

Ordinance No. 09-24

**AN ORDINANCE AMENDING TITLE 2 – ADMINISTRATION AND TITLE 11
CHAPTER 12 – BUILDING FEES OF THE MUNICIPAL CODE OF PARK CITY, UTAH**

WHEREAS, the City Council has the power to establish form of government pursuant to UCA Section 10-3b-101; and

WHEREAS, it is in the best interests of the residents of Park City to clearly define the administrative roles of the City's elected and appointed officials; and

WHEREAS, a public hearing was duly advertised and held on July 9, 2009;

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

SECTION 1. AMENDMENT: Title 2 of the Municipal Code of Park City is hereby amended at shown on Exhibit A.

SECTION 2. AMENDMENT: Title 11 of the Municipal Code of Park City is hereby amended at shown on Exhibit A.

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

PASSED AND ADOPTED this 9th day of July, 2009.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



**PARK CITY MUNICIPAL CODE
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TITLE 2 - ADMINISTRATION

CHAPTER 1 - IN GENERAL

2- 1- 1. NAME.

The municipal corporation heretofore existing as a city in the County of Summit, State of Utah by Park City Municipal Charter adopted on March 1, 1884 was thereby organized and incorporated into a city by the name of Park City Municipal Corporation and known as the City of Park City shall remain and continue as a body politic and corporate with perpetual succession; shall own, possess and hold all property, real and personal heretofore owned, possessed and held by said ~~City of~~ Park City; shall assume, manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities and acquire all benefits, and shall assume and pay all bonds, obligations, and indebtedness of said ~~City of~~ Park City; by the name of "Park City, a municipal corporation" may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure.

The term "City" hereinafter referenced in this Code shall be the same as Park City.

2- 1- 2. FISCAL YEAR.

The commencement of the fiscal year of this City shall be the 1st day of July. The fiscal year is hereby fixed as the 1st day of July through and including the 30th day of June of the following year.

CHAPTER 2 - MUNICIPAL GOVERNMENT

2- 2- 1. FORM OF GOVERNMENT.

The powers of City municipal government shall be vested in a Mayor and City Council to be composed of five (5) ~~six (6)~~ City Council members, one of which is the Mayor. The City Council and, as such, shall have, exercise and discharge all the rights, privileges, powers and authority granted to municipal corporations and to cities by the constitution and general laws of this state, together with all the implied powers necessary to carry into execution all the powers granted. All City Council members and the Mayor shall be nominated and elected at large from the entire City.

2- 2- 2. TERMS OF OFFICE.

The terms of office for City Council members and Mayor shall be four (4) year staggered terms. The City shall hold municipal elections every two years, on odd numbered years pursuant to state code, with elections for the offices of Mayor and two (2) City Council members alternating with elections of the offices of three (3) Council members. shall be filled in municipal elections held in 1993 and every four (4) years thereafter. The offices of the other three (3) Council members shall be filled beginning in elections held in 1995 and every four (4) years thereafter.

2- 2- 3. THE MAYOR.

The Mayor shall be the chief executive of the City and shall preside at all meetings of the City Council and shall exercise such powers and perform such other duties as are or may be conferred and imposed upon him or her by this ordinance and by the general laws of this state. He or she shall not vote at Council meetings except:

- (1) ~~in the case of a tie vote of the City Council; or pursuant to state code; when he shall give the casting or deciding vote.~~
- (2) ~~For or against the appointment or dismissal of a City Manager.~~
- (3) ~~For or against an ordinance that enlarges or restricts the Mayor's powers; or~~
- (4) ~~Or pursuant to state code.~~

Deleted:

He or she shall from time to time give the City Council information concerning the affairs of the City and shall recommend for their consideration such measures as he or she may deem expedient. He or she shall be recognized as the head of the City government for all ceremonial and legal purposes, and he or she shall execute and authenticate legal instruments requiring his signature as such official.

2- 2- 4. THE CITY COUNCIL.

The City Council and the Mayor shall be the legislative and governing body of the City and shall exercise all powers conferred upon or possessed by the City and shall adopt such laws, ordinances and resolutions as it shall deem proper.

2- 2- 5. QUALIFICATIONS.

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(A) A person, at the time of filing a declaration of candidacy or submittal of nomination petition for the office of Mayor or City Council shall:

(1) have been a resident of the City for at least 365 consecutive days immediately before the date of the election, or a resident of a recently annexed area of the City for at least 365 days before the date of the election; and

(2) be a registered voter of the City.

(B) The Mayor and each City Council member of the City shall maintain residency within the incorporated boundaries of the City during their term of office.

(C) If the Mayor of a City Council member is absent from the City any time during their term of office for a continuous period of more than sixty (60) days without the consent of the City Council, their office is automatically vacant.

Each declarant for the office of Mayor or City Council, at the time of filing a declaration of candidacy, shall be a registered voter of the City and shall have resided in the City for twelve (12) consecutive months immediately preceding such election, and must continue to reside within the City during the term of their office.

2- 2- 6. UTAH MUNICIPAL ELECTION LAWS ADOPTED.

City elections shall be governed by the Utah Municipal Election laws as now existing or hereafter amended or modified except as otherwise provided by this code, or by ordinance hereafter enacted.

2- 2- 7. ELECTED OFFICIALS COMPENSATION.

The compensation for elected and statutory officials of Park City shall be established by the City Council by ordinance, typically at the time of adoption of the City budget adopting compensation or compensation schedules enacted after public hearing, or at any time deemed appropriate by the City Council. resolution and said compensation is hereby adopted and incorporated herein by reference. The Mayor and City Council members shall have no other compensated employment with the City unless approved by the City Attorney and City Manager for temporary service in the event of an emergency, special event or extraordinary employee need .

2- 2- 8. MAYOR PRO TEMPORE.

The position of Mayor Pro Tempore shall be filled by a member of the City Council elected by the City Council by majority vote.

(A) **DUTIES.** The Mayor Pro Tempore shall have and exercise all powers and duties of the elected Mayor as prescribed by Utah statutes and the ordinances of Park City in all cases where the elected Mayor is absent, disabled, disqualified, or refuses to act.

(B) **ELECTION, TERM OF OFFICE.** An election shall be held among the City Council for the purpose of electing Council

member(s) to the office of Mayor Pro Tempore at their first regularly scheduled meeting each calendar year. The City Council may elect more than one (1) member to serve terms of one year or less according to a stated sequence and period. The person(s) elected by and from the City Council shall serve for a term as determined by the City Council, which shall not exceed one (1) year, provided that the last elected shall continue to serve until a successor is elected. ~~The Mayor Pro Tempore shall be vested with the authority of the Mayor only upon the absence, disqualification, or refusal to act of the Mayor. Such authority shall be noted in the minutes of that meeting and noted in the minutes of any such meeting in which authority is exercised.~~

In no event may the Mayor Pro Tempore serve beyond the end of his term in office as a member of the City Council.

(C) ABSENCE OF MAYOR PRO TEMPORE. In the event of the Mayor's absence, disqualification, or ~~refusal to act~~ disability of the person elected to serve as Mayor Pro Tempore, the City Council may elect a member of the City Council to serve as Mayor Pro Tempore for that meeting or that purpose, and note the election in the minutes of the meeting in which the election occurred.

(D) VOTING. The City Council member elected to serve as Mayor Pro Tempore shall, at all times, be entitled to cast his vote as a member of the City Council, including those occasions on which he or she is acting as Mayor. The Mayor Pro Tempore shall not be entitled to cast more than one vote on any matter before the City

Council by reason of serving as Mayor. The Mayor Pro Tempore shall not cast a second vote as Mayor to break a tie vote among City Council members.

2-2-9. MAYOR AND CITY COUNCIL VACANCIES.

~~All Mayor and City Council member vacancies shall be filled as provided in U.C.A. §20A-1-510, as now existing or hereinafter amended. An elected official shall continue to hold his office until his successor is duly qualified. An elective office shall become vacant whenever any officer is removed from office pursuant to U.C.A. §10-3-1310, becomes incapacitated, resigns, ceases to be a resident of the City or is convicted of a felony. Within thirty (30) days after a vacancy occurs, the remaining council members shall choose by majority vote a duly qualified person to fill such vacancy. He shall serve the unexpired term so vacant and until his successor is duly qualified. If three (3) or more vacancies exist simultaneously, the remaining Council members shall, at the next regular meeting of the Council, call a special election to fill such vacancies, provided there will not be a general municipal election within ninety (90) days and provided that their successors have not previously been elected. If a vacancy occurs in the office of Mayor, the Mayor Pro Tempore shall act as Mayor until a successor is appointed in the manner set forth by U.C.A. §20A-1-510, as amended, the laws of the state of Utah. See U.C.A. Section 10-3-302.~~

2-2-10. OATH OF OFFICE.

All officers of the City, whether elected or appointed, before entering the duties of their respective offices, shall take, subscribe, and file the constitutional oath of office. All oaths of office shall be filed with the City Recorder.

The oath of office required under this part shall be administered by any judge, notary public, or by the recorder of the municipality. Elected officials shall take their oath of office at 12:00 noon on the first Monday in January following their election or as soon thereafter as practical. Appointed officers shall take their oath at any time before entering the duties of their office.

Before entering upon the duties of his office, every Council member, the Mayor and other City officers shall take, subscribe before, and file with the City Recorder an oath or affirmation that he will support the Constitution of the United States, the Constitution of the State of Utah and the ordinances of the City and will faithfully perform the duties of the office.

CHAPTER 3 – CITY COUNCIL PROCEDURE

2-3-1. RULES OF PROCEDURE.

Except as otherwise provided by law, the City Council may establish its own rules of procedures for the proper conduct of its meetings.

2-3-24. REGULAR MEETINGS.

(A) REGULAR MEETINGS. The City Council shall, by ordinance adopted at the beginning of year, prescribe an annual meeting schedule with at least one regular meeting each month.

(B) SPECIAL MEETINGS.

(1) If at any time the business of the City requires a special meeting of the City Council, such meeting may be ordered by the Mayor or any two (2) members of the City Council. The order shall be entered in the minutes of the City Council. The order shall provide at least three (3) hours notice of the special meeting and notice thereof shall be served by the City Recorder or Clerk on each member of the City Council who did not sign the order by delivering the notice personally or by leaving it at the Council member's place of residence. The personal appearance by a member at any specially called meeting constitutes a waiver of the notice required in this section.

(2) No business shall be transacted at any special meeting of the Council unless it has been stated in the notice of such meeting. Any business which may lawfully come before a regular meeting may be transacted at a special meeting.

(3) Reconsideration. Any action taken by the City Council shall not be reconsidered or rescinded at any special meeting unless the number of members of the City Council present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

(C) ELECTRONIC MEETINGS. The City Council may convene and conduct an electronic meeting in accordance with U.C.A. §52-4-207, as amended.

The Council shall meet regularly at a day and hour to be fixed by the rules of Council. The Council shall determine the rules of procedure governing meetings. The first regular meeting in the month of January of each year shall be known as the organizational meeting of the Council.

2-3-2. SPECIAL MEETINGS.
(Note: This section relocated to 2-4-2(B))
 Special meetings shall be called by the City Recorder upon the written request of the Mayor or of any two members of the Council, on at least twenty-four (24) hours written notice to each member of the Council, served personally or left at his usual place of residence; a special meeting, however, may be held on shorter notice if all

members of the Council are present or have waived notice thereof in writing. The personal appearance by a member at any specially called meeting constitutes a waiver of the notice required in this section.

2-3-3. PUBLIC NOTICE OF MEETINGS; EMERGENCY MEETINGS. BUSINESS AT SPECIAL MEETINGS.

(A) The City shall give not less than 24 hours public notice of each meeting including the meeting agenda, date, time and place.

(B) Public notice of meetings shall be satisfied by posting written notice at the principal office of the City Council, providing notice to at least one newspaper of general circulation within the City, and all other media agencies that made a periodic written request to receive notice, and posting public notice of its meetings on the Internet.

(C) In addition to the above noticing requirements, the City Council may use electronic means to provide and issue meeting notice.

(D) The notice requirement may be disregarded if because of unforeseen circumstances it is necessary for the City Council to hold an emergency meeting to consider matters of an emergency or urgent nature; and the best notice practicable is given.

(E) An emergency meeting of the City Council may not be held unless an attempt has been made to notify all of its members;

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and at least the Mayor and two other members approve holding the meeting.

(F) ...A public notice that is required to include an agenda shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an agenda item on the meeting agenda.

