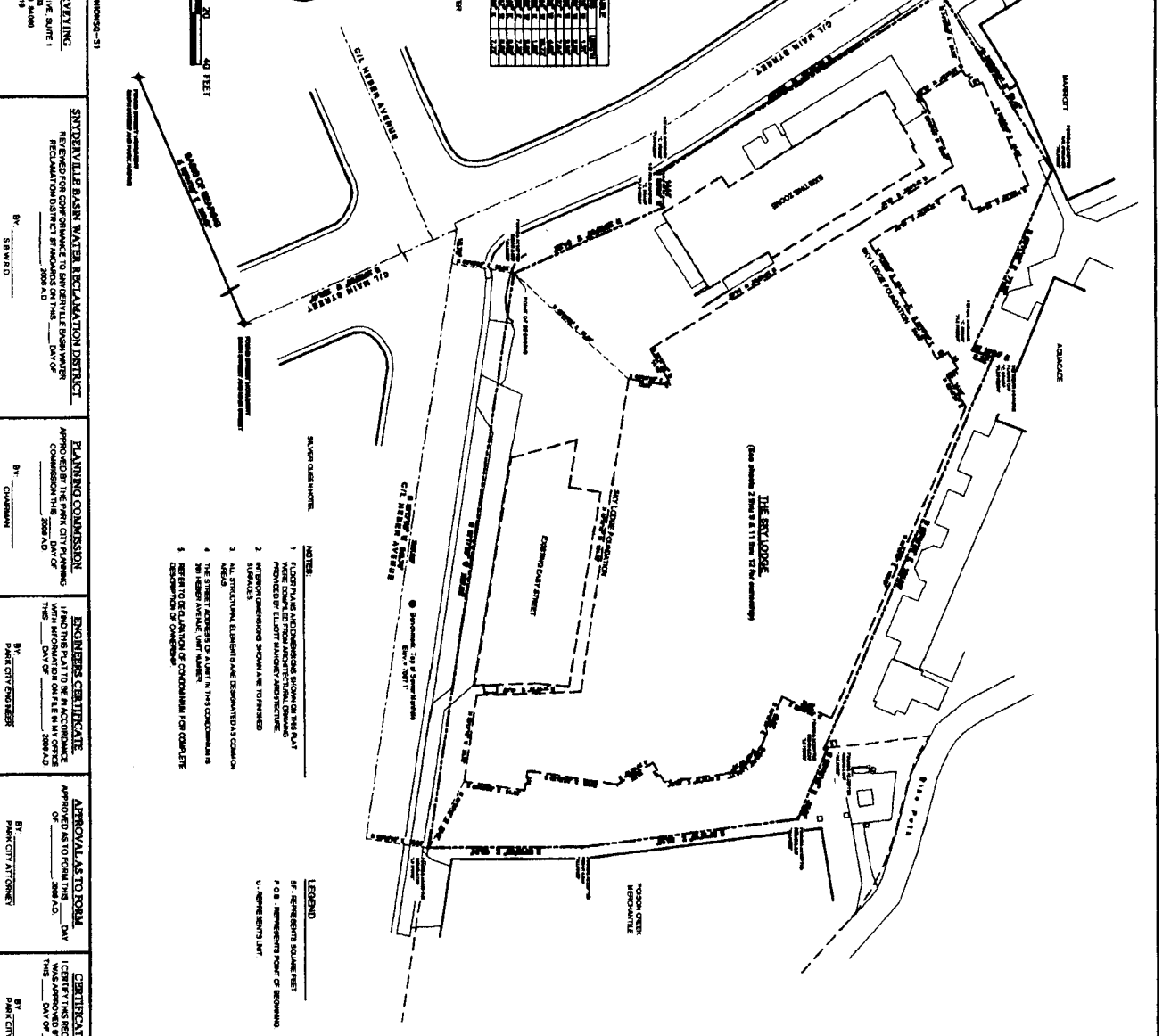
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**OWNER'S CERTIFICATE**

I, **CHRISTOPHER S. BAKER**, do hereby certify that the information contained herein is true and correct to the best of my knowledge and belief, and that I am the owner of the property described herein.

**OWNER'S DECLARATION AND CONSENT TO RECORD**

I, **CHRISTOPHER S. BAKER**, do hereby declare that I am the owner of the property described herein, and I consent to the recording of this instrument.

**ACKNOWLEDGEMENT**

I, **CHRISTOPHER S. BAKER**, do hereby acknowledge that I am the owner of the property described herein, and I consent to the recording of this instrument.

**RESERVATION OF COMMON AREAS**

I, **CHRISTOPHER S. BAKER**, do hereby reserve the common areas described herein for the use and enjoyment of the owners of the property described herein.

**BOUNDARY DESCRIPTION**

The boundary description of the property described herein is as follows: ...

**CONDOMINIUM PROJECT**

**UNION SQUARE**

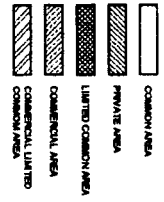
A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTH-EAST QUARTER AND SOUTH-EAST QUARTER SECTION 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND NEWMAN, PARK CITY, SALT LAKE COUNTY, UTAH

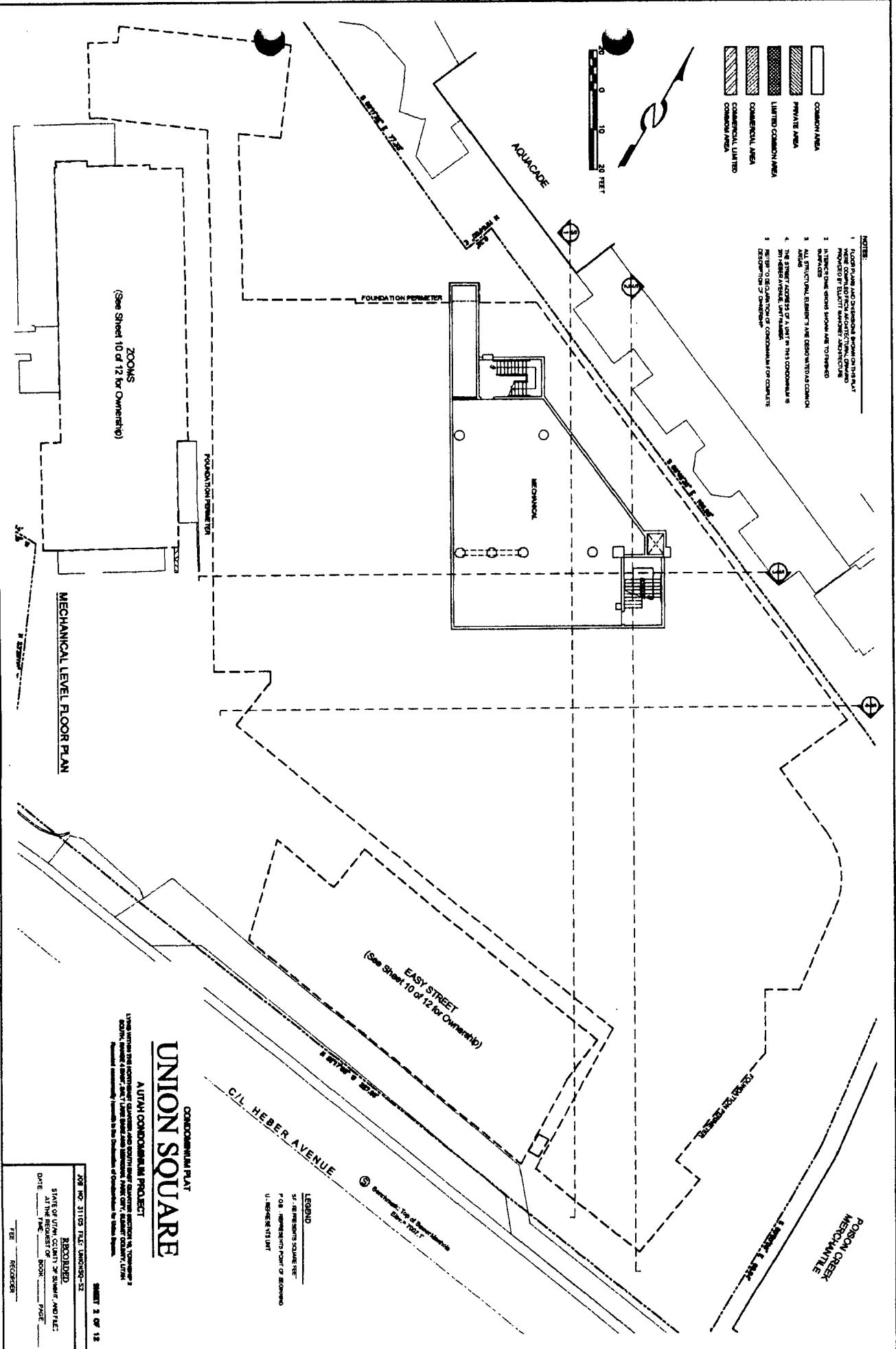
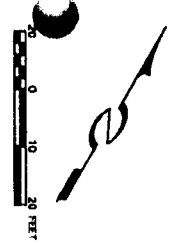
Recorded concurrently herewith in the Deedbook of Condominiums by Union Square.

