

Ordinance No. 07-68

**AN ORDINANCE APPROVING AMENDMENTS TO  
PARK CITY MUNICIPAL CODE, TITLE 7  
ANIMAL CONTROL, FOR CONSISTENCY WITH  
SUMMIT COUNTY'S ANIMAL CONTROL ORDINANCE 113-1**

WHEREAS, Park City entered into a Memorandum of Understanding in September, 2006, with Summit County concerning provisions of animal control service, regulation, and enforcement by Summit County within the incorporated limits of Park City;

WHEREAS, at the time Park City Municipal Code Title 7 Animal Control was initially adopted, it was consistent with the Summit County code. Summit County has since updated their animal control ordinance which now reflects some differences with the City's code;

WHEREAS, amendment of Title 7 makes it consistent with the current Summit County's current ordinance 113-1, and along with the accompanying Memorandum of Understanding, will provide Park City with adequate laws to protect and govern the community in regard to animal control.

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

SECTION 1. AMENDMENT TO TITLE 7 ANIMAL CONTROL OF THE PARK CITY MUNICIPAL CODE. Title 7 is hereby amended as attached hereto as Exhibit A.

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

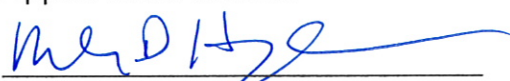
PARK CITY MUNICIPAL CORPORATION

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

Attest:

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

Approved as to form:

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



## Exhibit A

### PARK CITY MUNICIPAL CODE TITLE 7 – ANIMAL CONTROL

#### CHAPTER 1 - IN GENERAL

##### 7- 1- 1. DEFINITIONS.

- (A) **ANIMAL BOARDING ESTABLISHMENT**. Any establishment that takes in animals for boarding for profit.
- (B) **ANIMAL GROOMING PARLOR**. Any establishment maintained for the purpose of offering cosmetology services for animals for profit.
- (C) **ANIMAL SHELTER**. A facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the State of Utah ~~under U.C.A. Section 76-9-305, as amended,~~ and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats small domestic animals.
- (D) **ANIMAL AT LARGE**. Any domesticated animal, whether or not licensed, not under restraint as defined below.
- ~~(E) **ANIMAL UNDER RESTRAINT**. Any animal under the control of its owner or person having charge, care, custody or control. A dog shall be considered under control of the owner when on a leash or lead, confined within a vehicle, or within the real property limits of the owner.~~
- (~~E~~F) **BITE**. An actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.
- (~~F~~G) **CATS**. Any age feline of the domesticated types.
- (~~G~~H) **CATTERY**. An establishment for boarding, breeding, buying, grooming or selling cats for profit.
- (H) **DIRECTOR OF ANIMAL CONTROL**. The director of the Summit County Department of Animal Control who is vested with the power and authority to enforce the provisions of this code.
- (I) **DOG**. A canis over four months of age. Any canis under four months of age is a puppy.



(J) **DOMESTICATED ANIMALS**. Animals accustomed to live in or about the habitation of man, including but not limited to cats, dogs, fowl, horses, swine, goats, and cattle.

(K) **STRAY**. Any animal at large as defined herein.

(L) **GUARD DOG**. A working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so it cannot come into contact with the public. **This restriction does not apply to service dogs for people and governmental entities and dogs used for agricultural purposes.**

(M) **HOLDING FACILITY**. Any pet shop, kennel, cattery, groomery, animal shelter, humane establishment, or any other such facility used for holding animals.

(N) **KENNEL**. An establishment having four or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, selling, or agricultural use such as stock herding and guarding.

(O) **LEASH OR LEAD**. Any chain, rope or device used to restrain an animal.

(P) **NEUTER**. A surgical procedure performed on male animals in which its testicles are removed.

(Q) **PET**. A domesticated animal kept for pleasure rather than utility, including, but not limited to birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment.

(R) **PET SHOP**. Any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.

(S) **QUARANTINE**. The isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

(T) **SPAY**. A surgical procedure performed on a female animal in which its ovaries and uterus are removed.

**(U) UNDER RESTRAINT. Any animal under the control of its owner or person having charge, care, custody or control. A dog shall be considered under control of the owner when on a leash or lead, confined within a vehicle, or within the real property limits of the owner.**

**(VU) VICIOUS ANIMAL**. Any animal which is dangerous or aggressive, including, but not limited to any animal which has bitten or in any other manner attacked any person or animal.

**(WV) VICIOUS DOG.**

- (1) Any dog which, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places;
- (2) Any dog with a known propensity, tendency, or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or animals; or
- (3) Any dog which bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal on public or private property.

**7- 1- 2. DEPARTMENT OF ANIMAL CONTROL.**

Summit County has created a Department of Animal Control.

**7- 1- 3. POWERS OF SUMMIT COUNTY ANIMAL CONTROL OFFICIALS.**

(A) The Director of Animal Control ~~Summit County Animal Control Director~~ or any person employed by the Summit County Department of Animal Control as an animal control officer shall take the Summit County oath of office and shall be vested with the power and authority to enforce this Chapter.

(B) The Director of Animal Control ~~Summit County Animal Control Director~~, [hereinafter "Director"] his/her deputies, assistants and animal control officers are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this Title and including licensable dogs for which no license has been procured in accordance with this Title, or any licensed or unlicensed dogs for any other violations.

(C) In the enforcement of this Title, any peace officer or the Summit County Director of Animal Control, or his or her assistants are authorized to enter onto the open premises of any person to take possession of any dog in violation of this Title.

**7- 1- 4. DUTIES OF SUMMIT COUNTY ANIMAL CONTROL OFFICIALS.**

(A) **ANIMAL CONTROL DIRECTOR.** The Director of Animal Control shall enforce this Title and perform other responsibilities pursuant thereto; supervise the animal shelter(s) under his or her jurisdiction; keep adequate records of all animals impounded and all monies collected; see that all animals and animal holding facilities in his or her jurisdiction are licensed, controlled and permitted in accordance with any applicable ordinance and/or regulations; and, establish, in cooperation with the Summit County Health Department and other interested governmental agencies, adequate measures for rabies immunization and control.

(B) **ANIMAL CONTROL OFFICERS.** The Summit County animal control officers shall enforce this Title in all respects pertaining to animal control within the jurisdiction including the care and impounding of animals and prevention of cruelty to animals; and carry out all duties prescribed or delegated by the Director of Animal Control.

## **CHAPTER 2 - LICENSING**

### **7- 2- 1. DOG LICENSING.**

(A) All dogs must be licensed each year, except as otherwise provided, to a person of the age of eighteen (18) or older.

(B) Any person owning, possessing or harboring any dog within Summit County shall obtain a license for such animal within thirty (30) days after the dog reaches the age of four (4) months, within ten (10) days of the acquisition of such dog or presence of such dog within Summit County. For a dog under the age of six (6) months, the Department of Animal Control may accept certification from a licensed veterinarian that the owner has deposited funds for spaying or neutering, then the dog may be licensed at the reduced fee. Said initial license shall be effective for one (1) year from the date of purchase and must be renewed annually thereafter.

(C) License renewal applications must be submitted annually to the Summit County Department of Animal Control, utilizing a standard form, which requests name, address and telephone number of the applicant and the breed, sex, color and age of the animal; the form also asks for pertinent information regarding rabies vaccinations. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate. Rabies vaccinations and certificates must be obtained every three (3) two (2) years, from either a licensed veterinarian or an authorized animal control officer.

(D) Dog licenses will be issued in accordance with fees as established by Summit County.

No dog shall be licensed as spayed or neutered without satisfactory proof that such surgery was performed on said dog.

(E) The license shall be effective one (1) year from the date of purchase after which a late fee may be imposed. Licenses for the following year may be purchased within thirty (30) days prior to the expiration date.

(F) No person or persons at any one residence within the jurisdiction shall at any one time own or license more than three (3) dogs in any combination except as otherwise provided. Any person owning, possessing or harboring four (4) or more dogs must obtain a kennel permit from the Summit County Department of Animal Control.

**7- 2- 2. LICENSE TAG.**

(A) Upon payment of the license fee, the Summit County Department of Animal Control shall issue to the owner a certificate and tag for each dog licensed. The tag shall have stamped on the license number corresponding with the tag number on the certificate. The owner shall attach the tag to the collar or harness of the animal and see that the collar and the tag are constantly worn. Failure to attach the tag as provided shall be in violation of this Title, except dogs which are kept for show purposes are exempt from wearing the collar and tag.

(B) Dog tags are not transferable from one dog to another. No refunds shall be made on any dog license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued upon payment of the required fee to the Summit County Department of Animal Control.

(C) Any person removing or causing to be removed, the collar, harness, or tag from any licensed dog without the consent of the owner or keeper thereof, except a licensed veterinarian or animal control officer who removes such for medical and other reasons, shall be in violation of this Title.

**7- 2- 3. LICENSING EXCEPTIONS.**

(A) The provisions of Sections 7-2-1 and 7-2-2 herein shall not apply to:

(1) Licensed dogs whose owners are non-residents temporarily, up to thirty (30) days, within the jurisdiction; licensed dogs whose owners remain within the jurisdiction longer than thirty (30) days may transfer to the local license upon payment of the required fee and proof of current rabies vaccination; and

(2) Individual dogs within a properly licensed dog kennel or other such establishment when such dogs are held for resale or agricultural use.

(B) The fee provisions of Section 7-2-2 shall not apply to:

(1) Seeing-eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them in moving from place to place;

(2) Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds; and

(3) Dogs especially trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.

(C) Nothing in this section shall be construed so as to exempt any dog from having a current rabies vaccination.



## CHAPTER 3 - VIOLATIONS

### 7- 3- 1. UNLAWFUL TO HARBOR STRAY DOGS.

It shall be unlawful for any person, except an animal welfare society incorporated within the State of Utah ~~under U.C.A. 76-9-305, as amended,~~ to harbor or keep any lost or stray dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Summit County Animal Control Department within twenty-four (24) hours, and the Department of Animal Control shall impound the dog.

### 7- 3- 2. DOGS RUNNING AT LARGE.

It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog at any time to run at large. The owner or person charged with responsibility for a dog found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the dog and regardless of whether or not he or she knows that the dog is running at large. The dog shall be deemed "at large" unless personally controlled by leash or lead in condo common areas, public parks, parking lots open to public, ski areas, golf courses and shopping centers.

### 7- 3- 3. DOGS ON UNENCLOSED PREMISES.

It shall be unlawful for any person to chain, stake out, or tether any dog on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the affected property.

### 7- 3- 4. FEMALE DOGS IN HEAT.

Any owner or person having charge, care, custody or control of any female dog in heat shall, in addition to restraining such dog from running at large, cause such dog to be constantly confined in a building or secure enclosure so as to prevent it from attracting by scent or coming into contact with other dogs and creating a nuisance, except for planned breeding.

### 7- 3- 5. PLACES PROHIBITED TO DOGS.

(A) It shall be unlawful for any person to take or permit any dogs, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or displayed, including, but not limited to restaurants, grocery stores, meat markets, and fruit or vegetable stores.

(B) It shall be unlawful for any person keeping, harboring or having charge or control of any dog to allow said dog to be within the following described areas:

- (1) Any water shed area so designated by ordinance or otherwise legally appointed, either now existing or to be defined in the future.
- (2) Any construction site of a building, building improvement, road, utility, or other construction site during any time when actual construction or excavation activity is taking place.
- (3) No owner or person shall cause or permit any dog owned by him/her or under his/her control or custody to enter any designated area where a sign or signs are posted bearing the legend "No Dogs Allowed", or other words to that effect.
- (4) This section shall not apply to dogs provided for in Section 7-2-3(B).

#### 7- 3- 6. **DOGS ATTACKING PERSONS AND ANIMALS.**

(A) **ATTACKING DOGS.** It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog to attack, chase or worry any person, any domestic animal ~~having a commercial value~~, or any species of hoefed protected wildlife, or to attack domestic fowl. "Worry" as used in this section shall mean to harass by tearing, biting or shaking with the teeth, or without provocation to chase any animal or person or approach any person in an apparent attitude of attack when such person is in a place where he/she has a right to be.

(B) **OWNER LIABILITY.** The owner in violation of Section (A) above shall be strictly liable for violation of this section. In addition to being subject to prosecution under Section (A) above, the owner of such dog shall also be liable in damages to any person injured or to the owner of any animal(s) injured or destroyed.

(C) **DEFENSES.** The following shall be considered in mitigating the penalties or damages or in dismissing the charge:

- (1) That the dog was properly confined on the premises; or
- (2) That the dog was deliberately or maliciously provoked.

(D) **DOGS MAY BE KILLED.** Any person may kill a dog while it is committing any of the acts specified in Section (A) above or while such dog is being pursued thereafter.

#### 7- 3- 7. **FIERCE, DANGEROUS OR VICIOUS ANIMALS AND VICIOUS DOGS.**

(A) It shall be unlawful for the owner of any ~~fierce, dangerous or vicious animal~~ or vicious dog, as those terms are defined herein, to permit such animal to go or be off the premises of the owner unless such animal is under restraint and properly muzzled so as to prevent it from injuring any person or property. ~~Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous~~

~~and vicious animal not effectively controlled by its owner or person having charge, care or control of such animal so that it shall not injure any person or property is a hazard to public safety, and~~

(B) The Director of Animal Control shall seek a court order for destruction of or muzzling of ~~the animal~~ any vicious animal that is under restraint as defined herein, yet cannot be controlled by reasonable restraints and cannot be effectively controlled by its owner or person having charge, care, or control of such animal.

### **7- 3- 8. NUISANCE.**

Any owner or person having charge, care, custody or control of an animal or animals causing a nuisance as defined below shall be in violation of this Title and subject to the penalties provided herein. The following shall be deemed a nuisance:

- (A) Any animal which:
- (1) causes damages to the property of anyone other than its owner;
  - (2) is a vicious animal as defined herein and kept contrary to Section 7-3-7 above;
  - (3) causes unreasonable fouling of the air by odors;
  - (4) causes unsanitary conditions in enclosures or surroundings;

(5) defecates on any public sidewalk, park, or building, or on any private property without the consent of the owner of such private property, unless the person owning, having a proprietary interest in, harboring or having care, charge, control, custody or possession of such animal shall remove any such defecation to a proper trash receptacle;

(6) barks, whines or howls or makes other disturbing noises in an excessive, continuous or untimely fashion;

(7) attacks other domestic animals; or

(8) is determined by the Summit County Department of Animal Control or the City-County Health Department to be offensive or dangerous to public health, safety or welfare.

(B) Animals which, by virtue of the number maintained, are determined by the Summit County Department of Animal Control or the City/County Health Department to be offensive or dangerous to the public health, welfare or safety.

#### **7- 3- 9. REVOCATION OF DOG LICENSE.**

If the owner of any dog is found to be in violation of this Title on three (3) or more different occasions during any twelve (12) month period, the Director of Animal Control may ~~seek a court order revoking~~ revoke for a period of one (1) year any dog license(s) such person may possess and providing for the Department of Animal Control to pick up and impound any dog kept by the person under such order. Any dog impounded pursuant to such an order shall be dealt with in accordance with the provisions of this Title for impounded animals except that the person under the order of revocation shall not be allowed to redeem the dog under any circumstances.

#### **7- 3-10. BITES, DUTY TO REPORT.**

(A) Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the Summit County Department of Animal Control.

(B) The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the Summit County Department of Animal Control or the City/County Health Department within twenty-four (24) hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.

(C) A physician or other medical personnel who renders professional treatment to a person bitten by an animal shall report the fact that he/she has rendered professional treatment to the Summit County Department of Animal Control or the City/County Health Department within twenty-four 24 hours of his/her first professional attendance. He or she shall report the name, sex and address of the person bitten as well as the



type and location of the bite. If known, he/she shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the Summit County Department of Animal Control in ascertaining the immunization status of the animal.

(D) Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the Summit County Department of Animal Control. The report shall contain the name and address of the owner of the wounded, injured or bitten animal, the name and address of the owner, a description of the animal, which caused the injury, and the location of the incident.

(E) Any person not conforming to the requirements of this section shall be in violation of this Title.

## **CHAPTER 4 - CONTROL OF RABIES AND RABID ANIMALS**

### **7- 4- 1. RABIES VACCINATION REQUIRED FOR DOGS.**

The owner or person having the charge, care, custody and control of a dog or cat four months of age or over shall have said animal vaccinated within thirty (30) days after it reaches said age. ~~Any person permitting any such animal to habitually be on or remain, or be lodged or fed within such person's house, yard or premises shall be responsible for said vaccination.~~ Unvaccinated dogs over four (4) months of age acquired by the owner or moved into the jurisdiction must be vaccinated thereafter every thirty-six (36) ~~twenty-four (24)~~ months with a modified virus rabies vaccine approved by the Summit County Health Department. Cats shall be vaccinated every thirty-six (36) 24 months. This provision shall not apply to veterinarian or kennel operators temporarily maintaining on their premises animals owned by others.

### **7- 4- 2. DUTIES OF VETERINARIANS AND TAG REQUIREMENTS.**

(A) It shall be the duty of each veterinarian when vaccinating any animal for rabies to complete a certificate of rabies vaccination, in duplicate, which includes the following information:

- (1) Owner's name and address;
- (2) Description of animal (breed, sex, markings, age, name);
- (3) Date of vaccination;
- (4) Rabies vaccination tag number;
- (5) Type of rabies vaccine administered; and
- (6) Manufacturer's serial number of vaccine.

(B) A copy of the certificate shall be distributed to the owner and original retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this section. Additionally a numbered serialized metal or durable plastic rabies vaccination tag shall be securely attached to the collar or harness of all dogs. A dog not wearing such tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this Title.

#### **7- 4- 3. TRANSIENT ANIMAL EXCEPTION.**

The provisions of this Title with respect to vaccination shall not apply to any animal owned by a person temporarily remaining in the jurisdictions for less than thirty (30) days. Such animals shall be kept under strict supervision of the owner. It shall be unlawful to bring any animal into the jurisdiction which does not comply with animal health laws and import regulations.

#### **7- 4- 4. IMPOUNDMENT OF ANIMAL WITHOUT VALID RABIES VACCINATION TAG.**

(A) Any vaccinated animal impounded because of a lack of rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.

(B) Any unvaccinated animal may be reclaimed ~~prior to disposal~~ by payment of impound fees and by obtaining a rabies vaccination within seventy-two (72) hours of release.

(C) Any dog not reclaimed prior to the period shall be disposed of pursuant to provision of Section 7-5-3.

#### **7- 4- 5. REPORTING OF RABID ANIMALS.**

Any person having knowledge of the whereabouts of an animal known to have been exposed to, or suspected of having rabies, or of an animal or person bitten by such a suspect animal, shall notify the Summit County Department of Animal Control, the Summit County Health Department, or the State Division of Health.

#### **7- 4- 6. QUARANTINING AND DISPOSITION OF BITING OR RABID ANIMAL.**

(A) An animal that has rabies or shows signs of having rabies, and every animal infected with rabies or that has been exposed to rabies shall be reported by the owner as set forth above and shall immediately be confined in a secure place by the owner. The Summit County Director of Animal Control has the discretion to allow the dog owner to secure the dog or to require the dog owner to surrender the dog to the Summit County Department of Animal Control.

(B) The owner of any animal of a species subject to rabies, which has bitten, shall surrender the animal to an authorized official upon demand. Any person authorized to enforce this Title may enter upon private property to seize the animal; if the owner refuses to surrender the animal, the officer shall immediately obtain a search warrant authorizing seizure and impoundment of the animal.

(C) Any animal of a species subject to rabies that bites a person or animal or is suspected of having rabies may be seized and quarantined for observation for a period of not less than ten (10) days by the Summit County Department of Animal Control and/or the City/County Health Department. The owner of the animal shall bear the cost of confinement. The animal shelter shall be the normal place for quarantine, but other arrangements, including confinement by the owner, may be made by the Summit County Director of Animal Control and/or the director of health if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the Summit County Department of Animal Control if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It shall be unlawful for any person who has custody of a quarantined animal to fail or to refuse to allow a health or animal control officer to make an inspection or examination during the period of quarantine. If the animal dies within ten (10) days from the date of the bite, the person having custody shall immediately surrender the dog to the Summit County Department of Animal Control ~~notify the Department or immediately remove and deliver the head to the State Health laboratory to be examined for rabies.~~ If, at the end of the ten (10) day quarantine period, the Summit County Director of Animal Control examines the animal and finds no sign of rabies, the animal may be released to the owner or in the case of a stray, it shall be disposed of as provided in Section 7-5-3.

#### ~~7-4-7. DISPOSITION AND IMPOUNDING OF BITTEN ANIMALS.~~

##### (DA) UNVACCINATED BITTEN ANIMALS.

(1) In the case of an unvaccinated animal species subject to rabies, which is known to have been bitten by a known rabid animal, said bitten or exposed animal should be immediately destroyed.

(2) If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six (6) months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be destroyed if the owner does not comply herewith.

##### (EB) VACCINATED BITTEN ANIMALS.

(1) If the bitten or exposed animal has been vaccinated, the animal shall be revaccinated within twenty-four (24) hours and quarantined for a period of forty-five (45) days following revaccination; or

- (2) If the animal is not revaccinated within twenty-four (24) hours, the animal shall be isolated and quarantined under veterinary supervision for six (6) months.
- (3) The animal shall be destroyed if the owner does not comply with this subsection.

**~~(F)7-4-8.~~ REMOVAL OF QUARANTINED ANIMAL.**

It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission of the Summit County Summit County Department of Animal Control. It is unlawful for any person to permit, or suffer to escape, any such animal from its place of quarantine or impoundment.

~~(G)7-4-9. TWO ATTACKS DEEMED A VICIOUS ANIMAL.~~ If any animal bites or attacks a person or animal two (2) times or more in a twelve (12) month period, such animal may be immediately impounded by the Summit County Department of Animal Control without court order and held at owner expense pending court action. Any such animal shall be deemed a vicious animal, and the Summit County Director of Animal Control may seek a court order or exercise discretion as provided in Section 7-3-7 for destruction of the animal. Parties owning such animal shall, if possible, be notified immediately of the animal's location by the Summit County Department of Animal Control.

**CHAPTER 5 - IMPOUNDING**

**7- 5- 1. ANIMALS TO BE IMPOUNDED.**

The Summit County Director of Animal Control shall place all animals which he/she takes into custody in a designated animal impound facility. The following animals may be taken into custody by the Director of Animal Control and impounded without filing a complaint:

- (A) Any animal being kept or maintained contrary to the provisions of this Title;
- (B) Any animal running at large contrary to the provisions of this Title;
- (C) Any animal, which is by this Title required to be licensed and is not licensed. An animal not wearing a tag shall be presumed to be unlicensed for purposes of this section;
- (D) Sick or injured animals whose owner cannot be located;
- (E) Any abandoned animal;



(F) Animals, which are not vaccinated for rabies in accordance with the requirements of this Title;

(G) Any animal to be held for quarantine; or

(H) Any vicious animal not properly confined as required by Section 7-3-7.

**7- 5- 2.        ~~IMPOUNDING,~~ RECORDS TO BE KEPT.**

Complete records shall be kept for all impounded animals and shall include the following information:

(A) The description of the animal, including tag number;

(B) The manner and date of impound;

(C) The location of the pickup and name of the officer picking up the animal;

(D) The manner and date of disposal;

(E) The name and address of the redeemer or purchaser;

(F) The name and address of any person relinquishing an animal to the impound facility;

(G) All fees received; and

(H) All expenses accruing during impoundment.

**7- 5- 3.        ~~IMPOUNDING:~~ DISPOSITION OF ANIMALS.**

(A) Licensed animals shall be impounded for a minimum of five (5) working days before further disposition, except as otherwise provided herein. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the Summit County animal control facility by the owner for destruction or other disposition need not be kept for the minimum holding period before release or other disposition as herein provided.

(B) No dog or cat shall be released for adoption until such dog or cat is spayed or neutered unless payment for such spaying or neutering is deposited with the Summit County Department of Animal Control and the person to whom the dog or cat is released agrees, in writing, to cause such dog or cat to be spayed or neutered. Such agreement shall provide that the purchaser will have the dog or cat spayed or neutered within 120 days of the date of purchase.