(G) ... Individual agenda matters and or public hearings coming before the City Council may have code or state regulation for specific legal notice requirements, and which may vary depending on the particular action, that must be adhered to before a public hearing may be held or City Council takes action.

No business shall be transacted at any special meeting of the Council unless it has been stated in the notice of such meeting. Any business which may lawfully come before a regular meeting may be transacted at a special meeting.

2- 3- 4. QUORUM: ADJOURNMENT OF MEETING.

No action of the City Council shall be official or of any effect except when a quorum of the members are present. Fewer than a quorum may adjourn from time to time. The number of members of the City Council necessary to establish a quorum is three (3) or more.

A majority of the City Council in office at the time shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum a

lesser number may adjourn any meeting to a later time or date, and in the absence of all members, the City Recorder may adjourn any meeting for not longer than one (1) week.

2- 3- 5. MEETINGS TO BE PUBLIC.

(A) All meetings and business of the City Council shall be conducted only in open meeting and in compliance with the provisions of U.C.A. Title 52, Chapter 4, Open and Public Meetings Act.

(B) With the exception of an emergency meeting, the City Council may not consider a topic in an open meeting that is not:

- (1) listed under an agenda item that provides reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic must be listed under an agenda item on the meeting agenda; and
- (2) included with the advanced public notice in accordance with this section.
- (3) A topic not listed on the open meeting agenda that is raised during an open meeting may be discussed but no final action may be taken by the public body during that meeting.

(C) (1) ... A meeting that is open to the public includes a workshop or an executive session of a public body in which a quorum is present, unless closed in accordance with this

chapter

(2) A workshop or an executive session of a public body in which a quorum is present that is held on the same day as a regularly scheduled public meeting of the public body may only be held at the location where the public body is holding the regularly scheduled public meeting unless:

(a) the workshop or executive session is held at the location where the public body holds its regularly scheduled public meetings but, for that day, the regularly scheduled public meeting is being held at different location;

(b) any of the meetings held on the same day is a site visit or a traveling tour and, in accordance with this chapter, public notice is given;

(c) the workshop or executive session is an electronic meeting conducted according to the requirements of U.C.A. § 52-4-207, as amended; or

(d) it is not practicable to conduct the workshop or executive session at the regular location of the public body's open meetings due to an emergency or extraordinary circumstances.

All regular and special meetings of the Council shall be open to the public, and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

2-3-6. CLOSED MEETINGS.

A closed meeting may be held pursuant to state code U.C.A. § 52-4-202, 52-4-204, 52-4-205 and 52-4-206, as amended.

(A) CLOSED MEETING HELD UPON VOTE OF MEMBERS -- BUSINESS -- REASONS FOR MEETING RECORDED

(1) A closed meeting may be held:

(a) if a quorum is present, and

(b) if two-thirds of the members of the public body present at an open meeting for which public notice is given vote to approve closing the meeting.

(2) A closed meeting is not allowed unless each matter discussed in the closed meeting is permitted under Section (B) pursuant to U.C.A. 52-4-205.

(3) An ordinance, resolution, rule, regulation, contract, or appointment may not be approved at

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a closed meeting;

(4) The following information shall be publicly announced and entered on the minutes of the open meeting at which the closed meeting was approved:

(a) the reason or reasons for holding the closed meeting;

(b) the location where the closed meeting will be held; and

(c) the vote by name of each member of the public body, either for or against the motion to hold the closed meeting.

(5) Nothing in this chapter shall be construed to require any meeting to be closed to the public.

(B) PURPOSES OF CLOSED MEETINGS.

(1) A closed meeting may only be held for

(a) discussion of the character, professional competence, or physical or mental health of an individual;

(b) strategy sessions to discuss collective bargaining;

(c) strategy sessions to discuss pending or reasonably imminent litigation;

(d) strategy sessions to discuss the purchase, exchange, or lease of real property if public discussion of the transaction would:

(i) disclose the appraisal or estimated value of the property under consideration; or

(ii) prevent the public body from completing the transaction on the best possible terms;

(e) strategy sessions to discuss the sale of real property if:

(i) public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration; or
prevent the public body from completing the transaction on the best possible terms;

(ii) the public body previously gave public notice that the

property would be offered for sale; and

(ii) the terms of the sale are publicly disclosed before the public body approves the sale;

(f) discussion regarding deployment of security personnel, devices, or systems; and

(g) investigative proceedings regarding allegations of criminal misconduct.

(2) The City Council may not interview a person applying to fill an elected position in a closed meeting.

(C) RECORD OF CLOSED MEETINGS.

(1) The City Council shall make a recording of the closed portion of the meeting, and may keep detailed written minutes that disclose the content of the closed portion of the meeting.

(2) A recording of a closed meeting shall be complete and unedited from the commencement of the closed meeting through adjournment of the closed meeting.

(3) The recording and any minutes of a closed meeting shall

include the date, time, and place of the meeting; the names of members present and absent; and the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

(4) Minutes or recordings of a closed meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.

(5) Both a recording and written minutes of closed meetings are protected records under Title 63, Chapter 2, Government Records Access and Management Act, except that the records may be disclosed under a court order only as provided under U.C.A. § 52-4-304, Action Challenging Closed Meeting.

(6) Exception: If the City Council closes a meeting exclusively for the purposes of discussion of the character, professional competence, or physical or mental health of an individual, or discussion regarding deployment of security personnel, devices or systems, the provision of this section does not apply, and the person presiding shall sign a sworn statement affirming the sole purpose for closing the meeting.

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2-3-76. CITY COUNCIL ACTS.

The City Council may pass all ordinances and rules, and make all regulations, within the scope of law, as are necessary and proper to provide for the health, safety and welfare of the inhabitants and the protection of property in the City. The City Council may enforce obedience to the ordinance by the imposition of fines or penalties in accordance with U.C.A. § 10-3-703.

(A) ORDINANCES.

(1) The City Council shall exercise its legislative powers through ordinances. The City Council may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by U.C.A. Title 10, or any other provision of law.

(2) In addition, every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property shall be by ordinance. Ordinances making appropriations shall be confined to the subject of appropriation.

(3) ORDINANCE FORM. Every ordinance shall substantially contain the order and form outlined

in U.C.A. Section 10-3-704, as amended. Ordinances shall be signed by the Mayor, or if he or she is absent, by the Mayor Pro Tem, or by a quorum of the City Council.

(4) EFFECTIVE DATE. Ordinances shall become effective twenty (20) days after publication or thirty (30) days after final passage by the City Council, whichever is closer to the date of final passage, but ordinances may become effective at an earlier or later date after publication if so provided in the ordinance.

(5) LEGAL NOTICE. All ordinances shall be published and posted pursuant to U.C.A. § 10-3-711, as amended, and recorded, numbered and certified pursuant to U.C.A. § 10-3-713, as amended.

(6) DISPOSITION. A true copy of every ordinance, as adopted by City Council, shall be numbered and recorded in the official records of the City. Its adoption and publication shall be authenticated by the signature of the Mayor, or Mayor Pro Tem, and the City Recorder, and by the certificate of publication, if publication is required.

(7) CERTIFICATION. Immediately following adoption of each ordinance, the City Recorder shall make or cause to be made a certificate stating the date of passage and date of publication or posting, as

required. The record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and publication or posting of the ordinance or codification.

(S) ~~CODIFICATION.~~ The City Council may cause the ordinances to be codified and arranged in such order as the City Council may decide, and thereafter maintained in current form.

(B) ~~RESOLUTIONS.~~ Unless otherwise required by law, the City Council may exercise all administrative powers by resolution, include, but not limited to, establishing rates, fees charged for municipal services, personnel policies and guidelines, and regulating the use and operation of municipal property.

(C) ~~APPROPRIATIONS -- ACQUISITION AND DISPOSAL OF PROPERTY, AUTHORITY AND PROCEDURE.~~ The City Council may make such actions, subject to U.C.A. Title 17, Chapter 6, Uniform Local Procedures Act for Utilities and U.C.A. § 19-8-2, including the following: appropriations of funds for corporate purposes that in the judgment of the City Council provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the City's residents; make payment of debts and expenses; purchase, hold, sell, lease, convey, improve, protect, dispose of, and or acquire by eminent domain real and personal property for the benefit of the City; provide for necessary local public services within the City; provide for public utilities.

~~The Council shall act only by ordinance, resolution or motion. All legislative enactments shall be in the form of ordinances; all other actions, except as herein provided, may be in the form of resolutions or motions. A true copy of every resolution and ordinance as hereafter adopted shall be numbered and recorded in the official records of the City.~~

2-3-87. VOTING.

(A) A roll call vote shall be taken and recorded for all ordinances, resolutions and any action which would create a liability against the City and in any other case at the request of any member of the City by a "yes" or a "no" vote.

(B) No member of the City Council shall vote on any question in which he or she has substantial interest in as defined in Title 3, Chapter 2 of this code, other than the common public interest, or on any question concerning his or her own conduct.

~~The vote by "Yes" and "No" shall be taken upon the passage of all ordinances and resolutions and entered upon the minutes of the Council proceedings. Every ordinance, resolution and motion shall require the affirmative vote of a majority of the Council members present for final passage. No member of the Council shall vote on any question in which he has a substantial interest, as defined in Section 3-1-2, other than the common public interest, or on any question concerning his own conduct.~~

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~~(C) Each City Council member present shall vote when called upon unless abstains by reason of and in accordance with Title 3 Chapter 2 of this Code.~~

~~On all other questions, each member who is present shall vote when called upon.~~

~~(D) Any member refusing to vote except when not so required by this Chapter paragraph shall be guilty of misconduct in office.~~

~~(E) Any Council member acting as Mayor Pro Tempore shall not lose his vote by virtue of conducting the meeting as Mayor Pro Tempore.~~

2-3-8. ACTION BY ORDINANCE REQUIRED.

~~(Note: This section incorporated into 2-3-7(A))~~

~~In addition to such acts of the Council as are required by the general laws of this state to be by ordinance, every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property shall be by ordinance. Ordinances making appropriations shall be confined to the subject of appropriation.~~

2-3-9. FORM OF ORDINANCE.

~~(Note: This section incorporated into 2-3-7(A))~~

~~Every ordinance shall be introduced in written or printed form. The enacting clause of all ordinances shall be "BE IT~~

~~ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH".~~

2-3-89. PROCEDURE FOR ORDINANCE ENACTMENT.

~~The following procedure for enactment of ordinances Except for emergency ordinances, ordinances making general modification of existing ordinances, and ordinances adopting standard codes shall be as follows:~~

(A) The ordinance shall be introduced at any regular meeting of the City Council by the Mayor, City Manager or any City Council member.

(B) The ordinance shall be read in full or, in cases where copies of the ordinance are available to the City Council and to those persons in attendance at said city Council meeting, said ordinance may be read by title only.

(C) After the reading of the proposed ordinance or its title and any discussion thereon, the ordinance shall be adopted or rejected by a majority vote of the council members present unless the ordinance removes or reinstates to the Mayor a power, duty, or function provided in U.C.A. 10-3b-104. If the ordinance affects the Mayor's power under U.C.A. 10-3b-104, the Mayor and a majority of all other Council members or all Council members except the Mayor must vote to adopt the ordinance if it is to pass.

(D) If a public hearing is required before consideration of an ordinance, action may be

Deleted: the following procedure for enactment of ordinances

taken at the same meeting as the public hearing.

(D) Public notice of the time and place of Council consideration of all ordinances shall be given in the same manner as notice for all regular and special City Council meetings or as otherwise directed by statute or ordinance.

(E) Upon adoption, ordinances shall take effect on their stated effective date, or upon publication if required by U.C.A. Section 10-3-711.

(F) Whenever an ordinance shall be published by reference or by title, the publication shall contain a summary of the subject matter of said ordinance and shall contain a notice to the public that copies of the ordinance are available at the office of the City Recorder. The publication of any ordinance by reference or by title as provided herein must set forth in full any penalty clause contained in said ordinance.

2-3-11. — EMERGENCY ORDINANCES.

Emergency ordinances for the preservation of public property, health, peace, or safety may be approved without public notice, but shall be approved only by the unanimous vote of Council members present or a vote of four (4) Council members, whichever is less. The facts showing such urgency and need shall be specifically stated in the measure itself. An emergency ordinance shall take effect upon final passage. Publication, if required, shall be within ten

(10) days after final passage, or as soon thereafter as possible.

2-3-12. — CODIFICATION.