**Exhibit B**

SHEET 1 OF 12



- NOTES:
1. THIS PLAN AND THE GENERAL SPECIFICATIONS SHALL BE CONSIDERED AS A COMPLETE SET OF CONTRACT DOCUMENTS. ANY AMENDMENTS TO THESE DOCUMENTS SHALL BE MADE BY ADDITIONAL SHEETS AND SHALL BE REFERENCED BY SHEET NUMBER AND DATE.
  2. ALL DIMENSIONS SHOWN ARE TO FINISH UNLESS OTHERWISE NOTED.
  3. ALL MECHANICAL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MECHANICAL CODES AND SHALL BE INSTALLED IN THE MECHANICAL ROOMS SHOWN ON THIS PLAN.
  4. THE EXISTING LOCATION OF ALL UTILITIES SHALL BE SHOWN ON THIS PLAN AND SHALL BE REFERENCED BY SHEET NUMBER AND DATE.
  5. REFER TO SEPARATE SET OF COMMERCIAL SPECIFICATIONS FOR COMPLETE DESCRIPTION OF CONSTRUCTION.



MECHANICAL LEVEL FLOOR PLAN

ZOOMS  
(See Sheet 10 of 12 for Ownership)

EASY STREET  
(See Sheet 10 of 12 for Ownership)

**UNION SQUARE**  
CONDOMINIUM PLAN

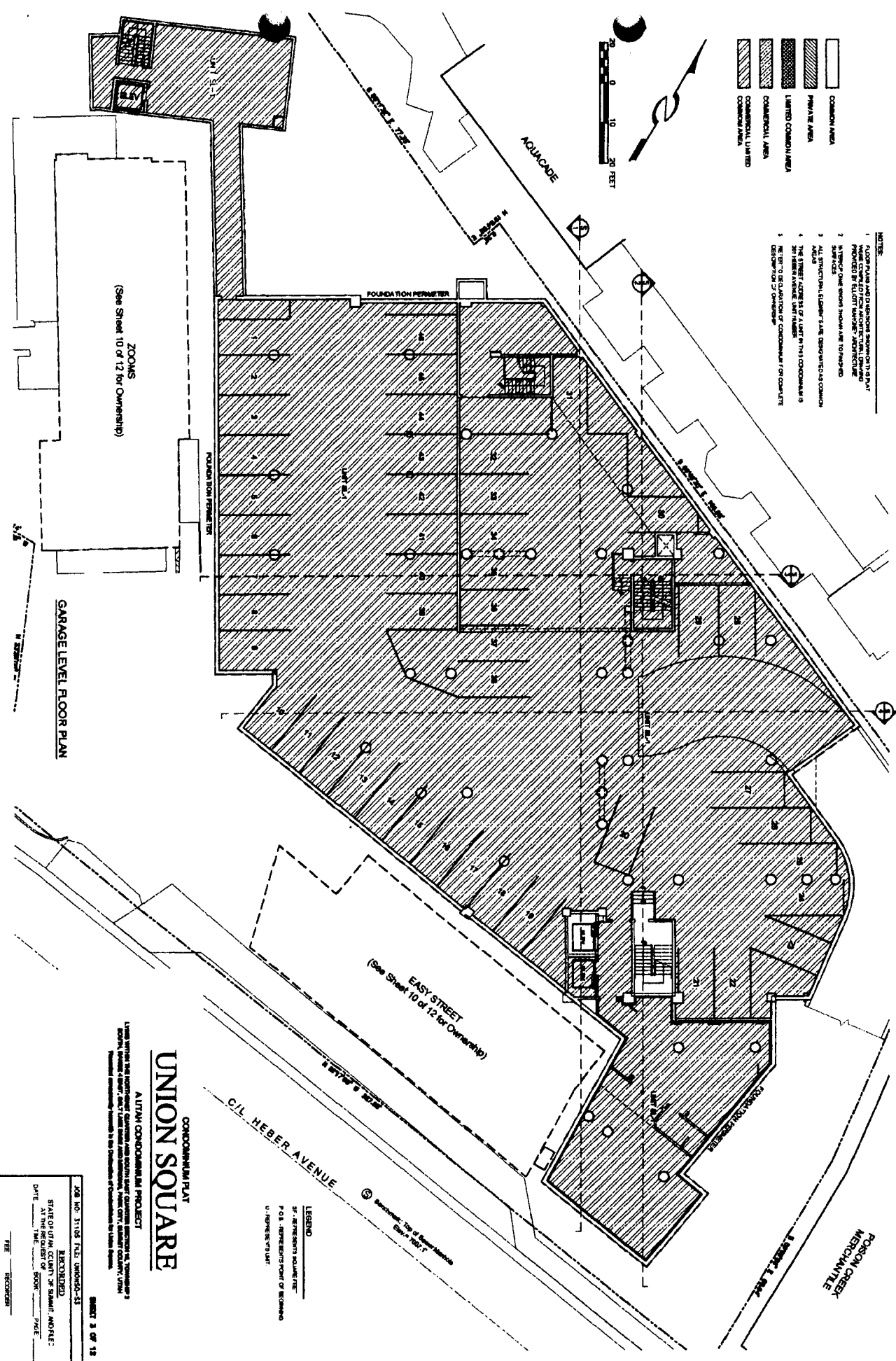
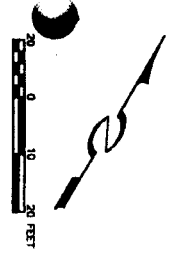
A UTAH CONDOMINIUM PROJECT  
UTAH NATIONAL BANK INVESTMENT GROUP - CUSTOMER AND SOLE TRUSTEE - GUARANTEE OF THE PROJECT'S SUCCESS  
1000 N. 1000 W., SUITE 1000, SALT LAKE CITY, UTAH 84119  
Project approved and recorded by the Commission of Condominiums in Utah on 10/10/00.

201 REC-31105 FILE: UNIONSQ-32  
RECORDED  
STATE OF UTAH, COUNTY OF SALT LAKE, AND FILE:  
AT THE REQUEST OF SONN PAGE  
DATE: 11/14/00  
BY: [Signature]  
RECORDER

LEGEND  
S.F. = SQUARE FEET  
P.O.B. = REFERENCING POINT OF BEGINNING  
U. = UTAH UTILITY

- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- COMMERCIAL AREA
- COMMERCIAL LIMITED COMMON AREA

- NOTES:
1. ALL STRUCTURAL ELEMENTS SHALL BE CONFORM TO THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.
  2. ALL STRUCTURAL ELEMENTS SHALL BE CONFORM TO THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.
  3. ALL STRUCTURAL ELEMENTS SHALL BE CONFORM TO THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.
  4. ALL STRUCTURAL ELEMENTS SHALL BE CONFORM TO THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.
  5. ALL STRUCTURAL ELEMENTS SHALL BE CONFORM TO THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.