Failure to spay or neuter such dog or cat shall be deemed a breach of the adoption contract and shall result in its termination, return of the dog or cat, and forfeiture of all amounts paid to Animal Control. All adoptions are conditional until the animal is spayed or neutered.

(C) All dogs, except for those quarantined or confined by court order, held longer than the minimum impound period, and all dogs voluntarily relinquished to the impound facility may be destroyed or sold as the Summit County Director of Animal Control shall direct. Any healthy dog may be sold to any person desiring to purchase such animal for a price to be determined by the Director of Animal Control, but not to exceed the fee set by Summit County, plus license, rabies vaccination, and/or spaying or neutering fees, if required.

(D) Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention, may, in the discretion of the Director of Animal Control, be released to the care of a veterinarian with the consent of the owner.

(E) The Director of Animal Control has the discretion to destroy an animal without regard to any time limitations otherwise established herein and without court order under the following circumstances: a) in the judgment of the Director of Animal Control, the animal should be destroyed for humane reasons; b) in the judgment of the Director of Animal Control, the animal should be destroyed to protect the public from the imminent danger to persons or property; or c) in the judgment of the Director of Animal Control, the animal is a vicious animal and is considered either at large or abandoned by its owner or person having charge, care, custody or control.

#### **7- 5- 4.        IMPOUNDING-REDEMPTION.**

(A) The owner of any impounded animal or his authorized representative may redeem such animal before disposition provided he/she pays:

- (1) The impound fee;
- (2) The daily board charge;
- (3) Veterinary costs incurred during the impound period, including rabies vaccination; and
- (4) License fee, if required.

~~No impound fee will be charged to the reporting owners of suspected rabid animals if they comply with Section 7-4-6 herein.~~

(B) Redemption fees shall be as established by Summit County.

## **7- 5- 5. IMPOUND FEES FOR VOLUNTARY RELINQUISHMENT BY OWNER.**

Whenever any dog or cat is voluntarily relinquished by the owner thereof to the animal control facility for destruction or other disposition as provided by Section 7-5-4 of this Title, a ~~fee shall be paid by such owner of ten dollars (\$10.00)~~ donation may be given by such owner for each dog, for each litter of dogs, and ~~five dollars (\$5.00)~~ for each cat or for each litter of cats so relinquished.

## **7- 5- 6. ANIMAL SHELTER.**

(A) The governing authority shall provide suitable premises and facilities to be used as an animal shelter where impounded small animals can be adequately kept. They shall purchase and supply food and supply humane care for impounded animals.

(B) The governing authority shall provide for the painless and humane destruction of dogs and other animals required to be destroyed by this Title or by the laws of the State of Utah.

(C) The governing authority may furnish, when necessary, medical treatment for such animals as may be impounded pursuant to this Title.

## **CHAPTER 6 - CRUELTY TO ANIMALS PROHIBITED**

### **7- 6- 1. PHYSICAL ABUSE.**

It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club or other object, mutilate, burn or scald, overdrive or otherwise cruelly set upon any animal. Each offense shall constitute a separate violation. An exemption will exist for agricultural animals that are branded, ear marked, or otherwise marked for identification purposes.

### **7- 6- 2. ~~HOBBLING ANIMALS~~ TRANSPORTING ANIMALS.**

It is unlawful for any person to carry or confine any animal in or upon any vehicle in a cruel or inhumane manner, including but not limited to, carrying or confining such animal without adequate ventilation or for an unusual length of time.

### **7- 6- 3. CARE AND MAINTENANCE.**

It shall be the duty of any person to provide any animal in his charge or custody, as owner or otherwise, with adequate food, drink, care(which shall include veterinary care), and shelter.

### **7- 6- 4. ANIMAL POISONING.**

Except as provided in Section 7-5-6 herein, it shall be unlawful for any person by any means to make accessible to any animal, with intent to cause harm or death, any substance, which has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in the furtherance of the public health when applied in such a manner as to reasonably prohibit access to other animals.

**7- 6- 5. INJURY TO ANIMALS BY MOTORISTS.**

(A) Every operator of a motor or other self-propelled vehicle upon the streets of the jurisdiction shall immediately upon injuring, striking, maiming, or running down any domestic animal give such aid as can reasonably be rendered. In the absence of the owner, he shall immediately notify the Summit County Department of Animal Control, furnishing requested facts relative to the injury.

(B) It shall be the duty of such operator to remain at or near the scene until such time as the appropriate authorities arrive, and upon the arrival of such authorities, the operator shall immediately identify himself to such authorities. Alternatively, in the absence of the owner, a person may give aid by taking the animal to the animal control facility or other appropriate facility and notifying the Summit County Department of Animal Control. Such animal may be taken in by the animal control facility and dealt with as deemed appropriate under the circumstances.

(C) Emergency vehicles are exempted from the requirements of this provision.

**7- 6- 6. ANIMALS FOR FIGHTING.**

(A) It shall be unlawful for any person, firm, or corporation to raise, keep or use any animal, fowl or bird for the purpose of fighting or baiting; and for any person to be a party to or be present as spectator at any such fighting or baiting of any animal or fowl; and for any person, firm or corporation to knowingly rent any building, shed, room, yard, ground or premises for any such purposes as aforesaid, or to knowingly suffer or permit the use of his/her buildings, sheds, rooms, yards, grounds or premises for such purposes.

(B) Law enforcement officers or the Summit County Department of Animal Control officials may enter any building or place where there is an exhibition of fighting or baiting of a live animal, or where preparations are being made for such an exhibition, and the law enforcement officers may arrest persons there present and take possession of all animals engaged in fighting, along with all implements or applications used in such exhibition. This provision shall not be interpreted to authorize a search or arrest without a warrant such is required by law.

**7- 6- 7. MALICIOUS IMPOUNDING.**



It shall be unlawful for any person maliciously to secrete or impound the animal of another.

## **CHAPTER 7 - REGULATION OF KENNELS, PET SHOPS ETC.**

### **7- 7- 1. KENNEL PERMITS.**

(A) Any person wishing to operate or maintain a kennel, cattery, pet shop or groomery must first obtain a kennel license from the Summit County Department of Animal Control. Said kennel license shall be issued upon payment of the fee and a statement from the Summit County Planning Department or appropriate city official that a kennel is a permitted use under the zoning regulations in effect for the area of the proposed kennel.

(B) A valid kennel license shall be posted in a conspicuous place in each establishment and said license shall be considered as appurtenant to the premises and not transferable to another location. The licensee shall notify the Summit County Department of Animal Control within thirty (30) days of any change in his establishment or operation, which may affect the status of his/her license. In the event of a change in ownership of the establishment, the licensee shall notify the Summit County Department of Animal Control immediately. Licenses shall not be transferable from one owner to another.

(C) Any license issued pursuant to this section shall automatically expire on December 31st, immediately following date of issue. During the first three (3) months of each year the licensee shall apply for a renewal of the license and pay the required fee. Any application made after March 31, except an application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee in addition to the regular permit fee.

(D) LICENSE FEES. License fees shall be as established by Summit County.

### **7- 7- 2. STANDARDS FOR PERMITTED ESTABLISHMENT.**

The Summit County Department of Animal Control shall promulgate rules and regulations governing the operation of kennels, catteries, groomeries, pet shops. Such rules and regulations shall provide for the type of structures, buildings, pens, cages, runways or yards required for the animal sought to be kept, harbored or confined on such premises; the manner which food, water and sanitation facilities will be provided to such animals; measures relating to the health of said animals, the control of noise and odors, and the protection of person or property adjacent premises; and other such matters as the Director of Animal Control shall deem necessary. Such rules and regulations shall have the effect of law, and violation of such rules and regulations shall be deemed a violation of this Title and grounds for revocation of a permit issued by the Summit County Department of Animal Control.

### 7- 7- 3.        **SUSPENSION OR REVOCATION OF PERMIT.**

Any permit granted under this Title may be suspended or revoked by the County Sheriff for violation listed in part (A) below.

(A)    **GROUNDS**. A permit may be suspended or revoked or a permit application rejected on any one or more of the following grounds:

- (1)    Falsification of facts in a permit application;
- (2)    Violation of any of the provisions of this Title or any other law or regulation governing the establishment including noise; or
- (3)    Conviction on a charge of cruelty to animals.

(B)    **PROCEDURE**. If an inspection of kennels, catteries, groomeries, pet shops, reveals a violation of this Title, the inspector shall notify the permit holder or operator of such violation by means of an inspection report form or other written notice. The notification shall:

- (1)    Set forth the specific violation(s) found;
- (2)    Establish a specific and reasonable period of time for the correction of the violations found; and
- (3)    State that failure to comply with any notice issued in accordance with the provisions of this Title may result in immediate suspension of the permit.

### 7- 7- 4.        **EMERGENCY SUSPENSION.**

(A)    Notwithstanding the other provisions of this Title, when the inspecting officer finds unsanitary or other conditions in the operation of kennels, catteries, groomeries, pet shops, or a similar establishment, which in his judgment, constitute a substantial hazard to public health, he/she may, without warning or hearing, issue a written notice to the permit holder or operator citing such condition specifying the corrective action to be taken. Such order may state that the permit is immediately suspended and all operations are to be discontinued. Any person to whom such an order is issued shall comply immediately. Any animals at such a facility may be confiscated by the Summit County Animal Control Department and impounded or otherwise provided for according to the provisions of this Title.

(B)    **NOTICE**. Notice provided for under this section shall be deemed to have been properly served when the original of law inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by certified mail to the last known address of the permit holder. A copy of such

notice shall be filed with the records of the Summit County Department of Animal Control.

#### **7- 7- 5. INTERFERENCE WITH OFFICERS PROHIBITED.**

It is unlawful for any person to do any act which hinders, delays, interferes with or obstructs an animal control officer while engaging in the discharge of their duties, including furnishing false information to such.

### **CHAPTER 8 - DOMESTICATED ANIMALS**

#### **7- 8- 1. DOMESTICATED ANIMALS.**

It is unlawful for the owner or person having charge, care, or custody of any domesticated animal to allow such to be at large. Domestic animals include horses, cattle, sheep, pigs, goats, etc.

### **CHAPTER 9 – VIOLATION; SEVERABILITY**

#### **7-9-1. VIOLATION.**

Any person violating the provisions of this Title either by failing to do those acts required herein or by doing any act prohibited herein, shall be subject to a fine in an amount not to exceed that fine as established by Summit County or imprisoned in the Summit County jail not to exceed ninety (90) days, or both such fine and imprisonment or such further fines and imprisonments provided for a class C misdemeanor pursuant to §76-3-101 et. seq., U.C.A. 1953, as amended. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. In addition, Summit County may also pursue civil remedies for any violation of this Title.

#### **7-9-1. SEVERABILITY.**

If any provision, clause, sentence, or paragraph of this Title or the application to any person or circumstance shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this Title which can be given effect independent from the invalid provision or application, and to this end of the provision of this Title are hereby declared to be severable.

**Ordinance No. 07-67**

**AN ORDINANCE APPROVING THE COMSTOCK LODGE CONDOMINIUMS  
AMENDED RECORD OF SURVEY LOCATED AT  
2650 DEER VALLEY DRIVE EAST, PARK CITY, UTAH.**

WHEREAS, the Homeowner's Association of the Comstock Lodge Condominiums, after a vote of more than 66.7% of the ownership in favor, have petitioned the City Council for approval of the Comstock Lodge Condominiums Amended 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 September 12, 2007, to receive input on the Comstock Lodge Condominiums Amendment to Record of Survey;

WHEREAS, the Planning Commission, on September 12, 2007, forwarded a positive recommendation to the City Council; and,

WHEREAS, the Planning Commission, on September 12, 2007, made a specific finding under Land Management Code 15-3-7, that the parking may be reduced by one space due to factors that support the conclusion that the project will generate less parking than this Code would require; and

WHEREAS, on October 4, 2007, the City Council held a Public Hearing on the project; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Comstock Lodge Condominiums Amendment to Record of Survey.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Comstock Lodge Condominiums Amendment to 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 property is located at 2650 E. Deer Valley Drive, Park City, Utah..
- 2) The zoning is Residential Development (RD).
- 3) The existing approved units include 20 units each between 995 and 998 square feet.
- 4) The new unit will be constructed within an existing limited common area storage area, and will be approximately 998 square feet in size.
- 5) The increase in density was approved as part of the Ninth Amendment to the Deer Valley Master Plan.
- 6) The existing parking consists of 30 parking spaces in an underground parking structure, based upon 20 units at a requirement of 1 ½ parking spaces per unit.
- 7) The Planning Commission, on September 12, 2007 made a finding that the project will generate less parking than required under Chapter 15-3-6(A).

- 8) The underground parking structure was modified to add one additional legal sized space, and one of adequate size, but not legal due to its location next to a wall.
- 9) The existing units are primarily used for vacation homes and nightly rentals at this time.
- 10) Study information submitted by the applicants and the management company have shown that even during peak holiday periods the parking lot is not full since visitors usually only bring one car, thereby reducing the parking requirement that would normally be required.
- 11) The applicant has submitted recordable amendments to the Declaration of Condominium and Resolution of more than 66.7% of the property owners in favor of this amendment to the Record of Survey.
- 12) There is no reduction of open space within the project since the unit is being constructed within an already existing storage structure.

Conclusions of Law:

- 1) There is good cause for this Amendment to the Record of Survey.
- 2) The Amendment is consistent with the Park City Land Management Code, the 9<sup>th</sup> Amended Deer Valley Master Plan, and applicable State law regarding condominiums.
- 3) Neither the public nor any person will be materially injured by the proposed Amendment to the Record of Survey.
- 4) Approval of the Amendment to 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 Amendment to the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation.
- 2) The Applicant will record the Amendment to the Record of Survey and the Third Amendment to Declaration of Condominium of the Comstock Lodge Condominiums at the County within one year from the date of City Council approval.
- 3) 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 4<sup>th</sup> day of October, 2007.

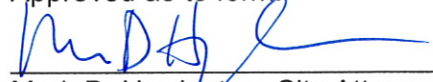
PARK CITY MUNICIPAL CORPORATION

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

Attest:

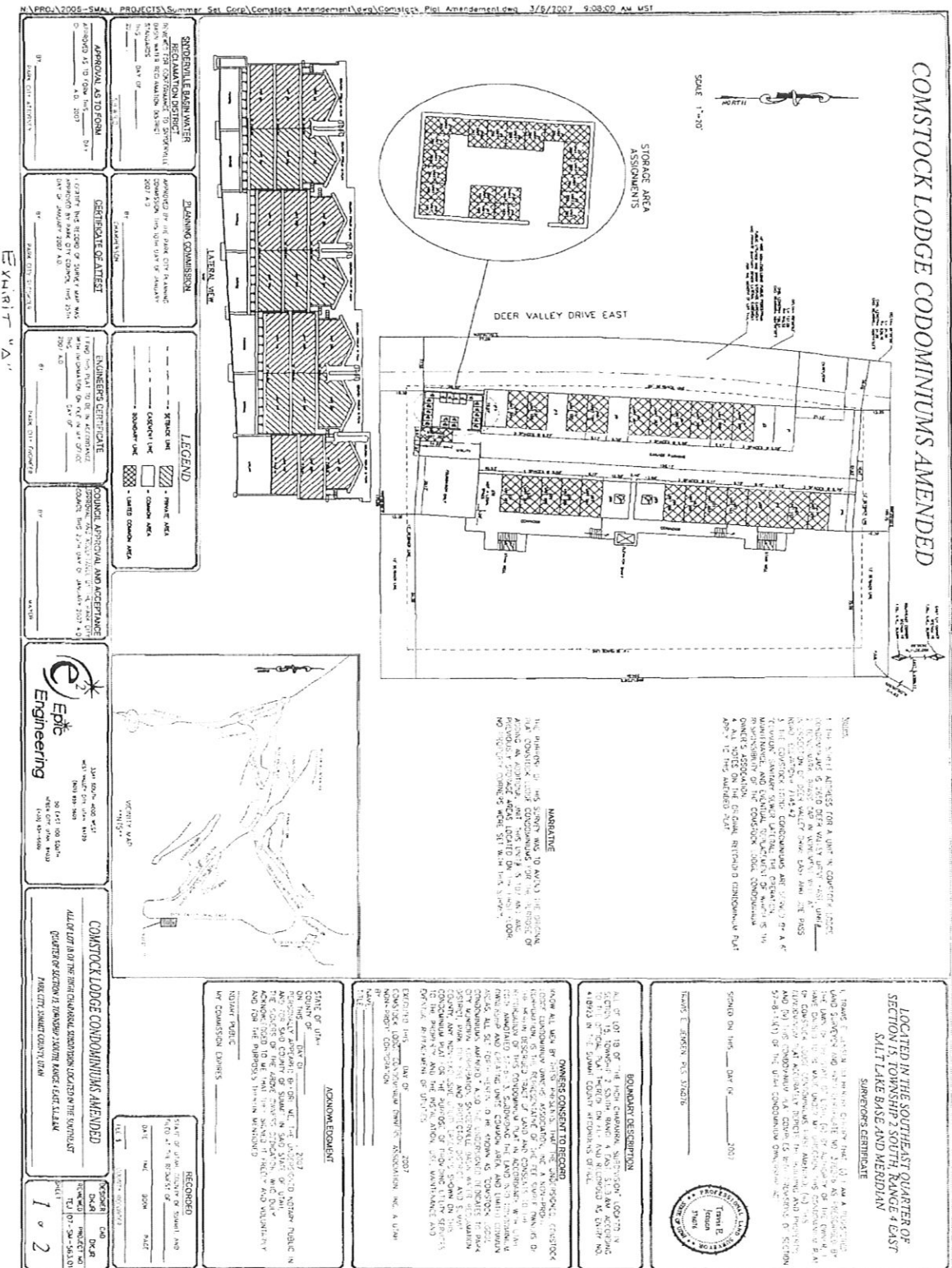
  
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Janet M. Scott, City Recorder

Approved as to form:

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





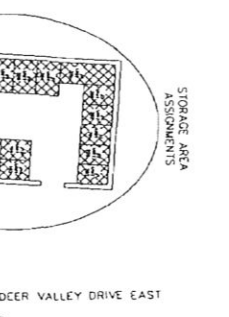


COMSTOCK LODGE CODOMINIUMS AMENDED

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH RANGE 1 EAST SALT LAKE BASIN AND MOUNTAIN SURVEYORS CERTIFICATE

SCALE 1"=20'

PLAT OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH RANGE 1 EAST SALT LAKE BASIN AND MOUNTAIN SURVEYORS CERTIFICATE, BEING A PORTION OF THE COMSTOCK LODGE CODOMINIUMS AMENDED, SHOWS THE LOCATION OF THE BUILDING AND THE STORAGE AREA. THE BUILDING IS SHOWN WITH A GRID PATTERN INDICATING COMMON AREAS. THE STORAGE AREA IS SHOWN WITH A GRID PATTERN AND IS LABELED "STORAGE AREA ASSIGNMENTS". THE PLAN SHOWS THE BUILDING'S LOCATION RELATIVE TO DEER VALLEY DRIVE EAST AND A STREET CALLED "YARHT 'A'". THE PLAN ALSO SHOWS THE LOCATION OF THE BUILDING RELATIVE TO A STREET CALLED "VERMONT" AND A STREET CALLED "YARHT 'A'". THE PLAN INCLUDES A NORTH ARROW AND A SCALE OF 1 INCH EQUALS 20 FEET.



<b>HOODVILLE BASIN WATER RECLAIMATION DISTRICT</b> APPROVED BY THE DISTRICT COMMISSION TO SURVEY THE RECLAIMATION DISTRICT. DATE: _____	<b>DRAINING COMMISSION</b> APPROVED BY THE DISTRICT COMMISSION TO SURVEY THE RECLAIMATION DISTRICT. DATE: _____
<b>CERTIFICATE OF TITLE</b> APPROVED BY THE DISTRICT COMMISSION TO SURVEY THE RECLAIMATION DISTRICT. DATE: _____	<b>ENGINEER'S CERTIFICATE</b> APPROVED BY THE DISTRICT COMMISSION TO SURVEY THE RECLAIMATION DISTRICT. DATE: _____

**LEGEND**

(Symbol)	Private Area
(Symbol)	Common Area
(Symbol)	Land Easement
(Symbol)	Other Easement

**APPROVAL AS TO FORM**  
APPROVED BY THE DISTRICT COMMISSION TO SURVEY THE RECLAIMATION DISTRICT.  
DATE: \_\_\_\_\_

**APPROVAL AS TO MERIT**  
APPROVED BY THE DISTRICT COMMISSION TO SURVEY THE RECLAIMATION DISTRICT.  
DATE: \_\_\_\_\_



**ENGINEERING**  
Epic Engineering  
3141 SOUTH 500 WEST  
SALT LAKE CITY, UT 84119  
(801) 488-8888  
www.epiceng.com

**COMSTOCK LODGE CONDOMINIUMS AMENDED**  
ALSO LIST IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH RANGE 1 EAST SALT LAKE BASIN AND MOUNTAIN SURVEYORS CERTIFICATE.  
MAY CITY SURVEYORS CERTIFICATE

<b>ADJACENT PROPERTY</b> OWNER: _____	<b>RECORDED</b> DATE: _____
<b>STATE OF UTAH</b> COUNTY OF _____	<b>RECORDED</b> DATE: _____
<b>NON-ADJACENT PROPERTY</b> OWNER: _____	<b>RECORDED</b> DATE: _____

**CONDOMINIUM DESCRIPTION**  
ALL OF THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH RANGE 1 EAST SALT LAKE BASIN AND MOUNTAIN SURVEYORS CERTIFICATE, BEING A PORTION OF THE COMSTOCK LODGE CODOMINIUMS AMENDED, SHOWS THE LOCATION OF THE BUILDING AND THE STORAGE AREA. THE BUILDING IS SHOWN WITH A GRID PATTERN INDICATING COMMON AREAS. THE STORAGE AREA IS SHOWN WITH A GRID PATTERN AND IS LABELED "STORAGE AREA ASSIGNMENTS". THE PLAN SHOWS THE BUILDING'S LOCATION RELATIVE TO DEER VALLEY DRIVE EAST AND A STREET CALLED "YARHT 'A'". THE PLAN ALSO SHOWS THE LOCATION OF THE BUILDING RELATIVE TO A STREET CALLED "VERMONT" AND A STREET CALLED "YARHT 'A'". THE PLAN INCLUDES A NORTH ARROW AND A SCALE OF 1 INCH EQUALS 20 FEET.

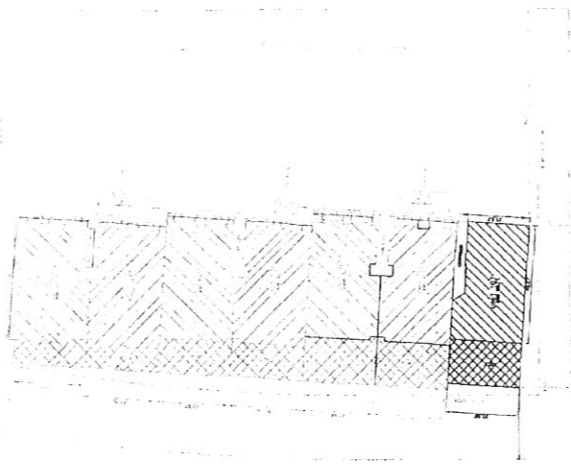


Jason E. Jensen, P.E.  
State of Utah  
Professional Engineer  
No. 2458



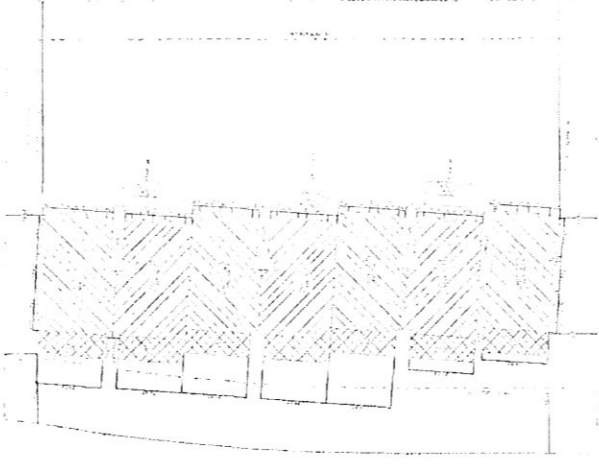
SCALE 1"=20'

NOTES: THE SQUARE FOOTAGES LISTED EQUAL LIVING SPACE EXCLUSIVE OF  
 BALCONIES, MECHANICAL ROOMS AND FACILITIES, INTERIOR WALLS,  
 AND EXTERIOR WALLS.  
 SEE SHEET #1 PARKING LEVEL DRAWING FOR BOUNDARY INFORMATION.