(Note: This section incorporated into 2-3-7(A))

The Council shall cause the ordinances to be codified and thereafter maintained in current form. Revision to the codes may be accomplished as provided in Sections 2-3-10, 2-3-11, and 2-3-13.

2-3-1013. CODES ADOPTION BY REFERENCE.

Standard codes, promulgated by the federal government, the State of Utah, or by any agency of either of them, or by any municipality within the State of Utah, or by recognized trade or professional organizations, or amendments or revisions thereof, may be adopted by reference, provided the publication of the ordinance adopting any said code shall advise that copies are available for inspection at the office of the City Recorder or other department as designated and approved by City Council.

2-3-14. — DISPOSITION OF ORDINANCES.

(Note: This section incorporated into 2-3-7(A))

A true copy of every ordinance, as adopted by Council shall be numbered and recorded in the official records of the City. Its adoption and publication shall be authenticated by the signature of the Mayor, or Mayor Pro Tempore and the City Recorder and by the certificate of publication, if publication is required. A

true copy of every ordinance, as adopted by the vote of the electors of the City shall be separately numbered and recorded.

2- 3-1145. REVIEW OF DISPOSALS OF SIGNIFICANT PARCELS OF REAL PROPERTY.

The City Council shall review all proposals for disposals of significant parcels of real property. Prior to the proposed disposition, the City Council shall provide at least fourteen (14) days reasonable notice before the opportunity for public comment on the proposed disposition. After such reasonable notice and public comment, the City Council may take action on the proposed disposition.

(A) "Dispose of" shall mean to transfer control of City-owned property to another by any means, including sale, lease, or other type of conveyance of such property.

(B) "Reasonable notice" shall mean posting on or about the property in a conspicuous location and publication in a newspaper having general circulation in Park City.

(C) "Significant parcel of real property" shall mean a parcel of real property owned by the City with an appraised value equal to or greater than Two Hundred Fifty Thousand Dollars (\$250,000) or a lease valued at equal to or greater than Fifty Thousand Dollars (\$50,000) annum.

(Amended by Ord. No. 03-20)

CHAPTER 4 - CITY ADMINISTRATION

2- 4- 1. CITY MANAGER.

The City Manager shall be the chief administrative officer of the City. The Mayor, with the advice and consent of the City Council, shall appoint a City Manager within a reasonable time whenever a vacancy exists in such position. Such appointment shall be without definite term and shall be at a salary to be fixed by City Council. The City Manager shall be appointed without regard to any consideration other than his fitness, competency, training and experience as a City Manager. At the time of his or her appointment, he or she need not be a resident of the City or state, but during tenure of office he or she shall reside within the City except at the discretion of the City Council. No member of the City Council nor the Mayor shall be appointed manager during the term for which he or she shall have been elected, nor within one (1) year after the expiration of his term.

2- 4- 2. ACTING MANAGER.

The City Manager, with the advice and consent of the Mayor, may appoint an acting City Manager during the period of vacancy in the office or during the absence or disability of the City Manager. Such acting manager shall, while he or she is in such office, have all the responsibilities, duties, functions and authority of the City Manager.

2- 4- 3. POWERS AND DUTIES.

The City Manager shall be responsible and under the control and supervision of the Mayor and the City Council for the proper administration of all affairs of the City placed in his or her charge, and to that end, he or she shall have the power and duty and be required to:

(A) Be responsible for the enforcement of the laws and ordinances of the City;

(B) Appoint, hire, suspend, transfer and remove all non-elective City employees excepting the City Attorney;

(C) ~~Appoint, with advice and consent of the City Council, a qualified person to each of the offices of recorder and treasurer, create other offices as may be deemed necessary for the good government of the City; and appoint, regulate and prescribe the powers and duties of all other employees of the City, except as provided by law or by ordinance; Make appointments on the basis of executive and administrative ability and the training and experience of such appointees in the work they are to perform;~~

(D) ~~Serve as or appoint with the advice and consent of City Council a budget officer for the purpose of complying with the requirements of the Uniform Municipal Fiscal Procedures Act; upon appointment by the Mayor, with the advice and consent of the Council;~~

(E) Cause a proposed budget to be prepared annually and submitted to the Mayor and Council and be responsible for

the administration of the budget after its adoption, said budget to be construed as financial estimate only;

(F) Prepare and submit to the Council as of the end of the fiscal year a complete report on finances and administrative activities of the City for the preceding year, and upon request of the Mayor or Council make written or verbal reports at any time concerning the affairs of the City under his supervision;

(G) Keep the Mayor and the City Council advised of the financial condition and future needs of the City and make such recommendations to the Mayor or City Council for adoption as he may deem necessary or expedient;

(H) Exercise supervision and control over all executive and administrative departments, excepting legal, and recommend to the Mayor and City Council any proposal he thinks advisable to establish, consolidate or abolish administrative departments;

(I) Be responsible for the enforcement of all terms and conditions imposed in favor of the City in any contract or public utility franchise, and upon knowledge of any violation thereof, report the same to the Mayor and City Council for such action and proceedings as may be necessary to enforce the same;

(J) Attend City Council meetings and participate in discussions with the Mayor and City Council in an advisory capacity;

PARK CITY MUNICIPAL CODE - TITLE 2 ADMINISTRATION

(K) — Establish a system of accounting and auditing for the City, which shall reflect, in accordance with generally accepted accounting principles, the financial condition and financial operation of the City;

(L) Provide for engineering, architectural, maintenance and construction services required by the City;

(J) — ~~Declare a local emergency by proclamation for less than thirty days unless approved by the City Council and take disaster or emergency related actions as authorized by UCA § 63K-4-103, the Disaster Response and Recovery Act, as amended, and the City's Emergency Response Plan; and~~

(M) Perform such other duties as may be prescribed by ordinance or required of him or her by the Mayor and City Council which are not inconsistent with the laws of the state.

2- 4- 4. REMOVAL OF MANAGER.

~~The City Council, including the Mayor, may by majority vote, remove the City Manager from his or her office. The Mayor, with the advice and consent of the Council, may remove the City Manager from office. Upon such termination, the Mayor and City Council may, in their discretion, provide termination pay.~~

2- 4- 5. RELATIONSHIP OF CITY COUNCIL TO ADMINISTRATIVE SERVICE.

Neither the City Council, its members, the Mayor, nor any City Council committee shall dictate the appointment by the City Manager of any person to office except as otherwise provided in this Code or in any way interfere with the City Manager or other city officer to prevent him or her from exercising his or her judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the City Council, its members, the Mayor and any City Council committee shall deal with the administrative service solely through the City Manager, and neither the City Council, its members, the Mayor, nor any City Council committee thereof shall give orders to any of the subordinates of the City Manager.

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2- 4- 6. CITY RECORDER.

The City Manager, with the approval of the Mayor and City Council, shall appoint a City Recorder who shall be custodian of the City seal and who shall keep a journal of City Council proceedings. ~~The City Recorder shall maintain and record in full all~~ ordinances, motions and resolutions. He or she shall have power to administer oaths and take acknowledgments under seal of the City and shall perform such other duties as required by this Code, ~~the Mayor and the~~ City Council, or the City Manager. The City Manager may also appoint a deputy or deputies who shall serve under the supervision of the City Recorder and shall have authority to act in the absence of the City Recorder. ~~The City Recorder may not also serve as the City Treasurer.~~

2- 4- 7. CITY TREASURER.

There shall be a City Treasurer who shall be appointed by the City Manager, with approval of the Mayor and City Council, to serve at the pleasure of the City Manager. The City Manager may also appoint a deputy or deputies to serve under the supervision of the City Treasurer who shall have authority to act in the absence of the City Treasurer. ~~The City Treasurer may not serve as the City Recorder.~~

~~(X) DUTIES AND POWERS OF THE CITY TREASURER. The City Treasurer shall keep and supervise all accounts, receive and have custody of all monies of the City, collect special City fees and taxes, water utility fees and charges, issue licenses and collect fees therefore, make and keep public records of the City not specifically entrusted to any other department by this code or by ordinance; and perform such other duties pertaining to the department of finance as required by this code, the Mayor and City Council or City Manager.~~

2- 4- 8. DUTIES AND POWERS OF THE CITY TREASURER.

The City Treasurer shall keep and supervise all accounts, receive and have custody of all monies of the City, collect special City fees and taxes, water utility fees and charges, issue licenses and collect fees therefore, make and keep public records of the City not specifically entrusted to any other

~~department by this code or by ordinance; and perform such other duties pertaining to the department of finance as required by this code, the Mayor and City Council or City Manager.~~

2- 4- 89. DEPARTMENTS CREATED.

The administrative functions of the City shall be performed by the departments existing at the time this Code is adopted and such other departments as may be hereafter established by ordinance. The City Council may, by ordinance, consolidate or merge any of the said departments, whether set forth in this code or created by ordinance. ~~For any temporary reorganization pursuant to 3-4 of the Personnel and Procedures Manual, as amended, the City Manager may not permanently add or reclassify any position above Exempt Grade 7 that is not currently approved in the budget without prior City Council approval.~~

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2- 4-910. BONDING OF CITY OFFICIALS.

The City Treasurer and all other officers of the City designated by resolution and employees required to do so, before entering upon the duties of their respective offices, shall give a good and sufficient surety company bond to the City, duly approved by the City Attorney, and conditioned upon the faithful performance and discharge of their respective duties, and for proper application and payment of all money or property coming into their hands by virtue of their offices in an amount established by the City Council by resolution and not less than that

~~Deleted: (This section incorporated into 2-4-7(A))~~

PARK CITY MUNICIPAL CODE - TITLE 2 ADMINISTRATION

established by the state Money Management Council.

2- 4-1044. CITY ATTORNEY.

The Mayor, with the advice and consent of the City Council, shall appoint a City Attorney to serve at the pleasure of the Mayor and City Council. The City Attorney shall be an attorney at law, and must, during his tenure, be duly admitted to the practice of law in Utah. The City Attorney shall be the legal representative of the City and he shall advise the Mayor and City Council and City officials in matters relating to their official powers and duties and perform such other duties as the Mayor and City Council may prescribe by ordinance, resolution or otherwise. The Mayor, with the advice and consent of the City Council, may provide the City Attorney such assistance as the Mayor and City Council may deem necessary, and may, on its own motion or upon request of the City Attorney in special cases, employ special counsel to serve under the direction of the City Attorney. The Mayor, with the advice and consent of the City Council, shall establish compensation for the City Attorney, and special counsel.

(A) ATTORNEY DUTIES - CITY PROSECUTOR. An attorney assigned as public prosecutor for the City:

- (1) ... may prosecute violations of City ordinances;
- (2) ... may prosecute, under state law, infractions and misdemeanors occurring within the boundaries of the City;

(3) ... has the same powers in respect to violations as are exercised by a county attorney or district attorney, except that the City public prosecutor's authority to grant immunity shall be limited to:

- (a) ... granting transactional immunity for violations of City ordinances; and
- (b) ... granting transactional immunity under state law for infractions and misdemeanors occurring within the boundaries of the City;

(4) ... shall represent the interests of the state or the City in the appeal of any matter prosecuted in any trial court by the City prosecutor, and

(5) ... may cooperate with the office of the Attorney General during investigations.

2- 4-1142. CITY ENGINEER.

There is hereby created and established the office of City Engineer for the purpose of providing the necessary engineering services required by the City. The City Engineer shall be appointed by the City Manager and shall be an employee of the City. The City Engineer shall be appointed on the basis of his or her administrative and technical qualifications with special reference to his or her actual experience in and his or her knowledge of the functions and duties of his office as set forth in this article.

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2- 4-1213. CHIEF OF POLICE - POLICE DEPARTMENT.

The Police Department of the City shall consist of the City Marshal, hereafter designated as "Chief of Police" and other police officers as may be duly authorized by the City Council. The Chief of Police shall be appointed by the City Manager pursuant to the laws of the State of Utah and shall be an employee of the City.

(A) **AUTHORITY.** It shall be the duty of the members of the police department to enforce all the laws of the City and all statutes of the state applicable thereto, to preserve order and prevent infractions of the law and arrest violators thereof, to serve and execute any process directed to the Chief of Police, and to perform any police service which the Chief might lawfully do.

(B) RULES AND REGULATIONS.

The Chief of Police may prescribe such rules and regulations as he or she shall deem advisable. Such rules shall be approved by the City Manager and shall be binding on all members of the police department. Such rules and regulations may cover the conduct of the members, uniforms and equipment to be worn or carried, assignments, hours of service, and all other similar matters necessary or desirable for the better efficiency of the department.