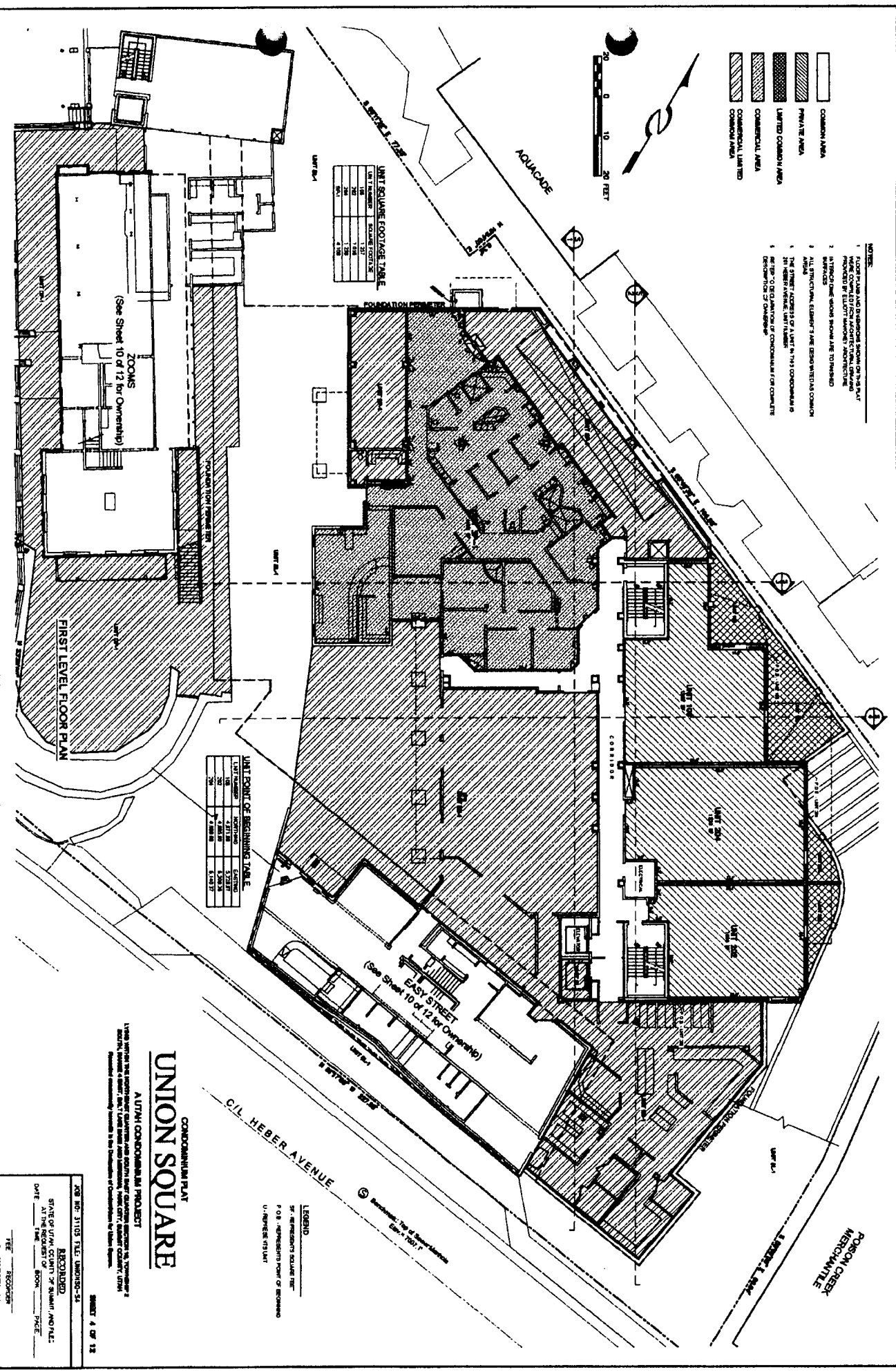


# UNION SQUARE

COMMERCIAL PLAT  
 A UTMAN CONDOMINIUM PROJECT  
 UTMAN CONDOMINIUM PROJECT  
 1000 WEST 1000 SOUTH, SALT LAKE CITY, UTAH 84119  
 PREPARED BY: [Firm Name]  
 DATE: [Date]

ASB NO. 31105 FILE UNO-53  
 SHEET 3 OF 13  
 RECORDED  
 STATE OF UTAH  
 COUNTY OF SALT LAKE  
 DATE: \_\_\_\_\_ TIME: \_\_\_\_\_  
 BY: \_\_\_\_\_  
 TITLE: \_\_\_\_\_  
 FEE: \_\_\_\_\_

LEGEND  
 ST. REPRESENTS SQUARE FEET  
 P.O.B. REPRESENTS POINT OF BEGINNING  
 U. REPRESENTS UTAH PLAT



- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- COMMERCIAL AREA
- COMMERCIAL LIMITED COMMON AREA

**NOTES:**

1. FLOOR PLAN AND DIMENSIONS SHOWN ON THIS PLAN MADE COMPATIBLE WITH ARCHITECTURAL DRAWING PROVIDED BY SLOTTI ARCHITECTURAL ARCHITECTS.
2. HATCHED ONE SHOWN SHOULD BE TO BE USED.
3. ALL STRUCTURAL ELEMENTS ARE SHOWN WITHIN COMMON AREA.
4. THE FIRST ADDRESS OF UNIT N 1113 COMMERCIAL IS 211 WEBER AVENUE, UNIT 1113.
5. SEE PLAN FOR QUANTITIES OF COMMON AREA FOR COMPLETE DESCRIPTION OF OWNERSHIP.

**UNIT SQUARE FOOTAGE TABLE**

UNIT NUMBER	SQUARE FOOTAGE
101	1,321
102	1,321
103	1,321
104	1,321
105	1,321
106	1,321
107	1,321
108	1,321
109	1,321
110	1,321
111	1,321
112	1,321
113	1,321
114	1,321
115	1,321
116	1,321
117	1,321
118	1,321
119	1,321
120	1,321
121	1,321
122	1,321
123	1,321
124	1,321
125	1,321
126	1,321
127	1,321
128	1,321
129	1,321
130	1,321
131	1,321
132	1,321
133	1,321
134	1,321
135	1,321
136	1,321
137	1,321
138	1,321
139	1,321
140	1,321
141	1,321
142	1,321
143	1,321
144	1,321
145	1,321
146	1,321
147	1,321
148	1,321
149	1,321
150	1,321
151	1,321
152	1,321
153	1,321
154	1,321
155	1,321
156	1,321
157	1,321
158	1,321
159	1,321
160	1,321
161	1,321
162	1,321
163	1,321
164	1,321
165	1,321
166	1,321
167	1,321
168	1,321
169	1,321
170	1,321
171	1,321
172	1,321
173	1,321
174	1,321
175	1,321
176	1,321
177	1,321
178	1,321
179	1,321
180	1,321
181	1,321
182	1,321
183	1,321
184	1,321
185	1,321
186	1,321
187	1,321
188	1,321
189	1,321
190	1,321
191	1,321
192	1,321
193	1,321
194	1,321
195	1,321
196	1,321
197	1,321
198	1,321
199	1,321
200	1,321

**UNIT COUNT OF BEGINNING TABLE**

UNIT NUMBER	UNIT COUNT
101	1
102	1
103	1
104	1
105	1
106	1
107	1
108	1
109	1
110	1
111	1
112	1
113	1
114	1
115	1
116	1
117	1
118	1
119	1
120	1
121	1
122	1
123	1
124	1
125	1
126	1
127	1
128	1
129	1
130	1
131	1
132	1
133	1
134	1
135	1
136	1
137	1
138	1
139	1
140	1
141	1
142	1
143	1
144	1
145	1
146	1
147	1
148	1
149	1
150	1
151	1
152	1
153	1
154	1
155	1
156	1
157	1
158	1
159	1
160	1
161	1
162	1
163	1
164	1
165	1
166	1
167	1
168	1
169	1
170	1
171	1
172	1
173	1
174	1
175	1
176	1
177	1
178	1
179	1
180	1
181	1
182	1
183	1
184	1
185	1
186	1
187	1
188	1
189	1
190	1
191	1
192	1
193	1
194	1
195	1
196	1
197	1
198	1
199	1
200	1

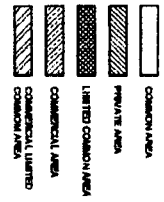
**CONDOMINIUM PLAN**  
**UNION SQUARE**

A UTM CONDOMINIUM PROJECT  
 1. THIS PLAN IS THE PROPERTY OF THE ARCHITECT, ENGINEER, AND SURVEYOR.  
 2. ALL RIGHTS RESERVED.  
 3. THIS PLAN IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE ARCHITECT, ENGINEER, AND SURVEYOR.  
 4. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT PERMISSION IN WRITING FROM THE ARCHITECT, ENGINEER, AND SURVEYOR.

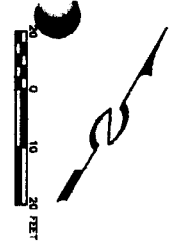
NO. 31105 FILED UNDER NO. 51  
 RECORDED  
 STATE OF UTAH, COUNTY OF SALT LAKE  
 AT THE REQUEST OF \_\_\_\_\_  
 DATE \_\_\_\_\_ TIME \_\_\_\_\_ ROOM \_\_\_\_\_ PRICE \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**LEGEND**  
 - - - - - REPRESENTS WALLS  
 --- --- --- REPRESENTS PART OF BEGINNING  
 U - REPRESENTS UNIT





- NOTES:**
1. FLOOR AREA AND PERIMETERS SHOWN IN THIS PLAN ARE CONSIDERED APPROXIMATE AND SHOULD BE CHECKED BY SURVEYOR AND ARCHITECTURAL ENGINEER BEFORE CONSTRUCTION.
  2. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.
  3. THE UNIT COMMONS OF UNIT N(1) COMMONS IS SHOWN TO BE COMMONS FOR COMPLETE DESCRIPTION OF COMMONS.
  4. THE UNIT COMMONS OF UNIT N(1) COMMONS IS SHOWN TO BE COMMONS FOR COMPLETE DESCRIPTION OF COMMONS.
  5. REFER TO EXHIBIT OF COMMONS FOR COMPLETE DESCRIPTION OF COMMONS.