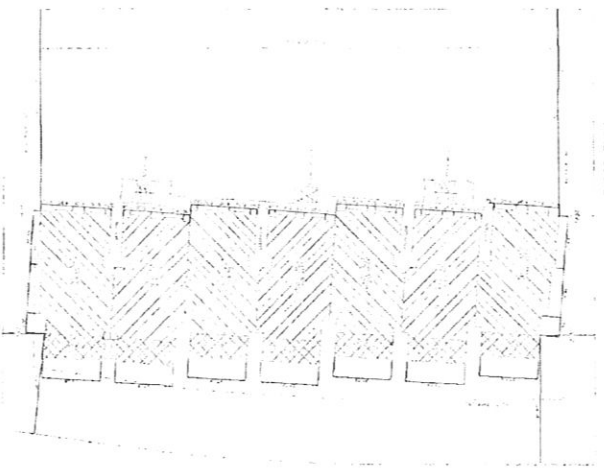


FIRST LEVEL FLOOR PLAN

NOTE: UNIT 107 IS THE AMENDED PORTION OF THIS PLAN.  
 UNIT 107 ALSO HAS RIGHTS TO PARKING STALLS 15 (SEE SHEET 1)



SECOND LEVEL FLOOR PLAN



THIRD LEVEL FLOOR PLAN

OWNER	DKR
DESIGNER	DKR
PROJECT NO.	107-50-562-D
SHEET	2 of 2

**COMSTOCK LODGE CONDOMINIUMS AMENDED**  
 ALL OR PART OF THE HIGH DENSITY RESIDENTIAL DEVELOPMENT LOCATED IN THE SOUTHEAST  
 QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 1 EAST, S.13.1AM  
 PARK CITY, SALT COUNTY, UTAH

MAP SCALE: AS SHOWN  
 1" = 100' (PLAN)  
 1" = 100' (SECTION)  
 ACCORDING TO UTAH  
 PROFESSIONAL ENGINEERING BOARD

3141 SOUTH 4000 WEST  
 WEST VALLEY CITY, UTAH 84178  
 (801) 500-1000  
 50 EAST 100 SOUTH  
 MIDVA CITY, UTAH 84002  
 (435) 634-8800



**LEGEND**

[Symbol]	MECHANICAL ROOM
[Symbol]	PARKING STALL
[Symbol]	STAIR
[Symbol]	ELEVATOR
[Symbol]	MECHANICAL SHAFT
[Symbol]	MECHANICAL ROOM

**Ordinance No. 07-66**

**AN ORDINANCE APPROVING THE AGIO 260 CONDOMINIUM PLAT  
LOCATED AT 260 MAIN STREET, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 260 Main Street have petitioned the City Council for approval of the Agio 260 condominium record of survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on September 12, 2007, to receive input on the Agio 260 condominiums record of survey plat;

WHEREAS, the Planning Commission, on September 12, 2007, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Agio 260 condominiums record of survey plat.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Agio 260 condominium record of survey plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 260 Main Street, Park City, Utah.
2. 260 Main Street is one lot of record located within portions of Lots 14 and 15 in Block 21 and portions of Lots 14 and 15 in Block 70 of the Park City Survey recorded as the 260 Main Street Subdivision.
3. 260 Main Street is located in the Historic Commercial Business (HCB) district.
4. The lot is 3514 square feet in size.
5. The 3 condominium units vary in size and use. One unit will be utilized as commercial space off of Main Street. Two units are designated as residential units on the second and third floor.
6. Two parking spaces are required for each residential unit. A total of four spaces are provided in the basement of the building.
7. Parking requirements for the Commercial Use has been fulfilled. The property was paid in full to the Main Street Parking Special Improvement District prior to Jan 1, 1984.

8. The new mixed-use building located at 260 Main Street complies with all requirements of the HCB district within the Land Management Code.
9. The findings within the Analysis section are incorporated within.

Conclusions of Law:

1. There is good cause for this condominium 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.

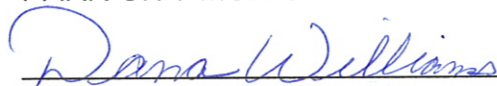
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey and CCRs 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 condominium 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. All conditions of approval of the 260 Main Street Subdivision shall continue to apply.
4. The proposed convertible space within the building must comply with the allowed use requirements of the Land Management Code.
5. The four parking spaces in the basement shall be allocated and restricted to the residential units.

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

PASSED AND ADOPTED this 4<sup>th</sup> day of October, 2007.

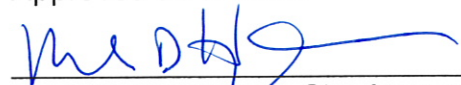
PARK CITY MUNICIPAL CORPORATION

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

Attest:

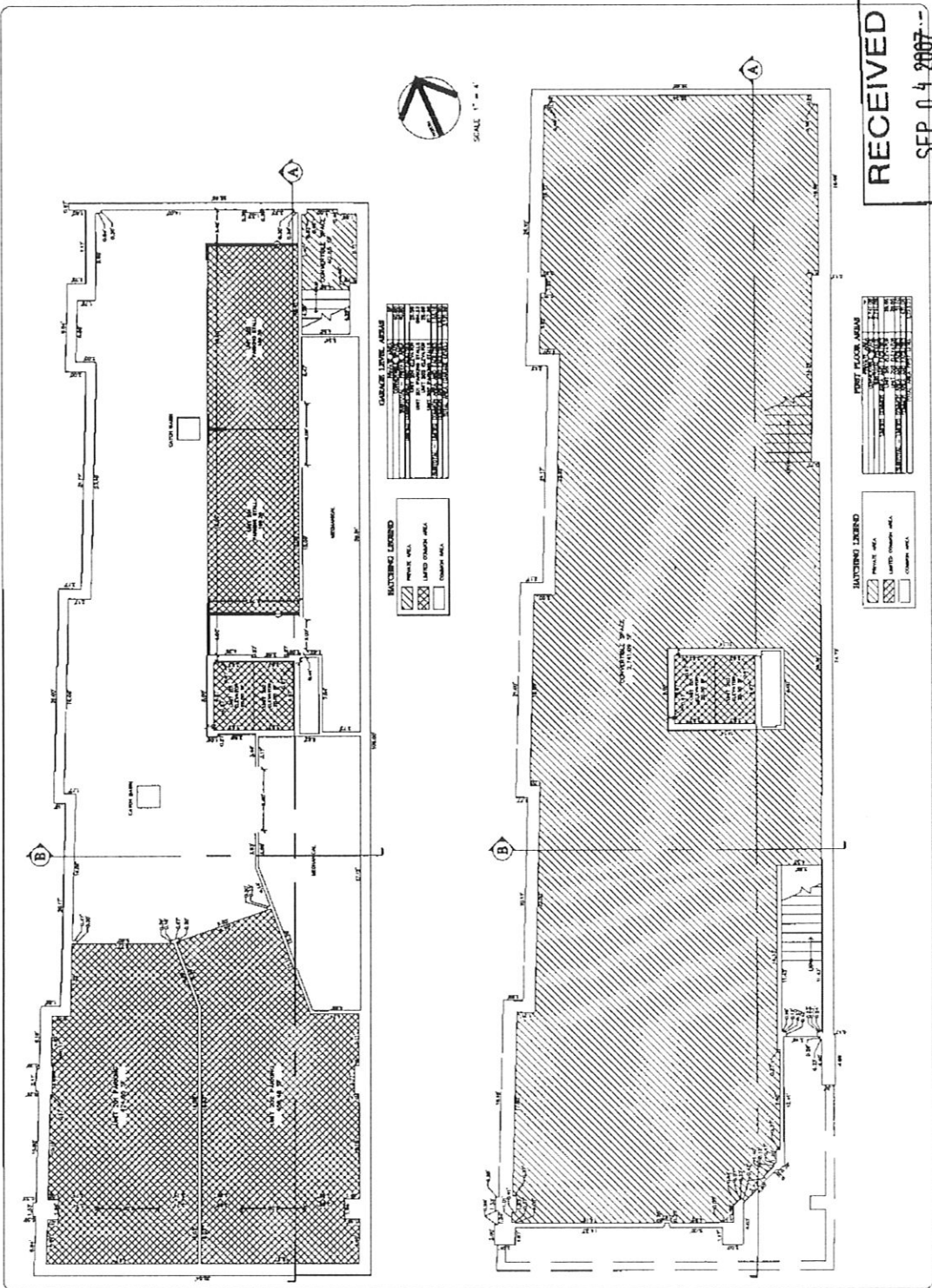
  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

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



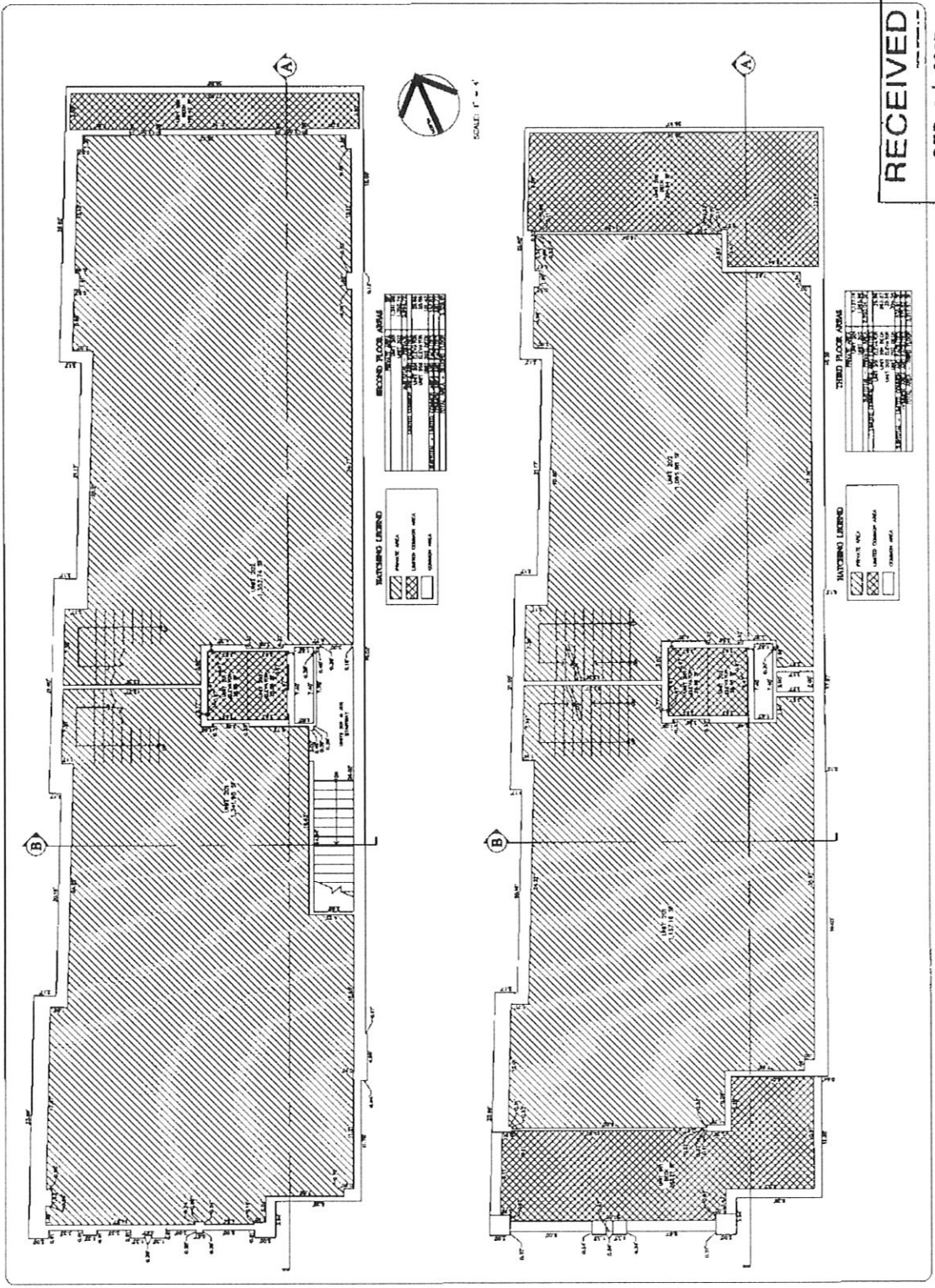




**RECEIVED**  
 SEP 04 2007  
 PARK CITY  
 PLANNING DEPT.



NO.	DATE	DESCRIPTION



**SECOND FLOOR AREAS**

AREA	FINISH	AREA (SQ. FT.)

**NOTHING LEAVED**

FINISH	AREA (SQ. FT.)

**THIRD FLOOR AREAS**

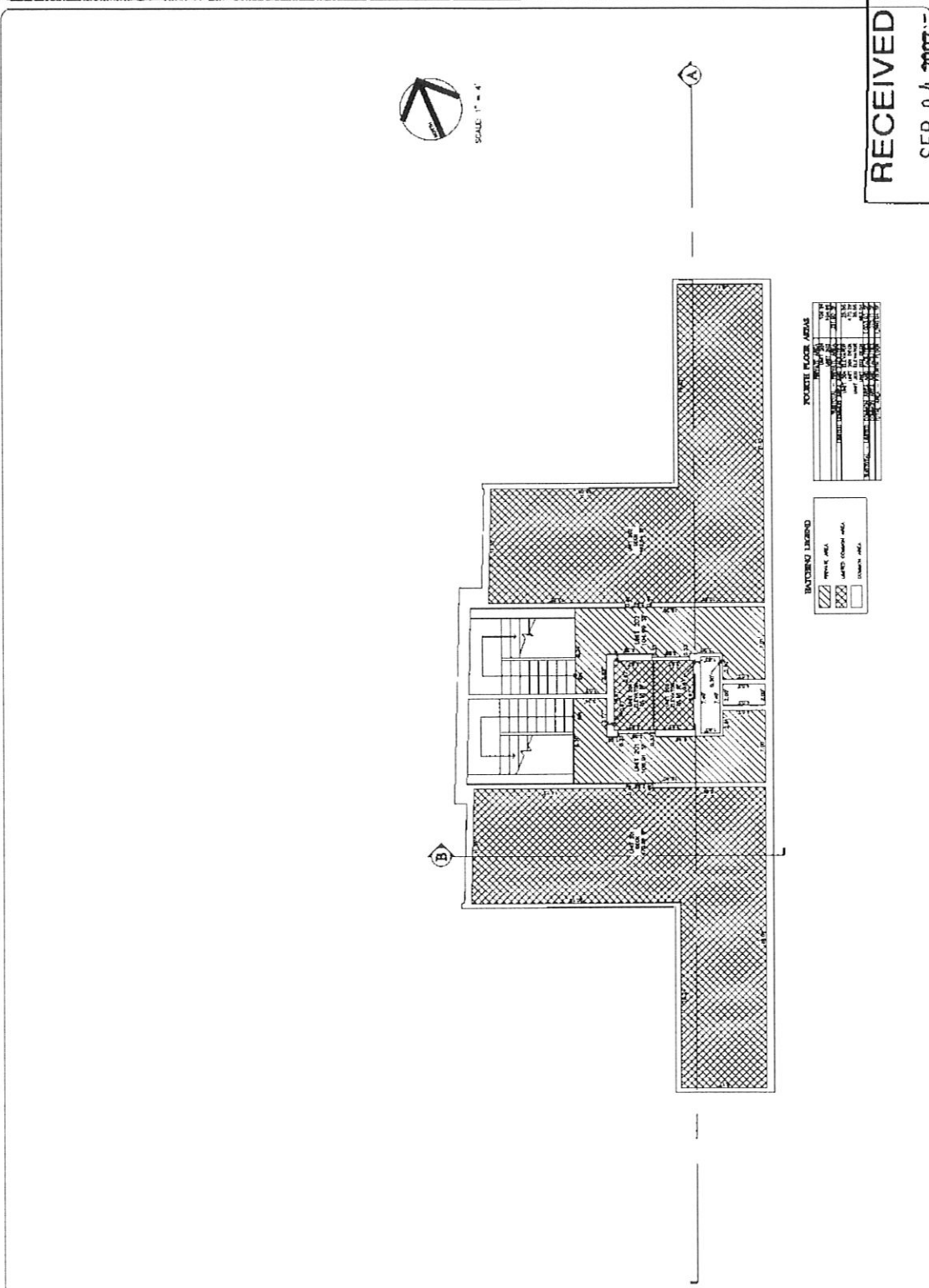
AREA	FINISH	AREA (SQ. FT.)

**NOTHING LEAVED**

FINISH	AREA (SQ. FT.)

**RECEIVED**  
**SEP 04 2007**  
 PARK CITY  
 PLANNING DEPT.





FOURTH FLOOR AREAS

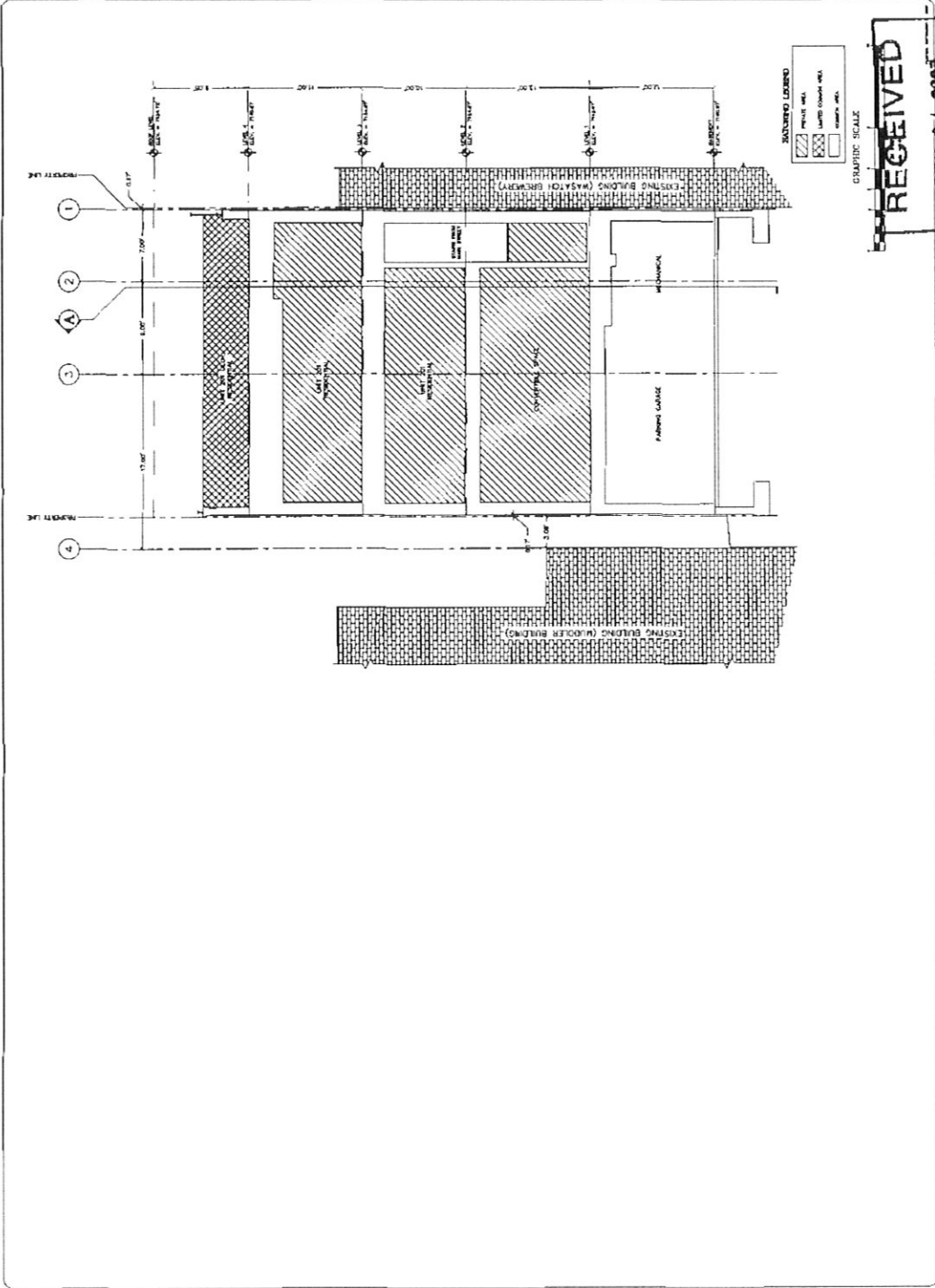
AREA	AREA	AREA	AREA	AREA	AREA	AREA	AREA	AREA	AREA
101	102	103	104	105	106	107	108	109	110
111	112	113	114	115	116	117	118	119	120
121	122	123	124	125	126	127	128	129	130
131	132	133	134	135	136	137	138	139	140
141	142	143	144	145	146	147	148	149	150

ROOMS LEGEND

ROOMS	ROOMS	ROOMS	ROOMS
MEETING ROOM	OFFICE	CONFERENCE ROOM	RECEPTION
STAIR	ELEVATOR	RESTROOM	LOBBY
MECHANICAL	UTILITY	STORAGE	ENTRY

**RECEIVED**  
 SEP 04 2007  
 PARK CITY  
 PLANNING DEPT.

<b>Evergreen Engineering, Inc.</b> <small>1000 North 10th Street, Suite 100          Park City, Utah 84302          Tel: 435-226-1111          Fax: 435-226-1112          www.evergreeneng.com</small>	<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION													SHEET NO. 022 TOTAL SHEETS 022	PROJECT NO. 022 BUILDING SECTION B-B
		NO.	DATE	DESCRIPTION														
DRAWN BY: JRM CHECKED BY: JRM DATE: 09/04/07	AGIO 260 BUILDING SECTION B-B																	

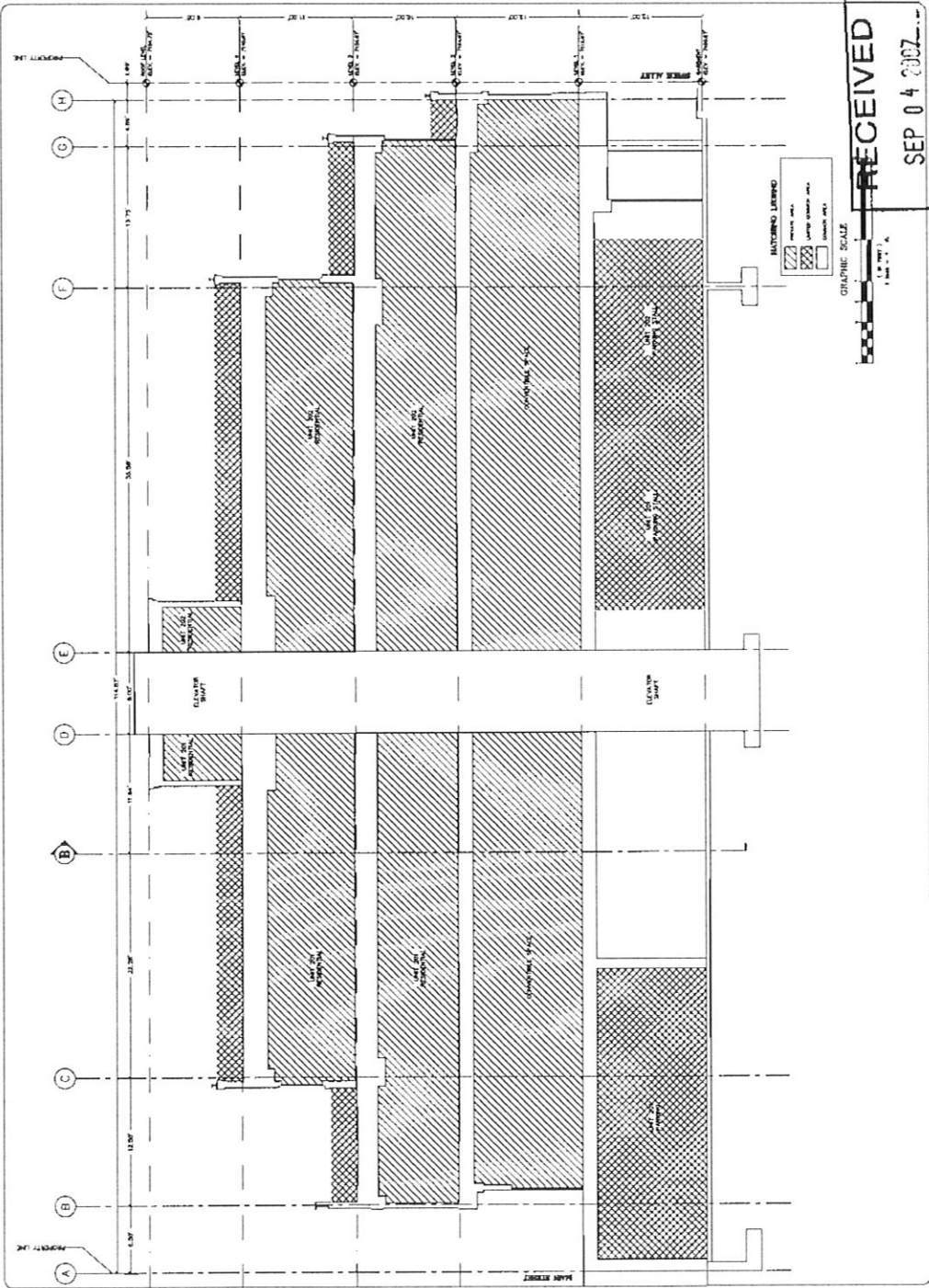


**RECEIVED**  
 SEP 04 2007  
 PARK CITY  
 PLANNING DEPT.

**AGIO 260**  
**BUILDING SECTION A-A**

DATE: 08/14/07  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: 1/8" = 1'-0"

Evergreen, Inc.  
Engineering, Inc.