(C) AUTHORITY OF MAYOR TO MAKE APPOINTMENTS OF SPECIAL POLICE FOR CERTAIN PURPOSES.

The Mayor may upon any emergency, riot, pestilence, invasion, or at any time he shall deem necessary for the peace, good order or health of the City, order the Chief of Police

to appoint special policemen for a specified time.

2- 4-14. RULES AND REGULATIONS.

The Chief of Police may prescribe such rules and regulations as he shall deem advisable. Such rules shall be approved by the City Manager and shall be binding on all members. Such rules and regulations may cover the conduct of the members, uniforms and equipment to be worn or carried, assignments, hours of service, and all other similar matters necessary or desirable for the better efficiency of the department.

2- 4-15. AUTHORITY OF MAYOR TO MAKE APPOINTMENTS OF SPECIAL POLICE FOR CERTAIN PURPOSES.

The Mayor may upon any emergency, riot, pestilence, invasion, or at any time he shall deem necessary for the peace, good order or health of the City, order the Chief of Police to appoint special policemen for a specified time.

2- 4-1613. BOARD OF APPEALS CREATED.

There is hereby created a Board of Appeals consisting of three (3) members who are qualified by experience and training to pass upon matters pertaining to building construction.

(A) The Chief Building Official shall be an ex officio member and shall act as Secretary of the Board. The Board of

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PARK CITY MUNICIPAL CODE - TITLE 2 ADMINISTRATION

Appeals shall be appointed by the Mayor and City Council, and hold office at their pleasure.

(B) The Board shall adopt reasonable rules and regulations for conducting its investigations and its decisions and findings shall be in writing to the Chief Building Official with duplicate copies to the appellant.

(C) A copy of all rules and regulations adopted by the Board shall be delivered to the Chief Building Official who will make them available to the public without cost.

(D) The Board shall hear all appeals filed according to the International Code, Chapter Five of the Code for the Abatement of Dangerous Buildings and Chapter Twelve of the Uniform Housing Code.

(E) Any appeal made to the Board pursuant to the International Building Code shall be within thirty (30) days of approval or denial of the permit. The time of appeal for actions under the Code for the Abatement of Dangerous Buildings and the Uniform Housing Code shall be as specified in each of those respective codes, but in no instance longer than thirty (30) days.

2-4-1417. RECREATION ADVISORY BOARD CREATED.

There is hereby created a Recreation Advisory Board. The Board shall consist of up to seven (7) members, and one additional representative from the City Council who is a non-voting member. Members shall be

residents of Park City and shall serve without compensation.

(A) TERM OF SERVICE, REMOVAL AND VACANCIES.

Members of the Recreation Advisory Board shall be appointed by the Mayor with the advice and consent of the City Council. Each board member shall serve a term of three (3) years, but shall serve until their successor is appointed. Initially, two (2) appointments each shall be made for one (1) and two (2) year terms, and three (3) appointments shall be made for three year terms. Annually thereafter, appointments shall be for three (3) year terms. Board members shall serve not more than two (2) full terms in succession, however, the initial one (1) year term holders may seek two (2) additional terms. The City Council shall appoint one of its members to serve as the non-voting member for a term not to exceed the member's City Council term of office. The City Council may rotate its appointed member at any time. The terms shall begin on July 1 and end on June 30 of each year.

Any board member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or be removed for cause by the City Council. Vacancies in the Board occasioned by removals, resignations, or otherwise, shall be filled for the unexpired term in the same manner as the original appointments. Ex-officio members may include a staff member or representative from public agencies, community organizations, or public at large. Ex-officio members serve at

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the invitation of the City Council and have no vote.

(B) **OFFICERS AND THEIR DUTIES.** At its first meeting, and annually thereafter, the Board shall elect a Chairman, Vice-Chairman and any additional officers as necessary. The Chairman shall preside at all meetings, appoint all committees with the concurrence of the Board, call special meetings, and generally perform the duties of a presiding officer. The Chairman shall have the right to vote. The Vice-Chairman or a Board member designated by the Chairman shall preside when the Chairman is absent. The agenda for meeting shall be prepared by the Recreation Manager and the Chairman.

(C) **PURPOSE AND DUTIES OF THE BOARD.** The purpose and duties of the Park City Recreation Board are as follows:

- (1) To advise the City Council and staff on parks and recreation policy as requested by the City Council.
- (2) To support and promote the policies and programs of the Library and Recreation Department.
- (3) To advise and support staff on staff recommended budget priorities concerning parks and recreation projects and programs.
- (4) To serve as liaison between the community and public agencies

on parks and recreation issues within Park City.

(6) To stimulate and initiate community involvement and support for City Council annual and long term goals and priorities, and all parks, recreation and beautification projects and programs.

(D) **MEETINGS AND PROCEDURES.** The Board may adopt rules and regulations not inconsistent with the law applicable to public bodies for governing of its meeting. Special meetings may be called at the request of the Recreation Manager or Chairman of the Board. A quorum for the transaction of business shall be a simple majority of the Board members. When vacancies occur, a simple majority of the remaining Board members shall constitute a quorum. Minutes shall be kept at all meetings. Closed meetings may only be held for purposes authorized by U.C. A. 52-4-5, as amended.

(E) **COMMITTEES.** Special committees for the study of particular issues may be appointed by the Chairman, with the advice and consent of the Mayor and City Council, to serve until they have completed the work for which they were appointed. Each committee shall meet goals and objectives, as delineated by the Chairman, with the advice and consent of the Mayor and City Council. Recommendations of committees may be given directly to the City Council. The Chairman of the Recreation Advisory Board shall appoint a chairman for

PARK CITY MUNICIPAL CODE - TITLE 2 ADMINISTRATION

each committee. Nothing herein shall prevent the City Council from directly appointing special committees, which may include Recreation Advisory Board members.

(Amended by Ord. No. 99-50; 03-06; 03-09)

**2- 4-1~~0~~8. LIBRARY BOARD
CREATED.**

There is hereby created a Library Board of Directors to be appointed by the City Council and chosen from Park City residents. The Board of Directors shall consist of not less than five (5) members and not more than nine (9) members. Not more than one (1) member of the governing body shall be, at any one time, a member of such Board. Directors shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.

(A) TERMS - ELECTION OF OFFICERS - REMOVAL - VACANCIES. Directors shall be appointed for three (3) year terms, but shall serve until their successors are appointed. Initially, appointments shall be made for one (1), two (2) and three (3) year terms. Annually thereafter, the governing body shall, before the first day of July each year, appoint directors for three (3) year terms to take the place of the retiring Directors. Directors shall serve not more than two (2) full terms in succession. Following such appointments, the Directors shall meet and elect a Chairman and such other officers, as

they deem necessary for one (1) year terms. Any Director absent from two (2) consecutive regularly scheduled meetings or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or be removed for cause. Vacancies in the Board of Directors occasioned by removals, resignations or otherwise shall be filled for the unexpired term in the same manner as original appointments.

(B) POWERS AND AUTHORITY OF THE BOARD. The Library Board of Directors may with the approval of the governing body have control of the expenditure of the Library Account, of construction, lease or sale of Library buildings and land, and of the operation of the Library. The Board shall be responsible for the maintenance and care of the Library and shall establish policies for its operation.

(C) RULES AND REGULATIONS. The Library Board of Directors shall make, amend and revoke rules and regulations, not inconsistent with the law, for the governing of the library. The library shall be free to the use of the inhabitants of Park city, subject to the rules and regulations adopted by the Board. The Board may exclude from the use of the Library any and all persons who shall willfully violate such rules. The Board may extend the privileges and use of the Library to persons residing outside of the City upon such terms and conditions as it may prescribe by its regulations.

(D) ANNUAL REPORTS. The Library Board of Directors shall make an annual report to the governing body of the City on

the condition and operation of the library, including a financial statement. Such report may be in the form of budget documents submitted each year to the City Council. The Directors shall also provide for the keeping of such records as shall be required by the Utah State Library in its request for an annual report from the public libraries, and shall submit such an annual report to the State Library.

(E) **PERSONNEL.** The Library Board of Directors shall appoint a competent person as Librarian to have immediate charge of the Library with such duties and compensation for his/her services as it shall fix and determine. The Librarian shall act as the executive officer for the Library Board. The Board shall appoint, upon the recommendation of the Librarian, other personnel as needed. The Board may delegate the authority of this section to the City Manager and provide for the inclusion of Library personnel in the City personnel system pursuant to U.C.A. Section 10-3-1104, or any successor provision.

(F) **DONATIONS.** Any person desiring to make donations of money, personal property, or real estate for the benefit of the Library shall have the right to vest the title to the money, personal property or real estate so donated, in trust for the benefit of the Library. All monetary donations shall be held in the City treasury to the credit of the Library account, and may not be used for any purpose except that of the Library. These funds shall be drawn upon by the authorized officers of the City only upon presentation of the properly

authenticated vouchers or purchase order of the Board.

(G) **CONSOLIDATION.** The Board of Directors may cooperate, merge, or consolidate with County Libraries, Boards of Education, governing boards of other educational institutions, Library agencies and political subdivisions to provide Library services. When the City Library consolidates with a County Library, the Board shall convey all assets and trust funds to the County Library Board of Directors and the City Library shall cease operation.

(Amended by Ord. No. 99-50)

**CHAPTER 5 - COMPLAINTS
AGAINST CITY OFFICERS**

**2- 5- 1. CHARGES AND
SPECIFICATIONS.**

Except as otherwise provided by this Code or by the laws of the state, whenever a complaint shall be made to the City Council of this City against any City officer, it shall be the duty of the City Council to vote on the question as to whether there shall be charges preferred against the party or parties complained against, and if the City Council shall decide by vote that charges shall be preferred, it shall fix the time and place of trial, and it shall be the duty of the City Attorney to draft and prepare such charges and specifications in writing and after the same are signed by the person or persons making the complaint, it shall be the duty of the City Attorney to deliver a copy of such charges and specifications to the Chief of Police, or any other police officer, who shall serve such copy on the person complained against. A notice of the time and place of trial shall also be served with such charges and specifications, which notice, as well as the copy of the charges and specifications shall be served at least fifteen (15) days before the time set for trial.

2- 5- 2. EVIDENCE.

Whenever a complaint is made against a City officer as provided in Section 2-5-1, the Mayor and the members of the City Council shall vote on the question as to whether they shall hear the evidence submitted for and against the accused, which evidence shall be given under oath, and the Mayor or

presiding officer of the City Council shall have the right to decide all questions relating to the admissibility or inadmissibility of such evidence.

**2- 5- 3. REMOVAL,
SUSPENSION, REPRIMAND.**

When a complaint is made against a City officer as provided in Section 2-5-1, the Council, after hearing all the testimony produced, shall proceed to vote upon the question as to whether the person complained against is guilty or not guilty of the charges and specifications so alleged, and if the City Council shall vote that such person is guilty, an open vote shall then be taken as to the character of punishment to be inflicted upon the accused. The question shall be put: "Shall the accused be removed from office?" If a majority of all the members elected to the City Council shall vote for such removal, the accused shall be removed from office and the removal shall relate back to the suspension of the officer from duty. If such majority shall fail to vote for removal, then the City Council shall vote successively upon the question of suspension or reprimand of the accused. If suspension be agreed upon, the time of such suspension shall be fixed, and no officer while under a suspension voted by the City Council, shall draw any pay whatever from the City for the period he shall be so under suspension.

CHAPTER 6 - EMPLOYEE BENEFITS AND REGULATIONS

(Chapter Created by Ord. No. 99-48)

2- 6- 1. POLICIES AND PROCEDURES.

The City Council may establish, by resolution, compensation schedules, employee benefits, rules, disciplinary policies and all other employee policies and procedures it deems appropriate.

2- 6- 2. EMPLOYEE TRANSFER AND DISCHARGE BOARD.

(A) Two members of the Park City Council shall be appointed by the Park City Council to serve on the Employee Transfer and Discharge Board ("ETDAB"). The Park City Council shall also appoint one (1) additional City Council member to serve as an alternate on the ETDAB in the event one (1) of the two (2) designated City Council members is unavailable to serve.

Appointments shall be made at the first regular meeting of the Park City Council in January of each year.