**UNIT SQUARE FOOTAGE TABLE**

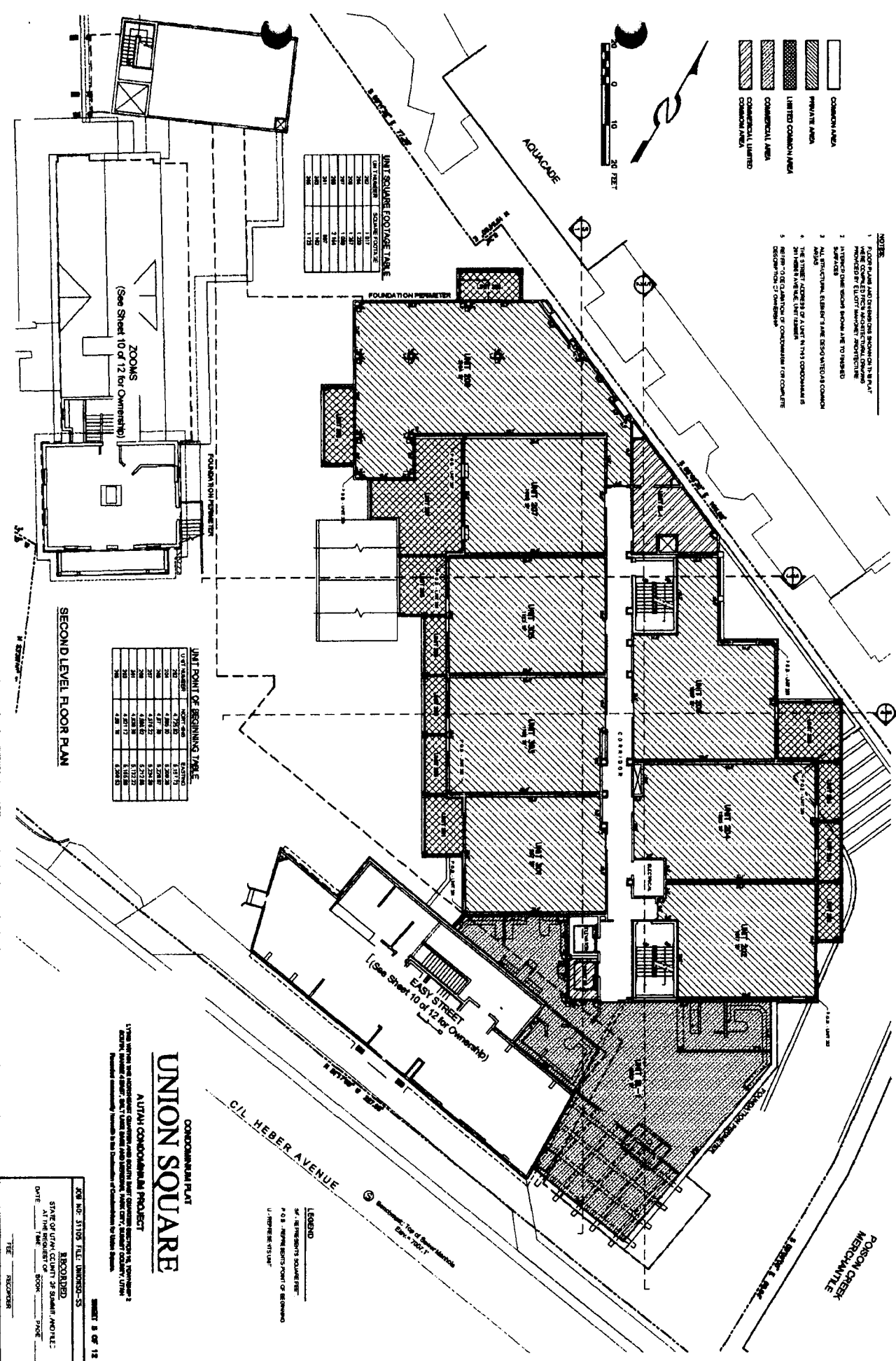
UNIT NUMBER	SQUARE FOOTAGE
201	1,131
202	1,131
203	1,131
204	1,131
205	1,131
206	1,131
207	1,131
208	1,131
209	1,131
210	1,131
211	1,131
212	1,131
213	1,131

ZOOMS  
(See Sheet 10 of 12 for Ownership)

**UNIT POINT OF BEGINNING TABLE**

UNIT NUMBER	POINT OF BEGINNING
201	4.78' 00" N
202	4.78' 00" N
203	4.78' 00" N
204	4.78' 00" N
205	4.78' 00" N
206	4.78' 00" N
207	4.78' 00" N
208	4.78' 00" N
209	4.78' 00" N
210	4.78' 00" N
211	4.78' 00" N
212	4.78' 00" N
213	4.78' 00" N

**SECOND LEVEL FLOOR PLAN**



**UNION SQUARE**  
CONDOMINIUM UNIT

**ALTAIR CONDOMINIUM PROJECT**  
1. THIS FLOOR PLAN IS SUBMITTED TO THE BOARD OF SUPERVISORS OF THE COUNTY OF ALTAIR, CALIFORNIA, FOR RECORDATION AND TO BE A PART OF THE RECORDS OF THE COUNTY OF ALTAIR, CALIFORNIA. THE BOARD OF SUPERVISORS HAS REVIEWED THIS FLOOR PLAN AND HAS DETERMINED THAT IT COMPLIES WITH THE REQUIREMENTS OF THE ALTAIR CONDOMINIUM ACT, CHAPTER 10, DIVISION 10, OF THE CALIFORNIA CIVIL CODE, AND HAS APPROVED THIS FLOOR PLAN FOR RECORDATION.

DATE \_\_\_\_\_ TIME \_\_\_\_\_ ROOM \_\_\_\_\_ PAGE \_\_\_\_\_

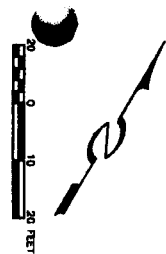
RECORDED AT THE REQUEST OF \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ ROOM \_\_\_\_\_ PAGE \_\_\_\_\_

RECORDED AT THE REQUEST OF \_\_\_\_\_

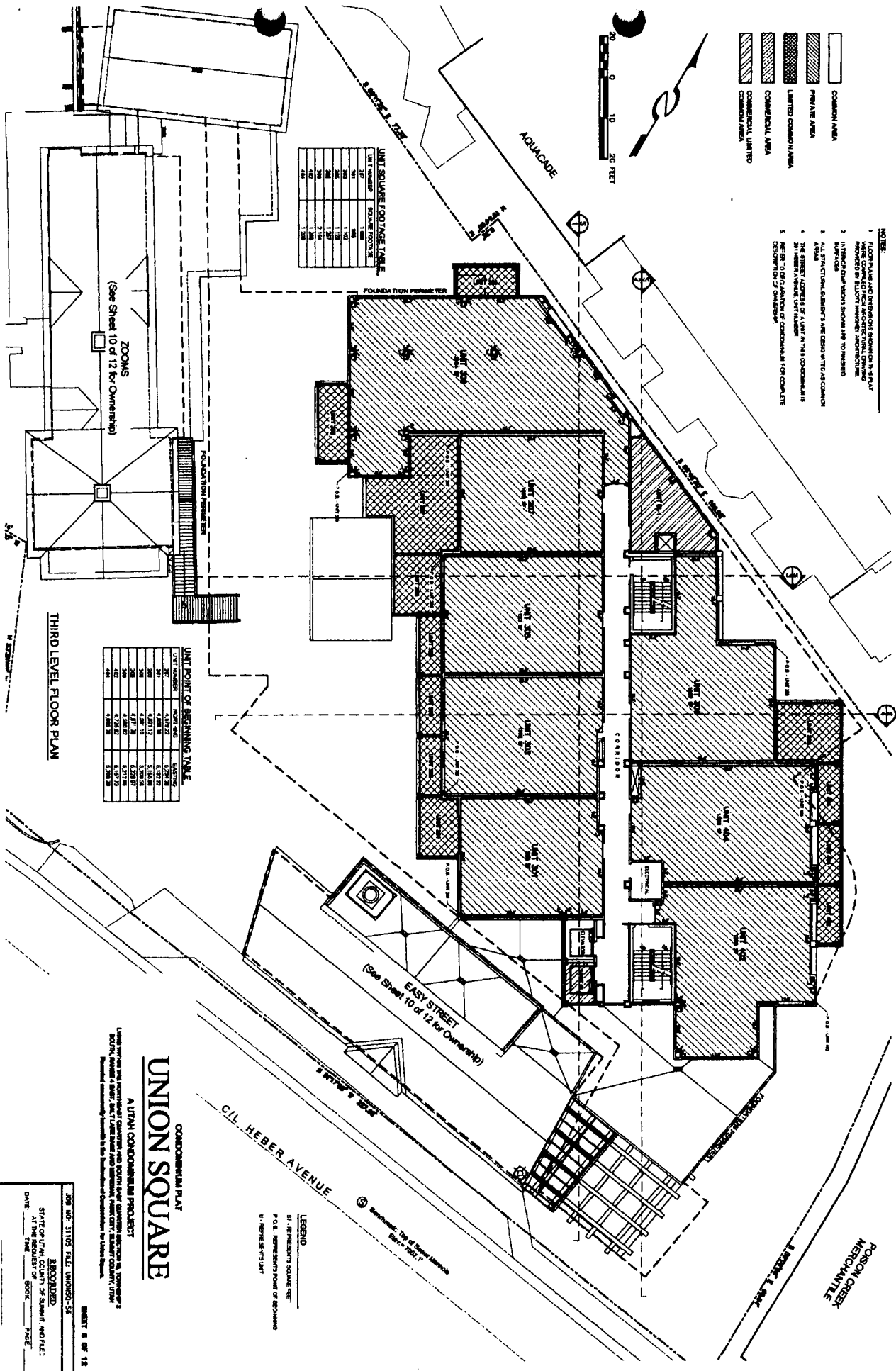
- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- COMMERCIAL AREA
- COMMERCIAL LIMITED COMMON AREA

- NOTES:**
1. FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAN SHALL BE CONSIDERED TO BE THE FINAL DESIGN AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SALT LAKE CITY ZONING ORDINANCES AND ALL APPLICABLE CODES.
  2. THE STREET ADDRESS OF THIS UNIT IS 1174 COMMERCIAL BLVD. S. SALT LAKE CITY, UT 84111.
  3. THE STREET ADDRESS OF THIS UNIT IS 1174 COMMERCIAL BLVD. S. SALT LAKE CITY, UT 84111.
  4. THE STREET ADDRESS OF THIS UNIT IS 1174 COMMERCIAL BLVD. S. SALT LAKE CITY, UT 84111.
  5. THE STREET ADDRESS OF THIS UNIT IS 1174 COMMERCIAL BLVD. S. SALT LAKE CITY, UT 84111.