**RECEIVED**  
SEP 04 2007  
PARK CITY  
PLANNING DEPT.

**Ordinance No. 07-65**

**AN ORDINANCE APPROVING THE 944 LOWELL SUBDIVISION PLAT AMENDMENT AT  
944 LOWELL AVENUE, PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as Lots 23 and 24 of Block 29 Snyder's Addition to Park City, has petitioned the City Council for approval of a plat amendment; and

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

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

**WHEREAS**, the Planning Commission held a public hearing on September 12, 2007 to receive input on the 944 Lowell Subdivision plat amendment.

**WHEREAS**, the Planning Commission, on September 12, 2007, forwarded a positive recommendation to the City Council; and

**WHEREAS**, it is in the best interest of Park City Utah to approve the 944 Lowell Subdivision plat amendment.

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

**SECTION 1. APPROVAL** The above recitals are hereby incorporated as findings of fact. The 944 Lowell Subdivision plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is Lots 23 and 24 of Block 29, of Snyder's Addition to the Park City Survey.
2. The zoning is Historic Residential (HR-1).
3. The property is located within the HR-1 zone. Therefore, any future applications must meet the criteria in the Historic District Design Guidelines, per LMC Section 15-2.16-7(B).
4. The Historic Residential zone is characterized by a mix of single family homes, multi-family homes, and smaller historic homes.
5. The amendment will combine two platted lots into one lot of record.
6. There is no existing home on the property.
7. Access to the property is from Lowell Avenue.
8. The proposed lot is 3,630 square feet in size.
9. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
10. The maximum building footprint for the proposed lot is 1,480 square feet.
11. The maximum height limit in the HR-1 zone for a single family home is 27 feet above existing grade.
12. Setbacks for the lot are 5' on the sides, and 10' in the front and rear.
13. All other facts within the Analysis section of this report are incorporated within.

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.

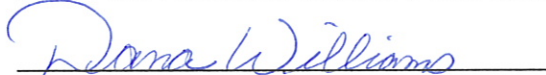
Conditions of Approval:

1. 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 for construction on this lot, the applicant must obtain approval by the Planning Commission for compliance with the Steep Slope CUP criteria.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 4<sup>th</sup> day of October 2007.

PARK CITY MUNICIPAL CORPORATION



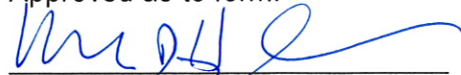
Mayor Dana Williams

Attest:

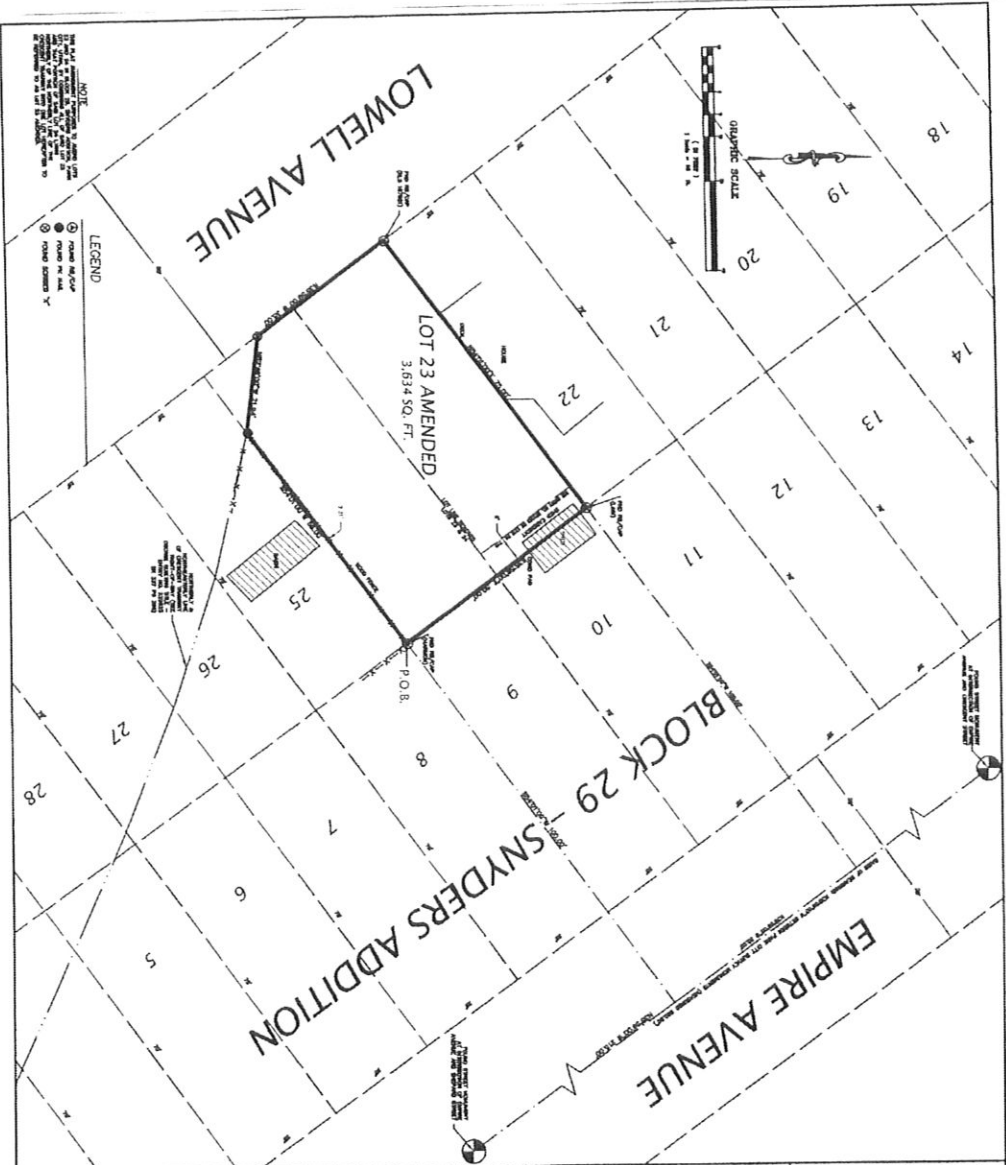


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



**SURVEYOR'S CERTIFICATE**  
 I, the undersigned, being a duly licensed Surveyor in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original plan as the same appears in my office, and that the same has been compared with the original and found to be a true and correct copy of the original.

**OWNER'S DEDICATION AND CONSENT TO RECORD**  
 I, the undersigned, do hereby dedicate and consent to record the foregoing plan as a public street, and I do hereby consent to the recording of the same in the public records of the State of Utah.

**ACKNOWLEDGEMENT**  
 I, the undersigned, do hereby acknowledge the foregoing plan as a public street, and I do hereby consent to the recording of the same in the public records of the State of Utah.

**PLANNING COMMISSION**  
 I, the undersigned, do hereby recommend approval of the foregoing plan as a public street, and I do hereby consent to the recording of the same in the public records of the State of Utah.

**ENGINEER'S CERTIFICATE**  
 I, the undersigned, being a duly licensed Engineer in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original plan as the same appears in my office, and that the same has been compared with the original and found to be a true and correct copy of the original.

**APPROVAL AS TO FORM**  
 I, the undersigned, do hereby approve the foregoing plan as to form, and I do hereby consent to the recording of the same in the public records of the State of Utah.

**COUNCIL APPROVAL AND ACCEPTANCE**  
 I, the undersigned, do hereby approve the foregoing plan as to form, and I do hereby consent to the recording of the same in the public records of the State of Utah.

**COUNTY RECORDER**  
 I, the undersigned, do hereby approve the foregoing plan as to form, and I do hereby consent to the recording of the same in the public records of the State of Utah.

PREPARED FOR <b>CHARLIE DAVID</b>	DATE RECORDED _____
PROJECT <b>SUBDIVISION PLAT AMENDMENT</b>	APPROVED BY ME _____
LOT 23 AMENDED 1 OF 1	APPROVED BY ME _____

**PARK CITY**  
 BLOCK 29 - SNYDERS ADDITION - SUMMIT COUNTY  
 IN THE NW 1/4 OF SEC 16, T25, R4E, 5LB&M



**Ordinance No. 07-64**

**AN ORDINANCE APPROVING THE 953 EMPIRE AVENUE PLAT COMBINING PORTIONS OF LOTS 14 AND 15 OF BLOCK 29 OF SNYDER'S ADDITION TO THE PARK CITY SURVEY, PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 953 Empire Avenue, has petitioned the City Council for approval of a Replat; and

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

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

**WHEREAS**, the Planning Commission held a public hearing on September 12, 2007 to receive input on the 953 Empire Avenue plat.

**WHEREAS**, the Planning Commission, on September 12, 2007, forwarded a positive recommendation to the City Council; and

**WHEREAS**, on October 4, 2007 the City Council held a public hearing to receive input on the 953 Empire Avenue plat; and

**WHEREAS**, it is in the best interest of Park City Utah to approve the 953 Empire Avenue plat.

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

**SECTION 1. APPROVAL** The above recitals are hereby incorporated as findings of fact. The 953 Empire Avenue plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 953 Empire Avenue.
2. The zoning is Historic Residential (HR-1).
3. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
4. The plat will combine portions of two lots into one lot of record.
5. There is an existing non-historic, non-contributory single family home on the property that was built in 1968.
6. Access to the property is from Empire Avenue.
7. The proposed lot is 3,030 square feet in size.
8. The Planning Director has determined that the lot width will be measured 25' from the front lot line.
9. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
10. The maximum building footprint for the proposed lot is 1,277 square feet.
11. The maximum height limit in the HR-1 zone is 27 feet above existing grade.
12. Setbacks for the lot are 5' on each side and 10' in the front and rear. The front 24 feet of property will have side yard setbacks of 3 feet.
13. Minimal construction staging area is available along Empire Avenue.

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. 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 plat must be recorded prior to any new development activity.
4. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. No remnant lot created hereby is separately developable.

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

PASSED AND ADOPTED this 4th day of October 2007.


PARK CITY MUNICIPAL CORPORATION

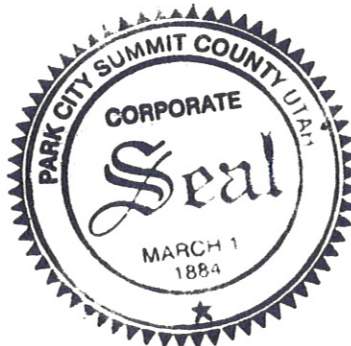
  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

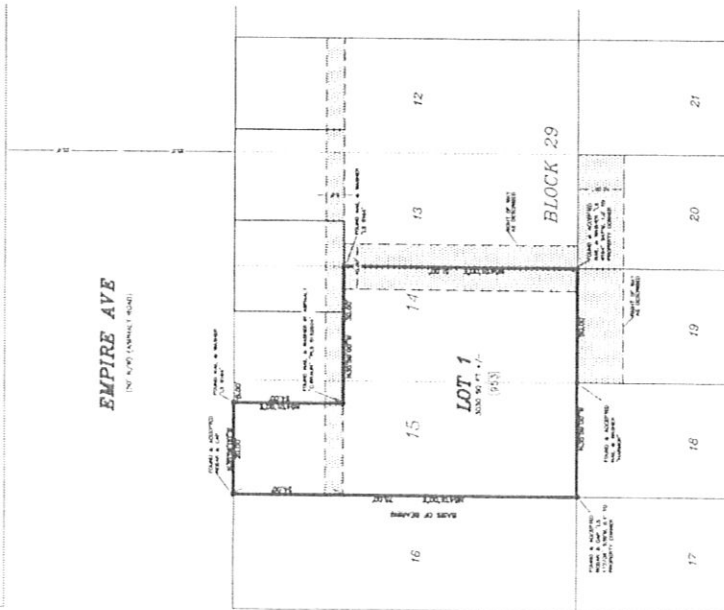
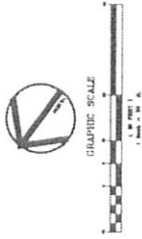
  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

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



**953 EMPIRE AVENUE PLAT**  
 A PORTION OF LOTS 14 & 15, BLOCK 29, SNYDER'S  
 ADDITION TO PARK CITY SURVEY LYING WITHIN  
 THE NORTHEAST QUARTER OF SECTION 16,  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
 SALT LAKE BASE & MERIDIAN  
 SUMMIT COUNTY, UTAH



EMPIRE AVENUE AND ACCURATE TO SHOW  
 THE LOCATION OF THE PLAT WITHIN THE  
 ADDITION TO PARK CITY SURVEY LYING WITHIN  
 THE NORTHEAST QUARTER OF SECTION 16,  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
 SALT LAKE BASE & MERIDIAN,  
 SUMMIT COUNTY, UTAH.

BY \_\_\_\_\_  
 PLAT ENGINEER

LEGAL DESCRIPTION  
 THIS PLAT IS A PORTION OF LOTS 14 & 15, BLOCK 29,  
 SNYDER'S ADDITION TO PARK CITY SURVEY LYING WITHIN  
 THE NORTHEAST QUARTER OF SECTION 16,  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
 SALT LAKE BASE & MERIDIAN,  
 SUMMIT COUNTY, UTAH.

LEGAL DESCRIPTION  
 THIS PLAT IS A PORTION OF LOTS 14 & 15, BLOCK 29,  
 SNYDER'S ADDITION TO PARK CITY SURVEY LYING WITHIN  
 THE NORTHEAST QUARTER OF SECTION 16,  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
 SALT LAKE BASE & MERIDIAN,  
 SUMMIT COUNTY, UTAH.

APPROVED AND ACCEPTED BY THE  
 COUNCIL OF THE CITY OF PARK CITY,  
 UTAH, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
 2017 A.D.



PAGE 1 of 1

<p><b>PARK CITY PLANNING COMMISSION</b>          APPROVED AND ACCEPTED BY THE          COMMISSION ON THIS _____ DAY OF _____,          2017 A.D.</p>	<p><b>CERTIFICATE OF ATTEST</b>          I HEREBY CERTIFY THAT THE ABOVE          PLAT IS A TRUE AND CORRECT COPY          OF THE RECORD AS FILED IN THE          OFFICE OF THE CLERK OF COUNTY,          UTAH, THIS _____ DAY OF _____,          2017 A.D.</p>	<p><b>INTERTOWN MAIN WATER REGULATOR DISTRICT</b>          REVIEWED FOR CONFORMANCE TO INTERTOWN MAIN WATER          REGULATOR DISTRICT TRANSMISSION 2007 A.D.          DATE OF REVIEW _____ 2017 A.D.</p>	<p><b>ENGINEERS CERTIFICATE</b>          I HEREBY CERTIFY THAT THE ABOVE          PLAT IS A TRUE AND CORRECT COPY          OF THE RECORD AS FILED IN THE          OFFICE OF THE CLERK OF COUNTY,          UTAH, THIS _____ DAY OF _____,          2017 A.D.</p>	<p><b>APPROVAL AS TO FORM</b>          APPROVED AS TO FORM THIS _____ DAY OF _____, 2017 A.D.</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b>          APPROVED AND ACCEPTED BY THE PARK CITY          COUNCIL THIS _____ DAY OF _____, 2017 A.D.</p>	<p><b>RECORDED</b>          STATE OF UTAH COUNTY OF SUMMIT AND FILED          AT THE REQUEST OF _____ FILE NO. _____          DATE _____ 2017 A.D. BOOK _____ PAGE _____</p>	
BY _____ PLAT ENGINEER		BY _____ PLAT ENGINEER		BY _____ PLAT ENGINEER		BY _____ PLAT ENGINEER	

**Ordinance No. 07-63**

**AN ORDINANCE APPROVING THE RECORD OF SURVEY MAP OF LAKESIDE AT DEER VALLEY CONDOMINIUMS RECORD OF SURVEY AMENDMENT; UNITS "E" AND "F", BUILDING 10, LOCATED AT 1617 and 1621 LAKESIDE CIRCLE, PARK CITY, UTAH.**

**WHEREAS**, the owner of the property known as Units "E" and "F" of Building 10 of the Lakeside at Deer Valley Condominiums, has petitioned the City Council for approval of a plat amendment; and

**WHEREAS**, the owner received greater than 66.7% approval by more than 50% of the Home Owners of the Lakeside at Deer Valley Condominiums on August 3, 2007; and

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

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

**WHEREAS**, the Planning Commission held a public hearing on September 12, 2007, to receive input on the Lakeside at Deer Valley Condominiums Condo Amendment of Units "E" and "F" of Building 10 .

**WHEREAS**, the Planning Commission, on September 12, 2007, forwarded a positive recommendation to the City Council; and

**WHEREAS**, it is in the best interest of Park City Utah to approve the Lakeside at Deer Valley Condominiums condo amendment of Units "E" and "F" of Building 10.

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

**SECTION 1. APPROVAL** The above recitals are hereby incorporated as findings of fact. The Lakeside at Deer Valley Condominiums condo amendment; Units "E" and "F", Building 10 as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1617 and 1621 Lakeside Circle.
2. The property is Units "E" and "F" of Building 10 of the Lakeside at Deer Valley Condominiums.
3. The new address of the condominium will be 1621 Lakeside Circle and the unit will be Unit E of Building 10.
4. The zoning is Residential Development (RD).
5. The adjacent land use is primarily recreation, multi-family dwellings, and single family homes.
6. The plat amendment will combine units "E" and "F" of Building 10 of the Lakeside at Deer Valley Condominiums into one condominium unit.
7. Unit E contains 1874 square feet of living area and 481 square feet of garage. Unit F contains 2231 square feet of living area and 509 square feet of garage. The plat amendment will create one unit with 4105 square feet of living space and 1090 square

- feet of garage.
8. The owner received greater than 66.7% approval by more than 50% of the Home Owners of the Lakeside at Deer Valley Condominiums on August 3, 2007 during the HOA annual meeting.
  9. Notice for this application was placed onsite and sent to all affected property owners and property owners within 300' of the plat amendment on August 30, 2007 and was noticed in the Park Record.
  10. The Findings in the Analysis section are incorporated herein.

Conclusions of Law:

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

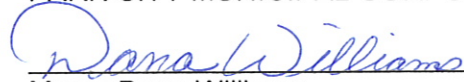
Conditions of Approval:

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. 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 applicant will record the plat amendment at the County prior to issuance of a building permit.
4. No new, un-built Deer Valley MPD "unit" is created by virtue of this amendment.

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

PASSED AND ADOPTED this 4<sup>th</sup> day of October 2007.


PARK CITY MUNICIPAL CORPORATION

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

Attest:

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

Approved as to form:

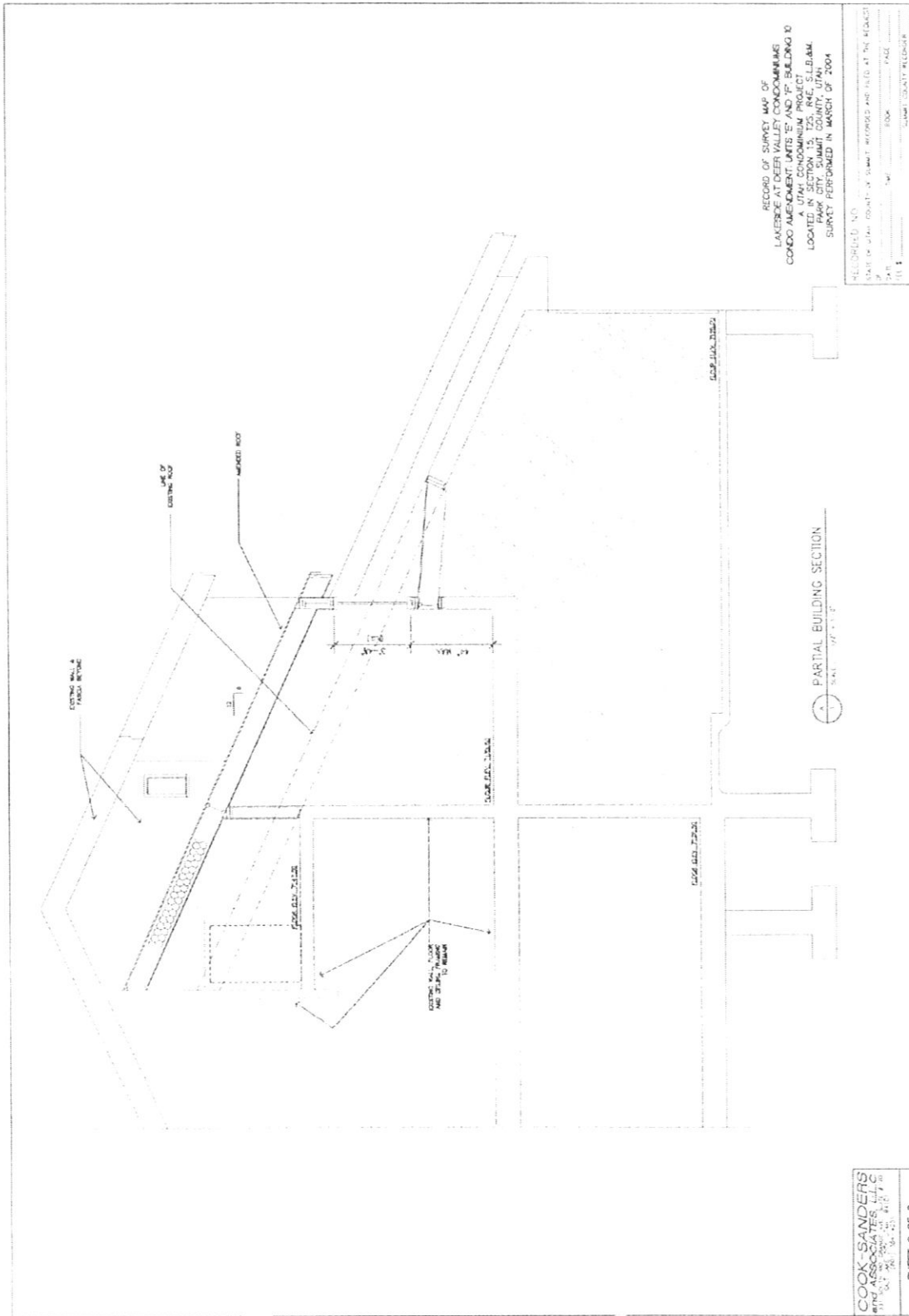
  
\_\_\_\_\_  
Mark D. Harrington, City Attorney











RECORD OF SURVEY MAP OF  
 LAVERGIE AT DEER VALLEY COMMUNITY  
 COOK AMERICAN HOME BUILDING TO  
 BE CONSTRUCTION PROJECT  
 LOCATED IN SECTION 15, T2S, R4E, S11E, 4M,  
 PARK CITY, SUMMIT COUNTY, UTAH.  
 SURVEY PERFORMED IN MARCH OF 2004

RECORDED NO. \_\_\_\_\_  
 DATE OF RECORDED \_\_\_\_\_  
 COUNTY \_\_\_\_\_

PARTIAL BUILDING SECTION  
 SCALE: 1/8" = 1'-0"

COOK-SANDERS  
 ARCHITECTS, P.C.  
 100 S. MAIN ST., SUITE 200  
 PARK CITY, UTAH 84302  
 SHEET 2 OF 2

**Ordinance No. 07-62**

**AN ORDINANCE APPROVING THE DALY LADY SUBDIVISION PLAT AMENDMENT LOCATED AT 314 DALY AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 314 Daly Avenue have petitioned the City Council for approval of the Daly Lady Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on September 12, 2007, to receive input;

WHEREAS, the Planning Commission, on September 12, 2007, forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 4, 2007, the City Council conducted a public hearing for the Daly Lady Subdivision; and

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

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The plat amendments as shown in Exhibit A are approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 314 Daly Avenue in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes.
3. The property is a metes and bounds parcel on the west side of Daly Avenue.
4. There is an existing historic home and shed on the property.
5. The home and shed were determined to be historic by the Historic Preservation Board on February 5, 2007.
6. The applicant is proposing to subdivide the land into 2 lots of record to create a lot for the home and one for future development.
7. Lot 1 will be 7,455 square feet in size with a maximum footprint of 2,451 square feet. Lot 2 will be 3,475 square feet in size with a maximum footprint of 1,429 square feet.
8. The maximum height for the zone is 27 feet above existing grade.
9. The combination of the topography of the lot, the potential impact on the historic home and the impact of 3 lots on the neighborhood would be much greater than those of a 2 lot subdivision.
10. The applicant reduced the density from 3 lots to 2, creating a larger lot for the historic home and eliminating the need for it to be moved.
11. For this section of Daly Avenue, it is advantageous to adopt a "share the road" concept wherein the existing roadway is peacefully shared by non-motorized and motorized modes of travel, rather than dedicate a section of the lot to the City for right-of-way expansion.
12. If a section of the property is dedicated to the City, it would take a large portion of the flat and therefore most appropriate for building part of the lot with it.
13. In the recent past, the Planning Commission has reviewed and approved plat amendments for subdivisions in the area that did not require substantial dedications of property for the creation of right-of-way (most recently 297 Daly).