(B) The selection of the three (3) remaining members of the ETDAB shall be by ~~City-wide general election~~ by the City employees. All appointive officers and employees shall be eligible to serve on the ETDAB. Nominations for service on the ETDAB shall be coordinated by the Human Resources Department. The City Recorder shall prepare a ballot containing the names of those employees nominated and a space for write-in candidates. The ballots shall be

distributed to each appointive officer and employee of Park City Municipal Corporation with the first paycheck distributed in January of each year. Each appointive officer and employee of Park City Municipal Corporation shall be allowed to cast one (1) vote. The three (3) employees receiving the most votes will be appointed to the ETDAB. The employees receiving the fourth and fifth most votes will serve as alternates on the ETDAB in the event one (1) or two (2) of the elected employees are unavailable to serve.

(C) EMPLOYEE TRANSFER AND DISCHARGE APPEAL BOARD RULES OF PROCEDURE.

The Human Resources Department shall maintain a current copy of the rules governing the procedures of filing an appeal with the ETDAB. The rules shall at all times remain consistent with the state statute requiring the creation of an ETDAB.

PARK CITY MUNICIPAL CODE - TITLE 11

11-12-15. FEE ADJUSTMENTS.

The fees established in this Title may be amended, changed, adjusted, or waived from time to time by motion of the City Council. The City Manager is authorized to reduce or waive fees on public or non-profit projects; ~~projects~~ which are deemed to serve a beneficial public purpose, provided that no waiver or reduction of fees totaling more than ~~one hundred~~ five thousand dollars (\$~~100~~ 5,000) on any one project may be waived without City Council approval. ~~Building~~ related fees shall be assessed against building projects ~~owned by the City based on the~~ contract.

Ordinance No. 09-23

**AN ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE OF PARK CITY, UTAH
TO ADDRESS REVISIONS TO CHAPTERS 1, 2, 5, 11, AND 15**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, welfare, and safety of Park City's citizens 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; and

WHEREAS, the City reviews the General Plan and Land Management Code and identifies necessary amendments to address planning and zoning issues that arise and to address specific LMC issues raised by Staff and the Planning Commission; and

WHEREAS, the City Council goals include protecting the City's historic and cultural resources by encouraging sound preservation practices; and

WHEREAS, Chapter 1 - GENERAL PROVISIONS AND PROCEDURES provides regulations and procedural requirements for Land Use in Park City and the City desires to update the terms used throughout the chapter as well as to revise the procedures to allow for greater public input on design review applications; and

WHEREAS, Chapter 2 - "H" DISTRICTS provides regulations and procedural requirements for architectural review within the six Historic Districts of Park City and the City desires to revise these regulations to clarify the architectural review procedures; and

WHEREAS, Chapter 5 - ARCHITECTURAL REVIEW provides regulations and procedural requirements for maintaining and enhancing the aesthetic qualities of Park City and the City desires to revise these regulations to correct erroneous information, to emphasize the City's desire to protect its cultural resources, and to clarify how these regulations are applied; and

WHEREAS Chapter 11 - HISTORIC PRESERVATION provides regulations and procedural requirements for Historic Preservation in Park City and the City desires to substantially revise these regulations as outlined in the staff report; and

WHEREAS Chapter 15 - DEFINITIONS defines terms used throughout the Land Management Code and the City desires to revise the definition of "demolish" to accommodate a broader range of development options; and

WHEREAS, these amendments represent changes identified by the City Council during discussions held in 2008 and 2009. Amendments to update terms used throughout the Code, to clarify the architectural review procedures, to expand and

define Historic Preservation activities in Park City, and to codify policies and procedures that benefit the public are consistent with City Council goals to protect historic and cultural resources; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at regular meetings held April 8 and May 13, 2009, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on July 9, 2009; 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 and City Council to protect the health, safety, and welfare, and to maintain the quality of life for its residents, and to preserve the community's unique character.

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

Section 1. AMENDMENTS TO CHAPTER 1 OF THE LAND MANAGEMENT CODE. Chapter 15-1 is hereby amended as attached hereto as Exhibit A. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 1.

Section 2. AMENDMENTS TO CHAPTER 2 OF THE LAND MANAGEMENT CODE. Chapter 15-2 is hereby amended as attached hereto as Exhibit B. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 2.

Section 3. AMENDMENTS TO CHAPTER 5 OF THE LAND MANAGEMENT CODE. Chapter 15-5 is hereby amended as attached hereto as Exhibit C. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 5.

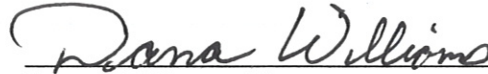
Section 4. AMENDMENTS TO CHAPTER 11 OF THE LAND MANAGEMENT CODE. Chapter 15-11 is hereby amended as attached hereto as Exhibit D. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 11.

Section 5. AMENDMENTS TO CHAPTER 15 OF THE LAND MANAGEMENT CODE. Chapter 15-15 is hereby amended as attached hereto as Exhibit E. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 15.

Section 6. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 9th day of July 2009.

PARK CITY MUNICIPAL CORPORATION

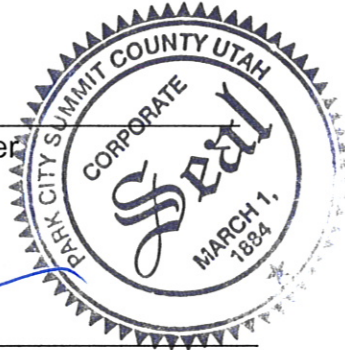


Dana Williams, Mayor

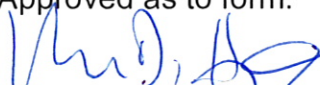
Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark Harrington, City Attorney

Exhibit A - Proposed amendments to Title 15, Chapter 1

**TITLE 15 - LAND MANAGEMENT CODE
CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES**

15-1 -8. REVIEW PROCEDURE UNDER THE CODE.

- (A) No Building Permit shall be valid for any Building project unless the plans for the proposed Structure have been submitted to and have been approved by the Planning, Engineering and Building Departments.
- (B) No new Use shall be valid on any Property within the City unless the Use is allowed.
- (C) No Subdivision shall be valid without preliminary approval of the Planning Commission and final approval by the City Council with all conditions of approval completed.
- (D) Proposals submitted to the Planning Department must be reviewed according to the type of Application filed. Unless otherwise provided for in this LMC, only one (1) Application per type, per Property, will be accepted and processed at a time.
- (E) The Planning, Engineering and Building Departments review all Allowed Uses, Administrative Lot Line Adjustments, Administrative Permits, and Administrative Conditional Use permits.
- (F) Projects in the Historic Districts and Historic Structures Sites outside the Historic Districts are subject to design review under the Historic District- Design Guidelines for Historic Districts and Historic Sites.
- (G) Conditional Uses and Master Planned Developments are initially reviewed by staff and submitted to the Planning Commission for review, final permitting and approval.
- (H) Subdivisions and Plat Amendments are initially reviewed by the Planning Commission and submitted to the City Council for final approval.
- (I) Variances, Special Exceptions, Non-Conforming Uses and Non-Complying Structures are reviewed by the Board of Adjustment.
- (J) No review may occur until all applicable fees have been paid. Final approval is not effective until all other fees including engineering fees have been paid, and following applicable staff review.

RECOMMENDATION (y) and FINAL ACTION (X) and APPEAL (z)					
	Planning Director Department	HPB	Board of Adjustment	Planning Commission	City Council
Allowed	X				
Allowed-Historic	X	z			
Administrative Permits	X			z	

Conditional Use				X	z
Conditional Use Admin.	X			z	
MPD				X	z
Non-Conforming Use			X		
Plat Amendment				y Recommendation to CC	X
Variance/Special Exception			X		
Subdivision				y Recommendation to CC	X
Annexation and Zoning				y Recommendation to CC	X
Zoning Appeal			X		
LMC Amendments				y Recommend to CC	X

*All Applications are filed with the Planning Department. Planning Department staff makes a recommendation to the appropriate decision making body (X).

(Amended by Ord. Nos. 06-22; 09-10)

15-1 -9. ALLOWED USE REVIEW PROCESS.

(A) An Applicant must file a Complete Application, using the forms established by the Planning Department, and include payment of all fees. On any Application to construct a Building or other Improvement to Property which is defined by this Code as an Allowed Use in the Zone in which the Building is proposed, the Planning Department must review the Application to determine whether the proposal:

- (1) is an Allowed Use within the zone for which it is proposed;
- (2) complies with all applicable Development requirements of that zone, including Building Height, Setback, Front, Side, and Rear Yards, and Lot coverage;
- (3) respects Lot Lines of a legally subdivided Lot;
- (4) meets the applicable parking requirements;
- (5) conforms to the Park City Architectural Design Guidelines and/or the ~~Historic District~~ Historic District Design Guidelines for Historic Districts and Historic Sites, and the architectural review process established for that zone;
- (6) can be adequately serviced by roads, and existing or proposed utility systems or lines; and

(7) pertains to land in which all tax assessments have been paid.

(B) If approved by the Planning Department Planning Staff, the plans must be forwarded to the Engineering Department and Building Department. The plans shall be reviewed for Building Code compliance and permit issuance procedures. Approval of Allowed Uses must be noted by the issuance of a Building Permit in compliance with the provisions of the Uniform Building Code, as adopted by Park City.

(C) If the Application does not comply with the requirements of the zone, the Planning Department shall notify the Owner of the project or his Agent, if any, stating specifically what requirements of the zone have not been satisfied, and also stating whether the project could be reviewed as submitted as a Conditional Use for that zone.

(D) **DISCLAIMER**. No permit issued shall be valid if any of the criteria listed in this section has not been met.

(Amended by Ord. No. 06-22)

15-1 -18. APPEALS AND RECONSIDERATION PROCESS.

(A) **STAFF**. Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission. Appeals of decisions regarding the ~~Historic District Design Guidelines for Historic Districts and Historic Sites~~ shall be reviewed by the Historic Preservation Board as described in 15-11-11(D) 12(E). All appeals must be filed with the Planning Department within ten (10) days of Final Action.

There shall be no additional notice for appeal of the staff determination other than listing the matter on the agenda, unless notice of the staff review was provided in which case the same notice must be given for the appeal.

(B) **HISTORIC PRESERVATION BOARD (HPB)**. Final Actions by the Historic Preservation Board may be appealed to the Board of Adjustment.

(C) **PLANNING COMMISSION**. Final Actions by the Planning Commission on appeals of Staff action may be appealed to the Board of Adjustment. Final Action by the Planning Commission on Conditional Use permits and Master Planned Developments (MPDs) involving City Development may be appealed to the Board of Adjustment at the City Council's request. All other Final Action by the Planning Commission concerning Conditional Use permits and MPDs may be appealed to the City Council. Only those decisions in which the Planning Commission has applied a land Use ordinance to a particular Application, Person, or Parcel may be appealed to an appeal authority.

(D) **STANDING TO APPEAL**. The following has standing to appeal a Final Action:

(1) Any Person who submitted written comment or testified on a proposal before the Planning Department, Historic Preservation Board or Planning Commission;

(2) The Owner of any Property within three hundred feet (300') of the boundary of the subject site;

- (3) Any City official, Board or Commission having jurisdiction over the matter; and
- (4) The Owner of the subject Property.

(E) **TIMING**. All appeals must be made within ten (10) calendar days of the Final Action. The reviewing body, with the consultation of the appellant, shall set a date for the appeal. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

(F) **FORM OF APPEALS**. Appeals to the Planning Commission, Board of Adjustment, or Historic Preservation Board must be filed with the Planning Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Appellant shall pay the applicable fee established by resolution when filing the appeal. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide required envelopes within fourteen (14) days of filing the appeal.

(G) **BURDEN OF PROOF AND STANDARD OF REVIEW**. The appeal authority shall act in a quasi-judicial manner. The appellant has the burden of proving that the land Use authority erred. Except for appeals to the Board of Adjustment, the appeal authority shall review factual matters de novo and it shall determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance. Appeals to the Board of Adjustment will review factual matters for correctness and determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance. The scope of review of the Board of Adjustment is limited to issues brought to the land Use authority below.

(H) **WRITTEN FINDINGS REQUIRED**. The ~~appellate body~~ appeal authority shall direct staff to prepare detailed written Findings of Fact, Conclusions of Law and the Order.

~~(1) Findings of Fact, which explain and support the Staff decision;~~

~~(2) Conclusions as to how a contrary decision would violate the provisions of this LMC, other City ordinances, or applicable state or federal laws or regulations.~~

(I) **CITY COUNCIL ACTION ON APPEALS**.