**UNIT SQUARE FOOTAGE TABLE**

UNIT NUMBER	SQUARE FOOTAGE
101	1,200
102	1,200
103	1,200
104	1,200
105	1,200
106	1,200
107	1,200
108	1,200
109	1,200
110	1,200
111	1,200
112	1,200
113	1,200
114	1,200
115	1,200
116	1,200
117	1,200
118	1,200
119	1,200
120	1,200



**UNIT POINT OF BEGINNING TABLE**






UNIT NUMBER	N	E	S	W
301	4,170.00	1,250.00	1,250.00	1,250.00
302	4,170.00	1,250.00	1,250.00	1,250.00
303	4,170.00	1,250.00	1,250.00	1,250.00
304	4,170.00	1,250.00	1,250.00	1,250.00
305	4,170.00	1,250.00	1,250.00	1,250.00
306	4,170.00	1,250.00	1,250.00	1,250.00
307	4,170.00	1,250.00	1,250.00	1,250.00
308	4,170.00	1,250.00	1,250.00	1,250.00
309	4,170.00	1,250.00	1,250.00	1,250.00
310	4,170.00	1,250.00	1,250.00	1,250.00
311	4,170.00	1,250.00	1,250.00	1,250.00
312	4,170.00	1,250.00	1,250.00	1,250.00

**THIRD LEVEL FLOOR PLAN**

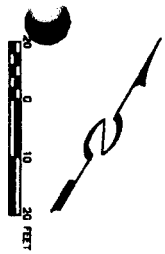
**CONDOMINIUM PLAN**  
**UNION SQUARE**  
 A UTAH CONDOMINIUM PROJECT  
 1174 COMMERCIAL BLVD. S. SALT LAKE CITY, UT 84111  
 PREPARED BY: [Firm Name]  
 DATE: [Date]

**LEGEND**  
 ST. - REPRESENTS SQUARE FEET  
 P.O.B. - REPRESENTS POINT OF BEGINNING  
 U. - REPRESENTS UNIT

**RECORDED**  
 STATE OF UTAH, COUNTY OF SALT LAKE, PARCEL:  
 DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ PAGE: \_\_\_\_\_  
 TITLE: \_\_\_\_\_ RECORDS: \_\_\_\_\_

-  COMMON AREA
-  PRIVATE AREA
-  LIMITED COMMON AREA
-  COMMERCIAL AREA
-  COMMERCIAL LIMITED COMMON AREA

- NOTES:**
1. FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAN ARE TO BE USED FOR ARCHITECTURAL, ENGINEERING AND CONSTRUCTION PURPOSES ONLY. ANY DISCREPANCY BETWEEN THIS PLAN AND ANY OTHER PLAN SHALL BE RESOLVED BY THE ARCHITECT.
  2. ALL DIMENSIONS SHOWN ARE TO CENTER UNLESS OTHERWISE NOTED.
  3. ALL STRUCTURAL ELEMENTS ARE TO BE CONFORMANT WITH ALL APPLICABLE CODES AND REGULATIONS.
  4. THE STREET ADDRESS OF A UNIT IS THE COMMERCIAL ADDRESS OF THE UNIT.
  5. THE QUANTITY OF COMMON AREA IS TO BE DETERMINED BY THE ARCHITECT.



**UNIT SQUARE FOOTAGE TABLE**

UNIT NUMBER	UNIT TYPE	UNIT AREA (SQ. FT.)	COMMON AREA (SQ. FT.)	TOTAL AREA (SQ. FT.)
101	1 BR	1,100	100	1,200
102	1 BR	1,100	100	1,200
103	1 BR	1,100	100	1,200
104	1 BR	1,100	100	1,200
105	1 BR	1,100	100	1,200
106	1 BR	1,100	100	1,200
107	1 BR	1,100	100	1,200
108	1 BR	1,100	100	1,200
109	1 BR	1,100	100	1,200
110	1 BR	1,100	100	1,200
111	1 BR	1,100	100	1,200
112	1 BR	1,100	100	1,200
113	1 BR	1,100	100	1,200
114	1 BR	1,100	100	1,200
115	1 BR	1,100	100	1,200
116	1 BR	1,100	100	1,200
117	1 BR	1,100	100	1,200
118	1 BR	1,100	100	1,200
119	1 BR	1,100	100	1,200
120	1 BR	1,100	100	1,200

(See Sheet 10 of 12 for Ownership)

**FOURTH LEVEL FLOOR PLAN**

**UNIT POINT OF BEGINNING TABLE**

UNIT NUMBER	POINT OF BEGINNING	COORDINATES
101	4.28' N	8.61' W
102	4.28' N	8.61' W
103	4.28' N	8.61' W
104	4.28' N	8.61' W
105	4.28' N	8.61' W
106	4.28' N	8.61' W
107	4.28' N	8.61' W
108	4.28' N	8.61' W
109	4.28' N	8.61' W
110	4.28' N	8.61' W
111	4.28' N	8.61' W
112	4.28' N	8.61' W
113	4.28' N	8.61' W
114	4.28' N	8.61' W
115	4.28' N	8.61' W
116	4.28' N	8.61' W
117	4.28' N	8.61' W
118	4.28' N	8.61' W
119	4.28' N	8.61' W
120	4.28' N	8.61' W

**CONDOMINIUM PLAN  
UNION SQUARE**

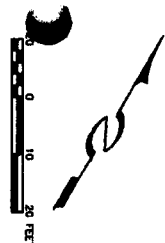
**AUTUMN CONDOMINIUM PROJECT**

THIS PLAN AND DIMENSIONS SHOWN ON THIS PLAN ARE TO BE USED FOR ARCHITECTURAL, ENGINEERING AND CONSTRUCTION PURPOSES ONLY. ANY DISCREPANCY BETWEEN THIS PLAN AND ANY OTHER PLAN SHALL BE RESOLVED BY THE ARCHITECT.

JOB NO. 31105 FILE NUMBER-57  
 RECORDED  
 STATE OF UTAH COUNTY OF SALT LAKE COUNTY  
 DATE \_\_\_\_\_ TIME \_\_\_\_\_ PAGE \_\_\_\_\_  
 THE \_\_\_\_\_ RECORDERS

- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- COMMERCIAL AREA
- COMMERCIAL LIMITED COMMON AREA

- NOTES:
1. FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAN HAVE BEEN CHECKED FOR ACCURACY. UNLESS OTHERWISE NOTED, DIMENSIONS SHALL BE TO FACE.
  2. ALL STRUCTURAL ELEMENTS ARE TO BE CONFORMANT WITH ALL APPLICABLE CODES AND REGULATIONS.
  3. THE STREET ADDRESS OF A UNIT IN THIS CONDOMINIUM IS 201 HEBER AVENUE, UNIT NUMBER.
  4. REFER TO THE QUANTITY OF COMMONS FOR COMPLETE DESCRIPTION OF COMMONS.



UNIT SQUARE FOOTAGE TABLE

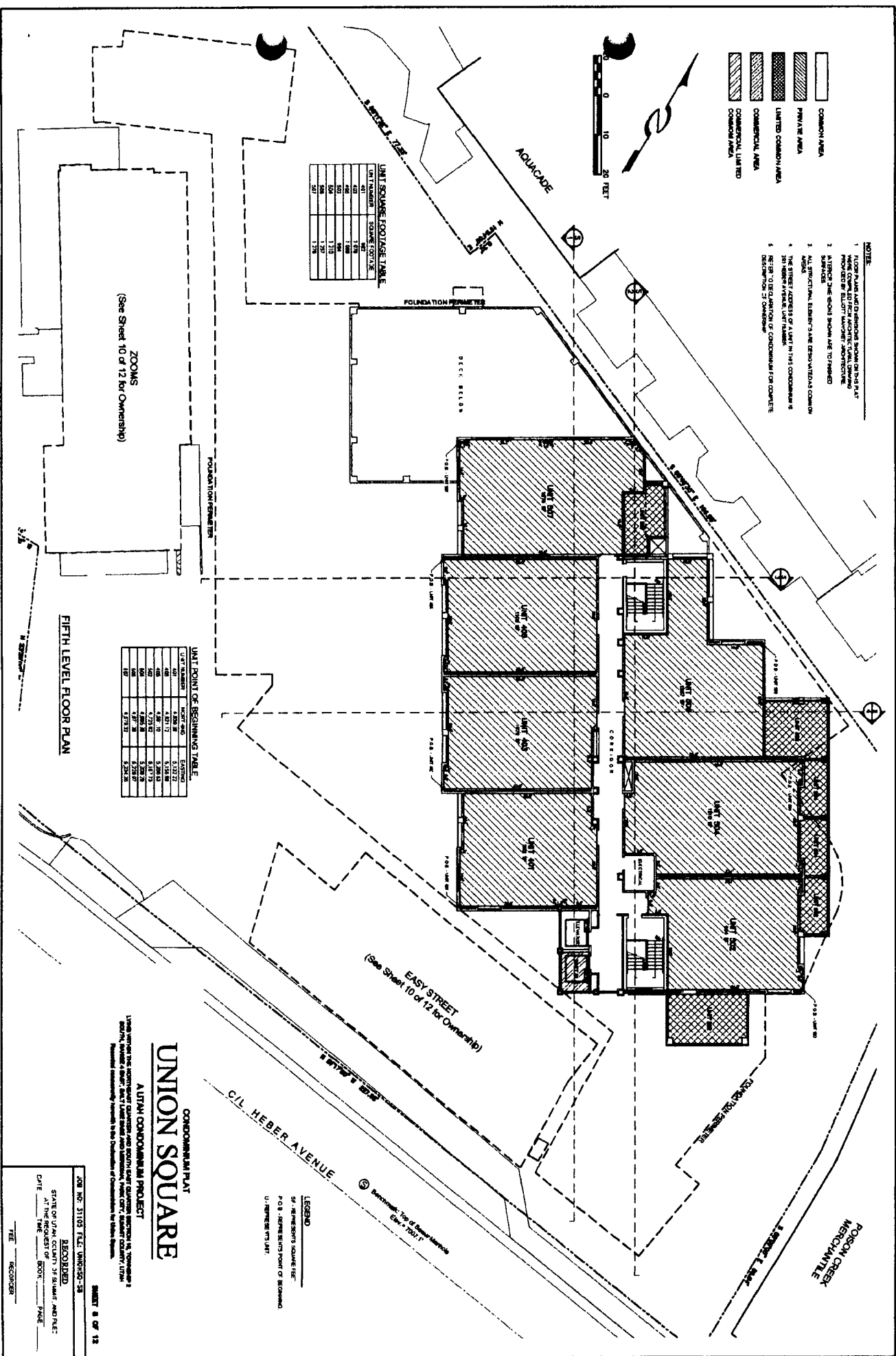
UNIT NUMBER	FOOTAGE (SQ. FT.)
401	1,800.00
402	1,800.00
403	1,800.00
404	1,800.00
405	1,800.00
406	1,800.00
407	1,800.00