14. All future development must meet the criteria for construction in the Historic District Design Guidelines and Land Management Code Chapter 15-2.1 prior to the issue of a building permit.
15. Access to the property comes from Daly Avenue.

Conclusions of Law:

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

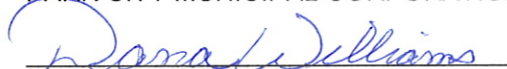
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. 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 for the plat will be void.
3. Prior to the issue of a building permit, the applicant shall submit for review and approval a historic district design guideline review application.
4. No remnant parcel shall be created as part of this application.
5. Prior to plat recordation, the shed shall be relocated to meet setbacks.

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

PASSED AND ADOPTED this 4<sup>th</sup> day of October, 2007.

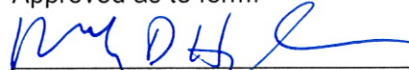
PARK CITY MUNICIPAL CORPORATION

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

Attest:

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

Approved as to form:

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





**Ordinance No. 07-61**

**AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE 2165 & 2167 MONARCH CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 2165 MONARCH DRIVE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 2165 Monarch Drive has petitioned the City Council for approval of the 2165 & 2167 Monarch Condominiums record of survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on September 12, 2007, to receive input on the plat amendment;

WHEREAS, the Planning Commission, on September 12, 2007, forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council, on October 4, 2007 held a public hearing for the proposed record of survey amendment.

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 above recitals are hereby incorporated as findings of fact. The 2165 & 2167 Monarch Condominiums record of survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property, an existing duplex on an approved duplex lot is located at 2165 & 2167 Monarch Drive in the Single Family (SF) zone.
2. The SF zone is a mix of moderate to larger sized residential homes, and duplex properties.
3. The project is located on a platted duplex lot in the Prospector Village subdivision.
4. A duplex is an allowed use in the SF zone provided it is located on a lot designated for a duplex on the subdivision plat.
5. There is an existing non-historic duplex on the property.
6. The proposed record of survey will convert the existing duplex from a single owner property to a condominium, enabling dual ownership of the property.



7. No expansion of the existing building footprint is proposed.
8. Four on-site parking spaces are proposed.
9. No remnant lots are created as a result of this record of survey amendment.
10. All utilities, including sewer and water are available on site.

Conclusions of Law:

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

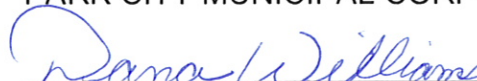
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey and CC&Rs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The CC&Rs for the condominium will include a method to break a tie vote.
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.

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

PASSED AND ADOPTED this 4<sup>th</sup> day of October, 2007.

PARK CITY MUNICIPAL CORPORATION




Mayor Dana Williams

Attest:



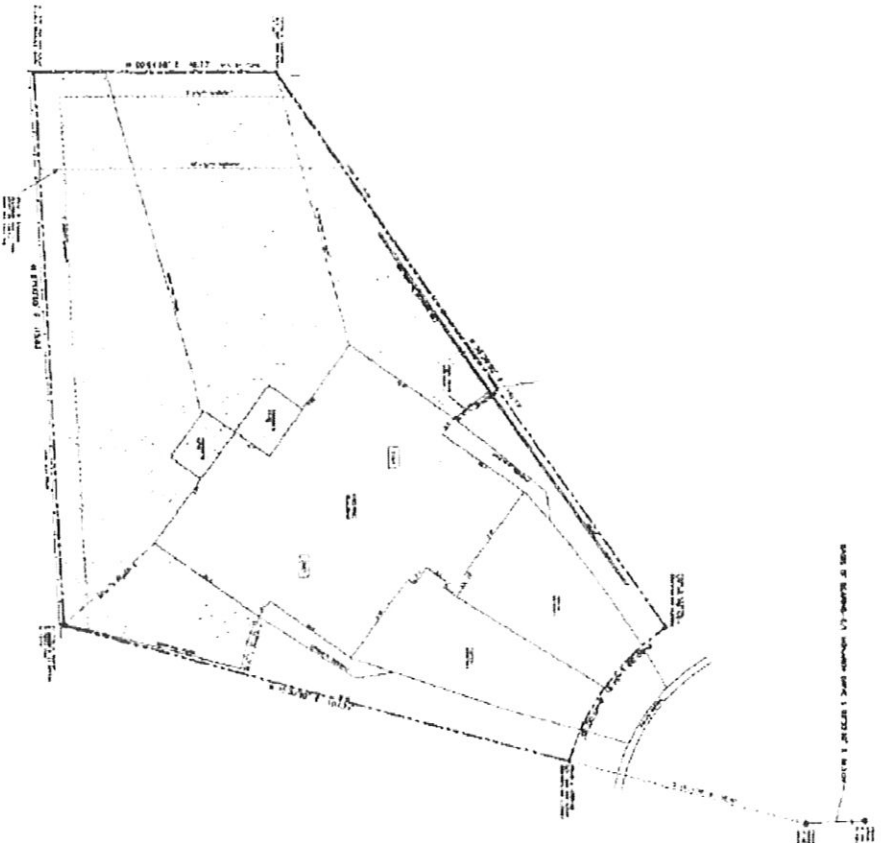
Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney





**A RECORD OF SURVEY PLAT**  
**2165 & 2167 MONARCH CONDOMINIUMS**  
 A CONDOMINIUM PROJECT LOCATED IN THE NORTHEAST QUARTER OF SECTION 5,  
 TOWNSHIP 22 NORTH, RANGE 4 EAST, TAZE TOWNSHIP, SANGRE DE TORO COUNTY, COLORADO



THE STATE OF COLORADO  
 COUNTY OF SANGRE DE TORO  
 I, \_\_\_\_\_, Surveyor, do hereby certify that the foregoing is a true and correct copy of the Record of Survey Plat as filed in my office on this \_\_\_\_\_ day of \_\_\_\_\_, 2007.  
 My Commission Expires on \_\_\_\_\_, 2008.  
 STATE OF COLORADO  
 DEPARTMENT OF REVENUE  
 1015 EAST COLLEGE AVENUE  
 DENVER, COLORADO 80202

**OWNER'S DECLARATION AND OPINION ON RECORD**

THESE ARE THE TRUE, CORRECT AND COMPLETE DEEDS AND DESCRIPTIONS OF THE PROPERTY BEING OFFERED FOR SALE. THE SAID DEEDS AND DESCRIPTIONS HAVE BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY COMPLY WITH ALL THE REQUIREMENTS OF SECTION 38-101, C.R.S., AS AMENDED.

I HEREBY CERTIFY THAT I AM THE OWNER OF THE ABOVE DESCRIBED PROPERTY AND THAT I HAVE THE FULL AND COMPLETE TITLE TO THE SAME.

**OWNER'S SIGNATURE AND ADDRESS:**

NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

**DATE OF SIGNATURE:** \_\_\_\_\_

**DATE OF RECORDING:** \_\_\_\_\_

**RECORDING OFFICE:** \_\_\_\_\_

**SMITHFIELD PAPER MILLS REDEVELOPMENT PROJECT**  
 RECORDS AND INSTRUMENTS IN ACCORDANCE WITH THE  
 PLANNING COMMISSION  
 RECORDS AND INSTRUMENTS IN ACCORDANCE WITH THE  
 PLANNING COMMISSION

**PLANNING COMMISSION**  
 RECORDS AND INSTRUMENTS IN ACCORDANCE WITH THE  
 PLANNING COMMISSION

**INCORPORATION CERTIFICATE**  
 RECORDS AND INSTRUMENTS IN ACCORDANCE WITH THE  
 PLANNING COMMISSION

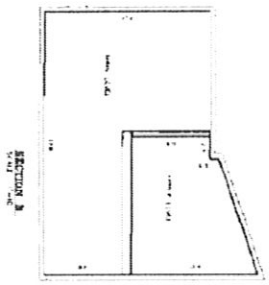
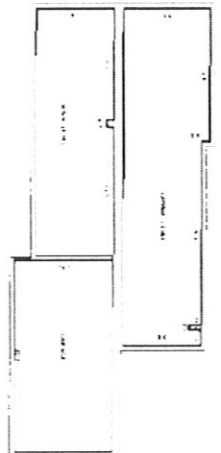
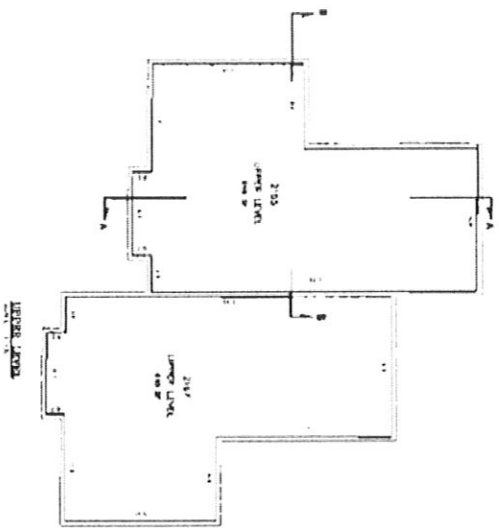
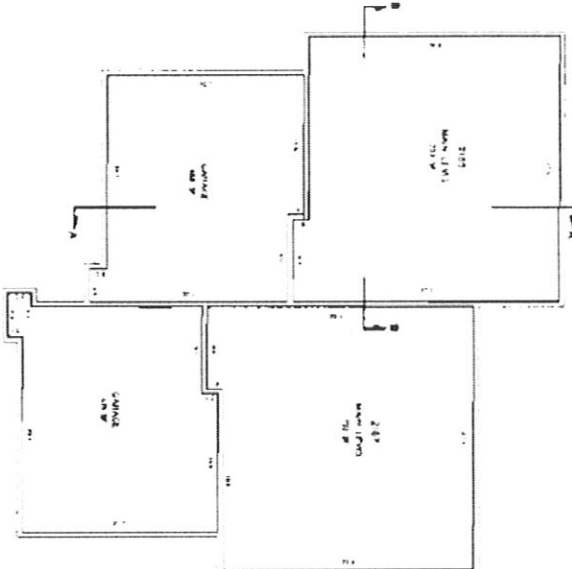
**AFFIDAVIT AS TO TAXES**  
 RECORDS AND INSTRUMENTS IN ACCORDANCE WITH THE  
 PLANNING COMMISSION

**CERTIFICATE OF ATTORNEY**  
 RECORDS AND INSTRUMENTS IN ACCORDANCE WITH THE  
 PLANNING COMMISSION

**GENERAL AFFIDAVIT AND ACCEPTANCE**  
 RECORDS AND INSTRUMENTS IN ACCORDANCE WITH THE  
 PLANNING COMMISSION

**RECORDING OFFICE**  
 RECORDS AND INSTRUMENTS IN ACCORDANCE WITH THE  
 PLANNING COMMISSION

**RECEIVED**  
 JUN 28 2007  
 PARK CITY  
 PLANNING DEPT.



**2165 & 2167 MONARCH CONDOMINIUMS**

A RECORD OF SURVEY PLAT  
 A CONDOMINIUM PROJECT LOCATED IN THE NORTHEAST QUARTER OF SECTION 9  
 TOWNSHIP 2 SOUTH, RANGE 6 EAST, SOUTHLAKE TOWN AND URBAN  
 PLANNING DISTRICT, SHERIDAN COUNTY, WYOMING

**RECEIVED**

JUN 26 2007

PLAT 1 OF 1

RECORDED

DATE OF SURVEY: 06/15/07

BY: [Signature]

SCALE: AS SHOWN

**EXHIBIT A**

UNIT	AREA (SQ. FT.)	PERCENTAGE OF TOTAL AREA
2165	100.00	10.00%
2167	100.00	10.00%
2168	100.00	10.00%
2169	100.00	10.00%
2170	100.00	10.00%
2171	100.00	10.00%
2172	100.00	10.00%
2173	100.00	10.00%
<b>TOTAL</b>	<b>1000.00</b>	<b>100.00%</b>

**Ordinance No. 07-60**

**AN ORDINANCE APPROVING THE NAKOMA CONDOMINIUMS PHASE II RECORD OF SURVEY PLAT LOCATED AT 8800 MARSAC AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Nakoma Condominiums Phase II, located at 8800 Marsac Avenue, Lot B of the Northside Village Subdivision II, have petitioned the City Council for approval of the Nakoma Condominiums Phase II 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 August 22 2007, to receive input on the Nakoma Condominiums Phase II record of survey;

WHEREAS, the Planning Commission, on August 22, 2007, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Nakoma Condominiums Phase II record of survey.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Nakoma Condominiums Phase II 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 property is located at 8800 Marsac Avenue.
2. The Nakoma Condominiums is located in the RD-MPD zoning district.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On September 11, 2002, the Planning Commission approved a Master Planned Development for the Flagstaff Mountain Resort Phase II (Pod B-1).
5. The approved Flagstaff Mountain Resort Phase II MPD includes a maximum density assignment and conceptual site design for eighteen (18) detached single family units utilizing not more than 27 Unit Equivalents on Northside Village Subdivision II, Lot B.
6. The Planning Commission approved an amendment to Lot B on October 27, 2004, in which the UE count on Lot B increased from 27 to 45, while maintaining the same footprint and maximum house size requirements as previously approved.
7. The approved maximum building footprint for the eighteen (18) detached single-family units on Northside Village Subdivision II, Lot B, is 3,000 square feet. An additional 600 square feet is allowed for a garage.
8. The maximum house size is 5,000 square feet inclusive of all living space inside the exterior walls, whether finished or unfinished. Crawl space is excepted.
9. The proposed record of survey is consistent with the approved and amended Master Planned Development for the Flagstaff Mountain Resort Phase II.

10. Two parking spaces are required for each unit.
11. Each building is required to conform 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 Flagstaff Mountain Resort Phase II (Pod B-1) Master Planned Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
4. Plat Note #1 will be amended to require amending the record of survey after construction of the units or as approved by the City Attorney and City Engineer.
5. Prior to recordation, the owners shall create a driveway access easement for Unit 17 which shall have been approved by the Planning Department, the City Engineer, and the City Attorney. Only one (1) driveway off Marsac Avenue is allowed for both Units 17 and 18.

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

PASSED AND ADOPTED this 20<sup>th</sup> day of September, 2007.

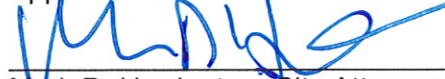
PARK CITY MUNICIPAL CORPORATION

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

Attest:

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

Approved as to form:

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







STATE OF TEXAS

Professional Engineer License No. 12345  
Name: J. L. Smith  
Address: 123 Main Street, Austin, TX 78701  
Date of Issuance: 1/1/2010  
Expiration Date: 12/31/2015

**OWNER'S CERTIFICATE**

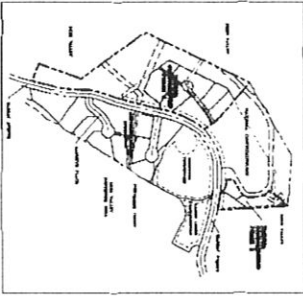
I, the undersigned, being duly qualified by law to practice as a Professional Engineer in the State of Texas, do hereby certify that the above described project complies with all applicable laws, rules, and regulations of the State of Texas and the City of Austin, Texas, and that the same are in accordance with the plans and specifications filed herewith.

**DEVELOPER'S CERTIFICATE**

I, the undersigned, being duly qualified by law to practice as a Professional Engineer in the State of Texas, do hereby certify that the above described project complies with all applicable laws, rules, and regulations of the State of Texas and the City of Austin, Texas, and that the same are in accordance with the plans and specifications filed herewith.

**OWNER'S CERTIFICATE AND CONSENT TO RECORD**

I, the undersigned, being duly qualified by law to practice as a Professional Engineer in the State of Texas, do hereby certify that the above described project complies with all applicable laws, rules, and regulations of the State of Texas and the City of Austin, Texas, and that the same are in accordance with the plans and specifications filed herewith.



Lot Schedule

Lot No.	Area (sq. ft.)	Area (sq. m.)	Area (ac.)
1	10,000	914.4	0.23
2	10,000	914.4	0.23
3	10,000	914.4	0.23
4	10,000	914.4	0.23
5	10,000	914.4	0.23
6	10,000	914.4	0.23
7	10,000	914.4	0.23
8	10,000	914.4	0.23
9	10,000	914.4	0.23
10	10,000	914.4	0.23
11	10,000	914.4	0.23
12	10,000	914.4	0.23
13	10,000	914.4	0.23
14	10,000	914.4	0.23
15	10,000	914.4	0.23
16	10,000	914.4	0.23
17	10,000	914.4	0.23
18	10,000	914.4	0.23
19	10,000	914.4	0.23
20	10,000	914.4	0.23



**CONDOMINIUM PLAT**  
**NAKOMA CONDOMINIUMS PHASE 2**  
 A URBAN EXPANDABLE CONDOMINIUM PROJECT  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE OF WATERS AND RIVERS  
 PARK CITY, SOUTHERN COUNTY, UTAH

**SYDNEYVILLE BASIN WATER EXHAUSTION SYSTEM**  
 Approved for construction by the City of Austin, Texas  
 Date of Approval: 1/1/2010

**PLANNING COMMISSION**  
 Approved by the Planning Commission of the City of Austin, Texas  
 Date of Approval: 1/1/2010

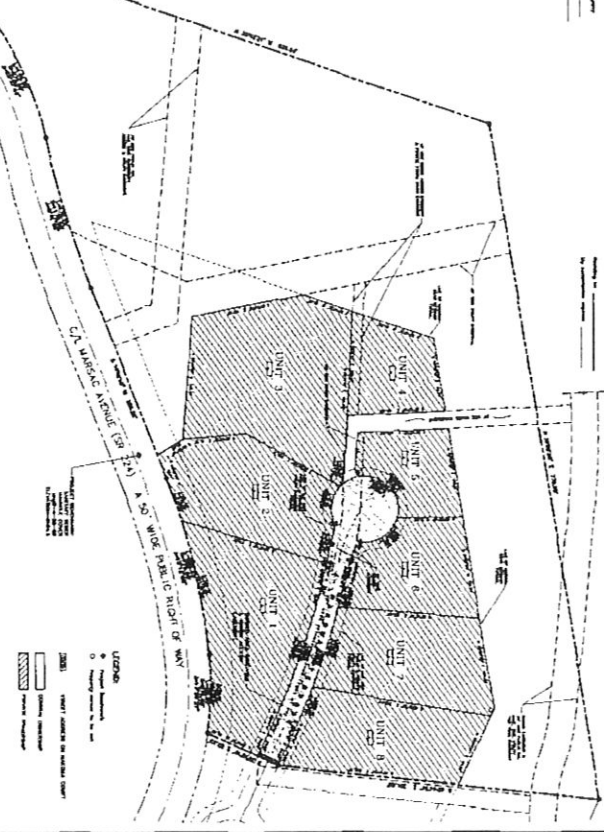
**ENGINEER'S CERTIFICATE**  
 Approved by the Professional Engineer  
 Date of Approval: 1/1/2010

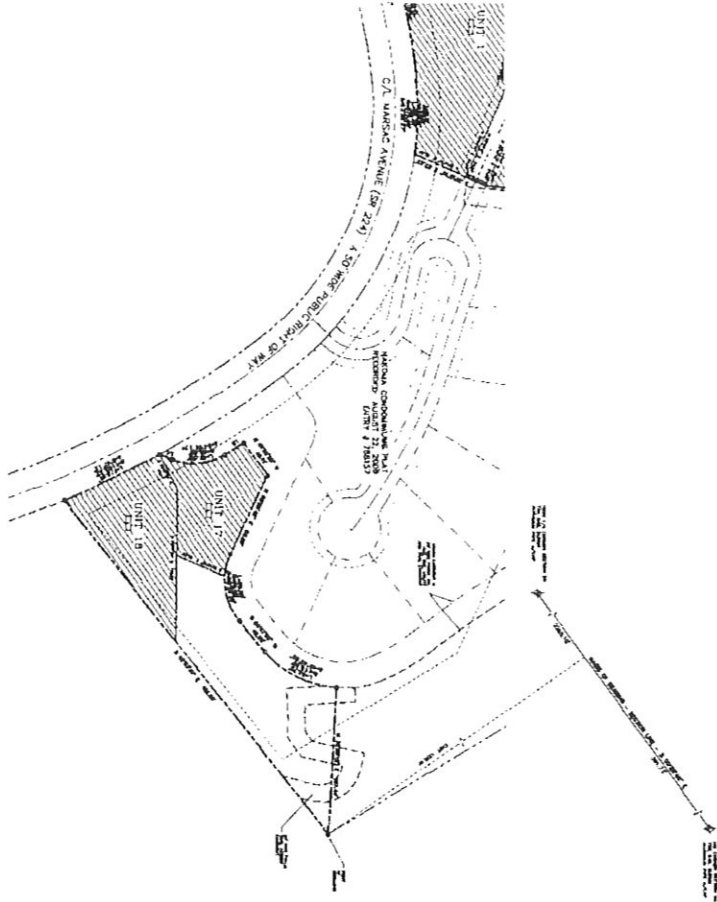
**APPROVAL AS TO FORM**  
 Approved by the City of Austin, Texas  
 Date of Approval: 1/1/2010

**CERTIFICATE OF ATTEST**  
 Approved by the City of Austin, Texas  
 Date of Approval: 1/1/2010

**COUNCIL APPROVAL AND ACCEPTANCE**  
 Approved by the City Council of Austin, Texas  
 Date of Approval: 1/1/2010

**RECORDED**  
 At the Office of the County Clerk of Travis County, Texas  
 Date of Recording: 1/1/2010





**CONDOMINIUM PLAT**  
**NAKOMA CONDOMINIUMS PHASE 2**  
 A UTAH EXPANDABLE CONDOMINIUM PROJECT  
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 21  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MOUNTAIN  
 PARK CITY, SANJUAN COUNTY, UTAH

**NOTES**

1. THIS PLAT IS SUBJECT TO THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE DEEDS AND PLATS REFERRED TO IN THE LEGAL DESCRIPTION HEREIN.
2. THE CONDOMINIUMS SHOWN ON THIS PLAT ARE TO BE CONVEYED TO THE BUYER BY THE SELLER AS SHOWN ON THIS PLAT.
3. THE CONDOMINIUMS SHOWN ON THIS PLAT ARE TO BE CONVEYED TO THE BUYER BY THE SELLER AS SHOWN ON THIS PLAT.
4. THE CONDOMINIUMS SHOWN ON THIS PLAT ARE TO BE CONVEYED TO THE BUYER BY THE SELLER AS SHOWN ON THIS PLAT.
5. THE CONDOMINIUMS SHOWN ON THIS PLAT ARE TO BE CONVEYED TO THE BUYER BY THE SELLER AS SHOWN ON THIS PLAT.
6. THE CONDOMINIUMS SHOWN ON THIS PLAT ARE TO BE CONVEYED TO THE BUYER BY THE SELLER AS SHOWN ON THIS PLAT.
7. THE CONDOMINIUMS SHOWN ON THIS PLAT ARE TO BE CONVEYED TO THE BUYER BY THE SELLER AS SHOWN ON THIS PLAT.
8. THE CONDOMINIUMS SHOWN ON THIS PLAT ARE TO BE CONVEYED TO THE BUYER BY THE SELLER AS SHOWN ON THIS PLAT.
9. THE CONDOMINIUMS SHOWN ON THIS PLAT ARE TO BE CONVEYED TO THE BUYER BY THE SELLER AS SHOWN ON THIS PLAT.
10. THE CONDOMINIUMS SHOWN ON THIS PLAT ARE TO BE CONVEYED TO THE BUYER BY THE SELLER AS SHOWN ON THIS PLAT.