(1) The City Council, with the consultation of the appellant, shall set a date for the appeal.

(2) The City Recorder shall notify the Owner of the appeal date. The City Recorder shall obtain the findings, conclusions and all other pertinent information from the Planning Department and shall transmit them to the Council.

(3) The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall be limited to consideration of

only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.

(4) Staff must prepare written findings within fifteen (15) working days of the City Council vote on the matter.

(J) **CITY COUNCIL CALL-UP**. Within fifteen (15) calendar days of Final Action on any project, the City Council, on its own motion, may call up any Final Action taken by the Planning Commission or Planning Director for review by the Council. Call-ups involving City Development may be heard by the Board of Adjustment at the City Council's request. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Commission and/or Planning Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Section 15-1 -12 herein. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues, and need not take public input at the hearing. The City Council, with the consultation of the Applicant, shall set a date for the call-up. The City Recorder shall notify the Applicant of the call-up date. The City Recorder shall obtain the findings, and all other pertinent information and transmit them to the Council.

(K) **NOTICE**. Notice of all appeals to City Council or call-ups shall be given by:

(1) Publishing the matter once at least seven (7) days prior to the hearing in a newspaper having general circulation in Park City; and

(2) By mailing courtesy notice seven (7) days prior to the hearing to all parties who received mailed courtesy notice for the original action. The City Recorder shall provide noticing for Council call-ups.

(L) **STAY OF APPROVAL PENDING REVIEW OF APPEAL**. Upon the filing of an appeal, any approval granted by the Planning Commission will be suspended until the City Council has acted on the appeal.

(M) **APPEAL FROM THE CITY COUNCIL**. The Applicant or any Person aggrieved by City action on the project may appeal from the Final Action by the City Council affecting the project to a court of competent jurisdiction. The decision of the Council stands, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.

(N) **RECONSIDERATION**. The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

(P) No participating member of the appeal panel may entertain an appeal in which he or she acted as the land Use authority.

(Amended by Ord. Nos. 06-22; 09-10)

15-1 -21. NOTICE MATRIX.

NOTICE MATRIX			
ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Zoning and Rezoning	14 days prior to each hearing before the Planning Commission and City Council	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
LMC Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
General Plan Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
Master Planned Developments (MPD)	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions, including City Council Call-Up	7 days prior to the date set for the appeal or call-up hearing.	To all parties who received mailed notice for the original Administrative or Planning Commission hearing 7 days prior to the hearing.	Once 7 days before the date set for the appeal or call-up hearing.
Conditional Use Permit	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Administrative Conditional Use Permit	The Property shall be posted 10 days prior to Final Action.	10 days prior to Final Action, to adjacent Property Owners.	No published notice required.
		10 days prior to Final Action,	No published notice

Administrative Permit	The Property shall be posted 10 days prior to Final Action.	to adjacent affected Property Owners.	required.
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	14 days prior to the hearing before the Board of Adjustment.	14 days prior to the hearing before the Board of Adjustment, to owners within 300 ft.	Once 14 days prior to hearing before the Board of Adjustment.
Certificate of Appropriateness for Demolition (CAD)	45 days on the Property upon refusal of the City to issue a CAD; 14 days prior to the hearing before the Historic Preservation Board.	14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the hearing before the Historic Preservation Board.
Determination of Historic Significance Designation of Sites to the Historic Sites Inventory	Once 7 days prior to hearing before the Historic Preservation Board.	-----	Once 7 days prior to hearing before the Historic Preservation Board.
Historic District or Historic Site Design Review	<p><u>First Posting:</u> The Property shall be posted for a 14 day period once Staff's preliminary determination of compliance has been reached. <u>a Complete Application has been received</u> Other posted legal notice not required.</p> <p><u>Second Posting:</u> For a 14 day period once the Planning Department has determined the proposed Development complies or does not comply with the Design Guidelines for Historic</p>	<p><u>First Mailing:</u> To Owners of adjoining Property within 100 ft. once Staff's preliminary determination of compliance has been reached, <u>a Complete Application has been received, establishing a 14 day period in which written public comment on the Application may be taken.</u></p> <p><u>Second Mailing:</u> To Owners within 100 ft. and individuals who provided written comment on the Application during the 14 day public comment period. <u>The second mailing occurs after a 45 day period in which the Planning Department</u></p>	See appeals from Planning Director, Historic Preservation Board, Planning Commission, including City Council Call-Up. Section 15-1-18.

	<u>Districts and Historic Sites. Other posted legal notice not required.</u>	<u>determines the proposed Development complies or does not comply with the Design Guidelines for Historic Districts and Historic Sites, establishing a 10 day period in which Staff's the Planning Department's decision may be appealed.</u>	
Annexations	Varies, depending on number of Owners and current State law. Consult with the Legal Department.		
Termination of Project Applications	-----	Mailed Notice: To Owner/Applicant and certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of files.	-----
Lot Line Adjustments: Between 2 Lots without a plat amendment.	-----	To Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from adjacent Owners.	-----
Preliminary and Final Subdivision Plat Applications	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Condominium Applications; Record of Survey Plats	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Record of Survey Amendments	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.
Subdivision Plat Amendments	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.
Vacating or Changing a Street	-----	14 days prior to the hearing before the City Council, to Owners within 300 ft. and to affected entities.	Once a week for 4 consecutive weeks prior to the hearing before the City Council.

Note: For all Applications, notice will be given to the Applicant of date, time, and place of the public hearing and public meeting to consider the Application and of any Final Action on a pending Application.

Appendix A – Official Zoning Map (Refer to the Planning Department)

(Amended by Ord. Nos. 06-22; 09-10)

Exhibit B - Proposed amendments to Title 15, Chapters 2.1-HRL, 2.2-HR-1, 2.3 HR-2, 2.4-HRM, 2.5-HRC and 2.6-HCB

TITLE 15 - LAND MANAGEMENT CODE
CHAPTER 2.1 HISTORIC RESIDENTIAL-LOW DENSITY (HRL) DISTRICT

15-2.1-8. ARCHITECTURAL REVIEW.

(A) — ~~REVIEW~~. Prior to the issuance of a Building Permit, including footing and foundation, for any Conditional or Allowed Use within this District, the Planning Department shall review the proposed plans for compliance with Historic District Design Guidelines.

(B) — ~~NOTICE TO ADJACENT PROPERTY OWNERS~~. When the Planning Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property directly abutting the Property and across Public Streets and/or Rights-of-Way.

The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines, Chapter 15-5.

(C) — ~~APPEALS~~. The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal the Staff's determination of compliance to the Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or code provisions violated by the Staff determination.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board as outlined in 15-1-18 of the Code.

(Amended by Ord. Nos. 06-56; 09-10)

TITLE 15 - LAND MANAGEMENT CODE (LMC) CHAPTER 2.2 -
HISTORIC RESIDENTIAL (HR-1) DISTRICT

15-2.2-8. ARCHITECTURAL REVIEW.

(A) — ~~REVIEW~~. Prior to the issuance of a Building Permit, including footing and foundation, for any Conditional or Allowed Use within this District, the Planning Department shall review the proposed plans for compliance with Historic District Design Guidelines.

(B) — ~~NOTICE TO ADJACENT PROPERTY OWNERS~~. When the Planning Department determines that proposed Development plans comply with the Historic District Design

~~Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.~~

~~The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.~~

~~(C) — **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.~~

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board as outlined in 15-1-18 of the Code.

(Amended by Ord. No. 06-56)

TITLE 15 - LAND MANAGEMENT CODE (LMC) CHAPTER 2.3 - HISTORIC RESIDENTIAL (HR-2) DISTRICT

15-2.3-11. ARCHITECTURAL REVIEW.

~~(A) — **REVIEW.** Prior to the issuance of a Building Permit for any Conditional or Allowed Use within this district, the Planning Department must review the proposed plans for compliance with the Historic District Design Guidelines.~~

~~(B) — **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Planning Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property directly abutting the Property and across Public Streets and/or Rights-of-Way.~~

~~The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.~~

~~(C) — **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.~~

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board as outlined in 15-1-18 of the Code.

(Amended by Ord. Nos. 06-56; 09-10)

**TITLE 15 - LAND MANAGEMENT CODE (LMC) CHAPTER 2.4 -
HISTORIC RESIDENTIAL - MEDIUM DENSITY (HRM) DISTRICT**

15-2.4-10. ARCHITECTURAL REVIEW.

~~(A) — **REVIEW.** Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with Historic District Design Guidelines.~~

~~(B) — **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Planning Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.~~

~~The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.~~

~~(C) — **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.~~

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board as outlined in 15-1-18 of the Code.

(Amended by Ord. No. 06-69)

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

15-2.5-7. ARCHITECTURAL REVIEW.

~~(A) — **REVIEW.** Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Historic District Design Guidelines.~~

~~(B) — **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Planning Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property, and across Public Streets and/or Rights-of-Way.~~

~~The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.~~

~~(C) — **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal staff's determination of compliance to the Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.~~

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board as outlined in 15-1-18 of the Code.

(Amended by Ord. No. 06-69)

**TITLE 15 - LAND MANAGEMENT CODE (LMC) CHAPTER 2.6 -
HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT**

15-2.6-6. ARCHITECTURAL REVIEW.

~~(A) — **REVIEW.** Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Historic District Design Guidelines, LMC Chapter 15-5.~~

~~(B) — **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Planning Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.~~

The notice shall state that the Planning Department Staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.

~~(C) — **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.~~

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

~~(D) — Building Facades facing residential Property must be designed in such a manner that their presence is minimized through the Use of sound proofing, limited openings, and landscaping. No loading docks, service yards, detached mechanical equipment or trash dumpsters or compounds are permitted to be oriented towards residential Properties.~~

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board as outlined in 15-1-18 of the Code.

(Amended by Ord. No. 06-69)

Exhibit C - Proposed amendments to Title 15, Chapter 5

TITLE 15 - LAND MANAGEMENT CODE (LMC) CHAPTER 5 - ARCHITECTURAL REVIEW

Chapter adopted by Ordinance No. 02-07

CHAPTER 5 - ARCHITECTURAL REVIEW

15-5 -1. POLICY AND PURPOSE.

As a community dependent upon the tourism industry, the atmosphere and aesthetic features of the community take on an economic value for the residents and Property Owners of Park City.

It is in the best interests of the general welfare of the community to protect the aesthetic values of the community through the elimination of those architectural styles, and those Building materials, which, by their nature, are foreign to this Area, and this climate, and therefore tend to detract from the appearance of the community.

Most of Park City's Main Street and many homes in Park City's older neighborhoods are a listed on the National Register of Historic Places District as well as being locally designated as Historic Sites, which is a point of considerable importance to the tourism industry. New Development, while distinct from the surrounding Historic Sites Historic Districts, should not detract from it them. Park City is densely developed due to the shortage of level, buildable land.

The effect of one Development is felt on the community as a whole. It is the policy of the City to foster good design within the constraints imposed by climate, land ownership patterns, and a Compatible architectural theme.

It is also the intent of this section to encourage lighting practices and systems which will minimize light pollution, glare, and light trespass; conserve energy and resources while maintaining night time safety, utility, and security; and curtail the degradation of the night time visual environment.

It is recognized that the topography, atmospheric conditions and resort nature of Park City are unique and valuable to the community. The enjoyment of a starry night is an experience the community desires to preserve. The City of Park City, through the provisions herein contained, promotes the reduction of light pollution that interferes with enjoyment of the night sky.

(Amended by Ord. No. 06-56)

15-5 -2. HISTORIC DISTRICTS AND HISTORIC SITES.

All Uses within the Historic Districts and on Historic Sites outside the Historic Districts, both ~~permitted~~ Allowed and Conditional, are subject to design review by the Planning Department for compliance with the Architectural Design Guidelines for Historic Districts and Historic Sites adopted by the City Council in a resolution of ~~June 16, 1983~~ July 9, 2009. Those guidelines are incorporated into this Code by reference, but may be revised from time to time by resolution of the City Council. Design review for all Uses, Allowed and Conditional, within the HRL, HR1, HR2, HRM, HRC, HCB districts, and Historic Sites located outside these districts is initially

performed by the Planning Department as set forth in LMC chapter 15-11-12 HISTORIC DISTRICT AND HISTORIC SITE DESIGN REVIEW, with a right of appeal to the Historic Preservation Board. Review by the Historic Preservation Board is limited to matters of design compliance, with all functional review of Conditional Uses performed by the City staff. Decisions regarding design review may be reviewed by the City Council in the manner described in LMC Chapter 15-1.