ZOOMS  
(See Sheet 10 of 12 for Ownership)

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	POINT-AND-DISTANCE	BEARING
401	1.800.00	S 102° 27'
402	1.800.00	S 102° 27'
403	1.800.00	S 102° 27'
404	1.800.00	S 102° 27'
405	1.800.00	S 102° 27'
406	1.800.00	S 102° 27'
407	1.800.00	S 102° 27'

FIFTH LEVEL FLOOR PLAN



CONDOMINIUM PLAN  
**UNION SQUARE**

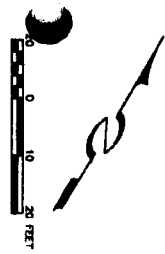
AUTUMN CONDOMINIUM PROJECT  
LINES SHOWN ARE THE BOUNDARIES OF THE CONDOMINIUM PROJECT AS SHOWN ON THE PLANS, INCLUDING A UNIT, UNIT NUMBER AND ADDRESS, UNIT CITY, COUNTY, STATE AND ZIP CODE. REFER TO THE QUANTITY OF COMMONS FOR COMPLETE DESCRIPTION OF COMMONS.

JOB NO. 3105 TEL. UNW-58-58  
STATE OF UTAH, COUNTY OF SALT LAKE, AND FILE:  
DATE \_\_\_\_\_ REC'D \_\_\_\_\_ PAGE \_\_\_\_\_  
FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

LEGEND  
SF - SQUARE FEET  
P.O.B. - REPRESENTS POINT OF BEGINNING  
U - UNIT NUMBER

- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- COMMERCIAL AREA
- COMMERCIAL LIMITED COMMON AREA

- NOTES:**
1. FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAN HAVE BEEN PREPARED BY THE ARCHITECT AND SHALL BE CONSIDERED AS APPROXIMATE. DIMENSIONS SHOWN ON THIS PLAN SHALL PREVAIL OVER DIMENSIONS SHOWN ON ANY OTHER PLAN.
  2. ALL STRUCTURAL ELEMENTS ARE SHOWN IN THIS CONSTRUCTION PLAN.
  3. THE STREET ADDRESS OF A UNIT IN THIS CONDOMINIUM IS 201 WEST AVENUE, UNIT NUMBER.
  4. REFER TO THE PLAN OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.

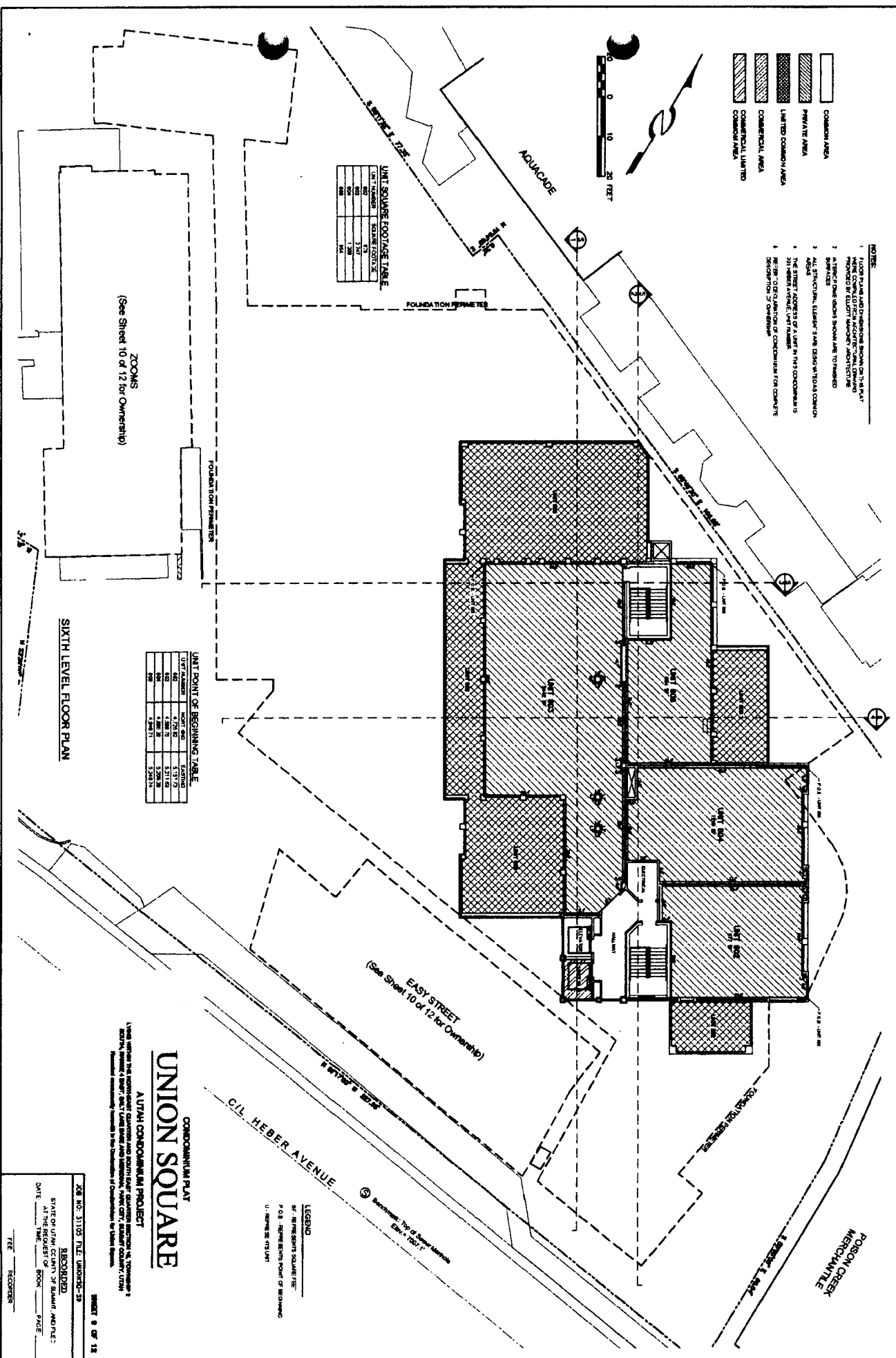


**UNIT SQUARE FOOTAGE TABLE**

UNIT NUMBER	SQUARE FOOTAGE
101	1,120
102	1,200
103	1,200
104	1,200

**UNIT POINT OF BEGINNING TABLE**

UNIT NUMBER	NORTH	EAST
101	4,250.00	5,171.75
102	4,250.00	5,171.75
103	4,250.00	5,171.75
104	4,250.00	5,171.75



**CONDOMINIUM PLAN**  
**UNION SQUARE**

**ALUTAI CONDOMINIUM PROJECT**  
 I HAVE REVIEWED THE SUBMITTED CONDOMINIUM PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH CONDOMINIUM ACT, UTAH CODE ANN. § 38-1-1, AS AMENDED, AND THE UTAH CONDOMINIUM ACT, UTAH CODE ANN. § 38-1-2, AS AMENDED. I HAVE REVIEWED THE PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH CONDOMINIUM ACT, UTAH CODE ANN. § 38-1-1, AS AMENDED, AND THE UTAH CONDOMINIUM ACT, UTAH CODE ANN. § 38-1-2, AS AMENDED. I HAVE REVIEWED THE PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH CONDOMINIUM ACT, UTAH CODE ANN. § 38-1-1, AS AMENDED, AND THE UTAH CONDOMINIUM ACT, UTAH CODE ANN. § 38-1-2, AS AMENDED.