PREPARED BY: [Name]  
 DATE: [Date]  
 RECORDED  
 AT THE OFFICE OF THE CLERK OF THE DISTRICT COURT OF THE COUNTY OF [County], UTAH  
 THIS [Date] DAY OF [Month], 20[Year]

**Ordinance No. 07-59**

**AN ORDINANCE APPROVING THE AMENDED RECORD OF SURVEY MAP  
STAG LODGE COMMON AREA RECORD OF SURVEY PLAT  
LOCATED AT 8200 ROYAL STREET EAST, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 8200 Royal Street East have petitioned the City Council for approval of the Amended Record of Survey Map Stag Lodge Common Area record of survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 13, 2007, to receive input on the plat amendment;

WHEREAS, the Planning Commission, on June 13, 2007, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 12, 2007, the City Council held a public hearing and continued the Amended Record of Survey Map Stag Lodge Common Area record of survey plat; and

WHEREAS, on August 2, 2007, the City Council held a public hearing and remanded the Amended Record of Survey Map Stag Lodge Common Area record of survey plat to the Planning Commission; and

WHEREAS, on August 22, 2007, the Planning Commission held a public hearing to receive public input, and forwarded a positive recommendation to the City Council; and

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

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Amended Record of Survey Map Stag Lodge Common Area record of survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

### Findings of Fact:

1. The property is located at 8200 Royal Street East, in the Residential Density Master Planned Development (RD-MPD) zone as part of the Deer Valley Master Planned Development.
2. The RD zone is a residential larger contemporary homes, and large multi-unit properties.
3. There is an existing non-historic condominium on the property.
4. The applicant is proposing an increase of approximately 700 square feet of common area in the restaurant and lobby.
5. The applicant is proposing two accessory buildings on the site to house mechanical equipment and garbage dumpsters.
6. The applicant is proposing to install snow melt systems in the driveway.
7. The expansion of the lobby and restaurant, accessory buildings, and driveway snowmelt systems are allowed uses in the RD zone.
8. The proposed application did not meet the requirements of LMC Chapter 15-6-4(l) for additional MPD/CUP review because no changes to density, unit type or configuration of the project are proposed and all uses proposed are permitted in the RD zone.
9. On August 2, 2007 the City Council remanded the proposed record of survey plat amendment to the Planning Commission for further review of the plat and to take additional public comment.
10. On May 29, 2007 the City issued a building permit for the construction of the proposed improvements, the owner proceeded at his own risk pending plat approval.
11. There is an existing accessory building under construction approximately 38 feet from the south property line.
12. The LMC requirement for side yard setbacks in the RD-MPD zone is 25 feet.
13. The required open space for the project is 60%. This project will not place the project over the 60% limit.
14. Courtesy notice for the project was sent to property owners within 300 feet on May 24, 2007.
15. Snowmelt devices can potentially result in delays to repairs to utilities unless the responsibility for such repairs is clearly spelled out in an appropriate encroachment agreement. An encroachment agreement was executed and recorded on May 29, 2007.
16. The proposed site plan dated August 21, 2007 includes screening and enclosure of the accessory buildings with the garbage dumpster.
17. The analysis section and the staff report dated 9/20/07 is incorporated herein.

### Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. Construction of the south accessory building shall be pursuant to the August 17, 2007 mitigation agreement signed between the applicant and the Double Eagle owner's association.
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.

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

PASSED AND ADOPTED this 20<sup>th</sup> day of September, 2007.

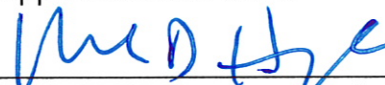
PARK CITY MUNICIPAL CORPORATION

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

Attest:

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

Approved as to form:

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







**ST. LOUIS PLANNING COMMISSION**  
 APPROVED THE CONCEPT PLAN AND PRELIMINARY LAYOUT  
 OF THE STAG LODGE COMMON AREA  
 ON \_\_\_\_\_ AT \_\_\_\_\_  
 BY \_\_\_\_\_

**PLANNING COMMISSION**  
 APPROVED THE CONCEPT PLAN AND PRELIMINARY LAYOUT  
 OF THE STAG LODGE COMMON AREA  
 ON \_\_\_\_\_ AT \_\_\_\_\_  
 BY \_\_\_\_\_

**ENGINEER'S CERTIFICATE**  
 I HAVE THE HONOR OF BEING AN  
 ENGINEER AND I HEREBY CERTIFY  
 THAT THE PLAN AND LAYOUT  
 OF THE STAG LODGE COMMON AREA  
 ON \_\_\_\_\_ AT \_\_\_\_\_  
 IS IN ACCORDANCE WITH THE  
 CITY ORDINANCES.  
 BY \_\_\_\_\_

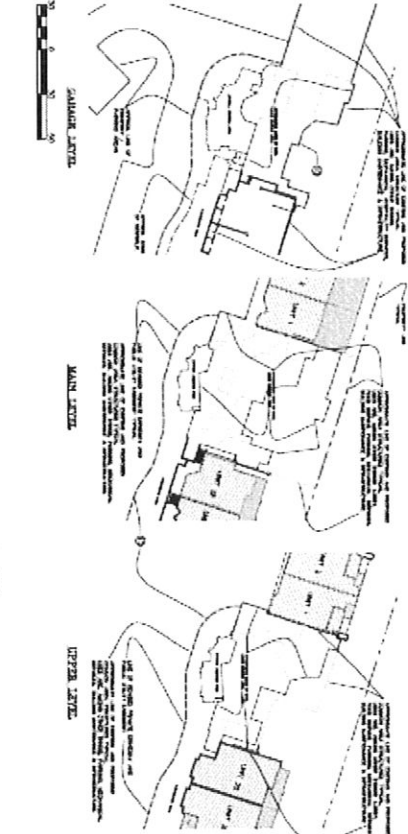
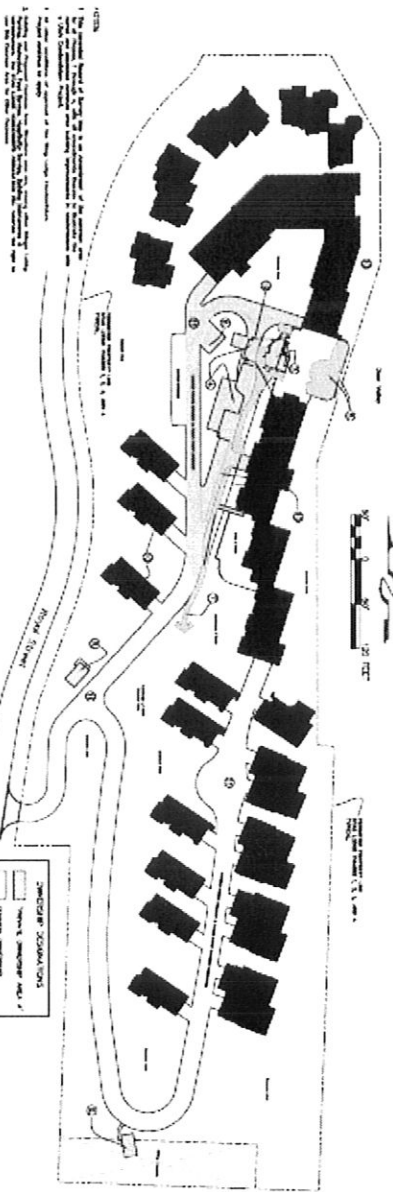
**APPROVAL AS TO FORM**  
 APPROVED AS TO FORM THE  
 PLAN AND LAYOUT OF THE  
 STAG LODGE COMMON AREA  
 ON \_\_\_\_\_ AT \_\_\_\_\_  
 BY \_\_\_\_\_

**CERTIFICATE OF ADEPT**  
 I HEREBY CERTIFY THAT THE  
 PLAN AND LAYOUT OF THE  
 STAG LODGE COMMON AREA  
 ON \_\_\_\_\_ AT \_\_\_\_\_  
 IS IN ACCORDANCE WITH THE  
 CITY ORDINANCES.  
 BY \_\_\_\_\_

**COUNCIL APPROVAL AND ACCEPTANCE**  
 APPROVED AND ACCEPTED BY THE  
 COUNCIL OF THE CITY OF ST. LOUIS  
 ON \_\_\_\_\_ AT \_\_\_\_\_  
 BY \_\_\_\_\_

**RECORDED**  
 FILED IN THE OFFICE OF THE  
 CLERK OF THE CITY OF ST. LOUIS  
 ON \_\_\_\_\_ AT \_\_\_\_\_  
 BY \_\_\_\_\_

**STAG LODGE COMMON AREA**  
 THE CONCEPT PLAN AND LAYOUT  
 OF THE STAG LODGE COMMON AREA  
 ON \_\_\_\_\_ AT \_\_\_\_\_  
 IS IN ACCORDANCE WITH THE  
 CITY ORDINANCES.  
 BY \_\_\_\_\_



- 1. THE STAG LODGE COMMON AREA IS A RESIDENTIAL DEVELOPMENT OF 120 UNITS, 100 OF WHICH ARE SINGLE-FAMILY HOMES AND 20 ARE TOWNHOMES.
- 2. THE DEVELOPMENT IS SITUATED ON A 10-ACRE TRACT OF LAND IN SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, STATE 8 WEST, ST. LOUIS COUNTY, MISSOURI.
- 3. THE DEVELOPMENT IS IN ACCORDANCE WITH THE CITY ORDINANCES AND THE ZONING COMBINATIONS.
- 4. THE DEVELOPMENT IS IN ACCORDANCE WITH THE CITY ORDINANCES AND THE ZONING COMBINATIONS.
- 5. THE DEVELOPMENT IS IN ACCORDANCE WITH THE CITY ORDINANCES AND THE ZONING COMBINATIONS.
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- 9. THE DEVELOPMENT IS IN ACCORDANCE WITH THE CITY ORDINANCES AND THE ZONING COMBINATIONS.
- 10. THE DEVELOPMENT IS IN ACCORDANCE WITH THE CITY ORDINANCES AND THE ZONING COMBINATIONS.



**ENGINEER'S CERTIFICATE**  
 I HAVE THE HONOR OF BEING AN  
 ENGINEER AND I HEREBY CERTIFY  
 THAT THE PLAN AND LAYOUT  
 OF THE STAG LODGE COMMON AREA  
 ON \_\_\_\_\_ AT \_\_\_\_\_  
 IS IN ACCORDANCE WITH THE  
 CITY ORDINANCES.  
 BY \_\_\_\_\_

**Ordinance No. 07-58**

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

**WHEREAS**, the Utah Parking and Business Improvement District Act, Utah Code Ann. §§ 17A-3-401 to 414, 1953, as amended, allows counties and municipalities to establish Parking and Business Improvement Districts; and

**WHEREAS**, the Main Street Business Improvement District ("District") was created by resolution on August 30, 2007 for the purpose of solid waste management and business promotion; and

**WHEREAS**, the boundary of the District is defined as all businesses located in the following area:

The District boundary shall follow the centerline of the following streets: Beginning at the intersection of Main Street and Deer Valley Drive, then proceeding westerly on Main Street to the intersection of Main Street and 9<sup>th</sup> Street, then west on 9<sup>th</sup> Street to the intersection of 9<sup>th</sup> Street and Park Avenue, then proceeding southerly on Park Avenue to the intersection of King Road, then easterly on King Road to Main Street, then southerly on Main Street to Hillside Avenue, then proceeding easterly along Hillside to Marsac Avenue, then proceeding northward on Marsac Avenue to the intersection of Deer Valley Drive and the point of beginning.

**WHEREAS**, the City Council hereby declares that the public health, convenience, and necessity requires the establishment of the District for effective solid waste management; and

**WHEREAS**, businesses within the District will be required to have any solid waste charges paid up to date in order to receive or renew a business license, and

**WHEREAS**, City Council has determined that amending the Municipal Code is necessary to ensure proper compliance with the City business license ordinance.

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

**SECTION 1. FINDINGS:** The Council finds that it is in the best interest of the health, safety, and welfare of the citizens of Park City to amend the Municipal Code to help manage solid waste in the Historic Main Street Business area.

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

**CHAPTER 2 – BUSINESS LICENSING IN GENERAL**

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

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

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

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


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

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

(E) Is located within the boundaries of the Main Street Business Improvement District (BID) and has failed to pay the business promotion tax (set by separate ordinance) or any applicable solid waste management charges or fees. Proof of up-to-date payment will be required prior to license approval or renewal.

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

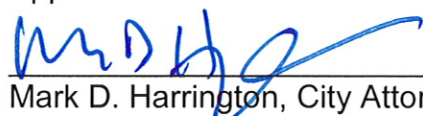
PARK CITY MUNICIPAL CORPORATION

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

Attest:

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

Approved as to form:

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



**Ordinance 07-57**

**ORDINANCE LEVYING A BUSINESS PROMOTION TAX OF \$156  
ON ALL BUSINESSES WITHIN THE BOUNDARIES  
OF THE MAIN STREET BUSINESS IMPROVEMENT DISTRICT**

**WHEREAS**, the Utah Parking and Business Improvement District Act, Utah Code Ann. §§ 17A-3-401 to 414, 1953, as amended, allows counties and municipalities to establish Parking and Business Improvement Districts; and

**WHEREAS**, 17A-3-404 (2) provides that a county or a municipality which has established a parking and business improvement district may levy a tax on businesses within said district which is in addition to all other taxes levied upon businesses, and shall not be limited by levy limitations imposed upon counties or municipalities by law; and

**WHEREAS**, the Main Street Business Improvement District was created by resolution on August 30, 2007, with the primary purpose of providing solid waste management and business promotion; and

**WHEREAS**, the boundary of the Main Street Business Improvement District is defined as all businesses located in the following area:

The BID boundary shall follow the centerline of the following streets: Beginning at the intersection of Main Street and Deer Valley Drive, then proceeding westerly on Main Street to the intersection of Main Street and 9<sup>th</sup> Street, then west on 9<sup>th</sup> Street to the intersection of 9<sup>th</sup> Street and Park Avenue, then proceeding southerly on Park Avenue to the intersection of King Road, then easterly on King Road to Main Street, then southerly on Main Street to Hillside Avenue, then proceeding easterly along Hillside to Marsac Avenue, then proceeding northward on Marsac Avenue to the intersection of Deer Valley Drive and the point of beginning.

**WHEREAS**, protests against the establishment of the District, its tax, and related matters were given full consideration by the governing authorities of the municipality prior to and during the public hearing held on August 16, 2007, and on August 30, 2007; and

**WHEREAS**, the City held a public hearing on September 13, 2007, to solicit and consider public input specific to a proposed tax of \$156 per business within the District; and

**WHEREAS**, the City Council hereby declares that the public health, convenience, and necessity requires the establishment of the District and a tax for business promotion;

**NOW THEREFORE**, be it ordained by the City Council of Park City that:

1) In addition to any other tax authorized by the laws of the State of Utah and/or of this municipality, there hereby is established, approved, and levied a tax upon all businesses within the boundary of the Main Street Business Improvement District equal to one hundred fifty-six dollars (\$156) annually.

2) This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 13<sup>th</sup> day of September, 2007.

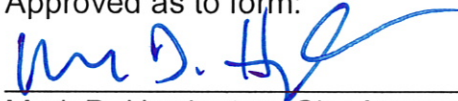
PARK CITY MUNICIPAL CORPORATION

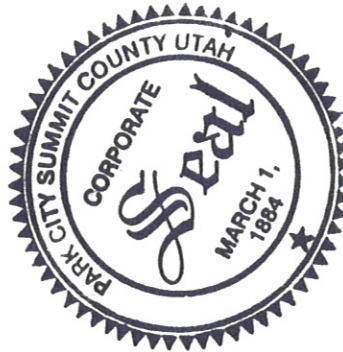
  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

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

Approved as to form:

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





**Ordinance No. 07-56**

**AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF THE AMENDED LOTS 1-3 BLOCK 30 OF SNYDER'S ADDITION TO THE PARK CITY SURVEY PLAT AMENDMENT LOCATED AT 819 EMPIRE AVENUE, PARK CITY UTAH.**

WHEREAS, the owner of the property known as 819 Empire Avenue has petitioned the City Council for approval of an extension to a plat amendment; and

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

WHEREAS, on September 30, 2004, the City Council approved proposed plat amendment; and

WHEREAS, on September 8, 2005, the City Council approved a one year extension to the plat amendment; and

WHEREAS, on September 12, 2006, the City Council approved a one year extension to the plat amendment; and

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

**Findings of Fact**

1. The property located at 819 Empire Avenue is located in the HR-1 zone.
2. There are no existing buildings on the property.
3. Plat amendments expire one year from the date of City Council approval.
4. The applicant received approval for a subdivision plat amendment on September 30, 2004
5. The applicant received a one year extension to the September 30, 2004 approval on September 8, 2005, and again on September 12, 2006.
6. The applicant is requesting a one year time extension of the plat to combine 3 old town lots into one lot of record, for the purpose of constructing a single family home.
7. No changes to the existing approval are proposed at this time.
8. Because no changes are proposed, no change in circumstance has occurred since the previous approval that would result in an unmitigated impact to the community as a result of the extension.
9. The approval will expire on September 12, 2007.

10. No building permits will be issued for the property until the plat amendment is recorded at the county.

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

**Conclusions of Law**

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

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

**Conditions of Approval**

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Park City Land Management Code, and the conditions of approval prior to recordation of the plat.
2. All conditions of approval for the plat amendment will continue to apply as found in the City Council approval on September 30, 2004.
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 30<sup>th</sup> day of August 2007.

PARK CITY MUNICIPAL CORPORATION

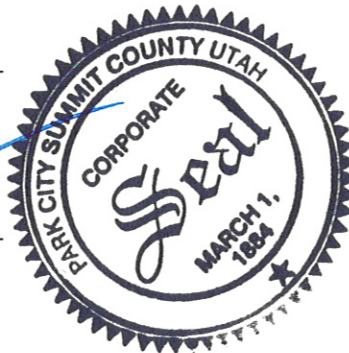
  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

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

Approved as to form:

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



**AMENDED LOTS 1-3, BLOCK 30 OF SNYDER'S ADDITION TO THE PARK CITY SURVEY**

**SURVEYOR'S CERTIFICATE**

I, **DAVID L. JENSEN**, a duly licensed Professional Engineer, State of Utah, do hereby certify that I have prepared and approved this plan and map for the addition of the lots shown on the attached plat and that the same conform to the provisions of the laws of the State of Utah relating to the subdivision of land, and that I have caused the same to be recorded in the public records of the State of Utah, in accordance with the provisions of the laws of the State of Utah relating to the subdivision of land.

**INFORMAL DIMENSIONS**

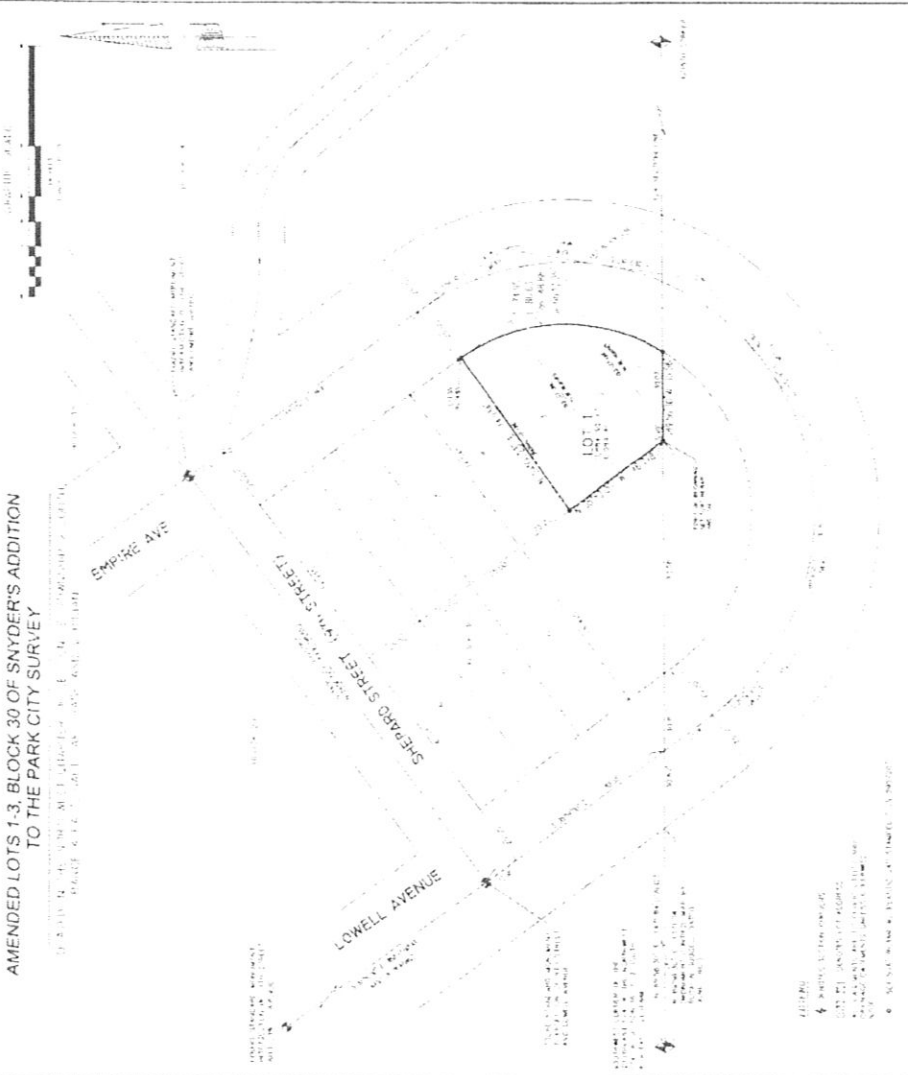
The area shown on this plat is bounded by the following dimensions: North 150.00 feet, East 150.00 feet, South 150.00 feet, and West 150.00 feet. The area shown on this plat is bounded by the following dimensions: North 150.00 feet, East 150.00 feet, South 150.00 feet, and West 150.00 feet.

**OWNER'S INDICATION**

The owner of the property shown on this plat is **DAVID L. JENSEN**, a duly licensed Professional Engineer, State of Utah. The owner of the property shown on this plat is **DAVID L. JENSEN**, a duly licensed Professional Engineer, State of Utah.