(Amended by Ord. No. 06-56)

Exhibit D - Proposed amendments to Title 15, Chapter 11

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 11 - HISTORIC PRESERVATION

- 15-11-1. ESTABLISHMENT OF BOARD
- 15-11-2. TERMS AND QUALIFICATIONS OF MEMBERS
- 15-11-3. ORGANIZATION
- 15-11-4. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR
REMOVAL
- 15-11-5. PURPOSES
- 15-11-6. ADDITIONAL DUTIES
- 15-11-7. LIMITATIONS
- 15-11-8. STAFF ASSISTANCE
- 15-11-9. PRESERVATION POLICY
- 15-11-10. HISTORIC DISTRICT DESIGN GUIDELINES
PARK CITY HISTORIC SITES INVENTORY
- 15-11-11. HISTORIC DISTRICT REVIEW
DESIGN GUIDELINES FOR PARK CITY'S HISTORIC
DISTRICTS AND HISTORIC SITES
- 15-11-12. DETERMINATION OF HISTORICAL SIGNIFICANCE
HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW
- 15-11-13. RELOCATION AND/OR REORIENTATION OF A HISTORIC
BUILDING OR HISTORIC STRUCTURE
- 15-11-14. DISASSEMBLY AND REASSEMBLY OF A HISTORIC
BUILDING OR HISTORIC STRUCTURE
- 15-11-15. RECONSTRUCTION OF AN EXISTING HISTORIC
BUILDING OR HISTORIC STRUCTURE
- 15-11-~~13~~16. DEMOLITION AND REMOVAL OF HISTORIC BUILDINGS,
STRUCTURES, AND SITES
- 15-11-~~14~~17. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION
(CAD)
- 15-11-~~15~~18. PRE-HEARING APPLICATION REQUIREMENTS
- 15-11-~~16~~19. CAD HEARING

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

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

CHAPTER 11 – HISTORIC PRESERVATION

15-11-1. ESTABLISHMENT OF BOARD.

Pursuant to the Historic District Act, Section 11-18-1, et seq. of the Utah Code, 1953, and other applicable power, there is hereby created a Park City Historic Preservation Board (HPB). The HPB shall be composed of seven (7) members.

(Amended by Ord. No. 06-69)

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

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

(A) The Mayor shall appoint a new HPB member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term.

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

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

- (1) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.
- (2) A member living in the Historic District with demonstrated interest and knowledge of Historic preservation.
- (3) A member appointed at large from Park City with demonstrated interest and knowledge of Historic preservation.
- (4) A member associated with Main Street Business and commercial interests.

15-11-3. ORGANIZATION.

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

absent from any meeting where a quorum would otherwise exist, the members may appoint a Chairman Pro Tem to act as Chairman solely for that meeting.

(B) **QUORUM.** No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by four (4) of the appointed members, including the Chairman.

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

(Amended by Ord. No. 07-34)

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

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

15-11-5. PURPOSES.

The purposes of the HPB are:

(A) ~~To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's unique historic character history and to encourage complimentary, contemporary compatible design and construction through the creation, and periodic update, of comprehensive Historic District Design Guidelines for Park City's Historic Districts and Historic Sites, and update as necessary;~~

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

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

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

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

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

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

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

~~(I)(F)~~ To ~~make recommendations to the City Council on the Development of, and to administer, all City-sponsored preservation incentive programs, either public or private, to encourage the preservation of the City's historic resources;~~

(G) To administer all City-sponsored preservation incentive programs;

~~(J)(H)~~ To review all appeals on action taken by the Planning Department regarding compliance with the Historic District Design Guidelines for Park City's Historic Districts and Historic Sites; and

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

15-11-6. ADDITIONAL DUTIES.

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

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

(B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City's cultural resources.

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

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

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

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

15-11-7. LIMITATIONS.

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

15-11-8. STAFF ASSISTANCE.

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

(A) Utah Heritage Foundation.

- (B) National Trust for Historic Preservation.
- (C) Utah State Division of History.
- (D) Park City Historical Society.
- (E) American Institute of Architects (AIA)
- (F) The National Alliance of Preservation Commissions.
- (G) American Planning Association.

(Amended by Ord. No. 06-35)

15-11-9. PRESERVATION POLICY.

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

- (A) **HISTORIC PRESERVATION PLAN.** The Planning Department is authorized to require that Developers prepare a Historic Preservation Plan as a condition of approving an Application for a Building project that affects a Historic Structure, Site or Object. The Planning Director and the Chief Building Official, or their designees, must approve the Historic Preservation Plan.
- (B) **GUARANTEE REQUIRED.** The Planning Department is also authorized to require that the Applicant provide the City with a financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.
- (C) **TERMS OF GUARANTEE.** The Guarantee shall be similar in form to other Guarantees required by this title and shall consist of an Escrow deposit, a cash deposit with the City, a letter of credit or some combination of the above as approved by the City, including but not limited to a lien on the Property.
- (D) **AMOUNT OF THE GUARANTEE.** The amount of the Guarantee shall be determined by the Chief Building Official, or his designees. The Building and Planning Departments shall develop standardized criteria to be used when determining the amount of the Historic preservation Guarantee. Such amount may include additional cost or other penalties for the destruction of Historic material(s).
- (E) **EFFECT OF NON-COMPLIANCE.** If the Developer does not comply with the terms of the Historic Preservation Plan as determined by the Chief Building Official and the Planning Director, or their designees, the City shall have the right to keep the funds of the Guarantee,

including the ability to refuse to grant the Certificate of Occupancy and resulting in the requirement to enter into a new Historic Preservation Plan and Guarantee. The funds of the Guarantee shall be used, in the City's discretion, for Historic preservation projects within the City.

(F) **RELEASE OF GUARANTEE.** The Guarantee shall not be released prior to the issuance of the final Certificate of Occupancy or at the discretion of the Chief Building Official and Planning Director, or their designees, based on construction progress in compliance with the Historic Preservation Plan.

(Amended by Ord. No. 09-09)

15-11-42 10. PARK CITY HISTORIC SITES INVENTORY

The Historic Preservation Board may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community.

(A) CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

(1) **LANDMARK SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and

(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

(i) an era that has made a significant contribution to the broad patterns of our history,

(ii) The lives of Persons significant in the history of the community, state, region, or nation, or

(iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.

(2) **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and

(b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the essential historical form include:

(i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse

as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or

(ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or

(iii) Moving it from its original location to a Dissimilar Location ~~to the original~~, or

(iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.

(c) It is important in local or regional history, architecture, engineering or culture associated with at least one (1) of the following:

(i) An era of Historic importance to the community, or

(ii) Lives of Persons who were of Historic importance to the community, or

(iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

(3) Any Development involving the Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to section 15-11-15 of this Code shall remain on the Park City Historic Sites Inventory and shall be listed as a Significant Site.

(B) PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

The Planning Department shall maintain an inventory of Historic Sites. It is hereby declared that all Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures within Park City, which comply with the criteria found in sections 15-11-42-10(A)(1) or 15-11-42-10(A)(2) are determined to be on the Park City Historic Sites Inventory.

Any Owner of a Building (main, attached, detached or public), Accessory Building, and/or Structure may nominate it/them for listing in the Park City Historic Sites Inventory. The Planning Department may nominate a Building (main, attached, detached or public), Accessory Building, and/or Structure for listing in the Park City Historic Sites Inventory. The nomination and designation procedures are as follows:

(1) **COMPLETE APPLICATION.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

(2) **NOTICE.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to section 15-1-21 of this Code.

(3) **HEARING AND DECISION.** The Historic Preservation Board will hold a public hearing and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory". If the Historic Preservation Board finds that the Application complies with the criteria set forth in section 15-11-42

10(A)(1) or section 15-11-42 10(A)(2) the Building (main, attached, detached or public), Accessory Building and/or Structure will be added to the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(4) **APPEAL.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of Historic Preservation Board final action. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this Code. Appeals shall be considered only on the record made before the Historic Preservation Board.

(C) **REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY.** The Historic Preservation Board may remove a Site from the Historic Sites Inventory. Any Owner of a Site listed on the Park City Historic Sites Inventory may submit an Application for the removal of his/her Site from the Park City Historic Sites Inventory. The Planning Department may submit an Application for the removal of a Site from the Park City Historic Sites Inventory. The criteria and procedures for removing a Site from the Park City Historic Sites Inventory are as follows:

(1) **CRITERIA FOR REMOVAL.**

(a) The Site no longer meets the criteria set forth in 15-11-42 10(A)(1) or 15-11-42 10(A)(2) because the qualities that caused it to be originally designated have been lost or destroyed, or

(b) The Building (main, attached, detached or public), Accessory Building, and/or Structure on the Site have been demolished and will not be reconstructed, or

(c) Additional information indicates that the Building, Accessory Building, and/or Structure on the Site do not comply with the criteria set forth in 15-11-42 10(A)(1) or 15-11-42 10(A)(2).

(2) **PROCEDURE FOR REMOVAL.**

(a) **Complete Application.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a complete Application for designation removal, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

(b) **Notice.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to section 15-1-21 of this Code.

(c) **Hearing and Decision.** The Historic Preservation Board will hear testimony from the Applicant and public and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory". The HPB shall review the Application "de novo" giving no deference to the prior determination. The Applicant has the burden of proof in removing the Site from the inventory. If the HPB finds that the Application does not comply with the criteria set forth in section 15-11-4210(A)(1) or section 15-11-4210(A)(2) the Building (main, attached, detached or public) Accessory Building, and/or Structure will be removed from the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(d) **Appeal.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this Code. Appeals shall be considered only on the record made before the Historic Preservation Board and will be reviewed for correctness.

(Amended by Ord. No. 09-05)

15-11-40-11. DESIGN GUIDELINES FOR PARK CITY'S HISTORIC DISTRICTS AND HISTORIC SITES. DESIGN GUIDELINES.

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

15-11-44-12. HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW.

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

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5. Whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provision shall apply to the extent allowed by law.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board.

(A) PRE-APPLICATION CONFERENCE.

(1) The Owner and/or Owner's representative shall be required to attend a pre-Application conference with representatives of the Planning and Building Departments for the purpose of determining the general scope of the proposed Development, identifying potential impacts of the Development that may require mitigation, providing information on City-sponsored incentives that may be available to the Applicant, and outlining the Application requirements.

(2) Each Application shall comply with all of the Design Guidelines for Historic Districts and Historic Sites unless the Planning Department determines, because of the scope of the proposed Development, that certain guidelines are not applicable. If the Planning Department determines certain guidelines do not apply to an Application, the Planning Department staff shall communicate, via electronic or written means, the information to the Applicant. It is the responsibility of the Applicant to understand the requirements of the Application.

(A)(B) COMPLETE APPLICATION.

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

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

(B)(C) NOTICE. Upon receipt of a Complete Application, but prior to taking action on any Historic District/Site design review Application, the Planning staff shall provide notice pursuant to Section 15-1-12 and 15-1-21 of this Code.

(C)(D) DECISION. Following the fourteen (14) day public comment notice period noted in Section 15-1-21 of this Code, Upon taking action on the Application, the Planning Department staff shall make, within forty-five (45) days, written findings, conclusions of law, and conditions of approval or reasons for denial, if any, supporting the decision and shall provide the Owner and/or Applicant with a copy. Staff shall also provide notice pursuant to Section 15-1-21 of the Code.

(1) Historic District/Site design review Applications shall be approved by the Planning Department staff upon determination of compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites. If the Planning Department staff determines an Application does not comply with the Design Guidelines, the Application shall be denied.

(2) With the exception of any Application involving the Reconstruction of a Building, Accessory Building, and/or Structure on a Landmark Site, an Application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in 15-11-10(A)(1).

(3) An Application associated with a Significant Site shall be denied if the Planning Department finds that the proposed project will result in the Significant Site no longer meeting the criteria set forth in 15-11-10(A)(2).

(D)(E) APPEALS. The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Director Department decision made on a Historic District/Site design review Application to the Planning Director Historic Preservation Board.

All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project, and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines, that are alleged to be violated by the action taken. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 of this Code. The appellant shall provide required stamped and addressed notice envelopes within fourteen (14) days of the appeal. The notice and posting shall include the location and description of the proposed Development project. ~~The scope of review by the Planning Director~~ Historic Preservation Board shall be the same as the scope of review at the ~~staff~~ Planning Department level.