200 DEC 31 10:00 AM '93  
 STATE OF UTAH, CLERK OF SUPREME COURT  
 AT THE REQUEST OF \_\_\_\_\_ PAGE \_\_\_\_\_  
 DATE \_\_\_\_\_ TIME \_\_\_\_\_  
 FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

**LEGEND**  
 W - RESIDENTS SQUARE FEET  
 P.O.B. - RESIDENTS POINT OF BEGINNING  
 U - RESIDENTS UNIT

**SIXTH LEVEL FLOOR PLAN**

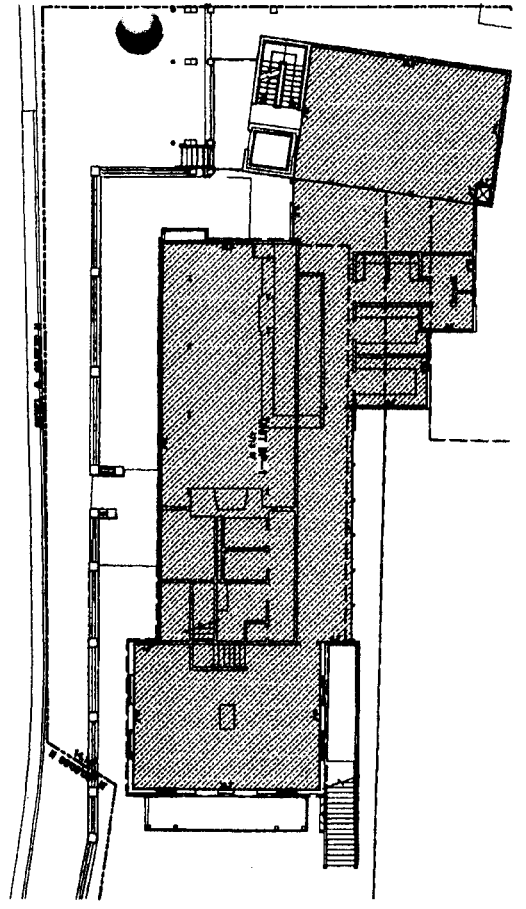
**ZOOMS**  
(See Sheet 10 of 12 for Ownership)

**EASY STREET**  
(See Sheet 10 of 12 for Ownership)

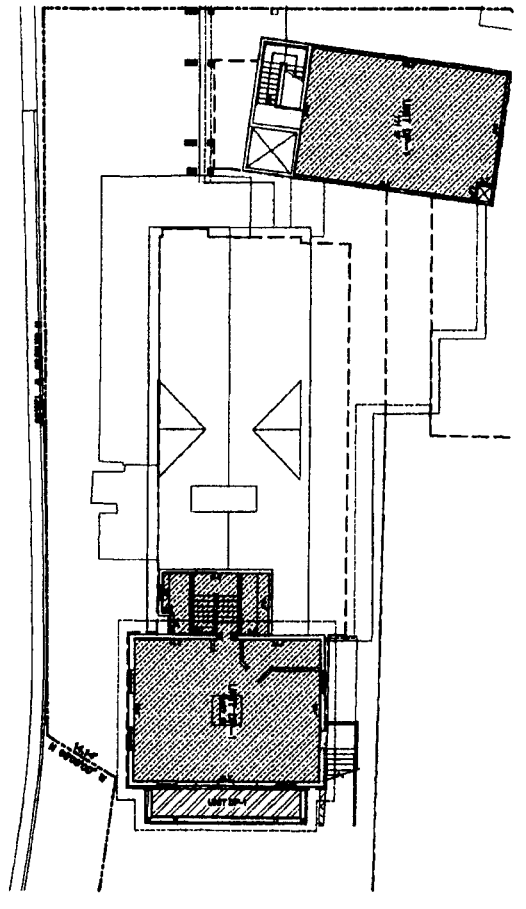
**C/O HEBER AVENUE**

**POISON CREEK MERCHANTS**

Surveyors Top of Survey  
 Dec - 1993

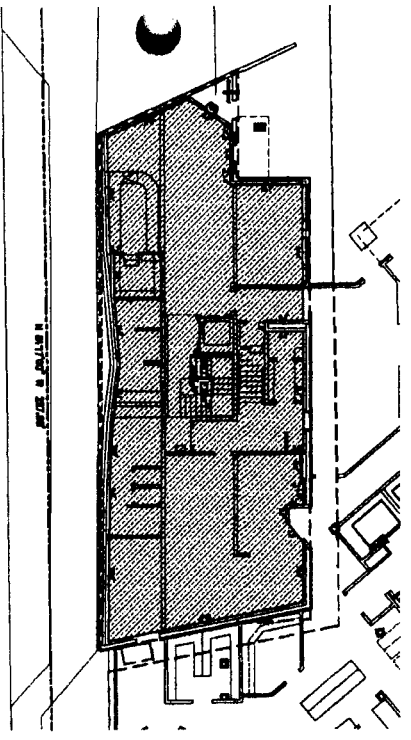


Zoom's GROUND LEVEL FLOOR PLAN

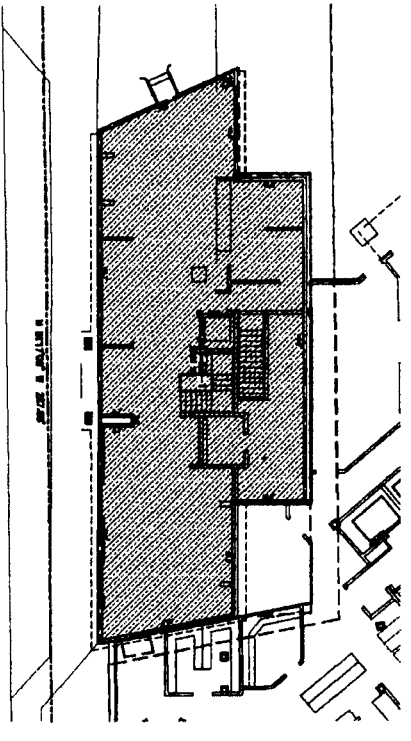


Zoom's UPPER LEVEL FLOOR PLAN

LEGEND  
 ■ 7' x 7' SQUARE SIGN  
 ■ C.A. REPRESENTING 10% OF ROOMS  
 U. REPRESENTS LIFT



EASY STREET GROUND LEVEL FLOOR PLAN



EASY STREET UPPER LEVEL FLOOR PLAN

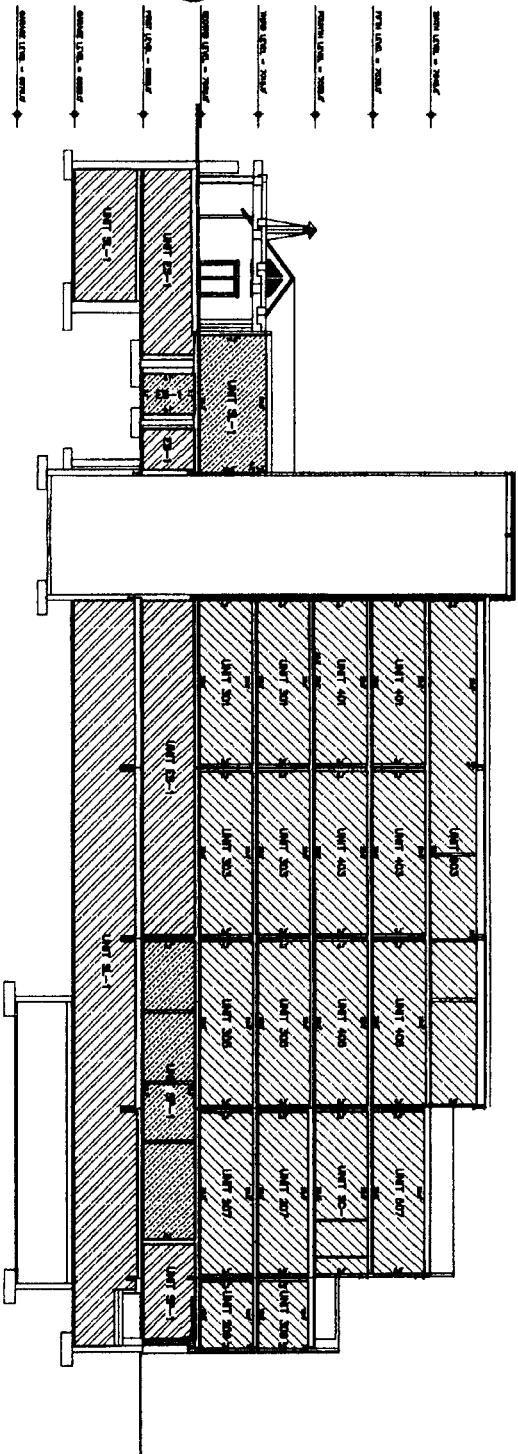
- COMMON AREA
- ▨ PRIVATE AREA
- ▩ LIMITED COMMON AREA
- ▧ COMMERCIAL AREA
- ▦ COMMERCIAL LIMITED COMMON AREA