**ACKNOWLEDGMENT**

I, **DAVID L. JENSEN**, a duly licensed Professional Engineer, State of Utah, do hereby acknowledge that I have prepared and approved this plan and map for the addition of the lots shown on the attached plat and that the same conform to the provisions of the laws of the State of Utah relating to the subdivision of land, and that I have caused the same to be recorded in the public records of the State of Utah, in accordance with the provisions of the laws of the State of Utah relating to the subdivision of land.



<b>OWNER'S NAME</b> DAVID L. JENSEN	<b>ADDRESS</b> 1500 E. 1500 S.	<b>CITY</b> PARK CITY, UTAH	<b>STATE</b> UTAH
<b>OWNER'S OCCUPANCY</b> SINGLE-FAMILY RESIDENTIAL	<b>PROPERTY TYPE</b> RESIDENTIAL	<b>APPROVAL BY</b> CITY ENGINEER	<b>DATE</b> 01/15/2024
<b>OWNER'S SIGNATURE</b> DAVID L. JENSEN	<b>PROFESSIONAL ENGINEER'S SIGNATURE</b> DAVID L. JENSEN	<b>PROFESSIONAL ENGINEER'S TITLE</b> PROFESSIONAL ENGINEER	<b>PROFESSIONAL ENGINEER'S LICENSE NO.</b> 12345
<b>OWNER'S ADDRESS</b> 1500 E. 1500 S.	<b>PROFESSIONAL ENGINEER'S ADDRESS</b> 1500 E. 1500 S.	<b>PROFESSIONAL ENGINEER'S CITY</b> PARK CITY, UTAH	<b>PROFESSIONAL ENGINEER'S STATE</b> UTAH

**Exhibit A - Proposed Plat Amendment**

**Ordinance No. 07-55**

**AN ORDINANCE APPROVING AMENDMENTS TO THE PARK CITY LAND MANAGEMENT CODE TO CHAPTERS 15-2.6: HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT AND 15-2.5 HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT, RELATING TO PROHIBITING OFFICE, RESIDENTIAL, NON-SALES TAX GENERATING USES AND OTHER SIMILAR OR ASSOCIATED USES IN THE HCB DISTRICT AND HRC DISTRICT STOREFRONTS; ALSO RELATED AMENDMENT TO LAND MANAGEMENT CODE CHAPTER 15-15-1: DEFINITIONS.**

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, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Districts and finds it is essential to the City's long term economic and financial well-being; and

WHEREAS, The Community Economy Element of the Park City General Plan states that "Temporary or transient real estate project offices should be encouraged to locate in other areas of the City in order for Main Street to retain its primary functions"; and goes on to say Park City should "Maintain and improve the resort ambiance, which includes adequate opportunities for recreation, shopping, dining and culture"; and

WHEREAS, the 2003 Hyett Palma Park City Downtown Economic Study recommends pursuing a broad variety of uses and attractions to draw locals and visitors; and

WHEREAS, The City's Budget Department and The Main Street Business Alliance have submitted Affidavits that support these amendments; and

WHEREAS, Park City's Economic Development Plan identifies the following as Top Priorities: Facilitation and establishment of more "attractions/areas of interest" for both visitors and residents; Maintain and improve the balance of Sustainable Community goals by going beyond just economic initiatives to include social and environmental strategies; and Protect, preserve, and promote the historic Main Street downtown area as the heart of the region; and

WHEREAS, Park City's Economic Development Strategic Plan identifies the following as High Priorities: Further develop and market the uniqueness of Park City and why it is set apart from other mountain resort communities; Proactively target

business sectors that will fill voids left by departing companies or for smart redevelopment reasons; and

WHEREAS, in the HCB and HRC Districts, Office uses that are not inviting to the general public to access them will diminish the diverse and eclectic mix of uses and attractions necessary to sustain Park City's unique vibrant Main Street core for the general public, visitors, quests, and locals; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is an element of Main Street's attractiveness and a destination center for visitors and locals; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of commercial and mixed-use buildings and districts in and near the downtown core; and

WHEREAS, a preliminary discussion was held at the joint Planning Commission/City Council work session on April 5, 2007 regarding legislative remedies available to ensure the continuation of a successful business mix on historic Main Street; and

WHEREAS, in the HCB and HRC Districts, Office uses that are not inviting to the general public to access them will have a negative effect upon the overall economy and vitality of the downtown core as visitors find fewer businesses in which to shop or restaurants in which to eat. A reduction in visitor traffic will have a net negative impact to sales tax overall. A reduction in visitor numbers will also signal a change in the culture of Main Street into an elite area that is less inviting to the majority of Park City's visitors, guests, and locals; 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.

WHEREAS, the Council determines after evaluating issues of fairness and the overall intent of the regulation that the application of pending ordinance doctrine shall be revoked up to the date of adoption;

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

**SECTION 1. APPROVAL OF AMENDMENT.** CHAPTERS 15-2.5  
Historic Recreation Commercial (HRC) District, 15-2.6 Historic Commercial Business



(HCB) District, and 15-15-1 Definitions, of the Land Management Code are hereby amended to read as attached hereto on Exhibits "A", "B" and "C".

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall become effective upon publication and the pending ordinance rule shall become effective as of the date of adoption.

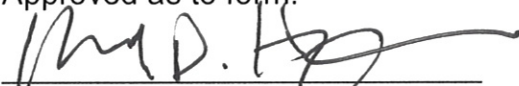
PASSED AND ADOPTED this 30<sup>th</sup> day of August, 2007.

PARK CITY MUNICIPAL CORPORATION

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

Attest:

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

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





## EXHIBIT A - HRC

### **TITLE 15 - LAND MANAGEMENT CODE (LMC)** **CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT**

*Chapter adopted by Ordinance No. 00-51*

#### **15-2.5-1. PURPOSE.**

The purpose of the Historic Recreation Commercial (HRC) District is to:

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) 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,
- (F) provide a moderate Density bed base at the Town Lift,
- (G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,
- (H) encourage preservation and rehabilitation of Historic Buildings and resources.
- (I) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.**

#### **15-2.5-2. USES.**

Uses in the HRC are limited to the following:

- (A) **ALLOWED USES.**
  - (1) Single Family Dwelling
  - (2) Duplex Dwelling
  - (3) Secondary Living Quarters

- (4) Lockout Unit<sup>1</sup>
- (5) Accessory Apartment<sup>2</sup>
- (6) Nightly Rental
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family<sup>3</sup>
- (10) Child Care, Family Group<sup>3</sup>
- (11) Child Care Center<sup>3</sup>
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn<sup>4</sup>
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General<sup>5</sup>
- (19) Parking Area or Structure, with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Guest House, on Lots one acre
- (4) Group Care Facility
- (5) Public and Quasi-Public Institution, Church, School
- (6) Essential Municipal Public Utility Use, Facility, Service and Structure
- (7) Telecommunication Antenna<sup>6</sup>
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter<sup>7</sup>
- (9) Plant and Nursery stock products and sales
- (10) Hotel, Major
- (11) Timeshare Projects and Conversions

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<sup>1</sup>Nightly rental of Lockout Units requires a Conditional Use permit

<sup>2</sup>See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

<sup>3</sup>See LMC Chapter 15-4-9 for Child Care Regulations

<sup>4</sup>Requires an Administrative Conditional Use permit

<sup>5</sup>**Prohibited in Storefronts adjacent to the Main Street, Swede Alley, Heber Avenue, or Park Avenue (excluding those HRC zoned areas north of the 8<sup>th</sup> Street) rights-of-way; excluding without limitation, addresses contained within the following Buildings: 702 Main Street, 710 Main Street, 780 Main Street, 804 Main Street, 890 Main Street, and 900 Main Street.**

<sup>6</sup>See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

<sup>7</sup>See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

- (12) Private Residence Club Project and Conversion<sup>4</sup>
- (13) Office, Intensive
- (14) Office and Clinic, Medical
- (15) Financial Institution, without drive-up window<sup>8</sup>
- (16) Commercial Retail and Service, Minor<sup>7</sup>
- (17) Commercial Retail and Service, personal improvement<sup>7</sup>
- (18) Neighborhood Convenience Commercial, without gasoline sales
- (19) Café or Deli<sup>7</sup>
- (20) Restaurant, General<sup>7</sup>
- (21) Restaurant and café, Outdoor Dining<sup>4</sup>
- (22) Outdoor Events<sup>4</sup>
- (23) Bar
- (24) Parking Area or Structure, with five (5) or more spaces
- (25) Temporary Improvement
- (26) Passenger Tramway Station and Ski Base Facility
- (27) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (28) Recreation Facility, Commercial, Public, and Private
- (29) Entertainment Facility, Indoor
- (30) Fences greater than six feet (6') in height from Final Grade<sup>4</sup>
- (31) Private Residence Club, Off-Site<sup>5</sup>**

(C) **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

*(Amended by Ord. Nos. 04-39; 06-69)*

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<sup>8</sup>If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

## EXHIBIT B

### TITLE 15 - LAND MANAGEMENT CODE (LMC)

### CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

*Chapter adopted by Ordinance No. 00-15*

#### **15-2.6-1. PURPOSE.**

The purpose of the Historic Commercial Business (HCB) District is to:

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,
- (G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,
- (H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
- (I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.
- (J) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.**

#### **15-2.6-2. USES.**

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

(A) **ALLOWED USES.**

- (1) Single Family Dwelling<sup>9</sup>
- (2) Multi-Unit Dwelling<sup>1</sup>
- (3) Secondary Living Quarters<sup>1</sup>
- (4) Lockout Unit<sup>1,10</sup>
- (5) Accessory Apartment<sup>1,11</sup>
- (6) Nightly Rental<sup>12</sup>
- (7) Home Occupation<sup>1</sup>
- (8) Child Care, In-Home Babysitting<sup>1</sup>
- (9) Child Care, Family<sup>1,13</sup>
- (10) Child Care, Family Group<sup>1,5</sup>
- (11) Child Care Center<sup>1,5</sup>
- (12) Accessory Building and Use<sup>1</sup>
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn<sup>14</sup>
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General<sup>1</sup>
- (19) Office, Moderate Intensive<sup>1</sup>
- (20) Office and Clinic, Medical<sup>1</sup>
- (21) Financial Institution, without drive-up window
- (22) Commercial Retail and Service, Minor
- (23) Commercial Retail and Service, personal improvement
- (24) Commercial Neighborhood Convenience, without gasoline sales
- (25) Restaurant, Cafe or Deli
- (26) Restaurant, General
- (27) Bar
- (28) Parking Lot, Public or Private with four (4) or fewer spaces
- (29) Entertainment Facility, Indoor
- (30) Salt Lake City 2002 Winter Olympic Games Legacy Display<sup>15</sup>

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**<sup>9</sup>Prohibited in Storefronts adjacent to the Main Street, Heber Avenue, or Swede Alley Rights-of-Way.**

<sup>10</sup>Nightly Rental of Lock Units requires a Conditional Use permit

<sup>11</sup>See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

<sup>12</sup>Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

<sup>13</sup> See LMC Chapter 15-4-9 for Child Care Regulations

<sup>14</sup>Requires an Administrative Conditional Use permit

<sup>15</sup>Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License.

(B) **CONDITIONAL USES.**

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

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

*(Amended by Ord. No. 02-38; 04-39; 06-69)*

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<sup>7</sup>See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

<sup>8</sup>See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

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



## Exhibit C

### TITLE 15 - LAND MANAGEMENT CODE (LMC) CHAPTER 15 - DEFINITIONS

*Chapter adopted by Ordinance No. 00-25*

#### CHAPTER 15 - DEFINED TERMS.

##### 15-15-1.44. Club.

(E) Club, Private Residence, Off-Site. Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes but is not limited to any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

##### Storefront Property

A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space or unit with:

1. A window and/or entrance within 50 lateral/horizontal feet of the back (inside building edge) of the public sidewalk; and
2. A window and/or entrance that is not more than 8 feet above or below the grade of the adjacent Public Street.

In the case of split-level, multi-level buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the street as set forth above shall be designated to be a "Storefront Property." The Planning Director or their designee shall have the final determination of applicability.

**Ordinance No. 07-54**

**AN ORDINANCE APPROVING THE REZONE OF IRON CANYON SUBDIVISION FROM THE RESIDENTIAL DEVELOPMENT DISTRICT TO THE SINGLE FAMILY DISTRICT OF PARK CITY, UTAH**

**WHEREAS**, a the property owner of Lot 23 within Iron Canyon Subdivision has petitioned the City Council for approval of a Rezone for Iron Canyon Subdivision from Residential Development to Single Family; and

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

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

**WHEREAS**, the Planning Commission held a public hearing on July 25, 2007 to receive input on rezone; and

**WHEREAS**, the Planning Commission, on July 25, 2007, forwarded a positive recommendation to the City Council; and

**WHEREAS**, on August 9, 2007 the City Council approve the rezone of Iron Canyon Subdivision; and

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

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

**SECTION 1. APPROVAL** The above recitals are hereby incorporated as findings of fact. The rezone of Iron Canyon Subdivision is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Iron Canyon Subdivision is zoned Residential Development (RD).
2. The Property Owner of Lot 23 within the Iron Canyon Subdivision applied for a zone change for the Iron Canyon Subdivision from Residential Development (RD) to Single Family (SF).
3. The Iron Canyon Subdivision is a residential neighborhood characterized by single family homes on larger lots (greater than .38 of an acre).
4. The RD and SF zones have the same requirements for setbacks, building height, density, and architectural review standards.
5. The RD and SF differ in some allowed uses. The major differences exist in the regulations for nightly rentals, lock-out units, parking areas, and Olympic legacy

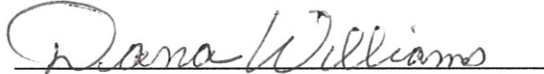
- displays.
6. The primary reason for the rezone request is to prevent future nightly rentals within the Iron Canyon subdivision.
  7. There is one existing nightly rental licensed in the Iron Canyon Subdivision at 2433 Iron Canyon Drive. The current license will become a non-conforming use.
  8. Notice for this application was sent to all property owners within the Iron Canyon Subdivision and within 300' of the Iron Canyon Subdivision on July 11, 2007 and was noticed in the Park Record.
  9. The Park City Zoning Map shall be amended at the time of Council Action.
  10. The Findings in the Analysis section are incorporated herein

Conclusions of Law:

1. There is good cause for this rezone.
2. The rezone 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 rezone.
4. The rezone is consistent with the Park City General Plan.

**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




# Park City Zoning Map

## Legend

- FPZ Overlay
- ECPZ Overlay
- CT
- E
- GC
- HCB
- HR-1
- HR-2A
- HR-2B
- HRC
- HRL
- HRM
- LI
- MPD Overlay
- POS
- PUT
- R-1
- RC
- RCO Overlay
- RD
- RDM
- RM
- ROS
- SF
- Co.

IRON  
CANYON



Official Park City Zoning Map  
*Donald Williams*  
 Dana Williams, Mayor  
*R. J. R.*  
 Robert J. Rasmussen, Planning Director  
*Michelle...*  
 Michelle... Planning Commission

2

Map No. 12-2008, Revision of Park City Zoning Ordinance as of 12/15/08.  
 A zoning change application was submitted on 12/15/08. The application  
 was approved by the Planning Commission on 1/15/09. The application  
 was approved by the Board of Commissioners on 1/22/09. The zoning ordinance  
 was amended on 1/22/09. The zoning ordinance was amended on 1/22/09.  
 The map shows the zoning ordinance as of 1/22/09.



**Ordinance No. 07-53**

**AN ORDINANCE APPROVING THE ROTHWELL SUBDIVISION  
LOCATED AT 175 WEST SNOWS LANE, SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4  
EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, UTAH**

WHEREAS, the owner of the property known as the Bernolfo Family Annexation have petitioned the City Council for approval of a two lot subdivision plat; and

WHEREAS, the property is approximately 6.472 acres in size and is located at 175 West Snows Lane, north of the Silver Star Subdivision and development and west of Thayne's Canyon Subdivision #4; and

WHEREAS, the Bernolfo Family Annexation parcel was annexed to Park City on November 16, 2006, and is zoned E (Estate) and is within the SLO (Sensitive Lands Overlay); and

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

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

WHEREAS, the Planning Commission held a public hearing on August 8, 2007, to receive input on the proposed subdivision; and

WHEREAS, the Planning Commission, on August 8, 2007, forwarded a positive recommendation on the subdivision to the City Council; and

WHEREAS, it is in the best interest of Park City, Utah to approve the two- lot Rothwell subdivision as no person will be materially harmed and the health, safety, and general welfare of the public is not adversely affected by the subdivision.

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

SECTION 1. APPROVAL. The Rothwell subdivision, located at 175 West Snows Lane, is hereby approved as shown on the plat (Exhibit A) and according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated below.

Findings of Fact

1. The property is located in the E, Estate, zoning district and is within the SLO, Sensitive Lands Overlay.
2. The property consists of 6.472 acres and the owner is requesting a subdivision to create two 3.236 acres lots.
3. The property was annexed into Park City on November 16, 2006 and is subject to the recorded Bernolfo Annexation Agreement.
4. At the time of the annexation the Planning Commission reviewed a Sensitive Lands Analysis for the property that included an analysis of steep slope areas, wetlands, stream corridors, vegetation identification, wildlife habitat, ridgeline areas, entry corridors, and vantage points.

5. The Sensitive Lands Analysis was used to identify the least sensitive location for the proposed house on Lot 1.
6. The proposed building pad for Lot 1 is located in the southwest portion of the lot. There are areas of 40% and greater slopes in this area. These 40% slope areas within 50' of the proposed building pad have a vertical rise of less than 25'. In addition, portions of these areas were previously disturbed by and to some extent created by construction of the dirt road. These slopes have not resulted in landslides or sloughing for 50 years or more, as evidenced by the existing conditions and age of the road. Moving the building pad higher on the lot to away from the 40% areas would create greater visual impacts on the entry corridor. Because these areas of 40% or greater slopes do not meet the LMC requirement of Section 15-2.21-4 (A) that they cover a topographic area of at least 25' vertically and 50' horizontally they do not meet the definition of a Very Steep Slope and are not subject to the prohibitions identified in the Section.
7. The proposed density of 2 units for this 6.472 acre site (1 unit per 3.236 acres) is appropriate and complies with requirements of the Estate zoning district.
8. Proposed single-family houses and accessory buildings are consistent with the purpose statements of the proposed zoning district. During annexation review, the applicant volunteered to prohibit duplexes, hotels, commercial day care, bed and breakfast uses, nightly rental, and lockout units. These restrictions are reflected in the annexation agreement and will be identified on the plat.
9. The applicant submitted a preliminary visual analysis of the property from LMC designated vantage points. The property is not highly visible from these vantage points. However, to ensure compliance with the intent of the SLO to minimize impacts on the entry corridor and these vantage points, a site and house specific visual analysis will be necessary to review the proposed design for Lot 1 for compliance with the SLO in terms of colors, materials, building and roof form, height, stepping, and orientation on the lot.
10. The proposed driveway is approximately 300' in length. Including the Silver Star Court to the second point of access the distance is approximately 600 feet in length. As stipulated in the Annexation Agreement, this driveway will be limited in the width of pavement and grading to 15' with some areas of 20' for pullouts.
11. The applicant submitted a fire protection plan to address fire and emergency access given the length of the cul-de-sac. Notes regarding specifics of this plan are necessary to ensure compliance with the plan.
12. A 10' trail easement is identified on the plat along the western property line, as described in the Annexation Agreement.
13. No remnant lots will be created as a result of this subdivision.
14. All existing and proposed utilities, access drives, trails, public and circulation areas for emergency vehicles will be located within approved easements to be reviewed and approved by the City Engineer prior to plat recordation.
15. A construction mitigation plan will be necessary to address construction issues before any permits can be issued.
16. Areas of wetlands, irrigation ditches, and steep slopes have been identified on the property. The proposed building pads are located 50' away from designated wetlands and 20' from man-made irrigation ditches consistent with the Annexation Agreement.
17. The annexation is outside the City's Soils Ordinance District. The City does not have any environmental assessments or known previous history of the site being impacted with historic mining impacts or other industry.
18. The subdivision plat identifies the driveway location, limits of disturbance areas, building pads, and appropriate setbacks from wetlands consistent with the SLO regulations and the Annexation Agreement.
19. The applicants are requesting the Planning Commission allow a reduction from the 30'



22. All standard project conditions shall apply to this development.

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

PASSED AND ADOPTED this 16<sup>th</sup> day of August, 2007.

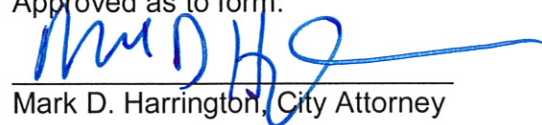
PARK CITY MUNICIPAL CORPORATION

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

Attest:

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

Approved as to form:

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



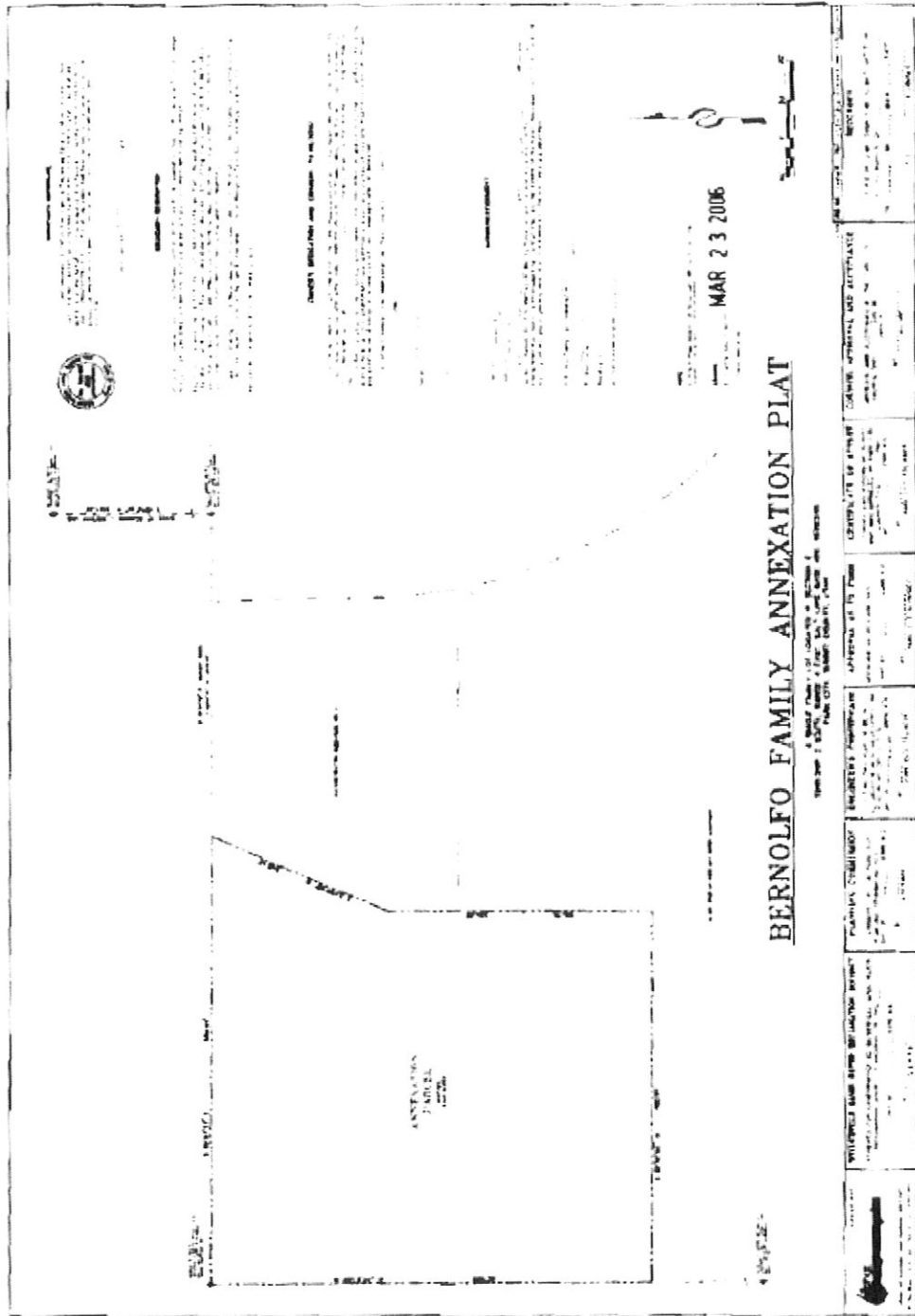


EXHIBIT A

**Ordinance No. 07-52**

**ORDINANCE APPROVING THE 1027 WOODSIDE AVENUE SUBDIVISION,  
LOCATED AT 1027 WOODSIDE AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 1027 Woodside Avenue have petitioned the City Council for approval of the 1027 Woodside Avenue Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on August 8, 2007, to receive input on the 1027 Woodside Avenue Subdivision;

WHEREAS, the Planning Commission, on August 8, 2007, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 1027 Woodside Avenue Subdivision.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The 1027 Woodside Avenue Subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

- 1) The property is located at 1027 Woodside Avenue.
- 2) The zoning is Historical Residential Development (HR-1).
- 3) The existing lots were previously Lots 6 and 7 of Block 9 of Snyder's Addition, each twenty-five feet (25') by seventy-five feet (75') in size, totaling 1875 square feet apiece.
- 4) The new lot will combine both of the lots into one lot known as Lot 1 of the 1027 Woodside Avenue Subdivision, totaling 3,750 square feet in size.
- 5) There is presently an existing historic house straddling the lot line of the two existing lots. This Subdivision Plat Amendment will remove the lot line through the house.
- 6) The setback on the southwest side will remain non-complying at two feet (2') instead of the required five feet (5')
- 7) The existing historic house at 1027 Woodside Avenue is considered a valid, complying structure.
- 8) The setback on the northeast side will comply with the five feet (5') required setback.