(1) ~~The Planning Director~~ Historic Preservation Board shall either approve, approve with conditions, or disapprove the proposal based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

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

~~(3)~~(2) Any ~~HPB~~ Historic Preservation Board decision may be appealed to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the ~~HPB~~ Historic Preservation Board decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-~~20~~21 of this Code. Appeals shall be considered only on the record made before the ~~HPB~~ Historic Preservation Board and will be reviewed for correctness.

15-11-13. RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or reorientation of Historic Buildings, Structures, and Sites.

(A) CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE. In approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Planning Department shall find the project complies with the following criteria:

(1) A portion of the Historic Building(s) and/or Structure(s) encroaches on an adjacent property and an easement cannot be secured; OR

(2) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structures(s) on the Site; OR

(3) The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation on the existing Site; OR

(4) The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site.

(B) PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE. All Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.

15-11-14. DISASSEMBLY AND REASSEMBLY OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the disassembly and reassembly of Historic Buildings, Structures, and Sites.

(A) CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE. In approving a Historic District or Historic Site design review Application involving disassembly and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the Planning Department shall find the project complies with the following criteria:

(1) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) cannot reasonably be moved intact; OR

(2) The proposed disassembly and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; OR

(3) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 115.1 of the International Building Code; OR

(4) The Planning Director and the Chief Building Official determine that unique conditions and the quality of the historic preservation plan warrant the proposed disassembly and reassembly; AND

(5) Under all of the above criteria, the Historic Structure(s) and/or Building(s) will must be reassembled using the original materials that are found to be safe and/or serviceable or can be repaired to a safe and/or serviceable condition in combination with new materials; AND

(6) The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

(B) PROCEDURE FOR THE DISASSEMBLY AND REASSEMBLY OF A LANDMARK SITE OR A SIGNIFICANT SITE. All Applications for the disassembly and reassembly of any Historic Building(s) and/or Structure(s) on a Landmark Site of a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.

(1) If an Application involving the disassembly and reassembly of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the reassembled Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

15-11-15. RECONSTRUCTION OF AN EXISTING HISTORIC BUILDING OR HISTORIC STRUCTURE

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the Reconstruction of Historic Buildings, Structures, and Sites.

(A) CRITERIA FOR RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE. In approving an Application for Reconstruction of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Planning Department shall find the project complies with the following criteria:

(1) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 115.1 of the International Building Code; AND

(2) The Historic Building(s) and/or Structure(s) cannot be made safe and/or serviceable through repair; AND

(3) The form, features, detailing, placement, orientation and location of the Historic Building(s) and/or Structure(s) will be accurately depicted, by means of new construction, based on as-built measured drawings, historical records, and/or current or historic photographs.

(B) PROCEDURE FOR THE RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE. All Applications for the Reconstruction of any Historic Building and/or Structure on a Landmark Site or a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.

(1) If an Application involving the Reconstruction of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the Reconstructed Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

15-11-43 16. DEMOLITION AND REMOVAL OF HISTORIC BUILDINGS, STRUCTURES AND SITES.

It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on Demolition ~~and removal~~ of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The Demolition ~~or removal~~ of Historic Buildings, Structures and Sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse, Reconstruction and relocation within the Historic District. It is recognized, however, that ~~Structural deterioration~~, economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary Demolition ~~or removal~~ of a Historic Building, Structure or Site.

All Applications for Demolition of any Building, Structure, or Site within the City shall be initially reviewed by the Planning staff for Significance pursuant to Section 15-11-12(A) herein, and forwarded with a recommendation for action to the HPB.

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

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

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

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

(Amended by Ord. No 09-10)

15-11-44 17. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).

With the exception of any Building or Structure falling under the purview of Section 115.1 of the International Building Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be Significant Historic, pursuant to the standards of review set forth in Section 15-11-43 10(A)(1) or 15-11-10(A)(2) herein, may be Demolished ~~or removed~~ without the issuance of a Certificate of Appropriateness for Demolition (CAD) by an independent CAD Hearing Board appointed by the City. Application for a CAD shall be made on forms prescribed by the City and shall be submitted to the Planning Department.

(Amended by Ord. No. 06-35; 09-10)

15-11-45 18. PRE-HEARING APPLICATION REQUIREMENTS.

Upon submittal of a CAD Application to the Planning Department, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is “threatened.” Said sign shall be at least three feet by two feet (3’X2’), readable from a point of public Access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the Owner shall conduct negotiations with the City for the sale or lease of the Property or take action to facilitate proceedings for the City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

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

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

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

- (1) A member appointed at large from Park City with demonstrated knowledge of economics, accounting and finance;
- (2) A member appointed at large from Park City who is an attorney at law; and
- (3) A member appointed from the Board of Adjustment.

15-11-46 19. CAD HEARING.

At the hearing, the CAD Hearing Board will review the Application pursuant to the economic hardship criteria set forth in Section 15-11-46-19(A) herein, and consider public input. The CAD Hearing Board may only approve Demolition ~~or removal~~ of a Significant Historic Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the CAD Application.

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

- (1) Purchase date, price and financing arrangements;
- (2) Current market value;

- (3) Form of ownership;
- (4) Type of occupancy;
- (5) Cost estimates of Demolition and post-Demolition plans;
- (6) Maintenance and operating costs;
- (7) Costs and engineering feasibility of rehabilitation;
- (8) Property tax information; and
- (9) Rental rates and gross income from the Property.

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

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

- (1) Willful or negligent acts by the Owner; or
- (2) Purchasing the Property for substantially more than market value at the time of purchase; or
- (3) Failure to perform normal maintenance and repairs; or
- (4) Failure to diligently solicit and retain tenants; or
- (5) Failure to provide normal tenants improvements.

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

- (1) For income producing Properties, the Building, Structure or Site cannot be feasibly used or rented at a reasonable rate ~~or~~ of return in its present condition or if rehabilitated and denial of the Application would deprive the Owner of all reasonable Use of the Property; or
- (2) For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and
- (3) The Building, Structure or Site cannot be feasibly ~~moved~~ Reconstructed or relocated.

(D) **APPROVAL.** If the CAD Hearing Board approves the Application, the Owner may apply for a Demolition permit with the Building Department and proceed to Demolish the Building,

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

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

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

(Amended by Ord. No. 09-10)

Exhibit E - Proposed amendments to Title 15, Chapter 15

**TITLE 15 - LAND MANAGEMENT CODE
CHAPTER 15 - DEFINITIONS**

1.67 **DEMOLISH OR DEMOLITION.**

Any act or process that destroys in part or in whole a Building Landmark or Structure. Excludes Building(s) and/or Structure(s) undergoing relocation and/or reorientation pursuant to Section 15-11-13 of this Code, disassembly pursuant to Section 15-11-14 of this Code, or Reconstruction pursuant to Section 15-11-15 of this Code.

Ordinance No. 09-22

**AN ORDINANCE APPROVING THE 575 PARK AVENUE PLAT AMENDMENT LOCATED AT
575 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 575 Park Avenue have petitioned the City Council for approval of the 575 Park Avenue 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 May 27, 2009, to receive input on the 575 Park Avenue plat amendment;

WHEREAS, the Planning Commission, on May 27, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council held a public hearing on June 25, 2009, to receive input on the 575 Park Avenue plat amendment;

WHEREAS, it is in the best interest of Park City, Utah to approve the 575 Park Avenue 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 575 Park Avenue plat amendment as shown in attachment is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 575 Park Avenue in the Historic Residential (HR-1) zoning district.
2. There is an existing historic structure on the property. The structure is listed as 'Landmark' on the Park City Historic Sites Inventory.
3. The subject property encompasses Lot 19 and portions of Lot 20, Block 5 of the Park City Survey.
4. A recorded Reciprocal Encroachment Easement Agreement for steps and retaining walls exists between owners of Lot 18 and owners of Lots 19 and 20, Entry No. 638805 in Book 1489 at Page 1705 of the official records.
5. The proposed amended plat would result in one lot of record of 2,813 square feet.
6. The maximum footprint for a lot of this size is 1,201 square feet. The existing non-conforming footprint is 1,460.5 square feet.
7. The proposed plat amendment will not create substandard lots on the neighboring lots.
8. The applicant is proposing the combination of the lots in order to facilitate an expansion/addition to the second story of part of the house at the rear.
9. A Historic District Design Review application has been submitted to the Planning Department for this property.

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. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. No additional building footprint is allowed on this lot.
4. A 10 foot wide snow storage easement will be provided along Park Avenue.

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

PASSED AND ADOPTED this 25th day of June, 2009.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 09-21

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

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

WHEREAS, the City Council wishes to protect the right of businesses to operate in Park City and held a public hearing on this Ordinance on June 18, 2009, and

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

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

WHEREAS, Utah Code Annotated ("U.C.A.") Section 10-1-203 gives the City power to collect a license fee on businesses within the city limits and may regulate the businesses by ordinance, and

WHEREAS, a separate license must be obtained for each branch establishment or separate location in which business is engaged in within the City.

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

SECTION 1. FINDINGS: The Council finds that:

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

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

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

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

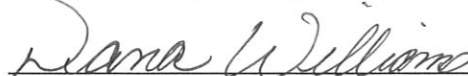
PARK CITY BUSINESS LICENSE FEE SCHEDULE								
	Transit-Service-Enhancement-Fee		Festival-Facilitation-Service-Enhancement-Fee		Enhanced-Enforcement-Fee		Administrative-Fee	
	Rate	Unit-of-Measure	Rate	Unit-of-Measure	Rate	Unit-of-Measure	Rate	Unit-of-Measure
Ski Resort	\$0.263	Skier Day	\$0.013	Skier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

PARK CITY BUSINESS LICENSE FEE SCHEDULE									
	Enhancement Fee		Service Enhancement Fee		Fee		Administrative Fee		
	Rate	Unit of Measure	Rate	Unit of Measure	Rate	Unit of Measure	Rate Renewals	Rate New/Inspections	Unit of Measure
Ski Resort	\$0.263	Skier Day	\$0.013	Skier Day	-	-	\$22.00	\$95.00	License
Lodging	\$19.250	Per Bedroom	\$9.488	Per Bedroom	-	-	\$17.00	\$87.00	License
Restaurant	\$0.231	Per Sq. Ft.	\$0.103	Per Sq. Ft.	-	-	\$22.00	\$95.00	License
Outdoor Dining	\$0.063	Per Sq. Ft.	\$0.029	Per Sq. Ft.	-	-	\$22.00	\$95.00	License
Retail	\$0.231	Per Sq. Ft.	\$0.103	Per Sq. Ft.	-	-	\$22.00	\$95.00	License
Large Retail (> 12,000 sq. ft.)	\$0.161	Per Sq. Ft.	\$0.072	Per Sq. Ft.	-	-	\$22.00	\$95.00	License
Office, Service, Other	\$0.206	Per Sq. Ft.	\$0.013	Per Sq. Ft.	-	-	\$22.00	\$95.00	License
Warehouse	\$0.059	Per Sq. Ft.	\$0.002	Per Sq. Ft.	-	-	\$22.00	\$95.00	License
Resort and Amusement	\$1.035	Per User	\$0.048	Per User	-	-	\$22.00	\$95.00	License
For-Hire Vehicles	\$37.500	Per Vehicle	\$1.751	Per Vehicle	\$45.58	Per Vehicle	\$71.83	\$71.83	License
Other Commercial Vehicles and Trailers	\$7.500	Per Vehicle	\$0.292	Per Vehicle	-	-	\$22.00	\$95.00	License
Employee Based	\$3.750	Per Employee	\$0.146	Per Employee	-	-	\$22.00	\$95.00	License
Commercial Vending, Game and Laundry Machines	\$18.750	Per Machine	\$0.730	Per Machine	-	-	\$22.00	\$95.00	License
Escort Services	\$3.750	Per Employee	\$0.150	Per Employee	\$46.19	Per Employee	\$22.00	\$95.00	License

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

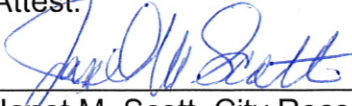
PASSED AND ADOPTED this 18th day of June, 2009.

PARK CITY MUNICIPAL CORPORATION



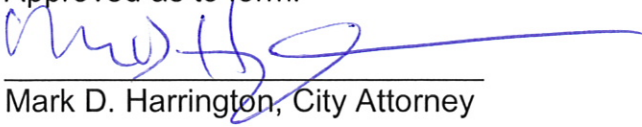
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