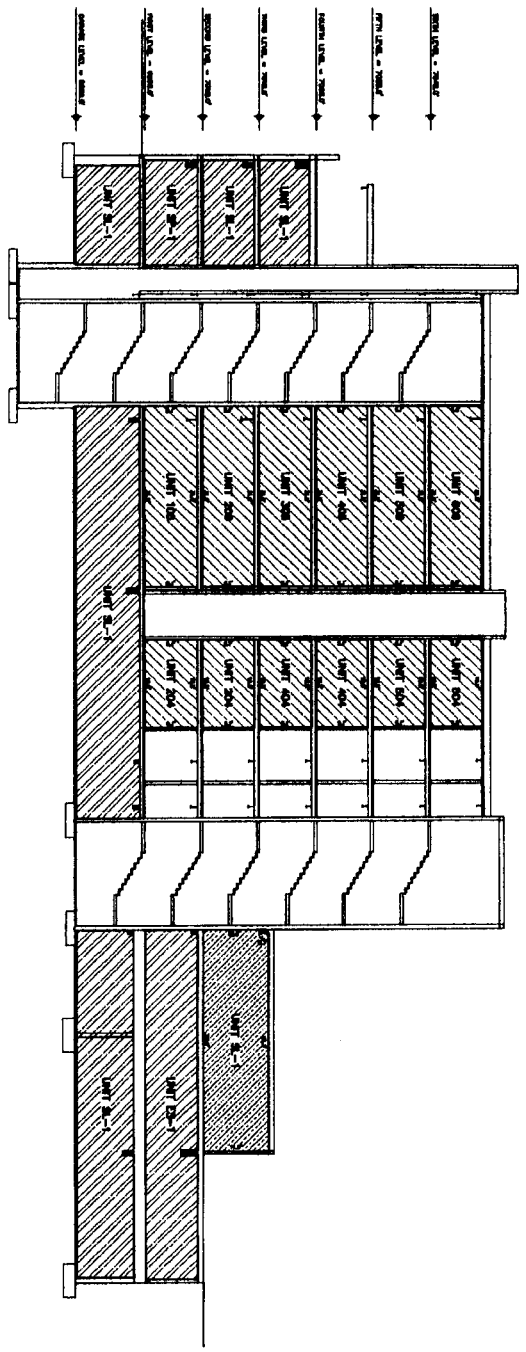
**UNION SQUARE**

ALPHABETIC CONSTRUCTION PROJECT  
 THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND SHOULD NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

JOB NO. 31105 FILE NUMBER: 510  
 RECORDED  
 STATE OF ILLINOIS COUNTY OF STAMFORD AND FIELD  
 DATE \_\_\_\_\_ TIME \_\_\_\_\_ PM  
 FEE \_\_\_\_\_ RECORDER \_\_\_\_\_



SECTION S-1



SECTION S-2



- LEGEND**
- COMMON AREA
  - ▨ PRIVATE AREA
  - ▧ LIMITED COMMON AREA
  - ▩ COMMERCIAL AREA
  - ▤ COMMERCIAL LIMITED COMMON AREA

- S- REPRESENTS SQUARE FEET
- P- OR - REPRESENTS PART OF ROOMS
- U- REPRESENTS UNIT

- NOTES:**
1. ROOM LAYOUT AND DIMENSIONS SHOWN ON THIS PLAN HAVE BEEN OBTAINED FROM ARCHITECTURAL DRAWINGS AND FIELD SURVEY.
  2. INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
  3. ALL STRUCTURAL ELEMENTS ARE PRESUMED TO BE CONCRETE.
  4. THE EXISTING LAYOUT OF A UNIT IS IN A CONDOMINIUM IS TO BE MAINTAINED.
  5. UNIT IS TO BE MAINTAINED OR CONVERSION FOR COMPLETE RECONSTRUCTION OF CONDOMINIUM.

**CONDOMINIUM PLAN**  
**UNION SQUARE**

ALTAH CONDOMINIUM PROJECT  
UNION SQUARE CONDOMINIUM PROJECT  
RECORDED AND RETURNED TO THE OFFICE OF THE COUNTY CLERK OF COCONINO COUNTY, ARIZONA, ON 11/11/2024  
RECORDED AND RETURNED TO THE OFFICE OF THE COUNTY CLERK OF COCONINO COUNTY, ARIZONA, ON 11/11/2024

BOOK 11 OF 12

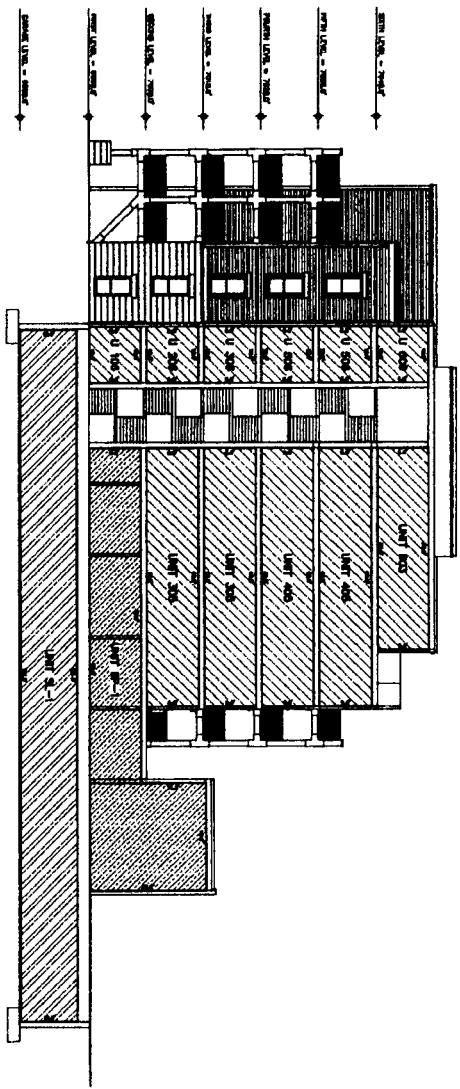
JOB NO: 3105 FILE NUMBER: 311

RECORDED

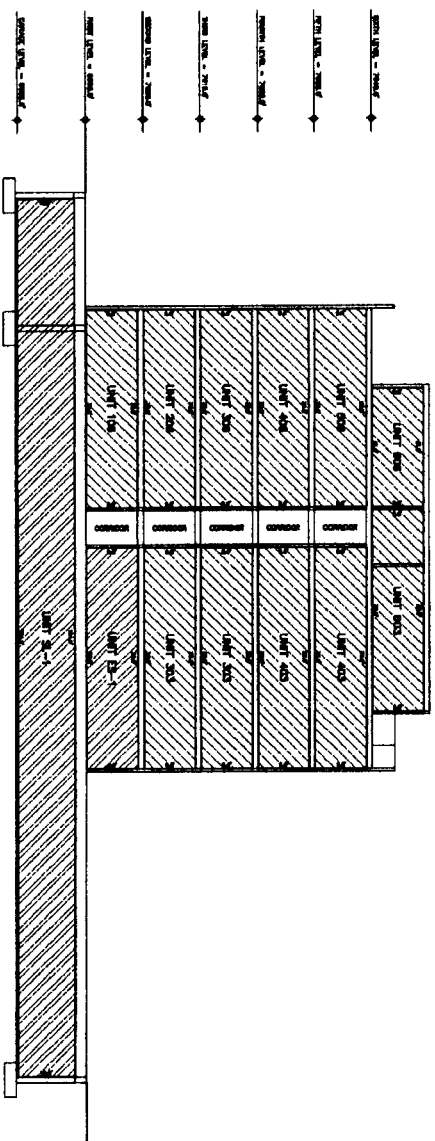
STATE OF ARIZONA, COUNTY OF SHARAH AND FILED

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ PAGE: \_\_\_\_\_

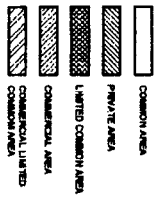
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SECTION S-3



SECTION S-4



LEGEND  
 SF REPRESENTS SQUARE FEET  
 P.O.B. REPRESENTS POINT OF BEGINNING  
 U. REPRESENTS UNIT



- NOTE:
- FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAN HAVE BEEN CHECKED FOR CONFORMANCE WITH THE REQUIREMENTS OF THE UTAH CONDOMINIUM ACT AND THE UTAH CONDOMINIUM ACT AS AMENDED BY HOUSE BILL 301 (2011).
  - ALL DIMENSIONS ARE TO FINISH SURFACES UNLESS OTHERWISE NOTED.
  - ALL STRUCTURAL ELEMENTS ARE CONFORMING TO UTAH CONSTRUCTION CODES.
  - THE STREET ADDRESS OF A UNIT IN THIS CONDOMINIUM IS 2011 SOUTH AVENUE, UNIT NUMBER.
  - REFER TO THE UTAH CONDOMINIUM ACT FOR COMPLETE DESCRIPTION OF OWNERSHIP.

CONDOMINIUM PLAN  
**UNION SQUARE**

A UTAH CONDOMINIUM PROJECT

UNION SQUARE HAS BEEN REGISTERED WITH THE UTAH DEPARTMENT OF HERITAGE AND ARTS AS A HISTORIC LANDMARK. THE REGISTERED AREA IS SHOWN ON THE ATTACHED MAP. THE REGISTERED AREA IS SHOWN ON THE ATTACHED MAP. THE REGISTERED AREA IS SHOWN ON THE ATTACHED MAP.

208 NO. 31705 FILED 08/08/12  
 RECORDED  
 STATE OF UTAH, CLERK OF SUPREMACY AND FILE  
 AT THE REQUEST OF BOB PAGE  
 DATE \_\_\_\_\_ PAGE \_\_\_\_\_  
 FEE \_\_\_\_\_ RECORDER \_\_\_\_\_