- 9) The building footprint, presently at about 700 square feet will comply with the required maximum of 1519 square feet.
- 10) The applicant has submitted and recorded encroachment agreements with the property owners on both sides. The neighboring house to the south (not the applicant's house) was built directly on the property line between applicant's lot and the neighboring lot, and the applicant's house was built about two feet (2') from the north property line, requiring a snow-shed easement. This encroachment agreement clears up the previously existing problem with the encroachments.

Conclusions of Law:

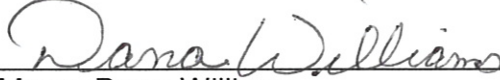
- 1) There is good cause for this plat amendment.
- 2) The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
- 3) Neither the public nor any person will be materially injured by the proposed plat amendment.
- 4) Approval of the plat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

Conditions of Approval:

- 1) The City Attorney and City Engineer will review and approve the final form and content of the plat amendment 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 plat amendment at the County within one year from the date of City Council approval.
- 3) If recordation has not occurred within one year's time, this approval for the plat will be void.

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

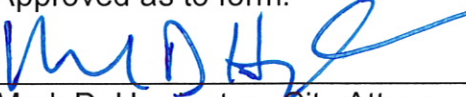
PARK CITY MUNICIPAL CORPORATION

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

Attest:

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

Approved as to form:

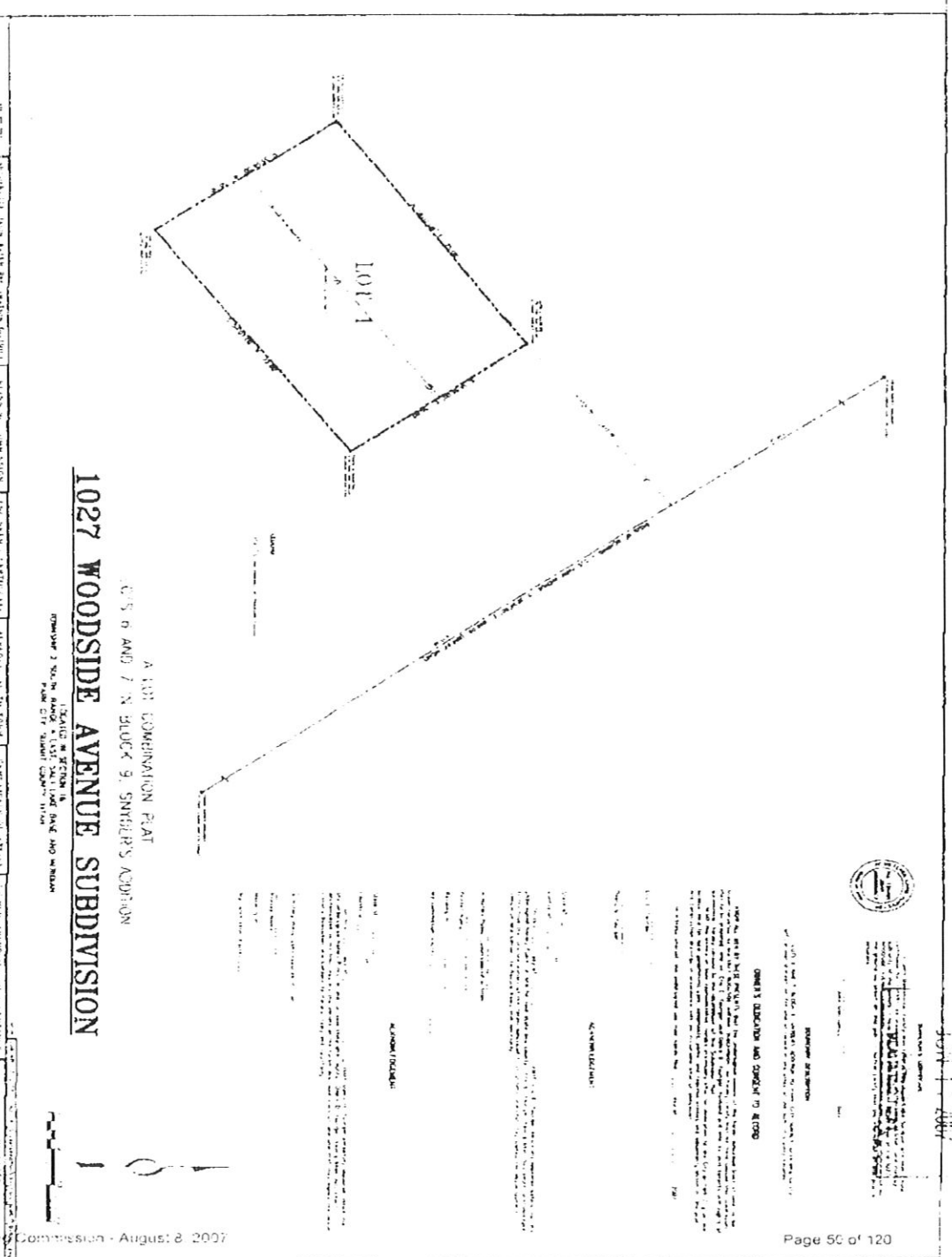
  
\_\_\_\_\_  
Mark D. Harrington, City Attorney



2007-08-08



PLANNING COMMISSION  
CITY OF WASHINGTON



# 1027 WOODSIDE AVENUE SUBDIVISION

A LOT COMBINATION PLAN  
FOR 5, 6 AND 7 IN BLOCK 9, SNEIDER'S ADDITION

	NO. OF LOTS: 1	NO. OF LOTS TO BE COMBINED: 1	NO. OF LOTS TO BE SEVERED: 0	NO. OF LOTS TO BE RECONVEYED: 0	NO. OF LOTS TO BE REDEVELOPED: 0
PROJECT NAME: 1027 WOODSIDE AVENUE SUBDIVISION		PROJECT NO.: 2007-08-08	DATE: 8/8/2007	CITY: WASHINGTON	STATE: MARYLAND

**Ordinance No. 07-51**

**ORDINANCE APPROVING THE DALY WEST SUBDIVISION LOTS 5 & 6 CREATING TWO LOTS OF RECORD AT 331 AND 337 DALY AVENUE, PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 331 and 337 Daly Avenue, has petitioned the City Council for approval of a subdivision; and

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

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

**WHEREAS**, the Planning Commission held a public hearing on July 11, 2007 to receive input on the Daly West Subdivision Lots 5 & 6.

**WHEREAS**, the Planning Commission, on July 11, 2007, forwarded a positive recommendation to the City Council; and

**WHEREAS**, on August 16, 2007 the City Council approved the Daly West Subdivision Lots 5 & 6; and

**WHEREAS**, it is in the best interest of Park City, Utah to approve the Daly West Subdivision Lots 5 & 6.

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

**SECTION 1. APPROVAL** The above recitals are hereby incorporated as findings of fact. The Daly West Subdivision Lots 5 & 6 as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is located at 331 (Lot 6) and 337 (Lot 5) Daly Avenue.
2. The two lots are not of equal dimensions. The lot area of lot 5 is approximately 3917.5 square feet. The lot area of lot 6 is approximately 3756.1 square feet
3. The zoning is Historic Residential (HR-1).
4. The neighborhood is characterized by single family new and historic homes, as well as duplexes and multi-family homes.
5. The subdivision will create two lots of record.
6. The two lots are vacant.
7. There is an existing power pole and guy wires on Lot 5 of the subdivision.
8. There is an existing private water channel along the frontage of Lots 5 and 6 of



the Daly West Subdivision. The channel begins with a diversion from Silver Creek on property owned by United Park City Mines Company and continues through Lots 1 through 6.

9. The property is located within a defined flood zone.
10. Access to the property is from Daly Avenue.
11. The minimum lot size in the HR-1 zone is 1,875 square feet for a single family home.
12. The minimum lot width in the HR-1 zone is 25 feet.
13. The maximum height limit in the HR-1 zone is 27 feet from existing grade.
14. Setback requirements for each of the lots are 5' on the side yard, 12' minimum in the front and rear yard with a minimum of 25' total.
15. The maximum footprint for a building on Lot 5 is 1571 sq. ft.
16. The maximum footprint for a building on Lot 6 is 1520 sq. ft.
17. Minimal construction staging area is available along Daly Avenue.
18. All findings within the Analysis section are incorporated herein.
19. The applicant agrees to all the conditions of approval.

#### 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.

#### Conditions of Approval:

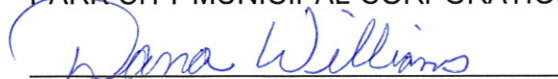
1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. Prior to the receipt of a building permit for construction on the lots, 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 and the Land Management Code.
4. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. Any relocation of the existing utility pole and guy wires located on Lot 5 of the Daly West Subdivision will not be the responsibility of Park City. A note to this effect shall be added to the plat.
6. The City acknowledges that there is an existing private water channel along the frontage of Lots 5 and 6 of the Daly West Subdivision. The channel begins with a diversion from Silver Creek on property owned by United Park City Mines Company and continues through Lots 1 through 6. The applicant acknowledges that City has no obligation to operate, maintain or repair the existing private

- channel. A note to this effect shall be added to the plat.
7. The applicant stipulates to restricting the development to a single family home on each lot. A note to this effect shall be added to the plat.

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

PASSED AND ADOPTED this 16<sup>th</sup> day of August, 2007.

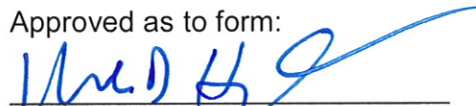
PARK CITY MUNICIPAL CORPORATION

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

Attest:

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

Approved as to form:

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





**Ordinance No. 07-50**

**AN ORDINANCE APPROVING THE CHRISTOPHER HOMES AT EMPIRE PASS  
CONDOMINIUMS, PHASE I RECORD OF SURVEY PLAT LOCATED AT LOT 2 OF THE  
SILVER STRIKE SUBDIVISION, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Christopher Homes at Empire Pass Condominiums, Phase I, Lot 2 of the Silver Strike Subdivision, have petitioned the City Council for approval of the Christopher Homes at Empire Pass Condominiums, Phase I 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 August 8, 2007, to receive input on the Christopher Homes at Empire Pass Condominiums, Phase I record of survey;

WHEREAS, the Planning Commission, on August 8, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Christopher Homes at Empire Pass Condominiums, Phase I record of survey.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Christopher Homes at Empire Pass Condominiums, Phase I 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 property is located on Lot 2 of the Silver Strike subdivision.
2. The Christopher Homes Condominiums is located in the RD-MPD zoning district.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The MPD identified the area of this proposed subdivision as the location for 18 PUD-style detached single family homes, similar to the Paintbrush units currently under construction in other parts of Empire Pass.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres.
6. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. An additional 600 square feet is allowed for a garage.
7. At the time of final construction and re-platting all floor area including basement area and garage space greater than the 600 square foot exception will be counted towards the Unit Equivalents allowed by the Flagstaff Development Agreement.

8. The proposed record of survey is consistent with the approved Master Planned Development for the Village at Empire Pass.
9. Two parking spaces are required for each unit.
10. Each building is required to conform 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 Silver Strike Subdivision plat shall continue to apply.
4. A fire protection plan requiring the use of modified 13D sprinklers is required for review by the Building Department prior to any building permit.
5. Plat Note #1 will be amended to require amending the record of survey after construction of the units. At the time of final construction and re-platting all floor area including basement area and garage space greater than the 600 square foot exception will be counted towards the Unit Equivalents allowed by the Flagstaff Development Agreement.

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

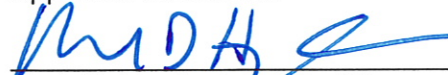
PARK CITY MUNICIPAL CORPORATION

  
Mayor Dana Williams

Attest:

  
Janet M. Scott, City Recorder

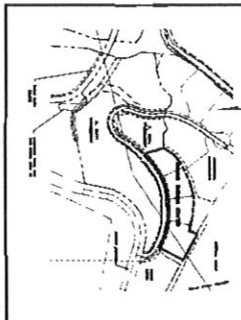
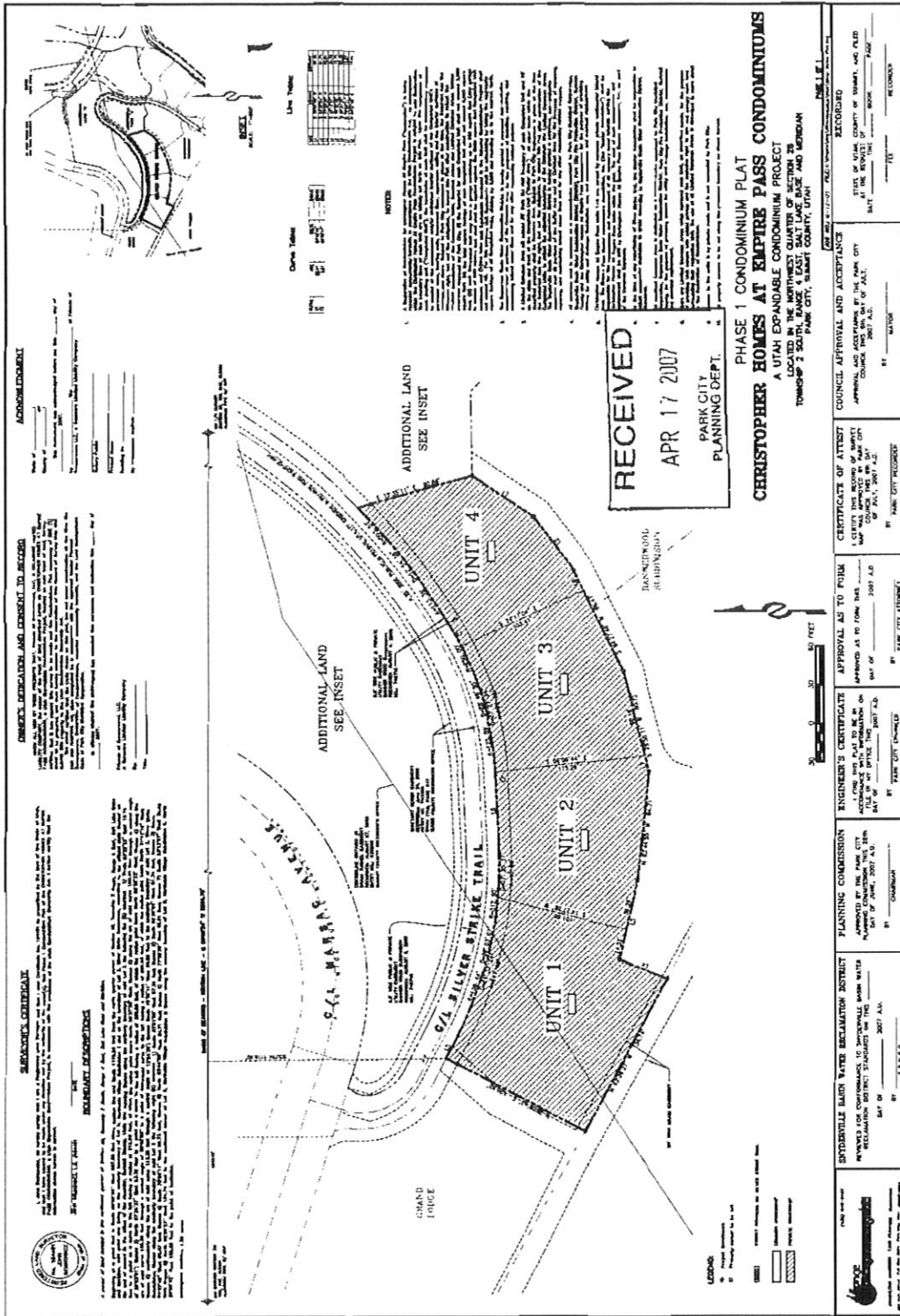
Approved as to form:

  
Mark D. Harrington, City Attorney





**Exhibit A – Record of Survey**



**NOTICE**

1. This Plat is subject to the terms and conditions of the Declaration of Condominiums and the Master Deed for the Community, which are attached to this Plat.
2. This Plat is subject to the terms and conditions of the Declaration of Condominiums and the Master Deed for the Community, which are attached to this Plat.
3. This Plat is subject to the terms and conditions of the Declaration of Condominiums and the Master Deed for the Community, which are attached to this Plat.
4. This Plat is subject to the terms and conditions of the Declaration of Condominiums and the Master Deed for the Community, which are attached to this Plat.
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9. This Plat is subject to the terms and conditions of the Declaration of Condominiums and the Master Deed for the Community, which are attached to this Plat.
10. This Plat is subject to the terms and conditions of the Declaration of Condominiums and the Master Deed for the Community, which are attached to this Plat.

**RECEIVED**  
 APR 17 2007  
 PARK CITY  
 PLANNING DEPT.

**PHASE 1 CONDOMINIUM PLAT  
 CHRISTOPHER HOMES AT EMPIRE PASS CONDOMINIUMS**  
 A UTAH EXPANDABLE CONDOMINIUM PROJECT  
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 29  
 TOWNSHIP 2 SOUTH, RANGE 1 EAST, COUNTY, UTAH  
 PARK CITY, UTAH

**RECORDED**  
 AT THE COUNTY CLERK'S OFFICE  
 DATE: APRIL 17, 2007  
 PLAT BOOK: \_\_\_\_\_  
 PAGE: \_\_\_\_\_

**COUNCIL APPROVAL AND ACCEPTANCE**  
 APPROVED BY THE BOARD OF ALDERMEN  
 DATE: APRIL 17, 2007  
 BY: \_\_\_\_\_

**CERTIFICATE OF ATTEST**  
 I, \_\_\_\_\_, County Clerk of Salt Lake County, Utah, do hereby certify that this Plat is a true and correct copy of the original Plat as on file in my office.

**PLANNING COMMISSION**  
 APPROVED BY THE PLANNING COMMISSION  
 DATE: APRIL 17, 2007  
 BY: \_\_\_\_\_

**APPROVAL AS TO FORM**  
 APPROVED AS TO FORM  
 DATE: APRIL 17, 2007  
 BY: \_\_\_\_\_

**ENGINEER'S CERTIFICATE**  
 I, \_\_\_\_\_, Registered Professional Engineer, do hereby certify that this Plat is a true and correct copy of the original Plat as on file in my office.

**SUTHERVILLE EARTH WATER RECLAMATION DISTRICT**  
 APPROVED BY THE DISTRICT BOARD  
 DATE: APRIL 17, 2007  
 BY: \_\_\_\_\_



**Ordinance No. 07-49**

**AN ORDINANCE APPROVING AN AMENDMENT TO  
THE LAND MANAGEMENT CODE, 15-4-7 OF PARK CITY, UTAH, REGARDING  
ACCESSORY APARTMENTS**

WHEREAS, the Land Management Code chapter 15-4-7 presently permits the granting of accessory apartments in all zones, except the PUT zone; and

WHEREAS, the current Land Management Code (15-4-7) allows for nightly rentals of a main residence, but prohibits nightly rentals of accessory apartments, and also requires that the owner of the property reside in either the main house or the accessory apartment; and

WHEREAS, the Planning Commission conducted a work session on this issue on June 13, 2007; and

WHEREAS, the current Deed Restriction required under the present ordinance requires that the approval of an Accessory Apartment permit is automatically revoked upon sale of the property to a subsequent owner; and

WHEREAS, a one-year review of the Accessory Apartments has shown to be ineffective, and such use should be able to be reviewed anytime reasonable complaints are made; and

WHEREAS, the Planning Commission duly noticed and conducted a Public Hearing at its regularly scheduled meeting on June 25, 2007 and forwarded a positive recommendation to the City Council; and

WHEREAS, the City Council duly noticed and conducted a Public Hearing at its regularly scheduled meeting on August 9th, 2007; and

WHEREAS, the strongly expressed intent of Ordinance 94-4 originally allowing Accessory Apartments, was to create opportunities for Affordable Housing; and

WHEREAS, nightly rentals in traditional residential neighborhoods increases the intensity of use, often creating negative impacts to the neighborhood, and

WHEREAS, Accessory apartments should not be granted without a compelling reason and imposing conditions to mitigate impacts; and

WHEREAS, the city should be able to review Accessory Apartments periodically to determine if conditions imposed to mitigate impacts are continuing to be met; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to require owners of homes receiving approval for an accessory apartment to forego the ability to rent the main house nightly; and

WHEREAS, it is within the power of the City to regulate nightly rentals.

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

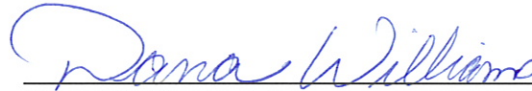
**SECTION 1. INCORPORATION.** The above recitals are hereby incorporated as Findings of Fact and Conclusions of Law.

**SECTION 2. APPROVAL OF AMENDMENT** CHAPTER 15-4-7 of the Land Management Code is hereby amended to read as attached hereto on Exhibit "A", pursuant to the Findings of Fact and Conclusions of Law. Any conflicts or cross-references from other provisions of the Land Management Code shall be resolved by the Planning Director.

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

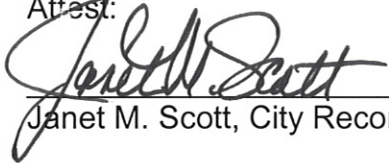
PASSED AND ADOPTED this 8<sup>th</sup> day of August, 2007

PARK CITY MUNICIPAL CORPORATION



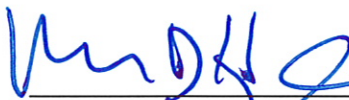
Dana Williams, Mayor

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark Harrington, City Attorney



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## EXHIBIT A

### 15-4-7. ACCESSORY APARTMENTS.

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.

(ii) 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 Apartment 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~~ runs with the land and is automatically ~~invalidated~~ transferred to the new owner by the sale or transfer of this Property, provided however, if the use by the new owner does not continue to comply with the conditions of approval, the permit may be invalidated by the Planning Department, pursuant to Chapter 15-4-7(B)(1). 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 all the conditions of approval and the prohibition of the ~~Use~~ rental of the accessory either Dwelling Unit Structure as a Nightly Rental for short term rentals of less than thirty (30) days.

(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.~~



If an Accessory Apartment permit is granted, neither the main Dwelling Unit nor the Accessory Apartment may be rented for periods of time less than thirty (30) days.

(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 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).~~ The Planning Department shall impose reasonable conditions to mitigate any impacts to the surrounding neighborhood.

(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. 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 (E)~~

~~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.~~

(D) **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 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; ~~and~~
- (5) ~~Neither Dwelling Unit is proposed to be rented for periods less than thirty (30) days.~~
- (6) ~~All significant impacts to the surrounding neighborhood are reasonably mitigated and continue to be mitigated.~~